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The Senate met at 9:30 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of liberty, as our Nation prepares to celebrate its independence, we thank You that the rights of its citizens come from You. We praise You not only for the unalienable rights in the Declaration of Independence and Constitution but for the liberty we have in You: freedom from guilt, sin, addiction, and fear.

Use our lawmakers to protect and defend the freedoms for which so many have given their lives. Inspire our Senators to keep Your teachings in their hearts so that they may live for You.

We commit this day to You and thank You in advance for Your presence and power.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 28, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SMALL BUSINESS JOBS AND TAX RELIEF ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 341, S. 2237.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 341, S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, the next hour will be divided between the Republicans and Democrats. The Republicans will control the first half and the majority will control the final half.

It was last night, but just barely, when we finally worked out some agreement on a piece of legislation we are dealing with. The House posted that last night just before midnight to meet their rules. It includes the transportation conference and flood insurance and student loans in one package. I say to all of my Senators that we are going to finish this before we leave. I hope we can do it today. We certainly can if the will is there. Otherwise, if it takes tomorrow or whenever, we have to finish the bill. I know everyone has a lot of work to do, but we have to finish this legislation. The student loan program expires at the end of the month. The highway program has to be completed by the end of the month. The work that has been done has been hard.

I met with the Democratic chairs yesterday at noon. I explained to ev-

eryone that we were trying to work our way through this. These are veteran legislators, the chairmen of all of the committees here in the Senate. We talked a lot about compromise being what legislation is all about. Legislation is the art of compromise, consensus building, but when it comes right down to doing that, it is hard for Senators to give up what they want. But this is a bill that affects almost 3 million people. That is just the transportation part of it—the flood part, 7 million people, and the student loan, 7 million people. So everyone had to give a little bit or we could not have gotten this done.

I am terribly disappointed on a part of what did not get done. I have always been a big fan of the Land and Water Conservation Fund. I do not have a better friend in the world than Ken Salazar. This is something he wanted so very much, but we could not get it done. So there is a lot of disappointment in many different areas.

But this is legislation at its best. I say that purposefully. It is hard to get these pieces of legislation done, but we got it done. And as I said, we are going to work through the process. With the Senate being such that it is, people can hold measures up, but they cannot hold them up forever. So we are going to work through this. It is for the betterment of our country if we complete this legislation as quickly as possible.

MEASURE PLACED ON THE CALENDAR—S. 3342

Mr. REID. Mr. President, S. 3342 is at the desk and due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the title of the bill for the second time.

The assistant legislative clerk read as follows:

A bill (S. 3342) to improve information security, and for other purposes.

Mr. REID. Mr. President, I would object to any further proceedings with respect to this matter at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

HEALTH CARE

Mr. REID. Mr. President, there is a lot going on in Washington today. I so

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

admire the Supreme Court's ability to keep everything quiet. I mean, it is really incredible that we are going to have two major decisions this week—one dealing with immigration, one dealing with health care—and there has not been a single word that has come out of the Supreme Court. I am so impressed. That is the way it has always been, and I hope it stays that way.

Today the Supreme Court will rule on the constitutionality of the landmark health reform that made affordable, quality care a right for every American. Millions of Americans are already seeing the benefits of this law—I repeat, millions of Americans. The Democrats are very proud that we stood for the right of every man, woman, and child to lifesaving medical care instead of standing for insurance companies that worry more about making money than making people better.

The Supreme Court's decision, being a lawyer myself—I know the Presiding Officer was the chief legal officer for the State of New Mexico, the attorney general—when you are in the area of law and are a lawyer, whatever the Court does, you accept that. That is our form of government. We are a nation of laws, not a nation of men. So whatever the Court does, we will work through that. If they uphold it, that is great. If they do not uphold it, whatever it is, we stand ready, willing, and able to work to make sure Americans have the ability to get health care when they are sick.

I look forward to the opinion coming out in the next half hour or so, and we will see what that holds. I know that will cause a lot of interest here in the Senate, but we cannot take our eyes off what we have to do today; that is, figure a way forward on these other matters with which we have to deal—flood insurance, student loans, and the big Transportation bill.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The ACTING PRESIDENT pro tempore. Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Wyoming is recognized.

DEBT AND DEFICIT

Mr. ENZI. Mr. President, I come to floor to talk about a bit of a crisis the United States is in right now. We are out of money, but we are not recognizing that we are out of money. We must make that realization soon. We are going to have to do some work for this country to keep it operating so that the next generation has the same hope as the present generation.

I think the best example of where we are is probably this highway bill. Highways are important to this country. We need them to get from one place to another. We need them to move the goods across this country to keep the economy going—highways are extremely important. Highways have always been funded from a gas tax, until now. Using different funding is a prime example of what is about to happen in all of the bills that we do because we have run out of money and we haven't taken the necessary steps to solve that crisis.

When the highway bill came to the Finance Committee, I suggested that we ought to change the gas tax so that there was an inflationary rate added each year for the following year. That was the least that I could think of to do for highways. It would have added half a cent a gallon. The price fluctuates at the pump more than half a cent a day.

I have to tell you, though, that I really thought there would be strong support for doing something like that, taking a minimal step. I had the amendment devised so that it could be changed easily to increase that amount. The Simpson-Bowles deficit commission said—and this was over a year and a half ago—that for the next 3 years, we needed to raise the gas tax 5 cents per year for 3 years. So we really ought to be at 7½ cents or 10 cents in increase already. Now, if we did that, the highway bill could be funded from highway funds. And that is a user fee. If you drive, you buy gas. If you buy gas, you pay for the highways on which you drive.

I have been talking about this ever since we started on the highway bill, and I have not had anybody say to me: You are wrong, we should not raise the gas tax. I was really surprised. I thought there would be a huge outcry and that I would be in a lot of trouble for suggesting a raise in the gas tax. But America understands we are broke better than Congress understands.

Both parties told me we would not vote on my amendment. And we didn't vote on that amendment in committee, and we didn't vote on that amendment on the floor. Of course, by my count, I think I had two Democrats supporting me and two Republicans supporting me, but we didn't even really get to debate it. We should debate it. We should go to the logical spot for highway money, the spot that through the history of highways has been used to fund highways.

So where are we getting the money? Well, we did raise the tax on people who have pensions, and that is very important. There is a trust fund—the Pension Benefit Guaranty Corporation has a trust fund to see that if a company goes out of business and it had promised pensions, then the Pension Benefit Guaranty Corporation's trust fund makes up part of that. They do

not make up all of it, but they make it part of it. So it is an insurance policy for people across America who have pensions. And we said: That needs a little bit more of a jolt. So we did a couple of things. One of the things was to do some smoothing so companies would not have to put quite as much money into the fund, and therefore they would have maybe more profit, and on the profit they would pay taxes, and we can steal those taxes to put in the highway trust fund so that we can build the highways. We have never stolen money to pay for highways before. Never use the Pension Benefit Guaranty trust before. But this bill does that. And then there is another little bit of money that comes right out of the Pension Benefit Guaranty trust fund that goes into the highway bill. That is the wrong way to do business. We should not violate trust funds.

Wait until the seniors who said “don't touch my Social Security” realize that Social Security is a trust fund and that we are stealing from trust funds. I think we will hear a furor across this country that will be unmatched if Social Security is touched. So we are not touching that one—yet.

We have maxed out our credit cards. You know what a maxed-out credit card is. That is when you buy something and the clerk says: I am sorry, but there is a hold on your card. When you check on it, you find out that you have so much debt with that credit card company that they are not going to let you charge any more. Well, we have maxed out a lot of our credit cards. We are relying on foreign countries to help us out with our debt. There is a problem in Europe right now. The euro is having a real tough strain. Eight of the banks that have a lot of euros have invested that in U.S. bonds because we are the safest place in the world. But if those banks collapse, they will need their money. Between those eight euro banks and the four Japanese banks, that is 40 percent of the money, almost 40 percent of the money we borrow from other countries in order to keep our government going. We are at \$16 trillion worth of debt. What is worse, we have quadrupled the bottom line on the Federal Reserve. We have made money—we have printed money to four times the amount of money we had 3 years ago.

We are facing some really difficult times, and we are going to have to deed up to those. One of those ways would be to raise the gas tax and to do the highway bill the way the highway bill ought to be done.

Now, I mention these trust funds, and I mention them for a very specific reason; that is, they found a trust fund they could violate. They did it very cleverly. They did not mention it to anybody who is going to be affected by the trust fund. Fortunately, there were some diligent people who took a look

at that highway trust fund bill, and they said: Wow, they are going after abandoned mine land money in this bill.

That is an abandoned mine land trust fund. The money comes from coal that is mined, and the money, the tax on that coal, is supposed to go to fix abandoned mines across the country. The conference report's drafters found \$700 million in that trust fund. That trust fund hasn't maxed out its credit cards because, so far, we are still mining coal in this country, and so far there is money going into it.

But there are uses for that money that need to be achieved. It helps fix abandoned mine lands. Another use is taking care of orphan miners. I mentioned the pension folks before; when their company goes out of business, they get a little help. Under the abandoned mine land trust fund, if a coal company goes out of business and the miners don't have any health insurance then part of this abandoned mine land money goes to make them whole in the health insurance area.

This system was part of a grand coalition that came together to solve some problems that are involved with mining in America. The companies and the employees and the States that were involved said this probably isn't the perfect solution, but it helps a lot of people, so we were going to do it, and we did it. We were able to override a point of order on the budget in order to maintain that trust fund and move the money from the trust fund to where it was supposed to be used.

For more than a decade, the money wasn't even taken out of the trust fund, and do you know why? Anytime I asked about it and said we needed some of the money, the government said: Oh, I am sorry. You will have to put some money in there so we can take the money out. I said: What kind of a trust fund do you have to put money into twice before you can get money out? The money already went in there once before. Here is how it works. The money goes into bonds and the bonds go into the drawer and the money gets spent. Think about that. Seniors have been complaining about the Social Security trust fund and how we have been spending money from the Social Security trust fund. They were more clever than most people who are involved in trust funds because they figured it out.

The Social Security trust fund has a whole bunch of bonds in the drawer. It doesn't have money in the drawer. But don't worry, those bonds are backed by the full faith and credit of the United States of America, and Europe is about to have a huge problem.

It is kind of interesting. In America, every single man, woman, and child owes more than \$49,000 in national debt—and it is growing daily. In one meeting I attended, I mentioned that figure and somebody said: Can I pay

my \$49,000 and not be responsible for the rest of it? I said that is not the way it works. Even if we could do that, that is not the way it works. So it is \$49,000 for every man, woman, and child in the United States. If a child is born today, we can tag him or her with a \$49,000 debt immediately.

Why is that significant? You have probably watched Greece and Italy. Greece and Italy had to do 19 percent cuts. They cut pension plans 19 percent. They cut employees 19 percent. They cut the number of employees 19 percent. They cut the services they provide by 19 percent. They cut everything by 19 percent. You probably saw there were some riots in their countries. If we cut 19 percent, there would be riots in this country. Here is an interesting fact. In Italy, they only owe \$40,000 per person. In Greece, they only owe \$39,000 per person. We owe \$49,000 per person. We are considered to be the safest place in the world to put your money, and I think that is right—at the moment—and it will change if we don't act soon.

If we keep doing what we are doing in the highway trust fund—and it shows better there than any other place I can think of—we won't be a secure place to invest. The way we are fiddling with funds and shuffling credit cards so we are not using the maxed-out ones, has to stop, my friends.

With the highway bill before us, the conferees did construct a bill so they could get quite a few votes on it. They put a limit on the amount of money certified states could get from the abandoned mine land trust fund. It doesn't discriminate against very many States. It does discriminate against Wyoming, and so I make a plea that they not do that and remove the section of the bill. Trust fund money needs to go for what the trust fund said the money would go for.

Even if they decide to steal from Wyoming—and I hope they don't—but even if they do, the money ought to go into the other States that are a part of the trust fund that need to do mine clean up. Over the 10 years of the bill, it takes about \$715 million worth of money from the abandoned mine land trust fund—10 years. I did mention 10 years.

There is a reason I mentioned 10 years. This highway bill we are talking about doesn't get all the money from all the places we are stealing from in a short enough period to pay for the highways we are going to build over the life of that bill. After the bill expires and all those things have been built, we will still be trying to collect the money from the sources it has been stolen from in order to pay for what has already been built. OK. What happens when we get to the end of this highway bill, and we are still waiting for all the places we stole the money from to get the money in? Where do we

steal the next money from? We better raise the gas tax. We better take a look at what we are doing, and make changes. If there is a user fee—and that is what the gas tax is—if we use the highways, we buy gas; if we buy gas, we pay into the trust fund. We should use the user fee to pay for highways. We have an additional problem that is the user fee is probably diminishing because there are cars that run on electricity now, and that will probably be increasing. Alternative fuels will be increasing, and that will affect how much money goes into the trust fund.

But just to meet the immediate needs, there needs to be something done, and stealing from other trust funds is not the way to do it. If we get in the habit of stealing from trust funds, Social Security will have to watch out. Of course, that will be the end of the road for a lot of people in this body if they start stealing from Social Security. But it ought to be the end of the road for people if they are stealing from other trust funds because it starts the habit, and we can't afford that habit.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The majority leader is recognized.

AFFORDABLE CARE ACT

Mr. REID. Mr. President, I am happy, I am pleased to see the Supreme Court put the rule of law ahead of partisanship and ruled that the affordable care act is constitutional.

This is a long opinion. We know when we come back here after the elections there may be some work we need to do to improve the law, and we will do it together. But today millions of Americans are already seeing the benefits of the law we passed. Seniors are saving money on their prescriptions and checkups, children can no longer be denied insurance because they have a pre-existing condition—protection that will soon extend to every American. No longer will American families be a car accident or heart attack away from bankruptcy.

Every Thursday I have a "Welcome to Washington." Today we had a group of people from Nevada who have or have relatives who have cystic fibrosis.

It has been so hard for these young people to get insurance. It is not going to be that way anymore. No longer will Americans live in fear of losing their health insurance because they lose a job. No longer will tens of millions of Americans rely on emergency room care or go without care entirely because they have no insurance at all. Soon, virtually every man, woman, and child in America will have access to health insurance they can afford and the vital care they need.

Passing the Affordable Care Act was the single greatest step in generations

toward ensuring access to affordable, quality health care for every person in America, regardless of where they live or how much money they make.

Unfortunately, Republicans in Congress continue to target the rights and benefits guaranteed under this law. They would like to give the power of life and death back to the insurance companies. Our Supreme Court has spoken. This matter is settled.

No one thinks this law is perfect. The Presiding Officer doesn't and neither do I. Democrats have proven we are willing to work with Republicans to improve whatever problems exist in this law or, in fact, any other law.

Millions of Americans are struggling to find work today, and we know that. Our first priority must be to improve the economy. It is time for Republicans to stop refighting yesterday's battles. Now that this matter is settled, let's move on to other issues such as jobs.

I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

HEALTH CARE RULING

Mr. MCCONNELL. Mr. President, 2½ years ago a Democratic President teamed up with a Democratically led Congress to force a piece of legislation on the American people they never asked for and that has turned out to be just as disastrous as many of us predicted. Amid economic recession, a spiraling Federal debt, and accelerated increases in government health spending, they proposed a bill that made all those problems worse.

Americans were promised lower health care costs, and they are going up. Americans were promised lower premiums, and they are going up. Most Americans were promised their taxes wouldn't change, and they are going up. Seniors were promised Medicare would be protected. It was raided to pay for a new entitlement instead. Americans were promised it would create jobs. The CBO predicts it will lead to nearly 1 million fewer jobs. Americans were promised they could keep their health plans if they liked it. Yet millions have learned they can't.

The President of the United States promised up and down that this bill was not a tax. This was one of the Democrats' top selling points because they knew it would never have passed if they said it was a tax. The Supreme Court has spoken. This law is a tax. The bill was sold to the American people on a deception. It is not just that

the promises about this law weren't kept; it is that it made the problems it was meant to solve even worse. The supposed cure has proven to be worse than the disease.

So the pundits will talk a lot about what they think today's ruling means and what it doesn't mean, but I can assure you this: Republicans will not let up whatsoever in our determination to repeal this terrible law and replace it with the kind of reforms that will truly address the problems it was meant to solve.

Look, we have passed plenty of terrible laws around here that the Court finds constitutional. Constitutionality was never an argument to keep this law in place, and it is certainly not one we will hear from Republicans in Congress. There is only one way to truly fix ObamaCare—and only one way—and that is a full repeal that clears the way for commonsense, step-by-step reforms that protect Americans' access to the care they need from the doctor they choose at a lower cost. That is precisely what Republicans are committed to doing.

The American people weren't waiting on the Supreme Court to tell them whether they supported this law. That question was settled 2½ years ago. The more the American people have learned about this law, the less they have liked it.

Now that the Court has ruled, it is time to move beyond the constitutional debate and focus on the primary reason this law should be fully repealed and replaced—because of the colossal damage it has already done to our health care system, to the economy, and to the job market.

The Democrat's health care law has made things worse. Americans wanted repeal, and that is precisely what we intend to do. Americans want us to start over, and today's decision does nothing to change that. The Court's ruling doesn't mark the end of the debate. It marks a fresh start on the road to repeal. That has been our goal from the start. That is our goal now, and we plan to achieve it. The President has done nothing to address the problems of cost, care, and access. We will.

I yield the floor. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WHITEHOUSE). Without objection, it is so ordered.

HONORING OUR ARMED FORCES

ARMY STAFF SERGEANT ISRAEL NUANES

Mr. UDALL of New Mexico. Mr. President, just last month we commemorated Memorial Day. Memorial

Day is a day of remembrance, a day of mourning, and a day of gratitude. It is a day when Americans from all walks of life gather to thank and honor the people we have lost, to honor the men and women who gave their lives in service to our country, and to acknowledge a debt that can never truly be paid.

I rise today to honor Army SSG Israel Nuanes. Staff Sergeant Nuanes died on Saturday, May 12, while serving in Kandahar Province in Afghanistan. He was fatally injured by the detonation of an improvised explosive device. He was 38 years old.

In the decade that our Nation has been at war in Afghanistan, thousands of men and women have volunteered to serve our country. In order to protect others, they put their own lives at risk. They leave their homes and their loved ones to defend the freedoms we hold dear. Nearly 2,000 of them, thus far, will not come home.

Staff Sergeant Nuanes was from Las Cruces, NM. He lived most of his adult life as a soldier. He was assigned to the 741st Ordnance Company, 84th Explosive Ordnance Disposal Battalion, 71st Ordnance Group. He served two tours of duty in Iraq. After returning from Iraq in 2010, he enlisted for 6 more years. His unit deployed to Afghanistan earlier this year.

Time and again he answered the call of his country. President Kennedy said:

Stories of past courage . . . can teach, they can offer hope, they can provide inspiration. But, they cannot supply courage itself. For this, each man must look into his own soul.

In Iraq, in Afghanistan, wherever his country needed him, Staff Sergeant Nuanes had that courage. Despite the danger, despite the risk, he went where his country sent him with commitment, with determination, and with an unflinching sense of duty. He was awarded the Bronze Star and the Purple Heart. There is sorrow in his death, but also inspiration in his life.

This courageous soldier loved his family. He loved his country. He made the ultimate sacrifice defending it. He leaves behind two children, Israel and Laurissa. He has left them far too soon.

Abraham Lincoln said it best almost 150 years ago. There is little our words can do to add or detract on these solemn occasions. But I offer my deepest sympathies to the family of SSG Israel Nuanes. We honor his courage, we honor his sacrifice, and we mourn your loss.

HEALTH CARE

Mr. President, we have all heard the historic ruling on the Affordable Care Act today. I know the Presiding Officer has been following this closely. We all have been following this closely. The Supreme Court has upheld the Affordable Care Act.

The Affordable Care Act has moved us forward, but now the call on the Republican side is for full repeal of the

law. So it seems their legislative objective is going to be to introduce a piece of legislation—and we will have a vote on the Senate floor—for full repeal. I wish to remind New Mexicans in particular what is at stake when we talk about full repeal.

First of all, insurance companies today, with the Affordable Care Act in place, cannot deny coverage if a person has a preexisting condition. That is something that is tremendously important to New Mexicans. If someone has a young child who has cancer and they have to get insurance, they can't deny them because of a preexisting condition.

There is no doubt that we can improve upon the law, but New Mexico has already received more than \$200 million in grants and loans to establish an insurance exchange, strengthen community health centers, train new health professionals, and so much more.

Since passing the law, more than 26,000 young adults under 26 years old have been allowed to stay on their parents' insurance plans. Almost 20,000 New Mexico seniors on Medicare received a rebate to help cover prescription costs when they hit the doughnut hole in 2010. And 285,000 New Mexicans with private health insurance no longer have to pay a deductible or copay for preventive health care such as physicals, cancer screenings, and vaccinations. More is yet to come under the Affordable Care Act.

So this is the contrast: There are some who are calling for full repeal; there are others of us who recognize that there are significant accomplishments, and we want to work further with the other side in a bipartisan way to put aside partisanship and move forward with improving our health care system.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE DECISION

Mr. CORNYN. Mr. President, this morning's decision by the Supreme Court has clarified some things and has made other things more muddled. One, it has clarified the importance of the upcoming election on November 6, 2012. The only way to stop the overreaching by the Federal Government, including the President's flawed health care bill, is to elect a new President and a Congress that will repeal and replace this fundamentally flawed law.

Before the health care bill became law, the President repeatedly assured the American people he would not raise taxes on the middle class. He declared

emphatically that the individual mandate was "absolutely not a tax increase." But the Supreme Court has made absolutely clear the only way ObamaCare can be upheld as within the constitutional power of Congress is for it to be considered a tax increase, and a tax increase on every single American, regardless of income.

The President told us his health care law would reduce premiums by \$2,500 for the average family. That was another broken promise. Last year, the average American family, with employer-sponsored insurance, saw their premiums rise by \$1,200.

The case against this health care legislation is very simple: It relies on massive tax increases, job-killing regulations, and government coercion. It will place Washington bureaucrats between patients and their doctors and it will cause millions of Americans to lose their current insurance coverage. So much for "if you like it, you can keep it." And as we now know, ObamaCare has made the problem of rising health care costs worse, not better.

For these reasons and more, we need to repeal this entire piece of legislation and start over. We all share the goal of expanding health care coverage, but there are good ways and bad ways to do it. The authors of ObamaCare chose a fundamentally flawed way: Yet another government takeover.

Perhaps one of the most telling things Congress has done in the last 2 years is pass a bill under Medicare for prescription drug coverage for seniors. Rather than a government-run program, we created a marketplace for competition, where prescription providers can compete for consumers' favor by improved or lower cost and better service. Indeed, by using the cost discipline of a consumer-oriented approach to health care, that government program came in 40 percent under projected cost. That is the only time I know of in the health care field where the government has actually created a program that people like and that has come in significantly under cost.

We cannot continue to cut health care payments to providers because, quite simply, fewer and fewer providers are going to provide that service. We know that is true in Medicare, where many seniors can't find a doctor to take them as a patient because providers won't accept Medicare's low reimbursement rates. We know it is even worse for Medicaid patients, because that government program pays providers a fraction of what they would be paid if they were simply covered by private insurance.

All Americans should have access to high-quality coverage and high-quality care. The best way to make quality coverage and care more accessible is to reduce the cost. ObamaCare increases the cost. We need to reduce the cost

and make it more affordable, and the best way to reduce cost is through patient-driven reforms that increase transparency, eliminate government distortions, and boost private competition. Those are the reforms Americans want, and those are the reforms they deserve.

Unfortunately, President Obama has made clear he views health care reform as a vehicle for expanding the size of government and its intrusion into the decisions that should be reserved for patients in consultation with their private doctors.

Time and time again the President has put ideology ahead of basic logic and sound economics. Therefore, to ensure future health care reforms empower patients and reduce cost and make it more affordable, we need to put a new President in the White House.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from Iowa.

Mr. HARKIN. Madam President, as chair of the Health, Education, Labor, and Pensions Committee in the Senate—the committee that drafted large portions of the Affordable Care Act—in looking back at all of the hearings we had, the long markup sessions, working across the aisle with Republicans, working with the administration, finally getting it passed and signed into law, this is a great day.

There has been a cloud hanging over this because of those who didn't want to reform the health care system. They wanted to keep insurance companies in charge. Well, we said, no, we are going to change this; we are going to reform the system and make it work for people, not just for insurance companies.

There are those out there who didn't want to change, who didn't want to reform the system, and so they brought cases to court. And as we know, this issue has wound its way through the courts—some deciding yes and some deciding no—and then went to the Supreme Court.

I remember being in the Court this spring for the arguments on this law, and we have been waiting since for the Supreme Court to make its decision. Well, this morning, the Supreme Court gave a resounding confirmation that the Affordable Care Act is indeed constitutional.

Some have been saying President Obama wins this or the Democrats win or the Republicans lose—that kind of thing. I don't see it that way. What I see is that this is a great victory for the American people, for the businesses of America, and for our economy. That is what this is all about. It moves us forward so that every American—every single American—will have quality, affordable health care coverage—something we have never done in this country. That is why this is such a landmark bill and such a landmark decision by the Supreme Court.

The Supreme Court's decision allows us to move ahead and replaces what I have often called a sick-care system—a system that will maybe get to you, if you are lucky, in the emergency room if you are sick, but not one that gets to you before that to keep you healthy. That is what the Affordable Care Act is moving toward—a system of more preventive health care, more promoting of wellness and keeping people healthy in the first place by giving them the coverage they can use to access affordable wellness and preventive health care.

The Supreme Court has made it clear what we have known all along, that those who want to block this law and who are now clamoring to repeal it are on the wrong side of this issue. They are on the wrong side of history. We can go all the way back to those who didn't want to have a Social Security System. They were on the wrong side of history. There were those who didn't want to have a Medicare system. They were on the wrong side of history. And those who want to repeal this law can stand with them. They can stand with them in history.

But I think history has shown that every time we expand the rights of people to certain basic needs in people's lives, we become a stronger country, a more unified country, a better country, with more opportunity for all.

For those of us who believe that quality, affordable health care is a right and not a privilege, this is a great victory.

I see that some in the House have scheduled a vote to repeal it after we get back from the Fourth of July break. They have already voted to repeal it; I guess they are going to vote to repeal it again. They are on the wrong side of history. I call upon my Republican friends in the House and the Senate: It is over. This is constitutional. Now let's work together to make it so that it is implemented and that it works for everyone.

I say to my Republican friends that I have never said the Affordable Care Act is like the Ten Commandments, chiseled in stone for all eternity. I have often likened it to a starter home to which we could make some additions and some improvements as we go along. But at least that starter home has put a roof over our heads—a roof that will give quality affordable health care insurance to every American. So I say to my Republican friends, bring your toolkits if you want to make it better and improve it. Bring your toolkits, don't bring a sledgehammer. Don't bring a sledgehammer to break it down and try to repeal it. So let's work together, put politics behind us, and make this bill work for everyone, make it work for every American. The Justices have spoken. Now it is time for us to get back to work to build a reformed health care system that works not just for the healthy and the wealthy but for all Americans.

This is a victory. It is not a victory for President Obama. It is not a victory for my committee or anyone else around here. This is a victory to make sure that no one—no one in the future is ever denied health care coverage because he or she got cancer, to make sure that no one in the future will be denied quality affordable health care coverage because they have diabetes.

It is a victory for families who have had a child who needed intensive, very expensive health care coverage to make sure that child would live and grow and be able to take full part in our society, although sometimes those costs are extremely high. In the past, there have been annual limits, and if you went above that, you had to pay out of pocket. There were lifetime caps. How many women have I met in the past who have had breast cancer and had to have intensive treatments for a period of time but they bumped up against a lifetime cap. They had to pay out of their pocket. So this is a victory for them. It is a victory for families so that they don't face lifetime caps and annual caps. It is a victory for every family in America to ensure that their child can stay on their family's policy until age 26. That is who wins here—ordinary hard-working families in America. It is a victory for hard-working families to make sure that insurance companies have to provide—have to provide—cost-effective, lifesaving preventive care at no cost to get to people early on to keep them healthy in the first place. It is a victory for working families so no longer do they have to choose between paying for health insurance or other critical family needs such as food, shelter, transportation, education. That is what this is about. That is what this victory is all about. It is a victory for American families.

I say to those who now want to repeal it, who are going to start to make a political issue out of this, you are on the wrong side of history. The American people will now begin to take a look at this bill in a new light: that it is constitutional, it will be implemented, and what is in it for us? And I just went through what is in it for every American family. The American people will not want to go back. They will not want to repeal this law. There may be improvements we can make as we go along. That is fine. But I say woe to those who vote to repeal this bill. The American people will hold you accountable for being on the wrong side of history, the wrong side of progress, the wrong side of ensuring that every American family has quality affordable health care in America.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. VITTER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. VITTER. Madam President, I come to the floor, as many of our colleagues have done, to talk about this very significant and, for me at least, stunning U.S. Supreme Court decision on ObamaCare. First of all, I use the word "stunning," not particularly because of the outcome. I would not have been shocked at either outcome—upholding the law or striking down the law. I considered both of those clear possibilities. I am stunned and shocked, somewhat confused, by the decision—by the nature of the decision, by the nature of the majority, and by the reasoning.

I am not going to dwell on that. It is not my role or the role of other Senators to second-guess it or to claim we have some authority to rewrite it. But I do find that doing backflips beyond the significant power of the Court to completely recharacterize the individual mandate and parts of the law associated with it as a tax—it was never proposed as a tax. It was never debated as a tax. It was never written as a tax. It was never meant as a tax in any part of the ObamaCare debate or legislative action. So I certainly agree with Justice Kennedy who said out loud from the bench, which I think is significant, that to read it "as a tax" is not just reading the law a certain way, it is rewriting the law. Judicial rewriting of tax policy, judicial writing of the law to create a tax, is particularly worrisome. I absolutely agree with that.

I do think the majority, led tragically by Chief Justice Roberts, did backflips to rewrite the law in order to uphold it. I think that is very unfortunate.

What it also means for the country and for the policy debate and for us in the Congress is at least two things, which I think are also very important. No. 1, it means that if this is a tax, this is a massive tax increase on the middle class, which stands full square against the clear and repeated campaign promises of President Obama. So this is a huge tax increase, now that it is a tax, completely against everything he ran on and what he said over and over, campaigning for office.

It also means something separate that is very significant. If this is all about taxes and spending, it means a different Congress next year—hopefully, led by a different President—can repeal all of that with a simple majority of votes in the Senate through reconciliation. If this is all about taxes and spending, then it can all be undone through the reconciliation process. Of course, that is significant for one reason and one reason only: In the Senate, it means that lowers the requirement from 60 votes to a simple majority. If

there is a Republican President, that would be 50 votes, plus the Vice President as the tiebreaker.

So my bottom line is simple. It was my bottom line yesterday before the opinion, it was my bottom line over the last several months, and it was my bottom line the day after Congress passed ObamaCare and the President signed it into law. It may be ruled constitutional, but it is still a bad idea that is making things worse. It is putting an all-powerful Federal Government between the patient and his or her doctor, and it is costing us an enormous amount of money as individuals, as citizens, as a society, and as a government that we clearly cannot afford.

Many of us made those arguments during the original debate. But I think all of those arguments have been validated and are even more clearly true and compelling in the months since ObamaCare was passed, in particular, because costs have been going through the roof. The suggestion that this was going to save us money and not cost us extra money—even the suggestion of that argument—has gone out the window. It is clear the opposite is true. Individual premiums have gone up as a result, family premiums have gone up as a result, and costs to the government and to society have gone up as a result. It has made the already staggering problem of health care costs worse and worse. It has made health care for everyday Americans less and less affordable. Because of that, I certainly renew my commitment to work with others to fully repeal ObamaCare lock, stock, and barrel.

Under the Supreme Court's decision today, I restate again that I think it is very significant since it is all about a tax and all about taxes and spending that can be addressed early next year with a simple majority in the Senate if there is a President Romney and a Republican Congress to do it.

I thank the Chair.

I yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Madam President, in light of the Supreme Court's decision on the Affordable Care Act, I wanted to come to the floor today to bring just a few Rhode Island voices into the discussion that is taking place.

One such person is a man from Providence, RI, named Greg, who has a 16-year-old son named Will. Will has cystic fibrosis, which requires Will to spend several hours every day undergoing the treatment that dreadful disease requires. He sees a specialist four

times a year to monitor the disease. He has daily prescriptions and treatments.

Without this bill, Will and his father were looking at two problems: One, denial of coverage because Will's cystic fibrosis was a preexisting condition; and, two, lifetime caps.

For people like Will all around the country, this has been a real blessing because lifetime caps are forbidden and kids with preexisting conditions must be covered notwithstanding the preexisting condition. So for Greg, the father in Providence, and his son Will, I want their voices to be heard today in not so much celebration but relief that what they have been provided by the health care law is still in place.

Another voice to bring to the Senate floor is Olive. Olive is a senior citizen. She lives in Woonsocket, RI. Her husband has fairly serious Alzheimer's and requires several medications to treat it. Until the Affordable Care Act came along, Olive and her husband fell in the doughnut hole and had to pay 100 cents on the dollar for the husband's Alzheimer's medications while they were in the doughnut hole.

When I ran for this office, one of the things I pledged to do was to work my heart out to close the doughnut hole. In the Affordable Care Act, it does close. Right now there is a 50-percent discount for Olive on her husband's Alzheimer's drugs when they are in the doughnut hole. For them that 50-percent discount means \$2,400, which, for senior citizens who count on Social Security in Woonsocket, makes a difference in the quality of their lives. Overall, it is up to \$13.9 billion in doughnut hole discounts for seniors and people with disabilities as a result of this bill. That makes a big difference in every single one of those lives, just like Olive and her husband.

A third voice I wish to bring to the Senate is Brianne, who is a 22-year-old graduate of the University of Rhode Island, out and working part time as a physical therapist, but her job does not provide health insurance. She would be going without entirely, hanging her fortunes on chance, as the President recently said, if it were not for the Affordable Care Act. She and 9,000 young adults in Rhode Island have achieved coverage as a result of this bill by being able to get on their parents' policies.

Danny is also a recent college graduate living in Providence, having graduated from Brown University. He is passionate about renewable energy planning but couldn't make the health insurance work. Because of the Affordable Care Act, like Brianne, he is able to be on his parents' health insurance coverage and have that peace of mind.

The last story I will tell is about a small business owner named Geoff in Providence who provides health care insurance for his employees because he believes it is the right thing to do. He

qualified for the law's small business health care tax credit, so he has seen a significant advantage to his small business from this provision.

I think it is a relief to put this quarrel behind us, to be able to move on and deal with the economic issues we face. As we do, I wish to make sure that Greg and Olive and Brianne and Geoff and Danny were all heard here on the floor today, because they are Rhode Islanders in whose lives this bill has made a real and practical difference.

I thank the Presiding Officer.

I yield the floor. I see the distinguished Senator from Wyoming ready to speak.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Madam President, it is disappointing that the Supreme Court has upheld the constitutionality of the new health care law. Just because it is constitutional doesn't mean it is the best policy, the perfect policy, or even good policy. And just because the Court upheld the law does not change the fact that the American people have overwhelming concerns about it—not all of it but a lot of it.

In fact, the Court affirmed that the new health care law is a massive tax increase on the American people. Congress must get serious about fixing our broken health care system. We can start by changing this misguided health care law that has divided the American people and failed to address rising health care costs. Congress should work together to make commonsense, step-by-step health reforms that can truly lower the cost of health care. I was pleased to see that the Supreme Court narrowed the Medicaid expansion because States can't afford them. Hard-working Americans are still struggling in this anemic economy and need real action to make health care more affordable.

Reforms do not have to start here in Washington. Our Nation's States are laboratories of democracy and can play a significant role in addressing the health care crisis in America. Governors are in a special position to understand the unique problems facing their States, and fixing health care, like most problems facing our Nation, cannot be a one-size-fits-all solution. Efforts underway by Indiana Governor Mitch Daniels provide a great example of what different States are working on. He is moving forward with the Healthy Indiana initiative, which is an affordable insurance program for uninsured State adults aged 19 to 64.

Outside Washington, some health insurance companies have already stated they will adopt several reasonable provisions to lower health care costs. These include allowing young adults to be covered until age 26 while on their parent's plan, not charging patients copays for certain care, not imposing

lifetime limits, and not implementing retroactive cancellation of health care coverage. They said they would do that regardless of how the Supreme Court case came out.

One of the most effective ways Congress can address the rising costs of health care is to focus on the way it is delivered as part of the Nation's current cost-driven and ineffective patient care system. America's broken fee-for-service structure is driving our Nation's health care system further downward, and tackling this issue is a good start to reining in rising health care costs. What is fee for service? This method of payment encourages providers to see as many patients and prescribe as many treatments as possible but does nothing to reward providers who help keep patients healthy. These misaligned incentives drive up costs and hurt patient care.

The new health care law championed by President Obama and congressional Democrats did very little to address these problems. The legislation instead relied on a massive expansion of unsustainable government price controls found in fee-for-service Medicare. If we want to address the threat posed by out-of-control entitlement spending, we need to restructure Medicare to better align incentives for providers and beneficiaries. This will not only lower health care costs, it will also improve the quality of care for millions of Americans. In the health care bill, we took \$500 billion out of Medicare and put it into new programs. Then we appointed an unelected board to suggest cuts that can be made, and the only place left for cuts are providers, hospitals, home health care, nursing homes, and hospice care. I don't think that is where we want to be cutting Medicare.

Shifting the health care delivery system from one that pays and delivers services based on volume to one that pays and delivers services based on value is an idea that unites both Republicans and Democrats. We have been mentioning a number of simple steps that can be taken while Congress weighs the larger fixes needed for preventive care. We can encourage insurers to offer plans that focus on delivering health care services by reducing copays for high-value services and increasing copays for low-value or excessive services. Consumer-directed health plans provide another avenue for linking financial and delivery system incentives and have the potential to reduce health care spending by \$57 billion a year. Bundled payments will support more efficient and integrated care. All of these options have already been utilized by a number of private sector firms with great success. The Federal Government should be willing to support viable reforms where it is needed, but also refrain from handcuffing innovative private sector designs with ex-

cessive regulations or narrow political interests.

Our Nation has made great strides in improving the quality of life for all Americans, and we need to remember that every major legislative issue that has helped transform our country was forged in the spirit of compromise and cooperation. These qualities are essential to the success and longevity of crucial programs such as Medicare and Medicaid. But when it comes to health care decisions being made in Washington lately, the only thing the government is doing is increasing partisanship and legislative gridlock. I wish to leave the Senate with some words of wisdom from one of our departed Members, and that is Senator Daniel Patrick Moynihan, a Democrat from New York, who served in this body. He said in 2001, shortly before he retired:

New pass major legislation that affects most Americans without real bipartisan support. It opens the door to all kinds of political trouble.

Senator Moynihan correctly noted that the party that didn't vote for it will criticize the resulting program whenever things go wrong. More importantly, he predicted the measure's very legitimacy will be constantly questioned by a large segment of the population who will never accept it unless it is shown to be a huge success.

That is a quote from Daniel Patrick Moynihan, former Senator.

Truer words were never spoken. We have seen each of these scenarios play out over the past 2 years as the new health care law polarized the Nation. I hope this distinguished body has the courage to learn from our mistakes, because our Nation needs health care reform, but it has to be done the right way. Providing Americans with access to high-quality affordable health care is something I am confident Democrats and Republicans should be able to agree on.

Two-and-a-half years ago, a Democratic President teamed up with a Democratic-led Congress with only Democratic votes to force a piece of legislation on the American people that they never asked for and that has turned out to be as disastrous as predicted. How so? Amid an economic recession, a spiraling Federal debt, and accelerating increases in government health spending, they proposed a bill that has made the problems worse.

Americans were promised lower health care costs. They are going up. Americans were promised lower premiums. They are going up. Most Americans were promised their taxes wouldn't change. They are going up. Seniors were promised Medicare would be protected. It was raided to pay for a new entitlement instead. Americans were promised it would create jobs. The CBO predicts it will lead to nearly 1 million fewer jobs. Americans were

promised they can keep their plan if they liked it, yet millions have learned that they can't. And the President of the United States himself promised up and down that this bill was not a tax. That was one of the Democrats' top selling points, because they knew it would never get passed if they said it was a tax. The Supreme Court spoke today. It said it is a tax.

This law was sold to the American people under deception. But it is not just that the promises about this law were not kept, it is that it has made the problems it was meant to solve even worse. The supposed cure has proved to be worse than the disease.

We pass plenty of terrible laws around here that the Court finds constitutional. We need to do some commonsense, step-by-step reforms that protect Americans' access to the care they need, from the doctor they choose, and at a lower cost. That is precisely what I am committed to doing.

The American people weren't waiting on the Supreme Court to tell them whether they supported this law. That question was settled 2½ years ago. The more the American people have learned about this law, the less they have liked it.

Now that the Court has ruled, it is time to move beyond the constitutional debate and focus on the primary flaws of this law because of the colossal damage it is doing and has already done to the health care system and to the economy and to the job market, which needs to be turned around. There are things that need to be done and can be done.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Madam President, I cannot remember another day when so many Americans were waiting for the Supreme Court to rule, but today was one of those days all across America. Everyone understood that a decision just across the street this morning by the nine members of the Supreme Court was historic and politically significant.

The Supreme Court handed down a decision, consisting of 193 pages, with all of the major opinions—dissenting and concurring opinions included—in the case of National Federation of

Independent Business v. Sebelius. We knew this was a case to decide the constitutionality of the Affordable Care Act. That, of course, was one of President Obama's first major legislative undertakings when he was elected President. Many of us who were part of the Senate and the House during this debate will never forget it. I have been lucky enough to represent my great State of Illinois for quite some time, in both the House and Senate, but there has never been a more historic and exhausting debate than the one that preceded the final vote on the Affordable Care Act. The last vote in the Senate actually occurred on Christmas Eve, and then we hurried away from here to be with our families, knowing we had done something of great historic import.

Behind this decision was my human experience that most every one of us has had at one time or another. I can recall in my own family experience that moment when I was a brand new dad and a law student—not exactly a great combination in planning, but that was my life. Our daughter was born with a serious problem. We were here in Washington, DC, and we were uninsured—no health insurance, a brand new baby, and I was a law student. I can remember leaving Georgetown Law School a few blocks from here to go over to Children's Memorial Hospital to sit in a room with all of the other parents who had no health insurance. It was a humbling experience, waiting for your number to be called for a brand new doctor whom you had never seen before to sit down and ask you again for the 100th time the history of your child. You never feel more helpless as a parent in that circumstance—to have no health insurance and to hope and pray you are still doing the best for your child. That experience is one that literally millions of Americans have every single day, with no health insurance, praying that they will get through the day without an accident, a diagnosis, or something that is going to require medical care. What we tried to do with the Affordable Care Act was twofold: first, to expand the reach of health insurance coverage to more families; second, to make health insurance itself more affordable and more reasonable.

Let me start with this question of affordable and reasonable health insurance. Similar to my family, many families had children born with a problem—asthma, diabetes, cancer, heart issues. These are children who need special care, and many times families, when they turned to ask for health insurance, were turned away. That is not fair and it is not what we need in America. We need health insurance to protect those families, and that is one of the major provisions in the Affordable Care Act.

Secondly, many people don't realize until it is too late that their old health

insurance policies had lifetime limits. There was only so much money the insurance company would pay. People who got into challenging medical situations, with expensive health care needs, learned in the midst of their chemotherapy their health insurance was all in—finished, walked away. We change that in the Affordable Care Act. We eliminated the lifetime limits in health insurance policies for that very reason.

We also said health insurance companies should be entitled to a profit and, of course, should charge a premium to cover the cost of their administration of health care. But we started drawing limits on what they could ask. We said 85 percent of the money collected in premiums needed to be paid into actual health care, with the other 15 percent available for marketing, for administration, and for executive compensation. Eighty-five percent had to go into the actual cost of health care, hoping to keep premiums from rising too fast. That was in the Affordable Care Act.

When it came to coverage, we detected a problem: too many families had their sons and daughters graduating from college, looking for jobs, and not finding full-time jobs with health insurance. So we expanded family health care coverage to include children—young men and women—through the age of 25. We thought parents should be able to keep them under the family health care plan while they are getting their lives together and looking for work. That was one of the basics that was included in the Affordable Care Act.

All of those make health insurance more affordable and more reasonable for the families who need it.

Then came the question of what to do about those people who have no health insurance. Some people don't have health insurance because they work at a job that doesn't provide it and they can't afford it. Others have an opportunity to pay for it but decide they are going to wait or that they don't need it. We hear that particularly from younger people who think they are invincible and will never ever need health insurance coverage. So the question was how do we expand the reach of health insurance coverage. We did it in this bill.

We set a standard and said people should not have to pay any more than 8 percent of their income for health insurance premiums. If they are in lower income categories, we will help them with tax credits and treatment in the Tax Code to pay for their health insurance. For employers—the businesses people work for—they will be given additional tax credits to offer health insurance, hoping to continue to expand that pool of insured people in America. For the poorest of the poor, we said, ultimately, they would be covered by Medicaid—the government health in-

surance plan—and for at least the first several years, the Federal Government will pay the entire cost, the expanded cost of that coverage.

The notion is to get more and more people under the tent—under the umbrella of coverage. That not only gives them peace of mind, but it also means for many hospitals and providers across America there will be fewer charity patients.

Let's be honest about it. Even people without health insurance get sick. When they do, they come to a hospital and they are treated. When they can't pay their bills, those bills are passed on to all the rest of us.

In my hometown of Springfield, IL, at the Memorial Medical Center, the CEO there said: If we have everybody walking through our front door at least paying Medicaid, we will be fine. Do that, Senator. That is what this bill sets out to do.

There were some people who objected to the part which said, if someone can afford to buy health insurance and doesn't, they are going to pay a penalty. Some people called it a mandate. Others—myself included—called it personal responsibility. If someone can afford to buy health insurance, they should buy it because 60 percent of the folks who don't buy it end up getting sick and the rest of us pay for it. That is not fair to the system. It is estimated to cost those with private health insurance \$1,000 a year just to pay for those who don't buy it when they can. That was one of the issues being debated before the Supreme Court. So this bill, which ultimately passed, was signed by President Obama, has been debated back and forth ever since. It became a major topic in this year's Presidential campaign. I don't believe there was a single Republican Presidential candidate who didn't get up and say: I will get rid of it on the first day I am in office. Governor Romney has said that. Yet when you look at all the provisions—the expansion of coverage—even expanding Medicare's prescription drug Part D for seniors—to think we would eliminate that, think about the hardship that would create across our country.

We all waited expectantly for this day, this day at the end of the October term of 2011 for the U.S. Supreme Court, and the decision today was that the Affordable Care Act President Obama signed into law is constitutional. Now we can move forward.

Some people have said: Is it perfect? The answer, of course, is no. I say half jokingly, the only perfect law was carried down the side of a mountain on clay tablets by "Senator Moses." All the other efforts are our best human efforts and always subject to improvement. The same thing is true for this. I am sure the President would say exactly the same. The good news is that today, the Supreme Court found the

President's Affordable Care Act is constitutional.

There was, of course, some question of one provision or another, but the bottom line is Chief Justice Roberts—not considered a liberal by any standards—led the Court in a decision that found this law constitutional. The important part of that is it means, for a lot of families, there is going to be help through this law.

In Illinois last year, 1.3 million people on Medicare and 2.4 million people with private health insurance received preventive care at no cost. That is a provision in this law that was found constitutional today. That means that mammograms, cholesterol screenings, and other efforts ahead of time for preventive care will help people prevent illness and save lives.

Speaking of prevention, the law provides help for States with their prevention programs—programs to help our children stay strong with immunizations, programs that detect and prevent diabetes, heart disease, and arthritis.

Another reason this law is so important is because of lifetime limits, as I mentioned. Before this law, insurance companies would literally say: Sorry, you hit your limit. We can't pay for any more chemotherapy. But because the Affordable Care Act was found constitutional today by the Court, 4.6 million people in my State of Illinois alone received the care they needed last year without having to worry about an insurance company's lifetime limits. It is prohibited by the Affordable Care Act.

In these tough economic times, as I mentioned, when young people are looking for work, the fact they can now have health insurance through their family's plan up to the age of 26 is a sensible policy. Two-and-one-half million young Americans received protection under the Affordable Care Act because of this single provision, and 102,000 of them live in my State of Illinois.

Of course, the law, as I said, requires the insurance companies to spend more money of their premiums on actual medical care—85 percent, in fact. Over \$61 million has been returned to those with health insurance policies, and 300,000 people in Illinois are included, in the form of a rebate, because of the medical loss ratio.

For seniors, it will be a helping hand to pay for prescription drugs. They are going to be able to help fill the so-called doughnut hole and have less money come out of their lifetime savings to pay for the drugs they need to keep them strong and even alive. It also means preventive care for a lot of these seniors, so they are able to get the annual checkup in order to detect some problem before it gets serious.

From the business side, the Affordable Care Act—found constitutional

today by the Supreme Court—is going to help small businesses pay for health insurance. The new tax provisions help them do the right thing and buy health insurance for their employees. So far, more than 228,000 businesses across America have taken advantage of this new tax credit and have saved \$278 million.

When this is all implemented—the Affordable Care Act—30 million more people will have health insurance across America. By 2019, 15 million of these will be in Medicaid and the rest will be in exchanges and in private health insurance.

Another provision in here was important and that was the expansion of community health care clinics. Senator BERNIE SANDERS of Vermont, a good friend and a great leader on these issues, pushed hard for it. I have been to these community health care clinics across my State. They are wonderful primary care in the neighborhoods, in the small towns, in Springfield, and in Chicago, that truly help people along the way.

Today, the President of the United States went to the cameras after the Supreme Court decision and talked about this decision by the Court and this law. He said for those who believe the Affordable Care Act was just politics as usual, it was a political risk and he knew it. There were close friends and advisers of the President who basically counseled him not to try and take this on. This issue has stopped President after President.

I tried to help President Clinton and then-First Lady Clinton when they were attempting to get health care reform passed. Try as they might, they couldn't get it done. But President Obama stuck with it. Even though there was precious little help from the other side of the aisle, he stuck with it and got the bill passed. They then challenged him in court at every level they could, and today—at the highest Court of our land—it was found constitutional.

The President said—and I think we all should pay attention to this—it is not only good in its substance—and I have described that—but it is also a new challenge for us, Democrats and Republicans, to make it work. The American people want us to come together to make health insurance affordable and available, to incentivize quality care, and to make certain America, the richest Nation on Earth, has the best and most affordable health care on Earth.

It took the Supreme Court 193 pages to say it today, and now it is up to us, both Democrats and Republicans, to work together, maybe put the swords aside and sit down at a table and make this law even better across America. I think the American people are counting on us. The Supreme Court, in finding President Obama's Affordable Care

Act constitutional, made it clear that now it is up to us to put the policies in place that will make it successful and help families, businesses, and individuals all across America.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, we have had a monumental decision from the Supreme Court of the United States, and I have to say I am disappointed, because while the opinion is not very clear, in many respects, the result is clear, and that is we are getting ready to see one of the largest tax increases in the history of our country.

We are all talking about the fact the Supreme Court has declared the Obama health care plan constitutional, but let's look at how it was declared constitutional. It was not based on the commerce powers of the Congress in the Constitution. It was based, instead, on taxing capabilities—the taxing power—of the Congress.

I wish to read excerpts from an interview George Stephanopoulos did with President Obama.

Under this mandate—

Stephanopoulos says—

the government is forcing people to spend money, fining you if you don't. How is that not a tax?

President Obama replies:

No. That's not true, George. For us to say that you've got to take a responsibility to get health insurance is absolutely not a tax increase.

Stephanopoulos goes on later to say:

But you reject that it's a tax increase?

President Obama replies:

I absolutely reject that notion.

Yet the Court today said this is constitutional because of Congress's power to tax. So we are going to see the tax increase go forward, and the small businesses and businesses that are looking at this, the individuals, are going to have a whopping increase in the cost of doing business at a time when—I certainly don't have to point out—we are in an economic downturn, when the private sector is not hiring, when we have an over 8-percent unemployment rate. Yet now we see more costs on top of what we already have in this country.

I don't think that is the recipe for getting this country going again and hiring people to work.

I would like to read a few quotes from employers on the impact of the Obama health care plan on their businesses.

Scott Womack, the president and owner of Womack Restaurants, is an IHOP franchisee. He said:

Let me state bluntly. This law will cost my company more than we make.

Grady Payne, who is the CEO of Conner Industries, said—it is very interesting because Conner Industries is headquartered in my home State of Texas:

Conner Industries is headquartered in Fort Worth, Texas with plants in 8 different states. Conner Industries started in 1981 with five people and one location. Today they have grown to 450 employees and eleven plant locations. They offer health coverage to their employees and the company pays over half of the total premium cost. In 2014, the company will have to choose how to comply with the law, either buy a more expensive, government-approved healthcare benefit or drop health coverage completely and pay the \$2,000 fine for each of their employees. Thus, Mr. Payne has stated that the impact of this law will cost them over \$1,000,000 no matter what option they choose.

The chairman and CEO of NuVasive, a medical device company in San Diego, in an op-ed said:

Provisions of the Affordable Health Care Act are destroying jobs, hindering innovation and slowing the economic recovery. To offset the medical device tax increase, we will be forced to reduce investments in research and development and cut up to 200 planned new jobs next year.

So what we have seen today is a validation of what many of us were concerned about when this law was going through Congress; that is, the enormous increase in the tax, the fine, and the overall burden to the businesses of this country which would do several things that are not good for the people of our country: It will increase costs to American consumers; it will inject the government into doctor-patient relationships; it will most certainly add new burdens on business in an environment in which we have over 8 percent unemployment. I also think it is very clear that though the President promised that people will be able to keep their health care coverage as they know it, that health care coverage is not going to be there because so many companies are going to drop the health care coverage they have been offering because it is too expensive to comply with the government conscription of the plan that is required in order to avoid the \$2,000 fine.

I think what the Court said is insightful in this respect; and that is, while they said this law is constitutional based on the taxing power of Congress, they are not ruling on the wisdom nor the fairness of the policy. I think it is going to come down to the people of our country because the election this year is going to determine the ultimate fate of this bill. The Republican nominee, Gov. Mitt Romney, has said very clearly, on the first day he is sworn into office he will ask for the repeal of this health care law.

I think it will become an issue in every contested congressional race and every Senate race: Are you going to vote to keep this law that has been ruled constitutional based on the fact that it is a taxing power of Congress? The people will be able to decide if they want this jolt on their health care, if they want the extra cost, if they want the intrusion on the patient-doctor relationship, and if they want to

possibly lose the coverage they have and be taxed to go into another plan—a government plan.

We are going to see the erosion of the quality of health care in this country if we are not able to repeal this law and start all over.

Now, I will say the purpose of passing health care reform is to provide more options for people to get affordable health care coverage. I think that is a worthy goal. I think we should go for that goal in a way that does not burden the economy of our country, stop employers from employing people; in a way that preserves the doctor-patient relationship and doesn't intrude on the people who do have coverage they want to keep. That should be our goal.

There are several months before the election. I hope we will be able to do something in this Congress to start a new process of providing affordable health care options for the people of our country and not continue on this path of enormous tax increases—which have been validated by the Court—as well as an intrusion on the quality of our health care, and not something that in the bigger picture is going to keep our businesses from hiring more people to get the economy jump-started, which should be every one of our goals.

I hope we can work on this in a productive way before the election, but I also hope the people will make the final decision in the election if Congress has not acted before; that we will have a decisive election that will say we can do better. We, the people of the strongest country on Earth, can do better than a health care system that will be eventually turned over to the government if we go down this path.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll. The legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLOOD INSURANCE

Ms. LANDRIEU. Mr. President, there are so many important issues in Washington today, it is hard to know what to speak on first. But I am going to take this opportunity to talk about flood insurance. One of the reasons is because there are three States in the Union that carry the most policies relative to our population, and it may be the most policies regardless of our population. That would be Florida, No. 1; Texas, No. 2; Louisiana, No. 3; and, of course, California, No. 4.

So while this bill affects everyone in the country, the four States that it affects the most and by far are the four States that I mentioned, and Louisiana happens to be one. So the people of my

State pay a lot of attention to flood insurance. We always have, and we always will have to.

I am sorry to say that just within the last few hours, with so much changing around here at the last minute, I was just given the information that the flood insurance bill—which we have not even debated on the floor of the Senate—is now going to be put into an omnibus package which includes many other important bills: the Transportation bill, the RESTORE Act—which is also important for the gulf coast, parts of it that were accepted by the House, and there were a few important parts that were, unfortunately, left on the cutting room floor over in the House—and now the flood insurance bill.

I want to make it clear that if I were called on to vote on the flood insurance bill that is now going to be a part of this package, I would vote no because there are some very important provisions that I was going to offer as amendments to the bill that I think are crucial to not just my State but to the State of Florida, potentially to the State of California, and potentially to Texas as well. I am not sure their Senators are in complete agreement or understand some of the challenges, but I want to point out a few of them. Unfortunately, I am not going to get a chance to vote no because I am going to have to vote for the whole package, which I intend to do, although this flood insurance bill is not in the position I would support. Let me give three reasons.

No. 1, there is a provision of the bill that talks about V-Zones; that is, velocity zones. Right now, with FEMA, FEMA basically says if you are in a velocity zone, you cannot rebuild.

I have St. Bernard Parish, Plaquemines Parish, Lafourche Parish, Terrebonne Parish, Cameron Parish, and large sections of St. Tammany and St. John the Baptist and Orleans Parish that you can see are designated V-Zones. This means likely to be flooded, not just based on their elevation but the way that the historical patterns of storms coming out of the gulf affect them.

I understand that we have to be very careful in these areas so I had an amendment to say: No, you can rebuild but you have to rebuild up to the right elevation or you have to rebuild according to the highest standards. If we do not fix this, and this bill passes—which it looks as though it will—there will be great concerns or questions, if not a downright prohibition, on building in these areas regardless of whether you pay for insurance. This is not right.

The other amendment I was prepared to offer is an affordability amendment. People may not realize this—I hope Members will be listening. Again, this bill affects all the States, but in the

underlying bill there is a provision that allows these rates for everyone in the country to be increased by 15 percent a year.

People are struggling to pay flood insurance now. I think that is very steep. People who are arguing for the 15-percent a year increase say it is important to get this program actuarially sound, it is currently running a \$20 billion deficit. I am well aware of the need to get this program in line. But I was going to offer an amendment that simply created and expanded a short, small, but important affordability provision of \$10 million that the Department would have to help people on fixed incomes or lower or middle-income families who of course are working along the gulf coast and in some of these coastal areas. They are not sunbathing, not vacationing. This is not about second homes. This is about primary homes. They have a right to live and have been living for generations near the coast. These are fisherman, et cetera. That was an affordability amendment that I cannot offer or file for the RECORD.

This is a very important issue. Flood insurance is not just about business and commerce; it is about culture; it is about a way of life; it is about preserving coastal communities; it is about being resilient in storms. Yes, Louisiana wants to pay its fair share. Florida must pay its fair share. Texas must pay its fair share. We have no problem with that. We have been for years.

Some Members are now waking up and saying: Oh, my goodness, now you are telling us, people in other parts of the country, we have to buy flood insurance? But we have a levee. You are telling us we have to buy flood insurance?

Yes. We had levees in Louisiana for 200 years. Unfortunately, they break. Sometimes when the Federal Government doesn't build them correctly, they disintegrate and our people get flooded. Yes, we have levees, we pay to build the levees, and we pay for insurance, and we are still not as protected as we could be. Again, we are not sunbathing down here on this coast. We are producing oil and gas for the Nation. We are running the largest port system in North America, and we drain 40 percent of the continent.

Florida has a little different situation. They do a great deal of tourism and they do a great deal of sunbathing and other things. I am happy for Florida and their economy. But the people I represent are not running huge vacation operations. This is not an optional place for us to live. It is not optional for us, it is not optional for the Nation, and it is not optional for the world. We have to find an affordable and safe way to live here.

I had an amendment to try to make this more affordable. That amendment is not going to be offered. The only

positive thing I can say about the bill—and there are some positive things, and this is important, I know, to the realtors. I support them almost 100 percent—and the homebuilders. I have a very good record with the realtors and homebuilders. I believe in what they do and they are right when they say: We have to have a permanent extension because we cannot close deals. People cannot sell their homes. We have to have this insurance program. And they are correct.

Like a lot of things up here, it is a balance. With the amendments I was going to put on the bill and actually had worked out to do so, on balance the bill would have been better. I was prepared to vote for it on the floor. Now that it is being stuck into this package without the debate on the floor and without the amendments, I must go on record to say that I would vote against the bill in its current form, even though I know we need long-term flood insurance. Because of the increased rates, the lack of the affordability, and the lack of a fix to the V-Zones, I think it tips the balance against the bill generally.

There is nothing I can do about it. That is the way it is going to happen. But I wanted to submit my comments for the RECORD. I can promise the Members of this Senate after this bill goes into effect you are going to hear a lot of complaints from your constituents. I am certain we will be back here within the year, after the elections—regardless of who wins and who loses—fixing some provisions that should have been fixed, but because there is not going to be a debate on the Senate floor will not be.

I know this bill came out of the Banking Committee in the Senate with bipartisan support. I am well aware of that. But I think there were some corrections or some perfections that could have been done on the Senate floor. We are not going to have that opportunity. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RUBIO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded and that I be recognized to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RUBIO. Mr. President, as we know, the Supreme Court ruled on the health care law, and we have had a lot of phone calls and e-mails. People want to know what this means above the politics. Sometimes I think that in Washington everything is analyzed over what this means for the elections and what this means to the Republicans or the Democrats. What I hope to do today by coming to the floor of the Senate is to respond to some of my

constituents from Florida, and folks around the country who have called as well, to show what this means in real life and what my position is toward this moving forward. So that is what I hope to do here today in the few minutes I have while the Senate waits on the pending matter.

Let's begin by understanding what has happened today. The Supreme Court doesn't decide whether something is a good idea or a bad idea; the Supreme Court's job is to decide whether something is constitutional. Today, by a vote of 5 to 4—four of the Justices disagreed, but five of the Justices, including the Chief Justice, decided that a key component of the health care law that passed the year before I was elected was constitutional. They said it was constitutional because it was under the taxing powers of the Congress. In essence, they said that this mandate, this requirement is constitutional because it is a tax.

That is curious, of course, because the President denied that it was a tax. I looked it up. I remember a specific interview the President gave while this was debated where he was asked by George Stephanopoulos on ABC: Is this a tax? He denied it. He denied it and said there was no way this was a tax. If I could find the right quote in here just to make sure I am not misquoting anybody in this day and age of fact-checking, the President specifically said that the notion that it was a tax was wrong. However, months later, when this appeared before the Supreme Court of the United States, his lawyers argued that, no, this is constitutional because this falls within the power of the government to tax. So that is important because that is the reason this law still stands on the books today.

Let's remind ourselves of what a mandate is. This is not a mandate that the government provide an individual with insurance, this is a mandate that a person find insurance for himself or herself. For a mandate to work—and anyone who has been for a mandate will admit this to you—the penalty for not buying insurance has to be severe enough so that the person will decide to buy the insurance; otherwise, people will just pay the fine and not get the insurance.

So what does this mean in the real world? I found a blog post from 2009. The numbers may have changed a little bit, I am not 100 percent sure, but this is from when the House was deliberating at the time. An economist took this up on July 14, 2009, and he actually used a couple of real-world examples. This may be very similar to you, so listen carefully.

The first example he used is of a gentleman who is single and earns about \$50,000 a year, which is four times the Federal poverty level, so he wouldn't qualify for the subsidies under the bill. Now, he is a single 50-year-old non-smoker, small business employee. That

means he works for a small business that doesn't provide health insurance and isn't required to because the law requires businesses that have more than 50 employees to provide insurance. If he works at a place that has five employees, they are not required to offer health insurance. So to reiterate, he is 50 years old, works at a small business that is not required to offer insurance, and makes \$50,000 before taxes. He doesn't have insurance. Now, he cannot afford a bare-bones policy. This economist went through ehealthinsurance.com and found that the cheapest policy he could find was \$1,600 a year. Depending on where you live in the country, when they start taking out taxes, \$50,000 doesn't add up to a lot of money. This is middle class. He can't afford a \$1,600-a-year policy, so instead he would have to pay a \$1,150 fine, which is a tax. That is what he would have to pay. Guess what. Even after paying the \$1,150, he still doesn't have insurance. This is the real-world impact of the mandate.

Here is another example. This one actually uses my home State, so I picked this one. A married couple with two kids has a small business. They run a small tourist shop in Orlando, FL. I am not sure if these are real people or if it is hypothetical, but I like the fact that they picked Orlando, FL. The husband and wife make \$90,000 a year at their small business. That is what the business makes, again, before taxes. They have a small business making \$90,000. Between all the expenses they have and all the other tax components that come up, it is middle class. This is middle class, OK? These are two employees, but their wages exceed the amount to qualify for the small business tax credit. Because their business is so small, there will be no financial penalty for a business that only has two employees, but as individuals they still have to buy health insurance for themselves and for their children.

So here they are, husband and wife, 40 years old, two kids, they own a small tourist shop, and they are the only employees, making \$90,000 a year together. The cheapest insurance they can get is a high-deductible plan with about a \$6,000-a-year annual deductible. It costs them about \$3,800 a year. The fine is \$2,000 a year. So that is probably what they end up having to do now. This is a \$2,000 increase in their taxes through a fine, and they still don't have insurance to show for it.

This is the third example I want to give, and this is not part of the analysis. I pointed out that the law now requires any business with more than 50 full-time employees to offer health insurance. Now, offering health insurance is a good thing. We should try to encourage that and provide opportunities for businesses to do it. Imagine you are one of these businesses and you are asking yourself if you should hire

the 51st or 55th employee. Should I grow my business? Well, as a result of this new mandate, maybe you decide not to now. How much will this cost us? It is \$2,000 per employee if they don't comply. How much will this cost us? Maybe this is not the year to add a few jobs. Even worse, maybe they should become a part-time business.

I heard a lot about this in my campaign from franchisees. Taco Bell and McDonald's are not owned by Taco Bell or McDonald's, they are owned by a small business owner. They are going to decide to make everyone part time because they can't afford to pay the fine. They can't afford to pay for the insurance. This would be a bad idea no matter what the economy is because now we are discouraging them from growing their businesses. No matter what the economy looked like, this would be a bad idea.

Let me explain why it is worse. No. 1, guess who gets to enforce all of this stuff. Guess whom they have to answer to. Guess who they have to prove they have insurance. Your neighborhood, friendly IRS. That is who is in charge of enforcing this. Millions of Americans now have an IRS problem because they don't have health insurance.

This idea that they don't have health insurance—because if we read some of these statements and interviews that the President gave when he said it wasn't a tax, it made it sound as though they don't want to buy insurance and they want to use the money for something else because they are irresponsible. They are not irresponsible. They can't afford it. There is not a private market for them to buy insurance because they can only buy insurance from their States. If they live in Florida and there is some company in California that wants to sell them insurance, too bad, they can't buy it. That is ridiculous. That is what we should be changing here. These people are not doing it because they don't want to be responsible. They can't afford it. Their house is upside down. They are making half as much and working twice as long. Their kids want to go to college. Everything has gotten more expensive, including gas, milk, their water bill, and electricity bill. On top of that, we are going to hit them with this?

We just got a report today that shows that the economy barely grew in the first 3 months of this year. It was less than 2 percent. Our economy is not growing. When it is not growing, the debt gets worse, the unemployment gets worse, everything gets worse. We should not be doing anything in Washington that makes it harder for people to grow this economy. Why would we do something such as this to people? Why would we hit the owner of a tourist shop with a \$2,000-a-year tax or else the IRS is going to chase him around? Why would we hit this guy who is 50 years old, trying to make a living in

the world working for a small business, with a \$1,000-a-year tax when we are trying to grow our economy?

Health insurance is a real problem. It is. I wish more Americans could get their health insurance the way Congress gets it. We get it very simply. We get to choose, depending on which State we are from, between 8 to 10 companies, and we can decide. If we want a higher copayment, we pay less premium and vice versa. We get to choose. Most Americans don't have that choice. They get their insurance from their job and their job tells them: This is your insurance plan. Pick a plan out of this book. Those are the kinds of things we should be working on.

So apart from everything else, this is a terrible idea because it hurts our ability to grow our economy. This is the real-life impact of this bill. This is the impact it is going to have, and we are going to see it. We are going to see it in a further downturn in our economy and in slower economic growth. This is going to have a real impact. This is a big deal. People across this country and across Florida have every right and every reason to be worried about the impact this is going to have on them. This is a middle-class tax increase, and millions of Americans now have an IRS problem. People will now have to, for the first time in American history, prove they have health insurance or they are going to have to deal with the IRS. I guarantee that is not good for small business. I guarantee that is not good for the middle class. I guarantee that is not good for economic growth.

That is where we are today. If there is anything I hope we can do—I wasn't here when the health care bill passed, but I hope some of my colleagues who voted for this will think to themselves: This is not what we intended. We want to help people who are uninsured but not like this. This is never what we wanted to do. I hope enough reasonable minds will come together to either suspend or repeal this, and let's start from scratch. Let's come up with a real plan to help deal with the health insurance crisis in America.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. JOHANNIS. Mr. President, today marks one of the most historic and certainly highly anticipated Supreme Court decisions in a long time.

I would be less than candid if I didn't say I am enormously disappointed that the Court upheld the law in its individual mandate which requires all Americans to purchase government-approved insurance whether they choose to or don't choose to. I believe it is fundamentally wrong for the U.S. Government to intervene in the lives of Americans in this very direct way. However, the Supreme Court's role within our

system of government is to interpret the Constitution, and they have spoken. So with the ruling now officially out, what is important is where we go from here.

The Court did not decide that this law is good policy. In fact, Chief Justice Roberts went out of his way to clarify this point. It is clear in my mind that we must do everything we can to repeal this flawed law because it is enormously bad policy.

While we have waited over 2 years for the final decision about this law's constitutionality, we haven't had to wait that long to learn why the law is bad for America. The law was a train wreck from the very beginning: backroom deals, empty promises, political tactics that epitomize what disgusts Americans about their government. Some of the law's leading supporters even admitted they hadn't read the 2,700-page bill. The Speaker acknowledged we are going to have to pass the law to see what is in it. My colleagues across the aisle hastily passed the bill on the notion that there were some gold nuggets in there, tucked inside the law, and that maybe Americans would think they were lucky enough to cash in. We have come to know nothing could be further from the truth.

After more than 2 years, there has been a lot of rain but not a single rainbow and certainly no pot of gold when it comes to this legislation. Instead, what we have seen is one broken promise after another.

Just last week, the administration's own Medicare Actuary reported national health care spending will increase at an average of more than 50 percent over the next decade. The same study estimated, in 2014, the increase in private health insurance premiums is expected to accelerate to 7.9 percent. But the startling fact is that is more than twice the increase Americans would have faced in the absence of the health care law.

This is just one of many studies that indicate the law does not bend the cost curve down as the President promised. It begs the basic question: Why would Congress pass a massive overhaul of our country's health care system that actually increases the cost of care? It is so ironic that the majority decided to call this health care law the Affordable Care Act. One can hardly argue that more people will receive better care under a plan that drives costs upward as well as puts Medicare on an unsustainable path.

The Medicare Actuary asserted in the most recent trustees report that the law could lead to significant access issues for beneficiaries under Medicare, and Medicare itself is estimated to be insolvent by 2024. Due to the cuts to Medicare and the health care law, he said: "The prices paid by Medicare for health services are very likely to fall increasingly short of the cost of providing those services."

He goes on to say: "Severe problems with beneficiary access to care" will occur.

That is just another way of saying, to put it very directly and simply, our seniors are going to find it harder and harder to find a doctor or a hospital that will accept them as patients. To put it simply, our seniors are going to have difficulty accessing medical care under this law.

The health care law perpetuates the problems within this very difficult system. It is clear that heavy-handed government solutions are not the answer, but that is exactly what this law creates. In this law, there are 159 new boards, over 13,000 pages of new regulations, and it gives the Secretary of Health and Human Services more than 1,700 new or expanded powers. No one will convince me this act isn't a seizure of our government, of our health care system, and putting it under the power of government.

Americans don't want government bureaucrats diagnosing and prescribing their care. They want the freedom to choose an insurance plan that covers their needs and to simply see the doctor of their choice.

It seems the President even manipulated this sentiment, which is why he said no fewer than 47 different times: "If you like your plan, you can keep it." He knew that pledge would help him gain support for his law, but, sadly, the American public was misled and his promise can't be kept.

The nonpartisan Congressional Budget Office estimates up to 20 million Americans could lose the insurance they get through work—the insurance they like and want to keep—because of this health care law. Families in 17 States, including my own State of Nebraska, no longer have access to child-only health insurance because of the mandates in this misguided legislation. That is not the only way the law will hurt hard-working American families. The Director of the CBO testified that the new law will mean 800,000 fewer jobs over the next decade.

The American people deserve more than a laundry list of flawed policies and empty pledges. Americans deserve step-by-step reform instead of rushed policy; transparent reforms, not a 2,700-page entangled mess; and an open debate, not a closed-door discussion and the backroom deals that were so necessary to get this flawed piece of legislation passed. More than anything, they deserve sound policy that delivers on the promises.

I will do everything I can to continue to push to repeal this misguided law and to push for policies that set us on the right course because the path we pave will define our future as a nation. There is no disputing that Medicare and Medicaid are two of the biggest drivers of our Nation's \$15 trillion debt. So if we want to secure a sound future

for our children and our grandchildren, we have to fundamentally reform these government programs, not double down on policies that will bankrupt them. In that same vein, we can't ignore our struggling economy. Instead, we need policies that promote business growth and job creation. I believe we can pass step-by-step reforms that confront these tough issues and policies that depart from a top-down, one-size-fits-all approach.

The issue of health care touches all of us at the deepest level. Whether it is a new life entering into our world, a tough diagnosis, a lifesaving surgery or care for a loved one in their final days, health care decisions should not be dictated by Washington. Families and the physician they trust need to be at the heart of the decisions that impact their health. The Supreme Court has spoken definitively about the constitutionality of this law, but Americans have spoken loudly and clearly when it comes to the sensibility of this process and of this policy. It is time to repeal it and put in place sensible reforms that truly do bring down costs.

I yield the floor and I note the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. LEE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEE. Madam President, I rise today to speak about the Supreme Court's ruling this morning in the case involving the constitutionality of the Affordable Care Act's individual mandate. In that case, the Supreme Court rendered a decision that may be spun by many, perceived by many, as a victory for the proponents of the controversial individual mandate contained within the Affordable Care Act.

I would submit today, however, that this victory, if it is being called that, will prove to be not only hollow but also short lived. I say that because, significantly, the Supreme Court was able to uphold the constitutionality of the mandate only by a series of gymnastics that allowed the Court to find this was a tax.

First, the Court addressed the issue and concluded, for only the third time in the last 75 years—only the third time since 1937—that Congress had, in fact, exceeded its power as asserted under the commerce clause of the U.S. Constitution.

Having concluded that Congress lacks the authority to compel commerce, the creation of commerce so that it could then regulate commerce, the Supreme Court went on to shoe-horn this individual mandate provision into the Supreme Court's conception of Congress's taxing power. This awkward

construction is one that exposes many of the true flaws of the individual mandate.

The mandate itself, we must remember, was not wildly popular among the American people at the time it was enacted. It has become even less popular as the American people have come to understand it. A recent poll revealed that roughly 74 percent of Americans do not like the individual mandate. This is easy for us to understand when we think about the fact that we as Americans—we are born as a free people. We were intended to live as a free people. It offends our most basic sense of freedom to have one of the most personal decisions made for us by government—particularly by the impersonal, distant government that is based in Washington, DC.

These kinds of decisions should be made by the individuals and families in consultation with their doctors, not by government bureaucrats in Washington, DC. So the fact that it is unpopular does not surprise us, and given the fact that the Supreme Court was able to uphold the individual mandate only by calling it a tax is very significant. It is especially significant given the fact that it was pitched to the American people as something other than a tax.

The President promised us he would not raise our taxes. He promised us the individual mandate did not amount to a tax increase. He promised us all along that he would never raise the taxes of any American earning less than \$250,000 a year. Well, those who participated in Congress who voted for this provision also promised us this would not amount to a tax increase. They did so for one simple reason: They knew it could not pass. They knew it would not be able to get the number of votes necessary to make it become law if they called it a tax. So they did not. They went to great lengths to make sure it was not described or characterized or structured as a tax within the text of the statute itself.

Now, after the fact, the Supreme Court has taken the step of shoehorning this regulation into Congress's taxing authority, and it is calling it a tax, effectively insulating those Members of Congress who voted for it from the political liability attached to having voted for a tax increase—not just any tax increase but a tax increase that the Joint Committee on Taxation has concluded will be borne overwhelmingly by hard-working, middle-income earners.

In fact, they have concluded that over 75 percent of the burden associated with this mandate that has now been deemed a tax will be paid by those earning less than \$250,000 a year. It was unpopular before we were told it would be deemed a tax. Now that it is a tax, we cannot expect that its status as a

tax will enhance its popularity. If anything, we can expect that it will become even less popular with the American people.

For that reason, I am absolutely convinced that for those who call this a victory for the individual mandate, it will prove to be anything but a victory. It will prove to be something that will result in a groundswell of people contacting their Members of Congress, telling them they do not want their taxes raised, telling them that Members of Congress who voted for this promised them it would not be a tax increase, asking them, for instance, to vote on it, to decide once and for all whether they are willing now to call it a tax, given that was the only way in which it could be affirmed, upheld, as a valid constitutional exercise of Congress's power.

As we move forward to the November elections, we are going to hear a lot about what people do not want out of their national government. We will continue to hear a lot from those people who are offended by this notion that the government can tell them where to go to the doctor and how to pay for it, who are offended by the notion that government would step in and tell Americans: You have to buy health insurance, not just any health insurance but that health insurance which Congress, in its infinite wisdom, has deemed necessary for every American to purchase. And if you do not, you are going to be penalized. If you do not, you are going to be taxed.

People are going to be upset about this. They are going to complain to Congress and to candidates for Congress. They are going to complain to the President and to other candidates for the Presidency that this is not the kind of government they want. After they do that, they will proceed, and they will start talking about what kind of government they do want. That is where we have to move, away from the kind of government we do not want toward the kind of government we do want.

The kind of government we do want today is, in so many respects, the same kind of government we as Americans have always wanted ever since our founding; that is, a government that at the national level recognizes limits to its power, recognizes that whenever government acts it does so at the expense of our individual liberty.

When the Federal Government acts, to a significant degree it does so at the expense of our State governments, governments which are closer to the people and often more responsive to the needs and to the evolving demands of the people. This is not simply a technicality upon which we are involved in a discussion. This is a very important part of the political process. It is essential that any time we raise taxes, we do so in a way that is clear to the people

and that we stand accountable to the people for raising taxes. The courts do not have the expertise to do that, and yet they exercised that power today.

As the majority opinion today reminded:

The Supreme Court of the United States possesses neither the expertise nor the prerogative to make policy judgments. Those decisions are entrusted to our Nation's elected leaders who can be thrown out of office if the people disagree with them.

This reminds me of one of my favorite quotes from our country's greatest Founding Father, George Washington, who said something very similar way back in 1789, when he explained:

The power under the Constitution will always be in the people. It is entrusted for certain defined purposes and for a limited period to the representatives of their own choosing. And whenever it is executed contrary to their interests or not agreeable to their wishes, their servants can and undoubtedly will be recalled.

This reminds us of the fact that we as Americans are in control of our own destiny as a nation. We as Americans are here and have the prerogative to explain what we want and what we do not want out of our government. The government exists to serve the people and not the other way around. The decision rendered by the Supreme Court today, while I disagree with it in many respects, is one that I predict will usher in a new era of robust debate and discussion over issues of federalism and individual freedom. That debate, I am convinced, will lead inexorably to the result that we as Americans will become more free, less captive to a government that tells us where to go to the doctor and how to pay for it, and that we as a people will again prosper as we regain our God-given right to constitutionally limited government.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Madam President, I rise to speak on the Affordable Care Act. Today I am so relieved that the Supreme Court has upheld the Affordable Care Act as constitutional. With this ruling, our Nation's highest Court has made it clear that no matter who you are—a man or a woman, a senior facing cancer, a child with juvenile diabetes—you will have health care that is available, reliable, and undeniable.

Health care reform has achieved many goals that the American people wanted us to do: One, expanding universal access. Now 32 million people will have health care they did not have before. Second, it breaks the stranglehold of insurance companies, ending their punitive practices, particularly in those areas of preexisting conditions where they denied health care because a child might have autism or asthma or for women where they had a particular approach where they charged us more than for men of comparable health status—30 percent more. Then

they treated simply being a woman as a preexisting condition, or a pregnancy, sometimes the need for a C section. In some States being a victim of domestic violence was considered a preexisting condition. We ended that practice.

We also saved and strengthened Medicare, and we emphasized prevention, early detection, and screening. That will save lives, improve lives, and also save money.

I am proud of what we did in Congress with the universal coverage. For the first time in our history we are committed to covering every single American with health care. It helps young families to be able to look out for their children. It helps young adults recently graduated from college, some looking for a job, some working in startups where there is no health insurance.

Because of health care reform, 52,000 young adults in Maryland will have coverage on their parents' policies while they go back to school, look for a job, or get that entrepreneurial spirit going.

Then there are these punitive practices of the insurance companies. Much has been said about how we interfere with people's right to see the doctor of their choice or get health care.

That is what insurance companies have been doing for years. People in pinstripes sitting in boardrooms made decisions on who could get health care and who couldn't. We stopped them from denying families health insurance. We stopped insurance companies from denying children's coverage. Congress ended, as I said, discrimination against women.

I remember when they tried to take our mammograms away, and I said no and organized the preventive health care amendment. We women fought to have access to mammograms and other things related to our particular life needs. The fact is we wanted it for the men too. We organized for the prevention amendment so we could limit the need of copays for this, so we women could have access to mammograms, so men could have access to screening for prostate cancer, so all Americans could get that screening for the dread "C" word, such as colon cancer, and how about diabetes and heart disease. These are the kinds of things that, if we can have early detection and early screening, will save lives, stop the spread of the disease or keep it from getting worse.

Diabetes, undetected, uncontrolled, and unmanaged, can result in the loss of an eye, a kidney or a leg, all because one has lost their health insurance. Because of what we have done in the Affordable Care Act, not only will people have health care, but they will have the preventive services where, early on, they will be able to examine exactly where they are and have access to a di-

abetic educator and have the monitoring and coaching they need and, hopefully, the diabetes comes under control and the health care costs come under control. That is what we did in this bill, and I am very proud of it.

I travel my State a lot. As I went from diner to diner out there in the communities, where I could talk to the people unfettered, unchoreographed, they said to me: BARB, I not only worry about losing my job, but I worry about losing my health insurance. I don't know what will happen to my family. I fear that I am one health care catastrophe away from family bankruptcy. I want to make sure my family is taken care of.

I talk to small businesses. How can they afford that? They need predictability and understanding and they need access to something called the health care exchange, where it will be akin to an economic mall, where they will be able to go to the health exchange and see the whole lineup of private health insurance companies and the benefits they offer. Small businesses will be able to navigate that and see what they need and what they can afford for the benefit of their workers.

This is the American way. This does use market techniques, but at the same time we don't use the free market to endanger the people in terms of universal access and some of these others.

There are many things in this bill. One of the other things I like so much was that we insist that 80 percent of the premium we pay goes into health care, not into the executives' pockets for perks, privileges or profits.

I believe in the free enterprise system, and I believe in profit, but I don't believe in profiteering. So we said 20 percent goes into administrative costs, and if they can control those, they will make a bigger profit. But 80 percent has to actually go to rewarding providers for the health care they do, for their education and training. I think it is terrific.

Part of the bill has already kicked in. My constituents in Maryland will see over \$5 million returned to them because we insisted on this provision. We are for providers getting what they need in terms of reimbursement but at the same time looking at and making sure it goes into the health care they need.

Today we have had the ruling of the Supreme Court. I was out there on the steps of the Supreme Court, and I loved every minute of it. As you know, I got into politics as a neighborhood protester. I fought a highway and the downtown establishment and I fought the political bosses. When I talk to young people around the world—particularly those with aspirations in autocratic or dictatorial environments—I tell them that in America when you are a protester, they don't put you in jail, they send you to the

Senate. I am here because of the first amendment of the Constitution—free speech, freedom of assembly.

When I was out there on the steps today and heard the roar of the crowd, whether it was the tea party who had access to a microphone or whether it was me who had access to a microphone, I knew the Founders' vision of America had worked. They believed in limited government. They believed in checks and balances. No President should have unlimited power. No Congress should have unbridled power, and the Supreme Court would be an independent judiciary to act as referee.

President Obama proposed a bill. We duked it out in the Congress and we passed it and sent it out into the land. There have been legal challenges. It went to the Supreme Court, and the Court looked at the bill not for utility or even desirability, they looked at it for constitutionality. Today, they ruled that the bill was constitutional.

I am sure somewhere there is Tom Jefferson, John Adams, and his wife Abigail, who said they lived the Constitution, and in that health care bill, by the way, John, they didn't forget the ladies.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CARDIN. Madam President, I take this time to comment on the Supreme Court decision on the Affordable Care Act. This was a good day for the American people. It allows us to move forward with providing universal health care coverage for all Americans—affordable, quality health care.

I wish to quote from a former Member of this body when he said:

For me, this is a season of hope, new hope for a justice and fair prosperity for the many and not just for a few, new hope. And this is the cause of my life, new hope that will break the old gridlock and guarantee that every American—north, south, east, west, young, old—will have decent, quality health care as a fundamental right and not a privilege.

That was a statement from our former colleague, the late Senator Ted Kennedy, on August 26, 2008. This Congress acted and did what was right to move this Nation forward to join all the other industrial nations in the world to say health care is a right, not a privilege.

The Supreme Court today recognized it was Congress's responsibility, and Congress had the legal authority to

move forward. As a result of this decision, we are going to find that \$10.7 billion has been recovered already today by dealing with waste, fraud, and abuse in the Medicare system. We will be able to continue with those programs that make our health care system more affordable. We will be able to continue health care coverage for those between the ages of 19 and 25 who are now on their parents' health insurance policy; 3.1 million young adults have benefited from that provision of the Affordable Care Act that was upheld by the Supreme Court today.

Seventeen million children with pre-existing conditions can no longer be denied coverage by their insurers. That provision is now safe as a result of the Supreme Court decision. And 5.3 million Americans on Medicare have saved, on average, \$600 on their prescription drugs.

As you know, we worked in this Affordable Care Act to close the coverage gap—the so-called doughnut hole—on prescription drug coverage for our seniors. In upholding the Affordable Care Act, the Supreme Court allows us to continue to make sure that coverage gap is eliminated.

There are 70,000 Americans with pre-existing conditions who now have the security to know their coverage is safe. In addition, in 2011, 32.5 million seniors received one or more free preventive services. So far in 2012, 14 million seniors have already received these services.

The expansion of benefits in Medicare that was under the Affordable Care Act, providing the wellness exam and eliminating the copayments on preventive health services, will also now be saved and our seniors will be able to continue to receive those benefits.

On the doughnut hole, the coverage gap on prescription drugs will save \$3.7 billion for 5.2 million seniors, with an average of \$651. This is real money. This is the difference between some seniors being able to take their medicines or having to leave them on the pharmacist's desk. That is now also protected.

Insurance companies will provide almost 13 million Americans with over \$1 billion in rebates in 2012. We put into the health reform proposals protections against excessive premiums by private insurance companies. Well, that is going to save consumers in America over \$1 billion. And 105 million Americans will no longer have lifetime limits on their coverage.

Insurance should be there to protect you. Before the Affordable Care Act, there were limits that might not have covered extraordinary costs, catastrophic costs. We now have that protection as a result of the Affordable Care Act and the Supreme Court's upholding that decision today.

It is also important for small businesses. In 2011, 360,000 small businesses

took advantage of the tax credit that helps small companies afford to buy health insurance for their employees. When we fully implement this bill in 2014, small companies will enjoy the same larger pools and lower premiums that larger companies enjoy today in covering around 2 million workers. So we have already made a significant amount of progress as a result of the Affordable Care Act and the Supreme Court upholding that law today.

I wish to talk a minute about the Patients Bill of Rights. One of the major parts of the bill was to take on the abusive practices of private insurance companies. We all know that was at risk if the Supreme Court did not uphold the actions of Congress. As a result of upholding the actions of Congress, we now find, for example, access to emergency care, a provision I worked on, says it is prudent for you to go to an emergency room if you are having shortness of breath, if you are having chest pains. It is the right thing to do to go to the emergency room and that your insurance company has to pay for that visit. It can't go by your final diagnosis that it may not be a heart attack. After you get your bill, and it is not paid for by your insurance company—you might have a heart attack—this bill protects a person and makes sure insurance companies do not use abusive practices against you.

Access to women's health care is guaranteed under the Patients Bill of Rights. Access to pediatric care and choice of health care professional as your primary care—all that is in what we call the Patients Bill of Rights that protects you against abusive practices of private insurance companies.

Clinical trial coverage is also here, and the provision I worked on, health disparities. We know we pay a heavy cost in America because of health disparities in minority populations and in gender issues. We now have a National Institute for Minority Health and Health Disparities at the National Institutes of Health. That will help us understand why we have these disparities in our system and what we can do to reduce those disparities, because it is the right policy for America and it will also save us money. That law now is protected. That institute is protected and is no longer in jeopardy as a result of the Supreme Court's upholding of the Affordable Care Act.

Let me talk about oral health care. We have talked frequently on the floor here about Deamonte Driver, the 12-year-old in Maryland who, in 2007, had no health insurance and could not get access to dental care and lost his life. We said that was not going to happen again in our State, or anyplace in the Nation, and we are proud that children's access to pediatric health care—dental care—is protected under the essential benefit provisions in the Affordable Care Act that was upheld by the Supreme Court today.

I also want to comment on the importance of the legal decision beyond health care. To me, it shows the Supreme Court was able to find a way to advance the rule of law and to follow precedent we have seen in upholding programs such as Social Security and Medicare, which are mandatory insurance programs. It is the right decision on the rule of law. It is the right legacy for this Court to find a way—in a Supreme Court that has nine different Justices with different views—to come together on an opinion that upheld the authority of Congress to act on a major national problem.

Now it is time for us to move forward. This issue has been litigated. The Supreme Court is the final arbiter of this decision. It is constitutional. I urge my colleagues, both Democrats and Republicans, to work together to implement this bill in the best manner for the people of this Nation. We know we are saving money, we know the Congressional Budget Office says the implementation of the Affordable Care Act will save hundreds of billions of dollars over the first 10 years and then trillions of dollars beyond that in our health care system. Let's work together to make sure it works. Let's work together in the interest of the American people. Let's put our partisan fights aside, let's accept what the Supreme Court has done, and let's move forward to get this law implemented in the most cost-effective way so we can indeed achieve the goal Senator Kennedy was talking about—that every American should have access to affordable quality care in the richest Nation in the world.

With that, Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Madam President, today, June 28, 2012, 30 million American people gave thanks, and it is because the Supreme Court this morning upheld the health care law that will provide those 30 million people with access to affordable health insurance.

Today is a proud day for America and for the values we cherish because on this day our Nation's highest Court has reaffirmed that America is a country that works for everybody, not just a privileged few. We fought for these values for many years, and this victory is just the latest in America's long struggle for a fairer and more equal country. We took the first step 77 years ago when President Franklin Roosevelt signed Social Security into law, ensuring that in this country no senior

would go hungry. Thirty years later President Lyndon Johnson helped America take the next step when he created Medicare and Medicaid, ensuring that our seniors and the most vulnerable among us would always have access to health care. And today our efforts to ensure that every American has access to quality health care has been given the stamp of approval by our Supreme Court. Today we established our belief in America, the wealthiest Nation on Earth, that it is our moral duty to make sure everyone can keep themselves and their families healthy.

A little more than 2 years ago, we heard the call of Americans struggling to pay for health care—parents who had to choose between keeping their children healthy and putting food on the table and seniors who couldn't afford lifesaving medication. So we passed and President Obama signed into law the Affordable Care Act, and already millions of Americans are reaping the benefits of this law.

Thanks to health reform, insurers can no longer deny people coverage for a preexisting condition. If someone has cancer or some other longtime sickness, insurers can't deny them coverage if they are already sick from these conditions. Up to 17 million children with preexisting conditions are already benefiting from this provision. Under the Affordable Care Act, insurance companies are prohibited from canceling coverage when people are sick. And more than 3 million people in my State of New Jersey no longer have a lifetime limit on their health insurance coverage.

Today millions of seniors are already receiving free preventive health services and are saving an average of \$600 a year on prescription drugs. And it is not just seniors who are seeing lower costs; almost 2 million New Jerseyans with private insurance now receive preventive health service at no additional cost. For women, these services include cancer screenings, such as Pap smears and mammograms. Since the 1950s, cervical cancer screenings have cut mortality rates by more than 70 percent. Think about that—70 percent of the people are alive now who otherwise would have died if they didn't have the coverage.

Young people have benefited as well. More than 73,000 young adults in New Jersey obtained health coverage last year through their parents' insurance plans. This has brought their parents peace of mind, knowing that their children, who may have just graduated from school and are making their way in the world, will be covered with insurance if they need it.

But even with the Supreme Court's decision, our friends the Republicans continue to fight our efforts. They are again showing they will stop at nothing to make seniors have to pay more

for medications, more families going bankrupt, and more parents having to choose between feeding their children and taking them to the doctor.

Our colleagues across the aisle keep telling us that they want to repeal and replace health reform, that they simply favor other solutions, but they have no proposals and no ideas on how to do that. Instead, they just keep giving the American people the same message: Give your benefits back; we can't afford it—in this rich Nation of ours.

Well, I have a message for my friends here in this place where care is so carefully given: If you don't want Americans, I say to colleagues here, to have affordable health coverage, then you ought to give yours back. That is what I say. The Republican hypocrisy is stunning. As Members of Congress, politicians have access—all of us—to world-class health care, but they are determined to take away the lifeline that health reform law offers to families who really need it.

Let's be clear. Without this law, insurers could once again restrict benefits, cancel coverage when people get sick, and refuse care to people with preexisting conditions. The Republicans want to return to the days when it was legal for insurers to turn away sick children, to say: Sorry, you are not covered by insurance. No matter how sick you are, we can't give you any help.

And I say to my Republican colleagues, stop attacking the American health care plan, not the Obama health care plan. Start working with us to ensure a healthy and happy future for all of our children and grandchildren.

Americans don't want to relive the health care debates with the lies about death panels and socialized medicine. The American people want us to move forward and work together to lower costs and make sure no American gets left behind. That is what the American people deserve from us. They send us to this place for 6 years at a time. That is the America we must believe in. That is the America we fight for. And today we are one step closer to making that America a reality.

I speak for myself. Some years ago, I was 18 years old and I signed up to serve my country in World War II. It was a dark moment in our history. The war was at its height. My father was on his deathbed. He was just past 42 years of age. He had cancer, acquired—like his brother and his father did—from work in the mills of Paterson, N.J. That is what they had. My mother was a 37-year-old widow. Things were tough. Things were difficult. I had a little sister. My father died, and we all grieved. I was already enlisted in the Army, and they permitted me to stay home until my father passed on. But what happened is not only did my father leave grief, but he left bills—bills for hospitals, for pharmacists, for doctors.

People shouldn't have to go through that. The coverage ought to be there that says: We will take care of you. You are an American citizen. Be proud of that. And don't let anybody fight to take away your rights to protect their rights. No, that is not a balance.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BLUMENTHAL). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. I ask consent to be recognized for 5 minutes to speak about the Supreme Court's ruling.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, there are a couple observations I would like to make about the historic ruling by the Supreme Court today. No. 1 is about the legislative process. Members of Congress during the debate on Obama health care had a very passionate, heated debate which is part of democracy. As I recall the debate, when people on our side suggested this is a tax increase, that all the fines and costs associated with the health care bill would be a massive tax increase, our friends on the other side, almost to a person, said: No, this is not a tax increase. President Obama assured the American people during the debate that the fine is not a tax.

I think the reason that was so is because if we debated this bill and the only way we could pass the bill is using the power of Congress to tax under the Constitution, there would not have been 10 votes for the legislation. Nobody would have wanted to go home and say I just increased your taxes by billions of dollars over the next 10 years to fix health care, because I think most Americans believe our health care in this country needs to be reformed, and it is in many ways broken and needs to be fixed, but there are very few people in this country who believe we don't tax enough and that is the problem with health care.

That is not the problem. The problem with health care is not the lack of how much we tax, it is the lack of choices people have and the competition when it comes to purchasing health care. Many of us want to give people a chance to buy health care outside of the State in which they live, which they cannot do today. Many of us believe some form of medical malpractice reform will lower costs. Many of us are for preventing preexisting illnesses being used to deny health care.

I would like to give individuals the same tax writeoffs as businesses have when it comes to purchasing health

care, and I am willing to help those who do not have the money to buy health care to be able to purchase health care in the private sector.

I am willing to do a lot of things, but I am not willing to impose a massive tax increase to fix health care. Also, I do not think it is fair for people in the body, during the debate on a bill, to say: This is not a tax increase, vote for the bill, and wind up having to be told by the Court the only way this is legal is for it to be a tax increase.

Here is my challenge to every Member of the Democratic Party who said this was not a tax increase when we debated the bill. I am asking now, if they did not want to increase taxes to fix health care, repeal this bill and work with me and others to find a way to fix health care without a massive tax increase. If after the Supreme Court ruling they are still OK with the legislation, be honest enough to go back home and say: I raised your taxes to fix health care because I thought that was the right thing to do.

Then let's have a debate about whether that is the right thing to do. I can promise, it is not the right thing to have a debate where the President of the United States and the architects of the bill assure everyone they are not having a tax increase when, in fact, that is the only way this bill can stand.

I believe we all owe it to the American people to be on record. If after today's ruling Senators are still for this legislation, have the courage to tell the American people: I am for it, even though I had to raise your taxes to make it happen. Stand behind what they believe. If someone believed at the time this should not be considered a tax increase and they are upset or they are worried that it is now being called a tax increase and they think that is wrong, have the courage to say let's start over. Nobody is going to hold it against a political leader who is willing to change their mind if it makes sense.

I cannot think of a better opportunity for Congress to revisit an issue than this. If there is ever a bill that needed to be revisited it is the Obama health care bill. It needs to be revisited and it needs to start over because it was passed on a party-line vote. It was passed with statements being made that this is not a tax increase when it turned out to be. I hope we have the wisdom and the courage to start over and sort of get this thing right.

The second point I would like to make is that no one in this country has suggested that health care needs to be fixed through a massive tax increase. Let's find a better model to fix health care than hundreds of billions of dollars of new taxes.

A final thought is, how do we move forward? In November of 2012, every person who voted for Obama health care told their constituents this is not a tax. They owe it to their constituents

to go back and say: Listen, the Supreme Court said this can only stand with it being a tax. I am either OK with that or I would like a second chance to fix it.

President Obama is a good man and sincerely believes that health care needs to be reformed in a certain way. I agree it needs to be reformed but not in this way. The President owes it to the American people to correct his statement when he assured us all this was not a tax increase. Many Americans found comfort in that. I have always believed the Court could uphold this law under one theory and one theory only. I never believed the commerce clause was so broad that we in Congress could compel someone to buy a product they did not want. The Court said today that the commerce clause cannot be used in such a fashion.

The bill was sold as a power within the commerce clause. The Court said today the commerce clause will not allow Congress to make the public buy a product. That is not commerce. That should make all of us feel better that there are some limits on the commerce clause vis-a-vis our Congress. But the Court did say when it comes to the power of a tax to tax, the Congress's discretion is broad. That is constitutionally true, and it has always been so. The Congress has the power to raise taxes to pay for a war. Even though we may disagree with the war, we have it in our power to say for the public good we are going to raise taxes to pay for a war.

Congress also has the power, in my view, to say: The health care system is broken. We are going to raise taxes to fix it. I don't think that is the right answer, but I think that is within our power.

The Court said today the fine is really a tax. Now that we know it is really a tax, what are we going to do about it? Are we going to leave in place the largest tax increase in modern history to fix health care or are we going to be smart enough, wise enough, and courageous enough to start over? I hope we are wise enough, courageous enough, and smart enough to start over and this time do it in a way that is truly bipartisan.

The worst possible outcome for the American people is for the Congress to pass legislation that affects one-fifth or one-sixth of the economy and say this is not a tax, and at the end of the day that is the only way the law can stand is for it to be a tax.

So I hope between now and the election we can have another debate about health care. All those who stand by this product need to tell their constituents: I believe in this product, and I am willing to tax you in a large way to make it happen. If we had had that debate to begin with, this bill would have never passed and we would have worked together. Second chances are

hard to get in life. Congress now has a second chance.

One final thought about Medicaid expansion. Congress said we are going to expand Medicaid dramatically under this proposal to insure people not covered by Medicaid today. If you are 133 percent above poverty, you would be included in Medicaid. In my State 31 percent of South Carolinians would be eligible for Medicaid under the Obama health care formula. That would mean an additional \$1 billion of a matching requirement by the State of South Carolina to get the Federal money. That means my State would have to cut education, raise taxes, or cut public safety to come up with the money to match Medicaid expansion under the Obama health care act.

The Supreme Court said we cannot do that to the States. We cannot expand Medicaid dramatically, which will bankrupt States and tell them if they don't agree with the expansion, they lose all the money under the program; that is coercive.

In September of last year, along with Senator BARRASSO, I introduced legislation called the Graham-Barrasso bill, which would allow States to opt-out of Obama Medicaid expansion and still receive the money they receive under the current program. That is basically what the Court said we should be doing. So I hope the Republican leader will impress upon the Democratic leader to bring up the bill we introduced last September and legislatively allow States to opt out of Medicaid expansion under ObamaCare if they choose to.

I guarantee there will be a bunch of red and blue States opting out of Medicaid expansion under this bill because it will make them hopelessly bankrupt, and that is not the way to solve health care for the poor. That part of the bill needs to be addressed too.

This is a historic ruling by the Supreme Court, but for it really to be historic in its fullest sense, Congress should take this historic opportunity to revisit health care and get this right without a massive tax increase.

I yield the floor. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, first of all, my friend from South Carolina articulated very well what happened today with the Supreme Court. I think it is going to be a wake-up call for a lot of people in America. I think it will, as he suggested, have a profound effect on the elections in November when people realize the Court has ruled that people

who don't have coverage are going to be penalized by \$695 per individual, and families who do have coverage will have to pay an additional about \$2,100, and the employers of America are going to be dealing with the government exchange. People are going to be concerned about it. I think they are going to want to send people to Congress in both the House and the Senate and in the White House who are going to change this system.

So I stand on the Senate floor and say that is what I am predicting and we will see what happens.

HIGHWAY REAUTHORIZATION

I want to make one comment because we are going to vote shortly on a significant bill. It is the highway reauthorization bill. It makes me very proud because we have been trying for a year and a half to do this. When we passed the last highway reauthorization bill, it was in 2005. At that time I was the chairman of the Environment and Public Works Committee. It was, as I recall and going from memory, a \$286.4 billion bill. It was for 5 years. Of course, that expired in 2009.

The problem we have had since 2009 is that we have been operating on what they call extensions. Most people are not aware that when we operate on extensions, we are operating with the same amount of money we are spending out of the highway trust fund, but we are only getting two-thirds of what we would get if it were a reauthorization.

First of all, they can only do it in a short period of time. There is no planning, and they have all said we lose about 30 to 33 percent of the amount of spending power or money that should be spent on highways, bridges, and maintenance.

It is kind of funny because I have been ranked as the most conservative Member of this body at different times, and I am always in the top three. Yet I have always said I may be the most conservative, but I am a big spender in two areas: One is national defense and the other is transportation, and that is what this is all about.

I have had occasion to talk to a lot of the new members of the conference committee over in the House and explained to them the conservative position and the conservative vote on this is to vote for the highway reauthorization bill that is going to be coming up to us. Hopefully, it will be here tonight. It is going back and forth between the House and Senate. I believe most of the conferees have already signed off on this bill, so it is coming up. It has been a long time in the making. I am very excited about it.

Let me also say that while I take the position that the conservative vote is to vote for the highway reauthorization bill, I am not alone in this feeling.

Mr. President, I would like to submit for the RECORD a statement by the chairman of the American Conserv-

ative Union. It is an op-ed by Al Cardenas, who is the chairman of the American Conservative Union. He presents a strong case as to why this is the conservative position that should be taken.

I ask unanimous consent that the statement and op-ed piece by the chairman of the American Conservative Union be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Examiner, June 21, 2012]

CONSERVATIVES SHOULD BREAK TRANSPORTATION BILL GRIDLOCK (By Al Cardenas)

The spending and debt crises of the past few years in Washington have forced an important debate about the proper role of government, and the need for prioritizing government spending.

The failed \$800 billion stimulus, TARP, countless bailouts and Congress' failure to make a serious attempt at controlling our \$16 trillion debt have given many conservatives rightful anger over how Washington spends our money.

Unfortunately, well-placed mistrust in Congress' ability to spend our tax dollars is now jeopardizing legitimate spending projects, chief among them this year's transportation funding bill. If Congress fails to act by June 30, important transportation projects critical to our national defense and our economy will lose their funding. The effects on our already suffering economy will be far-reaching and profound.

While there are important disagreements between members of the House and Senate on this bill, enough consensus exists on the broad framework that there's no excuse for not passing it in time.

First, the current framework does not contain any earmarks. This is a monumental achievement in its own right considering "Bridge to nowhere" and "John Murtha's airport" served to make transportation earmarks the poster children of wasteful pork spending. Second, the myriad of highway spending categories that used to serve as hiding places for pet projects has been reduced from 87 down to 21.

Third, thanks to the leadership of Senator Jim Inhofe and conservatives in the House, the cumbersome and unnecessary environmental review process for road construction projects will see significant reform. How much reform is up for debate, but we're going to get something better than what we have now, that much is assured.

Fourth, not passing a bill will hurt our already suffering economy.

While big-government Democrats mistakenly place their economic faith in the religion of government spending, conservatives know the economic pump is best primed by a robust private sector. Government cannot do much to stoke job creation on its own, as evidenced by President Obama's repeated failures during the past three years. But government can play a profound role in stalling job creation and hurting economic growth. Failure to pass a transportation bill would have a negative effect on commerce and the businesses that count on safe and reliable roads.

Perhaps most importantly, those of us who believe in constitutional conservatism understand that unlike all the things the Federal Government wastes our money on, transportation spending is at the core of what constitutes legitimate spending.

Article One, Section Eight of the Constitution specifically lists interstate road-building as one of the delineated powers and responsibilities vested in the federal government. In Federalist Paper #42, James Madison makes an early case for the federal government's role in maintaining a healthy infrastructure, by stating "Nothing which tends to facilitate the intercourse between the states, can be deemed unworthy of the public care."

Let's be clear—the legislation before Congress is still the product of a Democratically-controlled Senate, and far from conservative perfection. But there can be no denying that it represents a marked improvement over previous transportation funding bills. Enough progress has been made, victories won, and concessions secured from Democrats, that conservatives should feel comfortable dropping their objections and working to ensure passage of a bill before June 30.

The road to reforming government spending will be long and winding, but conservatives have us headed in the right direction.

Mr. INHOFE. I am looking forward to having this. Certainly, my State of Oklahoma is not the only State that has bridges and road problems.

Another good thing we are waiting on—and I feel very confident we are going to be able to pass this out of the Senate—is the pilots' bill of rights, which we are in the process of, hopefully, getting done. When that time comes, I would like to be recognized to talk about some of the great extensions of justice to people who have been denied that justice heretofore just because they happen to be pilots.

I will yield the floor, and I suggest the absence of a quorum.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana.

HEALTH CARE DECISION

Mr. COATS. Mr. President, I come to the floor today to speak about the Supreme Court ruling on health care. Obviously, we were all glued to the television set this morning and watched this historic and momentous decision. I was deeply disappointed with the ruling. I respect the Court and its work, but I was disappointed that the Court failed to strike down this law as many anticipated they would. I was disappointed because I believe the law has been deeply and fatally flawed from the very beginning.

It became a major issue, of course, in the 2010 election as people watched this massive bill that impacts every American get passed without bipartisan support. The procedures were worked around and violated in order to pass—even though it was against the will of the majority of the American people. This was a 2,700-page monstrosity so infamously described by the then-

Speaker of the House as something we have to pass first so you can find out what's in it. Well, we found out what's in it. We have had 2 years to examine this and we have seen parts of it being played out, with more to come.

I think what we have learned is this bill is fatally flawed and it ought to be repealed. It doesn't mean we don't have health care issues we should deal with, but we need to deal with it in a bipartisan way that can be better explained to the American people and that is affordable. It is labeled the Affordable Care Act, but it is anything but affordable. In a time of deep recession and over a period of the last 2 or 3 years of a stagnant economy, this law adds a burden of regulation and taxation that is working against our ability to come out of this deep hole of economic distress.

Americans found out what was in this bill, and I think it reaffirmed many of their deep concerns about going forward with a plan that tries to wrap up the entire U.S. health care system in one big ball—2,700 pages worth. It reaffirms the people's concerns with federal rules and regulations and taxes and mandates. The American people are saying that this is not how we want reform of our health care system. We want to make it more affordable and more accessible, but letting Washington essentially decide how to go forward without giving flexibility to the States and flexibility to the private sector to initiate reforms clearly is not what the American people—or at least the majority of the American people—were wanting.

Despite the promises that were made about the impact of this bill by those who authored it and by the President, middle-class Americans have found that the health care law is a massive tax. The Supreme Court reaffirmed that today. This is not just a penalty; this is a massive tax on working Americans—and not just the rich. It is a tax on the middle class and it is a tax on every American taxpayer, even though the President has insisted, now famously, on YouTube and every news station, that this was not a tax on the middle class or a tax on any Americans.

Families have found out their insurance premiums are going up, not down, as was promised by those who supported this bill and authored this bill. Seniors have found out they may not be able to keep the insurance plan they have and could lose access to Medicare Advantage. Medicare Advantage is a program many seniors have enrolled in and found to be successful in addressing their health care needs at a reasonable cost.

Business owners found out they would be fined \$2,000 per employee if they failed to provide workers with a health care insurance plan approved by Uncle Sam. I don't know how many

business owners I have talked to in Indiana over the past couple of years who have said they have sat down with their employees and discussed with them how much they are able to provide in health care coverage without cutting jobs and without sinking the company. Many companies have worked out different types of agreements with employees and various types of plans based on their ability to provide that kind of coverage acceptable by both the employees and the owners of the business. Now all of these agreements are wiped out because it is determined that Washington will decide what the minimum level of the plan should be. Several business owners have told me they simply can't run their business in this economy on the low margins, if any margins they are achieving, and provide that kind of increase in insurance or opt out of it and pay a fine of \$2,000 per employee.

For those businesses with under 50 employees, there is an exemption. Other businesses have said: Guess what. I have 47 employees. Does anyone think I am going to hire over 50? No way. No way am I going to push myself into a category where I have to pay a fine of \$2,000 per employee if I don't comply with the health care mandates out of Washington, DC. So what we see is a lot of payment of overtime for existing workers but we don't see hiring. We don't see the expansion of hiring, particularly in small business, because of the so-called Affordable Care Act.

I have spoken to patients and doctors all over the State of Indiana, including health care providers, insurance companies, hospital administrators, doctors who are part of a group and those individuals who are in a private practice, and all of the other entities that are engaged in health care. They all have major concerns with this law and to a group, they have opposed this Affordable Health Care Act, or so it is described.

We have a dynamic medical device industry in Indiana, as we do in several States across this country. It is one of the cutting-edge, leading industries in terms of our ability to provide new and innovative products to make people's lives healthier and safer and to prevent a number of unintended consequences from various medical procedures. They learned after reading this act that they were going to be subject to a 2.3-percent tax levied on their gross receipts because they were a pay-for for this bill. These companies that make pacemakers, artificial joints, and surgical tools find that this tax is something that drives them to the point where they need to think about transferring their business overseas, or part of their business overseas, or not hire the workers they wish to hire. This is a tax imposed on one of our dynamic and innovative industries that is leading in our exports. This industry may no

longer be able to compete under this tax.

Just because this ruling that came down today saying the health care law is constitutional does not mean it is the right policy for us to go forward. The law remains unpopular and unaffordable. I wish to state here today that I am committed to working with my colleagues to repeal the health care law and give our citizens the power and the flexibility to make their own decisions relative to their health care and to use those innovative ideas that are out there to put a much better package together that addresses the real question of rising health care costs and access.

I have traveled our State and listened to all of these providers and I have asked them this question: If the health care law is struck down by the Supreme Court, what would you propose? Because we still have a problem here. We have rising health care costs that have to be contained, we have an access problem, and we have a number of other problems in terms of gaining access to coverage and payment for health care issues. What would you propose? I have a long list of answers. I have talked about it here on the floor. I talked about it during the campaign. All across my State I have talked about the things I have learned from listening to the people who are on the frontline doing this business every day. There are all kinds of innovative solutions out there. There are all kinds of things we ought to be looking at. I know all of us who support the repeal of the current law are committed to bringing forward sensible, affordable, cost-effective, quality-effective solutions to our health care issues.

What the Supreme Court essentially has done is say that this issue is for Congress. Congress represents the people. We need to be representative of the people. So what we need to do now is listen to the people. It is the people who will decide the future of health care for this country. I believe it is the people who will decide in this coming election. It is the people who will decide whether they want evermore Washington—evermore taxing and spending, evermore debt, evermore Federal mandates and regulations—or whether they want to approach this in a different way that can reduce spending, empower individuals, give States greater flexibility, and bring forward sensible, step-by-step, incremental, affordable, tested, proven ways of addressing our rising health care costs.

So the Supreme Court has turned it back to Congress. It is our responsibility now to go forward and represent all those who were not listened to when this bill was run through this Congress in a way that violated a lot of our procedures and in a way that I believe went against the majority will of the American people. Here we are, and now

it is back on us, and we now need to stand up and take responsibility. Those who voted for it will be defending it, of course. Those who voted against it—or those of us who were here, partly because it was an issue in the 2010 campaign—are here to not just simply say we don't like what is there but to offer also positive solutions to the problem.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Thank you, Mr. President.

Today's Supreme Court ruling that the Affordable Care Act is constitutional and the law of the land is a victory, I believe, for Rhode Islanders and for all Americans. Families will no longer fear financial ruin if a child becomes seriously ill or face denial of health coverage due to a child's pre-existing condition, and they will no longer have to worry that the terms of their coverage will run out as they are being treated after a major medical emergency.

Indeed, tonight, all Americans can sleep a little easier knowing they and their children will have access to quality, affordable health care. This is the type of security we want for our children and what this law will provide.

Indeed, for the first time in our history, parents can, with some confidence, trust that whatever lies ahead, their child at least will have access to affordable health care. We couldn't say that with any confidence a few years ago—even 2 years ago—before we took up this legislative activity.

This law has already benefited many people in Rhode Island, including individuals, families, and businesses. Children up to age 26 are now able to remain on their parents' health insurance plan. In Rhode Island, this has benefited an estimated 9,000 young adults and their parents. Over 15,000 Rhode Island seniors have saved a total of \$14 million on prescription drugs since the law was enacted, an average of close to \$600 annually. Seniors will continue to save on their prescription drug costs until the existing coverage gap is closed and will continue to have access to free preventive care such as annual wellness visits and screenings.

Rhode Islanders can now expect rebates if an insurance company spends too much on administrative costs and CEO bonuses instead of on their health care.

For too long, health insurance companies got away with increasing premiums and decreasing coverage, which resulted in higher costs and unfair practices. Beginning in 2014, Rhode Islanders will be able to purchase health insurance on a new exchange, a single point of entry where they can evaluate the costs and coverage of health insurance options. They will, indeed, for the first time for many Rhode Islanders, have a real choice about the health

care they receive and the insurance they purchase. According to Families USA, 97,000 Rhode Islanders will have access to tax credits to make their coverage more affordable. Thousands more childless adults will gain coverage through the Medicaid Program.

Now that the Court has spoken, I hope we can work on a bipartisan basis to do what we must do, and that is to create jobs and improve our economy. This health care decision is a landmark decision, but the work now—the work of all of us—should be to reinvigorate our economy so that not only can people have confidence in their health care, but they can have the further and indeed very primary confidence that they will have meaningful work.

In that respect, I am glad Congress is poised to take action that will enable millions of students and families across the country to breathe a sigh of relief about the student loans they need to borrow for the upcoming academic year. Everyone, from every sector of the country, will tell us that the key to our future is higher education, that we cannot be competitive in a world economy unless we have the best educated students in this country, that we cannot be the powerful force we have been in the world unless we have education.

The key for so many jobs today is going on past high school into postsecondary education. Yet we are days away—unless we act—from doubling the loan interest rate we are charging our students.

There has been quite a bit of stalling tactics for months. I hope those tactics are over, as the July 1 deadline approaches. I hope we are soon to take action to prevent the doubling of the subsidized Stafford loan interest rate.

I would like to thank majority leader HARRY REID for his tireless efforts to negotiate a bipartisan solution. I also wish to recognize and thank three other individuals who were absolutely critical in this effort, who were leaders, without equivocation, with deep conviction; that is, Chairman TOM HARKIN of the HELP Committee, who led with vigor throughout this effort; Senator SHERROD BROWN of Ohio, who has been committed to this effort; and also our colleague in the House of Representatives, Congressman JOE COURTNEY of Connecticut. They have been extraordinary.

Last January, Congressman COURTNEY and I introduced legislation to permanently extend the law that makes college loans more affordable for millions of students across the country.

President Obama called on Congress to address the student loan interest rate hike in his State of the Union Address. Back then, many Republicans scoffed at the idea. In fact, they voted for budgets that assumed the interest rate would double, and they did that without any apparent equivocation.

But thanks to students and families across the country who raised their voices and made themselves heard, my colleagues got the message: Fixing the student loan interest rate matters. It matters a great deal. It matters to individuals trying to build a better life for themselves. It matters to parents whose dream to give their kids a chance at a better life depends on being able to afford college. It matters to our shared economic future because the single most important investment we as a nation can make is to educate our young people.

So thanks to groups such as Campus Progress, USSA, U.S. PIRG, Young Invincibles, and the Rebuild the Dream coalition that pushed this issue to the forefront where it belongs. The letters, e-mails, calls, visits, bus tours, and campus rallies made a difference.

We should soon be voting, I hope, to keep this student loan rate low for another year. However, it is important to remember this is only a temporary, short-term fix. Now we need to develop longer term solutions to the growing burden of student loan debt, the rising cost of college, and the need to improve higher education outcomes so students complete their degrees and get the full benefit of their investment in education.

These are tough issues, but we have to address them head on. Our economy and our future depends on addressing these issues.

It is estimated, for example, that more than 60 percent of the jobs will require some postsecondary education by the year 2018. In 2010, only 38 percent of working-age adults held a 2-year or 4-year degree. We have very few years to go from 40 percent to 60 percent. That gap represents the challenge we have in being a competitive economic force in the world. Certainly, if we are ever going to close that gap, we have to make sure we do not double the interest rate on Stafford loans, as a first step.

But, as I suggest, there are many other steps we must take. We have to address the rising cost of college. The cost of attending college has increased by 559 percent since 1985—559 percent—rising far faster than costs for gasoline, health care, and other consumer items.

Keeping student loans affordable and interest rates low is one part of the solution. Providing more grant aid through Pell grants and other programs is another.

We need to call on institutions to do their part to keep costs in check. Yes, the college community has to rally around this and has to think of innovative ways to provide excellent education at a lower cost, a more affordable cost. States have to play a role too. When State support for higher education goes down, tuition goes up. The crises of so many States—real crises, difficult crises—have forced them

to reduce their support for higher education, and the result, as I suggest, has been tuitions climb, and that is another burden middle America and middle-class, middle-income families are bearing.

I look forward to working with my colleagues on developing a comprehensive approach to addressing these issues.

Also, I would just like to say, I hope we are on the verge—at least for the next year—of avoiding a doubling of interest rates on student loans. We have a long way to go to ensure that every American with talent and drive and the skills has the means to go to college. This is an important first step. There are many more we must take, and I hope we do that very quickly.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I want to spend a few minutes and bring everybody up to date. We have had wonderful cooperation in the last several weeks. We have gotten a lot done. Our passing the three bills that are left to do—student loans, flood insurance, and the highway bill—would be a significant accomplishment. We are going to do it; it is only a question of when.

A lot of the committees and the chairs and ranking members worked late last night. I talked to CBO today. They didn't get the information that they started scoring until 4 a.m. They are moving forward and doing their best. As with all agreements, things come up, and at this point everything appears to be just right. The committees of jurisdiction have indicated they have worked through all these matters. They have completed the drafting of a revised version of the conference report. We expect this to be filed momentarily—it could have already been filed.

But what we have done many times is we have voted on what the House has filed before they passed it. We have done that many times. It is standard procedure. Right now we don't have the consent from all Senators to do that, but that could be forthcoming. I will report back to the Senate within the next hour, after I find out whether we can finish this work tonight or whether we have to come back tomorrow.

Everyone stay tuned. At this point, I can't express enough appreciation to everyone—Democrats and Republicans in the House and Senate. As I laid out to my chairmen at the lunch I had yesterday, this has been truly an example of what legislation is all about—com-

promise. Compromise really sounds good. Legislation is the art of compromise—until you are faced, as a Senator, with something you may not get because of the overall good of the bill. Sometimes we have to understand that we have to give things up for the betterment of this country. We cannot let the perfect be the enemy of the good. So everyone understands that to this point.

As I have indicated, we will know within the next hour, and I will report back as to whether we can finish tonight or come back tomorrow.

The PRESIDING OFFICER. The Senator from Illinois.

SURFACE TRANSPORTATION

Mr. DURBIN. Mr. President, I thank the majority leader and especially Senators BOXER and INHOFE, as well as their counterparts on the Commerce Committee and the Banking Committee, who have put so much time into this bill, so much effort. We are trying now to get this important and complex bill right and then to secure the support of both sides of the aisle to move it forward. A lot of work has been going into it. Everybody is working hard to try to accomplish what the majority leader has spelled out. I am sure he will tell us if there are any developments.

POLITICAL PRISONERS

Mr. President, off and on and for some time I have come to the floor to speak about an issue that doesn't receive a lot of attention, which is political prisoners in foreign lands—journalists in Cameroon, an AIDS activist in Uzbekistan, and a lot of others. I am pleased that over the years, working with many of my colleagues, we have been able to see many of these innocent political victims released. Former Senator Brownback, as well as Senators CARDIN, CASEY, Kennedy, LIEBERMAN, and RUBIO have all been part of a joint effort to deal with these political prisoners.

Sadly, there is no shortage of political prisoners in this world. They languish in horrible prisons in places such as Iran and North Korea. Today I want to focus on a number of them, and I will preface my remarks by apologizing ahead of time for my pronunciation of these names. Some of these are extremely difficult to pronounce for those of us in the States, particularly from the Midwest.

I suppose one might start typically with the most outrageous case, but, tragically, all of the cases I speak to fit that definition. Let me start with the heartbreaking case from 6 years ago—that of Gambian journalist Ebrima Manneh.

Manneh was a reporter for the Daily Observer newspaper. He was allegedly detained by plainclothes Gambian security officials. He was held incommunicado for years, although he was seen during the initial years of his deten-

tion by witnesses in at least one detention facility and one hospital. No one has seen him for years. It is possible he died in custody. But imagine the pain and uncertainty of his family, who have no help and no answers.

The Economic Community of West African States Court of Justice, which has jurisdiction over Gambia, and the United Nations Working Group on Arbitrary Detention both ruled against the Gambian Government on the case and called for his release. After years of waiting, the Gambian Government recently requested United Nations help to investigate Manneh's case and the death of one other journalist.

This was a welcome move by the Gambian Government, and I hope ongoing discussions with the United Nations will expedite the investigation and bring some resolution to the case and answers for Manneh's family.

Some years ago, there was a change in leadership in Turkmenistan, one that many hoped would open that country's closed and repressive political system. Unfortunately, President Berdimuhamedov has yet to meet those modest expectations. One would think in a country where the President wins an election with a 97-percent vote, and where there is an annual week of happiness, that Turkmen leadership could be more gracious to its political opponents. Unfortunately, the following examples demonstrate just the opposite.

Gulgeldy Annaniyazov is a long-time political dissident who left Turkmenistan in 2000 to settle in Norway as a political refugee. He reportedly returned to Turkmenistan in June 2008 to visit his family and was arrested. After a closed trial on October 7, he was sentenced to 11 years in prison.

Annakurban Amanklychev and Sapardurdy Khadzhiiev are members of the human rights organization Turkmenistan Helsinki Foundation. They were convicted in August 2006 after trials of only 2 hours and sentenced to 6 and 7 years in jail on charges that were never very clear.

Unfortunately, we don't have a photograph of Mr. Khadzhiiev. Turkmenistan Government officials have been quoted as asserting these individuals were arrested and convicted for "gathering slanderous information to spread public discontent."

The legal bases for their detention are suspect at best and raise serious concerns of political intimidation, questionable charges, closed trials, and inappropriately punitive punishment.

In May 2010, more than 20 Senators—and that is not an easy feat in the Senate—signed a letter to Secretary of State Clinton urging the administration to raise these cases with the Turkmenistan leadership. I know the State Department did in fact take those steps, and I thank them, but I hope they will continue.

In November 2010, the United Nations Working Group on Arbitrary Detention

released its opinion that the arrest and continued detention of the Turkmenistan Helsinki Foundation members is arbitrary and in violation of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. That United Nations group called on the Turkmen Government to immediately release them.

Sadly, they continued to languish under harsh sentences that include hard labor, torture, and forced psychotropic drug injections.

To the leaders of Turkmenistan, I say, if you want to change the image of your nation in the world, you must release these and other political prisoners.

Some who follow this may wonder what difference it makes if I make a speech on the floor of the Senate about someone languishing in a prison in Turkmenistan. All I can tell you is that after years of doing this, it does make a difference. It turns out, people listen. And when they listen, sometimes they react, and often in a positive way. These people languishing in prisons do not believe anybody in the outside world knows they are alive. Groups are trying to make sure others are aware of that fact, and that is why I come to the floor, as many of my colleagues do.

It is hard to believe in Europe there is still one regime like that of Alexander Lukashenko. He is often known as the last dictator of Europe. I have been to Belarus twice, once with the Helsinki Commission group, led by Senator CARDIN of Maryland, where we actually met this President Lukashenko; and most recently I went there after the highly suspect 2010 elections held in December. What was egregious about this election was that President Lukashenko, on the night of the election, beat up and arrested all the candidates who had the nerve to run against him, as well as hundreds of Belarusian citizens who showed up in central Minsk to protest his actions.

Lukashenko's barbaric behavior, and that of his KGB henchmen—and, yes, Belarus still has something called a KGB security service—earned him sweeping condemnation from Europe and the United States, further isolating his nation and hurting his own people.

Sadly, today, a year and a half after this outrage, Lukashenko is still holding the man in this photograph. This Presidential candidate—Mikalai Statkevich—was sentenced to 6 years in a medium security prison for having the nerve to run against Lukashenko. At least 6, and as many as 13, other protestors from the election still sit in jail.

This is outrageous in Europe today or anywhere on the planet, for that matter. It is time for President Lukashenko to let this man and these people go.

Next I turn to Vietnam. Although our bilateral relationship continues to improve with Vietnam, we cannot ignore the troubling disregard for freedom of speech in that country. It is illustrated by the unfounded detention of the popular blogger Nguyen Van Hai, better known as Dieu Cay.

Let me show this photograph of him. He is the head of the Free Vietnamese Journalists' Club, and as such Cay has been detained almost continuously by Vietnamese authorities since 2008, when he was convicted and tried for trumped-up tax evasion charges.

In 2009, the U.N. Working Group on Arbitrary Detention highlighted Cay's case, as well as the "illegal arrests" and continued persecution of a number of other Internet bloggers.

In October 2010, on the day Cay was due to be released, having fulfilled his sentence, he was transferred to a new jail and re-arrested for violating a security provision that prohibits propagandizing against the government. The propaganda in question—3-year-old blog postings. The subject of his propaganda—freedom of speech, and other issues considered by the government to be too sensitive, such as labor strikes and the trials of two human rights lawyers.

Cay's arrest is part of a well-documented trend in Vietnam in which national security concerns have been cited as a pretext for arrests and criminal investigations.

The State Department's Human Rights report notes the Vietnamese Government is increasing suppression of dissent, increasing measures to limit freedom of the press, speech, assembly and association, and increasing restrictions on Internet freedom. The trend is clear, and it is very concerning.

Secretary Clinton noted in a speech last year on Internet Rights and Wrongs, "In Vietnam, bloggers who criticize the government are arrested and abused."

It is long overdue that Vietnamese leaders release Cay and stop harassing journalists and bloggers.

Lastly, on Saudi Arabia, our ally on many important issues, but also a friend with whom we have vast differences when it comes to basic freedoms and women's rights. Let me tell a recent story that is truly hard to believe.

Since early 2012, the Saudi Government has imprisoned 23-year-old blogger Hamza Kashgari. His crime? He tweeted an imaginary conversation with the Prophet Muhammad. That action sparked a spate of death threats, causing him to remove the tweet and flee to New Zealand in fear of his life. While stopping in Malaysia for a plane transfer, Malaysian authorities detained him until their Saudi counterparts swooped in and returned him to Saudi Arabia under arrest.

Back in the kingdom—facing accusations of blasphemy and calls for his

execution by top clerics—he repented before the Saudi court and showed great remorse, asking for forgiveness. That was 4 months ago, yet he remains imprisoned, awaiting his fate, with no sense when a decision will be made.

I can imagine his actions sparking a debate in Saudi Arabia, but leading to calls for a death sentence for blasphemy? In today's world, that is hard to believe.

Saudi Arabia has initiated steps toward social, educational, judicial, and economic reform, and we encourage them to do more. Immediately freeing Mr. Kashgari would be an important move. This man has suffered enough and deserves his freedom now.

These are just a sample of the many political prisoners who still suffer in parts of the world. I want them and their families and the governments that unjustly imprison them to know they are not forgotten. I and my colleagues here in the Senate will continue to do our best to draw attention to their plight, work for their release, and stand up for the cause of human rights in the United States and around the world.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. BOXER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

SURFACE TRANSPORTATION

Mrs. BOXER. Mr. President, we are anxiously awaiting work on the Transportation bill that came out of the Environment and Public Works Committee, of which I am proud to be the chairman.

Last year we wrote a bill called MAP-21. That stands for Moving Ahead for Progress in the 21st Century. I was proud to see this bill become a bipartisan bill, with Senator INHOFE working with me and his staff and my staff working together as one. When we got it out of the committee, I think it was a unanimous, or close to unanimous, vote.

I know when our young people learn how a bill becomes a law it sounds a little easier than it really is. I often think, in my spare time I should write a little pamphlet on how a bill really becomes a law because I would say to the young people who are here today, as well as those who might be listening, it is a little trickier than it sounds because when we learn about how a bill becomes a law in school, it is very simply put.

The bill starts in a committee in the House or Senate, and it moves to the floor of that body. Then it starts in a committee in the other body, it moves

to the floor of that body. It passes both Chambers. If it is identical, it goes to the President. If there are differences, there is a conference committee, and then it goes to the President. The President either signs it or vetoes it. If he signs it, it is a done deal. If he vetoes it, we need to have a whole lot of votes—two-thirds—to override.

So that is how it is taught in schools, and it is absolutely true. But getting it to the point where we are now, where we await a conference report, is sometimes a very long and winding path. This one was a long and winding path. I think we are where we are, at the point where we hope to vote soon on it, because people were willing to meet each other halfway.

I have been saying for a long time, we all stand in our respective corners and insist that it is our way or the highway and nothing ever gets done. We must come together, and the Senate proved it can come together around our version of the highway bill. It passed by 74 votes. We were hopeful the House would just take it up and pass it. It didn't happen that way. They wrote a less comprehensive bill; they sent it over; and then we went into a conference committee. There was a lot of difficulty because there were issues that were simply not seen in the same light between the House and Senate.

I would have to say, through all of this Senator INHOFE and I, Republicans and Democrats, on the EPW Committee were united. But we didn't have that unifying factor with the House Republicans. I want to thank every member of the conference committee, Democratic and Republican, House and Senate, because everyone worked extremely hard. They worked hard. They were knowledgeable. Their staffs worked hard. They asked a lot of questions. They cared a tremendous amount about the policies.

The great news about the bill that is coming out of the conference committee is that it is a jobs bill, first and foremost. It is going to save about 1.9 million—almost 2 million—jobs that are currently held in the private sector, and it will create up to 1 million new jobs through an expanded TIFIA program. TIFIA is a program that fronts the funds for local government to have a revenue stream, and the leverage on that is about 30 to 1. So if you have an amount of approximately \$1 billion, you will be able to get \$30 billion of economic activity. So that is a good part that we can all be proud of. That is a fact.

The bill will be coming soon, we hope. It is not here yet, and it is not done yet, but it is close. What we hope we will have before us is a bill that creates close to 2 million—I am so tired. I have to say, I haven't gotten much sleep in the past 3 days because we have been working nonstop.

I will say it again. We protect almost 2 million jobs that are currently held

in the private sector, and we will create up to 1 million; hence, the 3 million jobs that are relying on this bill.

We have thousands of businesses that care a lot about what we do. These are general contractors, these are equipment dealers, these are people in the concrete industry. I can tell you these organizations of business and labor have been behind us every inch of the way. When I was giving up hope because I didn't think we could move forward, they were there to say: Keep on going. And they weighed in. I think the work product reflects the fact that we would never, ever give up.

There is a lot of talk about, What did Democrats give up? What did Republicans give up? Let's just say this is a negotiation between Republicans and Democrats, a negotiation between the House and Senate, and not everybody got what he or she wanted. That is for sure.

But I just want to say to people who might be listening that in a negotiation nobody gets everything they want. You have to meet each other halfway, and that is what happened in this negotiation.

We both wanted to see this as a reform bill. The Senate brought a package together that took the 90 programs down to 30, and that pretty much survived the conference committee. We also did some more reforms, certainly, on project delivery because all sides agree it is taking too long to get some of these public works projects done. It is taking sometimes 15 years, 14 years, 13 years to do a road start to finish or to do a bridge. We need to make sure we can move faster because our economy needs that, but still, in my view, protect the rights of citizens throughout this country to ensure their communities are taken care of, that there is no damage to their communities, that the air quality is protected, the water quality is protected.

We were able to keep those environmental laws while we were tough on deadlines and milestones and very tough to say: This is it. If you can't finish in this time, and we are trying to get this for 15 years to 8 years per project—if you don't do that, you have to explain why. There has to be a really good reason why these projects would be delayed.

I believe the funding in the bill is fair. Every single State is protected. This is a 2-year-3-month bill. Every State will get the amount of money they got last year, plus inflation. That is very important. It is the current level of funding with the inflation put in, and every State can now know, if and when this bill passes, that they can count on that funding for 2 years and 3 months. Everything is paid for.

There are a lot of comments about, what did we do about pedestrian walkways and bike paths. I want to be clear. That was an intense subject of

negotiations. There were those who wanted no funds set aside for bike paths, pedestrian paths, and it was very clear—safe streets, safe roads to school, et cetera—we had to negotiate on this.

Honestly, I think what has come out is a good thing, and let me explain why. We kept the same amount of funding, same set-aside percentage for these transportation alternatives, but what we said was, for the first time, half of those funds will go directly to locals, will go to the metropolitan planning organizations, will go to the large cities. That is key because we want the local people, who know their area best, making these decisions. We protected those funds. The only way anyone in the State can use those funds is if there is a nationally declared disaster and there are some unobligated funds around—yes, that could be borrowed but must be paid back from any supplemental appropriation.

On the State portion, which is the other 50 percent, we built in more flexibility, and there are a lot of people who are calling this a cut. It is not a cut. Some States will use it all. I say to the people in the States who are worried about it, use your pressure, use your power, use your grassroots strength to make sure you lobby your State legislatures and your Governors to provide for safe streets to schools, for bike paths, for pedestrian walkways. These are very important safety issues.

I know not everyone is happy, but I wanted to be clear on that. If the choice is between doing away with that wonderful program, which I think is wonderful, or making a few concessions on flexibility, I think we did the right thing. I honestly do.

This bill is all paid for. I have to thank so much Senator MAX BAUCUS and his team, the Republican members of the Finance Committee, and also the team in the House headed by Mr. CAMP because they came up with a pay-for that people on all sides can live with. It gives us that security for 2 years and 3 months.

We don't have any riders on this bill. I know some people very much wanted it. We don't have them. It became part of the give-and-take at the end of the day.

Two provisions that I lament are not on there are the oceans trust fund, which is part of the RESTORE Act, and the Land and Water Conservation Fund that was also part of the RESTORE Act. I lament that those provisions are gone. I commit myself to working with Senator WHITEHOUSE on the oceans trust fund and Senator BAUCUS on the Land and Water Conservation Fund to get that done. But I have to be completely, totally frank with the Senate; we just could not get it done. There was nothing we could offer or give that would allow us to move forward with those two very critical environmental programs.

I tell you, our oceans deserve attention and our land deserves attention. These issues are certainly not going away. Having said that, the rest of the RESTORE Act is in this bill. That means those folks in the Gulf States who were so harmed by this horrible BP spill will be able to use some of those fines as they come in to restore—that is why we called it the RESTORE Act—restore their environments, restore their fisheries, restore the damage that was done by that horrific BP spill. We don't know how much money will come from those fines. We will watch it very carefully. But we know that when they do come—if this bill passes, and I am very hopeful it will—our Gulf States will have the help they need.

I want to say to the people, particularly in Louisiana, whom I visited many times, your Senators work very hard. I would say MARY LANDRIEU took the lead on this. Senator VITTER was on the conference. I want to say that MARY LANDRIEU—you know her well—is unrelenting, and she was very clear with us.

I want to say to my friend in the chair, from Alaska, how helpful he was to us, pointing out some of the great unmet needs he is dealing with in his State, a beautiful State, a very interesting State that has unique needs. I want him to know how much I appreciated his working with us, giving us the facts as we needed them. I also thank Senator MURKOWSKI, but I particularly want to say to Senator BEGICH, thank you. You happen to be in the chair, and I believe you were mentally effective for your State. Really, you made the case for fairness. I hope you are comfortable with how this bill turned out.

I have never met a team of more dedicated staff—never. Again, they are not resting because we are not done. Until we are done, they are not resting. But we are talking seriously about this staff getting 3 or 4 hours of sleep over the last 2 or 3 days. The issues were still coming at us in ways we could not believe at noon today. Last night we had to work out some issues.

It has been, in many ways, a very difficult negotiation but certainly, if and when this bill comes before us and it is passed, a very satisfying one.

I have to mention Bettina Poirier, who is my chief of staff and chief counsel. I have never seen anyone more professional, more energetic, more persuasive. I have to thank her counterparts: David, Grant, Andrew, Jason, Tyler, Mary, Kate, and Paul, all of whom were just amazing. If I left anyone out, forgive me; I will correct it in the RECORD if I did.

I have to say to the staff of Senator INHOFE that you were amazing—part of the team. You worked together. If we had disagreements, we talked them out, but for the most part we were on

the same page. So Ruth and James, you know who you are. You also have had a very rough few days, working very hard on this.

Congressman MICA's staff also worked very hard, and they are very tough negotiators, but we were able to talk out our differences. It was not always pleasant to deal with it because people see things in different ways, but we got it done.

We are not out of the woods yet in the sense that we do not have the bill before us. We are awaiting a decision made by the leaders as to when we will have this vote. But I would like to say that I believe, as I stand tonight, that really the work of the conference is completed, and that is very rewarding.

The last thing I want to say is a huge thank you to the outside groups that have stood by my side this entire time. I tell you, I have had conference calls with them for months and months, sometimes four times a week, sometimes three times a week, sometimes six times a week, seriously, sometimes on Saturday, Fridays, Mondays—when ever we needed to touch base. This is an amazing coalition of people—workers from organized labor, people from the construction trades. The chamber of commerce and AFL/CIO worked together. That is a rarity, you know, in today's very difficult atmosphere where everyone is arguing over everything—the granite people, the cement people.

I want to say something to a gentleman—I will not identify his name—who brought a couple of cement trucks. We had a rally. I think Senator BEGICH was there. After the rally, we were saying: Pass the bill, get the bill done. I talked to this gentleman. He identified himself as a conservative Republican who is so much for this bill. One of the most touching things that happened was that he introduced me to two of his drivers who came over to meet me. As I stood there with these two gentlemen and the owner of the business, I realized how much they were counting on us.

What we do here matters. What we do here should matter. What we do here is literally life and death for the construction industry, for the business end and for the workers.

We know—our President and all of us—we all know this economic recovery is too slow. One of the things that is weighing us down is the construction industry. One of the things that is weighing it down is the transportation sector. We know that if we do not do our job and we pass another extension here, that is a signal that the construction industry is going to suffer and suffer mightily. We cannot have that. We are on the brink of getting this done.

I know I have left out a lot of people I want to thank. I do not have really a written speech here in front of me. I will go back and I will correct the

record if I left anyone out. But we are close to getting this done. Whether it is in the next few hours or more than a few hours, I believe we will get it done. All the people who brought us to this day—I should mention Senator REID, our majority leader, who never gave up even though I was—at one point, I am sure he was ducking me as I walked around because I would always say: Let's keep going, Mr. Leader. And he did. He kept on going.

When we went over to meet with Speaker BOEHNER was a very important moment, with Chairman MICA. It was important. I think it helped us at that point to realize that everyone did want to have a bill.

I have to say that the Democrats in the House—I am sure it has been very difficult for them because they had so many priorities as well. But they were very clear, day after day, pushing hard for a bill, until finally everybody came together and passed some messages to the conferees that said: Get the job done. And everybody came together on that one—get the job done.

For me personally, this has been a very important day. This is a day when I think we are very close to getting a transportation bill done.

It is also a day that President Obama will forever remember, where the centerpiece of his work was upheld as constitutional by the Supreme Court. We all know we cannot go back to the days when people with preexisting conditions suffered and could not get insurance. We just cannot go back to the days when being a woman was considered a preexisting condition. It was impossible for her to get insurance. We cannot go back to the days when kids were thrown off their parents' health insurance at 18. We can't go back to the days that seniors were going broke, having to choose between a drug that was lifesaving or having dinner that night.

In my State, 6 million Californians are getting preventive services. They are getting mammograms, cancer screenings, and everything they need now because of this health care bill. There are 300,000-plus senior citizens who are getting help paying for their prescription drugs and 300,000 more students who are now on their parents' insurance.

We are going to hear a lot of outrage about how this was bad for America. Let me just say that I thought today was a critical day for America. No piece of legislation is perfect. We will have to fix this, that, or the other in everything we do whether it is in a transportation bill or health care bill, but I think we need to move forward. We need to not go backward. We need to make sure that health care in America doesn't become such an expensive burden for all of our people because it just drags down our families and it doesn't enable them to do for their kids and for their moms and dads.

So I think today was quite a day for the history books, and I look forward to working across the aisle in everything we do here, whether it is transportation or health care or anything else, to make life better for people, not to make it worse. I think if we all do that and if we listen to each other, we can get things done.

I thank the Chair.

I notice there is no one on the floor at this time, so I would note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE DECISION

Mr. SESSIONS. Mr. President, I want to share a few thoughts about the Supreme Court's ruling today and the status of the health care bill.

I believe the health care bill cannot be justified as written and will have to be changed. It will have to be repealed, and we have to start over. It is just that simple.

As ranking member of the Budget Committee, I began to look at the numbers we have had. Our team is going to redouble their effort in the weeks to come so we can know precisely how much this legislation will cost. As that becomes more and more understood by the American people, it will be clear that we do not have the money to pass the bill.

I know a lot of people are confident that it will undermine the right of an individual American to see the doctor of their choice, despite the President's protestations. Even I believe today that people will not be able to continue to keep their insurance—at least not all people will be able to—and there will be other different problems. There is a real concern that under the legislation the quality of health care will go down. I believe that is accurate for a lot of reasons, and people like Dr. BARRASSO and Dr. COBURN have explained that in great detail.

As a member of the Budget Committee, I want to share some thoughts about the financing of the legislation to raise the issue of why we cannot go forward with it.

The President promised the American people before a joint session of Congress, right down the hall in the House Chamber: "Now, add it all up, and the plan that I'm proposing will cost around \$900 billion over 10 years." Now, \$900 billion is a lot of money, there is no doubt about that. He said that is how much it would cost over a 10-year period. As we have all learned, that was a gimmicked-up number. It was fundamentally gimmicked up as a result of the fact that the cost of the

bill where it begins to pay out money and will have real cost and the implementation of the bill was delayed 4 years. So you take a 10-year window, and the bill is going to be out there for 6 of those 10 years, and you announce it is only going to cost \$900 billion.

That is not the right question, is it. The right question for the American people to actually understand the impact of the legislation would be to ask how much it would cost over the first 10 years of full implementation. That is what you should be asking. We all know that the numbers have come in on that. Under the CBO estimate strictly adhering only to the insurance portion of the bill, I believe they came in as saying not \$900 billion but \$1,400 billion would be the cost over the first 10 years, but the true cost of the health care bill is yet higher still. A complete and honest assessment of the cost of the President's health care bill would include a full 10 years of spending starting in 2014. Adding up CBO's estimates for the different provisions in the bill, the President's health care bill will amount to at least \$2,600 billion—\$2.6 trillion, not \$900 billion. It is almost three times the estimated costs over the true 10-year period. Now, that is how we go broke in this country. That is how this country is going broke. We go through a whole debate, and the President insisted that is how much the bill was going to cost.

When the Democrats had a filibuster-proof majority in the Senate, they had 60 Democratic Senators, and they insisted it was going to pay for itself. They said there was more revenue than needed to pay for the cost of the bill, so don't worry about it, be happy. On Christmas Eve, without amendments and after much secret debate and a bill plopped on the floor, the bill was voted up or down, 60 votes to 40. Every single Democrat voted for it, and every single Republican voted against it.

I just have to say that the first 10 years of the bill is going to cost three times what was estimated.

In addition to delaying the major spending provisions during the original window of the legislation, here are some of the other accounting gimmicks, tricks, and maneuvers that the drafters used to manipulate the score the Congressional Budget Office gave to the bill, to manipulate how much they would say the bill cost and to hide its impact.

Well, one of the most significant things is a double-counted \$400 billion. Can you imagine that? The U.S. Government, according to the score manipulation and the way it was done by the CBO, utilizing complex rules of the CBO to its advantage, the way it was analyzed, they double-counted \$400 billion. So they cut Medicare expenses, they raised Medicare taxes, but they took the money and used it to fund the new bill and said they made Medicare

more solvent. In some ways, we could argue they did make Medicare insolvent because the money that was spent on the health care bill was borrowed from Medicare. They are debt instruments for Medicare.

So my analysis of the legislation is that Medicare got a benefit, but there was no money for the health care bill. Yet they counted it as being \$400 billion free to be spent without adding to the debt of the United States, but it does add to the debt. Medicare is going broke. Medicare is going to call the debt from the United States. It increases the debt of the United States \$400 billion. It was counted both places—as income from Medicare and income available to be spent on the health care provision. That is a stunning development.

I got a letter from the head of the CBO the night before we voted, December 23, and he said, in effect—not in effect, I think this is a direct quote: It is double-counting the money, although the conventions of accounting might indicate otherwise.

He told us in a letter before we voted that it was double-counting the money, but under the unified budget process rule that was utilized here, it didn't score.

In addition, they counted \$70 billion of extra income that would come from the CLASS Act, which was designed for young people. The net result of that was that in the first decade or so of the CLASS Act's implementation, healthy young people wouldn't make many claims and there would be a surplus of \$70 billion. But over 20, 30, 40 years, the CLASS Act goes into serious decline. Its actuarially unsound. It was referred to as a Ponzi scheme by the Democratic budget chairman, Senator CONRAD. Finally, the Secretary of HHS could not certify it as a sound program, so \$70 billion has been wiped off that as income available to be spent.

They included—unrelated to this bill—student loan savings of \$19 billion. They relied on off-budget Social Security revenue for \$29 billion, not scored toward the cost of the bill.

They ignored the cost of implementing the law. Imagine that. I mean, you have a bill. How much is it going to cost? It is going to cost \$900 billion. Well, do you not score the cost of it? What about all these IRS agents? There will be 1,000-plus to 2,000 IRS agents who have to be hired and paid for, which is \$115 billion not counted in the cost of the bill. Is this why we are going broke in this country? We score a bill, say it only costs \$900 billion, and we have \$115 billion of administrative costs not even counted.

Then there was no permanent solution to the doctor reimbursement figure. To pay the doctors at the rate they needed to be paid—and I agree they need to be paid at this rate—would cost \$208 billion over the current

level of expected spending. If we don't have this doc fix, as we call it, doctors would receive a 20-plus percent cut in pay for doing Medicare work immediately. They are already paid less for Medicare work than they are paid for private insurance. Doctors would quit doing Medicare work if they took a 20- or 25-percent reduction in fee payments. That is \$200 billion. That was one of the main reasons we were supposed to have comprehensive health care reform, to deal permanently with this doctor fix that was being fixed every year, but not permanently. The bill didn't do it. The bill never fixed it, therefore leaving a \$208 billion hole in the plan that we have to find money for, and it is an essential part of all of that.

So I would just say to my colleagues that this cost is unsustainable. It will put us on a debt course we cannot continue to be on. We are going to continue to look at the numbers, and I am going to ask people, if they desire, to come to the Senate floor and show me if I am wrong. Let me see where I am wrong. But I don't think they can show that we are wrong because I and my staff are working as hard as we can to make sure what we say about the cost of this bill is accurate and fair.

What does this do to the long-term debt of our country? That is a matter of great importance. One of the things our government does now is analyze the unfunded obligations of the U.S. Government. When we pass a law that says when everybody reaches a certain age, they get to draw a Social Security check of so much money, and it increases on a percentage basis each year, that is an obligation of the United States. That is an entitlement program, we call it. People are entitled to that whether the government has any money to pay it.

So the health care bill is an entitlement. It has a guaranteed right for an individual American to receive certain subsidized health care benefits under this plan, and it is a permanent program, but it doesn't have a permanent source of income dedicated to paying for it in any significant fashion. So it creates what the Congressional Budget Office refers to as an unfunded liability, unfunded obligations. To show Americans and Congress the true state of our long-term financial health, they do it over 75 years. It is not a perfect estimate, but it is a pretty good estimate of whether the programs are actuarially sound and what they will do to the debt of America over 75 years.

Under the numbers we have seen from the CBO and the work of our committee, it is pretty clear the health care bill that was passed by this Congress will add \$17 trillion to the unfunded liabilities of the United States of America—\$17 trillion—not a little amount of money, a huge amount of money. To give perspective on how

large it is, the Social Security unfunded liability over 75 years is only—only—\$7 trillion. This is 2½ times as large an unfunded liability addition to our government as Social Security, and we are wondering how we are going to save Social Security. It is more than half of the unfunded liabilities of Medicare or half of the unfunded liabilities of Medicare over 75 years.

At a time when we have a serious demonstrated requirement that we reduce the unfunded liabilities of Medicare and Medicaid and Social Security, this bill would add \$17 trillion to it. This is why every expert has told us this Nation is on an unsustainable course.

The total unfunded liabilities before the passage of the health care bill were \$65 trillion over 75 years. That trend, experts tell us, is unsustainable and threatens the future of our children and grandchildren. After the bill passes, it is \$82 trillion. We don't have the money to do health care reform in this way, with 2,700 pages and \$17 trillion in additional cost to the Treasury. We don't need to affirm and repass legislation that was said to cost \$900 billion in the first 10 years. In truth, in the first 10 years of its obligation—beginning the year after next—for the first 10 years it will cost almost three times that much—\$2,600 billion. So it is a matter of great concern to me.

As to the Court decision today, I am going to look at the Court decision and evaluate it. But I think it is additional proof that this health care legislation, from the beginning and in its entirety—a 2,700-page Rube Goldberg contraption—will never work. It is further proof of that.

Even the fundamental justification for the legislation that it was not a tax but a mandate has been rejected by the Court. The law was only upheld by saying it is not a mandate. In effect, it is a tax that the sponsors of the bill directly said it was not. Indeed, the President said it was not a tax himself, directly. So certainly this opinion that allowed the legislation to stand, by the narrow margin of 5 to 4, in no way is an affirmation of the wisdom of the bill but is in fact demonstration that the people who cobbled it together and who rammed it through without full floor debate and amendments, that that scheme was flawed from the beginning and it will not work.

Indeed, there are 1,700 references in that legislation to regulations to be issued by the Secretary of HHS. In other words, once the bill is passed, we will turn over huge sections of it to unknown bureaucrats who will issue regulations to administer this monstrosity. It is just not a practical and decent way to do business.

So I believed the bill clearly violated the interstate commerce power granted to the Federal Government. The Federal Government can only act and pass

legislation if it has been specifically authorized by the Constitution. One of the authorized powers was to regulate interstate commerce. But if a person is sitting on the creek bank in Alabama, not buying insurance, not participating, can he be made to buy a product in interstate commerce when he is explicitly not participating in that? I didn't believe it could be done, and the Court agreed. The Court rejected the Obama administration's argument that it did.

They said the Federal Government has no power to compel a person to participate in a commercial market when a person doesn't participate. If a person participates, maybe they can regulate it. But if a person doesn't participate, they can't tell a person to participate because this is a government of limited power.

It was a historic and important ruling that the Supreme Court made clear: that there are limits to the power of the U.S. Government. I felt good about that. But now that Chief Justice Roberts and other members of the Court concluded that it may look like a mandate, but we call it a tax—and I haven't done the technical analysis they went through to reach their opinion, but that doesn't seem correct to me. It seems as though it is still a mandate, a mandate to buy something a person doesn't want to buy. That doesn't sound like a tax to me. Maybe it is. Maybe they can defend it that way, but I don't see how that is a tax. It sounds like a mandate and a penalty.

So scholars will be reading that opinion for some time, and we will know whether Chief Justice Roberts announces that this apparent mandate, apparent requirement that the President said was not a tax, now it is a tax and the law is constitutional because of it. We will wrestle with that. But it does deal with the fundamental question: Can we afford this legislation. I say we cannot. I believe the facts are crystal clear that we cannot. We absolutely have to reform it, start over, create a health care system that works at a reasonable cost for the American people and does not burden our children with exorbitant debt that could throw us into a debt crisis at most any time, and in the long term destabilize the health of the Nation we love so much.

FLOOD INSURANCE

Mr. BINGAMAN. Mr. President, on June 20, I introduced a bill to authorize the FEMA administrator to waive the 30-day waiting period for flood insurance policies purchased for private properties affected by wildfire on Federal lands. Senators TOM UDALL, MARK UDALL, and MICHAEL BENNET are cosponsors of this legislation.

As we speak, wildfires are burning across the Western states and it is critical that we take immediate steps to protect communities against the tragic

consequences of flooding. To this end, I am pleased that the Senate included this legislation in the National Flood Insurance Program reauthorization bill, which we will be voting on later today or tomorrow.

Flooding is the most common and costly natural disaster in the United States. In 1968, Congress created the National Flood Insurance Program to help provide a means for property owners to financially protect themselves. The Act, however, requires a 30-day waiting period before coverage under a new contract for flood insurance can take effect. This is to prevent individuals from delaying until the last minute to purchase insurance when the risk of flooding is high.

Unfortunately, today's large catastrophic wildfires in the West can alter the watershed conditions on our forested Federal lands so rapidly that nearby communities find themselves in flood hazard areas that didn't exist the day before. The heat of the fires can make the ground impermeable to water, which significantly increases runoff when rainfall comes.

In some cases, the U.S. Forest Service will advise a community to purchase flood insurance immediately after a wildfire is put out, only to see that community flooded by a few inches of rainfall weeks before the 30-day wait period has lapsed. When this happens, homeowners are tragically without any flood insurance coverage.

Every year States throughout the U.S. deal with the devastating consequences of wildfires. Firefighters are currently battling several major fires in New Mexico, including the largest fire in the State's history. Over 340,000 acres in the Gila and Lincoln National Forest have been burned and over 100,000 acres have been burned in Colorado leaving thousands of residents struggling to cope with the aftermath and the risk that flooding presents.

While our immediate concern is fighting these wildfires, we need to take steps to protect communities against the tragic consequences of flooding. In fact, in the area of the Whitewater-Baldy Fire, though the damage from the fire is extensive, the damage caused to property and risk to life is expected to be far greater from the associated flooding despite the mitigation and prevention efforts in progress. Recently, I joined Secretary Vilsack and Forest Service Chief Tidwell for a briefing on the Little Bear Fire, and although progress is being made in containing the fire, people are very concerned that the monsoons will soon drop rain on soil that can't absorb the moisture.

It makes little sense to punish homeowners in communities who have not faced the kinds of flood risk they are currently presented due to the sudden devastation of nearby Federal forest land.

I should also note that after consultation with the Congressional Budget Office, it is my understanding that this legislation does not score for budget purposes. I appreciate the Banking Committee's willingness to work with us on this issue. This legislation represents a critical step forward in providing access to Federal flood insurance. The fire-stricken communities need help, and they need it now.

SURFACE TRANSPORTATION

Mr. LEAHY. Mr. President, I am dismayed that the final conference report on the surface transportation reauthorization bill did not include funding and continued authorization for the Land and Water Conservation Fund, LWCF, program, despite the fact that this provision was included in the Senate-passed bill. This short-sighted decision is counterproductive and ultimately, harmful to America.

The LWCF program represents a promise that was made to the American people almost 50 years ago to invest in conservation and outdoor recreation. The LWCF Program has long been a successful bipartisan program that has touched all 50 States and nearly every county in America. I strongly believe that the LWCF provision, that was included in the Senate bill and which was passed in the Senate by a vote of 76 to 22, should have been included in the final conference report.

Over the course of half a century, the LWCF program has protected natural resource lands, outdoor recreation opportunities, and working forests across America. The program is so successful, in fact, that every part of the LWCF Program is oversubscribed, with the demand for State and local recreational needs, access for sportsmen, and working lands opportunities far exceeding the funds that have been available.

The LWCF Program has been extremely important to Vermont. Two successful Vermont examples are the Green Mountain National Forest and the Silvio O. Conte National Wildlife Refuge. Among the most visited lands in the National Forest System, the Green Mountain National Forest has provided accessible and affordable recreation for millions of residents in the densely populated Northeast. Likewise, the Silvio O. Conte National Wildlife Refuge, which stretches across Vermont, New Hampshire, Massachusetts, and Connecticut, is a revolutionary project that has helped to conserve prime fish and wildlife habitat across the 7.2 million-acre Connecticut River watershed.

By failing to include the LWCF Program in the final conference report, I believe that we are squandering a critical opportunity to protect America's precious natural resource lands and grow the economy. The Outdoor Industry Association estimates that outdoor recreation is an overlooked economic

giant, generating \$646 billion in direct consumer spending, supporting 6.1 million direct jobs, and producing \$80 billion in Federal, State, and local tax revenue each year. This amount dwarfs total spending in other sectors such as pharmaceuticals and motor vehicles, which respectively account for \$331 billion and \$340 billion in direct spending.

I am extremely disappointed that the final conference report did not include the bipartisan-supported LWCF Program. This will hurt all Americans today and for generations to come. I urge my colleagues to come together and right this wrong. The benefits of the LWCF Program are clear and we owe it to the American people to provide funding for this essential and successful program.

Mr. President, I thank the Chair and yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. REID. Mr. President, I am sorry it has taken so long. There are a lot of things to do around here. The conference report has been filed. As I said earlier today, I appreciate very much the work of everyone, including our very hard-working staffs on both sides of the Capitol. But there is no need for us to wait anymore. We are not going to finish this tonight. We are going to have to come back tomorrow.

I have talked to a number of people, and I wanted to make sure before anything was announced that the papers had been filed. They have been. We have a number of issues we are trying to work through procedurally. We are not going to be able to do that tonight. I am not passing blame on anyone, because we all have a lot to do tomorrow, a lot of things that we are going to put on hold. This is a very big work period for us the next 10 days. I think it is appropriate to say we will be back at 10 o'clock in the morning to finish this legislation and do it as quickly as we can. We do not know what time the House is going to vote on this tomorrow, but we may have to wait now until they pass it. That is one of the pieces we are working on. We have done our very best to try to complete everything tonight, but we are not going to be able to do that.

I am disappointed. I heard that from many people, how disappointed they are that we could not move further down the road. But that is the way it is.

Mr. LEAHY. Mr. President, would the leader yield for a question?

Mr. REID. I would be happy to yield.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I know the distinguished majority leader has been working very hard to accommodate Senators in a vote. I know he has the support of every member of our caucus in doing that. I believe I heard the distinguished leader say we will come in at 10.

Mr. REID. Yes. If I thought it would help to come in earlier, I would do that. But it would only be—

Mr. LEAHY. The Senator anticipated my next question. I appreciate that.

Mr. REID. We likely cannot do anything until the House votes on the bill tomorrow. We are trying to work through that. I have to say, the House has been extremely cooperative in everything we have done the last few days. I see on the floor my friend, the chairman of the Environment and Public Works Committee. She knows how hard this has been and how cooperative the Republicans have been. No one has been more so than the ranking member of the Environment and Public Works Committee, JIM INHOFE. I will always admire JIM INHOFE for the manner in which he approached this important piece of legislation. We pass out accolades on this floor, about everyone, how hard they work, but we would not be able to get this bill done except for JIM INHOFE. Fact.

So I am disappointed we cannot do this tonight. As the chairman of the Judiciary Committee just said, we would stay here tonight on our side until the wee hours of the morning, because we have some things to do. I was scheduled to be in Lake Tahoe tomorrow, but I can't be there. Other people have certainly more important trips than that. But it is one of the issues we have to face with these jobs we have, which are a tremendous privilege, but sometimes we do not have the ability, as a Governor does or the President does, a member of the Court does, to say: This is the schedule. There are 100 different leaders here, each thinking they have the best way of solving the problems of the world, and it takes a while sometimes to work through their opinions.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROCK ISLAND ARSENAL'S 150TH ANNIVERSARY

Mr. DURBIN. I rise today to celebrate a major milestone for Illinois and the nation. One hundred and fifty years ago on July 11, 1862, Illinois' own Presi-

dent Lincoln signed an Act of Congress that established the Rock Island Arsenal.

Rock Island started out during the Civil War as a small Union prisoner of war camp which also held and distributed supplies. It has grown into a critical manufacturer of 21st century supplies for our troops in the field. And in doing so, it also serves as the lifeblood of the Quad Cities region that hosts it.

In celebration of its 150th anniversary, I would like to highlight Rock Island Arsenal's impressive history and the impact it has had on the community and the nation.

Rock Island has a long history of producing supplies for our military. It was rifle cartridges and siege howitzers in the Spanish-American War of 1898. In World War I, it was rifles and a variety of personal equipment. By World War II, the Arsenal's emphasis had shifted to artillery production, and workers increased production from 75 artillery cartridges a year to 600 a month during the war. This ability to rise to the challenge for our servicemembers is a theme at Rock Island.

Products weren't the only thing changing at the Arsenal. So were demographics. Everyone is familiar with the image of Rosie the Riveter, as women stepped into the workforce. The Arsenal was no different—32 percent of the workforce was female during World War II.

Yet some of the workers were only teenagers. Squeezing in 40 hours of work while going to school, students were picked up after class and bused to the island. They worked Saturdays too. In a not uncommon story, Arsenal worker Anna Mae said her wartime effort was a family affair. "My mom worked on one side of the island, my stepdad on the other and I was in the middle."

Years after the war ended, Anna Mae returned to work at the Arsenal until retirement. When she learned that her war efforts contributed to her pension, she articulated the selflessness of so many when she said, "I never would have thought (about) that—we were just trying to win a war."

In the Korean War/Conflict, the sense of urgency on the island returned. Crews worked 10-hour days, 6 days a week, and sometimes on Sunday to get weapons and equipment shipped out. For Vietnam, the Arsenal created new products designed to counteract the Viet Cong's guerilla "hit and run" tactics, such as the M102 lightweight howitzer. The Arsenal continued to contribute to systems that meant life or death for the soldiers for the 1991 Gulf War—and then adapted as the military went through a drawdown after the war ended.

But as we all know, that peace did not last long. A little more than 10 years ago, the attacks of September 11th changed our world—and the nation

again found itself at war. Again to their credit, the Arsenal workforce went into overdrive to provide our troops what they needed. Machinist Jeff Roberts recalled, "Everyone's mentality is it's one collaborative effort to get the soldiers what they need as fast as you can."

They did—in a unique way. The Arsenal has the Department of Defense's only vertically integrated metal manufacturing capability. It has the only remaining foundry in the U.S. Army. It means that raw materials can go in one side and come out the other as very intricate finished products. It does this with a number of materials, including stainless steel, carbon steels, and titanium. The result—new equipment to better protect our troops, especially on short notice.

We all know how devastating improvised explosive devices (IEDs) were to U.S. troops in Iraq and continue to be to servicemembers in Afghanistan. In 2006 and 2007, our nation had fallen short in armor kits for Humvees and other ground vehicles to protect our troops. I urged then-Secretary Gates to use Rock Island's production capability to get these kits to our troops faster. Secretary Gates agreed. Rock Island became the single largest producer of these armor kits. Talk about saving lives.

Lieutenant General Raymond Mason, Army's Deputy Chief of Staff for Logistics, recently noted, "It was critical that we had (the organic industrial base), along with our manufacturing capabilities at our arsenals at Watervliet, Rock Island and Pine Bluff. This allowed us to expand for wartime demand . . . " He also added, "By ensuring we maintain a core level of work, we then retain expandability capabilities if something else happens in the world."

As I look to the future, I would say that is exactly what we are doing at Rock Island. Earlier this year, I introduced the Army Arsenal Strategic Workload Enhancement Act of 2012, with the support of Senator MARK KIRK, Senator GRASSLEY, Senator HARKIN, and the Senators from New York and Arkansas.

The bill does just what General Mason was describing. It would create a strategic plan to ensure arsenals receive the workload they need to keep workers' skills sharp for whatever the future may hold.

We worked with Senator LEVIN and Senator MCCAIN on this. I was pleased that major portions of our bill were included in the report accompanying the National Defense Authorization Act, which was voted out of the Armed Services Committee last month.

But the Arsenal isn't complacent. They are partnering with private industry interested in working with titanium and other lightweight metals at the Quad-City Manufacturing Lab

which opened in 2010. In these times of tough budget decisions, these partnerships enable Rock Island to sustain itself at no cost to the government through a Working Capital Fund. Just like the private sector, the Arsenal is out there competing for work—and winning it. They have signed agreements with Sivyer Steel, Mack Defense and others.

But Rock Island is about more than just production—it is also the bedrock of the Quad-City region as the area's largest employer. One example of family commitment to the Arsenal is Jeff Roberts, a machinist at Rock Island. His great-great-great-great grandfather was a master carpenter at Rock Island in the 1860s and helped build the island's iconic Clock Tower. Working at the Arsenal for our men and women in uniform gave Jeff a clear understanding of, as he described it, "what you're doing and why you're doing it." He added, "I've never had the job satisfaction I have now until I came here."

Jeff's experience is replicated all across the Arsenal. The island has more than 70 military and private sector organizations as tenants. Over the years, the Arsenal has welcomed the Army Corps of Engineers, Army Sustainment Command, Joint Munitions Command, and Army Contracting Command, among others. Most recently, Rock Island welcomed the headquarters for First Army, which is in charge of mobilizing, training and deploying our Army Reservists. It may not always have the glitz of a front-page story. But their collective dedication shows how central Rock Island is to the support of our military, every day.

Rock Island Arsenal is a large and vibrant installation, with a rich history and an impressive array of ongoing activities. Rock Island Arsenal has made remarkable contributions over the past 150 years. It has served us through our difficult times and will continue to do so in the future.

I thank those who serve at the Arsenal today and those who have served in the past. And also to those who have join me in honoring Rock Island Arsenal in its 150-year anniversary celebration.

INDEPENDENCE DAY 2012

Ms. MURKOWSKI. Mr. President, I rise today to commemorate our Nation's Independence Day.

Over 230 years ago, a collection of very brave and thoughtful men put their names and lives on the line to support a visionary idea, writing:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.

Today we honor those patriots who crafted our country's identity, and we appreciate every man, woman, and child who has shared it, refined it, and lived it. There is a reason why the rest of the world looks to America as a bold leader, and it began in Philadelphia on July 4, 1776. It continues nationwide today in our independent spirit, our ambition, and our sense of generosity, and we certainly see that in my home State of Alaska.

We see it in communities large and small, as we solve problems and work together to make life better and the future brighter. Today, we take a moment to realize that we do all this without thinking about it—and that few other countries in the world can boast the same.

But as we take a moment to appreciate all that we have, we must never forget the cost of freedom. Thousands have given their lives to secure the blessings of liberty. Men and women in uniform are serving bravely overseas, enduring tremendous sacrifice, while countless others guard our shores, protect our interests abroad, and defend our skies here at home. Their burden is shared by the families who endure empty spots at the dinner table, missed birthdays, and absence from special moments like a child's first steps. Freedom is indeed perishable and we are grateful for those who safeguard our liberty for our children and grandchildren.

As Americans, we honor our veterans and the freedoms they defend. We speak our minds and we think big thoughts—bounded only by the limits of our imagination.

On this Independence Day, I am honored to represent Alaska in the United States Senate.

Mr. HELLER. Mr. President, I rise today in the tradition of patriotic celebration to recognize 236 years of American independence. The Fourth of July is not only a proud and inspiring symbol of our nation's independence, but of our undeniable strength and unity. As we celebrate Independence Day this year, I am thankful for our forefathers' struggle to afford us freedom and liberty which we enjoy today.

As the first battles of the Revolutionary War broke out in April 1775, many colonists were skeptical of complete independence from Great Britain. By the middle of the following year, tensions and hostility were high. As revolutionary sentiment spread, so too did the colonists' desire to become liberated from Great Britain.

On July 2, 1776, the Continental Congress voted in favor of a resolution for independence. Two days later, our Founding Fathers adopted the Declaration of Independence, marking the United States' break with Great Britain. In 1870, the U.S. Congress instituted July 4th as a federal holiday. As Americans, we are proud to celebrate

this important national holiday, a symbol of our patriotism and freedom.

On the eve of this celebration, we also pay tribute to today's heroes; America's brave men and women in uniform who have fought tirelessly to protect and preserve the very freedom afforded to us by our Founding Fathers. Their perseverance in the face of adversity is a testament to the strength of the greatest military in the world. We are proud to honor our veterans, active duty soldiers, and military families for their grave sacrifices made for the safety and security of this great nation.

Next week, as we gather with family and friends, let us reflect on the trials and tribulations of our nation's path to independence and the everlasting impact of this defining moment in America's history. With appreciation for the freedoms we enjoy today, I ask my colleagues to join me in commemorating the birth of our Nation's independence.

CONGRATULATING THE 2012 NATIONAL ASSOCIATION

Mr. LEAHY. Mr. President, I want to commend three outstanding Vermont companies that were recently singled out for recognition at the 2012 Fancy Food Show in Washington, D.C. These vendors were among the select 110 Silver Finalists for the show's coveted Specialty Outstanding Food Innovation, sofi, gold awards, widely considered to be one of the top honors in the specialty food industry. The sofi Awards, from the National Association for the Specialty Food Trade (NASFT), recognize the best in specialty food and beverage and are a coveted industry honor. This year's contest was the most competitive in the history of the awards, with a record 2,520 entries.

Two of the vendors, Vermont Butter and Cheese Creamery, located in Websterville, and Big Picture Farm L3C, located in Townshend, won the gold sofi in their categories, while Grafton Village Cheese, located in Grafton, represented Vermont proudly as a finalist in the category for outstanding cheese or dairy products for their new cheese, Cave Aged Leyden.

Vermont Butter and Cheese Creamery's owners, Allison Hooper and Bob Reese, deserve well-earned congratulations for winning three gold sofi Awards, including Best Product Line, Best Cheese or Dairy Product for their aged goat cheese Bonne Bouche, and Best Perishable Food Service Product for their Sea Salt Crystal Cultured Butter. Allison and Bob's extraordinary achievement demonstrates, beyond a doubt, that Vermont Butter and Cheese Creamery has succeeded at building a high quality, superior brand that reflects the values and ethos of Vermont.

Congratulations are due as well to Big Picture Farm's owners, Louisa

Conrad and Lucas Farrell, for winning a gold sofi Award in the Confectionary Category for their Farmstead Goat Milk Caramels. When I met this young couple last week, I was taken with their energy and excitement for both their goats and their award winning caramels. Earlier this year, Louisa and Lucas received a U.S. Department of Agriculture Value Added Producer Grant which helped them expand their farm, hire additional staff members, and expand their business plan. The Value Added Producer Grant, together with Big Picture Farm's hard work and commitment to their vision, helped to catapult this new business to a sofi Award after less than two years in business. That is quite an achievement. I can't wait to see what challenges this young couple will tackle next.

Recognition should go, too, to Bob Allen, Christine Damour, and Wendy Levy, co-owners of Grafton Village Cheese. This year, Grafton Village Cheese was a sofi finalist in the category of Outstanding Cheese or Dairy Products. Vermont Butter and Cheese Creamery also competed in this category and to have not one, but two great Vermont companies competing as finalists in the same category is an outstanding achievement for any State, much less one as small as Vermont.

I always enjoy seeing Vermonters in Washington, and was pleased to visit them at the 2012 Fancy Food Show. These companies create Vermont jobs and grow Vermont's economy. During these tough economic times, this kind of work is vital to restoring the American way of life and getting the country back on track. I am extremely proud of the hard work, dedication, entrepreneurial spirit, and innovation of these exceptional Vermont companies.

NATIONAL PTSD AWARENESS DAY

Mrs. MURRAY. Mr. President, I am honored to join my colleagues today in recognizing the Department of Veterans Affairs' National Center for Post-Traumatic Stress Disorder, PTSD, as their month-long PTSD awareness campaign comes to a close and in reflecting on our participation in the third annual National PTSD Awareness Day. I thank Senator CONRAD for introducing the resolution to honor Army National Guard SSG Joe Biel who suffered from PTSD and tragically took his own life in April 2007 after returning from his second tour in Iraq.

All this month, we draw attention to PTSD which affects millions of Americans at some point in their lives. As chairman of the Senate Veterans' Affairs Committee, I am especially concerned with the impact that PTSD has had on our Nation's servicemembers and veterans. The number of veterans treated by the Department of Veterans Affairs, VA, for PTSD or related symp-

toms has reached 475,000 and there are likely more cases that go unreported, undiagnosed, or untreated each year. In fact, as the drawdown of Afghanistan troops continues, we can only expect those numbers to follow the steady rise previously reported. VA and the Department of Defense, DoD, need to be ready now.

This unpreparedness is a tragedy. Whether the wounds they return home with are visible or invisible, no veteran should be left to face their injuries alone, and I am committed to seeing that they never have to.

Already, we have seen a change in how VA and the DoD treat PTSD. Earlier this year, we learned that hundreds of servicemembers and veterans had their PTSD diagnoses reversed over the course of 5 years at Madigan Army Medical Center in my home State of Washington. In the wake of this shocking discovery, Secretary of the Army John McHugh ordered a comprehensive, Army-wide review of medical files from the past decade to uncover any other problems with misdiagnoses. Two weeks ago, Secretary Panetta announced that he would be ordering a similar review across all of the armed services. I applaud these actions taken by Secretary Panetta and Secretary McHugh, but we are a long way from winning the battle on mental and behavioral health conditions.

That is why earlier this week I introduced the Mental Health ACCESS Act of 2012. This bill will require VA and DoD to offer a range of supplemental mental and behavioral health services to ensure that veterans, servicemembers, and their families are receiving the care that they need and deserve. The Mental Health ACCESS Act of 2012 provides for comprehensive standardized suicide prevention programs, expanded eligibility to families for support services, improved training for healthcare providers, new peer-to-peer counseling opportunities, and reliable measures for mental health services.

Finally, we must overcome the stigma that surrounds PTSD. As VA's National Center for PTSD has demonstrated, once diagnosed, PTSD and its symptoms can be treated and those who suffer from it can resume healthy and productive lives. Efforts like National PTSD Awareness Day and PTSD Awareness Month are critical to combating some of the most damaging misperceptions about PTSD.

In closing, as we look back on our efforts to raise awareness of PTSD throughout the month, we must also reaffirm our commitment to those veterans, servicemembers, and families affected by PTSD. Our veterans and servicemembers have made tremendous sacrifices for us and our country and we owe them the support and care that they deserve.

ADDITIONAL STATEMENTS

RECOGNIZING EVANSTON ROUNDHOUSE AND RAIL YARDS

• Mr. BARRASSO. Mr. President, today I wish to recognize the 100th anniversary of the Evanston Roundhouse and Rail Yards. This impressive site, which is listed on the National Register of Historic Places, is a lasting landmark and a national treasure.

Evanston is truly a special place, and the railroad has had a huge impact on its history. In fact, Evanston would not exist today had it not been for the railroad. Like the rest of the area, a large part of Wyoming's development depended on migrants coming from the East. Some traveled on famous emigrant trails like the Oregon and California Trails. But many followed the train tracks as the transcontinental railroad forged a new path across the West. The transcontinental railroad had particular importance in Wyoming's development. Steam engines needed water-refilling stations, and these stations quickly became hubs of commerce in the State. Evanston was the Union Pacific's last stop in Wyoming, and its settlement depended on the railroad.

In 1868, tracks finally reached Evanston, and a town of tents cropped up around the station. This prosperity was only short-lived because the managers soon ordered the station to be moved 12 miles west to Wasatch. Because of the transfer, the town's population disappeared virtually overnight. Evanston was in danger of becoming another "end of the line" town. Fortunately, the station moved back to Evanston later that summer—and it stayed there. The railroad provided a stable job base and nearby coal mines encouraged the settlement of the town. Just as the railroad depended on its workers, the town depended on the trains.

Evanston enjoyed great success as a water-filling station. The increased production and prosperity of the Union Pacific warranted new facilities to accommodate its increased traffic. In 1871, a new roundhouse and a shop complex were constructed. The station was designated as the major Union Pacific maintenance facility between Green River, WY, and Ogden, UT. In the next 30 years, the station prospered and the town of Evanston expanded. In 1912, the Union Pacific approved additional upgrades. The construction included a new roundhouse, a state-of-the-art turntable, and electricity for the other buildings in the complex.

Many technological advances eventually caught up with the station's success. The advent of diesel train engines brought the slow demise of the machine shop in Evanston, as more and more services were moved to Green River. In 1927, main operations were moved to Green River and the Evanston station opened as a reclamation

plant. Here, rolling train stock and parts were repaired and refurbished for the Union Pacific. The new designation created a new era of success for the station. At its height of production, the plant employed over 300 men, making it the largest employer in Evanston. The roundhouse and its accompanying facilities were crucial to the economic independence of the town's residents.

The success of the reclamation plant was enjoyed for several decades. However, in 1971, the Union Pacific closed the facility for good, due to modern production methods and lower prices for new equipment. The community had developed a strong tie to the railroad. Evanston depended on the railroad not only for jobs or economic stability, but also for its identity. After its final closure, the Union Pacific donated the rail yards to the community, creating the perfect opportunity for the community to preserve the station's legacy. Local businessmen formed a coalition to develop the area. The city of Evanston leased the facility to a number of railway companies while they created a comprehensive plan to preserve the roundhouse and rail yards.

To honor and recognize the significant impact of the roundhouse and the railroad, community members turned their eyes to restoration and preservation. This historic site was listed on the National Register of Historic Places in 1985. This special designation prompted other city officials to create a plan for the preservation and renovation of the rail yards. In 1998, thanks to Federal funding and the fundraising efforts of the community, cleanup of the facilities began. The goal to preserve the structural and historical integrity of the facility was accomplished through the cooperation and passion of the entire community.

Today, the Evanston Roundhouse and Rail Yards are open to the public. The recently dedicated J.T. & Phyllis Patterson Visitor Center welcomes visitors from across the country. In addition to the restoration of the original roundhouse, community leaders are working to restore the original turntable and other facilities around the plaza. Now, the machine shop is a clean, updated facility that is perfect for hosting events and meetings. And Evanston has a vision for what might follow. In the future, the city plans to move its city hall into the complex. Other ideas include plans to install a renovated dining car and to move the original water tower from Wasatch to the rail yards. Evanston and its visitors will continue to enjoy the rich history of the roundhouse thanks to the innovation of city officials and Evanston's partnership with local, State, and Federal agencies.

The Evanston Roundhouse and Rail Yards is a remarkable part of Wyoming's history. In honor of its 100th an-

niversary, I invite my colleagues to visit this national treasure. This site is a visible reminder of the important role the railroad played in the growth and development of Evanston. I congratulate the citizens who have worked so hard to preserve the roundhouse. They should be proud to share this historic place with visitors from all over the world.●

125TH ANNIVERSARY OF UNITED WAY

● MR. BOOZMAN. Mr. President, I rise to celebrate United Way for its commitment to serving people across the globe. For 125 years, United Way has been at the forefront of bringing about change in communities by initiating longlasting collaborative partnerships to meet the needs of citizens. By bringing together people, communities, and organizations, United Way has effectively solved problems and improved the lives of countless people.

The vision of United Way has remained constant since 1887 when Denver, CO, community members recognized the importance of cooperation to address the welfare problems in the city. Those efforts laid the foundation for the help it provides to communities all over the world today.

I am particularly proud of United Way's efforts in Arkansas and the support of people all over the State to help fellow Arkansans. I know many Arkansans join in efforts to help improve the well-being of their neighbors through various campaigns to mobilize resources and strengthen educational, employment, and health opportunities. We are blessed to have great community involvement and an organization like United Way that is always looking for new problems to solve. This is truly an amazing program that makes its presence count in untold ways touching lives and creating lasting changes.

On this 125th anniversary, on behalf of the people of Arkansas, I offer my thanks for impacting positive changes in the lives of people worldwide and close to home. I am humbled by United Way's constant commitment and attention to developing a bright future for all citizens. It is a privilege to have United Way in our backyard, and we are grateful for its outreach. United Way serves as an inspiration for all of us, showing us what hard work, dedication, and partnerships can lead to. Thank you for bringing hope to the hopeless, help to the helpless, voice to the voiceless and bridging the gaps between people and resources. Congratulations on this great milestone.●

MILTON, NORTH DAKOTA

● MR. CONRAD. Mr. President, I am pleased to honor a community in North Dakota that will soon celebrate its

125th anniversary. On July 14th, 2012, the residents of Milton will recognize the community's history and founding.

When Milton was founded in 1887, the postmaster initially suggested that the town be called Springfield. Some historians claim the town was named after the famous English poet, John Milton. However, most historians agree the town was named for Milton, Ontario, the hometown of pioneer settler Steven Sophar. Steven Sophar was instrumental in obtaining land and creating townships across North Dakota, as well as in several other northern states. After establishing a post office, Milton reached its boom in population during the 1890s.

The dedication of the residents keeps the community vibrant through its events and businesses. The local elevator, Little Star Theater and Milton Café are focal points in the community. Farming is also a thriving industry, due to the rich soil in the area.

Organized by local residents, the city is celebrating its 125th anniversary on July 14. During the celebration, the Senior Center will highlight area businesses, along with other community favorites, with historic photos and displays. Events will also include a parade, a car/bike/tractor show, a community dinner and program, a dance and fireworks sponsored by the Milton Fire Department.

Mr. President, I ask the United States Senate to join me in congratulating Milton, ND, and its residents on their 125th anniversary and in wishing them a bright future.●

GILBY, NORTH DAKOTA

● MR. CONRAD. Mr. President, I am pleased to honor a community in North Dakota that will soon celebrate its 125th anniversary. On July 14, 2012, the town of Gilby will recognize their community's history and founding.

Founded in 1887, Gilby was named for John Gilby, Jr., who came to the area in 1878. The rich soil has made it possible for farms to thrive in the area, growing wheat, soybeans, corn, sugar beets, and edible beans. The Scott farm, the oldest farm in Gilby, has been growing crops since the early 1800s. The Oppegard building has been a prominent landmark in Gilby since the town was established, starting out as a blacksmith's shop. Currently, the Oppegard building is home to an independent repair shop serving the needs of farmers in the area. The people of this friendly town are predominantly from German heritage.

To celebrate its 125th anniversary, Gilby is collaborating with Midway's 50th All School reunion on July 12, and Forest River's 125th anniversary on July 13. The activities culminate with Gilby's 125th celebration on July 14. Events in Gilby will include a pie and ice cream social, a volleyball tournament, train rides, and a parade.

I ask the United States Senate to join me in congratulating Gilby, ND, and its residents on the 125th anniversary of their founding and in wishing them a bright future.●

CONGRATULATING NORMAN DIANDA

● Mr. HELLER. Mr. President, today I wish to congratulate Mr. Norman "Norm" Dianda, who was recognized as the 2012 Reno Rodeo Parade Grand Marshal. My home State of Nevada is proud and privileged to acknowledge such an extraordinary civic leader.

Since founding Q&D Construction in 1964, Norm has been committed to making the Truckee Meadows a great place to live. He has served as the heart and soul of the company by continually going above and beyond the call of duty each year, assisting numerous organizations for the betterment of the Silver State.

A native Nevadan, Norm has volunteered his time to organizations such as the American Heart Association, American Lung Association, March of Dimes, American Cancer Society, the Boys & Girls Club of Truckee Meadows, Big Brothers Big Sisters, Saint Mary's Hospital, and, of course, the Reno Rodeo Association. His extraordinary charitable work in the community is admirable. For 9 of the past 13 years, Norm was voted Contractor of the Year by his peers in northern Nevada. He truly is one of the best.

Recently, Norm was honored with the privilege of leading the Reno Rodeo Parade. Having attended and supported the Reno Rodeo for over 60 years, Norm has seen and experienced many changes in the community and the rodeo itself. His company has been instrumental in updating the rodeo grounds for years. Norm's love for Nevada, community service, and the Reno Rodeo are unmatched.

Nevada's economy relies on events such as the Reno Rodeo, which celebrated its 93rd anniversary this year. Dependent upon nearly 400 volunteers from across the Truckee Meadows, the event is said to have an economic impact of \$42 million in the Reno/Sparks area. This 10-day rodeo recognizes the passions and skills of some of the world's top professional cowboys and cowgirls and their contributions to the sport of rodeo.

I admire and recognize Norm's commitment to northern Nevada. His dedication serves as a constant reminder of the importance of giving back to our communities. I am proud to stand with the residents of my home State to recognize his generosity and selflessness. Today, I ask my colleagues to join me in honoring a native Nevadan for all that he does for the Silver State.●

125TH ANNIVERSARY OF UNITED WAY

● Mr. JOHANNES. Mr. President, today, on the 125th Anniversary of United Way of America, I wish to pay tribute to Nebraska's many United Way organizations. United Way is active in the communities of Beatrice, Columbus, Cozad, Crete, Fremont, Grand Island, Hastings, Kearney, Lexington, Lincoln, Nebraska City, Norfolk, North Platte, Omaha, Scottsbluff, Wayne, York, and others. The Nebraskans affiliated with these organizations work tirelessly every day to improve the lives of those around them.

For the past 125 years, United Way has mobilized resources from local businesses and individuals to identify and meet the needs of the communities they serve. Thanks to the leadership from local United Way organizations, communities in Nebraska have been better able to address significant social issues. The programs they support help those experiencing hunger, domestic violence, drug and alcohol abuse, neglect, and many more challenges. In Nebraska, the United Way provides leadership and helping hands throughout our State.

I have had the privilege of working with United Way and the agencies they support as a county commissioner, city councilman, mayor, Governor, and now as a Member of the Senate. I have seen first hand the successes achieved by Nebraska's United Way offices, which have improved the lives of countless citizens across the State. I couldn't be more proud of their work.

It is an honor to mark this special day by acknowledging United Way offices across our State and thanking the many volunteers who contribute time, talent, and financial resources to improve Nebraska communities. I wish all of the United Way offices in Nebraska and across the Nation another 125 years of success in their mission to serve others.●

TRIBUTE TO RICK CRAIG

● Mr. LEE. Mr. President, today I wish to honor Rick Craig, president of America First Federal Credit Union. Rick was appointed president of the credit union in 1997, and previously served as the executive vice president for two decades. He recently announced his retirement and I wish to honor his exemplary career.

Rick is an alumnus of Weber State University, where he earned a bachelor of science degree in the field of mathematics with a minor in physics. He went on to earn a master's degree in the field of engineering from the University of Utah, and graduated in 1981 from the Western Credit Union National Association, CUNA, Management School. While in school, Rick earned the Charlie Clark Award and later was honored with the James D.

Likens Alumni Recognition Award. He has also completed the Credit Union Executives Society's Directors Leadership Institute program at the London Business School. Over the years, Rick has been willing to share his knowledge with others, teaching courses at Weber State University and the Western CUNA Management School.

Rick is a past board member of the Utah League of Credit Unions, and was vice chairman of the league's Executive Committee. From 1997 to 2003, he also served on the Governor's Board of Credit Union Advisors in Utah. He served on the Filene Research Council from 1999 to 2005, and he has been a member of the CO-OP Board of Directors since 2005. He has been a director of the Credit Union Executives Society, CUES, for 9 years, serving as chairman of the board. Rick was inducted into the Credit Union Society's Hall of Fame in 1996.

Mr. Craig has received numerous honors for his work. Utah Business Magazine recognized him as one of the one hundred most influential people in the State of Utah in 2001, 2004, 2007, and 2011. He was recognized as one of the Ten Trail Blazing Companies in Utah in 2003 and in 2004, the national CUES named him Executive of the Year. Under his leadership, America First Credit Union was recognized as one of the best places to work in Utah in 2007. Craig has written numerous articles, including articles for CUNA and CUES magazines, as well as computer world.

After 12 years as president, Rick Craig is leaving America First Credit Union on a solid financial foundation. He has been successful at navigating the credit union through very turbulent financial times.

Although Rick Craig has achieved great success in business, his greatest success has been being the father of 10 wonderful children. It is my wish that he and Karen enjoy this new chapter in their lives.●

REMEMBERING JUDGE ROBERT C. BOOCHEVER

● Ms. MURKOWSKI. Mr. President, next week the Juneau community will come together to honor the late Judge Robert C. Boochever, who passed away on October 9, 2011. At the time of his passing, Judge Boochever was a senior judge of the Ninth Circuit, U.S. Court of Appeals. Since Alaska was admitted to statehood, only three Alaskans have served on that court. Judge Boochever was the first of the three.

Judge Boochever was not born in Alaska, but he earned the right to be called an Alaskan through decades of service, on and off the bench, to our community. Robert C. Boochever was born in New York City on October 2, 1917, and grew up in Ithaca, the home of Cornell University where his father was director of public relations. He

completed his undergraduate work and law degree at Cornell, then enlisted in the Army. Deployed to Newfoundland as a legal officer, he met Connie Maddox, who was the chief surgical nurse for the base. They were married in April 1943.

At the end of the war, a long-time family friend from Cornell, Warren Caro, who had been an aide to Alaska's territorial Governor, Ernest Gruening, told Judge Boochever about a job in Juneau. It was an assistant U.S. attorney position, but at the time there was no U.S. attorney, so Boochever would in fact be running the operation. At the time, Judge Boochever knew nothing of Alaska or Juneau other than the praises sung by his family friend, Warren Caro. But that didn't stop him from asking Alaska's delegate to Congress, Bob Bartlett, for a recommendation. Once offered the job, he persuaded Connie to give Alaska a try and they never looked back.

In 1947, Boochever joined the Faulkner Banfield law office in Juneau and soon was made a named partner. He built the Faulkner Banfield firm, which dates back to 1914, into one of Alaska's great law firms. That firm continues to operate today as Faulkner Banfield in Juneau and Holmes, Weddle and Barcott with offices in Anchorage, Seattle, Portland and San Diego. Mike Holmes, one of his partners, described Boochever as "the best trial lawyer in the State." He served as president of both the Alaska and Juneau Bar Associations.

In 1972, Judge Boochever was named to the Alaska Supreme Court and served as chief justice for three years. In 1980, President Carter nominated Judge Boochever to the Ninth Circuit. In an oral history, Judge Boochever described himself as a champion of individual rights who was also sympathetic to the problems of law enforcement. His Ninth Circuit colleague, Judge Dorothy Wright Nelson, the former dean of the University of Southern California Law School, described Boochever as the best writer on the court.

But a distinguished legal career was but one measure of this outstanding Alaskan. Judge Boochever was a gentleman who greeted women with the tip of a hat, a family man whose daughter would sing out loud, "Oh, we're the happy Boochevers" to the tune of "Jolly Good Fellow," an avid birdwatcher, a poet, a singer and a pianist.

According to a 1997 tribute in the Alaska Bar Rag, he was "revered by his friends and neighbors as a dedicated advocate who championed causes that helped shape the Juneau community."

He was the first chairman of the Juneau Planning Commission, a vocal opponent of efforts to move Alaska's capital out of Juneau, and a leader in the successful campaign to create the Uni-

versity of Alaska Southeast in Auke Bay. Judge Boochever, and Connie, who predeceased him, were selected by the Juneau Rotary Club as Man and Woman of the Year. Connie will long be remembered as a champion of the arts in Juneau. What an outstanding team.

Outstanding families are the product of outstanding patriarchs. Judge Boochever was the father of four outstanding daughters. Barbara, an avid skier, whose daughter Hillary Lindh, would grow up to be an Olympic silver medalist in downhill skiing; Linda, an Anchorage businesswoman; Mimi, a teacher nationally renowned for teaching the fine arts to young people; and Ann, a music teacher who cofounded two of Juneau's finest restaurants.

Judge Boochever was outstanding in every respect. It is people like Judge Boochever who moved Alaska from the last frontier of the prestatehood period to the best place in America to live, work and raise a family. I am grateful for his significant contributions to the quality of life we today enjoy in the State of Alaska. That is why I was proud to cosponsor legislation naming the Juneau Federal courthouse in perpetuity for Judge Boochever. That is why I am proud to honor his life and legacy today. •

RECOGNIZING THE ASPEN CENTER FOR PHYSICS

• Mr. UDALL of Colorado. Mr. President, today I wish to congratulate the distinguished Aspen Center for Physics, located in Aspen, CO, on the occasion of its 50th anniversary. I offer these congratulations on behalf of Senator BENNET of Colorado as well.

We would like to commend the Aspen Center for Physics for their dedication and excellence in the field of theoretical physics. Since the 1960s the Center has been one of the world's foremost research centers for the pursuit of basic scientific understanding on topics ranging from cosmology to biophysics.

With Federal funding primarily from the National Science Foundation and the support of dozens of corporate, institutional, and individual sponsors, the Aspen Center for Physics has become an international hub for revolutionary physics research. More than 10,000 scientists, representing 65 countries and including 52 Nobel Laureates, have participated in Center programs. They come to Aspen to converse with their peers, conduct groundbreaking research, and explore uncharted areas in theoretical physics.

The atmosphere created by the Aspen Center for Physics is unique. While surrounded by beautiful landscapes, researchers are encouraged to participate in informal dialogue and pursue creative and novel paths in their research, both individually and in collaborative groups.

The unstructured environment has been key to the exchange of ideas among the world's best theoretical physicists, and it has led to impressive results: more than 10,000 scientific papers and books have cited the Center's influence.

The Center is also a good neighbor. For more than 25 years, the Center has offered free public lectures on cutting-edge science to the community. It offers informative and interactive programs designed to engage children in learning and get them excited about science. Physicists from the Center also visit local schools and serve as mentors for students.

Colorado is fortunate to be home to the Aspen Center for Physics. Senator BENNET and I would like to congratulate them for an impressive first 50 years and wish them continued success for the next 50 years. •

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a withdrawal which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 9:33 a.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 3187. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

H.R. 33. An act to amend the Securities Act of 1933 to specify when certain securities issued in connection with church plans are treated as exempted securities for purposes of that Act.

H.R. 2297. An act to promote the development of the Southwest waterfront in the District of Columbia, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. INOUE).

At 10:20 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4018. An act to improve the Public Safety Officers' Benefits Program.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3342. A bill to improve information security, and for other purposes.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, June 28, 2012, she had presented to the President of the United States the following enrolled bill:

S. 3187. An act to amend the Federal Food, Drug, and Cosmetic Act to revise and extend the user-fee programs for prescription drugs and medical devices, to establish user-fee programs for generic drugs and biosimilars, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6702. A communication from the Administrator, Housing and Community Facilities Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Reserve Account" (RIN0575-AC66) received in the Office of the President of the Senate on June 21, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6703. A communication from the Acting Branch Chief, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Certification of Compliance with Meal Requirements for the National School Lunch Program Under the Healthy, Hunger-Free Kids Act of 2010" (RIN0584-AE15) received in the Office of the President of the Senate on June 21, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6704. A communication from the Acting Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pistachios Grown in California, Arizona, and New Mexico; Order Amending Marketing Order No. 983" (Docket No. AMS-FV-10-0099; FV11-983-1 FR) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6705. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Domestic Dates Produced or Packed in Riverside County, CA; Order Amending Marketing Order 987" (Docket No. AMS-FV-10-0025; FV10-987-1 FR) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6706. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2011-12 Crop Year for Tart

Cherries" (Docket No. AMS-FV-11-0085; FV11-930-3 FR) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6707. A communication from the Under Secretary of Defense (Intelligence), transmitting, pursuant to law, a report relative to maintaining the EP-3E Airborne Reconnaissance Integrated Electronic System and the Special Projects Aircraft platforms in a manner that meets all current requirements of the Commanders of the Combatant Commands (CCMDs); to the Committee on Armed Services.

EC-6708. A communication from the Under Secretary of Defense (Intelligence), transmitting, pursuant to law, the annual report on the current and future military strategy of Iran; to the Committee on Armed Services.

EC-6709. A communication from the General Counsel of the National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "Guidelines for the Supervisory Review Committee" (12 CFR Chapter VII) received in the Office of the President of the Senate on June 26, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6710. A communication from the Director, Office of Regulations, Social Security Administration, transmitting, pursuant to law, the report of a rule entitled "Extension of Expiration Dates for Several Body System Listings" (RIN0960-AH49) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Finance.

EC-6711. A communication from the President of the United States, transmitting, pursuant to law, notification of the designation of Irving A. Williamson as Chair of the United States International Trade Commission; to the Committee on Finance.

EC-6712. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to certifying that Belgium has satisfactorily complied with its obligations under Article 25 (Exchange of Information and Administrative Assistance); to the Committee on Finance.

EC-6713. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Plan to Implement a Medicare Skilled Nursing Facility Value-Based Purchasing Program"; to the Committee on Finance.

EC-6714. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting certification of proposed issuance of an export license pursuant to sections 36(c) and 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12-002); to the Committee on Foreign Relations.

EC-6715. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. DDTC 12-043); to the Committee on Foreign Relations.

EC-6716. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of items not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC-6717. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Dis-

ability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Disability and Rehabilitation Research Project—Burn Model Systems Centers" (CFDA No. 84.133A-3) received in the Office of the President of the Senate on June 25, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6718. A communication from the Assistant General Counsel for Regulatory Services, Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the report of a rule entitled "National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Engineering Research Centers" (CFDA No. 84.133E-1 and 84.133E-3) received in the Office of the President of the Senate on June 25, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6719. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-380, "District Department of Transportation Grant Authority Temporary Amendment Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6720. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-384, "Youth Bullying Prevention Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6721. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's Federal Equal Opportunity Recruitment Program Report for fiscal year 2011; to the Committee on Homeland Security and Governmental Affairs.

EC-6722. A communication from the Presiding Governor of the Broadcasting Board of Governors, transmitting, pursuant to law, the Office of Inspector General's Semiannual Report for the period of October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6723. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Autopsies at VA Expense" (RIN2900-AO03) received during adjournment of the Senate in the Office of the President of the Senate on June 22, 2012; to the Committee on Veterans' Affairs.

EC-6724. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "VA Veteran-Owned Small Business Verification Guidelines" (RIN2900-AO49) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Veterans' Affairs.

EC-6725. A communication from the Associate General Counsel, Office of the General Counsel, Department of Agriculture, transmitting, pursuant to law, (2) two reports relative to vacancies in the Department of Agriculture received in the Office of the President of the Senate on June 26, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6726. A communication from the Congressional Review Coordinator, Animal and

Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Dracaena Plants From Costa Rica" (RIN0579-AD54) (Docket No. APHIS-2011-0073) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6727. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Cyflufenamid; Pesticide Tolerances" (FRL No. 9352-5) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6728. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Propiconazole; Pesticide Tolerances" (FRL No. 9350-9) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6729. A communication from the Solicitor, Federal Labor Relations Authority, transmitting, pursuant to law, a report relative to Section 939A of the Dodd-Frank Act regarding references to or requirements of reliance on credit ratings; to the Committee on Banking, Housing, and Urban Affairs.

EC-6730. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report on the remaining obstacles to the efficient and timely circulation of \$1 coins; to the Committee on Banking, Housing, and Urban Affairs.

EC-6731. A communication from the Administrator of the U.S. Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled "The Availability and Price of Petroleum and Petroleum Products Produced in Countries Other Than Iran"; to the Committee on Energy and Natural Resources.

EC-6732. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Ohio; Regional Haze" (FRL No. 9683-4) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Environment and Public Works.

EC-6733. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana; Volatile Organic Compounds; Consumer Products" (FRL No. 9690-3) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Environment and Public Works.

EC-6734. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designations of Areas for Air Quality Planning Purposes; Missouri and Illinois; St. Louis Nonattainment Area; Determination of Attainment by Applicable Attainment Date for the 1997 Annual Fine Particulate Standards;" (FRL No. 9692-8) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Environment and Public Works.

EC-6735. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Louisiana; Regional Haze State Implementation Plan" (FRL No. 9692-3) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Environment and Public Works.

EC-6736. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of Georgia; Regional Haze State Implementation Plan" (FRL No. 9692-1) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Environment and Public Works.

EC-6737. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District (MDAQMD) and Yolo-Solano Air Quality Management District (YSAQMD)" (FRL No. 9686-6) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Environment and Public Works.

EC-6738. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Withdrawal of Direct Final Rule Revising the California State Implementation Plan, South Coast Air Quality Management District" (FRL No. 9690-9) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Environment and Public Works.

EC-6739. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Credit for Carbon Dioxide Sequestration 2012 Section 45Q Inflation Adjustment Factor" (Notice 2012-42) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Finance.

EC-6740. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "PTP-COD Income" (Notice 2012-28) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Finance.

EC-6741. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Modification to Consolidated Return Regulation Permitting an Election to Treat a Liquidation of a Target, Followed by a Recontribution to a New Target, as a Cross-Chain Reorganization" (RIN1545-B131) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Finance.

EC-6742. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Overall Foreign and Domestic Losses" (RIN1545-BH13) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Finance.

EC-6743. A communication from the Chief of the Publications and Regulations Branch,

Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Disregarded Entities and the Indoor Tanning Services Excise Tax" (RIN1545-BK39) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Finance.

EC-6744. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Election to Include in Gross Income in Year of Transfer" (Rev. Proc. 2012-29) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Finance.

EC-6745. A communication from the Secretary of Education, transmitting, pursuant to law, the Department's Semiannual Report to Congress on Audit Follow-up for the period of October 1, 2011 through March 31, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6746. A communication from the Counsel for Regulatory and External Affairs, Federal Labor Relations Board, transmitting, pursuant to law, the report of a rule entitled "Representation Proceedings, Unfair Labor Practice Proceedings, and Miscellaneous and General Requirements" (5 CFR Parts 2422, 2423, and 2429) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6747. A communication from the Acting Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Executive Branch Qualified Trusts" (RIN3209-AA00) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6748. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Louisiana: Final Authorization of State Hazardous Waste Management Program Revision" (FRL No. 9692-7) received in the Office of the President of the Senate on June 27, 2012; to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself, Ms. SNOWE, and Mrs. FEINSTEIN):

S. 3352. A bill to amend the Internal Revenue Code of 1986 to improve and extend certain energy-related tax provisions, and for other purposes; to the Committee on Finance.

By Mr. BURRE:

S. 3353. A bill to amend title 38, United States Code, to require States to recognize the military experience of veterans when issuing licenses and credentials to veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. CASEY:

S. 3354. A bill to authorize the Transition Assistance Advisor program of the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself, Mr. KERRY, Mr. AKAKA, Mr. UDALL of New Mexico, Mr. BROWN of Ohio, Mr. LIEBERMAN, Mr. PRYOR, Mr. MENENDEZ, and Mr. DURBIN):

S. 3355. A bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes; to the Committee on Finance.

By Mr. PORTMAN (for himself, Mr. UDALL of New Mexico, Mr. WHITEHOUSE, and Ms. SNOWE):

S. 3356. A bill to strengthen the role of the United States in the international community of nations in conserving natural resources to further global prosperity and security; to the Committee on Foreign Relations.

By Mr. UDALL of New Mexico (for himself and Mr. BINGAMAN):

S. 3357. A bill to authorize the Secretary of the Interior to convey certain Federal land in San Juan County, New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CARDIN (for himself, Mr. KIRK, and Ms. MIKULSKI):

S. 3358. A bill to amend the Older Americans Act of 1965 to provide social services agencies with the resources to provide services to meet the unique needs of the Holocaust survivors to age in place with dignity, comfort, security, and quality of life; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PAUL:

S. 3359. A bill to end the practice of including more than one subject in a single bill by requiring that each bill enacted by Congress be limited to only one subject, and for other purposes; to the Committee on Rules and Administration.

By Mr. PAUL:

S. 3360. A bill to preserve the constitutional authority of Congress and ensure accountability and transparency in legislation; to the Committee on Rules and Administration.

By Mr. PAUL:

S. 3361. A bill to end the unconstitutional delegation of legislative power which was exclusively vested in the Senate and House of Representatives by article I, section 1 of the Constitution of the United States, and to direct the Comptroller General of the United States to issue a report to Congress detailing the extent of the problem of unconstitutional delegation to the end that such delegations can be phased out, thereby restoring the constitutional principle of separation of power set forth in the first sections of the Constitution of the United States; to the Committee on Homeland Security and Governmental Affairs.

By Mr. RUBIO (for himself, Mr. BLUNT, Mr. CHAMBLISS, Mr. CORNYN, Mr. DEMINT, Mrs. HUTCHISON, Mr. INHOFE, Mr. LEE, Mr. NELSON of Florida, Mr. PAUL, Mr. RISCH, and Mr. THUNE):

S.J. Res. 46. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rules submitted by the Department of the Treasury and the Internal Revenue Service relating to the reporting requirements for interest that relates to deposits maintained at United States offices of certain financial institutions and is paid to certain nonresident alien individuals; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. GILLIBRAND:

S. Res. 513. A resolution recognizing the 200th anniversary of the War of 1812, which

was fought between the United States of America and Great Britain beginning on June 18, 1812, in response to British violations of neutral rights of the United States, seizure of ships of the United States, restriction of trade between the United States and other countries, and the impressment of sailors of the United States into the Royal Navy; to the Committee on the Judiciary.

By Mr. CARDIN (for himself and Ms. MIKULSKI):

S. Res. 514. A resolution commemorating the victory of Loyola University Maryland in the 2012 NCAA Division I Men's Lacrosse National Championship; considered and agreed to.

By Ms. MIKULSKI (for herself, Ms. COLLINS, Ms. LANDRIEU, Ms. SNOWE, Mrs. FEINSTEIN, Ms. MURKOWSKI, Mrs. BOXER, Ms. CANTWELL, Mrs. MURRAY, Ms. STABENOW, Ms. KLOBUCHAR, Mrs. SHAHEEN, Mrs. GILLIBRAND, and Mrs. MCCASKILL):

S. Res. 515. A resolution honoring Catholic Sisters for their contributions to the United States; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 387

At the request of Mrs. BOXER, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 387, a bill to amend title 37, United States Code, to provide flexible spending arrangements for members of uniformed services, and for other purposes.

S. 466

At the request of Mr. NELSON of Florida, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 466, a bill to provide for the restoration of legal rights for claimants under Holocaust-era insurance policies.

S. 534

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 539

At the request of Mr. WHITEHOUSE, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 539, a bill to amend the Public Health Services Act and the Social Security Act to extend health information technology assistance eligibility to behavioral health, mental health, and substance abuse professionals and facilities, and for other purposes.

S. 960

At the request of Mr. KERRY, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 960, a bill to provide for a study on issues relating to access to intravenous immune globulin (IVG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing cov-

erage and payment for items and services necessary to administer IVG in the home.

S. 974

At the request of Ms. SNOWE, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 974, a bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector.

S. 1147

At the request of Mr. BLUMENTHAL, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1147, a bill to amend the Department of Veterans Affairs Health Care Programs Enhancement Act of 2001 and title 38, United States Code, to require the provision of chiropractic care and service to veterans at all Department of Veterans Affairs medical centers and to expand access to such care and services, and for other purposes.

S. 1251

At the request of Mr. CARPER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1251, a bill to amend title XVIII and XIX of the Social Security Act to curb waste, fraud, and abuse in the Medicare and Medicaid programs.

S. 1299

At the request of Mr. MORAN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1591

At the request of Mrs. GILLIBRAND, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

At the request of Mr. JOHANNES, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 1591, supra.

S. 1629

At the request of Mrs. GILLIBRAND, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1629, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 1929

At the request of Mr. BLUMENTHAL, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Delaware (Mr. CARPER), the Senator from Wisconsin (Mr. KOHL), the Senator from Rhode Island (Mr. REED) and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S.

1929, a bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 2104

At the request of Mr. CARDIN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 2104, a bill to amend the Water Resources Research Act of 1984 to reauthorize grants for and require applied water supply research regarding the water resources research and technology institutes established under that Act.

S. 2165

At the request of Mr. ISAKSON, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2179

At the request of Mr. WEBB, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 2179, a bill to amend title 38, United States Code, to improve oversight of educational assistance provided under laws administered by the Secretary of Veterans Affairs and the Secretary of Defense, and for other purposes.

S. 2189

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 2189, a bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal anti-discrimination and antiretaliation claims, and for other purposes.

S. 2620

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 2884

At the request of Ms. STABENOW, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2884, a bill to provide an incentive for businesses to bring jobs back to America.

S. 3203

At the request of Mr. LAUTENBERG, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a co-

sponsor of S. 3203, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 3204

At the request of Mr. JOHANNIS, the name of the Senator from Mississippi (Mr. WICKER) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3245

At the request of Mr. LEAHY, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from Utah (Mr. HATCH), the Senator from Florida (Mr. RUBIO), the Senator from New York (Mr. SCHUMER), the Senator from Utah (Mr. LEE) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 3245, a bill to permanently reauthorize the EB-5 Regional Center Program, the E-Verify Program, the Special Immigrant Nonminister Religious Worker Program, and the Conrad State 30 J-1 Visa Waiver Program.

S. 3290

At the request of Mr. VITTER, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 3290, a bill to prohibit discrimination against the unborn on the basis of sex or gender, and for other purposes.

S. 3308

At the request of Mr. HELLER, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S. 3308, a bill to amend title 38, United States Code, to improve the furnishing of benefits for homeless veterans who are women or who have dependents, and for other purposes.

S. 3320

At the request of Mr. BINGAMAN, the names of the Senator from Colorado (Mr. BENNET) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 3320, a bill to authorize the Administrator of the Federal Emergency Management Agency to waive the 30-day waiting period for flood insurance policies purchased for private properties affected by wildfire on Federal lands.

S.J. RES. 45

At the request of Mrs. HUTCHISON, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S.J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as "Juneteenth Independence Day".

S. RES. 150

At the request of Mr. INHOFE, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. Res. 150, a resolution calling for the protection of religious minority rights and freedoms in the Arab world.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CARDIN (for himself, Mr. KIRK, and Ms. MIKULSKI):

S. 3358. A bill to amend the Older Americans Act of 1965 to provide social services agencies with the resources to provide services to meet the unique needs of the Holocaust survivors to age in place with dignity, comfort, security, and quality of life; to the Committee on Health, Education, Labor, and Pensions.

Mr. CARDIN. Mr. President, I rise today on behalf of myself and Senators KIRK and MIKULSKI to introduce the Responding to Urgent needs of Survivors of the Holocaust Act or the RUSH Act.

Our bill will provide needed protections for survivors of the Holocaust who managed to make it to the United States after years of prolonged terror, abuse, and desperation. Millions fled from the cruelty of the Nazi regime between 1933 and 1945, from territories annexed, invaded or occupied by Nazi Germany and from their Axis partner countries in Europe as well.

Millions of others were killed during the Holocaust, exterminated by a ruthless machine propagated by the Nazi party. Those who escaped the terror of the Nazi regime carried with them experiences that can never be forgotten, and have adversely affected their ability to cope with institutionalized settings.

Many Holocaust survivors living in the United States would prefer to spend their days at home with their families, rather than being moved into settings where they lose autonomy, privacy, and control, which can bring back painful trauma from their experiences under Nazi rule. This bill would amend the Older Americans Act to ensure that Holocaust survivors can better access needed services, such as health care and nutrition services, without having to live in a nursing or assisted living facility.

As of 2010, there were approximately 127,000 Holocaust survivors living in the United States, and more than three quarters of them are over age 75, with a majority in their 80s and 90s. By focusing on home and community-based long-term care, we can help ensure that fewer survivors are dependent on the unpaid support of family caregivers, or have to resort to unnecessary institutionalization.

All aging Americans deserve access to needed community supports and services in comfortable settings that are neither mentally nor physically traumatizing. These great Americans deserve our efforts to ensure that they are better able to age in place. I ask my colleagues to join me in support of this bill.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 513—RECOGNIZING THE 200TH ANNIVERSARY OF THE WAR OF 1812, WHICH WAS FOUGHT BETWEEN THE UNITED STATES OF AMERICA AND GREAT BRITAIN BEGINNING ON JUNE 18, 1812, IN RESPONSE TO BRITISH VIOLATIONS OF NEUTRAL RIGHTS OF THE UNITED STATES, SEIZURE OF SHIPS OF THE UNITED STATES, RESTRICTION OF TRADE BETWEEN THE UNITED STATES AND OTHER COUNTRIES, AND THE IMPRESSMENT OF SAILORS OF THE UNITED STATES INTO THE ROYAL NAVY

Mrs. GILLIBRAND submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 513

Whereas in standing up to the British, and fighting the conquerors of Napoleon to a draw, the War of 1812 revived flagging nationalism, cleared the way for expanded overseas trade, and ended an era of introversion by the United States;

Whereas most of the public buildings of Washington, D.C. were set alight, including the White House and the Capitol;

Whereas Sackets Harbor, New York, on the eastern shore of Lake Ontario, was the site of more naval construction during the war than anywhere else;

Whereas the war came to the State of New York in late December 1813 when the village of Black Rock, located 2 miles below Buffalo on the front lines of the war, was torched by the British and only 1 house was spared;

Whereas Buffalo, of which it is said that “no other town in the United States saw more of the war”, came under regular siege from the British and was ultimately burned despite assurances that private property would be spared;

Whereas the British capture of Fort Niagara, in a surprise night offensive on December 18, 1813, provided control over the mouth of the Niagara River to the British as well as the launching pad for its attacks on Buffalo and Black Rock;

Whereas the town of Lewiston, New York, which served as the headquarters for the United States Army during its attack across the river at Queenston, Ontario, was the target of British retaliation in December 1813, resulting in the deaths of many civilians and the destruction of all buildings;

Whereas despite being outnumbered 30 to 1, members of the Tuscarora Nation offered the first resistance the British and Mohawk allies had seen, saving the lives of dozens of Lewiston citizens by allowing them to escape the attack;

Whereas Jacob Brown, a pioneer settler in the Black River country of upstate New York and a general in the New York Militia, led the successful defense of Fort Erie in the late summer of 1814, which lifted the spirits of the people of the United States at an important time and resulted in Brown emerging from the war a national hero;

Whereas the British plan to invade from the North, in a manner similar to that of General John Burgoyne in 1777, was halted at Plattsburgh, New York in September 1814;

Whereas the victory at Plattsburgh shattered any hopes of British gains in the

North, helped maintain national morale after Washington was sacked in that dark summer of 1814, and was described by Winston Churchill as the “most decisive engagement of the war”;

Whereas from the death and destruction of the War of 1812 there was born a spirit of cooperation and a vision of peace between the United States and Canada;

Whereas the unparalleled cooperation, prosperity, and friendship that developed between the United States and Canada since the War of 1812 find the deepest roots and daily expressions in the border communities across upstate New York, which was the front line of the War of 1812;

Whereas the bicentennial of the War of 1812 offers an exceptional opportunity to acknowledge and celebrate the true and lasting legacy of 200 years of peace between the United States and Canada; and

Whereas through the turmoil of war, a young nation endured and saw its banner continue to wave over a land free and brave: Now, therefore, be it

Resolved, That the Senate recognizes the 200th anniversary of the War of 1812.

SENATE RESOLUTION 514—COMMEMORATING THE VICTORY OF LOYOLA UNIVERSITY MARYLAND IN THE 2012 NCAA DIVISION I MEN'S LACROSSE NATIONAL CHAMPIONSHIP

Mr. CARDIN (for himself and Ms. MIKULSKI) submitted the following resolution; which was considered and agreed to:

S. RES. 514

Whereas on May 28, 2012, Loyola University Maryland won its first NCAA Division I Men's Lacrosse National Championship and the first Division I national title in the history of the school;

Whereas Loyola is the smallest school in NCAA history to win the Division I Men's Lacrosse National Championship, with only 3,863 undergraduate students;

Whereas the Loyola Greyhounds finished the men's lacrosse season with a record of 18 wins and 1 loss;

Whereas the Loyola Greyhounds set a NCAA record for the fewest goals allowed during a men's lacrosse championship game;

Whereas 5 members of the Loyola Greyhounds, Joe Fletcher, Josh Hawkins, Eric Lusby, Scott Ratliff, and Jack Runkel, were named members of the All-Tournament team;

Whereas Loyola senior Eric Lusby was named the Most Outstanding Player of the 2012 NCAA Division I Men's Lacrosse National Championship after scoring 4 goals in the title game, while also setting a tournament record with a total of 17 goals in 4 games;

Whereas sophomore goalie Jack Runkel had 6 saves in the championship game, holding the University of Maryland to only 3 goals;

Whereas the 18 wins by the Loyola Greyhounds this season set a program record;

Whereas Loyola became just the ninth team to win an NCAA Division I Men's Lacrosse National Championship since the first championship was held in 1971;

Whereas the Loyola Greyhounds secured their victory in only their second appearance in a national championship, having been defeated by Syracuse in 1990;

Whereas the vision and leadership of the Rev. Brian Linnane, S.J. and Jim Paquette,

Loyola University's President and Athletic Director, respectively, were instrumental in bringing academic and athletic success, as well as national recognition, to Loyola University Maryland; and

Whereas the 2012 Loyola University Maryland men's lacrosse team has brought great honor and pride to their university, the State of Maryland, and the United States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Loyola University Maryland Greyhounds for winning the 2012 NCAA Division I Men's Lacrosse National Championship;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication were key to Loyola's victory in the championship game; and

(3) requests the Secretary of the Senate to transmit for appropriate display an enrolled copy of this resolution to Loyola University President Rev. Brian Linnane, S.J. and Loyola University Men's Lacrosse Head Coach Charley Toomey.

SENATE RESOLUTION 515—HONORING CATHOLIC SISTERS FOR THEIR CONTRIBUTIONS TO THE UNITED STATES

Ms. MIKULSKI (for herself, Ms. COLLINS, Ms. LANDRIEU, Ms. SNOWE, Mrs. FEINSTEIN, Ms. MURKOWSKI, Mrs. BOXER, Ms. CANTWELL, Mrs. MURRAY, Ms. STABENOW, Ms. KLOBUCHAR, Mrs. SHAHEEN, Mrs. GILLIBRAND, and Mrs. MCCASKILL) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 515

Whereas approximately 220,000 Catholic Sisters have served in the United States beginning even before the Nation's founding;

Whereas approximately 57,000 Catholic Sisters serve in the United States today;

Whereas Catholic Sisters are women who dedicate their lives to God by serving God's people, especially the poor, the sick, and the marginalized;

Whereas, fortified by a deep faith in God and an unwavering commitment to the common good, American nuns built the Catholic Church in the United States through their ministry to the vulnerable, the sick, and the poor;

Whereas individuals trained by the Catholic Sisters serve as health providers in communities across the Nation;

Whereas Catholic hospitals treated approximately one in 6 patients in the United States;

Whereas Catholic Sisters helped establish the Nation's largest private school system and founded more than 150 colleges and universities and educated millions of young people in the United States;

Whereas, since 1980, 9 Catholic Sisters from the United States have been martyred while working for social justice and human rights overseas;

Whereas Catholic Sisters who have answered the call of the Second Vatican Council to seek “justice in the world” continue the vital mission of teaching our children in schools, healing the sick in hospitals, feeding the hungry, sheltering the homeless, administering major institutions, encouraging corporate responsibility, and advocating for public policies that honor human dignity; and

Whereas the congregations of women religious, along with their respective organizations, make the United States stronger and deserve our deepest appreciation: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and commends the Catholic Sisters of the United States, whose inspiring legacy of service enriches the Nation;

(2) honors the contributions of Catholic Sisters to the Nation; and

(3) stands in solidarity with Catholic Sisters in their work toward a more just society for all of God's people.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2488. Mrs. MURRAY (for herself, Mr. MCCAIN, Mr. LEVIN, Mr. LIEBERMAN, Ms. AYOTTE, Mr. CONRAD, Mr. GRAHAM, Mr. INHOFE, Ms. COLLINS, and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2488. Mrs. MURRAY (for herself, Mr. MCCAIN, Mr. LEVIN, Mr. LIEBERMAN, Ms. AYOTTE, Mr. CONRAD, Mr. GRAHAM, Mr. INHOFE, Ms. COLLINS, and Mr. SESSIONS) submitted an amendment intended to be proposed by her to the bill S. 1940, to amend the National Flood Insurance Act of 1968, to restore the financial solvency of the flood insurance fund, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ REPORTS ON EFFECTS OF DEFENSE AND NONDEFENSE BUDGET SEQUESTRATION.

(a) FINDINGS.—Congress makes the following findings:

(1) The inability of the Joint Select Committee on Deficit Reduction to find \$1,200,000,000,000 in savings will trigger automatic funding reductions known as “sequestration” to raise an equivalent level of savings between fiscal years 2013 and 2021.

(2) These savings are in addition to \$900,000,000,000 in deficit reduction resulting from discretionary spending limits established by the Budget Control Act of 2011.

(b) REPORTS.—

(1) REPORT BY THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, or November 30, 2012, whichever is earlier, the Director of the Office of Management and Budget shall submit a report to the Committees on Appropriations and the Budget of the House of Representatives and the Senate with respect to a sequestration under section 251(a) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(B) ELEMENTS.—The report required by subparagraph (A) shall include the following:

(i) Each account that would be subject to such a sequestration.

(ii) Each account that would be subject to such a sequestration but subject to a special rule under section 255 or 256 of the Balanced Budget and Emergency Deficit Control Act of 1985 (and the citation to such rule).

(iii) Each account that would be exempt from such a sequestration.

(C) CATEGORIZE AND GROUP.—The report required under this paragraph shall categorize and group the listed accounts by the appropriations Act covering such accounts

(2) REPORT BY THE PRESIDENT.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act or by October 30, 2012, whichever is earlier, the President shall submit to Congress a detailed report on the sequestration required by paragraphs (7)(A) and (8) of section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) for fiscal year 2013 using enacted levels of appropriations for accounts funded pursuant to an enacted regular appropriations bill for fiscal year 2013, and a rate for operations as provided in the applicable appropriations Acts for fiscal year 2012 and under the authority and conditions provided in such Acts for accounts not funded through an enacted appropriations measure for fiscal year 2013.

(B) ELEMENTS.—The reports required by subparagraph (A) shall include—

(i) for discretionary appropriations—

(I) an estimate for each category, of the sequestration percentages and amounts necessary to achieve the required reduction; and

(II) an identification of each account to be sequestered and estimates of the level of sequestrable budgetary resources and the amount of budgetary resources to be sequestered at the program, project, and activity level;

(ii) for non-defense discretionary spending only—

(I) a list of the programs, projects, and activities that would be reduced or terminated; (II) an assessment of the jobs lost directly through program and personnel cuts;

(III) an estimate of the impact program cuts would have on the long-term competitiveness of the United States and its ability to maintain its lead in research and development, as well as the impact on our national goal to graduate the most students with degrees in in-demand fields;

(IV) an assessment of the impact of program cuts to education funding across the country, including estimates on teaching jobs lost, the number of students cut off programs they depend on, and education resources lost by States and local educational agencies;

(V) an analysis of the impact of cuts to programs middle class families and the most vulnerable families depend on, including estimates of how many families would lose access to support for children, housing and nutrition assistance, and skills training to help workers get better jobs;

(VI) an analysis of the impact on small business owners' ability to access credit and support to expand and create jobs;

(VII) an assessment of the impact to public safety, including an estimate of the reduction of police officers, emergency medical technicians, and firefighters;

(VIII) a review of the health and safety impact of cuts on communities, including the impact on food safety, national border security, and environmental cleanup;

(IX) an assessment of the impact of sequestration on environmental programs that protect the Nation's air and water, and safeguard children and families;

(X) assessment of the impact of sequestration on the Nation's infrastructure, including how cuts would harm the ability of States and communities to invest in roads, bridges, and waterways.

(XI) an assessment of the impact on ongoing government operations and the safety of Federal Government personnel;

(XII) a detailed estimate of the reduction in force of civilian personnel as a result of sequestration, including the estimated timing of such reduction in force actions and the timing of reduction in force notifications thereof; and

(XIII) an estimate of the number and value of all contracts that may be terminated, restructured, or revised in scope as a result of sequestration, including an estimate of potential termination costs and of increased contract costs due to renegotiation and reinstatement of contracts;

(iii) for direct spending—

(I) an estimate for the defense and non-defense functions based on current law of the sequestration percentages and amount necessary to achieve the required reduction;

(II) a specific identification of the reductions required for each nonexempt direct spending account at the program, project, and activity level; and

(III) a specific identification of exempt direct spending accounts at the program, project, and activity level; and

(iv) any other data or information that would enhance public understanding of the sequester and its effect on the defense and nondefense functions of the Federal Government including the impact on essential public safety responsibilities such as—

(I) the impact on essential public safety responsibilities such as homeland security, food safety, and air traffic control activities;

(II) an assessment of the impact of cuts to programs that the Nation's farmers rely on to help them through difficult economic times; and

(III) an assessment of the impact of Medicare cuts to the ability for seniors to access care.

(3) REPORT BY THE SECRETARY OF DEFENSE.—

(A) IN GENERAL.—Not later than August 15, 2012, the Secretary of Defense shall submit to Congress a report on the impact on national defense accounts of the sequestration required by paragraphs (7)(A) and (8) of section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) using enacted levels of appropriations for accounts funded pursuant to an enacted regular appropriations bill for fiscal year 2013, and a rate for operations as provided in the applicable appropriations Acts for fiscal year 2012 and under the authority and conditions provided in such Acts for accounts not funded through an enacted appropriations measure for fiscal year 2013.

(B) ELEMENTS OF THE DEFENSE REPORTS.—The report required by subparagraph (A) shall include the following:

(i) An assessment of the impact on ongoing operations and the safety of United States military and civilian personnel.

(ii) An assessment of the impact on the readiness of the Armed Forces, including impacts to steaming hours, flying hours, and full spectrum training miles, and an estimate of the increase or decrease in readiness (as defined in the C status C-1 through C-5).

(iii) A detailed estimate of the reduction in force of civilian personnel, including the estimated timing of such reduction in force actions and timing of reduction in force notifications thereof.

(iv) An estimate of the number and value of all contracts that will be terminated, restructured, or revised in scope, including an estimate of potential termination costs and of increased contract costs due to renegotiation and reinstatement of contracts.

(v) An assessment of the impact on the ability of the Department of Defense to carry out the National Military Strategy of the United States, and any changes to the most recent Risk Assessment of the Chairman of the Joint Chiefs of Staff under section 153(b) of title 10, United States Code, arising from sequestration.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on June 28, 2012, at 10 a.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "The Need for Privacy Protections: Is Industry Self-Regulation Adequate?"

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on June 28, 2012, at 9:30 a.m. in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on June 28, 2012, at 9:30 a.m., to hold a hearing entitled, "The Law of the Sea Convention (Treaty Doc. 103-39): Perspectives from Business and Industry."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on June 28, 2012, in room SD-628 of the Dirksen Senate Office Building, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on June 28, 2012, at 11 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent

that the Select Committee on Intelligence be authorized to meet during the session of the Senate on June 28, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

AFRICAN AFFAIRS SUBCOMMITTEE

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Session on June 18, 2012, at 2:30 p.m., to hold an African Affairs subcommittee hearing entitled, "Economic Statecraft: Embracing Africa's Market Potential."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Chris Ledoux, a detailee on Senator JOHNSON's Banking Committee staff, be granted floor privileges for the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that John Bolanos be granted the privilege of the floor for the remainder of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. Mr. President, I ask unanimous consent that members of Senator BINGAMAN's staff—Lisa Peterkin, James Anderson, Bijan Peters, Kendra Doychak, and Eugenia Woods—be granted the privileges of the floor for the pendency of today, Thursday, June, 28, 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for the 2012 second quarter Mass Mailing report is Wednesday, July 25, 2012. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, D.C. 20510-7116.

The Senate Office of Public Records will be open from 9:00 a.m. to 6:00 p.m. on the filing date to accept these filings. For further information, please contact the Senate Office of Public Records at (202) 224-0322.

COMMEMORATING THE VICTORY OF LOYOLA UNIVERSITY MARYLAND

Mr. REID. I ask unanimous consent the Senate proceed to S. Res. 514.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows.

A resolution, (S. Res. 514) commemorating the victory of Loyola University Maryland in the 2012 NCAA Division I Men's Lacrosse National Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CARDIN. Mr. President, I rise today to recognize and commemorate Loyola University of Maryland's victory in the 2012 NCAA Men's Lacrosse Championship and to honor the players, coaches, and administrators who helped to secure Loyola's first Division I National Championship.

For much of recent history, NCAA Division I Lacrosse has been dominated by a small group of eight, elite programs. But last month, a Jesuit university on Charles Street in downtown Baltimore became the smallest school ever to win a Division I National Championship. Loyola joins the ranks of such universities as Johns Hopkins University, the University of Maryland, Syracuse, and Cornell, in becoming just the ninth team to win a championship since the event's creation in 1971.

This year's Division I National Championship set the stage for an afternoon of record-shattering lacrosse. The Greyhound defense and goalkeeper Jack Runkel set a new NCAA Division I record for fewest goals allowed in a national championship game, giving up only three goals despite a barrage of nearly thirty shots taken by the highly motivated University of Maryland offense.

Loyola University's star offensive player, Eric Lusby, had a busy day as well. He scored four goals in the championship game, bringing his total to 17 during the final four games of the season, setting a new NCAA tournament record. He also broke Loyola's single season scoring record with a total of 54 goals.

Loyola University players were not the only ones to break records last month. Head Coach Charley Toomey became the first coach ever to win an NCAA title on his first trip to the NCAA tournament. With 18 wins and only one loss, the players and coaches of the 2012 Greyhounds lacrosse team have firmly cemented themselves as the most successful team in Loyola's history. The team's achievements are even more impressive when you consider that the Greyhounds started the season as an unranked team.

Lacrosse has long played a central role in the athletic culture of Maryland, and I am proud to see that this year's All-Tournament Team selections reflect this reality. Eight of the ten players selected to receive All-Tournament honors call Maryland home, with five coming from the Loyola Greyhounds team and three from the University of Maryland. With Loyola's victory in this year's championship, Maryland is now home to

three of the nine teams that have ever won a national championship, further securing our State's reputation as the center of collegiate lacrosse.

In light of these impressive accomplishments, I call upon my colleagues to join me in recognizing and congratulating Loyola University's players, Coach Charley Toomey, Athletic Director Jim Paquette, and President, the Rev. Brian Linnane, S.J. on a championship season and the many amazing achievements that carried the Greyhounds to victory.

Mr. REID. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 514) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 514

Whereas on May 28, 2012, Loyola University Maryland won its first NCAA Division I Men's Lacrosse National Championship and the first Division I national title in the history of the school;

Whereas Loyola is the smallest school in NCAA history to win the Division I Men's Lacrosse National Championship, with only 3,863 undergraduate students;

Whereas the Loyola Greyhounds finished the men's lacrosse season with a record of 18 wins and 1 loss;

Whereas the Loyola Greyhounds set a NCAA record for the fewest goals allowed during a men's lacrosse championship game;

Whereas 5 members of the Loyola Greyhounds, Joe Fletcher, Josh Hawkins, Eric Lusby, Scott Ratliff, and Jack Runkel, were named members of the All-Tournament team;

Whereas Loyola senior Eric Lusby was named the Most Outstanding Player of the 2012 NCAA Division I Men's Lacrosse National Championship after scoring 4 goals in the title game, while also setting a tournament record with a total of 17 goals in 4 games;

Whereas sophomore goalie Jack Runkel had 6 saves in the championship game, holding the University of Maryland to only 3 goals;

Whereas the 18 wins by the Loyola Greyhounds this season set a program record;

Whereas Loyola became just the ninth team to win an NCAA Division I Men's Lacrosse National Championship since the first championship was held in 1971;

Whereas the Loyola Greyhounds secured their victory in only their second appearance in a national championship, having been defeated by Syracuse in 1990;

Whereas the vision and leadership of the Rev. Brian Linnane, S.J. and Jim Paquette, Loyola University's President and Athletic Director, respectively, were instrumental in bringing academic and athletic success, as well as national recognition, to Loyola University Maryland; and

Whereas the 2012 Loyola University Maryland men's lacrosse team has brought great honor and pride to their university, the State of Maryland, and the United States: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Loyola University Maryland Greyhounds for winning the 2012 NCAA Division I Men's Lacrosse National Championship;

(2) recognizes the achievements of the players, coaches, students, and staff whose hard work and dedication were key to Loyola's victory in the championship game; and

(3) requests the Secretary of the Senate to transmit for appropriate display an enrolled copy of this resolution to Loyola University President Rev. Brian Linnane, S.J. and Loyola University Men's Lacrosse Head Coach Charley Toomey.

ORDERS FOR FRIDAY, JUNE 29, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Friday, June 29; that following the prayer and the pledge, the Journal of proceedings be approved to date; that the morning hour be deemed to have expired and the time for two leaders be reserved for their use later in the day; that the majority leader may be recognized, and that Senators be permitted to speak up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the transportation conference report was filed in the House just moments ago. We hope to get a chance to move forward on this very early in the morning. There

could be a couple of votes. We could get through it very quickly.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:33 p.m., adjourned until Friday, June 29, 2012, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

CAMILA ANN ALIRE, OF COLORADO, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2018, VICE ALLEN C. GUELZO, TERM EXPIRED.

RAMON SALDIVAR, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2018, VICE WILFRED M. MCCLAY, TERM EXPIRED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS THE CHIEF OF THE NATIONAL GUARD BUREAU AND FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 10502 AND 601:

To be general

LT. GEN. FRANK J. GRASS

WITHDRAWAL

Executive Message transmitted by the President to the Senate on June 28, 2012 withdrawing from further Senate consideration the following nomination:

TIMOTHY M. BROAS, OF MARYLAND, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF THE NETHERLANDS, WHICH WAS SENT TO THE SENATE ON APRIL 26, 2012.

HOUSE OF REPRESENTATIVES—Thursday, June 28, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. HARPER).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 28, 2012.

I hereby appoint the Honorable GREGG HARPER to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 27, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, U.S. Capitol, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 27, 2012 at 9:12 a.m.:

That the Senate concur in the House amendment to the bill S. 3187.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

GLOBALLY ENGAGED

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DREIER) for 5 minutes.

Mr. DREIER. Mr. Speaker, I know that what I'm about to say may be seen as heresy by many—or at least counterintuitive—but, Mr. Speaker, this statement is based in fact: out-

sourcing is not decimating our economy. If we take a step back and look at the big picture, setting aside demagoguery and knee-jerk reactions, we see that engagement with the worldwide marketplace is a positive thing for our economy and our shared quest to create good American jobs.

Being globally engaged takes many forms. It includes exporting our goods overseas. It includes imports. It includes complex supply chains that allow us to maximize comparative advantage and productivity on a global scale. It demands innovation, creativity, and adaptability. This is all part of the dynamic worldwide marketplace, and it does not constitute a zero sum game.

If a U.S. manufacturer can lower costs by importing some of their raw materials, increasing their competitiveness and hiring more U.S. workers as a result, our job market improves. American workers benefit. By the same token, if a company can tap into other labor markets, becoming more competitive in the process and then hiring more U.S. workers as a result, we can all benefit.

This is not a hypothetical scenario. We have the data that demonstrates the clear benefits of engaging in the worldwide marketplace. The last time the issue of outsourcing became a political flash point was in 2004. We often heard this term, “Benedict Arnold CEOs” who were sending good U.S. jobs overseas.

The McKinsey Global Institute did an in-depth analysis of the effect of outsourcing to see what impact it was actually having on our economy. What they found was very interesting. They found that companies that utilize outsourcing as a component of their business plans enjoy new export opportunities, increased productivity, and significant cost savings, all of which support new investment in the United States and greater job creation right here at home. Furthermore, the jobs that are created by globally engaged companies tend to be higher-skill, higher-waged jobs than those created by their nonglobally engaged counterparts.

Mr. Speaker, the findings of the McKinsey report are only buttressed by my own firsthand experience. I'll never forget, several years ago I was in Kathmandu visiting one of those call centers. Now, many would have viewed that call center as a symbol of outsourced jobs, and yet when I looked around, I found U.S. companies right

there. I'm not claiming that all of these products were manufactured right here in the United States, but many were manufactured here in this hemisphere. They had names on them like Carrier air conditioners. There was a Westinghouse refrigerator there, Dell computers, and AT&T telephones. Rather than stealing jobs from Americans and this hemisphere, this call center epitomized the very way that global engagement benefits us all.

It is simply inaccurate to claim that every job created overseas destroys a job here in the United States, and it completely misses the point. Rather than demonizing those who are trying to build competitive companies that grow our economy and create opportunity for Americans, we should be looking at what we can do to attract investment here to the United States. We should be looking at what we can do to empower entrepreneurs to revitalize our economy and restore our job market.

Mr. Speaker, attacking private enterprise won't create a single job here or elsewhere. In fact, the danger of isolationist, mercantilist rhetoric is that it can spawn bad policy that further stifles innovation and economic growth.

If we want to have a constructive debate that leads to policies that will encourage growth and job creation, we need to look at the facts, and the facts are very simple. Engaging globally through exports, imports, outsourcing, in-sourcing, and all the many ways of tapping into the dynamic, competitive worldwide marketplace is the best way to get Americans back to work.

Mr. Speaker, I urge my colleagues not to succumb to the politically expedient but economically damaging rhetoric of isolationism.

STOP MILITARY RAPE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. SPEIER) for 5 minutes.

Ms. SPEIER. Mr. Speaker, I rise to implore this body to finally take meaningful action to end the epidemic of rape and sexual assault in the military. For 25 years, Congress has held dramatic hearings on this issue. It has rocked the military branches. Committee members have beat their chests and demanded answers from decorated generals and military leaders who testified. Congress demanded reports. These reports were provided and are now gathering dust on shelves around Washington, D.C.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The time for reports is over. Now it's time for action to solve this problem.

The solution is to take the reporting and investigation of cases of rape and sexual assault out of the military chain of command and place them in a separate office independent of the chain of command with the authority to investigate and prosecute within the military.

Last week I called for the House Armed Services Committee to hold a hearing on the widespread sex scandal at Lackland Air Force Base in San Antonio, Texas. No hearing date has been set.

The charges of rape, assault, and sodomy leveled against six instructors at Lackland are astonishing. One instructor is accused of raping or assaulting 10 victims, and another confessed to having sexual relationships with another 10 victims of his own. Yesterday we learned that 12 instructors are under investigation for sexual misconduct with trainees and that a criminal investigation is ongoing on four different Air Force bases now.

Like many cases of rape and sexual assault, the perpetrators are not denying that they engaged in sexual misconduct; they simply contend that the sex was consensual. It comes down to the word of the accuser and the accused, the instructor against the trainee. In the military, this usually means the perpetrator gets off or receives a disproportionately small punishment, and the victim endures an arduous and humiliating legal process with little sense of justice at the end.

Every day more disgusting news is unearthed about Lackland. Everyone wants to know: What is being done about it?

This scandal is remarkably similar to the Aberdeen scandal that rocked the Army in the 1990s. Fifteen years ago, a Republican-led Senate held a hearing on a sex scandal at the Aberdeen Proving Ground in Maryland.

□ 1010

The Army brought charges against 12 instructors for sexual assault on female trainees under their command. Nearly 50 women made sexual abuse charges, including 26 rape accusations. One instructor was cleared. The remaining 11 were either convicted at court martial or punished administratively.

In an interview about the scandal, then-Assistant Secretary of Defense Kenneth Bacon said:

The issue here is the relationship between a trainer and a trainee. The Army regulations bar intimate relationships between trainers and trainees, between drill sergeants and trainees, because they are fraught with misuse of power, with misuse of influence, or the possibilities of misuse of power and influence.

This may be hard for some in the civilian world to relate to, but it is the constant reality within our Armed

Forces. It is ingrained in our military servicemen and -women to follow the orders of their chain of command and never disobey.

Here is an excerpt from a 1996 interview with an Army recruit who was raped by her instructor at Aberdeen. The victim, a South Carolina native who joined the Army in December of 1995 as a way to pay for college, said her instructor once ordered her to the bathroom. "A few minutes later he came in behind me, and that's when he started to tell me to do certain things," she said. "To disrobe?" Asked the reporter. "Mm-hmm," she said. She said she never screamed, never said "no," only that she was traumatized. "When you had sex in the bathroom, was it something you wanted," the reporter asked. "No," Bleckley said. Nothing has changed.

Last month in Texas, two victims were asked if they resisted when their Air Force training instructor lured them into a dark supply room to have sex. "No," they said. They froze.

What is happening at Lackland Air Force Base is no different than what happened at Aberdeen Proving Ground 15 years ago. After that scandal, we heard assurances about how seriously the crimes were taken and how "we're going to get to the bottom of this problem." Yet clearly the military is unable to police itself on matters of rape and sexual assault.

I called for a hearing into the Lackland scandal because we need to know once and for all why instructors have been permitted to abuse power so freely. And we need to know from top brass that the phrase "zero tolerance for sexual assault in the military" is a fact, not a talking point.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 12 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Greg Lafferty, Willowdale Chapel, Kennett Square, Pennsylvania, offered the following prayer:

Lord God, we bless You this day for You are good. You make Your Sun rise on the evil and the good; You let Your rain fall on the just and the unjust.

You give all people everywhere life and breath and everything. Yet we rec-

ognize that in this great Nation, we are among the most blessed.

You've granted us freedom and abundance, safety and security, the rule of law, and neighborly love.

Guide us, Lord, that we may steward these good gifts for the benefit of all. And today, Lord, grant this House of Representatives the wisdom, humility, and diligence to govern well, that in some measure good might overcome evil, beauty might outshine ugliness, and love might undo hate. And in this, Lord, may You be honored and may our Nation dwell in deeper peace and safety.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from New York (Mrs. MALONEY) come forward and lead the House in the Pledge of Allegiance.

Mrs. MALONEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND GREG LAFFERTY

The SPEAKER. Without objection, the gentleman from Pennsylvania (Mr. PITTS) is recognized for 1 minute.

There was no objection.

Mr. PITTS. Mr. Speaker, it is an honor today to have Greg Lafferty, senior pastor of my home church, Willowdale Chapel, open us in prayer today.

Greg studied at Wheaton College and Golden Gate Baptist Theological Seminary. He was ordained at Saddleback Church in Mission Viejo, California, where he served as a teaching pastor under Rick Warren.

Under Greg, the church has grown dramatically. In his time as our pastor, he has made our church much more active in our community and engaged around the world. One example is the work with Hope International, touching lives in the Congo through micro-enterprise development. The efforts of the church have been multiplied and improved in many ways under Greg's leadership. He has helped our church show the love of Christ in our community in new ways and around the world.

Greg has been married to his wife, Deane, for 28 years. She joins us in the balcony. They have three children together: Kelsey, Krista, and Ryan.

It is a great honor to have Greg and Deane and have Greg open our Chamber today with the opening prayer.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WOMACK). The Chair will entertain 15 further requests for 1-minute speeches on each side of the aisle.

JOBS WILL BE DESTROYED

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, today's decision by the Supreme Court is extremely disappointing, undermining limited government and expanded freedom. The decision reveals ObamaCare as a huge tax increase on middle class taxpayers, destroying jobs. We should have health care based on doctor-patient relationships rather than politician-patient relationships.

I agree with the National Federation of Independent Business that 1.6 million jobs are now at risk and small businesses cannot make plans for the future, which destroys more jobs. House Republicans will continue to work to repeal the government health care takeover law. We will remain focused on enacting commonsense legislation that will preserve the doctor-patient relationship, provide every American the access they need to health care, and promote jobs in the private sector.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

HONOR THE CATHOLIC SISTERS

(Mr. HIGGINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIGGINS. Mr. Speaker, I recently added my name to a resolution introduced by Representative ROSA DELAUNO to honor the Catholic sisters for their contributions to this country and to my community.

I grew up in the shadows of the Mercy Convent of south Buffalo, New York. The sisters came to Buffalo in 1858, started hospitals to heal the sick, schools to teach the ignorant, and to help all of us see the gifts of God's presence in a changing world.

The sisters take a vow of poverty and obedience to serve God and God's people, particularly women and children.

The Vatican says that the sisters are failing to uphold the Catholic doctrine and appointed three bishops to rein them in. The sisters reject the Vatican's assessment of their life work and vow to fight.

In scripture, Jesus says: "Whatever you do to the least of my brothers and sisters, you do for me." The sisters are doing God's work with courage, conviction, and selflessness.

May God's guiding wisdom continue to inspire their good works.

WALTER ZABEL

(Mr. ISSA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISSA. Mr. Speaker, today many will address the House here and later in the day on subjects of great current importance, certainly the upholding of the President's health care initiative and, certainly, in fact, the contempt vote we're going to hear in a few minutes.

But this moment belongs to the people of San Diego. Walter Zabel died this week at 97. Normally, when someone dies at 97, they have long since retired. He, on the other hand, was still the inspiration for Cubic Corporation, a company he founded that did so much for our national defense over his 50-plus years at its helm. We cannot forget he was in the office less than a week ago. He was still providing stewardship, still receiving the technical benefits of his engineers, and still making sure that America was safe.

Today in San Diego is Walter Zabel Day. It is not a day for the other discussions of the House.

POLITICAL SIDESHOW

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. If you want proof that Congress is dysfunctional, that it is putting partisanship ahead of all else, look no further than today's vote to hold Attorney General Holder in contempt.

In office, Holder has tirelessly pursued justice for all communities. He has helped prevent mortgage fraud, fought gang violence, protected intellectual property rights, and worked to ensure every American has the right to vote. We should let the Attorney General enforce our Nation's laws, not make his job harder.

The contempt vote against Holder is unprecedented, unjustified, and unfounded. Never in the 223-year history of the House have we held an Attorney General in contempt. Yet, today, we will do just that in this ridiculous partisan stunt.

Congress should be creating jobs, not wasting taxpayer money putting on a political sideshow during an election year.

CONGRATULATING EDNA YODER ON HER 101ST BIRTHDAY

(Mr. YODER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. YODER. Mr. Speaker, I rise today to take a special moment to recognize the birthday of a very special American. Today marks the 101st birthday of my grandmother, Edna Yoder.

Born in 1911, my grandmother was raised on a Kansas farm with her many brothers and sisters. Work was hard, and she did her part to raise livestock, grow wheat, and help feed America.

I take great pride in my grandmother and those in her generation. Hard work, determination, a focus on family, and deep religious conviction were the values that she and others upheld as they worked to build the most prosperous Nation the world has ever seen.

Today on her birthday, my grandmother is a vibrant and healthy 101-year-old. She has an infectious laugh, a cheery disposition, and is kind to everyone she meets. Her love of quilting, the "Lawrence Welk Show," and, of course, board games and bingo keep her time occupied and keep her young at heart.

Grandma, you are an inspiration, and we are proud today to congratulate you on the celebration of your 101st birthday.

□ 1210

KITTINGER FURNITURE

(Ms. HOCHUL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOCHUL. Mr. Speaker, last October, I stood here and spoke out against the new free trade agreements that would have continued to add to the damage done to the manufacturers in my district that was done by NAFTA a decade ago. I mentioned a woman I had met at the Buffalo Airport who, after 23 years working in a textile factory, was now selling energy drinks because her jobs had been shipped south and then overseas.

That's why I am fighting for policies that support making it in America. And that is why I am so proud that a company—Kittinger Furniture, a company that makes furniture that's found today in the White House—is being recognized by the 2012 Best: Made in America Award in recognition to their strong commitment to American manufacturing.

This Congress must work together to level the playing field for domestic businesses like Kittinger Furniture against unfair competition, particularly from China. The American Government and American consumers must commit to buying American so we can have more success stories like Kittinger's.

WINDMILL OF WILLFUL WASTE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, Secretary Clinton is giving away \$2 billion of taxpayer money for green energy development in third-world countries. This isn't money for vaccines. This isn't money for clean water. This isn't money to help child hunger. This is money for green energy.

Don't we need to make sure that people have electricity before we worry about what kind of light bulb they are using? People are starving, being ransacked by terrorists, taken away as child soldiers, and dying of preventable diseases like diarrhea. So our government decided the best use of taxpayer money was to put billions in those countries for green energy.

Our government wasted millions of taxpayer dollars on phony loans for green energy right here in the United States to companies like Solyndra. Congress didn't even approve this \$2 billion giveaway.

With all the problems of debt in the United States and disease in other countries, government is providing subsidies for green energy. Who would have thought? The government is out of control. More taxpayer money thrown into the windmill of willful waste.

And that's just the way it is.

THE SUPREME COURT RULING

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I want to say that I'm proud of the decision of the United States Supreme Court today. I was proud to serve on the Energy and Commerce Committee that actually drafted this bill. I read it many times, and I actually had a lot of amendments.

The Affordable Care Act has already benefited millions of Americans and will continue to help those who are in the greatest of need—children, young adults, people with preexisting conditions, and our seniors. In my own congressional district in Texas, this is particularly important because we have one of the highest rates of uninsured individuals in the country.

Our Constitution gives the U.S. Supreme Court the job to be the decider on what is constitutional. The Affordable Care Act is constitutional. Just like Social Security and Medicare, now it's the law of this great Nation.

TODAY IS A GREAT DAY

(Mr. COHEN asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. COHEN. Mr. Speaker, today is a great day. It's a great day for children who want to stay on their parents' health insurance until they're 26—or parents who want their children on their health insurance until they're 26. It's a great day for seniors that are concerned about the doughnut hole, for women who have been discriminated against in health care, for all people who don't want to have copays for preventative care. It's a great day for people who don't want lifetime caps on their insurance or to be denied because of preexisting conditions. And it's a great day for America because the rule of law has been upheld.

Justice Roberts rightfully ruled that this was appropriate and constitutional. Let us not forget Justices Ginsburg and Sotomayor and Kagan and Breyer, the five Justices who upheld the Supreme Court belief that the American people have that it is a rule of law and that the Court is not political.

It was a great day for American health care and for American law and jurisprudence.

TODAY'S VICTORY

(Mrs. MALONEY asked and was given permission to address the House for 1 minute.)

Mrs. MALONEY. Mr. Speaker, today is not a victory for one party or another. It is not a victory for an ideology. It is a victory for the American people and for the millions who had, for years, gone without access to quality health care. It is a victory for women who will no longer be discriminated against in their insurance premiums and for preexisting conditions and for women and children and seniors and families.

This is a great day for our country, as we finally join the community of economically advanced nations that see to it that all their citizens have access to quality care.

Let's get on with the unfinished business of helping create more jobs and putting a Nation of healthy Americans back to work.

A TRIBUTE TO DR. WENDY WAYNE

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the life of Dr. Wendy Wayne, who passed away on June 17, 2012, at the age of 64 after fighting a courageous 4-year battle with non-Hodgkin's lymphoma.

Wendy was a loving wife and mother, a committed activist and respected community leader who touched the lives of many. Wendy led a courageous

and energetic life filled with love and adventure. She joined the Peace Corps at an early age and served in Kenya. As a seasoned traveler, Wendy swam the Earth's five oceans.

Her work as an educator, a nurse, and a community leader demonstrated her dedication to fostering and preserving and improving the health and safety of children throughout the world. And her compassion and concern for the community also served as a testament to her extraordinary character.

Wendy Wayne's unwavering loyalty to Kern County and her commitment to the well-being of future generations will ensure that her legacy will live on. She stands as a role model for her family, her friends, and all that knew and worked with her.

And we will all miss her. I will miss my dear friend Wendy Wayne.

IN OPPOSITION TO THE ATTORNEY GENERAL CONTEMPT VOTE

(Ms. FUDGE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FUDGE. Mr. Chairman, today I rise to speak in opposition to the House resolution to hold Attorney General Eric Holder in contempt of Congress.

With total disregard of the fact that the Attorney General and the Department of Justice have cooperated with each inquiry from the House Oversight and Government Reform Committee during the last 15 months, Chairman Issa decided to pursue this extreme and unprecedented action.

To take action on this resolution is a gross misuse of this Chamber's time and energy, given that the information requested by Chairman Issa will shed no light on the person or persons responsible for the death of Agent Brian Terry, and that is where our time and energy should be focused.

Instead of wasting the time of the committee, the Department of Justice, and the American people with political distractions, the House should be addressing the issues important to the welfare of this country and its people, and that is jobs.

THERE HAS NOT BEEN FULL COMPLIANCE

(Mr. CHAFFETZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAFFETZ. Mr. Speaker, despite what has been said here, it is the duty and obligation of this body to address a duly issued subpoena that has not been complied with. There has not been full compliance here. There has not been cooperation here. There has not been a willingness to share the information that is found within the Department of Justice.

We have a dead Border Patrol agent. We have more than 200 weapons that were used to kill people in Mexico. We have thousands of missing weapons. We have an Attorney General who said that this Fast and Furious program was fundamentally flawed. And yet here we stand today after doing more than just bending over backwards for more than a year, not having been given the documents that we need, as a body, to make a proper decision.

This should be bipartisan in our quest to right a wrong. It's not about Eric Holder, but it is about the Department of Justice and it is about justice in the United States of America. I am proud of the fact that we are bringing up this contempt.

It's sad that we got to this day. We have no other choice. But we, as a body, as an institution, as a separate branch of government, have a duty and an obligation, and we are fulfilling that here today.

WHAT CHANGES HAVE REALLY OCCURRED?

(Ms. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. RICHARDSON. Mr. Chairman, I come here today because when I was 6 years old, in 1968, I saw the hate-filled work of the civil rights movement, of laws that needed to be changed. And now I'm here with an opportunity to be here in Congress, and I kind of wonder what changes have really occurred.

I see today that Chief Justice Roberts stood, and he did the right thing because he ruled on behalf of the American people. And I will say that this motion that's going to come forward will not have bipartisan support of this Member because it's not done in a bipartisan manner. It's done in a hateful manner.

And why?

Because we have an Attorney General where this has never been done—we need to stress that again—never been done in this Congress, where materials have been provided, and where this committee has failed to accept a single witness requested by the other side. That's not bipartisanship. That's politics at its worst.

I urge the American people to look and to urge us to get back to work and do what you sent us here to do, which is to take care of you.

□ 1220

WHAT PERCENTAGE OF THE TRUTH?

(Mr. GOWDY asked and was given permission to address the House for 1 minute.)

Mr. GOWDY. Mr. Speaker, my question is simply this: What percentage of

the truth do you want? When we're asked to negotiate; when the Attorney General comes and asks us for an extraordinary accommodation, whatever that means; when we're asked to compromise; my question for our colleagues on the other side of the aisle, Mr. Speaker, is this: What percentage of the truth will you settle for? If you have ever sat on the other side of the table from parents who have lost a loved one, is 50 percent enough? Is that enough of the documents? Seventy-five percent? A third?

The truth, the whole truth, so help me God—that is what we ask witnesses to do, jurors to do, and that's not too much for us to ask for the Attorney General of the United States of America to do.

HEALTH CARE

(Mr. LARSEN of Washington asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARSEN of Washington. Mr. Speaker, I rise today to declare that the Supreme Court ruling on the Affordable Care Act affirms there's no going back to the health care of 2009 or even to the health care of 1789. Improvements to health care are taking root right now in this country. That progress must continue. The Supreme Court decision today is a welcome victory for middle class families and bolsters the necessary changes taking place in health care today.

Now we must keep Medicare sustainable and affordable by closing the prescription drug doughnut hole and cracking down on fraud. Now we must make sure middle class families have diverse options for high-quality, affordable health care. Now we must ensure that we meet the needs of northwest Washington State seniors, veterans, and families. Northwest Washington has already seen improvement. Seniors in the Second District who were in the doughnut hole have saved more than \$800 on prescription medications so far this year. More than 173,000 people in northwest Washington State have health insurance that covers preventive care without copays or deductibles.

It is time to move forward on health care. And today, America took a great step.

AFFORDABLE CARE ACT DECISION

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. Mr. Speaker, as a former judge of the North Carolina State Supreme Court, I've come to the well today to applaud the United States Supreme Court for its courage and for ruling on the side of constitutionality of the Affordable Care Act.

This is a win, Mr. Speaker, for 48 million Americans, Democrats and Republicans alike, who will receive stable, secure, and affordable health coverage forever.

I believe that much of the public confusion surrounding the bill was because Americans outside of the Washington Beltway simply did not understand what the Affordable Care Act means for them. So to put it plainly, Americans can now enjoy coverage without worry or jeopardy, regardless of pre-existing conditions. Uninsured young people up to age 26 will be able to receive coverage. If you become gravely ill, there are no limits on your benefits. If you are a woman, you can't be charged higher premiums. If you need preventive care, you won't have a copay or deductible. If you lose your job, you won't lose your coverage. And if your employer doesn't provide coverage, you will be able to buy it at affordable prices.

The political theater Republicans orchestrated around health care is over. Congress debated, the Court decided. This is done.

WE DESERVE TO KNOW WHAT HAPPENED

(Mrs. ADAMS asked and was given permission to address the House for 1 minute.)

Mrs. ADAMS. Mr. Speaker, I rise today not only as a congressional Member but also a widow of a law enforcement officer who lost his life in the line of duty. I rise to speak on behalf of all those families that have lost a loved one in the line of duty, and especially for Brian Terry and his family. The Terry family deserves to know what happened. The American people deserve to know what happened. And Congress deserves to know what happened. But let us not forget, Officer Terry's family deserves to know what happened.

I stand here on behalf of all of those families who have lost law enforcement officers throughout our great Nation in the line of duty. We must not waiver. We, as a Congress, need to find out what happened so it never happens again. And that's something that we never should lose sight of. We need to make sure that whatever took place, it doesn't happen again. We should not be losing our officers this way.

HEALTH CARE VICTORY

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, today is a great day for the American people. The Supreme Court's decision to uphold the Affordable Care Act reaffirms our Nation's commitment to make sure that all Americans have access to quality, affordable health care and health

insurance. For the millions of Americans who have gone without health insurance; the seniors who have struggled due to inadequate coverage; the women, children, and young adults that have been denied coverage for pre-existing conditions, the Court's ruling is not only a victory but a validation that they deserve to have the most basic of human needs met—and that is access to health care.

The ACA addressed so many gaps in the American health care system, from closing the Medicare part D doughnut hole to stopping the practice of denying those with preexisting conditions insurance coverage to claiming womanhood as a preexisting health condition to allowing young adults to stay on their parents' coverage.

This law has changed the way our country manages and delivers all phases of our health care system, and I'm proud to have been part of its creation, and prouder still today to learn that the Court's decision was to uphold its constitutionality.

HEALTH CARE WIN-WIN

(Mr. FARR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR. I rise today because I think everybody in this country is always worried about health care and whether they're going to be able to have access to it, whether they can afford insurance, whether the complications of that insurance will knock them off health care by putting caps on it or saying you have a preexisting condition. But those worries are over. America has health safety now. Everybody in this country will be able to have access to health care. The Supreme Court made the decision that no one without health care cannot be treated.

So I think it's a really happy day. There's going to be a lot of discussions here about pros and cons on how it's all worked out, but each individual, I think, will be able to decide: I can go to a doctor and I can get the kind of care that I need, and it's going to get paid for so doctors and hospitals will make it. That's the bottom line.

I left my office this morning, and one of my interns is 25 years old, and she says, I've got health care insurance because of the law you passed. Until I'm 26, I can stay on my parents' health care insurance, and I otherwise would have none. Because she's already graduated from college.

So this is a win-win for everyone. It's a great day for America.

RELATING TO CONSIDERATION OF HOUSE REPORT 112-546 AND ACCOMPANYING RESOLUTION, AND PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 706, AUTHORIZING COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM TO INITIATE OR INTERVENE IN JUDICIAL PROCEEDINGS TO ENFORCE CERTAIN SUBPOENAS

Mr. NUGENT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 708 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 708

Resolved, That if House Report 112-546 is called up by direction of the Committee on Oversight and Government Reform: (a) all points of order against the report are waived and the report shall be considered as read; and

(b)(1) an accompanying resolution offered by direction of the Committee on Oversight and Government Reform shall be considered as read and shall not be subject to a point of order; and

(2) the previous question shall be considered as ordered on such resolution to adoption without intervening motion or demand for division of the question except: (i) 50 minutes of debate equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform or their respective designees; (ii) after conclusion of debate one motion to refer if offered by Representative Dingell of Michigan or his designee which shall be separately debatable for 10 minutes equally divided and controlled by the proponent and an opponent; and (iii) one motion to recommit with or without instructions. The Chair may reduce the minimum time for electronic voting on the question of adoption of the motion to recommit as though pursuant to clause 9 of rule XX.

SEC. 2. Upon adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 706) authorizing the Committee on Oversight and Government Reform to initiate or intervene in judicial proceedings to enforce certain subpoenas. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to adoption without intervening motion or demand for division of the question except: (1) 20 minutes of debate equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 1 hour.

□ 1230

Mr. NUGENT. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts, my colleague on the Rules Committee, Mr. MCGOVERN, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. NUGENT. Mr. Speaker, I ask unanimous consent that all Members

have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. NUGENT. Mr. Speaker, I rise today in support of this rule and the underlying resolution it brings to the House floor.

The rule provides for consideration of two contempt of Congress charges laid against Attorney General Eric Holder. You're going to hear a lot of folks say how historic today is. That "historicalness" is why the rule provides for debate and separate votes on both contempt charges. The rule also provides for a motion to refer the criminal contempt charges, if offered by Mr. DINGELL, as well as motions to recommit both resolutions.

I don't assume to put words in his mouth, but I'm sure and I'm willing to bet that Mr. MCGOVERN is sitting over there getting ready to tell me it's not enough time. I'm not going to disagree.

But as we all know, before we leave Friday evening to go to work in our districts, we have a lot to get done here. We need to reauthorize our Nation's highway and infrastructure systems. We need to save college students and recent graduates from student loan interest rates that are 2 days away from doubling. We need to move forward with the open amendment process and finish considering the appropriations bill to fund our transportation and housing programs. It's a lot to get done in 2 days. And, frankly, if we didn't put a time limit on today's contempt debate, we could spend days on end talking about nothing but this one issue.

But beyond all of that—beyond floor schedules and expiring authorizations, we're left with this truth: Border Patrol Agent Brian Terry was shot on December 14, 2010, and died of those injuries the next day. His family has been looking for answers about what led up to and caused his death for over a year and a half. If we can do anything to answer those questions, then we cannot and should not do anything to make them wait any longer—not another month, not another day, not another hour. Today, the House of Representatives is going to do what we can to get those answers for the Terry family.

Thanks to whistleblowers at the Bureau of Alcohol, Tobacco, Firearms and Explosives, Members of Congress were alerted to the fact that Agent Terry was killed by guns—AK-47 assault rifles, specifically—that our government allowed to walk into Mexico. When confronted with these claims, the Justice Department denied the whistleblowers' claims. What we now know all too well is just how right the whistleblowers were. However, it took the Department of Justice 10 months after their first denial, almost a year after

Border Patrol Agent Terry's death, to formally retract their denial about the reckless program that contributed to the deaths of Agent Terry and hundreds of Mexican citizens.

You know, I was a cop for almost 40 years and a sheriff for the last 10. As the head of a law enforcement agency, you have two options when you make a mistake: you can hope it doesn't come out, and if it does, you go into lockdown and deny, deny, deny; or you can get out in front of it, admit you made a mistake, tell the American people you're going to investigate, and then do everything you can to make sure that this never happens again.

As sheriff, I found it was my moral imperative to always admit when we'd been wrong, hold folks accountable, and make my agency better so we wouldn't make the same mistake twice. It's the responsible thing to do, and it takes away any sting of the possibility of a coverup.

That's not what DOJ did. They've gone the other route—hide, deny, and stonewall.

They sent a letter with false information to Congress, the institution that's constitutionally mandated with government oversight, and it took them 10 months to retract that statement. It appears that in those 10 months between lying and admitting the truth, members of DOJ and the ATF colluded to intentionally cover up what happened. What we're trying to figure out is if there really was a coverup, and we need the information to determine the facts.

Yesterday at the Rules Committee, a couple of people mentioned President Nixon and Watergate. And I agree, this is like the Watergate scandal. But President Nixon didn't leave office because of the scandal itself; he was forced to resign because of the coverup.

I said it last night and I'm willing to bet, Attorney General Holder didn't know all the specifics about what was happening with Fast and Furious, but when the facts started coming to light and congressional investigators started looking for answers, he repeatedly kept us from getting information we need. And that has kept the Terry family from getting the closure they need.

Attorney General Holder is responsible for his agency, but he has essentially given his top leadership a free pass.

Mr. Speaker, a law enforcement officer who was employed by the United States Federal Government is dead. Somebody knows what happened to result in his death, and the Justice Department and now President Obama are refusing to release that information to Congress, to the American public, and to Agent Terry's family.

This institution has a duty to oversee the executive branch and to find out what happened. The answers are there. Attorney General Holder knows the an-

swers are there because he's the one who has the documents that contain the answers we're looking for. He's the gatekeeper here, and if he won't give us the information this institution needs to do our duty, our constitutional duty, then we will use every legal and constitutional tool that we have to get to it.

I've heard some people say this is all about politics. In my heart, it's just the opposite. It couldn't be further from the truth. These contempt charges aren't about politics. They aren't about Attorney General Holder, President Obama, or anything else but this: a man died serving his country, and we have a right to know what the Federal Government's hand was in that.

It's clear this country somehow played a role in his death. We need to root it out, find the cause, and make sure this never, ever happens again. These votes today aren't about politics; they are about answers that, at the very least, this country owes Agent Terry and his family.

President Obama promised his would be the most open administration in history. When discussing executive privilege in the past, Attorney General Holder has made it clear that the DOJ won't invoke the State secrets privilege to conceal "violations of the law" or "administrative error," avoid "embarrassment," or to "prevent or delay the release of information."

Unfortunately, that is exactly what has happened so far with Fast and Furious. It is for this reason why the House today sees no other choice other than to charge Attorney General Eric Holder with both civil and criminal contempt of Congress charges.

I'm going to support both of these resolutions, Mr. Speaker, not because it's the political thing to do, not because it's the easy thing to do, but because it's the right thing to do.

And with that, I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I want to thank my friend, the gentleman from Florida (Mr. NUGENT), for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, this is a sad and deeply troubling day for this House of Representatives. The Republican leadership of this body is asking us to take the unprecedented and unjustified step of holding a sitting Attorney General in contempt of Congress.

□ 1240

They are doing so based on a completely partisan "investigation."

This is a witch hunt, pure and simple, Mr. Speaker, and it has no place in this House. Eric Holder is a good and decent and honorable public servant. He has reinvigorated the Justice Department, especially on efforts to stop

partisan voter suppression across the country.

I find it interesting that the Republican leadership has scheduled this nonsense for the floor today when it is certain to be buried under the avalanche of news and reaction to the Supreme Court's health care decision and the highway bill and the student loan bill and everything else. Is it possible that the Republican leadership doesn't really want the American people seeing what the House is doing today? Why else would they feel the need to rush this to the floor a mere week after the House Oversight Committee voted along strictly partisan lines to adopt the Republican contempt citation?

Let me say at the outset that there are certain things that all of us, Democrats and Republicans alike, agree on. We all agree that the death of Agent Terry was a terrible tragedy. We all agree that the ATF field office's embrace of gunwalking—which began under the Bush administration, by the way—was a terrible idea. We all agree that the ATF should not have sent an erroneous letter to Senator GRASSLEY in 2011. But the contempt resolution before us doesn't have anything to do with any of that.

The Department of Justice has provided thousands and thousands of documents about gunwalking. The Attorney General has testified nine times. The Department has provided over 1,000 pages of documents about the letter sent to Senator GRASSLEY. So this isn't about getting to the truth; this is about politics. It is about politics. This is about the Republicans refusing to take "yes" for an answer. This is about doing whatever it takes to attack the Obama administration no matter the issue, no matter the cost.

During the committee's "investigation," the Republican majority refused all Democratic requests for witnesses and hearings, as well as requests to interview any Bush administration appointees. All of them were denied.

The Republicans refused Democratic requests to hold a hearing with Ken Melson, the head of ATF. You know, if you're actually interested in learning about an ATF operation, don't you think you would want to talk to the leadership of the ATF?

Republicans refused Democratic requests to hold a hearing with former Attorney General Mukasey, who was briefed on botched ATF operations in 2007. If you're actually interested in learning about these botched operations, wouldn't you want to talk to the man who was briefed about them?

I would hope that we would all agree that we should never take a step like finding a sitting Attorney General in contempt lightly, and that we should only do so based on accurate information. But Ranking Member CUMMINGS and his staff have found, in a very short time, 100 concerns, omissions,

and inaccuracies in the committee report that is the foundation of this contempt resolution—100 inaccuracies and omissions and concerns. Sadly, instead of getting answers to those questions, this has been rushed to the floor.

Mr. Speaker, the American people expect us to address the issues that matter most to them—issues like jobs and the economy and education and health care—but the Republican majority refuses to listen. Instead, they bring this resolution to the floor, and then they wonder why Congress is so unpopular.

What troubles me most, perhaps, is that under this Republican majority, everything has to be a fight—everything. Everything has to be a confrontation, everything has to be a showdown. And I get the politics. I understand this is an election year. But this goes way, way too far. It is just wrong.

I wish the Speaker of the House would have intervened here and kept this off the floor. By moving forward today on this resolution, we diminish the House of Representatives. This is not a happy day for this institution.

I urge my colleagues to reject this rule and the underlying resolutions, and I reserve the balance of my time.

Mr. NUGENT. Mr. Speaker, the gentleman from Massachusetts made a statement. This is about a contempt citation because the Attorney General has not provided all the information the committee has asked for. Out of 140,000 pages—by his own testimony in front of Judiciary—he's given a little over 7,000 pages. That's not reaching out and doing the right thing.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SCOTT), a fellow Rules Committee member.

Mr. SCOTT of South Carolina. I thank the gentleman for the time.

Mr. Speaker, it seems to me that my friends on the left need some clarification on why we are here this afternoon. This is not a good day for America, and it is certainly still not a good day for the Terry family.

My friends on the left continue to talk about this as if it were a witch hunt—a witch hunt. We have a slain Border Patrol agent, and my friends on the left want to politicize this by talking about a witch hunt when in fact we all know that this, Mr. Speaker, is about justice. This is about justice.

My friend on the left just said that we Republicans refuse to hear “yes,” we refuse to accept “yes” as an answer. Well, Mr. Speaker, we want a “yes” for Kent Terry, we want a “yes” for Josephine Terry, the parents of Brian Terry. We want a “yes” for the American people. We want a “yes” as it relates to the integrity of the process, and we want a “yes” for justice. And, Mr. Speaker, my friends on the left continue to consistently say “no.”

We are here, Mr. Speaker, for only two reasons. The first is because

United States Border Patrol Agent Brian Terry is dead because of a Federal Government operation that allowed American guns to be walked across the border in the hands of drug lords and cartels. We are here today, Mr. Speaker, because the Department of Justice; the Attorney General, Eric Holder; and now the President refuse to comply with congressional subpoenas that will give us clarity on these questions, give us clear answers for the Terry family and for the American people.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NUGENT. I yield the gentleman an additional 1 minute.

Mr. SCOTT of South Carolina. We have been trying for 18 long months to get to the bottom of this issue, and yet we are being stonewalled.

Yes, we hear that the Federal Government has provided 7,000-plus pages; but, Mr. Speaker, there are over 100,000 pages that we have requested. We are talking about a period from February 4, 2011, to December 2011, where we were given false information. It is our responsibility, it is our duty to find the truth for the American people and the Terry family.

Let me close, Mr. Speaker, by simply saying, how are we supposed to protect and ensure the safety of our Border Patrol agents in the future if we do not know who allowed the guns to walk across the border? How are we supposed to give Brian Terry's family any sense of closure, Mr. Speaker? This is why we have no choice but to be here today. The refusal of the Attorney General to provide answers regarding Brian Terry's death leaves us no choice but to be here today.

Mr. McGOVERN. Mr. Speaker, let me yield myself such time as I may consume before I yield to the gentleman from North Carolina.

Mr. Speaker, the last time Congress dealt with a contempt resolution was in the case of Joshua Bolton and Harriet Miers. The period of time between when the committee voted out the resolution and before there was floor action was 6 months. The reason why there was time taken was to make sure that we got it right.

This is less than a week. And I'm going to say to my friends on the other side of the aisle that the minority staff has compiled a list of 100 inaccuracies—100 inaccuracies in the report that was the basis for this contempt resolution—100—and they're rushing it to the floor. So don't tell me this is not about politics. Don't tell me this is not a witch hunt. It is exactly what it is.

Mr. Speaker, I'd like to yield 2 minutes to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. The gentleman from Massachusetts is absolutely correct, this is a sad and troubling day.

What we see here today, Mr. Speaker, is nothing more than using the Halls of

Congress for extreme partisan political purposes.

□ 1250

This case is all about a politically motivated confrontation with the executive branch on a matter that does not even begin to rise to this level.

This case is not about gunwalking. Those documents have been provided and are not in dispute. The documents at issue are completely unrelated to how gunwalking was initiated in Operation Fast and Furious. The Department has produced thousands of pages of documents. The committee has interviewed two dozen officials, and the Attorney General has testified on nine occasions.

This is an election-year witch hunt. I say that to the gentleman from South Carolina. This is an election-year witch hunt. During this 16-month investigation, the committee refused all Democratic requests for witnesses and hearings, as well as requests to interview any Bush administration appointees.

Never in our Nation's history has the House of Representatives voted to hold a sitting Attorney General or a Cabinet member in contempt. What's different?

I will tell you what's different. It is the simple fact that Republicans have a dogged determination to discredit and defeat this President at all costs. Plain and simple, it's politics.

My Republican friends, do not use your majority to engage in a political stunt. The integrity and legacy of this institution deserve better than that. If you want to discredit and defeat this President, you need to leave this floor and leave the C-SPAN cameras, and go out and give it your best shot. This is not the place to do it.

When the history of this despicable proceeding is recorded, it will be said that your actions were politically motivated to discredit and defeat a President who has worked so hard over the past 3 years.

I encourage my colleagues to join me in refusing to vote for this gimmick and walk to the steps of the Capitol and explain the circumstances of this dark day. Do not vote for this resolution.

For those of you who choose to vote, I ask that you defeat the rule and vote against these contempt resolutions.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. NUGENT. Mr. Speaker, I yield myself as much time as I may consume.

You know, it's amazing that my friends forget about history because they referenced history in 2008 as related to House Resolution 979 and House Resolution 980. And you know what they did?

They passed a rule and said it's hereby adopted. You never even had discussion on the House floor like we're going

to do today. Never had debate on the House floor. They just passed it in the Rules Committee and said, guess what, it's hereby adopted.

I yield such time as he may consume to the gentleman from California (Mr. ISSA), the chairman of the Committee on Oversight and Government Reform.

Mr. ISSA. I place in the RECORD at this time the statement by the Terry family concerning Congressman DINGELL's criticism of the contempt vote. TERRY FAMILY STATEMENT WITH REGARD TO CONGRESSMAN JOHN DINGELL'S CRITICISM OF CONTEMPT VOTE

On Wednesday, Representative John Dingell invoked the Terry family name while saying he would not back the contempt resolutions but instead wants the Oversight and Government Reform Committee to conduct a more thorough investigation into Operation Fast and Furious.

Congressman Dingell represents the district in Michigan where Brian Terry was born and where his family still resides, but his views don't represent those of the Terry family. Nor does he speak for the Terry family. And he has never spoken to the Terry family.

His office sent us a condolence letter when Brian was buried 18 months ago. That's the last time we heard from him.

A year ago, after the House Oversight and Reform Committee began looking into Operation Fast and Furious, one of Brian's sisters called Rep. Dingell's office seeking help and answers. No one from his office called back.

Mr. Dingell is now calling for more investigation to be conducted before the Attorney General can be held in contempt of Congress.

The Terry family has been waiting for over 18 months for answers about Operation Fast and Furious and how it was related to Brian's death. If Rep. Dingell truly wants to support the Terry family and honor Brian Terry, a son of Michigan, he and other Members of Congress will call for the Attorney General to immediately provide the documents requested by the House Oversight and Government Reform Committee.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. ROSS).

Mr. ROSS of Florida. Mr. Speaker, today I rise to offer my support to hold the Attorney General in contempt of Congress.

In December 2010, Border Patrol Agent Brian Terry was killed with a gun that was allowed to walk across the border as a result of Operation Fast and Furious.

Mr. Speaker, some, including this Attorney General and some of my colleagues on the other side of the aisle, state that this operation began in a previous administration. This is demonstrably false, and nothing could be further from the truth.

While there was a program under the previous administration known as Wide Receiver, the differences are quite stark. Under Wide Receiver, weapons were tracked, the Mexican government was involved, and no one died as a result of that operation. In fact, Operation Wide Receiver ended in late 2007, nearly 2 years before Fast and Furious began and nearly 9 months before this President was sworn into office.

Fast and Furious allowed guns to walk across the Mexican border with no tracking, no involvement by Mexican officials. Over 2,000 firearms disappeared across the border under this failed operation. Hundreds of Mexicans are dead because of this failed operation.

An American hero and United States Marine, Agent Brian Terry, is dead because of this failed operation. Agent Terry stood his ground and told moms and dads across America that no one would hurt their children on his watch. He stood up and took that responsibility.

To this day, no one, and I mean no one, in this administration has had the guts to stand up and say, "It was my fault." Attorney General Holder has refused to comply with a congressional subpoena that was issued in October of 2011.

I was a practicing attorney in the real world before I came to Congress. In the real world, Americans are expected to comply with subpoenas. Is the Attorney General any different? No, he is not.

Are we just supposed to take Mr. Holder's word that we have all the information?

That may be how Washington works, Mr. Attorney General, but that is not how Main Street works.

Mr. Attorney General, what are you hiding? What are you hiding from the Brian Terry family? What are you hiding from the American public?

I've said it before and I will say it again: you can delegate authority but you cannot delegate responsibility.

Mr. Speaker, the Attorney General can stonewall all he wants. The Attorney General can misremember all he wants. But whether he likes it or not, today responsibility will land on his desk.

Mr. Speaker, I applaud Chairman ISSA for his steadfast leadership in the pursuit of the truth. I applaud my colleagues on the other side of the aisle who are putting the search of the truth before party.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NUGENT. Mr. Speaker, I yield another 15 seconds to the gentleman from Florida.

Mr. ROSS of Florida. Mr. Speaker, I applaud all of those, like Agent Terry, who wear the uniform of the Armed Forces or stand on the border and guard our Nation. Agent Terry knew a thing or two about duty. He died while on duty.

It is now the duty of this Congress to hold those responsible and accountable for this failed operation. We will not forget, and we will always stand with you.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Once again, Members are advised to direct their remarks to the Chair.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

My friend from Florida (Mr. NUGENT) talked about obstructionism, and I want to say a couple of words about that because I think this whole process has obstructed justice.

During the committee's 16-month investigation, the committee refused all Democratic requests for witnesses and hearings, which is unprecedented. For instance, the committee refused to hold a public hearing with Ken Melson, the head of ATF, the agency responsible for this operation, after he told committee investigators privately that he never informed senior department officials about gunwalking because he was unaware of it.

The committee also refused a hearing, or even a private meeting, with former Attorney General Mukasey, who was briefed on botched efforts to coordinate interdictions with Mexico in 2007, and was informed directly that these efforts would be expanded during his tenure; refused the opportunity to have the Attorney General as a witness.

Mr. Speaker, this partisanship was demonstrated by the committee's vote along strictly partisan lines to hold the Attorney General in contempt and to vote along strictly partisan lines on every amendment. This is about politics. This is not about the truth. This is not about justice. This is about politics, and that is why this is such a sad day for this institution.

Mr. Speaker, I yield 2 minutes to the gentleman from Vermont (Mr. WELCH).

Mr. WELCH. Mr. Speaker, I thank the gentleman from Massachusetts.

Mr. Speaker, the investigation that's being conducted by the Committee on Oversight and Government Reform is a legitimate investigation. But the recommendation to this House to hold the Attorney General in contempt is reckless, irresponsible, unnecessary, and will actually get in the way of the pursuit of truth.

Why do I say that?

If you're going to do an investigation, you have to begin at the beginning, and the beginning of Fast and Furious and gunwalking began in the Bush administration. There's no evidence that President Bush was aware of it. There's some questions about what his Attorney General knew, what and when.

But if you are sincerely interested in trying to find out what happened, how it happened, how in the world do you not begin at the beginning?

And despite that fact, the requests of many of us on the committee who support an investigation, who support the use of a subpoena, who support the aggressive right of Congress to get access to documents that it needs, have been denied the opportunity to bring in witnesses about what happened and how it happened during the Bush administration.

We've been denied the opportunity to bring in Attorney General Mukasey, despite the fact that there was evidence that he was personally briefed on the botched efforts to coordinate interdiction with Mexican authorities. Then-Attorney General Mukasey was also told that the ATF field office in Phoenix planned to expand these operations during his tenure. So our question really quite simply is, begin at the beginning.

That foundation of an open and exhaustive search is what this committee, the Committee on Government Reform, owes to this House of Representatives before it asks the Members of this House to vote on the extraordinary measure of finding a sitting Attorney General in contempt.

Secondly, we've got to do our job with care. The original subpoena that went out and was there until the Friday before the Wednesday in which we voted was demanding that the Attorney General turn over documents that would have been illegal for him to turn over—transcripts of the grand jury.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 15 seconds.

□ 1300

Mr. WELCH. So transcripts of the grand jury, transcripts of wiretap applications, which is not only a violation of the U.S. Code, but would jeopardize law enforcement officials if that word got out. That is an irresponsible and overbroad subpoena.

So the bottom line is to let the investigation continue, but let's acknowledge that the job that the committee needs to do before it asks for a vote of contempt has not been done.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Texas, Judge POE.

Mr. POE of Texas. I thank the gentleman.

Mr. Speaker, we are here today because of an ill-conceived, dangerous, illegal, gun-running scheme called Operation Fast and Furious.

This operation has resulted in the death of at least one—maybe two—Federal agents and in the deaths of hundreds of Mexican nationals; yet we still cannot get a straight answer from the Justice Department as to what happened. The Attorney General says he doesn't know who authorized this nonsense, but he won't let Congress help him find out the facts.

In December of last year, Attorney General Holder testified before the House Judiciary Committee and told me that Operation Fast and Furious was "flawed and reckless" and that it was "probably true" that more people were going to die.

Now, isn't that lovely?

Why is the Attorney General being so obstinate? After months of delay,

delay, delay, today is the day of reckoning.

This administration claims to be the most transparent administration in history. So why won't the administration let the American people know what happened during Fast and Furious? What are they hiding?

This contempt resolution is about one thing. It's about finding out how such a stealth and dangerous operation could ever be authorized by the Government of the United States. Why would our government help smuggle guns to our neighbor and put them in the hands of the enemy of Mexico and the United States—the violent drug cartels?

And no wonder the Attorney General of Mexico wants those in the United States who are responsible to be extradited to Mexico and tried for those possible crimes. Mexico is more interested in Fast and Furious than is our own government.

As a former judge, I can tell you that contempt is used as a last resort to let individuals know they will comply with a lawful order whether they like it or not. Even the Attorney General cannot evade the law.

Time for America to find out the truth about gun smuggling to Mexico. Time for a little transparency. Today is judgment day.

And that's just the way it is.

Mr. MCGOVERN. Mr. Speaker, let me remind my friend that this gunwalking program started under President Bush. And that's just the way it is.

I would like to yield 15 seconds to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Members, I'm from Texas. We believe it's our constitutional right to own every gun that was ever made, and we don't want to export them to anywhere—but this resolution is pure politics.

Mr. Speaker, today I rise in opposition to the resolution recommending that the House of Representatives find Eric H. Holder, Jr., Attorney General, U.S. Department of Justice, in contempt of Congress for refusal to comply with a subpoena duly issued by the committee on Oversight and Government Reform.

In 2005, the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) initiated Project Gunrunner that focused on stemming the flow of firearms into Mexico. This would stop guns from being obtained by drug cartels and criminal organizations that have killed thousands in Mexico in recent years.

Part of Project Gunrunner was Operation Fast and Furious, which has come under scrutiny over the past year due to reports that the ATF allowed the sale of hundreds of assault weapons to suspected straw purchasers, who then allegedly transported these weapons through the Southwest and into Mexico. In December 2010, suspected firearms linked to Operation Fast and Furious were found at the murder scene of Border Patrol Agent Brian Terry.

This resolution is not about Project Gunrunner or Operation Fast and Furious because

the Department of Justice has produced thousands of pages of documents, two dozen officials have been interviewed, and the Attorney General has testified nine times, to show it was not responsible for these operations. The Attorney General has continually offered to provide even more information, including documents outside of the Committee's original subpoena. The documents that are now at the center of the resolution are completely unrelated to how Project Gunrunner or Operation Fast and Furious were initiated.

This investigation is nothing more than a hyper-partisan, election-year effort. The Committee vote was strictly along partisan lines and every amendment passed or failed on party-line votes. During this investigation, the Committee refused all Democratic requests for witnesses and hearings, as well as requests to interview any Bush Administration appointees.

Attorney General Eric Holder has produced sufficient evidence, through thousands of pages of documents and testifying nine times before the committee, to confirm that once he learned about Operation Fast and Furious, he took action to bring it to a close. The denial of Democratic requests to interview officials of the Bush Administration on this matter only further proves this is strictly a partisan political game to hold the first sitting Attorney General in contempt.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to a former law enforcement officer who lost her husband in the line of duty, the gentlewoman from Florida (Mrs. ADAMS).

Mrs. ADAMS. I am going to come to you from a different angle, one of a law enforcement officer.

I served over 17 years as a law enforcement officer, and I worked many undercover operations. As a law enforcement officer, you knew you didn't give guns to bad guys. The drug cartels, they're bad guys. You know if you let a gun walk with a bad guy that you're going to see that gun whether it's at a crime scene, or you're going to be looking down the barrel of it.

So when the Attorney General came to our committee, I asked him, Who approved this operation? Why was it approved? And he just wouldn't answer. He didn't know.

Okay. Well, what rises to the level of the Attorney General? If an international operation that allows guns to walk to another country and that are then used to kill one of our agents and that are used to kill and maim their citizens doesn't rise to his level of approval, who approved it?

This is something that is just normal procedure in any operation in a law enforcement agency.

So now you have an Attorney General who won't tell us or can't tell us who approved this international operation. You have others saying, Well, this is something that started under another administration.

It didn't. That was a different operation, and they realized they couldn't keep up with those guns, so they stopped it. When this one started, it

was flawed from the beginning. The Attorney General said it was flawed from the beginning.

Yet we still have no answers. We don't have answers. The American people don't have answers, and most importantly, the Terry family doesn't have answers. That's just unacceptable.

I've heard from the other side of the aisle and from my colleagues here today that this is political. This isn't political. To me, it's personal. We have a law enforcement officer who was doing his job and who was killed by a flawed operation that no one will take ownership of in the Attorney General's Office; and the Attorney General, himself, won't tell us what rises to the level of his knowing what's going on in his agency if an international operation does not.

So I will tell you that it was not political when I started looking into this and when we started looking into it. It is not political today. The way that it became political was when there was asserted, right before the gavel dropped in the committee, an executive privilege.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. NUGENT. I yield the gentlelady an additional 15 seconds.

Mrs. ADAMS. I ask you today to approve this resolution. Bring some credibility back to our Department of Justice. If this had happened in another agency throughout this Nation and if one of our officers had died and if the Department of Justice were involved in the investigation, they would be asking for the same documents that we are asking for.

Mr. MCGOVERN. Mr. Speaker, let me just say to the gentlelady that if she is interested in why the United States pursued this gunwalking program, she should talk to the Attorney General under the Bush administration, Attorney General Mukasey, when this thing started 5 years ago.

Unfortunately, notwithstanding the fact that the Democrats have asked that he be called before the committee, the request has been denied. She wants to know why this is political? The request for every single witness that the Democrats asked to be brought before the committee was denied, the request for every single witness.

That is unprecedented in this House in any committee, the fact that the Democrats have been locked out of having any of their witnesses come forward. This is not about gunwalking. This is not about finding the terrible truth about what happened to Agent Terry. This is about politics, plain and simple; and it diminishes this House.

I would like to yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding.

Any doubt that today's contempt resolution is political was put to rest when the NRA joined in to blowtorch vulnerable Democrats to vote for contempt today.

The gun lobby is directly responsible for the gap in Federal law that allowed the straw purchases of guns here that were taken to Mexico, ultimately resulting in the tragic death of a border agent. Yet because of a political mandate from the gun lobby, our committee spent no time on the root cause of this tragedy. Instead, after the majority failed to get the documents it requested that were under court seal and documents related to ongoing investigations, it asked for internal communications that no Republican or Democratic administration has ever given up.

Instead of sparing no effort to give law enforcement the tools it must have to protect our border agents, our committee has spared no effort to get to today's contempt resolution over issues unrelated to the tragic killing. After 16 months, the committee found no evidence that the Attorney General or other top Justice Department officials knew about the ATF gunwalking. And the committee resolutely refused to hear from top ATF officials who said that they, in turn, had given the Justice Department no such information.

□ 1310

It is Attorney General Holder who stopped the gunwalking authorized and started by the Bush administration. The contempt today, Mr. Speaker, is for the truth.

Mr. NUGENT. Mr. Speaker, I just want to make it very clear that the House rules of article XI talk about, specifically, j(1) as it relates to the rights of the minority. But you have to ask for that. A majority of the minority has to ask for it. It has to be focused on the issue at hand. They were talking about issues as it related to, I guess, gun ownership, and that was not germane to that issue.

With that, I yield 2 minutes to the gentleman from Arizona (Mr. QUAYLE).

Mr. QUAYLE. I thank the gentleman for yielding.

Mr. Speaker, today's vote is long overdue. For months, my colleagues and I have worked to uncover the truth about Operation Fast and Furious, which cost the life of Border Patrol Agent Brian Terry in my home State of Arizona.

Congressional efforts to get to the bottom of this tragedy and bring accountability to those responsible were met with derision by Attorney General Holder. At hearings, when we questioned Mr. Holder, he evaded. When we requested documents, he obfuscated. When I questioned Mr. Holder on June 8, he looked me in the eye and stated plainly that there was nothing whatsoever in the wiretap applications that

suggested the existence of a gunwalking program. Yet, all I had to do was review those same applications to see that what the attorney general had said to me, my colleagues, and to the American people, was nothing but a boldfaced lie. Mr. Speaker, I will repeat that again. It was a boldfaced lie.

Today, let Congress' vote be a signal to Mr. Holder that dishonesty on the part of administration officials will never be tolerated.

Today, let this vote be a signal to President Obama that the security of the American people must always come before his own job security and the job security of his Cabinet officials.

Let this vote be a reminder to Mr. Holder and to President Obama that despite their executive overreach, there are, in fact, three coequal branches of government.

Let this vote demonstrate that Congress has not forgotten its right or its responsibility to provide oversight and to bring accountability.

I urge my colleagues to support the rule and the underlying resolution.

Mr. MCGOVERN. Mr. Speaker, my colleague from Florida (Mr. NUGENT) mentioned the issue of gun ownership as related to the witnesses that the Democrats wanted to have appear before the committee. How inviting the head of the ATF, which is responsible for Operation Fast and Furious, or inviting the former Attorney General, who was briefed on gunwalking and knew about it, how that has anything to do with gun ownership—what that has to do with, Mr. Speaker, is getting to the truth.

The minority has submitted a request for witnesses in writing and even requested for a—which I guess they have the right to do—a day of minority witnesses, which they were told they would not be granted that day in a timely fashion.

This is about politics. This, by all measures, is about politics. Again, the fact that we are doing this today, I think, diminishes the House of Representatives.

I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Speaker, every Member of this Chamber wants to get to the bottom of the issue of the tragic death of Officer Terry. Every Member of the Chamber wants to find out how the ATF and Justice Department were run as related to that tragedy.

So the committee that's looking into this refused to hear the testimony of the person running the ATF.

The committee that's looking into this refused to hear the testimony of the Assistant Attorney General, who was responsible for the ATF and talked about this with Attorney General Holder.

The committee that is responsible for this received thousands of pages of documents from the Attorney General to try to get to the bottom of the matter.

This procedure does violence to the American Constitution. Yes, we have three separate branches. Those branches are designed to respect each other's prerogatives. Those branches are designed to avoid a constitutional confrontation and engage in one only when necessary.

In the 225-year history of this institution, there has never been a vote like this before—never.

Is it because the Attorney General didn't turn over documents? He turned over thousands of pages of documents.

Is it because the people that know about this issue haven't been made available? To the contrary. The committee refused to hear the testimony of the head of the ATF and the Assistant Attorney General.

This procedure diminishes the House. It vandalizes the Constitution. It should not go forward.

Mr. NUGENT. Mr. Speaker, I yield 30 seconds to the gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. The record will reflect that in a bipartisan way, the Acting Director of the ATF, the person that was actually appointed by President Obama, was deposed by both Democrats and Republicans about a year ago for 2 days around July 4. It was 2 days that he was deposed. That record is there. It is crystal clear.

We were also denied, by the Department of Justice, to speak with Lanny Breuer and Kenneth Blanco, two of the key central people at the highest levels of the Department of Justice. To suggest that we were given an opportunity to talk to them is patently false.

The final part I will make is you can't complain that Attorney General Holder was here nine times between the House and the Senate talking in part about Fast and Furious and then say that you never had a Democratic witness.

Mr. MCGOVERN. Mr. Speaker, we need to deal with facts in this debate because this is an important matter.

The gentleman just talked about these hearings, these meetings with the head of the ATF. The reality was that a year ago Republican staff met with the head of the ATF on July 3 without notifying Democratic staff. Democratic staff were invited to come on July 4. There were no public hearings, and no Members were there.

Again, I'm not sure what the problem is with having the head of the ATF come before the committee so the American people can hear what the truth is and what the facts are. I don't know why that's such a big deal. But to suggest that this was a bipartisan effort is just outright false.

Mr. Speaker, at this time, I yield 3 minutes to the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS. Mr. Speaker, the Republican majority is pursuing an unprecedented and a partisan constitu-

tional confrontation today, and it's unnecessary.

The contempt resolution that's before the House is both disgraceful and it really is demeaning to this House. It's being brought forth by the other side simply to drag Attorney General Holder through the mud and to publicly accuse him and the administration and, frankly, by extension, the President of the United States, of a coverup, claiming that our Attorney General was obstructing justice. Republicans even went so far as to call him a liar on national television. This is unheard of, it is hyperbolic, and it's disrespectful to the office and disrespectful to this House.

The fact is that Chairman ISSA and Republicans have continuously moved the goalpost and disregarded the good intent and good faith shown by the Attorney General, the Justice Department, and the President's administration.

As has been said before, the Department of Justice has provided the Congress with over 7,600 pages of documents and made numerous officials available for testimony, but that's been rebuffed. Just last week, the Attorney General offered to provide even more internal documents and requested a show simply of good faith on the part of the Republican majority that they wanted to resolve the contempt issue, but they refused, choosing this constitutional confrontation instead. That's because the Republicans, to be clear, are not interested in a resolution. They're not looking to compromise. They're only looking to score political points at the expense of the integrity of the House and the good name of the President and the Attorney General.

So I would ask us to carefully consider what we're doing here today and to raise into question what we're doing to this House, to the institution, and to the Presidency. I would ask my colleagues on the other side of the aisle to ask themselves whether the American people want us to focus on their business, to focus on the business of moving the country forward, or to simply play politics because you can't win any other way.

It's a really simple proposition that's in front of us today. And I would say to my colleagues on both sides of the aisle: it is time for us to simply walk away from the nonsense that is not doing justice to the American people.

Mr. Speaker, the Republican majority is pursuing an unprecedented and partisan constitutional confrontation today.

The contempt resolution before this House is disgraceful and demeaning to the House. It's been brought forth by the other side to drag Attorney General Holder through the mud and publicly accuse him and the Administration by extension the President of the U.S. of a "cover-up", claiming that Attorney General Holder was "obstructing justice." Republicans

even went so far as to call him a "liar" on national television—unheard of, blatantly hyperbolic, and disrespectful to the office.

The fact is that Chairman ISSA and the Republicans have continuously moved the goalposts and disregarded the good faith shown by the Attorney General, the Justice Department, and the President's Administration.

All told, the Department of Justice has provided Congress with over 7,600 pages of documents and has made numerous high profile officials available for public congressional testimony. The Attorney General himself has answered questions at nine public hearings.

Last week, the Attorney General offered to provide even more internal documents, including documents outside of Chairman ISSA's subpoena. All the Attorney General requested was a show of good faith on the part of the Republican majority to resolve the contempt issue, but they refused. That's because the Republicans are not looking to compromise. They are looking simply to score political points at the expense of the integrity of the House.

And so, on June 11th, Chairman ISSA announced his intention to hold a contempt vote. On June 20th, just nine short days later, Chairman ISSA called the vote after the President invoked executive privilege.

From George Washington to George W. Bush, Presidents of both political parties have asserted executive privilege to protect the confidentiality of certain kinds of executive branch information in response to demands by Congress. In fact, dating back to President Reagan, Presidents have asserted executive privilege 24 times.

In previous situations, Committee Chairman put off contempt proceedings in order to conduct serious and careful review of Presidential assertions of executive privilege. Then Oversight and Government Reform Chairman WAXMAN put off a contempt vote after President Bush asserted executive privilege in the Valerie Plame investigation. Chairman WAXMAN did the same when President Bush asserted the privilege relating to EPA ozone regulations—on the same day as the contempt vote. Mr. DINGELL, as Chair of the Energy and Commerce Committee held two hearings before proceeding to a contempt vote, after he received President Reagan's assertion of executive privilege.

But on June 20th, after the invocation of executive privilege by President Obama, and over the requests of several committee members to delay action, Chairman ISSA proceeded with the contempt vote.

One question that comes to my mind is why the rush? The Committee recently "completed" a 16-month investigation, one in which the committee refused all Democratic requests for hearings and even for a single witness. Then one week and just seven days after the committee reported out the contempt resolution on a party-line vote on June 20th, the House today will vote on this privileged resolution.

The last time the House voted on contempt resolution against executive branch officials was during an investigation in the Bush administration into the firing of U.S. Attorneys. In that situation, the House Judiciary Committee cited two officials for contempt of Congress in

July 2007. The full House did not actually consider and vote on those contempt resolutions until eight months later in February 2008.

The Obama administration has argued that the documents in question in this instance fall within the executive privilege because they have been generated in the course of the deliberative process concerning the Justice Department's response to Congressional oversight, not because the President knew more about this matter than he admitted to or that there was a conspiracy in the White House, as Chairman ISSA falsely asserts.

For some reason, the Republican majority feels that this is a pressing issue. But I can think of a large list of other issues that I feel that Americans would rather we address.

It is hard to imagine that the House Republican majority's actions are anything else besides election-year politics designed to make this administration look bad. This resolution will not create jobs, nor will it strengthen our economic recovery. It is far past time to getting around to solving the real problems that the American people sent each of us here to resolve.

I urge my colleagues on both sides of the aisle to carefully consider what we are about to do today. Never in our nation's history has the House voted to hold a sitting Attorney General in contempt. I urge my colleagues to vote down this partisan and political contempt resolution.

□ 1320

Mr. NUGENT. Mr. Speaker, I would like to inquire how much time remains.

The SPEAKER pro tempore. The gentleman from Florida has 9½ minutes remaining. The gentleman from Massachusetts has 10 minutes remaining.

Mr. NUGENT. I will continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding.

I rise in strong opposition to this resolution. What began as a legitimate investigation into an operation called Fast and Furious has, unfortunately, degenerated into yet another partisan political attack in an election year. And it's a shame this is taking place for many reasons. First and foremost, because the American people have a legitimate interest in getting to the bottom of the gun violence that spills across our border, with the tens of thousands of weapons made in America that end up in the hands of the cartels. But instead of looking into that investigation, instead of finding out what we can do about this gun violence, this has now become a fight over documents, a fight that is completely unnecessary and unjustified.

The very documents that are at issue in this resolution were created after this operation had long since been shut down. They will shed no light on the operation. They will shed no light on what we can do to stop this gun traf-

ficking. But then that's not the goal. The goal here is simply the fight.

The Justice Department has bent over backwards, produced thousands of documents. The Attorney General has testified eight or nine times before the House, has made every effort to cooperate in this investigation, but the committee will not take "yes" for an answer because that's not the goal. The fight is the goal.

And so we are here when we should be doing the Nation's business, when we should be working on legislation to create jobs. Instead, we are here in what is nothing less than a partisan brawl over nothing. And you know how this will end? It will end months or years from now with a settlement in Federal District Court in which the Justice Department will provide the very same documents they have already offered to provide. But we will have wasted our time; we will have wasted our money; and we will have wasted the precious opportunity to get the people's business done here in the House.

In case the majority hasn't noticed, we are in the midst of a very difficult economy, where people are struggling to find work. They are not struggling to find another partisan fight on the House floor. This is something that cried out for resolution, but those cries were ignored. I urge a "no" vote.

Mr. NUGENT. Mr. Speaker, I yield 2 minutes to the gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. Mr. Speaker, the reason I am so passionate about this issue is that it's about openness, it's about transparency, it's about the idea that there is no one person in our government that's above the law; that when you have a duly issued subpoena, you comply with that subpoena.

In fact, I would like to hearken back to the remarks by President Obama as he took office. He said:

Let me say as simply as I can. Transparency and the rule of law will be the touchstones of this presidency. I will also hold myself, as President, to a new standard of openness. But the mere fact that you have legal power to keep something secret does not mean you should always use it.

He went on to say:

I expect members of my administration not simply to live up to the letter but also the spirit of this law.

He went on to send something to all of the department heads. He said:

Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors or failures might be revealed, or because of speculative or abstract fears.

The President further said, relating to Fast and Furious:

There may be a situation here in which a serious mistake was made, and if that's the case, we will find out, and we will hold somebody accountable.

We have a dead Border Patrol agent. We have over 200 dead Mexican people.

We have a program that the Attorney General called "fundamentally flawed." We have thousands of weapons that are missing. We have a duty, an obligation to pursue this to the fullest extent and to make sure that we have all those documents so we can make sure that it never, ever happens again.

Now there are 140,000 documents, according to the Attorney General, that deal with Fast and Furious. We've been given less than 8,000 of those. Less than 8,000 of those. We deserve to have that.

Also, I will be submitting for the RECORD this statement from the National Border Patrol Council. This is the AFL-CIO-oriented organization of 17,000 Border Patrol members who call for the resignation of Attorney General Holder. In fact, they say that it's "a slap in the face to all Border Patrol agents who serve this country" and "an utter failure of leadership at the highest levels of government."

"If Eric Holder were a Border Patrol agent and not the Attorney General, he would have long ago been found unsuitable for government employment and terminated."

These are from the people on the front lines. We have an obligation to get to the bottom of this.

[From the National Border Patrol Council, June 20, 2012]

NBPC CALLS FOR THE RESIGNATION OF ATTORNEY GENERAL ERIC HOLDER

JUNE 18, 2012.—The union representing U.S. Border Patrol agents called for the resignation of Attorney General Eric Holder for his role in the "Operation Fast and Furious" gun smuggling scandal that directly resulted in the murder of Border Patrol Agent Brian Terry on December 15, 2010.

National Border Patrol Council President George E. McCubbin III called the actions of the Attorney General Holder, "A slap in the face to all Border Patrol agents who serve this country" and "an utter failure of leadership at the highest levels of government."

Border Patrol agents are indoctrinated from day one of their training that integrity is their most important trait as a Border Patrol agent and that without it they have little use to the agency. Border Patrol agents are quickly disciplined whenever they lie or show a lack of candor. The standard that applies to these agents should at a minimum be applied to those who lead them. "If Eric Holder were a Border Patrol agent and not the Attorney General, he would have long ago been found unsuitable for government employment and terminated."

"The heroism that Border Patrol Agent Brian Terry demonstrated on that cold night in the desert of Arizona was in keeping with the finest traditions of the United States Border Patrol and will never be forgotten by those who patrol this nation's borders. We cannot allow our agents to be sacrificed for no gain and not hold accountable those who approved the ill conceived 'Operation Fast and Furious'," said McCubbin.

"The political shenanigans surrounding this scandal and the passing of blame must stop." A Border Patrol agent cannot accidentally step foot into Mexico without a myriad of U.S. and Mexican government agencies being made aware, so there is no possible way that this operation was conducted without the knowledge and tacit approval of the

Department of Justice and the Obama administration.

Mr. MCGOVERN. Mr. Speaker, I yield myself 15 seconds.

Mr. Speaker, if this is about openness, then why does the committee have secret meetings where they lock Democrats out? If this is about openness, then why won't they let any Democratic witnesses appear before the committee?

And since there seems to be some confusion as to whether or not Democrats actually formally requested witnesses, I will insert into the RECORD a letter to the Honorable DARRELL ISSA on October 28, on November 4, and on February 2, requesting witnesses, including the former Attorney General Mukasey and Mr. Melson, the head of the ATF.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES,

Washington, DC, October 28, 2011.

Hon. DARRELL E. ISSA,
Chairman, Committee on Oversight and Government Reform, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: As I have stated repeatedly, I believe Operation Fast and Furious was a terrible mistake with tragic consequences. As I have also stated, I support a fair and responsible investigation that follows the facts where they lead, rather than drawing conclusions before evidence is gathered or ignoring information that does not fit into a preconceived narrative.

On several occasions over the past month, you have called on Attorney General Eric Holder to appear before the House Judiciary Committee to answer questions about when he first became aware of the controversial tactics used in Operation Fast and Furious. The Attorney General has now agreed to testify before the House Judiciary Committee on December 8, 2011, when you will have another opportunity to question him directly.

With respect to our own Committee's investigation, I do not believe it will be viewed as legitimate or credible—and I do not believe the public record will be complete—without public testimony from Kenneth Melson, who served as the Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF).

A hearing with Mr. Melson would help the Committee and the American people better understand what mistakes were made in Operation Fast and Furious, how these tactics originated, who did and did not authorize them, and what steps are being taken to ensure that they are not used again.

Our staffs have already conducted transcribed interviews with Mr. Melson and the former Deputy Director of ATF, William Hoover. During those interviews, these officials expressed serious concerns about the controversial tactics employed by the Phoenix Field Division of ATF as part of this operation. They also raised concerns about the manner in which the Department of Justice responded to congressional inquiries.

Both officials also stated that they had not been aware of the controversial tactics being used in Operation Fast and Furious, had not authorized those tactics, and had not informed anyone at the Department of Justice headquarters about them. They stated that Operation Fast and Furious originated within the Phoenix Field Division, and that ATF headquarters failed to properly supervise it.

Since the Attorney General has now agreed to appear before Congress in December, I believe Members also deserve an opportunity to question Mr. Melson directly, especially since he headed the agency responsible for Operation Fast and Furious. My staff has been in touch with Mr. Melson's attorney, who reports that Mr. Melson would be pleased to cooperate with the Committee.

Thank you for your consideration of this request.

Sincerely,

ELIJAH E. CUMMINGS,
Ranking Member.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES,

Washington, DC, November 4, 2011.

Hon. DARRELL E. ISSA,
Chairman, Committee on Oversight and Government Reform, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing to request that the Committee hold a hearing with former Attorney General Michael Mukasey in order to assist our efforts in understanding the inception and development of so-called "gun-walking" operations over the past five years.

THE MUKASEY MEMO

Documents obtained by the Committee indicate that Attorney General Mukasey was briefed on November 16, 2007, on a botched gun-walking operation by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). A briefing paper prepared for Attorney General Mukasey prior to a meeting with Mexican Attorney General Medina Mora describes "the first-ever attempt to have a controlled delivery of weapons being smuggled into Mexico by a major arms trafficker." The briefing paper warns, however, that "the first attempts at this controlled delivery have not been successful." Despite these failures, the briefing paper proposes expanding such operations in the future. It states:

ATF would like to expand the possibility of such joint investigations and controlled deliveries—since only then will it be possible to investigate an entire smuggling network, rather than arresting simply a single smuggler.

Attorney General Mukasey's briefing paper was prepared only weeks after ATF officials had expressed serious concerns with the failure of these tactics and claimed they were shutting them down. After ATF officials discovered that firearms were not being interdicted, William Hoover, then ATF's assistant director of field operations, wrote an e-mail on October 5, 2007, to Carson Carroll, ATF's assistant director for enforcement programs, stating:

I do not want any firearms to go South until further notice. I expect a full briefing paper on my desk Tuesday morning from SAC Newell [Special Agent in Charge William Newell] with every question answered.

The next day, Special Agent in Charge Newell responded in an e-mail, stating:

I'm so frustrated with this whole mess I'm shutting the case down and any further attempts to do something similar. We're done trying to pursue new and innovative initiatives—it's not worth the hassle.

It is unclear from the documents what changed between October 6, 2007, when Special Agent in Charge Newell indicated that he was shutting down these operations, and November 16, 2007, when Attorney General Mukasey was presented with a proposal to expand them. The documents do not indicate

whether Attorney General Mukasey read this briefing paper or how he responded to the proposal to expand these operations.

ADDITIONAL GUN-WALKING OPERATIONS DURING THE BUSH ADMINISTRATION

Other documents obtained by the Committee indicate that the officials who prepared the November 16, 2007, briefing paper for Attorney General Mukasey were aware that it did not disclose the full scope of previous gun-walking operations. After reviewing the briefing paper, Mr. Carroll wrote an e-mail to Mr. Hoover, stating: "I am going to ask DOJ to change 'first ever'." He added: "there have [been] cases in the past where we have walked guns."

Mr. Carroll's statement appears to be a reference to an earlier operation in 2006 known as Operation Wide Receiver. The documents obtained by the Committee do not indicate whether Attorney General Mukasey was in fact informed about this operation, which occurred a year earlier.

The documents obtained by the Committee appear to directly contradict your claim on national television that gun-walking operations under the previous Administration were well coordinated. During an appearance on Face the Nation on October 16, 2011, you asserted:

We know that under the Bush Administration there were similar operations, but they were coordinated with Mexico. They made every effort to keep their eyes on the weapons the whole time.

Your assertion was particularly troubling since the Committee obtained these e-mail exchanges in July, several months before your appearance on Face the Nation.

CONCLUSION

Over the past year, you have been extremely critical of Attorney General Eric Holder, arguing that he should have known about the controversial tactics employed in these operations. He has now agreed to your request to testify before the House Judiciary Committee on December 8, 2011, to answer additional questions about these operations.

Given the significant questions raised by the disclosures in these documents, our Committee's investigation will not be viewed as credible, even-handed, or complete unless we hear directly from Attorney General Mukasey.

During a press appearance on Wednesday, you stated: "Our job for the American people is to make sure—since they say they shouldn't walk guns and they did walk guns—is that we know they'll never walk guns again." I completely agree with this statement, and I believe my request will help us fulfill our shared goal. Thank you for your consideration of this request.

Sincerely,

ELIJAH E. CUMMINGS,
Ranking Member.

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM, HOUSE OF REPRESENTATIVES,

Washington, DC, February 2, 2012.

Hon. DARRELL E. ISSA,
Chairman, Committee on Oversight and Government Reform, House of Representatives,
Washington, DC.

DEAR MR. CHAIRMAN: Given your statements at today's hearing, I am writing to formally reiterate my previous request for the Committee to hold a public hearing with former Attorney General Michael Mukasey.

On November 4, 2011, I wrote to you requesting a public hearing with Mr. Mukasey in order to assist the Committee's efforts in

understanding the inception and development of so-called “gunwalking” operations over the past five years in Arizona.

As I described in the letter, the Committee has now obtained a briefing paper prepared for Mr. Mukasey prior to a meeting with Mexican Attorney General Medina Mora. The briefing paper describes efforts in 2007 by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to coordinate interdiction efforts with Mexico after firearms crossed the border. The briefing paper warns, however, that “the first attempts at this controlled delivery have not been successful.” Despite these failures, the briefing paper proposes expanding such operations in the future. It states:

ATF would like to expand the possibility of such joint investigations and controlled deliveries—since only then will it be possible to investigate an entire smuggling network, rather than arresting simply a single smuggler.

Since I sent the letter to you in November, the Committee has not held a public hearing with Mr. Mukasey.

In addition to these documents, I issued a report this week documenting that Operation Fast and Furious was actually the fourth in a series of reckless operations run by the Phoenix Field Division of ATF and the Arizona U.S. Attorney’s Office dating back to 2006 involving hundreds of weapons across two administrations.

At today’s hearing, several Members of the Committee acknowledged that the documents obtained by the Committee do not indicate that Mr. Mukasey approved gunwalking, just as they do not indicate that Attorney General Holder approved gunwalking. Nevertheless, these Members expressed their belief that Mr. Mukasey’s public testimony is necessary if the Committee intends to conduct a thorough and evenhanded investigation of this five-year history of gunwalking in Arizona.

During an exchange with Committee Member Gerry Connolly at today’s hearing, you stated that you were open to all requests for hearings relating to this investigation. Attorney General Holder has now testified publicly six times about these issues. It is only appropriate for the Committee and the public to hear testimony from Mr. Mukasey at least once.

Thank you for your consideration of this request.

Sincerely,

ELIJAH E. CUMMINGS,
Ranking Member.

Mr. MCGOVERN. I yield 2 minutes to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Mr. Speaker, today we need to understand that there are two classes of documents. The ones that relate to pending criminal investigations, those are not discoverable or cannot be distributed outside of the Justice Department under penalty of U.S. law. You can get 5 years for doing that. You can’t expect the Attorney General to turn those over. The other class of documents is internal communications. There may be some whiff of discoverable information in those, but they’re covered by executive privilege. And you really don’t know why the Attorney General has invoked executive privilege on those issues, but we have to trust the fact that there’s good reason for that to be the case.

Now when you compare what has gone on today and over the last 7 days with what happened the day that President Obama was sworn in, you can understand why they’re doing what they’re doing today. You see, not very long after President Obama was sworn in, we got word that MITCH MCCONNELL said that his mission was to make President Obama a one-term President. And then we know that later on that afternoon, later that evening, when everyone else was enjoying themselves at the Presidential balls, there was a group of Congresspeople—leadership in the Republican Party—that were scheming on how they were going to disrupt and say “no” and obstruct everything that this President put forth. So they have done that. They have done everything they can to make this President look bad.

This is a manufactured crisis. It has no legal substance whatsoever. This is just simply a cheap political stunt to bring disfavor upon the President of the United States. And I ask my colleagues to not let us sink to this level. It is the first time in history that any Cabinet member has been found in contempt of Congress. This is truly sad-denying.

Mr. NUGENT. Mr. Speaker, I yield 90 seconds to the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. Mr. Speaker, I would have to concur. This is an incredibly sad day. This administration that started talking about transparency has now sunk to the level of actually concealing documents.

Never has an Attorney General been held in contempt of Congress because every other Attorney General has turned over documents to Congress when they were requested. This Attorney General has not.

I would just compare this whole controversy with the Secret Service scandal from several months ago. They put everything out, released all the documents, walked through it. It was done. The GSA scandal, released all the documents, held people accountable. It was done. ATF even, when we started this investigation a year and a half ago, put all their documents out, put all their people out, done.

As soon as we get to the Department of Justice, it’s slow. It’s delay, it’s delay, it’s delay. The question is, Why? Why this matters when we get to the Department of Justice documents? Because in the Phoenix office, everything was organized in the Phoenix office, then was approved by the U.S. attorney in the Phoenix area, and then went to the Department of Justice—not to the head of ATF—but to the Department of Justice, to DOJ and their leadership, to be approved.

□ 1330

It is essential that we know what was done there and who did it in the proc-

ess. So this is not some ancillary thing that’s added to it. This is an important part of this process.

Now, there’s all this obfuscation to say it’s Bush’s fault, this is political, there’s not enough witnesses. The essence of this particular contempt deals with the documents that, on February 4 of last year, the Department of Justice sent us a letter that said they had no idea about this. And then by December, after all yearlong saying, No, we didn’t know, we didn’t know, we didn’t know, come back in December and say, Oops, we did. It is what Eric Holder has called his evolving truth.

We want to know the facts of how it started here and went here. There’s 130,000 documents that they say they have. They have turned over a little over 7,000 of those documents. This is not the prerogative for them to continue to hold and conceal those documents.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. NUGENT. I yield the gentleman an additional 15 seconds.

Mr. LANKFORD. Fast and Furious has moved to slow and tedious. We have got to have those documents to be able to finish up this investigation. It should have long since been done.

Eric Holder told our chairman that he has these documents, but he’s using the documents as a bargaining chip to get a better deal. This is not the prerogative when we have a subpoena.

We are not looking for some conflict with the administration. We’re looking to get to the facts.

Mr. MCGOVERN. Mr. Speaker, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. FATTAH).

Mr. FATTAH. I thank the gentleman.

I served for many years on the Oversight and Government Reform Committee. I’ve been involved in a lot of these investigations over time. I served for many years on the House Ethics Committee.

The Congress should be embarrassed about the conduct of this investigation and the charade that brings us to the floor today. The Attorney General can’t provide these documents. The President has protected them under executive order, executive privilege, which means that the person who works for the President can’t provide them to the Congress. We all know that. So to take a decent man who’s served his country in almost every capacity—as a military veteran, as a U.S. attorney here in D.C., as a judge—and to drag his name wrongfully before this House, this majority, which clearly has lost its way—in their pursuit of power, they have lost all sense of principle—this is a disgraceful act.

But we will get through it. We are a big country, and the American people will recognize the disservice that the Republican majority brings to this floor today.

I wouldn't be surprised, at the end of the day, whether we couldn't even find this Congress held in more contempt than it is now. I think we're at a 9 percent approval rate. That's because of the actions of this majority. And the public will have to take account of that as we go forward.

Mr. NUGENT. I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentlelady from California (Ms. SPEIER).

Ms. SPEIER. I thank the gentleman from Massachusetts.

This should be labeled "Fast and Foolish" or maybe "Fast and Fake." We are not talking about gunwalking here. We are doing nothing to help the family of Brian Terry recover. What we're talking about are interoffice emails between the administration executives in the AG's office. I want everyone here to be willing to turn over all of their interoffice emails.

But, more importantly, let's talk about whether there's precedence for the assertion of executive privilege. And let me just point to a number of cases when executive privilege was asserted for noninvolved Presidential communications.

In October 1981, President Reagan asserted executive privilege over internal deliberations within the Department of the Interior concerning, interestingly enough, the Mineral Lands Leasing Act.

In October 1982, President Reagan asserted executive privilege over internal EPA files concerning Superfund provisions.

In July 1986, President Reagan asserted executive privilege over documents written by William Rehnquist when he was the head of the OLC at DOJ.

In August 1991, President George H.W. Bush asserted executive privilege over an internal Defense Department memorandum regarding an aircraft development contract.

In December 2011, President George W. Bush asserted executive privilege over internal Justice Department materials relating to prosecutorial decisionmaking.

It has been done many, many times before by Republican Presidents. What we are doing here is a travesty to this institution and to this country.

Mr. NUGENT. I continue to reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, can I inquire of the gentleman from Florida how many more speakers he has, because we have no more speakers on this side but myself.

Mr. NUGENT. We have no more speakers.

Mr. MCGOVERN. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, there isn't a single person in this House who doesn't honor the service of Agent Terry. There isn't

a single person in this House who does not want justice for Agent Terry's family—and the truth. There isn't a single person in this House, I believe, who doesn't want to get to the bottom of how gunwalking started and how these operations were so terribly botched.

But every single attempt for an evenhanded investigation has been thwarted by the Republican majority. There has not been an evenhanded investigation. Every single witness that the Democrats requested to be called before the committee was refused. Every single witness. It's unprecedented.

Let me say that Eric Holder is a good and decent and honorable man. He's doing an excellent job as Attorney General. He does not deserve this. And this institution does not deserve this.

I say to my friends on the other side of the aisle: Do you really want to go down this road? This is a race to the bottom. This is a witch hunt. This is politics, pure and simple. It diminishes this House of Representatives. We are better than this.

Does everything have to be a confrontation? Does everything have to be in your face?

Now, you want to maintain your majority. I get it. You want to win elections. That's understandable. But at what cost? Do we really need to drag the House of Representatives down this road?

This is a stain on this House of Representatives. We should not be here today. We should be talking about jobs and putting people back to work and about making sure student loans don't double. But instead, we are doing this.

This is so political and so blatantly partisan that I think the American people are sickened by this. And as a number of people have said, You want to know why the approval rating is so low? Watch the videotape of this debate here today. We should be doing the peoples' business.

This is not the peoples' business. This is not about getting to the truth in the case of Agent Terry. This is a political maneuver to go after this administration. And this has, unfortunately, become a trend and a pattern in this Congress. We need to find a way to solve our problems without always having these big confrontations.

So I urge my colleagues on the other side of the aisle, don't go down this road. We urged the Speaker of the House yesterday to pull this from the floor. This is wrong. Please defeat this rule.

I yield back the balance of my time. Mr. NUGENT. Mr. Speaker, I yield myself such time as I may consume.

This is about Agent Terry, who gave his life for this country. This is about what this government has done not to expose the truth but to block the truth. This is about calling on the Attorney General to follow the Constitution. It's about us following article I of

the Constitution in regards to our ability to have oversight.

I hear this stuff about witch hunt and about politics and it gets me sick, because I will tell you this: as a former law enforcement officer, we should be more worried about what lousy policies that Attorney General Holder has covered up that caused the death of one of our own in protecting this country. That's what this is all about. This is about holding people accountable.

I hear a lot of things down here. But the rule of law, when I was subpoenaed as a sheriff, we complied with the subpoena. I understand that the Attorney General feels that he's above the law in regards to the subpoena, and I understand the President's come in to protect him.

But we talk about this body and what the American people think. How about we do the right thing, Mr. Speaker, and we move forward and do the right thing in regards to all the Attorney General has to do is comply with the subpoena. By saying that he's bent over backwards, I would suggest to you that under 8,000 pages of documents out of 140,000 is not bending over backwards.

This is about our constitutional responsibility to provide oversight. This is about our constitutional responsibility to make sure that the Federal Government stays on track, that these executive branch decisions that are made don't put more Americans at risk.

Nobody seems to care about the 200-plus Mexican nationals that have been killed. Obviously, Mexico cares because they want to indict those that were responsible for coming up with this failed idea.

□ 1340

This is about Congress doing its constitutional responsibility, holding hearings to find out what happened. And when the Federal Government or branches of the Federal Government stand in the way and obstruct, that's not the right thing to do. My friends on the other side of the aisle should be more concerned that the Attorney General has said to the Congress: Guess what, you don't matter.

Congress does matter. Congress has a constitutional responsibility, Mr. Speaker, to do just that, to have oversight over the executive branch, and the subpoena is a tool to allow us to do that. And, unfortunately, this Attorney General feels he doesn't have to comply. I beg to differ.

I think the American people—but more than that, the family of Officer Terry—deserve to know what transpired and what the end of this is. And I think that we should be protecting those law enforcement officers that are out there today. In the United States of America, they are going to be facing these same guns that were walked during Fast and Furious. If you read the

transcripts, hundreds—hundreds—of guns walked. Some have been recovered in the United States. And, unfortunately, some have been recovered in Mexico and have led to deaths in Mexico. One has to wonder how many of those guns are going to lead to deaths here in America.

You know, when I raised my hand, along with everybody else, it was to support and defend the Constitution. When I raised my hand as a sheriff, it was to support and defend the Constitution. And when Officer Terry raised his hand, it was to support and defend the Constitution and the laws of the United States of America.

We owe it to all of our law enforcement officers—Federal law enforcement officers, in particular—on this issue, to make sure that they're protected. And to all of our local law enforcement officers who are going to be the first line of defense on the streets of our cities and counties, they have a right to know what this Attorney General's office and the leadership has done, not giving people a free pass because it is expedient to do and because we really don't want to hear what the absolute facts are. Let's just push the facts aside.

Those on the other side of the aisle really don't want to talk about the facts. They want to talk about it is a witch hunt or it's politics.

The facts are clear. Officer Terry is dead. Officer Terry died because weapons were allowed to walk from the United States under the nose of the ATF and under the nose of the Attorney General's office through an OCADETF case. Those are the facts.

I would suggest that we should find out how did that come to pass. And then in regards to what was transpired and sent to Congress and Members of Congress about the fact that it didn't really occur, and then 10 months later, Oh, by the way, you know that memo we sent, it wasn't correct; we did, in fact, allow guns to walk.

We put law enforcement officers of the United States of America at risk because this Federal Government had a botched idea and a bad idea.

With that, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on House Resolution 708 will be followed by 5-minute votes on suspending the rules and passing: H.R. 4251, if ordered; and H.R. 4005, if ordered.

The vote was taken by electronic device, and there were—yeas 254, nays 173, not voting 5, as follows:

[Roll No. 437]

YEAS—254

Adams	Goodlatte	Olson
Aderholt	Gosar	Owens
Akin	Gowdy	Palazzo
Alexander	Granger	Paul
Amash	Graves (GA)	Paulsen
Amodei	Graves (MO)	Pearce
Austria	Griffin (AR)	Pence
Bachmann	Griffith (VA)	Peterson
Bachus	Grimm	Petri
Barletta	Guinta	Pitts
Barrow	Guthrie	Platts
Bartlett	Hall	Poe (TX)
Barton (TX)	Hanna	Pompeo
Bass (NH)	Harper	Posey
Benishhek	Harris	Price (GA)
Berg	Hartzler	Quayle
Biggett	Hastings (WA)	Rahall
Bilbray	Hayworth	Reed
Bilirakis	Heck	Rehberg
Bishop (UT)	Hensarling	Reichert
Black	Herger	Renacci
Blackburn	Herrera Beutler	Ribble
Bonner	Hochul	Rigell
Bono Mack	Huelskamp	Rivera
Boren	Huizenga (MI)	Roby
Boswell	Hultgren	Roe (TN)
Boustany	Hunter	Rogers (AL)
Brady (TX)	Hurt	Rogers (KY)
Brooks	Issa	Rogers (MI)
Broun (GA)	Jenkins	Rohrabacher
Buchanan	Johnson (IL)	Rokita
Bucshon	Johnson (OH)	Rooney
Buerkle	Johnson, Sam	Ros-Lehtinen
Burgess	Jones	Roskam
Burton (IN)	Jordan	Ross (AR)
Calvert	Kelly	Ross (FL)
Camp	Kind	Royce
Campbell	King (IA)	Runyan
Canseco	King (NY)	Ryan (WI)
Cantor	Kingston	Scalise
Capito	Kinzinger (IL)	Schilling
Carter	Kissell	Schmidt
Cassidy	Kline	Schock
Chabot	Labrador	Schweikert
Chaffetz	Lamborn	Scott (SC)
Chandler	Lance	Scott, Austin
Coble	Landry	Sensenbrenner
Coffman (CO)	Lankford	Sessions
Cole	Latham	Shimkus
Conaway	LaTourette	Shuster
Cravaack	Latta	Simpson
Crawford	LoBiondo	Smith (NE)
Crenshaw	Long	Smith (NJ)
Culberson	Lucas	Smith (TX)
Davis (KY)	Luetkemeyer	Southerland
Denham	Lummis	Stearns
Dent	Lungren, Daniel	Stivers
DesJarlais	E.	Stutzman
Diaz-Balart	Mack	Sullivan
Dold	Manzullo	Terry
Donnelly (IN)	Marchant	Thompson (PA)
Dreier	Marino	Thornberry
Duffy	Matheson	Tiberi
Duncan (SC)	McCarthy (CA)	Tipton
Duncan (TN)	McCaul	Turner (NY)
Ellmers	McClintock	Turner (OH)
Emerson	McCotter	Upton
Farenthold	McHenry	Walberg
Fincher	McIntyre	Walden
Fitzpatrick	McKeon	Walsh (IL)
Flake	McKinley	Walz (MN)
Fleischmann	McMorris	Webster
Fleming	Rodgers	West
Flores	Meehan	Westmoreland
Fortenberry	Mica	Whitfield
Fox	Miller (FL)	Wilson (SC)
Franks (AZ)	Miller (MI)	Wittman
Frelinghuysen	Miller, Gary	Wolf
Gallely	Mulvaney	Womack
Gardner	Murphy (PA)	Woodall
Garrett	Myrick	Yoder
Gerlach	Neugebauer	Young (AK)
Gibbs	Noem	Young (FL)
Gibson	Nugent	Young (IN)
Gingrey (GA)	Nunes	
Gohmert	Nunnelee	

NAYS—173

Ackerman	Frank (MA)	Oliver
Altmire	Fudge	Pallone
Andrews	Garamendi	Pascarell
Baca	Gonzalez	Pastor (AZ)
Baldwin	Green, Al	Pelosi
Barber	Green, Gene	Perlmutter
Bass (CA)	Grijalva	Peters
Becerra	Gutierrez	Pingree (ME)
Berkley	Hahn	Polis
Berman	Hanabusa	Price (NC)
Bishop (GA)	Hastings (FL)	Quigley
Bishop (NY)	Heinrich	Rangel
Blumenauer	Higgins	Reyes
Bonamici	Himes	Richardson
Brady (PA)	Hinchey	Richmond
Braley (IA)	Hinojosa	Rothman (NJ)
Brown (FL)	Hirono	Roybal-Allard
Butterfield	Holden	Ruppersberger
Capps	Holt	Rush
Capuano	Honda	Ryan (OH)
Carnahan	Hoyer	Sánchez, Linda
Carney	Israel	T.
Carson (IN)	Jackson Lee	Sanchez, Loretta
Castor (FL)	(TX)	Sarbanes
Chu	Johnson (GA)	Schakowsky
Ciulline	Kaptur	Schiff
Clarke (MI)	Keating	Schrader
Clarke (NY)	Kildee	Schwartz
Clay	Kucinich	Scott (VA)
Cleaver	Langevin	Scott, David
Clyburn	Larsen (WA)	Serrano
Cohen	Larson (CT)	Sewell
Connolly (VA)	Lee (CA)	Sherman
Conyers	Levin	Shuler
Cooper	Lewis (GA)	Sires
Costa	Lipinski	Slaughter
Costello	Loebsock	Smith (WA)
Courtney	Lofgren, Zoe	Speier
Critz	Lowey	Stark
Crowley	Lujan	Sutton
Cuellar	Lynch	Thompson (CA)
Cummings	Maloney	Thompson (MS)
Davis (CA)	Markey	Tierney
Davis (IL)	Matsui	Tonko
DeFazio	McCarthy (NY)	Towns
DeGette	McCollum	Tsongas
DeLauro	McDermott	Van Hollen
Deutch	McGovern	Velázquez
Dicks	McNerney	Vislosky
Dingell	Meeks	Wasserman
Doggett	Michaud	Schultz
Doyle	Miller (NC)	Waters
Edwards	Miller, George	Watt
Ellison	Moore	Waxman
Engel	Moran	Welch
Eshoo	Murphy (CT)	Wilson (FL)
Farr	Nadler	Woolsey
Fattah	Napolitano	Yarmuth
Filner	Neal	

NOT VOTING—5

Cardoza	Jackson (IL)	Lewis (CA)
Forbes	Johnson, E. B.	

□ 1407

Ms. EDWARDS and Mr. COHEN changed their vote from "yea" to "nay."

Mr. DONNELLY of Indiana and Mrs. LUMMIS changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SECURING MARITIME ACTIVITIES THROUGH RISK-BASED TARGETING FOR PORT SECURITY ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 4251) to authorize, enhance, and reform certain port security programs through increased efficiency and

risk-based coordination within the Department of Homeland Security, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DENT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 402, nays 21, not voting 9, as follows:

[Roll No. 438]

YEAS—402

Ackerman	Chaffetz	Frelinghuysen
Adams	Chandler	Fudge
Aderholt	Chu	Gallegly
Akin	Cicilline	Garamendi
Alexander	Clarke (MI)	Gardner
Altmire	Clarke (NY)	Garrett
Amodei	Clay	Gerlach
Andrews	Cleaver	Gibbs
Austria	Clyburn	Gibson
Baca	Coble	Gingrey (GA)
Bachmann	Coffman (CO)	Gohmert
Bachus	Cohen	Gonzalez
Baldwin	Cole	Goodlatte
Barber	Conaway	Gosar
Barletta	Connolly (VA)	Gowdy
Barrow	Conyers	Granger
Bartlett	Cooper	Graves (GA)
Barton (TX)	Costa	Graves (MO)
Bass (CA)	Costello	Green, Al
Bass (NH)	Courtney	Green, Gene
Benishkek	Cravaack	Griffin (AR)
Berg	Crawford	Griffith (VA)
Berkley	Crenshaw	Grijalva
Berman	Critz	Grimm
Biggert	Crowley	Guinta
Bilbray	Cuellar	Guthrie
Bilirakis	Culberson	Gutierrez
Bishop (GA)	Cummings	Hahn
Bishop (NY)	Davis (CA)	Hall
Bishop (UT)	Davis (IL)	Hanabusa
Black	Davis (KY)	Hanna
Blackburn	DeFazio	Harper
Blumenauer	DeGette	Harris
Bonamici	DeLauro	Hartzler
Bonner	Denham	Hastings (FL)
Bono Mack	Dent	Hastings (WA)
Boren	DesJarlais	Hayworth
Boswell	Deutch	Heck
Boustany	Diaz-Balart	Heinrich
Brady (PA)	Dicks	Hensarling
Brady (TX)	Dingell	Herger
Braley (IA)	Doggett	Herrera Beutler
Brooks	Dold	Higgins
Brown (FL)	Donnelly (IN)	Himes
Buchanan	Doyle	Hinchey
Buchson	Dreier	Hinojosa
Buerkle	Duffy	Hirono
Burgess	Edwards	Hochul
Burton (IN)	Ellison	Holden
Butterfield	Ellmers	Holt
Calvert	Engel	Honda
Camp	Eshoo	Hoyer
Campbell	Farenthold	Huizenga (MI)
Canseco	Farr	Hultgren
Cantor	Fattah	Hunter
Capito	Filner	Hurt
Capps	Fincher	Israel
Capuano	Fitzpatrick	Issa
Carnahan	Fleming	Jackson Lee
Carney	Flores	(TX)
Carson (IN)	Forbes	Jenkins
Carter	Fortenberry	Johnson (GA)
Cassidy	Fox	Johnson (IL)
Castor (FL)	Frank (MA)	Johnson (OH)
Chabot	Franks (AZ)	Johnson, Sam

Jordan	Myrick	Schilling
Keating	Nadler	Schmidt
Kelly	Napolitano	Schock
Kildee	Neal	Schrader
Kind	Neugebauer	Schwartz
King (IA)	Noem	Schweikert
King (NY)	Nugent	Scott (SC)
Kinzinger (IL)	Nunes	Scott (VA)
Kissell	Nunnelee	Scott, Austin
Kline	Olson	Scott, David
Lamborn	Oliver	Sensenbrenner
Lance	Owens	Serrano
Landry	Palazzo	Sessions
Langevin	Pallone	Sewell
Lankford	Pascarella	Sherman
Larsen (WA)	Pastor (AZ)	Shimkus
Larson (CT)	Paulsen	Shuler
Latham	Pearce	Shuster
LaTourette	Pelosi	Simpson
Latta	Pence	Sires
Lee (CA)	Perlmutter	Slaughter
Levin	Peters	Smith (NE)
Lewis (GA)	Peterson	Smith (NJ)
Lipinski	Petri	Smith (TX)
LoBiondo	Pingree (ME)	Smith (WA)
Loeb sack	Pitts	Southerland
Lofgren, Zoe	Platts	Speier
Long	Poe (TX)	Stark
Lowe y	Pompeo	Stearns
Lucas	Price (GA)	Stivers
Luetkemeyer	Price (NC)	Stutzman
Lujan	Quayle	Sullivan
Lungren, Daniel E.	Quigley	Sutton
	Rahall	Terry
	Rangel	Thompson (CA)
	Reed	Thompson (MS)
	Rehberg	Thompson (PA)
	Reichert	Thornberry
	Renacci	Tiberi
	Reyes	Tierney
	Richardson	Tipton
	Richmond	Tonko
	Rigell	Towns
	Rivera	Tsongas
	Roby	Turner (NY)
	Roe (TN)	Turner (OH)
	Rogers (AL)	Upton
	Rogers (KY)	Van Hollen
	Rogers (MI)	Velázquez
	Rohrabacher	Visclosky
	Rokita	Walberg
	Rooney	Walden
	Ros-Lehtinen	Walz (MN)
	Roskam	Wasserman
	Ross (AR)	Schultz
	Ross (FL)	Waters
	Rothman (NJ)	Watt
	Roybal-Allard	Waxman
	Royce	Webster
	Runyan	Whitfield
	Ruppersberger	Wilson (FL)
	Rush	Wilson (SC)
	Ryan (OH)	Wittman
	Ryan (WI)	Wolf
	Sánchez, Linda T.	Womack
	Sanchez, Loretta	Yarmuth
	Sarbanes	Yoder
	Scalise	Young (AK)
	Schakowsky	Young (FL)
	Schiff	Young (IN)

NAYS—21

Amash	Jones
Broun (GA)	Kingston
Duncan (SC)	Kucinich
Duncan (TN)	Labrador
Emerson	Lummis
Flake	Paul
Huelskamp	Polis

NOT VOTING—9

Becerra	Jackson (IL)	Lewis (CA)
Cardoza	Johnson, E. B.	Manzullo
Fleischmann	Kaptur	Woolsey

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1415

Messrs. KINGSTON, WESTMORELAND, and RIBBLE changed their vote from “yea” to “nay.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FLEISCHMANN. Mr. Speaker, on rollcall No. 438 I was unavoidably detained. Had I been present, I would have voted “yea.”

Mr. BECERRA. Mr. Speaker, earlier today I was unavoidably detained and missed rollcall vote 438. If present, I would have voted “yea” on rollcall vote 438.

Stated against:

Mr. LANDRY. Mr. Speaker, on rollcall No. 438 I inadvertently voted “yea.” I meant to vote “nay” because of the drone issue.

GAUGING AMERICAN PORT SECURITY ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 4005) to direct the Secretary of Homeland Security to conduct a study and report to Congress on gaps in port security in the United States and a plan to address them, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOSAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 9, not voting 12, as follows:

[Roll No. 439]

YEAS—411

Ackerman	Berkley	Buerkle
Adams	Berman	Burgess
Aderholt	Biggert	Burton (IN)
Akin	Bilbray	Butterfield
Alexander	Bilirakis	Calvert
Altmire	Bishop (GA)	Camp
Amodei	Bishop (NY)	Campbell
Andrews	Bishop (UT)	Canseco
Austria	Black	Cantor
Baca	Blumenauer	Capito
Bachmann	Bonamici	Capps
Bachus	Bonner	Capuano
Baldwin	Bono Mack	Carnahan
Barber	Boren	Carney
Barletta	Boswell	Carson (IN)
Barrow	Boustany	Carter
Bartlett	Brady (PA)	Cassidy
Barton (TX)	Braley (IA)	Castor (FL)
Bass (CA)	Brooks	Chabot
Bass (NH)	Broun (GA)	Chaffetz
Becerra	Brown (FL)	Chandler
Benishkek	Buchanan	Chu
Berg	Bucshon	Cicilline

Clarke (MI)
 Clarke (NY)
 Clay
 Cleaver
 Clyburn
 Coble
 Coffman (CO)
 Cohen
 Cole
 Conaway
 Connolly (VA)
 Conyers
 Cooper
 Costa
 Costello
 Courtney
 Cravaack
 Crawford
 Crenshaw
 Critz
 Crowley
 Cuellar
 Culberson
 Cummings
 Davis (CA)
 Davis (IL)
 Davis (KY)
 DeFazio
 DeGette
 DeLauro
 Denham
 Dent
 DesJarlais
 Deutch
 Diaz-Balart
 Dicks
 Dingell
 Doggett
 Dold
 Donnelly (IN)
 Doyle
 Dreier
 Duffy
 Duncan (SC)
 Duncan (TN)
 Edwards
 Ellison
 Ellmers
 Emerson
 Engel
 Eshoo
 Farenthold
 Farr
 Fattah
 Filner
 Fincher
 Fitzpatrick
 Fleischmann
 Fleming
 Flores
 Forbes
 Fortenberry
 Foxx
 Franks (AZ)
 Frelinghuysen
 Fudge
 Gallegly
 Garamendi
 Gardner
 Garrett
 Gerlach
 Gibbs
 Gibson
 Gingrey (GA)
 Gohmert
 Gonzalez
 Goodlatte
 Gosar
 Gowdy
 Granger
 Graves (GA)
 Graves (MO)
 Green, Al
 Green, Gene
 Griffin (AR)
 Griffith (VA)
 Grijalva
 Grimm
 Guinta
 Guthrie
 Gutierrez
 Hahn
 Hall
 Hanabusa
 Hanna
 Harper

Harris
 Hartzler
 Hastings (FL)
 Hastings (WA)
 Hayworth
 Heck
 Heinrich
 Hensarling
 Herger
 Herrera Beutler
 Higgins
 Himes
 Hinchey
 Hinojosa
 Hirono
 Hochul
 Holden
 Holt
 Honda
 Hoyer
 Huelskamp
 Huizenga (MI)
 Hultgren
 Hunter
 Hurt
 Israel
 Issa
 Jackson Lee
 (TX)
 Jenkins
 Johnson (GA)
 Johnson (IL)
 Johnson (OH)
 Johnson, Sam
 Jones
 Jordan
 Keating
 Kelly
 Kildee
 Kind
 King (IA)
 King (NY)
 Kingston
 Kinzinger (IL)
 Kissell
 Kline
 Labrador
 Lamborn
 Lance
 Landry
 Langevin
 Lankford
 Larsen (WA)
 Larson (CT)
 Latham
 Latta
 Lee (CA)
 Levin
 Lewis (GA)
 Lipinski
 LoBiondo
 Loebsock
 Lofgren, Zoe
 Long
 Lowey
 Lucas
 Luetkemeyer
 Lungren, Daniel
 E.
 Lynch
 Mack
 Maloney
 Marchant
 Marino
 Markey
 Matheson
 Matsui
 McCarthy (CA)
 McCarthy (NY)
 McCaul
 McClintock
 McCollum
 McCotter
 McDermott
 McGovern
 McHenry
 McIntyre
 McKeon
 McKinley
 McMorris
 Rodgers
 McNerney
 Meehan
 Meeks
 Mica
 Michaud

Miller (FL)
 Miller (MI)
 Miller (NC)
 Miller, Gary
 Miller, George
 Moore
 Moran
 Mulvaney
 Murphy (CT)
 Murphy (PA)
 Myrick
 Nadler
 Napolitano
 Neal
 Neugebauer
 Noem
 Nugent
 Nunes
 Nunnelee
 Olson
 Olver
 Owens
 Palazzo
 Pallone
 Pascarell
 Pastor (AZ)
 Paulsen
 Pearce
 Pelosi
 Pence
 Perlmutter
 Peters
 Peterson
 Petri
 Pingree (ME)
 Pitts
 Platts
 Poe (TX)
 Polis
 Pompeo
 Posey
 Price (GA)
 Price (NC)
 Quayle
 Quigley
 Rahall
 Reed
 Rehberg
 Reichert
 Renacci
 Reyes
 Richardson
 Richmond
 Rigell
 Rivera
 Roby
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rokita
 Rooney
 Ros-Lehtinen
 Roskam
 Ross (AR)
 Ross (FL)
 Rothman (NJ)
 Roybal-Allard
 Royce
 Runyan
 Ruppertsberger
 Rush
 Ryan (OH)
 Ryan (WI)
 Sanchez, Linda
 T.
 Sanchez, Loretta
 Sarbanes
 Scalise
 Schakowsky
 Schiff
 Schilling
 Schmidt
 Schock
 Schrader
 Schwartz
 Schweikert
 Scott (SC)
 Scott (VA)
 Scott, Austin
 Scott, David
 Sensenbrenner
 Serrano
 Sessions
 Sewell

Sherman
 Shimkus
 Shuler
 Shuster
 Simpson
 Sires
 Slaughter
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Smith (WA)
 Southerland
 Speier
 Stark
 Stearns
 Stivers
 Stutzman
 Sullivan
 Sutton
 Thompson (CA)

Thompson (MS)
 Thompson (PA)
 Thornberry
 Tiberi
 Tierney
 Tipton
 Tonko
 Towns
 Tsongas
 Turner (NY)
 Turner (OH)
 Upton
 Van Hollen
 Velázquez
 Visclosky
 Walberg
 Walden
 Walz (MN)
 Wasserman
 Schultz

Waters
 Watt
 Waxman
 Webster
 Welch
 West
 Westmoreland
 Wilson (FL)
 Wilson (SC)
 Wittman
 Wolf
 Womack
 Woodall
 Woolsey
 Yarmuth
 Yoder
 Young (AK)
 Young (FL)
 Young (IN)

NAYS—9

Amash
 Blackburn
 Flake
 Kucinich
 Lummis
 Paul
 Ribble
 Terry
 Walsh (IL)

NOT VOTING—12

Brady (TX)
 Cardoza
 Frank (MA)
 Jackson (IL)
 Johnson, E. B.
 Kaptur
 LaTourette
 Lewis (CA)
 Luján
 Manzullo
 Rangel
 Whitfield

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The **SPEAKER** pro tempore (during the vote). There are 2 minutes remaining.

□ 1423

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NOTICE OF INTENTION TO OFFER RESOLUTION RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Ms. JACKSON LEE of Texas. Mr. Speaker, pursuant to clause 2(a)(1) of rule IX, I rise to give notice of my intent to raise a question of the privileges of the House.

The form of the resolution is as follows:

Whereas the chair of the Committee on Oversight and Government Reform has interfered with the work of an independent agency and pressured an administrative law judge of the National Labor Relations Board by compelling the production of documents related to an ongoing case, something independent experts said “could seriously undermine the authority of those charged with enforcing the nation’s labor laws” and which the House Ethics Manual discourages by noting that “Federal courts have nullified administrative decisions on grounds of due process and fairness towards all of the parties when congressional interference with ongoing administrative proceedings may have unduly influenced the outcome”;

Whereas the chair of the Committee on Oversight and Government Reform has politicized investigations by rolling back longstanding bipartisan precedents, including by authorizing subpoenas without the concurrence of the ranking member or a committee vote, by refusing to share documents and other information with the ranking member, and restricting the minority’s right to call witnesses at hearings;

Whereas the chair of the Committee on Oversight and Government Reform has jeopardized an ongoing criminal investigation by publicly releasing documents that his own staff has admitted were under court seal;

Whereas the chair of the Committee on Oversight and Government Reform has unilaterally subpoenaed a witness who was expected to testify at an upcoming Federal trial, despite longstanding precedent and objections from the Department of Justice that such a step could cause complications at a trial and potentially jeopardize a criminal conviction;

Whereas the chair of the Committee on Oversight and Government Reform has engaged in a witch hunt, through the use of repeated incorrect and uncorroborated statements in the committee’s “Fast and Furious” investigation; and

Whereas the chair of the Committee on Oversight and Government Reform has chosen to call the Attorney General of the United States a liar on national television without corroborating evidence and has exhibited unprofessional behavior which could result in jeopardizing an ongoing Committee investigation into Operation Fast and Furious: Now, therefore, be it

Resolved, That the House of Representatives disapproves of the behavior of the chair for interfering with ongoing criminal investigations; insisting on a personal attack against the Attorney General of the United States; and for calling the Attorney General of the United States a liar on national television without corroborating evidence thereby discredit to the integrity of the House.

The **SPEAKER** pro tempore. Under rule IX, a resolution offered from the floor by a Member other than the majority leader or the minority leader as a question of the privileges of the House has immediate precedence only at a time designated by the Chair within 2 legislative days after the resolution is properly noticed.

Pending that designation, the form of the resolution noticed by the gentleman from Texas will appear in the **RECORD** at this point.

The Chair will not at this point determine whether the resolution constitutes a question of privilege. That determination will be made at the time designated for consideration of the resolution.

□ 1430

RECOMMENDING THAT ATTORNEY GENERAL ERIC HOLDER BE FOUND IN CONTEMPT OF CONGRESS

Mr. ISSA. Mr. Speaker, by direction of the Committee on Oversight and Government Reform, I call up the report (H. Rept. 112-546) to accompany resolution recommending that the House of Representatives find Eric H. Holder, Jr., Attorney General, U.S. Department of Justice, in contempt of Congress for refusal to comply with a subpoena duly issued by the Committee on Oversight and Government Reform.

The Clerk read the title of the report.

The **SPEAKER** pro tempore. Pursuant to House Resolution 708, the report is considered read.

The text of the report is as follows:

The Committee on Oversight and Government Reform, having considered this Report, report favorably thereon and recommend that the Report be approved.

The form of the resolution that the Committee on Oversight and Government Reform would recommend to the House of Representatives for citing Eric H. Holder, Jr., Attorney General, U.S. Department of Justice, for contempt of Congress pursuant to this report is as follows:

Resolved, That Eric H. Holder, Jr., Attorney General of the United States, shall be found to be in contempt of Congress for failure to comply with a congressional subpoena.

Resolved, That pursuant to 2 U.S.C. 192 and 194, the Speaker of the House of Representatives shall certify the report of the Committee on Oversight and Government Reform, detailing the refusal of Eric H. Holder, Jr., Attorney General, U.S. Department of Justice, to produce documents to the Committee on Oversight and Government Reform as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Mr. Holder be proceeded against in the manner and form provided by law.

Resolved, That the Speaker of the House shall otherwise take all appropriate action to enforce the subpoena.

I. EXECUTIVE SUMMARY

The Department of Justice has refused to comply with congressional subpoenas related to Operation Fast and Furious, an Administration initiative that allowed around two thousand firearms to fall into the hands of drug cartels and may have led to the death of a U.S. Border Patrol Agent. The consequences of the lack of judgment that permitted such an operation to occur are tragic.

The Department's refusal to work with Congress to ensure that it has fully complied with the Committee's efforts to compel the production of documents and information related to this controversy is inexcusable and cannot stand. Those responsible for allowing Fast and Furious to proceed and those who are preventing the truth about the operation from coming out must be held accountable for their actions.

Having exhausted all available options in obtaining compliance, the Chairman of the Oversight and Government Reform Committee recommends that Congress find the Attorney General in contempt for his failure to comply with the subpoena issued to him.

II. AUTHORITY AND PURPOSE

An important corollary to the powers expressly granted to Congress by the Constitution is the implicit responsibility to perform rigorous oversight of the Executive Branch. The U.S. Supreme Court has recognized this Congressional power on numerous occasions. For example, in *McGrain v. Daugherty*, the Court held that "the power of inquiry—with process to enforce it—is an essential and appropriate auxiliary to the legislative function. . . . A legislative body cannot legislate wisely or effectively in the absence of information respecting the conditions which the legislation is intended to affect or change, and where the legislative body does not itself possess the requisite information—which not infrequently is true—recourse must be had to others who do possess it."¹ Further, in *Watkins v. United States*, Chief Justice Warren wrote for the majority: "The power of Congress to conduct investigations is inher-

ent in the legislative process. That power is broad."²

Both the Legislative Reorganization Act of 1946 (P.L. 79-601), which directed House and Senate Committees to "exercise continuous watchfulness" over Executive Branch programs under their jurisdiction, and the Legislative Reorganization Act of 1970 (P.L. 91-510), which authorized committees to "review and study, on a continuing basis, the application, administration and execution" of laws, codify the oversight powers of Congress.

The Committee on Oversight and Government Reform is a standing committee of the House of Representatives, duly established pursuant to the Rules of the House of Representatives, which are adopted pursuant to the Rulemaking Clause of the Constitution.³ House rule X grants to the Committee broad oversight jurisdiction, including authority to "conduct investigations of any matter without regard to clause 1, 2, 3, or this clause [of House rule X] conferring jurisdiction over the matter to another standing committee."⁴ The rules direct the Committee to make available "the findings and recommendations of the committee . . . to any other standing committee having jurisdiction over the matter involved."⁵

House rule XI specifically authorizes the Committee to "require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents as it considers necessary."⁶ The rule further provides that the "power to authorize and issue subpoenas" may be delegated to the Committee chairman.⁷ The subpoenas discussed in this report were issued pursuant to this authority.

The Committee's investigation into actions by senior officials in the U.S. Department of Justice and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) in designing, implementing, and supervising the execution of Operation Fast and Furious, and subsequently providing false denials to Congress, is being undertaken pursuant to the authority delegated to the Committee under House Rule X as described above.

The oversight and legislative purposes of the investigations are (1) to examine and expose any possible malfeasance, abuse of authority, or violation of existing law on the part of the executive branch with regard to the conception and implementation of Operation Fast and Furious, and (2) based on the results of the investigation, to assess whether the conduct uncovered may warrant additions or modifications to federal law and to make appropriate legislative recommendations.

In particular, the Committee's investigation has highlighted the need to obtain information that will aid Congress in considering whether a revision of the statutory provisions governing the approval of federal wiretap applications may be necessary. The major breakdown in the process that occurred with respect to the Fast and Furious wiretap applications necessitates careful examination of the facts before proposing a legislative remedy. Procedural improvements may need to be codified in statute to mandate immediate action in the face of highly objectionable information relating to operational tactics and details contained in future applications.

¹ *Watkins v. United States*, 354 U.S. 178, 187 (1957).

² U.S. CONST., art. I, 5, clause 2.

³ House rule X, clause (4)(c)(2).

⁴ *Id.*

⁵ House rule XI, clause (2)(m)(1)(B).

⁶ House rule XI, clause (2)(m)(3)(A)(i).

The Committee's investigation has called into question the ability of ATF to carry out its statutory mission and the ability of the Department of Justice to adequately supervise it. The information sought is needed to consider legislative remedies to restructure ATF as needed.

III. BACKGROUND ON THE COMMITTEE'S INVESTIGATION

In February 2011, the Oversight and Government Reform Committee joined Senator Charles E. Grassley, Ranking Member of the Senate Committee on the Judiciary, in investigating Operation Fast and Furious, a program conducted by ATF. On March 16, 2011, Chairman Darrell Issa wrote to then-Acting ATF Director Kenneth E. Melson requesting documents and information regarding Fast and Furious. Responding for Melson and ATF, the Department of Justice did not provide any documents or information to the Committee by the March 30, 2011, deadline. The Committee issued a subpoena to Melson the next day. The Department produced zero pages of non-public documents pursuant to that subpoena until June 10, 2011, on the eve of the Committee's first Fast and Furious hearing.

On June 13, 2011, the Committee held a hearing entitled "Obstruction of Justice: Does the Justice Department Have to Respond to a Lawfully Issued and Valid Congressional Subpoena?" The Committee held a second hearing on June 15, 2011, entitled "Operation Fast and Furious: Reckless Decisions, Tragic Outcomes." The Committee held a third hearing on July 26, 2011, entitled "Operation Fast and Furious: The Other Side of the Border."

On October 11, 2011, the Justice Department informed the Committee its document production pursuant to the March 31, 2011, subpoena was complete. The next day, the Committee issued a detailed subpoena to Attorney General Eric Holder for additional documents related to Fast and Furious.

On February 2, 2012, the Committee held a hearing entitled "Fast and Furious: Management Failures at the Department of Justice." The Attorney General testified at that hearing.

The Committee has issued two staff reports documenting its initial investigative findings. The first, *The Department of Justice's Operation Fast and Furious: Accounts of ATF Agents*, was released on June 14, 2011. The second, *The Department of Justice's Operation Fast and Furious: Fueling Cartel Violence*, was released on July 26, 2011.

Throughout the investigation, the Committee has made numerous attempts to accommodate the interests of the Department of Justice. Committee staff has conducted numerous meetings and phone conversations with Department lawyers to clarify and highlight priorities with respect to the subpoenas. Committee staff has been flexible in scheduling dates for transcribed interviews; agreed to review certain documents *in camera*; allowed extensions of production deadlines; agreed to postpone interviewing the Department's key Fast and Furious trial witness; and narrowed the scope of documents the Department must produce to be in compliance with the subpoena and to avoid contempt proceedings.

Despite the Committee's flexibility, the Department has refused to produce certain documents to the Committee. The Department has represented on numerous occasions that it will not produce broad categories of documents. The Department has not provided a privilege log delineating with particularity why certain documents are being withheld.

¹ *McGrain v. Daugherty*, 273 U.S. 135, 174 (1927).

The Department's efforts at accommodation and ability to work with the Committee regarding its investigation into Fast and Furious have been wholly inadequate. The Committee requires the subpoenaed documents to meet its constitutionally mandated oversight and legislative duties.

IV. OPERATION FAST AND FURIOUS: BREAKDOWNS AT ALL LEVELS OF THE DEPARTMENT OF JUSTICE

The story of Operation Fast and Furious is one of widespread dysfunction across numerous components of the Department of Justice. This dysfunction allowed Fast and Furious to originate and grow at a local level before senior officials at Department of Justice headquarters ultimately approved and authorized it. The dysfunction within and among Department components continues to this day.

A. THE ATF PHOENIX FIELD DIVISION

In October 2009, the Office of the Deputy Attorney General (ODAG) in Washington, D.C. promulgated a new strategy to combat gun trafficking along the Southwest Border. This new strategy directed federal law enforcement to shift its focus away from seizing firearms from criminals as soon as possible, and to focus instead on identifying members of trafficking networks. The Office of the Deputy Attorney General shared this strategy with the heads of many Department components, including ATF.⁸

Members of the ATF Phoenix Field Division, led by Special Agent in Charge Bill Newell, became familiar with this new strategy and used it in creating Fast and Furious. In mid-November 2009, just weeks after the strategy was issued, Fast and Furious began. Its objective was to establish a nexus between straw purchasers of firearms in the United States and Mexican drug-trafficking organizations (DTOs) operating on both sides of the United States-Mexico border. Straw purchasers are individuals who are legally entitled to purchase firearms for themselves, but who unlawfully purchase weapons with the intent to transfer them to someone else, in this case DTOs or other criminals.

During Fast and Furious, ATF agents used an investigative technique known as "gunwalking"—that is, allowing illegally-purchased weapons to be transferred to third parties without attempting to disrupt or deter the illegal activity. ATF agents abandoned surveillance on known straw purchasers after they illegally purchased weapons that ATF agents knew were destined for Mexican drug cartels. Many of these transactions established probable cause for agents to interdict the weapons or arrest the possessors, something every agent was trained to do. Yet, Fast and Furious aimed instead to allow the transfer of these guns to third parties. In this manner, the guns fell into the hands of DTOs, and many would turn up at crime scenes. ATF then traced these guns to their original straw purchaser, in an attempt to establish a connection between that individual and the DTO.

Federal Firearms Licensees (FFLs), who cooperated with ATF, were an integral component of Fast and Furious. Although some FFLs were reluctant to continue selling weapons to suspicious straw purchasers, ATF encouraged them to do so, reassuring the FFLs that ATF was monitoring the buyers and that the weapons would not fall into the wrong hands.⁹ ATF worked with FFLs on or

about the date of sale to obtain the unique serial number of each firearm sold. Agents entered these serial numbers into ATF's Suspect Gun Database within days after the purchase. Once these firearms were recovered at crime scenes, the Suspect Gun Database allowed for expedited tracing of the firearms to their original purchasers.

By December 18, 2009, ATF agents assigned to Fast and Furious had already identified fifteen interconnected straw purchasers in the targeted gun trafficking ring. These straw purchasers had already purchased 500 firearms.¹⁰ In a biweekly update to Bill Newell, ATF Group Supervisor David Voth explained that 50 of the 500 firearms purchased by straw buyers had already been recovered in Mexico or near the Mexican border.¹¹ These guns had time-to-crimes of as little as one day, strongly indicating straw purchasing.¹²

Starting in late 2009, many line agents objected vociferously to some of the techniques used during Fast and Furious, including gunwalking. The investigation continued for another year, however, until shortly after December 15, 2010, when two weapons from Fast and Furious were recovered at the murder scene of U.S. Border Patrol Agent Brian Terry.

Pursuant to the Deputy Attorney General's strategy, in late January 2010 the ATF Phoenix Field Division applied for Fast and Furious to become an Organized Crime Drug Enforcement Task Force (OCDETF) case. In preparation for the OCDETF application process, the ATF Phoenix Field Division prepared a briefing paper detailing the investigative strategy employed in Fast and Furious. This document was not initially produced by the Department pursuant to its subpoena, but rather was obtained by a confidential source. The briefing paper stated:

Currently our strategy is to allow the transfer of firearms to continue to take place, albeit at a much slower pace, in order to further the investigation and allow for the identification of additional co-conspirators who would continue to operate and illegally traffic firearms to Mexican DTOs which are perpetrating armed violence along the Southwest Border.¹³

Fast and Furious was approved as an OCDETF case, and this designation resulted in new operational funding. Additionally, Fast and Furious became a prosecutor-led OCDETF Strike Force case, meaning that ATF would join with the Federal Bureau of Investigation, Drug Enforcement Administration, Internal Revenue Service, and Immigration and Customs Enforcement under the leadership of the U.S. Attorney's Office for the District of Arizona.

B. THE UNITED STATES ATTORNEY'S OFFICE FOR THE DISTRICT OF ARIZONA

The U.S. Attorney's Office for the District of Arizona led the Fast and Furious OCDETF Strike Force. Although ATF was the lead law enforcement agency for Fast and Furious, its agents took direction from prosecutors in the U.S. Attorney's Office. The lead federal prosecutor for Fast and Furious was Assistant U.S. Attorney Emory Hurley, who played an integral role in the day-to-day, tactical management of the case.¹⁴

⁸ E-mail from Kevin Simpson, Intelligence Officer, Phoenix FIG, ATF, to David Voth (Dec. 18, 2009).

¹¹ *Id.*

¹² *Id.*

¹³ Phoenix Group VII, Phoenix Field Division, ATF, *Briefing Paper* (Jan. 8, 2010).

¹⁴ Transcribed Interview of Special Agent in Charge William Newell, at 32-33 (June 8, 2011).

Many ATF agents working on Operation Fast and Furious came to believe that some of the most basic law enforcement techniques used to interdict weapons required the explicit approval of the U.S. Attorney's Office, and specifically from Hurley. On numerous occasions, Hurley and other federal prosecutors withheld this approval, to the mounting frustration of ATF agents.¹⁵ The U.S. Attorney's Office chose not to use other available investigative tools common in gun trafficking cases, such as civil forfeitures and seizure warrants, during the seminal periods of Fast and Furious.

The U.S. Attorney's Office advised ATF that agents needed to meet unnecessarily strict evidentiary standards in order to speak with suspects, temporarily detain them, or interdict weapons. ATF's reliance on this advice from the U.S. Attorney's Office during Fast and Furious resulted in many lost opportunities to interdict weapons.

In addition to leading the Fast and Furious OCDETF task force, the U.S. Attorney's Office was instrumental in preparing the wiretap applications that were submitted to the Justice Department's Criminal Division. Federal prosecutors in Arizona filed at least six of these applications, each containing immense detail about operational tactics and specific information about straw purchasers, in federal court after Department headquarters authorized them.

C. ATF HEADQUARTERS

Fast and Furious first came to the attention of ATF Headquarters on December 8, 2009, just weeks after the case was officially opened in Phoenix. ATF's Office of Strategic Information and Intelligence (OSII) briefed senior ATF personnel about the case on December 8, 2009, discussing in detail a large recovery of Fast and Furious weapons in Naco, Sonora, Mexico.¹⁶

The next day, December 9, 2009, the Acting ATF Director first learned about Fast and Furious and the large recovery of weapons that had already occurred.¹⁷ The following week, OSII briefed senior ATF officials about another large cache of Fast and Furious weapons that had been recovered in Mexico.¹⁸

On January 5, 2010, OSII presented senior ATF officials with a summary of all of the weapons that could be linked to known straw purchasers in Fast and Furious. In just two months, these straw purchasers bought a total of 685 guns. This number raised the ire of several individuals in the room, who expressed concerns about the growing operation.¹⁹

On March 5, 2010, ATF headquarters hosted a larger, more detailed briefing on Operation Fast and Furious. David Voth, the Group Supervisor overseeing Fast and Furious, traveled from Phoenix to give the presentation. He gave an extremely detailed synopsis of the status of the investigation, including the number of guns purchased, weapons seizures to date, money spent by straw purchasers, and organizational charts of the relationships among straw purchasers and to members of the Sinaloa drug cartel. At that

¹⁵ Transcribed Interview of Special Agent Larry Alt, at 94 (Apr. 27, 2011).

¹⁶ Interview with Lorren Leadmon, Intelligence Operations Analyst, Washington, D.C., July 5, 2011 [hereinafter Leadmon Interview].

¹⁷ *Oversight of the U.S. Department of Justice: Hearing Before the S. Comm. on the Judiciary*, 112th Cong. (May 4, 2011) (Questions for the Record of Hon. Eric H. Holder, Jr., Att'y Gen. of the U.S.).

¹⁸ Leadmon Interview, *supra* note 16.

¹⁹ Transcribed Interview of Deputy Ass't Dir. Steve Martin, ATF, at 36 (July 6, 2011) [hereinafter Martin Tr.].

⁹ E-mail from [Dep't of Justice] on behalf of Deputy Att'y Gen. David Ogden to Kathryn Ruemmler, et al. (Oct. 26, 2009).

⁹ Transcribed Interview of Special Agent Peter Forcelli, at 53-54 (Apr. 28, 2011).

point, the straw purchasers had bought 1,026 weapons, costing nearly \$650,000.²⁰

NATF's Phoenix Field Division informed ATF headquarters of large weapons recoveries tracing back to Fast and Furious. The Phoenix Field Division had frequently forwarded these updates directly to Deputy ATF Director Billy Hoover and Acting ATF Director Ken Melson.²¹ When Hoover learned about how large Fast and Furious had grown in March 2010, he finally ordered the development of an exit strategy.²² This exit strategy, something Hoover had never before requested in any other case, was a timeline for ATF to wind down the case.²³

Though Hoover commissioned the exit strategy in March, he did not receive it until early May. The three-page document outlined a 30-, 60-, and 90-day strategy for winding down Fast and Furious and handing it over to the U.S. Attorney's Office for prosecution.²⁴

In July 2010, Acting Director Melson expressed concern about the number of weapons flowing to Mexico,²⁵ and in October 2010 the Assistant Director for Field Operations, the number three official in ATF, expressed concern that ATF had not yet halted the straw purchasing activity in Fast and Furious.²⁶ Despite these concerns, however, the U.S. Attorney's Office continued to delay the indictments, and no one at ATF headquarters ordered the Phoenix Field Division to simply arrest the straw purchasers in order to take them off the street. The members of the firearms trafficking ring were not arrested until two weapons from Fast and Furious were found at the murder scene of Border Patrol Agent Brian Terry.

D. THE CRIMINAL DIVISION

1. COORDINATION WITH ATF

In early September 2009, according to Department e-mails, ATF and the Department of Justice's Criminal Division began discussions "to talk about ways CRM [Criminal Division] and ATF can coordinate on gun trafficking and gang-related initiatives."²⁷ Early on in these discussions, Lanny Breuer, Assistant Attorney General for the Criminal Division, sent an attorney to help the U.S. Attorney's Office in Arizona prosecute ATF cases. The first case chosen for prosecution was Operation Wide Receiver, a year-long ATF Phoenix Field Division investigation initiated in 2006, which involved several hundred guns being walked. The U.S. Attorney's Office in Arizona, objecting to the tactics used in Wide Receiver, had previously refused to prosecute the case.

According to James Trusty, a senior official in the Criminal Division's Gang Unit, in September 2009 Assistant Attorney General Breuer was "VERY interested in the Arizona gun trafficking case [Wide Receiver], and he is traveling out [to Arizona] around 9/21. Consequently, he asked us for a 'briefing' on that case before the 21st rolls around."²⁸ The next day, according to Trusty, Breuer's chief

of staff "mentioned the case again, so there is clearly great attention/interest from the front office."²⁹

When the Criminal Division prosecutor arrived in Arizona, she gave Trusty her impressions of the case. Her e-mail stated:

Case involves 300 to 500 guns. . . . It is my understanding that a lot of these guns "walked". Whether some or all of that was intentional is not known.³⁰

Discussions between ATF and the Criminal Division regarding inter-departmental coordination continued over the next few months. On December 3, 2009, the Acting ATF Director e-mailed Breuer about this cooperation. He stated:

Lanny: We have decided to take a little different approach with regard to seizures of multiple weapons in Mexico. Assuming the guns are traced, instead of working each trace almost independently of the other traces from the seizure, I want to coordinate and monitor the work on all of them collectively as if the seizure was one case.³¹

Breuer responded:

We think this is a terrific idea and a great way to approach the investigations of these seizures. Our Gang Unit will be assigning an attorney to help you coordinate this effort.³²

Kevin Carwile, Chief of the Gang Unit, assigned an attorney, Joe Cooley, to assist ATF, and Operation Fast and Furious was selected as a recipient of this assistance. Shortly after his assignment, Cooley had to rearrange his holiday plans to attend a significant briefing on Fast and Furious.³³

Cooley was assigned to Fast and Furious for the next three months. He advised the lead federal prosecutor, Emory Hurley, and received detailed briefings on operational details. Cooley, though, was not the only Criminal Division attorney involved with Fast and Furious during this time period. The head of the division, Lanny Breuer, met with ATF officials about the case, including Deputy Director Billy Hoover and Assistant Director for Field Operations Mark Chait.³⁴

Given the initial involvement of the Criminal Division with Fast and Furious in the early stages of the investigation, senior officials in Criminal Division should have been greatly alarmed about what they learned about the case. These officials should have halted the program, especially given their prior knowledge of gunwalking in Wide Receiver, which was run by the same leadership in the same ATF field division.

On March 5, 2010, Cooley attended a briefing about Fast and Furious. The detailed briefing highlighted the large number of weapons the gun trafficking ring had purchased and discussed recoveries of those weapons in Mexico. According to Steve Martin, Deputy Assistant Director in ATF's Office of Strategic Intelligence and Information, everyone in the room knew the weapons from Fast and Furious were being linked to a Mexican cartel.³⁵ Two weeks later, in

mid-March 2010, Carwile pulled Cooley off Fast and Furious, when the U.S. Attorney's Office informed him that it had the case under control.³⁶

2. WIRETAPS

At about the same time, senior lawyers in the Criminal Division authorized wiretap applications for Fast and Furious to be submitted to a federal judge. Fast and Furious involved the use of seven wiretaps between March and July of 2010.

In a letter to Chairman Issa, the Deputy Attorney General acknowledged that the Office of Enforcement Operations (OEO), part of the Justice Department's Criminal Division, is "primarily responsible for the Department's statutory wiretap authorizations."³⁷ According to the letter, lawyers in OEO review these wiretap packages to ensure that they "meet statutory requirements and DOJ policies."³⁸ When OEO completes its review of a wiretap package, federal law provides that the Attorney General or his designee—in practice, a Deputy Assistant Attorney General in the Criminal Division—reviews and authorizes it.³⁹ Each wiretap package includes an affidavit which details the factual basis upon which the authorization is sought. Each application for Fast and Furious included a memorandum from Assistant Attorney General Breuer to Paul O'Brien, Director of OEO, authorizing the interception application.⁴⁰

The Criminal Division's approval of the wiretap applications in Fast and Furious violated Department of Justice policy. The core mission of the Bureau of Alcohol, Tobacco, Firearms, and Explosives is to "protect[] our communities from . . . the illegal use and trafficking of firearms."⁴¹

The wiretap applications document the extensive involvement of the Criminal Division in Fast and Furious. These applications were constructed from raw data contained in hundreds of Reports of Investigation (ROI); the Department of Justice failed to produce any of these ROI in response to the Committee's subpoena. The Criminal Division authorized Fast and Furious wiretap applications on March 10, 2010; April 15, 2010; May 6, 2010; May 14, 2010; June 1, 2010; and July 1, 2010. Deputy Assistant Attorney General Jason Weinstein, Deputy Assistant Attorney General Kenneth Blanco, and Deputy Assistant Attorney General John Keeney signed these applications on behalf of Assistant Attorney General Lanny Breuer.

E. THE OFFICE OF THE DEPUTY ATTORNEY GENERAL

The Office of the Deputy Attorney General (ODAG) maintained close involvement in Operation Fast and Furious. In the Justice Department, ATF reports to the Deputy Attorney General (DAG).⁴² In practice, an official in the Office of the Deputy Attorney General is responsible for managing the ATF portfolio. This official monitors the operations of

²⁰ See generally "Operation the Fast and the Furious" Presentation, Mar. 5, 2010.

²¹ E-mail from Mark Chait to Kenneth Melson and William Hoover (Feb. 24, 2010) [HOCR 001426].

²² Transcribed Interview of William Hoover, ATF Deputy Director, at 9 (July 21, 2011).

²³ Id. at 72.

²⁴ E-mail from Douglas Palmer, Supervisor Group V, ATF, to William Newell, ATF (Apr. 27, 2010).

²⁵ E-mail from Kenneth Melson to Mark Chait, et al., (July 14, 2010) [HOCR 002084].

²⁶ E-mail from Mark Chait to William Newell (Oct. 29, 2010) [HOCR 001890].

²⁷ E-mail from Jason Weinstein to Lanny Breuer (Sept. 10, 2009) [HOCR 003378].

²⁸ E-mail from James Trusty to Laura Gwinn (Sept. 2, 2009) [HOCR 003375].

²⁹ E-mail from James Trusty to Laura Gwinn (Sept. 3, 2009) [HOCR 003376].

³⁰ E-mail from Laura Gwinn to James Trusty (Sept. 3, 2009) [HOCR 003377].

³¹ E-mail from Kenneth Melson to Lanny Breuer (Dec. 3, 2009) [HOCR 003403].

³² E-mail from Lanny Breuer to Kenneth Melson (Dec. 4, 2009) [HOCR 003403].

³³ E-mail from Kevin Carwile to Jason Weinstein (Mar. 16, 2010) [HOCR 002832].

³⁴ Meeting on "Weapons Seizures in Mexico w/ Lanny Breuer" at Robert F. Kennedy Building, Room 2107, Jan. 5, 2010, 10:00 AM [HOCR 001987].

³⁵ Martin Tr. at 100.

³⁶ E-mail from Kevin Carwile to Jason Weinstein (Mar. 16, 2010, 9:00 a.m.) [HOCR DOJ 2382].

³⁷ Letter from Dep. Atty. Gen. James M. Cole to Chairman Darrell Issa et al., at 6 (Jan. 27, 2012) [hereinafter Cole Letter].

³⁸ Id.

³⁹ See 18 U.S.C. §2516(1).

⁴⁰ See, e.g., Memorandum from Lanny A. Breuer, Asst. Atty. Gen., Criminal Division to Paul M. O'Brien, Director, Office of Enforcement Operations, Criminal Division, Authorization for Interception Order Application, Mar. 10, 2010.

⁴¹ Bureau of Alcohol, Tobacco, Firearms, and Explosives, "ATF's Mission," <http://www.atf.gov/about/mission> (last visited May 1, 2012).

⁴² USDOJ: About Department of Justice Agencies, available at <http://www.justice.gov/agencies/index-org.html> (last visited May 1, 2012).

ATF, and raises potential ATF issues to the attention of the DAG.⁴³ During the pendency of Fast and Furious, this official was Associate Deputy Attorney General Edward Siskel.

Officials in ODAG became familiar with Fast and Furious as early as March 2010. On March 12, 2010, Siskel and then-Acting DAG Gary Grindler received an extensive briefing on Fast and Furious during a monthly meeting with the ATF's Acting Director and Deputy Director. This briefing presented Grindler with overwhelming evidence of illegal straw purchasing during Fast and Furious. The presentation included a chart of the names of the straw purchasers, 31 in all, and the number of weapons they had acquired to date, 1,026.⁴⁴ Three of these straw purchasers had already purchased over 100 weapons each, with one straw purchaser having already acquired over 300 weapons. During this briefing, Grindler learned that buyers had paid cash for every single gun.⁴⁵

A map of Mexico detailed locations of recoveries of weapons purchased through Fast and Furious, including some at crime scenes.⁴⁶ The briefing also covered the use of stash houses where weapons bought during Fast and Furious were stored before being transported to Mexico. Grindler learned of some of the unique investigative techniques ATF was using during Fast and Furious.⁴⁷ Despite receiving all of this information, then-Deputy Attorney General Gary Grindler did not order Fast and Furious to be shut down, nor did he follow-up with ATF or his staff about the investigation.

Throughout the summer of 2010, ATF officials remained in close contact with their ODAG supervisors regarding Fast and Furious. Fast and Furious was a topic in each of the monthly meetings between ATF and the DAG. ATF apprised Ed Siskel of significant recoveries of Fast and Furious weapons, as well as of notable progress in the investigation, and Siskel indicated to ATF that he was monitoring it.⁴⁸ In mid-December 2010, after Fast and Furious had been ongoing for over a year, Grindler received more details about the program. On December 15, 2010, Border Patrol Agent Brian Terry was killed. Two Fast and Furious weapons were recovered at the scene of his murder. Two days later, Associate Deputy Attorney General Brad Smith sent Grindler and four ODAG officials an e-mail detailing the circumstances of Terry's murder and its connection to Fast and Furious.⁴⁹ Smith attached a four-page summary of the Fast and Furious investigation.

V. THE COMMITTEE'S OCTOBER 12, 2011, SUBPOENA TO ATTORNEY GENERAL HOLDER

On October 12, 2011, the Committee issued a subpoena to Attorney General Eric Holder, demanding documents related to the Department of Justice's involvement with Operation Fast and Furious. The subpoena was issued following six months of constant refusals by the Justice Department to cooperate with the Committee's investigation into Operation Fast and Furious.

A. EVENTS LEADING UP TO THE SUBPOENA

On March 16, 2011, Chairman Issa sent a letter to then-ATF Acting Director Ken Melson asking for information and documents pertaining to Operation Fast and Furious.⁵⁰ Late in the afternoon of March 30, 2011, the Department, on behalf of ATF and Melson, informed the Committee that it would not provide any documents pursuant to the letter. The Committee informed the Department it planned to issue a subpoena. On March 31, 2011, the Committee issued a subpoena to Ken Melson for the documents.

On May 2, 2011, Committee staff reviewed documents the Department made available for in camera review at Department headquarters. Many of these documents contained partial or full redactions. Following this review, Chairman Issa wrote to the Department on May 5, 2011, asking the Department to produce all documents responsive to the Committee's subpoena forthwith.⁵¹ That same day, senior Department officials met with Committee staff and acknowledged "there's a there, there" regarding the legitimacy of the congressional inquiry into Fast and Furious.

In spite of Chairman Issa's May 5, 2011, letter, during the two months following the issuance of the subpoena, the Department produced zero pages of non-public documents. On June 8, 2011, the Committee again wrote to the Department requesting complete production of all documents by June 10, 2011.⁵² The Department responded on June 10, 2011, stating "complete production of all documents by June 10, 2011, . . . is not possible."⁵³ At 7:49 p.m. that evening, just three days before a scheduled Committee hearing on the obligation of the Department of Justice to cooperate with congressional oversight, the Department finally produced its first non-public documents to the Committee, totaling 69 pages.⁵⁴

Over the next six weeks, through July 21, 2011, the Department produced an additional 1,286 pages of documents. The Department produced no additional documents until September 1, 2011, when it produced 193 pages of documents.⁵⁵ On September 30, 2011, the Department produced 97 pages of documents.⁵⁶ On October 11, 2011, the Department produced 56 pages of documents.⁵⁷

Early in the investigation, the Committee received hundreds of pertinent documents from whistleblowers. Many of the documents the whistleblowers provided were not among the 2,050 pages that the Department had produced by October 11, 2011, demonstrating that the Department was withholding materials responsive to the subpoena.

The Committee requested additional documents from the Department as the investigation proceeded during the summer of 2011. On July 11, 2011, Chairman Issa and Senator Grassley wrote to the Attorney General requesting documents from twelve people in

Justice Department headquarters pertaining to Fast and Furious.⁵⁸ The Justice Department first responded to this letter on October 31, 2011, nearly four months later.⁵⁹

On July 11, 2011, Chairman Issa and Senator Grassley sent a letter to the FBI requesting documents relating to the FBI's role in the Fast and Furious OCDETF investigation.⁶⁰ The letter requested information and documents pertaining to paid FBI informants who were the target of the Fast and Furious investigation. The FBI never produced any of the documents requested in this letter.

On July 15, 2011, Chairman Issa and Senator Grassley sent a letter to the DEA requesting documents pertaining to another target of the Fast and Furious investigation.⁶¹ The DEA was aware of this target before Fast and Furious became an OCDETF case, a fact that raises serious questions about the lack of information-sharing among Department components. Though DEA responded to the letter on July 22, 2011, it, too, did not provide any of the requested documents.⁶²

On September 1, 2011, Chairman Issa and Senator Grassley wrote to the Acting U.S. Attorney in Arizona requesting documents and communications pertaining to Fast and Furious.⁶³ As the office responsible for leading Fast and Furious, the Arizona U.S. Attorney's Office possesses a large volume of documents relevant to the Committee's investigation. The Department of Justice, on behalf of the U.S. Attorney's Office for the District of Arizona, did not respond to this letter until December 6, 2011, the eve of the Attorney General's testimony before the House Judiciary Committee.⁶⁴

On September 27, 2011, Chairman Issa and Senator Grassley sent a letter to the Attorney General raising questions about information-sharing among Department components, the Department's cooperation with Congress, and FBI documents requested in the July 11, 2011, letter to FBI Director Mueller.⁶⁵ To date, the Department has not responded to this letter.

The Department wrote to Chairman Issa on October 11, 2011, stating it had "substantially concluded [its] efforts to respond to the Committee requests set forth in the subpoena and the letter of June 8th."⁶⁶ The letter further stated:

[O]ther documents have not been produced or made available for these same reasons because neither redacting them nor making them available for review (as opposed to production) was sufficient to address our concerns. Our disclosure of the vast majority of

⁴³ Transcribed Interview of Acting Dir. Kenneth Melson, at 25 (July 4, 2011).

⁴⁴ "Operation the Fast and the Furious," March 12, 2010 [HOCR 002820—HOCR 002823].

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ E-mail from Edward N. Siskel to Mark R. Chait (July 14, 2010) [HOCR 002847].

⁴⁹ E-mail from Assoc. Deputy Att'y Gen. Brad Smith to Deputy Att'y Gen. Gary Grindler, et al. (Dec. 17, 2010) [HOCR 002875–002881].

⁵⁰ Letter from Chairman Darrell Issa to ATF Acting Dir. Kenneth Melson (Mar. 16, 2011) [hereinafter Mar. 16 Letter].

⁵¹ Letter from Chairman Darrell Issa to Att'y Gen. Eric Holder (May 5, 2011).

⁵² Letter from Chairman Darrell Issa to ATF Acting Dir. Kenneth Melson (June 8, 2011).

⁵³ Letter from Ass't Att'y Gen. Ronald Weich to Chairman Darrell Issa (June 10, 2011).

⁵⁴ *Id.*

⁵⁵ Letter from Ass't Att'y Gen. Ronald Weich to Chairman Darrell Issa (Sep. 1, 2011).

⁵⁶ Letter from Ass't Att'y Gen. Ronald Weich to Chairman Darrell Issa and Senator Charles Grassley (Sep. 30, 2011).

⁵⁷ Letter from Ass't Att'y Gen. Ronald Weich to Chairman Darrell Issa (Oct. 11, 2011) [hereinafter Oct. 11 Letter].

⁵⁸ Letter from Chairman Darrell Issa and Senator Charles Grassley to Att'y Gen. Eric Holder (July 11, 2011).

⁵⁹ Letter from Ass't Att'y Gen. Ronald Weich to Chairman Darrell Issa (Oct. 31, 2011) [hereinafter Oct. 31 Letter].

⁶⁰ Letter from Chairman Darrell Issa and Senator Charles Grassley to FBI Dir. Robert Mueller (July 11, 2011) [hereinafter Mueller Letter].

⁶¹ Letter from Chairman Darrell Issa and Senator Charles Grassley to DEA Adm'r Michele Leonhart (July 15, 2011).

⁶² Letter from DEA Adm'r Michele Leonhart to Chairman Darrell Issa and Senator Charles Grassley (July 22, 2011).

⁶³ Letter from Chairman Darrell Issa and Senator Charles Grassley to Acting U.S. Att'y Ann Scheel (Sep. 1, 2011).

⁶⁴ Letter from Ass't Att'y Gen. Ronald Weich to Chairman Darrell Issa and Senator Charles Grassley (Dec. 6, 2011) [hereinafter Dec. 6 Letter].

⁶⁵ Letter from Chairman Darrell Issa and Senator Charles Grassley to Att'y Gen. Eric Holder (Sep. 27, 2011).

⁶⁶ Oct. 11 Letter, *supra* note 57.

the withheld material is prohibited by statute. These records pertain to matters occurring before a grand jury, as well as investigative activities under seal or the disclosure of which is prohibited by law . . . we also have not disclosed certain confidential investigative and prosecutorial documents, the disclosure of which would, in our judgment, compromise the pending criminal investigations and prosecution. These include core investigative and prosecutorial material, such as Reports of Investigation and drafts of court filings.

Finally . . . we have also withheld internal communications that were generated in the course of the Department's effort to respond to congressional and media inquiries about Operation Fast and Furious. These records were created in 2011, well after the completion of the investigative portion of Operation Fast and Furious that the Committee has been reviewing and after the charging decisions reflected in the January 25, 2011, indictments. Thus, they were not part of the communications regarding the development and implementation of the strategy decisions that have not been the focus of the Committee's inquiry . . . Disclosure would have a chilling effect on agency officials' deliberations about how to respond to inquiries from Congress or the media. Such a chill on internal communications would interfere with our ability to respond as effectively and efficiently as possible to congressional oversight requests.⁶⁷

The following day, on October 12, 2011, after the Department announced its intention to cease producing documents responsive to the Committee's March 31, 2011, subpoena to Melson, the Committee issued a subpoena to Attorney General Eric Holder demanding documents relating to Fast and Furious.

B. SUBPOENA SCHEDULE REQUESTS

In the weeks following the issuance of the subpoena, Committee staff worked closely with Department lawyers to provide clarifications about subpoena categories, and to assist the Department in prioritizing documents for production. Committee and Department staff engaged in discussions spanning several weeks to enable the Department to better understand what the Committee was specifically seeking. During these conversations, the Committee clearly articulated its investigative priorities as reflected in the subpoena schedule. The Department memorialized these priorities with specificity in an October 31, 2011, e-mail from the Office of Legislative Affairs.⁶⁸

Despite the Department's acknowledgment that it understands what the Committee was seeking, it has yet to provide a single document for 11 out of the 22 categories contained in the subpoena schedule. The Department has not adequately complied with the Committee's subpoena, and it has unequivocally stated its refusal to comply with entire categories of the subpoena altogether. In a letter to Chairman Issa on May 15, 2012, the Department stated that it had delivered or made available for review documents responsive to 13 of the 22 categories of the subpoena.⁶⁹

A review of each of the 22 schedule categories in the subpoena reflects the Depart-

ment's clear understanding of the documents sought by the Committee for each category. Below is a listing of each category of the subpoena schedule, followed by what the Department has explained is its understanding of what the Committee is seeking for each category.

1. All communications referring or relating to Operation Fast and Furious, the Jacob Chambers case, or any Organized Crime Drug Enforcement Task Force (OCDETF) firearms trafficking case based in Phoenix, Arizona, to or from the following individuals:

- a. Eric Holder, Jr., Attorney General;
- b. David Ogden, Former Deputy Attorney General;
- c. Gary Grindler, Office of the Attorney General and former Acting Deputy Attorney General;
- d. James Cole, Deputy Attorney General;
- e. Lanny Breuer, Assistant Attorney General;
- f. Ronald Weich, Assistant Attorney General;
- g. Kenneth Blanco, Deputy Assistant Attorney General;
- h. Jason Weinstein, Deputy Assistant Attorney General;
- i. John Keeney, Deputy Assistant Attorney General;
- j. Bruce Swartz, Deputy Assistant Attorney General;
- k. Matt Axelrod, Associate Deputy Attorney General;
- l. Ed Siskel, former Associate Deputy Attorney General;
- m. Brad Smith, Office of the Deputy Attorney General;
- n. Kevin Carwile, Section Chief, Capital Case Unit, Criminal Division;
- o. Joseph Cooley, Criminal Fraud Section, Criminal Division; and,
- p. James Trusty, Acting Chief, Organized Crime and Gang Section.

Department Response: In late October 2011, the Department acknowledged that it had "already begun searches of some of the custodians listed here relating to Fast and Furious, such as in response to the Chairman's letter of 7/11/11."⁷⁰ Still, it has produced no documents since the issuance of the subpoena pursuant to subpoena categories 1(a), 1(b), 1(g), 1(i), and 1(k), only two documents pursuant to subpoena category 1(d), and very few documents pursuant to subpoena category 1(j) and 1(l).

2. All communications between and among Department of Justice (DOJ) employees and Executive Office of the President employees, including but not limited to Associate Communications Director Eric Schultz, referring or relating to Operation Fast and Furious or any other firearms trafficking cases.

Department Response: The Department acknowledged that the Committee identified several people likely to be custodians of these documents.⁷¹ Though the Department has stated it has produced documents pursuant to this subpoena category, the Committee has not found any documents produced by the Department responsive to this subpoena category.⁷²

3. All communications between DOJ employees and Executive Office of the President employees referring or relating to the President's March 22, 2011, interview with Jorge Ramos of Univision.

Department Response: The Department represented that it would "check on communications with WH Press Office in the time

period preceding the President's 3/22/11 interview," and that it had identified the most likely custodians of those documents.⁷³ Nonetheless, it has produced no documents responsive to this subpoena category. The Department has not informed the Committee that no documents exist responsive to this schedule number.

4. All documents and communications referring or relating to any instances prior to February 4, 2011, where the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) failed to interdict weapons that had been illegally purchased or transferred.

Department Response: The Department has produced some documents responsive to this subpoena category.

5. All documents and communications referring or relating to any instances prior to February 4, 2011, where ATF broke off surveillance of weapons and subsequently became aware that those weapons entered Mexico.

Department Response: The Department has produced documents responsive to this subpoena category.

Most of the responsive documents the Department has produced pursuant to the subpoena pertain to categories 4 and 5 and relate to earlier cases the Department has described as involving gunwalking. The Department produced these documents strategically, advancing its own narrative about why Fast and Furious was neither an isolated nor a unique program. It has attempted to accomplish this objective by simultaneously producing documents to the media and the Committee.

6. All documents and communications referring or relating to the murder of Immigration and Customs Enforcement Agent Jaime Zapata, including, but not limited to, documents and communications regarding Zapata's mission when he was murdered, Form for Reporting Information That May Become Testimony (FD-302), photographs of the crime scene, and investigative reports prepared by the FBI.

Department Response: The Department "understand[s] that the Zapata family has complained that they've been 'kept in the dark' about this matter" which necessitated this subpoena category.⁷⁴ The Department "conferred with the U.S. Attorney's Office . . . which we hope will be helpful to them and perhaps address the concerns that are the basis of this item."⁷⁵ Though the Department has stated it has produced documents pursuant to this subpoena category, the Committee has not found any documents produced by the Department responsive to this subpoena category.⁷⁶

In late February 2012, press accounts revealed that prosecutors had recently sentenced a second individual in relation to the murder of Immigration and Customs Enforcement (ICE) Agent Jaime Zapata. One news article stated that "[n]obody was more astonished to learn of the case than Zapata's parents, who didn't know that [the defendant] had been arrested or linked to their son's murder."⁷⁷ Press accounts alleged that the defendant had been "under ATF surveillance for at least six months before a rifle he trafficked was used in Zapata's murder"—a

⁶⁷ *Id.*

⁶⁸ E-mail from Office of Leg. Affairs Staff, U.S. Dept't of Justice, to Investigations Staff, H. Comm. on Oversight and Gov't Reform (Oct. 31, 2011) [hereinafter OLA e-mail].

⁶⁹ Letter from Deputy Att'y Gen. James Cole to Chairman Darrell Issa (May 15, 2012), at 4 [hereinafter May 15 Cole Letter].

⁷⁰ OLA e-mail.

⁷¹ *Id.*

⁷² May 15 Cole Letter, at 4.

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ May 15 Cole Letter, at 4.

⁷⁷ Sharyl Attkisson, *Second gun used in ICE agent murder linked to ATF undercover operation*, (Feb. 22, 2012, 5:29 P.M.), <http://www.cbsnews.com/8301-3127162-57383089-10391695/second-gun-used-in-ice-agent-murder-linked-to-atf-undercover-operation/>.

situation similar to what took place during Fast and Furious.⁷⁸ Despite this revelation, the Department failed to produce any documents responsive to this subpoena category.

7. All communications to or from William Newell, former Special Agent-in-Charge for ATF's Phoenix Field Division, between:

a. December 14, 2010 to January 25, 2011; and,

b. March 16, 2009 to March 19, 2009.

Department Response: The Department has not produced any documents responsive to subpoena category 7(b), despite its understanding that the Committee sought documents pertaining "to communications with [Executive Office of the President] staff regarding gun control policy" within a specific and narrow timeframe.⁷⁹ The Department has not informed the Committee that no documents exist responsive to this schedule number.

8. All Reports of Investigation (ROIs) related to Operation Fast and Furious or ATF Case Number 785115-10-0004.

Department Response: Department representatives contended that this subpoena category "presents some significant issues for" the Department due to current and potential future indictments.⁸⁰ The Department has not produced any documents responsive to this subpoena category. The Department has not informed the Committee that no documents exist responsive to this schedule number.

9. All communications between and among Matt Axelrod, Kenneth Melson, and William Hoover referring or relating to ROIs identified pursuant to Paragraph 8.

Department Response: The Department acknowledged its understanding that this request specifically pertained to "emails Ken sent to Matt and Billy, expressing concerns, perhaps in March 2011, [that] are core to [the Committee's] work, and we'll look at those."⁸¹ Still, it has produced no documents pursuant to this subpoena category. The Department has not informed the Committee that no documents exist responsive to this schedule number.

10. All documents and communications between and among former U.S. Attorney Dennis Burke, Attorney General Eric Holder, Jr., former Acting Deputy Attorney General Gary Grindler, Deputy Attorney General James Cole, Assistant Attorney General Lanny Breuer, and Deputy Assistant Attorney General Jason Weinstein referring or relating to Operation Fast and Furious or any OCDETF case originating in Arizona.

Department Response: The Department has produced some documents responsive to this subpoena category.

A complete production of these documents is crucial to allow Congress to understand how senior Department officials came to know that the February 4, 2011, letter to Senator Grassley was false, why it took so long for the Department to withdraw the letter despite months of congressional pressure to do so, and why the Department obstructed the congressional investigation for nearly a year. These documents will show the reactions of top officials when confronted with evidence about gunwalking in Fast and Furious. The documents will also show whether these officials knew about, or were surprised to learn of, the gunwalking. Additionally, these documents will reveal the identities of Department officials who orchestrated various forms of retaliation against the whistleblowers.

11. All communications sent or received between:

a. December 16, 2009 and December 18, 2009; and,

b. March 9, 2011, and March 14, 2011, to or from the following individuals:

i. Emory Hurley, Assistant U.S. Attorney, Office of the U.S. Attorney for the District of Arizona;

ii. Michael Morrissey, Assistant U.S. Attorney, Office of the U.S. Attorney for the District of Arizona;

iii. Patrick Cunningham, Chief, Criminal Division, Office of the U.S. Attorney for the District of Arizona;

iv. David Voth, Group Supervisor, ATF; and,

v. Hope MacAllister, Special Agent, ATF.

Department Response: The Department acknowledged that it "will first search these custodians for records re a) the Howard meeting in 12/09; and b) the ROI or memo that was written during this time period relating to the Howard mtng in 12/09."⁸² Although the Department has produced documents that are purportedly responsive to this category, these documents do not pertain to the subject matter that the Department understands that the Committee is seeking.

12. All communications sent or received between December 15, 2010, and December 17, 2010, to or from the following individuals in the U.S. Attorney's Office for the District of Arizona:

a. Dennis Burke, former United States Attorney;

b. Emory Hurley, Assistant United States Attorney;

c. Michael Morrissey, Assistant United States Attorney; and,

d. Patrick Cunningham, Chief of the Criminal Division.

Department Response: The Department understood that the Committee's "primary interest here is in the communications during this time period that relate to the Terry death and, per our conversation, we will start with those."⁸³ Although the Department has produced some documents responsive to this subpoena category, it has not represented that it has produced all responsive documents in this category.

13. All communications sent or received between August 7, 2009, and March 19, 2011, between and among former Ambassador to Mexico Carlos Pascual; Assistant Attorney General Lanny Breuer; and Deputy Assistant Attorney General Bruce Swartz.

Department Response: The Department acknowledged that it "understand[s] the Committee's focus here is Firearms Trafficking issues along the SW Border, not limited to Fast & Furious."⁸⁴ The Department has produced some documents responsive to this subpoena category.

14. All communications sent or received between August 7, 2009, and March 19, 2011, between and among former Ambassador to Mexico Carlos Pascual and any Department of Justice employee based in Mexico City referring or relating to firearms trafficking initiatives, Operation Fast and Furious or any firearms trafficking case based in Arizona, or any visits by Assistant Attorney General Lanny Breuer to Mexico.

Department Response: The Department has produced only a handful of pages responsive to this subpoena category, even though it "understand[s] that [the Committee] wants

[the Department] to approach this effort with efficiency."⁸⁵ Despite the Committee's request for an efficient effort, the Department produced a key document regarding Attorney General Lanny Breuer three and a half months after the subpoena was issued, after several previous document productions, and long after Breuer testified before Congress and could be questioned about the document. Given the importance of the contents of the document and the request for an efficient effort on the part of the Department in this subpoena category, it is inconceivable that the Department did not discover this document months prior to its production. The Department's actions suggest that it kept this document hidden for strategic and public relations reasons.

15. Any FD-302 relating to targets, suspects, defendants, or their associates, bosses, or financiers in the Fast and Furious investigation, including but not limited to any FD-302s ATF Special Agent Hope MacAllister provided to ATF leadership during the calendar year 2011.

Department Response: The Department "understand[s] that [the Committee's] primary focus here is the 5 FBI 302s that were provided to SA MacAllister, which she later gave to Messrs. Hoover and Melson."⁸⁶ Despite the specificity of this document request, the Department has not produced any documents responsive to this schedule number. The Department has not informed the Committee that no documents exist responsive to this schedule number.

16. Any investigative reports prepared by the FBI or Drug Enforcement Administration (DEA) referring or relating to targets, suspects, or defendants in the Fast and Furious case.

Department Response: The Department was "uncertain about the volume here," regarding the amount of documents, and pledged to "work[] on this [with] DEA and FBI."⁸⁷ Despite this pledge, it has produced no documents responsive to this subpoena category. The Department has not informed the Committee that no documents exist responsive to this schedule number.

17. Any investigative reports prepared by the FBI or DEA relating to the individuals described to Committee staff at the October 5, 2011, briefing at Justice Department headquarters as Target Number 1 and Target Number 2.

Department Response: The Department acknowledged that it "think[s] we understand this item."⁸⁸ Despite this understanding, it has produced no documents responsive to this subpoena category. The Department has not informed the Committee that no documents exist responsive to this schedule number.

18. All documents and communications in the possession, custody or control of the DEA referring or relating to Manuel Fabian Celis-Acosta.

Department Response: The Department agreed to "start with records regarding information that DEA shared with ATF about Acosta, which we understand to be the focus of your interest in this item."⁸⁹ Despite this understanding, the Department has produced no documents responsive to this subpoena category. The Department has not informed the Committee that no documents exist responsive to this schedule number.

19. All documents and communications between and among FBI employees in Arizona

⁷⁸ *Id.*

⁷⁹ OLA e-mail, *supra* note 68.

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

⁸⁸ *Id.*

⁸⁹ *Id.*

and the FBI Laboratory, including but not limited to employees in the Firearms/Toolmark Unit, referring or relating to the firearms recovered during the course of the investigation of Brian Terry's death.

Department Response: The Department's understanding was that "[the Committee's] focus here is how evidence was tagged at the scene of Agent Terry's murder, how evidence was processed, how the FBI ballistics report was prepared and what it means."⁹⁰ Despite this clear understanding, the Department has produced no documents responsive to this subpoena category. The Department has not informed the Committee that no documents exist responsive to this schedule number.

20. All agendas, meeting notes, meeting minutes, and follow-up reports for the Attorney General's Advisory Committee of U.S. Attorneys between March 1, 2009, and July 31, 2011, referring or relating to Operation Fast and Furious.

Department Response: This category asks for documents from the Attorney General's Advisory Committee within a clearly specified date range. Despite the fact that the Department has acknowledged this category "is clear," the Department has produced no documents responsive to this subpoena category.⁹¹ The Department has not informed the Committee that no documents exist responsive to this schedule number.

21. All weekly reports and memoranda for the Attorney General, either directly or through the Deputy Attorney General, from any employee in the Criminal Division, ATF, DEA, FBI, or the National Drug Intelligence Center created between November 1, 2009 and September 30, 2011.

Department Response: This category asks for weekly reports and memoranda to the Attorney General from five different Department components "regarding ATF cases re firearms trafficking."⁹² The Department has produced some documents responsive to this subpoena category.

22. All surveillance tapes recorded by pole cameras inside the Lone Wolf Trading Co. store between 12:00 a.m. on October 3, 2010, and 12:00 a.m. on October 7, 2010.

Department Response: This category asks for all ATF surveillance tapes from Lone Wolf Trading Company between two specified dates in October 2010. Both the Committee and the Department "understand a break-in occurred" at that time.⁹³ The Department has produced no documents responsive to this subpoena category. The Department has not informed the Committee that no documents exist responsive to this schedule number.

C. ATTEMPTS OF ACCOMMODATION BY THE COMMITTEE, LACK OF COMPLIANCE BY THE JUSTICE DEPARTMENT

In public statements, the Department has maintained that it remains committed to "work[ing] to accommodate the Committee's legitimate oversight needs."⁹⁴ The Department, however, believes it is the sole arbiter of what is "legitimate." In turn, the Committee has gone to great lengths to accommodate the Department's interests as an Executive Branch agency. Unfortunately, the Department's actions have not matched its

rhetoric. Instead, it has chosen to prolong the investigation and impugn the motives of the Committee. A statement the Attorney General made at the February 2, 2012, hearing was emblematic of the Department's posture with respect to the investigation:

But I also think that if we are going to really get ahead here, if we are really going to make some progress, we need to put aside the political gotcha games in an election year and focus on matters that are extremely serious.⁹⁵

This attitude with respect to a legitimate congressional inquiry has permeated the Department's ranks. Had the Department demonstrated a willingness to cooperate with this investigation from the outset—instead of attempting to cover up its own internal mismanagement—this investigation likely would have concluded well before the election year even began. The Department has intentionally withheld documents for months, only to release a selected few on the eve of the testimony of Department officials.⁹⁶ The Department has impeded the ability of a co-equal branch of government to perform its constitutional duty to conduct Executive Branch oversight. By any measure, it has obstructed and slowed the Committee's work.

The Committee has been unfailingly patient in working with Department representatives to obtain information the Committee requires to complete its investigation. The Department's progress has been unacceptably slow in responding to the October 12, 2011, subpoena issued to the Attorney General. Complying with the Committee's subpoena is not optional. Indeed, the failure to produce documents pursuant to a congressional subpoena is a violation of federal law.⁹⁷ Because the Department has not cited any legal authority as the basis for withholding documents pursuant to the subpoena its efforts to accommodate the Committee's constitutional obligation to conduct oversight of the Executive Branch are incomplete.

1. IN CAMERA REVIEWS

In an attempt to accommodate the Justice Department's interests, Committee staff has viewed documents responsive to the subpoena that the Department has identified as sensitive *in camera* at Department headquarters. Committee staff has visited the Department on April 12, May 4, June 17, October 12, and November 3, 2011, as well as on January 30 and February 27, 2012 to view these documents. Many of the documents made available for *in camera* review, however, have been repetitive in nature. Many other documents seemingly do not contain any sensitive parts that require them to be viewed *in camera*. Other documents are altogether non-responsive to the subpoena.

⁹⁰ *Id.*

⁹⁶ On Friday January 27, 2012, just days before the Attorney General testified before Congress, documents were delivered to the Senate Judiciary Committee so late in the evening that a disc of files had to be slipped under the door. This is not only an extreme inconvenience for congressional staff but also deprives staff of the ability to review the materials in a timely manner.

⁹⁷ 2 U.S.C. 192 states, in pertinent part:

Every person who having been summoned as a witness by the authority of either House of Congress to give testimony or to produce papers upon any matter under inquiry before . . . any committee of either House of Congress, willfully makes default . . . shall be deemed guilty of a misdemeanor, punishable by a fine of not more than \$1,000 nor less than \$100 and imprisonment in a common jail for not less than one month nor more than twelve months.

Committee staff has spent dozens of hours at Department headquarters reviewing these documents. In addition, the Department has identified hundreds of other sensitive documents responsive to the subpoena, which it refuses to make available even for *in camera* review, instead withholding them from the Committee altogether. The Committee has made these accommodations to the Department at the expense of not being able to make these documents available for review by Committee Members.

2. REDACTED DOCUMENTS

The Department has redacted varying portions of many of the documents it has produced. These redactions purportedly protect ongoing criminal investigations and prosecutions, as well as other sensitive data. The Department has so heavily redacted some documents produced to Congress that they are unintelligible. There appears to be no objective, consistent criteria delineating why some documents were redacted, only provided *in camera*, or withheld entirely.

On the evening of May 2, 2011, Department of Justice representatives notified the Committee that the Department was planning to make approximately 400 pages of documents available for an *in camera* review at its headquarters.⁹⁸ Committee staff went to review those documents on May 4, 2011, only to discover they were partially, or in some cases almost completely, redacted. Since these documents were only made available pursuant to Committee's first subpoena and only on an *in camera* basis, redactions were inappropriate and unnecessary.

On June 14, 2011, the Department produced 65 pages of documents to the Committee in a production labeled "Batch 4."⁹⁹ Of these 65 pages, every single one was at least partially redacted, 44 were completely redacted, and 61 had redactions covering more than half of the page.

On July 18, 2011, after more than a month of discussions between Committee and Department staff, the Department finally included a redaction code that identifies the reason for each redaction within a document.¹⁰⁰ While the Department has used this redaction code in subsequent document productions to the Committee, documents produced and redacted prior to July 18, 2011, do not have the benefit of associated redaction codes for each redaction.

The Department has over-redacted certain documents. The Committee has obtained many of these documents through whistleblowers and has compared some of them with those produced by the Department. In some instances, the Department redacted more text than necessary, making it unnecessarily difficult and sometimes impossible for the Committee, absent the documents provided by whistleblowers, to investigate decisions made by Department officials.

Further, any documents made available pursuant to the Committee's subpoenas must not have any redactions. To fully and properly investigate the decisions made by Department officials during Fast and Furious, the Committee requires access to documents in their entirety. The Department has not complied with this requirement.

The Committee does recognize the importance of privacy interests and other legitimate reasons the Department has for redacting portions of documents produced to the

⁹⁸ Letter from Ass't Att'y Gen. Ronald Weich to Chairman Darrell Issa (May 2, 2011).

⁹⁹ Letter from Ass't Att'y Gen. Ronald Weich to Chairman Darrell Issa (June 14, 2011).

¹⁰⁰ Letter from Ass't Att'y Gen. Ronald Weich to Chairman Darrell Issa (July 18, 2011).

⁹⁰ *Id.*

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Fast and Furious: Management Failures at the Department of Justice: Hearing Before the H. Comm. on Oversight and Gov't Reform*, 112th Cong. (Feb. 2, 2012) (Statement of Hon. Eric H. Holder, Jr., Att'y Gen. of the U.S.).

Committee. The Committee has attempted to accommodate the Department's stated concerns related to documents it believes are sensitive. The Committee intended to release 230 pages of documents in support of its July 26, 2011, report entitled *The Department of Justice's Operation Fast and Furious: Fueling Cartel Violence*, and gave the Department an opportunity to suggest its own redactions before the documents became public.¹⁰¹ These actions are consistent with the Committee's willingness to accommodate the Department's interests.

3. PRIVILEGE LOG

Mindful of the Justice Department's prerogatives as an Executive Branch agency, the Committee has offered the opportunity for the Department to prepare a privilege log of documents responsive to the subpoena but withheld from production. A privilege log would outline the documents withheld and the specific grounds for withholding. Such a log would serve as the basis for negotiation between the Committee and the Department about prioritizing the documents for potential production.

On January 31, 2012, Chairman Issa wrote to the Attorney General. He said:

Should you choose to continue to withhold documents pursuant to the subpoena, you must create a detailed privilege log explaining why the Department is refusing to produce each document. If the Department continues to obstruct the congressional inquiry by not providing documents and information, this Committee will have no alternative but to move forward with proceedings to hold you in contempt of Congress.¹⁰²

On February 14, 2012, Chairman Issa again wrote to the Attorney General. He said:

We cannot wait any longer for the Department's cooperation. As such please specify a date by which you expected the Department to produce *all* documents responsive to the subpoena. In addition, please specify a Department representative who will interface with the Committee for production purposes . . . This person's primary responsibility should be to identify for the Committee all documents the Department has determined to be responsive to the subpoena but is refusing to produce, and should provide a privilege log of the documents delineating why each one is being withheld from Congress. Please direct this individual to produce this log to the Committee without further delay.¹⁰³

On several occasions, Committee staff has asked the Department to provide such a privilege log, including a listing, category-by-category, of documents the Department has located pursuant to the subpoena and the reason the Department will not produce those documents. Despite these requests, however, the Department has neither produced a privilege log nor responded to this aspect of Chairman Issa's letters of January 31, 2012, and February 14, 2012.

The Department has not informed the Committee that it has been unable to locate certain documents. This suggests that the Department is not producing responsive documents in its possession. Since the Depart-

ment will not produce a privilege log, it has failed to make a good faith effort to accommodate the Committee's legitimate oversight interests.

4. ASSERTIONS OF NON-COMPLIANCE

The Committee's investigation into Operation Fast and Furious is replete with instances in which the Justice Department has openly acknowledged it would not comply with the Committee's requests. These pronouncements began with the March 31, 2011, subpoena to the former Acting ATF Director, continued through the Committee's October 12, 2011, subpoena to the Attorney General, and persist to this day.

(a) March 31, 2011, Subpoena

On March 16, 2011, Chairman Issa sent a letter to the then-Acting ATF Director requesting documents about Fast and Furious.¹⁰⁴ As part of this request, Chairman Issa asked for a "list of individuals responsible for authorizing the decision to 'walk' guns to Mexico in order to follow them and capture a 'bigger fish.'"¹⁰⁵ On the afternoon of March 30, 2011, the deadline given in Chairman Issa's letter, Department staff participated in a conference call with Committee staff. During that call, Department staff expressed a lack of understanding over the meaning of the word "list."¹⁰⁶ Department officials further informed Committee staff that the Department would not produce documents by the deadline and were uncertain when they would produce documents in the future. Committee staff understood this response to mean the Department did not intend to cooperate with the Committee's investigation.

The next day Chairman Issa authorized a subpoena for the Acting ATF Director. The following day, the Department wrote to Chairman Issa. Assistant Attorney General Ronald Weich wrote:

As you know, the Department has been working with the Committee to provide documents responsive to its March 16 request to the Bureau of Alcohol, Tobacco, Firearms and Explosives. Yesterday, we informed Committee staff that we intended to produce a number of responsive documents within the next week. As we explained, there are some documents that we would be unable to provide without compromising the Department's ongoing criminal investigation into the death of Agent Brian Terry as well as other investigations and prosecutions, but we would seek to work productively with the Committee to find other ways to be responsive to its needs.¹⁰⁷

Despite the Department's stated intention to produce documents within the next week, it produced no documents for over two months, until June 10, 2011. In the interim, the Department made little effort to work with the Committee to define the scope of the documents required by the subpoena.

On April 8, 2011, the Department wrote to Chairman Issa to inform the Committee that it had located documents responsive to the subpoena. Assistant Attorney General Weich wrote that the Department did not plan to share many of these materials with the Committee. His letter stated:

To date, our search has located several law enforcement sensitive documents responsive

to the requests in your letter and the subpoena. We have substantial confidentiality interests in these documents because they contain information about ATF strategies and procedures that could be used by individuals seeking to evade our law enforcement efforts. We are prepared to make these documents, with some redactions, available for review by Committee staff at the Department. They will bear redactions to protect information about ongoing criminal investigations, investigative targets, internal deliberations about law enforcement options, and communications with foreign government representatives. In addition, we notified Committee staff that we have identified certain publicly available documents that are responsive. While our efforts to identify responsive documents are continuing, many of your requests seek records relating to ongoing criminal investigations. Based upon the Department's longstanding policy regarding the confidentiality of ongoing criminal investigations, we are not in a position to disclose such documents, nor can we confirm or deny the existence of records in our ongoing investigative files. This policy is based on our strong need to protect the independence and effectiveness of our law enforcement efforts.¹⁰⁸

The letter cited prior Department policy in support of its position of non-compliance:

We are dedicated to holding Agent Terry's killer or killers responsible through the criminal justice process that is currently underway, but we are not in a position to provide additional information at this time regarding this active criminal investigation for the reasons set forth above. . . .¹⁰⁹

On June 14, 2011, after the Department had produced 194 pages of non-public documents pursuant to the subpoena, the Department informed the Committee that it was deliberately withholding certain documents:

As with previous oversight matters, we have not provided access to documents that contain detailed information about our investigative activities where their disclosure would harm our pending investigations and prosecutions. This includes information that would identify investigative subjects, sensitive techniques, anticipated actions, and other details that would assist individuals in evading our law enforcement efforts. Our judgments begin with the premise that we will disclose as much as possible that is responsive to the Committee's interests, consistent with our responsibilities to bring to justice those who are responsible for the death of Agent Terry and those who violate federal firearms laws.¹¹⁰

The June 14, 2011, letter arrived one day after the Committee held a hearing featuring constitutional experts discussing the legal obligations of the Department to comply with a congressional subpoena. The Department's letter did not address the views expressed at the hearing, instead reiterating its internal policy. The letter noted that the Department would not provide access to documents discussing its use of "sensitive techniques"—even though these techniques were central to the Committee's investigation.

On July 5, 2011, Chairman Issa and Senator Grassley wrote to the Department about serious issues involving the lack of information sharing among Department components,

¹⁰¹ E-mail from Office of Leg. Affairs Staff, U.S. Dep't of Justice, to Staff, H. Comm. on Oversight and Gov't Reform (July 28, 2011).

¹⁰² Letter from Chairman Darrell Issa to Att'y Gen. Eric Holder (Jan. 31, 2012) [hereinafter Jan. 31 Letter].

¹⁰³ Letter from Chairman Darrell Issa to Att'y Gen. Eric Holder (Feb. 14, 2012) (emphasis in original) [hereinafter Feb. 14 Letter].

¹⁰⁴ Mar. 16 Letter, *supra* note 50.

¹⁰⁵ *Id.*

¹⁰⁶ Teleconference between Committee Staff and U.S. Dep't of Justice Office of Leg. Affairs Staff (Mar. 30, 2011).

¹⁰⁷ Letter from Ass't Att'y Gen. Ronald Weich to Chairman Darrell Issa (Apr. 1, 2011).

¹⁰⁸ Letter from Ass't Att'y Gen. Ronald Weich to Chairman Darrell Issa (Apr. 8, 2011).

¹⁰⁹ *Id.*

¹¹⁰ Letter from Ass't Att'y Gen. Ronald Weich to Chairman Darrell Issa (Apr. 8, 2011).

in particular, between the FBI and DEA.¹¹¹ These issues raised the possibility that the Department had been deliberately concealing information about Fast and Furious from the Committee, including the roles of its component agencies. The next day, the Department responded. It wrote:

Your letter raises concerns about the alleged role of other agencies in matters that you say touch on Operation Fast and Furious. Chairman Issa's staff previously raised this issue with representatives of the Department and it is my understanding that discussions about whether and how to provide any such sensitive law enforcement information have been ongoing. . . .¹¹²

On July 11, 2011, Chairman Issa and Senator Grassley wrote to the FBI requesting information on the issue of information sharing within the Department. The letter included a request for information relating to the murder of Immigrations and Customs Enforcement Agent Jaime Zapata.¹¹³ On August 12, 2011, the FBI responded. It wrote:

Your letter also asks for specific information related to the crime scene and events leading to the murder of ICE Agent Jaime Zapata in Mexico on February 15, 2011. As you know, crime scene evidence and the circumstances of a crime are generally not made public in an ongoing investigation. Furthermore, the investigative reports of an ongoing investigation are kept confidential during the investigation to preserve the integrity of the investigation and to ensure its successful conclusion. We regret that we cannot provide more details about the investigation at this time, but we need to ensure all appropriate steps are taken to protect the integrity of the investigation.¹¹⁴

The FBI did not provide any documents to the Committee regarding the information sharing issues raised, though it did offer to provide a briefing to staff. It delivered that briefing nearly two months later, on October 5, 2011.

On October 11, 2011, the Department wrote to Chairman Issa. The Department stated:

We believe that we have now substantially concluded our efforts to respond to the Committee requests set forth in the subpoena and the letter of June 8th.¹¹⁵

The Department was well aware that the Committee was struggling to understand how the Department created its February 4, 2011, letter to Senator Grassley, which the Committee believed to contain false information. To that end, the Department stated:

As we have previously explained to Committee staff, we have also withheld internal communications that were generated in the course of the Department's effort to respond to congressional and media inquiries about Operation Fast and Furious. These records were created in 2011, well after the completion of the investigative portion of Operation Fast and Furious that the Committee has been reviewing and after the charging decisions reflected in the January 25, 2011, indictments. Thus, they were not part of the

communications regarding the development and implementation of the strategy decisions that have been the focus of the Committee's inquiry. It is longstanding Executive Branch practice not to disclose documents falling into this category because disclosure would implicate substantial Executive Branch confidentiality interests and separation of powers principles. Disclosure would have a chilling effect on agency officials' deliberations about how to respond to inquiries from Congress or the media. Such a chill on internal communications would interfere with our ability to respond as effectively and efficiently as possible to congressional oversight requests.¹¹⁶

The next day, the Committee issued a subpoena to Attorney General Holder.

(b) October 12, 2011, Subpoena

On October 31, 2011, the Department produced its first batch of documents pursuant to the Committee's October 12, 2011, subpoena.¹¹⁷ This production consisted of 652 pages. Of these 652 pages, 116 were about the Kingery case, a case that the Department wanted to highlight in an attempt to discredit some of the original Fast and Furious whistleblowers. Twenty-eight additional pages were about an operation from the prior administration, the Hernandez case, and 245 pages were about another operation from the prior administration, Operation Wide Receiver.

Although the subpoena covered documents from the Hernandez and Wide Receiver cases, their inclusion into the first production batch under the subpoena was indicative of the Department's strategy in responding to the subpoena. The Department briefed the press on these documents at the same time as it produced them to the Committee. The Department seemed more interested in spin control than in complying with the congressional subpoena. Sixty percent of the documents in this first production were related to either Kingery, Hernandez, or Wide Receiver, and therefore, unrelated to the gravamen of the Committee's investigation into Fast and Furious.

On December 2, 2011, shortly before the Attorney General's testimony before the House Judiciary Committee, the Department produced 1,364 pages of documents pertaining to the creation of its February 4, 2011, letter.¹¹⁸ Despite its statements in the October 11, 2011, letter, the Department, through a letter from Deputy Attorney General James Cole, publicly admitted under pressure its obvious misstatements, formally acknowledging that the February 4, 2011, letter "contains inaccuracies."¹¹⁹

On December 13, 2011, on the eve of the Committee's interview with Gary Grindler, Chief of Staff to the Attorney General, the Department produced 19 pages of responsive documents.¹²⁰

On January 5, 2012, the Department produced 482 pages of documents responsive to the subpoena.¹²¹ Of these 482 pages, 304 of them, or 63 percent, were related to the Wide Receiver case. This production brought the total number of pages produced pursuant to

Wide Receiver to 549, nearly 100 more than the Department had produced at that time regarding Fast and Furious in three document productions.

On January 27, 2012, the Department produced 486 pages of documents pursuant to the October 12, 2011, subpoena.¹²² In its cover letter, the Department stated, "[t]he majority of materials produced today are responsive to items 7, 11 and 12 of your October 11 subpoena." There are no documents in the production, however, responsive to items 7(b) or 11(b)(i-v). The Department wrote in its January 27 cover letter:

We are producing or making available for review materials that are responsive to these items, most of which pertain to the specific investigations that we have already identified to the Committee. We are not, however, providing materials pertaining to other matters, such as documents regarding ATF cases that do not appear to involve the inappropriate tactics under review by the Committee; non-ATF cases, except for certain information relating to the death of Customs and Border Protection Agent Brian Terry; administrative matters; and personal records.¹²³

The Department refused to produce documents pursuant to the subpoena regarding investigations that it had not previously specified to the Committee, or investigations that "do not appear" to involve inappropriate tactics. In doing so, the Department made itself the sole arbiter of the Committee's investigative interests, as well as of the use of "inappropriate" tactics. The Department has prevented Congress from executing its constitutionally mandated oversight function, preferring instead to self-regulate.

The October 12, 2011, subpoena, however, covers all investigations in which ATF failed to interdict weapons that had been illegally purchased or transferred—not just those cases previously identified by the Department. The subpoena does not give the Department the authority to define which tactics are inappropriate. Rather, the language in sections 4 and 5 of the subpoena schedule is clear. The Department's refusal to cooperate on this front and only produce documents about investigations that it had previously identified—documents that support the Department's press strategy—is in violation of its obligation to cooperate with congressional oversight.

On January 31, 2012, Chairman Issa again wrote to the Attorney General, this time asking that the Department produce all documents pursuant to the subpoena by February 9, 2012.¹²⁴ The following day, the Department responded. It stated:

Your most recent letter asks that we complete the production process under the October 11, 2011, subpoena by February 9, 2012. The broad scope of the Committee's requests and the volume or material to be collected, processed and reviewed in response make it impossible to meet that deadline, despite our good faith efforts. We will continue in good faith to produce materials, but it simply will not be possible to finish the collection, processing and review of materials by the date sought in your most recent letter.¹²⁵

Yet, as discussed in Section V.B above, the Department was acutely aware in October

¹¹¹Letter from Chairman Darrell Issa and Senator Charles Grassley to Att'y Gen. Eric Holder (July 5, 2011).

¹¹²Letter from Ass't Att'y Gen. Ronald Weich to Chairman Darrell Issa and Senator Charles Grassley (July 6, 2011).

¹¹³Mueller Letter, *supra* note 60.

¹¹⁴Letter from Stephen Kelley, Ass't Dir., FBI Office of Congressional Affairs, to Chairman Darrell Issa and Senator Charles Grassley (Aug. 12, 2011).

¹¹⁵Oct. 11 Letter, *supra* note 57.

¹¹⁶*Id.*

¹¹⁷Oct. 31 Letter, *supra* note 59.

¹¹⁸Letter from Deputy Att'y Gen. James Cole to Chairman Darrell Issa and Senator Charles Grassley (Dec. 2, 2011).

¹¹⁹*Id.*

¹²⁰Letter from Ass't Att'y Gen. Ronald Weich to Chairman Darrell Issa and Senator Charles Grassley (Dec. 13, 2011).

¹²¹Letter from Ass't Att'y Gen. Ronald Weich to Chairman Darrell Issa (Jan. 5, 2012).

¹²²Cole Letter, *supra* note 37.

¹²³*Id.*

¹²⁴Jan. 31 Letter, *supra* note 102.

¹²⁵Letter from Deputy Att'y Gen. James Cole to Chairman Darrell Issa (Feb. 1, 2012) [hereinafter Feb. 1 Letter].

2011, approximately three months earlier, exactly what categories of documents the Committee was seeking. In response to the subpoena, the Department had, up to February 1, 2012, produced more documents relating to a single operation years before Fast and Furious even began than it had relating to Operation Fast and Furious itself.

On February 16, 2012, the Department produced 304 pages of documents pursuant to the subpoena.¹²⁶ The production included nearly 60 pages of publicly available and previously produced information, as well as other documents previously produced to the Committee.

On February 27, 2012, the Department produced eight pages pursuant to the subpoena.¹²⁷ These eight pages, given to the Committee by a whistleblower ten months earlier, were produced only because a transcribed interview with a former Associate Deputy Attorney General was to take place the next day.

On March 2, 2012, the Department produced 26 pages of documents pursuant to the October 12, 2011, subpoena.¹²⁸ Five of these documents were about the Kingery case. Fourteen documents—over half of the production—related to Wide Receiver. Seven pages were duplicate copies of a press release already produced to the Committee.

On March 16, 2012, the Department produced 357 pages of documents pursuant to the subpoena. Three hundred seven of these pages, or 86 percent, related to the Hernandez and Medrano cases from the prior Administration. Twenty other pages had been previously produced by the Department, and seven pages were publicly available on the Justice Department's website.

On April 3, 2012, the Department produced 116 pages of documents pursuant to the subpoena. Forty four of these pages, or 38 percent, related to cases other than Fast and Furious. On April 19, 2012, the Department produced 188 pages of documents pursuant to the subpoena.

On May 15, 2012, the Department produced 29 pages of documents pursuant to the subpoena. Ten of these pages, or 36 percent, related to cases other than Fast and Furious.

The Department has produced a total of 6,988 pages to the Committee to date.¹²⁹ Though the Department recently stated that it has "provided documents to the Committee at least twice every month since last year," the Department has not produced any documents to the Committee in over 30 days.¹³⁰

(c) Post-February 4, 2011, Documents

Many of the documents the October 12, 2011, subpoena requires were created or produced after February 4, 2011. The Department first responded to Congress about Fast and Furious on this date. The Department has steadfastly refused to make any documents created after February 4, 2011, available to the Committee.

The Department's actions following the February 4, 2011, letter to Senator Grassley are crucial in determining how it responded to the serious allegations raised by the whistleblowers. The October 12, 2011, subpoena

covers documents that would help Congress understand what the Department knew about Fast and Furious, including when and how it discovered its February 4 letter was false, and the Department's efforts to conceal that information from Congress and the public. Such documents would include those relating to actions the Department took to silence or retaliate against Fast and Furious whistleblowers and to find out what had happened, and how the Department assessed the culpability of those involved in the program.

The Attorney General first expressed the Department's position regarding documents created after February 4, 2011, in his testimony before the House Judiciary Committee on December 8, 2011. In no uncertain terms, he stated:

[W]ith regard to the Justice Department as a whole—and I'm certainly a member of the Justice Department—we will not provide memos after February the 4th . . . e-mails, memos—consistent with the way in which the Department of Justice has always conducted itself in its interactions.¹³¹

He again impressed this point upon Committee Members later in the hearing:

Well, with the regard to provision of e-mails, I thought I've made it clear that after February the 4th it is not our intention to provide e-mail information consistent with the way in which the Justice Department has always conducted itself.¹³²

The Department reiterated this position less than a week later in a December 14, 2011, transcribed interview of Gary Grindler, the Attorney General's Chief of Staff. Department counsel broadened the Department's position with respect to sharing documents created after February 4, 2011, in refusing to allow Grindler to answer any questions relating to conversations that he had with anyone in the Department regarding Fast and Furious after February 4, 2011. Grindler stated:

What I am saying is that the Attorney General made it clear at his testimony last week that we are not providing information to the committee subsequent to the February 4th letter.¹³³

Department counsel expanded the position the Attorney General articulated regarding documentary evidence at the House Judiciary Committee hearing to include testimonial evidence as well.¹³⁴ Given the initial response by the Department to the congressional inquiry into Fast and Furious, the comments by Department counsel created a barrier preventing Congress from obtaining vital information about Fast and Furious.

The Department has maintained this position during additional transcribed interviews. In an interview with Deputy Assistant Attorney General Jason Weinstein on January 10, 2012, Department counsel prohibited him from responding to an entire line of questioning about his interactions with the Arizona U.S. Attorney's Office because it "implicates the post-February 4th period."¹³⁵

Understanding the post-February 4th period is critical to the Committee's investiga-

tion. Furthermore, documents from this period are responsive to the October 12, 2011, subpoena. For example, following the February 4, 2011, letter, Jason Weinstein, at the behest of Assistant Attorney General Breuer, prepared an analytical review of Fast and Furious.¹³⁶ Weinstein interviewed Emory Hurley and Patrick Cunningham of the Arizona U.S. Attorney's office as part of this review.¹³⁷ The document that resulted from Weinstein's analysis specifically discussed issues relevant to the Committee's inquiry. To date, the Department has not produced documents related to Weinstein's review to the Committee.

Chairman Issa has sent several letters urging the Department to produce documents pertaining to the Fast and Furious from the post-indictment period, and raising the possibility of contempt if the Attorney General chose not to comply. Initially, the Department refused to produce any documents created after January 25, 2011, the date that the case was unsealed. On November 9, 2011, Chairman Issa wrote to the Department:

Over the past six months, Senator Grassley and I have asked for this information on many occasions, and each time we have been told it would not be produced. This information is covered by the subpoena served on the Attorney General on October 12, 2011, and I expect it to be produced no later than Wednesday, November 16, at 5:00 p.m. Failure to comply with this request will leave me with no other alternative than the use of compulsory process to obtain your testimony under oath.

* * * * *

Understanding the Department's actions after Congress started asking questions about Fast and Furious is crucial. As you know, substantial effort was expended to hide the actions of the Department from Congress . . . I expect nothing less than full compliance with all aspects of the subpoena, including complete production of documents created after the indictments were unsealed on January 25, 2011.¹³⁸

On December 2, 2011, the Department produced documents pertaining to its February 4, 2011, response to Senator Grassley. When the Attorney General testified before Congress on December 8, 2011, he created a new cutoff date of February 4, 2011, after which no documents would be produced to Congress, despite the fact that such documents were covered by the October 12, 2011, subpoena. In support of this position regarding post-February 4, 2011, documents, in transcribed interviews, Department representatives have asserted a "separation of powers" privilege without further explanation or citation to legal authority.¹³⁹ The Department has not cited any legal authority to support this new, extremely broad assertion of privilege.

On January 31, 2012, Chairman Issa wrote to the Attorney General about this new, arbitrary date created by the Department, and raised the possibility of contempt:

In short, the Committee requires full compliance with all aspects of the subpoena, including complete production of documents created after the Department's February 4, 2011, letter. . . . If the Department continues to obstruct the congressional inquiry by not

¹²⁶ Letter from Ass't Att'y Gen. Ronald Weich to Chairman Darrell Issa (Feb. 16, 2012) [hereinafter Feb. 16 Letter].

¹²⁷ Letter from Ass't Att'y Gen. Ronald Weich to Chairman Darrell Issa (Feb. 27, 2012).

¹²⁸ Letter from Ass't Att'y Gen. Ronald Weich to Chairman Darrell Issa (Mar. 2, 2012).

¹²⁹ The most recent production by the Department, on May 15, 2012, ended with Bates number HOG906988.

¹³⁰ May 15 Cole Letter, *supra* note 69.

¹³¹ Oversight Hearing on the United States Department of Justice: Hearing Before the H. Comm. on the Judiciary, 112th Cong. (Dec. 8, 2011) (Test. of Hon. Eric H. Holder, Jr., Att'y Gen. of the U.S.).

¹³² *Id.*

¹³³ Transcribed Interview of Gary Grindler, Chief of Staff to the Att'y Gen., at 22 (Dec. 14, 2011) [hereinafter Grindler Tr.].

¹³⁴ *Id.*

¹³⁵ Transcribed Interview of Jason Weinstein, Deputy Ass't Att'y Gen. at 177 (Jan. 10, 2012).

¹³⁶ Transcribed Interview of Dennis K. Burke at 158-60 (Dec. 13, 2011).

¹³⁷ *Id.* at 158-59.

¹³⁸ Letter from Chairman Darrell Issa to Ass't Att'y Gen. Ronald Weich (Nov. 9, 2011).

¹³⁹ See, e.g., Grindler Tr. at 22.

providing documents and information, this Committee will have no alternative but to move forward with proceedings to hold you in contempt of Congress.¹⁴⁰

The Department responded the following day. It said:

To the extent responsive materials exist that post-date congressional review of this matter and were not generated in that context or to respond to media inquiries, and likewise do not implicate other recognized Department interests in confidentiality (for example, matters occurring before a grand jury, investigative activities under seal or the disclosure of which is prohibited by law, core investigative information, or matters reflecting internal Department deliberations), we intend to provide them.¹⁴¹

The Department quoted from its October 11, 2011, letter, stating:

[A]s we have previously explained to Committee staff, we have also withheld internal communications that were generated in the course of the Department's effort to respond to congressional and media inquiries about Operation Fast and Furious. These records were created in 2011, well after the completion of the investigative portion of Operation Fast and Furious that the Committee has been reviewing and after the charging decisions reflected in the January 25, 2011, indictments. Thus, they were not part of the communications regarding the development and implementation of the strategy decisions that have been the focus of the Committee's inquiry. It is longstanding Executive Branch practice not to disclose documents falling into this category because disclosure would implicate substantial Executive Branch confidentiality interests and separation of powers principles. Disclosure would have a chilling effect on agency officials' deliberations about how to respond to inquiries from Congress or the media. Such a chill on internal communications would interfere with our ability to respond as effectively and efficiently as possible to congressional oversight requests.¹⁴²

On February 14, 2012, Chairman Issa again wrote to the Department regarding post-February 4, 2011, documents, and again raised the possibility of contempt:

Complying with the Committee's subpoena is not optional. Indeed, the failure to produce documents pursuant to a congressional subpoena is a violation of federal law. The Department's letter suggests that its failure to produce, among other things, "deliberative documents and other internal communications generated in response to congressional oversight requests" is based on the premise that "disclosure would compromise substantial separation of powers principles and Executive Branch confidentiality interests." Your February 4, 2011, cut-off date of providing documents to the Committee is entirely arbitrary, and comes from a "separation of powers" privilege that does not actually exist.

You cite no legal authority to support your new, extremely broad assertion. To the contrary, as you know, Congress possesses the "power of inquiry." Furthermore, "the issuance of a subpoena pursuant to an authorized investigation is . . . an indispensable ingredient of lawmaking." Because the Department has not cited any legal author-

ity as the basis for withholding documents, or provided the Committee with a privilege log with respect to documents withheld, its efforts to accommodate the Committee's constitutional obligation to conduct oversight of the Executive Branch are incomplete.¹⁴³

* * * * *

Please specify a date by which you expect the Department to produce all documents responsive to the subpoena. In addition, please specify a Department representative who will interface with the Committee for production purposes. This individual should also serve as the conduit for dealing with possible contempt proceedings, should the Department continue to ignore the Committee's subpoena.¹⁴⁴

On February 16, 2012, the Department responded. The response did not address the post-February 4, 2011, documents, nor did it address the possibility of contempt. The Department's letter stated:

We have produced documents to the Committee on a rolling basis; since late last year these productions have occurred approximately twice a month. It is our intent to adhere to this rolling production schedule until we have completed the process of producing all responsive documents to which the Committee is entitled, consistent with the long-standing policies of the Executive Branch across administrations of both parties. Moreover, we intend to send a letter soon memorializing our discussions with your staff about the status of our production of documents within the various categories of the subpoena.

Our efforts to cooperate with the Committee have been a significant undertaking, involving a great deal of hard work by a large number of Department employees. The Department has been committed to providing the documents and information necessary to allow the Committee to satisfy its core oversight interests regarding the use of inappropriate tactics in Fast and Furious.

The Department, however, has yet to produce any documents pursuant to the subpoena created after February 4, 2011. Despite warnings by Chairman Issa that the Committee would initiate contempt if the Department failed to comply with the subpoena, the Department has refused to produce documents.

(d) Interview Requests

In addition to the October 12, 2011, subpoena, the Committee has requested to interview key individuals in Operation Fast and Furious and related programs. The Committee accommodated the Department's request to delay an interview with Hope MacAllister, the lead case agent for Operation Fast and Furious, despite her vast knowledge of the program. The Committee agreed to this accommodation due to the Department's expressed concern about interviewing a key witness prior to trial.

Throughout the investigation, the Department has had an evolving policy with regard to witnesses that excluded ever-broader categories of witnesses from participating in volunteer interviews. The Department first refused to allow line attorneys to testify in transcribed interviews, and then it prevented first-line supervisors from testifying. Next, the Department refused to make Senate-confirmed Department officials available for transcribed interviews. One such Senate-con-

firmed official, Assistant Attorney General Lanny Breuer, is a central focus in the Committee's investigation. On February 16, 2012, the Department retreated somewhat from its position, noting in a letter to the Committee that it was "prepared to work with [the Committee] to find a mutually agreeable date for [Breuer] to appear and answer the Committee's questions, whether or not that appearance is public."¹⁴⁵ The Department has urged the Committee to reconsider this interview request.

While the Department has facilitated a dozen interviews to avoid compulsory depositions, there have been several instances in which the Department has refused to cooperate with the Committee in scheduling interviews. The Department has stated that it would not make available certain individuals that the Committee has requested to interview. On December 6, 2011, the Department wrote:

We would like to defer any final decisions about the Committee's request for Mr. Swartz's interview until we have identified any responsive documents, some of which may implicate equities of another agency. The remaining employees you have asked to interview are all career employees who are either line prosecutors or first- or second-level supervisors. James Trusty and Michael Morrissey were first-level supervisors during the time period covered by the Fast and Furious investigation, and Kevin Carwile was a second-level supervisor. The remaining three employees you have asked to interview—Emory Hurley, Serra Tsethlikai, and Joseph Cooley—are line prosecutors. We are not prepared to make any of these attorneys available for interviews.¹⁴⁶

The Department did, however, make Patrick Cunningham, Chief of the Criminal Division for the U.S. Attorney's Office in Arizona, available for an interview. The Committee had been requesting to interview Cunningham since summer 2011. The Department finally allowed access to Cunningham for an interview in December 2011. Cunningham chose to retain private counsel instead of Department counsel. On January 17, 2012, Cunningham canceled his interview scheduled for the Committee on January 19, 2012.

Chairman Issa issued a subpoena to Cunningham to appear for a deposition on January 24, 2012. In a letter dated January 19, 2012, Cunningham's counsel informed the Committee that Cunningham would "assert his constitutional privilege not to be compelled to be a witness against himself."¹⁴⁷ On January 24, 2012, Chairman Issa wrote to the Attorney General to express that the absence of Cunningham's testimony would make it "difficult to gauge the veracity of some of the Department's claims" regarding Fast and Furious.¹⁴⁸

On January 27, 2012, Cunningham left the Department of Justice. After months of Committee requests, the Department finally made him available for an interview just before he left the Department. The actions of the Department in delaying the interview and Cunningham's own assertion of the Fifth Amendment privilege delayed and denied the Committee the benefit of his testimony.

¹⁴⁵ Feb. 16 Letter, *supra* note 126.

¹⁴⁶ Dec. 6 Letter, *supra* note 64.

¹⁴⁷ Letter from Tobin Romero, Williams & Connolly LLP, to Chairman Darrell Issa (Jan. 19, 2012).

¹⁴⁸ Letter from Chairman Darrell Issa to Att'y Gen. Eric Holder (Jan. 24, 2012).

¹⁴⁰ Jan. 31 Letter, *supra* note 102.

¹⁴¹ Feb. 1 Letter, *supra* note 125.

¹⁴² *Id.*

¹⁴³ Feb. 14 Letter, *supra* note 103.

¹⁴⁴ *Id.* (emphasis in original).

5. FAILURE TO TURN OVER DOCUMENTS

The Department has failed to turn over any documents pertaining to three main categories contained in the October 12, 2011, subpoena.

(a) *Who at Justice Department Headquarters Should Have Known of the Reckless Tactics*

The Committee is seeking documents relating to who had access to information about the objectionable tactics used in Operation Fast and Furious, who approved the use of these tactics, and what information was available to those individuals when they approved the tactics. Documents that whistleblowers have provided to the Committee indicate that those officials were the senior officials in the Criminal Division, including Lanny Breuer and one of his top deputies, Jason Weinstein.

Documents in this category include those relating to the preparation of the wiretap applications, as well as certain ATF, DEA, and FBI Reports of Investigation. Key decision makers at Justice Department headquarters relied on these and other documents to approve the investigation.

(b) *How the Department Concluded that Fast and Furious was "Fundamentally Flawed"*

The Committee requires documents from the Department relating to how officials learned about whistleblower allegations and what actions they took as a result. The Committee is investigating not just management of Operation Fast and Furious, but also the Department's efforts to slow and otherwise interfere with the Committee's investigation.

For months after the congressional inquiry began, the Department refused to acknowledge that anything improper occurred during Fast and Furious. At a May 5, 2011, meeting with Committee staff, a Department representative first acknowledged that "there's a there, there." The Attorney General acknowledged publicly that Fast and Furious was "fundamentally flawed" on October 7, 2011. On December 2, 2011, the Department finally admitted that its February 4, 2011, letter to Senator Grassley contained false information—something Congress had been telling the Department for over seven months.

Documents in this category include those that explain how the Department responded to the crisis in the wake of the death of U.S. Border Patrol Agent Brian Terry. These documents will reveal when the Department realized it had a problem, and what actions it took to resolve that problem. These documents will also show whether senior Department officials were surprised to learn that gunwalking occurred during Fast and Furious, or if they already knew that to be the case. These documents will also identify who at the Department was responsible for authorizing retaliation against the whistleblowers. The documents may also show the Department's assignment of responsibility to officials who knew about the reckless conduct or were negligent during Fast and Furious.

(c) *How the Inter-Agency Task Force Failed*

The Organized Crime Drug Enforcement Task Force (OCDETF) program was created to coordinate inter-agency information sharing. As early as December 2009, the DEA shared information with ATF that should have led to arrests and the identification of the gun trafficking network that Fast and Furious sought to uncover. The Committee has received information suggesting that, after arrests were made one year later, ATF discovered that two Mexican drug cartel as-

sociates at the top of the Fast and Furious network had been designated as national security assets by the FBI, and at times have been paid FBI informants. Because of this cooperation, these associates are considered by some to be unindictable.

Documents in this category will reveal the extent of the lack of information-sharing among DEA, FBI, and ATF. Although the Deputy Attorney General is aware of this problem, he has expressed little interest in resolving it.

VI. ADDITIONAL ACCOMMODATIONS BY THE COMMITTEE

As discussed above in Section V.C.5, the Department has failed to turn over any documents responsive to three main categories covered by the October 12, 2011, subpoena:

(a) Who at Justice Department Headquarters Should Have Known of the Reckless Tactics;

(b) How the Department Concluded that Fast and Furious was "Fundamentally Flawed"; and,

(c) How the Inter-Agency Task Force Failed.

The Committee notified the Justice Department on multiple occasions that its failure to produce any documents responsive to these three categories would force the Committee to begin contempt proceedings against the Attorney General.

On May 18, 2012, Chairman Issa, along with Speaker John Boehner, Majority Leader Eric Cantor, and Majority Whip Kevin McCarthy, wrote a letter to the Attorney General. As an accommodation to the Department, the letter offered to narrow the scope of documents the Department needed to provide in order to avoid contempt proceedings.¹⁴⁹ Documents in category (c) are outside the scope of the narrowed request, and so the Department no longer needed to produce them to avoid contempt proceedings, even though such documents are covered by the October 12, 2011, subpoena.

The Committee also obtained copies of wiretap applications authorized by senior Department officials during Operation Fast and Furious. These documents, given to the Committee by whistleblowers, shined light on category (a). Still, many subpoenaed documents under this category have been deliberately withheld by the Department. These documents are critical to understanding who is responsible for failing to promptly stop Fast and Furious. The Department has cited such documents as "core investigative" materials that pertain to "pending law enforcement matters."¹⁵⁰ To accommodate the Department's interest in successfully prosecuting criminal defendants in this case, the Committee is willing to accept production of these documents after the current prosecutions of the 20 straw purchasers indicted in January 2011, have concluded at the trial level. This deferment should in no way be interpreted as the Committee ceding its legitimate right to receive these documents, but instead solely as an accommodation meant to alleviate the Department's concerns about preserving the integrity of the ongoing prosecutions.

In addition to deferring production of category (a) documents, the Committee is also willing to view these documents *in camera* with limited redactions. These accommodations represent a significant commitment on the part of the Committee to negotiating in good faith to avoid contempt.

Unlike documents in category (a), the Department has no legitimate interest in limiting the Committee's access to documents in category (b). On February 4, 2011, the Department wrote a letter to Congress categorically denying that gunwalking had occurred. This letter was false. Still, it was not withdrawn until December 2011. The Committee has a right to know how the Department learned that gunwalking did in fact occur, and how it handled the fallout internally. The deliberative process privilege is not recognized by Congress as a matter of law and precedent. By sending a letter that contained false and misleading statements, the Department forfeited any reasonable expectation that the Committee would accommodate its interest in withholding deliberative process documents.

On June 20, 2012, minutes before the start of the Committee's meeting to consider a resolution holding the Attorney General in contempt, the Committee received a letter from Deputy Attorney General James Cole claiming that the President asserted executive privilege over certain documents covered by the subpoena. The Committee has a number of concerns about the validity of this assertion:

1. The assertion was transparently not a valid claim of privilege given its last minute nature;

2. The assertion was obstructive given that it could have and should have been asserted months ago, but was not until literally the day of the contempt mark-up;

3. The assertion is eight months late. It should have been made by October 25, 2011, the subpoena return date;

4. To this moment, the President himself has not indicated that he is asserting executive privilege;

5. The assertion is transparently invalid in that it is not credible that every document withheld involves a "communication[] authored or solicited and received by those members of an immediate White House adviser's staff who have broad and significant responsibility for investigating and formulating the advice to be given the President on the particular matter to which the communications relate,"¹⁵¹

6. The assertion is transparently invalid where the Justice Department has provided no details by which the Committee might evaluate the applicability of the privilege, such as the senders and recipients of the documents;

7. Even if the privilege were valid as an initial matter, which it is not, it certainly has been overcome here, as: (i) the Committee has demonstrated a sufficient need for the documents as they are likely to contain evidence important to the Committee's inquiry and (ii) the documents sought cannot be obtained any other way. The Committee has spent 16 months investigating, talking to dozens of individuals, and collecting documents from many sources. The remaining documents are ones uniquely in the possession of the Justice Department; and,

8. Without these documents, the Committee's important legislative work will continue to be stymied. The documents are necessary to evaluate what government reform is necessary within the Justice Department to avoid the problems uncovered by the investigation in the future.

The President has now asserted executive privilege. This assertion, however, does not change the fact that Attorney General Eric

¹⁴⁹Letter from Speaker John Boehner et al. to Atty Gen. Eric Holder (May 18, 2012).

¹⁵⁰May 15 Cole Letter, *supra* note 69.

¹⁵¹In re Sealed Case, 121 F.3d 729, 752 (D.C. Cir. 1997).

Holder Jr. is in contempt of Congress today for failing to turn over lawfully subpoenaed documents explaining the Department's role in withdrawing the false letter it sent to Congress.

VII. HISTORICAL PERSPECTIVES ON CONTEMPT

Contempt proceedings in Congress date back over 215 years. These proceedings provide Congress a valuable mechanism for adjudicating its interests. Congressional history is replete with examples of the pursuit of contempt proceedings by House committees when faced with strident resistance to their constitutional authority to exercise investigative power.

A. PAST INSTANCES OF CONTEMPT

Congress first exercised its contempt authority in 1795 when three Members of the House charged two businessmen, Robert Randall and Charles Whitney, with offering bribes in exchange for the passage of legislation granting Randall and his business partners several million acres bordering Lake Erie.¹⁵² This first contempt proceeding began with a resolution by the House deeming the allegations were adequate "evidence of an attempt to corrupt," and the House reported a corresponding resolution that was referred to a special committee.¹⁵³ The special committee reported a resolution recommending formal proceedings against Randall and Whitney "at the bar of the House."¹⁵⁴

The House adopted the committee resolution which laid out the procedure for the contempt proceeding. Interrogatories were exchanged, testimony was received, Randall and Whitney were provided counsel, and at the conclusion, on January 4, 1796, the House voted 78-17 to adopt a resolution finding Randall guilty of contempt.¹⁵⁵ As punishment Randall was "ordered [] to be brought to the bar, reprimanded by the Speaker, and held in custody until further resolution of the House."¹⁵⁶ Randall was detained until January 13, 1796, when the House passed a resolution discharging him.¹⁵⁷ In contrast, Whitney "was absolved of any wrongdoing," since his actions were against a "member-elect" and occurred "away from the seat of government."¹⁵⁸

Congressional records do not demonstrate any question or hesitation regarding whether Congress possesses the power to hold individuals in contempt.¹⁵⁹ Moreover, there was no question that Congress could punish a non-Member for contempt.¹⁶⁰ Since the first contempt proceeding, numerous congressional committees have pursued contempt against obstinate administration officials as well as private citizens who failed to cooperate with congressional investigations.¹⁶¹ Since the first proceeding against Randall and Whitney, House committees, whether standing or select, have served as the vehicle used to lay the foundation for contempt proceedings in the House.¹⁶²

On August 3, 1983, the House passed a privileged resolution citing Environmental Pro-

tection Agency Administrator Anne Gorsuch Burford with contempt of Congress for failing to produce documents to a House subcommittee pursuant to a subpoena.¹⁶³ This was the first occasion the House cited a cabinet-level executive branch member for contempt of Congress.¹⁶⁴ A subsequent agreement between the House and the Administrator, as well as prosecutorial discretion, was the base for not enforcing the contempt citation against Burford.¹⁶⁵

Within the past fifteen years the Committee on Oversight and Government Reform has undertaken or prepared for contempt proceedings on multiple occasions. In 1998, Chairman Dan Burton held a vote recommending contempt for Attorney General Janet Reno based on her failure to comply with a subpoena issued in connection with the Committee's investigation into campaign finance law violations.¹⁶⁶ On August 7, 1998, the Committee held Attorney General Reno in contempt by a vote of 24 to 18.¹⁶⁷

During the 110th Congress, Chairman Henry Waxman threatened and scheduled contempt proceedings against several Administration officials.¹⁶⁸ Contempt reports were drafted against Attorney General Michael B. Mukasey, Stephen L. Johnson, Administrator of the U.S. Environmental Protection Agency, and Susan E. Dudley, Administrator of the Office of Information and Regulatory Affairs (OIRA) in the White House Office of Management and Budget. Business meetings to consider these drafts were scheduled.¹⁶⁹ Former Attorney General Mukasey's draft contempt report charged him with failing to produce documents in connection to the Committee's investigation of the release of classified information. According to their draft contempt reports, Administrators Johnson and Dudley failed to cooperate with the Committee's lengthy investigation into California's petition for a waiver to regulate greenhouse gas emissions from motor vehicles and the revision of the national ambient air quality standards for ozone.

Most recently, the House Judiciary Committee pursued contempt against former White House Counsel Harriet Miers and White House Chief of Staff Joshua Bolten.¹⁷⁰ On June 13, 2007, the Committee served subpoenas on Miers and Bolten.¹⁷¹ After attempts at accommodations from both sides, the Committee determined that Miers and Bolten did not satisfactorily comply with the subpoenas. On July 25, 2007, the Committee voted, 22-17, to hold Miers and Bolten in contempt of Congress.

On February 14, 2008, the full House, with most Republicans abstaining, voted to hold Miers and Bolten in criminal contempt of

Congress by a margin of 223-42.¹⁷² One hundred seventy-three Members of Congress did not cast a vote either in favor or against the resolution.¹⁷³ All but nine Members who abstained were Republican.¹⁷⁴ Only three Republicans supported the contempt resolution for Miers and Bolten.¹⁷⁵ This marked the first contempt vote by Congress with respect to the Executive Branch since the Reagan Administration.¹⁷⁶ The resolutions passed by the House allowed Congress to exercise all available remedies in the pursuit of contempt.¹⁷⁷ The House Judiciary Committee's action against Miers marked the first time that a former administration official had ever been held in contempt.¹⁷⁸

B. DOCUMENT PRODUCTIONS

The Department has refused to produce thousands of documents pursuant to the October 12, 2011, subpoena because it claims certain documents are Law Enforcement Sensitive, others pertain to ongoing criminal investigations, and others relate to internal deliberative process.

During the past ten years, the Committee on Oversight and Government Reform has undertaken a number of investigations that resulted in strong opposition from the Executive Branch regarding document productions. These investigations include regulatory decisions of the Environmental Protection Agency (EPA), the leak of CIA operative Valerie Plame's identity, and the fratricide of Army Corporal Patrick Tillman. In all cases during the 110th Congress, the Administration produced an overwhelming amount of documents, sheltering a narrow few by asserting executive privilege.

In 2008, the Committee received or reviewed *in camera* all agency-level documents related to the EPA's decision regarding California's request for a rule waiver, numbering approximately 27,000 pages in total.¹⁷⁹ According to a Committee Report, the EPA withheld only 32 documents related to the California waiver decision based on executive privilege. These included notes of telephone calls or meetings in the White House "involving at least one high-ranking EPA official and at least one high-ranking White House official."¹⁸⁰ The White House Counsel informed the Committee that these documents represented "deliberations at the very highest level of government."¹⁸¹

During the Committee's 2008 investigation into the Administration's promulgation of ozone standards, the EPA produced or allowed *in camera* review of over 35,000 pages of documents. The President asserted executive privilege over a narrow set of documents, encompassing approximately 35 pages. One such document included "talking points for the EPA Administrator to use in a meeting with [the President]."¹⁸²

In furtherance of the Committee's ozone regulation investigation, OIRA produced or allowed *in camera* review of 7,500 documents.¹⁸³ Documents produced by EPA and

¹⁵² *Id.*

¹⁵⁴ Wm. Holmes Brown et al., *House Practice: A Guide to the Rules, Precedents, and Procedures of the House*, 450 (2011).

¹⁵⁵ *Id.* at 20, 22.

¹⁵⁶ David E. Rosenbaum, *Panel Votes to Charge Reno With Contempt of Congress*, N.Y. TIMES (Aug. 7, 1998).

¹⁵⁷ *Id.*

¹⁵⁸ Laurie Kellman, *Waxman Threatens Mukasey With Contempt Over Leak*, U.S.A. TODAY (July 8, 2008); Richard Simon, *White House Says No to Congress' EPA Subpoena*, L.A. TIMES (June 21, 2008).

¹⁵⁹ Press Release, Rep. Henry Waxman, *Chairman Waxman Warns Attorney General of Scheduled Contempt Vote* (July 8, 2008) <http://oversight-archieve.waxman.house.gov/story.asp?ID=2067> (last visited Feb. 22, 2012); Press Release, Rep. Henry Waxman, *Chairman Waxman Schedules Contempt Vote* (June 13, 2008) <http://oversight-archieve.waxman.house.gov/story.asp?ID=2012> (last visited Feb. 22, 2012).

¹⁷⁰ CRS Contempt Report at 54-55.

¹⁷¹ *Id.*

¹⁷² See H. Res. 982.

¹⁷³ *Id.*

¹⁷⁴ *Id.*

¹⁷⁵ *Id.*

¹⁷⁶ Philip Shenon, *House Votes to Issue Contempt Citations*, N.Y. TIMES (Feb. 15, 2008).

¹⁷⁷ CRS Contempt Report at 54-55.

¹⁷⁸ *Id.*

¹⁷⁹ H. Comm. on Oversight and Gov't Ref. Minority Additional Views, *EPA, OIRA Investigations & Exec. Privilege Claims: Missed Opportunities by Majority to Complete Investigations*, Oct. 22, 2008.

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

¹⁸² *Id.*

¹⁸³ *Id.*

¹⁵² Todd Garvey & Alissa M. Dolan, *Congressional Research Service, Congress's Contempt Power: Law, History, Practice, & Procedure*, no. RL34097, Apr. 15, 2008 [hereinafter CRS Contempt Report].

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*; quoting Asher C. Hinds, *Precedents of the House of Representatives*, Sec. 1603 (1907).

¹⁵⁹ *Id.*

¹⁶⁰ *Id.* at 5.

¹⁶¹ *Id.* at 6.

¹⁶² *Id.* at 14.

OIRA represented pre-decisional opinions of career scientists and agency counsel.¹⁸⁴ These documents were sensitive because some, if not all, related to ongoing litigation.¹⁸⁵ The OIRA Administrator withheld a certain number of documents that were communications between OIRA and certain White House officials, and the President ultimately “claimed executive privilege over these documents.”¹⁸⁶

Also during the 110th Congress, the Committee investigated the revelation of CIA operative Valerie Plame’s identity in the news media. The Committee’s investigation was contemporaneous with the Department of Justice’s criminal investigation into the leak of this classified information—a situation nearly identical to the Committee’s current investigation into Operation Fast and Furious.

Pursuant to the Committee’s investigation, the Justice Department produced FBI reports of witness interviews, commonly referred to as “302s.” Specifically, documents reviewed by the Committee staff during the Valerie Plame investigation included the following:

FBI interviews of federal officials who did not work in the White House, as well as interviews of relevant private individuals . . . total of 224 pages of records of FBI interview reports with 31 individuals, including materials related to a former Secretary, Deputy Secretary, Undersecretary [sic], and two Assistant Secretaries of State, and other former or current CIA and State Department officials, including the Vice President’s CIA briefer.¹⁸⁷

To accommodate the Committee, the Department permitted *in camera* review of the following:

[D]ocuments include[ing] redacted reports of the FBI interview with Mr. Libby, Andrew Card, Karl Rove, Condoleezza Rice, Stephen Hadley, Dan Bartlett, and Scott McClellan and another 104 pages of additional interview reports of the Director of Central Intelligence, and eight other White House or Office of the Vice President officials.¹⁸⁸

The only documents the Justice Department declined to produce were the FBI 302s with respect to the interviews of the President and the Vice President.¹⁸⁹ Ultimately, the Committee relented in its pursuit of the President’s 302.¹⁹⁰ The Committee, however, persisted in its request for the Vice President’s 302. As a result, the President asserted executive privilege over that particular document.¹⁹¹

The Committee specifically included 302s in its October 12, 2011, subpoena to the Attorney General regarding Fast and Furious. These subpoenaed 302s do not include FBI interviews with White House personnel, or even any other Executive Branch employee. Still, in spite of past precedent, the Department has refused to produce those documents to the Committee or to allow staff an *in camera* review.

In the 110th Congress, the Committee investigated the fratricide of Army Corporal

Patrick Tillman and the veracity of the account of the capture and rescue of Army Private Jessica Lynch.¹⁹² The Committee employed a multitude of investigative tools, including hearings, transcribed interviews, and non-transcribed interviews. The Administration produced thousands of documents.¹⁹³ The Committee requested the following:

[T]he White House produce all documents received or generated by any official in the Executive Office of the President from April 22 until July 1, 2004, that related to Corporal Tillman. The Committee reviewed approximately 1,500 pages produced in response to this request. The documents produced to the Committee included e-mail communications between senior White House officials holding the title of “Assistant to the President.” According to the White House, the White House withheld from the Committee only preliminary drafts of the speech President Bush delivered at the White House Correspondents’ Dinner on May 1, 2004.¹⁹⁴

The Department of Defense produced over 31,000 responsive documents, and the Committee received an unprecedented level of access to documents and personnel.¹⁹⁵

The Oversight and Government Reform Committee’s investigations over the past five years demonstrate ample precedent for the production of a wide array of documents from the Executive Branch. In these investigations, the Committee received pre-decisional deliberative regulatory documents, documents pertaining to ongoing investigations, and communications between and among senior advisors to the President. The Committee’s October 12, 2011, subpoena calls for many of these same materials, including 302s and deliberative documents. Still, the Justice Department refuses to comply.

Further, the number of documents the Department has produced during the Committee’s Fast and Furious investigation pales in comparison to those produced in conjunction with the Committee’s prior investigations. In separate EPA investigations, the Committee received 27,000 documents and 35,000 documents respectively. In the Patrick Tillman investigation, the Committee received 31,000 documents. Moreover, in the Valerie Plame investigation, the Committee received access to highly sensitive materials despite the fact that the Justice Department was conducting a parallel criminal investigation.

As of May 15, 2012, in the Fast and Furious investigation, in the light most favorable to the Department of Justice, it has “provided the Committee over 7,600 pages of documents”—a small fraction of what has been produced to the Committee in prior investigations and of what the Department has produced to the Inspector General in this matter.¹⁹⁶ This small number reflects the Department’s lack of cooperation since the Committee sent its first letter to the Department about Fast and Furious on March 16, 2011.

VIII. RULES REQUIREMENTS

EXPLANATION OF AMENDMENTS

Mr. Gowdy offered an amendment that updated the Committee’s Report to reflect that the President asserted the executive privilege over certain documents subpoenaed by the Committee. The amendment also updated the Report to include the Committee’s concerns about the validity of the President’s assertion of the executive privilege. The amendment was agreed to by a recorded vote.

COMMITTEE CONSIDERATION

On June 20, 2012, the Committee on Oversight and Government Reform met in open session with a quorum present to consider a report of contempt against Eric H. Holder, Jr., the Attorney General of the United States, for failure to comply with a Congressional subpoena. The Committee approved the Report by a roll call vote of 23–17 and ordered the Report reported favorably to the House.

ROLL CALL VOTES

The following recorded votes were taken during consideration of the contempt Report:

1. Mr. Welch offered an amendment to add language to the Executive Summary stating that contempt proceedings at this time are unwarranted because the Committee has not met with former Attorney General Michael Mukasey.

The amendment was defeated by a recorded vote of 14 Yeas to 23 Nays.

Voting Yea: Cummings, Towns, Maloney, Norton, Kucinich, Tierney, Lynch, Connolly, Quigley, Davis, Braley, Welch, Murphy and Speier.

Voting Nay: Issa, Burton, Mica, Platts, Turner, McHenry, Jordan, Chaffetz, Mack, Walberg, Lankford, Amash, Buerkle, Gosar, Labrador, Meehan, DesJarlais, Walsh, Gowdy, Ross, Guinta, Farenthold and Kelly.

2. Mr. Lynch offered an amendment asking for an itemized accounting of the costs associated with the Fast and Furious investigation.

The amendment was defeated by a vote of 15 Yeas to 23 Nays.

Voting Yea: Cummings, Towns, Maloney, Norton, Kucinich, Tierney, Clay, Lynch, Connolly, Quigley, Davis, Braley, Welch, Murphy and Speier.

Voting Nay: Issa, Burton, Mica, Platts, Turner, McHenry, Jordan, Chaffetz, Mack, Walberg, Lankford, Amash, Buerkle, Gosar, Labrador, Meehan, DesJarlais, Walsh, Gowdy, Ross, Guinta, Farenthold and Kelly.

3. Ms. Maloney offered an amendment to add language to the Executive Summary stating that contempt proceedings at this time are unwarranted because the Committee has not held a public hearing with the former head of the Bureau of Alcohol, Tobacco, Firearms and Explosives, Kenneth Melson.

The amendment was defeated by a vote of 16 Yeas to 23 Nays.

Voting Yea: Cummings, Towns, Maloney, Norton, Kucinich, Tierney, Clay, Lynch, Cooper, Connolly, Quigley, Davis, Braley, Welch, Murphy and Speier.

Voting Nay: Issa, Burton, Mica, Platts, Turner, McHenry, Jordan, Chaffetz, Mack, Walberg, Lankford, Amash, Buerkle, Gosar, Labrador, Meehan, DesJarlais, Walsh, Gowdy, Ross, Guinta, Farenthold and Kelly.

4. Mr. Gowdy offered an amendment that updated the Committee’s Report to reflect that the President asserted the executive privilege over certain documents subpoenaed by the Committee. The amendment also updated the Report to include the Committee’s

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

¹⁸⁷ H. Comm. on Oversight and Gov’t Ref. Draft Report, U.S. House of Reps. Regarding President Bush’s Assertion of Exec. Privilege in Response to the Comm. Subpoena to Att’y Gen. Michael B. Mukasey, <http://oversight-archive.waxman.house.gov/documents/20081205114333.pdf> (last visited Mar. 5, 2012).

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ *Id.*

¹⁹¹ *Id.*

¹⁹² H. Comm. on Oversight and Gov’t Ref. Comm. Report, *Misleading Information From the Battlefield: the Tillman & Lynch Episodes*, H. Rep. 110–858, Sept. 16, 2008.

¹⁹³ *Id.*

¹⁹⁴ *Id.*

¹⁹⁵ *Id.*; The minority views by Hon. Tom Davis states that the Comm. received 50,000 pages of documents and reviewed additional documents *in camera*.

¹⁹⁶ Letter from Ass’t Att’y Gen. Ronald Weich to Chairman Darrell Issa (May 15, 2012).

concerns about the validity of the President's assertion of the executive privilege. The amendment was agreed to by a recorded vote.

The amendment was agreed to by a vote of 23 Yeas to 17 Nays.

Voting Yea: Issa, Burton, Mica, Platts, Turner, McHenry, Jordan, Chaffetz, Mack, Walberg, Lankford, Amash, Buerkle, Gosar, Labrador, Meehan, DesJarlais, Walsh, Gowdy, Ross, Guinta, Farenthold and Kelly.

Voting Nay: Cummings, Towns, Maloney, Norton, Kucinich, Tierney, Clay, Lynch, Cooper, Connolly, Quigley, Davis, Braley, Welch, Yarmuth, Murphy and Speier.

5. The Resolution was favorably reported, as amended, to the House, a quorum being present, by a vote of 23 Yeas to 17 Nays.

Voting Yea: Issa, Burton, Mica, Platts, Turner, McHenry, Jordan, Chaffetz, Mack, Walberg, Lankford, Amash, Buerkle, Gosar, Labrador, Meehan, DesJarlais, Walsh, Gowdy, Ross, Guinta, Farenthold and Kelly.

Voting Nay: Cummings, Towns, Maloney, Norton, Kucinich, Tierney, Clay, Lynch, Cooper, Connolly, Quigley, Davis, Braley, Welch, Yarmuth, Murphy and Speier.

APPLICATION OF LAW TO THE LEGISLATIVE BRANCH

Section 102(b)(3) of Public Law 104-1 requires a description of the application of this bill to the legislative branch where the bill relates to the terms and conditions of employment or access to public services and accommodations. The Report does not relate to employment or access to public services and accommodations.

STATEMENT OF OVERSIGHT FINDINGS AND RECOMMENDATIONS OF THE COMMITTEE

In compliance with clause 3(c)(1) of rule XIII and clause (2)(b)(1) of rule X of the Rules

of the House of Representatives, the Committee's oversight findings and recommendations are reflected in the descriptive portions of this Report.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

In accordance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee states that pursuant to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Report will assist the House of Representatives in considering whether to cite Attorney General Eric H. Holder, Jr. for contempt for failing to comply with a valid congressional subpoena.

CONSTITUTIONAL AUTHORITY STATEMENT

The Committee finds the authority for this Report in article 1, section 1 of the Constitution.

FEDERAL ADVISORY COMMITTEE ACT

The Committee finds that the Report does not establish or authorize the establishment of an advisory committee within the definition of 5 U.S.C. App., Section 5(b).

EARMARK IDENTIFICATION

The Report does not include any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

UNFUNDED MANDATE STATEMENT, COMMITTEE ESTIMATE, BUDGET AUTHORITY AND CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

The Committee finds that clauses 3(c)(2), 3(c)(3), and 3(d)(1) of rule XIII of the Rules of the House of Representatives, sections 308(a) and 402 of the Congressional Budget Act of 1974, and section 423 of the Congressional Budget and Impoundment Control Act (as amended by Section 101(a)(2) of the Unfunded

Mandates Reform Act, P.L. 104-4) are inapplicable to this Report. Therefore, the Committee did not request or receive a cost estimate from the Congressional Budget Office and makes no findings as to the budgetary impacts of this Report or costs incurred to carry out the report.

CHANGES IN EXISTING LAW MADE BY THE BILL AS REPORTED

This Report makes no changes in any existing federal statute.

ADDITIONAL VIEWS

Report of the Committee on Oversight and Government Reform

Resolution Recommending that the House of Representatives Find Eric H. Holder, Jr., Attorney General, U.S. Department of Justice, in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Committee on Oversight and Government Reform

"The Department of Justice's Operation Fast and Furious: Accounts of ATF Agents" Joint Staff Report, prepared for Representative Darrell Issa, Chairman, House Committee on Oversight and Government Reform, and Senator Charles Grassley, Ranking Member, Senate Committee on the Judiciary.

"The Department of Justice's Operation Fast and Furious: Fueling Cartel Violence" Joint Staff Report, prepared for Representative Darrell Issa, Chairman, House Committee on Oversight and Government Reform, and Senator Charles Grassley, Ranking Member, Senate Committee on the Judiciary.



*The Department of Justice's Operation Fast and Furious:
Accounts of ATF Agents*

JOINT STAFF REPORT

Prepared for

Rep. Darrell E. Issa, Chairman
United States House of Representatives
Committee on Oversight and Government Reform
&
Senator Charles E. Grassley, Ranking Member
United States Senate
Committee on the Judiciary

112th Congress
June 14 2011

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I. Executive Summary

In the fall of 2009, the Department of Justice (DOJ) developed a risky new strategy to combat gun trafficking along the Southwest Border. The new strategy directed federal law enforcement to shift its focus away from seizing firearms from criminals as soon as possible—and to focus instead on identifying members of trafficking networks. The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) implemented that strategy using a reckless investigative technique that street agents call “gunwalking.” ATF’s Phoenix Field Division began allowing suspects to walk away with illegally purchased guns. The purpose was to wait and watch, in the hope that law enforcement could identify other members of a trafficking network and build a large, complex conspiracy case.

This shift in strategy was known and authorized at the highest levels of the Justice Department. Through both the U.S. Attorney’s Office in Arizona and “Main Justice,” headquarters in Washington, D.C., the Department closely monitored and supervised the activities of the ATF. The Phoenix Field Division established a Gun Trafficking group, called Group VII, to focus on firearms trafficking. Group VII initially began using the new gunwalking tactics in one of its investigations to further the Department’s strategy. The case was soon renamed “Operation Fast and Furious,” and expanded dramatically. It received approval for Organized Crime Drug Enforcement Task Force (OCDETF) funding on January 26, 2010. ATF led a strike force comprised of agents from ATF, Drug Enforcement Administration (DEA), Federal Bureau of Investigation (FBI), Immigration and Customs Enforcement (ICE), and the Internal Revenue Service (IRS). The operation’s goal was to establish a nexus between straw purchasers of assault-style weapons in the United States and Mexican drug-trafficking organizations (DTOs) operating on both sides of the United States-Mexico border. Straw purchasers are individuals who are legally entitled to purchase firearms for themselves, but who unlawfully purchase weapons with the intent to transfer them into the hands of DTOs or other criminals.

Operation Fast and Furious was a response to increasing violence fostered by the DTOs in Mexico and their increasing need to purchase ever-growing numbers of more powerful weapons in the U.S. An integral component of Fast and Furious was to work with gun shop merchants, or “Federal Firearms Licensees” (FFLs) to track known straw purchasers through the unique serial number of each firearm sold. ATF agents entered the serial numbers of the weapons purchased into the agency’s Suspect Gun Database. These weapons bought by the straw purchasers included AK-47 variants, Barrett .50 caliber sniper rifles, .38 caliber revolvers, and the FN Five-seven.

During Fast and Furious, ATF frequently monitored actual transactions between the FFLs and straw purchasers. After the purchases, ATF sometimes conducted surveillance of these weapons with assistance from local police departments. Such surveillance included following the vehicles of the straw purchasers. Frequently, the straw purchasers transferred the weapons they bought to stash houses. In other instances, they transferred the weapons to third parties. The volume, frequency, and circumstances of these transactions clearly established reasonable

suspicion to stop and question the buyers. Agents are trained to use such interactions to develop probable cause to arrest the suspect or otherwise interdict the weapons and deter future illegal purchases. Operation Fast and Furious sought instead to *allow* the flow of guns from straw purchasers to the third parties. Instead of trying to interdict the weapons, ATF purposely avoided contact with known straw purchasers or curtailed surveillance, allowing guns to fall into the hands of criminals and bandits on both sides of the border.

Though many line agents objected vociferously, ATF and DOJ leadership continued to prevent them from making every effort to interdict illegally purchased firearms. Instead, leadership's focus was on trying to identify additional conspirators, as directed by the Department's strategy for combating Mexican Drug Cartels. ATF and DOJ leadership were interested in seeing where these guns would ultimately end up. They hoped to establish a connection between the local straw buyers in Arizona and the Mexico-based DTOs. By entering serial numbers from suspicious transactions into the Suspect Gun Database, ATF would be quickly notified as each one was later recovered at crime scenes and traced, either in the United States or in Mexico.

The Department's leadership allowed the ATF to implement this flawed strategy, fully aware of what was taking place on the ground. The U.S. Attorney's Office for the District of Arizona encouraged and supported every single facet of Fast and Furious. Main Justice was involved in providing support and approving various aspects of the Operation, including wiretap applications that would necessarily include painstakingly detailed descriptions of what ATF knew about the straw buyers it was monitoring.

This hapless plan allowed the guns in question to disappear out of the agency's view. As a result, this chain of events inevitably placed the guns in the hands of violent criminals. ATF would only see these guns again after they turned up at a crime scene. Tragically, many of these recoveries involved loss of life. While leadership at ATF and DOJ no doubt regard these deaths as tragic, the deaths were a clearly foreseeable result of the strategy. Both line agents and gun dealers who cooperated with the ATF repeatedly expressed concerns about that risk, but ATF supervisors did not heed those warnings. Instead, they told agents to follow orders because this was sanctioned from above. They told gun dealers not to worry because they would make sure the guns didn't fall into the wrong hands.

Unfortunately, ATF never achieved the laudable goal of dismantling a drug cartel. In fact, ATF never even got close. After months and months of investigative work, Fast and Furious resulted only in indictments of 20 straw purchasers. Those indictments came only after the death of U.S. Border Patrol Agent Brian Terry. The indictments, filed January 19, 2011, focus mainly on what is known as "lying and buying." Lying and buying involves a straw purchaser falsely filling out ATF Form 4473, which is to be completed truthfully in order to legally acquire a firearm. Even worse, ATF knew most of the indicted straw purchasers to be straw purchasers *before Fast and Furious even began*.

In response to criticism, ATF and DOJ leadership denied allegations that gunwalking occurred in Fast and Furious by adopting an overly narrow definition of the term. They argue that gunwalking is limited to cases in which ATF itself supplied the guns directly. As field

agents understood the term, however, gunwalking includes situations in which ATF had contemporaneous knowledge of illegal gun purchases and purposely decided not to attempt any interdiction. The agents also described situations in which ATF facilitated or approved transactions to known straw buyers. Both situations are even more disturbing in light of the ATF's certain knowledge that weapons previously purchased by the same straw buyers had been trafficked into Mexico and may have reached the DTOs. When the full parameters of this program became clear to the agents assigned to Group VII, a rift formed among Group VII's agents in Phoenix. Several agents blew the whistle on this reckless operation only to face punishment and retaliation from ATF leadership. Sadly, only the tragic murder of Border Patrol Agent Brian Terry provided the necessary impetus for DOJ and ATF leadership to finally indict the straw buyers whose regular purchases they had monitored for 14 months. Even then, it was not until after whistleblowers later reported the issue to Congress that the Justice Department finally issued a policy directive that prohibited gunwalking.

This report is the first in a series regarding Operation Fast and Furious. Possible future reports and hearings will likely focus on the actions of the United States Attorney's Office for the District of Arizona, the decisions faced by gun shop owners (FFLs) as a result of ATF's actions, and the remarkably ill-fated decisions made by Justice Department officials in Washington, especially within the Criminal Division and the Office of the Deputy Attorney General. This first installment focuses on ATF's misguided approach of letting guns walk. The report describes the agents' outrage about the use of gunwalking as an investigative technique and the continued denials and stonewalling by DOJ and ATF leadership. It provides some answers as to what went wrong with Operation Fast and Furious. Further questions for key ATF and DOJ decision makers remain unanswered. For example, what leadership failures within the Department of Justice allowed this program to thrive? Who will be held accountable and when?

II. Table of Names

John Dodson

Special Agent, ATF Phoenix Field Division

Agent Dodson is the original whistleblower who exposed Operation Fast and Furious. A seven-year veteran of ATF, Dodson also worked in the sheriff's offices in Loudoun County and other Virginia municipalities for 12 years. Agent Dodson was removed from Phoenix Group VII in the summer of 2010 for complaining to ATF supervisors about the dangerous tactics used in Operation Fast and Furious.

Brian Terry

U.S. Border Patrol Agent

Brian Terry was an agent with the U.S. Border Patrol's Search, Trauma, and Rescue team, known as BORSTAR. He served in the military and was a Border Patrol agent for three years. On December 14, 2010, during a routine patrol, Terry was confronted by armed bandits. He was shot once and killed. Two weapons found at the scene traced back to Operation Fast and Furious.

Jaime Avila

Straw Purchaser

Jaime Avila was the straw purchaser who bought the two AK-47 variant weapons that were found at the murder scene of Brian Terry. Avila bought the weapons on January 16, 2010. ATF, however, began conducting surveillance of Avila as early as November 25, 2009. On January 19, 2011, Avila was indicted on three counts of "lying and buying" for weapons purchased in January, April, and June 2010.

David Voth

Phoenix Group VII Supervisor

Agent Voth was the former supervisor of the Phoenix Group VII, which conducted Operation Fast and Furious. As Group VII Supervisor, Voth controlled many operational aspects of Fast and Furious. Voth is no longer in Phoenix.

Pete Forcelli

Group Supervisor, ATF Phoenix Field Division

Since 2007, Agent Forcelli has been the Group Supervisor for Phoenix Group I. Before Phoenix Group VII was formed in October 2009, Group I was the primary southwest border firearms group. Before joining ATF in 2001, Agent Forcelli worked for twelve years in the New York City Police Department as a police officer and detective.

Olindo Casa*Special Agent, ATF Phoenix Field Division*

Agent Casa served in Phoenix Group VII during Operation Fast and Furious. Agent Casa is an 18-year veteran of ATF, having worked in Chicago, California, and Florida. In Chicago, Agent Casa worked on numerous firearms trafficking cases, including a joint international case. Agent Casa had never seen a gun walk until he arrived at Group VII in Phoenix and participated in Operation Fast and Furious.

William Newell*Special Agent in Charge, ATF Phoenix Field Division*

Agent Newell was the former head of the ATF Phoenix Field Division during Operation Fast and Furious. Newell is no longer in Phoenix.

Emory Hurley*Assistant U.S. Attorney, District of Arizona*

Emory Hurley is the lead prosecutor for Operation Fast and Furious. Hurley advised the ATF Phoenix Field Division on the Operation, including instructing agents when they were and were not able to interdict weapons.

Larry Alt*Special Agent, ATF Phoenix Field Division*

Agent Alt served in Phoenix Group VII during Operation Fast and Furious. An 11-year veteran of ATF, Agent Alt worked as a police officer for five years before joining ATF. Agent Alt is also a lawyer, having served as deputy county attorney in Maricopa County, a county of nearly 4 million people that encompasses the Phoenix metro area.

III. Findings

- DOJ and ATF inappropriately and recklessly relied on a 20-year old ATF Order to allow guns to walk. DOJ and ATF knew from an early date that guns were being trafficked to the DTOs.
- ATF agents are trained to “follow the gun” and interdict weapons whenever possible. Operation Fast and Furious required agents to abandon this training.
- DOJ relies on a narrow, untenable definition of gunwalking to claim that guns were never walked during Operation Fast and Furious. Agents disagree with this definition, acknowledging that hundreds or possibly thousands of guns were in fact walked. DOJ’s misplaced reliance on this definition does not change the fact that it knew that ATF could have interdicted thousands of guns that were being trafficked to Mexico, yet chose to do nothing.
- ATF agents complained about the strategy of allowing guns to walk in Operation Fast and Furious. Leadership ignored their concerns. Instead, supervisors told the agents to “get with the program” because senior ATF officials had sanctioned the operation.
- Agents knew that given the large numbers of weapons being trafficked to Mexico, tragic results were a near certainty.
- Agents expected to interdict weapons, yet were told to stand down and “just surveil.” Agents therefore did not act. They watched straw purchasers buy hundreds of weapons illegally and transfer those weapons to unknown third parties and stash houses.
- Operation Fast and Furious contributed to the increasing violence and deaths in Mexico. This result was regarded with giddy optimism by ATF supervisors hoping that guns recovered at crime scenes in Mexico would provide the nexus to straw purchasers in Phoenix.
- Every time a law enforcement official in Arizona was assaulted or shot by a firearm, ATF agents in Group VII had great anxiety that guns used to perpetrate the crimes may trace back to Operation Fast and Furious.
- Jaime Avila was entered as a suspect in the investigation by ATF on November 25, 2009, after purchasing weapons alongside Uriel Patino, who had been identified as a suspect in October 2009. Over the next month and a half, Avila purchased 13 more weapons, each recorded by the ATF in its database within days of the purchase. Then on January 16, 2010, Avila purchased three AK-47 style rifles, two of which ended up being found at the murder scene of U.S. Border Patrol Agent Brian Terry. The death of Border Agent Brian Terry was likely a preventable tragedy.

- Phoenix ATF Special Agent in Charge (SAC) William Newell's statement that the indictments represent the take-down of a firearms trafficking ring from top to bottom, and his statement that ATF never allowed guns to walk are incredible, false, and a source of much frustration to the agents.
- Despite mounting evidence to the contrary, DOJ continues to deny that Operation Fast and Furious was ill-conceived and had deadly consequences.

IV. The ATF Policy on Gun Interdiction: “You Don’t Get to Go Home”

ATF’s long-standing policy has been not to knowingly allow guns to “walk” into the hands of criminals. Yet DOJ and ATF used a 1989 ATF order to help justify allowing straw purchasers allegedly connected to Mexican drug cartels to illegally buy more than 1,800 weapons during Operation Fast and Furious. While this Order permits agents—at their discretion—to allow the illegal transfer of firearms to further an investigation, it does not go so far as to permit them to pull surveillance completely and allow the guns to walk.

A. The Justification for Operation Fast and Furious

FINDING: DOJ and ATF inappropriately and recklessly relied on a 20-year old ATF Order to allow guns to walk. DOJ and ATF knew from an early date that guns were being trafficked to the DTOs.

Released on February 8, 1989, ATF Order 3310.4(b) explains ATF’s Firearms Enforcement Program. The Department of Justice and ATF relied on this Order to defend Operation Fast and Furious. ATF leadership in Phoenix believed a specific clause within the Order, section 148(a)(2), justified Operation Fast and Furious and its policy to allow guns to walk. The clause reads as follows:

148. “WEAPONS TRANSFERS”

- a. Considerations. During the course of illegal firearms trafficking investigations, special agents may become aware of, observe, or encounter situations where an individual(s) will take delivery of firearms, or transfer firearm(s) to others. In these instances, the special agent may exercise the following options:

* * *

- (2) In other cases, *immediate intervention* may not be needed or desirable, and the special agent may choose to allow the transfer of firearms to take place in order to further an investigation and allow for the identification of additional conspirators who would have continued to operate and illegally traffic firearms in the future, potentially producing more armed crime.¹

¹ BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES ORDER 3310.4(b) 148(a)(2) (Feb. 8, 1989) (emphasis added).

ATF's reliance on this section of the Order is misguided. The phrase "*immediate intervention* may not be needed or desirable" does not justify a complete lack of intervention with regard to thousands of weapons illegally purchased by straw buyers allegedly linked to drug cartels. ATF cited this Order in an early briefing paper that contained the following paragraph:

Currently our strategy is to *allow the transfer of firearms to continue to take place*, albeit at a much slower pace, in order to further the investigation and allow for the identification of co-conspirators who would continue to operate and *illegally traffic firearms to Mexican DTOs* which are perpetrating armed violence along the Southwest Border. This is all in compliance with ATF 3310.4(b) 148(a)(2). It should be noted that since early December efforts to "slow down" the pace of these firearms purchases have succeeded and will continue *but not to the detriment of the larger goal of the investigation*. It should also be noted that the pace of firearms procurement by this straw purchasing group from late September to early December, 2009 defied the "normal" pace of procurement by other firearms trafficking groups investigated by this and other field divisions. This "blitz" was extremely out of the ordinary and created a situation where measures had to be enacted in order to slow this pace down in order to perfect a criminal case.²

This statement leaves little doubt that ATF felt Operation Fast and Furious was compliant with existing ATF policy. Further, it shows that DOJ and ATF knew from an early date that the firearms were being illegally trafficked to Mexican drug cartels.

Although senior ATF management cited the Order as justification for Fast and Furious, it did not pass muster with street agents. They believed that it did not permit a total lack of intervention. Agents believed they must interdict at some point if they have knowledge of an illegal firearms transfer. Yet senior management used the Order to justify the notion that ATF would completely drop surveillance of the weapons and then wait until receiving trace requests when the weapons were eventually recovered at crime scenes. Such traces would supposedly create a "nexus" between the drug cartels and the straw purchasers. The agents, however, did not agree with any interpretation of the order that would be consistent with that kind of strategy.

As Special Agent John Dodson testified:

- Q. And just so we are clear on what your understanding of the order was, and we can all obtain it and read it and have our own understanding of it, but what were you taught about what that means?
- A. That that implies when the straw purchaser makes the purchase at the counter, you don't have to land on them right there at the counter or as soon as he walks out the door, that it is okay to allow it to happen, to allow him to go with that gun under your

² Briefing Paper, ATF Phoenix Field Division, Group VII (Jan. 8, 2010) (emphasis added).

surveillance to the ultimate purchaser of it or whom he is delivering it to, or if he is taking it to a gang or a stash house or whomever, it is okay to allow it to happen, to go there, to be delivered. ***But you don't get to go home.*** You get the gun, is my understanding, what I have been taught and how in every other ATF office not only that I have been in but that I have gone like TDY to work at that that policy is implemented.

Q. So, in other words, your understanding is that there is a temporal or time limitation on how long it can be allowed to continue on its course without you intervening.

A. I think it is not so much time as it is availability of eyes on. Like if I get an agent that's on the house and we know that gun is on the house, that's still okay . . . even if it is overnight, on to the next night, the gun and bad guy are still there. We are just waiting on the guy he is supposed to deliver it to to come by and pick it up.

Q. Well, the beginning of it said in other cases immediate intervention may not be needed or desirable.

A. Correct.

Q. So are you saying that, in other words, "intervention," that doesn't mean, "no intervention ever?"

A. Correct.

Q. Just the intervention doesn't have to happen right now, ***but intervention does need to occur***, that's your understanding?

A. Yes, sir, that it is not as soon as the FFL hands the straw purchaser the gun, that's it, you can't let him leave the store with it.

Q. It is not a license to forego intervention at all?

A. Correct.³

During Operation Fast and Furious, however, ATF agents *did* go home. They did *not* get the guns. ATF simply broke off surveillance of the weapons. Yet, as Agent Dodson explains it, the Order used to justify that practice actually anticipates interdiction at some point. It does not authorize what occurred under Fast and Furious:

³ Transcribed Interview of ATF Special Agent John Dodson, Transcript at 121-123 (April 26, 2011) (on file with author) [hereinafter Agent Dodson Transcript].

More so, that line that says the agent has the discretion to allow the purchaser not – or the purchase to proceed or not, what it is trying to tell you is you don't have to effect the arrest or the interdiction right there in the store. It is telling you that you can allow it to happen until that guy leaves the store and meets with the person that he bought the gun for, then you can effect the arrest. **It is *not* telling you that you can watch this guy purchase *thousands of firearms over 18 months* and not do any follow-up on it.**⁴

B. Trained to Interdict

FINDING: ATF agents are trained to “follow the gun” and interdict weapons whenever possible. Operation Fast and Furious required agents to abandon this training.

Interdiction v. Prosecution: Prior to their assignment with Operation Fast and Furious, ATF agents were trained to interdict guns and prevent criminals from obtaining them. Interdiction can be accomplished in many ways. While prosecutors focus on gathering proof “beyond a reasonable doubt” to be presented at trial, agents begin with a standard of “reasonable suspicion.” If an agent can articulate a reasonable basis to suspect an illegal purchase, then the agent can take proactive steps to investigate, potentially develop probable cause to arrest, or prevent the illegal transfer of firearms some other way. From the agents’ point of view, a prosecution isn’t necessary in order to achieve the goal of preventing criminals from obtaining firearms. An arrest may not even be necessary. In fact, another portion of the ATF Order describes some of these other interdiction strategies:

b. Alternative Intervention Methods. In the event it is determined by the special agent that a weapons transfer should not take place, the special agent may consider *alternative methods of intervention* other than arrest and/or search warrants *that will prevent the culmination of the weapons transfer but allow the investigation to continue undetected.* These alternative methods are considered to be a course of action that must be approved by the RAC/GS or SAC as previously noted. These alternative interventions may include, but are not limited to:

(1) A traffic stop (supported by probable cause to search or supported by a traffic violation allowing for plain view observations) by a State or local marked law enforcement vehicle that would culminate in the discovery and retention of the firearms. *This would prevent the weapons transfer from fully occurring and may in turn produce new investigative leads.* Should the occupants of the vehicle be new/unknown participants in the organization under investigation, they may be fully identified

⁴ Agent Dodson Transcript, at 84.

which in turn will yield additional information for follow-up investigation. Should the occupants of the vehicle be known participants in the investigation, requesting telephone tolls for these individuals (or if a Penn Register/T-III interception order is in use) for the period shortly after the traffic stop may show calls and yield identifying information relating to the intended receivers of the firearms.⁵

Three of the special agents assigned to this operation had more than 50 years of law enforcement experience. Throughout their careers, ATF always taught them to get the guns away from criminals. When they observed signs of suspicious transactions, agents looked for ways to prevent weapons from falling into the wrong hands. Agent Dodson testified:

I can tell you this. We knew without a doubt at my old field division when someone had a case that said, hey, this guy is . . . supposed to be a straw and he is going to make this deal today, if he makes the deal, we were talking to them. I mean if we all left the office on an op for a suspected straw purchaser, that means we had, we suspected him of being a straw purchaser. Well, when he purchases, that adds to the suspicion. So he was getting talked to, either “knock and talk” or, depending on what happened or what he purchased might alter things and we might get to a higher level . . . that reasonable suspicion or probable cause. **But we were doing something. If nothing else we were putting him on notice that we were watching him, all right, and that every time he went to the gun store, we were going to be there with him, or the minute one of those guns turned up in a crime somewhere, we were coming back to talk to him, or even better, or maybe not better, but some point down the road we might be back to knock on your door and ask you, still got those guns or are you selling without a license, you better have a receipt or something to go with them to prove your point.**

The bottom line, sir, whenever a walk situation with a gun occurred . . . **nobody went home until we found it, until we got it back.** There were no ifs, ands or buts, you didn’t ask. Nobody said, “I got to make a soccer game,” [or] “I have got to pick my dog up,” nothing. Okay. If somebody said, “where is the gun,” you knew it was an all-nighter until we found it.⁶

Fast and Furious employed the exact opposite practices. ATF agents rarely talked with straw purchasers, or conducted a “knock and talk.” When guns recovered at crime scenes linked back to straw purchasers, ATF agents did not approach these straw purchasers. Agents did not

⁵ BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES ORDER 3310.4(b) 148(b)(1) (Feb. 8, 1989) (emphasis added).

⁶ Agent Dodson Transcript, at 60-61.

ask them why did they did not still possess guns they had recently sworn on a federal form were for their personal use. Instead, ATF agents stood by and watched for months as the straw purchasers bought hundreds upon hundreds of additional AK-47 variants and Barrett .50 caliber sniper rifles. ATF failed to conduct proper surveillance of the walked guns. ATF leadership in Phoenix cannot account for the location of the walked guns until they turn up at a crime scene, which may be *after* they have been used to kill or maim innocent victims on both sides of the border. Untold numbers of these weapons likely reached the DTOs in Mexico.

To the extent that these walked weapons reached the DTOs, it is a direct result of the policy decision to no longer focus on interdicting weapons as soon as possible. From the agents' perspective, that decision was the polar opposite of their understanding of the previous policy. For example, Special Agent Olindo Casa testified:

Q. And if you became aware that somebody purchased guns with the intent of transferring it to a third person, would it be your practice and experience to interdict those weapons *right away*?

A. Yes, yes.

Q. Is that your understanding of ATF policy?

A. Yes.⁷

However, under Fast and Furious in Phoenix, agents did not follow these methods. As Special Agent Lawrence Alt testified:

Q. [I]s it fair to say that if you saw a suspect, a suspicious person . . . leaving an FFL with . . . an armful of boxes that appeared to be AK-47s or like weapons, that in your experience as an agent, I mean, would you be able to interdict that?

A. That would be my normal course of action. I understand there is other strategies wherein you are trying to identify where those firearms are going to. So you might not interdict them until they are delivered, or if you have investigative measures in place to follow them, you might let them go to . . . what you believe is their ultimate destination.

But prior to my coming to Phoenix, Arizona, I had never witnessed a firearm not – I never witnessed a situation where there wasn't at least an attempt to interdict or take the firearm at some point.

⁷ Transcribed Interview of ATF Special Agent Olindo James Casa Transcript, at 18 (April 28, 2011) (on file with author) [hereinafter Agent Casa Transcript].

Q. [Y]ou might allow the suspicious person to leave the FFL with a car full of weapons, you might make a decision not to do a traffic stop right then, but is it fair to say that you would want to follow that suspect?

A. I have had experiences or been aware and involved either directly or indirectly in experiences where we knew there was illegal firearms purchases. *Follow the gun was also the motto, follow the gun, stay with the gun.*

I am aware of a couple of instances in my past where people would sit on houses all night long, days on end, waiting for the guns to go so that they could then follow it, satisfy the requirements of the investigation. . . . But I have never been involved in a situation where you would simply not do anything.⁸

This changed when the Agent Alt arrived in Phoenix.

Agent Casa recounted a similar situation. He had also never heard of, nor seen, guns being allowed to walk until he got to Phoenix:

. . . . But from the time I started as an ATF special agent . . . up until the time I got to Phoenix, that was my understanding, that *we do not let guns walk, absolutely, positively not*. And if we — if ever a case [where] we would do that, there better be a really good explanation why we did not grab that gun when we could.

Q. But that changed when you came to Phoenix, I mean the practice at least changed, correct?

A. Yes.

Q. So that occurred while you were here?

A. Yes.⁹

ATF policy is clear and unambiguous. As Agent Casa further explained:

Q. So could you — are you saying if you determine that somebody has acquired a firearm unlawfully —

A. Correct.

⁸ Transcribed Interview of ATF Special Agent Lawrence Alt, Transcript at 37-39 (April 27, 2011) (on file with author) [hereinafter Agent Alt Transcript].

⁹ Agent Casa Transcript, at 92.

Q. – ATF's policies and procedures would be to interdict that weapon?

A. Yes. Yes.¹⁰

Agent Dodson said it succinctly:

So my training and experience with ATF as well as with law enforcement prior to then essentially is *you interdicted a gun whenever you could. Guns didn't go.*¹¹

A third agent, Special Agent Peter Forcelli, spoke of the importance of interdicting these weapons:

Q. Did you have any kind of policy regarding gun trafficking, in other words . . . was your policy to interdict guns whenever possible?

A. Absolutely.¹²

Every single agent on every single prior assignment adhered to a policy to interdict weapons as soon as possible, until Fast and Furious. As one agent put it, "It's like they grabbed the ATF rulebook and threw it out the window."¹³

V. Gunwalking Defined: It's Semantics

FINDING: DOJ relies on a narrow, untenable definition of gunwalking to claim that guns were never walked during Operation Fast and Furious. Agents disagree with this definition, acknowledging that hundreds or possibly thousands of guns were in fact walked. DOJ's misplaced reliance on this definition does not change the fact that it knew that ATF could have interdicted thousands of guns that were being trafficked to Mexico, yet chose to do nothing.

The Department of Justice has repeatedly and steadfastly denied that any guns were walked under Operation Fast and Furious. According to the narrowest possible interpretation, a gun is walked only when an ATF agent physically places an AK-47 into the hands of a straw purchaser and then lets that straw purchaser walk out of sight. Conversely, every single ATF field agent interviewed stated that guns are walked when ATF has the opportunity to interdict illegally purchased weapons, yet chooses not to even try.

¹⁰ Agent Casa Transcript, at 17.

¹¹ Agent Dodson Transcript, at 19.

¹² Transcribed Interview of ATF Special Agent Peter Forcelli, Transcript, at 25 (April 28, 2011) (on file with author) [hereinafter Agent Forcelli Transcript].

¹³ Telephone interview with ATF Special Agent A.

DOJ officials must have known that straw purchasers were buying guns illegally and transferring them to third parties for trafficking across the border. This was clear, or at least should have been clear, from the following factors:

- (1) the sheer volume and frequency of the purchases,
- (2) ATF's and DOJ's communications with the cooperating gun dealers,
- (3) the contemporaneous notice dealers provided about hundreds of transactions with straw purchasers, and
- (4) notifications through the Suspect Gun Database that the firearms were being recovered in crime scenes in Mexico shortly after being purchased.

Yet, ATF failed to use this information to interdict future purchases and prevent guns from crossing the border.

Instead, ATF followed DOJ's new policy, and focused on simply trying to identify more and more members of the trafficking ring. It was a conscious decision to systematically avoid interdicting guns that normally should have been interdicted, according to the agents. Thus, the agents considered it to be gunwalking. Agent Dodson testified:

My understanding of letting something walk or defining walk is, when it was in or could have been in and quite possibly should have been in law enforcement custody, a decision is made, a conscious decision is made to not take it into custody or to release it. Then it is walked. . . . [Y]ou are talking about walking dope, walking money, walking anything else. To walk a firearm was never taught. It was what we consider a no-brainer.¹⁴

As the agent explained, ATF did not teach agents to walk firearms as such a practice was beyond comprehension. Agent Casa provided a similar understanding of gunwalking:

Now, when I talk about walking guns, my understanding is that is when a person we suspect or have probable cause that a person illegally came across guns, whatever way they came across it, and we have knowledge of it and we are there and we do not interdict those guns, we do not take those guns, we do not do any warrantless seizure based on probable cause of those guns. That would be my understanding of letting guns walk.¹⁵

Agent Forcelli defined gun walking as follows:

. . . . If you can interdict it and you don't, in my opinion you have walked it. There are times . . . we do a car stop, the person maybe

¹⁴ Agent Dodson Transcript, at 18-19.

¹⁵ Agent Casa Transcript, at 17.

bought two guns, they would have a story that was reasonable. They had a pay stub . . . that indicated they had a salary or they had a — they can articulate why they bought it. A couple times it happened. Like I said, maybe twice they went on their way. Okay.

But again . . . walking guns, in my opinion, is if you can stop it and you don't. There are some whose definition is if ATF has the gun and gives it, then we are walking it.¹⁶

Agent Alt also acknowledged two definitions of gunwalking:

So I call that the two versions of walking a gun. There is, it is a semantics issue. Some people will say that only the purest definition is walking a gun. Some people won't acknowledge that the other version is walking a gun. And I say potato, you say potato. I believe it is, my assessment, they are the same. That's it.¹⁷

Regardless of which definition one subscribes to, the two situations both warrant action. Still, DOJ and some senior ATF officials maintain that federal agents did not sanction or knowingly allow the transfer of firearms to straw purchasers. Yet, the evidence demonstrates that DOJ and ATF *were well aware* of what was happening.

Phoenix Field Division leadership did not tolerate debate or dissent from agents over terminology or strategy. Agent Dodson testified:

Q. I believe you mentioned that there was some dispute about exactly what gun walking meant.

* * *

And can you describe what the difference was, difference of opinion was?

A. Well, yes, sir. . . . Again, as I said earlier, my understanding of gun walking . . . has been something was and/or should have been, could have been in law enforcement custody. When we should have done something and it wasn't, you have let it walk.

There has to be an active decision . . . a choice is made to allow it to walk. It is not like something got away from you or you lost it. If a suspect beats you in a foot chase and he gets away, you didn't let him walk, you just lost the chase. So that's what walking is.

¹⁶ Agent Forcelli Transcript, at 33.

¹⁷ Agent Alt Transcript, at 50.

When [the Assistant Special Agent in Charge] came down to our office . . . we were told you don't know what walking is, we are not walking guns. And that's pretty much the extent of the debate, because in Phoenix there is very little debating one of the ASACs or the [Special Assistant in Charge]. So it was . . . a declaration, you don't know what walking guns is, we are not walking guns, this is all okay.¹⁸

Regardless of whether it meets a technical definition of gunwalking, the strategy was clearly ill-conceived. Instead of candidly acknowledging the facts and working to correct the problem, DOJ has withheld critical information from Congress and the public, obfuscating the issue.

VI. Concerns about Gunwalking: "What the Hell is the Purpose of This?"

ATF special agents in Group VII expressed many concerns about the strategies employed during Fast and Furious. None of the agents had ever before allowed a gun to "walk." None of the agents had even heard of allowing a gun to be "walked." The ATF academy does not teach agents to walk weapons, and the practice is abhorrent. Yet, in this operation, veteran ATF agents acted against their training and well-established ATF practice in allowing guns to walk right out of their sight. In spite of the agents' frustration and dismay, ATF leadership from Phoenix to Washington refused to acknowledge the validity of their concerns.

A. Concerns Fall on Deaf Ears and Meet Resistance

FINDING: ATF agents complained about the strategy of allowing guns to walk in Operation Fast and Furious. Leadership ignored their concerns. Instead, supervisors told the agents to "get with the program" because senior ATF officials had sanctioned the operation.

When agents learned that the tactics used in Fast and Furious required guns to be walked, many veteran special agents criticized and rebelled against the policy. These agents felt hamstrung, given that they could not use the training they had received throughout their careers. As Agent Dodson testified:

Q. Based on our training and experience, what did you think about [walking guns]?

A. It was something I had never done before, sir. And quite frankly, I took great issue with it and concern. I felt like I understand the

¹⁸ Agent Dodson Transcript, at 90-92.

importance of going after the bigger target, but there is a way to do that. We did it successfully in the dope world all the time. And those skills and practices that we used there, a lot of them transfer over, and more than applicable in gun trafficking investigations, but we weren't allowed to use any of them.

Q. And did you ever have a recollection of sharing your frustration with Special Agent Casa?

A. Oh, yes, sir.

Q. And any other special agents that you can --

A. Yes, sir.

Q. And maybe you could just tell us what other agents you --

A. Pretty much everyone, sir. It was, I shared my reservations and concerns with Special Agent [L], with Dave Voth, with Special Agent [D] Special Agent [H], Special Agent Alt, Special Agent [P], several of the special agents that came on the GRIT, G-R-I-T. The gunrunner initiative is what it stands for. I shared them with or I voiced my concerns to other agents inside the Phoenix field division that was on other groups.¹⁹

Agents felt compelled to speak up within days after joining Group VII. Agents complained to their superiors, to no avail. The agents, new to Phoenix, had to comply:

Q. So the special agents in Group 7 objected to this amongst themselves. And at what point did feedback start to get communicated up the chain, whether it was to the case agent, Special Agent [L], or Group Supervisor Voth?

A. Oh, it was *almost immediately* before we had . . . Special Agent Casa and I had taken it up with Special Agent [L], Special Agent [D], and as well as Group Supervisor Voth.²⁰

Having launched an innovative strategic plan, ATF senior leadership at Phoenix was excited at the prospect of a new way of combating drug cartel activity. ATF and DOJ leadership both approved of this plan. As such, ATF Phoenix leadership were loathe to let disgruntled field agents scuttle their signature achievement. In this matter, a great divide developed between those who knew walking guns was a bad policy and vehemently spoke out against it, and those who believed walking guns was an effective policy.

¹⁹ Agent Dodson Transcript, at 40-41.

²⁰ Agent Dodson Transcript, at 42.

A widely discussed e-mail from Group VII Supervisor David Voth best summarizes the divide that had emerged in Group VII, with senior special agents on one side, wanting to stop the operation, and those in the ATF chain of command on the other, wanting to continue the gun walking:²¹

It has been brought to my attention that there may be a schism developing amongst the group. This is the time we all need to pull together not drift apart. We are all entitled to our respective (albeit different) opinions however we all need to get along and realize that we have a mission to accomplish.

I am thrilled and proud that our Group is the first ATF Southwest Border Group in the country to be going up on wire. On that note I thank everyone for their efforts thus far and applaud the results we have achieved in a short amount of time.

Whether you care or not people of rank and authority at HQ are paying close attention to this case and they also believe we (Phoenix Group VII) are doing what they envisioned the Southwest Border Groups doing. It may sound cheesy but we are "The tip of the ATF spear" when it comes to Southwest Border Firearms Trafficking.

We need to resolve our issues at this meeting. I will be damned if this case is going to suffer due to petty arguing, rumors or other adolescent behavior.

I don't know what all the issues are but we are all adults, we are all professionals, and we have a exciting opportunity to use the biggest tool in our law enforcement tool box. If you don't think this is fun you're in the wrong line of work – period! This is the pinnacle of domestic U.S. law enforcement techniques. After this the tool box is empty. Maybe the Maricopa County Jail is hiring detention officers and you can get paid \$30,000 (instead of \$100,000) to serve lunch to inmates all day.

Despite this e-mail, agents continued to experience dismay and frustration as Operation Fast and Furious continued along its perilous path. As Agent Casa testified:

- Q. And is it fair to say that . . . the folks on your side of the schism wanted to do everything they could to interdict these weapons so they wouldn't get any farther down the street than they have to?
- A. Yes, sir. We were all sick to death when we realized that – when we realized what was going on or when we saw what was going on by the trends. We were all just, yes, we were all distraught.²²

The rift widened when the Assistant Special Agent in Charge (ASAC) authoritatively and unambiguously told Group VII that guns were not being walked, that the special agents were incorrect in their terminology, and that there would be no more discussion or dissension about this topic. Agent Dodson testified:

- A. Then we get an e-mail that . . . there is going to be a meeting. [the ASAC] is coming down, [the ASAC] comes into the Group 7 office and tells us essentially we better stand down with our complaints, that we didn't know what the definition of walking

²¹ Email from Group VII Supervisor David Voth to Phoenix Group VII (Mar. 12, 2010).

²² Agent Casa Transcript, at 41.

guns was, we weren't familiar with the Phoenix way of doing things, that *all of this was sanctioned* and we just needed to essentially shut up and get in line. That's not a quote, but that's the feel of the meeting, so . . .

Q. Do you remember approximately when that occurred?

A. It was right after we went to the Group 7 building, so it had to be late February, early March 2010.²³

Even some - outside Group VII - with reservations about the practice, indicated that they gave them the benefit of the doubt because the case was being supervised by the U.S. Attorney's office. Agent Forcelli testified:

And I expressed concern . . . about that. And I believe some of those guns were purchased historically. It wasn't like 1200 were watched to go, but apparently they weren't interdicting either. And his response was . . . if you or I were running the group . . . it wouldn't be going down that way and that **the U.S. Attorney is on board, and it was Mr. [Emory] Hurley, and they say there is nothing illegal going on.**²⁴

B. Tragic, Yet Foreseeable Results

FINDING: Agents knew that given the large numbers of weapons being trafficked to Mexico, tragic results were a near certainty.

Since Group VII agents were instructed not to interdict as early and as often as they believed they should, the agents quickly grasped the likelihood of tragic results. Agent Alt testified:

Q. At any point in time did you have communications that . . . this is going to end terribly, there is going to be deaths?

A. I know that was talked about . . . the probability of a bad situation arises with the number each - as the number of firearms increases, meaning firearms that are out and outside of our control in this environment with this type of a case, which we are talking about a firearms trafficking case, southwest border firearm trafficking case, I only hope the case agent knows where they are going. But they are out there and they are not accounted for by us, at least that I am aware of. So there is certainly a greater probability and a greater liability.

²³ Agent Dodson Transcript, at 44.

²⁴ Agent Forcelli Transcript, at 36.

I can tell you that as early as June of last year I predicted to some of my peers in the office that we would be sitting right where we are today in this room.

Q. Speaking with Congressional investigators?

A. That this would be in front of a Congressional investigation. And I was in agreement with Agent Dodson that someone was going to die. And my observations in the office were there was an overwhelming concern, *even amongst those persons on the other side of the schism*, if I can use that term, that something bad was going to happen.

* * *

Q. And is it fair to say that anxiety is heightened because of the possibility of some of these guns getting into the hands of criminals and being used against your fellow law enforcement agents?

A. Yes. And it is not even the possibility, because we know that they were procured unlawfully. So if we know that from the beginning, they are already in the hands of criminals, so now we are simply dealing with what is the consequence of that.²⁵

The most frustrating aspect of the gunwalking policy for the agents was that they believed they *could* have interdicted and stopped the guns from walking.

When agents arrived in Phoenix in December 2009, they believed there was *already* enough information to arrest the straw purchasers, try to flip them, and begin working up the chain with an eye toward “bigger fish” in the organization. Yet, the fall of 2009 brought a remarkable departure from the normal practice of interdiction. ATF’s strategy explicitly stated that it would allow straw purchasers to buy weapons, and that’s exactly what happened. Agent Dodson testified:

Q. With the new resources in Group 7 in the fall of ‘09 . . . you talked about some of the special agents that were joined, if all of you had interdicted the weapons as you saw them, what percentage do you think you could have prevented from sort of entering the stream . . . if you read the press accounts of this, it is somewhere along the lines of 2,000 firearms have disappeared. How many do you think you and your colleagues would have been successful to interdict? Is it 10 percent, 50 percent?

²⁵ Agent Alt Transcript, at 120-122.

- A. Well, the question is kind implausible, sir. . . . When we hit the ground in Phoenix, say, and the original 40 straw purchasers were identified, and I can't remember if it is 240 or 270 guns that they knew at that point that these guys were responsible for, you take, you minus that 270 from the estimate of 2,000, and whatever you have left is what we could have prevented.

Because we should have landed on every one of those people the minute that we hit here. And the ones that we landed on that we couldn't make cases on, at least they would have been on notice that we were watching and they would have stopped buying, or every time they did, the flag went up and we could have been on them then.

And of all the ones that we didn't land on, several of them would have spoken to us, a couple of them even maybe would have worked for us as a confidential informant or sources, which is how you climb the ladder in an investigation into an organization. Sitting back and watching isn't it. Okay? If you are watching a TV show at that point of the wire, you are not doing your job. Your job is to get out here and make a difference. And we could have done it when we hit the ground. So what are we talking? *1730, to answer your question*, is my opinion of how many of these firearms that we could have and should have prevented from ever being purchased by these individuals and subsequently trafficked to known criminals or cartel elements south of the border and elsewhere.

- Q. And is it fair to say if you started stopping these straw buyers as soon as they left [the gun dealers], is it fair to say that perhaps the drug trafficking organizations that they worked for would realize we got to get out of Phoenix, we have got to go to Dallas, we have got to go somewhere else, because Phoenix now has these new resources and they are catching us?
- A. Right, if not, come up with an entirely new alternative way to get their weapons. If we shut down the whole straw purchasing scenario here in Phoenix, or significantly hurt it to the point where it is not advantageous for them to do so, you figure, if they are paying \$600 for an AK or AK variant, all right, for every one that they buy we are taking off ten of them, okay, that's, I mean in any business sense that's not a good idea. Ultimately you are paying \$6600 for one AK at that point. Am I correct?²⁶

²⁶ Agent Dodson Transcript, at 61-63.

Unfortunately, the agents' complaints fell on deaf ears. As one ASAC noted, the policy and Operation had been sanctioned. For many of the agents, the operation only fueled their outrage. According to the agents, the operation failed to use their investigative strengths, honed over dozens of years in law enforcement. Agents saw the whole operation as pointless, a poor way to operate, and above all, dangerous. Agent Dodson testified:

- Q. Can you be more specific about the instances in which you were told not to use those techniques?
- A. Oh, certainly. Well, every time we voiced concerns, every time we asked the question. And this is so hard to convey because I understand you guys weren't there, you didn't live it. But every day being out here watching a guy go into the same gun store buying another 15 or 20 AK-47s or variants or . . . five or ten Draco pistols or FN Five-seveNs . . . guys that don't have a job, and he is walking in here spending \$27,000 for three Barrett .50 calibers at . . . walks in with his little bag going in there to buy it, and you are sitting there every day and you can't do anything, you have this conversation every day.

You asked me . . . a specific time where you voiced where you want to do this. Every day, all right? It was like are we taking this guy? No. Why not? Because it is not part of the plan, or it is not part of the case. [Agent L] said no, Dave said no, [Agent E] said no. *What are we doing here? I don't know. What the hell is the purpose of this? I have no idea.* This went on every day.²⁷

DOJ and ATF determined that the goal of making the big case was worth the risk of letting hundreds and hundreds of guns go to criminals in the process. This conclusion was unacceptable to the agents on the ground carrying out these direct orders. The agents knew they were facilitating the sale of AK-47 variants to straw purchasers. Supervisors ignored complaints and retaliated against agents who did complain by transferring them out of ATF Phoenix Group VII. As Agent Dodson recalled:

- Q. [A]t any point in time do you have a recollection of commiserating with your colleagues, whether it was Special Agent Casa, whether it was Special Agent Alt, or some of the other special agents that were on sort of your side of the schism, for lack of a better word? Do you ever recall saying . . . good grief, if we had just snatched these guns at the FFLs we wouldn't even be in this situation?
- A. Oh, yes, sir, and not only with people on my side of the schism. I mean this was why I was, I mean I guess we will get to this later, but why I am no longer in Group 7, is because I addressed it with, or primarily with those on the other side of the schism.

²⁷ Agent Dodson Transcript, at 113.

* * *

- Q. And is it fair to say at this point you are outraged?
- A. Outraged and disgusted, however else you want to look at it.
- Q. And is it fair to say that part of your outrage is because . . . needless deaths are possibly occurring?
- A. Oh, very much so, sir.
- Q. That countless number of crimes are being perpetrated with these weapons that you and your colleagues may have facilitated –
- A. Yes.²⁸

C. *Catastrophe Becomes Reality*

This agent's fear and outrage were realized by the death of Border Patrol Agent Brian Terry, a member of the U.S. Border Patrol Tactical Unit, as well as the almost certain deaths of countless Mexican citizens killed and the unknown amount of other crimes with weapons stemming from Fast and Furious. In Fast and Furious, ATF wanted to design a unique way to pursue the drug cartels. ATF and DOJ failed spectacularly to consider resulting negative outcomes. As Agent Dodson noted:

Well, sir, if I may, and first of all, please everyone understand, I am not on either, or either side of this political spectrum, nor do I want to be. And quite frankly, it is unfathomable to me how both sides or any person isn't completely livid about what we have been doing here. **I cannot see anyone who has one iota of concern for human life being okay with this**, and being willing to make this go away or not hold the people that made these decisions accountable. I don't understand it. And again, none of you owe me an explanation, that's just my personal opinion.²⁹

VII. Witnessing Gunwalking: "We Did Not Stop Them."

Fast and Furious required agents to stand down, ignoring their training and professional instincts. Allowing guns to fall into the hands of the DTOs was the Operation's central goal. Even when agents were able to interdict weapons, they received orders to stand down.

²⁸ Agent Dodson Transcript, at 57-58.

²⁹ Agent Dodson Transcript, at 101.

A. Watching Guns Walk

FINDING: Agents expected to interdict weapons, yet were told to stand down and “just surveil.” Agents therefore did not act. They watched straw purchasers buy hundreds of weapons illegally and transfer those weapons to unknown third parties and stash houses.

During their interviews, several agents offered detailed descriptions of their observations of suspected straw purchasers entering FFLs to purchase enormous quantities of assault rifles. Following orders, they did not intervene. Agent Dodson remembered:

Q. You got a guy that had purchased . . . **40 different AKs in the past two months** and . . . five or ten of them had already returned in time to crime. **So I thought here we go, we are going to start interdicting people.**

We – they would go in and buy another five or ten AK variants or . . . five or ten FN Five-seveN pistols at a time, and come out. We would see it. We would know . . . that whatever standard of reasonable suspicion or probable cause was met, and we were landing on somebody before the end of the day. **But that didn’t happen.**

Q. And that’s something you realized how early in your fieldwork, first or second day?

A. Oh, yes, sir. I mean first or second day you are starting to question why aren’t we doing this. And then by the end of the week it was . . . frustration already as to how many guns have we watched these guys get away with.

Q. In your first week, can you make an estimate of how many guns you saw get loaded into a vehicle and driven away? I mean, are we talking like 30 or one?

A. Probably 30 or 50. It wasn’t five. There were five at a time. These guys didn’t go to the FFLs unless it was five or more. And the only exceptions to that are sometimes the Draco, which were the AK variant pistols, or the FN Five-seveN pistols, because a lot of FFLs just didn’t have . . . 10 or 20 of those on hand.³⁰

³⁰ Agent Dodson Transcript, at 33-34.

Witnessing, but not contacting, straw purchasers buying weapons from FFLs became common practice for Group VII field agents in Phoenix. Agents sometimes conducted minimal surveillance following the purchases. Sometimes they conducted no surveillance. As Agent Dodson testified:

We witnessed one of the individuals . . . the known straw purchasers arrive, go in. Sometimes one of us would actually be inside the FFL behind the counter. Sometimes if we had enough lead way we would go to the suspect's house and follow him from there to the FFL, or to a meeting . . . just prior to and see an exchange.³¹

Typically, agents ended surveillance of both the guns and the straw purchasers. Agent Alt testified:

Watched and/or was aware – I shouldn't say watched – was aware that purchasers were routinely making purchases . . . at least in one case suspects who were known to be purchasing for other people were buying firearms with funds that were known to come from other people. And those firearms were not interdicted. Those firearms often went to a house or a place, and then surveillance was terminated there. So the disposition of the particular firearm may or may not have been known.

Q. And did that happen frequently?

A. Yes.³²

B. Ordered to Stand Down

Superiors specifically ordered field agents to “stand down” despite establishing probable cause that a straw purchase had occurred. Agent Casa testified:

Q. And you were instructed or under orders from the case agent and group supervisor to do what, to do nothing?

A. Well, when I would call out on surveillance, yes, I was advised do not – I would ask do we want to do a traffic stop, do we want to – I will throw another definition, you guys have probably heard this. I am sorry, guys. I don't know what you heard or didn't. It is called “rip.” It is a slang for saying we are going to do a warrantless seizure of those firearms once we establish probable cause.

³¹ Agent Dodson Transcript, at 39.

³² Agent Alt Transcript, at 50.

Yeah . . . one of those days I called the case agent on the Nextel, said, hey . . . our straw purchaser, one of our targets has transferred the guns, he is driving south. This unknown person that just got delivered the firearms probably . . . all intents and purposes gave the straw purchaser the money to buy the guns had all the guns and he is going north. Hey, why don't we go ahead and stop that vehicle, rip the guns, and you can do what you want, we can arrest them. We don't have to arrest them. But we will grab the guns. And they said no. And I said this person is an unknown person. Well, you got the license plate. Well, it can be, that car could be registered to anybody, we don't know who that person is, let's at least do a vehicle stop so we can ID the person so maybe later we could get the guns back. *No, just surveil.*³³

Agent Forcelli recounts that situation from a different point of view:

Well, as I said, there was that GRIT, people at command. And there was an instance where an agent was yelling over the radio. . . . There were a bunch of people milling around. And we heard an agent that sounded like he was in distress.

And what happened was he was attempting to do a car stop. And we heard a female agent . . . telling him to stand down and not do the car stop. I later found out there were guns in the car and that the agent felt distressed because they had made him on the surveillance. So to let the guns go, it doesn't make any sense to me if you are burned.

Q. Do you know who the agent was?

A. Yes. It was Agent Casa.

Q. And so you specifically yourself heard him on the radio saying something to the effect I want to go get these guns now?

A. Yeah. And again, the reason, being a cop for so long you hear so many things on the radio, but you always can tell when somebody is in distress by the tone of their voice. As a cop you start racing to the scene before you actually hear the call. This was a similar instance, where you can tell by the tone of his voice something wasn't right.

Later on I spoke with him. And he said that a car had almost come at him. That's how aggressive they had become during the surveillance. And that's why he was so excited on the radio. But

³³ Agent Casa Transcript, at 41-43.

he was told to not stop the car with the guns in it, which to me makes no sense.³⁴

Agent Dodson described the situation:

I remember one time specifically we had been following this individual for so long to so many places that day . . . money pickups, gun drops, FFLs, and he got into an area of the city and he just started doing crazy [Ivans] . . . [like] unexplainable U-turns. He is doing heat runs, trying to burn surveillance, whatever cliché you want to use.

So we knew we were made. Okay? We are made. He knows we are following. He knows we have been following him for awhile and we haven't done anything. We have to do something. I mean you have to do – we have to pull him over. We have to interact with him at some point. If not, he is always going to wonder, well, why are you following me. At least, for no other reason than a ruse, pull him over because . . . he did that illegal U-turn and whatever we need.

We did it when I worked dope all the time. If they made surveillance, what did you do? Hey, there's an armed robbery back there, you guys match the description. No, you are not them. All right, later. And then we don't heat them up too bad. We weren't allowed to do that, not even for a ruse situation. **I mean there is a verbal screaming match over the radio about how . . . what are you talking about? There is no better time or reason to pull this guy over than right now.**

Q. So, in other words, whatever arguments might have been made before with regard to the specific instance that you are referring to about the utility of letting them continue their operations without knowing that you are onto them so that you can then follow and see where it goes, all those arguments go away at the point they made the fact they are being surveilled, right?

A. Correct.³⁵

Unfortunately, ordering special agents to “stand down” when they planned to interdict guns became the norm. As Agent Dodson testified:

Q. Can you recollect a time when you were conducting surveillance on an FFL and you saw firearms being loaded into a car when you

³⁴ Agent Forcelli Transcript, at 60-62.

³⁵ Agent Dodson Transcript, at 116-117.

said to your colleague we got to go, we got to go seize this now, I understand the direction we have been given, but this is bad stuff, these are bad people, we need to go just --

A. Yes, sir.

Q. And did you ever do that?

A. No, sir. We were, at the time, one of the incidents that I recall specifically, Special Agent [D] was in the wire room at the time. We had been directed by both case agent and group supervisor that absent both of them, she is in charge. When we were communicating the interdiction that we were going to make over the radio, she, monitoring the radio traffic in the wire room, came back over and ordered us to stand down.

I debated this with her, probably far more lengthy than I should have over the radio, and again ultimately was just ordered to stand down. There were actually more than one of these discussions with her and Group Supervisor Voth, as well as with Special Agent [L], when *I thought we had a duty to act, that that was nonfeasance on our part by not doing so*. And each time I was . . . told to stand down and somewhat reprimanded afterwards for voicing it.³⁶

Other agents had similar experiences in being told to stand down. Agent Casa remembered:

And a situation would arise where a known individual, a suspected straw purchaser, purchased firearms and immediately transferred them or shortly after, not immediately, shortly after they had transferred them to an unknown male. And at that point I asked the case agent to, if we can intervene and seize those firearms, and I was told no.³⁷

These were not isolated incidents. Group VII members discussed, debated, and lamented walking guns on a daily basis, but the practice continued. Agent Casa testified:

Q. And what did you observe during your surveillance?

A. [I] observed suspected straw purchasers go to area federal firearms licensees, FFLs, go into the store, walk out with a large number of weapons, get into a vehicle, drive off.³⁸

³⁶ Agent Dodson Transcript, at 45–46.

³⁷ Agent Casa Transcript, at 33.

³⁸ Agent Casa Transcript, at 29.

C. "We Were Walking Guns. It was Our Decision."

As all of the accounts from numerous ATF agents demonstrate, ATF intentionally and knowingly walked guns. One of the ASACs in Phoenix reported that this policy was "sanctioned." To allow these guns to be bought and transferred illegally was a conscious and deliberate decision, not merely by failing to take action to interdict, but also by giving the green light to gun dealers to sell to known straw purchasers. By sanctioning the purchases even after dealers expressed concerns, ATF agents said they were actually facilitating the transactions:

Q. And essentially you witnessed guns walk; that was not consistent with your training and experience?

A. Sir . . . by the very definition of allowing them to walk, if I witnessed guns walk, that means it is another agency's operations. If I go help another agency and this is their op, then I witnessed guns walk.

We were walking guns. It was our decision. We had the information. **We had the duty and the responsibility to act, and we didn't do so.** So it was us walking those guns. We didn't watch them walk, we walked.³⁹

Agent Dodson later explains the consequences:

Q. That countless number of crimes are being perpetrated with these weapons that you and your colleagues may have facilitated --

A. Yes.

Q. -- moving into the hands of the bad guys?

A. Yes, sir. **I would argue that it wasn't a "may have facilitated." It was facilitated.** These FFLs wouldn't have made these purchases. I mean they addressed their concerns to, I mean to ATF both formally as well as to us when we were inside getting copies of the forms, that this whole --

The genesis of this case was when they were calling in these people that they knew. **This guy comes in, buys 10, 15, 20 AKs or . . . a 22-year-old girl walks in and dumps \$10,000 on . . . AK-47s in a day, when she is driving a beat up car that doesn't have enough metal to hold hubcaps on it. They knew what was**

³⁹ Agent Dodson Transcript, at 41.

going on. The “may have facilitated” to me is kind of erroneous. We did facilitate it. How are we not responsible for the ultimate outcome of these [g]uns?⁴⁰

VIII. Collateral Damage: A Fast and Furious Inevitability

An increase of crimes and deaths in Mexico caused an increase in the recovery of weapons at crime scenes. When these weapons traced back through the Suspect Gun Database to weapons that were walked under Fast and Furious, supervisors in Phoenix were giddy at the success of their operation.

A. Increasing Volume Equals Increasing Success

FINDING: Operation Fast and Furious contributed to the increasing violence and deaths in Mexico. This result was regarded with giddy optimism by ATF supervisors hoping that guns recovered at crime scenes in Mexico would provide the nexus to straw purchasers in Phoenix.

Since ATF supervisors regarded violence and deaths in Mexico as inevitable collateral damage, they were not overly concerned about this effect of the Operation. Quite the opposite, they viewed the appearance of Fast and Furious guns at Mexican crime scenes with *satisfaction*, because such appearances proved the connection between straw purchasers under surveillance and the DTOs. For example, Group VII Supervisor David Voth eagerly reported how many weapons their “subjects” purchased and the immense caliber of some of these guns during the month of March alone:

⁴⁰ Agent Dodson Transcript, at 59.

From: Voth, David J.
Sent: Friday, April 02, 2010 10:31 AM
To: [REDACTED]
Cc: Phoe-Group VII
Subject: No pressure but perhaps an increased sense of urgency .

MEXICO STATS

958 killed in March 2010 (Most violent month since 2005)

937 killed in January 2010

842 killed in December 2009

SINALOA - MARCH STATISTICS

187 murders in March, including 11 policemen

I hope this e-mail is well received in that it is not intended to imply anything other than that the violence in Mexico is severe and without being dramatic we have a sense of urgency with regards to this investigation. Our subjects purchased 359 firearms during the month of March alone, to include numerous Barrett .50 caliber rifles. I believe we are righteous in our plan to dismantle this entire organization and to rush in to arrest any one person without taking in to account the entire scope of the conspiracy would be ill advised to the overall good of the mission. I acknowledge that we are all in agreement that to do so properly requires patience and planning. In the event however that there is anything we can do to facilitate a timely response or turnaround by others we should communicate our sense of urgency with regard to this matter.

Thanks for everyone's continued support in this endeavor,

David Voth
Group Supervisor
Phoenix Group VII

The agents within Group VII described Voth's reaction to all this gun violence in Mexico as "giddy."⁴¹ In addition to this e-mail, private conversations they had with Voth gave them the impression that Voth was excited about guns at Mexican crime scenes subsequently traced back to Fast and Furious. Agent Dodson explains:

Q. Then there is an e-mail that was on CBS news that I made notes about written on April 2, 2010 by Group Supervisor Voth?

A. Yes, sir.

Q. And he reported that our subjects purchased 359 firearms during March alone.

A. Yes, sir.

Q. That there were 958 people killed in March of 2010.

⁴¹ Agent Dodson Transcript, at 118.

A. Yes, sir.

Q. And he was . . . he was essentially trumpeting up the violence that was occurring as a result of an ATF sanctioned program, is that correct?

A. Agent or Group Supervisor Voth took that, or the way that he presented that to us was look here, this is proof that we are working a cartel, the guns that our guys are buying that we are looking at are being found, are coming back with very short time to crime rates in Mexico in known cartel related violence, and the violence is going through the roof down there, we are onto a good thing here.

Q. The e-mail further goes on and says there was 937 killed in January 2010, 842 killed in December, 2009. The numbers are increasing?

A. Yes, sir.⁴²

This evidence established a nexus between straw purchasers in the United States and the DTOs in Mexico, bringing ATF one step closer to catching the “bigger fish.” This strategy of letting the “little fish” go in order to capture the “bigger fish” was the ultimate goal of Phoenix Group VII. As Agent Dodson explained:

Q. Okay. So earlier we were discussing an e-mail that . . . was describing from Mr. Voth where he appears to present the crimes in Mexico. You said something to the effect that he was, he was presenting the guns being recovered in Mexico as proof that you were watching the right people.

A. Correct.

Q. And that the increasing levels of violence were proof you were on the right track, essentially.

I just wanted to clarify. Is that, when you were saying those things, was that your reading of his e-mail, or do you recall other conversations that you had with him outside of the e-mail that . . . this was evidence that you were on the right track?

A. Well, both. I get that impression from reading his e-mail, but perhaps I get that impression because of knowing him how well I did.

⁴² Agent Dodson Transcript, at 56-57.

There were several instances. Whenever he would get a trace report back . . . *he was jovial, if not, not giddy, but just delighted about that, hey, 20 of our guns were recovered with 350 pounds of dope in Mexico last night. And it was exciting.* To them it proved the nexus to the drug cartels. It validated that . . . we were really working the cartel case here.⁴³

Agent Alt described in great detail his disgust at the self-satisfaction of ATF leadership for sending guns into what they knew to be a war zone. He also expounded on his view that the Group Supervisor should have been more concerned with those deaths in Mexico rather than with motivating his team. He testified:

Why then do we stand by and try to motivate agents to do something more to stem the homicides . . . with no further mention on the homicides and correlate that with the number of guns recovered in Mexico in a given month, when we should be saying how many of those guns left this state that we knew about in relationship to our cases in conjunction with these murders? That didn't happen.⁴⁴

B. “You Need to Scramble Some Eggs”

According to the ATF agents, their supervisors in Phoenix were sometimes shockingly insensitive to the possibility the policy could lead to loss of life. Agent Dodson explained:

Q. [S]omebody in management . . . used the terminology “scramble some eggs.”

A. Yes, sir.

Q. If you are going to make an omelette you have got to scramble some eggs. Do you remember the context of that?

A. Yes, sir. It was – there was a prevailing attitude amongst the group and outside of the group in the ATF chain of command, and that was the attitude. . . . I had heard that . . . sentiment from Special Agent [E] Special Agent [L], and Special Agent Voth. And the time referenced in the interview was, I want to say, in May as the GRIT team or gunrunner initiative team was coming out. I was having a conversation with Special Agent [L] about the case in which the conversation ended with me asking her are you prepared to go to a border agent's funeral over this or a Cochise County

⁴³ Agent Dodson Transcript, at 117-118.

⁴⁴ Agent Alt Transcript, at 174.

deputy's over this, because that's going to happen. And the sentiment that was given back to me by both her, the group supervisor, was that . . . if you are going to make an omelette, you need to scramble some eggs.⁴⁵

C. *An Inevitable and Horrible Outcome*

The increasing number of deaths along with the increasing number of Fast and Furious guns found at Mexican crime scenes evoked a very different reaction among the line agents. They had great anxiety about the killings across the border. Their concern focused on reports of shootings and assaults of law enforcement officials. They worried openly of the consequences of walked weapons used to shoot a police officer.

This worst-case scenario came to fruition when United States Border Patrol Agent Brian Terry was murdered and two "walked" AK-47 rifles were found at the scene of the murder. Agent Forcelli described the mood following the Terry murder:

Q. Do you recall any specific conversations that you had about after, after learning that . . . two of the guns at the scene had been traced back to the Fast and Furious case?

A. [T]here was kind of a thing like *deja vu*, hey, we have been saying this was going to happen. The agents were pretty livid and saying exactly that. We knew. How many people were saying this was going to happen a long time before it did happen?

And then there was a sense like every other time, *even with Ms. Giffords' shooting, there was a state of panic*, like, oh, God, let's hope this is not a weapon from that case. And the shooting of Mr. [Zapata] down in Mexico, I know that, again, that state of panic that they had, like please let this not come back.

This was an embarrassment . . . that this happened to the agent, tragic. I mean my heart goes out to this family. I lost colleagues, and I couldn't imagine the pain they were going through. And it made it painful for us, even those not involved in the case, to think ATF now has this stain.⁴⁶

Agent Alt explained the process by which ATF learned that weapons were being trafficked into Mexico.

Q. But how would you identify that they ended up in Mexico?

⁴⁵ Agent Dodson Transcript, at 135-136.

⁴⁶ Agent Forcelli Transcript, at 127-128.

- A. Well, there is a variety of ways. One . . . you would identify where they are going by virtue of recoveries that are happening in crimes or interdictions. . . . So you identify that they are going south. And I think then the strategy, if I understand it, is that the firearms are then, once . . . they are going south, you try and follow them and figure out where they are going and to who they are going to tie to a greater organization and more people, identify the hierarchy of the organization. That's the strategy.

And I don't know how you perfect a case doing that when you don't have the guns. . . . But the strategy to me would have to be that there has got to be some measure of accounting or follow-up as to where they end up.⁴⁷

The notion that these guns moved into Mexico and aided the drug war distressed the ATF field agents, including Agent Casa:

- Q. It was a likely consequence of the policy of walking guns that some of those guns would wind up at crime scenes in Mexico?
- A. Yeah.
- Q. And is it fair to say that some, if not many, of these crime scenes would be where people would be seriously injured or possibly killed?
- A. Of course.
- Q. **So is it a fair, predictable outcome of the policy that there would be essentially collateral damage in terms of human lives?**
- A. **Sure.**⁴⁸

Agent Casa also emphasized that those who planned and approved Operation Fast and Furious could have predicted the ensuing collateral violence:

I feel for the family of Agent Terry, I feel for his death. . . . I don't know how some of the people I work with could not see this was going to be an inevitable outcome, something like this happening. And I don't know why they don't think that six months from now this won't happen again, or a year from now, a year and a half from now.

⁴⁷ Agent Alt Transcript, at 160-161.

⁴⁸ Agent Casa Transcript, at 126-127.

But I don't know the exact number of guns that were put out into the streets as a result of this investigation. But they are not going to disintegrate once they are used once. They are going to keep popping up over and over and over.⁴⁹

D. The Pucker Factor

FINDING: Every time a law enforcement official in Arizona was assaulted or shot by a firearm, ATF agents in Group VII had great anxiety that guns used to perpetrate the crimes may trace back to Operation Fast and Furious.

The design defect of Fast and Furious was its failure to include sufficient safeguards to keep track of thousands of heavy-duty weapons sold to straw purchasers for the DTOs. ATF agents did not maintain surveillance of either the guns or the straw purchasers. The guns were therefore lost. The next time law enforcement would encounter those guns was at crime scenes in Mexico and in the United States. However, because ATF had contemporaneous notice of the sales from the gun dealers and entered the serial numbers into the Suspect Gun Database, agents were notified whenever a trace request was submitted for one of those walked guns. As Agent Alt testified:

Q. [A] little bit earlier you talked about a level of anxiety, the anxiety among the agents, perhaps even the supervisors, relating to weapons that are found at crime scenes. There was a death, there is a murder scene in Mexico. There is a trace that comes in of some kind, and the weapon is then connected to a weapon that may have been one of the weapons that were walked. . . . Is that accurate?

A. Yes. I used the word anxiety. The term I used amongst my peers is pucker factor.

* * *

Q. Pucker factor, precisely. But that's what it is relating to? I am saying that correctly, right?

A. Yes.

Q. And this pucker factor, in your view, is related to a gun showing up at a crime scene, right, a murder scene, someone gets killed, et cetera?

⁴⁹ Agent Casa Transcript, at 127-128.

A. Absolutely.

Q. [B]ut isn't that crime scene also the reason or the place that permits us to trace the gun? In other words, once the gun is walked, let's say it walks south, isn't the only other information we are ever going to get about that gun, isn't that going to come from a crime scene?

A. Most likely, unless we have some resource in place down there, whether it be an informant or an undercover or an agent or something telling us where those guns end up.

* * *

Q. **So assuming for a second that that does not exist because we don't have any evidence to speak of, the only way we are going to see this firearm that was let go --**

A. **Is a crime recovery.**

Q. Crime gun recovery --

A. That's correct.

Q. -- which would be either in the pocket of a person caught for some other offense or very likely at a shooting?

A. Most of the Mexican recoveries are related to an act of violence.

* * *

Q. But so typically the recovery will have evolved around a serious injury or gun related?

A. Or about drug related.

Q. But someone is either dead or hurt or both or something frequently?

A. Yes . . . there is a lot of violence, and guns are recovered with respect to the violence. A lot of your big seizures of the guns, though, the big seizures of the guns, mass is usually in conjunction of seizures of other things.

* * *

My opinion is the last portion of your statement is spot on, you have to accept that there is going to be collateral damage with regard to that strategy. **You can't allow thousands of guns to go south of the border without an expectation that they are going to be recovered eventually in crimes and people are going to die.**⁵⁰

IX. The Tragic Death of U.S. Border Patrol Agent Brian Terry

FINDING: Jaime Avila was entered as a suspect in the investigation by ATF on November 25, 2009, after purchasing weapons alongside Uriel Patino, who had been identified as a suspect in October 2009. Over the next month and a half, Avila purchased 13 more weapons, each recorded by the ATF in its database within days of the purchase. Then on January 16, 2010, Avila purchased three AK-47 style rifles, two of which ended up being found at the murder scene of U.S. Border Patrol Agent Brian Terry. The death of Border Agent Brian Terry was likely a preventable tragedy.

Fast and Furious has claimed the life of an American federal agent. Late in the evening of December 14, 2010, Border Patrol Agent Brian Terry, a native of Michigan, was on patrol with three other agents in Peck Canyon, near Rio Rico, Arizona. One of the agents spotted a group of five suspected illegal aliens; at least two were carrying rifles. Although one of the border patrol agents identified the group as federal agents, the suspected aliens did not drop their weapons. At least one of the suspected aliens fired at the agents, who returned fire. Agent Terry was struck by on bullet that proved to be fatal.⁵¹

Most of the suspected aliens fled the scene, though one of them, Manuel Osorio-Arellanes, had been wounded and was unable to flee. A slew of federal agents from a variety of agencies arrived at the scene and the authorities' recovered three weapons from the suspects, who had dropped their rifles in order to flee the scene faster. Two of those recovered weapons were AK-47 variant rifles that had been bought on January 16, 2010 by straw purchaser Jaime Avila during Operation Fast and Furious. Avila was entered as a suspect in the investigation by ATF on November 25, 2009. This occurred after he purchased weapons with Uriel Patino, a straw buyer who had previously been identified as a suspect in October 2009. On November 24, 2009, agents rushed to the FFL to surveil Avila and Patino, but arrived too late. Over the next month and a half, Avila purchased 13 more weapons, each recorded by the ATF in its database within days of the purchase. Avila bought the weapons recovered at the scene of Agent Terry's murder almost two months after ATF knew he was working with Patino. Avila's purchases would eventually total fifty two under Fast and Furious.⁵² Patino's purchases would eventually

⁵⁰ Agent Alt Transcript, at 187-191.

⁵¹ In re: Manuel Osorio-Arellanes, No. 10-10251M, aff. of [Name Redacted], Special Agent, (D.Ariz. Dec. 29, 2010).

⁵² Chart of "Indicted targets", [Author Redacted], A/GS Phoenix FIG, (Mar. 29, 2011).

top 660. As with all the Fast and Furious suspects, gun dealers provided contemporaneous notice of each sale to the ATF.⁵³

The day after the Terry shooting, law enforcement agents located and arrested Avila in Phoenix. The U.S. Attorney's Office in Arizona later indicted him. Avila's indictment, however, is typical of the indictments that have resulted thus far from Fast and Furious. Avila was indicted on three counts of "lying and buying"—including false statements on ATF Form 4473, a prerequisite to the purchase of any firearm. These three indictments, however, do not stem from the weapons purchased on January 16, 2010, that eventually ended up at the Terry murder scene. Instead, Avila was indicted with respect to rifles he bought *six months later* and which also turned up at a crime scene.

On May 6, 2011, DOJ unsealed an indictment of Manuel Osorio-Arellanes for the murder of Brian Terry.⁵⁴ Federal authorities, led by the FBI, are pursuing his co-conspirators, including the gunman suspected of firing the fatal shot and fleeing the scene.

In Phoenix, the news of Agent Terry's death deeply saddened, but did not surprise, Group VII agents. They had agonized over the possibility of this event, and they ruefully contemplated future similar incidents resulting from the abundance of illegal guns.

During their transcribed interviews, the ATF agents shared their reactions to Agent Brian Terry's murder. Agent Dodson testified:

Q. Along those lines, when did you find out that Agent Terry was killed?

A. I found out December 16th, 2010.

Q. And what can you tell us about your recollections that information?

* * *

A. Well, I was called by another agent and was told that — or asked if I had heard about Agent Terry's death. I told him that I had. And then he confirmed for me what I already thought when he called, which was that it was one of the guns from Fast and Furious.

And then later that day, I was speaking to my acting supervisor, Marge Zicha, and she had made a comment to me that they were very busy because two of the Fast and Furious guns were found at the scene of Agent Terry's homicide.⁵⁵

⁵³ *Id.*

⁵⁴ U.S. v. Manuel Osorio-Arellanes et al., No. CR-11-0150-TUC-DCB-JCG, (D.Ariz. Apr. 20, 2011).

⁵⁵ Agent Dodson Transcript, at 136-137.

Agent Dodson also detailed ATF's awareness of and its multiple contacts with the accused murderer, Jaime Avila, for months prior to Agent Terry's murder.

So essentially in January 2010, or December when I got there, **we knew Jaime Avila was a straw purchaser**, had him identified as a known straw purchaser supplying weapons to the cartel. Shortly thereafter, we had previous weapons recovered from Mexico with very short time to crime rates purchased by Jaime Avila, as I recall.

And then in May we had a recovery where Border Patrol encounters an armed group of bandits and recovered an AK variant rifle purchased by Jaime Avila, and we still did not – **purchased during the time we were watching Jaime Avila, had him under surveillance, and we did nothing.**

Then on December 14th, 2010 Agent Brian Terry is killed in Rio Rico, Arizona. Two weapons recovered from the scene . . . two AK variant weapons purchased by Jaime Avila on January 16th, 2010 while we had him under surveillance, after we knew him to be a straw purchaser, after we identified him as purchasing firearms for a known Mexican drug cartel.⁵⁶

Although the ATF agents' worst fears were confirmed, they did not feel good about being right. In the wake of Agent Terry's death, they were even more upset, saddened, and embarrassed. Agent Alt explained:

I have loved working for ATF since I have been hired here. I came here to retire from ATF. I could be doing any number of things, as you all are aware. . . . I could be whatever I chose to be, and I chose to be here.

I am not -- I am embarrassed here. I regret the day that I set foot into this field division because of some of the things that a few people have done and the impact that it has had on our agency, and not the least of, not the least, though, is the impact it has had on the public and safety and Agent Terry. While I don't know that guns in any of these cases are directly responsible for his death, I am appalled that there would be in any way associated with his death.⁵⁷

A December 15, 2010 e-mail exchange among ATF agents details the aftermath of Agent Terry's death. ATF, fearing the worst, conducted an "urgent firearms trace" of the firearms, recovered on the afternoon of the murder. By 7:45 p.m. that evening, the trace confirmed these fears:

⁵⁶ Agent Dodson Transcript, at 140-141.

⁵⁷ Agent Alt Transcript, at 180-181.

From: [REDACTED]
 To: [REDACTED]
 Cc: [REDACTED]
 Sent: Wed Dec 15 19:45:03 2010
 Subject: U.S. Border Patrol Agent killed in the line of duty - Two firearms recovered by ATF

The two firearms recovered by ATF this afternoon near Rio Rico, Arizona, in conjunction with the shooting death of U.S. Border Patrol agent Terry were identified as 'Suspect Guns' in the Fast and Furious investigation [REDACTED]

The firearms are identified as follows:

Romarm/CUGIR, 762 rifle, Model GP WASR 10/63, serial number 1971CZ3775
 Romarm/CUGIR, 762 rifle, Model GP WASR 10/63, serial number 1983AH3977

[REDACTED] contact me late this afternoon requesting Intel assistance in the tracing of two recovered firearms.

I initiated an urgent firearms trace requests on both of the firearms and then contacted the NTC to ensure the traces were conducted today.

I was advised by the NTC that the firearms were entered into ATF Suspect Gun database by SA Medina and associated to the Fast and Furious investigation. The NTC further advised that on 01/16/10 Jaime AVILA purchased three Romarm 7.62 rifles from Lone Wolf Trading Company, two of these firearms are the recovered firearms cited above.

No trace has been submitted on the third firearm purchased by AVILA (serial number 1979IS1530). I am researching the trace status of the firearms recovered earlier today by the FBI.

Agent Terry did not die in vain. His passing exposed the practice of knowingly allowing the transfer of guns to suspected straw purchasers. ATF now maintains it no longer condones this dangerous technique. The cessation of this practice will likely save lives on both sides of the border. Tragically, however, we will be seeing the ramifications of the policy to allow guns from Fast and Furious be transferred into the hands of suspected criminals for years to come. These weapons will continue to be found at crime scenes in the United States and Mexico.

X. The Beginning of DOJ's Denials: "Hell, No!"

FINDING: Phoenix ATF Special Agent in Charge (SAC) William Newell's statement that the indictments represent the take-down of a firearms trafficking ring from top to bottom, and his statement that ATF never allowed guns to walk are incredible, false, and a source of much frustration to the agents.

On January 25, 2011, Phoenix SAC William Newell gave a press conference announcing the indictment of 20 individuals as a result of Fast and Furious. Most of the indictment involves "lying and buying" – paper transgressions that carry much lighter sentences than felonies relating

to actual firearms trafficking. Under “lying and buying,” a straw purchaser improperly fills out ATF Form 4473, required before the purchase of any firearm, by submitting false information. A comparison of the indictment with the goals of Fast and Furious reveals the Operation’s utter failure. According to the agents, the Department could have indicted all 20 defendants far sooner than January 2011. Instead, the timing of the indictment appears to coincide with the outrage following the killing of Border Agent Brian Terry. Agent Dodson testified:

A. Essentially, the indictments looked very similar in January 2011, when they were finally served, as they did in December 2009 when I first got here. The only difference is the number of purchases that were made. Some of the names of people are new, some have been added and some taken out, but no major players at all.

Q. So the publicly announced indictments, they are all for straw purchasers, right?

A. Yes, sir, which we could have rounded up . . . a year and a half ago.

Q. You could have arrested them the day you saw this stuff happening?

A. And saved those 1730 guns from being trafficked.⁵⁸

At the press conference announcing the indictments, SAC Newell made two notable comments. Newell claimed that the indictments represented a take-down of a firearms trafficking ring from top to bottom.⁵⁹ Yet virtually all of the indicted defendants were mere straw purchasers—not key players of a criminal syndicate by any stretch of the imagination.

Newell’s second notable comment was equally negligent and inaccurate. When asked whether or not ATF ever allowed guns to walk, Newell emphatically exclaimed “**Hell, no!**”⁶⁰ His denial was shocking to those who knew the truth, like Agent Alt:

Q. And why is that engrained in your memory?

A. Candidly, my mouth fell open. I was asked later by the public information officer for our division . . . and I told him that I thought that – I was just astounded that he made that statement and it struck me and I don’t know how he could make that statement.⁶¹

* * *

⁵⁸ Agent Dodson Transcript, at 141-142.

⁵⁹ Tamara Audi, *Alleged Gun Ring Busted*, W.S.J., Jan. 26, 2011.

⁶⁰ Dennis Wagner, *Sen. Chuck Grassley: Guns in ATF sting tied to agent’s death*, TUCSON CITIZEN, Feb. 1, 2011.

⁶¹ Agent Alt Transcript, at 193-194.

- Q. When SAC Newell made those statements at the press conference and you said something along the lines – did your jaw drop?
- A. Literally my mouth fell open. I am not being figurative about that. I couldn't believe it.
- Q. Is it fair to say that his statements that caused your mouth to drop, that's a spectacular lie, isn't it?
- A. Yes. My mouth fell open because I thought, I perceived it as being either completely ignorant or untruthful. But also a person in that position I don't really – I don't know that I would have made – the statement was unnecessary to make. He did not need to make the statement.

If I am in a position like that and I have gotten involved or have knowledge of an investigation, me personally, I probably would have avoided comment. I certainly would have avoided making a comment like that.⁶²

Agent Casa also expressed similar astonishment at Newell's inaccurate comment following the press conference:

- Q. At the press conference I believe he was asked whether or not guns were walked, and his response was hell no. Do you remember that?
- A. Yes, I do.
- Q. What was your reaction to that statement?
- A. I can't believe he just answered the question that way.
- Q. And why can't you believe that?
- A. Because we, in my definition of walking guns, we had walked a bunch of guns. When I say we, Group 7. And under this case that we are discussing, a bunch of firearms were walked against the objections of some senior agents.
- Q. So Newell's statement was inaccurate?
- A. I would say it was very inaccurate.⁶³

⁶² Agent Alt Transcript, at 202-203.

⁶³ Agent Casa Transcript, at 119-120.

Agent Forcelli shared similar sentiments over Newell's remarkable statements during the press conference.

- Q. Right. Did you attend that press conference that SAC Newell came down to do, or did?
- A. No. I was involved in the command post that day. I wasn't there. I heard about it. I was appalled.
- Q. Tell us about your reaction. What were you appalled by?
- A. My understanding is somebody asked him if guns walked, and his response was hell no.
- Q. How did you feel about that?
- A. Insulted. Because I know that they were saying that this was a technique that was like a great new technique we were using. . . . And it just amazes me. But he knew what was going on. He is the SAC. And agents knew that guns were not being interdicted.⁶⁴

None of the agents interviewed believed Newell's dramatic comment to be truthful. His denial of the existing policy sought to end questioning on this topic once and for all. Instead, it only engendered more attention and interest.

XI. DOJ's Continued Denials: "That is False."

FINDING: Despite mounting evidence to the contrary, DOJ continues to deny that Operation Fast and Furious was ill-conceived and had deadly consequences.

The denials of gunwalking became more sensational as they continued. Presented with an opportunity to set the record straight, the Department of Justice instead chose a path of denial.

A. "Of Course Not"

In a February 4, 2011 letter to Senator Charles Grassley, Ranking Member of the Senate Judiciary Committee, DOJ's Assistant Attorney General for Legislative Affairs wrote:

At the outset, the allegation described in your January 27 letter – that ATF "sanctioned" or otherwise knowingly allowed the sale of assault weapons to a straw purchaser who then transported them into Mexico – **is false**.

⁶⁴ Agent Forcelli Transcript, at 52-53.

ATF makes every effort to interdict weapons that have been purchased illegally and prevent their transportation to Mexico.⁶⁵

When asked in later meetings and letters how this statement could be true in light of all the evidence to the contrary, DOJ officially stood by it. The argument that it is true relies on the fine distinction that it was not the *straw purchasers themselves* who physically crossed the border with the weapons, but rather the unknown third parties to whom they transferred the firearms. DOJ offered no specific defense of the second sentence.

Of course, this statement misses the point entirely. ATF permitted known straw purchasers to obtain these deadly weapons and traffic them to third parties. Then, at some point after ATF broke off surveillance, the weapons were transported to Mexico. ATF was definitely aware that these guns were ending up in Mexico, being transported through Arizona and Texas Points of Entry.⁶⁶

The second part of this statement is also patently false. Numerous ATF agents have gone on the record with stories that directly contradict it. During interviews with, these agents had the chance to respond directly to DOJ's position. Not surprisingly, they uniformly rejected it. Agent Alt testified:

Q. And I will just read a portion of that into the record. The second paragraph of the letter said, the second sentence of the second paragraph says, "ATF makes every effort to interdict weapons that have been purchased illegally and prevent their transportation to Mexico," period. Is that sentence, based on your knowledge of what was going on here in Phoenix, true or not true?

A. No, it is not true.⁶⁷

Agent Forcelli agreed:

Q. [The] second sentence of the second paragraph of the letter says: "ATF makes every effort to interdict weapons that have been purchased illegally to prevent their transportation to Mexico," period. Have you heard that before, that that representation was made to Congress?

A. I was unaware of that. And I will tell you based on what I know has occurred that *that is false*.⁶⁸

Agent Forcelli reiterated, "Based on my conversations in regards to that meeting between Mr. Hurley and the ATF's agents and the two gun dealers, no. *It is false*."⁶⁹ And when asked if

⁶⁵ Letter from Assistant Attorney General Ronald Weich to Senator Charles E. Grassley (Feb. 4, 2011) (emphasis added).

⁶⁶ The Fast and The Furious, Organized Crime Drug Enforcement Task Force Interim Report (Sept. 9, 2010).

⁶⁷ Agent Alt Transcript, at 148.

⁶⁸ Agent Forcelli Transcript, at 143-144.

the DOJ's statement was true, given what he had personally witnessed in Phoenix, Agent Casa replied, "I think you already know the answer to that. *Of course not.*"⁷⁰

B. More Denials

Even after the U.S. Congress presented it with evidence that the statements in the February 4, 2011 letter were false, the Department of Justice *still* stood by its initial position. In a May 2, 2011 response to a letter from Senator Grassley, the Department maintained its original position:

It remains our understanding that ATF's Operation Fast and Furious did not knowingly permit *straw buyers* to take guns into Mexico. You have provided to us documents, including internal ATF emails, which you believe support your allegation. . . . [W]e have referred these documents and all correspondence and materials received from you related to Operation Fast and Furious to the Acting Inspector General, so that she may conduct a thorough review and resolve your allegations.⁷¹

The Justice Department also notes that the Attorney General has "made clear . . . that the Department should never knowingly permit firearms to cross the border." Although the Department issued this directive in early-March, well after the congressional investigation of Operation Fast and Furious had begun, it is a welcome affirmation of what the ATF whistleblowers had been trying to tell their bosses for over a year before Agent Brian Terry was killed.

XII. Conclusion

We will persist in seeking documents and testimony from Justice Department officials and other sources to thoroughly examine all the key questions. The Department should avail itself of the opportunity to come clean and provide complete answers. It should also reverse its position and choose to fully cooperate with the investigation.

⁶⁹ Agent Forcelli Transcript, at 144.

⁷⁰ Agent Casa Transcript, at 131.

⁷¹ Letter from Assistant Attorney General Ronald Weich to Charles E. Grassley (May 2, 2011).



*The Department of Justice's Operation Fast and Furious:
Fueling Cartel Violence*

JOINT STAFF REPORT

Prepared for

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United States House of Representatives
Committee on Oversight and Government Reform
&
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United States Senate
Committee on the Judiciary

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“That is, I mean, this is the perfect storm of idiocy.”

—Carlos Canino, Acting ATF Attaché in Mexico

I. Executive Summary

The previous joint staff report entitled *The Department of Justice's Operation Fast and Furious: Accounts of ATF Agents* chronicled Operation Fast and Furious, a reckless program conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), and the courageous ATF agents who came forward to expose it. Operation Fast and Furious made unprecedented use of a dangerous investigative technique known as “gunwalking.” Rather than intervene and seize the illegally purchased firearms, ATF’s Phoenix Field Division allowed known straw purchasers to walk away with the guns, over and over again. As a result, the weapons were transferred to criminals and Mexican Drug Cartels.

This report explores the effect of Operation Fast and Furious on Mexico. Its lethal drug cartels obtained AK-47 variants, Barrett .50 caliber sniper rifles, .38 caliber revolvers, and FN Five-seveNs from Arizona gun dealers who were cooperating with the ATF by continuing to sell to straw purchasers identified in Operation Fast and Furious.

In late 2009, ATF officials stationed in Mexico began to notice a large volume of guns appearing there that were traced to the ATF’s Phoenix Field Division. These weapons were increasingly recovered in great numbers from violent crime scenes. ATF intelligence analysts alerted Darren Gil, Attaché to Mexico, and Carlos Canino, Deputy Attaché, about the abnormal number of weapons. Gil and Canino communicated their worries to leadership in Phoenix and Washington, D.C., only to be brushed aside. Furthermore, ATF personnel in Arizona denied ATF personnel in Mexico access to crucial information about the case, even though the operation directly involved their job duties and affected their host country.

Rather than share information, senior leadership within both ATF and the Department of Justice (DOJ) assured their representatives in Mexico that everything was “under control.” The growing number of weapons recovered in Mexico, however, indicated otherwise. Two recoveries of large numbers of weapons in November and December 2009 definitively demonstrated that Operation Fast and Furious weapons were heading to Mexico. In fact, to date, there have been 48 different recoveries of weapons in Mexico linked to Operation Fast and Furious.

ATF officials in Mexico continued to raise the alarm over the burgeoning number of weapons. By October 2010, the amount of seized and recovered weapons had “maxed out”

space in the Phoenix Field Division evidence vault.¹ Nevertheless, ATF and DOJ failed to share crucial details of Operation Fast and Furious with either their own employees stationed in Mexico or representatives of the Government of Mexico. ATF senior leadership allegedly feared that any such disclosure would compromise their investigation. Instead, ATF and DOJ leadership's reluctance to share information may have only prolonged the flow of weapons from this straw purchasing ring into Mexico.

ATF leadership finally informed the Mexican office that the investigation would be shut down as early as July 2010. Operation Fast and Furious, however, continued through the rest of 2010. It ended only after U.S. Border Patrol Agent Brian Terry was murdered in December 2010 with weapons linked to this investigation. Only then did the ATF officials in Mexico discover the true nature of Operation Fast and Furious. Unfortunately, Mexico and the United States will have to live with the consequences of this program for years to come.

¹ See E-mail from [ATF Evidence Vault Employee] to Hope MacAllister October 12, 2010 (HOCR ATF – 002131-32).

II. Findings

- In the fall of 2009, ATF officials in Mexico began noticing a spike in guns recovered at Mexican crime scenes. Many of those guns traced directly to an ongoing investigation out of ATF's Phoenix Field Division.
- As Operation Fast and Furious progressed, there were numerous recoveries of large weapons caches in Mexico. These heavy-duty weapons included AK-47s, AR-15s, and even Barrett .50 caliber rifles – the preferred weapons of drug cartels.
- At a March 5, 2010 briefing, ATF intelligence analysts told ATF and DOJ leadership that the number of firearms bought by known straw purchasers had exceeded the 1,000 mark. The briefing also made clear these weapons were ending up in Mexico.
- ATF and DOJ leadership kept their own personnel in Mexico and Mexican government officials totally in the dark about all aspects of Fast and Furious. Meanwhile, ATF officials in Mexico grew increasingly worried about the number of weapons recovered in Mexico that traced back to an ongoing investigation out of ATF's Phoenix Field Division.
- ATF officials in Mexico raised their concerns about the number of weapons recovered up the chain of command to ATF leadership in Washington, D.C. Instead of acting decisively to end Fast and Furious, the senior leadership at both ATF and DOJ praised the investigation and the positive results it had produced. Frustrations reached a boiling point, leading former ATF Attaché Darren Gil to engage in screaming matches with his supervisor, International Affairs Chief Daniel Kumor, about the need to shut down the Phoenix-based investigation.
- Despite assurances that the program would be shut down as early as March 2010, it took the murder of a U.S. Border Patrol Agent in December 2010 to actually bring the program to a close.
- ATF officials in Mexico finally realized the truth: ATF allowed guns to walk. By withholding this critical information from its own personnel in Mexico, ATF jeopardized relations between the U.S. and Mexico.
- The high-risk tactics of cessation of surveillance, gunwalking, and non-interdiction of weapons that ATF used in Operation Fast and Furious went against the core of ATF's mission, as well as the training and field experience of its agents. These flaws inherent in Operation Fast and Furious made its tragic consequences inevitable.

III. Weapons Traced to the ATF Phoenix Field Division

FINDING: In the fall of 2009, ATF officials in Mexico began noticing a spike in guns recovered at Mexican crime scenes. Many of those guns traced directly to an ongoing investigation out of ATF's Phoenix Field Division.

Starting in late 2009, ATF officials in Mexico noticed a growing number of weapons appearing in Mexico that were traced to the ATF's Phoenix Field Division. Completely unaware of Operation Fast and Furious at the time, Carlos Canino, then Deputy Attaché to Mexico, was surprised when he learned of the number of weapons seized in Mexico that were connected to this one case in Phoenix. Canino explained:

Either late October, early November, mid November, 2009, I was informed about the large number of guns that have made it on to the suspect gun database relating to this investigation [Operation Fast and Furious]. That is when I became aware, okay they just opened up this case in October of '09, and I thought, wow, look at all these guns.

I thought two things: I thought, okay, all these guns, the reason all these guns are here is because we are finally on to these guys, and we went back and did our due diligence and found out that these guys had already beaten us for 900 guns. That was one of the things I thought.²

Canino informed his boss, then ATF Attaché to Mexico, Darren Gil, about an unusual amount of weapons being seized in Mexico. Gil stated:

I remember the event that my chief analyst and my deputy came in and said, hey, we're getting this abnormal number of weapons that are being seized in Mexico and they're all coming back to the Phoenix field division. So that was my first awareness of this regarding anything to do with this case.³

ATF officials in Mexico never received any notice or warning from ATF in Phoenix or Washington, D.C. about the possibility of a spike in guns showing up in their host country. Instead, they began to suspect something was amiss as an inordinate number of weapons recovered in Mexico traced back to the Phoenix Field Division.

The weapons were being seized from violent crime scenes involving Mexican drug cartels. One of the early seizures occurred after a shoot-out between warring cartels. Canino described learning about this incident:

² Canino Transcript, at 11. Carlos Canino became the Acting Attaché in October 2010. Prior to this time, he served as the Deputy Attaché.

³ Transcribed Interview of Darren Gil, Transcript, at 13 (May 12, 2011) (on file with author) [hereinafter Gil Transcript].

Q. When was the next time that you got some information about Operation Fast and Furious after October, 2009?

A. I need to go back and check, but I was approached by an ICE agent at the U.S. embassy, and he showed me some pictures of a shootup between the Sinoloa cartel and the La Familia cartel in a small town up in the mountains of Sonora. He asked – I saw the picture a lot of dead bodies he told me that the Sinoloa cartel had come into the area to try to push out the La Familia cartel, the La Familia cartel had ambushed the Sinoloans up in the mountains, and literally decimated the group. There was some firearms recovered on the scene. He asked if we could trace the guns, and we did.

When we got the traces back, I believe two or three guns had come back to the case number that is now known as Operation Fast and Furious.

I believe I reached out to ATF Group VII special agent Tonya English via e mail and I notified her that some of the firearms in her case had been recovered as a homicide, what were they planning, what were they planning to do, what is going on with this case?⁴

According to Canino, he did not receive any information about the operation's future plans or an explanation for the growing number of weapons being recovered at Mexican crime scenes linked to Operation Fast and Furious.⁵ However, these seizures were only the beginning. Over the next several months, an alarming number of weapons would be seized in Mexico and traced to Phoenix.

IV. Fast and Furious Weapons Recovered at Crime Scenes

FINDING: As Operation Fast and Furious progressed, there were numerous recoveries of large weapons caches in Mexico. These heavy-duty weapons included AK-47s, AR-15s, and even Barrett .50 caliber rifles – the preferred weapons of drug cartels.

The following chart represents a list of recoveries in Mexico where weapons found were traced back to Operation Fast and Furious. Despite its length, *this list is not complete*. Rather, this list is compiled solely from information the Justice Department has provided to date. Many more recoveries may have occurred and will continue to occur in the future, but it is impossible to determine precisely how many weapons recoveries in Mexico trace back to Operation Fast and

⁴ Canino Transcript, at 9-10.

⁵ *Id.* at 10.

Furious. So far, the Justice Department has provided documents that reference at least 48 separate recoveries involving 122 weapons connected to Operation Fast and Furious.

Recovery #	Date	Location	Notes on Recovery	# of Fast and Furious Guns Recovered
1	11/15/2009	Costa Grande, Guerrero	15 AK-47s, 30 guns, 9 guns traced to Operation Fast and Furious ⁶	9
2	11/20/2009	Naco, Sonora	41 AK-47s and 1 50 caliber. "Time-to-crime," the period between the purchase date and the recovery date, of 1 day. Two multiple sales summaries linked to this seizure ⁷	42
3	11/26/2009	Agua Prieta, Sonora	15 rifles, 8 pistols, traced to [SP 1] ⁸	1
4	12/9/2009	Mexicali, Baja	\$2 million US, \$1 million Mexican, 421 kilos cocaine, 60 kilos meth, 41 AK-47s, 5 traced to Operation Fast and Furious ⁹	5
5	12/18/2009	Tijuana, Baja	"El Teo" link, 5 AK-47 type rifles recovered and 1 linked to [SP 2] ¹⁰	1
6	12/18/2009	Tijuana, Baja	Traced to weapons bought 11/13/09 ¹¹	1
7	1/8/2010	Tijuana, Baja	"El Teo" link, 2 guns traced to F&F, bought by [SP 2] on 12/13/09 and [SP 1] ¹²	2
8	1/11/2010	Guasave, Sinaloa	2,700 rounds of ammo, 3 belts of rounds, 9 rifles, 2 grenade launchers, 1 gun traced to Operation Fast and Furious ¹³	1

⁶ E-mail from Tonya English to David Voth March 09, 2010 (HOCR ATF – 001803-12).

⁷ E-mail from William Newell to Lorren Leadmon November 25, 2009 (HOCR ATF – 002141); *see also* e-mail from [ATF NTC] to Hope MacAllister December 9, 2009 (HOCR ATF – 002205-06); *see also* e-mail from Mark Chait to William Newell, Daniel Kumor November 25, 2009 (HOCR ATF – 001993).

⁸ *See generally* "Operation The Fast and The Furious" Presentation, March 5, 2010.

⁹ E-mail from [ATF NTC] to Tonya English, [ATF Group 7 SA], Hope MacAllister, David Voth January 8, 2010 (HOCR ATF – 002210-11); *see also* e-mail from [ATF Tijuana Field Office Agent] to David Voth February 24, 2010 (HOCR ATF – 002301); "Operation The Fast and The Furious" Presentation, March 5, 2010.

¹⁰ E-mail from [ATF Intelligence Specialist] to [ATF Group 7 SA], Hope MacAllister, Tonya English, David Voth January 13, 2010 (HOCR ATF – 002166-70).

¹¹ E-mail from [ATF NTC] to Hope MacAllister December 29, 2009 (HOCR ATF – 002208-09).

¹² E-mail from Lorren Leadmon to [ATF Intelligence Specialist], [ATF Group 7 SA], Hope MacAllister, Tonya English, David Voth, [ATF Analyst Chief – Mexico] January 18, 2010 (HOCR ATF – 002112); *see also* e-mail from Tonya English to Hope MacAllister January 14, 2010 (HOCR ATF – 002214-15); *see also* e-mail from [ATF Tijuana Field Office Agent] to David Voth February 24, 2010 (HOCR ATF – 002301).

¹³ E-mail from [ATF Intelligence Analyst] to David Voth March 9, 2010 (HOCR ATF – 002307-08).

Recovery #	Date	Location	Notes on Recovery	# of Fast and Furious Guns Recovered
9	2/8/2010	La Paz, Baja	4th recovery related to "El Teo" organization ¹⁴	1
10	2/21/2010	Sinaloa, Mexico	15 rifles, 5 handguns, 11,624 rounds of ammunition. At least 4 weapons traced to [SP 1] ¹⁵	4
11	2/25/2010	Tijuana, Baja	"El Teo" link, attempted State Police Chief assassination, guns traced to [SP 4] ¹⁶	1
12	3/14/2010	Juarez, Chihuahua	5 weapons traced back to Operation Fast and Furious purchased by [SP 2], [SP 3], and [SP 2] ¹⁷	5
13	6/15/2010	Acapulco, Guerrero	6 rifles, 1,377 rounds of ammo, 1 traced back to Operation Fast and Furious ¹⁸	1
14	6/24/2010	Tijuana, Baja	6 AK-47 type firearms, 5 traced back to [SP 2] ¹⁹	5
15	7/1/2010	Tubutama, Sonora	DTO battle, 15 firearms seized, 12 rifles, 3 pistols, 1 traced to Operation Fast Furious ²⁰	1
16	7/4/2010	Navajoa, Sonora	25 AK-47 rifles, 78 magazines, over 8,000 rounds of ammo, 1 AK-47 traced to [SP 1] 3/2/10 purchase ²¹	1
17	7/8/2010	Culiacan, Sinaloa	Grenade launcher, 2 submachine guns, 8 rifles, 3 shotguns, 1,278	1

¹⁴ See generally "Operation the Fast and the Furious" Presentation, March 5, 2010.

¹⁵ E-mail from Tonya English to [ICE Agent] March 19, 2010 (HOCR ATF – 001813-15); see also e-mail from David Voth to Tonya English, Hope MacAllister, [ATF Group 7 SA] March 22, 2010 (HOCR ATF – 002114-15); see also e-mail from Lorren Leadmon to David Voth, [ATF Analyst Chief – Mexico] March 11, 2010 (HOCR ATF – 002133-40); see also e-mail from Lorren Leadmon to David Voth, [ATF Analyst Chief – Mexico] March 11, 2010 (HOCR ATF – 002315-16).

¹⁶ E-mail from David Voth to Emory Hurley February 26, 2010 (HOCR ATF – 002271-72).

¹⁷ E-mail from [ATF SA] to Hope MacAllister, Tonya English, [ATF El Paso SA] April 29, 2010 (HOCR ATF – 001713-16).

¹⁸ E-mail from [ATF Mexico City SA] to Tonya English January 26, 2011 (HOCR ATF – 001863-65).

¹⁹ E-mail from [ATF SA-EPIC] to Tonya English July 1, 2010 (HOCR ATF – 001821); see also e-mail from [ATF NTC] to Tonya English July 1, 2010 (HOCR ATF – 001824).

²⁰ E-mail from David Voth to Carlos Canino July 14, 2010 (HOCR ATF – 002378-2379).

²¹ E-mail from [ATF SA-EPIC] to Tonya English August 3, 2010 (HOCR ATF – 001726-27); see also e-mail from [ATF NTC] to Hope MacAllister, Tonya English July 15, 2010 (HOCR ATF – 001729-1730); see also e-mail from David Voth to Tonya English July 30, 2010 (HOCR ATF – 001742-43); see also e-mail from Tonya English to [ATF SA-EPIC], [ATF Analyst] July 29, 2010 (HOCR ATF – 001796-97).

Recovery #	Date	Location	Notes on Recovery	# of Fast and Furious Guns Recovered
			rounds of ammo, 1 rifle traced to Operation Fast and Furious ²²	
18	7/21/2010	El Roble, Durango	5 handguns, 15 rifles, 70 armored vests, night vision goggles, 1 traced to [SP 1] 3/22/10 purchase ²³	1
19	7/27/2010	Durango, Durango	Barrett 50 caliber traced to [SP 1] purchase on 3/22/10 ²⁴	1
20	8/1/2010	Chihuahua, Chihuahua	Romarm 762s traced to 12/17/09 purchase ²⁵	1
21	8/1/2010	Sinaloa de Leyva, Sinaloa	Barrett 50 caliber traced to Operation Fast and Furious, bought 6/8/10 ²⁶	1
22	8/11/2010	Santiago, Durango	16 rifles, 110 magazines, 36 bullet-proof vests, 1 rifle traced to Operation Fast and Furious ²⁷	1
23	8/13/2010	Santiago Papasquiaro, Durango	Romarm/Cugir 762 traced to Operation Fast and Furious ²⁸	1
24	8/14/2010	El Naranjo, Sinaloa	16 firearms including Barrett 50 caliber, 69 magazines, 2,060 rounds of ammo, 1 weapon traced to Operation Fast and Furious ²⁹	1
25	8/24/2010	Nogales, Sonora	Romarm/Cugir 762 traced to Operation Fast and Furious, bought 12/14/09 ³⁰	1
26	9/8/2010	San Luis, Sonora	Romarm/Cugir 762 traced to Operation Fast and Furious, bought 12/14/09 ³¹	1

²² E-mail from [ATF SA-EPIC] to Hope MacAllister, Tonya English July 19, 2010 (HOCR ATF – 001717-18); *see also* e-mail from [ATF NTC] to Hope MacAllister, Tonya English July 15, 2010 (HOCR ATF – 001723).

²³ E-mail from [ATF SA-EPIC] to Hope MacAllister, Tonya English, [ATF Group 7 SA] August 3, 2010 (HOCR ATF – 001731-32).

²⁴ E-mail from [ATF NTC] to Hope MacAllister, Tonya English, [ATF Group 7 SA] July 28, 2010 (HOCR ATF – 001735-36); *see also* e-mail from [ATF Firearms Specialist] to Tonya English, [ATF Group 7 SA], Hope MacAllister June 10, 2010 (HOCR ATF – 002117-20).

²⁵ E-mail from [ATF NTC] to Hope MacAllister, Tonya English, [ATF Group 7 SA] January 21, 2011 (HOCR ATF – 001856-57).

²⁶ E-mail from [ATF NTC] to Tonya English, Hope MacAllister August 13, 2010 (HOCR ATF – 002013-14).

²⁷ E-mail from [ATF SA-EPIC] to Hope MacAllister, Tonya English October 18, 2010 (HOCR ATF – 002178).

²⁸ E-mail from [ATF NTC] to Hope MacAllister, Tonya English October 18, 2010 (HOCR ATF – 002181-82).

²⁹ E-mail from [ATF Investigative Specialist] to [ATF NTC], Hope MacAllister, Tonya English August 23, 2010 (HOCR ATF – 002174-75).

³⁰ E-mail from [ATF SA-EPIC] to [ATF Group 7 SA], Hope MacAllister, Tonya English September 15, 2010 (HOCR ATF – 002123-24).

Recovery #	Date	Location	Notes on Recovery	# of Fast and Furious Guns Recovered
27	9/9/2010	Nogales, Sonora	Guns traced to Operation Fast and Furious, bought on 11/27/09 ³²	1
28	9/10/2010	Tijuana, Baja	6 firearms recovered, 6 firearms traced to Operation Fast and Furious purchases on 8/6/10 and 8/11/10 ³³	6
29	9/14/2010	Nogales, Sonora	Romarm/Cugir 762 traced to Operation Fast and Furious ³⁴	1
30	9/18/2010	Colonia Granjas, Chihuahua	Romarm/Cugir 762 traced to Operation Fast and Furious ³⁵	1
31	9/22/2010	Saric, Sonora	18 AK-47 rifles and 1 Barrett 50 caliber, 1 firearm traced to Operation Fast and Furious ³⁶	1
32	9/24/2010	Saric, Sonora	Guns bought on 2/16/10 traced to [SP 3] and [SP 1] ³⁷	1
33	9/26/2010	Reynosa, Tamaulipas	Traced guns to Operation Fast and Furious bought 3/18/10 ³⁸	1
34	9/28/2010	Juarez, Chihuahua	Romarm/Cugir 762 traced to Operation Fast and Furious, bought 1/7/10 ³⁹	1
35	10/11/2010	Saric, Sonora	Firearm traced to 11/17/09 purchase ⁴⁰	1
36	10/12/2010	Tepic, Nayarit	Barrett 50 caliber traced to Operation Fast and Furious, bought 2/17/10 ⁴¹	1

³¹ E-mail from [ATF SA-EPIC] to [ATF Group 7 SA], Hope MacAllister, Tonya English September 15, 2010 (HOCR ATF – 002121-22).

³² E-mail from [ATF SA-EPIC] to [ATF Group 7 SA], Hope MacAllister, Tonya English September 20, 2010 (HOCR ATF – 002186-87).

³³ E-mail from [ATF NTC] to Hope MacAllister, Tonya English September 17, 2010 (HOCR ATF – 001744-45); *see also* e-mail from [ATF NTC] to Hope MacAllister, Tonya English September 14, 2010 (HOCR ATF – 001748-49); *see also* e-mail from [ATF NTC] to Tonya English, Hope MacAllister September 20, 2010 (HOCR ATF – 001754-55).

³⁴ E-mail from [ATF NTC] to Hope MacAllister, Tonya English September 16, 2010 (HOCR ATF – 001746); *see also* e-mail from [ATF SA-EPIC] to Hope MacAllister, Tonya English, [ATF Group 7 SA] September 20, 2010 (HOCR ATF – 001752-53).

³⁵ E-mail from Hope MacAllister to [AUSA AZ District] November 29, 2010 (HOCR ATF – 001798-99).

³⁶ E-mail from [ATF Investigative Specialist] to Hope MacAllister, [ATF NTC], [ATF NTC] October 28, 2010 (HOCR ATF – 001756-59).

³⁷ E-mail from [ATF NTC] to Hope MacAllister, Tonya English October 7, 2010 (HOCR ATF – 002126-27).

³⁸ E-mail from [ATF NTC] to Hope MacAllister, Tonya English October 26, 2010 (HOCR ATF – 001831-32).

³⁹ E-mail from [ATF NTC] to Hope MacAllister, Tonya English October 15, 2010 (HOCR ATF – 002129-2130).

⁴⁰ E-mail from [ATF NTC] to Hope MacAllister, Tonya English, [ATF Group 7 SA] November 19, 2010 (HOCR ATF – 002003-04).

⁴¹ E-mail from [ATF NTC] to Hope MacAllister, Tonya English, [ATF Group 7 SA] November 19, 2010 (HOCR ATF – 002001-02).

Recovery #	Date	Location	Notes on Recovery	# of Fast and Furious Guns Recovered
37	10/12/2010	Juarez, Chihuahua	Romarm/Cugir 762 traced to Operation Fast and Furious bought 1/7/10 ⁴²	1
38	10/19/2010	Reynosa, Tamaulipas	Romarm/Cugir 762 traced to Operation Fast and Furious ⁴³	1
39	10/28/2010	Acapulco, Guerrero	Romarm/Cugir 762 traced to Operation Fast and Furious ⁴⁴	1
40	11/4/2010	Chihuahua, Chihuahua	16 guns, 2 traced to Operation Fast and Furious, Used in the murder of Mario Gonzalez ⁴⁵	1
41	11/22/2010	Nogales, Sonora	Traced to guns bought 11/27/09 ⁴⁶	1
42	12/14/2010	Puerto Penasco, Sonora	5 guns traced to Operation Fast and Furious, bought 12/11/09, 12/14/09, 6/8/10, and 6/15/10 ⁴⁷	5
43	12/17/2010	Zumu Rucapio, MC	Traced to Operation Fast and Furious, bought 11/27/09 ⁴⁸	1
44	12/28/2010	Obregon, Sonora	12 total firearms, 1 firearm traced to Operation Fast and Furious, bought 4/12/10 ⁴⁹	1
45	1/9/2011	Chihuahua, Chihuahua	6 rifles and magazines seized, 1 firearm traced to Operation Fast and Furious ⁵⁰	1
46	1/25/2011	Culiacan, Sinaloa	Romarm/Cugir 762 traced to Operation Fast and Furious, bought 3/8/10 ⁵¹	1

⁴² E-mail from [ATF NTC] to Hope MacAllister, [ATF Group 7 SA], Tonya English December 15, 2010 (HOCR ATF – 002190-91).

⁴³ E-mail from Hope MacAllister to [AUSA AZ District] November 29, 2010 (HOCR ATF – 001798).

⁴⁴ E-mail from Hope MacAllister to [AUSA AZ District] November 29, 2010 (HOCR ATF – 001799).

⁴⁵ E-mail from Tonya English to David Voth November 15, 2010 (HOCR ATF – 001792).

⁴⁶ E-mail from [ATF NTC] to Hope MacAllister, Tonya English November 24, 2010 (HOCR ATF – 001833-38); *see also* e-mail from [ATF SA-EPIC] to Hope MacAllister, Tonya English December 8, 2010 (HOCR ATF – 002188-89).

⁴⁷ E-mail from [ATF NTC] to Hope MacAllister, Tonya English December 28, 2010 (HOCR ATF – 001842-51).

⁴⁸ E-mail from [ATF SA-EPIC] to Hope MacAllister, Tonya English, [ATF Group 7 SA] December 22, 2010 (HOCR ATF – 001852-55).

⁴⁹ E-mail from [ATF SA-EPIC] to Hope MacAllister, Tonya English March 21, 2011 (HOCR ATF – 001874-77); *see also* e-mail from [ATF NTC] to Hope MacAllister, Tonya English March 17, 2011 (HOCR ATF – 001885-86).

⁵⁰ E-mail from [ATF SA-EPIC] to Hope MacAllister, Tonya English, [ATF Group 7 SA] February 2, 2011 (HOCR ATF – 002192-93); *see also* e-mail from [ATF NTC] to Hope MacAllister, Tonya English, [ATF Group 7 SA] January 18, 2011 (HOCR ATF – 002196-97).

⁵¹ E-mail from [ATF NTC] to Hope MacAllister, Tonya English, [ATF Group 7 SA] March 21, 2011 (HOCR ATF – 001883-84).

Recovery #	Date	Location	Notes on Recovery	# of Fast and Furious Guns Recovered
47	2/4/2011	Juarez, Chihuahua	Barrett 50 caliber traced to Operation Fast and Furious, bought 2/2/10 ⁵²	1
48	2/19/2011	Navajoa, Sonora	37 rifles, 3 grenade launchers, 16,000 rounds of ammo, 1 Firearm traced to Operation Fast and Furious, purchased on 3/8/10 ⁵³	1
			TOTAL	122⁵⁴

These documented recoveries indicate that a significant number of Operation Fast and Furious guns ended up in Mexico. However, there are indications that the numbers could be larger. For example, within 24 hours of the murder of Border Patrol Agent Brian Terry, Special Agent in Charge (SAC) Bill Newell asked for the total number of Operation Fast and Furious firearms recovered to date in Mexico and the U.S.⁵⁵ Five days later, on December 21, 2010, Newell forwarded the totals to his boss, Deputy Assistant Director William McMahon, indicating that he had the numbers compiled because, “I don’t like the perception that we allowed guns to ‘walk.’”⁵⁶ According to the tally Newell received on December 16, 2010, approximately 241 firearms had been recovered in Mexico and 350 in the U.S.⁵⁷ The number reported to Newell as recovered in Mexico as of the day after Agent Terry’s death is twice what can be verified through documents produced by the Department of Justice as outlined in the table above. Furthermore, this number is much higher than the 96 firearms reported by the Department of Justice as recovered in Mexico in answers to questions for the record received on July 22, 2011.⁵⁸

⁵² E-mail from [ATF NTC] to Hope MacAllister, Tonya English, [ATF Group 7 SA] February 17, 2011 (HOCR ATF – 001859-62); *see also* e-mail from [ATF SA-EPIC] to Hope MacAllister, Tonya English, [ATF Group 7 SA] March 21, 2011 (HOCR ATF – 001880-82); *see also* e-mail from [ATF NTC] to Hope MacAllister, Tonya English, [ATF Group 7 SA] February 17, 2011 (HOCR ATF – 002020-21).

⁵³ E-mail from [ATF SA-EPIC] to Hope MacAllister, Tonya English, [ATF Group 7 SA] March 7, 2011 (HOCR ATF – 002198-99); *see* E-mail from [ATF NTC] to Hope MacAllister, Tonya English, [ATF Group 7 SA] March 1, 2011 (HOCR ATF – 002202-03).

⁵⁴ This total of 122 guns is based on documents produced to the Committees by DOJ and total represents the minimum number of guns recovered in Mexico as identified by the Committees.

⁵⁵ E-mail from David Voth to William Newell December 16, 2010, 7:22pm (HOCR ATF – 001935).

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ Letter from Ronald Weich, Asst. Att’y Gen., U.S. Dep’t of Justice, to Senator Patrick Leahy, Chairman, Senate Jud. Comm., July 22, 2011, 14 (“Based on information known to ATF and analyzed as of May 26, 2011, we understand that ninety-six (96) firearms were recovered in Mexico after the suspects were identified in the investigation.”).

From: McMahon, William G.
Sent: Tuesday, December 21, 2010 11:21 AM
To: Newell, William D.
Subject: RE: simple numbers on F&F recoveries

10-4 thanks.

William G. McMahon
 Deputy Assistant Director (West)
 Office of Field Operations
 [REDACTED]

From: Newell, William D.
Sent: Tuesday, December 21, 2010 11:21 AM
To: McMahon, William G.
Subject: Fw: simple numbers on F&F recoveries

For what it's worth and since I don't like the perception that we allowed guns to "walk", I had David Voth pull the numbers of the guns recovered in Mexico as well as those we had a direct role in taking off here in the US. Almost all of the 350 seized in the US were done based on our info and in such a way to not burn the wire or compromise the bigger case. The guns purchased early on in the case we couldn't have stopped mainly because we weren't fully aware of all the players at that time and people buying multiple firearms in Arizona is a very common thing.

NOTICE: This electronic transmission is confidential and intended only for the person(s) to whom it is addressed. If you have received this transmission in error, please notify the sender by return e-mail and destroy this message in its entirety (including all attachments).

From: Voth, David J.
To: Newell, William D.
Sent: Thu Dec 16 19:22:42 2010
Subject: simple numbers on F&F recoveries
 Sir,

I can make this more grand tomorrow if you wish but right now by my count;

- Firearms recovered in Mexico = 241
- Firearms recovered in the USA = 350

Thanks,

David Voth
 Group Supervisor
 Phoenix Group VII
 [REDACTED]

More troubling, several of these recoveries highlight the deadly consequences of Operation Fast and Furious.⁵⁹

⁵⁹ See Section VII *infra*, page 48 for an in-depth look at the tragic consequences of Operation Fast and Furious.

A. *Tracing the Recoveries*

ATF officials in Mexico learned about many of these recoveries through open sourcing, such as articles in local newspapers or internet searches. After learning of these recoveries, however, it was incumbent on ATF employees in Mexico to attempt to view the weapons recovered as soon as possible in order to see if any link existed between the weapon and the United States. Mexican authorities transported the seized weapons to local police stations for processing. Once processed, the authorities turned the weapons over to the Mexican military, which stored them in vaults indefinitely. Once the Mexican military acquired these weapons, they were considered to be for the exclusive use of the military, and viewing them required a court order. It was therefore imperative for ATF agents in Mexico attempt to view the weapons as soon as possible after a recovery.

When ATF agents in Mexico were able to view these recovered weapons, they could also enter the serial numbers of the weapons into an online internal tracing system known as e-Trace. ATF has a procedure for tracing weapons. This initiates a manual tracing process which involves notifying the National Tracing Center (NTC), located in Martinsburg, WV, of the recovery. NTC then identifies the purchaser as well as the date of purchase. The process can take several days. ATF also maintains a Suspect Gun Database (SGD). This database is a list of all the guns purchased that ATF believes might turn up at crime scenes. Since no specific criteria exist for entering a gun into the SGD, it is usually up to the case agent's discretion. During Operation Fast and Furious, Group VII case agents entered over 1,900 guns into the SGD, usually within days of the purchase. Since these weapons were already in the SGD, the case agent would receive notice the trace request was submitted and the full manual trace process was unnecessary.

Starting in late 2009, ATF officials in Mexico began to notice that many of the weapon recoveries in Mexico traced back to the same Phoenix investigation. ATF personnel in Mexico called the Phoenix Field Division to notify them of what was occurring. The response from Phoenix was that everything was under control and not to worry about the investigation. Because the guns were in the SGD, the case agent in Phoenix received notice of trace requests. The case agent could limit the information that other ATF officials would receive to merely a notice that the trace results were "delayed," which effectively kept ATF personnel in Mexico out of the loop.

For example, in June 2010, Hope MacAllister, the Operation Fast and Furious case agent asked an NTC employee to postpone the completion of several traces for guns recovered in Mexico. With the subject line "RE: Suspect Gun Notification – DO NOT Trace?," the employee writes, "Good morning, as case agent you advised 'do not trace', [t]race will be held pending upon your instructions."⁶⁰ In her response, MacAllister asks, "Can we postpone completing that trace as well? Thanks!"⁶¹ These holds prevented ATF personnel in Mexico from discovering the origin of the recovered guns.

⁶⁰ E-mail from [NTC employee] to Tonya English and Hope MacAllister, June 10, 2010 (HOCR ATF - 002114).

⁶¹ E-mail from Hope MacAllister to [NTC employee], June 11, 2010 (HOCR ATF - 002117).

To make matters worse, ATF officials in Mexico did not even know that their fellow agents were shutting them out of the investigation. With reassurances from ATF Phoenix and ATF Headquarters in Washington D.C. that things were under control, ATF officials in Mexico remained unaware that ATF was implementing a strategy of allowing straw purchasers to continue to transfer firearms to traffickers. Even though large recoveries were taking place in Mexico, with the awareness of senior ATF officials in both Phoenix and Washington D.C., ATF officials in Mexico did not have the full picture. What they were able to piece together based on several large weapons seizures made them extremely nervous.

B. The Naco, Mexico Recovery

The first large recovery of weapons in Mexico linked to Operation Fast and Furious occurred on November 20, 2009, in Naco, Sonora – located on the U.S./Mexico border. All of the 42 weapons recovered in Naco traced back to Operation Fast and Furious straw purchasers. Forty-one of these weapons were AK-47 rifles and one was a Beowulf .50 caliber rifle. Twenty of the weapons in this recovery were reported on multiple sales summaries by ATF, and these weapons had a “time-to-crime” of just one day.⁶² Within a span of 24 hours, a straw purchaser bought guns at a gun store in Arizona and facilitated their transport to Naco, Mexico with the intent of delivering the guns to the Sinaloa cartel.

Mexican authorities arrested the person transporting these weapons, a 21-year old female. Mexican authorities interviewed her along with her brother, who was also in the vehicle. According to an official in ATF’s Office of Strategic Information and Intelligence (OSII), the female suspect told law enforcement that she intended to transport the weapons straight to the Sinaloa cartel.⁶³ From the very first recovery of weapons ATF officials knew that drug trafficking organizations (DTOs) were using these straw purchasers.

C. The Mexicali Recovery

Nearly three weeks after the Naco recovery, an even bigger weapons seizure occurred in Mexicali, the capital of the state of Baja California, located near the border. The seizure included the following weapons:

- 41 AK-47 rifles
- 1 AR-15 rifle
- 1 FN 5.7

In addition, Mexican authorities seized the following items:

- 421 kilograms of cocaine
- 60 kilograms of methamphetamine
- 392 rounds of ammunition
- \$2 million U.S. dollars

⁶² E-mail from Mark Chait to William Newell and Daniel Kumor, November 25, 2009 (HOCR ATF – 001993).

⁶³ Interview with Lorren Leadmon, Intelligence Operations Specialist, in Wash., D.C., July 5, 2011.

- \$1 million Mexican pesos

Of the twelve suspects detained, all were from the state of Sinaloa.⁶⁴ Several were identified members of the Sinaloa cartel.⁶⁵ The guns recovered at the scene traced back to straw purchasers being monitored under ATF's Operation Fast and Furious.⁶⁶ With a second large recovery tracing to the same case in Phoenix in less than three weeks, there was little doubt to ATF officials monitoring Operation Fast and Furious what was happening. As one ATF Special Agent wrote to Fast and Furious Case Agent Hope MacAllister, "[the head of the Sinaloa cartel] is **arming for a war.**"⁶⁷

D. The El Paso, Texas Recovery

On January 13, 2010, the ATF Dallas Field Division seized 40 rifles traced to Operation Fast and Furious suspect [SP 2].⁶⁸ This seizure connected Operation Fast and Furious suspects with a specific high-level "plaza boss" in the Sinaloa DTO.⁶⁹ Additionally, this seizure may have represented a shift in the movement of Operation Fast and Furious weapons in order to provide the necessary firearms for the Sinaloa Cartel's battle for control of the Juarez drug smuggling corridor.⁷⁰

This possible shift of Operation Fast and Furious weapons may have been a result of the death of Arturo Beltrán-Leyva in December 2009. Mexican authorities killed Beltrán-Leyva, the leader of the Beltrán-Leyva DTO, effectively crippling his family's DTO.⁷¹ The resulting decreased competition in Sonora between the Sinaloa DTO and the Beltrán-Leyva DTO may have contributed to the shift in Operation Fast and Furious weapons transported to Juarez. The map below, created by the Drug Enforcement Administration (DEA), reflects the areas of DTO influence in Mexico:⁷²

⁶⁴ See "Operation The Fast and The Furious" Presentation, March 5, 2010.

⁶⁵ *Id.*

⁶⁶ E-mail from [ATF Official] to David Voth, February 24, 2010 (HOGR ATF – 002301).

⁶⁷ E-mail from Jose Wall to Hope MacAllister, December 11, 2009 (HOGR ATF – 002024).

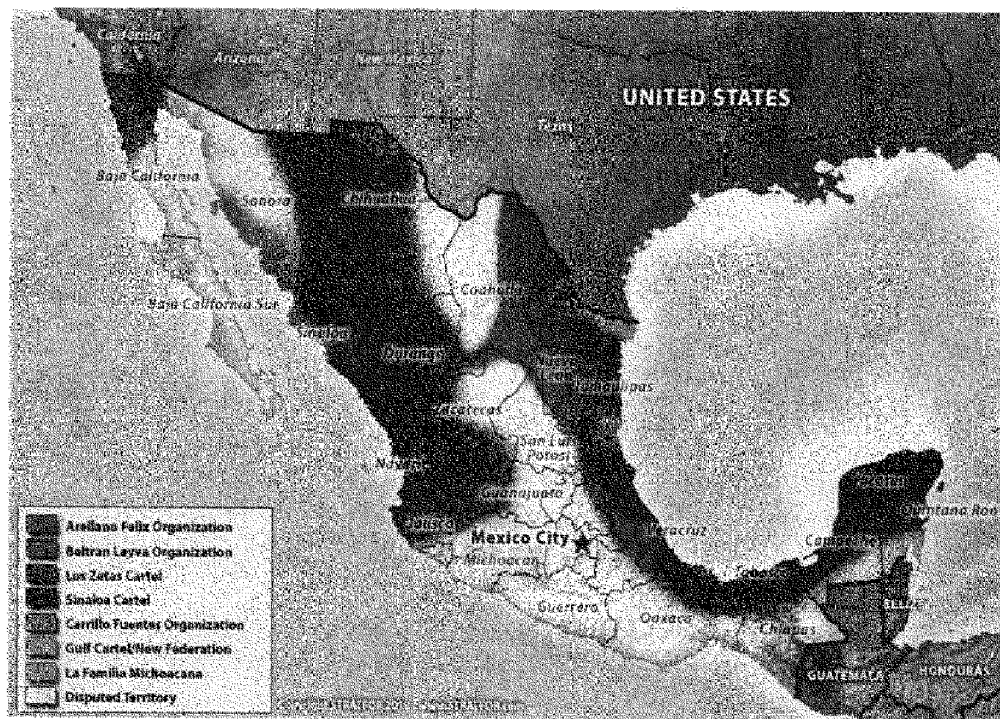
⁶⁸ This recovery is not listed in the chart in Section IV since it occurred in the United States.

⁶⁹ See "Operation the Fast and the Furious" Presentation, March 5, 2010.

⁷⁰ See Alicia A. Caldwell & Mark Stevenson, *Sinaloa Drug Cartel Wins Turf War in Juarez*, AP, April 9, 2010 available at <http://www.azcentral.com/news/articles/2010/04/09/20100409cartel-wins-turf-war-juarez-mexico09-ON.html> (highlighting statements made by FBI officials that the Sinaloa DTO gained control over trafficking routes through Ciudad Juarez).

⁷¹ Ruth Maclean, *Mexico's Drug 'Boss of Bosses' Shot Dead in Raid on Luxury Hideout*, December 18, 2009, available at http://www.timesonline.co.uk/tol/news/world/us_and_americas/article6960040.ece (summarizing the bloody feud between the Beltrán-Leyva brothers and Joaquín Guzmán, the head of the Sinaloa DTO).

AREAS OF CARTEL INFLUENCES IN MEXICO

*E. Tuesday Briefings at ATF Headquarters*

These weapons recoveries did not occur in a vacuum. Upon learning of the recoveries, analysts in ATF's Office of Strategic Information and Intelligence (OSII) in Washington, D.C. attempted to piece together fragments of information to report up the chain of command. According to ATF personnel, every Tuesday morning OSII holds a briefing for the field operations staff to share and discuss information about ongoing ATF cases.⁷³ Typically, the four Deputy Assistant Directors for Field Operations attend. Additionally, Mark Chait, the Assistant Director for Field Operations, often attends. Occasionally, Deputy Director William Hoover and Acting Director Kenneth Melson attend these briefings.

OSII first briefed on Operation Fast and Furious on Tuesday December 8, 2009, including the Naco recovery. The following week, OSII briefed the Mexicali recovery. Subsequent briefings covered other recoveries that had occurred in the United States. The magnitude of the Operation Fast and Furious investigation quickly became apparent to senior ATF officials.

⁷³ Interview with Lorren Leadmon, Intelligence Operations Analyst, in Wash., D.C., July 5, 2011.

F. January 5, 2010 Briefing

Assistant Director Mark Chait, Deputy Assistant Director Bill McMahon, International Affairs Chief Daniel Kumor, Southwest Border Czar Ray Rowley, and Assistant Director James McDermond all attended the January 5, 2010, field-ops briefing led by Intelligence Operations Specialist Lorren Leadmon.⁷⁴ At this briefing, the participants expressed concerns about Operation Fast and Furious. Though the briefing included the normal updates of weapons seizures linked to Operation Fast and Furious provided every Tuesday, the January 5, 2010, briefing also included a key addition.

OSII had compiled a summary of all of the weapons that could be linked to known straw purchasers under Operation Fast and Furious to date and presented this information to the group. The total number of guns purchased in just two months was 685.⁷⁵

Steve Martin, an ATF Deputy Assistant Director for OSII, took extensive notes during the briefing. Examining the locations where the weapons ended up in Mexico, he outlined potential investigative steps that could be taken to address the problem.⁷⁶ Due to the sheer volume of weapons that had already moved south to Mexico, he had a hunch that guns were being walked:

A. So I made – they were talking about – I had [SP 1] in there, I had [SP 2] who were major purchasers. And I had numbers by them about how many guns they had purchased from the PowerPoint. I had a little picture drawn, with Phoenix at the top and then guns going two ways, one down to Naco and then over to Mexicali.

Q. Uh huh.

A. And that was because we said . . . it's the same distance to go from Phoenix to these two places. So they don't all have to go to here to arm the Sinaloa Cartel; they can go over to Mexicali and bring them that way-same distance. So that's one thing I wrote as I was being briefed.

I also wrote down guns, **I think, guns walking into Mexico. Because that's just, kind of, what's going through my head.** And I had, if yes into Mexico, then some things to do; if no into Mexico, things to do. Then I put a list of a whole list of stuff that you could do investigative wise: interview straw purchasers, put

⁷⁴ Transcribed Interview of Steve Martin, Transcript at 40, July 6, 2011 (on file with author) [hereinafter Martin Transcript].

⁷⁵ *Id.* at 43.

⁷⁶ Notes from Steve Martin, ATF Deputy Assistant Director for OSII, January 5, 2010 (HOCR ATF – 001552-53) (produced *in camera* by the Department of Justice).

trackers on the guns, put pole cams up, mobile surveillance, aerial surveillance, a number of stuff.⁷⁷

Hoping to draw from his experience as a former Assistant Special Agent in Charge (ASAC) and Special Agent in Charge (SAC), Martin wanted to offer suggestions on a plan for the case – specifically, how to track weapons, conduct surveillance, and eventually bring Operation Fast and Furious to a close. Those in field operations – the chain of command responsible for overseeing and implementing Operation Fast and Furious – responded to his suggestions with complete silence. ATF personnel within field operations felt free to ignore OSII's suggestions and complaints because OSII's role was to support field operations:

A. From my notes, **I asked Mr. Chait and Mr. McMahon, I said, what's your plan? I said, what's your plan?** And I said, hearing none, **and I don't know if they had one.** I said . . . there are some things that we can do. Ray Rowley, who was the southwest border czar at the time, asked, **how long are you going to let this go on?**

Q. This is in January 2010?

A. January 5th, that meeting, that's correct. Ray has since retired. So I said, well, here are some things that . . . we might think of doing. And we had talked about this before, we'd brainstormed stuff, too, with Lorren. Lorren even talked about it. Kevin talked about it. Kevin O'Keefe had done a lot of trafficking investigations in south Florida – about identifying some weak straw purchasers, let's see who the weak links are, maybe the super young ones, the super old ones. Pole cameras . . . put them up to see who is coming and going, to help you with surveillance.

The aerial surveillance, the mobile surveillance, trackers. I said . . . one of the first things I would do is think about putting trackers, to help me keep track of where they're going.

And I said, as far as going into Mexico, I said, have we thought about putting trackers on them and let them - - follow them into Mexico? Dan Kumor said, the Ambassador would never go for that. I said, okay, fine. I said, I'm not going to pursue that anymore, assuming that.

Had we thought about putting trackers on them and following them down to see where they're going across, to see where they go, who they're in contact with, and where they cross the border, we might find out something new and then . . . interdict. And I got no response. And I wasn't asking for one. I was just . . . throwing this stuff out.

⁷⁷ Martin Transcript, at 39-41.

- Q. You said this to who again, Mr. Chait?
- A. Mr. Chait, Mr. McMahon, Mr. Kumor. My boss was there, Jim McDermond, who agreed with me because we talked probably daily.
- Q. **Did any of those folks step up at that time and say, "Oh, no, no, no. We've got another great plan in place"?**
- A. **No. No.**
- Q. **They were silent?**
- A. **Yes. And I don't know if they had one.** I mean, they could have. I don't know.
- Q. Do you remember if they were nodding their head, giving you **any nonverbal cues that . . . this sounds like a bright idea that you're suggesting?**
- A. **Not that I recall, no.**
- Q. Or was it just like **a blank look on their face?**
- A. Just listening.⁷⁸

Whether Mr. Chait or Mr. McMahon had a plan for Operation Fast and Furious is unclear. What is clear is that they did not take kindly to suggestions from OSII about the operation. They were not inclined to discuss the operation at all, choosing instead to excuse themselves from the conversation:

- A. Somewhere during the meeting, Mr. Chait said that he had to go to another meeting, and he left. Mr. McMahon said that he had to go check some E-mails in a classified system, and he left. And then it was just the rest of us talking.
- Q. Do you feel that the other meeting, checking the E-mails on a classified system, was that an indication to you that they just didn't want to talk about this topic?
- A. You know, I'm not going to go into their brain on that one.
- Q. Okay. Well . . . sitting in a room with them, was that your perception?

⁷⁸ *Id.* at 43-45.

- A. Well, I would like – it would have been nice to have some interaction. . . .
- Q. So it was a one-way conversation of suggestions from you, from Mr. McDermond, to how to effectively limit –
- A. Pretty much from me and the others to the field officers.⁷⁹

G. March 5, 2010 Briefing

FINDING: At a March 5, 2010 briefing, ATF intelligence analysts told ATF and DOJ leadership that the number of firearms bought by known straw purchasers had exceeded the 1,000 mark. The briefing also made clear these weapons were ending up in Mexico.

Two months after the January 5, 2010 briefing, ATF headquarters hosted a larger, more detailed briefing on Operation Fast and Furious. Not part of the normal Tuesday field ops briefings, this special briefing only covered Operation Fast and Furious. David Voth, the Phoenix Group VII Supervisor who oversaw Operation Fast and Furious, traveled from Phoenix to give the presentation. On videoconference were the four southwest border ATF SACs: Bill Newell in Phoenix, Robert Champion in Dallas, J. Dewey Webb in Houston, and John Torres in Los Angeles.

In addition to the usual attendees of the Tuesday morning field ops briefings (the Deputy Assistant Directors for Field Operations, including Bill McMahon, and Mark Chait, Assistant Director for Field Operations), Deputy Director William Hoover also attended. Joe Cooley, a trial attorney from the gang unit at Main Justice, also joined. After a suggestion from Acting ATF Director Ken Melson in December 2009, Assistant Attorney General Lanny Breuer personally assigned Cooley as a DOJ representative for Operation Fast and Furious. Kevin Carwile, chief of the Capital Case Unit at Main Justice, may have also been present. According to Steve Martin, the inclusion of Main Justice representatives was unusual.⁸⁰

An extremely detailed synopsis of the current details of the investigation ensued, including the number of guns purchased, specific details of all Operation Fast and Furious weapons seizures to date, money spent by straw purchasers, and organizational charts of the straw purchasers and their relationship not only to each other, but also to members of the Sinaloa DTO. At that point, there had been 15 related weapons seizures over a four to five month period.⁸¹

⁷⁹ *Id.* at 45-46.

⁸⁰ *Id.* at 91 (“[Joe Cooley and Kevin Carwile] never sat in any of my briefings that I can recall.”).

⁸¹ *Id.* at 97. See generally “Operation Fast and the Furious” Presentation, March 5, 2010.

Two of the first slides in the March 5, 2010 presentation detailed the number of weapons bought as of February 27, 2010 – **1,026** – and the amount of money spent, in cash, to purchase these weapons – nearly **\$650,000**.⁸²

Total Firearms Purchased as of February 27, 2010	
Name	Total of Firearms
[REDACTED]	313
[REDACTED]	241
[REDACTED]	116
[REDACTED]	68
[REDACTED]	55
[REDACTED]	30
[REDACTED]	25
[REDACTED]	22
[REDACTED]	20
[REDACTED]	20
[REDACTED]	18
[REDACTED]	17
[REDACTED]	13
[REDACTED]	10
[REDACTED]	10
[REDACTED]	8
[REDACTED]	8
[REDACTED]	8
[REDACTED]	5
[REDACTED]	5
[REDACTED]	3
[REDACTED]	2
[REDACTED]	1
[REDACTED]	1
[REDACTED]	1
[REDACTED]	1
[REDACTED]	1
[REDACTED]	1
[REDACTED]	1
[REDACTED]	1
TOTAL	1026

⁸² See "Operation the Fast and the Furious" Presentation, March 5, 2010.

Total Costs of Firearms Purchased as of February 27, 2010			
Name	Gun Purchases	Invoice Total	Notes
	\$8,189.50	\$8,880.81	
	11,984.00	13,002.64	
			Need Receipts
	2,589.60	3,125.57	
	36,959.75	38,823.33	
	36,541.75	39,663.33	
	3,199.60	3,466.77	
	6,487.00	7,038.39	
	3,999.50	4,333.46	
	22,719.80	23,781.91	
			Need Receipts
	8,789.50	9,530.91	
	849.98	849.98	
	4,494.75	4,873.80	
	100.00	100.00	
	7,445.97	7,731.27	
	59,663.40	64,929.98	
	1,999.75	2,166.73	
	1,999.80	2,158.78	
	204,110.59	213,756.87	
	3,992.00	4,331.32	
	1,799.00	1,951.92	
			Need Receipts
	134,638.84	140,034.36	
	19,963.75	21,657.66	
	7,984.00	8,662.63	
	24,892.25	24,892.25	Ammunition
TOTAL PURCHASES	\$615,394.08	\$649,745.32	

The next set of slides at the briefing detailed the fifteen recoveries of weapons that had already taken place during Operation Fast and Furious. Following a map indicating the locations in both the United States and Mexico of these recoveries were detailed slides for each recovery, including the number of guns recovered, the purchaser, the transporter, and the intended recipient in the Sinaloa cartel.

For example, the slide pertaining to the Mexicali seizure indicated that the 12 detained suspects were all from Sinaloa, Mexico, “Confirmed Sinaloa cartel.”⁸³ The slide also catalogs the full recovery: “41 AK-47s, 1 AR-15 rifle, 1 FN 5.7 pistol, 421 kilograms of cocaine, 60 kilograms of meth, 392 miscellaneous rounds of ammunition, \$2 million U.S., and \$1 million Mexican pesos.”⁸⁴ In addition, the slide graphically depicts the relationships between the straw purchasers and the weapons seized. And finally, the slide on the El Paso recovery links Operation Fast and Furious to a Texas investigation and to the “plaza boss” in the Sinaloa cartel that Fast and Furious ultimately targeted.⁸⁵

Given the rich detail in the presentation, it is clear that the guns bought during Operation Fast and Furious were headed to the Sinaloa cartel. As Martin testified:

Q. The guns are up to 1,026 at this point?

A. That's correct.

Q. I know you had expressed some complaints earlier when it was only at 685. So there's **no doubt after this briefing that the guns in this case were being linked with the Sinaloa cartel**, based on the -

A. Based on the information presented, I'd say yes.

Q. And that was presumably **very apparent to everybody in the room?**

A. Based on this one, it says the people are connected with the Sinaloa cartel, I would say **that's correct**.⁸⁶

The volume of guns purchased and the short time-to-crime for many of these guns clearly signaled that the Sinaloa cartel received the guns shortly after their purchase in Arizona. If ATF had attempted to interdict the weapons, it is likely that hundreds of these weapons would not have ended up with this dangerous cartel or entered Mexico.⁸⁷ Martin agreed that was clear:

Q. But whether the guns were walking, whether they were flying, whether they just disappeared, based on all the evidence that you've collected to this point, **it was pretty clear that the guns were going almost linearly from the FFLs to the DTOs?**

A. **They were headed that way.**⁸⁸

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ Martin Transcript, at 100.

⁸⁷ For a complete discussion of the shortcomings of ATF's investigation, see generally *The Department of Justice's Operation Fast and Furious: Accounts of ATF Agents*, Joint Staff Report, 112th Congress, June 14, 2011.

⁸⁸ Martin Transcript, at 50.

Several individuals, such as Ray Rowley and those in OSII, had already expressed their concerns, only to have them fall on deaf ears. Others, however, remained silent, despite the ominous consequences:

Q. Was there any concern ever expressed about the guns being . . . essentially just bee lined right to the drug trafficking organizations about what the DTOs might actually do with the guns?

A. I think it was **common knowledge that they were going down there to be crime guns to use in the battle against the DTOs to shoot each other.**

Q. So these guns, in a way, are murder weapons?

A. **Potentially.**⁸⁹

The only person that did speak up during the March 5, 2010 presentation was Robert Champion, SAC for the Dallas Field Division participating by videoconference, who asked “What are we doing about this?”⁹⁰ According to Lorren Leadmon, in response, Joe Cooley from Main Justice simply said that the movement of so many guns to Mexico was “**an acceptable practice.**”⁹¹

Shortly after the March 5, 2010 presentation on Operation Fast and Furious, OSII stopped giving briefings on the program to ATF management during the weekly Tuesday meetings. OSII personnel felt that nobody in field operations heeded their warnings, and OSII no longer saw the point of continuing to brief the program.

V. Kept in the Dark

FINDING: ATF and DOJ leadership kept their own personnel in Mexico and Mexican government officials totally in the dark about all aspects of Fast and Furious. Meanwhile, ATF officials in Mexico grew increasingly worried about the number of weapons recovered in Mexico that traced back to an ongoing investigation out of ATF’s Phoenix Field Division.

Not surprisingly, ATF officials in Mexico grew increasingly alarmed about the growing number of weapons showing up in Mexico that traced back to the Phoenix Field Division. Yet, when they raised those concerns, ATF senior leadership both in Phoenix and Washington, D.C. reassured them that the Phoenix investigation was under control. No one informed them about

⁸⁹ *Id.* at 103-104.

⁹⁰ Interview with Lorren Leadmon, Intelligence Operations Specialist, in Wash., D.C., July 5, 2011.

⁹¹ *Id.*

the details of Operation Fast and Furious. No one informed them that ATF was knowingly allowing guns to be sold to straw buyers and then transferred into Mexico.

A. *Volume of Weapons Raises Eyebrows in Mexico*

ATF leadership in Mexico started noticing an “abnormal” number of weapons flowing from Phoenix into Mexico as early as the end of 2009. Former ATF Attaché Darren Gil explained:

Q. Now, at some point you mentioned that in late 2009, early 2010, your analysts made you aware of an increase in the number of recoveries, firearm recoveries being traced back to Phoenix; is that right?

A. Correct.

Q. And I think the word you used was abnormal. Can you explain for us what exactly -- what was normal?

A. Normal was -- there's, I want to say there's at least 1,000 FFLs along the border. And . . . some people use the trail of ants terminology, some people use the river of iron terminology, but generally you'll get a handful of traces to this FFL, handful of traces to this FFL, Federal Firearms Licensee, all along the border.

* * *

I asked my analyst, because I was fairly new. I said, why is this abnormal. He says, look, Darren, we have all these trace results and they come from a variety of FFLs, but then you have a high correlation here with this one particular investigation coming out of Phoenix where we're getting this way and above the number of recoveries we get from all these other Federal Firearms Licensees. So it stuck out to my analyst who presented that to me that it was an abnormal, his terminology actually, abnormal number of recoveries.⁹²

The “abnormal number of recoveries” concerned Gil and his agents in Mexico. Gil sought answers:

Q. And when your analyst made you aware of this uptick, what was the next step that you took?

⁹² Gil Transcript, at 61-62.

- A. Pretty much a review, show me what you're talking about, which he did. And then the phone call to Phoenix. And then after the phone call to Phoenix, which I spoke of, throughout the rest of the time it was primarily dealing with ATF headquarters, primarily with the chief of international affairs, Dan [Kumor].⁹³

B. Reassurances from Phoenix and Washington, D.C.

Attaché Gil initially reached out directly to the Phoenix Field Division to express his concerns about the growing number of weapons. Gil explained:

- Q. So when your staff in Mexico determined that a particular weapon was tracked back to Phoenix, did they try or did you try to make contact with some of the ATF staff in the Phoenix field office?
- A. I did. I called the division, tried to make contact with the SAC. I don't believe I spoke with the SAC, but I got a returned call and spoke with the ASAC there, George [Gillett]. I identified my concerns, hey, we're getting an abnormal number of traces. From what I recall his response was, yes, we're aware of it. We have an ongoing investigation. We have a ton of resources on it. We're looking at it. We're working at it, and thanks for calling and making us aware and then we'll follow it up from there.⁹⁴

Yet the seizures continued unabated, and the answers Gil received failed to better explain the underlying cause. Gil continued:

- Q. So your discussions with Mr. [Gillett] in early January, is it fair to say you weren't satisfied with the results of that call?
- A. I was satisfied with the first response, sure. They're working a case, they're trying to identify what the problem is, how these weapons are getting there, they're aware of it. That's a normal response, okay, good, we're on the job.

But . . . unfortunately, my chief analyst and my deputy would come back and say, Darren, these are – we're getting more and more and more of these seizures. And I would make inquiries with the Phoenix field division and I wasn't getting any responses back. And I may have gotten two more phone calls, yeah, we're working on it, we're working on it.⁹⁵

⁹³ *Id.* at 63.

⁹⁴ *Id.* at 15-16.

⁹⁵ *Id.* at 17.

Despite these reassurances, the volume of weapons flowing from Phoenix into Mexico continued to grow. Further, no one at ATF provided Gil or his staff any explanation as to why the volume continued to grow. When Gil and his staff tried to access the trace data on their E-Trace system to find out for themselves, they learned they did not have access. As Gil explained:

And at that point, with the number of seizures we were receiving in Mexico, that wasn't — that connected to the fact that my analyst didn't have access to the trace data in E-Trace, where we entered the data, normally we . . . would get that information back regarding the trace.

Unfortunately, my . . . deputy advised me that we were entering the data but we weren't getting the trace results back, all we were getting was "trace information delayed". And what that generally means is, there's been a hold placed on it by either the tracing center or by a field division because they didn't want that information released for some particular reason.⁹⁶

Members of Phoenix Field Division Group VII, including its case agent with support from the Group supervisor, actively shut out their colleagues in Mexico. As a result, Attaché Gil decided to seek answers from senior leadership in Washington, D.C.: "Ultimately I made phone calls to the chief of international affairs, Dan [Kumor], to try and get responses because I wasn't getting responses from Phoenix like I thought I should."⁹⁷ In early 2010, Attaché Gil shared his concerns with Kumor about the increasing number of gun recoveries in Mexico linked to Phoenix:

Q. At some point I understand you had some conversations with your boss back in Washington, Mr. [Kumor]. Was he the first person in Washington that you spoke to about the abnormal number of weapons that you were recovering?

A. Yes.

Q. And do you remember when the first time you raised this issue with Mr. [Kumor] was?

A. Again, it would be early 2010, probably around — probably January, about the same time.

We talked almost certainly weekly and almost daily basis, so he would have been notified at that time.

Q. And do you remember what his reaction was when you first raised the issue with him?

⁹⁶ *Id.* at 17-18.

⁹⁷ *Id.* at 17.

- A. Certainly, yeah, okay, let me check on it, it's an ongoing investigation, let me make some inquiries and I'll get back with you.
- Q. And did he ever get back with you?
- A. Yes.
- Q. And what did he say?
- A. Again, he said an on-going investigation, they're looking at straw purchasers, they have cooperative Federal Firearms Licensees and it sounds like a significant investigation. And . . . he didn't have access to the trace information either but . . . the Phoenix field division is aware of the investigation. The chain up to him is aware of the investigation, so everybody is aware of it and it looks like they have it under control.⁹⁸

Gil found it insufficient to hear the investigation was "under control." In the meantime, guns from a known straw purchasing ring continued to flow into Mexico from Arizona. Although Gil and his agents in Mexico remained in the dark about the tactics and strategy of Operation Fast and Furious, they realized something was wrong. Gil continued to express his concerns:

- Q. And did you ever raise any issues with Mr. [Kumor] that while they . . . may think they have it under control, it may not be under control because we are recovering an abnormal number of firearms?
- A. Again, spring time it got to the point of at what point are we going to . . . to close this investigation down? I mean, after 500 or so seizures I think you should have had enough data collection on what you're trying to show or prove. It was my position, it was Chief [Kumor's] position as well. He says, yeah, you're right. And he goes, so when are they going to close this down. And we were both on the same position there that this thing needed to be shut down.

So there was a number of ongoing — you saw my CBS interview, screaming matches . . . it was a very frustrated — high frustration level. And that was one of the reasons for . . . being frustrated.⁹⁹

Understandably, Gil was frustrated. Hundreds of weapons appeared suddenly in Mexico — traced to Phoenix — without explanation. Gil and his agents struggled to get answers from their own agency. Although ATF officials in Phoenix and Washington, D.C. acknowledged that an

⁹⁸ *Id.* at 20-21.

⁹⁹ *Id.* at 21.

investigation was underway, they refused to share the details of the strategy and operation with the agents in Mexico. Gil took their silence as suggesting that his colleagues did not trust him to keep the information confidential:

Q. Did you have any idea why you weren't being made aware of the specific details of this investigation?

A. I can tell you what I was told and they were afraid that I was going to either brief the ambassador on it or brief the Government of Mexico officials on it.

Q. And it was your understanding that individuals within ATF higher than Chief [Kumor] didn't want the ambassador to know about the investigations?

A. I couldn't say that . . . specifically they didn't want the ambassador to know. I know I asked . . . why can't I be briefed on this. Well, they're afraid that you would brief the GOM officials, Government of Mexico officials or . . . brief the ambassador. **They were just worried about somebody leaking whatever was unique about this investigation.**¹⁰⁰

VI. More Complaints and More Reassurances

ATF officials in Mexico constantly worried about the number of guns flowing from Phoenix to Mexico in connection with the Phoenix Field Division's investigation. Mexican authorities continued to seize guns at violent crime scenes involving Mexican DTOs. Without being privy to the particular tactics utilized by Operation Fast and Furious, ATF's representatives in Mexico suspected something was terribly amiss. Because initial contacts with Phoenix provided few answers, ATF officials in Mexico continued to report their concerns up the chain of command to ATF leadership in Washington, D.C. Instead of acting on their complaints, senior leadership at both ATF and the Department of Justice praised the investigation. However, ATF agents in Mexico kept sounding the alarm. In July 2010, Gil and his agents received notification that the Phoenix Field Division's investigation would be ending and shut down.¹⁰¹ In reality, ATF agents in Phoenix closed the investigative stage of Operation Fast and Furious in January 2011, only after the tragic death of Border Patrol Agent Brian Terry in December 2010.

¹⁰⁰ *Id.* at 72.

¹⁰¹ See Section VI.E *infra* page 44 (summarizing the exchange between Gil and Kumor regarding the timeline to shutdown Operation Fast and Furious).

A. Concerns Raised up the Chain of Command

FINDING: ATF officials in Mexico raised their concerns about the number of weapons recovered up the chain of command to ATF leadership in Washington, D.C. Instead of acting decisively to end Fast and Furious, the senior leadership at both ATF and DOJ praised the investigation and the positive results it had produced. Frustrations reached a boiling point, leading former ATF Attaché Darren Gil to engage in screaming matches with his supervisor, International Affairs Chief Daniel Kumor, about the need to shut down the Phoenix-based investigation.

Without knowing of possible gunwalking tactics used in Operation Fast and Furious, Gil and other ATF officials in Mexico knew the investigation needed to be shut down based on the empirical data. As Gil testified:

Q. And the number of firearms recovered in Mexico, you said it was about 500 in the spring, did that number continue to rise?

A. Yes, it did. I want to say by the time I left I think it was up to, which was in October, I think it was up to – the last data I think I was quoted was like 700 or so.

Q. And that continued to alarm you?

A. It was a topic of discussion every time – pretty much every time we spoke about when this thing was going to be shut down. And the general – the origin of it was, again, because it worried my folks. My chief analyst, who would see the data every day. He'd put in the trace results, he'd get information back, data – “trace results not available”, which means ATF put a hold on it somewhere.

So number one, we were submitting our information and we weren't getting our own trace data back, so that was an issue. The number was an issue. The fact that these guns were found in crime scenes, which we could not notify the GOM, the Government of Mexico, was an issue.

The fact that this brought pressure on us from the GOM because they're saying, why are we using – we're spending – ATF is spending extraordinary number of resources to train them on the Spanish E-Trace. And in the same breath they're saying, look, we're not getting anything back so why should we use this Spanish E-Trace, it's a waste of our time. And we have to say, no, it gives you this, this, and this. And they go, yeah, but we're not getting anything back.

So it became a big event that we're not getting this trace data back and it frustrated my folks, they in turn notified me. And we had meetings on it and then I'd make my calls to headquarters, again, primarily Chief [Kumor], and voiced our concerns. And it got to the point I would have my staff, on conference calls that we have, speak with Chief [Kumor] trying to – what the heck is going on here.¹⁰²

Gil and his staff struggled to deal with this growing crisis. Despite the increasing number of guns from Phoenix showing up at violent crime scenes in Mexico, ATF agents in Phoenix continually denied the ATF agents in Mexico the relevant information explaining this spike. Gil was so passionate about his and his staff's concerns that he had yelling matches with his boss:

Q. Who were those screaming matches with?

A. Primarily with Chief [Kumor]. And it wasn't just on this, all right, keep that in mind. . . . However, this was also part of it and at some point screaming, yelling . . . hey, when are they going to shut this, to put it bluntly, damn investigation down, we're getting hurt down here.

When, again, I think I mentioned in my CBS interview, when the Mexicans find out about this. **And this was not even knowing of the potential for gun walking. This was just . . . not shutting this investigation down and letting another 300 weapons come into the country after the first 300 weapons.** Because, again, it's inconceivable to me to even allow weapons to knowingly cross an international border.¹⁰³

* * *

Q. So it was clear to you that this ongoing case based out of Phoenix was proceeding, they weren't shutting it down, you disagreed with that because you saw too many weapons showing up in Mexico?

A. That's a fair assessment.¹⁰⁴

Deputy Attaché Canino shared Gil's concerns about the number of guns entering Mexico and that something needed to be done:

Q. What discussions did you have about the weapons from the Phoenix case in Mexico with Mr. Gil, Mr. Darren Gil?

¹⁰² Gil Transcript, at 30-32.

¹⁰³ *Id.* at 66-67.

¹⁰⁴ *Id.* at 24.

- A. We were very concerned . . . with that amount of guns and short period of time on a suspect gun data and they kept climbing.

* * *

I said, Darren, this is a problem . . . these many guns coming down here is a problem. We made that known to Danny Kumor . . . Danny was in agreement he pushed it up the chain and we were told yeah it is a case out of Phoenix and it is going great.¹⁰⁵

Gil and Canino prevailed upon their direct supervisor, Daniel Kumor, ATF's Chief of International Affairs, to take their concerns about the volume of weapons in Mexico up the chain of command:

- Q. When you say pushed it up the chain, what do you mean exactly?

A. He told his superior.

- Q. That would have been who?

A. That would have been deputy assistant director Bill McMahon.¹⁰⁶

Gil also testified that Kumor spoke to his superior, Deputy Assistant Director McMahon, about this matter:

- Q. And do you know if [Kumor] had any conversations with Mr. [McMahon], did he ever relate to you that he's had these conversations with Mr. [McMahon]?

A. Sure. He would say, I'll -- I'm going to go meet with . . . Bill [McMahon], the deputy assistant director. And he would -- and then in our conversations he would respond and, hey, I've spoken with Bill and he's going to send notification out or contact Phoenix and see what's going on, sure.¹⁰⁷

Gil also discussed his concerns with McMahon during trips to Washington:

- Q. Did you take any trips to Washington during this time period of --

A. Sure.

- Q. - January 2010 to before you left October 2010?

¹⁰⁵ Canino Transcript, at 16.

¹⁰⁶ *Id.* at 16-17.

¹⁰⁷ Gil Transcript, at 22-23.

A. Yes.

* * *

Q. You said, might have discussed it with Mr. [McMahon]. If you did, it wasn't something that you remember in detail?

A. Yeah, would have been, hey . . . is this thing still going on, and when is it going to be shut down. And something to the effect they're either working on it – again, their general response was they're working on it, they're going to close it down as soon as they can, and we'll let you know.¹⁰⁸

While Phoenix was “working on it,” guns continued to flow unabated into Mexico. Gil, Canino, and other ATF agents in Mexico raised legitimate concerns, but leadership told them to stand down. According to ATF leadership, not only was everything “under control,” but everyone in ATF *and* DOJ were well aware of the investigation in Phoenix:

Q. And at any point during those conversations was it made clear to you that the director is aware of this program?

A. Yes. At one point, I mean, again, probably during one of the final screaming matches was . . . I think I threw the question out there, hey, is DOJ aware of this investigation? Are they aware of what's going on, and are they approving this.

And then the chief's response was, yes, not only is . . . the director aware of it, Billy, William Hoover is aware of it, DOJ is aware of it. And then . . . through that fact – they have a Title 3, so DOJ must be aware of it certainly for that aspect. And certainly the US Attorney's office in Phoenix is aware of it because they had to approve the investigation.

But – so it wasn't just is the direct link aware of it . . . if the acting director is aware you assume everybody is aware of it. And then, okay, they don't want me to know something for some reason that's fine, they have their reasons and . . . you got to defer to your executive staff.¹⁰⁹

Senior leadership in Phoenix and Washington, D.C. continued to provide reassurances without answers during their visits to Mexico. Canino recalled several visits by both Mark Chait and Bill McMahon:

¹⁰⁸ *Id.* 36-38.

¹⁰⁹ *Id.* at 24-25.

- Q. Did senior officials from DOJ and ATF visit Mexico with regard to this case?
- A. This case specifically?
- Q. Did they make any visits to Mexico?
- A. Sure, yeah. Mmh hmm.
- Q. Would this case have been one of the things that got discussed during their visits?
- A. We talked about it, but we said . . . hey what is going on with this case out of Phoenix, we are starting to see a lot of guns in the suspect gun database, kind of alarming, so many guns. They said hey . . . we've got it handled, we are working, it is a good case out of Phoenix.
- Q. Who would those officials have been?
- A. Well, the director had come down, the deputy director had come down, the deputy associate director had come down.
- Q. Who is that?
- A. Bill McMahon. This assistant director for field operations, that is the guy who is in charge of all agents.
- Q. Mark Chait?
- A. Mark Chait came down. Bill Newell came down. So, yeah these guys have come down.
- Q. Multiple visits?
- A. Yeah. Some of them, multi visits and they talked, hey, yeah, we got a big case out of Phoenix.¹¹⁰

As Gil later stated, “[a]t that point . . . you just got to say, fine, these guys, they’re the leaders of this agency and they have some plan that I’m not aware of, but hopefully they have a good one.”¹¹¹

¹¹⁰ Canino Transcript, at 19-20.

¹¹¹ Gil Transcript, at 69.

B. A “Good Investigation”

The Phoenix Field Division and ATF headquarters extolled the virtues of the investigation to ATF personnel in Mexico. For example, during Acting ATF Director Kenneth Melson’s 2010 spring visit, Gil’s staff asked about the Phoenix case. Gil detailed Acting Director Melson’s response:

Q. And do you recall what Mr. Melson said?

A. Generally his response was, he’s aware of it, it’s an ongoing investigation, it’s providing some good intelligence . . . [A]ll positive as far as the investigation, it looks good. And I remember, I think Deputy Director Hoover was there. I think he turned to the deputy director and said, yeah, we’ll check on it when we get back but I think it’s providing some good results and we’ll check on when it’s going to be closed down, but my understanding it should be closed down fairly soon.¹¹²

Canino confirmed Gil’s recollection:

Q. And when any of the ATF officials came to Mexico, whether it is Melson or Hoover, do you recall briefing them? Or maybe briefing is the wrong word.

A. Mentioning it? Sure.

Q. Do you remember mentioning that there’s a lot of firearms being tracked back to Phoenix?

A. Mmh-hmm.

Q. Do you remember what their response was?

A. It was like, yeah . . . we got a case. We got a good case going on in Phoenix.

* * *

Q. Senior people in headquarters were aware of the case and they were not as alarmed?

A. Right.

¹¹² *Id.* at 40.

Q. They thought it was under control, or they thought it was a great case, about to come to fruition?

A. Correct.¹¹³

C. *Lanny Breuer and the Department of Justice*

Gil and Canino received the same message of support for Operation Fast and Furious from the Department of Justice. During a visit to Mexico, Lanny Breuer, the Assistant Attorney General for the Criminal Division demonstrated his awareness of the case:

Mr. [Breuer] kind of summed up his take on everything at the end, and one of them was that there's an investigation that ATF is conducting that looks like it's going to generate some good results and it will be a good positive case that we can present to the Government of Mexico as efforts that the US Government is taking to try and interdict weapons going into Mexico. And that was about – that was it. That was just a general statement. Myself and my deputy I believe were in the room and we kind of looked at each other. We're aware of this case, and so we assumed that's what he was mentioning. And we just wanted to make sure – we look at each other going, hope the ambassador [Carlos Pascual] doesn't ask any questions because we really don't know anything about the case. And luckily the ambassador did not.¹¹⁴

Canino also remembered a visit from Breuer where Breuer touted the Phoenix case:

Q. And during meetings with Mr. Breuer, did this subject come up?

A. I mean, I was in a meeting, it was a country team meeting, or it might have been a law enforcement team meeting . . . Ambassador, Mr. Breuer was there, Darren was there, Mr. Breuer . . . the Ambassador was saying hey, you know what . . . we need a big win we need some positive, some positive [firearms trafficking] cases. And Lanny Breuer says, yeah, there is a good case, there is a good case out of Phoenix. And that is all he said.

* * *

Q. But do you remember the specific incident with the Ambassador talking about the success stories?

A. Right.

¹¹³ Canino Transcript, at 102-103.

¹¹⁴ Gil Transcript, at 44.

- Q. And that is when Breuer mentioned this large case in Phoenix?
- A. Yeah. He said we got, there is a good case out of Phoenix.
- Q. And is it your impression that the case he was referring to is what now what you now know to be Fast and Furious?
- A. Yeah, when he said, I thought, oh, okay . . . he knows. He knows about this case.¹¹⁵

The Department of Justice, and more specifically, Assistant Attorney General Lanny Breuer, clearly knew about Operation Fast and Furious. Further, the Department of Justice's Office of Enforcement Operations (OEO) approved numerous of the wiretap applications in this case. These applications were signed on behalf of Assistant Attorney General Breuer in the spring of 2010. Instead of stemming the flow of firearms to Mexico, Operation Fast and Furious arguably contributed to an increase in weapons and violence.¹¹⁶

Additionally, the United States Attorney's office in Arizona – another DOJ component – was inextricably involved in supervising Operation Fast and Furious as the office was part of a prosecutor-led and OCDETF funded strike force.¹¹⁷ According to many agents, the U.S. Attorney's office's intimate day-to-day involvement was to the detriment of ATF's Phoenix Field Division. Furthermore, although DOJ knew about the operation, it kept key people who needed this information in the dark.¹¹⁸

D. Still in the Dark

By their own accounts, members of the senior leadership of both ATF and DOJ wanted a big firearms trafficking case to demonstrate success in combatting Mexican cartels. Despite this goal, they failed to provide specifics of the case to both Mexican officials and ATF personnel stationed in Mexico. As the chief ATF advisor in Mexico, Gil found this lapse of information sharing embarrassing.¹¹⁹

As Attaché in Mexico, Gil needed to be aware of ATF operations that impacted Mexico. Nevertheless, his own agency intentionally withheld critical details of the tactics and strategy behind Operation Fast and Furious. Gil did not even know the name of the operation until January 2011:

- Q. And generally, it would have been your job to approve operations that involved Mexico given your position as the attaché?

¹¹⁵ Canino Transcript, at 22-23.

¹¹⁶ See Section IV *supra*, page 8 for a detailed discussion of the flow of weapons to Mexico and the increased violence as a result.

¹¹⁷ Briefing Paper, Phoenix Field Division, 785115-10-0004 (Jan. 8, 2010).

¹¹⁸ See *supra* Section V.B.

¹¹⁹ Gil Transcript, at 45.

- A. Correct. Any activity regarding certain ATF in Mexico should have come through the ATF attaché's office in Mexico, and certainly any investigative activity should have been brought to the attention of the office.

* * *

- A. Again, I was aware there was an investigation, but I wasn't aware of the particulars of the investigation.¹²⁰

According to Gil, ATF leadership withheld information from him and other ATF agents in Mexico because of a fear that they would brief the Government of Mexico on the investigation and would jeopardize Operation Fast and Furious:

- Q. Did anyone ever tell you, this is sensitive and we can't let the Government of Mexico know about this case?

- A. Yeah, in one of my conversations – it was probably more than one, but certainly one that I recall, because it was so out of character, but . . . what our impression was in Mexico was it's a high level investigation. We understand the security issues of it. There's a Title 3 going on. So we all assume it's probably a corrupt Federal Firearms Licensee or more or others, and maybe they do have a connection that's flowing weapons there and they're working on it.

But at some point, okay, you haven't gotten the information by this time . . . you need to shut it down just for safety and security reasons. So that was the assumption we had.

* * *

Well, they're worried the Mexicans are going to get – the Government of Mexico would get it and it would ruin their investigation. All right, so let us know. Well . . . they're afraid that you'll either willingly or unknowingly release this information to your GOM counterparts.

Okay, well, how about letting me know as the attaché. Well, they're afraid that you'll do the same. And at that point . . . I called my folks and I said, look, they say they have it under control, all we can do is continue our mission down here and work towards our objectives and hopefully this investigation will bear fruit down the road that everybody is going to be happy with.

¹²⁰ *Id.* at 111-112.

But the problem we had, and I noted in my interview, was that these weapons are being recovered in violent crime scenes of Mexican law enforcement interacting with cartels or Mexican military officials interacting with cartels. And these guns are going to come back in the murder of some of these officials and we're going to have some explaining to do.¹²¹

Ultimately, ATF leadership's withholding of information worked against its own representatives in Mexico. This realization was a source of major irritation and frustration for Gil:

Q. Is it inconceivable to you that you were not a part of these discussions?

A. Again, I've repeatedly said I was very frustrated down there. And so that answer is, yes, I was very frustrated because I was not part of the ongoing investigation.

Q. So when you're told about a bigger picture, when you're told about a more sophisticated case, you hear [Lanny Breuer] referencing an ATF case, which is presumably this case. . . . At any point in time did you say, why am I not read into this case? Why am I not a party to these conversations?

A. Sure. Myself, my deputy, my staff, we were all frustrated. We didn't understand it. We understand the concept to keep secret investigations, that if you leak something potentially that it could get corrupt the case or get somebody . . . unfortunately get somebody hurt or killed. We understand that, but as I said, one of my screaming matches was over this issue that, okay, you don't want us to -- okay, if you tell me I'm not going to release anything to the Government of Mexico then I won't release it, but let me know.

When you tell me, well, we don't want to let you know because we're afraid you'll notify the ambassador or ultimately somehow the Government of Mexico is going to find out, yes, that irritates me. **And you can see why the voice level went up and the vulgar language probably came out on certain occasion because it is very, very irritating.**

Q. And you were trying to help them understand these guns are being recovered at crime scenes, these guns are in the possession of cartels, people are dying?

A. Correct.

¹²¹ *Id.* at 32-34.

Q. Is that part of your —

A. Myself, the deputy, I mean, it's like ground-hog day and — that's the best way to put it. Every time the event came up for whatever reason, maybe it was a new seizure, I was notified again, hey, when is this going to be shut down. And it's the same response that, hey, we're still working on it, it's still ongoing, we're getting some good information and we'll shut it down as soon as we can.¹²²

E. Told Operation Fast and Furious Being Shut Down

FINDING: Despite assurances that the program would be shut down as early as March 2010, it took the murder of a U.S. Border Patrol Agent in December 2010 to actually bring the program to a close.

As the ATF officials in Mexico continued to express concerns throughout 2010, ATF leadership told them the investigation would be shut down as soon as possible. Gil explained:

I queried Chief [Kumor] again . . . and that — and the ongoing discussion continued, they're aware of it, they're going to close it down as soon as they possibly can, but there's still — they think the investigation is not to the point where they can close it yet. And the discussions went on and on. It went to the point I departed Mexico.¹²³

Gil left his position as Attaché to Mexico in October 2010 and retired from the ATF just a few months later. At the time of his retirement, Operation Fast and Furious remained ongoing. Several months before Gil retired, Deputy Attaché Canino wrote to Dan Kumor with disturbing statistics:

Like I said, this is a problem. I sent an e-mail, I think it was July of 2010 . . . letting Dan Kumor know that approximately . . . the count was up to 1,900 guns in suspect gun data, 34 of which were, 34 of which were .50 caliber rifles. And I, my opinion was that these many .50 caliber rifles in the hands of one of these cartels is going to change the outcome of a battle. Dan pushed it forward. He was told, yeah, we are taking the case off in August of 2010. The case doesn't get taken off until January 25, 2011.¹²⁴

Kumor's response led Canino to believe that arrests were imminent in Operation Fast and Furious:

¹²² *Id.* at 113-115.

¹²³ *Id.* at 78.

¹²⁴ Canino Transcript, at 17.

- Q. So anyway let's talk about Danny Kumor telling you it is going to be closed down. You send him in the e-mail in July?
- A. He says, hey, I talked to Bill McMahon, Bill McMahon said they are taking the case down in August.
- Q. What did that mean to you? What was your understanding?
- A. That they were going to shut the case down and make arrests.
- Q. Now, at that point you still didn't know that they were gun walking?
- A. I never knew, I never believed it until this past April. Even after I ... talked to other guys in intel.
- Q. Just to go back to this. So when they said they are going to close the case down, what did you interpret that to mean? What was they were shutting down?
- A. They were going to start making arrests. Now ... through the fall, late fall, and I have been talking to Bill.
- Q. Bill Newell?
- A. Bill Newell, and Bill told me, hey, Carlos, we are going to probably take this down you know we are trying to take it down, I think he said December or so ... Novemberish. ... This is right around October ... November, December we are going to take this down ... then, the Terry murder happens.¹²⁵

The first arrest finally came in December 2010, immediately after Agent Terry's murder. More followed a few weeks later in January 2011. Prior to these arrests, Canino and the other ATF agents in Mexico continued to urge ATF leaders to shut down Operation Fast and Furious to no avail. Canino testified:

Like I said, right around after somebody told me the figure was 1,200 guns ... there's a case out of Phoenix. ... They'll take it off when they take it off. We're concerned. ... I've made my concerns up the chain ... sent that e-mail in July. I'm told they're going take it off in August. From September nothing, October ... October, November, Bill Newell says, I'm going to start taking this off. ... October, November. December comes around, Agent Terry happens. They take it off in January, end of January.¹²⁶

¹²⁵ *Id.* at 95.

¹²⁶ *Id.* at 123.

Kumor testified about his conversation with Deputy Assistant Director William McMahon about shutting down Operation Fast and Furious:

Q. But he did suggest to us in an interview we did that at least in part he was telling you we've got to shut that case down, we've got to shut that case down?

A. Oh, yeah, we've had those discussions.

Q. But that got heated as well. He was very animated about needing to shut this case down?

A. And if we did which is very possible and I'd say I agree with you a hundred percent but it's not my call, and I've already made those concerns known . . . to Bill [McMahon], and it's not – I don't have the authority to do it. And I said, matter of fact, whoever comes down or if you want to pick up the phone, you can tell them and see if you get anywhere with them. But the bottom line is that they're saying that the U.S. attorney's office is not going to authorize them to arrest these people. And, again, they're up on a wire and they're trying to put this case together.

Q. And when you say "Bill," you mean McMahon?

A. Yes.¹²⁷

F. Concerns Communicated to Deputy Assistant Director McMahon

Despite Dan Kumor's testimony to the Committees' investigators, Deputy Assistant Director for Field Operations William McMahon tried to minimize his knowledge of the concerns expressed by ATF agents in Mexico to their supervisors at Headquarters during his testimony to the Committees:

Q. What about Mr. Kumor? Did he express any concerns about this case?

A. Not that I remember.

Q. Essentially you were having two direct reports –

A. Uh huh.

Q. Expressing major concerns about this case to you.

¹²⁷ Transcribed Interview of Daniel Kumor, Transcript at 39, July 13, 2011 (on file with author) [hereinafter Kumor Transcript].

A. I did?

Q. Yes, Mr. Kumor and Mr. Rowley. That doesn't ring a bell?

A. No, it doesn't. Them expressing concerns?¹²⁸

A December 17, 2009 e-mail from Bill Newell indicates that he intended to brief McMahon about Ray Rowley's concerns regarding weapons showing up in Mexico in great numbers.¹²⁹

¹²⁸ Transcribed Interview of William McMahon, Transcript at 38, June 28, 2011 (on file with author) [hereinafter McMahon Transcript].

¹²⁹ E-mail from Bill Newell to Dave Voth December 17, 2009 (HOCR ATF – 000906).

From: Newell, William D.
Sent: Thursday, December 17, 2009 11:45 AM
To: Gillett, George T. Jr.
Cc: Voth, David J.
Subject: Re:

Well done, thank you. I will address Ray's concerns with McMahon.

Bill Newell
 Special Agent in Charge
 ATF Phoenix Field Division (AZ and NM)

NOTICE: This electronic transmission is confidential and intended only for the person(s) to whom it is addressed. If you have received this transmission in error, please notify the sender by return e-mail and destroy this message in its entirety (including all attachments).

From: Gillett, George T. Jr.
To: Newell, William D.
Cc: Voth, David J.
Sent: Thu Dec 17 13:27:49 2009
Subject: Bill-

OSII has not yet finished a link diagram on this investigation. Therefore, there is no "chart" in existence diagramming this investigation. Lorren Leadmon and crew are currently working on such a link-diagram chart, but it is not yet complete. Mr. Leadmon did have a power point that gave an overview of the case and that has been forwarded to GS Voth. However, that power point is about 1 week old, so the info is already a bit dated. GS Voth and Mr. Leadmon are speaking on a regular basis, so the lines of communication are now the equivalent of the proverbial fire hose. During one of their conversations, Lorren told Voth that Ray Rowley received a briefing on the investigation this week and mentioned the possibility of needing to shut the investigation down due to the large number of guns that have already been trafficked. Therefore, I spoke with Ray Rowley today and explained that even though the identified straw-purchasers bought approximately 175 guns last week alone, we have slowed down the FFL on future purchases and are obtaining intelligence directly related to this investigation from the current DEA wire tap. Ray did express some concern regarding the total number of guns that have been purchased by this straw-purchase scheme. I cautioned Ray on not doing any type of informal calculations on purchase numbers as that likely will result in double counting of firearms (counting purchased guns as well as recovered guns). I have also advised that we will slow the purchasers down as much as possible, but we have not identified the network yet. The result will be that the responsible conspirators will have new straw-purchasers operational before we complete the booking paperwork. I have asked Ray to consider me his direct point of contact on any future questions and/or concerns and I will do the same with him. I have also spoken with Kevin O'Keefe today and maintain those lines of communication.

As for plans to proceed, I have asked Mr. Voth to begin preparing a white paper that outlines progress to date as well as a plans for proceeding with the investigation. I know that he wants to take the information from the DEA wire and spin it off on a wire involving these subjects. I have also asked Mr. Voth to prepare a list of resources that HQ can provide (personnel and equipment) to support this investigation. I will keep you posted as things arise.

George T. Gillett
 Assistant Special Agent in Charge
 ATF - Phoenix Field Division

In his testimony, Kumor noted that he lacked the authority to shut down this investigation, but he reiterated that he raised the concerns expressed to him by ATF agents in Mexico with McMahon:

- Q. And you and Gil were in agreement that this was concerning, and you supported him in his view that something ought to be done –
- A. Yes, once they started showing up, absolutely.
- Q. But you didn't have the authority to do it?

A. No.

Q. However, you did raise those concerns with Bill McMahon?

A. Yes.¹³⁰

Kumor specifically refuted McMahon's testimony to the Committees' investigators about these events:

Q. So if McMahon said to us that you never raised these concerns with him, that wouldn't be completely honest, right?

A. That I never raised them?

Q. Right.

A. That's false. That's not true.

Q. So you did raise these concerns on multiple occasions with Mr. McMahon?

A. I did. I raised the issue of the fact that these weapons had been had started showing up and . . . what are we going to do? What's going on? Obviously if they're showing up in Mexico, that's a problem.

Q. How early did you raise that with him as far as the best you can recall?

A. When this thing first started. When this case first started that you're going to have . . . I know in March when they were showing the screen and how many guns were involved.

Q. March of 2010?

A. March of 2010, yes.

Q. And McMahon was at that meeting?

A. I believe he was.

Q. So he saw all these guns?

A. Right.

¹³⁰ Kumor Transcript, at 39-40.

- Q. Did he ever express to you that's a concern of his?
- A. Yeah, I think we've had – we had discussions where he was concerned as well. But, again, it kind of came back to . . . our hands are tied. The U.S. attorneys' office is not going to charge these guys . . . [T]hey want to go up on a wire, so they're going up on a wire, and they're going to do the case that way. So from my standpoint, I was like, well . . . the U.S. attorney's office is involved. . . . Newell is running the case. You're aware of it.¹³¹

VII. Reaction of ATF Officials in Mexico

FINDING: ATF officials in Mexico finally realized the truth: ATF allowed guns to walk. By withholding this critical information from its own personnel in Mexico, ATF jeopardized relations between the U.S. and Mexico.

When Special Agent John Dodson and the other ATF whistleblowers first came forward with allegations that guns were walked across the Mexican border during Operation Fast and Furious, Canino and Gil refused to believe them. Gil and Canino could not believe that the ATF would actually utilize a tactic that contravened the training and field experience of every ATF agent. Gil and Canino, the top two ATF officials in Mexico, could not even conceive that ATF would employ a strategy of allowing weapons transfers to straw purchasers. As Canino testified:

- Q. So at no time did you think [gunwalking] was a deliberate effort or part of a strategy?
- A. No. That was, like I said, in 21 years as an ATF agent, as a guy who teaches surveillance techniques, as a guy who teaches agents how to conduct field operations, **never in my wildest dreams ever would I have thought that this was a technique. Never. Ever. It just, it is inconceivable to me.**¹³²
- Q. And that is because of the dangers involved?
- A. Just – you don't do it. You don't wa[lk] guns. You don't wa[lk] guns. . . . **You don't lose guns. You don't walk guns. You don't let guns get out of your sight.** You have all these undercover techniques, all these safety measures in place so guns do not get out of your custody or control. I mean, I mean, you could follow, you could do a surveillance for 1,000 miles . . . either use planes, trackers, you use everything under the sun, but at the end of the

¹³¹ *Id.* at 41-43.

¹³² Canino Transcript, at 12.

day, those guns do not leave your control. At some point those guns do not get into the streets.¹³³

Gil felt the same way as Canino:

...And so the – to me, when I first heard this going on in the media about the potential for ATF letting guns walk, **it was inconceivable. I didn't want to believe it. It just – it would never happen. Everybody knows the consequences on the other end of . . . these guns aren't going for a positive cause, they're going for a negative cause. The term "guns walking" didn't exist in my vocabulary.**¹³⁴

In fact, Canino – an instructor for field operations and undercover operations for ATF since 1998, and a founding member and teacher of the ATF enhanced undercover training program – felt so confident that these allegations were false, that he began assuring people that the allegations had no merit:

Never, it is just, you don't do that. It is not – **what these guys did was basically grab the ATF rule book on trafficking and threw it out the window. This is indefensible. It is indefensible.** The ATF does not do this. . . . I owe people apologies because when this first came out, I did not believe it.

* * * *

[W]hen this first broke, I said there is no way this happened. . . . [M]y boss told me, hey, Carlos don't be so vocal about this . . . wait, wait to see what happens. I told him, I said, boss, we didn't do this. **He said how are you so sure? I said because we don't teach this, this is not how we are taught.**¹³⁵

Dan Kumor remembers cautioning Canino about being too quick to deny the allegations. As Canino's supervisor, Kumor did not want him to potentially have to retract false and misleading comments made to his Mexican counterparts. As somebody stationed in ATF headquarters, Kumor may have known there could be some merit to the allegations:

And I said . . . but I told Carlos, I said . . . until we find out what's going on, I wouldn't be – if we get questions about what happened, we're going to have to direct all that to the Phoenix field division or field ops because we don't know. And the last thing I want to do is represent or have you guys represent to the Mexicans or anybody else that, hey . . . there's no issues with any of this case.

¹³³ *Id.* at 12-13.

¹³⁴ Gil Transcript, at 48.

¹³⁵ Canino Transcript, at 13-14.

We don't know, and I don't want that coming back later because that would certainly be an issue with them as far as their reputations and their ability to be able to operate in the future down there.¹³⁶

As more information came to light, however, Gil and Canino concluded that hundreds and hundreds of guns had been walked. These guns ended up in at crime scenes in Mexico, about which Gil and Canino received extensive briefings. Gil and Canino became incensed when they finally began to learn about the full scope of Operation Fast and Furious and the investigative techniques involved:

- Q. When you first got the impression that this was part of a strategy to let guns walk into Mexico, what was your reaction to that strategy?
- A. I wasn't convinced that this happened until this past April after all the allegations were made, and I talked to different people. **I was beyond shocked. Embarrassed. I was angry. I'm still angry. Because this is not what we do.**

* * *

That is, I mean, **this is the perfect storm of idiocy.** That is the only way I could put it. This is, I mean, this is inconceivable to me. This is group think gone awry. You know what General George Patton says, if we are all thinking alike, then nobody is thinking. Right? Nobody was thinking here. How could anybody think, hey, let's follow, I mean there is a guy in this case that bought over 600 guns. At what point do you think you might want to pull him aside and say, hey, come here for a second.¹³⁷

When Canino himself uncovered hard evidence that ATF had allowed the guns to disappear from their surveillance he understood the whistleblower allegations were true:

- Q. Okay, and take us through what happened in April.
- A. I was here on a visit to headquarters.
- Q. Alcohol, Tobacco and Firearms headquarters?
- A. Alcohol, Tobacco and Firearms headquarters, and I was, I was looking at a, the management log on this case. **And the first two pages, if I'm not mistaken, there are entries there that chronicle us walking away on three separate occasions from stash houses.**

¹³⁶ Kumor Transcript, at 98-99.

¹³⁷ Canino Transcript, at 17-19.

- Q. And did that sound to you incredible?
- A. I stopped reading.
- Q. So you only got through two pages of this management log?
- A. Yeah.
- Q. And then you couldn't read it any longer?
- A. Didn't want to.
- Q. Because you were so upset?
- A. Yes.
- Q. And you were upset because walking away from three stash houses struck you as so outrageous?
- A. Walking away from one, walking away from one gun when you know that that gun is going to be used in a crime when you, I mean, there is no, **there was no gray area here guys. There was no gray area here.** We knew that these guys were trafficking guns into Mexico. **There is no gray area.** They weren't trafficking, [the] guys weren't going out and buying two Larson 22 pistols. These guys were buying 7.62, 223's, .50 caliber rifles, okay, there was no mistake about this. **This is no gray area.**¹³⁸

Gil realized the full scope of Operation Fast and Furious only after he retired from ATF. It took the public allegations of the whistleblowers and contacts with his former colleagues for Gil to fully comprehend the tactics used in Operation Fast and Furious:

- Q. Now, when you were speaking with [a Congressional investigator] you indicated that you learned about the specific tactics of operation Fast and Furious. Can you remind us when that was?
- A. It was after I retired. It was after the shooting of Border Patrol Agent Terry. I started getting phone calls saying, hey, this is — there is something to this thing, these guns were knowingly allowed into Mexico. And so that was the first knowledge that I had about the potential allowing guns to go into Mexico.
- Q. And how did you become aware of that?

¹³⁸ *Id.* at 25-26.

- A. Several phone calls from agents, speaking to my deputy or my former deputy, Carlos [Canino], who I remained in contact with. Seeing Agent Dodson on TV and getting phone calls primarily. And then I was contacted by several media sources including CBS.¹³⁹

After realizing that ATF had let guns walk, Gil's concerns turned to the safety of ATF agents in Mexico:

- Q. And I believe you mentioned that in the aftermath of Agent Dodson's interview on CBS, you had concerns about your former agents in Mexico. What were – what were the concerns you had for them?
- A. I had spoken to my deputy primarily and he mentioned that, obviously, the Government of Mexico, our counterparts are not happy with this situation. It made it tough for them that . . . didn't want to work with them. It's like, hey, we can't trust you, you guys are allowing these guns to come in. Inside the embassy because **the Government of Mexico was irritated with us, they held that against the other agencies within the embassy**, maybe slowing down Visas to allow personnel to come in and work in Mexico. . . Obviously **the ambassador** probably, I didn't speak -- I haven't spoken to him since I left the country, but my understanding is he **wasn't happy about it**. And so there might have been some friction there between the acting attaché, Carlos [Canino], and him. And so it was several conflicts going on. And, again, they just started looking at the articles and the bloggers and some of the media reports in Mexico that the ATF was corrupt, and we were taking kickbacks to allow these weapons to come in, which puts a big zero – crossbar on my guys' backs down there.
- Q. When you say crossbar?
- A. I'm sorry, I should clarify that.
- Q. Sure.
- A. Puts a mark on their back, for instance, targets for not only corrupt cartel members to find out who they are and kidnap or kill, which is some of the unfortunate areas I had to deal with down there. And then – or **Government of Mexico officials not happy and . . . they may arrest you, indict you, take away your Visa and**

¹³⁹ Gil Transcript, at 81-82.

throw you out of the country. So there's all these things going on down there amongst my former crew.¹⁴⁰

VIII. Persistent Consequences of Operation Fast and Furious

FINDING: The high-risk tactics of cessation of surveillance, gunwalking, and non-interdiction of weapons that ATF used in Fast and Furious went against the core of ATF's mission, as well as the training and field experience of its agents. These flaws inherent in Operation Fast and Furious made tragic consequences inevitable.

A. The Murder of Mario Gonzalez Rodriguez

On October 21, 2010, drug cartel members kidnapped Mario Gonzalez Rodriguez from his office. At the time of the kidnapping, his sister Patricia Gonzalez Rodriguez was the Attorney General of the state of Chihuahua in northwestern Mexico. A few days after the kidnapping, a video surfaced on the Internet in which Mario Gonzalez Rodriguez sat handcuffed, surrounded by five heavily armed men wearing masks, dressed in camouflage and bullet-proof vests. Apparently under duress, Rodriguez alleged that his sister had ordered killings at the behest of the Juarez cartel, located in Chihuahua.¹⁴¹ The video quickly went viral, instantly becoming a major news story in Mexico.

Patricia Gonzalez Rodriguez denied her brother's allegations, claiming the armed men holding him hostage coerced Mario into making his statements. Patricia Gonzalez Rodriguez asserted her brother's kidnapping was payback for the prosecutions of members of the Sinaloa cartel and corrupt Mexican law enforcement officers. Ms. Rodriguez left her post as attorney general later that month.

On November 5, 2010, Mexican authorities found Mario Gonzalez Rodriguez's body in a shallow grave.¹⁴² Shortly after this grisly discovery, the Mexican federal police engaged in a shootout with drug cartel members, which resulted in the arrest of eight suspects. Police seized sixteen weapons from the scene of the shootout. Two of these weapons traced back to Operation Fast and Furious.¹⁴³

E-mails obtained by the Committees indicate that ATF knew about the link to Operation Fast and Furious almost immediately after the trace results came back. A November 15, 2010 e-mail from ATF's OSII to the Phoenix Field Division alerted Phoenix that two of the recovered AK-47s weapons traced back to Operation Fast and Furious.¹⁴⁴ A number of employees from

¹⁴⁰ *Id.* at 82-84.

¹⁴¹ Kim Murphy, *U.S. AK-47s Linked to Mexican attorney's slaying*, L.A. TIMES, June 23, 2011, available at <http://articles.latimes.com/2011/jun/23/nation/la-na-gunrunner-20110623>.

¹⁴² Maggie Ybarra, *8 Held in Death of Ex-Chihuahua AG's Brother*, EL PASO TIMES, November 5, 2010, available at http://www.elpasotimes.com/news/ci_16537620.

¹⁴³ Email from Tonya English to David Voth, November 15, 2010 (HOCR ATF – 001792).

¹⁴⁴ *Id.*

OSII contacted their colleagues in Phoenix to alert them of this connection. OSII agents also told ATF personnel in Mexico.¹⁴⁵

Carlos Canino informed ATF headquarters about the link between the Gonzalez murder and the subsequent shootout to Fast and Furious. However, no one authorized Canino to inform the Mexican government about the connection.

Q. Who did you mention it to?

A. I mentioned it to the Director.

Q. That's Acting Director Melson?

A. Yes. I mentioned it to Billy Hoover, I mentioned it to Mark Chait, I mentioned it to Bill McMahon, I mentioned it to my boss Danny Kumor.

* * *

A. I remember at least two times when I mentioned it to them. I said one of us – look, here's what happened. Okay, this woman is a prominent politician.

Q. This is Miss Patricia Gonzalez?

A. Right.

Q. She's no longer a –

A. No longer, right. . . [T]his is front page news for days in Mexico, we need to tell them this, because if we don't tell them this, and this gets out, it was my opinion that the Mexicans would never trust us again because we were holding back this type of information. **And every time I mentioned it... guys started looking at their cell phones, silence in the room, let's move on to the next subject. . . .** I wasn't told, yea, tell her, but I was never told, no, you can't tell her. I was never told that. It was just indecision.

Q. So you were getting no instructions at all?

A. Zero instructions.¹⁴⁶

¹⁴⁵ Interview with Lorren Leadmon, Intelligence Operations Specialist, in Wash., D.C., July 5, 2011.

¹⁴⁶ Canino Transcript, at 31-32.

Acting Attaché Canino continued to feel strongly that the Mexican government should be informed of the link between the Mario Gonzalez murderers and Operation Fast and Furious. He also believed that, given the seriousness of the information and the negative fallout that would likely ensue, ATF headquarters should share this information with the U.S. Ambassador to Mexico.¹⁴⁷

The rapidly escalating media scrutiny would eventually expose the connection between the Mario Gonzalez Rodriguez murderers and Operation Fast and Furious. In Canino's view, sharing this information directly with Mexican officials before the press exposed it was of paramount importance to preserve U.S.-Mexico relations and the ability of ATF personnel to operate in Mexico. Not until June 2011, nearly eight months after ATF became aware of the link between Operation Fast and Furious and the guns recovered following the shootout, did Canino notify the Mexican government:

Q. And why did you do that [tell Ms. Morales]?

A. I communicated that to the Mexican Attorney General Maricela Morales because I did not want her to find out through media reports where these guns had come from. I wanted her to find out from me, because she is an ally of the U.S. Government. She is committed to fighting these cartels, she is a personal friend, and I owe her that.

Q. That courtesy?

A. I owe her that courtesy, absolutely.

* * *

Q. And even though you really didn't get permission – well, I guess Mr. Kumor sort of approved, but no one else really did?

A. Right.

Q. But you still decided that it was important for you to disclose that information?

A. **If I hadn't told the Attorney General this, and this had come out in the news media, I would never be able to work with her ever again, and we would be done in Mexico.** We just might as well pack up the office and go home.

Q. So the fact that these guns traced back to this program Fast and Furious has the potential, perhaps even did, to create an international incident?

¹⁴⁷ *Id.* at 32.

A. This has already created an international incident.

Q. But this is even more personal?

A. When the Mexican media gets ahold of this, it's going to go crazy.

Q. By "this" you're talking about the tracing to the death of Mario Gonzalez?

A. Absolutely.

* * *

Q. Now, what was her reaction when you told her?

A. She was shocked.

Q. Did she say anything, exclaim anything?

A. She said, "Hijole," which translates basically into, "Oh, my."

Q. Oh, my God? Oh, my?

A. Yeah.¹⁴⁸

The failure to inform the Mexican government earlier risked possible international implications. This failure to inform is another example of ATF leadership withholding essential information related to Operation Fast and Furious.

B. The Mexican Helicopter Incident

A May 2011 shootout between Mexican police and cartel members demonstrates the broadening impact of Operation Fast and Furious. On May 24, 2011, La Familia DTO gunmen forced a Federal Police helicopter to make an emergency landing in the state of Michoacan, located in western Mexico.¹⁴⁹ The gunmen attacked the helicopter, wounding two officers on board and forcing the aircraft to land near the scene of the attack.¹⁵⁰ Canino described the event:

A. I think it was on May 24th the Mexican Federal Police mounted an operation against members of La Familia.

¹⁴⁸ *Id.* at 30-31, 33.

¹⁴⁹ "Drug Gunmen Force Down Mexican Police Helicopter," *AP*, May 25, 2011, available at <http://www.signonsandiego.com/news/2011/may/25/drug-gunmen-force-down-mexican-police-helicopter/>.

¹⁵⁰ *Id.*

- Q. That's a drug cartel?
- A. Right. In the State of Michoacan. When the Mexican Federal Police was deploying its troops via helicopter, they came under fire from members of La Familia. I believe in the May 24th incident two crewmen were hit.
- Q. These were soldiers or policemen?
- A. Policemen, Federal policemen. They were hit. The helicopter flew off. My understanding is that that helicopter could have made it back to the base under its own power; however, it landed to render aid to the injured people on board.¹⁵¹

On May 29, 2011, the federal police launched a massive raid on the La Familia DTO. During the raid, cartel gunmen again attacked Federal Police helicopters and wounded two more officers:

- A. Fast forward to May 29th. Again, the Mexican Federal Police mount another operation. I believe this time it was in the State of - I need to look at a map. Anyway, it was a bordering State.
- Q. Okay.
- A. They were coming in. Members of La Familia cartel engaged - there were four helicopters - engaged them. I believe all four helicopters were struck by fire. Mexican Federal Police returned fire from the helicopters; able to suppress the fire coming in, offloaded, and the helicopters all flew back, and they were back in service within a few days.
- Q. Now, was there any people hurt on the ground, any deaths?
- A. I believe in the second operation, I believe ... Mexican Federal Police killed, I believe either 11 or 14 people.¹⁵²

The raid resulted in the deaths of 11 cartel members and the arrest of 36 cartel members, including those suspected of firing on the helicopter several days earlier. Authorities also found a cache of more than 70 rifles at the scene, including a Barrett .50 caliber rifle. Some of these weapons traced back to Operation Fast and Furious.¹⁵³ Mexican police also found a stash of heavy-duty body armor belonging to the cartels. This was the first time ATF in Mexico had seen

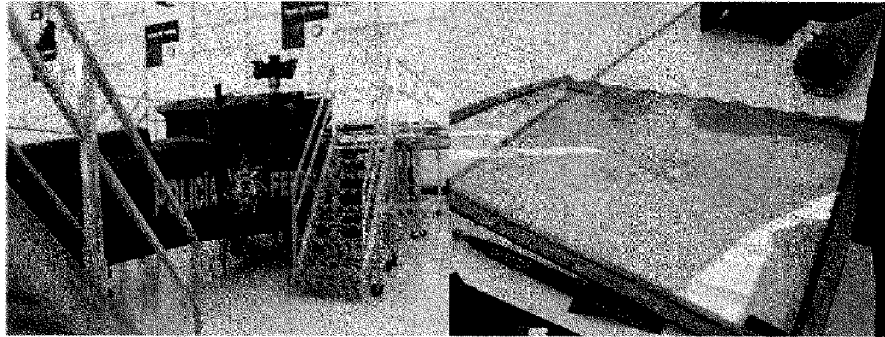
¹⁵¹ Camino Transcript, at 34.

¹⁵² *Id.* at 34.

¹⁵³ *Id.* at 35.

such body armor in the hands of the cartels. Along with the Barrett .50 caliber rifles, these vests symbolized a new level of sophistication in cartel weaponry.¹⁵⁴

During a trip to Mexico City on June 25, 2011, Members and staff from the U.S. House of Representatives Committee on Oversight and Government had an opportunity to visually inspect the damaged helicopter.¹⁵⁵ Several bullet holes were evident on the body of the aircraft, and one round from a .50-caliber rifle penetrated the thick “bullet proof” glass windshield.



The downed helicopter incident and subsequent police raid resulted in the recovery of Operation Fast and Furious weapons that may have been used against the Mexican police. Barrett .50 caliber rifles provide a significant upgrade to the cartels' ability to inflict serious damage and casualties on their enemies. As Canino testified:

[T]he count was up to 1,900 guns [associated with Fast and Furious] in suspect gun data, 34 of which were, 34 of which were .50 caliber rifles. And I, my opinion was that these many .50 caliber rifles in the hands of one of these **cartels is going to change the outcome of a battle.**¹⁵⁶

Previously, weapons had been linked back to the Sinaloa cartel and members of the El Teo organization, an off-shoot from the Beltrán-Leyva cartel. La Familia DTO is the third cartel connected to Operation Fast and Furious weapons. The May 24, 2011 shooting shows that Operation Fast and Furious weapons may be found in a broader geographic area than the territory controlled by the Sinaloa DTO.¹⁵⁷ This spread of Operation Fast and Furious weapons may place an even greater number of Mexican citizens in harm's way.

¹⁵⁴ Canino Transcript, at 36.

¹⁵⁵ Report from United States Embassy staff about Congressional Visit, June 25, 2011 (on file with author).

¹⁵⁶ Canino Transcript, at 17.

¹⁵⁷ See Areas of Cartel Influences in Mexico, *supra* page 19.

IX. Conclusion

According to the Justice Department's July 22, 2011 response to Questions for the Record posed by Senator Grassley, Fast and Furious suspects purchased 1,418 weapons *after* becoming known to the ATF.¹⁵⁸ Of those weapons, 1,048 remain unaccounted for, since the Department's response indicates that the guns have not yet been recovered and traced.¹⁵⁹ U.S. and Mexican law enforcement officials continue to seize weapons connected to the operation and recover weapons at crime scenes on both sides of the border. Given the vast amount of Operation Fast and Furious weapons possibly still in the hands of cartel members, law enforcement officials should expect more seizures and recoveries at crime scenes. According to several agents involved in Operation Fast and Furious, ATF agents will have to deal with these guns for years to come.¹⁶⁰

Some aspects of Operation Fast and Furious may ultimately escape scrutiny given the difficulties of tracing weapons recovered in Mexico. The possibility remains for more high-profile deaths linked to Operation Fast and Furious. Canino bluntly described his reaction to that possibility:

Q. When you first got the impression that this was part of a strategy to let guns walk into Mexico, what was your reaction to that strategy?

A. The guys in Mexico will trace those . . . I'm beyond angry. Brian Terry is not the last guy, okay, guys? Let's put it out there right now. Nobody wants to talk about that. Brian Terry is not the last guy unfortunately. . . . **Unfortunately, there are hundreds of Brian Terrys probably in Mexico . . . we ATF armed the [Sinaloa] cartel. It is disgusting.**¹⁶¹

The faulty design of Operation Fast and Furious led to tragic consequences. Countless United States and Mexican citizens suffered as a result. The lessons learned from exposing the risky tactics used during Operation Fast and Furious will hopefully be a catalyst for better leadership and better internal law enforcement procedures. Any strategy or tactic other than interdiction of illegally purchased firearms at the first lawful opportunity should be subject to strict operational controls. These controls are essential to ensure that no government agency ever again allows guns to knowingly flow from American gun stores to intermediaries to Mexican drug cartels.

¹⁵⁸ Letter from Ronald Weich, Asst. Att'y Gen., U.S. Dep't of Justice, to Senator Patrick Leahy, Chairman, Senate Jud. Comm., July 22, 2011, 13.

¹⁵⁹ *Id.* at 14.

¹⁶⁰ See Casa Transcript, at 17; see also *Operation Fast and Furious: Reckless Decisions, Tragic Outcomes*, 111th Cong. 44 June 14, 2011 (statement of Peter Forcelli, ATF Special Agent).

¹⁶¹ Canino Transcript, at 17-19.

MINORITY VIEWS

Report of the Committee on Oversight and Government Reform**Resolution Recommending that the House of Representatives Find Eric H. Holder, Jr., Attorney General, U.S. Department of Justice, in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Committee on Oversight and Government Reform**

On June 20, 2012, the Committee adopted on a strictly party-line vote a report and resolution (hereinafter “Contempt Citation”) concluding that Attorney General Eric H. Holder, Jr., the chief law enforcement officer of the United States, should be held in contempt of Congress for declining to produce certain documents pursuant to the Committee’s investigation of “gunwalking” during Operation Fast and Furious and previous operations.

Committee Democrats were unanimous in their opposition to the Contempt Citation. These dissenting views conclude that Congress has a Constitutional responsibility to conduct vigorous oversight of the executive branch, but that holding the Attorney General in contempt would be an extreme, unprecedented action based on partisan election-year politics rather than the facts uncovered during the investigation.

These views find that the Committee failed to honor its Constitutional responsibility to avoid unnecessary conflict with the executive branch by seeking reasonable accommodations when possible. The Committee flatly rejected a fair and reasonable offer made by the Attorney General to provide additional internal deliberative documents sought by the Committee in exchange for a good faith commitment toward resolving the contempt dispute. Instead, the Committee has repeatedly shifted the goalposts in this investigation after failing to find evidence to support its unsubstantiated allegations.

The Contempt Citation adopted by the Committee contains serious and significant errors, omissions, and misrepresentations. To address these inaccuracies, these views hereby incorporate and attach the 95-page staff report issued by Ranking Member Elijah Cummings in January 2012, which provides a comprehensive analysis of the evidence obtained during the Committee’s investigation.

I. THE COMMITTEE’S ACTIONS HAVE BEEN HIGHLY PARTISAN

The Committee’s contempt vote on June 20, 2012, was the culmination of one of the most highly politicized congressional investigations in decades. It was based on numerous unsubstantiated allegations that targeted the Obama Administration for political purposes, and it ignored documented evidence of gunwalking operations during the previous administration.

During the Committee’s 16-month investigation, the Committee refused all Democratic requests for witnesses and hearings. In one of the most significant flaws of the investigation, the Chairman refused multiple requests to hold a public hearing with Kenneth Melson, the former head of ATF, the agency responsible for conducting these operations.¹ The Chairman’s refusal came after Mr. Melson told Committee investigators privately in July 2011 that he never informed senior officials at the Justice Department about gunwalking during Operation Fast and Furious because he was unaware of it himself.² Mr. Melson’s statements directly contradict the claim in the Contempt Citation that senior Justice Department officials

were aware of gunwalking because Mr. Melson briefed Gary Grindler, then-Acting Deputy Attorney General, in March 2010.³

Despite promising that he would be “investigating a president of my own party because many of the issues we’re working on began on [sic] President Bush,” the Chairman also refused multiple requests for former Attorney General Michael Mukasey to testify before the Committee or to meet with Committee Members informally to discuss the origination and evolution of gunwalking operations since 2006.⁴ Documents obtained during the investigation indicate that Mr. Mukasey was briefed personally on botched efforts to coordinate firearm interdictions with Mexican law enforcement officials in 2007 and was informed directly that such efforts would be expanded during his tenure.⁵

The Committee also failed to conduct interviews of other key figures. For example, the Committee did not respond to a request to interview Alice Fisher, who served as Assistant Attorney General in charge of the Criminal Division from 2005 to 2008, about her role in authorizing wiretaps in Operation Wide Receiver, or to a request to interview Deputy Assistant Attorney General Kenneth Blanco, who also authorized wiretaps in Operation Fast and Furious and still works at the Department, but who was placed in his position under the Bush Administration in April 2008.⁶ No explanation for these refusals has been given.

During the Committee business meeting on June 20, 2012, every Democratic amendment to correct the Contempt Citation by noting these facts was defeated on strictly party-line votes.

II. HOLDING THE ATTORNEY GENERAL IN CONTEMPT WOULD BE UNPRECEDENTED

The House of Representatives has never in its history held an Attorney General in contempt of Congress. The only precedent referenced in the Contempt Citation for holding a sitting Attorney General in contempt for refusing to provide documents is this Committee’s vote in 1998 to hold then-Attorney General Janet Reno in contempt during the campaign finance investigation conducted by then-Chairman Dan Burton.⁷

Chairman Burton’s investigation was widely discredited, and the decision to hold the Attorney General in contempt was criticized by editorial boards across the country as “a gross abuse of his powers as chairman of the committee,”⁸ a “fishing expedition,”⁹ “laced with palpable political motives,”¹⁰ and “showboating.”¹¹ That action was so partisan and so widely discredited that Newt Gingrich, who was then Speaker, did not bring it to the House Floor for a vote.¹²

Similarly, numerous commentators and editorial boards have criticized Chairman Issa’s recent actions as “a monstrous witch hunt,”¹³ “a pointless partisan fight,”¹⁴ and “dysfunctional Washington as usual.”¹⁵

III. THE COMMITTEE HAS HELD THE ATTORNEY GENERAL TO AN IMPOSSIBLE STANDARD

For more than a year, the Committee has held the Attorney General to an impossible standard by demanding documents he is prohibited by law from producing.

One of the key sets of documents demanded during this investigation has been federal wiretap applications submitted by law enforcement agents in order to obtain a federal court’s approval to secretly monitor the telephone calls of individuals suspected of gun trafficking.

The federal wiretapping statute, which was passed by Congress and signed by President Lyndon B. Johnson on June 19, 1968, provides

for a penalty of up to five years in prison for the unauthorized disclosure of wiretap communications and prohibits the unauthorized disclosure of wiretap applications approved by federal judges, who must seal them to protect against their disclosure.¹⁶ The statute states:

Each application for an order authorizing or approving the interception of a wire, oral, or electronic communication under this chapter shall be made in writing upon oath or affirmation to a judge of competent jurisdiction. Applications made and orders granted under this chapter shall be sealed by the judge.¹⁷

Similarly, in 1940, Congress passed a statute giving the Supreme Court the power to prescribe rules of pleading, practice, and procedure in criminal cases.¹⁸ In 1946, the modern grand jury secrecy rule was codified as Rule 6(e) of the Federal Rules of Criminal Procedure, which provides for criminal penalties for disclosing grand jury information.¹⁹

The Department has explained this to the Committee repeatedly, including in a letter on May 15, 2012:

Our disclosure to this oversight Committee of some material sought by the October 11 subpoena, such as records covered by grand jury secrecy rules and federal wiretap applications and related information, is prohibited by law or court orders.²⁰

Despite these legal prohibitions, the Chairman continued to threaten to hold the Attorney General in contempt for protecting these documents. He also publicly accused the Attorney General of a “cover-up,”²¹ claimed he was “obstructing” the Committee’s investigation,²² asserted that he is willing to “deceive the public,”²³ and stated on national television that he “lied.”²⁴

IV. THE DOCUMENTS AT ISSUE IN THE CONTEMPT CITATION ARE NOT ABOUT GUNWALKING

The documents at issue in the Contempt Citation are not related to the Committee’s investigation into how gunwalking was initiated and utilized in Operation Fast and Furious.

Over the past year, the Department of Justice has produced thousands of pages of documents, the Committee has interviewed two dozen officials, and the Attorney General has testified before Congress nine times.

In January, Ranking Member Cummings issued a comprehensive 95-page staff report documenting that Operation Fast and Furious was in fact the fourth in a series of gunwalking operations run by ATF’s Phoenix field division over a span of five years beginning in 2006. Three prior operations—Operation Wide Receiver (2006–2007), the Hernandez case (2007), and the Medrano case (2008)—occurred during the Bush Administration. All four operations were overseen by the same ATF Special Agent in Charge in Phoenix.²⁵

The Committee has obtained no evidence that the Attorney General was aware that gunwalking was being used. To the contrary, as soon as he learned of its use, the Attorney General halted it, ordered an Inspector General investigation, and implemented significant internal reform measures.²⁶

After finding no evidence of wrongdoing by the Attorney General, the Committee’s investigation shifted to focusing on a single letter sent by the Department’s Office of Legislative Affairs to Senator Charles Grassley on February 4, 2011. This letter initially denied allegations that ATF “knowingly allowed the sale of assault weapons to a straw

purchaser who then transported them into Mexico” and stated that “ATF makes every effort to interdict weapons that have been purchased illegally and prevent their transportation to Mexico.”²⁷

The Department has acknowledged that its letter was inaccurate and has formally withdrawn it. On December 2, 2011, the Department wrote that “facts have come to light during the course of this investigation that indicate that the February 4 letter contains inaccuracies.”²⁸

Acknowledging these inaccuracies, the Department also provided the Committee with 1,300 pages of internal deliberative documents relating to how the letter to Senator Grassley was drafted. These documents demonstrate that officials in the Office of Legislative Affairs who were responsible for drafting the letter did not intentionally mislead Congress, but instead relied on inaccurate assertions and strong denials from officials “in the best position to know the relevant facts: ATF and the U.S. Attorney’s Office in Arizona, both of which had responsibility for Operation Fast and Furious.”²⁹

Despite receiving these documents explaining how the letter to Senator Grassley was drafted, the Committee moved the goalposts and demanded additional internal documents created after February 4, 2011, the date the letter to Senator Grassley was sent. It is unclear why the Committee needs these documents. This narrow subset of additional documents—which have nothing to do with how gunwalking was initiated in Operation Fast and Furious—is now the sole basis cited in the Contempt Citation for holding the Attorney General in contempt.³⁰

V. THE COMMITTEE REFUSED A GOOD FAITH OFFER BY THE ATTORNEY GENERAL FOR ADDITIONAL DOCUMENTS

The Committee failed to honor its Constitutional responsibility to avoid unnecessary conflict with the Executive Branch by seeking reasonable accommodations when possible. On the evening before the Committee’s contempt vote, the Attorney General met with Chairman Issa, Ranking Member Cummings, Senator Grassley, and Senator Patrick Leahy. The Attorney General offered to take the following steps in response to the Committee’s demands for additional documents. Specifically, the Attorney General:

- (1) offered to provide additional internal deliberative Department documents, created even after February 4, 2011;
- (2) offered a substantive briefing on the Department’s actions relating to how they determined the letter contained inaccuracies;
- (3) agreed to Senator Grassley’s request during the meeting to provide a description of the categories of documents that would be produced and withheld; and
- (4) agreed to answer additional substantive requests for information from the Committee.

The Attorney General noted that his offer included documents and information that went even beyond those demanded in the Committee’s subpoena. In exchange, the Attorney General asked the Chairman for a good faith commitment to work towards a final resolution of the contempt issue.³¹

Chairman Issa did not make any substantive changes to his position. Instead, he declined to commit to a good faith effort to work towards resolving the contempt issue and flatly refused the Attorney General’s offer.

There is no question that the Constitution authorizes Congress to conduct rigorous investigations in support of its legislative

functions.³² The Constitution also requires Congress and the executive branch to seek to accommodate each other’s interests and to avoid unnecessary conflict. As the D.C. Circuit has held:

[E]ach branch should take cognizance of an implicit constitutional mandate to seek optimal accommodation through a realistic evaluation of the needs of the conflicting branches in the particular fact situation.³³

Similarly, then-Attorney General William French Smith, who served under President Ronald Reagan, observed:

The accommodation required is not simply an exchange of concessions or a test of political strength. It is an obligation of each branch to make a principled effort to acknowledge, and if possible to meet, the legitimate needs of the other branch.³⁴

VI. THE COMMITTEE’S DECISION TO PRESS FORWARD WITH CONTEMPT LED TO THE ADMINISTRATION’S ASSERTION OF EXECUTIVE PRIVILEGE

After the Chairman refused the Attorney General’s good faith offer—and it became clear that a Committee contempt vote was inevitable—the President asserted executive privilege over the narrow category of documents still at issue. The Administration made clear that it was still willing to negotiate on Congress’ access to the documents if contempt could be resolved.

On June 20, 2012, Deputy Attorney General James Cole wrote to the Chairman to inform the Committee that “the President, in light of the Committee’s decision to hold the contempt vote, has asserted executive privilege over the relevant post-February 4 documents.”³⁵ An accompanying letter from Attorney General Holder described the documents covered by the privilege as limited to “internal Department ‘documents from after February 4, 2011, related to the Department’s response to Congress.’”³⁶

Claims by House Speaker John Boehner and others that the Administration’s assertion of executive privilege raises questions about the President’s personal knowledge of gunwalking reflect a misunderstanding of the scope of the privilege asserted.³⁷ Regarding the narrow subset of documents covered by the assertion, the letter from Attorney General explained:

They were not generated in the course of the conduct of Fast and Furious. Instead, they were created after the investigative tactics at issue in that operation had terminated and in the course of the Department’s deliberative process concerning how to respond to congressional and related media inquiries into that operation.³⁸

The Attorney General’s letter also explained the Administration’s legal rationale for invoking executive privilege over internal deliberative Justice Department documents, citing opinions from former Attorneys General Michael B. Mukasey, John Ashcroft, William French Smith, and Janet Reno, as well as former Solicitor General and Acting Attorney General Paul D. Clement.³⁹ The letter also quoted the Supreme Court in *United States v. Nixon*, writing:

The threat of compelled disclosure of confidential Executive Branch deliberative material can discourage robust and candid deliberations, for “[h]uman experience teaches that those who expect public dissemination of their remarks may well temper candor with a concern for appearances and for their own interests to the detriment of the decisionmaking process.” . . . Thus, Presidents

have repeatedly asserted executive privilege to protect confidential Executive Branch deliberative materials from congressional subpoena.⁴⁰

VII. THE COMMITTEE FAILED TO RESPONSIBLY CONSIDER THE EXECUTIVE PRIVILEGE ASSERTION

Despite requests from several Committee Members, the Committee did not delay or postpone the business meeting in order to responsibly examine the Administration’s assertion of executive privilege and determine whether it would be appropriate to continue contempt proceedings against the Attorney General.

Instead of following the example of previous Committee Chairmen who put off contempt proceedings in order to conduct a serious and careful review of presidential assertions of executive privilege, Chairman Issa stated that “I claim not to be a constitutional scholar” and proceeded with the contempt vote.⁴¹

In contrast, former Committee Chairman Henry Waxman put off a contempt vote after President George W. Bush asserted executive privilege in the investigation into the leak of the covert status of CIA operative Valerie Plame.⁴² He took the same course of action after President Bush asserted executive privilege over documents relating to the Environmental Protection Agency’s ozone regulation on the same day as a scheduled contempt vote. At the time, he stated:

I want to talk with my colleagues on both sides of the aisle about this new development. I want to learn more about the assertion and the basis for this assertion of the executive privilege.⁴³

Although the Committee ultimately disagreed with the validity of President Bush’s assertions of executive privilege, in neither case did the Committee go forward with contempt proceedings against the officials named in the contempt citations.

Similarly, Rep. John Dingell, as Chairman of the Energy and Commerce Committee during that Committee’s 1981 investigation into the Department of Interior, received an assertion of executive privilege from the Reagan Administration regarding documents pertaining to the administration of the Mineral Lands Leasing Act.⁴⁴ Before proceeding to contempt, the Committee held two separate hearings on the executive privilege assertion, and the Committee invited the Attorney General to testify regarding his legal opinion supporting the claim of executive privilege.⁴⁵

VIII. THE INVESTIGATION HAS BEEN CHARACTERIZED BY UNSUBSTANTIATED CLAIMS

The Committee’s investigation of ATF gunwalking operations has been characterized by a series of unfortunate and unsubstantiated allegations against the Obama Administration that turned out to be inaccurate.

For example, during an interview on national television on October 16, 2011, the Chairman accused the Federal Bureau of Investigation (FBI) of concealing evidence of the murder of Agent Brian Terry by hiding a “third gun” found at the murder scene.⁴⁶ The FBI demonstrated quickly that this claim was unsubstantiated.⁴⁷ Although the Chairman admitted during a subsequent hearing that “we do go down blind alleys regularly,” no apology was issued to the law enforcement agents that were accused of a cover-up.⁴⁸

At the same time, the Chairman has defended the previous Administration’s operations as “coordinated.”⁴⁹ In response to a

question about gunwalking during the Bush Administration, the Chairman stated:

We know that under the Bush Administration there were similar operations, but they were coordinated with Mexico. They made every effort to keep their eyes on the weapons the whole time.⁵⁰

To the contrary, the staff report issued by Ranking Member Cummings on January 31, 2012, documents at least three operations during the previous Administration in which coordination efforts were either non-existent or severely deficient.⁵¹

In addition, the Chairman has stated repeatedly that senior Justice Department officials were “fully aware” of gunwalking in Operation Fast and Furious.⁵² After conducting two dozen transcribed interviews, none of the officials and agents involved said they informed the Attorney General or other senior Department officials about gunwalking in Operation Fast and Furious. Instead, the heads of the agencies responsible for the operation—ATF and the U.S. Attorney’s Office—told Committee investigators just the opposite, that they never informed senior Department officials about gunwalking in Operation Fast and Furious because they were unaware of it.⁵³

Finally, the Chairman has promoted an extreme conspiracy theory that the Obama Administration intentionally designed Operation Fast and Furious to promote gunwalking. He stated in December 2011 that the Administration “made a crisis and they are using this crisis to somehow take away or limit people’s second amendment rights.”⁵⁴ This offensive claim has also been made by Rush Limbaugh and other conservative media personalities during the course of the investigation. For example, on June 20, 2011, Mr. Limbaugh stated:

The real reason for Operation Gunrunner or Fast and Furious, whatever they want to call it now, the purpose of this was so that Obama and the rest of the Democrats can scream bloody murder about the lack of gun control in the U.S., which is causing all the murders in Mexico. This was a setup from the get-go.⁵⁵

Another conservative commentator stated that “their political agenda behind this entire thing was to blame American gun shops for cartel violence in America in order to push an anti-Second Amendment, more regulations on these gun shops.”⁵⁶ Yet another one stated:

This was purely a political operation. You send the guns down to Mexico, therefore you support the political narrative that the Obama administration wanted supported. That all these American guns are flooding Mexico, they’re the cause of the violence in Mexico, and therefore we need draconian gun control laws here in America.⁵⁷

As recently as this month, Committee Member John Mica repeated this claim on Fox News. On June 15, 2012, he stated:

People forget how all this started. This administration is a gun control administration. They tried to put the violence in Mexico on the blame of the United States. So they concocted this scheme and actually sending our federal agents, sending guns down there, and trying to cook some little deal to say that we have got to get more guns under control.⁵⁸

There is no evidence to support this conspiracy theory. To the contrary, the documents obtained and interviews conducted by

the Committee demonstrate that gunwalking began in 2006, was used in three operations during the Bush Administration, and was a misguided tactic utilized by the ATF field division in Phoenix.⁵⁹

NOTES

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²House Committee on Oversight and Government Reform, Transcribed Interview of Kenneth E. Melson (July 4, 2011).

³House Committee on Oversight and Government Reform, *Report of the Committee on Oversight and Government Reform on Resolution Recommending that the House of Representatives Find Eric H. Holder, Jr., Attorney General, U.S. Department of Justice, in Contempt of Congress for Refusal to Comply with a Subpoena Duly Issued by the Committee on Oversight and Government Reform*, at 11 (June 14, 2012) (“Contempt Citation”).

⁴*The Daily Rundown*, MSNBC (Nov. 3, 2010) (online at <http://videocafe.crooksandliars.com/david/darrell-issa-obama-must-answer-several-hundr>); Letter from Rep. Elijah E. Cummings, Ranking Member, House Committee on Oversight and Government Reform, to Rep. Darrell E. Issa, Chairman, House Committee on Oversight and Government Reform (June 5, 2012); Letter from Rep. Elijah E. Cummings, Ranking Member, House Committee on Oversight and Government Reform, to Rep. Darrell E. Issa, Chairman, House Committee on Oversight and Government Reform (Feb. 2, 2012); Letter from Rep. Elijah E. Cummings, Ranking Member, House Committee on Oversight and Government Reform, to Rep. Darrell E. Issa, Chairman, House Committee on Oversight and Government Reform (Nov. 4, 2011).

⁵Department of Justice, *Meeting of the Attorney General with Mexican Attorney General Medina Mora* (Nov. 16, 2007).

⁶Letter from Rep. Elijah E. Cummings, Ranking Member, House Committee on Oversight and Government Reform, to Rep. Darrell E. Issa, Chairman, House Committee on Oversight and Government Reform (June 5, 2012).

⁷House Committee on Government Reform and Oversight, *Contempt of Congress: Refusal of Attorney General Janet Reno to Produce Documents Subpoenaed By the Government Reform and Oversight Committee*, 105th Cong. (1998) (H. Rept. 105-728).

⁸*The Contempt Citation*, Washington Post (Sept. 22, 1998).

⁹*Buck Stops With Reno; Appointing an Independent Counsel in Campaign Contribution Case: That Decision is Reno’s Alone to Make on the Basis of Her Information and Her Interpretation of the Law*, Los Angeles Times (Aug. 6, 1998).

¹⁰*Tell Him No, Ms. Reno!*, Miami Herald (Aug. 6, 1998).

¹¹*Give Reno Some Room*, St. Petersburg Times (Aug. 6, 1998).

¹²Congressional Research Service, *Congressional Contempt Power and the Enforcement of Congressional Subpoenas: Law, History, Practice, and Procedure* (May 8, 2012).

¹³Juan Williams, *Issa’s Monstrous Witch Hunt*, The Hill (May 14, 2012).

¹⁴*A Pointless Partisan Fight*, New York Times (June 20, 2012).

¹⁵*Holder Contempt Vote is Dysfunctional Washington as Usual*, Baltimore Sun (June 21, 2012). See also Eugene Robinson, *GOP Witch Hunt for Eric Holder Reflects Bigger Problem*, Washington Post (June 21, 2012); Paul Bar-

rett, *In Contempt of Government Reform*, Businessweek (June 20, 2012); Dana Milbank, *Republicans’ Attempt to Hold Holder in Contempt is Uphill Battle*, Washington Post (June 20, 2012) (describing the “contemptible antics” of the Committee’s contempt proceedings); Sandra Hernandez, *Partisan Politics Plague Probe of ‘Fast and Furious,’* Los Angeles Times (“Issa’s demand loses some of its credibility and lapses into political theater when he threatens Atty. Gen. Eric H. Holder Jr. with criminal contempt for failing to cooperate”) (Mar. 29, 2012).

¹⁶The White House, *Statement by the President Upon Signing the Omnibus Crime Control and Safe Streets Act of 1968* (June 19, 1968); 18 U.S.C. 2511(4)(a) (providing that violators “shall be fined under this title or imprisoned not more than five years, or both”); 18 U.S.C. 2511(1)(e) (covering any person who “intentionally discloses, or endeavors to disclose, to any other person the contents of any wire, oral, or electronic communication, intercepted by means authorized” under this chapter).

¹⁷18 U.S.C. 2518(1), 2518(8).

¹⁸Summer Courts Act, Pub. L. No. 76-675, 54 Stat. 688 (1940).

¹⁹Fed. R. Crim. Pro. 6(e)(7) (providing that a knowing violation of Rule 6 “may be punished as a contempt of court”); 18 U.S.C. 401(3) (providing that a “court of the United States shall have power to punish by fine or imprisonment, or both, at its discretion, such contempt of its authority”).

²⁰Letter from James M. Cole, Deputy Attorney General, Department of Justice, to Rep. Darrell E. Issa, Chairman, House Committee on Oversight and Government Reform (May 15, 2012).

²¹Letter from Rep. Darrell E. Issa, Chairman, House Committee on Oversight and Government Reform, to Eric H. Holder, Jr., Attorney General, Department of Justice (Jan. 31, 2012).

²²Letter from Rep. Darrell E. Issa, Chairman, House Committee on Oversight and Government Reform, to Eric H. Holder, Jr., Attorney General, Department of Justice (Oct. 9, 2011).

²³Letter from Rep. Darrell E. Issa, Chairman, House Committee on Oversight and Government Reform, to Eric H. Holder, Jr., Attorney General, Department of Justice (Jan. 31, 2012).

²⁴*On the Record with Greta Van Susteren*, Fox News (June 7, 2012) (online at www.foxnews.com/on-air/on-the-record/2012/06/08/issas-fast-and-furious-frustration-bubbles-over-holders-truth-not-consistent-facts?page=2).

²⁵Minority Staff, House Committee on Oversight and Government Reform, *Fatally Flawed: Five Years of Gunwalking in Arizona* (Jan. 2012) (online at http://democrats.oversight.house.gov/index.php?option=com_content&task=view&id=5575&Itemid=104).

²⁶*Id.*; House Committee on the Judiciary, Testimony of Eric H. Holder, Jr., Attorney General, Department of Justice, *Oversight of the United States Department of Justice* (June 7, 2012).

²⁷Letter from Ronald Weich, Assistant Attorney General, Office of Legislative Affairs, Department of Justice, to Sen. Charles E. Grassley, Ranking Member, Senate Committee on the Judiciary (Feb. 4, 2011).

²⁸Letter from James M. Cole, Deputy Attorney General, Department of Justice, to Rep. Darrell E. Issa, Chairman, House Committee on Oversight and Government Reform, et al. (Dec. 2, 2011).

²⁹*Id.*

³⁰Contempt Citation, at 41-42.

³¹ *Id.*

³² Congressional Research Service, *Congressional Oversight Manual* (June 10, 2011).

³³ *United States v. AT&T*, 567 F.2d 121, 127 (D.C. Cir. 1977).

³⁴ 5 Op. Off. Legal Counsel. 27, 31 (1981).

³⁵ Letter from James M. Cole, Deputy Attorney General, Department of Justice, to Rep. Darrell E. Issa, Chairman, House Oversight and Government Reform (June 20, 2012).

³⁶ Letter from Eric H. Holder, Jr., Attorney General, Department of Justice, to Barack H. Obama, President (June 19, 2012) (quoting Letter from Rep. Darrell E. Issa, Chairman, House Committee on Oversight and Government Reform, to Eric H. Holder, Jr., Attorney General, Department of Justice (June 13, 2012)).

³⁷ *Fast and Furious: How President Obama and John Boehner Got to the Brink*, Politico (June 22, 2012) (quoting Speaker John A. Boehner as stating that the “decision to invoke executive privilege is an admission that White House officials were involved in decisions that misled the Congress and have covered up the truth”); House Committee on Oversight and Government Reform, *Business Meeting* (June 20, 2012) (quoting Rep. James Lankford as stating “we weren’t even aware that the President was engaged in the deliberations” and Rep. Jason E. Chaffetz stating that the assertion means that the President “somehow was personally involved”).

³⁸ Letter from Eric H. Holder, Jr., Attorney General, Department of Justice, to Barack H. Obama, President (June 19, 2012) (quoting Letter from Rep. Darrell E. Issa, Chairman, House Committee on Oversight and Government Reform, to Eric H. Holder, Jr., Attorney General, Department of Justice (June 13, 2012)).

³⁹ Letter from Eric H. Holder, Jr., Attorney General, Department of Justice, to Barack H. Obama, President (June 19, 2012) (quoting Letter from Michael B. Mukasey, Attorney General, Department of Justice, to George W. Bush, President (June 19, 2008); Letter from Paul D. Clement, Solicitor General and Acting Attorney General, Department of Justice, to George W. Bush, President (June 27, 2007); Letter from John D. Ashcroft, Attorney General, Department of Justice, to

George W. Bush, President (Dec. 10, 2001); 23 Op. Off. Legal Counsel 1, 1–2 (1999) (opinion of Attorney General Janet W. Reno); 5 Op. Off. Legal Counsel 27, 29–31 (1981) (opinion of Attorney General William French Smith)).

⁴⁰ Letter from Eric H. Holder, Jr., Attorney General, Department of Justice, to Barack H. Obama, President (June 19, 2012) (citing *United States v. Nixon*, 418 U.S. 683, 705 (1974)).

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⁴² House Committee on Oversight and Government Reform, *Report Regarding President Bush’s Assertion of Executive Privilege in Response to the Committee Subpoena to Attorney General Michael B. Mukasey*, 110th Cong. (2008).

⁴³ House Committee on Oversight and Government Reform, Statement of Chairman Henry A. Waxman, *Hearing on the Johnson and Dudley Contempt of Congress Resolutions*, 110th Cong. (June 20, 2008).

⁴⁴ House Committee on Energy and Commerce, *Congressional Proceedings Against Interior Secretary James G. Watt for Withholding Subpoenaed Documents And For Failure to Answer Questions Relating to Reciprocity Under the Mineral Lands Leasing Act*, 97th Cong. (Sept. 30, 1982) (H. Rept. 97–898).

⁴⁵ *Id.*

⁴⁶ *Face the Nation*, CBS News (Oct. 16, 2011) (online at www.cbsnews.com/stories/2011/10/16/ftn/main20121072.shtml).

⁴⁷ *Justice Department Accuses Issa of “Mischaracterizing” Evidence in Probe of Operation Fast and Furious*, Fox News (Oct. 17, 2011) (online at www.foxnews.com/politics/2011/10/17/justice-department-accuses-issa-mischaracterizing-evidence-in-probe-operation/#ixzz1xiMQtvoh).

⁴⁸ House Committee on Oversight and Government Reform, *Hearing on Operation Fast and Furious: Management Failures at the Department of Justice* (Feb. 2, 2012).

⁴⁹ *Face the Nation*, CBS News (Oct. 16, 2011) (online at www.cbsnews.com/stories/2011/10/16/ftn/main20121072.shtml).

⁵⁰ *Id.*

⁵¹ Minority Staff, House Committee on Oversight and Government Reform, *Fatally Flawed: Five Years of Gunwalking in Arizona*

(Jan. 2012) (online at http://democrats.oversight.house.gov/index.php?option=com_content&task=view&id=5575&Itemid=104).

⁵² *The Roger Hedgecock Show* (Nov. 21, 2011) (online at www.youtube.com/watch?v=pGYUxuBNxk0).

⁵³ House Committee on Oversight and Government Reform, Transcribed Interview of Kenneth E. Melson (July 4, 2011); House Committee on Oversight and Government Reform, Transcribed Interview of Dennis K. Burke (Aug. 18, 2011).

⁵⁴ *Hannity*, Fox News (Dec. 8, 2011) (online at <http://video.foxnews.com/v/1317212270001/holder-on-the-hot-seat-over-fast-furious>).

⁵⁵ *The Rush Limbaugh Show* (June 20, 2011) (online at www.rushlimbaugh.com/daily/2011/06/20/on_the_cutting_edge_we_covered_the_fast_and_furious_story_in_march).

⁵⁶ *O’Reilly Factor*, Fox News (Apr. 16, 2012) (online at www.foxnews.com/on-air/oreilly/2012/04/17/will-fast-and-furious-hurt-obamas-re-election-chances).

⁵⁷ *American Newsroom*, Fox News (Mar. 12, 2012) (online at <http://video.foxnews.com/v/1502683781001/tea-party-turning-up-the-heat-on-fast-furious>).

⁵⁸ *Hannity*, Fox News (June 15, 2012) (online at <http://video.foxnews.com/v/1691933147001>).

⁵⁹ *Minority Staff, House Committee on Oversight and Government Reform, Fatally Flawed: Five Years of Gunwalking in Arizona* (Jan. 2011) (online at http://democrats.oversight.house.gov/images/stories/minority_report_13112.pdf)

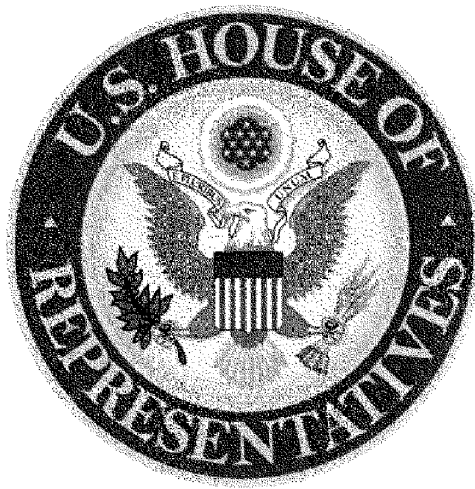
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FATALLY FLAWED

Five Years of Gunwalking in Arizona

REPORT OF THE MINORITY STAFF

REP. ELIJAH E. CLYBURN, RANKING MEMBER
Committee on Oversight and Government Reform
U.S. House of Representatives
January 2012



For information related to this report, please contact:

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January 30, 2012

Dear Members of the Committee on Oversight and Government Reform:

On December 15, 2010, Brian Terry, an Agent in an elite Customs and Border Protection tactical unit, was killed in a gunfight 18 miles from the Mexican border. Two AK-47 variant assault rifles found at the scene were traced back to purchases by one of the targets of an investigation called Operation Fast and Furious being conducted by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). When he purchased these weapons, the target had already been identified as a suspected straw purchaser involved with a large network of firearms traffickers illegally smuggling guns to deadly Mexican drug cartels. Despite knowing about hundreds of similar purchases over a year-long period, ATF interdicted only a small number of firearms and delayed making arrests.

Last June, I pledged to Agent Terry's family that I would try to find out what led to this operation that allowed hundreds of firearms to be released into communities on both sides of the border. Following the Committee's year-long investigation of this matter, I directed my staff to compile this report to provide some of those answers. I instructed them to focus on the facts we have discovered rather than the heated and sometimes inaccurate rhetoric that has characterized much of this investigation.

As a result, this report tells the story of how misguided gunwalking operations originated in 2006 as ATF's Phoenix Field Division devised a strategy to forgo prosecutions against low-level straw purchasers while they attempted to build bigger charges against higher-level cartel members. Unfortunately, this strategy failed to include sufficient operational controls to stop these dangerous weapons from getting into the hands of violent criminals, creating a danger to public safety on both sides of the border.

The report describes how, rather than halting this operation after its flaws became evident, ATF's Phoenix Field Division launched several similarly reckless operations over the course of several years, also with tragic results. Operation Fast and Furious was the fourth in a series of operations in which gunwalking—the non-interdiction of illegally purchased firearms that could and should be seized by law enforcement—occurred since 2006.

This report also details complaints by ATF line agents and senior officials in Washington, who told the Committee that these failures were aggravated and compounded by the Arizona

U.S. Attorney's Office, which failed to aggressively prosecute firearms trafficking cases, and Federal courts in Arizona, which showed leniency toward the trafficking networks that fuel armed violence in Mexico.

This report debunks many unsubstantiated conspiracy theories. Contrary to repeated claims by some, the Committee has obtained no evidence that Operation Fast and Furious was a politically-motivated operation conceived and directed by high-level Obama Administration political appointees at the Department of Justice. The documents obtained and interviews conducted by the Committee indicate that it was the latest in a series of reckless and fatally flawed operations run by ATF's Phoenix Field Division during both the previous and current administrations.

Although this report provides a great amount of detail about what we have learned to date, it has several shortcomings. Despite requests from me and others, the Committee never held a hearing or even conducted an interview with former Attorney General Michael Mukasey. The Committee obtained documents indicating that in 2007 he was personally informed about the failure of previous law enforcement operations involving the illegal smuggling of weapons into Mexico, and that he received a proposal to expand these operations. Since the Committee failed to speak with Mr. Mukasey, we do not have the benefit of his input about why these operations were allowed to continue after he was given this information.

The Committee also rejected my request to hold a public hearing with Kenneth Melson, the former Acting Director of ATF, the agency primarily responsible for these operations. Although Committee staff conducted an interview with Mr. Melson, the public has not had an opportunity to hear his explanations for why these operations continued for so many years without adequate oversight from ATF headquarters.

As its title indicates, the Committee on Oversight and Government Reform has two primary missions. Not only are we charged with conducting oversight of programs to root out waste, fraud, and abuse, but we are also responsible for reforming these programs to ensure that government works more effectively and efficiently for the American people. For these reasons, this report sets forth constructive recommendations intended to address specific problems identified during the course of this investigation.

Above all, in offering this report and these recommendations, I recognize and commend the contributions of hundreds of thousands of law enforcement agents across our government who risk their lives on a daily basis in the pursuit of public safety and in defense of this nation.

Sincerely,


Elijah E. Cummings
Ranking Member

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I. EXECUTIVE SUMMARY

On December 15, 2010, Customs and Border Protection Agent Brian Terry was killed in a gunfight in Arizona, and two AK-47 variant assault rifles found at the scene were traced back to purchases by one of the targets of an investigation called Operation Fast and Furious being conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). The target already had been identified as a suspected straw purchaser involved with a large network of firearms traffickers smuggling guns to deadly Mexican drug cartels.

At the request of the Committee's Ranking Member, Rep. Elijah E. Cummings, this report describes the results of the Committee's year-long investigation into the actions and circumstances that led to this operation.

The report finds that gunwalking operations originated as early as 2006 as agents in the Phoenix Field Division of ATF devised a strategy to forgo arrests against low-level straw purchasers while they attempted to build bigger cases against higher-level trafficking organizers and financiers. Rather than halting operations after flaws became evident, they launched several similarly reckless operations over the course of several years, also with tragic results. Each investigation involved various incarnations of the same activity: agents were contemporaneously aware of illegal firearms purchases, they did not typically interdict weapons or arrest straw purchasers, and firearms ended up in the hands of criminals on both sides of the border.

Operation Wide Receiver (2006-2007)

In 2006, ATF agents in Phoenix initiated Operation Wide Receiver with the cooperation of a local gun dealer. For months, ATF agents watched in real-time as traffickers purchased guns and drove them across the border into Mexico. According to William Newell, the Special Agent in Charge of the Phoenix Field Division, these suspects told the gun dealer that the "firearms are going to his boss in Tijuana, Mexico where some are given out as gifts." Although ATF officials believed they had sufficient evidence to arrest and charge these suspects, they instead continued surveillance to identify additional charges. As one agent said at the time, "we want it all."

Paul Charlton, then the U.S. Attorney in Phoenix, was informed that firearms were "currently being released into the community," and he was asked for his position on allowing an "indeterminate number" of additional firearms to be "released into the community, and possibly into Mexico, without any further

ability by the U.S. Government to control their movement or future use.” As his subordinate stated, “[t]his is obviously a call that needs to be made by you Paul.”

Over the next year, ATF agents in Phoenix went forward with plans to observe or facilitate hundreds of suspected straw firearm purchases. In 2007, a year after the investigation began, ATF initiated attempts to coordinate with Mexican officials. After numerous attempts at cross-border interdiction failed, however, the lead ATF case agent for Operation Wide Receiver concluded: “We have reached that stage where I am no longer comfortable allowing additional firearms to ‘walk’.”

In late 2007, the operational phase of Operation Wide Receiver was terminated, and the case sat idle for two years. When a Justice Department prosecutor reviewed the file in 2009, she quickly recognized that “a lot of guns seem to have gone to Mexico” and “a lot of those guns ‘walked’.” The defendants were indicted in 2010 after trafficking more than 450 firearms.

The Hernandez Case (2007)

ATF agents in Phoenix attempted a second operation in 2007 after identifying Fidel Hernandez and several alleged co-conspirators who “purchased over two hundred firearms” and were “believed to be transporting them into Mexico.”

After being informed of several failed attempts at coordinating with Mexican authorities, William Hoover, then ATF’s Assistant Director of Field Operations, temporarily halted operations, writing:

I do not want any firearms to go South until further notice. I expect a full briefing paper on my desk Tuesday morning from SAC Newell with every question answered. I will not allow this case to go forward until we have written documentation from the U.S. Attorney’s Office re full and complete buy in. I do not want anyone briefed on this case until I approve the information. This includes anyone in Mexico.

In response, Special Agent in Charge Newell wrote to another ATF official, “I’m so frustrated with this whole mess I’m shutting the case down and any further attempts to do something similar.” Nevertheless, ATF operational plans show that additional controlled deliveries were planned for October and November of that year.

In the midst of these operations, Attorney General Michael Mukasey received a briefing paper on November 16, 2007, in preparation for a meeting with the Mexican Attorney General. It stated that “ATF would like to expand the possibility of such joint investigations and controlled deliveries—since only then will it be possible to investigate an entire smuggling network, rather than arresting simply a

single smuggler.” The briefing paper also warned, however, that “the first attempts at this controlled delivery have not been successful.” Ten days later, ATF agents planned another operation in coordination with Mexico, again without success.

Hernandez and his co-conspirators, who had purchased more than 200 firearms, were arrested in Nogales, Arizona on November 27, 2007, while attempting to cross the border into Mexico. They were brought to trial in 2009, but acquitted after prosecutors were unable to obtain the cooperation of the Mexican law enforcement officials who had recovered the firearms.

The Medrano Case (2008)

In 2008, ATF agents in Phoenix began investigating a straw purchasing network led by Alejandro Medrano. Throughout 2008, ATF agents were aware that Medrano and his associates were making illegal firearms purchases from the same gun dealer who cooperated with ATF in Operation Wide Receiver.

An ATF Operational Plan describes an instance on June 17, 2008, in which agents watched Medrano and an associate illegally purchase firearms and load them into a car bound for Mexico. According to the document, “Agents observed both subjects place the firearms in the backseat and trunk,” and then “surveilled the vehicle to Douglas, AZ where it crossed into Mexico.”

Agents from U.S. Immigration and Customs Enforcement (ICE) balked when they learned about these tactics. After an interagency planning meeting in August 2008, the head of ICE’s Arizona office wrote to ATF Special Agent in Charge Newell that, although ICE agents “left that meeting with the understanding that any weapons that were followed to the border would be seized,” ATF agents later informed them that “weapons would be allowed to go into Mexico for further surveillance by LEAs [law enforcement agents] there.”

On December 10, 2008, Federal prosecutors filed a criminal complaint that appears to confirm that ATF agents watched as Medrano and his associates smuggled firearms into Mexico. Describing the incident on June 17, 2008, for example, the complaint asserts that the suspects “both entered into Mexico with at least the six (6) .223 caliber rifles in the vehicle.” Medrano and his associates were sentenced to multi-year prison terms after trafficking more than 100 firearms to a Mexican drug cartel.

Operation Fast and Furious (2009-2010)

In Operation Fast and Furious, ATF agents in Phoenix utilized gunwalking tactics that were similar to previous operations. In October 2009, ATF agents had

identified a sizable network of straw purchasers they believed were trafficking military-grade assault weapons to Mexican drug cartels. By December, they had identified more than 20 suspected straw purchasers who “had purchased in excess of 650 firearms.”

Despite this evidence, the ATF agents and the lead prosecutor in the case believed they did not have probable cause to arrest any of the straw purchasers. As the lead prosecutor wrote: “We have reviewed the available evidence thus far and agree that we do not have any chargeable offenses against any of the players.”

In January 2010, ATF agents and the U.S. Attorney’s Office agreed on a strategy to build a bigger case and to forgo taking down individual members of the straw purchaser network. The lead prosecutor presented this broader approach in a memo that was sent to U.S. Attorney Dennis Burke. The memo noted that “there may be pressure from ATF headquarters to immediately contact identifiable straw purchasers just to see if this develops any indictable cases and to stem the flow of guns.” In the absence of probable cause, however, the U.S. Attorney agreed that they should “[h]old out for bigger.” Over the next six months, agents tried to build a bigger case with wiretaps while making no arrests and few interdictions.

After receiving a briefing on Operation Fast and Furious in March 2010, ATF Deputy Director William Hoover became concerned about the number of firearms involved in the case. Although he told Committee staff that he was not aware of gunwalking, he ordered an “exit strategy” to take down the case and ready it for indictment within 90 days. ATF field agents chafed against this directive, however, and continued to facilitate suspect purchases for months in an effort to salvage the broader goal of the investigation. The case was not indicted until January 2011, ten months after Deputy Director Hoover directed that it be shut down.

No evidence that senior officials authorized gunwalking in Fast and Furious

The documents obtained and interviews conducted by the Committee reflect that Operation Fast and Furious was the latest in a series of fatally flawed operations run by ATF agents in Phoenix and the Arizona U.S. Attorney’s Office. Far from a strategy that was directed and planned by “the highest levels” of the Department of Justice, as some have alleged, the Committee has obtained no evidence that Operation Fast and Furious was conceived or directed by high-level political appointees at Department of Justice headquarters.

ATF’s former Acting Director, Kenneth Melson, and ATF’s Deputy Director, William Hoover, told Committee staff that gunwalking violated agency doctrine, that they did not approve it, and that they were not aware that ATF agents in Phoenix were using the tactic in Operation Fast and Furious. They also stated that,

because they did not know about the use of gunwalking in Operation Fast and Furious, they never raised it up the chain of command to senior Justice Department officials.

Apart from whether Mr. Hoover was aware of specific gunwalking allegations in Operation Fast and Furious, it remains unclear why he failed to inform Acting ATF Director Melson or senior Justice Department officials about his more general concerns about Operation Fast and Furious or his March 2010 directive for an "exit strategy." During his interview with Committee staff, Mr. Hoover took substantial personal responsibility for ATF's actions, stating: "I have to take responsibility for the mistakes that we made."

Former Phoenix U.S. Attorney Dennis Burke told Committee staff that although he received multiple briefings on Operation Fast and Furious, he did not approve gunwalking, was not aware it was being used, and did not inform officials in Washington about its use. He told Committee staff that, at the time he approved the proposal for a broader strategy targeting cartel leaders instead of straw purchasers, he had been informed that there was no probable cause to make any arrests and that he had been under the impression that ATF agents were working closely with Mexican officials to interdict weapons. Given the number of weapons involved in the operation, Mr. Burke stated that he "should have spent more time" focusing on the case. He stated: "it should not have been done the way it was done, and I want to take responsibility for that."

Gary Grindler, the former Acting Deputy Attorney General, and Lanny Breuer, the Assistant Attorney General for the Criminal Division, both stated that neither ATF nor the U.S. Attorney's Office ever brought to their attention concerns about gunwalking in Operation Fast and Furious, and that, if they had been told, they "would have stopped it."

When allegations of gunwalking three years earlier in Operation Wide Receiver were brought to the attention of Mr. Breuer in 2010, he immediately directed his deputy to share their concerns directly with ATF's leadership. He testified, however, that he regretted not raising these concerns directly with the Attorney General or Deputy Attorney General, stating, "if I had known then what I know now, I, of course, would have told the Deputy and the Attorney General."

The Committee has obtained no evidence indicating that the Attorney General authorized gunwalking or that he was aware of such allegations before they became public. None of the 22 witnesses interviewed by the Committee claims to have spoken with the Attorney General about the specific tactics employed in Operation Fast and Furious prior to the public controversy.

Testifying before the Senate Judiciary Committee, the Attorney General stated:

This operation was flawed in its concept and flawed in its execution, and unfortunately we will feel the effects for years to come as guns that were lost during this operation continue to show up at crime scenes both here and in Mexico. This should never have happened and it must never happen again.

The strategy of forgoing immediate action in order to build a larger case is common in many law enforcement investigations, and the Committee has obtained no evidence to suggest that ATF agents or prosecutors in Arizona acted with anything but a sincere intent to stem illegal firearms trafficking.

Nevertheless, based on the evidence before the Committee, it is clear that ATF agents in Phoenix and prosecutors in the Arizona U.S. Attorney's Office embarked on a deliberate strategy not to arrest suspected straw purchasers while they attempted to make larger cases against higher-level targets. Although these officials claimed they had no probable cause to arrest any straw purchasers at the time, allowing hundreds of illegally purchased military-grade assault weapons to fall into the hands of violent drug cartels over the course of five years created an obvious and inexcusable threat to public safety on both sides of the border.

II. METHODOLOGY

Over the past year, the Committee has conducted an investigation into firearms trafficking investigations run by the Phoenix Field Division of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). This inquiry was originally brought to the Committee's attention by Senator Charles Grassley, the Ranking Member of the Senate Judiciary Committee, who had asked ATF to respond to allegations that agents had knowingly allowed the sale of firearms to suspected straw purchasers during Operation Fast and Furious. The Committee has been joined in its investigation by Majority and Minority staff of the Senate Judiciary Committee.

To date, there have been nine congressional hearings relating to these topics, including three before this Committee. Attorney General Eric Holder has agreed to testify before the Committee on February 2, 2011. He has testified previously on five other occasions regarding these issues, including before the Senate and House Judiciary Committees in November and December 2011, respectively.

Committee staff have interviewed 22 witnesses from the ATF Phoenix Field Division, the U.S. Attorney's Office for the District of Arizona, ATF headquarters, and the Department of Justice. Committee staff have also interviewed multiple Federal firearms dealers. The Department has made numerous officials available for briefings, transcribed interviews, and hearings, including the former Deputy Attorney General, the Assistant Attorney General for the Criminal Division, the Deputy Assistant Attorney General for the Criminal Division, and the U.S. Attorney for the District of Arizona. The Department has also organized briefings during the course of the investigation, including with senior leaders from the Federal Bureau of Investigation (FBI) and Drug Enforcement Agency (DEA).

In March 2011, the Committee sent letters to ATF and the Department of Justice requesting documents and communications. Committee Chairman Darrell Issa subsequently issued subpoenas for these documents in March and October 2011, and he has issued numerous document requests to other agencies, including the FBI and DEA.

The Committee has now obtained more than 12,000 pages of internal emails, reports, briefing papers, and other documents from various Federal agencies, whistleblowers, firearms dealers, and other parties. The Department of Justice has produced approximately 6,000 pages of documents to the Committee, including sensitive law enforcement materials related to the pending prosecution of the defendants in the underlying Fast and Furious case.

The Department has declined to produce some documents, including “reports of investigation” and prosecutorial memoranda in the underlying cases. The Department has stated that providing these particular documents at this time could compromise the prosecution of 20 firearms trafficking defendants scheduled for trial in September. In addition, the Department has not provided documents related to its internal deliberations about responding to this congressional investigation, with the exception of documents and correspondence related to the drafting of the February 4, 2011, letter to Senator Grassley, which the Department formally withdrew on December 2, 2011. The Deputy Attorney General explained this policy in a letter to the Committee:

The Department has a long-held view, shared by Administrations of both political parties, that congressional requests seeking information about the Executive Branch’s deliberations in responding to congressional requests implicate significant confidentiality interests grounded in the separation of powers under the U.S. Constitution.¹

The letter stated that the Department made an exception to this policy and provided documents relating to the drafting of the February 4 letter because Congress had unique equities in understanding how inaccurate information had been relayed to it.²

On November 4, 2011, Ranking Member Elijah Cummings requested a hearing with former Attorney General Michael Mukasey in light of documents obtained by the Committee indicating that the former Attorney General was briefed in 2007 on an unsuccessful coordinated delivery operation, as well as a proposal to expand such operations in the future. Ranking Member Cummings wrote:

Given the significant questions raised by the disclosures in these documents, our Committee’s investigation will not be viewed as credible, even-handed, or complete unless we hear directly from Attorney General Mukasey.³

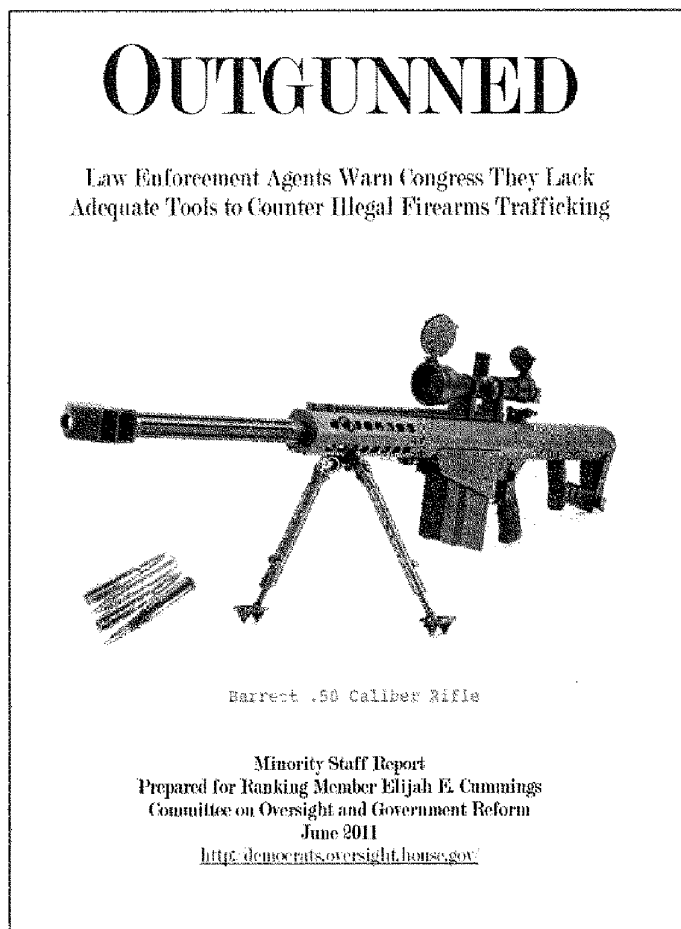
The Committee has not held a hearing with Mr. Mukasey, nor has it conducted an interview with him, depriving the Committee of important information directly relevant to the origin of these operations.

In addition, on October 28, 2011, Ranking Member Cummings requested a public hearing with Kenneth Melson, the former Acting Director of ATF. He wrote:

Since the Attorney General has now agreed to appear before Congress in December, I believe Members also deserve an opportunity to question Mr. Melson directly, especially since he headed the agency responsible for Operation Fast and Furious.⁴

To date, the Committee has declined to hold this hearing.

In June 2011, Ranking Member Cummings issued a report entitled “Outgunned: Law Enforcement Agents Warn Congress They Lack Adequate Tools to Counter Illegal Firearms Trafficking.”⁵ He also hosted a Minority Forum of experts regarding the larger problem of firearms trafficking and the lack of law enforcement tools to stem this tide.⁶



III. BACKGROUND

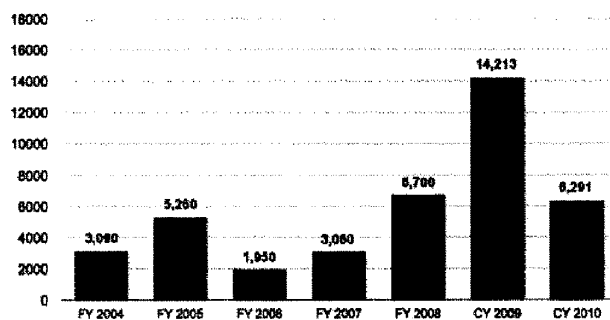
Over the past five years, the Mexican government has been locked in a battle with drug trafficking organizations seeking control of lucrative trafficking routes that carry billions of dollars in narcotics destined for the United States. This battle is fueled in part by the tens of thousands of military-grade weapons that cross the U.S. border into Mexico every year. In particular, law enforcement officials have reported that the “weapons of choice” for international drug cartels are semi-automatic rifles and other assault weapons. These weapons are frequently purchased in the United States because they are generally illegal to purchase or possess in Mexico.⁷ According to the latest statistics from the Mexican Attorney General’s office, 47,515 people have been killed in drug-related violence since 2006.⁸

On November 1, 2011, Assistant Attorney General Lanny Breuer testified before the Senate Judiciary Committee that the vast majority of guns recovered in Mexico were imported illegally from the United States:

From my understanding, 94,000 weapons have been recovered in the last five years in Mexico. Those are just the ones recovered, Senator, not the ones that are in Mexico. Of the 94,000 weapons that have been recovered in Mexico, 64,000 of those are traced to the United States.⁹

These statistics are consistent with reports from the Mexican government. In May 2010, Mexican President Felipe Calderon stated before a joint session of

**NUMBER OF FIREARMS SEIZED IN MEXICO AND
TRACED BACK TO THE UNITED STATES, 2004 - 2010**



Sources: Halting U.S. Firearms Trafficking to Mexico: A Report by Senators Dianne Feinstein, Charles Schumer and Sheldon Whitehouse to the United States Senate Caucus on International Narcotics Control (June 2011); Government Accountability Office Report, Firearms Trafficking: U.S. Efforts to Combat Arms Trafficking to Mexico Face Planning and Coordination Challenges; and Letter from ATF Acting Director Kenneth Melton to Senator Dianne Feinstein (June 2009). Note: FY= Fiscal Year; CY= Calendar Year.

Congress that, of the 75,000 guns and assault weapons recovered in Mexico over the past three years, more than 80% were traced back to the United States.¹⁰

ATF is the primary U.S. law enforcement agency charged with combating firearms trafficking from the United States to Mexico. ATF enforces Federal firearms laws and regulates the sale of guns by the firearms industry under the Gun Control Act of 1968.¹¹ ATF reports to the Attorney General through the Office of the Deputy Attorney General.¹² ATF is organized into 25 Field Divisions led by Special Agents in Charge who are responsible for multiple offices within their jurisdiction.¹³ In Phoenix, the Special Agent in Charge is currently responsible for offices in Phoenix, Flagstaff, Tucson, and Yuma, Arizona, as well as Albuquerque, Las Cruces, and Roswell, New Mexico.¹⁴

The U.S. Attorney for the District of Arizona is the chief Federal law enforcement officer in the State of Arizona. The District of Arizona has approximately 170 Assistant United States Attorneys and approximately 140 support staff members split equally between offices in Phoenix and Tucson.¹⁵ As part of its responsibilities, the U.S. Attorney's Office has primary responsibility for prosecuting criminal cases against individuals who violate Federal firearms trafficking laws in its region.¹⁶

Attorneys from the Department's Criminal Division in Washington, D.C. serve as legal experts on firearms-related issues and assist in prosecuting some firearms trafficking cases.¹⁷ In addition to developing and implementing strategies to attack firearms trafficking networks, Criminal Division attorneys occasionally assist the U.S. Attorneys' offices in prosecuting firearms trafficking cases.¹⁸

In 2006, ATF implemented a nationwide program called Project Gunrunner to attack the problem of gun trafficking to Mexico.¹⁹ Project Gunrunner is part of the Department's broader Southwest Border Initiative, which seeks to reduce cross-border drug and firearms trafficking and the high level of violence associated with these activities on both sides of the border.²⁰

In June 2007, ATF published a strategy document outlining the four key components to Project Gunrunner: the expansion of gun tracing in Mexico, international coordination, domestic activities, and intelligence. In implementing Project Gunrunner, ATF has focused resources on the four Southwest Border States. Additionally, Attorney General Holder has testified that, since his confirmation in 2009, the Department of Justice has made combating firearms trafficking to Mexico a top priority.²¹

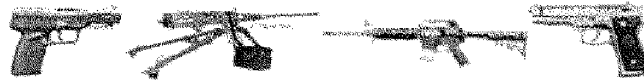
In November 2010, the Department of Justice Inspector General issued a report examining the effectiveness of Project Gunrunner in stopping the illicit trafficking of guns from the United States to Mexico. The Inspector General found

that “ATF’s focus remains largely on inspections of gun dealers and investigations of straw purchasers rather than on higher-level traffickers, smugglers, and the ultimate recipients of the trafficked guns.” The report recommended that ATF “[f]ocus on developing more complex conspiracy cases against higher level gun traffickers and gun trafficking conspirators.” The report also found that U.S. Attorneys’ offices often declined Project Gunrunner cases because firearms investigations are often difficult to prosecute and result in lower penalties.²²

Typical firearms trafficking cases involve a “straw purchase” in which the actual buyer of a firearm uses another person, “the straw purchaser,” to execute the paperwork necessary to purchase the firearm from a gun dealer.²³ The actual buyer typically is someone who is prohibited from buying a firearm and cannot pass the background check or who does not want a paper trail documenting the purchase. Gun trafficking organizations regularly use straw purchasers who deliver firearms to intermediaries before other members of the organizations transfer the guns across the border.²⁴

There is no Federal statute specifically prohibiting firearms trafficking or straw purchases. Instead, ATF agents and Federal prosecutors use other criminal statutes, including: (1) 18 USC § 924(a)(1)(A) which prohibits knowingly making a false statement on ATF Form 4473; (2) 18 USC § 922(a)(6) which prohibits knowingly making a false statement in connection with a firearm purchase; (3) 18 USC § 922(g)(1) which prohibits possession of a firearm by a convicted felon; and (4) 18 USC § 922(a)(1)(A) which prohibits engaging in a firearms business without a license.²⁵

CURRENT WEAPONS OF CHOICE



Primary Weapons of Choice

Bushmaster XM15 Rifles
 Rem-um Cuglr 7.62 x 39mm rifles
 FN 5.7 x 28mm pistols
 .50 caliber rifles (Barrett, Beowulf)
 DPMS .223 rifles
 Beretta Model 92 pistols
 Taurus PT 9mm pistols
 Colt .38 Super pistols

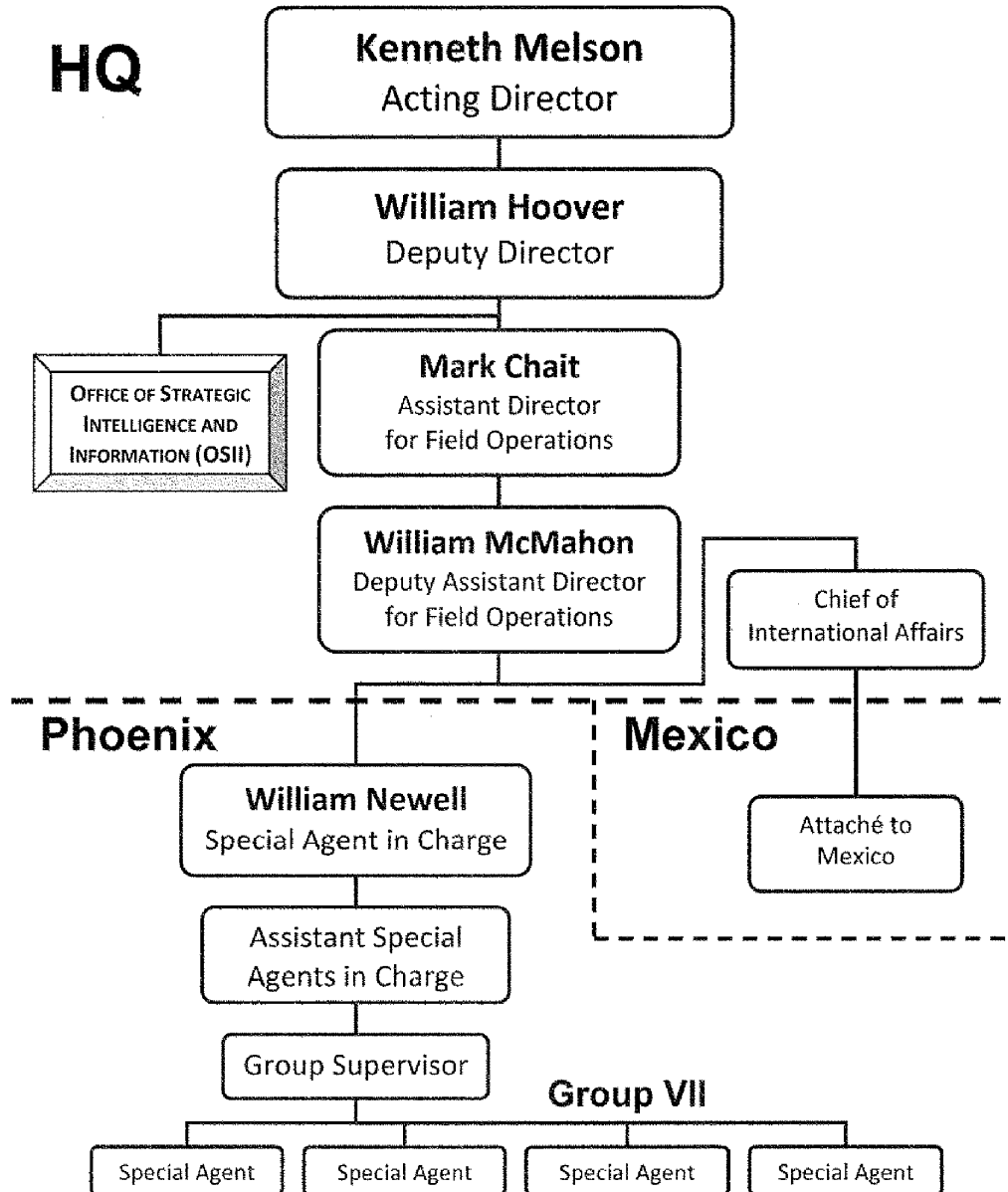
Secondary Market Inspection Weapons of Choice

Colt AR15 Sporter & Bushmaster XM15 rifles
 Rem-um 7.62 x 39mm rifles
 DPMS and Olympic Arms .223 rifles
 Norinco, Polytech, and Maadli AKS rifles
 Alexander Arms Beowulf .50 rifles
 Beretta and Taurus 9mm pistols
 Colt .38 Super & .45 Pistols

Source: Bureau of Alcohol, Tobacco, Firearms and Explosives, Weapons of Choice Presentation (2000)

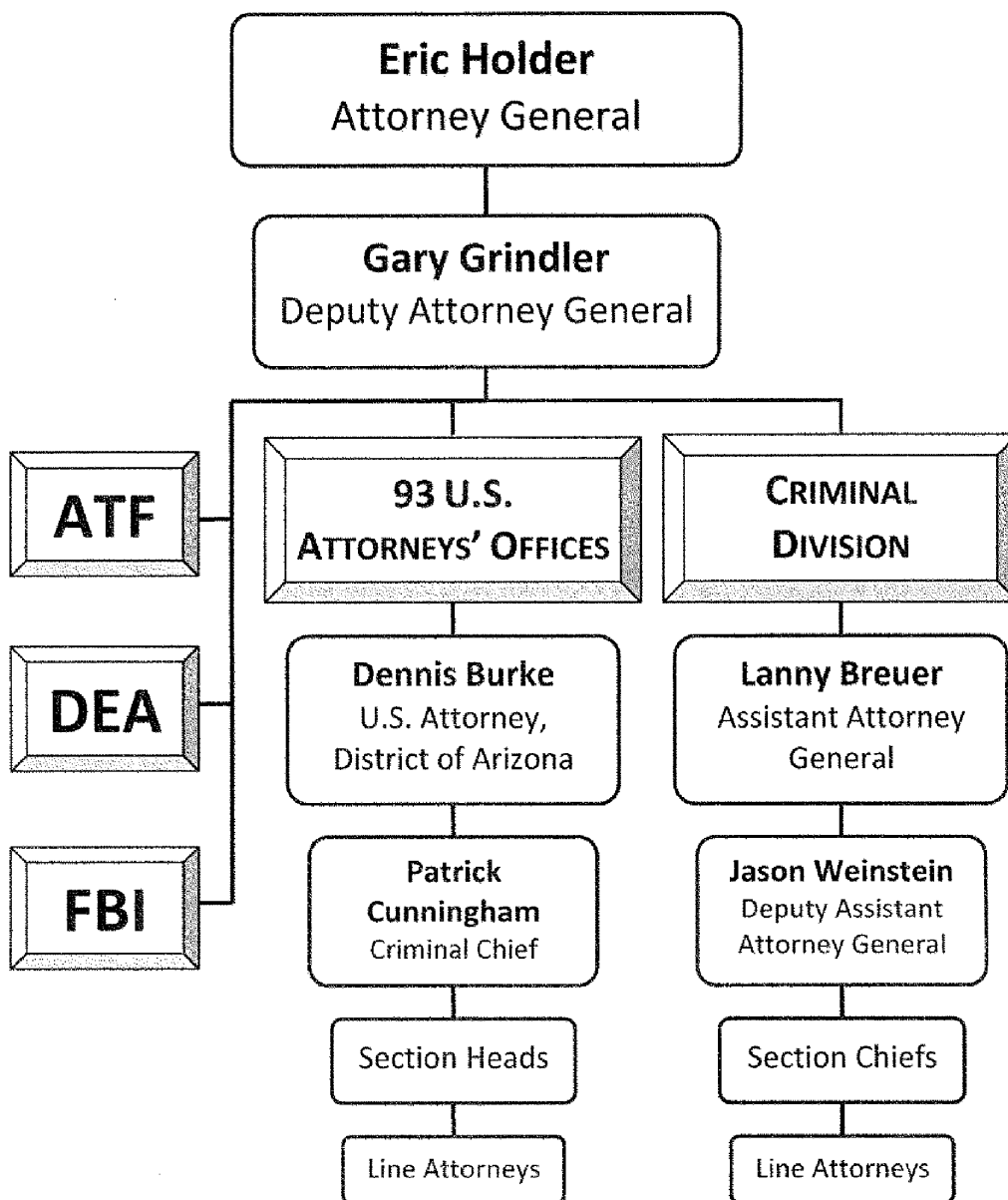
Key ATF Personnel

During Operation Fast and Furious (2009-2010)



Key DOJ Personnel

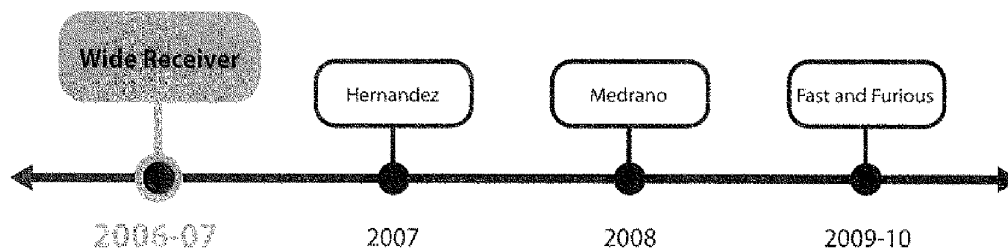
During Operation Fast and Furious (2009-2010)



IV. FINDINGS

A. ATF PHOENIX FIELD OPERATIONS INVOLVING “GUNWALKING”

Documents obtained by the Committee and transcribed interviews conducted by Committee staff have identified a series of gunwalking operations conducted by ATF’s Phoenix Field Division. Beginning in 2006, each of these investigations involved various incarnations of the same activity: ATF-Phoenix agents were contemporaneously aware of suspected illegal firearms purchases, they did not typically interdict the weapons or arrest the straw purchasers, and those firearms ended up in the hands of criminals on both sides of the border.



1. Operation Wide Receiver (2006-07)

Operation Wide Receiver began in early 2006 when ATF agents in Tucson opened an investigation of a suspected straw purchaser after receiving information from a cooperating gun dealer. Documents indicate that agents worked closely with this dealer, including by contemporaneously monitoring firearms sales to known straw purchasers without arrests or interdiction, and that they sought authorization for the expansion of this operation from then-U.S. Attorney for the District of Arizona, Paul Charlton.

The evidence also indicates that, between March 2006 and mid-2007, ATF agents had contemporaneous knowledge of planned sales of firearms to known straw purchasers and repeatedly designed surveillance operations of these illegal firearms purchases without effectuating arrests. According to documents obtained by the Committee, agents avoided interdicting weapons despite having the legal authority to do so in order to build a bigger case. Despite repeated failed attempts to coordinate surveillance with Mexican law enforcement, the ATF agents continued to attempt these operations.

Although the operational phase of the investigation ended in 2007, the case was not prosecuted for more than two years, during which time no arrests were made and the known straw purchasers remained at large. A prosecutor from the Criminal Division of the Department of Justice who was assigned to Operation Wide Receiver in 2009 and reviewed the case file raised concerns that many guns had “walked” to Mexico.

ATF-Phoenix monitored gun dealer selling to straw buyers

In March 2006, ATF-Phoenix agents received a tip from a Federal Firearms Licensee (FFL) in Tucson, Arizona, that a suspected straw purchaser had purchased six AR-15 lower receivers and placed an order for 20 additional lower receivers.²⁶ The agents opened an investigation of the purchaser because the nature of the transaction suggested a possible connection to illegal firearms trafficking.²⁷

Some military-style firearms consist of an upper and lower receiver, with the lower receiver housing the trigger mechanism, and the upper receiver including the barrel of the firearm. According to a memorandum from the U.S. Attorney’s Office, ATF had information that the suspects were obtaining both receivers and assembling them to create illegal firearms.²⁸ The firearms were illegal because the barrels were 10.5 inches in length, and rifles with barrels shorter than 16 inches must be registered and licensed with ATF.²⁹

According to summaries prepared subsequently by a Department of Justice attorney prosecuting the case, “The FFL agreed to work with ATF to target the persons who were interested in purchasing large quantities of lower receivers for AR-15s.” Specifically, “The FFL agreed to consensual recordings both of the purchases and phone calls.”³⁰ Soon thereafter, ATF-Phoenix briefed prosecutors in the Arizona U.S. Attorney’s Office that several suspicious individuals were purchasing “large quantities of lower receivers” from a Tucson FFL.³¹

In a June 22, 2006, memorandum, the Special Agent in Charge of ATF-Phoenix explained that the three suspects in the case had purchased a total of 126 AR-15 lower receivers. According to the memo, one of the suspected straw purchasers “advised the CS [confidential source] that he takes the firearms to a machine shop at or near Phoenix, AZ and they are converted into machine guns.” The ATF agents also suspected that these firearms were making their way to Mexico and into the hands of a dangerous drug cartel. Specifically, the Special Agent in Charge wrote that, “ATF just recently tracked the vehicle to Tijuana, Mexico,” and one suspected straw purchaser “stated that these straw purchased firearms are going to his boss in Tijuana, Mexico where some are given out as gifts.”³²

ATF agents learned that the suspected straw purchasers were seeking a new supplier of upper receivers:

The purchasers have asked the FFL to provide the uppers to them as well, indicating that they are not pleased with their current source for the uppers. The FFL has expressed reluctance to the purchasers regarding selling them both the lowers and the 10.5 inch uppers, as that would look very suspicious as if he was actually providing them with an illegal firearm. The purchasers are well aware that it is illegal to place a 10.5 inch upper on the lowers they are purchasing from the FFL. The FFL has indicated that he could try to find another 3rd party source of uppers for the purchasers.³³

According to legal research provided by ATF counsel to attorneys in the U.S. Attorney's Office, it is illegal to possess both the upper and lower receivers, even if they are not assembled: "The possessor does not have to assemble the lower and the upper so long as the firearm is in actual or constructive possession of the offender, and can be 'readily restored' to fire."³⁴

Despite evidence that the suspects illegally possessed both upper and lower receivers, were assembling them, and were transporting them to Mexico, ATF did not arrest the suspects. On March 31, 2006, the Resident Agent in Charge of the Tucson office—a local office that reports to the Special Agent in Charge of the Phoenix Field Division—wrote an email explaining that they had enough evidence to arrest the suspects, but that they were waiting to build a bigger case. He wrote:

We have two AUSA assigned to this matter, and the USAO @ Tucson is prepared to issue Search and Arrest Warrants. We already have enough for the 371 and 922 a6 charges, but we want the Title II manufacturing and distribution pieces also—we want it all.³⁵

ATF-Phoenix sought U.S. Attorney's approval to walk guns

The evidence indicates that, rather than arrest the straw buyers, the ATF Phoenix Field Division sought the approval of the U.S. Attorney's Office to let the guns walk in June 2006. The prosecutors handling the case wrote a memorandum to Paul Charlton, U.S. Attorney for the District of Arizona, which outlined the request. They wrote:

ATF is interested in introducing a CI [confidential informant] to act as this source of uppers. This would further the investigation in that it would provide more solid evidence that the purchasers are in fact placing illegal length uppers on the lowers that they are purchasing from the currently-involved FFL. It may also lead to discovery of more information as to the ultimate delivery location of these firearms and/or the actual purchaser.³⁶

ATF-Phoenix and the Arizona U.S. Attorney's Office both understood that ATF was already letting firearms walk by working with a cooperating FFL to provide "lower receivers" to straw purchasers trafficking them to Mexico. According to the prosecutors' memorandum to U.S. Attorney Charlton:

[The ATF Agent] pointed out that these same exact firearms are currently being released into the community, the only difference being that at this time ATF is only involved in providing the lower receiver. We know that an illegal upper is being obtained from a third party, but the government is not currently involved in that aspect.³⁷

The memo to U.S. Attorney Charlton then relayed ATF-Phoenix's request:

The question was posed by RAC [Resident Agent in Charge] Higman as to the U.S. Attorney's Office's position on the possibility of allowing an indeterminate number of illegal weapons, both components of which (the upper and the lower) were provided to the criminals with ATF's knowledge and/or participation, to be released into the community, and possibly into Mexico, without any further ability by the U.S. Government to control their movement or future use.

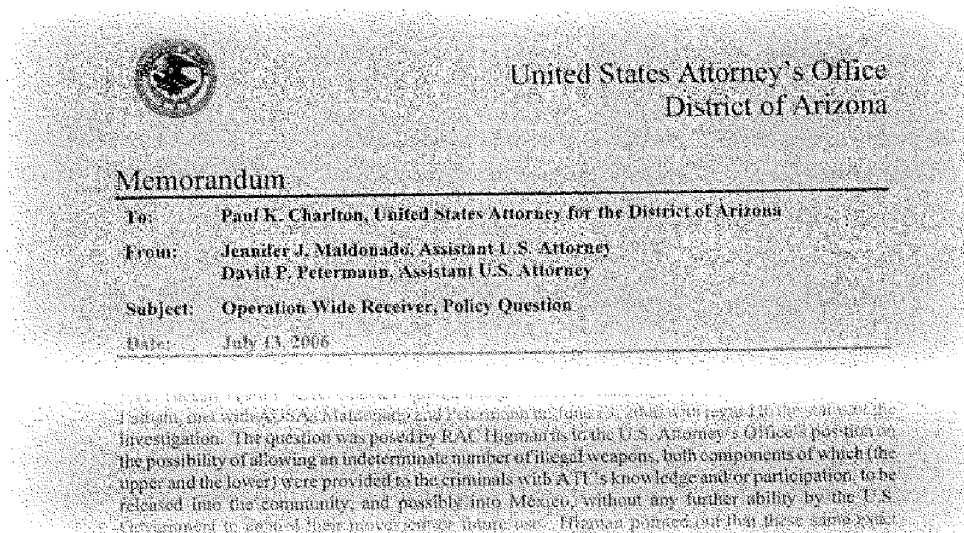
The memo further stated that the proposed tactics were controversial and opposed by ATF's legal counsel:

[The ATF agent] indicated that ATF's legal counsel is opposed to this proposed method of furthering the investigation, citing moral objections. Recognizing that it will eventually be this office that will prosecute the individuals ultimately identified by this operation, RAC Higman has requested that we ascertain the U.S. Attorney's Office's position with regard to this proposed method of furthering the investigation.³⁸

When the Chief of the Criminal Division in the U.S. Attorney's Office sent the prosecutor's memo to U.S. Attorney Charlton, she accompanied it with an email in which she stated that it "does a very good job outlining the investigation and the potential concerns. This is obviously a call that needs to be made by you Paul."³⁹ U.S. Attorney Charlton responded the next day: "Thanks—I'm meeting with the ATF SAC [Special Agent in Charge William Newell] on Tuesday and I'll discuss it with him then."⁴⁰

Although the Committee has obtained no document memorializing the subsequent conversation between U.S. Attorney Charlton and the Special Agent in Charge, documents obtained by the Committee indicate that ATF-Phoenix went forward with their plans to observe or facilitate hundreds of firearms purchases by

the suspected straw purchasers without arrests. Committee staff did not conduct a transcribed interview of Mr. Charlton.



ATF-Phoenix continued to walk guns after consulting with U.S. Attorney

In October 2006, ATF agents planned a surveillance operation to observe a suspect purchase AR-15 lower receivers and two AR-15 rifles, determine if the suspect was going to make additional purchases, and identify any of his associates.⁴¹ The Operational Plan noted:

It is suspected that [the suspect] will now be moving the firearms to Tijuana himself. We are not prepared to make any arrests at this time because we are still attempting to coordinate our efforts with AFI [Agencia Federal de Investigación] in Mexico. ... If it is determined that [the suspect] has spotted the surveillance unit, surveillance will be stopped immediately.⁴²

Documents indicate that ATF agents observed the suspect purchase five AR-15 lower receivers and terminated surveillance after three hours.⁴³ Notes taken after the investigation explained that the surveillance included audio recordings of the suspect stating that he "is now personally transporting the firearms to Tijuana, Mexico himself."⁴⁴

On December 5, 2006, Special Agent in Charge Newell wrote that another key suspect in the Wide Receiver investigation had recently "purchased a total of ten (10)

AR-15 type lower receivers on two separate purchases.”⁴⁵ He also wrote that, during those transactions, the suspect told the confidential source that he was taking the firearms to Mexico and would soon be ordering an additional 50 lower receivers.⁴⁶ Special Agent in Charge Newell wrote that the Tucson field office was planning to secure the cooperation of Mexican authorities:

The Tucson II Field Office has maintained contact with the ATF Mexico City Country Office in an effort to secure the cooperation and join investigation with the Agencia Federal de Investigación (Mexico). Three Tucson II Field Office SA have obtained official U.S. Government passports in anticipation of a coordination meeting with the AFT early during calendar year 2007.⁴⁷

On February 23, 2007, ATF agents planned to conduct a traffic stop of one suspected straw purchaser “with the assistance of the Tucson Police Department.”⁴⁸ Although the Operational Plan indicated that “[p]robable cause exists to arrest [the suspect],” the agents’ goal was to lawfully detain him at the traffic stop and bring him to the ATF office for questioning.⁴⁹ According to a memorandum from Special Agent in Charge Newell, between February 7 and April 23, 2007, the suspect and co-conspirators together purchased and ordered 150 firearms, including AK-47 and AR-15 rifles and pistols.⁵⁰ Although ATF apparently had probable cause for arrest, on February 27, 2007, the subject was interviewed by ATF agents and released.⁵¹ The documents do not indicate why he was not arrested and prosecuted at that time.

ATF agents unsuccessfully attempted to coordinate with Mexico

The documents indicate that, although ATF had sufficient evidence to arrest the suspected straw purchasers, the agents continued to press forward with plans to attempt coordinated surveillance operations with Mexico. In April 2007, the ATF agents in charge of Operation Wide Receiver were unsure whether they could successfully coordinate surveillance with their Mexican counterparts. On April 10, 2007, the case agent for Wide Receiver wrote to a Tucson Police Department (TPD) officer:

Assuming that the MCO [ATF’s Mexico Country Office] can coordinate with the Mexican authorities, we anticipate that Tucson VCIT will hand off his surveillance operation at the U.S. / Mexican border. No ATF SA or local officers working at our direction will travel into Mexico. Through MCO we have requested that the Mexican authorities pick up the surveillance at the border and work to identify persons, telephone numbers, “stash” locations and source(s) of money supply in furtherance of this conspiracy.⁵²

According to an ATF Operational Plan, just one day later, ATF agents and Tucson Police officers conducted surveillance and recorded the “planned arrival of [the suspect] and other persons at the FFL.”⁵³ The Operational Plan stated that U.S. law enforcement would watch the “firearms cross international lines and enter Mexico. ... If the Mexican authorities decline or fail to participate in this operation the firearms traffickers will be arrested prior to leaving the United States.”⁵⁴ Although the agents obtained an electronic record of the sale and initiated surveillance, the plan failed according to a summary prepared by one agent:

ATF agents in conjunction with TPD VCIT Task Force Officers conducted a surveillance of suspected firearms traffickers in furtherance of this investigation. Suspects purchased 20+ firearms which totaled over \$35,000.00 in retail cost. The surveillance successfully obtained electronic evidence of the transaction, further identified the traffickers and additional suspect vehicles. The traffickers were followed to a neighborhood on the Southside of Tucson and then later lost. The suspects are planning on making a purchase of 20-50 M4 rifles and are negotiating this next deal. The investigation continues.⁵⁵

Despite the surveillance of the straw purchase and other evidence collected during the April 11, 2007, operation, the suspects were not arrested even after they were later located. Instead, more operations were planned.

An April 23, 2007, memo from Special Agent in Charge Newell to the Chief of Special Operations requesting additional funding for Operation Wide Receiver documented the failure to coordinate surveillance with Mexican law enforcement and public safety risks associated with continuing on that course:

To date, the Tucson II Field Office and TPD SID have been unable to surveil the firearms to the International border. From contact with those offices, the Mexican Federal law enforcement authorities understand that the surveillance is difficult and that several firearms will likely make it to Mexico prior to a U.S. law enforcement successful surveillance of firearms to the international border.⁵⁶

Two weeks later, on May 7, 2007, ATF agents and Tucson Police conducted surveillance of another “planned arrival” of a suspected straw purchaser and his associates at an FFL.⁵⁷ The Operational Plan shows that ATF agents had advance notice that the suspect had contacted the FFL to arrange the purchase of more than 20 firearms, planned to purchase the firearms from the FFL later in the day, and had made arrangements for a vehicle to transport the weapons into Mexico that night.⁵⁸ The Operational Plan indicated that “[i]f the Mexican authorities decline or fail to participate, the firearms traffickers will be arrested prior to leaving the

United States.”⁵⁹ ATF agents contacted Mexican law enforcement in advance of the operation and they agreed to assist with surveillance of the suspects if they entered Mexico.⁶⁰ According to a subsequent summary of these events:

[The suspects] were scheduled to purchase the ordered firearms. [Redacted] cancelled at the last minute, but [the suspect] purchased 15 firearms and was surveilled to his residence at [redacted]. Surveillance was discontinued the following day due to neighbors becoming suspicious of surveillance vehicles.”⁶¹

The suspects were not arrested, the firearms were not interdicted, and the investigation continued in anticipation of the suspects’ next major purchase.

ATF agents expressed concern about gunwalking

Agents in ATF’s Phoenix Field Division began to express concern that Operation Wide Receiver was not yielding the desired results. In a June 7, 2007, email, one special agent on the case wrote to his supervisor:

We have invested a large amount of resources in trying to get the load car followed to Mexico and turning it over to PGR [Mexican federal prosecutors] and are preparing to expend even more. We already have numerous charges up here and actually taking in to Mexico doesn’t add to our case specifically at that point. We want the money people in Mexico that are orchestrating this operation for indictment but obviously we may never actually get our hands on them for trial, so the real beneficiary is to PGR.⁶²

Despite the agent’s concerns, Operation Wide Receiver remained on the same course with another “planned arrival” attempted on June 26, 2007.⁶³ The Operational Plan indicated that ATF agents had advance notice that the suspect had been in contact with the FFL, that the suspect was “extremely anxious” to purchase more firearms, and that firearms are to be purchased and then continue to “unknown locations throughout Tucson and Southern Arizona.”⁶⁴ Documents show that ATF agents and Tucson police were unable to follow the firearms to the Mexican border.⁶⁵

In an email sent on June 26, 2007, as the surveillance operation was set to begin, the ATF case agent for Operation Wide Receiver expressed reluctance about the repeated failures to coordinate surveillance of firearms traffickers with Mexican law enforcement.⁶⁶ He wrote to a prosecutor at the Texas U.S. Attorney’s Office:

We anticipate surveillance this evening where the subject(s) of interest are scheduled to purchase approx. \$20K of associated firearms for

further shipment to Caborca, Mx, and we are coordinating with the Mexican authorities in the event that the surveillance is successful. We have reached that stage where I am no longer comfortable allowing additional firearms to 'walk,' without a more defined purpose.⁶⁷

Criminal Division took over prosecution and found gunwalking

In late 2007, the operational phase of Operation Wide Receiver was terminated, and the case was passed to the U.S. Attorney's Office for prosecution. The case then sat idle for nearly two years without indictments or arrests. The first prosecutor assigned to the case became a magistrate judge, and the second prosecutor did not open the case file for more than six months.⁶⁸

In 2009, the Department of Justice's Criminal Division in Washington, D.C. offered to assign prosecutors to support firearms trafficking cases in any of the five border-U.S. Attorneys' offices.⁶⁹ The U.S. Attorney's Office in Arizona accepted the offer and asked for assistance with the prosecution of targets in Operation Wide Receiver.⁷⁰ In September 2009, the Criminal Division assigned an experienced prosecutor to take over the case.⁷¹

After reviewing the investigative files from 2006 and 2007, the Criminal Division prosecutor quickly realized that there were serious questions about how the case had been handled. On September 23, 2009, she wrote an email to her supervisors giving a synopsis of the case and its problems: "In short it appears that the biggest problem with the case is its [sic] old should have been taken down last year AND a lot of guns seem to have gone to Mexico."⁷²

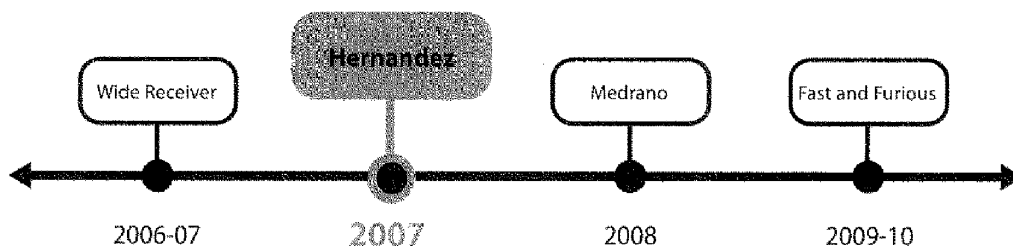
As she prepared the case for indictment, she continued to update her supervisors as new details emerged from the case file. On March 16, 2010, she sent an email to her supervisor:

It is my understanding that a lot of those guns "walked." Whether some or all of that was intentional is not known. The AUSA seemed to think ATF screwed up by not having a mechanism in place to seize weapons once they crossed the border.⁷³

The prosecutor also found evidence that guns involved in Operation Wide Receiver were connected to crime scenes in Mexico. She wrote that "13 of the purchased firearms have been recovered in Mexico in connection with crime scenes, including the April 2008 Tijuana gun battle" and that "[t]wo potential defendants were recently murdered in Mexico."⁷⁴

The Criminal Division proceeded with prosecutions relating to the investigation. In May 2010, one suspect pleaded guilty to forfeiture charges pre-

indictment while two additional co-conspirators were indicted in federal court.⁷⁵ On October 27, 2010, seven additional suspects were indicted in the District of Arizona on gun-trafficking related charges.⁷⁶



2. The Hernandez Case (2007)

According to documents obtained by the Committee, agents in the ATF Phoenix Field Division unsuccessfully attempted a second operation in the summer of 2007 after identifying Fidel Hernandez and several alleged co-conspirators as suspected straw purchasers seeking to smuggle firearms into Mexico. Despite failed attempts to coordinate with Mexican authorities, ATF agents sought approval from the U.S. Attorney's Office to expand so-called "controlled deliveries." In addition, documents obtained by the Committee indicate that then-Attorney General Michael Mukasey was personally briefed on these failed attempts and was asked to approve an expansion of these tactics. During the course of the investigation, Hernandez and his co-conspirators reportedly purchased more than 200 firearms.

ATF-Phoenix watched guns cross border without interdiction

According to their Operational Plan, ATF-Phoenix Field Division agents initiated a firearms trafficking investigation in July 2007 against Fidel Hernandez and his associates who, between July and October 2007, "purchased over two hundred firearms" and were "believed to be transporting them into Mexico."⁷⁷ ATF analysts discovered that "Hernandez and vehicles registered to him had recently crossed the border (from Mexico into the U.S.) on 23 occasions" and that "four of their firearms were recovered in Sonora, Mexico."⁷⁸

According to contemporaneous ATF documents, ATF-Phoenix unsuccessfully attempted a cross-border operation in September 2007 in coordination with Mexican law enforcement authorities:

On September 26 and 27, 2007, Phoenix ATF agents conducted nonstop surveillance on Hernandez and another associate, Carlos Morales. ATF had information that these subjects were in possession

of approximately 19 firearms (including assault rifles and pistols) and were planning a firearm smuggling trip into Mexico. The surveillance operation was coordinated with Tucson I Field Office and the ATF Mexico Country Attaché. The plan, agreed to by all parties and authorized by the Phoenix SAC, was to follow these subjects to the border crossing in Nogales, Arizona while being in constant communication with an ATF MCO [Mexico Country Office] agent who would be in constant contact with a Mexican law enforcement counterpart at the port of entry and authorized to make a stop of the suspects' vehicle as it entered into Mexico.

On September 27, 2007, at approximately 10:00 pm, while the Phoenix agents, an MCO agent and Mexican counterparts were simultaneously on the phone, the suspects' vehicle crossed into Mexico. ATF agents observed the vehicle commit to the border and reach the Mexican side until it could no longer be seen. The ATF MCO did not get a response from the Mexican authorities until 20 minutes later when they informed the MCO that they did not see the vehicle cross.⁷⁹

ATF headquarters raised concerns about operational safeguards

Failed attempts to coordinate with Mexican authorities to capture suspected firearms traffickers as part of controlled deliveries raised serious concerns at ATF headquarters. On September 28, 2007, the day after the failed attempt, Carson Carroll, ATF's then-Assistant Director for Enforcement Programs, notified William Hoover, ATF's then-Assistant Director of Field Operations, that they had failed in their coordination. Mr. Carroll stated that when the suspected firearms traffickers were observed purchasing a number of firearms from an FFL in Phoenix, Arizona, ATF officials "immediately contacted and notified the GOM [Government of Mexico] for a possible controlled delivery of these weapons southbound to the Nogales, AZ., US/Mexico Border."⁸⁰ Mr. Carroll continued:

ATF agents observed this vehicle commit to the border and reach the Mexican side until it could no longer be seen. We, the ATF MCO did not get a response from the Mexican side until 20 minutes later, who then informed us that they did not see the vehicle cross.⁸¹

According to internal ATF documents, ATF agents attempted a second cross-border controlled delivery with Mexican authorities on October 4, 2007. That operation also failed to lead to the successful capture of the subject in Mexico.⁸²

That same day, Assistant Director Hoover sent an email to Assistant Director Carroll and ATF-Phoenix Field Division Special Agent in Charge William Newell demanding a call to discuss the investigation:

Have we discussed the strategy with the US Attorney's Office re letting the guns walk? Do we have this approval in writing? Have we discussed and thought thru the consequences of same? Are we tracking south of the border? Same re US Attorney's Office. Did we find out why they missed the handoff of the vehicle? What are our expected outcomes? What is the timeline?⁸³

The next day, Assistant Director Hoover wrote Mr. Carroll again:

I do not want any firearms to go South until further notice. I expect a full briefing paper on my desk Tuesday morning from SAC Newell with every question answered. I will not allow this case to go forward until we have written documentation from the U.S. Attorney's Office re full and complete buy in. I do not want anyone briefed on this case until I approve the information. This includes anyone in Mexico.⁸⁴

Mr. Hoover's concerns seem to have temporarily halted controlled delivery operations in the Hernandez investigation. On October 6, 2007, Special Agent in Charge Newell wrote to Assistant Director Carroll:

I'm so frustrated with this whole mess I'm shutting the case down and any further attempts to do something similar. We're done trying to pursue new and innovative initiatives—it's not worth the hassle.⁸⁵

Nevertheless, Mr. Newell insisted that he did have approval from the U.S. Attorney's Office. He wrote:

We DO have them [the U.S. Attorney's Office] on board and as a matter of fact they (Chief of Criminal John Tucci) recently agreed to charge the firearms recipients in Mexico (if we could fully [ID] them via a controlled delivery) with a conspiracy charge in US court.⁸⁶

Despite the concerns expressed by Assistant Director Hoover, ATF operational plans show that additional controlled deliveries were planned for October 18, November 1, and November 26-27, 2007.⁸⁷ The documents describe ATF plans to observe the purchases at the FFL, follow the suspects "from the FFL in Phoenix, AZ to the Mexican port of entry in Nogales, Arizona," allow the suspects to "cross into Mexico," and allow "Mexican authorities to coordinate the arrest of the subjects."⁸⁸

Attorney General Mukasey briefed and asked to "expand" operations

In the midst of these ongoing operations, on November 16, 2007, Attorney General Michael Mukasey received a memorandum in preparation for a meeting

with Mexican Attorney General Medina Mora. The memo described the Hernandez case as “the first ever attempt to have a controlled delivery of weapons being smuggled into Mexico by a major arms trafficker.”⁸⁹ The briefing paper warned the Attorney General that “the first attempts at this controlled delivery have not been successful.”⁹⁰ Despite these failures, the memorandum sought to expand such operations in the future:

ATF would like to expand the possibility of such joint investigations and controlled deliveries—since only then will it be possible to investigate an entire smuggling network, rather than arresting simply a single smuggler.⁹¹

This briefing paper was prepared by senior officials at ATF and the Department of Justice only weeks after Assistant Director Hoover had expressed serious concerns with the failure of these tactics.⁹²

The emails exchanging drafts of the Attorney General’s briefing paper also make clear that ATF officials understood that these were not, in fact, the first operations that allowed guns to “walk.” Assistant Director Carroll wrote to Assistant Director Hoover: “I am going to ask DOJ to change ‘first ever’... there have [been] cases in the past where we have walked guns.”⁹³ That change never made it into the final briefing paper for Attorney General Mukasey.

Ten days after Attorney General Mukasey was notified about the failed surveillance operations and was asked to expand the use of the cross-border gun operations, ATF agents planned another surveillance operation in coordination with Mexico. The Operational Plan stated:

- 1) Surveillance units will observe [redacted] where they will attempt to confirm the purchase and transfer of firearms by known targets.
- 2) Once the transfer of firearms is confirmed through surveillance, units will then follow the vehicle and its occupants from the FFL in Phoenix, AZ to the Mexican port of entry in Nogales, Arizona. Once the subjects cross into Mexico, ATF attachés will liaison with Mexican authorities to coordinate the arrest of the subjects.
- 3) ATF agents will not be involved with the arrest of the subjects in Mexico but will be present to coordinate the arrest efforts between surveillance units and Mexican authorities as well as to conduct post-arrest interviews.⁹⁴

As part of this operation, surveillance units were monitoring the FFL during normal business hours in order to observe large firearms transfers by their known targets.⁹⁵

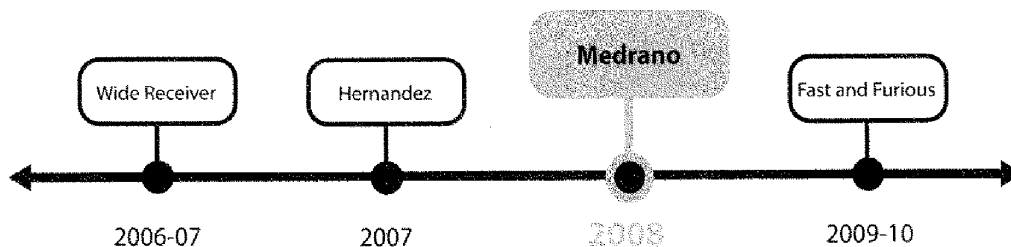
The Committee has not received any documents indicating that ATF-Phoenix agents were able to successfully coordinate with Mexican law enforcement to interdict firearms in the Hernandez case. During the course of the investigation, Hernandez and his co-conspirators purchased more than 200 firearms. In multiple instances, ATF agents witnessed Hernandez and his associates take these weapons into Mexico.⁹⁶

Hernandez and his associate were arrested in Nogales, Arizona on November 27, 2007, while attempting to cross the border into Mexico.⁹⁷ The defendants were charged with Conspiracy to Export Firearms, Exporting Firearms, and two counts of Attempted Exportation of Firearms. The defendants were brought to trial in 2009, but acquitted after prosecutors were unable to obtain the cooperation of the Mexican law enforcement officials who had recovered firearms purchased by Hernandez. An ATF briefing paper from 2009 summarized the result:

The judge also would not allow us to introduce evidence of how the guns were found in Mexico unless we could produce the Mexican Police Officials who located the guns. We were unable to obtain the cooperation of Mexican law enforcement to identify and bring these witnesses to trial to testify.⁹⁸

At the conclusion of the trial, the jury was unable to reach a verdict on three counts of the indictment, and the defendants were acquitted on a fourth charge.⁹⁹

Case 4:07-cr-00111-JGA Document 1 Filed 11/27/07 Page 3 of 2	
United States District Court District of Arizona United States of America v. Carlos Valentin Morales Valenzuela DUI: 10007196; Mexican entry Fidel Jesus Hernandez DOB: 10/07/1977; U.S. citizen	
FILED RECEIVED NOV 27 2007 CLERK OF DISTRICT COURT PHOENIX, ARIZONA	107-0696AM
Charged by indictment of Title 18 Federal Statute Code § 371	
COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE VIOLATION OR VIOLATIONS Beginning at a time unknown, but on or about November 27, 2007, at or near the District of Arizona, defendant, Carlos Valentin Morales Valenzuela and Fidel Jesus Hernandez, did knowingly and intentionally conspire, conspire, manufacture, and agree to unlawfully export and cause to be exported from the United States to Mexico firearm articles, specifically three Colt Custom Government 38 caliber Super handgun, serial numbers ELCDN4730, ELCDN4731 and ELCDN4732; one Colt Custom 38 caliber Super handgun, serial number ELCDN4733; three Colt 38 caliber Super handgun, serial numbers 3841-6682 and 3841-6784; which were designated as firearm articles on the United States Munitions List, without having first obtained from the Department of State a license for each export or written indication for each export, in violation of Title 22, United States Code, Sections 2770(a)(2) and (c), and Title 22, Code of Federal Regulations, Sections 121.1, 121.4, 121.5, 121.1(a), 121.1(b) and 121.3. All in violation of Title 18, United States Code Section 371.	
STATE OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED On or about November 23, 2007, CARLOS VALENTIN MORALES-VALENZUELA AND FIDEL JESUS HERNANDEZ, purchased two firearms, namely two Colt custom govt. 38 Supers, from a federally licensed dealer in Phoenix, Arizona. On or about November 26, 2007, MORALES-VALENZUELA AND HERNANDEZ placed said firearms, including the two Colt custom govt. 38 Supers, in duffel bags and put them in a Ford Expedition in Phoenix, Arizona, for illegal exportation to Mexico through the Mariposa Port of Entry in Nogales, Arizona. On or about November 26, 2007, MORALES-VALENZUELA AND HERNANDEZ traveled from Phoenix, Arizona, to Nogales, Arizona, for the purpose of illegally exporting same (7) firearms to Mexico. MORALES-VALENZUELA was usually driving a Volkswagen Jetta and HERNANDEZ was driving the Ford Expedition containing the same (9) firearms. Near Nogales, they searched vehicles, and placed the firearms in the Volkswagen Jetta. On November 26, 2007, MORALES-VALENZUELA approached the Mariposa Port of Entry in Nogales, Arizona and attempted to enter the Republic of Mexico. Upon crossing the port of entry, MORALES-VALENZUELA was stopped by officials from Customs and Border Protection. Upon seeing this, HERNANDEZ quickly made a U-turn in the Volkswagen Jetta and drove away from the port of entry. (Continued on reverse)	
MATERIAL WITNESSES IN RELATION TO THE CHARGE	
Documented Detention, Report Book: Written for HERNANDEZ Along with others, I believe that the firearms in issue are on the list of the defendant. Subscribed by: ALISA [Signature] Special Agent, ATF Sworn to before me and subscribed to my process. Attest: [Signature] November 27, 2007	Signature of Complainant: [Signature] Special Agent, ATF November 27, 2007



3. The Medrano Case (2008)

In February 2008, ATF agents in Phoenix began investigating a straw purchasing network led by Alejandro Medrano. Documents obtained by the Committee indicate that on multiple occasions throughout 2008, ATF agents were aware that Medrano and his associates were making illegal firearms purchases and trafficking the weapons into Mexico. According to documents obtained by the Committee, ATF-Phoenix did not arrest suspects for approximately one year while their activities continued, instead choosing to continue surveillance. During the summer of 2008, agents from U.S. Immigration and Customs Enforcement (ICE) raised concerns about the tactics being used, but the tactics continued for several more months. On December 10, 2008, a criminal complaint was filed against Medrano and his associates in the United States District Court for the District of Arizona, and the targets were later sentenced to varying prison sentences.

ATF agents watched as firearms crossed the border

An ATF-Phoenix Operational Plan obtained by the Committee describes an instance on June 17, 2008, in which ATF agents watched Medrano and an associate, Hernan Ramos, illegally purchase firearms at an FFL in Arizona, load them in their car, and smuggle them into Mexico:

Agents observed both subjects place the firearms in the backseat and trunk [of a vehicle]. Agents and officers surveilled the vehicle to Douglas, AZ where it crossed into Mexico at the Douglas Port of Entry (POE) before a stop could be coordinated with CBP [Customs and Border Protection].¹⁰⁰

Neither Medrano nor Ramos was arrested or detained at the time or in the months after. The Operational Plan does not include any indication that ATF agents attempted to coordinate with Mexican law enforcement. The fact that the suspects continued to make firearms purchases in the United States and take them to Mexico suggests that they were not intercepted by Mexican law enforcement.

In the two months following these surveillance operations, Medrano and his co-conspirators purchased several additional firearms at gun shows and from FFLs in the Phoenix area.¹⁰¹ The suspects also continued to travel back and forth to Mexico.¹⁰² The ATF Operational Plan also stated:

The group particularly targeted gun shows where several members purchased firearms from various FFL'S. According to TECS [the Treasury Enforcement Communications System, a government database used to track individuals' travel patterns], identified subjects routinely crossed into Mexico prior to and following a large number of firearms purchases. While only purchasing a small number of firearms, MEDRANO crossed into Mexico utilizing several vehicles that were not registered to him or his immediate family. MEDRANO routinely returned to the US on foot while other identified subjects drove a vehicle into the US. It is believed that identified subjects entering the US on foot were carrying bulk cash to pay for future firearms.¹⁰³

According to the Operational Plan, multiple firearms connected to the network were recovered in Mexico, some very soon after they were sold:

Hernan RAMOS purchased a 7.62 caliber rifle in February 2008 that was recovered in June 2008. Jose ARIZMENDIZ purchased two pistols that were recovered at the same location in Mexico. One of the pistols had a time to crime of fifteen (15) days.¹⁰⁴

ICE agents raised concerns

Documents obtained by the Committee indicate that in the summer of 2008, ATF agents handling the Medrano investigation met with ICE agents to coordinate surveillance of another cross-border smuggling attempt. At this meeting, ICE agents balked when they learned about the tactics being employed by ATF-Phoenix. On August 12, 2008, the head of ICE's offices in Arizona wrote to ATF Special Agent in Charge Newell asking for an in-person meeting about the dispute among agents over ATF operational plans to allow straw purchased guns to cross the border:

One of [the ICE] groups worked with your guys over the weekend on a surveillance operation at a Tucson gun show. While we had both met in advance with the USAO, our agents left that meeting with the understanding that any weapons that were followed to the border would be seized. On Friday night, however, our agents got an op plan that stated that weapons would be allowed to go into Mexico for further surveillance by LEAs [law enforcement agents] there.¹⁰⁵

In his response, Mr. Newell acknowledged that letting guns cross the border was part of ATF's plan, but stated that he needed more information about what had happened:

I need to get some clarification from my folks tomorrow because I was told that your folks were aware of the plan to allow the guns to cross, in close cooperation with both our offices in Mexico as well as Mexican Feds.¹⁰⁶

Although the subsequent correspondence does not explain how this dispute was resolved, the Medrano trafficking network reportedly supplied over 100 assault rifles and other weapons "to a member of the Sinaloa drug cartel known as 'Rambo.'"¹⁰⁷

Criminal complaint also confirms "gunwalking"

On December 10, 2008, Federal prosecutors filed a complaint in the United States District Court for the District of Arizona that describes in detail gun trafficking activities conducted by Medrano and his associates that involved more than 100 firearms over the course of the year. The complaint confirms that ATF agents watched as Medrano and his associates trafficked illegal firearms into Mexico. For example, the complaint discusses the incident on June 17, 2008, discussed above, in which ATF agents observed the suspects purchase weapons, load them in their car, and drive them to Mexico. The complaint states:

On or about June 17, 2008, at or near Tucson, Arizona, Alejandro Medrano and Hernan Ramos went together to Mad Dawg Global, a federally licensed firearms dealer, where Hernan Ramos purchased six (6) .223 caliber rifles for approximately \$4800.00 and falsely represented on the 4473 that he was the actual purchaser. Both Alejandro Medrano and Hernan Ramos placed the six (6) rifles in the back seat of their vehicle.¹⁰⁸

The complaint then explains that the suspects drove these firearms across the border. It states:

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FILED
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CLERK OF DISTRICT COURT
DISTRICT OF ARIZONA

SEALED

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

08-01853M

United States of America, Plaintiff,
v.
Albio Arismendi,
Joel Arismendi,
Jose Arismendi,
Fernando Lopez,
Jose Carlos Medina Duarte,
Alejandro Medrano,
Jesus Medrano,
Hernan Ramos,
Seth Rutledge, Defendants.

CRIMINAL
Violations
18 U.S.C. § 921
18 U.S.C. § 922(a)(6)
18 U.S.C. § 924(a)(3)
(Conspiracy to Defraud, False Statement During Purchase of a Firearm)

COUNT 1
1 From a time unknown including on or about May 6, 2006, and continuing through on or about September 13, 2008, in the District of Arizona, and elsewhere, Albio Arismendi, Joel Arismendi, Jose Arismendi, Fernando Lopez, Jose Carlos Medina Duarte, Alejandro Medrano, Jesus Medrano, Michael Morano, Hernan Ramos, Seth Rutledge, named herein as defendants and co-conspirators did willfully, knowingly, and unlawfully combine, conspire, confederate and agree together and with others known and unknown, to

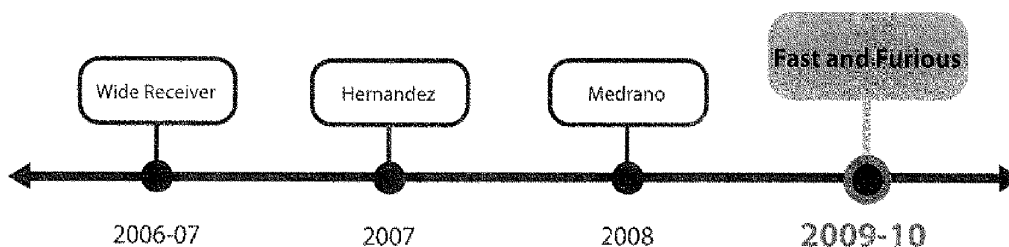
Alejandro Medrano drove Hernan Ramos's vehicle with Hernan Ramos as a passenger from Mad Dawg Global in Tuscon, Arizona, to the Douglas Port of Entry where they both entered into Mexico with at least the six (6) .223 caliber rifles in the vehicle.¹⁰⁹

The complaint states that the information was obtained by ATF agents conducting surveillance:

ATF Special Agents conducted surveillance, recorded firearms transactions, and identified the dates and times that the conspirators herein crossed the international border either in vehicles or on foot.¹¹⁰

The complaint also describes how quickly Medrano and his associates traveled back and forth between the United States and Mexico for additional firearm purchases. For example, in one instance on May 21, 2008, Hernan Ramos entered the United States and returned to Mexico "less than two hours later in the same vehicle." The complaint also states that in another instance on August 13, 2008, Medrano and an associate entered the United States "driving a vehicle which had entered into Mexico approximately fifteen minutes earlier."¹¹¹

On August 9, 2010, Medrano was "sentenced to 46 months in prison for his leadership role in the conspiracy."¹¹² Ramos was sentenced to 50 months in prison and "[m]ost of the remaining defendants in the conspiracy received prison terms ranging from 14 to 30 months."¹¹³ Many of the firearms purchased by the Medrano network were subsequently recovered in Mexico.¹¹⁴



4. Operation Fast and Furious (2009-10)

The investigation that became known as Operation Fast and Furious began in the ATF Phoenix Field Division in October 2009. Despite having identified 20 suspects who paid hundreds of thousands of dollars in cash to buy hundreds of military-grade firearms on behalf of the same trafficking ring, ATF-Phoenix and the Arizona U.S. Attorney's Office asserted that they lacked probable cause for any arrests. Three months into the investigation, they agreed instead on a broader

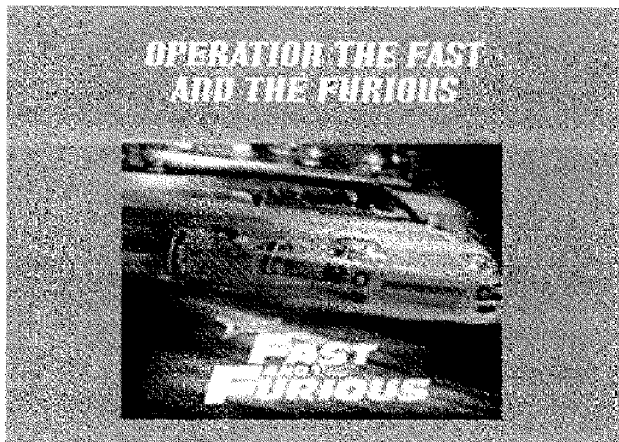
strategy to build a bigger case against cartel leaders, rather than straw purchasers, through long-term surveillance and wiretaps. While they pursued this broader strategy, ATF-Phoenix agents did not interdict hundreds of firearms purchased and distributed by the suspects under their surveillance. In March 2010, the Deputy Director of ATF became concerned with the operation and ordered an “exit” strategy to bring indictments within 90 days. The documents indicate that ATF-Phoenix field agents chafed against this directive, however, and allowed suspect purchases to continue for months in an effort to salvage the broader goal of the investigation. In January 2011, the U.S. Attorney’s Office indicted 19 straw purchasers and the local organizer of the network, all of whom had been identified at the beginning of the investigation in 2009.

Initiated by ATF-Phoenix in the Fall of 2009

According to documents obtained by the Committee, the investigation that became known as Operation Fast and Furious started in October 2009 when ATF agents received a tip that four suspected straw purchasers had acquired numerous AK-47 style rifles from the same gun dealer. ATF also received a tip about a man named Uriel Patino who had purchased numerous AK-47 rifles from the same dealer.¹¹⁵

ATF-Phoenix presentation on Fast and Furious

The next month, ATF identified six additional suspected straw purchasers and two local properties that were being utilized as firearm drop locations.¹¹⁶ On November 20, 2009, some of the guns purchased by the suspects were recovered in Naco, Mexico, including firearms with a “short time to crime.” Two additional suspects were identified based on the firearms recovered in Naco.¹¹⁷



The case continued to grow in December with the identification of seven additional suspected straw purchasers and Manuel Celis-Acosta, a suspect connected to a large-scale Drug Enforcement Administration (DEA) investigation.¹¹⁸

A Briefing Paper prepared by ATF-Phoenix noted the size of the organization and the rapid pace of firearm purchases in those initial months of the investigation. It stated:

It should also be noted that the pace of firearms procurement by this straw purchasing group from late September to early December, 2009 defied the “normal” pace of procurement by other firearms trafficking groups investigated by this and other field divisions. This “blitz” was extremely out of the ordinary and created a situation where measures had to be enacted in order to slow this pace down in order to perfect a criminal case.¹¹⁹

The Briefing Paper stated that the investigation had identified more than 20 individual straw purchasers, all connected to the same trafficking ring, who “had purchased in excess of 650 firearms (mainly AK-47 variants) for which they have paid cash totaling more than \$350,000.00”¹²⁰

Prosecutors claimed no probable cause to arrest straw buyers

According to documents obtained by the Committee, on January 5, 2010, ATF-Phoenix officials working on the investigation had a meeting with the lead prosecutor on the case, Arizona Assistant U.S. Attorney Emory Hurley. The ATF agents and the prosecutor wrote separate memos following the meeting reflecting a consensus that no probable cause existed to arrest any of the straw purchasers despite the significant number of firearms that had been purchased. The ATF-Phoenix Briefing Paper, prepared three days after the meeting, stated:

On January 5, 2010, ASAC Gillett, GS [Group Supervisor] Voth, and case agent SA MacAllister met with AUSA Emory Hurley who is the lead federal prosecutor on this matter. Investigative and prosecutions strategies were discussed and a determination was made that there was minimal evidence at this time to support any type of prosecution; therefore, additional firearms purchases should be monitored and additional evidence continued to be gathered. This investigation was briefed to United States Attorney Dennis Burke, who concurs with the assessment of his line prosecutors and fully supports the continuation of this investigation.¹²¹

Similarly, the prosecutor wrote a memo to his direct supervisor, stating: “We have reviewed the available evidence thus far and agree that we do not have any chargeable offenses against any of the players.”¹²²

During a transcribed interview with Committee staff, the ATF-Phoenix Group Supervisor who oversaw the operation and participated in the meeting explained that he had to follow the prosecutor’s probable cause assessment:

I don’t think that agents in Fast and Furious were forgoing taking action when probable cause existed. We consulted with the U.S.

Attorney's Office. And if we disagree, I guess we disagree. But if the U.S. Attorney's Office says we don't have probable cause, I think that puts us in a tricky situation to take action independent, especially if that is contradictory to their opinion.¹²³

In another exchange, the Group Supervisor explained the prosecutor's assessment with respect to Uriel Patino, the single largest suspected straw purchaser in the Fast and Furious network:

Q: Does that meet your understanding of probable cause to interdict a gun when Uriel Patino goes in for the fifth or sixth or 12th time to purchase more and more guns with cash?

A: We talked that over at the U.S. Attorney's Office, and the conclusion was that we would need independent probable cause for each transaction. Just because he bought 10 guns yesterday doesn't mean that the 10 he is buying today are straw purchased. You can't transfer probable cause from one firearm purchase to the next firearm purchase. You need independent probable cause for each occurrence.

Q: And it doesn't matter not just that he bought 10 last week and 20 the week before, but that five of them ended up in Mexico at a crime scene, at a murder?

A: Again, in talking to the U.S. Attorney's Office, unless we could prove that he took them to Mexico, the fact that he sold them or transferred them to another [non-prohibited] party doesn't necessarily make him a firearms trafficker. If he sells them to his neighbor lawfully and then his neighbor takes them to Mexico, it is the neighbor who has done the illegal act, not Patino, who sold them to his neighbor.¹²⁴

Although the determination of whether sufficient probable cause existed to make arrests ultimately rested with the prosecutor, documents obtained by the Committee indicate that all of the participants agreed with the strategy to proceed with building a bigger case and to forgo taking down individual members of the straw purchaser network one-by-one. The ATF Briefing Paper stated:

Currently our strategy is to allow the transfer of firearms to continue to take place albeit, at a much slower pace, in order to further the investigation and allow for the identification of additional co-conspirators who would continue to operate and illegally traffic

firearms to Mexican DTOs [drug trafficking organizations] which are perpetrating armed violence along the Southwest Border.¹²⁵

During his transcribed interview with Committee staff, Special Agent in Charge Newell explained:

[T]he goal was twofold. It was to identify the firearms-trafficking network, the decision-makers, and not just focus on the straw purchasers. We would go after the decision-makers, the people who were financing.¹²⁶

He stated that it was critical to identify the network rather than arresting individual straw purchasers one-by-one:

The goal of the investigation, as I said before, was to identify the whole network, knowing that if we took off a group of straw purchasers this, as is the case in hundreds of firearms trafficking investigations, some that I personally worked as a case agent, you take off the low level straw purchaser, all you're doing is one of – you're doing one of two things, one of several things. You're alerting the actual string-puller that you're on to them, one, and, two, all they are going to do is go out and get more straw purchasers.

Our goal in this case is to go after the decision-maker, the person at the head of the organization, knowing that if we remove that person, in the sense of prosecute that person, successfully, hopefully, that we would have much more impact than just going after the low-level straw purchaser.¹²⁷

Prosecutor encouraged U.S. Attorney to “hold out for bigger” case

In addition to finding no probable cause to arrest suspected straw purchasers who had already purchased hundreds of firearms, the lead prosecutor recommended against employing traditional investigative tactics against the suspects. In a memorandum to his supervisor on January 5, 2010, Mr. Hurley wrote:

In the past, ATF agents have investigated cases similar to this by confronting the straw purchasers and hoping for an admission that might lead to charges. This carries a substantial risk of letting the members of the conspiracy know that they are the subject of an investigation and not gain any useful admissions from the straw buyer. In the last couple of years, straw buyers appear to be well coached in how to avoid answering question about firearms questions. Even when the straw buyers make admissions and can be prosecuted, they

are easily replaced by new straw buyers and the flow of guns remains unabated.¹²⁸

The lead prosecutor noted that ATF-Phoenix was aware that ATF headquarters would likely object to both the strategy of trying to build a bigger case and the proposal to forgo using traditional law enforcement tactics:

ATF [Phoenix] believes that there may be pressure from ATF headquarters to immediately contact identifiable straw purchasers just to see if this develops any indictable cases and to stem the flow of guns. Local ATF favors pursuing a wire and surveillance to build a case against the leader of the organization. If a case cannot be developed against the hub of the conspiracy, he will be able to replace the spokes as needed and continue to traffic firearms. I am familiar with the difficulties of building a case only upon the interviews of a few straw purchasers and have seen many such investigations falter at the first interview. I concur with Local ATF's decision to pursue a longer term investigation to target the leader of the conspiracy.¹²⁹

Later the same day, January 5, 2010, the lead prosecutor's supervisor forwarded the memorandum to U.S. Attorney Dennis Burke, recommending that he agree to both the strategy and tactics. The supervisor's email to Mr. Burke stated:

Dennis—Joe Lodge has been briefed on this but wanted to get you a memo for your review. Bottom line – we have a promising guns to Mexico case (some weapons already seized and accounted for), local ATF is on board with our strategy but ATF headquarters may want to do a smaller straw purchaser case. We should hold out for the bigger case, try to get a wire, and if it fails, we can always do the straw buyers. Emory's memo references that this is the "Naco, Mexico seizure case" – you may have seen photos of that a few months ago.¹³⁰

Mr. Burke responded two days later with a short message: "Hold out for bigger. Let me know whenever and w/ whomever I need to weigh-in."¹³¹

Although Mr. Burke agreed with the proposal to target the organizers of the firearms trafficking conspiracy, he told Committee staff that neither ATF-Phoenix nor his subordinates suggested that agents would be letting guns walk as part of the investigation. As discussed in Section C, below, Mr. Burke stated in his transcribed interview that he was under the impression that ATF-Phoenix was coordinating interdictions with Mexican officials. Mr. Burke stated:

I was under the opposite impression, which was that based on his [Mr. Newell's] contacts and the relationships with Mexico and what they

were doing, that they would be working with Mexico on weapons transferred into Mexico.¹³²

According to documents obtained by the Committee, Mr. Burke also received explicit assurances from the lead prosecutor on the case, Mr. Hurley, that ATF-Phoenix agents “have not purposely let guns ‘walk.’”¹³³

ATF-Phoenix sought funding and wiretaps to target higher-level suspects

To secure additional resources for Operation Fast and Furious, including agents, funding, and sophisticated investigative tools, ATF-Phoenix requested funding from the Organized Crime Drug Enforcement Task Forces (OCDETF) Program, which provides funding “to identify, disrupt, and dismantle the most serious drug trafficking and money laundering organizations and those primarily responsible for the nation’s drug supply.”¹³⁴

In January 2010, ATF-Phoenix submitted an investigative strategy in its application for funding from OCDETF.¹³⁵ ATF-Phoenix and the U.S. Attorney’s Office used evidence gathered from another agency’s investigation to draft its proposal.¹³⁶ The application explained that the goal Operation Fast and Furious was to bring down a major drug trafficking cartel:

The direct goal of this investigation is to identify and arrest members of the CONTRERAS DTO [Drug Trafficking organization] as well as seize assets owned by the DTO. Based upon the amount of drugs this organization distributes in the US it is anticipated that the investigation will continue to expand to other parts of the US and enable enforcement operations in multiple jurisdictions. In addition to the CONTRERAS DTO, this investigation is intended to identify and expand to the hierarchy within the Mexico-based drug trafficking organization that directs the CONTRERAS DTO.¹³⁷

ATF-Phoenix’s proposal for Operation “The Fast and the Furious” was approved by an interagency group of Federal law enforcement officials in Arizona in late January 2010.¹³⁸

ATF-Phoenix also drafted a proposal to conduct a wiretap with the goal of obtaining evidence to connect the straw purchasers to the leaders of the firearms trafficking conspiracy.¹³⁹ During his transcribed interview with Committee staff, U.S. Attorney Burke explained the purpose behind this wiretap application:

[T]he belief was, at least in I think January 2010, was when they first, my recollection is that they first started referencing the interest in

getting the [wiretap]. But the point being that they were going to try to reach beyond just the straw purchasers and figure out who the actual recruiters were and organizers of the gun trafficking ring.¹⁴⁰

ATF-Phoenix submitted its wiretap application with the necessary affidavits and approvals from the Department of Justice, Office of Enforcement Operations, and received federal court approval for its first wiretaps.¹⁴¹

ATF-Phoenix agents watched guns walk

Documents obtained by the Committee indicate that while ATF-Phoenix and the U.S. Attorney's Office pursued their strategy of building a bigger case against higher-ups in the firearms trafficking conspiracy, ATF-Phoenix field agents continued daily surveillance of the straw purchaser network. With advance or real-time notice of many purchases by the cooperating gun dealers, the agents watched as the network purchased hundreds of firearms. One ATF-Phoenix agent assigned to surveillance described a common scenario:

[A] situation would arise where a known individual, a suspected straw purchaser, purchased firearms and immediately transferred them or shortly after, not immediately, shortly after they had transferred them to an unknown male. And at that point I asked the case agent to, if we can intervene and seize those firearms, and I was told no.¹⁴²

When asked about the number of firearms trafficked in a given week, one agent answered:

Probably 30 or 50. It wasn't five. There were five at a time. These guys didn't go to the FFLs unless it was five or more. And the only exceptions to that are sometimes the Draco, which were the AK-variant pistols, or the FN Five-seveN pistols, because a lot of FFLs just didn't have ... 10 or 20 of those on hand.¹⁴³

Agents told the Committee that they became increasingly alarmed as this practice continued, which they viewed as a departure from both protocol and their expectations as law enforcement officials. One agent stated:

We were walking guns. It was our decision. We had the information. We had the duty and the responsibility to act, and we didn't do so. So it was us walking those guns. We didn't watch them walk, we walked.¹⁴⁴

ATF Deputy Director Hoover ordered an “exit strategy”

The documents obtained and interviews conducted by the Committee indicate that, following a briefing in March 2010, ATF Deputy Director William Hoover ordered an “exit strategy” in order to extract ATF-Phoenix from this operation. At the March briefing, the ATF Intelligence Operations Specialist and the Group Supervisor made a presentation regarding Operation Fast and Furious that covered the suspects, the number of firearms each had purchased, the amount of money each had spent, the known stash houses where guns were deposited, and the locations in Mexico where Fast and Furious firearms had been recovered. The briefing also included Assistant Director for Field Operations Mark Chait and Deputy Assistant Director for Field Operations William McMahon, four ATF Special Agents in Charge from ATF’s Southwest border offices, and others.

In his transcribed interview with Committee staff, Deputy Director Hoover stated that he became concerned sometime after the briefing about the number of guns being purchased and ordered an “exit strategy” to close the case and seek indictments within 90 days:

Q: It’s our understanding that you and Mr. Chait, in March approximately, asked for an exit strategy for the case?

A: That is correct. ...

Q: And if you could tell us what led to that request?

A: We received a pretty detailed briefing in March, I don’t remember the specific date, I’m going to say it’s after the 15th of March, about the investigation, about the number of firearms purchased by individuals. ... That would have been by our Intel division in the headquarters. ... During that briefing I was, you know, just jotting some notes. And I was concerned about the number of firearms that were being purchased in this investigation, and I decided that it was time for us to have an exit strategy and I asked for an exit strategy. It was a conversation that was occurring between Mark Chait, Bill McMahon and myself. And I asked for the exit strategy 30, 60, 90 days, and I wanted to be able to shut this investigation down.

Q: And by shutting the investigation down, you were interested in cutting off the sales of weapons to the suspects, correct?

A: That’s correct.

Q: And you were worried, is it fair to say, that these guns were possibly going to be getting away and getting into Mexico and showing up at crime scenes?

A: I was concerned not only that that would occur in Mexico, but also in the United States.¹⁴⁵

Other than requesting an exit strategy, Mr. Hoover did not recall making any other specific demands because he generally “allowed field operations to run that investigation.”¹⁴⁶

ATF-Phoenix did not follow the 90-day exit strategy and continued the operation

In April 2010, more than one month after Deputy Director Hoover’s demand for an exit strategy, ATF-Phoenix still had not provided it, and Special Agent in Charge Newell expressed his frustration with perceived interference from ATF headquarters that he believed could prevent him from making a larger case. In an April 27, 2010, email to Deputy Assistant Director McMahon, he wrote:

I don’t like HQ driving our cases but understand the “sensitivities” of this case better than anyone. We don’t yet have the direct link to a DTO that we want/need for our prosecution, [redacted]. Once we establish that link we can hold this case up as an example of the link between narcotics and firearms trafficking which would be great on a national media scale but if the Director wants this case shut down then so be it.¹⁴⁷

Although Mr. Newell delivered an exit strategy that day at Mr. McMahon’s reminder, the operation continued to grow and expand rather than wind down over the months to follow.¹⁴⁸ In June 2010, three months after Deputy Director Hoover’s directive, the operational phase of the case was still continuing. On June 17, 2010, the ATF-Phoenix Group Supervisor received an email from a cooperating gun dealer raising concerns about how the firearms he was selling could endanger public safety. The dealer stated:

As per our discussion about over communicating I wanted to share some concerns that came up. Tuesday night I watched a segment of a Fox News report about firearms and the border. The segment, if the information was correct, is disturbing to me. When you, Emory and I met on May 13th I shared my concerns with you guys that I wanted to make sure that none of the firearms that were sold per our conversation with you and various ATF agents could or would ever end up south of the border or in the hands of the bad guys. I guess I

am looking for a bit of reassurance that the guns are not getting south or in the wrong hands. I know it is an ongoing investigation so there is limited information you can share with me. But as I said in our meeting, I want to help ATF with its investigation but not at the risk of agents safety because I have some very close friends that are US Border Patrol agents in southern AZ as well as my concern for all the agents safety that protect our country.¹⁴⁹

A month later, on July 14, 2010, Special Agent in Charge Newell sent an email to an ATF colleague in Mexico stating that ATF was “within 45-60 days of taking this [Operation Fast and Furious] down IF the USAO goes with our 846/924(c) conspiracy plan.”¹⁵⁰ At that time, the case was still months away from indictment.

In August 2010, the operation continued, with another cooperating gun dealer writing to the ATF-Phoenix Group Supervisor seeking advice about a large purchase order made by Uriel Patino, who personally purchased more than 600 assault weapons from a small handful of cooperating gun dealers. The dealer stated:

One of our associates received a telephone inquiry from Uriel Patino today. Uriel is one of the individuals your office has interest in, and he looking to purchase 20 FN-FNX mm firearms. We currently have 4 of these firearms in stock. If we are to fulfill this order we would need to obtain the additional 16 specifically for this purpose.

I am requesting your guidance as to whether [sic] or not we should perform the transaction, as it is outside of the standard way we have been dealing with him.¹⁵¹

The Group Supervisor wrote back requesting that the gun dealer fulfill the order:

[O]ur guidance is that we would like you to go through with Mr. Patino's request and order the additional firearms he is requesting, and if possible obtain a partial down payment. This will require further coordination of exact details but again we (ATF) are very much interested in this transaction and appreciate your [] willingness to cooperate and assist us.¹⁵²

During a transcribed interview with Committee staff, another cooperating gun dealer explained that ATF agents had promised to address the concerns he raised about their capability to interdict these weapons:

I was assured in no uncertain terms—and let me be straight about this. She assured that they would have enough agents on sight to surveil the sale and make sure that it didn't get away from them, as it was stated

to me. ... To continue, we went along with these sales at their request. ATF would want us to continue with them, and we did so.¹⁵³

Indictments delayed for months

By August 2010, rather than indicting the suspects in Operation Fast and Furious, ATF-Phoenix and the prosecutor were still in the process of compiling evidence to make indictment decisions. During his transcribed interview with Committee staff, Special Agent in Charge Newell stated:

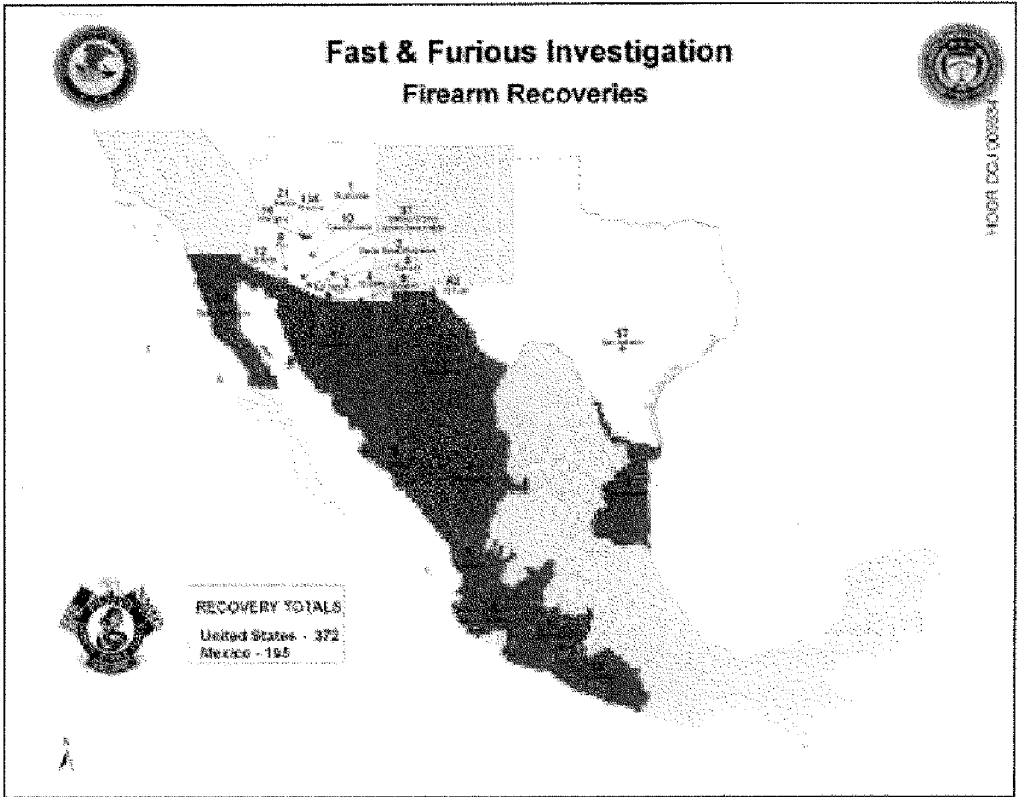
Well, the next phase in the investigation, it really moves from an investigation phase to prosecution phase at that point in the sense of getting the case ready for indictment. So I know that the case agent ... as well as the others were meeting regularly with the AUSA Emory Hurley, compiling all the different pieces of evidence specific to each individual prospective defendant, to get to a point where we met what we felt in conjunction with the U.S. Attorney's Office, in coordination with them, that met the burden of proof to be able to seek an indictment.¹⁵⁴

Mr. Newell stated that he understood that this process of "compiling" evidence takes significant time and, as a result, "we were hoping to get indictments in, as I recall, I think it was maybe October, November roughly."¹⁵⁵ Mr. Newell attributed the delay in the indictments to "a combination of workload [at the U.S. Attorney's Office] and the fact that there was a lot of work that needed to be done as far as putting the charges together."¹⁵⁶

In contrast, U.S. Attorney Burke informed Committee staff that the delay in the indictments was because ATF-Phoenix failed to produce to the prosecutor the completed case file until October 2010:

There is a formal process when an agency gives us a case with their cover, and the actual full documentation of the case was given to us, our office in October 2010, and I believe it was represented that it was given to us in August 2010.¹⁵⁷

On January 19, 2011, ten months after Deputy Director Hoover ordered an exit strategy, the U.S. Attorney's Office filed an indictment against Manuel Celis-Acosta and 19 straw purchasers that included counts for conspiracy, dealing in firearms without a license, conspiracy to possess a controlled substance with intent to distribute, possession with intent to distribute marijuana, conspiracy to possess a firearm in furtherance of a drug trafficking offense, false statements in connection with acquisition of firearms, conspiracy to commit money laundering, money laundering, and aiding and abetting.¹⁵⁸



Department of Justice, Report of Firearms Recoveries as of Indictment of Suspects (Jan. 21, 2011)

B. CHALLENGES SPECIFIC TO THE ARIZONA U.S. ATTORNEY'S OFFICE

Numerous ATF agents in Phoenix and senior ATF officials in Washington, D.C. informed the Committee that the U.S. Attorney's Office in Arizona historically has been reluctant to prosecute firearms traffickers. Due to the Federal prosecutors' analysis of heightened evidentiary thresholds in their district, agents reported that they faced significant challenges over the course of many years getting the U.S. Attorney's Office in Arizona to arrest, prosecute, and convict firearms traffickers.

"Viewed as an obstacle more than a help"

In testimony before the Committee, ATF Special Agent Peter Forcelli stated that within a few weeks of transferring to the Phoenix Field Division from New York in 2007, he noticed a difference in how Federal prosecutors in Arizona handled gun cases:

In my opinion, dozens of firearms traffickers were given a pass by the U.S. Attorney's Office for the District of Arizona. Despite the existence of "probable cause" in many cases, there were no indictments, no prosecutions, and criminals were allowed to walk free.¹⁵⁹

Special Agent Forcelli testified that "this situation wherein the United States Attorney's Office for Arizona in Phoenix declined most of our firearms cases, was at least one factor which led to the debacle that's now known as 'Operation Fast and Furious.'"¹⁶⁰ He added that little improvement has been made to date:

I would say, if anything, we have gone from a 'D-minus' to maybe a 'D.' It is still far from, again, effective or far from what, you know, the taxpayers deserve. But it is still very bad. I mean I wouldn't say it is effective. ... Guns in the hands of gang members or cartel traffickers, that's pretty concerning.¹⁶¹

He added: "the U.S. Attorney's Office is kind of viewed as an obstacle more than a help in criminal prosecutions here in Arizona, here in the Phoenix area."¹⁶²

In his transcribed interview with Committee staff, Acting ATF Director Kenneth Melson stated that Arizona historically has been a very difficult place to prosecute firearms traffickers. He stated:

A: We have had, as Peter Forcelli said, a long history with the District of Arizona going back to Paul Charlton, if not earlier, where it was difficult to get these cases prosecuted. Diane

Humetewa was the second U.S. Attorney there who had issues with our cases and wouldn't prosecute. I was head of the Executive Office for U.S. Attorneys at the time. I know exactly what was going on there and the issues we had with getting cases prosecuted in the District of Arizona.

Q: What was going on there?

A: Well, they —

Q: Were they prosecuting gun cases?

A: No, no. And they had a limit—for example, they wouldn't take any case that had less than 500 pounds of marijuana coming across the border with people in custody of it. We had to take some of our most significant cases to the state courts to try because they wouldn't take them.

Q: So is it fair to say there was a frustration—I believe you said earlier there was a frustration and aggravation with the Arizona U.S. Attorney's office, is that fair?

A: Yes, I think there was a frustration. Peter Forcelli said it really like it was. Let me say it, Dennis Burke has really made a change in the office. And he has turned that office around, maybe not 180 degrees but he's getting there. He's at least at 45 or 50 degrees. We have gotten more prosecutions out of his office than before, but historically, we have had a real hard time getting prosecutions. And when we do, we get no sentences. The guidelines are so low.¹⁶³

Evidentiary thresholds in Arizona

According to ATF officials, prosecutors in the Arizona U.S. Attorney's Office insisted that they could not prosecute firearms cases without physical possession of the firearms at issue. The prosecutors referred to this as the doctrine of *corpus delicti* ("body of the crime").¹⁶⁴ Because it was difficult to get Mexican authorities to cooperate in returning recovered firearms from that country, agents claimed that this created an effective bar to prosecution of many trafficking suspects. Agents told the Committee that prosecutors in the Arizona U.S. Attorney's Office applied the *corpus delicti* doctrine to refuse to prosecute cases even when suspects confessed to committing the crime.¹⁶⁵

ATF counsel strongly disagreed with the U.S. Attorney's Office that firearms had to be present to prove that straw purchasers had lied on the Federal forms they

filled out when purchasing firearms. According to Special Agent in Charge Newell, the other other U.S. Attorneys' offices in his jurisdiction—New Mexico, Colorado, Wyoming, and Utah—did not share Arizona's interpretation of this evidentiary standard.¹⁶⁶

On February 24, 2010, ATF counsel prepared a memorandum criticizing the *corpus delicti* doctrine as interpreted by the Arizona U.S. Attorney's Office. The memo stated:

In furtherance of ATF's primary investigative authority and the Southwest Border Initiative, ATF agents spend a very significant number of hours—and often place themselves in dangerous circumstances—investigating alleged straw transactions as part of firearms trafficking cases. In recent years, few of these investigations have resulted in Federal prosecutions in the District of Arizona. It is our desire to work with your office to adjust the scope of our investigations and/or our investigative procedures to provide straw purchaser cases that fall within the prosecution guidelines of your office.¹⁶⁷

According to ATF agents in Phoenix, the U.S. Attorney's Office also established additional evidentiary hurdles that made prosecuting firearms cases difficult, including requiring independent evidence of illegality for each firearms transaction. According to ATF agents, prosecutors would not build a case based on a pattern of multiple successive firearms purchases followed in quick succession by trips to Mexico. Instead, agents had to prove that each transaction, standing by itself, was illegal. The ATF-Phoenix Group Supervisor for Fast and Furious told the Committee how this policy applied:

We talked that over at the U.S. Attorney's Office, and the conclusion was that we would need independent probable cause for each transaction. Just because he bought 10 guns yesterday doesn't mean that the 10 he is buying today are straw purchased. You can't transfer probable cause from one firearm purchase to the next firearm purchase. You need independent probable cause for each occurrence.¹⁶⁸

The ATF Group Supervisor explained that application of this requirement meant that agents could not rely on prior actions as the basis for arresting suspected straw purchasers or interdicting weapons.¹⁶⁹

ATF agents also informed the Committee that the Arizona U.S. Attorney's Office required proof, by clear and convincing evidence, that every person in a chain of people who possessed the firearm had the intent to commit a crime.¹⁷⁰ Agents

understood this to mean that they would not have sufficient probable cause to arrest a suspect or interdict weapons when suspects transferred guns to non-prohibited persons who then trafficked the guns to Mexico.¹⁷¹



DEA photo from announcement of Fast and Furious indictments
(January 2011)

C. NO EVIDENCE THAT SENIOR OFFICIALS AUTHORIZED OR CONDONED GUNWALKING IN FAST AND FURIOUS

Contrary to some claims, the Committee has obtained no evidence that Operation Fast and Furious was conceived and directed by high-level political appointees at the Department of Justice. Rather, the documents obtained and interviews conducted by the Committee reflect that Fast and Furious was the latest in a series of fatally flawed operations run by ATF's Phoenix Field Division and the Arizona U.S. Attorney's Office during both the previous and current administrations.

The Acting Director of ATF, the Deputy Director of ATF, and the U.S. Attorney in Arizona each told the Committee that they did not approve of gunwalking in Operation Fast and Furious, were not aware that agents in ATF-Phoenix were using the tactic, and never raised any concerns with senior officials at the Department of Justice in Washington, D.C. In addition, the Deputy Attorney General and Assistant Attorney General for the Criminal Division both stated that ATF and prosecutors never raised concerns about gunwalking in Operation Fast and Furious to their attention, and that, if they had been told about gunwalking, they would have shut it down. The Attorney General has stated consistently that he was not aware of allegations of gunwalking until 2011, and the Committee has received no evidence that contradicts this assertion.

Attorney General Holder

The Attorney General has stated repeatedly that he was unaware that gunwalking occurred in Operation Fast and Furious until the allegations became public in early 2011.¹⁷² In testimony before the Senate Judiciary Committee, Attorney General Holder was unequivocal in his criticism of the controversial tactics employed in Fast and Furious:

Now I want to be very clear, any instance of so called gunwalking is simply unacceptable. Regrettably this tactic was used as part of Fast and Furious which was launched to combat gun trafficking and violence on our Southwest border.

This operation was flawed in its concept and flawed in its execution, and unfortunately we will feel the effects for years to come as guns that were lost during this operation continue to show up at crime scenes

"This should never have happened and it must never happen again."
-Attorney General Holder

both here and in Mexico. This should never have happened and it must never happen again.¹⁷³

Testifying before the House Judiciary Committee, the Attorney General rejected the allegation that senior leaders at the Department of Justice approved of gunwalking in Operation Fast and Furious:

I mean, the notion that people in the—in Washington, the leadership of the Department approved the use of those tactics in Fast and Furious is simply incorrect. This was not a top-to-bottom operation. This was a regional operation that was controlled by ATF and by the U.S. Attorney's Office in Phoenix.¹⁷⁴

The Committee has obtained no evidence indicating that the Attorney General authorized gunwalking or that he was aware of such allegations before they became public. None of the 22 witnesses interviewed by the Committee claims to have spoken with the Attorney General about the specific tactics employed in Operation Fast and Furious prior to the public controversy.

To the contrary, the evidence received by the Committee supports the Attorney General's assertion that the gunwalking tactics in Operation Fast and Furious were developed in the field. The leaders of the two components with management responsibility for Operation Fast and Furious—ATF and the U.S. Attorney's Office—informed the Committee that they themselves were not aware of the controversial tactics used in Operation Fast and Furious and did not brief anyone at Justice Department headquarters about them. Similarly, the Attorney General's key subordinates—the Deputy Attorney General and the Assistant Attorney General for the Criminal Division—informed the Committee that they were never briefed on the tactics by ATF or the U.S. Attorney's Office and never raised concerns about the operation to the Attorney General.

In 2010, the Office of the Attorney General received six reports from the National Drug Intelligence Center that contained a brief, one paragraph overview of Operation Fast and Furious. None of the information in the documents discussed the controversial tactics used by ATF agents in the case. One typical paragraph read:

From August 2 through August 6, the National Drug Intelligence Center Document and Media Exploitation Team at the Phoenix Organized Crime Drug Enforcement Task Force (OCDETF) Strike Force will support the Bureau of Alcohol, Tobacco, Firearms, and Explosives' Phoenix Field Division with its investigation of Manuel Celis-Acosta as part of OCDETF Operation Fast and the Furious. This investigation, initiated in September 2009 in conjunction with the Drug Enforcement Administration, Immigration and Customs Enforcement,

and the Phoenix Police Department, involves a Phoenix-based firearms trafficking ring headed by Manuel Celis-Acosta. Celis-Acosta and [redacted] straw purchasers are responsible for the purchase of 1,500 firearms that were then supplied to Mexican drug trafficking cartels. They also have direct ties to the Sinaloa Cartel which is suspected of providing \$1 million for the purchase of firearms in the greater Phoenix area.¹⁷⁵

In his October 7, 2011, letter, the Attorney General explained that he never reviewed the reports and that his staff typically reviews these reports. He also testified that even if he had reviewed them personally, they did not indicate anything problematic about the case because “the entries suggest active law enforcement action being taken to combat a firearms trafficking organization that was moving weapons to Mexico.”¹⁷⁶

Documents provided to the Committee indicate that in December 2010, the Arizona U.S. Attorney’s Office was preparing to inform the Attorney General’s Office about the general status of upcoming indictments in Operation Wide Receiver when news of Agent Terry’s death broke.

On December 14, 2010, Monty Wilkinson, the Attorney General’s Deputy Chief of Staff, sent an email to U.S. Attorney Burke asking if he was available for a call that day.¹⁷⁷ The next day, U.S. Attorney Burke replied, apologized for not responding sooner, and said he would call later in the day.¹⁷⁸ He also stated that the U.S. Attorney’s Office had a large firearms trafficking case he wanted to discuss that was set to be indicted in the coming weeks.¹⁷⁹

Several hours later on December 15, 2010, U.S. Attorney Burke learned that Agent Terry had been murdered.¹⁸⁰ He alerted Mr. Wilkinson, who replied, “Tragic, I’ve alerted the AG, the Acting DAG, Lisa, etc.”¹⁸¹

Later that same day, U.S. Attorney Burke learned that two firearms found at Agent Terry’s murder scene had been purchased by a suspect in Operation Fast and Furious. He sent an email to Mr. Wilkinson forwarding this information and wrote: “The guns found in the desert near the murder [sic] BP officer connect back to the investigation we were going to talk about—they were AK-47’s purchased at a Phoenix gun store.”¹⁸² Mr. Wilkinson replied, “I’ll call tomorrow.”¹⁸³

In his interview with Committee staff, U.S. Attorney Burke stated that he did not recall having any subsequent conversation with Mr. Wilkinson that “included the fact that Fast and Furious guns were found at the scene” of Agent Terry’s murder.¹⁸⁴ In a November 2011 hearing of the Senate Judiciary Committee, Senator Charles Grassley asked Attorney General Holder, “Did Mr. Wilkinson say anything to you about the connection between Agent Terry’s death and the ATF operation?”

Attorney General Holder responded, "No, he did not."¹⁸⁵ In a January 27, 2011, letter to the Committee, the Department stated that Mr. Wilkinson "does not recall a follow-up call with Burke or discussing this aspect of the matter with the Attorney General."¹⁸⁶

Deputy Attorney General Grindler

During his interview with Committee staff, Gary Grindler, the former Acting Deputy Attorney General stated that he was not aware of the controversial tactics that ATF-Phoenix employed in Operation Fast and Furious, never authorized them, and never briefed anyone at the Department of Justice about them.¹⁸⁷

"I would have stopped it."
—former Deputy Attorney General Grindler

In March 2010, Acting ATF Director Melson and Deputy Director Hoover met with Mr. Grindler for a monthly check-in meeting and shared information about Operation Fast and Furious and other matters. As part of this briefing, Mr. Melson and Mr. Hoover stated that they discussed the total number of firearms purchased by individual suspects in Operation Fast and Furious, the total amount of money spent on purchasing these firearms, and a map displaying seizure events for the case in both the United States and Mexico.¹⁸⁸

Mr. Grindler stated that neither of ATF's senior leaders raised any concerns with him about Operation Fast and Furious at that briefing or mentioned gunwalking:

- Q: And to your recollection, did Director Melson or Deputy Director Hoover ever tell you that they were deliberately allowing firearms to be transferred to Mexico in order to use them as a predicate for cases in the United States?
- A: I mean, I am extraordinarily confident that they didn't tell me that. That is just an absurd concept. If that had been told to me, I would not only have written something, but done something about it.
- Q: What would you have done?
- A: I would have stopped it. I would have asked for detailed briefings about this matter and figure out more clearly what's going on here.¹⁸⁹

Deputy Director Hoover corroborated Mr. Grindler's account. In his interview with the Committee, Mr. Hoover explained that he did not inform the

Deputy Attorney General about gunwalking in Operation Fast and Furious because he did not know about it himself:

A: Well, there's been reports that the Deputy Attorney General's office was aware of the techniques being employed in Fast and Furious, and that's not the case, because I certainly didn't brief them on the techniques being employed in Fast and Furious.

Q: Because you didn't know?

A: Right.¹⁹⁰

When asked whether he ever discussed his briefing on Operation Fast and Furious with the Attorney General, Mr. Grindler said, "I don't have any recollection of advising the Attorney General about this briefing in 2010."¹⁹¹

Acting ATF Director Melson

In an interview with Committee staff on July 4, 2011, then-Acting ATF Director Kenneth Melson stated that he was not aware of the controversial tactics that the ATF-Phoenix Field Division employed, never authorized them, and never briefed anyone at the Department of Justice about them. Mr. Melson stated:

I don't believe that I knew or that [Deputy Director] Billy Hoover knew that they were—that the strategy in the case was to watch people buy the guns and not interdict them at some point. That issue had never been raised. It had never been raised to our level by the whistleblowers in Phoenix—that stayed in-house down there. The issue was never raised to us by ASAC [Assistant Special Agent in Charge] Gillett who was supervising the case.

It unfortunately was never raised to my level by SAC [Special Agent in Charge] Newell who should have known about the case, if he didn't, and recognize the issue that was percolating in his division about the disagreement as to how this was occurring. Nor was it raised to my level by DAD [Deputy Assistant Director] McMahon who received the briefing papers from [Phoenix Group Supervisor] Voth and may have had other information on the case. Nor was it given to me by a Deputy Assistant Director in OSII, the intel function, when he briefed this case the one time I wasn't there and he raised an objection to it and saw nothing change.¹⁹²

Director Melson also denied that Department of Justice or senior ATF officials devised or authorized those tactics:

Q: Did you ever use or authorize agents to use a tactic of non-intervention to see where the guns might go?

A: I don't believe I did.

Q: Did you ever tell agents not to use or authorize agents not to use other common investigative techniques like "knock and talks" or police pullovers in order to see where the guns might go in this case?

A: No.

Q: Did anyone at the Department of Justice ever tell you or tell anyone else at headquarters and it got to you that those tactics were authorized as part of a new strategy in order to follow the guns, let the guns go, see where they might end up?

A: No.¹⁹³

Documents obtained by the Committee indicate that Mr. Melson received three briefings regarding Fast and Furious in the early months of the operation and had regular status updates thereafter. He stated that "the general assumption among the people that were briefed on this case was that this was like any other case that ATF has done."¹⁹⁴ In addition to stating that he was not aware of the controversial tactics in Operation Fast and Furious, Mr. Melson stated that he did not know the full scope or scale of criminal activity by suspects until after concerns about gunwalking became public.

After the public controversy broke, Mr. Melson requested copies of Operation Fast and Furious case files to review for himself. He told Committee staff that he became extremely concerned after reviewing them:

I think I became fully aware of what was going on in Fast and Furious when I was reading the ROIs. And I remember sitting at my kitchen table reading the ROIs, one after another after another, I had pulled out all Patino's—and ROIs is, I'm sorry, report of investigation—and you know, my stomach being in knots reading the number of times he went in and the amount of guns that he bought.

And this is why I wish the people in Phoenix had alerted us during this transaction to exactly this issue, so we could have had at least made a judgment as to whether or not this could continue or not.¹⁹⁵

ATF Deputy Director Hoover

During his interview with Committee staff, then-Deputy Director William Hoover stated that he had not been aware of the tactical details in Operation Fast and Furious and had not raised any concerns with Acting ATF Director Melson or anyone at Justice Department headquarters.¹⁹⁶ Deputy Director Hoover rejected the suggestion that senior management officials at ATF or the Department of Justice were responsible for any of the controversial tactical decisions made in Operation Fast and Furious:

Q: But you don't believe that this is some sort of top-down—it wasn't a policy or some tactical strategy from either ATF management or main Justice to engage in what happened here in Phoenix in Fast and Furious?

A: No, sir. It's my firm belief that the strategic and tactical decisions made in this investigation were born and raised with the U.S. Attorney's Office and with ATF and the ODCETF strike force in Phoenix.¹⁹⁷

Mr. Hoover's subordinates also informed the Committee that they did not warn him about gunwalking allegations in Operation Fast and Furious because they were unaware of them. Assistant Director for Field Operations Mark Chait told the Committee that he was "surprised" when he learned of allegations that gunwalking occurred in Operation Fast and Furious in February 2011.¹⁹⁸ Deputy Assistant Director for Field Operations William McMahon, the supervisor above the Phoenix Field Division, stated:

I don't think at any point did we allow guns to just go into somebody's hands and walk across the border. I think decisions were made to allow people to continue buying weapons that we suspected were going to Mexico to put our case together. But I don't believe that at any point we watched guns going into Mexico. I think we did everything we could to try to stop them from going to Mexico.¹⁹⁹

Although Mr. Hoover stated that he was unaware of gunwalking allegations in Operation Fast and Furious prior to the public controversy, he informed Committee staff that he became concerned in March 2010 about the number of guns being purchased.²⁰⁰ As discussed above, Mr. Hoover received a briefing in March 2010 during which ATF officials described the suspects, the number of firearms, the

amount of money each had spent, known stash houses, and the locations where firearms had been recovered. Mr. Hoover told the Committee that he ordered an “exit strategy” to close the case and seek indictments within 90 days.

Apart from whether Mr. Hoover was aware of specific gunwalking allegations in Operation Fast and Furious, it remains unclear why he failed to inform Acting ATF Director Melson or senior Justice Department officials about his more general concerns with the investigation or his directive for an exit strategy.

During his interview with Committee staff, Deputy Director Hoover took substantial personal responsibility for ATF’s actions in Operation Fast and Furious. He stated:

I blame no one else. I blame no one else – not DEA, not the FBI, not the U.S. Attorney’s Office. If we had challenges, then we need to correct those challenges. I am the deputy director at ATF, and, ultimately, you know, everything flows up, and I have to take responsibility for the mistakes that we made.²⁰¹

United States Attorney Burke

During an interview with Committee staff, Arizona U.S. Attorney Dennis Burke stated that neither he nor anyone above him ever authorized non-interdiction of weapons or letting guns walk in Operation Fast and Furious:

Q: To your knowledge as the U.S. Attorney for the District of Arizona, did the highest levels of the Department of Justice authorize [the] non-interdiction of weapons, cutting off of surveillance, as an investigative tactic in Operation Fast and Furious?

A: I have no knowledge of that.

Q: Do you believe you would have known if that was the case?

A: Yes.

Q: Did you ever authorize those tactics?

A: No.

...

Q: Did anyone ever discuss—from the Department of Justice main headquarters—your supervisors—ever discuss with

you or raise to your attention that there was a new policy with respect to interdiction of weapons or surveillance of firearms?

A: No. Not that I can recall at all.

Q: And did anyone ever—from the Department of Justice, Main Justice I will call it, ever tell you that you were authorized to allow weapons to cross the border when you otherwise would have had a legal authority to seize or interdict them because they were a suspected straw purchase or it was suspected that they were being trafficked in a firearms scheme?

A: I have no recollection of ever being told that.²⁰²

Although U.S. Attorney Burke agreed with ATF-Phoenix's proposal to build a "bigger" case that targeted the organizers of the firearms trafficking conspiracy, he stated that ATF-Phoenix never indicated that agents would be letting guns walk as part of the investigation:

Q: Did you ever discuss with him [Special Agent in Charge Newell] a deliberate tactic of non-interdiction to see where the weapons ended up? To see if they ended up with the DTO in Mexico?

A: I do not recall that at all.

Q: Would that stick out in your mind at this point if he had said we're going to let the guns go, find them in crime scenes in Mexico, and then use that to make a connection to a DTO?

A: I don't recall that at all. I was under the opposite impression, which was that based on his contacts and the relationships with Mexico and what they were doing, that they would be working with Mexico on weapons transferred into Mexico.²⁰³

Emails from Special Agent in Charge Newell touting recent seizures of firearms in both the United States and in Mexico are consistent with U.S. Attorney Burke's statement that he believed ATF-Phoenix was coordinating interdiction with appropriate law enforcement agencies on both sides of the border. For example, on June 24, 2010, Mr. Newell sent an email to Mr. Burke with a picture of a .50 caliber weapon that had been recovered, stating: "Never ends ... our folks are working non-stop around the clock 7 days a week. But they are making some great seizures and gleaning some great Intel."²⁰⁴

The lead prosecutor on the case, Emory Hurley, sent Mr. Burke similar updates. On August 16, 2010, for example, Mr. Hurley prepared a memorandum asserting that “the investigation has interdicted approximately 200 firearms, including two .50 caliber rifles” and stating, “[a]gents have not purposely let guns ‘walk.’”²⁰⁵

Criminal Division review of Fast and Furious wiretap applications

In testimony before a Subcommittee of the Senate Judiciary Committee on November 1, 2011, Assistant Attorney General Lanny Breuer stated that he first became aware of the controversial tactics in Operation Fast and Furious after they became public:

I found out first when the public disclosure was made by the ATF agents early this year. When they started making those public statements, of course, at that point, as you know, both the leadership of ATF and the leadership of the U.S. Attorney’s Offices adamantly said that those allegations were wrong.

But as those allegations became clear, that is when I first learned that guns that could—that ATF had both the ability to interdict and the legal authority to interdict, that they failed to do so. That is when I first learned that, Senator.²⁰⁶

Similarly, in an interview with Committee staff, Deputy Assistant Attorney General Jason Weinstein stated:

I did not know at any time during the investigation of Fast and Furious that guns had walked during that investigation. I first heard of possible gunwalking in Fast and Furious when the whistleblower allegations were made public in early 2011. Had I known about gunwalking in Fast and Furious before the allegations became public, I would have sounded the alarm about it.²⁰⁷

“I would have sounded the alarm”
—Assistant Attorney General Breuer

Mr. Breuer and Mr. Weinstein also rejected the allegation that they should have been able to identify gunwalking in Operation Fast and Furious based on the Criminal Division’s legal reviews of wiretap applications submitted by the Arizona U.S. Attorney’s Office.

Federal law requires that senior Department officials approve all Federal law enforcement applications to Federal judges for the authority to conduct wiretaps.²⁰⁸ The Department has assigned that legal review duty to the Office of

Enforcement Operations in the Criminal Division.²⁰⁹ During Operation Fast and Furious, numerous wiretap applications were submitted to the Criminal Division to determine whether they satisfied the legal threshold established under the Fourth Amendment to the United States Constitution. Drafts of the applications were sent to the Office of Enforcement Operations, which prepared cover memos for final review and approval by a Deputy Assistant Attorney General.²¹⁰ The wiretap applications are under court seal and therefore have not been produced to the Committee.

Mr. Weinstein informed the Committee that he reviewed the cover memoranda prepared by the Office of Enforcement Operations for three wiretap applications in Operation Fast and Furious and that he approved all three.²¹¹ He stated that his general practice was to read the cover memo first and examine the underlying affidavit only if there were issues or questions necessary to the probable cause determination that the summary memo did not provide.²¹² Mr. Weinstein stated that he believed his practice was consistent with the conduct across various administrations.²¹³

Mr. Weinstein rejected the criticism that he should have identified gunwalking in Operation Fast and Furious based on his review of the memoranda summarizing the wiretap affidavits in the case. Although he could not comment on the contents of the documents because they are under seal by a Federal District Court judge, he stated:

It's not a fair criticism. As I said earlier, I can't comment on the contents. What I can say is I obviously have a sensitive radar to gunwalking, since that's been the focus of my life, my professional life, is keeping guns out of the hands of criminals. So when I saw in Wide Receiver that an investigation, however well intentioned it may have been, was being conducted in a way that put guns in the hands of criminals, I reacted pretty strongly to it. Had I seen anything at any time during the investigation of Fast and Furious that raised the same concerns, I would have reacted. And I would have reacted even more strongly because that would have meant it was still going on and that Wide Receiver was not in fact an isolated incidence as I believed it to be.²¹⁴

"The focus of my life, my professional life, is keeping guns out of the hands of criminals."

-Deputy Assistant Attorney General Weinstein

In testimony before the Senate Judiciary Committee, Mr. Breuer made clear that his staff reviews wiretap affidavits to determine the legal sufficiency of the

request rather than to conduct oversight of investigative tactics in law enforcement investigations. He stated:

[A]s Congress made clear, the role of the reviewers and the role of the deputy in reviewing Title III applications is only one. It is to ensure that there is legal sufficiency to make an application to go up on a wire and legal sufficiency to petition a Federal judge somewhere in the United States that we believe it is a credible request. But we cannot—those now 22 lawyers that I have who review this in Washington, and it used to only be 7, cannot and should not replace their judgment, nor can they, with the thousands of prosecutors and agents all over the country.

There is a legal analysis: Is there a sufficient basis to make this request? We must and have to rely on the prosecutors and their supervisors and the agents and their supervisors all over the country to determine that the tactics that are used are appropriate.²¹⁵

Criminal Division response to Wide Receiver

Questions have been raised about whether Mr. Breuer or Mr. Weinstein should have been aware of gunwalking in Operation Fast and Furious because they learned about similar tactics in a different case dating back to 2006 and 2007, Operation Wide Receiver. Documents obtained by the Committee indicate that as soon as they learned about gunwalking during the previous Administration, Mr. Breuer and Mr. Weinstein took immediate steps to register their concerns directly with the highest levels of ATF leadership, but they did not inform the Attorney General or the Deputy Attorney General.

In March 2010, a Criminal Division supervisor sent an email to Mr. Weinstein regarding the Wide Receiver case stating that, “with the help of a cooperating FFL, the operation has monitored the sale of over 450 weapons since 2006.”²¹⁶ In response, Mr. Weinstein expressed concern, writing: “I’m looking forward to reading the prosecution memo on Wide Receiver but am curious—did ATF allow the guns to walk, or did ATF learn about the volume of guns after the FFL began cooperating?”²¹⁷ The supervisor inaccurately responded: “My recollection is they learned afterward.”²¹⁸ As discussed above, ATF Operational Plans and other documents provided to the Committee show that ATF agents in Arizona were contemporaneously aware of the illegal straw purchases.

The next month, Mr. Weinstein received and reviewed a copy of the prosecution memorandum prepared by the criminal prosecutor in the Wide Receiver case.²¹⁹ On April 12, 2010, Mr. Weinstein wrote to the prosecutors stating:

ATF HQ should/will be embarrassed that they let this many guns walk—I'm stunned, based on what we've had to do to make sure not even a single operable weapon walked in UC [undercover] operations I've been involved in planning—and there will be press about that.²²⁰

In his interview with Committee staff, Mr. Weinstein explained that “there was no question from the moment those sales were completed that ATF had a lot of evidence that those sales were illegal. That's pretty rare. And it's that specific fact that set me off on Wide Receiver.”²²¹ He also stated that the gunwalking tactics used in Wide Receiver “were unlike anything I had encountered in my career as a prosecutor.”²²² As a former prosecutor in the U.S. Attorney's Office in Baltimore, he added:

One of my priorities in all of the work I did in Maryland was to stop guns from getting to criminals and get guns out of the hands of criminals who managed to get their hands on them. But I was very sensitive about any situation or any operation that might result in law enforcement, however inadvertently, putting a gun into the hands of a criminal. And so all of the operations that I participated in designing, and I referred to this in the email, were designed to make sure that not even a single operable weapon got in the hands of a criminal.²²³

After reading the prosecution memorandum, Mr. Weinstein contacted his supervisor, Assistant Attorney General Breuer. On April 19, 2010, they met to discuss Mr. Weinstein's concerns about ATF-Phoenix's handling of the case.²²⁴ According to Mr. Weinstein, Mr. Breuer shared his shock about the gunwalking tactics used in Wide Receiver:

[T]here's no question in my mind from his reaction at the meeting that Mr. Breuer shared the same concerns that I did. As I indicated in my opening, Mr. Breuer has made helping Mexico and stopping guns from getting to Mexico a top priority. I had commented to somebody in my office that I traded when I came from Baltimore to the Criminal Division, I traded having a boss come into my office every day and ask me what am I doing to keep the murder rate down, to a boss who is asking me virtually every day, what am I doing to stop guns from going to Mexico? So when he heard about this he had the same reaction I did.²²⁵

According to Mr. Weinstein, Mr. Breuer directed him to immediately register their concerns “directly with the leadership of ATF.”²²⁶ The next day, Mr. Weinstein contacted ATF Deputy Director Hoover to request a meeting.²²⁷ On April 28, 2010, Mr. Weinstein and Mr. Hoover met and were joined by the Acting Chief of the Organized Crime and Gang Section at DOJ, James Trusty and ATF Deputy Assistant

Director William McMahon.²²⁸ Mr. Weinstein told the Committee that he expressed his serious concerns about ATF-Phoenix's management of Wide Receiver and the fact that so many firearms had been allowed to walk. Notes taken at that meeting indicate that of 183 guns sold in the first part of Operation Wide Receiver, the "vast majority walk[ed]" and were linked to "violent crime."²²⁹ Mr. Weinstein stated:

[A]t the meeting the first topic on the agenda was to talk about the tactics. And so Mr. Trusty and I went through the facts of the case and I explained my concerns about the tactics. The meeting was nearly 2 years ago now, and as I sit here today I just can't recall the specific words used, but my strong memory from that meeting is that Mr. Hoover had the same reaction I did; that is, that he shared my concerns about the tactics. And I walked away from that meeting being satisfied that although this had happened in '06 and '07, this was not the kind of thing that would be happening under Mr. Hoover's watch. I wish I could remember the exact words used, but that's the strong sense I walked away with.²³⁰

Although neither Mr. Breuer nor Mr. Weinstein had direct supervisory authority over ATF, Mr. Weinstein told the Committee that the seriousness of issue compelled them to request the meeting. Mr. Weinstein stated:

I raised this with Mr. Hoover because I knew it was something he would be concerned about, and he was concerned about it. I didn't direct him. It's not my place to direct him. I didn't ask him to do anything in particular. His reaction, as I said, was exactly what I expected, which was concern about the tactics. And so I just walked away. I walked away feeling there was no reason to worry that this was the kind of thing that he would tolerate.²³¹

Mr. Weinstein stated that he relayed the details of the meeting to Mr. Breuer, and at that time both of them believed that they had satisfied their duty to address the issue with the appropriate managers.²³² Mr. Weinstein also noted that he believed the gunwalking in Wide Receiver was an "extreme aberration from years ago."²³³

Despite raising these concerns about gunwalking in Operation Wide Receiver immediately with senior ATF leadership, Mr. Breuer later expressed regret for not raising these concerns directly with the Attorney General or Deputy Attorney General. During an exchange at a hearing with Senator Grassley, Mr. Breuer stated:

I regret the fact that in April of 2010, I did not. At the time, I thought that we—dealing with the leadership of ATF was sufficient and reasonable. And frankly, given the amount of work I do, at the time,

I thought that that was the appropriate way of dealing with it. But I cannot be more clear that knowing now—if I had known then what I know now, I, of course, would have told the Deputy and the Attorney General.²³⁴

Criminal Division interactions with Mexican Officials

According to documents obtained by the Committee, Assistant Attorney General Breuer met with senior officials from the Mexican government in Mexico on February 2, 2011, to discuss potential areas of cooperation to fight transnational organized crime and drug trafficking.²³⁵ According to a summary, the group discussed a wide range of issues including U.S. extradition requests to Mexico, firearms trafficking, and a cooperative security agreement between the United States, Mexico, and countries in Central America.²³⁶

With respect to combating firearms trafficking, the Mexican Undersecretary for North America explained that “greater coordination and flow of information would be helpful to combat arms trafficking into Mexico.”²³⁷ Mr. Breuer responded by telling the Mexican officials that the Department had sought to increase penalties for straw purchasers and desired their support for such measures. According to the summary, Mr. Breuer also made a suggestion about one way the two countries could increase coordination:

AAG Breuer suggested allowing straw purchasers cross into Mexico so SSP [Mexican federal police force] can arrest and PGR [the Mexican Attorney General’s Office] can prosecute and convict. Such coordinated operations between the US and Mexico may send a strong message to arms traffickers.²³⁸

Documents produced to the Committee indicate that this summary of Mr. Breuer’s meeting was shared with Acting ATF Director Melson in anticipation of his February 8, 2011, meeting with the U.S. Ambassador to Mexico.²³⁹ According to a summary of this latter meeting, Mr. Melson discussed with the Ambassador the possibility of controlled firearms deliveries, but the Department of Justice Attaché who was also present raised concern about the “inherent risk” of such joint operations:

Melson and the Ambassador discussed the possibility of allowing weapons to pass from the US to Mexico and US law enforcement coordinating with SSP and PGR to arrest and prosecute the arms trafficker. I raised the issue that there is an inherent risk in allowing weapons to pass from the US to Mexico; the possibility of the GoM [Government of Mexico] not seizing the weapons; and the weapons being used to commit a crime in Mexico.²⁴⁰

The documents obtained by the Committee do not indicate that any action was taken after this meeting regarding efforts to coordinate operations with Mexican authorities.

As described in the section above on the Hernandez case, the memo prepared for Attorney General Mukasey in 2007 similarly explained that “ATF would like to expand the possibility of such joint investigations and controlled deliveries—since only then will it be possible to investigate an entire smuggling network, rather than arresting simply a single smuggler.”²⁴¹ The memo provided to Attorney General Mukasey was explicit, however, in warning that previous operations “have not been successful.”²⁴²

D. DEPARTMENT RESPONSES TO GUNWALKING IN OPERATION FAST AND FURIOUS

Inaccurate information initially provided to Congress

On January 27, 2011, Senator Charles Grassley wrote a letter to the Department of Justice relaying allegations from whistleblowers that ATF-Phoenix had walked guns in Operation Fast and Furious.²⁴³ On February 4, 2011, Ron Weich, the Assistant Attorney General for Legislative Affairs, sent a written response that stated:

[T]he allegation described in your January 27 letter—that ATF “sanctioned or otherwise knowingly allowed the sale of assault weapons to a straw purchaser who then transported them into Mexico”—is false. ATF makes every effort to interdict weapons that have been purchased illegally and prevent their transportation to Mexico.²⁴⁴

As this report documents, it became apparent during the course of the Committee’s investigation that this statement in the Department’s letter was inaccurate and, on December 2, 2011, the Deputy Attorney General formally withdrew the Department’s February 4th letter.²⁴⁵ On the same day, the Department provided the Committee with more than 1,000 pages of internal emails, notes, and drafts from all of the parties involved in the drafting of the February 4 letter, as well as a lengthy explanation of how the inaccurate information was included in the letter. According to the Department:

Department personnel, primarily in the Office of Legislative Affairs, the Criminal Division and the Office of the Deputy Attorney General, relied on information provided by supervisors from the components in the best position to know the relevant facts: ATF and the U.S. Attorney’s Office in Arizona, both of which had responsibility for Operation Fast and Furious. Information provided by those supervisors was inaccurate.²⁴⁶

The documents obtained by the Committee and the interviews conducted by Committee staff support this explanation.

Documents obtained by the Committee indicate that, during the drafting of the letter, senior ATF officials insisted that ATF-Phoenix had not allowed guns to walk in Operation Fast and Furious. Detailed notes of a meeting with Acting Director Melson taken by a Department of Justice official state that ATF “didn’t let a guns [sic] walk,” and “didn’t know they were straw purchasers at the time.”²⁴⁷

Additional notes taken of a meeting with Deputy Director Hoover state that “ATF doesn’t let guns walk,” and “we always try to interdict weapons purchased illegally.”²⁴⁸

Both Acting ATF Director Melson and ATF Deputy Director Hoover told the Committee that they did not intend to mislead the Department or Congress and that they sincerely believed that guns had not walked in Operation Fast and Furious at the time the letter was drafted.²⁴⁹

The U.S. Attorney’s Office in Arizona also adamantly denied allegations of gunwalking. On January 31, 2011, U.S. Attorney Burke wrote to senior Department officials that the allegations “are based on categorical falsehoods.”²⁵⁰ Mr. Burke and the Chief of the Criminal Division at the U.S. Attorney’s Office sent a series of emails over the course of that week continuing to deny the allegations and pressing for a strong response.²⁵¹

In his interview with Committee staff, U.S. Attorney Burke stated that, after later learning about the scope of gunwalking in Operation Fast and Furious, he deeply regretted conveying “inaccurate” information to senior Department officials drafting the February 4 response, but that it “was not intentional.”²⁵²

The Committee was not able to interview one witness from the U.S. Attorney’s Office, the former Criminal Chief, Patrick Cunningham. In a letter on January 19, 2011, Mr. Cunningham’s attorney informed the Committee that he was exercising his Fifth Amendment right against self-incrimination. The letter stated:

I am writing to advise you that my client is going to assert his constitutional privilege not to be compelled to be a witness against himself. The Supreme Court has held that “one of the basic functions of the privilege is to protect innocent men.” *Grunewald v. United States*, 353 U.S. 391, 421 (1957); *see also Ohio v. Reiner*, 532 U.S. 17 (2001) (per curiam). The evidence described above shows that my client is, in fact, innocent, but he has been ensnared by the unfortunate circumstances in which he now stands between two branches of government. I will therefore be instructing him to assert his constitutional privilege.²⁵³

During his interview with Committee staff, U.S. Attorney Burke stated that Mr. Cunningham adamantly denied that gunwalking occurred in Operation Fast and Furious.²⁵⁴ Similarly, Deputy Assistant Attorney General Weinstein informed Committee staff that Mr. Cunningham continued to assert that gunwalking had not occurred in Operation Fast and Furious after the February 4, 2011, letter.²⁵⁵

Within the Criminal Division, Mr. Weinstein informed the Committee that he offered to assist in the drafting of the February 4 letter “to be helpful,” but that he

had no independent knowledge of Operation Fast and Furious and relied on ATF and the U.S. Attorney's Office for information. He stated:

As the Department prepared its response, I and others in Main Justice were repeatedly and emphatically assured by supervisors in the relevant components who were in position to know the case best—that is the Arizona U.S. Attorney's Office and ATF leadership—that no guns had been allowed to walk in connection with Fast and Furious; and it was on that basis that the Department provided inaccurate information to Congress in the February 4th letter.

Now much attention has been paid to the sentence in that letter that reads, "ATF makes every effort to interdict weapons that have been purchased illegally and prevent their transportation to Mexico." As the documents you've received made clear, I and others at Main Justice received multiple assurances from the U.S. Attorney's Office and from ATF that this statement, like the other information in the letter, was true. ...

Given what I know now, of course, I wish I had not placed such faith in the assurances provided to me by the leadership of the U.S. Attorney's Office and ATF. But given what I knew then and given the strength of those assurances I believed at the time that it was entirely appropriate to do so. I trusted what was said to me and I firmly believed at that time that in fact ATF had not let guns walk in Fast and Furious. Obviously, time has revealed the statements made to me and others to be inaccurate, and that is beyond disappointing to me.²⁵⁶

Mr. Weinstein also explained why he did not raise concerns about gunwalking during the previous administration in Operation Wide Receiver in 2006 and 2007. During his interview with Committee staff, he stated:

Now some have said that because I knew about Wide Receiver at the time I assisted with the February 4th letter, I knew that statement to be untrue, and that is just not correct. Let me explain why.

Wide Receiver was an old case in which inappropriate tactics had been used in the investigative phase years earlier. This occurred under a prior administration, under a different U.S. Attorney's Office management and different ATF management. Because of the repeated assurances I and others received in February 2011, from the then current leadership of the U.S. Attorney's Office in ATF that guns had not walked in Fast and Furious and from ATF that it was making every effort to interdict guns, I did not make any connection between

Wide Receiver and Fast and Furious. For that reason, I simply was not thinking about Wide Receiver as I assisted with the February 4th letter which I understood to be about Fast and Furious.²⁵⁷

Mr. Weinstein also rebutted the allegation of an intentional cover-up:

Q: Mr. Weinstein, during the drafting of the February 4th letter, did you intentionally try to mislead Congress?

A: Absolutely not.

Q: To your knowledge, did Mr. Breuer ever try to intentionally mislead Congress?

A: Absolutely not.

Q: To your knowledge, did anyone else at Main Justice, during the drafting of the February 4th letter, intentionally try to mislead Congress?

A: Absolutely not.²⁵⁸

Request for IG investigation and reiteration of Department policy

Soon after the Attorney General became aware of allegations relating to gunwalking in Operation Fast and Furious, he took several steps to address them. First, the Attorney General requested that the Inspector General investigate Operation Fast and Furious and the Department's response to Senator Grassley's letter.²⁵⁹ Testifying before a Senate Appropriations Subcommittee, the Attorney General stated:

It is true that there have been concerns expressed by ATF agents about the way in which this operation was conducted, and on that I took those allegations, those concerns, very seriously and asked the Inspector General to try to get to the bottom of it. An investigation, an inquiry is now under way.

I've also made clear to people in the Department that letting guns walk—I guess that's the term that the people use—that letting guns walk is not something that is acceptable. Guns are—are different than drug cases or cases where we're trying to follow where money goes.

We cannot have a situation where guns are allowed to walk, and I've made that clear to the United States Attorneys as well as the Agents in Charge in the various ATF offices.²⁶⁰

On March 9, 2011, Deputy Attorney General James Cole hosted a conference call with Southwest Border United States Attorneys in which he reiterated the Department's policy against gunwalking. After the call, Mr. Cole followed up with an email summarizing the conversation:

As I said on the call, to avoid any potential confusion, I want to reiterate the Department's policy: We should not design or conduct undercover operations which include guns crossing the border. If we have knowledge that guns are about to cross the border, we must take immediate action to stop the firearms from crossing the border, even if that prematurely terminates or otherwise jeopardizes an investigation.²⁶¹

Personnel actions

Justice Department officials have explained that, although they are awaiting the findings from the Inspector General's investigation before making any final personnel determinations, they have removed the key players in Operation Fast and Furious from any further operational duties.

At the U.S. Attorney's Office for the District of Arizona, all of the key personnel have resigned, been removed, or been relieved of their relevant duties in the aftermath of Operation Fast and Furious. On August 30, 2011, Dennis Burke resigned as the U.S. Attorney.²⁶² In January 2012, the Chief of the Criminal Division, Patrick Cunningham, resigned his position and left the U.S. Attorney's Office.²⁶³ The Section Head responsible for supervising Operation Fast and Furious resigned his supervisory duties in the fall of 2011, and the Assistant U.S. Attorney who was responsible for managing Operation Fast and Furious was moved out of the criminal division to the civil division.²⁶⁴

On August 30, 2011, the Justice Department removed Kenneth Melson as the acting head of ATF and reassigned him to a position as a forensics advisor in the Department's Office of Legal Policy.²⁶⁵ On October 5, 2011, ATF removed Deputy Director William Hoover from his position and subsequently reassigned to a non-operational role.²⁶⁶ Also on October 5, 2011, ATF removed Assistant Director for Field Operations Mark Chait from his position and subsequently placed him in a non-operational role as well.²⁶⁷ Deputy Assistant Director for Field Operations William McMahon was also reassigned as a Deputy Assistant in the ATF Office of Professional Responsibility and Security Operations on May 13, 2011, and was later reassigned to a non-operation position.²⁶⁸

ATF supervisors from the Phoenix Field Division have also been reassigned. Special Agent in Charge William Newell was reassigned to an administrative position as a special assistant in the ATF Office of Management.²⁶⁹ Assistant Special

Agent in Charge George Gillett was reassigned as a liaison to the U.S. Marshal's Service.²⁷⁰ The former Supervisor of Group VII, David Voth, was reassigned to ATF's Tobacco Division.²⁷¹

Agency reforms

On January 28, 2011, Deputy Attorney General James Cole sent a letter to Congress explaining that the Department was "undertaking key enhancements to existing Department policies and procedures to ensure that mistakes like those that occurred in *Wide Receiver* and *Fast and Furious* are not repeated."²⁷² The letter detailed numerous reforms, including:

- Implementing a new Monitored Case Program to increase coordination between ATF headquarters and the field for sensitive investigations and to improve oversight;
- Clarifying the prohibition on gunwalking and providing guidance on responding to a gun dealer concerns about suspicious purchasers;
- Revising ATF's Confidential Informants Usage Policy and its Undercover Operations Policy and establishing committees on undercover operations and confidential informants;
- Providing training to personnel in ATF's Phoenix Field Division to address U.S.-Mexico cross-border firearms trafficking issues, improve techniques and strategies, and educate agents on the applicable law; and
- Restructuring ATF's Office of the Ombudsman by appointing a senior special agent as Chief ATF Ombudsman and adding a full-time special agent to handle agent complaints.²⁷³

Deputy Attorney General Cole also outlined key improvements to ensure the "accuracy and completeness" of the information the Department provides to Congress. The Department issued a directive requiring the responding component to ensure that it supplies Congress with the most accurate information by soliciting information from employees with detailed personal knowledge of the relevant subject matter. Ultimate responsibility for submitting or reviewing a draft response to Congress is assigned to an appropriate senior manager, according to the new directive. Finally, the directive emphasizes the importance of accuracy and completeness of the information provided to Congress over the timeliness of responding to requests.²⁷⁴

V. RECOMMENDATIONS

As its title indicates, the Committee on Oversight and Government Reform has two primary missions. Not only is it charged with conducting oversight of programs to root out waste, fraud, and abuse, but it is also responsible for reforming these programs to ensure that government works more effectively and efficiently for the American people. For these reasons, set forth below are ten constructive recommendations intended to address operational problems identified during the course of this investigation.

These recommendations for both Executive and Congressional action are not intended to be comprehensive or exhaustive, and some already may be under consideration or in various stages of implementation at the Department of Justice and ATF.

Strictly Enforce the Prohibition on Gunwalking Across Law Enforcement Agencies. Documents obtained by the Committee indicate that ATF lacked sufficient clarity regarding its operational policies and training for firearms trafficking cases. Following the public controversy over *Fast and Furious*, Acting ATF Director B. Todd Jones issued a memo strongly stating the Department's policy against gunwalking, and the Attorney General has used his position to publicly reiterate this prohibition. These measures should be complemented by efforts within each Federal law enforcement agency to establish clear operational policies with respect to suspect firearms transfers and provide appropriate training for field agents and supervisors.

Improve Management and Oversight of ATF Trafficking Investigations. Documents obtained by the Committee reveal a lack of adequate communication between ATF field offices and headquarters about significant trafficking investigations. In several cases, deficient communication was magnified by disagreements between the field and headquarters about tactics and strategy. ATF should improve its management of investigations by requiring operational approval of all significant gun trafficking investigations by senior ATF officials in order to ensure consistent application of ATF policies and procedures.

Require "Operational Safety Strategy" in Trafficking Investigations. As part of its broader effort to improve management and oversight of significant trafficking investigations, ATF should require that each Operational Plan developed in the field include an Operational Safety Strategy that analyzes the risks to agents and the public of firearms potentially being released into

the community and sets forth appropriate operational safeguards. Senior ATF officials should approve these plans in order to ensure that each specific operation has sufficient resources to implement the safeguards intended to protect agent and public safety.

Enhance the Accessibility and Responsiveness of the ATF Ombudsman.

Documents obtained by the Committee indicate that Operation Fast and Furious was one of several deeply flawed operations run by ATF's Phoenix Field Division since 2006. Line agents reported to the Committee that they made their concerns about these controversial tactics public only after raising them first with their supervisors, but they stated that their concerns were not heeded. To ensure agents' concerns are communicated to ATF leadership, ATF should consider ways to improve its Office of the Ombudsman to make it more accessible and responsive to ATF line agents.

Conduct a Review of the U.S. Attorney's Office in Arizona. Documents and testimony received by the Committee indicate that the legal interpretations and prosecutorial decisions regarding firearms cases made by officials in the U.S. Attorney's Office in Arizona may differ substantially from those of other U.S. Attorneys' offices. Because it remains unclear to what extent these differences are the result of judicial, prosecutorial, or individual decisions, the Department of Justice should direct the Executive Office for United States Attorneys to conduct a thorough review of the Arizona U.S. Attorney's Office to ensure that it is doing everything it can to keep illegal guns off the streets and out of the hands of criminals.

Expand the Multiple Long Gun Sales Reporting Requirement. Numerous law enforcement agents testified before the Committee that obtaining reports on multiple purchases of long guns, including AK-47 variant assault weapons and .50 caliber semi-automatic sniper rifles that are now the "weapons of choice" for international drug cartels, would provide them with timely and actionable intelligence to help combat firearms trafficking rings. In July 2011, the Department of Justice issued a rule requiring such reports for weapon sales in certain states. Earlier this month, a Federal District Court upheld the rule, finding that "ATF acted rationally."²⁷⁵ ATF should now expand the reporting requirement to apply to other states in which firearms trafficking networks are particularly active.

Confirm or Appoint a Permanent ATF Director. Consistent and strong leadership is vital to strengthening ATF and ensuring that policies and procedures are applied consistently. For six years, however, ATF has been forced to contend with temporary leadership because individual senators have blocked the confirmation of a permanent director. The Senate should

confirm a permanent director for ATF as soon as possible, and the President should consider a recess appointment if the Senate fails to do so.

Enact a Dedicated Firearms Trafficking Statute. During the Committee's investigation, multiple law enforcement agents warned that there is currently no Federal statute that specifically prohibits firearms trafficking and, as a result, prosecutors often charge traffickers with "paperwork violations" such as dealing in firearms without a license. The agents testified that these cases are difficult to prove and that U.S. Attorneys' offices frequently decline to prosecute. They stated that a Federal statute specifically dedicated to prohibiting firearms trafficking would help them disrupt, defeat, and dismantle firearms trafficking organizations. In July 2011, Ranking Member Elijah Cummings and Representative Carolyn Maloney introduced legislation in the House to establish such a firearms trafficking statute. Senator Kirsten Gillibrand has introduced a similar bill in the Senate. Congress should consider and pass this legislation without delay.

Provide ATF with Adequate Resources to Combat Illegal Gun Trafficking. Documents and testimony obtained by the Committee revealed that ATF line agents were drastically under-resourced, resulting in deficient surveillance of suspected straw purchasers and firearms traffickers. Over the past decade, ATF's budget has not kept pace with its law enforcement responsibilities, particularly in light of the exponential growth in illegal firearms trafficking to Mexico. Congress should appropriate the additional resources ATF needs to perform its mission and combat gun trafficking along the Southwest Border.

Repeal the Prohibition Against Reporting Crime Gun Trace Data. To increase transparency by ATF and oversight by Congress, Congress should repeal the prohibition against reporting crime gun trace data and require ATF to provide yearly reports to Congress that include aggregate statistics about crime gun trace data categorized by State and Federal Firearms Licensee, as well as aggregate gun trace data for guns that are recovered in Mexico, categorized by State and Federal Firearms Licensee. This information will assist Congress in understanding the problem of gun trafficking along the Southwest Border and assessing ATF's progress in fighting it.

ENDNOTES

- 1 Letter from James M. Cole, Deputy Attorney General, Department of Justice, to Rep. Darrell E. Issa, Chairman, House Committee on Oversight and Government Reform, *et al.* (Dec. 2, 2011).
- 2 *Id.*
- 3 Letter from Rep. Elijah E. Cummings, Ranking Member, House Committee on Oversight and Government Reform, to Rep. Darrell E. Issa, Chairman, House Committee on Oversight and Government Reform (Nov. 4, 2011).
- 4 Letter from Rep. Elijah E. Cummings, Ranking Member, House Committee on Oversight and Government Reform, to Rep. Darrell E. Issa, Chairman, House Committee on Oversight and Government Reform (Oct. 28, 2011).
- 5 Minority Staff, House Committee on Oversight and Government Reform, *Outgunned: Law Enforcement Agents Warn Congress They Lack Adequate Tools to Counter Illegal Firearms Trafficking* (June 2011).
- 6 Minority Members, House Committee on Oversight and Government Reform, *Minority Forum on Law Enforcement Tools to Stop the Flood of Illegal Weapons* (June 30, 2011).
- 7 Bureau of Alcohol, Tobacco, Firearms and Explosives, *Analysis of Comments to Proposed Multiple-Sale Reporting Requirement* (May 17, 2011); *see also* Violence Policy Center, *Indicted: Types of Firearms and Methods of Gun Trafficking from the United States to Mexico as Revealed in U.S. Court Documents* (Apr. 2009).
- 8 *Mexico Updates Death Toll in Drug War to 47,515, but Critics Dispute the Data*, New York Times (Jan. 11, 2012); Procuraduría General de la República, *Base de Datos por Fallecimientos por Presunta Rivalidad Delincuencial* (online at www.pgr.gob.mx/temas%20relevantes/estadistica/estadisticas.asp) (accessed Jan. 27, 2011).
- 9 Senate Committee on the Judiciary, Subcommittee on Crime and Terrorism, Testimony of Lanny Breuer, Assistant Attorney General, Department of Justice, *Combating International Organized Crime: Evaluating Current Authorities, Tools, and Resources* (Nov. 1, 2011).
- 10 *Calderon Calls for Restoring Assault Weapons Ban*, The Caucus Blog, New York Times (May 20, 2010) (online at <http://thecaucus.blogs.nytimes.com/2010/05/20/calderon-calls-for-restoring-assault-weapons-ban/>) (accessed Jan. 27, 2011).
- 11 Department of Justice, Office of the Inspector General, *Review of ATF's Project Gunrunner* (Nov. 2010).
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- 251 *See, e.g.,* Email from Dennis Burke, U.S. Attorney, District of Arizona, to Jason Weinstein, Deputy Assistant Attorney General, Criminal Division, Department of Justice, *et al.* (Feb. 2, 2011) (requesting that the Department of Justice insert the following language into the Department's response to Sen. Grassley's January 27, 2011, letter: "Regarding the

allegations repeated in your letter that ATF in any way “sanctioned”, [sic] had knowledge of, or permitted weapons purchased on January 16, 2010 in Arizona to reach the Republic of Mexico is categorically false.”).

252 House Committee on Oversight and Government Reform, Transcribed Interview of Dennis Burke (Dec. 13, 2011).

253 Letter from Tobin Romero, Partner, Williams & Connelly LLP, Counsel, to Rep. Darrell E. Issa, Chairman, House Committee on Oversight and Government Reform (Jan. 19, 2011).

254 House Committee on Oversight and Government Reform, Transcribed Interview of Dennis Burke (Dec. 13, 2011).

255 House Committee on Oversight and Government Reform, Transcribed Interview of Jason Weinstein (Jan. 10, 2012).

256 *Id.*

257 *Id.*

258 *Id.*

259 Senate Committee on Appropriations, Subcommittee on Commerce, Justice, Science, and Related Agencies, Testimony of the Eric H. Holder, Jr., Attorney General Department of Justice, *Hearing on the FY 12 Dept. of Justice Budget* (Mar. 10, 2011).

260 *Id.*

261 Email from James Cole, Deputy Attorney General, Department of Justice, to Angel Moreno, John Murphy, Dennis Burke, Kenneth Gonzales, and Laura Duffy, U.S. Attorneys (Mar. 9, 2011).

262 *ATF Chief Removed Over Border Guns Scandal*, Los Angeles Times (Aug. 30, 2011).

263 *Issa Subpoenas AZ US Attorney Criminal Division Chief*, Examiner (Jan. 19, 2012).

264 *ATF Chief Removed Over Border Guns Scandal*, Los Angeles Times (Aug. 30, 2011); *Three ATF Officials Reassigned in Shakeup Over Fast and Furious*, Main Justice (Jan. 6, 2012) (online at www.mainjustice.com/2012/01/06/three-atf-officials-reassigned-in-shakeup-over-fast-and-furious/) (accessed Jan. 27, 2012).

265 *Id.*

266 Bureau of Alcohol, Tobacco, Firearms and Explosives, *ATF Acting Director Jones Announces New Staff Assignments* (Oct. 5, 2011); *Three ATF Officials Reassigned in Shakeup Over Fast and Furious*, Main Justice (Jan. 6, 2012) (online at www.mainjustice.com/2012/01/06/three-atf-officials-reassigned-in-shakeup-over-fast-and-furious/) (accessed Jan. 27, 2012).

267 *Id.*

268 *ATF Officials Suspended over Fast and Furious*, Washington Examiner (Jan. 10, 2012).

269 *ATF Official Newell Says Whistleblowers Were Silent on Fast and Furious*, Main Justice (Sept. 22, 2011) (online at www.mainjustice.com/2011/09/22/atf-official-newell-says-whistleblowers-were-silent-on-fast-and-furious/) (accessed Jan. 27, 2012).

270 *'Fast and Furious' Whistleblowers Struggle Six Months After Testifying Against ATF Program*, Fox News (Nov. 30, 2011).

271 *Id.*

272 Letter from James M. Cole, Deputy Attorney General, Department of Justice, to Rep. Darrell E. Issa, Chairman, House Committee on Oversight and Government Reform, *et al.* (Jan. 27, 2012).

273 *Id.*

274 *Id.*

275 *Federal Judge Rejects Challenge to Gun Dealer Rules*, Washington Post (Jan. 14, 2012).

Mr. ISSA. Mr. Speaker, by direction of the Committee on Oversight and Government Reform, I call up the resolution (H. Res. 711) recommending that the House of Representatives find Eric H. Holder, Jr., Attorney General, U.S. Department of Justice, in contempt of Congress for refusal to comply with a subpoena duly issued by the Committee on Oversight and Government Reform. The Clerk read the title of the resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 708, the resolution is considered read and shall be debatable for 50 minutes, equally divided and controlled by the chair and ranking minority member of the Committee on Oversight and Government Reform or their designees.

The text of the resolution is as follows:

H. RES. 711

Resolved, That Eric H. Holder, Jr., Attorney General of the United States, shall be found to be in contempt of Congress for failure to comply with a congressional subpoena.

Resolved, That pursuant to 2 U.S.C. 192 and 194, the Speaker of the House of Representatives shall certify the report of the Committee on Oversight and Government Reform, detailing the refusal of Eric H. Holder, Jr., Attorney General, U.S. Department of Justice, to produce documents to the Committee on Oversight and Government Reform as directed by subpoena, to the United States Attorney for the District of Columbia, to the end that Mr. Holder be proceeded against in the manner and form provided by law.

Resolved, That the Speaker of the House shall otherwise take all appropriate action to enforce the subpoena.

The SPEAKER pro tempore. After debate on the resolution, it shall be in order to consider a motion to refer if offered by the gentleman from Michigan (Mr. DINGELL) or his designee which shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The gentleman from California (Mr. ISSA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 25 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous materials into the RECORD for both resolutions made in order under the rule.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ISSA. Mr. Speaker, I yield myself 2 minutes.

I never thought that we would be here today. I never thought this point would come. Throughout 18 months of investigation, through countless areas of negotiations in order to get the min-

imum material necessary to find out the facts behind Fast and Furious and the murder of Border Patrol Agent Brian Terry, I always believed that, in time, we would reach an accommodation sufficient to get the information needed for the American people while at the same time preserving the ongoing criminal investigations.

I am proud to say that our committee has maintained the ability for the Justice Department to continue their ongoing prosecutions. Neither the majority nor the minority has allowed any material to become public to compromise that. However, the facts remain—in Fast and Furious, the Department of Justice permitted the sale of more than 2,000 weapons that fell into the hands of the Mexican drug cartels, which was both reckless and inexcusable. And it clearly was known by people, both career professionals and political appointees, from the lowliest members on the ground in Phoenix to high-ranking officials in the Department of Justice. But that's not what we're here for today.

Today we are here on a very narrow contempt, one that the Speaker of the House, in his wisdom and assistance, has helped us to fashion. Let it be clear: we still have unanswered questions on a myriad of areas related to Operation Fast and Furious. But today we are only here to determine how, over the 10 months from the time in which the American people and the Congress of the United States were lied to, given false—literally the reverse statement, that “no guns were allowed to walk” during those 10 months before the Justice Department finally owned up and recognized that they had to come clean that, in fact, Fast and Furious was all about gunwalking.

The Department of Justice maintained a series of documents. Many of these documents are believed to be communications between and with the very individuals at the heart of the decision to go forward with Fast and Furious. Therefore, we have focused our limited contempt on those documents. If our committee is able to receive the documents in totality that show who brought about the dishonest statement to Congress and who covered it up for 10 months, we believe that will allow us to backtrack to the individuals who ultimately believed in Fast and Furious, facilitated Fast and Furious, and ultimately made it responsible for Brian Terry's death.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ISSA. I yield myself an additional 15 seconds.

I won't read everything that's in my opening statement. But I will read just one more thing.

These words were said on the House floor in 2008 when Speaker PELOSI supported contempt. She said:

Congress has the responsibility of oversight of the executive branch. I know that

Members on both sides of the aisle take that responsibility very seriously. Oversight is an institutional obligation to ensure against abuse of power. Subpoena authority is a vital tool for that oversight.

Speaker PELOSI, 2008.

I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Today, Mr. Speaker, is a historic day in many ways. On the one hand, in a landmark decision by Chief Justice John Roberts, the Supreme Court upheld the health care bill, ensuring that millions of American families will finally have access to effective and affordable health care.

On the other hand, Republican leaders of the House of Representatives are about to plunge into the history books as some of the most extreme and partisan ever. Rather than working together in a bipartisan way to create jobs and help our Nation's economic recovery, they're rushing to the floor under emergency procedures with a contempt resolution that is riddled with errors and is motivated by partisan politics.

When I first heard about the allegations of gunwalking at ATF, I was outraged. I fully supported our committee's goals of finding out how it started, how it was used, and how it may have contributed to the death of Border Patrol Agent Brian Terry. I made a personal commitment, which I will keep, to the Terry family to conduct a responsible and thorough inquiry.

But today's contempt vote is a culmination of one of the most highly politicized and reckless congressional investigations in decades. After receiving thousands of pages of documents from the Justice Department, conducting two dozen transcribed interviews, and hearing testimony from the Attorney General nine times, here are the facts:

First, the committee has obtained no evidence that the Attorney General authorized, condoned, or knew about gunwalking. Chairman ISSA admitted this just yesterday before the Rules Committee. We've seen no evidence that the Attorney General lied to Congress or engaged in a coverup. We've seen no evidence that the White House had anything to do with the gunwalking operations—Chairman ISSA admitted this on FOX News Sunday this past weekend.

Democrats wanted a real investigation. But Chairman ISSA refused 10 different requests to hold a hearing with the director of ATF, the agency that ran these misguided operations. Let me say that again. During this entire investigation, no Member of the House has been able to pose a single question to the head of ATF at a public hearing.

How could you have a credible investigation of gunwalking at ATF and never hold a single hearing with the leadership of the agency in charge? The answer is, you can't.

Based on the documents, we now know that gunwalking, in fact, started in 2006. Yesterday, Chairman ISSA said this about the misguided operations during the Bush administration: "They were all flops. They were all failures."

The committee has obtained documentary evidence that former Attorney General Mukasey was personally briefed on these botched interdiction efforts during his tenure and that he was told they would be expanded. Chairman ISSA refused to call Mr. Mukasey for a hearing or even for a private meeting. During our committee's year and a half investigation, the chairman refused every single Democratic request for a witness.

Instead of taking any of these reasonable steps as part of a credible and even-handed investigation to determine facts, House Republican leaders rushed this resolution to the floor only 1 week after it was voted out of committee. In contrast, during the last Congress, House leaders continued to negotiate for 6 months to try to avoid contempt in the United States Attorneys investigation.

Mr. Speaker, some of my colleagues on the other side seem almost giddy about today's vote. After turning this investigation into an election year witch hunt, they have somehow convinced the Speaker to take it to the floor.

□ 1440

And they are finally about to get the prize they have been seeking for more than a year: holding the Attorney General of the United States of America in contempt.

They may view today's vote as a success, but in reality, it is a sad failure—a failure of House leadership, a failure of our constitutional obligations, and a failure of our responsibilities to the American people.

I reserve the balance of my time.

Mr. ISSA. I yield 3 minutes to the gentleman from Pennsylvania, the distinguished Congressman MEEHAN, a former U.S. attorney in that district.

Mr. MEEHAN. Thank you, Mr. Chairman.

Mr. Speaker, this is not about politics, though there are some who want to suggest that it is because if they yell loud enough and long enough, it will deflect the truth of the matter. Frankly, it's not about "gotcha." As a former prosecutor myself, the Attorney General personifies the pursuit of justice, and I want to see him do well. But it is about accountability.

Agent Brian Terry is dead, protecting our border, and 563 days later, the Terry family still does not know why it occurred. What they do know is that the very agency that initiated Fast and Furious, the Department of Justice under Attorney General Eric Holder, called the operation "fatally flawed." And then the wagons got circled.

It's about the separation of powers. As uncomfortable as it may be, at times it's a fundamental tenet and a strength of our democracy that Congress is given not just the power, but the responsibility, to exercise its duty of oversight over the Executive, especially when, by their own admission, things have gone glaringly wrong.

Because the Justice Department has stubbornly resisted the legitimate inquiries of Congress over Operation Fast and Furious, there's so much we do not know. But because whistleblowers within the Department of Justice were outraged at mischaracterizations, there's a great deal that we do know.

What we do know is that we have been dealing with a systematic effort to deflect attention away from the decisions and the determinations that were made at the highest levels of the Department of Justice, where information was brought directly to individuals at the highest levels of the Department of Justice, information that was contained in wiretap affidavits that lay out in explicit detail the matters related to Fast and Furious.

Mr. Speaker, there is a famous quotation in the Department of Justice about the responsibility of the Attorney General not being to win cases, but to assure that justice is pursued and retained.

Mr. Speaker, it is incumbent and a responsibility on this House to do what is required to do in this circumstance and to support the request that we be given the documents to obtain the facts that will allow us to draw the conclusions which I believe will allow us to get to the bottom of this level.

Mr. CUMMINGS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. QUIGLEY).

Mr. QUIGLEY. Those bringing this contempt vote say they want to talk about gunwalking and how to stop it. Okay, let's have that conversation.

They say they want to stop gun trafficking and keep our ATF agents safe. Well, then let's properly fund the ATF, which has the same number of agents since 1970.

They say they want to stop gun trafficking. Well, then appoint a permanent ATF Director, which the agency hasn't had in 6 years.

They say they want to stop gun trafficking. Well, then let's pass some laws which actually deter straw purchasers. Straw purchasers can currently buy thousands of AK-47s, lie on their paperwork, and the penalty is equivalent to a moving violation.

They say they want to stop gun trafficking. Well, then let's give the agents in the field what they've been asking for: the ability to track multiple purchases of long guns. These long guns include AK-47s, variant assault weapons, and .50 caliber semiautomatic sniper rifles, the weapons of choice for international drug cartels.

They say they want to stop gun trafficking. Well, then let's close the gun show loophole which currently allows anyone to purchase any gun they want without background check. Felons, domestic violence abusers, those with severe mental illness, even those on the terrorist watch list can currently walk into a gun show and purchase any gun they want.

Yes, 2,000 guns were allowed to walk to Mexico, but the truth is tens of thousands of guns flow across our border every year because of those lax gun laws. But those bringing this contempt vote don't want to have this conversation, and they aren't serious about stopping gun trafficking. They simply want to embarrass the administration, even though the committee's 16-month investigation found no evidence the Attorney General knew about gunwalking, even though there was no evidence of White House involvement in gunwalking, all of which Chairman ISSA admitted on national TV last week.

So if we're going to talk about gun trafficking, let's be clear: this is about politics, not safety.

Mr. ISSA. Mr. Speaker, the minority knows that, in fact, this contempt is all about the Attorney General's refusal to turn over documents, not whether or not it was his lieutenants or he that personally was involved in Fast and Furious.

With that, I yield 2 minutes to the distinguished former chairman of the Judiciary Committee, the gentleman from Wisconsin (Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Speaker, this isn't about politics. This is about the Constitution, and it's about Congress's mandate to do oversight over both the executive and judicial branches of government.

The President is asserting executive privilege to attempt to shield these documents, and he is relying on a type of privilege called the deliberative process privilege. However, that privilege disappears when Congress is investigating evidence of wrongdoing.

In 1997, the U.S. Court of Appeals for the District of Columbia Circuit wrote, in part:

Moreover, the privilege disappears altogether when there is any reason to believe government misconduct occurred.

In another case that was decided by the First Circuit in 1995, it says that the grounds that shielding internal government deliberations in this context does not serve "the public's interest in honest, effective government."

There's been misconduct that's already a matter of public record in two instances. The Justice Department wrote Senator GRASSLEY in January of 2011 saying that the ATF-sanctioned gunwalking across the border was false, and it took them 9 months to retract that letter. So they misled Congress, and then 9 months later they

said, Oops, maybe we did mislead Congress and we'll withdraw the letter. And in May 2011, the Attorney General testified before the Judiciary Committee that he first heard of Operation Fast and Furious a few weeks before the hearing. Over 6 months later, he conceded that he should have said "a few months."

Now, this very clearly shows that Congress has got the obligation to get to the bottom of this and that the assertion of executive privilege by the President and the Attorney General is not based in law. We ought to go ahead and do our job and do our oversight. It's too bad that the Justice Department has decided to try to obstruct Congress' ability to do it.

Pass the resolution.

Mr. CUMMINGS. I yield 2 minutes to a member of the committee, the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY of Virginia. Mr. Speaker, the 112th Congress is on the verge of becoming the first in the history of the country to hold a sitting Cabinet member in contempt, cementing its legacy as the most partisan House of Representatives perhaps of all time. When they say it's not about politics, you can be sure it's about politics.

The majority's irresponsible and unprecedented contempt vote brings dishonor to this House, which has become so clouded in judgment, so besotted with rancor and partisanship, that it's incapable of addressing a fundamental separation of powers conflict in a serious and fair fashion.

In refusing to engage in good-faith negotiations with the Department of Justice and the Attorney General, the majority has exposed this contempt citation for what it really is: an extraordinarily shameful political witch hunt aimed at trashing an honorable man.

□ 1450

It is unacceptable that we are rushing to the floor this unprecedented contempt resolution. Yesterday, Ranking Member CUMMINGS sent a letter to the Speaker highlighting 100 errors, omissions, and mischaracterizations of fact contained in the contempt citation itself, rushed out of our committee last week on a party-line vote.

Although some of the contempt citation's flaws are simply misleading, others are significant legal deficiencies and may contain factual errors that call into question the very validity of the contempt citation itself.

For example, on pages 4 and 5, the contempt citation charges that senior officials at the Department of Justice headquarters "ultimately approved and authorized" Operation Fast and Furious. However, the contempt citation fails to mention that the committee has uncovered no evidence that DOJ officials, including the Attorney General, ever approved or authorized

gunwalking in Operation Fast and Furious. In fact, the authorization originated at the ATF office in Phoenix, Arizona, not at DOJ headquarters in Washington.

On pages 16, 17, 19, 20, 21, 22, 25, 26, and 27, the contempt citation charges DOJ with not producing a series of documents that the chairman only recently acknowledged the Department is prohibited by law from providing due to the potential impact on ongoing prosecutions.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CUMMINGS. I yield the gentleman an additional 15 seconds.

Mr. CONNOLLY of Virginia. In fact, he had to amend his own subpoenas to delete documents in this very category. But his contempt citation has not caught up with his most recent version of his subpoena.

Clearly, the majority has not taken the necessary time to properly weigh this very serious charge. Regrettably, this deeply flawed and shoddy contempt citation is emblematic of the majority's reckless rush to judgment throughout this political prosecution.

I have been deeply troubled by the tone and tenor of some of the very hostile questioning and the utter and complete contempt and lack of respect given to the Attorney General of the United States.

When this chapter of congressional history is written, it will not be a brave, shining moment. It will be seen for what it is: a craven, crass, partisan move that brings dishonor to this body.

Mr. ISSA. I now yield 1 minute to the very distinguished and always participating member of the committee, the gentlewoman from New York (Ms. BUEKLE).

Ms. BUEKLE. Mr. Speaker, I thank the chairman for his steadfast work on behalf of truth in trying to get to the bottom of Fast and Furious.

Mr. Speaker, Syracuse, New York, in the heart of my district, is roughly 2,500 miles from Rio Rico, Arizona, where U.S. Border Patrol Agent Brian Terry was tragically shot and killed by an AK-47 assault rifle that the United States knowingly allowed into the hands of a suspected gun trafficker, yet every time I'm home, it is the issue first and foremost on the minds of my constituents. I listen to their calls, to their emails, and at our town halls. They want to know what happened, who knew what, and when did they know it. They ask me, they ask Washington, they ask the Department of Justice: How could the United States Government, the pillar of hope and freedom, have allowed for this, for one of their own representatives, one of their own good guys, to be so helplessly gunned down by a suspected criminal?

Mr. Speaker, I'm embarrassed to say that after 562 days, I still don't have an answer for them.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. ISSA. I yield the gentlewoman an additional 10 seconds.

Ms. BUEKLE. Mr. Speaker, I ask: Is this the hope that Americans are supposed to believe in out of the supposedly most-transparent government in the history of our Nation?

It is my hope, Mr. Speaker, that the district court judge will see through the Attorney General's contempt of Congress after it is passed in the House today. However, we must not be mistaken, even if the Attorney General is prosecuted, the case is not closed. We must not forget that guns leaked through this program claimed lives.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. ISSA. I yield the gentlewoman an additional 10 seconds.

Ms. BUEKLE. Mr. Speaker, after today's vote, we must continue our efforts to find more answers than there are questions relating to this administration's catastrophic Fast and Furious. The American people deserve to know those answers, and the family of Border Patrol Agent Brian Terry do as well.

Mr. CUMMINGS. Mr. Speaker, I yield the gentleman from Missouri (Mr. CLAY) 2 minutes, a member of the committee.

Mr. CLAY. Mr. Speaker, as a member of the Oversight Committee, I know that the gunwalking operations conducted by the ATF under both the previous and current administrations were absolutely wrong. But the leadership of this House is focused on shameful election-year political posturing instead of the real issue.

The Justice Department, long ago, ended the practice of allowing these guns to "walk" across the border, putting communities in Mexico at great risk. But the same people who have relentlessly pursued a baseless, partisan attack on Attorney General Holder and the President have ignored the desperate pleas of the Mexican Government—to strengthen American gun laws and curb the gun trafficking that gave rise to the strategy in the first place.

But focusing on the real issue would take time away from their playing politics with their oversight authority. Those on the other side of the aisle claim to be concerned about powerful assault weapons crossing the border into Mexico illegally, but how can they be completely fine with those same powerful assault weapons being sold right here in this country legally, putting our communities at even greater risk?

This is nothing more than a political witch hunt. The disgraceful posturing that I witnessed at last week's markup has been continued on the floor today. I agree that it never should have come to this, but we are here debating this

resolution solely because of the majority. They created the scandal and produced a showdown during an election season just to smear an honorable, dedicated public servant and to embarrass his boss.

I urge my colleagues to reject this nakedly partisan abuse of power.

Mr. ISSA. Mr. Speaker, it is now my honor to yield 1 minute to the distinguished Speaker of the House, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. I thank my colleague for yielding.

It's important for the American people to know how we got here and to know the facts of this case.

The Congress asked the Justice Department for the facts related to Fast and Furious and the events that led to the death of U.S. Border Patrol Agent Brian Terry. The Justice Department did not provide the facts and the information that we've requested. Instead, the information came from people outside the Department, people who wanted to do the right thing.

In addition to not providing the information, the administration admitted misleading Congress, actually retracting a letter it had sent 10 months earlier.

I think all Members understand this is a very serious matter. The Terry family wants to know how this happened, and they have every right to have their answers. And the House needs to know how this happened, and it's our constitutional duty to find out.

So the House Oversight and Government Reform Committee issued a lawful and narrowly tailored subpoena. We've been patient, giving the Justice Department every opportunity to comply so we can get to the bottom of this for the Terry family. We showed more than enough good faith, but the White House has chosen to invoke executive privilege. That leaves us no other options. The only recourse left to the House is to continue seeking the truth and to hold the Attorney General in contempt of Congress.

Now, I don't take this matter lightly. I, frankly, hoped it would never come to this. The House's focus is on jobs and on the economy. But no Justice Department is above the law, and no Justice Department is above the Constitution, which each of us has sworn an oath to uphold.

So I ask the Members of this body to come together and to support this resolution so we can seek the answers that the Terry family and the American people deserve.

Mr. CUMMINGS. I yield myself 1 minute.

I want to say in response to the Speaker, we, too, are all saddened by the tragic death of Border Patrol Agent Brian Terry who gave his life in service to his country on December 15, 2010.

□ 1500

But, Mr. Speaker, despite what my colleagues have claimed, this contempt vote is not about getting documents that show how gunwalking was initiated and utilized in Operation Fast and Furious.

Now, the only documents in dispute are the documents created after Fast and Furious ended and after Brian Terry's death, but we pledge to continue to find all the answers with regard to the death of Brian Terry.

With that, I yield 2 minutes to the distinguished gentleman from Massachusetts (Mr. LYNCH), a member of the committee.

Mr. LYNCH. Mr. Speaker, I would add that we have 31 Democrats that signed a letter to the Department of Justice and to the White House in the aftermath of Agent Terry's death to fully cooperate in this investigation. However, I rise in strong opposition to this contempt resolution.

While criticism of the Department of Justice for oversight of the so-called "gunwalking" operations—conducted during both the Bush administration and the current administration—may be warranted, a finding of contempt against the sitting Attorney General of the United States is most certainly not.

In determining whether this House should hold our highest-ranking national law enforcement officer in contempt of Congress, let us remember that up until last week the majority of our committee had been demanding the production of documents that our Attorney General is legally prohibited from disclosing and that has caused much of the delay here. In other words, Mr. Holder would have broken the law and likely compromised existing criminal prosecutions if he adhered to the majority's unreasonable request for materials that related to ongoing criminal investigations, Federal wiretap communications under judicial seal, and documents also subject to grand jury secrecy rules.

Let us also be mindful that we are considering the extent of cooperation, or noncooperation, of an Attorney General who has appeared before Congress on nine separate occasions, whose Justice Department has produced over 7,600 pages of documents to oversight investigators and who continues to offer significant accommodations in response to extraordinary and ever-changing requests for information.

Meanwhile, the majority continues to deny any and all Democratic requests to publicly question, under oath, law enforcement officials, including former Director of the ATF, Ken Melson, the head of the very Agency that ran the gunwalking operations such as Fast and Furious.

Accordingly, it's become quite clear that what began as a legitimate and compelling oversight committee inves-

tigation into Operation Fast and Furious has deteriorated into an unfortunate example of politics and partisanship at their worst.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CUMMINGS. I yield the gentleman another 15 seconds.

Mr. LYNCH. In closing, I urge my colleagues on both sides of the aisle to oppose this contempt resolution.

Mr. ISSA. Mr. Speaker, I now yield 1 minute to the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. Mr. Speaker, there is no joy in today's action; but the fact remains, 18 months after U.S. Border Patrol Agent Brian Terry was murdered, the Justice Department has failed to hold anybody accountable for the mistakes of Operation Fast and Furious.

As a member of the Oversight and Government Reform Committee, I have witnessed firsthand the stonewalling by the Department of Justice and Attorney General Holder. At every question, the Justice Department has refused to acknowledge what they know about the gunwalking tactics that led to Agent Terry's death. Most recently, they have hid behind the President's erroneous claims of executive privilege, an action the President denounced as lacking transparency when he was campaigning. The Department has stood in open defiance of Congress' moral and constitutional obligation to conduct oversight of this affair.

The family of Agent Terry deserves to know who approved Fast and Furious. They have the right to know who had the power to stop this program before he was murdered, and they need an explanation as to why the Department of Justice took 9 months to withdraw their false denial that they had ever let guns walk into Mexico.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ISSA. I yield the gentleman an additional 15 seconds.

Mr. WALBERG. To some on the other side of the aisle, it seems fine that the people who authorized this operation still work within the Department of Justice. I don't agree. They'd rather play politics than uphold Congress' right to investigate.

Today's vote is about accountability. It's about making sure another 2,000 firearms don't end up in the hands of Mexican drug cartels. And it's about bringing closure to the Terry family.

I urge my colleagues to support this resolution and honor the memory of Brian Terry.

Mr. CUMMINGS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, this is a sad day for the House of Representatives. It is an irresponsible day for the House of Representatives. It is a day in which the majority party asked us to

take an action that has never been taken in the history of America—never once—holding a Cabinet officer in contempt of the Congress.

Now, there have been previous contempt citations—some promoted by Democratic committees and some promoted by Republican committees. The average time between committee action and consideration on the floor of this House is 87 days; time to reflect on an extraordinarily important action with consequences beyond the knowledge of anybody sitting here today.

Now, I want to tell the chairman, with all due respect, I think this investigation has been extraordinarily superficial. I think the chairman has failed to call witnesses that could in fact give relevant, cogent testimony on the issues to bear. That ought to be done. That is why I will strongly support the motion of the gentleman from Michigan (Mr. DINGELL), who has served here longer than any of the rest of us and who is one of the strongest gun control rights supporters in this Congress.

What his motion says is: let us reflect. Let us bring thoughtful judgment. Let us not, every time that there is the opportunity, choose confrontation over cooperation and consensus. That has been the history of this Congress, confrontation over consensus every time, and America is suffering because of it.

I ask my friends on the Republican side of the aisle—who know me to be a bipartisan Member of this body who believes in this institution and who cares about its actions and the precedent that they will set—don't do this. Vote for this motion to refer. Give the chairman the opportunity he should have taken before to have a full hearing, calling former Attorney General Mukasey, calling the former head of the ATF, calling agents who were personally involved in this proceeding.

I venture to say that there are very few Members who will vote on this issue who have read the committee proceedings, very few Members who have read the minority report or the majority report. Yet they're about to take a historic vote to do what has never been done by any Congress—111 Congresses. Do not take this action.

This is not about Republicans or Democrats. This is about our Constitution, our country, our respect for a Nation of laws, not of men. That's what this vote is about. We ought not to be voting as Republicans and Democrats; we ought to be voting as Americans, Americans committed to justice and fair process.

□ 1510

I regret that I do not believe this committee has followed that. I believe that the political motivations behind this resolution are clear and pose a clear and present danger to this Nation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CUMMINGS. I yield the gentleman an additional 30 seconds.

Mr. HOYER. I want to thank the gentleman from Maryland, my colleague and my friend, for his leadership on this effort.

When we vote on this referral, let us vote as Americans, as I said, not as a partisan issue. You may have the Attorney General in the future. It's not the question of the party of the Attorney General. It is the question of whether or not this Congress is going to provide for equal treatment of all Attorney Generals and all Cabinet officers.

Let us vote for this motion to refer and give the committee the opportunity it should take, and let us vote down this motion that should fail, and let us vote down these motions for contempt, and let us thoughtfully consider the equities of this issue.

Mr. ISSA. Mr. Speaker, it is now my honor to yield 1 minute to the gentleman from Arizona (Mr. GOSAR), an active participant, and from the district from which this event sprung.

Mr. GOSAR. Mr. Speaker, finding Attorney General Eric Holder, Jr. in contempt of Congress is long overdue, but welcome news for the American people, and especially for Arizonans.

As I explained in my recent statement, Mr. Holder has shown his contempt and utter disdain for our constitutional rights, our border, Arizonans and all Americans; 115 Members of Congress agree that Americans lack confidence in Mr. Holder and his Department. Every Member of Congress should do their constitutional duty and hold the Attorney General to be in contempt today.

The people of Arizona, California, New Mexico, and Texas, who deal with the unsecured borders and violent Mexican cartels on a regular basis, now must also live in fear of these firearms.

Some have said that these charges against Attorney General Eric Holder are racially motivated, and I couldn't disagree more. The violent cartels armed by our government have no regard for party ID or race. Throughout our Nation and, specifically, in Arizona, folks from all political parties and all races are now living in danger of this lethal violence due to the actions of this administration.

Make no mistakes about it, today's vote is to deliver justice and accountability for the Brian Terry family and the over 300 Mexicans who have died as a result of Fast and Furious. Time's up.

Mr. CUMMINGS. I yield 30 seconds to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

On November 1, 2009, our Speaker stood on this floor, outraged about the

process. We, too, are outraged about this process, and let me quote the Speaker:

We will not stand for this. And I would ask my House Republican colleagues and those who believe that we should be here protecting the American people, protecting our Constitution, not vote on this bill. Let's just get up and leave.

My colleagues may well follow that advice.

Mr. ISSA. I yield myself 10 seconds, and have no doubt that the gentleman will walk off the floor. But his motion is asking us also to delay, into an election, getting an answer for the Terry family. I know that is not the wise course, and I strongly support that we do this today.

With that, I yield 1 minute to the gentleman from Idaho (Mr. LABRADOR).

Mr. LABRADOR. Mr. Speaker, I stand with a heavy heart in support of today's contempt resolution. It puts us another step closer to holding the Attorney General accountable for this severely flawed operation and his failure to cooperate with Congress.

The Attorney General has not only failed to produce all the relevant documents; he has misled this Congress and thereby prevented us from uncovering the truth. So how can the Members of the minority say that an investigation is superficial when we don't even have all the documents?

When the Attorney General was before the Committee on Oversight last year, I brought to light his historical pattern of willful ignorance. I highlighted his lack of knowledge when under oath. He knows nothing, he says nothing, and he seeks for nothing. Never in my life have I met a man more unconcerned with the search for the truth.

I've since become even more disturbed by the depth to which Mr. Holder and his allies will sink to stonewall justice.

Yes, this is an unprecedented day, I agree with you. But not until now have we had an Attorney General have to retract so many statements made to the Congress of the United States, the duly elected Representatives of the people of the United States.

Let us vote to support this motion for contempt.

Mr. CUMMINGS. Mr. Speaker, may I inquire as to how much time both sides have.

The SPEAKER pro tempore. The gentleman from Maryland has 6¼ minutes remaining. The gentleman from California has 11¼ minutes remaining.

Mr. CUMMINGS. I yield 2 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. Mr. Speaker, the family of Brian Terry deserves our respect, our condolences and our best efforts to finish the mission, to put an end to gun violence on the southern border. But instead of going after gun

violence, this investigation has gone after the man that tried to stop the gun violence, the Attorney General.

Chairman ISSA has acknowledged that Attorney General Holder did not know about the gunwalking operation. He has acknowledged that the President and the White House did not know about the gunwalking operation. Both the White House and the Attorney General have acknowledged that the gunwalking operation was a tragic mistake, that it was badly executed, and that it originated under the Bush administration.

It was Attorney General Holder that terminated the program and requested an extensive investigation of the operation and how it was conducted. And the documents that they're now requesting in this "vast and spurious" investigation have absolutely nothing to do with gunwalking.

If they were really interested in discovering the truth, the committee would have called Kenneth Melson, head of the ATF, as a witness. The chairman refused 10 different requests for a hearing with Mr. Melson—10 requests.

Republicans have not granted one single Democratic witness request in 16 months. Not one.

This is not about discovering the truth. This is about politics. This has become an obsessive political vendetta, pursuing a political agenda in a season of unusually ugly politics.

If they were serious about ending gun violence, they would do what many ATF agents have suggested and put some teeth in the law; and that is why I authored, with my colleagues, a bill to make gun trafficking a Federal offense and strengthen penalties for straw purchases.

This unprecedented contempt citation is politics at its worst and why this body is held in such low esteem by the public now.

Mr. ISSA. Mr. Speaker, I place in the RECORD at this time the statement by the Terry family regarding Congressman JOHN DINGELL's criticism of the contempt vote.

TERRY FAMILY STATEMENT WITH REGARD TO CONGRESSMAN JOHN DINGELL'S CRITICISM OF CONTEMPT VOTE

On Wednesday, Representative John Dingell invoked the Terry family name while saying he would not back the contempt resolutions but instead wants the Oversight and Government Reform Committee to conduct a more thorough investigation into Operation Fast and Furious.

Congressman Dingell represents the district in Michigan where Brian Terry was born and where his family still resides, but his views don't represent those of the Terry family. Nor does he speak for the Terry family. And he has never spoken to the Terry family.

His office sent us a condolence letter when Brian was buried 18 months ago. That's the last time we heard from him.

A year ago, after the House Oversight and Reform Committee began looking into Oper-

ation Fast and Furious, one of Brian's sisters called Rep. Dingell's office seeking help and answers. No one from his office called back.

Mr. Dingell is now calling for more investigation to be conducted before the Attorney General can be held in contempt of Congress.

The Terry family has been waiting for over 18 months for answers about Operation Fast and Furious and how it was related to Brian's death. If Rep. Dingell truly wants to support the Terry family and honor Brian Terry, a son of Michigan, he and other members of congress will call for the Attorney General to immediately provide the documents requested by the House Oversight and Government Reform Committee.

Mr. Speaker, I'm sure that the gentlelady from New York recognizes that the right of a minority hearing has not been exercised, and that would have answered the questions, as they are well aware, about bringing Kenneth Melson before the committee. That would be their right. They did not exercise their right.

I yield 1 minute to the gentleman from Florida (Mr. MICA), the senior member of the committee.

Mr. MICA. I thank the gentleman for yielding.

When the Founding Fathers created our government and established the committees in Congress, they had authorizing committees and they had appropriating committees. In 1808, the predecessor of this committee was established for a fundamental reason, and that's to make certain that programs and funding were properly executed and used by agencies created by Congress.

Congress created the law that created the Department of Justice. Congress funded the programs that are under the Department of Justice. It's our responsibility to investigate when things go wrong. And things went wrong. An agent of the United States was murdered with weapons which were funded by the agency that we created.

All we have asked for is the documents. All we want are the facts, and we have been thwarted. Eric Holder, Attorney General of the United States, the highest judicial enforcement officer of the United States, has been in contempt, is in contempt, and is showing contempt for the Congress and the responsibility under the Constitution of this important committee of Congress.

I urge adoption of the contempt resolution against the Attorney General.

□ 1520

Mr. CUMMINGS. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. SCHIFF).

Mr. SCHIFF. I thank the gentleman for yielding.

I rise in strong opposition to these contempt resolutions.

I spent 6 years as an assistant U.S. attorney, and I have great admiration and respect for the hardworking men and women of the Department. I have

great respect for our Attorney General, who I think has been a superb Attorney General and is a man of great integrity. I, like most Americans, would like to know about the facts of Fast and Furious, about the problem of guns crossing our border, about the horrendous violence to the south of our border. But what we do today will shed no light on that.

What we do today will not improve the situation in terms of gun violence that has claimed the lives of tens of thousands of Mexican citizens and that has claimed the lives of an increasing number of Americans. What we are doing today is simply a partisan abuse of the contempt power. Thirteen percent of the American people think highly of Congress, and today those 13 percent are wondering why. What we do will cause no injury to the Department, but it will cause great injury to this House.

The Justice Department, after providing 8,000 documents and extensive testimony, is now being required to turn over privileged materials; and like all administrations before it, it has reluctantly used executive privilege to respectfully refuse to provide materials it cannot provide. So now we are here, bringing a contempt motion against the Attorney General, who our committee chairman acknowledges was not aware of Fast and Furious. They don't expect any documents to show he was aware of Fast and Furious. Yet we are going to hold this Cabinet official in contempt?

That is an outrageous abuse of the contempt power. What will happen when this Congress actually needs to use the contempt power for a legitimate purpose? Will anyone still recognize it?

I urge the Speaker to withdraw this motion as, indeed, Speaker Gingrich withdrew the motion in his day and let the parties work it out. We both know, Democrats and Republicans, how this will end. It will end with a settlement in court months or years from now and with the Department's providing the same documents it's offering to provide today. Let's end this partisan exercise now.

Mr. ISSA. I yield myself 15 seconds.

I respect my colleague from California, as we came in to Congress together some 12 years ago; but the fact is he talked about everything except the fact that Congress was lied to in a false letter and follow-up statement. Ten months went by. We're only asking for the information related to the false statements made to Congress during that intervening period and nothing more.

I reserve the balance of my time.

Mr. CUMMINGS. I yield 1 minute to the gentlewoman from California, the minority leader, Ms. PELOSI.

Ms. PELOSI. I thank the gentleman for yielding.

I commend him for his extraordinary patriotism, for his commitment to upholding our oath of office to protect and defend the Constitution, and for recognizing full well the congressional role of oversight of all branches of government. I think we all share the view that Congress has a legitimate role to play in oversight; thus, your committee has so much jurisdiction, and I respect that.

I think we also all agree—I think we all very, very much agree—that we are very sad and seek justice for the family of Border Patrol Agent Brian Terry. His loss is a tragedy for all who knew him, for all of us who care about him. We offer our condolences to his family. So sad. But that's not what we are here to debate, what we agree upon.

What we are here to debate is something very, very large because it is a major disagreement between the two sides of the aisle here—and I'm sorry to say that—about what our responsibilities are to the Constitution of the United States. The Constitution requires Congress and the executive branch to avoid unnecessary conflict and to seek accommodations that serve both their interests. That's how the Constitution guides us.

As Attorney General William French Smith, who served under President Ronald Reagan, said:

The accommodation required is not simply an exchange of concessions or a test of political strength. It is an obligation of each branch to make a principled effort to acknowledge and, if possible, to meet the legitimate needs of the other branch.

Mr. Speaker, on the floor today, the Republicans in Congress are not making a principled effort to acknowledge or to meet the legitimate needs of the other branch. What they are doing is exploiting a very unfortunate circumstance for reasons that I cannot even characterize, so I won't; but I will say this without any fear of contradiction:

The basic premise that this debate is predicated on today is a false premise. It is factually not true. In how many more ways can I say that? So we have a debate predicated on a false premise. What can that lead to that has any good outcome? It is a situation in which we have a contempt of Congress resolution against a sitting Cabinet member, which is the first time in the over-200-year history of our country that this has ever happened. Again, what is the motivation?

Secondly—and that's why I quoted the Constitution—this motion is not a principled effort to resolve the issue. If it were, we would not be able to measure in hours and days, not even weeks, the rush—the railroading—of a resolution of contempt of Congress that the Republicans passed last week and are bringing this week to the House floor.

I say this because I took considerable heat myself when we brought contempt

charges against two staff people at the White House—Josh Bolton and Harriet Miers—4½ years ago. We were asking for some papers. We got nothing, as I said to my friends, not even a wrapper of a piece of gum. Nothing. Stonewalled. Nothing. Yet, at the time, our chairman of the Judiciary Committee, Mr. CONYERS, and our House leadership, Mr. HOYER and others, kept saying, Find a way. Exhaust every remedy so that we do not have to take this action of bringing a contempt charge to the floor of the House.

For over 200 days, we tried, we tried, we tried to resolve the situation. When we could not, we brought it to the floor—two staff people at the White House—which is in stark contrast to the rush of one week to the next for an unsubstantiated—not even factual—charge against the Attorney General of the United States.

It may just be a coincidence—I don't know—that the Attorney General of the United States, the chief legal officer of our country, has a responsibility to fight voter suppression, which is going on in our country; has refused to defend the constitutionality of DOMA because he doesn't believe it's constitutional; or has some major disagreements on immigration, which fall under the enforcement of immigration law.

□ 1530

It may just be a coincidence that those are part of his responsibilities, or maybe it isn't. But the fact is that the chief legal officer of our country and his staff have to spend enormous psychic and intellectual energy and time dealing with this unprincipled effort on the part of the Republicans.

Just when you think you have seen it all, just when you think they couldn't possibly go any further over the edge, they come up with something like this. It's stunning. It really is. I don't mean that in meaning it's beautiful. It's stunning. It stops you in your tracks because you say: How far will they go? Have they no limits? Apparently, not.

The temptation is to say: Let's just ignore the whole thing, to not dignify what they're doing by even being present on the floor when they do this heinous act, the first time in the history of our country, to bring contempt against a Cabinet officer. You would think they'd be more careful about what they say. But being careful about what they say is apparently not part of their agenda.

I know in our caucus there is a mixed response to this. They're acting politically; we should act politically. We shouldn't vote on this; I want to vote “no.” I think Members have to make their own decision about that. I'm very moved by the efforts of our Congressional Black Caucus to say that they're going to walk out on this. Perhaps that's the best approach for us to take.

How else can we impress upon the American people, without scaring them, about what is happening here?

What is happening here? What is happening here is shameful. What is happening here is something that we all have an obligation to speak out against. Because I'm telling you it is Eric Holder today, and it's anybody else tomorrow on any charge they can drum up.

As has been said, the fact is that the papers that they have seen, they know are exculpatory. That means there is no blame on the Attorney General, and they know that. That's why they don't want to bring those responsible for this before their committee, and that's why I commend Chairman DINGELL for his leadership in the motion that he will bring to the floor momentarily, a motion of referral, so that we can get to the bottom of this, so that we can see how this happened, so that we can offer some solace to Brian Terry's family, and so that we can have some sense of decency about what should happen on the floor of the House.

It seems to me the more baseless the charge, the higher up they want to go with the contempt. The less they have to say that is real, the higher up they want to bring the contempt charge.

I have always tried to make it a habit of not questioning the motivation of people. They believe what they believe, we believe what we believe, and we act upon our beliefs. It always interested me that in this Congress somebody can bring something to the floor that is not true. But if I were to call someone a misrepresenter of that information, my words would be taken down. So I guess that gives them liberty to say anything because it's in the form of a motion.

Let's make sure that we all take responsibility for doing the right thing by not letting there be an abuse of power, an abuse of this floor of the House, an abuse of the time of the executive branch, an abuse of the time of a member of the Cabinet who has serious responsibilities to our country.

I urge my colleagues to do what they want as far as walking off. I myself had said that I was coming to this floor to vote against this resolution. I thought it was so wrong that there was no question to take the opportunity to vote “no.” But listening to the debate, it is almost unbelievable. Not that what they're saying is believable, but unbelievable that they would say it.

I say to those who have a doubt about how they want to proceed, that instead of doing what I said before, which was just to come and treat this as a resolution before the Congress and express my “no,” after listening to the unconscionable presentation, I want to join my CBC colleagues in boycotting the vote when we have the walkout after we have the debate over Mr. DINGELL's motion.

We all take our responsibilities seriously here, and one of them first and foremost is to support, uphold, and defend the Constitution of the United States. That Constitution requires the Congress and the executive branch—as I began—to avoid unnecessary conflict and seek accommodation to serve both interests, the executive branch and the legislative branch. We are not upholding that aspect of the Constitution here.

I urge my colleagues to vote “no,” or a “no” vote, but to seriously reject. Let’s hope that this will not be repeated. But I’m telling you, it’s Eric Holder one day, and you don’t know who it is the next because of the frivolousness with which they treat a serious responsibility of the House of Representatives. It’s appalling.

Mr. ISSA. As I know the former Speaker of the House knows, the Attorney General is being held in contempt as the custodian of the records for refusing to deliver them, and not because we got to choose how far up or not to go.

With that, I yield 1 minute to the gentleman from Utah (Mr. CHAFFETZ).

Mr. CHAFFETZ. Mr. Speaker, Leader PELOSI seriously questioned our motivations here. Let me be crystal clear what my motivation is. We have a dead United States agent. We have more than 200 dead people in Mexico. We have more than 2,000 weapons that were knowingly and willfully given to the drug cartels. More than 1,000 of those weapons are still missing. Most of them are AK-47s. We have a duly issued subpoena that has not been responded to.

On February 4, 2011, on Department of Justice letterhead, they presented the United States Congress a letter that was a lie. It took them nearly 9 to 10 months to provide that information and say, Whoops, sorry. That’s not good enough.

This is not about Eric Holder. This is about the Department of Justice and justice in the United States of America. I would hearken back to the June 3, 2011, letter that 31 brave Democrats sent to the White House. I will read part of this. And remember, this is about a year ago:

It is equally troubling that the Department of Justice has delayed action and withheld information from congressional inquiries.

□ 1540

He went on to say:

While the Department of Justice can and should continue its investigation, those activities should not curtail the ability of Congress to fulfill its oversight duty. We urge you to instruct the Department of Justice to promptly provide complete answers to all congressional inquiries.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ISSA. I yield the gentleman an additional 15 seconds.

Mr. CHAFFETZ. Nothing’s changed in over a year. But I will tell you this: Brian Terry doesn’t have answers. You don’t have answers. I don’t have answers. I want all the facts. That’s what we’re asking for today, the facts, all of them.

Mr. CUMMINGS. I will remind the gentleman that all of this started under President Bush.

I reserve the balance of my time.

Mr. ISSA. I would recognize myself for 10 seconds.

The distinguished gentleman from Maryland can have an opinion, but he can’t have his facts.

Fast and Furious was an OCDETF operation that began under President Obama and Attorney General Holder. No ifs, no ands, no buts. And I would trust that the gentleman would no longer make statements that would be less than truthful.

And I reserve the balance of my time.

Mr. CUMMINGS. I yield myself 15 seconds.

Again, the gentleman puts out statements in search of facts.

I reserve the balance of my time.

Mr. ISSA. With that, I yield 1 minute to the distinguished gentleman from Indiana (Mr. BURTON), the former chairman of the Oversight Committee.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

There has been a lot of hyperbole and a lot of repetition, but a lot of the things that have been said haven’t really been factual. So let’s look at the facts:

Brian Terry was murdered. Hundreds of people have been murdered in Mexico with guns that went across the border. The Justice Department said in February of 2011 that they had no knowledge about this, and then 10 months later, they admitted they lied. Now they said they didn’t know, and then they said they did. I don’t know what you call that, but to me, it’s a lie.

Then Chairman ISSA tried again and again to get information so we could get to the bottom of this, like the 32 Democrats wanted, and they refused. He sent subpoenas; they refused. They hid behind this being an ongoing investigation and they couldn’t give those documents. We got a fraction of the documents that should have been given to us, but they wouldn’t do that.

ISSA met with the Attorney General’s people to try to come to some conclusion, some kind of a resolution of this so we wouldn’t have to move the contempt citation; nothing, absolutely nothing.

And then finally, at the 11th hour, when we knew that we were going to have to move with the contempt citation, the President of the United States issues an executive order claiming executive privilege. Something is funny.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ISSA. I yield the gentleman an additional 30 seconds.

Mr. BURTON of Indiana. Something is wrong. There’s just no question. Something is being hidden from the Congress and the American people. And no matter how much is being said here tonight, the fact of the matter is we aren’t getting the information.

A Border Patrol agent has been killed, maybe two. Hundreds of people have been killed in Mexico with American guns that our government knew were going across that border. The Attorney General has not been giving us the information. The Justice Department has been hiding it from the Congress and the American people, and the President has claimed executive privilege. If that doesn’t tell you something, nothing will.

Mr. CUMMINGS. I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I would inquire of how much time is remaining.

The SPEAKER pro tempore. The gentleman from California has 6½ minutes remaining. The gentleman from Maryland has 1¼ minutes remaining.

Mr. ISSA. I thank the Speaker.

I submit the following:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT
AND GOVERNMENT REFORM,
Washington, DC, May 24, 2012.

Hon. ELIJAH E. CUMMINGS,
Ranking Member, Committee on Oversight and
Government Reform, House of Representatives,
Washington, DC.

DEAR RANKING MEMBER CUMMINGS: Last February, I joined Senator Grassley in investigating Operation Fast and Furious, the reckless and fundamentally flawed program conducted by the Phoenix Field Division of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). As you know, during Fast and Furious, ATF agents let straw purchasers illegally acquire hundreds of firearms and walk away from Phoenix gun stores. The misguided goal of this operation was to allow the U.S.-based associates of a Mexican drug cartel to acquire firearms so they could be traced back to the associates once the firearms were recovered at crime scenes. On December 15, 2010, two guns from the Fast and Furious operation were the only ones found at the scene of U.S. Border Patrol Agent Brian Terry’s murder.

AN ORGANIZED CRIME DRUG ENFORCEMENT TASK
FORCE (OCDETF) WIRETAP CASE

Operation Fast and Furious got its name when it became an official Department of Justice Organized Crime Drug Enforcement Task Force (OCDETF) Strike Force case. The OCDETF designation resulted in funding for Fast and Furious from the Justice Department’s headquarters in Washington, D.C. The Strike Force designation meant that it would not be run by ATF, but would instead create a multi-agency task force led by the U.S. Attorney’s Office. The designation also meant that sophisticated law enforcement techniques such as the use of federal wire intercepts, or wiretaps, would be employed. Federal wiretaps are governed by Title III of the Omnibus Crime Control and Safe Streets Act, and are sometimes referred to as “T-III’s.”

The use of federal wire intercepts requires a significant amount of case-related information to be sent to senior Department officials for review and approval. All applications for federal wiretaps are authorized under the authority of the Assistant Attorney General for the Criminal Division. In practice, a top deputy for the Assistant Attorney General has final sign-off authority before the application is submitted to a federal judge for approval. This deputy must ensure that the wiretap application meets statutory requirements and Justice Department policy. The approval process includes a certification that the wiretap is necessary because other investigative techniques have been insufficient. Therefore, making such a judgment requires a review of operational tactics. Since gunwalking was an investigative technique utilized in *Fast and Furious*, then either top deputies in the Criminal Division knew about the tactics employed as part of their effort to establish legal sufficiency for the application, or they approved the wiretap applications in a manner inconsistent with Department policies.

From the beginning, ATF was transparent about its strategy. An internal ATF briefing paper used in preparation for the OCDETF application process explained as much:

Currently our strategy is to allow the transfer of firearms to continue to take place, albeit at a much slower pace, in order to further the investigation and allow for the identification of co-conspirators who would continue to operate and illegally traffic firearms to Mexican DTOs which are perpetrating armed violence along the Southwest Border.

* * * * *

The ultimate goal is to secure a Federal T-III audio intercept to identify and prosecute all co-conspirators of the DTO. . . .

Tracking the illegally-purchased guns after they left the premises of Federal Firearms Licensees (FFLs) would allow ATF and federal prosecutors to build a bigger case, one aimed at dismantling what was believed to be a complex firearms trafficking network. The task force failed, however, to track the firearms. Instead, according to the testimony of ATF agents, their supervisors ordered them to break off surveillance shortly after the guns left the gun stores or were transferred to unknown third parties. Many of the firearms purchased were next seen at crime scenes on both sides of the border.

THE FAST AND FURIOUS GUN TRAFFICKING NETWORK WAS NOT COMPLEX

We now know the gun trafficking ring that *Fast and Furious* was designed to target was relatively straightforward. It involved approximately 40 straw purchasers; a moneyman, Manuel Celis-Acosta (Acosta), and; two figures tied to Mexican cartels. Acosta and the cartel figures were the top criminals targeted by ATF and the U.S. Attorney's Office.

On January 19, 2011, 20 suspects were indicted, including Acosta and 19 of his straw buyers. In all, it is believed that the *Fast and Furious* network purchased approximately 2,000 firearms. An internal ATF document dated March 29, 2011, shows that of the indicted defendants, only a select few purchased the majority of the firearms, and nearly all of the purchases occurred after ATF knew that these defendants were straw purchasers working with Acosta. These four indicted defendants alone illegally purchased nearly 1,300 firearms: Uriel Patina (720), Sean Steward (290), Josh Moore (141), and Alfredo Celis (134).

THE GOALS OF OUR INVESTIGATION

A central aim of our investigation has been to find out why and how such a dangerous

plan could have been conceived, approved, and implemented. Who in ATF and the Justice Department knew about the volume of guns being purchased? Who approved of the case at various stages as it unfolded? Under whose authority did this occur? Who could have—and should have—stopped it? By closely examining this disastrous program, our Committee hopes to prevent similar reckless operations from using dangerous tactics like gunwalking ever again. Our investigation also aims to determine what legislative actions might be necessary to ensure that such a program will not happen again.

THE DEPARTMENT'S FAILURE TO COMPLY WITH THE COMMITTEE'S SUBPOENAS

Our Committee is still entitled to thousands of documents responsive to our subpoenas. These documents will undoubtedly shed more light on the misguided tactics used in *Operation Fast and Furious*. If the Justice Department changes course and complies with the Committee's subpoenas, some of these documents will cover the targets of an FBI investigation of the individuals who were the link between the drug cartels and the *Fast and Furious* firearms trafficking ring. Other documents will chronicle the Department's response to allegations of whistleblowers following Agent Terry's death and how it shifted its position from the outright denial that there was any misconduct to the Department's formal withdrawal of its false statement in December 2011.

Most importantly, as you are well aware, we are still waiting for documents relating to the individuals who approved the tactics employed in *Fast and Furious*. In his recent letter to me, Deputy Attorney General James Cole asserted that such documents "will not answer the question" of what senior officials were in fact notified of the unacceptable tactics used in *Fast and Furious*. This statement is deeply misleading. We are aware of specific documents that lay bare the fact that senior officials in the Department's Criminal Division who were responsible for approving the applications in support of the *Fast and Furious* wiretap authorization requests were indeed made aware of these questionable tactics. Cole's letter goes on to state that "Department leadership was unaware of the inappropriate tactics used in *Fast and Furious* until allegations about those tactics were made public in early 2011." That statement is even more misleading and utterly false. The information provided to senior officials in the affidavits accompanying the wiretaps includes copious details of the reckless investigative techniques involved. Senior department leaders were not only aware of these tactics. They approved them.

WIRETAP APPLICATION OBTAINED BY THE COMMITTEE

The Committee has obtained a copy of a *Fast and Furious* wiretap application, dated March 15, 2010. The application includes a memorandum dated March 10, 2010, from Assistant Attorney General of the Criminal Division Lanny A. Breuer to Paul M. O'Brien, Director, Office of Enforcement Operations, authorizing the wiretap application on behalf of the Attorney General. The memorandum from Breuer was marked specifically for the attention of Emory Hurley, the lead federal prosecutor for *Operation Fast and Furious*.

In response to your personal request, I am enclosing a copy of the wiretap application. Please take every precaution to treat it carefully and responsibly. I am hopeful that it will assist you in understanding the infor-

mation brought to the attention of senior officials in the Criminal Division charged with reviewing the contents of the applications to determine if they were legally sufficient and conformed to Justice Department policy. The information is as vast as it is specific. This wiretap application, signed by Deputy Assistant Attorney General Kenneth Blanco under the authority of his supervisor, Assistant Attorney General Breuer, provides new insight into who knew—or should have known—what and when in *Operation Fast and Furious*.

To assist you in better understanding the facts, I appreciate the opportunity to provide relevant and necessary context for some of the information in this wiretap application. Due to the sensitivity of the document, individual targets and suspects will be referred to with anonymous designations. You will notice, however, that the individuals referred to in the wiretap application are well-known to our investigation. Although senior Department officials authorized this application on March 15, 2010, a mere four months after the investigation began, it contains a breathtaking amount of detail.

The detailed information about the operational tactics contained in the applications raises new questions about statements of senior Justice Department officials, including the Attorney General himself. Before the Senate Judiciary Committee on November 8, 2011, the Attorney General testified:

I don't think the wiretap applications—I've not seen—I've not seen them. But I don't know—I don't have any information that indicates that those wiretap applications had anything in them that talked about the tactics that have made this such a bone of contention and have legitimately raised the concern of members of Congress, as well as those of us in the Justice Department. I—I'd be surprised if the tactics themselves about gun walking were actually contained in those—in those applications. I have not seen them, but I would be surprised[d] [if that] were the case.

At a hearing before our Committee on February 2, 2012, the Attorney General also denied that any information relating to tactics appeared in the wiretap affidavits. He testified:

I think, first off, there is no indication that Mr. Breuer or my former deputy were aware of the tactics that were employed in this matter until everybody I think became aware of them, which is like January February of last year. The information—I am not at this point aware that any of those tactics were contained in any of the wiretap applications.

Contrary to the Attorney General's statements, the enclosed wiretap affidavit contains clear information that agents were willfully allowing known straw buyers to acquire firearms for drug cartels and failing to interdict them—in some cases even allowing them to walk to Mexico. In particular, the affidavit explicitly describes the most controversial tactic of all: abandoning surveillance of known straw purchasers, resulting in the failure to interdict firearms.

The Justice Department's Office of Enforcement Operations reviews the wiretap applications to ensure that they are both legally sufficient and conform to Justice Department policy. Deputy Attorney General James M. Cole has verified this understanding. In a letter he sent to Congress on January 27, 2012, he stated that the Department's "lawyers help AUSAs and trial attorneys ensure that their wiretap packages meet statutory requirements and DOJ policies. When Assistant Attorney General

Breuer testified last November about the wiretap approval process, however, he stated:

[The role of the reviewers and the role of the deputy in reviewing Title Three applications is only one. It is to insure that there is legal sufficiency to make an application to go up on a wire, and legal sufficiency to petition a federal judge somewhere in the United States that we believe it is a credible request. But we cannot—those now 22 lawyers that I have who review this in Washington—and it used to only be seven—can not and should not replace their judgment, nor can they, with the thousands of prosecutors and agents all over the country. Theirs is a legal analysis; is there a sufficient basis to make this request.

Assistant Attorney General Breuer failed to acknowledge that before a wiretap application can be authorized, it must adhere to Justice Department policy. Yet, the operational tactics included in the enclosed wiretap application—including abandoning surveillance and not interdicting firearms—violate Department policy. According to Deputy Attorney General Cole, operations allowing guns to cross the border do indeed violate Department policy. In an e-mail he sent to southwest border U.S. Attorneys on March 9, 2011, Deputy Attorney General Cole stated, “I want to reiterate the Department’s policy: We should not design or conduct undercover operations which include guns crossing the border.”

The Committee understands the limitations of the Office of Enforcement Operations function. Nevertheless, when presented with alarming details such as those contained in this application, a sensible lawyer—vested with the important responsibility of recommending to the Assistant Attorney General whether a wiretap should be authorized—must raise the alarm. Senior officials reviewing the application for legal sufficiency and/or whether Justice Department policy was followed, however, failed to identify major problems that these manifold facts suggested.

MARCH 2010 WIRETAP APPLICATION STATES THE MAIN SUSPECT HAD INTENT TO ACQUIRE FIREARMS FOR THE PURPOSE OF TRANSPORTING THEM TO MEXICO

According to the wiretap application obtained by the Committee, as early as December 2009, the task force had identified the main suspect in Fast and Furious (Target 1), a figure well-known to our investigation. The affidavit provides transcripts of entire conversations obtained through a prior DEA wire intercept. These conversations demonstrate that key suspects in Operation Fast and Furious were running a firearms trafficking ring. In one conversation that took place on December 11, 2009, Unknown Person 1 asks, “Can you hold them [firearms] for me there for a little while there?” Target 1 responds, “Well it’s that I do not want to have them at home, dude, because there is a lot of . . . uh, it’s too much heat at my house.” Unknown Person 1 then asked where he could store the firearms and Target 1 responds, “[m]ake arrangements with that guy [Straw Purchaser X], call him back and make arrangements with him.” The affidavit acknowledges that while monitoring the DEA target telephone numbers, law enforcement officers intercepted calls that demonstrated that Target 1 was conspiring to purchase and transport firearms for the purpose of trafficking the firearms from the United States to Mexico.

MARCH 2010 WIRETAP APPLICATION STATES THAT NEARLY 1,000 FIREARMS HAD ALREADY BEEN PURCHASED, AND THAT MANY WERE RECOVERED IN MEXICO

The Probable Cause section of the affidavit shows that ATF was aware that from September 2009 to March 15, 2010, Target 1 acquired at least 852 firearms valued at approximately \$500,000 through straw purchasers. As of March 15, 2010, twenty-one straw purchasers had been identified. Between September 23, 2009, and January 27, 2010, 139 firearms purchased by these straw purchasers were recovered—81 of which were in Mexico. These recoveries occurred one to 49 days after their purchase in Arizona.

MARCH 2010 WIRETAP APPLICATION DESCRIBES HOW SMUGGLERS WERE BRINGING FIREARMS INTO MEXICO

The wiretap affidavit details that agents were well aware that large sums of money were being used to purchase a large number of firearms, many of which were flowing across the border. For example, in the span of one month, Straw Purchaser Z bought 241 firearms from just three cooperating FFLs. Of those, at least 57 guns were recovered shortly thereafter either in the possession of others or at crime scenes on both sides of the border. The wiretap affidavit even shows that ATF agents knew the tactics the smugglers were using to bring the guns into Mexico.

According to the affidavit: The potential interceptees conspire with each other and others known to illegally traffic firearms to Mexico. The potential interceptees purchase firearms in Arizona and transport them to Mexico or a location in close proximity of the United States/Mexico border. The potential interceptees deliver the firearms to individual(s) both known and unknown who then transport them into Mexico and/or the potential interceptees transport the firearms across the border and deliver them to customers both known and unknown.

The fact that ATF knew that Target 1 had acquired 852 firearms and had the present intent to move them to Mexico should have prompted Department officials to act. Department officials should have ensured that the firearms were interdicted immediately and that law enforcement took steps to disrupt any further straw purchasing and trafficking activities by Target 1. Similarly, by way of example, if Criminal Division attorneys were reviewing a wiretap affidavit that showed that human trafficking was taking place for the purpose of forcing humans into slavery, the attorneys should act to make sure such a practice would not continue. Accordingly, Target 1’s activities should have provoked an immediate response by the Criminal Division to shut him and his network down.

MARCH 2010 WIRETAP APPLICATION CONTAINS DETAILS OF DROPPED SURVEILLANCE

The wiretap affidavit also describes firearms purchases by individual straw purchasers. For example, Straw Purchaser Y purchased five AK-47 type firearms on December 10, 2009, and surveillance units observed Straw Purchaser Y travel from the FFL where he made the purchase to Target 1’s residence. The next day, surveillance units observed Straw Purchaser Y purchase an additional 21 AK-47 type firearms, and within an hour, arrive at Target 1’s home.

On December 8, 2009, agents observed Straw Purchaser Z purchase 20 AK-47 type firearms. While Straw Purchaser Z was making this purchase, Z saw a commercial delivery truck arrive at the gun store with a ship-

ment of an additional 20 AK-47 type firearms. Straw Purchaser Z then told FFL employees that he wanted to purchase those additional firearms. Later that same day, Straw Purchaser Z returned to the FFL to buy them. After Straw Purchaser Z left the FFL with the firearms, Phoenix police officers conducted a vehicle stop on Straw Purchaser Z’s vehicle and identified two of the passengers as Straw Purchaser Z and Target 1. The officers observed the firearms in the bed of the truck and asked the subjects about the firearms. Straw Purchaser Z told them he had purchased the firearms and they belonged to him. ATF agents continued surveillance until the vehicle arrived at Target 1’s residence.

The very next day, nine of these firearms were recovered during a police stop of a third person in Douglas, Arizona, on the U.S.-Mexico border. Five days later, Straw Purchaser Z bought another 43 firearms from an FFL. On December 24, 2009, Straw Purchaser Z bought even more firearms, purchasing 40 AK-47 type rifles from an FFL. All of these rifles were recovered on January 13, 2010, in El Paso, Texas, near the U.S./Mexico border. Although the individual found in possession of all these guns provided the first name of the purchaser, agents did not arrest the individual or the purchaser.

Though the wiretap application states that agents were conducting surveillance of known straw purchasers, none of these weapons were interdicted. No arrests were made.

MARCH 2010 WIRETAP DETAILS HOW FAST AND FURIOUS FIREARMS HAD BEEN FOUND AT CRIME SCENES IN MEXICO

The wiretap affidavit also details the very sort “time-to-crime” for many of the firearms purchased during Fast and Furious. For example, on November 6, 2009, November 12, 2009, and November 14, 2009, Straw Purchaser Y purchased a total of 25 AK-47 type firearms from an FFL in Arizona. On November 20, 2009—just eight days later—Mexican officials recovered 17 of these firearms in Naco, Sonora, Mexico. Another straw purchaser, Straw Purchaser Q, purchased a total of 17 AK-47 type firearms from an FFL on November 3, 2009, November 10, 2009, and November 12, 2009. Then, on December 9, 2009, Mexican officials recovered 11 of these firearms in Mexicali, Baja California, Mexico, along with approximately 421 kilograms of cocaine, 60 kilograms of methamphetamine, 48 additional firearms, 392 ammunition cartridges, \$2 million in U.S. currency, and \$800,000 in Mexican currency.

Once again, although ATF was aware of these facts, no one was arrested, and ATF failed to even approach the straw purchasers. Upon learning these details through its review of this wiretap affidavit, senior Justice Department officials had a duty to stop this operation. Further, failure to do so was a violation of Justice Department policy.

STRAW PURCHASERS HAD MEAGER FINANCIAL MEANS

The affidavit provides details of the straw purchasers’ financial records. As of March 15, 2010, just four straw purchasers had spent \$373,206 in cash on firearms. Yet, these same straw purchasers had only minimal earnings in Fiscal Year (FY) 2009. Straw Purchaser Q earned \$214 per week, while Straw Purchaser Y earned only \$188 per week. Straw Purchaser Z earned \$9,456.92 during FY 2009, and Straw Purchaser X did not report any income whatsoever.

Name	Money spent on firearms by 3/15/10	FY 2009 income*
Straw Purchaser Y	\$128,580	\$9,776

Name	Money spent on firearms by 3/15/10	FY 2009 income*
Straw Purchaser Q	64,929	11,128
Straw Purchaser X	39,663	None reported
Straw Purchaser Z	140,034	9,456
Total	\$373,206	

*Incomes based on weekly incomes detailed in wiretap application.

These straw purchasers did not have the financial means to spend tens of thousands of dollars each on guns. Yet, ATF allowed them to continue acquiring firearms without approaching them to inquire how they were able to obtain the funds to do so. ATF also failed to alert the FFLs with this information so that they could make more fully informed decisions as to whether to continue selling to these straw purchasers.

CONCLUSION

The wiretap affidavit reveals a remarkable amount of specific information about Operation Fast and Furious. The affidavit reveals that the Justice Department has been misrepresenting important facts to Congress and withholding critical details about Fast and Furious from the Committee for months on end. As the primary investigative arm of Congress, our Committee has a responsibility to demand answers from the Department and continue the investigation until we get all the facts.

Sincerely,

DARRELL ISSA.

Chairman.

Mr. ISSA. I now yield 1 minute to the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. Mr. Speaker, this is a truly sad day. This is not stunning, as I have heard. This is a deliberative process that we've tried to work through.

We have a border agent that's been killed. We have hundreds of Mexicans that have been killed. And the fingerprints on all of that go straight back to an operation that was done by the Federal Government. This is a moment to get all of the facts, to get it on the table, find out what happened, and to get it done.

Now, we started with a subpoena process, over 22 different categories. We narrowed that down to one. How do we get the documents from the time of February 4 of last year, when the Department of Justice told us one thing, and December, when they said, Oops, and changed their story? We found out that they had not told us the truth. And in that time period when they stalled, stalled, stalled, stalled, we just want the information on that. How did this occur?

This is essential because Phoenix ATF had a plan, Fast and Furious. It was then approved by the U.S. attorney in that area, and then went up the food chain to the Department of Justice, where it was signed off. This is not irrelevant. It is essential that we know the process of how this was done. If we're going to fix this problem, we've got to know the facts. Instead, they're being withheld.

Mr. CUMMINGS. I will continue to reserve the balance of my time.

Mr. ISSA. Mr. Speaker, as a point of inquiry, do I have the right to close?

The SPEAKER pro tempore. The gentleman from California has the right to close.

Mr. ISSA. Then I will reserve my right to close.

Mr. CUMMINGS. Does the gentleman have any further requests for time?

Mr. ISSA. No, I do not.

Mr. CUMMINGS. Mr. Speaker, as the Democratic leader said, there is no doubt that the Constitution gives Congress the right and responsibility to investigate. But the Constitution also requires something else. It requires Congress and the executive branch to avoid unnecessary conflict and deceit, accommodations that serve both of their interests.

In this case, the Attorney General has testified nine times. He has provided thousands of pages of documents. He has provided 13 pages of deliberative internal documents, and he is willing to provide even more to me, the recent demands of Chairman ISSA.

But House Republican leaders are not honoring their constitutional obligations. In fact, they are running in the wrong direction as quickly as possible. It is fundamentally wrong to vote in favor of this resolution at this time when the Attorney General has been working with the House in good faith. I believe this action will undermine the standing of the House, will cement the Speaker's legacy, and will be recorded by history as a discredit to this institution.

With that, I yield back the balance of my time.

Mr. ISSA. I yield myself such time as I may consume.

Mr. Speaker, there's been a lot of talk about the documents that the Attorney General couldn't give us. These documents, documents under seal, would be an example of documents that we should not see, except in camera, and we've taken great care to ensure that no one outside Members of Congress and key staff have ever looked at them.

But I've looked at them, and what I know is that these documents, read by any person of ordinary learning, make it very clear that these wiretap applications were read and signed by individuals in the Department of Justice in Washington. And if you read them, you knew they were gunwalking. People will tell you differently. I give you my word: You read this, you know they were letting guns go to Mexico. They knew who the buyers were, who the intermediaries were, who the recipients were, and, most importantly, where they ended up. And there are reports in here, as part of the evidence given to judges in order to get wiretaps—there is evidence that they knew that, in fact, weapons had already ended up in Mexico.

That's before Brian Terry was killed. That's how Fast and Furious could

have been stopped. That's how people could have been warned. In fact, that's at a time in which ATF agents in Mexico City, if they punched in the serial number of a weapon found there, they got an erroneous, an error. They did not get meaningful information because that was being blocked—not by ATF, per se, but by the Department of Justice under the auspices of the U.S. attorney and his bosses.

□ 1550

Now you're going to hear that this began under President Bush and Attorney General Mukasey. I'm going to tell you that's just false. What happened in previous administrations with some of the same local ATF agents was they exercised extremely bad judgment. They did things and pushed on programs that I believe were poorly conceived and poorly manned and as a result they lost track of weapons repeatedly. That happened. And it was wrong. The U.S. attorney at the time even declined prosecutions because of failed techniques.

All of these were shut down during the Bush administration. President Bush can take no credit for it. He didn't know it. As far as I know, the Attorney General didn't know. And anyone who saw the record of that should say: This was wrong-minded. But during this administration, during the time in which the Attorney General and his key lieutenants, including Lanny Breuer, were in charge, they reopened the prosecutions from a failed program called Wide Receiver and they opened Fast and Furious.

Now I'm the second child in a family. I have an older brother. I learned at a very young age you in fact cannot, when you do something wrong, say: My brother Billy did it. It doesn't work that way. You're responsible for what you do wrong, whether it happened before your watch or not. This happened on the Attorney General's watch.

But that's not why we're here today. We're here because when we asked legitimate questions about Brian Terry's murder, about Fast and Furious, we were lied to. We were lied to repeatedly and over a 10-month period. The fact is that is what we're here for. The American people want to know if you give false testimony to Congress.

The minority leader talked about, Why is there such a hurry? Why was there a 10-month delay? I was sworn in just a few days before this investigation began, and now we're nearing an election. We don't want to have this during an election. We want to have resolution for the Terry family.

The important thing is, we know enough to know that we have people who have told us under penalty of criminal prosecution—they have told Congress and their employees certain documents exist. And we've asked for those documents. And we've been denied them. We can't bring Kenneth

Melson back in in good faith and say, Well, we've got to get them in front of our committee, if in fact there's documents he says exist. And they do, and they will not be given to us. We want to have those so we can ask the best questions.

You've heard earlier that in fact we've denied somehow due process to the minority. My ranking member is very capable, and has asked for minority days; in other words, hearings exclusively for him. He chose not to do it. When we were having the local ATF and other individuals in early on, all of whom worked for this government, he didn't even ask for any. It wasn't until we asked to have the Attorney General come in, based on these false statements and final retraction, that he suddenly wanted a previous Attorney General, who happened to say, No, I don't want to come. So on that particular day we would have had to subpoena him to get him in. I have no objection to having the former Attorney General in. I believe that on his watch and his predecessor's watch and his predecessor's watch and for a very long time we have not done a good job of overseeing the actions of field agents when it comes to guns.

But, again, we're here today, for the first time in over 200 years, to deal with an Attorney General who has flat-out refused to give the information related to lies and a coverup exclusively within his jurisdiction. That's what we're voting on.

I urge a "yes" vote on the contempt on behalf of the Terry family.

I yield back the balance of my time.

The SPEAKER pro tempore. All time for debate on the resolution has expired.

MOTION TO REFER

Mr. DINGELL. I have a motion at the desk.

The SPEAKER pro tempore. The Clerk will report the motion to refer.

The Clerk read as follows:

Mr. Dingell of Michigan moves to refer the resolution, H. Res. 711, to the Committee on Oversight and Government Reform with instructions to:

(1) Hold a bipartisan public hearing with testimony from Kenneth Melson, the former Acting Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives during Operation Fast and Furious.

(2) Hold a bipartisan public hearing with testimony from William Hoover, the former Acting Deputy Director of the Bureau of Alcohol, Tobacco, Firearms, and Explosives during Operation Fast and Furious.

(3) Hold a bipartisan public hearing with testimony from former Attorney General Michael Mukasey, who, according to documents produced to the committee, was informed during his tenure that, although efforts to coordinate firearm interdictions with Mexican law enforcement officials in 2007 "have not been successful", the "ATF would like to expand" such efforts.

(4) Conduct a bipartisan transcribed interview of Alice Fisher, who served as the Assistant Attorney General for the Criminal Division of the Department of Justice from

2005 to 2008, about her role in authorizing wiretaps in Operation Wide Receiver.

(5) Conduct a bipartisan transcribed interview of Kenneth Blanco, who serves as Deputy Assistant Attorney General at the Department of Justice and also authorized wiretaps in Operation Fast and Furious.

(6) Take such further actions as the committee, with full bipartisan consultation, deems appropriate to assure a thorough and vigorous investigation of this matter.

The SPEAKER pro tempore. Pursuant to House Resolution 708, the gentleman from Michigan (Mr. DINGELL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. DINGELL. I yield myself 4 minutes.

I rise to offer this motion to refer so that this investigation can focus on the real issues at hand and to get the facts.

I begin by expressing my respect and affection for the chairman of the committee, Mr. ISSA. I want to see a proper investigation and the facts gotten about serious misbehavior and utter incompetence at the Bureau of Alcohol, Tobacco, and Firearms and Explosives, called the ATF. This is a tragedy.

I have had the entirety of the motion read so that we can understand what a real investigation is. I didn't roll off the cabbage wagon yesterday, Mr. Speaker. I chaired committees for over 20 or 30 years, and I have conducted more investigations than any man in this particular body. It is clear that the events here were characterized by dishonest, evasive, and deceitful activities on the part of ATF personnel.

I want to find out what has happened. This is not the first time I've crossed swords with ATF and this is not the first time I have found them engaged in shameful, illegal, and improper behavior. In one instance, I caught them raiding the home of an individual. They shot him in the brain and they pitched his wife, in her underpants, out into the hall.

Operation Fast and Furious was a highly irresponsible operation that never should have occurred. People on both sides of this aisle agree to that. The American people want the answers and they deserve to have a proper, thorough, and bipartisan investigation that gets them the truth. My constituent Brian Terry wants the truth from the grave, and his families asks that we get the truth. With God as my judge, they deserve it, and they shall have it if I can get it for them.

I have shared scores of investigations and hearings over 50 years on wrongdoing which have collected hundreds of millions of dollars wrongfully taken from our people and have caught more than a few serious wrongdoers, who have paid proper penalties for their wrongdoing.

These investigations were always bipartisan, with both sides of the aisle actively participating and fully in-

formed. The actions of the committee were unanimously conducted and supported by Members on both sides of the aisle. What we see before us does not follow that model, and it brings no respect to this body. As someone who holds the institution here in the highest regard, I find this to be most troubling.

Instead of going after the real answers and getting the facts about what happened at ATF, the majority of the committee has engaged in what appears to be a partisan political witch hunt, with the Attorney General as its target. Over the 16-month investigation, Democrats were not permitted to call a single witness to testify. So much for bipartisanship. The American people deserve better than this, Mr. Speaker. They deserve a legitimate inquiry based on facts which all Members of this body can support.

□ 1600

This is not a Second Amendment question. I have defended the Second Amendment more than any Member of this body, and I am a past member of the board of directors of NRA and a life member of that body. We deserve, and the American people deserve, a legitimate inquiry based on the facts.

It seems to me there's a simple way to resolve this dispute. First, adopt the resolution. Then see to it that the Attorney General produces the documents that are currently at issue, and I will actively support the gentleman and see to it that those facts and documents are presented.

Second, the House Republicans should give a good-faith commitment to work towards resolving the contempt fight. If the documents in fact are consistent with the Attorney General's testimony that he never authorized or approved or knew about gunwalking, then I think we should consider the matter of contempt resolved.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. DINGELL. I reserve the balance of my time.

Mr. ISSA. Mr. Speaker, I claim time in opposition.

The SPEAKER pro tempore. The gentleman from California is recognized for 5 minutes.

Mr. ISSA. Mr. Speaker, I yield myself 1 minute.

I respect the gentleman from Michigan, the dean of the House, but you're just wrong. There were plenty of opportunities for the minority to ask for witnesses. They chose not to except at one hearing, and then they wanted the former Attorney General. They did not avail themselves of the procedures allowing them to have a hearing even though they know how to do it and have done it.

But more importantly, when you say you represent Brian Terry, you do not.

The Terry family issued this statement, referring to Congressman DINGELL:

His views don't represent those of the Terry family. Nor does he speak to the Terry family. And he has never spoken to the Terry family.

Secondly:

His office sent us a condolence letter when Brian was buried 18 months ago. That's the last time we heard from him.

Third:

A year ago, after the Oversight and Government Reform Committee began its work, one of Brian's sisters called Representative Dingell's office seeking help and answers. No one from his office called back.

Lastly:

If Rep. Dingell truly wants to support the Terry family and honor Brian Terry, a son of Michigan, he and other Members of Congress will call for the Attorney General to immediately provide the documents requested by the House Oversight and Government Reform Committee.

I reserve the balance of my time.

Mr. DINGELL. I yield myself the balance of my time.

Well, I was aware of this. I have communicated with the family my sorrow at their loss, and my office is setting up a meeting with the Terry family as soon as I can get back to Michigan.

My motion here would ensure that the witnesses the minority has requested, including the former Director of ATF during the time of this operation, are called for a full, open public hearing to ensure that the American people get the whole story.

I'm not here solely representing the interests of the Terry family. I'm here representing the interests of the whole country and all of the 800,000 people that I serve in the 15th District of Michigan.

As I've said on a number of occasions in the last year, Congress has two choices in their decisionmaking: we can work together and get something done, or we can play political football. I choose to get something done, which is why I have offered a resolution. And if you have listened to what I had read by the Clerk, you will observe that it says we want a full, thorough, bipartisan investigation. That's the way the matter should be done. And Members on this side will support the findings of that investigation if the chairman of that committee will permit this kind of undertaking to be begun.

I would observe this very interesting fact. The contempt resolution is going to give the same instructions to the same fellow who is under contempt. He will simply put it in his pocket, and we will find that this body has been weakened in its dealings with the executive branch.

I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, I now yield all remaining time to the gentleman from South Carolina (Mr. GOWDY), an experienced prosecutor, to close.

The SPEAKER pro tempore. The gentleman from South Carolina is recognized for 4 minutes.

Mr. GOWDY. Mr. Speaker, I thank the chairman.

This is a sad day, Mr. Speaker, for those of us who respect the rule of law as the foundation of this Republic, for those of us who proudly worked for the Department of Justice, for those of us who believe the same rules apply to everyone regardless of whether they live simple lives of peace and quiet or whether they live and work in the towers of power, prestige, and authority. The same rules apply to everyone. It is the greatness of this country, Mr. Speaker. It is the greatness, the elegance, the simplicity of a woman who is blindfolded holding nothing but a set of scales and a sword.

The chief law enforcement official for this country is on the eve of being held in contempt of Congress because he refuses to follow the law. He refuses to allow Congress to find the truth, the whole truth. For those of you who want a negotiation, a compromise, an extraordinary accommodation, to use the Attorney General's words, for those of you who want to plea bargain, my question to you is simply this: Will you settle for 75 percent of the truth? Is 50 percent of the truth enough for you? Is a third? Or do you want it all? Because if you want all the truth, then you want all the documents.

If you've ever sat down, Mr. Speaker, with the parents who have lost a child who has been murdered—and some of my colleagues on both sides of the aisle have been there—it is a humbling, emotional, life-altering experience. All they want is the truth. They want answers. They want justice, and they don't want part of it. They want all of it. And I will not compromise, Mr. Speaker, when it comes to finding the truth.

Congress is right to pursue this no matter where it takes us. No matter which administration was in power and no matter what the facts are, we are right to pursue this. And we are wrong if we settle for anything less than all the facts.

To my colleagues who are voting "no," Mr. Speaker, let me ask this: Can you tell me, can you tell the American people why the Department of Justice approved this lethal, fatally flawed operation?

To those of you who are voting "no," can you tell the American people how the tactic of gunwalking was sanctioned?

To those of you who are voting "no," can you tell Brian Terry's family and friends how a demonstrably false letter was written on Department of Justice letterhead on February 4, and where would we be if we accepted that letter at face value? A letter written on Department of Justice letterhead, that is not just another political Cabinet

agency. It is emblematic of what we stand for as a country—truth, justice, the equal application of law to everyone. That letter was written on America's stationery. That is what the Department of Justice is, and it was dead wrong. And where would we be if we took their word for it?

Our fellow citizens have a right to know the truth, and we have an obligation to fight for it, Mr. Speaker, the politics be damned. We have a right to fight for it.

I wish the Attorney General would give us the documents. I would rather have the documents than have this vote on contempt of Congress. But we cannot force him to do the right thing, and that does not relieve us of the responsibility for us to do the right thing. Even if the heavens may fall, Mr. Speaker, I want the truth. I want all of it. We should never settle for less than all of it, and we have to start today.

Mr. BRALEY of Iowa. Mr. Speaker, I opposed the contempt of Congress resolution today because I don't want political games or partisan politics to stand in the way of a serious effort to find the truth.

The best place to resolve this dispute isn't on the floor of the House in an election year, but in a federal court where both sides can present their cases and the debate won't turn into a political circus.

I've been disappointed by the failure of both House Republicans and the Justice Department to find a practical way to get the American people the full details of this tragedy without compromising existing court orders and other national security concerns. An American was murdered and we owe it to his family and the public to get to the bottom of what happened.

Mr. YOUNG of Alaska. Mr. Speaker, I've been very disturbed to hear today that it's inappropriate for the National Rifle Association to take a position on this resolution.

It should be clear to everyone that as a long-time NRA board member, I take a back seat to no one on Second Amendment issues. On this resolution, I can tell you that it is entirely appropriate for the NRA to take a position.

We are here today because Congress has a duty to hold our government accountable. We have a duty to ensure those in charge protect the public and the Constitution. Congress was misled when Administration officials initially briefed the appropriate Congressional committees. The U.S. Attorney General's office denied knowledge of a gun walking operation after whistleblowers reported troubling allegations. However, they later admitted certain officials with the Attorney General's office did have knowledge at the time Congress initially reviewed allegations of gun walking.

I am deeply troubled by reports the ATF forced law abiding gun dealers to do something they knew was wrong—to sell guns to individuals they normally would not sell to. The Administration designed this outrageous program to reportedly reduce gun violence along our SW border. And an innocent American Border Patrol agent paid the ultimate price for this ill-conceived plan.

There are those who believe that there were ulterior motives at play. We already know about at least three e-mails from ATF officials discussing how they could use information from "Fast and Furious" to make the case for a new gun control proposal—the Obama administration's proposal to impose a new—and, I believe, illegal—reporting requirement on dealers who sell multiple long guns to individuals in the southwest border states. The administration has defended that rule in court, and by their logic there's no reason it couldn't be expanded to all guns in all states.

That would be a system of national gun registration. And that makes this a Second Amendment issue.

We as elected lawmakers must have all relevant facts to hold whoever approved Operation Fast and the Furious accountable. I stand with my colleagues here today who believe that the Oversight Committee has been denied all relevant evidence on who approved this terrible operation. The Oversight Committee's investigation has been thorough. The committee has followed the evidence in pursuit of the truth, not in pursuit of a political agenda. What brings us here today is the fact that this effort has been stonewalled by this Justice Department and this White House. The American people deserve to know the truth. The family of Border Patrol agent Brian Terry deserves to know the truth. Members of Congress deserve to know the truth. Today's vote will bring us one step closer to learning the truth.

Mr. THORNBERRY. Mr. Speaker, it is unfortunate that the House must vote on whether to hold the Attorney General in contempt for refusing to produce documents in his Department. The underlying facts are disturbing and tragic, leading to the death of a Border Patrol officer and several hundred people in Mexico. The Attorney General should work with Congress to understand what went wrong rather than to withhold information and attempt to thwart the investigation.

The power of Congress to investigate and conduct oversight of federal agencies has been well established throughout our history. The late claim of Executive Privilege made here, on the other hand, is not consistent with precedent or previous court rulings. One can only conclude that the Attorney General, perhaps on the instruction of the President, is trying to prevent Congress and the American people from learning the truth.

Mr. HOLT. Mr. Speaker, the resolution before us today is an illegitimate, politically motivated smear campaign.

Never in the history of the House has a U.S. Attorney General been held in contempt. What makes this resolution particularly outrageous is that there is absolutely no basis for it.

The Attorney General has testified repeatedly about Operation Fast & Furious. The Justice Department has turned over thousands of pages of relevant records about this incident. None of that matters to the majority. Neither does the fact that these kinds of operations were undertaken by the Bush administration. And the majority does not want the public to know that not a single witness was allowed to testify before the House Oversight & Government Reform Committee about past "gun walking" episodes in the Bush administration.

That's why this resolution and the Oversight Committee's "hearings" into Fast & Furious are not about "gun walking"—they are about election year politics.

Rather than dealing with the substantive issue of illegal guns and how to reduce violent gun-related crime, today we have a political stunt that does nothing to solve the problem that cost the life of a federal agent. Mr. Speaker, the public see this for what it is: a politically motivated legislative lynching—and those who support this illegitimate resolution will have to answer for it to the voters.

Ms. RICHARDSON. Mr. Speaker, I rise in strong and unyielding opposition to resolution recommending that the House find Attorney General Eric Holder in contempt of Congress. This unprecedented resolution, which was passed out of committee on a party-line vote, is nothing more than an attempt by the majority Republican leadership to divert attention from its failure to address the real challenges facing our country.

The hard working and hard pressed people of the 37th Congressional District of California did not send me here to waste precious floor time debating this frivolous and partisan resolution. They want us to work together to create jobs for the unemployed, make education affordable, health care available, and protect the social safety net of Medicare, Social Security, Medicaid, and assistance programs to vulnerable families.

I oppose the resolution before us for several reasons:

1. The resolution relates to a document request involving allegations of "gunwalking" in an ATF operation known as "Operation Fast and Furious," but the documents now involved are completely unrelated to how "gunwalking" was utilized in the operation.

2. Over the past year, the Justice Department provided thousands of pages of responsive documents to the Oversight and Government Reform Committee and has made dozens of officials available for interviews and hearings, and the Attorney General has testified before Congress nine times on this topic.

3. The Committee's investigation identified no evidence that the Attorney General or senior Department officials were aware of gunwalking in Fast and Furious. To the contrary, as soon as the Attorney General became aware of the tactic, he put a halt to it, ordered an IG investigation, and instituted internal reform measures.

4. The House of Representatives has never held an Attorney General in contempt. The only precedent cited in the Issa contempt resolution is a committee contempt vote that took place in the 1990's against former Attorney General Janet Reno. That action was so widely discredited that Speaker Gingrich chose not to bring it to the floor for a vote.

5. During this investigation, the Committee refused every Democratic request for a hearing witness, including the head of ATF—the agency that actually ran the operation. This is not the way to conduct an oversight investigation unless you are interested in partisan political ploys instead of learning the facts.

Mr. Speaker, I must say that am offended that Attorney General Holder, a man of unimpeachable integrity and one who has served this nation with distinction for many years, has

been subjected to such demeaning treatment by some in the majority. Even though Attorney General Holder has been forthright and forthcoming, some in this body accuse him of a cover-up or claim he has been obstructive. He has even been called a "liar" on national television. These unfounded charges are beyond the pale and reflect more on those who have uttered them than they do our Attorney General, the honorable Eric Holder.

I oppose this politically inspired resolution and urge my colleagues to join me.

Mr. REYES. Mr. Speaker, I rise today to express my opposition to the majority's decision to force a contempt vote on the floor. I want to mention the following points for the record.

There is no evidence that the attorney general authorized, condones, or knew about "gun walking." Chairman DARRELL ISSA admitted this yesterday before the Rules Committee.

There is no evidence that the attorney general lied to Congress or engaged in a cover-up. Chairman ISSA also admitted this yesterday.

There is no evidence that the White House had anything to do with "gun walking" operations. Chairman ISSA admitted this on Fox News on Sunday.

Democrats wanted a real investigation, but Chairman ISSA refused TEN different requests from Democrats for a hearing with Ken Melson, the former Director of ATF—the agency in charge.

Chairman ISSA said this yesterday about "gun walking" operations under the Bush Administration: "They were all flops. They were all failures." Yet, he has refused all Democratic requests to interview Bush Administration officials about their rules.

Despite finding no evidence that Attorney General Holder knew about "gun walking", the Committee has obtained documentary evidence showing that former Attorney General Mukasey was personally briefed on botched interdiction efforts during the Bush Administration and he was told that they would be expanded during his tenure. Chairman ISSA has refused to call on Mukasey for a hearing.

Republicans have not granted a single Democratic witness request during the entire 16 month so-called investigation. This has been a credible process.

As soon as Attorney General Holder learned about "gun walking", he immediately halted it and ordered an IG investigation.

In closing Mr. Speaker, I think the worst part is that the tragic death of a U.S. Border Patrol agent is being politicized and used as a way to score cheap political points. This is especially disappointing to me. As a former Border Patrol Agent and Sector Chief with 26½ years of law enforcement experience on the U.S.-Mexico Border, I expect that this body show more respect and more focus.

Instead of using this tragedy as a political ploy, this body needs to see this as a learning opportunity and a wake-up call. We must take action and provide ATF with the needed resources and tools it needs to tackle the issue of gun trafficking. I hope that this Congress is able to move on to enact the critical reforms needed to more effectively combat this threat—and I will gladly work with my colleagues on both sides of the aisle on that particular effort.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today to oppose H. Res 708, "Resolution recommending that the House of Representatives find Eric H. Holder, Jr., Attorney General, U.S. Department of Justice, in contempt of Congress for refusal to comply with a subpoena duly issued by the Committee on Oversight and Government Reform."

Holding a sitting Attorney General in contempt would be unprecedented. In our Nation's history the House of Representatives has never held a sitting Attorney General in contempt of Congress.

In 1998, the then Chair of the House Oversight Committee led a vote to hold then Attorney General Janet Reno in contempt of Congress.

Attorney General Reno was also accused of withholding documents; however, the then Speaker of the House Newt Gingrich elected not to bring the Contempt Citation to the Floor. Attorney General Reno and House leadership were able to resolve their difference without holding our Nation's highest law enforcement officer in contempt. Today's conflict can also be resolved without holding Attorney General Holder in contempt.

I firmly believe and I am joined by at least 65 other colleagues who believe that the Attorney General is acting in good faith based upon his actions over the course of the past 15 months.

The Attorney General has testified before Congress no less than nine times in the last 15 months and has made himself available for meetings with Members of Congress. Further, the Department of Justice has cooperated with Congressional inquiries into this matter and is willing to continue to engage in discussions with Congressional leadership and others.

As of today, the Attorney General has produced more than 7,600 pages of documents as part of 47 separate productions, including sensitive law enforcement materials related to the pending prosecution of the defendants in the underlying Fast and Furious case.

Attorney General Holder has consistently expressed his willingness to find a resolution to the issues surrounding the narrow list of documents for which he is being cited.

Holding the Nation's top law-enforcement officer in contempt of Congress would be a drastic, disproportionate action on the part of this body.

A contempt citation should be an act of last resort, after lengthy preliminary procedures, negotiations, gathering of evidence through other methods, appeals to potential intercessors and intermediaries.

Contempt citations have been extraordinarily rare which is evidenced by the fact that the House has declared just four people in contempt over the last three decades. For these reasons and more we request that you elect not to bring the contempt citation to the floor this Thursday.

Mr. Speaker, I delivered a letter to you that was signed by 65 Members of this body stating the same, that this destructive piece of legislation should not be brought to the floor today. It appears that this is nothing more than destructive election-year politics pure and simple. It is Republicans following through on their threats to use their authority to try to damage this administration, politically, and this

Attorney General, specifically, who has placed an emphasis on enforcing civil rights, voting rights and defending our justice system and the rule of law.

This kind of divisive politics hurts Americans who want their leaders focused on fixing real problems they face every day and hurts law enforcement agents who are putting their lives at risk in ongoing investigations that could be compromised by the Committee's political fishing expedition.

Congress has the answers to its questions about who designed this flawed operation and who authorized it—they just don't like it so they have ignored the evidence they received last year which shows this was a tactic that was designed and employed in the field and it dates back to the previous administration.

This Attorney General is the one who put a stop to the tactic, called for an independent investigation and instituted reforms and personnel changes to ensure it doesn't happen again.

The Department has made extraordinary efforts to accommodate Congress by turning over almost 8,000 documents—including all the documents that relate to the tactics in this flawed investigation and the other flawed investigations that occurred in Arizona in the previous administration.

The Department has even turned over internal deliberative material to answer the Committee's questions and the AG offered to provide additional deliberative documentation to resolve the subpoena, but the Committee rejected that offer.

The documents at issue now are after-the-fact—they have nothing to do with the flawed tactics in any of the investigations dating back to the Bush Administration or who designed, approved or employed them.

The resolution relates to a document request involving allegations of "gunwalking" in an ATF operation known as "Operation Fast and Furious," which came to light when two weapons involved in the operation were recovered at the murder scene of Border Patrol Agent Brian Terry.

However, the documents now at issue are completely unrelated to how "gunwalking" there is a question about whether gun-walking existed was utilized in the operation. Over the past year, the Justice Department has provided thousands of pages of documents to the Oversight and Government Reform Committee and has made dozens of officials available for interviews and hearings, and the Attorney General has testified before Congress nine times on this topic. The evidence demonstrated that Fast and Furious was in fact the fourth in a series of gunwalking operations run out of the ATF field division in Phoenix over a span of five years beginning in 2006 during the Bush Administration.

The investigation identified no evidence that the Attorney General or senior Department officials were aware of gunwalking in Fast and Furious. To the contrary, as soon as the Attorney General became aware of the tactic, he put a halt to it, ordered an IG investigation, and instituted internal reform measures.

The House of Representatives has never held an Attorney General in contempt. The only precedent cited in the Issa contempt resolution is a committee contempt vote that took

place in the 1990s held by then-Chairman Dan Burton against former Attorney General Janet Reno. That action became so widely discredited that Speaker Gingrich chose not to bring it to the Floor for a vote.

The current contempt debate no longer focuses on any documents relating to how gunwalking was initiated and utilized in Operation Fast and Furious. Since Republicans could identify no wrongdoing by the Attorney General, the Committee shifted just last week to focus exclusively on a single letter sent by the Department's Office of Legislative Affairs to Senator CHARLES GRASSLEY on February 4, 2011, initially denying allegations of gunwalking. The Department has already acknowledged that its letter was inaccurate, has withdrawn the letter, and has provided the Committee with more than 1,300 pages of documents relating to how it was drafted.

These documents show that Department staffers who drafted the letter did not intentionally mislead Congress, but instead relied on inaccurate assurances from ATF leaders and officials in Arizona who ran the operation. Despite these good faith efforts, House Republicans chose to move forward with a contempt resolution anyway.

Moving the goalposts again, the Committee is now demanding additional internal deliberative documents created even after the Grassley letter was sent. The Attorney General offered to provide them last week in exchange for a good faith commitment to move toward resolution of the contempt fight, but Chairman ISSA flatly refused. When it became clear that contempt was inevitable, the administration asserted executive privilege over this narrow category of deliberative Department documents, while indicating at the same time that it remains willing to continue negotiations.

The Issa contempt resolution is nothing more than a politically motivated, election-year ploy. During this investigation, the Committee refused every Democratic request for a hearing witness, including the head of ATF—the agency that actually ran the operation.

Chairman ISSA has acknowledged that "we do go down blind alleys regularly" and has made numerous unfounded claims, including accusing the FBI agents of concealing a "third gun" from the scene of Agent Terry's murder—a claim that the FBI quickly demonstrated to be completely unfounded.

Ms. MCCOLLUM. Mr. Speaker, today the House is voting on a Republican-Tea Party witch hunt intended to destroy an honorable man's character. This resolution of contempt targeting Attorney General Eric Holder is a shameful and shameless abuse of power by the majority party. The only reason this unprecedented attack is taking place on the House floor today, against our country's first African American Attorney General, is because the Tea Party Republican majority is pandering to birthers, NRA members and other extremist obsessed with defeating President Obama.

Attorney General Eric Holder has my full support and I reject this transparent political abuse of power.

I am strongly opposed to the House Republican resolution to hold Attorney General Eric Holder in contempt of Congress for failing to turn over documents pertaining to sensitive

and on-going law enforcement activities to the House Oversight and Government Reform Committee.

The committee request is for documents related to Operation Fast and Furious, conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), which allowed the straw purchase of firearms in pursuit of prosecutions of gun smugglers. Two of the illegally purchased AK-47 assault weapons were found at the scene of a gun battle that resulted in the killing of U.S. Border Patrol agent Brian Terry on December 15, 2010. In his effort to cooperate with Chairman DARRELL ISSA, Attorney General Holder has provided the Oversight Committee with more than 7,600 pages of documents and participated in nine congressional hearings.

In 2006, under the Bush Administration, the ATF's Arizona office used the tactic of "gun walking" to allow guns to remain on the street after a potentially illegal sale to build a bigger case rather than interdicting them immediately. President Bush's attorney general, Michael Mukasey, received a briefing paper on November 16, 2007 on ATF cooperation with Mexico on "controlled deliveries" of weapons smuggling. The House Oversight Committee has failed to call any Bush Administration officials to testify on this matter.

This week, in Politico, a senior Republican House aide is quoted as saying, "The contempt of Holder is a dog whistle to the right-wing tea party community, saying that we are representing them . . . this is a way to say we're going after this administration, holding them accountable."

Further proof of the blatantly political nature of the Holder contempt vote is the decision by the National Rifle Association (NRA) to "score" the vote as part of their legislative report card to their membership. The NRA has long championed allowing the proliferation of assault weapons previously banned on American streets and sold over the counter, like the AK-47s found at Agent Terry's murder scene.

This entire episode is a stain on the reputation of this Republican led House of Representatives. It is appalling to know that the politics of personal destruction is the top policy priority of this Tea Party controlled House.

Again, I want to state my strong support for Attorney General Holder and the Obama Administration's efforts to cooperate with this on-going congressional investigation.

Mr. VAN HOLLEN. Mr. Speaker, I rise to oppose this misguided effort to inject the politics of a presidential election year into what should be a serious investigation. I oppose the resolutions to hold the Attorney General Eric Holder in criminal and civil contempt, because they are unwarranted and motivated by politics instead of facts. I voted for a resolution sponsored by Rep. JOHN DINGELL to require the Oversight and Government Committee to conduct a real investigation into the Fast and Furious operation. The American public deserves a legitimate investigation into the actions of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) in Arizona. Members of Congress have a responsibility to ensure that the ATF was abiding by the law and ensure that the "gun-walking" programs that took place under the Bush and Obama Administrations do not take place again. The American people

deserve answers and they deserve an investigation that is based on fact and the truth, not on political gamesmanship and finger-pointing. Unfortunately, these resolutions are not based on real investigations or the desire to prevent future "gun-walking" operations.

This contempt resolution alleges that the Attorney General is not cooperating with the Oversight and Government Reform Committee's investigation. The Attorney General has testified before Congress nine times and the Department of Justice (DOJ) has produced 7,600 pages of documents to the Oversight and Government Reform Committee. Additionally, two dozen DOJ officials have testified before the Congress. Something lost in the political allegations on cable news is that the documents at issue in the Contempt Citation are not related to the Committee's investigation into how "gun-walking" was initiated and utilized in Operation Fast and Furious. Attorney General Holder has turned documents relating to Operation Fast and Furious over to the committee. This contempt citation is over the DOJ's internal deliberative documents unrelated to the actual Fast and Furious operation. This contempt resolution does not list any proof that the Attorney General had any knowledge of the Fast and Furious operation. In fact, when the Attorney General did discover the Fast and Furious program he took action to shut down the operation, held those responsible accountable, requested an investigation by the DOJ's IG office and cooperated with House and Senate investigations. To this day, no evidence has shown that he or the President had any knowledge of the Fast and Furious operation.

What the American people also deserve to know is why the Majority is putting partisan politics above the public's right to a fair and balanced investigation. The Oversight and Government Reform Committee Republicans have not granted a single Democratic witness request in 16 months. If this investigation was on the up and up, it seems that the Democrats should be allowed the opportunity to bring forward at least one witness. In fact, the Republicans refused ten requests by Democrats to hold a hearing with the former Acting Director of the ATF Kenneth Melson. He was in charge of the agency responsible for the Fast and Furious operation. The Majority also rejected requests to have William Hoover, the former Acting Deputy Director of the ATF during Operation Fast and Furious, testify before the committee. They also refused to allow former U.S. Attorney General Michael Mukasey to testify about gun-walking programs initiated under the previous administration. I hope that by opposing these resolutions we can have a real congressional investigation into the ATF's "gun-walking" operations and pass legislation to ensure that similar operations never happen again. The Dingell Resolution I voted for requires the Oversight and Government Reform Committee to hold bipartisan public hearings with the Kenneth Melson, William Hoover, Michael Mukasey, and others.

The House of Representatives has never voted to hold a sitting Attorney General in contempt. I don't think Republicans and Chairman Issa have provided us a real reason to do so today. Instead, they have prevented a legitimate investigation from taking place and con-

tinue to move the goalpost again and again to demand documents unrelated to the Fast and Furious Operations. Their conduct has revealed they are far more interested in getting Attorney General Holder than getting the facts. This has been a total abuse of power and process. I believe that we should be voting on the President's jobs bill today instead of this misguided and partisan resolution.

I urge my colleagues to join me in opposing this resolution.

Mr. ISSA. Mr. Speaker, I submit the following letters to Ranking Member ELIJAH CUMMINGS regarding H. Res. 711.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,

Washington, DC, May 30, 2012.

Hon. ELIJAH E. CUMMINGS,
Ranking Member, Committee on Oversight and Government Reform, House of Representatives, Washington, DC.

DEAR RANKING MEMBER CUMMINGS: This letter is a follow-up to my letter dated May 24, 2012 regarding the March 15, 2010 application for a wire intercept that the Justice Department authorized in support of Operation Fast and Furious.

ADDITIONAL WIRETAP APPLICATIONS OBTAINED
BY THE COMMITTEE

The Committee has obtained three additional wiretap applications from the Fast and Furious investigation, dated April 19, 2010, May 7, 2010, and May 18, 2010, respectively. These three applications pertain to four target telephone lines. Each application includes an accompanying memorandum, dated April 15, 2010, May 6, 2010, and May 14, 2010, respectively, from Assistant Attorney General of the Criminal Division Lanny A. Breuer to Paul M. O'Brien, Director, Office of Enforcement Operations, authorizing the interception application. The memoranda from Breuer were marked specifically for the attention of Emory Hurley, the lead federal prosecutor for Operation Fast and Furious.

In response to your personal request, I am enclosing copies of these three wiretap applications. Please take every precaution to treat them carefully and responsibly. I am hopeful that they will assist you in understanding the extent of information brought to the attention of senior officials in the Criminal Division who were responsible for reviewing the contents of the applications to determine if they were legally sufficient and conformed to Justice Department policy. The information is as vast as it is specific. These wiretap applications, signed by the late Deputy Assistant Attorney General John C. Keeney under the authority of his supervisor, Assistant Attorney General Breuer, provide additional insight into who knew—or should have known—what and when in Operation Fast and Furious.

To assist you in better understanding the facts, I appreciate the opportunity to provide relevant and necessary context for some of the information in these wiretap applications. Due to the sensitivity of the documents, individual targets and suspects will be referred to with anonymous designations. Nonetheless, you will see that the individuals referred to in the wiretap applications are well-known to our investigation.

FACTS LEARNED FROM THE FIRST WIRETAP
APPLICATION

As I understand it, the wiretap application authorized on March 15, 2010 was the first in this controversial case. Like many federal wiretap applications, the affidavit provided

significant details about the controversial operational tactics used in the case, such as breaking off surveillance of a suspect who had illegally purchased firearms. As we now know, as early as December 2009 agents from ATF and DEA knew that the main target of the case, Target 1, planned to acquire firearms for the purpose of transporting them to Mexico. In fact, the affidavit in the first wiretap application provides entire conversations obtained through a separate DEA wire intercept detailing Target 1's efforts. The affidavit acknowledges that while monitoring the DEA target telephone numbers, law enforcement officers intercepted calls that demonstrated that Target 1 was conspiring to purchase and transport firearms for the purpose of trafficking the firearms from the United States to Mexico.

At the time it was preparing the first wiretap affidavit, ATF was aware that from September 2009 to March 15, 2010, Target 1 acquired at least 852 firearms valued at approximately \$500,000 through straw purchasers. As of March 15, 2010, ATF had identified 21 of these straw purchasers. Between September 23, 2009 and January 27, 2010, 139 firearms purchased by these straw purchasers were recovered—81 of those in Mexico. These recoveries occurred one to 49 days after their purchase in Arizona. The document reflects that the Justice Department should have been fully aware that large sums of money were being used to purchase a large numbers of firearms, many of which were flowing across the border. In fact, ATF even knew the tactics the smugglers were using to bring the guns into Mexico. The straw purchasers would purchase the firearms in Arizona and then transport them either to Mexico or a location near the U.S.-Mexico border from which others would drive the guns into Mexico.

The first wiretap application in Fast and Furious contains rich detail about the transactions by many of the straw purchasers. Given this detail, it shocks the conscience that federal law enforcement officials intentionally abandoned surveillance. Even more shocking is that upon reviewing these facts, senior Justice Department officials authorized the wiretap applications instead of shutting down the investigation.

NEW INFORMATION CONTAINED IN ADDITIONAL WIRETAP APPLICATIONS

These three additional wiretap applications further demonstrate that senior officials in the Justice Department's Criminal Division failed to sound the alarm, despite being presented with unmistakable evidence of the extent of the Fast and Furious gun trafficking ring. Given the danger involved, these officials should have intervened without hesitation. Throughout this investigation, one of my goals has been to hold these officials accountable for their management failures. In public statements, you have indicated you agree with this objective. Given this new evidence obtained by the Committee, I expect you to join me in seeking to hold these officials accountable.

SENIOR DOJ OFFICIALS KNEW BY MAY 2010 THAT AT LEAST 1,500 FIREARMS WERE INVOLVED, AND RECOVERIES IN MEXICO WERE ONGOING

The affidavits for the additional wiretap applications demonstrate that senior officials at both ATF and Justice Department headquarters knew that Target 1 was continuing to acquire firearms illegally and traffic them to Mexico. By April 19, 2010, Target 1 had acquired at least 1,217 firearms through straw purchasers, costing approximately \$800,000. By May 17, 2010, less than a

month later, Target 1 had acquired nearly 300 additional firearms. Between September 23, 2009 and March 23, 2010, 302 of these firearms were recovered, including 182 in Mexico and 116 along the U.S.-Mexico border. These recoveries occurred between one and 105 days after the firearms were purchased in Arizona. The affidavits illustrate that ATF allowed Target 1 to continue to operate the firearms trafficking ring despite evidence indicating that they should have shut it down. Senior Department officials also failed to act on these facts. As a result, Target 1 was able to acquire even more firearms.

MONITORED PHONE CALLS DETAIL LARGE NUMBERS OF FIREARMS

The affidavits include details of phone conversations showing that Target 1 and related straw purchasers were heavily involved in illegal firearms trafficking. For example, one affidavit details recorded conversations over the course of a 30-day period between Straw Purchaser Y and a cooperating FFL. In each of these recorded conversations, Straw Purchaser Y discussed future firearms purchases from the FFL. Following each of those conversations, Straw Purchaser Y later arrived at the FFL and purchased firearms.

In that month alone, Straw Purchaser Y bought a total of 120 AK-47 type rifles, 6 FN Herstal 5.7 caliber pistols, a Springfield Armory .40 caliber pistol, a Glock .45 caliber pistol, a Colt model "El Jefe" .38 super, and a Barrett .50 caliber rifle. One person's purchase of over 120 assault-type firearms in less than a month should have set off alarm bells for Criminal Division lawyers reading these affidavits. That fact alone should have been enough for a senior Department official to stop this program. Nobody did. This failure to raise an alarm represents a major breakdown in leadership.

SURVEILLANCE CONTINUES ON THE ILLEGAL PURCHASE AND TRANSFER OF FIREARMS

In addition to recording conversations of straw purchasers, ATF surveillance units continued to observe them buy guns illegally. For example, on April 16, 2010 surveillance units witnessed Straw Purchaser Y buy three Barrett .50-caliber rifles at a cost of \$9,000 each from an FFL. Surveillance followed Straw Purchaser Y and observed him transfer at least one of the rifles into a vehicle registered to Target 1. After the transfer, surveillance followed Target 1's vehicle to the residence of Straw Purchaser V, where the firearm was unloaded from the vehicle. Again, law enforcement did not interdict these guns or make an arrest.

On April 24, 2010, surveillance units observed Straw Purchaser Y purchase three FN Herstal 5.7 mm pistols from the same FFL. Later that day, surveillance units followed Straw Purchaser Y to his residence, where the same vehicle belonging to Target 1 was parked. After leaving Straw Purchaser Y's residence, the vehicle was later observed at the residence of Straw Purchaser V. At that point, surveillance was simply terminated.

A Barrett .50-caliber is a fearsome rifle that New York City Police Commissioner Ray Kelly has called a "weapon of war." Senior Justice Department officials should have asked tough questions of ATF about the circumstances surrounding each of these purchases. Given the circumstances of these purchases and the subsequent transfer to Target 1's vehicle, senior Department officials had a duty to intervene in the operation to ensure that it was being conducted in accordance with the law and Department policy. Instead, they stood by as the straw purchasing ring continued unabated.

TRACKING BORDER CROSSINGS

The affidavits also describe Target 1's border crossings, some of which occurred immediately following periods of buying from the straw purchasers. From December 17, 2009 to March 23, 2010, Target 1 made 13 documented crossings from Mexico into the United States. Eleven of these crossings occurred at Texas points of entry.

On December 31, 2009, Straw Purchaser Y purchased seven firearms. The following day, Target 1 crossed by vehicle from Mexico into the United States via a port of entry in Fabens, Texas. From December 30, 2009 to January 15, 2010, Straw Purchaser Y and Straw Purchaser Z purchased a combined total of 80 firearms. Then, on January 18, 2010, Target 1 again crossed from Mexico into the United States via the Faben, Texas point of entry. From January 26, 2010 to February 12, 2010, Straw Purchaser B, Straw Purchaser N, and Straw Purchaser Y purchased 62 firearms combined. On February 13, February 15, and February 16, 2010, Target 1 crossed by vehicle from Mexico into the United States via a port of entry in El Paso, Texas. From April 6, 2010 to April 24, 2010, Straw Purchaser Y purchased 24 firearms. On April 26, 2010, Target 1 crossed by vehicle from Mexico into the United States via a port of entry in Lukeville, Arizona. The affidavits also state that Target 1 routinely travelled to El Paso, Texas. In fact, according to the affidavits, intercepted phone calls show that at that time, Target 1 was engaging in conversations relating to firearms trafficking with individuals in and around El Paso, Texas.

Moreover, one of the affidavits states that ATF agents believed Straw Purchaser Y was also traveling to El Paso, Texas to receive U.S. currency to transport back to Mexico for future gun purchases in the Phoenix, Arizona area. For example, on March 23, 2010, the day after Straw Purchaser Y returned from El Paso, Texas, Straw Purchaser M, Straw Purchaser N, and Straw Purchaser Q purchased a total of 30 AK-47 type rifles and 7.62x39 caliber ammunition from Phoenix, Arizona FFLs. Straw Purchaser Y traveled to El Paso, Texas on two occasions after March 21, 2010. On both occasions, Straw Purchaser Y drove to El Paso, Texas, stayed at a hotel approximately one day, and then drove back to Phoenix, Arizona. On the second occasion, surveillance units observed Straw Purchaser Y meeting with an unknown individual before returning to Phoenix, Arizona a short time later.

CONCLUSION

These wiretap affidavits show that straw purchasers were buying massive numbers of guns from Phoenix area FFLs, and that federal law enforcement officials were contemporaneously aware of many of these sales. By monitoring and recording phone calls and conducting extensive surveillance, ATF tracked the actions of the firearms trafficking ring. ATF knew, and shared with the Criminal Division, that Target 1 facilitated the illegal transfer of these firearms to Mexico for the drug cartels. The volume of firearms distributed by the gun trafficking ring was a major threat to public safety. Despite the volume of information gathered through this field work, no one in ATF or Justice Department headquarters took action. This is inexcusable.

The new facts these wiretap applications reveal are dismaying. More than we previously believed, senior officials at the Department of Justice were aware of specific information about ATF's efforts to monitor illegal transactions and subsequently abandon surveillance. Now, more than ever, it is

imperative that you join me in demanding that these senior officials be held accountable.

Sincerely,

DARRELL ISSA,
Chairman.

CONGRESS OF THE UNITED STATES,
COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM,
Washington, DC, June 1, 2012.

Hon. ELIJAH E. CUMMINGS,
Ranking Member, Committee on Oversight and
Government Reform, House of Representa-
tives, Washington, DC.

DEAR RANKING MEMBER CUMMINGS: This letter is a follow-up to my letters dated May 24, 2012 and May 30, 2012 regarding the applications for wire intercepts the Justice Department authorized on March 15, 2010, April 19, 2010, May 7, 2010, and May 18, 2010 in support of Operation Fast and Furious.

ADDITIONAL WIRETAP APPLICATIONS OBTAINED BY THE COMMITTEE

The Committee has obtained two additional wiretap applications from the Fast and Furious investigation, dated June 2, 2010 and July 2, 2010. These two applications pertain to two target telephone lines. Each application includes an accompanying memorandum, dated June 1, 2010 and July 1, 2010, respectively, from Assistant Attorney General Lanny A. Breuer to Paul M. O'Brien, Director of the Office of Enforcement Operations, authorizing the interception application. The memoranda from Breuer were marked specifically for the attention of Emory Hurley, the lead federal prosecutor for Operation Fast and Furious.

These documents further highlight the scope and volume of information known by the Department of Justice, including senior officials in the Criminal Division, about Fast and Furious. Between March and July 2010, these officials had access to rapidly mounting evidence of firearms trafficking and gunwalking, and had multiple opportunities to halt Operation Fast and Furious. They did not. Instead, these officials authorized the wiretap applications, and Fast and Furious continued unabated.

In response to your personal request, I am enclosing copies of these two wiretap applications. Please take every precaution to treat them carefully and responsibly. I am hopeful that they will assist you in understanding the extent of information brought to the attention of senior officials in the Criminal Division who were responsible for reviewing the contents of the applications to determine if they were legally sufficient and conformed to Justice Department policy. The information they contain is as vast as it is specific. These wiretap applications were signed by Jason M. Weinstein and Kenneth A. Blanco, respectively, under the authority of their supervisor, Assistant Attorney General Breuer.

To assist you in better understanding the facts, I appreciate the opportunity to provide relevant and necessary context for some of the information in these wiretap applications. Due to the sensitivity of the documents, individual targets and suspects will be referred to with anonymous designations. Nonetheless, you will see that the individuals referred to in the wiretap applications are well-known to our investigation.

FACTS LEARNED FROM THE PRIOR WIRETAP APPLICATIONS

The prior four wiretap applications provided a breathtaking amount of facts and details about the operational tactics used in

Fast and Furious. The applications demonstrate that ATF knew as early as December 2009 that the main target of the case, Target 1, planned to acquire firearms for the purpose of transporting them to Mexico. In fact, the applications include entire conversations obtained through a DEA wire intercept demonstrating Target 1's specific plans. The applications acknowledge that while monitoring the DEA target telephone numbers, law enforcement officers intercepted calls that demonstrated that Target 1 was conspiring to purchase and transport firearms for the purpose of trafficking the firearms from the United States to Mexico.

The applications include transcripts of phone conversations showing that Target 1 and related straw purchasers were heavily involved in illegal firearms trafficking. The applications describe ATF surveillance units observing straw purchasers buying guns illegally. The applications also describe Target 1's border crossings, which often coincided with firearms purchases by the straw buyers. The affidavits even show that firearms were recovered in Mexico soon after straw purchasers bought them in Arizona, sometimes the next day. Though aware of all of these facts, ATF did not arrest anyone in the gun trafficking ring until many months later.

NEW INFORMATION CONTAINED IN ADDITIONAL WIRETAP APPLICATIONS

These two additional wiretap applications further demonstrate that senior officials in the Justice Department's Criminal Division failed to sound the alarm, despite being presented with unmistakable evidence of the extent of the gun trafficking ring and the controversial tactics used in Fast and Furious. Given the danger involved, these officials should have intervened without hesitation. Throughout this investigation, one of my goals has been to hold these officials accountable for their management failures. In public statements, you have indicated you agree with this objective.

\$1 MILLION WORTH OF FIREARMS

From September 2009 to July 2010, Target 1 acquired over 1,500 firearms through his straw purchasers at a cost of approximately \$1,000,000. In other words, Target 1's firearms trafficking ring acquired at least an additional 700 guns at a cost of \$500,000 in approximately four months after the Justice Department authorized the first wiretap application.

From December 17, 2009 to July 2, 2010, Target 1 crossed from Mexico into the United States a total of 15 times. Thirteen of these 15 crossings occurred at Texas port of entries. According to the applications, Target 1 orchestrated both narcotics and firearms transactions with the intent to sell narcotics, purchase firearms, and then transport the firearms into Mexico from the United States. Although ATF and the Justice Department were aware of this information for many months, they took no steps to interrupt Target 1's criminal activities.

STRAW PURCHASERS BY THE NUMBERS

These additional wiretap applications again provide startling numbers regarding Target 1's straw purchasers. For example, by July 2, 2010, Straw Purchaser Y had purchased at least 616 firearms from the Arizona Federal Firearms Licensees (FFLs). Y purchased 125 of these guns between March 26, 2010 and June 5, 2010. By March 26, 2010, ATF had only recovered 81 firearms purchased by Straw Purchaser Y, including 28 in Mexico, within eight to 120 days after the firearms were purchased in Arizona.

Straw Purchaser Z had bought 281 firearms from Arizona FFLs by June 8, 2010. By July

2, 2010, at least 57 of these guns had been recovered in the possession of others or at crime scenes, either in the United States or Mexico. Surveillance units also observed a vehicle registered to Straw Purchaser Z parked in front of Target 1's residence from June 4, 2010 until June 7, 2010. On June 7, 2010, Customs and Border Protection officers observed Straw Purchaser Z and Target 1 crossing into the United States from Mexico in a vehicle registered to Straw Purchaser B.

Between January 26, 2010 and June 5, 2010, Straw Purchaser N purchased 96 firearms from Arizona FFLs. From October 5, 2009 through June 8, 2010, Straw Purchaser B bought 83 firearms from Arizona FFLs. In that same period, Straw Purchaser Q purchased 141 firearms.

The applications painstakingly document several of the straw purchasers' firearms acquisitions, including specific quantities, dates, and locations. The applications also specify to whom the firearms were transferred, and even at what specific crime scenes the guns were later recovered. Though fully aware that these firearms were being smuggled into the hands of the Mexican drug cartels, senior Department officials allowed the illegal purchases and transfers to continue. The continued acquisition of firearms by the gun trafficking network exacerbated the threat to public safety. Even when faced with these stark facts, senior Department officials failed to put an end to this operation.

ADDITIONAL WIRETAP APPLICATIONS

You now have a total of six applications for Fast and Furious. Officials in the Justice Department's Criminal Division authorized these applications on the following dates:

Wiretap	Date	Criminal Division Signature
1	March 10, 2010	Kenneth Blanco.
2/3	April 15, 2010	John Keeney.
4	May 6, 2010	John Keeney.
5	May 14, 2010	John Keeney.
6	June 1, 2010	Jason Weinstein.
7	July 1, 2010	Kenneth Blanco.

There may be additional wiretaps from Fast and Furious that are not currently in the Committee's possession. During his transcribed interview, Deputy Assistant Attorney General Jason Weinstein said:

Q. And did you review wiretap applications in Operation Fast and Furious?

A. I reviewed what I believe to be three of the wiretaps in Fast and Furious, in what I now know to be Fast and Furious.

Weinstein later clarified:

Q. How many did you authorize?

A. I authorized three to the best of my recollection.

Q. You were the signing official authorizing three?

A. On three of them, yes.

As the chart above reflects, however, Weinstein only signed one of the wiretaps currently in possession of the Committee. This leaves the likely possibility that at least two more wiretaps from Fast and Furious exist. To fully understand the scope of what the Criminal Division knew about Fast and Furious and when they knew it, it is essential that the Committee have access to these other two wiretap applications, if they exist.

CONCLUSION

The volume of information known to senior Justice Department officials regarding Fast and Furious by July 2, 2010 is overwhelming. Despite this, Fast and Furious continued for nearly seven more months. Notably, only after U.S. Border Patrol Agent Brian Terry's murder were arrests made and

indictments issued. In light of the information contained in these wiretap affidavits, approved under Assistant Attorney General Breuer's authority, Washington, D.C.-based Justice Department officials can no longer disclaim responsibility in failing to shut down Fast and Furious. We now know numerous senior officials had access to information about the controversial and dangerous operational tactics used in Fast and Furious.

At the Committee's February 2, 2012 hearing with the Attorney General, you stated that we "now have all the facts." These wiretap applications prove that your comment was premature. The information contained in these wiretaps underscores the reality that we do not have all the facts. I hope you will join me in strongly urging the Department of Justice to cooperate with our investigation fully until we obtain all the facts and it holds those responsible for authorizing the continuance of this operation accountable.

Sincerely,

DARRELL ISSA,
Chairman.

Mrs. LOWEY. Mr. Speaker, for the first time in the history of the House of Representatives, the House majority has brought a contempt vote against the Attorney General of the United States, even though he has complied with federal law. This act is purely political and unnecessary.

Chairman ISSA has admitted that he has no evidence that the Attorney General authorized, condoned, or was even aware of Operation Fast and Furious, nor does he have any evidence of wrongdoing. Rather, the evidence shows that as soon as the Attorney General was aware of the gunwalking program he immediately halted it and ordered an investigation by the Office of the Inspector General. To date, the Attorney General has provided thousands of pages of documents and testified before Congress nine times. The House Majority's unprecedented political attack, despite any evidence of wrongdoing, flies in the face of our justice system and is a disservice to the American people.

The death of Border Patrol Agent Brian Terry is tragic, and the criminals responsible for his death should be prosecuted to the full extent of the law. Sadly, the goal of today's vote is not to bring justice for Agent Terry, secure our border, eliminate illegal guns, or even uphold the law. Today's vote is an attempt to discredit the President of the United States and the Attorney General through whatever means necessary, with no regard to evidence, a fair process, or the truth.

The American people want Congress to focus on growing the economy. If Congress does not act by the end of this year, taxes will rise on every American, and the government will face massive budget cuts that our economy cannot afford. The House should be focused on creating jobs for Americans, not ending the tenure of the Attorney General.

Ms. SEWELL. Mr. Speaker, yesterday's contempt votes were yet another example of partisan politics and an attempt by House Republicans to discredit the Obama Administration. I could not, in good conscience, participate in such deception and disservice to the American people. To simply vote against the House Resolution does not adequately demonstrate the outrage and disdain that I feel about this unfair and woefully political vote.

Ms. CLARKE of New York. Mr. Speaker, I am disheartened by the Republican majority's decision to hold Attorney General Eric Holder in contempt and am deeply concerned with the partisan basis of this investigation.

For the first time in the history of the United States House of Representatives, a Cabinet official, in this case an Attorney General has been held in contempt of Congress—simply for doing his job. This act is a deliberate misuse of power which I hope will be challenged.

In the previous sessions of Congress, the Oversight Committee has been a watchdog, ensuring that our Government works as effectively and efficiently as possible. Whether it was investigating our government's failed response to Hurricane Katrina, or investigating our government's role in the financial crisis, the Oversight Committee has been at the forefront of issues that concern the American people.

However, during this 112th Congress, the Oversight Committee's leadership has pressed for an investigation, requesting irrelevant documents, and narrowly focusing his inquiries on the current Attorney General's continuation of a program established long before his tenure. Attorney General Holder has cooperated with the Oversight Committee's investigation, providing thousands of documents on the operation. However, after finding no wrongdoing, the Oversight Committee's leadership remains unsatisfied with its investigation into the Department of Justice.

This political showboating has forced the President to get involved and invoke executive privilege, an implied Constitutional power given to the President, because the Framers deemed it important that the President and his Officers were given the freedom to act candidly under certain circumstances, primarily with regard to foreign policy and national security.

Our system of government depends on a separation of powers that allows Congress to enact laws and the President to execute these laws, as mandated by Article 1 and Article 2 of the Constitution. The Republican majority in the House of Representatives has decided to interfere with the authority of the Attorney General, who was appointed by President Obama and confirmed by a bipartisan majority of the Senate, to implement policy.

In addition, the vote to hold Attorney General Holder in contempt indicates that many in Congress are more interested in preventing President Obama and the officials he has appointed from fulfilling their duties than in talking about the issues that matter to the American people.

We are not debating proposals to create jobs today. We are not debating immigration reform. Why? Republicans have decided to investigate the internal deliberations of the Department of Justice, a 15-month investigation that has not revealed any misconduct—an investigation by the Committee on Oversight and Government Reform with which Attorney General Holder has cooperated. This vote creates a dangerous precedent for the future.

This is not the time for politics or games. We have all taken an oath to serve the American people and today's vote is a disservice to the women and men whose interests have been repeatedly ignored. I am certain that the

millions of Americans, who want to restore our economic prosperity, share my disappointment.

With this in mind, I urge all of my colleagues, on both sides of the aisle, to walk out in opposition to or oppose the vote to hold Attorney General Eric Holder in contempt. Cooperation between Congress and the Executive Branch, as a matter of national security, should not be a partisan issue.

The SPEAKER pro tempore. All time for debate on the motion to refer has expired.

Pursuant to House Resolution 708, the previous question is ordered on the motion to refer.

The question is on the motion to refer.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. DINGELL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX and House Resolution 708, this 15-minute vote on the motion to refer will be followed by 5-minute votes on a motion to recommend, if offered; adoption of the resolution, if ordered; motion to suspend on H.R. 1447, if ordered; and motion to suspend on H.R. 3173, if ordered.

The vote was taken by electronic device, and there were—yeas 172, nays 251, not voting 9, as follows:

[Roll No. 440]

YEAS—172

Ackerman	DeLauro	Lee (CA)
Andrews	Deutch	Levin
Baca	Dicks	Lewis (GA)
Baldwin	Dingell	Lipinski
Barber	Doggett	Loeb sack
Bass (CA)	Doyle	Lofgren, Zoe
Becerra	Edwards	Lowe y
Berkley	Ellison	Lujan
Berman	Engel	Lynch
Bishop (GA)	Eshoo	Maloney
Bishop (NY)	Farr	Markey
Blumenauer	Fattah	Matsui
Bonamici	Filner	McCarthy (NY)
Boswell	Frank (MA)	McCollum
Brady (PA)	Fudge	McDermott
Braley (IA)	Garamendi	McGovern
Brown (FL)	Gonzalez	McNerney
Butterfield	Green, Al	Meeks
Capps	Green, Gene	Michaud
Capuano	Grijalva	Miller (NC)
Carnahan	Gutierrez	Miller, George
Carney	Hahn	Moore
Carson (IN)	Hanabusa	Moran
Castor (FL)	Hastings (FL)	Murphy (CT)
Chu	Heinrich	Nadler
Cicilline	Higgins	Neal
Clarke (MI)	Himes	Olver
Clarke (NY)	Hinchey	Pallone
Clay	Hinojosa	Pascarell
Cleaver	Hirono	Pastor (AZ)
Clyburn	Holden	Pelosi
Cohen	Holt	Perlmutter
Connolly (VA)	Honda	Peters
Conyers	Hoyer	Pingree (ME)
Cooper	Israel	Polis
Costa	Jackson Lee	Price (NC)
Costello	(TX)	Quigley
Courtney	Johnson (GA)	Rangel
Critz	Kaptur	Reyes
Crowley	Keating	Richardson
Cuellar	Kildee	Richmond
Cummings	Kind	Rothman (NJ)
Davis (CA)	Kucinich	Roybal-Allard
Davis (IL)	Langevin	Ruppersberger
DeFazio	Larsen (WA)	Rush
DeGette	Larson (CT)	

Sánchez, Linda T.
 Sanchez, Loretta
 Sarbanes
 Schakowsky
 Schiff
 Schrader
 Schwartz
 Scott (VA)
 Scott, David
 Serrano
 Sewell
 Sherman

NAYS—251

Adams
 Aderholt
 Akin
 Alexander
 Altmire
 Amash
 Amodei
 Austria
 Bachmann
 Bachus
 Barletta
 Barrow
 Bartlett
 Barton (TX)
 Bass (NH)
 Benishek
 Berg
 Biggert
 Bilbray
 Bilirakis
 Black
 Blackburn
 Bonner
 Bono Mack
 Boren
 Boustany
 Brady (TX)
 Brooks
 Broun (GA)
 Buchanan
 Bucshon
 Buerkle
 Burgess
 Burton (IN)
 Calvert
 Camp
 Campbell
 Canseco
 Cantor
 Capito
 Carter
 Cassidy
 Chabot
 Chaffetz
 Chandler
 Coble
 Coffman (CO)
 Cole
 Conaway
 Cravaack
 Crawford
 Crenshaw
 Culberson
 Davis (KY)
 Denham
 Dent
 DesJarlais
 Diaz-Balart
 Dold
 Donnelly (IN)
 Dreier
 Duffy
 Duncan (SC)
 Duncan (TN)
 Ellmers
 Emerson
 Farenthold
 Fincher
 Fitzpatrick
 Flake
 Fleischmann
 Fleming
 Flores
 Forbes
 Fortenberry
 Foxx
 Franks (AZ)
 Frelinghuysen
 Gallegly
 Gardner

Garrett
 Gerlach
 Gibbs
 Gibson
 Gingrey (GA)
 Gohmert
 Goodlatte
 Gosar
 Gowdy
 Granger
 Graves (GA)
 Graves (MO)
 Griffin (AR)
 Griffith (VA)
 Grimm
 Guinta
 Guthrie
 Hall
 Hanna
 Harper
 Harris
 Hartzler
 Hastings (WA)
 Heck
 Hensarling
 Herger
 Herrera Beutler
 Hochul
 Huelskamp
 Huizenga (MI)
 Hultgren
 Hunter
 Hurt
 Issa
 Jenkins
 Johnson (IL)
 Johnson (OH)
 Johnson, Sam
 Jones
 Jordan
 Kelly
 King (IA)
 King (NY)
 Kingston
 Kinzinger (IL)
 Kissell
 Kline
 Labrador
 Lance
 Landry
 Lankford
 Latham
 LaTourette
 Latta
 LoBiondo
 Long
 Lucas
 Luetkemeyer
 Lummis
 Lungren, Daniel
 E.
 Mack
 Manzullo
 Marchant
 Marino
 Matheson
 McCarthy (CA)
 McCaul
 McClintock
 McCotter
 McHenry
 McIntyre
 McKeon
 McKinley
 McMorris
 Rodgers
 Meehan
 Mica
 Miller (FL)

Van Hollen
 Velázquez
 Visclosky
 Wasserman
 Speier
 Schultz
 Waters
 Watt
 Waxman
 Welch
 Wilson (FL)
 Woolsey
 Yarmuth

Miller (MI)
 Miller, Gary
 Mulvaney
 Murphy (PA)
 Myrick
 Neugebauer
 Noem
 Nugent
 Nunes
 Nunnelee
 Olson
 Owens
 Palazzo
 Paul
 Paulsen
 Pearce
 Pence
 Peterson
 Petri
 Pitts
 Platts
 Poe (TX)
 Pompeo
 Posey
 Price (GA)
 Quayle
 Rahall
 Reed
 Rehberg
 Reichert
 Renacci
 Ribble
 Rigell
 Rivera
 Roby
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Rokita
 Rooney
 Ros-Lehtinen
 Roskam
 Ross (AR)
 Ross (FL)
 Royce
 Runyan
 Ryan (WI)
 Scalise
 Schilling
 Schmidt
 Schock
 Schweikert
 Scott (SC)
 Scott, Austin
 Sensenbrenner
 Sessions
 Shimkus
 Shuster
 Simpson
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Southerland
 Stearns
 Stivers
 Sullivan
 Terry
 Thompson (PA)
 Thornberry
 Tiberi
 Tipton
 Turner (NY)
 Turner (OH)
 Upton
 Walberg
 Walden
 Walsh (IL)
 Walz (MN)

Webster
 West
 Westmoreland
 Whitfield
 Wilson (SC)

Bishop (UT)
 Cardoza
 Hayworth

Wittman
 Wolf
 Womack
 Woodall
 Yoder

NOT VOTING—9

Jackson (IL)
 Johnson, E. B.
 Lewis (CA)

Young (AK)
 Young (FL)
 Young (IN)

Napolitano
 Ryan (OH)
 Stutzman

Landry
 Lankford
 Latham
 Latta
 LoBiondo
 Long
 Lucas
 Luetkemeyer
 Lummis
 Lungren, Daniel
 E.
 Mack
 Manzullo
 Marchant
 Marino
 Matheson
 McCarthy (CA)
 McCaul
 McClintock
 McCotter
 McHenry
 McIntyre
 McKeon
 McKinley
 McMorris
 Rodgers
 Meehan
 Mica
 Miller (FL)
 Miller (MI)
 Miller, Gary
 Mulvaney
 Murphy (PA)
 Myrick
 Neugebauer
 Noem
 Nugent
 Nunes
 Nunnelee
 Olson
 Owens

Palazzo
 Paul
 Paulsen
 Pearce
 Pence
 Peterson
 Petri
 Pitts
 Platts
 Poe (TX)
 Pompeo
 Posey
 Price (GA)
 Quayle
 Rahall
 Reed
 Rehberg
 Reichert
 Renacci
 Ribble
 Rivera
 Roby
 Roe (TN)
 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rogers (MI)
 Rohrabacher
 Rokita
 Rooney
 Ros-Lehtinen
 Roskam
 Ross (AR)
 Ross (FL)
 Royce
 Runyan
 Ryan (WI)
 Scalise
 Schilling
 Schmidt
 Schock
 Schweikert

NOES—67

Baldwin
 Barber
 Berkley
 Berman
 Bishop (NY)
 Blumenauer
 Bonamici
 Braley (IA)
 Capps
 Cohen
 Connolly (VA)
 Cooper
 Costello
 Courtney
 Cuellar
 DeFazio
 DeLauro
 Deutch
 Dicks
 Dingell
 Doggett
 Ehrsho
 Farr

Green, Gene
 Heinrich
 Higgins
 Himes
 Hirono
 Holden
 Holt
 Langevin
 Larsen (WA)
 LaTourette
 Loebbeck
 Lofgren, Zoe
 Lujan
 Lynch
 McDermott
 McNeerney
 Michaud
 Miller (NC)
 Miller, George
 Moran
 Murphy (CT)
 Nadler
 Pastor (AZ)

Scott (SC)
 Scott, Austin
 Sensenbrenner
 Sessions
 Shimkus
 Shuster
 Petri
 Simpson
 Smith (NE)
 Smith (NJ)
 Smith (TX)
 Southerland
 Stearns
 Stivers
 Stutzman
 Sullivan
 Terry
 Thompson (PA)
 Thornberry
 Tiberi
 Tipton
 Turner (NY)
 Turner (OH)
 Upton
 Walberg
 Walden
 Walsh (IL)
 Walz (MN)
 Webster
 West
 Westmoreland
 Whitfield
 Wilson (SC)
 Wittman
 Wolf
 Womack
 Woodall
 Yoder
 Young (AK)
 Young (FL)
 Young (IN)

Messrs. THOMPSON of Pennsylvania, WALDEN, Ms. JENKINS, Mrs. ROBY, Messrs. MURPHY of Pennsylvania, SCALISE, KINGSTON, and HALL changed their vote from “yea” to “nay.”

Mr. RICHMOND and Ms. LORETTA SANCHEZ of California changed their vote from “nay” to “yea.”

So the motion to refer was rejected. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GRIMM. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 255, noes 67, answered “present” 1, not voting 109, as follows:

[Roll No. 441]

AYES—255

Adams
 Aderholt
 Akin
 Alexander
 Altmire
 Amash
 Amodei
 Austria
 Bachmann
 Bachus
 Barletta
 Barrow
 Bartlett
 Barton (TX)
 Bass (NH)
 Benishek
 Berg
 Biggert
 Bilbray
 Bilirakis
 Bishop (UT)
 Black
 Blackburn
 Bonner
 Bono Mack
 Boren
 Boswell
 Boustany
 Brady (TX)
 Brooks
 Broun (GA)
 Buchanan
 Bucshon
 Buerkle
 Burgess
 Burton (IN)
 Calvert
 Camp
 Campbell
 Canseco
 Cantor
 Capito
 Carter
 Cassidy
 Chabot

Chaffetz
 Chandler
 Coble
 Coffman (CO)
 Cole
 Conaway
 Cravaack
 Crawford
 Crenshaw
 Critz
 Culberson
 Davis (KY)
 Denham
 Dent
 DesJarlais
 Diaz-Balart
 Dold
 Donnelly (IN)
 Dreier
 Duffy
 Duncan (SC)
 Duncan (TN)
 Ellmers
 Emerson
 Farenthold
 Fincher
 Fitzpatrick
 Flake
 Fleischmann
 Fleming
 Flores
 Forbes
 Fortenberry
 Foxx
 Franks (AZ)
 Frelinghuysen
 Gallegly
 Gardner
 Garrett
 Gerlach
 Gibbs
 Gibson
 Gingrey (GA)
 Gohmert
 Goodlatte

Gosar
 Gowdy
 Granger
 Graves (GA)
 Graves (MO)
 Griffin (AR)
 Griffith (VA)
 Grimm
 Guinta
 Guthrie
 Hall
 Hanna
 Harper
 Harris
 Hartzler
 Hastings (WA)
 Hayworth
 Heck
 Hensarling
 Herger
 Herrera Beutler
 Hochul
 Huelskamp
 Huizenga (MI)
 Hultgren
 Hunter
 Hurt
 Issa
 Jenkins
 Johnson (IL)
 Johnson (OH)
 Johnson, Sam
 Jones
 Jordan
 Kelly
 Kind
 King (IA)
 King (NY)
 Kingston
 Kinzinger (IL)
 Kissell
 Kline
 Labrador
 Lamborn
 Lance

ANSWERED “PRESENT”—1

Lipinski

NOT VOTING—109

Ackerman
 Andrews
 Baca
 Bass (CA)
 Becerra
 Bishop (GA)
 Brady (PA)
 Brown (FL)
 Butterfield
 Capuano
 Cardoza
 Carnahan
 Carney
 Carson (IN)
 Castor (FL)
 Chu
 Cicilline
 Clarke (MI)
 Clarke (NY)
 Clay
 Cleaver
 Clyburn
 Conyers
 Costa

Crowley
 Cummings
 Davis (CA)
 Davis (IL)
 DeGette
 Doyle
 Edwards
 Ellison
 Engel
 Fattah
 Filner
 Frank (MA)
 Fudge
 Garamendi
 Gonzalez
 Green, Al
 Grijalva
 Gutierrez
 Hahn
 Hanabusa
 Hastings (FL)
 Hinchey
 Hinojosa
 Honda

Perlmutter
 Quigley
 Rigell
 Rothman (NJ)
 Ryan (OH)
 Sanchez, Loretta
 Schrader
 Schwartz
 Sherman
 Shuler
 Shuster
 Smith (WA)
 Speier
 Sutton
 Thompson (CA)
 Tierney
 Michaud
 Miller (NC)
 Miller, George
 Moran
 Murphy (CT)
 Nadler
 Pastor (AZ)

Moore	Richardson	Sewell
Napolitano	Richmond	Sires
Neal	Roybal-Allard	Stark
Oliver	Ruppersberger	Thompson (MS)
Pallone	Rush	Tonko
Pascarell	Sánchez, Linda	Towns
Pelosi	T.	Van Hollen
Peters	Sarbanes	Velázquez
Pingree (ME)	Schakowsky	Waters
Polis	Schiff	Watt
Price (NC)	Scott (VA)	Wilson (FL)
Rangel	Scott, David	Woolsey
Reyes	Serrano	Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1639

Mr. LATOURETTE changed his vote from “aye” to “no.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM TO INITIATE OR INTERVENE IN JUDICIAL PROCEEDINGS TO ENFORCE CERTAIN SUBPOENAS

Mr. ISSA. Mr. Speaker, pursuant to House Resolution 708, I call up the resolution (H. Res. 706) authorizing the Committee on Oversight and Government Reform to initiate or intervene in judicial proceedings to enforce certain subpoenas.

The Clerk read the title of the resolution.

The SPEAKER pro tempore (Mr. BASS of New Hampshire). Pursuant to House Resolution 708, the resolution is considered read.

The text of the resolution is as follows:

H. RES. 706

Resolved, That the Chairman of the Committee on Oversight and Government Reform is authorized to initiate or intervene in judicial proceedings in any Federal court of competent jurisdiction, on behalf of the Committee on Oversight and Government Reform, to seek declaratory judgments affirming the duty of Eric H. Holder, Jr., Attorney General, U.S. Department of Justice, to comply with any subpoena that is a subject of the resolution accompanying House Report 112-546 issued to him by the Committee as part of its investigation into the United States Department of Justice operation known as “Fast and Furious” and related matters, and to seek appropriate ancillary relief, including injunctive relief.

SEC. 2. The Committee on Oversight and Government Reform shall report as soon as practicable to the House with respect to any judicial proceedings which it initiates or in which it intervenes pursuant to this resolution.

SEC. 3. The Office of General Counsel of the House of Representatives shall, at the authorization of the Speaker, represent the Committee on Oversight and Government Reform in any litigation pursuant to this resolution. In giving that authorization, the Speaker shall consult with the Bipartisan

Legal Advisory Group established pursuant to clause 8 of rule II.

The SPEAKER pro tempore. The gentleman from California (Mr. ISSA) and the gentleman from Maryland (Mr. CUMMINGS) each will control 10 minutes.

The Chair recognizes the gentleman from California.

Mr. ISSA. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LUNGREN).

Mr. DANIEL E. LUNGREN of California. Mr. Speaker, we’ve just had a very important vote and some would ask what this second vote is about.

This second vote is a simple authorization for the committee involved to be able to essentially hire counsel that would allow us to go into court to seek a declaratory judgment by the Federal court to enforce the subpoenas that have been presented by this committee to the Attorney General of the United States. It’s a simple, straightforward resolution.

Why is it important? One of our obligations under the Constitution is to provide oversight of the executive branch. There are those in this body who have been here and engaged in debate with respect to important items such as the PATRIOT Act and FISA. One of the things that we’ve attempted to assure our constituents was that we would ensure that the constitutional rights of Americans would not be trampled upon as we carry out the appropriate responsibility of protecting this country and our constituents against terrorist attack. That requires us to provide active oversight over the executive branch.

Similarly, in this case, we have an obligation to stand in the shoes of those we represent, to oversee the operations of the executive branch—in this case, the Department of Justice—to ensure that they are following the law.

□ 1650

One manner in which that can be frustrated is by a department—in this case, the Department of Justice—that refuses to respond to lawful subpoenas and give us the information so that we can do that oversight. That is what we were talking about.

This Congress, this House of Representatives, was misled. I don’t know whether it was intentional or not. I do know we were misled by a representation from the Justice Department in an official response to an inquiry by the Congress of the United States. That was not corrected for 10 months.

You can look at it a couple of ways. One is that there was an attempt to slow-walk the Congress so that it could not carry out its constitutional responsibility. There is a lot of talk on this floor by both Democrats and Republicans as to how we have an obligation to oversee the executive branch. In fact, one of the genius points of our

Founding Fathers’ Constitution is that conflict between or among the three branches of government, that natural tension. But that natural tension cannot exist and we cannot do that which we are called upon under the Constitution to do faithfully if we are denied information to oversee the operations of the Department of Justice.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ISSA. I yield the gentleman an additional 30 seconds.

Mr. DANIEL E. LUNGREN of California. So all we are doing simply is asking for the authorization so that this committee can have the representation of counsel to see that these subpoenas are carried out. Since we have been given every sense from the Justice Department that it would be folly, in a sense, to suggest that they would carry out the actions that we just voted upon against the Attorney General, this is the method by which we can achieve that which we are required to do; that is, to carry out oversight responsibility against the executive department, including the Department of Justice.

Mr. CUMMINGS. I yield 2 minutes to the gentleman from the District of Columbia (Ms. NORTON).

Ms. NORTON. I thank the gentleman for yielding.

I have come back from walking out of this proceeding to address the serious, baseless charge of a coverup. No one in the majority has been able to charge that the Attorney General or his top lieutenants knew about the gunwalking initiated in the Bush administration because there is no evidence of that after 16 months of investigation.

This contempt resolution stems from a letter from the Justice Department correcting the record resulting from a prior letter written in the Legislative Affairs section of the Justice Department that there was no gunwalking. That letter relied on statements of ATF officials and Justice Department officials who this Justice Department then fired and did its own investigation. So what you have is contempt for correcting the record.

What the Justice Department did was the opposite of a coverup. But it is alleged that if the Department has nothing to hide, it would simply turn over everything in its possession. The other side has gone so far as to say that when the President invoked executive privilege, he too was implicated in a coverup. But the Supreme Court itself has said that while the privilege is not absolute—and here I am quoting—human experience teaches us that those who expect public dissemination of their remarks may well temper candor with concerns for appearances. Thus, Presidents have repeatedly asserted executive privilege to protect confidential executive branch deliberative materials from congressional subpoena.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CUMMINGS. I yield the gentleman 30 additional seconds.

Ms. NORTON. The last leg of today's weak reed of contempt is the claim that the President asserted executive privilege too late. Why not from the beginning?

The President, like every President before him, did not assert the privilege until negotiations broke down. But the committee proceeded without even examining the basis for the privilege, as prior Chairs of our committee have done. A coverup is the most irresponsible allegation of this debate because no evidence of a coverup has been submitted.

This subpoena is so partisan and political that I expect any court to do just what our committee should have done—compel the parties to sit down and negotiate.

Mr. ISSA. Mr. Speaker, it's amazing that people would say there's no evidence of a coverup when somebody says, No, we didn't do what we did, and then hides it for an additional 10 months. By any normal American standard, that would be a coverup.

With that, I yield 2 minutes to the gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. I thank the chair for yielding.

I rise today in support of the motion for civil contempt so we can get an attorney to proceed.

Normally under contempt, what happens is, we vote, like we just did, to hold someone in contempt, and it's turned over to the Department of Justice—in fact, the U.S. attorney for the District of Columbia—to pursue in district court. Unfortunately, the U.S. attorney is an employee and reports to the Attorney General, who was just found in contempt. And I am concerned that past history of stonewalling delays that are associated with getting us information and cooperating with us on Fast and Furious will continue and, in fact, there will be no prosecution of the contempt resolution we just voted out. So it is absolutely critical that the committee be given the authority to pursue this on their own if the Justice Department is not responsive.

I, therefore, urge all of my colleagues to join me in support of this civil contempt resolution.

Mr. CUMMINGS. I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

The contempt citation pending against Attorney General Holder is unfounded, unfair, and unwise. All of this involves questions about gunwalking. And we know that the Attorney General has handed over thousands of documents in response to multiple subpoenas. So we know that the

gunwalking policy began under the Bush administration. We know that President Bush's Attorney General, Michael Mukasey, was briefed on the policy, and it continued. We know that when Attorney General Holder found out about it, he shut the program down and called for an investigation.

If we want to know why the policy started, we should ask officials who served when it started during the Bush administration. If we want to know what Attorney General Holder knew about Fast and Furious, we should call the former Acting Director of the ATF, Ken Melson, who is on the record as saying that he would have been the one to have informed the Attorney General, but even he didn't know about Fast and Furious. But unfortunately, requests from the Democratic members of the House Committee on Oversight and Government Reform to call these witnesses have been rejected.

At this point, there has been no articulation of any useful information about the origins of gunwalking in Fast and Furious or the death of Agent Brian Terry that can be learned from the narrow set of documents still at issue, nor has there been any articulation of any legitimate legislative purpose that can be achieved. And, in fact, Chairman ISSA has silenced whistleblowers who testified about legislation to strengthen law enforcement tools on our southwestern border.

If the Speaker now insists on holding Attorney General Holder in contempt for failing to respond to more subpoenas, the Speaker should articulate with clarity what general purpose will be served by the response. If nothing legitimately useful is to be learned nor any legislative purpose is to be achieved with continued responses to these subpoenas, then it is time for the Attorney General to get back to work, along with the Members of the House.

Mr. ISSA. Mr. Speaker, I'm not sure if I heard the gentleman right when he said that I "silenced whistleblowers" in order to keep them from talking about gun control.

Is the gentleman disparaging and falsely claiming that I did something that I know for a fact I did not?

Mr. CUMMINGS. Will the gentleman yield?

Mr. ISSA. Of course.

Mr. CUMMINGS. I will tell you what you did. When you called the whistleblowers in, and the whistleblowers, who are ATF agents, and you know this—

Mr. ISSA. Reclaiming my time, it's pretty clear you are disparaging me, and you are disparaging me by making a claim that's untrue.

The bottom line is, in committee, witnesses were told that they need not answer questions that were not the subject of the hearing and, in fact, those witnesses were allowed and did answer questions by the minority hav-

ing to do with gun control, an issue they prefer to talk about rather than the cause of Brian Terry's death.

With that, I yield 2 minutes to the gentleman from Texas (Mr. McCAUL).

□ 1700

Mr. McCAUL. Mr. Speaker, as a former Federal prosecutor at the Department of Justice, I do not take these proceedings lightly. Above all, those at the Department cherish their integrity. Mr. Speaker, that integrity has now been impugned.

This is not about politics. It's about pursuit of the truth and justice. The definition of contempt is the willful disobedience to or open disrespect for the rules or orders of a court or legislative body. This definition falls squarely within the facts here.

When insiders revealed the government's role in Operation Fast and Furious, the Department of Justice falsely told Congress that whistleblowers weren't telling the truth. As Congress fulfilled its oversight obligations and tried to get to the bottom of how guns were put in the hands of Mexican drug cartels, ultimately killing Border Patrol Brian Terry, this administration refused to turn over crucial documents that would shed light on this. Instead, they asserted executive privilege at the eleventh hour, calling into question the validity of the privilege itself and at the same time demonstrating that communications were held at the highest levels in the government. In fact, the wiretaps, we all know, are approved at Main Justice.

Mr. Speaker, this Attorney General needs to be held accountable. The Terry family, the families of the Mexican people who have been slain, and the American people deserve no less.

Mr. CUMMINGS. I yield 2 minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. It is indeed a sad day today. As an officer that spent 26½ years wearing the United States Border Patrol uniform, it is regrettable for me today that we're here under these circumstances.

I want to acknowledge and thank the chairman and the ranking member for inviting me to go with them to Mexico City and visit at the U.S. Embassy about the circumstances around what led to the investigation of Fast and Furious. And to me, it's regrettable because we are here discussing the death of a Border Patrol agent. I went to the memorial service for Agent Brian Terry. I visited with his mom and his family that day. I went there because as a former Border Patrol agent I wanted to express sympathy and support, as I did so many times as a chief for agents that were killed in the line of duty.

So for me, it is particularly troubling that we're here politicizing the death of a United States Border Patrol agent. We ought to be about getting to the

circumstances of the investigation led under a U.S. Attorney under OCADETF. Both the ranking member and the chairman know that that was the controlling entity in this case.

I don't know except to say that it's pure basic politics that we've now spun this up to the level of the Attorney General. Having had the experience to supervise my agents that were part of OCADETF investigations and having had a number of conversations with my friends on the other side of the aisle who were experienced prosecutors, everybody here that has that experience knows that those controls don't go up to the level of the Attorney General.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CUMMINGS. I yield the gentleman an additional 30 seconds.

Mr. REYES. So we're here taking a lot of time when we should be discussing things that are a priority to the American people. We're here under the worst of circumstances for the Terry family, which all they want is closure on the death of a son, on the death of a patriotic American citizen, and spinning it in a political sense.

I really think that this is a sad day for this House of Representatives, and we ought to do better for the American people.

Mr. ISSA. I yield 1 minute to the gentleman from Idaho (Mr. LABRADOR).

Mr. LABRADOR. Mr. Speaker, once again I sit here and I'm amazed by the language that is being used. We've had numerous hearings. We've had numerous investigations. We've had a lot of people come before Congress and give us false information. And the reality is that I hear again and again from the other side that there is no evidence of coverup; there is no evidence of cover-up.

But the reality is that we have only received 5 percent of the documents that we have requested. There is no way for us to know exactly what happened, who knew, and what did they know, unless we receive all of the documents. All we're asking the Attorney General to do is to provide the documents that we have requested. We wouldn't be standing here holding these contempt proceedings if he had given us the documents. And that's why I ask everybody in this body to actually vote for contempt.

Mr. CUMMINGS. May I inquire as to how much time is left.

The SPEAKER pro tempore. The gentleman from Maryland has 3 minutes remaining, and the gentleman from California has 1¾ minutes remaining.

Mr. CUMMINGS. I reserve the balance of my time.

Mr. ISSA. Reserving the right to close, I have no further requests for time.

Mr. CUMMINGS. Mr. Speaker, it's interesting here today, what we just did with regard to the criminal contempt.

I do believe that it is very unfortunate, and let me tell you why. We have an Attorney General who is indeed an honorable man. We who practice law look up to the Attorney General and any U.S. Attorney. They are folks like us who are well educated and who love their country. And Eric Holder, Jr., is no exception.

Over and over again, he has tried to cooperate with this committee. And I'm sure that both sides—his side and our side—have become a little frustrated at times. But as he said in a meeting a couple of weeks ago, he said that he's willing to give the documents, but he was asking that at some point his attorneys have an opportunity to get back to work.

Now, Leader PELOSI said something a moment ago that we should not lose sight of, Mr. Speaker, when she spoke about the Constitution and that it requires Congress and the executive branch to avoid unnecessary conflicts and to seek accommodations that serve both of their interests. In the words of Attorney General William French Smith, under President Reagan:

It is the obligation of each branch to make a principled effort to acknowledge and, if possible, to meet the legitimate needs of the other branch.

I believe that this Attorney General has bent over backwards trying to accommodate us, trying to provide the information, but at the same time, as he has said to us many times, to protect the institution of the Attorney General of the United States. And when I say protect the institution, I mean protect the institution, the same types of things that have assertions of executive privilege, making sure that wiretap applications are not made public, making sure that confidential informants are not disclosed, making sure that ongoing investigations are not interfered with.

And I'm not sure, but there may be something that happened—we're not sure; we're checking on it—happened in this House already today, something that may have interfered with the trial already.

So as I close, I would submit that he has done the very best that he could, and now we need to meet him halfway.

I yield back the balance of my time. Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore. The gentleman from California is recognized for 1¾ minutes.

Mr. ISSA. Thank you, Mr. Speaker.

It's been a long day for America, but it's been a longer day for the Terry family. I'm going to urge everyone to vote for the ability to hire counsel, and that's what the last vote is, and I believe it will pass overwhelmingly.

But I'm going to use this time to pledge to the America people, to pledge to the Terry family, and to pledge to my colleagues: this investigation has

in fact been brought to a halt in one area—and the area is the Attorney General's flat refusal to any longer cooperate with this committee.

□ 1710

But it doesn't change the fact that in the days and weeks to come, we will use what we can in the way of other tools, including some of the individuals that the minority has talked about today, to glean additional information, to find ways to prove accountability for the many people that had to be involved in this OCADETF operation in order for those guns to walk. We will continue to do that. We will try to find the truth.

Hopefully in the weeks to come, we also will begin getting cooperation from the administration again. But if we don't, I will tell the ranking member here today, it has always been my intention to look backwards to previous gunwalking programs that we believe were certainly poorly designed and resulted in weapons getting out of the hands of lawful people and into the hands of criminal elements. That's not going to change. It's not going to change because it's our obligation to investigate and because this one we cannot let loose until the Terry family has been kept a promise that the ranking member and I both made.

So I take the ranking member at his word today that, in fact, he will not rest until we get some answers, and I commit the same that I will not, and I urge the passage of this resolution.

I yield back the balance of my time. The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 708, the previous question is ordered on the resolution.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CUMMINGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 258, nays 95, answered "present" 5, not voting 74, as follows:

[Roll No. 442]
YEAS—258

Adams	Bilbray	Camp
Aderholt	Bilirakis	Campbell
Akin	Bishop (UT)	Canseco
Alexander	Black	Cantor
Altmire	Blackburn	Capito
Amash	Bonner	Carter
Amodel	Bono Mack	Cassidy
Austria	Boren	Chabot
Bachmann	Boswell	Chaffetz
Bachus	Boustany	Chandler
Barber	Brady (TX)	Coble
Barletta	Brooks	Coffman (CO)
Barrow	Broun (GA)	Cole
Bartlett	Buchanan	Conaway
Barton (TX)	Bucshon	Cravaack
Bass (NH)	Buerkle	Crawford
Benishek	Burgess	Crenshaw
Berg	Burton (IN)	Critz
Biggert	Calvert	Culberson

Davis (KY)
DeFazio
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
Kind

King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette
Latta
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCauley
McClintock
McCotter
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Rahall

Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Walz (MN)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

Sánchez, Linda
T.
Sanchez, Loretta
Schiff
Schradner
Schwartz
Sherman
Shuler

Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Tierney
Tonko

Tsongas
Velázquez
Visclosky
Wasserman
Schultz
Waxman
Welch

ANSWERED "PRESENT"—5

Ackerman
Costa

Kaptur
Lipinski

Towns

NOT VOTING—74

Baca
Bass (CA)
Becerra
Bishop (GA)
Brady (PA)
Brown (FL)
Butterfield
Capuano
Cardoza
Carson (IN)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Conyers
Cummings
Davis (IL)
Edwards
Ellison
Engel
Fattah
Fortenberry

Frank (MA)
Fudge
Gonzalez
Green, Al
Grijalva
Gutierrez
Hahn
Harris
Hartzler
Hastings (FL)
Hinojosa
Honda
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (GA)
Johnson, E. B.
Kucinich
Larson (CT)
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lowey

Markey
Meeks
Moore
Nadler
Napolitano
Pelosi
Rangel
Richardson
Richmond
Roybal-Allard
Rush
Sarbanes
Schakowsky
Scott (VA)
Scott, David
Serrano
Sewell
Sires
Thompson (MS)
Van Hollen
Waters
Watt
Wilson (FL)
Woolsey
Yarmuth

□ 1734

Mr. SULLIVAN changed his vote from "nay" to "yea."

Mr. COSTA changed his vote from "nay" to "present."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FORTENBERRY. Mr. Speaker, I inadvertently missed the vote on rollcall No. 442. My vote would have been "yes."

NUCLEAR TERRORISM CONVENTIONS IMPLEMENTATION AND SAFETY OF MARITIME NAVIGATION ACT OF 2012

The SPEAKER pro tempore (Mr. CRAVAACK). The unfinished business is the question on suspending the rules and passing the bill (H.R. 5889) to amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SERGEANT RICHARD FRANKLIN ABSHIRE POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3412) to designate the facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the "Sergeant Richard Franklin Abshire Post Office Building".

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SPC NICHOLAS SCOTT HARTGE POST OFFICE

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3501) to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the "SPC Nicholas Scott Hartge Post Office".

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1740

FIRST SERGEANT LANDRES CHEEKS POST OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3772) to designate the facility of the United States Postal Service located at 150 South Union Street in Canton, Mississippi, as the "First Sergeant Landres Cheeks Post Office Building".

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NAYS—95

Andrews
Baldwin
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Braley (IA)
Capps
Carnahan
Carney
Castor (FL)
Cohen
Connolly (VA)
Cooper
Costello
Courtney
Crowley
Cuellar
Davis (CA)
DeGette
DeLauro
Deutch
Dicks
Dingell

Doggett
Doyle
Eshoo
Farr
Filner
Garamendi
Green, Gene
Hanabusa
Heinrich
Higgins
Himes
Hinchey
Hirono
Holden
Holt
Hoyer
Keating
Kildee
Langevin
Larsen (WA)
Loeb sack
Loftgren, Zoe
Lujan
Lynch
Maloney

Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Miller, George
Moran
Murphy (CT)
Neal
Oliver
Pallone
Pascrell
Pastor (AZ)
Perlmutter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Reyes
Rothman (NJ)
Ruppersberger
Ryan (OH)

REVEREND ABE BROWN POST
OFFICE BUILDING

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3276) to designate the facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, as the "Reverend Abe Brown Post Office Building".

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. FARENTHOLD) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AVIATION SECURITY STAKE-
HOLDER PARTICIPATION ACT OF
2012

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 1447) to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

USE OF GRANT FUNDS FOR
PROJECTS CONDUCTED IN CON-
JUNCTION WITH A NATIONAL
LABORATORY OR RESEARCH FA-
CILITY

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 5843) to amend the Homeland Security Act of 2002 to permit use of certain grant funds for training conducted in conjunction with a national laboratory or research facility.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. KING) that the House suspend the rules and pass the bill.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TRANSPORTATION WORKER IDEN-
TIFICATION PROCESS REFORM
ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3173) to direct the Secretary of Homeland Security to reform the process for the enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential (TWIC) to require, in total, not more than one in-person visit to a designated enrollment center, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DANIEL E. LUNGREN) that the House suspend the rules and pass the bill, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

THE AFFORDABLE CARE ACT IS
THE LAW OF THE LAND

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. I rise today because this is a great country. In fact, I would call it the greatest country in the world.

Throughout my life's history, although we have traveled mountains and low valleys, I have been equal and unequal in this Nation. Yet today I feel as tall as the pine trees because our Supreme Court shed itself of diverse and sometimes divisive bickering and upheld the Constitution of the United States.

It granted to the American people affordable health care. It granted to the sickest of the sick the opportunity to be covered by insurance. It granted to seniors who fall into doughnut holes and who have to choose prescription drugs over food a relief line. It granted to hospitals that take in indigent patients who may otherwise die on sidewalks in America an opportunity to take care of those patients. It gave children with preexisting diseases an opportunity to live fully in this country.

So now the Affordable Care Act is the law of the land. We have been vindicated. Every single, single vote of those Members who have lost and of those who have won, we've been vindicated. Thank God for the United States Supreme Court.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain Special Order speeches without prejudice to the resumption of legislative business.

THE PROGRESSIVE MESSAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Minnesota (Mr. ELLISON) is recognized for 60 minutes as the designee of the minority leader.

Mr. ELLISON. Mr. Speaker, my name is KEITH ELLISON, and I claim this Special Order time on behalf of the Progressive Caucus. I am very pleased to be joined by my dear friend from the great State of Ohio, Mr. DENNIS KUCINICH.

The Progressive Caucus has a Web site we refer people to, which is cpc.grijalva.house.gov. I urge everybody to check it out because it has a lot of excellent information.

This we call The Progressive Message. Today, we are going to focus on three topics, Mr. Speaker. They will be in the areas of: (1) historic health care; (2) the travesty of justice perpetuated on Eric Holder; (3) the voter ID issue that is proliferating across the country, that of trying to restrict and suppress the votes of Americans. So that's our Progressive Message for today.

I want to introduce the first subject by saying that today was a historic day. The historic health care bill was passed many, many months ago; but until the Supreme Court of the United States said that this bill was constitutional, that this act was constitutional, it was always in jeopardy of being overturned. In the Progressive Caucus, many of us were signatories and cosponsors of H.R. 676, which is the single-payer bill—or health care for all and Medicare for all.

Personally, I think today is a dramatic step forward in the quest to make sure that all Americans are covered and can go to a doctor. This is a very important step—it's an advance—so I'm happy to see it.

With that, I would like to just turn some time over to the gentleman from Ohio for any comments he may care to make about the health care bill or about the Supreme Court decision.

I yield to the gentleman from Ohio.

Mr. KUCINICH. I want to thank the gentleman from Minnesota, Congressman ELLISON, for his leadership in the Progressive Caucus and to thank him for yielding me some time to talk about this momentous decision by the Supreme Court. First of all, a little bit of context.

I represent Cleveland, Ohio. There are many people in Cleveland who are uninsured. There are many people in Cleveland who could not afford health care. There are many people who are

working who can't get their families covered.

This issue of health care reform is one of the defining issues in our country, and it's one that we finally grappled with in 2010 to come up with a bill that not everyone agreed with. As a matter of fact, as Mr. ELLISON will remember, I didn't agree with this. I was not satisfied with health care reform within the context of a for-profit system because I wanted a not-for-profit system. Yet, while we had a for-profit system, one of the things we needed to do was to make sure children with pre-existing conditions would be covered; to make sure all of these lifetime caps on the amount of money that people could claim for expenses were removed; and to make sure that people were given a fighting chance with the insurance companies.

□ 1750

What's happened is the Affordable Care Act finally took a step in the direction of reform. It's an important step, and the Supreme Court has said you can do that under Congress' taxing authority, but it's just a step.

All of us understand that there are still millions of Americans who are finding health care out of reach, even with the help that the Affordable Care Act offers. That's why at the State level there are still States, such as Vermont, that are looking at how they can go forward with a single-payer plan within their State.

Mr. ELLISON. Let me just ask the gentleman a question.

You had an amendment that we were trying to move onto the Affordable Care Act which would allow States, if they chose to, to pursue alternatives like a single-payer system.

Do you recall your amendment?

Mr. KUCINICH. Keep in mind that the Employee Retirement Income Security Act essentially would stop States from going forward, so we asked basically for a waiver of that. The amendment would have provided for a waiver so States would have no legal bar to pursue a single-payer system. That was essentially passed in committee and then stripped out.

The point is we can enable it. Congress can facilitate that. The passage of affordable care, plus the Supreme Court saying Congress can move on health care, Congress can take a step, finally puts us in a position where we can elevate health care to the highest level of public concern.

Every American who is out there tonight who's worried about whether they would be able to get access to affordable health care suddenly realizes that it is possible. For those poor people across America who are wondering whether they are going to be shut out by one aspect of the Supreme Court decision, now it's up to the States to reaffirm the position of the State in the

life of their citizens by saying, if you're a poor person, we're not going to use the Supreme Court decision to block you from having access to the resources of the government with respect to health care.

I think that we need to recognize that we've taken a big step here. As someone who wasn't sure at first, as someone who, in a sense, reluctantly voted for the Affordable Care Act on the hope that by proving we could have reform within the context of a for-profit system, that it would open the door for further reforms, I'd say this is a great day. It shows that it's possible to reform that for-profit system.

I'm hopeful, as we're celebrating today, that we look down the road to what we're going to do in the future, which is to restart our efforts here, restart the effort for a single-payer system, knowing at least that we have the assurance that more people are covered, that you don't have to worry about your child 26 and under, whether they are going to be covered under the policy, that you don't have to worry about a child with a preexisting condition, that you don't have to worry about long-term caps, that you don't have to worry about if you're a senior where that doughnut hole is going to cause your budget to get crushed. What you have now is the government finally taking the side of the people and putting us in a position where we now are able, with integrity and with drive, to move towards the future where someday we're going to keep working for that single-payer system.

Mr. ELLISON. I don't know if this happened to you today, but it did happen to me. I started thinking about all the door knocking that I did and thinking about the health care horror stories that I heard.

I just want to ask you today, when you reflect on 57 percent of the people filing for bankruptcy being motivated by medical debt, when you hear about people getting a lifetime cap and not being able to get any additional health care, even when they've got cancer or if they've got cancer, then they get dropped.

Mr. KUCINICH. The gentleman is right. The gentleman is correct. When you think of how many people—most bankruptcies, they're connected to people not being able to pay hospital bills. Any single family has known the dread of having one individual get ill in the family, and everything people worked a lifetime for, they lose.

Mr. ELLISON. The gentleman might reflect on the fact that many of these people you're referring to have insurance, and I yield to the gentleman.

Mr. KUCINICH. Oh, that's right.

Think about this now. You can have insurance, and if you run up against lifetime caps on coverage, you're out of luck. So many Americans have gotten in trouble financially because, even

though they have insurance, they can't pay the bills. The bills have sent Americans into poverty.

We need to realize that we've taken a step in the direction of a substantial support for the American people and their health care with the Affordable Care Act, but it's not the final step.

Again, I am here to share with you, Mr. Speaker, my willingness to continue the effort towards a universal single-payer, not-for-profit health care.

You know what? Now that we've proven that reform of health care is possible, now that we have proven that health care is no longer the third rail of American politics, now that we have proven that the Court will uphold an effort by the Congress to move towards health care reform, well, now that we've proven that, we can say it is possible to go to a place where we can have health care for all under a not-for-profit system.

I thank the gentleman for his leadership, and I look forward to working with you as we chart a new course in America for health care for all. Thank you.

Mr. ELLISON. Thank you.

And to the gentleman from Ohio, who I know has some things to do, I just want to say that when the final chapter is written on the improvement and the advance in health care in America, there will certainly be chapters on how DENNIS KUCINICH, through your leadership as a Member of the House of Representatives bill that you introduced through your Presidential run, where you really made health care a front-burner issue, you will have a chapter that will designate your great contributions to the American people to get quality, affordable, universal health care.

So I do thank you today, sir, because I can tell you that today is somewhat of a reflection. You should think about how your campaign for President and other work you have done really did move the ball down the track. So I thank you, and I honor you for it.

Mr. KUCINICH. I thank the gentleman. Thank you very much.

Mr. ELLISON. We're joined by my good friend, JOHN GARAMENDI from California.

Congressman GARAMENDI, on a day like this, you must be full of thoughts about health care reform, the big lift, and all of the things that occurred.

What are some of the thoughts that occur to you today, Congressman?

Mr. GARAMENDI. Thank you, Mr. ELLISON. Thank you so very much for your consistent and strong voice on what we really need to do here in America to take care of people.

At the beginning of the day and at the end of the day, our task is to fulfill that message of life, liberty, and the pursuit of happiness. This day really, in many ways, fulfills that.

Think about it. Can you have life without health care? Well, probably

not for very long. Most everybody I know has had a sickness at one point or another. If you don't get health care, you may very well lose your life.

Happiness? We know that most of the bankruptcies—this is before the great crash—are a direct result of health care and not having sufficient insurance or not having insurance. With regard to happiness, wow.

Of course, liberty. You just think about the number of Americans that are literally chained or tied to their job because they have health care there. If they want to leave, if they want to pursue a different course, they want to improve, they can't, because they are tied to their job because of health care. They can't get it.

Today, the Supreme Court said that what this House did with the Affordable Health Care Act is constitutional. It is constitutional. It is possible for us. As we just heard from Mr. KUCINICH, it is possible for us to reform the health care system.

My thoughts are so happy for America, so happy for that man that I saw 5 years ago that was on his deathbed, and he said, If I can just live another 5 months, I'll be on Medicare and I can get the treatments that I need without bankrupting my family. Today he probably will be able to get that. It's a good day.

□ 1800

I was the insurance commissioner for 8 years in California. And if only I had this law, if only this law were in place, I could have hammered those insurance companies that were discriminating against people who had preexisting conditions. But I didn't have this law. So they were able to get away with discriminating against women because they are women. Because they are of child-bearing age, they may have a child; and it might cost the insurance companies money.

My chief of staff had a child who was born with an ailment. That kid, from the day of conception to the day after he was born, had insurance. As soon as the insurance company found out that that child had a serious problem, they stopped the insurance. The family almost went into bankruptcy; but for the friends and support around them, they would have done so. That is over.

Every child born in America will continue to have health care coverage, whether they are healthy or not. It's a good day. It's a good day for the children. It's a good day for the people of America.

Mr. ELLISON. Well, Congressman, I share your joy today. And I want to let you know that the fact is that there are a lot of really important parts of this bill, and not enough Americans understand what's in the bill.

I can remember back a couple of years ago when I was trying to have community forums in my district, and

people who didn't understand the need for health care reform would get loud and boisterous in these meetings. And I would let them talk. I wouldn't let them disrupt the meeting, but I would let them talk. And some of them expressed themselves in very passionate ways.

One of the things they said to me was, Did you read the bill? And they wouldn't ask the question. They would basically make an accusation that I didn't read the bill. Of course I had read the bill.

And I think it's now a good idea to really help people understand what good things are in this bill. For example, I think it's important for people to understand that already in the bill, if you have a child under the age of 26, that child can be on your health care insurance. No more worries that your college graduate kid, who has not yet got that job, is just out there with no insurance. If you are a woman, they can't discriminate against you anymore. If you have a preexisting condition and you are a child, even at this moment, they can't discriminate against you. And when the bill is fully in effect, they won't be able to discriminate against anyone.

If you are a senior, we're helping to make the cost of prescription drugs more affordable by filling the doughnut hole. Also, for Medicare, we have a provision in there that's helping to make sure that preventative screenings are free in order to have healthy, strong seniors to prevent them from getting sick. There's a medical loss ratio which says that the insurance company has to devote 85 percent of their receipts into health care, not all this other administrative stuff, including exorbitant pay.

So as we sit back and reflect on what is actually in there, I think it's important to make those points.

Is there anything you would like to add?

Mr. GARAMENDI. Let me just take up some of those numbers because they're very, very exciting.

Thirteen million Americans will receive \$1.1 billion in rebates because the insurance companies have overcharged them. That didn't happen before this bill. I didn't have that power, as insurance commissioner, to do that; 54 million Americans that are in private health insurance plans will receive free preventative services as a result of this legislation.

Mr. ELLISON. Fifty-four million—wow.

Mr. GARAMENDI. And, of course, women—millions across this Nation—will receive free coverage for comprehensive women's preventative health services: Pap smears, breast x rays and the like. In 2011, 32.5 million seniors received one or more preventative services. In 2012, 14 million seniors have already received these services.

105 million Americans will no longer have a lifetime limit on their coverage. Before this bill was in effect, if you go up to \$100,000 or \$200,000—if you had a serious illness, you could go through that, bam—that's it. You don't get any more coverage. No longer. No more limits. Lifetime limits are gone.

Seventeen million children with pre-existing conditions can no longer be denied coverage by insurance companies; 6.6 million young adults—what you were just talking about—you are talking about my daughter. She graduated at the age of 21, 22; lost her insurance. The day after this bill passed, she said, Dad, can I get back on your policy? The answer was yes. Actually, it took 6 months, but it did happen. 5.3 million seniors in the doughnut hole—this is the drug coverage portion—have saved \$3.7 billion on prescription drugs already.

Now, our good friends, the Republicans, want to repeal all of this. So you go through this list: 13 million Americans will not receive a rebate if the Republicans succeed in repealing the bill; 54 million Americans will not receive preventative services; 6.6 million young Americans will not be on their parents' coverage between the age of 21 and 26. There are a lot of takeaways from what the Republicans want to do with their repeal.

Mr. ELLISON. If the gentleman would yield, I think that is a very important point to make. Sadly, as soon as the Affordable Care Act was upheld, our friends in the Republican Caucus immediately said, Well, we're going to have a repeal vote. Well, they've already had a repeal vote. What are we doing this over and over and over again for? Well, we're doing it for a very important reason: to make a political point.

As they were announcing another repeal vote—another repeal vote—we haven't done anything about student loans this week, which are expiring. We haven't done anything about jobs. And we haven't done anything about the transit bill, which is due to expire. I mean, it's just really amazing how much time we have for stuff that doesn't matter, just political gamesmanship.

But, you know, I must share this with you, Congressman. I'm saddened by the fact that our Republican friends won't join with us in this awesome good thing that happened to the American people today. I wish they would finally come around. It's like, look, you know, you fought the health care—

Well, first of all, between 2000 and 2006, you had the White House, the Senate, and the House of Representatives. You didn't do anything except give a bunch of money to Big Pharma. And we're trying to fix that right now.

But all this stuff they talk about. Oh, we want to sell insurance across State lines. We want to do tort reform. They

could have done all of that. They didn't do it because they didn't want to do it. Now they say that's what they would have done, but that's not what they did do when they could have done it. So there you go with that.

So now we, the Democrats, went and took up health care. After many, many years of trying, we get it through. They fight it tooth and nail. To their credit, none of them supported the final vote on the Affordable Care Act. They were solid and unanimously against conferring the benefits that are contained in the Affordable Care Act.

Well, now they got around to saying the bill was unconstitutional. It's unconstitutional. And you heard this hue and cry day and night. And they even called themselves "constitutional conservatives."

Well, the constitutional Court has said, This bill is constitutional. So you would think they would say, Okay, okay. We just wanted to make sure it's constitutional. Now we're ready to join hands with you and celebrate this great thing to make sure all Americans can go to the doctor. But what do they do? They schedule a repeal vote.

Here's what I want people to know, Congressman: according to the Congressional Budget Office—which is a nonpartisan entity—if they repeal this bill, it will add to the deficit \$230 billion. These are my friends who never tire of saying, Oh, we're conferring debt on our children and grandchildren. They always say that. I'm sure it's been tested by, you know, some high-paid individual who does that kind of stuff. They never tire of saying, Our children and grandchildren, we are piling debt on our children and grandchildren.

But if they strip the Affordable Care Act, as they plan on doing on July 11, they would drop a big debt and add to the deficit.

Mr. GARAMENDI. Thank you so very much, Mr. ELLISON. And thank you for your leadership on this and so many other issues.

I'm looking at that sign next to you: "Republicans' No-Jobs Agenda." A repeal of the Affordable Health Care Act and the Patients' Bill of Rights is not going to create jobs. In fact, it is going to make it very, very difficult for small businesses because the Affordable Health Care Act actually helps small businesses.

Mr. ELLISON. Right.

□ 1810

Mr. GARAMENDI. They don't have the mandate. Small businesses don't have the mandate. But what they do have is an opportunity. They have an opportunity to get health insurance at an affordable cost, which they've never had before. Small business, one-person, or husband and wife, perhaps, and two or three employees, it literally was impossible for them to get affordable

health insurance for themselves and for their three employees.

Under this bill, they can get it. It's subsidized, to be sure. But they can finally get insurance. And across the State of California and across this Nation we're finding thousands upon thousands of businesses for the first time going into the insurance market, able to buy insurance, getting coverage for themselves and their employees while providing what insurance must do, which is the knowledge and the stability that is necessary for the finances of that business to succeed.

The other thing—and I'm just going to pick up one more that's very, very close to me—in California, the Affordable Care Act provided funding for 1,154 clinics. Way back in 1978, when I was in the California legislature, and in 1976 as a member of the Assembly, I authored legislation to establish the Rural Health Act. And that built clinics in the rural part of California. And today, as a result of that, there are clinics all across the State of California, and the Affordable Care Act keeps those clinics in business.

This is where many Californians and across this Nation Americans access the health care system. It's there in their community. These are the community clinics that are so critically important in providing the health care that Americans need. The call for repeal kills these clinics. These clinics will die if this bill is repealed.

So out across the State, even in the most conservative part of my new district, Colusa County, there are clinics that are dependent upon this legislation and will be able to continue as a result of the Affordable Care Act, found by the Supreme Court, including Chief Justice Roberts, to be constitutional. This is constitutional. The legislature, Congress, and the Senate and the President have the power to solve one of the great America dilemmas: The health care system.

Over time, we'll change this. We'll make modifications. Among those modifications ought to be an expansion of Medicare, which is efficient, effective, and universally available to every American over the age of 65. How good it is. How hard and how determined people are—if I can just live to 65, I'll have Medicare. It's a great program. We ought to expand it. We ought to make it universal.

Mr. ELLISON. I don't know how much time you have.

Mr. ELLISON. We've got about 30 minutes or so.

Mr. GARAMENDI. Well, there are things we can talk about.

Mr. ELLISON. I would actually like to take up what happened with Eric Holder today.

Mr. GARAMENDI. Let's talk about that.

Mr. ELLISON. The Holder case, Eric Holder, when he came in office, this

program, the Fast and Furious, was ongoing. It was a gunwalking program. The original theory was that if you put some guns into the stream of commerce, then you can find out who's buying them, who's selling them, and try to get to the bottom of some of these cartels that trade in illegal guns, straw purchasers and so forth. Well, it was a poorly conceived plan, and tragedy occurred. A border enforcement officer, Officer Terry, was killed as a result with one of these guns. We all pause in his honor and offer our sincere condolences to his family.

When Attorney General Holder found out about this program, he shut the program down. But then, of course, as facts came to light, it is a legitimate source of investigation. And he submitted to nine hearings, 8,000 pages of documentation. But when it finally got down to it, when there was information that was of a deliberative nature—not on the facts of what happened to Officer Terry, but just exchange of information—and pending criminal information, which everyone in this room should know is not for public consumption, when that information was sought, the administration, the White House said, No, we're going to exercise executive privilege. Obviously, if the President exercises executive privilege, the Attorney General has to abide by that decision.

And despite all those facts, today on the House floor the Republican majority, instead of dealing with jobs, instead of dealing with health care, instead of dealing with renewing the student loan interest rates, which are about to double; instead of dealing with the transportation bill, which is about to expire, we go do a witch hunt on Eric Holder. It's really too bad.

Any thoughts on this issue you care to share?

Mr. GARAMENDI. Well, I do. And like most of my Democratic colleagues, we just walked out of this Chamber and said this is not worthy of the dignity of the House of Representatives. And we weren't going to honor this process with our presence.

Let's go back here. The Fast and Furious programs actually began in the George W. Bush administration, I think, around 2005, 2006. And there were two iterations of it, two different projects that were underway out of the Phoenix office of the ATF. And they were trying to find out who the gunrunners were. We've all watched the Western movies and the gunrunners. Well, there are American gunrunners that were running guns to the narco folks in Mexico. We wanted to find out what is going on here, where are these guns coming from. And that was, once again, during the George W. Bush administration and had gone on for 2, 3 years.

The Obama administration comes in. Eric Holder is chosen as Attorney General. And the program continued. The

tragedy occurred. An agent was killed. And from there, Fast and Furious—this is now what we call the walking of the guns—became known. Eric Holder shut it down. In that process, a letter was written to the Senate committee saying that it didn't exist. Clearly, an error, I am told. But this House doesn't know today. Never investigated by the committee. But I am told that there was information that the office in Phoenix, Arizona, misled the office in Washington, D.C., and a letter was sent forth that was incorrect. That should be the subject of the investigation: What happened here; what actually went on in Arizona.

Not one witness from the actual operation was called to testify. Not one. So this is really a very strange and botched investigation. If you want to get to the bottom of it, you've got to talk to the people that actually did it. It didn't happen. The Democrats on the committee demanded several times: Bring forth the people who did the Fast and Furious from the Bush administration into the Obama administration. Bring them forward. Get their testimony. Find out what happened. Find out about the communications between the Phoenix office and the Washington, D.C., office. It didn't happen.

So in terms of an investigation, you have a partial investigation focusing on the end of the story rather than on the full story. And today, the first time ever in the history of this Nation, this body voted to hold in contempt a Cabinet official on a half-baked, insufficient investigation that purposefully ignored calling witnesses that were actually engaged in the Fast and Furious operation and who were responsible in the Phoenix office for that operation.

□ 1820

It was a farce. It was a political event, and we walked out. Not a good day.

And as you said a moment ago, there are things we must do. Men and women and families across this country are hurting. They're unemployed. They want jobs. They want to go to work. Transportation, where's the transportation bill? We never did get one out of this House that was meaningful. We just passed a little thing so we can get to conference. It had nothing in it, but it allowed us to go to conference. Where's that bill? How about student interest rates, where's that bill? And what about the jobs program?

What if the September 2011 proposal that President Obama put forward, the American Jobs Act, what if we had taken that up? Three million, 4 million Americans would be working today. What if we had done that? But it didn't happen. Our colleagues on the Republican side refused to bring it up in this House and refused to allow it to be brought up in the Senate. That's sad. That's a very sad thing for America. It

is one of the great "we should have," but we were prevented from doing so.

Mr. ELLISON. Well, Congressman, I have some obligations that require me to curtail our hour a little early. You can carry on if you like.

Mr. GARAMENDI. Well, I, too, must go. But I thank you very much for allowing me to talk about three very important things. I appreciate that, Mr. ELLISON.

Mr. ELLISON. You are famous for nailing the need for a greater investment in manufacturing and supporting American jobs, and I thank you for all of the great work you're doing.

Mr. GARAMENDI. You must mean Make It in America. Spend our tax money on American-made equipment and jobs, not on Chinese or Japanese or anybody else, but on American jobs. We can do that.

Mr. ELLISON. We can do it.

Let me wrap up by saying it has been a great evening, a great day for the American people. The Affordable Care Act has been vindicated in the Supreme Court. Unfortunately, the day is somewhat marred by the unfortunate behavior of the majority in trying to go after Eric Holder. Nonetheless, it's another day in Washington.

The Progressive Caucus will be back next week. Thank you very much.

I yield back the balance of my time.

APPOINTMENT AS MEMBER TO UNITED STATES-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

The SPEAKER pro tempore. The Chair announces the Speaker's appointment, pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), as amended, and the order of the House of January 5, 2011, of the following member on the part of the House to the United States-China Economic and Security Review Commission for a term to expire December 31, 2014:

Mr. Peter Brookes, Springfield, Virginia

SUPREME COURT HEALTH CARE DECISION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Georgia (Mr. GRAVES) is recognized for 60 minutes as the designee of the majority leader.

Mr. GRAVES of Georgia. Mr. Speaker, I rise today with a group of colleagues of mine to speak in contrast to what we just heard. It is shocking to me, not only the news of today and the continuation of the overreach of the Federal Government, but to hear colleagues on the other side of the aisle who are advocating for the Progressive Caucus, the progressive movement in

this Nation celebrating, truly celebrating the Supreme Court ruling of today which allows the Federal Government to continue reaching into the homes of American families all across this country in a way that has never been done before, and granted so much more taxing power that has never been granted before, and yet they celebrate.

And they used a lot of different terms, like "charting the new course." That was a phrase that was used by the Progressive Caucus here just a moment ago—charting the new course. One has to wonder: What is this new course? It has been a course that the progressive movement has been on now for nearly a century; and today they are celebrating that course continuing to be charted, and that is a course of more government and less liberty. And that is what this decision was all about today. It was about empowering government and not empowering the American people. It is about creating more government and less liberty. That's what the decision reflected today.

I am joined today by many good friends here in the House of Representatives who are on the side of liberty. They're on the side of the American taxpayers, and they're on the side of the private sector. They believe in free markets and capitalism and profits and success and dreaming, and they don't think that the Federal Government has to get in the way of any of that.

Mr. Speaker, I would like to first yield to the gentleman from New Jersey (Mr. GARRETT) to get his insights on today's decisions.

Mr. GARRETT. Mr. Speaker, I thank Mr. GRAVES for leading the floor tonight on this very important matter. He joins me, I'm sure, in saying that we're all extremely disappointed that we have to come to the floor tonight and that the Supreme Court ruled today that the Commerce Clause does not support the individual mandate, but it may be upheld within Congress's power to lay and collect taxes.

So what we have found today is that Congress cannot use the Commerce Clause to compel you to do something. But, instead, Congress can tax you into submission. It should have been crystal clear that the Commerce Clause, which grants power to Congress to enforce free trade pacts amongst the States, could not use that clause to regulate it.

If Congress can force you to purchase a product, then there is nothing government cannot force you to do. This would have been a violation of your individual liberties as well as the constitutional doctrine of enumerated powers in which Congress is only given few and specific powers.

As the Supreme Court's syllabus of this case states:

The Framers knew the difference between doing something and doing nothing. They

gave Congress the power to regulate commerce, not to compel it. Ignoring that distinction would undermine the principle that the Federal Government is a government of limited and enumerated powers.

But the Supreme Court instead told us that Congress has the power to tax and tax and tax until you submit to it.

Is this at all consistent with the founding principles of this country? Did those brave patriots who fought in the Revolutionary War and faced estrangement from their families, who endured British cannon fire and musket fire, weathered freezing winters and blazing summers, marched without shoes, slept without blankets, and suffered perpetual starvation all so that Congress could tax the people to form their behavior in Congress's image?

Did the Founders, who objected to the Stamp Act, the Sugar Act, and the Declaratory Act, which led our great Nation to revolt, risk the charge of treason and put their lives, fortunes, and sacred honor at risk, all so that they could replace one King who demanded more taxation, and now replace it with a President who demands more taxation? No.

We are Americans, citizens of a constitutional Republic where individual liberty is our birthright, won by our Founding generation's sacrifices. We are not and shall never be mere subjects of a government that can tax its way to tyranny. And disturbing as it is, there are many problems with this majority Court's rationale.

You see, the Obama administration has been confused as to whether or not the monetary penalty for failure to pay is in fact a tax or not. But even if we accept the penalty as a tax, as the Court has rewritten the law to be, such a tax is still unconstitutional for many reasons.

First, the Constitution lays out three types of permissible taxes. This tax is not assessed on income, so it is unconstitutional in that regard. This tax is not assessed uniformly and is triggered by economic inactivity so it is unconstitutional in that regard. And the tax is not apportioned among the States by population, so it is unconstitutional in that regard.

Even more importantly, the Constitution does not grant Congress an independent power to tax for any purpose that it wants. Taxing to provide for the general welfare does not mean there is limitless power of Congress to tax. Rather, it means that a tax must be for a national purpose to achieve the ends that are outlined within the enumerated powers.

Now, this is not only my view; this was the view of James Madison, who ought to know a little bit about the Constitution since he is the man most responsible for it.

There is nothing about the individual mandate defined as a tax that is sanctioned by the Constitution.

But we have strayed far from the Constitution of the Founders. No longer is the ability to tax constrained by the limits imposed by that great document. The growth and power of this government would render it not only unrecognizable, but also repulsive to the Founders.

Madison and his fellow revolutionaries worried about the growth of government and the yielding of liberty. The writings they left for posterity are full of warnings about the fragility of limited government. Madison believed Republican governments would perpetually be on the defensive against the encroachments of aspiring tyrants. John Adams agreed when he said, "Democracy never lasts long."

And perhaps the most famous quote of all was Ben Franklin at the Constitutional Convention when he said we have produced "a republic, if you can keep it."

And now, 225 years later, we have arrived at this moment.

We should strive to restore the free society of our Founding Fathers that they fought for. If liberty is our goal, the Supreme Court has failed the American people. And so although we come here tonight extremely disappointed that the Supreme Court did not rise to the defense of the Constitution, I can take solace with the knowledge that the people of this country will.

□ 1830

See, the Americans of this country revere the Constitution, and they will not let it be trampled upon. They long cherish their liberties. They will not surrender them without a fight.

Since the enactment of ObamaCare, I have seen the tireless efforts of patriots, both in my district, in the State, and across the country, trying to repeal ObamaCare. I am inspired by their passion, by their determination to defend the Constitution. This generation of Americans will not allow history to say that we presided over the demise of the American experiment in limited government.

Now, it is true that the struggle against ObamaCare has been long and difficult and sometimes met, as today, with disappointing results. But for those of us who still believe in our founding principles, I offer some advice from Thomas Jefferson, who said, "The ground of liberty is to be gained by inches."

So we stand here tonight all together, pledging to work alongside the people of this great Nation who will fight inch by inch in defense of the Constitution, and we will repeal ObamaCare. Mr. Speaker, ObamaCare must be repealed entirely, because if it is not, the constitutional Republic and the safeguards of our natural rights through limited government will be lost.

Mr. GRAVES of Georgia. I thank the gentleman from New Jersey for your inspirational remarks reflecting back on the history of this country and the great leaders and the Founders and the principles which this Nation was based upon. While the erosion continues—and we've seen more of it even today with the ruling—the resolve is even stronger.

So to those that may be listening or watching, you can know that there is a group of Members in the House of Representatives that are not going to let up, that are going to be fully resolved to repealing ObamaCare in its entirety, pulling it out, each and every root of this legislation, and empowering the people and not empowering government. Because, why? Because this is not a government of the Court, by the Court, or for the Court. This is a government of the people, by the people, and for the people, and I am convinced that the people will have their voice heard in the next few months.

So as we heard from the progressives earlier in their continued march down this new chartered course of more government and less liberty, we are thankfully joined tonight by a great friend of liberty and a great advocate of liberty, and that is LOUIS GOHMERT from Texas.

I'd like to yield to the gentleman from Texas.

Mr. GOHMERT. I sure do appreciate my friend from Georgia. He is an absolute patriot, standing for truth, justice, and what used to be the American way. It is, according to the Supreme Court, not so much anymore. And I appreciate the gentleman for yielding.

I've been going through this decision, and having been an attorney—and I've been a prosecutor and a judge and a chief justice. It was a small, three-judge court, but you learn things—you go to judicial conferences—about how to write opinions and things, never to the level of the United States Supreme Court. But as a certified member of the United States Supreme Court Bar, you follow the holdings of the courts.

So it's been with great interest, after I got my wind back from having found that Chief Justice Roberts wrote the opinion for the five-person majority, okay, so we start going through the opinion. Let's see how in the world he came to this conclusion.

Well, I'll be very brief in jumping through, even though it's a very long opinion, including the dissents. But the first thing that the Court had to consider is the Anti-Injunction Act that was passed by Congress years ago that makes very clear that the Supreme Court cannot take up any issue regarding a tax unless the tax has actually been levied and someone required to pay the tax, and then someone against whom the tax has been levied—required to pay that tax—files suit, that person then has standing. Well, under ObamaCare, if the mandate is a tax,

the penalty is a tax, then the Anti-Injunction Act would kick in and no one would be allowed to have standing before the Federal district court, court of appeals, and certainly not the U.S. Supreme Court.

So the first thing the Supreme Court had to get past was the issue of: Is this penalty a tax? Because if it's a tax, then the Supreme Court must throw this case out, announce that the plaintiffs in these cases have no standing—and will not until around 2014—until such time as the tax is levied.

So the Court goes through, and if anybody prints out the decision, you can look at pages 11 through 15 specifically where they discuss the Anti-Injunction Act. They point out just, in essence, what I have hopefully clarified: If it's a penalty, then the Court can take it up. If the penalty that you must pay for not buying the insurance is a tax, then this case goes out, no Supreme Court decision for at least 2 to 4 years.

So Chief Justice Roberts—brilliant man, there's no question he's a very brilliant intellectual—he indicates this and says:

Congress's decision to label this exaction a penalty rather than a tax is significant because the Affordable Care Act describes many other exactions it creates that are taxes.

And he says this:

Where Congress uses certain language in one part of a statute and different language in another, it is generally presumed that Congress acts intentionally.

So he goes on and he says:

The Anti-Injunction Act and the Affordable Care Act are creatures of Congress' own creation. How they relate to each other is up to Congress, and the best evidence—the Supreme Court's words, Justice Roberts' words—the best evidence of Congress' intent is the statutory language, the statutory text.

So he goes on to conclude that since Congress says in ObamaCare, the Affordable Care Act—boy, is that a misnomer, the Affordable Care Act—since Congress calls it a penalty, then Justice Roberts and the majority say it's not a tax; it is a penalty.

So around page 15 or so, 15, 16, they come around and say—I guess, 15, okay:

Congress made clear that the penalty is what it is—not a tax. Therefore, the Anti-Injunction Act does not apply, so our Court has jurisdiction. As he says, the Anti-Injunction Act, therefore, does not apply to this suit since it's a penalty and not a tax. Therefore, as he says, we may proceed to the merits.

Okay. So he clears it's a penalty; it's not a tax. Because if it's a tax, they can't do anything; they've got to throw it out. Okay. So it's a penalty, not a tax.

So then he goes on, after page 16, he goes on in the majority opinion to discuss this issue of whether or not it vio-

lates the Commerce Clause, this penalty. He comes to the proper conclusion that if Congress can mandate a penalty for not buying a product, there's nothing to stop Congress from intruding in every area of individual Americans' lives.

It's mentioned in this opinion that the main purpose—one of the two main purposes is to bring down the cost of health care. The Supreme Court thinks that's a legitimate reason to pass an act, bring down the cost of health care. But Justice Roberts and the majority decide it would violate the Commerce Clause, because if you can force individual Americans to buy a particular product in order to bring down the cost of health care, you can order anything. You and I can be ordered to join a gym and to start exercising X number of hours a week.

We're told that the Federal Government does not monitor debit card and credit card purchases—although, supposedly it could. Well, if it has a duty to bring down health care costs and it has the ability to watch your purchases, and, under ObamaCare, the Federal Government, through their relationship with General Electric—sweetheart deal they did with GE—they're going to hold everybody's medical records. So if they're holding everybody's medical records, then I don't know why they wouldn't go ahead and monitor everybody's cholesterol rate, blood pressure, things like that.

□ 1840

And so it could conceivably get to the point where, gee, you get a letter from the government that says, we notice your cholesterol rate's up to 250 or so and we notice you bought bacon this weekend. What were you thinking? You know, you've got to take that back. You can't keep bacon.

Anyway, there's no limit to what Congress can do to intrude in people's lives. And I'd point out to my friend from Georgia, liberals are constantly on the protection of bedroom privacy rights. I really thought that once they fully examined the potential effect of ObamaCare, they would be standing down here with you and me and my other friends hear, Louisiana, Georgia, they'd be out here saying, wait a minute. If the government has the right to order us to do or not do acts or buy or not buy products for the sole purpose of bringing down the costs of health care, there are studies that say some certain relational activities create more risk for health care problems than others, so if this is true, the Federal Government would have the right not only to invade the kitchen and the bathroom, but head straight to the bedroom and dictate people's rights.

I didn't want to go there, and I felt like once we found out that Chief Justice Roberts makes clear, this is a pen-

alty, not a tax, it violates the Commerce Clause to force people to buy a product like this, you would think that would be the end of it.

But then Chief Justice Roberts goes on, and it doesn't make sense because then he begins to say, well, it violates the Commerce Clause, but does it violate the Tax-and-Spend Clause?

And then he goes through and makes a case for saying, it's not a penalty, it's a tax. And he's already told us that the best way to tell what it is is to look what Congress called it. And I think, in this case, not only look what Congress called it, look at what the President called it.

I just happen to have a partial excerpt or an excerpt from the transcript of a show the President did with his friend, George Stephanopolous. And Stephanopolous is asking him about it and said, you know, under this mandate, the government's forcing people to spend money, fining you if you don't. How is that not a tax?

Well, President Obama goes on and he lays out all this weak gibberish, and eventually gets—Stephanopolous interrupts him and says, okay, that may be, but it's still a tax increase. And the President said, that's not true, George. For us to say that you've got to take responsibility to get health insurance is absolutely not a tax increase.

The President also says, nobody considers that a tax increase.

He's not done making clear the will of the Congress and of the President, who pushed this bill to make it his shining bill that he had passed through Congress. Stephanopolous goes on and says, I want to check for myself, but your critics say it's a tax increase. President Obama says, my critics say everything is a tax increase.

Stephanopolous: But you reject that it's a tax increase.

President Obama says, I absolutely reject that notion. Not a tax increase.

So you would think that if Chief Justice Roberts and the majority, the other four, are going to uphold the President's prize bill, he might accept what the President said he's done in this bill. But oh, no.

After finding that it's not a tax, it's a penalty, then Chief Justice Roberts comes over to page 39 and he says, the joint dissenters argue that we cannot uphold section 5000(a) as a tax because Congress did not "frame it" as such.

And then he goes on and he says, labels should not control here.

What? He just said before, Congress' own expressed written intent is the best evidence of what their intent is. And yet, now he comes over here, page 39 and says, wait, wait, wait. We have to look at what the intent is, but labels should not control.

So then he goes through and makes this ridiculous argument that it is a tax. And he says over here, page 44, the Affordable Care Act's requirement that

certain individuals pay a financial penalty for not obtaining health insurance may be reasonably considered as a tax because the Constitution permits such tax. It's not our role to forbid it or to pass upon its wisdom or fairness.

But then, one of the big mysteries in this brilliant man's opinion for the majority uses the first person pronoun, I. Now, you know, anybody that's been a judge, normally you go to judicial conferences, you have seminars, you have training in writing style. If it's an individual judge, sole court opinion, then you'll write it one way. If it's a multiple justice opinion you write it another way.

You see first person pronoun I in dissents, even though it's really not the best grammar to use pronouns in dissents. But you don't see them in well-written majority opinions. And Chief Justice Roberts is one of the best linguists we've had on the Court.

And he takes Justice Ginsberg to task a few different places in the majority opinion, and yet, she is one of his voting justices to support the majority. That doesn't make sense.

You don't normally see one justice writing the majority opinion take off and criticize someone who's voting with him. That doesn't make sense. But here at page 44 he says, Justice Ginsberg questions the necessity of rejecting the government's commerce power argument, given that section 5000(a) can be upheld under the taxing power.

He says, Chief Justice Roberts, majority opinion, but the statute reads more naturally as a command to buy insurance than as a tax. So now he's back to what he originally said before he says it is a tax.

And then he says this: And I, Chief Justice Roberts, would uphold it, talking basically of future perfect tense. I would uphold it as a command if the Constitution allowed it. I would uphold it.

He's writing for the majority. There's no reason for him to have the first person pronoun "I" there. It doesn't make sense. I don't know. Maybe this part he was writing as a dissent, and all of a sudden found himself in the majority, and amazingly, nobody caught this problem of style in writing the opinion.

It doesn't make sense that a man that smart would have a product this poor, using first person, criticizing another justice in the majority with him, then saying what he would do. Well, he is doing, he's writing the majority opinion. He has no business saying that.

And then he goes through, it says the States also can end Medicaid expansion exceeds authority under the spending clause. But basically he comes back and upholds it, and then strikes down that you can't force the States to do these things.

But, I remind my friends, the President says it's absolutely not a tax. The

only way this bill gets upheld is if the Supreme Court finds it is a tax after they find jurisdiction by saying it's not a tax.

But this is the same President who said, if you like your health insurance, you're going to keep it. He said, if you like your doctor, you can keep your doctor. We found those were lies.

He said, it's going to bring down the cost of health care. In every indication we've seen, insurance has dramatically gone up. And I get tired of hearing people say, because their memories are poor in here across the aisle, well, look at the good things in here. Twenty-six year olds can be on their own parents' insurance. Gee, you can buy insurance across State lines because of us. We've taken care of the unfairness that some insurance used with preexisting conditions as an exclusion.

But I would encourage my friends, I know my colleagues here remember, back when they had the House, they had the Senate majority, they had the White House, Republicans, many of us begged them, let us do some bipartisan bills together because we can agree. It's not a problem to let 26-year-olds stay on your parents' insurance. Heck, the insurance companies love that because they are usually healthy. It's not a big cost. So we were going to be able to agree on that.

It was a Republican, heck, John Shadegg is the first one I ever heard saying you've got to sell insurance across State lines. That was a Republican idea, so of course most of us supported that.

□ 1850

As for the preexisting conditions, most of us are aware of circumstances in which insurance companies have been grossly unfair in using that exclusion. We were prepared to reach some agreements and have bipartisan, stand-alone bills. I know that my friend Dr. PRICE out here had some concern about health care, his having devoted his life to it before government, trying to fix what government had done to health care. People have been concerned about it. We were willing to agree on these things, but they would not have it.

So to say without ObamaCare we don't have these other things is simply not true, and it forgets current history. We were ready to agree on standalone bills. They didn't want a bipartisan agreement. They wanted the whole brass ring and to shove it around our heads, around our necks, and eventually down our throats, and that is what has happened. I've been amazed at how many people have picked up laws and started reading them, and I would encourage them to read this opinion. It's a very, very strange opinion. It contradicts itself on so many levels.

ObamaCare takes away religious freedom. I'm Baptist. I see what they're doing to the Catholics, and I

don't want to someday say, "I saw what they did to the Catholics, and I remained silent," and eventually there was nobody to object when they did it to me. We all have to stand together, and I'm grateful to stand with my friends.

One other comment. I heard my Democrat friends before we spoke say, without this ObamaCare bill, these clinics will die.

There have been clinics before the ObamaCare bill that helped. We have some in my district, and they're doing wonderful work. They need more help. The best are, really, charitable institutions. The clinics are not going to die.

What came from the President's mouth and was also in his town hall was when a woman in the White House, as part of the town hall, said, Mr. President, at an advanced age, my mother got a pacemaker. If the doctor had not met her, the cardiologist was not going to let her have a pacemaker. After he met her, he said, absolutely, and she has lived years beyond that since she has had a pacemaker. So would you consider someone's quality of life under your panels—we know they don't want to call them "death panels," but whatever you want to call them—will they be able to consider the quality of life that people have before they agree or disagree to let them have a procedure?

The President beat around the bush as he did with Stephanopoulos—and you can find the transcript. It's available on the Net—and ultimately said, You know, maybe we're just better off telling your mother to take a pain pill. You don't get a pacemaker. You don't get these additional years of life. You get a pain pill.

So, when our friends across the aisle tonight say that the clinics will die, I would humbly submit that, based on the President's own words, it's not the clinics that will die under this bill.

I thank you so much for your generous yielding of so much time. It's a bad opinion, and I appreciate having the time to walk through some of it.

Mr. GRAVES of Georgia. I thank the gentleman from Texas for walking us through the opinion.

I hope all those who are viewing this understand that this is about a tax now. This is a new taxing authority, in essence, a broadening of the taxing authority. As Mr. GOHMERT brought up, this is unheard of. We will now have a Federal Government that can do whatever it wants to do through taxation.

In just thinking about the difference between "tax" and "penalty," I guess one way to find out is, who do you send the check to, right? I mean, where is the bill coming from? I imagine it's going to be from the Internal Revenue Service. I remember being on the Appropriations Committee and having the IRS before us. It was wanting hundreds of millions of more dollars to hire more

people for the implementation of ObamaCare, and now we all know why, and we know what that agency or that department collects.

So here is the crux of the decision today:

While the Court might have said, well, the Federal Government can't tell you what to do, they can sure as heck punish you through taxes if you don't do what they want you to do, which is to be followed up here by my friend from Kansas (Mr. HUELSKAMP) who has got some great insight.

Thank you for joining us.

Mr. HUELSKAMP. Thank you, Congressman GRAVES. I appreciate your leadership. Sometimes we wish there had been someone like you on the Court today.

Actually, before we forget, as for one of the five votes that upheld ObamaCare, in any other court of law, that Justice would have recused herself. The decision might have only been 4-4. Justice Kagan should not have been in on this decision. In any other court, she would have been recused. If a lawyer had refused to recuse himself as a judge, he would have been violating ethical rules. Every attorney in this country knows that, including the Chief Justice, and they said nothing.

Do you know what? I'm not here to talk specifically about that. You talked about taxes. Our other Congressman friend did as well.

In this bill, there are 21 tax increases by the definition of the Court, but I want to talk about two in particular because I believe, when we look back on the American system of a once limited government, this day, June 28, 2012, will stand as the definitive date in the advance of government tyranny. In today's ruling, a slim majority of the Court turned the Constitution on its head and ruled that the Federal Government, in effect, can force upon the American people anything it darned well pleases so long as it's called a "tax."

Let's not forget that, when our Founding Fathers put everything on the line, risking life, limb, and property to make us an independent Nation, they did so in order to ensure that no man was taxed without representation. They also asserted that every man and woman has inalienable rights that are not to be violated by the government. They enshrined these concepts in the Declaration of Independence and, ultimately, in our Constitution.

Today, in my opinion, the Supreme Court offered a perverse interpretation of the Bill of Rights. Just across the street from here, they said that, even though you have a right to do something, the decision to exercise that right will incur a tax. The decision to exercise that right, said the Chief Justice of the U.S. Supreme Court, will incur a tax.

Can you imagine the limitless possibilities for Washington? Why not extend this interpretation to other parts of the Constitution? For example, why not tax the exercise of your First Amendment rights?

Sure, you've got First Amendment rights. Send your Member of Congress a letter, but pay a fine to the government. That makes sense under this ruling. Sell a newspaper or publish a blog. Don't forget to tell the IRS and the new 16,500 agents they want to hire to enforce it. What about a right to a fair and speedy trial? That's guaranteed, but you know, that's yours to have but for a fee.

That's the lack of logic. For average Americans who love their Constitution, these are guaranteed. They're not allowed to be imposed if you pay the fine or the fee.

One thing in particular I want to talk about, Congressman GRAVES, is that, in addition to this health insurance mandate tax, the President's health care law creates what is clearly a religion tax. A religion tax? Yes, you heard me right, and it's even if you morally or ethically disagree with something being promoted.

Right now, HHS Secretary Kathleen Sebelius and former Governor of Kansas, look at her record. Most Americans would completely disagree with her moral views, but if you disagree with her mandates of the President's health care plan, it doesn't matter. You will still have to pay for it. If you dare to follow your conscience and, maybe, actually practice your faith or no faith whatsoever and refuse to participate, you will be fined. Why? You will be taxed because of what you believe and your desire to live it out. You will be forced to give your hard-earned money to the IRS in Washington, D.C., because of what you believe. That, my friends, is a religion tax. It's a faith tax. It's a direct attack on our freedom of religion.

Now, today the Court didn't rule on that. There are dozens and dozens and dozens of lawsuits coming on about the HHS mandate coming out of ObamaCare. This is the start: a tax on religion.

I have an employer who sent me an email. He said, Well, Tim, everybody is talking about the individual mandate. What about the employer mandate? I don't want to cover abortions for my employees. I refuse to participate.

He will be fined \$3,000 at a minimum for every single employee. Why? Because of what he believes.

That's why we started this country—for freedom to believe as we ought, not as the government or as the king or as the Chief Justice would have us believe. But they didn't address this directly in this decision; they'll be coming. This is a shocking attack, I believe, on the first supreme right in the First Amendment, which is the right to

believe in and follow the God one chooses.

□ 1900

The Supreme Court may not have dealt ObamaCare the death it deserved, but it's incumbent upon each and every one of us here in Congress and each and every American. I would have loved to have witnessed a home run, knock it out of the park and say it's clearly unconstitutional. Again, if Justice Kagan had been ethical, it would have been a 4-4 decision. They didn't worry about that. Ethics doesn't matter. It's just the end. It's kind of the Progressive Caucus approach. The end justifies the means, but not in America.

I ask all Americans to realize this decision is not about health care. It's about liberty. When we have created and designed a method by which future Congresses, future Presidents, can get around any limit in the Constitution—the Constitution is a limit on my power, on every power of every Member in this Chamber and every Member across the way and every President of the United States. That's what the Constitution does. It doesn't empower us. It takes away our power.

This Court today has said, if you call it a tax, if you use those three words—even though the Chief Justice says "labels don't matter." He said labels don't matter, and then he turns around and says the word "tax" does matter. If you do that, it makes it suddenly constitutional—anything you do, including attacking the very faith that is held by the Chief Justice himself. It says, You cannot hold that faith, Mr. Chief Justice, unless you're willing to be fined by your own government.

That is a travesty of justice in this country.

What this means is we cannot overturn this with this President in the White House. This has taken an issue, and people are ready to work on it and say, You know what? This is going to be the issue for November 6. This is the choice. Do you want the government to mandate and control everything in your lives, as long as they use that magic word? They love to use the "tax" word. If you allow them to do that, you allow them to be in every part of your life, which is an absolute contradiction to what this country was founded upon.

I appreciate the leadership of many in this room. I am just a freshman. I was not here when this debate started last time, as some of these colleagues who have been fighting all along. But I tell you, if the folks in the First District of Kansas are any indication of what Americans are saying all over, this is the time. They're going to dust off that Constitution. They're going to read it and say, My goodness. I don't want to lose this. It's too precious.

We're leading the world, and now is the time to take back our government,

take back our Constitution, and take back power out of Washington, D.C.

I appreciate the leadership of the gentleman from Georgia.

Mr. GRAVES of Georgia. I thank the gentleman from Kansas for your words.

Regarding unintended consequences, I can tell you there are going to be an amazing amount of unintended consequences with the Affordable Care Act, which I'm not sure that we can call it that anymore. I think it's more like the Limited Care Act. It's the Very Expensive Care Act.

For the Progressives that were here earlier—and I know many folks listened to them—they were celebrating. They were excited. They were happy, gleeful; whereas, we're lamenting but resolved to do away with this once and for all.

Why would they be gleeful? Because it's their movement. That's what they've been trying to do now for almost 100 years, and that is increase the size of government, get it into the lives of the American people, dictate their behavior, and limit freedom.

I read recently that part of their agenda is to divorce the Declaration of Independence and the Constitution. But to use one and to prop up on that one so they can almost sort of claim that they are for the founding of this Nation—and we heard earlier when they used the Declaration of Independence: life, liberty, and the pursuit of happiness. They were celebrating that this was the right bill to be in law because of life, liberty, and the pursuit of happiness. If you can claim that with this legislation, there are no bounds in which you can go with this Federal Government, there are no limits.

As the gentleman from Kansas just raised, this is clearly not about health care. This is about freedom, and this is about liberty and preserving it for future generations.

I would like to yield to the gentleman from Louisiana (Mr. LANDRY).

Mr. LANDRY. Thank you, Mr. GRAVES.

Mr. HUELSKAMP was just on the mark. I will venture to say that today's ruling actually extinguishes the fire of life, liberty, and the pursuit of happiness. It destroys life, liberty, and that pursuit.

The question today for this country can best be summed up by President Ronald Reagan when he said, back in the 1960s, in a speech:

Will history write that those who had the most to lose did the least to prevent it from happening?

This is a sad and tragic day for the Constitution. Where are the limits of our government? While the Court has answered that the Commerce Clause does have its limits and gives us that ruling, it takes away by saying that Congress has unlimited taxing power. Its limits are unlimited. I guess that Congress now, when it sees fit to regu-

late an issue, an industry, need only now to turn to its taxing power, as Mr. HUELSKAMP said.

This law was sold to us as a mandate and not a tax. It was reaffirmed by the President that this is not a tax. Yet, when the arguments were made to its constitutionality, this administration took the position that it was a tax, and the Court agreed.

Let's see the taxes. In 2010, an excise tax on charitable hospitals was enacted; the codification of the economic substance doctrine; a tax hike of \$4.5 billion was implemented; a black liquor tax hike, a tax that increases on the type of biofuel; a tax on innovator drug companies was enacted; a BlueCross/BlueShield tax hike was enacted; a tax on indoor canning services was enacted; a medicine cabinet tax, so that Americans are no longer able to use their FSAs, flexible spending accounts, or HRAs, their health reimbursement pretax dollars to purchase nonprescription over-the-counter medicine was implemented; the HSA withdraw tax hike was implemented; a tax that will take effect this year, the employer reporting of insurance on W-4s.

Where are they going with that, Mr. GRAVES? Where are they going with that?

Remember, not long ago we had a big debate about that, that now we're going to report to the IRS the amount of your insurance policy that your employer gives you on your W-4, because they want to tax that as income.

And then taxes that will take effect in 2013: a surtax on investment income; a hike in the medical payroll tax.

Wait, the medical payroll tax? I thought we had a payroll tax holiday. Not in 2013. We're going to get an increase.

A tax on medical device manufacturers; a flexible spending account cap that is going to affect those parents who have special needs kids.

So those parents who have special needs kids that the other side of this aisle claims to always want to represent, this health care law is now going to tax.

An elimination of the tax deduction for employers that cover prescription drugs; a \$500,000 annual executive compensation limit; an individual mandate excise tax; an employer mandate excise tax; a tax on health insurers.

And last but not least, in 2018, an excise tax on comprehensive health insurance plans, which will affect union employees.

This ladder of success that we had in this country has now had three rings of it removed, because now the government tells the individual, if you live below a certain poverty line, you will be given food, shelter, and now health care tax free, no requirement by you who are receiving these, to pay anything back to the government, zero.

□ 1910

What is the incentive to climb? Because the moment you start to climb, you lose these amenities and the government starts to take from you. So the decision becomes, can I jump high enough to grab a rung so that I can then start paying back and get more of the amenities that the government was giving us and I was provided?

Let me conclude as I began, by asking: Will those who have the most to lose do the least to prevent it from happening? And as I spend time in this city, I have come to realize that the giants of America who have been memorialized for their great contributions to our society did not contribute with the goal of being memorialized but did what was right and just in the eyes of the Lord, with no ego and no agenda other than for the greater good. And that is what this country so desperately needs. We need those giants.

Mr. GRAVES of Georgia. I thank the gentleman from Louisiana.

You brought up one major component of all this legislation. I remember in one of the State of the Unions, the President said, We need tax reform. Tax reform.

I think he got tax reform in this law. What did you say? Twenty-one new taxes are being implemented because of ObamaCare? There are 21 new taxes, and yet the Progressives earlier said, No, this is great for America. Free health care. Affordable health care. No one has to pay. They'll actually get credits back.

Somebody's got to pay. That's the way this place works. Whenever they're promising you something, they're taking from someone else. And you just laid out 21 different areas that impact every American that the President promised he wouldn't raise taxes on. So I appreciate you doing that.

And next, the other component of it is, what's left? What really was in this health care law, this Big Government expansion, this overreach into the homes of American families? A tremendous amount is left.

I know Dr. PRICE from Georgia has been leading the fight not only against this measure, but for positive patient-centered and patient-driven measures as well. And I want to thank you for joining us and sharing with us.

Mr. PRICE of Georgia. Thank you, Mr. GRAVES, so very much. I want to commend you for your work on this issue and your leadership for principled solutions, principled solutions in the area of health care and everywhere else.

I know that Republicans think every day is the Fourth of July and Democrats think that every day is April 15. Why would I say that? Today we've been highlighting it in this conversation we're having here, because our friends on the other side of the aisle believe that every day is another day to raise taxes.

Today the Supreme Court of the United States said, If you want to raise taxes, have at it. Raise them as high as you want. In fact, the Democrats are so incredibly happy this day because it's not just that they can now raise taxes or fight to raise taxes on what we do, but goodness gracious, they can fight to raise taxes on what we don't do. In fact, if you don't do something, then the Federal Government can say, Oh, you'd better do that or we're going to raise your taxes. And that is exactly what the Court said today, which confounds and astounds everybody.

I was privileged to sit in the Court today, though, and hear the reading of the ruling, and Chief Justice Roberts said one thing that I found very, very interesting. He said, "It's not our job to protect citizens from their political decisions."

"It's not our job to protect citizens from their political decisions." And that's exactly what this was. This decision was fixed on Election Day in 2008. This decision came down on Election Day 2008.

As a physician, I want to talk for a very brief moment here about the incredible importance of Election Day 2012 because, as you said, Mr. GRAVES, there are a lot of things in this bill that we're not just talking about money. As a physician, I know what we're talking about is people's lives, the health care of the American people. And nothing could be so important, nothing could be so personal.

And what the Court said today is, Let the things in there stand. The \$500 billion reduction, the \$500 billion decrease from the Medicare program—taking the Medicare program and saying, You don't need that money, seniors in this country. You don't need that money. We're going to use it over here.

What does that mean? What that means is that those seniors—your parents, your grandparents, the parents and grandparents of this great country, the people of the Greatest Generation cited by this country, are now going to have diminished health care.

And how are they going to do it? They're not going to do it through the front door. They're not going to say, We're going to decrease this care for you transparently, openly. Oh, no. They're going to do it through the backdoor, something called the Independent Payment Advisory Board that we've talked about before, the 15-member bureaucratic panel. Nonelected individuals are going to have the power, under this law, to say, Dr. Smith, you can't do that for Mrs. Jones. If you do it, we're not going to pay you. That's the coercive power of this government. That's the coercive power that this Court today said is okay.

Well, Mr. GRAVES, you and I both know that it's not okay for us, and it's not okay for the American people. And that's why we stand here tonight, and

we say with every ounce of our being that the election that occurred in 2008 may have written this in stone, but there are some sandblasters out there. And what we're going to do between now and the first Tuesday in November is to make certain that the American people understand and appreciate that there are folks in this town who are fighting as hard as we can to uphold the rule of law, to uphold the Constitution, and to adhere to those fundamental principles, especially in health care—the principles of affordability and accessibility and quality and choices for the American people.

The bad news was written today. The good news is that you can solve all of these challenges in health care without putting the Federal Government in charge of the thing. We've got the solutions. We've talked about them before. We'll be going on the road now talking about them from now until November, because the American people want to know that there is somebody fighting for them in this town on their behalf. And we are.

What we need from the American people is for them to stand up and say, No more. We will not tolerate a government that will reach into our lives and destroy quality health care in this country to the degree that the Court said it was okay to do today.

I thank my friend for the wonderful work you are doing and for yielding me this time.

Mr. GRAVES of Georgia. I thank the gentleman from Georgia.

Not only are you a physician—you are not here speaking on behalf of physicians. You are here speaking on behalf of patients all across this country and defending them. And I appreciate the great fight that you are putting on and the resolve that you have for each of us, as you are leading us here as Republicans here in the House.

As we go into the last 5 minutes here with the gentleman from Utah (Mr. BISHOP), he brought up the government right now taxes us on what we do or consume, but this is a first in which the government can now tax you on what you don't do. That's an amazing concept. I hadn't really thought of it that way until Mr. PRICE brought it up.

So now the Federal Government has moved into a realm which has never been here before, saying, Hey, because you're not doing something, I'm going to tax you. So I'm going to determine what it is that you should be doing that you are not doing so, therefore, I can collect a little revenue. And here we are today with something such as this.

As we are just wrapping up this spirited discussion here, earlier, Mr. BISHOP, you heard the Progressives celebrating this decision today.

What were they celebrating? The Federal Government can tax you if you do something. But today's celebration

was the fact that the Federal Government can tax you when you don't do something.

I appreciate you joining us tonight and giving your thoughts from the great State of Utah.

Mr. BISHOP of Utah. I appreciate the gentleman for yielding me a few moments here. Truly, this is a unique day. And I'm happy to join my colleagues in talking about this particular issue.

You know, the old cliché is simply, a Supreme Court decision should not be confused with constitutional principles. Today we had one case brought by States to the Supreme Court. And the administration has always said, This ObamaCare is not a tax. It is not a tax.

Well, the Court said, on five of the nine decisions, Yes, it is a tax. And I guess it's legal if you call it a tax. Four of the nine said not even that's good enough; but, nonetheless, it's a tax.

□ 1920

It's appropriate that we talk about that power of taxing because the most famous of all cases, *McCulloch v. Maryland*, which was one the major decisions actually made in this particular building, simply said the power to tax is the power to destroy. And we have that in front of us right now.

I don't think we should've expected judges to do what the legislative branch—in this case, Congress—ought do. And I think it's positive that we move forward in this effort to make sure that this program does not go into effect and we take concerns for our constituents and maybe even learn something from it.

The idea of judicial review didn't exist for the first decade and a half of this country. *Marbury v. Madison* didn't happen until almost 15 years into the country. Washington, in the Constitutional Convention, also thought the veto should be what determined constitutionality, kind of executive review, and Jefferson always said there should be legislative review.

So I think perhaps our Founding Fathers thought all branches should be involved in that kind of concept. And I think there should be a fourth one added to it, which is the States at the same time, who started this process of going to the courts. But we don't come on this floor often and quote anti-Federalists because they lost. However, I want to today, because even though they were wrong on the Constitution, every once in a while they were right on some of the concepts.

So in the "17th Letter from a Federalist Farmer," written either by Melancthon Smith or one of the Lees of Virginia—no one really knows who actually did it—he talked about this idea that the States, if we have the concept of federalism, should have some power to do some real things. He simply said:

I have often heard it observed that our people are well informed and will not submit to

oppressive governments, that the State governments will be ready advocates. But of what avail will these circumstances be if the State governments, thus allowed to be guardians of the people, possess no kind of power to stop the laws of Congress injurious to the people?

One of the things they quickly said is States really don't have the concept or the power to actually involve themselves in this particular issue. There are some concepts that are out there. The repeal amendment, which is proposed by some legal scholars and has been proposed by some State organizations, would actually give a tool for States to be involved in this discussion because it impacts those States. Right now, they simply have to accept what takes place here in the rarified air by the Potomac River.

But, indeed, if we gave the States a tool so if enough States were to ban together to say, No, we disagree with this rule, we disagree with this regulation, we disagree with this law, we even disagree with this Supreme Court decision, the States would have the ability to add a new check and a new balance to make sure that the common people of this country have some kind of voice in these decisions.

I think one of the things we should learn from today's decision is that we desperately need another check and balance in our process to make federalism a realistic and real term, and that means to involve the States in giving them some powers to have real decisions, not so they have to come to us as they have so far, begging, but so they can actually have a say. I think we would be better off as a Nation if we did it.

This decision today, if nothing more, should add a resolve for us to solve a political problem politically, to do it here in the Halls of Congress, but maybe add another player in this process—the States—so they also have a say in this power to tax, which is the power to destroy.

I realize we're coming close to time. I want to give my good friend from Georgia the chance of giving the final word on this particular issue, and I appreciate his efforts to organize this opportunity to talk about what has happened today.

Mr. GRAVES of Georgia. Thank you for your comments tonight and your great insight and reflecting back on early documents and early words that have been shared.

Mr. Speaker, as we conclude tonight, I want the American people to know that we are resolved to restore the liberty that was lost today through the full repeal of ObamaCare. That will be our focus as Republicans in the House.

I yield back the balance of my time.

CONFERENCE REPORT ON H.R. 4348, MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

Mr. MICA (during the Special Order of Mr. GRAVES of Georgia) submitted the following conference report and statement on the bill (H.R. 4348) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, and for other purposes:

CONFERENCE REPORT (H. REPT. 112-557)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4348), to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment, insert the following:

SECTION 1. SHORT TITLE; ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CON- TENTS.

(a) *SHORT TITLE.*—This Act may be cited as the “Moving Ahead for Progress in the 21st Century Act” or the “MAP-21”.

(b) *DIVISIONS.*—This Act is organized into 8 divisions as follows:

- (1) *Division A—Federal-aid Highways and Highway Safety Construction Programs.*
- (2) *Division B—Public Transportation.*
- (3) *Division C—Transportation Safety and Surface Transportation Policy.*
- (4) *Division D—Finance.*
- (5) *Division E—Research and Education.*
- (6) *Division F—Miscellaneous.*
- (7) *Division G—Surface Transportation Extension.*
- (8) *Division H—Budgetary Effects.*

(c) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; organization of Act into divisions; table of contents.

Sec. 2. Definitions.

Sec. 3. Effective date.

DIVISION A—FEDERAL-AID HIGHWAYS AND HIGHWAY SAFETY CONSTRUCTION PROGRAMS

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

Sec. 1101. Authorization of appropriations.

Sec. 1102. Obligation ceiling.

Sec. 1103. Definitions.

Sec. 1104. National Highway System.

Sec. 1105. Apportionment.

Sec. 1106. National highway performance program.

Sec. 1107. Emergency relief.

Sec. 1108. Surface transportation program.

Sec. 1109. Workforce development.

Sec. 1110. Highway use tax evasion projects.

Sec. 1111. National bridge and tunnel inventory and inspection standards.

Sec. 1112. Highway safety improvement program.

Sec. 1113. Congestion mitigation and air quality improvement program.

Sec. 1114. Territorial and Puerto Rico highway program.

Sec. 1115. National freight policy.

Sec. 1116. Prioritization of projects to improve freight movement.

Sec. 1117. State freight advisory committees.

Sec. 1118. State freight plans.

Sec. 1119. Federal lands and tribal transportation programs.

Sec. 1120. Projects of national and regional significance.

Sec. 1121. Construction of ferry boats and ferry terminal facilities.

Sec. 1122. Transportation alternatives.

Sec. 1123. Tribal high priority projects program.

Subtitle B—Performance Management

Sec. 1201. Metropolitan transportation planning.

Sec. 1202. Statewide and nonmetropolitan transportation planning.

Sec. 1203. National goals and performance management measures.

Subtitle C—Acceleration of Project Delivery

Sec. 1301. Declaration of policy and project delivery initiative.

Sec. 1302. Advance acquisition of real property interests.

Sec. 1303. Letting of contracts.

Sec. 1304. Innovative project delivery methods.

Sec. 1305. Efficient environmental reviews for project decisionmaking.

Sec. 1306. Accelerated decisionmaking.

Sec. 1307. Assistance to affected Federal and State agencies.

Sec. 1308. Limitations on claims.

Sec. 1309. Accelerating completion of complex projects within 4 years.

Sec. 1310. Integration of planning and environmental review.

Sec. 1311. Development of programmatic mitigation plans.

Sec. 1312. State assumption of responsibility for categorical exclusions.

Sec. 1313. Surface transportation project delivery program.

Sec. 1314. Application of categorical exclusions for multimodal projects.

Sec. 1315. Categorical exclusions in emergencies.

Sec. 1316. Categorical exclusions for projects within the right-of-way.

Sec. 1317. Categorical exclusion for projects of limited Federal assistance.

Sec. 1318. Programmatic agreements and additional categorical exclusions.

Sec. 1319. Accelerated decisionmaking in environmental reviews.

Sec. 1320. Memoranda of agency agreements for early coordination.

Sec. 1321. Environmental procedures initiative.

Sec. 1322. Review of State environmental reviews and approvals for the purpose of eliminating duplication of environmental reviews.

Sec. 1323. Review of Federal project and program delivery.

Subtitle D—Highway Safety

Sec. 1401. Jason's law.

Sec. 1402. Open container requirements.

Sec. 1403. Minimum penalties for repeat offenders for driving while intoxicated or driving under the influence.

Sec. 1404. Adjustments to penalty provisions.

Sec. 1405. Highway worker safety.

Subtitle E—Miscellaneous

Sec. 1501. Real-time ridesharing.

Sec. 1502. Program efficiencies.

Sec. 1503. Project approval and oversight.

Sec. 1504. Standards.

Sec. 1505. Justification reports for access points on the Interstate System.

Sec. 1506. Construction.

Sec. 1507. Maintenance.
 Sec. 1508. Federal share payable.
 Sec. 1509. Transferability of Federal-aid highway funds.
 Sec. 1510. Idle reduction technology.
 Sec. 1511. Special permits during periods of national emergency.
 Sec. 1512. Tolling.
 Sec. 1513. Miscellaneous parking amendments.
 Sec. 1514. HOV facilities.
 Sec. 1515. Funding flexibility for transportation emergencies.
 Sec. 1516. Defense access road program enhancements to address transportation infrastructure in the vicinity of military installations.
 Sec. 1517. Mapping.
 Sec. 1518. Buy America provisions.
 Sec. 1519. Consolidation of programs; repeal of obsolete provisions.
 Sec. 1520. Denali Commission.
 Sec. 1521. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 amendments.
 Sec. 1522. Extension of public transit vehicle exemption from axle weight restrictions.
 Sec. 1523. Use of debris from demolished bridges and overpasses.
 Sec. 1524. Use of youth service and conservation corps.
 Sec. 1525. State autonomy for culvert pipe selection.
 Sec. 1526. Evacuation routes.
 Sec. 1527. Consolidation of grants.
 Sec. 1528. Appalachian development highway system.
 Sec. 1529. Engineering judgment.
 Sec. 1530. Transportation training and employment programs.
 Sec. 1531. Notice of certain grant awards.
 Sec. 1532. Budget justification.
 Sec. 1533. Prohibition on use of funds for automated traffic enforcement.
 Sec. 1534. Public-private partnerships.
 Sec. 1535. Report on Highway Trust Fund expenditures.
 Sec. 1536. Sense of Congress on harbor maintenance.
 Sec. 1537. Estimate of harbor maintenance needs.
 Sec. 1538. Asian carp.
 Sec. 1539. Rest areas.

Subtitle F—Gulf Coast Restoration

Sec. 1601. Short title.
 Sec. 1602. Gulf Coast Restoration Trust Fund.
 Sec. 1603. Gulf Coast natural resources restoration and economic recovery.
 Sec. 1604. Gulf Coast Ecosystem Restoration Science, Observation, Monitoring, and Technology program.
 Sec. 1605. Centers of excellence research grants.
 Sec. 1606. Effect.
 Sec. 1607. Restoration and protection activity limitations.
 Sec. 1608. Inspector General.

TITLE II—AMERICA FAST FORWARD FINANCING INNOVATION

Sec. 2001. Short title.
 Sec. 2002. Transportation Infrastructure Finance and Innovation Act of 1998 amendments.

DIVISION B—PUBLIC TRANSPORTATION

Sec. 20001. Short title.
 Sec. 20002. Repeals.
 Sec. 20003. Policies and purposes.
 Sec. 20004. Definitions.
 Sec. 20005. Metropolitan transportation planning.
 Sec. 20006. Statewide and nonmetropolitan transportation planning.
 Sec. 20007. Urbanized area formula grants.
 Sec. 20008. Fixed guideway capital investment grants.

Sec. 20009. Mobility of seniors and individuals with disabilities.
 Sec. 20010. Formula grants for rural areas.
 Sec. 20011. Research, development, demonstration, and deployment projects.
 Sec. 20012. Technical assistance and standards development.
 Sec. 20013. Private sector participation.
 Sec. 20014. Bus testing facilities.
 Sec. 20015. Human resources and training.
 Sec. 20016. General provisions.
 Sec. 20017. Public Transportation Emergency Relief Program.
 Sec. 20018. Contract requirements.
 Sec. 20019. Transit asset management.
 Sec. 20020. Project management oversight.
 Sec. 20021. Public transportation safety.
 Sec. 20022. Alcohol and controlled substances testing.
 Sec. 20023. Nondiscrimination.
 Sec. 20024. Administrative provisions.
 Sec. 20025. National transit database.
 Sec. 20026. Apportionment of appropriations for formula grants.
 Sec. 20027. State of good repair grants.
 Sec. 20028. Authorizations.
 Sec. 20029. Bus and bus facilities formula grants.
 Sec. 20030. Technical and conforming amendments.

DIVISION C—TRANSPORTATION SAFETY AND SURFACE TRANSPORTATION POLICY TITLE I—MOTOR VEHICLE AND HIGHWAY SAFETY IMPROVEMENT ACT OF 2012

Sec. 31001. Short title.
 Sec. 31002. Definition.
 Subtitle A—Highway Safety
 Sec. 31101. Authorization of appropriations.
 Sec. 31102. Highway safety programs.
 Sec. 31103. Highway safety research and development.
 Sec. 31104. National driver register.
 Sec. 31105. National priority safety programs.
 Sec. 31106. High visibility enforcement program.
 Sec. 31107. Agency accountability.
 Sec. 31108. Emergency medical services.
 Sec. 31109. Repeal of programs.

Subtitle B—Enhanced Safety Authorities

Sec. 31201. Definition of motor vehicle equipment.
 Sec. 31202. Permit reminder system for non-use of safety belts.
 Sec. 31203. Civil penalties.
 Sec. 31204. Motor vehicle safety research and development.
 Sec. 31205. Odometer requirements.
 Sec. 31206. Increased penalties and damages for odometer fraud.
 Sec. 31207. Extend prohibitions on importing noncompliant vehicles and equipment to defective vehicles and equipment.
 Sec. 31208. Conditions on importation of vehicles and equipment.
 Sec. 31209. Port inspections; samples for examination or testing.

Subtitle C—Transparency and Accountability

Sec. 31301. Public availability of recall information.
 Sec. 31302. National Highway Traffic Safety Administration outreach to manufacturer, dealer, and mechanic personnel.
 Sec. 31303. Public availability of communications to dealers.
 Sec. 31304. Corporate responsibility for National Highway Traffic Safety Administration reports.
 Sec. 31305. Passenger motor vehicle information program.
 Sec. 31306. Promotion of vehicle defect reporting.

Sec. 31307. Whistleblower protections for motor vehicle manufacturers, part suppliers, and dealership employees.
 Sec. 31308. Anti-revolving door.
 Sec. 31309. Study of crash data collection.
 Sec. 31310. Update means of providing notification; improving efficacy of recalls.
 Sec. 31311. Expanding choices of remedy available to manufacturers of replacement equipment.
 Sec. 31312. Recall obligations and bankruptcy of manufacturer.
 Sec. 31313. Repeal of insurance reports and information provision.
 Sec. 31314. Monroney sticker to permit additional safety rating categories.

Subtitle D—Vehicle Electronics and Safety Standards

Sec. 31401. National Highway Traffic Safety Administration electronics, software, and engineering expertise.
 Sec. 31402. Electronic systems performance.

Subtitle E—Child Safety Standards

Sec. 31501. Child safety seats.
 Sec. 31502. Child restraint anchorage systems.
 Sec. 31503. Rear seat belt reminders.
 Sec. 31504. Unattended passenger reminders.
 Sec. 31505. New deadline.

Subtitle F—Improved Daytime and Nighttime Visibility of Agricultural Equipment

Sec. 31601. Rulemaking on visibility of agricultural equipment.

TITLE II—COMMERCIAL MOTOR VEHICLE SAFETY ENHANCEMENT ACT OF 2012

Sec. 32001. Short title.
 Sec. 32002. References to title 49, United States Code.

Subtitle A—Commercial Motor Vehicle Registration

Sec. 32101. Registration of motor carriers.
 Sec. 32102. Safety fitness of new operators.
 Sec. 32103. Reincarnated carriers.
 Sec. 32104. Financial responsibility requirements.
 Sec. 32105. USDOT number registration requirement.
 Sec. 32106. Registration fee system.
 Sec. 32107. Registration update.
 Sec. 32108. Increased penalties for operating without registration.
 Sec. 32109. Revocation of registration for imminent hazard.
 Sec. 32110. Revocation of registration and other penalties for failure to respond to subpoena.
 Sec. 32111. Fleetwide out of service order for operating without required registration.
 Sec. 32112. Motor carrier and officer patterns of safety violations.

Subtitle B—Commercial Motor Vehicle Safety

Sec. 32201. Crashworthiness standards.
 Sec. 32202. Canadian safety rating reciprocity.
 Sec. 32203. State reporting of foreign commercial driver convictions.
 Sec. 32204. Authority to disqualify foreign commercial drivers.
 Sec. 32205. Revocation of foreign motor carrier operating authority for failure to pay civil penalties.
 Sec. 32206. Rental truck accident study.

Subtitle C—Driver Safety

Sec. 32301. Hours of service study and electronic logging devices.
 Sec. 32302. Driver medical qualifications.
 Sec. 32303. Commercial driver's license notification system.
 Sec. 32304. Commercial motor vehicle operator training.
 Sec. 32305. Commercial driver's license program.
 Sec. 32306. Commercial motor vehicle driver information systems.

- Sec. 32307. Employer responsibilities.
- Sec. 32308. Program to assist Veterans to acquire commercial driver's licenses.
- Subtitle D—Safe Roads Act of 2012
- Sec. 32401. Short title.
- Sec. 32402. National clearinghouse for controlled substance and alcohol test results of commercial motor vehicle operators.
- Subtitle E—Enforcement
- Sec. 32501. Inspection demand and display of credentials.
- Sec. 32502. Out of service penalty for denial of access to records.
- Sec. 32503. Penalties for violation of operation out of service orders.
- Sec. 32504. Impoundment and immobilization of commercial motor vehicles for imminent hazard.
- Sec. 32505. Increased penalties for evasion of regulations.
- Sec. 32506. Violations relating to commercial motor vehicle safety regulation and operators.
- Sec. 32507. Emergency disqualification for imminent hazard.
- Sec. 32508. Disclosure to State and local law enforcement agencies.
- Sec. 32509. Grade crossing safety regulations.
- Subtitle F—Compliance, Safety, Accountability
- Sec. 32601. Motor carrier safety assistance program.
- Sec. 32602. Performance and registration information systems management program.
- Sec. 32603. Authorization of appropriations.
- Sec. 32604. Grants for commercial driver's license program implementation.
- Sec. 32605. Commercial vehicle information systems and networks.
- Subtitle G—Motorcoach Enhanced Safety Act of 2012
- Sec. 32701. Short title.
- Sec. 32702. Definitions.
- Sec. 32703. Regulations for improved occupant protection, passenger evacuation, and crash avoidance.
- Sec. 32704. Fire prevention and mitigation.
- Sec. 32705. Occupant protection, collision avoidance, fire causation, and fire extinguisher research and testing.
- Sec. 32706. Concurrence of research and rule-making.
- Sec. 32707. Improved oversight of motorcoach service providers.
- Sec. 32708. Report on feasibility, benefits, and costs of establishing a system of certification of training programs.
- Sec. 32709. Commercial driver's license passenger endorsement requirements.
- Sec. 32710. Safety inspection program for commercial motor vehicles of passengers.
- Sec. 32711. Regulations.
- Subtitle H—Safe Highways and Infrastructure Preservation
- Sec. 32801. Comprehensive truck size and weight limits study.
- Sec. 32802. Compilation of existing State truck size and weight limit laws.
- Subtitle I—Miscellaneous
- PART I—MISCELLANEOUS
- Sec. 32911. Prohibition of coercion.
- Sec. 32912. Motor carrier safety advisory committee.
- Sec. 32913. Waivers, exemptions, and pilot programs.
- Sec. 32914. Registration requirements.
- Sec. 32915. Additional motor carrier registration requirements.
- Sec. 32916. Registration of freight forwarders and brokers.
- Sec. 32917. Effective periods of registration.
- Sec. 32918. Financial security of brokers and freight forwarders.
- Sec. 32919. Unlawful brokerage activities.
- PART II—HOUSEHOLD GOODS TRANSPORTATION
- Sec. 32921. Additional registration requirements for household goods motor carriers.
- Sec. 32922. Failure to give up possession of household goods.
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- Sec. 32931. Update of obsolete text.
- Sec. 32932. Correction of interstate commerce commission references.
- Sec. 32933. Technical and conforming amendments.
- Sec. 32934. Exemptions from requirements for covered farm vehicles.
- TITLE III—HAZARDOUS MATERIALS TRANSPORTATION SAFETY IMPROVEMENT ACT OF 2012
- Sec. 33001. Short title.
- Sec. 33002. Definition.
- Sec. 33003. References to title 49, United States Code.
- Sec. 33004. Training for emergency responders.
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TITLE IV—EFFECTIVE DATE

Sec. 114001. Effective date.

DIVISION H—BUDGETARY EFFECTS

Sec. 120001. Budgetary effects.

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) DEPARTMENT.—The term “Department” means the Department of Transportation.

(2) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided, divisions A, B, C (other than sections 32603(d), 32603(g), 32912, and 34002 of that division) and E, including the amendments made by those divisions, take effect on October 1, 2012.

(b) REFERENCES.—Except as otherwise provided, any reference to the date of enactment of the MAP-21 or to the date of enactment of the Federal Public Transportation Act of 2012 in the divisions described in subsection (a) or in an amendment made by those divisions shall be deemed to be a reference to the effective date of those divisions.

DIVISION A—FEDERAL-AID HIGHWAYS AND HIGHWAY SAFETY CONSTRUCTION PROGRAMS

TITLE I—FEDERAL-AID HIGHWAYS

Subtitle A—Authorizations and Programs

SEC. 1101. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) FEDERAL-AID HIGHWAY PROGRAM.—For the national highway performance program under section 119 of title 23, United States Code, the surface transportation program under section 133 of that title, the highway safety improvement program under section 148 of that title, the congestion mitigation and air quality improvement program under section 149 of that title, and to carry out section 134 of that title—

(A) \$37,476,819,674 for fiscal year 2013; and

(B) \$37,798,000,000 for fiscal year 2014.

(2) TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION PROGRAM.—For credit assistance under the transportation infrastructure finance and innovation program under chapter 6 of title 23, United States Code—

(A) \$750,000,000 for fiscal year 2013; and

(B) \$1,000,000,000 for fiscal year 2014.

(3) FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.—

(A) TRIBAL TRANSPORTATION PROGRAM.—For the tribal transportation program under section 202 of title 23, United States Code, \$450,000,000 for each of fiscal years 2013 and 2014.

(B) FEDERAL LANDS TRANSPORTATION PROGRAM.—For the Federal lands transportation program under section 203 of title 23, United States Code, \$300,000,000 for each of fiscal years 2013 and 2014, of which \$240,000,000 of the amount made available for each fiscal year shall be the amount for the National Park Service and \$30,000,000 of the amount made available for each fiscal year shall be the amount for the United States Fish and Wildlife Service.

(C) FEDERAL LANDS ACCESS PROGRAM.—For the Federal lands access program under section 204 of title 23, United States Code, \$250,000,000 for each of fiscal years 2013 and 2014.

(4) TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.—For the territorial and Puerto Rico highway program under section 165 of title 23, United States Code, \$190,000,000 for each of fiscal years 2013 and 2014.

(b) DISADVANTAGED BUSINESS ENTERPRISES.—

(1) FINDINGS.—Congress finds that—

(A) while significant progress has occurred due to the establishment of the disadvantaged business enterprise program, discrimination and related barriers continue to pose significant obstacles for minority- and women-owned businesses seeking to do business in federally-assisted surface transportation markets across the United States;

(B) the continuing barriers described in subparagraph (A) merit the continuation of the disadvantaged business enterprise program;

(C) Congress has received and reviewed testimony and documentation of race and gender discrimination from numerous sources, including congressional hearings and roundtables, scientific reports, reports issued by public and private agencies, news stories, reports of discrimination by organizations and individuals, and discrimination lawsuits, which show that race- and gender-neutral efforts alone are insufficient to address the problem;

(D) the testimony and documentation described in subparagraph (C) demonstrate that discrimination across the United States poses a barrier to full and fair participation in surface transportation-related businesses of women business owners and minority business owners and has impacted firm development and many aspects of surface transportation-related business in the public and private markets; and

(E) the testimony and documentation described in subparagraph (C) provide a strong basis that there is a compelling need for the continuation of the disadvantaged business enterprise program to address race and gender discrimination in surface transportation-related business.

(2) **DEFINITIONS.**—In this subsection, the following definitions apply:

(A) **SMALL BUSINESS CONCERN.**—

(i) **IN GENERAL.**—The term “small business concern” means a small business concern (as the term is used in section 3 of the Small Business Act (15 U.S.C. 632)).

(ii) **EXCLUSIONS.**—The term “small business concern” does not include any concern or group of concerns controlled by the same socially and economically disadvantaged individual or individuals that have average annual gross receipts during the preceding 3 fiscal years in excess of \$22,410,000, as adjusted annually by the Secretary for inflation.

(B) **SOCIALLY AND ECONOMICALLY DISADVANTAGED INDIVIDUALS.**—The term “socially and economically disadvantaged individuals” has the meaning given the term in section 8(d) of the Small Business Act (15 U.S.C. 637(d)) and relevant subcontracting regulations issued pursuant to that Act, except that women shall be presumed to be socially and economically disadvantaged individuals for purposes of this subsection.

(3) **AMOUNTS FOR SMALL BUSINESS CONCERNS.**—Except to the extent that the Secretary determines otherwise, not less than 10 percent of the amounts made available for any program under divisions A and B of this Act and section 403 of title 23, United States Code, shall be expended through small business concerns owned and controlled by socially and economically disadvantaged individuals.

(4) **ANNUAL LISTING OF DISADVANTAGED BUSINESS ENTERPRISES.**—Each State shall annually—

(A) survey and compile a list of the small business concerns referred to in paragraph (2) in the State, including the location of the small business concerns in the State; and

(B) notify the Secretary, in writing, of the percentage of the small business concerns that are controlled by—

- (i) women;
- (ii) socially and economically disadvantaged individuals (other than women); and
- (iii) individuals who are women and are otherwise socially and economically disadvantaged individuals.

(5) **UNIFORM CERTIFICATION.**—

(A) **IN GENERAL.**—The Secretary shall establish minimum uniform criteria for use by State governments in certifying whether a concern qualifies as a small business concern for the purpose of this subsection.

(B) **INCLUSIONS.**—The minimum uniform criteria established under subparagraph (A) shall include, with respect to a potential small business concern—

- (i) on-site visits;
- (ii) personal interviews with personnel;
- (iii) issuance or inspection of licenses;
- (iv) analyses of stock ownership;
- (v) listings of equipment;
- (vi) analyses of bonding capacity;
- (vii) listings of work completed;
- (viii) examination of the resumes of principal owners;
- (ix) analyses of financial capacity; and
- (x) analyses of the type of work preferred.

(6) **REPORTING.**—The Secretary shall establish minimum requirements for use by State governments in reporting to the Secretary—

(A) information concerning disadvantaged business enterprise awards, commitments, and achievements; and

(B) such other information as the Secretary determines to be appropriate for the proper mon-

itoring of the disadvantaged business enterprise program.

(7) **COMPLIANCE WITH COURT ORDERS.**—Nothing in this subsection limits the eligibility of an individual or entity to receive funds made available under divisions A and B of this Act and section 403 of title 23, United States Code, if the entity or person is prevented, in whole or in part, from complying with paragraph (2) because a Federal court issues a final order in which the court finds that a requirement or the implementation of paragraph (2) is unconstitutional.

SEC. 1102. OBLIGATION CEILING.

(a) **GENERAL LIMITATION.**—Subject to subsection (e), and notwithstanding any other provision of law, the obligations for Federal-aid highway and highway safety construction programs shall not exceed—

(1) \$39,699,000,000 for fiscal year 2013; and

(2) \$40,256,000,000 for fiscal year 2014.

(b) **EXCEPTIONS.**—The limitations under subsection (a) shall not apply to obligations under or for—

(1) section 125 of title 23, United States Code;

(2) section 147 of the Surface Transportation Assistance Act of 1978 (23 U.S.C. 144 note; 92 Stat. 2714);

(3) section 9 of the Federal-Aid Highway Act of 1981 (95 Stat. 1701);

(4) subsections (b) and (j) of section 131 of the Surface Transportation Assistance Act of 1982 (96 Stat. 2119);

(5) subsections (b) and (c) of section 149 of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (101 Stat. 198);

(6) sections 1103 through 1108 of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2027);

(7) section 157 of title 23, United States Code (as in effect on June 8, 1998);

(8) section 105 of title 23, United States Code (as in effect for fiscal years 1998 through 2004, but only in an amount equal to \$639,000,000 for each of those fiscal years);

(9) Federal-aid highway programs for which obligation authority was made available under the Transportation Equity Act for the 21st Century (112 Stat. 107) or subsequent Acts for multiple years or to remain available until expended, but only to the extent that the obligation authority has not lapsed or been used;

(10) section 105 of title 23, United States Code (but, for each of fiscal years 2005 through 2011, only in an amount equal to \$639,000,000 for each of those fiscal years);

(11) section 1603 of SAFETEA-LU (23 U.S.C. 118 note; 119 Stat. 1248), to the extent that funds obligated in accordance with that section were not subject to a limitation on obligations at the time at which the funds were initially made available for obligation; and

(12) section 119 of title 23, United States Code (but, for each of fiscal years 2013 through 2014, only in an amount equal to \$639,000,000 for each of those fiscal years).

(c) **DISTRIBUTION OF OBLIGATION AUTHORITY.**—For each of fiscal years 2013 through 2014, the Secretary—

(1) shall not distribute obligation authority provided by subsection (a) for the fiscal year for—

(A) amounts authorized for administrative expenses and programs by section 104(a) of title 23, United States Code; and

(B) amounts authorized for the Bureau of Transportation Statistics;

(2) shall not distribute an amount of obligation authority provided by subsection (a) that is equal to the unobligated balance of amounts—

(A) made available from the Highway Trust Fund (other than the Mass Transit Account) for Federal-aid highway and highway safety construction programs for previous fiscal years the

funds for which are allocated by the Secretary (or apportioned by the Secretary under sections 202 or 204 of title 23, United States Code); and

(B) for which obligation authority was provided in a previous fiscal year;

(3) shall determine the proportion that—

(A) the obligation authority provided by subsection (a) for the fiscal year, less the aggregate of amounts not distributed under paragraphs (1) and (2) of this subsection; bears to

(B) the total of the sums authorized to be appropriated for the Federal-aid highway and highway safety construction programs (other than sums authorized to be appropriated for provisions of law described in paragraphs (1) through (11) of subsection (b) and sums authorized to be appropriated for section 119 of title 23, United States Code, equal to the amount referred to in subsection (b)(12) for the fiscal year), less the aggregate of the amounts not distributed under paragraphs (1) and (2) of this subsection;

(4) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2), for each of the programs (other than programs to which paragraph (1) applies) that are allocated by the Secretary under this Act and title 23, United States Code, or apportioned by the Secretary under sections 202 or 204 of that title, by multiplying—

(A) the proportion determined under paragraph (3); by

(B) the amounts authorized to be appropriated for each such program for the fiscal year; and

(5) shall distribute the obligation authority provided by subsection (a), less the aggregate amounts not distributed under paragraphs (1) and (2) and the amounts distributed under paragraph (4), for Federal-aid highway and highway safety construction programs that are apportioned by the Secretary under title 23, United States Code (other than the amounts apportioned for the national highway performance program in section 119 of title 23, United States Code, that are exempt from the limitation under subsection (b)(12) and the amounts apportioned under section 204 of that title) in the proportion that—

(A) amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to each State for the fiscal year; bears to

(B) the total of the amounts authorized to be appropriated for the programs that are apportioned under title 23, United States Code, to all States for the fiscal year.

(d) **REDISTRIBUTION OF UNUSED OBLIGATION AUTHORITY.**—Notwithstanding subsection (c), the Secretary shall, after August 1 of each of fiscal years 2013 through 2014—

(1) revise a distribution of the obligation authority made available under subsection (c) if an amount distributed cannot be obligated during that fiscal year; and

(2) redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year, giving priority to those States having large unobligated balances of funds apportioned under sections 144 (as in effect on the day before the date of enactment of this Act) and 104 of title 23, United States Code.

(e) **APPLICABILITY OF OBLIGATION LIMITATIONS TO TRANSPORTATION RESEARCH PROGRAMS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), obligation limitations imposed by subsection (a) shall apply to contract authority for transportation research programs carried out under—

(A) chapter 5 of title 23, United States Code; and

(B) division E of this Act.

(2) **EXCEPTION.**—Obligation authority made available under paragraph (1) shall—

(A) remain available for a period of 4 fiscal years; and

(B) be in addition to the amount of any limitation imposed on obligations for Federal-aid highway and highway safety construction programs for future fiscal years.

(f) **REDISTRIBUTION OF CERTAIN AUTHORIZED FUNDS.**—

(1) **IN GENERAL.**—Not later than 30 days after the date of distribution of obligation authority under subsection (c) for each of fiscal years 2013 through 2014, the Secretary shall distribute to the States any funds (excluding funds authorized for the program under section 202 of title 23, United States Code) that—

(A) are authorized to be appropriated for the fiscal year for Federal-aid highway programs; and

(B) the Secretary determines will not be allocated to the States (or will not be apportioned to the States under section 204 of title 23, United States Code), and will not be available for obligation, for the fiscal year because of the imposition of any obligation limitation for the fiscal year.

(2) **RATIO.**—Funds shall be distributed under paragraph (1) in the same proportion as the distribution of obligation authority under subsection (c)(5).

(3) **AVAILABILITY.**—Funds distributed to each State under paragraph (1) shall be available for any purpose described in section 133(c) of title 23, United States Code.

SEC. 1103. DEFINITIONS.

(a) **DEFINITIONS.**—Section 101(a) of title 23, United States Code, is amended—

(1) by striking paragraphs (6), (7), (9), (12), (19), (20), (24), (25), (26), (28), (38), and (39);

(2) by redesignating paragraphs (2), (3), (4), (5), (8), (13), (14), (15), (16), (17), (18), (21), (22), (23), (27), (29), (30), (31), (32), (33), (34), (35), (36), and (37) as paragraphs (3), (4), (5), (6), (9), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), (23), (24), (25), (26), (28), (29), (33), and (34), respectively;

(3) by inserting after paragraph (1) the following:

“(2) **ASSET MANAGEMENT.**—The term ‘asset management’ means a strategic and systematic process of operating, maintaining, and improving physical assets, with a focus on both engineering and economic analysis based upon quality information, to identify a structured sequence of maintenance, preservation, repair, rehabilitation, and replacement actions that will achieve and sustain a desired state of good repair over the lifecycle of the assets at minimum practicable cost.”;

(4) in paragraph (4) (as redesignated by paragraph (2))—

(A) in the matter preceding subparagraph (A), by inserting “or any project eligible for assistance under this title” after “of a highway”;

(B) by striking subparagraph (A) and inserting the following:

“(A) preliminary engineering, engineering, and design-related services directly relating to the construction of a highway project, including engineering, design, project development and management, construction project management and inspection, surveying, mapping (including the establishment of temporary and permanent geodetic control in accordance with specifications of the National Oceanic and Atmospheric Administration), and architectural-related services”;

(C) in subparagraph (B)—

(i) by inserting “reconstruction,” before “resurfacing”; and

(ii) by striking “and rehabilitation” and inserting “rehabilitation, and preservation”;

(D) in subparagraph (E) by striking “railway” and inserting “railway-highway”; and

(E) in subparagraph (F) by striking “obstacles” and inserting “hazards”;

(5) in paragraph (6) (as so redesignated)—

(A) by inserting “public” before “highway eligible”; and

(B) by inserting “functionally” before “classified”;

(6) by inserting after paragraph (6) (as so redesignated) the following:

“(7) **FEDERAL LANDS ACCESS TRANSPORTATION FACILITY.**—The term ‘Federal Lands access transportation facility’ means a public highway, road, bridge, trail, or transit system that is located on, is adjacent to, or provides access to Federal lands for which title or maintenance responsibility is vested in a State, county, town, township, tribal, municipal, or local government.

“(8) **FEDERAL LANDS TRANSPORTATION FACILITY.**—The term ‘Federal lands transportation facility’ means a public highway, road, bridge, trail, or transit system that is located on, is adjacent to, or provides access to Federal lands for which title and maintenance responsibility is vested in the Federal Government, and that appears on the national Federal lands transportation facility inventory described in section 203(c).”;

(7) in paragraph (11)(B) by inserting “including public roads on dams” after “drainage structure”;

(8) in paragraph (14) (as so redesignated)—

(A) by striking “as a” and inserting “as an air quality”; and

(B) by inserting “air quality” before “attainment area”;

(9) in paragraph (18) (as so redesignated) by striking “an undertaking to construct a particular portion of a highway, or if the context so implies, the particular portion of a highway so constructed or any other undertaking” and inserting “any undertaking”;

(10) in paragraph (19) (as so redesignated)—

(A) by striking “the State transportation department and”; and

(B) by inserting “and the recipient” after “Secretary”;

(11) by striking paragraph (23) (as so redesignated) and inserting the following:

“(23) **SAFETY IMPROVEMENT PROJECT.**—The term ‘safety improvement project’ means a strategy, activity, or project on a public road that is consistent with the State strategic highway safety plan and corrects or improves a roadway feature that constitutes a hazard to road users or addresses a highway safety problem.”;

(12) by inserting after paragraph (26) (as so redesignated) the following:

“(27) **STATE STRATEGIC HIGHWAY SAFETY PLAN.**—The term ‘State strategic highway safety plan’ has the same meaning given such term in section 148(a).”;

(13) by striking paragraph (29) (as so redesignated) and inserting the following:

“(29) **TRANSPORTATION ALTERNATIVES.**—The term ‘transportation alternatives’ means any of the following activities when carried out as part of any program or project authorized or funded under this title, or as an independent program or project related to surface transportation:

“(A) Construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other nonmotorized forms of transportation, including sidewalks, bicycle infrastructure, pedestrian and bicycle signals, traffic calming techniques, lighting and other safety-related infrastructure, and transportation projects to achieve compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

“(B) Construction, planning, and design of infrastructure-related projects and systems that will provide safe routes for non-drivers, including children, older adults, and individuals with disabilities to access daily needs.

“(C) Conversion and use of abandoned rail-road corridors for trails for pedestrians, bicyclists, or other nonmotorized transportation users.

“(D) Construction of turnouts, overlooks, and viewing areas.

“(E) Community improvement activities, including—

“(i) inventory, control, or removal of outdoor advertising;

“(ii) historic preservation and rehabilitation of historic transportation facilities;

“(iii) vegetation management practices in transportation rights-of-way to improve roadway safety, prevent against invasive species, and provide erosion control; and

“(iv) archaeological activities relating to impacts from implementation of a transportation project eligible under this title.

“(F) Any environmental mitigation activity, including pollution prevention and pollution abatement activities and mitigation to—

“(i) address stormwater management, control, and water pollution prevention or abatement related to highway construction or due to highway runoff, including activities described in sections 133(b)(11), 328(a), and 329; or

“(ii) reduce vehicle-caused wildlife mortality or to restore and maintain connectivity among terrestrial or aquatic habitats.”; and

(14) by inserting after paragraph (29) (as so redesignated) the following:

“(30) **TRANSPORTATION SYSTEMS MANAGEMENT AND OPERATIONS.**—

“(A) **IN GENERAL.**—The term ‘transportation systems management and operations’ means integrated strategies to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve security, safety, and reliability of the transportation system.

“(B) **INCLUSIONS.**—The term ‘transportation systems management and operations’ includes—

“(i) actions such as traffic detection and surveillance, corridor management, freeway management, arterial management, active transportation and demand management, work zone management, emergency management, traveler information services, congestion pricing, parking management, automated enforcement, traffic control, commercial vehicle operations, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations; and

“(ii) coordination of the implementation of regional transportation system management and operations investments (such as traffic incident management, traveler information services, emergency management, roadway weather management, intelligent transportation systems, communication networks, and information sharing systems) requiring agreements, integration, and interoperability to achieve targeted system performance, reliability, safety, and customer service levels.

“(31) **TRIBAL TRANSPORTATION FACILITY.**—The term ‘tribal transportation facility’ means a public highway, road, bridge, trail, or transit system that is located on or provides access to tribal land and appears on the national tribal transportation facility inventory described in section 202(b)(1).

“(32) **TRUCK STOP ELECTRIFICATION SYSTEM.**—The term ‘truck stop electrification system’ means a system that delivers heat, air conditioning, electricity, or communications to a heavy-duty vehicle.”.

(b) **SENSE OF CONGRESS.**—Section 101(c) of title 23, United States Code, is amended by striking “system” and inserting “highway”.

SEC. 1104. NATIONAL HIGHWAY SYSTEM.

(a) **IN GENERAL.**—Section 103 of title 23, United States Code, is amended to read as follows:

§ 103. National Highway System

“(a) **IN GENERAL.**—For the purposes of this title, the Federal-aid system is the National Highway System, which includes the Interstate System.

“(b) **NATIONAL HIGHWAY SYSTEM.**—

“(1) **DESCRIPTION.**—The National Highway System consists of the highway routes and connections to transportation facilities that shall—

“(A) serve major population centers, international border crossings, ports, airports, public transportation facilities, and other intermodal transportation facilities and other major travel destinations;

“(B) meet national defense requirements; and

“(C) serve interstate and interregional travel and commerce.

“(2) **COMPONENTS.**—The National Highway System described in paragraph (1) consists of the following:

“(A) The National Highway System depicted on the map submitted by the Secretary of Transportation to Congress with the report entitled ‘Pulling Together: The National Highway System and its Connections to Major Intermodal Terminals’ and dated May 24, 1996, and modifications approved by the Secretary before the date of enactment of the MAP-21.

“(B) Other urban and rural principal arterial routes, and border crossings on those routes, that were not included on the National Highway System before the date of enactment of the MAP-21.

“(C) Other connector highways (including toll facilities) that were not included in the National Highway System before the date of enactment of the MAP-21 but that provide motor vehicle access between arterial routes on the National Highway System and a major intermodal transportation facility.

“(D) A strategic highway network that—

“(i) consists of a network of highways that are important to the United States strategic defense policy, that provide defense access, continuity, and emergency capabilities for the movement of personnel, materials, and equipment in both peacetime and wartime, and that were not included on the National Highway System before the date of enactment of the MAP-21;

“(ii) may include highways on or off the Interstate System; and

“(iii) shall be designated by the Secretary, in consultation with appropriate Federal agencies and the States.

“(E) Major strategic highway network connectors that—

“(i) consist of highways that provide motor vehicle access between major military installations and highways that are part of the strategic highway network but were not included on the National Highway System before the date of enactment of the MAP-21; and

“(ii) shall be designated by the Secretary, in consultation with appropriate Federal agencies and the States.

“(3) **MODIFICATIONS TO NHS.**—

“(A) **IN GENERAL.**—The Secretary may make any modification, including any modification consisting of a connector to a major intermodal terminal, to the National Highway System that is proposed by a State if the Secretary determines that the modification—

“(i) meets the criteria established for the National Highway System under this title after the date of enactment of the MAP-21; and

“(ii) enhances the national transportation characteristics of the National Highway System.

“(B) **COOPERATION.**—

“(i) **IN GENERAL.**—In proposing a modification under this paragraph, a State shall cooperate with local and regional officials.

“(ii) **URBANIZED AREAS.**—In an urbanized area, the local officials shall act through the

metropolitan planning organization designated for the area under section 134.

“(c) **INTERSTATE SYSTEM.**—

“(1) **DESCRIPTION.**—

“(A) **IN GENERAL.**—The Dwight D. Eisenhower National System of Interstate and Defense Highways within the United States (including the District of Columbia and Puerto Rico) consists of highways designed, located, and selected in accordance with this paragraph.

“(B) **DESIGN.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii), highways on the Interstate System shall be designed in accordance with the standards of section 109(b).

“(ii) **EXCEPTION.**—Highways on the Interstate System in Alaska and Puerto Rico shall be designed in accordance with such geometric and construction standards as are adequate for current and probable future traffic demands and the needs of the locality of the highway.

“(C) **LOCATION.**—Highways on the Interstate System shall be located so as—

“(i) to connect by routes, as direct as practicable, the principal metropolitan areas, cities, and industrial centers;

“(ii) to serve the national defense; and

“(iii) to the maximum extent practicable, to connect at suitable border points with routes of continental importance in Canada and Mexico.

“(D) **SELECTION OF ROUTES.**—To the maximum extent practicable, each route of the Interstate System shall be selected by joint action of the State transportation departments of the State in which the route is located and the adjoining States, in cooperation with local and regional officials, and subject to the approval of the Secretary.

“(2) **MAXIMUM MILEAGE.**—The mileage of highways on the Interstate System shall not exceed 43,000 miles, exclusive of designations under paragraph (4).

“(3) **MODIFICATIONS.**—The Secretary may approve or require modifications to the Interstate System in a manner consistent with the policies and procedures established under this subsection.

“(4) **INTERSTATE SYSTEM DESIGNATIONS.**—

“(A) **ADDITIONS.**—If the Secretary determines that a highway on the National Highway System meets all standards of a highway on the Interstate System and that the highway is a logical addition or connection to the Interstate System, the Secretary may, upon the affirmative recommendation of the State or States in which the highway is located, designate the highway as a route on the Interstate System.

“(B) **DESIGNATIONS AS FUTURE INTERSTATE SYSTEM ROUTES.**—

“(i) **IN GENERAL.**—Subject to clauses (ii) through (vi), if the Secretary determines that a highway on the National Highway System would be a logical addition or connection to the Interstate System and would qualify for designation as a route on the Interstate System under subparagraph (A) if the highway met all standards of a highway on the Interstate System, the Secretary may, upon the affirmative recommendation of the State or States in which the highway is located, designate the highway as a future Interstate System route.

“(ii) **WRITTEN AGREEMENT.**—A designation under clause (i) shall be made only upon the written agreement of each State described in that clause that the highway will be constructed to meet all standards of a highway on the Interstate System by not later than the date that is 25 years after the date of the agreement.

“(iii) **FAILURE TO COMPLETE CONSTRUCTION.**—If a State described in clause (i) has not substantially completed the construction of a highway designated under this subparagraph by the date specified in clause (ii), the Secretary shall remove the designation of the highway as a future Interstate System route.

“(iv) **EFFECT OF REMOVAL.**—Removal of the designation of a highway under clause (iii) shall not preclude the Secretary from designating the highway as a route on the Interstate System under subparagraph (A) or under any other provision of law providing for addition to the Interstate System.

“(v) **RETROACTIVE EFFECT.**—An agreement described in clause (ii) that is entered into before August 10, 2005, shall be deemed to include the 25-year time limitation described in that clause, regardless of any earlier construction completion date in the agreement.

“(vi) **REFERENCES.**—No law, rule, regulation, map, document, or other record of the United States, or of any State or political subdivision of a State, shall refer to any highway designated as a future Interstate System route under this subparagraph, and no such highway shall be signed or marked, as a highway on the Interstate System, until such time as the highway—

“(I) is constructed to the geometric and construction standards for the Interstate System; and

“(II) has been designated as a route on the Interstate System.

“(C) **FINANCIAL RESPONSIBILITY.**—Except as provided in this title, the designation of a highway under this paragraph shall create no additional Federal financial responsibility with respect to the highway.

“(5) **EXEMPTION OF INTERSTATE SYSTEM.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the Interstate System shall not be considered to be a historic site under section 303 of title 49 or section 138 of this title, regardless of whether the Interstate System or portions or elements of the Interstate System are listed on, or eligible for listing on, the National Register of Historic Places.

“(B) **INDIVIDUAL ELEMENTS.**—Subject to subparagraph (C)—

“(i) the Secretary shall determine, through the administrative process established for exempting the Interstate System from section 106 of the National Historic Preservation Act (16 U.S.C. 470f), those individual elements of the Interstate System that possess national or exceptional historic significance (such as a historic bridge or a highly significant engineering feature); and

“(ii) those elements shall be considered to be historic sites under section 303 of title 49 or section 138 of this title, as applicable.

“(C) **CONSTRUCTION, MAINTENANCE, RESTORATION, AND REHABILITATION ACTIVITIES.**—Subparagraph (B) does not prohibit a State from carrying out construction, maintenance, preservation, restoration, or rehabilitation activities for a portion of the Interstate System referred to in subparagraph (B) upon compliance with section 303 of title 49 or section 138 of this title, as applicable, and section 106 of the National Historic Preservation Act (16 U.S.C. 470f).”

(b) **INCLUSION OF CERTAIN ROUTE SEGMENTS ON INTERSTATE SYSTEM.**—

(1) **IN GENERAL.**—Section 1105(e)(5)(A) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2031; 109 Stat. 597; 115 Stat. 872) is amended—

(A) in the first sentence, by striking “and in subsections (c)(18) and (c)(20)” and inserting “, in subsections (c)(18) and (c)(20), and in subparagraphs (A)(iii) and (B) of subsection (c)(26)”; and

(B) in the second sentence, by striking “that the segment” and all that follows through the period and inserting “that the segment meets the Interstate System design standards approved by the Secretary under section 109(b) of title 23, United States Code, and is planned to connect to an existing Interstate System segment by the date that is 25 years after the date of enactment of the MAP-21.”

(2) **ROUTE DESIGNATION.**—Section 1105(e)(5)(C)(i) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 109 Stat. 598) is amended by adding at the end the following: “The routes referred to subparagraphs (A)(iii) and (B)(i) of subsection (c)(26) are designated as Interstate Route I-11.”

(c) **CONFORMING AMENDMENTS.**—

(1) **ANALYSIS.**—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 103 and inserting the following:

“103. National Highway System.”

(2) **SECTION 113.**—Section 113 of title 23, United States Code, is amended—

(A) in subsection (a) by striking “the Federal-aid systems” and inserting “Federal-aid highways”; and

(B) in subsection (b), in the first sentence, by striking “of the Federal-aid systems” and inserting “Federal-aid highway”.

(3) **SECTION 123.**—Section 123(a) of title 23, United States Code, is amended in the first sentence by striking “Federal-aid system” and inserting “Federal-aid highway”.

(4) **SECTION 217.**—Section 217(b) of title 23, United States Code, is amended in the subsection heading by striking “NATIONAL HIGHWAY SYSTEM” and inserting “NATIONAL HIGHWAY PERFORMANCE PROGRAM”.

(5) **SECTION 304.**—Section 304 of title 23, United States Code, is amended in the first sentence by striking “the Federal-aid highway systems” and inserting “Federal-aid highways”.

(6) **SECTION 317.**—Section 317(d) of title 23, United States Code, is amended by striking “system” and inserting “highway”.

SEC. 1105. APPORTIONMENT.

(a) **IN GENERAL.**—Section 104 of title 23, United States Code, is amended to read as follows:

“§ 104. Apportionment

“(a) **ADMINISTRATIVE EXPENSES.**—

“(1) **IN GENERAL.**—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) to be made available to the Secretary for administrative expenses of the Federal Highway Administration—

“(A) \$454,180,326 for fiscal year 2013; and

“(B) \$440,000,000 for fiscal year 2014.

“(2) **PURPOSES.**—The amounts authorized to be appropriated by this subsection shall be used—

“(A) to administer the provisions of law to be funded from appropriations for the Federal-aid highway program and programs authorized under chapter 2;

“(B) to make transfers of such sums as the Secretary determines to be appropriate to the Appalachian Regional Commission for administrative activities associated with the Appalachian development highway system; and

“(C) to reimburse, as appropriate, the Office of Inspector General of the Department of Transportation for the conduct of annual audits of financial statements in accordance with section 3521 of title 31.

“(3) **AVAILABILITY.**—The amounts made available under paragraph (1) shall remain available until expended.

“(b) **DIVISION OF STATE APPORTIONMENTS AMONG PROGRAMS.**—The Secretary shall distribute the amount apportioned to a State for a fiscal year under subsection (c) among the national highway performance program, the surface transportation program, the highway safety improvement program, and the congestion mitigation and air quality improvement program, and to carry out section 134 as follows:

“(1) **NATIONAL HIGHWAY PERFORMANCE PROGRAM.**—For the national highway performance program, 63.7 percent of the amount remaining

after distributing amounts under paragraphs (4) and (5).

“(2) **SURFACE TRANSPORTATION PROGRAM.**—For the surface transportation program, 29.3 percent of the amount remaining after distributing amounts under paragraphs (4) and (5).

“(3) **HIGHWAY SAFETY IMPROVEMENT PROGRAM.**—For the highway safety improvement program, 7 percent of the amount remaining after distributing amounts under paragraphs (4) and (5).

“(4) **CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.**—For the congestion mitigation and air quality improvement program, an amount determined by multiplying the amount determined for the State under subsection (c) by the proportion that—

“(A) the amount apportioned to the State for the congestion mitigation and air quality improvement program for fiscal year 2009; bears to

“(B) the total amount of funds apportioned to the State for that fiscal year for the programs referred to in section 105(a)(2) (except for the high priority projects program referred to in section 105(a)(2)(H)), as in effect on the day before the date of enactment of the MAP-21.

“(5) **METROPOLITAN PLANNING.**—To carry out section 134, an amount determined by multiplying the amount determined for the State under subsection (c) by the proportion that—

“(A) the amount apportioned to the State to carry out section 134 for fiscal year 2009; bears to

“(B) the total amount of funds apportioned to the State for that fiscal year for the programs referred to in section 105(a)(2) (except for the high priority projects program referred to in section 105(a)(2)(H)), as in effect on the day before the date of enactment of the MAP-21.

“(c) **CALCULATION OF STATE AMOUNTS.**—

“(1) **FOR FISCAL YEAR 2013.**—

“(A) **CALCULATION OF AMOUNT.**—For fiscal year 2013, the amount for each State of combined apportionments for the national highway performance program under section 119, the surface transportation program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, and to carry out section 134 shall be equal to the combined amount of apportionments that the State received for fiscal year 2012.

“(B) **STATE APPORTIONMENT.**—On October 1 of such fiscal year, the Secretary shall apportion the sum authorized to be appropriated for expenditure on the national highway performance program under section 119, the surface transportation program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, and to carry out section 134 in accordance with subparagraph (A).

“(2) **FOR FISCAL YEAR 2014.**—

“(A) **STATE SHARE.**—For fiscal year 2014, the amount for each State of combined apportionments for the national highway performance program under section 119, the surface transportation program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, and to carry out section 134 shall be determined as follows:

“(i) **INITIAL AMOUNT.**—The initial amount for each State shall be determined by multiplying the total amount available for apportionment by the share for each State which shall be equal to the proportion that—

“(I) the amount of apportionments that the State received for fiscal year 2012; bears to

“(II) the amount of those apportionments received by all States for that fiscal year.

“(ii) **ADJUSTMENTS TO AMOUNTS.**—The initial amounts resulting from the calculation under

clause (i) shall be adjusted to ensure that, for each State, the amount of combined apportionments for the programs shall not be less than 95 percent of the estimated tax payments attributable to highway users in the State paid into the Highway Trust Fund (other than the Mass Transit Account) in the most recent fiscal year for which data are available.

“(B) **STATE APPORTIONMENT.**—On October 1 of such fiscal year, the Secretary shall apportion the sum authorized to be appropriated for expenditure on the national highway performance program under section 119, the surface transportation program under section 133, the highway safety improvement program under section 148, the congestion mitigation and air quality improvement program under section 149, and to carry out section 134 in accordance with subparagraph (A).

“(d) **METROPOLITAN PLANNING.**—

“(1) **USE OF AMOUNTS.**—

“(A) **USE.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii), the amounts apportioned to a State under subsection (b)(5) shall be made available by the State to the metropolitan planning organizations responsible for carrying out section 134 in the State.

“(ii) **STATES RECEIVING MINIMUM APPORTIONMENT.**—A State that received the minimum apportionment for use in carrying out section 134 for fiscal year 2009 may, subject to the approval of the Secretary, use the funds apportioned under subsection (b)(5) to fund transportation planning outside of urbanized areas.

“(B) **UNUSED FUNDS.**—Any funds that are not used to carry out section 134 may be made available by a metropolitan planning organization to the State to fund activities under section 135.

“(2) **DISTRIBUTION OF AMOUNTS WITHIN STATES.**—

“(A) **IN GENERAL.**—The distribution within any State of the planning funds made available to organizations under paragraph (1) shall be in accordance with a formula that—

“(i) is developed by each State and approved by the Secretary; and

“(ii) takes into consideration, at a minimum, population, status of planning, attainment of air quality standards, metropolitan area transportation needs, and other factors necessary to provide for an appropriate distribution of funds to carry out section 134 and other applicable requirements of Federal law.

“(B) **REIMBURSEMENT.**—Not later than 15 business days after the date of receipt by a State of a request for reimbursement of expenditures made by a metropolitan planning organization for carrying out section 134, the State shall reimburse, from amounts distributed under this paragraph to the metropolitan planning organization by the State, the metropolitan planning organization for those expenditures.

“(3) **DETERMINATION OF POPULATION FIGURES.**—For the purpose of determining population figures under this subsection, the Secretary shall use the latest available data from the decennial census conducted under section 141(a) of title 13, United States Code.

“(e) **CERTIFICATION OF APPORTIONMENTS.**—

“(1) **IN GENERAL.**—The Secretary shall—

“(A) on October 1 of each fiscal year, certify to each of the State transportation departments the amount that has been apportioned to the State under this section for the fiscal year; and

“(B) to permit the States to develop adequate plans for the use of amounts apportioned under this section, advise each State of the amount that will be apportioned to the State under this section for a fiscal year not later than 90 days before the beginning of the fiscal year for which the sums to be apportioned are authorized.

“(2) **NOTICE TO STATES.**—If the Secretary has not made an apportionment under this section

for a fiscal year beginning after September 30, 1998, by not later than the date that is the twenty-first day of that fiscal year, the Secretary shall submit, by not later than that date, to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, a written statement of the reason for not making the apportionment in a timely manner.

“(3) APPORTIONMENT CALCULATIONS.—

“(A) IN GENERAL.—The calculation of official apportionments of funds to the States under this title is a primary responsibility of the Department and shall be carried out only by employees (and not contractors) of the Department.

“(B) PROHIBITION ON USE OF FUNDS TO HIRE CONTRACTORS.—None of the funds made available under this title shall be used to hire contractors to calculate the apportionments of funds to States.

“(f) TRANSFER OF HIGHWAY AND TRANSIT FUNDS.—

“(1) TRANSFER OF HIGHWAY FUNDS FOR TRANSIT PROJECTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), amounts made available for transit projects or transportation planning under this title may be transferred to and administered by the Secretary in accordance with chapter 53 of title 49.

“(B) NON-FEDERAL SHARE.—The provisions of this title relating to the non-Federal share shall apply to the amounts transferred under subparagraph (A).

“(2) TRANSFER OF TRANSIT FUNDS FOR HIGHWAY PROJECTS.—

“(A) IN GENERAL.—Subject to subparagraph (B), amounts made available for highway projects or transportation planning under chapter 53 of title 49 may be transferred to and administered by the Secretary in accordance with this title.

“(B) NON-FEDERAL SHARE.—The provisions of chapter 53 of title 49 relating to the non-Federal share shall apply to amounts transferred under subparagraph (A).

“(3) TRANSFER OF FUNDS AMONG STATES OR TO FEDERAL HIGHWAY ADMINISTRATION.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary may, at the request of a State, transfer amounts apportioned or allocated under this title to the State to another State, or to the Federal Highway Administration, for the purpose of funding 1 or more projects that are eligible for assistance with amounts so apportioned or allocated.

“(B) APPORTIONMENT.—The transfer shall have no effect on any apportionment of amounts to a State under this section.

“(C) FUNDS SUBALLOCATED TO URBANIZED AREAS.—Amounts that are apportioned or allocated to a State under subsection (b)(3) (as in effect on the day before the date of enactment of the MAP-21) or subsection (b)(2) and attributed to an urbanized area of a State with a population of more than 200,000 individuals under section 133(d) may be transferred under this paragraph only if the metropolitan planning organization designated for the area concurs, in writing, with the transfer request.

“(4) TRANSFER OF OBLIGATION AUTHORITY.—Obligation authority for amounts transferred under this subsection shall be transferred in the same manner and amount as the amounts for the projects that are transferred under this section.

“(g) REPORT TO CONGRESS.—For each fiscal year, the Secretary shall make available to the public, in a user-friendly format via the Internet, a report that describes—

“(1) the amount obligated, by each State, for Federal-aid highways and highway safety construction programs during the preceding fiscal year;

“(2) the balance, as of the last day of the preceding fiscal year, of the unobligated apportionment of each State by fiscal year under this section;

“(3) the balance of unobligated sums available for expenditure at the discretion of the Secretary for such highways and programs for the fiscal year; and

“(4) the rates of obligation of funds apportioned or set aside under this section, according to—

“(A) program;

“(B) funding category of subcategory;

“(C) type of improvement;

“(D) State; and

“(E) sub-State geographical area, including urbanized and rural areas, on the basis of the population of each such area.”.

(b) CONFORMING AMENDMENT.—Section 146(a) of title 23, United States Code, is amended by striking “sections 104(b)(1) and 104(b)(3)” and inserting “section 104(b)(2)”.

SEC. 1106. NATIONAL HIGHWAY PERFORMANCE PROGRAM.

(a) IN GENERAL.—Section 119 of title 23, United States Code, is amended to read as follows:

“§119. National highway performance program

“(a) ESTABLISHMENT.—The Secretary shall establish and implement a national highway performance program under this section.

“(b) PURPOSES.—The purposes of the national highway performance program shall be—

“(1) to provide support for the condition and performance of the National Highway System;

“(2) to provide support for the construction of new facilities on the National Highway System; and

“(3) to ensure that investments of Federal-aid funds in highway construction are directed to support progress toward the achievement of performance targets established in an asset management plan of a State for the National Highway System.

“(c) ELIGIBLE FACILITIES.—Except as provided in subsection (d), to be eligible for funding apportioned under section 104(b)(1) to carry out this section, a facility shall be located on the National Highway System, as defined in section 103.

“(d) ELIGIBLE PROJECTS.—Funds apportioned to a State to carry out the national highway performance program may be obligated only for a project on an eligible facility that is—

“(1)(A) a project or part of a program of projects supporting progress toward the achievement of national performance goals for improving infrastructure condition, safety, mobility, or freight movement on the National Highway System; and

“(B) consistent with sections 134 and 135; and

“(2) for 1 or more of the following purposes:

“(A) Construction, reconstruction, resurfacing, restoration, rehabilitation, preservation, or operational improvement of segments of the National Highway System.

“(B) Construction, replacement (including replacement with fill material), rehabilitation, preservation, and protection (including scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) of bridges on the National Highway System.

“(C) Construction, replacement (including replacement with fill material), rehabilitation, preservation, and protection (including impact protection measures, security countermeasures, and protection against extreme events) of tunnels on the National Highway System.

“(D) Inspection and evaluation, as described in section 144, of bridges and tunnels on the National Highway System, and inspection and evaluation of other highway infrastructure as-

sets on the National Highway System, including signs and sign structures, earth retaining walls, and drainage structures.

“(E) Training of bridge and tunnel inspectors, as described in section 144.

“(F) Construction, rehabilitation, or replacement of existing ferry boats and ferry boat facilities, including approaches, that connect road segments of the National Highway System.

“(G) Construction, reconstruction, resurfacing, restoration, rehabilitation, and preservation of, and operational improvements for, a Federal-aid highway not on the National Highway System, and construction of a transit project eligible for assistance under chapter 53 of title 49, if—

“(i) the highway project or transit project is in the same corridor as, and in proximity to, a fully access-controlled highway designated as a part of the National Highway System;

“(ii) the construction or improvements will reduce delays or produce travel time savings on the fully access-controlled highway described in clause (i) and improve regional traffic flow; and

“(iii) the construction or improvements are more cost-effective, as determined by benefit-cost analysis, than an improvement to the fully access-controlled highway described in clause (i).

“(H) Bicycle transportation and pedestrian walkways in accordance with section 217.

“(I) Highway safety improvements for segments of the National Highway System.

“(J) Capital and operating costs for traffic and traveler information monitoring, management, and control facilities and programs.

“(K) Development and implementation of a State asset management plan for the National Highway System in accordance with this section, including data collection, maintenance, and integration and the cost associated with obtaining, updating, and licensing software and equipment required for risk-based asset management and performance-based management.

“(L) Infrastructure-based intelligent transportation systems capital improvements.

“(M) Environmental restoration and pollution abatement in accordance with section 328.

“(N) Control of noxious weeds and aquatic noxious weeds and establishment of native species in accordance with section 329.

“(O) Environmental mitigation efforts related to projects funded under this section, as described in subsection (g).

“(P) Construction of publicly owned intracity or intercity bus terminals servicing the National Highway System.

“(e) STATE PERFORMANCE MANAGEMENT.—

“(1) IN GENERAL.—A State shall develop a risk-based asset management plan for the National Highway System to improve or preserve the condition of the assets and the performance of the system.

“(2) PERFORMANCE DRIVEN PLAN.—A State asset management plan shall include strategies leading to a program of projects that would make progress toward achievement of the State targets for asset condition and performance of the National Highway System in accordance with section 150(d) and supporting the progress toward the achievement of the national goals identified in section 150(b).

“(3) SCOPE.—In developing a risk-based asset management plan, the Secretary shall encourage States to include all infrastructure assets within the right-of-way corridor in such plan.

“(4) PLAN CONTENTS.—A State asset management plan shall, at a minimum, be in a form that the Secretary determines to be appropriate and include—

“(A) a summary listing of the pavement and bridge assets on the National Highway System in the State, including a description of the condition of those assets;

“(B) asset management objectives and measures;

“(C) performance gap identification;

“(D) lifecycle cost and risk management analysis;

“(E) a financial plan; and

“(F) investment strategies.

“(5) REQUIREMENT FOR PLAN.—Notwithstanding section 120, with respect to the second fiscal year beginning after the date of establishment of the process established in paragraph (8) or any subsequent fiscal year, if the Secretary determines that a State has not developed and implemented a State asset management plan consistent with this section, the Federal share payable on account of any project or activity carried out by the State in that fiscal year under this section shall be 65 percent.

“(6) CERTIFICATION OF PLAN DEVELOPMENT PROCESS.—

“(A) IN GENERAL.—Not later than 90 days after the date on which a State submits a request for approval of the process used by the State to develop the State asset management plan for the National Highway System, the Secretary shall—

“(i) review the process; and

“(ii) (I) certify that the process meets the requirements established by the Secretary; or

“(II) deny certification and specify actions necessary for the State to take to correct deficiencies in the State process.

“(B) RECERTIFICATION.—Not less frequently than once every 4 years, the Secretary shall review and recertify that the process used by a State to develop and maintain the State asset management plan for the National Highway System meets the requirements for the process, as established by the Secretary.

“(C) OPPORTUNITY TO CURE.—If the Secretary denies certification under subparagraph (A), the Secretary shall provide the State with—

“(i) not less than 90 days to cure the deficiencies of the plan, during which time period all penalties and other legal impacts of a denial of certification shall be stayed; and

“(ii) a written statement of the specific actions the Secretary determines to be necessary for the State to cure the plan.

“(7) PERFORMANCE ACHIEVEMENT.—A State that does not achieve or make significant progress toward achieving the targets of the State for performance measures described in section 150(d) for the National Highway System for 2 consecutive reports submitted under this paragraph shall include in the next report submitted a description of the actions the State will undertake to achieve the targets.

“(8) PROCESS.—Not later than 18 months after the date of enactment of the MAP-21, the Secretary shall, by regulation and in consultation with State departments of transportation, establish the process to develop the State asset management plan described in paragraph (1).

“(f) INTERSTATE SYSTEM AND NHS BRIDGE CONDITIONS.—

“(1) CONDITION OF INTERSTATE SYSTEM.—

“(A) PENALTY.—If, during 2 consecutive reporting periods, the condition of the Interstate System, excluding bridges on the Interstate System, in a State falls below the minimum condition level established by the Secretary under section 150(c)(3), the State shall be required, during the following fiscal year—

“(i) to obligate, from the amounts apportioned to the State under section 104(b)(1), an amount that is not less than the amount of funds apportioned to the State for fiscal year 2009 under the Interstate maintenance program for the purposes described in this section (as in effect on the day before the date of enactment of the MAP-21), except that for each year after fiscal year 2013, the amount required to be obligated under this clause shall be increased by 2 percent

over the amount required to be obligated in the previous fiscal year; and

“(ii) to transfer, from the amounts apportioned to the State under section 104(b)(2) (other than amounts suballocated to metropolitan areas and other areas of the State under section 133(d)) to the apportionment of the State under section 104(b)(1), an amount equal to 10 percent of the amount of funds apportioned to the State for fiscal year 2009 under the Interstate maintenance program for the purposes described in this section (as in effect on the day before the date of enactment of the MAP-21).

“(B) RESTORATION.—The obligation requirement for the Interstate System in a State required by subparagraph (A) for a fiscal year shall remain in effect for each subsequent fiscal year until such time as the condition of the Interstate System in the State exceeds the minimum condition level established by the Secretary.

“(2) CONDITION OF NHS BRIDGES.—

“(A) PENALTY.—If the Secretary determines that, for the 3-year-period preceding the date of the determination, more than 10 percent of the total deck area of bridges in the State on the National Highway System is located on bridges that have been classified as structurally deficient, an amount equal to 50 percent of funds apportioned to such State for fiscal year 2009 to carry out section 144 (as in effect the day before enactment of MAP-21) shall be set aside from amounts apportioned to a State for a fiscal year under section 104(b)(1) only for eligible projects on bridges on the National Highway System.

“(B) RESTORATION.—The set-aside requirement for bridges on the National Highway System in a State under subparagraph (A) for a fiscal year shall remain in effect for each subsequent fiscal year until such time as less than 10 percent of the total deck area of bridges in the State on the National Highway System is located on bridges that have been classified as structurally deficient, as determined by the Secretary.

“(g) ENVIRONMENTAL MITIGATION.—

“(1) ELIGIBLE ACTIVITIES.—In accordance with all applicable Federal law (including regulations), environmental mitigation efforts referred to in subsection (d)(2)(O) include participation in natural habitat and wetlands mitigation efforts relating to projects funded under this title, which may include—

“(A) participation in mitigation banking or other third-party mitigation arrangements, such as—

“(i) the purchase of credits from commercial mitigation banks;

“(ii) the establishment and management of agency-sponsored mitigation banks; and

“(iii) the purchase of credits or establishment of in-lieu fee mitigation programs;

“(B) contributions to statewide and regional efforts to conserve, restore, enhance, and create natural habitats and wetlands; and

“(C) the development of statewide and regional environmental protection plans, including natural habitat and wetland conservation and restoration plans.

“(2) INCLUSION OF OTHER ACTIVITIES.—The banks, efforts, and plans described in paragraph (1) include any such banks, efforts, and plans developed in accordance with applicable law (including regulations).

“(3) TERMS AND CONDITIONS.—The following terms and conditions apply to natural habitat and wetlands mitigation efforts under this subsection:

“(A) Contributions to the mitigation effort may—

“(i) take place concurrent with, or in advance of, commitment of funding under this title to a project or projects; and

“(ii) occur in advance of project construction only if the efforts are consistent with all appli-

cable requirements of Federal law (including regulations) and State transportation planning processes.

“(B) Credits from any agency-sponsored mitigation bank that are attributable to funding under this section may be used only for projects funded under this title, unless the agency pays to the Secretary an amount equal to the Federal funds attributable to the mitigation bank credits the agency uses for purposes other than mitigation of a project funded under this title.

“(4) PREFERENCE.—At the discretion of the project sponsor, preference shall be given, to the maximum extent practicable, to mitigating an environmental impact through the use of a mitigation bank, in-lieu fee, or other third-party mitigation arrangement, if the use of credits from the mitigation bank or in-lieu fee, or the other third-party mitigation arrangement for the project, is approved by the applicable Federal agency.”.

(b) TRANSITION PERIOD.—

(1) IN GENERAL.—Except as provided in paragraph (2), until such date as a State has in effect an approved asset management plan and has established performance targets as described in sections 119 and 150 of title 23, United States Code, that will contribute to achieving the national goals for the condition and performance of the National Highway System, but not later than 18 months after the date on which the Secretary promulgates the final regulation required under section 150(c) of that title, the Secretary shall approve obligations of funds apportioned to a State to carry out the national highway performance program under section 119 of that title, for projects that otherwise meet the requirements of that section.

(2) EXTENSION.—The Secretary may extend the transition period for a State under paragraph (1) if the Secretary determines that the State has made a good faith effort to establish an asset management plan and performance targets referred to in that paragraph.

(c) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 119 and inserting the following:

“119. National highway performance program.”.

SEC. 1107. EMERGENCY RELIEF.

Section 125 of title 23, United States Code, is amended to read as follows:

“§ 125. Emergency relief

“(a) IN GENERAL.—Subject to this section and section 120, an emergency fund is authorized for expenditure by the Secretary for the repair or reconstruction of highways, roads, and trails, in any area of the United States, including Indian reservations, that the Secretary finds have suffered serious damage as a result of—

“(1) a natural disaster over a wide area, such as by a flood, hurricane, tidal wave, earthquake, severe storm, or landslide; or

“(2) catastrophic failure from any external cause.

“(b) RESTRICTION ON ELIGIBILITY.—

“(1) DEFINITION OF CONSTRUCTION PHASE.—In this subsection, the term ‘construction phase’ means the phase of physical construction of a highway or bridge facility that is separate from any other identified phases, such as planning, design, or right-of-way phases, in the State transportation improvement program.

“(2) RESTRICTION.—In no case shall funds be used under this section for the repair or reconstruction of a bridge—

“(A) that has been permanently closed to all vehicular traffic by the State or responsible local official because of imminent danger of collapse due to a structural deficiency or physical deterioration; or

“(B) if a construction phase of a replacement structure is included in the approved Statewide

transportation improvement program at the time of an event described in subsection (a).

“(c) FUNDING.—

“(1) IN GENERAL.—Subject to the limitations described in paragraph (2), there are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) such sums as are necessary to establish the fund authorized by this section and to replenish that fund on an annual basis.

“(2) LIMITATIONS.—The limitations referred to in paragraph (1) are that—

“(A) not more than \$100,000,000 is authorized to be obligated in any 1 fiscal year commencing after September 30, 1980, to carry out this section, except that, if for any fiscal year the total of all obligations under this section is less than the amount authorized to be obligated for the fiscal year, the unobligated balance of that amount shall—

“(i) remain available until expended; and

“(ii) be in addition to amounts otherwise available to carry out this section for each year; and

“(B)(i) pending such appropriation or replenishment, the Secretary may obligate from any funds appropriated at any time for obligation in accordance with this title, including existing Federal-aid appropriations, such sums as are necessary for the immediate prosecution of the work herein authorized; and

“(ii) funds obligated under this subparagraph shall be reimbursed from the appropriation or replenishment.

“(d) ELIGIBILITY.—

“(1) IN GENERAL.—The Secretary may expend funds from the emergency fund authorized by this section only for the repair or reconstruction of highways on Federal-aid highways in accordance with this chapter, except that—

“(A) no funds shall be so expended unless an emergency has been declared by the Governor of the State with concurrence by the Secretary, unless the President has declared the emergency to be a major disaster for the purposes of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) for which concurrence of the Secretary is not required; and

“(B) the Secretary has received an application from the State transportation department that includes a comprehensive list of all eligible project sites and repair costs by not later than 2 years after the natural disaster or catastrophic failure.

“(2) COST LIMITATION.—

“(A) DEFINITION OF COMPARABLE FACILITY.—In this paragraph, the term ‘comparable facility’ means a facility that meets the current geometric and construction standards required for the types and volume of traffic that the facility will carry over its design life.

“(B) LIMITATION.—The total cost of a project funded under this section may not exceed the cost of repair or reconstruction of a comparable facility.

“(3) DEBRIS REMOVAL.—The costs of debris removal shall be an eligible expense under this section only for—

“(A) an event not declared a major disaster or emergency by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.); or

“(B) an event declared a major disaster or emergency by the President under that Act if the debris removal is not eligible for assistance under section 403, 407, or 502 of that Act (42 U.S.C. 5170b, 5173, 5192).

“(4) TERRITORIES.—The total obligations for projects under this section for any fiscal year in the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall not exceed \$20,000,000.

“(5) SUBSTITUTE TRAFFIC.—Notwithstanding any other provision of this section, actual and

necessary costs of maintenance and operation of ferryboats or additional transit service providing temporary substitute highway traffic service, less the amount of fares charged for comparable service, may be expended from the emergency fund authorized by this section for Federal-aid highways.

“(e) TRIBAL TRANSPORTATION FACILITIES, FEDERAL LANDS TRANSPORTATION FACILITIES, AND PUBLIC ROADS ON FEDERAL LANDS.—

“(1) DEFINITION OF OPEN TO PUBLIC TRAVEL.—In this subsection, the term ‘open to public travel’ means, with respect to a road, that, except during scheduled periods, extreme weather conditions, or emergencies, the road is open to the general public for use with a standard passenger vehicle, without restrictive gates or prohibitive signs or regulations, other than for general traffic control or restrictions based on size, weight, or class of registration.

“(2) EXPENDITURE OF FUNDS.—Notwithstanding subsection (d)(1), the Secretary may expend funds from the emergency fund authorized by this section, independently or in cooperation with any other branch of the Federal Government, a State agency, a tribal government, an organization, or a person, for the repair or reconstruction of tribal transportation facilities, Federal lands transportation facilities, and other federally owned roads that are open to public travel, whether or not those facilities are Federal-aid highways.

“(3) REIMBURSEMENT.—

“(A) IN GENERAL.—The Secretary may reimburse Federal and State agencies (including political subdivisions) for expenditures made for projects determined eligible under this section, including expenditures for emergency repairs made before a determination of eligibility.

“(B) TRANSFERS.—With respect to reimbursements described in subparagraph (A)—

“(i) those reimbursements to Federal agencies and Indian tribal governments shall be transferred to the account from which the expenditure was made, or to a similar account that remains available for obligation; and

“(ii) the budget authority associated with the expenditure shall be restored to the agency from which the authority was derived and shall be available for obligation until the end of the fiscal year following the year in which the transfer occurs.

“(f) TREATMENT OF TERRITORIES.—For purposes of this section, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands shall be considered to be States and parts of the United States, and the chief executive officer of each such territory shall be considered to be a Governor of a State.

“(g) PROTECTING PUBLIC SAFETY AND MAINTAINING ROADWAYS.—The Secretary may use not more than 5 percent of amounts from the emergency fund authorized by this section to carry out projects that the Secretary determines are necessary to protect the public safety or to maintain or protect roadways that are included within the scope of an emergency declaration by the Governor of the State or by the President, in accordance with this section, and the Governor deems to be an ongoing concern in order to maintain vehicular traffic on the roadway.”

SEC. 1108. SURFACE TRANSPORTATION PROGRAM.

(a) ELIGIBLE PROJECTS.—Section 133(b) of title 23, United States Code, is amended—

(1) in the matter preceding paragraph (1) by striking “section 104(b)(3)” and inserting “section 104(b)(2)”;

(2) by striking paragraph (1);

(3) by redesignating paragraphs (2) through (15) as paragraphs (5) through (18), respectively;

(4) by inserting before paragraph (5) (as so redesignated) the following:

“(1) Construction, reconstruction, rehabilitation, resurfacing, restoration, preservation, or

operational improvements for highways, including construction of designated routes of the Appalachian development highway system and local access roads under section 14501 of title 40.

“(2) Replacement (including replacement with fill material), rehabilitation, preservation, protection (including painting, scour countermeasures, seismic retrofits, impact protection measures, security countermeasures, and protection against extreme events) and application of calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and deicing compositions for bridges (and approaches to bridges and other elevated structures) and tunnels on public roads of all functional classifications, including any such construction or reconstruction necessary to accommodate other transportation modes.

“(3) Construction of a new bridge or tunnel at a new location on a Federal-aid highway.

“(4) Inspection and evaluation of bridges and tunnels and training of bridge and tunnel inspectors (as defined in section 144), and inspection and evaluation of other highway assets (including signs, retaining walls, and drainage structures).”;

(5) by striking paragraph (6) (as so redesignated) and inserting the following:

“(6) Carpool projects, fringe and corridor parking facilities and programs, including electric vehicle and natural gas vehicle infrastructure in accordance with section 137, bicycle transportation and pedestrian walkways in accordance with section 217, and the modifications of public sidewalks to comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).”;

(6) by striking paragraph (7) (as so redesignated) and inserting the following:

“(7) Highway and transit safety infrastructure improvements and programs, installation of safety barriers and nets on bridges, hazard eliminations, projects to mitigate hazards caused by wildlife, and railway-highway grade crossings.”;

(7) in paragraph (11) (as so redesignated) by striking “enhancement activities” and inserting “alternatives”;

(8) by striking paragraph (14) (as so redesignated) and inserting the following:

“(14) Environmental mitigation efforts relating to projects funded under this title in the same manner and to the same extent as such activities are eligible under section 119(g).”;

(9) by inserting after paragraph (18) (as so redesignated) the following:

“(19) Projects and strategies designed to support congestion pricing, including electric toll collection and travel demand management strategies and programs.

“(20) Recreational trails projects eligible for funding under section 206.

“(21) Construction of ferry boats and ferry terminal facilities eligible for funding under section 129(c).

“(22) Border infrastructure projects eligible for funding under section 1303 of the SAFETEA-LU (23 U.S.C. 101 note; Public Law 109-59).

“(23) Truck parking facilities eligible for funding under section 1401 of the MAP-21.

“(24) Development and implementation of a State asset management plan for the National Highway System in accordance with section 119, including data collection, maintenance, and integration and the costs associated with obtaining, updating, and licensing software and equipment required for risk based asset management and performance based management, and for similar activities related to the development and implementation of a performance based management program for other public roads.

“(25) A project that, if located within the boundaries of a port terminal, includes only

such surface transportation infrastructure modifications as are necessary to facilitate direct intermodal interchange, transfer, and access into and out of the port.

“(26) Construction and operational improvements for any minor collector if—

“(A) the minor collector, and the project to be carried out with respect to the minor collector, are in the same corridor as, and in proximity to, a Federal-aid highway designated as part of the National Highway System;

“(B) the construction or improvements will enhance the level of service on the Federal-aid highway described in subparagraph (A) and improve regional traffic flow; and

“(C) the construction or improvements are more cost-effective, as determined by a benefit-cost analysis, than an improvement to the Federal-aid highway described in subparagraph (A).”

(b) **LOCATION OF PROJECTS.**—Section 133 of title 23, United States Code, is amended by striking subsection (c) and inserting the following:

“(c) **LOCATION OF PROJECTS.**—Surface transportation program projects may not be undertaken on roads functionally classified as local or rural minor collectors unless the roads were on a Federal-aid highway system on January 1, 1991, except—

“(1) as provided in subsection (g);

“(2) for projects described in paragraphs (2), (4), (6), (7), (11), (20), (25), and (26) of subsection (b); and

“(3) as approved by the Secretary.”

(c) **ALLOCATION OF APPORTIONED FUNDS.**—Section 133 of the title 23, United States Code, is amended by striking subsection (d) and inserting the following:

“(d) **ALLOCATIONS OF APPORTIONED FUNDS TO AREAS BASED ON POPULATION.**—

“(1) **CALCULATION.**—Of the funds apportioned to a State under section 104(b)(2)—

“(A) 50 percent for a fiscal year shall be obligated under this section, in proportion to their relative shares of the population of the State—

“(i) in urbanized areas of the State with an urbanized area population of over 200,000;

“(ii) in areas of the State other than urban areas with a population greater than 5,000; and

“(iii) in other areas of the State; and

“(B) 50 percent may be obligated in any area of the State.

“(2) **METROPOLITAN AREAS.**—Funds attributed to an urbanized area under paragraph (1)(A)(i) may be obligated in the metropolitan area established under section 134 that encompasses the urbanized area.

“(3) **CONSULTATION WITH REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS.**—For purposes of paragraph (1)(A)(ii), before obligating funding attributed to an area with a population greater than 5,000 and less than 200,000, a State shall consult with the regional transportation planning organizations that represent the area, if any.

“(4) **DISTRIBUTION AMONG URBANIZED AREAS OF OVER 200,000 POPULATION.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), the amount of funds that a State is required to obligate under paragraph (1)(A)(i) shall be obligated in urbanized areas described in paragraph (1)(A)(i) based on the relative population of the areas.

“(B) **OTHER FACTORS.**—The State may obligate the funds described in subparagraph (A) based on other factors if the State and the relevant metropolitan planning organizations jointly apply to the Secretary for the permission to base the obligation on other factors and the Secretary grants the request.

“(5) **APPLICABILITY OF PLANNING REQUIREMENTS.**—Programming and expenditure of funds for projects under this section shall be consistent with sections 134 and 135.”

(d) **ADMINISTRATION.**—Section 133 of title 23, United States Code, is amended by striking subsection (e) and inserting the following:

“(e) **ADMINISTRATION.**—

“(1) **SUBMISSION OF PROJECT AGREEMENT.**—For each fiscal year, each State shall submit a project agreement that—

“(A) certifies that the State will meet all the requirements of this section; and

“(B) notifies the Secretary of the amount of obligations needed to carry out the program under this section.

“(2) **REQUEST FOR ADJUSTMENTS OF AMOUNTS.**—Each State shall request from the Secretary such adjustments to the amount of obligations referred to in paragraph (1)(B) as the State determines to be necessary.

“(3) **EFFECT OF APPROVAL BY THE SECRETARY.**—Approval by the Secretary of a project agreement under paragraph (1) shall be deemed a contractual obligation of the United States to pay surface transportation program funds made available under this title.”

(e) **OBLIGATION AUTHORITY.**—Section 133(f)(1) of title 23, United States Code, is amended by striking “2004 through 2006 and the period of fiscal years 2007 through 2009” and inserting “2011 through 2014”.

(f) **BRIDGES NOT ON FEDERAL-AID HIGHWAYS.**—Section 133 of the title 23, United States Code, is amended by adding at the end the following:

“(g) **BRIDGES NOT ON FEDERAL-AID HIGHWAYS.**—

“(1) **DEFINITION OF OFF-SYSTEM BRIDGE.**—In this subsection, the term ‘off-system bridge’ means a highway bridge located on a public road, other than a bridge on a Federal-aid highway.

“(2) **SPECIAL RULE.**—

“(A) **SET-ASIDE.**—Of the amounts apportioned to a State for fiscal year 2013 and each fiscal year thereafter under this section, the State shall obligate for activities described in subsection (b)(2) for off-system bridges an amount that is not less than 15 percent of the amount of funds apportioned to the State for the highway bridge program for fiscal year 2009, except that amounts allocated under subsection (d) shall not be obligated to carry out this subsection.

“(B) **REDUCTION OF EXPENDITURES.**—The Secretary, after consultation with State and local officials, may reduce the requirement for expenditures for off-system bridges under subparagraph (A) with respect to the State if the Secretary determines that the State has inadequate needs to justify the expenditure.

“(3) **CREDIT FOR BRIDGES NOT ON FEDERAL-AID HIGHWAYS.**—Notwithstanding any other provision of law, with respect to any project not on a Federal-aid highway for the replacement of a bridge or rehabilitation of a bridge that is wholly funded from State and local sources, is eligible for Federal funds under this section, is non-controversial, is certified by the State to have been carried out in accordance with all standards applicable to such projects under this section, and is determined by the Secretary upon completion to be no longer a deficient bridge—

“(A) any amount expended after the date of enactment of this subsection from State and local sources for the project in excess of 20 percent of the cost of construction of the project may be credited to the non-Federal share of the cost of other bridge projects in the State that are eligible for Federal funds under this section; and

“(B) that crediting shall be conducted in accordance with procedures established by the Secretary.

“(h) **SPECIAL RULE FOR AREAS OF LESS THAN 5,000 POPULATION.**—

“(1) **SPECIAL RULE.**—Notwithstanding subsection (c), and except as provided in paragraph

(2), up to 15 percent of the amounts required to be obligated by a State under subsection (d)(1)(A)(iii) for each of fiscal years 2013 through 2014 may be obligated on roads functionally classified as minor collectors.

“(2) **SUSPENSION.**—The Secretary may suspend the application of paragraph (1) with respect to a State if the Secretary determines that the authority provided under paragraph (1) is being used excessively by the State.”

SEC. 1109. WORKFORCE DEVELOPMENT.

(a) **ON-THE-JOB TRAINING.**—Section 140(b) of title 23, United States Code, is amended—

(1) in the second sentence, by striking “Whenever apportionments are made under section 104(b)(3) of this title,” and inserting “From administrative funds made available under section 104(a),”; and

(2) in the fourth sentence, by striking “and the bridge program under section 144”.

(b) **DISADVANTAGED BUSINESS ENTERPRISE.**—Section 140(c) of title 23, United States Code, is amended in the second sentence by striking “Whenever apportionments are made under section 104(b)(3),” and inserting “From administrative funds made available under section 104(a),”.

SEC. 1110. HIGHWAY USE TAX EVASION PROJECTS.

Section 143 of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) by striking paragraph (2) and inserting the following:

“(2) **FUNDING.**—

“(A) **IN GENERAL.**—From administrative funds made available under section 104(a), the Secretary shall deduct such sums as are necessary, not to exceed \$10,000,000 for each of fiscal years 2013 and 2014, to carry out this section.

“(B) **ALLOCATION OF FUNDS.**—Funds made available to carry out this section may be allocated to the Internal Revenue Service and the States at the discretion of the Secretary, except that of funds so made available for each fiscal year, \$2,000,000 shall be available only to carry out intergovernmental enforcement efforts, including research and training.”; and

(B) in paragraph (8) by striking “section 104(b)(3)” and inserting “section 104(b)(2)”;

(2) in subsection (c)(3) by striking “for each of fiscal years 2005 through 2009,” and inserting “for each fiscal year,”.

SEC. 1111. NATIONAL BRIDGE AND TUNNEL INVENTORY AND INSPECTION STANDARDS.

(a) **IN GENERAL.**—Section 144 of title 23, United States Code, is amended to read as follows:

“§144. National bridge and tunnel inventory and inspection standards

“(a) **FINDINGS AND DECLARATIONS.**—

“(1) **FINDINGS.**—Congress finds that—

“(A) the condition of the bridges of the United States has improved since the date of enactment of the Transportation Equity Act for the 21st Century (Public Law 105-178; 112 Stat. 107), yet continued improvement to bridge conditions is essential to protect the safety of the traveling public and allow for the efficient movement of people and goods on which the economy of the United States relies; and

“(B) the systematic preventative maintenance of bridges, and replacement and rehabilitation of deficient bridges, should be undertaken through an overall asset management approach to transportation investment.

“(2) **DECLARATIONS.**—Congress declares that it is in the vital interest of the United States—

“(A) to inventory, inspect, and improve the condition of the highway bridges and tunnels of the United States;

“(B) to use a data-driven, risk-based approach and cost-effective strategy for systematic

preventative maintenance, replacement, and rehabilitation of highway bridges and tunnels to ensure safety and extended service life;

“(C) to use performance-based bridge management systems to assist States in making timely investments;

“(D) to ensure accountability and link performance outcomes to investment decisions; and

“(E) to ensure connectivity and access for residents of rural areas of the United States through strategic investments in National Highway System bridges and bridges on all public roads.

“(b) NATIONAL BRIDGE AND TUNNEL INVENTORIES.—The Secretary, in consultation with the States and Federal agencies with jurisdiction over highway bridges and tunnels, shall—

“(1) inventory all highway bridges on public roads, on and off Federal-aid highways, including tribally owned and Federally owned bridges, that are bridges over waterways, other topographical barriers, other highways, and railroads;

“(2) inventory all tunnels on public roads, on and off Federal-aid highways, including tribally owned and Federally owned tunnels;

“(3) classify the bridges according to serviceability, safety, and essentiality for public use, including the potential impacts to emergency evacuation routes and to regional and national freight and passenger mobility if the serviceability of the bridge is restricted or diminished;

“(4) based on that classification, assign each a risk-based priority for systematic preventative maintenance, replacement, or rehabilitation; and

“(5) determine the cost of replacing each structurally deficient bridge identified under this subsection with a comparable facility or the cost of rehabilitating the bridge.

“(c) GENERAL BRIDGE AUTHORITY.—

“(1) IN GENERAL.—Except as provided in paragraph (2) and notwithstanding any other provision of law, the General Bridge Act of 1946 (33 U.S.C. 525 et seq.) shall apply to bridges authorized to be replaced, in whole or in part, by this title.

“(2) EXCEPTION.—Section 502(b) of the General Bridge Act of 1946 (33 U.S.C. 525(b)) and section 9 of the Act of March 3, 1899 (33 U.S.C. 401), shall not apply to any bridge constructed, reconstructed, rehabilitated, or replaced with assistance under this title, if the bridge is over waters that—

“(A) are not used and are not susceptible to use in the natural condition of the bridge or by reasonable improvement as a means to transport interstate or foreign commerce; and

“(B) are—

“(i) not tidal; or

“(ii) if tidal, used only by recreational boating, fishing, and other small vessels that are less than 21 feet in length.

“(d) INVENTORY UPDATES AND REPORTS.—

“(1) IN GENERAL.—The Secretary shall—

“(A) annually revise the inventories authorized by subsection (b); and

“(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the inventories.

“(2) INSPECTION REPORT.—Not later than 2 years after the date of enactment of the MAP-21, each State and appropriate Federal agency shall report element level data to the Secretary, as each bridge is inspected pursuant to this section, for all highway bridges on the National Highway System.

“(3) GUIDANCE.—The Secretary shall provide guidance to States and Federal agencies for implementation of this subsection, while respecting the existing inspection schedule of each State.

“(4) BRIDGES NOT ON NATIONAL HIGHWAY SYSTEM.—The Secretary shall—

“(A) conduct a study on the benefits, cost-effectiveness, and feasibility of requiring element-level data collection for bridges not on the National Highway System; and

“(B) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the study.

“(e) BRIDGES WITHOUT TAXING POWERS.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, any bridge that is owned and operated by an agency that does not have taxing powers and whose functions include operating a federally assisted public transit system subsidized by toll revenues shall be eligible for assistance under this title, but the amount of such assistance shall in no event exceed the cumulative amount which such agency has expended for capital and operating costs to subsidize such transit system.

“(2) INSUFFICIENT ASSETS.—Before authorizing an expenditure of funds under this subsection, the Secretary shall determine that the applicant agency has insufficient reserves, surpluses, and projected revenues (over and above those required for bridge and transit capital and operating costs) to fund the bridge project or activity eligible for assistance under this title.

“(3) CREDITING OF NON-FEDERAL FUNDS.—Any non-Federal funds expended for the seismic retrofit of the bridge may be credited toward the non-Federal share required as a condition of receipt of any Federal funds for seismic retrofit of the bridge made available after the date of the expenditure.

“(f) REPLACEMENT OF DESTROYED BRIDGES AND FERRY BOAT SERVICE.—

“(1) IN GENERAL.—Notwithstanding any other provision of law, a State may use the funds apportioned under section 104(b)(2) to construct any bridge that replaces—

“(A) any low water crossing (regardless of the length of the low water crossing);

“(B) any bridge that was destroyed prior to January 1, 1965;

“(C) any ferry that was in existence on January 1, 1984; or

“(D) any road bridge that is rendered obsolete as a result of a Corps of Engineers flood control or channelization project and is not rebuilt with funds from the Corps of Engineers.

“(2) FEDERAL SHARE.—The Federal share payable on any bridge construction carried out under paragraph (1) shall be 80 percent of the cost of the construction.

“(g) HISTORIC BRIDGES.—

“(1) DEFINITION OF HISTORIC BRIDGE.—In this subsection, the term ‘historic bridge’ means any bridge that is listed on, or eligible for listing on, the National Register of Historic Places.

“(2) COORDINATION.—The Secretary shall, in cooperation with the States, encourage the retention, rehabilitation, adaptive reuse, and future study of historic bridges.

“(3) STATE INVENTORY.—The Secretary shall require each State to complete an inventory of all bridges on and off Federal-aid highways to determine the historic significance of the bridges.

“(4) ELIGIBILITY.—

“(A) IN GENERAL.—Subject to subparagraph (B), reasonable costs associated with actions to preserve, or reduce the impact of a project under this chapter on, the historic integrity of a historic bridge shall be eligible as reimbursable project costs under section 133 if the load capacity and safety features of the historic bridge are adequate to serve the intended use for the life of the historic bridge.

“(B) BRIDGES NOT USED FOR VEHICLE TRAFFIC.—In the case of a historic bridge that is no longer used for motorized vehicular traffic, the costs eligible as reimbursable project costs pur-

suant to this chapter shall not exceed the estimated cost of demolition of the historic bridge.

“(5) PRESERVATION.—Any State that proposes to demolish a historic bridge for a replacement project with funds made available to carry out this section shall first make the historic bridge available for donation to a State, locality, or responsible private entity if the State, locality, or responsible entity enters into an agreement—

“(A) to maintain the bridge and the features that give the historic bridge its historic significance; and

“(B) to assume all future legal and financial responsibility for the historic bridge, which may include an agreement to hold the State transportation department harmless in any liability action.

“(6) COSTS INCURRED.—

“(A) IN GENERAL.—Costs incurred by the State to preserve a historic bridge (including funds made available to the State, locality, or private entity to enable it to accept the bridge) shall be eligible as reimbursable project costs under this chapter in an amount not to exceed the cost of demolition.

“(B) ADDITIONAL FUNDING.—Any bridge preserved pursuant to this paragraph shall not be eligible for any other funds authorized pursuant to this title.

“(h) NATIONAL BRIDGE AND TUNNEL INSPECTION STANDARDS.—

“(1) REQUIREMENT.—

“(A) IN GENERAL.—The Secretary shall establish and maintain inspection standards for the proper inspection and evaluation of all highway bridges and tunnels for safety and serviceability.

“(B) UNIFORMITY.—The standards under this subsection shall be designed to ensure uniformity of the inspections and evaluations.

“(2) MINIMUM REQUIREMENTS OF INSPECTION STANDARDS.—The standards established under paragraph (1) shall, at a minimum—

“(A) specify, in detail, the method by which the inspections shall be carried out by the States, Federal agencies, and tribal governments;

“(B) establish the maximum time period between inspections;

“(C) establish the qualifications for those charged with carrying out the inspections;

“(D) require each State, Federal agency, and tribal government to maintain and make available to the Secretary on request—

“(i) written reports on the results of highway bridge and tunnel inspections and notations of any action taken pursuant to the findings of the inspections; and

“(ii) current inventory data for all highway bridges and tunnels reflecting the findings of the most recent highway bridge and tunnel inspections conducted; and

“(E) establish a procedure for national certification of highway bridge inspectors and tunnel inspectors.

“(3) STATE COMPLIANCE WITH INSPECTION STANDARDS.—The Secretary shall, at a minimum—

“(A) establish, in consultation with the States, Federal agencies, and interested and knowledgeable private organizations and individuals, procedures to conduct reviews of State compliance with—

“(i) the standards established under this subsection; and

“(ii) the calculation or reevaluation of bridge load ratings; and

“(B) establish, in consultation with the States, Federal agencies, and interested and knowledgeable private organizations and individuals, procedures for States to follow in reporting to the Secretary—

“(i) critical findings relating to structural or safety-related deficiencies of highway bridges and tunnels; and

“(ii) monitoring activities and corrective actions taken in response to a critical finding described in clause (i).”

“(4) REVIEWS OF STATE COMPLIANCE.—

“(A) IN GENERAL.—The Secretary shall annually review State compliance with the standards established under this section.

“(B) NONCOMPLIANCE.—If an annual review in accordance with subparagraph (A) identifies noncompliance by a State, the Secretary shall—

“(i) issue a report detailing the issues of the noncompliance by December 31 of the calendar year in which the review was made; and

“(ii) provide the State an opportunity to address the noncompliance by—

“(I) developing a corrective action plan to remedy the noncompliance; or

“(II) resolving the issues of noncompliance not later than 45 days after the date of notification.

“(5) PENALTY FOR NONCOMPLIANCE.—

“(A) IN GENERAL.—If a State fails to satisfy the requirements of paragraph (4)(B) by August 1 of the calendar year following the year of a finding of noncompliance, the Secretary shall, on October 1 of that year, and each year thereafter as may be necessary, require the State to dedicate funds apportioned to the State under sections 119 and 133 after the date of enactment of the MAP-21 to correct the noncompliance with the minimum inspection standards established under this subsection.

“(B) AMOUNT.—The amount of the funds to be directed to correcting noncompliance in accordance with subparagraph (A) shall—

“(i) be determined by the State based on an analysis of the actions needed to address the noncompliance; and

“(ii) require approval by the Secretary.

“(6) UPDATE OF STANDARDS.—Not later than 3 years after the date of enactment of the MAP-21, the Secretary shall update inspection standards to cover—

“(A) the methodology, training, and qualifications for inspectors; and

“(B) the frequency of inspection.

“(7) RISK-BASED APPROACH.—In carrying out the revisions required by paragraph (6), the Secretary shall consider a risk-based approach to determining the frequency of bridge inspections.

“(8) TRAINING PROGRAM FOR BRIDGE AND TUNNEL INSPECTORS.—

“(A) IN GENERAL.—The Secretary, in cooperation with the State transportation departments, shall maintain a program designed to train appropriate personnel to carry out highway bridge and tunnel inspections.

“(2) REVISIONS.—The training program shall be revised from time to time to take into account new and improved techniques.

“(j) AVAILABILITY OF FUNDS.—In carrying out this section—

“(1) the Secretary may use funds made available to the Secretary under sections 104(a) and 503;

“(2) a State may use amounts apportioned to the State under section 104(b)(1) and 104(b)(3);

“(3) an Indian tribe may use funds made available to the Indian tribe under section 202; and

“(4) a Federal agency may use funds made available to the agency under section 503.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 144 and inserting the following:

“144. National bridge and tunnel inventory and inspection standards.”

SEC. 1112. HIGHWAY SAFETY IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Section 148 of title 23, United States Code, is amended to read as follows:

“§ 148. Highway safety improvement program

“(a) DEFINITIONS.—In this section, the following definitions apply:

“(1) HIGH RISK RURAL ROAD.—The term ‘high risk rural road’ means any roadway functionally classified as a rural major or minor collector or a rural local road with significant safety risks, as defined by a State in accordance with an updated State strategic highway safety plan.

“(2) HIGHWAY BASEMAP.—The term ‘highway basemap’ means a representation of all public roads that can be used to geolocate attribute data on a roadway.

“(3) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—The term ‘highway safety improvement program’ means projects, activities, plans, and reports carried out under this section.

“(4) HIGHWAY SAFETY IMPROVEMENT PROJECT.—

“(A) IN GENERAL.—The term ‘highway safety improvement project’ means strategies, activities, and projects on a public road that are consistent with a State strategic highway safety plan and—

“(i) correct or improve a hazardous road location or feature; or

“(ii) address a highway safety problem.

“(B) INCLUSIONS.—The term ‘highway safety improvement project’ includes, but is not limited to, a project for 1 or more of the following:

“(i) An intersection safety improvement.

“(ii) Pavement and shoulder widening (including addition of a passing lane to remedy an unsafe condition).

“(iii) Installation of rumble strips or another warning device, if the rumble strips or other warning devices do not adversely affect the safety or mobility of bicyclists and pedestrians, including persons with disabilities.

“(iv) Installation of a skid-resistant surface at an intersection or other location with a high frequency of crashes.

“(v) An improvement for pedestrian or bicyclist safety or safety of persons with disabilities.

“(vi) Construction and improvement of a railway-highway grade crossing safety feature, including installation of protective devices.

“(vii) The conduct of a model traffic enforcement activity at a railway-highway crossing.

“(viii) Construction of a traffic calming feature.

“(ix) Elimination of a roadside hazard.

“(x) Installation, replacement, and other improvement of highway signage and pavement markings, or a project to maintain minimum levels of retroreflectivity, that addresses a highway safety problem consistent with a State strategic highway safety plan.

“(xi) Installation of a priority control system for emergency vehicles at signalized intersections.

“(xii) Installation of a traffic control or other warning device at a location with high crash potential.

“(xiii) Transportation safety planning.

“(xiv) Collection, analysis, and improvement of safety data.

“(xv) Planning integrated interoperable emergency communications equipment, operational activities, or traffic enforcement activities (including police assistance) relating to work zone safety.

“(xvi) Installation of guardrails, barriers (including barriers between construction work zones and traffic lanes for the safety of road users and workers), and crash attenuators.

“(xvii) The addition or retrofitting of structures or other measures to eliminate or reduce crashes involving vehicles and wildlife.

“(xviii) Installation of yellow-green signs and signals at pedestrian and bicycle crossings and in school zones.

“(xix) Construction and operational improvements on high risk rural roads.

“(xx) Geometric improvements to a road for safety purposes that improve safety.

“(xxi) A road safety audit.

“(xxii) Roadway safety infrastructure improvements consistent with the recommendations included in the publication of the Federal Highway Administration entitled ‘Highway Design Handbook for Older Drivers and Pedestrians’ (FHWA-RD-01-103), dated May 2001 or as subsequently revised and updated.

“(xxiii) Truck parking facilities eligible for funding under section 1401 of the MAP-21.

“(xxiv) Systemic safety improvements.

“(5) MODEL INVENTORY OF ROADWAY ELEMENTS.—The term ‘model inventory of roadway elements’ means the listing and standardized coding by the Federal Highway Administration of roadway and traffic data elements critical to safety management, analysis, and decision-making.

“(6) PROJECT TO MAINTAIN MINIMUM LEVELS OF RETROREFLECTIVITY.—The term ‘project to maintain minimum levels of retroreflectivity’ means a project that is designed to maintain a highway sign or pavement marking retroreflectivity at or above the minimum levels prescribed in Federal or State regulations.

“(7) ROAD SAFETY AUDIT.—The term ‘road safety audit’ means a formal safety performance examination of an existing or future road or intersection by an independent multidisciplinary audit team.

“(8) ROAD USERS.—The term ‘road user’ means a motorist, passenger, public transportation operator or user, truck driver, bicyclist, motorcyclist, or pedestrian, including a person with disabilities.

“(9) SAFETY DATA.—

“(A) IN GENERAL.—The term ‘safety data’ means crash, roadway, and traffic data on a public road.

“(B) INCLUSION.—The term ‘safety data’ includes, in the case of a railway-highway grade crossing, the characteristics of highway and train traffic, licensing, and vehicle data.

“(10) SAFETY PROJECT UNDER ANY OTHER SECTION.—

“(A) IN GENERAL.—The term ‘safety project under any other section’ means a project carried out for the purpose of safety under any other section of this title.

“(B) INCLUSION.—The term ‘safety project under any other section’ includes—

“(i) a project consistent with the State strategic highway safety plan that promotes the awareness of the public and educates the public concerning highway safety matters (including motorcycle safety);

“(ii) a project to enforce highway safety laws; and

“(iii) a project to provide infrastructure and infrastructure-related equipment to support emergency services.

“(11) STATE HIGHWAY SAFETY IMPROVEMENT PROGRAM.—The term ‘State highway safety improvement program’ means a program of highway safety improvement projects, activities, plans and reports carried out as part of the Statewide transportation improvement program under section 135(g).

“(12) STATE STRATEGIC HIGHWAY SAFETY PLAN.—The term ‘State strategic highway safety plan’ means a comprehensive plan, based on safety data, developed by a State transportation department that—

“(A) is developed after consultation with—

“(i) a highway safety representative of the Governor of the State;

“(ii) regional transportation planning organizations and metropolitan planning organizations, if any;

“(iii) representatives of major modes of transportation;

“(iv) State and local traffic enforcement officials;

“(v) a highway-rail grade crossing safety representative of the Governor of the State;

“(vi) representatives conducting a motor carrier safety program under section 31102, 31106, or 31309 of title 49;

“(vii) motor vehicle administration agencies;

“(viii) county transportation officials;

“(ix) State representatives of nonmotorized users; and

“(x) other major Federal, State, tribal, and local safety stakeholders;

“(B) analyzes and makes effective use of State, regional, local, or tribal safety data;

“(C) addresses engineering, management, operation, education, enforcement, and emergency services elements (including integrated, interoperable emergency communications) of highway safety as key factors in evaluating highway projects;

“(D) considers safety needs of, and high-fatality segments of, all public roads, including non-State-owned public roads and roads on tribal land;

“(E) considers the results of State, regional, or local transportation and highway safety planning processes;

“(F) describes a program of strategies to reduce or eliminate safety hazards;

“(G) is approved by the Governor of the State or a responsible State agency;

“(H) is consistent with section 135(g); and

“(I) is updated and submitted to the Secretary for approval as required under subsection (d)(2).

“(13) **SYSTEMIC SAFETY IMPROVEMENT.**—The term ‘systemic safety improvement’ means an improvement that is widely implemented based on high-risk roadway features that are correlated with particular crash types, rather than crash frequency.

“(b) **PROGRAM.**—

“(1) **IN GENERAL.**—The Secretary shall carry out a highway safety improvement program.

“(2) **PURPOSE.**—The purpose of the highway safety improvement program shall be to achieve a significant reduction in traffic fatalities and serious injuries on all public roads, including non-State-owned public roads and roads on tribal land.

“(c) **ELIGIBILITY.**—

“(1) **IN GENERAL.**—To obligate funds apportioned under section 104(b)(3) to carry out this section, a State shall have in effect a State highway safety improvement program under which the State—

“(A) develops, implements, and updates a State strategic highway safety plan that identifies and analyzes highway safety problems and opportunities as provided in subsections (a)(12) and (d);

“(B) produces a program of projects or strategies to reduce identified safety problems; and

“(C) evaluates the strategic highway safety plan on a regularly recurring basis in accordance with subsection (d)(1) to ensure the accuracy of the data and priority of proposed strategies.

“(2) **IDENTIFICATION AND ANALYSIS OF HIGHWAY SAFETY PROBLEMS AND OPPORTUNITIES.**—As part of the State highway safety improvement program, a State shall—

“(A) have in place a safety data system with the ability to perform safety problem identification and countermeasure analysis—

“(i) to improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of the safety data on all public roads, including non-State-owned public roads and roads on tribal land in the State;

“(ii) to evaluate the effectiveness of data improvement efforts;

“(iii) to link State data systems, including traffic records, with other data systems within the State;

“(iv) to improve the compatibility and interoperability of safety data with other State transportation-related data systems and the

compatibility and interoperability of State safety data systems with data systems of other States and national data systems;

“(v) to enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances; and

“(vi) to improve the collection of data on non-motorized crashes;

“(B) based on the analysis required by subparagraph (A)—

“(i) identify hazardous locations, sections, and elements (including roadside obstacles, railway-highway crossing needs, and unmarked or poorly marked roads) that constitute a danger to motorists (including motorcyclists), bicyclists, pedestrians, and other highway users;

“(ii) using such criteria as the State determines to be appropriate, establish the relative severity of those locations, in terms of crashes (including crash rates), fatalities, serious injuries, traffic volume levels, and other relevant data;

“(iii) identify the number of fatalities and serious injuries on all public roads by location in the State;

“(iv) identify highway safety improvement projects on the basis of crash experience, crash potential, crash rate, or other data-supported means; and

“(v) consider which projects maximize opportunities to advance safety;

“(C) adopt strategic and performance-based goals that—

“(i) address traffic safety, including behavioral and infrastructure problems and opportunities on all public roads;

“(ii) focus resources on areas of greatest need; and

“(iii) are coordinated with other State highway safety programs;

“(D) advance the capabilities of the State for safety data collection, analysis, and integration in a manner that—

“(i) complements the State highway safety program under chapter 4 and the commercial vehicle safety plan under section 31102 of title 49;

“(ii) includes all public roads, including public non-State-owned roads and roads on tribal land;

“(iii) identifies hazardous locations, sections, and elements on all public roads that constitute a danger to motorists (including motorcyclists), bicyclists, pedestrians, persons with disabilities, and other highway users;

“(iv) includes a means of identifying the relative severity of hazardous locations described in clause (iii) in terms of crashes (including crash rate), serious injuries, fatalities, and traffic volume levels; and

“(v) improves the ability of the State to identify the number of fatalities and serious injuries on all public roads in the State with a breakdown by functional classification and ownership in the State;

“(E)(i) determine priorities for the correction of hazardous road locations, sections, and elements (including railway-highway crossing improvements), as identified through safety data analysis;

“(ii) identify opportunities for preventing the development of such hazardous conditions; and

“(iii) establish and implement a schedule of highway safety improvement projects for hazard correction and hazard prevention; and

“(F)(i) establish an evaluation process to analyze and assess results achieved by highway safety improvement projects carried out in accordance with procedures and criteria established by this section; and

“(ii) use the information obtained under clause (i) in setting priorities for highway safety improvement projects.

“(d) **UPDATES TO STRATEGIC HIGHWAY SAFETY PLANS.**—

“(1) **ESTABLISHMENT OF REQUIREMENTS.**—

“(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of the MAP-21, the Secretary shall establish requirements for regularly recurring State updates of strategic highway safety plans.

“(B) **CONTENTS OF UPDATED STRATEGIC HIGHWAY SAFETY PLANS.**—In establishing requirements under this subsection, the Secretary shall ensure that States take into consideration, with respect to updated strategic highway safety plans—

“(i) the findings of road safety audits;

“(ii) the locations of fatalities and serious injuries;

“(iii) the locations that do not have an empirical history of fatalities and serious injuries, but possess risk factors for potential crashes;

“(iv) rural roads, including all public roads, commensurate with fatality data;

“(v) motor vehicle crashes that include fatalities or serious injuries to pedestrians and bicyclists;

“(vi) the cost-effectiveness of improvements;

“(vii) improvements to rail-highway grade crossings; and

“(viii) safety on all public roads, including non-State-owned public roads and roads on tribal land.

“(2) **APPROVAL OF UPDATED STRATEGIC HIGHWAY SAFETY PLANS.**—

“(A) **IN GENERAL.**—Each State shall—

“(i) update the strategic highway safety plans of the State in accordance with the requirements established by the Secretary under this subsection; and

“(ii) submit the updated plans to the Secretary, along with a detailed description of the process used to update the plan.

“(B) **REQUIREMENTS FOR APPROVAL.**—The Secretary shall not approve the process for an updated strategic highway safety plan unless—

“(i) the updated strategic highway safety plan is consistent with the requirements of this subsection and subsection (a)(12); and

“(ii) the process used is consistent with the requirements of this subsection.

“(3) **PENALTY FOR FAILURE TO HAVE AN APPROVED UPDATED STRATEGIC HIGHWAY SAFETY PLAN.**—If a State does not have an updated strategic highway safety plan with a process approved by the Secretary by August 1 of the fiscal year beginning after the date of establishment of the requirements under paragraph (1), the State shall not be eligible to receive any additional limitation pursuant to the redistribution of the limitation on obligations for Federal-aid highway and highway safety construction programs that occurs after August 1 for each succeeding fiscal year until the fiscal year during which the plan is approved.

“(e) **ELIGIBLE PROJECTS.**—

“(1) **IN GENERAL.**—Funds apportioned to the State under section 104(b)(3) may be obligated to carry out—

“(A) any highway safety improvement project on any public road or publicly owned bicycle or pedestrian pathway or trail;

“(B) as provided in subsection (g); or

“(C) any project to maintain minimum levels of retroreflectivity with respect to a public road, without regard to whether the project is included in an applicable State strategic highway safety plan.

“(2) **USE OF OTHER FUNDING FOR SAFETY.**—

“(A) **EFFECT OF SECTION.**—Nothing in this section prohibits the use of funds made available under other provisions of this title for highway safety improvement projects.

“(B) **USE OF OTHER FUNDS.**—States are encouraged to address the full scope of the safety needs and opportunities of the States by using funds made available under other provisions of this title (except a provision that specifically prohibits that use).

“(f) DATA IMPROVEMENT.—

“(1) DEFINITION OF DATA IMPROVEMENT ACTIVITIES.—In this subsection, the following definitions apply:

“(A) IN GENERAL.—The term ‘data improvement activities’ means a project or activity to further the capacity of a State to make more informed and effective safety infrastructure investment decisions.

“(B) INCLUSIONS.—The term ‘data improvement activities’ includes a project or activity—

“(i) to create, update, or enhance a highway basemap of all public roads in a State;

“(ii) to collect safety data, including data identified as part of the model inventory for roadway elements, for creation of or use on a highway basemap of all public roads in a State;

“(iii) to store and maintain safety data in an electronic manner;

“(iv) to develop analytical processes for safety data elements;

“(v) to acquire and implement roadway safety analysis tools; and

“(vi) to support the collection, maintenance, and sharing of safety data on all public roads and related systems associated with the analytical usage of that data.

“(2) MODEL INVENTORY OF ROADWAY ELEMENTS.—The Secretary shall—

“(A) establish a subset of the model inventory of roadway elements that are useful for the inventory of roadway safety; and

“(B) ensure that States adopt and use the subset to improve data collection.

“(g) SPECIAL RULES.—

“(1) HIGH-RISK RURAL ROAD SAFETY.—If the fatality rate on rural roads in a State increases over the most recent 2-year period for which data are available, that State shall be required to obligate in the next fiscal year for projects on high risk rural roads an amount equal to at least 200 percent of the amount of funds the State received for fiscal year 2009 for high risk rural roads under subsection (f) of this section, as in effect on the day before the date of enactment of the MAP-21.

“(2) OLDER DRIVERS.—If traffic fatalities and serious injuries per capita for drivers and pedestrians over the age of 65 in a State increases during the most recent 2-year period for which data are available, that State shall be required to include, in the subsequent Strategic Highway Safety Plan of the State, strategies to address the increases in those rates, taking into account the recommendations included in the publication of the Federal Highway Administration entitled ‘Highway Design Handbook for Older Drivers and Pedestrians’ (FHWA-RD-01-103), and dated May 2001, or as subsequently revised and updated.

“(h) REPORTS.—

“(1) IN GENERAL.—A State shall submit to the Secretary a report that—

“(A) describes progress being made to implement highway safety improvement projects under this section;

“(B) assesses the effectiveness of those improvements; and

“(C) describes the extent to which the improvements funded under this section have contributed to reducing—

“(i) the number and rate of fatalities on all public roads with, to the maximum extent practicable, a breakdown by functional classification and ownership in the State;

“(ii) the number and rate of serious injuries on all public roads with, to the maximum extent practicable, a breakdown by functional classification and ownership in the State; and

“(iii) the occurrences of fatalities and serious injuries at railway-highway crossings.

“(2) CONTENTS; SCHEDULE.—The Secretary shall establish the content and schedule for the submission of the report under paragraph (1).

“(3) TRANSPARENCY.—The Secretary shall make strategic highway safety plans submitted under subsection (d) and reports submitted under this subsection available to the public through—

“(A) the website of the Department; and

“(B) such other means as the Secretary determines to be appropriate.

“(4) DISCOVERY AND ADMISSION INTO EVIDENCE OF CERTAIN REPORTS, SURVEYS, AND INFORMATION.—Notwithstanding any other provision of law, reports, surveys, schedules, lists, or data compiled or collected for any purpose relating to this section, shall not be subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location identified or addressed in the reports, surveys, schedules, lists, or other data.

“(i) STATE PERFORMANCE TARGETS.—If the Secretary determines that a State has not met or made significant progress toward meeting the performance targets of the State established under section 150(d) by the date that is 2 years after the date of the establishment of the performance targets, the State shall—

“(1) use obligation authority equal to the apportionment of the State for the prior year under section 104(b)(3) only for highway safety improvement projects under this section until the Secretary determines that the State has met or made significant progress toward meeting the performance targets of the State; and

“(2) submit annually to the Secretary, until the Secretary determines that the State has met or made significant progress toward meeting the performance targets of the State, an implementation plan that—

“(A) identifies roadway features that constitute a hazard to road users;

“(B) identifies highway safety improvement projects on the basis of crash experience, crash potential, or other data-supported means;

“(C) describes how highway safety improvement program funds will be allocated, including projects, activities, and strategies to be implemented;

“(D) describes how the proposed projects, activities, and strategies funded under the State highway safety improvement program will allow the State to make progress toward achieving the safety performance targets of the State; and

“(E) describes the actions the State will undertake to meet the performance targets of the State.

“(j) FEDERAL SHARE OF HIGHWAY SAFETY IMPROVEMENT PROJECTS.—Except as provided in sections 120 and 130, the Federal share of the cost of a highway safety improvement project carried out with funds apportioned to a State under section 104(b)(3) shall be 90 percent.”.

(b) STUDY OF HIGH-RISK RURAL ROADS BEST PRACTICES.—

(1) STUDY.—

(A) IN GENERAL.—The Secretary shall conduct a study of the best practices for implementing cost-effective roadway safety infrastructure improvements on high-risk rural roads.

(B) METHODOLOGY.—In carrying out the study, the Secretary shall—

(i) conduct a thorough literature review;

(ii) survey current practices of State departments of transportation; and

(iii) survey current practices of local units of government, as appropriate.

(C) CONSULTATION.—In carrying out the study, the Secretary shall consult with—

(i) State departments of transportation;

(ii) county engineers and public works professionals;

(iii) appropriate local officials; and

(iv) appropriate private sector experts in the field of roadway safety infrastructure.

(2) REPORT.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the results of the study.

(B) CONTENTS.—The report shall include—

(i) a summary of cost-effective roadway safety infrastructure improvements;

(ii) a summary of the latest research on the financial savings and reduction in fatalities and serious bodily injury crashes from the implementation of cost-effective roadway safety infrastructure improvements; and

(iii) recommendations for State and local governments on best practice methods to install cost-effective roadway safety infrastructure on high-risk rural roads.

(3) MANUAL.—

(A) DEVELOPMENT.—Based on the results of the study under paragraph (2), the Secretary, in consultation with the individuals and entities described in paragraph (1)(C), shall develop a best practices manual to support Federal, State, and local efforts to reduce fatalities and serious bodily injury crashes on high-risk rural roads through the use of cost-effective roadway safety infrastructure improvements.

(B) AVAILABILITY.—The manual shall be made available to State and local governments not later than 180 days after the date of submission of the report under paragraph (2).

(C) CONTENTS.—The manual shall include, at a minimum, a list of cost-effective roadway safety infrastructure improvements and best practices on the installation of cost-effective roadway safety infrastructure improvements on high-risk rural roads.

(D) USE OF MANUAL.—Use of the manual shall be voluntary and the manual shall not establish any binding standards or legal duties on State or local governments, or any other person.

SEC. 1113. CONGESTION MITIGATION AND AIR QUALITY IMPROVEMENT PROGRAM.

(a) ELIGIBLE PROJECTS.—Section 149(b) of title 23, United States Code, is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “in subsection (c)” and inserting “in subsection (d)”; and

(B) by striking “section 104(b)(2)” and inserting “section 104(b)(4)”;

(2) in paragraph (5)—

(A) by inserting “add turning lanes,” after “improve intersections,”; and

(B) by striking “paragraph,” and inserting “paragraph, including programs or projects to improve incident and emergency response or improve mobility, such as through real-time traffic, transit, and multimodal traveler information;”;

(3) in paragraph (6) by striking “or” at the end;

(4) in paragraph (7)(A)(ii) by striking “published in the list under subsection (f)(2)” and inserting “verified technologies (as defined in section 791 of the Energy Policy Act of 2005 (42 U.S.C. 16131))”;

(5) by striking the matter following paragraph (7);

(6) by redesignating paragraph (7) as paragraph (8); and

(7) by inserting after paragraph (6) the following:

“(7) if the project or program shifts traffic demand to nonpeak hours or other transportation modes, increases vehicle occupancy rates, or otherwise reduces demand for roads through such means as telecommuting, ridesharing, carsharing, alternative work hours, and pricing; or”.

(b) SPECIAL RULES.—Section 149 of title 23, United States Code, is amended—

(1) by redesignating subsections (c) through (h) as subsections (d) through (i) respectively;

(2) by inserting after subsection (b) the following:

“(c) SPECIAL RULES.—

“(1) PROJECTS FOR PM-10 NONATTAINMENT AREAS.—A State may obligate funds apportioned to the State under section 104(b)(4) for a project or program for an area that is nonattainment for ozone or carbon monoxide, or both, and for PM-10 resulting from transportation activities, without regard to any limitation of the Department of Transportation relating to the type of ambient air quality standard such project or program addresses.

“(2) ELECTRIC VEHICLE AND NATURAL GAS VEHICLE INFRASTRUCTURE.—A State may obligate funds apportioned under section 104(b)(4) for a project or program to establish electric vehicle charging stations or natural gas vehicle refueling stations for the use of battery powered or natural gas fueled trucks or other motor vehicles at any location in the State except that such stations may not be established or supported where commercial establishments serving motor vehicle users are prohibited by section 111 of title 23, United States Code.

“(3) HOV FACILITIES.—No funds may be provided under this section for a project which will result in the construction of new capacity available to single occupant vehicles unless the project consists of a high occupancy vehicle facility available to single occupant vehicles only at other than peak travel times.”;

(3) by striking subsection (d) (as redesignated by paragraph (1)) and inserting the following:

“(d) STATES FLEXIBILITY.—

“(1) STATES WITHOUT A NONATTAINMENT AREA.—If a State does not have, and never has had, a nonattainment area designated under the Clean Air Act (42 U.S.C. 7401 et seq.), the State may use funds apportioned to the State under section 104(b)(4) for any project in the State that—

“(A) would otherwise be eligible under subsection (b) as if the project were carried out in a nonattainment or maintenance area; or

“(B) is eligible under the surface transportation program under section 133.

“(2) STATES WITH A NONATTAINMENT AREA.—

“(A) IN GENERAL.—If a State has a nonattainment area or maintenance area and received funds in fiscal year 2009 under section 104(b)(2)(D), as in effect on the day before the date of enactment of the MAP-21, above the amount of funds that the State would have received based on the nonattainment and maintenance area population of the State under subparagraphs (B) and (C) of section 104(b)(2), as in effect on the day before the date of enactment of the MAP-21, the State may use for any project that is eligible under the surface transportation program under section 133 an amount of funds apportioned to such State under section 104(b)(4) that is equal to the product obtained by multiplying—

“(i) the amount apportioned to such State under section 104(b)(4) (excluding the amount of funds reserved under paragraph (1)); by

“(ii) the ratio calculated under subparagraph (B).

“(B) RATIO.—For purposes of this paragraph, the ratio shall be calculated as the proportion that—

“(i) the amount for fiscal year 2009 such State was permitted by section 149(c)(2), as in effect on the day before the date of enactment of the MAP-21, to obligate in any area of the State for projects eligible under section 133, as in effect on the day before the date of enactment of the MAP-21; bears to

“(ii) the total apportionment to such State for fiscal year 2009 under section 104(b)(2), as in effect on the day before the date of enactment of the MAP-21.

“(3) CHANGES IN DESIGNATION.—If a new nonattainment area is designated or a previously designated nonattainment area is redesignated as an attainment area in a State under the Clean Air Act (42 U.S.C. 7401 et seq.), the Secretary shall modify the amount such State is permitted to obligate in any area of the State for projects eligible under section 133.”;

(4) in subsection (f)(3) (as redesignated by paragraph (1)) by striking “104(b)(2)” and inserting “104(b)(4)”;

(5) in subsection (g) (as redesignated by paragraph (1)) by striking paragraph (3) and inserting the following:

“(3) PRIORITY CONSIDERATION.—States and metropolitan planning organizations shall give priority in areas designated as nonattainment or maintenance for PM2.5 under the Clean Air Act (42 U.S.C. 7401 et seq.) in distributing funds received for congestion mitigation and air quality projects and programs from apportionments under section 104(b)(4) to projects that are proven to reduce PM2.5, including diesel retrofits.”;

(6) by striking subsection (i) (as redesignated by paragraph (1)) and inserting the following:

“(i) EVALUATION AND ASSESSMENT OF PROJECTS.—

“(1) DATABASE.—

“(A) IN GENERAL.—Using appropriate assessments of projects funded under the congestion mitigation and air quality program and results from other research, the Secretary shall maintain and disseminate a cumulative database describing the impacts of the projects, including specific information about each project, such as the project name, location, sponsor, cost, and, to the extent already measured by the project sponsor, cost-effectiveness, based on reductions in congestion and emissions.

“(B) AVAILABILITY.—The database shall be published or otherwise made readily available by the Secretary in electronically accessible format and means, such as the Internet, for public review.

“(2) COST EFFECTIVENESS.—

“(A) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall evaluate projects on a periodic basis and develop a table or other similar medium that illustrates the cost-effectiveness of a range of project types eligible for funding under this section as to how the projects mitigate congestion and improve air quality.

“(B) CONTENTS.—The table described in subparagraph (A) shall show measures of cost-effectiveness, such as dollars per ton of emissions reduced, and assess those measures over a variety of timeframes to capture impacts on the planning timeframes outlined in section 134.

“(C) USE OF TABLE.—States and metropolitan planning organizations shall consider the information in the table when selecting projects or developing performance plans under subsection (1).

“(j) OPTIONAL PROGRAMMATIC ELIGIBILITY.—

“(1) IN GENERAL.—At the discretion of a metropolitan planning organization, a technical assessment of a selected program of projects may be conducted through modeling or other means to demonstrate the emissions reduction projection required under this section.

“(2) APPLICABILITY.—If an assessment described in paragraph (1) successfully demonstrates an emissions reduction, all projects included in such assessment shall be eligible for obligation under this section without further demonstration of emissions reduction of individual projects included in such assessment.

“(k) PRIORITY FOR USE OF FUNDS IN PM2.5 AREAS.—

“(1) IN GENERAL.—For any State that has a nonattainment or maintenance area for fine particulate matter, an amount equal to 25 per-

cent of the funds apportioned to each State under section 104(b)(4) for a nonattainment or maintenance area that are based all or in part on the weighted population of such area in fine particulate matter nonattainment shall be obligated to projects that reduce such fine particulate matter emissions in such area, including diesel retrofits.

“(2) CONSTRUCTION EQUIPMENT AND VEHICLES.—In order to meet the requirements of paragraph (1), a State or metropolitan planning organization may elect to obligate funds to install diesel emission control technology on nonroad diesel equipment or on-road diesel equipment that is operated on a highway construction project within a PM2.5 nonattainment or maintenance area.

“(l) PERFORMANCE PLAN.—

“(1) IN GENERAL.—Each metropolitan planning organization serving a transportation management area (as defined in section 134) with a population over 1,000,000 people representing a nonattainment or maintenance area shall develop a performance plan that—

“(A) includes an area baseline level for traffic congestion and on-road mobile source emissions for which the area is in nonattainment or maintenance;

“(B) describes progress made in achieving the performance targets described in section 150(d); and

“(C) includes a description of projects identified for funding under this section and how such projects will contribute to achieving emission and traffic congestion reduction targets.

“(2) UPDATED PLANS.—Performance plans shall be updated biennially and include a separate report that assesses the progress of the program of projects under the previous plan in achieving the air quality and traffic congestion targets of the previous plan.

“(m) OPERATING ASSISTANCE.—A State may obligate funds apportioned under section 104(b)(2) in an area of such State that is otherwise eligible for obligations of such funds for operating costs under chapter 53 of title 49 or on a system that was previously eligible under this section.”.

(c) AIR QUALITY AND CONGESTION MITIGATION MEASURE OUTCOMES ASSESSMENT STUDY.—

(1) IN GENERAL.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, shall examine the outcomes of actions funded under the congestion mitigation and air quality improvement program since the date of enactment of the SAFETEA-LU (Public Law 109-59).

(2) GOALS.—The goals of the program shall include—

(A) the assessment and documentation, through outcomes research conducted on a representative sample of cases, of—

(i) the emission reductions achieved by federally supported surface transportation actions intended to reduce emissions or lessen traffic congestion; and

(ii) the air quality and human health impacts of those actions, including potential unrecognized or indirect consequences, attributable to those actions;

(B) an expanded base of empirical evidence on the air quality and human health impacts of actions described in paragraph (1); and

(C) an increase in knowledge of—

(i) the factors determining the air quality and human health changes associated with transportation emission reduction actions; and

(ii) other information to more accurately understand the validity of current estimation and modeling routines and ways to improve those routines.

(3) ADMINISTRATIVE ELEMENTS.—To carry out this subsection, the Secretary shall—

(A) make a grant for the coordination, selection, management, and reporting of component

studies to an independent scientific research organization with the necessary experience in successfully conducting accountability and other studies on mobile source air pollutants and associated health effects;

(B) ensure that case studies are identified and conducted by teams selected through a competitive solicitation overseen by an independent committee of unbiased experts; and

(C) ensure that all findings and reports are peer-reviewed and published in a form that presents the findings together with reviewer comments.

(4) **REPORT.**—The Secretary shall submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(A) not later than 1 year after the date of enactment of the MAP-21, and for the following year, a report providing an initial scoping and plan, and status updates, respectively, for the program under this subsection; and

(B) not later than 2 years after the date of enactment of the MAP-21, a final report that describes the findings of, and recommendations resulting from, the program under this subsection.

(5) **FUNDING.**—Of the amounts made available to carry out section 104(a) for fiscal year 2013, the Secretary shall make available to carry out this subsection not more than \$1,000,000.

SEC. 1114. TERRITORIAL AND PUERTO RICO HIGHWAY PROGRAM.

(a) **IN GENERAL.**—Section 165 of title 23, United States Code, is amended to read as follows:

“§165. Territorial and Puerto Rico highway program

“(a) **DIVISION OF FUNDS.**—Of funds made available in a fiscal year for the territorial and Puerto Rico highway program—

“(1) \$150,000,000 shall be for the Puerto Rico highway program under subsection (b); and

“(2) \$40,000,000 shall be for the territorial highway program under subsection (c).

“(b) **PUERTO RICO HIGHWAY PROGRAM.**—

“(1) **IN GENERAL.**—The Secretary shall allocate funds made available to carry out this subsection to the Commonwealth of Puerto Rico to carry out a highway program in the Commonwealth.

“(2) **TREATMENT OF FUNDS.**—Amounts made available to carry out this subsection for a fiscal year shall be administered as follows:

“(A) **APPORTIONMENT.**—

“(i) **IN GENERAL.**—For the purpose of imposing any penalty under this title or title 49, the amounts shall be treated as being apportioned to Puerto Rico under sections 104(b) and 144 (as in effect for fiscal year 1997) for each program funded under those sections in an amount determined by multiplying—

“(I) the aggregate of the amounts for the fiscal year; by

“(II) the proportion that—

“(aa) the amount of funds apportioned to Puerto Rico for each such program for fiscal year 1997; bears to

“(bb) the total amount of funds apportioned to Puerto Rico for all such programs for fiscal year 1997.

“(ii) **EXCEPTION.**—Funds identified under clause (i) as having been apportioned for the national highway system, the surface transportation program, and the Interstate maintenance program shall be deemed to have been apportioned 50 percent for the national highway performance program and 50 percent for the surface transportation program for purposes of imposing such penalties.

“(B) **PENALTY.**—The amounts treated as being apportioned to Puerto Rico under each section referred to in subparagraph (A) shall be deemed to be required to be apportioned to Puerto Rico

under that section for purposes of the imposition of any penalty under this title or title 49.

“(C) **ELIGIBLE USES OF FUNDS.**—Of amounts allocated to Puerto Rico for the Puerto Rico Highway Program for a fiscal year—

“(i) at least 50 percent shall be available only for purposes eligible under section 119;

“(ii) at least 25 percent shall be available only for purposes eligible under section 148; and

“(iii) any remaining funds may be obligated for activities eligible under chapter 1.

“(3) **EFFECT ON APPORTIONMENTS.**—Except as otherwise specifically provided, Puerto Rico shall not be eligible to receive funds apportioned to States under this title.

“(c) **TERRITORIAL HIGHWAY PROGRAM.**—

“(1) **TERRITORY DEFINED.**—In this subsection, the term ‘territory’ means any of the following territories of the United States:

“(A) American Samoa.

“(B) The Commonwealth of the Northern Mariana Islands.

“(C) Guam.

“(D) The United States Virgin Islands.

“(2) **PROGRAM.**—

“(A) **IN GENERAL.**—Recognizing the mutual benefits that will accrue to the territories and the United States from the improvement of highways in the territories, the Secretary may carry out a program to assist each government of a territory in the construction and improvement of a system of arterial and collector highways, and necessary inter-island connectors, that is—

“(i) designated by the Governor or chief executive officer of each territory; and

“(ii) approved by the Secretary.

“(B) **FEDERAL SHARE.**—The Federal share of Federal financial assistance provided to territories under this subsection shall be in accordance with section 120(g).

“(3) **TECHNICAL ASSISTANCE.**—

“(A) **IN GENERAL.**—To continue a long-range highway development program, the Secretary may provide technical assistance to the governments of the territories to enable the territories, on a continuing basis—

“(i) to engage in highway planning;

“(ii) to conduct environmental evaluations;

“(iii) to administer right-of-way acquisition and relocation assistance programs; and

“(iv) to design, construct, operate, and maintain a system of arterial and collector highways, including necessary inter-island connectors.

“(B) **FORM AND TERMS OF ASSISTANCE.**—Technical assistance provided under subparagraph (A), and the terms for the sharing of information among territories receiving the technical assistance, shall be included in the agreement required by paragraph (5).

“(4) **NONAPPLICABILITY OF CERTAIN PROVISIONS.**—

“(A) **IN GENERAL.**—Except to the extent that provisions of this chapter are determined by the Secretary to be inconsistent with the needs of the territories and the intent of this subsection, this chapter (other than provisions of this chapter relating to the apportionment and allocation of funds) shall apply to funds made available under this subsection.

“(B) **APPLICABLE PROVISIONS.**—The agreement required by paragraph (5) for each territory shall identify the sections of this chapter that are applicable to that territory and the extent of the applicability of those sections.

“(5) **AGREEMENT.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (D), none of the funds made available under this subsection shall be available for obligation or expenditure with respect to any territory until the chief executive officer of the territory has entered into an agreement (including an agreement entered into under section 215 as in effect on the day before the enactment of this section) with the Secretary providing that the government of the territory shall—

“(i) implement the program in accordance with applicable provisions of this chapter and paragraph (4);

“(ii) design and construct a system of arterial and collector highways, including necessary inter-island connectors, in accordance with standards that are—

“(I) appropriate for each territory; and

“(II) approved by the Secretary;

“(iii) provide for the maintenance of facilities constructed or operated under this subsection in a condition to adequately serve the needs of present and future traffic; and

“(iv) implement standards for traffic operations and uniform traffic control devices that are approved by the Secretary.

“(B) **TECHNICAL ASSISTANCE.**—The agreement required by subparagraph (A) shall—

“(i) specify the kind of technical assistance to be provided under the program;

“(ii) include appropriate provisions regarding information sharing among the territories; and

“(iii) delineate the oversight role and responsibilities of the territories and the Secretary.

“(C) **REVIEW AND REVISION OF AGREEMENT.**—The agreement entered into under subparagraph (A) shall be reevaluated and, as necessary, revised, at least every 2 years.

“(D) **EXISTING AGREEMENTS.**—With respect to an agreement under this subsection or an agreement entered into under section 215 of this title as in effect on the day before the date of enactment of this subsection—

“(i) the agreement shall continue in force until replaced by an agreement entered into in accordance with subparagraph (A); and

“(ii) amounts made available under this subsection under the existing agreement shall be available for obligation or expenditure so long as the agreement, or the existing agreement entered into under subparagraph (A), is in effect.

“(6) **ELIGIBLE USES OF FUNDS.**—

“(A) **IN GENERAL.**—Funds made available under this subsection may be used only for the following projects and activities carried out in a territory:

“(i) Eligible surface transportation program projects described in section 133(b).

“(ii) Cost-effective, preventive maintenance consistent with section 116(e).

“(iii) Ferry boats, terminal facilities, and approaches, in accordance with subsections (b) and (c) of section 129.

“(iv) Engineering and economic surveys and investigations for the planning, and the financing, of future highway programs.

“(v) Studies of the economy, safety, and convenience of highway use.

“(vi) The regulation and equitable taxation of highway use.

“(vii) Such research and development as are necessary in connection with the planning, design, and maintenance of the highway system.

“(B) **PROHIBITION ON USE OF FUNDS FOR ROUTINE MAINTENANCE.**—None of the funds made available under this subsection shall be obligated or expended for routine maintenance.

“(7) **LOCATION OF PROJECTS.**—Territorial highway program projects (other than those described in paragraphs (2), (4), (7), (8), (14), and (19) of section 133(b)) may not be undertaken on roads functionally classified as local.”.

(b) **CONFORMING AMENDMENTS.**—

(1) **TECHNICAL AND CONFORMING AMENDMENT.**—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 165 and inserting the following:

“165. Territorial and Puerto Rico highway program.”.

(2) **TERRITORIAL HIGHWAY PROGRAM.**—

(A) **REPEAL.**—Section 215 of title 23, United States Code, is repealed.

(B) **TECHNICAL AND CONFORMING AMENDMENT.**—The analysis for chapter 2 of title 23,

United States Code, is amended by striking the item relating to section 215.

(C) DUNCAN HUNTER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2009.—Section 3512(e) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (48 U.S.C. 1421r(e)) is amended by striking “section 215” and inserting “section 165”.

SEC. 1115. NATIONAL FREIGHT POLICY.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

“§ 167. National freight policy

“(a) IN GENERAL.—It is the policy of the United States to improve the condition and performance of the national freight network to ensure that the national freight network provides the foundation for the United States to compete in the global economy and achieve each goal described in subsection (b).

“(b) GOALS.—The goals of the national freight policy are—

“(1) to invest in infrastructure improvements and to implement operational improvements that—

“(A) strengthen the contribution of the national freight network to the economic competitiveness of the United States;

“(B) reduce congestion; and

“(C) increase productivity, particularly for domestic industries and businesses that create high-value jobs;

“(2) to improve the safety, security, and resilience of freight transportation;

“(3) to improve the state of good repair of the national freight network;

“(4) to use advanced technology to improve the safety and efficiency of the national freight network;

“(5) to incorporate concepts of performance, innovation, competition, and accountability into the operation and maintenance of the national freight network; and

“(6) to improve the economic efficiency of the national freight network.

“(7) to reduce the environmental impacts of freight movement on the national freight network;

“(c) ESTABLISHMENT OF A NATIONAL FREIGHT NETWORK.—

“(1) IN GENERAL.—The Secretary shall establish a national freight network in accordance with this section to assist States in strategically directing resources toward improved system performance for efficient movement of freight on highways, including national highway system, freight intermodal connectors and aerotropolis transportation systems.

“(2) NETWORK COMPONENTS.—The national freight network shall consist of—

“(A) the primary freight network, as designated by the Secretary under subsection (d) (referred to in this section as the ‘primary freight network’) as most critical to the movement of freight;

“(B) the portions of the Interstate System not designated as part of the primary freight network; and

“(C) critical rural freight corridors established under subsection (e).

“(d) DESIGNATION OF PRIMARY FREIGHT NETWORK.—

“(1) INITIAL DESIGNATION OF PRIMARY FREIGHT NETWORK.—

“(A) DESIGNATION.—Not later than 1 year after the date of enactment of this section, the Secretary shall designate a primary freight network—

“(i) based on an inventory of national freight volume conducted by the Administrator of the Federal Highway Administration, in consultation with stakeholders, including system users, transport providers, and States; and

“(ii) that shall be comprised of not more than 27,000 centerline miles of existing roadways that are most critical to the movement of freight.

“(B) FACTORS FOR DESIGNATION.—In designating the primary freight network, the Secretary shall consider—

“(i) the origins and destinations of freight movement in the United States;

“(ii) the total freight tonnage and value of freight moved by highways;

“(iii) the percentage of annual average daily truck traffic in the annual average daily traffic on principal arterials;

“(iv) the annual average daily truck traffic on principal arterials;

“(v) land and maritime ports of entry;

“(vi) access to energy exploration, development, installation, or production areas;

“(vii) population centers; and

“(viii) network connectivity.

“(2) ADDITIONAL MILES ON PRIMARY FREIGHT NETWORK.—In addition to the miles initially designated under paragraph (1), the Secretary may increase the number of miles designated as part of the primary freight network by not more than 3,000 additional centerline miles of roadways (which may include existing or planned roads) critical to future efficient movement of goods on the primary freight network.

“(3) REDESIGNATION OF PRIMARY FREIGHT NETWORK.—Effective beginning 10 years after the designation of the primary freight network and every 10 years thereafter, using the designation factors described in paragraph (1), the Secretary shall redesignate the primary freight network (including additional mileage described in paragraph (2)).

“(e) CRITICAL RURAL FREIGHT CORRIDORS.—A State may designate a road within the borders of the State as a critical rural freight corridor if the road—

“(1) is a rural principal arterial roadway and has a minimum of 25 percent of the annual average daily traffic of the road measured in passenger vehicle equivalent units from trucks (FHWA vehicle class 8 to 13);

“(2) provides access to energy exploration, development, installation, or production areas;

“(3) connects the primary freight network, a roadway described in paragraph (1) or (2), or Interstate System to facilities that handle more than—

“(A) 50,000 20-foot equivalent units per year; or

“(B) 500,000 tons per year of bulk commodities.

“(f) NATIONAL FREIGHT STRATEGIC PLAN.—

“(1) INITIAL DEVELOPMENT OF NATIONAL FREIGHT STRATEGIC PLAN.—Not later than 3 years after the date of enactment of this section, the Secretary shall, in consultation with State departments of transportation and other appropriate public and private transportation stakeholders, develop and post on the Department of Transportation public website a national freight strategic plan that shall include—

“(A) an assessment of the condition and performance of the national freight network;

“(B) an identification of highway bottlenecks on the national freight network that create significant freight congestion problems, based on a quantitative methodology developed by the Secretary, which shall, at a minimum, include—

“(i) information from the Freight Analysis Network of the Federal Highway Administration; and

“(ii) to the maximum extent practicable, an estimate of the cost of addressing each bottleneck and any operational improvements that could be implemented;

“(C) forecasts of freight volumes for the 20-year period beginning in the year during which the plan is issued;

“(D) an identification of major trade gateways and national freight corridors that connect major population centers, trade gateways, and other major freight generators for current

and forecasted traffic and freight volumes, the identification of which shall be revised, as appropriate, in subsequent plans;

“(E) an assessment of statutory, regulatory, technological, institutional, financial, and other barriers to improved freight transportation performance (including opportunities for overcoming the barriers);

“(F) an identification of routes providing access to energy exploration, development, installation, or production areas;

“(G) best practices for improving the performance of the national freight network;

“(H) best practices to mitigate the impacts of freight movement on communities;

“(I) a process for addressing multistate projects and encouraging jurisdictions to collaborate; and

“(J) strategies to improve freight intermodal connectivity.

“(2) UPDATES TO NATIONAL FREIGHT STRATEGIC PLAN.—Not later than 5 years after the date of completion of the first national freight strategic plan under paragraph (1), and every 5 years thereafter, the Secretary shall update and repost on the Department of Transportation public website a revised national freight strategic plan.

“(g) FREIGHT TRANSPORTATION CONDITIONS AND PERFORMANCE REPORTS.—Not later than 2 years after the date of enactment of this section, and biennially thereafter, the Secretary shall prepare a report that contains a description of the conditions and performance of the national freight network in the United States.

“(h) TRANSPORTATION INVESTMENT DATA AND PLANNING TOOLS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall—

“(A) begin development of new tools and improvement of existing tools or improve existing tools to support an outcome-oriented, performance-based approach to evaluate proposed freight-related and other transportation projects, including—

“(i) methodologies for systematic analysis of benefits and costs;

“(ii) tools for ensuring that the evaluation of freight-related and other transportation projects could consider safety, economic competitiveness, environmental sustainability, and system condition in the project selection process; and

“(iii) other elements to assist in effective transportation planning;

“(B) identify transportation-related model data elements to support a broad range of evaluation methods and techniques to assist in making transportation investment decisions; and

“(C) at a minimum, in consultation with other relevant Federal agencies, consider any improvements to existing freight flow data collection efforts that could reduce identified freight data gaps and deficiencies and help improve forecasts of freight transportation demand.

“(2) CONSULTATION.—The Secretary shall consult with Federal, State, and other stakeholders to develop, improve, and implement the tools and collect the data in paragraph (1).

“(i) DEFINITION OF AEROTROPOLIS TRANSPORTATION SYSTEM.—In this section, the term ‘aerotropolis transportation system’ means a planned and coordinated multimodal freight and passenger transportation network that, as determined by the Secretary, provides efficient, cost-effective, sustainable, and intermodal connectivity to a defined region of economic significance centered around a major airport.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

“167. National freight program.”.

SEC. 1116. PRIORITIZATION OF PROJECTS TO IMPROVE FREIGHT MOVEMENT.

(a) IN GENERAL.—Notwithstanding section 120 of title 23, United States Code, the Secretary

may increase the Federal share payable for any project to 95 percent for projects on the Interstate System and 90 percent for any other project if the Secretary certifies that the project meets the requirements of this section.

(b) **INCREASED FUNDING.**—To be eligible for the increased Federal funding share under this section, a project shall—

(1) demonstrate the improvement made by the project to the efficient movement of freight, including making progress towards meeting performance targets for freight movement established under section 150(d) of title 23, United States Code; and

(2) be identified in a State freight plan developed pursuant to section 1118.

(c) **ELIGIBLE PROJECTS.**—Eligible projects to improve the movement of freight under this section may include, but are not limited to—

(1) construction, reconstruction, rehabilitation, and operational improvements directly relating to improving freight movement;

(2) intelligent transportation systems and other technology to improve the flow of freight;

(3) efforts to reduce the environmental impacts of freight movement on the primary freight network;

(4) railway-highway grade separation;

(5) geometric improvements to interchanges and ramps.

(6) truck-only lanes;

(7) climbing and runaway truck lanes;

(8) truck parking facilities eligible for funding under section 1401;

(9) real-time traffic, truck parking, roadway condition, and multimodal transportation information systems;

(10) improvements to freight intermodal connectors; and

(11) improvements to truck bottlenecks.

SEC. 1117. STATE FREIGHT ADVISORY COMMITTEES.

(a) **IN GENERAL.**—The Secretary shall encourage each State to establish a freight advisory committee consisting of a representative cross-section of public and private sector freight stakeholders, including representatives of ports, shippers, carriers, freight-related associations, the freight industry workforce, the transportation department of the State, and local governments.

(b) **ROLE OF COMMITTEE.**—A freight advisory committee of a State described in subsection (a) shall—

(1) advise the State on freight-related priorities, issues, projects, and funding needs;

(2) serve as a forum for discussion for State transportation decisions affecting freight mobility;

(3) communicate and coordinate regional priorities with other organizations;

(4) promote the sharing of information between the private and public sectors on freight issues; and

(5) participate in the development of the freight plan of the State described in section 1118.

SEC. 1118. STATE FREIGHT PLANS.

(a) **IN GENERAL.**—The Secretary shall encourage each State to develop a freight plan that provides a comprehensive plan for the immediate and long-range planning activities and investments of the State with respect to freight.

(b) **PLAN CONTENTS.**—A freight plan described in subsection (a) shall include, at a minimum—

(1) an identification of significant freight system trends, needs, and issues with respect to the State;

(2) a description of the freight policies, strategies, and performance measures that will guide the freight-related transportation investment decisions of the State;

(3) a description of how the plan will improve the ability of the State to meet the national

freight goals established under section 167 of title 23, United States Code;

(4) evidence of consideration of innovative technologies and operational strategies, including intelligent transportation systems, that improve the safety and efficiency of freight movement;

(5) in the case of routes on which travel by heavy vehicles (including mining, agricultural, energy cargo or equipment, and timber vehicles) is projected to substantially deteriorate the condition of roadways, a description of improvements that may be required to reduce or impede the deterioration; and

(6) an inventory of facilities with freight mobility issues, such as truck bottlenecks, within the State, and a description of the strategies the State is employing to address those freight mobility issues.

(c) **RELATIONSHIP TO LONG-RANGE PLAN.**—A freight plan described in subsection (a) may be developed separate from or incorporated into the statewide strategic long-range transportation plan required by section 135 of title 23, United States Code.

SEC. 1119. FEDERAL LANDS AND TRIBAL TRANSPORTATION PROGRAMS.

(a) **IN GENERAL.**—Chapter 2 of title 23, United States Code, is amended by striking sections 201 through 204 and inserting the following:

“§201. Federal lands and tribal transportation programs

“(a) **PURPOSE.**—Recognizing the need for all public Federal and tribal transportation facilities to be treated under uniform policies similar to the policies that apply to Federal-aid highways and other public transportation facilities, the Secretary of Transportation, in collaboration with the Secretaries of the appropriate Federal land management agencies, shall coordinate a uniform policy for all public Federal and tribal transportation facilities that shall apply to Federal lands transportation facilities, tribal transportation facilities, and Federal lands access transportation facilities.

“(b) **AVAILABILITY OF FUNDS.**—

“(1) **AVAILABILITY.**—Funds authorized for the tribal transportation program, the Federal lands transportation program, and the Federal lands access program shall be available for contract upon apportionment, or on October 1 of the fiscal year for which the funds were authorized if no apportionment is required.

“(2) **AMOUNT REMAINING.**—Any amount remaining unexpended for a period of 3 years after the close of the fiscal year for which the funds were authorized shall lapse.

“(3) **OBLIGATIONS.**—The Secretary of the department responsible for the administration of funds under this subsection may incur obligations, approve projects, and enter into contracts under such authorizations, which shall be considered to be contractual obligations of the United States for the payment of the cost thereof, the funds of which shall be considered to have been expended when obligated.

“(4) **EXPENDITURE.**—

“(A) **IN GENERAL.**—Any funds authorized for any fiscal year after the date of enactment of this section under the Federal lands transportation program, the Federal lands access program, and the tribal transportation program shall be considered to have been expended if a sum equal to the total of the sums authorized for the fiscal year and previous fiscal years have been obligated.

“(B) **CREDITED FUNDS.**—Any funds described in subparagraph (A) that are released by payment of final voucher or modification of project authorizations shall be—

“(i) credited to the balance of unobligated authorizations; and

“(ii) immediately available for expenditure.

“(5) **APPLICABILITY.**—This section shall not apply to funds authorized before the date of enactment of this paragraph.

“(6) **CONTRACTUAL OBLIGATION.**—

“(A) **IN GENERAL.**—Notwithstanding any other provision of law (including regulations), the authorization by the Secretary, or the Secretary of the appropriate Federal land management agency if the agency is the contracting office, of engineering and related work for the development, design, and acquisition associated with a construction project, whether performed by contract or agreement authorized by law, or the approval by the Secretary of plans, specifications, and estimates for construction of a project, shall be considered to constitute a contractual obligation of the Federal Government to pay the total eligible cost of—

“(i) any project funded under this title; and

“(ii) any project funded pursuant to agreements authorized by this title or any other title.

“(B) **EFFECT.**—Nothing in this paragraph—

“(i) affects the application of the Federal share associated with the project being undertaken under this section; or

“(ii) modifies the point of obligation associated with Federal salaries and expenses.

“(7) **FEDERAL SHARE.**—

“(A) **TRIBAL AND FEDERAL LANDS TRANSPORTATION PROGRAM.**—The Federal share of the cost of a project carried out under the Federal lands transportation program or the tribal transportation program shall be 100 percent.

“(B) **FEDERAL LANDS ACCESS PROGRAM.**—The Federal share of the cost of a project carried out under the Federal lands access program shall be determined in accordance with section 120.

“(c) **TRANSPORTATION PLANNING.**—

“(1) **TRANSPORTATION PLANNING PROCEDURES.**—In consultation with the Secretary of each appropriate Federal land management agency, the Secretary shall implement transportation planning procedures for Federal lands and tribal transportation facilities that are consistent with the planning processes required under sections 134 and 135.

“(2) **APPROVAL OF TRANSPORTATION IMPROVEMENT PROGRAM.**—The transportation improvement program developed as a part of the transportation planning process under this section shall be approved by the Secretary.

“(3) **INCLUSION IN OTHER PLANS.**—Each regionally significant tribal transportation program, Federal lands transportation program, and Federal lands access program project shall be—

“(A) developed in cooperation with State and metropolitan planning organizations; and

“(B) included in appropriate tribal transportation program plans, Federal lands transportation program plans, Federal lands access program plans, State and metropolitan plans, and transportation improvement programs.

“(4) **INCLUSION IN STATE PROGRAMS.**—The approved tribal transportation program, Federal lands transportation program, and Federal lands access program transportation improvement programs shall be included in appropriate State and metropolitan planning organization plans and programs without further action on the transportation improvement program.

“(5) **ASSET MANAGEMENT.**—The Secretary and the Secretary of each appropriate Federal land management agency shall, to the extent appropriate, implement safety, bridge, pavement, and congestion management systems for facilities funded under the tribal transportation program and the Federal lands transportation program in support of asset management.

“(6) **DATA COLLECTION.**—

“(A) **DATA COLLECTION.**—The Secretaries of the appropriate Federal land management agencies shall collect and report data necessary to implement the Federal lands transportation program, the Federal lands access program, and the tribal transportation program in accordance with the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), including—

“(i) inventory and condition information on Federal lands transportation facilities and tribal transportation facilities; and

“(ii) bridge inspection and inventory information on any Federal bridge open to the public.

“(B) STANDARDS.—The Secretary, in coordination with the Secretaries of the appropriate Federal land management agencies, shall define the collection and reporting data standards.

“(7) ADMINISTRATIVE EXPENSES.—To implement the activities described in this subsection, including direct support of transportation planning activities among Federal land management agencies, the Secretary may use not more than 5 percent for each fiscal year of the funds authorized for programs under sections 203 and 204.

“(d) REIMBURSABLE AGREEMENTS.—In carrying out work under reimbursable agreements with any State, local, or tribal government under this title, the Secretary—

“(1) may, without regard to any other provision of law (including regulations), record obligations against accounts receivable from the entity; and

“(2) shall credit amounts received from the entity to the appropriate account, which shall occur not later than 90 days after the date of the original request by the Secretary for payment.

“(e) TRANSFERS.—

“(1) IN GENERAL.—To enable the efficient use of funds made available for the Federal lands transportation program and the Federal lands access program, the funds may be transferred by the Secretary within and between each program with the concurrence of, as appropriate—

“(A) the Secretary;

“(B) the affected Secretaries of the respective Federal land management agencies;

“(C) State departments of transportation; and

“(D) local government agencies.

“(2) CREDIT.—The funds described in paragraph (1) shall be credited back to the loaning entity with funds that are currently available for obligation at the time of the credit.

“§202. Tribal transportation program

“(a) USE OF FUNDS.—

“(1) IN GENERAL.—Funds made available under the tribal transportation program shall be used by the Secretary of Transportation and the Secretary of the Interior to pay the costs of—

“(A)(i) transportation planning, research, maintenance, engineering, rehabilitation, restoration, construction, and reconstruction of tribal transportation facilities;

“(ii) adjacent vehicular parking areas;

“(iii) interpretive signage;

“(iv) acquisition of necessary scenic easements and scenic or historic sites;

“(v) provisions for pedestrians and bicycles;

“(vi) environmental mitigation in or adjacent to tribal land—

“(I) to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity; and

“(II) to mitigate the damage to wildlife, aquatic organism passage, habitat, and ecosystem connectivity, including the costs of constructing, maintaining, replacing, or removing culverts and bridges, as appropriate;

“(vii) construction and reconstruction of roadside rest areas, including sanitary and water facilities; and

“(viii) other appropriate public road facilities as determined by the Secretary;

“(B) operation and maintenance of transit programs and facilities that are located on, or provide access to, tribal land, or are administered by a tribal government; and

“(C) any transportation project eligible for assistance under this title that is located within, or that provides access to, tribal land, or is associated with a tribal government.

“(2) CONTRACT.—In connection with an activity described in paragraph (1), the Secretary and the Secretary of the Interior may enter into a contract or other appropriate agreement with respect to the activity with—

“(A) a State (including a political subdivision of a State); or

“(B) an Indian tribe.

“(3) INDIAN LABOR.—Indian labor may be employed, in accordance with such rules and regulations as may be promulgated by the Secretary of the Interior, to carry out any construction or other activity described in paragraph (1).

“(4) FEDERAL EMPLOYMENT.—No maximum limitation on Federal employment shall be applicable to the construction or improvement of tribal transportation facilities.

“(5) FUNDS FOR CONSTRUCTION AND IMPROVEMENT.—All funds made available for the construction and improvement of tribal transportation facilities shall be administered in conformity with regulations and agreements jointly approved by the Secretary and the Secretary of the Interior.

“(6) ADMINISTRATIVE EXPENSES.—Of the funds authorized to be appropriated for the tribal transportation program, not more than 6 percent may be used by the Secretary or the Secretary of the Interior for program management and oversight and project-related administrative expenses.

“(7) TRIBAL TECHNICAL ASSISTANCE CENTERS.—The Secretary of the Interior may reserve amounts from administrative funds of the Bureau of Indian Affairs that are associated with the tribal transportation program to fund tribal technical assistance centers under section 504(b).

“(8) MAINTENANCE.—

“(A) USE OF FUNDS.—Notwithstanding any other provision of this title, of the amount of funds allocated to an Indian tribe from the tribal transportation program, for the purpose of maintenance (excluding road sealing, which shall not be subject to any limitation), the Secretary shall not use an amount more than the greater of—

“(i) an amount equal to 25 percent; or

“(ii) \$500,000.

“(B) RESPONSIBILITY OF BUREAU OF INDIAN AFFAIRS AND SECRETARY OF THE INTERIOR.—

“(i) BUREAU OF INDIAN AFFAIRS.—The Bureau of Indian Affairs shall retain primary responsibility, including annual funding request responsibility, for Bureau of Indian Affairs road maintenance programs on Indian reservations.

“(ii) SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall ensure that funding made available under this subsection for maintenance of tribal transportation facilities for each fiscal year is supplementary to, and not in lieu of, any obligation of funds by the Bureau of Indian Affairs for road maintenance programs on Indian reservations.

“(C) TRIBAL-STATE ROAD MAINTENANCE AGREEMENTS.—

“(i) IN GENERAL.—An Indian tribe and a State may enter into a road maintenance agreement under which an Indian tribe shall assume the responsibility of the State for—

“(I) tribal transportation facilities; and

“(II) roads providing access to tribal transportation facilities.

“(ii) REQUIREMENTS.—Agreements entered into under clause (i) shall—

“(I) be negotiated between the State and the Indian tribe; and

“(II) not require the approval of the Secretary.

“(9) COOPERATION.—

“(A) IN GENERAL.—The cooperation of States, counties, or other local subdivisions may be accepted in construction and improvement.

“(B) FUNDS RECEIVED.—Any funds received from a State, county, or local subdivision shall

be credited to appropriations available for the tribal transportation program.

“(10) COMPETITIVE BIDDING.—

“(A) CONSTRUCTION.—

“(i) IN GENERAL.—Subject to clause (ii) and subparagraph (B), construction of each project shall be performed by contract awarded by competitive bidding.

“(ii) EXCEPTION.—Clause (i) shall not apply if the Secretary or the Secretary of the Interior affirmatively finds that, under the circumstances relating to the project, a different method is in the public interest.

“(B) APPLICABILITY.—Notwithstanding subparagraph (A), section 23 of the Act of June 25, 1910 (25 U.S.C. 47) and section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e(b)) shall apply to all funds administered by the Secretary of the Interior that are appropriated for the construction and improvement of tribal transportation facilities.

“(b) FUNDS DISTRIBUTION.—

“(1) NATIONAL TRIBAL TRANSPORTATION FACILITY INVENTORY.—

“(A) IN GENERAL.—The Secretary of the Interior, in cooperation with the Secretary, shall maintain a comprehensive national inventory of tribal transportation facilities that are eligible for assistance under the tribal transportation program.

“(B) TRANSPORTATION FACILITIES INCLUDED IN THE INVENTORY.—For purposes of identifying the tribal transportation system and determining the relative transportation needs among Indian tribes, the Secretary shall include, at a minimum, transportation facilities that are eligible for assistance under the tribal transportation program that an Indian tribe has requested, including facilities that—

“(i) were included in the Bureau of Indian Affairs system inventory prior to October 1, 2004;

“(ii) are owned by an Indian tribal government;

“(iii) are owned by the Bureau of Indian Affairs;

“(iv) were constructed or reconstructed with funds from the Highway Trust Fund under the Indian reservation roads program since 1983;

“(v) are public roads or bridges within the exterior boundary of Indian reservations, Alaska Native villages, and other recognized Indian communities (including communities in former Indian reservations in the State of Oklahoma) in which the majority of residents are American Indians or Alaska Natives;

“(vi) are public roads within or providing access to an Indian reservation or Indian trust land or restricted Indian land that is not subject to fee title alienation without the approval of the Federal Government, or Indian or Alaska Native villages, groups, or communities in which Indians and Alaska Natives reside, whom the Secretary of the Interior has determined are eligible for services generally available to Indians under Federal laws specifically applicable to Indians; or

“(vii) are primary access routes proposed by tribal governments, including roads between villages, roads to landfills, roads to drinking water sources, roads to natural resources identified for economic development, and roads that provide access to intermodal terminals, such as airports, harbors, or boat landings.

“(C) LIMITATION ON PRIMARY ACCESS ROUTES.—For purposes of this paragraph, a proposed primary access route is the shortest practicable route connecting 2 points of the proposed route.

“(D) ADDITIONAL FACILITIES.—Nothing in this paragraph precludes the Secretary from including additional transportation facilities that are

eligible for funding under the tribal transportation program in the inventory used for the national funding allocation if such additional facilities are included in the inventory in a uniform and consistent manner nationally.

“(E) BRIDGES.—All bridges in the inventory shall be recorded in the national bridge inventory administered by the Secretary under section 144.

“(2) REGULATIONS.—Notwithstanding sections 563(a) and 565(a) of title 5, the Secretary of the Interior shall maintain any regulations governing the tribal transportation program.

“(3) BASIS FOR FUNDING FORMULA.—

“(A) BASIS.—

“(i) IN GENERAL.—After making the set asides authorized under subparagraph (C) and subsections (c), (d), and (e) on October 1 of each fiscal year, the Secretary shall distribute the remainder authorized to be appropriated for the tribal transportation program under this section among Indian tribes as follows:

“(I) For fiscal year 2013—

“(aa) for each Indian tribe, 80 percent of the total relative need distribution factor and population adjustment factor for the fiscal year 2011 funding amount made available to that Indian tribe; and

“(bb) the remainder using tribal shares as described in subparagraphs (B) and (C).

“(II) For fiscal year 2014—

“(aa) for each Indian tribe, 60 percent of the total relative need distribution factor and population adjustment factor for the fiscal year 2011 funding amount made available to that Indian tribe; and

“(bb) the remainder using tribal shares as described in subparagraphs (B) and (C).

“(III) For fiscal year 2015—

“(aa) for each Indian tribe, 40 percent of the total relative need distribution factor and population adjustment factor for the fiscal year 2011 funding amount made available to that Indian tribe; and

“(bb) the remainder using tribal shares as described in subparagraphs (B) and (C).

“(IV) For fiscal year 2016 and thereafter—

“(aa) for each Indian tribe, 20 percent of the total relative need distribution factor and population adjustment factor for the fiscal year 2011 funding amount made available to that Indian tribe; and

“(bb) the remainder using tribal shares as described in subparagraphs (B) and (C).

“(ii) TRIBAL HIGH PRIORITY PROJECTS.—The High Priority Projects program as included in the Tribal Transportation Allocation Methodology of part 170 of title 25, Code of Federal Regulations (as in effect on the date of enactment of the MAP-21), shall not continue in effect.

“(B) TRIBAL SHARES.—Tribal shares under this program shall be determined using the national tribal transportation facility inventory as calculated for fiscal year 2012, and the most recent data on American Indian and Alaska Native population within each Indian tribe’s American Indian/Alaska Native Reservation or Statistical Area, as computed under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 et seq.), in the following manner:

“(i) 27 percent in the ratio that the total eligible road mileage in each tribe bears to the total eligible road mileage of all American Indians and Alaskan Natives. For the purposes of this calculation, eligible road mileage shall be computed based on the inventory described in paragraph (I), using only facilities included in the inventory described in clause (i), (ii), or (iii) of paragraph (I)(B).

“(ii) 39 percent in the ratio that the total population in each tribe bears to the total population of all American Indians and Alaskan Natives.

“(iii) 34 percent shall be divided equally among each Bureau of Indian Affairs region. Within each region, such share of funds shall be distributed to each Indian tribe in the ratio that the average total relative need distribution factors and population adjustment factors from fiscal years 2005 through 2011 for a tribe bears to the average total of relative need distribution factors and population adjustment factors for fiscal years 2005 through 2011 in that region.

“(C) TRIBAL SUPPLEMENTAL FUNDING.—

“(i) TRIBAL SUPPLEMENTAL FUNDING AMOUNT.—Of funds made available for each fiscal year for the tribal transportation program, the Secretary shall set aside the following amount for a tribal supplemental program:

“(I) If the amount made available for the tribal transportation program is less than or equal to \$275,000,000, 30 percent of such amount.

“(II) If the amount made available for the tribal transportation program exceeds \$275,000,000—

“(aa) \$82,500,000; plus

“(bb) 12.5 percent of the amount made available for the tribal transportation program in excess of \$275,000,000.

“(ii) TRIBAL SUPPLEMENTAL ALLOCATION.—The Secretary shall distribute tribal supplemental funds as follows:

“(I) DISTRIBUTION AMONG REGIONS.—Of the amounts set aside under clause (i), the Secretary shall distribute to each region of the Bureau of Indian Affairs a share of tribal supplemental funds in proportion to the regional total of tribal shares based on the cumulative tribal shares of all Indian tribes within such region under subparagraph (B).

“(II) DISTRIBUTION WITHIN A REGION.—Of the amount that a region receives under subclause (I), the Secretary shall distribute tribal supplemental funding among Indian tribes within such region as follows:

“(aa) TRIBAL SUPPLEMENTAL AMOUNTS.—The Secretary shall determine—

“(AA) which such Indian tribes would be entitled under subparagraph (A) to receive in a fiscal year less funding than they would receive in fiscal year 2011 pursuant to the relative need distribution factor and population adjustment factor, as described in subpart C of part 170 of title 25, Code of Federal Regulations (as in effect on the date of enactment of the MAP-21); and

“(BB) the combined amount that such Indian tribes would be entitled to receive in fiscal year 2011 pursuant to such relative need distribution factor and population adjustment factor in excess of the amount that they would be entitled to receive in the fiscal year under subparagraph (B).

“(bb) COMBINED AMOUNT.—Subject to subclause (III), the Secretary shall distribute to each Indian tribe that meets the criteria described in item (aa)(AA) a share of funding under this subparagraph in proportion to the share of the combined amount determined under item (aa)(BB) attributable to such Indian tribe.

“(III) CEILING.—An Indian tribe may not receive under subclause (II) and based on its tribal share under subparagraph (A) a combined amount that exceeds the amount that such Indian tribe would be entitled to receive in fiscal year 2011 pursuant to the relative need distribution factor and population adjustment factor, as described in subpart C of part 170 of title 25, Code of Federal Regulations (as in effect on the date of enactment of the MAP-21).

“(IV) OTHER AMOUNTS.—If the amount made available for a region under subclause (I) exceeds the amount distributed among Indian tribes within that region under subclause (II), the Secretary shall distribute the remainder of such region’s funding under such subclause among all Indian tribes in that region in propor-

tion to the combined amount that each such Indian tribe received under subparagraph (A) and subclauses (I), (II), and (III).]

“(4) TRANSFERRED FUNDS.—

“(A) IN GENERAL.—Not later than 30 days after the date on which funds are made available to the Secretary of the Interior under this paragraph, the funds shall be distributed to, and made available for immediate use by, eligible Indian tribes, in accordance with the formula for distribution of funds under the tribal transportation program.

“(B) USE OF FUNDS.—Notwithstanding any other provision of this section, funds made available to Indian tribes for tribal transportation facilities shall be expended on projects identified in a transportation improvement program approved by the Secretary.

“(5) HEALTH AND SAFETY ASSURANCES.—Notwithstanding any other provision of law, an Indian tribal government may approve plans, specifications, and estimates and commence road and bridge construction with funds made available from the tribal transportation program through a contract or agreement under Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), if the Indian tribal government—

“(A) provides assurances in the contract or agreement that the construction will meet or exceed applicable health and safety standards;

“(B) obtains the advance review of the plans and specifications from a State-licensed civil engineer that has certified that the plans and specifications meet or exceed the applicable health and safety standards; and

“(C) provides a copy of the certification under subparagraph (A) to the Deputy Assistant Secretary for Tribal Government Affairs, Department of Transportation, or the Assistant Secretary for Indian Affairs, Department of the Interior, as appropriate.

“(6) CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.—

“(A) IN GENERAL.—Notwithstanding any other provision of law or any interagency agreement, program guideline, manual, or policy directive, all funds made available through the Secretary of the Interior under this chapter and section 125(e) for tribal transportation facilities to pay for the costs of programs, services, functions, and activities, or portions of programs, services, functions, or activities, that are specifically or functionally related to the cost of planning, research, engineering, and construction of any tribal transportation facility shall be made available, upon request of the Indian tribal government, to the Indian tribal government for contracts and agreements for such planning, research, engineering, and construction in accordance with Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

“(B) EXCLUSION OF AGENCY PARTICIPATION.—All funds, including contract support costs, for programs, functions, services, or activities, or portions of programs, services, functions, or activities, including supportive administrative functions that are otherwise contractible to which subparagraph (A) applies, shall be paid in accordance with subparagraph (A), without regard to the organizational level at which the Department of the Interior has previously carried out such programs, functions, services, or activities.

“(7) CONTRACTS AND AGREEMENTS WITH INDIAN TRIBES.—

“(A) IN GENERAL.—Notwithstanding any other provision of law or any interagency agreement, program guideline, manual, or policy directive, all funds made available to an Indian tribal government under this chapter for a tribal transportation facility program or project shall be made available, on the request of the Indian tribal government, to the Indian tribal government for use in carrying out, in accordance with

the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), contracts and agreements for the planning, research, design, engineering, construction, and maintenance relating to the program or project.

“(B) EXCLUSION OF AGENCY PARTICIPATION.—In accordance with subparagraph (A), all funds, including contract support costs, for a program or project to which subparagraph (A) applies shall be paid to the Indian tribal government without regard to the organizational level at which the Department of the Interior has previously carried out, or the Department of Transportation has previously carried out under the tribal transportation program, the programs, functions, services, or activities involved.

“(C) CONSORTIA.—Two or more Indian tribes that are otherwise eligible to participate in a program or project to which this chapter applies may form a consortium to be considered as a single Indian tribe for the purpose of participating in the project under this section.

“(D) SECRETARY AS SIGNATORY.—Notwithstanding any other provision of law, the Secretary is authorized to enter into a funding agreement with an Indian tribal government to carry out a tribal transportation facility program or project under subparagraph (A) that is located on an Indian reservation or provides access to the reservation or a community of the Indian tribe.

“(E) FUNDING.—The amount an Indian tribal government receives for a program or project under subparagraph (A) shall equal the sum of the funding that the Indian tribal government would otherwise receive for the program or project in accordance with the funding formula established under this subsection and such additional amounts as the Secretary determines equal the amounts that would have been withheld for the costs of the Bureau of Indian Affairs for administration of the program or project.

“(F) ELIGIBILITY.—

“(i) IN GENERAL.—Subject to clause (ii) and the approval of the Secretary, funds may be made available under subparagraph (A) to an Indian tribal government for a program or project in a fiscal year only if the Indian tribal government requesting such funds demonstrates to the satisfaction of the Secretary financial stability and financial management capability during the 3 fiscal years immediately preceding the fiscal year for which the request is being made.

“(ii) CONSIDERATIONS.—An Indian tribal government that had no uncorrected significant and material audit exceptions in the required annual audit of the contracts or self-governance funding agreements made by the Indian tribe with any Federal agency under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) during the 3-fiscal year period referred in clause (i) shall be conclusive evidence of the financial stability and financial management capability of the Indian tribe for purposes of clause (i).

“(G) ASSUMPTION OF FUNCTIONS AND DUTIES.—An Indian tribal government receiving funding under subparagraph (A) for a program or project shall assume all functions and duties that the Secretary of the Interior would have performed with respect to a program or project under this chapter, other than those functions and duties that inherently cannot be legally transferred under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

“(H) POWERS.—An Indian tribal government receiving funding under subparagraph (A) for a program or project shall have all powers that the Secretary of the Interior would have exercised in administering the funds transferred to the Indian tribal government for such program or project under this section if the funds had

not been transferred, except to the extent that such powers are powers that inherently cannot be legally transferred under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

“(I) DISPUTE RESOLUTION.—In the event of a disagreement between the Secretary or the Secretary of the Interior and an Indian tribe over whether a particular function, duty, or power may be lawfully transferred to the Indian tribe under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.), the Indian tribe shall have the right to pursue all alternative dispute resolution and appeal procedures authorized by that Act, including regulations issued to carry out the Act.

“(J) TERMINATION OF CONTRACT OR AGREEMENT.—On the date of the termination of a contract or agreement under this section by an Indian tribal government, the Secretary shall transfer all funds that would have been allocated to the Indian tribal government under the contract or agreement to the Secretary of the Interior to provide continued transportation services in accordance with applicable law.

“(c) PLANNING.—

“(1) IN GENERAL.—For each fiscal year, not more than 2 percent of the funds made available for the tribal transportation program shall be allocated among Indian tribal governments that apply for transportation planning pursuant to the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

“(2) REQUIREMENT.—An Indian tribal government, in cooperation with the Secretary of the Interior and, as appropriate, with a State, local government, or metropolitan planning organization, shall carry out a transportation planning process in accordance with section 201(c).

“(3) SELECTION AND APPROVAL OF PROJECTS.—A project funded under this section shall be—

“(A) selected by the Indian tribal government from the transportation improvement program; and

“(B) subject to the approval of the Secretary of the Interior and the Secretary.

“(d) TRIBAL TRANSPORTATION FACILITY BRIDGES.—

“(1) NATIONWIDE PRIORITY PROGRAM.—The Secretary shall maintain a nationwide priority program for improving deficient bridges eligible for the tribal transportation program.

“(2) FUNDING.—Before making any distribution under subsection (b), the Secretary shall set aside not more than 2 percent of the funds made available under the tribal transportation program for each fiscal year to be allocated—

“(A) to carry out any planning, design, engineering, preconstruction, construction, and inspection of a project to replace, rehabilitate, seismically retrofit, paint, apply calcium magnesium acetate, sodium acetate/formate, or other environmentally acceptable, minimally corrosive anti-icing and deicing composition; or

“(B) to implement any countermeasure for deficient tribal transportation facility bridges, including multiple-pipe culverts.

“(3) ELIGIBLE BRIDGES.—To be eligible to receive funding under this subsection, a bridge described in paragraph (1) shall—

“(A) have an opening of not less than 20 feet;

“(B) be classified as a tribal transportation facility; and

“(C) be structurally deficient or functionally obsolete.

“(4) APPROVAL REQUIREMENT.—The Secretary may make funds available under this subsection for preliminary engineering, construction, and construction engineering activities after approval of required documentation and verification of eligibility in accordance with this title.

“(e) SAFETY.—

“(1) FUNDING.—Before making any distribution under subsection (b), the Secretary shall set

aside not more than 2 percent of the funds made available under the tribal transportation program for each fiscal year to be allocated based on an identification and analysis of highway safety issues and opportunities on tribal land, as determined by the Secretary, on application of the Indian tribal governments for eligible projects described in section 148(a)(4).

“(2) PROJECT SELECTION.—An Indian tribal government, in cooperation with the Secretary of the Interior and, as appropriate, with a State, local government, or metropolitan planning organization, shall select projects from the transportation improvement program, subject to the approval of the Secretary and the Secretary of the Interior.

“(f) FEDERAL-AID ELIGIBLE PROJECTS.—Before approving as a project on a tribal transportation facility any project eligible for funds apportioned under section 104 in a State, the Secretary shall, for projects on tribal transportation facilities, determine that the obligation of funds for the project is supplementary to and not in lieu of the obligation of a fair and equitable share of funds apportioned to the State under section 104.

“§203. Federal lands transportation program

“(a) USE OF FUNDS.—

“(1) IN GENERAL.—Funds made available under the Federal lands transportation program shall be used by the Secretary of Transportation and the Secretary of the appropriate Federal land management agency to pay the costs of—

“(A) program administration, transportation planning, research, preventive maintenance, engineering, rehabilitation, restoration, construction, and reconstruction of Federal lands transportation facilities; and—

“(i) adjacent vehicular parking areas;

“(ii) acquisition of necessary scenic easements and scenic or historic sites;

“(iii) provision for pedestrians and bicycles;

“(iv) environmental mitigation in or adjacent to Federal land open to the public—

“(I) to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity; and

“(II) to mitigate the damage to wildlife, aquatic organism passage, habitat, and ecosystem connectivity, including the costs of constructing, maintaining, replacing, or removing culverts and bridges, as appropriate;

“(v) construction and reconstruction of roadside rest areas, including sanitary and water facilities;

“(vi) congestion mitigation; and

“(vii) other appropriate public road facilities, as determined by the Secretary;

“(B) operation and maintenance of transit facilities;

“(C) any transportation project eligible for assistance under this title that is on a public road within or adjacent to, or that provides access to, Federal lands open to the public; and

“(D) not more than \$10,000,000 of the amounts made available per fiscal year to carry out this section for activities eligible under subparagraph (A)(iv).

“(2) CONTRACT.—In connection with an activity described in paragraph (1), the Secretary and the Secretary of the appropriate Federal land management agency may enter into a contract or other appropriate agreement with respect to the activity with—

“(A) a State (including a political subdivision of a State); or

“(B) an Indian tribe.

“(3) ADMINISTRATION.—All appropriations for the construction and improvement of Federal lands transportation facilities shall be administered in conformity with regulations and agreements jointly approved by the Secretary and the Secretary of the appropriate Federal land management agency.

“(4) COOPERATION.—

“(A) IN GENERAL.—The cooperation of States, counties, or other local subdivisions may be accepted in construction and improvement.

“(B) FUNDS RECEIVED.—Any funds received from a State, county, or local subdivision shall be credited to appropriations available for the class of Federal lands transportation facilities to which the funds were contributed.

“(5) COMPETITIVE BIDDING.—

“(A) IN GENERAL.—Subject to subparagraph (B), construction of each project shall be performed by contract awarded by competitive bidding.

“(B) EXCEPTION.—Subparagraph (A) shall not apply if the Secretary or the Secretary of the appropriate Federal land management agency affirmatively finds that, under the circumstances relating to the project, a different method is in the public interest.

“(b) AGENCY PROGRAM DISTRIBUTIONS.—

“(1) IN GENERAL.—On October 1, 2011, and on October 1 of each fiscal year thereafter, the Secretary shall allocate the sums authorized to be appropriated for the fiscal year for the Federal lands transportation program on the basis of applications of need, as determined by the Secretary—

“(A) in consultation with the Secretaries of the applicable Federal land management agencies; and

“(B) in coordination with the transportation plans required under section 201 of the respective transportation systems of—

“(i) the National Park Service;

“(ii) the Forest Service;

“(iii) the United States Fish and Wildlife Service;

“(iv) the Corps of Engineers; and

“(v) the Bureau of Land Management.

“(2) APPLICATIONS.—

“(A) REQUIREMENTS.—Each application submitted by a Federal land management agency shall include proposed programs at various potential funding levels, as defined by the Secretary following collaborative discussions with applicable Federal land management agencies.

“(B) CONSIDERATION BY SECRETARY.—In evaluating an application submitted under subparagraph (A), the Secretary shall consider the extent to which the programs support—

“(i) the transportation goals of—

“(I) a state of good repair of transportation facilities;

“(II) a reduction of bridge deficiencies, and

“(III) an improvement of safety;

“(ii) high-use Federal recreational sites or Federal economic generators; and

“(iii) the resource and asset management goals of the Secretary of the respective Federal land management agency.

“(C) PERMISSIVE CONTENTS.—Applications may include proposed programs the duration of which extend over a multiple-year period to support long-term transportation planning and resource management initiatives.

“(c) NATIONAL FEDERAL LANDS TRANSPORTATION FACILITY INVENTORY.—

“(1) IN GENERAL.—The Secretaries of the appropriate Federal land management agencies, in cooperation with the Secretary, shall maintain a comprehensive national inventory of public Federal lands transportation facilities.

“(2) TRANSPORTATION FACILITIES INCLUDED IN THE INVENTORIES.—To identify the Federal lands transportation system and determine the relative transportation needs among Federal land management agencies, the inventories shall include, at a minimum, facilities that—

“(A) provide access to high-use Federal recreation sites or Federal economic generators, as determined by the Secretary in coordination with the respective Secretaries of the appropriate Federal land management agencies; and

“(B) are owned by 1 of the following agencies:

“(i) The National Park Service.

“(ii) The Forest Service.

“(iii) The United States Fish and Wildlife Service.

“(iv) The Bureau of Land Management.

“(v) The Corps of Engineers.

“(3) AVAILABILITY.—The inventories shall be made available to the Secretary.

“(4) UPDATES.—The Secretaries of the appropriate Federal land management agencies shall update the inventories of the appropriate Federal land management agencies, as determined by the Secretary after collaborative discussions with the Secretaries of the appropriate Federal land management agencies.

“(5) REVIEW.—A decision to add or remove a facility from the inventory shall not be considered a Federal action for purposes of review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(d) BICYCLE SAFETY.—The Secretary of the appropriate Federal land management agency shall prohibit the use of bicycles on each federally owned road that has a speed limit of 30 miles per hour or greater and an adjacent paved path for use by bicycles within 100 yards of the road unless the Secretary determines that the bicycle level of service on that roadway is rated B or higher.

“§204. Federal lands access program

“(a) USE OF FUNDS.—

“(1) IN GENERAL.—Funds made available under the Federal lands access program shall be used by the Secretary of Transportation and the Secretary of the appropriate Federal land management agency to pay the cost of—

“(A) transportation planning, research, engineering, preventive maintenance, rehabilitation, restoration, construction, and reconstruction of Federal lands access transportation facilities located on or adjacent to, or that provide access to, Federal land, and—

“(i) adjacent vehicular parking areas;

“(ii) acquisition of necessary scenic easements and scenic or historic sites;

“(iii) provisions for pedestrians and bicycles;

“(iv) environmental mitigation in or adjacent to Federal land to improve public safety and reduce vehicle-caused wildlife mortality while maintaining habitat connectivity;

“(v) construction and reconstruction of roadside rest areas, including sanitary and water facilities; and

“(vi) other appropriate public road facilities, as determined by the Secretary;

“(B) operation and maintenance of transit facilities; and

“(C) any transportation project eligible for assistance under this title that is within or adjacent to, or that provides access to, Federal land.

“(2) CONTRACT.—In connection with an activity described in paragraph (1), the Secretary and the Secretary of the appropriate Federal land management agency may enter into a contract or other appropriate agreement with respect to the activity with—

“(A) a State (including a political subdivision of a State); or

“(B) an Indian tribe.

“(3) ADMINISTRATION.—All appropriations for the construction and improvement of Federal lands access transportation facilities shall be administered in conformity with regulations and agreements approved by the Secretary.

“(4) COOPERATION.—

“(A) IN GENERAL.—The cooperation of States, counties, or other local subdivisions may be accepted in construction and improvement.

“(B) FUNDS RECEIVED.—Any funds received from a State, county, or local subdivision for a Federal lands access transportation facility project shall be credited to appropriations available under the Federal lands access program.

“(5) COMPETITIVE BIDDING.—

“(A) IN GENERAL.—Subject to subparagraph (B), construction of each project shall be performed by contract awarded by competitive bidding.

“(B) EXCEPTION.—Subparagraph (A) shall not apply if the Secretary or the Secretary of the appropriate Federal land management agency affirmatively finds that, under the circumstances relating to the project, a different method is in the public interest.

“(b) PROGRAM DISTRIBUTIONS.—

“(1) IN GENERAL.—Funding made available to carry out the Federal lands access program shall be allocated among those States that have Federal land, in accordance with the following formula:

“(A) 80 percent of the available funding for use in those States that contain at least 1½ percent of the total public land in the United States managed by the agencies described in paragraph (2), to be distributed as follows:

“(i) 30 percent in the ratio that—

“(I) recreational visitation within each such State; bears to

“(II) the recreational visitation within all such States.

“(ii) 5 percent in the ratio that—

“(I) the Federal land area within each such State; bears to

“(II) the Federal land area in all such States.

“(iii) 55 percent in the ratio that—

“(I) the Federal public road miles within each such State; bears to

“(II) the Federal public road miles in all such States.

“(iv) 10 percent in the ratio that—

“(I) the number of Federal public bridges within each such State; bears to

“(II) the number of Federal public bridges in all such States.

“(B) 20 percent of the available funding for use in those States that do not contain at least 1½ percent of the total public land in the United States managed by the agencies described in paragraph (2), to be distributed as follows:

“(i) 30 percent in the ratio that—

“(I) recreational visitation within each such State; bears to

“(II) the recreational visitation within all such States.

“(ii) 5 percent in the ratio that—

“(I) the Federal land area within each such State; bears to

“(II) the Federal land area in all such States.

“(iii) 55 percent in the ratio that—

“(I) the Federal public road miles within each such State; bears to

“(II) the Federal public road miles in all such States.

“(iv) 10 percent in the ratio that—

“(I) the number of Federal public bridges within each such State; bears to

“(II) the number of Federal public bridges in all such States.

“(2) DATA SOURCE.—Data necessary to distribute funding under paragraph (1) shall be provided by the following Federal land management agencies:

“(A) The National Park Service.

“(B) The Forest Service.

“(C) The United States Fish and Wildlife Service.

“(D) The Bureau of Land Management.

“(E) The Corps of Engineers.

“(c) PROGRAMMING DECISIONS COMMITTEE.—

“(1) IN GENERAL.—Programming decisions shall be made within each State by a committee comprised of—

“(A) a representative of the Federal Highway Administration;

“(B) a representative of the State Department of Transportation; and

“(C) a representative of any appropriate political subdivision of the State.

“(2) **CONSULTATION REQUIREMENT.**—The committee described in paragraph (1) shall cooperate with each applicable Federal agency in each State before any joint discussion or final programming decision.

“(3) **PROJECT PREFERENCE.**—In making a programming decision under paragraph (1), the committee shall give preference to projects that provide access to, are adjacent to, or are located within high-use Federal recreation sites or Federal economic generators, as identified by the Secretaries of the appropriate Federal land management agencies.”.

(b) **PUBLIC LANDS DEVELOPMENT ROADS AND TRAILS.**—Section 214 of title 23, United States Code, is repealed.

(c) **CONFORMING AMENDMENTS.**—

(1) **CHAPTER 2 ANALYSIS.**—The analysis for chapter 2 of title 23, United States Code, is amended—

(A) by striking the items relating to sections 201 through 204 and inserting the following:

“201. Federal lands and tribal transportation programs.

“202. Tribal transportation program.

“203. Federal lands transportation program.

“204. Federal lands access program.”; and

(B) by striking the item relating to section 214.

(2) **DEFINITION.**—Section 138(a) of title 23, United States Code, is amended in the third sentence by striking “park road or parkway under section 204 of this title” and inserting “Federal lands transportation facility”.

(3) **RULES, REGULATIONS, AND RECOMMENDATIONS.**—Section 315 of title 23, United States Code, is amended by striking “204(f)” and inserting “202(a)(5), 203(a)(3)”,.

SEC. 1120. PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE.

Section 1301 of the SAFETEA-LU (23 U.S.C. 101 note; 119 Stat. 1198) is amended—

(1) in subsection (b), by striking “States” and inserting “eligible applicants”;

(2) in subsection (c), by striking paragraph (3) and inserting the following:

“(3) **ELIGIBLE APPLICANT.**—The term ‘eligible applicant’ means—

“(A) a State department of transportation or a group of State departments of transportation;

“(B) a tribal government or consortium of tribal governments;

“(C) a transit agency; or

“(D) a multi-State or multi-jurisdictional group of the agencies described in subparagraphs (A) through (C).”;

(3) in subsection (d)(2), by striking “75” and inserting “50”;

(4) in subsection (e), by striking “State” and inserting “eligible applicant”;

(5) in subsection (f)(3) by striking subparagraph (B) and inserting the following:

“(B) improves roadways vital to national energy security; and”;

(6) in subsection (g)(1) by adding at the end the following:

“(E) **CONGRESSIONAL APPROVAL.**—The Secretary may not issue a letter of intent, enter into a full funding grant agreement under paragraph (2), or make any other obligation or commitment to fund a project under this section if a joint resolution of disapproval is enacted disapproving funding for the project before the last day of the 60-day period described in subparagraph (B).”;

(7) in subsection (k), by adding at the end the following:

“(3) **PROJECT SELECTION JUSTIFICATIONS.**—

“(A) **IN GENERAL.**—Not later than 30 days after the date on which the Secretary selects a project for funding under this section, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report

that describes the reasons for selecting the project, based on the criteria described in subsection (f).

“(B) **INCLUSIONS.**—The report submitted under subparagraph (A) shall specify each criteria described in subsection (f) that the project meets.

“(C) **AVAILABILITY.**—The Secretary shall make available on the website of the Department the report submitted under subparagraph (A).”; and

(8) by striking subsections (l) and (m) and inserting the following:

“(l) **REPORT.**—

“(1) **IN GENERAL.**—Not later than 2 years after the date of enactment of the MAP-21, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate regarding projects of national and regional significance.

“(2) **PURPOSE.**—The purpose of the report issued under this subsection shall be to identify projects of national and regional significance that—

“(A) will significantly improve the performance of the Federal-aid highway system, nationally or regionally;

“(B) is able to—

“(i) generate national economic benefits that reasonably exceed the costs of the projects, including increased access to jobs, labor, and other critical economic inputs;

“(ii) reduce long-term congestion, including impacts in the State, region, and the United States, and increase speed, reliability, and accessibility of the movement of people or freight; and

“(iii) improve transportation safety, including reducing transportation accidents, and serious injuries and fatalities; and

“(C) can be supported by an acceptable degree of non-Federal financial commitments.

“(3) **CONTENTS.**—The report issued under this subsection shall include—

“(A) a comprehensive list of each project of national and regional significance that—

“(i) has been compiled through a survey of State departments of transportation; and

“(ii) has been classified by the Secretary as a project of regional or national significance in accordance with this section;

“(B) an analysis of the information collected under paragraph (1), including a discussion of the factors supporting each classification of a project as a project of regional or national significance; and

“(C) recommendations on financing for eligible project costs.

“(m) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$500,000,000 for fiscal year 2013, to remain available until expended.”.

SEC. 1121. CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.

(a) **CONSTRUCTION OF FERRY BOATS AND FERRY TERMINAL FACILITIES.**—Section 147 of title 23, United States Code, is amended—

(1) by striking subsections (c) and (d);

(2) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(3) by inserting after subsection (b) the following:

“(c) **DISTRIBUTION OF FUNDS.**—Of the amounts made available to ferry systems and public entities responsible for developing ferries under this section for a fiscal year, 100 percent shall be allocated in accordance with the formula set forth in subsection (d).

“(d) **FORMULA.**—Of the amounts allocated pursuant to subsection (c)—

“(1) 20 percent shall be allocated among eligible entities in the proportion that—

“(A) the number of ferry passengers carried by each ferry system in the most recent fiscal year; bears to

“(B) the number of ferry passengers carried by all ferry systems in the most recent fiscal year;

“(2) 45 percent shall be allocated among eligible entities in the proportion that—

“(A) the number of vehicles carried by each ferry system in the most recent fiscal year; bears to

“(B) the number of vehicles carried by all ferry systems in the most recent fiscal year; and

“(3) 35 percent shall be allocated among eligible entities in the proportion that—

“(A) the total route miles serviced by each ferry system; bears to

“(B) the total route miles serviced by all ferry systems.

“(e) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account) to carry out this section \$67,000,000 for each of fiscal years 2013 and 2014.”.

(b) **NATIONAL FERRY DATABASE.**—Section 1801(e) of the SAFETEA-LU (23 U.S.C. 129 note; Public Law 109-59) is amended—

(1) in paragraph (2), by inserting “, including any Federal, State, and local government funding sources,” after “sources”; and

(2) in paragraph (4)—

(A) in subparagraph (B), by striking “and” at the end;

(B) by redesignating subparagraph (C) as subparagraph (D);

(C) by inserting after subparagraph (B), the following:

“(C) ensure that the database is consistent with the national transit database maintained by the Federal Transit Administration; and”;

(D) in subparagraph (D) (as redesignated by subparagraph (B)), by striking “2009” and inserting “2014”.

SEC. 1122. TRANSPORTATION ALTERNATIVES.

(a) **IN GENERAL.**—Section 213 of title 23, United States Code, is amended to read as follows:

“§213. Transportation alternatives

“(a) **RESERVATION OF FUNDS.**—

“(1) **IN GENERAL.**—On October 1 of each of fiscal years 2013 and 2014, the Secretary shall proportionally reserve from the funds apportioned to a State under section 104(b) to carry out the requirements of this section an amount equal to the amount obtained by multiplying the amount determined under paragraph (2) by the ratio that—

“(A) the amount apportioned to the State for the transportation enhancements program for fiscal year 2009 under section 133(d)(2), as in effect on the day before the date of enactment of the MAP-21; bears to

“(B) the total amount of funds apportioned to all States for that fiscal year for the transportation enhancements program for fiscal year 2009.

“(2) **CALCULATION OF NATIONAL AMOUNT.**—The Secretary shall determine an amount for each fiscal year that is equal to 2 percent of the amounts authorized to be appropriated for such fiscal year from the Highway Trust Fund (other than the Mass Transit Account) to carry out chapters 1, 2, 5, and 6 of this title.

“(b) **ELIGIBLE PROJECTS.**—A State may obligate the funds reserved under this section for any of the following projects or activities:

“(1) Transportation alternatives, as defined in section 101.

“(2) The recreational trails program under section 206.

“(3) The safe routes to school program under section 1404 of the SAFETEA-LU (23 U.S.C. 402 note; Public Law 109-59).

“(4) Planning, designing, or constructing boulevards and other roadways largely in the right-

of-way of former Interstate System routes or other divided highways.

“(c) ALLOCATIONS OF FUNDS.—

“(1) CALCULATION.—Of the funds reserved in a State under this section—

“(A) 50 percent for a fiscal year shall be obligated under this section to any eligible entity in proportion to their relative shares of the population of the State—

“(i) in urbanized areas of the State with an urbanized area population of over 200,000;

“(ii) in areas of the State other than urban areas with a population greater than 5,000; and

“(iii) in other areas of the State; and

“(B) 50 percent shall be obligated in any area of the State.

“(2) METROPOLITAN AREAS.—Funds attributed to an urbanized area under paragraph (1)(A)(i) may be obligated in the metropolitan area established under section 134 that encompasses the urbanized area.

“(3) DISTRIBUTION AMONG URBANIZED AREAS OF OVER 200,000 POPULATION.—

“(A) IN GENERAL.—Except as provided in paragraph (1)(B), the amount of funds that a State is required to obligate under paragraph (1)(A)(i) shall be obligated in urbanized areas described in paragraph (1)(A)(i) based on the relative population of the areas.

“(B) OTHER FACTORS.—A State may obligate the funds described in subparagraph (A) based on other factors if the State and the relevant metropolitan planning organizations jointly apply to the Secretary for the permission to base the obligation on other factors and the Secretary grants the request.

“(4) ACCESS TO FUNDS.—

“(A) IN GENERAL.—Each State or metropolitan planning organization required to obligate funds in accordance with paragraph (1) shall develop a competitive process to allow eligible entities to submit projects for funding that achieve the objectives of this subsection.

“(B) DEFINITION OF ELIGIBLE ENTITY.—In this paragraph, the term ‘eligible entity’ means—

“(i) a local government;

“(ii) a regional transportation authority;

“(iii) a transit agency;

“(iv) a natural resource or public land agency;

“(v) a school district, local education agency, or school;

“(vi) a tribal government; and

“(vii) any other local or regional governmental entity with responsibility for or oversight of transportation or recreational trails (other than a metropolitan planning organization or a State agency) that the State determines to be eligible, consistent with the goals of this subsection.

“(5) SELECTION OF PROJECTS.—For funds reserved in a State under this section and suballocated to a metropolitan planning area under paragraph (1)(A)(i), each such metropolitan planning organization shall select projects carried out within the boundaries of the applicable metropolitan planning area, in consultation with the relevant State.

“(d) FLEXIBILITY OF EXCESS RESERVED FUNDING.—Beginning in the second fiscal year after the date of enactment of the MAP-21, if on August 1 of that fiscal year the unobligated balance of available funds reserved by a State under this section exceeds 100 percent of such reserved amount in such fiscal year, the State may thereafter obligate the amount of excess funds for any activity—

“(1) that is eligible to receive funding under this section; or

“(2) for which the Secretary has approved the obligation of funds for any State under section 149.

“(e) TREATMENT OF PROJECTS.—Notwithstanding any other provision of law, projects

funded under this section (excluding those carried out under subsection (f)) shall be treated as projects on a Federal-aid highway under this chapter.

“(f) CONTINUATION OF CERTAIN RECREATIONAL TRAILS PROJECTS.—Each State shall—

“(1) obligate an amount of funds reserved under this section equal to the amount of the funds apportioned to the State for fiscal year 2009 under section 104(h)(2) for projects relating to recreational trails under section 206;

“(2) return 1 percent of those funds to the Secretary for the administration of that program; and

“(3) comply with the provisions of the administration of the recreational trails program under section 206, including the use of apportioned funds described under subsection (d)(3)(A) of that section.

“(g) STATE FLEXIBILITY.—A State may opt out of the recreational trails program under subsection (f) if the Governor of the State notifies the Secretary not later than 30 days prior to apportionments being made for any fiscal year.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the item relating to section 213 and inserting the following:

“213. Transportation alternatives”.

SEC. 1123. TRIBAL HIGH PRIORITY PROJECTS PROGRAM.

(a) DEFINITIONS.—In this section:

(1) EMERGENCY OR DISASTER.—The term “emergency or disaster” means damage to a tribal transportation facility that—

(A) renders the tribal transportation facility impassable or unusable;

(B) is caused by—

(i) a natural disaster over a widespread area; or

(ii) a catastrophic failure from an external cause; and

(C) would be eligible under the emergency relief program under section 125 of title 23, United States Code, but does not meet the funding thresholds required by that section.

(2) LIST.—The term “list” means the funding priority list developed under subsection (c)(5).

(3) PROGRAM.—The term “program” means the Tribal High Priority Projects program established under subsection (b)(1).

(4) PROJECT.—The term “project” means a project provided funds under the program.

(b) PROGRAM.—

(1) IN GENERAL.—The Secretary shall use amounts made available under subsection (h) to carry out a Tribal High Priority Projects program under which funds shall be provided to eligible applicants in accordance with this section.

(2) ELIGIBLE APPLICANTS.—Applicants eligible for program funds under this section include—

(A) an Indian tribe whose annual allocation of funding under section 202 of title 23, United States Code, is insufficient to complete the highest priority project of the Indian tribe;

(B) a governmental subdivision of an Indian tribe—

(i) that is authorized to administer the funding of the Indian tribe under section 202 of title 23, United States Code; and

(ii) for which the annual allocation under that section is insufficient to complete the highest priority project of the Indian tribe; or

(C) any Indian tribe that has an emergency or disaster with respect to a transportation facility included on the national inventory of tribal transportation facilities under section 202(b)(1) of title 23, United States Code.

(c) PROJECT APPLICATIONS; FUNDING.—

(1) IN GENERAL.—To apply for funds under this section, an eligible applicant shall submit to the Department of the Interior or the Department an application that includes—

(A) project scope of work, including deliverables, budget, and timeline;

(B) the amount of funds requested;

(C) project information addressing—

(i) the ranking criteria identified in paragraph (3); or

(ii) the nature of the emergency or disaster;

(D) documentation that the project meets the definition of a tribal transportation facility and is included in the national inventory of tribal transportation facilities under section 202(b)(1) of title 23, United States Code;

(E) documentation of official tribal action requesting the project;

(F) documentation from the Indian tribe providing authority for the Secretary of the Interior to place the project on a transportation improvement program if the project is selected and approved; and

(G) any other information the Secretary of the Interior or Secretary considers appropriate to make a determination.

(2) LIMITATION ON APPLICATIONS.—An applicant for funds under the program may only have 1 application for assistance under this section pending at any 1 time, including any emergency or disaster application.

(3) APPLICATION RANKING.—

(A) IN GENERAL.—The Secretary of the Interior and the Secretary shall determine the eligibility of, and fund, program applications, subject to the availability of funds.

(B) RANKING CRITERIA.—The project ranking criteria for applications under this section shall include—

(i) the existence of safety hazards with documented fatality and injury accidents;

(ii) the number of years since the Indian tribe last completed a construction project funded by section 202 of title 23, United States Code;

(iii) the readiness of the Indian tribe to proceed to construction or bridge design need;

(iv) the percentage of project costs matched by funds that are not provided under section 202 of title 23, United States Code, with projects with a greater percentage of other sources of matching funds ranked ahead of lesser matches;

(v) the amount of funds requested, with requests for lesser amounts given greater priority;

(vi) the challenges caused by geographic isolation; and

(vii) all weather access for employment, commerce, health, safety, educational resources, or housing.

(4) PROJECT SCORING MATRIX.—The project scoring matrix established in the appendix to part 170 of title 25, Code of Regulations (as in effect on the date of enactment of this Act) shall be used to rank all applications accepted under this section.

(5) FUNDING PRIORITY LIST.—

(A) IN GENERAL.—The Secretary of the Interior and the Secretary shall jointly produce a funding priority list that ranks the projects approved for funding under the program.

(B) LIMITATION.—The number of projects on the list shall be limited by the amount of funding made available.

(6) TIMELINE.—The Secretary of the Interior and the Secretary shall—

(A) require applications for funding no sooner than 60 days after funding is made available pursuant to subsection (a);

(B) notify all applicants and Regions in writing of acceptance of applications;

(C) rank all accepted applications in accordance with the project scoring matrix, develop the funding priority list, and return unaccepted applications to the applicant with an explanation of deficiencies;

(D) notify all accepted applicants of the projects included on the funding priority list no later than 180 days after the application deadline has passed pursuant to subparagraph (A); and

(E) distribute funds to successful applicants.

(d) **EMERGENCY OR DISASTER PROJECT APPLICATIONS.**—

(1) **IN GENERAL.**—Notwithstanding subsection (c)(6), an eligible applicant may submit an emergency or disaster project application at any time during the fiscal year.

(2) **CONSIDERATION AS PRIORITY.**—The Secretary shall—

(A) consider project applications submitted under paragraph (1) to be a priority; and

(B) fund the project applications in accordance with paragraph (3).

(3) **FUNDING.**—

(A) **IN GENERAL.**—If an eligible applicant submits an application for a project under this subsection before the issuance of the list under subsection (c)(5) and the project is determined to be eligible for program funds, the Secretary of the Interior shall provide funding for the project before providing funding for other approved projects on the list.

(B) **SUBMISSION AFTER ISSUANCE OF LIST.**—If an eligible applicant submits an application under this subsection after the issuance of the list under subsection (c)(5) and the distribution of program funds in accordance with the list, the Secretary of the Interior shall provide funding for the project on the date on which unobligated funds provided to projects on the list are returned to the Department of the Interior.

(C) **EFFECT ON OTHER PROJECTS.**—If the Secretary of the Interior uses funding previously designated for a project on the list to fund an emergency or disaster project under this subsection, the project on the list that did not receive funding as a result of the redesignation of funds shall move to the top of the list the following year.

(4) **EMERGENCY OR DISASTER PROJECT COST.**—The cost of a project submitted as an emergency or disaster under this subsection shall be at least 10 percent of the distribution of funds of the Indian tribe under section 202(b) of title 23, United States Code.

(e) **LIMITATION ON USE OF FUNDS.**—Program funds shall not be used for—

(1) transportation planning;

(2) research;

(3) routine maintenance activities;

(4) structures and erosion protection unrelated to transportation and roadways;

(5) general reservation planning not involving transportation;

(6) landscaping and irrigation systems not involving transportation programs and projects;

(7) work performed on projects that are not included on a transportation improvement program approved by the Federal Highway Administration, unless otherwise authorized by the Secretary of the Interior and the Secretary;

(8) the purchase of equipment unless otherwise authorized by Federal law; or

(9) the condemnation of land for recreational trails.

(f) **LIMITATION ON PROJECT AMOUNTS.**—Project funding shall be limited to a maximum of \$1,000,000 per application, except that funding for disaster or emergency projects shall also be limited to the estimated cost of repairing damage to the tribal transportation facility.

(g) **COST ESTIMATE CERTIFICATION.**—All cost estimates prepared for a project shall be required to be submitted by the applicant to the Secretary of the Interior and the Secretary for certification and approval.

(h) **AUTHORIZATION OF APPROPRIATIONS.**—

(1) **IN GENERAL.**—There is authorized to be appropriated \$30,000,000 out of the general fund of the Treasury to carry out the program for each of fiscal years 2013 and 2014.

(2) **ADMINISTRATION.**—The funds made available under paragraph (1) shall be administered in the same manner as funds made available for the tribal transportation program under section 202 of title 23, United States Code, except that—

(A) the funds made available for the program shall remain available until September 30 of the third fiscal year after the year appropriated; and

(B) the Federal share of the cost of a project shall be 100 percent.

Subtitle B—Performance Management

SEC. 1201. METROPOLITAN TRANSPORTATION PLANNING.

(a) **IN GENERAL.**—Section 134 of title 23, United States Code, is amended to read as follows:

“§ 134. Metropolitan transportation planning

“(a) **POLICY.**—It is in the national interest—

“(1) to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and

“(2) to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 135(d).

“(b) **DEFINITIONS.**—In this section and section 135, the following definitions apply:

“(1) **METROPOLITAN PLANNING AREA.**—The term ‘metropolitan planning area’ means the geographic area determined by agreement between the metropolitan planning organization for the area and the Governor under subsection (e).

“(2) **METROPOLITAN PLANNING ORGANIZATION.**—The term ‘metropolitan planning organization’ means the policy board of an organization established as a result of the designation process under subsection (d).

“(3) **NONMETROPOLITAN AREA.**—The term ‘nonmetropolitan area’ means a geographic area outside designated metropolitan planning areas.

“(4) **NONMETROPOLITAN LOCAL OFFICIAL.**—The term ‘nonmetropolitan local official’ means elected and appointed officials of general purpose local government in a nonmetropolitan area with responsibility for transportation.

“(5) **REGIONAL TRANSPORTATION PLANNING ORGANIZATION.**—The term ‘regional transportation planning organization’ means a policy board of an organization established as the result of a designation under section 135(m).

“(6) **TIP.**—The term ‘TIP’ means a transportation improvement program developed by a metropolitan planning organization under subsection (j).

“(7) **URBANIZED AREA.**—The term ‘urbanized area’ means a geographic area with a population of 50,000 or more, as determined by the Bureau of the Census.

“(c) **GENERAL REQUIREMENTS.**—

“(1) **DEVELOPMENT OF LONG-RANGE PLANS AND TIPS.**—To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.

“(2) **CONTENTS.**—The plans and TIPs for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan planning area and as an integral

part of an intermodal transportation system for the State and the United States.

“(3) **PROCESS OF DEVELOPMENT.**—The process for developing the plans and TIPs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

“(d) **DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.**—

“(1) **IN GENERAL.**—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

“(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city (based on population) as determined by the Bureau of the Census); or

“(B) in accordance with procedures established by applicable State or local law.

“(2) **STRUCTURE.**—Not later than 2 years after the date of enactment of MAP-21, each metropolitan planning organization that serves an area designated as a transportation management area shall consist of—

“(A) local elected officials;

“(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation; and

“(C) appropriate State officials.

“(3) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities—

“(A) to develop the plans and TIPs for adoption by a metropolitan planning organization; and

“(B) to develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

“(4) **CONTINUING DESIGNATION.**—A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (5).

“(5) **REDESIGNATION PROCEDURES.**—

“(A) **IN GENERAL.**—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the existing planning area population (including the largest incorporated city (based on population) as determined by the Bureau of the Census) as appropriate to carry out this section.

“(B) **RESTRUCTURING.**—A metropolitan planning organization may be restructured to meet the requirements of paragraph (2) without undertaking a redesignation.

“(6) **DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.**—More than 1 metropolitan planning organization may be designated within an existing metropolitan planning area only if the Governor and the existing metropolitan planning organization determine that the size and complexity of the existing metropolitan planning area make designation of more than 1 metropolitan planning organization for the area appropriate.

“(e) **METROPOLITAN PLANNING AREA BOUNDARIES.**—

“(1) **IN GENERAL.**—For the purposes of this section, the boundaries of a metropolitan planning area shall be determined by agreement between the metropolitan planning organization and the Governor.

“(2) INCLUDED AREA.—Each metropolitan planning area—

“(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period for the transportation plan; and

“(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

“(3) IDENTIFICATION OF NEW URBANIZED AREAS WITHIN EXISTING PLANNING AREA BOUNDARIES.—The designation by the Bureau of the Census of new urbanized areas within an existing metropolitan planning area shall not require the redesignation of the existing metropolitan planning organization.

“(4) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—

“(A) IN GENERAL.—Notwithstanding paragraph (2), except as provided in subparagraph (B), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.) as of the date of enactment of the SAFETEA-LU, the boundaries of the metropolitan planning area in existence as of such date of enactment shall be retained.

“(B) EXCEPTION.—The boundaries described in subparagraph (A) may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in subsection (d)(5).

“(5) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of the SAFETEA-LU, as a nonattainment area for ozone or carbon monoxide, the boundaries of the metropolitan planning area—

“(A) shall be established in the manner described in subsection (d)(1);

“(B) shall encompass the areas described in paragraph (2)(A);

“(C) may encompass the areas described in paragraph (2)(B); and

“(D) may address any nonattainment area identified under the Clean Air Act (42 U.S.C. 7401 et seq.) for ozone or carbon monoxide.

“(f) COORDINATION IN MULTISTATE AREAS.—

“(1) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

“(2) INTERSTATE COMPACTS.—The consent of Congress is granted to any 2 or more States—

“(A) to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

“(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

“(3) RESERVATION OF RIGHTS.—The right to alter, amend, or repeal interstate compacts entered into under this subsection is expressly reserved.

“(g) MPO CONSULTATION IN PLAN AND TIP COORDINATION.—

“(1) NONATTAINMENT AREAS.—If more than 1 metropolitan planning organization has authority within a metropolitan area or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), each metropolitan planning organization shall consult with the other metropolitan planning organizations designated for such area and the State in the coordination of plans and TIPs required by this section.

“(2) TRANSPORTATION IMPROVEMENTS LOCATED IN MULTIPLE MPOS.—If a transportation im-

provement, funded from the Highway Trust Fund or authorized under chapter 53 of title 49, is located within the boundaries of more than 1 metropolitan planning area, the metropolitan planning organizations shall coordinate plans and TIPs regarding the transportation improvement.

“(3) RELATIONSHIP WITH OTHER PLANNING OFFICIALS.—

“(A) IN GENERAL.—The Secretary shall encourage each metropolitan planning organization to consult with officials responsible for other types of planning activities that are affected by transportation in the area (including State and local planned growth, economic development, environmental protection, airport operations, and freight movements) or to coordinate its planning process, to the maximum extent practicable, with such planning activities.

“(B) REQUIREMENTS.—Under the metropolitan planning process, transportation plans and TIPs shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the metropolitan area that are provided by—

“(i) recipients of assistance under chapter 53 of title 49;

“(ii) governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide non-emergency transportation services; and

“(iii) recipients of assistance under section 204.

“(h) SCOPE OF PLANNING PROCESS.—

“(1) IN GENERAL.—The metropolitan planning process for a metropolitan planning area under this section shall provide for consideration of projects and strategies that will—

“(A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

“(B) increase the safety of the transportation system for motorized and nonmotorized users;

“(C) increase the security of the transportation system for motorized and nonmotorized users;

“(D) increase the accessibility and mobility of people and for freight;

“(E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;

“(F) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

“(G) promote efficient system management and operation; and

“(H) emphasize the preservation of the existing transportation system.

“(2) PERFORMANCE-BASED APPROACH.—

“(A) IN GENERAL.—The metropolitan transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decisionmaking to support the national goals described in section 150(b) of this title and in section 5301(c) of title 49.

“(B) PERFORMANCE TARGETS.—

“(i) SURFACE TRANSPORTATION PERFORMANCE TARGETS.—

“(I) IN GENERAL.—Each metropolitan planning organization shall establish performance targets that address the performance measures described in section 150(c), where applicable, to use in tracking progress towards attainment of critical outcomes for the region of the metropolitan planning organization.

“(II) COORDINATION.—Selection of performance targets by a metropolitan planning organi-

zation shall be coordinated with the relevant State to ensure consistency, to the maximum extent practicable.

“(ii) PUBLIC TRANSPORTATION PERFORMANCE TARGETS.—Selection of performance targets by a metropolitan planning organization shall be coordinated, to the maximum extent practicable, with providers of public transportation to ensure consistency with sections 5326(c) and 5329(d) of title 49.

“(C) TIMING.—Each metropolitan planning organization shall establish the performance targets under subparagraph (B) not later than 180 days after the date on which the relevant State or provider of public transportation establishes the performance targets.

“(D) INTEGRATION OF OTHER PERFORMANCE-BASED PLANS.—A metropolitan planning organization shall integrate in the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in other State transportation plans and transportation processes, as well as any plans developed under chapter 53 of title 49 by providers of public transportation, required as part of a performance-based program.

“(3) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraphs (1) and (2) shall not be reviewable by any court under this title or chapter 53 of title 49, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a TIP, a project or strategy, or the certification of a planning process.

“(i) DEVELOPMENT OF TRANSPORTATION PLAN.—

“(1) REQUIREMENTS.—

“(A) IN GENERAL.—Each metropolitan planning organization shall prepare and update a transportation plan for its metropolitan planning area in accordance with the requirements of this subsection.

“(B) FREQUENCY.—

“(i) IN GENERAL.—The metropolitan planning organization shall prepare and update such plan every 4 years (or more frequently, if the metropolitan planning organization elects to update more frequently) in the case of each of the following:

“(I) Any area designated as nonattainment, as defined in section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

“(II) Any area that was nonattainment and subsequently designated to attainment in accordance with section 107(d)(3) of that Act (42 U.S.C. 7407(d)(3)) and that is subject to a maintenance plan under section 175A of that Act (42 U.S.C. 7505a).

“(i) OTHER AREAS.—In the case of any other area required to have a transportation plan in accordance with the requirements of this subsection, the metropolitan planning organization shall prepare and update such plan every 5 years unless the metropolitan planning organization elects to update more frequently.

“(2) TRANSPORTATION PLAN.—A transportation plan under this section shall be in a form that the Secretary determines to be appropriate and shall contain, at a minimum, the following:

“(A) IDENTIFICATION OF TRANSPORTATION FACILITIES.—

“(i) IN GENERAL.—An identification of transportation facilities (including major roadways, transit, multimodal and intermodal facilities, nonmotorized transportation facilities, and intermodal connectors) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions.

“(ii) FACTORS.—In formulating the transportation plan, the metropolitan planning organization shall consider factors described in subsection (h) as the factors relate to a 20-year forecast period.

“(B) PERFORMANCE MEASURES AND TARGETS.—A description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with subsection (h)(2).”

“(C) SYSTEM PERFORMANCE REPORT.—A system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in subsection (h)(2), including—

“(i) progress achieved by the metropolitan planning organization in meeting the performance targets in comparison with system performance recorded in previous reports; and

“(ii) for metropolitan planning organizations that voluntarily elect to develop multiple scenarios, an analysis of how the preferred scenario has improved the conditions and performance of the transportation system and how changes in local policies and investments have impacted the costs necessary to achieve the identified performance targets.

“(D) MITIGATION ACTIVITIES.—

“(i) IN GENERAL.—A long-range transportation plan shall include a discussion of types of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.

“(ii) CONSULTATION.—The discussion shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.

“(E) FINANCIAL PLAN.—

“(i) IN GENERAL.—A financial plan that—

“(I) demonstrates how the adopted transportation plan can be implemented;

“(II) indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan; and

“(III) recommends any additional financing strategies for needed projects and programs.

“(ii) INCLUSIONS.—The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

“(iii) COOPERATIVE DEVELOPMENT.—For the purpose of developing the transportation plan, the metropolitan planning organization, transit operator, and State shall cooperatively develop estimates of funds that will be available to support plan implementation.

“(F) OPERATIONAL AND MANAGEMENT STRATEGIES.—Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods.

“(G) CAPITAL INVESTMENT AND OTHER STRATEGIES.—Capital investment and other strategies to preserve the existing and projected future metropolitan transportation infrastructure and provide for multimodal capacity increases based on regional priorities and needs.

“(H) TRANSPORTATION AND TRANSIT ENHANCEMENT ACTIVITIES.—Proposed transportation and transit enhancement activities.

“(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas that are in non-attainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the metropolitan planning organization shall coordinate the development of a transportation plan with the process for development of the transportation control measures of the State implementation plan required by that Act.

“(4) OPTIONAL SCENARIO DEVELOPMENT.—

“(A) IN GENERAL.—A metropolitan planning organization may, while fitting the needs and complexity of its community, voluntarily elect to

develop multiple scenarios for consideration as part of the development of the metropolitan transportation plan, in accordance with subparagraph (B).

“(B) RECOMMENDED COMPONENTS.—A metropolitan planning organization that chooses to develop multiple scenarios under subparagraph (A) shall be encouraged to consider—

“(i) potential regional investment strategies for the planning horizon;

“(ii) assumed distribution of population and employment;

“(iii) a scenario that, to the maximum extent practicable, maintains baseline conditions for the performance measures identified in subsection (h)(2);

“(iv) a scenario that improves the baseline conditions for as many of the performance measures identified in subsection (h)(2) as possible;

“(v) revenue constrained scenarios based on the total revenues expected to be available over the forecast period of the plan; and

“(vi) estimated costs and potential revenues available to support each scenario.

“(C) METRICS.—In addition to the performance measures identified in section 150(c), metropolitan planning organizations may evaluate scenarios developed under this paragraph using locally-developed measures.

“(5) CONSULTATION.—

“(A) IN GENERAL.—In each metropolitan area, the metropolitan planning organization shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of a long-range transportation plan.

“(B) ISSUES.—The consultation shall involve, as appropriate—

“(i) comparison of transportation plans with State conservation plans or maps, if available; or

“(ii) comparison of transportation plans to inventories of natural or historic resources, if available.

“(6) PARTICIPATION BY INTERESTED PARTIES.—

“(A) IN GENERAL.—Each metropolitan planning organization shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan.

“(B) CONTENTS OF PARTICIPATION PLAN.—A participation plan—

“(i) shall be developed in consultation with all interested parties; and

“(ii) shall provide that all interested parties have reasonable opportunities to comment on the contents of the transportation plan.

“(C) METHODS.—In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

“(i) hold any public meetings at convenient and accessible locations and times;

“(ii) employ visualization techniques to describe plans; and

“(iii) make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).

“(7) PUBLICATION.—A transportation plan involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review, including (to the maximum extent practicable) in electronically accessible formats and

means, such as the World Wide Web, approved by the metropolitan planning organization and submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

“(8) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—Notwithstanding paragraph (2)(C), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(C).

“(j) METROPOLITAN TIP.—

“(I) DEVELOPMENT.—

“(A) IN GENERAL.—In cooperation with the State and any affected public transportation operator, the metropolitan planning organization designated for a metropolitan area shall develop a TIP for the metropolitan planning area that—

“(i) contains projects consistent with the current metropolitan transportation plan;

“(ii) reflects the investment priorities established in the current metropolitan transportation plan; and

“(iii) once implemented, is designed to make progress toward achieving the performance targets established under subsection (h)(2).

“(B) OPPORTUNITY FOR COMMENT.—In developing the TIP, the metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with subsection (i)(5).

“(C) FUNDING ESTIMATES.—For the purpose of developing the TIP, the metropolitan planning organization, public transportation agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

“(D) UPDATING AND APPROVAL.—The TIP shall be—

“(i) updated at least once every 4 years; and

“(ii) approved by the metropolitan planning organization and the Governor.

“(2) CONTENTS.—

“(A) PRIORITY LIST.—The TIP shall include a priority list of proposed Federally supported projects and strategies to be carried out within each 4-year period after the initial adoption of the TIP.

“(B) FINANCIAL PLAN.—The TIP shall include a financial plan that—

“(i) demonstrates how the TIP can be implemented;

“(ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program;

“(iii) identifies innovative financing techniques to finance projects, programs, and strategies; and

“(iv) may include, for illustrative purposes, additional projects that would be included in the approved TIP if reasonable additional resources beyond those identified in the financial plan were available.

“(C) DESCRIPTIONS.—Each project in the TIP shall include sufficient descriptive material (such as type of work, termini, length, and other similar factors) to identify the project or phase of the project.

“(D) PERFORMANCE TARGET ACHIEVEMENT.—The transportation improvement program shall include, to the maximum extent practicable, a description of the anticipated effect of the transportation improvement program toward achieving the performance targets established in the metropolitan transportation plan, linking investment priorities to those performance targets.

“(3) INCLUDED PROJECTS.—

“(A) PROJECTS UNDER THIS TITLE AND CHAPTER 53 OF TITLE 49.—A TIP developed under this subsection for a metropolitan area shall include the projects within the area that are proposed for

funding under chapter 1 of this title and chapter 53 of title 49.

“(B) PROJECTS UNDER CHAPTER 2.—

“(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the transportation improvement program.

“(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

“(C) CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.—Each project shall be consistent with the long-range transportation plan developed under subsection (i) for the area.

“(D) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project or the identified phase within the time period contemplated for completion of the project or the identified phase.

“(4) NOTICE AND COMMENT.—Before approving a TIP, a metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with subsection (i)(5).

“(5) SELECTION OF PROJECTS.—

“(A) IN GENERAL.—Except as otherwise provided in subsection (k)(4) and in addition to the TIP development required under paragraph (1), the selection of Federally funded projects in metropolitan areas shall be carried out, from the approved TIP—

“(i) by—

“(I) in the case of projects under this title, the State; and

“(II) in the case of projects under chapter 53 of title 49, the designated recipients of public transportation funding; and

“(ii) in cooperation with the metropolitan planning organization.

“(B) MODIFICATIONS TO PROJECT PRIORITY.—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved TIP in place of another project in the program.

“(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

“(A) NO REQUIRED SELECTION.—Notwithstanding paragraph (2)(B)(iv), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv).

“(B) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv) for inclusion in an approved TIP.

“(7) PUBLICATION.—

“(A) PUBLICATION OF TIPS.—A TIP involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

“(B) PUBLICATION OF ANNUAL LISTINGS OF PROJECTS.—

“(i) IN GENERAL.—An annual listing of projects, including investments in pedestrian walkways and bicycle transportation facilities, for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the cooperative effort of the State, transit operator, and metropolitan planning organization for public review.

“(ii) REQUIREMENT.—The listing shall be consistent with the categories identified in the TIP.

“(k) TRANSPORTATION MANAGEMENT AREAS.—

“(1) IDENTIFICATION AND DESIGNATION.—

“(A) REQUIRED IDENTIFICATION.—The Secretary shall identify as a transportation management area each urbanized area (as defined by the Bureau of the Census) with a population of over 200,000 individuals.

“(B) DESIGNATIONS ON REQUEST.—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.

“(2) TRANSPORTATION PLANS.—In a transportation management area, transportation plans shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and public transportation operators.

“(3) CONGESTION MANAGEMENT PROCESS.—

“(A) IN GENERAL.—Within a metropolitan planning area serving a transportation management area, the transportation planning process under this section shall address congestion management through a process that provides for effective management and operation, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under this title and chapter 53 of title 49 through the use of travel demand reduction and operational management strategies.

“(B) SCHEDULE.—The Secretary shall establish an appropriate phase-in schedule for compliance with the requirements of this section but no sooner than 1 year after the identification of a transportation management area.

“(4) SELECTION OF PROJECTS.—

“(A) IN GENERAL.—All Federally funded projects carried out within the boundaries of a metropolitan planning area serving a transportation management area under this title (excluding projects carried out on the National Highway System) or under chapter 53 of title 49 shall be selected for implementation from the approved TIP by the metropolitan planning organization designated for the area in consultation with the State and any affected public transportation operator.

“(B) NATIONAL HIGHWAY SYSTEM PROJECTS.—Projects carried out within the boundaries of a metropolitan planning area serving a transportation management area on the National Highway System shall be selected for implementation from the approved TIP by the State in cooperation with the metropolitan planning organization designated for the area.

“(5) CERTIFICATION.—

“(A) IN GENERAL.—The Secretary shall—

“(i) ensure that the metropolitan planning process of a metropolitan planning organization serving a transportation management area is being carried out in accordance with applicable provisions of Federal law; and

“(ii) subject to subparagraph (B), certify, not less often than once every 4 years, that the requirements of this paragraph are met with respect to the metropolitan planning process.

“(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

“(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law; and

“(ii) there is a TIP for the metropolitan planning area that has been approved by the metropolitan planning organization and the Governor.

“(C) EFFECT OF FAILURE TO CERTIFY.—

“(i) WITHHOLDING OF PROJECT FUNDS.—If a metropolitan planning process of a metropolitan planning organization serving a transportation management area is not certified, the Secretary may withhold up to 20 percent of the funds at-

tributable to the metropolitan planning area of the metropolitan planning organization for projects funded under this title and chapter 53 of title 49.

“(ii) RESTORATION OF WITHHELD FUNDS.—The withheld funds shall be restored to the metropolitan planning area at such time as the metropolitan planning process is certified by the Secretary.

“(D) REVIEW OF CERTIFICATION.—In making certification determinations under this paragraph, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.

“(I) REPORT ON PERFORMANCE-BASED PLANNING PROCESSES.—

“(1) IN GENERAL.—The Secretary shall submit to Congress a report on the effectiveness of the performance-based planning processes of metropolitan planning organizations under this section, taking into consideration the requirements of this subsection.

“(2) REPORT.—Not later than 5 years after the date of enactment of the MAP-21, the Secretary shall submit to Congress a report evaluating—

“(A) the overall effectiveness of performance-based planning as a tool for guiding transportation investments;

“(B) the effectiveness of the performance-based planning process of each metropolitan planning organization under this section;

“(C) the extent to which metropolitan planning organizations have achieved, or are currently making substantial progress toward achieving, the performance targets specified under this section and whether metropolitan planning organizations are developing meaningful performance targets; and

“(D) the technical capacity of metropolitan planning organizations that operate within a metropolitan planning area of less than 200,000 and their ability to carry out the requirements of this section.

“(3) PUBLICATION.—The report under paragraph (2) shall be published or otherwise made available in electronically accessible formats and means, including on the Internet.

“(m) ABBREVIATED PLANS FOR CERTAIN AREAS.—

“(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated transportation plan and TIP for the metropolitan planning area that the Secretary determines is appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

“(2) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans or TIPs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).

“(n) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—

“(1) IN GENERAL.—Notwithstanding any other provisions of this title or chapter 53 of title, for transportation management areas classified as nonattainment for ozone or carbon monoxide pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.), Federal funds may not be advanced in such area for any highway project that will result in a significant increase in the carrying capacity for single-occupant vehicles unless the project is addressed through a congestion management process.

“(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (e).

“(o) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to confer on a metropolitan planning organization the authority to impose legal requirements on any transportation facility, provider,

or project not eligible under this title or chapter 53 of title 49.

“(p) FUNDING.—Funds set aside under section 104(f) of this title or section 5305(g) of title 49 shall be available to carry out this section.

“(q) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and TIPs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in plans and TIPs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and TIPs described in this section have not been reviewed under that Act as of January 1, 1997, any decision by the Secretary concerning a plan or TIP described in this section shall not be considered to be a Federal action subject to review under that Act.”.

(b) STUDY ON METROPOLITAN PLANNING SCENARIO DEVELOPMENT.—

(1) IN GENERAL.—The Secretary shall evaluate the costs and benefits associated with metropolitan planning organizations developing multiple scenarios for consideration as a part of the development of their metropolitan transportation plan.

(2) INCLUSIONS.—The evaluation shall include an analysis of the technical and financial capacity of the metropolitan planning organization needed to develop scenarios described in paragraph (1).

SEC. 1202. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

(a) IN GENERAL.—Section 135 of title 23, United States Code, is amended to read as follows:

“§ 135. Statewide and nonmetropolitan transportation planning

“(a) GENERAL REQUIREMENTS.—

“(1) DEVELOPMENT OF PLANS AND PROGRAMS.—Subject to section 134, to accomplish the objectives stated in section 134(a), each State shall develop a statewide transportation plan and a statewide transportation improvement program for all areas of the State.

“(2) CONTENTS.—The statewide transportation plan and the transportation improvement program developed for each State shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the State and an integral part of an intermodal transportation system for the United States.

“(3) PROCESS OF DEVELOPMENT.—The process for developing the statewide plan and the transportation improvement program shall provide for consideration of all modes of transportation and the policies stated in section 134(a) and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

“(b) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—A State shall—

“(1) coordinate planning carried out under this section with the transportation planning activities carried out under section 134 for metropolitan areas of the State and with statewide trade and economic development planning activities and related multistate planning efforts; and

“(2) develop the transportation portion of the State implementation plan as required by the Clean Air Act (42 U.S.C. 7401 et seq.).

“(c) INTERSTATE AGREEMENTS.—

“(1) IN GENERAL.—Two or more States may enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in sup-

port of activities authorized under this section related to interstate areas and localities in the States and establishing authorities the States consider desirable for making the agreements and compacts effective.

“(2) RESERVATION OF RIGHTS.—The right to alter, amend, or repeal interstate compacts entered into under this subsection is expressly reserved.

“(d) SCOPE OF PLANNING PROCESS.—

“(1) IN GENERAL.—Each State shall carry out a statewide transportation planning process that provides for consideration and implementation of projects, strategies, and services that will—

“(A) support the economic vitality of the United States, the States, nonmetropolitan areas, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;

“(B) increase the safety of the transportation system for motorized and nonmotorized users;

“(C) increase the security of the transportation system for motorized and nonmotorized users;

“(D) increase the accessibility and mobility of people and freight;

“(E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;

“(F) enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight;

“(G) promote efficient system management and operation; and

“(H) emphasize the preservation of the existing transportation system.

“(2) PERFORMANCE-BASED APPROACH.—

“(A) IN GENERAL.—The statewide transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decisionmaking to support the national goals described in section 150(b) of this title and in section 5301(c) of title 49.

“(B) PERFORMANCE TARGETS.—

“(i) SURFACE TRANSPORTATION PERFORMANCE TARGETS.—

“(1) IN GENERAL.—Each State shall establish performance targets that address the performance measures described in section 150(c), where applicable, to use in tracking progress towards attainment of critical outcomes for the State.

“(II) COORDINATION.—Selection of performance targets by a State shall be coordinated with the relevant metropolitan planning organizations to ensure consistency, to the maximum extent practicable.

“(ii) PUBLIC TRANSPORTATION PERFORMANCE TARGETS.—In urbanized areas not represented by a metropolitan planning organization, selection of performance targets by a State shall be coordinated, to the maximum extent practicable, with providers of public transportation to ensure consistency with sections 5326(c) and 5329(d) of title 49.

“(C) INTEGRATION OF OTHER PERFORMANCE-BASED PLANS.—A State shall integrate into the statewide transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in this paragraph, in other State transportation plans and transportation processes, as well as any plans developed pursuant to chapter 53 of title 49 by providers of public transportation in urbanized areas not represented by a metropolitan planning organization required as part of a performance-based program.

“(D) USE OF PERFORMANCE MEASURES AND TARGETS.—The performance measures and tar-

gets established under this paragraph shall be considered by a State when developing policies, programs, and investment priorities reflected in the statewide transportation plan and statewide transportation improvement program.

“(3) FAILURE TO CONSIDER FACTORS.—The failure to take into consideration the factors specified in paragraphs (1) and (2) shall not be subject to review by any court under this title, chapter 53 of title 49, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a statewide transportation plan, a statewide transportation improvement program, a project or strategy, or the certification of a planning process.

“(e) ADDITIONAL REQUIREMENTS.—In carrying out planning under this section, each State shall, at a minimum—

“(1) with respect to nonmetropolitan areas, cooperate with affected local officials with responsibility for transportation or, if applicable, through regional transportation planning organizations described in subsection (m);

“(2) consider the concerns of Indian tribal governments and Federal land management agencies that have jurisdiction over land within the boundaries of the State; and

“(3) consider coordination of transportation plans, the transportation improvement program, and planning activities with related planning activities being carried out outside of metropolitan planning areas and between States.

“(f) LONG-RANGE STATEWIDE TRANSPORTATION PLAN.—

“(1) DEVELOPMENT.—Each State shall develop a long-range statewide transportation plan, with a minimum 20-year forecast period for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

“(2) CONSULTATION WITH GOVERNMENTS.—

“(A) METROPOLITAN AREAS.—The statewide transportation plan shall be developed for each metropolitan area in the State in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134.

“(B) NONMETROPOLITAN AREAS.—

“(i) IN GENERAL.—With respect to nonmetropolitan areas, the statewide transportation plan shall be developed in cooperation with affected nonmetropolitan officials with responsibility for transportation or, if applicable, through regional transportation planning organizations described in subsection (m).

“(ii) ROLE OF SECRETARY.—The Secretary shall not review or approve the consultation process in each State.

“(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the statewide transportation plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

“(D) CONSULTATION, COMPARISON, AND CONSIDERATION.—

“(i) IN GENERAL.—The long-range transportation plan shall be developed, as appropriate, in consultation with State, tribal, and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation.

“(ii) COMPARISON AND CONSIDERATION.—Consultation under clause (i) shall involve comparison of transportation plans to State and tribal conservation plans or maps, if available, and comparison of transportation plans to inventories of natural or historic resources, if available.

“(3) PARTICIPATION BY INTERESTED PARTIES.—

“(A) IN GENERAL.—In developing the statewide transportation plan, the State shall provide to—

“(i) nonmetropolitan local elected officials or, if applicable, through regional transportation

planning organizations described in subsection (m), an opportunity to participate in accordance with subparagraph (B)(i); and

“(ii) citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties a reasonable opportunity to comment on the proposed plan.

“(B) METHODS.—In carrying out subparagraph (A), the State shall, to the maximum extent practicable—

“(i) develop and document a consultative process to carry out subparagraph (A)(i) that is separate and discrete from the public involvement process developed under clause (ii);

“(ii) hold any public meetings at convenient and accessible locations and times;

“(iii) employ visualization techniques to describe plans; and

“(iv) make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).

“(4) MITIGATION ACTIVITIES.—

“(A) IN GENERAL.—A long-range transportation plan shall include a discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.

“(B) CONSULTATION.—The discussion shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.

“(5) FINANCIAL PLAN.—The statewide transportation plan may include—

“(A) a financial plan that—

“(i) demonstrates how the adopted statewide transportation plan can be implemented;

“(ii) indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan; and

“(iii) recommends any additional financing strategies for needed projects and programs; and

“(B) for illustrative purposes, additional projects that would be included in the adopted statewide transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

“(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—A State shall not be required to select any project from the illustrative list of additional projects included in the financial plan described in paragraph (5).

“(7) PERFORMANCE-BASED APPROACH.—The statewide transportation plan should include—

“(A) a description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with subsection (d)(2); and

“(B) a system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in subsection (d)(2), including progress achieved by the metropolitan planning organization in meeting the performance targets in comparison with system performance recorded in previous reports;

“(8) EXISTING SYSTEM.—The statewide transportation plan should include capital, operations and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient use of the existing transportation system.

“(9) PUBLICATION OF LONG-RANGE TRANSPORTATION PLANS.—Each long-range transportation

plan prepared by a State shall be published or otherwise made available, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web.

“(g) STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM.—

“(1) DEVELOPMENT.—

“(A) IN GENERAL.—Each State shall develop a statewide transportation improvement program for all areas of the State.

“(B) DURATION AND UPDATING OF PROGRAM.—Each program developed under subparagraph (A) shall cover a period of 4 years and shall be updated every 4 years or more frequently if the Governor of the State elects to update more frequently.

“(2) CONSULTATION WITH GOVERNMENTS.—

“(A) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 134.

“(B) NONMETROPOLITAN AREAS.—

“(i) IN GENERAL.—With respect to each nonmetropolitan area in the State, the program shall be developed in consultation with affected nonmetropolitan local officials with responsibility for transportation or, if applicable, through regional transportation planning organizations described in subsection (m).

“(ii) ROLE OF SECRETARY.—The Secretary shall not review or approve the specific consultation process in the State.

“(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

“(3) PARTICIPATION BY INTERESTED PARTIES.—In developing the program, the State shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, providers of freight transportation services, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the proposed program.

“(4) PERFORMANCE TARGET ACHIEVEMENT.—A statewide transportation improvement program shall include, to the maximum extent practicable, a discussion of the anticipated effect of the statewide transportation improvement program toward achieving the performance targets established in the statewide transportation plan, linking investment priorities to those performance targets.

“(5) INCLUDED PROJECTS.—

“(A) IN GENERAL.—A transportation improvement program developed under this subsection for a State shall include Federally supported surface transportation expenditures within the boundaries of the State.

“(B) LISTING OF PROJECTS.—

“(i) IN GENERAL.—An annual listing of projects for which funds have been obligated for the preceding year in each metropolitan planning area shall be published or otherwise made available by the cooperative effort of the State, transit operator, and the metropolitan planning organization for public review.

“(ii) FUNDING CATEGORIES.—The listing described in clause (i) shall be consistent with the funding categories identified in each metropolitan transportation improvement program.

“(C) PROJECTS UNDER CHAPTER 2.—

“(i) REGIONALLY SIGNIFICANT PROJECTS.—Regionally significant projects proposed for funding under chapter 2 shall be identified individually in the transportation improvement program.

“(ii) OTHER PROJECTS.—Projects proposed for funding under chapter 2 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

“(D) CONSISTENCY WITH STATEWIDE TRANSPORTATION PLAN.—Each project shall be—

“(i) consistent with the statewide transportation plan developed under this section for the State;

“(ii) identical to the project or phase of the project as described in an approved metropolitan transportation plan; and

“(iii) in conformance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as a nonattainment area for ozone, particulate matter, or carbon monoxide under part D of title I of that Act (42 U.S.C. 7501 et seq.).

“(E) REQUIREMENT OF ANTICIPATED FULL FUNDING.—The transportation improvement program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project within the time period contemplated for completion of the project.

“(F) FINANCIAL PLAN.—

“(i) IN GENERAL.—The transportation improvement program may include a financial plan that demonstrates how the approved transportation improvement program can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the transportation improvement program, and recommends any additional financing strategies for needed projects and programs.

“(ii) ADDITIONAL PROJECTS.—The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

“(G) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—

“(i) NO REQUIRED SELECTION.—Notwithstanding subparagraph (F), a State shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (F).

“(ii) REQUIRED ACTION BY THE SECRETARY.—Action by the Secretary shall be required for a State to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (F) for inclusion in an approved transportation improvement program.

“(H) PRIORITIES.—The transportation improvement program shall reflect the priorities for programming and expenditures of funds, including transportation enhancement activities, required by this title and chapter 53 of title 49.

“(6) PROJECT SELECTION FOR AREAS OF LESS THAN 50,000 POPULATION.—

“(A) IN GENERAL.—Projects carried out in areas with populations of less than 50,000 individuals shall be selected, from the approved transportation improvement program (excluding projects carried out on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program under this title or under sections 5310 and 5311 of title 49), by the State in cooperation with the affected nonmetropolitan local officials with responsibility for transportation or, if applicable, through regional transportation planning organizations described in subsection (m).

“(B) OTHER PROJECTS.—Projects carried out in areas with populations of less than 50,000 individuals on the National Highway System or under the bridge program or the Interstate maintenance program under this title or under sections 5310, 5311, 5316, and 5317 of title 49

shall be selected, from the approved statewide transportation improvement program, by the State in consultation with the affected non-metropolitan local officials with responsibility for transportation.

“(7) **TRANSPORTATION IMPROVEMENT PROGRAM APPROVAL.**—Every 4 years, a transportation improvement program developed under this subsection shall be reviewed and approved by the Secretary if based on a current planning finding.

“(8) **PLANNING FINDING.**—A finding shall be made by the Secretary at least every 4 years that the transportation planning process through which statewide transportation plans and programs are developed is consistent with this section and section 134.

“(9) **MODIFICATIONS TO PROJECT PRIORITY.**—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project in the program.

“(h) **PERFORMANCE-BASED PLANNING PROCESSES EVALUATION.**—

“(1) **IN GENERAL.**—The Secretary shall establish criteria to evaluate the effectiveness of the performance-based planning processes of States, taking into consideration the following:

“(A) The extent to which the State is making progress toward achieving, the performance targets described in subsection (d)(2), taking into account whether the State developed appropriate performance targets.

“(B) The extent to which the State has made transportation investments that are efficient and cost-effective.

“(C) The extent to which the State—

“(i) has developed an investment process that relies on public input and awareness to ensure that investments are transparent and accountable; and

“(ii) provides reports allowing the public to access the information being collected in a format that allows the public to meaningfully assess the performance of the State.

“(2) **REPORT.**—

“(A) **IN GENERAL.**—Not later than 5 years after the date of enactment of the MAP-21, the Secretary shall submit to Congress a report evaluating—

“(i) the overall effectiveness of performance-based planning as a tool for guiding transportation investments; and

“(ii) the effectiveness of the performance-based planning process of each State.

“(B) **PUBLICATION.**—The report under subparagraph (A) shall be published or otherwise made available in electronically accessible formats and means, including on the Internet.

“(i) **FUNDING.**—Funds apportioned under section 104(b)(5) of this title and set aside under section 5305(g) of title 49 shall be available to carry out this section.

“(j) **TREATMENT OF CERTAIN STATE LAWS AS CONGESTION MANAGEMENT PROCESSES.**—For purposes of this section and section 134, and sections 5303 and 5304 of title 49, State laws, rules, or regulations pertaining to congestion management systems or programs may constitute the congestion management process under this section and section 134, and sections 5303 and 5304 of title 49, if the Secretary finds that the State laws, rules, or regulations are consistent with, and fulfill the intent of, the purposes of this section and section 134 and sections 5303 and 5304 of title 49, as appropriate.

“(k) **CONTINUATION OF CURRENT REVIEW PRACTICE.**—Since the statewide transportation plan and the transportation improvement program described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the statewide transportation plans and the transpor-

tation improvement program are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning statewide transportation plans or the transportation improvement program described in this section have not been reviewed under that Act as of January 1, 1997, any decision by the Secretary concerning a metropolitan or statewide transportation plan or the transportation improvement program described in this section shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(l) **SCHEDULE FOR IMPLEMENTATION.**—The Secretary shall issue guidance on a schedule for implementation of the changes made by this section, taking into consideration the established planning update cycle for States. The Secretary shall not require a State to deviate from its established planning update cycle to implement changes made by this section. States shall reflect changes made to their transportation plan or transportation improvement program updates not later than 2 years after the date of issuance of guidance by the Secretary under this subsection.

“(m) **DESIGNATION OF REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS.**—

“(1) **IN GENERAL.**—To carry out the transportation planning process required by this section, a State may establish and designate regional transportation planning organizations to enhance the planning, coordination, and implementation of statewide strategic long-range transportation plans and transportation improvement programs, with an emphasis on addressing the needs of nonmetropolitan areas of the State.

“(2) **STRUCTURE.**—A regional transportation planning organization shall be established as a multi-jurisdictional organization of nonmetropolitan local officials or their designees who volunteer for such organization and representatives of local transportation systems who volunteer for such organization.

“(3) **REQUIREMENTS.**—A regional transportation planning organization shall establish, at a minimum—

“(A) a policy committee, the majority of which shall consist of nonmetropolitan local officials, or their designees, and, as appropriate, additional representatives from the State, private business, transportation service providers, economic development practitioners, and the public in the region; and

“(B) a fiscal and administrative agent, such as an existing regional planning and development organization, to provide professional planning, management, and administrative support.

“(4) **DUTIES.**—The duties of a regional transportation planning organization shall include—

“(A) developing and maintaining, in cooperation with the State, regional long-range multimodal transportation plans;

“(B) developing a regional transportation improvement program for consideration by the State;

“(C) fostering the coordination of local planning, land use, and economic development plans with State, regional, and local transportation plans and programs;

“(D) providing technical assistance to local officials;

“(E) participating in national, multistate, and State policy and planning development processes to ensure the regional and local input of nonmetropolitan areas;

“(F) providing a forum for public participation in the statewide and regional transportation planning processes;

“(G) considering and sharing plans and programs with neighboring regional transportation planning organizations, metropolitan planning

organizations, and, where appropriate, tribal organizations; and

“(H) conducting other duties, as necessary, to support and enhance the statewide planning process under subsection (d).

“(5) **STATES WITHOUT REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS.**—If a State chooses not to establish or designate a regional transportation planning organization, the State shall consult with affected nonmetropolitan local officials to determine projects that may be of regional significance.”.

(b) **CONFORMING AMENDMENT.**—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 135 and inserting the following:

“135. Statewide and nonmetropolitan transportation planning.”.

SEC. 1203. NATIONAL GOALS AND PERFORMANCE MANAGEMENT MEASURES.

(a) **IN GENERAL.**—Section 150 of title 23, United States Code, is amended to read as follows:

“§ 150. National goals and performance management measures

“(a) **DECLARATION OF POLICY.**—Performance management will transform the Federal-aid highway program and provide a means to the most efficient investment of Federal transportation funds by refocusing on national transportation goals, increasing the accountability and transparency of the Federal-aid highway program, and improving project decisionmaking through performance-based planning and programming.

“(b) **NATIONAL GOALS.**—It is in the interest of the United States to focus the Federal-aid highway program on the following national goals:

“(1) **SAFETY.**—To achieve a significant reduction in traffic fatalities and serious injuries on all public roads.

“(2) **INFRASTRUCTURE CONDITION.**—To maintain the highway infrastructure asset system in a state of good repair.

“(3) **CONGESTION REDUCTION.**—To achieve a significant reduction in congestion on the National Highway System.

“(4) **SYSTEM RELIABILITY.**—To improve the efficiency of the surface transportation system.

“(5) **FREIGHT MOVEMENT AND ECONOMIC VITALITY.**—To improve the national freight network, strengthen the ability of rural communities to access national and international trade markets, and support regional economic development.

“(6) **ENVIRONMENTAL SUSTAINABILITY.**—To enhance the performance of the transportation system while protecting and enhancing the natural environment.

“(7) **REDUCED PROJECT DELIVERY DELAYS.**—To reduce project costs, promote jobs and the economy, and expedite the movement of people and goods by accelerating project completion through eliminating delays in the project development and delivery process, including reducing regulatory burdens and improving agencies’ work practices.

“(c) **ESTABLISHMENT OF PERFORMANCE MEASURES.**—

“(1) **IN GENERAL.**—Not later than 18 months after the date of enactment of the MAP-21, the Secretary, in consultation with State departments of transportation, metropolitan planning organizations, and other stakeholders, shall promulgate a rulemaking that establishes performance measures and standards.

“(2) **ADMINISTRATION.**—In carrying out paragraph (1), the Secretary shall—

“(A) provide States, metropolitan planning organizations, and other stakeholders not less than 90 days to comment on any regulation proposed by the Secretary under that paragraph;

“(B) take into consideration any comments relating to a proposed regulation received during that comment period; and

“(C) limit performance measures only to those described in this subsection.

“(3) NATIONAL HIGHWAY PERFORMANCE PROGRAM.—

“(A) IN GENERAL.—Subject to subparagraph (B), for the purpose of carrying out section 119, the Secretary shall establish —

“(i) minimum standards for States to use in developing and operating bridge and pavement management systems;

“(ii) measures for States to use to assess—

“(I) the condition of pavements on the Interstate system;

“(II) the condition of pavements on the National Highway System (excluding the Interstate);

“(III) the condition of bridges on the National Highway System;

“(IV) the performance of the Interstate System; and

“(V) the performance of the National Highway System (excluding the Interstate System);

“(iii) minimum levels for the condition of pavement on the Interstate System, only for the purposes of carrying out section 119(f)(1); and

“(iv) the data elements that are necessary to collect and maintain standardized data to carry out a performance-based approach.

“(B) REGIONS.—In establishing minimum condition levels under subparagraph (A)(iii), if the Secretary determines that various geographic regions of the United States experience disparate factors contributing to the condition of pavement on the Interstate System in those regions, the Secretary may establish different minimum levels for each region;

“(4) HIGHWAY SAFETY IMPROVEMENT PROGRAM.—For the purpose of carrying out section 148, the Secretary shall establish measures for States to use to assess—

“(A) serious injuries and fatalities per vehicle mile traveled; and

“(B) the number of serious injuries and fatalities.

“(5) CONGESTION MITIGATION AND AIR QUALITY PROGRAM.—For the purpose of carrying out section 149, the Secretary shall establish measures for States to use to assess—

“(A) traffic congestion; and

“(B) on-road mobile source emissions.

“(6) NATIONAL FREIGHT MOVEMENT.—The Secretary shall establish measures for States to use to assess freight movement on the Interstate System.

“(d) ESTABLISHMENT OF PERFORMANCE TARGETS.—

“(1) IN GENERAL.—Not later than 1 year after the Secretary has promulgated the final rule-making under subsection (c), each State shall set performance targets that reflect the measures identified in paragraphs (3), (4), (5), and (6) of subsection (c).

“(2) DIFFERENT APPROACHES FOR URBAN AND RURAL AREAS.—In the development and implementation of any performance target, a State may, as appropriate, provide for different performance targets for urbanized and rural areas.

“(e) REPORTING ON PERFORMANCE TARGETS.—Not later than 4 years after the date of enactment of the MAP-21 and biennially thereafter, a State shall submit to the Secretary a report that describes—

“(1) the condition and performance of the National Highway System in the State;

“(2) the effectiveness of the investment strategy document in the State asset management plan for the National Highway System;

“(3) progress in achieving performance targets identified under subsection (d); and

“(4) the ways in which the State is addressing congestion at freight bottlenecks, including those identified in the National Freight Strategic Plan, within the State.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is

amended by striking the item relating to section 150 and inserting the following:

“150. National goals and performance management measures.”.

Subtitle C—Acceleration of Project Delivery
SEC. 1301. DECLARATION OF POLICY AND PROJECT DELIVERY INITIATIVE.

(a) IN GENERAL.—It is the policy of the United States that—

(1) it is in the national interest for the Department, State departments of transportation, transit agencies, and all other recipients of Federal transportation funds—

(A) to accelerate project delivery and reduce costs; and

(B) to ensure that the planning, design, engineering, construction, and financing of transportation projects is done in an efficient and effective manner, promoting accountability for public investments and encouraging greater private sector involvement in project financing and delivery while enhancing safety and protecting the environment;

(2) delay in the delivery of transportation projects increases project costs, harms the economy of the United States, and impedes the travel of the people of the United States and the shipment of goods for the conduct of commerce; and

(3) the Secretary shall identify and promote the deployment of innovation aimed at reducing the time and money required to deliver transportation projects while enhancing safety and protecting the environment.

(b) PROJECT DELIVERY INITIATIVE.—

(1) IN GENERAL.—To advance the policy described in subsection (a), the Secretary shall carry out a project delivery initiative under this section.

(2) PURPOSES.—The purposes of the project delivery initiative shall be—

(A) to develop and advance the use of best practices to accelerate project delivery and reduce costs across all modes of transportation and expedite the deployment of technology and innovation;

(B) to implement provisions of law designed to accelerate project delivery; and

(C) to select eligible projects for applying experimental features to test innovative project delivery techniques.

(3) ADVANCING THE USE OF BEST PRACTICES.—

(A) IN GENERAL.—In carrying out the initiative under this section, the Secretary shall identify and advance best practices to reduce delivery time and project costs, from planning through construction, for transportation projects and programs of projects regardless of mode and project size.

(B) ADMINISTRATION.—To advance the use of best practices, the Secretary shall—

(i) engage interested parties, affected communities, resource agencies, and other stakeholders to gather information regarding opportunities for accelerating project delivery and reducing costs;

(ii) establish a clearinghouse for the collection, documentation, and advancement of existing and new innovative approaches and best practices;

(iii) disseminate information through a variety of means to transportation stakeholders on new innovative approaches and best practices; and

(iv) provide technical assistance to assist transportation stakeholders in the use of flexibility authority to resolve project delays and accelerate project delivery if feasible.

(4) IMPLEMENTATION OF ACCELERATED PROJECT DELIVERY.—The Secretary shall ensure that the provisions of this subtitle designed to accelerate project delivery are fully implemented, including—

(A) expanding eligibility of early acquisition of property prior to completion of environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(B) allowing the use of the construction manager or general contractor method of contracting in the Federal-aid highway system; and

(C) establishing a demonstration program to streamline the relocation process by permitting a lump-sum payment for acquisition and relocation if elected by the displaced occupant.

(c) EXPEDITED PROJECT DELIVERY.—Section 101(b) of title 23, United States Code, is amended by adding at the end the following:

“(4) EXPEDITED PROJECT DELIVERY.—

“(A) IN GENERAL.—Congress declares that it is in the national interest to expedite the delivery of surface transportation projects by substantially reducing the average length of the environmental review process.

“(B) POLICY OF THE UNITED STATES.—Accordingly, it is the policy of the United States that—

“(i) the Secretary shall have the lead role among Federal agencies in carrying out the environmental review process for surface transportation projects;

“(ii) each Federal agency shall cooperate with the Secretary to expedite the environmental review process for surface transportation projects;

“(iii) project sponsors shall not be prohibited from carrying out preconstruction project development activities concurrently with the environmental review process;

“(iv) programmatic approaches shall be used to reduce the need for project-by-project reviews and decisions by Federal agencies; and

“(v) the Secretary shall identify opportunities for project sponsors to assume responsibilities of the Secretary where such responsibilities can be assumed in a manner that protects public health, the environment, and public participation.”.

SEC. 1302. ADVANCE ACQUISITION OF REAL PROPERTY INTERESTS.

(a) REAL PROPERTY INTERESTS.—Section 108 of title 23, United States Code, is amended—

(1) by striking “real property” each place it appears and inserting “real property interests”;

(2) by striking “right-of-way” each place it appears and inserting “real property interest”;

(3) by striking “rights-of-way” each place it appears and inserting “real property interests”.

(b) STATE-FUNDED EARLY ACQUISITION OF REAL PROPERTY INTERESTS.—Section 108(c) of title 23, United States Code, is amended—

(1) in the subsection heading, by striking “EARLY ACQUISITION OF RIGHTS-OF-WAY” and inserting “STATE-FUNDED EARLY ACQUISITION OF REAL PROPERTY INTERESTS”;

(2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(3) in paragraph (2) (as so redesignated)—

(A) in the heading, by striking “GENERAL RULE” and inserting “ELIGIBILITY FOR REIMBURSEMENT”; and

(B) by striking “Subject to paragraph (2)” and inserting “Subject to paragraph (3)”;

(4) by inserting before paragraph (2) (as so redesignated) the following:

“(1) IN GENERAL.—A State may carry out, at the expense of the State, acquisitions of interests in real property for a project before completion of the review process required for the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) without affecting subsequent approvals required for the project by the State or any Federal agency.”; and

(5) in paragraph (3) (as so redesignated)—

(A) in the matter preceding subparagraph (A), by striking “in paragraph (1)” and inserting “in paragraph (2)”;

(B) in subparagraph (G), by striking “both the Secretary and the Administrator of the Environmental Protection Agency have concurred” and inserting “the Secretary has determined”.

(c) FEDERALLY FUNDED ACQUISITION OF REAL PROPERTY INTERESTS.—Section 108 of title 23,

United States Code, is amended by adding at the end the following:

“(d) **FEDERALLY FUNDED EARLY ACQUISITION OF REAL PROPERTY INTERESTS.**—

“(1) **DEFINITION OF ACQUISITION OF A REAL PROPERTY INTEREST.**—In this subsection, the term ‘acquisition of a real property interest’ includes the acquisition of—

“(A) any interest in land;

“(B) a contractual right to acquire any interest in land; or

“(C) any other similar action to acquire or preserve rights-of-way for a transportation facility.

“(2) **AUTHORIZATION.**—The Secretary may authorize the use of funds apportioned to a State under this title for the acquisition of a real property interest by a State.

“(3) **STATE CERTIFICATION.**—A State requesting Federal funding for an acquisition of a real property interest shall certify in writing, with concurrence by the Secretary, that—

“(A) the State has authority to acquire the real property interest under State law; and

“(B) the acquisition of the real property interest—

“(i) is for a transportation purpose;

“(ii) will not cause any significant adverse environmental impact;

“(iii) will not limit the choice of reasonable alternatives for the project or otherwise influence the decision of the Secretary on any approval required for the project;

“(iv) does not prevent the lead agency from making an impartial decision as to whether to accept an alternative that is being considered in the environmental review process;

“(v) is consistent with the State transportation planning process under section 135;

“(vi) complies with other applicable Federal laws (including regulations);

“(vii) will be acquired through negotiation, without the threat of condemnation; and

“(viii) will not result in a reduction or elimination of benefits or assistance to a displaced person required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) and title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

“(4) **ENVIRONMENTAL COMPLIANCE.**—

“(A) **IN GENERAL.**—Before authorizing Federal funding for an acquisition of a real property interest, the Secretary shall complete the review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the acquisition of the real property interest.

“(B) **INDEPENDENT UTILITY.**—The acquisition of a real property interest—

“(i) shall be treated as having independent utility for purposes of the review process under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(ii) shall not limit consideration of alternatives for future transportation improvements with respect to the real property interest.

“(5) **PROGRAMMING.**—

“(A) **IN GENERAL.**—The acquisition of a real property interest for which Federal funding is requested shall be included as a project in an applicable transportation improvement program under sections 134 and 135 and sections 5303 and 5304 of title 49.

“(B) **ACQUISITION PROJECT.**—The acquisition project may consist of the acquisition of a specific parcel, a portion of a transportation corridor, or an entire transportation corridor.

“(6) **DEVELOPMENT.**—Real property interests acquired under this subsection may not be developed in anticipation of a project until all required environmental reviews for the project have been completed.

“(7) **REIMBURSEMENT.**—If Federal-aid reimbursement is made for real property interests ac-

quired early under this section and the real property interests are not subsequently incorporated into a project eligible for surface transportation funds within the time allowed by subsection (a)(2), the Secretary shall offset the amount reimbursed against funds apportioned to the State.

“(8) **OTHER REQUIREMENTS AND CONDITIONS.**—

“(A) **APPLICABLE LAW.**—The acquisition of a real property interest shall be carried out in compliance with all requirements applicable to the acquisition of real property interests for federally funded transportation projects.

“(B) **ADDITIONAL CONDITIONS.**—The Secretary may establish such other conditions or restrictions on acquisitions under this subsection as the Secretary determines to be appropriate.”.

SEC. 1303. LETTING OF CONTRACTS.

(a) **EFFICIENCIES IN CONTRACTING.**—Section 112(b) of title 23, United States Code, is amended by adding at the end the following:

“(4) **METHOD OF CONTRACTING.**—

“(A) **IN GENERAL.**—

“(i) **2-PHASE CONTRACT.**—A contracting agency may award a 2-phase contract to a construction manager or general contractor for preconstruction and construction services.

“(ii) **PRECONSTRUCTION SERVICES PHASE.**—In the preconstruction services phase of a contract under this paragraph, the contractor shall provide the contracting agency with advice for scheduling, work sequencing, cost engineering, constructability, cost estimating, and risk identification.

“(iii) **AGREEMENT.**—Prior to the start of the construction services phase, the contracting agency and the contractor may agree to a price and other factors specified in regulation for the construction of the project or a portion of the project.

“(iv) **CONSTRUCTION PHASE.**—If an agreement is reached under clause (iii), the contractor shall be responsible for the construction of the project or portion of the project at the negotiated price and in compliance with the other factors specified in the agreement.

“(B) **SELECTION.**—A contract shall be awarded to a contractor under this paragraph using a competitive selection process based on qualifications, experience, best value, or any other combination of factors considered appropriate by the contracting agency.

“(C) **TIMING.**—

“(i) **RELATIONSHIP TO NEPA PROCESS.**—Prior to the completion of the environmental review process required under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), a contracting agency may—

“(I) issue requests for proposals;

“(II) proceed with the award of a contract for preconstruction services under subparagraph (A)(i); and

“(III) issue notices to proceed with a preliminary design and any work related to preliminary design, to the extent that those actions do not limit any reasonable range of alternatives.

“(ii) **CONSTRUCTION SERVICES PHASE.**—A contracting agency shall not proceed with the award of the construction services phase of a contract under subparagraph (A)(iv) and shall not proceed, or permit any consultant or contractor to proceed, with final design or construction until completion of the environmental review process required under section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

“(iii) **APPROVAL REQUIREMENT.**—Prior to authorizing construction activities, the Secretary shall approve—

“(I) the price estimate of the contracting agency for the entire project; and

“(II) any price agreement with the general contractor for the project or a portion of the project.

“(iv) **DESIGN ACTIVITIES.**—

“(I) **IN GENERAL.**—A contracting agency may proceed, at the expense of the contracting agency, with design activities at any level of detail for a project before completion of the review process required for the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) without affecting subsequent approvals required for the project.

“(II) **REIMBURSEMENT.**—Design activities carried out under subclause (I) shall be eligible for Federal reimbursement as a project expense in accordance with the requirements under section 109(r).

“(v) **TERMINATION PROVISION.**—The Secretary shall require a contract to include an appropriate termination provision in the event that a no-build alternative is selected.”.

(b) **REGULATIONS.**—The Secretary shall promulgate such regulations as are necessary to carry out the amendment made by subsection (a).

(c) **EFFECT ON EXPERIMENTAL PROGRAM.**—Nothing in this section or the amendment made by this section affects the authority to carry out, or any project carried out under, any experimental program concerning construction manager risk that is being carried out by the Secretary as of the date of enactment of this Act.

SEC. 1304. INNOVATIVE PROJECT DELIVERY METHODS.

(a) **DECLARATION OF POLICY.**—

(1) **IN GENERAL.**—Congress declares that it is in the national interest to promote the use of innovative technologies and practices that increase the efficiency of construction of, improve the safety of, and extend the service life of highways and bridges.

(2) **INCLUSIONS.**—The innovative technologies and practices described in paragraph (1) include state-of-the-art intelligent transportation system technologies, elevated performance standards, and new highway construction business practices that improve highway safety and quality, accelerate project delivery, and reduce congestion related to highway construction.

(b) **FEDERAL SHARE.**—Section 120(c) of title 23, United States Code, is amended by adding at the end the following:

“(3) **INNOVATIVE PROJECT DELIVERY.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (C), the Federal share payable on account of a project, program, or activity carried out with funds apportioned under paragraph (1), (2), or (5) of section 104(b) may, at the discretion of the State, be up to 100 percent for any such project, program, or activity that the Secretary determines—

“(i) contains innovative project delivery methods that improve work zone safety for motorists or workers and the quality of the facility;

“(ii) contains innovative technologies, manufacturing processes, financing, or contracting methods that improve the quality of, extend the service life of, or decrease the long-term costs of maintaining highways and bridges;

“(iii) accelerates project delivery while complying with other applicable Federal laws (including regulations) and not causing any significant adverse environmental impact; or

“(iv) reduces congestion related to highway construction.

“(B) **EXAMPLES.**—Projects, programs, and activities described in subparagraph (A) may include the use of—

“(i) prefabricated bridge elements and systems and other technologies to reduce bridge construction time;

“(ii) innovative construction equipment, materials, or techniques, including the use of in-place recycling technology and digital 3-dimensional modeling technologies;

“(iii) innovative contracting methods, including the design-build and the construction manager-general contractor contracting methods;

“(iv) intelligent compaction equipment; or
 “(v) contractual provisions that offer a contractor an incentive payment for early completion of the project, program, or activity, subject to the condition that the incentives are accounted for in the financial plan of the project, when applicable.

“(C) LIMITATIONS.—

“(i) IN GENERAL.—In each fiscal year, a State may use the authority under subparagraph (A) for up to 10 percent of the combined apportionments of the State under paragraphs (1), (2), and (5) of section 104(b).

“(ii) FEDERAL SHARE INCREASE.—The Federal share payable on account of a project, program, or activity described in subparagraph (A) may be increased by up to 5 percent of the total project cost.”.

SEC. 1305. EFFICIENT ENVIRONMENTAL REVIEWS FOR PROJECT DECISIONMAKING.

(a) FLEXIBILITY.—Section 139(b) of title 23, United States Code, is amended—

(1) in paragraph (2) by inserting “, and any requirements established under this section may be satisfied,” after “exercised”; and

(2) by adding at the end the following:

“(3) PROGRAMMATIC COMPLIANCE.—

“(A) IN GENERAL.—The Secretary shall initiate a rulemaking to allow for the use of programmatic approaches to conduct environmental reviews that—

“(i) eliminate repetitive discussions of the same issues;

“(ii) focus on the actual issues ripe for analyses at each level of review; and

“(iii) are consistent with—

“(I) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(II) other applicable laws.

“(B) REQUIREMENTS.—In carrying out subparagraph (A), the Secretary shall—

“(i) before initiating the rulemaking under that subparagraph, consult with relevant Federal agencies and State resource agencies, State departments of transportation, Indian tribes, and the public on the appropriate use and scope of the programmatic approaches;

“(ii) emphasize the importance of collaboration among relevant Federal agencies, State agencies, and Indian tribes in undertaking programmatic reviews, especially with respect to including reviews with a broad geographic scope;

“(iii) ensure that the programmatic reviews—

“(I) promote transparency, including of the analyses and data used in the environmental reviews, the treatment of any deferred issues raised by agencies or the public, and the temporal and special scales to be used to analyze such issues;

“(II) use accurate and timely information in reviews, including—

“(aa) criteria for determining the general duration of the usefulness of the review; and

“(bb) the timeline for updating any out-of-date review;

“(III) describe—

“(aa) the relationship between programmatic analysis and future tiered analysis; and

“(bb) the role of the public in the creation of future tiered analysis; and

“(IV) are available to other relevant Federal and State agencies, Indian tribes, and the public;

“(iv) allow not fewer than 60 days of public notice and comment on any proposed rule; and

“(v) address any comments received under clause (iv).”.

(b) FEDERAL LEAD AGENCY.—Section 139(c) of title 23, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “The Department of Transportation” and inserting the following:

“(A) IN GENERAL.—The Department of Transportation”; and

(B) by adding at the end the following:

“(B) MODAL ADMINISTRATION.—If the project requires approval from more than 1 modal administration within the Department, the Secretary may designate a single modal administration to serve as the Federal lead agency for the Department in the environmental review process for the project.”.

(c) PARTICIPATING AGENCIES.—Section 139(d) of title 23, United States Code, is amended—

(1) by striking paragraph (4) and inserting the following:

“(4) EFFECT OF DESIGNATION.—

“(A) REQUIREMENT.—A participating agency shall comply with the requirements of this section.

“(B) IMPLICATION.—Designation as a participating agency under this subsection shall not imply that the participating agency—

“(i) supports a proposed project; or

“(ii) has any jurisdiction over, or special expertise with respect to evaluation of, the project.”; and

(2) by striking paragraph (7) and inserting the following:

“(7) CONCURRENT REVIEWS.—Each participating agency and cooperating agency shall—

“(A) carry out the obligations of that agency under other applicable law concurrently, and in conjunction, with the review required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), unless doing so would impair the ability of the Federal agency to conduct needed analysis or otherwise carry out those obligations; and

“(B) formulate and implement administrative, policy, and procedural mechanisms to enable the agency to ensure completion of the environmental review process in a timely, coordinated, and environmentally responsible manner.”.

(d) PROJECT INITIATION.—Section 139(e) of title 23, United States Code, is amended—

(1) by striking “The project sponsor” and inserting the following:

“(1) IN GENERAL.—The project sponsor”; and

(2) by adding at the end the following:

“(2) SUBMISSION OF DOCUMENTS.—The project sponsor may satisfy the requirement under paragraph (1) by submitting to the Secretary any relevant documents containing the information described in that paragraph, including a draft notice for publication in the Federal Register announcing the preparation of an environmental review for the project.”.

(e) COORDINATION AND SCHEDULING.—Section 139(g)(1)(B)(i) of title 23, United States Code, is amended by inserting “and the concurrence of” after “consultation with”.

SEC. 1306. ACCELERATED DECISIONMAKING.

Section 139(h) of title 23, United States Code, is amended by striking paragraph (4) and inserting the following:

“(4) INTERIM DECISION ON ACHIEVING ACCELERATED DECISIONMAKING.—

“(A) IN GENERAL.—Not later than 30 days after the close of the public comment period on a draft environmental impact statement, the Secretary may convene a meeting with the project sponsor, lead agency, resource agencies, and any relevant State agencies to ensure that all parties are on schedule to meet deadlines for decisions to be made regarding the project.

“(B) DEADLINES.—The deadlines referred to in subparagraph (A) shall be those established under subsection (g), or any other deadlines established by the lead agency, in consultation with the project sponsor and other relevant agencies.

“(C) FAILURE TO ASSURE.—If the relevant agencies cannot provide reasonable assurances that the deadlines described in subparagraph (B) will be met, the Secretary may initiate the issue resolution and referral process described under paragraph (5) and before the completion of the record of decision.

“(5) ACCELERATED ISSUE RESOLUTION AND REFERRAL.—

“(A) AGENCY ISSUE RESOLUTION MEETING.—

“(i) IN GENERAL.—A Federal agency of jurisdiction, project sponsor, or the Governor of a State in which a project is located may request an issue resolution meeting to be conducted by the lead agency.

“(ii) ACTION BY LEAD AGENCY.—The lead agency shall convene an issue resolution meeting under clause (i) with the relevant participating agencies and the project sponsor, including the Governor only if the meeting was requested by the Governor, to resolve issues that could—

“(I) delay completion of the environmental review process; or

“(II) result in denial of any approvals required for the project under applicable laws.

“(iii) DATE.—A meeting requested under this subparagraph shall be held by not later than 21 days after the date of receipt of the request for the meeting, unless the lead agency determines that there is good cause to extend the time for the meeting.

“(iv) NOTIFICATION.—On receipt of a request for a meeting under this subparagraph, the lead agency shall notify all relevant participating agencies of the request, including the issue to be resolved, and the date for the meeting.

“(v) DISPUTES.—If a relevant participating agency with jurisdiction over an approval required for a project under applicable law determines that the relevant information necessary to resolve the issue has not been obtained and could not have been obtained within a reasonable time, but the lead agency disagrees, the resolution of the dispute shall be forwarded to the heads of the relevant agencies for resolution.

“(vi) CONVENTION BY LEAD AGENCY.—A lead agency may convene an issue resolution meeting under this subsection at any time without the request of the Federal agency of jurisdiction, project sponsor, or the Governor of a State.

“(B) ELEVATION OF ISSUE RESOLUTION.—

“(i) IN GENERAL.—If issue resolution is not achieved by not later than 30 days after the date of a relevant meeting under subparagraph (A), the Secretary shall notify the lead agency, the heads of the relevant participating agencies, and the project sponsor (including the Governor only if the initial issue resolution meeting request came from the Governor) that an issue resolution meeting will be convened.

“(ii) REQUIREMENTS.—The Secretary shall identify the issues to be addressed at the meeting and convene the meeting not later than 30 days after the date of issuance of the notice.

“(C) REFERRAL OF ISSUE RESOLUTION.—

“(i) REFERRAL TO COUNCIL ON ENVIRONMENTAL QUALITY.—

“(I) IN GENERAL.—If resolution is not achieved by not later than 30 days after the date of an issue resolution meeting under subparagraph (B), the Secretary shall refer the matter to the Council on Environmental Quality.

“(II) MEETING.—Not later than 30 days after the date of receipt of a referral from the Secretary under subclause (I), the Council on Environmental Quality shall hold an issue resolution meeting with the lead agency, the heads of relevant participating agencies, and the project sponsor (including the Governor only if an initial request for an issue resolution meeting came from the Governor).

“(ii) REFERRAL TO THE PRESIDENT.—If a resolution is not achieved by not later than 30 days after the date of the meeting convened by the Council on Environmental Quality under clause (i)(II), the Secretary shall refer the matter directly to the President.

“(6) FINANCIAL PENALTY PROVISIONS.—

“(A) IN GENERAL.—A Federal agency of jurisdiction over an approval required for a project

under applicable laws shall complete any required approval on an expeditious basis using the shortest existing applicable process.

“(B) FAILURE TO DECIDE.—

“(i) IN GENERAL.—If an agency described in subparagraph (A) fails to render a decision under any Federal law relating to a project that requires the preparation of an environmental impact statement or environmental assessment, including the issuance or denial of a permit, license, or other approval by the date described in clause (ii), an amount of funding equal to the amounts specified in subclause (I) or (II) shall be rescinded from the applicable office of the head of the agency, or equivalent office to which the authority for rendering the decision has been delegated by law by not later than 1 day after the applicable date under clause (ii), and once each week thereafter until a final decision is rendered, subject to subparagraph (C)—

“(I) \$20,000 for any project for which an annual financial plan under section 106(i) is required; or

“(II) \$10,000 for any other project requiring preparation of an environmental assessment or environmental impact statement.

“(ii) DESCRIPTION OF DATE.—The date referred to in clause (i) is the later of—

“(I) the date that is 180 days after the date on which an application for the permit, license, or approval is complete; and

“(II) the date that is 180 days after the date on which the Federal lead agency issues a decision on the project under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(C) LIMITATIONS.—

“(i) IN GENERAL.—No rescission of funds under subparagraph (B) relating to an individual project shall exceed, in any fiscal year, an amount equal to 2.5 percent of the funds made available for the applicable agency office.

“(ii) FAILURE TO DECIDE.—The total amount rescinded in a fiscal year as a result of a failure by an agency to make a decision by an applicable deadline shall not exceed an amount equal to 7 percent of the funds made available for the applicable agency office for that fiscal year.

“(D) NO FAULT OF AGENCY.—A rescission of funds under this paragraph shall not be made if the lead agency for the project certifies that—

“(i) the agency has not received necessary information or approvals from another entity, such as the project sponsor, in a manner that affects the ability of the agency to meet any requirements under State, local, or Federal law; or

“(ii) significant new information or circumstances, including a major modification to an aspect of the project, requires additional analysis for the agency to make a decision on the project application.

“(E) LIMITATION.—The Federal agency with jurisdiction for the decision from which funds are rescinded pursuant to this paragraph shall not reprogram funds to the office of the head of the agency, or equivalent office, to reimburse that office for the loss of the funds.

“(F) AUDITS.—In any fiscal year in which any funds are rescinded from a Federal agency pursuant to this paragraph, the Inspector General of that agency shall—

“(i) conduct an audit to assess compliance with the requirements of this paragraph; and

“(ii) not later than 120 days after the end of the fiscal year during which the rescission occurred, submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing the reasons why the transfers were levied, including allocations of resources.

“(G) EFFECT OF PARAGRAPH.—Nothing in this paragraph affects or limits the application of, or obligation to comply with, any Federal, State, local, or tribal law.

“(7) EXPEDIENT DECISIONS AND REVIEWS.—To ensure that Federal environmental decisions and reviews are expeditiously made—

“(A) adequate resources made available under this title shall be devoted to ensuring that applicable environmental reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are completed on an expeditious basis and that the shortest existing applicable process under that Act is implemented; and

“(B) the President shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate, not less frequently than once every 120 days after the date of enactment of the MAP-21, a report on the status and progress of the following projects and activities funded under this title with respect to compliance with applicable requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.):

“(i) Projects and activities required to prepare an annual financial plan under section 106(i).

“(ii) A sample of not less than 5 percent of the projects requiring preparation of an environmental impact statement or environmental assessment in each State.”

SEC. 1307. ASSISTANCE TO AFFECTED FEDERAL AND STATE AGENCIES.

Section 139(j) of title 23, United States Code, is amended by adding at the end the following:

“(6) MEMORANDUM OF UNDERSTANDING.—Prior to providing funds approved by the Secretary for dedicated staffing at an affected Federal agency under paragraphs (1) and (2), the affected Federal agency and the State agency shall enter into a memorandum of understanding that establishes the projects and priorities to be addressed by the use of the funds.”

SEC. 1308. LIMITATIONS ON CLAIMS.

Section 139(l) of title 23, United States Code, is amended—

(1) in paragraph (1) by striking “180 days” and inserting “150 days”; and

(2) in paragraph (2) by striking “180 days” and inserting “150 days”.

SEC. 1309. ACCELERATING COMPLETION OF COMPLEX PROJECTS WITHIN 4 YEARS.

Section 139 of title 23, United States Code, is amended by adding at the end the following:

“(m) ENHANCED TECHNICAL ASSISTANCE AND ACCELERATED PROJECT COMPLETION.—

“(1) DEFINITION OF COVERED PROJECT.—In this subsection, the term ‘covered project’ means a project—

“(A) that has an ongoing environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(B) for which at least 2 years, beginning on the date on which a notice of intent is issued, have elapsed without the issuance of a record of decision.

“(2) TECHNICAL ASSISTANCE.—At the request of a project sponsor or the Governor of a State in which a project is located, the Secretary shall provide additional technical assistance to resolve for a covered project any outstanding issues and project delay, including by—

“(A) providing additional staff, training, and expertise;

“(B) facilitating interagency coordination;

“(C) promoting more efficient collaboration; and

“(D) supplying specialized onsite assistance.

“(3) SCOPE OF WORK.—

“(A) IN GENERAL.—In providing technical assistance for a covered project under this subsection, the Secretary shall establish a scope of work that describes the actions that the Secretary will take to resolve the outstanding issues and project delays, including establishing a schedule under subparagraph (B).

“(B) SCHEDULE.—

“(i) IN GENERAL.—The Secretary shall establish and meet a schedule for the completion of any permit, approval, review, or study, required for the covered project by the date that is not later than 4 years after the date on which a notice of intent for the covered project is issued.

“(ii) INCLUSIONS.—The schedule under clause (i) shall—

“(I) comply with all applicable laws;

“(II) require the concurrence of the Council on Environmental Quality and each participating agency for the project with the State in which the project is located or the project sponsor, as applicable; and

“(III) reflect any new information that becomes available and any changes in circumstances that may result in new significant impacts that could affect the timeline for completion of any permit, approval, review, or study required for the covered project.

“(4) CONSULTATION.—In providing technical assistance for a covered project under this subsection, the Secretary shall consult, if appropriate, with resource and participating agencies on all methods available to resolve the outstanding issues and project delays for a covered project as expeditiously as possible.

“(5) ENFORCEMENT.—

“(A) IN GENERAL.—All provisions of this section shall apply to this subsection, including the financial penalty provisions under subsection (h)(6).

“(B) RESTRICTION.—If the Secretary enforces this subsection under subsection (h)(6), the Secretary may use a date included in a schedule under paragraph (3)(B) that is created pursuant to and is in compliance with this subsection in lieu of the dates under subsection (h)(6)(B)(ii).”

SEC. 1310. INTEGRATION OF PLANNING AND ENVIRONMENTAL REVIEW.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by section 1115(a)), is amended by adding at the end the following:

“§168. Integration of planning and environmental review

“(a) DEFINITIONS.—In this section, the following definitions apply:

“(1) ENVIRONMENTAL REVIEW PROCESS.—The term ‘environmental review process’ means the process for preparing for a project an environmental impact statement, environmental assessment, categorical exclusion, or other document prepared under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(2) PLANNING PRODUCT.—The term ‘planning product’ means a detailed and timely decision, analysis, study, or other documented information that—

“(A) is the result of an evaluation or decision-making process carried out during transportation planning, including a detailed corridor plan or a transportation plan developed under section 134 that fully analyzes impacts on mobility, adjacent communities, and the environment;

“(B) is intended to be carried into the transportation project development process; and

“(C) has been approved by the State, all local and tribal governments where the project is located, and by any relevant metropolitan planning organization.

“(3) PROJECT.—The term ‘project’ has the meaning given the term in section 139(a).

“(4) PROJECT SPONSOR.—The term ‘project sponsor’ has the meaning given the term in section 139(a).

“(b) ADOPTION OF PLANNING PRODUCTS FOR USE IN NEPA PROCEEDINGS.—

“(1) IN GENERAL.—Subject to the conditions set forth in subsection (d), the Federal lead agency for a project may adopt and use a planning product in proceedings relating to any class of action in the environmental review process of the project.

“(2) IDENTIFICATION.—When the Federal lead agency makes a determination to adopt and use

a planning product, the Federal lead agency shall identify those agencies that participated in the development of the planning products.

“(3) **PARTIAL ADOPTION OF PLANNING PRODUCTS.**—The Federal lead agency may adopt a planning product under paragraph (1) in its entirety or may select portions for adoption.

“(4) **TIMING.**—A determination under paragraph (1) with respect to the adoption of a planning product may be made at the time the lead agencies decide the appropriate scope of environmental review for the project but may also occur later in the environmental review process, as appropriate.

“(c) **APPLICABILITY.**—

“(1) **PLANNING DECISIONS.**—Planning decisions that may be adopted pursuant to this section include—

“(A) whether tolling, private financial assistance, or other special financial measures are necessary to implement the project;

“(B) a decision with respect to modal choice, including a decision to implement corridor or subarea study recommendations to advance different modal solutions as separate projects with independent utility;

“(C) a basic description of the environmental setting;

“(D) a decision with respect to methodologies for analysis; and

“(E) an identification of programmatic level mitigation for potential impacts that the Federal lead agency, in consultation with Federal, State, local, and tribal resource agencies, determines are most effectively addressed at a regional or national program level, including—

“(i) system-level measures to avoid, minimize, or mitigate impacts of proposed transportation investments on environmental resources, including regional ecosystem and water resources; and

“(ii) potential mitigation activities, locations, and investments.

“(2) **PLANNING ANALYSES.**—Planning analyses that may be adopted pursuant to this section include studies with respect to—

“(A) travel demands;

“(B) regional development and growth;

“(C) local land use, growth management, and development;

“(D) population and employment;

“(E) natural and built environmental conditions;

“(F) environmental resources and environmentally sensitive areas;

“(G) potential environmental effects, including the identification of resources of concern and potential cumulative effects on those resources, identified as a result of a statewide or regional cumulative effects assessment; and

“(H) mitigation needs for a proposed action, or for programmatic level mitigation, for potential effects that the Federal lead agency determines are most effectively addressed at a regional or national program level.

“(d) **CONDITIONS.**—Adoption and use of a planning product under this section is subject to a determination by the Federal lead agency, with the concurrence of other participating agencies with relevant expertise and project sponsors as appropriate, and with an opportunity for public notice and comment and consideration of those comments by the Federal lead agency, that the following conditions have been met:

“(1) The planning product was developed through a planning process conducted pursuant to applicable Federal law.

“(2) The planning product was developed by engaging in active consultation with appropriate Federal and State resource agencies and Indian tribes.

“(3) The planning process included broad multidisciplinary consideration of systems-level or corridor-wide transportation needs and po-

tential effects, including effects on the human and natural environment.

“(4) During the planning process, notice was provided through publication or other means to Federal, State, local, and tribal governments that might have an interest in the proposed project, and to members of the general public, of the planning products that the planning process might produce and that might be relied on during any subsequent environmental review process, and such entities have been provided an appropriate opportunity to participate in the planning process leading to such planning product.

“(5) After initiation of the environmental review process, but prior to determining whether to rely on and use the planning product, the lead Federal agency has made documentation relating to the planning product available to Federal, State, local, and tribal governments that may have an interest in the proposed action, and to members of the general public, and has considered any resulting comments.

“(6) There is no significant new information or new circumstance that has a reasonable likelihood of affecting the continued validity or appropriateness of the planning product.

“(7) The planning product has a rational basis and is based on reliable and reasonably current data and reasonable and scientifically acceptable methodologies.

“(8) The planning product is documented in sufficient detail to support the decision or the results of the analysis and to meet requirements for use of the information in the environmental review process.

“(9) The planning product is appropriate for adoption and use in the environmental review process for the project.

“(10) The planning product was approved not later than 5 years prior to date on which the information is adopted pursuant to this section.

“(e) **EFFECT OF ADOPTION.**—Any planning product adopted by the Federal lead agency in accordance with this section may be incorporated directly into an environmental review process document or other environmental document and may be relied upon and used by other Federal agencies in carrying out reviews of the project.

“(f) **RULES OF CONSTRUCTION.**—

“(1) **IN GENERAL.**—This section shall not be construed to make the environmental review process applicable to the transportation planning process conducted under this title and chapter 53 of title 49.

“(2) **TRANSPORTATION PLANNING ACTIVITIES.**—Initiation of the environmental review process as a part of, or concurrently with, transportation planning activities does not subject transportation plans and programs to the environmental review process.

“(3) **PLANNING PRODUCTS.**—This section shall not be construed to affect the use of planning products in the environmental review process pursuant to other authorities under any other provision of law or to restrict the initiation of the environmental review process during planning.”

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The analysis for chapter 1 of title 23, United States Code (as amended by section 1115(b)), is amended by adding at end the following:

“Sec. 168. Integration of planning and environmental review.”

SEC. 1311. DEVELOPMENT OF PROGRAMMATIC MITIGATION PLANS.

(a) **IN GENERAL.**—Chapter 1 of title 23, United States Code (as amended by section 1310(a)), is amended by adding at the end the following:

“§169. Development of programmatic mitigation plans

“(a) **IN GENERAL.**—As part of the statewide or metropolitan transportation planning process, a

State or metropolitan planning organization may develop 1 or more programmatic mitigation plans to address the potential environmental impacts of future transportation projects.

“(b) **SCOPE.**—

“(1) **SCALE.**—A programmatic mitigation plan may be developed on a regional, ecosystem, watershed, or statewide scale.

“(2) **RESOURCES.**—The plan may encompass multiple environmental resources within a defined geographic area or may focus on a specific resource, such as aquatic resources, parkland, or wildlife habitat.

“(3) **PROJECT IMPACTS.**—The plan may address impacts from all projects in a defined geographic area or may focus on a specific type of project.

“(4) **CONSULTATION.**—The scope of the plan shall be determined by the State or metropolitan planning organization, as appropriate, in consultation with the agency or agencies with jurisdiction over the resources being addressed in the mitigation plan.

“(c) **CONTENTS.**—A programmatic mitigation plan may include—

“(1) an assessment of the condition of environmental resources in the geographic area covered by the plan, including an assessment of recent trends and any potential threats to those resources;

“(2) an assessment of potential opportunities to improve the overall quality of environmental resources in the geographic area covered by the plan, through strategic mitigation for impacts of transportation projects;

“(3) standard measures for mitigating certain types of impacts;

“(4) parameters for determining appropriate mitigation for certain types of impacts, such as mitigation ratios or criteria for determining appropriate mitigation sites;

“(5) adaptive management procedures, such as protocols that involve monitoring predicted impacts over time and adjusting mitigation measures in response to information gathered through the monitoring; and

“(6) acknowledgment of specific statutory or regulatory requirements that must be satisfied when determining appropriate mitigation for certain types of resources.

“(d) **PROCESS.**—Before adopting a programmatic mitigation plan, a State or metropolitan planning organization shall—

“(1) consult with each agency with jurisdiction over the environmental resources considered in the programmatic mitigation plan;

“(2) make a draft of the plan available for review and comment by applicable environmental resource agencies and the public;

“(3) consider any comments received from such agencies and the public on the draft plan; and

“(4) address such comments in the final plan.

“(e) **INTEGRATION WITH OTHER PLANS.**—A programmatic mitigation plan may be integrated with other plans, including watershed plans, ecosystem plans, species recovery plans, growth management plans, and land use plans.

“(f) **CONSIDERATION IN PROJECT DEVELOPMENT AND PERMITTING.**—If a programmatic mitigation plan has been developed pursuant to this section, any Federal agency responsible for environmental reviews, permits, or approvals for a transportation project may use the recommendations in a programmatic mitigation plan when carrying out the responsibilities under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(g) **PRESERVATION OF EXISTING AUTHORITIES.**—Nothing in this section limits the use of programmatic approaches to reviews under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).”

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—The analysis for chapter 1 of title 23,

United States Code (as amended by section 1309(b)), is amended by adding at the end the following:

“Sec. 169. Development of programmatic mitigation plans.”.

SEC. 1312. STATE ASSUMPTION OF RESPONSIBILITY FOR CATEGORICAL EXCLUSIONS.

Section 326 of title 23, United States Code, is amended—

(1) in subsection (a) by adding at the end the following:

“(4) PRESERVATION OF FLEXIBILITY.—The Secretary shall not require a State, as a condition of assuming responsibility under this section, to forego project delivery methods that are otherwise permissible for highway projects.”;

(2) by striking subsection (d) and inserting the following:

“(d) TERMINATION.—

“(1) TERMINATION BY THE SECRETARY.—The Secretary may terminate any assumption of responsibility under a memorandum of understanding on a determination that the State is not adequately carrying out the responsibilities assigned to the State.

“(2) TERMINATION BY THE STATE.—The State may terminate the participation of the State in the program at any time by providing to the Secretary a notice not later than the date that is 90 days before the date of termination, and subject to such terms and conditions as the Secretary may provide.”; and

(3) by adding at the end the following:

“(f) LEGAL FEES.—A State assuming the responsibilities of the Secretary under this section for a specific project may use funds apportioned to the State under section 104(b)(2) for attorney’s fees directly attributable to eligible activities associated with the project.”.

SEC. 1313. SURFACE TRANSPORTATION PROJECT DELIVERY PROGRAM.

(a) PROGRAM NAME.—Section 327 of title 23, United States Code, is amended—

(1) in the section heading by striking “pilot”;

and

(2) in subsection (a)(1) by striking “pilot”.

(b) ASSUMPTION OF RESPONSIBILITY.—Section 327(a)(2) of title 23, United States Code, is amended—

(1) in subparagraph (B)—

(A) in clause (i) by striking “but”;

(B) by striking clause (ii) and inserting the following:

“(ii) at the request of the State, the Secretary may also assign to the State, and the State may assume, the responsibilities of the Secretary with respect to 1 or more railroad, public transportation, or multimodal projects within the State under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(iii) in a State that has assumed the responsibilities of the Secretary under clause (ii), a recipient of assistance under chapter 53 of title 49 may request that the Secretary maintain the responsibilities of the Secretary with respect to 1 or more public transportation projects within the State under the National Environmental Policy Act of 1969 (42 U.S.C. 13 4321 et seq.); but

“(iv) the Secretary may not assign—

“(I) any responsibility imposed on the Secretary by section 134 or 135 or section 5303 or 5304 of title 49; or

“(II) responsibility for any conformity determination required under section 176 of the Clean Air Act (42 U.S.C. 7506).”;

(2) by adding at the end the following:

“(F) PRESERVATION OF FLEXIBILITY.—The Secretary may not require a State, as a condition of participation in the program, to forego project delivery methods that are otherwise permissible for projects.

“(G) LEGAL FEES.—A State assuming the responsibilities of the Secretary under this section

for a specific project may use funds apportioned to the State under section 104(b)(2) for attorney’s fees directly attributable to eligible activities associated with the project.”.

(c) STATE PARTICIPATION.—Section 327(b) of title 23, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

“(1) PARTICIPATING STATES.—All States are eligible to participate in the program.”; and

(2) in paragraph (2) by striking “date of enactment of this section, the Secretary shall promulgate” and inserting “date on which amendments to this section by the MAP-21 take effect, the Secretary shall amend, as appropriate.”.

(d) WRITTEN AGREEMENT.—Section 327(c) of title 23, United States Code, is amended—

(1) in paragraph (3)(D) by striking the period at the end and inserting a semicolon; and

(2) by adding at the end the following:

“(4) require the State to provide to the Secretary any information the Secretary considers necessary to ensure that the State is adequately carrying out the responsibilities assigned to the State;

“(5) have a term of not more than 5 years; and

“(6) be renewable.”.

(e) CONFORMING AMENDMENT.—Section 327(e) of title 23, United States Code, is amended by striking “subsection (i)” and inserting “subsection (j)”.

(f) AUDITS.—Section 327(g)(1)(B) of title 23, United States Code, is amended by striking “subsequent year” and inserting “of the third and fourth years”.

(g) MONITORING.—Section 327 of title 23, United States Code, is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following:

“(h) MONITORING.—After the fourth year of the participation of a State in the program, the Secretary shall monitor compliance by the State with the written agreement, including the provision by the State of financial resources to carry out the written agreement.”.

(h) TERMINATION.—Section 327(j) of title 23, United States Code (as so redesignated), is amended to read as follows:

“(j) TERMINATION.—

“(1) TERMINATION BY THE SECRETARY.—The Secretary may terminate the participation of any State in the program if—

“(A) the Secretary determines that the State is not adequately carrying out the responsibilities assigned to the State;

“(B) the Secretary provides to the State—

“(i) notification of the determination of non-compliance; and

“(ii) a period of at least 30 days during which to take such corrective action as the Secretary determines is necessary to comply with the applicable agreement; and

“(C) the State, after the notification and period provided under subparagraph (B), fails to take satisfactory corrective action, as determined by the Secretary.

“(2) TERMINATION BY THE STATE.—The State may terminate the participation of the State in the program at any time by providing to the Secretary a notice by not later than the date that is 90 days before the date of termination, and subject to such terms and conditions as the Secretary may provide.”.

(i) CLERICAL AMENDMENT.—The item relating to section 327 in the analysis of title 23, United States Code, is amended to read as follows:

“327. Surface transportation project delivery program.”.

SEC. 1314. APPLICATION OF CATEGORICAL EXCLUSIONS FOR MULTIMODAL PROJECTS.

(a) IN GENERAL.—Section 304 of title 49, United States Code, is amended to read as follows:

“§304. Application of categorical exclusions for multimodal projects

“(a) DEFINITIONS.—In this section, the following definitions apply:

“(1) COOPERATING AUTHORITY.—The term ‘cooperating authority’ means a Department of Transportation operating authority that is not the lead authority with respect to a project.

“(2) LEAD AUTHORITY.—The term ‘lead authority’ means a Department of Transportation operating administration or secretarial office that—

“(A) is the lead authority over a proposed multimodal project; and

“(B) has determined that the components of the project that fall under the modal expertise of the lead authority—

“(i) satisfy the conditions for a categorical exclusion under implementing regulations or procedures of the lead authority under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(ii) do not require the preparation of an environmental assessment or environmental impact statement under that Act.

“(3) MULTIMODAL PROJECT.—The term ‘multimodal project’ has the meaning given the term in section 139(a) of title 23.

“(b) EXERCISE OF AUTHORITIES.—The authorities granted in this section may be exercised for a multimodal project, class of projects, or program of projects that are carried out under this title.

“(c) APPLICATION OF CATEGORICAL EXCLUSIONS FOR MULTIMODAL PROJECTS.—In considering the environmental impacts of a proposed multimodal project, a lead authority may apply a categorical exclusion designated under the implementing regulations or procedures of a cooperating authority for other components of the project, subject to the conditions that—

“(1) the multimodal project is funded under 1 grant agreement administered by the lead authority;

“(2) the multimodal project has components that require the expertise of a cooperating authority to assess the environmental impacts of the components;

“(3) the component of the project to be covered by the categorical exclusion of the cooperating authority has independent utility;

“(4) the cooperating authority, in consultation with the lead authority—

“(A) follows implementing regulations or procedures under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

“(B) determines that a categorical exclusion under that Act applies to the components; and

“(5) the lead authority has determined that—

“(A) the project, using the categorical exclusions of the lead authority and each applicable cooperating authority, does not individually or cumulatively have a significant impact on the environment; and

“(B) extraordinary circumstances do not exist that merit additional analysis and documentation in an environmental impact statement or environmental assessment required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(d) MODAL COOPERATION.—

“(1) IN GENERAL.—A cooperating authority shall provide modal expertise to the lead authority on such aspects of the multimodal project in which the cooperating authority has expertise.

“(2) USE OF CATEGORICAL EXCLUSION.—In a case described in paragraph (1), the 1 or more categorical exclusions of a cooperating authority may be applied by the lead authority once the cooperating authority reviews the project on behalf of the lead authority and determines the project satisfies the conditions for a categorical exclusion under the implementing regulations or procedures of the cooperating authority under

the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and this section.”.

(b) **CONFORMING AMENDMENT.**—The item relating to section 304 in the analysis for title 49, United States Code, is amended to read as follows:

“304. Application of categorical exclusions for multimodal projects”.

SEC. 1315. CATEGORICAL EXCLUSIONS IN EMERGENCIES.

(a) **IN GENERAL.**—Not later than 30 days after the date of enactment of this Act, for the repair or reconstruction of any road, highway, or bridge that is in operation or under construction when damaged by an emergency declared by the Governor of the State and concurred in by the Secretary, or for a disaster or emergency declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Secretary shall publish a notice of proposed rulemaking to treat any such repair or reconstruction activity as a class of action categorically excluded from the requirements relating to environmental assessments or environmental impact statements under section 1508.4 of title 40, Code of Federal Regulations, and section 771.117 of title 23, Code of Federal Regulations (as in effect on the date of enactment of this Act) if such repair or reconstruction activity is—

(1) in the same location with the same capacity, dimensions, and design as the original road, highway, or bridge as before the declaration described in this section; and

(2) commenced within a 2-year period beginning on the date of a declaration described in this section.

(b) **RULEMAKING.**—

(1) **IN GENERAL.**—The Secretary shall ensure that the rulemaking helps to conserve Federal resources and protects public safety and health by providing for periodic evaluations to determine if reasonable alternatives exist to roads, highways, or bridges that repeatedly require repair and reconstruction activities.

(2) **REASONABLE ALTERNATIVES.**—The reasonable alternatives described in paragraph (1) include actions that could reduce the need for Federal funds to be expended on such repair and reconstruction activities, better protect public safety and health and the environment, and meet transportation needs as described in relevant and applicable Federal, State, local and tribal plans.

SEC. 1316. CATEGORICAL EXCLUSIONS FOR PROJECTS WITHIN THE RIGHT-OF-WAY.

(a) **IN GENERAL.**—The Secretary shall—

(1) not later than 180 days after the date of enactment of this Act, designate any project (as defined in section 101(a) of title 23, United States Code) within an existing operational right-of-way as an action categorically excluded from the requirements relating to environmental assessments or environmental impact statements under section 1508.4 of title 40, Code of Federal Regulations, and section 771.117(c) of title 23, Code of Federal Regulations; and

(2) not later than 150 days after the date of enactment of this Act, promulgate regulations to carry out paragraph (1).

(b) **DEFINITION OF AN OPERATIONAL RIGHT-OF-WAY.**—In this section, the term “operational right-of-way” means all real property interests acquired for the construction, operation, or mitigation of a project (as defined in section 101(a) of title 23, United States Code), including the locations of the roadway, bridges, interchanges, culverts, drainage, clear zone, traffic control signage, landscaping, and any rest areas with direct access to a controlled access highway.

SEC. 1317. CATEGORICAL EXCLUSION FOR PROJECTS OF LIMITED FEDERAL ASSISTANCE.

Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(1) designate as an action categorically excluded from the requirements relating to environmental assessments or environmental impact statements under section 1508.4 of title 40, Code of Federal Regulations, and section 771.117(c) of title 23, Code of Federal Regulations, any project—

(A) that receives less than \$5,000,000 of Federal funds; or

(B) with a total estimated cost of not more than \$30,000,000 and Federal funds comprising less than 15 percent of the total estimated project cost; and

(2) not later than 150 days after the date of enactment of this Act, promulgate regulations to carry out paragraph (1).

SEC. 1318. PROGRAMMATIC AGREEMENTS AND ADDITIONAL CATEGORICAL EXCLUSIONS.

(a) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall—

(1) survey the use by the Department of categorical exclusions in transportation projects since 2005;

(2) publish a review of the survey that includes a description of—

(A) the types of actions categorically excluded; and

(B) any requests previously received by the Secretary for new categorical exclusions; and

(3) solicit requests from State departments of transportation, transit authorities, metropolitan planning organizations, or other government agencies for new categorical exclusions.

(b) **NEW CATEGORICAL EXCLUSIONS.**—Not later than 120 days after the date of enactment of this Act, the Secretary shall publish a notice of proposed rulemaking to propose new categorical exclusions received by the Secretary under subsection (a), to the extent that the categorical exclusions meet the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations, and section 771.117(a) of title 23, Code of Federal Regulations (as those regulations are in effect on the date of the notice).

(c) **ADDITIONAL ACTIONS.**—The Secretary shall issue a proposed rulemaking to move the following types of actions from subsection (d) of section 771.117 of title 23, Code of Federal Regulations (as in effect on the date of enactment of this Act), to subsection (c) of that section, to the extent that such movement complies with the criteria for a categorical exclusion under section 1508.4 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act):

(1) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing).

(2) Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting.

(3) Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings.

(d) **PROGRAMMATIC AGREEMENTS.**—

(1) **IN GENERAL.**—The Secretary shall seek opportunities to enter into programmatic agreements with the States that establish efficient administrative procedures for carrying out environmental and other required project reviews.

(2) **INCLUSIONS.**—Programmatic agreements authorized under paragraph (1) may include agreements that allow a State to determine on behalf of the Federal Highway Administration whether a project is categorically excluded from the preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(3) **DETERMINATIONS.**—An agreement described in paragraph (2) may include determinations by the Secretary of the types of projects categorically excluded (consistent with section 1508.4 of title 40, Code of Federal Regulations) in the State in addition to the types listed in subsections (c) and (d) of section 771.117 of title 23, Code of Federal Regulations (as in effect on the date of enactment of this Act).

SEC. 1319. ACCELERATED DECISIONMAKING IN ENVIRONMENTAL REVIEWS.

(a) **IN GENERAL.**—In preparing a final environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), if the lead agency modifies the statement in response to comments that are minor and are confined to factual corrections or explanations of why the comments do not warrant additional agency response, the lead agency may write on errata sheets attached to the statement instead of rewriting the draft statement, subject to the condition that the errata sheets—

(1) cite the sources, authorities, or reasons that support the position of the agency; and

(2) if appropriate, indicate the circumstances that would trigger agency reappraisal or further response.

(b) **INCORPORATION.**—To the maximum extent practicable, the lead agency shall expeditiously develop a single document that consists of a final environmental impact statement and a record of decision, unless—

(1) the final environmental impact statement makes substantial changes to the proposed action that are relevant to environmental or safety concerns; or

(2) there are significant new circumstances or information relevant to environmental concerns and that bear on the proposed action or the impacts of the proposed action.

SEC. 1320. MEMORANDA OF AGENCY AGREEMENTS FOR EARLY COORDINATION.

(a) **IN GENERAL.**—It is the sense of Congress that—

(1) the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process should cooperate with each other and other agencies on environmental review and project delivery activities at the earliest practicable time to avoid delays and duplication of effort later in the process, head off potential conflicts, and ensure that planning and project development decisions reflect environmental values; and

(2) such cooperation should include the development of policies and the designation of staff that advise planning agencies or project sponsors of studies or other information foreseeably required for later Federal action and early consultation with appropriate State and local agencies and Indian tribes.

(b) **TECHNICAL ASSISTANCE.**—If requested at any time by a State or local planning agency, the Secretary and other Federal agencies with relevant jurisdiction in the environmental review process, shall, to the extent practicable and appropriate, as determined by the agencies, provide technical assistance to the State or local planning agency on accomplishing the early coordination activities described in subsection (d).

(c) **MEMORANDUM OF AGENCY AGREEMENT.**—If requested at any time by a State or local planning agency, the lead agency, in consultation with other Federal agencies with relevant jurisdiction in the environmental review process, may establish memoranda of agreement with the project sponsor, State, and local governments and other appropriate entities to accomplish the early coordination activities described in subsection (d).

(d) **EARLY COORDINATION ACTIVITIES.**—Early coordination activities shall include, to the maximum extent practicable, the following:

(1) Technical assistance on identifying potential impacts and mitigation issues in an integrated fashion.

(2) The potential appropriateness of using planning products and decisions in later environmental reviews.

(3) The identification and elimination from detailed study in the environmental review process of the issues that are not significant or that have been covered by prior environmental reviews.

(4) The identification of other environmental review and consultation requirements so that the lead and cooperating agencies may prepare, as appropriate, other required analyses and studies concurrently with planning activities.

(5) The identification by agencies with jurisdiction over any permits related to the project of any and all relevant information that will reasonably be required for the project.

(6) The reduction of duplication between requirements under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and State and local planning and environmental review requirements, unless the agencies are specifically barred from doing so by applicable law.

(7) Timelines for the completion of agency actions during the planning and environmental review processes.

(8) Other appropriate factors.

SEC. 1321. ENVIRONMENTAL PROCEDURES INITIATIVE.

(a) **ESTABLISHMENT.**—For grant programs under which funds are distributed by formula by the Department, the Secretary shall establish an initiative to review and develop consistent procedures for environmental permitting and procurement requirements that apply to a project carried out under title 23, United States Code, or chapter 53 of title 49, United States Code.

(b) **REPORT.**—The Secretary shall publish the results of the initiative described in subsection (a) in an electronically accessible format.

SEC. 1322. REVIEW OF STATE ENVIRONMENTAL REVIEWS AND APPROVALS FOR THE PURPOSE OF ELIMINATING DUPLICATION OF ENVIRONMENTAL REVIEWS.

For environmental reviews and approvals carried out on projects funded under title 23, United States Code, the Comptroller General of the United States shall—

(1) review State laws and procedures for conducting environmental reviews with regard to such projects and identify the States that have environmental laws that provide environmental protections and opportunities for public involvement that are equivalent to those provided by Federal environmental laws;

(2) determine the frequency and cost of environmental reviews carried out at the Federal level that are duplicative of State reviews that provide equivalent environmental protections and opportunities for public involvement; and

(3) not later than 2 years after the date of enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the results of the review and determination made under this section.

SEC. 1323. REVIEW OF FEDERAL PROJECT AND PROGRAM DELIVERY.

(a) **COMPLETION TIME ASSESSMENTS AND REPORTS.**—

(1) **IN GENERAL.**—For projects funded under title 23, United States Code, the Secretary shall compare—

(A)(i) the completion times of categorical exclusions, environmental assessments, and environmental impact statements initiated after calendar year 2005; to

(ii) the completion times of categorical exclusions, environmental assessments, and environmental impact statements initiated during a period prior to calendar year 2005; and

(B)(i) the completion times of categorical exclusions, environmental assessments, and envi-

ronmental impact statements initiated during the period beginning on January 1, 2005, and ending on the date of enactment of this Act; to

(ii) the completion times of categorical exclusions, environmental assessments, and environmental impact statements initiated after the date of enactment of this Act.

(2) **REPORT.**—The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate—

(A) not later than 1 year after the date of enactment of this Act, a report that—

(i) describes the results of the review conducted under paragraph (1)(A); and

(ii) identifies any change in the timing for completions, including the reasons for any such change and the reasons for delays in excess of 5 years; and

(B) not later than 5 years after the date of enactment of this Act, a report that—

(i) describes the results of the review conducted under paragraph (1)(B); and

(ii) identifies any change in the timing for completions, including the reasons for any such change and the reasons for delays in excess of 5 years.

(b) **ADDITIONAL REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the types and justification for the additional categorical exclusions granted under the authority provided under sections 1316 and 1317.

(c) **GAO REPORT.**—The Comptroller General of the United States shall—

(1) assess the reforms carried out under this subtitle (including the amendments made by this subtitle); and

(2) not later than 5 years after the date of enactment of this Act, submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes the results of the assessment.

(d) **INSPECTOR GENERAL REPORT.**—The Inspector General of the Department of Transportation shall—

(1) assess the reforms carried out under this subtitle (including the amendments made by this subtitle); and

(2) submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate—

(A) not later than 2 years after the date of enactment of this Act, an initial report of the findings of the Inspector General; and

(B) not later than 4 years after the date of enactment of this Act, a final report of the findings.

Subtitle D—Highway Safety

SEC. 1401. JASON'S LAW.

(a) **IN GENERAL.**—It is the sense of Congress that it is a national priority to address projects under this section for the shortage of long-term parking for commercial motor vehicles on the National Highway System to improve the safety of motorized and nonmotorized users and for commercial motor vehicle operators.

(b) **ELIGIBLE PROJECTS.**—Eligible projects under this section are those that—

(1) serve the National Highway System; and

(2) may include the following:

(A) Constructing safety rest areas (as defined in section 120(c) of title 23, United States Code) that include parking for commercial motor vehicles.

(B) Constructing commercial motor vehicle parking facilities adjacent to commercial truck stops and travel plazas.

(C) Opening existing facilities to commercial motor vehicle parking, including inspection and weigh stations and park-and-ride facilities.

(D) Promoting the availability of publicly or privately provided commercial motor vehicle parking on the National Highway System using intelligent transportation systems and other means.

(E) Constructing turnouts along the National Highway System for commercial motor vehicles.

(F) Making capital improvements to public commercial motor vehicle parking facilities currently closed on a seasonal basis to allow the facilities to remain open year-round.

(G) Improving the geometric design of interchanges on the National Highway System to improve access to commercial motor vehicle parking facilities.

(c) **SURVEY AND COMPARATIVE ASSESSMENT.**—

(1) **IN GENERAL.**—Not later than 18 months after the date of enactment of this Act, the Secretary, in consultation with relevant State motor carrier safety personnel, shall conduct a survey of each State—

(A) to evaluate the capability of the State to provide adequate parking and rest facilities for commercial motor vehicles engaged in interstate transportation;

(B) to assess the volume of commercial motor vehicle traffic in the State; and

(C) to develop a system of metrics to measure the adequacy of commercial motor vehicle parking facilities in the State.

(2) **RESULTS.**—The results of the survey under paragraph (1) shall be made available to the public on the website of the Department of Transportation.

(3) **PERIODIC UPDATES.**—The Secretary shall periodically update the survey under this subsection.

(d) **ELECTRIC VEHICLE AND NATURAL GAS VEHICLE INFRASTRUCTURE.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), a State may establish electric vehicle charging stations or natural gas vehicle refueling stations for the use of battery-powered or natural gas-fueled trucks or other motor vehicles at any parking facility funded or authorized under this Act or title 23, United States Code.

(2) **EXCEPTION.**—Electric vehicle battery charging stations or natural gas vehicle refueling stations may not be established or supported under paragraph (1) if commercial establishments serving motor vehicle users are prohibited by section 111 of title 23, United States Code.

(3) **FUNDS.**—Charging or refueling stations described in paragraph (1) shall be eligible for the same funds as are available for the parking facilities in which the stations are located.

(e) **TREATMENT OF PROJECTS.**—Notwithstanding any other provision of law, projects funded through the authority provided under this section shall be treated as projects on a Federal-aid highway under chapter 1 of title 23, United States Code.

SEC. 1402. OPEN CONTAINER REQUIREMENTS.

Section 154(c) of title 23, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) **FISCAL YEAR 2012 AND THEREAFTER.**—

“(A) **RESERVATION OF FUNDS.**—On October 1, 2011, and each October 1 thereafter, if a State has not enacted or is not enforcing an open container law described in subsection (b), the Secretary shall reserve an amount equal to 2.5 percent of the funds to be apportioned to the State on that date under each of paragraphs (1) and (2) of section 104(b) until the State certifies to the Secretary the means by which the State will use those reserved funds in accordance with subparagraphs (A) and (B) of paragraph (1) and paragraph (3).”

“(B) TRANSFER OF FUNDS.—As soon as practicable after the date of receipt of a certification from a State under subparagraph (A), the Secretary shall—

“(i) transfer the reserved funds identified by the State for use as described in subparagraphs (A) and (B) of paragraph (1) to the apportionment of the State under section 402; and

“(ii) release the reserved funds identified by the State as described in paragraph (3).”;

(2) by striking paragraph (3) and inserting the following:

“(3) USE FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM.—

“(A) IN GENERAL.—A State may elect to use all or a portion of the funds transferred under paragraph (2) for activities eligible under section 148.

“(B) STATE DEPARTMENTS OF TRANSPORTATION.—If the State makes an election under subparagraph (A), the funds shall be transferred to the department of transportation of the State, which shall be responsible for the administration of the funds.”; and

(3) by striking paragraph (5) and inserting the following:

“(5) DERIVATION OF AMOUNT TO BE TRANSFERRED.—The amount to be transferred under paragraph (2) may be derived from the following:

“(A) The apportionment of the State under section 104(b)(1).

“(B) The apportionment of the State under section 104(b)(2).”.

SEC. 1403. MINIMUM PENALTIES FOR REPEAT OFFENDERS FOR DRIVING WHILE INTOXICATED OR DRIVING UNDER THE INFLUENCE.

(a) DEFINITIONS.—Section 164(a) of title 23, United States Code, is amended—

(1) by striking paragraph (3);

(2) by redesignating paragraphs (4) and (5) as paragraphs (3) and (4), respectively; and

(3) in paragraph (4) (as so redesignated) by striking subparagraph (A) and inserting the following:

“(A) receive—

“(i) a suspension of all driving privileges for not less than 1 year; or

“(ii) a suspension of unlimited driving privileges for 1 year, allowing for the reinstatement of limited driving privileges subject to restrictions and limited exemptions as established by State law, if an ignition interlock device is installed for not less than 1 year on each of the motor vehicles owned or operated, or both, by the individual.”;

(b) TRANSFER OF FUNDS.—Section 164(b) of title 23, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

“(2) FISCAL YEAR 2012 AND THEREAFTER.—

“(A) RESERVATION OF FUNDS.—On October 1, 2011, and each October 1 thereafter, if a State has not enacted or is not enforcing a repeat intoxicated driver law, the Secretary shall reserve an amount equal to 2.5 percent of the funds to be apportioned to the State on that date under each of paragraphs (1) and (2) of section 104(b) until the State certifies to the Secretary the means by which the States will use those reserved funds among the uses authorized under subparagraphs (A) and (B) of paragraph (1), and paragraph (3).

“(B) TRANSFER OF FUNDS.—As soon as practicable after the date of receipt of a certification from a State under subparagraph (A), the Secretary shall—

“(i) transfer the reserved funds identified by the State for use as described in subparagraphs (A) and (B) of paragraph (1) to the apportionment of the State under section 402; and

“(ii) release the reserved funds identified by the State as described in paragraph (3).”;

(2) by striking paragraph (3) and inserting the following:

“(3) USE FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM.—

“(A) IN GENERAL.—A State may elect to use all or a portion of the funds transferred under paragraph (2) for activities eligible under section 148.

“(B) STATE DEPARTMENTS OF TRANSPORTATION.—If the State makes an election under subparagraph (A), the funds shall be transferred to the department of transportation of the State, which shall be responsible for the administration of the funds.”; and

(3) by striking paragraph (5) and inserting the following:

“(5) DERIVATION OF AMOUNT TO BE TRANSFERRED.—The amount to be transferred under paragraph (2) may be derived from the following:

“(A) The apportionment of the State under section 104(b)(1).

“(B) The apportionment of the State under section 104(b)(2).”.

SEC. 1404. ADJUSTMENTS TO PENALTY PROVISIONS.

(a) VEHICLE WEIGHT LIMITATIONS.—Section 127(a)(1) of title 23, United States Code, is amended by striking “No funds shall be apportioned in any fiscal year under section 104(b)(1) of this title to any State which” and inserting “The Secretary shall withhold 50 percent of the apportionment of a State under section 104(b)(1) in any fiscal year in which the State”.

(b) CONTROL OF JUNKYARDS.—Section 136 of title 23, United States Code, is amended—

(1) in subsection (b), in the first sentence—

(A) by striking “10 per centum” and inserting “7 percent”; and

(B) by striking “section 104 of this title” and inserting “paragraphs (1) through (5) of section 104(b)”;

(2) by adding at the end the following:

“(n) DEFINITIONS.—For purposes of this section, the terms ‘primary system’ and ‘Federal-aid primary system’ mean any highway that is on the National Highway System, which includes the Interstate Highway System.”.

(c) ENFORCEMENT OF VEHICLE SIZE AND WEIGHT LAWS.—Section 141(b)(2) of title 23, United States Code, is amended—

(1) by striking “10 per centum” and inserting “7 percent”; and

(2) by striking “section 104 of this title” and inserting “paragraphs (1) through (5) of section 104(b)”.

(d) PROOF OF PAYMENT OF THE HEAVY VEHICLE USE TAX.—Section 141(c) of title 23, United States Code, is amended—

(1) by striking “section 104(b)(4)” each place it appears and inserting “section 104(b)(1)”;

(2) in the first sentence by striking “25 percent” and inserting “8 percent”.

(e) USE OF SAFETY BELTS.—Section 153(h) of title 23, United States Code, is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1);

(3) in paragraph (1) (as so redesignated)—

(A) by striking the paragraph heading and inserting “PRIOR TO FISCAL YEAR 2012”; and

(B) by inserting “and before October 1, 2011,” after “September 30, 1994,”; and

(4) by inserting after paragraph (1) (as so redesignated) the following:

“(2) FISCAL YEAR 2012 AND THEREAFTER.—If, at any time in a fiscal year beginning after September 30, 2011, a State does not have in effect a law described in subsection (a)(2), the Secretary shall transfer an amount equal to 2 percent of the funds apportioned to the State for the succeeding fiscal year under each of paragraphs (1) through (3) of section 104(b) to the apportionment of the State under section 402.”.

(f) NATIONAL MINIMUM DRINKING AGE.—Section 158(a)(1) of title 23, United States Code, is amended—

(1) by striking “The Secretary” and inserting the following:

“(A) FISCAL YEARS BEFORE 2012.—The Secretary”; and

(2) by adding at the end the following:

“(B) FISCAL YEAR 2012 AND THEREAFTER.—For fiscal year 2012 and each fiscal year thereafter, the amount to be withheld under this section shall be an amount equal to 8 percent of the amount apportioned to the noncompliant State, as described in subparagraph (A), under paragraphs (1) and (2) of section 104(b).”.

(g) DRUG OFFENDERS.—Section 159 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (1);

(B) by redesignating paragraph (2) as paragraph (1);

(C) in paragraph (1) (as so redesignated) by striking “(including any amounts withheld under paragraph (1))”; and

(D) by inserting after paragraph (1) (as so redesignated) the following:

“(2) FISCAL YEAR 2012 AND THEREAFTER.—The Secretary shall withhold an amount equal to 8 percent of the amount required to be apportioned to any State under each of paragraphs (1) and (2) of section 104(b) on the first day of each fiscal year beginning after September 30, 2011, if the State fails to meet the requirements of paragraph (3) on the first day of the fiscal year.”; and

(2) by striking subsection (b) and inserting the following:

“(b) EFFECT OF NONCOMPLIANCE.—No funds withheld under this section from apportionments to any State shall be available for apportionment to that State.”.

(h) ZERO TOLERANCE BLOOD ALCOHOL CONCENTRATION FOR MINORS.—Section 161(a) of title 23, United States Code, is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraph (2) as paragraph (1);

(3) in paragraph (1) (as so redesignated)—

(A) by striking the paragraph heading and inserting “PRIOR TO FISCAL YEAR 2012”; and

(B) by inserting “through fiscal year 2011” after “each fiscal year thereafter”; and

(4) by inserting after paragraph (1) (as so redesignated) the following:

“(2) FISCAL YEAR 2012 AND THEREAFTER.—The Secretary shall withhold an amount equal to 8 percent of the amount required to be apportioned to any State under each of paragraphs (1) and (2) of section 104(b) on October 1, 2011, and on October 1 of each fiscal year thereafter, if the State does not meet the requirement of paragraph (3) on that date.”.

(i) OPERATION OF MOTOR VEHICLES BY INTOXICATED PERSONS.—Section 163(e) of title 23, United States Code, is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) FISCAL YEARS 2007 THROUGH 2011.—On October 1, 2006, and October 1 of each fiscal year thereafter through fiscal year 2011, if a State has not enacted or is not enforcing a law described in subsection (a), the Secretary shall withhold an amount equal to 8 percent of the amounts to be apportioned to the State on that date under each of paragraphs (1), (3), and (4) of section 104(b).

“(2) FISCAL YEAR 2012 AND THEREAFTER.—On October 1, 2011, and October 1 of each fiscal year thereafter, if a State has not enacted or is not enforcing a law described in subsection (a), the Secretary shall withhold an amount equal to 6 percent of the amounts to be apportioned to the State on that date under each of paragraphs (1) and (2) of section 104(b).”.

(j) COMMERCIAL DRIVER'S LICENSE.—Section 31314 of title 49, United States Code, is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) **PENALTIES IMPOSED IN FISCAL YEAR 2012 AND THEREAFTER.**—Effective beginning on October 1, 2011—

“(1) the penalty for the first instance of noncompliance by a State under this section shall be not more than an amount equal to 4 percent of funds required to be apportioned to the noncompliant State under paragraphs (1) and (2) of section 104(b) of title 23; and

“(2) the penalty for subsequent instances of noncompliance shall be not more than an amount equal to 8 percent of funds required to be apportioned to the noncompliant State under paragraphs (1) and (2) of section 104(b) of title 23.”.

SEC. 1405. HIGHWAY WORKER SAFETY.

Not later than 60 days after the date of enactment of this Act, the Secretary shall modify section 630.1108(a) of title 23, Code of Federal Regulations (as in effect on the date of enactment of this Act), to ensure that—

(1) at a minimum, positive protective measures are used to separate workers on highway construction projects from motorized traffic in all work zones conducted under traffic in areas that offer workers no means of escape (such as tunnels and bridges), unless an engineering study determines otherwise;

(2) temporary longitudinal traffic barriers are used to protect workers on highway construction projects in long-duration stationary work zones when the project design speed is anticipated to be high and the nature of the work requires workers to be within 1 lane-width from the edge of a live travel lane, unless—

(A) an analysis by the project sponsor determines otherwise; or

(B) the project is outside of an urbanized area and the annual average daily traffic load of the applicable road is less than 100 vehicles per hour; and

(3) when positive protective devices are necessary for highway construction projects, those devices are paid for on a unit-pay basis, unless doing so would create a conflict with innovative contracting approaches, such as design-build or some performance-based contracts under which the contractor is paid to assume a certain risk allocation and payment is generally made on a lump-sum basis.

Subtitle E—Miscellaneous

SEC. 1501. REAL-TIME RIDESHARING.

Paragraph (3) of section 101(a) of title 23, United States Code (as redesignated by section 1103(a)(2)), is amended by striking “and designating existing facilities for use for preferential parking for carpools” and inserting “designating existing facilities for use for preferential parking for carpools, and real-time ridesharing projects, such as projects where drivers, using an electronic transfer of funds, recover costs directly associated with the trip provided through the use of location technology to quantify those direct costs, subject to the condition that the cost recovered does not exceed the cost of the trip provided”.

SEC. 1502. PROGRAM EFFICIENCIES.

The first sentence of section 102(b) of title 23, United States Code, is amended by striking “made available for such engineering” and inserting “reimbursed for the preliminary engineering”.

SEC. 1503. PROJECT APPROVAL AND OVERSIGHT.

(a) **IN GENERAL.**—Section 106 of title 23, United States Code, is amended—

(1) in subsection (a)(2) by inserting “recipient” before “formalizing”; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) in the heading, by striking “NON-INTERSTATE”;

(ii) by striking “but not on the Interstate System”; and inserting “, including projects on the Interstate System”; and

(iii) by striking “of projects” and all that follows through the period at the end and inserting “with respect to the projects unless the Secretary determines that the assumption is not appropriate.”; and

(B) by striking paragraph (4) and inserting the following:

“(4) **LIMITATION ON INTERSTATE PROJECTS.**—

“(A) **IN GENERAL.**—The Secretary shall not assign any responsibilities to a State for projects the Secretary determines to be in a high risk category, as defined under subparagraph (B).

“(B) **HIGH RISK CATEGORIES.**—The Secretary may define the high risk categories under this subparagraph on a national basis, a State-by-State basis, or a national and State-by-State basis, as determined to be appropriate by the Secretary.”;

(3) in subsection (e)—

(A) in paragraph (1)(A)—

(i) in the matter preceding clause (i)—

(I) by striking “concept” and inserting “planning”; and

(II) by striking “multidisciplined” and inserting “multidisciplinary”; and

(ii) by striking clause (i) and inserting the following:

“(i) providing the needed functions safely, reliably, and at the lowest overall lifecycle cost;”;

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A) by striking “or other cost-reduction analysis”; and

(ii) in subparagraph (A)—

(I) by striking “Federal-aid system” and inserting “National Highway System receiving Federal assistance”; and

(II) by striking “\$25,000,000” and inserting “\$50,000,000”; and

(iii) in subparagraph (B)—

(I) by inserting “on the National Highway System receiving Federal assistance” after “a bridge project”; and

(II) by striking “\$20,000,000” and inserting “\$40,000,000”; and

(C) by striking paragraph (4) and inserting the following:

“(4) **REQUIREMENTS.**—

“(A) **VALUE ENGINEERING PROGRAM.**—The State shall develop and carry out a value engineering program that—

“(i) establishes and documents value engineering program policies and procedures;

“(ii) ensures that the required value engineering analysis is conducted before completing the final design of a project;

“(iii) ensures that the value engineering analysis that is conducted, and the recommendations developed and implemented for each project, are documented in a final value engineering report; and

“(iv) monitors, evaluates, and annually submits to the Secretary a report that describes the results of the value analyses that are conducted and the recommendations implemented for each of the projects described in paragraph (2) that are completed in the State.

“(B) **BRIDGE PROJECTS.**—The value engineering analysis for a bridge project under paragraph (2) shall—

“(i) include bridge superstructure and substructure requirements based on construction material; and

“(ii) be evaluated by the State—

(1) on engineering and economic bases, taking into consideration acceptable designs for bridges; and

(2) using an analysis of lifecycle costs and duration of project construction.

“(5) **DESIGN-BUILD PROJECTS.**—A requirement to provide a value engineering analysis under

this subsection shall not apply to a project delivered using the design-build method of construction.”;

(4) in subsection (h)—

(A) in paragraph (1)(B) by inserting “, including a phasing plan when applicable” after “financial plan”; and

(B) by striking paragraph (3) and inserting the following:

“(3) **FINANCIAL PLAN.**—A financial plan—

“(A) shall be based on detailed estimates of the cost to complete the project;

“(B) shall provide for the annual submission of updates to the Secretary that are based on reasonable assumptions, as determined by the Secretary, of future increases in the cost to complete the project;

“(C) may include a phasing plan that identifies fundable incremental improvements or phases that will address the purpose and the need of the project in the short term in the event there are insufficient financial resources to complete the entire project. If a phasing plan is adopted for a project pursuant to this section, the project shall be deemed to satisfy the fiscal constraint requirements in the statewide and metropolitan planning requirements in sections 134 and 135; and

“(D) shall assess the appropriateness of a public-private partnership to deliver the project.”; and

(5) by adding at the end the following:

“(j) **USE OF ADVANCED MODELING TECHNOLOGIES.**—

“(1) **DEFINITION OF ADVANCED MODELING TECHNOLOGY.**—In this subsection, the term ‘advanced modeling technology’ means an available or developing technology, including 3-dimensional digital modeling, that can—

“(A) accelerate and improve the environmental review process;

“(B) increase effective public participation;

“(C) enhance the detail and accuracy of project designs;

“(D) increase safety;

“(E) accelerate construction, and reduce construction costs; or

“(F) otherwise expedite project delivery with respect to transportation projects that receive Federal funding.

“(2) **PROGRAM.**—With respect to transportation projects that receive Federal funding, the Secretary shall encourage the use of advanced modeling technologies during environmental, planning, financial management, design, simulation, and construction processes of the projects.

“(3) **ACTIVITIES.**—In carrying out paragraph (2), the Secretary shall—

“(A) compile information relating to advanced modeling technologies, including industry best practices with respect to the use of the technologies;

“(B) disseminate to States information relating to advanced modeling technologies, including industry best practices with respect to the use of the technologies; and

“(C) promote the use of advanced modeling technologies.

“(4) **COMPREHENSIVE PLAN.**—The Secretary shall develop and publish on the public website of the Department of Transportation a detailed and comprehensive plan for the implementation of paragraph (2).”.

(b) **REVIEW OF OVERSIGHT PROGRAM.**—

(1) **IN GENERAL.**—The Secretary shall review the oversight program established under section 106(g) of title 23, United States Code, to determine the efficacy of the program in monitoring the effective and efficient use of funds authorized to carry out title 23, United States Code.

(2) **MINIMUM REQUIREMENTS FOR REVIEW.**—At a minimum, the review under paragraph (1) shall assess the capability of the program to—

(A) identify projects funded under title 23, United States Code, for which there are cost or schedule overruns; and

(B) evaluate the extent of such overruns.

(3) **REPORT TO CONGRESS.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on the results of the review conducted under paragraph (1), which shall include recommendations for legislative changes to improve the oversight program established under section 106(g) of title 23, United States Code.

(c) **TRANSPARENCY AND ACCOUNTABILITY.**—

(1) **DATA COLLECTION.**—The Secretary shall compile and make available on the public website of the Department of Transportation the annual expenditure data for funds made available under title 23 and chapter 53 of title 49, United States Code.

(2) **REQUIREMENTS.**—In carrying out paragraph (1), the Secretary shall ensure that the data made available on the public website of the Department of Transportation—

(A) is organized by project and State;

(B) to the maximum extent practicable, is updated regularly to reflect the current status of obligations, expenditures, and Federal-aid projects; and

(C) can be searched and downloaded by users of the website.

(3) **REPORT TO CONGRESS.**—The Secretary shall annually submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works and the Committee on Banking, Housing, and Urban Affairs of the Senate a report containing a summary of the data described in paragraph (1) for the 1-year period ending on the date on which the report is submitted.

SEC. 1504. STANDARDS.

Section 109 of title 23, United States Code, is amended by adding at the end the following:

“(r) **PAVEMENT MARKINGS.**—The Secretary shall not approve any pavement markings project that includes the use of glass beads containing more than 200 parts per million of arsenic or lead, as determined in accordance with Environmental Protection Agency testing methods 3052, 6010B, or 6010C.”.

SEC. 1505. JUSTIFICATION REPORTS FOR ACCESS POINTS ON THE INTERSTATE SYSTEM.

Section 111 of title 23, United States Code, is amended by adding at the end the following:

“(e) **JUSTIFICATION REPORTS.**—If the Secretary requests or requires a justification report for a project that would add a point of access to, or exit from, the Interstate System, the Secretary may permit a State transportation department to approve the report.”.

SEC. 1506. CONSTRUCTION.

Section 114(b) of title 23, United States Code, is amended—

(1) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

“(1) **LIMITATION ON CONVICT LABOR.**—Convict labor shall not be used in construction of Federal-aid highways or portions of Federal-aid highways unless the labor is performed by convicts who are on parole, supervised release, or probation.”; and

(B) in paragraph (3) by inserting “in existence during that period” after “located on a Federal-aid system”; and

(2) by adding at the end the following:

“(d) **VETERANS EMPLOYMENT.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), a recipient of Federal financial assistance under this chapter shall, to the extent practicable, en-

courage contractors working on a highway project funded using the assistance to make a best faith effort in the hiring or referral of laborers on any project for the construction of a highway to veterans (as defined in section 2108 of title 5) who have the requisite skills and abilities to perform the construction work required under the contract.

“(2) **ADMINISTRATION.**—This subsection shall not—

“(A) apply to projects subject to section 140(d); or

“(B) be administered or enforced in any manner that would require an employer to give a preference to any veteran over any equally qualified applicant who is a member of any racial or ethnic minority, a female, or any equally qualified former employee.”.

SEC. 1507. MAINTENANCE.

Section 116 of title 23, United States Code, is amended—

(1) by redesignating subsections (a) through (d) as subsections (b) through (e), respectively;

(2) by inserting before subsection (b) (as so redesignated) the following:

“(a) **DEFINITIONS.**—In this section, the following definitions apply:

“(1) **PREVENTIVE MAINTENANCE.**—The term ‘preventive maintenance’ includes pavement preservation programs and activities.

“(2) **PAVEMENT PRESERVATION PROGRAMS AND ACTIVITIES.**—The term ‘pavement preservation programs and activities’ means programs and activities employing a network level, long-term strategy that enhances pavement performance by using an integrated, cost-effective set of practices that extend pavement life, improve safety, and meet road user expectations.”;

(3) in subsection (b) (as so redesignated)—

(A) in the first sentence, by inserting “or other direct recipient” before “to maintain”; and

(B) by striking the second sentence;

(4) by striking subsection (c) (as so redesignated) and inserting the following:

“(c) **AGREEMENT.**—In any State in which the State transportation department or other direct recipient is without legal authority to maintain a project described in subsection (b), the transportation department or direct recipient shall enter into a formal agreement with the appropriate officials of the county or municipality in which the project is located to provide for the maintenance of the project.”; and

(5) in the first sentence of subsection (d) (as so redesignated) by inserting “or other direct recipient” after “State transportation department”.

SEC. 1508. FEDERAL SHARE PAYABLE.

Section 120 of title 23, United States Code, is amended—

(1) in the first sentence of subsection (c)(1)—

(A) by inserting “maintaining minimum levels of retroreflectivity of highway signs or pavement markings,” after “traffic control signalization.”;

(B) by inserting “shoulder and centerline rumble strips and stripes,” after “pavement marking.”; and

(C) by striking “Federal-aid systems” and inserting “Federal-aid programs”;

(2) by striking subsection (e) and inserting the following:

“(e) **EMERGENCY RELIEF.**—The Federal share payable for any repair or reconstruction provided for by funds made available under section 125 for any project on a Federal-aid highway, including the Interstate System, shall not exceed the Federal share payable on a project on the system as provided in subsections (a) and (b), except that—

“(1) the Federal share payable for eligible emergency repairs to minimize damage, protect facilities, or restore essential traffic accom-

plished within 180 days after the actual occurrence of the natural disaster or catastrophic failure may amount to 100 percent of the cost of the repairs;

“(2) the Federal share payable for any repair or reconstruction of Federal land transportation facilities, Federal land access transportation facilities, and tribal transportation facilities may amount to 100 percent of the cost of the repair or reconstruction;

“(3) the Secretary shall extend the time period in paragraph (1) taking into consideration any delay in the ability of the State to access damaged facilities to evaluate damage and the cost of repair; and

“(4) the Federal share payable for eligible permanent repairs to restore damaged facilities to predisaster condition may amount to 90 percent of the cost of the repairs if the eligible expenses incurred by the State due to natural disasters or catastrophic failures in a Federal fiscal year exceeds the annual apportionment of the State under section 104 for the fiscal year in which the disasters or failures occurred.”;

(3) by striking subsection (g) and redesignating subsections (h) through (l) as subsections (g) through (k), respectively;

(4) in subsection (i)(1)(A) (as redesignated by paragraph (3)) by striking “and the Appalachian development highway system program under section 14501 of title 40”; and

(5) by striking subsections (j) and (k) (as redesignated by paragraph (3)) and inserting the following:

“(j) **USE OF FEDERAL AGENCY FUNDS.**—Notwithstanding any other provision of law, any Federal funds other than those made available under this title and title 49 may be used to pay the non-Federal share of the cost of any transportation project that is within, adjacent to, or provides access to Federal land, the Federal share of which is funded under this title or chapter 53 of title 49.

“(k) **USE OF FEDERAL LAND AND TRIBAL TRANSPORTATION FUNDS.**—Notwithstanding any other provision of law, the funds authorized to be appropriated to carry out the tribal transportation program under section 202 and the Federal lands transportation program under section 203 may be used to pay the non-Federal share of the cost of any project that is funded under this title or chapter 53 of title 49 and that provides access to or within Federal or tribal land.”.

SEC. 1509. TRANSFERABILITY OF FEDERAL-AID HIGHWAY FUNDS.

(a) **IN GENERAL.**—Section 126 of title 23, United States Code, is amended to read as follows:

“§ 126. Transferability of Federal-aid highway funds

“(a) **IN GENERAL.**—Notwithstanding any other provision of law, subject to subsection (b), a State may transfer from an apportionment under section 104(b) not to exceed 50 percent of the amount apportioned for the fiscal year to any other apportionment of the State under that section.

“(b) **APPLICATION TO CERTAIN SET-ASIDES.**—

“(1) **IN GENERAL.**—Funds that are subject to sections 104(d) and 133(d) shall not be transferred under this section.

“(2) **FUNDS TRANSFERRED BY STATES.**—Funds transferred by a State under this section of the funding reserved for the State under section 213 for a fiscal year may only come from the portion of those funds that are available for obligation in any area of the State under section 213(c)(1)(B).”.

(b) **CONFORMING AMENDMENT.**—The analysis for chapter 1 of title 23, United States Code, is amended by striking the item relating to section 126 and inserting the following:

“126. Transferability of Federal-aid highway funds.”.

SEC. 1510. IDLE REDUCTION TECHNOLOGY.

Section 127(a)(12) of title 23, United States Code, is amended—

(1) in subparagraph (B), by striking “400” and inserting “550”; and

(2) in subparagraph (C)(ii), by striking “400-pound” and inserting “550-pound”.

SEC. 1511. SPECIAL PERMITS DURING PERIODS OF NATIONAL EMERGENCY.

Section 127 of title 23, United States Code, is amended by inserting at the end the following:

“(i) SPECIAL PERMITS DURING PERIODS OF NATIONAL EMERGENCY.—

“(1) IN GENERAL.—Notwithstanding any other provision of this section, a State may issue special permits during an emergency to overweight vehicles and loads that can easily be dismantled or divided if—

“(A) the President has declared the emergency to be a major disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.);

“(B) the permits are issued in accordance with State law; and

“(C) the permits are issued exclusively to vehicles and loads that are delivering relief supplies.

“(2) EXPIRATION.—A permit issued under paragraph (1) shall expire not later than 120 days after the date of the declaration of emergency under subparagraph (A) of that paragraph.”.

SEC. 1512. TOLLING.

(a) AMENDMENT TO TOLLING PROVISION.—Section 129(a) of title 23, United States Code, is amended to read as follows:

“(a) BASIC PROGRAM.—

“(1) AUTHORIZATION FOR FEDERAL PARTICIPATION.—Subject to the provisions of this section, Federal participation shall be permitted on the same basis and in the same manner as construction of toll-free highways is permitted under this chapter in the—

“(A) initial construction of a toll highway, bridge, or tunnel or approach to the highway, bridge, or tunnel;

“(B) initial construction of 1 or more lanes or other improvements that increase capacity of a highway, bridge, or tunnel (other than a highway on the Interstate System) and conversion of that highway, bridge, or tunnel to a tolled facility, if the number of toll-free lanes, excluding auxiliary lanes, after the construction is not less than the number of toll-free lanes, excluding auxiliary lanes, before the construction;

“(C) initial construction of 1 or more lanes or other improvements that increase the capacity of a highway, bridge, or tunnel on the Interstate System and conversion of that highway, bridge, or tunnel to a tolled facility, if the number of toll-free non-HOV lanes, excluding auxiliary lanes, after such construction is not less than the number of toll-free non-HOV lanes, excluding auxiliary lanes, before such construction;

“(D) reconstruction, resurfacing, restoration, rehabilitation, or replacement of a toll highway, bridge, or tunnel or approach to the highway, bridge, or tunnel;

“(E) reconstruction or replacement of a toll-free bridge or tunnel and conversion of the bridge or tunnel to a toll facility;

“(F) reconstruction of a toll-free Federal-aid highway (other than a highway on the Interstate System) and conversion of the highway to a toll facility;

“(G) reconstruction, restoration, or rehabilitation of a highway on the Interstate System if the number of toll-free non-HOV lanes, excluding auxiliary lanes, after reconstruction, restoration, or rehabilitation is not less than the number of toll-free non-HOV lanes, excluding auxiliary lanes, before reconstruction, restoration, or rehabilitation;

“(H) conversion of a high occupancy vehicle lane on a highway, bridge, or tunnel to a toll facility; and

“(I) preliminary studies to determine the feasibility of a toll facility for which Federal participation is authorized under this paragraph.

“(2) OWNERSHIP.—Each highway, bridge, tunnel, or approach to the highway, bridge, or tunnel constructed under this subsection shall—

“(A) be publicly owned; or

“(B) be privately owned if the public authority with jurisdiction over the highway, bridge, tunnel, or approach has entered into a contract with 1 or more private persons to design, finance, construct, and operate the facility and the public authority will be responsible for complying with all applicable requirements of this title with respect to the facility.

“(3) LIMITATIONS ON USE OF REVENUES.—

“(A) IN GENERAL.—A public authority with jurisdiction over a toll facility shall use all toll revenues received from operation of the toll facility only for—

“(i) debt service with respect to the projects on or for which the tolls are authorized, including funding of reasonable reserves and debt service on refinancing;

“(ii) a reasonable return on investment of any private person financing the project, as determined by the State or interstate compact of States concerned;

“(iii) any costs necessary for the improvement and proper operation and maintenance of the toll facility, including reconstruction, resurfacing, restoration, and rehabilitation;

“(iv) if the toll facility is subject to a public-private partnership agreement, payments that the party holding the right to toll revenues owes to the other party under the public-private partnership agreement; and

“(v) if the public authority certifies annually that the tolled facility is being adequately maintained, any other purpose for which Federal funds may be obligated by a State under this title.

“(B) ANNUAL AUDIT.—

“(1) IN GENERAL.—A public authority with jurisdiction over a toll facility shall conduct or have an independent auditor conduct an annual audit of toll facility records to verify adequate maintenance and compliance with subparagraph (A), and report the results of the audits to the Secretary.

“(ii) RECORDS.—On reasonable notice, the public authority shall make all records of the public authority pertaining to the toll facility available for audit by the Secretary.

“(C) NONCOMPLIANCE.—If the Secretary concludes that a public authority has not complied with the limitations on the use of revenues described in subparagraph (A), the Secretary may require the public authority to discontinue collecting tolls until an agreement with the Secretary is reached to achieve compliance with the limitation on the use of revenues described in subparagraph (A).

“(4) LIMITATIONS ON CONVERSION OF HIGH OCCUPANCY VEHICLE FACILITIES ON INTERSTATE SYSTEM.—

“(A) IN GENERAL.—A public authority with jurisdiction over a high occupancy vehicle facility on the Interstate System may undertake reconstruction, restoration, or rehabilitation under paragraph (1)(G) on the facility, and may levy tolls on vehicles, excluding high occupancy vehicles, using the reconstructed, restored, or rehabilitated facility, if the public authority—

“(i) in the case of a high occupancy vehicle facility that affects a metropolitan area, submits to the Secretary a written assurance that the metropolitan planning organization designated under section 5203 of title 49 for the area has been consulted concerning the placement and amount of tolls on the converted facility;

“(ii) develops, manages, and maintains a system that will automatically collect the toll; and

“(iii) establishes policies and procedures—

“(I) to manage the demand to use the facility by varying the toll amount that is charged; and

“(II) to enforce sanctions for violations of use of the facility.

“(B) EXEMPTION FROM TOLLS.—In levying tolls on a facility under subparagraph (A), a public authority may designate classes of vehicles that are exempt from the tolls or charge different toll rates for different classes of vehicles.

“(5) SPECIAL RULE FOR FUNDING.—

“(A) IN GENERAL.—In the case of a toll facility under the jurisdiction of a public authority of a State (other than the State transportation department), on request of the State transportation department and subject to such terms and conditions as the department and public authority may agree, the Secretary, working through the State department of transportation, shall reimburse the public authority for the Federal share of the costs of construction of the project carried out on the toll facility under this subsection in the same manner and to the same extent as the department would be reimbursed if the project was being carried out by the department.

“(B) SOURCE.—The reimbursement of funds under this paragraph shall be from sums apportioned to the State under this chapter and available for obligations on projects on the Federal-aid system in the State on which the project is being carried out.

“(6) LIMITATION ON FEDERAL SHARE.—The Federal share payable for a project described in paragraph (1) shall be a percentage determined by the State, but not to exceed 80 percent.

“(7) MODIFICATIONS.—If a public authority (including a State transportation department) with jurisdiction over a toll facility subject to an agreement under this section or section 119(e), as in effect on the day before the effective date of title I of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 1915), requests modification of the agreement, the Secretary shall modify the agreement to allow the continuation of tolls in accordance with paragraph (3) without repayment of Federal funds.

“(8) LOANS.—

“(A) IN GENERAL.—

“(i) LOANS.—Using amounts made available under this title, a State may loan to a public or private entity constructing or proposing to construct under this section a toll facility or non-toll facility with a dedicated revenue source an amount equal to all or part of the Federal share of the cost of the project if the project has a revenue source specifically dedicated to the project.

“(ii) DEDICATED REVENUE SOURCES.—Dedicated revenue sources for non-toll facilities include excise taxes, sales taxes, motor vehicle use fees, tax on real property, tax increment financing, and such other dedicated revenue sources as the Secretary determines appropriate.

“(B) COMPLIANCE WITH FEDERAL LAWS.—As a condition of receiving a loan under this paragraph, the public or private entity that receives the loan shall ensure that the project will be carried out in accordance with this title and any other applicable Federal law, including any applicable provision of a Federal environmental law.

“(C) SUBORDINATION OF DEBT.—The amount of any loan received for a project under this paragraph may be subordinated to any other debt financing for the project.

“(D) OBLIGATION OF FUNDS LOANED.—Funds loaned under this paragraph may only be obligated for projects under this paragraph.

“(E) REPAYMENT.—The repayment of a loan made under this paragraph shall commence not later than 5 years after date on which the facility that is the subject of the loan is open to traffic.

“(F) TERM OF LOAN.—The term of a loan made under this paragraph shall not exceed 30

years from the date on which the loan funds are obligated.

“(G) INTEREST.—A loan made under this paragraph shall bear interest at or below market interest rates, as determined by the State, to make the project that is the subject of the loan feasible.

“(H) REUSE OF FUNDS.—Amounts repaid to a State from a loan made under this paragraph may be obligated—

“(i) for any purpose for which the loan funds were available under this title; and

“(ii) for the purchase of insurance or for use as a capital reserve for other forms of credit enhancement for project debt in order to improve credit market access or to lower interest rates for projects eligible for assistance under this title.

“(I) GUIDELINES.—The Secretary shall establish procedures and guidelines for making loans under this paragraph.

“(9) STATE LAW PERMITTING TOLLING.—If a State does not have a highway, bridge, or tunnel toll facility as of the date of enactment of the MAP-21, before commencing any activity authorized under this section, the State shall have in effect a law that permits tolling on a highway, bridge, or tunnel.

“(10) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) HIGH OCCUPANCY VEHICLE; HOV.—The term ‘high occupancy vehicle’ or ‘HOV’ means a vehicle with not fewer than 2 occupants.

“(B) INITIAL CONSTRUCTION.—

“(i) IN GENERAL.—The term ‘initial construction’ means the construction of a highway, bridge, tunnel, or other facility at any time before it is open to traffic.

“(ii) EXCLUSIONS.—The term ‘initial construction’ does not include any improvement to a highway, bridge, tunnel, or other facility after it is open to traffic.

“(C) PUBLIC AUTHORITY.—The term ‘public authority’ means a State, interstate compact of States, or public entity designated by a State.

“(D) TOLL FACILITY.—The term ‘toll facility’ means a toll highway, bridge, or tunnel or approach to the highway, bridge, or tunnel constructed under this subsection.”.

(b) ELECTRONIC TOLL COLLECTION INTEROPERABILITY REQUIREMENTS.—Not later than 4 years after the date of enactment of this Act, all toll facilities on the Federal-aid highways shall implement technologies or business practices that provide for the interoperability of electronic toll collection programs.

SEC. 1513. MISCELLANEOUS PARKING AMENDMENTS.

(a) FRINGE AND CORRIDOR PARKING FACILITIES.—Section 137 of title 23, United States Code, is amended—

(1) in subsection (f)(1)—

(A) by striking “104(b)(4)” and inserting “104(b)(1)”; and

(B) by inserting “including the addition of electric vehicle charging stations or natural gas vehicle refueling stations,” after “new facilities,”; and

(2) by adding at the end the following:

“(g) FUNDING.—The addition of electric vehicle charging stations or natural gas vehicle refueling stations to new or previously funded parking facilities shall be eligible for funding under this section.”.

(b) PUBLIC TRANSPORTATION.—Section 142(a)(1) of title 23, United States Code, is amended by inserting “, which may include electric vehicle charging stations or natural gas vehicle refueling stations,” after “parking facilities”.

(c) FOREST DEVELOPMENT ROADS AND TRAILS.—Section 205(d) of title 23, United States Code, is amended by inserting “, which may include electric vehicle charging stations or natural gas vehicle refueling stations,” after “parking areas”.

SEC. 1514. HOV FACILITIES.

Section 166 of title 23, United States Code, is amended—

(1) in subsection (b)(5)—

(A) in subparagraph (A) by striking “2009” and inserting “2017”; and

(B) in subparagraph (B) by striking “2009” and inserting “2017”; and

(C) in subparagraph (C)—

(i) by striking “subparagraph (B)” and inserting “this paragraph”; and

(ii) by inserting “or equal to” after “less than”; and

(2) in subsection (c) by striking paragraph (3) and inserting the following:

“(3) TOLL REVENUE.—Toll revenue collected under this section is subject to the requirements of section 129(a)(3).”; and

(3) in subsection (d)(1)—

(A) in the matter preceding subparagraph (A)—

(i) by striking “in a fiscal year shall certify” and inserting “shall submit to the Secretary a report demonstrating that the facility is not already degraded, and that the presence of the vehicles will not cause the facility to become degraded, and certify”; and

(ii) by striking “in the fiscal year”; and

(B) in subparagraph (A) by inserting “and submitting to the Secretary annual reports of those impacts” after “adjacent highways”; and

(C) in subparagraph (C) by striking “if the presence of the vehicles has degraded the operation of the facility” and inserting “whenever the operation of the facility is degraded”; and

(D) by adding at the end the following:

“(D) MAINTENANCE OF OPERATING PERFORMANCE.—Not later than 180 days after the date on which a facility is degraded pursuant to the standard specified in paragraph (2), the State agency with jurisdiction over the facility shall bring the facility into compliance with the minimum average operating speed performance standard through changes to operation of the facility, including—

“(i) increasing the occupancy requirement for HOV lanes;

“(ii) varying the toll charged to vehicles allowed under subsection (b) to reduce demand;

“(iii) discontinuing allowing non-HOV vehicles to use HOV lanes under subsection (b); or

“(iv) increasing the available capacity of the HOV facility.

“(E) COMPLIANCE.—If the State fails to bring a facility into compliance under subparagraph (D), the Secretary shall subject the State to appropriate program sanctions under section 1.36 of title 23, Code of Federal Regulations (or successor regulations), until the performance is no longer degraded.”.

SEC. 1515. FUNDING FLEXIBILITY FOR TRANSPORTATION EMERGENCIES.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code (as amended by section 1311(a)), is amended by adding at the end the following:

“§170. Funding flexibility for transportation emergencies

“(a) IN GENERAL.—Notwithstanding any other provision of law, a State may use up to 100 percent of any covered funds of the State to repair or replace a transportation facility that has suffered serious damage as a result of a natural disaster or catastrophic failure from an external cause.

“(b) DECLARATION OF EMERGENCY.—Funds may be used under this section only for a disaster or emergency declared by the President pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(c) REPAYMENT.—Funds used under subsection (a) shall be repaid to the program from which the funds were taken in the event that such repairs or replacement are subsequently

covered by a supplemental appropriation of funds.

“(d) DEFINITIONS.—In this section, the following definitions apply:

“(1) COVERED FUNDS.—The term ‘covered funds’ means any amounts apportioned to a State under section 104(b), other than amounts suballocated to metropolitan areas and other areas of the State under section 133(d), but including any such amounts required to be set aside for a purpose other than the repair or replacement of a transportation facility under this section.

“(2) TRANSPORTATION FACILITY.—The term ‘transportation facility’ means any facility eligible for assistance under section 125.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code (as amended by section 1311(b)), is amended by adding at the end the following:

“170. Funding flexibility for transportation emergencies.”.

SEC. 1516. DEFENSE ACCESS ROAD PROGRAM ENHANCEMENTS TO ADDRESS TRANSPORTATION INFRASTRUCTURE IN THE VICINITY OF MILITARY INSTALLATIONS.

The second sentence of section 210(a)(2) of title 23, United States Code, is amended by inserting “, in consultation with the Secretary of Transportation,” before “shall determine”.

SEC. 1517. MAPPING.

(a) IN GENERAL.—Section 306 of title 23, United States Code, is amended—

(1) in subsection (a) by striking “may” and inserting “shall”; and

(2) in subsection (b) in the second sentence by striking “State and” and inserting “State government and”; and

(3) by adding at the end the following:

“(c) IMPLEMENTATION.—The Secretary shall develop a process for the oversight and monitoring, on an annual basis, of the compliance of each State with the guidance issued under subsection (b).”.

(b) SURVEY.—Not later than 2 years after the date of enactment of this Act, the Secretary shall conduct a survey of all States to determine what percentage of projects carried out under title 23, United States Code, in each State utilize private sector sources for surveying and mapping services.

SEC. 1518. BUY AMERICA PROVISIONS.

Section 313 of title 23, United States Code, is amended by adding at the end the following:

“(g) APPLICATION TO HIGHWAY PROGRAMS.—The requirements under this section shall apply to all contracts eligible for assistance under this chapter for a project carried out within the scope of the applicable finding, determination, or decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), regardless of the funding source of such contracts, if at least 1 contract for the project is funded with amounts made available to carry out this title.”.

SEC. 1519. CONSOLIDATION OF PROGRAMS; REPEAL OF OBSOLETE PROVISIONS.

(a) CONSOLIDATION OF PROGRAMS.—From administrative funds made available under section 104(a) of title 23, United States Code, not less than \$3,000,000 for each of fiscal years 2013 and 2014 shall be made available—

(1) to carry out safety-related activities, including—

(A) to carry out the operation lifesaver program—

(i) to provide public information and education programs to help prevent and reduce motor vehicle accidents, injuries, and fatalities; and

(ii) to improve driver performance at railway-highway crossings; and

(B) to provide work zone safety grants in accordance with subsections (a) and (b) of section 1409 of the SAFETEA-LU (23 U.S.C. 401 note; 119 Stat. 1232); and

(2) to operate authorized safety-related clearinghouses, including—

(A) the national work zone safety information clearinghouse authorized by section 358(b)(2) of the National Highway System Designation Act of 1995 (23 U.S.C. 401 note; 109 Stat. 625); and

(B) a public road safety clearinghouse in accordance with section 1411(a) of the SAFETEA-LU (23 U.S.C. 402 note; 119 Stat. 1234).

(b) REPEALS.—

(1) TITLE 23.—

(A) IN GENERAL.—Sections 105, 110, 117, 124, 151, 155, 157, 160, 212, 216, 303, and 309 of title 23, United States Code, are repealed.

(B) SET ASIDES.—Section 118 of title 23, United States Code, is amended—

(i) by striking subsection (c); and

(ii) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(2) SAFETEA-LU.—Sections 1302, 1305, 1306, 1803, 1804, 1907, and 1958 of SAFETEA-LU (Public Law 109–59) are repealed.

(3) ADDITIONAL.—Section 1132 of the Energy Independence and Security Act of 2007 (Public Law 110–140; 121 Stat. 1763) is repealed.

(c) CONFORMING AMENDMENTS.—

(1) TITLE ANALYSIS.—

(A) CHAPTER 1.—The analysis for chapter 1 of title 23, United States Code, is amended by striking the items relating to sections 105, 110, 117, 124, 151, 155, 157, and 160.

(B) CHAPTER 2.—The analysis for chapter 2 of title 23, United States Code, is amended by striking the items relating to sections 212 and 216.

(C) CHAPTER 3.—The analysis for chapter 3 of title 23, United States Code, is amended by striking the items relating to sections 303 and 309.

(2) TABLE OF CONTENTS.—The table of contents contained in section 1(b) of SAFETEA-LU (Public Law 109–59; 119 Stat. 1144) is amended by striking the items relating to sections 1302, 1305, 1306, 1803, 1804, 1907, and 1958.

(3) SECTION 104.—Section 104(e) of title 23, United States Code, is amended by striking “, 105,”.

(4) SECTION 109.—Section 109(q) of title 23, United States Code, is amended by striking “in accordance with section 303 or”.

(5) SECTION 118.—Section 118(b) of title 23, United States Code, is amended—

(A) by striking paragraph (1) and all that follows through the heading of paragraph (2); and

(B) by striking “(other than for Interstate construction)”.

(6) SECTION 130.—Section 130 of title 23, United States Code, is amended—

(A) in subsection (e) by striking “section 104(b)(5)” and inserting “section 104(b)(3)”;

(B) in subsection (f)(1) by inserting “as in effect on the day before the date of enactment of the MAP–21” after “section 104(b)(3)(A)”;

(C) in subsection (l) by striking paragraphs (3) and (4).

(7) SECTION 131.—Section 131(m) of title 23, United States Code, is amended by striking “Subject to approval by the Secretary in accordance with the program of projects approval process of section 105, a State” and inserting “A State”.

(8) SECTION 133.—Paragraph (13) of section 133(b) of title 23, United States Code (as amended by section 1108(a)(3)), is amended by striking “under section 303.”

(9) SECTION 142.—Section 142 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) in paragraph (1)—

(I) by striking “motor vehicles (other than rail)” and inserting “buses”;

(II) by striking “(hereafter in this section referred to as ‘buses’)”;

(III) by striking “Federal-aid systems” and inserting “Federal-aid highways”;

(IV) by striking “Federal-aid system” and inserting “Federal-aid highway”;

(i) in paragraph (2)—

(i) by striking “as a project on the the surface transportation program for”; and

(II) by striking “section 104(b)(3)” and inserting “section 104(b)(2)”;

(B) in subsection (b) by striking “104(b)(4)” and inserting “104(b)(1)”;

(C) in subsection (c)—

(i) by striking “system” in each place it appears and inserting “highway”;

(ii) by striking “highway facilities” and inserting “highways eligible under the program that is the source of the funds”;

(D) in subsection (e)(2) by striking “Notwithstanding section 209(f)(1) of the Highway Revenue Act of 1956, the Highway Trust Fund shall be available for making expenditures to meet obligations resulting from projects authorized by subsection (a)(2) of this section and such projects” and inserting “Projects authorized by subsection (a)(2)”;

(E) in subsection (f) by striking “exits” and inserting “exists”.

(10) SECTION 145.—Section 145(b) of title 23, United States Code, is amended by striking “section 117 of this title.”

(11) SECTION 218.—Section 218 of title 23, United States Code, is amended—

(A) in subsection (a)—

(i) by striking the first two sentences;

(ii) in the third sentence—

(I) by striking “, in addition to such funds,”; and

(II) by striking “such highway or”;

(iii) by striking the fourth sentence and fifth sentences;

(B) by striking subsection (b); and

(C) by redesignating subsection (c) as subsection (b).

(12) SECTION 610.—Section 610(d)(1)(B) of title 23, United States Code, is amended by striking “under section 105”.

SEC. 1520. DENALI COMMISSION.

The Denali Commission Act of 1998 (42 U.S.C. 3121 note) is amended—

(1) in section 305, by striking subsection (c) and inserting the following:

“(c) GIFTS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the Commission, on behalf of the United States, may accept use, and dispose of gifts or donations of services, property, or money for purposes of carrying out this Act.

“(2) CONDITIONAL.—With respect to conditional gifts—

“(A)(i) the Commission, on behalf of the United States, may accept conditional gifts for purposes of carrying out this Act, if approved by the Federal Cochairperson; and

“(ii) the principal of and income from any such conditional gift shall be held, invested, reinvested, and used in accordance with the condition applicable to the gift; but

“(B) no gift shall be accepted that is conditioned on any expenditure not to be funded from the gift or from the income generated by the gift unless the expenditure has been approved by Act of Congress.”; and

(2) by adding at the end the following:

“SEC. 311. TRANSFER OF FUNDS FROM OTHER FEDERAL AGENCIES.

“(a) IN GENERAL.—Subject to subsection (c), for purposes of this Act, the Commission may accept transfers of funds from other Federal agencies.

“(b) TRANSFERS.—Any Federal agency authorized to carry out an activity that is within the authority of the Commission may transfer to the Commission any appropriated funds for the activity.

“(c) TREATMENT.—Any funds transferred to the Commission under this subsection—

“(1) shall remain available until expended; and

“(2) may, to the extent necessary to carry out this Act, be transferred to, and merged with, the amounts made available by appropriations Acts for the Commission by the Federal Cochairperson.”.

SEC. 1521. UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 AMENDMENTS.

(a) MOVING AND RELATED EXPENSES.—Section 202 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4622) is amended—

(1) in subsection (a)(4) by striking “\$10,000” and inserting “\$25,000, as adjusted by regulation, in accordance with section 213(d)”;

(2) in the second sentence of subsection (c) by striking “\$20,000” and inserting “\$40,000, as adjusted by regulation, in accordance with section 213(d)”.

(b) REPLACEMENT HOUSING FOR HOMEOWNERS.—The first sentence of section 203(a)(1) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4623(a)(1)) is amended—

(1) by striking “\$22,500” and inserting “\$31,000, as adjusted by regulation, in accordance with 213(d),”; and

(2) by striking “one hundred and eighty days prior to” and inserting “90 days before”.

(c) REPLACEMENT HOUSING FOR TENANTS AND CERTAIN OTHERS.—Section 204 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4624) is amended—

(1) in the second sentence of subsection (a) by striking “\$5,250” and inserting “\$7,200, as adjusted by regulation, in accordance with section 213(d)”;

(2) in the second sentence of subsection (b) by striking “, except” and all that follows through the end of the subsection and inserting a period.

(d) DUTIES OF LEAD AGENCY.—Section 213 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4633) is amended—

(1) in subsection (b)—

(A) in paragraph (2) by striking “and” at the end;

(B) in paragraph (3) by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(4) that each Federal agency that has programs or projects requiring the acquisition of real property or causing a displacement from real property subject to the provisions of this Act shall provide to the lead agency an annual summary report that describes the activities conducted by the Federal agency.”; and

(2) by adding at the end the following:

“(d) ADJUSTMENT OF PAYMENTS.—The head of the lead agency may adjust, by regulation, the amounts of relocation payments provided under sections 202(a)(4), 202(c), 203(a), and 204(a) if the head of the lead agency determines that cost of living, inflation, or other factors indicate that the payments should be adjusted to meet the policy objectives of this Act.”.

(e) AGENCY COORDINATION.—Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is amended by inserting after section 213 (42 U.S.C. 4633) the following:

“SEC. 214. AGENCY COORDINATION.

“(a) AGENCY CAPACITY.—Each Federal agency responsible for funding or carrying out relocation and acquisition activities shall have adequately trained personnel and such other resources as are necessary to manage and oversee the relocation and acquisition program of the Federal agency in accordance with this Act.

“(b) **INTERAGENCY AGREEMENTS.**—Not later than 1 year after the date of enactment of this section, each Federal agency responsible for funding relocation and acquisition activities (other than the agency serving as the lead agency) shall enter into a memorandum of understanding with the lead agency that—

“(1) provides for periodic training of the personnel of the Federal agency, which in the case of a Federal agency that provides Federal financial assistance, may include personnel of any displacing agency that receives Federal financial assistance;

“(2) addresses ways in which the lead agency may provide assistance and coordination to the Federal agency relating to compliance with the Act on a program or project basis; and

“(3) addresses the funding of the training, assistance, and coordination activities provided by the lead agency, in accordance with subsection (c).

“(c) **INTERAGENCY PAYMENTS.**—

“(1) **IN GENERAL.**—For the fiscal year that begins 1 year after the date of enactment of this section, and each fiscal year thereafter, each Federal agency responsible for funding relocation and acquisition activities (other than the agency serving as the lead agency) shall transfer to the lead agency for the fiscal year, such funds as are necessary, but not less than \$35,000, to support the training, assistance, and coordination activities of the lead agency described in subsection (b).

“(2) **INCLUDED COSTS.**—The cost to a Federal agency of providing the funds described in paragraph (1) shall be included as part of the cost of 1 or more programs or projects undertaken by the Federal agency or with Federal financial assistance that result in the displacement of persons or the acquisition of real property.”

(f) **COOPERATION WITH FEDERAL AGENCIES.**—Section 308 of title 23, United States Code, is amended by striking subsection (a) and inserting the following:

“(a) **AUTHORIZED ACTIVITIES.**—

“(1) **IN GENERAL.**—The Secretary may perform, by contract or otherwise, authorized engineering or other services in connection with the survey, construction, maintenance, or improvement of highways for other Federal agencies, cooperating foreign countries, and State cooperating agencies.

“(2) **INCLUSIONS.**—Services authorized under paragraph (1) may include activities authorized under section 214 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

“(3) **REIMBURSEMENT.**—Reimbursement for services carried out under this subsection (including depreciation on engineering and road-building equipment) shall be credited to the applicable appropriation.”

(g) **EFFECTIVE DATES.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of enactment of this Act.

(2) **EXCEPTION.**—The amendments made by subsections (a) through (c) shall take effect 2 years after the date of enactment of this Act.

SEC. 1522. EXTENSION OF PUBLIC TRANSIT VEHICLE EXEMPTION FROM AXLE WEIGHT RESTRICTIONS.

Section 1023(h) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 127 note; Public Law 102-240) is amended—

(1) in the heading of paragraph (1) by striking “TEMPORARY EXEMPTION” and inserting “EXEMPTION”;

(2) in paragraph (1)—

(A) in the matter preceding subparagraph (A) by striking “, for the period beginning on October 6, 1992, and ending on October 1, 2009,”;

(B) in subparagraph (A) by striking “or” at the end;

(C) in subparagraph (B) by striking the period at the end and inserting “; or”;

(D) by adding at the end the following:

“(C) any motor home (as defined in section 571.3 of title 49, Code of Federal Regulations (or successor regulation)).”;

(3) in paragraph (2)(A) by striking “For the period beginning on the date of enactment of this subparagraph and ending on September 30, 2009, a” and inserting “A”.

SEC. 1523. USE OF DEBRIS FROM DEMOLISHED BRIDGES AND OVERPASSES.

Section 1805(a) of the SAFETEA-LU (23 U.S.C. 144 note; 119 Stat. 1459) is amended by striking “highway bridge replacement and rehabilitation program under section 144” and inserting “national highway performance program under section 119”.

SEC. 1524. USE OF YOUTH SERVICE AND CONSERVATION CORPS.

(a) **IN GENERAL.**—The Secretary shall encourage the States and regional transportation planning agencies to enter into contracts and cooperative agreements with qualified youth service or conservation corps, as defined in sections 122(a)(2) of Public Law 101-610 (42 U.S.C. 12572(a)(2)) and 106(c)(3) of Public Law 103-82 (42 U.S.C. 12656(c)(3)) to perform appropriate projects eligible under sections 162, 206, 213, and 217 of title 23, United States Code, and under section 1404 of the SAFETEA-LU (119 Stat. 1228).

(b) **REQUIREMENTS.**—Under any contract or cooperative agreement entered into with a qualified youth service or conservation corps under this section, the Secretary shall—

(1) set the amount of a living allowance or rate of pay for each participant in such corps at—

(A) such amount or rate as required under State law in a State with such requirements; or

(B) for corps in States not described in subparagraph (A), at such amount or rate as determined by the Secretary, not to exceed the maximum living allowance authorized by section 140 of Public Law 101-610 (42 U.S.C. 12594); and

(2) not subject such corps to the requirements of section 112 of title 23, United States Code.

SEC. 1525. STATE AUTONOMY FOR CULVERT PIPE SELECTION.

Not later than 180 days after the date of enactment of this Act, the Secretary shall modify section 635.411 of title 23, Code of Federal Regulations (as in effect on the date of enactment of this Act), to ensure that States shall have the autonomy to determine culvert and storm sewer material types to be included in the construction of a project on a Federal-aid highway.

SEC. 1526. EVACUATION ROUTES.

Each State shall give adequate consideration to the needs of evacuation routes in the State, including such routes serving or adjacent to facilities operated by the Armed Forces, when allocating funds apportioned to the State under title 23, United States Code, for the construction of Federal-aid highways.

SEC. 1527. CONSOLIDATION OF GRANTS.

(a) **DEFINITIONS.**—In this section, the term “recipient” means—

(1) a State, local, or tribal government, including—

(A) a territory of the United States;

(B) a transit agency;

(C) a port authority;

(D) a metropolitan planning organization; or

(E) any other political subdivision of a State or local government;

(2) a multistate or multijurisdictional group, if each member of the group is an entity described in paragraph (1); and

(3) a public-private partnership, if both parties are engaged in building the project.

(b) **CONSOLIDATION.**—

(1) **IN GENERAL.**—A recipient that receives multiple grant awards from the Department to

support 1 multimodal project may request that the Secretary designate 1 modal administration in the Department to be the lead administering authority for the overall project.

(2) **NEW STARTS.**—Any project that includes funds awarded under section 5309 of title 49, United States Code, shall be exempt from consolidation under this section unless the grant recipient requests the Federal Transit Administration to be the lead administering authority.

(3) **REVIEW.**—

(A) **IN GENERAL.**—Not later than 30 days after the date on which a request under paragraph (1) is made, the Secretary shall review the request and approve or deny the designation of a single modal administration as the lead administering authority and point of contact for the Department.

(B) **NOTIFICATION.**—

(i) **IN GENERAL.**—The Secretary shall notify the requestor of the decision of the Secretary under subparagraph (A) in such form and at such time as the Secretary and the requestor agree.

(ii) **DENIAL.**—If a request is denied, the Secretary shall provide the requestor with a detailed explanation of the reasoning of the Secretary with the notification under clause (i).

(c) **DUTIES.**—

(1) **IN GENERAL.**—A modal administration designated as a lead administering authority under this section shall—

(A) be responsible for leading and coordinating the integrated project management team, which shall consist of all of the other modal administrations in the Department relating to the multimodal project; and

(B) to the extent feasible during the first 30 days of carrying out the multimodal project, identify overlapping or duplicative regulatory requirements that exist for the project and propose a single, streamlined approach to meeting all of the applicable regulatory requirements through the activities described in subsection (d).

(2) **ADMINISTRATION.**—

(A) **IN GENERAL.**—The Secretary shall transfer all amounts that have been awarded for the multimodal project to the modal administration designated as the lead administering authority.

(B) **OPTION.**—

(i) **IN GENERAL.**—Participation under this section shall be optional for recipients, and no recipient shall be required to participate.

(ii) **SECRETARIAL DUTIES.**—The Secretary is not required to identify every recipient that may be eligible to participate under this section.

(d) **COOPERATION.**—

(1) **IN GENERAL.**—The Secretary and modal administrations with relevant jurisdiction over a multimodal project should cooperate on project review and delivery activities at the earliest practicable time.

(2) **PURPOSES.**—The purposes of the cooperation under paragraph (1) are—

(A) to avoid delays and duplication of effort later in the process;

(B) to prevent potential conflicts; and

(C) to ensure that planning and project development decisions are made in a streamlined manner and consistent with applicable law.

(e) **APPLICABILITY.**—Nothing in this section shall—

(1) supersede, amend, or modify the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) or any other Federal environmental law; or

(2) affect the responsibility of any Federal officer to comply with or enforce any law described in paragraph (1).

SEC. 1528. APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM.

(a) **SENSE OF THE SENATE.**—It is the Sense of the Senate that the timely completion of the Appalachian development highway system is a transportation priority in the national interest.

(b) **MODIFIED FEDERAL SHARE FOR PROJECTS ON ADHS.**—For fiscal years 2012 through 2021, the Federal share payable for the cost of constructing highways and access roads on the Appalachian development highway system under section 14501 of title 40, United States Code, with funds made available to a State for fiscal year 2012 or a previous fiscal year for the Appalachian development highway system program, or with funds made available for fiscal year 2012 or a previous fiscal year for a specific project, route, or corridor on that system, shall be 100 percent.

(c) **FEDERAL SHARE FOR OTHER FUNDS USED ON ADHS.**—For fiscal years 2012 through 2021, the Federal share payable for the cost of constructing highways and access roads on the Appalachian development highway system under section 14501 of title 40, United States Code, with Federal funds apportioned to a State for a program other than the Appalachian development highway system program shall be 100 percent.

(d) **COMPLETION PLAN.**—

(1) **IN GENERAL.**—Subject to paragraph (2), not later than 1 year after the date of enactment of the MAP-21, each State represented on the Appalachian Regional Commission shall establish a plan for the completion of the designated corridors of the Appalachian development highway system within the State, including annual performance targets, with a target completion date.

(2) **SIGNIFICANT UNCOMPLETED MILES.**—If the percentage of remaining Appalachian development highway system needs for a State, according to the latest cost to complete estimate for the Appalachian development highway system, is greater than 15 percent of the total cost to complete estimate for the entire Appalachian development highway system, the State shall not establish a plan under paragraph (1) that would result in a reduction of obligated funds for the Appalachian development highway system within the State for any subsequent fiscal year.

SEC. 1529. ENGINEERING JUDGMENT.

Not later than 90 days after the date of enactment of this Act, the Secretary shall issue guidance to State transportation departments clarifying that the standards, guidance, and options for design and application of traffic control devices provided in the Manual on Uniform Traffic Control Devices should not be considered a substitute for engineering judgment.

SEC. 1530. TRANSPORTATION TRAINING AND EMPLOYMENT PROGRAMS.

To encourage the development of careers in the transportation field, the Secretary of Education and the Secretary of Labor are encouraged to use funds for training and employment education programs—

(1) to develop programs for transportation-related careers and trades; and

(2) to work with the Secretary to carry out programs developed under paragraph (1).

SEC. 1531. NOTICE OF CERTAIN GRANT AWARDS.

(a) **DEFINITION OF COVERED GRANT AWARD.**—In this section, the term “covered grant award” means a grant award—

(1) made—

(A) by the Department; and

(B) with funds made available under this Act; and

(2) in an amount equal to or greater than \$500,000.

(b) **NOTICE.**—Except to the extent otherwise expressly provided in another provision of law, at least 3 business days before a covered grant award is announced, the Secretary shall provide to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate written notice of the covered grant award.

SEC. 1532. BUDGET JUSTIFICATION.

The Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a budget justification for each agency of the Department concurrently with the annual budget submission of the President to Congress under section 1105(a) of title 31, United States Code.

SEC. 1533. PROHIBITION ON USE OF FUNDS FOR AUTOMATED TRAFFIC ENFORCEMENT.

(a) **DEFINITION OF AUTOMATED TRAFFIC ENFORCEMENT SYSTEM.**—In this section, the term “automated traffic enforcement system” means any camera that captures an image of a vehicle for the purposes of traffic law enforcement.

(b) **USE OF FUNDS.**—Except as provided in subsection (c), for fiscal years 2013 and 2014, funds apportioned to a State under section 104(b)(3) of title 23, United States Code, may not be used for any program to purchase, operate, or maintain an automated traffic enforcement system.

(c) **EXCEPTION.**—Subsection (b) shall not apply to automated traffic enforcement systems used to improve safety in school zones.

SEC. 1534. PUBLIC-PRIVATE PARTNERSHIPS.

(a) **BEST PRACTICES.**—The Secretary shall compile, and make available to the public on the website of the Department, best practices on how States, public transportation agencies, and other public officials can work with the private sector in the development, financing, construction, and operation of transportation facilities.

(b) **CONTENTS.**—The best practices compiled under subsection (a) shall include policies and techniques to ensure that the interests of the traveling public and State and local governments are protected in any agreement entered into with the private sector for the development, financing, construction, and operation of transportation facilities.

(c) **TECHNICAL ASSISTANCE.**—The Secretary, on request, may provide technical assistance to States, public transportation agencies, and other public officials regarding proposed public-private partnership agreements for the development, financing, construction, and operation of transportation facilities, including assistance in analyzing whether the use of a public-private partnership agreement would provide value compared with traditional public delivery methods.

(d) **STANDARD TRANSACTION CONTRACTS.**—

(1) **DEVELOPMENT.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall develop standard public-private partnership transaction model contracts for the most popular types of public-private partnerships for the development, financing, construction, and operation of transportation facilities.

(2) **USE.**—The Secretary shall encourage States, public transportation agencies, and other public officials to use the model contracts as a base template when developing their own public-private partnership agreements for the development, financing, construction, and operation of transportation facilities.

SEC. 1535. REPORT ON HIGHWAY TRUST FUND EXPENDITURES.

(a) **INITIAL REPORT.**—Not later than 150 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report describing the activities funded from the Highway Trust Fund during each of fiscal years 2009 through 2011, including for purposes other than construction and maintenance of highways and bridges.

(b) **UPDATES.**—Not later than 5 years after the date on which the report is submitted under subsection (a) and every 5 years thereafter, the Comptroller General of the United States shall submit to Congress a report that updates the in-

formation provided in the report under that subsection for the applicable 5-year period.

(c) **INCLUSIONS.**—A report submitted under the subsection (a) or (b) shall include information similar to the information included in the report of the Government Accountability Office numbered “GAO-09-729R” and entitled “Highway Trust Fund Expenditures on Purposes Other Than Construction and Maintenance of Highways and Bridges During Fiscal Years 2004–2008”.

SEC. 1536. SENSE OF CONGRESS ON HARBOR MAINTENANCE.

(a) **FINDINGS.**—Congress finds that—

(1) there are 926 coastal, Great Lakes, and inland harbors maintained by the Corps of Engineers;

(2) according to the Bureau of Transportation Statistics—

(A) in 2009, the ports and waterways of the United States handled more than 2,200,000,000 short tons of imports, exports, and domestic shipments; and

(B) in 2010, United States ports were responsible for more than \$1,400,000,000,000 in waterborne imports and exports;

(3) according to the Congressional Research Service, full channel dimensions are, on average, available approximately $\frac{1}{3}$ of the time at the 59 harbors of the United States with the highest use rates;

(4) in 1986, Congress created the Harbor Maintenance Trust Fund to provide funds for the operation and maintenance of the navigation channels of the United States;

(5) in fiscal year 2012, the Harbor Maintenance Trust Fund is expected to grow from \$6,280,000,000 to \$7,011,000,000, an increase of approximately 13 percent;

(6) despite growth of the Harbor Maintenance Trust Fund, expenditures from the Harbor Maintenance Trust Fund have not been sufficiently spent; and

(7) inadequate investment in dredging needs is restricting access to the ports of the United States for domestic shipping, imports, and exports and therefore threatening the economic competitiveness of the United States.

(b) **SENSE OF CONGRESS.**—It is the sense of Congress that—

(1) the Administration should request full use of the Harbor Maintenance Trust Fund for operating and maintaining the navigation channels of the United States;

(2) the amounts in the Harbor Maintenance Trust Fund should be fully expended to operate and maintain the navigation channels of the United States; and

(3) Congress should ensure that other programs, projects, and activities of the Civil Works Program of the Corps of Engineers, especially those programs, projects, and activities relating to inland navigation and flood control, are not adversely impacted.

SEC. 1537. ESTIMATE OF HARBOR MAINTENANCE NEEDS.

For fiscal year 2014 and each fiscal year thereafter, the President's budget request submitted pursuant to section 1105 of title 31, United States Code, shall include—

(1) an estimate of the nationwide average availability, expressed as a percentage, of the authorized depth and authorized width of all navigation channels authorized to be maintained using appropriations from the Harbor Maintenance Trust Fund that would result from harbor maintenance activities to be funded by the budget request; and

(2) an estimate of the average annual amount of appropriations from the Harbor Maintenance Trust Fund that would be required to increase that average availability to 95 percent over a 3-year period.

SEC. 1538. ASIAN CARP.

(a) **DEFINITIONS.**—In this section:

(1) **HYDROLOGICAL SEPARATION.**—The term “hydrological separation” means a physical separation on the Chicago Area Waterway System that—

(A) would disconnect the Mississippi River watershed from the Lake Michigan watershed; and

(B) shall be designed to be adequate in scope to prevent the transfer of all aquatic species between each of those bodies of water.

(2) **SECRETARY.**—The term “Secretary” means the Secretary of the Army, acting through the Chief of Engineers.

(b) **EXPEDITED STUDY AND REPORT.**—

(1) **IN GENERAL.**—The Secretary shall—

(A) expedite completion of the report for the study authorized by section 3061(d) of the Water Resources Development Act of 2007 (Public Law 110-114; 121 Stat. 1121); and

(B) if the Secretary determines a project is justified in the completed report, proceed directly to project preconstruction engineering and design.

(2) **FOCUS.**—In expediting the completion of the study and report under paragraph (1), the Secretary shall focus on—

(A) the prevention of the spread of aquatic nuisance species between the Great Lakes and Mississippi River Basins, such as through the permanent hydrological separation of the Great Lakes and Mississippi River Basins; and

(B) the watersheds of the following rivers and tributaries associated with the Chicago Area Waterway System:

(i) The Illinois River, at and in the vicinity of Chicago, Illinois.

(ii) The Chicago River, Calumet River, North Shore Channel, Chicago Sanitary and Ship Canal, and Cal-Sag Channel in the State of Illinois.

(iii) The Grand Calumet River and Little Calumet River in the States of Illinois and Indiana.

(3) **EFFICIENT USE OF FUNDS.**—The Secretary shall ensure the efficient use of funds to maximize the timely completion of the study and report under paragraph (1).

(4) **DEADLINE.**—The Secretary shall complete the report under paragraph (1) by not later than 18 months after the date of enactment of this Act.

(5) **INTERIM REPORT.**—Not later than 90 days after the date of enactment of this Act, the Secretary shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Environment and Public Works of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(A) interim milestones that will be met prior to final completion of the study and report under paragraph (1); and

(B) funding necessary for completion of the study and report under paragraph (1), including funding necessary for completion of each interim milestone identified under subparagraph (A).

SEC. 1539. REST AREAS.

(a) **AGREEMENTS RELATING TO USE OF AND ACCESS TO RIGHTS-OF-WAY—INTERSTATE SYSTEM.**—Section 111 of title 23, United States Code, is amended—

(1) in subsection (a) in the second sentence by striking the period and inserting “and will not change the boundary of any right-of-way on the Interstate System to accommodate construction of, or afford access to, an automotive service station or other commercial establishment.”;

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(3) by inserting after subsection (a) the following:

“(b) **REST AREAS.**—

“(1) **IN GENERAL.**—Notwithstanding subsection (a), the Secretary shall permit a State to ac-

quire, construct, operate, and maintain a rest area along a highway on the Interstate System in such State.

“(2) **LIMITED ACTIVITIES.**—The Secretary shall permit limited commercial activities within a rest area under paragraph (1), if the activities are available only to customers using the rest area and are limited to—

“(A) commercial advertising and media displays if such advertising and displays are—

“(i) exhibited solely within any facility constructed in the rest area; and

“(ii) not legible from the main traveled way;

“(B) items designed to promote tourism in the State, limited to books, DVDs, and other media;

“(C) tickets for events or attractions in the State of a historical or tourism-related nature;

“(D) travel-related information, including maps, travel booklets, and hotel coupon booklets; and

“(E) lottery machines, provided that the priority afforded to blind vendors under subsection (c) applies to this subparagraph.

“(3) **PRIVATE OPERATORS.**—A State may permit a private party to operate such commercial activities.

“(4) **LIMITATION ON USE OF REVENUES.**—A State shall use any revenues received from the commercial activities in a rest area under this section to cover the costs of acquiring, constructing, operating, and maintaining rest areas in the State.”.

(b) **CONTROL OF OUTDOOR ADVERTISING.**—Section 131(i) of title 23, United States Code, is amended by adding at the end the following:

“A State may permit the installation of signs that acknowledge the sponsorship of rest areas within such rest areas or along the main traveled way of the system, provided that such signs shall not affect the safe and efficient utilization of the Interstate System and the primary system. The Secretary shall establish criteria for the installation of such signs on the main traveled way, including criteria pertaining to the placement of rest area sponsorship acknowledgment signs in relation to the placement of advance guide signs for rest areas.”.

Subtitle F—Gulf Coast Restoration

SEC. 1601. SHORT TITLE.

This subtitle may be cited as the “Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012”.

SEC. 1602. GULF COAST RESTORATION TRUST FUND.

(a) **ESTABLISHMENT.**—There is established in the Treasury of the United States a trust fund to be known as the “Gulf Coast Restoration Trust Fund” (referred to in this section as the “Trust Fund”), consisting of such amounts as are deposited in the Trust Fund under this Act or any other provision of law.

(b) **TRANSFERS.**—The Secretary of the Treasury shall deposit in the Trust Fund an amount equal to 80 percent of all administrative and civil penalties paid by responsible parties after the date of enactment of this Act in connection with the explosion on, and sinking of, the mobile offshore drilling unit Deepwater Horizon pursuant to a court order, negotiated settlement, or other instrument in accordance with section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321).

(c) **EXPENDITURES.**—Amounts in the Trust Fund, including interest earned on advances to the Trust Fund and proceeds from investment under subsection (d), shall—

(1) be available for expenditure, without further appropriation, solely for the purpose and eligible activities of this subtitle and the amendments made by this subtitle; and

(2) remain available until expended, without fiscal year limitation.

(d) **INVESTMENT.**—Amounts in the Trust Fund shall be invested in accordance with section 9702 of title 31, United States Code, and any interest on, and proceeds from, any such investment shall be available for expenditure in accordance with this subtitle and the amendments made by this subtitle.

(e) **ADMINISTRATION.**—Not later than 180 days after the date of enactment of this Act, after providing notice and an opportunity for public comment, the Secretary of the Treasury, in consultation with the Secretary of the Interior and the Secretary of Commerce, shall establish such procedures as the Secretary determines to be necessary to deposit amounts in, and expend amounts from, the Trust Fund pursuant to this subtitle, including—

(1) procedures to assess whether the programs and activities carried out under this subtitle and the amendments made by this subtitle achieve compliance with applicable requirements, including procedures by which the Secretary of the Treasury may determine whether an expenditure by a Gulf Coast State or coastal political subdivision (as those terms are defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321)) pursuant to such a program or activity achieves compliance;

(2) auditing requirements to ensure that amounts in the Trust Fund are expended as intended; and

(3) procedures for identification and allocation of funds available to the Secretary under other provisions of law that may be necessary to pay the administrative expenses directly attributable to the management of the Trust Fund.

(f) **SUNSET.**—The authority for the Trust Fund shall terminate on the date all funds in the Trust Fund have been expended.

SEC. 1603. GULF COAST NATURAL RESOURCES RESTORATION AND ECONOMIC RECOVERY.

Section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) is amended—

(1) in subsection (a)—

(A) in paragraph (25)(B), by striking “and” at the end;

(B) in paragraph (26)(D), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(27) the term ‘best available science’ means science that—

“(A) maximizes the quality, objectivity, and integrity of information, including statistical information;

“(B) uses peer-reviewed and publicly available data; and

“(C) clearly documents and communicates risks and uncertainties in the scientific basis for such projects;

“(28) the term ‘Chairperson’ means the Chairperson of the Council;

“(29) the term ‘coastal political subdivision’ means any local political jurisdiction that is immediately below the State level of government, including a county, parish, or borough, with a coastline that is contiguous with any portion of the United States Gulf of Mexico;

“(30) the term ‘Comprehensive Plan’ means the comprehensive plan developed by the Council pursuant to subsection (t);

“(31) the term ‘Council’ means the Gulf Coast Ecosystem Restoration Council established pursuant to subsection (t);

“(32) the term ‘Deepwater Horizon oil spill’ means the blowout and explosion of the mobile offshore drilling unit Deepwater Horizon that occurred on April 20, 2010, and resulting hydrocarbon releases into the environment;

“(33) the term ‘Gulf Coast region’ means—

“(A) in the Gulf Coast States, the coastal zones (as that term is defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)), except that, in this section, the

term ‘coastal zones’ includes land within the coastal zones that is held in trust by, or the use of which is by law subject solely to the discretion of, the Federal Government or officers or agents of the Federal Government)) that border the Gulf of Mexico;

“(B) any adjacent land, water, and watersheds, that are within 25 miles of the coastal zones described in subparagraph (A) of the Gulf Coast States; and

“(C) all Federal waters in the Gulf of Mexico;

“(34) the term ‘Gulf Coast State’ means any of the States of Alabama, Florida, Louisiana, Mississippi, and Texas; and

“(35) the term ‘Trust Fund’ means the Gulf Coast Restoration Trust Fund established pursuant to section 1602 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.”;

(2) in subsection (s), by inserting “except as provided in subsection (t)” before the period at the end; and

(3) by adding at the end the following:

“(t) GULF COAST RESTORATION AND RECOVERY.—

“(1) STATE ALLOCATION AND EXPENDITURES.—

“(A) IN GENERAL.—Of the total amounts made available in any fiscal year from the Trust Fund, 35 percent shall be available, in accordance with the requirements of this section, to the Gulf Coast States in equal shares for expenditure for ecological and economic restoration of the Gulf Coast region in accordance with this subsection.

“(B) USE OF FUNDS.—

“(i) ELIGIBLE ACTIVITIES IN THE GULF COAST REGION.—Subject to clause (iii), amounts provided to the Gulf Coast States under this subsection may only be used to carry out 1 or more of the following activities in the Gulf Coast region:

“(I) Restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.

“(II) Mitigation of damage to fish, wildlife, and natural resources.

“(III) Implementation of a federally approved marine, coastal, or comprehensive conservation management plan, including fisheries monitoring.

“(IV) Workforce development and job creation.

“(V) Improvements to or on State parks located in coastal areas affected by the Deepwater Horizon oil spill.

“(VI) Infrastructure projects benefitting the economy or ecological resources, including port infrastructure.

“(VII) Coastal flood protection and related infrastructure.

“(VIII) Planning assistance.

“(IX) Administrative costs of complying with this subsection.

“(ii) ACTIVITIES TO PROMOTE TOURISM AND SEAFOOD IN THE GULF COAST REGION.—Amounts provided to the Gulf Coast States under this subsection may be used to carry out 1 or more of the following activities:

“(I) Promotion of tourism in the Gulf Coast Region, including recreational fishing.

“(II) Promotion of the consumption of seafood harvested from the Gulf Coast Region.

“(iii) LIMITATION.—

“(I) IN GENERAL.—Of the amounts received by a Gulf Coast State under this subsection, not more than 3 percent may be used for administrative costs eligible under clause (i)(IX).

“(II) CLAIMS FOR COMPENSATION.—Activities funded under this subsection may not be included in any claim for compensation paid out by the Oil Spill Liability Trust Fund after the date of enactment of this subsection.

“(C) COASTAL POLITICAL SUBDIVISIONS.—

“(i) DISTRIBUTION.—In the case of a State where the coastal zone includes the entire State—

“(I) 75 percent of funding shall be provided directly to the 8 disproportionately affected counties impacted by the Deepwater Horizon oil spill; and

“(II) 25 percent shall be provided directly to nondisproportionately impacted counties within the State.

“(ii) NONDISPROPORTIONATELY IMPACTED COUNTIES.—The total amounts made available to coastal political subdivisions in the State of Florida under clause (i)(II) shall be distributed according to the following weighted formula:

“(I) 34 percent based on the weighted average of the population of the county.

“(II) 33 percent based on the weighted average of the county per capita sales tax collections estimated for fiscal year 2012.

“(III) 33 percent based on the inverse proportion of the weighted average distance from the Deepwater Horizon oil rig to each of the nearest and farthest points of the shoreline.

“(D) LOUISIANA.—

“(i) IN GENERAL.—Of the total amounts made available to the State of Louisiana under this paragraph:

“(I) 70 percent shall be provided directly to the State in accordance with this subsection.

“(II) 30 percent shall be provided directly to parishes in the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)) of the State of Louisiana according to the following weighted formula:

“(aa) 40 percent based on the weighted average of miles of the parish shoreline oiled.

“(bb) 40 percent based on the weighted average of the population of the parish.

“(cc) 20 percent based on the weighted average of the land mass of the parish.

“(ii) CONDITIONS.—

“(I) LAND USE PLAN.—As a condition of receiving amounts allocated under this paragraph, the chief executive of the eligible parish shall certify to the Governor of the State that the parish has completed a comprehensive land use plan.

“(II) OTHER CONDITIONS.—A coastal political subdivision receiving funding under this paragraph shall meet all of the conditions in subparagraph (E).

“(E) CONDITIONS.—As a condition of receiving amounts from the Trust Fund, a Gulf Coast State, including the entities described in subparagraph (F), or a coastal political subdivision shall—

“(i) agree to meet such conditions, including audit requirements, as the Secretary of the Treasury determines necessary to ensure that amounts disbursed from the Trust Fund will be used in accordance with this subsection;

“(ii) certify in such form and in such manner as the Secretary of the Treasury determines necessary that the project or program for which the Gulf Coast State or coastal political subdivision is requesting amounts—

“(I) is designed to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, or economy of the Gulf Coast;

“(II) carries out 1 or more of the activities described in clauses (i) and (ii) of subparagraph (B);

“(III) was selected based on meaningful input from the public, including broad-based participation from individuals, businesses, and non-profit organizations; and

“(IV) in the case of a natural resource protection or restoration project, is based on the best available science;

“(iii) certify that the project or program and the awarding of a contract for the expenditure

of amounts received under this paragraph are consistent with the standard procurement rules and regulations governing a comparable project or program in that State, including all applicable competitive bidding and audit requirements; and

“(iv) develop and submit a multiyear implementation plan for the use of such amounts, which may include milestones, projected completion of each activity, and a mechanism to evaluate the success of each activity in helping to restore and protect the Gulf Coast region impacted by the Deepwater Horizon oil spill.

“(F) APPROVAL BY STATE ENTITY, TASK FORCE, OR AGENCY.—The following Gulf Coast State entities, task forces, or agencies shall carry out the duties of a Gulf Coast State pursuant to this paragraph:

“(i) ALABAMA.—

“(I) IN GENERAL.—In the State of Alabama, the Alabama Gulf Coast Recovery Council, which shall be comprised of only the following:

“(aa) The Governor of Alabama, who shall also serve as Chairperson and preside over the meetings of the Alabama Gulf Coast Recovery Council.

“(bb) The Director of the Alabama State Port Authority, who shall also serve as Vice Chairperson and preside over the meetings of the Alabama Gulf Coast Recovery Council in the absence of the Chairperson.

“(cc) The Chairman of the Baldwin County Commission.

“(dd) The President of the Mobile County Commission.

“(ee) The Mayor of the city of Bayou La Batre.

“(ff) The Mayor of the town of Dauphin Island.

“(gg) The Mayor of the city of Fairhope.

“(hh) The Mayor of the city of Gulf Shores.

“(ii) The Mayor of the city of Mobile.

“(jj) The Mayor of the city of Orange Beach.

“(II) VOTE.—Each member of the Alabama Gulf Coast Recovery Council shall be entitled to 1 vote.

“(III) MAJORITY VOTE.—All decisions of the Alabama Gulf Coast Recovery Council shall be made by majority vote.

“(IV) LIMITATION ON ADMINISTRATIVE EXPENSES.—Administrative duties for the Alabama Gulf Coast Recovery Council may only be performed by public officials and employees that are subject to the ethics laws of the State of Alabama.

“(ii) LOUISIANA.—In the State of Louisiana, the Coastal Protection and Restoration Authority of Louisiana.

“(iii) MISSISSIPPI.—In the State of Mississippi, the Mississippi Department of Environmental Quality.

“(iv) TEXAS.—In the State of Texas, the Office of the Governor or an appointee of the Office of the Governor.

“(G) COMPLIANCE WITH ELIGIBLE ACTIVITIES.—

If the Secretary of the Treasury determines that an expenditure by a Gulf Coast State or coastal political subdivision of amounts made available under this subsection does not meet one of the activities described in clauses (i) and (ii) of subparagraph (B), the Secretary shall make no additional amounts from the Trust Fund available to that Gulf Coast State or coastal political subdivision until such time as an amount equal to the amount expended for the unauthorized use—

“(i) has been deposited by the Gulf Coast State or coastal political subdivision in the Trust Fund; or

“(ii) has been authorized by the Secretary of the Treasury for expenditure by the Gulf Coast State or coastal political subdivision for a project or program that meets the requirements of this subsection.

“(H) COMPLIANCE WITH CONDITIONS.—If the Secretary of the Treasury determines that a Gulf Coast State or coastal political subdivision does not meet the requirements of this paragraph, including the conditions of subparagraph (E), where applicable, the Secretary of the Treasury shall make no amounts from the Trust Fund available to that Gulf Coast State or coastal political subdivision until all conditions of this paragraph are met.

“(I) PUBLIC INPUT.—In meeting any condition of this paragraph, a Gulf Coast State may use an appropriate procedure for public consultation in that Gulf Coast State, including consulting with one or more established task forces or other entities, to develop recommendations for proposed projects and programs that would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast.

“(J) PREVIOUSLY APPROVED PROJECTS AND PROGRAMS.—A Gulf Coast State or coastal political subdivision shall be considered to have met the conditions of subparagraph (E) for a specific project or program if, before the date of enactment of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012—

“(i) the Gulf Coast State or coastal political subdivision has established conditions for carrying out projects and programs that are substantively the same as the conditions described in subparagraph (E); and

“(ii) the applicable project or program carries out 1 or more of the activities described in clauses (i) and (ii) of subparagraph (B).

“(K) LOCAL PREFERENCE.—In awarding contracts to carry out a project or program under this paragraph, a Gulf Coast State or coastal political subdivision may give a preference to individuals and companies that reside in, are headquartered in, or are principally engaged in business in the State of project execution.

“(L) UNUSED FUNDS.—Funds allocated to a State or coastal political subdivision under this paragraph shall remain in the Trust Fund until such time as the State or coastal political subdivision develops and submits a plan identifying uses for those funds in accordance with subparagraph (E)(iv).

“(M) JUDICIAL REVIEW.—If the Secretary of the Treasury determines that a Gulf Coast State or coastal political subdivision does not meet the requirements of this paragraph, including the conditions of subparagraph (E), the Gulf Coast State or coastal political subdivision may obtain expedited judicial review within 90 days after that decision in a district court of the United States, of appropriate jurisdiction and venue, that is located within the State seeking the review.

“(N) COST-SHARING.—

“(i) IN GENERAL.—A Gulf Coast State or coastal political subdivision may use, in whole or in part, amounts made available under this paragraph to that Gulf Coast State or coastal political subdivision to satisfy the non-Federal share of the cost of any project or program authorized by Federal law that is an eligible activity described in clauses (i) and (ii) of subparagraph (B).

“(ii) EFFECT ON OTHER FUNDS.—The use of funds made available from the Trust Fund to satisfy the non-Federal share of the cost of a project or program that meets the requirements of clause (i) shall not affect the priority in which other Federal funds are allocated or awarded.

“(2) COUNCIL ESTABLISHMENT AND ALLOCATION.—

“(A) IN GENERAL.—Of the total amount made available in any fiscal year from the Trust Fund, 30 percent shall be disbursed to the Council to carry out the Comprehensive Plan.

“(B) COUNCIL EXPENDITURES.—

“(i) IN GENERAL.—In accordance with this paragraph, the Council shall expend funds made available from the Trust Fund to undertake projects and programs, using the best available science, that would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, coastal wetlands, and economy of the Gulf Coast.

“(ii) ALLOCATION AND EXPENDITURE PROCEDURES.—The Secretary of the Treasury shall develop such conditions, including audit requirements, as the Secretary of the Treasury determines necessary to ensure that amounts disbursed from the Trust Fund to the Council to implement the Comprehensive Plan will be used in accordance with this paragraph.

“(iii) ADMINISTRATIVE EXPENSES.—Of the amounts received by the Council under this paragraph, not more than 3 percent may be used for administrative expenses, including staff.

“(C) GULF COAST ECOSYSTEM RESTORATION COUNCIL.—

“(i) ESTABLISHMENT.—There is established as an independent entity in the Federal Government a council to be known as the ‘Gulf Coast Ecosystem Restoration Council’.

“(ii) MEMBERSHIP.—The Council shall consist of the following members, or in the case of a Federal agency, a designee at the level of the Assistant Secretary or the equivalent:

“(I) The Secretary of the Interior.

“(II) The Secretary of the Army.

“(III) The Secretary of Commerce.

“(IV) The Administrator of the Environmental Protection Agency.

“(V) The Secretary of Agriculture.

“(VI) The head of the department in which the Coast Guard is operating.

“(VII) The Governor of the State of Alabama.

“(VIII) The Governor of the State of Florida.

“(IX) The Governor of the State of Louisiana.

“(X) The Governor of the State of Mississippi.

“(XI) The Governor of the State of Texas.

“(iii) ALTERNATE.—A Governor appointed to the Council by the President may designate an alternate to represent the Governor on the Council and vote on behalf of the Governor.

“(iv) CHAIRPERSON.—From among the Federal agency members of the Council, the representatives of States on the Council shall select, and the President shall appoint, 1 Federal member to serve as Chairperson of the Council.

“(v) PRESIDENTIAL APPOINTMENT.—All Council members shall be appointed by the President.

“(vi) COUNCIL ACTIONS.—

“(I) IN GENERAL.—The following actions by the Council shall require the affirmative vote of the Chairperson and a majority of the State members to be effective:

“(aa) Approval of a Comprehensive Plan and future revisions to a Comprehensive Plan.

“(bb) Approval of State plans pursuant to paragraph (3)(B)(iv).

“(cc) Approval of reports to Congress pursuant to clause (vii)(VII).

“(dd) Approval of transfers pursuant to subparagraph (E)(ii)(I).

“(ee) Other significant actions determined by the Council.

“(II) QUORUM.—A majority of State members shall be required to be present for the Council to take any significant action.

“(III) AFFIRMATIVE VOTE REQUIREMENT CONSIDERED MET.—For approval of State plans pursuant to paragraph (3)(B)(iv), the certification by a State member of the Council that the plan satisfies all requirements of clauses (i) and (ii) of paragraph (3)(B), when joined by an affirmative vote of the Federal Chairperson of the Council, shall be considered to satisfy the requirements for affirmative votes under subclause (I).

“(IV) PUBLIC TRANSPARENCY.—Appropriate actions of the Council, including significant ac-

tions and associated deliberations, shall be made available to the public via electronic means prior to any vote.

“(vii) DUTIES OF COUNCIL.—The Council shall—

“(I) develop the Comprehensive Plan and future revisions to the Comprehensive Plan;

“(II) identify as soon as practicable the projects that—

“(aa) have been authorized prior to the date of enactment of this subsection but not yet commenced; and

“(bb) if implemented quickly, would restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, barrier islands, dunes, and coastal wetlands of the Gulf Coast region;

“(III) establish such other 1 or more advisory committees as may be necessary to assist the Council, including a scientific advisory committee and a committee to advise the Council on public policy issues;

“(IV) collect and consider scientific and other research associated with restoration of the Gulf Coast ecosystem, including research, observation, and monitoring carried out pursuant to sections 1604 and 1605 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012;

“(V) develop standard terms to include in contracts for projects and programs awarded pursuant to the Comprehensive Plan that provide a preference to individuals and companies that reside in, are headquartered in, or are principally engaged in business in a Gulf Coast State;

“(VI) prepare an integrated financial plan and recommendations for coordinated budget requests for the amounts proposed to be expended by the Federal agencies represented on the Council for projects and programs in the Gulf Coast States; and

“(VII) submit to Congress an annual report that—

“(aa) summarizes the policies, strategies, plans, and activities for addressing the restoration and protection of the Gulf Coast region;

“(bb) describes the projects and programs being implemented to restore and protect the Gulf Coast region, including—

“(AA) a list of each project and program;

“(BB) an identification of the funding provided to projects and programs identified in subitem (AA);

“(CC) an identification of each recipient for funding identified in subitem (BB); and

“(DD) a description of the length of time and funding needed to complete the objectives of each project and program identified in subitem (AA);

“(cc) makes such recommendations to Congress for modifications of existing laws as the Council determines necessary to implement the Comprehensive Plan;

“(dd) reports on the progress on implementation of each project or program—

“(AA) after 3 years of ongoing activity of the project or program, if applicable; and

“(BB) on completion of the project or program;

“(ee) includes the information required to be submitted under section 1605(c)(4) of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012; and

“(ff) submits the reports required under item (dd) to—

“(AA) the Committee on Science, Space, and Technology, the Committee on Natural Resources, the Committee on Transportation and Infrastructure, and the Committee on Appropriations of the House of Representatives; and

“(BB) the Committee on Environment and Public Works, the Committee on Commerce,

Science, and Transportation, the Committee on Energy and Natural Resources, and the Committee on Appropriations of the Senate.

“(viii) APPLICATION OF FEDERAL ADVISORY COMMITTEE ACT.—The Council, or any other advisory committee established under this subparagraph, shall not be considered an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

“(ix) SUNSET.—The authority for the Council, and any other advisory committee established under this subparagraph, shall terminate on the date all funds in the Trust Fund have been expended.

“(D) COMPREHENSIVE PLAN.—

“(i) PROPOSED PLAN.—

“(I) IN GENERAL.—Not later than 180 days after the date of enactment of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012, the Chairperson, on behalf of the Council and after appropriate public input, review, and comment, shall publish a proposed plan to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.

“(II) INCLUSIONS.—The proposed plan described in subclause (I) shall include and incorporate the findings and information prepared by the President’s Gulf Coast Restoration Task Force.

“(ii) PUBLICATION.—

“(I) INITIAL PLAN.—Not later than 1 year after the date of enactment of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012 and after notice and opportunity for public comment, the Chairperson, on behalf of the Council and after approval by the Council, shall publish in the Federal Register the initial Comprehensive Plan to restore and protect the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.

“(II) COOPERATION WITH GULF COAST RESTORATION TASK FORCE.—The Council shall develop the initial Comprehensive Plan in close coordination with the President’s Gulf Coast Restoration Task Force.

“(III) CONSIDERATIONS.—In developing the initial Comprehensive Plan and subsequent updates, the Council shall consider all relevant findings, reports, or research prepared or funded under section 1604 or 1605 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.

“(IV) CONTENTS.—The initial Comprehensive Plan shall include—

“(aa) such provisions as are necessary to fully incorporate in the Comprehensive Plan the strategy, projects, and programs recommended by the President’s Gulf Coast Restoration Task Force;

“(bb) a list of any project or program authorized prior to the date of enactment of this subsection but not yet commenced, the completion of which would further the purposes and goals of this subsection and of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012;

“(cc) a description of the manner in which amounts from the Trust Fund projected to be made available to the Council for the succeeding 10 years will be allocated; and

“(dd) subject to available funding in accordance with clause (iii), a prioritized list of specific projects and programs to be funded and carried out during the 3-year period immediately following the date of publication of the initial Comprehensive Plan, including a table that illustrates the distribution of projects and programs by the Gulf Coast State.

“(V) PLAN UPDATES.—The Council shall update—

“(aa) the Comprehensive Plan every 5 years in a manner comparable to the manner established in this subparagraph for each 5-year period for which amounts are expected to be made available to the Gulf Coast States from the Trust Fund; and

“(bb) the 3-year list of projects and programs described in subclause (IV)(dd) annually.

“(iii) RESTORATION PRIORITIES.—Except for projects and programs described in clause (ii)(IV)(bb), in selecting projects and programs to include on the 3-year list described in clause (ii)(IV)(dd), based on the best available science, the Council shall give highest priority to projects that address 1 or more of the following criteria:

“(I) Projects that are projected to make the greatest contribution to restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region, without regard to geographic location within the Gulf Coast region.

“(II) Large-scale projects and programs that are projected to substantially contribute to restoring and protecting the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast ecosystem.

“(III) Projects contained in existing Gulf Coast State comprehensive plans for the restoration and protection of natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region.

“(IV) Projects that restore long-term resiliency of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands most impacted by the Deepwater Horizon oil spill.

“(E) IMPLEMENTATION.—

“(i) IN GENERAL.—The Council, acting through the Federal agencies represented on the Council and Gulf Coast States, shall expend funds made available from the Trust Fund to carry out projects and programs adopted in the Comprehensive Plan.

“(ii) ADMINISTRATIVE RESPONSIBILITY.—

“(I) IN GENERAL.—Primary authority and responsibility for each project and program included in the Comprehensive Plan shall be assigned by the Council to a Gulf Coast State represented on the Council or a Federal agency.

“(II) TRANSFER OF AMOUNTS.—Amounts necessary to carry out each project or program included in the Comprehensive Plan shall be transferred by the Secretary of the Treasury from the Trust Fund to that Federal agency or Gulf Coast State as the project or program is implemented, subject to such conditions as the Secretary of the Treasury, in consultation with the Secretary of the Interior and the Secretary of Commerce, established pursuant to section 1602 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012.

“(III) LIMITATION ON TRANSFERS.—

“(aa) GRANTS TO NONGOVERNMENTAL ENTITIES.—In the case of funds transferred to a Federal or State agency under subclause (II), the agency shall not make 1 or more grants or cooperative agreements to a nongovernmental entity if the total amount provided to the entity would equal or exceed 10 percent of the total amount provided to the agency for that particular project or program, unless the 1 or more grants have been reported in accordance with item (bb).

“(bb) REPORTING OF GRANTEES.—At least 30 days prior to making a grant or entering into a cooperative agreement described in item (aa), the name of each grantee, including the amount

and purpose of each grant or cooperative agreement, shall be published in the Federal Register and delivered to the congressional committees listed in subparagraph (C)(vii)(VII)(ff).

“(cc) ANNUAL REPORTING OF GRANTEES.—Annually, the name of each grantee, including the amount and purposes of each grant or cooperative agreement, shall be published in the Federal Register and delivered to Congress as part of the report submitted pursuant to subparagraph (C)(vii)(VII).

“(IV) PROJECT AND PROGRAM LIMITATION.—The Council, a Federal agency, or a State may not carry out a project or program funded under this paragraph outside of the Gulf Coast region.

“(F) COORDINATION.—The Council and the Federal members of the Council may develop memoranda of understanding establishing integrated funding and implementation plans among the member agencies and authorities.

“(3) OIL SPILL RESTORATION IMPACT ALLOCATION.—

“(A) IN GENERAL.—

“(i) DISBURSEMENT.—Of the total amount made available from the Trust Fund, 30 percent shall be disbursed pursuant to the formula in clause (ii) to the Gulf Coast States on the approval of the plan described in subparagraph (B)(i).

“(ii) FORMULA.—Subject to subparagraph (B), for each Gulf Coast State, the amount disbursed under this paragraph shall be based on a formula established by the Council by regulation that is based on a weighted average of the following criteria:

“(I) 40 percent based on the proportionate number of miles of shoreline in each Gulf Coast State that experienced oiling on or before April 10, 2011, compared to the total number of miles of shoreline that experienced oiling as a result of the Deepwater Horizon oil spill.

“(II) 40 percent based on the inverse proportion of the average distance from the mobile offshore drilling unit Deepwater Horizon at the time of the explosion to the nearest and farthest point of the shoreline that experienced oiling of each Gulf Coast State.

“(III) 20 percent based on the average population in the 2010 decennial census of coastal counties bordering the Gulf of Mexico within each Gulf Coast State.

“(iii) MINIMUM ALLOCATION.—The amount disbursed to a Gulf Coast State for each fiscal year under clause (ii) shall be at least 5 percent of the total amounts made available under this paragraph.

“(B) DISBURSEMENT OF FUNDS.—

“(i) IN GENERAL.—The Council shall disburse amounts to the respective Gulf Coast States in accordance with the formula developed under subparagraph (A) for projects, programs, and activities that will improve the ecosystems or economy of the Gulf Coast region, subject to the condition that each Gulf Coast State submits a plan for the expenditure of amounts disbursed under this paragraph that meets the following criteria:

“(I) All projects, programs, and activities included in the plan are eligible activities pursuant to clauses (i) and (ii) of paragraph (1)(B).

“(II) The projects, programs, and activities included in the plan contribute to the overall economic and ecological recovery of the Gulf Coast.

“(III) The plan takes into consideration the Comprehensive Plan and is consistent with the goals and objectives of the Plan, as described in paragraph (2)(B)(i).

“(ii) FUNDING.—

“(I) IN GENERAL.—Except as provided in subclause (II), the plan described in clause (i) may use not more than 25 percent of the funding made available for infrastructure projects eligible under subclauses (VI) and (VII) of paragraph (1)(B)(i).

“(II) EXCEPTION.—The plan described in clause (i) may propose to use more than 25 percent of the funding made available for infrastructure projects eligible under subclauses (VI) and (VII) of paragraph (1)(B)(i) if the plan certifies that—

“(aa) ecosystem restoration needs in the State will be addressed by the projects in the proposed plan; and

“(bb) additional investment in infrastructure is required to mitigate the impacts of the Deep-water Horizon Oil Spill to the ecosystem or economy.

“(iii) DEVELOPMENT.—The plan described in clause (i) shall be developed by—

“(I) in the State of Alabama, the Alabama Gulf Coast Recovery Council established under paragraph (1)(F)(i);

“(II) in the State of Florida, a consortia of local political subdivisions that includes at a minimum 1 representative of each affected county;

“(III) in the State of Louisiana, the Coastal Protection and Restoration Authority of Louisiana;

“(IV) in the State of Mississippi, the Office of the Governor or an appointee of the Office of the Governor; and

“(V) in the State of Texas, the Office of the Governor or an appointee of the Office of the Governor.

“(iv) APPROVAL.—Not later than 60 days after the date on which a plan is submitted under clause (i), the Council shall approve or disapprove the plan based on the conditions of clause (i).

“(C) DISAPPROVAL.—If the Council disapproves a plan pursuant to subparagraph (B)(iv), the Council shall—

“(i) provide the reasons for disapproval in writing; and

“(ii) consult with the State to address any identified deficiencies with the State plan.

“(D) FAILURE TO SUBMIT ADEQUATE PLAN.—If a State fails to submit an adequate plan under this paragraph, any funds made available under this paragraph shall remain in the Trust Fund until such date as a plan is submitted and approved pursuant to this paragraph.

“(E) JUDICIAL REVIEW.—If the Council fails to approve or take action within 60 days on a plan, as described in subparagraph (B)(iv), the State may obtain expedited judicial review within 90 days of that decision in a district court of the United States, of appropriate jurisdiction and venue, that is located within the State seeking the review.

“(F) COST-SHARING.—

“(i) IN GENERAL.—A Gulf Coast State or coastal political subdivision may use, in whole or in part, amounts made available to that Gulf Coast State or coastal political subdivision under this paragraph to satisfy the non-Federal share of any project or program that—

“(I) is authorized by other Federal law; and

“(II) is an eligible activity described in clause (i) or (ii) of paragraph (1)(B).

“(ii) EFFECT ON OTHER FUNDS.—The use of funds made available from the Trust Fund under this paragraph to satisfy the non-Federal share of the cost of a project or program described in clause (i) shall not affect the priority in which other Federal funds are allocated or awarded.

“(4) AUTHORIZATION OF INTEREST TRANSFERS.—Of the total amount made available for any fiscal year from the Trust Fund that is equal to the interest earned by the Trust Fund and proceeds from investments made by the Trust Fund in the preceding fiscal year—

“(A) 50 percent shall be divided equally between—

“(i) the Gulf Coast Ecosystem Restoration Science, Observation, Monitoring, and Tech-

nology program authorized in section 1604 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012; and

“(ii) the centers of excellence research grants authorized in section 1605 of that Act; and

“(B) 50 percent shall be made available to the Gulf Coast Ecosystem Restoration Council to carry out the Comprehensive Plan pursuant to paragraph (2).”.

SEC. 1604. GULF COAST ECOSYSTEM RESTORATION SCIENCE, OBSERVATION, MONITORING, AND TECHNOLOGY PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the National Oceanic and Atmospheric Administration.

(2) COMMISSION.—The term “Commission” means the Gulf States Marine Fisheries Commission.

(3) DIRECTOR.—The term “Director” means the Director of the United States Fish and Wildlife Service.

(4) PROGRAM.—The term “program” means the Gulf Coast Ecosystem Restoration Science, Observation, Monitoring, and Technology program established under this section.

(b) ESTABLISHMENT OF PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Administrator, in consultation with the Director, shall establish the Gulf Coast Ecosystem Restoration Science, Observation, Monitoring, and Technology program to carry out research, observation, and monitoring to support, to the maximum extent practicable, the long-term sustainability of the ecosystem, fish stocks, fish habitat, and the recreational, commercial, and charter fishing industry in the Gulf of Mexico.

(2) EXPENDITURE OF FUNDS.—For each fiscal year, amounts made available to carry out this subsection may be expended for, with respect to the Gulf of Mexico—

(A) marine and estuarine research;

(B) marine and estuarine ecosystem monitoring and ocean observation;

(C) data collection and stock assessments;

(D) pilot programs for—

(i) fishery independent data; and

(ii) reduction of exploitation of spawning aggregations; and

(E) cooperative research.

(3) COOPERATION WITH THE COMMISSION.—For each fiscal year, amounts made available to carry out this subsection may be transferred to the Commission to establish a fisheries monitoring and research program, with respect to the Gulf of Mexico.

(4) CONSULTATION.—The Administrator and the Director shall consult with the Regional Gulf of Mexico Fishery Management Council and the Commission in carrying out the program.

(c) SPECIES INCLUDED.—The research, monitoring, assessment, and programs eligible for amounts made available under the program shall include all marine, estuarine, aquaculture, and fish species in State and Federal waters of the Gulf of Mexico.

(d) RESEARCH PRIORITIES.—In distributing funding under this subsection, priority shall be given to integrated, long-term projects that—

(1) build on, or are coordinated with, related research activities; and

(2) address current or anticipated marine ecosystem, fishery, or wildlife management information needs.

(e) DUPLICATION.—In carrying out this section, the Administrator, in consultation with the Director, shall seek to avoid duplication of other research and monitoring activities.

(f) COORDINATION WITH OTHER PROGRAMS.—The Administrator, in consultation with the Director, shall develop a plan for the coordination

of projects and activities between the program and other existing Federal and State science and technology programs in the States of Alabama, Florida, Louisiana, Mississippi, and Texas, as well as between the centers of excellence.

(g) LIMITATION ON EXPENDITURES.—

(1) IN GENERAL.—Not more than 3 percent of funds provided in subsection (h) shall be used for administrative expenses.

(2) NOAA.—The funds provided in subsection (h) may not be used—

(A) for any existing or planned research led by the National Oceanic and Atmospheric Administration, unless agreed to in writing by the grant recipient;

(B) to implement existing regulations or initiate new regulations promulgated or proposed by the National Oceanic and Atmospheric Administration; or

(C) to develop or approve a new limited access privilege program (as that term is used in section 303A of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1853a)) for any fishery under the jurisdiction of the South Atlantic, Mid-Atlantic, New England, or Gulf of Mexico Fishery Management Councils.

(h) FUNDING.—Of the total amount made available for each fiscal year for the Gulf Coast Restoration Trust Fund established under section 1602, 2.5 percent shall be available to carry out the program.

(i) SUNSET.—The program shall cease operations when all funds in the Gulf Coast Restoration Trust Fund established under section 1602 have been expended.

SEC. 1605. CENTERS OF EXCELLENCE RESEARCH GRANTS.

(a) IN GENERAL.—Of the total amount made available for each fiscal year from the Gulf Coast Restoration Trust Fund established under section 1602, 2.5 percent shall be made available to the Gulf Coast States (as defined in section 311(a) of the Federal Water Pollution Control Act (as added by section 1603 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012)), in equal shares, exclusively for grants in accordance with subsection (c) to establish centers of excellence to conduct research only on the Gulf Coast Region (as defined in section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321)).

(b) APPROVAL BY STATE ENTITY, TASK FORCE, OR AGENCY.—The duties of a Gulf Coast State under this section shall be carried out by the applicable Gulf Coast State entities, task forces, or agencies listed in section 311(t)(1)(F) of the Federal Water Pollution Control Act (as added by section 1603 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012), and for the State of Florida, a consortium of public and private research institutions within the State, which shall include the Florida Department of Environmental Protection and the Florida Fish and Wildlife Conservation Commission, for that Gulf Coast State.

(c) GRANTS.—

(1) IN GENERAL.—A Gulf Coast State shall use the amounts made available to carry out this section to award competitive grants to non-governmental entities and consortia in the Gulf Coast region (including public and private institutions of higher education) for the establishment of centers of excellence as described in subsection (d).

(2) APPLICATION.—To be eligible to receive a grant under this subsection, an entity or consortium described in paragraph (1) shall submit to a Gulf Coast State an application at such time, in such manner, and containing such information as the Gulf Coast State determines to be appropriate.

(3) **PRIORITY.**—In awarding grants under this subsection, a Gulf Coast State shall give priority to entities and consortia that demonstrate the ability to establish the broadest cross-section of participants with interest and expertise in any discipline described in subsection (d) on which the proposal of the center of excellence will be focused.

(4) **REPORTING.**—

(A) **IN GENERAL.**—Each Gulf Coast State shall provide annually to the Gulf Coast Ecosystem Restoration Council established under section 311(t)(2)(C) of the Federal Water Pollution Control Act (as added by section 1603 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012) information regarding all grants, including the amount, discipline or disciplines, and recipients of the grants, and in the case of any grant awarded to a consortium, the membership of the consortium.

(B) **INCLUSION.**—The Gulf Coast Ecosystem Restoration Council shall include the information received under subparagraph (A) in the annual report to Congress of the Council required under section 311(t)(2)(C)(vii)(VII) of the Federal Water Pollution Control Act (as added by section 1603 of the Resources and Ecosystems Sustainability, Tourist Opportunities, and Revived Economies of the Gulf Coast States Act of 2012).

(d) **DISCIPLINES.**—Each center of excellence shall focus on science, technology, and monitoring in at least 1 of the following disciplines:

(1) Coastal and deltaic sustainability, restoration and protection, including solutions and technology that allow citizens to live in a safe and sustainable manner in a coastal delta in the Gulf Coast Region.

(2) Coastal fisheries and wildlife ecosystem research and monitoring in the Gulf Coast Region.

(3) Offshore energy development, including research and technology to improve the sustainable and safe development of energy resources in the Gulf of Mexico.

(4) Sustainable and resilient growth, economic and commercial development in the Gulf Coast Region.

(5) Comprehensive observation, monitoring, and mapping of the Gulf of Mexico.

SEC. 1606. EFFECT.

(a) **DEFINITION OF DEEPWATER HORIZON OIL SPILL.**—In this section, the term “Deepwater Horizon oil spill” has the meaning given the term in section 311(a) of the Federal Water Pollution Control Act (33 U.S.C. 1321(a)).

(b) **EFFECT AND APPLICATION.**—Nothing in this subtitle or any amendment made by this subtitle—

(1) supersedes or otherwise affects any other provision of Federal law, including, in particular, laws providing recovery for injury to natural resources under the Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.) and laws for the protection of public health and the environment; or

(2) applies to any fine collected under section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321) for any incident other than the Deepwater Horizon oil spill.

(c) **USE OF FUNDS.**—Funds made available under this subtitle may be used only for eligible activities specifically authorized by this subtitle and the amendments made by this subtitle.

SEC. 1607. RESTORATION AND PROTECTION ACTIVITY LIMITATIONS.

(a) **WILLING SELLER.**—Funds made available under this subtitle may only be used to acquire land or interests in land by purchase, exchange, or donation from a willing seller.

(b) **ACQUISITION OF FEDERAL LAND.**—None of the funds made available under this subtitle may be used to acquire land in fee title by the Federal Government unless—

(1) the land is acquired by exchange or donation; or

(2) the acquisition is necessary for the restoration and protection of the natural resources, ecosystems, fisheries, marine and wildlife habitats, beaches, and coastal wetlands of the Gulf Coast region and has the concurrence of the Governor of the State in which the acquisition will take place.

SEC. 1608. INSPECTOR GENERAL.

The Office of the Inspector General of the Department of the Treasury shall have authority to conduct, supervise, and coordinate audits and investigations of projects, programs, and activities funded under this subtitle and the amendments made by this subtitle.

TITLE II—AMERICA FAST FORWARD FINANCING INNOVATION

SEC. 2001. SHORT TITLE.

This title may be cited as the “America Fast Forward Financing Innovation Act of 2012”.

SEC. 2002. TRANSPORTATION INFRASTRUCTURE FINANCE AND INNOVATION ACT OF 1998 AMENDMENTS.

Sections 601 through 609 of title 23, United States Code, are amended to read as follows:

“§ 601. Generally applicable provisions

“(a) **DEFINITIONS.**—In this chapter, the following definitions apply:

“(1) **CONTINGENT COMMITMENT.**—The term ‘contingent commitment’ means a commitment to obligate an amount from future available budget authority that is—

“(A) contingent on those funds being made available in law at a future date; and

“(B) not an obligation of the Federal Government.”

“(2) **ELIGIBLE PROJECT COSTS.**—The term ‘eligible project costs’ means amounts substantially all of which are paid by, or for the account of, an obligor in connection with a project, including the cost of—

“(A) development phase activities, including planning, feasibility analysis, revenue forecasting, environmental review, permitting, preliminary engineering and design work, and other preconstruction activities;

“(B) construction, reconstruction, rehabilitation, replacement, and acquisition of real property (including land relating to the project and improvements to land), environmental mitigation, construction contingencies, and acquisition of equipment; and

“(C) capitalized interest necessary to meet market requirements, reasonably required reserve funds, capital issuance expenses, and other carrying costs during construction.

“(3) **FEDERAL CREDIT INSTRUMENT.**—The term ‘Federal credit instrument’ means a secured loan, loan guarantee, or line of credit authorized to be made available under this chapter with respect to a project.

“(4) **INVESTMENT-GRADE RATING.**—The term ‘investment-grade rating’ means a rating of BBB minus, Baa3, bbb minus, BBB (low), or higher assigned by a rating agency to project obligations.

“(5) **LENDER.**—The term ‘lender’ means any non-Federal qualified institutional buyer (as defined in section 230.144A(a) of title 17, Code of Federal Regulations (or any successor regulation), known as Rule 144A(a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a et seq.)), including—

“(A) a qualified retirement plan (as defined in section 4974(c) of the Internal Revenue Code of 1986) that is a qualified institutional buyer; and

“(B) a governmental plan (as defined in section 414(d) of the Internal Revenue Code of 1986) that is a qualified institutional buyer.

“(6) **LETTER OF INTEREST.**—The term ‘letter of interest’ means a letter submitted by a potential

applicant prior to an application for credit assistance in a format prescribed by the Secretary on the website of the TIFIA program that—

“(A) describes the project and the location, purpose, and cost of the project;

“(B) outlines the proposed financial plan, including the requested credit assistance and the proposed obligor;

“(C) provides a status of environmental review; and

“(D) provides information regarding satisfaction of other eligibility requirements of the TIFIA program.

“(7) **LINE OF CREDIT.**—The term ‘line of credit’ means an agreement entered into by the Secretary with an obligor under section 604 to provide a direct loan at a future date upon the occurrence of certain events.

“(8) **LIMITED BUYDOWN.**—The term ‘limited buydown’ means, subject to the conditions described in section 603(b)(4)(C), a buydown of the interest rate by the obligor if the interest rate has increased between—

“(A)(i) the date on which a project application acceptable to the Secretary is submitted; or

“(ii) the date on which the Secretary entered into a master credit agreement; and

“(B) the date on which the Secretary executes the Federal credit instrument.

“(9) **LOAN GUARANTEE.**—The term ‘loan guarantee’ means any guarantee or other pledge by the Secretary to pay all or part of the principal of and interest on a loan or other debt obligation issued by an obligor and funded by a lender.

“(10) **MASTER CREDIT AGREEMENT.**—The term ‘master credit agreement’ means an agreement to extend credit assistance for a program of projects secured by a common security pledge (which shall receive an investment grade rating from a rating agency), or for a single project covered under section 602(b)(2) that would—

“(A) make contingent commitments of 1 or more secured loans or other Federal credit instruments at future dates, subject to the availability of future funds being made available to carry out this chapter;

“(B) establish the maximum amounts and general terms and conditions of the secured loans or other Federal credit instruments;

“(C) identify the 1 or more dedicated non-Federal revenue sources that will secure the repayment of the secured loans or secured Federal credit instruments;

“(D) provide for the obligation of funds for the secured loans or secured Federal credit instruments after all requirements have been met for the projects subject to the master credit agreement, including—

“(i) completion of an environmental impact statement or similar analysis required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(ii) compliance with such other requirements as are specified in section 602(c); and

“(iii) the availability of funds to carry out this chapter; and

“(E) require that contingent commitments result in a financial close and obligation of credit assistance not later than 3 years after the date of entry into the master credit agreement, or release of the commitment, unless otherwise extended by the Secretary.

“(11) **OBLIGOR.**—The term ‘obligor’ means a party that—

“(A) is primarily liable for payment of the principal of or interest on a Federal credit instrument; and

“(B) may be a corporation, partnership, joint venture, trust, or governmental entity, agency, or instrumentality.

“(12) **PROJECT.**—The term ‘project’ means—

“(A) any surface transportation project eligible for Federal assistance under this title or chapter 53 of title 49;

“(B) a project for an international bridge or tunnel for which an international entity authorized under Federal or State law is responsible;

“(C) a project for intercity passenger bus or rail facilities and vehicles, including facilities and vehicles owned by the National Railroad Passenger Corporation and components of magnetic levitation transportation systems; and

“(D) a project that—

“(i) is a project—

“(I) for a public freight rail facility or a private facility providing public benefit for highway users by way of direct freight interchange between highway and rail carriers;

“(II) for an intermodal freight transfer facility;

“(III) for a means of access to a facility described in subclause (I) or (II);

“(IV) for a service improvement for a facility described in subclause (I) or (II) (including a capital investment for an intelligent transportation system); or

“(V) that comprises a series of projects described in subclauses (I) through (IV) with the common objective of improving the flow of goods;

“(ii) may involve the combining of private and public sector funds, including investment of public funds in private sector facility improvements;

“(iii) if located within the boundaries of a port terminal, includes only such surface transportation infrastructure modifications as are necessary to facilitate direct intermodal interchange, transfer, and access into and out of the port; and

“(iv) is composed of related highway, surface transportation, transit, rail, or intermodal capital improvement projects eligible for assistance under this section in order to meet the eligible project cost threshold under section 602, by grouping related projects together for that purpose, subject to the condition that the credit assistance for the projects is secured by a common pledge.

“(13) **PROJECT OBLIGATION.**—The term ‘project obligation’ means any note, bond, debenture, or other debt obligation issued by an obligor in connection with the financing of a project, other than a Federal credit instrument.

“(14) **RATING AGENCY.**—The term ‘rating agency’ means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as that term is defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).

“(15) **RURAL INFRASTRUCTURE PROJECT.**—The term ‘rural infrastructure project’ means a surface transportation infrastructure project located in any area other than a city with a population of more than 250,000 inhabitants within the city limits.

“(16) **SECURED LOAN.**—The term ‘secured loan’ means a direct loan or other debt obligation issued by an obligor and funded by the Secretary in connection with the financing of a project under section 603.

“(17) **STATE.**—The term ‘State’ has the meaning given the term in section 101.

“(18) **SUBSIDY AMOUNT.**—The term ‘subsidy amount’ means the amount of budget authority sufficient to cover the estimated long-term cost to the Federal Government of a Federal credit instrument—

“(A) calculated on a net present value basis; and

“(B) excluding administrative costs and any incidental effects on governmental receipts or outlays in accordance with the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

“(19) **SUBSTANTIAL COMPLETION.**—The term ‘substantial completion’ means—

“(A) the opening of a project to vehicular or passenger traffic; or

“(B) a comparable event, as determined by the Secretary and specified in the credit agreement.

“(20) **TIFIA PROGRAM.**—The term ‘TIFIA program’ means the transportation infrastructure finance and innovation program of the Department.

“(b) **TREATMENT OF CHAPTER.**—For purposes of this title, this chapter shall be treated as being part of chapter 1.

“§ 602. Determination of eligibility and project selection

“(a) **ELIGIBILITY.**—

“(1) **IN GENERAL.**—A project shall be eligible to receive credit assistance under this chapter if—

“(A) the entity proposing to carry out the project submits a letter of interest prior to submission of a formal application for the project; and

“(B) the project meets the criteria described in this subsection.

“(2) **CREDITWORTHINESS.**—

“(A) **IN GENERAL.**—To be eligible for assistance under this chapter, a project shall satisfy applicable creditworthiness standards, which, at a minimum, shall include—

“(i) a rate covenant, if applicable;

“(ii) adequate coverage requirements to ensure repayment;

“(iii) an investment grade rating from at least 2 rating agencies on debt senior to the Federal credit instrument; and

“(iv) a rating from at least 2 rating agencies on the Federal credit instrument, subject to the condition that, with respect to clause (iii), if the total amount of the senior debt and the Federal credit instrument is less than \$75,000,000, 1 rating agency opinion for each of the senior debt and Federal credit instrument shall be sufficient.

“(B) **SENIOR DEBT.**—Notwithstanding subparagraph (A), in a case in which the Federal credit instrument is the senior debt, the Federal credit instrument shall be required to receive an investment grade rating from at least 2 rating agencies, unless the credit instrument is for an amount less than \$75,000,000, in which case 1 rating agency opinion shall be sufficient.

“(3) **INCLUSION IN TRANSPORTATION PLANS AND PROGRAMS.**—A project shall satisfy the applicable planning and programming requirements of sections 134 and 135 at such time as an agreement to make available a Federal credit instrument is entered into under this chapter.

“(4) **APPLICATION.**—A State, local government, public authority, public-private partnership, or any other legal entity undertaking the project and authorized by the Secretary shall submit a project application that is acceptable to the Secretary.

“(5) **ELIGIBLE PROJECT COSTS.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), to be eligible for assistance under this chapter, a project shall have eligible project costs that are reasonably anticipated to equal or exceed the lesser of—

“(i) \$50,000,000; or

“(II) in the case of a rural infrastructure project, \$25,000,000; and

“(ii) 33½ percent of the amount of Federal highway assistance funds apportioned for the most recently completed fiscal year to the State in which the project is located.

“(B) **INTELLIGENT TRANSPORTATION SYSTEM PROJECTS.**—In the case of a project principally involving the installation of an intelligent transportation system, eligible project costs shall be reasonably anticipated to equal or exceed \$15,000,000.

“(6) **DEDICATED REVENUE SOURCES.**—The applicable Federal credit instrument shall be repayable, in whole or in part, from—

“(A) tolls;

“(B) user fees;

“(C) payments owing to the obligor under a public-private partnership; or

“(D) other dedicated revenue sources that also secure or fund the project obligations.

“(7) **PUBLIC SPONSORSHIP OF PRIVATE ENTITIES.**—In the case of a project that is undertaken by an entity that is not a State or local government or an agency or instrumentality of a State or local government, the project that the entity is undertaking shall be publicly sponsored as provided in paragraph (3).

“(8) **APPLICATIONS WHERE OBLIGOR WILL BE IDENTIFIED LATER.**—A State, local government, agency or instrumentality of a State or local government, or public authority may submit to the Secretary an application under paragraph (4), under which a private party to a public-private partnership will be—

“(A) the obligor; and

“(B) identified later through completion of a procurement and selection of the private party.

“(9) **BENEFICIAL EFFECTS.**—The Secretary shall determine that financial assistance for the project under this chapter will—

“(A) foster, if appropriate, partnerships that attract public and private investment for the project;

“(B) enable the project to proceed at an earlier date than the project would otherwise be able to proceed or reduce the lifecycle costs (including debt service costs) of the project; and

“(C) reduce the contribution of Federal grant assistance for the project.

“(10) **PROJECT READINESS.**—To be eligible for assistance under this chapter, the applicant shall demonstrate a reasonable expectation that the contracting process for construction of the project can commence by not later than 90 days after the date on which a Federal credit instrument is obligated for the project under this chapter.

“(b) **SELECTION AMONG ELIGIBLE PROJECTS.**—

“(1) **ESTABLISHMENT.**—The Secretary shall establish a rolling application process under which projects that are eligible to receive credit assistance under subsection (a) shall receive credit assistance on terms acceptable to the Secretary, if adequate funds are available to cover the subsidy costs associated with the Federal credit instrument.

“(2) **ADEQUATE FUNDING NOT AVAILABLE.**—If the Secretary fully obligates funding to eligible projects in a fiscal year, and adequate funding is not available to fund a credit instrument, a project sponsor of an eligible project may elect to enter into a master credit agreement and wait until the earlier of—

“(A) the following fiscal year; and

“(B) the fiscal year during which additional funds are available to receive credit assistance.

“(3) **PRELIMINARY RATING OPINION LETTER.**—The Secretary shall require each project applicant to provide a preliminary rating opinion letter from at least 1 rating agency—

“(A) indicating that the senior obligations of the project, which may be the Federal credit instrument, have the potential to achieve an investment-grade rating; and

“(B) including a preliminary rating opinion on the Federal credit instrument.

“(c) **FEDERAL REQUIREMENTS.**—

“(1) **IN GENERAL.**—In addition to the requirements of this title for highway projects, the requirements of chapter 53 of title 49 for transit projects, and the requirements of section 5333(a) of title 49 for rail projects, the following provisions of law shall apply to funds made available under this chapter and projects assisted with those funds:

“(A) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

“(B) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(C) *The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970* (42 U.S.C. 4601 et seq.).

“(2) *NEPA*.—No funding shall be obligated for a project that has not received an environmental categorical exclusion, a finding of no significant impact, or a record of decision under the *National Environmental Policy Act of 1969* (42 U.S.C. 4321 et seq.).

“(d) *APPLICATION PROCESSING PROCEDURES*.—

“(1) *NOTICE OF COMPLETE APPLICATION*.—Not later than 30 days after the date of receipt of an application under this section, the Secretary shall provide to the applicant a written notice to inform the applicant whether—

“(A) the application is complete; or

“(B) additional information or materials are needed to complete the application.

“(2) *APPROVAL OR DENIAL OF APPLICATION*.—

Not later than 60 days after the date of issuance of the written notice under paragraph (1), the Secretary shall provide to the applicant a written notice informing the applicant whether the Secretary has approved or disapproved the application.

“(e) *DEVELOPMENT PHASE ACTIVITIES*.—Any credit instrument secured under this chapter may be used to finance up to 100 percent of the cost of development phase activities as described in section 601(a)(1)(A).

“§603. Secured loans

“(a) *IN GENERAL*.—

“(1) *AGREEMENTS*.—Subject to paragraphs (2) and (3), the Secretary may enter into agreements with 1 or more obligors to make secured loans, the proceeds of which shall be used—

“(A) to finance eligible project costs of any project selected under section 602;

“(B) to refinance interim construction financing of eligible project costs of any project selected under section 602;

“(C) to refinance existing Federal credit instruments for rural infrastructure projects; or

“(D) to refinance long-term project obligations or Federal credit instruments, if the refinancing provides additional funding capacity for the completion, enhancement, or expansion of any project that—

“(i) is selected under section 602; or

“(ii) otherwise meets the requirements of section 602.

“(2) *LIMITATION ON REFINANCING OF INTERIM CONSTRUCTION FINANCING*.—A loan under paragraph (1) shall not refinance interim construction financing under paragraph (1)(B) later than 1 year after the date of substantial completion of the project.

“(3) *RISK ASSESSMENT*.—Before entering into an agreement under this subsection, the Secretary, in consultation with the Director of the Office of Management and Budget, shall determine an appropriate capital reserve subsidy amount for each secured loan, taking into account each rating letter provided by an agency under section 602(b)(3)(B).

“(b) *TERMS AND LIMITATIONS*.—

“(1) *IN GENERAL*.—A secured loan under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines to be appropriate.

“(2) *MAXIMUM AMOUNT*.—The amount of a secured loan under this section shall not exceed the lesser of 49 percent of the reasonably anticipated eligible project costs or if the secured loan does not receive an investment grade rating, the amount of the senior project obligations.

“(3) *PAYMENT*.—A secured loan under this section—

“(A) shall—

“(i) be payable, in whole or in part, from—

“(I) tolls;

“(II) user fees;

“(III) payments owing to the obligor under a public-private partnership; or

“(IV) other dedicated revenue sources that also secure the senior project obligations; and

“(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

“(B) may have a lien on revenues described in subparagraph (A), subject to any lien securing project obligations.

“(4) *INTEREST RATE*.—

“(A) *IN GENERAL*.—Except as provided in subparagraphs (B) and (C), the interest rate on a secured loan under this section shall be not less than the yield on United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

“(B) *RURAL INFRASTRUCTURE PROJECTS*.—

“(i) *IN GENERAL*.—The interest rate of a loan offered to a rural infrastructure project under this chapter shall be at ½ of the Treasury Rate in effect on the date of execution of the loan agreement.

“(ii) *APPLICATION*.—The rate described in clause (i) shall only apply to any portion of a loan the subsidy cost of which is funded by amounts set aside for rural infrastructure projects under section 608(a)(3)(A).

“(C) *LIMITED BUYDOWNS*.—The interest rate of a secured loan under this section may not be lowered by more than the lower of—

“(i) 1½ percentage points (150 basis points); or

“(ii) the amount of the increase in the interest rate.

“(5) *MATURITY DATE*.—The final maturity date of the secured loan shall be the lesser of—

“(A) 35 years after the date of substantial completion of the project; and

“(B) if the useful life of the capital asset being financed is of a lesser period, the useful life of the asset.

“(6) *NONSUBORDINATION*.—

“(A) *IN GENERAL*.—Except as provided in subparagraph (B), the secured loan shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

“(B) *PREEXISTING INDENTURE*.—

“(i) *IN GENERAL*.—The Secretary shall waive the requirement under subparagraph (A) for a public agency borrower that is financing ongoing capital programs and has outstanding senior bonds under a preexisting indenture, if—

“(I) the secured loan is rated in the A category or higher;

“(II) the secured loan is secured and payable from pledged revenues not affected by project performance, such as a tax-backed revenue pledge or a system-backed pledge of project revenues; and

“(III) the TIFIA program share of eligible project costs is 33 percent or less.

“(ii) *LIMITATION*.—If the Secretary waives the nonsubordination requirement under this subparagraph—

“(I) the maximum credit subsidy to be paid by the Federal Government shall be not more than 10 percent of the principal amount of the secured loan; and

“(II) the obligor shall be responsible for paying the remainder of the subsidy cost, if any.

“(7) *FEES*.—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of making a secured loan under this section.

“(8) *NON-FEDERAL SHARE*.—The proceeds of a secured loan under this chapter may be used for any non-Federal share of project costs required under this title or chapter 53 of title 49, if the loan is repayable from non-Federal funds.

“(9) *MAXIMUM FEDERAL INVOLVEMENT*.—The total Federal assistance provided on a project receiving a loan under this chapter shall not exceed 80 percent of the total project cost.

“(c) *REPAYMENT*.—

“(1) *SCHEDULE*.—The Secretary shall establish a repayment schedule for each secured loan under this section based on—

“(A) the projected cash flow from project revenues and other repayment sources; and

“(B) the useful life of the project.

“(2) *COMMENCEMENT*.—Scheduled loan repayments of principal or interest on a secured loan under this section shall commence not later than 5 years after the date of substantial completion of the project.

“(3) *DEFERRED PAYMENTS*.—

“(A) *IN GENERAL*.—If, at any time after the date of substantial completion of the project, the project is unable to generate sufficient revenues to pay the scheduled loan repayments of principal and interest on the secured loan, the Secretary may, subject to subparagraph (C), allow the obligor to add unpaid principal and interest to the outstanding balance of the secured loan.

“(B) *INTEREST*.—Any payment deferred under subparagraph (A) shall—

“(i) continue to accrue interest in accordance with subsection (b)(4) until fully repaid; and

“(ii) be scheduled to be amortized over the remaining term of the loan.

“(C) *CRITERIA*.—

“(i) *IN GENERAL*.—Any payment deferral under subparagraph (A) shall be contingent on the project meeting criteria established by the Secretary.

“(ii) *REPAYMENT STANDARDS*.—The criteria established pursuant to clause (i) shall include standards for reasonable assurance of repayment.

“(4) *PREPAYMENT*.—

“(A) *USE OF EXCESS REVENUES*.—Any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and secured loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the secured loan without penalty.

“(B) *USE OF PROCEEDS OF REFINANCING*.—The secured loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

“(d) *SALE OF SECURED LOANS*.—

“(1) *IN GENERAL*.—Subject to paragraph (2), as soon as practicable after substantial completion of a project and after notifying the obligor, the Secretary may sell to another entity or reoffer into the capital markets a secured loan for the project if the Secretary determines that the sale or reoffering can be made on favorable terms.

“(2) *CONSENT OF OBLIGOR*.—In making a sale or reoffering under paragraph (1), the Secretary may not change the original terms and conditions of the secured loan without the written consent of the obligor.

“(e) *LOAN GUARANTEES*.—

“(1) *IN GENERAL*.—The Secretary may provide a loan guarantee to a lender in lieu of making a secured loan under this section if the Secretary determines that the budgetary cost of the loan guarantee is substantially the same as that of a secured loan.

“(2) *TERMS*.—The terms of a loan guarantee under paragraph (1) shall be consistent with the terms required under this section for a secured loan, except that the rate on the guaranteed loan and any prepayment features shall be negotiated between the obligor and the lender, with the consent of the Secretary.

“§604. Lines of credit

“(a) *IN GENERAL*.—

“(1) *AGREEMENTS*.—Subject to paragraphs (2) through (4), the Secretary may enter into agreements to make available to 1 or more obligors lines of credit in the form of direct loans to be made by the Secretary at future dates on the occurrence of certain events for any project selected under section 602.

“(2) **USE OF PROCEEDS.**—The proceeds of a line of credit made available under this section shall be available to pay debt service on project obligations issued to finance eligible project costs, extraordinary repair and replacement costs, operation and maintenance expenses, and costs associated with unexpected Federal or State environmental restrictions.

“(3) **RISK ASSESSMENT.**—Before entering into an agreement under this subsection, the Secretary, in consultation with the Director of the Office of Management and Budget and each rating agency providing a preliminary rating opinion letter under section 602(b)(3), shall determine an appropriate capital reserve subsidy amount for each line of credit, taking into account the rating opinion letter.

“(4) **INVESTMENT-GRADE RATING REQUIREMENT.**—The funding of a line of credit under this section shall be contingent on the senior obligations of the project receiving an investment-grade rating from 2 rating agencies.

“(b) **TERMS AND LIMITATIONS.**—

“(1) **IN GENERAL.**—A line of credit under this section with respect to a project shall be on such terms and conditions and contain such covenants, representations, warranties, and requirements (including requirements for audits) as the Secretary determines to be appropriate.

“(2) **MAXIMUM AMOUNTS.**—The total amount of a line of credit under this section shall not exceed 33 percent of the reasonably anticipated eligible project costs.

“(3) **DRAWS.**—Any draw on a line of credit under this section shall—

“(A) represent a direct loan; and

“(B) be made only if net revenues from the project (including capitalized interest, but not including reasonably required financing reserves) are insufficient to pay the costs specified in subsection (a)(2).

“(4) **INTEREST RATE.**—Except as provided in subparagraphs (B) and (C) of section 603(b)(4), the interest rate on a direct loan resulting from a draw on the line of credit shall be not less than the yield on 30-year United States Treasury securities, as of the date of execution of the line of credit agreement.

“(5) **SECURITY.**—A line of credit issued under this section—

“(A) shall—

“(i) be payable, in whole or in part, from—

“(I) tolls;

“(II) user fees;

“(III) payments owing to the obligor under a public-private partnership; or

“(IV) other dedicated revenue sources that also secure the senior project obligations; and

“(ii) include a rate covenant, coverage requirement, or similar security feature supporting the project obligations; and

“(B) may have a lien on revenues described in subparagraph (A), subject to any lien securing project obligations.

“(6) **PERIOD OF AVAILABILITY.**—The full amount of a line of credit under this section, to the extent not drawn upon, shall be available during the 10-year period beginning on the date of substantial completion of the project.

“(7) **RIGHTS OF THIRD-PARTY CREDITORS.**—

“(A) **AGAINST FEDERAL GOVERNMENT.**—A third-party creditor of the obligor shall not have any right against the Federal Government with respect to any draw on a line of credit under this section.

“(B) **ASSIGNMENT.**—An obligor may assign a line of credit under this section to—

“(i) 1 or more lenders; or

“(ii) a trustee on the behalf of such a lender.

“(8) **NONSUBORDINATION.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), a direct loan under this section shall not be subordinated to the claims of any holder of project obligations in the event of

bankruptcy, insolvency, or liquidation of the obligor.

“(B) **PRE-EXISTING INDENTURE.**—

“(i) **IN GENERAL.**—The Secretary shall waive the requirement of subparagraph (A) for a public agency borrower that is financing ongoing capital programs and has outstanding senior bonds under a preexisting indenture, if—

“(I) the line of credit is rated in the A category or higher;

“(II) the TIFIA program loan resulting from a draw on the line of credit is payable from pledged revenues not affected by project performance, such as a tax-backed revenue pledge or a system-backed pledge of project revenues; and

“(III) the TIFIA program share of eligible project costs is 33 percent or less.

“(ii) **LIMITATION.**—If the Secretary waives the nonsubordination requirement under this subparagraph—

“(I) the maximum credit subsidy to be paid by the Federal Government shall be not more than 10 percent of the principal amount of the secured loan; and

“(II) the obligor shall be responsible for paying the remainder of the subsidy cost.

“(9) **FEES.**—The Secretary may establish fees at a level sufficient to cover all or a portion of the costs to the Federal Government of providing a line of credit under this section.

“(10) **RELATIONSHIP TO OTHER CREDIT INSTRUMENTS.**—A project that receives a line of credit under this section also shall not receive a secured loan or loan guarantee under section 603 in an amount that, combined with the amount of the line of credit, exceeds 49 percent of eligible project costs.

“(c) **REPAYMENT.**—

“(1) **TERMS AND CONDITIONS.**—The Secretary shall establish repayment terms and conditions for each direct loan under this section based on—

“(A) the projected cash flow from project revenues and other repayment sources; and

“(B) the useful life of the asset being financed.

“(2) **TIMING.**—All repayments of principal or interest on a direct loan under this section shall be scheduled—

“(A) to commence not later than 5 years after the end of the period of availability specified in subsection (b)(6); and

“(B) to conclude, with full repayment of principal and interest, by the date that is 25 years after the end of the period of availability specified in subsection (b)(6).

“§605. Program administration

“(a) **REQUIREMENT.**—The Secretary shall establish a uniform system to service the Federal credit instruments made available under this chapter.

“(b) **FEES.**—The Secretary may collect and spend fees, contingent on authority being provided in appropriations Acts, at a level that is sufficient to cover—

“(1) the costs of services of expert firms retained pursuant to subsection (d); and

“(2) all or a portion of the costs to the Federal Government of servicing the Federal credit instruments.

“(c) **SERVICER.**—

“(1) **IN GENERAL.**—The Secretary may appoint a financial entity to assist the Secretary in servicing the Federal credit instruments.

“(2) **DUTIES.**—A servicer appointed under paragraph (1) shall act as the agent for the Secretary.

“(3) **FEE.**—A servicer appointed under paragraph (1) shall receive a servicing fee, subject to approval by the Secretary.

“(d) **ASSISTANCE FROM EXPERT FIRMS.**—The Secretary may retain the services of expert firms, including counsel, in the field of munic-

ipal and project finance to assist in the underwriting and servicing of Federal credit instruments.

“(e) **EXPEDITED PROCESSING.**—The Secretary shall implement procedures and measures to economize the time and cost involved in obtaining approval and the issuance of credit assistance under this chapter.

“§606. State and local permits

“The provision of credit assistance under this chapter with respect to a project shall not—

“(1) relieve any recipient of the assistance of any obligation to obtain any required State or local permit or approval with respect to the project;

“(2) limit the right of any unit of State or local government to approve or regulate any rate of return on private equity invested in the project; or

“(3) otherwise supersede any State or local law (including any regulation) applicable to the construction or operation of the project.

“§607. Regulations

“The Secretary may promulgate such regulations as the Secretary determines to be appropriate to carry out this chapter.

“§608. Funding

“(a) **FUNDING.**—

“(1) **SPENDING AND BORROWING AUTHORITY.**—Spending and borrowing authority for a fiscal year to enter into Federal credit instruments shall be promptly apportioned to the Secretary on a fiscal-year basis.

“(2) **REESTIMATES.**—If the subsidy cost of a Federal credit instrument is reestimated, the cost increase or decrease of the reestimate shall be borne by, or benefit, the general fund of the Treasury, consistent with section 504(f) of the Congressional Budget Act of 1974 (2 U.S.C. 661c(f)).

“(3) **RURAL SET-ASIDE.**—

“(A) **IN GENERAL.**—Of the total amount of funds made available to carry out this chapter for each fiscal year, not more than 10 percent shall be set aside for rural infrastructure projects.

“(B) **REOBLIGATION.**—Any amounts set aside under subparagraph (A) that remain unobligated by June 1 of the fiscal year for which the amounts were set aside shall be available for obligation by the Secretary on projects other than rural infrastructure projects.

“(4) **REDISTRIBUTION OF AUTHORIZED FUNDING.**—

“(A) **IN GENERAL.**—Beginning in fiscal year 2014, on April 1 of each fiscal year, if the cumulative unobligated and uncommitted balance of funding available exceeds 75 percent of the amount made available to carry out this chapter for that fiscal year, the Secretary shall distribute to the States the amount of funds and associated obligation authority in excess of that amount.

“(B) **DISTRIBUTION.**—The amounts and obligation authority distributed under this paragraph shall be distributed, in the same manner as obligation authority is distributed to the States for the fiscal year, based on the proportion that—

“(i) the relative share of each State of obligation authority for the fiscal year; bears to

“(ii) the total amount of obligation authority distributed to all States for the fiscal year.

“(C) **PURPOSE.**—Funds distributed under subparagraph (B) shall be available for any purpose described in section 133(b).

“(5) **AVAILABILITY.**—Amounts made available to carry out this chapter shall remain available until expended.

“(6) **ADMINISTRATIVE COSTS.**—Of the amounts made available to carry out this chapter, the Secretary may use not more than 0.50 percent for each fiscal year for the administration of this chapter.

“(b) **CONTRACT AUTHORITY.**—

“(1) *IN GENERAL*.—Notwithstanding any other provision of law, execution of a term sheet by the Secretary of a Federal credit instrument that uses amounts made available under this chapter shall impose on the United States a contractual obligation to fund the Federal credit investment.

“(2) *AVAILABILITY*.—Amounts made available to carry out this chapter for a fiscal year shall be available for obligation on October 1 of the fiscal year.

“§ 609. Reports to Congress

“(a) *IN GENERAL*.—On June 1, 2012, and every 2 years thereafter, the Secretary shall submit to Congress a report summarizing the financial performance of the projects that are receiving, or have received, assistance under this chapter (other than section 610), including a recommendation as to whether the objectives of this chapter (other than section 610) are best served by—

“(1) continuing the program under the authority of the Secretary;

“(2) establishing a Federal corporation or federally sponsored enterprise to administer the program; or

“(3) phasing out the program and relying on the capital markets to fund the types of infrastructure investments assisted by this chapter (other than section 610) without Federal participation.

“(b) *APPLICATION PROCESS REPORT*.—

“(1) *IN GENERAL*.—Not later than December 1, 2012, and annually thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that includes a list of all of the letters of interest and applications received from project sponsors for assistance under this chapter (other than section 610) during the preceding fiscal year.

“(2) *INCLUSIONS*.—

“(A) *IN GENERAL*.—Each report under paragraph (1) shall include, at a minimum, a description of, with respect to each letter of interest and application included in the report—

“(i) the date on which the letter of interest or application was received;

“(ii) the date on which a notification was provided to the project sponsor regarding whether the application was complete or incomplete;

“(iii) the date on which a revised and completed application was submitted (if applicable);

“(iv) the date on which a notification was provided to the project sponsor regarding whether the project was approved or disapproved; and

“(v) if the project was not approved, the reason for the disapproval.

“(B) *CORRESPONDENCE*.—Each report under paragraph (1) shall include copies of any correspondence provided to the project sponsor in accordance with section 602(d).”

DIVISION B—PUBLIC TRANSPORTATION

SEC. 20001. SHORT TITLE.

This division may be cited as the “Federal Public Transportation Act of 2012”.

SEC. 20002. REPEALS.

(a) CHAPTER 53.—Chapter 53 of title 49, United States Code, is amended by striking sections 5308, 5316, 5317, 5320, and 5328.

(b) TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY.—Section 3038 of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note) is repealed.

(c) SAFETEA-LU.—The following provisions are repealed:

(1) Section 3009(i) of SAFETEA-LU (Public Law 109–59; 119 Stat. 1572).

(2) Section 3011(c) of SAFETEA-LU (49 U.S.C. 5309 note).

(3) Section 3012(b) of SAFETEA-LU (49 U.S.C. 5310 note).

(4) Section 3045 of SAFETEA-LU (49 U.S.C. 5308 note).

(5) Section 3046 of SAFETEA-LU (49 U.S.C. 5338 note).

SEC. 20003. POLICIES AND PURPOSES.

Section 5301 of title 49, United States Code, is amended to read as follows:

“§ 5301. Policies and purposes

“(a) *DECLARATION OF POLICY*.—It is in the interest of the United States, including the economic interest of the United States, to foster the development and revitalization of public transportation systems with the cooperation of both public transportation companies and private companies engaged in public transportation.

“(b) *GENERAL PURPOSES*.—The purposes of this chapter are to—

“(1) provide funding to support public transportation;

“(2) improve the development and delivery of capital projects;

“(3) establish standards for the state of good repair of public transportation infrastructure and vehicles;

“(4) promote continuing, cooperative, and comprehensive planning that improves the performance of the transportation network;

“(5) establish a technical assistance program to assist recipients under this chapter to more effectively and efficiently provide public transportation service;

“(6) continue Federal support for public transportation providers to deliver high quality service to all users, including individuals with disabilities, seniors, and individuals who depend on public transportation;

“(7) support research, development, demonstration, and deployment projects dedicated to assisting in the delivery of efficient and effective public transportation service; and

“(8) promote the development of the public transportation workforce.”

SEC. 20004. DEFINITIONS.

Section 5302 of title 49, United States Code, is amended to read as follows:

“§ 5302. Definitions

“Except as otherwise specifically provided, in this chapter the following definitions apply:

“(1) *ASSOCIATED TRANSIT IMPROVEMENT*.—The term ‘associated transit improvement’ means, with respect to any project or an area to be served by a project, projects that are designed to enhance public transportation service or use and that are physically or functionally related to transit facilities. Eligible projects are—

“(A) historic preservation, rehabilitation, and operation of historic public transportation buildings, structures, and facilities (including historic bus and railroad facilities) intended for use in public transportation service;

“(B) bus shelters;

“(C) landscaping and streetscaping, including benches, trash receptacles, and street lights;

“(D) pedestrian access and walkways;

“(E) bicycle access, including bicycle storage facilities and installing equipment for transporting bicycles on public transportation vehicles;

“(F) signage; or

“(G) enhanced access for persons with disabilities to public transportation.

“(2) *BUS RAPID TRANSIT SYSTEM*.—The term ‘bus rapid transit system’ means a bus transit system—

“(A) in which the majority of each line operates in a separated right-of-way dedicated for public transportation use during peak periods; and

“(B) that includes features that emulate the services provided by rail fixed guideway public transportation systems, including—

“(i) defined stations;

“(ii) traffic signal priority for public transportation vehicles;

“(iii) short headway bidirectional services for a substantial part of weekdays and weekend days; and

“(iv) any other features the Secretary may determine are necessary to produce high-quality public transportation services that emulate the services provided by rail fixed guideway public transportation systems.

“(3) *CAPITAL PROJECT*.—The term ‘capital project’ means a project for—

“(A) acquiring, constructing, supervising, or inspecting equipment or a facility for use in public transportation, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, transit-related intelligent transportation systems, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing;

“(B) rehabilitating a bus;

“(C) remanufacturing a bus;

“(D) overhauling rail rolling stock;

“(E) preventive maintenance;

“(F) leasing equipment or a facility for use in public transportation, subject to regulations that the Secretary prescribes limiting the leasing arrangements to those that are more cost-effective than purchase or construction;

“(G) a joint development improvement that—

“(i) enhances economic development or incorporates private investment, such as commercial and residential development;

“(ii) (I) enhances the effectiveness of public transportation and is related physically or functionally to public transportation; or

“(II) establishes new or enhanced coordination between public transportation and other transportation;

“(iii) provides a fair share of revenue that will be used for public transportation;

“(iv) provides that a person making an agreement to occupy space in a facility constructed under this paragraph shall pay a fair share of the costs of the facility through rental payments and other means;

“(v) may include—

“(I) property acquisition;

“(II) demolition of existing structures;

“(III) site preparation;

“(IV) utilities;

“(V) building foundations;

“(VI) walkways;

“(VII) pedestrian and bicycle access to a public transportation facility;

“(VIII) construction, renovation, and improvement of intercity bus and intercity rail stations and terminals;

“(IX) renovation and improvement of historic transportation facilities;

“(X) open space;

“(XI) safety and security equipment and facilities (including lighting, surveillance, and related intelligent transportation system applications);

“(XII) facilities that incorporate community services such as daycare or health care;

“(XIII) a capital project for, and improving, equipment or a facility for an intermodal transfer facility or transportation mall; and

“(XIV) construction of space for commercial uses; and

“(vi) does not include outfitting of commercial space (other than an intercity bus or rail station or terminal) or a part of a public facility not related to public transportation;

“(H) the introduction of new technology, through innovative and improved products, into public transportation;

“(I) the provision of nonfixed route paratransit transportation services in accordance with section 223 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12143), but only for

grant recipients that are in compliance with applicable requirements of that Act, including both fixed route and demand responsive service, and only for amounts not to exceed 10 percent of such recipient's annual formula apportionment under sections 5307 and 5311;

“(J) establishing a debt service reserve, made up of deposits with a bondholder's trustee, to ensure the timely payment of principal and interest on bonds issued by a grant recipient to finance an eligible project under this chapter;

“(K) mobility management—

“(i) consisting of short-range planning and management activities and projects for improving coordination among public transportation and other transportation service providers carried out by a recipient or subrecipient through an agreement entered into with a person, including a governmental entity, under this chapter (other than section 5309); but

“(ii) excluding operating public transportation services; or

“(L) associated capital maintenance, including—

“(i) equipment, tires, tubes, and material, each costing at least .5 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment, tires, tubes, and material are to be used; and

“(ii) reconstruction of equipment and material, each of which after reconstruction will have a fair market value of at least .5 percent of the current fair market value of rolling stock comparable to the rolling stock for which the equipment and material will be used.

“(4) DESIGNATED RECIPIENT.—The term ‘designated recipient’ means—

“(A) an entity designated, in accordance with the planning process under sections 5303 and 5304, by the Governor of a State, responsible local officials, and publicly owned operators of public transportation, to receive and apportion amounts under section 5336 to urbanized areas of 200,000 or more in population; or

“(B) a State or regional authority, if the authority is responsible under the laws of a State for a capital project and for financing and directly providing public transportation.

“(5) DISABILITY.—The term ‘disability’ has the same meaning as in section 3(1) of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).

“(6) EMERGENCY REGULATION.—The term ‘emergency regulation’ means a regulation—

“(A) that is effective temporarily before the expiration of the otherwise specified periods of time for public notice and comment under section 5334(c); and

“(B) prescribed by the Secretary as the result of a finding that a delay in the effective date of the regulation—

“(i) would injure seriously an important public interest;

“(ii) would frustrate substantially legislative policy and intent; or

“(iii) would damage seriously a person or class without serving an important public interest.

“(7) FIXED GUIDEWAY.—The term ‘fixed guideway’ means a public transportation facility—

“(A) using and occupying a separate right-of-way for the exclusive use of public transportation;

“(B) using rail;

“(C) using a fixed catenary system;

“(D) for a passenger ferry system; or

“(E) for a bus rapid transit system.

“(8) GOVERNOR.—The term ‘Governor’—

“(A) means the Governor of a State, the mayor of the District of Columbia, and the chief executive officer of a territory of the United States; and

“(B) includes the designee of the Governor.

“(9) JOB ACCESS AND REVERSE COMMUTE PROJECT.—

“(A) IN GENERAL.—The term ‘job access and reverse commute project’ means a transportation project to finance planning, capital, and operating costs that support the development and maintenance of transportation services designed to transport welfare recipients and eligible low-income individuals to and from jobs and activities related to their employment, including transportation projects that facilitate the provision of public transportation services from urbanized areas and rural areas to suburban employment locations.

“(B) DEFINITIONS.—In this paragraph:

“(i) ELIGIBLE LOW-INCOME INDIVIDUAL.—The term ‘eligible low-income individual’ means an individual whose family income is at or below 150 percent of the poverty line (as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section) for a family of the size involved.

“(ii) WELFARE RECIPIENT.—The term ‘welfare recipient’ means an individual who has received assistance under a State or tribal program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) at any time during the 3-year period before the date on which the applicant applies for a grant under section 5307 or 5311.

“(10) LOCAL GOVERNMENTAL AUTHORITY.—The term ‘local governmental authority’ includes—

“(A) a political subdivision of a State;

“(B) an authority of at least 1 State or political subdivision of a State;

“(C) an Indian tribe; and

“(D) a public corporation, board, or commission established under the laws of a State.

“(11) LOW-INCOME INDIVIDUAL.—The term ‘low-income individual’ means an individual whose family income is at or below 150 percent of the poverty line, as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section, for a family of the size involved.

“(12) NET PROJECT COST.—The term ‘net project cost’ means the part of a project that reasonably cannot be financed from revenues.

“(13) NEW BUS MODEL.—The term ‘new bus model’ means a bus model (including a model using alternative fuel)—

“(A) that has not been used in public transportation in the United States before the date of production of the model; or

“(B) used in public transportation in the United States, but being produced with a major change in configuration or components.

“(14) PUBLIC TRANSPORTATION.—The term ‘public transportation’—

“(A) means regular, continuing shared-ride surface transportation services that are open to the general public or open to a segment of the general public defined by age, disability, or low income; and

“(B) does not include—

“(i) intercity passenger rail transportation provided by the entity described in chapter 243 (or a successor to such entity);

“(ii) intercity bus service;

“(iii) charter bus service;

“(iv) school bus service;

“(v) sightseeing service;

“(vi) courtesy shuttle service for patrons of one or more specific establishments; or

“(vii) intra-terminal or intra-facility shuttle services.

“(15) REGULATION.—The term ‘regulation’ means any part of a statement of general or particular applicability of the Secretary designed to carry out, interpret, or prescribe law or policy in carrying out this chapter.

“(16) RURAL AREA.—The term ‘rural area’ means an area encompassing a population of less than 50,000 people that has not been des-

ignated in the most recent decennial census as an ‘urbanized area’ by the Secretary of Commerce.

“(17) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(18) SENIOR.—The term ‘senior’ means an individual who is 65 years of age or older.

“(19) STATE.—The term ‘State’ means a State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the Virgin Islands.

“(20) STATE OF GOOD REPAIR.—The term ‘state of good repair’ has the meaning given that term by the Secretary, by rule, under section 5326(b).

“(21) TRANSIT.—The term ‘transit’ means public transportation.

“(22) URBAN AREA.—The term ‘urban area’ means an area that includes a municipality or other built-up place that the Secretary, after considering local patterns and trends of urban growth, decides is appropriate for a local public transportation system to serve individuals in the locality.

“(23) URBANIZED AREA.—The term ‘urbanized area’ means an area encompassing a population of not less than 50,000 people that has been defined and designated in the most recent decennial census as an ‘urbanized area’ by the Secretary of Commerce.”

SEC. 20005. METROPOLITAN TRANSPORTATION PLANNING.

(a) AMENDMENT.—Section 5303 of title 49, United States Code, is amended to read as follows:

“§ 5303. Metropolitan transportation planning

“(a) POLICY.—It is in the national interest—

“(1) to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight and foster economic growth and development within and between States and urbanized areas, while minimizing transportation-related fuel consumption and air pollution through metropolitan and statewide transportation planning processes identified in this chapter; and

“(2) to encourage the continued improvement and evolution of the metropolitan and statewide transportation planning processes by metropolitan planning organizations, State departments of transportation, and public transit operators as guided by the planning factors identified in subsection (h) and section 5304(d).

“(b) DEFINITIONS.—In this section and section 5304, the following definitions apply:

“(1) METROPOLITAN PLANNING AREA.—The term ‘metropolitan planning area’ means the geographic area determined by agreement between the metropolitan planning organization for the area and the Governor under subsection (e).

“(2) METROPOLITAN PLANNING ORGANIZATION.—The term ‘metropolitan planning organization’ means the policy board of an organization established as a result of the designation process under subsection (d).

“(3) NONMETROPOLITAN AREA.—The term ‘nonmetropolitan area’ means a geographic area outside designated metropolitan planning areas.

“(4) NONMETROPOLITAN LOCAL OFFICIAL.—The term ‘nonmetropolitan local official’ means elected and appointed officials of general purpose local government in a nonmetropolitan area with responsibility for transportation.

“(5) REGIONAL TRANSPORTATION PLANNING ORGANIZATION.—The term ‘regional transportation planning organization’ means a policy board of an organization established as the result of a designation under section 5304(l).

“(6) TIP.—The term ‘TIP’ means a transportation improvement program developed by a metropolitan planning organization under subsection (j).

“(7) URBANIZED AREA.—The term ‘urbanized area’ means a geographic area with a population of 50,000 or more, as determined by the Bureau of the Census.

“(c) GENERAL REQUIREMENTS.—

“(1) DEVELOPMENT OF LONG-RANGE PLANS AND TIPS.—To accomplish the objectives in subsection (a), metropolitan planning organizations designated under subsection (d), in cooperation with the State and public transportation operators, shall develop long-range transportation plans and transportation improvement programs through a performance-driven, outcome-based approach to planning for metropolitan areas of the State.

“(2) CONTENTS.—The plans and TIPS for each metropolitan area shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the State and the United States.

“(3) PROCESS OF DEVELOPMENT.—The process for developing the plans and TIPS shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

“(d) DESIGNATION OF METROPOLITAN PLANNING ORGANIZATIONS.—

“(1) IN GENERAL.—To carry out the transportation planning process required by this section, a metropolitan planning organization shall be designated for each urbanized area with a population of more than 50,000 individuals—

“(A) by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the affected population (including the largest incorporated city (based on population) as determined by the Bureau of the Census); or

“(B) in accordance with procedures established by applicable State or local law.

“(2) STRUCTURE.—Not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2012, each metropolitan planning organization that serves an area designated as a transportation management area shall consist of—

“(A) local elected officials;

“(B) officials of public agencies that administer or operate major modes of transportation in the metropolitan area, including representation by providers of public transportation; and

“(C) appropriate State officials.

“(3) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this subsection shall be construed to interfere with the authority, under any State law in effect on December 18, 1991, of a public agency with multimodal transportation responsibilities—

“(A) to develop the plans and TIPS for adoption by a metropolitan planning organization; and

“(B) to develop long-range capital plans, coordinate transit services and projects, and carry out other activities pursuant to State law.

“(4) CONTINUING DESIGNATION.—A designation of a metropolitan planning organization under this subsection or any other provision of law shall remain in effect until the metropolitan planning organization is redesignated under paragraph (5).

“(5) REDESIGNATION PROCEDURES.—

“(A) IN GENERAL.—A metropolitan planning organization may be redesignated by agreement between the Governor and units of general purpose local government that together represent at least 75 percent of the existing planning area population (including the largest incorporated city (based on population) as determined by the Bureau of the Census) as appropriate to carry out this section.

“(B) RESTRUCTURING.—A metropolitan planning organization may be restructured to meet

the requirements of paragraph (2) without undertaking a redesignation.

“(6) DESIGNATION OF MORE THAN 1 METROPOLITAN PLANNING ORGANIZATION.—More than 1 metropolitan planning organization may be designated within an existing metropolitan planning area only if the Governor and the existing metropolitan planning organization determine that the size and complexity of the existing metropolitan planning area make designation of more than 1 metropolitan planning organization for the area appropriate.

“(e) METROPOLITAN PLANNING AREA BOUNDARIES.—

“(1) IN GENERAL.—For the purposes of this section, the boundaries of a metropolitan planning area shall be determined by agreement between the metropolitan planning organization and the Governor.

“(2) INCLUDED AREA.—Each metropolitan planning area—

“(A) shall encompass at least the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period for the transportation plan; and

“(B) may encompass the entire metropolitan statistical area or consolidated metropolitan statistical area, as defined by the Bureau of the Census.

“(3) IDENTIFICATION OF NEW URBANIZED AREAS WITHIN EXISTING PLANNING AREA BOUNDARIES.—The designation by the Bureau of the Census of new urbanized areas within an existing metropolitan planning area shall not require the redesignation of the existing metropolitan planning organization.

“(4) EXISTING METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—

“(A) IN GENERAL.—Notwithstanding paragraph (2), except as provided in subparagraph (B), in the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.) as of the date of enactment of the SAFETEA-LU, the boundaries of the metropolitan planning area in existence as of such date of enactment shall be retained.

“(B) EXCEPTION.—The boundaries described in subparagraph (A) may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in subsection (d)(5).

“(5) NEW METROPOLITAN PLANNING AREAS IN NONATTAINMENT.—In the case of an urbanized area designated after the date of enactment of the SAFETEA-LU, as a nonattainment area for ozone or carbon monoxide, the boundaries of the metropolitan planning area—

“(A) shall be established in the manner described in subsection (d)(1);

“(B) shall encompass the areas described in paragraph (2)(A);

“(C) may encompass the areas described in paragraph (2)(B); and

“(D) may address any nonattainment area identified under the Clean Air Act (42 U.S.C. 7401 et seq.) for ozone or carbon monoxide.

“(f) COORDINATION IN MULTISTATE AREAS.—

“(1) IN GENERAL.—The Secretary shall encourage each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate metropolitan planning organizations to provide coordinated transportation planning for the entire metropolitan area.

“(2) INTERSTATE COMPACTS.—The consent of Congress is granted to any 2 or more States—

“(A) to enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

“(B) to establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

“(3) RESERVATION OF RIGHTS.—The right to alter, amend, or repeal interstate compacts entered into under this subsection is expressly reserved.

“(g) MPO CONSULTATION IN PLAN AND TIP COORDINATION.—

“(1) NONATTAINMENT AREAS.—If more than 1 metropolitan planning organization has authority within a metropolitan area or an area which is designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), each metropolitan planning organization shall consult with the other metropolitan planning organizations designated for such area and the State in the coordination of plans and TIPS required by this section.

“(2) TRANSPORTATION IMPROVEMENTS LOCATED IN MULTIPLE MPOS.—If a transportation improvement, funded under this chapter or title 23, is located within the boundaries of more than 1 metropolitan planning area, the metropolitan planning organizations shall coordinate plans and TIPS regarding the transportation improvement.

“(3) RELATIONSHIP WITH OTHER PLANNING OFFICIALS.—

“(A) IN GENERAL.—The Secretary shall encourage each metropolitan planning organization to consult with officials responsible for other types of planning activities that are affected by transportation in the area (including State and local planned growth, economic development, environmental protection, airport operations, and freight movements) or to coordinate its planning process, to the maximum extent practicable, with such planning activities.

“(B) REQUIREMENTS.—Under the metropolitan planning process, transportation plans and TIPS shall be developed with due consideration of other related planning activities within the metropolitan area, and the process shall provide for the design and delivery of transportation services within the metropolitan area that are provided by—

“(i) recipients of assistance under this chapter;

“(ii) governmental agencies and nonprofit organizations (including representatives of the agencies and organizations) that receive Federal assistance from a source other than the Department of Transportation to provide non-emergency transportation services; and

“(iii) recipients of assistance under section 204 of title 23.

“(h) SCOPE OF PLANNING PROCESS.—

“(1) IN GENERAL.—The metropolitan planning process for a metropolitan planning area under this section shall provide for consideration of projects and strategies that will—

“(A) support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

“(B) increase the safety of the transportation system for motorized and nonmotorized users;

“(C) increase the security of the transportation system for motorized and nonmotorized users;

“(D) increase the accessibility and mobility of people and for freight;

“(E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns;

“(F) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

“(G) promote efficient system management and operation; and

“(H) emphasize the preservation of the existing transportation system.

“(2) PERFORMANCE-BASED APPROACH.—

“(A) IN GENERAL.—The metropolitan transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decisionmaking to support the national goals described in section 150(b) of title 23 and the general purposes described in section 5301.

“(B) PERFORMANCE TARGETS.—

“(i) SURFACE TRANSPORTATION PERFORMANCE TARGETS.—

“(I) IN GENERAL.—Each metropolitan planning organization shall establish performance targets that address the performance measures described in section 150(c) of title 23, where applicable, to use in tracking progress towards attainment of critical outcomes for the region of the metropolitan planning organization.

“(II) COORDINATION.—Selection of performance targets by a metropolitan planning organization shall be coordinated with the relevant State to ensure consistency, to the maximum extent practicable.

“(ii) PUBLIC TRANSPORTATION PERFORMANCE TARGETS.—Selection of performance targets by a metropolitan planning organization shall be coordinated, to the maximum extent practicable, with providers of public transportation to ensure consistency with sections 5326(c) and 5329(d).

“(C) TIMING.—Each metropolitan planning organization shall establish the performance targets under subparagraph (B) not later than 180 days after the date on which the relevant State or provider of public transportation establishes the performance targets.

“(D) INTEGRATION OF OTHER PERFORMANCE-BASED PLANS.—A metropolitan planning organization shall integrate in the metropolitan transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in other State transportation plans and transportation processes, as well as any plans developed by recipients of assistance under this chapter, required as part of a performance-based program.

“(3) FAILURE TO CONSIDER FACTORS.—The failure to consider any factor specified in paragraphs (1) and (2) shall not be reviewable by any court under this chapter, title 23, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a transportation plan, a TIP, a project or strategy, or the certification of a planning process.

“(i) DEVELOPMENT OF TRANSPORTATION PLAN.—

“(I) REQUIREMENTS.—

“(A) IN GENERAL.—Each metropolitan planning organization shall prepare and update a transportation plan for its metropolitan planning area in accordance with the requirements of this subsection.

“(B) FREQUENCY.—

“(i) IN GENERAL.—The metropolitan planning organization shall prepare and update such plan every 4 years (or more frequently, if the metropolitan planning organization elects to update more frequently) in the case of each of the following:

“(I) Any area designated as nonattainment, as defined in section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)).

“(II) Any area that was nonattainment and subsequently designated to attainment in accordance with section 107(d)(3) of that Act (42 U.S.C. 7407(d)(3)) and that is subject to a maintenance plan under section 175A of that Act (42 U.S.C. 7505a).

“(ii) OTHER AREAS.—In the case of any other area required to have a transportation plan in accordance with the requirements of this subsection, the metropolitan planning organization shall prepare and update such plan every 5 years unless the metropolitan planning organization elects to update more frequently.

“(2) TRANSPORTATION PLAN.—A transportation plan under this section shall be in a form that the Secretary determines to be appropriate and shall contain, at a minimum, the following:

“(A) IDENTIFICATION OF TRANSPORTATION FACILITIES.—

“(i) IN GENERAL.—An identification of transportation facilities (including major roadways, transit, multimodal and intermodal facilities, nonmotorized transportation facilities, and intermodal connectors) that should function as an integrated metropolitan transportation system, giving emphasis to those facilities that serve important national and regional transportation functions.

“(ii) FACTORS.—In formulating the transportation plan, the metropolitan planning organization shall consider factors described in subsection (h) as the factors relate to a 20-year forecast period.

“(B) PERFORMANCE MEASURES AND TARGETS.—A description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with subsection (h)(2).

“(C) SYSTEM PERFORMANCE REPORT.—A system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in subsection (h)(2), including—

“(i) progress achieved by the metropolitan planning organization in meeting the performance targets in comparison with system performance recorded in previous reports; and

“(ii) for metropolitan planning organizations that voluntarily elect to develop multiple scenarios, an analysis of how the preferred scenario has improved the conditions and performance of the transportation system and how changes in local policies and investments have impacted the costs necessary to achieve the identified performance targets.

“(D) MITIGATION ACTIVITIES.—

“(i) IN GENERAL.—A long-range transportation plan shall include a discussion of types of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.

“(ii) CONSULTATION.—The discussion shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.

“(E) FINANCIAL PLAN.—

“(i) IN GENERAL.—A financial plan that—

“(I) demonstrates how the adopted transportation plan can be implemented;

“(II) indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan; and

“(III) recommends any additional financing strategies for needed projects and programs.

“(ii) INCLUSIONS.—The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

“(iii) COOPERATIVE DEVELOPMENT.—For the purpose of developing the transportation plan, the metropolitan planning organization, transit operator, and State shall cooperatively develop estimates of funds that will be available to support plan implementation.

“(F) OPERATIONAL AND MANAGEMENT STRATEGIES.—Operational and management strategies to improve the performance of existing transportation facilities to relieve vehicular congestion and maximize the safety and mobility of people and goods.

“(G) CAPITAL INVESTMENT AND OTHER STRATEGIES.—Capital investment and other strategies

to preserve the existing and projected future metropolitan transportation infrastructure and provide for multimodal capacity increases based on regional priorities and needs.

“(H) TRANSPORTATION AND TRANSIT ENHANCEMENT ACTIVITIES.—Proposed transportation and transit enhancement activities.

“(3) COORDINATION WITH CLEAN AIR ACT AGENCIES.—In metropolitan areas that are in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.), the metropolitan planning organization shall coordinate the development of a transportation plan with the process for development of the transportation control measures of the State implementation plan required by that Act.

“(4) OPTIONAL SCENARIO DEVELOPMENT.—

“(A) IN GENERAL.—A metropolitan planning organization may, while fitting the needs and complexity of its community, voluntarily elect to develop multiple scenarios for consideration as part of the development of the metropolitan transportation plan, in accordance with subparagraph (B).

“(B) RECOMMENDED COMPONENTS.—A metropolitan planning organization that chooses to develop multiple scenarios under subparagraph (A) shall be encouraged to consider—

“(i) potential regional investment strategies for the planning horizon;

“(ii) assumed distribution of population and employment;

“(iii) a scenario that, to the maximum extent practicable, maintains baseline conditions for the performance measures identified in subsection (h)(2);

“(iv) a scenario that improves the baseline conditions for as many of the performance measures identified in subsection (h)(2) as possible;

“(v) revenue constrained scenarios based on the total revenues expected to be available over the forecast period of the plan; and

“(vi) estimated costs and potential revenues available to support each scenario.

“(C) METRICS.—In addition to the performance measures identified in section 150(c) of title 23, metropolitan planning organizations may evaluate scenarios developed under this paragraph using locally-developed measures.

“(5) CONSULTATION.—

“(A) IN GENERAL.—In each metropolitan area, the metropolitan planning organization shall consult, as appropriate, with State and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation concerning the development of a long-range transportation plan.

“(B) ISSUES.—The consultation shall involve, as appropriate—

“(i) comparison of transportation plans with State conservation plans or maps, if available; or

“(ii) comparison of transportation plans to inventories of natural or historic resources, if available.

“(6) PARTICIPATION BY INTERESTED PARTIES.—

“(A) IN GENERAL.—Each metropolitan planning organization shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the transportation plan.

“(B) CONTENTS OF PARTICIPATION PLAN.—A participation plan—

“(i) shall be developed in consultation with all interested parties; and

“(ii) shall provide that all interested parties have reasonable opportunities to comment on the contents of the transportation plan.

“(C) **METHODS.**—In carrying out subparagraph (A), the metropolitan planning organization shall, to the maximum extent practicable—

“(i) hold any public meetings at convenient and accessible locations and times;

“(ii) employ visualization techniques to describe plans; and

“(iii) make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).

“(7) **PUBLICATION.**—A transportation plan involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web, approved by the metropolitan planning organization and submitted for information purposes to the Governor at such times and in such manner as the Secretary shall establish.

“(8) **SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.**—Notwithstanding paragraph (2)(C), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(C).

“(j) **METROPOLITAN TIP.**—

“(i) **DEVELOPMENT.**—

“(A) **IN GENERAL.**—In cooperation with the State and any affected public transportation operator, the metropolitan planning organization designated for a metropolitan area shall develop a TIP for the metropolitan planning area that—

“(i) contains projects consistent with the current metropolitan transportation plan;

“(ii) reflects the investment priorities established in the current metropolitan transportation plan; and

“(iii) once implemented, is designed to make progress toward achieving the performance targets established under subsection (h)(2).

“(B) **OPPORTUNITY FOR COMMENT.**—In developing the TIP, the metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with subsection (i)(5).

“(C) **FUNDING ESTIMATES.**—For the purpose of developing the TIP, the metropolitan planning organization, public transportation agency, and State shall cooperatively develop estimates of funds that are reasonably expected to be available to support program implementation.

“(D) **UPDATING AND APPROVAL.**—The TIP shall be—

“(i) updated at least once every 4 years; and

“(ii) approved by the metropolitan planning organization and the Governor.

“(2) **CONTENTS.**—

“(A) **PRIORITY LIST.**—The TIP shall include a priority list of proposed Federally supported projects and strategies to be carried out within each 4-year period after the initial adoption of the TIP.

“(B) **FINANCIAL PLAN.**—The TIP shall include a financial plan that—

“(i) demonstrates how the TIP can be implemented;

“(ii) indicates resources from public and private sources that are reasonably expected to be available to carry out the program;

“(iii) identifies innovative financing techniques to finance projects, programs, and strategies; and

“(iv) may include, for illustrative purposes, additional projects that would be included in the approved TIP if reasonable additional resources beyond those identified in the financial plan were available.

“(C) **DESCRIPTIONS.**—Each project in the TIP shall include sufficient descriptive material (such as type of work, termini, length, and other similar factors) to identify the project or phase of the project.

“(D) **PERFORMANCE TARGET ACHIEVEMENT.**—The transportation improvement program shall include, to the maximum extent practicable, a description of the anticipated effect of the transportation improvement program toward achieving the performance targets established in the metropolitan transportation plan, linking investment priorities to those performance targets.

“(3) **INCLUDED PROJECTS.**—

“(A) **PROJECTS UNDER THIS CHAPTER AND TITLE 23.**—A TIP developed under this subsection for a metropolitan area shall include the projects within the area that are proposed for funding under this chapter and chapter 1 of title 23.

“(B) **PROJECTS UNDER CHAPTER 2 OF TITLE 23.**—

“(i) **REGIONALLY SIGNIFICANT PROJECTS.**—Regionally significant projects proposed for funding under chapter 2 of title 23 shall be identified individually in the transportation improvement program.

“(ii) **OTHER PROJECTS.**—Projects proposed for funding under chapter 2 of title 23 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

“(C) **CONSISTENCY WITH LONG-RANGE TRANSPORTATION PLAN.**—Each project shall be consistent with the long-range transportation plan developed under subsection (i) for the area.

“(D) **REQUIREMENT OF ANTICIPATED FULL FUNDING.**—The program shall include a project, or an identified phase of a project, only if full funding can reasonably be anticipated to be available for the project or the identified phase within the time period contemplated for completion of the project or the identified phase.

“(4) **NOTICE AND COMMENT.**—Before approving a TIP, a metropolitan planning organization, in cooperation with the State and any affected public transportation operator, shall provide an opportunity for participation by interested parties in the development of the program, in accordance with subsection (i)(5).

“(5) **SELECTION OF PROJECTS.**—

“(A) **IN GENERAL.**—Except as otherwise provided in subsection (k)(4) and in addition to the TIP development required under paragraph (1), the selection of Federally funded projects in metropolitan areas shall be carried out, from the approved TIP—

“(i) by—

“(I) in the case of projects under title 23, the State; and

“(II) in the case of projects under this chapter, the designated recipients of public transportation funding; and

“(ii) in cooperation with the metropolitan planning organization.

“(B) **MODIFICATIONS TO PROJECT PRIORITY.**—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved TIP in place of another project in the program.

“(6) **SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.**—

“(A) **NO REQUIRED SELECTION.**—Notwithstanding paragraph (2)(B)(iv), a State or metropolitan planning organization shall not be required to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv).

“(B) **REQUIRED ACTION BY THE SECRETARY.**—Action by the Secretary shall be required for a State or metropolitan planning organization to select any project from the illustrative list of additional projects included in the financial plan under paragraph (2)(B)(iv) for inclusion in an approved TIP.

“(7) **PUBLICATION.**—

“(A) **PUBLICATION OF TIPS.**—A TIP involving Federal participation shall be published or otherwise made readily available by the metropolitan planning organization for public review.

“(B) **PUBLICATION OF ANNUAL LISTINGS OF PROJECTS.**—

“(i) **IN GENERAL.**—An annual listing of projects, including investments in pedestrian walkways and bicycle transportation facilities, for which Federal funds have been obligated in the preceding year shall be published or otherwise made available by the cooperative effort of the State, transit operator, and metropolitan planning organization for public review.

“(ii) **REQUIREMENT.**—The listing shall be consistent with the categories identified in the TIP.

“(k) **TRANSPORTATION MANAGEMENT AREAS.**—

“(1) **IDENTIFICATION AND DESIGNATION.**—

“(A) **REQUIRED IDENTIFICATION.**—The Secretary shall identify as a transportation management area each urbanized area (as defined by the Bureau of the Census) with a population of over 200,000 individuals.

“(B) **DESIGNATIONS ON REQUEST.**—The Secretary shall designate any additional area as a transportation management area on the request of the Governor and the metropolitan planning organization designated for the area.

“(2) **TRANSPORTATION PLANS.**—In a transportation management area, transportation plans shall be based on a continuing and comprehensive transportation planning process carried out by the metropolitan planning organization in cooperation with the State and public transportation operators.

“(3) **CONGESTION MANAGEMENT PROCESS.**—

“(A) **IN GENERAL.**—Within a metropolitan planning area serving a transportation management area, the transportation planning process under this section shall address congestion management through a process that provides for effective management and operation, based on a cooperatively developed and implemented metropolitan-wide strategy, of new and existing transportation facilities eligible for funding under this chapter and title 23 through the use of travel demand reduction and operational management strategies.

“(B) **SCHEDULE.**—The Secretary shall establish an appropriate phase-in schedule for compliance with the requirements of this section but no sooner than 1 year after the identification of a transportation management area.

“(4) **SELECTION OF PROJECTS.**—

“(A) **IN GENERAL.**—All Federally funded projects carried out within the boundaries of a metropolitan planning area serving a transportation management area under title 23 (excluding projects carried out on the National Highway System) or under this chapter shall be selected for implementation from the approved TIP by the metropolitan planning organization designated for the area in consultation with the State and any affected public transportation operator.

“(B) **NATIONAL HIGHWAY SYSTEM PROJECTS.**—Projects carried out within the boundaries of a metropolitan planning area serving a transportation management area on the National Highway System shall be selected for implementation from the approved TIP by the State in cooperation with the metropolitan planning organization designated for the area.

“(5) **CERTIFICATION.**—

“(A) **IN GENERAL.**—The Secretary shall—

“(i) ensure that the metropolitan planning process of a metropolitan planning organization serving a transportation management area is being carried out in accordance with applicable provisions of Federal law; and

“(ii) subject to subparagraph (B), certify, not less often than once every 4 years, that the requirements of this paragraph are met with respect to the metropolitan planning process.

“(B) REQUIREMENTS FOR CERTIFICATION.—The Secretary may make the certification under subparagraph (A) if—

“(i) the transportation planning process complies with the requirements of this section and other applicable requirements of Federal law; and

“(ii) there is a TIP for the metropolitan planning area that has been approved by the metropolitan planning organization and the Governor.

“(C) EFFECT OF FAILURE TO CERTIFY.—

“(i) WITHHOLDING OF PROJECT FUNDS.—If a metropolitan planning process of a metropolitan planning organization serving a transportation management area is not certified, the Secretary may withhold up to 20 percent of the funds attributable to the metropolitan planning area of the metropolitan planning organization for projects funded under this chapter and title 23.

“(ii) RESTORATION OF WITHHELD FUNDS.—The withheld funds shall be restored to the metropolitan planning area at such time as the metropolitan planning process is certified by the Secretary.

“(D) REVIEW OF CERTIFICATION.—In making certification determinations under this paragraph, the Secretary shall provide for public involvement appropriate to the metropolitan area under review.

“(I) REPORT ON PERFORMANCE-BASED PLANNING PROCESSES.—

“(1) IN GENERAL.—The Secretary shall submit to Congress a report on the effectiveness of the performance-based planning processes of metropolitan planning organizations under this section, taking into consideration the requirements of this subsection.

“(2) REPORT.—Not later than 5 years after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall submit to Congress a report evaluating—

“(A) the overall effectiveness of performance-based planning as a tool for guiding transportation investments;

“(B) the effectiveness of the performance-based planning process of each metropolitan planning organization under this section;

“(C) the extent to which metropolitan planning organizations have achieved, or are currently making substantial progress toward achieving, the performance targets specified under this section and whether metropolitan planning organizations are developing meaningful performance targets; and

“(D) the technical capacity of metropolitan planning organizations that operate within a metropolitan planning area of less than 200,000 and their ability to carry out the requirements of this section.

“(3) PUBLICATION.—The report under paragraph (2) shall be published or otherwise made available in electronically accessible formats and means, including on the Internet.

“(m) ABBREVIATED PLANS FOR CERTAIN AREAS.—

“(1) IN GENERAL.—Subject to paragraph (2), in the case of a metropolitan area not designated as a transportation management area under this section, the Secretary may provide for the development of an abbreviated transportation plan and TIP for the metropolitan planning area that the Secretary determines is appropriate to achieve the purposes of this section, taking into account the complexity of transportation problems in the area.

“(2) NONATTAINMENT AREAS.—The Secretary may not permit abbreviated plans or TIPs for a metropolitan area that is in nonattainment for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 et seq.).

“(n) ADDITIONAL REQUIREMENTS FOR CERTAIN NONATTAINMENT AREAS.—

“(1) IN GENERAL.—Notwithstanding any other provisions of this chapter or title 23, for trans-

portation management areas classified as nonattainment for ozone or carbon monoxide pursuant to the Clean Air Act (42 U.S.C. 7401 et seq.), Federal funds may not be advanced in such area for any highway project that will result in a significant increase in the carrying capacity for single-occupant vehicles unless the project is addressed through a congestion management process.

“(2) APPLICABILITY.—This subsection applies to a nonattainment area within the metropolitan planning area boundaries determined under subsection (e).

“(o) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to confer on a metropolitan planning organization the authority to impose legal requirements on any transportation facility, provider, or project not eligible under this chapter or title 23.

“(p) FUNDING.—Funds set aside under section 104(f) of title 23 or section 5305(g) shall be available to carry out this section.

“(q) CONTINUATION OF CURRENT REVIEW PRACTICE.—Since plans and TIPs described in this section are subject to a reasonable opportunity for public comment, since individual projects included in plans and TIPs are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning plans and TIPs described in this section have not been reviewed under that Act as of January 1, 1997, any decision by the Secretary concerning a plan or TIP described in this section shall not be considered to be a Federal action subject to review under that Act.”.

(b) PILOT PROGRAM FOR TRANSIT-ORIENTED DEVELOPMENT PLANNING.—

(1) DEFINITIONS.—In this subsection the following definitions shall apply:

(A) ELIGIBLE PROJECT.—The term “eligible project” means a new fixed guideway capital project or a core capacity improvement project, as those terms are defined in section 5309 of title 49, United States Code, as amended by this division.

(B) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(2) GENERAL AUTHORITY.—The Secretary may make grants under this subsection to a State or local governmental authority to assist in financing comprehensive planning associated with an eligible project that seeks to—

(A) enhance economic development, ridership, and other goals established during the project development and engineering processes;

(B) facilitate multimodal connectivity and accessibility;

(C) increase access to transit hubs for pedestrian and bicycle traffic;

(D) enable mixed-use development;

(E) identify infrastructure needs associated with the eligible project; and

(F) include private sector participation.

(3) ELIGIBILITY.—A State or local governmental authority that desires to participate in the program under this subsection shall submit to the Secretary an application that contains, at a minimum—

(A) identification of an eligible project;

(B) a schedule and process for the development of a comprehensive plan;

(C) a description of how the eligible project and the proposed comprehensive plan advance the metropolitan transportation plan of the metropolitan planning organization;

(D) proposed performance criteria for the development and implementation of the comprehensive plan; and

(E) identification of—

(i) partners;

(ii) availability of and authority for funding; and

(iii) potential State, local or other impediments to the implementation of the comprehensive plan.

SEC. 20006. STATEWIDE AND NONMETROPOLITAN TRANSPORTATION PLANNING.

Section 5304 of title 49, United States Code, is amended to read as follows:

“§5304. Statewide and nonmetropolitan transportation planning

“(a) GENERAL REQUIREMENTS.—

“(1) DEVELOPMENT OF PLANS AND PROGRAMS.—Subject to section 5303, to accomplish the objectives stated in section 5303(a), each State shall develop a statewide transportation plan and a statewide transportation improvement program for all areas of the State.

“(2) CONTENTS.—The statewide transportation plan and the transportation improvement program developed for each State shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the State and an integral part of an intermodal transportation system for the United States.

“(3) PROCESS OF DEVELOPMENT.—The process for developing the statewide plan and the transportation improvement program shall provide for consideration of all modes of transportation and the policies stated in section 5303(a) and shall be continuing, cooperative, and comprehensive to the degree appropriate, based on the complexity of the transportation problems to be addressed.

“(b) COORDINATION WITH METROPOLITAN PLANNING; STATE IMPLEMENTATION PLAN.—A State shall—

“(1) coordinate planning carried out under this section with the transportation planning activities carried out under section 5303 for metropolitan areas of the State and with statewide trade and economic development planning activities and related multistate planning efforts; and

“(2) develop the transportation portion of the State implementation plan as required by the Clean Air Act (42 U.S.C. 7401 et seq.).

“(c) INTERSTATE AGREEMENTS.—

“(1) IN GENERAL.—Two or more States may enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section related to interstate areas and localities in the States and establishing authorities the States consider desirable for making the agreements and compacts effective.

“(2) RESERVATION OF RIGHTS.—The right to alter, amend, or repeal interstate compacts entered into under this subsection is expressly reserved.

“(d) SCOPE OF PLANNING PROCESS.—

“(1) IN GENERAL.—Each State shall carry out a statewide transportation planning process that provides for consideration and implementation of projects, strategies, and services that will—

“(A) support the economic vitality of the United States, the States, nonmetropolitan areas, and metropolitan areas, especially by enabling global competitiveness, productivity, and efficiency;

“(B) increase the safety of the transportation system for motorized and nonmotorized users;

“(C) increase the security of the transportation system for motorized and nonmotorized users;

“(D) increase the accessibility and mobility of people and freight;

“(E) protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between

transportation improvements and State and local planned growth and economic development patterns;

“(F) enhance the integration and connectivity of the transportation system, across and between modes throughout the State, for people and freight;

“(G) promote efficient system management and operation; and

“(H) emphasize the preservation of the existing transportation system.

“(2) PERFORMANCE-BASED APPROACH.—

“(A) IN GENERAL.—The statewide transportation planning process shall provide for the establishment and use of a performance-based approach to transportation decisionmaking to support the national goals described in section 150(b) of title 23 and the general purposes described in section 5301.

“(B) PERFORMANCE TARGETS.—

“(i) SURFACE TRANSPORTATION PERFORMANCE TARGETS.—

“(I) IN GENERAL.—Each State shall establish performance targets that address the performance measures described in section 150(c) of title 23, where applicable, to use in tracking progress towards attainment of critical outcomes for the State.

“(II) COORDINATION.—Selection of performance targets by a State shall be coordinated with the relevant metropolitan planning organizations to ensure consistency, to the maximum extent practicable.

“(ii) PUBLIC TRANSPORTATION PERFORMANCE TARGETS.—In urbanized areas with a population of fewer than 200,000 individuals, as calculated according to the most recent decennial census, and not represented by a metropolitan planning organization, selection of performance targets by a State shall be coordinated, to the maximum extent practicable, with providers of public transportation to ensure consistency with sections 5326(c) and 5329(d).

“(C) INTEGRATION OF OTHER PERFORMANCE-BASED PLANS.—A State shall integrate into the statewide transportation planning process, directly or by reference, the goals, objectives, performance measures, and targets described in this paragraph, in other State transportation plans and transportation processes, as well as any plans developed pursuant to title 23 by providers of public transportation in urbanized areas with a population of fewer than 200,000 individuals, as calculated according to the most recent decennial census, and not represented by a metropolitan planning organization, required as part of a performance-based program.

“(D) USE OF PERFORMANCE MEASURES AND TARGETS.—The performance measures and targets established under this paragraph shall be considered by a State when developing policies, programs, and investment priorities reflected in the statewide transportation plan and statewide transportation improvement program.

“(3) FAILURE TO CONSIDER FACTORS.—The failure to take into consideration the factors specified in paragraphs (1) and (2) shall not be subject to review by any court under this chapter, title 23, subchapter II of chapter 5 of title 5, or chapter 7 of title 5 in any matter affecting a statewide transportation plan, a statewide transportation improvement program, a project or strategy, or the certification of a planning process.

“(e) ADDITIONAL REQUIREMENTS.—“In carrying out planning under this section, each State shall, at a minimum—

“(1) with respect to nonmetropolitan areas, cooperate with affected local officials with responsibility for transportation or, if applicable, through regional transportation planning organizations described in subsection (1);

“(2) consider the concerns of Indian tribal governments and Federal land management

agencies that have jurisdiction over land within the boundaries of the State; and

“(3) consider coordination of transportation plans, the transportation improvement program, and planning activities with related planning activities being carried out outside of metropolitan planning areas and between States.

“(f) LONG-RANGE STATEWIDE TRANSPORTATION PLAN.—

“(1) DEVELOPMENT.—Each State shall develop a long-range statewide transportation plan, with a minimum 20-year forecast period for all areas of the State, that provides for the development and implementation of the intermodal transportation system of the State.

“(2) CONSULTATION WITH GOVERNMENTS.—

“(A) METROPOLITAN AREAS.—The statewide transportation plan shall be developed for each metropolitan area in the State in cooperation with the metropolitan planning organization designated for the metropolitan area under section 5303.

“(B) NONMETROPOLITAN AREAS.—

“(i) IN GENERAL.—With respect to nonmetropolitan areas, the statewide transportation plan shall be developed in cooperation with affected nonmetropolitan officials with responsibility for transportation or, if applicable, through regional transportation planning organizations described in subsection (1).

“(ii) ROLE OF SECRETARY.—The Secretary shall not review or approve the consultation process in each State.

“(C) INDIAN TRIBAL AREAS.—With respect to each area of the State under the jurisdiction of an Indian tribal government, the statewide transportation plan shall be developed in consultation with the tribal government and the Secretary of the Interior.

“(D) CONSULTATION, COMPARISON, AND CONSIDERATION.—

“(i) IN GENERAL.—The long-range transportation plan shall be developed, as appropriate, in consultation with State, tribal, and local agencies responsible for land use management, natural resources, environmental protection, conservation, and historic preservation.

“(ii) COMPARISON AND CONSIDERATION.—Consultation under clause (i) shall involve comparison of transportation plans to State and tribal conservation plans or maps, if available, and comparison of transportation plans to inventories of natural or historic resources, if available.

“(3) PARTICIPATION BY INTERESTED PARTIES.—

“(A) IN GENERAL.—In developing the statewide transportation plan, the State shall provide to—

“(i) nonmetropolitan local elected officials, or, if applicable, through regional transportation planning organizations described in subsection (1), an opportunity to participate in accordance with subparagraph (B)(i); and

“(ii) citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, providers of freight transportation services, and other interested parties a reasonable opportunity to comment on the proposed plan.

“(B) METHODS.—In carrying out subparagraph (A), the State shall, to the maximum extent practicable—

“(i) develop and document a consultative process to carry out subparagraph (A)(i) that is separate and discrete from the public involvement process developed under clause (ii);

“(ii) hold any public meetings at convenient and accessible locations and times;

“(iii) employ visualization techniques to describe plans; and

“(iv) make public information available in electronically accessible format and means, such as the World Wide Web, as appropriate to afford reasonable opportunity for consideration of public information under subparagraph (A).

“(4) MITIGATION ACTIVITIES.—

“(A) IN GENERAL.—A long-range transportation plan shall include a discussion of potential environmental mitigation activities and potential areas to carry out these activities, including activities that may have the greatest potential to restore and maintain the environmental functions affected by the plan.

“(B) CONSULTATION.—The discussion shall be developed in consultation with Federal, State, and tribal wildlife, land management, and regulatory agencies.

“(5) FINANCIAL PLAN.—The statewide transportation plan may include—

“(A) a financial plan that—

“(i) demonstrates how the adopted statewide transportation plan can be implemented;

“(ii) indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan; and

“(iii) recommends any additional financing strategies for needed projects and programs; and

“(B) for illustrative purposes, additional projects that would be included in the adopted statewide transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

“(6) SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.—A State shall not be required to select any project from the illustrative list of additional projects included in the financial plan described in paragraph (5).

“(7) PERFORMANCE-BASED APPROACH.—The statewide transportation plan should include—

“(A) a description of the performance measures and performance targets used in assessing the performance of the transportation system in accordance with subsection (d)(2); and

“(B) a system performance report and subsequent updates evaluating the condition and performance of the transportation system with respect to the performance targets described in subsection (d)(2), including progress achieved by the metropolitan planning organization in meeting the performance targets in comparison with system performance recorded in previous reports;

“(8) EXISTING SYSTEM.—The statewide transportation plan should include capital, operations and management strategies, investments, procedures, and other measures to ensure the preservation and most efficient use of the existing transportation system.

“(9) PUBLICATION OF LONG-RANGE TRANSPORTATION PLANS.—Each long-range transportation plan prepared by a State shall be published or otherwise made available, including (to the maximum extent practicable) in electronically accessible formats and means, such as the World Wide Web.

“(g) STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM.—

“(1) DEVELOPMENT.—

“(A) IN GENERAL.—Each State shall develop a statewide transportation improvement program for all areas of the State.

“(B) DURATION AND UPDATING OF PROGRAM.—Each program developed under subparagraph (A) shall cover a period of 4 years and shall be updated every 4 years or more frequently if the Governor of the State elects to update more frequently.

“(2) CONSULTATION WITH GOVERNMENTS.—

“(A) METROPOLITAN AREAS.—With respect to each metropolitan area in the State, the program shall be developed in cooperation with the metropolitan planning organization designated for the metropolitan area under section 5303.

“(B) NONMETROPOLITAN AREAS.—

“(i) *IN GENERAL.*—With respect to each non-metropolitan area in the State, the program shall be developed in cooperation with affected nonmetropolitan local officials with responsibility for transportation or, if applicable, through regional transportation planning organizations described in subsection (l).

“(ii) *ROLE OF SECRETARY.*—The Secretary shall not review or approve the specific consultation process in the State.

“(C) *INDIAN TRIBAL AREAS.*—With respect to each area of the State under the jurisdiction of an Indian tribal government, the program shall be developed in consultation with the tribal government and the Secretary of the Interior.

“(3) *PARTICIPATION BY INTERESTED PARTIES.*—In developing the program, the State shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private providers of transportation, providers of freight transportation services, representatives of users of public transportation, representatives of users of pedestrian walkways and bicycle transportation facilities, representatives of the disabled, and other interested parties with a reasonable opportunity to comment on the proposed program.

“(4) *PERFORMANCE TARGET ACHIEVEMENT.*—A statewide transportation improvement program shall include, to the maximum extent practicable, a discussion of the anticipated effect of the statewide transportation improvement program toward achieving the performance targets established in the statewide transportation plan, linking investment priorities to those performance targets.

“(5) *INCLUDED PROJECTS.*—

“(A) *IN GENERAL.*—A transportation improvement program developed under this subsection for a State shall include Federally supported surface transportation expenditures within the boundaries of the State.

“(B) *LISTING OF PROJECTS.*—

“(i) *IN GENERAL.*—An annual listing of projects for which funds have been obligated for the preceding year in each metropolitan planning area shall be published or otherwise made available by the cooperative effort of the State, transit operator, and the metropolitan planning organization for public review.

“(ii) *FUNDING CATEGORIES.*—The listing described in clause (i) shall be consistent with the funding categories identified in each metropolitan transportation improvement program.

“(C) *PROJECTS UNDER CHAPTER 2.*—

“(i) *REGIONALLY SIGNIFICANT PROJECTS.*—Regionally significant projects proposed for funding under chapter 2 of title 23 shall be identified individually in the transportation improvement program.

“(ii) *OTHER PROJECTS.*—Projects proposed for funding under chapter 2 of title 23 that are not determined to be regionally significant shall be grouped in 1 line item or identified individually in the transportation improvement program.

“(D) *CONSISTENCY WITH STATEWIDE TRANSPORTATION PLAN.*—Each project shall be—

“(i) consistent with the statewide transportation plan developed under this section for the State;

“(ii) identical to the project or phase of the project as described in an approved metropolitan transportation plan; and

“(iii) in conformance with the applicable State air quality implementation plan developed under the Clean Air Act (42 U.S.C. 7401 et seq.), if the project is carried out in an area designated as a nonattainment area for ozone, particulate matter, or carbon monoxide under part D of title 1 of that Act (42 U.S.C. 7501 et seq.).

“(E) *REQUIREMENT OF ANTICIPATED FULL FUNDING.*—The transportation improvement program shall include a project, or an identified phase of a project, only if full funding can rea-

sonably be anticipated to be available for the project within the time period contemplated for completion of the project.

“(F) *FINANCIAL PLAN.*—

“(i) *IN GENERAL.*—The transportation improvement program may include a financial plan that demonstrates how the approved transportation improvement program can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the transportation improvement program, and recommends any additional financing strategies for needed projects and programs.

“(ii) *ADDITIONAL PROJECTS.*—The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available.

“(G) *SELECTION OF PROJECTS FROM ILLUSTRATIVE LIST.*—

“(i) *NO REQUIRED SELECTION.*—Notwithstanding subparagraph (F), a State shall not be required to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (F).

“(ii) *REQUIRED ACTION BY THE SECRETARY.*—Action by the Secretary shall be required for a State to select any project from the illustrative list of additional projects included in the financial plan under subparagraph (F) for inclusion in an approved transportation improvement program.

“(H) *PRIORITIES.*—The transportation improvement program shall reflect the priorities for programming and expenditures of funds, including transportation enhancement activities, required by this chapter and title 23.

“(6) *PROJECT SELECTION FOR AREAS OF LESS THAN 50,000 POPULATION.*—

“(A) *IN GENERAL.*—Projects carried out in areas with populations of less than 50,000 individuals shall be selected, from the approved transportation improvement program (excluding projects carried out on the National Highway System and projects carried out under the bridge program or the Interstate maintenance program under title 23 or under sections 5310 and 5311 of this chapter), by the State in cooperation with the affected nonmetropolitan local officials with responsibility for transportation or, if applicable, through regional transportation planning organizations described in subsection (l).

“(B) *OTHER PROJECTS.*—Projects carried out in areas with populations of less than 50,000 individuals on the National Highway System or under the bridge program or the Interstate maintenance program under title 23 or under sections 5310 and 5311 of this chapter shall be selected, from the approved statewide transportation improvement program, by the State in consultation with the affected nonmetropolitan local officials with responsibility for transportation.

“(7) *TRANSPORTATION IMPROVEMENT PROGRAM APPROVAL.*—Every 4 years, a transportation improvement program developed under this subsection shall be reviewed and approved by the Secretary if based on a current planning finding.

“(8) *PLANNING FINDING.*—A finding shall be made by the Secretary at least every 4 years that the transportation planning process through which statewide transportation plans and programs are developed is consistent with this section and section 5303.

“(9) *MODIFICATIONS TO PROJECT PRIORITY.*—Notwithstanding any other provision of law, action by the Secretary shall not be required to advance a project included in the approved transportation improvement program in place of another project in the program.

“(h) *PERFORMANCE-BASED PLANNING PROCESSES EVALUATION.*—

“(1) *IN GENERAL.*—The Secretary shall establish criteria to evaluate the effectiveness of the performance-based planning processes of States, taking into consideration the following:

“(A) The extent to which the State is making progress toward achieving, the performance targets described in subsection (d)(2), taking into account whether the State developed appropriate performance targets.

“(B) The extent to which the State has made transportation investments that are efficient and cost-effective.

“(C) The extent to which the State—

“(i) has developed an investment process that relies on public input and awareness to ensure that investments are transparent and accountable; and

“(ii) provides reports allowing the public to access the information being collected in a format that allows the public to meaningfully assess the performance of the State.

“(2) *REPORT.*—

“(A) *IN GENERAL.*—Not later than 5 years after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall submit to Congress a report evaluating—

“(i) the overall effectiveness of performance-based planning as a tool for guiding transportation investments; and

“(ii) the effectiveness of the performance-based planning process of each State.

“(B) *PUBLICATION.*—The report under subparagraph (A) shall be published or otherwise made available in electronically accessible formats and means, including on the Internet.

“(i) *TREATMENT OF CERTAIN STATE LAWS AS CONGESTION MANAGEMENT PROCESSES.*—For purposes of this section and section 5303, and sections 134 and 135 of title 23, State laws, rules, or regulations pertaining to congestion management systems or programs may constitute the congestion management process under this this section and section 5303, and sections 134 and 135 of title 23, if the Secretary finds that the State laws, rules, or regulations are consistent with, and fulfill the intent of, the purposes of this section and section 5303, and sections 134 and 135 of title 23, as appropriate.

“(j) *CONTINUATION OF CURRENT REVIEW PRACTICE.*—Since the statewide transportation plan and the transportation improvement program described in this section are subject to a reasonable opportunity for public comment, since individual projects included in the statewide transportation plans and the transportation improvement program are subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), and since decisions by the Secretary concerning statewide transportation plans or the transportation improvement program described in this section have not been reviewed under that Act as of January 1, 1997, any decision by the Secretary concerning a metropolitan or statewide transportation plan or the transportation improvement program described in this section shall not be considered to be a Federal action subject to review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

“(k) *SCHEDULE FOR IMPLEMENTATION.*—The Secretary shall issue guidance on a schedule for implementation of the changes made by this section, taking into consideration the established planning update cycle for States. The Secretary shall not require a State to deviate from its established planning update cycle to implement changes made by this section. States shall reflect changes made to their transportation plan or transportation improvement program updates not later than 2 years after the date of issuance of guidance by the Secretary under this subsection.

“(l) *DESIGNATION OF REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS.*—

“(1) *IN GENERAL.*—To carry out the transportation planning process required by this section, a State may establish and designate regional transportation planning organizations to enhance the planning, coordination, and implementation of statewide strategic long-range transportation plans and transportation improvement programs, with an emphasis on addressing the needs of nonmetropolitan areas of the State.

“(2) *STRUCTURE.*—A regional transportation planning organization shall be established as a multijurisdictional organization of nonmetropolitan local officials or their designees who volunteer for such organization and representatives of local transportation systems who volunteer for such organization.

“(3) *REQUIREMENTS.*—A regional transportation planning organization shall establish, at a minimum—

“(A) a policy committee, the majority of which shall consist of nonmetropolitan local officials, or their designees, and, as appropriate, additional representatives from the State, private business, transportation service providers, economic development practitioners, and the public in the region; and

“(B) a fiscal and administrative agent, such as an existing regional planning and development organization, to provide professional planning, management, and administrative support.

“(4) *DUTIES.*—The duties of a regional transportation planning organization shall include—

“(A) developing and maintaining, in cooperation with the State, regional long-range multimodal transportation plans;

“(B) developing a regional transportation improvement program for consideration by the State;

“(C) fostering the coordination of local planning, land use, and economic development plans with State, regional, and local transportation plans and programs;

“(D) providing technical assistance to local officials;

“(E) participating in national, multistate, and State policy and planning development processes to ensure the regional and local input of nonmetropolitan areas;

“(F) providing a forum for public participation in the statewide and regional transportation planning processes;

“(G) considering and sharing plans and programs with neighboring regional transportation planning organizations, metropolitan planning organizations, and, where appropriate, tribal organizations; and

“(H) conducting other duties, as necessary, to support and enhance the statewide planning process under subsection (d).

“(5) *STATES WITHOUT REGIONAL TRANSPORTATION PLANNING ORGANIZATIONS.*—If a State chooses not to establish or designate a regional transportation planning organization, the State shall consult with affected nonmetropolitan local officials to determine projects that may be of regional significance.”.

SEC. 20007. URBANIZED AREA FORMULA GRANTS.

Section 5307 of title 49, United States Code, is amended to read as follows:

“§5307. Urbanized area formula grants

“(a) *GENERAL AUTHORITY.*—

“(1) *GRANTS.*—The Secretary may make grants under this section for—

“(A) capital projects;

“(B) planning;

“(C) job access and reverse commute projects; and

“(D) operating costs of equipment and facilities for use in public transportation in an urbanized area with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census.

“(2) *SPECIAL RULE.*—The Secretary may make grants under this section to finance the oper-

ating cost of equipment and facilities for use in public transportation, excluding rail fixed guideway, in an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census—

“(A) for public transportation systems that operate 75 or fewer buses in fixed route service during peak service hours, in an amount not to exceed 75 percent of the share of the apportionment which is attributable to such systems within the urbanized area, as measured by vehicle revenue hours; and

“(B) for public transportation systems that operate a minimum of 76 buses and a maximum of 100 buses in fixed route service during peak service hours, in an amount not to exceed 50 percent of the share of the apportionment which is attributable to such systems within the urbanized area, as measured by vehicle revenue hours.

“(b) *PROGRAM OF PROJECTS.*—Each recipient of a grant shall—

“(1) make available to the public information on amounts available to the recipient under this section;

“(2) develop, in consultation with interested parties, including private transportation providers, a proposed program of projects for activities to be financed;

“(3) publish a proposed program of projects in a way that affected individuals, private transportation providers, and local elected officials have the opportunity to examine the proposed program and submit comments on the proposed program and the performance of the recipient;

“(4) provide an opportunity for a public hearing in which to obtain the views of individuals on the proposed program of projects;

“(5) ensure that the proposed program of projects provides for the coordination of public transportation services assisted under section 5336 of this title with transportation services assisted from other United States Government sources;

“(6) consider comments and views received, especially those of private transportation providers, in preparing the final program of projects; and

“(7) make the final program of projects available to the public.

“(c) *GRANT RECIPIENT REQUIREMENTS.*—A recipient may receive a grant in a fiscal year only if—

“(1) the recipient, within the time the Secretary prescribes, submits a final program of projects prepared under subsection (b) of this section and a certification for that fiscal year that the recipient (including a person receiving amounts from a Governor under this section)—

“(A) has or will have the legal, financial, and technical capacity to carry out the program, including safety and security aspects of the program;

“(B) has or will have satisfactory continuing control over the use of equipment and facilities;

“(C) will maintain equipment and facilities;

“(D) will ensure that, during non-peak hours for transportation using or involving a facility or equipment of a project financed under this section, a fare that is not more than 50 percent of the peak hour fare will be charged for any—

“(i) senior;

“(ii) individual who, because of illness, injury, age, congenital malfunction, or other incapacity or temporary or permanent disability (including an individual who is a wheelchair user or has semiamblulatory capability), cannot use a public transportation service or a public transportation facility effectively without special facilities, planning, or design; and

“(iii) individual presenting a Medicare card issued to that individual under title II or XVIII of the Social Security Act (42 U.S.C. 401 et seq. and 1395 et seq.);

“(E) in carrying out a procurement under this section, will comply with sections 5323 and 5325;

“(F) has complied with subsection (b) of this section;

“(G) has available and will provide the required amounts as provided by subsection (d) of this section;

“(H) will comply with sections 5303 and 5304;

“(I) has a locally developed process to solicit and consider public comment before raising a fare or carrying out a major reduction of transportation;

“(J)(i) will expend for each fiscal year for public transportation security projects, including increased lighting in or adjacent to a public transportation system (including bus stops, subway stations, parking lots, and garages), increased camera surveillance of an area in or adjacent to that system, providing an emergency telephone line to contact law enforcement or security personnel in an area in or adjacent to that system, and any other project intended to increase the security and safety of an existing or planned public transportation system, at least 1 percent of the amount the recipient receives for each fiscal year under section 5336 of this title; or

“(ii) has decided that the expenditure for security projects is not necessary;

“(K) in the case of a recipient for an urbanized area with a population of not fewer than 200,000 individuals, as determined by the Bureau of the Census—

“(i) will expend not less than 1 percent of the amount the recipient receives each fiscal year under this section for associated transit improvements, as defined in section 5302; and

“(ii) will submit an annual report listing projects carried out in the preceding fiscal year with those funds; and

“(L) will comply with section 5329(d); and

“(2) the Secretary accepts the certification.

“(d) *GOVERNMENT SHARE OF COSTS.*—

“(1) *CAPITAL PROJECTS.*—A grant for a capital project under this section shall be for 80 percent of the net project cost of the project. The recipient may provide additional local matching amounts.

“(2) *OPERATING EXPENSES.*—A grant for operating expenses under this section may not exceed 50 percent of the net project cost of the project.

“(3) *REMAINING COSTS.*—Subject to paragraph (4), the remainder of the net project costs shall be provided—

“(A) in cash from non-Government sources other than revenues from providing public transportation services;

“(B) from revenues from the sale of advertising and concessions;

“(C) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital;

“(D) from amounts appropriated or otherwise made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation; and

“(E) from amounts received under a service agreement with a State or local social service agency or private social service organization.

“(4) *USE OF CERTAIN FUNDS.*—For purposes of subparagraphs (D) and (E) of paragraph (3), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

“(e) *UNDERTAKING PROJECTS IN ADVANCE.*—

“(1) *PAYMENT.*—The Secretary may pay the Government share of the net project cost to a State or local governmental authority that carries out any part of a project eligible under subparagraph (A) or (B) of subsection (a)(1) without the aid of amounts of the Government and

according to all applicable procedures and requirements if—

“(A) the recipient applies for the payment; and
“(B) the Secretary approves the payment; and
“(C) before carrying out any part of the project, the Secretary approves the plans and specifications for the part in the same way as for other projects under this section.

“(2) APPROVAL OF APPLICATION.—The Secretary may approve an application under paragraph (1) of this subsection only if an authorization for this section is in effect for the fiscal year to which the application applies. The Secretary may not approve an application if the payment will be more than—

“(A) the recipient's expected apportionment under section 5336 of this title if the total amount authorized to be appropriated for the fiscal year to carry out this section is appropriated; less

“(B) the maximum amount of the apportionment that may be made available for projects for operating expenses under this section.

“(3) FINANCING COSTS.—

“(A) IN GENERAL.—The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the recipient to the extent proceeds of the bonds are expended in carrying out the part.

“(B) LIMITATION ON THE AMOUNT OF INTEREST.—The amount of interest allowed under this paragraph may not be more than the most favorable financing terms reasonably available for the project at the time of borrowing.

“(C) CERTIFICATION.—The applicant shall certify, in a manner satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

“(f) REVIEWS, AUDITS, AND EVALUATIONS.—

“(1) ANNUAL REVIEW.—

“(A) IN GENERAL.—At least annually, the Secretary shall carry out, or require a recipient to have carried out independently, reviews and audits the Secretary considers appropriate to establish whether the recipient has carried out—

“(i) the activities proposed under subsection (c) of this section in a timely and effective way and can continue to do so; and

“(ii) those activities and its certifications and has used amounts of the Government in the way required by law.

“(B) AUDITING PROCEDURES.—An audit of the use of amounts of the Government shall comply with the auditing procedures of the Comptroller General.

“(2) TRIENNIAL REVIEW.—At least once every 3 years, the Secretary shall review and evaluate completely the performance of a recipient in carrying out the recipient's program, specifically referring to compliance with statutory and administrative requirements and the extent to which actual program activities are consistent with the activities proposed under subsection (c) of this section and the planning process required under sections 5303, 5304, and 5305 of this title. To the extent practicable, the Secretary shall coordinate such reviews with any related State or local reviews.

“(3) ACTIONS RESULTING FROM REVIEW, AUDIT, OR EVALUATION.—The Secretary may take appropriate action consistent with a review, audit, and evaluation under this subsection, including making an appropriate adjustment in the amount of a grant or withdrawing the grant.

“(g) TREATMENT.—For purposes of this section, the United States Virgin Islands shall be treated as an urbanized area, as defined in section 5302.

“(h) PASSENGER FERRY GRANTS.—

“(1) IN GENERAL.—The Secretary may make grants under this subsection to recipients for passenger ferry projects that are eligible for a grant under subsection (a).

“(2) GRANT REQUIREMENTS.—Except as otherwise provided in this subsection, a grant under this subsection shall be subject to the same terms and conditions as a grant under subsection (a).

“(3) COMPETITIVE PROCESS.—The Secretary shall solicit grant applications and make grants for eligible projects on a competitive basis.”.

SEC. 2000S. FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS.

(a) IN GENERAL.—Section 5309 of title 49, United States Code, is amended to read as follows:

“§5309. Fixed guideway capital investment grants

“(a) DEFINITIONS.—In this section, the following definitions shall apply:

“(1) APPLICANT.—The term ‘applicant’ means a State or local governmental authority that applies for a grant under this section.

“(2) CORE CAPACITY IMPROVEMENT PROJECT.—The term ‘core capacity improvement project’ means a substantial corridor-based capital investment in an existing fixed guideway system that increases the capacity of a corridor by not less than 10 percent. The term does not include project elements designed to maintain a state of good repair of the existing fixed guideway system.

“(3) CORRIDOR-BASED BUS RAPID TRANSIT PROJECT.—The term ‘corridor-based bus rapid transit project’ means a small start project utilizing buses in which the project represents a substantial investment in a defined corridor as demonstrated by features that emulate the services provided by rail fixed guideway public transportation systems, including defined stations; traffic signal priority for public transportation vehicles; short headway bidirectional services for a substantial part of weekdays and weekend days; and any other features the Secretary may determine support a long-term corridor investment, but the majority of which does not operate in a separated right-of-way dedicated for public transportation use during peak periods.

“(4) FIXED GUIDEWAY BUS RAPID TRANSIT PROJECT.—The term ‘fixed guideway bus rapid transit project’ means a bus capital project—

“(A) in which the majority of the project operates in a separated right-of-way dedicated for public transportation use during peak periods;

“(B) that represents a substantial investment in a single route in a defined corridor or subarea; and

“(C) that includes features that emulate the services provided by rail fixed guideway public transportation systems, including—

“(i) defined stations;

“(ii) traffic signal priority for public transportation vehicles;

“(iii) short headway bidirectional services for a substantial part of weekdays and weekend days; and

“(iv) any other features the Secretary may determine are necessary to produce high-quality public transportation services that emulate the services provided by rail fixed guideway public transportation systems.

“(5) NEW FIXED GUIDEWAY CAPITAL PROJECT.—The term ‘new fixed guideway capital project’ means—

“(A) a new fixed guideway project that is a minimum operable segment or extension to an existing fixed guideway system; or

“(B) a fixed guideway bus rapid transit project that is a minimum operable segment or an extension to an existing bus rapid transit system.

“(6) PROGRAM OF INTERRELATED PROJECTS.—The term ‘program of interrelated projects’ means the simultaneous development of—

“(A) 2 or more new fixed guideway capital projects or core capacity improvement projects; or

“(B) 1 or more new fixed guideway capital projects and 1 or more core capacity improvement projects.

“(7) SMALL START PROJECT.—The term ‘small start project’ means a new fixed guideway capital project or corridor-based bus rapid transit project for which—

“(A) the Federal assistance provided or to be provided under this section is less than \$75,000,000; and

“(B) the total estimated net capital cost is less than \$250,000,000.

“(b) GENERAL AUTHORITY.—The Secretary may make grants under this section to State and local governmental authorities to assist in financing—

“(1) new fixed guideway capital projects or small start projects, including the acquisition of real property, the initial acquisition of rolling stock for the system, the acquisition of rights-of-way, and relocation, for fixed guideway corridor development for projects in the advanced stages of project development or engineering; and

“(2) core capacity improvement projects, including the acquisition of real property, the acquisition of rights-of-way, double tracking, signalization improvements, electrification, expanding system platforms, acquisition of rolling stock associated with corridor improvements increasing capacity, construction of infill stations, and such other capacity improvement projects as the Secretary determines are appropriate to increase the capacity of an existing fixed guideway system corridor by at least 10 percent. Core capacity improvement projects do not include elements to improve general station facilities or parking, or acquisition of rolling stock alone.

“(c) GRANT REQUIREMENTS.—

“(1) IN GENERAL.—The Secretary may make a grant under this section for new fixed guideway capital projects, small start projects, or core capacity improvement projects, if the Secretary determines that—

“(A) the project is part of an approved transportation plan required under sections 5303 and 5304; and

“(B) the applicant has, or will have—

“(i) the legal, financial, and technical capacity to carry out the project, including the safety and security aspects of the project;

“(ii) satisfactory continuing control over the use of the equipment or facilities; and

“(iii) the technical and financial capacity to maintain new and existing equipment and facilities.

“(2) CERTIFICATION.—An applicant that has submitted the certifications required under subparagraphs (A), (B), (C), and (H) of section 5307(c)(1) shall be deemed to have provided sufficient information upon which the Secretary may make the determinations required under this subsection.

“(3) TECHNICAL CAPACITY.—The Secretary shall use an expedited technical capacity review process for applicants that have recently and successfully completed at least 1 new fixed guideway capital project, or core capacity improvement project, if—

“(A) the applicant achieved budget, cost, and ridership outcomes for the project that are consistent with or better than projections; and

“(B) the applicant demonstrates that the applicant continues to have the staff expertise and other resources necessary to implement a new project.

“(4) RECIPIENT REQUIREMENTS.—A recipient of a grant awarded under this section shall be subject to all terms, conditions, requirements, and provisions that the Secretary determines to be necessary or appropriate for purposes of this section.

“(d) NEW FIXED GUIDEWAY GRANTS.—

“(1) PROJECT DEVELOPMENT PHASE.—

“(A) ENTRANCE INTO PROJECT DEVELOPMENT PHASE.—A new fixed guideway capital project

shall enter into the project development phase when—

“(i) the applicant—

“(I) submits a letter to the Secretary describing the project and requesting entry into the project development phase; and

“(II) initiates activities required to be carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the project; and

“(ii) the Secretary—

“(I) responds in writing to the applicant within 45 days whether the information provided is sufficient to enter into the project development phase, including, when necessary, a detailed description of any information deemed insufficient; and

“(II) provides concurrent notice to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of whether the new fixed guideway capital project is entering the project development phase.

“(B) ACTIVITIES DURING PROJECT DEVELOPMENT PHASE.—Concurrent with the analysis required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), each applicant shall develop sufficient information to enable the Secretary to make findings of project justification, policies and land use patterns that promote public transportation, and local financial commitment under this subsection.

“(C) COMPLETION OF PROJECT DEVELOPMENT ACTIVITIES REQUIRED.—

“(i) IN GENERAL.—Not later than 2 years after the date on which a project enters into the project development phase, the applicant shall complete the activities required to obtain a project rating under subsection (g)(2) and submit completed documentation to the Secretary.

“(ii) EXTENSION OF TIME.—Upon the request of an applicant, the Secretary may extend the time period under clause (i), if the applicant submits to the Secretary—

“(I) a reasonable plan for completing the activities required under this paragraph; and

“(II) an estimated time period within which the applicant will complete such activities.

“(2) ENGINEERING PHASE.—

“(A) IN GENERAL.—A new fixed guideway capital project may advance to the engineering phase upon completion of activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as demonstrated by a record of decision with respect to the project, a finding that the project has no significant impact, or a determination that the project is categorically excluded, only if the Secretary determines that the project—

“(i) is selected as the locally preferred alternative at the completion of the process required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

“(ii) is adopted into the metropolitan transportation plan required under section 5303;

“(iii) is justified based on a comprehensive review of the project's mobility improvements, the project's environmental benefits, congestion relief associated with the project, economic development effects associated with the project, policies and land use patterns of the project that support public transportation, and the project's cost-effectiveness as measured by cost per rider;

“(iv) is supported by policies and land use patterns that promote public transportation, including plans for future land use and rezoning, and economic development around public transportation stations; and

“(v) is supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources), as required under subsection (f).

“(B) DETERMINATION THAT PROJECT IS JUSTIFIED.—In making a determination under subparagraph (A)(iii), the Secretary shall evaluate, analyze, and consider—

“(i) the reliability of the forecasting methods used to estimate costs and utilization made by the recipient and the contractors to the recipient; and

“(ii) population density and current public transportation ridership in the transportation corridor.

“(e) CORE CAPACITY IMPROVEMENT PROJECTS.—

“(1) PROJECT DEVELOPMENT PHASE.—

“(A) ENTRANCE INTO PROJECT DEVELOPMENT PHASE.—A core capacity improvement project shall be deemed to have entered into the project development phase if—

“(i) the applicant—

“(I) submits a letter to the Secretary describing the project and requesting entry into the project development phase; and

“(II) initiates activities required to be carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the project; and

“(ii) the Secretary—

“(I) responds in writing to the applicant within 45 days whether the information provided is sufficient to enter into the project development phase, including when necessary a detailed description of any information deemed insufficient; and

“(II) provides concurrent notice to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of whether the core capacity improvement project is entering the project development phase.

“(B) ACTIVITIES DURING PROJECT DEVELOPMENT PHASE.—Concurrent with the analysis required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), each applicant shall develop sufficient information to enable the Secretary to make findings of project justification and local financial commitment under this subsection.

“(C) COMPLETION OF PROJECT DEVELOPMENT ACTIVITIES REQUIRED.—

“(i) IN GENERAL.—Not later than 2 years after the date on which a project enters into the project development phase, the applicant shall complete the activities required to obtain a project rating under subsection (g)(2) and submit completed documentation to the Secretary.

“(ii) EXTENSION OF TIME.—Upon the request of an applicant, the Secretary may extend the time period under clause (i), if the applicant submits to the Secretary—

“(I) a reasonable plan for completing the activities required under this paragraph; and

“(II) an estimated time period within which the applicant will complete such activities.

“(2) ENGINEERING PHASE.—

“(A) IN GENERAL.—A core capacity improvement project may advance into the engineering phase upon completion of activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as demonstrated by a record of decision with respect to the project, a finding that the project has no significant impact, or a determination that the project is categorically excluded, only if the Secretary determines that the project—

“(i) is selected as the locally preferred alternative at the completion of the process required under the National Environmental Policy Act of 1969;

“(ii) is adopted into the metropolitan transportation plan required under section 5303;

“(iii) is in a corridor that is—

“(I) at or over capacity; or

“(II) projected to be at or over capacity within the next 5 years;

“(iv) is justified based on a comprehensive review of the project's mobility improvements, the project's environmental benefits, congestion relief associated with the project, economic development effects associated with the project, the capacity needs of the corridor, and the project's cost-effectiveness as measured by cost per rider; and

“(v) is supported by an acceptable degree of local financial commitment (including evidence of stable and dependable financing sources), as required under subsection (f).

“(B) DETERMINATION THAT PROJECT IS JUSTIFIED.—In making a determination under subparagraph (A)(iv), the Secretary shall evaluate, analyze, and consider—

“(i) the reliability of the forecasting methods used to estimate costs and utilization made by the recipient and the contractors to the recipient;

“(ii) whether the project will increase capacity at least 10 percent in a corridor;

“(iii) whether the project will improve interconnectivity among existing systems; and

“(iv) whether the project will improve environmental outcomes.

“(f) FINANCING SOURCES.—

“(1) REQUIREMENTS.—In determining whether a project is supported by an acceptable degree of local financial commitment and shows evidence of stable and dependable financing sources for purposes of subsection (d)(2)(A)(v) or (e)(2)(A)(v), the Secretary shall require that—

“(A) the proposed project plan provides for the availability of contingency amounts that the Secretary determines to be reasonable to cover unanticipated cost increases or funding shortfalls;

“(B) each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable; and

“(C) local resources are available to recapitalize, maintain, and operate the overall existing and proposed public transportation system, including essential feeder bus and other services necessary to achieve the projected ridership levels without requiring a reduction in existing public transportation services or level of service to operate the project.

“(2) CONSIDERATIONS.—In assessing the stability, reliability, and availability of proposed sources of local financing for purposes of subsection (d)(2)(A)(v) or (e)(2)(A)(v), the Secretary shall consider—

“(A) the reliability of the forecasting methods used to estimate costs and revenues made by the recipient and the contractors to the recipient;

“(B) existing grant commitments;

“(C) the degree to which financing sources are dedicated to the proposed purposes;

“(D) any debt obligation that exists, or is proposed by the recipient, for the proposed project or other public transportation purpose;

“(E) the extent to which the project has a local financial commitment that exceeds the required non-Government share of the cost of the project; and

“(F) private contributions to the project, including cost-effective project delivery, management or transfer of project risks, expedited project schedule, financial partnering, and other public-private partnership strategies.

“(g) PROJECT ADVANCEMENT AND RATINGS.—

“(1) PROJECT ADVANCEMENT.—A new fixed guideway capital project or core capacity improvement project proposed to be carried out using a grant under this section may not advance from the project development phase to the engineering phase, or from the engineering phase to the construction phase, unless the Secretary determines that—

“(A) the project meets the applicable requirements under this section; and

“(B) there is a reasonable likelihood that the project will continue to meet the requirements under this section.

“(2) RATINGS.—

“(A) OVERALL RATING.—In making a determination under paragraph (1), the Secretary shall evaluate and rate a project as a whole on a 5-point scale (high, medium-high, medium, medium-low, or low) based on—

“(i) in the case of a new fixed guideway capital project, the project justification criteria under subsection (d)(2)(A)(iii), the policies and land use patterns that support public transportation, and the degree of local financial commitment; and

“(ii) in the case of a core capacity improvement project, the capacity needs of the corridor, the project justification criteria under subsection (e)(2)(A)(iv), and the degree of local financial commitment.

“(B) INDIVIDUAL RATINGS FOR EACH CRITERION.—In rating a project under this paragraph, the Secretary shall—

“(i) provide, in addition to the overall project rating under subparagraph (A), individual ratings for each of the criteria established under subsection (d)(2)(A)(iii) or (e)(2)(A)(iv), as applicable; and

“(ii) give comparable, but not necessarily equal, numerical weight to each of the criteria established under subsections (d)(2)(A)(iii) or (e)(2)(A)(iv), as applicable, in calculating the overall project rating under clause (i).

“(C) MEDIUM RATING NOT REQUIRED.—The Secretary shall not require that any single project justification criterion meet or exceed a ‘medium’ rating in order to advance the project from one phase to another.

“(3) WARRANTS.—The Secretary shall, to the maximum extent practicable, develop and use special warrants for making a project justification determination under subsection (d)(2) or (e)(2), as applicable, for a project proposed to be funded using a grant under this section, if—

“(A) the share of the cost of the project to be provided under this section does not exceed—

“(i) \$100,000,000; or

“(ii) 50 percent of the total cost of the project;

“(B) the applicant requests the use of the warrants;

“(C) the applicant certifies that its existing public transportation system is in a state of good repair; and

“(D) the applicant meets any other requirements that the Secretary considers appropriate to carry out this subsection.

“(4) LETTERS OF INTENT AND EARLY SYSTEMS WORK AGREEMENTS.—In order to expedite a project under this subsection, the Secretary shall, to the maximum extent practicable, issue letters of intent and enter into early systems work agreements upon issuance of a record of decision for projects that receive an overall project rating of medium or better.

“(5) POLICY GUIDANCE.—The Secretary shall issue policy guidance regarding the review and evaluation process and criteria—

“(A) not later than 180 days after the date of enactment of the Federal Public Transportation Act of 2012; and

“(B) each time the Secretary makes significant changes to the process and criteria, but not less frequently than once every 2 years.

“(6) RULES.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue rules establishing an evaluation and rating process for—

“(A) new fixed guideway capital projects that is based on the results of project justification, policies and land use patterns that promote public transportation, and local financial commitment, as required under this subsection; and

“(B) core capacity improvement projects that is based on the results of the capacity needs of

the corridor, project justification, and local financial commitment.

“(7) APPLICABILITY.—This subsection shall not apply to a project for which the Secretary issued a letter of intent, entered into a full funding grant agreement, or entered into a project construction agreement before the date of enactment of the Federal Public Transportation Act of 2012.

“(h) SMALL START PROJECTS.—

“(1) IN GENERAL.—A small start project shall be subject to the requirements of this subsection.

“(2) PROJECT DEVELOPMENT PHASE.—

“(A) ENTRANCE INTO PROJECT DEVELOPMENT PHASE.—A new small starts project shall enter into the project development phase when—

“(i) the applicant—

“(I) submits a letter to the Secretary describing the project and requesting entry into the project development phase; and

“(II) initiates activities required to be carried out under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the project; and

“(ii) the Secretary—

“(I) responds in writing to the applicant within 45 days whether the information provided is sufficient to enter into the project development phase, including, when necessary, a detailed description of any information deemed insufficient; and

“(II) provides concurrent notice to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of whether the small starts project is entering the project development phase.

“(B) ACTIVITIES DURING PROJECT DEVELOPMENT PHASE.—Concurrent with the analysis required to be made under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), each applicant shall develop sufficient information to enable the Secretary to make findings of project justification, policies and land use patterns that promote public transportation, and local financial commitment under this subsection.

“(3) SELECTION CRITERIA.—The Secretary may provide Federal assistance for a small start project under this subsection only if the Secretary determines that the project—

“(A) has been adopted as the locally preferred alternative as part of the metropolitan transportation plan required under section 5303;

“(B) is based on the results of an analysis of the benefits of the project as set forth in paragraph (4); and

“(C) is supported by an acceptable degree of local financial commitment.

“(4) EVALUATION OF BENEFITS AND FEDERAL INVESTMENT.—In making a determination for a small start project under paragraph (3)(B), the Secretary shall analyze, evaluate, and consider the following evaluation criteria for the project (as compared to a no-action alternative): mobility improvements, environmental benefits, congestion relief, economic development effects associated with the project, policies and land use patterns that support public transportation and cost-effectiveness as measured by cost per rider.

“(5) EVALUATION OF LOCAL FINANCIAL COMMITMENT.—For purposes of paragraph (3)(C), the Secretary shall require that each proposed local source of capital and operating financing is stable, reliable, and available within the proposed project timetable.

“(6) RATINGS.—In carrying out paragraphs (4) and (5) for a small start project, the Secretary shall evaluate and rate the project on a 5-point scale (high, medium-high, medium, medium-low, or low) based on an evaluation of the benefits of the project as compared to the Federal assistance to be provided and the degree of local financial commitment, as required under this sub-

section. In rating the projects, the Secretary shall provide, in addition to the overall project rating, individual ratings for each of the criteria established by this subsection and shall give comparable, but not necessarily equal, numerical weight to the benefits that the project will bring to the community in calculating the overall project rating.

“(7) GRANTS AND EXPEDITED GRANT AGREEMENTS.—

“(A) IN GENERAL.—The Secretary, to the maximum extent practicable, shall provide Federal assistance under this subsection in a single grant. If the Secretary cannot provide such a single grant, the Secretary may execute an expedited grant agreement in order to include a commitment on the part of the Secretary to provide funding for the project in future fiscal years.

“(B) TERMS OF EXPEDITED GRANT AGREEMENTS.—In executing an expedited grant agreement under this subsection, the Secretary may include in the agreement terms similar to those established under subsection (k)(2).

“(C) NOTICE OF PROPOSED GRANTS AND EXPEDITED GRANT AGREEMENTS.—At least 10 days before making a grant award or entering into a grant agreement for a project under this subsection, the Secretary shall notify, in writing, the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate of the proposed grant or expedited grant agreement, as well as the evaluations and ratings for the project.

“(i) PROGRAMS OF INTERRELATED PROJECTS.—

“(1) PROJECT DEVELOPMENT PHASE.—A federally funded project in a program of interrelated projects shall advance through project development as provided in subsection (d) or (e), as applicable.

“(2) ENGINEERING PHASE.—A federally funded project in a program of interrelated projects may advance into the engineering phase upon completion of activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), as demonstrated by a record of decision with respect to the project, a finding that the project has no significant impact, or a determination that the project is categorically excluded, only if the Secretary determines that—

“(A) the project is selected as the locally preferred alternative at the completion of the process required under the National Environmental Policy Act of 1969;

“(B) the project is adopted into the metropolitan transportation plan required under section 5303;

“(C) the program of interrelated projects involves projects that have a logical connectivity to one another;

“(D) the program of interrelated projects, when evaluated as a whole, meets the requirements of subsection (d)(2) or (e)(2), as applicable;

“(E) the program of interrelated projects is supported by a program implementation plan demonstrating that construction will begin on each of the projects in the program of interrelated projects within a reasonable time frame; and

“(F) the program of interrelated projects is supported by an acceptable degree of local financial commitment, as described in subsection (f).

“(3) PROJECT ADVANCEMENT AND RATINGS.—

“(A) PROJECT ADVANCEMENT.—A project receiving a grant under this section that is part of a program of interrelated projects may not advance from the project development phase to the engineering phase, or from the engineering phase to the construction phase, unless the Secretary determines that the program of interrelated projects meets the applicable requirements of this section and there is a reasonable

likelihood that the program will continue to meet such requirements.

"(B) RATINGS.—"

"(i) OVERALL RATING.—In making a determination under subparagraph (A), the Secretary shall evaluate and rate a program of interrelated projects on a 5-point scale (high, medium-high, medium, medium-low, or low) based on the criteria described in paragraph (2).

"(ii) INDIVIDUAL RATING FOR EACH CRITERION.—In rating a program of interrelated projects, the Secretary shall provide, in addition to the overall program rating, individual ratings for each of the criteria described in paragraph (2) and shall give comparable, but not necessarily equal, numerical weight to each such criterion in calculating the overall program rating.

"(iii) MEDIUM RATING NOT REQUIRED.—The Secretary shall not require that any single criterion described in paragraph (2) meet or exceed a 'medium' rating in order to advance the program of interrelated projects from one phase to another.

"(4) ANNUAL REVIEW.—"

"(A) REVIEW REQUIRED.—The Secretary shall annually review the program implementation plan required under paragraph (2)(E) to determine whether the program of interrelated projects is adhering to its schedule.

"(B) EXTENSION OF TIME.—If a program of interrelated projects is not adhering to its schedule, the Secretary may, upon the request of the applicant, grant an extension of time if the applicant submits a reasonable plan that includes—

"(i) evidence of continued adequate funding; and

"(ii) an estimated time frame for completing the program of interrelated projects.

"(C) SATISFACTORY PROGRESS REQUIRED.—If the Secretary determines that a program of interrelated projects is not making satisfactory progress, no Federal funds shall be provided for a project within the program of interrelated projects.

"(5) FAILURE TO CARRY OUT PROGRAM OF INTERRELATED PROJECTS.—"

"(A) REPAYMENT REQUIRED.—If an applicant does not carry out the program of interrelated projects within a reasonable time, for reasons within the control of the applicant, the applicant shall repay all Federal funds provided for the program, and any reasonable interest and penalty charges that the Secretary may establish.

"(B) CREDITING OF FUNDS RECEIVED.—Any funds received by the Government under this paragraph, other than interest and penalty charges, shall be credited to the appropriation account from which the funds were originally derived.

"(6) NON-FEDERAL FUNDS.—Any non-Federal funds committed to a project in a program of interrelated projects may be used to meet a non-Government share requirement for any other project in the program of interrelated projects, if the Government share of the cost of each project within the program of interrelated projects does not exceed 80 percent.

"(7) PRIORITY.—In making grants under this section, the Secretary may give priority to programs of interrelated projects for which the non-Government share of the cost of the projects included in the programs of interrelated projects exceeds the non-Government share required under subsection (l).

"(8) NON-GOVERNMENT PROJECTS.—Including a project not financed by the Government in a program of interrelated projects does not impose Government requirements that would not otherwise apply to the project.

"(j) PREVIOUSLY ISSUED LETTER OF INTENT OR FULL FUNDING GRANT AGREEMENT.—Subsections

(d) and (e) shall not apply to projects for which the Secretary has issued a letter of intent, approved entry into final design, entered into a full funding grant agreement, or entered into a project construction grant agreement before the date of enactment of the Federal Public Transportation Act of 2012.

"(k) LETTERS OF INTENT, FULL FUNDING GRANT AGREEMENTS, AND EARLY SYSTEMS WORK AGREEMENTS.—"

"(1) LETTERS OF INTENT.—"

"(A) AMOUNTS INTENDED TO BE OBLIGATED.—The Secretary may issue a letter of intent to an applicant announcing an intention to obligate, for a new fixed guideway capital project or core capacity improvement project, an amount from future available budget authority specified in law that is not more than the amount stipulated as the financial participation of the Secretary in the project. When a letter is issued for a capital project under this section, the amount shall be sufficient to complete at least an operable segment.

"(B) TREATMENT.—The issuance of a letter under subparagraph (A) is deemed not to be an obligation under sections 1108(c), 1501, and 1502(a) of title 31 or an administrative commitment.

"(2) FULL FUNDING GRANT AGREEMENTS.—"

"(A) IN GENERAL.—A new fixed guideway capital project or core capacity improvement project shall be carried out through a full funding grant agreement.

"(B) CRITERIA.—The Secretary shall enter into a full funding grant agreement, based on the evaluations and ratings required under subsection (d), (e), or (i), as applicable, with each grantee receiving assistance for a new fixed guideway capital project or core capacity improvement project that has been rated as high, medium-high, or medium, in accordance with subsection (g)(2)(A) or (i)(3)(B), as applicable.

"(C) TERMS.—A full funding grant agreement shall—

"(i) establish the terms of participation by the Government in a new fixed guideway capital project or core capacity improvement project;

"(ii) establish the maximum amount of Federal financial assistance for the project;

"(iii) include the period of time for completing the project, even if that period extends beyond the period of an authorization; and

"(iv) make timely and efficient management of the project easier according to the law of the United States.

"(D) SPECIAL FINANCIAL RULES.—"

"(i) IN GENERAL.—A full funding grant agreement under this paragraph obligates an amount of available budget authority specified in law and may include a commitment, contingent on amounts to be specified in law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

"(ii) STATEMENT OF CONTINGENT COMMITMENT.—The agreement shall state that the contingent commitment is not an obligation of the Government.

"(iii) INTEREST AND OTHER FINANCING COSTS.—Interest and other financing costs of efficiently carrying out a part of the project within a reasonable time are a cost of carrying out the project under a full funding grant agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

"(iv) COMPLETION OF OPERABLE SEGMENT.—The amount stipulated in an agreement under this paragraph for a new fixed guideway capital project shall be sufficient to complete at least an operable segment.

"(E) BEFORE AND AFTER STUDY.—"

"(i) IN GENERAL.—A full funding grant agreement under this paragraph shall require the applicant to conduct a study that—

"(I) describes and analyzes the impacts of the new fixed guideway capital project or core capacity improvement project on public transportation services and public transportation ridership;

"(II) evaluates the consistency of predicted and actual project characteristics and performance; and

"(III) identifies reasons for differences between predicted and actual outcomes.

"(ii) INFORMATION COLLECTION AND ANALYSIS PLAN.—"

"(I) SUBMISSION OF PLAN.—Applicants seeking a full funding grant agreement under this paragraph shall submit a complete plan for the collection and analysis of information to identify the impacts of the new fixed guideway capital project or core capacity improvement project and the accuracy of the forecasts prepared during the development of the project. Preparation of this plan shall be included in the full funding grant agreement as an eligible activity.

"(II) CONTENTS OF PLAN.—The plan submitted under subclause (I) shall provide for—

"(aa) collection of data on the current public transportation system regarding public transportation service levels and ridership patterns, including origins and destinations, access modes, trip purposes, and rider characteristics;

"(bb) documentation of the predicted scope, service levels, capital costs, operating costs, and ridership of the project;

"(cc) collection of data on the public transportation system 2 years after the opening of a new fixed guideway capital project or core capacity improvement project, including analogous information on public transportation service levels and ridership patterns and information on the as-built scope, capital, and financing costs of the project; and

"(dd) analysis of the consistency of predicted project characteristics with actual outcomes.

"(F) COLLECTION OF DATA ON CURRENT SYSTEM.—To be eligible for a full funding grant agreement under this paragraph, recipients shall have collected data on the current system, according to the plan required under subparagraph (E)(ii), before the beginning of construction of the proposed new fixed guideway capital project or core capacity improvement project. Collection of this data shall be included in the full funding grant agreement as an eligible activity.

"(3) EARLY SYSTEMS WORK AGREEMENTS.—"

"(A) CONDITIONS.—The Secretary may enter into an early systems work agreement with an applicant if a record of decision under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) has been issued on the project and the Secretary finds there is reason to believe—

"(i) a full funding grant agreement for the project will be made; and

"(ii) the terms of the work agreement will promote ultimate completion of the project more rapidly and at less cost.

"(B) CONTENTS.—"

"(i) IN GENERAL.—An early systems work agreement under this paragraph obligates budget authority available under this chapter and title 23 and shall provide for reimbursement of preliminary costs of carrying out the project, including land acquisition, timely procurement of system elements for which specifications are decided, and other activities the Secretary decides are appropriate to make efficient, long-term project management easier.

"(ii) CONTINGENT COMMITMENT.—An early systems work agreement may include a commitment, contingent on amounts to be specified in

law in advance for commitments under this paragraph, to obligate an additional amount from future available budget authority specified in law.

“(iii) **PERIOD COVERED.**—An early systems work agreement under this paragraph shall cover the period of time the Secretary considers appropriate. The period may extend beyond the period of current authorization.

“(iv) **INTEREST AND OTHER FINANCING COSTS.**—Interest and other financing costs of efficiently carrying out the early systems work agreement within a reasonable time are a cost of carrying out the agreement, except that eligible costs may not be more than the cost of the most favorable financing terms reasonably available for the project at the time of borrowing. The applicant shall certify, in a way satisfactory to the Secretary, that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

“(v) **FAILURE TO CARRY OUT PROJECT.**—If an applicant does not carry out the project for reasons within the control of the applicant, the applicant shall repay all Federal grant funds awarded for the project from all Federal funding sources, for all project activities, facilities, and equipment, plus reasonable interest and penalty charges allowable by law or established by the Secretary in the early systems work agreement.

“(vi) **CREDITING OF FUNDS RECEIVED.**—Any funds received by the Government under this paragraph, other than interest and penalty charges, shall be credited to the appropriation account from which the funds were originally derived.

“(4) **LIMITATION ON AMOUNTS.**—

“(A) **IN GENERAL.**—The Secretary may enter into full funding grant agreements under this subsection for new fixed guideway capital projects and core capacity improvement projects that contain contingent commitments to incur obligations in such amounts as the Secretary determines are appropriate.

“(B) **APPROPRIATION REQUIRED.**—An obligation may be made under this subsection only when amounts are appropriated for the obligation.

“(5) **NOTIFICATION TO CONGRESS.**—At least 30 days before issuing a letter of intent, entering into a full funding grant agreement, or entering into an early systems work agreement under this section, the Secretary shall notify, in writing, the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives of the proposed letter or agreement. The Secretary shall include with the notification a copy of the proposed letter or agreement as well as the evaluations and ratings for the project.

“(l) **GOVERNMENT SHARE OF NET CAPITAL PROJECT COST.**—

“(1) **IN GENERAL.**—Based on engineering studies, studies of economic feasibility, and information on the expected use of equipment or facilities, the Secretary shall estimate the net capital project cost. A grant for a fixed guideway project or small start project shall not exceed 80 percent of the net capital project cost. A grant for a core capacity project shall not exceed 80 percent of the net capital project cost of the incremental cost of increasing the capacity in the corridor.

“(2) **ADJUSTMENT FOR COMPLETION UNDER BUDGET.**—The Secretary may adjust the final net capital project cost of a new fixed guideway capital project or core capacity improvement project evaluated under subsection (d), (e), or (i) to include the cost of eligible activities not included in the originally defined project if the Secretary determines that the originally defined

project has been completed at a cost that is significantly below the original estimate.

“(3) **MAXIMUM GOVERNMENT SHARE.**—The Secretary may provide a higher grant percentage than requested by the grant recipient if—

“(A) the Secretary determines that the net capital project cost of the project is not more than 10 percent higher than the net capital project cost estimated at the time the project was approved for advancement into the engineering phase; and

“(B) the ridership estimated for the project is not less than 90 percent of the ridership estimated for the project at the time the project was approved for advancement into the engineering phase.

“(4) **REMAINDER OF NET CAPITAL PROJECT COST.**—The remainder of the net capital project cost shall be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

“(5) **LIMITATION ON STATUTORY CONSTRUCTION.**—Nothing in this section shall be construed as authorizing the Secretary to require a non-Federal financial commitment for a project that is more than 20 percent of the net capital project cost.

“(6) **SPECIAL RULE FOR ROLLING STOCK COSTS.**—In addition to amounts allowed pursuant to paragraph (1), a planned extension to a fixed guideway system may include the cost of rolling stock previously purchased if the applicant satisfies the Secretary that only amounts other than amounts provided by the Government were used and that the purchase was made for use on the extension. A refund or reduction of the remainder may be made only if a refund of a proportional amount of the grant of the Government is made at the same time.

“(7) **LIMITATION ON APPLICABILITY.**—This subsection shall not apply to projects for which the Secretary entered into a full funding grant agreement before the date of enactment of the Federal Public Transportation Act of 2012.

“(8) **SPECIAL RULE FOR FIXED GUIDEWAY BUS RAPID TRANSIT PROJECTS.**—For up to three fixed-guideway bus rapid transit projects each fiscal year the Secretary shall—

“(A) establish a Government share of at least 80 percent; and

“(B) not lower the project's rating for degree of local financial commitment for purposes of subsections (d)(2)(A)(v) or (h)(3)(C) as a result of the Government share specified in this paragraph.

“(m) **UNDERTAKING PROJECTS IN ADVANCE.**—

“(1) **IN GENERAL.**—The Secretary may pay the Government share of the net capital project cost to a State or local governmental authority that carries out any part of a project described in this section without the aid of amounts of the Government and according to all applicable procedures and requirements if—

“(A) the State or local governmental authority applies for the payment;

“(B) the Secretary approves the payment; and

“(C) before the State or local governmental authority carries out the part of the project, the Secretary approves the plans and specifications for the part in the same way as other projects under this section.

“(2) **FINANCING COSTS.**—

“(A) **IN GENERAL.**—The cost of carrying out part of a project includes the amount of interest earned and payable on bonds issued by the State or local governmental authority to the extent proceeds of the bonds are expended in carrying out the part.

“(B) **LIMITATION ON AMOUNT OF INTEREST.**—The amount of interest under this paragraph may not be more than the most favorable interest terms reasonably available for the project at the time of borrowing.

“(C) **CERTIFICATION.**—The applicant shall certify, in a manner satisfactory to the Secretary,

that the applicant has shown reasonable diligence in seeking the most favorable financing terms.

“(n) **AVAILABILITY OF AMOUNTS.**—

“(1) **IN GENERAL.**—An amount made available or appropriated for a new fixed guideway capital project or core capacity improvement project shall remain available to that project for 5 fiscal years, including the fiscal year in which the amount is made available or appropriated. Any amounts that are unobligated to the project at the end of the 5-fiscal-year period may be used by the Secretary for any purpose under this section.

“(2) **USE OF DEOBLIGATED AMOUNTS.**—An amount available under this section that is deobligated may be used for any purpose under this section.

“(o) **REPORTS ON NEW FIXED GUIDEWAY AND CORE CAPACITY IMPROVEMENT PROJECTS.**—

“(1) **ANNUAL REPORT ON FUNDING RECOMMENDATIONS.**—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives a report that includes—

“(A) a proposal of allocations of amounts to be available to finance grants for projects under this section among applicants for these amounts;

“(B) evaluations and ratings, as required under subsections (d), (e), and (i), for each such project that is in project development, engineering, or has received a full funding grant agreement; and

“(C) recommendations of such projects for funding based on the evaluations and ratings and on existing commitments and anticipated funding levels for the next 3 fiscal years based on information currently available to the Secretary.

“(2) **REPORTS ON BEFORE AND AFTER STUDIES.**—Not later than the first Monday in August of each year, the Secretary shall submit to the committees described in paragraph (1) a report containing a summary of the results of any studies conducted under subsection (k)(2)(E).

“(3) **BIENNIAL GAO REVIEW.**—The Comptroller General of the United States shall—

“(A) conduct a biennial review of—

“(i) the processes and procedures for evaluating, rating, and recommending new fixed guideway capital projects and core capacity improvement projects; and

“(ii) the Secretary's implementation of such processes and procedures; and

“(B) report to Congress on the results of such review by May 31 of each year.”

(b) **PILOT PROGRAM FOR EXPEDITED PROJECT DELIVERY.**—

(1) **DEFINITIONS.**—In this subsection the following definitions shall apply:

(A) **ELIGIBLE PROJECT.**—The term “eligible project” means a new fixed guideway capital project or a core capacity improvement project, as those terms are defined in section 5309 of title 49, United States Code, as amended by this section, that has not entered into a full funding grant agreement with the Federal Transit Administration before the date of enactment of the Federal Public Transportation Act of 2012.

(B) **PROGRAM.**—The term “program” means the pilot program for expedited project delivery established under this subsection.

(C) **RECIPIENT.**—The term “recipient” means a recipient of funding under chapter 53 of title 49, United States Code.

(D) **SECRETARY.**—The term “Secretary” means the Secretary of Transportation.

(2) **ESTABLISHMENT.**—The Secretary shall establish and implement a pilot program to demonstrate whether innovative project development

and delivery methods or innovative financing arrangements can expedite project delivery for certain meritorious new fixed guideway capital projects and core capacity improvement projects.

(3) **LIMITATION ON NUMBER OF PROJECTS.**—The Secretary shall select 3 eligible projects to participate in the program, of which—

(A) at least 1 shall be an eligible project requesting more than \$100,000,000 in Federal financial assistance under section 5309 of title 49, United States Code; and

(B) at least 1 shall be an eligible project requesting less than \$100,000,000 in Federal financial assistance under section 5309 of title 49, United States Code.

(4) **GOVERNMENT SHARE.**—The Government share of the total cost of an eligible project that participates in the program may not exceed 50 percent.

(5) **ELIGIBILITY.**—A recipient that desires to participate in the program shall submit to the Secretary an application that contains, at a minimum—

(A) identification of an eligible project;

(B) a schedule and finance plan for the construction and operation of the eligible project;

(C) an analysis of the efficiencies of the proposed project development and delivery methods or innovative financing arrangement for the eligible project; and

(D) a certification that the recipient's existing public transportation system is in a state of good repair.

(6) **SELECTION CRITERIA.**—The Secretary may award a full funding grant agreement under this subsection if the Secretary determines that—

(A) the recipient has completed planning and the activities required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) the recipient has the necessary legal, financial, and technical capacity to carry out the eligible project.

(7) **BEFORE AND AFTER STUDY AND REPORT.**—

(A) **STUDY REQUIRED.**—A full funding grant agreement under this paragraph shall require a recipient to conduct a study that—

(i) describes and analyzes the impacts of the eligible project on public transportation services and public transportation ridership;

(ii) describes and analyzes the consistency of predicted and actual benefits and costs of the innovative project development and delivery methods or innovative financing for the eligible project; and

(iii) identifies reasons for any differences between predicted and actual outcomes for the eligible project.

(B) **SUBMISSION OF REPORT.**—Not later than 9 months after an eligible project selected to participate in the program begins revenue operations, the recipient shall submit to the Secretary a report on the results of the study under subparagraph (A).

SEC. 20009. MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES.

Section 5310 of title 49, United States Code, is amended to read as follows:

“§5310. Formula grants for the enhanced mobility of seniors and individuals with disabilities

“(a) **DEFINITIONS.**—In this section, the following definitions shall apply:

“(1) **RECIPIENT.**—The term ‘recipient’ means a designated recipient or a State that receives a grant under this section directly.

“(2) **SUBRECIPIENT.**—The term ‘subrecipient’ means a State or local governmental authority, a private nonprofit organization, or an operator of public transportation that receives a grant under this section indirectly through a recipient.

“(b) **GENERAL AUTHORITY.**—

“(1) **GRANTS.**—The Secretary may make grants under this section to recipients for—

“(A) public transportation projects planned, designed, and carried out to meet the special needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable;

“(B) public transportation projects that exceed the requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.);

“(C) public transportation projects that improve access to fixed route service and decrease reliance by individuals with disabilities on complementary paratransit; and

“(D) alternatives to public transportation that assist seniors and individuals with disabilities with transportation.

“(2) **LIMITATIONS FOR CAPITAL PROJECTS.**—

“(A) **AMOUNT AVAILABLE.**—The amount available for capital projects under paragraph (1)(A) shall be not less than 55 percent of the funds apportioned to the recipient under this section.

“(B) **ALLOCATION TO SUBRECIPIENTS.**—A recipient of a grant under paragraph (1)(A) may allocate the amounts provided under the grant to—

“(i) a private nonprofit organization; or

“(ii) a State or local governmental authority that—

“(I) is approved by a State to coordinate services for seniors and individuals with disabilities; or

“(II) certifies that there are no private nonprofit organizations readily available in the area to provide the services described in paragraph (1)(A).

“(3) **ADMINISTRATIVE EXPENSES.**—A recipient may use not more than 10 percent of the amounts apportioned to the recipient under this section to administer, plan, and provide technical assistance for a project funded under this section.

“(4) **ELIGIBLE CAPITAL EXPENSES.**—The acquisition of public transportation services is an eligible capital expense under this section.

“(5) **COORDINATION.**—

“(A) **DEPARTMENT OF TRANSPORTATION.**—To the maximum extent feasible, the Secretary shall coordinate activities under this section with related activities under other Federal departments and agencies.

“(B) **OTHER FEDERAL AGENCIES AND NON-PROFIT ORGANIZATIONS.**—A State or local governmental authority or nonprofit organization that receives assistance from Government sources (other than the Department of Transportation) for nonemergency transportation services shall—

“(i) participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services; and

“(ii) participate in the planning for the transportation services described in clause (i).

“(6) **PROGRAM OF PROJECTS.**—

“(A) **IN GENERAL.**—Amounts made available to carry out this section may be used for transportation projects to assist in providing transportation services for seniors and individuals with disabilities, if such transportation projects are included in a program of projects.

“(B) **SUBMISSION.**—A recipient shall annually submit a program of projects to the Secretary.

“(C) **ASSURANCE.**—The program of projects submitted under subparagraph (B) shall contain an assurance that the program provides for the maximum feasible coordination of transportation services assisted under this section with transportation services assisted by other Government sources.

“(7) **MEAL DELIVERY FOR HOMEBOUND INDIVIDUALS.**—A public transportation service provider that receives assistance under this section or section 5311(c) may coordinate and assist in regularly providing meal delivery service for home-

bound individuals, if the delivery service does not conflict with providing public transportation service or reduce service to public transportation passengers.

“(c) **APPORTIONMENT AND TRANSFERS.**—

“(1) **FORMULA.**—The Secretary shall apportion amounts made available to carry out this section as follows:

“(A) **LARGE URBANIZED AREAS.**—Sixty percent of the funds shall be apportioned among designated recipients for urbanized areas with a population of 200,000 or more individuals, as determined by the Bureau of the Census, in the ratio that—

“(i) the number of seniors and individuals with disabilities in each such urbanized area; bears to

“(ii) the number of seniors and individuals with disabilities in all such urbanized areas.

“(B) **SMALL URBANIZED AREAS.**—Twenty percent of the funds shall be apportioned among the States in the ratio that—

“(i) the number of seniors and individuals with disabilities in urbanized areas with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census, in each State; bears to

“(ii) the number of seniors and individuals with disabilities in urbanized areas with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census, in all States.

“(C) **RURAL AREAS.**—Twenty percent of the funds shall be apportioned among the States in the ratio that—

“(i) the number of seniors and individuals with disabilities in rural areas in each State; bears to

“(ii) the number of seniors and individuals with disabilities in rural areas in all States.

“(2) **AREAS SERVED BY PROJECTS.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B)—

“(i) funds apportioned under paragraph (1)(A) shall be used for projects serving urbanized areas with a population of 200,000 or more individuals, as determined by the Bureau of the Census;

“(ii) funds apportioned under paragraph (1)(B) shall be used for projects serving urbanized areas with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census; and

“(iii) funds apportioned under paragraph (1)(C) shall be used for projects serving rural areas.

“(B) **EXCEPTIONS.**—A State may use funds apportioned to the State under subparagraph (B) or (C) of paragraph (1)—

“(i) for a project serving an area other than an area specified in subparagraph (A)(ii) or (A)(iii), as the case may be, if the Governor of the State certifies that all of the objectives of this section are being met in the area specified in subparagraph (A)(ii) or (A)(iii); or

“(ii) for a project anywhere in the State, if the State has established a statewide program for meeting the objectives of this section.

“(C) **LIMITED TO ELIGIBLE PROJECTS.**—Any funds transferred pursuant to subparagraph (B) shall be made available only for eligible projects selected under this section.

“(D) **CONSULTATION.**—A recipient may transfer an amount under subparagraph (B) only after consulting with responsible local officials, publicly owned operators of public transportation, and nonprofit providers in the area for which the amount was originally apportioned.

“(d) **GOVERNMENT SHARE OF COSTS.**—

“(1) **CAPITAL PROJECTS.**—A grant for a capital project under this section shall be in an amount equal to 80 percent of the net capital costs of the project, as determined by the Secretary.

“(2) **OPERATING ASSISTANCE.**—A grant made under this section for operating assistance may

not exceed an amount equal to 50 percent of the net operating costs of the project, as determined by the Secretary.

“(3) REMAINDER OF NET COSTS.—The remainder of the net costs of a project carried out under this section—

“(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital; and

“(B) may be derived from amounts appropriated or otherwise made available—

“(i) to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation; or

“(ii) to carry out the Federal lands highways program under section 204 of title 23.

“(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B)(i), the prohibition under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) on the use of grant funds for matching requirements shall not apply to Federal or State funds to be used for transportation purposes.

“(e) GRANT REQUIREMENTS.—

“(1) IN GENERAL.—A grant under this section shall be subject to the same requirements as a grant under section 5307, to the extent the Secretary determines appropriate.

“(2) CERTIFICATION REQUIREMENTS.—

“(A) PROJECT SELECTION AND PLAN DEVELOPMENT.—Before receiving a grant under this section, each recipient shall certify that—

“(i) the projects selected by the recipient are included in a locally developed, coordinated public transit-human services transportation plan;

“(ii) the plan described in clause (i) was developed and approved through a process that included participation by seniors, individuals with disabilities, representatives of public, private, and nonprofit transportation and human services providers, and other members of the public; and

“(iii) to the maximum extent feasible, the services funded under this section will be coordinated with transportation services assisted by other Federal departments and agencies, including any transportation activities carried out by a recipient of a grant from the Department of Health and Human Services.

“(B) ALLOCATIONS TO SUBRECIPIENTS.—If a recipient allocates funds received under this section to subrecipients, the recipient shall certify that the funds are allocated on a fair and equitable basis.

“(f) COMPETITIVE PROCESS FOR GRANTS TO SUBRECIPIENTS.—

“(1) AREAWIDE SOLICITATIONS.—A recipient of funds apportioned under subsection (c)(1)(A) may conduct, in cooperation with the appropriate metropolitan planning organization, an areawide solicitation for applications for grants under this section.

“(2) STATEWIDE SOLICITATIONS.—A recipient of funds apportioned under subparagraph (B) or (C) of subsection (c)(1) may conduct a statewide solicitation for applications for grants under this section.

“(3) APPLICATION.—If the recipient elects to engage in a competitive process, a recipient or subrecipient seeking to receive a grant from funds apportioned under subsection (c) shall submit to the recipient making the election an application in such form and in accordance with such requirements as the recipient making the election shall establish.

“(g) TRANSFERS OF FACILITIES AND EQUIPMENT.—A recipient may transfer a facility or equipment acquired using a grant under this section to any other recipient eligible to receive assistance under this chapter, if—

“(1) the recipient in possession of the facility or equipment consents to the transfer; and

“(2) the facility or equipment will continue to be used as required under this section.

“(h) PERFORMANCE MEASURES.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives making recommendations on the establishment of performance measures for grants under this section. Such report shall be developed in consultation with national nonprofit organizations that provide technical assistance and advocacy on issues related to transportation services for seniors and individuals with disabilities.

“(2) MEASURES.—The performance measures to be considered in the report under paragraph (1) shall require the collection of quantitative and qualitative information, as available, concerning—

“(A) modifications to the geographic coverage of transportation service, the quality of transportation service, or service times that increase the availability of transportation services for seniors and individuals with disabilities;

“(B) ridership;

“(C) accessibility improvements; and

“(D) other measures, as the Secretary determines is appropriate.”

SEC. 20010. FORMULA GRANTS FOR RURAL AREAS.

Section 5311 of title 49, United States Code, is amended to read as follows:

“§ 5311. Formula grants for rural areas

“(a) DEFINITIONS.—As used in this section, the following definitions shall apply:

“(1) RECIPIENT.—The term ‘recipient’ means a State or Indian tribe that receives a Federal transit program grant directly from the Government.

“(2) SUBRECIPIENT.—The term ‘subrecipient’ means a State or local governmental authority, a nonprofit organization, or an operator of public transportation or intercity bus service that receives Federal transit program grant funds indirectly through a recipient.

“(b) GENERAL AUTHORITY.—

“(1) GRANTS AUTHORIZED.—Except as provided by paragraph (2), the Secretary may award grants under this section to recipients located in rural areas for—

“(A) planning, provided that a grant under this section for planning activities shall be in addition to funding awarded to a State under section 5305 for planning activities that are directed specifically at the needs of rural areas in the State;

“(B) public transportation capital projects;

“(C) operating costs of equipment and facilities for use in public transportation;

“(D) job access and reverse commute projects; and

“(E) the acquisition of public transportation services, including service agreements with private providers of public transportation service.

“(2) STATE PROGRAM.—

“(A) IN GENERAL.—A project eligible for a grant under this section shall be included in a State program for public transportation service projects, including agreements with private providers of public transportation service.

“(B) SUBMISSION TO SECRETARY.—Each State shall submit to the Secretary annually the program described in subparagraph (A).

“(C) APPROVAL.—The Secretary may not approve the program unless the Secretary determines that—

“(i) the program provides a fair distribution of amounts in the State, including Indian reservations; and

“(ii) the program provides the maximum feasible coordination of public transportation serv-

ice assisted under this section with transportation service assisted by other Federal sources.

“(3) RURAL TRANSPORTATION ASSISTANCE PROGRAM.—

“(A) IN GENERAL.—The Secretary shall carry out a rural transportation assistance program in rural areas.

“(B) GRANTS AND CONTRACTS.—In carrying out this paragraph, the Secretary may use not more than 2 percent of the amount made available under section 5338(a)(2)(E) to make grants and contracts for transportation research, technical assistance, training, and related support services in rural areas.

“(C) PROJECTS OF A NATIONAL SCOPE.—Not more than 15 percent of the amounts available under subparagraph (B) may be used by the Secretary to carry out competitively selected projects of a national scope, with the remaining balance provided to the States.

“(4) DATA COLLECTION.—Each recipient under this section shall submit an annual report to the Secretary containing information on capital investment, operations, and service provided with funds received under this section, including—

“(A) total annual revenue;

“(B) sources of revenue;

“(C) total annual operating costs;

“(D) total annual capital costs;

“(E) fleet size and type, and related facilities;

“(F) vehicle revenue miles; and

“(G) ridership.

“(c) APPORTIONMENTS.—

“(1) PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS.—Of the amounts made available or appropriated for each fiscal year pursuant to section 5338(a)(2)(E) to carry out this paragraph, the following amounts shall be apportioned each fiscal year for grants to Indian tribes for any purpose eligible under this section, under such terms and conditions as may be established by the Secretary:

“(A) \$5,000,000 shall be distributed on a competitive basis by the Secretary.

“(B) \$25,000,000 shall be apportioned as formula grants, as provided in subsection (j).

“(2) APPALACHIAN DEVELOPMENT PUBLIC TRANSPORTATION ASSISTANCE PROGRAM.—

“(A) DEFINITIONS.—In this paragraph—

“(i) the term ‘Appalachian region’ has the same meaning as in section 14102 of title 40; and

“(ii) the term ‘eligible recipient’ means a State that participates in a program established under subtitle IV of title 40.

“(B) IN GENERAL.—The Secretary shall carry out a public transportation assistance program in the Appalachian region.

“(C) APPORTIONMENT.—Of amounts made available or appropriated for each fiscal year under section 5338(a)(2)(E) to carry out this paragraph, the Secretary shall apportion funds to eligible recipients for any purpose eligible under this section, based on the guidelines established under section 9.5(b) of the Appalachian Regional Commission Code.

“(D) SPECIAL RULE.—An eligible recipient may use amounts that cannot be used for operating expenses under this paragraph for a highway project if—

“(i) that use is approved, in writing, by the eligible recipient after appropriate notice and an opportunity for comment and appeal are provided to affected public transportation providers; and

“(ii) the eligible recipient, in approving the use of amounts under this subparagraph, determines that the local transit needs are being addressed.

“(3) REMAINING AMOUNTS.—

“(A) IN GENERAL.—The amounts made available or appropriated for each fiscal year pursuant to section 5338(a)(2)(E) that are not apportioned under paragraph (1) or (2) shall be apportioned in accordance with this paragraph.

“(B) APPORTIONMENT BASED ON LAND AREA AND POPULATION IN NONURBANIZED AREAS.—

“(i) IN GENERAL.—83.15 percent of the amount described in subparagraph (A) shall be apportioned to the States in accordance with this subparagraph.

“(ii) LAND AREA.—

“(I) IN GENERAL.—Subject to subclause (II), each State shall receive an amount that is equal to 20 percent of the amount apportioned under clause (i), multiplied by the ratio of the land area in rural areas in that State and divided by the land area in all rural areas in the United States, as shown by the most recent decennial census of population.

“(II) MAXIMUM APPORTIONMENT.—No State shall receive more than 5 percent of the amount apportioned under subclause (I).

“(iii) POPULATION.—Each State shall receive an amount equal to 80 percent of the amount apportioned under clause (i), multiplied by the ratio of the population of rural areas in that State and divided by the population of all rural areas in the United States, as shown by the most recent decennial census of population.

“(C) APPORTIONMENT BASED ON LAND AREA, VEHICLE REVENUE MILES, AND LOW-INCOME INDIVIDUALS IN NONURBANIZED AREAS.—

“(i) IN GENERAL.—16.85 percent of the amount described in subparagraph (A) shall be apportioned to the States in accordance with this subparagraph.

“(ii) LAND AREA.—Subject to clause (v), each State shall receive an amount that is equal to 29.68 percent of the amount apportioned under clause (i), multiplied by the ratio of the land area in rural areas in that State and divided by the land area in all rural areas in the United States, as shown by the most recent decennial census of population.

“(iii) VEHICLE REVENUE MILES.—Subject to clause (v), each State shall receive an amount that is equal to 29.68 percent of the amount apportioned under clause (i), multiplied by the ratio of vehicle revenue miles in rural areas in that State and divided by the vehicle revenue miles in all rural areas in the United States, as determined by national transit database reporting.

“(iv) LOW-INCOME INDIVIDUALS.—Each State shall receive an amount that is equal to 40.64 percent of the amount apportioned under clause (i), multiplied by the ratio of low-income individuals in rural areas in that State and divided by the number of low-income individuals in all rural areas in the United States, as shown by the Bureau of the Census.

“(v) MAXIMUM APPORTIONMENT.—No State shall receive—

“(I) more than 5 percent of the amount apportioned under clause (ii); or

“(II) more than 5 percent of the amount apportioned under clause (iii).

“(d) USE FOR LOCAL TRANSPORTATION SERVICE.—A State may use an amount apportioned under this section for a project included in a program under subsection (b) of this section and eligible for assistance under this chapter if the project will provide local transportation service, as defined by the Secretary of Transportation, in a rural area.

“(e) USE FOR ADMINISTRATION, PLANNING, AND TECHNICAL ASSISTANCE.—The Secretary may allow a State to use not more than 10 percent of the amount apportioned under this section to administer this section and provide technical assistance to a subrecipient, including project planning, program and management development, coordination of public transportation programs, and research the State considers appropriate to promote effective delivery of public transportation to a rural area.

“(f) INTERCITY BUS TRANSPORTATION.—

“(I) IN GENERAL.—A State shall expend at least 15 percent of the amount made available in

each fiscal year to carry out a program to develop and support intercity bus transportation.

Eligible activities under the program include—

“(A) planning and marketing for intercity bus transportation;

“(B) capital grants for intercity bus facilities;

“(C) joint-use facilities;

“(D) operating grants through purchase-of-service agreements, user-side subsidies, and demonstration projects; and

“(E) coordinating rural connections between small public transportation operations and intercity bus carriers.

“(2) CERTIFICATION.—A State does not have to comply with paragraph (1) of this subsection in a fiscal year in which the Governor of the State certifies to the Secretary, after consultation with affected intercity bus service providers, that the intercity bus service needs of the State are being met adequately.

“(g) GOVERNMENT SHARE OF COSTS.—

“(1) CAPITAL PROJECTS.—

“(A) IN GENERAL.—Except as provided by subparagraph (B), a grant awarded under this section for a capital project or project administrative expenses shall be for 80 percent of the net costs of the project, as determined by the Secretary.

“(B) EXCEPTION.—A State described in section 120(b) of title 23 shall receive a Government share of the net costs in accordance with the formula under that section.

“(2) OPERATING ASSISTANCE.—

“(A) IN GENERAL.—Except as provided by subparagraph (B), a grant made under this section for operating assistance may not exceed 50 percent of the net operating costs of the project, as determined by the Secretary.

“(B) EXCEPTION.—A State described in section 120(b) of title 23 shall receive a Government share of the net operating costs equal to 62.5 percent of the Government share provided for under paragraph (1)(B).

“(3) REMAINDER.—The remainder of net project costs—

“(A) may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, a service agreement with a State or local social service agency or a private social service organization, or new capital;

“(B) may be derived from amounts appropriated or otherwise made available to a department or agency of the Government (other than the Department of Transportation) that are eligible to be expended for transportation;

“(C) notwithstanding subparagraph (B), may be derived from amounts made available to carry out the Federal lands highway program established by section 204 of title 23; and

“(D) in the case of an intercity bus project that includes both feeder service and an unsubsidized segment of intercity bus service to which the feeder service connects, may be derived from the costs of a private operator for the unsubsidized segment of intercity bus service as an in-kind match for the operating costs of connecting rural intercity bus feeder service funded under subsection (f), if the private operator agrees in writing to the use of the costs of the private operator for the unsubsidized segment of intercity bus service as an in-kind match.

“(4) USE OF CERTAIN FUNDS.—For purposes of paragraph (3)(B), the prohibitions on the use of funds for matching requirements under section 403(a)(5)(C)(vii) of the Social Security Act (42 U.S.C. 603(a)(5)(C)(vii)) shall not apply to Federal or State funds to be used for transportation purposes.

“(5) LIMITATION ON OPERATING ASSISTANCE.—A State carrying out a program of operating assistance under this section may not limit the level or extent of use of the Government grant for the payment of operating expenses.

“(h) TRANSFER OF FACILITIES AND EQUIPMENT.—With the consent of the recipient cur-

rently having a facility or equipment acquired with assistance under this section, a State may transfer the facility or equipment to any recipient eligible to receive assistance under this chapter if the facility or equipment will continue to be used as required under this section.

“(i) RELATIONSHIP TO OTHER LAWS.—

“(1) IN GENERAL.—Section 5333(b) applies to this section if the Secretary of Labor utilizes a special warranty that provides a fair and equitable arrangement to protect the interests of employees.

“(2) RULE OF CONSTRUCTION.—This subsection does not affect or discharge a responsibility of the Secretary of Transportation under a law of the United States.

“(j) FORMULA GRANTS FOR PUBLIC TRANSPORTATION ON INDIAN RESERVATIONS.—

“(1) APPORTIONMENT.—

“(A) IN GENERAL.—Of the amounts described in subsection (c)(1)(B)—

“(i) 50 percent of the total amount shall be apportioned so that each Indian tribe providing public transportation service shall receive an amount equal to the total amount apportioned under this clause multiplied by the ratio of the number of vehicle revenue miles provided by an Indian tribe divided by the total number of vehicle revenue miles provided by all Indian tribes, as reported to the Secretary;

“(ii) 25 percent of the total amount shall be apportioned equally among each Indian tribe providing at least 200,000 vehicle revenue miles of public transportation service annually, as reported to the Secretary; and

“(iii) 25 percent of the total amount shall be apportioned among each Indian tribe providing public transportation on tribal lands (as defined by the Bureau of the Census) on which more than 1,000 low-income individuals reside (as determined by the Bureau of the Census) so that each Indian tribe shall receive an amount equal to the total amount apportioned under this clause multiplied by the ratio of the number of low-income individuals residing on an Indian tribe's lands divided by the total number of low-income individuals on tribal lands on which more than 1,000 low-income individuals reside.

“(B) LIMITATION.—No recipient shall receive more than \$300,000 of the amounts apportioned under subparagraph (A)(iii) in a fiscal year.

“(C) REMAINING AMOUNTS.—Of the amounts made available under subparagraph (A)(iii), any amounts not apportioned under that subparagraph shall be allocated among Indian tribes receiving less than \$300,000 in a fiscal year according to the formula specified in that clause.

“(D) LOW-INCOME INDIVIDUALS.—For purposes of subparagraph (A)(iii), the term ‘low-income individual’ means an individual whose family income is at or below 100 percent of the poverty line, as that term is defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section, for a family of the size involved.

“(2) NON-TRIBAL SERVICE PROVIDERS.—A recipient that is an Indian tribe may use funds apportioned under this subsection to finance public transportation services provided by a non-tribal provider of public transportation that connects residents of tribal lands with surrounding communities, improves access to employment or healthcare, or otherwise addresses the mobility needs of tribal members.”.

SEC. 20011. RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROJECTS.

Section 5312 of title 49, United States Code, is amended to read as follows:

“§5312. Research, development, demonstration, and deployment projects

“(a) RESEARCH, DEVELOPMENT, DEMONSTRATION, AND DEPLOYMENT PROJECTS.—

“(1) *IN GENERAL.*—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements for research, development, demonstration, and deployment projects, and evaluation of research and technology of national significance to public transportation, that the Secretary determines will improve public transportation.

“(2) *AGREEMENTS.*—In order to carry out paragraph (1), the Secretary may make grants to and enter into contracts, cooperative agreements, and other agreements with—

“(A) departments, agencies, and instrumentalities of the Government, including Federal laboratories;

“(B) State and local governmental entities;

“(C) providers of public transportation;

“(D) private or non-profit organizations;

“(E) institutions of higher education; and

“(F) technical and community colleges.

“(3) *APPLICATION.*—

“(A) *IN GENERAL.*—To receive a grant, contract, cooperative agreement, or other agreement under this section, an entity described in paragraph (2) shall submit an application to the Secretary.

“(B) *FORM AND CONTENTS.*—An application under subparagraph (A) shall be in such form and contain such information as the Secretary may require, including—

“(i) a statement of purpose detailing the need being addressed;

“(ii) the short- and long-term goals of the project, including opportunities for future innovation and development, the potential for deployment, and benefits to riders and public transportation; and

“(iii) the short- and long-term funding requirements to complete the project and any future objectives of the project.

“(b) *RESEARCH.*—

“(1) *IN GENERAL.*—The Secretary may make a grant to or enter into a contract, cooperative agreement, or other agreement under this section with an entity described in subsection (a)(2) to carry out a public transportation research project that has as its ultimate goal the development and deployment of new and innovative ideas, practices, and approaches.

“(2) *PROJECT ELIGIBILITY.*—A public transportation research project that receives assistance under paragraph (1) shall focus on—

“(A) providing more effective and efficient public transportation service, including services to—

“(i) seniors;

“(ii) individuals with disabilities; and

“(iii) low-income individuals;

“(B) mobility management and improvements and travel management systems;

“(C) data and communication system advancements;

“(D) system capacity, including—

“(i) train control;

“(ii) capacity improvements; and

“(iii) performance management;

“(E) capital and operating efficiencies;

“(F) planning and forecasting modeling and simulation;

“(G) advanced vehicle design;

“(H) advancements in vehicle technology;

“(I) asset maintenance and repair systems advancement;

“(J) construction and project management;

“(K) alternative fuels;

“(L) the environment and energy efficiency;

“(M) safety improvements; or

“(N) any other area that the Secretary determines is important to advance the interests of public transportation.

“(c) *INNOVATION AND DEVELOPMENT.*—

“(1) *IN GENERAL.*—The Secretary may make a grant to or enter into a contract, cooperative agreement, or other agreement under this sec-

tion with an entity described in subsection (a)(2) to carry out a public transportation innovation and development project that seeks to improve public transportation systems nationwide in order to provide more efficient and effective delivery of public transportation services, including through technology and technological capacity improvements.

“(2) *PROJECT ELIGIBILITY.*—A public transportation innovation and development project that receives assistance under paragraph (1) shall focus on—

“(A) the development of public transportation research projects that received assistance under subsection (b) that the Secretary determines were successful;

“(B) planning and forecasting modeling and simulation;

“(C) capital and operating efficiencies;

“(D) advanced vehicle design;

“(E) advancements in vehicle technology;

“(F) the environment and energy efficiency;

“(G) system capacity, including train control and capacity improvements; or

“(H) any other area that the Secretary determines is important to advance the interests of public transportation.

“(d) *DEMONSTRATION, DEPLOYMENT, AND EVALUATION.*—

“(1) *IN GENERAL.*—The Secretary may, under terms and conditions that the Secretary prescribes, make a grant to or enter into a contract, cooperative agreement, or other agreement with an entity described in paragraph (2) to promote the early deployment and demonstration of innovation in public transportation that has broad applicability.

“(2) *PARTICIPANTS.*—An entity described in this paragraph is—

“(A) an entity described in subsection (a)(2); or

“(B) a consortium of entities described in subsection (a)(2), including a provider of public transportation, that will share the costs, risks, and rewards of early deployment and demonstration of innovation.

“(3) *PROJECT ELIGIBILITY.*—A project that receives assistance under paragraph (1) shall seek to build on successful research, innovation, and development efforts to facilitate—

“(A) the deployment of research and technology development resulting from private efforts or Federally funded efforts; and

“(B) the implementation of research and technology development to advance the interests of public transportation.

“(4) *EVALUATION.*—Not later than 2 years after the date on which a project receives assistance under paragraph (1), the Secretary shall conduct a comprehensive evaluation of the success or failure of the projects funded under this subsection and any plan for broad-based implementation of the innovation promoted by successful projects.

“(5) *LOW OR NO EMISSION VEHICLE DEPLOYMENT.*—

“(A) *DEFINITIONS.*—In this paragraph, the following definitions shall apply:

“(i) *ELIGIBLE AREA.*—The term ‘eligible area’ means an area that is—

“(I) designated as a nonattainment area for ozone or carbon monoxide under section 107(d) of the Clean Air Act (42 U.S.C. 7407(d)); or

“(II) a maintenance area, as defined in section 5303, for ozone or carbon monoxide.

“(ii) *ELIGIBLE PROJECT.*—The term ‘eligible project’ means a project or program of projects in an eligible area for—

“(I) acquiring or leasing low or no emission vehicles;

“(II) constructing or leasing facilities and related equipment for low or no emission vehicles;

“(III) constructing new public transportation facilities to accommodate low or no emission vehicles; or

“(IV) rehabilitating or improving existing public transportation facilities to accommodate low or no emission vehicles.

“(iii) *DIRECT CARBON EMISSIONS.*—The term ‘direct carbon emissions’ means the quantity of direct greenhouse gas emissions from a vehicle, as determined by the Administrator of the Environmental Protection Agency.

“(iv) *LOW OR NO EMISSION BUS.*—The term ‘low or no emission bus’ means a bus that is a low or no emission vehicle.

“(v) *LOW OR NO EMISSION VEHICLE.*—The term ‘low or no emission vehicle’ means—

“(I) a passenger vehicle used to provide public transportation that the Administrator of the Environmental Protection Agency has certified sufficiently reduces energy consumption or reduces harmful emissions, including direct carbon emissions, when compared to a comparable standard vehicle; or

“(II) a zero emission bus used to provide public transportation.

“(vi) *RECIPIENT.*—The term ‘recipient’ means—

“(I) for an eligible area that is an urbanized area with a population of fewer than 200,000 individuals, as determined by the Bureau of the Census, the State in which the eligible area is located; and

“(II) for an eligible area not described in subparagraph (A), the designated recipient for the eligible area.

“(vii) *ZERO EMISSION BUS.*—The term ‘zero emission bus’ means a low or no emission bus that produces no carbon or particulate matter.

“(B) *AUTHORITY.*—The Secretary may make grants to recipients to finance eligible projects under this paragraph.

“(C) *GRANT REQUIREMENTS.*—

“(i) *IN GENERAL.*—A grant under this paragraph shall be subject to the requirements of section 5307.

“(ii) *GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.*—Section 5323(j) applies to projects carried out under this paragraph, unless the grant recipient requests a lower grant percentage.

“(iii) *COMBINATION OF FUNDING SOURCES.*—

“(I) *COMBINATION PERMITTED.*—A project carried out under this paragraph may receive funding under section 5307, or any other provision of law.

“(II) *GOVERNMENT SHARE.*—Nothing in this clause may be construed to alter the Government share required under this section, section 5307, or any other provision of law.

“(D) *MINIMUM AMOUNTS.*—Of amounts made available by or appropriated under section 5338(b) in each fiscal year to carry out this paragraph—

“(i) not less than 65 percent shall be made available to fund eligible projects relating to low or no emission buses; and

“(ii) not less than 10 percent shall be made available for eligible projects relating to facilities and related equipment for low or no emission buses.

“(E) *COMPETITIVE PROCESS.*—The Secretary shall solicit grant applications and make grants for eligible projects on a competitive basis.

“(F) *PRIORITY CONSIDERATION.*—In making grants under this paragraph, the Secretary shall give priority to projects relating to low or no emission buses that make greater reductions in energy consumption and harmful emissions, including direct carbon emissions, than comparable standard buses or other low or no emission buses.

“(G) *AVAILABILITY OF FUNDS.*—Any amounts made available or appropriated to carry out this paragraph—

“(i) shall remain available to an eligible project for 2 years after the fiscal year for which the amount is made available or appropriated; and

“(ii) that remain unobligated at the end of the period described in clause (i) shall be added to the amount made available to an eligible project in the following fiscal year.

“(e) **ANNUAL REPORT ON RESEARCH.**—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, and the Committee on Appropriations of the House of Representatives a report that includes—

“(1) a description of each project that received assistance under this section during the preceding fiscal year;

“(2) an evaluation of each project described in paragraph (1), including any evaluation conducted under subsection (d)(4) for the preceding fiscal year; and

“(3) a proposal for allocations of amounts for assistance under this section for the subsequent fiscal year.

“(f) **GOVERNMENT SHARE OF COSTS.**—

“(1) **IN GENERAL.**—The Government share of the cost of a project carried out under this section shall not exceed 80 percent.

“(2) **NON-GOVERNMENT SHARE.**—The non-Government share of the cost of a project carried out under this section may be derived from in-kind contributions.

“(3) **FINANCIAL BENEFIT.**—If the Secretary determines that there would be a clear and direct financial benefit to an entity under a grant, contract, cooperative agreement, or other agreement under this section, the Secretary shall establish a Government share of the costs of the project to be carried out under the grant, contract, cooperative agreement, or other agreement that is consistent with the benefit.”.

SEC. 20012. TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.

Section 5314 of title 49, United States Code, is amended to read as follows:

“§5314. Technical assistance and standards development

“(a) **TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.**—

“(1) **IN GENERAL.**—The Secretary may make grants and enter into contracts, cooperative agreements, and other agreements (including agreements with departments, agencies, and instrumentalities of the Government) to carry out activities that the Secretary determines will assist recipients of assistance under this chapter to—

“(A) more effectively and efficiently provide public transportation service;

“(B) administer funds received under this chapter in compliance with Federal law; and

“(C) improve public transportation.

“(2) **ELIGIBLE ACTIVITIES.**—The activities carried out under paragraph (1) may include—

“(A) technical assistance; and

“(B) the development of voluntary and consensus-based standards and best practices by the public transportation industry, including standards and best practices for safety, fare collection, Intelligent Transportation Systems, accessibility, procurement, security, asset management to maintain a state of good repair, operations, maintenance, vehicle propulsion, communications, and vehicle electronics.

“(b) **TECHNICAL ASSISTANCE.**—The Secretary, through a competitive bid process, may enter into contracts, cooperative agreements, and other agreements with national nonprofit organizations that have the appropriate demonstrated capacity to provide public transportation-related technical assistance under this section. The Secretary may enter into such contracts, cooperative agreements, and other agreements to assist providers of public transportation to—

“(1) comply with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) through technical assistance, demonstration programs, research, public education, and other activities related to complying with such Act;

“(2) comply with human services transportation coordination requirements and to enhance the coordination of Federal resources for human services transportation with those of the Department of Transportation through technical assistance, training, and support services related to complying with such requirements;

“(3) meet the transportation needs of elderly individuals;

“(4) increase transit ridership in coordination with metropolitan planning organizations and other entities through development around public transportation stations through technical assistance and the development of tools, guidance, and analysis related to market-based development around transit stations;

“(5) address transportation equity with regard to the effect that transportation planning, investment and operations have for low-income and minority individuals; and

“(6) any other technical assistance activity that the Secretary determines is necessary to advance the interests of public transportation.

“(c) **ANNUAL REPORT ON TECHNICAL ASSISTANCE.**—Not later than the first Monday in February of each year, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure, the Committee on Science, Space, and Technology, and the Committee on Appropriations of the House of Representatives a report that includes—

“(1) a description of each project that received assistance under this section during the preceding fiscal year;

“(2) an evaluation of the activities carried out by each organization that received assistance under this section during the preceding fiscal year; and

“(3) a proposal for allocations of amounts for assistance under this section for the subsequent fiscal year.

“(d) **GOVERNMENT SHARE OF COSTS.**—

“(1) **IN GENERAL.**—The Government share of the cost of an activity carried out using a grant under this section may not exceed 80 percent.

“(2) **NON-GOVERNMENT SHARE.**—The non-Government share of the cost of an activity carried out using a grant under this section may be derived from in-kind contributions.”.

SEC. 20013. PRIVATE SECTOR PARTICIPATION.

(a) **IN GENERAL.**—Section 5315 of title 49, United States Code, is amended to read as follows:

“§5315. Private sector participation

“(a) **GENERAL PURPOSES.**—In the interest of fulfilling the general purposes of this chapter under section 5301(b), the Secretary shall—

“(1) better coordinate public and private sector-provided public transportation services;

“(2) promote more effective utilization of private sector expertise, financing, and operational capacity to deliver costly and complex new fixed guideway capital projects; and

“(3) promote transparency and public understanding of public-private partnerships affecting public transportation.

“(b) **ACTIONS TO PROMOTE BETTER COORDINATION BETWEEN PUBLIC AND PRIVATE SECTOR PROVIDERS OF PUBLIC TRANSPORTATION.**—The Secretary shall—

“(1) provide technical assistance to recipients of Federal transit grant assistance, at the request of a recipient, on practices and methods to best utilize private providers of public transportation; and

“(2) educate recipients of Federal transit grant assistance on laws and regulations under

this chapter that impact private providers of public transportation.

“(c) **ACTIONS TO PROVIDE TECHNICAL ASSISTANCE FOR ALTERNATIVE PROJECT DELIVERY METHODS.**—Upon request by a sponsor of a new fixed guideway capital project, the Secretary shall—

“(1) identify best practices for public-private partnerships models in the United States and in other countries;

“(2) develop standard public-private partnership transaction model contracts; and

“(3) perform financial assessments that include the calculation of public and private benefits of a proposed public-private partnership transaction.”.

(b) **PUBLIC-PRIVATE PARTNERSHIP PROCEDURES AND APPROACHES.**—

(1) **IDENTIFY IMPEDIMENTS.**—The Secretary shall—

(A) except as provided in paragraph (6), identify any provisions of chapter 53 of title 49, United States Code, and any regulations or practices thereunder, that impede greater use of public-private partnerships and private investment in public transportation capital projects; and

(B) develop and implement on a project basis procedures and approaches that—

(i) address such impediments in a manner similar to the Special Experimental Project Number 15 of the Federal Highway Administration (commonly referred to as “SEP-15”); and

(ii) protect the public interest and any public investment in public transportation capital projects that involve public-private partnerships or private investment in public transportation capital projects.

(2) **TRANSPARENCY.**—The Secretary shall develop guidance to promote greater transparency and public access to public-private partnership agreements involving recipients of Federal assistance under chapter 53 of title 49, United States Code, including—

(A) any conflict of interest involving any party involved in the public-private partnership;

(B) tax and financing aspects related to a public-private partnership agreement;

(C) changes in the workforce and wages, benefits, or rules as a result of a public-private partnership;

(D) estimates of the revenue or savings the public-private partnership will produce for the private entity and public entity;

(E) any impacts on other developments and transportation modes as a result of non-compete clauses contained in public-private partnership agreements; and

(F) any other issues the Secretary believes will increase transparency of public-private partnership agreements and protect the public interest.

(3) **ASSESSMENT.**—In developing and implementing the guidance under paragraph (2), the Secretary shall encourage project sponsors to conduct assessments to determine whether use of a public-private partnership represents a better public and financial benefit than a similar transaction using public funding or public project delivery.

(4) **REPORT.**—Not later than 4 years after the date of enactment of this Act, the Secretary shall submit to Congress a report on the status of the procedures, approaches, and guidance developed and implemented under paragraphs (1) and (2).

(5) **RULEMAKING.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue rules to carry out the procedures and approaches developed under paragraph (1).

(6) **RULE OF CONSTRUCTION.**—Nothing in this subsection may be construed to allow the Secretary to waive any requirement under—

(A) section 5333 of title 49, United States Code;

(B) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); or

(C) any other provision of Federal law.

(c) **CONTRACTING OUT STUDY.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate a comprehensive report on the effect of contracting out public transportation operations and administrative functions on cost, availability and level of service, efficiency, and quality of service.

(2) **CONSIDERATIONS.**—In developing the report, the Comptroller General shall consider—

(A) the number of grant recipients that have contracted out services and the types of public transportation services that are performed under contract, including paratransit service, fixed route bus service, commuter rail operations, and administrative functions;

(B) the size of the populations served by such grant recipients;

(C) the basis for decisions regarding contracting out such services;

(D) comparative costs of providing service under contract to providing the same service through public transit agency employees, using to the greatest extent possible a standard cost allocation model;

(E) the extent of unionization among privately contracted employees;

(F) the impact to wages and benefits of employees when publicly provided public transportation services are contracted out to a private for-profit entity;

(G) the level of transparency and public access to agreements and contracts related to contracted out public transportation services;

(H) the extent of Federal law, regulations and guidance prohibiting any conflicts of interest for contractor employees and businesses;

(I) the extent to which grant recipients evaluate contracted out services before selecting them and the extent to which grant recipients conduct oversight of those services; and

(J) barriers to contracting out public transportation operations and administrative functions.

(d) **GUIDANCE ON DOCUMENTING COMPLIANCE.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish in the Federal Register policy guidance regarding how to best document compliance by recipients of Federal assistance under chapter 53 of title 49, United States Code, with the requirements regarding private enterprise participation in public transportation planning and transportation improvement programs under sections 5303(i)(6), 5306(a), and 5307(c) of such title 49.

SEC. 20014. BUS TESTING FACILITIES.

Section 5318 of title 49, United States Code, is amended by striking subsection (e) and inserting the following:

“(e) **ACQUIRING NEW BUS MODELS.**—

“(1) **IN GENERAL.**—Amounts appropriated or otherwise made available under this chapter may be obligated or expended to acquire a new bus model only if—

“(A) a bus of that model has been tested at a facility authorized under subsection (a); and

“(B) the bus tested under subparagraph (A) met—

“(i) performance standards for maintainability, reliability, performance (including braking performance), structural integrity, fuel economy, emissions, and noise, as established by the Secretary by rule; and

“(ii) the minimum safety performance standards established by the Secretary pursuant to section 5329(b).

“(2) **BUS TEST ‘PASS/FAIL’ STANDARD.**—Not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue a final rule under sub-

paragraph (B)(i). The final rule issued under paragraph (B)(i) shall include a bus model scoring system that results in a weighted, aggregate score that uses the testing categories under subsection (a) and considers the relative importance of each such testing category. The final rule issued under subparagraph (B)(i) shall establish a ‘pass/fail’ standard that uses the aggregate score described in the preceding sentence. Amounts appropriated or otherwise made available under this chapter may be obligated or expended to acquire a new bus model only if the new bus model has received a passing aggregate test score. The Secretary shall work with the bus testing facility, bus manufacturers, and transit agencies to develop the bus model scoring system under this paragraph. A passing aggregate test score under the rule issued under subparagraph (B)(i) indicates only that amounts appropriated or made available under this chapter may be obligated or expended to acquire a new bus model and shall not be interpreted as a warranty or guarantee that the new bus model will meet a purchaser’s specific requirements.”.

SEC. 20015. HUMAN RESOURCES AND TRAINING.

Section 5322 of title 49, United States Code, is amended to read as follows:

“§ 5322. Human resources and training

“(a) **IN GENERAL.**—The Secretary may undertake, or make grants and contracts for, programs that address human resource needs as they apply to public transportation activities. A program may include—

“(1) an employment training program;

“(2) an outreach program to increase minority and female employment in public transportation activities;

“(3) research on public transportation personnel and training needs; and

“(4) training and assistance for minority business opportunities.

“(b) **INNOVATIVE PUBLIC TRANSPORTATION WORKFORCE DEVELOPMENT PROGRAM.**—

“(1) **PROGRAM ESTABLISHED.**—The Secretary shall establish a competitive grant program to assist the development of innovative activities eligible for assistance under subsection (a).

“(2) **SELECTION OF RECIPIENTS.**—To the maximum extent feasible, the Secretary shall select recipients that—

“(A) are geographically diverse;

“(B) address the workforce and human resources needs of large public transportation providers;

“(C) address the workforce and human resources needs of small public transportation providers;

“(D) address the workforce and human resources needs of urban public transportation providers;

“(E) address the workforce and human resources needs of rural public transportation providers;

“(F) advance training related to maintenance of alternative energy, energy efficiency, or zero emission vehicles and facilities used in public transportation;

“(G) target areas with high rates of unemployment; and

“(H) address current or projected workforce shortages in areas that require technical expertise.

“(c) **GOVERNMENT’S SHARE OF COSTS.**—The Government share of the cost of a project carried out using a grant under subsection (a) or (b) shall be 50 percent.

“(d) **NATIONAL TRANSIT INSTITUTE.**—

“(1) **ESTABLISHMENT.**—The Secretary shall establish a national transit institute and award grants to a public 4-year degree-granting institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), in order to carry out the duties of the institute.

“(2) **DUTIES.**—

“(A) **IN GENERAL.**—In cooperation with the Federal Transit Administration, State transportation departments, public transportation authorities, and national and international entities, the institute established under paragraph (1) shall develop and conduct training and educational programs for Federal, State, and local transportation employees, United States citizens, and foreign nationals engaged or to be engaged in Government-aid public transportation work.

“(B) **TRAINING AND EDUCATIONAL PROGRAMS.**—The training and educational programs developed under subparagraph (A) may include courses in recent developments, techniques, and procedures related to—

“(i) intermodal and public transportation planning;

“(ii) management;

“(iii) environmental factors;

“(iv) acquisition and joint use rights-of-way;

“(v) engineering and architectural design;

“(vi) procurement strategies for public transportation systems;

“(vii) turnkey approaches to delivering public transportation systems;

“(viii) new technologies;

“(ix) emission reduction technologies;

“(x) ways to make public transportation accessible to individuals with disabilities;

“(xi) construction, construction management, insurance, and risk management;

“(xii) maintenance;

“(xiii) contract administration;

“(xiv) inspection;

“(xv) innovative finance;

“(xvi) workplace safety; and

“(xvii) public transportation security.

“(3) **PROVIDING EDUCATION AND TRAINING.**—Education and training of Government, State, and local transportation employees under this subsection shall be provided—

“(A) by the Secretary at no cost to the States and local governments for subjects that are a Government program responsibility; or

“(B) when the education and training are paid under paragraph (4) of this subsection, by the State, with the approval of the Secretary, through grants and contracts with public and private agencies, other institutions, individuals, and the institute.

“(4) **AVAILABILITY OF AMOUNTS.**—Not more than .5 percent of the amounts made available for a fiscal year beginning after September 30, 1991, to a State or public transportation authority in the State to carry out sections 5307 and 5309 of this title is available for expenditure by the State and public transportation authorities in the State, with the approval of the Secretary, to pay not more than 80 percent of the cost of tuition and direct educational expenses related to educating and training State and local transportation employees under this subsection.

“(e) **REPORT.**—Not later than 2 years after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report concerning the measurable outcomes and impacts of the programs funded under subsections (a) and (b).”.

SEC. 20016. GENERAL PROVISIONS.

Section 5323 of title 49, United States Code, is amended to read as follows:

“§ 5323. General provisions

“(a) **INTERESTS IN PROPERTY.**—

“(1) **IN GENERAL.**—Financial assistance provided under this chapter to a State or a local governmental authority may be used to acquire an interest in, or to buy property of, a private company engaged in public transportation, for a

capital project for property acquired from a private company engaged in public transportation after July 9, 1964, or to operate a public transportation facility or equipment in competition with, or in addition to, transportation service provided by an existing public transportation company, only if—

“(A) the Secretary determines that such financial assistance is essential to a program of projects required under sections 5303, 5304, and 5306;

“(B) the Secretary determines that the program provides for the participation of private companies engaged in public transportation to the maximum extent feasible; and

“(C) just compensation under State or local law will be paid to the company for its franchise or property.

“(2) **LIMITATION.**—A governmental authority may not use financial assistance of the United States Government to acquire land, equipment, or a facility used in public transportation from another governmental authority in the same geographic area.

“(b) **RELOCATION AND REAL PROPERTY REQUIREMENTS.**—The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4601 et seq.) shall apply to financial assistance for capital projects under this chapter.

“(c) **CONSIDERATION OF ECONOMIC, SOCIAL, AND ENVIRONMENTAL INTERESTS.**—

“(1) **COOPERATION AND CONSULTATION.**—The Secretary shall cooperate and consult with the Secretary of the Interior and the Administrator of the Environmental Protection Agency on each project that may have a substantial impact on the environment.

“(2) **COMPLIANCE WITH NEPA.**—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall apply to financial assistance for capital projects under this chapter.

“(d) **CONDITION ON CHARTER BUS TRANSPORTATION SERVICE.**—

“(1) **AGREEMENTS.**—Financial assistance under this chapter may be used to buy or operate a bus only if the applicant, governmental authority, or publicly owned operator that receives the assistance agrees that, except as provided in the agreement, the governmental authority or an operator of public transportation for the governmental authority will not provide charter bus transportation service outside the urban area in which it provides regularly scheduled public transportation service. An agreement shall provide for a fair arrangement the Secretary of Transportation considers appropriate to ensure that the assistance will not enable a governmental authority or an operator for a governmental authority to foreclose a private operator from providing intercity charter bus service if the private operator can provide the service.

“(2) **VIOLATIONS.**—

“(A) **INVESTIGATIONS.**—On receiving a complaint about a violation of the agreement required under paragraph (1), the Secretary shall investigate and decide whether a violation has occurred.

“(B) **ENFORCEMENT OF AGREEMENTS.**—If the Secretary decides that a violation has occurred, the Secretary shall correct the violation under terms of the agreement.

“(C) **ADDITIONAL REMEDIES.**—In addition to any remedy specified in the agreement, the Secretary shall bar a recipient or an operator from receiving Federal transit assistance in an amount the Secretary considers appropriate if the Secretary finds a pattern of violations of the agreement.

“(e) **BOND PROCEEDS ELIGIBLE FOR LOCAL SHARE.**—

“(1) **USE AS LOCAL MATCHING FUNDS.**—Notwithstanding any other provision of law, a re-

cipient of assistance under section 5307, 5309, or 5337 may use the proceeds from the issuance of revenue bonds as part of the local matching funds for a capital project.

“(2) **MAINTENANCE OF EFFORT.**—The Secretary shall approve of the use of the proceeds from the issuance of revenue bonds for the remainder of the net project cost only if the Secretary finds that the aggregate amount of financial support for public transportation in the urbanized area provided by the State and affected local governmental authorities during the next 3 fiscal years, as programmed in the State transportation improvement program under section 5304, is not less than the aggregate amount provided by the State and affected local governmental authorities in the urbanized area during the preceding 3 fiscal years.

“(3) **DEBT SERVICE RESERVE.**—The Secretary may reimburse an eligible recipient for deposits of bond proceeds in a debt service reserve that the recipient establishes pursuant to section 5302(3)(J) from amounts made available to the recipient under section 5309.

“(f) **SCHOOLBUS TRANSPORTATION.**—

“(1) **AGREEMENTS.**—Financial assistance under this chapter may be used for a capital project, or to operate public transportation equipment or a public transportation facility, only if the applicant agrees not to provide schoolbus transportation that exclusively transports students and school personnel in competition with a private schoolbus operator. This subsection does not apply—

“(A) to an applicant that operates a school system in the area to be served and a separate and exclusive schoolbus program for the school system; and

“(B) unless a private schoolbus operator can provide adequate transportation that complies with applicable safety standards at reasonable rates.

“(2) **VIOLATIONS.**—If the Secretary finds that an applicant, governmental authority, or publicly owned operator has violated the agreement required under paragraph (1), the Secretary shall bar a recipient or an operator from receiving Federal transit assistance in an amount the Secretary considers appropriate.

“(g) **BUYING BUSES UNDER OTHER LAWS.**—Subsections (d) and (f) of this section apply to financial assistance to buy a bus under sections 133 and 142 of title 23.

“(h) **GRANT AND LOAN PROHIBITIONS.**—A grant or loan may not be used to—

“(1) pay ordinary governmental or nonproject operating expenses; or

“(2) support a procurement that uses an exclusionary or discriminatory specification.

“(i) **GOVERNMENT SHARE OF COSTS FOR CERTAIN PROJECTS.**—

“(1) **ACQUIRING VEHICLES AND VEHICLE-RELATED EQUIPMENT OR FACILITIES.**—

“(A) **VEHICLES.**—A grant for a project to be assisted under this chapter that involves acquiring vehicles for purposes of complying with or maintaining compliance with the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or the Clean Air Act is for 85 percent of the net project cost.

“(B) **VEHICLE-RELATED EQUIPMENT OR FACILITIES.**—A grant for a project to be assisted under this chapter that involves acquiring vehicle-related equipment or facilities required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) or vehicle-related equipment or facilities (including clean fuel or alternative fuel vehicle-related equipment or facilities) for purposes of complying with or maintaining compliance with the Clean Air Act, is for 90 percent of the net project cost of such equipment or facilities attributable to compliance with those Acts. The Secretary shall have discretion to determine, through practicable ad-

ministrative procedures, the costs of such equipment or facilities attributable to compliance with those Acts.

“(2) **COSTS INCURRED BY PROVIDERS OF PUBLIC TRANSPORTATION BY VANPOOL.**—

“(A) **LOCAL MATCHING SHARE.**—The local matching share provided by a recipient of assistance for a capital project under this chapter may include any amounts expended by a provider of public transportation by vanpool for the acquisition of rolling stock to be used by such provider in the recipient's service area, excluding any amounts the provider may have received in Federal, State, or local government assistance for such acquisition.

“(B) **USE OF REVENUES.**—A private provider of public transportation by vanpool may use revenues it receives in the provision of public transportation service in the service area of a recipient of assistance under this chapter that are in excess of the provider's operating costs for the purpose of acquiring rolling stock, if the private provider enters into a legally binding agreement with the recipient that requires the provider to use the rolling stock in the recipient's service area.

“(C) **DEFINITIONS.**—In this paragraph, the following definitions apply:

“(i) **PRIVATE PROVIDER OF PUBLIC TRANSPORTATION BY VANPOOL.**—The term ‘private provider of public transportation by vanpool’ means a private entity providing vanpool services in the service area of a recipient of assistance under this chapter using a commuter highway vehicle or vanpool vehicle.

“(ii) **COMMUTER HIGHWAY VEHICLE; VANPOOL VEHICLE.**—The term ‘commuter highway vehicle or vanpool vehicle’ means any vehicle—

“(I) the seating capacity of which is at least 6 adults (not including the driver); and

“(II) at least 80 percent of the mileage use of which can be reasonably expected to be for the purposes of transporting commuters in connection with travel between their residences and their place of employment.

“(j) **BUY AMERICA.**—

“(1) **IN GENERAL.**—The Secretary may obligate an amount that may be appropriated to carry out this chapter for a project only if the steel, iron, and manufactured goods used in the project are produced in the United States.

“(2) **WAIVER.**—The Secretary may waive paragraph (1) of this subsection if the Secretary finds that—

“(A) applying paragraph (1) would be inconsistent with the public interest;

“(B) the steel, iron, and goods produced in the United States are not produced in a sufficient and reasonably available amount or are not of a satisfactory quality;

“(C) when procuring rolling stock (including train control, communication, and traction power equipment) under this chapter—

“(i) the cost of components and subcomponents produced in the United States is more than 60 percent of the cost of all components of the rolling stock; and

“(ii) final assembly of the rolling stock has occurred in the United States; or

“(D) including domestic material will increase the cost of the overall project by more than 25 percent.

“(3) **WRITTEN WAIVER DETERMINATION AND ANNUAL REPORT.**—

“(A) **WRITTEN DETERMINATION.**—Before issuing a waiver under paragraph (2), the Secretary shall—

“(i) publish in the Federal Register and make publicly available in an easily identifiable location on the website of the Department of Transportation a detailed written explanation of the waiver determination; and

“(ii) provide the public with a reasonable period of time for notice and comment.

“(B) ANNUAL REPORT.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, and annually thereafter, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report listing any waiver issued under paragraph (2) during the preceding year.

“(4) LABOR COSTS FOR FINAL ASSEMBLY.—In this subsection, labor costs involved in final assembly are not included in calculating the cost of components.

“(5) WAIVER PROHIBITED.—The Secretary may not make a waiver under paragraph (2) of this subsection for goods produced in a foreign country if the Secretary, in consultation with the United States Trade Representative, decides that the government of that foreign country—

“(A) has an agreement with the United States Government under which the Secretary has waived the requirement of this subsection; and

“(B) has violated the agreement by discriminating against goods to which this subsection applies that are produced in the United States and to which the agreement applies.

“(6) PENALTY FOR MISLABELING AND MISREPRESENTATION.—A person is ineligible under subpart 9.4 of the Federal Acquisition Regulation, or any successor thereto, to receive a contract or subcontract made with amounts authorized under the Federal Public Transportation Act of 2012 if a court or department, agency, or instrumentality of the Government decides the person intentionally—

“(A) affixed a ‘Made in America’ label, or a label with an inscription having the same meaning, to goods sold in or shipped to the United States that are used in a project to which this subsection applies but not produced in the United States; or

“(B) represented that goods described in subparagraph (A) of this paragraph were produced in the United States.

“(7) STATE REQUIREMENTS.—The Secretary may not impose any limitation on assistance provided under this chapter that restricts a State from imposing more stringent requirements than this subsection on the use of articles, materials, and supplies mined, produced, or manufactured in foreign countries in projects carried out with that assistance or restricts a recipient of that assistance from complying with those State-imposed requirements.

“(8) OPPORTUNITY TO CORRECT INADVERTENT ERROR.—The Secretary may allow a manufacturer or supplier of steel, iron, or manufactured goods to correct after bid opening any certification of noncompliance or failure to properly complete the certification (but not including failure to sign the certification) under this subsection if such manufacturer or supplier attests under penalty of perjury that such manufacturer or supplier submitted an incorrect certification as a result of an inadvertent or clerical error. The burden of establishing inadvertent or clerical error is on the manufacturer or supplier.

“(9) ADMINISTRATIVE REVIEW.—A party adversely affected by an agency action under this subsection shall have the right to seek review under section 702 of title 5.

“(k) PARTICIPATION OF GOVERNMENTAL AGENCIES IN DESIGN AND DELIVERY OF TRANSPORTATION SERVICES.—Governmental agencies and nonprofit organizations that receive assistance from Government sources (other than the Department of Transportation) for nonemergency transportation services shall—

“(1) participate and coordinate with recipients of assistance under this chapter in the design and delivery of transportation services; and

“(2) be included in the planning for those services.

“(l) RELATIONSHIP TO OTHER LAWS.—

“(1) FRAUD AND FALSE STATEMENTS.—Section 1001 of title 18 applies to a certificate, submission, or statement provided under this chapter. The Secretary may terminate financial assistance under this chapter and seek reimbursement directly, or by offsetting amounts, available under this chapter if the Secretary determines that a recipient of such financial assistance has made a false or fraudulent statement or related act in connection with a Federal public transportation program.

“(2) POLITICAL ACTIVITIES OF NONSUPERVISORY EMPLOYEES.—The provision of assistance under this chapter shall not be construed to require the application of chapter 15 of title 5 to any nonsupervisory employee of a public transportation system (or any other agency or entity performing related functions) to whom such chapter does not otherwise apply.

“(m) PREAWARD AND POSTDELIVERY REVIEW OF ROLLING STOCK PURCHASES.—The Secretary shall prescribe regulations requiring a preaward and postdelivery review of a grant under this chapter to buy rolling stock to ensure compliance with Government motor vehicle safety requirements, subsection (j) of this section, and bid specifications requirements of grant recipients under this chapter. Under this subsection, independent inspections and review are required, and a manufacturer certification is not sufficient. Rolling stock procurements of 20 vehicles or fewer made for the purpose of serving rural areas and urbanized areas with populations of 200,000 or fewer shall be subject to the same requirements as established for procurements of 10 or fewer buses under the post-delivery purchaser’s requirements certification process under section 663.37(c) of title 49, Code of Federal Regulations.

“(n) SUBMISSION OF CERTIFICATIONS.—A certification required under this chapter and any additional certification or assurance required by law or regulation to be submitted to the Secretary may be consolidated into a single document to be submitted annually as part of a grant application under this chapter. The Secretary shall publish annually a list of all certifications required under this chapter with the publication required under section 5336(d)(2).

“(o) GRANT REQUIREMENTS.—The grant requirements under sections 5307, 5309, and 5337 apply to any project under this chapter that receives any assistance or other financing under chapter 6 (other than section 609) of title 23.

“(p) ALTERNATIVE FUELING FACILITIES.—A recipient of assistance under this chapter may allow the incidental use of federally funded alternative fueling facilities and equipment by nontransit public entities and private entities if—

“(1) the incidental use does not interfere with the recipient’s public transportation operations;

“(2) all costs related to the incidental use are fully recaptured by the recipient from the nontransit public entity or private entity;

“(3) the recipient uses revenues received from the incidental use in excess of costs for planning, capital, and operating expenses that are incurred in providing public transportation; and

“(4) private entities pay all applicable excise taxes on fuel.

“(q) CORRIDOR PRESERVATION.—

“(1) IN GENERAL.—The Secretary may assist a recipient in acquiring right-of-way before the completion of the environmental reviews for any project that may use the right-of-way if the acquisition is otherwise permitted under Federal law. The Secretary may establish restrictions on such an acquisition as the Secretary determines to be necessary and appropriate.

“(2) ENVIRONMENTAL REVIEWS.—Right-of-way acquired under this subsection may not be developed in anticipation of the project until all

required environmental reviews for the project have been completed.

“(r) REASONABLE ACCESS TO PUBLIC TRANSPORTATION FACILITIES.—A recipient of assistance under this chapter may not deny reasonable access for a private intercity or charter transportation operator to federally funded public transportation facilities, including intermodal facilities, park and ride lots, and bus-only highway lanes. In determining reasonable access, capacity requirements of the recipient of assistance and the extent to which access would be detrimental to existing public transportation services must be considered.”

SEC. 20017. PUBLIC TRANSPORTATION EMERGENCY RELIEF PROGRAM.

(a) IN GENERAL.—Section 5324 of title 49, United States Code, is amended to read as follows:

“§5324. Public transportation emergency relief program

“(a) DEFINITION.—In this section the following definitions shall apply:

“(1) ELIGIBLE OPERATING COSTS.—The term ‘eligible operating costs’ means costs relating to—

“(A) evacuation services;

“(B) rescue operations;

“(C) temporary public transportation service;

or

“(D) reestablishing, expanding, or relocating public transportation route service before, during, or after an emergency.

“(2) EMERGENCY.—The term ‘emergency’ means a natural disaster affecting a wide area (such as a flood, hurricane, tidal wave, earthquake, severe storm, or landslide) or a catastrophic failure from any external cause, as a result of which—

“(A) the Governor of a State has declared an emergency and the Secretary has concurred; or

“(B) the President has declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170).

“(b) GENERAL AUTHORITY.—The Secretary may make grants and enter into contracts and other agreements (including agreements with departments, agencies, and instrumentalities of the Government) for—

“(1) capital projects to protect, repair, reconstruct, or replace equipment and facilities of a public transportation system operating in the United States or on an Indian reservation that the Secretary determines is in danger of suffering serious damage, or has suffered serious damage, as a result of an emergency; and

“(2) eligible operating costs of public transportation equipment and facilities in an area directly affected by an emergency during—

“(A) the 1-year period beginning on the date of a declaration described in subsection (a)(2); or

“(B) if the Secretary determines there is a compelling need, the 2-year period beginning on the date of a declaration described in subsection (a)(2).

“(c) COORDINATION OF EMERGENCY FUNDS.—

“(1) USE OF FUNDS.—Funds appropriated to carry out this section shall be in addition to any other funds available under this chapter.

“(2) NO EFFECT ON OTHER GOVERNMENT ACTIVITY.—The provision of funds under this section shall not affect the ability of any other agency of the Government, including the Federal Emergency Management Agency, or a State agency, a local governmental entity, organization, or person, to provide any other funds otherwise authorized by law.

“(3) NOTIFICATION.—The Secretary shall notify the Secretary of Homeland Security of the purpose and amount of any grant made or contract or other agreement entered into under this section.

“(d) **GRANT REQUIREMENTS.**—A grant awarded under this section or under section 5307 or 5311 that is made to address an emergency defined under subsection (a)(2) shall be—

“(1) subject to the terms and conditions the Secretary determines are necessary; and

“(2) made only for expenses that are not reimbursed under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(e) **GOVERNMENT SHARE OF COSTS.**—

“(1) **CAPITAL PROJECTS AND OPERATING ASSISTANCE.**—A grant, contract, or other agreement for a capital project or eligible operating costs under this section shall be, at the option of the recipient, for not more than 80 percent of the net project cost, as determined by the Secretary.

“(2) **NON-FEDERAL SHARE.**—The remainder of the net project cost may be provided from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital.

“(3) **WAIVER.**—The Secretary may waive, in whole or part, the non-Federal share required under—

“(A) paragraph (2); or

“(B) section 5307 or 5311, in the case of a grant made available under section 5307 or 5311, respectively, to address an emergency.”.

(b) **MEMORANDUM OF AGREEMENT.**—

(1) **PURPOSES.**—The purposes of this subsection are—

(A) to improve coordination between the Department of Transportation and the Department of Homeland Security; and

(B) to expedite the provision of Federal assistance for public transportation systems for activities relating to a major disaster or emergency declared by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) (referred to in this subsection as a “major disaster or emergency”).

(2) **AGREEMENT.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall enter into a memorandum of agreement to coordinate the roles and responsibilities of the Department of Transportation and the Department of Homeland Security in providing assistance for public transportation, including the provision of public transportation services and the repair and restoration of public transportation systems in areas for which the President has declared a major disaster or emergency.

(3) **CONTENTS OF AGREEMENT.**—The memorandum of agreement required under paragraph (2) shall—

(A) provide for improved coordination and expeditious use of public transportation, as appropriate, in response to and recovery from a major disaster or emergency;

(B) establish procedures to address—

(i) issues that have contributed to delays in the reimbursement of eligible transportation-related expenses relating to a major disaster or emergency;

(ii) any challenges identified in the review under paragraph (4); and

(iii) the coordination of assistance for public transportation provided under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and section 5324 of title 49, United States Code, as amended by this Act, as appropriate; and

(C) provide for the development and distribution of clear guidelines for State, local, and tribal governments, including public transportation systems, relating to—

(i) assistance available for public transportation systems for activities relating to a major disaster or emergency—

(I) under the Robert T. Stafford Disaster Relief and Emergency Assistance Act;

(II) under section 5324 of title 49, United States Code, as amended by this Act; and

(III) from other sources, including other Federal agencies; and

(ii) reimbursement procedures that speed the process of—

(I) applying for assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and section 5324 of title 49, United States Code, as amended by this Act; and

(II) distributing assistance for public transportation systems under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and section 5324 of title 49, United States Code, as amended by this Act.

(4) **AFTER ACTION REVIEW.**—Before entering into a memorandum of agreement under paragraph (2), the Secretary of Transportation and the Secretary of Homeland Security (acting through the Administrator of the Federal Emergency Management Agency), in consultation with State, local, and tribal governments (including public transportation systems) that have experienced a major disaster or emergency, shall review after action reports relating to major disasters, emergencies, and exercises, to identify areas where coordination between the Department of Transportation and the Department of Homeland Security and the provision of public transportation services should be improved.

(5) **FACTORS FOR DECLARATIONS OF MAJOR DISASTERS AND EMERGENCIES.**—The Administrator of the Federal Emergency Management Agency shall make available to State, local, and tribal governments, including public transportation systems, a description of the factors that the President considers in declaring a major disaster or emergency, including any pre-disaster emergency declaration policies.

(6) **BRIEFINGS.**—

(A) **INITIAL BRIEFING.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation and the Secretary of Homeland Security shall jointly brief the Committee on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate on the memorandum of agreement required under paragraph (2).

(B) **QUARTERLY BRIEFINGS.**—Each quarter of the 1-year period beginning on the date on which the Secretary of Transportation and the Secretary of Homeland Security enter into the memorandum of agreement required under paragraph (2), the Secretary of Transportation and the Secretary of Homeland Security shall jointly brief the Committee on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate on the implementation of the memorandum of agreement.

SEC. 20018. CONTRACT REQUIREMENTS.

Section 5325 of title 49, United States Code, is amended—

(1) in subsection (e), by striking paragraph (1) and inserting the following:

“(1) **CONTRACTS.**—A recipient procuring rolling stock with Government financial assistance under this chapter may make a multiyear contract to buy the rolling stock and replacement parts under which the recipient has an option to buy additional rolling stock or replacement parts for—

“(A) not more than 5 years after the date of the original contract for bus procurements; and

“(B) not more than 7 years after the date of the original contract for rail procurements, provided that such option does not allow for significant changes or alterations to the rolling stock.”.

(2) in subsection (h), by striking “Federal Public Transportation Act of 2005” and inserting “Federal Public Transportation Act of 2012”;

(3) in subsection (j)(2)(C), by striking “, including the performance reported in the Contractor Performance Assessment Reports required under section 5309(l)(2)”;

(4) by adding at the end the following:

“(k) **VETERANS EMPLOYMENT.**—Recipients and subrecipients of Federal financial assistance under this chapter shall ensure that contractors working on a capital project funded using such assistance give a hiring preference, to the extent practicable, to veterans (as defined in section 2108 of title 5) who have the requisite skills and abilities to perform the construction work required under the contract. This subsection shall not be understood, construed or enforced in any manner that would require an employer to give a preference to any veteran over any equally qualified applicant who is a member of any racial or ethnic minority, female, an individual with a disability, or a former employee.”.

SEC. 20019. TRANSIT ASSET MANAGEMENT.

Section 5326 of title 49, United States Code, is amended to read as follows:

“§5326. Transit asset management

“(a) **DEFINITIONS.**—In this section the following definitions shall apply:

“(1) **CAPITAL ASSET.**—The term ‘capital asset’ includes equipment, rolling stock, infrastructure, and facilities for use in public transportation and owned or leased by a recipient or subrecipient of Federal financial assistance under this chapter.

“(2) **TRANSIT ASSET MANAGEMENT PLAN.**—The term ‘transit asset management plan’ means a plan developed by a recipient of funding under this chapter that—

“(A) includes, at a minimum, capital asset inventories and condition assessments, decision support tools, and investment prioritization; and

“(B) the recipient certifies complies with the rule issued under this section.

“(3) **TRANSIT ASSET MANAGEMENT SYSTEM.**—The term ‘transit asset management system’ means a strategic and systematic process of operating, maintaining, and improving public transportation capital assets effectively throughout the life cycle of such assets.

“(b) **TRANSIT ASSET MANAGEMENT SYSTEM.**—The Secretary shall establish and implement a national transit asset management system, which shall include—

“(1) a definition of the term ‘state of good repair’ that includes objective standards for measuring the condition of capital assets of recipients, including equipment, rolling stock, infrastructure, and facilities;

“(2) a requirement that recipients and subrecipients of Federal financial assistance under this chapter develop a transit asset management plan;

“(3) a requirement that each designated recipient of Federal financial assistance under this chapter report on the condition of the system of the recipient and provide a description of any change in condition since the last report;

“(4) an analytical process or decision support tool for use by public transportation systems that—

“(A) allows for the estimation of capital investment needs of such systems over time; and

“(B) assists with asset investment prioritization by such systems; and

“(5) technical assistance to recipients of Federal financial assistance under this chapter.

“(c) **PERFORMANCE MEASURES AND TARGETS.**—

“(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue a final rule to establish performance measures based on the state of good repair standards established under subsection (b)(1).

“(2) **TARGETS.**—Not later than 3 months after the date on which the Secretary issues a final rule under paragraph (1), and each fiscal year

thereafter, each recipient of Federal financial assistance under this chapter shall establish performance targets in relation to the performance measures established by the Secretary.

“(3) **REPORTS.**—Each designated recipient of Federal financial assistance under this chapter shall submit to the Secretary an annual report that describes—

“(A) the progress of the recipient during the fiscal year to which the report relates toward meeting the performance targets established under paragraph (2) for that fiscal year; and

“(B) the performance targets established by the recipient for the subsequent fiscal year.

“(d) **RULEMAKING.**—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue a final rule to implement the transit asset management system described in subsection (b).”

SEC. 20020. PROJECT MANAGEMENT OVERSIGHT.

Section 5327 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking “United States” and all that follows through “Secretary of Transportation” and inserting the following: “Federal financial assistance for a major capital project for public transportation under this chapter or any other provision of Federal law, a recipient must prepare a project management plan approved by the Secretary and carry out the project in accordance with the project management plan”; and

(B) in paragraph (12), by striking “each month” and inserting “quarterly”;

(2) by striking subsections (c), (d), and (f);

(3) by inserting after subsection (b) the following:

“(c) **ACCESS TO SITES AND RECORDS.**—Each recipient of Federal financial assistance for public transportation under this chapter or any other provision of Federal law shall provide the Secretary and a contractor the Secretary chooses under section 5338(i) with access to the construction sites and records of the recipient when reasonably necessary.”;

(4) by redesignating subsection (e) as subsection (d); and

(5) in subsection (d), as so redesignated—

(A) in paragraph (1), by striking “subsection (c) of this section” and inserting “section 5338(i)”;

(B) in paragraph (2)—

(i) by striking “preliminary engineering stage” and inserting “project development phase”; and

(ii) by striking “another stage” and inserting “another phase”.

SEC. 20021. PUBLIC TRANSPORTATION SAFETY.

(a) **PUBLIC TRANSPORTATION SAFETY PROGRAM.**—Section 5329 of title 49, United States Code, is amended to read as follows:

“§5329. Public transportation safety program

“(a) **DEFINITION.**—In this section, the term ‘recipient’ means a State or local governmental authority, or any other operator of a public transportation system, that receives financial assistance under this chapter.

“(b) **NATIONAL PUBLIC TRANSPORTATION SAFETY PLAN.**—

“(1) **IN GENERAL.**—The Secretary shall create and implement a national public transportation safety plan to improve the safety of all public transportation systems that receive funding under this chapter.

“(2) **CONTENTS OF PLAN.**—The national public transportation safety plan under paragraph (1) shall include—

“(A) safety performance criteria for all modes of public transportation;

“(B) the definition of the term ‘state of good repair’ established under section 5326(b);

“(C) minimum safety performance standards for public transportation vehicles used in revenue operations that—

“(i) do not apply to rolling stock otherwise regulated by the Secretary or any other Federal agency; and

“(ii) to the extent practicable, take into consideration—

“(I) relevant recommendations of the National Transportation Safety Board; and

“(II) recommendations of, and best practices standards developed by, the public transportation industry; and

“(D) a public transportation safety certification training program, as described in subsection (c).

“(c) **PUBLIC TRANSPORTATION SAFETY CERTIFICATION TRAINING PROGRAM.**—

“(1) **IN GENERAL.**—The Secretary shall establish a public transportation safety certification training program for Federal and State employees, or other designated personnel, who conduct safety audits and examinations of public transportation systems and employees of public transportation agencies directly responsible for safety oversight.

“(2) **INTERIM PROVISIONS.**—Not later than 90 days after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall establish interim provisions for the certification and training of the personnel described in paragraph (1), which shall be in effect until the effective date of the final rule issued by the Secretary to implement this subsection.

“(d) **PUBLIC TRANSPORTATION AGENCY SAFETY PLAN.**—

“(1) **IN GENERAL.**—Effective 1 year after the effective date of a final rule issued by the Secretary to carry out this subsection, each recipient or State, as described in paragraph (3), shall certify that the recipient or State has established a comprehensive agency safety plan that includes, at a minimum—

“(A) a requirement that the board of directors (or equivalent entity) of the recipient approve the agency safety plan and any updates to the agency safety plan;

“(B) methods for identifying and evaluating safety risks throughout all elements of the public transportation system of the recipient;

“(C) strategies to minimize the exposure of the public, personnel, and property to hazards and unsafe conditions;

“(D) a process and timeline for conducting an annual review and update of the safety plan of the recipient;

“(E) performance targets based on the safety performance criteria and state of good repair standards established under subparagraphs (A) and (B), respectively, of subsection (b)(2);

“(F) assignment of an adequately trained safety officer who reports directly to the general manager, president, or equivalent officer of the recipient; and

“(G) a comprehensive staff training program for the operations personnel and personnel directly responsible for safety of the recipient that includes—

“(i) the completion of a safety training program; and

“(ii) continuing safety education and training.

“(2) **INTERIM AGENCY SAFETY PLAN.**—A system safety plan developed pursuant to part 659 of title 49, Code of Federal Regulations, as in effect on the date of enactment of the Federal Public Transportation Act of 2012, shall remain in effect until such time as this subsection takes effect.

“(3) **PUBLIC TRANSPORTATION AGENCY SAFETY PLAN DRAFTING AND CERTIFICATION.**—

“(A) **SECTION 5311.**—For a recipient receiving assistance under section 5311, a State safety plan may be drafted and certified by the recipient or a State.

“(B) **SECTION 5307.**—Not later than 120 days after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall issue a rule designating recipients of assistance under section 5307 that are small public transportation providers or systems that may have their State safety plans drafted or certified by a State.

“(e) **STATE SAFETY OVERSIGHT PROGRAM.**—

“(1) **APPLICABILITY.**—This subsection applies only to eligible States.

“(2) **DEFINITION.**—In this subsection, the term ‘eligible State’ means a State that has—

“(A) a rail fixed guideway public transportation system within the jurisdiction of the State that is not subject to regulation by the Federal Railroad Administration; or

“(B) a rail fixed guideway public transportation system in the engineering or construction phase of development within the jurisdiction of the State that will not be subject to regulation by the Federal Railroad Administration.

“(3) **IN GENERAL.**—In order to obligate funds apportioned under section 5338 to carry out this chapter, effective 3 years after the date on which a final rule under this subsection becomes effective, an eligible State shall have in effect a State safety oversight program approved by the Secretary under which the State—

“(A) assumes responsibility for overseeing rail fixed guideway public transportation safety;

“(B) adopts and enforces Federal and relevant State laws on rail fixed guideway public transportation safety;

“(C) establishes a State safety oversight agency;

“(D) determines, in consultation with the Secretary, an appropriate staffing level for the State safety oversight agency that is commensurate with the number, size, and complexity of the rail fixed guideway public transportation systems in the eligible State;

“(E) requires that employees and other designated personnel of the eligible State safety oversight agency who are responsible for rail fixed guideway public transportation safety oversight are qualified to perform such functions through appropriate training, including successful completion of the public transportation safety certification training program established under subsection (c); and

“(F) prohibits any public transportation agency from providing funds to the State safety oversight agency or an entity designated by the eligible State as the State safety oversight agency under paragraph (4).

“(4) **STATE SAFETY OVERSIGHT AGENCY.**—

“(A) **IN GENERAL.**—Each State safety oversight program shall establish a State safety oversight agency that—

“(i) is financially and legally independent from any public transportation entity that the State safety oversight agency oversees;

“(ii) does not directly provide public transportation services in an area with a rail fixed guideway public transportation system subject to the requirements of this section;

“(iii) does not employ any individual who is also responsible for the administration of rail fixed guideway public transportation programs subject to the requirements of this section;

“(iv) has the authority to review, approve, oversee, and enforce the implementation by the rail fixed guideway public transportation agency of the public transportation agency safety plan required under subsection (d);

“(v) has investigative and enforcement authority with respect to the safety of rail fixed guideway public transportation systems of the eligible State;

“(vi) audits, at least once triennially, the compliance of the rail fixed guideway public transportation systems in the eligible State subject to this subsection with the public transportation agency safety plan required under subsection (d); and

“(vii) provides, at least once annually, a status report on the safety of the rail fixed guideway public transportation systems the State safety oversight agency oversees to—

“(I) the Federal Transit Administration;

“(II) the Governor of the eligible State; and

“(III) the board of directors, or equivalent entity, of any rail fixed guideway public transportation system that the State safety oversight agency oversees.

“(B) WAIVER.—At the request of an eligible State, the Secretary may waive clauses (i) and (iii) of subparagraph (A) for eligible States with 1 or more rail fixed guideway systems in revenue operations, design, or construction, that—

“(i) have fewer than 1,000,000 combined actual and projected rail fixed guideway revenue miles per year; or

“(ii) provide fewer than 10,000,000 combined actual and projected unlinked passenger trips per year.

“(5) PROGRAMS FOR MULTI-STATE RAIL FIXED GUIDEWAY PUBLIC TRANSPORTATION SYSTEMS.—An eligible State that has within the jurisdiction of the eligible State a rail fixed guideway public transportation system that operates in more than 1 eligible State shall—

“(A) jointly with all other eligible States in which the rail fixed guideway public transportation system operates, ensure uniform safety standards and enforcement procedures that shall be in compliance with this section, and establish and implement a State safety oversight program approved by the Secretary; or

“(B) jointly with all other eligible States in which the rail fixed guideway public transportation system operates, designate an entity having characteristics consistent with the characteristics described in paragraph (3) to carry out the State safety oversight program approved by the Secretary.

“(6) GRANTS.—

“(A) IN GENERAL.—The Secretary shall make grants to eligible States to develop or carry out State safety oversight programs under this subsection. Grant funds may be used for program operational and administrative expenses, including employee training activities.

“(B) APPORTIONMENT.—

“(i) FORMULA.—The amount made available for State safety oversight under section 5336(h) shall be apportioned among eligible States under a formula to be established by the Secretary. Such formula shall take into account fixed guideway vehicle revenue miles, fixed guideway route miles, and fixed guideway vehicle passenger miles attributable to all rail fixed guideway systems not subject to regulation by the Federal Railroad Administration within each eligible State.

“(ii) ADMINISTRATIVE REQUIREMENTS.—Grant funds apportioned to States under this paragraph shall be subject to uniform administrative requirements for grants and cooperative agreements to State and local governments under part 18 of title 49, Code of Federal Regulations, and shall be subject to the requirements of this chapter as the Secretary determines appropriate.

“(C) GOVERNMENT SHARE.—

“(i) IN GENERAL.—The Government share of the reasonable cost of a State safety oversight program developed or carried out using a grant under this paragraph shall be 80 percent.

“(ii) IN-KIND CONTRIBUTIONS.—Any calculation of the non-Government share of a State safety oversight program shall include in-kind contributions by an eligible State.

“(iii) NON-GOVERNMENT SHARE.—The non-Government share of the cost of a State safety oversight program developed or carried out using a grant under this paragraph may not be met by—

“(I) any Federal funds;

“(II) any funds received from a public transportation agency; or

“(III) any revenues earned by a public transportation agency.

“(iv) SAFETY TRAINING PROGRAM.—Recipients of funds made available to carry out sections 5307 and 5311 may use not more than 0.5 percent of their formula funds to pay not more than 80 percent of the cost of participation in the public transportation safety certification training program established under subsection (c), by an employee of a State safety oversight agency or a recipient who is directly responsible for safety oversight.

“(7) CERTIFICATION PROCESS.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall determine whether or not each State safety oversight program meets the requirements of this subsection and the State safety oversight program is adequate to promote the purposes of this section.

“(B) ISSUANCE OF CERTIFICATIONS AND DENIALS.—The Secretary shall issue a certification to each eligible State that the Secretary determines under subparagraph (A) adequately meets the requirements of this subsection, and shall issue a denial of certification to each eligible State that the Secretary determines under subparagraph (A) does not adequately meet the requirements of this subsection.

“(C) DISAPPROVAL.—If the Secretary determines that a State safety oversight program does not meet the requirements of this subsection and denies certification, the Secretary shall transmit to the eligible State a written explanation and allow the eligible State to modify and resubmit the State safety oversight program for approval.

“(D) FAILURE TO CORRECT.—If the Secretary determines that a modification by an eligible State of the State safety oversight program is not sufficient to certify the program, the Secretary—

“(i) shall notify the Governor of the eligible State of such denial of certification and failure to adequately modify the program, and shall request that the Governor take all possible actions to correct deficiencies in the program to ensure the certification of the program; and

“(ii) may—

“(1) withhold funds available under paragraph (6) in an amount determined by the Secretary;

“(2) withhold not more than 5 percent of the amount required to be appropriated for use in a State or urbanized area in the State under section 5307 of this title, until the State safety oversight program has been certified; or

“(III) require fixed guideway public transportation systems under such State safety oversight program to provide up to 100 percent of Federal assistance made available under this chapter only for safety-related improvements on such systems, until the State safety oversight program has been certified.

“(8) EVALUATION OF PROGRAM AND ANNUAL REPORT.—The Secretary shall continually evaluate the implementation of a State safety oversight program by a State safety oversight agency, and shall submit on or before July 1 of each year to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on—

“(A) the amount of funds apportioned to each eligible State; and

“(B) the certification status of each State safety oversight program, including what steps a State program that has been denied certification must take in order to be certified.

“(9) FEDERAL OVERSIGHT.—The Secretary shall—

“(A) oversee the implementation of each State safety oversight program under this subsection;

“(B) audit the operations of each State safety oversight agency at least once triennially; and

“(C) issue rules to carry out this subsection.

“(f) AUTHORITY OF SECRETARY.—In carrying out this section, the Secretary may—

“(1) conduct inspections, investigations, audits, examinations, and testing of the equipment, facilities, rolling stock, and operations of the public transportation system of a recipient;

“(2) make reports and issue directives with respect to the safety of the public transportation system of a recipient;

“(3) in conjunction with an accident investigation or an investigation into a pattern or practice of conduct that negatively affects public safety, issue a subpoena to, and take the deposition of, any employee of a recipient or a State safety oversight agency, if—

“(A) before the issuance of the subpoena, the Secretary requests a determination by the Attorney General of the United States as to whether the subpoena will interfere with an ongoing criminal investigation; and

“(B) the Attorney General—

“(i) determines that the subpoena will not interfere with an ongoing criminal investigation; or

“(ii) fails to make a determination under clause (i) before the date that is 30 days after the date on which the Secretary makes a request under subparagraph (A);

“(4) require the production of documents by, and prescribe recordkeeping and reporting requirements for, a recipient or a State safety oversight agency;

“(5) investigate public transportation accidents and incidents and provide guidance to recipients regarding prevention of accidents and incidents;

“(6) at reasonable times and in a reasonable manner, enter and inspect equipment, facilities, rolling stock, operations, and relevant records of the public transportation system of a recipient; and

“(7) issue rules to carry out this section.

“(g) ENFORCEMENT ACTIONS.—

“(1) TYPES OF ENFORCEMENT ACTIONS.—The Secretary may take enforcement action against an eligible State, as defined in subsection (e), that does not comply with Federal law with respect to the safety of the public transportation system, including—

“(A) issuing directives;

“(B) requiring more frequent oversight of the recipient by a State safety oversight agency or the Secretary;

“(C) imposing more frequent reporting requirements; and

“(D) requiring that any Federal financial assistance provided under this chapter be spent on correcting safety deficiencies identified by the Secretary or the State safety oversight agency before such funds are spent on other projects.

“(2) USE OR WITHHOLDING OF FUNDS.—

“(A) IN GENERAL.—The Secretary may require the use of funds in accordance with paragraph (1)(D) only if the Secretary finds that a recipient is engaged in a pattern or practice of serious safety violations or has otherwise refused to comply with Federal law relating to the safety of the public transportation system.

“(B) NOTICE.—Before withholding funds from a recipient, the Secretary shall provide to the recipient—

“(i) written notice of a violation and the amount proposed to be withheld; and

“(ii) a reasonable period of time within which the recipient may address the violation or propose and initiate an alternative means of compliance that the Secretary determines is acceptable.

“(h) COST-BENEFIT ANALYSIS.—

“(1) ANALYSIS REQUIRED.—In carrying out this section, the Secretary shall take into consideration the costs and benefits of each action the Secretary proposes to take under this section.

“(2) **WAIVER.**—The Secretary may waive the requirement under this subsection if the Secretary determines that such a waiver is in the public interest.

“(i) **CONSULTATION BY THE SECRETARY OF HOMELAND SECURITY.**—The Secretary of Homeland Security shall consult with the Secretary of Transportation before the Secretary of Homeland Security issues a rule or order that the Secretary of Transportation determines affects the safety of public transportation design, construction, or operations.

“(j) **ACTIONS UNDER STATE LAW.**—

“(1) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed to preempt an action under State law seeking damages for personal injury, death, or property damage alleging that a party has failed to comply with—

“(A) a Federal standard of care established by a regulation or order issued by the Secretary under this section; or

“(B) its own program, rule, or standard that it created pursuant to a rule or order issued by the Secretary.

“(2) **EFFECTIVE DATE.**—This subsection shall apply to any cause of action under State law arising from an event or activity occurring on or after the date of enactment of the Federal Public Transportation Act of 2012.

“(3) **JURISDICTION.**—Nothing in this section shall be construed to create a cause of action under Federal law on behalf of an injured party or confer Federal question jurisdiction for a State law cause of action.

“(k) **NATIONAL PUBLIC TRANSPORTATION SAFETY REPORT.**—Not later than 3 years after the date of enactment of the Federal Public Transportation Act of 2012, the Secretary shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

“(1) analyzes public transportation safety trends among the States and documents the most effective safety programs implemented using grants under this section; and

“(2) describes the effect on public transportation safety of activities carried out using grants under this section.”.

(b) **BUS SAFETY STUDY.**—

(1) **DEFINITION.**—In this subsection, the term “highway route” means a route where 50 percent or more of the route is on roads having a speed limit of more than 45 miles per hour.

(2) **STUDY.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report that—

(A) examines the safety of public transportation buses that travel on highway routes;

(B) examines laws and regulations that apply to commercial over-the-road buses; and

(C) makes recommendations as to whether additional safety measures should be required for public transportation buses that travel on highway routes.

SEC. 20022. ALCOHOL AND CONTROLLED SUBSTANCES TESTING.

Section 5331 of title 49, United States Code, is amended by striking subsection (g) and inserting the following:

“(g) **CONDITIONS ON FEDERAL ASSISTANCE.**—

“(1) **INELIGIBILITY FOR ASSISTANCE.**—A person that receives funds under this chapter is not eligible for financial assistance under section 5307, 5309, or 5311 of this title if the person is required, under regulations the Secretary prescribes under this section, to establish a program of alcohol and controlled substances testing and does not establish the program in accordance with this section.

“(2) **ADDITIONAL REMEDIES.**—If the Secretary determines that a person that receives funds under this chapter is not in compliance with regulations prescribed under this section, the Secretary may bar the person from receiving Federal transit assistance in an amount the Secretary considers appropriate.”.

SEC. 20023. NONDISCRIMINATION.

(a) **AMENDMENTS.**—Section 5332 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) by striking “creed” and inserting “religion”; and

(B) by inserting “disability,” after “sex,”; and

(2) in subsection (d)(3), by striking “and” and inserting “or”.

(b) **EVALUATION AND REPORT.**—

(1) **EVALUATION.**—The Comptroller General of the United States shall evaluate the progress and effectiveness of the Federal Transit Administration in assisting recipients of assistance under chapter 53 of title 49, United States Code, to comply with section 5332(b) of title 49, including—

(A) by reviewing discrimination complaints, reports, and other relevant information collected or prepared by the Federal Transit Administration or recipients of assistance from the Federal Transit Administration pursuant to any applicable civil rights statute, regulation, or other requirement; and

(B) by reviewing the process that the Federal Transit Administration uses to resolve discrimination complaints filed by members of the public.

(2) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report concerning the evaluation under paragraph (1) that includes—

(A) a description of the ability of the Federal Transit Administration to address discrimination and foster equal opportunities in federally funded public transportation projects, programs, and activities;

(B) recommendations for improvements if the Comptroller General determines that improvements are necessary; and

(C) information upon which the evaluation under paragraph (1) is based.

SEC. 20024. ADMINISTRATIVE PROVISIONS.

Section 5334 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by striking “under sections 5307 and 5309–5311 of this title” and inserting “that receives Federal financial assistance under this chapter”; and

(2) in subsection (b)(1)—

(A) by inserting after “emergency,” the following: “or for purposes of establishing and enforcing a program to improve the safety of public transportation systems in the United States as described in section 5329,”; and

(B) by striking “chapter, nor may the Secretary” and inserting “chapter. The Secretary may not”;

(3) in subsection (c)(4), by striking “section (except subsection (i)) and sections 5318(e), 5323(a)(2), 5325(a), 5325(b), and 5325(f)” and inserting “subsection”;

(4) in subsection (h)(3), by striking “another” and inserting “any other”;

(5) in subsection (i)(1), by striking “title 23 shall” and inserting “title 23 may”;

(6) by striking subsection (j); and

(7) by redesignating subsections (k) and (l) as subsections (j) and (k), respectively.

SEC. 20025. NATIONAL TRANSIT DATABASE.

(a) **AMENDMENTS.**—Section 5335 of title 49, United States Code, is amended—

(1) in subsection (a), by striking “public transportation financial and operating information” and inserting “public transportation financial, operating, and asset condition information”; and

(2) by adding at the end the following:

“(c) **DATA REQUIRED TO BE REPORTED.**—The recipient of a grant under this chapter shall report to the Secretary, for inclusion in the National Transit Database, any information relating to a transit asset inventory or condition assessment conducted by the recipient.”.

(b) **DATA ACCURACY AND RELIABILITY.**—The Secretary shall—

(1) develop and implement appropriate internal control activities to ensure that public transportation safety incident data is reported accurately and reliably by public transportation systems and State safety oversight agencies to the State Safety Oversight Rail Accident Database; and

(2) report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives within 1 year of enactment of the Federal Public Transportation Act of 2012 on the steps taken to improve the accuracy and reliability of public transportation safety incident data reported to the State Safety Oversight Rail Accident Database.

SEC. 20026. APPORTIONMENT OF APPROPRIATIONS FOR FORMULA GRANTS.

Section 5336 of title 49, United States Code, is amended to read as follows:

“**§5336. Apportionment of appropriations for formula grants**

“(a) **BASED ON URBANIZED AREA POPULATION.**—Of the amount apportioned under subsection (h)(4) to carry out section 5307—

“(1) 9.32 percent shall be apportioned each fiscal year only in urbanized areas with a population of less than 200,000 so that each of those areas is entitled to receive an amount equal to—

“(A) 50 percent of the total amount apportioned multiplied by a ratio equal to the population of the area divided by the total population of all urbanized areas with populations of less than 200,000 as shown in the most recent decennial census; and

“(B) 50 percent of the total amount apportioned multiplied by a ratio for the area based on population weighted by a factor, established by the Secretary, of the number of inhabitants in each square mile; and

“(2) 90.68 percent shall be apportioned each fiscal year only in urbanized areas with populations of at least 200,000 as provided in subsections (b) and (c) of this section.

“(b) **BASED ON FIXED GUIDEWAY VEHICLE REVENUE MILES, DIRECTIONAL ROUTE MILES, AND PASSENGER MILES.**—(1) In this subsection, “fixed guideway vehicle revenue miles” and “fixed guideway directional route miles” include passenger ferry operations directly or under contract by the designated recipient.

“(2) Of the amount apportioned under subsection (a)(2) of this section, 33.29 percent shall be apportioned as follows:

“(A) 95.61 percent of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—

“(i) 60 percent of the 95.61 percent apportioned under this subparagraph multiplied by a ratio equal to the number of fixed guideway vehicle revenue miles attributable to the area, as established by the Secretary, divided by the total number of all fixed guideway vehicle revenue miles attributable to all areas; and

“(ii) 40 percent of the 95.61 percent apportioned under this subparagraph multiplied by a ratio equal to the number of fixed guideway directional route miles attributable to the area, established by the Secretary, divided by the total

number of all fixed guideway directional route miles attributable to all areas.

An urbanized area with a population of at least 750,000 in which commuter rail transportation is provided shall receive at least .75 percent of the total amount apportioned under this subparagraph.

“(B) 4.39 percent of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—

“(i) the number of fixed guideway vehicle passenger miles traveled multiplied by the number of fixed guideway vehicle passenger miles traveled for each dollar of operating cost in an area; divided by

“(ii) the total number of fixed guideway vehicle passenger miles traveled multiplied by the total number of fixed guideway vehicle passenger miles traveled for each dollar of operating cost in all areas.

An urbanized area with a population of at least 750,000 in which commuter rail transportation is provided shall receive at least .75 percent of the total amount apportioned under this subparagraph.

“(C) Under subparagraph (A) of this paragraph, fixed guideway vehicle revenue or directional route miles, and passengers served on those miles, in an urbanized area with a population of less than 200,000, where the miles and passengers served otherwise would be attributable to an urbanized area with a population of at least 1,000,000 in an adjacent State, are attributable to the governmental authority in the State in which the urbanized area with a population of less than 200,000 is located. The authority is deemed an urbanized area with a population of at least 200,000 if the authority makes a contract for the service.

“(D) A recipient's apportionment under subparagraph (A)(i) of this paragraph may not be reduced if the recipient, after satisfying the Secretary that energy or operating efficiencies would be achieved, reduces vehicle revenue miles but provides the same frequency of revenue service to the same number of riders.

“(E) For purposes of subparagraph (A) and section 5337(c)(3), the Secretary shall deem to be attributable to an urbanized area not less than 22.27 percent of the fixed guideway vehicle revenue miles or fixed guideway directional route miles in the public transportation system of a recipient that are located outside the urbanized area for which the recipient receives funds, in addition to the fixed guideway vehicle revenue miles or fixed guideway directional route miles of the recipient that are located inside the urbanized area.

“(c) BASED ON BUS VEHICLE REVENUE MILES AND PASSENGER MILES.—Of the amount apportioned under subsection (a)(2) of this section, 66.71 percent shall be apportioned as follows:

“(1) 90.8 percent of the total amount apportioned under this subsection shall be apportioned as follows:

“(A) 73.39 percent of the 90.8 percent apportioned under this paragraph shall be apportioned so that each urbanized area with a population of at least 1,000,000 is entitled to receive an amount equal to—

“(i) 50 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the total bus vehicle revenue miles operated in or directly serving the urbanized area divided by the total bus vehicle revenue miles attributable to all areas;

“(ii) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a ratio equal to the population of the area divided by the total population of all areas, as shown in the most recent decennial census; and

“(iii) 25 percent of the 73.39 percent apportioned under this subparagraph multiplied by a

ratio for the area based on population weighted by a factor, established by the Secretary, of the number of inhabitants in each square mile.

“(B) 26.61 percent of the 90.8 percent apportioned under this paragraph shall be apportioned so that each urbanized area with a population of at least 200,000 but not more than 999,999 is entitled to receive an amount equal to—

“(i) 50 percent of the 26.61 percent apportioned under this subparagraph multiplied by a ratio equal to the total bus vehicle revenue miles operated in or directly serving the urbanized area divided by the total bus vehicle revenue miles attributable to all areas;

“(ii) 25 percent of the 26.61 percent apportioned under this subparagraph multiplied by a ratio equal to the population of the area divided by the total population of all areas, as shown by the most recent decennial census; and

“(iii) 25 percent of the 26.61 percent apportioned under this subparagraph multiplied by a ratio for the area based on population weighted by a factor, established by the Secretary, of the number of inhabitants in each square mile.

“(2) 9.2 percent of the total amount apportioned under this subsection shall be apportioned so that each urbanized area with a population of at least 200,000 is entitled to receive an amount equal to—

“(A) the number of bus passenger miles traveled multiplied by the number of bus passenger miles traveled for each dollar of operating cost in an area; divided by

“(B) the total number of bus passenger miles traveled multiplied by the total number of bus passenger miles traveled for each dollar of operating cost in all areas.

“(d) DATE OF APPORTIONMENT.—The Secretary shall—

“(1) apportion amounts appropriated under section 5338(a)(2)(C) of this title to carry out section 5307 of this title not later than the 10th day after the date the amounts are appropriated or October 1 of the fiscal year for which the amounts are appropriated, whichever is later; and

“(2) publish apportionments of the amounts, including amounts attributable to each urbanized area with a population of more than 50,000 and amounts attributable to each State of a multistate urbanized area, on the apportionment date.

“(e) AMOUNTS NOT APPORTIONED TO DESIGNATED RECIPIENTS.—The Governor of a State may expend in an urbanized area with a population of less than 200,000 an amount apportioned under this section that is not apportioned to a designated recipient, as defined in section 5302(4).

“(f) TRANSFERS OF APPORTIONMENTS.—(1) The Governor of a State may transfer any part of the State's apportionment under subsection (a)(1) of this section to supplement amounts apportioned to the State under section 5311(c)(3). The Governor may make a transfer only after consulting with responsible local officials and publicly owned operators of public transportation in each area for which the amount originally was apportioned under this section.

“(2) The Governor of a State may transfer any part of the State's apportionment under section 5311(c)(3) to supplement amounts apportioned to the State under subsection (a)(1) of this section.

“(3) The Governor of a State may use throughout the State amounts of a State's apportionment remaining available for obligation at the beginning of the 90-day period before the period of the availability of the amounts expires.

“(4) A designated recipient for an urbanized area with a population of at least 200,000 may transfer a part of its apportionment under this section to the Governor of a State. The Governor shall distribute the transferred amounts to urbanized areas under this section.

“(5) Capital and operating assistance limitations applicable to the original apportionment apply to amounts transferred under this subsection.

“(g) PERIOD OF AVAILABILITY TO RECIPIENTS.—An amount apportioned under this section may be obligated by the recipient for 5 years after the fiscal year in which the amount is apportioned. Not later than 30 days after the end of the 5-year period, an amount that is not obligated at the end of that period shall be added to the amount that may be apportioned under this section in the next fiscal year.

“(h) APPORTIONMENTS.—Of the amounts made available for each fiscal year under section 5338(a)(2)(C)—

“(1) \$30,000,000 shall be set aside to carry out section 5307(h);

“(2) 3.07 percent shall be apportioned to urbanized areas in accordance with subsection (j);

“(3) of amounts not apportioned under paragraphs (1) and (2), 1.5 percent shall be apportioned to urbanized areas with populations of less than 200,000 in accordance with subsection (i);

“(4) 0.5 percent shall be apportioned to eligible States for State safety oversight program grants in accordance with section 5329(e)(6); and

“(5) any amount not apportioned under paragraphs (1), (2), (3), and (4) shall be apportioned to urbanized areas in accordance with subsections (a) through (c).

“(i) SMALL TRANSIT INTENSIVE CITIES FORMULA.—

“(1) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) ELIGIBLE AREA.—The term ‘eligible area’ means an urbanized area with a population of less than 200,000 that meets or exceeds in one or more performance categories the industry average for all urbanized areas with a population of at least 200,000 but not more than 999,999, as determined by the Secretary in accordance with subsection (c)(2).

“(B) PERFORMANCE CATEGORY.—The term ‘performance category’ means each of the following:

“(i) Passenger miles traveled per vehicle revenue mile.

“(ii) Passenger miles traveled per vehicle revenue hour.

“(iii) Vehicle revenue miles per capita.

“(iv) Vehicle revenue hours per capita.

“(v) Passenger miles traveled per capita.

“(vi) Passengers per capita.

“(2) APPORTIONMENT.—

“(A) APPORTIONMENT FORMULA.—The amount to be apportioned under subsection (h)(3) shall be apportioned among eligible areas in the ratio that—

“(i) the number of performance categories for which each eligible area meets or exceeds the industry average in urbanized areas with a population of at least 200,000 but not more than 999,999; bears to

“(ii) the aggregate number of performance categories for which all eligible areas meet or exceed the industry average in urbanized areas with a population of at least 200,000 but not more than 999,999.

“(B) DATA USED IN FORMULA.—The Secretary shall calculate apportionments under this subsection for a fiscal year using data from the national transit database used to calculate apportionments for that fiscal year under this section.

“(j) APPORTIONMENT FORMULA.—The amounts apportioned under subsection (h)(2) shall be apportioned among urbanized areas as follows:

“(1) 75 percent of the funds shall be apportioned among designated recipients for urbanized areas with a population of 200,000 or more in the ratio that—

“(A) the number of eligible low-income individuals in each such urbanized area; bears to

“(B) the number of eligible low-income individuals in all such urbanized areas.

“(2) 25 percent of the funds shall be apportioned among designated recipients for urbanized areas with a population of less than 200,000 in the ratio that—

“(A) the number of eligible low-income individuals in each such urbanized area; bears to

“(B) the number of eligible low-income individuals in all such urbanized areas.”.

SEC. 20027. STATE OF GOOD REPAIR GRANTS.

Section 5337 of title 49, United States Code, is amended to read as follows:

“§5337. State of good repair grants

“(a) DEFINITIONS.—In this section, the following definitions shall apply:

“(1) FIXED GUIDEWAY.—The term ‘fixed guideway’ means a public transportation facility—

“(A) using and occupying a separate right-of-way for the exclusive use of public transportation;

“(B) using rail;

“(C) using a fixed catenary system;

“(D) for a passenger ferry system; or

“(E) for a bus rapid transit system.

“(2) STATE.—The term ‘State’ means the 50 States, the District of Columbia, and Puerto Rico.

“(3) STATE OF GOOD REPAIR.—The term ‘state of good repair’ has the meaning given that term by the Secretary, by rule, under section 5326(b).

“(4) TRANSIT ASSET MANAGEMENT PLAN.—The term ‘transit asset management plan’ means a plan developed by a recipient of funding under this chapter that—

“(A) includes, at a minimum, capital asset inventories and condition assessments, decision support tools, and investment prioritization; and

“(B) the recipient certifies that the recipient complies with the rule issued under section 5326(d).

“(b) GENERAL AUTHORITY.—

“(1) ELIGIBLE PROJECTS.—The Secretary may make grants under this section to assist State and local governmental authorities in financing capital projects to maintain public transportation systems in a state of good repair, including projects to replace and rehabilitate—

“(A) rolling stock;

“(B) track;

“(C) line equipment and structures;

“(D) signals and communications;

“(E) power equipment and substations;

“(F) passenger stations and terminals;

“(G) security equipment and systems;

“(H) maintenance facilities and equipment;

“(I) operational support equipment, including computer hardware and software;

“(J) development and implementation of a transit asset management plan; and

“(K) other replacement and rehabilitation projects the Secretary determines appropriate.

“(2) INCLUSION IN PLAN.—A recipient shall include a project carried out under paragraph (1) in the transit asset management plan of the recipient upon completion of the plan.

“(c) HIGH INTENSITY FIXED GUIDEWAY STATE OF GOOD REPAIR FORMULA.—

“(1) IN GENERAL.—Of the amount authorized or made available under section 5338(a)(2)(I), 97.15 percent shall be apportioned to recipients in accordance with this subsection.

“(2) AREA SHARE.—

“(A) IN GENERAL.—50 percent of the amount described in paragraph (1) shall be apportioned for fixed guideway systems in accordance with this paragraph.

“(B) SHARE.—A recipient shall receive an amount equal to the amount described in subparagraph (A), multiplied by the amount the recipient would have received under this section, as in effect for fiscal year 2011, if the amount had been calculated in accordance with section 5336(b)(1) and using the definition of the term

‘fixed guideway’ under subsection (a) of this section, as such sections are in effect on the day after the date of enactment of the Federal Public Transportation Act of 2012, and divided by the total amount apportioned for all areas under this section for fiscal year 2011.

“(C) RECIPIENT.—For purposes of this paragraph, the term ‘recipient’ means an entity that received funding under this section, as in effect for fiscal year 2011.

“(3) VEHICLE REVENUE MILES AND DIRECTIONAL ROUTE MILES.—

“(A) IN GENERAL.—50 percent of the amount described in paragraph (1) shall be apportioned to recipients in accordance with this paragraph.

“(B) VEHICLE REVENUE MILES.—A recipient in an urbanized area shall receive an amount equal to 60 percent of the amount described in subparagraph (A), multiplied by the number of fixed guideway vehicle revenue miles attributable to the urbanized area, as established by the Secretary, divided by the total number of all fixed guideway vehicle revenue miles attributable to all urbanized areas.

“(C) DIRECTIONAL ROUTE MILES.—A recipient in an urbanized area shall receive an amount equal to 40 percent of the amount described in subparagraph (A), multiplied by the number of fixed guideway directional route miles attributable to the urbanized area, as established by the Secretary, divided by the total number of all fixed guideway directional route miles attributable to all urbanized areas.

“(4) LIMITATION.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the share of the total amount apportioned under this subsection that is apportioned to an area under this subsection shall not decrease by more than 0.25 percentage points compared to the share apportioned to the area under this subsection in the previous fiscal year.

“(B) SPECIAL RULE FOR FISCAL YEAR 2013.—In fiscal year 2013, the share of the total amount apportioned under this subsection that is apportioned to an area under this subsection shall not decrease by more than 0.25 percentage points compared to the share that would have been apportioned to the area under this section, as in effect for fiscal year 2011, if the share had been calculated using the definition of the term ‘fixed guideway’ under subsection (a) of this section, as in effect on the day after the date of enactment of the Federal Public Transportation Act of 2012.

“(5) USE OF FUNDS.—Amounts made available under this subsection shall be available for the exclusive use of fixed guideway projects.

“(6) RECEIVING APPORTIONMENT.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), for an area with a fixed guideway system, the amounts provided under this subsection shall be apportioned to the designated recipient for the urbanized area in which the system operates.

“(B) EXCEPTION.—An area described in the amendment made by section 3028(a) of the Transportation Equity Act for the 21st Century (Public Law 105-178; 112 Stat. 366) shall receive an individual apportionment under this subsection.

“(7) APPORTIONMENT REQUIREMENTS.—For purposes of determining the number of fixed guideway vehicle revenue miles or fixed guideway directional route miles attributable to an urbanized area for a fiscal year under this subsection, only segments of fixed guideway systems placed in revenue service not later than 7 years before the first day of the fiscal year shall be deemed to be attributable to an urbanized area.

“(d) HIGH INTENSITY MOTORBUS STATE OF GOOD REPAIR.—

“(1) DEFINITION.—For purposes of this subsection, the term ‘high intensity motorbus’

means public transportation that is provided on a facility with access for other high-occupancy vehicles.

“(2) APPORTIONMENT.—Of the amount authorized or made available under section 5338(a)(2)(I), 2.85 percent shall be apportioned to urbanized areas for high intensity motorbus state of good repair in accordance with this subsection.

“(3) VEHICLE REVENUE MILES AND DIRECTIONAL ROUTE MILES.—

“(A) IN GENERAL.—The amount described in paragraph (2) shall be apportioned to each area in accordance with this paragraph.

“(B) VEHICLE REVENUE MILES.—Each area shall receive an amount equal to 60 percent of the amount described in subparagraph (A), multiplied by the number of high intensity motorbus vehicle revenue miles attributable to the area, as established by the Secretary, divided by the total number of all high intensity motorbus vehicle revenue miles attributable to all areas.

“(C) DIRECTIONAL ROUTE MILES.—Each area shall receive an amount equal to 40 percent of the amount described in subparagraph (A), multiplied by the number of high intensity motorbus directional route miles attributable to the area, as established by the Secretary, divided by the total number of all high intensity motorbus directional route miles attributable to all areas.

“(4) APPORTIONMENT REQUIREMENTS.—For purposes of determining the number of high intensity motorbus vehicle revenue miles or high intensity motorbus directional route miles attributable to an urbanized area for a fiscal year under this subsection, only segments of high intensity motorbus systems placed in revenue service not later than 7 years before the first day of the fiscal year shall be deemed to be attributable to an urbanized area.”.

SEC. 20028. AUTHORIZATIONS.

Section 5338 of title 49, United States Code, is amended to read as follows:

“§5338. Authorizations

“(a) FORMULA GRANTS.—

“(1) IN GENERAL.—There shall be available from the Mass Transit Account of the Highway Trust Fund to carry out sections 5305, 5307, 5310, 5311, 5318, 5322(d), 5335, 5337, 5339, and 5340, and section 20005(b) of the Federal Public Transportation Act of 2012, \$8,478,000,000 for fiscal year 2013 and \$8,595,000,000 for fiscal year 2014.

“(2) ALLOCATION OF FUNDS.—Of the amounts made available under paragraph (1)—

“(A) \$126,900,000 for fiscal year 2013 and \$128,800,000 for fiscal year 2014 shall be available to carry out section 5305;

“(B) \$10,000,000 for each of fiscal years 2013 and 2014 shall be available to carry out section 20005(b) of the Federal Public Transportation Act of 2012;

“(C) \$4,397,950,000 for fiscal year 2013 and \$4,458,650,000 for fiscal year 2014 shall be allocated in accordance with section 5336 to provide financial assistance for urbanized areas under section 5307;

“(D) \$254,800,000 for fiscal year 2013 and \$258,300,000 for fiscal year 2014 shall be available to provide financial assistance for services for the enhanced mobility of seniors and individuals with disabilities under section 5310;

“(E) \$599,500,000 for fiscal year 2013 and \$607,800,000 for fiscal year 2014 shall be available to provide financial assistance for rural areas under section 5311, of which not less than \$30,000,000 for fiscal year 2013 and \$30,000,000 for fiscal year 2014 shall be available to carry out section 5311(c)(1) and \$20,000,000 for fiscal year 2013 and \$20,000,000 for fiscal year 2014 shall be available to carry out section 5311(c)(2);

“(F) \$3,000,000 for each of fiscal years 2013 and 2014 shall be available for bus testing under section 5318;

“(G) \$5,000,000 for each of fiscal years 2013 and 2014 shall be available for the national transit institute under section 5322(d);

“(H) \$3,850,000 for each of fiscal years 2013 and 2014 shall be available to carry out section 5335;

“(I) \$2,136,300,000 for fiscal year 2013 and \$2,165,900,000 for fiscal year 2014 shall be available to carry out section 5337;

“(J) \$422,000,000 for fiscal year 2013 and \$427,800,000 for fiscal year 2014 shall be available for the bus and bus facilities program under section 5339; and

“(K) \$518,700,000 for fiscal year 2013 and \$525,900,000 for fiscal year 2014 shall be allocated in accordance with section 5340 to provide financial assistance for urbanized areas under section 5307 and rural areas under section 5311.

“(b) RESEARCH, DEVELOPMENT DEMONSTRATION AND DEPLOYMENT PROJECTS.—There are authorized to be appropriated to carry out section 5312, \$70,000,000 for fiscal year 2013 and \$70,000,000 for fiscal year 2014.

“(c) TRANSIT COOPERATIVE RESEARCH PROGRAM.—There are authorized to be appropriated to carry out section 5313, \$7,000,000 for fiscal year 2013 and \$7,000,000 for fiscal year 2014.

“(d) TECHNICAL ASSISTANCE AND STANDARDS DEVELOPMENT.—There are authorized to be appropriated to carry out section 5314, \$7,000,000 for fiscal year 2013 and \$7,000,000 for fiscal year 2014.

“(e) HUMAN RESOURCES AND TRAINING.—There are authorized to be appropriated to carry out subsections (a), (b), (c), and (e) of section 5322, \$5,000,000 for fiscal year 2013 and \$5,000,000 for fiscal year 2014.

“(f) EMERGENCY RELIEF PROGRAM.—There are authorized to be appropriated such sums as are necessary to carry out section 5324.

“(g) CAPITAL INVESTMENT GRANTS.—There are authorized to be appropriated to carry out section 5309, \$1,907,000,000 for fiscal year 2013 and \$1,907,000,000 for fiscal year 2014.

“(h) ADMINISTRATION.—

“(1) IN GENERAL.—There are authorized to be appropriated to carry out section 5334, \$104,000,000 for fiscal year 2013 and \$104,000,000 for fiscal year 2014.

“(2) SECTION 5329.—Of the amounts authorized to be appropriated under paragraph (1), not less than \$5,000,000 shall be available to carry out section 5329.

“(3) SECTION 5326.—Of the amounts made available under paragraph (2), not less than \$1,000,000 shall be available to carry out section 5326.

“(i) OVERSIGHT.—

“(1) IN GENERAL.—Of the amounts made available to carry out this chapter for a fiscal year, the Secretary may use not more than the following amounts for the activities described in paragraph (2):

“(A) 0.5 percent of amounts made available to carry out section 5305.

“(B) 0.75 percent of amounts made available to carry out section 5307.

“(C) 1 percent of amounts made available to carry out section 5309.

“(D) 1 percent of amounts made available to carry out section 601 of the Passenger Rail Investment and Improvement Act of 2008 (Public Law 110-432; 126 Stat. 4968).

“(E) 0.5 percent of amounts made available to carry out section 5310.

“(F) 0.5 percent of amounts made available to carry out section 5311.

“(G) 0.75 percent of amounts made available to carry out section 5337(c).

“(2) ACTIVITIES.—The activities described in this paragraph are as follows:

“(A) Activities to oversee the construction of a major capital project.

“(B) Activities to review and audit the safety and security, procurement, management, and fi-

nancial compliance of a recipient or subrecipient of funds under this chapter.

“(C) Activities to provide technical assistance generally, and to provide technical assistance to correct deficiencies identified in compliance reviews and audits carried out under this section.

“(3) GOVERNMENT SHARE OF COSTS.—The Government shall pay the entire cost of carrying out a contract under this subsection.

“(4) AVAILABILITY OF CERTAIN FUNDS.—Funds made available under paragraph (1)(C) shall be made available to the Secretary before allocating the funds appropriated to carry out any project under a full funding grant agreement.

“(j) GRANTS AS CONTRACTUAL OBLIGATIONS.—

“(1) GRANTS FINANCED FROM HIGHWAY TRUST FUND.—A grant or contract that is approved by the Secretary and financed with amounts made available from the Mass Transit Account of the Highway Trust Fund pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project.

“(2) GRANTS FINANCED FROM GENERAL FUND.—A grant or contract that is approved by the Secretary and financed with amounts appropriated in advance from the General Fund of the Treasury pursuant to this section is a contractual obligation of the Government to pay the Government share of the cost of the project only to the extent that amounts are appropriated for such purpose by an Act of Congress.

“(k) AVAILABILITY OF AMOUNTS.—Amounts made available by or appropriated under this section shall remain available until expended.”.

SEC. 20029. BUS AND BUS FACILITIES FORMULA GRANTS.

(a) IN GENERAL.—Section 5339 of title 49, United States Code, is amended to read as follows:

“§5339. Bus and bus facilities formula grants

“(a) GENERAL AUTHORITY.—The Secretary may make grants under this section to assist eligible recipients described in subsection (c)(1) in financing capital projects—

“(1) to replace, rehabilitate, and purchase buses and related equipment; and

“(2) to construct bus-related facilities.

“(b) GRANT REQUIREMENTS.—The requirements of section 5307 apply to recipients of grants made under this section.

“(c) ELIGIBLE RECIPIENTS AND SUBRECIPIENTS.—

“(1) RECIPIENTS.—Eligible recipients under this section are designated recipients that operate fixed route bus service or that allocate funding to fixed route bus operators.

“(2) SUBRECIPIENTS.—A designated recipient that receives a grant under this section may allocate amounts of the grant to subrecipients that are public agencies or private nonprofit organizations engaged in public transportation.

“(d) DISTRIBUTION OF GRANT FUNDS.—Funds allocated under section 5338(a)(2)(J) shall be distributed as follows:

“(1) NATIONAL DISTRIBUTION.—\$65,500,000 shall be allocated to all States and territories, with each State receiving \$1,250,000 and each territory receiving \$500,000.

“(2) DISTRIBUTION USING POPULATION AND SERVICE FACTORS.—The remainder of the funds not otherwise distributed under paragraph (1) shall be allocated pursuant to the formula set forth in section 5336 other than subsection (b).

“(e) TRANSFERS OF APPORTIONMENTS.—

“(1) TRANSFER FLEXIBILITY FOR NATIONAL DISTRIBUTION FUNDS.—The Governor of a State may transfer any part of the State's apportionment under subsection (d)(1) to supplement amounts apportioned to the State under section 5311(c) of this title or amounts apportioned to urbanized areas under subsections (a) and (c) of section 5336 of this title.

“(2) TRANSFER FLEXIBILITY FOR POPULATION AND SERVICE FACTORS FUNDS.—The Governor of

a State may expend in an urbanized area with a population of less than 200,000 any amounts apportioned under subsection (d)(2) that are not allocated to designated recipients in urbanized areas with a population of 200,000 or more.

“(f) GOVERNMENT'S SHARE OF COSTS.—

“(1) CAPITAL PROJECTS.—A grant for a capital project under this section shall be for 80 percent of the net capital costs of the project. A recipient of a grant under this section may provide additional local matching amounts.

“(2) REMAINING COSTS.—The remainder of the net project cost shall be provided—

“(A) in cash from non-Government sources other than revenues from providing public transportation services;

“(B) from revenues derived from the sale of advertising and concessions;

“(C) from an undistributed cash surplus, a replacement or depreciation cash fund or reserve, or new capital; or

“(D) from amounts received under a service agreement with a State or local social service agency or private social service organization.

“(g) PERIOD OF AVAILABILITY TO RECIPIENTS.—Amounts made available under this section may be obligated by a recipient for 3 years after the fiscal year in which the amount is apportioned. Not later than 30 days after the end of the 3-year period described in the preceding sentence, any amount that is not obligated on the last day of that period shall be added to the amount that may be apportioned under this section in the next fiscal year.

“(h) DEFINITIONS.—For purposes of this section:

“(1) The term ‘State’ means a State of the United States.

“(2) The term ‘territory’ means the District of Columbia, Puerto Rico, the Northern Mariana Islands, Guam, American Samoa, and the United States Virgin Islands.”.

SEC. 20030. TECHNICAL AND CONFORMING AMENDMENTS.

(a) SECTION 5305.—Section 5305 of title 49, United States Code, is amended—

(1) in subsection (e)(1)(A), by striking “sections 5304, 5306, 5315, and 5322” and inserting “section 5304 and 5306”; and

(2) in subsection (f)—
(A) in the heading, by striking “GOVERNMENT'S” and inserting “GOVERNMENT”; and
(B) by striking “Government's” and inserting “Government”; and

(3) in subsection (g), by striking “section 5338(c) for fiscal years 2005 through 2012” and inserting “section 5338(a)(2)(A) for a fiscal year”.

(b) SECTION 5313.—Section 5313(a) of title 49, United States Code, is amended—

(1) in the first sentence, by striking “subsections (a)(5)(C)(iii) and (d)(1) of section 5338” and inserting section “5338(c)”; and

(2) in the second sentence, by striking “of Transportation”.

(c) SECTION 5319.—Section 5319 of title 49, United States Code, is amended, in the second sentence—

(1) by striking “sections 5307(e), 5309(h), and 5311(g) of this title” and inserting “sections 5307(d), 5309(l), and 5311(g)”; and

(2) by striking “of the United States” and inserting “made by the”.

(d) SECTION 5325.—Section 5325(b)(2)(A) of title 49, United States Code, is amended by striking “title 48, Code of Federal Regulations (commonly known as the Federal Acquisition Regulation)” and inserting “the Federal Acquisition Regulation, or any successor thereto”.

(e) SECTION 5330.—Effective 3 years after the effective date of the final rules issued by the Secretary of Transportation under section 5329(e) of title 49, United States Code, as amended by this division, section 5330 of title 49, United States Code, is repealed.

(f) SECTION 5331.—Section 5331 of title 49, United States Code, is amended by striking “Secretary of Transportation” each place that term appears and inserting “Secretary”.

(g) SECTION 5332.—Section 5332(c)(1) of title 49, United States Code, is amended by striking “of Transportation”.

(h) SECTION 5333.—Section 5333(a) of title 49, United States Code, is amended by striking “sections 3141–3144” and inserting “sections 3141 through 3144”.

(i) SECTION 5334.—Section 5334 of title 49, United States Code, is amended—

(1) in subsection (c)—

(A) by striking “Secretary of Transportation” each place that term appears and inserting “Secretary”; and

(B) in paragraph (1), by striking “Committees on Transportation and Infrastructure and Appropriations of the House of Representatives and the Committees on Banking, Housing, and Urban Affairs and Appropriations of the Senate” and inserting “Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives”;

(2) in subsection (d), by striking “of Transportation”;

(3) in subsection (e), by striking “of Transportation”;

(4) in subsection (f), by striking “of Transportation”;

(5) in subsection (g), in the matter preceding paragraph (1)—

(A) by striking “of Transportation”; and

(B) by striking “subsection (a)(3) or (4) of this section” and inserting “paragraph (3) or (4) of subsection (a)”;

(6) in subsection (h)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking “of Transportation”; and

(B) in paragraph (2), by striking “of this section”;

(7) in subsection (i)(1), by striking “of Transportation”;

(8) in subsection (j), as so redesignated by section 20025 of this division, by striking “Committees on Banking, Housing, and Urban Affairs and Appropriations of the Senate and Committees on Transportation and Infrastructure and Appropriations of the House of Representatives” and inserting “Committee on Banking, Housing, and Urban Affairs and the Committee on Appropriations of the Senate and the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives”.

(j) SECTION 5335.—Section 5335(a) of title 49, United States Code, is amended by striking “of Transportation”.

(k) ANALYSIS.—The analysis for chapter 53 of title 49, United States Code, is amended to read as follows:

“Sec.
“5301. Policies and purposes.
“5302. Definitions.
“5303. Metropolitan transportation planning.
“5304. Statewide and nonmetropolitan transportation planning.
“5305. Planning programs.
“5306. Private enterprise participation in metropolitan planning and transportation improvement programs and relationship to other limitations.
“5307. Urbanized area formula grants.
“[5308. Repealed.]
“5309. Fixed guideway capital investment grants.
“5310. Formula grants for the enhanced mobility of seniors and individuals with disabilities.

“5311. Formula grants for rural areas.

“5312. Research, development, demonstration, and deployment projects.

“5313. Transit cooperative research program.

“5314. Technical assistance and standards development.

“5315. Private sector participation.

“[5316. Repealed.]

“[5317. Repealed.]

“5318. Bus testing facility.

“5319. Bicycle facilities.

“[5320. Repealed.]

“5321. Crime prevention and security.

“5322. Human resources and training.

“5323. General provisions.

“5324. Public transportation emergency relief program.

“5325. Contract requirements.

“5326. Transit asset management.

“5327. Project management oversight.

“[5328. Repealed.]

“5329. Public transportation safety program.

“5330. State safety oversight.

“5331. Alcohol and controlled substances testing.

“5332. Nondiscrimination.

“5333. Labor standards.

“5334. Administrative provisions.

“5335. National transit database.

“5336. Apportionment of appropriations for formula grants.

“5337. State of good repair grants.

“5338. Authorizations.

“5339. Bus and bus facilities formula grants.

“5340. Apportionments based on growing States and high density States formula factors.”.

DIVISION C—TRANSPORTATION SAFETY AND SURFACE TRANSPORTATION POLICY

TITLE I—MOTOR VEHICLE AND HIGHWAY SAFETY IMPROVEMENT ACT OF 2012

SEC. 31001. SHORT TITLE.

This title may be cited as the “Motor Vehicle and Highway Safety Improvement Act of 2012” or “Mariah’s Act”.

SEC. 31002. DEFINITION.

In this title, the term “Secretary” means the Secretary of Transportation.

Subtitle A—Highway Safety

SEC. 31101. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following sums are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) HIGHWAY SAFETY PROGRAMS.—For carrying out section 402 of title 23, United States Code—

(A) \$235,000,000 for fiscal year 2013; and

(B) \$235,000,000 for fiscal year 2014.

(2) HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.—For carrying out section 403 of title 23, United States Code—

(A) \$110,500,000 for fiscal year 2013; and

(B) \$113,500,000 for fiscal year 2014.

(3) NATIONAL PRIORITY SAFETY PROGRAMS.—For carrying out section 405 of title 23, United States Code—

(A) \$265,000,000 for fiscal year 2013; and

(B) \$272,000,000 for fiscal year 2014.

(4) NATIONAL DRIVER REGISTER.—For the National Highway Traffic Safety Administration to carry out chapter 303 of title 49, United States Code—

(A) \$5,000,000 for fiscal year 2013; and

(B) \$5,000,000 for fiscal year 2014.

(5) HIGH VISIBILITY ENFORCEMENT PROGRAM.—For carrying out section 2009 of SAFETEA-LU (23 U.S.C. 402 note)—

(A) \$29,000,000 for fiscal year 2013; and

(B) \$29,000,000 for fiscal year 2014.

(6) ADMINISTRATIVE EXPENSES.—For administrative and related operating expenses of the National Highway Traffic Safety Administra-

tion in carrying out chapter 4 of title 23, United States Code, and this subtitle—

(A) \$25,500,000 for fiscal year 2013; and

(B) \$25,500,000 for fiscal year 2014.

(b) PROHIBITION ON OTHER USES.—Except as otherwise provided in chapter 4 of title 23, United States Code, in this subtitle, and in the amendments made by this subtitle, the amounts made available from the Highway Trust Fund (other than the Mass Transit Account) for a program under such chapter—

(1) shall only be used to carry out such program; and

(2) may not be used by States or local governments for construction purposes.

(c) APPLICABILITY OF TITLE 23.—Except as otherwise provided in chapter 4 of title 23, United States Code, and in this subtitle, amounts made available under subsection (a) for fiscal years 2013 and 2014 shall be available for obligation in the same manner as if such funds were apportioned under chapter 1 of title 23, United States Code.

(d) REGULATORY AUTHORITY.—Grants awarded under this subtitle shall be in accordance with regulations issued by the Secretary.

(e) STATE MATCHING REQUIREMENTS.—If a grant awarded under this subtitle requires a State to share in the cost, the aggregate of all expenditures for highway safety activities made during any fiscal year by the State and its political subdivisions (exclusive of Federal funds) for carrying out the grant (other than planning and administration) shall be available for the purpose of crediting the State during such fiscal year for the non-Federal share of the cost of any project under this subtitle (other than planning or administration) without regard to whether such expenditures were actually made in connection with such project.

(f) GRANT APPLICATION AND DEADLINE.—To receive a grant under this subtitle, a State shall submit an application, and the Secretary shall establish a single deadline for such applications to enable the award of grants early in the next fiscal year.

SEC. 31102. HIGHWAY SAFETY PROGRAMS.

(a) PROGRAMS INCLUDED.—Section 402(a) of title 23, United States Code, is amended to read as follows:

“(a) PROGRAM REQUIRED.—

“(1) IN GENERAL.—Each State shall have a highway safety program, approved by the Secretary, that is designed to reduce traffic accidents and the resulting deaths, injuries, and property damage.

“(2) UNIFORM GUIDELINES.—Programs required under paragraph (1) shall comply with uniform guidelines, promulgated by the Secretary and expressed in terms of performance criteria, that—

“(A) include programs—

“(i) to reduce injuries and deaths resulting from motor vehicles being driven in excess of posted speed limits;

“(ii) to encourage the proper use of occupant protection devices (including the use of safety belts and child restraint systems) by occupants of motor vehicles;

“(iii) to reduce injuries and deaths resulting from persons driving motor vehicles while impaired by alcohol or a controlled substance;

“(iv) to prevent accidents and reduce injuries and deaths resulting from accidents involving motor vehicles and motorcycles;

“(v) to reduce injuries and deaths resulting from accidents involving school buses;

“(vi) to reduce accidents resulting from unsafe driving behavior (including aggressive or fatigued driving and distracted driving arising from the use of electronic devices in vehicles); and

“(vii) to improve law enforcement services in motor vehicle accident prevention, traffic supervision, and post-accident procedures;

“(B) improve driver performance, including—
 “(i) driver education;
 “(ii) driver testing to determine proficiency to operate motor vehicles; and
 “(iii) driver examinations (physical, mental, and driver licensing);

“(C) improve pedestrian performance and bicycle safety;

“(D) include provisions for—

“(i) an effective record system of accidents (including resulting injuries and deaths);

“(ii) accident investigations to determine the probable causes of accidents, injuries, and deaths;

“(iii) vehicle registration, operation, and inspection; and

“(iv) emergency services; and

“(E) to the extent determined appropriate by the Secretary, are applicable to federally administered areas where a Federal department or agency controls the highways or supervises traffic operations.”.

(b) ADMINISTRATION OF STATE PROGRAMS.—Section 402(b) of title 23, United States Code, is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking “and” at the end;

(B) by redesignating subparagraph (E) as subparagraph (F);

(C) by inserting after subparagraph (D) the following:

“(E) beginning on the first day of the first fiscal year after the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012 in which a State submits its highway safety plan under subsection (f), provide for a data-driven traffic safety enforcement program to prevent traffic violations, crashes, and crash fatalities and injuries in areas most at risk for such incidents, to the satisfaction of the Secretary;”;

(D) in subparagraph (F), as redesignated—

(i) in clause (i), by inserting “and high-visibility law enforcement mobilizations coordinated by the Secretary” after “mobilizations”;

(ii) in clause (iii), by striking “and” at the end;

(iii) in clause (iv), by striking the period at the end and inserting “; and”;

(iv) by adding at the end the following:

“(v) ensuring that the State will coordinate its highway safety plan, data collection, and information systems with the State strategic highway safety plan (as defined in section 148(a)).”; and

(2) by striking paragraph (3).

(c) APPROVED HIGHWAY SAFETY PROGRAMS.—

Section 402(c) of title 23, United States Code, is amended—

(1) by striking “(c) Funds authorized” and inserting the following:

“(c) USE OF FUNDS.—

“(1) IN GENERAL.—Funds authorized”;

(2) by striking “Such funds” and inserting the following:

“(2) APPORTIONMENT.—Except for amounts identified in section 403(f), funds described in paragraph (1)”;

(3) by striking “The Secretary shall not” and all that follows through “subsection, a highway safety program” and inserting “A highway safety program”;

(4) by inserting “A State may use the funds apportioned under this section, in cooperation with neighboring States, for highway safety programs or related projects that may confer benefits on such neighboring States.” after “in every State.”;

(5) by striking “50 per centum” and inserting “20 percent”;

(6) by striking “The Secretary shall promptly” and all that follows and inserting the following:

“(3) REAPPORTIONMENT.—The Secretary shall promptly apportion the funds withheld from a

State’s apportionment to the State if the Secretary approves the State’s highway safety program or determines that the State has begun implementing an approved program, as appropriate, not later than July 31st of the fiscal year for which the funds were withheld. If the Secretary determines that the State did not correct its failure within such period, the Secretary shall reapportion the withheld funds to the other States in accordance with the formula specified in paragraph (2) not later than the last day of the fiscal year.

“(4) AUTOMATED TRAFFIC ENFORCEMENT SYSTEMS.—

“(A) PROHIBITION.—A State may not expend funds apportioned to that State under this section to carry out a program to purchase, operate, or maintain an automated traffic enforcement system.

“(B) AUTOMATED TRAFFIC ENFORCEMENT SYSTEM DEFINED.—In this paragraph, the term ‘automated traffic enforcement system’ means any camera which captures an image of a vehicle for the purposes only of red light and speed enforcement, and does not include hand held radar and other devices operated by law enforcement officers to make an on-the-scene traffic stop, issue a traffic citation, or other enforcement action at the time of the violation.”.

(d) USE OF HIGHWAY SAFETY PROGRAM FUNDS.—Section 402(g) of title 23, United States Code, is amended to read as follows:

“(g) SAVINGS PROVISION.—

“(1) IN GENERAL.—Except as provided under paragraph (2), nothing in this section may be construed to authorize the appropriation or expenditure of funds for—

“(A) highway construction, maintenance, or design (other than design of safety features of highways to be incorporated into guidelines); or

“(B) any purpose for which funds are authorized under section 403.

“(2) DEMONSTRATION PROJECTS.—A State may use funds made available to carry out this section to assist in demonstration projects carried out by the Secretary under section 403.”.

(e) IN GENERAL.—Section 402 of title 23, United States Code, is amended—

(1) by striking subsections (k) and (m);

(2) by redesignating subsections (i) and (j) as subsections (h) and (i), respectively; and

(3) by redesignating subsection (l) as subsection (j).

(f) HIGHWAY SAFETY PLAN AND REPORTING REQUIREMENTS.—Section 402 of title 23, United States Code, as amended by this section, is further amended by adding at the end the following:

“(k) HIGHWAY SAFETY PLAN AND REPORTING REQUIREMENTS.—

“(1) IN GENERAL.—With respect to fiscal year 2014, and each fiscal year thereafter, the Secretary shall require each State, as a condition of the approval of the State’s highway safety program for that fiscal year, to develop and submit to the Secretary for approval a highway safety plan that complies with the requirements under this subsection.

“(2) TIMING.—Each State shall submit to the Secretary the highway safety plan not later than July 1st of the fiscal year preceding the fiscal year to which the plan applies.

“(3) CONTENTS.—State highway safety plans submitted under paragraph (1) shall include—

“(A) performance measures required by the Secretary or otherwise necessary to support additional State safety goals, including—

“(i) documentation of current safety levels for each performance measure;

“(ii) quantifiable annual performance targets for each performance measure; and

“(iii) a justification for each performance target, that explains why each target is appropriate and evidence-based;

“(B) a strategy for programming funds apportioned to the State under this section on projects and activities that will allow the State to meet the performance targets described in subparagraph (A);

“(C) data and data analysis supporting the effectiveness of proposed countermeasures;

“(D) a description of any Federal, State, local, or private funds that the State plans to use, in addition to funds apportioned to the State under this section, to carry out the strategy described in subparagraph (B);

“(E) for the fiscal year preceding the fiscal year to which the plan applies, a report on the State’s success in meeting State safety goals and performance targets set forth in the previous year’s highway safety plan; and

“(F) an application for any additional grants available to the State under this chapter.

“(4) PERFORMANCE MEASURES.—For the first highway safety plan submitted under this subsection, the performance measures required by the Secretary under paragraph (2)(A) shall be limited to those developed by the National Highway Traffic Safety Administration and the Governor’s Highway Safety Association and described in the report, ‘Traffic Safety Performance Measures for States and Federal Agencies’ (DOT HS 811 025). For subsequent highway safety plans, the Secretary shall coordinate with the Governor’s Highway Safety Association in making revisions to the set of required performance measures.

“(5) REVIEW OF HIGHWAY SAFETY PLANS.—

“(A) IN GENERAL.—Not later than 60 days after the date on which a State’s highway safety plan is received by the Secretary, the Secretary shall review and approve or disapprove the plan.

“(B) APPROVALS AND DISAPPROVALS.—

“(i) APPROVALS.—The Secretary shall approve a State’s highway safety plan if the Secretary determines that—

“(I) the plan and the performance targets contained in the plan are evidence-based and supported by data; and

“(II) the plan, once implemented, will allow the State to meet the State’s performance targets.

“(ii) DISAPPROVALS.—The Secretary shall disapprove a State’s highway safety plan if the Secretary determines that—

“(I) the plan and the performance targets contained in the plan are not evidence-based or supported by data; or

“(II) the plan does not provide for programming of funding in a manner sufficient to allow the State to meet the State’s performance targets.

“(C) ACTIONS UPON DISAPPROVAL.—If the Secretary disapproves a State’s highway safety plan, the Secretary shall—

“(i) inform the State of the reasons for such disapproval; and

“(ii) require the State to resubmit the plan with any modifications that the Secretary determines to be necessary.

“(D) REVIEW OF RESUBMITTED PLANS.—If the Secretary requires a State to resubmit a highway safety plan, with modifications, the Secretary shall review and approve or disapprove the modified plan not later than 30 days after the date on which the Secretary receives such plan.

“(E) PUBLIC NOTICE.—A State shall make the State’s highway safety plan, and decisions of the Secretary concerning approval or disapproval of a revised plan, available to the public.”.

(g) TEEN TRAFFIC SAFETY PROGRAM.—Section 402 of title 23, United States Code, as amended by this section, is further amended by adding at the end the following:

“(m) TEEN TRAFFIC SAFETY.—

“(1) *IN GENERAL.*—Subject to the requirements of a State’s highway safety plan, as approved by the Secretary under subsection (k), a State may use a portion of the amounts received under this section to implement statewide efforts to improve traffic safety for teen drivers.

“(2) *USE OF FUNDS.*—Statewide efforts under paragraph (1)—

“(A) shall include peer-to-peer education and prevention strategies in schools and communities designed to—

“(i) increase safety belt use;

“(ii) reduce speeding;

“(iii) reduce impaired and distracted driving;

“(iv) reduce underage drinking; and

“(v) reduce other behaviors by teen drivers that lead to injuries and fatalities; and

“(B) may include—

“(i) working with student-led groups and school advisors to plan and implement teen traffic safety programs;

“(ii) providing subgrants to schools throughout the State to support the establishment and expansion of student groups focused on teen traffic safety;

“(iii) providing support, training, and technical assistance to establish and expand school and community safety programs for teen drivers;

“(iv) creating statewide or regional websites to publicize and circulate information on teen safety programs;

“(v) conducting outreach and providing educational resources for parents;

“(vi) establishing State or regional advisory councils comprised of teen drivers to provide input and recommendations to the governor and the governor’s safety representative on issues related to the safety of teen drivers;

“(vii) collaborating with law enforcement; and

“(viii) establishing partnerships and promoting coordination among community stakeholders, including public, not-for-profit, and for profit entities.”.

(h) *BIENNIAL REPORT TO CONGRESS.*—Section 402 of title 23, United States Code, as amended by this section, is further amended by adding at the end the following:

“(n) *BIENNIAL REPORT TO CONGRESS.*—Not later than October 1, 2015, and biennially thereafter, the Secretary shall submit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that contains—

“(1) an evaluation of each State’s performance with respect to the State’s highway safety plan under subsection (k) and performance targets set by the States in such plans; and

“(2) such recommendations as the Secretary may have for improvements to activities carried out under subsection (k).”.

SEC. 31103. HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.

Section 403 of title 23, United States Code, is amended—

(1) by striking subsections (a) through (f) and inserting the following:

“(a) *DEFINED TERM.*—In this section, the term ‘Federal laboratory’ includes—

“(1) a government-owned, government-operated laboratory; and

“(2) a government-owned, contractor-operated laboratory.

“(b) *GENERAL AUTHORITY.*—

“(1) *RESEARCH AND DEVELOPMENT ACTIVITIES.*—The Secretary may conduct research and development activities, including demonstration projects and the collection and analysis of highway and motor vehicle safety data and related information needed to carry out this section, with respect to—

“(A) all aspects of highway and traffic safety systems and conditions relating to—

“(i) vehicle, highway, driver, passenger, motorcyclist, bicyclist, and pedestrian characteristics;

“(ii) accident causation and investigations;

“(iii) communications; and

“(iv) emergency medical services, including the transportation of the injured;

“(B) human behavioral factors and their effect on highway and traffic safety, including—

“(i) driver education;

“(ii) impaired driving; and

“(iii) distracted driving;

“(C) an evaluation of the effectiveness of countermeasures to increase highway and traffic safety, including occupant protection and alcohol- and drug-impaired driving technologies and initiatives;

“(D) the development of technologies to detect drug impaired drivers;

“(E) research on, evaluations of, and identification of best practices related to driver education programs (including driver education curricula, instructor training and certification, program administration, and delivery mechanisms) and make recommendations for harmonizing driver education and multistage graduated licensing systems; and

“(F) the effect of State laws on any aspects, activities, or programs described in subparagraphs (A) through (E).

“(2) *COOPERATION, GRANTS, AND CONTRACTS.*—The Secretary may carry out this section—

“(A) independently;

“(B) in cooperation with other Federal departments, agencies, and instrumentalities and Federal laboratories;

“(C) by entering into contracts, cooperative agreements, and other transactions with the National Academy of Sciences, any Federal laboratory, State or local agency, authority, association, institution, or person (as defined in chapter 1 of title 1); or

“(D) by making grants to the National Academy of Sciences, any Federal laboratory, State or local agency, authority, association, institution, or person (as defined in chapter 1 of title 1).

“(c) *COLLABORATIVE RESEARCH AND DEVELOPMENT.*—

“(1) *IN GENERAL.*—To encourage innovative solutions to highway safety problems, stimulate voluntary improvements in highway safety, and stimulate the marketing of new highway safety related technology by private industry, the Secretary is authorized to carry out, on a cost-shared basis, collaborative research and development with—

“(A) non-Federal entities, including State and local governments, colleges, universities, corporations, partnerships, sole proprietorships, organizations, and trade associations that are incorporated or established under the laws of any State or the United States; and

“(B) Federal laboratories.

“(2) *AGREEMENTS.*—In carrying out this subsection, the Secretary may enter into cooperative research and development agreements (as defined in section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a)) in which the Secretary provides not more than 50 percent of the cost of any research or development project under this subsection.

“(3) *USE OF TECHNOLOGY.*—The research, development, or use of any technology pursuant to an agreement under this subsection, including the terms under which technology may be licensed and the resulting royalties may be distributed, shall be subject to the provisions of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

“(d) *TITLE TO EQUIPMENT.*—In furtherance of the purposes set forth in section 402, the Secretary may vest title to equipment purchased for demonstration projects with funds authorized

under this section to State or local agencies on such terms and conditions as the Secretary determines to be appropriate.

“(e) *PROHIBITION ON CERTAIN DISCLOSURES.*—Any report of the National Highway Traffic Safety Administration, or of any officer, employee, or contractor of the National Highway Traffic Safety Administration, relating to any highway traffic accident or the investigation of such accident conducted pursuant to this chapter or chapter 301 may only be made available to the public in a manner that does not identify individuals.

“(f) *COOPERATIVE RESEARCH AND EVALUATION.*—

“(1) *ESTABLISHMENT AND FUNDING.*—Notwithstanding the apportionment formula set forth in section 402(c)(2), \$2,500,000 of the total amount available for apportionment to the States for highway safety programs under subsection 402(c) in each fiscal year shall be available for expenditure by the Secretary, acting through the Administrator of the National Highway Traffic Safety Administration, for a cooperative research and evaluation program to research and evaluate priority highway safety countermeasures.

“(2) *ADMINISTRATION.*—The program established under paragraph (1)—

“(A) shall be administered by the Administrator of the National Highway Traffic Safety Administration; and

“(B) shall be jointly managed by the Governors Highway Safety Association and the National Highway Traffic Safety Administration.”; and

(2) by adding at the end the following:

“(h) *IN-VEHICLE ALCOHOL DETECTION DEVICE RESEARCH.*—

“(1) *IN GENERAL.*—The Administrator of the National Highway Traffic Safety Administration may carry out a collaborative research effort under chapter 301 of title 49 on in-vehicle technology to prevent alcohol-impaired driving.

“(2) *FUNDING.*—Funds provided under section 405 may be made to be used by the Secretary to conduct the research described in paragraph (1).

“(3) *PRIVACY PROTECTION.*—If the Administrator utilizes the authority under paragraph (1), the Administrator shall not develop requirements for any device or means of technology to be installed in an automobile intended for retail sale that records a driver’s blood alcohol concentration.

“(4) *REPORTS.*—If the Administrator conducts the research authorized under paragraph (1), the Administrator shall submit an annual report to the Committee on Commerce, Science, and Transportation of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and Committee on Science, Space, and Technology of the House of Representatives that—

“(A) describes the progress made in carrying out the collaborative research effort; and

“(B) includes an accounting for the use of Federal funds obligated or expended in carrying out that effort.

“(5) *DEFINITIONS.*—In this subsection:

“(A) *ALCOHOL-IMPAIRED DRIVING.*—The term ‘alcohol-impaired driving’ means the operation of a motor vehicle (as defined in section 30102(a)(6) of title 49) by an individual whose blood alcohol content is at or above the legal limit.

“(B) *LEGAL LIMIT.*—The term ‘legal limit’ means a blood alcohol concentration of 0.08 percent or greater (as set forth in section 163(a)) or such other percentage limitation as may be established by applicable Federal, State, or local law.”.

SEC. 31104. NATIONAL DRIVER REGISTER.

Section 30302(b) of title 49, United States Code, is amended by adding at the end the following: “The Secretary shall make continual

improvements to modernize the Register's data processing system."

SEC. 31105. NATIONAL PRIORITY SAFETY PROGRAMS.

(a) IN GENERAL.—Section 405 of title 23, United States Code, is amended to read as follows:

"§405. National priority safety programs

"(a) GENERAL AUTHORITY.—Subject to the requirements of this section, the Secretary of Transportation shall manage programs to address national priorities for reducing highway deaths and injuries. Funds shall be allocated according to the priorities set forth in paragraphs (1) and (2).

"(1) GRANTS TO STATES.—

"(A) OCCUPANT PROTECTION.—16 percent of the funds provided under this section in each fiscal year shall be allocated among States that adopt and implement effective occupant protection programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles (as described in subsection (b)).

"(B) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—14.5 percent of the funds provided under this section in each fiscal year shall be allocated among States that meet the requirements of the State traffic safety information system improvements (as described in subsection (c)).

"(C) IMPAIRED DRIVING COUNTERMEASURES.—52.5 percent of the funds provided under this section in each fiscal year shall be allocated among States that meet the requirements of the impaired driving countermeasures (as described in subsection (d)).

"(D) DISTRACTED DRIVING.—8.5 percent of the funds provided under this section in each fiscal year shall be allocated among States that adopt and implement effective laws to reduce distracted driving (as described in subsection (e)).

"(E) MOTORCYCLIST SAFETY.—1.5 percent of the funds provided under this section in each fiscal year shall be allocated among States that implement motorcyclist safety programs (as described in subsection (f)).

"(F) STATE GRADUATED DRIVER LICENSING LAWS.—5 percent of the funds provided under this section in each fiscal year shall be allocated among States that adopt and implement graduated driver licensing laws (as described in subsection (g)).

"(G) TRANSFERS.—Notwithstanding subparagraphs (A) through (F), the Secretary may reallocate, before the last day of any fiscal year, any amounts remaining available to carry out any of the activities described in subsections (b) through (g) to increase the amount made available to carry out any of the other activities described in such subsections, or the amount made available under section 402, in order to ensure, to the maximum extent possible, that all such amounts are obligated during such fiscal year.

"(H) MAINTENANCE OF EFFORT.—

"(i) REQUIREMENTS.—No grant may be made to a State in any fiscal year under subsection (b), (c), or (d) unless the State enters into such agreements with the Secretary as the Secretary may require to ensure that the State will maintain its aggregate expenditures from all State and local sources for programs described in those sections at or above the average level of such expenditures in its 2 fiscal years preceding the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012.

"(ii) WAIVER.—Upon the request of a State, the Secretary may waive or modify the requirements under clause (i) for not more than 1 fiscal year if the Secretary determines that such a waiver would be equitable due to exceptional or uncontrollable circumstances.

"(2) OTHER PRIORITY PROGRAMS.—Funds provided under this section in each fiscal year may

be used for research into technology to prevent alcohol-impaired driving (as described in subsection 403(h)).

"(b) OCCUPANT PROTECTION GRANTS.—

"(1) GENERAL AUTHORITY.—Subject to the requirements under this subsection, the Secretary of Transportation shall award grants to States that adopt and implement effective occupant protection programs to reduce highway deaths and injuries resulting from individuals riding unrestrained or improperly restrained in motor vehicles.

"(2) FEDERAL SHARE.—The Federal share of the costs of activities funded using amounts from grants awarded under this subsection may not exceed 80 percent for each fiscal year for which a State receives a grant.

"(3) ELIGIBILITY.—

"(A) HIGH SEAT BELT USE RATE.—A State with an observed seat belt use rate of 90 percent or higher, based on the most recent data from a survey that conforms with national criteria established by the National Highway Traffic Safety Administration, shall be eligible for a grant in a fiscal year if the State—

"(i) submits an occupant protection plan during the first fiscal year;

"(ii) participates in the Click It or Ticket national mobilization;

"(iii) has an active network of child restraint inspection stations; and

"(iv) has a plan to recruit, train, and maintain a sufficient number of child passenger safety technicians.

"(B) LOWER SEAT BELT USE RATE.—A State with an observed seat belt use rate below 90 percent, based on the most recent data from a survey that conforms with national criteria established by the National Highway Traffic Safety Administration, shall be eligible for a grant in a fiscal year if—

"(i) the State meets all of the requirements under clauses (i) through (iv) of subparagraph (A); and

"(ii) the Secretary determines that the State meets at least 3 of the following criteria:

"(I) The State conducts sustained (on-going and periodic) seat belt enforcement at a defined level of participation during the year.

"(II) The State has enacted and enforces a primary enforcement seat belt use law.

"(III) The State has implemented countermeasure programs for high-risk populations, such as drivers on rural roadways, unrestrained nighttime drivers, or teenage drivers.

"(IV) The State has enacted and enforces occupant protection laws requiring front and rear occupant protection use by all occupants in an age-appropriate restraint.

"(V) The State has implemented a comprehensive occupant protection program in which the State has—

"(aa) conducted a program assessment;

"(bb) developed a statewide strategic plan;

"(cc) designated an occupant protection coordinator; and

"(dd) established a statewide occupant protection task force.

"(VI) The State—

"(aa) completed an assessment of its occupant protection program during the 3-year period preceding the grant year; or

"(bb) will conduct such an assessment during the first year of the grant.

"(4) USE OF GRANT AMOUNTS.—

"(A) IN GENERAL.—Grant funds received pursuant to this subsection may be used to—

"(i) carry out a program to support high-visibility enforcement mobilizations, including paid media that emphasizes publicity for the program, and law enforcement;

"(ii) carry out a program to train occupant protection safety professionals, police officers, fire and emergency medical personnel, edu-

cators, and parents concerning all aspects of the use of child restraints and occupant protection;

"(iii) carry out a program to educate the public concerning the proper use and installation of child restraints, including related equipment and information systems;

"(iv) carry out a program to provide community child passenger safety services, including programs about proper seating positions for children and how to reduce the improper use of child restraints;

"(v) purchase and distribute child restraints to low-income families, provided that not more than 5 percent of the funds received in a fiscal year are used for such purpose; and

"(vi) establish and maintain information systems containing data concerning occupant protection, including the collection and administration of child passenger safety and occupant protection surveys.

"(B) HIGH SEAT BELT USE RATE.—A State that is eligible for funds under paragraph (3)(A) may use up to 75 percent of such funds for any project or activity eligible for funding under section 402.

"(5) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State's apportionment under section 402 for fiscal year 2009.

"(6) DEFINITIONS.—In this subsection:

"(A) CHILD RESTRAINT.—The term 'child restraint' means any device (including child safety seat, booster seat, harness, and excepting seat belts) that is—

"(i) designed for use in a motor vehicle to restrain, seat, or position children who weigh 65 pounds (30 kilograms) or less; and

"(ii) certified to the Federal motor vehicle safety standard prescribed by the National Highway Traffic Safety Administration for child restraints.

"(B) SEAT BELT.—The term 'seat belt' means—

"(i) with respect to open-body motor vehicles, including convertibles, an occupant restraint system consisting of a lap belt or a lap belt and a detachable shoulder belt; and

"(ii) with respect to other motor vehicles, an occupant restraint system consisting of integrated lap and shoulder belts.

"(c) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—

"(1) GENERAL AUTHORITY.—Subject to the requirements under this subsection, the Secretary of Transportation shall award grants to States to support the development and implementation of effective State programs that—

"(A) improve the timeliness, accuracy, completeness, uniformity, integration, and accessibility of the State safety data that is needed to identify priorities for Federal, State, and local highway and traffic safety programs;

"(B) evaluate the effectiveness of efforts to make such improvements;

"(C) link the State data systems, including traffic records, with other data systems within the State, such as systems that contain medical, roadway, and economic data;

"(D) improve the compatibility and interoperability of the data systems of the State with national data systems and data systems of other States; and

"(E) enhance the ability of the Secretary to observe and analyze national trends in crash occurrences, rates, outcomes, and circumstances.

"(2) FEDERAL SHARE.—The Federal share of the cost of adopting and implementing in a fiscal year a State program described in this subsection may not exceed 80 percent.

"(3) ELIGIBILITY.—A State is not eligible for a grant under this subsection in a fiscal year unless the State demonstrates, to the satisfaction of the Secretary, that the State—

“(A) has a functioning traffic records coordinating committee (referred to in this paragraph as ‘TRCC’) that meets at least 3 times each year;

“(B) has designated a TRCC coordinator;

“(C) has established a State traffic record strategic plan that has been approved by the TRCC and describes specific quantifiable and measurable improvements anticipated in the State’s core safety databases, including crash, citation or adjudication, driver, emergency medical services or injury surveillance system, roadway, and vehicle databases;

“(D) has demonstrated quantitative progress in relation to the significant data program attribute of—

“(i) accuracy;

“(ii) completeness;

“(iii) timeliness;

“(iv) uniformity;

“(v) accessibility; or

“(vi) integration of a core highway safety database; and

“(E) has certified to the Secretary that an assessment of the State’s highway safety data and traffic records system was conducted or updated during the preceding 5 years.

“(4) USE OF GRANT AMOUNTS.—Grant funds received by a State under this subsection shall be used for making data program improvements to core highway safety databases related to quantifiable, measurable progress in any of the 6 significant data program attributes set forth in paragraph (3)(D).

“(5) GRANT AMOUNT.—The allocation of grant funds to a State under this subsection for a fiscal year shall be in proportion to the State’s apportionment under section 402 for fiscal year 2009.

“(d) IMPAIRED DRIVING COUNTERMEASURES.—

“(1) IN GENERAL.—Subject to the requirements under this subsection, the Secretary of Transportation shall award grants to States that adopt and implement—

“(A) effective programs to reduce driving under the influence of alcohol, drugs, or the combination of alcohol and drugs; or

“(B) alcohol-ignition interlock laws.

“(2) FEDERAL SHARE.—The Federal share of the costs of activities funded using amounts from grants under this subsection may not exceed 80 percent in any fiscal year in which the State receives a grant.

“(3) ELIGIBILITY.—

“(A) LOW-RANGE STATES.—Low-range States shall be eligible for a grant under this subsection.

“(B) MID-RANGE STATES.—A mid-range State shall be eligible for a grant under this subsection if—

“(i) a statewide impaired driving task force in the State developed a statewide plan during the most recent 3 calendar years to address the problem of impaired driving; or

“(ii) the State will convene a statewide impaired driving task force to develop such a plan during the first year of the grant.

“(C) HIGH-RANGE STATES.—A high-range State shall be eligible for a grant under this subsection if the State—

“(i)(I) conducted an assessment of the State’s impaired driving program during the most recent 3 calendar years; or

“(II) will conduct such an assessment during the first year of the grant;

“(ii) convenes, during the first year of the grant, a statewide impaired driving task force to develop a statewide plan that—

“(I) addresses any recommendations from the assessment conducted under clause (i);

“(II) includes a detailed plan for spending any grant funds provided under this subsection; and

“(III) describes how such spending supports the statewide program; and

“(iii)(I) submits the statewide plan to the National Highway Traffic Safety Administration during the first year of the grant for the agency’s review and approval;

“(II) annually updates the statewide plan in each subsequent year of the grant; and

“(III) submits each updated statewide plan for the agency’s review and comment.

“(4) USE OF GRANT AMOUNTS.—

“(A) REQUIRED PROGRAMS.—High-range States shall use grant funds for—

“(i) high visibility enforcement efforts; and

“(ii) any of the activities described in subparagraph (B) if—

“(I) the activity is described in the statewide plan; and

“(II) the Secretary approves the use of funding for such activity.

“(B) AUTHORIZED PROGRAMS.—Medium-range and low-range States may use grant funds for—

“(i) any of the purposes described in subparagraph (A);

“(ii) hiring a full-time or part-time impaired driving coordinator of the State’s activities to address the enforcement and adjudication of laws regarding driving while impaired by alcohol;

“(iii) court support of high visibility enforcement efforts, training and education of criminal justice professionals (including law enforcement, prosecutors, judges, and probation officers) to assist such professionals in handling impaired driving cases, hiring traffic safety resource prosecutors, hiring judicial outreach liaisons, and establishing driving while intoxicated courts;

“(iv) alcohol ignition interlock programs;

“(v) improving blood-alcohol concentration testing and reporting;

“(vi) paid and earned media in support of high visibility enforcement efforts, and conducting standardized field sobriety training, advanced roadside impaired driving evaluation training, and drug recognition expert training for law enforcement, and equipment and related expenditures used in connection with impaired driving enforcement in accordance with criteria established by the National Highway Traffic Safety Administration;

“(vii) training on the use of alcohol screening and brief intervention;

“(viii) developing impaired driving information systems; and

“(ix) costs associated with a 24-7 sobriety program.

“(C) OTHER PROGRAMS.—Low-range States may use grant funds for any expenditure designed to reduce impaired driving based on problem identification. Medium and high-range States may use funds for such expenditures upon approval by the Secretary.

“(5) GRANT AMOUNT.—Subject to paragraph (6), the allocation of grant funds to a State under this section for a fiscal year shall be in proportion to the State’s apportionment under section 402(c) for fiscal year 2009.

“(6) GRANTS TO STATES THAT ADOPT AND ENFORCE MANDATORY ALCOHOL-IGNITION INTERLOCK LAWS.—

“(A) IN GENERAL.—The Secretary shall make a separate grant under this subsection to each State that adopts and is enforcing a mandatory alcohol-ignition interlock law for all individuals convicted of driving under the influence of alcohol or of driving while intoxicated.

“(B) USE OF FUNDS.—Grants authorized under subparagraph (A) may be used by recipient States for any eligible activities under this subsection or section 402.

“(C) ALLOCATION.—Amounts made available under this paragraph shall be allocated among States described in subparagraph (A) on the basis of the apportionment formula set forth in section 402(c).

“(D) FUNDING.—Not more than 15 percent of the amounts made available to carry out this subsection in a fiscal year shall be made available by the Secretary for making grants under this paragraph.

“(7) DEFINITIONS.—In this subsection:

“(A) 24-7 SOBRIETY PROGRAM.—The term ‘24-7 sobriety program’ means a State law or program that authorizes a State court or a State agency, as a condition of sentence, probation, parole, or work permit, to—

“(i) require an individual who plead guilty or was convicted of driving under the influence of alcohol or drugs to totally abstain from alcohol or drugs for a period of time; and

“(ii) require the individual to be subject to testing for alcohol or drugs—

“(I) at least twice per day;

“(II) by continuous transdermal alcohol monitoring via an electronic monitoring device; or

“(III) by an alternate method with the concurrence of the Secretary.

“(B) AVERAGE IMPAIRED DRIVING FATALITY RATE.—The term ‘average impaired driving fatality rate’ means the number of fatalities in motor vehicle crashes involving a driver with a blood alcohol concentration of at least 0.08 percent for every 100,000,000 vehicle miles traveled, based on the most recently reported 3 calendar years of final data from the Fatality Analysis Reporting System, as calculated in accordance with regulations prescribed by the Administrator of the National Highway Traffic Safety Administration.

“(C) HIGH-RANGE STATE.—The term ‘high-range State’ means a State that has an average impaired driving fatality rate of 0.60 or higher.

“(D) LOW-RANGE STATE.—The term ‘low-range State’ means a State that has an average impaired driving fatality rate of 0.30 or lower.

“(E) MID-RANGE STATE.—The term ‘mid-range State’ means a State that has an average impaired driving fatality rate that is higher than 0.30 and lower than 0.60.

“(e) DISTRACTED DRIVING GRANTS.—

“(1) IN GENERAL.—The Secretary shall award a grant under this subsection to any State that enacts and enforces a statute that meets the requirements set forth in paragraphs (2) and (3).

“(2) PROHIBITION ON TEXTING WHILE DRIVING.—A State statute meets the requirements set forth in this paragraph if the statute—

“(A) prohibits drivers from texting through a personal wireless communications device while driving;

“(B) makes violation of the statute a primary offense; and

“(C) establishes—

“(i) a minimum fine for a first violation of the statute; and

“(ii) increased fines for repeat violations.

“(3) PROHIBITION ON YOUTH CELL PHONE USE WHILE DRIVING.—A State statute meets the requirements set forth in this paragraph if the statute—

“(A) prohibits a driver who is younger than 18 years of age from using a personal wireless communications device while driving;

“(B) makes violation of the statute a primary offense;

“(C) requires distracted driving issues to be tested as part of the State driver’s license examination; and

“(D) establishes—

“(i) a minimum fine for a first violation of the statute; and

“(ii) increased fines for repeat violations.

“(4) PERMITTED EXCEPTIONS.—A statute that meets the requirements set forth in paragraphs (2) and (3) may provide exceptions for—

“(A) a driver who uses a personal wireless communications device to contact emergency services;

“(B) emergency services personnel who use a personal wireless communications device while—

“(i) operating an emergency services vehicle; and

“(ii) engaged in the performance of their duties as emergency services personnel; and

“(C) an individual employed as a commercial motor vehicle driver or a school bus driver who uses a personal wireless communications device within the scope of such individual’s employment if such use is permitted under the regulations promulgated pursuant to section 31152 of title 49.

“(5) USE OF GRANT FUNDS.—Of the amounts received by a State under this subsection—

“(A) at least 50 percent shall be used—

“(i) to educate the public through advertising containing information about the dangers of texting or using a cell phone while driving;

“(ii) for traffic signs that notify drivers about the distracted driving law of the State; or

“(iii) for law enforcement costs related to the enforcement of the distracted driving law; and

“(B) up to 50 percent may be used for any eligible project or activity under section 402.

“(6) ADDITIONAL GRANTS.—In the first fiscal year that grants are awarded under this subsection, the Secretary may use up to 25 percent of the amounts available for grants under this subsection to award grants to States that—

“(A) enacted statutes before the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012, which meet the requirements set forth in subparagraphs (A) and (B) of paragraph (2); and

“(B) are otherwise ineligible for a grant under this subsection.

“(7) ALLOCATION TO SUPPORT STATE DISTRACTED DRIVING LAWS.—Of the amounts available under this subsection in a fiscal year for distracted driving grants, the Secretary may expend up to \$5,000,000 for the development and placement of broadcast media to support the enforcement of State distracted driving laws.

“(8) DISTRACTED DRIVING STUDY.—

“(A) IN GENERAL.—The Secretary shall conduct a study of all forms of distracted driving.

“(B) COMPONENTS.—The study conducted under subparagraph (A) shall—

“(i) examine the effect of distractions other than the use of personal wireless communications on motor vehicle safety;

“(ii) identify metrics to determine the nature and scope of the distracted driving problem;

“(iii) identify the most effective methods to enhance education and awareness; and

“(iv) identify the most effective method of reducing deaths and injuries caused by all forms of distracted driving.

“(C) REPORT.—Not later than 1 year after the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012, the Secretary shall submit a report containing the results of the study conducted under this paragraph to—

“(i) the Committee on Commerce, Science, and Transportation of the Senate; and

“(ii) the Committee on Transportation and Infrastructure of the House of Representatives.

“(9) DEFINITIONS.—In this subsection:

“(A) DRIVING.—The term ‘driving’—

“(i) means operating a motor vehicle on a public road, including operation while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise; and

“(ii) does not include operating a motor vehicle when the vehicle has pulled over to the side of, or off, an active roadway and has stopped in a location where it can safely remain stationary.

“(B) PERSONAL WIRELESS COMMUNICATIONS DEVICE.—The term ‘personal wireless communications device’—

“(i) means a device through which personal wireless services (as defined in section 332(c)(7)(C)(i) of the Communications Act of 1934 (47 U.S.C. 332(c)(7)(C)(i))) are transmitted; and

“(ii) does not include a global navigation satellite system receiver used for positioning, emergency notification, or navigation purposes.

“(C) PRIMARY OFFENSE.—The term ‘primary offense’ means an offense for which a law enforcement officer may stop a vehicle solely for the purpose of issuing a citation in the absence of evidence of another offense.

“(D) PUBLIC ROAD.—The term ‘public road’ has the meaning given such term in section 402(c).

“(E) TEXTING.—The term ‘texting’ means reading from or manually entering data into a personal wireless communications device, including doing so for the purpose of SMS texting, e-mailing, instant messaging, or engaging in any other form of electronic data retrieval or electronic data communication.

“(F) MOTORCYCLIST SAFETY.—

“(1) GRANTS AUTHORIZED.—Subject to the requirements under this subsection, the Secretary shall award grants to States that adopt and implement effective programs to reduce the number of single- and multi-vehicle crashes involving motorcyclists.

“(2) ALLOCATION.—The amount of a grant awarded to a State for a fiscal year under this subsection may not exceed 25 percent of the amount apportioned to the State for fiscal year 2003 under section 402.

“(3) GRANT ELIGIBILITY.—A State becomes eligible for a grant under this subsection by adopting or demonstrating to the satisfaction of the Secretary, at least 2 of the following criteria:

“(A) MOTORCYCLE RIDER TRAINING COURSES.—An effective motorcycle rider training course that is offered throughout the State, which—

“(i) provides a formal program of instruction in accident avoidance and other safety-oriented operational skills to motorcyclists; and

“(ii) may include innovative training opportunities to meet unique regional needs.

“(B) MOTORCYCLISTS AWARENESS PROGRAM.—An effective statewide program to enhance motorist awareness of the presence of motorcyclists on or near roadways and safe driving practices that avoid injuries to motorcyclists.

“(C) REDUCTION OF FATALITIES AND CRASHES INVOLVING MOTORCYCLES.—A reduction for the preceding calendar year in the number of motorcycle fatalities and the rate of motor vehicle crashes involving motorcycles in the State (expressed as a function of 10,000 motorcycle registrations).

“(D) IMPAIRED DRIVING PROGRAM.—Implementation of a statewide program to reduce impaired driving, including specific measures to reduce impaired motorcycle operation.

“(E) REDUCTION OF FATALITIES AND ACCIDENTS INVOLVING IMPAIRED MOTORCYCLISTS.—A reduction for the preceding calendar year in the number of fatalities and the rate of reported crashes involving alcohol- or drug-impaired motorcycle operators (expressed as a function of 10,000 motorcycle registrations).

“(F) FEES COLLECTED FROM MOTORCYCLISTS.—All fees collected by the State from motorcyclists for the purposes of funding motorcycle training and safety programs will be used for motorcycle training and safety purposes.

“(4) ELIGIBLE USES.—

“(A) IN GENERAL.—A State may use funds from a grant under this subsection only for motorcyclist safety training and motorcyclist awareness programs, including—

“(i) improvements to motorcyclist safety training curricula;

“(ii) improvements in program delivery of motorcycle training to both urban and rural areas, including—

“(I) procurement or repair of practice motorcycles;

“(II) instructional materials;

“(III) mobile training units; and

“(IV) leasing or purchasing facilities for closed-course motorcycle skill training;

“(iii) measures designed to increase the recruitment or retention of motorcyclist safety training instructors; and

“(iv) public awareness, public service announcements, and other outreach programs to enhance driver awareness of motorcyclists, such as the ‘share-the-road’ safety messages developed under subsection (g).

“(B) SUBALLOCATIONS OF FUNDS.—An agency of a State that receives a grant under this subsection may suballocate funds from the grant to a nonprofit organization incorporated in that State to carry out this subsection.

“(5) DEFINITIONS.—In this subsection:

“(A) MOTORCYCLIST AWARENESS.—The term ‘motorcyclist awareness’ means individual or collective awareness of—

“(i) the presence of motorcycles on or near roadways; and

“(ii) safe driving practices that avoid injury to motorcyclists.

“(B) MOTORCYCLIST AWARENESS PROGRAM.—The term ‘motorcyclist awareness program’ means an informational or public awareness program designed to enhance motorcyclist awareness that is developed by or in coordination with the designated State authority having jurisdiction over motorcyclist safety issues, which may include the State motorcycle safety administrator or a motorcycle advisory council appointed by the governor of the State.

“(C) MOTORCYCLIST SAFETY TRAINING.—The term ‘motorcyclist safety training’ means a formal program of instruction that is approved for use in a State by the designated State authority having jurisdiction over motorcyclist safety issues, which may include the State motorcycle safety administrator or a motorcycle advisory council appointed by the governor of the State.

“(D) STATE.—The term ‘State’ has the meaning given such term in section 101(a) of title 23, United States Code.

“(g) STATE GRADUATED DRIVER LICENSING INCENTIVE GRANT.—

“(1) GRANTS AUTHORIZED.—Subject to the requirements under this subsection, the Secretary shall award grants to States that adopt and implement graduated driver licensing laws in accordance with the requirements set forth in paragraph (2).

“(2) MINIMUM REQUIREMENTS.—

“(A) IN GENERAL.—A State meets the requirements set forth in this paragraph if the State has a graduated driver licensing law that requires novice drivers younger than 21 years of age to comply with the 2-stage licensing process described in subparagraph (B) before receiving an unrestricted driver’s license.

“(B) LICENSING PROCESS.—A State is in compliance with the 2-stage licensing process described in this subparagraph if the State’s driver’s license laws include—

“(i) a learner’s permit stage that—

“(I) is at least 6 months in duration;

“(II) prohibits the driver from using a cellular telephone or any communications device in a nonemergency situation; and

“(III) remains in effect until the driver—

“(aa) reaches 16 years of age and enters the intermediate stage; or

“(bb) reaches 18 years of age;

“(ii) an intermediate stage that—

“(I) commences immediately after the expiration of the learner’s permit stage;

“(II) is at least 6 months in duration;

“(III) prohibits the driver from using a cellular telephone or any communications device in a nonemergency situation;

“(IV) restricts driving at night;

“(V) prohibits the driver from operating a motor vehicle with more than 1 nonfamilial passenger younger than 21 years of age unless a licensed driver who is at least 21 years of age is in the motor vehicle; and

“(VI) remains in effect until the driver reaches 18 years of age; and

“(iii) any other requirement prescribed by the Secretary of Transportation, including—

“(I) in the learner’s permit stage—

“(aa) at least 40 hours of behind-the-wheel training with a licensed driver who is at least 21 years of age;

“(bb) a driver training course; and

“(cc) a requirement that the driver be accompanied and supervised by a licensed driver, who is at least 21 years of age, at all times while such driver is operating a motor vehicle; and

“(II) in the learner’s permit or intermediate stage, a requirement, in addition to any other penalties imposed by State law, that the grant of an unrestricted driver’s license be automatically delayed for any individual who, during the learner’s permit or intermediate stage, is convicted of a driving-related offense, including—

“(aa) driving while intoxicated;

“(bb) misrepresentation of his or her true age;

“(cc) reckless driving;

“(dd) driving without wearing a seat belt;

“(ee) speeding; or

“(ff) any other driving-related offense, as determined by the Secretary.

“(3) RULEMAKING.—

“(A) IN GENERAL.—The Secretary shall promulgate regulations necessary to implement the requirements set forth in paragraph (2), in accordance with the notice and comment provisions under section 553 of title 5.

“(B) EXCEPTION.—A State that otherwise meets the minimum requirements set forth in paragraph (2) shall be deemed by the Secretary to be in compliance with the requirement set forth in paragraph (2) if the State enacted a law before January 1, 2011, establishing a class of license that permits licensees or applicants younger than 18 years of age to drive a motor vehicle—

“(i) in connection with work performed on, or for the operation of, a farm owned by family members who are directly related to the applicant or licensee; or

“(ii) if demonstrable hardship would result from the denial of a license to the licensee or applicants.

“(4) ALLOCATION.—Grant funds allocated to a State under this subsection for a fiscal year shall be in proportion to a State’s apportionment under section 402 for such fiscal year.

“(5) USE OF FUNDS.—Of the grant funds received by a State under this subsection—

“(A) at least 25 percent shall be used for—

“(i) enforcing a 2-stage licensing process that complies with paragraph (2);

“(ii) training for law enforcement personnel and other relevant State agency personnel relating to the enforcement described in clause (i);

“(iii) publishing relevant educational materials that pertain directly or indirectly to the State graduated driver licensing law;

“(iv) carrying out other administrative activities that the Secretary considers relevant to the State’s 2-stage licensing process; and

“(v) carrying out a teen traffic safety program described in section 402(m); and

“(B) up to 75 percent may be used for any eligible project or activity under section 402.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 4 of title 23, United States Code, is amended by striking the item relating to section 405 and inserting the following:

“405. National priority safety programs.”.

SEC. 31106. HIGH VISIBILITY ENFORCEMENT PROGRAM.

Section 2009 of SAFETEA-LU (23 U.S.C. 402 note) is amended—

(1) in subsection (a)—

(A) by striking “at least 2” and inserting “at least 3”; and

(B) by striking “years 2006 through 2012.” and inserting “fiscal years 2013 and 2014. The Administrator may also initiate and support additional campaigns in each of fiscal years 2013 and 2014 for the purposes specified in subsection (b).”;

(2) in subsection (b), by striking “either or both” and inserting “outcomes related to at least 1”;

(3) in subsection (c), by inserting “and Internet-based outreach” after “print media advertising”;

(4) in subsection (e), by striking “subsections (a), (c), and (f)” and inserting “subsection (c)”;

(5) by striking subsection (f); and

(6) by redesignating subsection (g) as subsection (f).

SEC. 31107. AGENCY ACCOUNTABILITY.

Section 412 of title 23, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

“(a) TRIENNIAL STATE MANAGEMENT REVIEWS.—

“(1) IN GENERAL.—Except as provided under paragraph (2), the Secretary shall conduct a review of each State highway safety program at least once every 3 years.

“(2) EXCEPTIONS.—The Secretary may conduct reviews of the highway safety programs of the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands as often as the Secretary determines to be appropriate.

“(3) COMPONENTS.—Reviews under this subsection shall include—

“(A) a management evaluation of all grant programs funded under this chapter;

“(B) an assessment of State data collection and evaluation relating to performance measures established by the Secretary;

“(C) a comparison of State efforts under subparagraphs (A) and (B) to best practices and programs that have been evaluated for effectiveness; and

“(D) the development of recommendations on how each State could—

“(i) improve the management and oversight of its grant activities; and

“(ii) provide a management and oversight plan for such grant programs.”; and

(2) by striking subsection (f).

SEC. 31108. EMERGENCY MEDICAL SERVICES.

Section 10202 of Public Law 109-59 (42 U.S.C. 300d-4), is amended by adding at the end the following:

“(b) NATIONAL EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL.—

“(1) ESTABLISHMENT.—The Secretary of Transportation, in coordination with the Secretary of Health and Human Services and the Secretary of Homeland Security, shall establish a National Emergency Medical Services Advisory Council (referred to in this subsection as the ‘Advisory Council’).

“(2) MEMBERSHIP.—The Advisory Council shall be composed of 25 members, who—

“(A) shall be appointed by the Secretary of Transportation; and

“(B) shall collectively be representative of all sectors of the emergency medical services community.

“(3) PURPOSES.—The purposes of the Advisory Council are to advise and consult with—

“(A) the Federal Interagency Committee on Emergency Medical Services on matters relating to emergency medical services issues; and

“(B) the Secretary of Transportation on matters relating to emergency medical services issues affecting the Department of Transportation.

“(4) ADMINISTRATION.—The Administrator of the National Highway Traffic Safety Administration shall provide administrative support to

the Advisory Council, including scheduling meetings, setting agendas, keeping minutes and records, and producing reports.

“(5) LEADERSHIP.—The members of the Advisory Council shall annually select a chairperson of the Advisory Council.

“(6) MEETINGS.—The Advisory Council shall meet as frequently as is determined necessary by the chairperson of the Advisory Council.

“(7) ANNUAL REPORTS.—The Advisory Council shall prepare an annual report to the Secretary of Transportation regarding the Advisory Council’s actions and recommendations.”.

SEC. 31109. REPEAL OF PROGRAMS.

(a) GENERAL PROVISION.—A repeal made by this section shall not affect amounts apportioned or allocated before the effective date of such repeal, provided that such apportioned or allocated funds continue to be subject to the requirements to which such funds were subject under the repealed section as in effect on the day before the date of the repeal.

(b) SAFETY BELT PERFORMANCE GRANTS.—Section 406 of title 23, United States Code, and the item relating to section 406 in the analysis for chapter 4 of title 23, United States Code, are repealed.

(c) INNOVATIVE PROJECT GRANTS.—Section 407 of title 23, United States Code, and the item relating to section 407 in the analysis for chapter 4, are repealed.

(d) STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.—Section 408 of title 23, United States Code, and the item relating to section 408 in the analysis for chapter 4, are repealed.

(e) ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.—Section 410 of title 23, United States Code, and the item relating to section 410 in the analysis for chapter 4, are repealed.

(f) STATE HIGHWAY SAFETY DATA IMPROVEMENTS.—Section 411 of title 23, United States Code, and the item relating to section 411 in the analysis for chapter 4, are repealed.

(g) MOTORCYCLIST SAFETY.—Section 2010 of SAFETEA-LU (23 U.S.C. 402 note), and the item relating to section 2010 in the table of contents under section 1(b) of such Act, are repealed.

(h) CHILD SAFETY AND CHILD BOOSTER SEAT INCENTIVE GRANTS.—Section 2011 of SAFETEA-LU (23 U.S.C. 405 note), and the item relating to section 2011 in the table of contents under section 1(b) of that Act, are repealed.

(i) DRUG-IMPAIRED DRIVING ENFORCEMENT.—Section 2013 of SAFETEA-LU (23 U.S.C. 403 note), and the item relating to section 2013 in the table of contents under section 1(b) of that Act, are repealed.

(j) FIRST RESPONDER VEHICLE SAFETY PROGRAM.—Section 2014 of SAFETEA-LU (23 U.S.C. 402 note), and the item relating to section 2014 in the table of contents under section 1(b) of that Act, are repealed.

(k) RURAL STATE EMERGENCY MEDICAL SERVICES OPTIMIZATION PILOT PROGRAM.—Section 2016 of SAFETEA-LU (119 Stat. 1541), and the item relating to section 2016 in the table of contents under section 1(b) of that Act, are repealed.

(l) OLDER DRIVER SAFETY; LAW ENFORCEMENT TRAINING.—Section 2017 of SAFETEA-LU (119 Stat. 1541), and the item relating to section 2017 in the table of contents under section 1(b) of that Act, are repealed.

Subtitle B—Enhanced Safety Authorities

SEC. 31201. DEFINITION OF MOTOR VEHICLE EQUIPMENT.

Section 30102(a)(7)(C) of title 49, United States Code, is amended to read as follows:

“(C) any device or an article or apparel, including a motorcycle helmet and excluding medicine or eyeglasses prescribed by a licensed practitioner, that—

“(i) is not a system, part, or component of a motor vehicle; and

“(ii) is manufactured, sold, delivered, or offered to be sold for use on public streets, roads, and highways with the apparent purpose of safeguarding users of motor vehicles against risk of accident, injury, or death.”.

SEC. 31202. PERMIT REMINDER SYSTEM FOR NON-USE OF SAFETY BELTS.

(a) *IN GENERAL.*—Chapter 301 of title 49, United States Code, is amended—

(1) in section 30122, by striking subsection (d); and

(2) by amending section 30124 to read as follows:

“§30124. Nonuse of safety belts

“A motor vehicle safety standard prescribed under this chapter may not require a manufacturer to comply with the standard by using a safety belt interlock designed to prevent starting or operating a motor vehicle if an occupant is not using a safety belt.”.

(b) *CONFORMING AMENDMENT.*—The analysis for chapter 301 of title 49, United States Code, is amended by striking the item relating to section 30124 and inserting the following:

“Sec. 30124. Nonuse of safety belts.”.

SEC. 31203. CIVIL PENALTIES.

(a) *IN GENERAL.*—Section 30165 of title 49, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “30123(d)” and inserting “30123(a)”;

(ii) by striking “\$15,000,000” and inserting “\$35,000,000”; and

(B) in paragraph (3), by striking “\$15,000,000” and inserting “\$35,000,000”; and

(2) by amending subsection (c) to read as follows:

“(c) *RELEVANT FACTORS IN DETERMINING AMOUNT OF PENALTY OR COMPROMISE.*—In determining the amount of a civil penalty or compromise under this section, the Secretary of Transportation shall consider the nature, circumstances, extent, and gravity of the violation. Such determination shall include, as appropriate—

“(1) the nature of the defect or noncompliance;

“(2) knowledge by the person charged of its obligations under this chapter;

“(3) the severity of the risk of injury;

“(4) the occurrence or absence of injury;

“(5) the number of motor vehicles or items of motor vehicle equipment distributed with the defect or noncompliance;

“(6) actions taken by the person charged to identify, investigate, or mitigate the condition;

“(7) the appropriateness of such penalty in relation to the size of the business of the person charged, including the potential for undue adverse economic impacts;

“(8) whether the person has been assessed civil penalties under this section during the most recent 5 years; and

“(9) other appropriate factors.”.

(b) *CIVIL PENALTY CRITERIA.*—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue a final rule, in accordance with the procedures of section 553 of title 5, United States Code, which provides an interpretation of the penalty factors described in section 30165(c) of title 49, United States Code.

(c) *EFFECTIVE DATE.*—The amendments made by subsection (a) shall take effect on the date that is the earlier of the date on which final regulations are issued under subsection (b) or 1 year after the date of enactment of this Act.

SEC. 31204. MOTOR VEHICLE SAFETY RESEARCH AND DEVELOPMENT.

(a) *IN GENERAL.*—Chapter 301 of title 49, United States Code, is amended by adding at the end the following:

“SUBCHAPTER V—MOTOR VEHICLE SAFETY RESEARCH AND DEVELOPMENT

“§30181. Policy

“The Secretary of Transportation shall conduct research, development, and testing on any area or aspect of motor vehicle safety necessary to carry out this chapter.

“§30182. Powers and duties

“(a) *IN GENERAL.*—The Secretary of Transportation shall—

“(1) conduct motor vehicle safety research, development, and testing programs and activities, including activities related to new and emerging technologies that impact or may impact motor vehicle safety;

“(2) collect and analyze all types of motor vehicle and highway safety data and related information to determine the relationship between motor vehicle or motor vehicle equipment performance characteristics and—

“(A) accidents involving motor vehicles; and

“(B) deaths or personal injuries resulting from those accidents.

“(b) *ACTIVITIES.*—In carrying out a program under this section, the Secretary of Transportation may—

“(1) promote, support, and advance the education and training of motor vehicle safety staff of the National Highway Traffic Safety Administration in motor vehicle safety research programs and activities, including using program funds for planning, implementing, conducting, and presenting results of program activities, and for related expenses;

“(2) obtain experimental and other motor vehicles and motor vehicle equipment for research or testing;

“(3)(A) use any test motor vehicles and motor vehicle equipment suitable for continued use, as determined by the Secretary to assist in carrying out this chapter or any other chapter of this title; or

“(B) sell or otherwise dispose of test motor vehicles and motor vehicle equipment and use the resulting proceeds to carry out this chapter;

“(4) award grants to States and local governments, interstate authorities, and nonprofit institutions; and

“(5) enter into cooperative agreements, collaborative research, or contracts with Federal agencies, interstate authorities, State and local governments, other public entities, private organizations and persons, nonprofit institutions, colleges and universities, consumer advocacy groups, corporations, partnerships, sole proprietorships, trade associations, Federal laboratories (including government-owned, government-operated laboratories and government-owned, contractor-operated laboratories), and research organizations.

“(c) *USE OF PUBLIC AGENCIES.*—In carrying out this subchapter, the Secretary shall avoid duplication by using the services, research, and testing facilities of public agencies, as appropriate.

“(d) *FACILITIES.*—The Secretary may plan, design, and construct a new facility or modify an existing facility to conduct research, development, and testing in traffic safety, highway safety, and motor vehicle safety. An expenditure of more than \$1,500,000 for planning, design, or construction may be made only if 60 days prior notice of the planning, design, or construction is provided to the Committees on Science, Space, and Technology and Transportation and Infrastructure of the House of Representatives and the Committees on Commerce, Science, and Transportation and Environment and Public Works of the Senate. The notice shall include—

“(1) a brief description of the facility being planned, designed, or constructed;

“(2) the location of the facility;

“(3) an estimate of the maximum cost of the facility;

“(4) a statement identifying private and public agencies that will use the facility and the contribution each agency will make to the cost of the facility; and

“(5) a justification of the need for the facility.

“(e) *INCREASING COSTS OF APPROVED FACILITIES.*—The estimated maximum cost of a facility noticed under subsection (d) may be increased by an amount equal to the percentage increase in construction costs from the date the notice is submitted to Congress. However, the increase in the cost of the facility may not be more than 10 percent of the estimated maximum cost included in the notice. The Secretary shall decide what increase in construction costs has occurred.

“(f) *AVAILABILITY OF INFORMATION, PATENTS, AND DEVELOPMENTS.*—When the United States Government makes more than a minimal contribution to a research or development activity under this chapter, the Secretary shall include in the arrangement for the activity a provision to ensure that all information, patents, and developments related to the activity are available to the public. The owner of a background patent may not be deprived of a right under the patent.

“§30183. Prohibition on certain disclosures.

“Any report of the National Highway Traffic Safety Administration, or of any officer, employee, or contractor of the National Highway Traffic Safety Administration, relating to any highway traffic accident or the investigation of such accident conducted pursuant to this chapter or section 403 of title 23, may be made available to the public only in a manner that does not identify individuals.”.

(b) *CONFORMING AMENDMENTS.*—

(1) *AMENDMENT OF CHAPTER ANALYSIS.*—The chapter analysis for chapter 301 of title 49, United States Code, is amended by adding at the end the following:

“SUBCHAPTER V—MOTOR VEHICLE SAFETY RESEARCH AND DEVELOPMENT

“30181. Policy.

“30182. Powers and duties.

“30183. Prohibition on certain disclosures.”.

(2) *DELETION OF REDUNDANT MATERIAL.*—Chapter 301 of title 49, United States Code, is amended—

(A) in the chapter analysis, by striking the item relating to section 30168; and

(B) by striking section 30168.

SEC. 31205. ODOMETER REQUIREMENTS.

(a) *DEFINITION.*—Section 32702(5) of title 49, United States Code, is amended by inserting “or system of components” after “instrument”.

(b) *ELECTRONIC DISCLOSURES OF ODOMETER INFORMATION.*—Section 32705 of title 49, United States Code, is amended by adding at the end the following:

“(g) *ELECTRONIC DISCLOSURES.*—Not later than 18 months after the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012, in carrying out this section, the Secretary shall prescribe regulations permitting any written disclosures or notices and related matters to be provided electronically.”.

SEC. 31206. INCREASED PENALTIES AND DAMAGES FOR ODOMETER FRAUD.

Chapter 327 of title 49, United States Code, is amended—

(1) in section 32709(a)(1)—

(A) by striking “\$2,000” and inserting “\$10,000”; and

(B) by striking “\$100,000” and inserting “\$1,000,000”; and

(2) in section 32710(a), by striking “\$1,500” and inserting “\$10,000”.

SEC. 31207. EXTEND PROHIBITIONS ON IMPORTING NONCOMPLIANT VEHICLES AND EQUIPMENT TO DEFECTIVE VEHICLES AND EQUIPMENT.

Section 30112 of title 49, United States Code, is amended—

(1) in subsection (a), by adding at the end the following:

“(3) Except as provided in this section, section 30114, subsections (i) and (j) of section 30120, and subchapter III, a person may not sell, offer for sale, introduce or deliver for introduction in interstate commerce, or import into the United States any motor vehicle or motor vehicle equipment if the vehicle or equipment contains a defect related to motor vehicle safety about which notice was given under section 30118(c) or an order was issued under section 30118(b). Nothing in this paragraph may be construed to prohibit the importation of a new motor vehicle that receives a required recall remedy before being sold to a consumer in the United States.”; and

(2) in subsection (b)(2)—

(A) in subparagraph (A), by striking “or” at the end;

(B) in subparagraph (B), by adding “or” at the end; and

(C) by adding at the end the following:

“(C) having no reason to know, despite exercising reasonable care, that a motor vehicle or motor vehicle equipment contains a defect related to motor vehicle safety about which notice was given under section 30118(c) or an order was issued under section 30118(b);”.

SEC. 31208. CONDITIONS ON IMPORTATION OF VEHICLES AND EQUIPMENT.

Chapter 301 of title 49, United States Code, is amended—

(1) in the chapter analysis, by striking the item relating to section 30164 and inserting the following:

“30164. Service of process; conditions on importation of vehicles and equipment.”;

and

(2) in section 30164—

(A) in the section heading, by adding “; **CONDITIONS ON IMPORTATION OF VEHICLES AND EQUIPMENT**” at the end; and

(B) by adding at the end the following:

“(c) **IDENTIFYING INFORMATION.**—A manufacturer (including an importer) offering a motor vehicle or motor vehicle equipment for import shall provide, upon request, such information that is necessary to identify and track the products as the Secretary, by rule, may specify, including—

“(1) the product by name and the manufacturer’s address; and

“(2) each retailer or distributor to which the manufacturer directly supplied motor vehicles or motor vehicle equipment over which the Secretary has jurisdiction under this chapter.

“(d) **REGULATIONS ON THE IMPORT OF A MOTOR VEHICLE.**—The Secretary may issue regulations that—

“(1) condition the import of a motor vehicle or motor vehicle equipment on the manufacturer’s compliance with—

“(A) the requirements under this section;

“(B) paragraph (1) or (3) of section 30112(a) with respect to such motor vehicle or motor vehicle equipment;

“(C) the provision of reports and records required to be maintained with respect to such motor vehicle or motor vehicle equipment under this chapter;

“(D) a request for inspection of premises, vehicle, or equipment under section 30166;

“(E) an order or voluntary agreement to remedy such vehicle or equipment; or

“(F) any rules implementing the requirements described in this subsection;

“(2) provide an opportunity for the manufacturer to present information before the Secretary’s determination as to whether the manufacturer’s imports should be restricted; and

“(3) establish a process by which a manufacturer may petition for reinstatement of its ability to import motor vehicles or motor vehicle equipment.

“(e) **EXCEPTION.**—The requirements of subsections (c) and (d) shall not apply to original manufacturers (or wholly owned subsidiaries) of motor vehicles that, prior to the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012—

“(1) have imported motor vehicles into the United States that are certified to comply with all applicable Federal motor vehicle safety standards;

“(2) have submitted to the Secretary appropriate manufacturer identification information under part 566 of title 49, Code of Federal Regulations; and

“(3) if applicable, have identified a current agent for service of process in accordance with part 551 of title 49, Code of Federal Regulations.

“(f) **RULEMAKING.**—In issuing regulations under this section, the Secretary shall seek to reduce duplicative requirements by coordinating with the Department of Homeland Security.”.

SEC. 31209. PORT INSPECTIONS; SAMPLES FOR EXAMINATION OR TESTING.

Section 30166(c) of title 49, United States Code, is amended—

(1) in paragraph (2), by striking “and” at the end;

(2) in paragraph (3)—

(A) in subparagraph (A), by inserting “(including at United States ports of entry)” after “held for introduction in interstate commerce”; and

(B) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(4) shall enter into a memorandum of understanding with the Secretary of Homeland Security for inspections and sampling of motor vehicle equipment being offered for import to determine compliance with this chapter or a regulation or order issued under this chapter.”.

Subtitle C—Transparency and Accountability

SEC. 31301. PUBLIC AVAILABILITY OF RECALL INFORMATION.

(a) **VEHICLE RECALL INFORMATION.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall require that motor vehicle safety recall information—

(1) be available to the public on the Internet;

(2) be searchable by vehicle make and model and vehicle identification number;

(3) be in a format that preserves consumer privacy; and

(4) includes information about each recall that has not been completed for each vehicle.

(b) **RULEMAKING.**—The Secretary may initiate a rulemaking proceeding to require each manufacturer to provide the information described in subsection (a), with respect to that manufacturer’s motor vehicles, on a publicly accessible Internet website. Any rules promulgated under this subsection—

(1) shall limit the information that must be made available under this section to include only those recalls issued not more than 15 years prior to the date of enactment of this Act;

(2) may require information under paragraph (1) to be provided to a dealer or an owner of a vehicle at no charge; and

(3) shall permit a manufacturer a reasonable period of time after receiving information from a dealer with respect to a vehicle to update the information about the vehicle on the publicly accessible Internet website.

(c) **PROMOTION OF PUBLIC AWARENESS.**—The Secretary, in consultation with the heads of other relevant agencies, shall promote consumer awareness of the information made available to the public pursuant to this section.

SEC. 31302. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION OUTREACH TO MANUFACTURER, DEALER, AND MECHANIC PERSONNEL.

The Secretary shall publicize the means for contacting the National Highway Traffic Safety

Administration in a manner that targets mechanics, passenger motor vehicle dealership personnel, and manufacturer personnel.

SEC. 31303. PUBLIC AVAILABILITY OF COMMUNICATIONS TO DEALERS.

(a) **INTERNET ACCESSIBILITY.**—Section 30166(f) of title 49, United States Code, is amended—

(1) by striking “A manufacturer shall give the Secretary of Transportation” and inserting the following:

“(1) **IN GENERAL.**—A manufacturer shall give the Secretary of Transportation, and the Secretary shall make available on a publicly accessible Internet website,”; and

(2) by adding at the end the following:

“(2) **INDEX.**—Communications required to be submitted to the Secretary under this subsection shall be accompanied by an index to each communication, that—

“(A) identifies the make, model, and model year of the affected vehicles;

“(B) includes a concise summary of the subject matter of the communication; and

“(C) shall be made available by the Secretary to the public on the Internet in a searchable format.”.

SEC. 31304. CORPORATE RESPONSIBILITY FOR NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION REPORTS.

(a) **IN GENERAL.**—Section 30166 of title 49, United States Code, is amended by adding at the end the following:

“(o) **CORPORATE RESPONSIBILITY FOR REPORTS.**—

“(1) **IN GENERAL.**—The Secretary may promulgate rules requiring a senior official responsible for safety in any company submitting information to the Secretary in response to a request for information in a safety defect or compliance investigation under this chapter to certify that—

“(A) the signing official has reviewed the submission; and

“(B) based on the official’s knowledge, the submission does not—

“(i) contain any untrue statement of a material fact; or

“(ii) omit to state a material fact necessary in order to make the statements made not misleading, in light of the circumstances under which such statements were made.

“(2) **NOTICE.**—The certification requirements of this section shall be clearly stated on any request for information under paragraph (1).”.

(b) **CIVIL PENALTY.**—Section 30165(a) of title 49, United States Code, is amended—

(1) in paragraph (3), by striking “A person” and inserting “Except as provided in paragraph (4), a person”; and

(2) by adding at the end the following:

“(4) **FALSE OR MISLEADING REPORTS.**—A person who knowingly and willfully submits materially false or misleading information to the Secretary, after certifying the same information as accurate under the certification process established pursuant to section 30166(o), shall be subject to a civil penalty of not more than \$5,000 per day. The maximum penalty under this paragraph for a related series of daily violations is \$1,000,000.”.

SEC. 31305. PASSENGER MOTOR VEHICLE INFORMATION PROGRAM.

(a) **DEFINITION.**—Section 32301 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively;

(2) by inserting before paragraph (2), as redesignated, the following:

“(1) ‘crash avoidance’ means preventing or mitigating a crash;”;

(3) in paragraph (2), as redesignated, by striking the period at the end and inserting “; and”.

(b) **INFORMATION INCLUDED.**—Section 32302(a) of title 49, United States Code, is amended—

(1) in paragraph (2), by inserting “, crash avoidance, and any other areas the Secretary

determines will improve the safety of passenger motor vehicles" after "crashworthiness"; and
(2) by striking paragraph (4).

SEC. 31306. PROMOTION OF VEHICLE DEFECT REPORTING.

Section 32302 of title 49, United States Code, is amended by adding at the end the following:

"(d) MOTOR VEHICLE DEFECT REPORTING INFORMATION.—

"(1) RULEMAKING REQUIRED.—Not later than 1 year after the date of enactment of the Motor Vehicle and Highway Safety Improvement Act of 2012, the Secretary shall prescribe regulations that require passenger motor vehicle manufacturers—

"(A) to affix, in the glove compartment or in another readily accessible location on the vehicle, a sticker, decal, or other device that provides, in simple and understandable language, information about how to submit a safety-related motor vehicle defect complaint to the National Highway Traffic Safety Administration;

"(B) to prominently print the information described in subparagraph (A) within the owner's manual; and

"(C) to not place such information on the label required under section 3 of the Automobile Information Disclosure Act (15 U.S.C. 1232).

"(2) APPLICATION.—The requirements under paragraph (1) shall apply to passenger motor vehicles manufactured in any model year beginning more than 1 year after the date on which a final rule is published under paragraph (1)."

SEC. 31307. WHISTLEBLOWER PROTECTIONS FOR MOTOR VEHICLE MANUFACTURERS, PART SUPPLIERS, AND DEALERSHIP EMPLOYEES.

(a) IN GENERAL.—Subchapter IV of chapter 301 of title 49, United States Code, is amended by adding at the end the following:

"§30171. Protection of employees providing motor vehicle safety information

"(a) DISCRIMINATION AGAINST EMPLOYEES OF MANUFACTURERS, PART SUPPLIERS, AND DEALERSHIPS.—No motor vehicle manufacturer, part supplier, or dealership may discharge an employee or otherwise discriminate against an employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee)—

"(1) provided, caused to be provided, or is about to provide (with any knowledge of the employer) or cause to be provided to the employer or the Secretary of Transportation information relating to any motor vehicle defect, noncompliance, or any violation or alleged violation of any notification or reporting requirement of this chapter;

"(2) has filed, caused to be filed, or is about to file (with any knowledge of the employer) or cause to be filed a proceeding relating to any violation or alleged violation of any motor vehicle defect, noncompliance, or any violation or alleged violation of any notification or reporting requirement of this chapter;

"(3) testified or is about to testify in such a proceeding;

"(4) assisted or participated or is about to assist or participate in such a proceeding; or

"(5) objected to, or refused to participate in, any activity that the employee reasonably believed to be in violation of any provision of chapter 301 of this title, or any order, rule, regulation, standard, or ban under such provision.

"(b) COMPLAINT PROCEDURE.—

"(1) FILING AND NOTIFICATION.—A person who believes that he or she has been discharged or otherwise discriminated against by any person in violation of subsection (a) may file (or have any person file on his or her behalf), not later than 180 days after the date on which such violation occurs, a complaint with the Secretary of Labor (hereinafter in this section referred to as

the 'Secretary') alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary shall notify, in writing, the person named in the complaint of the filing of the complaint, of the allegations contained in the complaint, of the substance of evidence supporting the complaint, and of the opportunities that will be afforded to such person under paragraph (2).

"(2) INVESTIGATION; PRELIMINARY ORDER.—

"(A) IN GENERAL.—Not later than 60 days after the date of receipt of a complaint filed under paragraph (1) and after affording the person named in the complaint an opportunity to submit to the Secretary a written response to the complaint and an opportunity to meet with a representative of the Secretary to present statements from witnesses, the Secretary shall conduct an investigation and determine whether there is reasonable cause to believe that the complaint has merit and notify, in writing, the complainant and the person alleged to have committed a violation of subsection (a) of the Secretary's findings. If the Secretary concludes that there is a reasonable cause to believe that a violation of subsection (a) has occurred, the Secretary shall accompany the Secretary's findings with a preliminary order providing the relief prescribed by paragraph (3)(B). Not later than 30 days after the date of notification of findings under this paragraph, either the person alleged to have committed the violation or the complainant may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of such objections shall not operate to stay any reinstatement remedy contained in the preliminary order. Such hearings shall be conducted expeditiously. If a hearing is not requested in such 30-day period, the preliminary order shall be deemed a final order that is not subject to judicial review.

"(B) REQUIREMENTS.—

"(i) REQUIRED SHOWING BY COMPLAINANT.—The Secretary shall dismiss a complaint filed under this subsection and shall not conduct an investigation otherwise required under subparagraph (A) unless the complainant makes a prima facie showing that any behavior described in paragraphs (1) through (5) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(ii) SHOWING BY EMPLOYER.—Notwithstanding a finding by the Secretary that the complainant has made the showing required under clause (i), no investigation otherwise required under subparagraph (A) shall be conducted if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(iii) CRITERIA FOR DETERMINATION BY SECRETARY.—The Secretary may determine that a violation of subsection (a) has occurred only if the complainant demonstrates that any behavior described in paragraphs (1) through (5) of subsection (a) was a contributing factor in the unfavorable personnel action alleged in the complaint.

"(iv) PROHIBITION.—Relief may not be ordered under subparagraph (A) if the employer demonstrates, by clear and convincing evidence, that the employer would have taken the same unfavorable personnel action in the absence of that behavior.

"(3) FINAL ORDER.—

"(A) DEADLINE FOR ISSUANCE; SETTLEMENT AGREEMENTS.—Not later than 120 days after the date of conclusion of a hearing under paragraph (2), the Secretary shall issue a final order providing the relief prescribed by this paragraph or denying the complaint. At any time before issuance of a final order, a proceeding under this subsection may be terminated on the basis of a settlement agreement entered into by the Secretary, the complainant, and the person alleged to have committed the violation.

"(B) REMEDY.—If, in response to a complaint filed under paragraph (1), the Secretary determines that a violation of subsection (a) has occurred, the Secretary shall order the person who committed such violation—

"(i) to take affirmative action to abate the violation;

"(ii) to reinstate the complainant to his or her former position together with the compensation (including back pay) and restore the terms, conditions, and privileges associated with his or her employment; and

"(iii) to provide compensatory damages to the complainant.

"(C) ATTORNEYS' FEES.—If such an order is issued under this paragraph, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorneys' and expert witness fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, bringing the complaint upon which the order was issued.

"(D) FRIVOLOUS COMPLAINTS.—If the Secretary determines that a complaint under paragraph (1) is frivolous or has been brought in bad faith, the Secretary may award to the prevailing employer a reasonable attorney's fee not exceeding \$1,000.

"(E) DE NOVO REVIEW.—With respect to a complaint under paragraph (1), if the Secretary has not issued a final decision within 210 days after the filing of the complaint and if the delay is not due to the bad faith of the employee, the employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to the action, be tried by the court with a jury. The action shall be governed by the same legal burdens of proof specified in paragraph (2)(B) for review by the Secretary.

"(4) REVIEW.—

"(A) APPEAL TO COURT OF APPEALS.—Any person adversely affected or aggrieved by an order issued under paragraph (3) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred or the circuit in which the complainant resided on the date of such violation. The petition for review shall be filed not later than 60 days after the date of the issuance of the final order of the Secretary. Review shall conform to chapter 7 of title 5. The commencement of proceedings under this subparagraph shall not, unless ordered by the court, operate as a stay of the order.

"(B) LIMITATION ON COLLATERAL ATTACK.—An order of the Secretary with respect to which review could have been obtained under subparagraph (A) shall not be subject to judicial review in any criminal or other civil proceeding.

"(5) ENFORCEMENT OF ORDER BY SECRETARY.—Whenever any person fails to comply with an order issued under paragraph (3), the Secretary may file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this paragraph, the district courts shall have jurisdiction to grant all appropriate relief, including injunctive relief and compensatory damages.

"(6) ENFORCEMENT OF ORDER BY PARTIES.—

"(A) COMMENCEMENT OF ACTION.—A person on whose behalf an order was issued under paragraph (3) may commence a civil action against the person to whom such order was issued to require compliance with such order. The appropriate United States district court shall have jurisdiction, without regard to the

amount in controversy or the citizenship of the parties, to enforce such order.

“(B) ATTORNEY FEES.—The court, in issuing any final order under this paragraph, may award costs of litigation (including reasonable attorney and expert witness fees) to any party whenever the court determines such award is appropriate.

“(c) MANDAMUS.—Any nondiscretionary duty imposed under this section shall be enforceable in a mandamus proceeding brought under section 1361 of title 28.

“(d) NONAPPLICABILITY TO DELIBERATE VIOLATIONS.—Subsection (a) shall not apply with respect to an employee of a motor vehicle manufacturer, part supplier, or dealership who, acting without direction from such motor vehicle manufacturer, part supplier, or dealership (or such person’s agent), deliberately causes a violation of any requirement relating to motor vehicle safety under this chapter.”.

(b) GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a study of the whistleblower protections established by law with respect to this program, and update its study of other such programs administered by the Secretary of Transportation; and

(2) submit to Congress a report of the results of the study under paragraph (1), including—

(A) an identification of the differences between the provisions applicable to different programs, the number of claims brought pursuant to each provision, and the outcome of each claim; and

(B) any recommendations for program changes that the Comptroller General considers appropriate based on the study under paragraph (1).

(c) CONFORMING AMENDMENT.—The table of sections for chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30170 the following:

“30171. Protection of employees providing motor vehicle safety information.”.

SEC. 31308. ANTI-REVOLVING DOOR.

(a) STUDY OF DEPARTMENT OF TRANSPORTATION POLICIES ON OFFICIAL COMMUNICATION WITH FORMER MOTOR VEHICLE SAFETY ISSUE EMPLOYEES.—Not later than 1 year after the date of enactment of this Act, the Inspector General of the Department of Transportation shall—

(1) review the Department of Transportation’s policies and procedures applicable to official communication with former employees concerning motor vehicle safety compliance matters for which they had responsibility during the last 12 months of their tenure at the Department, including any limitations on the ability of such employees to submit comments, or otherwise communicate directly with the Department, on motor vehicle safety issues; and

(2) submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives that contains the Inspector General’s findings, conclusions, and recommendations for strengthening those policies and procedures to minimize the risk of undue influence without compromising the ability of the Department to employ and retain highly qualified individuals for such responsibilities.

(b) POST-EMPLOYMENT POLICY STUDY.—

(1) IN GENERAL.—The Inspector General of the Department of Transportation shall conduct a study of the Department’s policies relating to post-employment restrictions on employees who perform functions related to transportation safety.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Inspector

General shall submit a report containing the results of the study conducted under paragraph (1) to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Energy and Commerce of the House of Representatives; and

(C) the Secretary of Transportation.

(3) USE OF RESULTS.—The Secretary of Transportation shall review the results of the study conducted under paragraph (1) and take whatever action the Secretary determines to be appropriate.

SEC. 31309. STUDY OF CRASH DATA COLLECTION.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives regarding the quality of data collected through the National Automotive Sampling System, including the Special Crash Investigations Program.

(b) REVIEW.—The Administrator of the National Highway Traffic Safety Administration (referred to in this section as the “Administration”) shall conduct a comprehensive review of the data elements collected from each crash to determine if additional data should be collected. The review under this subsection shall include input from interested parties, including suppliers, automakers, safety advocates, the medical community, and research organizations.

(c) CONTENTS.—The report issued under this section shall include—

(1) the analysis and conclusions the Administration can reach from the amount of motor vehicle crash data collected in a given year;

(2) the additional analysis and conclusions the Administration could reach if more crash investigations were conducted each year;

(3) the number of investigations per year that would allow for optimal data analysis and crash information;

(4) the results of the comprehensive review conducted pursuant to subsection (b);

(5) the incremental costs of collecting and analyzing additional data, as well as data from additional crashes;

(6) the potential for obtaining private funding for all or a portion of the costs under paragraph (5);

(7) the potential for recovering any additional costs from high volume users of the data, while continuing to make the data available to the general public free of charge;

(8) the advantages or disadvantages of expanding collection of non-crash data instead of crash data;

(9) recommendations for improvements to the Administration’s data collection program; and

(10) the resources needed by the Administration to implement such recommendations.

SEC. 31310. UPDATE MEANS OF PROVIDING NOTIFICATION; IMPROVING EFFICACY OF RECALLS.

(a) UPDATE OF MEANS OF PROVIDING NOTIFICATION.—Section 30119(d) of title 49, United States Code, is amended—

(1) in paragraph (1), by striking “by first class mail” and inserting “in the manner prescribed by the Secretary, by regulation”;

(2) in paragraph (2)—

(A) by striking “(except a tire) shall be sent by first class mail” and inserting “shall be sent in the manner prescribed by the Secretary, by regulation,”; and

(B) by striking the second sentence;

(3) in paragraph (3)—

(A) by striking the first sentence;

(B) by inserting “to the notification required under paragraphs (1) and (2)” after “addition”; and

(C) by inserting “by the manufacturer” after “given”; and

(4) in paragraph (4), by striking “by certified mail or quicker means if available” and inserting “in the manner prescribed by the Secretary, by regulation”.

(b) IMPROVING EFFICACY OF RECALLS.—Section 30119(e) of title 49, United States Code, is amended—

(1) in the subsection heading, by striking “SECOND” and inserting “ADDITIONAL”;

(2) by striking “If the Secretary” and inserting the following:

“(1) SECOND NOTIFICATION.—If the Secretary”; and

(3) by adding at the end the following:

“(2) ADDITIONAL NOTIFICATIONS.—If the Secretary determines, after taking into account the severity of the defect or noncompliance, that the second notification by a manufacturer does not result in an adequate number of motor vehicles or items of replacement equipment being returned for remedy, the Secretary may order the manufacturer—

“(A)(i) to send additional notifications in the manner prescribed by the Secretary, by regulation; or

“(ii) to take additional steps to locate and notify each person registered under State law as the owner or lessee or the most recent purchaser or lessee, as appropriate; and

“(B) to emphasize the magnitude of the safety risk caused by the defect or noncompliance in such notification.”.

SEC. 31311. EXPANDING CHOICES OF REMEDY AVAILABLE TO MANUFACTURERS OF REPLACEMENT EQUIPMENT.

Section 30120 of title 49, United States Code, is amended—

(1) in subsection (a)(1), by amending subparagraph (B) to read as follows:

“(B) if replacement equipment, by repairing the equipment, replacing the equipment with identical or reasonably equivalent equipment, or by refunding the purchase price.”;

(2) in the heading of subsection (i), by adding “OF NEW VEHICLES OR EQUIPMENT” at the end; and

(3) in the heading of subsection (j), by striking “REPLACED” and inserting “REPLACEMENT”.

SEC. 31312. RECALL OBLIGATIONS AND BANKRUPTCY OF MANUFACTURER.

(a) IN GENERAL.—Chapter 301 of title 49, United States Code, is amended by inserting the following after section 30120:

“§30120A. Recall obligations and bankruptcy of a manufacturer

“A manufacturer’s filing of a petition in bankruptcy under chapter 11 of title 11, does not negate the manufacturer’s duty to comply with section 30112 or sections 30115 through 30120 of this title. In any bankruptcy proceeding, the manufacturer’s obligations under such sections shall be treated as a claim of the United States Government against such manufacturer, subject to subchapter II of chapter 37 of title 31, United States Code, and given priority pursuant to section 3713(a)(1)(A) of such chapter, notwithstanding section 3713(a)(2), to ensure that consumers are adequately protected from any safety defect or noncompliance determined to exist in the manufacturer’s products. This section shall apply equally to actions of a manufacturer taken before or after the filing of a petition in bankruptcy.”.

(b) CONFORMING AMENDMENT.—The chapter analysis of chapter 301 of title 49, United States Code, is amended by inserting after the item relating to section 30120 the following:

“30120A. Recall obligations and bankruptcy of a manufacturer.”.

SEC. 31313. REPEAL OF INSURANCE REPORTS AND INFORMATION PROVISION.

Chapter 331 of title 49, United States Code, is amended—

(1) in the chapter analysis, by striking the item relating to section 33112; and
 (2) by striking section 33112.

SEC. 31314. MONRONEY STICKER TO PERMIT ADDITIONAL SAFETY RATING CATEGORIES.

Section 3(g)(2) of the Automobile Information Disclosure Act (15 U.S.C. 1232(g)(2)), is amended by inserting "safety rating categories that may include" after "refers to".

Subtitle D—Vehicle Electronics and Safety Standards

SEC. 31401. NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION ELECTRONICS, SOFTWARE, AND ENGINEERING EXPERTISE.

(a) COUNCIL FOR VEHICLE ELECTRONICS, VEHICLE SOFTWARE, AND EMERGING TECHNOLOGIES.—

(1) IN GENERAL.—The Secretary shall establish, within the National Highway Traffic Safety Administration, a Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies (referred to in this section as the "Council") to build, integrate, and aggregate the Administration's expertise in passenger motor vehicle electronics and other new and emerging technologies.

(2) IMPLEMENTATION OF ROADMAP.—The Council shall research the inclusion of emerging lightweight plastic and composite technologies in motor vehicles to increase fuel efficiency, lower emissions, meet fuel economy standards, and enhance passenger motor vehicle safety through continued utilization of the Administration's Plastic and Composite Intensive Vehicle Safety Roadmap (Report No. DOT HS 810 863).

(3) INTRA-AGENCY COORDINATION.—The Council shall coordinate with all components of the Administration responsible for vehicle safety, including research and development, rulemaking, and defects investigation.

(b) HONORS RECRUITMENT PROGRAM.—

(1) ESTABLISHMENT.—The Secretary shall establish, within the National Highway Traffic Safety Administration, an honors program for engineering students, computer science students, and other students interested in vehicle safety that will enable such students to train with engineers and other safety officials for careers in vehicle safety.

(2) STIPEND.—The Secretary is authorized to provide a stipend to any student during the student's participation in the program established under paragraph (1).

(c) ASSESSMENT.—The Council, in consultation with affected stakeholders, shall periodically assess the implications of emerging safety technologies in passenger motor vehicles, including the effect of such technologies on consumers, product availability, and cost.

SEC. 31402. ELECTRONIC SYSTEMS PERFORMANCE.

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall complete an examination of the need for safety standards with regard to electronic systems in passenger motor vehicles. In conducting this examination, the Secretary shall—

(1) consider the electronic components, the interaction of electronic components, the security needs for those electronic systems to prevent unauthorized access, and the effect of surrounding environments on the electronic systems; and

(2) allow for public comment.

(b) REPORT.—Upon completion of the examination under subsection (a), the Secretary shall submit a report on the highest priority areas for safety with regard to the electronic systems to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives.

Subtitle E—Child Safety Standards

SEC. 31501. CHILD SAFETY SEATS.

(a) SIDE IMPACT CRASHES.—Not later than 2 years after the date of enactment of this Act, the Secretary shall issue a final rule amending Federal Motor Vehicle Safety Standard Number 213 to improve the protection of children seated in child restraint systems during side impact crashes.

(b) FRONTAL IMPACT TEST PARAMETERS.—

(1) COMMENCEMENT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall commence a rulemaking proceeding to amend the standard seat assembly specifications under Federal Motor Vehicle Safety Standard Number 213 to better simulate a single representative motor vehicle rear seat.

(2) FINAL RULE.—Not later than 4 years after the date of enactment of this Act, the Secretary shall issue a final rule pursuant to paragraph (1).

SEC. 31502. CHILD RESTRAINT ANCHORAGE SYSTEMS.

(a) INITIATION OF RULEMAKING PROCEEDING.—Not later than 1 year after the date of enactment of this Act, the Secretary shall initiate a rulemaking proceeding to amend Federal Motor Vehicle Safety Standard Number 225 (relating to child restraint anchorage systems) to improve the ease of use for lower anchorages and tethers in all rear seat seating positions if such anchorages and tethers are feasible.

(b) FINAL RULE.—

(1) IN GENERAL.—Except as provided under paragraph (2) and section 31505, the Secretary shall issue a final rule under subsection (a) not later than 3 years after the date of enactment of this Act.

(2) REPORT.—If the Secretary determines that an amendment to the standard referred to in subsection (a) does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit a report describing the reasons for not prescribing such a standard to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

SEC. 31503. REAR SEAT BELT REMINDERS.

(a) INITIATION OF RULEMAKING PROCEEDING.—Not later than 2 years after the date of enactment of this Act, the Secretary shall initiate a rulemaking proceeding to amend Federal Motor Vehicle Safety Standard Number 208 (relating to occupant crash protection) to provide a safety belt use warning system for designated seating positions in the rear seat.

(b) FINAL RULE.—

(1) IN GENERAL.—Except as provided under paragraph (2) and section 31505, the Secretary shall issue a final rule under subsection (a) not later than 3 years after the date of enactment of this Act.

(2) REPORT.—If the Secretary determines that an amendment to the standard referred to in subsection (a) does not meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code, the Secretary shall submit a report describing the reasons for not prescribing such a standard to—

(A) the Committee on Commerce, Science, and Transportation of the Senate; and

(B) the Committee on Energy and Commerce of the House of Representatives.

SEC. 31504. UNATTENDED PASSENGER REMINDERS.

(a) SAFETY RESEARCH INITIATIVE.—The Secretary may initiate research into effective ways to minimize the risk of hyperthermia or hypothermia to children or other unattended passengers in rear seating positions.

(b) RESEARCH AREAS.—In carrying out subsection (a), the Secretary may conduct research into the potential viability of—

(1) vehicle technology to provide an alert that a child or unattended passenger remains in a rear seating position after the vehicle motor is disengaged; or

(2) public awareness campaigns to educate drivers on the risks of leaving a child or unattended passenger in a vehicle after the vehicle motor is disengaged; or

(3) other ways to mitigate risk.

(c) COORDINATION WITH OTHER AGENCIES.—The Secretary may collaborate with other Federal agencies in conducting the research under this section.

SEC. 31505. NEW DEADLINE.

If the Secretary determines that any deadline for issuing a final rule under this Act cannot be met, the Secretary shall—

(1) provide the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives with an explanation for why such deadline cannot be met; and

(2) establish a new deadline for that rule.

Subtitle F—Improved Daytime and Nighttime Visibility of Agricultural Equipment

SEC. 31601. RULEMAKING ON VISIBILITY OF AGRICULTURAL EQUIPMENT.

(a) DEFINITIONS.—In this section:

(1) AGRICULTURAL EQUIPMENT.—The term "agricultural equipment" has the meaning given the term "agricultural field equipment" in ASABE Standard 390.4, entitled "Definitions and Classifications of Agricultural Field Equipment", which was published in January 2005 by the American Society of Agriculture and Biological Engineers, or any successor standard.

(2) PUBLIC ROAD.—The term "public road" has the meaning given the term in section 101(a)(27) of title 23, United States Code.

(b) RULEMAKING.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation, after consultation with representatives of the American Society of Agricultural and Biological Engineers and appropriate Federal agencies, and with other appropriate persons, shall promulgate a rule to improve the daytime and nighttime visibility of agricultural equipment that may be operated on a public road.

(2) MINIMUM STANDARDS.—The rule promulgated pursuant to this subsection shall—

(A) establish minimum lighting and marking standards for applicable agricultural equipment manufactured at least 1 year after the date on which such rule is promulgated; and

(B) provide for the methods, materials, specifications, and equipment to be employed to comply with such standards, which shall be equivalent to ASABE Standard 279.14, entitled "Lighting and Marking of Agricultural Equipment on Highways", which was published in July 2008 by the American Society of Agricultural and Biological Engineers, or any successor standard.

(c) REVIEW.—Not less frequently than once every 5 years, the Secretary of Transportation shall—

(1) review the standards established pursuant to subsection (b); and

(2) revise such standards to reflect the revision of ASABE Standard 279 that is in effect at the time of such review.

(d) LIMITATIONS.—

(1) COMPLIANCE WITH SUCCESSOR STANDARDS.—Any rule promulgated pursuant to this section may not prohibit the operation on public roads of agricultural equipment that is equipped in accordance with any adopted revision of ASABE Standard 279 that is later than the revision of such standard that was referenced during the promulgation of the rule.

(2) **NO RETROFITTING REQUIRED.**—Any rule promulgated pursuant to this section may not require the retrofitting of agricultural equipment that was manufactured before the date on which the lighting and marking standards are enforceable under subsection (b)(2)(A).

(3) **NO EFFECT ON ADDITIONAL MATERIALS AND EQUIPMENT.**—Any rule promulgated pursuant to this section may not prohibit the operation on public roads of agricultural equipment that is equipped with materials or equipment that are in addition to the minimum materials and equipment specified in the standard upon which such rule is based.

TITLE II—COMMERCIAL MOTOR VEHICLE SAFETY ENHANCEMENT ACT OF 2012

SEC. 32001. SHORT TITLE.

This title may be cited as the “Commercial Motor Vehicle Safety Enhancement Act of 2012”.

SEC. 32002. REFERENCES TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

Subtitle A—Commercial Motor Vehicle Registration

SEC. 32101. REGISTRATION OF MOTOR CARRIERS.

(a) **REGISTRATION REQUIREMENTS.**—Section 13902(a)(1) is amended to read as follows:

“(1) **IN GENERAL.**—Except as otherwise provided in this section, the Secretary of Transportation shall register a person to provide transportation subject to jurisdiction under subchapter I of chapter 135 as a motor carrier only if the Secretary determines that the person—

“(A) is willing and able to comply with—

“(i) this part and the applicable regulations of the Secretary and the Board;

“(ii) any safety regulations imposed by the Secretary;

“(iii) the duties of employers and employees established by the Secretary under section 31135;

“(iv) the safety fitness requirements established by the Secretary under section 31144;

“(v) the accessibility requirements established by the Secretary under subpart H of part 37 of title 49, Code of Federal Regulations (or successor regulations), for transportation provided by an over-the-road bus; and

“(vi) the minimum financial responsibility requirements established by the Secretary under sections 13906, 31138, and 31139;

“(B) has been issued a USDOT number under section 31134;

“(C) has disclosed any relationship involving common ownership, common management, common control, or common familial relationship between that person and any other motor carrier, freight forwarder, or broker, or any other applicant for motor carrier, freight forwarder, or broker registration, if the relationship occurred in the 3-year period preceding the date of the filing of the application for registration; and

“(D) after the Secretary establishes a written proficiency examination pursuant to section 32101(b) of the Commercial Motor Vehicle Safety Enhancement Act of 2012, has passed the written proficiency examination.”

(b) **WRITTEN PROFICIENCY EXAMINATION.**—Not later than 18 months after the date of enactment of this Act, the Secretary shall establish through a rulemaking a written proficiency examination for applicant motor carriers pursuant to section 13902(a)(1)(D) of title 49, United States Code. The written proficiency examination shall test a person's knowledge of applicable safety regulations, standards, and orders of the Federal government.

(c) **CONFORMING AMENDMENT.**—Section 210(b) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31144 note) is amended—

(1) by inserting “, commercial regulations, and provisions of subpart H of part 37 of title 49, Code of Federal Regulations, or successor regulations” after “applicable safety regulations”; and

(2) by striking “consider the establishment of” and inserting “establish”.

(d) **TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.**—Section 229(a)(1) of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note) is amended to read as follows:

“(1) **TRANSPORTATION OF AGRICULTURAL COMMODITIES AND FARM SUPPLIES.**—Regulations prescribed by the Secretary under sections 31136 and 31502 regarding maximum driving and on-duty time for drivers used by motor carriers shall not apply during planting and harvest periods, as determined by each State, to—

“(A) drivers transporting agricultural commodities from the source of the agricultural commodities to a location within a 150 air-mile radius from the source;

“(B) drivers transporting farm supplies for agricultural purposes from a wholesale or retail distribution point of the farm supplies to a farm or other location where the farm supplies are intended to be used within a 150 air-mile radius from the distribution point; or

“(C) drivers transporting farm supplies for agricultural purposes from a wholesale distribution point of the farm supplies to a retail distribution point of the farm supplies within a 150 air-mile radius from the wholesale distribution point.”

SEC. 32102. SAFETY FITNESS OF NEW OPERATORS.

(a) **SAFETY REVIEWS OF NEW OPERATORS.**—Section 31144(g)(1) is amended to read as follows:

“(1) **SAFETY REVIEW.**—

“(A) **IN GENERAL.**—Except as provided under subparagraph (B), the Secretary shall require, by regulation, each owner and each operator granted new registration under section 13902 or 31134 to undergo a safety review not later than 12 months after the owner or operator, as the case may be, begins operations under such registration.

“(B) **PROVIDERS OF MOTORCOACH SERVICES.**—The Secretary shall require, by regulation, each owner and each operator granted new registration to transport passengers under section 13902 or 31134 to undergo a safety review not later than 120 days after the owner or operator, as the case may be, begins operations under such registration.”

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect 1 year after the date of enactment of this Act.

SEC. 32103. REINCARNATED CARRIERS.

(a) **EFFECTIVE PERIODS OF REGISTRATION.**—

(1) **SUSPENSIONS, AMENDMENTS, AND REVOCATIONS.**—Section 13905(d) is amended—

(A) by redesignating paragraph (2) as paragraph (4);

(B) by striking paragraph (1) and inserting the following:

“(1) **APPLICATIONS.**—On application of the registrant, the Secretary may amend or revoke a registration.

“(2) **COMPLAINTS AND ACTIONS ON SECRETARY'S OWN INITIATIVE.**—On complaint or on the Secretary's own initiative and after notice and an opportunity for a proceeding, the Secretary may—

“(A) suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder for willful failure to comply with—

“(i) this part;

“(ii) an applicable regulation or order of the Secretary or the Board, including the accessibility requirements established by the Secretary under subpart H of part 37 of title 49, Code of

Federal Regulations (or successor regulations), for transportation provided by an over-the-road bus; or

“(iii) a condition of its registration;

“(B) withhold, suspend, amend, or revoke any part of the registration of a motor carrier, broker, or freight forwarder for failure—

“(i) to pay a civil penalty imposed under chapter 5, 51, 149, or 311;

“(ii) to arrange and abide by an acceptable payment plan for such civil penalty, not later than 90 days after the date specified by order of the Secretary for the payment of such penalty; or

“(iii) for failure to obey a subpoena issued by the Secretary;

“(C) withhold, suspend, amend, or revoke any part of a registration of a motor carrier, broker, or freight forwarder following a determination by the Secretary that the motor carrier, broker, or freight forwarder failed to disclose, in its application for registration, a material fact relevant to its willingness and ability to comply with—

“(i) this part;

“(ii) an applicable regulation or order of the Secretary or the Board; or

“(iii) a condition of its registration; or

“(D) withhold, suspend, amend, or revoke any part of a registration of a motor carrier, broker, or freight forwarder if the Secretary finds that—

“(i) the motor carrier, broker, or freight forwarder does not disclose any relationship through common ownership, common management, common control, or common familial relationship to any other motor carrier, broker, or freight forwarder, or any other applicant for motor carrier, broker, or freight forwarder registration that the Secretary determines is or was unwilling or unable to comply with the relevant requirements listed in section 13902, 13903, or 13904

“(3) **LIMITATION.**—Paragraph (2)(B) shall not apply to a person who is unable to pay a civil penalty because the person is a debtor in a case under chapter 11 of title 11.”; and

(C) in paragraph (4), as redesignated by section 32103(a)(1)(A) of this Act, by striking “paragraph (1)(B)” and inserting “paragraph (2)(B)”.

(2) **PROCEDURE.**—Section 13905(e) is amended by inserting “or if the Secretary determines that the registrant failed to disclose a material fact in an application for registration in accordance with subsection (d)(2)(C),” after “registrant.”

(b) **INFORMATION SYSTEMS.**—Section 31106(a)(3) is amended—

(1) in subparagraph (F), by striking “and” at the end;

(2) in subparagraph (G), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(H) determine whether a person or employer is or was related, through common ownership, common management, common control, or common familial relationship, to any other person, employer, or any other applicant for registration under section 13902 or 31134.”

SEC. 32104. FINANCIAL RESPONSIBILITY REQUIREMENTS.

Not later than 6 months after the date of enactment of this Act, and every 4 years thereafter, the Secretary shall—

(1) issue a report on the appropriateness of—

(A) the current minimum financial responsibility requirements under sections 31138 and 31139 of title 49, United States Code; and

(B) the current bond and insurance requirements under sections 13904(f), 13903, and 13906 of title 49, United States Code; and

(2) submit the report issued under paragraph (1) to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 32105. USDOT NUMBER REGISTRATION REQUIREMENT.

(a) IN GENERAL.—Chapter 311 is amended by inserting after section 31133 the following:

“§31134. Requirement for registration and USDOT number

“(a) IN GENERAL.—Upon application, and subject to subsections (b) and (c), the Secretary shall register an employer or person subject to the safety jurisdiction of this subchapter. An employer or person may operate a commercial motor vehicle in interstate commerce only if the employer or person is registered by the Secretary under this section and receives a USDOT number. Nothing in this section shall preclude registration by the Secretary of an employer or person not engaged in interstate commerce. An employer or person subject to jurisdiction under subchapter I of chapter 135 of this title shall apply for commercial registration under section 13902 of this title.

“(b) WITHHOLDING REGISTRATION.—The Secretary shall register an employer or person under subsection (a) only if the Secretary determines that—

“(1) the employer or person seeking registration is willing and able to comply with the requirements of this subchapter and the regulations prescribed thereunder and chapter 51 and the regulations prescribed thereunder;

“(2)(A) during the 3-year period before the date of the filing of the application, the employer or person is not or was not related through common ownership, common management, common control, or common familial relationship to any other person or applicant for registration subject to this subchapter who, during such 3-year period, is or was unfit, unwilling, or unable to comply with the requirements listed in subsection (b)(1); or

“(B) the employer or person has disclosed to the Secretary any relationship involving common ownership, common management, common control, or common familial relationship to any other person or applicant for registration subject to this subchapter.

“(c) REVOCATION OR SUSPENSION OF REGISTRATION.—The Secretary shall revoke the registration of an employer or person issued under subsection (a) after notice and an opportunity for a proceeding, or suspend the registration after giving notice of the suspension to the employer or person, if the Secretary determines that—

“(1) the employer's or person's authority to operate pursuant to chapter 139 of this title is subject to revocation or suspension under sections 13905(d)(1) or 13905(f) of this title;

“(2) the employer or person has knowingly failed to comply with the requirements listed in subsection (b)(1);

“(3) the employer or person has not disclosed any relationship through common ownership, common management, common control, or common familial relationship to any other person or applicant for registration subject to this subchapter that the Secretary determines is or was unfit, unwilling, or unable to comply with the requirements listed in subsection (b)(1);

“(4) the employer or person refused to submit to the safety review required by section 31144(g) of this title.

“(d) PERIODIC REGISTRATION UPDATE.—The Secretary may require an employer to update a registration under this section not later than 30 days after a change in the employer's address, other contact information, officers, process agent, or other essential information, as determined by the Secretary.

“(e) STATE AUTHORITY.—Nothing in this section shall be construed as affecting the authority of a State to issue a Department of Transportation number under State law to a person operating in intrastate commerce.”.

(b) CONFORMING AMENDMENT.—The analysis of chapter 311 is amended by inserting after the item relating to section 31133 the following:

“31134. Requirement for registration and USDOT number.”.

SEC. 32106. REGISTRATION FEE SYSTEM.

Section 13908(d)(1) is amended by striking “but shall not exceed \$300”.

SEC. 32107. REGISTRATION UPDATE.

(a) MOTOR CARRIER UPDATE.—Section 13902 is amended by adding at the end the following:

“(h) UPDATE OF REGISTRATION.—

“(1) IN GENERAL.—The Secretary shall require a registrant to update its registration under this section not later than 30 days after a change in the registrant's address, other contact information, officers, process agent, or other essential information, as determined by the Secretary.

“(2) MOTOR CARRIERS OF PASSENGERS.—In addition to the requirements of paragraph (1), the Secretary shall require a motor carrier of passengers to update its registration information, including numbers of vehicles, annual mileage, and individuals responsible for compliance with Federal safety regulations quarterly for the first 2 years after being issued a registration under this section.”.

(b) FREIGHT FORWARDER UPDATE.—Section 13903 is amended by adding at the end the following:

“(c) UPDATE OF REGISTRATION.—The Secretary shall require a freight forwarder to update its registration under this section not later than 30 days after a change in the freight forwarder's address, other contact information, officers, process agent, or other essential information, as determined by the Secretary.”.

(c) BROKER UPDATE.—Section 13904 is amended by adding at the end the following:

“(e) UPDATE OF REGISTRATION.—The Secretary shall require a broker to update its registration under this section not later than 30 days after a change in the broker's address, other contact information, officers, process agent, or other essential information, as determined by the Secretary.”.

SEC. 32108. INCREASED PENALTIES FOR OPERATING WITHOUT REGISTRATION.

(a) PENALTIES.—Section 14901(a) is amended—

(1) by striking “\$500” and inserting “\$1,000”;

(2) by striking “who is not registered under this part to provide transportation of passengers.”;

(3) by striking “with respect to providing transportation of passengers,” and inserting “or section 13902(c) of this title.”; and

(4) by striking “\$2,000 for each violation and each additional day the violation continues” and inserting “\$10,000 for each violation, or \$25,000 for each violation relating to providing transportation of passengers”.

(b) TRANSPORTATION OF HAZARDOUS WASTES.—Section 14901(b) is amended by striking “not to exceed \$20,000” and inserting “not less than \$20,000, but not to exceed \$40,000”.

SEC. 32109. REVOCATION OF REGISTRATION FOR IMMINENT HAZARD.

Section 13905(f)(2) is amended to read as follows:

“(2) IMMINENT HAZARD TO PUBLIC HEALTH.—Notwithstanding subchapter II of chapter 5 of title 5, the Secretary shall revoke the registration of a motor carrier if the Secretary finds that the carrier is or was conducting unsafe operations that are or were an imminent hazard to public health or property.”.

SEC. 32110. REVOCATION OF REGISTRATION AND OTHER PENALTIES FOR FAILURE TO RESPOND TO SUBPOENA.

Section 525 is amended—

(1) by striking “subpenas” in the section heading and inserting “subpoenas”;

(2) by striking “subpena” and inserting “subpoena”;

(3) by striking “\$100” and inserting “\$1,000”;

(4) by striking “\$5,000” and inserting “\$10,000”; and

(5) by adding at the end the following:

“The Secretary may withhold, suspend, amend, or revoke any part of the registration of a person required to register under chapter 139 for failing to obey a subpoena or requirement of the Secretary under this chapter to appear and testify or produce records.”.

SEC. 32111. FLEETWIDE OUT OF SERVICE ORDER FOR OPERATING WITHOUT REQUIRED REGISTRATION.

Section 13902(e)(1) is amended—

(1) by striking “motor vehicle” and inserting “motor carrier” after “the Secretary determines that a”; and

(2) by striking “order the vehicle” and inserting “order the motor carrier operations” after “the Secretary may”.

SEC. 32112. MOTOR CARRIER AND OFFICER PATTERNS OF SAFETY VIOLATIONS.

Section 31135 is amended—

(1) by striking subsection (b) and inserting the following:

“(b) NONCOMPLIANCE.—

“(1) MOTOR CARRIERS.—Two or more motor carriers, employers, or persons shall not use common ownership, common management, common control, or common familial relationship to enable any or all such motor carriers, employers, or persons to avoid compliance, or mask or otherwise conceal non-compliance, or a history of non-compliance, with regulations prescribed under this subchapter or an order of the Secretary issued under this subchapter.

“(2) PATTERN.—If the Secretary finds that a motor carrier, employer, or person engaged in a pattern or practice of avoiding compliance, or masking or otherwise concealing noncompliance, with regulations prescribed under this subchapter, the Secretary—

“(A) may withhold, suspend, amend, or revoke any part of the motor carrier's, employer's, or person's registration in accordance with section 13905 or 31134; and

“(B) shall take into account such non-compliance for purposes of determining civil penalty amounts under section 521(b)(2)(D).

“(3) OFFICERS.—If the Secretary finds, after notice and an opportunity for proceeding, that an officer of a motor carrier, employer, or owner or operator has engaged in a pattern or practice of, or assisted a motor carrier, employer, or owner or operator in avoiding compliance, or masking or otherwise concealing noncompliance, while serving as an officer or such motor carrier, employer, or owner or operator, the Secretary may suspend, amend, or revoke any part of a registration granted to the officer individually under section 13902 or 31134.”.

Subtitle B—Commercial Motor Vehicle Safety**SEC. 32201. CRASHWORTHINESS STANDARDS.**

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall conduct a comprehensive analysis on the need for crashworthiness standards on property-carrying commercial motor vehicles with a gross vehicle weight rating or gross vehicle weight of at least 26,001 pounds involved in interstate commerce, including an evaluation of the need for roof strength, pillar strength, air bags, and other occupant protections standards, and frontal and back wall standards.

(b) REPORT.—Not later than 90 days after completing the comprehensive analysis under subsection (a), the Secretary shall report the results of the analysis and any recommendations to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 32202. CANADIAN SAFETY RATING RECIPROCITY.

Section 31144 is amended by adding at the end the following:

“(h) RECOGNITION OF CANADIAN MOTOR CARRIER SAFETY FITNESS DETERMINATIONS.—

“(1) If an authorized agency of the Canadian federal government or a Canadian Territorial or Provincial government determines, by applying the procedure and standards prescribed by the Secretary under subsection (b) or pursuant to an agreement under paragraph (2), that a Canadian employer is unfit and prohibits the employer from operating a commercial motor vehicle in Canada or any Canadian Province, the Secretary may prohibit the employer from operating such vehicle in interstate and foreign commerce until the authorized Canadian agency determines that the employer is fit.

“(2) The Secretary may consult and participate in negotiations with authorized officials of the Canadian federal government or a Canadian Territorial or Provincial government, as necessary, to provide reciprocal recognition of each country's motor carrier safety fitness determinations. An agreement shall provide, to the maximum extent practicable, that each country will follow the procedure and standards prescribed by the Secretary under subsection (b) in making motor carrier safety fitness determinations.”.

SEC. 32203. STATE REPORTING OF FOREIGN COMMERCIAL DRIVER CONVICTIONS.

(a) **DEFINITION OF FOREIGN COMMERCIAL DRIVER.**—Section 31301 is amended—

(1) by redesignating paragraphs (10) through (14) as paragraphs (11) through (15), respectively; and

(2) by inserting after paragraph (9) the following:

“(10) ‘foreign commercial driver’ means an individual licensed to operate a commercial motor vehicle by an authority outside the United States, or a citizen of a foreign country who operates a commercial motor vehicle in the United States.”.

(b) **STATE REPORTING OF CONVICTIONS.**—Section 31311(a) is amended by adding after paragraph (21) the following:

“(22) The State shall report a conviction of a foreign commercial driver by that State to the Federal Convictions and Withdrawal Database, or another information system designated by the Secretary to record the convictions. A report shall include—

“(A) for a driver holding a foreign commercial driver's license—

“(i) each conviction relating to the operation of a commercial motor vehicle; and

“(ii) each conviction relating to the operation of a non-commercial motor vehicle; and

“(B) for an unlicensed driver or a driver holding a foreign non-commercial driver's license, each conviction relating to the operation of a commercial motor vehicle.”.

SEC. 32204. AUTHORITY TO DISQUALIFY FOREIGN COMMERCIAL DRIVERS.

Section 31310 is amended by adding at the end the following:

“(k) **FOREIGN COMMERCIAL DRIVERS.**—A foreign commercial driver shall be subject to disqualification under this section.”.

SEC. 32205. REVOCATION OF FOREIGN MOTOR CARRIER OPERATING AUTHORITY FOR FAILURE TO PAY CIVIL PENALTIES.

Section 13905(d)(2), as amended by section 32103(a) of this Act, is amended by inserting “foreign motor carrier, foreign motor private carrier,” after “registration of a motor carrier,” each place it appears.

SEC. 32206. RENTAL TRUCK ACCIDENT STUDY.

(a) **DEFINITIONS.**—In this section:

(1) **RENTAL TRUCK.**—The term “rental truck” means a motor vehicle with a gross vehicle weight rating of between 10,000 and 26,000 pounds that is made available for rental by a rental truck company.

(2) **RENTAL TRUCK COMPANY.**—The term “rental truck company” means a person or company that is in the business of renting or leasing rental trucks to the public or for private use.

(b) **STUDY.**—

(1) **IN GENERAL.**—The Secretary shall conduct a study of the safety of rental trucks during the 7-year period ending on December 31, 2011.

(2) **REQUIREMENTS.**—The study conducted under paragraph (1) shall—

(A) evaluate available data on the number of crashes, fatalities, and injuries involving rental trucks and the cause of such crashes, utilizing police accident reports and other sources;

(B) estimate the property damage and costs resulting from a subset of crashes involving rental truck operations, which the Secretary believes adequately reflect all crashes involving rental trucks;

(C) analyze State and local laws regulating rental truck companies, including safety and inspection requirements;

(D) assess the rental truck maintenance programs of a selection of small, medium, and large rental truck companies, as selected by the Secretary, including the frequency of rental truck maintenance inspections, and compare such programs with inspection requirements for passenger vehicles and commercial motor vehicles;

(E) include any other information available regarding the safety of rental trucks; and

(F) review any other information that the Secretary determines to be appropriate.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains—

(1) the findings of the study conducted pursuant to subsection (b); and

(2) any recommendations for legislation that the Secretary determines to be appropriate.

Subtitle C—Driver Safety

SEC. 32301. HOURS OF SERVICE STUDY AND ELECTRONIC LOGGING DEVICES.

(a) **HOURS OF SERVICE STUDY.**—

(1) **FIELD STUDY.**—

(A) **IN GENERAL.**—Not later than March 31, 2013, the Secretary shall complete a field study on the efficacy of the restart rule published on December 27, 2011 (in this section referred to as the “2011 restart rule”), applicable to operators of commercial motor vehicles of property subject to maximum driving time requirements of the Secretary.

(B) **REQUIREMENT.**—The field study shall expand upon the results of the laboratory-based study relating to commercial motor vehicle driver fatigue sponsored by the Federal Motor Carrier Safety Administration presented in the report of December 2010 titled “Investigation into Motor Carrier Practices to Achieve Optimal Commercial Motor Vehicle Driver Performance: Phase I”.

(C) **CRITERIA.**—In conducting the field study, the Secretary shall ensure that—

(i) the methodology for the field study is consistent, to the maximum extent possible, with the laboratory-based study methodology;

(ii) the data collected is representative of the drivers and motor carriers regulated by the hours of service regulations, including those drivers and carriers affected by the maximum driving time requirements;

(iii) the analysis is statistically valid; and

(iv) the field study follows the plan for the “Scheduling and Fatigue Recovery Project” developed by the Federal Motor Carrier Safety Administration.

(D) **REPORT TO CONGRESS.**—Not later than September 30, 2013, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report detailing the results of the field study.

(b) **GENERAL AUTHORITY.**—Section 31137 is amended—

(1) by amending the section heading to read as follows:

“§31137. Electronic logging devices and brake maintenance regulations”;

(2) by redesignating subsection (b) as subsection (g); and

(3) by amending (a) to read as follows:

“(a) **USE OF ELECTRONIC LOGGING DEVICES.**—

Not later than 1 year after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the Secretary of Transportation shall prescribe regulations—

“(1) requiring a commercial motor vehicle involved in interstate commerce and operated by a driver subject to the hours of service and the record of duty status requirements under part 395 of title 49, Code of Federal Regulations, be equipped with an electronic logging device to improve compliance by an operator of a vehicle with hours of service regulations prescribed by the Secretary; and

“(2) ensuring that an electronic logging device is not used to harass a vehicle operator.

“(b) **ELECTRONIC LOGGING DEVICE REQUIREMENTS.**—

“(1) **IN GENERAL.**—The regulations prescribed under subsection (a) shall—

“(A) require an electronic logging device—

“(i) to accurately record commercial driver hours of service;

“(ii) to record the location of a commercial motor vehicle;

“(iii) to be tamper resistant; and

“(iv) to be synchronized to the operation of the vehicle engine or be capable of recognizing when the vehicle is being operated;

“(B) allow law enforcement to access the data contained in the device during a roadside inspection; and

“(C) apply to a commercial motor vehicle beginning on the date that is 2 years after the date that the regulations are published as a final rule.

“(2) **PERFORMANCE AND DESIGN STANDARDS.**—

The regulations prescribed under subsection (a) shall establish performance standards—

“(A) defining a standardized user interface to aid vehicle operator compliance and law enforcement review;

“(B) establishing a secure process for standardized—

“(i) and unique vehicle operator identification;

“(ii) data access;

“(iii) data transfer for vehicle operators between motor vehicles;

“(iv) data storage for a motor carrier; and

“(v) data transfer and transportability for law enforcement officials;

“(C) establishing a standard security level for an electronic logging device and related components to be tamper resistant by using a methodology endorsed by a nationally recognized standards organization; and

“(D) identifying each driver subject to the hours of service and record of duty status requirements under part 395 of title 49, Code of Federal Regulations.

“(c) **CERTIFICATION CRITERIA.**—

“(1) **IN GENERAL.**—The regulations prescribed by the Secretary under this section shall establish the criteria and a process for the certification of electronic logging devices to ensure that the device meets the performance requirements under this section.

“(2) **EFFECT OF NONCERTIFICATION.**—Electronic logging devices that are not certified in accordance with the certification process referred to in paragraph (1) shall not be acceptable evidence of hours of service and record of duty status requirements under part 395 of title 49, Code of Federal Regulations.

“(d) **ADDITIONAL CONSIDERATIONS.**—The Secretary, in prescribing the regulations described in subsection (a), shall consider how such regulations may—

“(1) reduce or eliminate requirements for drivers and motor carriers to retain supporting documentation associated with paper-based records of duty status if—

“(A) data contained in an electronic logging device supplants such documentation; and

“(B) using such data without paper-based records does not diminish the Secretary’s ability to audit and review compliance with the Secretary’s hours of service regulations; and

“(2) include such measures as the Secretary determines are necessary to protect the privacy of each individual whose personal data is contained in an electronic logging device.

“(e) **USE OF DATA.**—

“(1) **IN GENERAL.**—The Secretary may utilize information contained in an electronic logging device only to enforce the Secretary’s motor carrier safety and related regulations, including record-of-duty status regulations.

“(2) **MEASURES TO PRESERVE CONFIDENTIALITY OF PERSONAL DATA.**—The Secretary shall institute appropriate measures to preserve the confidentiality of any personal data contained in an electronic logging device and disclosed in the course of an action taken by the Secretary or by law enforcement officials to enforce the regulations referred to in paragraph (1).

“(3) **ENFORCEMENT.**—The Secretary shall institute appropriate measures to ensure any information collected by electronic logging devices is used by enforcement personnel only for the purpose of determining compliance with hours of service requirements.

“(f) **DEFINITIONS.**—In this section:

“(1) **ELECTRONIC LOGGING DEVICE.**—The term ‘electronic logging device’ means an electronic device that—

“(A) is capable of recording a driver’s hours of service and duty status accurately and automatically; and

“(B) meets the requirements established by the Secretary through regulation.

“(2) **TAMPER RESISTANT.**—The term ‘tamper resistant’ means resistant to allowing any individual to cause an electronic device to record the incorrect date, time, and location for changes to on-duty driving status of a commercial motor vehicle operator under part 395 of title 49, Code of Federal Regulations, or to subsequently alter the record created by that device.”

(c) **CIVIL PENALTIES.**—Section 30165(a)(1) is amended by striking “or 30141 through 30147” and inserting “30141 through 30147, or 31137”.

(d) **CONFORMING AMENDMENT.**—The analysis for chapter 311 is amended by striking the item relating to section 31137 and inserting the following:

“31137. Electronic logging devices and brake maintenance regulations.”

SEC. 32302. DRIVER MEDICAL QUALIFICATIONS.

(a) **DEADLINE FOR ESTABLISHMENT OF NATIONAL REGISTRY OF MEDICAL EXAMINERS.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a national registry of medical examiners in accordance with section 31149(d)(1) of title 49, United States Code.

(b) **EXAMINATION REQUIREMENT FOR NATIONAL REGISTRY OF MEDICAL EXAMINERS.**—Section 31149(c)(1)(D) is amended to read as follows:

“(D) not later than 1 year after enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, develop requirements for a medical examiner to be listed in the national registry under this section, including—

“(i) the completion of specific courses and materials;

“(ii) certification, including, at a minimum, self-certification, if the Secretary determines

that self-certification is necessary for sufficient participation in the national registry, to verify that a medical examiner completed specific training, including refresher courses, that the Secretary determines necessary to be listed in the national registry;

“(iii) an examination that requires a passing grade; and

“(iv) demonstration of a medical examiner’s willingness to meet the reporting requirements established by the Secretary.”

(c) **ADDITIONAL OVERSIGHT OF LICENSING AUTHORITIES.**—

(1) **IN GENERAL.**—Section 31149(c)(1) is amended—

(A) by amending subparagraph (E) to read as follows:

“(E) require medical examiners to transmit electronically, on a monthly basis, the name of the applicant, a numerical identifier, and additional information contained on the medical examiner’s certificate for any completed medical examination report required under section 391.43 of title 49, Code of Federal Regulations, to the chief medical examiner;”;

(B) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(G) annually review the implementation of commercial driver’s license requirements by not fewer than 10 States to assess the accuracy, validity, and timeliness of—

“(i) the submission of physical examination reports and medical certificates to State licensing agencies; and

“(ii) the processing of the submissions by State licensing agencies.”

(2) **INTERNAL OVERSIGHT POLICY.**—

(A) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall establish an oversight policy and procedure to carry out section 31149(c)(1)(G) of title 49, United States Code, as added by section 32302(c)(1) of this Act.

(B) **EFFECTIVE DATE.**—The amendments made by section 32303(c)(1) of this Act shall take effect on the date the oversight policies and procedures are established pursuant to subparagraph (A).

(d) **ELECTRONIC FILING OF MEDICAL EXAMINATION CERTIFICATES.**—Section 31311(a), as amended by sections 32203(b) and 32305(b) of this Act, is amended by adding at the end the following:

“(25) Not later than 5 years after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the State shall establish and maintain, as part of its driver information system, the capability to receive an electronic copy of a medical examiner’s certificate, from a certified medical examiner, for each holder of a commercial driver’s license issued by the State who operates or intends to operate in interstate commerce.”

(e) **FUNDING.**—The Secretary is authorized to utilize funds provided under section 4101(c)(1) of SAFETEA-LU (119 Stat. 1715) to support development of costs of the information technology needed to carry out section 31311(a)(25) of title 49, United States Code.

SEC. 32303. COMMERCIAL DRIVER’S LICENSE NOTIFICATION SYSTEM.

(a) **IN GENERAL.**—Section 31304 is amended—

(1) by striking “An employer” and inserting the following:

“(a) **IN GENERAL.**—An employer”; and

(2) by adding at the end the following:

“(b) **DRIVER VIOLATION RECORDS.**—

“(1) **PERIODIC REVIEW.**—Except as provided in paragraph (3), an employer shall ascertain the driving record of each driver it employs—

“(A) by making an inquiry at least once every 12 months to the appropriate State agency in which the driver held or holds a commercial

driver’s license or permit during such time period;

“(B) by receiving occurrence-based reports of changes in the status of a driver’s record from 1 or more driver record notification systems that meet minimum standards issued by the Secretary; or

“(C) by a combination of inquiries to States and reports from driver record notification systems.

“(2) **RECORD KEEPING.**—A copy of the reports received under paragraph (1) shall be maintained in the driver’s qualification file.

“(3) **EXCEPTIONS TO RECORD REVIEW REQUIREMENT.**—Paragraph (1) shall not apply to a driver employed by an employer who, in any 7-day period, is employed or used as a driver by more than 1 employer—

“(A) if the employer obtains the driver’s identification number, type, and issuing State of the driver’s commercial motor vehicle license; or

“(B) if the information described in subparagraph (A) is furnished by another employer and the employer that regularly employs the driver meets the other requirements under this section.

“(4) **DRIVER RECORD NOTIFICATION SYSTEM DEFINED.**—In this section, the term ‘driver record notification system’ means a system that automatically furnishes an employer with a report, generated by the appropriate agency of a State, on the change in the status of an employee’s driver’s license due to a conviction for a moving violation, a failure to appear, an accident, driver’s license suspension, driver’s license revocation, or any other action taken against the driving privilege.”

(b) **STANDARDS FOR DRIVER RECORD NOTIFICATION SYSTEMS.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue minimum standards for driver notification systems, including standards for the accuracy, consistency, and completeness of the information provided.

(c) **PLAN FOR NATIONAL NOTIFICATION SYSTEM.**—

(1) **DEVELOPMENT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop recommendations and a plan for the development and implementation of a national driver record notification system, including—

(A) an assessment of the merits of achieving a national system by expanding the Commercial Driver’s License Information System; and

(B) an estimate of the fees that an employer will be charged to offset the operating costs of the national system.

(2) **SUBMISSION TO CONGRESS.**—Not later than 90 days after the recommendations and plan are developed under paragraph (1), the Secretary shall submit a report on the recommendations and plan to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 32304. COMMERCIAL MOTOR VEHICLE OPERATOR TRAINING.

(a) **IN GENERAL.**—Section 31305 is amended by adding at the end the following:

“(c) **STANDARDS FOR TRAINING.**—Not later than 1 year after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the Secretary shall issue final regulations establishing minimum entry-level training requirements for an individual operating a commercial motor vehicle—

“(1) addressing the knowledge and skills that—

“(A) are necessary for an individual operating a commercial motor vehicle to safely operate a commercial motor vehicle; and

“(B) must be acquired before obtaining a commercial driver’s license for the first time or upgrading from one class of commercial driver’s license to another class;

“(2) addressing the specific training needs of a commercial motor vehicle operator seeking passenger or hazardous materials endorsements;

“(3) requiring effective instruction to acquire the knowledge, skills, and training referred to in paragraphs (1) and (2), including classroom and behind-the-wheel instruction;

“(4) requiring certification that an individual operating a commercial motor vehicle meets the requirements established by the Secretary; and

“(5) requiring a training provider (including a public or private driving school, motor carrier, or owner or operator of a commercial motor vehicle) that offers training that results in the issuance of a certification to an individual under paragraph (4) to demonstrate that the training meets the requirements of the regulations, through a process established by the Secretary.”.

(b) **COMMERCIAL DRIVER'S LICENSE UNIFORM STANDARDS.**—Section 31308(1) is amended to read as follows:

“(1) an individual issued a commercial driver's license—

“(A) pass written and driving tests for the operation of a commercial motor vehicle that comply with the minimum standards prescribed by the Secretary under section 31305(a); and

“(B) present certification of completion of driver training that meets the requirements established by the Secretary under section 31305(c).”.

(c) **CONFORMING AMENDMENT.**—The section heading for section 31305 is amended to read as follows:

“§31305. General driver fitness, testing, and training”.

(d) **CONFORMING AMENDMENT.**—The analysis for chapter 313 is amended by striking the item relating to section 31305 and inserting the following:

“31305. General driver fitness, testing, and training.”.

SEC. 32305. COMMERCIAL DRIVER'S LICENSE PROGRAM.

(a) **IN GENERAL.**—Section 31309 is amended—
(1) in subsection (e)(4), by amending subparagraph (A) to read as follows:

“(A) **IN GENERAL.**—The plan shall specify—
“(i) a date by which all States shall be operating commercial driver's license information systems that are compatible with the modernized information system under this section; and
“(ii) that States must use the systems to receive and submit conviction and disqualification data.”; and

(2) in subsection (f), by striking “use” and inserting “use, subject to section 31313(a).”.

(b) **REQUIREMENTS FOR STATE PARTICIPATION.**—Section 31311 is amended—

(1) in subsection (a), as amended by section 32203(b) of this Act—

(A) in paragraph (5), by striking “At least” and all that follows through “(regulation),” and inserting: “Not later than the time period prescribed by the Secretary by regulation.”; and

(B) by adding at the end the following:

“(23) Not later than 1 year after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the State shall implement a system and practices for the exclusive electronic exchange of driver history record information on the system the Secretary maintains under section 31309, including the posting of convictions, withdrawals, and disqualifications.

“(24) Before renewing or issuing a commercial driver's license to an individual, the State shall request information pertaining to the individual from the drug and alcohol clearinghouse maintained under section 31306a.”; and

(2) by adding at the end the following:

“(d) **STATE COMMERCIAL DRIVER'S LICENSE PROGRAM PLAN.**—

“(1) **IN GENERAL.**—A State shall submit a plan to the Secretary for complying with the requirements under this section during the period beginning on the date the plan is submitted and ending on September 30, 2016.

“(2) **CONTENTS.**—A plan submitted by a State under paragraph (1) shall identify—

“(A) the actions that the State will take to address any deficiencies in the State's commercial driver's license program, as identified by the Secretary in the most recent audit of the program; and

“(B) other actions that the State will take to comply with the requirements under subsection (a).

“(3) **PRIORITY.**—

“(A) **IMPLEMENTATION SCHEDULE.**—A plan submitted by a State under paragraph (1) shall include a schedule for the implementation of the actions identified under paragraph (2). In establishing the schedule, the State shall prioritize actions to address any deficiencies highlighted by the Secretary as critical in the most recent audit of the program.

“(B) **DEADLINE FOR COMPLIANCE WITH REQUIREMENTS.**—A plan submitted by a State under paragraph (1) shall include assurances that the State will take the necessary actions to comply with the requirements of subsection (a) not later than September 30, 2015.

“(4) **APPROVAL AND DISAPPROVAL.**—The Secretary shall—

“(A) review each plan submitted under paragraph (1);

“(B)(i) approve a plan if the Secretary determines that the plan meets the requirements under this subsection and promotes the goals of this chapter; and

“(ii) disapprove a plan that the Secretary determines does not meet the requirements or does not promote the goals.

“(5) **MODIFICATION OF DISAPPROVED PLANS.**—If the Secretary disapproves a plan under paragraph (4), the Secretary shall—

“(A) provide a written explanation of the disapproval to the State; and

“(B) allow the State to modify the plan and resubmit it for approval.

“(6) **PLAN UPDATES.**—The Secretary may require a State to review and update a plan, as appropriate.

“(e) **ANNUAL COMPARISON OF STATE LEVELS OF COMPLIANCE.**—The Secretary shall annually—

“(1) compare the relative levels of compliance by States with the requirements under subsection (a); and

“(2) make the results of the comparison available to the public.”.

SEC. 32306. COMMERCIAL MOTOR VEHICLE DRIVER INFORMATION SYSTEMS.

Section 31106(c) is amended—

(1) by striking the heading and inserting “(1) **IN GENERAL.**”;

(2) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D); and

(3) by adding at the end the following:

“(2) **ACCESS TO RECORDS.**—The Secretary may require a State, as a condition of an award of grant money under this section, to provide the Secretary access to all State licensing status and driver history records via an electronic information system, subject to section 2721 of title 18.”.

SEC. 32307. EMPLOYER RESPONSIBILITIES.

Section 31304, as amended by section 32303 of this Act, is amended in subsection (a)—

(1) by striking “knowingly”; and

(2) by striking “in which” and inserting “that the employer knows or should reasonably know that”.

SEC. 32308. PROGRAM TO ASSIST VETERANS TO ACQUIRE COMMERCIAL DRIVER'S LICENSES.

(a) **STUDY.**—

(1) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary, in coordination with the Secretary of Defense, and in consultation with the States and other relevant stakeholders, shall commence a study to assess Federal and State regulatory, economic, and administrative challenges faced by members and former members of the Armed Forces, who received safety training and operated qualifying motor vehicles during their service, in obtaining commercial driver's licenses (as defined in section 31301(3) of title 49, United States Code).

(2) **REQUIREMENTS.**—The study under this subsection shall—

(A) identify written and behind-the-wheel safety training, qualification standards, knowledge and skills tests, or other operating experience members of the Armed Forces must meet that satisfy the minimum standards prescribed by the Secretary of Transportation for the operation of commercial motor vehicles under section 31305 of title 49, United States Code;

(B) compare the alcohol and controlled substances testing requirements for members of the Armed Forces with those required for holders of a commercial driver's license;

(C) evaluate the cause of delays in reviewing applications for commercial driver's licenses of members and former members of the Armed Forces;

(D) identify duplicative application costs;

(E) identify residency, domicile, training and testing requirements, and other safety or health assessments that affect or delay the issuance of commercial driver's licenses to members and former members of the Armed Forces; and

(F) include other factors that the Secretary determines to be appropriate to meet the requirements of the study.

(b) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the commencement of the study under subsection (a), the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Financial Services of the House of Representatives that contains the findings and recommendations from the study.

(2) **ELEMENTS.**—The report under paragraph (1) shall include—

(A) findings related to the study requirements under subsection (a)(2);

(B) recommendations for the Federal and State legislative, regulatory, and administrative actions necessary to address challenges identified in subparagraph (A); and

(C) a plan to implement the recommendations for which the Secretary has authority.

(c) **IMPLEMENTATION.**—Not later than 1 year after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Defense and in cooperation with the States, shall implement the recommendations identified in subsection (b) and establish accelerated licensing procedures to assist veterans to acquire commercial driver's licenses.

(d) **ACCELERATED LICENSING PROCEDURES.**—The procedures established under subsection (a) shall be designed to be applicable to any veteran who—

(1) is attempting to acquire a commercial driver's license; and

(2) obtained, during military service, documented driving experience that, in the determination of the Secretary, makes the use of accelerated licensing procedures appropriate.

(e) **DEFINITIONS.**—In this section:

(1) **COMMERCIAL DRIVER'S LICENSE.**—The term “commercial driver's license” has the meaning given that term in section 31301 of title 49, United States Code.

(2) **STATE.**—The term “State” has the meaning given that term in section 31301 of title 49, United States Code.

(3) VETERAN.—The term “veteran” has the meaning given that term in section 101 of title 38, United States Code.

Subtitle D—Safe Roads Act of 2012

SEC. 32401. SHORT TITLE.

This subtitle may be cited as the “Safe Roads Act of 2012”.

SEC. 32402. NATIONAL CLEARINGHOUSE FOR CONTROLLED SUBSTANCE AND ALCOHOL TEST RESULTS OF COMMERCIAL MOTOR VEHICLE OPERATORS.

(a) IN GENERAL.—Chapter 313 is amended—
 (1) in section 31306(a), by inserting “and section 31306a” after “this section”; and
 (2) by inserting after section 31306 the following:

“§31306a. National clearinghouse for controlled substance and alcohol test results of commercial motor vehicle operators

“(a) ESTABLISHMENT.—

“(1) IN GENERAL.—Not later than 2 years after the date of enactment of the Safe Roads Act of 2012, the Secretary of Transportation shall establish, operate, and maintain a national clearinghouse for records relating to alcohol and controlled substances testing of commercial motor vehicle operators.

“(2) PURPOSES.—The purposes of the clearinghouse shall be—

“(A) to improve compliance with the Department of Transportation’s alcohol and controlled substances testing program applicable to commercial motor vehicle operators; and

“(B) to enhance the safety of our United States roadways by reducing accident and injuries involving the misuse of alcohol or use of controlled substances by operators of commercial motor vehicles.

“(3) CONTENTS.—The clearinghouse shall function as a repository for records relating to the positive test results and test refusals of commercial motor vehicle operators and violations by such operators of prohibitions set forth in subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

“(4) ELECTRONIC EXCHANGE OF RECORDS.—The Secretary shall ensure that records can be electronically submitted to, and requested from, the clearinghouse by authorized users.

“(5) AUTHORIZED OPERATOR.—The Secretary may authorize a qualified private entity to operate and maintain the clearinghouse and to collect fees on behalf of the Secretary under subsection (e). The entity shall operate and maintain the clearinghouse and permit access to driver information and records from the clearinghouse in accordance with this section.

“(b) DESIGN OF CLEARINGHOUSE.—

“(1) USE OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION RECOMMENDATIONS.—In establishing the clearinghouse, the Secretary shall consider—

“(A) the findings and recommendations contained in the Federal Motor Carrier Safety Administration’s March 2004 report to Congress required under section 226 of the Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31306 note); and

“(B) the findings and recommendations contained in the Government Accountability Office’s May 2008 report to Congress entitled ‘Motor Carrier Safety: Improvements to Drug Testing Programs Could Better Identify Illegal Drug Users and Keep Them off the Road.’

“(2) DEVELOPMENT OF SECURE PROCESSES.—In establishing the clearinghouse, the Secretary shall develop a secure process for—

“(A) administering and managing the clearinghouse in compliance with applicable Federal security standards;

“(B) registering and authenticating authorized users of the clearinghouse;

“(C) registering and authenticating persons required to report to the clearinghouse under subsection (g);

“(D) preventing the unauthorized access of information from the clearinghouse;

“(E) storing and transmitting data;

“(F) persons required to report to the clearinghouse under subsection (g) to timely and accurately submit electronic data to the clearinghouse;

“(G) generating timely and accurate reports from the clearinghouse in response to requests for information by authorized users; and

“(H) updating an individual’s record upon completion of the return-to-duty process described in title 49, Code of Federal Regulations.

“(3) EMPLOYER ALERT OF POSITIVE TEST RESULT.—In establishing the clearinghouse, the Secretary shall develop a secure method for electronically notifying an employer of each additional positive test result or other noncompliance—

“(A) for an employee, that is entered into the clearinghouse during the 7-day period immediately following an employer’s inquiry about the employee; and

“(B) for an employee who is listed as having multiple employers.

“(4) ARCHIVE CAPABILITY.—In establishing the clearinghouse, the Secretary shall develop a process for archiving all clearinghouse records for the purposes of auditing and evaluating the timeliness, accuracy, and completeness of data in the clearinghouse.

“(5) FUTURE NEEDS.—

“(A) INTEROPERABILITY WITH OTHER DATA SYSTEMS.—In establishing the clearinghouse, the Secretary shall consider—

“(i) the existing data systems containing regulatory and safety data for commercial motor vehicle operators;

“(ii) the efficacy of using or combining clearinghouse data with 1 or more of such systems; and

“(iii) the potential interoperability of the clearinghouse with such systems.

“(B) SPECIFIC CONSIDERATIONS.—In carrying out subparagraph (A), the Secretary shall determine—

“(i) the clearinghouse’s capability for interoperability with—

“(I) the National Driver Register established under section 30302;

“(II) the Commercial Driver’s License Information System established under section 31309;

“(III) the Motor Carrier Management Information System for preemployment screening services under section 31150; and

“(IV) other data systems, as appropriate; and
 “(ii) any change to the administration of the current testing program, such as forms, that is necessary to collect data for the clearinghouse.

“(c) STANDARD FORMATS.—The Secretary shall develop standard formats to be used—

“(1) by an authorized user of the clearinghouse to—

“(A) request a record from the clearinghouse; and

“(B) obtain the consent of an individual who is the subject of a request from the clearinghouse, if applicable; and

“(2) to notify an individual that a positive alcohol or controlled substances test result, refusing to test, and a violation of any of the prohibitions under subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations), will be reported to the clearinghouse.

“(d) PRIVACY.—A release of information from the clearinghouse shall—

“(1) comply with applicable Federal privacy laws, including the fair information practices under the Privacy Act of 1974 (5 U.S.C. 552a);

“(2) comply with applicable sections of the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.); and

“(3) not be made to any person or entity unless expressly authorized or required by law.

“(e) FEES.—

“(1) AUTHORITY TO COLLECT FEES.—Except as provided under paragraph (3), the Secretary may collect a reasonable, customary, and nominal fee from an authorized user of the clearinghouse for a request for information from the clearinghouse.

“(2) USE OF FEES.—Fees collected under this subsection shall be used for the operation and maintenance of the clearinghouse.

“(3) LIMITATION.—The Secretary may not collect a fee from an individual requesting information from the clearinghouse that pertains to the record of that individual.

“(f) EMPLOYER REQUIREMENTS.—

“(1) DETERMINATION CONCERNING USE OF CLEARINGHOUSE.—The Secretary shall determine if an employer is authorized to use the clearinghouse to meet the alcohol and controlled substances testing requirements under title 49, Code of Federal Regulations.

“(2) APPLICABILITY OF EXISTING REQUIREMENTS.—Each employer and service agent shall continue to comply with the alcohol and controlled substances testing requirements under title 49, Code of Federal Regulations.

“(3) EMPLOYMENT PROHIBITIONS.—After the clearinghouse is established under subsection (a), at a date determined to be appropriate by the Secretary and published in the Federal Register, an employer shall utilize the clearinghouse to determine whether any employment prohibitions exist and shall not hire an individual to operate a commercial motor vehicle unless the employer determines that the individual, during the preceding 3-year period—

“(A) if tested for the use of alcohol and controlled substances, as required under title 49, Code of Federal Regulations—

“(i) did not test positive for the use of alcohol or controlled substances in violation of the regulations; or

“(ii) tested positive for the use of alcohol or controlled substances and completed the required return-to-duty process under title 49, Code of Federal Regulations;

“(B)(i) did not refuse to take an alcohol or controlled substance test under title 49, Code of Federal Regulations; or

“(ii) refused to take an alcohol or controlled substance test and completed the required return-to-duty process under title 49, Code of Federal Regulations; and

“(C) did not violate any other provision of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

“(4) ANNUAL REVIEW.—After the clearinghouse is established under subsection (a), at a date determined to be appropriate by the Secretary and published in the Federal Register, an employer shall request and review a commercial motor vehicle operator’s record from the clearinghouse annually for as long as the commercial motor vehicle operator is under the employ of the employer.

“(g) REPORTING OF RECORDS.—

“(1) IN GENERAL.—Beginning 30 days after the date that the clearinghouse is established under subsection (a), a medical review officer, employer, service agent, and other appropriate person, as determined by the Secretary, shall promptly submit to the Secretary any record generated after the clearinghouse is initiated of an individual who—

“(A) refuses to take an alcohol or controlled substances test required under title 49, Code of Federal Regulations;

“(B) tests positive for alcohol or a controlled substance in violation of the regulations; or

“(C) violates any other provision of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

“(2) **INCLUSION OF RECORDS IN CLEARINGHOUSE.**—The Secretary shall include in the clearinghouse the records of positive test results and test refusals received under paragraph (1).

“(3) **MODIFICATIONS AND DELETIONS.**—If the Secretary determines that a record contained in the clearinghouse is not accurate, the Secretary shall modify or delete the record, as appropriate.

“(4) **NOTIFICATION.**—The Secretary shall expeditiously notify an individual, unless such notification would be duplicative, when—

“(A) a record relating to the individual is received by the clearinghouse;

“(B) a record in the clearinghouse relating to the individual is modified or deleted, and include in the notification the reason for the modification or deletion; or

“(C) a record in the clearinghouse relating to the individual is released to an employer and specify the reason for the release.

“(5) **DATA QUALITY AND SECURITY STANDARDS FOR REPORTING AND RELEASING.**—The Secretary may establish additional requirements, as appropriate, to ensure that—

“(A) the submission of records to the clearinghouse is timely and accurate;

“(B) the release of data from the clearinghouse is timely, accurate, and released to the appropriate authorized user under this section; and

“(C) an individual with a record in the clearinghouse has a cause of action for any inappropriate use of information included in the clearinghouse.

“(6) **RETENTION OF RECORDS.**—The Secretary shall—

“(A) retain a record submitted to the clearinghouse for a 5-year period beginning on the date the record is submitted;

“(B) remove the record from the clearinghouse at the end of the 5-year period, unless the individual fails to meet a return-to-duty or follow-up requirement under title 49, Code of Federal Regulations; and

“(C) retain a record after the end of the 5-year period in a separate location for archiving and auditing purposes.

“(h) **AUTHORIZED USERS.**—

“(1) **EMPLOYERS.**—The Secretary shall establish a process for an employer, or an employer's designated agent, to request and receive an individual's record from the clearinghouse.

“(A) **CONSENT.**—An employer may not access an individual's record from the clearinghouse unless the employer—

“(i) obtains the prior written or electronic consent of the individual for access to the record; and

“(ii) submits proof of the individual's consent to the Secretary.

“(B) **ACCESS TO RECORDS.**—After receiving a request from an employer for an individual's record under subparagraph (A), the Secretary shall grant access to the individual's record to the employer as expeditiously as practicable.

“(C) **RETENTION OF RECORD REQUESTS.**—The Secretary shall require an employer to retain for a 3-year period—

“(i) a record of each request made by the employer for records from the clearinghouse; and

“(ii) the information received pursuant to the request.

“(D) **USE OF RECORDS.**—An employer may use an individual's record received from the clearinghouse only to assess and evaluate whether a prohibition applies with respect to the individual to operate a commercial motor vehicle for the employer.

“(E) **PROTECTION OF PRIVACY OF INDIVIDUALS.**—An employer that receives an individual's record from the clearinghouse under subparagraph (B) shall—

“(i) protect the privacy of the individual and the confidentiality of the record; and

“(ii) ensure that information contained in the record is not divulged to a person or entity that is not directly involved in assessing and evaluating whether a prohibition applies with respect to the individual to operate a commercial motor vehicle for the employer.

“(2) **STATE LICENSING AUTHORITIES.**—The Secretary shall establish a process for the chief commercial driver's licensing official of a State to request and receive an individual's record from the clearinghouse if the individual is applying for a commercial driver's license from the State.

“(A) **CONSENT.**—The Secretary may grant access to an individual's record in the clearinghouse under this paragraph without the prior written or electronic consent of the individual. An individual who holds a commercial driver's license shall be deemed to consent to such access by obtaining a commercial driver's license.

“(B) **PROTECTION OF PRIVACY OF INDIVIDUALS.**—A chief commercial driver's licensing official of a State that receives an individual's record from the clearinghouse under this paragraph shall—

“(i) protect the privacy of the individual and the confidentiality of the record; and

“(ii) ensure that the information in the record is not divulged to any person that is not directly involved in assessing and evaluating the qualifications of the individual to operate a commercial motor vehicle.

“(i) **NATIONAL TRANSPORTATION SAFETY BOARD.**—The Secretary shall establish a process for the National Transportation Safety Board to request and receive an individual's record from the clearinghouse if the individual is involved in an accident that is under investigation by the National Transportation Safety Board.

“(j) **ACCESS TO CLEARINGHOUSE BY INDIVIDUALS.**—

“(1) **IN GENERAL.**—The Secretary shall establish a process for an individual to request and receive information from the clearinghouse—

“(A) to determine whether the clearinghouse contains a record pertaining to the individual;

“(B) to verify the accuracy of a record;

“(C) to update an individual's record, including completing the return-to-duty process described in title 49, Code of Federal Regulations; and

“(D) to determine whether the clearinghouse received requests for the individual's information.

“(2) **DISPUTE PROCEDURE.**—The Secretary shall establish a procedure, including an appeal process, for an individual to dispute and remedy an administrative error in the individual's record.

“(k) **PENALTIES.**—

“(1) **IN GENERAL.**—An employer, employee, medical review officer, or service agent who violates any provision of this section shall be subject to civil penalties under section 521(b)(2)(C) and criminal penalties under section 521(b)(6)(B), and any other applicable civil and criminal penalties, as determined by the Secretary.

“(2) **VIOLATION OF PRIVACY.**—The Secretary shall establish civil and criminal penalties, consistent with paragraph (1), for an authorized user who violates paragraph (1) or (2) of subsection (h).

“(l) **COMPATIBILITY OF STATE AND LOCAL LAWS.**—

“(1) **PREEMPTION.**—Except as provided under paragraph (2), any law, regulation, order, or other requirement of a State, political subdivision of a State, or Indian tribe related to a commercial driver's license holder subject to alcohol or controlled substance testing under title 49, Code of Federal Regulations, that is inconsistent with this section or a regulation issued pursuant to this section is preempted.

“(2) **APPLICABILITY.**—The preemption under paragraph (1) shall include—

“(A) the reporting of valid positive results from alcohol screening tests and drug tests;

“(B) the refusal to provide a specimen for an alcohol screening test or drug test; and

“(C) other violations of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

“(3) **EXCEPTION.**—A law, regulation, order, or other requirement of a State, political subdivision of a State, or Indian tribe shall not be preempted under this subsection to the extent it relates to an action taken with respect to a commercial motor vehicle operator's commercial driver's license or driving record as a result of the driver's—

“(A) verified positive alcohol or drug test result;

“(B) refusal to provide a specimen for the test; or

“(C) other violations of subpart B of part 382 of title 49, Code of Federal Regulations (or any subsequent corresponding regulations).

“(m) **DEFINITIONS.**—In this section—

“(1) **AUTHORIZED USER.**—The term ‘authorized user’ means an employer, State licensing authority, or other person granted access to the clearinghouse under subsection (h).

“(2) **CHIEF COMMERCIAL DRIVER'S LICENSING OFFICIAL.**—The term ‘chief commercial driver's licensing official’ means the official in a State who is authorized to—

“(A) maintain a record about commercial driver's licenses issued by the State; and

“(B) take action on commercial driver's licenses issued by the State.

“(3) **CLEARINGHOUSE.**—The term ‘clearinghouse’ means the clearinghouse established under subsection (a).

“(4) **COMMERCIAL MOTOR VEHICLE OPERATOR.**—The term ‘commercial motor vehicle operator’ means an individual who—

“(A) possesses a valid commercial driver's license issued in accordance with section 31308; and

“(B) is subject to controlled substances and alcohol testing under title 49, Code of Federal Regulations.

“(5) **EMPLOYER.**—The term ‘employer’ means a person or entity employing, or seeking to employ, 1 or more employees (including an individual who is self-employed) to be commercial motor vehicle operators.

“(6) **MEDICAL REVIEW OFFICER.**—The term ‘medical review officer’ means a licensed physician who is responsible for—

“(A) receiving and reviewing a laboratory result generated under the testing program;

“(B) evaluating a medical explanation for a controlled substances test under title 49, Code of Federal Regulations; and

“(C) interpreting the results of a controlled substances test.

“(7) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Transportation.

“(8) **SERVICE AGENT.**—The term ‘service agent’ means a person or entity, other than an employee of the employer, who provides services to employers or employees under the testing program.

“(9) **TESTING PROGRAM.**—The term ‘testing program’ means the alcohol and controlled substances testing program required under title 49, Code of Federal Regulations.”.

(b) **CONFORMING AMENDMENT.**—The analysis for chapter 313 is amended by inserting after the item relating to section 31306 the following:

“31306a. National clearinghouse for positive controlled substance and alcohol test results of commercial motor vehicle operators.”.

Subtitle E—Enforcement**SEC. 32501. INSPECTION DEMAND AND DISPLAY OF CREDENTIALS.**

(a) SAFETY INVESTIGATIONS.—Section 504(c) is amended—

(1) by inserting “, or an employee of the recipient of a grant issued under section 31102 of this title” after “a contractor”; and

(2) by inserting “, in person or in writing” after “proper credentials”.

(b) CIVIL PENALTY.—Section 521(b)(2)(E) is amended—

(1) by redesignating subparagraph (E) as subparagraph (E)(i); and

(2) by adding at the end the following:

“(ii) PLACE OUT OF SERVICE.—The Secretary may by regulation adopt procedures for placing out of service the commercial motor vehicle of a foreign-domiciled motor carrier that fails to promptly allow the Secretary to inspect and copy a record or inspect equipment, land, buildings, or other property.”.

(c) HAZARDOUS MATERIALS INVESTIGATIONS.—Section 5121(c)(2) is amended by inserting “, in person or in writing,” after “proper credentials”.

(d) COMMERCIAL INVESTIGATIONS.—Section 14122(b) is amended by inserting “, in person or in writing” after “proper credentials”.

SEC. 32502. OUT OF SERVICE PENALTY FOR DENIAL OF ACCESS TO RECORDS.

Section 521(b)(2)(E) is amended—

“(1) by inserting after “\$10,000.” the following: “In the case of a motor carrier, the Secretary may also place the violator’s motor carrier operations out of service.”; and

(2) by striking “such penalty” after “It shall be a defense to” and inserting “a penalty”.

SEC. 32503. PENALTIES FOR VIOLATION OF OPERATION OUT OF SERVICE ORDERS.

Section 521(b)(2) is amended by adding at the end the following:

“(F) PENALTY FOR VIOLATIONS RELATING TO OUT OF SERVICE ORDERS.—A motor carrier or employer (as defined in section 31132) that operates a commercial motor vehicle in commerce in violation of a prohibition on transportation under section 31144(c) of this title or an imminent hazard out of service order issued under subsection (b)(5) of this section or section 5121(d) of this title shall be liable for a civil penalty not to exceed \$25,000.”.

SEC. 32504. IMPOUNDMENT AND IMMOBILIZATION OF COMMERCIAL MOTOR VEHICLES FOR IMMINENT HAZARD.

Section 521(b) is amended by adding at the end the following:

“(15) IMPOUNDMENT OF COMMERCIAL MOTOR VEHICLES.—

“(A) ENFORCEMENT OF IMMINENT HAZARD OUT-OF-SERVICE ORDERS.—

“(i) The Secretary, or an authorized State official carrying out motor carrier safety enforcement activities under section 31102, may enforce an imminent hazard out-of-service order issued under chapters 5, 51, 131 through 149, 311, 313, or 315 of this title, or a regulation promulgated thereunder, by towing and impounding a commercial motor vehicle until the order is rescinded.

“(ii) Enforcement shall not unreasonably interfere with the ability of a shipper, carrier, broker, or other party to arrange for the alternative transportation of any cargo or passenger being transported at the time the commercial motor vehicle is immobilized. In the case of a commercial motor vehicle transporting passengers, the Secretary or authorized State official shall provide reasonable, temporary, and secure shelter and accommodations for passengers in transit.

“(iii) The Secretary’s designee or an authorized State official carrying out motor carrier safety enforcement activities under section

31102, shall immediately notify the owner of a commercial motor vehicle of the impoundment and the opportunity for review of the impoundment. A review shall be provided in accordance with section 554 of title 5, except that the review shall occur not later than 10 days after the impoundment.

“(B) ISSUANCE OF REGULATIONS.—The Secretary shall promulgate regulations on the use of impoundment or immobilization of commercial motor vehicles as a means of enforcing additional out-of-service orders issued under chapters 5, 51, 131 through 149, 311, 313, or 315 of this title, or a regulation promulgated thereunder. Regulations promulgated under this subparagraph shall include consideration of public safety, the protection of passengers and cargo, inconvenience to passengers, and the security of the commercial motor vehicle.

“(C) DEFINITION.—In this paragraph, the term ‘impoundment’ or ‘impounding’ means the seizing and taking into custody of a commercial motor vehicle or the immobilizing of a commercial motor vehicle through the attachment of a locking device or other mechanical or electronic means.”.

SEC. 32505. INCREASED PENALTIES FOR EVASION OF REGULATIONS.

(a) PENALTIES.—Section 524 is amended—

(1) by striking “knowingly and willfully”;

(2) by inserting after “this chapter” the following: “, chapter 51, subchapter III of chapter 311 (except sections 31138 and 31139) or section 31302, 31303, 31304, 31305(b), 31310(g)(1)(A), or 31502 of this title, or a regulation issued under any of those provisions.”;

(3) by striking “\$200 but not more than \$500” and inserting “\$2,000 but not more than \$5,000”; and

(4) by striking “\$250 but not more than \$2,000” and inserting “\$2,500 but not more than \$7,500”.

(b) EVASION OF REGULATION.—Section 14906 is amended—

(1) by striking “\$200” and inserting “at least \$2,000”;

(2) by striking “\$250” and inserting “\$5,000”; and

(3) by inserting after “a subsequent violation” the following:

“, and may be subject to criminal penalties”.

SEC. 32506. VIOLATIONS RELATING TO COMMERCIAL MOTOR VEHICLE SAFETY REGULATION AND OPERATORS.

Section 521(b)(2)(D) is amended by striking “ability to pay,”.

SEC. 32507. EMERGENCY DISQUALIFICATION FOR IMMINENT HAZARD.

Section 31310(f) is amended—

(1) in paragraph (1) by inserting “section 521 or” before “section 5102”; and

(2) in paragraph (2) by inserting “section 521 or” before “section 5102”.

SEC. 32508. DISCLOSURE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES.

Section 31106(e) is amended—

(1) by redesignating subsection (e) as subsection (e)(1); and

(2) by inserting at the end the following:

“(2) IN GENERAL.—Notwithstanding any prohibition on disclosure of information in section 31105(h) or 31143(b) of this title or section 552a of title 5, the Secretary may disclose information maintained by the Secretary pursuant to chapters 51, 135, 311, or 313 of this title to appropriate personnel of a State agency or instrumentality authorized to carry out State commercial motor vehicle safety activities and commercial driver’s license laws, or appropriate personnel of a local law enforcement agency, in accordance with standards, conditions, and procedures as determined by the Secretary. Disclosure under this section shall not operate as a waiver by the Secretary of any applicable privilege against disclosure under common law or as a basis for

compelling disclosure under section 552 of title 5.”.

SEC. 32509. GRADE CROSSING SAFETY REGULATIONS.

Section 112(2) of the Hazardous Materials Transportation Authorization Act of 1994 (Public Law 103-311) is amended by striking “315 of such title (relating to motor carrier safety)” and inserting “311 of such title (relating to commercial motor vehicle safety)”.

Subtitle F—Compliance, Safety, Accountability**SEC. 32601. MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.**

(a) IN GENERAL.—Section 31102(b) is amended—

(1) by amending the heading to read as follows:

“(b) MOTOR CARRIER SAFETY ASSISTANCE PROGRAM.—”;

(2) by redesignating paragraphs (1) through (3) as (2) through (4), respectively;

(3) by inserting before paragraph (2), as redesignated, the following:

“(1) PROGRAM GOAL.—The goal of the Motor Carrier Safety Assistance Program is to ensure that the Secretary, States, local government agencies, and other political jurisdictions work in partnership to establish programs to improve motor carrier, commercial motor vehicle, and driver safety to support a safe and efficient surface transportation system by—

“(A) making targeted investments to promote safe commercial motor vehicle transportation, including transportation of passengers and hazardous materials;

“(B) investing in activities likely to generate maximum reductions in the number and severity of commercial motor vehicle crashes and fatalities resulting from such crashes;

“(C) adopting and enforcing effective motor carrier, commercial motor vehicle, and driver safety regulations and practices consistent with Federal requirements; and

“(D) assessing and improving statewide performance by setting program goals and meeting performance standards, measures, and benchmarks.”;

(4) in paragraph (2), as redesignated—

(A) by striking “make a declaration of” in subparagraph (I) and inserting “demonstrate”;

(B) by amending subparagraph (M) to read as follows:

“(M) ensures participation in appropriate Federal Motor Carrier Safety Administration systems and other information systems by all appropriate jurisdictions receiving Motor Carrier Safety Assistance Program funding;”;

(C) in subparagraph (Q), by inserting “and dedicated sufficient resources to” between “established” and “a program”;

(D) in subparagraph (W), by striking “and” after the semicolon;

(E) in subparagraph (X), by striking the period and inserting “; and”; and

(F) by adding after subparagraph (X) the following:

“(Y) ensures that the State will transmit to its roadside inspectors the notice of each Federal exemption granted pursuant to section 31315(b) and provided to the State by the Secretary, including the name of the person granted the exemption and any terms and conditions that apply to the exemption.”; and

(5) by amending paragraph (4), as redesignated, to read as follows:

“(4) MAINTENANCE OF EFFORT.—

“(A) IN GENERAL.—A plan submitted by a State under paragraph (2) shall provide that the total expenditure of amounts of the lead State agency responsible for implementing the plan will be maintained at a level at least equal to the average level of that expenditure for fiscal years 2004 and 2005.

“(B) AVERAGE LEVEL OF STATE EXPENDITURES.—In estimating the average level of State expenditure under subparagraph (A), the Secretary—

“(i) may allow the State to exclude State expenditures for Government-sponsored demonstration or pilot programs; and

“(ii) shall require the State to exclude State matching amounts used to receive Government financing under this subsection.

“(C) WAIVER.—Upon the request of a State, the Secretary may waive or modify the requirements of this paragraph for 1 fiscal year, if the Secretary determines that a waiver is equitable due to exceptional or uncontrollable circumstances, such as a natural disaster or a serious decline in the financial resources of the State motor carrier safety assistance program agency.”.

SEC. 32602. PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT PROGRAM.

Section 31106(b) is amended by amending paragraph (3)(C) to read as follows:

“(C) establish and implement a process—

“(i) to cancel the motor vehicle registration and seize the registration plates of a vehicle when an employer is found liable under section 31310(i)(2)(C) for knowingly allowing or requiring an employee to operate such a commercial motor vehicle in violation of an out-of-service order; and

“(ii) to reinstate the vehicle registration or return the registration plates of the commercial motor vehicle, subject to sanctions under clause (i), if the Secretary permits such carrier to resume operations after the date of issuance of such order.”.

SEC. 32603. AUTHORIZATION OF APPROPRIATIONS.

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a) is amended—

(1) by striking “and” at the end of paragraph (7);

(2) by striking paragraph (8); and

(3) by inserting after paragraph (7) the following:

“(8) \$215,000,000 for fiscal year 2013; and

“(9) \$218,000,000 for fiscal year 2014.”.

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1) is amended—

(1) by striking “and” at the end of subparagraph (G); and

(2) by striking subparagraph (H); and

(3) by inserting after subparagraph (G) the following:

“(H) \$251,000,000 for fiscal year 2013; and

“(I) \$259,000,000 for fiscal year 2014.”.

(c) GRANT PROGRAMS.—Section 4101(c) of SAFETEA-LU (119 Stat. 1715) is amended to read as follows:

“(c) GRANT PROGRAMS.—There are authorized to be appropriated from the Highway Trust Fund (other than the Mass Transit Account) the following sums for the following Federal Motor Carrier Safety Administration programs:

“(1) COMMERCIAL DRIVER’S LICENSE PROGRAM IMPROVEMENT GRANTS.—For commercial driver’s license program improvement grants under section 31313 of title 49, United States Code \$30,000,000 for each of fiscal years 2013 and 2014.

“(2) BORDER ENFORCEMENT GRANTS.—For border enforcement grants under section 31107 of such title \$32,000,000 for each of fiscal years 2013 and 2014.

“(3) PERFORMANCE AND REGISTRATION INFORMATION SYSTEM MANAGEMENT GRANT PROGRAM.—For the performance and registration information system management grant program under section 31109 of such title \$5,000,000 for each of fiscal years 2013 and 2014.

“(4) COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS DEPLOYMENT.—For carrying out the commercial vehicle information

systems and networks deployment program under section 4126 of this Act, \$25,000,000 for each of fiscal years 2013 and 2014.

“(5) SAFETY DATA IMPROVEMENT GRANTS.—For safety data improvement grants under section 4128 of this Act, \$3,000,000 for each of fiscal years 2013 and 2014.”.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k)(2) is amended by striking “2011 and \$11,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2014”.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) is amended to read as follows:

“(B) SET ASIDE.—The Secretary shall set aside from amounts made available by section 31104(a) up to \$32,000,000 per fiscal year for audits of new entrant motor carriers conducted pursuant to this paragraph.”.

(f) OUTREACH AND EDUCATION.—Section 4127(e) of SAFETEA-LU (119 Stat. 1741) is amended to read as follows:

“(e) FUNDING.—From amounts made available under section 31104(i) of title 49, United States Code, the Secretary shall make available \$4,000,000 to the Federal Motor Carrier Safety Administration for each of fiscal years 2013 and 2014 to carry out this section (other than subsection (f)).”.

(g) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA-LU (49 U.S.C. 31301 note) is amended by striking “2011 and \$750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2014”.

(h) BORDER ENFORCEMENT GRANTS.—Section 31107 is amended—

(1) by striking subsection (b); and

(2) redesignating subsections (c) and (d) as subsections (b) and (c), respectively.

(i) ADMINISTRATION OF GRANT PROGRAMS.—The Secretary is authorized to identify and implement processes to reduce the administrative burden on the States and the Department of Transportation concerning the application and management of the grant programs authorized under chapter 311 and chapter 313 of title 49, United States Code.

SEC. 32604. GRANTS FOR COMMERCIAL DRIVER’S LICENSE PROGRAM IMPLEMENTATION.

(a) GRANTS FOR COMMERCIAL DRIVER’S LICENSE PROGRAM IMPLEMENTATION.—Section 31313(a) is amended to read as follows:

“(a) COMMERCIAL DRIVER’S LICENSE PROGRAM IMPROVEMENT GRANTS.—

“(1) PROGRAM GOAL.—The Secretary of Transportation may make a grant to a State in a fiscal year—

“(A) to comply with the requirements of section 31311;

“(B) in the case of a State that is making a good faith effort toward substantial compliance with the requirements of this section and section 31311, to improve its implementation of its commercial driver’s license program, including expenses—

“(i) for computer hardware and software;

“(ii) for publications, testing, personnel, training, and quality control;

“(iii) for commercial driver’s license program coordinators;

“(iv) to implement or maintain a system to notify an employer of an operator of a commercial motor vehicle of the suspension or revocation of the operator’s commercial driver’s license consistent with the standards developed under section 32303(b) of the Commercial Motor Vehicle Safety Enhancement Act of 2012.

“(2) PROHIBITIONS.—A State may not use grant funds under this subsection to rent, lease, or buy land or buildings.”.

(b) CONFORMING AMENDMENT.—

(1) The heading for section 31313 is amended by striking “improvements” and inserting “implementation”.

(2) The analysis of chapter 313 is amended by striking the item relating to section 31313 and inserting the following:

“31313. Grants for commercial driver’s license program implementation.”.

SEC. 32605. COMMERCIAL VEHICLE INFORMATION SYSTEMS AND NETWORKS.

Not later than 6 months after the date of enactment of this Act, the Secretary shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that includes—

(1) established time frames and milestones for resuming the Commercial Vehicle Information Systems and Networks Program; and

(2) a strategic workforce plan for its grants management office to ensure that it has determined the skills and competencies that are critical to achieving its mission goals.

Subtitle G—Motorcoach Enhanced Safety Act of 2012

SEC. 32701. SHORT TITLE.

This subtitle may be cited as the “Motorcoach Enhanced Safety Act of 2012”.

SEC. 32702. DEFINITIONS.

In this subtitle:

(1) ADVANCED GLAZING.—The term “advanced glazing” means glazing installed in a portal on the side or the roof of a motorcoach that is designed to be highly resistant to partial or complete occupant ejection in all types of motor vehicle crashes.

(2) BUS.—The term “bus” has the meaning given the term in section 571.3(b) of title 49, Code of Federal Regulations (as in effect on the day before the date of enactment of this Act).

(3) COMMERCIAL MOTOR VEHICLE.—Except as otherwise specified, the term “commercial motor vehicle” has the meaning given the term in section 31132(1) of title 49, United States Code.

(4) DIRECT TIRE PRESSURE MONITORING SYSTEM.—The term “direct tire pressure monitoring system” means a tire pressure monitoring system that is capable of directly detecting when the air pressure level in any tire is significantly under-inflated and providing the driver a low tire pressure warning as to which specific tire is significantly under-inflated.

(5) MOTOR CARRIER.—The term “motor carrier” means—

(A) a motor carrier (as defined in section 13102(14) of title 49, United States Code); or

(B) a motor private carrier (as defined in section 13102(15) of that title).

(6) MOTORCOACH.—The term “motorcoach” has the meaning given the term “over-the-road bus” in section 3038(a)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note), but does not include—

(A) a bus used in public transportation provided by, or on behalf of, a public transportation agency; or

(B) a school bus, including a multifunction school activity bus.

(7) MOTORCOACH SERVICES.—The term “motorcoach services” means passenger transportation by motorcoach for compensation.

(8) MULTIFUNCTION SCHOOL ACTIVITY BUS.—The term “multifunction school activity bus” has the meaning given the term in section 571.3(b) of title 49, Code of Federal Regulations (as in effect on the day before the date of enactment of this Act).

(9) PORTAL.—The term “portal” means any opening on the front, side, rear, or roof of a motorcoach that could, in the event of a crash involving the motorcoach, permit the partial or complete ejection of any occupant from the motorcoach, including a young child.

(10) PROVIDER OF MOTORCOACH SERVICES.—The term “provider of motorcoach services” means a motor carrier that provides passenger

transportation services with a motorcoach, including per-trip compensation and contracted or chartered compensation.

(11) **PUBLIC TRANSPORTATION.**—The term “public transportation” has the meaning given the term in section 5302 of title 49, United States Code.

(12) **SAFETY BELT.**—The term “safety belt” has the meaning given the term in section 153(i)(4)(B) of title 23, United States Code.

(13) **SECRETARY.**—The term “Secretary” means the Secretary of Transportation.

SEC. 32703. REGULATIONS FOR IMPROVED OCCUPANT PROTECTION, PASSENGER EVACUATION, AND CRASH AVOIDANCE.

(a) **REGULATIONS REQUIRED WITHIN 1 YEAR.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall prescribe regulations requiring safety belts to be installed in motorcoaches at each designated seating position.

(b) **REGULATIONS REQUIRED WITHIN 2 YEARS.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall prescribe regulations that address the following commercial motor vehicle standards, if the Secretary determines that such standards meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code:

(1) **ROOF STRENGTH AND CRUSH RESISTANCE.**—The Secretary shall establish improved roof and roof support standards for motorcoaches that substantially improve the resistance of motorcoach roofs to deformation and intrusion to prevent serious occupant injury in rollover crashes involving motorcoaches.

(2) **ANTI-EJECTION SAFETY COUNTERMEASURES.**—The Secretary shall consider requiring advanced glazing standards for each motorcoach portal and shall consider other portal improvements to prevent partial and complete ejection of motorcoach passengers, including children. In prescribing such standards, the Secretary shall consider the impact of such standards on the use of motorcoach portals as a means of emergency egress.

(3) **ROLLOVER CRASH AVOIDANCE.**—The Secretary shall consider requiring motorcoaches to be equipped with stability enhancing technology, such as electronic stability control and torque vectoring, to reduce the number and frequency of rollover crashes among motorcoaches.

(c) **COMMERCIAL MOTOR VEHICLE TIRE PRESSURE MONITORING SYSTEMS.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall prescribe the following commercial vehicle regulation:

(1) **IN GENERAL.**—The Secretary shall consider requiring motorcoaches to be equipped with direct tire pressure monitoring systems that warn the operator of a commercial motor vehicle when any tire exhibits a level of air pressure that is below a specified level of air pressure established by the Secretary, if the Secretary determines that such standards meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.

(2) **PERFORMANCE REQUIREMENTS.**—In any standard adopted under paragraph (1), the Secretary shall include performance requirements to meet the objectives identified in paragraph (1) of this subsection.

(d) **TIRE PERFORMANCE STANDARD.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall consider—

(1) issuing a rule to upgrade performance standards for tires used on motorcoaches, including an enhanced endurance test and a new high-speed performance test; or

(2) if the Secretary determines that a standard does not meet the requirements and considerations set forth in subsections (a) and (b) of sec-

tion 30111 of title 49, United States Code, submit a report that describes the reasons for not prescribing such a standard to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Transportation and Infrastructure of the House of Representatives; and

(C) the Committee on Energy and Commerce of the House of Representatives.

(e) **APPLICATION OF REGULATIONS.**—

(1) **NEW MOTORCOACHES.**—Any regulation prescribed in accordance with subsection (a), (b), (c), or (d) shall—

(A) apply to all motorcoaches manufactured more than 3 years after the date on which the regulation is published as a final rule;

(B) take into account the impact to seating capacity of changes to size and weight of motorcoaches and the ability to comply with State and Federal size and weight requirements; and

(C) be based on the best available science.

(2) **RETROFIT ASSESSMENT FOR EXISTING MOTORCOACHES.**—

(A) **IN GENERAL.**—The Secretary may assess the feasibility, benefits, and costs with respect to the application of any requirement established under subsection (a) or (b)(2) to motorcoaches manufactured before the date on which the requirement applies to new motorcoaches under paragraph (1).

(B) **REPORT.**—The Secretary shall submit a report on the assessment to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure and the Committee on Energy and Commerce of the House of Representatives not later than 2 years after the date of enactment of this Act.

SEC. 32704. FIRE PREVENTION AND MITIGATION.

(a) **RESEARCH AND TESTING.**—The Secretary shall conduct research and testing to determine the most prevalent causes of motorcoach fires and the best methods to prevent such fires and to mitigate the effect of such fires, both inside and outside the motorcoach. Such research and testing shall consider flammability of exterior components, smoke suppression, prevention of and resistance to wheel well fires, automatic fire suppression, passenger evacuation, causation and prevention of motorcoach fires, and improved fire extinguishers.

(b) **STANDARDS.**—Not later than 3 years after the date of enactment of this Act, the Secretary may issue fire prevention and mitigation standards for motorcoaches, based on the results of the Secretary’s research and testing, taking into account highway size and weight restrictions applicable to motorcoaches, if the Secretary determines that such standards meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.

SEC. 32705. OCCUPANT PROTECTION, COLLISION AVOIDANCE, FIRE CAUSATION, AND FIRE EXTINGUISHER RESEARCH AND TESTING.

(a) **SAFETY RESEARCH INITIATIVES.**—Not later than 3 years after the date of enactment of this Act, the Secretary shall complete the following research and testing:

(1) **INTERIOR IMPACT PROTECTION.**—The Secretary shall research and test enhanced occupant impact protection technologies for motorcoach interiors to reduce serious injuries for all passengers of motorcoaches.

(2) **COMPARTMENTALIZATION SAFETY COUNTERMEASURES.**—The Secretary shall research and test enhanced compartmentalization safety countermeasures for motorcoaches, including enhanced seating designs.

(3) **COLLISION AVOIDANCE SYSTEMS.**—The Secretary shall research and test forward and lat-

eral crash warning systems applications for motorcoaches.

(b) **RULEMAKING.**—Not later than 2 years after the completion of each research and testing initiative required under subsection (a), the Secretary shall issue final motor vehicle safety standards if the Secretary determines that such standards meet the requirements and considerations set forth in subsections (a) and (b) of section 30111 of title 49, United States Code.

SEC. 32706. CONCURRENCE OF RESEARCH AND RULEMAKING.

(a) **REQUIREMENTS.**—To the extent feasible, the Secretary shall ensure that research programs are carried out concurrently, and in a manner that concurrently assesses results, potential countermeasures, costs, and benefits.

(b) **AUTHORITY TO COMBINE RULEMAKINGS.**—When considering each of the rulemaking provisions, the Secretary may initiate a single rulemaking proceeding encompassing all aspects or may combine the rulemakings as the Secretary deems appropriate.

(c) **CONSIDERATIONS.**—If the Secretary undertakes separate rulemaking proceedings, the Secretary shall—

(1) consider whether each added aspect of rulemaking may contribute to addressing the safety need determined to require rulemaking;

(2) consider the benefits obtained through the safety belts rulemaking in section 32703(a); and

(3) avoid duplicative benefits, costs, and countermeasures.

SEC. 32707. IMPROVED OVERSIGHT OF MOTORCOACH SERVICE PROVIDERS.

(a) **SAFETY REVIEWS.**—Section 31144, as amended by section 32202 of this Act, is amended by adding at the end the following:

“(i) **PERIODIC SAFETY REVIEWS OF OWNERS AND OPERATORS OF INTERSTATE FOR-HIRE COMMERCIAL MOTOR VEHICLES DESIGNED OR USED TO TRANSPORT PASSENGERS.**—

“(1) **SAFETY REVIEW.**—

“(A) **IN GENERAL.**—The Secretary shall—

“(i) determine the safety fitness of each motor carrier of passengers who the Secretary registers under section 13902 or 31134 through a simple and understandable rating system that allows passengers to compare the safety performance of each such motor carrier; and

“(ii) assign a safety fitness rating to each such motor carrier.

“(B) **APPLICABILITY.**—Subparagraph (A) shall apply—

“(i) to any provider of motorcoach services registered with the Administration after the date of enactment of the Motorcoach Enhanced Safety Act of 2012 beginning not later than 2 years after the date of such registration; and

“(ii) to any provider of motorcoach services registered with the Administration on or before the date of enactment of that Act beginning not later than 3 years after the date of enactment of that Act.

“(2) **PERIODIC REVIEW.**—The Secretary shall establish, by regulation, a process for monitoring the safety performance of each motor carrier of passengers on a regular basis following the assignment of a safety fitness rating, including progressive intervention to correct unsafe practices.

“(3) **ENFORCEMENT STRIKE FORCES.**—In addition to the enhanced monitoring and enforcement actions required under paragraph (2), the Secretary may organize special enforcement strike forces targeting motor carriers of passengers.

“(4) **PERIODIC UPDATE OF SAFETY FITNESS RATING.**—In conducting the safety reviews required under this subsection, the Secretary shall—

“(A) reassess the safety fitness rating of each motor carrier of passengers not less frequently than once every 3 years; and

“(B) annually assess the safety fitness of certain motor carriers of passengers that serve primarily urban areas with high passenger loads.”.

(b) **DISCLOSURE OF SAFETY PERFORMANCE RATINGS OF MOTORCOACH SERVICES AND OPERATIONS.**—

(1) **DEFINITIONS.**—In this subsection:

(A) **MOTORCOACH.**—

(i) **IN GENERAL.**—Except as provided in clause (ii), the term “motorcoach” has the meaning given the term “over-the-road bus” in section 3038(a)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5310 note).

(ii) **EXCLUSIONS.**—The term “motorcoach” does not include—

(1) a bus used in public transportation that is provided by a State or local government; or

(2) a school bus (as defined in section 30125(a)(1) of title 49, United States Code), including a multifunction school activity bus.

(B) **MOTORCOACH SERVICES AND OPERATIONS.**—The term “motorcoach services and operations” means passenger transportation by a motorcoach for compensation.

(2) **REQUIREMENTS FOR THE DISCLOSURE OF SAFETY PERFORMANCE RATINGS OF MOTORCOACH SERVICES AND OPERATIONS.**—

(A) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish, through notice and opportunity for public to comment, requirements to improve the accessibility to the public of safety rating information of motorcoach services and operations.

(B) **DISPLAY.**—In establishing the requirements under subparagraph (A), the Secretary shall consider requirements for each motor carrier that owns or leases 1 or more motorcoaches that transport passengers subject to the Secretary’s jurisdiction under section 13501 of title 49, United States Code, to prominently display safety fitness information pursuant to section 31144 of title 49, United States Code—

(i) in each terminal of departure;

(ii) in the motorcoach and visible from a position exterior to the vehicle at the point of departure, if the motorcoach does not depart from a terminal; and

(iii) at all points of sale for such motorcoach services and operations.

SEC. 32708. REPORT ON FEASIBILITY, BENEFITS, AND COSTS OF ESTABLISHING A SYSTEM OF CERTIFICATION OF TRAINING PROGRAMS.

Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes the feasibility, benefits, and costs of establishing a system of certification of public and private schools and of motor carriers and motorcoach operators that provide motorcoach driver training.

SEC. 32709. COMMERCIAL DRIVER’S LICENSE PASSENGER ENDORSEMENT REQUIREMENTS.

(a) **IN GENERAL.**—Not later than 2 years after the date of enactment of this Act, the Secretary of Transportation shall review and assess the current knowledge and skill testing requirements for a commercial driver’s license passenger endorsement to determine what improvements to the knowledge test, the examination of driving skills, and the application of such requirements are necessary to ensure the safe operation of commercial motor vehicles designed or used to transport passengers.

(b) **REPORT.**—Not later than 120 days after completion of the review and assessment under subsection (a), the Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate—

(1) a report on the review and assessment conducted under subsection (a);

(2) a plan to implement any changes to the knowledge and skills tests; and

(3) a timeframe by which the Secretary will implement the changes.

SEC. 32710. SAFETY INSPECTION PROGRAM FOR COMMERCIAL MOTOR VEHICLES OF PASSENGERS.

Not later than 3 years after the date of enactment of this Act, the Secretary of Transportation shall complete a rulemaking proceeding to consider requiring States to establish a program for annual inspections of commercial motor vehicles designed or used to transport passengers, including an assessment of—

(1) the risks associated with improperly maintained or inspected commercial motor vehicles designed or used to transport passengers;

(2) the effectiveness of existing Federal standards for the inspection of such vehicles in—

(A) mitigating the risks described in paragraph (1); and

(B) ensuring the safe and proper operation condition of such vehicles; and

(3) the costs and benefits of a mandatory inspection program.

SEC. 32711. REGULATIONS.

Any standard or regulation prescribed or modified pursuant to the Motorcoach Enhanced Safety Act of 2012 shall be prescribed or modified in accordance with section 553 of title 5, United States Code.

Subtitle H—Safe Highways and Infrastructure Preservation

SEC. 32801. COMPREHENSIVE TRUCK SIZE AND WEIGHT LIMITS STUDY.

(a) **TRUCK SIZE AND WEIGHT LIMITS STUDY.**—Not later than 45 days after the date of enactment of this Act, the Secretary, in consultation with each relevant State and other applicable Federal agencies, shall commence a comprehensive truck size and weight limits study. The study shall—

(1) provide data on accident frequency and evaluate factors related to accident risk of vehicles that operate with size and weight limits that are in excess of the Federal law and regulations in each State that allows vehicles to operate with size and weight limits that are in excess of the Federal law and regulations, or to operate under a Federal exemption or grandfather right, in comparison to vehicles that do not operate in excess of Federal law and regulations (other than vehicles with exemptions or grandfather rights);

(2) evaluate the impacts to the infrastructure in each State that allows a vehicle to operate with size and weight limits that are in excess of the Federal law and regulations, or to operate under a Federal exemption or grandfather right, in comparison to vehicles that do not operate in excess of Federal law and regulations (other than vehicles with exemptions or grandfather rights), including—

(A) the cost and benefits of the impacts in dollars;

(B) the percentage of trucks operating in excess of the Federal size and weight limits; and

(C) the ability of each State to recover the cost for the impacts, or the benefits incurred;

(3) evaluate the frequency of violations in excess of the Federal size and weight law and regulations, the cost of the enforcement of the law and regulations, and the effectiveness of the enforcement methods;

(4) assess the impacts that vehicles that operate with size and weight limits in excess of the Federal law and regulations, or that operate under a Federal exemption or grandfather right, in comparison to vehicles that do not operate in excess of Federal law and regulations (other than vehicles with exemptions or grandfather rights), have on bridges, including the impacts resulting from the number of bridge loadings;

(5) compare and contrast the potential safety and infrastructure impacts of the current Fed-

eral law and regulations regarding truck size and weight limits in relation to—

(A) six-axle and other alternative configurations of tractor-trailers; and

(B) where available, safety records of foreign nations with truck size and weight limits and tractor-trailer configurations that differ from the Federal law and regulations; and

(6) estimate—

(A) the extent to which freight would likely be diverted from other surface transportation modes to principal arterial routes and National Highway System intermodal connectors if alternative truck configuration is allowed to operate and the effect that any such diversion would have on other modes of transportation;

(B) the effect that any such diversion would have on public safety, infrastructure, cost responsibilities, fuel efficiency, freight transportation costs, and the environment;

(C) the effect on the transportation network of the United States that allowing alternative truck configuration to operate would have; and

(D) whether allowing alternative truck configuration to operate would result in an increase or decrease in the total number of trucks operating on principal arterial routes and National Highway System intermodal connectors; and

(7) identify all Federal rules and regulations impacted by changes in truck size and weight limits.

(b) **REPORT.**—Not later than 2 years after the date that the study is commenced under subsection (a), the Secretary shall submit a final report on the study, including all findings and recommendations, to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

SEC. 32802. COMPILATION OF EXISTING STATE TRUCK SIZE AND WEIGHT LIMIT LAWS.

(a) **IN GENERAL.**—Not later than 90 days after the date of enactment of this Act, the Secretary, in consultation with the States, shall begin to compile—

(1) a list for each State, as applicable, that describes each route of the National Highway System that allows a vehicle to operate in excess of the Federal truck size and weight limits that—

(A) was authorized under State law on or before the date of enactment of this Act; and

(B) was in actual and lawful operation on a regular or periodic basis (including seasonal operations) on or before the date of enactment of this Act;

(2) a list for each State, as applicable, that describes—

(A) the size and weight limitations applicable to each segment of the National Highway System in that State as listed under paragraph (1);

(B) each combination that exceeds the Interstate weight limit, but that the Department of Transportation, other Federal agency, or a State agency has determined on or before the date of enactment of this Act, could be or could have been lawfully operated in the State; and

(C) each combination that exceeds the Interstate weight limit, but that the Secretary determines could have been lawfully operated on a non-Interstate segment of the National Highway System in the State on or before the date of enactment of this Act; and

(3) a list of each State law that designates or allows designation of size and weight limitations in excess of Federal law and regulations on routes of the National Highway System, including nondivisible loads.

(b) **SPECIFICATIONS.**—The Secretary, in consultation with the States, shall specify whether the determinations under paragraphs (1) and (2) of subsection (a) were made by the Department

of Transportation, other Federal agency, or a State agency.

(c) **REPORT.**—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit a final report of the compilation under subsection (a) to the Committee on Commerce, Science, and Transportation and the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

Subtitle I—Miscellaneous PART I—MISCELLANEOUS

SEC. 32911. PROHIBITION OF COERCION.

Section 31136(a) is amended by—

- (1) striking “and” at the end of paragraph (3);
- (2) striking the period at the end of paragraph (4) and inserting “; and”; and
- (3) adding after subsection (4) the following:

“(5) an operator of a commercial motor vehicle is not coerced by a motor carrier, shipper, receiver, or transportation intermediary to operate a commercial motor vehicle in violation of a regulation promulgated under this section, or chapter 51 or chapter 313 of this title.”.

SEC. 32912. MOTOR CARRIER SAFETY ADVISORY COMMITTEE.

Section 4144(d) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (49 U.S.C. 31100 note), is amended by striking “June 30, 2012” and inserting “September 30, 2013”.

SEC. 32913. WAIVERS, EXEMPTIONS, AND PILOT PROGRAMS.

(a) **EXEMPTION STANDARDS.**—Section 31315(b)(4) is amended—

(1) in subparagraph (A), by inserting “(or, in the case of a request for an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a web site established by the Secretary to implement the requirements of section 31149)” after “Federal Register”;

(2) by amending subparagraph (B) to read as follows:

“(B) **UPON GRANTING A REQUEST.**—Upon granting a request and before the effective date of the exemption, the Secretary shall publish in the Federal Register (or, in the case of an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a web site established by the Secretary to implement the requirements of section 31149) the name of the person granted the exemption, the provisions from which the person is exempt, the effective period, and the terms and conditions of the exemption.”; and

(3) in subparagraph (C), by inserting “(or, in the case of a request for an exemption from the physical qualification standards for commercial motor vehicle drivers, post on a web site established by the Secretary to implement the requirements of section 31149)” after “Federal Register”.

(b) **PROVIDING NOTICE OF EXEMPTIONS TO STATE PERSONNEL.**—Section 31315(b)(7) is amended to read as follows:

“(7) **NOTIFICATION OF STATE COMPLIANCE AND ENFORCEMENT PERSONNEL.**—Before the effective date of an exemption, the Secretary shall notify a State safety compliance and enforcement agency, and require the agency to notify the State’s roadside inspectors, that a person will be operating pursuant to an exemption and the terms and conditions that apply to the exemption.”.

(c) **PILOT PROGRAMS.**—Section 31315(c)(1) is amended by striking “in the Federal Register”.

(d) **REPORT TO CONGRESS.**—Section 31315 is amended by adding after subsection (d) the following:

“(e) **REPORT TO CONGRESS.**—The Secretary shall submit an annual report to the Committee

on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives listing the waivers, exemptions, and pilot programs granted under this section, and any impacts on safety.

(f) **WEB SITE.**—The Secretary shall ensure that the Federal Motor Carrier Safety Administration web site includes a link to the web site established by the Secretary to implement the requirements under sections 31149 and 31315. The link shall be in a clear and conspicuous location on the home page of the Federal Motor Carrier Safety Administration web site and be easily accessible to the public.”.

SEC. 32914. REGISTRATION REQUIREMENTS.

(a) **REQUIREMENTS FOR REGISTRATION.**—Section 13901 is amended to read as follows:

“§ 13901. Requirements for registration

“(a) **IN GENERAL.**—A person may provide transportation as a motor carrier subject to jurisdiction under subchapter I of chapter 135 or service as a freight forwarder subject to jurisdiction under subchapter III of such chapter, or service as a broker for transportation subject to jurisdiction under subchapter I of such chapter only if the person is registered under this chapter to provide such transportation or service.

“(b) **REGISTRATION NUMBERS.**—

“(1) **IN GENERAL.**—If the Secretary registers a person under this chapter to provide transportation or service, including as a motor carrier, freight forwarder, or broker, the Secretary shall issue a distinctive registration number to the person for each such authority to provide transportation or service for which the person is registered.

“(2) **TRANSPORTATION OR SERVICE TYPE INDICATOR.**—A number issued under paragraph (1) shall include an indicator of the type of transportation or service for which the registration number is issued, including whether the registration number is issued for registration of a motor carrier, freight forwarder, or broker.

“(c) **SPECIFICATION OF AUTHORITY.**—For each agreement to provide transportation or service for which registration is required under this chapter, the registrant shall specify, in writing, the authority under which the person is providing such transportation or service.”.

(b) **AVAILABILITY OF INFORMATION.**—

(1) **IN GENERAL.**—Chapter 139 is amended by adding at the end the following:

“§ 13909. Availability of information

“The Secretary shall make information relating to registration and financial security required by this chapter publicly available on the Internet, including—

“(1) the names and business addresses of the principals of each entity holding such registration;

“(2) the status of such registration; and

“(3) the electronic address of the entity’s surety provider for the submission of claims.”.

(2) **CONFORMING AMENDMENT.**—The analysis for chapter 139 is amended by adding at the end the following:

“13909. Availability of information.”.

SEC. 32915. ADDITIONAL MOTOR CARRIER REGISTRATION REQUIREMENTS.

Section 13902, as amended by sections 32101 and 32107(a) of this Act, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by inserting “using self-propelled vehicles the motor carrier owns, rents, or leases” after “motor carrier”; and

(B) by adding at the end the following:

“(6) **SEPARATE REGISTRATION REQUIRED.**—A motor carrier may not broker transportation services unless the motor carrier has registered as a broker under this chapter.”; and

(2) by inserting after subsection (h) the following:

“(i) **REGISTRATION AS FREIGHT FORWARDER OR BROKER REQUIRED.**—A motor carrier registered under this chapter—

“(1) may only provide transportation of property with—

“(A) self-propelled motor vehicles owned or leased by the motor carrier; or

“(B) interchanges under regulations issued by the Secretary if the originating carrier—

“(i) physically transports the cargo at some point; and

“(ii) retains liability for the cargo and for payment of interchanged carriers; and

“(2) may not arrange transportation described in paragraph (1) unless the motor carrier has obtained a separate registration as a freight forwarder or broker for transportation under section 13903 or 13904, as applicable.”.

SEC. 32916. REGISTRATION OF FREIGHT FORWARDERS AND BROKERS.

(a) **REGISTRATION OF FREIGHT FORWARDERS.**—Section 13903, as amended by section 32107(b) of this Act, is amended—

(1) in subsection (a)—

(A) by striking “finds that the person is fit” and inserting the following: “determines that the person—

“(1) has sufficient experience to qualify the person to act as a freight forwarder; and

“(2) is fit”; and

(B) by striking “and the Board”;

(2) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively;

(3) by inserting after subsection (a) the following:

“(b) **DURATION.**—A registration issued under subsection (a) shall only remain in effect while the freight forwarder is in compliance with section 13906(c).

“(c) **EXPERIENCE OR TRAINING REQUIREMENT.**—Each freight forwarder shall employ, as an officer, an individual who—

“(1) has at least 3 years of relevant experience; or

“(2) provides the Secretary with satisfactory evidence of the individual’s knowledge of related rules, regulations, and industry practices.”; and

(4) by amending subsection (d), as redesignated, to read as follows:

“(d) **REGISTRATION AS MOTOR CARRIER REQUIRED.**—

“(1) **IN GENERAL.**—A freight forwarder may not provide transportation as a motor carrier unless the freight forwarder has registered separately under this chapter to provide transportation as a motor carrier.”.

(b) **REGISTRATION OF BROKERS.**—Section 13904, as amended by section 32107(c) of this Act, is amended—

(1) in subsection (a), by striking “finds that the person is fit” and inserting the following: “determines that the person—

“(1) has sufficient experience to qualify the person to act as a broker for transportation; and

“(2) is fit”; and

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (d), (e), (f), and (g) respectively;

(3) by inserting after subsection (a) the following:

“(b) **DURATION.**—A registration issued under subsection (a) shall only remain in effect while the broker for transportation is in compliance with section 13906(b).

“(c) **EXPERIENCE OR TRAINING REQUIREMENTS.**—Each broker shall employ, as an officer, an individual who—

“(1) has at least 3 years of relevant experience; or

“(2) provides the Secretary with satisfactory evidence of the individual’s knowledge of related rules, regulations, and industry practices.”;

(4) by amending subsection (d), as redesignated, to read as follows:

“(d) REGISTRATION AS MOTOR CARRIER REQUIRED.—

“(1) IN GENERAL.—A broker for transportation may not provide transportation as a motor carrier unless the broker has registered separately under this chapter to provide transportation as a motor carrier.

“(2) LIMITATION.—This subsection does not apply to a motor carrier registered under this chapter or to an employee or agent of the motor carrier to the extent the transportation is to be provided entirely by the motor carrier, with other registered motor carriers, or with rail or water carriers.”; and

(5) by amending subsection (e), as redesignated, to read as follows:

“(e) REGULATION TO PROTECT MOTOR CARRIERS AND SHIPPERS.—Regulations of the Secretary applicable to brokers registered under this section shall provide for the protection of motor carriers and shippers by motor vehicle.”.

SEC. 32917. EFFECTIVE PERIODS OF REGISTRATION.

Section 13905(c) is amended to read as follows:

“(c) EFFECTIVE PERIOD.—

“(1) IN GENERAL.—Except as otherwise provided in this part, each registration issued under section 13902, 13903, or 13904—

“(A) shall be effective beginning on the date specified by the Secretary; and

“(B) shall remain in effect for such period as the Secretary determines appropriate by regulation.

“(2) REISSUANCE OF REGISTRATION.—

“(A) REQUIREMENT.—Not later than 4 years after the date of enactment of the Commercial Motor Vehicle Safety Enhancement Act of 2012, the Secretary shall require a freight forwarder or broker to renew its registration issued under this chapter.

“(B) EFFECTIVE PERIOD.—Each registration renewal under subparagraph (A)—

“(i) shall expire not later than 5 years after the date of such renewal; and

“(ii) may be further renewed as provided under this chapter.”.

SEC. 32918. FINANCIAL SECURITY OF BROKERS AND FREIGHT FORWARDERS.

(a) IN GENERAL.—Section 13906 is amended by striking subsections (b) and (c) and inserting the following:

“(b) BROKER FINANCIAL SECURITY REQUIREMENTS.—

“(1) REQUIREMENTS.—

“(A) IN GENERAL.—The Secretary may register a person as a broker under section 13904 only if the person files with the Secretary a surety bond, proof of trust fund, or other financial security, or a combination thereof, in a form and amount, and from a provider, determined by the Secretary to be adequate to ensure financial responsibility.

“(B) USE OF A GROUP SURETY BOND, TRUST FUND, OR OTHER SURETY.—In implementing the standards established by subparagraph (A), the Secretary may authorize the use of a group surety bond, trust fund, or other financial security, or a combination thereof, that meets the requirements of this subsection.

“(C) PROOF OF TRUST OR OTHER FINANCIAL SECURITY.—For purposes of subparagraph (A), a trust fund or other financial security may be acceptable to the Secretary only if the trust fund or other financial security consists of assets readily available to pay claims without resort to personal guarantees or collection of pledged accounts receivable.

“(2) SCOPE OF FINANCIAL RESPONSIBILITY.—

“(A) PAYMENT OF CLAIMS.—A surety bond, trust fund, or other financial security obtained under paragraph (1) shall be available to pay any claim against a broker arising from its fail-

ure to pay freight charges under its contracts, agreements, or arrangements for transportation subject to jurisdiction under chapter 135 if—

“(i) subject to the review by the surety provider, the broker consents to the payment;

“(ii) in any case in which the broker does not respond to adequate notice to address the validity of the claim, the surety provider determines that the claim is valid; or

“(iii) the claim is not resolved within a reasonable period of time following a reasonable attempt by the claimant to resolve the claim under clauses (i) and (ii), and the claim is reduced to a judgment against the broker.

“(B) RESPONSE OF SURETY PROVIDERS TO CLAIMS.—If a surety provider receives notice of a claim described in subparagraph (A), the surety provider shall—

“(i) respond to the claim on or before the 30th day following the date on which the notice was received; and

“(ii) in the case of a denial, set forth in writing for the claimant the grounds for the denial.

“(C) COSTS AND ATTORNEY'S FEES.—In any action against a surety provider to recover on a claim described in subparagraph (A), the prevailing party shall be entitled to recover its reasonable costs and attorney's fees.

“(3) MINIMUM FINANCIAL SECURITY.—Each broker subject to the requirements of this section shall provide financial security of \$75,000 for purposes of this subsection, regardless of the number of branch offices or sales agents of the broker.

“(4) CANCELLATION NOTICE.—If a financial security required under this subsection is canceled—

“(A) the holder of the financial security shall provide electronic notification to the Secretary of the cancellation not later than 30 days before the effective date of the cancellation; and

“(B) the Secretary shall immediately post such notification on the public Internet Website of the Department of Transportation.

“(5) SUSPENSION.—The Secretary shall immediately suspend the registration of a broker issued under this chapter if the available financial security of that person falls below the amount required under this subsection.

“(6) PAYMENT OF CLAIMS IN CASES OF FINANCIAL FAILURE OR INSOLVENCY.—If a broker registered under this chapter experiences financial failure or insolvency, the surety provider of the broker shall—

“(A) submit a notice to cancel the financial security to the Administrator in accordance with paragraph (4);

“(B) publicly advertise for claims for 60 days beginning on the date of publication by the Secretary of the notice to cancel the financial security; and

“(C) pay, not later than 30 days after the expiration of the 60-day period for submission of claims—

“(i) all uncontested claims received during such period; or

“(ii) a pro rata share of such claims if the total amount of such claims exceeds the financial security available.

“(7) PENALTIES.—

“(A) CIVIL ACTIONS.—Either the Secretary or the Attorney General of the United States may bring a civil action in an appropriate district court of the United States to enforce the requirements of this subsection or a regulation prescribed or order issued under this subsection. The court may award appropriate relief, including injunctive relief.

“(B) CIVIL PENALTIES.—If the Secretary determines, after notice and opportunity for a hearing, that a surety provider of a broker registered under this chapter has violated the requirements of this subsection or a regulation prescribed under this subsection, the surety provider shall

be liable to the United States for a civil penalty in an amount not to exceed \$10,000.

“(C) ELIGIBILITY.—If the Secretary determines, after notice and opportunity for a hearing, that a surety provider of a broker registered under this chapter has violated the requirements of this subsection or a regulation prescribed under this subsection, the surety provider shall be ineligible to provide broker financial security for 3 years.

“(8) DEDUCTION OF COSTS PROHIBITED.—The amount of the financial security required under this subsection may not be reduced by deducting attorney's fees or administrative costs.

“(c) FREIGHT FORWARDER FINANCIAL SECURITY REQUIREMENTS.—

“(1) REQUIREMENTS.—

“(A) IN GENERAL.—The Secretary may register a person as a freight forwarder under section 13903 only if the person files with the Secretary a surety bond, proof of trust fund, other financial security, or a combination of such instruments, in a form and amount, and from a provider, determined by the Secretary to be adequate to ensure financial responsibility.

“(B) USE OF A GROUP SURETY BOND, TRUST FUND, OR OTHER FINANCIAL SECURITY.—In implementing the standards established under subparagraph (A), the Secretary may authorize the use of a group surety bond, trust fund, other financial security, or a combination of such instruments, that meets the requirements of this subsection.

“(C) SURETY BONDS.—A surety bond obtained under this section may only be obtained from a bonding company that has been approved by the Secretary of the Treasury.

“(D) PROOF OF TRUST OR OTHER FINANCIAL SECURITY.—For purposes of subparagraph (A), a trust fund or other financial security may not be accepted by the Secretary unless the trust fund or other financial security consists of assets readily available to pay claims without resort to personal guarantees or collection of pledged accounts receivable.

“(2) SCOPE OF FINANCIAL RESPONSIBILITY.—

“(A) PAYMENT OF CLAIMS.—A surety bond, trust fund, or other financial security obtained under paragraph (1) shall be available to pay any claim against a freight forwarder arising from its failure to pay freight charges under its contracts, agreements, or arrangements for transportation subject to jurisdiction under chapter 135 if—

“(i) subject to the review by the surety provider, the freight forwarder consents to the payment;

“(ii) in the case the freight forwarder does not respond to adequate notice to address the validity of the claim, the surety provider determines the claim is valid; or

“(iii) the claim—

“(I) is not resolved within a reasonable period of time following a reasonable attempt by the claimant to resolve the claim under clauses (i) and (ii); and

“(II) is reduced to a judgment against the freight forwarder.

“(B) RESPONSE OF SURETY PROVIDERS TO CLAIMS.—If a surety provider receives notice of a claim described in subparagraph (A), the surety provider shall—

“(i) respond to the claim on or before the 30th day following receipt of the notice; and

“(ii) in the case of a denial, set forth in writing for the claimant the grounds for the denial.

“(C) COSTS AND ATTORNEY'S FEES.—In any action against a surety provider to recover on a claim described in subparagraph (A), the prevailing party shall be entitled to recover its reasonable costs and attorney's fees.

“(3) FREIGHT FORWARDER INSURANCE.—

“(A) IN GENERAL.—The Secretary may register a person as a freight forwarder under section

13903 only if the person files with the Secretary a surety bond, insurance policy, or other type of financial security that meets standards prescribed by the Secretary.

“(B) **LIABILITY INSURANCE.**—A financial security filed by a freight forwarder under subparagraph (A) shall be sufficient to pay an amount, not to exceed the amount of the financial security, for each final judgment against the freight forwarder for bodily injury to, or death of, an individual, or loss of, or damage to, property (other than property referred to in subparagraph (C)), resulting from the negligent operation, maintenance, or use of motor vehicles by, or under the direction and control of, the freight forwarder while providing transfer, collection, or delivery service under this part.

“(C) **CARGO INSURANCE.**—The Secretary may require a registered freight forwarder to file with the Secretary a surety bond, insurance policy, or other type of financial security approved by the Secretary, that will pay an amount, not to exceed the amount of the financial security, for loss of, or damage to, property for which the freight forwarder provides service.

“(4) **MINIMUM FINANCIAL SECURITY.**—Each freight forwarder subject to the requirements of this section shall provide financial security of \$75,000, regardless of the number of branch offices or sales agents of the freight forwarder.

“(5) **CANCELLATION NOTICE.**—If a financial security required under this subsection is canceled—

“(A) the holder of the financial security shall provide electronic notification to the Secretary of the cancellation not later than 30 days before the effective date of the cancellation; and

“(B) the Secretary shall immediately post such notification on the public Internet web site of the Department of Transportation.

“(6) **SUSPENSION.**—The Secretary shall immediately suspend the registration of a freight forwarder issued under this chapter if its available financial security falls below the amount required under this subsection.

“(7) **PAYMENT OF CLAIMS IN CASES OF FINANCIAL FAILURE OR INSOLVENCY.**—If a freight forwarder registered under this chapter experiences financial failure or insolvency, the surety provider of the freight forwarder shall—

“(A) submit a notice to cancel the financial security to the Administrator in accordance with paragraph (5);

“(B) publicly advertise for claims for 60 days beginning on the date of publication by the Secretary of the notice to cancel the financial security; and

“(C) pay, not later than 30 days after the expiration of the 60-day period for submission of claims—

“(i) all uncontested claims received during such period; or

“(ii) a pro rata share of such claims if the total amount of such claims exceeds the financial security available.

“(8) **PENALTIES.**—

“(A) **CIVIL ACTIONS.**—Either the Secretary or the Attorney General may bring a civil action in an appropriate district court of the United States to enforce the requirements of this subsection or a regulation prescribed or order issued under this subsection. The court may award appropriate relief, including injunctive relief.

“(B) **CIVIL PENALTIES.**—If the Secretary determines, after notice and opportunity for a hearing, that a surety provider of a freight forwarder registered under this chapter has violated the requirements of this subsection or a regulation prescribed under this subsection, the surety provider shall be liable to the United States for a civil penalty in an amount not to exceed \$10,000.

“(C) **ELIGIBILITY.**—If the Secretary determines, after notice and opportunity for a hear-

ing, that a surety provider of a freight forwarder registered under this chapter has violated the requirements of this subsection or a regulation prescribed under this subsection, the surety provider shall be ineligible to provide freight forwarder financial security for 3 years

“(9) **DEDUCTION OF COSTS PROHIBITED.**—The amount of the financial security required under this subsection may not be reduced by deducting attorney's fees or administrative costs.”.

(b) **RULEMAKING.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations to implement and enforce the requirements under subsections (b) and (c) of section 13906 of title 49, United States Code, as amended by subsection (a).

(c) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date that is 1 year after the date of enactment of this Act.

SEC. 32919. UNLAWFUL BROKERAGE ACTIVITIES.

(a) **IN GENERAL.**—Chapter 149 is amended by adding at the end the following:

“SEC. 14916. UNLAWFUL BROKERAGE ACTIVITIES.

“(a) **PROHIBITED ACTIVITIES.**—A person may provide interstate brokerage services as a broker only if that person—

“(1) is registered under, and in compliance with, section 13904; and

“(2) has satisfied the financial security requirements under section 13906.

“(b) **EXCEPTIONS.**—Subsection (a) shall not apply to—

“(1) a non-vessel-operating common carrier (as defined in section 40102 of title 46) or an ocean freight forwarder (as defined in section 40102 of title 46) when arranging for inland transportation as part of an international through movement involving ocean transportation between the United States and a foreign port;

“(2) a customs broker licensed in accordance with section 111.2 of title 19, Code of Federal Regulations, only to the extent that the customs broker is engaging in a movement under a customs bond or in a transaction involving customs business, as defined by section 111.1 of title 19, Code of Federal Regulations; or

“(3) an indirect air carrier holding a Standard Security Program approved by the Transportation Security Administration, only to the extent that the indirect air carrier is engaging in the activities as an air carrier as defined in section 40102(2) or in the activities defined in section 40102(3).

“(c) **CIVIL PENALTIES AND PRIVATE CAUSE OF ACTION.**—Any person who knowingly authorizes, consents to, or permits, directly or indirectly, either alone or in conjunction with any other person, a violation of subsection (a) is liable—

“(1) to the United States Government for a civil penalty in an amount not to exceed \$10,000 for each violation; and

“(2) to the injured party for all valid claims incurred without regard to amount.

“(d) **LIABLE PARTIES.**—The liability for civil penalties and for claims under this section for unauthorized brokering shall apply, jointly and severally—

“(1) to any corporate entity or partnership involved; and

“(2) to the individual officers, directors, and principals of such entities.”.

(b) **CLERICAL AMENDMENT.**—The analysis for chapter 149 is amended by adding at the end the following:

“14916. Unlawful brokerage activities.”.

PART II—HOUSEHOLD GOODS TRANSPORTATION

SEC. 32921. ADDITIONAL REGISTRATION REQUIREMENTS FOR HOUSEHOLD GOODS MOTOR CARRIERS.

(a) Section 13902(a)(2) is amended—

(1) in subparagraph (B), by striking “section 13702(c);” and inserting “section 13702(c); and”; and

(2) by amending subparagraph (C) to read as follows:

“(C) demonstrates, before being registered, through successful completion of a proficiency examination established by the Secretary, knowledge and intent to comply with applicable Federal laws relating to consumer protection, estimating, consumers' rights and responsibilities, and options for limitations of liability for loss and damage.”; and

(3) by striking subparagraph (D).

(b) **COMPLIANCE REVIEWS OF NEW HOUSEHOLD GOODS MOTOR CARRIERS.**—Section 31144(g), as amended by section 32102 of this Act, is amended by adding at the end the following:

“(6) **ADDITIONAL REQUIREMENTS FOR HOUSEHOLD GOODS MOTOR CARRIERS.**—(A) In addition to the requirements of this subsection, the Secretary shall require, by regulation, each registered household goods motor carrier to undergo a consumer protection standards review not later than 18 months after the household goods motor carrier begins operations under such authority.

“(B) **ELEMENTS.**—In the regulations issued pursuant to subparagraph (A), the Secretary shall establish the elements of the consumer protections standards review, including basic management controls. In establishing the elements, the Secretary shall consider the effects on small businesses and shall consider establishing alternate locations where such reviews may be conducted for the convenience of small businesses.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall take effect 2 years after the date of enactment of this Act.

SEC. 32922. FAILURE TO GIVE UP POSSESSION OF HOUSEHOLD GOODS.

(a) **INJUNCTIVE RELIEF.**—Section 14704(a)(1) is amended by striking “and 14103” and inserting “, 14103, and 14915(c)”.

(b) **CIVIL PENALTIES.**—Section 14915(a)(1) is amended by adding at the end the following:

“The United States may assign all or a portion of the civil penalty to an aggrieved shipper. The Secretary of Transportation shall establish criteria upon which such assignments shall be made. The Secretary may order, after notice and an opportunity for a proceeding, that a person found holding a household goods shipment hostage return the goods to an aggrieved shipper.”.

SEC. 32923. SETTLEMENT AUTHORITY.

(a) **SETTLEMENT OF GENERAL CIVIL PENALTIES.**—Section 14901 is amended by adding at the end the following:

“(h) **SETTLEMENT OF HOUSEHOLD GOODS CIVIL PENALTIES.**—Nothing in this section shall be construed to prohibit the Secretary from accepting partial payment of a civil penalty as part of a settlement agreement in the public interest, or from holding imposition of any part of a civil penalty in abeyance.”.

(b) **SETTLEMENT OF HOUSEHOLD GOODS CIVIL PENALTIES.**—Section 14915(a) is amended by adding at the end the following:

“(4) **SETTLEMENT AUTHORITY.**—Nothing in this section shall be construed as prohibiting the Secretary from accepting partial payment of a civil penalty as part of a settlement agreement in the public interest, or from holding imposition of any part of a civil penalty in abeyance.”.

PART III—TECHNICAL AMENDMENTS

SEC. 32931. UPDATE OF OBSOLETE TEXT.

(a) Section 31137(g), as redesignated by section 32301 of this Act, is amended by striking “Not later than December 1, 1990, the Secretary shall prescribe” and inserting “The Secretary shall maintain”.

(b) Section 31151(a) is amended—

(1) by amending paragraph (1) to read as follows:

“(1) IN GENERAL.—The Secretary of Transportation shall maintain a program to ensure that intermodal equipment used to transport intermodal containers is safe and systematically maintained.”; and

(2) by striking paragraph (4).

(c) Section 31307(b) is amended by striking “Not later than December 18, 1994, the Secretary shall prescribe” and inserting “The Secretary shall maintain”.

(d) Section 31310(g)(1) is amended by striking “Not later than 1 year after the date of enactment of this Act, the” and inserting “The”.

SEC. 32932. CORRECTION OF INTERSTATE COMMERCE COMMISSION REFERENCES.

(a) SAFETY INFORMATION AND INTERVENTION IN INTERSTATE COMMERCE COMMISSION PROCEEDINGS.—Chapter 3 is amended—

(1) by repealing section 307;

(2) in the analysis, by striking the item relating to section 307;

(3) in section 333(d)(1)(C), by striking “Interstate Commerce Commission” and inserting “Surface Transportation Board”; and

(4) in section 333(e)—

(A) by striking “Interstate Commerce Commission” and inserting “Surface Transportation Board”; and

(B) by striking “Commission” and inserting “Board”.

(b) FILING AND PROCEDURE FOR APPLICATION TO ABANDON OR DISCONTINUE.—Section 10903(b)(2) is amended by striking “24706(c) of this title” and inserting “24706(c) of this title before May 31, 1998”.

(c) TECHNICAL AMENDMENTS TO PART C OF SUBTITLE V.—

(1) Section 24307(b)(3) is amended by striking “Interstate Commerce Commission” and inserting “Surface Transportation Board”.

(2) Section 24311 is amended—

(A) by striking “Interstate Commerce Commission” and inserting “Surface Transportation Board”;

(B) by striking “Commission” each place it appears and inserting “Board”; and

(C) by striking “Commission’s” and inserting “Board’s”.

(3) Section 24902 is amended—

(A) by striking “Interstate Commerce Commission” each place it appears and inserting “Surface Transportation Board”; and

(B) by striking “Commission” each place it appears and inserting “Board”.

(4) Section 24904 is amended—

(A) by striking “Interstate Commerce Commission” and inserting “Surface Transportation Board”; and

(B) by striking “Commission” each place it appears and inserting “Board”.

SEC. 32933. TECHNICAL AND CONFORMING AMENDMENTS.

(a) Section 13905(f)(1)(A) is amended by striking “section 13904(c)” and inserting “section 13904(e)”;

(b) Section 14504a(c)(1) is amended—

(1) in subparagraph (C), by striking “sections” and inserting “section”; and

(2) in subparagraph (D)(ii)(I) by striking the period at the end and inserting “; and”.

(c) Section 31103(a) is amended by striking “section 31102(b)(1)(E)” and inserting “section 31102(b)(2)(E)”.

(d) Section 31103(b) is amended by striking “authorized by section 31104(f)(2)”.

(e) Section 31309(b)(2) is amended by striking “31308(2)” and inserting “31308(3)”.

SEC. 32934. EXEMPTIONS FROM REQUIREMENTS FOR COVERED FARM VEHICLES.

(a) FEDERAL REQUIREMENTS.—A covered farm vehicle, including the individual operating that vehicle, shall be exempt from the following:

(1) Any requirement relating to commercial driver’s licenses established under chapter 313 of title 49, United States Code.

(2) Any requirement relating to drug-testing established under chapter 313 of title 49, United States Code.

(3) Any requirement relating to medical certificates established under—

(A) subchapter III of chapter 311 of title 49, United States Code; or

(B) chapter 313 of title 49, United States Code.

(4) Any requirement relating to hours of service established under—

(A) subchapter III of chapter 311 of title 49, United States Code; or

(B) chapter 315 of title 49, United States Code.

(5) Any requirement relating to vehicle inspection, repair, and maintenance established under—

(A) subchapter III of chapter 311 of title 49, United States Code; or

(B) chapter 315 of title 49, United States Code.

(b) STATE REQUIREMENTS.—

(1) IN GENERAL.—Federal transportation funding to a State may not be terminated, limited, or otherwise interfered with as a result of the State exempting a covered farm vehicle, including the individual operating that vehicle, from any State requirement relating to the operation of that vehicle.

(2) EXCEPTION.—Paragraph (1) does not apply with respect to a covered farm vehicle transporting hazardous materials that require a placard.

(c) COVERED FARM VEHICLE DEFINED.—

(1) IN GENERAL.—In this section, the term “covered farm vehicle” means a motor vehicle (including an articulated motor vehicle)—

(A) that—

(i) is traveling in the State in which the vehicle is registered or another State;

(ii) is operated by—

(I) a farm owner or operator;

(II) a ranch owner or operator; or

(III) an employee or family member of an individual specified in subclause (I) or (II);

(iii) is transporting to or from a farm or ranch—

(I) agricultural commodities;

(II) livestock; or

(III) machinery or supplies;

(iv) except as provided in paragraph (2), is not used in the operations of a for-hire motor carrier; and

(v) is equipped with a special license plate or other designation by the State in which the vehicle is registered to allow for identification of the vehicle as a farm vehicle by law enforcement personnel; and

(B) that has a gross vehicle weight rating or gross vehicle weight, whichever is greater, that is—

(i) 26,001 pounds or less; or

(ii) greater than 26,001 pounds and traveling within the State or within 150 air miles of the farm or ranch with respect to which the vehicle is being operated.

(2) INCLUSION.—In this section, the term “covered farm vehicle” includes a motor vehicle that meets the requirements of paragraph (1) (other than paragraph (1)(A)(iv)) and—

(A) is operated pursuant to a crop share farm lease agreement;

(B) is owned by a tenant with respect to that agreement; and

(C) is transporting the landlord’s portion of the crops under that agreement.

(d) SAFETY STUDY.—The Secretary of Transportation shall conduct a study of the exemption required by subsection (a) as follows:

(1) Data and analysis of covered farm vehicles shall include—

(A) the number of vehicles that are operated subject to each of the regulatory exemptions permitted under subsection (a);

(B) the number of drivers that operate covered farm vehicles subject to each of the regulatory exemptions permitted under subsection (a);

(C) the number of crashes involving covered farm vehicles;

(D) the number of occupants and non-occupants injured in crashes involving covered farm vehicles;

(E) the number of fatalities of occupants and non-occupants killed in crashes involving farm vehicles;

(F) crash investigations and accident reconstruction investigations of all fatalities in crashes involving covered farm vehicles;

(G) overall operating mileage of covered farm vehicles;

(H) numbers of covered farm vehicles that operate in neighboring States; and

(I) any other data the Secretary deems necessary to analyze and include.

(2) A listing of State regulations issued and maintained in each State that are identical to the Federal regulations that are subject to exemption in subsection (a).

(3) The Secretary shall report the findings of the study to the appropriate committees of Congress not later than 18 months after the date of enactment of this Act.

(e) CONSTRUCTION.—Nothing in this section shall be construed as authority for the Secretary of Transportation to prescribe regulations.

TITLE III—HAZARDOUS MATERIALS TRANSPORTATION SAFETY IMPROVEMENT ACT OF 2012

SEC. 33001. SHORT TITLE.

This title may be cited as the “Hazardous Materials Transportation Safety Improvement Act of 2012”.

SEC. 33002. DEFINITION.

In this title, the term “Secretary” means the Secretary of Transportation.

SEC. 33003. REFERENCES TO TITLE 49, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 33004. TRAINING FOR EMERGENCY RESPONDERS.

(a) TRAINING CURRICULUM.—Section 5115 is amended—

(1) in subsection (b)(1)(B), by striking “basic”;

(2) in subsection (b)(2), by striking “basic”; and

(3) in subsection (c), by striking “basic”.

(b) OPERATIONS LEVEL TRAINING.—Section 5116 is amended—

(1) in subsection (b)(1), by adding at the end the following: “To the extent that a grant is used to train emergency responders, the State or Indian tribe shall provide written certification to the Secretary that the emergency responders who receive training under the grant will have the ability to protect nearby persons, property, and the environment from the effects of accidents or incidents involving the transportation of hazardous material in accordance with existing regulations or National Fire Protection Association standards for competence of responders to accidents and incidents involving hazardous materials.”;

(2) in subsection (j)—

(A) in paragraph (1), by striking “funds” and all that follows through “fighting fires for” and inserting “funds and through a competitive process, make a grant or make grants to national nonprofit fire service organizations for”;

(B) in paragraph (3)(A), by striking “train” and inserting “provide training, including portable training, for”;

(C) in paragraph (4)—

(i) by striking “train” and inserting “provide training, including portable training, for”; and

(ii) by inserting “comply with Federal regulations and national consensus standards for hazardous materials response and” after “training course shall”;

(D) by redesignating paragraph (5) as paragraph (8); and

(E) by inserting after paragraph (4) the following:

“(5) The Secretary may not award a grant to an organization under this subsection unless the organization ensures that emergency responders who receive training under the grant will have the ability to protect nearby persons, property, and the environment from the effects of accidents or incidents involving the transportation of hazardous material in accordance with existing regulations or National Fire Protection Association standards for competence of responders to accidents and incidents involving hazardous materials.

“(6) Notwithstanding paragraphs (1) and (3), to the extent determined appropriate by the Secretary, a grant awarded by the Secretary to an organization under this subsection to conduct hazardous material response training programs may be used to train individuals with responsibility to respond to accidents and incidents involving hazardous material.

“(7) For the purposes of this subsection, the term ‘portable training’ means live, instructor-led training provided by certified fire service instructors that can be offered in any suitable setting, rather than specific designated facilities. Under this training delivery model, instructors travel to locations convenient to students and utilize local facilities and resources.”; and

(3) in subsection (k)—

(A) by striking “annually” and inserting “an annual report”; and

(B) by inserting “the report” after “make available”; and

(C) by striking “information” and inserting “. The report submitted under this subsection shall include information”; and

(D) by striking “The report shall identify” and all that follows and inserting the following: “The report submitted under this subsection shall identify the ultimate recipients of such grants and include—

“(A) a detailed accounting and description of each grant expenditure by each grant recipient, including the amount of, and purpose for, each expenditure;

“(B) the number of persons trained under the grant program, by training level;

“(C) an evaluation of the efficacy of such planning and training programs; and

“(D) any recommendations the Secretary may have for improving such grant programs.”.

SEC. 33005. PAPERLESS HAZARD COMMUNICATIONS PILOT PROGRAM.

(a) IN GENERAL.—The Secretary may conduct pilot projects to evaluate the feasibility and effectiveness of using paperless hazard communications systems. At least 1 of the pilot projects under this section shall take place in a rural area.

(b) REQUIREMENTS.—In conducting pilot projects under this section, the Secretary—

(1) may not waive the requirements under section 5110 of title 49, United States Code; and

(2) shall consult with organizations representing—

(A) fire services personnel;

(B) law enforcement and other appropriate enforcement personnel;

(C) other emergency response providers;

(D) persons who offer hazardous material for transportation;

(E) persons who transport hazardous material by air, highway, rail, and water; and

(F) employees of persons who transport or offer for transportation hazardous material by air, highway, rail, and water.

(c) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall—

(1) prepare a report on the results of the pilot projects carried out under this section, including—

(A) a detailed description of the pilot projects;

(B) an evaluation of each pilot project, including an evaluation of the performance of each paperless hazard communications system in such project;

(C) an assessment of the safety and security impact of using paperless hazard communications systems, including any impact on the public, emergency response, law enforcement, and the conduct of inspections and investigations;

(D) an analysis of the associated benefits and costs of using the paperless hazard communications systems for each mode of transportation; and

(E) a recommendation that incorporates the information gathered in subparagraphs (A), (B), (C), and (D) on whether paperless hazard communications systems should be permanently incorporated into the Federal hazardous material transportation safety program under chapter 51 of title 49, United States Code; and

(2) submit a final report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that contains the results of the pilot projects carried out under this section, including the matters described in paragraph (1).

(d) PAPERLESS HAZARD COMMUNICATIONS SYSTEM DEFINED.—In this section, the term “paperless hazard communications system” means the use of advanced communications methods, such as wireless communications devices, to convey hazard information between all parties in the transportation chain, including emergency responders and law enforcement personnel. The format of communication may be equivalent to that used by the carrier.

SEC. 33006. IMPROVING DATA COLLECTION, ANALYSIS, AND REPORTING.

(a) ASSESSMENT.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Secretary, in consultation with the Commandant of the United States Coast Guard, as appropriate, shall conduct an assessment to improve the collection, analysis, reporting, and use of data related to accidents and incidents involving the transportation of hazardous material.

(2) REVIEW.—The assessment conducted under this subsection shall review the methods used by the Pipeline and Hazardous Materials Safety Administration (referred to in this section as the “Administration”) for collecting, analyzing, and reporting accidents and incidents involving the transportation of hazardous material, including the adequacy of—

(A) information requested on the accident and incident reporting forms required to be submitted to the Administration;

(B) methods used by the Administration to verify that the information provided on such forms is accurate and complete;

(C) accident and incident reporting requirements, including whether such requirements should be expanded to include shippers and consignees of hazardous materials;

(D) resources of the Administration related to data collection, analysis, and reporting, including staff and information technology; and

(E) the database used by the Administration for recording and reporting such accidents and incidents, including the ability of users to adequately search the database and find information.

(b) DEVELOPMENT OF ACTION PLAN.—Not later than 9 months after the date of enactment of this Act, the Secretary shall develop an action plan and timeline for improving the collection, analysis, reporting, and use of data by the Administration, including revising the database of the Administration, as appropriate.

(c) SUBMISSION TO CONGRESS.—Not later than 15 days after the completion of the action plan

and timeline under subsection (c), the Secretary shall submit the action plan and timeline to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(d) REPORTING REQUIREMENTS.—Section 5125(b)(1)(D) is amended by inserting “and other written hazardous materials transportation incident reporting involving State or local emergency responders in the initial response to the incident” before the period at the end.

SEC. 33007. HAZARDOUS MATERIAL TECHNICAL ASSESSMENT, RESEARCH AND DEVELOPMENT, AND ANALYSIS PROGRAM.

(a) IN GENERAL.—Chapter 51 is amended by inserting after section 5117 the following:

“§5118. Hazardous material technical assessment, research and development, and analysis program

“(a) RISK REDUCTION.—

“(1) PROGRAM AUTHORIZED.—The Secretary of Transportation may develop and implement a hazardous material technical assessment, research and development, and analysis program for the purpose of—

“(A) reducing the risks associated with the transportation of hazardous material; and

“(B) identifying and evaluating new technologies to facilitate the safe, secure, and efficient transportation of hazardous material.

“(2) COORDINATION.—In developing the program under paragraph (1), the Secretary shall—

“(A) utilize information gathered from other modal administrations with similar programs; and

“(B) coordinate with other modal administrations, as appropriate.

“(b) COOPERATION.—In carrying out subsection (a), the Secretary shall work cooperatively with regulated and other entities, including shippers, carriers, emergency responders, State and local officials, and academic institutions.”.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 51 is amended by inserting after the item relating to section 5117 the following:

“5118. Hazardous material technical assessment, research and development, and analysis program.”.

SEC. 33008. HAZARDOUS MATERIAL ENFORCEMENT TRAINING.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall develop uniform performance standards for training hazardous material inspectors and investigators on—

(1) how to collect, analyze, and publish findings from inspections and investigations of accidents or incidents involving the transportation of hazardous material; and

(2) how to identify noncompliance with regulations issued under chapter 51 of title 49, United States Code, and take appropriate enforcement action.

(b) STANDARDS AND GUIDELINES.—The Secretary may develop—

(1) guidelines for hazardous material inspector and investigator qualifications;

(2) best practices and standards for hazardous material inspector and investigator training programs; and

(3) standard protocols to coordinate investigation efforts among Federal, State, and local jurisdictions on accidents or incidents involving the transportation of hazardous material.

(c) AVAILABILITY.—The standards, protocols, and guidelines established under this section—

(1) shall be mandatory for—

(A) the Department of Transportation’s multimodal personnel conducting hazardous material enforcement inspections or investigations; and

(B) State employees who conduct federally funded compliance reviews, inspections, or investigations; and

(2) shall be made available to Federal, State, and local hazardous material safety enforcement personnel.

SEC. 33009. INSPECTIONS.

(a) NOTICE OF ENFORCEMENT MEASURES.—Section 5121(c)(1) is amended—

(1) in subparagraph (E), by striking “and” at the end;

(2) in subparagraph (F), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(G) shall provide to the affected offeror, carrier, packaging manufacturer or tester, or other person responsible for the package reasonable notice of—

“(i) his or her decision to exercise his or her authority under paragraph (1);

“(ii) any findings made; and

“(iii) any actions being taken as a result of a finding of noncompliance.”.

(b) REGULATIONS.—

(1) MATTERS TO BE ADDRESSED.—Section 5121(e) is amended by adding at the end the following:

“(3) MATTERS TO BE ADDRESSED.—The regulations issued under this subsection shall address—

“(A) the safe and expeditious resumption of transportation of perishable hazardous material, including radiopharmaceuticals and other medical products, that may require timely delivery due to life-threatening situations;

“(B) the means by which—

“(i) noncompliant packages that present an imminent hazard are placed out-of-service until the condition is corrected; and

“(ii) noncompliant packages that do not present a hazard are moved to their final destination;

“(C) appropriate training and equipment for inspectors; and

“(D) the proper closure of packaging in accordance with the hazardous material regulations.”.

(2) FINALIZING REGULATIONS.—In accordance with section 5103(b)(2) of title 49, United States Code, not later than 1 year after the date of enactment of this Act, the Secretary shall take all actions necessary to finalize a regulation under paragraph (1) of this subsection.

(c) GRANTS AND COOPERATIVE AGREEMENTS.—Section 5121(g)(1) is amended by inserting “safety” and “before” before “security”.

SEC. 33010. CIVIL PENALTIES.

Section 5123 is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking “at least \$250 but”; and

(ii) by striking “\$50,000” and inserting “\$75,000”;

(B) in paragraph (2), by striking “\$100,000” and inserting “\$175,000”; and

(C) by amending paragraph (3) to read as follows:

“(3) If the violation is related to training, a person described in paragraph (1) shall be liable for a civil penalty of at least \$450.”; and

(2) by adding at the end the following:

“(h) PENALTY FOR OBSTRUCTION OF INSPECTIONS AND INVESTIGATIONS.—

“(1) The Secretary may impose a penalty on a person who obstructs or prevents the Secretary from carrying out inspections or investigations under subsection (c) or (i) of section 5121.

“(2) For the purposes of this subsection, the term ‘obstructs’ means actions that were known, or reasonably should have been known, to prevent, hinder, or impede an investigation.

“(i) PROHIBITION ON HAZARDOUS MATERIAL OPERATIONS AFTER NONPAYMENT OF PENALTIES.—

“(1) IN GENERAL.—Except as provided under paragraph (2), a person subject to the jurisdiction of the Secretary under this chapter who fails to pay a civil penalty assessed under this chapter, or fails to arrange and abide by an acceptable payment plan for such civil penalty, may not conduct any activity regulated under this chapter beginning on the 91st day after the date specified by order of the Secretary for payment of such penalty unless the person has filed a formal administrative or judicial appeal of the penalty.

“(2) EXCEPTION.—Paragraph (1) shall not apply to any person who is unable to pay a civil penalty because such person is a debtor in a case under chapter 11 of title 11.

“(3) RULEMAKING.—Not later than 2 years after the date of enactment of this subsection, the Secretary, after providing notice and an opportunity for public comment, shall issue regulations that—

“(A) set forth procedures to require a person who is delinquent in paying civil penalties to cease any activity regulated under this chapter until payment has been made or an acceptable payment plan has been arranged; and

“(B) ensures that the person described in subparagraph (A)—

“(i) is notified in writing; and

“(ii) is given an opportunity to respond before the person is required to cease the activity.”.

SEC. 33011. REPORTING OF FEES.

Section 5125(f)(2) is amended by striking “, upon the Secretary’s request,” and inserting “biennially”.

SEC. 33012. SPECIAL PERMITS, APPROVALS, AND EXCLUSIONS.

(a) RULEMAKING.—Not later than 2 years after the date of enactment of this Act, the Secretary, after providing notice and an opportunity for public comment, shall issue regulations that establish—

(1) standard operating procedures to support administration of the special permit and approval programs; and

(2) objective criteria to support the evaluation of special permit and approval applications.

(b) REVIEW OF SPECIAL PERMITS.—

(1) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct a review and analysis of special permits that have been in continuous effect for a 10-year period to determine which special permits may be converted into the hazardous materials regulations.

(2) FACTORS.—In conducting the review and analysis under paragraph (1), the Secretary may consider—

(A) the safety record for hazardous materials transported under the special permit;

(B) the application of a special permit;

(C) the suitability of provisions in the special permit for incorporation into the hazardous materials regulations; and

(D) rulemaking activity in related areas.

(3) RULEMAKING.—After completing the review and analysis under paragraph (1), but not later than 3 years after the date of enactment of this Act, and after providing notice and opportunity for public comment, the Secretary shall issue regulations to incorporate into the hazardous materials regulations any special permits identified in the review under paragraph (1) that the Secretary determines are appropriate for incorporation, based on the factors identified in paragraph (2).

(c) INCORPORATION INTO REGULATION.—Section 5117 is amended by adding at the end the following:

“(f) INCORPORATION INTO REGULATIONS.—

“(1) IN GENERAL.—Not later than 1 year after the date on which a special permit has been in continuous effect for a 10-year period, the Secretary shall conduct a review and analysis of

that special permit to determine whether it may be converted into the hazardous materials regulations.

“(2) FACTORS.—In conducting the review and analysis under paragraph (1), the Secretary may consider—

“(A) the safety record for hazardous materials transported under the special permit;

“(B) the application of a special permit;

“(C) the suitability of provisions in the special permit for incorporation into the hazardous materials regulations; and

“(D) rulemaking activity in related areas.

“(3) RULEMAKING.—After completing the review and analysis under paragraph (1) and after providing notice and opportunity for public comment, the Secretary shall either institute a rulemaking to incorporate the special permit into the hazardous materials regulations or publish in the Federal Register the Secretary’s justification for why the special permit is not appropriate for incorporation into the regulations.”.

SEC. 33013. HIGHWAY ROUTING DISCLOSURES.

(a) LIST OF ROUTE DESIGNATIONS.—Section 5112(c) is amended—

(1) by striking “In coordination” and inserting the following:

“(1) IN GENERAL.—In coordination”; and

(2) by adding at the end the following:

“(2) STATE RESPONSIBILITIES.—

“(A) IN GENERAL.—Each State shall submit to the Secretary, in a form and manner to be determined by the Secretary and in accordance with subparagraph (B)—

“(i) the name of the State agency responsible for hazardous material highway route designations; and

“(ii) a list of the State’s currently effective hazardous material highway route designations.

“(B) FREQUENCY.—Each State shall submit the information described in subparagraph (A)(ii)—

“(i) at least once every 2 years; and

“(ii) not later than 60 days after a hazardous material highway route designation is established, amended, or discontinued.”.

(b) COMPLIANCE WITH SECTION 5112.—Section 5125(c)(1) is amended by inserting “, and is published in the Department’s hazardous materials route registry under section 5112(c)” before the period at the end.

SEC. 33014. MOTOR CARRIER SAFETY PERMITS.

(a) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct a study of, and transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on, the implementation of the hazardous material safety permit program under section 5109 of title 49, United States Code. In conducting the study, the Secretary shall review, at a minimum—

(1) the list of hazardous materials requiring a safety permit;

(2) the number of permits that have been issued, denied, revoked, or suspended since inception of the program and the number of commercial motor carriers that have never had a permit denied, revoked, or suspended since inception of the program;

(3) the reasons for such denials, revocations, or suspensions;

(4) the criteria used by the Federal Motor Carrier Safety Administration to determine whether a hazardous material safety permit issued by a State is equivalent to the Federal permit; and

(5) actions the Secretary could implement to improve the program, including whether to provide opportunities for an additional level of fitness review prior to the denial, revocation, or suspension of a safety permit.

(b) ACTIONS TAKEN.—Not later than 2 years after the date of enactment of this Act, based on

the study conducted under subsection (a), the Secretary shall either institute a rulemaking to make any necessary improvements to the hazardous materials safety permit program under section 5109 of title 49, United States Code or publish in the Federal Register the Secretary's justification for why a rulemaking is not necessary.

SEC. 33015. WETLINES.

(a) EVALUATION.—Not later than 1 year after the date of enactment of this Act, the United States Government Accountability Office shall evaluate, and transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives, a report on the safety of transporting flammable liquids in the external product piping of cargo tank motor vehicles (commonly referred to as wetlines). The evaluation shall—

(1) review the safety of transporting flammable liquids in the external product piping of cargo tank motor vehicles;

(2) accurately quantify the number of incidents involving the transportation of flammable liquids in external product piping of cargo tank motor vehicles;

(3) identify various alternatives to loading, transporting, and unloading flammable liquids in such piping;

(4) examine the costs and benefits of each alternative; and

(5) identify any obstacles to implementing each alternative.

(b) REGULATIONS.—The Secretary may not issue a final rule regarding transporting flammable liquids in the external product piping of cargo tank motor vehicles prior to completion of the evaluation conducted under subsection (a), or 2 years after the date of enactment of this Act, whichever is earlier, unless the Secretary determines that a risk to public safety, property, or the environment is present or an imminent hazard (as defined in section 5102 of title 49, United States Code) exists and that the regulations will address the risk or hazard.

SEC. 33016. HAZMAT EMPLOYEE TRAINING REQUIREMENTS AND GRANTS.

Section 5107(e)(2) is amended—

(1) by inserting “through a competitive process” between “made” and “to”; and

(2) by striking “hazmat employee”.

SEC. 33017. AUTHORIZATION OF APPROPRIATIONS.

Section 5128 is amended to read as follows:

“§5128. Authorization of appropriations

“(a) IN GENERAL.—There are authorized to be appropriated to the Secretary to carry out this chapter (except sections 5107(e), 5108(g)(2), 5113, 5115, 5116, and 5119)—

“(1) \$42,338,000 for fiscal year 2013; and

“(2) \$42,762,000 for fiscal year 2014.

“(b) HAZARDOUS MATERIALS EMERGENCY PREPAREDNESS FUND.—From the Hazardous Materials Emergency Preparedness Fund established under section 5116(i), the Secretary may expend, during each of fiscal years 2013 and 2014—

“(1) \$188,000 to carry out section 5115;

“(2) \$21,800,000 to carry out subsections (a) and (b) of section 5116, of which not less than \$13,650,000 shall be available to carry out section 5116(b);

“(3) \$150,000 to carry out section 5116(f);

“(4) \$625,000 to publish and distribute the Emergency Response Guidebook under section 5116(i)(3); and

“(5) \$1,000,000 to carry out section 5116(j).

“(c) HAZARDOUS MATERIALS TRAINING GRANTS.—From the Hazardous Materials Emergency Preparedness Fund established pursuant to section 5116(i), the Secretary may expend \$4,000,000 for each of the fiscal years 2013 and 2014 to carry out section 5107(e).

“(d) CREDITS TO APPROPRIATIONS.—

“(1) EXPENSES.—In addition to amounts otherwise made available to carry out this chapter, the Secretary may credit amounts received from a State, Indian tribe, or other public authority or private entity for expenses the Secretary incurs in providing training to the State, authority, or entity.

“(2) AVAILABILITY OF AMOUNTS.—Amounts made available under this section shall remain available until expended.”.

TITLE IV—SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY ACT OF 2012

SEC. 34001. SHORT TITLE.

This title may be cited as the “Sport Fish Restoration and Recreational Boating Safety Act of 2012”.

SEC. 34002. AMENDMENT OF FEDERAL AID IN SPORT FISH RESTORATION ACT.

Section 4 of the Federal Aid in Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a), by striking “of fiscal years 2006 through 2011 and for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “fiscal year through 2014.”; and

(2) in subsection (b)(1)(A), by striking “of fiscal years 2006 through 2011 and for the period beginning on October 1, 2011, and ending on March 31, 2012,” and inserting “fiscal year through 2014.”.

TITLE V—MISCELLANEOUS

SEC. 35001. OVERFLIGHTS IN GRAND CANYON NATIONAL PARK.

(a) DETERMINATIONS WITH RESPECT TO SUBSTANTIAL RESTORATION OF NATURAL QUIET AND EXPERIENCE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, for purposes of section 3(b)(1) of Public Law 100-91 (16 U.S.C. 1a-1 note), the substantial restoration of the natural quiet and experience of the Grand Canyon National Park (in this section referred to as the “Park”) shall be considered to be achieved in the Park if, for at least 75 percent of each day, 50 percent of the Park is free of sound produced by commercial air tour operations that have an allocation to conduct commercial air tours in the Park as of the date of enactment of this Act.

(2) CONSIDERATIONS.—

(A) IN GENERAL.—For purposes of determining whether substantial restoration of the natural quiet and experience of the Park has been achieved in accordance with paragraph (1), the Secretary of the Interior (in this section referred to as the “Secretary”) shall use—

(i) the 2-zone system for the Park in effect on the date of enactment of this Act to assess impacts relating to substantial restoration of natural quiet at the Park, including—

(I) the thresholds for noticeability and audibility; and

(II) the distribution of land between the 2 zones; and

(ii) noise modeling science that is—

(I) developed for use at the Park, specifically Integrated Noise Model Version 6.2;

(II) validated by reasonable standards for conducting field observations of model results; and

(III) accepted and validated by the Federal Interagency Committee on Aviation Noise.

(B) SOUND FROM OTHER SOURCES.—The Secretary shall not consider sound produced by sources other than commercial air tour operations, including sound emitted by other types of aircraft operations or other noise sources, for purposes of—

(i) making recommendations, developing a final plan, or issuing regulations relating to commercial air tour operations in the Park; or

(ii) determining under paragraph (1) whether substantial restoration of the natural quiet and experience of the Park has been achieved.

(3) CONTINUED MONITORING.—The Secretary shall continue monitoring noise from aircraft operating over the Park below 17,999 feet MSL to ensure continued compliance with the substantial restoration of natural quiet and experience of the Park.

(4) DAY DEFINED.—For purposes of this section, the term “day” means the hours between 7:00 a.m. and 7:00 p.m.

(b) CONVERSION TO QUIET TECHNOLOGY AIRCRAFT.—

(1) IN GENERAL.—Not later than 15 years after the date of enactment of this Act, all commercial air tour aircraft operating in the Grand Canyon National Park Special Flight Rules Area shall be required to fully convert to quiet aircraft technology (as determined in accordance with regulations in effect on the day before the date of enactment of this Act).

(2) CONVERSION INCENTIVES.—Not later than 60 days after the date of enactment of this Act, the Secretary and the Administrator of the Federal Aviation Administration shall provide incentives for commercial air tour operators that convert to quiet aircraft technology (as determined in accordance with the regulations in effect on the day before the date of enactment of this Act) before the date specified in paragraph (1), such as increasing the flight allocations for such operators on a net basis consistent with section 804(c) of the National Park Air Tours Management Act of 2000 (title VIII of Public Law 106-181), provided that the cumulative impact of such operations does not increase noise at Grand Canyon National Park.

SEC. 35002. COMMERCIAL AIR TOUR OPERATIONS.

Section 40128(b)(1)(C) of title 49, United States Code, is amended to read as follows:

“(C) EXCEPTION.—An application to begin or expand commercial air tour operations at Crater Lake National Park or Great Smoky Mountains National Park may be denied without the establishment of an air tour management plan by the Director of the National Park Service if the Director determines that such operations would adversely affect park resources or visitor experiences.”.

SEC. 35003. QUALIFICATIONS FOR PUBLIC AIRCRAFT STATUS.

Section 40125 of title 49, United States Code, is amended by adding at the end the following:

“(d) SEARCH AND RESCUE PURPOSES.—An aircraft described in section 40102(a)(41)(D) that is not exclusively leased for at least 90 continuous days by the government of a State, the District of Columbia, or a territory or possession of the United States or a political subdivision of 1 of those governments, qualifies as a public aircraft if the Administrator determines that—

“(1) there are extraordinary circumstances;

“(2) the aircraft will be used for the performance of search and rescue missions;

“(3) a community would not otherwise have access to search and rescue services; and

“(4) a government entity demonstrates that granting the waiver is necessary to prevent an undue economic burden on that government.”.

DIVISION D—FINANCE

SEC. 40001. SHORT TITLE.

This division may be cited as the “Highway Investment, Job Creation, and Economic Growth Act of 2012”.

TITLE I—EXTENSION OF HIGHWAY TRUST FUND EXPENDITURE AUTHORITY AND RELATED TAXES

SEC. 40101. EXTENSION OF TRUST FUND EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking “July 1, 2012” in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting “October 1, 2014”; and

(2) by striking “Surface Transportation Extension Act of 2012” in subsections (c)(1) and (e)(3) and inserting “MAP-21”.

(b) **SPORT FISH RESTORATION AND BOATING TRUST FUND.**—Section 9504 of the Internal Revenue Code of 1986 is amended—

(1) by striking “Surface Transportation Extension Act of 2012” each place it appears in subsection (b)(2) and inserting “MAP-21”, and

(2) by striking “July 1, 2012” in subsection (d)(2) and inserting “October 1, 2014”.

(c) **LEAKING UNDERGROUND STORAGE TANK TRUST FUND.**—Paragraph (2) of section 9508(e) of the Internal Revenue Code of 1986 is amended by striking “July 1, 2012” and inserting “October 1, 2014”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on July 1, 2012.

SEC. 40102. EXTENSION OF HIGHWAY-RELATED TAXES.

(a) **IN GENERAL.**—

(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking “June 30, 2012” and inserting “September 30, 2016”:

(A) Section 4041(a)(1)(C)(iii)(I).

(B) Section 4041(m)(1)(B).

(C) Section 4081(d)(1).

(2) Each of the following provisions of such Code is amended by striking “July 1, 2012” and inserting “October 1, 2016”:

(A) Section 4041(m)(1)(A).

(B) Section 4051(c).

(C) Section 4071(d).

(D) Section 4081(d)(3).

(b) **EXTENSION OF TAX, ETC., ON USE OF CERTAIN HEAVY VEHICLES.**—

(1) **IN GENERAL.**—Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking “2013” each place it appears and inserting “2017”:

(A) Section 4481(f).

(B) Section 4482(d).

(2) **EXTENSION AND TECHNICAL CORRECTION.**—

(A) **IN GENERAL.**—Paragraph (4) of section 4482(c) of such Code is amended to read as follows:

“(4) **TAXABLE PERIOD.**—The term ‘taxable period’ means any year beginning before July 1, 2017, and the period which begins on July 1, 2017, and ends at the close of September 30, 2017.”.

(B) **EFFECTIVE DATE.**—The amendment made by this paragraph shall take effect as if included in the amendments made by section 142 of the Surface Transportation Extension Act of 2011, Part II.

(c) **FLOOR STOCKS REFUNDS.**—Section 6412(a)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking “July 1, 2012” each place it appears and inserting “October 1, 2016”,

(2) by striking “December 31, 2012” each place it appears and inserting “March 31, 2017”, and

(3) by striking “October 1, 2012” and inserting “January 1, 2017”.

(d) **EXTENSION OF CERTAIN EXEMPTIONS.**—

(1) Section 4221(a) of the Internal Revenue Code of 1986 is amended by striking “July 1, 2012” and inserting “October 1, 2016”.

(2) Section 4483(i) of such Code is amended by striking “July 1, 2012” and inserting “October 1, 2017”.

(e) **EXTENSION OF TRANSFERS OF CERTAIN TAXES.**—

(1) **IN GENERAL.**—Section 9503 of the Internal Revenue Code of 1986 is amended—

(A) in subsection (b)—

(i) by striking “July 1, 2012” each place it appears in paragraphs (1) and (2) and inserting “October 1, 2016”,

(ii) by striking “JULY 1, 2012” in the heading of paragraph (2) and inserting “OCTOBER 1, 2016”,

(iii) by striking “June 30, 2012” in paragraph (2) and inserting “September 30, 2016”, and

(iv) by striking “April 1, 2013” in paragraph (2) and inserting “July 1, 2017”, and

(B) in subsection (c)(2), by striking “April 1, 2013” and inserting “July 1, 2017”.

(2) **MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.**—

(A) **IN GENERAL.**—Paragraphs (3)(A)(i) and (4)(A) of section 9503(c) of such Code are each amended by striking “July 1, 2012” and inserting “October 1, 2016”.

(B) **CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.**—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–11(b)) is amended—

(i) by striking “July 1, 2013” each place it appears and inserting “October 1, 2017”, and

(ii) by striking “July 1, 2012” and inserting “October 1, 2016”.

(f) **EFFECTIVE DATE.**—Except as otherwise provided in this section, the amendments made by this section shall take effect on July 1, 2012.

TITLE II—REVENUE PROVISIONS

Subtitle A—Leaking Underground Storage Tank Trust Fund

SEC. 40201. TRANSFER FROM LEAKING UNDERGROUND STORAGE TANK TRUST FUND TO HIGHWAY TRUST FUND.

(a) **IN GENERAL.**—Subsection (c) of section 9508 of the Internal Revenue Code of 1986 is amended—

(1) by striking “Amounts” and inserting:

“(1) **IN GENERAL.**—Except as provided in paragraph (2), amounts”, and

(2) by adding at the end the following new paragraph:

“(2) **TRANSFER TO HIGHWAY TRUST FUND.**—Out of amounts in the Leaking Underground Storage Tank Trust Fund there is hereby appropriated \$2,400,000,000 to be transferred under section 9503(f)(3) to the Highway Account (as defined in section 9503(e)(5)(B)) in the Highway Trust Fund.”.

(b) **TRANSFER TO HIGHWAY TRUST FUND.**—

(1) **IN GENERAL.**—Subsection (f) of section 9503 of the Internal Revenue Code of 1986 is amended by inserting after paragraph (2) the following new paragraph:

“(3) **INCREASE IN FUND BALANCE.**—There is hereby transferred to the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund amounts appropriated from the Leaking Underground Storage Tank Trust Fund under section 9508(c)(2).”.

(2) **CONFORMING AMENDMENTS.**—Paragraph (4) of section 9503(f) of such Code is amended—

(A) by inserting “or transferred” after “appropriated”, and

(B) by striking “APPROPRIATED” in the heading thereof.

Subtitle B—Pension Provisions

PART I—PENSION FUNDING STABILIZATION

SEC. 40211. PENSION FUNDING STABILIZATION.

(a) **AMENDMENTS TO INTERNAL REVENUE CODE OF 1986.**—

(1) **IN GENERAL.**—Subparagraph (C) of section 430(h)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new clause:

“(iv) **SEGMENT RATE STABILIZATION.**—

“(I) **IN GENERAL.**—If a segment rate described in clause (i), (ii), or (iii) with respect to any applicable month (determined without regard to this clause) is less than the applicable minimum percentage, or more than the applicable maximum percentage, of the average of the segment rates described in such clause for years in the 25-year period ending with September 30 of the calendar year preceding the calendar year in which the plan year begins, then the segment rate described in such clause with respect to the applicable month shall be equal to the applicable minimum percentage or the applicable maximum percentage of such average, whichever is closest. The Secretary shall determine such av-

erage on an annual basis and may prescribe equivalent rates for years in any such 25-year period for which the rates described in any such clause are not available.

“(II) **APPLICABLE MINIMUM PERCENTAGE; APPLICABLE MAXIMUM PERCENTAGE.**—For purposes of subclause (I), the applicable minimum percentage and the applicable maximum percentage for a plan year beginning in a calendar year shall be determined in accordance with the following table:

“If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
2012	90%	110%
2013	85%	115%
2014	80%	120%
2015	75%	125%
After 2015	70%	130%.”.

(2) **CONFORMING AMENDMENTS.**—

(A) Paragraph (6) of section 404(o) of such Code is amended by inserting “(determined by not taking into account any adjustment under clause (iv) of subsection (h)(2)(C) thereof)” before the period.

(B) Subparagraph (F) of section 430(h)(2) of such Code is amended by inserting “and the averages determined under subparagraph (C)(iv)” after “subparagraph (C)”.

(C) Subparagraphs (C) and (D) of section 417(e)(3) of such Code are each amended by striking “section 430(h)(2)(C)” and inserting “section 430(h)(2)(C) (determined by not taking into account any adjustment under clause (iv) thereof)”.

(D) Section 420 of such Code is amended by adding at the end the following new subsection:

“(g) **SEGMENT RATES DETERMINED WITHOUT PENSION STABILIZATION.**—For purposes of this section, section 430 shall be applied without regard to subsection (h)(2)(C)(iv) thereof.”.

(b) **AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.**—

(1) **IN GENERAL.**—Subparagraph (C) of section 303(h)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1083(h)(2)) is amended by adding at the end the following new clause:

“(iv) **SEGMENT RATE STABILIZATION.**—

“(I) **IN GENERAL.**—If a segment rate described in clause (i), (ii), or (iii) with respect to any applicable month (determined without regard to this clause) is less than the applicable minimum percentage, or more than the applicable maximum percentage, of the average of the segment rates described in such clause for years in the 25-year period ending with September 30 of the calendar year preceding the calendar year in which the plan year begins, then the segment rate described in such clause with respect to the applicable month shall be equal to the applicable minimum percentage or the applicable maximum percentage of such average, whichever is closest. The Secretary of the Treasury shall determine such average on an annual basis and may prescribe equivalent rates for years in any such 25-year period for which the rates described in any such clause are not available.

“(II) **APPLICABLE MINIMUM PERCENTAGE; APPLICABLE MAXIMUM PERCENTAGE.**—For purposes of subclause (I), the applicable minimum percentage and the applicable maximum percentage for a plan year beginning in a calendar year shall be determined in accordance with the following table:

“If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
2012	90%	110%

"If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
2013	85%	115%
2014	80%	120%
2015	75%	125%
After 2015	70%	130%."

(2) **DISCLOSURE OF EFFECT OF SEGMENT RATE STABILIZATION ON PLAN FUNDING.**—

(A) **IN GENERAL.**—Paragraph (2) of section 101(f) of such Act (29 U.S.C. 1021(f)) is amended by adding at the end the following new subparagraph:

"(D) **EFFECT OF SEGMENT RATE STABILIZATION ON PLAN FUNDING.**—

"(i) **IN GENERAL.**—In the case of a single-employer plan for an applicable plan year, each notice under paragraph (1) shall include—

"(I) a statement that the MAP-21 modified the method for determining the interest rates used to determine the actuarial value of benefits earned under the plan, providing for a 25-year average of interest rates to be taken into account in addition to a 2-year average,

"(II) a statement that, as a result of the MAP-21, the plan sponsor may contribute less money to the plan when interest rates are at historical lows, and

"(III) a table which shows (determined both with and without regard to section 303(h)(2)(C)(iv)) the funding target attainment percentage (as defined in section 303(d)(2)), the funding shortfall (as defined in section 303(c)(4)), and the minimum required contribution (as determined under section 303), for the applicable plan year and each of the 2 preceding plan years.

"(ii) **APPLICABLE PLAN YEAR.**—For purposes of this subparagraph, the term 'applicable plan year' means any plan year beginning after December 31, 2011, and before January 1, 2015, for which—

"(I) the funding target (as defined in section 303(d)(2)) is less than 95 percent of such funding target determined without regard to section 303(h)(2)(C)(iv),

"(II) the plan has a funding shortfall (as defined in section 303(c)(4) and determined without regard to section 303(h)(2)(C)(iv)) greater than \$500,000, and

"(III) the plan had 50 or more participants on any day during the preceding plan year.

For purposes of any determination under subclause (III), the aggregation rule under the last sentence of section 303(g)(2)(B) shall apply.

"(iii) **SPECIAL RULE FOR PLAN YEARS BEGINNING BEFORE 2012.**—In the case of a preceding plan year referred to in clause (i)(III) which begins before January 1, 2012, the information described in such clause shall be provided only without regard to section 303(h)(2)(C)(iv)."

(B) **MODEL NOTICE.**—The Secretary of Labor shall modify the model notice required to be published under section 501(c) of the Pension Protection Act of 2006 to prominently include the information described in section 101(f)(2)(D) of the Employee Retirement Income Security Act of 1974, as added by this paragraph.

(3) **CONFORMING AMENDMENTS.**—

(A) Subparagraph (F) of section 303(h)(2) of such Act (29 U.S.C. 1083(h)(2)) is amended by inserting "and the averages determined under subparagraph (C)(iv)" after "subparagraph (C)".

(B) Clauses (ii) and (iii) of section 205(g)(3)(B) of such Act (29 U.S.C. 1055(g)(3)(B)) are each amended by striking "section 303(h)(2)(C)" and inserting "section 303(h)(2)(C) (determined by not taking into account any adjustment under clause (iv) thereof)".

(C) Clause (iv) of section 4006(a)(3)(E) of such Act (29 U.S.C. 1306(a)(3)(E)) is amended by striking "section 303(h)(2)(C)" and inserting

"section 303(h)(2)(C) (notwithstanding any regulations issued by the corporation, determined by not taking into account any adjustment under clause (iv) thereof)".

(D) Section 4010(d) of such Act (29 U.S.C. 1310(d)) is amended by adding at the end the following:

"(3) **PENSION STABILIZATION DISREGARDED.**—For purposes of this section, the segment rates used in determining the funding target and funding target attainment percentage shall be determined by not taking into account any adjustment under section 302(h)(2)(C)(iv)."

(C) **EFFECTIVE DATE.**—

(1) **IN GENERAL.**—The amendments made by this section shall apply with respect to plan years beginning after December 31, 2011.

(2) **RULES WITH RESPECT TO ELECTIONS.**—

(A) **ADJUSTED FUNDING TARGET ATTAINMENT PERCENTAGE.**—A plan sponsor may elect not to have the amendments made by this section apply to any plan year beginning before January 1, 2013, either (as specified in the election)—

(i) for all purposes for which such amendments apply, or

(ii) solely for purposes of determining the adjusted funding target attainment percentage under sections 436 of the Internal Revenue Code of 1986 and 206(g) of the Employee Retirement Income Security Act of 1974 for such plan year. A plan shall not be treated as failing to meet the requirements of sections 204(g) of such Act and 411(d)(6) of such Code solely by reason of an election under this paragraph.

(B) **OPT OUT OF EXISTING ELECTIONS.**—If, on the date of the enactment of this Act, an election is in effect with respect to any plan under sections 303(h)(2)(D)(ii) of the Employee Retirement Income Security Act of 1974 and 430(h)(2)(D)(ii) of the Internal Revenue Code of 1986, then, notwithstanding the last sentence of each such section, the plan sponsor may revoke such election without the consent of the Secretary of the Treasury. The plan sponsor may make such revocation at any time before the date which is 1 year after such date of enactment and such revocation shall be effective for the 1st plan year to which the amendments made by this section apply and all subsequent plan years. Nothing in this subparagraph shall preclude a plan sponsor from making a subsequent election in accordance with such sections.

PART II—PBGC PREMIUMS

SEC. 40221. SINGLE EMPLOYER PLAN ANNUAL PREMIUM RATES.

(A) **FLAT-RATE PREMIUM.**—

(1) **IN GENERAL.**—Clause (i) of section 4006(a)(3)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)(A)) is amended to read as follows:

"(i) in the case of a single-employer plan, an amount for each individual who is a participant in such plan during the plan year equal to the sum of the additional premium (if any) determined under subparagraph (E) and—

"(I) for plan years beginning after December 31, 2005, and before January 1, 2013, \$30;

"(II) for plan years beginning after December 31, 2012, and before January 1, 2014, \$42; and

"(III) for plan years beginning after December 31, 2013, \$49."

(2) **ADJUSTMENT FOR INFLATION.**—Subparagraph (F) of section 4006(a)(3) of such Act (29 U.S.C. 1306(a)(3)) is amended—

(A) in clause (i)(II), by inserting "(2012 in the case of plan years beginning after calendar year 2014)" after "2004"; and

(B) by adding at the end the following new sentence: "This subparagraph shall not apply to plan years beginning in 2013 or 2014."

(b) **VARIABLE-RATE PREMIUM.**—

(1) **IN GENERAL.**—Subparagraph (E)(ii) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3))

is amended by striking "\$9.00" and inserting "the applicable dollar amount under paragraph (8)".

(2) **APPLICABLE DOLLAR AMOUNT.**—Section 4006(a) of such Act (29 U.S.C. 1306(a)) is amended by adding at the end the following:

"(8) **APPLICABLE DOLLAR AMOUNT FOR VARIABLE RATE PREMIUM.**—For purposes of paragraph (3)(E)(ii)—

"(A) **IN GENERAL.**—Except as provided in subparagraphs (B) and (C), the applicable dollar amount shall be—

"(i) \$9 for plan years beginning in a calendar year before 2015;

"(ii) for plan years beginning in calendar year 2015, the amount in effect for plan years beginning in 2014 (determined after application of subparagraph (C)); and

"(iii) for plan years beginning after calendar year 2015, the amount in effect for plan years beginning in 2015 (determined after application of subparagraph (C)).

"(B) **ADJUSTMENT FOR INFLATION.**—For each plan year beginning in a calendar year after 2012, there shall be substituted for the applicable dollar amount specified under subparagraph (A) an amount equal to the greater of—

"(i) the product derived by multiplying such applicable dollar amount for plan years beginning in that calendar year by the ratio of—

"(I) the national average wage index (as defined in section 209(k)(1) of the Social Security Act) for the first of the 2 calendar years preceding the calendar year in which such plan year begins, to

"(II) the national average wage index (as so defined) for the base year; and

"(ii) such applicable dollar amount in effect for plan years beginning in the preceding calendar year.

If the amount determined under this subparagraph is not a multiple of \$1, such product shall be rounded to the nearest multiple of \$1.

"(C) **ADDITIONAL INCREASE IN 2014 AND 2015.**—The applicable dollar amount determined under subparagraph (A) (after the application of subparagraph (B)) shall be increased—

"(i) in the case of plan years beginning in calendar year 2014, by \$4; and

"(ii) in the case of plan years beginning in calendar year 2015, by \$5.

"(D) **BASE YEAR.**—For purposes of subparagraph (B), the base year is—

"(i) 2010, in the case of plan years beginning in calendar year 2013 or 2014;

"(ii) 2012, in the case of plan years beginning in calendar year 2015; and

"(iii) 2013, in the case of plan years beginning after calendar year 2015."

(3) **CAP.**—

(A) **IN GENERAL.**—Subparagraph (E)(i) of section 4006(a)(3) of such Act (29 U.S.C. 1306(a)(3)) is amended by striking "for any plan year shall be" and all that follows through the end and inserting the following "for any plan year—

"(I) shall be an amount equal to the amount determined under clause (ii) divided by the number of participants in such plan as of the close of the preceding plan year; and

"(II) in the case of plan years beginning in a calendar year after 2012, shall not exceed \$400."

(B) **ADJUSTMENT FOR INFLATION.**—Paragraph (3) of section 4006(a) of such Act (29 U.S.C. 1306(a)(3)), as amended by this Act, is amended by adding at the end the following:

"(J) For each plan year beginning in a calendar year after 2013, there shall be substituted for the dollar amount specified in subclause (II) of subparagraph (E)(i) an amount equal to the greater of—

"(i) the product derived by multiplying such dollar amount by the ratio of—

"(I) the national average wage index (as defined in section 209(k)(1) of the Social Security

Act) for the first of the 2 calendar years preceding the calendar year in which such plan year begins, to

“(II) the national average wage index (as so defined) for 2011; and

“(ii) such dollar amount for plan years beginning in the preceding calendar year.

If the amount determined under this subparagraph is not a multiple of \$1, such product shall be rounded to the nearest multiple of \$1.”.

SEC. 40222. MULTIEMPLOYER ANNUAL PREMIUM RATES.

(a) IN GENERAL.—Subparagraph (A) of section 4006(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended—

(1) by inserting “and before January 1, 2013,” after “December 31, 2005,” in clause (iv),

(2) by striking “or” at the end of clause (iii),

(3) by striking the period at the end of clause (iv) and inserting “, or”, and

(4) by adding at the end the following new clause:

“(v) in the case of a multiemployer plan, for plan years beginning after December 31, 2012, \$12.00 for each individual who is a participant in such plan during the applicable plan year.”.

(b) INFLATION ADJUSTMENT.—Paragraph (3) of section 4006(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1306(a)(3)) is amended by adding at the end the following:

“(I) For each plan year beginning in a calendar year after 2013, there shall be substituted for the premium rate specified in clause (v) of subparagraph (A) an amount equal to the greater of—

“(i) the product derived by multiplying the premium rate specified in clause (v) of subparagraph (A) by the ratio of—

“(I) the national average wage index (as defined in section 209(k)(1) of the Social Security Act) for the first of the 2 calendar years preceding the calendar year in which such plan year begins, to

“(II) the national average wage index (as so defined) for 2011; and

“(ii) the premium rate in effect under clause (v) of subparagraph (A) for plan years beginning in the preceding calendar year.

If the amount determined under this subparagraph is not a multiple of \$1, such product shall be rounded to the nearest multiple of \$1.”.

PART III—IMPROVEMENTS OF PBGC

SEC. 40231. PENSION BENEFIT GUARANTY CORPORATION GOVERNANCE IMPROVEMENT.

(a) BOARD OF DIRECTORS OF THE PENSION BENEFIT GUARANTY CORPORATION.—

(1) IN GENERAL.—Section 4002(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302(d)) is amended—

(A) by striking “(d) The board of directors” and inserting “(d)(1) The board of directors”; and

(B) by adding at the end the following:

“(2) A majority of the members of the board of directors in office shall constitute a quorum for the transaction of business. The vote of the majority of the members present and voting at a meeting at which a quorum is present shall be the act of the board of directors.

“(3) Each member of the board of directors shall designate in writing an official, not below the level of Assistant Secretary, to serve as the voting representative of such member on the board. Such designation shall be effective until revoked or until a date or event specified therein. Any such representative may refer for board action any matter under consideration by the designating board member, but such representative shall not count toward establishment of a quorum as described under paragraph (2).

“(4) The Inspector General of the corporation shall report to the board of directors, and not

less than twice a year, shall attend a meeting of the board of directors to provide a report on the activities and findings of the Inspector General, including with respect to monitoring and review of the operations of the corporation.

“(5) The General Counsel of the corporation shall—

“(A) serve as the secretary to the board of directors, and advise such board as needed; and

“(B) have overall responsibility for all legal matters affecting the corporation and provide the corporation with legal advice and opinions on all matters of law affecting the corporation, except that the authority of the General Counsel shall not extend to the Office of Inspector General and the independent legal counsel of such Office.

“(6) Notwithstanding any other provision of this Act, the Office of Inspector General and the legal counsel of such Office are independent of the management of the corporation and the General Counsel of the corporation.

“(7) The board of directors may appoint and fix the compensation of employees as may be required to enable the board of directors to perform its duties. The board of directors shall determine the qualifications and duties of such employees and may appoint and fix the compensation of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code.”.

(2) NUMBER OF MEETINGS; PUBLIC AVAILABILITY.—Section 4002(e) of such Act (29 U.S.C. 1302(e)) is amended—

(A) by striking “The board” and inserting “(1) The board”; and

(B) by striking “the corporation.” and inserting “the corporation, but in no case less than 4 times a year with not fewer than 2 members present. Not less than 1 meeting of the board of directors during each year shall be a joint meeting with the advisory committee under subsection (h).”; and

(C) by adding at the end the following:

“(2)(A) Except as provided in subparagraph (B), the chairman of the board of directors shall make available to the public the minutes from each meeting of the board of directors.

“(B) The minutes of a meeting of the board of directors, or a portion thereof, shall not be subject to disclosure under subparagraph (A) if the chairman reasonably determines that such minutes, or portion thereof, contain confidential employer information including information obtained under section 4010, information about the investment activities of the corporation, or information regarding personnel decisions of the corporation.

“(C) The minutes of a meeting, or portion of thereof, exempt from disclosure pursuant to subparagraph (B) shall be exempt from disclosure under section 552(b) of title 5, United States Code. For purposes of such section 552, this subparagraph shall be considered a statute described in subsection (b)(3) of such section 552.”.

(3) ADVISORY COMMITTEE.—

(A) ISSUES CONSIDERED BY THE COMMITTEE.—Section 4002(h)(1) of such Act (29 U.S.C. 1302(h)(1)) is amended—

(i) by striking “, and (D)” and inserting “, (D)”; and

(ii) by striking “time to time.” and inserting “time to time, and (E) other issues as determined appropriate by the advisory committee.”.

(B) JOINT MEETING.—Section 4002(h)(3) of such Act (29 U.S.C. 1302(h)(3)) is amended by adding at the end the following: “Not less than 1 meeting of the advisory committee during each year shall be a joint meeting with the board of directors under subsection (e).”.

(b) AVOIDING CONFLICTS OF INTEREST.—Section 4002 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302) is amended by adding at the end the following:

“(j) CONFLICTS OF INTEREST.—

“(1) IN GENERAL.—The Director of the corporation and each member of the board of directors shall not participate in a decision of the corporation in which the Director or such member has a direct financial interest. The Director of the corporation shall not participate in any activities that would present a potential conflict of interest or appearance of a conflict of interest without approval of the board of directors.

“(2) ESTABLISHMENT OF POLICY.—The board of directors shall establish a policy that will inform the identification of potential conflicts of interests of the members of the board of directors and mitigate perceived conflicts of interest of such members and the Director of the corporation.”.

(c) RISK MITIGATION.—Section 4002 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302), as amended by subsection (b), is further amended by adding at the end the following:

“(k) RISK MANAGEMENT OFFICER.—The corporation shall have a risk management officer whose duties include evaluating and mitigating the risk that the corporation might experience. The individual in such position shall coordinate the risk management efforts of the corporation, explain risks and controls to senior management and the board of directors of the corporation, and make recommendations.”.

(d) DIRECTOR.—Section 4002(c) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302(c)) is amended to read as follows:

“(c) The Director shall be accountable to the board of directors. The Director shall serve for a term of 5 years unless removed by the President or the board of directors before the expiration of such 5-year term.”.

(e) SENSES OF CONGRESS.—

(1) FORMATION OF COMMITTEES.—It is the sense of Congress that the board of directors of the Pension Benefit Guaranty Corporation established under section 4002 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302), as amended by this section, should form committees, including an audit committee and an investment committee composed of not less than 2 members, to enhance the overall effectiveness of the board of directors.

(2) ADVISORY COMMITTEE.—It is the sense of Congress that the advisory committee to the Pension Benefit Guaranty Corporation established under section 4002 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1302), as amended by this section, should provide to the board of directors of such corporation policy recommendations regarding changes to the law that would be beneficial to the corporation or the voluntary private pension system.

(f) STUDY REGARDING GOVERNANCE STRUCTURES.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Pension Benefit Guaranty Corporation shall enter into a contract with the National Academy of Public Administration to conduct the study described in paragraph (2) with respect to the Pension Benefit Guaranty Corporation.

(2) CONTENT OF STUDY.—The study conducted under paragraph (1) shall include—

(A) a review of the governance structures of governmental and nongovernmental organizations that are analogous to the Pension Benefit Guaranty Corporation; and

(B) recommendations regarding—

(i) the ideal size and composition of the board of directors of the Pension Benefit Guaranty Corporation;

(ii) procedures to select and remove members of such board;

(iii) qualifications and term lengths of members of such board; and

(iv) policies necessary to enhance Congressional oversight and transparency of such board and to mitigate potential conflicts of interest of the members of such board.

(3) **SUBMISSION TO CONGRESS.**—Not later than 1 year after the initiation of the study under paragraph (1), the National Academy of Public Administration shall submit the results of the study to the Committees on Health, Education, Labor, and Pensions and Finance of the Senate and the Committees on Education and the Workforce and Ways and Means of the House of Representatives.

SEC. 40232. PARTICIPANT AND PLAN SPONSOR ADVOCATE.

(a) **IN GENERAL.**—Title IV of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1301 et seq.) is amended by inserting after section 4003 the following:

“SEC. 4004. PARTICIPANT AND PLAN SPONSOR ADVOCATE.

“(a) **IN GENERAL.**—The board of directors of the corporation shall select a Participant and Plan Sponsor Advocate from the candidates nominated by the advisory committee to the corporation under section 4002(h)(1) and without regard to the provisions of title 5, United States Code, relating to appointments in the competitive service or Senior Executive Service.

“(b) **DUTIES.**—The Participant and Plan Sponsor Advocate shall—

“(1) act as a liaison between the corporation, sponsors of defined benefit pension plans insured by the corporation, and participants in pension plans trusted by the corporation;

“(2) advocate for the full attainment of the rights of participants in plans trusted by the corporation;

“(3) assist pension plan sponsors and participants in resolving disputes with the corporation;

“(4) identify areas in which participants and plan sponsors have persistent problems in dealings with the corporation;

“(5) to the extent possible, propose changes in the administrative practices of the corporation to mitigate problems;

“(6) identify potential legislative changes which may be appropriate to mitigate problems; and

“(7) refer instances of fraud, waste, and abuse, and violations of law to the Office of the Inspector General of the corporation.

“(c) **REMOVAL.**—If the Participant and Plan Sponsor Advocate is removed from office or is transferred to another position or location within the corporation or the Department of Labor, the board of the directors of the corporation shall communicate in writing the reasons for any such removal or transfer to Congress not less than 30 days before the removal or transfer. Nothing in this subsection shall prohibit a personnel action otherwise authorized by law, other than transfer or removal.

“(d) **COMPENSATION.**—The annual rate of basic pay for the Participant and Plan Sponsor Advocate shall be the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code, or, if the board of directors of the corporation so determines, at a rate fixed under section 9503 of such title.

“(e) **ANNUAL REPORT.**—

“(1) **IN GENERAL.**—Not later than December 31 of each calendar year, the Participant and Plan Sponsor Advocate shall report to the Health, Education, Labor, and Pensions Committee of the Senate, the Committee on Finance of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Ways and Means of the House of Representatives on the activities of the Office of the Participant and Plan Sponsor Advocate during the fiscal year ending during such calendar year.

“(2) **CONTENT.**—Each report submitted under paragraph (1) shall—

“(A) summarize the assistance requests received from participants and plan sponsors and describe the activities, and evaluate the effectiveness, of the Participant and Plan Sponsor Advocate during the preceding year;

“(B) identify significant problems the Participant and Plan Sponsor Advocate has identified;

“(C) include specific legislative and regulatory changes to address the problems; and

“(D) identify any actions taken to correct problems identified in any previous report.

“(3) **CONCURRENT SUBMISSION.**—The Participant and Plan Sponsor Advocate shall submit a copy of each report to the Secretary of Labor, the Director of the corporation, and any other appropriate official at the same time such report is submitted to the committees of Congress under paragraph (1).”.

(b) **ADVISORY COMMITTEE NOMINATIONS.**—Section 4002(h)(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C.1302(h)(1)) is amended by adding at the end the following new sentence: “In the event of a vacancy or impending vacancy in the office of the Participant and Plan Sponsor Advocate established under section 4004, the Advisory Committee shall, in consultation with the Director of the corporation and participant and plan sponsor advocacy groups, nominate at least two but no more than three individuals to serve as the Participant and Plan Sponsor Advocate.”.

(c) **CLERICAL AMENDMENT.**—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 4003 the following new item:

“4004. Participant and Plan Sponsor Advocate.”.

SEC. 40233. QUALITY CONTROL PROCEDURES FOR THE PENSION BENEFIT GUARANTY CORPORATION.

(a) **ANNUAL PEER REVIEW OF INSURANCE MODELING SYSTEMS.**—The Pension Benefit Guaranty Corporation shall contract with a capable agency or organization that is independent from the Corporation, such as the Social Security Administration, to conduct an annual peer review of the Corporation's Single-Employer Pension Insurance Modeling System and the Corporation's Multiemployer Pension Insurance Modeling System. The board of directors of the Corporation shall designate the agency or organization with which any such contract is entered into. The first of such annual peer reviews shall be initiated no later than 3 months after the date of enactment of this Act.

(b) **POLICIES AND PROCEDURES RELATING TO THE POLICY, RESEARCH, AND ANALYSIS DEPARTMENT.**—The Pension Benefit Guaranty Corporation shall—

(1) develop written quality review policies and procedures for all modeling and actuarial work performed by the Corporation's Policy, Research, and Analysis Department; and

(2) conduct a record management review of such Department to determine what records must be retained as Federal records.

(c) **REPORT RELATING TO OIG RECOMMENDATIONS.**—Not later than 2 months after the date of enactment of this Act, the Pension Benefit Guaranty Corporation shall submit to Congress a report, approved by the board of directors of the Corporation, setting forth a timetable for addressing the outstanding recommendations of the Office of the Inspector General relating to the Policy, Research, and Analysis Department and the Benefits Administration and Payment Department.

SEC. 40234. LINE OF CREDIT REPEAL.

(a) **IN GENERAL.**—Subsection (c) of section 4005 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1305) is repealed.

(b) **CONFORMING AMENDMENTS.**—

(1) Section 4005 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1305) is amended—

(A) in subsection (b)—

(i) paragraph (1)—

(I) by striking subparagraph (A); and

(II) by redesignating subparagraphs (B) through (G) as subparagraphs (A) through (F), respectively;

(ii) in paragraph (2)—

(I) by striking subparagraph (C); and

(II) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively; and

(iii) in paragraph (3), by striking “but,” and all that follows through the end and inserting a period; and

(B) in subsection (g)—

(i) by striking paragraph (2); and

(ii) by redesignating paragraph (3) as paragraph (2).

(2) Section 4402 of such Act (29 U.S.C. 1461) is amended—

(A) in subsection (c)(4)—

(i) by striking subparagraph (C); and

(ii) by redesignating subparagraph (D) as subparagraph (C); and

(B) in subsection (d), by striking “or (D)”.

PART IV—TRANSFERS OF EXCESS PENSION ASSETS

SEC. 40241. EXTENSION FOR TRANSFERS OF EXCESS PENSION ASSETS TO RETIREE HEALTH ACCOUNTS.

(a) **IN GENERAL.**—Paragraph (5) of section 420(b) of the Internal Revenue Code of 1986 is amended by striking “December 31, 2013” and inserting “December 31, 2021”.

(b) **CONFORMING ERISA AMENDMENTS.**—

(1) Sections 101(e)(3), 403(c)(1), and 408(b)(13) of the Employee Retirement Income Security Act of 1974 are each amended by striking “Pension Protection Act of 2006” and inserting “MAP-21”.

(2) Section 408(b)(13) of such Act (29 U.S.C. 1108(b)(13)) is amended by striking “January 1, 2014” and inserting “January 1, 2022”.

(c) **EFFECTIVE DATE.**—The amendments made by this Act shall take effect on the date of the enactment of this Act.

SEC. 40242. TRANSFER OF EXCESS PENSION ASSETS TO RETIREE GROUP TERM LIFE INSURANCE ACCOUNTS.

(a) **IN GENERAL.**—Subsection (a) of section 420 of the Internal Revenue Code of 1986 is amended by inserting “, or an applicable life insurance account,” after “health benefits account”.

(b) **APPLICABLE LIFE INSURANCE ACCOUNT DEFINED.**—

(1) **IN GENERAL.**—Subsection (e) of section 420 of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively, and by inserting after paragraph (3) the following new paragraph:

“(4) **APPLICABLE LIFE INSURANCE ACCOUNT.**—The term ‘applicable life insurance account’ means a separate account established and maintained for amounts transferred under this section for qualified current retiree liabilities based on premiums for applicable life insurance benefits.”.

(2) **APPLICABLE LIFE INSURANCE BENEFITS DEFINED.**—Paragraph (1) of section 420(e) of such Code is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

“(D) **APPLICABLE LIFE INSURANCE BENEFITS.**—The term ‘applicable life insurance benefits’ means group-term life insurance coverage provided to retired employees who, immediately before the qualified transfer, are entitled to receive such coverage by reason of retirement and who

are entitled to pension benefits under the plan, but only to the extent that such coverage is provided under a policy for retired employees and the cost of such coverage is excludable from the retired employee's gross income under section 79."

(3) **COLLECTIVELY BARGAINED LIFE INSURANCE BENEFITS DEFINED.**—

(A) **IN GENERAL.**—Paragraph (6) of section 420(f) of such Code is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

"(D) **COLLECTIVELY BARGAINED LIFE INSURANCE BENEFITS.**—The term 'collectively bargained life insurance benefits' means, with respect to any collectively bargained transfer—

"(i) applicable life insurance benefits which are provided to retired employees who, immediately before the transfer, are entitled to receive such benefits by reason of retirement, and

"(ii) if specified by the provisions of the collective bargaining agreement governing the transfer, applicable life insurance benefits which will be provided at retirement to employees who are not retired employees at the time of the transfer."

(B) **CONFORMING AMENDMENTS.**—

(i) Clause (i) of section 420(e)(1)(C) of such Code is amended by striking "upon retirement" and inserting "by reason of retirement".

(ii) Subparagraph (C) of section 420(f)(6) of such Code is amended—

(I) by striking "which are provided to" in the matter preceding clause (i),

(II) by inserting "which are provided to" before "retired employees" in clause (i),

(III) by striking "upon retirement" in clause (i) and inserting "by reason of retirement", and

(IV) by striking "active employees who, following their retirement," and inserting "which will be provided at retirement to employees who are not retired employees at the time of the transfer and who".

(C) **MAINTENANCE OF EFFORT.**—

(I) **IN GENERAL.**—Subparagraph (A) of section 420(c)(3) of the Internal Revenue Code of 1986 is amended by inserting ", and each group-term life insurance plan under which applicable life insurance benefits are provided," after "health benefits are provided".

(2) **CONFORMING AMENDMENTS.**—

(A) Subparagraph (B) of section 420(c)(3) of such Code is amended—

(i) by redesignating subclauses (I) and (II) of clause (i) as subclauses (II) and (III) of such clause, respectively, and by inserting before subclause (II) of such clause, as so redesignated, the following new subclause:

"(I) separately with respect to applicable health benefits and applicable life insurance benefits," and

(ii) by striking "for applicable health benefits" and all that follows in clause (ii) and inserting "was provided during such taxable year for the benefits with respect to which the determination under clause (i) is made."

(B) Subparagraph (C) of section 420(c)(3) of such Code is amended—

(i) by inserting "for applicable health benefits" after "applied separately", and

(ii) by inserting ", and separately for applicable life insurance benefits with respect to individuals age 65 or older at any time during the taxable year and with respect to individuals under age 65 during the taxable year" before the period.

(C) Subparagraph (E) of section 420(c)(3) of such Code is amended—

(i) in clause (i), by inserting "or retiree life insurance coverage, as the case may be," after "retiree health coverage",

(ii) in clause (ii), by inserting "FOR RETIREE HEALTH COVERAGE" after "COST REDUCTIONS" in the heading thereof, and

(iii) in clause (ii)(II), by inserting "with respect to applicable health benefits" after "liabilities of the employer".

(D) Paragraph (2) of section 420(f) of such Code is amended by striking "collectively bargained retiree health liabilities" each place it occurs and inserting "collectively bargained retiree liabilities".

(E) Clause (i) of section 420(f)(2)(D) of such Code is amended—

(i) by inserting ", and each group-term life insurance plan or arrangement under which applicable life insurance benefits are provided," in subclause (I) after "applicable health benefits are provided",

(ii) by inserting "or applicable life insurance benefits, as the case may be," in subclause (I) after "provides applicable health benefits",

(iii) by striking "group health" in subclause (II), and

(iv) by inserting "or collectively bargained life insurance benefits" in subclause (II) after "collectively bargained health benefits".

(F) Clause (ii) of section 420(f)(2)(D) of such Code is amended—

(i) by inserting "with respect to applicable health benefits or applicable life insurance benefits" after "requirements of subsection (c)(3)", and

(ii) by adding at the end the following: "Such election may be made separately with respect to applicable health benefits and applicable life insurance benefits. In the case of an election with respect to applicable life insurance benefits, the first sentence of this clause shall be applied as if subsection (c)(3) as in effect before the amendments made by such Act applied to such benefits."

(G) Clause (iii) of section 420(f)(2)(D) of such Code is amended—

(i) by striking "retiree" each place it occurs, and

(ii) by inserting ", collectively bargained life insurance benefits, or both, as the case may be," after "health benefits" each place it occurs.

(d) **COORDINATION WITH SECTION 79.**—Section 79 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(f) **EXCEPTION FOR LIFE INSURANCE PURCHASED IN CONNECTION WITH QUALIFIED TRANSFER OF EXCESS PENSION ASSETS.**—Subsection (b)(3) and section 72(m)(3) shall not apply in the case of any cost paid (whether directly or indirectly) with assets held in an applicable life insurance account (as defined in section 420(e)(4)) under a defined benefit plan."

(e) **CONFORMING AMENDMENTS.**—

(1) Section 420 of the Internal Revenue Code of 1986 is amended by striking "qualified current retiree health liabilities" each place it appears and inserting "qualified current retiree liabilities".

(2) Section 420 of such Code is amended by inserting ", or an applicable life insurance account," after "a health benefits account" each place it appears in subsection (b)(1)(A), subparagraphs (A), (B)(i), and (C) of subsection (c)(1), subsection (d)(1)(A), and subsection (f)(2)(E)(ii).

(3) Section 420(b) of such Code is amended—

(A) by adding the following at the end of paragraph (2)(A): "If there is a transfer from a defined benefit plan to both a health benefits account and an applicable life insurance account during any taxable year, such transfers shall be treated as 1 transfer for purposes of this paragraph.", and

(B) by inserting "to an account" after "may be transferred" in paragraph (3).

(4) The heading for section 420(c)(1)(B) of such Code is amended by inserting "OR LIFE INSURANCE" after "HEALTH BENEFITS".

(5) Paragraph (1) of section 420(e) of such Code is amended—

(A) by inserting "and applicable life insurance benefits" in subparagraph (A) after "applicable health benefits", and

(B) by striking "HEALTH" in the heading thereof.

(6) Subparagraph (B) of section 420(e)(1) of such Code is amended—

(A) in the matter preceding clause (i), by inserting "(determined separately for applicable health benefits and applicable life insurance benefits)" after "shall be reduced by the amount",

(B) in clause (i), by inserting "or applicable life insurance accounts" after "health benefit accounts", and

(C) in clause (i), by striking "qualified current retiree health liability" and inserting "qualified current retiree liability".

(7) The heading for subsection (f) of section 420 of such Code is amended by striking "HEALTH" each place it occurs.

(8) Subclause (II) of section 420(f)(2)(B)(ii) of such Code is amended by inserting "or applicable life insurance account, as the case may be," after "health benefits account".

(9) Subclause (III) of section 420(f)(2)(E)(i) of such Code is amended—

(A) by inserting "defined benefit" before "plan maintained by an employer", and

(B) by inserting "health" before "benefit plans maintained by the employer".

(10) Paragraphs (4) and (6) of section 420(f) of such Code are each amended by striking "collectively bargained retiree health liabilities" each place it occurs and inserting "collectively bargained retiree liabilities".

(11) Subparagraph (A) of section 420(f)(6) of such Code is amended—

(A) in clauses (i) and (ii), by inserting ", in the case of a transfer to a health benefits account," before "his covered spouse and dependents", and

(B) in clause (ii), by striking "health plan" and inserting "plan".

(12) Subparagraph (B) of section 420(f)(6) of such Code is amended—

(A) in clause (i), by inserting ", and collectively bargained life insurance benefits," after "collectively bargained health benefits",

(B) in clause (ii)—

(i) by adding at the end the following: "The preceding sentence shall be applied separately for collectively bargained health benefits and collectively bargained life insurance benefits.", and

(ii) by inserting ", applicable life insurance accounts," after "health benefit accounts", and

(C) by striking "HEALTH" in the heading thereof.

(13) Subparagraph (E) of section 420(f)(6) of such Code, as redesignated by subsection (b), is amended—

(A) by striking "bargained health" and inserting "bargained",

(B) by inserting ", or a group-term life insurance plan or arrangement for retired employees," after "dependents", and

(C) by striking "HEALTH" in the heading thereof.

(14) Section 101(e) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021(e)) is amended—

(A) in paragraphs (1) and (2), by inserting "or applicable life insurance account" after "health benefits account" each place it appears, and

(B) in paragraph (1), by inserting "or applicable life insurance benefit liabilities" after "health benefits liabilities".

(f) **TECHNICAL CORRECTION.**—Clause (iii) of section 420(f)(6)(B) of the Internal Revenue Code of 1986 is amended by striking "416(i)(1)" and inserting "416(i)(1)".

(g) **REPEAL OF DEADWOOD.**—

(1) Subparagraph (A) of section 420(b)(1) of the Internal Revenue Code of 1986 is amended

by striking “in a taxable year beginning after December 31, 1990”.

(2) Subsection (b) of section 420 of such Code is amended by striking paragraph (4) and by redesignating paragraph (5), as amended by this Act, as paragraph (4).

(3) Paragraph (2) of section 420(b) of such Code, as amended by this section, is amended—

(A) by striking subparagraph (B), and

(B) by striking “PER YEAR.—” and all that follows through “No more than” and inserting “PER YEAR.—No more than”.

(4) Paragraph (2) of section 420(c) of such Code is amended—

(A) by striking subparagraph (B),

(B) by moving subparagraph (A) two ems to the left, and

(C) by striking “BEFORE TRANSFER.—” and all that follows through “The requirements of this paragraph” and inserting the following: “BEFORE TRANSFER.—The requirements of this paragraph”.

(5) Paragraph (2) of section 420(d) of such Code is amended by striking “after December 31, 1990”.

(h) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to transfers made after the date of the enactment of this Act.

(2) CONFORMING AMENDMENTS RELATING TO PENSION PROTECTION ACT.—The amendments made by subsections (b)(3)(B) and (f) shall take effect as if included in the amendments made by section 841(a) of the Pension Protection Act of 2006.

Subtitle C—Additional Transfers to Highway Trust Fund

SEC. 40251. ADDITIONAL TRANSFERS TO HIGHWAY TRUST FUND.

Subsection (f) of section 9503 of the Internal Revenue Code of 1986, as amended by this Act, is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

“(4) ADDITIONAL APPROPRIATIONS TO TRUST FUND.—Out of money in the Treasury not otherwise appropriated, there is hereby appropriated to—

“(A) the Highway Account (as defined in subsection (e)(5)(B)) in the Highway Trust Fund—

“(i) for fiscal year 2013, \$6,200,000,000, and

“(ii) for fiscal year 2014, \$10,400,000,000, and

“(B) the Mass Transit Account in the Highway Trust Fund, for fiscal year 2014, \$2,200,000,000.”.

DIVISION E—RESEARCH AND EDUCATION

SEC. 50001. SHORT TITLE.

This division may be cited as the “Transportation Research and Innovative Technology Act of 2012”.

TITLE I—FUNDING

SEC. 51001. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—The following amounts are authorized to be appropriated out of the Highway Trust Fund (other than the Mass Transit Account):

(1) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—To carry out sections 503(b), 503(d), and 509 of title 23, United States Code, \$115,000,000 for each of fiscal years 2013 and 2014.

(2) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—To carry out section 503(c) of title 23, United States Code, \$62,500,000 for each of fiscal years 2013 and 2014.

(3) TRAINING AND EDUCATION.—To carry out section 504 of title 23, United States Code, \$24,000,000 for each of fiscal years 2013 and 2014.

(4) INTELLIGENT TRANSPORTATION SYSTEMS PROGRAM.—To carry out sections 512 through 518 of title 23, United States Code, \$100,000,000 for each of fiscal years 2013 and 2014.

(5) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—To carry out section 5505 of title 49, United States Code, \$72,500,000 for each of fiscal years 2013 and 2014.

(6) BUREAU OF TRANSPORTATION STATISTICS.—To carry out chapter 63 of title 49, United States Code, \$26,000,000 for each of fiscal years 2013 and 2014.

(b) APPLICABILITY OF TITLE 23, UNITED STATES CODE.—Funds authorized to be appropriated by subsection (a) shall—

(1) be available for obligation in the same manner as if those funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share of the cost of a project or activity carried out using those funds shall be 80 percent, unless otherwise expressly provided by this Act (including the amendments by this Act) or otherwise determined by the Secretary; and

(2) remain available until expended and not be transferable.

TITLE II—RESEARCH, TECHNOLOGY, AND EDUCATION

SEC. 52001. RESEARCH, TECHNOLOGY, AND EDUCATION.

Section 501 of title 23, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (8);

(2) by inserting after paragraph (1) the following:

“(2) INCIDENT.—The term ‘incident’ means a crash, natural disaster, workzone activity, special event, or other emergency road user occurrence that adversely affects or impedes the normal flow of traffic.

“(3) INNOVATION LIFECYCLE.—The term ‘innovation lifecycle’ means the process of innovating through—

“(A) the identification of a need;

“(B) the establishment of the scope of research to address that need;

“(C) setting an agenda;

“(D) carrying out research, development, deployment, and testing of the resulting technology or innovation; and

“(E) carrying out an evaluation of the costs and benefits of the resulting technology or innovation.

“(4) INTELLIGENT TRANSPORTATION INFRASTRUCTURE.—The term ‘intelligent transportation infrastructure’ means fully integrated public sector intelligent transportation system components, as defined by the Secretary.

“(5) INTELLIGENT TRANSPORTATION SYSTEM.—The terms ‘intelligent transportation system’ and ‘ITS’ mean electronics, photonics, communications, or information processing used singly or in combination to improve the efficiency or safety of a surface transportation system.

“(6) NATIONAL ARCHITECTURE.—For purposes of this chapter, the term ‘national architecture’ means the common framework for interoperability that defines—

“(A) the functions associated with intelligent transportation system user services;

“(B) the physical entities or subsystems within which the functions reside;

“(C) the data interfaces and information flows between physical subsystems; and

“(D) the communications requirements associated with the information flows.

“(7) PROJECT.—The term ‘project’ means an undertaking to research, develop, or operationally test intelligent transportation systems or any other undertaking eligible for assistance under this chapter.”; and

(3) by inserting after paragraph (8) (as so redesignated) the following:

“(9) STANDARD.—The term ‘standard’ means a document that—

“(A) contains technical specifications or other precise criteria for intelligent transportation

systems that are to be used consistently as rules, guidelines, or definitions of characteristics so as to ensure that materials, products, processes, and services are fit for the intended purposes of the materials, products, processes, and services; and

“(B) may support the national architecture and promote—

“(i) the widespread use and adoption of intelligent transportation system technology as a component of the surface transportation systems of the United States; and

“(ii) interoperability among intelligent transportation system technologies implemented throughout the States.”.

SEC. 52002. SURFACE TRANSPORTATION RESEARCH, DEVELOPMENT, AND TECHNOLOGY.

(a) SURFACE TRANSPORTATION RESEARCH, DEVELOPMENT, AND TECHNOLOGY.—Section 502 of title 23, United States Code, is amended—

(1) in the section heading by inserting “, DEVELOPMENT, AND TECHNOLOGY” after “SURFACE TRANSPORTATION RESEARCH”;

(2) in subsection (a)—

(A) by redesignating paragraphs (1) through (8) as paragraphs (2) through (9), respectively;

(B) by inserting before paragraph (2) (as redesignated by subparagraph (A)) the following: “(1) APPLICABILITY.—The research, development, and technology provisions of this section shall apply throughout this chapter.”;

(C) in paragraph (2) (as redesignated by subparagraph (A))—

(i) by inserting “within the innovation lifecycle” after “activities”; and

(ii) by inserting “communications, impact analysis,” after “training,”;

(D) in paragraph (3) (as redesignated by subparagraph (A))—

(i) in subparagraph (B) by striking “supports research in which there is a clear public benefit and” and inserting “delivers a clear public benefit and occurs where”;

(ii) in subparagraph (C) by striking “or” after the semicolon;

(iii) by redesignating subparagraph (D) as subparagraph (I); and

(iv) by inserting after subparagraph (C) the following:

“(D) meets and addresses current or emerging needs;

“(E) addresses current gaps in research;

“(F) presents the best means to align resources with multiyear plans and priorities;

“(G) ensures the coordination of highway research and technology transfer activities, including through activities performed by university transportation centers;

“(H) educates transportation professionals; or”;

(E) in paragraph (4) (as redesignated by subparagraph (A)) by striking subparagraphs (B) through (D) and inserting the following:

“(B) partner with State highway agencies and other stakeholders as appropriate to facilitate research and technology transfer activities;

“(C) communicate the results of ongoing and completed research;

“(D) lead efforts to coordinate national emphasis areas of highway research, technology, and innovation deployment;

“(E) leverage partnerships with industry, academia, international entities, and State departments of transportation;

“(F) lead efforts to reduce unnecessary duplication of effort; and

“(G) lead efforts to accelerate innovation delivery.”;

(F) in paragraph (5)(C) (as redesignated by subparagraph (A)) by striking “policy and planning” and inserting “all highway objectives seeking to improve the performance of the transportation system”;

(G) in paragraph (6) (as redesignated by subparagraph (A)) in the second sentence, by inserting “tribal governments,” after “local governments,”;

(H) in paragraph (8) (as redesignated by subparagraph (A))—

(i) in the first sentence, by striking “To the maximum” and inserting the following:

“(A) IN GENERAL.—To the maximum”;

(ii) in the second sentence, by striking “Performance measures” and inserting the following:

“(B) PERFORMANCE MEASURES.—Performance measures”;

(iii) in the third sentence, by striking “All evaluations” and inserting the following:

“(D) AVAILABILITY OF EVALUATIONS.—All evaluations under this paragraph”; and

(iv) by inserting after subparagraph (B) the following:

“(C) PROGRAM PLAN.—To the maximum extent practicable, each program pursued under this chapter shall be part of a data-driven, outcome-oriented program plan.”; and

(I) in paragraph (9) (as redesignated by subparagraph (A)), by striking “surface”;

(3) in subsection (b)—

(A) in paragraph (4) by striking “surface transportation research and technology development strategic plan developed under section 508” and inserting “transportation research and development strategic plan of the Secretary developed under section 508”;

(B) in paragraph (5) by striking “section” each place it appears and inserting “chapter”;

(C) in paragraph (6) by adding at the end the following:

“(C) TRANSFER OF AMOUNTS AMONG STATES OR TO FEDERAL HIGHWAY ADMINISTRATION.—The Secretary may, at the request of a State, transfer amounts apportioned or allocated to that State under this chapter to another State or the Federal Highway Administration to fund research, development, and technology transfer activities of mutual interest on a pooled funds basis.

“(D) TRANSFER OF OBLIGATION AUTHORITY.—Obligation authority for amounts transferred under this subsection shall be disbursed in the same manner and for the same amount as provided for the project being transferred.”; and

(D) by adding at the end the following:

“(7) PRIZE COMPETITIONS.—

“(A) IN GENERAL.—The Secretary may use up to 1 percent of the funds made available under section 51001 of the Transportation Research and Innovative Technology Act of 2012 to carry out a program to competitively award cash prizes to stimulate innovation in basic and applied research and technology development that has the potential for application to the national transportation system.

“(B) TOPICS.—In selecting topics for prize competitions under this paragraph, the Secretary shall—

“(i) consult with a wide variety of governmental and nongovernmental representatives; and

“(ii) give consideration to prize goals that demonstrate innovative approaches and strategies to improve the safety, efficiency, and sustainability of the national transportation system.

“(C) ADVERTISING.—The Secretary shall encourage participation in the prize competitions through advertising efforts.

“(D) REQUIREMENTS AND REGISTRATION.—For each prize competition, the Secretary shall publish a notice on a public website that describes—

“(i) the subject of the competition;

“(ii) the eligibility rules for participation in the competition;

“(iii) the amount of the prize; and

“(iv) the basis on which a winner will be selected.

“(E) ELIGIBILITY.—An individual or entity may not receive a prize under this paragraph unless the individual or entity—

“(i) has registered to participate in the competition pursuant to any rules promulgated by the Secretary under this section;

“(ii) has complied with all requirements under this paragraph;

“(iii)(I) in the case of a private entity, is incorporated in, and maintains a primary place of business in, the United States; or

“(II) in the case of an individual, whether participating singly or in a group, is a citizen or permanent resident of the United States;

“(iv) is not a Federal entity or Federal employee acting within the scope of his or her employment; and

“(v) has not received a grant to perform research on the same issue for which the prize is awarded.

“(F) LIABILITY.—

“(i) ASSUMPTION OF RISK.—

“(I) IN GENERAL.—A registered participant shall agree to assume any and all risks and waive claims against the Federal Government and its related entities, except in the case of willful misconduct, for any injury, death, damage, or loss of property, revenue, or profits, whether direct, indirect, or consequential, arising from participation in a competition, whether such injury, death, damage, or loss arises through negligence or otherwise.

“(II) RELATED ENTITY.—In this subparagraph, the term “related entity” means a contractor, subcontractor (at any tier), supplier, user, customer, cooperating party, grantee, investigator, or detailee.

“(ii) FINANCIAL RESPONSIBILITY.—A participant shall obtain liability insurance or demonstrate financial responsibility, in amounts determined by the Secretary, for claims by—

“(I) a third party for death, bodily injury, or property damage, or loss resulting from an activity carried out in connection with participation in a competition, with the Federal Government named as an additional insured under the registered participant’s insurance policy and registered participants agreeing to indemnify the Federal Government against third party claims for damages arising from or related to competition activities; and

“(II) the Federal Government for damage or loss to Government property resulting from such an activity.

“(G) JUDGES.—

“(i) SELECTION.—Subject to clause (iii), for each prize competition, the Secretary, either directly or through an agreement under subparagraph (H), may appoint 1 or more qualified judges to select the winner or winners of the prize competition on the basis of the criteria described in subparagraph (D).

“(ii) SELECTION.—Judges for each competition shall include individuals from outside the Federal Government, including the private sector.

“(iii) LIMITATIONS.—A judge selected under this subparagraph may not—

“(I) have personal or financial interests in, or be an employee, officer, director, or agent of, any entity that is a registered participant in a prize competition under this paragraph; or

“(II) have a familial or financial relationship with an individual who is a registered participant.

“(H) ADMINISTERING THE COMPETITION.—The Secretary may enter into an agreement with a private, nonprofit entity to administer the prize competition, subject to the provisions of this paragraph.

“(I) FUNDING.—

“(i) IN GENERAL.—

“(I) PRIVATE SECTOR FUNDING.—A cash prize under this paragraph may consist of funds appropriated by the Federal Government and funds provided by the private sector.

“(II) GOVERNMENT FUNDING.—The Secretary may accept funds from other Federal agencies, State and local governments, and metropolitan planning organizations for a cash prize under this paragraph.

“(III) NO SPECIAL CONSIDERATION.—The Secretary may not give any special consideration to any private sector entity in return for a donation under this subparagraph.

“(ii) AVAILABILITY OF FUNDS.—Notwithstanding any other provision of law, amounts appropriated for prize awards under this paragraph—

“(I) shall remain available until expended; and

“(II) may not be transferred, reprogrammed, or expended for other purposes until after the expiration of the 10-year period beginning on the last day of the fiscal year for which the funds were originally appropriated.

“(iii) SAVINGS PROVISION.—Nothing in this subparagraph may be construed to permit the obligation or payment of funds in violation of the Anti-Deficiency Act (31 U.S.C. 1341).

“(iv) PRIZE ANNOUNCEMENT.—A prize may not be announced under this paragraph until all the funds needed to pay out the announced amount of the prize have been appropriated by a governmental source or committed to in writing by a private source.

“(v) PRIZE INCREASES.—The Secretary may increase the amount of a prize after the initial announcement of the prize under this paragraph if—

“(I) notice of the increase is provided in the same manner as the initial notice of the prize; and

“(II) the funds needed to pay out the announced amount of the increase have been appropriated by a governmental source or committed to in writing by a private source.

“(vi) CONGRESSIONAL NOTIFICATION.—A prize competition under this paragraph may offer a prize in an amount greater than \$1,000,000 only after 30 days have elapsed after written notice has been transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives.

“(vii) AWARD LIMIT.—A prize competition under this section may not result in the award of more than \$25,000 in cash prizes without the approval of the Secretary.

“(J) COMPLIANCE WITH EXISTING LAW.—The Federal Government shall not, by virtue of offering or providing a prize under this paragraph, be responsible for compliance by registered participants in a prize competition with Federal law, including licensing, export control, and non-proliferation laws, and related regulations.

“(K) NOTICE AND ANNUAL REPORT.—

“(i) IN GENERAL.—Not later than 30 days prior to carrying out an activity under subparagraph (A), the Secretary shall notify the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives and the Committees on Environment and Public Works and Commerce, Science, and Transportation of the Senate of the intent to use such authority.

“(ii) REPORTS.—

“(I) IN GENERAL.—The Secretary shall submit to the committees described in clause (i) on an annual basis a report on the activities carried out under subparagraph (A) in the preceding fiscal year if the Secretary exercised the authority under subparagraph (A) in that fiscal year.

“(II) INFORMATION INCLUDED.—A report under this subparagraph shall include, for each prize competition under subparagraph (A)—

“(aa) a description of the proposed goals of the prize competition;

“(bb) an analysis of why the use of the authority under subparagraph (A) was the preferable method of achieving the goals described in item (aa) as opposed to other authorities available to the Secretary, such as contracts, grants, and cooperative agreements;

“(cc) the total amount of cash prizes awarded for each prize competition, including a description of the amount of private funds contributed to the program, the source of such funds, and the manner in which the amounts of cash prizes awarded and claimed were allocated among the accounts of the Department for recording as obligations and expenditures;

“(dd) the methods used for the solicitation and evaluation of submissions under each prize competition, together with an assessment of the effectiveness of such methods and lessons learned for future prize competitions;

“(ee) a description of the resources, including personnel and funding, used in the execution of each prize competition together with a detailed description of the activities for which such resources were used and an accounting of how funding for execution was allocated among the accounts of the agency for recording as obligations and expenditures; and

“(ff) a description of how each prize competition advanced the mission of the Department.”;

(4) in subsection (c)—

(A) in paragraph (3)(A)—

(i) by striking “subsection” and inserting “chapter”; and

(ii) by striking “50” and inserting “80”; and

(B) in paragraph (4) by striking “subsection” and inserting “chapter”; and

(5) by striking subsections (d) through (j).

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by striking the item relating to section 502 and inserting the following:

“502. Surface transportation research, development, and technology.”

SEC. 52003. RESEARCH AND TECHNOLOGY DEVELOPMENT AND DEPLOYMENT.

(a) IN GENERAL.—Section 503 of title 23, United States Code, is amended to read as follows:

“§503. Research and technology development and deployment

“(a) IN GENERAL.—The Secretary shall—

“(1) carry out research, development, and deployment activities that encompass the entire innovation lifecycle; and

“(2) ensure that all research carried out under this section aligns with the transportation research and development strategic plan of the Secretary under section 508.

“(b) HIGHWAY RESEARCH AND DEVELOPMENT PROGRAM.—

“(1) OBJECTIVES.—In carrying out the highway research and development program, the Secretary, to address current and emerging highway transportation needs, shall—

“(A) identify research topics;

“(B) coordinate research and development activities;

“(C) carry out research, testing, and evaluation activities; and

“(D) provide technology transfer and technical assistance.

“(2) IMPROVING HIGHWAY SAFETY.—

“(A) IN GENERAL.—The Secretary shall carry out research and development activities from an integrated perspective to establish and implement systematic measures to improve highway safety.

“(B) OBJECTIVES.—In carrying out this paragraph, the Secretary shall carry out research and development activities—

“(i) to achieve greater long-term safety gains;

“(ii) to reduce the number of fatalities and serious injuries on public roads;

“(iii) to fill knowledge gaps that limit the effectiveness of research;

“(iv) to support the development and implementation of State strategic highway safety plans;

“(v) to advance improvements in, and use of, performance prediction analysis for decision-making; and

“(vi) to expand technology transfer to partners and stakeholders.

“(C) CONTENTS.—Research and technology activities carried out under this paragraph may include—

“(i) safety assessments and decisionmaking tools;

“(ii) data collection and analysis;

“(iii) crash reduction projections;

“(iv) low-cost safety countermeasures;

“(v) innovative operational improvements and designs of roadway and roadside features;

“(vi) evaluation of countermeasure costs and benefits;

“(vii) development of tools for projecting impacts of safety countermeasures;

“(viii) rural road safety measures;

“(ix) safety measures for vulnerable road users, including bicyclists and pedestrians;

“(x) safety policy studies;

“(xi) human factors studies and measures;

“(xii) safety technology deployment;

“(xiii) safety workforce professional capacity building initiatives;

“(xiv) safety program and process improvements; and

“(xv) tools and methods to enhance safety performance, including achievement of statewide safety performance targets.

“(3) IMPROVING INFRASTRUCTURE INTEGRITY.—

“(A) IN GENERAL.—The Secretary shall carry out and facilitate highway and bridge infrastructure research and development activities—

“(i) to maintain infrastructure integrity;

“(ii) to meet user needs; and

“(iii) to link Federal transportation investments to improvements in system performance.

“(B) OBJECTIVES.—In carrying out this paragraph, the Secretary shall carry out research and development activities—

“(i) to reduce the number of fatalities attributable to infrastructure design characteristics and work zones;

“(ii) to improve the safety and security of highway infrastructure;

“(iii) to increase the reliability of lifecycle performance predictions used in infrastructure design, construction, and management;

“(iv) to improve the ability of transportation agencies to deliver projects that meet expectations for timeliness, quality, and cost;

“(v) to reduce user delay attributable to infrastructure system performance, maintenance, rehabilitation, and construction;

“(vi) to improve highway condition and performance through increased use of design, materials, construction, and maintenance innovations;

“(vii) to reduce the environmental impacts of highway infrastructure through innovations in design, construction, operation, preservation, and maintenance; and

“(viii) to study vulnerabilities of the transportation system to seismic activities and extreme events and methods to reduce those vulnerabilities.

“(C) CONTENTS.—Research and technology activities carried out under this paragraph may include—

“(i) long-term infrastructure performance programs addressing pavements, bridges, tunnels, and other structures;

“(ii) short-term and accelerated studies of infrastructure performance;

“(iii) research to develop more durable infrastructure materials and systems;

“(iv) advanced infrastructure design methods;

“(v) accelerated highway and bridge construction;

“(vi) performance-based specifications;

“(vii) construction and materials quality assurance;

“(viii) comprehensive and integrated infrastructure asset management;

“(ix) infrastructure safety assurance;

“(x) sustainable infrastructure design and construction;

“(xi) infrastructure rehabilitation and preservation techniques, including techniques to rehabilitate and preserve historic infrastructure;

“(xii) hydraulic, geotechnical, and aerodynamic aspects of infrastructure;

“(xiii) improved highway construction technologies and practices;

“(xiv) improved tools, technologies, and models for infrastructure management, including assessment and monitoring of infrastructure condition;

“(xv) studies to improve flexibility and resiliency of infrastructure systems to withstand climate variability;

“(xvi) studies on the effectiveness of fiber-based additives to improve the durability of surface transportation materials in various geographic regions;

“(xvii) studies of infrastructure resilience and other adaptation measures;

“(xviii) maintenance of seismic research activities, including research carried out in conjunction with other Federal agencies to study the vulnerability of the transportation system to seismic activity and methods to reduce that vulnerability; and

“(xix) technology transfer and adoption of permeable, pervious, or porous paving materials, practices, and systems that are designed to minimize environmental impacts, stormwater runoff, and flooding and to treat or remove pollutants by allowing stormwater to infiltrate through the pavement in a manner similar to predevelopment hydrologic conditions.

“(D) LIFECYCLE COSTS ANALYSIS STUDY.—

“(i) IN GENERAL.—In this subparagraph, the term ‘lifecycle costs analysis’ means a process for evaluating the total economic worth of a usable project segment by analyzing initial costs and discounted future costs, such as maintenance, user, reconstruction, rehabilitation, restoring, and resurfacing costs, over the life of the project segment.

“(ii) STUDY.—The Comptroller General shall conduct a study of the best practices for calculating lifecycle costs and benefits for federally funded highway projects, which shall include, at a minimum, a thorough literature review and a survey of current lifecycle cost practices of State departments of transportation.

“(iii) CONSULTATION.—In carrying out the study, the Comptroller shall consult with, at a minimum—

“(I) the American Association of State Highway and Transportation Officials;

“(II) appropriate experts in the field of lifecycle cost analysis; and

“(III) appropriate industry experts and research centers.

“(E) REPORT.—Not later than 1 year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012, the Comptroller General shall submit to the Committee on Environment and Public Works of the Senate and the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives a report on the results of the study which shall include—

“(i) a summary of the latest research on lifecycle cost analysis; and

“(ii) recommendations on the appropriate—

“(I) period of analysis;

“(II) design period;

“(III) discount rates; and

“(IV) use of actual material life and maintenance cost data.

“(4) STRENGTHENING TRANSPORTATION PLANNING AND ENVIRONMENTAL DECISIONMAKING.—

“(A) IN GENERAL.—The Secretary may carry out research—

“(i) to minimize the cost of transportation planning and environmental decisionmaking processes;

“(ii) to improve transportation planning and environmental decisionmaking processes; and

“(iii) to minimize the potential impact of surface transportation on the environment.

“(B) OBJECTIVES.—In carrying out this paragraph the Secretary may carry out research and development activities—

“(i) to minimize the cost of highway infrastructure and operations;

“(ii) to reduce the potential impact of highway infrastructure and operations on the environment;

“(iii) to advance improvements in environmental analyses and processes and context sensitive solutions for transportation decisionmaking;

“(iv) to improve construction techniques;

“(v) to accelerate construction to reduce congestion and related emissions;

“(vi) to reduce the impact of highway runoff on the environment;

“(vii) to improve understanding and modeling of the factors that contribute to the demand for transportation; and

“(viii) to improve transportation planning decisionmaking and coordination.

“(C) CONTENTS.—Research and technology activities carried out under this paragraph may include—

“(i) creation of models and tools for evaluating transportation measures and transportation system designs, including the costs and benefits;

“(ii) congestion reduction efforts;

“(iii) transportation and economic development planning in rural areas and small communities;

“(iv) improvement of State, local, and tribal government capabilities relating to surface transportation planning and the environment; and

“(v) streamlining of project delivery processes.

“(5) REDUCING CONGESTION, IMPROVING HIGHWAY OPERATIONS, AND ENHANCING FREIGHT PRODUCTIVITY.—

“(A) IN GENERAL.—The Secretary shall carry out research under this paragraph with the goals of—

“(i) addressing congestion problems;

“(ii) reducing the costs of congestion;

“(iii) improving freight movement;

“(iv) increasing productivity; and

“(v) improving the economic competitiveness of the United States.

“(B) OBJECTIVES.—In carrying out this paragraph, the Secretary shall carry out research and development activities to identify, develop, and assess innovations that have the potential—

“(i) to reduce traffic congestion;

“(ii) to improve freight movement; and

“(iii) to reduce freight-related congestion throughout the transportation network.

“(C) CONTENTS.—Research and technology activities carried out under this paragraph may include—

“(i) active traffic and demand management;

“(ii) acceleration of the implementation of Intelligent Transportation Systems technology;

“(iii) advanced transportation concepts and analysis;

“(iv) arterial management and traffic signal operation;

“(v) congestion pricing;

“(vi) corridor management;

“(vii) emergency operations;

“(viii) research relating to enabling technologies and applications;

“(ix) freeway management;

“(x) evaluation of enabling technologies;

“(xi) impacts of vehicle size and weight on congestion;

“(xii) freight operations and technology;

“(xiii) operations and freight performance measurement and management;

“(xiv) organization and planning for operations;

“(xv) planned special events management;

“(xvi) real-time transportation information;

“(xvii) road weather management;

“(xviii) traffic and freight data and analysis tools;

“(xix) traffic control devices;

“(xx) traffic incident management;

“(xxi) work zone management;

“(xxii) communication of travel, roadway, and emergency information to persons with disabilities;

“(xxiii) research on enhanced mode choice and intermodal connectivity;

“(xxiv) techniques for estimating and quantifying public benefits derived from freight transportation projects; and

“(xxv) other research areas to identify and address emerging needs related to freight transportation by all modes.

“(6) EXPLORATORY ADVANCED RESEARCH.—The Secretary shall carry out research and development activities relating to exploratory advanced research—

“(A) to leverage the targeted capabilities of the Turner-Fairbank Highway Research Center to develop technologies and innovations of national importance; and

“(B) to develop potentially transformational solutions to improve the durability, efficiency, environmental impact, productivity, and safety aspects of highway and intermodal transportation systems.

“(7) TURNER-FAIRBANK HIGHWAY RESEARCH CENTER.—

“(A) IN GENERAL.—The Secretary shall continue to operate in the Federal Highway Administration a Turner-Fairbank Highway Research Center.

“(B) USES OF THE CENTER.—The Turner-Fairbank Highway Research Center shall support—

“(i) the conduct of highway research and development relating to emerging highway technology;

“(ii) the development of understandings, tools, and techniques that provide solutions to complex technical problems through the development of economical and environmentally sensitive designs, efficient and quality-controlled construction practices, and durable materials;

“(iii) the development of innovative highway products and practices; and

“(iv) the conduct of long-term, high-risk research to improve the materials used in highway infrastructure.

“(8) INFRASTRUCTURE INVESTMENT NEEDS REPORT.—

“(A) IN GENERAL.—Not later than July 31, 2013, and July 31 of every second year thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report that describes estimates of the future highway and bridge needs of the United States and the backlog of current highway and bridge needs.

“(B) COMPARISONS.—Each report under subparagraph (A) shall include all information necessary to relate and compare the conditions and service measures used in the previous biennial reports to conditions and service measures used in the current report.

“(C) INCLUSIONS.—Each report under subparagraph (A) shall provide recommendations to

Congress on changes to the highway performance monitoring system that address—

“(i) improvements to the quality and standardization of data collection on all functional classifications of Federal-aid highways for accurate system length, lane length, and vehicle-mile of travel; and

“(ii) changes to the reporting requirements authorized under section 315, to reflect recommendations under this paragraph for collection, storage, analysis, reporting, and display of data for Federal-aid highways and, to the maximum extent practical, all public roads.

“(C) TECHNOLOGY AND INNOVATION DEPLOYMENT PROGRAM.—

“(I) IN GENERAL.—The Secretary shall carry out a technology and innovation deployment program relating to all aspects of highway transportation, including planning, financing, operation, structures, materials, pavements, environment, construction, and the duration of time between project planning and project delivery, with the goals of—

“(A) significantly accelerating the adoption of innovative technologies by the surface transportation community;

“(B) providing leadership and incentives to demonstrate and promote state-of-the-art technologies, elevated performance standards, and new business practices in highway construction processes that result in improved safety, faster construction, reduced congestion from construction, and improved quality and user satisfaction;

“(C) constructing longer-lasting highways through the use of innovative technologies and practices that lead to faster construction of efficient and safe highways and bridges;

“(D) improving highway efficiency, safety, mobility, reliability, service life, environmental protection, and sustainability; and

“(E) developing and deploying new tools, techniques, and practices to accelerate the adoption of innovation in all aspects of highway transportation.

“(2) IMPLEMENTATION.—

“(A) IN GENERAL.—The Secretary shall promote, facilitate, and carry out the program established under paragraph (1) to distribute the products, technologies, tools, methods, or other findings that result from highway research and development activities, including research and development activities carried out under this chapter.

“(B) ACCELERATED INNOVATION DEPLOYMENT.—In carrying out the program established under paragraph (1), the Secretary shall—

“(i) establish and carry out demonstration programs;

“(ii) provide technical assistance, and training to researchers and developers; and

“(iii) develop improved tools and methods to accelerate the adoption of proven innovative practices and technologies as standard practices.

“(C) IMPLEMENTATION OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM FINDINGS AND RESULTS.—

“(i) IN GENERAL.—The Secretary, in consultation with the American Association of State Highway and Transportation Officials and the Transportation Research Board of the National Academy of Sciences, shall promote research results and products developed under the future strategic highway research program administered by the Transportation Research Board of the National Academy of Sciences.

“(ii) BASIS FOR FINDINGS.—The activities carried out under this subparagraph shall be based on the report submitted to Congress by the Transportation Research Board of the National Academy of Sciences under section 510(e).

“(iii) PERSONNEL.—The Secretary may use funds made available to carry out this subsection for administrative costs under this subsection.

“(3) ACCELERATED IMPLEMENTATION AND DEPLOYMENT OF PAVEMENT TECHNOLOGIES.—

“(A) IN GENERAL.—The Secretary shall establish and implement a program under the technology and innovation deployment program to promote, implement, deploy, demonstrate, showcase, support, and document the application of innovative pavement technologies, practices, performance, and benefits.

“(B) GOALS.—The goals of the accelerated implementation and deployment of pavement technologies program shall include—

“(i) the deployment of new, cost-effective designs, materials, recycled materials, and practices to extend the pavement life and performance and to improve user satisfaction;

“(ii) the reduction of initial costs and lifecycle costs of pavements, including the costs of new construction, replacement, maintenance, and rehabilitation;

“(iii) the deployment of accelerated construction techniques to increase safety and reduce construction time and traffic disruption and congestion;

“(iv) the deployment of engineering design criteria and specifications for new and efficient practices, products, and materials for use in highway pavements;

“(v) the deployment of new nondestructive and real-time pavement evaluation technologies and construction techniques; and

“(vi) effective technology transfer and information dissemination to accelerate implementation of new technologies and to improve life, performance, cost effectiveness, safety, and user satisfaction.

“(C) FUNDING.—The Secretary shall obligate for each of fiscal years 2013 through 2014 from funds made available to carry out this subsection \$12,000,000 to accelerate the deployment and implementation of pavement technology.”.

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by striking the item relating to section 503 and inserting the following:

“503. Research and technology development and deployment.”.

SEC. 52004. TRAINING AND EDUCATION.

Section 504 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)(A) by inserting “and the employees of any other applicable Federal agency” before the semicolon at the end; and

(B) in paragraph (3)(A)(ii)(V) by striking “expediting” and inserting “reducing the amount of time required for”;

(2) in subsection (b) by striking paragraph (3) and inserting the following:

“(3) FEDERAL SHARE.—

“(A) LOCAL TECHNICAL ASSISTANCE CENTERS.—

“(i) IN GENERAL.—Subject to subparagraph (B), the Federal share of the cost of an activity carried out by a local technical assistance center under paragraphs (1) and (2) shall be 50 percent.

“(ii) NON-FEDERAL SHARE.—The non-Federal share of the cost of an activity described in clause (i) may consist of amounts provided to a recipient under subsection (e) or section 505, up to 100 percent of the non-Federal share.

“(B) TRIBAL TECHNICAL ASSISTANCE CENTERS.—The Federal share of the cost of an activity carried out by a tribal technical assistance center under paragraph (2)(D)(ii) shall be 100 percent.”;

(3) in subsection (c)(2)—

(A) by striking “The Secretary” and inserting the following:

“(A) IN GENERAL.—The Secretary”;

(B) in subparagraph (A) (as designated by subparagraph (A)) by striking “. The program” and inserting “, which program”;

(C) by adding at the end the following:

“(B) USE OF AMOUNTS.—Amounts provided to institutions of higher education to carry out this paragraph shall be used to provide direct support of student expenses.”;

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A) by striking “sections 104(b)(1), 104(b)(2), 104(b)(3), 104(b)(4), and 144(e)” and inserting “paragraphs (1) through (4) of section 104(b)”;

(ii) in subparagraph (D) by striking “and” at the end;

(iii) in subparagraph (E) by striking the period and inserting a semicolon; and

(iv) by adding at the end the following:

“(F) activities carried out by the National Highway Institute under subsection (a); and

“(G) local technical assistance programs under subsection (b).”;

(B) in paragraph (2) by inserting “, except for activities carried out under paragraph (1)(G), for which the Federal share shall be 50 percent” before the period at the end;

(5) in subsection (f) in the heading, by striking “PILOT”;

(6) in subsection (g)(4)(F) by striking “excellence” and inserting “stewardship”; and

(7) by adding at the end the following:

“(h) CENTERS FOR SURFACE TRANSPORTATION EXCELLENCE.—

“(1) IN GENERAL.—The Secretary shall make grants under this section to establish and maintain centers for surface transportation excellence.

“(2) GOALS.—The goals of a center referred to in paragraph (1) shall be to promote and support strategic national surface transportation programs and activities relating to the work of State departments of transportation in the areas of environment, surface transportation safety, rural safety, and project finance.

“(3) ROLE OF THE CENTERS.—To achieve the goals set forth in paragraph (2), any centers established under paragraph (1) shall provide technical assistance, information sharing of best practices, and training in the use of tools and decisionmaking processes that can assist States in effectively implementing surface transportation programs, projects, and policies.

“(4) PROGRAM ADMINISTRATION.—

“(A) COMPETITION.—A party entering into a contract, cooperative agreement, or other transaction with the Secretary under this subsection, or receiving a grant to perform research or provide technical assistance under this subsection, shall be selected on a competitive basis.

“(B) STRATEGIC PLAN.—The Secretary shall require each center to develop a multiyear strategic plan, that—

“(i) is submitted to the Secretary at such time as the Secretary requires; and

“(ii) describes—

“(I) the activities to be undertaken by the center; and

“(II) how the work of the center will be coordinated with the activities of the Federal Highway Administration and the various other research, development, and technology transfer activities authorized under this chapter.”.

SEC. 52005. STATE PLANNING AND RESEARCH.

Section 505 of title 23, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1) by striking “section 104 (other than sections 104(f) and 104(h)) and under section 144” and inserting “paragraphs (1) through (4) of section 104(b)”;

(B) in paragraph (3) by striking “under section 303” and inserting “, plans, and processes under sections 119, 148, 149, and 167”;

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively;

(3) by inserting after subsection (b) the following:

“(c) IMPLEMENTATION OF FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM FINDINGS AND RESULTS.—

“(1) FUNDS.—A State shall make available to the Secretary to carry out section 503(c)(2)(C) a percentage of funds subject to subsection (a) that are apportioned to that State, that is agreed to by $\frac{3}{4}$ of States for each of fiscal years 2013 and 2014.

“(2) TREATMENT OF FUNDS.—Funds expended under paragraph (1) shall not be considered to be part of the extramural budget of the agency for the purpose of section 9 of the Small Business Act (15 U.S.C. 638).”;

(4) in subsection (e) (as so redesignated) by striking “section 118(b)(2)” and inserting “section 118(b)”.

SEC. 52006. INTERNATIONAL HIGHWAY TRANSPORTATION PROGRAM.

(a) IN GENERAL.—Section 506 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by striking the item relating to section 506.

SEC. 52007. SURFACE TRANSPORTATION ENVIRONMENTAL COOPERATIVE RESEARCH PROGRAM.

(a) IN GENERAL.—Section 507 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by striking the item relating to section 507.

SEC. 52008. NATIONAL COOPERATIVE FREIGHT RESEARCH.

(a) IN GENERAL.—Section 509 of title 23, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The analysis for chapter 5 of title 23, United States Code, is amended by striking the item relating to section 509.

SEC. 52009. UNIVERSITY TRANSPORTATION CENTERS PROGRAM.

(a) IN GENERAL.—Section 5505 of title 49, United States Code, is amended to read as follows:

“§5505. University transportation centers program

“(a) UNIVERSITY TRANSPORTATION CENTERS PROGRAM.—

“(1) ESTABLISHMENT AND OPERATION.—The Secretary shall make grants under this section to eligible nonprofit institutions of higher education to establish and operate university transportation centers.

“(2) ROLE OF CENTERS.—The role of each university transportation center referred to in paragraph (1) shall be—

“(A) to advance transportation expertise and technology in the varied disciplines that comprise the field of transportation through education, research, and technology transfer activities;

“(B) to provide for a critical transportation knowledge base outside of the Department of Transportation; and

“(C) to address critical workforce needs and educate the next generation of transportation leaders.

“(b) COMPETITIVE SELECTION PROCESS.—

“(1) APPLICATIONS.—To receive a grant under this section, a nonprofit institution of higher education shall submit to the Secretary an application that is in such form and contains such information as the Secretary may require.

“(2) RESTRICTION.—A nonprofit institution of higher education or the lead institution of a consortium of nonprofit institutions of higher education, as applicable, that receives a grant for a national transportation center or a regional transportation center in a fiscal year shall not be eligible to receive as a lead institution or member of a consortium an additional

grant in that fiscal year for a national transportation center or a regional transportation center.

“(3) COORDINATION.—The Secretary shall solicit grant applications for national transportation centers, regional transportation centers, and Tier 1 university transportation centers with identical advertisement schedules and deadlines.

“(4) GENERAL SELECTION CRITERIA.—

“(A) IN GENERAL.—Except as otherwise provided by this section, the Secretary shall award grants under this section in nonexclusive candidate topic areas established by the Secretary that address the research priorities identified in section 503 of title 23.

“(B) CRITERIA.—The Secretary, in consultation as appropriate with the Administrators of the Federal Highway Administration and the Federal Transit Administration, shall select each recipient of a grant under this section through a competitive process based on the assessment of the Secretary relating to—

“(i) the demonstrated ability of the recipient to address each specific topic area described in the research and strategic plans of the recipient;

“(ii) the demonstrated research, technology transfer, and education resources available to the recipient to carry out this section;

“(iii) the ability of the recipient to provide leadership in solving immediate and long-range national and regional transportation problems;

“(iv) the ability of the recipient to carry out research, education, and technology transfer activities that are multimodal and multidisciplinary in scope;

“(v) the demonstrated commitment of the recipient to carry out transportation workforce development programs through—

“(I) degree-granting programs; and

“(II) outreach activities to attract new entrants into the transportation field;

“(vi) the demonstrated ability of the recipient to disseminate results and spur the implementation of transportation research and education programs through national or statewide continuing education programs;

“(vii) the demonstrated commitment of the recipient to the use of peer review principles and other research best practices in the selection, management, and dissemination of research projects;

“(viii) the strategic plan submitted by the recipient describing the proposed research to be carried out by the recipient and the performance metrics to be used in assessing the performance of the recipient in meeting the stated research, technology transfer, education, and outreach goals; and

“(ix) the ability of the recipient to implement the proposed program in a cost-efficient manner, such as through cost sharing and overall reduced overhead, facilities, and administrative costs.

“(5) TRANSPARENCY.—

“(A) IN GENERAL.—The Secretary shall provide to each applicant, upon request, any materials, including copies of reviews (with any information that would identify a reviewer redacted), used in the evaluation process of the proposal of the applicant.

“(B) REPORTS.—The Secretary shall submit to the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing the overall review process under paragraph (3) that includes—

“(i) specific criteria of evaluation used in the review;

“(ii) descriptions of the review process; and

“(iii) explanations of the selected awards.

“(6) OUTSIDE STAKEHOLDERS.—The Secretary shall, to the maximum extent practicable, con-

sult external stakeholders such as the Transportation Research Board of the National Academy of Sciences to evaluate and competitively review all proposals.

“(c) GRANTS.—

“(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012, the Secretary, in consultation as appropriate with the Administrators of the Federal Highway Administration and the Federal Transit Administration, shall select grant recipients under subsection (b) and make grant amounts available to the selected recipients.

“(2) NATIONAL TRANSPORTATION CENTERS.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall provide grants to 5 recipients that the Secretary determines best meet the criteria described in subsection (b)(3).

“(B) RESTRICTIONS.—

“(i) IN GENERAL.—For each fiscal year, a grant made available under this paragraph shall be \$3,000,000 per recipient.

“(ii) FOCUSED RESEARCH.—The grant recipients under this paragraph shall focus research on national transportation issues, as determined by the Secretary.

“(C) MATCHING REQUIREMENT.—

“(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 100 percent of the amounts made available under the grant.

“(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under section 504(b) or 505 of title 23.

“(3) REGIONAL UNIVERSITY TRANSPORTATION CENTERS.—

“(A) LOCATION OF REGIONAL CENTERS.—One regional university transportation center shall be located in each of the 10 Federal regions that comprise the Standard Federal Regions established by the Office of Management and Budget in the document entitled ‘Standard Federal Regions’ and dated April, 1974 (circular A-105).

“(B) SELECTION CRITERIA.—In conducting a competition under subsection (b), the Secretary shall provide grants to 10 recipients on the basis of—

“(i) the criteria described in subsection (b)(3);

“(ii) the location of the center within the Federal region to be served; and

“(iii) whether the institution (or, in the case of consortium of institutions, the lead institution) demonstrates that the institution has a well-established, nationally recognized program in transportation research and education, as evidenced by—

“(I) recent expenditures by the institution in highway or public transportation research;

“(II) a historical track record of awarding graduate degrees in professional fields closely related to highways and public transportation; and

“(III) an experienced faculty who specialize in professional fields closely related to highways and public transportation.

“(C) RESTRICTIONS.—For each fiscal year, a grant made available under this paragraph shall be \$2,750,000 for each recipient.

“(D) MATCHING REQUIREMENTS.—

“(i) IN GENERAL.—As a condition of receiving a grant under this paragraph, a grant recipient shall match 100 percent of the amounts made available under the grant.

“(ii) SOURCES.—The matching amounts referred to in the clause (i) may include amounts made available to the recipient under section 504(b) or 505 of title 23.

“(E) FOCUSED RESEARCH.—The Secretary shall make a grant to 1 of the 10 regional university transportation centers established under this paragraph for the purpose of furthering the objectives described in subsection (a)(2) in the field of comprehensive transportation safety.

“(4) TIER 1 UNIVERSITY TRANSPORTATION CENTERS.—

“(A) IN GENERAL.—The Secretary shall provide grants of \$1,500,000 each to not more than 20 recipients to carry out this paragraph.

“(B) RESTRICTION.—A lead institution of a consortium that receives a grant under paragraph (2) or (3) shall not be eligible to receive a grant under this paragraph.

“(C) MATCHING REQUIREMENT.—

“(i) IN GENERAL.—Subject to clause (iii), as a condition of receiving a grant under this paragraph, a grant recipient shall match 50 percent of the amounts made available under the grant.

“(ii) SOURCES.—The matching amounts referred to in clause (i) may include amounts made available to the recipient under section 504(b) or 505 of title 23.

“(iii) EXEMPTION.—This subparagraph shall not apply on a demonstration of financial hardship by the applicant institution.

“(D) FOCUSED RESEARCH.—In awarding grants under this paragraph, consideration shall be given to minority institutions, as defined by section 365 of the Higher Education Act of 1965 (20 U.S.C. 1067k), or consortia that include such institutions that have demonstrated an ability in transportation-related research.

“(d) PROGRAM COORDINATION.—

“(1) IN GENERAL.—The Secretary shall—

“(A) coordinate the research, education, and technology transfer activities carried out by grant recipients under this section; and

“(B) disseminate the results of that research through the establishment and operation of an information clearinghouse.

“(2) ANNUAL REVIEW AND EVALUATION.—Not less frequently than annually, and consistent with the plan developed under section 508 of title 23, the Secretary shall—

“(A) review and evaluate the programs carried out under this section by grant recipients; and

“(B) submit to the Committees on Transportation and Infrastructure and Science, Space, and Technology of the House of Representatives and the Committee on Environment and Public Works of the Senate a report describing that review and evaluation.

“(3) PROGRAM EVALUATION AND OVERSIGHT.—For each of fiscal years 2013 and 2014, the Secretary shall expend not more than 1½ percent of the amounts made available to the Secretary to carry out this section for any coordination, evaluation, and oversight activities of the Secretary under this section.

“(e) LIMITATION ON AVAILABILITY OF AMOUNTS.—Amounts made available to the Secretary to carry out this section shall remain available for obligation by the Secretary for a period of 3 years after the last day of the fiscal year for which the amounts are appropriated.

“(f) INFORMATION COLLECTION.—Any survey, questionnaire, or interview that the Secretary determines to be necessary to carry out reporting requirements relating to any program assessment or evaluation activity under this section, including customer satisfaction assessments, shall not be subject to chapter 35 of title 44.”

(b) CONFORMING AMENDMENT.—The analysis for chapter 55 of title 49, United States Code, is amended by striking the item relating to section 5505 and inserting the following:

“5505. University transportation centers program.”

SEC. 52010. UNIVERSITY TRANSPORTATION RESEARCH.

(a) IN GENERAL.—Section 5506 of title 49, United States Code, is repealed.

(b) CONFORMING AMENDMENT.—The analysis for chapter 55 of title 49, United States Code, is amended by striking the item relating to section 5506.

SEC. 52011. BUREAU OF TRANSPORTATION STATISTICS.

(a) IN GENERAL.—Subtitle III of title 49, United States Code, is amended by adding at the end the following:

“CHAPTER 63—BUREAU OF TRANSPORTATION STATISTICS

“Sec.

“6301. Definitions.

“6302. Bureau of Transportation Statistics.

“6303. Intermodal transportation database.

“6304. National Transportation Library.

“6305. Advisory council on transportation statistics.

“6306. Transportation statistical collection, analysis, and dissemination.

“6307. Furnishing of information, data, or reports by Federal agencies.

“6308. Proceeds of data product sales.

“6309. National transportation atlas database.

“6310. Limitations on statutory construction.

“6311. Research and development grants.

“6312. Transportation statistics annual report.

“6313. Mandatory response authority for freight data collection.

“§6301. Definitions

“In this chapter, the following definitions apply:

“(1) BUREAU.—The term ‘Bureau’ means the Bureau of Transportation Statistics established by section 6302(a).

“(2) DEPARTMENT.—The term ‘Department’ means the Department of Transportation.

“(3) DIRECTOR.—The term ‘Director’ means the Director of the Bureau.

“(4) LIBRARY.—The term ‘Library’ means the National Transportation Library established by section 6304(a).

“(5) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“§6302. Bureau of Transportation Statistics

“(a) ESTABLISHMENT.—There is established in the Research and Innovative Technology Administration the Bureau of Transportation Statistics.

“(b) DIRECTOR.—

“(1) APPOINTMENT.—The Bureau shall be headed by a Director, who shall be appointed in the competitive service by the Secretary.

“(2) QUALIFICATIONS.—The Director shall be appointed from among individuals who are qualified to serve as the Director by virtue of their training and experience in the collection, analysis, and use of transportation statistics.

“(3) DUTIES.—

“(A) IN GENERAL.—The Director shall—

“(i) serve as the senior advisor to the Secretary on data and statistics; and

“(ii) be responsible for carrying out the duties described in subparagraph (B).

“(B) DUTIES.—The Director shall—

“(i) ensure that the statistics compiled under clause (vi) are designed to support transportation decisionmaking by—

“(I) the Federal Government;

“(II) State and local governments;

“(III) metropolitan planning organizations;

“(IV) transportation-related associations;

“(V) the private sector, including the freight community; and

“(VI) the public;

“(ii) establish on behalf of the Secretary a program—

“(I) to effectively integrate safety data across modes; and

“(II) to address gaps in existing safety data programs of the Department;

“(iii) work with the operating administrations of the Department—

“(I) to establish and implement the data programs of the Bureau; and

“(II) to improve the coordination of information collection efforts with other Federal agencies;

“(iv) continually improve surveys and data collection methods of the Department to improve the accuracy and utility of transportation statistics;

“(v) encourage the standardization of data, data collection methods, and data management and storage technologies for data collected by—

“(I) the Bureau;

“(II) the operating administrations of the Department;

“(III) State and local governments;

“(IV) metropolitan planning organizations; and

“(V) private sector entities;

“(vi) collect, compile, analyze, and publish a comprehensive set of transportation statistics on the performance and impacts of the national transportation system, including statistics on—

“(I) transportation safety across all modes and intermodally;

“(II) the state of good repair of United States transportation infrastructure;

“(III) the extent, connectivity, and condition of the transportation system, building on the national transportation atlas database developed under section 6310;

“(IV) economic efficiency across the entire transportation sector;

“(V) the effects of the transportation system on global and domestic economic competitiveness;

“(VI) demographic, economic, and other variables influencing travel behavior, including choice of transportation mode and goods movement;

“(VII) transportation-related variables that influence the domestic economy and global competitiveness;

“(VIII) economic costs and impacts for passenger travel and freight movement;

“(IX) intermodal and multimodal passenger movement;

“(X) intermodal and multimodal freight movement; and

“(XI) consequences of transportation for the human and natural environment;

“(vii) build and disseminate the transportation layer of the National Spatial Data Infrastructure developed under Executive Order 12906 (59 Fed. Reg. 17671) (or a successor Executive Order), including by coordinating the development of transportation geospatial data standards, compiling intermodal geospatial data, and collecting geospatial data that is not being collected by other entities;

“(viii) issue guidelines for the collection of information by the Department that the Director determines necessary to develop transportation statistics and carry out modeling, economic assessment, and program assessment activities to ensure that such information is accurate, reliable, relevant, uniform, and in a form that permits systematic analysis by the Department;

“(ix) review and report to the Secretary on the sources and reliability of—

“(I) the statistics proposed by the heads of the operating administrations of the Department to measure outputs and outcomes as required by the Government Performance and Results Act of 1993 (Public Law 103–62; 107 Stat. 285); and

“(II) at the request of the Secretary, any other data collected or statistical information published by the heads of the operating administrations of the Department; and

“(x) ensure that the statistics published under this section are readily accessible to the public, consistent with applicable security constraints and confidentiality interests.

“(c) ACCESS TO FEDERAL DATA.—In carrying out subsection (b)(3)(B)(ii), the Director shall be given access to all safety data that the Director determines necessary to carry out that subsection that is held by the Department or any other Federal agency upon written request and

subject to any statutory or regulatory restrictions.

“§6303. Intermodal transportation database

“(a) IN GENERAL.—In consultation with the Under Secretary Transportation for Policy, the Assistant Secretaries of the Department, and the heads of the operating administrations of the Department, the Director shall establish and maintain a transportation database for all modes of transportation.

“(b) USE.—The database established under this section shall be suitable for analyses carried out by the Federal Government, the States, and metropolitan planning organizations.

“(c) CONTENTS.—The database established under this section shall include—

“(1) information on the volumes and patterns of movement of goods, including local, interregional, and international movement, by all modes of transportation, intermodal combinations, and relevant classification;

“(2) information on the volumes and patterns of movement of people, including local, interregional, and international movements, by all modes of transportation (including bicycle and pedestrian modes), intermodal combinations, and relevant classification;

“(3) information on the location and connectivity of transportation facilities and services; and

“(4) a national accounting of expenditures and capital stocks on each mode of transportation and intermodal combination.

“§6304. National Transportation Library

“(a) PURPOSE AND ESTABLISHMENT.—To support the information management and decision-making needs of transportation officials at the Federal, State, and local levels, there is established in the Bureau a National Transportation Library which shall—

“(1) be headed by an individual who is highly qualified in library and information science;

“(2) acquire, preserve, and manage transportation information and information products and services for use by the Department, other Federal agencies, and the general public;

“(3) provide reference and research assistance;

“(4) serve as a central depository for research results and technical publications of the Department;

“(5) provide a central clearinghouse for transportation data and information of the Federal Government;

“(6) serve as coordinator and policy lead for transportation information access;

“(7) provide transportation information and information products and services to—

“(A) the Department;

“(B) other Federal agencies;

“(C) public and private organizations; and

“(D) individuals, within the United States and internationally;

“(8) coordinate efforts among, and cooperate with, transportation libraries, information providers, and technical assistance centers, in conjunction with private industry and other transportation library and information centers, with the goal of developing a comprehensive transportation information and knowledge network that supports the activities described in section 6302(b)(3)(B)(vi); and

“(9) engage in such other activities as the Director determines to be necessary and as the resources of the Library permit.

“(b) ACCESS.—The Director shall publicize, facilitate, and promote access to the information products and services described in subsection (a), to improve the ability of the transportation community to share information and the ability of the Director to make statistics and other information readily accessible as required under section 6302(b)(3)(B)(x).

“(c) AGREEMENTS.—

“(1) IN GENERAL.—To carry out this section, the Director may enter into agreements with, award grants to, and receive amounts from, any—

- “(A) State or local government;
- “(B) organization;
- “(C) business; or
- “(D) individual.

“(2) CONTRACTS, GRANTS, AND AGREEMENTS.—The Library may initiate and support specific information and data management, access, and exchange activities in connection with matters relating to the Department's strategic goals, knowledge networking, and national and international cooperation, by entering into contracts or other agreements or awarding grants for the conduct of such activities.

“(3) AMOUNTS.—Any amounts received by the Library as payment for library products and services or other activities shall be made available to the Director to carry out this section, deposited in the Research and Innovative Technology Administration's general fund account, and remain available until expended.

“§6305. Advisory council on transportation statistics

“(a) IN GENERAL.—The Director shall establish and consult with an advisory council on transportation statistics.

“(b) FUNCTION.—The advisory council established under this section shall advise the Director on—

- “(1) the quality, reliability, consistency, objectivity, and relevance of transportation statistics and analyses collected, supported, or disseminated by the Bureau and the Department; and
- “(2) methods to encourage cooperation and interoperability of transportation data collected by the Bureau, the operating administrations of the Department, States, local governments, metropolitan planning organizations, and private sector entities.

“(c) MEMBERSHIP.—

“(1) IN GENERAL.—The advisory council shall be composed of not fewer than 9 and not more than 11 members appointed by the Director.

“(2) SELECTION.—In selecting members for the advisory council, the Director shall appoint individuals who—

- “(A) are not officers or employees of the United States;
- “(B) possess expertise in—
 - “(i) transportation data collection, analysis, or application;
 - “(ii) economics; or
 - “(iii) transportation safety; and
- “(C) represent a cross section of transportation stakeholders, to the greatest extent possible.

“(d) TERMS OF APPOINTMENT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), members of the advisory council shall be appointed to staggered terms not to exceed 3 years.

“(2) ADDITIONAL TERMS.—A member may be renominated for 1 additional 3-year term.

“(3) CURRENT MEMBERS.—A member serving on an advisory council on transportation statistics on the day before the date of enactment of the Transportation Research and Innovative Technology Act of 2012 shall serve until the end of the appointed term of the member.

“(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the advisory council established under this section, except that section 14 of that Act shall not apply.

“§6306. Transportation statistical collection, analysis, and dissemination

“To ensure that all transportation statistical collection, analysis, and dissemination is carried out in a coordinated manner, the Director may—

“(1) use the services, equipment, records, personnel, information, and facilities of other Federal agencies, or State, local, and private agencies and instrumentalities, subject to the conditions that the applicable agency or instrumentality consents to that use and with or without reimbursement for such use;

“(2) enter into agreements with the agencies and instrumentalities described in paragraph (1) for purposes of data collection and analysis;

“(3) confer and cooperate with foreign governments, international organizations, and State, municipal, and other local agencies;

“(4) request such information, data, and reports from any Federal agency as the Director determines necessary to carry out this chapter;

“(5) encourage replication, coordination, and sharing of information among transportation agencies regarding information systems, information policy, and data; and

“(6) confer and cooperate with Federal statistical agencies as the Director determines necessary to carry out this chapter, including by entering into cooperative data sharing agreements in conformity with all laws and regulations applicable to the disclosure and use of data.

“§6307. Furnishing of information, data, or reports by Federal agencies

“(a) IN GENERAL.—Except as provided in subsection (b), a Federal agency requested to furnish information, data, or reports by the Director under section 6302(b)(3)(B) shall provide the information to the Director.

“(b) PROHIBITION ON CERTAIN DISCLOSURES.—

“(1) IN GENERAL.—An officer, employee, or contractor of the Bureau may not—

“(A) make any disclosure in which the data provided by an individual or organization under section 6302(b)(3)(B) can be identified;

“(B) use the information provided under section 6302(b)(3)(B) for a nonstatistical purpose; or

“(C) permit anyone other than an individual authorized by the Director to examine any individual report provided under section 6302(b)(3)(B).

“(2) COPIES OF REPORTS.—

“(A) IN GENERAL.—No department, bureau, agency, officer, or employee of the United States (except the Director in carrying out this chapter) may require, for any reason, a copy of any report that has been filed under section 6302(b)(3)(B) with the Bureau or retained by an individual respondent.

“(B) LIMITATION ON JUDICIAL PROCEEDINGS.—A copy of a report described in subparagraph (A) that has been retained by an individual respondent or filed with the Bureau or any of the employees, contractors, or agents of the Bureau—

- “(i) shall be immune from legal process; and
- “(ii) shall not, without the consent of the individual concerned, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceedings.

“(C) APPLICABILITY.—This paragraph shall apply only to reports that permit information concerning an individual or organization to be reasonably determined by direct or indirect means.

“(3) INFORMING RESPONDENT OF USE OF DATA.—If the Bureau is authorized by statute to collect data or information for a nonstatistical purpose, the Director shall clearly distinguish the collection of the data or information, by rule and on the collection instrument, in a manner that informs the respondent who is requested or required to supply the data or information of the nonstatistical purpose.

“(c) TRANSPORTATION AND TRANSPORTATION-RELATED DATA ACCESS.—The Director shall be provided access to any transportation and transportation-related information in the possession of any Federal agency, except—

“(1) information that is expressly prohibited by law from being disclosed to another Federal agency; or

“(2) information that the agency possessing the information determines could not be disclosed without significantly impairing the discharge of authorities and responsibilities which have been delegated to, or vested by law, in such agency.

“§6308. Proceeds of data product sales

“Notwithstanding section 3302 of title 31, amounts received by the Bureau from the sale of data products for necessary expenses incurred may be credited to the Highway Trust Fund (other than the Mass Transit Account) for the purpose of reimbursing the Bureau for those expenses.

“§6309. National transportation atlas database

“(a) IN GENERAL.—The Director shall develop and maintain a national transportation atlas database that is comprised of geospatial databases that depict—

- “(1) transportation networks;
- “(2) flows of people, goods, vehicles, and craft over the transportation networks; and
- “(3) social, economic, and environmental conditions that affect or are affected by the transportation networks.

“(b) INTERMODAL NETWORK ANALYSIS.—The databases referred to in subsection (a) shall be capable of supporting intermodal network analysis.

“§6310. Limitations on statutory construction

“Nothing in this chapter—

- “(1) authorizes the Bureau to require any other Federal agency to collect data; or
- “(2) alters or diminishes the authority of any other officer of the Department to collect and disseminate data independently.

“§6311. Research and development grants

“The Secretary may make grants to, or enter into cooperative agreements or contracts with, public and nonprofit private entities (including State transportation departments, metropolitan planning organizations, and institutions of higher education) for—

- “(1) investigation of the subjects described in section 6302(b)(3)(B)(vi);
- “(2) research and development of new methods of data collection, standardization, management, integration, dissemination, interpretation, and analysis;

“(3) demonstration programs by States, local governments, and metropolitan planning organizations to coordinate data collection, reporting, management, storage, and archiving to simplify data comparisons across jurisdictions;

“(4) development of electronic clearinghouses of transportation data and related information, as part of the Library; and

“(5) development and improvement of methods for sharing geographic data, in support of the database under section 6310 and the National Spatial Data Infrastructure developed under Executive Order 12906 (59 Fed. Reg. 17671) (or a successor Executive Order).

“§6312. Transportation statistics annual report

“The Director shall submit to the President and Congress a transportation statistics annual report, which shall include—

- “(1) information on the progress of the Director in carrying out the duties described in section 6302(b)(3)(B);
- “(2) documentation of the methods used to obtain and ensure the quality of the statistics presented in the report; and
- “(3) any recommendations of the Director for improving transportation statistical information.

“§6313. Mandatory response authority for freight data collection

“(a) FREIGHT DATA COLLECTION.—

“(1) *IN GENERAL*.—An owner, official, agent, person in charge, or assistant to the person in charge of a freight corporation, company, business, institution, establishment, or organization described in paragraph (2) shall be fined in accordance with subsection (b) if that individual neglects or refuses, when requested by the Director or other authorized officer, employee, or contractor of the Bureau to submit data under section 6302(b)(3)(B)—

“(A) to answer completely and correctly to the best knowledge of that individual all questions relating to the corporation, company, business, institution, establishment, or other organization; or

“(B) to make available records or statistics in the official custody of the individual.

“(2) *DESCRIPTION OF ENTITIES*.—A freight corporation, company, business, institution, establishment, or organization referred to in paragraph (1) is a corporation, company, business, institution, establishment, or organization that—

“(A) receives Federal funds relating to the freight program; and

“(B) has consented to be subject to a fine under this subsection on—

“(i) refusal to supply any data requested; or

“(ii) failure to respond to a written request.

“(b) *FINES*.—

“(1) *IN GENERAL*.—Subject to paragraph (2), an individual described in subsection (a) shall be fined not more than \$500.

“(2) *WILLFUL ACTIONS*.—If an individual willfully gives a false answer to a question described in subsection (a)(1), the individual shall be fined not more than \$10,000.”

(b) *RULES OF CONSTRUCTION*.—If the provisions of section 111 of title 49, United States Code, are transferred to chapter 63 of that title, the following rules of construction apply:

(1) For purposes of determining whether 1 provision of law supersedes another based on enactment later in time, a chapter 63 provision is deemed to have been enacted on the date of enactment of the corresponding section 111 provision.

(2) A reference to a section 111 provision, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding chapter 63 provision.

(3) A regulation, order, or other administrative action in effect under a section 111 provision continues in effect under the corresponding chapter 63 provision.

(4) An action taken or an offense committed under a section 111 provision is deemed to have been taken or committed under the corresponding chapter 63 provision.

(c) *CONFORMING AMENDMENTS*.—

(1) *REPEAL*.—Section 111 of title 49, United States Code, is repealed, and the item relating to section 111 in the analysis for chapter 1 of that title is deleted.

(2) *ANALYSIS FOR SUBTITLE III*.—The analysis for subtitle III of title 49, United States Code, is amended by inserting after the items for chapter 61 the following:

“CHAPTER 63—BUREAU OF TRANSPORTATION STATISTICS.”

SEC. 52012. ADMINISTRATIVE AUTHORITY.

Section 112 of title 49, United States Code, is amended by adding at the end the following:

“(f) *PROGRAM EVALUATION AND OVERSIGHT*.—For each of fiscal years 2013 and 2014, the Administrator is authorized to expend not more than 1½ percent of the amounts authorized to be appropriated for necessary expenses for administration and operations of the Research and Innovative Technology Administration for the coordination, evaluation, and oversight of the programs administered by the Administration.

“(g) *COLLABORATIVE RESEARCH AND DEVELOPMENT*.—

“(1) *IN GENERAL*.—To encourage innovative solutions to multimodal transportation problems and stimulate the deployment of new technology, the Administrator may carry out, on a cost-shared basis, collaborative research and development with—

“(A) non-Federal entities, including State and local governments, foreign governments, institutions of higher education, corporations, institutions, partnerships, sole proprietorships, and trade associations that are incorporated or established under the laws of any State;

“(B) Federal laboratories; and

“(C) other Federal agencies.

“(2) *COOPERATION, GRANTS, CONTRACTS, AND AGREEMENTS*.—Notwithstanding any other provision of law, the Administrator may directly initiate contracts, grants, cooperative research and development agreements (as defined in section 12 of the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3710a)), and other agreements to fund, and accept funds from, the Transportation Research Board of the National Research Council of the National Academy of Sciences, State departments of transportation, cities, counties, institutions of higher education, associations, and the agents of those entities to carry out joint transportation research and technology efforts.

“(3) *FEDERAL SHARE*.—

“(A) *IN GENERAL*.—Subject to subparagraph (B), the Federal share of the cost of an activity carried out under paragraph (2) shall not exceed 50 percent.

“(B) *EXCEPTION*.—If the Secretary determines that the activity is of substantial public interest or benefit, the Secretary may approve a greater Federal share.

“(C) *NON-FEDERAL SHARE*.—All costs directly incurred by the non-Federal partners, including personnel, travel, facility, and hardware development costs, shall be credited toward the non-Federal share of the cost of an activity described in subparagraph (A).

“(4) *USE OF TECHNOLOGY*.—The research, development, or use of a technology under a contract, grant, cooperative research and development agreement, or other agreement entered into under this subsection, including the terms under which the technology may be licensed and the resulting royalties may be distributed, shall be subject to the Stevenson-Wylder Technology Innovation Act of 1980 (15 U.S.C. 3701 et seq.).

“(5) *WAIVER OF ADVERTISING REQUIREMENTS*.—Section 6101 of title 41 shall not apply to a contract, grant, or other agreement entered into under this section.”

SEC. 52013. TRANSPORTATION RESEARCH AND DEVELOPMENT STRATEGIC PLANNING.

Section 508(a) of title 23, United States Code, is amended—

(1) in paragraph (1), by striking “SAFETEA-LU” and inserting “Transportation Research and Innovative Technology Act of 2012”; and

(2) in paragraph (2), by striking subparagraph (A) and inserting the following:

“(A) describe the primary purposes of the transportation research and development program, which shall include, at a minimum—

“(i) promoting safety;

“(ii) reducing congestion and improving mobility;

“(iii) preserving the environment;

“(iv) preserving the existing transportation system;

“(v) improving the durability and extending the life of transportation infrastructure; and

“(vi) improving goods movement.”

TITLE III—INTELLIGENT TRANSPORTATION SYSTEMS RESEARCH

SEC. 53001. USE OF FUNDS FOR ITS ACTIVITIES.

Section 513 of title 23, United States Code, is amended to read as follows:

“§513. Use of funds for ITS activities

“(a) *DEFINITIONS*.—In this section, the following definitions apply:

“(1) *ELIGIBLE ENTITY*.—The term ‘eligible entity’ means a State or local government, tribal government, transit agency, public toll authority, metropolitan planning organization, other political subdivision of a State or local government, or a multistate or multijurisdictional group applying through a single lead applicant.

“(2) *MULTIJURISDICTIONAL GROUP*.—The term ‘multijurisdictional group’ means a combination of State governments, local governments, metropolitan planning agencies, transit agencies, or other political subdivisions of a State that—

“(A) have signed a written agreement to implement an activity that meets the grant criteria under this section; and

“(B) is comprised of at least 2 members, each of whom is an eligible entity.

“(b) *PURPOSE*.—The purpose of this section is to develop, administer, communicate, and promote the use of products of research, technology, and technology transfer programs.

“(c) *ITS ADOPTION*.—

“(1) *INNOVATIVE TECHNOLOGIES AND STRATEGIES*.—The Secretary shall encourage the deployment of ITS technologies that will improve the performance of the National Highway System in such areas as traffic operations, emergency response, incident management, surface transportation network management, freight management, traffic flow information, and congestion management by accelerating the adoption of innovative technologies through the use of—

“(A) demonstration programs;

“(B) grant funding;

“(C) incentives to eligible entities; and

“(D) other tools, strategies, or methods that will result in the deployment of innovative ITS technologies.

“(2) *COMPREHENSIVE PLAN*.—To carry out this section, the Secretary shall develop a detailed and comprehensive plan that addresses the manner in which incentives may be adopted, as appropriate, through the existing deployment activities carried out by surface transportation modal administrations.”

SEC. 53002. GOALS AND PURPOSES.

(a) *IN GENERAL*.—Chapter 5 of title 23, United States Code, is amended by adding after section 513 the following:

“§514. Goals and purposes

“(a) *GOALS*.—The goals of the intelligent transportation system program include—

“(1) enhancement of surface transportation efficiency and facilitation of intermodalism and international trade to enable existing facilities to meet a significant portion of future transportation needs, including public access to employment, goods, and services and to reduce regulatory, financial, and other transaction costs to public agencies and system users;

“(2) achievement of national transportation safety goals, including enhancement of safe operation of motor vehicles and nonmotorized vehicles and improved emergency response to collisions, with particular emphasis on decreasing the number and severity of collisions;

“(3) protection and enhancement of the natural environment and communities affected by surface transportation, with particular emphasis on assisting State and local governments to achieve national environmental goals;

“(4) accommodation of the needs of all users of surface transportation systems, including operators of commercial motor vehicles, passenger motor vehicles, motorcycles, bicycles, and pedestrians (including individuals with disabilities); and

“(5) enhancement of national defense mobility and improvement of the ability of the United

States to respond to security-related or other manmade emergencies and natural disasters.

“(b) **PURPOSES.**—The Secretary shall implement activities under the intelligent transportation system program, at a minimum—

“(1) to expedite, in both metropolitan and rural areas, deployment and integration of intelligent transportation systems for consumers of passenger and freight transportation;

“(2) to ensure that Federal, State, and local transportation officials have adequate knowledge of intelligent transportation systems for consideration in the transportation planning process;

“(3) to improve regional cooperation and operations planning for effective intelligent transportation system deployment;

“(4) to promote the innovative use of private resources in support of intelligent transportation system development;

“(5) to facilitate, in cooperation with the motor vehicle industry, the introduction of vehicle-based safety enhancing systems;

“(6) to support the application of intelligent transportation systems that increase the safety and efficiency of commercial motor vehicle operations;

“(7) to develop a workforce capable of developing, operating, and maintaining intelligent transportation systems;

“(8) to provide continuing support for operations and maintenance of intelligent transportation systems; and

“(9) to ensure a systems approach that includes cooperation among vehicles, infrastructure, and users.”.

(b) **CONFORMING AMENDMENT.**—The analysis for chapter 5 of title 23, United States Code, is amended by adding after the item relating to section 513 the following:

“514. Goals and purposes.”.

SEC. 53003. GENERAL AUTHORITIES AND REQUIREMENTS.

(a) **IN GENERAL.**—Chapter 5 of title 23, United States Code, is amended by adding after section 514 (as added by section 53002) the following:

“§515. General authorities and requirements

“(a) **SCOPE.**—Subject to the provisions of this chapter, the Secretary shall conduct an ongoing intelligent transportation system program—

“(1) to research, develop, and operationally test intelligent transportation systems; and

“(2) to provide technical assistance in the nationwide application of those systems as a component of the surface transportation systems of the United States.

“(b) **POLICY.**—Intelligent transportation system research projects and operational tests funded pursuant to this chapter shall encourage and not displace public-private partnerships or private sector investment in those tests and projects.

“(c) **COOPERATION WITH GOVERNMENTAL, PRIVATE, AND EDUCATIONAL ENTITIES.**—The Secretary shall carry out the intelligent transportation system program in cooperation with State and local governments and other public entities, the private sector firms of the United States, the Federal laboratories, and institutions of higher education, including historically Black colleges and universities and other minority institutions of higher education.

“(d) **CONSULTATION WITH FEDERAL OFFICIALS.**—In carrying out the intelligent transportation system program, the Secretary shall consult with the heads of other Federal agencies, as appropriate.

“(e) **TECHNICAL ASSISTANCE, TRAINING, AND INFORMATION.**—The Secretary may provide technical assistance, training, and information to State and local governments seeking to implement, operate, maintain, or evaluate intelligent transportation system technologies and services.

“(f) **TRANSPORTATION PLANNING.**—The Secretary may provide funding to support adequate

consideration of transportation systems management and operations, including intelligent transportation systems, within metropolitan and statewide transportation planning processes.

“(g) **INFORMATION CLEARINGHOUSE.**—

“(1) **IN GENERAL.**—The Secretary shall—

“(A) maintain a repository for technical and safety data collected as a result of federally sponsored projects carried out under this chapter; and

“(B) make, on request, that information (except for proprietary information and data) readily available to all users of the repository at an appropriate cost.

“(2) **AGREEMENT.**—

“(A) **IN GENERAL.**—The Secretary may enter into an agreement with a third party for the maintenance of the repository for technical and safety data under paragraph (1)(A).

“(B) **FEDERAL FINANCIAL ASSISTANCE.**—If the Secretary enters into an agreement with an entity for the maintenance of the repository, the entity shall be eligible for Federal financial assistance under this section.

“(3) **AVAILABILITY OF INFORMATION.**—Information in the repository shall not be subject to sections 552 and 555 of title 5, United States Code.

“(h) **ADVISORY COMMITTEE.**—

“(1) **IN GENERAL.**—The Secretary shall establish an Advisory Committee to advise the Secretary on carrying out this chapter.

“(2) **MEMBERSHIP.**—The Advisory Committee shall have no more than 20 members, be balanced between metropolitan and rural interests, and include, at a minimum—

“(A) a representative from a State highway department;

“(B) a representative from a local highway department who is not from a metropolitan planning organization;

“(C) a representative from a State, local, or regional transit agency;

“(D) a representative from a metropolitan planning organization;

“(E) a private sector user of intelligent transportation system technologies;

“(F) an academic researcher with expertise in computer science or another information science field related to intelligent transportation systems, and who is not an expert on transportation issues;

“(G) an academic researcher who is a civil engineer;

“(H) an academic researcher who is a social scientist with expertise in transportation issues;

“(I) a representative from a nonprofit group representing the intelligent transportation system industry;

“(J) a representative from a public interest group concerned with safety;

“(K) a representative from a public interest group concerned with the impact of the transportation system on land use and residential patterns; and

“(L) members with expertise in planning, safety, telecommunications, utilities, and operations.

“(3) **DUTIES.**—The Advisory Committee shall, at a minimum, perform the following duties:

“(A) Provide input into the development of the intelligent transportation system aspects of the strategic plan under section 508.

“(B) Review, at least annually, areas of intelligent transportation systems research being considered for funding by the Department, to determine—

“(i) whether these activities are likely to advance either the state-of-the-practice or state-of-the-art in intelligent transportation systems;

“(ii) whether the intelligent transportation system technologies are likely to be deployed by users, and if not, to determine the barriers to deployment; and

“(iii) the appropriate roles for government and the private sector in investing in the research and technologies being considered.

“(4) **REPORT.**—Not later than February 1 of each year after the date of enactment of the Transportation Research and Innovative Technology Act of 2012, the Secretary shall submit to Congress a report that includes—

“(A) all recommendations made by the Advisory Committee during the preceding calendar year;

“(B) an explanation of the manner in which the Secretary has implemented those recommendations; and

“(C) for recommendations not implemented, the reasons for rejecting the recommendations.

“(5) **APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.**—The Advisory Committee shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

“(i) **REPORTING.**—

“(1) **GUIDELINES AND REQUIREMENTS.**—

“(A) **IN GENERAL.**—The Secretary shall issue guidelines and requirements for the reporting and evaluation of operational tests and deployment projects carried out under this chapter.

“(B) **OBJECTIVITY AND INDEPENDENCE.**—The guidelines and requirements issued under subparagraph (A) shall include provisions to ensure the objectivity and independence of the reporting entity so as to avoid any real or apparent conflict of interest or potential influence on the outcome by parties to any such test or deployment project or by any other formal evaluation carried out under this chapter.

“(C) **FUNDING.**—The guidelines and requirements issued under subparagraph (A) shall establish reporting funding levels based on the size and scope of each test or project that ensure adequate reporting of the results of the test or project.

“(2) **SPECIAL RULE.**—Any survey, questionnaire, or interview that the Secretary considers necessary to carry out the reporting of any test, deployment project, or program assessment activity under this chapter shall not be subject to chapter 35 of title 44, United States Code.”.

(b) **CONFORMING AMENDMENT.**—The analysis for chapter 5 of title 23, United States Code, is amended by adding after the item relating to section 514 (as added by section 53002) the following:

“515. General authorities and requirements.”.

SEC. 53004. RESEARCH AND DEVELOPMENT.

(a) **IN GENERAL.**—Chapter 5 of title 23, United States Code, is amended by adding after section 515 (as added by section 53003) the following:

“§516. Research and development

“(a) **IN GENERAL.**—The Secretary shall carry out a comprehensive program of intelligent transportation system research and development, and operational tests of intelligent vehicles, intelligent infrastructure systems, and other similar activities that are necessary to carry out this chapter.

“(b) **PRIORITY AREAS.**—Under the program, the Secretary shall give higher priority to funding projects that—

“(1) enhance mobility and productivity through improved traffic management, incident management, transit management, freight management, road weather management, toll collection, traveler information, or highway operations systems and remote sensing products;

“(2) use interdisciplinary approaches to develop traffic management strategies and tools to address multiple impacts of congestion concurrently;

“(3) address traffic management, incident management, transit management, toll collection traveler information, or highway operations systems;

“(4) incorporate research on the potential impact of environmental, weather, and natural

conditions on intelligent transportation systems, including the effects of cold climates;

“(5) enhance intermodal use of intelligent transportation systems for diverse groups, including for emergency and health-related services;

“(6) enhance safety through improved crash avoidance and protection, crash and other notification, commercial motor vehicle operations, and infrastructure-based or cooperative safety systems; or

“(7) facilitate the integration of intelligent infrastructure, vehicle, and control technologies.

“(c) **FEDERAL SHARE.**—The Federal share payable on account of any project or activity carried out under subsection (a) shall not exceed 80 percent.”

(b) **CONFORMING AMENDMENT.**—The analysis for chapter 5 of title 23, United States Code, is amended by adding after the item relating to section 515 (as added by section 53003) the following:

“516. Research and development.”

SEC. 53005. NATIONAL ARCHITECTURE AND STANDARDS.

(a) **IN GENERAL.**—Chapter 5 of title 23, United States Code, is amended by adding after section 516 (as added by section 53004) the following:

“**§517. National architecture and standards**

“(a) **IN GENERAL.**—

“(1) **DEVELOPMENT, IMPLEMENTATION, AND MAINTENANCE.**—In accordance with section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note; 110 Stat. 783; 115 Stat. 1241), the Secretary shall develop and maintain a national ITS architecture and supporting ITS standards and protocols to promote the use of systems engineering methods in the widespread deployment and evaluation of intelligent transportation systems as a component of the surface transportation systems of the United States.

“(2) **INTEROPERABILITY AND EFFICIENCY.**—To the maximum extent practicable, the national ITS architecture and supporting ITS standards and protocols shall promote interoperability among, and efficiency of, intelligent transportation systems and technologies implemented throughout the United States.

“(3) **USE OF STANDARDS DEVELOPMENT ORGANIZATIONS.**—In carrying out this section, the Secretary shall support the development and maintenance of standards and protocols using the services of such standards development organizations as the Secretary determines to be necessary and whose memberships are comprised of, and represent, the surface transportation and intelligent transportation systems industries.

“(b) **STANDARDS FOR NATIONAL POLICY IMPLEMENTATION.**—If the Secretary finds that a standard is necessary for implementation of a nationwide policy relating to user fee collection or other capability requiring nationwide uniformity, the Secretary, after consultation with stakeholders, may establish and require the use of that standard.

“(c) **PROVISIONAL STANDARDS.**—

“(1) **IN GENERAL.**—If the Secretary finds that the development or balloting of an intelligent transportation system standard jeopardizes the timely achievement of the objectives described in subsection (a), the Secretary may establish a provisional standard, after consultation with affected parties, using, to the maximum extent practicable, the work product of appropriate standards development organizations.

“(2) **PERIOD OF EFFECTIVENESS.**—A provisional standard established under paragraph (1) shall be published in the Federal Register and remain in effect until the appropriate standards development organization adopts and publishes a standard.

“(d) **CONFORMITY WITH NATIONAL ARCHITECTURE.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), the Secretary shall ensure that intelligent transportation system projects carried out using amounts made available from the Highway Trust Fund, including amounts made available to deploy intelligent transportation systems, conform to the appropriate regional ITS architecture, applicable standards, and protocols developed under subsection (a) or (c).

“(2) **DISCRETION OF THE SECRETARY.**—The Secretary, at the discretion of the Secretary, may offer an exemption from paragraph (1) for projects designed to achieve specific research objectives outlined in the national intelligent transportation system program plan or the surface transportation research and development strategic plan developed under section 508.”

(b) **CONFORMING AMENDMENT.**—The analysis for chapter 5 of title 23, United States Code, is amended by adding after the item relating to section 516 (as added by section 53004) the following:

“517. National architecture and standards.”

SEC. 53006. VEHICLE-TO-VEHICLE AND VEHICLE-TO-INFRASTRUCTURE COMMUNICATIONS SYSTEMS DEPLOYMENT.

(a) **IN GENERAL.**—Chapter 5 of title 23, United States Code, is amended by adding after section 517 (as added by section 53005) the following:

“**§518. Vehicle-to-vehicle and vehicle-to-infrastructure communications systems deployment**

“(a) **IN GENERAL.**—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to the Committees on Commerce, Science, and Transportation and Environment and Public Works of the Senate and the Committees on Transportation and Infrastructure, Energy and Commerce, and Science, Space, and Technology of the House of Representatives that—

“(1) assesses the status of dedicated short-range communications technology and applications developed through research and development;

“(2) analyzes the known and potential gaps in short-range communications technology and applications;

“(3) defines a recommended implementation path for dedicated short-range communications technology and applications that—

“(A) is based on the assessment described in paragraph (1); and

“(B) takes into account the analysis described in paragraph (2);

“(4) includes guidance on the relationship of the proposed deployment of dedicated short-range communications to the National ITS Architecture and ITS Standards; and

“(5) ensures competition by not preferencing the use of any particular frequency for vehicle to infrastructure operations.

“(b) **REPORT REVIEW.**—The Secretary shall enter into agreements with the National Research Council and an independent third party with subject matter expertise for the review of the report described in subsection (a).”

(b) **CONFORMING AMENDMENT.**—The analysis for chapter 5 of title 23, United States Code, is amended by adding after section 517 (as added by section 53005) the following:

“518. Vehicle-to-vehicle and vehicle-to-infrastructure communications systems deployment.”

DIVISION F—MISCELLANEOUS

TITLE I—REAUTHORIZATION OF CERTAIN PROGRAMS

Subtitle A—Secure Rural Schools and Community Self-determination Program

SEC. 100101. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) **AMENDMENTS.**—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7101 et seq.) is amended—

(1) in section 3(11)—

(A) in subparagraph (A), by striking “and” after the semicolon at the end;

(B) in subparagraph (B)—

(i) by striking “fiscal year 2009 and each fiscal year thereafter” and inserting “each of fiscal years 2009 through 2011”; and

(ii) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) for fiscal year 2012 and each fiscal year thereafter, the amount that is equal to 95 percent of the full funding amount for the preceding fiscal year.”;

(2) in sections 101, 102, 203, 207, 208, 304, and 402, by striking “2011” each place it appears and inserting “2012”;

(3) in section 102—

(A) by striking “2008” each place it appears and inserting “2012”;

(B) in subsection (b)(2)(B), by inserting “in 2012” before “the election”; and

(C) in subsection (d)—

(i) in paragraph (1)(A), by striking “paragraph (3)(B)” and inserting “subparagraph (D)”; and

(ii) in paragraph (3)—

(I) by striking subparagraph (A) and inserting the following:

“(A) **NOTIFICATION.**—The Governor of each eligible State shall notify the Secretary concerned of an election by an eligible county under this subsection not later than September 30, 2012, and each September 30 thereafter for each succeeding fiscal year.”;

(II) by redesignating subparagraph (B) as subparagraph (D) and moving the subparagraph so as to appear at the end of paragraph (1) of subsection (d); and

(III) by inserting after subparagraph (A) the following:

“(B) **FAILURE TO ELECT.**—If the Governor of an eligible State fails to notify the Secretary concerned of the election for an eligible county by the date specified in subparagraph (A)—

“(i) the eligible county shall be considered to have elected to expend 80 percent of the funds in accordance with paragraph (1)(A); and

“(ii) the remainder shall be available to the Secretary concerned to carry out projects in the eligible county to further the purpose described in section 202(b).”;

(4) in section 103(d)(2), by striking “fiscal year 2011” and inserting “each of fiscal years 2011 and 2012”;

(5) in section 202, by adding at the end the following:

“(c) **ADMINISTRATIVE EXPENSES.**—A resource advisory committee may, in accordance with section 203, propose to use not more than 10 percent of the project funds of an eligible county for any fiscal year for administrative expenses associated with operating the resource advisory committee under this title.”;

(6) in section 204(e)(3)(B)(iii), by striking “and 2011” and inserting “through 2012”;

(7) in section 205(a)(4), by striking “2006” each place it appears and inserting “2011”;

(8) in section 208(b), by striking “2012” and inserting “2013”;

(9) in section 302(a)(2)(A), by inserting “and” after the semicolon; and

(10) in section 304(b), by striking “2012” and inserting “2013”.

(b) **FAILURE TO MAKE ELECTION.**—For each county that failed to make an election for fiscal year 2011 in accordance with section 102(d)(3)(A) of the Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 7112(d)(3)(A)), there shall be available to the Secretary of Agriculture to carry out projects to further the purpose described in section 202(b) of that Act (16 U.S.C. 7122(b)), from amounts in the Treasury not otherwise appropriated, the amount that is equal to 15 percent

of the total share of the State payment that otherwise would have been made to the county under that Act for fiscal year 2011.

Subtitle B—Payment in Lieu of Taxes Program

SEC. 100111. PAYMENTS IN LIEU OF TAXES.

Section 6906 of title 31, United States Code, is amended by striking “2012” and inserting “2013”.

Subtitle C—Offsets

SEC. 100121. PHASED RETIREMENT AUTHORITY.

(a) CSRS.—Chapter 83 of title 5, United States Code, is amended—

(1) in section 8331—

(A) in paragraph (30) by striking “and” at the end;

(B) in paragraph (31) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(32) ‘Director’ means the Director of the Office of Personnel Management.”;

(2) by inserting after section 8336 the following:

“§8336a. Phased retirement

“(a) For the purposes of this section—

“(1) the term ‘composite retirement annuity’ means the annuity computed when a phased retiree attains full retirement status;

“(2) the term ‘full retirement status’ means that a phased retiree has ceased employment and is entitled, upon application, to a composite retirement annuity;

“(3) the term ‘phased employment’ means the less-than-full-time employment of a phased retiree;

“(4) the term ‘phased retiree’ means a retirement-eligible employee who—

“(A) makes an election under subsection (b); and

“(B) has not entered full retirement status;

“(5) the term ‘phased retirement annuity’ means the annuity payable under this section before full retirement;

“(6) the term ‘phased retirement percentage’ means the percentage which, when added to the working percentage for a phased retiree, produces a sum of 100 percent;

“(7) the term ‘phased retirement period’ means the period beginning on the date on which an individual becomes entitled to receive a phased retirement annuity and ending on the date on which the individual dies or separates from phased employment;

“(8) the term ‘phased retirement status’ means that a phased retiree is concurrently employed in phased employment and eligible to receive a phased retirement annuity;

“(9) the term ‘retirement-eligible employee’—

“(A) means an individual who, if the individual separated from the service, would meet the requirements for retirement under subsection (a) or (b) of section 8336; but

“(B) does not include an employee described in section 8335 after the date on which the employee is required to be separated from the service by reason of such section; and

“(10) the term ‘working percentage’ means the percentage of full-time employment equal to the quotient obtained by dividing—

“(A) the number of hours per pay period to be worked by a phased retiree, as scheduled in accordance with subsection (b)(2); by

“(B) the number of hours per pay period to be worked by an employee serving in a comparable position on a full-time basis.

“(b)(1) With the concurrence of the head of the employing agency, and under regulations promulgated by the Director, a retirement-eligible employee who has been employed on a full-time basis for not less than the 3-year period ending on the date on which the retirement-eligible employee makes an election under this subsection may elect to enter phased retirement status.

“(2)(A) Subject to subparagraph (B), at the time of entering phased retirement status, a phased retiree shall be appointed to a position for which the working percentage is 50 percent.

“(B) The Director may, by regulation, provide for working percentages different from the percentage specified under subparagraph (A), which shall be not less than 20 percent and not more than 80 percent.

“(C) The working percentage for a phased retiree may not be changed during the phased retiree’s phased retirement period.

“(D)(i) Not less than 20 percent of the hours to be worked by a phased retiree shall consist of mentoring.

“(ii) The Director may, by regulation, provide for exceptions to the requirement under clause (i).

“(iii) Clause (i) shall not apply to a phased retiree serving in the United States Postal Service. Nothing in this clause shall prevent the application of clause (i) or (ii) with respect to a phased retiree serving in the Postal Regulatory Commission.

“(3) A phased retiree—

“(A) may not be employed in more than one position at any time; and

“(B) may transfer to another position in the same or a different agency, only if the transfer does not result in a change in the working percentage.

“(4) A retirement-eligible employee may make not more than one election under this subsection during the retirement-eligible employee’s lifetime.

“(5) A retirement-eligible employee who makes an election under this subsection may not make an election under section 8343a.

“(c)(1) Except as otherwise provided under this subsection, the phased retirement annuity for a phased retiree is the product obtained by multiplying—

“(A) the amount of an annuity computed under section 8339 that would have been payable to the phased retiree if, on the date on which the phased retiree enters phased retirement status, the phased retiree had separated from service and retired under section 8336(a) or (b); by

“(B) the phased retirement percentage for the phased retiree.

“(2) A phased retirement annuity shall be paid in addition to the basic pay for the position to which a phased retiree is appointed during phased employment.

“(3) A phased retirement annuity shall be adjusted in accordance with section 8340.

“(4)(A) A phased retirement annuity shall not be subject to reduction for any form of survivor annuity, shall not serve as the basis of the computation of any survivor annuity, and shall not be subject to any court order requiring a survivor annuity to be provided to any individual.

“(B) A phased retirement annuity shall be subject to a court order providing for divison, allotment, assignment, execution, levy, attachment, garnishment, or other legal process on the same basis as other annuities.

“(5) Any reduction of a phased retirement annuity based on an election under section 8334(d)(2) shall be applied to the phased retirement annuity after computation under paragraph (1).

“(6)(A) Any deposit, or election of an actuarial annuity reduction in lieu of a deposit, for military service or for creditable civilian service for which retirement deductions were not made or refunded shall be made by a retirement-eligible employee at or before the time the retirement-eligible employee enters phased retirement status. No such deposit may be made, or actuarial adjustment in lieu thereof elected, at the time a phased retiree enters full retirement status.

“(B) Notwithstanding subparagraph (A), if a phased retiree does not make such a deposit and dies in service as a phased retiree, a survivor of the phased retiree shall have the same right to make such deposit as would have been available had the employee not entered phased retirement status and died in service.

“(C) If a phased retiree makes an election for an actuarial annuity reduction under section 8334(d)(2) and dies in service as a phased retiree, the amount of any deposit upon which such actuarial reduction shall have been based shall be deemed to have been fully paid.

“(7) A phased retirement annuity shall commence on the date on which a phased retiree enters phased employment.

“(8) No unused sick leave credit may be used in the computation of the phased retirement annuity.

“(d) All basic pay not in excess of the full-time rate of pay for the position to which a phased retiree is appointed shall be deemed to be basic pay for purposes of section 8334.

“(e) Under such procedures as the Director may prescribe, a phased retiree may elect to enter full retirement status at any time. Upon making such an election, a phased retiree shall be entitled to a composite retirement annuity.

“(f)(1) Except as provided otherwise under this subsection, a composite retirement annuity is a single annuity computed under regulations prescribed by the Director, equal to the sum of—

“(A) the amount of the phased retirement annuity as of the date of full retirement, before any reduction based on an election under section 8334(d)(2), and including any adjustments made under section 8340; and

“(B) the product obtained by multiplying—

“(i) the amount of an annuity computed under section 8339 that would have been payable at the time of full retirement if the individual had not elected a phased retirement and as if the individual was employed on a full-time basis in the position occupied during the phased retirement period and before any reduction for survivor annuity or reduction based on an election under section 8334(d)(2); by

“(ii) the working percentage.

“(2) After computing a composite retirement annuity under paragraph (1), the Director shall adjust the amount of the annuity for any applicable reductions for a survivor annuity and any previously elected actuarial reduction under section 8334(d)(2).

“(3) A composite retirement annuity shall be adjusted in accordance with section 8340, except that subsection (c)(1) of that section shall not apply.

“(4) In computing a composite retirement annuity under paragraph (1)(B)(i), the unused sick leave to the credit of a phased retiree at the time of entry into full retirement status shall be adjusted by dividing the number of hours of unused sick leave by the working percentage.

“(g)(1) Under such procedures and conditions as the Director may provide, and with the concurrence of the head of the employing agency, a phased retiree may elect to terminate phased retirement status and return to a full-time work schedule.

“(2) Upon entering a full-time work schedule based upon an election under paragraph (1), the phased retirement annuity of a phased retiree shall terminate.

“(3) After the termination of a phased retirement annuity under this subsection, the individual’s rights under this subchapter shall be determined based on the law in effect at the time of any subsequent separation from service. For purposes of this subchapter or chapter 84, at time of the subsequent separation from service, the phased retirement period shall be treated as if it had been a period of part-time employment with the work schedule described in subsection (b)(2).

“(h) For purposes of section 8341—

“(1) the death of a phased retiree shall be deemed to be the death in service of an employee; and

“(2) the phased retirement period shall be deemed to have been a period of part-time employment with the work schedule described in subsection (b)(2).

“(i) Employment of a phased retiree shall not be deemed to be part-time career employment, as defined in section 3401(2).

“(j) A phased retiree is not eligible to apply for an annuity under section 8337.

“(k) For purposes of section 8341(h)(4), retirement shall be deemed to occur on the date on which a phased retiree enters into full retirement status.

“(l) For purposes of sections 8343 and 8351, and subchapter III of chapter 84, a phased retiree shall be deemed to be an employee.

“(m) A phased retiree is not subject to section 8344.

“(n) For purposes of chapter 87, a phased retiree shall be deemed to be receiving basic pay at the rate of a full-time employee in the position to which the phased retiree is appointed.”; and

(3) in the table of sections by inserting after the item relating to section 8336 the following:

“8336a. Phased retirement.”.

(b) *FERS*.—Chapter 84 of title 5, United States Code, is amended—

(1) by inserting after section 8412 the following new section:

“§8412a. Phased retirement

“(a) For the purposes of this section—

“(1) the term ‘composite retirement annuity’ means the annuity computed when a phased retiree attains full retirement status;

“(2) the term ‘full retirement status’ means that a phased retiree has ceased employment and is entitled, upon application, to a composite retirement annuity;

“(3) the term ‘phased employment’ means the less-than-full-time employment of a phased retiree;

“(4) the term ‘phased retiree’ means a retirement-eligible employee who—

“(A) makes an election under subsection (b); and

“(B) has not entered full retirement status;

“(5) the term ‘phased retirement annuity’ means the annuity payable under this section before full retirement;

“(6) the term ‘phased retirement percentage’ means the percentage which, when added to the working percentage for a phased retiree, produces a sum of 100 percent;

“(7) the term ‘phased retirement period’ means the period beginning on the date on which an individual becomes entitled to receive a phased retirement annuity and ending on the date on which the individual dies or separates from phased employment;

“(8) the term ‘phased retirement status’ means that a phased retiree is concurrently employed in phased employment and eligible to receive a phased retirement annuity;

“(9) the term ‘retirement-eligible employee’—

“(A) means an individual who, if the individual separated from the service, would meet the requirements for retirement under subsection (a) or (b) of section 8412; and

“(B) does not include—

“(i) an individual who, if the individual separated from the service, would meet the requirements for retirement under subsection (d) or (e) of section 8412; but

“(ii) does not include an employee described in section 8425 after the date on which the employee is required to be separated from the service by reason of such section; and

“(10) the term ‘working percentage’ means the percentage of full-time employment equal to the quotient obtained by dividing—

“(A) the number of hours per pay period to be worked by a phased retiree, as scheduled in accordance with subsection (b)(2); by

“(B) the number of hours per pay period to be worked by an employee serving in a comparable position on a full-time basis.

“(b)(1) With the concurrence of the head of the employing agency, and under regulations promulgated by the Director, a retirement-eligible employee who has been employed on a full-time basis for not less than the 3-year period ending on the date on which the retirement-eligible employee makes an election under this subsection may elect to enter phased retirement status.

“(2)(A) Subject to subparagraph (B), at the time of entering phased retirement status, a phased retiree shall be appointed to a position for which the working percentage is 50 percent.

“(B) The Director may, by regulation, provide for working percentages different from the percentage specified under subparagraph (A), which shall be not less than 20 percent and not more than 80 percent.

“(C) The working percentage for a phased retiree may not be changed during the phased retiree’s phased retirement period.

“(D)(i) Not less than 20 percent of the hours to be worked by a phased retiree shall consist of mentoring.

“(ii) The Director may, by regulation, provide for exceptions to the requirement under clause (i).

“(iii) Clause (i) shall not apply to a phased retiree serving in the United States Postal Service. Nothing in this clause shall prevent the application of clause (i) or (ii) with respect to a phased retiree serving in the Postal Regulatory Commission.

“(3) A phased retiree—

“(A) may not be employed in more than one position at any time; and

“(B) may transfer to another position in the same or a different agency, only if the transfer does not result in a change in the working percentage.

“(4) A retirement-eligible employee may make not more than one election under this subsection during the retirement-eligible employee’s lifetime.

“(5) A retirement-eligible employee who makes an election under this subsection may not make an election under section 8420a.

“(c)(1) Except as otherwise provided under this subsection, the phased retirement annuity for a phased retiree is the product obtained by multiplying—

“(A) the amount of an annuity computed under section 8415 that would have been payable to the phased retiree if, on the date on which the phased retiree enters phased retirement status, the phased retiree had separated from service and retired under section 8412 (a) or (b); by

“(B) the phased retirement percentage for the phased retiree.

“(2) A phased retirement annuity shall be paid in addition to the basic pay for the position to which a phased retiree is appointed during the phased employment.

“(3) A phased retirement annuity shall be adjusted in accordance with section 8462.

“(4)(A) A phased retirement annuity shall not be subject to reduction for any form of survivor annuity, shall not serve as the basis of the computation of any survivor annuity, and shall not be subject to any court order requiring a survivor annuity to be provided to any individual.

“(B) A phased retirement annuity shall be subject to a court order providing for division, allotment, assignment, execution, levy, attachment, garnishment, or other legal process on the same basis as other annuities.

“(5)(A) Any deposit, or election of an actuarial annuity reduction in lieu of a deposit, for

military service or for creditable civilian service for which retirement deductions were not made or refunded, shall be made by a retirement-eligible employee at or before the time the retirement-eligible employee enters phased retirement status. No such deposit may be made, or actuarial adjustment in lieu thereof elected, at the time a phased retiree enters full retirement status.

“(B) Notwithstanding subparagraph (A), if a phased retiree does not make such a deposit and dies in service as a phased retiree, a survivor of the phased retiree shall have the same right to make such deposit as would have been available had the employee not entered phased retirement status and died in service.

“(6) A phased retirement annuity shall commence on the date on which a phased retiree enters phased employment.

“(7) No unused sick leave credit may be used in the computation of the phased retirement annuity.

“(d) All basic pay not in excess of the full-time rate of pay for the position to which a phased retiree is appointed shall be deemed to be basic pay for purposes of sections 8422 and 8423.

“(e) Under such procedures as the Director may prescribe, a phased retiree may elect to enter full retirement status at any time. Upon making such an election, a phased retiree shall be entitled to a composite retirement annuity.

“(f)(1) Except as provided otherwise under this subsection, a composite retirement annuity is a single annuity computed under regulations prescribed by the Director, equal to the sum of—

“(A) the amount of the phased retirement annuity as of the date of full retirement, including any adjustments made under section 8462; and

“(B) the product obtained by multiplying—

“(i) the amount of an annuity computed under section 8412 that would have been payable at the time of full retirement if the individual had not elected a phased retirement and as if the individual was employed on a full-time basis in the position occupied during the phased retirement period and before any adjustment to provide for a survivor annuity; by

“(ii) the working percentage.

“(2) After computing a composite retirement annuity under paragraph (1), the Director shall adjust the amount of the annuity for any applicable reductions for a survivor annuity.

“(3) A composite retirement annuity shall be adjusted in accordance with section 8462, except that subsection (c)(1) of that section shall not apply.

“(4) In computing a composite retirement annuity under paragraph (1)(B)(i), the unused sick leave to the credit of a phased retiree at the time of entry into full retirement status shall be adjusted by dividing the number of hours of unused sick leave by the working percentage.

“(g)(1) Under such procedures and conditions as the Director may provide, and with the concurrence of the head of employing agency, a phased retiree may elect to terminate phased retirement status and return to a full-time work schedule.

“(2) Upon entering a full-time work schedule based on an election under paragraph (1), the phased retirement annuity of a phased retiree shall terminate.

“(3) After termination of the phased retirement annuity under this subsection, the individual’s rights under this chapter shall be determined based on the law in effect at the time of any subsequent separation from service. For purposes of this chapter, at the time of the subsequent separation from service, the phased retirement period shall be treated as if it had been a period of part-time employment with the work schedule described in subsection (b)(2).

“(h) For purposes of subchapter IV—

“(1) the death of a phased retiree shall be deemed to be the death in service of an employee;

“(2) except for purposes of section 8442(b)(1)(A)(i), the phased retirement period shall be deemed to have been a period of part-time employment with the work schedule described in subsection (b)(2) of this section; and

“(3) for purposes of section 8442(b)(1)(A)(i), the phased retiree shall be deemed to have been at the full-time rate of pay for the position occupied.

“(i) Employment of a phased retiree shall not be deemed to be part-time career employment, as defined in section 3401(2).

“(j) A phased retiree is not eligible to receive an annuity supplement under section 8421.

“(k) For purposes of subchapter III, a phased retiree shall be deemed to be an employee.

“(l) For purposes of section 8445(d), retirement shall be deemed to occur on the date on which a phased retiree enters into full retirement status.

“(m) A phased retiree is not eligible to apply for an annuity under subchapter V.

“(n) A phased retiree is not subject to section 8468.

“(o) For purposes of chapter 87, a phased retiree shall be deemed to be receiving basic pay at the rate of a full-time employee in the position to which the phased retiree is appointed.”; and

(2) in the table of sections by inserting after the item relating to section 8412 the following:

“8412a. Phased retirement.”.

(c) EXEMPTION FROM 10-PERCENT ADDITIONAL TAX ON EARLY DISTRIBUTIONS.—Section 72(t)(2)(A) of the Internal Revenue Code of 1986 is amended by striking “or” at the end of clause (vi), by striking the period at the end of clause (vii) and inserting “, or”, and by adding at the end the following:

“(viii) payments under a phased retirement annuity under section 8366a(a)(5) or 8412a(a)(5) of title 5, United States Code, or a composite retirement annuity under section 8366a(a)(1) or 8412a(a)(1) of such title.”.

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the effective date of the implementing regulations issued by the Director of the Office of Personnel Management.

SEC. 100122. ROLL-YOUR-OWN CIGARETTE MACHINES.

(a) IN GENERAL.—Subsection (d) of section 5702 of the Internal Revenue Code of 1986 is amended by adding at the end the following new flush sentence:

“Such term shall include any person who for commercial purposes makes available for consumer use (including such consumer’s personal consumption or use under paragraph (1)) a machine capable of making cigarettes, cigars, or other tobacco products. A person making such a machine available for consumer use shall be deemed the person making the removal as defined by subsection (j) with respect to any tobacco products manufactured by such machine. A person who sells a machine directly to a consumer at retail for a consumer’s personal home use is not making a machine available for commercial purposes if such machine is not used at a retail premises and is designed to produce tobacco products only in personal use quantities.”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to articles removed after the date of the enactment of this Act.

SEC. 100123. CHANGE IN FMAP INCREASE FOR DISASTER RECOVERY STATES.

(a) ACCELERATED DATE FOR PRIOR AMENDMENTS.—Section 3204(b) of the Middle Class Tax Relief and Job Creation Act of 2012 (Public Law 112–96) is amended by striking “October 1, 2013” and inserting “October 1, 2012”.

(b) APPLICATION OF 50 PERCENT IN FISCAL YEAR 2013.—Subparagraph (B) of section

1905(aa)(1) of the Social Security Act (42 U.S.C. 1396d(aa)(1)), as amended by section 3204(a) of Public Law 112–96, is amended by striking “25 percent” and inserting “25 percent (or 50 percent in the case of fiscal year 2013)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall be effective as if included in the enactment of section 3204 of Public Law 112–96.

SEC. 100124. REPEALS.

(a) TRANSPORTATION REQUIREMENTS FOR CERTAIN EXPORTS SPONSORED BY THE SECRETARY OF AGRICULTURE.—

(1) REPEAL.—Subsections (a) and (c) of section 55314 of title 46, United States Code, are repealed.

(2) ACTIVITIES DESCRIBED.—Subsection (b) of section 55314 of title 46, United States Code, is amended by striking “This section applies to export activity” and inserting “The activities specified in this subsection are export activities”.

(b) FINANCING THE TRANSPORTATION OF AGRICULTURAL COMMODITIES.—Subsection (a) of section 55316 of title 46, United States Code, is repealed.

(c) CONFORMING AMENDMENTS.—

(1) MINIMUM TONNAGE.—Section 55315(b) of title 46, United States Code, is amended by striking “subject to section 55314” and inserting “specified in section 55314(b)”.

(2) ISSUANCE AND PURCHASE OF OBLIGATIONS AND NOTIFICATION TO CONGRESS OF INSUFFICIENCY.—Section 55316 of title 46, United States Code, is amended—

(A) in subsection (c)(1) by striking “under subsections (a) and (b)” and inserting “under subsection (b)”;

(B) in subsection (f) by striking “subsections (a) and (b) and section 55314(a) of this title” and inserting “subsection (b)”.

(3) TERMINATION OF SUBCHAPTER.—Section 55317 of title 46, United States Code, is amended by striking “sections 55314(a) and 55316(a) and (b)” and inserting “section 55316(b)”.

SEC. 100125. LIMITATION ON PAYMENTS FROM THE ABANDONED MINE RECLAMATION FUND.

Section 411(h) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1240a(h)) is amended by adding at the end the following:

“(5) LIMITATION ON ANNUAL PAYMENTS.—Notwithstanding any other provision of this subsection, the total annual payment to a certified State or Indian tribe under this subsection shall be not more than \$15,000,000.”.

TITLE II—FLOOD INSURANCE

Subtitle A—Flood Insurance Reform and Modernization

SEC. 100201. SHORT TITLE.

This subtitle may be cited as the “Biggert-Waters Flood Insurance Reform Act of 2012”.

SEC. 100202. DEFINITIONS.

(a) IN GENERAL.—In this subtitle, the following definitions shall apply:

(1) 100-YEAR FLOODPLAIN.—The term “100-year floodplain” means that area which is subject to inundation from a flood having a 1-percent chance of being equaled or exceeded in any given year.

(2) 500-YEAR FLOODPLAIN.—The term “500-year floodplain” means that area which is subject to inundation from a flood having a 0.2-percent chance of being equaled or exceeded in any given year.

(3) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

(4) NATIONAL FLOOD INSURANCE PROGRAM.—The term “National Flood Insurance Program” means the program established under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.).

(5) WRITE YOUR OWN.—The term “Write Your Own” means the cooperative undertaking between the insurance industry and the Federal Insurance Administration which allows participating property and casualty insurance companies to write and service standard flood insurance policies.

(b) COMMON TERMINOLOGY.—Except as otherwise provided in this subtitle, any terms used in this subtitle shall have the meaning given to such terms under section 1370 of the National Flood Insurance Act of 1968 (42 U.S.C. 4121).

SEC. 100203. EXTENSION OF NATIONAL FLOOD INSURANCE PROGRAM.

(a) FINANCING.—Section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) is amended by striking “July 31, 2012” and inserting “September 30, 2017”.

(b) PROGRAM EXPIRATION.—Section 1319 of the National Flood Insurance Act of 1968 (42 U.S.C. 4026) is amended by striking “July 31, 2012” and inserting “September 30, 2017”.

SEC. 100204. AVAILABILITY OF INSURANCE FOR MULTIFAMILY PROPERTIES.

Section 1305 of the National Flood Insurance Act of 1968 (42 U.S.C. 4012) is amended—

(1) in subsection (b)(2)(A), by inserting “not described in subsection (a) or (d)” after “properties”; and

(2) by adding at the end the following:

“(d) AVAILABILITY OF INSURANCE FOR MULTIFAMILY PROPERTIES.—

“(1) IN GENERAL.—The Administrator shall make flood insurance available to cover residential properties of 5 or more residences. Notwithstanding any other provision of law, the maximum coverage amount that the Administrator may make available under this subsection to such residential properties shall be equal to the coverage amount made available to commercial properties.

“(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the ability of individuals residing in residential properties of 5 or more residences to obtain insurance for the contents and personal articles located in such residences.”.

SEC. 100205. REFORM OF PREMIUM RATE STRUCTURE.

(a) TO EXCLUDE CERTAIN PROPERTIES FROM RECEIVING SUBSIDIZED PREMIUM RATES.—

(1) IN GENERAL.—Section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014) is amended—

(A) in subsection (a)(2), by striking “for any residential property which is not the primary residence of an individual; and” and inserting the following: “for—

“(A) any residential property which is not the primary residence of an individual;

“(B) any severe repetitive loss property;

“(C) any property that has incurred flood-related damage in which the cumulative amounts of payments under this title equaled or exceeded the fair market value of such property;

“(D) any business property; or

“(E) any property which on or after the date of enactment of the Biggert-Waters Flood Insurance Reform Act of 2012 has experienced or sustained—

“(i) substantial damage exceeding 50 percent of the fair market value of such property; or

“(ii) substantial improvement exceeding 30 percent of the fair market value of such property; and”;

(B) by adding at the end the following:

“(g) NO EXTENSION OF SUBSIDY TO NEW POLICIES OR LAPSED POLICIES.—The Administrator shall not provide flood insurance to prospective insureds at rates less than those estimated under subsection (a)(1), as required by paragraph (2) of that subsection, for—

“(1) any property not insured by the flood insurance program as of the date of enactment of

the Biggert-Waters Flood Insurance Reform Act of 2012;

“(2) any property purchased after the date of enactment of the Biggert-Waters Flood Insurance Reform Act of 2012;

“(3) any policy under the flood insurance program that has lapsed in coverage, as a result of the deliberate choice of the holder of such policy; or

“(4) any prospective insured who refuses to accept any offer for mitigation assistance by the Administrator (including an offer to relocate), including an offer of mitigation assistance—

“(A) following a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); or

“(B) in connection with—

“(i) a repetitive loss property; or

“(ii) a severe repetitive loss property.

“(h) DEFINITION.—In this section, the term ‘severe repetitive loss property’ has the following meaning:

“(1) SINGLE-FAMILY PROPERTIES.—In the case of a property consisting of 1 to 4 residences, such term means a property that—

“(A) is covered under a contract for flood insurance made available under this title; and

“(B) has incurred flood-related damage—

“(i) for which 4 or more separate claims payments have been made under flood insurance coverage under this chapter, with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or

“(ii) for which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the value of the property.

“(2) MULTIFAMILY PROPERTIES.—In the case of a property consisting of 5 or more residences, such term shall have such meaning as the Director shall by regulation provide.”.

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall become effective 90 days after the date of enactment of this Act.

(b) ESTIMATES OF PREMIUM RATES.—Section 1307(a)(1)(B) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(a)(1)(B)) is amended—

(1) in clause (ii), by striking “and” at the end;

(2) in clause (iii), by adding “and” at the end; and

(3) by inserting after clause (iii) the following:

“(iv) all costs, as prescribed by principles and standards of practice in ratemaking adopted by the American Academy of Actuaries and the Casualty Actuarial Society, including—

“(I) an estimate of the expected value of future costs,

“(II) all costs associated with the transfer of risk, and

“(III) the costs associated with an individual risk transfer with respect to risk classes, as defined by the Administrator.”.

(c) INCREASE IN ANNUAL LIMITATION ON PREMIUM INCREASES.—Section 1308(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4015(e)) is amended—

(1) in the matter preceding paragraph (1)—

(A) by striking “or (3)”; and

(B) by inserting “any properties” after “under this title for”;

(2) in paragraph (1)—

(A) by striking “any properties within any single” and inserting “within any single”; and

(B) by striking “10 percent” and inserting “20 percent”; and

(3) by striking paragraph (2) and inserting the following:

“(2) described in subparagraphs (A) through (E) of section 1307(a)(2) shall be increased by 25 percent each year, until the average risk premium rate for such properties is equal to the av-

erage of the risk premium rates for properties described under paragraph (1).”.

(d) PREMIUM PAYMENT FLEXIBILITY FOR NEW AND EXISTING POLICYHOLDERS.—Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015) is amended by adding at the end the following:

“(g) FREQUENCY OF PREMIUM COLLECTION.—With respect to any chargeable premium rate prescribed under this section, the Administrator shall provide policyholders that are not required to escrow their premiums and fees for flood insurance as set forth under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) with the option of paying their premiums either annually or in more frequent installments.”.

(e) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section may be construed to affect the requirement under section 2(c) of the Act entitled “An Act to extend the National Flood Insurance Program, and for other purposes”, approved May 31, 2012 (Public Law 112-123), that the first increase in chargeable risk premium rates for residential properties which are not the primary residence of an individual take effect on July 1, 2012.

SEC. 100207. PREMIUM ADJUSTMENT.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by section 100205, is further amended by adding at the end the following:

“(h) PREMIUM ADJUSTMENT TO REFLECT CURRENT RISK OF FLOOD.—Notwithstanding subsection (f), upon the effective date of any revised or updated flood insurance rate map under this Act, the Flood Disaster Protection Act of 1973, or the Biggert-Waters Flood Insurance Reform Act of 2012, any property located in an area that is participating in the national flood insurance program shall have the risk premium rate charged for flood insurance on such property adjusted to accurately reflect the current risk of flood to such property, subject to any other provision of this Act. Any increase in the risk premium rate charged for flood insurance on any property that is covered by a flood insurance policy on the effective date of such an update that is a result of such updating shall be phased in over a 5-year period, at the rate of 20 percent for each year following such effective date. In the case of any area that was not previously designated as an area having special flood hazards and that, pursuant to any issuance, revision, updating, or other change in a flood insurance map, becomes designated as such an area, the chargeable risk premium rate for flood insurance under this title that is purchased on or after the date of enactment of this subsection with respect to any property that is located within such area shall be phased in over a 5-year period, at the rate of 20 percent for each year following the effective date of such issuance, revision, updating, or change.”.

SEC. 100208. ENFORCEMENT.

Section 102(f)(5) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(f)(5)) is amended—

(1) in the first sentence, by striking “\$350” and inserting “\$2,000”; and

(2) by striking the second sentence.

SEC. 100209. ESCROW OF FLOOD INSURANCE PAYMENTS.

(a) IN GENERAL.—Paragraph (1) of section 102(d) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(d)) is amended to read as follows:

“(1) REGULATED LENDING INSTITUTIONS.—

“(A) FEDERAL ENTITIES RESPONSIBLE FOR LENDING REGULATIONS.—Each Federal entity for lending regulation (after consultation and coordination with the Federal Financial Institutions Examination Council) shall, by regulation, direct that all premiums and fees for flood in-

surance under the National Flood Insurance Act of 1968, for improved real estate or a mobile home, shall be paid to the regulated lending institution or servicer for any loan secured by the improved real estate or mobile home, with the same frequency as payments on the loan are made, for the duration of the loan. Except as provided in subparagraph (C), upon receipt of any premiums or fees, the regulated lending institution or servicer shall deposit such premiums and fees in an escrow account on behalf of the borrower. Upon receipt of a notice from the Administrator or the provider of the flood insurance that insurance premiums are due, the premiums deposited in the escrow account shall be paid to the provider of the flood insurance.

“(B) LIMITATION.—Except as may be required under applicable State law, a Federal entity for lending regulation may not direct or require a regulated lending institution to deposit premiums or fees for flood insurance under the National Flood Insurance Act of 1968 in an escrow account on behalf of a borrower under subparagraph (A) or (B), if—

“(i) the regulated lending institution has total assets of less than \$1,000,000,000; and

“(ii) on or before the date of enactment of the Biggert-Waters Flood Insurance Reform Act of 2012, the regulated lending institution—

“(I) in the case of a loan secured by residential improved real estate or a mobile home, was not required under Federal or State law to deposit taxes, insurance premiums, fees, or any other charges in an escrow account for the entire term of the loan; and

“(II) did not have a policy of consistently and uniformly requiring the deposit of taxes, insurance premiums, fees, or any other charges in an escrow account for loans secured by residential improved real estate or a mobile home.”.

(b) APPLICABILITY.—The amendment made by subsection (a) shall apply to any mortgage outstanding or entered into on or after the expiration of the 2-year period beginning on the date of enactment of this Act.

SEC. 100210. MINIMUM DEDUCTIBLES FOR CLAIMS UNDER THE NATIONAL FLOOD INSURANCE PROGRAM.

Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019) is amended—

(1) by striking “The Director is” and inserting the following:

“(a) IN GENERAL.—The Administrator is”; and

(2) by adding at the end the following:

“(b) MINIMUM ANNUAL DEDUCTIBLE.—

“(1) PRE-FIRM PROPERTIES.—For any structure which is covered by flood insurance under this title, and on which construction or substantial improvement occurred on or before December 31, 1974, or before the effective date of an initial flood insurance rate map published by the Administrator under section 1360 for the area in which such structure is located, the minimum annual deductible for damage to such structure shall be—

“(A) \$1,500, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount equal to or less than \$100,000; and

“(B) \$2,000, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount greater than \$100,000.

“(2) POST-FIRM PROPERTIES.—For any structure which is covered by flood insurance under this title, and on which construction or substantial improvement occurred after December 31, 1974, or after the effective date of an initial flood insurance rate map published by the Administrator under section 1360 for the area in which such structure is located, the minimum annual deductible for damage to such structure shall be—

“(A) \$1,000, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount equal to or less than \$100,000; and

“(B) \$1,250, if the flood insurance coverage for such structure covers loss of, or physical damage to, such structure in an amount greater than \$100,000.”.

SEC. 100211. CONSIDERATIONS IN DETERMINING CHARGEABLE PREMIUM RATES.

Section 1308 of the National Flood Insurance Act of 1968 (42 U.S.C. 4015), as amended by this Act, is amended—

(1) in subsection (a), by striking “, after consultation with” and all that follows through “by regulation” and inserting “prescribe, after providing notice”;

(2) in subsection (b)—

(A) in paragraph (1), by striking the period at the end and inserting a semicolon;

(B) in paragraph (2), by striking the comma at the end and inserting a semicolon;

(C) in paragraph (3), by striking “, and” and inserting a semicolon;

(D) in paragraph (4), by striking the period at the end and inserting “; and”;

(E) by adding at the end the following:

“(5) adequate, on the basis of accepted actuarial principles, to cover the average historical loss year obligations incurred by the National Flood Insurance Fund.”; and

(3) by adding at the end the following:

“(i) **RULE OF CONSTRUCTION.**—For purposes of this section, the calculation of an ‘average historical loss year’—

“(1) includes catastrophic loss years; and

“(2) shall be computed in accordance with generally accepted actuarial principles.”.

SEC. 100212. RESERVE FUND.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by inserting after section 1310 (42 U.S.C. 4017) the following:

“SEC. 1310A. RESERVE FUND.

“(a) **ESTABLISHMENT OF RESERVE FUND.**—In carrying out the flood insurance program authorized by this chapter, the Administrator shall establish in the Treasury of the United States a National Flood Insurance Reserve Fund (in this section referred to as the ‘Reserve Fund’) which shall—

“(1) be an account separate from any other accounts or funds available to the Administrator; and

“(2) be available for meeting the expected future obligations of the flood insurance program, including—

“(A) the payment of claims;

“(B) claims adjustment expenses; and

“(C) the repayment of amounts outstanding under any note or other obligation issued by the Administrator under section 1309(a).

“(b) **RESERVE RATIO.**—Subject to the phase-in requirements under subsection (d), the Reserve Fund shall maintain a balance equal to—

“(1) 1 percent of the sum of the total potential loss exposure of all outstanding flood insurance policies in force in the prior fiscal year; or

“(2) such higher percentage as the Administrator determines to be appropriate, taking into consideration any circumstance that may raise a significant risk of substantial future losses to the Reserve Fund.

“(c) **MAINTENANCE OF RESERVE RATIO.**—

“(1) **IN GENERAL.**—The Administrator shall have the authority to establish, increase, or decrease the amount of aggregate annual insurance premiums to be collected for any fiscal year necessary—

“(A) to maintain the reserve ratio required under subsection (b); and

“(B) to achieve such reserve ratio, if the actual balance of such reserve is below the amount required under subsection (b).

“(2) **CONSIDERATIONS.**—In exercising the authority granted under paragraph (1), the Administrator shall consider—

“(A) the expected operating expenses of the Reserve Fund;

“(B) the insurance loss expenditures under the flood insurance program;

“(C) any investment income generated under the flood insurance program; and

“(D) any other factor that the Administrator determines appropriate.

“(3) **LIMITATIONS.**—

“(A) **RATES.**—In exercising the authority granted under paragraph (1), the Administrator shall be subject to all other provisions of this Act, including any provisions relating to chargeable premium rates or annual increases of such rates.

“(B) **USE OF ADDITIONAL ANNUAL INSURANCE PREMIUMS.**—Notwithstanding any other provision of law or any agreement entered into by the Administrator, the Administrator shall ensure that all amounts attributable to the establishment or increase of annual insurance premiums under paragraph (1) are transferred to the Administrator for deposit into the Reserve Fund, to be available for meeting the expected future obligations of the flood insurance program as described in subsection (a)(2).

“(d) **PHASE-IN REQUIREMENTS.**—The phase-in requirements under this subsection are as follows:

“(1) **IN GENERAL.**—Beginning in fiscal year 2013 and not ending until the fiscal year in which the ratio required under subsection (b) is achieved, in each such fiscal year the Administrator shall place in the Reserve Fund an amount equal to not less than 7.5 percent of the reserve ratio required under subsection (b).

“(2) **AMOUNT SATISFIED.**—As soon as the ratio required under subsection (b) is achieved, and except as provided in paragraph (3), the Administrator shall not be required to set aside any amounts for the Reserve Fund.

“(3) **EXCEPTION.**—If at any time after the ratio required under subsection (b) is achieved, the Reserve Fund falls below the required ratio under subsection (b), the Administrator shall place in the Reserve Fund for that fiscal year an amount equal to not less than 7.5 percent of the reserve ratio required under subsection (b).

“(e) **LIMITATION ON RESERVE RATIO.**—In any given fiscal year, if the Administrator determines that the reserve ratio required under subsection (b) cannot be achieved, the Administrator shall submit a report to Congress that—

“(1) describes and details the specific concerns of the Administrator regarding the consequences of the reserve ratio not being achieved;

“(2) demonstrates how such consequences would harm the long-term financial soundness of the flood insurance program; and

“(3) indicates the maximum attainable reserve ratio for that particular fiscal year.

“(f) **INVESTMENT.**—The Secretary of the Treasury shall invest such amounts of the Reserve Fund as the Secretary determines advisable in obligations issued or guaranteed by the United States.”.

SEC. 100213. REPAYMENT PLAN FOR BORROWING AUTHORITY.

(a) **REPAYMENT PLAN REQUIRED.**—Section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016) is amended by adding at the end the following:

“(c) Upon the exercise of the authority established under subsection (a), the Administrator shall transmit a schedule for repayment of such amounts to—

“(1) the Secretary of the Treasury;

“(2) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

“(3) the Committee on Financial Services of the House of Representatives.

“(d) In connection with any funds borrowed by the Administrator under the authority established in subsection (a), the Administrator, beginning 6 months after the date on which such funds are borrowed, and continuing every 6 months thereafter until such borrowed funds are fully repaid, shall submit a report on the progress of such repayment to—

“(1) the Secretary of the Treasury;

“(2) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

“(3) the Committee on Financial Services of the House of Representatives.”.

(b) **REPORT.**—Not later than the expiration of the 6-month period beginning on the date of enactment of this Act, the Administrator shall submit a report to the Congress setting forth options for repaying within 10 years all amounts, including any amounts previously borrowed but not yet repaid, owed pursuant to clause (2) of subsection (a) of section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)(2)).

SEC. 100214. PAYMENT OF CONDOMINIUM CLAIMS.

Section 1312 of the National Flood Insurance Act of 1968 (42 U.S.C. 4019), as amended by section 100210, is amended by adding at the end the following:

“(c) **PAYMENT OF CLAIMS TO CONDOMINIUM OWNERS.**—The Administrator may not deny payment for any damage to or loss of property which is covered by flood insurance to condominium owners who purchased such flood insurance separate and apart from the flood insurance purchased by the condominium association in which such owner is a member, based solely, or in any part, on the flood insurance coverage of the condominium association or others on the overall property owned by the condominium association.”.

SEC. 100215. TECHNICAL MAPPING ADVISORY COUNCIL.

(a) **ESTABLISHMENT.**—There is established a council to be known as the Technical Mapping Advisory Council (in this section referred to as the ‘Council’).

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The Council shall consist of—

(A) the Administrator (or the designee thereof);

(B) the Secretary of the Interior (or the designee thereof);

(C) the Secretary of Agriculture (or the designee thereof);

(D) the Under Secretary of Commerce for Oceans and Atmosphere (or the designee thereof); and

(E) 16 additional members appointed by the Administrator or the designee of the Administrator, who shall be—

(i) a member of a recognized professional surveying association or organization;

(ii) a member of a recognized professional mapping association or organization;

(iii) a member of a recognized professional engineering association or organization;

(iv) a member of a recognized professional association or organization representing flood hazard determination firms;

(v) a representative of the United States Geological Survey;

(vi) a representative of a recognized professional association or organization representing State geographic information;

(vii) a representative of State national flood insurance coordination offices;

(viii) a representative of the Corps of Engineers;

(ix) a member of a recognized regional flood and storm water management organization;

(x) 2 representatives of different State government agencies that have entered into cooperating technical partnerships with the Administrator and have demonstrated the capability to produce flood insurance rate maps;

(xi) 2 representatives of different local government agencies that have entered into cooperating technical partnerships with the Administrator and have demonstrated the capability to produce flood insurance maps;

(xii) a member of a recognized floodplain management association or organization;

(xiii) a member of a recognized risk management association or organization; and

(xiv) a State mitigation officer.

(2) **QUALIFICATIONS.**—Members of the Council shall be appointed based on their demonstrated knowledge and competence regarding surveying, cartography, remote sensing, geographic information systems, or the technical aspects of preparing and using flood insurance rate maps. In appointing members under paragraph (1)(E), the Administrator shall, to the maximum extent practicable, ensure that the membership of the Council has a balance of Federal, State, local, tribal, and private members, and includes geographic diversity, including representation from areas with coastline on the Gulf of Mexico and other States containing areas identified by the Administrator as at high risk for flooding or as areas having special flood hazards.

(c) **DUTIES.**—The Council shall—

(1) recommend to the Administrator how to improve in a cost-effective manner the—

(A) accuracy, general quality, ease of use, and distribution and dissemination of flood insurance rate maps and risk data; and

(B) performance metrics and milestones required to effectively and efficiently map flood risk areas in the United States;

(2) recommend to the Administrator mapping standards and guidelines for—

(A) flood insurance rate maps; and

(B) data accuracy, data quality, data currency, and data eligibility;

(3) recommend to the Administrator how to maintain, on an ongoing basis, flood insurance rate maps and flood risk identification;

(4) recommend procedures for delegating mapping activities to State and local mapping partners;

(5) recommend to the Administrator and other Federal agencies participating in the Council—

(A) methods for improving interagency and intergovernmental coordination on flood mapping and flood risk determination; and

(B) a funding strategy to leverage and coordinate budgets and expenditures across Federal agencies; and

(6) submit an annual report to the Administrator that contains—

(A) a description of the activities of the Council;

(B) an evaluation of the status and performance of flood insurance rate maps and mapping activities to revise and update flood insurance rate maps, as required under section 100216; and

(C) a summary of recommendations made by the Council to the Administrator.

(d) **FUTURE CONDITIONS RISK ASSESSMENT AND MODELING REPORT.**—

(1) **IN GENERAL.**—The Council shall consult with scientists and technical experts, other Federal agencies, States, and local communities to—

(A) develop recommendations on how to—

(i) ensure that flood insurance rate maps incorporate the best available climate science to assess flood risks; and

(ii) ensure that the Federal Emergency Management Agency uses the best available methodology to consider the impact of—

(I) the rise in the sea level; and

(II) future development on flood risk; and

(B) not later than 1 year after the date of enactment of this Act, prepare written recommendations in a future conditions risk assessment and modeling report and to submit such recommendations to the Administrator.

(2) **RESPONSIBILITY OF THE ADMINISTRATOR.**—The Administrator, as part of the ongoing pro-

gram to review and update National Flood Insurance Program rate maps under section 100216, shall incorporate any future risk assessment submitted under paragraph (1)(B) in any such revision or update.

(e) **CHAIRPERSON.**—The members of the Council shall elect 1 member to serve as the chairperson of the Council (in this section referred to as the “Chairperson”).

(f) **COORDINATION.**—To ensure that the Council’s recommendations are consistent, to the maximum extent practicable, with national digital spatial data collection and management standards, the Chairperson shall consult with the Chairperson of the Federal Geographic Data Committee (established pursuant to Office of Management and Budget Circular A-16).

(g) **COMPENSATION.**—Members of the Council shall receive no additional compensation by reason of their service on the Council.

(h) **MEETINGS AND ACTIONS.**—

(1) **IN GENERAL.**—The Council shall meet not less frequently than twice each year at the request of the Chairperson or a majority of its members, and may take action by a vote of the majority of the members.

(2) **INITIAL MEETING.**—The Administrator, or a person designated by the Administrator, shall request and coordinate the initial meeting of the Council.

(i) **OFFICERS.**—The Chairperson may appoint officers to assist in carrying out the duties of the Council under subsection (c).

(j) **STAFF.**—

(1) **STAFF OF FEMA.**—Upon the request of the Chairperson, the Administrator may detail, on a nonreimbursable basis, personnel of the Federal Emergency Management Agency to assist the Council in carrying out its duties.

(2) **STAFF OF OTHER FEDERAL AGENCIES.**—Upon request of the Chairperson, any other Federal agency that is a member of the Council may detail, on a nonreimbursable basis, personnel to assist the Council in carrying out its duties.

(k) **POWERS.**—In carrying out this section, the Council may hold hearings, receive evidence and assistance, provide information, and conduct research, as it considers appropriate.

(l) **REPORT TO CONGRESS.**—The Administrator, on an annual basis, shall report to the Committee on Banking, Housing, and Urban Affairs of the Senate, the Committee on Financial Services of the House of Representatives, and the Office of Management and Budget on the—

(1) recommendations made by the Council;

(2) actions taken by the Federal Emergency Management Agency to address such recommendations to improve flood insurance rate maps and flood risk data; and

(3) any recommendations made by the Council that have been deferred or not acted upon, together with an explanatory statement.

SEC. 100216. NATIONAL FLOOD MAPPING PROGRAM.

(a) **REVIEWING, UPDATING, AND MAINTAINING MAPS.**—The Administrator, in coordination with the Technical Mapping Advisory Council established under section 100215, shall establish an ongoing program under which the Administrator shall review, update, and maintain National Flood Insurance Program rate maps in accordance with this section.

(b) **MAPPING.**—

(1) **IN GENERAL.**—In carrying out the program established under subsection (a), the Administrator shall—

(A) identify, review, update, maintain, and publish National Flood Insurance Program rate maps with respect to—

(i) all populated areas and areas of possible population growth located within the 100-year floodplain;

(ii) all populated areas and areas of possible population growth located within the 500-year floodplain;

(iii) areas of residual risk, including areas that are protected by levees, dams, and other flood control structures;

(iv) areas that could be inundated as a result of the failure of a levee, dam, or other flood control structure; and

(v) the level of protection provided by flood control structures;

(B) establish or update flood-risk zone data in all such areas, and make estimates with respect to the rates of probable flood caused loss for the various flood risk zones for each such area; and

(C) use, in identifying, reviewing, updating, maintaining, or publishing any National Flood Insurance Program rate map required under this section or under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.), the most accurate topography and elevation data available.

(2) **MAPPING ELEMENTS.**—Each map updated under this section shall—

(A) assess the accuracy of current ground elevation data used for hydrologic and hydraulic modeling of flooding sources and mapping of the flood hazard and wherever necessary acquire new ground elevation data utilizing the most up-to-date geospatial technologies in accordance with guidelines and specifications of the Federal Emergency Management Agency; and

(B) develop National Flood Insurance Program flood data on a watershed basis—

(i) to provide the most technically effective and efficient studies and hydrologic and hydraulic modeling; and

(ii) to eliminate, to the maximum extent possible, discrepancies in base flood elevations between adjacent political subdivisions.

(3) **OTHER INCLUSIONS.**—In updating maps under this section, the Administrator shall include—

(A) any relevant information on coastal inundation from—

(i) an applicable inundation map of the Corps of Engineers; and

(ii) data of the National Oceanic and Atmospheric Administration relating to storm surge modeling;

(B) any relevant information of the United States Geological Survey on stream flows, watershed characteristics, and topography that is useful in the identification of flood hazard areas, as determined by the Administrator;

(C) any relevant information on land subsidence, coastal erosion areas, changing lake levels, and other flood-related hazards;

(D) any relevant information or data of the National Oceanic and Atmospheric Administration and the United States Geological Survey relating to the best available science regarding future changes in sea levels, precipitation, and intensity of hurricanes; and

(E) any other relevant information as may be recommended by the Technical Mapping Advisory Committee.

(c) **STANDARDS.**—In updating and maintaining maps under this section, the Administrator shall—

(1) establish standards to—

(A) ensure that maps are adequate for—

(i) flood risk determinations; and

(ii) use by State and local governments in managing development to reduce the risk of flooding; and

(B) facilitate identification and use of consistent methods of data collection and analysis by the Administrator, in conjunction with State and local governments, in developing maps for communities with similar flood risks, as determined by the Administrator; and

(2) publish maps in a format that is—

(A) digital geospatial data compliant;

(B) compliant with the open publishing and data exchange standards established by the Open Geospatial Consortium; and

(C) aligned with official data defined by the National Geodetic Survey.

(d) **COMMUNICATION AND OUTREACH.**—

(1) **IN GENERAL.**—The Administrator shall—

(A) work to enhance communication and outreach to States, local communities, and property owners about the effects—

(i) of any potential changes to National Flood Insurance Program rate maps that may result from the mapping program required under this section; and

(ii) that any such changes may have on flood insurance purchase requirements;

(B) engage with local communities to enhance communication and outreach to the residents of such communities, including tenants (with regard to contents insurance), on the matters described under subparagraph (A); and

(C) upon the issuance of any proposed map and any notice of an opportunity to make an appeal relating to the proposed map, notify the Senators for each State affected and each Member of the House of Representatives for each congressional district affected by the proposed map of any action taken by the Administrator with respect to the proposed map or an appeal relating to the proposed map.

(2) **REQUIRED ACTIVITIES.**—The communication and outreach activities required under paragraph (1) shall include—

(A) notifying property owners when their properties become included in, or when they are excluded from, an area covered by the mandatory flood insurance purchase requirement under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a);

(B) educating property owners regarding the flood risk and reduction of this risk in their community, including the continued flood risks to areas that are no longer subject to the flood insurance mandatory purchase requirement;

(C) educating property owners regarding the benefits and costs of maintaining or acquiring flood insurance, including, where applicable, lower-cost preferred risk policies under the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) for such properties and the contents of such properties;

(D) educating property owners about flood map revisions and the process available to such owners to appeal proposed changes in flood elevations through their community, including by notifying local radio and television stations; and

(E) encouraging property owners to maintain or acquire flood insurance coverage.

(e) **COMMUNITY REMAPPING REQUEST.**—Upon the adoption by the Administrator of any recommendation by the Technical Mapping Advisory Council for reviewing, updating, or maintaining National Flood Insurance Program rate maps in accordance with this section, a community that believes that its flood insurance rates in effect prior to adoption would be affected by the adoption of such recommendation may submit a request for an update of its rate maps, which may be considered at the Administrator's sole discretion. The Administrator shall establish a protocol for the evaluation of such community map update requests.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Administrator to carry out this section \$400,000,000 for each of fiscal years 2013 through 2017.

SEC. 100217. SCOPE OF APPEALS.

Section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) is amended—

(1) in subsection (a)—

(A) by inserting “and designating areas having special flood hazards” after “flood elevations”; and

(B) by striking “such determinations” and inserting “such determinations and designations”; and

(2) in subsection (b)—

(A) in the first sentence, by inserting “and designations of areas having special flood hazards” after “flood elevation determinations”; and

(B) by amending the third sentence to read as follows: “The sole grounds for appeal shall be the possession of knowledge or information indicating that (1) the elevations being proposed by the Administrator with respect to an identified area having special flood hazards are scientifically or technically incorrect, or (2) the designation of an identified special flood hazard area is scientifically or technically incorrect.”.

SEC. 100218. SCIENTIFIC RESOLUTION PANEL.

(a) **ESTABLISHMENT.**—Chapter III of the National Flood Insurance Act of 1968 (42 U.S.C. 4101 et seq.) is amended by inserting after section 1363 (42 U.S.C. 4104) the following:

“SEC. 1363A. SCIENTIFIC RESOLUTION PANEL.

“(a) **AVAILABILITY.**—

“(1) **IN GENERAL.**—Pursuant to the authority provided under section 1363(e), the Administrator shall make available an independent review panel, to be known as the Scientific Resolution Panel, to any community—

“(A) that has—

“(i) filed a timely map appeal in accordance with section 1363;

“(ii) completed 60 days of consultation with the Federal Emergency Management Agency on the appeal; and

“(iii) not allowed more than 120 days, or such longer period as may be provided by the Administrator by waiver, to pass since the end of the appeal period; or

“(B) that has received an unsatisfactory ruling under the map revision process established pursuant to section 1360(f).

“(2) **APPEALS BY OWNERS AND LESSEES.**—If a community and an owner or lessee of real property within the community appeal a proposed determination of a flood elevation under section 1363(b), upon the request of the community—

“(A) the owner or lessee shall submit scientific and technical data relating to the appeals to the Scientific Resolution Panel; and

“(B) the Scientific Resolution Panel shall make a determination with respect to the appeals in accordance with subsection (c).

“(3) **DEFINITION.**—For purposes of paragraph (1)(B), an ‘unsatisfactory ruling’ means that a community—

“(A) received a revised Flood Insurance Rate Map from the Federal Emergency Management Agency, via a Letter of Final Determination, after September 30, 2008, and prior to the date of enactment of this section;

“(B) has subsequently applied for a Letter of Map Revision or Physical Map Revision with the Federal Emergency Management Agency; and

“(C) has received an unfavorable ruling on their request for a map revision.

“(b) **MEMBERSHIP.**—The Scientific Resolution Panel made available under subsection (a) shall consist of 5 members with expertise that relates to the creation and study of flood hazard maps and flood insurance. The Scientific Resolution Panel may include representatives from Federal agencies not involved in the mapping study in question and from other impartial experts. Employees of the Federal Emergency Management Agency may not serve on the Scientific Resolution Panel.

“(c) **DETERMINATION.**—

“(1) **IN GENERAL.**—Following deliberations, and not later than 90 days after its formation, the Scientific Resolution Panel shall issue a determination of resolution of the dispute. Such determination shall set forth recommendations for the base flood elevation determination or the designation of an area having special flood hazards that shall be reflected in the Flood Insurance Rate Maps.

“(2) **BASIS.**—The determination of the Scientific Resolution Panel shall be based on—

“(A) data previously provided to the Administrator by the community, and, in the case of a dispute submitted under subsection (a)(2), an owner or lessee of real property in the community; and

“(B) data provided by the Administrator.

“(3) **NO ALTERNATIVE DETERMINATIONS PERMISSIBLE.**—The Scientific Resolution Panel—

“(A) shall provide a determination of resolution of a dispute that—

“(i) is either in favor of the Administrator or in favor of the community on each distinct element of the dispute; or

“(ii) in the case of a dispute submitted under subsection (a)(2), is in favor of the Administrator, in favor of the community, or in favor of the owner or lessee of real property in the community on each distinct element of the dispute; and

“(B) may not offer as a resolution any other alternative determination.

“(4) **EFFECT OF DETERMINATION.**—

“(A) **BINDING.**—The recommendations of the Scientific Resolution Panel shall be binding on all appellants and not subject to further judicial review unless the Administrator determines that implementing the determination of the panel would—

“(i) pose a significant threat due to failure to identify a substantial risk of special flood hazards; or

“(ii) violate applicable law.

“(B) **WRITTEN JUSTIFICATION NOT TO ENFORCE.**—If the Administrator elects not to implement the determination of the Scientific Resolution Panel pursuant to subparagraph (A), then not later than 60 days after the issuance of the determination, the Administrator shall issue a written justification explaining such election.

“(C) **APPEAL OF DETERMINATION NOT TO ENFORCE.**—If the Administrator elects not to implement the determination of the Scientific Resolution Panel pursuant to subparagraph (A), the community may appeal the determination of the Administrator as provided for under section 1363(g).

“(d) **MAPS USED FOR INSURANCE AND MANDATORY PURCHASE REQUIREMENTS.**—With respect to any community that has a dispute that is being considered by the Scientific Resolution Panel formed pursuant to this subsection, the Federal Emergency Management Agency shall ensure that for each such community that—

“(1) the Flood Insurance Rate Map described in the most recently issued Letter of Final Determination shall be in force and effect with respect to such community; and

“(2) flood insurance shall continue to be made available to the property owners and residents of the participating community.”.

(b) **CONFORMING AMENDMENTS.**—

(1) **ADMINISTRATIVE REVIEW.**—Section 1363(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(e)) is amended, in the second sentence, by striking “an independent scientific body or appropriate Federal agency for advice” and inserting “the Scientific Resolution Panel provided for in section 1363A”.

(2) **JUDICIAL REVIEW.**—The first sentence of section 1363(g) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104(g)) is amended by striking “Any appellant” and inserting “Except as provided in section 1363A, any appellant”.

SEC. 100219. REMOVAL OF LIMITATION ON STATE CONTRIBUTIONS FOR UPDATING FLOOD MAPS.

Section 1360(f)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4101(f)(2)) is amended by striking “, but which may not exceed 50 percent of the cost of carrying out the requested revision or update”.

SEC. 100220. COORDINATION.

(a) **INTERAGENCY BUDGET CROSSCUT AND COORDINATION REPORT.**—

(1) *IN GENERAL.*—The Secretary of Homeland Security, the Administrator, the Director of the Office of Management and Budget, and the heads of each Federal department or agency carrying out activities under sections 100215 and 100216 shall work together to ensure that flood risk determination data and geospatial data are shared among Federal agencies in order to coordinate the efforts of the Nation to reduce its vulnerability to flooding hazards.

(2) *REPORT.*—Not later than 30 days after the submission of the budget of the United States Government by the President to Congress, the Director of the Office of Management and Budget, in coordination with the Federal Emergency Management Agency, the United States Geological Survey, the National Oceanic and Atmospheric Administration, the Corps of Engineers, and other Federal agencies, as appropriate, shall submit to the appropriate authorizing and appropriating committees of the Senate and the House of Representatives an interagency budget crosscut and coordination report, certified by the Secretary or head of each such agency, that—

(A) contains an interagency budget crosscut report that displays relevant sections of the budget proposed for each of the Federal agencies working on flood risk determination data and digital elevation models, including any planned interagency or intra-agency transfers; and

(B) describes how the efforts aligned with such sections complement one another.

(b) *DUTIES OF THE ADMINISTRATOR.*—In carrying out sections 100215 and 100216, the Administrator shall—

(1) participate, pursuant to section 216 of the E-Government Act of 2002 (44 U.S.C. 3501 note), in the establishment of such standards and common protocols as are necessary to assure the interoperability of geospatial data for all users of such information;

(2) coordinate with, seek assistance and cooperation of, and provide a liaison to the Federal Geographic Data Committee pursuant to the Office of Management and Budget Circular A-16 and Executive Order 12906 (43 U.S.C. 1457 note; relating to the National Spatial Data Infrastructure) for the implementation of and compliance with such standards;

(3) integrate with, leverage, and coordinate funding of, to the maximum extent practicable, the current flood mapping activities of each unit of State and local government;

(4) integrate with, leverage, and coordinate, to the maximum extent practicable, the current geospatial activities of other Federal agencies and units of State and local government; and

(5) develop a funding strategy to leverage and coordinate budgets and expenditures, and to maintain or establish joint funding and other agreement mechanisms with other Federal agencies and units of State and local government to share in the collection and utilization of geospatial data among all governmental users.

SEC. 100221. INTERAGENCY COORDINATION STUDY.

(a) *IN GENERAL.*—The Administrator shall enter into a contract with the National Academy of Public Administration to conduct a study on how the Federal Emergency Management Agency—

(1) should improve interagency and intergovernmental coordination on flood mapping, including a funding strategy to leverage and coordinate budgets and expenditures; and

(2) can establish joint funding mechanisms with other Federal agencies and units of State and local government to share the collection and utilization of data among all governmental users.

(b) *TIMING.*—A contract entered into under subsection (a) shall require that, not later than

180 days after the date of enactment of this subtitle, the National Academy of Public Administration shall report the findings of the study required under subsection (a) to—

(1) the Committee on Banking, Housing, and Urban Affairs of the Senate;

(2) the Committee on Financial Services of the House of Representatives;

(3) the Committee on Appropriations of the Senate; and

(4) the Committee on Appropriations of the House of Representatives.

SEC. 100222. NOTICE OF FLOOD INSURANCE AVAILABILITY UNDER RESPA.

Section 5(b) of the Real Estate Settlement Procedures Act of 1974 (12 U.S.C. 2604(b)), as amended by section 1450 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Public Law 111-203; 124 Stat. 2174), is amended by adding at the end the following:

“(14) An explanation of flood insurance and the availability of flood insurance under the National Flood Insurance Program or from a private insurance company, whether or not the real estate is located in an area having special flood hazards.”.

SEC. 100223. PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

Chapter I of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by inserting after section 1313 (42 U.S.C. 4020) the following:

“SEC. 1314. PARTICIPATION IN STATE DISASTER CLAIMS MEDIATION PROGRAMS.

“(a) *REQUIREMENT TO PARTICIPATE.*—In the case of the occurrence of a major disaster, as defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122), that may have resulted in flood damage covered under the national flood insurance program established under this title and other personal lines residential property insurance coverage offered by a State regulated insurer, upon a request made by the insurance commissioner of a State (or such other official responsible for regulating the business of insurance in the State) for the participation of representatives of the Administrator in a program sponsored by such State for nonbinding mediation of insurance claims resulting from a major disaster, the Administrator shall cause representatives of the national flood insurance program to participate in such a State program where claims under the national flood insurance program are involved to expedite settlement of flood damage claims resulting from such disaster.

“(b) *EXTENT OF PARTICIPATION.*—In satisfying the requirements of subsection (a), the Administrator shall require that each representative of the Administrator—

“(1) be certified for purposes of the national flood insurance program to settle claims against such program resulting from such disaster in amounts up to the limits of policies under such program;

“(2) attend State-sponsored mediation meetings regarding flood insurance claims resulting from such disaster at such times and places as may be arranged by the State;

“(3) participate in good-faith negotiations toward the settlement of such claims with policyholders of coverage made available under the national flood insurance program; and

“(4) finalize the settlement of such claims on behalf of the national flood insurance program with such policyholders.

“(c) *COORDINATION.*—Representatives of the Administrator shall at all times coordinate their activities with insurance officials of the State and representatives of insurers for the purposes of consolidating and expediting settlement of claims under the national flood insurance program resulting from such disaster.

“(d) *QUALIFICATIONS OF MEDIATORS.*—Each State mediator participating in State-sponsored mediation under this section shall be—

“(1)(A) a member in good standing of the State bar in the State in which the mediation is to occur with at least 2 years of practical experience; and

“(B) an active member of such bar for at least 1 year prior to the year in which such mediator's participation is sought; or

“(2) a retired trial judge from any United States jurisdiction who was a member in good standing of the bar in the State in which the judge presided for at least 5 years prior to the year in which such mediator's participation is sought.

“(e) *MEDIATION PROCEEDINGS AND DOCUMENTS PRIVILEGED.*—As a condition of participation, all statements made and documents produced pursuant to State-sponsored mediation involving representatives of the Administrator shall be deemed privileged and confidential settlement negotiations made in anticipation of litigation.

“(f) *LIABILITY, RIGHTS, OR OBLIGATIONS NOT AFFECTED.*—Participation in State-sponsored mediation, as described in this section does not—

“(1) affect or expand the liability of any party in contract or in tort; or

“(2) affect the rights or obligations of the parties, as established—

“(A) in any regulation issued by the Administrator, including any regulation relating to a standard flood insurance policy;

“(B) under this title; and

“(C) under any other provision of Federal law.

“(g) *EXCLUSIVE FEDERAL JURISDICTION.*—Participation in State-sponsored mediation shall not alter, change, or modify the original exclusive jurisdiction of United States courts, as set forth in this title.

“(h) *COST LIMITATION.*—Nothing in this section shall be construed to require the Administrator or a representative of the Administrator to pay additional mediation fees relating to flood insurance claims associated with a State-sponsored mediation program in which such representative of the Administrator participates.

“(i) *EXCEPTION.*—In the case of the occurrence of a major disaster that results in flood damage claims under the national flood insurance program and that does not result in any loss covered by a personal lines residential property insurance policy—

“(1) this section shall not apply; and

“(2) the provisions of the standard flood insurance policy under the national flood insurance program and the appeals process established under section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note) and the regulations issued pursuant to such section shall apply exclusively.

“(j) *REPRESENTATIVES OF THE ADMINISTRATOR.*—For purposes of this section, the term ‘representatives of the Administrator’ means representatives of the national flood insurance program who participate in the appeals process established under section 205 of the Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (42 U.S.C. 4011 note).”.

SEC. 100224. OVERSIGHT AND EXPENSE REIMBURSEMENTS OF INSURANCE COMPANIES.

(a) *SUBMISSION OF BIENNIAL REPORTS.*—

(1) *TO THE ADMINISTRATOR.*—Not later than 20 days after the date of enactment of this Act, each property and casualty insurance company participating in the Write Your Own program shall submit to the Administrator any biennial report required by the Federal Emergency Management Agency to be prepared in the prior 5 years by such company.

(2) *TO GAO.*—Not later than 10 days after the submission of the biennial reports under paragraph (1), the Administrator shall submit all such reports to the Comptroller General of the United States.

(3) *NOTICE TO CONGRESS OF FAILURE TO COMPLY.*—The Administrator shall notify and report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on any property and casualty insurance company participating in the Write Your Own program that failed to submit its biennial reports as required under paragraph (1).

(4) *FAILURE TO COMPLY.*—A property and casualty insurance company participating in the Write Your Own program which fails to comply with the reporting requirement under this subsection or the requirement under section 62.23(j)(1) of title 44, Code of Federal Regulations (relating to biennial audit of the flood insurance financial statements) shall be subject to a civil penalty in an amount of not more than \$1,000 per day for each day that the company remains in noncompliance with either such requirement.

(b) *METHODOLOGY TO DETERMINE REIMBURSED EXPENSES.*—Not later than 180 days after the date of enactment of this Act, the Administrator shall develop a methodology for determining the appropriate amounts that property and casualty insurance companies participating in the Write Your Own program should be reimbursed for selling, writing, and servicing flood insurance policies and adjusting flood insurance claims on behalf of the National Flood Insurance Program. The methodology shall be developed using actual expense data for the flood insurance line and can be derived from—

(1) flood insurance expense data produced by the property and casualty insurance companies;

(2) flood insurance expense data collected by the National Association of Insurance Commissioners; or

(3) a combination of the methodologies described in paragraphs (1) and (2).

(c) *SUBMISSION OF EXPENSE REPORTS.*—To develop the methodology established under subsection (b), the Administrator may require each property and casualty insurance company participating in the Write Your Own program to submit a report to the Administrator, in a format determined by the Administrator and within 60 days of the request, that details the expense levels of each such company for selling, writing, and servicing standard flood insurance policies and adjusting and servicing claims.

(d) *FEMA RULEMAKING ON REIMBURSEMENT OF EXPENSES UNDER THE WRITE YOUR OWN PROGRAM.*—Not later than 12 months after the date of enactment of this Act, the Administrator shall issue a rule to formulate revised expense reimbursements to property and casualty insurance companies participating in the Write Your Own program for their expenses (including their operating and administrative expenses for adjustment of claims) in selling, writing, and servicing standard flood insurance policies, including how such companies shall be reimbursed in both catastrophic and noncatastrophic years. Such reimbursements shall be structured to ensure reimbursements track the actual expenses, including standard business costs and operating expenses, of such companies as closely as practicable possible.

(e) *REPORT OF THE ADMINISTRATOR.*—Not later than 60 days after the effective date of the final rule issued pursuant to subsection (d), the Administrator shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing—

(1) the specific rationale and purposes of such rule;

(2) the reasons for the adoption of the policies contained in such rule; and

(3) the degree to which such rule accurately represents the true operating costs and expenses of property and casualty insurance companies participating in the Write Your Own program.

(f) *GAO STUDY AND REPORT ON EXPENSES OF WRITE YOUR OWN PROGRAM.*—

(1) *STUDY.*—Not later than 180 days after the effective date of the final rule issued pursuant to subsection (d), the Comptroller General of the United States shall—

(A) conduct a study on the efficacy, adequacy, and sufficiency of the final rules issued pursuant to subsection (d); and

(B) report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the findings of the study conducted under subparagraph (A).

(2) *GAO AUTHORITY.*—In conducting the study and report required under paragraph (1), the Comptroller General—

(A) may use any previous findings, studies, or reports that the Comptroller General previously completed on the Write Your Own program;

(B) shall determine if—

(i) the final rule issued pursuant to subsection (d) allows the Federal Emergency Management Agency to access adequate information regarding the actual expenses of property and casualty insurance companies participating in the Write Your Own program; and

(ii) the actual reimbursements paid out under the final rule issued pursuant to subsection (d) accurately reflect the expenses reported by property and casualty insurance companies participating in the Write Your Own program, including the standard business costs and operating expenses of such companies; and

(C) shall analyze the effect of the final rule issued pursuant to subsection (d) on the level of participation of property and casualty insurers in the Write Your Own program.

SEC. 100225. MITIGATION.

(a) *MITIGATION ASSISTANCE GRANTS.*—Section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) is amended—

(1) by striking subsections (b), (d), (f), (g), (h), (k), and (m);

(2) by redesignating subsections (c), (e), (i), and (j) as subsections (b), (c), (e), and (f), respectively;

(3) in subsection (a), by striking the last sentence and inserting the following: “Such financial assistance shall be made available—

“(1) to States and communities in the form of grants under this section for carrying out mitigation activities;

“(2) to States and communities in the form of grants under this section for carrying out mitigation activities that reduce flood damage to severe repetitive loss structures; and

“(3) to property owners in the form of direct grants under this section for carrying out mitigation activities that reduce flood damage to individual structures for which 2 or more claim payments for losses have been made under flood insurance coverage under this title if the Administrator, after consultation with the State and community, determines that neither the State nor community in which such a structure is located has the capacity to manage such grants.”;

(4) in subsection (b), as so redesignated, in the first sentence—

(A) by striking “and provides protection against” and inserting “provides for reduction of”; and

(B) by inserting before the period at the end the following: “, and may be included in a multi-hazard mitigation plan”;

(5) in subsection (c), as so redesignated—

(A) in paragraph (1), by striking “(1) USE OF AMOUNTS.—” and all that follows through the

end of the first sentence and inserting the following:

“(1) *REQUIREMENT OF CONSISTENCY WITH APPROVED MITIGATION PLAN.*—Amounts provided under this section may be used only for mitigation activities that are consistent with mitigation plans that are approved by the Administrator and identified under paragraph (4).”;

(B) by striking paragraphs (2), (3), and (4) and inserting the following new paragraphs:

“(2) *REQUIREMENTS OF TECHNICAL FEASIBILITY, COST EFFECTIVENESS, AND INTEREST OF NATIONAL FLOOD INSURANCE FUND.*—

“(A) *IN GENERAL.*—The Administrator may approve only mitigation activities that the Administrator determines—

“(i) are technically feasible and cost-effective; or

“(ii) will eliminate future payments from the National Flood Insurance Fund for severe repetitive loss structures through an acquisition or relocation activity.

“(B) *CONSIDERATIONS.*—In making a determination under subparagraph (A), the Administrator shall take into consideration recognized ancillary benefits.”;

(C) by redesignating paragraph (5) as paragraph (3);

(D) in paragraph (3), as so redesignated—

(i) in the matter preceding subparagraph (A), by striking “The Director” and all that follows through “Such activities may” and inserting “Eligible activities under a mitigation plan may”;

(ii) by striking subparagraphs (E) and (H);

(iii) by redesignating subparagraphs (D), (F), and (G) as subparagraphs (E), (G), and (H), respectively;

(iv) by inserting after subparagraph (C) the following new subparagraph:

“(D) elevation, relocation, or floodproofing of utilities (including equipment that serves structures);”;

(v) by inserting after subparagraph (E), as so redesignated, the following new subparagraph:

“(F) the development or update of mitigation plans by a State or community which meet the planning criteria established by the Administrator, except that the amount from grants under this section that may be used under this

subparagraph may not exceed \$50,000 for any mitigation plan of a State or \$25,000 for any mitigation plan of a community;”;

(vi) in subparagraph (H); as so redesignated, by striking “and” at the end; and

(vii) by adding at the end the following new subparagraphs:

“(I) other mitigation activities not described in subparagraphs (A) through (G) or the regulations issued under subparagraph (H), that are described in the mitigation plan of a State or community; and

“(J) without regard to the requirements under paragraphs (1) and (2) of subsection (d), and if the State applied for and was awarded at least \$1,000,000 in grants available under this section in the prior fiscal year, technical assistance to communities to identify eligible activities, to develop grant applications, and to implement grants awarded under this section, not to exceed \$50,000 to any 1 State in any fiscal year.”;

(E) by striking paragraph (6) and inserting the following:

“(4) *ELIGIBILITY OF DEMOLITION AND REBUILDING OF PROPERTIES.*—The Administrator shall consider as an eligible activity the demolition and rebuilding of properties to at least base flood elevation or greater, if required by the Administrator or if required by any State regulation or local ordinance, and in accordance with criteria established by the Administrator.”;

(6) by inserting after subsection (c), as so redesignated, the following new subsection:

“(d) *MATCHING REQUIREMENT.*—The Administrator may provide grants for eligible mitigation activities as follows:

“(1) SEVERE REPETITIVE LOSS STRUCTURES.—In the case of mitigation activities to severe repetitive loss structures, in an amount up to—

“(A) 100 percent of all eligible costs, if the activities are approved under subsection (c)(2)(A)(i); or

“(B) the expected savings to the National Flood Insurance Fund from expected avoided damages through acquisition or relocation activities, if the activities are approved under subsection (c)(2)(A)(ii).

“(2) REPETITIVE LOSS STRUCTURES.—In the case of mitigation activities to repetitive loss structures, in an amount up to 90 percent of all eligible costs.

“(3) OTHER MITIGATION ACTIVITIES.—In the case of all other mitigation activities, in an amount up to 75 percent of all eligible costs.”;

(7) in subsection (e)(2), as so redesignated—

(A) by striking “certified under subsection (g)” and inserting “required under subsection (d)”;

(B) by striking “3 times the amount” and inserting “the amount”;

(8) in subsection (f), as so redesignated, by striking “Riegle Community Development and Regulatory Improvement Act of 1994” and inserting “Biggert-Waters Flood Insurance Reform Act of 2012”; and

(9) by adding at the end the following new subsections:

“(g) FAILURE TO MAKE GRANT AWARD WITHIN 5 YEARS.—For any application for a grant under this section for which the Administrator fails to make a grant award within 5 years of the date of the application, the grant application shall be considered to be denied and any funding amounts allocated for such grant applications shall remain in the National Flood Mitigation Fund under section 1367 of this title and shall be made available for grants under this section.

“(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

“(1) COMMUNITY.—The term ‘community’ means—

“(A) a political subdivision that—

“(i) has zoning and building code jurisdiction over a particular area having special flood hazards; and

“(ii) is participating in the national flood insurance program; or

“(B) a political subdivision of a State, or other authority, that is designated by political subdivisions, all of which meet the requirements of subparagraph (A), to administer grants for mitigation activities for such political subdivisions.

“(2) REPETITIVE LOSS STRUCTURE.—The term ‘repetitive loss structure’ has the meaning given such term in section 1370.

“(3) SEVERE REPETITIVE LOSS STRUCTURE.—The term ‘severe repetitive loss structure’ means a structure that—

“(A) is covered under a contract for flood insurance made available under this title; and

“(B) has incurred flood-related damage—

“(i) for which 4 or more separate claims payments have been made under flood insurance coverage under this title, with the amount of each such claim exceeding \$5,000, and with the cumulative amount of such claims payments exceeding \$20,000; or

“(ii) for which at least 2 separate claims payments have been made under such coverage, with the cumulative amount of such claims exceeding the value of the insured structure.”.

(b) ELIMINATION OF GRANTS PROGRAM FOR REPETITIVE INSURANCE CLAIMS PROPERTIES.—Chapter I of the National Flood Insurance Act of 1968 is amended by striking section 1323 (42 U.S.C. 4030).

(c) ELIMINATION OF PILOT PROGRAM FOR MITIGATION OF SEVERE REPETITIVE LOSS PROP-

ERTIES.—Chapter III of the National Flood Insurance Act of 1968 is amended by striking section 1361A (42 U.S.C. 4102a).

(d) NATIONAL FLOOD INSURANCE FUND.—Section 1310(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(a)) is amended—

(1) in paragraph (6), by inserting “and” after the semicolon;

(2) in paragraph (7), by striking the semicolon and inserting a period; and

(3) by striking paragraphs (8) and (9).

(e) NATIONAL FLOOD MITIGATION FUND.—Section 1367 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104d) is amended—

(1) in subsection (b)—

(A) by striking paragraph (1) and inserting the following new paragraph:

“(1) in each fiscal year, amounts from the National Flood Insurance Fund not to exceed \$90,000,000 and to remain available until expended, of which—

“(A) not more than \$40,000,000 shall be available pursuant to subsection (a) of this section for assistance described in section 1366(a)(1);

“(B) not more than \$40,000,000 shall be available pursuant to subsection (a) of this section for assistance described in section 1366(a)(2); and

“(C) not more than \$10,000,000 shall be available pursuant to subsection (a) of this section for assistance described in section 1366(a)(3);”;

(B) in paragraph (3), by striking “section 1366(i)” and inserting “section 1366(e)”;

(2) in subsection (c), by striking “sections 1366 and 1323” and inserting “section 1366”;

(3) by redesignating subsections (d) and (e) as subsections (f) and (g), respectively; and

(4) by inserting after subsection (c) the following new subsections:

“(d) PROHIBITION ON OFFSETTING COLLECTIONS.—Notwithstanding any other provision of this title, amounts made available pursuant to this section shall not be subject to offsetting collections through premium rates for flood insurance coverage under this title.

“(e) CONTINUED AVAILABILITY AND REALLOCATION.—Any amounts made available pursuant to subparagraph (A), (B), or (C) of subsection (b)(1) that are not used in any fiscal year shall continue to be available for the purposes specified in the subparagraph of subsection (b)(1) pursuant to which such amounts were made available, unless the Administrator determines that reallocation of such unused amounts to meet demonstrated need for other mitigation activities under section 1366 is in the best interest of the National Flood Insurance Fund.”.

(f) INCREASED COST OF COMPLIANCE COVERAGE.—Section 1304(b)(4) of the National Flood Insurance Act of 1968 (42 U.S.C. 4011(b)(4)) is amended—

(1) by striking subparagraph (B); and

(2) by redesignating subparagraphs (C), (D), and (E) as subparagraphs (B), (C), and (D), respectively.

SEC. 100226. FLOOD PROTECTION STRUCTURE ACCREDITATION TASK FORCE.

(a) DEFINITIONS.—In this section—

(1) the term “flood protection structure accreditation requirements” means the requirements established under section 65.10 of title 44, Code of Federal Regulations, for levee systems to be recognized on maps created for purposes of the National Flood Insurance Program;

(2) the term “National Committee on Levee Safety” means the Committee on Levee Safety established under section 9003 of the National Levee Safety Act of 2007 (33 U.S.C. 3302); and

(3) the term “task force” means the Flood Protection Structure Accreditation Task Force established under subsection (b).

(b) ESTABLISHMENT.—

(1) IN GENERAL.—The Administrator and the Secretary of the Army, acting through the Chief

of Engineers, in cooperation with the National Committee on Levee Safety, shall jointly establish a Flood Protection Structure Accreditation Task Force.

(2) DUTIES.—

(A) DEVELOPING PROCESS.—The task force shall develop a process to better align the information and data collected by or for the Corps of Engineers under the Inspection of Completed Works Program with the flood protection structure accreditation requirements so that—

(i) information and data collected for either purpose can be used interchangeably; and

(ii) information and data collected by or for the Corps of Engineers under the Inspection of Completed Works Program is sufficient to satisfy the flood protection structure accreditation requirements.

(B) GATHERING RECOMMENDATIONS.—The task force shall gather, and consider in the process developed under subparagraph (A), recommendations from interested persons in each region relating to the information, data, and accreditation requirements described in subparagraph (A).

(3) CONSIDERATIONS.—In developing the process under paragraph (2), the task force shall consider changes to—

(A) the information and data collected by or for the Corps of Engineers under the Inspection of Completed Works Program; and

(B) the flood protection structure accreditation requirements.

(4) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to require a reduction in the level of public safety and flood control provided by accredited levees, as determined by the Administrator for purposes of this section.

(c) IMPLEMENTATION.—The Administrator and the Secretary of the Army, acting through the Chief of Engineers, shall implement the process developed by the task force under subsection (b) not later than 1 year after the date of enactment of this Act and shall complete the process under subsection (b) not later than 2 years after the date of enactment of this Act.

(d) REPORTS.—The Administrator and the Secretary of the Army, acting through the Chief of Engineers, in cooperation with the National Committee on Levee Safety, shall jointly submit to the Committee on Banking, Housing, and Urban Affairs and the Committee on Environment and Public Works of the Senate and the Committee on Financial Services, the Committee on Transportation and Infrastructure, and the Committee on Natural Resources of the House of Representatives reports concerning the activities of the task force and the implementation of the process developed by the task force under subsection (b), including—

(1) an interim report, not later than 180 days after the date of enactment of this Act; and

(2) a final report, not later than 1 year after the date of enactment of this Act.

(e) TERMINATION.—The task force shall terminate on the date of submission of the report under subsection (d)(2).

SEC. 100227. FLOOD IN PROGRESS DETERMINATIONS.

(a) REPORT.—

(1) REVIEW.—The Administrator shall review—

(A) the processes and procedures for determining that a flood event has commenced or is in progress for purposes of flood insurance coverage made available under the National Flood Insurance Program;

(B) the processes and procedures for providing public notification that such a flood event has commenced or is in progress;

(C) the processes and procedures regarding the timing of public notification of flood insurance requirements and availability; and

(D) the effects and implications that weather conditions, including rainfall, snowfall, projected snowmelt, existing water levels, and other

conditions, have on the determination that a flood event has commenced or is in progress.

(2) **REPORT.**—Not later than 6 months after the date of enactment of this Act, the Administrator shall submit a report to Congress that describes—

(A) the results and conclusions of the review under paragraph (1); and

(B) any actions taken, or proposed actions to be taken, by the Administrator to provide for more precise and technical processes and procedures for determining that a flood event has commenced or is in progress.

(b) **EFFECTIVE DATE OF POLICIES COVERING PROPERTIES AFFECTED BY FLOODING OF THE MISSOURI RIVER IN 2011.**—

(1) **ELIGIBLE COVERAGE.**—For purposes of this subsection, the term “eligible coverage” means coverage under a new contract for flood insurance coverage under the National Flood Insurance Program, or a modification to coverage under an existing flood insurance contract, for property damaged by the flooding of the Missouri River that commenced on June 1, 2011, that was purchased or made during the period beginning May 1, 2011, and ending June 6, 2011.

(2) **EFFECTIVE DATES.**—Notwithstanding section 1306(c) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)), or any other provision of law, any eligible coverage shall—

(A) be deemed to take effect on the date that is 30 days after the date on which all obligations for the eligible coverage (including completion of the application and payment of any initial premiums owed) are satisfactorily completed; and

(B) cover damage to property occurring after the effective date described in subparagraph (A) that resulted from the flooding of the Missouri River that commenced on June 1, 2011, if the property did not suffer damage or loss as a result of such flooding before the effective date described in subparagraph (A).

(c) **TIMELY NOTIFICATION.**—Not later than 90 days after the date on which the Administrator submits the report required under subsection (a)(2), the Administrator shall, taking into consideration the results of the review under subsection (a)(1)(B), develop procedures for providing timely notification, to the extent practicable, to policyholders who have purchased flood insurance coverage under the National Flood Insurance Program within 30 days of a determination of a flood in progress and who may be affected by the flood of the determination and how the determination may affect their coverage.

SEC. 100228. CLARIFICATION OF RESIDENTIAL AND COMMERCIAL COVERAGE LIMITS.

Section 1306(b) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(b)) is amended—

(1) in paragraph (2)—

(A) by striking “in the case of any residential property” and inserting “in the case of any residential building designed for the occupancy of from 1 to 4 families”; and

(B) by striking “shall be made available to every insured upon renewal and every applicant for insurance so as to enable such insured or applicant to receive coverage up to a total amount (including such limits specified in paragraph (1)(A)(i)) of \$250,000” and inserting “shall be made available, with respect to any single such building, up to an aggregate liability (including such limits specified in paragraph (1)(A)(i)) of \$250,000”; and

(2) in paragraph (4)—

(A) by striking “in the case of any nonresidential property, including churches,” and inserting “in the case of any nonresidential building, including a church,”; and

(B) by striking “shall be made available to every insured upon renewal and every applicant for insurance, in respect to any single structure,

up to a total amount (including such limit specified in subparagraph (B) or (C) of paragraph (1), as applicable) of \$500,000 for each structure and \$500,000 for any contents related to each structure” and inserting “shall be made available with respect to any single such building, up to an aggregate liability (including such limits specified in subparagraph (B) or (C) of paragraph (1), as applicable) of \$500,000, and coverage shall be made available up to a total of \$500,000 aggregate liability for contents owned by the building owner and \$500,000 aggregate liability for each unit within the building for contents owned by the tenant”.

SEC. 100229. LOCAL DATA REQUIREMENT.

(a) **IN GENERAL.**—Notwithstanding any other provision of this subtitle, no area or community participating in the National Flood Insurance Program that is or includes a community that is identified by the Administrator as Community Identification Number 360467 and impacted by the Jamaica Bay flooding source or identified by the Administrator as Community Identification Number 360495 may be or become designated as an area having special flood hazards for purposes of the National Flood Insurance Program, unless the designation is made on the basis of—

(1) flood hazard analyses of hydrologic, hydraulic, or coastal flood hazards that have been properly calibrated and validated, and are specific and directly relevant to the geographic area being studied; and

(2) ground elevation information of sufficient accuracy and precision to meet the guidelines of the Administration for accuracy at the 95 percent confidence level.

(b) **REMAPPING.**—

(1) **REMAPPING REQUIRED.**—If the Administrator determines that an area described in subsection (a) has been designated as an area of special flood hazard on the basis of information that does not comply with the requirements under subsection (a), the Administrator shall revise and update any National Flood Insurance Program rate map for the area—

(A) using information that complies with the requirements under subsection (a); and

(B) in accordance with the procedures established under section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) for flood elevation determinations.

(2) **INTERIM PERIOD.**—A National Flood Insurance Program rate map in effect on the date of enactment of this Act for an area for which the Administrator has made a determination under paragraph (1) shall continue in effect with respect to the area during the period—

(A) beginning on the date of enactment of this Act; and

(B) ending on the date on which the Administrator determines that the requirements under section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) for flood elevation determinations have been met with respect to a revision and update under paragraph (1) of a National Flood Insurance Program rate map for the area.

(3) **DEADLINE.**—The Administrator shall issue a preliminary National Flood Insurance Program rate map resulting from a revision and update required under paragraph (1) not later than 1 year after the date of enactment of this Act.

(4) **RISK PREMIUM RATE CLARIFICATION.**—

(A) **IN GENERAL.**—If a revision and update required under paragraph (1) results in a reduction in the risk premium rate for a property in an area for which the Administrator has made a determination under paragraph (1), the Administrator shall—

(i) calculate the difference between the reduced risk premium rate and the risk premium rate paid by a policyholder with respect to the property during the period—

(I) beginning on the date on which the National Flood Insurance Program rate map in effect for the area on the date of enactment of this Act took effect; and

(II) ending on the date on which the revised or updated National Flood Insurance Program rate map takes effect; and

(ii) reimburse the policyholder an amount equal to such difference.

(B) **FUNDING.**—Notwithstanding section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017), there shall be available to the Administrator from premiums deposited in the National Flood Insurance Fund pursuant to subsection (d) of such section 1310, of amounts not otherwise obligated, the amount necessary to carry out this paragraph.

(c) **TERMINATION.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), this section shall cease to have effect on the effective date of a National Flood Insurance Program rate map revised and updated under subsection (b)(1).

(2) **REIMBURSEMENTS.**—Subsection (b)(4) shall cease to have effect on the date on which the Administrator has made all reimbursements required under subsection (b)(4).

SEC. 100230. ELIGIBILITY FOR FLOOD INSURANCE FOR PERSONS RESIDING IN COMMUNITIES THAT HAVE MADE ADEQUATE PROGRESS ON THE RECONSTRUCTION OR IMPROVEMENT OF A FLOOD PROTECTION SYSTEM.

(a) **ELIGIBILITY FOR FLOOD INSURANCE COVERAGE.**—

(1) **IN GENERAL.**—Notwithstanding any other provision of law (including section 1307(e) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(e))), a person residing in a community that the Administrator determines has made adequate progress on the reconstruction or improvement of a flood protection system that will afford flood protection for a 100-year floodplain (without regard to the level of Federal funding of or participation in the construction, reconstruction, or improvement), shall be eligible for flood insurance coverage under the National Flood Insurance Program—

(A) if the person resides in a community that is a participant in the National Flood Insurance Program; and

(B) at a risk premium rate that does not exceed the risk premium rate that would be chargeable if the flood protection system had been completed.

(2) **ADEQUATE PROGRESS.**—

(A) **RECONSTRUCTION OR IMPROVEMENT.**—For purposes of paragraph (1), the Administrator shall determine that a community has made adequate progress on the reconstruction or improvement of a flood protection system if—

(i) 100 percent of the project cost has been authorized;

(ii) not less than 60 percent of the project cost has been secured or appropriated;

(iii) not less than 50 percent of the flood protection system has been assessed as being without deficiencies; and

(iv) the reconstruction or improvement has a project schedule that does not exceed 5 years, beginning on the date on which the reconstruction or construction of the improvement commences.

(B) **CONSIDERATIONS.**—In determining whether a flood protection system has been assessed as being without deficiencies, the Administrator shall consider the requirements under section 65.10 of chapter 44, Code of Federal Regulations, or any successor thereto.

(C) **DATE OF COMMENCEMENT.**—For purposes of subparagraph (A)(iv) of this paragraph and subsection (b)(2)(B), the date of commencement of the reconstruction or improvement of a flood protection system that is undergoing reconstruction or improvement on the date of enactment of

this Act shall be deemed to be the date on which the owner of the flood protection system submits a request under paragraph (3).

(3) **REQUEST FOR DETERMINATION.**—The owner of a flood protection system that is undergoing reconstruction or improvement on the date of enactment of this Act may submit to the Administrator a request for a determination under paragraph (2) that the community in which the flood protection system is located has made adequate progress on the reconstruction or improvement of the flood protection system.

(4) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to prohibit the Administrator from making a determination under paragraph (2) for any community in which a flood protection system is not undergoing reconstruction or improvement on the date of enactment of this Act.

(b) **TERMINATION OF ELIGIBILITY.**—

(1) **ADEQUATE CONTINUING PROGRESS.**—The Administrator shall issue rules to establish a method of determining whether a community has made adequate continuing progress on the reconstruction or improvement of a flood protection system that includes—

(A) a requirement that the Administrator shall—

(i) consult with the owner of the flood protection system—

(I) 6 months after the date of a determination under subsection (a);

(II) 18 months after the date of a determination under subsection (a); and

(III) 36 months after the date of a determination under subsection (a); and

(ii) after each consultation under clause (i), determine whether the reconstruction or improvement is reasonably likely to be completed in accordance with the project schedule described in subsection (a)(2)(A)(iv); and

(B) a requirement that, if the Administrator makes a determination under subparagraph (A)(ii) that reconstruction or improvement is not reasonably likely to be completed in accordance with the project schedule, the Administrator shall—

(i) not later than 30 days after the date of the determination, notify the owner of the flood protection system of the determination and provide the rationale and evidence for the determination; and

(ii) provide the owner of the flood protection system the opportunity to appeal the determination.

(2) **TERMINATION.**—The Administrator shall terminate the eligibility for flood insurance coverage under subsection (a) for persons residing in a community with respect to which the Administrator made a determination under subsection (a) if—

(A) the Administrator determines that the community has not made adequate continuing progress; or

(B) on the date that is 5 years after the date on which the reconstruction or construction of the improvement commences, the project has not been completed.

(3) **WAIVER.**—A person whose eligibility would otherwise be terminated under paragraph (2)(B) shall continue to be eligible to purchase flood insurance coverage described in subsection (a) if the Administrator determines—

(A) the community has made adequate continuing progress on the reconstruction or improvement of a flood protection system; and

(B) there is a reasonable expectation that the reconstruction or improvement of the flood protection system will be completed not later than 1 year after the date of the determination under this paragraph.

(4) **RISK PREMIUM RATE.**—If the Administrator terminates the eligibility of persons residing in a community to purchase flood insurance cov-

erage described in subsection (a), the Administrator shall establish an appropriate risk premium rate for flood insurance coverage under the National Flood Insurance Program for persons residing in the community that purchased flood insurance coverage before the date on which the termination of eligibility takes effect, taking into consideration the then-current state of the flood protection system.

(c) **ADDITIONAL AUTHORITY.**—

(1) **ADDITIONAL AUTHORITY.**—Notwithstanding subsection (a), in exceptional and exigent circumstances, the Administrator may, in the Administrator's sole discretion, determine that a person residing in a community, which is a participant in the National Flood Insurance Program, that has begun reconstruction or improvement of a flood protection system that will afford flood protection for a 100-year floodplain (without regard to the level of Federal funding or of participation in the reconstruction or improvement) shall be eligible for flood insurance coverage under the National Flood Insurance Program at a risk premium rate that does not exceed the risk premium rate that would be chargeable if the flood protection system had been completed, provided—

(A) the community makes a written request for the determination setting forth the exceptional and exigent circumstances, including why the community cannot meet the criteria for adequate progress set forth in under subsection (a)(2)(A) and why immediate relief is necessary;

(B) the Administrator submits a written report setting forth findings of the exceptional and exigent circumstances on which the Administrator based an affirmative determination to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives not later than 15 days before making the determination; and

(C) the eligibility for flood insurance coverage at a risk premium rate determined under this subsection terminates no later than 1 year after the date on which the Administrator makes the determination.

(2) **LIMITATION.**—Upon termination of eligibility under paragraph (1)(C), a community may submit another request pursuant to paragraph (1)(A). The Administrator may make no more than two determinations under paragraph (1) with respect to persons residing within any single requesting community.

(3) **TERMINATION.**—The authority provided under paragraphs (1) and (2) shall terminate two years after the enactment of this Act.

SEC. 100231. STUDIES AND REPORTS.

(a) **REPORT ON IMPROVING THE NATIONAL FLOOD INSURANCE PROGRAM.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on—

(1) the number of flood insurance policy holders currently insuring—

(A) a residential structure up to the maximum available coverage amount, as established in section 61.6 of title 44, Code of Federal Regulations, of—

(i) \$250,000 for the structure; and

(ii) \$100,000 for the contents of such structure; or

(B) a commercial structure up to the maximum available coverage amount, as established in section 61.6 of title 44, Code of Federal Regulations, of \$500,000;

(2) the increased losses the National Flood Insurance Program would have sustained during the 2004 and 2005 hurricane season if the National Flood Insurance Program had insured all policyholders up to the maximum conforming

loan limit for fiscal year 2006 of \$417,000, as established under section 302(b)(2) of the Federal National Mortgage Association Charter Act (12 U.S.C. 1717(b)(2));

(3) the availability in the private marketplace of flood insurance coverage in amounts that exceed the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations; and

(4) what effect, if any—

(A) raising the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations, would have on the ability of private insurers to continue providing flood insurance coverage; and

(B) reducing the current limits of coverage amounts established in section 61.6 of title 44, Code of Federal Regulations, would have on the ability of private insurers to provide sufficient flood insurance coverage to effectively replace the current level of flood insurance coverage being provided under the National Flood Insurance Program.

(b) **REPORT OF THE ADMINISTRATOR ON ACTIVITIES UNDER THE NATIONAL FLOOD INSURANCE PROGRAM.**—

(1) **IN GENERAL.**—The Administrator shall, on an annual basis, submit a full report on the operations, activities, budget, receipts, and expenditures of the National Flood Insurance Program for the preceding 12-month period to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives.

(2) **TIMING.**—Each report required under paragraph (1) shall be submitted to the committees described in paragraph (1) not later than 3 months following the end of each fiscal year.

(3) **CONTENTS.**—Each report required under paragraph (1) shall include—

(A) the current financial condition and income statement of the National Flood Insurance Fund established under section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017), including—

(i) premiums paid into such Fund;

(ii) policy claims against such Fund; and

(iii) expenses in administering such Fund;

(B) the number and face value of all policies issued under the National Flood Insurance Program that are in force;

(C) a description and summary of the losses attributable to repetitive loss structures;

(D) a description and summary of all losses incurred by the National Flood Insurance Program due to—

(i) hurricane related damage; and

(ii) nonhurricane related damage;

(E) the amounts made available by the Administrator for mitigation assistance under section 1366(c)(4) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c(c)(4)), as so redesignated by this Act, for the purchase of properties substantially damaged by flood for that fiscal year, and the actual number of flood damaged properties purchased and the total cost expended to purchase such properties;

(F) the estimate of the Administrator as to the average historical loss year, and the basis for that estimate;

(G) the estimate of the Administrator as to the maximum amount of claims that the National Flood Insurance Program would have to expend in the event of a catastrophic year;

(H) the average—

(i) amount of insurance carried per flood insurance policy;

(ii) premium per flood insurance policy; and

(iii) loss per flood insurance policy; and

(I) the number of claims involving damages in excess of the maximum amount of flood insurance available under the National Flood Insurance Program and the sum of the amount of all damages in excess of such amount.

(c) **GAO STUDY ON PRE-FIRM STRUCTURES.**—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives, on the—

(1) composition of the remaining pre-FIRM structures that are explicitly receiving discounted premium rates under section 1307 of the National Flood Insurance Act of 1968 (42 U.S.C. 4014), including the historical basis for the receipt of such subsidy and the extent to which pre-FIRM structures are currently owned by the same owners of the property at the time of the original National Flood Insurance Program rate map;

(2) number and fair market value of such structures;

(3) respective income level of the owners of such structures;

(4) number of times each such structure has been sold since 1968, including specific dates, sales price, and any other information the Secretary determines appropriate;

(5) total losses incurred by such structures since the establishment of the National Flood Insurance Program compared to the total losses incurred by all structures that are charged a nondiscounted premium rate;

(6) total cost of foregone premiums since the establishment of the National Flood Insurance Program, as a result of the subsidies provided to such structures;

(7) annual cost as a result of the subsidies provided to such structures;

(8) the premium income collected and the losses incurred by the National Flood Insurance Program as a result of such explicitly subsidized structures compared to the premium income collected and the losses incurred by such Program as a result of structures that are charged a nondiscounted premium rate, on a State-by-State basis; and

(9) the options for eliminating the subsidy to such structures.

(d) **GAO REVIEW OF FEMA CONTRACTORS.**—The Comptroller General of the United States, in conjunction with the Office of the Inspector General of the Department of Homeland Security, shall—

(1) conduct a review of the 3 largest contractors the Administrator uses in administering the National Flood Insurance Program; and

(2) not later than 18 months after the date of enactment of this Act, submit a report on the findings of such review to the Administrator, the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Financial Services of the House of Representatives.

(e) **STUDY AND REPORT ON GRADUATED RISK.**—

(1) **STUDY.**—

(A) **STUDY REQUIRED.**—The Administrator shall enter into a contract under which the National Academy of Sciences shall conduct a study exploring methods for understanding graduated risk behind levees and the associated land development, insurance, and risk communication dimensions.

(B) **CONTENTS OF STUDY.**—The study under this paragraph shall—

(i) research, review, and recommend current best practices for estimating direct annualized flood losses behind levees for residential and commercial structures;

(ii) rank each best practice recommended under clause (i) based on the best value, balancing cost, scientific integrity, and the inherent uncertainties associated with all aspects of the loss estimate, including geotechnical engineering, flood frequency estimates, economic value, and direct damages;

(iii) research, review, and identify current best floodplain management and land use practices behind levees that effectively balance social, economic, and environmental considerations as part of an overall flood risk management strategy;

(iv) identify areas in which the best floodplain management and land use practices described in clause (iii) have proven effective and recommend methods and processes by which such practices could be applied more broadly across the United States, given the variety of different flood risks, State and local legal frameworks, and evolving judicial opinions;

(v) research, review, and identify a variety of flood insurance pricing options for flood hazards behind levees that are actuarially sound and based on the flood risk data developed using the 3 best practices recommended under clause (i) that have the best value as determined under clause (ii);

(vi) evaluate and recommend methods to reduce insurance costs through creative arrangements between insureds and insurers while keeping a clear accounting of how much financial risk is being borne by various parties such that the entire risk is accounted for, including establishment of explicit limits on disaster aid or other assistance in the event of a flood; and

(vii) taking into consideration the recommendations under clauses (i) through (iii), recommend approaches to communicate the associated risks to community officials, homeowners, and other residents of communities.

(2) **REPORT.**—The contract under paragraph (1)(A) shall provide that not later than 12 months after the date of enactment of this Act, the National Academy of Sciences shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services and the Committee on Science, Space, and Technology of the House of Representatives a report on the study under paragraph (1) that includes the information and recommendations required under paragraph (1).

SEC. 100232. REINSURANCE.

(a) **FEMA AND GAO REPORTS ON PRIVATIZATION.**—Not later than 18 months after the date of enactment of this Act, the Administrator and the Comptroller General of the United States shall each—

(1) conduct a separate study to assess a broad range of options, methods, and strategies for privatizing the National Flood Insurance Program; and

(2) submit a report to the Committee on Financial Services of the House of Representatives and the Committee on Banking, Housing, and Urban Affairs of the Senate with recommendations for the best manner to accomplish the privatization described in paragraph (1).

(b) **PRIVATE RISK-MANAGEMENT INITIATIVES.**—The Administrator may carry out such private risk-management initiatives as are otherwise authorized under applicable law, as the Administrator considers appropriate to determine the capacity of private insurers, reinsurers, and financial markets to assist communities, on a voluntary basis only, in managing the full range of financial risks associated with flooding.

(c) **REINSURANCE ASSESSMENT.**—

(1) **PRIVATE MARKET PRICING ASSESSMENT.**—Not later than 12 months after the date of enactment of this Act, the Administrator shall submit to Congress a report that—

(A) assesses the capacity of the private reinsurance, capital, and financial markets to assist communities, on a voluntary basis, in managing the full range of financial risks associated with flooding by requesting proposals to assume a portion of the insurance risk of the National Flood Insurance Program;

(B) describes any responses to the request for proposals under subparagraph (A);

(C) assesses whether the rates and terms contained in any proposals received by the Administrator are—

(i) reasonable and appropriate; and

(ii) in an amount sufficient to maintain the ability of the National Flood Insurance Program to pay claims;

(D) describes the extent to which carrying out the proposals received by the Administrator would minimize the likelihood that the Administrator would use the borrowing authority under section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016);

(E) describes fluctuations in historical reinsurance rates; and

(F) includes an economic cost-benefit analysis of the impact on the National Flood Insurance Program if the Administrator were to exercise the authority under section 1335(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4055(a)(2)), as added by this section, to secure reinsurance of coverage provided by the National Flood Insurance Program from the private market.

(2) **PROTOCOL FOR RELEASE OF DATA.**—The Administrator shall develop a protocol, including adequate privacy protections, to provide for the release of data sufficient to conduct the assessment required under paragraph (1).

(d) **REINSURANCE.**—The National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) is amended—

(1) in section 1331(a)(2) (42 U.S.C. 4051(a)(2)), by inserting “, including as reinsurance of coverage provided by the flood insurance program” before “, on such terms”;

(2) in section 1332(c)(2) (42 U.S.C. 4052(c)(2)), by inserting “or reinsurance” after “flood insurance coverage”;

(3) in section 1335(a) (42 U.S.C. 4055(a))—

(A) by striking “The Director” and inserting the following:

“(1) **IN GENERAL.**—The Administrator”; and

(B) by adding at the end the following:

“(2) **PRIVATE REINSURANCE.**—The Administrator is authorized to secure reinsurance of coverage provided by the flood insurance program from the private market at rates and on terms determined by the Administrator to be reasonable and appropriate, in an amount sufficient to maintain the ability of the program to pay claims.”;

(4) in section 1346(a) (42 U.S.C. 4082(a))—

(A) in the matter preceding paragraph (1), by inserting after “for the purpose of” the following: “securing reinsurance of insurance coverage provided by the program or for the purpose of”;

(B) in paragraph (1)—

(i) by striking “estimating” and inserting “Estimating”; and

(ii) by striking the semicolon at the end and inserting a period;

(C) in paragraph (2)—

(i) by striking “receiving” and inserting “Receiving”; and

(ii) by striking the semicolon at the end and inserting a period;

(D) in paragraph (3)—

(i) by striking “making” and inserting “Making”; and

(ii) by striking “; and” and inserting a period;

(E) by redesignating paragraph (4) as paragraph (5);

(F) in paragraph (5), as so redesignated, by striking “otherwise” and inserting “Otherwise”; and

(G) by inserting after paragraph (3) the following new paragraph:

“(4) Placing reinsurance coverage on insurance provided by such program.”; and

(5) in section 1370(a)(3) (42 U.S.C. 4121(a)(3)), by striking “include any” and all that follows

and inserting the following: “include any organization or person that is authorized to engage in the business of insurance under the laws of any State, subject to the reporting requirements of the Securities Exchange Act of 1934 pursuant to section 13(a) or 15(d) of such Act (15 U.S.C. 78m(a) and 78o(d)), or authorized by the Administrator to assume reinsurance on risks insured by the flood insurance program;”.

(e) ASSESSMENT OF CLAIMS-PAYING ABILITY.—

(1) ASSESSMENT.—

(A) ASSESSMENT REQUIRED.—

(i) IN GENERAL.—Not later than September 30 of each year, the Administrator shall conduct an assessment of the ability of the National Flood Insurance Program to pay claims.

(ii) PRIVATE MARKET REINSURANCE.—The assessment under this paragraph for any year in which the Administrator exercises the authority under section 1335(a)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4055(a)(2)), as added by this section, to secure reinsurance of coverage provided by the National Flood Insurance Program from the private market shall include information relating the use of private sector reinsurance and reinsurance equivalents by the Administrator, whether or not the Administrator used the borrowing authority under section 1309 of the National Flood Insurance Act of 1968 (42 U.S.C. 4016).

(iii) FIRST ASSESSMENT.—The Administrator shall conduct the first assessment required under this paragraph not later than September 30, 2012.

(B) CONSIDERATIONS.—In conducting an assessment under subparagraph (A), the Administrator shall take into consideration regional concentrations of coverage written by the National Flood Insurance Program, peak flood zones, and relevant mitigation measures.

(2) ANNUAL REPORT OF THE ADMINISTRATOR OF ACTIVITIES UNDER THE NATIONAL FLOOD INSURANCE PROGRAM.—The Administrator shall—

(A) include the results of each assessment in the report required under section 100231(b); and

(B) not later than 30 days after the date on which the Administrator completes an assessment required under paragraph (1), make the results of the assessment available to the public.

SEC. 100233. GAO STUDY ON BUSINESS INTERRUPTION AND ADDITIONAL LIVING EXPENSES COVERAGES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study concerning—

(1) the availability of additional living expenses and business interruption coverage in the private marketplace for flood insurance;

(2) the feasibility of allowing the National Flood Insurance Program to offer such coverage at the option of the consumer;

(3) the estimated cost to consumers if the National Flood Insurance Program priced such optional coverage at true actuarial rates;

(4) the impact such optional coverage would have on consumer participation in the National Flood Insurance Program; and

(5) the fiscal impact such optional coverage would have upon the National Flood Insurance Fund if such optional coverage were included in the National Flood Insurance Program, as described in paragraph (2), at the price described in paragraph (3).

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report containing the results of the study under subsection (a).

SEC. 100234. POLICY DISCLOSURES.

(a) IN GENERAL.—Notwithstanding any other provision of law, in addition to any other disclosures that may be required, each policy under

the National Flood Insurance Program shall state all conditions, exclusions, and other limitations pertaining to coverage under the subject policy, regardless of the underlying insurance product, in plain English, in boldface type, and in a font size that is twice the size of the text of the body of the policy.

(b) VIOLATIONS.—The Administrator may impose a civil penalty of not more than \$50,000 on any person that fails to comply with subsection (a).

SEC. 100235. REPORT ON INCLUSION OF BUILDING CODES IN FLOODPLAIN MANAGEMENT CRITERIA.

Not later than 6 months after the date of enactment of this Act, the Administrator of the Federal Emergency Management Agency shall conduct a study and submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives regarding the impact, effectiveness, and feasibility of amending section 1361 of the National Flood Insurance Act of 1968 (42 U.S.C. 4102) to include widely used and nationally recognized building codes as part of the floodplain management criteria developed under such section, and shall determine—

(1) the regulatory, financial, and economic impacts of such a building code requirement on homeowners, States and local communities, local land use policies, and the Federal Emergency Management Agency;

(2) the resources required of State and local communities to administer and enforce such a building code requirement;

(3) the effectiveness of such a building code requirement in reducing flood-related damage to buildings and contents;

(4) the impact of such a building code requirement on the actuarial soundness of the National Flood Insurance Program;

(5) the effectiveness of nationally recognized codes in allowing innovative materials and systems for flood-resistant construction;

(6) the feasibility and effectiveness of providing an incentive in lower premium rates for flood insurance coverage under such Act for structures meeting whichever of such widely used and nationally recognized building codes or any applicable local building codes provides greater protection from flood damage;

(7) the impact of such a building code requirement on rural communities with different building code challenges than urban communities; and

(8) the impact of such a building code requirement on Indian reservations.

SEC. 100236. STUDY OF PARTICIPATION AND AFFORDABILITY FOR CERTAIN POLICYHOLDERS.

(a) FEMA STUDY.—The Administrator shall conduct a study of—

(1) methods to encourage and maintain participation in the National Flood Insurance Program;

(2) methods to educate consumers about the National Flood Insurance Program and the flood risk associated with their property;

(3) methods for establishing an affordability framework for the National Flood Insurance Program, including methods to aid individuals to afford risk-based premiums under the National Flood Insurance Program through targeted assistance rather than generally subsidized rates, including means-tested vouchers; and

(4) the implications for the National Flood Insurance Program and the Federal budget of using each such method.

(b) NATIONAL ACADEMY OF SCIENCES ECONOMIC ANALYSIS.—To inform the Administrator in the conduct of the study under subsection (a), the Administrator shall enter into a con-

tract under which the National Academy of Sciences, in consultation with the Comptroller General of the United States, shall conduct and submit to the Administrator an economic analysis of the costs and benefits to the Federal Government of a flood insurance program with full risk-based premiums, combined with means-tested Federal assistance to aid individuals who cannot afford coverage, through an insurance voucher program. The analysis shall compare the costs of a program of risk-based rates and means-tested assistance to the current system of subsidized flood insurance rates and federally funded disaster relief for people without coverage.

(c) REPORT.—Not later than 270 days after the date of enactment of this Act, the Administrator shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report that contains the results of the study and analysis under this section.

(d) FUNDING.—Notwithstanding section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017), there shall be available to the Administrator from the National Flood Insurance Fund, of amounts not otherwise obligated, not more than \$750,000 to carry out this section.

SEC. 100237. STUDY AND REPORT CONCERNING THE PARTICIPATION OF INDIAN TRIBES AND MEMBERS OF INDIAN TRIBES IN THE NATIONAL FLOOD INSURANCE PROGRAM.

(a) DEFINITION.—In this section, the term “Indian tribe” has the meaning given that term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(b) FINDINGS.—Congress finds that participation by Indian tribes in the National Flood Insurance Program is low. Only 45 of 565 Indian tribes participate in the National Flood Insurance Program.

(c) STUDY.—The Comptroller General of the United States, in coordination and consultation with Indian tribes and members of Indian tribes throughout the United States, shall carry out a study that examines—

(1) the factors contributing to the current rates of participation by Indian tribes and members of Indian tribes in the National Flood Insurance Program; and

(2) methods of encouraging participation by Indian tribes and members of Indian tribes in the National Flood Insurance Program.

(d) REPORT.—Not later than 6 months after the date of enactment of this Act, the Comptroller General shall submit to Congress a report that—

(1) contains the results of the study carried out under subsection (c);

(2) describes the steps that the Administrator should take to increase awareness and encourage participation by Indian tribes and members of Indian tribes in the National Flood Insurance Program; and

(3) identifies any legislative changes that would encourage participation by Indian tribes and members of Indian tribes in the National Flood Insurance Program.

SEC. 100238. TECHNICAL CORRECTIONS.

(a) FLOOD DISASTER PROTECTION ACT OF 1973.—The Flood Disaster Protection Act of 1973 (42 U.S.C. 4002 et seq.) is amended—

(1) by striking “Director” each place that term appears, except in section 102(f)(3) (42 U.S.C. 4012a(f)(3)), and inserting “Administrator”; and

(2) in section 201(b) (42 U.S.C. 4105(b)), by striking “Director’s” and inserting “Administrator’s”.

(b) NATIONAL FLOOD INSURANCE ACT OF 1968.—The National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) is amended—

(1) by striking “Director” each place that term appears and inserting “Administrator”;

(2) in section 1363 (42 U.S.C. 4104), by striking “Director’s” each place that term appears and inserting “Administrator’s”; and

(3) in section 1370(a)(9) (42 U.S.C. 4121(a)(9)), by striking “the Office of Thrift Supervision,”.

(c) **FEDERAL FLOOD INSURANCE ACT OF 1956.**—Section 15(e) of the Federal Flood Insurance Act of 1956 (42 U.S.C. 2414(e)) is amended by striking “Director” each place that term appears and inserting “Administrator”.

SEC. 100239. USE OF PRIVATE INSURANCE TO SATISFY MANDATORY PURCHASE REQUIREMENT.

(a) **AMENDMENTS.**—Section 102(b) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(b)) is amended—

(1) in paragraph (1)—

(A) by striking the period at the end and inserting “; and”;

(B) by striking “lending institutions not to make” and inserting “lending institutions—

“(A) not to make”;

(C) by adding at the end the following:

“(B) to accept private flood insurance as satisfaction of the flood insurance coverage requirement under subparagraph (A) if the coverage provided by such private flood insurance meets the requirements for coverage under such subparagraph.”;

(2) in paragraph (2)—

(A) by striking “paragraph (1)” each place that term appears and inserting “paragraph (1)(A)”;

and

(B) by inserting after the first sentence the following: “Each Federal agency lender shall accept private flood insurance as satisfaction of the flood insurance coverage requirement under the preceding sentence if the flood insurance coverage provided by such private flood insurance meets the requirements for coverage under such sentence.”;

(3) in paragraph (3), in the matter following subparagraph (B), by striking “paragraph (1).” and inserting “paragraph (1)(A). The Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation shall accept private flood insurance as satisfaction of the flood insurance coverage requirement under paragraph (1)(A) if the flood insurance coverage provided by such private flood insurance meets the requirements for coverage under such paragraph and any requirements established by the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation, respectively, relating to the financial solvency, strength, or claims-paying ability of private insurance companies from which the Federal National Mortgage Association or the Federal Home Loan Mortgage Corporation will accept private flood insurance.”; and

(4) by adding at the end the following:

“(5) **RULE OF CONSTRUCTION.**—Nothing in this subsection shall be construed to supersede or limit the authority of a Federal entity for lending regulation, the Federal Housing Finance Agency, a Federal agency lender, the Federal National Mortgage Association, or the Federal Home Loan Mortgage Corporation to establish requirements relating to the financial solvency, strength, or claims-paying ability of private insurance companies from which the entity or agency will accept private flood insurance.”.

“(6) **NOTICE.**—

“(A) **IN GENERAL.**—Each lender shall disclose to a borrower that is subject to this subsection that—

“(i) flood insurance is available from private insurance companies that issue standard flood insurance policies on behalf of the national flood insurance program or directly from the national flood insurance program;

“(ii) flood insurance that provides the same level of coverage as a standard flood insurance

policy under the national flood insurance program may be available from a private insurance company that issues policies on behalf of the company; and

“(iii) the borrower is encouraged to compare the flood insurance coverage, deductibles, exclusions, conditions and premiums associated with flood insurance policies issued on behalf of the national flood insurance program and policies issued on behalf of private insurance companies and to direct inquiries regarding the availability, cost, and comparisons of flood insurance coverage to an insurance agent.

“(B) **RULE OF CONSTRUCTION.**—Nothing in this paragraph shall be construed as affecting or otherwise limiting the authority of a Federal entity for lending regulation to approve any disclosure made by a regulated lending institution for purposes of complying with subparagraph (A).

“(7) **PRIVATE FLOOD INSURANCE DEFINED.**—In this subsection, the term ‘private flood insurance’ means an insurance policy that—

“(A) is issued by an insurance company that is—

“(i) licensed, admitted, or otherwise approved to engage in the business of insurance in the State or jurisdiction in which the insured building is located, by the insurance regulator of that State or jurisdiction; or

“(ii) in the case of a policy of difference in conditions, multiple peril, all risk, or other blanket coverage insuring nonresidential commercial property, is recognized, or not disapproved, as a surplus lines insurer by the insurance regulator of the State or jurisdiction where the property to be insured is located;

“(B) provides flood insurance coverage which is at least as broad as the coverage provided under a standard flood insurance policy under the national flood insurance program, including when considering deductibles, exclusions, and conditions offered by the insurer;

“(C) includes—

“(i) a requirement for the insurer to give 45 days’ written notice of cancellation or non-renewal of flood insurance coverage to—

“(I) the insured; and

“(II) the regulated lending institution or Federal agency lender;

“(ii) information about the availability of flood insurance coverage under the national flood insurance program;

“(iii) a mortgage interest clause similar to the clause contained in a standard flood insurance policy under the national flood insurance program; and

“(iv) a provision requiring an insured to file suit not later than 1 year after date of a written denial of all or part of a claim under the policy; and

“(D) contains cancellation provisions that are as restrictive as the provisions contained in a standard flood insurance policy under the national flood insurance program.”.

(b) **TECHNICAL AND CONFORMING AMENDMENT.**—Section 1364(a)(3)(C) of the National Flood Insurance Act of 1968 (42 U.S.C. 4104a(a)(3)(C)) is amended by inserting after “private insurers” the following: “, as required under section 102(b)(6) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(b)(6))”.

SEC. 100240. LEVEES CONSTRUCTED ON CERTAIN PROPERTIES.

(a) **DEFINITION.**—In this section, the term “covered hazard mitigation land” means land that—

(1) was acquired and deed restricted under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) during the period beginning on January 1, 1999, and ending December 31, 2011;

(2) is located at—

(A) 1029 Oak Street, Fargo, North Dakota;

(B) 27 South Terrace, Fargo, North Dakota;

(C) 1033 Oak Street, Fargo, North Dakota;

(D) 308 Schnell Drive, Orbow, North Dakota;

or

(E) 306 Schnell Drive, Orbow, North Dakota; and

(3) is located in a community that—

(A) is participating in the National Flood Insurance Program on the date on which a State, local, or tribal government submits an application requesting to construct a permanent flood risk reduction levee under subsection (b); and

(B) certifies to the Administrator and the Chief of Engineers that the community will continue to participate in the National Flood Insurance Program.

(b) **AUTHORITY.**—Notwithstanding any other prohibition on construction on property acquired with funding from the Federal Emergency Management Agency for conversion to open space purposes, the Administrator shall allow the construction of a permanent flood risk reduction levee by a State, local, or tribal government on covered hazard mitigation land if—

(1) the Administrator and the Chief of Engineers make a determination that—

(A) construction of the proposed permanent flood risk reduction levee would more effectively mitigate against flooding risk than an open floodplain or other flood risk reduction measures;

(B) the proposed permanent flood risk reduction levee complies with Federal, State, and local requirements, including mitigation of adverse impacts and implementation of floodplain management requirements, which shall include an evaluation of whether the construction, operation, and maintenance of the proposed levee—

(i) would continue to meet best available industry standards and practices;

(ii) would be the most cost-effective measure to protect against the assessed flood risk; and

(iii) minimizes future costs to the Federal Government;

(C) the State, local, or tribal government seeking to construct the proposed permanent flood risk reduction levee has provided an adequate maintenance plan that documents the procedures the State, local, or tribal government will use to ensure that the stability, height, and overall integrity of the proposed levee and the structure and systems of the proposed levee are maintained, including—

(i) specifying the maintenance activities to be performed;

(ii) specifying the frequency with which maintenance activities will be performed;

(iii) specifying the person responsible for performing each maintenance activity (by name or title);

(iv) detailing the plan for financing the maintenance of the levee; and

(v) documenting the ability of the State, local, or tribal government to finance the maintenance of the levee; and

(2) before the commencement of construction, the State, local, or tribal government provides to the Administrator an amount—

(A) equal to the Federal share of all project costs previously provided by the Administrator under the applicable program for each deed restricted parcel of the covered hazard mitigation land, which the Administrator shall deposit in the National Flood Insurance Fund; and

(B) that does not include any Federal funds.

(c) **MAINTENANCE CERTIFICATION.**—

(1) **IN GENERAL.**—A State, local, or tribal government that constructs a permanent flood risk reduction levee under subsection (b) shall submit to the Administrator and the Chief of Engineers an annual certification indicating whether the State, local, or tribal government is in compliance with the maintenance plan provided under subsection (b)(1)(C).

(2) REVIEW.—The Chief of Engineers shall review each certification submitted under paragraph (1) and determine whether the State, local, or tribal government has complied with the maintenance plan.

SEC. 100241. INSURANCE COVERAGE FOR PRIVATE PROPERTIES AFFECTED BY FLOODING FROM FEDERAL LANDS.

Section 1306(c)(2) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)(2)) is amended—

(1) in subparagraph (A), by striking “or” at the end;

(2) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(C) the initial purchase of flood insurance coverage for private property if—

“(i) the Administrator determines that the property is affected by flooding on Federal land that is a result of, or is exacerbated by, post-wildfire conditions, after consultation with an authorized employee of the Federal agency that has jurisdiction of the land on which the wildfire that caused the post-wildfire conditions occurred; and

“(ii) the flood insurance coverage was purchased not later than 60 days after the fire containment date, as determined by the appropriate Federal employee, relating to the wildfire that caused the post-wildfire conditions described in clause (i).”.

SEC. 100242. PERMISSIBLE LAND USE UNDER FEDERAL FLOOD INSURANCE PLAN.

Chapter 1 of the National Flood Insurance Act of 1968 (42 U.S.C. 4011 et seq.) is amended by adding at the end the following:

“SEC. 1325. TREATMENT OF SWIMMING POOL ENCLOSURES OUTSIDE OF HURRICANE SEASON.

“(a) IN GENERAL.—Notwithstanding any other provision of law, including the adequate land use and control measures developed pursuant to section 1361 and applicable to non-one- and two-family structures located within coastal areas, as identified by the Administrator, the following may be permitted:

“(1) Nonsupporting breakaway walls in the space below the lowest elevated floor of a building, if the space is used solely for a swimming pool between November 30 and June 1 of any year, in an area designated as Zone V on a flood insurance rate map.

“(2) Openings in walls in the space below the lowest elevated floor of a building, if the space is used solely for a swimming pool between November 30 and June 1 of any year, in an area designated as Zone A on a flood insurance rate map.

“(b) RULE OF CONSTRUCTION.—Nothing in subsection (a) shall be construed to alter the terms and conditions of eligibility and insurability of coverage for a building under the standard flood insurance policy under the national flood insurance program.”.

SEC. 100243. CDBG ELIGIBILITY FOR FLOOD INSURANCE OUTREACH ACTIVITIES AND COMMUNITY BUILDING CODE ADMINISTRATION GRANTS.

(a) AMENDMENTS.—Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) by redesignating paragraph (25) as paragraph (26);

(2) by redesignating the second paragraph designated as paragraph (24) (relating to tornado-safe shelters) as paragraph (25);

(3) in paragraph (24) (relating to homeownership among persons with low and moderate income), by striking “and” at the end;

(4) in paragraph (25), as so redesignated, by striking “and” at the end;

(5) in paragraph (26), as so redesignated, by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following new paragraph:

“(27) supplementing existing State or local funding for administration of building code enforcement by local building code enforcement departments, including for increasing staffing, providing staff training, increasing staff competence and professional qualifications, and supporting individual certification or departmental accreditation, and for capital expenditures specifically dedicated to the administration of the building code enforcement department, except that, to be eligible to use amounts as provided in this paragraph—

“(A) a building code enforcement department shall provide matching, non-Federal funds to be used in conjunction with amounts used under this paragraph in an amount—

“(i) in the case of a building code enforcement department serving an area with a population of more than 50,000, equal to not less than 50 percent of the total amount of any funds made available under this title that are used under this paragraph; and

“(ii) in the case of a building code enforcement department serving an area with a population of between 20,001 and 50,000, equal to not less than 25 percent of the total amount of any funds made available under this title that are used under this paragraph; and

“(iii) in the case of a building code enforcement department serving an area with a population of less than 20,000, equal to not less than 12.5 percent of the total amount of any funds made available under this title that are used under this paragraph,

except that the Secretary may waive the matching fund requirements under this subparagraph, in whole or in part, based upon the level of economic distress of the jurisdiction in which is located the local building code enforcement department that is using amounts for purposes under this paragraph, and shall waive such matching fund requirements in whole for any recipient jurisdiction that has dedicated all building code permitting fees to the conduct of local building code enforcement; and

“(B) any building code enforcement department using funds made available under this title for purposes under this paragraph shall empanel a code administration and enforcement team consisting of at least 1 full-time building code enforcement officer, a city planner, and a health planner or similar officer; and

“(28) provision of assistance to local governmental agencies responsible for floodplain management activities (including such agencies of Indians tribes, as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103)) in communities that participate in the national flood insurance program under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.), only for carrying out outreach activities to encourage and facilitate the purchase of flood insurance protection under such Act by owners and renters of properties in such communities and to promote educational activities that increase awareness of flood risk reduction; except that—

“(A) amounts used as provided under this paragraph shall be used only for activities designed to—

“(i) identify owners and renters of properties in communities that participate in the national flood insurance program, including owners of residential and commercial properties; and

“(ii) notify such owners and renters when their properties become included in, or when they are excluded from, an area having special flood hazards and the effect of such inclusion or exclusion on the applicability of the mandatory flood insurance purchase requirement under section 102 of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a) to such properties;

“(iii) educate such owners and renters regarding the flood risk and reduction of this risk in their community, including the continued flood risks to areas that are no longer subject to the flood insurance mandatory purchase requirement;

“(iv) educate such owners and renters regarding the benefits and costs of maintaining or acquiring flood insurance, including, where applicable, lower-cost preferred risk policies under this title for such properties and the contents of such properties;

“(v) encourage such owners and renters to maintain or acquire such coverage;

“(vi) notify such owners of where to obtain information regarding how to obtain such coverage, including a telephone number, mailing address, and Internet site of the Administrator of the Federal Emergency Management Agency (in this paragraph referred to as the ‘Administrator’) where such information is available; and

“(vii) educate local real estate agents in communities participating in the national flood insurance program regarding the program and the availability of coverage under the program for owners and renters of properties in such communities, and establish coordination and liaisons with such real estate agents to facilitate purchase of coverage under the National Flood Insurance Act of 1968 and increase awareness of flood risk reduction;

“(B) in any fiscal year, a local governmental agency may not use an amount under this paragraph that exceeds 3 times the amount that the agency certifies, as the Secretary, in consultation with the Administrator, shall require, that the agency will contribute from non-Federal funds to be used with such amounts used under this paragraph only for carrying out activities described in subparagraph (A); and for purposes of this subparagraph, the term ‘non-Federal funds’ includes State or local government agency amounts, in-kind contributions, any salary paid to staff to carry out the eligible activities of the local governmental agency involved, the value of the time and services contributed by volunteers to carry out such services (at a rate determined by the Secretary), and the value of any donated material or building and the value of any lease on a building;

“(C) a local governmental agency that uses amounts as provided under this paragraph may coordinate or contract with other agencies and entities having particular capacities, specialties, or experience with respect to certain populations or constituencies, including elderly or disabled families or persons, to carry out activities described in subparagraph (A) with respect to such populations or constituencies; and

“(D) each local governmental agency that uses amounts as provided under this paragraph shall submit a report to the Secretary and the Administrator, not later than 12 months after such amounts are first received, which shall include such information as the Secretary and the Administrator jointly consider appropriate to describe the activities conducted using such amounts and the effect of such activities on the retention or acquisition of flood insurance coverage.”.

(b) SUNSET.—Effective on the date that is 2 years after the date of enactment of this Act, section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (25), as so redesignated by subsection (a) of this subsection, by adding “and” at the end;

(2) in paragraph (26), as so redesignated by subsection (a) of this subsection, by striking the semicolon at the end and inserting a period; and

(3) by striking paragraphs (27) and (28), as added by subsection (a) of this subsection.

SEC. 100244. TERMINATION OF FORCE-PLACED INSURANCE.

(a) IN GENERAL.—Section 102(e) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4012a(e)) is amended—

(1) in paragraph (2), by striking “purchasing the insurance” and inserting “purchasing the insurance, including premiums or fees incurred for coverage beginning on the date on which flood insurance coverage lapsed or did not provide a sufficient coverage amount”;

(2) by redesignating paragraphs (3) and (4) as paragraphs (5) and (6), respectively; and

(3) by inserting after paragraph (2) the following new paragraphs:

“(3) **TERMINATION OF FORCE-PLACED INSURANCE.**—Within 30 days of receipt by the lender or servicer of a confirmation of a borrower’s existing flood insurance coverage, the lender or servicer shall—

“(A) terminate any insurance purchased by the lender or servicer under paragraph (2); and

“(B) refund to the borrower all premiums paid by the borrower for any insurance purchased by the lender or servicer under paragraph (2) during any period during which the borrower’s flood insurance coverage and the insurance coverage purchased by the lender or servicer were each in effect, and any related fees charged to the borrower with respect to the insurance purchased by the lender or servicer during such period.

“(4) **SUFFICIENCY OF DEMONSTRATION.**—For purposes of confirming a borrower’s existing flood insurance coverage, a lender or servicer for a loan shall accept from the borrower an insurance policy declarations page that includes the existing flood insurance policy number and the identity of, and contact information for, the insurance company or agent.”.

SEC. 100245. FEMA AUTHORITY ON TRANSFER OF POLICIES.

Section 1345 of the National Flood Insurance Act of 1968 (42 U.S.C. 4081) is amended by adding at the end the following new subsection:

“(d) **FEMA AUTHORITY ON TRANSFER OF POLICIES.**—Notwithstanding any other provision of this title, the Administrator may, at the discretion of the Administrator, refuse to accept the transfer of the administration of policies for coverage under the flood insurance program under this title that are written and administered by any insurance company or other insurer, or any insurance agent or broker.”.

SEC. 100246. REIMBURSEMENT OF CERTAIN EXPENSES.

Section 1363 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104) is amended by striking subsection (f) and inserting the following:

“(f) **REIMBURSEMENT OF CERTAIN EXPENSES.**—When, incident to any appeal under subsection (b) or (c) of this section, the owner or lessee of real property or the community, as the case may be, incurs expense in connection with the services of surveyors, engineers, or similar services, but not including legal services, in the effecting of an appeal based on a scientific or technical error on the part of the Federal Emergency Management Agency, which is successful in whole or part, the Administrator shall reimburse such individual or community to an extent measured by the ratio of the successful portion of the appeal as compared to the entire appeal and applying such ratio to the reasonable value of all such services, but no reimbursement shall be made by the Administrator in respect to any fee or expense payment, the payment of which was agreed to be contingent upon the result of the appeal. The amounts available for implementing this subsection shall not exceed \$250,000. The Administrator shall promulgate regulations to carry out this subsection.”.

SEC. 100247. FIO STUDY ON RISKS, HAZARDS, AND INSURANCE.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director

of the Federal Insurance Office shall conduct a study and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report providing an assessment of the current state of the market for natural catastrophe insurance in the United States.

(b) **FACTORS.**—The study and report required under subsection (a) shall assess—

(1) the current condition of, as well as the outlook for, the availability and affordability of insurance for natural catastrophe perils in all regions of the United States;

(2) the current ability of States, communities, and individuals to mitigate their natural catastrophe risks, including the affordability and feasibility of such mitigation activities;

(3) the current state of catastrophic insurance and reinsurance markets and the current approaches in providing insurance protection to different sectors of the population of the United States;

(4) the current financial condition of State residual markets and catastrophe funds in high-risk regions, including the likelihood of insolvency following a natural catastrophe, the concentration of risks within such funds, the reliance on post-event assessments and State funding, and the adequacy of rates; and

(5) the current role of the Federal Government and State and local governments in providing incentives for feasible risk mitigation efforts and the cost of providing post-natural catastrophe aid in the absence of insurance.

(c) **ADDITIONAL FACTORS.**—The study and report required under subsection (a) shall also contain an assessment of current approaches to insuring natural catastrophe risks in the United States and such other information as the Director of the Federal Insurance Office determines necessary or appropriate.

(d) **CONSULTATION.**—In carrying out the study and report under subsection (a), the Director of the Federal Insurance Office shall consult with the National Academy of Sciences, State insurance regulators, consumer organizations, representatives of the insurance and reinsurance industry, policyholders, and other organizations and experts, as appropriate.

SEC. 100248. FLOOD PROTECTION IMPROVEMENTS CONSTRUCTED ON CERTAIN PROPERTIES.

(a) **DEFINITION.**—In this section, the term “covered hazard mitigation land” means land that—

(1) was acquired and deed restricted under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c) during the period beginning on March 1, 2008, and ending on December 31, 2008;

(2) is located at—

(A) 809 East Main Cross Street, Findlay, Ohio, 45840;

(B) 801 East Main Cross Street, Findlay, Ohio, 45840;

(C) 725 East Main Cross Street, Findlay, Ohio, 45840; or

(D) 631 East Main Cross Street, Findlay, Ohio, 45840; and

(3) is located in a community that—

(A) is participating in the National Flood Insurance Program on the date on which a State, local, or tribal government submits an application requesting to construct a flood protection improvement under subsection (b); and

(B) certifies to the Administrator and the Chief of Engineers that the community will continue to participate in the National Flood Insurance Program.

(b) **AUTHORITY.**—Notwithstanding any other prohibition on construction on property acquired with funding from the Federal Emergency Management Agency for conversion to

open space purposes, the Administrator shall allow the construction of a flood protection improvement by a State, local, or tribal government on covered hazard mitigation land if—

(1) the Administrator and the Chief of Engineers make a determination that—

(A) construction of the proposed flood protection improvement would more effectively mitigate against flooding risk than an open floodplain or other flood risk reduction measures;

(B) the proposed flood protection improvement complies with Federal, State, and local requirements, including mitigation of adverse impacts and implementation of floodplain management requirements, which shall include an evaluation of whether the construction, operation, and maintenance of the proposed flood protection improvement—

(i) would continue to meet best available industry standards and practices;

(ii) would be the most cost-effective measure to protect against the assessed flood risk; and

(iii) minimizes future costs to the Federal Government;

(C) the State, local, or tribal government seeking to construct the flood protection improvement has provided an adequate maintenance plan that documents the procedures the State, local, or tribal government will use to ensure that the stability, height, and overall integrity of the proposed flood protection improvement and the structure and systems of the proposed flood protection improvement are maintained, including—

(i) specifying the maintenance activities to be performed;

(ii) specifying the frequency with which maintenance activities will be performed;

(iii) specifying the person responsible for performing each maintenance activity (by name or title);

(iv) detailing the plan for financing the maintenance of the flood protection improvement; and

(v) documenting the ability of the State, local, or tribal government to finance the maintenance of the flood protection improvement; and

(2) before the commencement of construction, the State, local, or tribal government provides to the Administrator an amount—

(A) equal to the Federal share of all project costs previously provided by the Administrator under the applicable program for each deed restricted parcel of the covered hazard mitigation land, which the Administrator shall deposit in the National Flood Insurance Fund; and

(B) that does not include any Federal funds.

(c) **MAINTENANCE CERTIFICATION.**—

(1) IN GENERAL.—A State, local, or tribal government that constructs a flood protection improvement under subsection (b) shall submit to the Administrator and the Chief of Engineers an annual certification indicating whether the State, local, or tribal government is in compliance with the maintenance plan provided under subsection (b)(1)(C).

(2) **REVIEW.**—The Chief of Engineers shall review each certification submitted under paragraph (1) and determine whether the State, local, or tribal government has complied with the maintenance plan.

SEC. 100249. NO CAUSE OF ACTION.

No cause of action shall exist and no claim may be brought against the United States for violation of any notification requirement imposed upon the United States by this subtitle or any amendment made by this subtitle.

Subtitle B—Alternative Loss Allocation**SEC. 100251. SHORT TITLE.**

This subtitle may be cited as the “Consumer Option for an Alternative System to Allocate Losses Act of 2012” or the “COASTAL Act of 2012”.

SEC. 100252. ASSESSING AND MODELING NAMED STORMS OVER COASTAL STATES.

Subtitle C of title XII of the Omnibus Public Land Management Act of 2009 (33 U.S.C. 3601 et seq.) (also known as the "Integrated Coastal and Ocean Observation System Act of 2009") is amended by adding at the end the following:

"SEC. 12312. ASSESSING AND MODELING NAMED STORMS OVER COASTAL STATES.

"(a) DEFINITIONS.—In this section:

"(1) COASTAL FORMULA.—The term 'COASTAL Formula' has the meaning given the term in section 1337(a) of the National Flood Insurance Act of 1968.

"(2) COASTAL STATE.—The term 'coastal State' has the meaning given the term 'coastal state' in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

"(3) COASTAL WATERS.—The term 'coastal waters' has the meaning given the term in such section.

"(4) COVERED DATA.—The term 'covered data' means, with respect to a named storm identified by the Administrator under subsection (b)(2)(A), empirical data that are—

"(A) collected before, during, or after such storm; and

"(B) necessary to determine magnitude and timing of wind speeds, rainfall, the barometric pressure, river flows, the extent, height, and timing of storm surge, topographic and bathymetric data, and other measures required to accurately model and assess damage from such storm.

"(5) INDETERMINATE LOSS.—The term 'indeterminate loss' has the meaning given the term in section 1337(a) of the National Flood Insurance Act of 1968.

"(6) NAMED STORM.—The term 'named storm' means any organized weather system with a defined surface circulation and maximum winds of at least 39 miles per hour which the National Hurricane Center of the United States National Weather Service names as a tropical storm or a hurricane.

"(7) NAMED STORM EVENT MODEL.—The term 'Named Storm Event Model' means the official meteorological and oceanographic computerized model, developed by the Administrator under subsection (b)(1)(A), which utilizes covered data to replicate the magnitude, timing, and spatial variations of winds, rainfall, and storm surges associated with named storms that threaten any portion of a coastal State.

"(8) PARTICIPANT.—The term 'participant' means a Federal, State, or private entity that chooses to cooperate with the Administrator in carrying out the provisions of this section by collecting, contributing, and maintaining covered data.

"(9) POST-STORM ASSESSMENT.—The term 'post-storm assessment' means a scientific assessment produced and certified by the Administrator to determine the magnitude, timing, and spatial variations of winds, rainfall, and storm surges associated with a specific named storm to be used in the COASTAL Formula.

"(10) STATE.—The term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

"(b) NAMED STORM EVENT MODEL AND POST-STORM ASSESSMENT.—

"(1) ESTABLISHMENT OF NAMED STORM EVENT MODEL.—

"(A) IN GENERAL.—Not later than 540 days after the date of the enactment of the Consumer Option for an Alternative System to Allocate Losses Act of 2012, the Administrator shall develop by regulation the Named Storm Event Model.

"(B) ACCURACY.—The Named Storm Event Model shall be designed to generate post-storm

assessments, as provided in paragraph (2), that have a degree of accuracy of not less than 90 percent for every indeterminate loss for which a post-storm assessment is utilized.

"(2) POST-STORM ASSESSMENT.—

"(A) IDENTIFICATION OF NAMED STORMS THREATENING COASTAL STATES.—After the establishment of the COASTAL Formula, the Administrator shall, in consultation with the Secretary of Homeland Security, identify named storms that may reasonably constitute a threat to any portion of a coastal State.

"(B) POST-STORM ASSESSMENT REQUIRED.—Upon identification of a named storm under subparagraph (A), the Administrator shall develop a post-storm assessment for such named storm using the Named Storm Event Model and covered data collected for such named storm pursuant to the protocol established under subsection (c)(1).

"(C) SUBMITTAL OF POST-STORM ASSESSMENT.—Not later than 90 days after an identification of a named storm is made under subparagraph (A), the Administrator shall submit to the Secretary of Homeland Security the post-storm assessment developed for such storm under subparagraph (B).

"(3) ACCURACY.—The Administrator shall ensure, to the greatest extent practicable, that each post-storm assessment developed under paragraph (2) has a degree of accuracy of not less than 90 percent.

"(4) CERTIFICATION.—For each post-storm assessment carried out under paragraph (2), the Administrator shall—

"(A) certify the degree of accuracy for such assessment, including specific reference to any segments or geographic areas for which the assessment is less than 90 percent accurate; and

"(B) report such certification to the Secretary of Homeland Security for the purposes of use with indeterminate loss claims under section 1337 of the National Flood Insurance Act of 1968.

"(5) FINALITY OF DETERMINATIONS.—A certification of the degree of accuracy of a post-storm assessment under this subsection by the Administrator shall be final and shall not be subject to judicial review.

"(6) AVAILABILITY.—The Administrator shall make available to the public the Named Storm Event Model and any post-storm assessment developed under this subsection.

"(c) ESTABLISHMENT OF A PROTOCOL FOR POST-STORM ASSESSMENT.—

"(1) IN GENERAL.—Not later than 540 days after the date of the enactment of the Consumer Option for an Alternative System to Allocate Losses Act of 2012, the Administrator shall establish a protocol, based on the plan submitted under subsection (d)(3), to collect and assemble all covered data required by the Administrator to produce post-storm assessments required by subsection (b), including assembling data collected by participants and stored in the database established under subsection (f) and from such other sources as the Administrator considers appropriate.

"(2) ACQUISITION OF SENSORS AND STRUCTURES.—If the Administrator is unable to use a public or private asset to obtain covered data as part of the protocol established under paragraph (1), the Administrator may acquire such sensors and structures for the placement of sensors as may be necessary to obtain such data.

"(3) USE OF FEDERAL ASSETS.—If the protocol requires placement of a sensor to develop assessments pursuant to subsection (b), the Administrator shall, to the extent practicable, use Federal assets for the placement of such sensors.

"(4) USE OF ACQUIRED STRUCTURES.—

"(A) IN GENERAL.—If the Administrator acquires a structure for the placement of a sensor for purposes of such protocol, the Administrator

shall to the extent practical permit other public and private entities to place sensors on such structure to collect—

"(i) meteorological data;

"(ii) national security-related data;

"(iii) navigation-related data;

"(iv) hydrographic data; or

"(v) such other data as the Administrator considers appropriate.

"(B) RECEIPT OF CONSIDERATION.—The Administrator may receive consideration for the placement of a sensor on a structure under subparagraph (A).

"(C) IN-KIND CONSIDERATION.—Consideration received under subparagraph (B) may be received in-kind.

"(D) USE OF CONSIDERATION.—To the extent practicable, consideration received under subparagraph (B) shall be used for the maintenance of sensors used to collect covered data.

"(5) COORDINATED DEPLOYMENTS AND DATA COLLECTION PRACTICES.—The Administrator shall, in consultation with the Office of the Federal Coordinator for Meteorology, coordinate the deployment of sensors as part of the protocol established under paragraph (1) and related data collection carried out by Federal, State, academic, and private entities who choose to cooperate with the Administrator in carrying out this subsection.

"(6) PRIORITY ACQUISITION AND DEPLOYMENT.—The Administrator shall give priority in the acquisition for and deployment of sensors under the protocol required by paragraph (1) to areas of coastal States that have the highest risk of being harmed by named storms.

"(d) ASSESSMENT OF SYSTEMS AND EFFORTS TO COLLECT COVERED DATA.—

"(1) IDENTIFICATION OF SYSTEMS AND EFFORTS TO COLLECT COVERED DATA.—Not later than 180 days after the date of the enactment of the Consumer Option for an Alternative System to Allocate Losses Act of 2012, the Administrator shall, in consultation with the Office of the Federal Coordinator for Meteorology—

"(A) carry out a survey to identify all Federal and State efforts and systems that are capable of collecting covered data; and

"(B) consult with private and academic sector entities to identify domestic private and academic systems that are capable of collecting covered data.

"(2) IDENTIFICATION OF GAPS.—The Administrator shall, in consultation with the Office of the Federal Coordinator for Meteorology and individuals and entities consulted under subsection (e)(3), assess the systems identified under paragraph (1) and identify which systems meet the needs of the National Oceanic and Atmospheric Administration for the collection of covered data, including with respect to the accuracy requirement for post-storm assessment under subsection (b)(3).

"(3) PLAN.—Not later than 270 days after the date of the enactment of the Consumer Option for an Alternative System to Allocate Losses Act of 2012, the Administrator shall, in consultation with the Office of the Federal Coordinator for Meteorology, submit to Congress a plan for the collection of covered data necessary to develop the Named Storm Event Model and post-storm assessment required by subsection (b) that addresses any gaps identified in paragraph (2).

"(e) COORDINATION OF COVERED DATA COLLECTION AND MAINTENANCE BY PARTICIPANTS.—

"(1) IN GENERAL.—The Administrator shall, in consultation with the Office of the Federal Coordinator for Meteorology, coordinate the collection and maintenance of covered data by participants under this section—

"(A) to streamline the process of collecting covered data in accordance with the protocol established under subsection (c)(1); and

"(B) to maintain transparency of such process and the database established under subsection (f).

“(2) **SHARING INFORMATION.**—The Administrator shall establish a process for sharing among participants information relevant to collecting and using covered data for—

“(A) academic research;

“(B) private sector use;

“(C) public outreach; and

“(D) such other purposes as the Administrator considers appropriate.

“(3) **CONSULTATION.**—In carrying out paragraphs (1) and (2), the Administrator shall consult with the following:

“(A) The Commanding General of the Corps of Engineers.

“(B) The Administrator of the Federal Emergency Management Agency.

“(C) The Commandant of the Coast Guard.

“(D) The Director of the United States Geological Survey.

“(E) The Office of the Federal Coordinator for Meteorology.

“(F) The Director of the National Science Foundation.

“(G) The Administrator of the National Aeronautics and Space Administration.

“(H) Such public, private, and academic sector entities as the Administrator considers appropriate for purposes of carrying out the provisions of this section.

“(f) **ESTABLISHMENT OF COASTAL WIND AND WATER EVENT DATABASE.**—

“(1) **IN GENERAL.**—Not later than 1 year after the date of the enactment of the Consumer Option for an Alternative System to Allocate Losses Act of 2012, the Administrator shall establish a database for the collection and compilation of covered data—

“(A) to support the protocol established under subsection (c)(1); and

“(B) for the purposes listed in subsection (e)(2).

“(2) **DESIGNATION.**—The database established under paragraph (1) shall be known as the ‘Coastal Wind and Water Event Database’.

“(g) **COMPTROLLER GENERAL STUDY.**—Not later than 1 year after the date of the enactment of the Consumer Option for an Alternative System to Allocate Losses Act of 2012, the Comptroller General of the United States shall—

“(1) complete an audit of Federal efforts to collect covered data for purposes of the Consumer Option for an Alternative System to Allocate Losses Act of 2012, which audit shall—

“(A) examine duplicated Federal efforts to collect covered data; and

“(B) determine the cost effectiveness of such efforts; and

“(2) submit to the Committee on Banking, Housing, and Urban Affairs and the Commerce, Science, and Transportation of the Senate and the Committee on Financial Services and the Committee on Science, Space, and Technology of the House of Representatives a report on the findings of the Comptroller General with respect to the audit completed under paragraph (1).”.

SEC. 100253. ALTERNATIVE LOSS ALLOCATION SYSTEM FOR INDETERMINATE CLAIMS.

Part A of chapter II of the National Flood Insurance Act of 1968 (42 U.S.C. 4051 et seq.) is amended by adding at the end the following:

“SEC. 1337. ALTERNATIVE LOSS ALLOCATION SYSTEM FOR INDETERMINATE CLAIMS.

“(a) **DEFINITIONS.**—In this section:

“(1) **ADMINISTRATOR.**—The term ‘Administrator’ means the Administrator of the Federal Emergency Management Agency.

“(2) **COASTAL FORMULA.**—The term ‘COASTAL Formula’ means the formula established under subsection (b).

“(3) **COASTAL STATE.**—The term ‘coastal State’ has the meaning given the term ‘coastal state’ in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

“(4) **INDETERMINATE LOSS.**—

“(A) **IN GENERAL.**—The term ‘indeterminate loss’ means, as determined by an insurance claims adjuster certified under the national flood insurance program and in consultation with an engineer as appropriate, a loss resulting from physical damage to, or loss of, property located in any coastal State arising from the combined perils of flood and wind associated with a named storm.

“(B) **REQUIREMENTS.**—An insurance claims adjuster certified under the national flood insurance program shall only determine that a loss is an indeterminate loss if the claims adjuster determines that—

“(i) no material remnant of physical buildings or man-made structures remain except building foundations for the specific property for which the claim is made; and

“(ii) there is insufficient or no tangible evidence created, yielded, or otherwise left behind of the specific property for which the claim is made as a result of the named storm.

“(5) **NAMED STORM.**—The term ‘named storm’ means any organized weather system with a defined surface circulation and maximum winds of not less than 39 miles per hour which the National Hurricane Center of the United States National Weather Service names as a tropical storm or a hurricane.

“(6) **POST-STORM ASSESSMENT.**—The term ‘post-storm assessment’ means the post-storm assessment developed under section 12312(b) of the Omnibus Public Land Management Act of 2009.

“(7) **STATE.**—The term ‘State’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

“(8) **SECRETARY.**—The term ‘Secretary’ means the Secretary of Homeland Security.

“(9) **STANDARD INSURANCE POLICY.**—The term ‘standard insurance policy’ means any insurance policy issued under the national flood insurance program that covers loss or damage to property resulting from water peril.

“(10) **PROPERTY.**—The term ‘property’ means real or personal property that is insured under a standard insurance policy for loss or damage to structure or contents.

“(11) **UNDER SECRETARY.**—The term ‘Under Secretary’ means the Under Secretary of Commerce for Oceans and Atmosphere, in the Under Secretary’s capacity as Administrator of the National Oceanic and Atmospheric Administration.

“(b) **ESTABLISHMENT OF FLOOD LOSS ALLOCATION FORMULA FOR INDETERMINATE CLAIMS.**—

“(1) **IN GENERAL.**—Not later than 180 days after the date on which the protocol is established under section 12312(c)(1) of the Omnibus Public Land Management Act of 2009, the Secretary, acting through the Administrator and in consultation with the Under Secretary, shall establish by rule a standard formula to determine and allocate wind losses and flood losses for claims involving indeterminate losses.

“(2) **CONTENTS.**—The standard formula established under paragraph (1) shall—

“(A) incorporate data available from the Coastal Wind and Water Event Database established under section 12312(f) of the Omnibus Public Land Management Act of 2009;

“(B) use relevant data provided on the National Flood Insurance Program Elevation Certificate for each indeterminate loss for which the formula is used;

“(C) consider any sufficient and credible evidence, approved by the Administrator, of the pre-event condition of a specific property, including the findings of any policyholder or insurance claims adjuster in connection with the indeterminate loss to that specific property;

“(D) include other measures, as the Administrator considers appropriate, required to determine and allocate by mathematical formula the

property damage caused by flood or storm surge associated with a named storm; and

“(E) subject to paragraph (3), for each indeterminate loss, use the post-storm assessment to allocate water damage (flood or storm surge) associated with a named storm.

“(3) **DEGREE OF ACCURACY REQUIRED.**—The standard formula established under paragraph (1) shall specify that the Administrator may only use the post-storm assessment for purposes of the formula if the Under Secretary certifies that the post-storm assessment has a degree of accuracy of not less than 90 percent in connection with the specific indeterminate loss for which the assessment and formula are used.

“(c) **AUTHORIZED USE OF POST-STORM ASSESSMENT AND COASTAL FORMULA.**—

“(1) **IN GENERAL.**—Subject to paragraph (3), the Administrator may use the post-storm assessment and the COASTAL Formula to—

“(A) review flood loss payments for indeterminate losses, including as part of the quality assurance reinspection program of the Federal Emergency Management Agency for claims under the national flood insurance program and any other process approved by the Administrator to review and validate payments under the national flood insurance program for indeterminate losses following a named storm; and

“(B) assist the national flood insurance program to—

“(i) properly cover qualified flood loss for claims for indeterminate losses; and

“(ii) avoid paying for any loss or damage to property caused by any peril (including wind), other than flood or storm surge, that is not covered under a standard policy under the national flood insurance program.

“(2) **FEDERAL DISASTER DECLARATION.**—Subject to paragraph (3), in order to expedite claims and reduce costs to the national flood insurance program, following any major disaster declared by the President under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) relating to a named storm in a coastal State, the Administrator may use the COASTAL Formula to determine and pay for any flood loss covered under a standard insurance policy under the national flood insurance program, if the loss is an indeterminate loss.

“(3) **NATIONAL ACADEMY OF SCIENCES EVALUATION.**—

“(A) **EVALUATION REQUIRED.**—

“(i) **EVALUATION.**—Upon the issuance of the rule establishing the COASTAL Formula, and each time the Administrator modifies the COASTAL Formula, the National Academy of Sciences shall—

“(I) evaluate the expected financial impact on the national flood insurance program of the use of the COASTAL Formula as so established or modified; and

“(II) evaluate the validity of the scientific assumptions upon which the formula is based and determine whether the COASTAL formula can achieve a degree of accuracy of not less than 90 percent in allocating flood losses for indeterminate losses.

“(ii) **REPORT.**—The National Academy of Sciences shall submit a report containing the results of each evaluation under clause (i) to the Administrator, the Committee on Banking, Housing, and Urban Affairs and the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Financial Services and the Committee on Science, Space, and Technology of the House of Representatives.

“(B) **EFFECTIVE DATE AND APPLICABILITY.**—

“(i) **EFFECTIVE DATE.**—Paragraphs (1) and (2) of this subsection shall not take effect unless the report under subparagraph (A) relating to the establishment of the COASTAL Formula concludes that the use of the COASTAL Formula

for purposes of paragraph (1) and (2) would not have an adverse financial impact on the national flood insurance program and that the COASTAL Formula is based on valid scientific assumptions that would allow a degree of accuracy of not less than 90 percent to be achieved in allocating flood losses for indeterminate losses.

“(ii) EFFECT OF MODIFICATIONS.—Unless the report under subparagraph (A) relating to a modification of the COASTAL Formula concludes that the use of the COASTAL Formula, as so modified, for purposes of paragraphs (1) and (2) would not have an adverse financial impact on the national flood insurance program and that the COASTAL Formula is based on valid scientific assumptions that would allow a degree of accuracy of not less than 90 percent to be achieved in allocating flood losses for indeterminate losses the Administrator may not use the COASTAL Formula, as so modified, for purposes of paragraphs (1) and (2).

“(C) FUNDING.—Notwithstanding section 1310 of the National Flood Insurance Act of 1968 (42 U.S.C. 4017), there shall be available to the Administrator from the National Flood Insurance Fund, of amounts not otherwise obligated, not more than \$750,000 to carry out this paragraph.

“(d) DISCLOSURE OF COASTAL FORMULA.—Not later than 30 days after the date on which a post-storm assessment is submitted to the Secretary under section 12312(b)(2)(C) of the Omnibus Public Land Management Act of 2009, for each indeterminate loss for which the COASTAL Formula is used pursuant to subsection (c)(2), the Administrator shall disclose to the policyholder that makes a claim relating to the indeterminate loss—

“(1) that the Administrator used the COASTAL Formula with respect to the indeterminate loss; and

“(2) a summary of the results of the use of the COASTAL Formula.

“(e) CONSULTATION.—In carrying out subsections (b) and (c), the Secretary shall consult with—

“(1) the Under Secretary for Oceans and Atmosphere;

“(2) the Director of the National Institute of Standards and Technology;

“(3) the Chief of Engineers of the Corps of Engineers;

“(4) the Director of the United States Geological Survey;

“(5) the Office of the Federal Coordinator for Meteorology;

“(6) State insurance regulators of coastal States; and

“(7) such public, private, and academic sector entities as the Secretary considers appropriate for purposes of carrying out such subsections.

“(f) RECORDKEEPING.—Each consideration and measure the Administrator determines necessary to carry out subsection (b) may be required, with advanced approval of the Administrator, to be provided for on the National Flood Insurance Program Elevation Certificate, or maintained otherwise on record if approved by the Administrator, for any property that qualifies for the COASTAL Formula under subsection (c).

“(g) CIVIL PENALTY.—

“(1) IN GENERAL.—If an insurance claims adjuster knowingly and willfully makes a false or inaccurate determination relating to an indeterminate loss, the Administrator may, after notice and opportunity for hearing, impose on the insurance claims adjuster a civil penalty of not more than \$1,000.

“(2) DEPOSIT.—Notwithstanding section 3302 of title 31, United States Code, or any other law relating to the crediting of money, the Administrator shall deposit in the National Flood Insurance Fund any amounts received under this

subsection, which shall remain available until expended and be available to the Administrator for purposes authorized for the National Flood Insurance Fund without further appropriation.

“(h) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to require the Administrator to make any payment under the national flood insurance program, or an insurance company to make any payment, for an indeterminate loss based upon post-storm assessment or the COASTAL Formula.

“(i) APPLICABILITY.—Subsection (c) shall apply with respect to an indeterminate loss associated with a named storm that occurs after the date on which the Administrator issues the rule establishing the COASTAL Formula under subsection (b).

“(j) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to negate, set aside, or void any policy limit, including any loss limitation, set forth in a standard insurance policy.”

Subtitle C—HEARTH Act Amendment

SEC. 100261. HEARTH ACT TECHNICAL CORRECTIONS.

For purposes of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.)—

(1) the term “local government” includes an instrumentality of a unit of general purpose local government other than a public housing agency that is established pursuant to legislation and designated by the chief executive to act on behalf of the local government with regard to activities funded under such title IV and includes a combination of general purpose local governments, such as an association of governments, that is recognized by the Secretary of Housing and Urban Development;

(2) the term “State” includes any instrumentality of any of the several States designated by the Governor to act on behalf of the State and does not include the District of Columbia;

(3) for purposes of environmental review, the Secretary of Housing and Urban Development shall continue to permit assistance and projects to be treated as assistance for special projects that are subject to section 305(c) of the Multifamily Housing Property Disposition Reform Act of 1994 (42 U.S.C. 3547), and subject to the regulations issued by the Secretary of Housing and Urban Development to implement such section; and

(4) a metropolitan city and an urban county that each receive an allocation under such title IV and are located within a geographic area that is covered by a single continuum of care may jointly request the Secretary of Housing and Urban Development to permit the urban county or the metropolitan city, as agreed to by such county and city, to receive and administer their combined allocations under a single grant.

TITLE III—STUDENT LOAN INTEREST RATE EXTENSION

SEC. 100301. FEDERAL DIRECT STAFFORD LOAN INTEREST RATE EXTENSION.

Section 455(b)(7)(D) of the Higher Education Act of 1965 (20 U.S.C. 1087e(b)(7)(D)) is amended—

(1) in the matter preceding clause (i), by striking “and before July 1, 2012,” and inserting “and before July 1, 2013,”; and

(2) in clause (v), by striking “and before July 1, 2012,” and inserting “and before July 1, 2013,”.

SEC. 100302. ELIGIBILITY FOR, AND INTEREST CHARGES ON, FEDERAL DIRECT STAFFORD LOANS FOR NEW BORROWERS ON OR AFTER JULY 1, 2013.

(a) IN GENERAL.—Section 455 of the Higher Education Act of 1965 (20 U.S.C. 1087e) is amended by adding at the end the following:

“(q) ELIGIBILITY FOR, AND INTEREST CHARGES ON, FEDERAL DIRECT STAFFORD LOANS FOR NEW BORROWERS ON OR AFTER JULY 1, 2013.—

“(1) IN GENERAL.—Notwithstanding subsection (a) or any other provision of this title, any borrower who was a new borrower on or after July 1, 2013, shall not be eligible for a Federal Direct Stafford Loan if the period of time for which the borrower has received Federal Direct Stafford Loans, in the aggregate, exceeds the period of enrollment described in paragraph (3). Such borrower may still receive any Federal Direct Unsubsidized Stafford Loan for which such borrower is otherwise eligible.

“(2) ACCRUAL OF INTEREST ON FEDERAL DIRECT STAFFORD LOANS.—Notwithstanding subsection (f)(1)(A) or any other provision of this title and beginning on the date upon which a borrower who is enrolled in a program of education or training (including a course of study or program described in paragraph (3)(B) or (4)(B) of section 484(b)) for which borrowers are otherwise eligible to receive Federal Direct Stafford Loans, becomes ineligible for such loan as a result of paragraph (1), interest on all Federal Direct Stafford Loans that were disbursed to such borrower on or after July 1, 2013, shall accrue. Such interest shall be paid or capitalized in the same manner as interest on a Federal Direct Unsubsidized Stafford Loan is paid or capitalized under section 428H(e)(2).

“(3) PERIOD OF ENROLLMENT.—

“(A) IN GENERAL.—The aggregate period of enrollment referred to in paragraph (1) shall not exceed the lesser of—

“(i) a period equal to 150 percent of the published length of the educational program in which the student is enrolled; or

“(ii) in the case of a borrower who was previously enrolled in one or more other educational programs that began on or after July 1, 2013, and subject to subparagraph (B), a period of time equal to the difference between—

“(I) 150 percent of the published length of the longest educational program in which the borrower was, or is, enrolled; and

“(II) any periods of enrollment in which the borrower received a Federal Direct Stafford Loan.

“(B) REGULATIONS.—The Secretary shall specify in regulation—

“(i) how the aggregate period described in subparagraph (A) shall be calculated with respect to a borrower who was or is enrolled on less than a full-time basis; and

“(ii) how such aggregate period shall be calculated to include a course of study or program described in paragraph (3)(B) or (4)(B) of section 484(b), respectively.”

(b) INAPPLICABILITY OF TITLE IV NEGOTIATED RULEMAKING REQUIREMENT AND MASTER CALENDAR EXCEPTION.—Sections 482(c) and 492 of the Higher Education Act of 1965 (20 U.S.C. 1089(c), 1098a) shall not apply to the amendment made by subsection (a), or to any regulations promulgated under such amendment.

DIVISION G—SURFACE TRANSPORTATION EXTENSION

SEC. 110001. SHORT TITLE.

This division may be cited as the “Surface Transportation Extension Act of 2012, Part II”.

TITLE I—FEDERAL-AID HIGHWAYS

SEC. 111001. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) IN GENERAL.—Section 111 of the Surface Transportation Extension Act of 2011, Part II (Public Law 112–30; 125 Stat. 343; 126 Stat. 272) is amended—

(1) by striking “the period beginning on October 1, 2011, and ending on June 30, 2012,” each place it appears and inserting “fiscal year 2012”; and

(2) by striking “ $\frac{3}{4}$ of” each place it appears; and

(3) in subsection (a) by striking “June 30, 2012” and inserting “September 30, 2012”.

(b) **USE OF FUNDS.**—Section 111(c) of the Surface Transportation Extension Act of 2011, Part II (125 Stat. 343; 126 Stat. 272) is amended—

(1) in paragraph (3)—

(A) in subparagraph (A) by striking “, except that during such period” and all that follows before the period at the end; and

(B) in subparagraph (B)(ii) by striking “\$479,250,000” and inserting “\$639,000,000”; and

(2) by striking paragraph (4).

(c) **EXTENSION OF AUTHORIZATIONS UNDER TITLE V OF SAFETEA-LU.**—Section 111(e)(2) of the Surface Transportation Extension Act of 2011, Part II (125 Stat. 346; 126 Stat. 272) is amended by striking “the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “fiscal year 2012.”.

(d) **ADMINISTRATIVE EXPENSES.**—Section 112(a) of the Surface Transportation Extension Act of 2011, Part II (125 Stat. 346; 126 Stat. 272) is amended by striking “\$294,641,438 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$392,855,250 for fiscal year 2012.”.

TITLE II—EXTENSION OF HIGHWAY SAFETY PROGRAMS

SEC. 112001. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) **CHAPTER 4 HIGHWAY SAFETY PROGRAMS.**—Section 2001(a)(1) of SAFETEA-LU (119 Stat. 1519) is amended by striking “\$235,000,000 for each of fiscal years 2009 through 2011” and all that follows through the period at the end and inserting “and \$235,000,000 for each of fiscal years 2009 through 2012.”.

(b) **HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.**—Section 2001(a)(2) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$81,183,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “and \$108,244,000 for fiscal year 2012.”.

(c) **OCCUPANT PROTECTION INCENTIVE GRANTS.**—Section 2001(a)(3) of SAFETEA-LU (119 Stat. 1519) is amended by striking “\$25,000,000 for each of fiscal years 2006 through 2011” and all that follows through the period at the end and inserting “and \$25,000,000 for each of fiscal years 2006 through 2012.”.

(d) **SAFETY BELT PERFORMANCE GRANTS.**—Section 2001(a)(4) of SAFETEA-LU (119 Stat. 1519) is amended by striking “and \$36,375,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “and \$48,500,000 for fiscal year 2012.”.

(e) **STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.**—Section 2001(a)(5) of SAFETEA-LU (119 Stat. 1519) is amended by striking “for each of fiscal years 2006 through 2011” and all that follows through the period at the end and inserting “for each of fiscal years 2006 through 2012.”.

(f) **ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.**—Section 2001(a)(6) of SAFETEA-LU (119 Stat. 1519) is amended by striking “\$139,000,000 for each of fiscal years 2009 through 2011” and all that follows through the period at the end and inserting “and \$139,000,000 for each of fiscal years 2009 through 2012.”.

(g) **NATIONAL DRIVER REGISTER.**—Section 2001(a)(7) of SAFETEA-LU (119 Stat. 1520) is amended by striking “and \$3,087,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “and \$4,116,000 for fiscal year 2012.”.

(h) **HIGH VISIBILITY ENFORCEMENT PROGRAM.**—Section 2001(a)(8) of SAFETEA-LU (119 Stat. 1520) is amended by striking “for each of fiscal years 2006 through 2011” and all that follows through the period at the end and inserting “for each of fiscal years 2006 through 2012.”.

(i) **MOTORCYCLIST SAFETY.**—Section 2001(a)(9) of SAFETEA-LU (119 Stat. 1520) is amended by

striking “\$7,000,000 for each of fiscal years 2009 through 2011” and all that follows through the period at the end and inserting “and \$7,000,000 for each of fiscal years 2009 through 2012.”.

(j) **CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.**—Section 2001(a)(10) of SAFETEA-LU (119 Stat. 1520) is amended by striking “\$7,000,000 for each of fiscal years 2009 through 2011” and all that follows through the period at the end and inserting “and \$7,000,000 for each of fiscal years 2009 through 2012.”.

(k) **ADMINISTRATIVE EXPENSES.**—Section 2001(a)(11) of SAFETEA-LU (119 Stat. 1520) is amended by striking “\$25,328,000 for fiscal year 2011” and all that follows through the period at the end and inserting “and \$25,328,000 for each of fiscal years 2011 and 2012.”.

SEC. 112002. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) **FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION GRANTS.**—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:

“(8) \$212,000,000 for fiscal year 2012.”.

(b) **ADMINISTRATIVE EXPENSES.**—

(1) **IN GENERAL.**—Section 31104(i)(1)(H) of title 49, United States Code, is amended to read as follows:

“(H) \$244,144,000 for fiscal year 2012.”.

(2) **TECHNICAL CORRECTION.**—Section 31104(i)(1)(F) of title 49, United States Code, is amended to read as follows:

“(F) \$239,828,000 for fiscal year 2010.”.

(c) **GRANT PROGRAMS.**—Section 4101(c) of SAFETEA-LU (119 Stat. 1715) is amended—

(1) in paragraph (1) by striking “and \$22,500,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “and \$30,000,000 for fiscal year 2012.”;

(2) in paragraph (2) by striking “2011 and \$24,000,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “2012.”;

(3) in paragraph (3) by striking “2011 and \$3,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “2012.”;

(4) in paragraph (4) by striking “2011 and \$18,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “2012.”;

(5) in paragraph (5) by striking “2011 and \$2,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “2012.”.

(d) **NEW ENTRANT AUDITS.**—Section 31144(g)(5)(B) of title 49, United States Code, is amended by striking “and up to \$21,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”.

(e) **OUTREACH AND EDUCATION.**—Section 4127(e) of SAFETEA-LU (119 Stat. 1741) is amended by striking “and 2011 (and \$750,000 to the Federal Motor Carrier Safety Administration, and \$2,250,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2011, and ending on June 30, 2012)” and inserting “2011, and 2012”.

(f) **WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.**—Section 4213(d) of SAFETEA-LU (49 U.S.C. 14710 note; 119 Stat. 1759) is amended by striking “June 30, 2012” and inserting “September 30, 2012”.

SEC. 112003. ADDITIONAL PROGRAMS.

Section 7131(c) of SAFETEA-LU (119 Stat. 1910) is amended by striking “and \$870,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “and \$1,160,000 for fiscal year 2012”.

TITLE III—PUBLIC TRANSPORTATION PROGRAMS

SEC. 113001. ALLOCATION OF FUNDS FOR PLANNING PROGRAMS.

Section 5305(g) of title 49, United States Code, is amended by striking “2011 and for the period beginning on October 1, 2011, and ending on June 30, 2012” and inserting “2012”.

SEC. 113002. SPECIAL RULE FOR URBANIZED AREA FORMULA GRANTS.

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) by striking the paragraph heading and inserting “SPECIAL RULE FOR FISCAL YEARS 2005 THROUGH 2012.—”;

(2) in subparagraph (A) by striking “2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2012.”;

(3) in subparagraph (E)—

(A) by striking the subparagraph heading and inserting “MAXIMUM AMOUNTS IN FISCAL YEARS 2008 THROUGH 2012.—”;

(B) in the matter preceding clause (i) by striking “2011 and during the period beginning on October 1, 2011, and ending on June 30, 2012” and inserting “2012”.

SEC. 113003. ALLOCATING AMOUNTS FOR CAPITAL INVESTMENT GRANTS.

Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking the paragraph heading and inserting “FISCAL YEARS 2006 THROUGH 2012.—”;

(B) in the matter preceding subparagraph (A) by striking “2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2012”; and

(C) in subparagraph (A)(i) by striking “2011 and \$150,000,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2012”;

(2) in paragraph (6)—

(A) in subparagraph (B) by striking “2011 and \$11,250,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2012”; and

(B) in subparagraph (C) by striking “though 2011 and \$3,750,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “through 2012”; and

(3) in paragraph (7)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) in the first sentence by striking “2011 and \$7,500,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2012”; and

(II) in the second sentence by inserting “each fiscal year” before the colon;

(ii) in clause (i) by striking “for each fiscal year and \$1,875,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”;

(iii) in clause (ii) by striking “for each fiscal year and \$1,875,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”;

(iv) in clause (iii) by striking “for each fiscal year and \$750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”;

(v) in clause (iv) by striking “for each fiscal year and \$750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”;

(vi) in clause (v) by striking “for each fiscal year and \$750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”;

(vii) in clause (vi) by striking “for each fiscal year and \$750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.”;

(viii) in clause (vii) by striking “for each fiscal year and \$487,500 for the period beginning on October 1, 2011, and ending on June 30, 2012.”;

(ix) in clause (viii) by striking “for each fiscal year and \$262,500 for the period beginning on October 1, 2011, and ending on June 30, 2012.”;

(B) in subparagraph (B) by striking clause (vii) and inserting the following:

“(vii) \$13,500,000 for fiscal year 2012.”;

(C) in subparagraph (C) by striking “and during the period beginning on October 1, 2011, and ending on June 30, 2012,”;

(D) in subparagraph (D) by striking “and not less than \$26,250,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,”; and

(E) in subparagraph (E) by striking “and \$2,250,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012.”.

SEC. 113004. APPORTIONMENT OF FORMULA GRANTS FOR OTHER THAN URBAN-IZED AREAS.

Section 5311(c)(1)(G) of title 49, United States Code, is amended to read as follows:

“(G) \$15,000,000 for fiscal year 2012.”.

SEC. 113005. APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.

Section 5337 of title 49, United States Code, is amended by striking subsection (g).

SEC. 113006. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) **FORMULA AND BUS GRANTS.**—Section 5338(b) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking subparagraph (G) and inserting the following:

“(G) \$8,360,565,000 for fiscal year 2012.”; and

(2) in paragraph (2)—

(A) in subparagraph (A) by striking “\$113,500,000 for each of fiscal years 2009 through 2011, and \$85,125,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “and \$113,500,000 for each of fiscal years 2009 through 2012”;

(B) in subparagraph (B) by striking “\$4,160,365,000 for each of fiscal years 2009 through 2011, and \$3,120,273,750 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “and \$4,160,365,000 for each of fiscal years 2009 through 2012”;

(C) in subparagraph (C) by striking “\$51,500,000 for each of fiscal years 2009 through 2011, and \$38,625,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “and \$51,500,000 for each of fiscal years 2009 through 2012”;

(D) in subparagraph (D) by striking “\$1,666,500,000 for each of fiscal years 2009 through 2011, and \$1,249,875,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “and \$1,666,500,000 for each of fiscal years 2009 through 2012”;

(E) in subparagraph (E) by striking “\$984,000,000 for each of fiscal years 2009 through 2011, and \$738,000,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “and \$984,000,000 for each of fiscal years 2009 through 2012”;

(F) in subparagraph (F) by striking “\$133,500,000 for each of fiscal years 2009 through 2011, and \$100,125,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “and \$133,500,000 for each of fiscal years 2009 through 2012”;

(G) in subparagraph (G) by striking “\$465,000,000 for each of fiscal years 2009 through 2011, and \$348,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “and \$465,000,000 for each of fiscal years 2009 through 2012”;

(H) in subparagraph (H) by striking “\$164,500,000 for each of fiscal years 2009 through 2011, and \$123,375,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “and \$164,500,000 for each of fiscal years 2009 through 2012”;

(I) in subparagraph (I) by striking “\$92,500,000 for each of fiscal years 2009 through 2011, and \$69,375,000 for the period beginning on

October 1, 2011, and ending on June 30, 2012,” and inserting “and \$92,500,000 for each of fiscal years 2009 through 2012”;

(J) in subparagraph (J) by striking “\$26,900,000 for each of fiscal years 2009 through 2011, and \$20,175,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “and \$26,900,000 for each of fiscal years 2009 through 2012”;

(K) in subparagraph (K) by striking “for each of fiscal years 2006 through 2011 and \$2,625,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “for each of fiscal years 2006 through 2012”;

(L) in subparagraph (L) by striking “for each of fiscal years 2006 through 2011 and \$18,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “for each of fiscal years 2006 through 2012”;

(M) in subparagraph (M) by striking “\$465,000,000 for each of fiscal years 2009 through 2011, and \$348,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “and \$465,000,000 for each of fiscal years 2009 through 2012”;

(N) in subparagraph (N) by striking “\$8,800,000 for each of fiscal years 2009 through 2011, and \$6,600,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “and \$8,800,000 for each of fiscal years 2009 through 2012”.

(b) **CAPITAL INVESTMENT GRANTS.**—Section 5338(c)(7) of title 49, United States Code, is amended to read as follows:

“(7) \$1,955,000,000 for fiscal year 2012.”.

(c) **RESEARCH AND UNIVERSITY RESEARCH CENTERS.**—Section 5338(d) of title 49, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “through 2011, and \$33,000,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “through 2011, and \$44,000,000 for fiscal year 2012,”; and

(2) by striking paragraph (3) and inserting the following:

“(3) **ADDITIONAL AUTHORIZATIONS.**—

“(A) **RESEARCH.**—Of amounts authorized to be appropriated under paragraph (1) for fiscal year 2012, the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to 63 percent of the amount allocated for fiscal year 2009 under each such subparagraph.

“(B) **UNIVERSITY CENTERS PROGRAM.**—

“(i) **FISCAL YEAR 2012.**—Of the amounts allocated under paragraph (1)(C) for the university centers program under section 5506 for fiscal year 2012, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to 63 percent of the amount allocated for fiscal year 2009 under each such clause.

“(ii) **FUNDING.**—If the Secretary determines that a project or activity described in paragraph (2) received sufficient funds in fiscal year 2011, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under clause (i) for the project or activity for fiscal year 2012 or any subsequent fiscal year.”.

(d) **ADMINISTRATION.**—Section 5338(e)(7) of title 49, United States Code, is amended to read as follows:

“(7) \$98,713,000 for fiscal year 2012.”.

SEC. 113007. AMENDMENTS TO SAFETEA-LU.

(a) **CONTRACTED PARATRANSIT PILOT.**—Section 3009(i)(1) of SAFETEA-LU (119 Stat. 1572) is amended by striking “2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2012,”.

(b) **PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.**—Section 3011 of SAFETEA-LU (49 U.S.C. 5309 note; 119 Stat. 1588) is amended—

(1) in subsection (c)(5) by striking “2011 and the period beginning on October 1, 2011, and ending on June 30, 2012” and inserting “2012”; and

(2) in the second sentence of subsection (d) by striking “2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2012”.

(c) **ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM.**—Section 3012(b)(8) of SAFETEA-LU (49 U.S.C. 5310 note; 119 Stat. 1593) is amended by striking “June 30, 2012” and inserting “September 30, 2012”.

(d) **OBLIGATION CEILING.**—Section 3040(8) of SAFETEA-LU (119 Stat. 1639) is amended to read as follows:

“(8) \$10,458,278,000 for fiscal year 2012, of which not more than \$8,360,565,000 shall be from the Mass Transit Account.”.

(e) **PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS.**—Section 3043 of SAFETEA-LU (119 Stat. 1640) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking “2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2012”; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking “2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2012”.

(f) **ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.**—Section 3046 of SAFETEA-LU (49 U.S.C. 5338 note; 119 Stat. 1706) is amended—

(1) in subsection (b) by striking “fiscal year or period” and inserting “fiscal year”; and

(2) by striking subsection (c)(2) and inserting the following:

“(2) for fiscal year 2012, in amounts equal to 63 percent of the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), and (8) through (25) of subsection (a).”.

TITLE IV—EFFECTIVE DATE

SEC. 114001. EFFECTIVE DATE.

This division and the amendments made by this division shall take effect on July 1, 2012.

DIVISION H—BUDGETARY EFFECTS

SEC. 120001. BUDGETARY EFFECTS.

(a) **PAYGO SCORECARD.**—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) **SENATE PAYGO SCORECARD.**—The budgetary effects of this Act shall not be recorded on any PAYGO scorecard maintained for purposes of section 201 of S. Con. Res. 21 (110th Congress).

Amend the title so as to read: “An Act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.”.

And the Senate agree to the same.

From the Committee on Transportation and Infrastructure, for consideration of the House bill (except section 141) and the Senate amendment (except secs. 1801, 40102, 40201, 40202, 40204, 40205, 40305, 40307, 40309–40312, 100112–100114, and 100116), and modifications committed to conference:

JOHN L. MICA,
DON YOUNG,
JOHN J. DUNCAN, JR.,
BILL SHUSTER,
SHELLEY MOORE CAPITO,
ERIC A. “RICK” CRAWFORD,
JAIME HERRERA BEUTLER,
LARRY BUCSHON,
RICHARD L. HANNA,
STEVE SOUTHERLAND, II,

JAMES LANKFORD,
REID J. RIBBLE,

From the Committee on Energy and Commerce, for consideration of sec. 142 and titles II and V of the House bill, and secs. 1113, 1201, 1202, subtitles B, C, D, and E of title I of Division C, secs. 32701–32705, 32710, 32713, 40101, and 40301 of the Senate amendment, and modifications committed to conference:

FRED UPTON,
ED WHITFIELD,
HENRY A. WAXMAN,

From the Committee on Natural Resources, for consideration of secs. 123, 142, 204, and titles III and VI of the House bill, and sec. 1116, subtitles C, F, and G of title I of Division A, sec. 33009, titles VI and VII of Division C, sec. 40101, subtitles A and B of title I of Division F, and sec. 100301 of the Senate amendment, and modifications committed to conference:

DOC HASTINGS,
ROB BISHOP,

From the Committee on Science, Space, and Technology for consideration of secs. 121, 123, 136, and 137 of the House bill, and sec. 1534, subtitle F of title I of Division A, secs. 20013, 20014, 20029, 31101, 31103, 31111, 31204, 31504, 32705, 33009, 34008, and Division E of the Senate amendment, and modifications committed to conference:

RALPH M. HALL,
CHIP CRAVAACK,

From the Committee on Ways and Means, for consideration of secs. 141 and 142 of the House bill, and secs. 1801, 40101, 40102, 40201, 40202, 40204, 40205, 40301–40307, 40309–40314, 100112–100114, and 100116 of the Senate amendment, and modifications committed to conference:

DAVE CAMP,
PATRICK J. TIBERI,

Managers on the Part of the House.

BARABARA BOXER,
MAX BAUCUS,
JOHN D. ROCKEFELLER, IV,
RICHARD J. DURBIN, (With
the exception of: Div. A,
Title I, §1538 Asian Carp
and Div. F, Title II,
§100206—Residual Risk)
TIM JOHNSON,
CHARLES E. SCHUMER,
BILL NELSON,
ROBERT MENENDEZ,
JAMES M. INHOFE,
DAVID VITTER,
RICHARD C. SHELBY,
KAY BAILEY HUTCHISON,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF THE CONFERENCE

The managers on the part of the Senate and the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4348), to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House recedes from its disagreement to the amendment of the Senate to the text of the bill and agrees to the same with an amendment.

A summary of the bill agreed to in conference is set forth below:

Moving Ahead for Progress in the 21st Century (MAP-21) replaces the previous author-

ization, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), that expired on September 30, 2009 and which has been continued with a series of short-term extensions. MAP-21 will modernize and reform our current transportation system to help create jobs, accelerate economic recovery, and build the foundation for long-term prosperity. This conference report makes a number of necessary changes in the Federal-aid highway program structure to increase State flexibility and better serve the American people.

DIVISION A—FEDERAL-AID HIGHWAYS AND HIGHWAY SAFETY CONSTRUCTION PROGRAMS

Highway funding levels

The conference report provides funding for the federal-aid highway program through fiscal 2014 at current funding levels with a small inflationary adjustment.

Program consolidation

The Senate and the House both sought to consolidate the number of programs in the federal-aid highway program to focus priorities and resources on key national goals. The conference report consolidates the number of highway programs by two-thirds. The elimination of dozens of programs makes more resources available to States and metropolitan areas to invest in their most critical needs to improve the condition and performance of their transportation system.

Project delivery

The conference report combined provisions from the House and Senate bills focusing on the shared priority of accelerating project delivery. It maintains the vast majority of project acceleration provisions from S. 1813 and provisions from the House bill in addition to new provisions that will maintain substantive environment and public health protections while streamlining the creation and use of documents and environmental reviews, enhancing efficiency and accountability in the project delivery process.

The conference report adopts and modifies provisions from the House bill directing the Secretary to designate, through rulemaking, certain activities as categorical exclusions under the National Environmental Policy Act. The Secretary is directed to designate the repair or reconstruction of a road, highway, or bridge damaged by a declared emergency or disaster as a categorical exclusion, if the repair or reconstruction project is in the same location and with the same specifications as the original project and is commenced within two years of the declaration of emergency or disaster. The Secretary is also directed to designate any project within the existing operational right-of-way as a categorical exclusion and defines the term “operational right-of-way”. Additionally, the Secretary is directed to designate projects receiving limited Federal assistance as a categorical exclusion. The categorical exclusion applies to any project that receives less than \$5,000,000 in Federal funds and any project with a total estimated cost of not more than \$30,000,000 receiving Federal funds comprising less than 15 percent of the total estimated project costs.

Performance measures

The nation's surface transportation programs have not provided sufficient accountability for how tax dollars are being spent on transportation projects and would benefit from a greater focus on key national priorities. The conference report focuses the highway program on key outcomes, such as re-

ducing fatalities, improving road and bridge conditions, reducing congestion, increasing system reliability, and improving freight movement and economic vitality.

Focus on the National Highway System

The conference report combines the old interstate maintenance program into a new program called the National Highway Performance Program to address both the interstate system as well as an extended National Highway System. It is these roads that are most critical to our economic vitality, and the conference report ensures the roads and bridges that make up this system will be better maintained.

Freight policy

A top priority of the nation's transportation system should be the safe and efficient movement of goods. The nation's economic health is reliant upon a transportation system that provides for reliable and timely goods movement.

This conference report establishes policies to improve freight movement. It calls for the development of a National Freight Strategic Plan, encourages state freight plans and advisory committees, and provides incentives for states that fund projects to improve freight movement.

America fast forward

Given our massive investment needs and the limited funding available, we need to find ways to better leverage Federal dollars by encouraging additional non-Federal investment and helping to accelerate the benefits of State and locally funded transportation projects.

This conference report builds upon the success of the TIFIA program to help communities leverage their transportation resources and stretch Federal dollars further than they have been stretched before. The conference report modifies the TIFIA program by increasing funding for the program to \$1 billion per year, by increasing the maximum share of project costs from 33 percent to 49 percent, by allowing TIFIA to be used to support a related set of projects, and by setting aside funding for projects in rural areas at more favorable terms.

Gulf Coast restoration

The conference report modifies a Senate provision related to Gulf Coast restoration known as the Resources and Ecosystems Sustainability, Tourism Opportunities and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act). The provision establishes the Gulf Coast Restoration Trust Fund and places in the Trust Fund 80% of all civil penalties paid by responsible parties in connection with the Deepwater Horizon oil spill. Funding may be used to invest in projects and activities to restore the long-term health of the coastal ecosystem and local economies in the Gulf Coast Region, which includes the states of Mississippi, Louisiana, Alabama, Florida, and Texas. A portion of the funds will be allocated directly and equally to the five Gulf Coast states for ecological and economic recovery along the coast. A portion will be provided to the Gulf Coast Ecosystem Restoration Council established by the bill to develop and fund a comprehensive plan for the restoration of Gulf Coast ecosystems. A portion will be allocated among the states using an impact-based formula to implement state plans that have been approved by the Council. Finally, a portion of the funds will be allocated to a Gulf Coast ecosystem restoration, science, observation, monitoring and technology program and for grants to nongovernmental entities for the establishment of Gulf Coast centers of excellence.

Harbor maintenance

The Conference report modifies a Senate provision highlighting the significance of the nation's ports for efficient movement of goods and products and the need for increased investment in the maintenance of these ports to promote the economic competitiveness of the United States. The provision states the Sense of Congress that the Administration should request and the Congress should fully expend each year all of the revenues collected in the Harbor Maintenance Trust Fund (HMTF) for the operation and maintenance of the nation's federally maintained ports. The provision also expresses the importance of protecting other critical Army Corps programs, including inland navigation, flood and coastal storm protection, and ecosystem restoration, from funding reductions.

Finally, the provision directs the Administration to provide an annual estimate of national harbor maintenance needs, including an estimate of the percentage of waterways that will be available for use based on the annual budget request as well as how much funding would be needed to achieve 95 percent availability of the nation's ports and waterways within 3 years

DIVISION B—FEDERAL PUBLIC TRANSPORTATION ACT OF 2012

The Federal Public Transportation Act of 2012 contains historic improvements in safety oversight, streamlined review of new capital projects, program consolidation, and a shift from earmarks and discretionary programs to robust formula programs that public transportation systems can rely on to upgrade and improve aging infrastructure and vehicles. The Act provides increased funding levels for fiscal years 2013 and 2014 based on expected inflation, giving public transportation providers the stable funding needed to make essential investments.

Secs. 20005 and 20006, 49 U.S.C. 5303/5304, metropolitan and statewide transportation planning

The Conference report improves metropolitan and statewide planning processes to incorporate a more comprehensive performance-based approach. The conference committee requires the structure of all Metropolitan Planning Organizations include officials of public agencies that administer or operate public transportation systems within two years of enactment.

The conference report creates a pilot program for transit-oriented development planning to advance planning efforts that support transit-oriented development around fixed guideway capital investment projects. Grants for planning will help communities develop strategies to facilitate transit-oriented development.

Secs. 20007 and 20026, 49 U.S.C. 5307 and 5336, urbanized area formula grants

Maintains the basic structure for urbanized area grants under Section 5307. The program continues to be the largest program for federal investment in public transportation. The "Job Access and Reverse Commute" program (JARC) has been moved to Section 5307 and the conferees have removed the Senate bill set-aside for JARC activities.

Maintains the existing criteria for use of 5307 funds for capital projects (operating expenses continue to be ineligible) in urban areas with a population greater than 200,000. In addition, the bill maintains language allowing small urbanized areas with populations under 200,000 to use up to 100 percent of their 5307 funding for operating expenses. A modified "100 bus rule" has been included,

allowing systems with 76-100 buses operating in peak service to use up to 50% of their 5307 funding for operating expenses and those operating 75 or fewer buses to use up to 75% for operating expenses.

The Senate receded to the House request to remove a provision in the Senate bill establishing a program to allow public transportation providers temporary flexibility during periods of high unemployment to use a limited portion of their 5307 funds for up to two years for operating expenses.

Sec. 20008, 49 U.S.C. 5309, Fixed Guideway Capital Investment Grants (new starts)

Reforms and streamlines the "Fixed Guideway Capital Investment Grant" program (previously the "Major Capital Investment Grant" or "New Starts" program). Based on extensive feedback from project sponsors and other stakeholders, the bill streamlines the New Starts process to accelerate project delivery by eliminating duplicative steps in project development and instituting a modified program structure that will allow the Federal Transit Administration to review proposals quickly, without sacrificing effective project oversight.

Projects under \$100 million can utilize an expedited review process if they meet standards of similar highly qualified projects. The bill also creates a category of demonstration projects for sponsors that propose a significant amount of local and/or private funding and reduce the federal commitment required for the projects.

Establishes a new category for capital investment projects by authorizing core capacity projects, which will undergo the same process as other "new starts" projects but provide an opportunity for existing systems to make necessary but significant investments that were not previously eligible for funding. The conference report requires that eligible activities under a core capacity project achieve at least a 10% increase in capacity along a corridor.

The Senate agreed to a House request to modify the definition of Bus Rapid Transit projects in the Senate bill to allow broader use of the program. The conference report also includes incentives for the development of bus rapid transit projects that incorporate elements of fixed-guideway transit like light rail.

Sec. 20009, 49 U.S.C. 5310, formula grants for the enhanced mobility of seniors and individuals with disabilities

Consolidates the existing "Elderly and Disabled" (Sec. 5310) and "New Freedom" (Sec. 5317) programs into a single program that increases the level of resources available beyond the level of funding available under existing programs. The consolidated program will continue to ensure support for non-profit providers of transportation, and it will continue to make available funds for public transportation services that exceed the requirements of the Americans with Disabilities Act, as previously provided under the "New Freedom" program.

Sec. 20010, 49 U.S.C. 5311, formula grants for rural areas

Maintains the existing structure providing funding to states for public transportation in rural areas. The 5311 formula is expanded to include the rural component of the "Job Access and Reverse Commute" program, and the level of public transportation service that is provided within a state's rural areas is considered in the distribution of new funds.

Funding for the "Public Transportation on Indian Reservations" program is increased

to \$30 million. The Secretary will distribute \$5 million competitively each fiscal year, and \$25 million will be available to Indian Tribes as formula grants to continue and expand public transportation services.

The conference report also establishes a new "Appalachian Development Public Transportation Program" to distribute \$20 million to states within the Appalachian region with a goal of providing greater public transportation opportunities to residents in these challenged areas.

Sec. 20011, 49 U.S.C. 5312, research, development, demonstration, and deployment projects

Modifies the existing research program by eliminating earmarks and reforming the program to provide research focused on public transportation with a goal of providing meaningful results.

Creates a clearly delineated pipeline with criteria for continued progress with a goal of taking an idea from the research phase through to demonstration and deployment in the field. For the first time, the program specifically provides funding for demonstration and deployment of products and services that may benefit public transportation; a major impediment to putting new technology to use in the field often cited by public transportation providers.

Creates a section of the deployment program dedicated to low or no emission public transportation vehicles. Grants will be available for the acquisition of low or no emission vehicles and related equipment, the construction of facilities for low or no emission vehicles, and the rehabilitation of existing facilities to accommodate the use of low or no emission vehicles.

Sec. 20012, 49 U.S.C. 5314, technical assistance and standards development

Provides grants for activities that help public transportation systems more effectively and efficiently provide public transportation service and helps grant recipients administer funds received under this chapter. Authorizes the Federal Transit Administration to continue making grants for the development of voluntary standards by the public transportation industry related to procurement, safety and other subjects and authorizes the Secretary to fund technical assistance centers to assist grant recipients following a competitive process.

Sec. 20014, 49 U.S.C. 5318, bus testing facilities

Instructs the Secretary to certify one facility for testing new bus models. Requires the Secretary to work with the bus industry to develop a mutually agreed upon pass/fail test for vehicles to ensure the safety and reliability of buses purchased with federal funds.

Sec. 20015, 49 U.S.C. 5322, public transportation workforce development and human resource programs

Authorizes the Secretary to make grants, or enter into contracts for, activities that address human resource and workforce needs as they apply to public transportation activities. Creates the Innovative Public Transportation Workforce Development Program, a competitive grant program to promote and assist the development of innovative workforce development and human resource activities within the public transportation industry.

Sec. 20017, 49 U.S.C. 5324, public transportation emergency relief program

Establishes a program to assist States and public transportation systems pay for protecting, repairing, or replacing equipment

and facilities that are in danger of suffering serious damage or have suffered serious damage as a result of an emergency.

Sec. 20019, 49 U.S.C. 5326, transit asset management

Establishes a system to monitor and manage public transportation assets to improve safety and increase reliability and performance. Recipients are required to establish and use an asset management system to develop capital asset inventories and condition assessments, and report on the condition of their system as a whole, including a description of the change in overall condition since the last report. The Secretary of Transportation is also required to define the term 'state of good repair,' including objective standards for measuring the condition of capital assets.

Sec. 20021, 49 U.S.C. 5329, public transportation safety program

Establishes a National Public Transportation Safety Plan to improve the safety of all public transportation systems that receive Federal funding. The Secretary will develop minimum performance standards for vehicles used in public transportation and establish a training program for Federal and State employees who conduct safety audits and examinations of public transportation systems.

Requires public transportation agencies to establish comprehensive safety plans, thus encouraging a "culture of safety" in which each employee completes a safety training program that includes continuing safety education and training. The Senate receded to a House request to give smaller systems the option to rely on states to prepare these plans.

Improves the effectiveness of State Safety Oversight Agencies and increases federal funding for safety. States will submit proposals for state safety oversight programs for rail fixed guideway public transportation systems to the Secretary, and upon approval, receive funding at an 80 percent Federal share. The Act builds on the existence of State safety oversight agencies and requires them to be legally and financially independent from the rail fixed guideway systems they oversee, and have the authority, staff training and expertise to enforce Federal and state safety laws.

At the request of the House the conference changes the nature of the enforcement powers contained in the Senate bill. Instead of direct oversight of public transportation agencies, the program relies on State Safety Oversight Agencies to provide direct oversight of rail fixed guideway public transportation providers.

Sec. 20027, 49 U.S.C. 5337, state of good repair grant program

Modernizes, renames, and provides historic levels of funding for the old "Rail Modernization" program by establishing a program structure and defining eligible expenses under the program with a goal of moving all systems towards a state of good repair and enabling systems to maintain a state of good repair.

The program has two major components: a rail fixed guideway state of good repair formula program and a high intensity bus state of good repair formula program. Funding tiers and earmarks in the old rail modernization program have been eliminated and replaced with a new structure that focuses on the age of the system, revenue vehicle miles and directional route miles.

DIVISION C—TRANSPORTATION SAFETY AND SURFACE TRANSPORTATION POLICY

TITLE I—MOTOR VEHICLE AND HIGHWAY SAFETY IMPROVEMENT ACT

Highway Safety Grant Programs. The conference report includes provisions that restructure the existing highway safety grant programs administered by the National Highway Traffic Safety Administration (NHTSA). The conference report largely reflects the Senate approach on modifications to the existing formula grant programs, including the establishment of a single grant application and reporting process for all grants received under this title, the adoption of performance measures, and the establishment of planning and reporting requirements for the states. In addition, the conference report inserts a prohibition on state use of these formula grant funds to pay for red light or speed cameras. The report moves a provision establishing a cooperative research and evaluation program into a different section, but continues to fund it from the funds provided for the formula grant program.

The conference report accepts the Senate approach on incentive grants, but consolidates all of those grants into a single section in Code. The new Section 405 of Title 23, "National Priority Safety Programs," allocates funds across six incentive grant programs and allows such funds to be used for a research program on technology to prevent impaired driving. The conference report retains the Senate language with respect to state traffic safety information system improvement grants, the motorcycle safety grant program, and the high visibility enforcement program.

The conference report retains the Senate language with respect to an occupant protection incentive grant with two modifications. First, the report provides the highest performing states with additional flexibility in spending grant funds. Second, the report does not specifically state that education to the public concerning the dangers of children left unattended in vehicles is an allowable use of these funds, however the conferees agree that such education efforts could be carried out under other allowable uses, including education to the public concerning the proper use of child restraints.

The conference report reflects the Senate approach with regard to the impaired driving countermeasures and teen driver safety grants with one modification made to each that allows states additional flexibility in spending a percentage of funds received through these programs. The report also accepts the Senate approach on distracted driving incentive grants, with one change to the eligibility requirements for the grants.

Highway Safety Research. The conference report accepts the Senate approach to modifying the highway safety research authorities provided to NHTSA. The report strikes provisions in the Senate bill that authorized additional collaborative research and development with non-federal entities, allowed the Secretary to establish an international highway safety information and cooperation program, funded training for highway safety personnel, and created a clearinghouse for information about best practices for driver's licensing concerning drivers with medical issues. The report removes language in the Senate bill that allowed NHTSA to develop model specifications for devices. The conferees understand the removal of this language does not alter the current authority of NHTSA in this area.

The conference report modifies Senate language providing NHTSA with the authority

to conduct research into advanced technology to prevent impaired driving, and allows the Secretary to use funds from the National Priority Safety Programs to fund this research.

Enhanced Safety Authorities. The conference report includes several provisions intended to enhance NHTSA's safety authorities. The conference report revises the Senate language on civil penalties and sets the maximum penalty at \$35 million for a related series of violations. The increase will take effect one year after enactment or when NHTSA issues a rule interpreting the new civil penalty factors, whichever is earlier, and the conferees agree that the new penalty amount will only be subject to adjustment for inflation occurring thereafter. The conference report maintains the Senate approach on motor vehicle safety research and development with modification, including to NHTSA's authority to plan, design, or build facilities. The conference report largely maintains the Senate approach providing NHTSA additional authority over imported motor vehicles and motor vehicle equipment, though it strikes a provision related to financial responsibility requirements for importers and modifies a provision relating to conditions of importation.

Transparency and Accountability. The conference report contains several provisions designed to increase transparency and accountability at NHTSA and in the auto industry. The conference report adopts a modified Senate approach on establishing public accessibility to vehicle recall information and further modifies Senate provisions addressing the set of communications with dealers that must be made available to the public. The report strikes the provision regarding public availability of early warning reporting data. The report strikes a provision imposing new post-employment restrictions for vehicle safety officials at NHTSA, but retains language calling on the inspector general to report on the issue. The report slightly modifies the whistleblower protection provision and calls on the Government Accountability Office to examine this and other such provisions. The report slightly modifies the provision directing NHTSA to study crash data collection. And the report makes slight modifications to NHTSA's authority to require additional recall notifications.

Vehicle Electronics and Safety Standards. The conference report maintains a Senate provision that establishes a Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies to build, implement, and aggregate NHTSA's expertise in passenger motor vehicle electronics and other new and emerging technologies. The conference report includes a provision calling on NHTSA to evaluate vehicle electronic systems and report to Congress on highest priority areas for safety. The conference report strikes all other safety mandates contained in Subtitle D of the Senate bill.

Child Safety Standards. The conference report maintains the Senate approach with regard to child safety. The report strikes mandates for new safety standards for booster seats and child restraint anchorage systems because conferees understand that NHTSA has completed a rulemaking that achieves these goals. The report modifies the mandate that NHTSA update its frontal impact test parameters for child safety seats to clarify that the mandate only applies to the seat assembly specifications. The report revises the provision relating to unattended passengers to a discretionary research effort without

any mandate for NHTSA to begin a rule-making process.

Improved Daytime and Nighttime Visibility of Agricultural Equipment. The Conference report accepts the Senate language.

TITLE II—COMMERCIAL MOTOR VEHICLE SAFETY ENHANCEMENT ACT OF 2012

Commercial Motor Vehicle Registration requirements. The conference report includes several provisions amending registration requirements under federal law for commercial motor vehicles (CMV), freight forwarders, and brokers. The conference report largely adopts the Senate registration provisions. The provisions include new requirements, such as completing a written examination and applying for a US DOT number, as a precondition for being registered. The included provisions amend safety fitness requirements and require license holders to provide registration updates. The conference report also includes Senate provisions for registering household goods motor carriers, but removes provisions directing the Secretary to establish education and assistance programs to address the problems of household property being held hostage.

The conference report makes changes to some Senate registration provisions. It retains the current presumption in favor of registration, removes a management plan requirement, and changes written examination provisions. For providers of motorcoach services, the conference report also replaces a pre-authorization audit requirement with a requirement that new operators undergo a safety review within 120 days of beginning operations. The conference report also removes requirements to periodically update registration information when no changes have been made.

The conference report includes a number of Senate provisions to address motor carrier companies that mask prior noncompliance and adverse safety history. The provisions authorize the Secretary to withhold, suspend, amend, or revoke a motor carrier's registration if the carrier failed to disclose an adverse safety history or other facts relevant to its past regulatory compliance. The provisions authorize similar action where the Secretary finds that within the previous 3 years the carrier: (1) was closely related to another motor carrier with a poor compliance history; and (2) did not disclose this relationship in its application. The Secretary is granted authority to refuse or revoke a USDOT number to an applicant that is unfit, unwilling or unable to comply with the safety regulations. The conference report amends some of the Senate provisions to limit the unintended results of punishing individuals who were not guilty parties in previous companies.

The conference report adopts several Senate penalty provisions for operations in violation of registration requirements. The conference report includes civil penalties and revocation authority for operating without registration, operating as imminent hazard, and transporting hazardous wastes without necessary registration. Provisions increase the civil penalties for motor carriers, motor carriers of migrant workers and private motor carriers that disobey a subpoena or a requirement of the Secretary to produce witnesses or records. Other provisions included authorize the Secretary to suspend, amend or revoke the registration of a motor carrier, broker or freight forwarder for failing to obey an administrative subpoena. Another provision authorizes the Secretary to place out of service the operations of a motor carrier discovered to be operating vehicles with-

out the required registration, or operating beyond the scope of the registration granted. The conference report amends the Senate provision for hazardous waste transportation penalties and sets the penalty range at not less than \$20,000 but not to exceed \$40,000.

Electronic logging devices. The conference report includes provisions directing the Secretary to issue regulations requiring electronic logging devices for recording hours of service in commercial motor vehicles and sets basic performance standards for the device. The conference report adopted the Senate approach with some amendments. The conference report adds an hours of service field study to expand on a previous Federal Motor Carrier Safety Administration (FMCSA) report on driver fatigue and maximum driving time requirements focusing on the 34-hour restart rule. The conference report directs the Secretary, in prescribing regulations, to consider how the rule may reduce or eliminate requirements for drivers and motor carriers to retain supporting documentation associated with paper-based records. The conference report changes the name of the device and adds other language to make clear that the devices are to be used only to enforce federal regulations. The report also includes a definition of "tamper resistant" and provisions to ensure that appropriate measures are taken to protect the privacy of individuals and the confidentiality of the data.

Commercial motor vehicle driver safety. The conference report includes several Senate provisions to address commercial driver safety: driver medical qualifications, operator training, driver's license program, driver's requirements and driver information systems. The conference report removes a Senate provision that would have directed the development of driver safety fitness ratings. The report also removes a study and report to Congress examining the extent to which detention time contributes to drivers violating hours of service requirements and driver fatigue. The conference report removes a Senate provision that would have amended the membership of the Motor Carrier Safety Advisory Committee to specifically include non-profit employee organization representation.

The provisions included direct the Secretary to establish a national registry of medical examiners, issue regulations to establish minimum entry-level training requirements for all CMV operators, require States to modernize commercial driver's license (CDL) information systems, and add disqualification standards for drivers. The conference report includes Senate provisions for the commercial driver's license program, but removes language for federal guidance on critical requirements for effective State CDL programs. The conference report includes alternate language directing states to prioritize areas that the Secretary has identified as critical in the most recent audit of their programs.

The conference report also includes language for streamlining the process by which military members and veterans who operate heavy trucks during duty are able to obtain commercial driver's licenses. The conference provision includes Senate language directing the Secretary to complete a study and report to Congress on what can be done to streamline the process. The report adds new language requiring the Secretary, based on recommendations of the report, to establish accelerated licensing procedures within 1 year of enactment.

Drug and Alcohol Clearinghouse. The conference report includes Senate provisions di-

recting the Secretary to establish a national repository for records relating to alcohol and controlled substances testing of CMV drivers. The records will be used to determine the qualifications for operating a CMV. The clearinghouse will include safeguards to protect the privacy of individuals to whom the information pertains and ensure that the information is not divulged to anyone not directly involved in evaluating the individual's qualifications to drive a CMV. The conference report also includes Senate provisions for prohibiting an employer from hiring a driver unless he or she has determined that during the preceding three years that such driver: did not test positive in violation of the regulations at title 49, Code of Federal Regulations; and did not refuse a test under these regulations. Other included provisions grant preemption authority to the Secretary in regard to the reporting of valid positive results or refusals to take alcohol screening and drug tests, and apply civil penalties to any violators of privacy and reporting requirements.

The conference report amends Senate provisions for archiving personal records to ensure further individual privacy protections. The conference report also includes amendments to the National Transportation Safety Board's access to clearinghouse records. The conference report makes amendments to clarify that the clearinghouse will be used to determine whether individuals have existing employment prohibitions at the time of making hiring decisions.

Motor Carrier Grant programs. The conference report does not include Senate provisions updating and consolidating grant programs and processes. While the conference believes that reducing administrative burdens on the states and local governments by streamlining grants processes is beneficial, the short time frame of the legislation does not allow for these changes. In that regard, the conference agrees to retain existing grant programs and authorizes them for FY 2013 and FY 2014 at current funding levels. The conference report adds language allowing the Secretary to examine methods and approaches for streamlining grants administration and processes to reduce burdens for the states and local governments. The conference report makes some administrative amendments to the existing commercial driver license program improvement grant that was included in the Senate bill. The conference also retains the Senate provision requiring a report to Congress on resuming the commercial vehicle information systems and networks program.

Motorcoach Safety. The conference report includes provisions addressing the safety of motorcoach operations. The conference adopts the Senate approach, but modifies some rulemaking and research requirements and removes registration provisions. The conference report consolidates several research and rulemakings related to fire prevention and mitigation. The report amends language on assessing the feasibility of retrofitting existing motorcoaches with safety requirements. The report makes conforming definition changes regarding the registration of motorcoaches. The registration provisions were not included in the conference report because they are largely redundant to the provisions in the report updating registration requirements for all motor carriers.

The conference report also includes a Senate provision for oversight of motorcoaches. The provision directs the Secretary to establish a safety fitness system to rate motor coaches, determine and assign a fitness rating for each motor coach, periodically review

the safety ratings and make public the fitness ratings of each motorcoach.

The conference report includes a new provision that directs the Secretary, to the extent feasible, to ensure that motorcoach research programs and rulemaking are carried out concurrently. The report also includes a provision requiring the Secretary to review and report to Congress on the current knowledge and skill testing requirements for a commercial driver's license passenger endorsement. The conference agreement removes a Senate rulemaking requirement on distracted driving because FMCSA has already addressed this issue.

Truck, Size and Weight. The conference report includes provisions directing the Secretary to study the effects of truck, size and weight on highway safety and infrastructure and compile a list of existing state truck size and weight laws. The conference report amends the Senate study provisions. The conference report includes language directing the Secretary to consider the effects of trucks operating in excess of federal law and regulations in comparison to those trucks that do not operate in excess of federal law and regulations, when assessing accident frequency and impacts to highway and bridge infrastructure. The conference report adopts the Senate requirement that the report must be submitted to Congress not later than 2 years after enactment.

Financial responsibility requirements. The conference report includes provisions addressing the financial responsibility of freight-forwarders and brokers. These provisions direct rulemakings to establish minimum financial solvency and bonding requirements for these entities. The conference agreement includes exemptions for air carrier and customs brokers who are already subject to financial responsibility requirements under federal law.

Enforcement. The Senate bill included several provisions amending and updating FMCSA's enforcement authorities. The conference report includes nine of the Senate provisions. Five of the Senate enforcement provisions were not included in the conference report: minimum prohibition on operation of unfit carriers, minimum out of service penalties, failure to pay civil penalty as a disqualifying offense, intrastate operations of interstate motor carriers and enforcement of safety laws and regulations.

Exemptions. The conference report amends an exemption for the transportation of agricultural commodities by increasing the permitted travel radius from 100 air-miles to 150 air-miles. The conference report includes Senate language for a narrow exemption from federal requirements for covered farm vehicles. This conference report adopts the Senate language directing the Secretary to study and report to Congress on the safety impacts of the covered farm vehicle exemption.

TITLE III—SURFACE TRANSPORTATION AND FREIGHT POLICY ACT OF 2012

The Senate legislation included provisions establishing a comprehensive national surface transportation system and freight transportation policy. The policy would have provided certainty to states and localities by requiring the development of long term, strategic plans and directing transportation investment data collection and evaluation efforts. This Senate title had included provisions for safety standards to ensure that the design of federal transportation projects provides for adequate consideration of non-motorized users. The conference report does not include this title.

TITLE IV—HAZARDOUS MATERIALS TRANSPORTATION SAFETY IMPROVEMENT ACT OF 2012

Training Programs. There is currently no uniform training standard for hazardous materials ("hazmat") inspectors and investigators. The conference bill requires the Secretary to establish standards for training these inspectors and investigators. The conference report modifies the Senate bill to require that the standards be developed not later than 18 months after enactment, and to clarify that the standards are established as guidelines.

The conference report includes Senate provisions that amend training requirements for emergency responders of hazardous materials. These provisions direct that organizations receiving grant funding to train emergency responders have the ability to protect against accidents or incidents involving the transportation of hazardous material in accordance with existing regulations and standards.

The conference report adds language to permit "portable training" which can be offered in any suitable setting rather than specific, designated facilities. This provision is included to allow training at locations and times convenient to students and instructors. The conference report also adds requirements to ensure that the emergency responder and hazmat employee training grants be awarded through a competitive process.

Data Collection and Research. The Senate bill recognized the need for increased research and data collection on hazardous materials programs and included a new pilot program for paperless hazard communications. The program would permit the Secretary to conduct pilot projects to evaluate the feasibility and effectiveness of using paperless hazard communications systems. The conference report includes these provisions and adds a requirement to conduct a cost-benefit analysis of the pilot projects and submit recommendations on the analysis and other findings in the report to Congress.

The conference report includes Senate provisions requiring an assessment of the Pipeline and Hazardous Materials Safety Administration's (PHMSA) hazmat data collection, analysis and reporting. These provisions require PHMSA to develop an action plan and timeline to make improvements to its systems. The conference report directs PHMSA to conduct the assessment in consultation with Commandant of the Coast Guard, in lieu of in coordination with the Secretary of Homeland Security. This amendment was included because the Coast Guard is more specifically involved in handling accidents and investigations in the transportation of hazardous materials.

Hazmat Transportation. The conference report includes a new requirement for the Secretary to study the safety of transporting flammable liquids in the external pipes of cargo tanks, "wetlines." The report specifies that the Secretary may not issue a rulemaking on "wetlines" until the study is complete, but no later than two years after the date of enactment. The conference report also modifies Senate provisions that direct the Secretary to address transportation of perishable material after inspection, training for inspectors and the proper closing of packaging after inspections, by requiring that these regulations be issued within a year after enactment.

The Senate bill included a provision that requires uniform regulations for the safe loading and unloading of hazardous materials on and off tank cars and cargo tank

trucks. The provision was not included in the conference report due to an ongoing rulemaking addressing the matter.

The conference report includes a Senate provision that ensures States update the hazardous materials route registry kept by the Department of Transportation.

Special permitting. The conference report amends provisions included in the Senate bill on special permits. The conference report removes some language regarding criteria for special permits but includes the rulemaking provision for special permit and approvals procedures. It directs a review and analysis of special permits that have been in continuous effect for a 10-year period to determine which permits can be converted into the hazardous materials regulations (HMR). It includes factors that the Secretary may consider in reviewing special permits. After the analysis is complete, but no later than 3 years after enactment, the report authorizes the Secretary to issue regulations for incorporating special permits into the HMR. The amended language also directs the Secretary to publish in the Federal Register justification in the case of special permits that are not appropriate for incorporation into the HMR. Similarly, the amended language includes a process to review a special permit for incorporation into the regulations once that permit has been in effect for 10 years.

Motor carrier safety permits. The conference report includes a provision directing the Secretary to conduct a review of the implementation of the hazardous material safety permit program. The conference report directs the Secretary to consider factors, including the list of hazardous materials requiring a safety permit, the criteria used by PHMSA to determine whether a hazardous material safety permit issued by a State is equivalent to the Federal permit, and actions to improve the program including an additional level of fitness review. Based on the findings of the review, the Secretary may either issue a rulemaking to make any necessary improvements to the program, or publish in the Federal Register justification for why a rulemaking is not necessary.

Civil penalties. The conference report adds new language amending civil penalties by removing the minimum penalty amount for violations of hazardous materials laws and regulations. The conference report also adds language amending penalties for training violations. It includes a definition of "obstruct" regarding penalties for obstruction of inspections and investigations.

TITLE V—NATIONAL RAIL SYSTEM PRESERVATION, EXPANSION AND DEVELOPMENT ACT OF 2012

The Senate legislation included provisions that would direct the Secretary, in collaboration with stakeholders, to develop a long-range, national rail plan. Other provisions in this title would amend statutory requirements for implementation of positive train control, refine Surface Transportation Board authorities and amend and update Amtrak's environmental review, capital planning and financing, and inspector general authorities. The conference report does not include any of the provisions in this title.

TITLE VI—SPORT FISH RESTORATION AND RECREATIONAL BOATING SAFETY ACT OF 2012

Sport Fish Restoration and Boating Trust Fund. The conference report adopts Senate provisions to authorize appropriations and amounts for administrative costs through FY 2013 for the Sport Fish Restoration and Boating Trust Fund. The Trust Fund, often referred to as Wallop-Breaux, is the mainstay of funding for State and Federal sport

fish conservation and recreational boating safety programs. Funds go to projects that support sport fish conservation and habitat conservation in the States, and to assist States in establishing and maintaining recreational boating safety and boater education programs. The Trust Fund receives income from the following five sources: (1) motorboat fuel taxes; (2) annual tax receipts from small engine fuel used for outdoor power equipment; (3) a manufacturers' excise tax on sport fishing equipment; (4) import duties on fishing tackle and on yachts and pleasure craft; and (5) interest on funds invested prior to disbursement. All moneys received in a given fiscal year are apportioned to the States in the following fiscal year.

TITLE VII—MISCELLANEOUS

Overflights in Grand Canyon National Park. The conference report makes amendments to a Senate provision on aircraft noise abatement at Grand Canyon National Park (GCNP). The provision establishes standards to be used by the National Park Service (NPS) in restoring natural quiet at GCNP, defines the term "substantial restoration of natural quiet" for the park, and directs the NPS to take measures that promote adoption of quiet technology aircraft at GCNP.

Commercial air tour operations. The conference report amends a Senate provision for commercial air tour operations at national parks. The report modifies existing statutory authority to clarify the conditions under which the Director of the NPS may deny an application to begin or expand commercial air tour operations without developing an air tour management plan at Crater Lake National Park and Great Smoky Mountains National Park only.

PART I—EXTENSION OF HIGHWAY TRUST FUND EXPENDITURE AUTHORITY AND RELATED TAXES

A. Extension of Highway Trust Fund Expenditure Authority and Extension of Highway-Related Taxes

(secs. 141 and 142 of the House bill, secs. 40101 and 40102 of the Senate amendment, secs. 40101 and 40102 of the conference agreement, and secs. 4041, 4051, 4071, 4081, 4221, 4481 4483, 6412, 9503, 9504, and 9508 of the Code)¹

PRESENT LAW HIGHWAY TRUST FUND EXCISE TAXES

In general

Six separate excise taxes are imposed to finance the Federal Highway Trust Fund program. Three of these taxes are imposed on highway motor fuels. The remaining three are a retail sales tax on heavy highway vehicles, a manufacturers' excise tax on heavy vehicle tires, and an annual use tax on heavy vehicles. A substantial majority of the revenues produced by the Highway Trust Fund excise taxes are derived from the taxes on motor fuels. The annual use tax on heavy vehicles expires October 1, 2013. Except for 4.3 cents per gallon of the Highway Trust Fund fuels tax rates, the remaining taxes are scheduled to expire after June 30, 2012. The 4.3-cents-per-gallon portion of the fuels tax rates is permanent.² The six taxes are summarized below.

Highway motor fuels taxes

The Highway Trust Fund motor fuels tax rates are as follows:³

Gasoline	18.3 cents per gallon
Diesel fuel and kerosene	24.3 cents per gallon
Alternative fuels	18.3 or 24.3 cents per gallon generally ⁴

⁴ See secs. 4041(a)(2), 4041(a)(3), and 4041(m).

Non-fuel highway trust fund excise taxes

In addition to the highway motor fuels excise tax revenues, the Highway Trust Fund receives revenues produced by three excise taxes imposed exclusively on heavy highway vehicles or tires. These taxes are:

1. A 12-percent excise tax imposed on the first retail sale of heavy highway vehicles, tractors, and trailers (generally, trucks having a gross vehicle weight in excess of 33,000 pounds and trailers having such a weight in excess of 26,000 pounds);⁵

2. An excise tax imposed on highway tires with a rated load capacity exceeding 3,500 pounds, generally at a rate of 0.945 cents per 10 pounds of excess;⁶ and

3. An annual use tax imposed on highway vehicles having a taxable gross weight of 55,000 pounds or more.⁷ (The maximum rate for this tax is \$550 per year, imposed on vehicles having a taxable gross weight over 75,000 pounds.)

The taxable year for the annual use tax is from July 1st through June 30th of the following year. For the period July 1, 2013, through September 30, 2013, the amount of the annual use tax is reduced by 75 percent.⁸

PRESENT LAW HIGHWAY TRUST FUND EXPENDITURE PROVISIONS

In general

Under present law, revenues from the highway excise taxes, as imposed through June 30, 2012, generally are dedicated to the Highway Trust Fund. Deduction of excise tax revenues to the Highway Trust Fund and expenditures from the Highway Trust Fund are governed by the Code.⁹ The Code authorizes expenditures (subject to appropriations) from the Highway Trust Fund through June 30, 2012, for the purposes provided in authorizing legislation, as such legislation was in effect on the date of enactment of the Surface Transportation Extension Act of 2012.

Highway Trust Fund expenditure purposes

The Highway Trust Fund has a separate account for mass transit, the Mass Transit Account.¹⁰ The Highway Trust Fund and the Mass Transit Account are funding sources for specific programs.

Highway Trust Fund expenditure purposes have been revised with each authorization Act enacted since establishment of the Highway Trust Fund in 1956. In general, expenditures authorized under those Acts (as the Acts were in effect on the date of enactment of the most recent such authorizing Act) are specified by the Code as Highway Trust Fund expenditure purposes.¹¹ The Code provides

³ Secs. 4081(a)(2)(A)(i), 4081(a)(2)(A)(iii), 4041(a)(2), 4041(a)(3), and 4041(m). Some of these fuels also are subject to an additional 0.1-cent-per-gallon excise tax to fund the Leaking Underground Storage Tank Trust Fund (secs. 4041(d) and 4081(a)(2)(B)).

⁵ Sec. 4051.

⁶ Sec. 4071.

⁷ Sec. 4481.

⁸ Sec. 4482(c)(4) and (d).

⁹ Sec. 9503. The Highway Trust Fund statutory provisions were placed in the Internal Revenue Code in 1982.

¹⁰ Sec. 9503(e)(1).

¹¹ The authorizing Acts that currently are referenced in the Highway Trust Fund provisions of the Code are: the Highway Revenue Act of 1956; Titles I and II of the Surface Transportation Assistance Act

that the authority to make expenditures from the Highway Trust Fund expires after June 30, 2012. Thus, no Highway Trust Fund expenditures may occur after June 30, 2012, without an amendment to the Code.

As noted above, section 9503 appropriates to the Highway Trust Fund amounts equivalent to the taxes received from the following: the taxes on diesel, gasoline, kerosene and special motor fuel, the tax on tires, the annual heavy vehicle use tax, and the tax on the retail sale of heavy trucks and trailers.¹² Section 9601 provides that amounts appropriated to a trust fund pursuant to sections 9501 through 9511, are to be transferred at least monthly from the General Fund of the Treasury to such trust fund on the basis of estimates made by the Secretary of the Treasury of the amounts referred to in the Code section appropriating the amounts to such trust fund. The Code requires that proper adjustments be made in amounts subsequently transferred to the extent prior estimates were in excess of, or less than, the amounts required to be transferred.

HOUSE BILL

Present-law expenditure authority and taxes are extended for an additional three months, through September 30, 2012.

Effective date.—The provision is effective July 1, 2012.

SENATE AMENDMENT

The expenditure authority for the Highway Trust Fund is extended through September 30, 2013. The Code provisions governing the purposes for which monies in the Highway Trust Fund may be spent are updated to include the reauthorization bill, Moving Ahead for Progress for the 21st Century (MAP-21).¹³

The provision extends the motor fuel taxes, and all three non-fuel excise taxes at their current rates through September 30, 2015.¹⁴ The provision resolves the projected deficit in the Highway Trust Fund, assures a cushion of \$2.8 billion in each account of the Highway Trust Fund, and creates a solvency account available for use by either highways or mass transit. Specifically, the Secretary of the Treasury is to transfer the excess of (1) any amount appropriated to the Highway Trust Fund before October 1, 2013, by reason of the provisions of this bill, over (2) the amount necessary to meet the required expenditures from the Highway Trust Fund as authorized in section 9503(c) of the Code (which provides expenditure authority from

of 1982; the Surface Transportation and Uniform Relocation Act of 1987; the Intermodal Surface Transportation Efficiency Act of 1991; the Transportation Equity Act for the 21st Century, the Surface Transportation Extension Act of 2003, the Surface Transportation Extension Act of 2004; the Surface Transportation Extension Act of 2004, Part II; the Surface Transportation Extension Act of 2004, Part III; the Surface Transportation Extension Act of 2004, Part IV; the Surface Transportation Extension Act of 2004, Part V; the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; the SAFETEA-LU Technical Corrections Act of 2008; the Surface Transportation Extension Act of 2010; the Surface Transportation Extension Act of 2010, Part II; the Surface Transportation Extension Act of 2011; the Surface Transportation Extension Act of 2011, Part II, and the Surface Transportation Extension Act of 2012.

¹² Sec. 9503(b)(1).

¹³ The provision also replaces cross-references to the Surface Transportation Extension Act of 2011, Part II, with MAP-21, and replaces April 1, 2012 references with October 1, 2013 in the Code provisions governing the Leaking Underground Storage Tank Trust Fund, and the Sport Fish Restoration and Boating Trust Fund.

¹⁴ The Leaking Underground Storage Tank Trust Fund financing rate of 0.1 cent per gallon also is extended through September 30, 2015.

¹ Except where otherwise stated, all section references are to the Internal Revenue Code of 1986, as amended (the "Code").

² This portion of the tax rates was enacted as a deficit reduction measure in 1993. Receipts from it were retained in the General Fund until 1997 legislation provided for their transfer to the Highway Trust Fund.

the Highway Trust Fund) for the period ending before October 1, 2013. Amounts in the solvency account are available for transfers to the Highway Account and the Mass Transit Account in such amounts as determined necessary by the Secretary to ensure that each account has a surplus balance of \$2.8 billion on September 30, 2013. The solvency account terminates on September 30, 2013 and any remainder in the solvency account remains in the Highway Trust Fund. The Committee expects that the Secretary of the Treasury will consult with the Secretary of Transportation in making determinations concerning amounts necessary to meet required expenditures and amounts necessary to ensure the cushion of \$2.8 billion.

Effective date.—The provision is effective on April 1, 2012.

CONFERENCE AGREEMENT

The conference agreement provides for expenditure authority through September 30, 2014. The Code provisions governing the purposes for which monies in the Highway Trust Fund may be spent are updated to include the conference agreement bill, MAP-21. Cross-references to the reauthorization bill in the Code provisions governing the Sport Fish Restoration and Boating Trust Fund are also updated to include the conference agreement bill. In general, the provision extends the taxes dedicated to the Highway Trust Fund at their present law rates through September 30, 2016, and for the heavy vehicle use tax, through September 30, 2017.¹⁵

Effective date.—The provision is effective July 1, 2012.

PART II—REVENUE PROVISIONS

A. Leaking Underground Storage Tank Trust Fund

(secs. 40301 and 40302 of the Senate amendment, sec. 40201 of the conference agreement and secs. 9503 and 9508 of the Code)

PRESENT LAW

Leaking Underground Storage Tank Trust Fund financing rate

Fuels of a type subject to other trust fund excise taxes generally are subject to an additional excise tax of 0.1-cent-per-gallon to fund the Leaking Underground Storage Tank ("LUST") Trust Fund.¹⁶ For example, the LUST excise tax applies to gasoline, diesel fuel, kerosene, and most alternative fuels subject to highway and aviation fuels excise taxes, and to fuels subject to the inland waterways fuel excise tax. This excise tax is imposed on both uses and parties subject to the other taxes, and to situations (other than export) in which the fuel otherwise is tax-exempt. For example, off-highway business use of gasoline and off-highway use of diesel fuel and kerosene generally are exempt from highway motor fuels excise tax. Similarly, States and local governments and certain other parties are exempt from such tax. Nonetheless, all such uses and parties are subject to the 0.1-cent-per-gallon LUST excise tax.

Liquefied natural gas, compressed natural gas, and liquefied petroleum gas are exempt from the LUST tax. Additionally, methanol and ethanol fuels produced from coal (including peat) are taxed at a reduced rate of 0.05 cents per gallon.

The LUST tax is scheduled to expire after June 30, 2012.¹⁷

Overview of Leaking Underground Storage Tank Trust Fund expenditure provisions

Amounts in the LUST Trust Fund are available, as provided in appropriations Acts, for purposes of making expenditures to carry out sections 9003(h)–(j), 9004(f), 9005(c), and 9010–9013 of the Solid Waste Disposal Act as in effect on the date of enactment of Public Law 109–168. Any claim filed against the LUST Trust Fund may be paid only out of such fund, and the liability of the United States for claims is limited to the amount in the fund.

The monies in the LUST Trust Fund are used to pay expenses incurred by the Environmental Protection Agency (the "EPA") and the States for preventing, detecting, and cleaning up leaks from petroleum underground storage tanks, as well as programs to evaluate the compatibility of fuel storage tanks with alternative fuels, MTBE additives, and ethanol and biodiesel blends.

The EPA makes grants to States to implement the program, and States use cleanup funds primarily to oversee and enforce corrective actions by responsible parties. States and EPA also use cleanup funds to conduct corrective actions where no responsible party has been identified, where a responsible party fails to comply with a cleanup order, in the event of an emergency, and to take cost recovery actions against parties. In 2005, Congress authorized the EPA and States to use trust fund monies for non-cleanup purposes as well, specifically for administration and enforcement of the leak prevention requirements of the UST program.¹⁸

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision transfers \$3 billion from the LUST Trust Fund to the Highway Trust Fund. The provision also provides that 0.033 cent of the 0.1 cent LUST Trust Fund financing rate is dedicated to the Highway Trust Fund.¹⁹

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement transfers \$2.4 billion from the LUST Trust Fund to the Highway Account of the Highway Trust Fund.

The conference agreement does not include the Senate amendment provision to transfer 0.033 cent of the 0.1 cent LUST Trust Fund financing rate to the Highway Trust Fund.

Effective date.—The provision is effective on the date of enactment.

B. Pension Funding Stabilization

(sec. 40312 of the Senate amendment, sec. 40211 of the conference agreement, Code sec. 430, and ERISA secs. 101(f) and 303)

PRESENT LAW

Minimum funding rules

Defined benefit plans generally are subject to minimum funding rules that require the sponsoring employer generally to make a contribution for each plan year to fund plan benefits.²⁰ Parallel rules apply under the Em-

ployee Retirement Income Security Act of 1974 ("ERISA"), which is generally in the jurisdiction of the Department of Labor.²¹ The minimum funding rules for single-employer defined benefit plans were substantially revised by the Pension Protection Act of 2006 ("PPA").²²

Minimum required contributions

In general

The minimum required contribution for a plan year for a single-employer defined benefit plan generally depends on a comparison of the value of the plan's assets, reduced by any prefunding balance or funding standard carryover balance ("net value of plan assets"),²³ with the plan's funding target and target normal cost. The plan's funding target for a plan year is the present value of all benefits accrued or earned as of the beginning of the plan year. A plan's target normal cost for a plan year is generally the present value of benefits expected to accrue or to be earned during the plan year.

If the net value of plan assets is less than the plan's funding target, so that the plan has a funding shortfall (discussed further below), the minimum required contribution is the sum of the plan's target normal cost and the shortfall amortization charge for the plan year (determined as described below).²⁴ If the net value of plan assets is equal to or exceeds the plan's funding target, the minimum required contribution is the plan's target normal cost, reduced by the amount, if any, by which the net value of plan assets exceeds the plan's funding target.

Shortfall amortization charge

The shortfall amortization charge for a plan year is the sum of the annual shortfall amortization installments attributable to the shortfall bases for that plan year and the six previous plan years. Generally, if a plan

mental plans (within the meaning of section 414(d) and church plans (within the meaning of section 414(e)) are generally not subject to the minimum funding rules. Under section 4971, an excise tax applies to an employer maintaining a single-employer plan if the minimum funding requirements are not satisfied.

²¹ Sec. 302 of ERISA.

²² Pub. L. No. 109–280, The PPA minimum funding rules for single-employer plans are generally effective for plan years beginning after December 31, 2007. Delayed effective dates apply to single-employer plans sponsored by certain large defense contractors, multiple-employer plans of some rural cooperatives, eligible charity plans, and single-employer plans affected by settlement agreements with the Pension Benefit Guaranty Corporation. Subsequent changes to the single-employer plan and multiemployer plan funding rules (including temporary funding relief) were made by the Worker, Retiree, and Employer Recovery Act of 2008 ("WRERA"), Pub. L. No. 110–458, and the Preservation of Access to Care for Medicare Beneficiaries and Pension Relief Act of 2010 ("PRA 2010"), Public Law 111–192.

²³ The value of plan assets is generally reduced by any prefunding balance or funding standard carryover balance in determining minimum required contributions, including for this purpose. A prefunding balance results from contributions to a plan that exceed the minimum required contributions. A funding standard carryover balance results from a positive balance in the funding standard account that applied under the funding requirements in effect before PPA. Subject to certain conditions, a prefunding balance or funding standard carryover balance may be credited against the minimum required contribution for a year, reducing the amount that must be contributed.

²⁴ If the plan has obtained a waiver of the minimum required contribution (a funding waiver) within the past five years, the minimum required contribution also includes the related waiver amortization charge, that is, the annual installment needed to amortize the waived amount in level installments over the five years following the year of the waiver.

¹⁵ The Leaking Underground Storage Tank Trust Fund financing rate also is extended through September 30, 2016. The provision also corrects a potential drafting ambiguity regarding the taxable period as reflected in prior legislation. The provision is effective as if included in section 142 of the Surface Transportation Extension Act of 2011, Part II.

¹⁶ Secs. 4041, 4042, and 4081.

¹⁷ For Federal budget scorekeeping purposes, the LUST Trust Fund tax, like other excise taxes dedicated to trust funds, is assumed to be permanent.

¹⁸ Pub. L. No. 109–58.

¹⁹ As noted above, the Leaking Underground Storage Tank Trust Fund financing rate of 0.1 cent per gallon is also extended through September 30, 2015.

²⁰ Sec. 412. A number of exceptions to the minimum funding rules apply. For example, govern-

has a funding shortfall for the plan year, a shortfall amortization base must be established for the plan year.²⁵ A plan's funding shortfall is the amount by which the plan's funding target exceeds the net value of plan assets. The shortfall amortization base for a plan year is: (1) the plan's funding shortfall, minus (2) the present value, determined using the segment interest rates (discussed below), of the aggregate total of the shortfall amortization installments that have been determined for the plan year and any succeeding plan year with respect to any shortfall amortization bases for the six previous plan years. The shortfall amortization base is amortized in level annual installments ("shortfall amortization installments") over a seven-year period beginning with the current plan year and using the segment interest rates (discussed below).²⁶

The shortfall amortization base for a plan year may be positive or negative, depending on whether the present value of remaining installments with respect to amortization bases for previous years is more or less than the plan's funding shortfall. If the shortfall amortization base is positive (that is, the funding shortfall exceeds the present value of the remaining installments), the related shortfall amortization installments are positive. If the shortfall amortization base is negative, the related shortfall amortization installments are negative. The positive and negative shortfall amortization installments for a particular plan year are netted when adding them up in determining the shortfall amortization charge for the plan year, but the resulting shortfall amortization charge cannot be less than zero (i.e., negative amortization installments may not offset normal cost).

If the net value of plan assets for a plan year is at least equal to the plan's funding target for the year, so the plan has no funding shortfall, any shortfall amortization bases and related shortfall amortization installments are eliminated.²⁷ As indicated above, if the net value of plan assets exceeds the plan's funding target, the excess is applied against target normal cost in determining the minimum required contribution.

Interest rate used to determine target normal cost and funding target

The minimum funding rules for single-employer plans specify the interest rates and other actuarial assumptions that must be used in determining the present value of benefits for purposes of a plan's target normal cost and funding target.

Present value is determined using three interest rates ("segment" rates), each of which applies to benefit payments expected to be made from the plan during a certain period.

²⁵ If the value of plan assets, reduced only by any prefunding balance if the employer elects to apply the prefunding balance against the required contribution for the plan year, is at least equal to the plan's funding target, no shortfall amortization base is established for the year.

²⁶ Under PRA 2010, employers were permitted to elect to use one of two alternative extended amortization schedules for up to two "eligible" plan years during the period 2008–2011. The use of an extended amortization schedule has the effect of reducing the amount of the shortfall amortization installments attributable to the shortfall amortization base for the eligible plan year. However, the shortfall amortization installments attributable to an eligible plan year may be increased by an additional amount, an "installment acceleration amount," in the case of employee compensation exceeding \$1 million, extraordinary dividends, or stock redemptions within a certain period of the eligible plan year.

²⁷ Any amortization base relating to a funding waiver for a previous year is also eliminated.

The first segment rate applies to benefits reasonably determined to be payable during the five-year period beginning on the first day of the plan year; the second segment rate applies to benefits reasonably determined to be payable during the 15-year period following the initial five-year period; and the third segment rate applies to benefits reasonably determined to be payable at the end of the 15-year period. Each segment rate is a single interest rate determined monthly by the Secretary of the Treasury ("Secretary") on the basis of a corporate bond yield curve, taking into account only the portion of the yield curve based on corporate bonds maturing during the particular segment rate period. The corporate bond yield curve used for this purpose reflects the average, for the 24-month period ending with the preceding month, of yields on investment grade corporate bonds with varying maturities and that are in the top three quality levels available. The Internal Revenue Service (IRS) publishes the segment rates each month.

The present value of liabilities under a plan is determined using the segment rates for the "applicable month" for the plan year. The applicable month is the month that includes the plan's valuation date for the plan year, or, at the election of the employer, any of the four months preceding the month that includes the valuation date.

Solely for purposes of determining minimum required contributions, in lieu of the segment rates described above, an employer may elect to use interest rates on a yield curve based on the yields on investment grade corporate bonds for the month preceding the month in which the plan year begins (i.e., without regard to the 24-month averaging described above) ("monthly yield curve"). If an election to use a monthly yield curve is made, it cannot be revoked without IRS approval.

Use of segment rates for other purposes

In general

In addition to being used to determine a plan's funding target and target normal cost, the segment rates are used also for other purposes, either directly because the segment rates themselves are specifically cross-referenced or indirectly because funding target, target normal cost, or some other concept, such as funding target attainment percentage (discussed below) in which funding target or target normal cost is an element, is cross-referenced elsewhere.

Funding target attainment percentage

A plan's funding target attainment percentage for a plan year is the ratio, expressed as a percentage, that the net value of plan assets bears to the plan's funding target for the year. Special rules may apply to a plan if its funding target attainment percentage is below a certain level. For example, funding target attainment percentage is used to determine whether a plan is in "at-risk" status, so that special actuarial assumptions ("at-risk assumptions") must be used in determining the plan's funding target and target normal cost.²⁸ A plan is in at risk status for a plan year if, for the preceding year: (1) the plan's funding target attainment percentage, determined without regard to the at-risk assumptions, was less than 80 percent, and (2) the plan's funding target attainment percentage, determined

using the at-risk assumptions (without regard to whether the plan was in at-risk status for the preceding year), was less than 70 percent.²⁹ In addition, special reporting to the Pension Benefit Guaranty Corporation ("PBGC") may be required if a plan's funding target attainment percentage is less than 80 percent.³⁰

Restrictions on benefit increases, certain types of benefits and benefit accruals (collectively referred to as "benefit restrictions") may apply to a plan if the plan's adjusted funding target attainment percentage is below a certain level.³¹ Adjusted funding target attainment percentage is determined in the same way as funding target attainment percentage, except that the net value of plan assets and the plan's funding target are both increased by the aggregate amount of purchases of annuities for employees, other than highly compensated employees, made by the plan during the two preceding plan years. Although anti-cutback rules generally prohibit reductions in benefits that have already been earned under a plan,³² reductions required to comply with the benefit restrictions are permitted.

Minimum and maximum lump sums, limits on deductible contributions, retiree health

Defined benefit plans commonly allow a participant to choose among various forms of benefit offered under the plan, such as a lump-sum distribution. These optional forms of benefit generally must be actuarially equivalent to the life annuity benefit payable to the participant at normal retirement age. For certain forms of benefit, such as lump sums, the benefit amount cannot be less than the amount determined using the segment rates and a specified mortality table.³³ For this purpose, however, the segment rates are determined on a monthly basis, rather than using a 24-month average of corporate bond rates.

The amount of benefits under a defined benefit plan are subject to certain limits.³⁴ The segment rates used in determining minimum lump sums (and certain other forms of benefit) are also used in applying the benefit limits to lump sums (and the certain other forms of benefit).

Limits apply to the amount of plan contributions that may be deducted by an employer.³⁵ In the case of a single-employer defined benefit plan, the plan's funding target and target normal cost, determined using the segment rates that apply for funding purposes, are taken into account in calculating the limit on deductible contributions.

Subject to various conditions, a qualified transfer of excess assets of a single-employer defined benefit plan to a retiree medical account within the plan may be made in order to fund retiree health benefits.³⁶ For this purpose, excess assets generally means the excess, if any, of the value of the plan's assets over 125 percent of the sum of the plan's funding target and target normal cost for the plan year.

²⁸ A similar test applies in order for an employer to be permitted to apply a prefunding balance against its required contribution, that is, for the preceding year, the ratio of the value of plan assets (reduced by any prefunding balance) must be at least 80 percent of the plan's funding target (determined without regard to the at-risk rules).

³⁰ ERISA sec. 4010.

³¹ Code sec. 436 and ERISA sec. 206(g).

³² Code sec. 411(d)(6) and ERISA sec. 204(g).

³³ Code sec. 417(e) and ERISA sec. 205(g).

³⁴ Sec. 415(b).

³⁵ Sec. 404.

³⁶ Sec. 420. Under present law, a qualified transfer is not permitted after December 31, 2013.

PBGC premiums and 4010 reporting

PBGC premiums apply with respect to defined benefit plans covered by ERISA.³⁷ In the case of a single-employer defined benefit plan, flat-rate premiums apply at a rate of \$35.00 per participant for 2012.³⁸ If a single-employer defined benefit plan has unfunded vested benefits, variable-rate premiums also apply at a rate of \$9 per \$1,000 of unfunded vested benefits divided by the number of participants. For purposes of determining variable-rate premiums, unfunded vested benefits are equal to the excess (if any) of (1) the plan's funding target for the year determined as under the minimum funding rules, but taking into account only vested benefits, over (2) the fair market value of plan assets. In determining the plan's funding target for this purpose, the interest rates used are segment rates determined as under the minimum funding rules, but determined on a monthly basis, rather than using a 24-month average of corporate bond rates.

In certain circumstances, the contributing sponsor of a single-employer plan defined benefit pension plan covered by the PBGC (and members of the contributing sponsor's controlled group) must provide certain information to the PBGC (referred to as "section 4010 reporting").³⁹ This information includes actuarial information with respect to single-employer plans maintained by the contributing sponsor (and controlled group members). Section 4010 reporting is required if: (1) the funding target attainment percentage at the end of the preceding plan year of a plan maintained by the contributing sponsor or any member of its controlled group is less than 80 percent; (2) the conditions for imposition of a lien (i.e., required contributions totaling more than \$1 million have not been made) have occurred with respect to a plan maintained by the contributing sponsor or any member of its controlled group; or (3) minimum funding waivers in excess of \$1 million have been granted with respect to a plan maintained by the contributing sponsor or any member of its controlled group and any portion of the waived amount is still outstanding.

Annual funding notice

The plan administrator of a defined benefit plan must provide an annual funding notice to: (1) each participant and beneficiary; (2) each labor organization representing such participants or beneficiaries; and (4) the PBGC.⁴⁰

In addition to the information required to be provided in all funding notices, certain information must be provided in the case of a single-employer defined benefit plan, including:

a statement as to whether the plan's funding target attainment percentage (as defined under the minimum funding rules) for the plan year to which the notice relates and the two preceding plan years, is at least 100 percent (and, if not, the actual percentages); and

a statement of (a) the total assets (separately stating any funding standard carry-over or prefunding balance) and the plan's liabilities for the plan year and the two preceding years, determined in the same man-

ner as under the funding rules, and (b) the value of the plan's assets and liabilities as of the last day of the plan year to which the notice relates, determined using fair market value and the interest rate used in determining variable rate premiums.

A funding notice may also include any additional information that the plan administrator elects to include to the extent not inconsistent with regulations. The notice must be written so as to be understood by the average plan participant. As required under PPA, the Secretary of Labor has issued a model funding notice that can be used to satisfy the notice requirement.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment revises the rules for determining the segment rates under the single-employer plan funding rules by adjusting a segment rate if the rate determined under the regular rules is outside a specified range of the average of the segment rates for the preceding 25-year period ("average" segment rates). In particular, if a segment rate determined for an applicable month under the regular rules is less than the applicable minimum percentage, the segment rate is adjusted upward to match that percentage. If a segment rate determined for an applicable month under the regular rules is more than the applicable maximum percentage, the segment rate is adjusted downward to match that percentage. For this purpose, the average segment rate is the average of the segment rates determined under the regular rules for the 25-year period ending September 30 of the calendar year preceding the calendar year in which the plan year begins. The Secretary is to determine average segment rates on an annual basis and may prescribe equivalent rates for any years in the 25-year period for which segment rates determined under the regular rules are not available. The Secretary is directed to publish the average segment rates each month.

The applicable minimum percentage and the applicable maximum percentage depend on the calendar year in which the plan year begins as shown by the following table:

If the calendar year is:	The applicable minimum percentage is:	The applicable maximum percentage is:
2012	90 percent	110 percent
2013	85 percent	115 percent
2014	80 percent	120 percent
2015	75 percent	125 percent
2016 or later	70 percent	130 percent

Thus, for example, if the first segment rate determined for an applicable month under the regular rules for a plan year beginning in 2012 is less than 90 percent of the average of the first segment rates determined under the regular rules for the 25-year period ending September 30, 2011, the segment rate is adjusted to 90 percent of the 25-year average.

The change in the method of determining segment rates generally applies for the purposes for which segment rates are used under present law, except for purposes of determining minimum and maximum lump-sum benefits,⁴¹ limits on deductible contributions to single-employer defined benefit plans, and PBGC variable-rate premiums.

Effective date.—The provision in the Senate Amendment is generally effective for plan years beginning after December 31, 2011.

⁴¹ The provision does not provide a specific exception for determining maximum lump sum benefits. However, the exception for minimum lump sum benefits applies by cross-reference.

Under a special rule, an employer may elect, for any plan year beginning on or before the date of enactment and solely for purposes of determining the plan's adjusted funding target attainment percentage (used in applying the benefit restrictions) for that year, not to have the provision apply. A plan is not treated as failing to meet the requirements of the anti-cutback rules solely by reason of an election under the special rule.

CONFERENCE AGREEMENT

The conference agreement follows the Senate amendment with several modifications.

Average segment rates

The change in the method of determining segment rates generally applies for the purposes for which segment rates are used under present law, except for purposes of minimum and maximum lump-sum benefits,⁴² limits on deductible contributions to single-employer defined benefit plans, qualified transfers of excess pension assets to retiree medical accounts,⁴³ PBGC variable-rate premiums,⁴⁴ and 4010 reporting to the PBGC.

The special effective date rule is modified under the conference agreement so that an employer may elect, for any plan year beginning before January 1, 2013, not to have the provision apply either (1) for all purposes for which the provision would otherwise apply, or (2) solely for purposes of determining the plan's adjusted funding target attainment percentage (used in applying the benefit restrictions) for that year. A plan is not treated as failing to meet the requirements of the anti-cutback rules solely by reason of an election under the special rule.

Under the conference agreement, if, as of the date of enactment, an employer election is in effect to use a monthly yield curve in determining minimum required contributions, rather than segment rates, the employer may revoke the election (and use segment rates, as modified by the conference agreement provision) without obtaining IRS approval. The revocation must be made at any time before the date that is one year after the date of enactment, and the revocation will be effective for the first plan year to which the amendments made by the provision apply and all subsequent plan years. The employer is not precluded from making a subsequent election to use a monthly yield curve in determining minimum required contributions in accordance with present law.

Annual funding notice

The conference agreement requires additional information to be included in the annual funding notice in the case of an applicable plan year. For this purpose, an applicable plan year is any plan year beginning after December 31, 2011, and before January 1, 2015, for which (1) the plan's funding target, determined using segment rates as adjusted to reflect average segment rates ("adjusted" segment rates), is less than 95 percent of the funding target determined without regard to adjusted segment rates (that is, determined as under present law), (2) the plan has a funding shortfall, determined without regard

⁴² The provision does not provide a specific exception for determining maximum lump sum benefits. However, the exception for minimum lump sum benefits applies by cross-reference.

⁴³ Another provision of the conference agreement extends to December 31, 2021, the ability to make a qualified transfer. In addition, another provision of the conference agreement allows qualified transfers to be made to provide group-term life insurance benefits.

⁴⁴ Another provision of the conference agreement increases PBGC flat-rate and variable-rate premiums.

³⁷ ERISA sec. 4006.

³⁸ Flat-rate premiums apply also to multiemployer defined benefit plans at a rate of \$9.00 per participant. Single-employer and multiemployer flat-rate premium rates are indexed for inflation. The rate of variable-rate premiums is not indexed.

³⁹ ERISA sec. 4010.

⁴⁰ ERISA sec. 101(f). In the case of a multiemployer plan, the notice must also be sent to each employer that has an obligation to contribute under the plan;

to adjusted segment rates, greater than \$500,000 and (3) the plan had 50 or more participants on any day during the preceding plan year.

The additional information that must be provided is:

a statement that MAP-21 modified the method for determining the interest rates used to determine the actuarial value of benefits earned under the plan, providing for a 25-year average of interest rates to be taken into account in addition to a 2-year average;

a statement that, as a result of MAP-21, the plan sponsor may contribute less money to the plan when interest rates are at historical lows, and

a table showing, for the applicable plan year and each of the two preceding plan years, the plan's funding target attainment percentage, funding shortfall, and the employer's minimum required contribution, each determined both using adjusted segment rates and without regard to adjusted segment rates (that is, as under present law). In the case of a preceding plan year beginning before January 1, 2012, the plan's funding target attainment percentage, funding shortfall, and the employer's minimum required contribution provided are determined only without regard to adjusted segment rates (that is, as under present law).

As under present law, a funding notice may also include any additional information that the plan administrator elects to include to the extent not inconsistent with regulations. For example, a funding notice may include a statement of the amount of the employer's actual or planned contributions to the plan.

The Secretary of Labor is directed to modify the model funding notice required so that the model includes the additional information in a prominent manner, for example, on a separate first page before the remainder of the notice.

C. Transfer of Excess Pension Assets

(secs. 40310 and 40311 of the Senate amendment, secs. 40241 and 40242 of the conference agreement, and sec. 420 of the Code)

PRESENT LAW

Defined benefit pension plan reversions

Defined benefit plan assets generally may not revert to an employer prior to termination of the plan and satisfaction of all plan liabilities.⁴⁵ Upon plan termination, the accrued benefits of all plan participants are required to be 100-percent vested. A reversion prior to plan termination may constitute a prohibited transaction and may result in plan disqualification. Any assets that revert to the employer upon plan termination are includible in the gross income of the employer and subject to an excise tax. The excise tax rate is 20 percent if the employer maintains a replacement plan or makes certain benefit increases in connection with the termination; if not, the excise tax rate is 50 percent. Medical benefits and life insurance benefits provided under a pension plan

Retiree medical accounts

A pension plan may provide medical benefits to retired employees through a separate account that is part of a defined benefit plan ("retiree medical accounts").⁴⁶ Medical benefits provided through a retiree medical account are generally not includible in the retired employee's gross income.⁴⁷

⁴⁵In addition, a reversion may occur only if the terms of the plan so provide.

⁴⁶Sec 401(h) and Treas. Reg. sec. 1.401-1(b).

⁴⁷Treas. Reg. sec. 1.72-15(h).

Transfers of excess pension assets

In general

A qualified transfer of excess assets of a defined benefit plan, including a multiemployer plan,⁴⁸ to a retiree medical account within the plan may be made in order to fund retiree health benefits.⁴⁹ A qualified transfer does not result in plan disqualification, is not a prohibited transaction, and is not treated as a reversion. Thus, transferred assets are not includible in the gross income of the employer and are not subject to the excise tax on reversions. No more than one qualified transfer may be made in any taxable year. No qualified transfer may be made after December 31, 2013.

Excess assets generally means the excess, if any, of the value of the plan's assets⁵⁰ over 125 percent of the sum of the plan's funding target and target normal cost for the plan year. In addition, excess assets transferred in a qualified transfer may not exceed the amount reasonably estimated to be the amount that the employer will pay out of such account during the taxable year of the transfer for qualified current retiree health liabilities. No deduction is allowed to the employer for (1) a qualified transfer, or (2) the payment of qualified current retiree health liabilities out of transferred funds (and any income thereon). In addition, no deduction is allowed for amounts paid other than from transferred funds for qualified current retiree health liabilities to the extent such amounts are not greater than the excess of (1) the amount transferred (and any income thereon), over (2) qualified current retiree health liabilities paid out of transferred assets (and any income thereon). An employer may not contribute any amount to a health benefits account or welfare benefit fund with respect to qualified current retiree health liabilities for which transferred assets are required to be used.

Transferred assets (and any income thereon) must be used to pay qualified current retiree health liabilities for the taxable year of the transfer. Transferred amounts generally must benefit pension plan participants, other than key employees, who are entitled upon retirement to receive retiree medical benefits through the separate account. Retiree health benefits of key employees may not be paid out of transferred assets.

Amounts not used to pay qualified current retiree health liabilities for the taxable year of the transfer are to be returned to the general assets of the plan. These amounts are not includible in the gross income of the employer, but are treated as an employer reversion and are subject to a 20-percent excise tax.

In order for the transfer to be qualified, accrued retirement benefits under the pension plan generally must be 100-percent vested as if the plan terminated immediately before the transfer (or in the case of a participant who separated in the one-year period ending on the date of the transfer, immediately before the separation).

In order for a transfer to be qualified, there is maintenance of effort requirement under which, the employer generally must main-

tain retiree health benefits at the same level for the taxable year of the transfer and the following four years.

In addition, the Employee Retirement Income Security Act of 1974 ("ERISA")⁵¹ provides that, at least 60 days before the date of a qualified transfer, the employer must notify the Secretary of Labor, the Secretary of the Treasury, employee representatives, and the plan administrator of the transfer, and the plan administrator must notify each plan participant and beneficiary of the transfer.⁵²

Qualified future transfers and collectively bargained transfers

If certain requirements are satisfied, transfers of excess pension assets under a single-employer plan to retiree medical accounts to fund the expected cost of retiree medical benefits are permitted for the current and future years (a "qualified future transfer") and such transfers are also allowed in the case of benefits provided under a collective bargaining agreement (a "collectively bargained transfer").⁵³ Transfers must be made for at least a two-year period. An employer can elect to make a qualified future transfer or a collectively bargained transfer rather than a qualified transfer. A qualified future transfer or collectively bargained transfer must meet the requirements applicable to qualified transfers, except that the provision modifies the rules relating to: (1) the determination of excess pension assets; (2) the limitation on the amount transferred; and (3) the maintenance of effort requirement. The general sunset applicable to qualified transfer applies (i.e., no transfers can be made after December 31, 2013).

Qualified future transfers and collectively bargained transfers can be made to the extent that plan assets exceed 120 percent of the sum of the plan's funding target and the normal cost for the plan year. During the transfer period, the plan's funded status must be maintained at the minimum level required to make transfers. If the minimum level is not maintained, the employer must make contributions to the plan to meet the minimum level or an amount required to meet the minimum level must be transferred from the health benefits account. The transfer period is the period not to exceed a total of ten consecutive taxable years beginning with the taxable year of the transfer. As previously discussed, the period must be not less than two consecutive years.

Employer provided group-term life insurance

Group-term life insurance coverage provided under a policy carried by an employer is includible in the gross income of an employee (including a former employee) but only to the extent that the cost exceeds the sum of the cost of \$50,000 of such insurance plus the amount, if any, paid by the employee toward the purchase of such insurance.⁵⁴ Special rules apply for determining the cost of group-term life insurance that is includible in gross income under a discriminatory group-term life insurance plan.

A pension plan may provide life insurance benefits for employees (including retirees) but only to the extent that the benefits are

⁵¹Pub. L. No. 93-406.

⁴⁸The Pension Protection Act of 2006 ("PPA"), Pub. L. No. 109-280, extended the application of the rules for qualified transfers to multiemployer plans with respect to transfers made in taxable years beginning after December 31, 2006. However, the rules for qualified future transfers and collectively bargained transfers do not apply to multiemployer plans.

⁴⁹Sec. 420.

⁵⁰The value of plan assets for this purpose is the lesser of fair market value or actuarial value.

⁵²ERISA sec. 101(e). ERISA also provides that a qualified transfer is not a prohibited transaction under ERISA or a prohibited reversion.

⁵³The rules for qualified transfers and collectively bargained transfers were added by the PPA and apply to transfers after the date of enactment (August 17, 2006).

⁵⁴Sec. 79.

incidental to the retirement benefits provided under the plan.⁵⁵ The cost of term life insurance provided through a pension plan is includible in the employee's gross income.⁵⁶

HOUSE BILL

No provision.

SENATE AMENDMENT

Extension of existing provisions

The provision allows qualified transfers, qualified future transfers, and collectively bargained transfers to retiree medical accounts to be made through December 31, 2021. No transfers are permitted after that date.

Transfers to fund retiree group-term life insurance permitted

The provision allows qualified transfers, qualified future transfers, and collectively bargained transfers to be made to fund the purchase of retiree group-term life insurance. The assets transferred for the purchase of group-term life insurance must be maintained in a separate account within the plan ("retiree life insurance account"), which must be separate both from the assets in the retiree medical account and from the other assets in the defined benefit plan.

Under the provision, the general rule that the cost of group-term life insurance coverage provided under a defined benefit plan is includible in gross income of the participant does not apply to group-term life insurance provided through a retiree life insurance account. Instead, the general rule for determining the amount of employer-provided group-term life insurance that is includible in gross income applies. However, group-term life insurance coverage is permitted to be provided through a retiree life insurance account only to the extent that it is not includible in gross income. Thus, generally, only group-term life insurance not in excess of \$50,000 may be purchased with such transferred assets.

Generally, the present law rules for transfers of excess pension assets to retiree medical accounts to fund retiree health benefits also apply to transfers to retiree life insurance accounts to fund retiree group-term life. However, generally, the rules are applied separately. Thus, for example, the one-transfer-a-year rule generally applies separately to transfers to retiree life insurance accounts and transfers to retiree medical accounts. Further, the maintenance of effort requirement for qualified transfers applies separately to life insurance benefits and health benefits. Similarly, for qualified future transfers and collectively bargained transfers for retiree group-term life insurance, the maintenance of effort and other special rules are applied separately to transfers to retiree life insurance accounts and retiree medical accounts.

Reflecting the inherent differences between life insurance coverage and health coverage, certain rules are not applied to transfers to retiree life insurance accounts, such as the special rules allowing the employer to elect to determine the applicable employer cost for health coverage during the cost maintenance period separately for retirees eligible for Medicare and retirees not eligible for Medicare. However, a separate test is allowed for the cost of retiree group-term life insurance for retirees under age 65 and those retirees who have reached age 65.

The provision makes other technical and conforming changes to the rules for transfers to fund retiree health benefits and removes certain obsolete ("deadwood") rules.

The same sunset applicable to qualified transfers, qualified future transfers, and collectively bargained transfers to retiree medical accounts applies to transfers to retiree life insurance accounts (i.e., no transfers can be made after December 31, 2021).

Effective date.—The provision applies to transfers made after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement includes the Senate amendment provision.

D. Exception from Early Distribution Tax for Annuities Under Phased Retirement Program

(sec. 100111 of conference agreement and sec. 72(t) of the Code)

PRESENT LAW

The Code imposes an early distribution tax on distributions made from qualified retirement plans before an employee attains age 59½.⁵⁷ The tax is equal to 10 percent of the amount of the distribution that is includible in gross income. The 10-percent tax is in addition to the taxes that would otherwise be due on distribution. Certain exceptions to the early distribution tax apply including an exception for distributions after separation from service with the employer after attaining age 55, or in the form of substantially equal periodic payments from the qualified retirement plan commencing after separation from service at any age. However, there is no exception for annuity payments that commence before separating from service with the employer.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The Senate amendment and the Conference agreement include a new Federal Phased Retirement Program under which a Federal agency may allow a full-time retirement eligible employee to elect to enter phased retirement status in accordance with regulations issued by the Office of Personnel Management (OPM).⁵⁸ During that status, generally, the employee's work schedule is a percentage of a full time work schedule, and the employee receives a phased retirement annuity. At full-time retirement, the phased retiree is entitled to a composite retirement annuity that also includes the portion of the employee's retirement annuity attributable to the reduced work schedule. The Conference agreement includes an exception to the early distribution tax for payments under a phased retirement annuity and a composite retirement annuity received by an employee participating in this new Federal Phased Retirement Program.

Effective date.—The provision is effective on the effective date of implementing regulations issued by OPM implementing the Federal Phased Retirement Program.

E. Additional Transfers to the Highway Trust Fund
(sec. 40313 of the Senate amendment, sec. 40251 of the conference agreement, and sec. 9503 of the Code)

PRESENT LAW

Public Law No. 111–46, an Act to restore funds to the Highway Trust Fund, provided

⁵⁷ Sec. 72(t). The early distribution tax also applies to distributions from section 403(b) plans and IRAs but does not apply to distributions from governmental section 457(b) plans.

⁵⁸ See the explanation for section 100111 of the Conference agreement for a description of the new Federal Phased Retirement Program.

that out of money in the Treasury not otherwise appropriated, \$7 billion was appropriated to the Highway Trust Fund effective August 7, 2009. The Hiring Incentives to Restore Employment Act (the "HIRE Act") provided that out of money in the Treasury not otherwise appropriated, \$14,700,000,000 is appropriated to the Highway Trust Fund and \$4,800,000,000 is appropriated to the Mass Transit Account in the Highway Trust Fund.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision provides that out of money in the Treasury not otherwise appropriated, the following transfers are to be made from the General Fund to the Highway Trust Fund: \$2.183 billion in FY 2012, \$2.277 billion in FY 2013, and \$510 million in FY 2014.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement provides that out of money in the Treasury not otherwise appropriated, the following transfers are to be made from the General Fund to the Highway Trust Fund:

	FY 2013	FY 2014
Highway Account	\$6.2 billion	\$10.4 billion
Mass Transit Account		\$2.2 billion

Effective date.—The provision is effective on the date of enactment.

F. Expand the Definition of a Tobacco Manufacturer to Include Businesses Making Available Roll-Your-Own Cigarette Machines for Consumer Use

(sec. 100116 of the Senate amendment, section 100112 of the conference agreement, and sec. 5702(d) of the Code)

PRESENT LAW

Tobacco products and cigarette papers and tubes manufactured in the United States or imported into the United States are subject to Federal excise tax at the following rates:⁵⁹

Cigars weighing not more than three pounds per thousand ("small cigars") are taxed at the rate of \$50.33 per thousand;

Cigars weighing more than three pounds per thousand ("large cigars") are taxed at the rate equal to 52.75 percent of the manufacturer's or importer's sales price but not more than 40.26 cents per cigar;

Cigarettes weighing not more than three pounds per thousand ("small cigarettes") are taxed at the rate of \$50.33 per thousand (\$1.0066 per pack);

Cigarettes weighing more than three pounds per thousand ("large cigarettes") are taxed at the rate of \$105.69 per thousand, except that, if they measure more than six and one-half inches in length, they are taxed at the rate applicable to small cigarettes, counting each two and three-quarter inches (or fraction thereof) of the length of each as one cigarette;

Cigarette papers are taxed at the rate of 3.15 cents for each 50 papers or fractional part thereof, except that, if they measure more than six and one-half inches in length, they are taxable by counting each two and three-quarter inches (or fraction thereof) of the length of each as one cigarette paper;

Cigarette tubes are taxed at the rate of 6.30 cents for each 50 tubes or fractional part thereof, except that, if they measure more than six and one-half inches in length, they are taxable by counting each two and three-

⁵⁵ Treas. Reg. sec. 1.401-1(b).

⁵⁶ Secs. 72(m)(3) and 79(b)(3).

⁵⁹ Sec. 5701.

quarter inches (or fraction thereof) of the length of each as one cigarette tube;

Snuff is taxed at the rate of \$1.51 per pound, and proportionately at that rate on all fractional parts of a pound;

Chewing tobacco is taxed at the rate of 50.33 cents per pound, and proportionately at that rate on all fractional parts of a pound;

Pipe tobacco is taxed at the rate of \$2.8311 per pound, and proportionately at that rate on all fractional parts of a pound; and

Roll-your-own tobacco is taxed at the rate of \$24.78 per pound, and proportionately at that rate on all fractional parts of a pound.

In general, the excise tax on tobacco products and cigarette papers and tubes manufactured in the United States comes into existence when the products are manufactured and is determined and payable when the tobacco products or cigarette papers and tubes are removed from the bonded premises of the manufacturer. "Tobacco products" means cigars, cigarettes, smokeless tobacco (snuff and chewing tobacco), pipe tobacco, and roll your own tobacco. Processed tobacco is regulated under the internal revenue laws but no excise tax is imposed. Tobacco products and cigarette papers and tubes may be exported from the United States without payment of tax.

Manufacturers and importers of tobacco products or processed tobacco are subject to certain permitting, bonding, reporting, and record keeping requirements. "Manufacturer of tobacco products" means any person who manufactures cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco. There is an exception for a person who produces these products for their own personal consumption or use.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision amends the definition of manufacturer of tobacco products to include any person who for commercial purposes makes available machines capable of making tobacco products for consumer use. This includes making a machine available for consumers to produce tobacco products for personal consumption or use. The addition of this provision is not intended to change the treatment of such machines under present law, or to make taxable the sale, at retail, for a consumer's personal home use, a machine designed to produce tobacco only in personal use quantities, where the machine is not used on the retail premises.

For purposes of imposing the tax liability, the person making the machine available for consumer use is deemed to be the person making the removal with respect to any tobacco products manufactured by the machine.

Effective date.—The provision is effective for articles removed after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement includes the Senate amendment with the following modification. The provision is modified to clarify that a person who sells a machine directly to a consumer at retail for the consumer's personal home use is not a manufacturer of tobacco products under the provision if the machine is not used at a retail establishment and is designed to produce only personal use quantities.

PART III—OTHER ITEMS

A. Small Issuer Exception to Tax-Exempt Interest Expense Allocation Rules for Financial Institutions (sec. 40201 of the Senate amendment and sec. 265 of the Code)

PRESENT LAW

Present law disallows a deduction for interest on indebtedness incurred or continued to purchase or carry obligations the interest on which is exempt from tax.⁶⁰ In general, an interest deduction is disallowed only if the taxpayer has a purpose of using borrowed funds to purchase or carry tax-exempt obligations; a determination of the taxpayer's purpose in borrowing funds is made based on all of the facts and circumstances.⁶¹

Financial institutions

In the case of a financial institution, the Code generally disallows that portion of the taxpayer's interest expense that is allocable to tax-exempt interest.⁶² The amount of interest that is disallowed is an amount which bears the same ratio to such interest expense as the taxpayer's average adjusted bases of tax-exempt obligations acquired after August 7, 1986, bears to the average adjusted bases for all assets of the taxpayer.

Exception for certain obligations of qualified small issuers

The general rule in section 265(b), denying financial institutions' interest expense deductions allocable to tax-exempt obligations, does not apply to "qualified tax-exempt obligations."⁶³ Instead, as discussed in the next section, only 20 percent of the interest expense allocable to "qualified tax-exempt obligations" is disallowed.⁶⁴ A "qualified tax-exempt obligation" is a tax-exempt obligation that is (1) issued after August 7, 1986, by a qualified small issuer, (2) not a private activity bond, and (3) designated by the issuer as qualifying for the exception from the general rule of section 265(b).

A "qualified small issuer" is an issuer that reasonably anticipates that the amount of tax-exempt obligations that it will issue during the calendar year will be \$10 million or less.⁶⁵ The Code specifies the circumstances under which an issuer and all subordinate entities are aggregated.⁶⁶ For purposes of the \$10 million limitation, an issuer and all entities that issue obligations on behalf of such issuer are treated as one issuer. All obligations issued by a subordinate entity are treated as being issued by the entity to which it is subordinate. An entity formed (or availed of) to avoid the \$10 million limitation and all entities benefiting from the device are treated as one issuer.

Composite issues (i.e., combined issues of bonds for different entities) qualify for the "qualified tax-exempt obligation" exception only if the requirements of the exception are met with respect to (1) the composite issue as a whole (determined by treating the composite issue as a single issue) and (2) each separate lot of obligations that is part of the issue (determined by treating each separate lot of obligations as a separate issue).⁶⁷ Thus a composite issue may qualify for the excep-

tion only if the composite issue itself does not exceed \$10 million, and if each issuer benefitting from the composite issue reasonably anticipates that it will not issue more than \$10 million of tax-exempt obligations during the calendar year, including through the composite arrangement.

Special rules providing modifications to qualified small issuer exception for certain issues in 2009 and 2010

With respect to tax-exempt obligations issued during 2009 and 2010, the special rules increased from \$10 million to \$30 million the annual limit for qualified small issuers.

In addition, in the case of a "qualified financing issue" issued in 2009 or 2010, the special rules applied the \$30 million annual volume limitation at the borrower level (rather than at the level of the pooled financing issuer). Thus, for the purpose of applying the requirements of the section 265(b)(3) qualified small issuer exception, the portion of the proceeds of a qualified financing issue that are loaned to a "qualified borrower" that participates in the issue were treated as a separate issue with respect to which the qualified borrower is deemed to be the issuer.

A "qualified financing issue" was any composite, pooled, or other conduit financing issue the proceeds of which were used directly or indirectly to make or finance loans to one or more ultimate borrowers all of whom are qualified borrowers. A "qualified borrower" meant (1) a State or political subdivision of a State or (2) an organization described in section 501(c)(3) and exempt from tax under section 501(a). Thus, for example, a \$100 million pooled financing issue that was issued in 2009 would qualify for the section 265(b)(3) exception if the proceeds of such issue were used to make four equal loans of \$25 million to four qualified borrowers. However, if (1) more than \$30 million were loaned to any qualified borrower, (2) any borrower were not a qualified borrower, or (3) any borrower would, if it were the issuer of a separate issue in an amount equal to the amount loaned to such borrower, fail to meet any of the other requirements of section 265(b)(3), the entire \$100 million pooled financing issue failed to qualify for the exception.

For purposes of determining whether an issuer meets the requirements of the small issuer exception, under the special rules, qualified 501(c)(3) bonds issued in 2009 or 2010 were treated as if they were issued by the 501(c)(3) organization for whose benefit they were issued (and not by the actual issuer of such bonds). In addition, in the case of an organization described in section 501(c)(3) and exempt from taxation under section 501(a), requirements for "qualified financing issues" were applied as if the section 501(c)(3) organization were the issuer. Thus, in any event, an organization described in section 501(c)(3) and exempt from taxation under section 501(a) was limited to the \$30 million per issuer cap for qualified tax exempt obligations described in section 265(b)(3).

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision extends the special rules providing modifications to the qualified small issuer exception to bonds issued after June 30, 2012 and before July 1, 2013.

Effective date.—The provision is effective for obligations issued after June 30, 2012.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

⁶⁰ Sec. 265(a).

⁶¹ See Rev. Proc. 72-18, 1972-1 C.B. 740.

⁶² Sec. 265(b)(1). A "financial institution" is any person that (1) accepts deposits from the public in the ordinary course of such person's trade or business and is subject to Federal or State supervision as a financial institution or (2) is a corporation described by section 585(a)(2). Sec. 265(b)(5).

⁶³ Sec. 265(b)(3).

⁶⁴ Secs. 265(b)(3)(A), 291(a)(3) and 291(e)(1).

⁶⁵ Sec. 265(b)(3)(C).

⁶⁶ Sec. 265(b)(3)(E).

⁶⁷ Sec. 265(b)(3)(F).

B. Temporary Modification of Alternative Minimum Tax Limitations on Tax-Exempt Bonds (sec. 40202 of the Senate amendment and secs. 56 and 57 of the Code)

PRESENT LAW

Present law imposes an alternative minimum tax (“AMT”) on individuals and corporations. AMT is the amount by which the tentative minimum tax exceeds the regular income tax. The tentative minimum tax is computed based upon a taxpayer’s alternative minimum taxable income (“AMTI”). AMTI is the taxpayer’s taxable income modified to take into account certain preferences and adjustments. One of the preference items is tax-exempt interest on certain tax-exempt bonds issued for private activities.⁶⁸ Also, in the case of a corporation, an adjustment based on current earnings is determined, in part, by taking into account 75 percent of certain items, including tax-exempt interest, excluded from taxable income but included in the corporation’s earnings and profits.⁶⁹

The American Recovery and Reinvestment Act of 2009 (“2009 Act”) provided that tax-exempt interest on private activity bonds issued in 2009 and 2010 is not an item of tax preference for purposes of the AMTI and interest on tax exempt bonds issued in 2009 and 2010 is not included in the corporate adjustment based on current earnings.

For these purposes, a refunding bond generally is treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond). However, the 2009 Act provided that tax-exempt interest on bonds issued in 2009 and 2010 to currently refund a bond issued after December 31, 2003, and before January 1, 2009, is not an item of tax preference for purposes of the AMT and is not included in the corporate adjustment based on current earnings.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision provides that tax-exempt interest on private activity bonds issued after the date of enactment and before January 1, 2013, is not an item of tax preference for purposes of the AMT and interest on tax exempt bonds issued during this period is not included in the corporate adjustment based on current earnings. For these purposes, a refunding bond is treated as issued on the date of the issuance of the refunded bond (or in the case of a series of refundings, the original bond).

Effective date.—The provision applies to interest on bonds issued after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

C. Issuance of TRIP Bonds by State Infrastructure Banks (sec. 40203 of the Senate amendment)

PRESENT LAW

There are no Code provisions for the issuance of transportation and regional infrastructure project (“TRIP”) bonds.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision amends Title 23 to provide that a State, through a State infrastructure bank, may issue TRIP bonds and deposit the proceeds from such bonds into a TRIP bond account of the bank. A “TRIP bond” means

any bond issued as part of an issue if (1) 100 percent of the available project proceeds of such issue are to be used for expenditures incurred after the date of enactment for one or more qualified projects pursuant to an allocation of such proceeds to such project or projects by a State infrastructure bank, (2) the bond is issued by a State infrastructure bank and is in registered form (within the meaning of section 149 of the Internal Revenue Code), (3) the State infrastructure bank designates such bond for purposes of the provision and (4) the term of each bond that is part of such issue does not exceed 30 years. A “qualified project” means the capital improvements to any transportation infrastructure project of any governmental unit or other person, including roads, bridges, rail and transit systems, ports and, inland waterways proposed and approved by a State infrastructure bank, but does not include costs of operations or maintenance with respect to such project.

The provision requires a State to develop a transparent and competitive process for the award of funds deposited into the TRIP bond account that considers the impact of qualified projects on the economy, the environment, state of good repair, and equity. The requirements of any Federal law, including Title 23 and Titles 40 and 49, which would otherwise apply to projects to which the United States is a party or to funds made available under such law and projects assisted with those funds shall apply to (1) funds made available under the TRIP bond account for similar qualified projects and (2) similar qualified projects assisted through the use of such funds.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

D. Mass Transit and Parking Benefits (sec. 40204 of the Senate amendment, and sec. 132(f) of the Code)

PRESENT LAW

Qualified transportation fringe benefits provided by an employer are excluded from an employee’s gross income for income tax purposes and from an employee’s wages for payroll tax purposes.⁷⁰ Qualified transportation fringe benefits include parking, transit passes, vanpool benefits, and qualified bicycle commuting reimbursements. No amount is includible in the income of an employee merely because the employer offers the employee a choice between cash and qualified transportation fringe benefits (other than a qualified bicycle commuting reimbursement). Qualified transportation fringe benefits also include a cash reimbursement by an employer to an employee. In the case of transit passes, however, a cash reimbursement is considered a qualified transportation fringe benefit only if a voucher or similar item which may be exchanged only for a transit pass is not readily available for direct distribution by the employer to the employee.

Prior to February 17, 2009, the amount that could be excluded as qualified transportation fringe benefits was limited to \$100 per month in combined vanpooling and transit pass benefits and \$175 per month in qualified parking benefits. All limits are adjusted annually for inflation, using 1998 as the base year (for 2012 the limits are \$125 and \$240, respectively). The American Recovery and Reinvestment

Act of 2009⁷¹ provided parity in qualified transportation fringe benefits by temporarily increasing the monthly exclusion for employer-provided vanpool and transit pass benefits to the same level as the exclusion for employer-provided parking, effective for months beginning on or after the date of enactment (February 17, 2009) and before January 1, 2011. The Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010⁷² extended the parity in qualified transportation fringe benefits through December 31, 2011.

Effective January 1, 2012, the amount that could be excluded as qualified transportation fringe benefits is limited to \$125 per month in combined vanpooling and transit pass benefits and \$240 per month in qualified parking benefits.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment extends the parity in qualified transportation fringe benefits for the entirety of 2012. In order for the extension to be effective retroactive to January 1, 2012, it is intended that expenses incurred prior to enactment by an employee for employer-provided vanpool and transit benefits may be reimbursed by employers on a tax free basis to the extent they exceed \$125 per month and are less than \$240 per month, but only to the extent that such amount has not already been excluded from such employee’s taxable compensation.

Effective date.—The provision in the Senate amendment is effective for months after December 31, 2011.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

E. Private Activity Volume Cap Exemption for Sewage and Water Facility Bonds (sec. 40205 of the Senate amendment and sec. 146(g) of the Code)

In general

Subject to certain Code restrictions, interest on bonds issued by State and local government generally is excluded from gross income for Federal income tax purposes. Bonds issued by State and local governments may be classified as either governmental bonds or private activity bonds. Governmental bonds are bonds the proceeds of which are primarily used to finance governmental functions or which are repaid with governmental funds. Private activity bonds are bonds in which the State or local government serves as a conduit providing financing to non-governmental persons. For this purpose, the term “nongovernmental person” generally includes the Federal Government and all other individuals and entities other than State or local governments. The exclusion from income for interest on State and local bonds does not apply to private activity bonds, unless the bonds are issued for certain permitted purposes (“qualified private activity bonds”) and other Code requirements are met.

Qualified private activity bonds

Interest on private activity bonds is taxable unless the bonds meet the requirements for qualified private activity bonds. Qualified private activity bonds permit States or local governments to act as conduits providing tax-exempt financing for certain private activities. The definition of qualified private activity bonds includes an exempt facility bond, or qualified mortgage, veterans’

⁶⁸ Sec. 57(a)(5).

⁶⁹ Sec. 56(g)(4)(B).

⁷⁰ Secs. 132(f), 3121(b)(2), and 3306(b)(16) and 3401(a)(19).

⁷¹ Pub. L. No. 111–5.

⁷² Pub. L. No. 111–312.

mortgage, small issue, redevelopment, qualified 501(c)(3), or student loan bond.⁷³ The definition of exempt facility bond includes bonds issued to finance certain transportation facilities (airports, ports, mass commuting, and high-speed intercity rail facilities); qualified residential rental projects; privately owned and/or operated utility facilities (sewage, water, solid waste disposal, and local district heating and cooling facilities, certain private electric and gas facilities, and hydroelectric dam enhancements); public/private educational facilities; qualified green building and sustainable design projects; and qualified highway or surface freight transfer facilities.⁷⁴

In most cases, the aggregate volume of these tax-exempt private activity bonds is restricted by annual aggregate volume limits imposed on bonds issued by issuers within each State. Certain types of private activity bonds are exempted from the annual volume limits.

For calendar year 2012, the State volume cap, which is indexed for inflation, equals \$95 per resident of the State, or \$284,560,000, whichever is greater.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision exempts two types of exempt facility bonds from the annual private activity volume limits. The newly-exempted bonds are exempt facility bonds for sewage and water facilities.

The provision only applies to bonds issued before January 1, 2018.

Effective date.—The provision is effective for bonds issued after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

F. Dedication of Gas Guzzler Tax to the Highway Trust Fund (sec. 40303 of the Senate amendment and sec. 9503 of the Code)

PRESENT LAW

Under present law, the Code imposes a tax (“the gas guzzler tax”) on automobiles that are manufactured primarily for use on public streets, roads, and highways and that are rated at 6,000 pounds unloaded gross vehicle weight or less.⁷⁵ The tax is imposed on the sale by the manufacturer of each automobile of a model type with a fuel economy of 22.5 miles per gallon or less. The tax range begins at \$1,000 and increases to \$7,700 for models with a fuel economy less than 12.5 miles per gallon.

Emergency vehicles and non-passenger automobiles are exempt from the tax. The tax also does not apply to non-passenger automobiles. The Secretary of Transportation determines which vehicles are “non-passenger” automobiles, thereby exempting these vehicles from the gas guzzler tax based on regulations in effect on the date of enactment of the gas guzzler tax.⁷⁶ Hence, vehicles defined in Title 49 C.F.R. sec. 523.5 (relating to light trucks) are exempt. These vehicles include those designed to transport property on an open bed (e.g., pick-up trucks) or provide greater cargo-carrying than passenger carrying volume including the expanded cargo-carrying space created through the removal of readily detachable seats (e.g., pick-up trucks, vans, and most minivans, sports utility vehicles, and station wagons). Addi-

tional vehicles that meet the “non-passenger” requirements are those with at least four of the following characteristics: (1) an angle of approach of not less than 28 degrees; (2) a breakover angle of not less than 14 degrees; (3) a departure angle of not less than 20 degrees; (4) a running clearance of not less than 20 centimeters; and (5) front and rear axle clearances of not less than 18 centimeters each. These vehicles would include many sports utility vehicles.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision requires that amounts equivalent to the gas guzzler taxes received in the Treasury be transferred to the Highway Trust Fund.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

G. Revocation or Denial of Passport in Case of Certain Unpaid Taxes (sec. 40304 of the Senate amendment and new secs. 7345 and 6103(1)(23) of the Code)

PRESENT LAW

The administration of passports is the responsibility of the Department of State.⁷⁷ State may refuse to issue or renew a passport if the applicant owes child support in excess of \$2,500 or owes certain types of Federal debts, such as expenses incurred in providing assistance to an applicant to return to the United States. The scope of this authority does not extend to rejection or revocation of a passport on the basis of delinquent Federal taxes. Issuance of a passport does not require the applicant to provide a social security number or taxpayer identification number.

Returns and return information are confidential and may not be disclosed by the IRS, other Federal employees, State employees, and certain others having access to such information except as provided in the Internal Revenue Code.⁷⁸ There are a number of exceptions to the general rule of nondisclosure that authorize disclosure in specifically identified circumstances, including disclosure of information about federal tax debts for purposes of reviewing an application for a Federal loan⁷⁹ and for purposes of enhancing the integrity of the Medicare program.⁸⁰

HOUSE PROVISION

No provision.

SENATE AMENDMENT

If the Commissioner of Internal Revenue certifies to the Secretary of the Treasury the identity of persons who have seriously delinquent Federal taxes, the Secretary of Treasury or his delegate is authorized to transmit such certification to the Secretary of State for use in determining whether to issue, renew, or revoke a passport. Applicants whose names are included on the certifications provided to the Secretary of State are ineligible for a passport. The provision bars the Secretary of State from issuing a passport to any individual who has a seriously delinquent tax debt. It also requires revocation of a passport previously issued to any such individual. Exceptions are permitted for emergency or humanitarian circumstances, as well as short term use of a

passport for return travel to the United States by the delinquent taxpayer.

A seriously delinquent tax debt generally includes any outstanding debt for Federal tax in excess of \$50,000, including interest and any penalties, for which a notice of lien or a notice of levy has been filed. This amount is to be adjusted for inflation annually, using calendar year 2011, and a cost-of-living adjustment. Even if a tax debt otherwise meets the statutory threshold, it may not be considered seriously delinquent if (1) the debt is being paid in a timely manner pursuant to an installment agreement or offer-in-compromise, or (2) collection action with respect to the debt is suspended because a collection due process hearing or innocent spouse relief has been requested or is pending.

Effective date.—The provision is effective on January 1, 2013.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

H. 100 Percent Continuous Levy on Payments to Medicare Providers and Suppliers (sec. 40305 of the Senate amendment and sec. 6331(h) of the Code)

PRESENT LAW

In general

Levy is the administrative authority of the IRS to seize a taxpayer's property, or rights to property, to pay the taxpayer's tax liability.⁸¹ Generally, the IRS is entitled to seize a taxpayer's property by levy if a Federal tax lien has attached to such property,⁸² the property is not exempt from levy,⁸³ and the IRS has provided both notice of intention to levy⁸⁴ and notice of the right to an administrative hearing (the notice is referred to as a “collections due process notice” or “CDP notice” and the hearing is referred to as the “CDP hearing”)⁸⁵ at least 30 days before the levy is made. A levy on salary or wages generally is continuously in effect until released.⁸⁶ A Federal tax lien arises automatically when: (1) a tax assessment has been made; (2) the taxpayer has been given notice of the assessment stating the amount and demanding payment; and (3) the taxpayer has failed to pay the amount assessed within 10 days after the notice and demand.⁸⁷

The notice of intent to levy is not required if the Secretary finds that collection would be jeopardized by delay. The standard for determining whether jeopardy exists is similar to the standard applicable when determining whether assessment of tax without following the normal deficiency procedures is permitted.⁸⁸

The CDP notice (and pre-levy CDP hearing) is not required if: (1) the Secretary finds that collection would be jeopardized by delay; (2) the Secretary has served a levy on a State to collect a Federal tax liability from a State tax refund; (3) the taxpayer subject to the levy requested a CDP hearing with respect to unpaid employment taxes arising in the two-year period before the beginning of the taxable period with respect to which the employment tax levy is served; or (4) the Secretary has served a Federal contractor levy.

⁸¹ Sec. 6331(a). Levy specifically refers to the legal process by which the IRS orders a third party to turn over property in its possession that belongs to the delinquent taxpayer named in a notice of levy.

⁸² *Ibid.*

⁸³ Sec. 6334.

⁸⁴ Sec. 6331(d).

⁸⁵ Sec. 6330. The notice and the hearing are referred to collectively as the CDP requirements.

⁸⁶ Secs. 6331(e) and 6343.

⁸⁷ Sec. 6321.

⁸⁸ Secs. 6331(d)(3), 6861.

⁷³ Sec. 141(e).

⁷⁴ Sec. 142(a).

⁷⁵ Sec. 4064.

⁷⁶ Sec. 4064(b)(1)(A).

⁷⁷ “Passport Act of 1926,” 22 U.S.C. sec. 211a, et seq.

⁷⁸ Sec. 6103.

⁷⁹ Sec. 6103(1)(3).

⁸⁰ Sec. 6103(1)(22).

In each of these four cases, however, the taxpayer is provided an opportunity for a hearing within a reasonable period of time after the levy.⁸⁹

Federal payment levy program

To help the IRS collect taxes more effectively, the Taxpayer Relief Act of 1997⁹⁰ authorized the establishment of the Federal Payment Levy Program ("FPLP"), which allows the IRS to continuously levy up to 15 percent of certain "specified payments" by the Federal government if the payees are delinquent on their tax obligations. With respect to payments to vendors of goods, services, or property sold or leased to the Federal government, the continuous levy may be up to 100 percent of each payment.⁹¹ The levy (either up to 15 percent or up to 100 percent) generally continues in effect until the liability is paid or the IRS releases the levy.

Under FPLP, the IRS matches its accounts receivable records with Federal payment records maintained by the Department of the Treasury's Financial Management Service ("FMS"), such as certain Social Security benefit and Federal wage records. When these records match, the delinquent taxpayer is provided both the notice of intention to levy and the CDP notice. If the taxpayer does not respond after 30 days, the IRS can instruct FMS to levy the taxpayer's Federal payments. Subsequent payments are continuously levied until such time that the tax debt is paid or the IRS releases the levy.

Payments to Medicare Providers

In 2008, the Government Accountability Office ("GAO") found that over 27,000 Medicare providers (i.e., about six percent of all such providers) owed more than \$2 billion of tax debt, consisting largely of individual income and payroll taxes.⁹² In one case, a home health company received over \$15 million in Medicare payments but did not pay \$7 million in federal taxes.⁹³ As of 2008, the Centers for Medicare & Medicaid Services ("CMS") had not incorporated most of its Medicare payments into the continuous levy program, despite the IRS authority to continuously levy up to 15 percent of these payments. Thus, for calendar year 2006, the government lost the chance to possibly collect over \$140 million in unpaid Federal taxes.⁹⁴ The GAO noted that CMS officials promised to incorporate about 60 percent of all Medicare fee-for-service payments into the levy program by October 2008 and the remaining 40 percent in the next several years.

Following the GAO study, Congress directed CMS to participate in the FPLP and ensure that all Medicare provider and supplier payments are processed through it, in specified graduated percentages, by the end of fiscal year 2011.⁹⁵

HOUSE PROVISION

No provision.

SENATE AMENDMENT

The provision allows Treasury to levy up to 100 percent of a payment to a Medicare provider to collect unpaid taxes.

Effective date.—The provision is effective for payments made after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

I. Appropriation to the Highway Trust Fund of Amounts Attributable to Certain Duties on Imported Vehicles (sec. 40306 of the Senate amendment)

PRESENT LAW

Customs duties are deposited into the general fund of the Treasury of the United States. This includes customs duties collected on imported vehicles classified under Chapter 87 of the Harmonized Tariff Schedule of the United States.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision would appropriate from the General Fund and deposit into the Highway Trust Fund amounts equivalent to amounts received in the General Fund, for FY 2012 through FY 2016, on articles classified under subheadings 8703.22.00 and 8703.24.00 of Chapter 87.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

J. Treatment of Securities of a Controlled Corporation Exchanged for Assets in Certain Reorganizations (sec. 40307 of the Senate amendment and sec. 361 of the Code)

PRESENT LAW

The transfer of assets by a transferor corporation to another corporation, controlled (immediately after the transfer) by the transferor or one or more of its shareholders, qualifies as a tax-free reorganization if the transfer is made by one corporation ("distributing") to a controlled subsidiary corporation ("controlled"), followed by the distribution of the stock and securities of the controlled subsidiary in a divisive spin-off, split-off, or split-up which meets the requirements of section 355, including an active business requirement and a requirement that the transaction is not used principally as a device for the distribution of earnings and profits ("divisive D reorganization").⁹⁶

No gain or loss is recognized to a corporation if the corporation is a party to a reorganization and exchanges property, in pursuance of the plan of reorganization, solely for stock or securities in another corporation that is a party to the reorganization.⁹⁷ If property other than stock or securities is received ("other property"), the transferor corporation recognizes gain (if any) to the extent the other property is not distributed.⁹⁸

In addition, in a divisive D reorganization, if there is a transfer to the transferor corporation's creditors of money or other property received from the controlled corpora-

tion in the exchange in connection with the reorganization, the transferor distributing corporation recognizes gain to the extent the sum of the money and the fair market value of the other property exceeds the adjusted bases of the assets transferred (reduced by the amount of liabilities assumed by the transferee under section 357(c)).⁹⁹ Thus, such a transfer to creditors is aggregated with other assumptions of the transferor corporation's liabilities by the transferee, and the transferor corporation recognizes gain to the extent this aggregate amount exceeds the adjusted basis of assets transferred.¹⁰⁰

For example, if in a divisive D reorganization the controlled corporation either (1) directly assumes the debt of the distributing corporation, or (2) borrows and distributes cash to the distributing corporation to pay the distributing corporation's creditors, such debt assumption or cash distribution is treated as money received by the distributing corporation, and the aggregate amount of such debt assumptions and distributions is taxable to the extent it exceeds the distributing corporation's basis in the assets transferred to the controlled corporation. However, if the controlled corporation issues its own debt securities and such securities are distributed to the creditors of the distributing corporation, the controlled corporation's debt securities are not treated as money or other property received by the distributing corporation. Thus, the distributing corporation could use the controlled corporation's securities to retire the distributing corporation's own debt, recognize no gain, and be in the same economic position as if its debt had been directly assumed by the controlled corporation or as if it had retired its debt with cash received from the controlled corporation. In addition, to the extent that such debt securities of the controlled corporation are permitted to be retained by the distributing corporation, such securities are not treated as taxable property.

HOUSE BILL

No provision.

SENATE AMENDMENT

Under the Senate amendment, in the case of a divisive D reorganization, no gain or loss is recognized to a corporation if the corporation is a party to a reorganization and exchanges property, in pursuance of the plan of reorganization, solely for stock other than nonqualified preferred stock (as defined in section 351(g)(2)).¹⁰¹ Thus, under the provision, securities and nonqualified preferred stock are treated as "other property."

⁸⁹ The last sentence of sec. 361(b)(3).

¹⁰⁰ Sec. 357(c) and the last sentence of sec. 361(b)(3).

¹⁰¹ Section 351(g)(2) defines nonqualified preferred stock as preferred stock if (i) the holder has a right to require the issuer or a related person to redeem or purchase the stock, which right may be exercised within the 20 year period beginning on the issue date and is not subject to a contingency which, as of the issue date, makes remote the likelihood of redemption or purchase; (ii) the issuer or a related person is required to redeem or purchase the stock (within such 20 year period and not subject to such a contingency); (iii) the issuer or a related person has the right to redeem or purchase the stock (which right is exercisable within such 20 year period and not subject to such a contingency) and as of the issue date, it is more likely than not that such right will be exercised; or (iv) the dividend on such stock varies in whole or in part (directly or indirectly) with reference to interest rates, commodity prices, or other similar indices. There are exceptions for certain rights that are exercisable only on the death, disability or mental incompetency of the holder, or only upon the separation from service of a service

⁸⁸ Sec. 6330(f).

⁸⁹ Pub. L. No. 105-34.

⁹¹ Sec. 6331(h)(3). The word "property" was added to "goods or services" in section 301 of the "3% Withholding Repeal and Job Creation Act," Pub. L. No. 112-56.

⁹² Government Accountability Office, *Medicare: Thousands of Medicare Providers Abuse the Federal Tax System* (GAO-08-618), June 13, 2008.

⁹³ *Ibid.*, p. 4.

⁹⁴ *Ibid.*

⁹⁵ Medicare Improvement for Patients and Providers Act of 2008, Pub. L. No. 110-275, sec. 189.

⁹⁶ Secs. 355 and 368(a)(1)(D). Section 355 imposes requirements for a qualified spin-off, split-off, or split-up. Among other requirements, in order for a transaction to qualify under section 355, the distributing corporation must either (i) distribute all of the stock and securities of the controlled corporation that it holds, or (ii) distribute at least an amount of stock constituting control under section 368(c) and establish to the satisfaction of the Secretary of the Treasury that the retention of stock (or stock and securities) was not in pursuance of a plan having as one of its principal purposes the avoidance of Federal income tax. Sec. 355(a)(1)(D). Section 355 imposes other requirements to avoid gain recognition at the corporate level with respect to the spin-off, split-up, or split-off, e.g., secs. 355(d) and (e).

⁹⁷ Sec. 361(a).

⁹⁸ Sec. 361(b).

The transferor corporation's gain on the exchange is recognized to the extent of the sum of money and the value of other property, including securities and nonqualified preferred stock, not distributed in pursuance of the plan of reorganization. A distribution to creditors of the transferor corporation is not treated as a distribution for this purpose.

The value of controlled corporation securities or nonqualified preferred stock transferred to creditors of the distributing corporation is treated in the same manner as a direct assumption of distributing corporation's debt by the controlled corporation, or as a distribution of cash (or other nonqualified property) from the controlled corporation that is paid to the distributing corporation's creditors, so that the distributing corporation recognizes gain on the exchange to the extent that the sum of such amounts exceeds the adjusted bases of the assets transferred.

Effective date.—The provision generally applies to exchanges occurring after the date of enactment.

However, the provision does not apply to any exchange in connection with a transaction which is (1) made pursuant to a written agreement which was binding on February 6, 2012 and at all times thereafter, (2) described in a ruling request submitted to the IRS on or before such date, or (3) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

K. Internal Revenue Service Levies and Thrift Savings Plan Accounts (sec. 40308 of the Senate amendment)

PRESENT LAW

In general

Levy is the IRS's administrative authority to seize a taxpayer's property, or rights to property, to pay the taxpayer's tax liability.¹⁰² Generally, the IRS is entitled to seize a taxpayer's property by levy if a Federal tax lien has attached to such property,¹⁰³ the property is not exempt from levy,¹⁰⁴ and the IRS has provided both notice of intention to levy¹⁰⁵ and notice of the right to an administrative hearing (the notice is referred to as a "collections due process notice" or "CDP notice" and the hearing is referred to as the "CDP hearing")¹⁰⁶ at least 30 days before the levy is made. A levy on salary or wages is generally continuously in effect until released.¹⁰⁷ A Federal tax lien arises automatically when: (1) a tax assessment has been

provided who received the right as reasonable compensation for services, and for certain situations involving publicly traded stock. Nonqualified preferred stock is treated in the same manner as securities under section 351 and thus is not qualified consideration that may be received tax free by a contributing shareholder. Sections 354(a)(2)(C) and 356(e) treat nonqualified preferred stock as taxable consideration if received in exchange for stock by shareholders of a corporation that itself is a party to a reorganization (except to the extent received in exchange for other nonqualified preferred stock); and section 355 contains a similar rule (sec. 355(a)(3)(D)).

¹⁰² Sec. 6331(a). Levy specifically refers to the legal process by which the IRS orders a third party to turn over property in its possession that belongs to the delinquent taxpayer named in a notice of levy.

¹⁰³ *Ibid.*

¹⁰⁴ Sec. 6334.

¹⁰⁵ Sec. 6331(d).

¹⁰⁶ Sec. 6330. The notice and the hearing are referred to collectively as the CDP requirements.

¹⁰⁷ Secs. 6331(e) and 6343.

made; (2) the taxpayer has been given notice of the assessment stating the amount and demanding payment; and (3) the taxpayer has failed to pay the amount assessed within 10 days after the notice and demand.¹⁰⁸

The notice of intent to levy is not required if the Secretary finds that collection would be jeopardized by delay. The standard for determining whether jeopardy exists is similar to the standard applicable when determining whether assessment of tax without following the normal deficiency procedures is permitted.¹⁰⁹

The CDP notice (and pre-levy CDP hearing) is not required if: (1) the Secretary finds that collection would be jeopardized by delay; (2) the Secretary has served a levy on a State to collect a Federal tax liability from a State tax refund; (3) the taxpayer subject to the levy requested a CDP hearing with respect to unpaid employment taxes arising in the two-year period before the beginning of the taxable period with respect to which the employment tax levy is served; or (4) the Secretary has served a Federal contractor levy. In each of these four cases, however, the taxpayer is provided an opportunity for a hearing within a reasonable period of time after the levy.¹¹⁰

Thrift Savings Plan

Present law includes an anti-alienation rule that provides that the balance of an employee's Thrift Savings Plan ("TSP") Account is subject to taking only for the enforcement of one's obligations to provide for child support or alimony payments, restitution orders, certain forfeitures, or certain obligations of the Executive Director.¹¹¹ The authority for the IRS to levy an employee's TSP Account to satisfy tax liabilities is not mentioned in the anti-alienation rule; TSP Accounts are not specifically enumerated in the Code provisions identifying property that is exempt from levy.

HOUSE PROVISION

No provision.

SENATE AMENDMENT

The provision amends the statutory provisions governing the TSP to clarify that the anti-alienation provisions therein do not bar the IRS from issuing a notice of levy on a TSP Account.

Effective date.—The provision is effective upon date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

L. Depreciation and Amortization Rules for Highway and Related Property Subject to Long-Term Leases (sec. 40309 of the Senate amendment and secs. 168, 197, and 147 of the Code)

PRESENT LAW

Depreciation and amortization for highways and related property

A taxpayer generally must capitalize the cost of property used in a trade or business and recover such cost over time through annual deductions for depreciation or amortization. Tangible property generally is depreciated under the modified accelerated cost recovery system ("MACRS"), which determines depreciation by applying specific recovery periods, placed-in-service conventions, and depreciation methods to the cost of various types of depreciable property.¹¹²

¹⁰⁸ Sec. 6321.

¹⁰⁹ Secs. 6331(d)(3) and 6861.

¹¹⁰ Sec. 6330(f).

¹¹¹ 5 U.S.C. sec. 8437(e)(3).

¹¹² Sec. 168.

The alternative depreciation system ("ADS") applies with respect to tangible property used predominantly outside the United States during the taxable year, tax-exempt use property, tax-exempt bond financed property, and certain other property. ADS generally requires the use of the straight-line method without regard to salvage value, and requires longer recovery periods than MACRS.

Under MACRS, the cost of land improvements (such as roads and fences) is recovered over 15 years.¹¹³ Land improvements subject to ADS are recovered over 20 years using the straight-line method.¹¹⁴

Amortization of intangible property

The cost recovery of many intangible assets is governed by the rules of section 197. In particular, section 197 provides that any amortizable section 197 intangible, including rights granted by a governmental unit and franchise rights, is amortized over a 15-year period.¹¹⁵

Private activity bond financing for highways

In general, interest on a private activity bond that is a qualified bond is excludable from taxable income.¹¹⁶ Under present law, a private activity bond is not a qualified bond, interest on which is tax-exempt, if any portion of the proceeds of the issue of which the bond is a part is used to provide any airplane, skybox, or other private luxury box, health club facility, facility primarily used for gambling, or store the principal business of which is the sale of alcoholic beverages for consumption off premises.¹¹⁷

HOUSE BILL

No provision.

SENATE AMENDMENT

Under this provision, the depreciation for applicable leased highway property is determined under ADS with a statutory 45-year recovery period and requirement to use the straight-line method. Further, this provision requires that any amortizable section 197 intangible acquired in connection with an applicable lease must be recovered over a period not less than the term of the applicable lease.

Under this provision, private activity bonds are not qualified bonds, interest on which is tax-exempt, if the bonds are part of an issue, any portion of the proceeds of which is used to finance any applicable leased highway property.

For purposes of this provision, applicable leased highway property is defined as property subject to an applicable lease and placed in service before the date of such lease. An applicable lease is defined as an arrangement between the taxpayer and a State or political subdivision thereof, or any agency or instrumentality of either, under which the taxpayer leases a highway and associated improvements, receives a right-of-way on the public lands underlying such highway and improvements, and receives a grant of a franchise or other intangible right permitting the taxpayer to receive funds relating to the operation of such highway. As under present law, a contract that purports to be a service contract or other arrangement (including a partnership or other passthrough

¹¹³ Rev. Proc. 87-56, 1987-42 I.R.B. 4.

¹¹⁴ *Ibid.* The longest MACRS recovery period is 50 years and applies to railroad gradings and tunnel bores. Sec. 168(c).

¹¹⁵ Secs. 197(d)(1)(D) and (F). The 15-year amortization provision does not apply to various types of rights, including any interest in land. Sec. 197(e)(2).

¹¹⁶ Sec. 141.

¹¹⁷ Sec. 147(e).

entity) is treated as a lease if the contract or arrangement is properly treated as a lease.¹¹⁸ *Effective date.*—The provision is effective for leases entered into, and private activity bonds issued, after the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

M. Transfers to Federal Old-Age and Survivors Insurance Trust Fund and Federal Disability Insurance Trust Fund (sec. 40314 of the Senate amendment)

PRESENT LAW

To finance Social Security and Medicare benefits, taxes under the Federal Insurance Contributions Act (“FICA”) are imposed on employers and employees with respect to employee wages.¹¹⁹ Similar taxes are imposed under the Self-Employment Contributions Act (“SECA”) on self-employed individuals with respect to their self-employment income.¹²⁰ These taxes consist of two parts: (1) old-age, survivors, and disability insurance (“OASDI”), which correlates to the Social Security program that provides monthly benefits after retirement, death or disability; and (2) Medicare hospital insurance (“HI”).

HOUSE BILL

No provision.

SENATE AMENDMENT

Under the Senate amendment, the following amounts are transferred from the General Fund to the OASDI Trust Funds: \$27 million in fiscal year 2012, and \$82 million in fiscal year 2014.

Effective date.—The Senate amendment provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

N. Modify Rules that Apply to Sales of Life Insurance Contracts (secs. 100112-4 of the Senate amendment and new sec. 6050X of the Code)

PRESENT LAW

An exclusion from Federal income tax is provided for amounts received under a life insurance contract paid by reason of the death of the insured.¹²¹

Under rules known as the transfer for value rules, if a life insurance contract is sold or otherwise transferred for valuable consideration, the amount paid by reason of the death of the insured that is excludable generally is limited.¹²² Under the limitation, the excludable amount may not exceed the sum of (1) the actual value of the consideration, and (2) the premiums or other amounts subsequently paid by the transferee of the contract. Thus, for example, if a person buys a life insurance contract, and the consideration he pays combined with his subsequent premium payments on the contract are less than the amount of the death benefit he later receives under the contract, then the difference is includable in the buyer's income.

Exceptions are provided to the limitation on the excludable amount. The limitation on the excludable amount does not apply if (1) the transferee's basis in the contract is determined in whole or in part by reference to the transferor's basis in the contract,¹²³ or (2) the transfer is to the insured, to a partner of the insured, to a partnership in which the insured is a partner, or to a corporation in which the insured is a shareholder or officer.¹²⁴

IRS guidance sets forth more details of the tax treatment of a life insurance policyholder who sells or surrenders the life insurance contract and the tax treatment of other sellers and of buyers of life insurance contracts. The guidance relates to the character of taxable amounts (ordinary or capital) and to the taxpayer's basis in the life insurance contract.

In Revenue Ruling 2009-13,¹²⁵ the IRS ruled that income recognized under section 72(e) on surrender to the life insurance company of a life insurance contract with cash value is ordinary income. In the case of sale of a cash value life insurance contract, the IRS ruled that the insured's (seller's) basis is reduced by the cost of insurance, and the gain on sale of the contract is ordinary income to the extent of the amount that would be recognized as ordinary income if the contract were surrendered (the “inside buildup”), and any excess is long-term capital gain. Gain on the sale of a term life insurance contract (without cash surrender value) is long-term capital gain under the ruling.

In Revenue Ruling 2009-14,¹²⁶ the IRS ruled that under the transfer for value rules, a portion of the death benefit received by a buyer of a life insurance contract on the death of the insured is includable as ordinary income. The portion is the excess of the death benefit over the consideration and other amounts (e.g., premiums) paid for the contract. Upon sale of the contract by the purchaser of the contract, the ruling concludes that the gain is long-term capital gain, and in determining the gain, the basis of the contract is not reduced by the cost of insurance.

HOUSE BILL

No provision.

SENATE AMENDMENT

In general

The provision imposes reporting requirements in the case of the purchase of an existing life insurance contract in a reportable policy sale and imposes reporting require-

ments on the payor in the case of the payment of reportable death benefits. The provision sets forth rules for determining the basis of a life insurance or annuity contract. Lastly, the provision modifies the transfer for value rules in a transfer of an interest in a life insurance contract that is a reportable policy sale.

Reporting requirements for acquisitions of life insurance contracts

Reporting upon acquisition of life insurance contract

The reporting requirement applies to every person who acquires a life insurance contract, or any interest in a life insurance contract, in a reportable policy sale during the taxable year. A reportable policy sale means the acquisition of an interest in a life insurance contract, directly or indirectly, if the acquirer has no substantial family, business, or financial relationship with the insured (apart from the acquirer's interest in the life insurance contract). An indirect acquisition includes the acquisition of an interest in a partnership, trust, or other entity that holds an interest in the life insurance contract.

Under the reporting requirement, the acquirer of the contract reports information about the acquisition to the IRS, to the insurance company that issued the contract, and to the person or persons receiving a payment. The information reported by the acquirer about the acquisition of the contract is (1) the acquirer's name, address, and taxpayer identification number (“TIN”), (2) the name, address, and TIN of each recipient of payment in the reportable policy sale, (3) the date of the reportable policy sale, (4) the name of the issuer and the policy number of the life insurance contract, and (5) the amount of each payment.

The statement the acquirer provides to any issuer of a life insurance contract is not required to include the amount of the payment or payments for the acquisition of the contract. The statement the acquirer provides to any issuer of a life insurance contract or recipient of a payment in the reportable policy sale also includes the name, address, and phone number of the acquirer's information contact.

Reporting of seller's basis in the life insurance contract

On receipt of a report described above, or on any notice of the transfer of a life insurance contract to a foreign person, each issuer is required to report to the IRS and to the seller or transferor (1) the basis of the contract (i.e., the investment in the contract within the meaning of section 72(e)(6)), (2) the name, address, and TIN of the seller or the transferor to a foreign person, and (3) the policy number of the contract. Notice of the transfer of a life insurance contract to a foreign person is intended to include any sort of notice, including information provided for nontax purposes such as change of address notices for purposes of sending statements or for other purposes, or information relating to loans, premiums, or death benefits with respect to the contract.

The statement the issuer provides to any seller or transferor to a foreign person also includes the name, address, and phone number of the issuer's information contact.

Reporting with respect to reportable death benefits

When a reportable death benefit is paid under a life insurance contract, the payor insurance company is required to report information about the payment to the IRS and to the payee. Under this reporting requirement, the payor reports (1) the payor's name, address, and TIN; (2) the name, address, and

¹¹⁸ Sec. 7701(e).

¹¹⁹ Secs. 3101 and 3111.

¹²⁰ Sec. 1401.

¹²¹ Sec. 101(a)(1). In the case of certain accelerated death benefits and viatical settlements, special rules treat certain amounts as amounts paid by reason of the death of an insured (that is, generally, excludable from income). Sec. 101(g). The rules relating to accelerated death benefits provide that amounts treated as paid by reason of the death of the insured include any amount received under a life insurance contract on the life of an insured who is a terminally ill individual, or who is a chronically ill individual (provided certain requirements are met). For this purpose, a terminally ill individual is one who has been certified by a physician as having an illness or physical condition which can reasonably be expected to result in death in 24 months or less after the date of the certification. A chronically ill individual is one who has been certified by a licensed health care practitioner within the preceding 12-month period as meeting certain ability-related requirements. In the case of a viatical settlement, if any portion of the death benefit under a life insurance contract on the life of an insured who is terminally ill or chronically ill is sold to a viatical settlement provider, the amount paid for the sale or assignment of that portion is treated as an amount paid under the life insurance contract by reason of the death of the insured (that is, generally, excludable from income). For this purpose, a viatical settlement provider is a person regularly engaged in the trade or business of purchasing, or taking as-

¹²² Sec. 101(a)(2).

¹²³ Sec. 101(a)(2)(A).

¹²⁴ Sec. 101(a)(2)(B).

¹²⁵ 2009-21 I.R.B. 1029.

¹²⁶ 2009-21 I.R.B. 1031.

TIN of each recipient of payment; (3) the date of each payment; and (4) the amount of each payment. A reportable death benefit means an amount paid by reason of the death of the insured under a life insurance contract that has been transferred in a reportable policy sale.

The statement the payor provides to any payee also includes the name, address, and phone number of the payor's information contact.

Payment

For purposes of these reporting requirements, payment means the amount of cash and the fair market value of any consideration transferred in a reportable policy sale.

Determination of basis

The provision provides that in determining the basis of a life insurance or annuity contract, no adjustment is made for mortality, expense, or other reasonable charges incurred under the contract (known as "cost of insurance"). This reverses the position of the IRS in Revenue Ruling 2009-13 that on sale of a cash value life insurance contract, the insured's (seller's) basis is reduced by the cost of insurance.

Scope of transfer for value rules

The provision provides that the exceptions to the transfer for value rules do not apply in the case of a transfer of a life insurance contract, or any interest in a life insurance contract, in a reportable policy sale. Thus, some portion of the death benefit ultimately payable under such a contract may be includable in income.

Effective date

Under the provision, the reporting requirement is effective for reportable policy sales occurring after December 31, 2012, and reportable death benefits paid after December 31, 2012. The clarification of the basis rules for life insurance and annuity contracts is effective for transactions entered into after August 25, 2009. The modification of exception to the transfer for value rules is effective for transfers occurring after December 31, 2012.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

O. Authorizing Special Measures Against Foreign Jurisdictions, Financial Institutions, and Others that Significantly Impede U.S. Tax Enforcement (sec. 100201 of the Senate amendment and 31 U.S.C. sec. 5138A)

PRESENT LAW

Cross-border transfers of assets to, and interests held in, foreign bank accounts or foreign entities are subject to reporting requirements under Title 31 (the Bank Secrecy Act) of the United States Code. The Bank Secrecy Act requires both financial institutions and account holders to report information that has "a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings."¹²⁷ Citizens and residents of the United States as well as persons doing business in the United States are required to keep records and file reports that contain the following information "in the way and to the extent the Secretary prescribes" if they enter into a transaction or maintain an account with a foreign financial agency: (1) the identity and address of participants in a transaction or relationship; (2) the legal capacity in which a participant is acting; (3) the identity of real parties in interest; and

(4) a description of the transaction, as specified by the Secretary.¹²⁸ Regulations promulgated pursuant to broad regulatory authority granted to the Secretary in the Bank Secrecy Act¹²⁹ provide additional guidance regarding the disclosure obligation with respect to foreign accounts.

As part of a series of reforms directed at international financing of terrorism,¹³⁰ the Bank Secrecy Act authorizes the Secretary of Treasury to impose special measures on certain domestic institutions or agencies if, after consultation with the Secretary of State and the Attorney General, the Secretary of Treasury determines that there are reasonable grounds to conclude that a jurisdiction or institution operating outside the United States, or accounts or transactions involving such jurisdictions or institutions, are of primary money laundering concern.¹³¹

In determining whether a particular jurisdiction is of primary money laundering concern, the Secretary considers multiple factors that may evidence that the jurisdiction lacks adequate transparency and may be a haven for criminal activities. Evidence that groups involved in organized crime, international terrorism or proliferation of weapons of mass destruction have transacted business in that jurisdiction as well as the degree of corruption among high-level officials must be considered. With respect to assessing the fiscal transparency of the jurisdiction, factors include the domestic laws of that jurisdiction and their administration; the reputation of the jurisdiction as an offshore banking haven by credible international organizations; the extent to which the jurisdiction offers regulatory advantages to nonresidents; and whether the United States has a Mutual Legal Assistance Treaty ("MLAT") with the jurisdiction, and if so, experience of U.S. officials in obtaining information under that agreement.

In determining whether to apply one or more special measure to a particular institution, or with respect to a type of account or transaction, the Secretary considers whether the transactions, accounts or institutions facilitate money laundering through a particular jurisdiction. The Secretary also looks at evidence that organized criminal groups or terrorists have been able to avail themselves of such institution, accounts or transactions. The extent to which legitimate business is conducted through the accounts or institutions is also considered.

The selection of the specific measures is made after consultation with other financial regulatory agencies and the Secretary of State.¹³² The factors that must be considered

in selecting which of the measures to invoke are enumerated and include U.S. national security and foreign policy; the cost and burden of compliance with the measures; whether U.S. financial institutions will be placed at a competitive disadvantages as a result; the impact of the measure on the international payment, clearance and settlement system; and whether any similar sanction has been imposed by another nation or multilateral group. Increased reporting obligations with respect to types of transactions or accounts involving a foreign jurisdiction, mandatory collection of information about beneficial ownership of certain types of accounts, and prohibitions against opening or maintaining payable-through or correspondent accounts with a nexus to foreign jurisdictions are among the measures permitted. These measures may be imposed separately or in combination.

Cross-border payment flows are also subject to reporting obligations for tax purposes.¹³³ Those reporting obligations and related provisions are commonly referred to as FATCA,¹³⁴ which added new Chapter 4, a reporting and withholding regime, to Subtitle A of the Code. Chapter 4 requires reporting of specific information by third parties for certain U.S. accounts held in foreign financial institutions ("FFIs").¹³⁵ Information reporting is encouraged through the withholding of tax on payments to FFIs unless the FFI enters into and complies with an information reporting agreement with the Secretary of the Treasury.¹³⁶

Access to the foreign-based documents necessary to combat money laundering and tax evasion is secured through information exchanges with foreign jurisdictions under the terms of various treaties and international agreements, such as MLAT, tax treaties, or tax information exchange agreements ("TIEA").¹³⁷ International norms regarding fiscal transparency and exchange of information for tax administration purposes are reflected in the standards developed by the Organization for Economic Cooperation and Development ("OECD"). The OECD Standards have been endorsed by the G-20 Ministers of Finance. Whether by tax treaty or TIEA, the OECD Standards require that a jurisdiction (1) exchange information where it is "foreseeably relevant" to the administration and enforcement of the domestic laws of a requesting State; (2) not restrict exchanges on the basis of bank secrecy or domestic tax

¹²⁸ 31 U.S.C. sec. 5314. The term "agency" in the Bank Secrecy Act includes financial institutions.

¹²⁹ 31 U.S.C. sec. 5314(a) provides: "Considering the need to avoid impeding or controlling the export or import of monetary instruments and the need to avoid burdening unreasonably a person making a transaction with a foreign financial agency, the Secretary of the Treasury shall require a resident or citizen of the United States or a person in, and doing business in, the United States, to keep records, file reports, or keep records and file reports, when the resident, citizen, or person makes a transaction or maintains a relation for any person with a foreign financial agency."

¹³⁰ See, e.g., Title III of the USA PATRIOT Act, Pub. L. No. 107-56 (October 26, 2001) (sections 351 through 366).

¹³¹ 31 U.S.C. sec. 5318A.

¹³² Section 5318A(4)(A) requires consultation with Board of the Governors of the Federal Reserve System, the Securities and Exchange Commission, the Commodity Futures Trading Commission, the National Credit Union Administration Board, any other appropriate Federal banking agency and any other interested party identified by the Secretary.

¹³³ Hiring Incentives to Restore Employment Act ("HIRE"), Pub. L. No. 111-147 (2010).

¹³⁴ Subtitle A of Title V of the HIRE Act, entitled "Foreign Account Tax Compliance," was based on legislative proposals in the Foreign Account Tax Compliance Act ("FATCA"), a bill introduced in both the House and Senate on October 27, 2009. See H.R. 3933 and S. 1934, respectively.

¹³⁵ Under section 1471(c), an FFI must report (1) the name, address, and taxpayer identification number of each U.S. person or a foreign entity with one or more substantial U.S. owners holding an account, (2) the account number, (3) the account balance or value, and (4) except as provided by the Secretary, the gross receipts and gross withdrawals or payments from the account.

¹³⁶ The information reporting requirement under the HIRE Act generally applies to payments made after December 31, 2012.

¹³⁷ TIEAs are entered into by the Administration, without the advice and consent of the Senate. In contrast to the bilateral tax treaties, TIEAs are generally limited in scope to mutual exchange of information. Since the 1980s, the United States has entered into over 20 such agreements.

¹²⁷ 31 U.S.C. sec. 5311.

interest requirements; (3) have powers to enforce access to reliable information; (4) respect taxpayer rights; and (5) maintain strict confidentiality of information exchanged.¹³⁸

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision expands the special measures powers under the Bank Secrecy Act by authorizing use of the powers based on a finding, made in consultation with the Commissioner of the IRS, the Secretary of State and the Attorney General, that an institution, jurisdiction or international transaction is significantly impeding tax enforcement. In making such a finding, cooperation of an institution or jurisdiction with the implementation of FATCA may be favorably considered. The information and consultations to be considered in making a finding to support use of the special measures on the basis of either money-laundering or tax enforcement concerns are expanded to require consideration of U.S. experience with administrative assistance requests under a tax treaty or tax information exchange agreement. Furthermore, a number of conforming changes are made to the enumeration of considerations to ensure that factors relevant to tax enforcement are considered.

The process for selection of special measures to be taken and the considerations for their selection remain the same as under present law, except for the identity of the persons or agencies to be consulted in the process when the use of special measures is based on a finding that U.S. tax enforcement is being significantly impeded. In that case, the Secretary of Treasury is required to consult only with the Commissioner of IRS, the Secretary of State and the Attorney General. The Secretary of Treasury has sole discretion whether to consult any other agencies.

All special measures under present law are available for both anti-money-laundering and tax enforcement-based findings. The ability to prohibit or impose conditions on the use of correspondent or payable-through accounts is expanded to include the authorization, approval or use in the United States of a credit card, charge card, debit card or other similar financial instrument.

Effective date.—The provision is effective upon date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

P. Delay in Application of Worldwide Interest (sec. 1801 of the Senate amendment and sec. 864(f) of the Code)

PRESENT LAW

In general

To compute the foreign tax credit limitation, a taxpayer must determine the amount of its taxable income from foreign sources. Thus, the taxpayer must allocate and apportion deductions between items of U.S.-source gross income, on the one hand, and items of foreign-source gross income, on the other.

In the case of interest expense, the rules generally are based on the approach that money is fungible and that interest expense is properly attributable to all business activities and property of a taxpayer, regardless of any specific purpose for incurring an obligation on which interest is paid.¹³⁹ For

interest allocation purposes, all members of an affiliated group of corporations generally are treated as a single corporation (the so-called “one-taxpayer rule”) and allocation must be made on the basis of assets rather than gross income. The term “affiliated group” in this context generally is defined by reference to the rules for determining whether corporations are eligible to file consolidated returns.

For consolidation purposes, the term “affiliated group” means one or more chains of includible corporations connected through stock ownership with a common parent corporation that is an includible corporation, but only if: (1) the common parent owns directly stock possessing at least 80 percent of the total voting power and at least 80 percent of the total value of at least one other includible corporation; and (2) stock meeting the same voting power and value standards with respect to each includible corporation (excluding the common parent) is directly owned by one or more other includible corporations.

Generally, the term “includible corporation” means any domestic corporation except certain corporations exempt from tax under section 501 (for example, corporations organized and operated exclusively for charitable or educational purposes), certain life insurance companies, corporations electing application of the possession tax credit, regulated investment companies, real estate investment trusts, and domestic international sales corporations. A foreign corporation generally is not an includible corporation.

Subject to exceptions, the consolidated return and interest allocation definitions of affiliation generally are consistent with each other. For example, both definitions generally exclude all foreign corporations from the affiliated group. Thus, while debt generally is considered fungible among the assets of a group of domestic affiliated corporations, the same rules do not apply as between the domestic and foreign members of a group with the same degree of common control as the domestic affiliated group.

Banks, savings institutions, and other financial affiliates

The affiliated group for interest allocation purposes generally excludes what are referred to in the Treasury regulations as “financial corporations.”¹⁴⁰ A financial corporation includes any corporation, otherwise a member of the affiliated group for consolidation purposes, that is a financial institution (described in section 581 or section 591), the business of which is predominantly with persons other than related persons or their customers, and which is required by State or Federal law to be operated separately from any other entity that is not a financial institution.¹⁴¹ The category of financial corporations also includes, to the extent provided in regulations, bank holding companies (including financial holding companies), subsidiaries of banks and bank holding companies (including financial holding companies), and savings institutions predominantly engaged in the active conduct of a banking, financing, or similar business.¹⁴²

A financial corporation is not treated as a member of the regular affiliated group for purposes of applying the one-taxpayer rule to other nonfinancial members of that group. Instead, all such financial corporations that would be so affiliated are treated as a separate single corporation for interest allocation purposes.

*Worldwide interest allocation**In general*

The American Jobs Creation Act of 2004 (“AJCA”)¹⁴³ modified the interest expense allocation rules described above (which generally apply for purposes of computing the foreign tax credit limitation) by providing a one-time election (the “worldwide affiliated group election”) under which the taxable income of the domestic members of an affiliated group from sources outside the United States generally is determined by allocating and apportioning interest expense of the domestic members of a worldwide affiliated group on a worldwide-group basis (i.e., as if all members of the worldwide group were a single corporation). If a group makes this election, the taxable income of the domestic members of a worldwide affiliated group from sources outside the United States is determined by allocating and apportioning the third-party interest expense of those domestic members to foreign-source income in an amount equal to the excess (if any) of (1) the worldwide affiliated group’s worldwide third-party interest expense multiplied by the ratio that the foreign assets of the worldwide affiliated group bears to the total assets of the worldwide affiliated group,¹⁴⁴ over (2) the third-party interest expense incurred by foreign members of the group to the extent such interest would be allocated to foreign sources if the principles of worldwide interest allocation were applied separately to the foreign members of the group.¹⁴⁵

For purposes of the new elective rules based on worldwide fungibility, the worldwide affiliated group means all corporations in an affiliated group as well as all controlled foreign corporations that, in the aggregate, either directly or indirectly,¹⁴⁶ would be members of such an affiliated group if section 1504(b)(3) did not apply (i.e., in which at least 80 percent of the vote and value of the stock of such corporations is owned by one or more other corporations included in the affiliated group). Thus, if an affiliated group makes this election, the taxable income from sources outside the United States of domestic group members generally is determined by allocating and apportioning interest expense of the domestic members of the worldwide affiliated group as if all of the interest expense and assets of 80-percent or greater owned domestic corporations (i.e., corporations that are part of the affiliated group, as modified to include insurance companies) and certain controlled foreign corporations were attributable to a single corporation.

Financial institution group election

Taxpayers are allowed to apply the bank group rules to exclude certain financial institutions from the affiliated group for interest allocation purposes under the worldwide fungibility approach. The rules also provide

¹⁴³ Pub. L. No. 108-357, sec. 401.

¹⁴⁴ For purposes of determining the assets of the worldwide affiliated group, neither stock in corporations within the group nor indebtedness (including receivables) between members of the group is taken into account.

¹⁴⁵ Although the interest expense of a foreign subsidiary is taken into account for purposes of allocating the interest expense of the domestic members of the electing worldwide affiliated group for foreign tax credit limitation purposes, the interest expense incurred by a foreign subsidiary is not deductible on a U.S. return.

¹⁴⁶ Indirect ownership is determined under the rules of section 958(a)(2) or through applying rules similar to those of section 958(a)(2) to stock owned directly or indirectly by domestic partnerships, trusts, or estates.

¹³⁸ Overview of the OECD’s Work on International Tax Evasion (A note by the OECD Secretariat), p. 3, March 23, 2009.

¹³⁹ However, exceptions to the fungibility principle are provided in particular cases, some of which are described below.

¹⁴⁰ Temp. Treas. Reg. sec. 1.861-11T(d)(4).

¹⁴¹ Sec. 864(e)(5)(C).

¹⁴² Sec. 864(e)(5)(D).

a one-time “financial institution group” election that expands the bank group. At the election of the common parent of the pre-election worldwide affiliated group, the interest expense allocation rules are applied separately to a subgroup of the worldwide affiliated group that consists of (1) all corporations that are part of the bank group, and (2) all “financial corporations.” For this purpose, a corporation is a financial corporation if at least 80 percent of its gross income is financial services income (as described in section 904(d)(2)(D)(ii) and the regulations thereunder) that is derived from transactions with unrelated persons.¹⁴⁷ For these purposes, items of income or gain from a transaction or series of transactions are disregarded if a principal purpose for the transaction or transactions is to qualify any corporation as a financial corporation.

In addition, anti-abuse rules are provided under which certain transfers from one member of a financial institution group to a member of the worldwide affiliated group outside of the financial institution group are treated as reducing the amount of indebtedness of the separate financial institution group. Regulatory authority is provided with respect to the election to provide for the direct allocation of interest expense in circumstances in which such allocation is appropriate to carry out the purposes of these rules, to prevent assets or interest expense from being taken into account more than once, or to address changes in members of any group (through acquisitions or otherwise) treated as affiliated under these rules.

Effective date of worldwide interest allocation

The common parent of the domestic affiliated group must make the worldwide affiliated group election. It must be made for the first taxable year beginning after December 31, 2020, in which a worldwide affiliated group exists that includes at least one foreign corporation that meets the requirements for inclusion in a worldwide affiliated group.¹⁴⁸ The common parent of the pre-election worldwide affiliated group must make the election for the first taxable year beginning after December 31, 2020, in which a worldwide affiliated group includes a financial corporation. Once either election is made, it applies to the common parent and all other members of the worldwide affiliated group or to all members of the financial institution group, as applicable, for the taxable year for which the election is made and all subsequent taxable years, unless revoked with the consent of the Secretary of the Treasury.

HOUSE BILL

No provision.

SENATE AMENDMENT

The provision delays the effective date of the worldwide interest allocation rules for one year, until taxable years beginning after

December 31, 2021. The required dates for making the worldwide affiliated group election and the financial institution group election are changed accordingly.

Effective date.—The provision is effective on the date of enactment.

CONFERENCE AGREEMENT

The conference agreement does not include the Senate amendment provision.

PART IV—TAX COMPLEXITY ANALYSIS

Section 4022(b) of the Internal Revenue Service Reform and Restructuring Act of 1998 (the “IRS Reform Act”) requires the Joint Committee on Taxation (in consultation with the Internal Revenue Service and the Department of the Treasury) to provide a tax complexity analysis. The complexity analysis is required for all legislation reported by the Senate Committee on Finance, the House Committee on Ways and Means, or any committee of conference if the legislation includes a provision that directly or indirectly amends the Internal Revenue Code (the “Code”) and has widespread applicability to individuals or small businesses.

The staff of the Joint Committee on Taxation has determined that a complexity analysis is not required under section 4022(b) of the IRS Reform Act because the bill contains no provisions that have “widespread applicability” to individuals or small businesses.

A. PBGC Premiums (secs. 40221–40222 of the conference agreement and ERISA sec. 4006)

PRESENT LAW

Defined benefit plans subject to ERISA are covered by the Pension Benefit Guaranty Corporation (“PBGC”) insurance program and related premium requirements.

In the case of a single-employer defined benefit plan, flat-rate premiums apply at a rate of \$35.00 per participant for 2012. Single-employer flat-rate premium rates are indexed for inflation.

If a single-employer defined benefit plan has unfunded vested benefits, variable-rate premiums also apply at a rate of \$9 per \$1,000 of unfunded vested benefits divided by the number of participants. Variable-rate premiums are not indexed for inflation. For purposes of determining variable-rate premiums, unfunded vested benefits are equal to the excess (if any) of (1) the plan’s funding target for the year, as determined under the minimum funding rules, but taking into account only vested benefits, over (2) the fair market value of plan assets. In determining the plan’s funding target for this purpose, the interest rates used are segment rates determined as under the minimum funding rules, but determined on a monthly basis, rather than using a 24-month average of corporate bond rates.

In the case of a multiemployer defined benefit plan, flat-rate premiums apply at a rate of \$9.00 per participant for 2012. Multiemployer flat-rate premium rates are indexed for inflation and are expected to increase to \$10 for 2013.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

The conference agreement increases PBGC premiums for single-employer plans and multiemployer plans.

Single-employer plan flat-rate premiums are increased to \$42 per participant for 2013 and \$49 per participant for 2014 with indexing thereafter.

For plan years beginning after 2012, the rate for variable-rate premiums (\$9 per \$1,000 of unfunded vested benefits) is indexed and the per-participant variable-rate premium is subject to a limit. The limit is \$400 for 2013 with indexing thereafter. In addition, the rate for variable-rate premiums per \$1,000 of unfunded vested benefits is increased by \$4 for 2014 and another \$5 for 2015. These increases are applied to the rate applicable for the preceding year (that is, \$9 as indexed for the preceding year per \$1,000 of unfunded vested benefits) and indexing continues to apply thereafter.

Multiemployer plan flat-rate premiums are increased by \$2 per participant for 2013.

B. Improvements of PBGC (secs. 40231–40234 of the conference agreement and ERISA sec. 4002, new sec. 4004 and sec. 4005)—Draft of 6/27/12, 9:00 PM

PRESENT LAW

The Pension Benefit Guaranty Corporation (“PBGC”), which was created by the Employee Retirement Income Security Act of 1974 (“ERISA”), insures benefits provided under defined benefit plans covered by ERISA, collects premiums with respect to such plans, and manages assets and pays benefits with respect to certain terminated plans. PBGC’s purposes are to encourage the continuation and maintenance of voluntary private defined benefit plans, provide timely and uninterrupted payment of pension benefits to participants and beneficiaries, and maintain premiums at the lowest level consistent with carrying out its obligations under ERISA.¹⁴⁹

PBGC is administered by a director, who is appointed by the President with the advice and consent of the Senate. PBGC’s board of directors consists of the Secretary of the Treasury, the Secretary of Labor, and the Secretary of Commerce, with the Secretary of Labor serving as chair. An advisory committee has been established for the purpose of advising the PBGC as to various policies and procedures. ERISA contains general provisions as to the board of directors and advisory committee.

HOUSE BILL

No provision.

SENATE AMENDMENT

No provision.

CONFERENCE AGREEMENT

PBGC governance improvement

The conference agreement expands the ERISA provisions relating to the PBGC board of directors, advisory committee, director and other PBGC officials.

With respect to the board of directors, the conference agreement addresses timing and procedures for meetings (including a joint meeting with the advisory committee). It also ensures that the PBGC inspector general has direct access to the board, clarifies the role of the General Counsel, and provides authority to the board to hire its own employees, experts and consultants as may be required to enable the board to perform its duties. The conference agreement includes specific rules on conflicts of interest with respect to the board of directors and the director of PBGC and provides for the PBGC to have a risk management officer. It further clarifies that the PBGC board of directors is ultimately responsible for overseeing PBGC and that the director is directly accountable to the board of directors and can be removed by the board of directors or the president. It also sets the director’s term at five years unless removed before the expiration of the

¹⁴⁷ See Treas. Reg. sec. 1.904-4(e)(2).

¹⁴⁸ As originally enacted under AJCA, the worldwide interest allocation rules were effective for taxable years beginning after December 31, 2008. However, section 3093 of the Housing and Economic Recovery Act of 2008, Pub. L. No. 110-289, delayed the implementation of the worldwide interest allocation rules for two years, until taxable years beginning after December 31, 2010; section 15 of the Worker, Homeownership, and Business Assistance Act of 2009, Pub. L. No. 111-92, delayed the implementation of the worldwide interest allocation rules for seven years, until taxable years beginning after December 31, 2017; and section 551 of the Hiring Incentives to Restore Employment Act, Pub. L. No. 111-126, further delayed implementation of the worldwide interest allocation rules for three years, until taxable years beginning after December 31, 2020.

¹⁴⁹ ERISA sec. 4002(a).

term by the President or the board of directors.

The conference agreement states the sense of Congress that (1) the board of directors should form committees, including an audit committee and an investment committee composed of at least two members, to enhance the overall effectiveness of the board, and (2) the advisory committee should provide the board with policy recommendations regarding changes to the law that would be beneficial to the PBGC or the voluntary private pension system.

The conference agreement also directs the PBGC, not later than 90 days after enactment, to contract with the National Academy of Public Administration to conduct a study of the PBGC to include (1) a review of governance structures of organizations (governmental and nongovernmental) that are analogous to the PBGC and (2) recommendations with respect to various topics relating to the board of directors, such as composition, procedures, and policies to enhance Congressional oversight. The results of the study are to be reported within a year of initiation of the study to the Committee on Health, Education, Labor, and Pensions and Committee on Finance of the Senate and the Committee on Education and the Workforce and Committee on Ways and Means of the House of Representatives.

Participant and plan sponsor advocate

The conference agreement establishes a new Participant and Plan Sponsor Advocate. The Advocate is chosen by the Board of Directors from the candidates nominated by the advisory committee. This individual will act as a liaison between the corporation and participants in terminated pension plans. The Advocate will ensure that participants receive everything they are entitled to under the law. The Advocate will also provide plan sponsors with assistance in resolving disputes with the corporation. Each year, the Advocate will provide a report on their activities to the Committee on Health, Education, Labor, and Pensions and Committee on Finance of the Senate, the Committee on Education and the Workforce of the House of Representatives, and the Committee on Ways and Means of the House of Representatives summarizing the issues raised by participants and plan sponsors and making recommendations for changes to improve the system.

Quality control procedures for the PBGC

The conference agreement states that the PBGC will contract with an outside agency (such as the Social Security Administration) to conduct an annual review of the Corporation's Single-Employer and Multiemployer Pension Insurance Modeling Systems ("PIMS"). The first reviews will be initiated no later than 3 months after the enactment of this Act.

The conference agreement also states that the PBGC will make its own efforts to develop review policies to examine actuarial work, management, and record keeping. Finally, the conference agreement instructs the PBGC to provide a specific report addressing outstanding recommendations made by the Office of the Inspector General ("OIG") relating to the Policy, Research, and Analysis Department and the Benefits Administration and Payment Department.

Line of credit repeal

The conference agreement repeals section 4005(c) of ERISA, which provides authority for the PBGC to issue notes or other obligations in an amount up to \$100,000,000.

Natural resource provisions

Secure rural schools

The conference report includes Senate language that extends by one year, through fiscal year 2012, the Secure Rural Schools program. The program funds county outlays for public schools, road improvement and maintenance projects, and forest restoration and improvement projects in and around National Forests. The conference report clarifies that funds for eligible Title III projects under the program must be obligated by the end of the following fiscal year but not necessarily initiated.

Payment-in-lieu of taxes

The conference report also includes Senate language to extend by one year, through fiscal year 2013, full funding for the Payment in Lieu of Taxes program. The program provides federal payments to local governments to help offset losses in property taxes due to nontaxable federal land within their boundaries.

Gulf coast restoration

The conference report modifies a Senate provision related to Gulf Coast restoration known as the Resources and Ecosystems Sustainability, Tourism Opportunities and Revived Economies of the Gulf Coast States Act of 2012 (RESTORE Act). The provision establishes the Gulf Coast Restoration Trust Fund and places in the Trust Fund 80% of all civil penalties paid by responsible parties in connection with the Deepwater Horizon oil spill. Funding may be used to invest in projects and activities to restore the long-term health of the coastal ecosystem and local economies in the Gulf Coast Region, which includes the states of Mississippi, Louisiana, Alabama, Florida, and Texas. A portion of the funds will be allocated directly and equally to the five Gulf Coast states for ecological and economic recovery along the coast. A portion will be provided to the Gulf Coast Ecosystem Restoration Council established by the bill to develop and fund a comprehensive plan for the restoration of Gulf Coast ecosystems. A portion will be allocated among the states using an impact-based formula to implement state plans that have been approved by the Council. Finally, a portion of the funds will be allocated to a Gulf Coast ecosystem restoration, science, observation, monitoring and technology program and for grants to nongovernmental entities for the establishment of Gulf Coast centers of excellence.

Phased retirement

PRESENT LAW

Under current law, Federal agencies may offer part-time employment to retirement-eligible workers, but the employee may not begin receiving accrued pension benefits. Currently, Federal employees face one of three choices upon reaching retirement age: (1) voluntarily retire and collect an annuity based on the pension computation formula, (2) continue to work full time, in most cases increasing the number of service years used in calculating their pension, or (3) voluntarily retire and return to Federal employment as a reemployed annuitant. As a result, most experienced Federal employees elect to retire.

Under Internal Revenue Code section 72(t), certain distributions from a qualified retirement plan prior to age 59½ are subject to an additional tax of 10 percent of the taxable amount of the distribution.

HOUSE BILL

No provision.

SENATE AMENDMENT

The Senate amendment provides the Office of Personnel Management the authority to establish a phased retirement program for qualified Federal employees. The amendment allows Federal employees to retire from a portion of their full time employment and receive a prorated pension for that service. During phased retirement, Federal employees may work 20 to 80 percent of their full-time schedule and continue to receive a prorated salary and pension credit for the time worked. At least 20 percent of the time worked must be used to mentor new employees. When the phased retiree fully retires, their annuity would be adjusted, increasing the employee's lifetime retirement income. The Senate amendment excludes from eligibility law enforcement officers, firefighters, nuclear materials couriers, air traffic controllers, customs and border protection officers, or members of the Capital Police or Supreme Court Police.

CONFERENCE REPORT

The conference report follows the Senate amendment with three changes. First, Postal Service employees are exempted from the requirement to spend 20 percent of their time mentoring. Second, the provision provides that certain law enforcement officers such as Customs and Border Protection Officers hired before 2008 (when they were granted law-enforcement type status which makes them ineligible for phased retirement under the Senate Amendment because they are subject to mandatory retirement) are eligible for phased retirement. Finally, the conference agreement provides an exception to the additional tax under section 72(t) of the Internal Revenue Code for distributions from federal retirement plans to qualified phased retirees.

Effective Date—The provision is effective on the date the implementing regulations are issued by the Director of the Office of Personnel Management.

Technical correction to the disaster recovery FMAP provision

The ACA included a provision known as the 'disaster-recovery FMAP' designed to help states adjust to drastic changes in FMAP following a statewide disaster. Once triggered, the policy would provide assistance for as many as seven years following the disaster, as long as the state continued to experience an FMAP drop of more than three percentage points. The Middle Class Tax Relief and Job Creation Act of 2012 corrected the formula. This policy moves the effective date to October 1, 2012 and adjusts the formula for fiscal year 2013.

Ocean freight differential

The United States provides humanitarian food aid to developing countries. This assistance is subject to an additional cargo preference, which requires 75% of food assistance be shipped from U.S. flagged vessels. The Maritime Administration at the Department of Transportation is required to reimburse the U.S. agencies that sponsor food aid shipments for the increased costs associated with the U.S. flag shipping requirement. This proposal would reduce to 50% the incremental ocean freight differential, which would reduce the amount of quarterly payments made by Maritime Administration at the Department of Transportation.

Abandoned mine land

This proposal would cap abandoned mine land (AML) reclamation payments to states that have completed all high-priority abandoned coal mine reclamation projects. Under

this proposal, payments to those states (certified states) would be capped at \$15 million annually.

Pursuant to the order of the House on April 25, 2012, the Speaker appointed the following conferees from the Committee on Transportation and Infrastructure for consideration of the House bill (except section 141) and the Senate amendment (except secs. 1801, 40102, 40201, 40202, 40204, 40205, 40305, 40307, 40309, 40312, 100112, 100114, and 100116), and modifications committed to conference:

JOHN MICA,
DON YOUNG,
JOHN DUNCAN,
BILL SHUSTER,
SHELLEY MOORE CAPITO,
RICK CRAWFORD,
JAIME HERRERA BEUTLER,
LARRY BUCSHON,
RICHARD HANNA,
STEVE SOUTHERLAND,
JAMES LANKFORD,
REID RIBBLE,
NICK RAHALL,
PETER DEFazio,
JERRY COSTELLO,
ELEANOR HOLMES NORTON,
JERROLD NADLER,
CORRINE BROWN,
ELIJAH CUMMINGS,
LEONARD BOSWELL,
TIM BISHOP,

As additional conferees from the Committee on Commerce, for consideration of sec. 142 and titles II and V of the House bill, and secs. 1113, 1201, 1202, subtitles B, C, D, and E of title I of Division C, secs. 32701, 32705, 32710, 32713, 40101, and 40301 of the Senate amendment, and modifications committed to conference:

FRED UPTON,
ED WHITFIELD,
HENRY WAXMAN,

As additional conferees from the Committee on Natural Resources, for consideration of secs. 123, 142, 204, and titles III and VI of the House bill, and sec. 1116, subtitles C, F, and G of title I of Division A, sec. 33009, titles VI and VII of Division C, sec. 40101, subtitles A and B of title I of Division F, and sec. 100301 of the Senate amendment, and modifications committed to conference:

DOC HASTINGS,
ROB BISHOP,
ED MARKEY,

As additional conferees from the Committee on Science, Space, and Technology for consideration of secs. 121, 123, 136, and 137 of the House bill, and sec. 1534, subtitle F of title I of Division A, secs. 20013, 20014, 20029, 31101, 31103, 31111, 31204, 31504, 32705, 33009, 34008, and Division E of the Senate amendment, and modifications committed to conference:

RALPH HALL,
CHIP CRAVAACK,
EDDIE BERNICE JOHNSON,

As additional conferees from the Committee on Ways and Means, for consideration of secs. 141 and 142 of the House bill, and secs. 1801, 40101, 40102, 40201, 40202, 40204, 40205, 40301, 40307, 40309, 40314, 100112, 100114, and 100116 of the Senate amendment, and modifications committed to conference:

DAVE CAMP,
PAT TIBERI,
EARL BLUMENAUER,

Managers on the Part of the House.

BARBARA BOXER,
MAX BAUCUS,
JOHN ROCKEFELLER,
DICK DURBIN,
TIM JOHNSON,
CHUCK SCHUMER,

BILL NELSON,
ROBERT MENENDEZ,
JAMES INHOFE,
DAVID VITTER,
ORRIN HATCH,
RICHARD SHELBY,
KAY BAILEY HUTCHISON,
JOHN HOEVEN,

Managers on the Part of the Senate.

From the Committee on Transportation and Infrastructure, for consideration of the House bill (except section 141) and the Senate amendment (except secs. 1801, 40102, 40201, 40202, 40204, 40205, 40305, 40307, 40309–40312, 100112–100114, and 100116), and modifications committed to conference:

JOHN L. MICA,
DON YOUNG,
JOHN J. DUNCAN, JR.
BILL SHUSTER,
SHELLEY MOORE CAPITO,
ERIC A. "RICK" CRAWFORD,
JAIME HERRERA BEUTLER,
LARRY BUCSHON,
RICHARD L. HANNA,
STEVE SOUTHERLAND II,
JAMES LANKFORD,
REID J. RIBBLE,

From the Committee on Energy and Commerce, for consideration of sec. 142 and titles II and V of the House bill, and secs. 1113, 1201, 1202, subtitles B, C, D, and E of title I of Division C, secs. 32701–32705, 32710, 32713, 40101, and 40301 of the Senate amendment, and modifications committed to the conference:

FRED UPTON,
ED WHITFIELD,
HENRY A. WAXMAN,

From the Committee on Natural Resources, for consideration of secs. 123, 142, 204, and titles III and VI of the House bill, and sec. 1116, subtitles C, F, and G of title I of Division A, sec. 33009, titles VI and VII of Division C, sec. 40101, subtitles A and B of title I of Division F, and sec. 100301 of the Senate amendment, and modifications committed to conference:

DOC HASTINGS,
ROB BISHOP,

From the Committee on Science, Space, and Technology for consideration of secs. 121, 123, 136, and 137 of the House bill, and sec. 1534, subtitle F of title I of Division A, secs. 20013, 20014, 20029, 31101, 31103, 31111, 31204, 31504, 32705, 33009, 34008, and Division E of the Senate amendment, and modifications committed to conference:

RALPH M. HALL,
CHIP CRAVAACK,

From the Committee on Ways and Means, for consideration of secs. 141 and 142 of the House bill, and secs. 1801, 40101, 40102, 40201, 40202, 40204, 40205, 40301–40307, 40309–40314, 100112–100114, and 100116 of the Senate amendment, and modifications committed to conference:

DAVE CAMP,
PATRICK J. TIBERI,

Managers on the Part of the House.

BARBARA BOXER,
MAX BAUCUS,
JOHN D. ROCKEFELLER, IV,
RICHARD J. DURBIN,
TIM JOHNSON,
CHARLES E. SCHUMER,
BILL NELSON,
ROBERT MENENDEZ,
JAMES M. INHOFE,
DAVID VITTER,
RICHARD C. SHELBY,
KAY BAILEY HUTCHISON,

Managers on the Part of the Senate.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BERG). Under clause 8 of rule XX, the filing of the conference report on H.R. 4348 has vitiated the motion to instruct conferees offered by the gentlewoman from California (Ms. HAHN) which was debated yesterday and on which further proceedings were postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 7 o'clock and 24 minutes p.m.), the House stood in recess.

□ 2304

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. NUGENT) at 11 o'clock and 4 minutes p.m.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 5856, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2013; PROVIDING FOR CONSIDERATION OF H.R. 6020, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2013; AND PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 4348, MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

Mr. WEBSTER, from the Committee on Rules, submitted a privileged report (Rept. No. 112–558) on the resolution (H. Res. 717) providing for consideration of the bill (H.R. 5856) making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes; providing for consideration of the bill (H.R. 6020) making appropriations for financial services and general government for the fiscal year ending September 30, 2013, and for other purposes; and providing for consideration of the conference report to accompany the bill (H.R. 4348) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ADJOURNMENT

Mr. WEBSTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 5 minutes

p.m.), the House adjourned until tomorrow, Friday, June 29, 2012, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6698. A letter from the Secretary, Air Force, Department of Defense, transmitting the 2011 Military Working Dog Disposition Report; to the Committee on Armed Services.

6699. A letter from the Acting Under Secretary, Department of Defense, transmitting a report identifying, for each of the Armed forces (other than the Coast Guard) and each Defense Agency, the percentage of funds that were expended during the preceding fiscal year for performance of depot-level maintenance and repair workloads by the public and private sectors; to the Committee on Armed Services.

6700. A letter from the General Counsel, Federal Housing Finance Agency, transmitting the Agency's final rule — Prudential Management and Operations Standards (RIN: 2590-AA13) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6701. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Idaho: Final Authorization of State Hazardous Waste Management Program; Revision [EPR-R10-RCRA-2011-0973; FRL-9684-6] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6702. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards for Several Counties in Illinois, Indiana, and Wisconsin; Corrections to Inadvertent Errors in Prior Designations [EPA-HQ-OAR-2008-0476; FRL-9682-2] (RIN: 2060-AR56) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6703. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Florida: New Source Review Prevention of Significant Deterioration: Nitrogen Oxides as a Precursor to Ozone [EPA-R04-OAR-2012-0166; FRL-9687-1] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6704. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval of Air Quality Implementation Plans; Wisconsin; Disapproval of "Infrastructure" SIP with respect to Oxides of Nitrogen as a Precursor to Ozone Provisions and New Source Review Exemptions for Fuel Changes as Major Modifications for the 1997 8-hour Ozone and 24-hour PM_{2.5} NAAQS [EPA-R05-OAR-2007-1179; FRL-9685-7] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6705. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; Commonwealth of Puerto

Rico; Administrative Changes [EPA-R02-OAR-2012-0032; FRL-9675-1] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6706. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

6707. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Foreign Affairs.

6708. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to North Korea that was declared in Executive Order 13466 of June 26, 2008; to the Committee on Foreign Affairs.

6709. A letter from the Assistant Director for the Legislative Affairs, Consumer Financial Protection Bureau, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2011 to March 31, 2012; to the Committee on Oversight and Government Reform.

6710. A letter from the Acting Chairman, Federal Deposit Insurance Corporation, transmitting in accordance with the provisions of section 17(a) of the Federal Deposit Insurance Act, the Chief Financial Officers Act of 1990, Pub. L. 101-576, and the Government Performance and Results Act of 1993, the Corporation's 2011 Annual Report; to the Committee on Oversight and Government Reform.

6711. A letter from the Chairman, National Endowment of the Arts, transmitting the Semiannual Report of the Inspector General and the Semiannual Report on Final Action Resulting from Audit Reports, Inspection Reports, and Evaluation Reports for the period October 1, 2011 through March 31, 2012; to the Committee on Oversight and Government Reform.

6712. A letter from the Chairman, National Labor Relations Board, transmitting the Board's semiannual report from the office of the Inspector General for the period October 1, 2011 through March 31, 2012; to the Committee on Oversight and Government Reform.

6713. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Operations In Class D Airspace [Docket No.: FAA-2011-1396] (RIN: 2120-AK10) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6714. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

[Docket No.: 30839; Amdt. No. 3476] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6715. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Area Navigation (RNAV) Route Q-130; UT [Docket No.: FAA-2012-0438; Airspace Docket No. 11-AWP-20] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6716. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Amendment of Restricted Area R-2101; Anniston Army Depot, AL [Docket No.: FAA-2012-0510; Airspace Docket No. 12-ASO-17] (RIN: 2120-AA66) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6717. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule — Customs Broker Recordkeeping Requirements Regarding Location and Method of Record Retention [USCBP-2009-0019] (RIN: 1515-AD66) (formerly RIN: 1505-AC12) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6718. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update of Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2012-43] received June 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6719. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Extension of Relief and Procedures Under Notice 2010-30 and Notice 2011-16 for Spouses of U.S. Servicemembers Who are Working In or Claiming Residence or Domicile In a U.S. Territory Under the Military Spouses Residency Relief Act [Notice 2012-4113] received June 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6720. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Substantial Business Activities [TD 9592] (RIN: 1545-BK86) received June 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6721. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Surrogate Foreign Corporations [TD 9591] (RIN: 1545-BF47) received June 11, 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GRAVES of Missouri: Committee on Small business. Semiannual Report on the Activity of the Committee on Small business during the 112th Congress (Rept. 112-554). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALL: Committee on Science, Space, and Technology. Third Semiannual Report of Activities of the Committee on Science,

Space, and Technology for the 112th Congress (Rept. 112-555). Referred to the Committee of the Whole House on the State of the Union.

Mr. CAMP: Committee on Ways and Means. Report on the Legislative and Oversight Activities of the Committee on Ways and Means during the 112th Congress (Rept. 112-556). Referred to the Committee of the Whole House on the State of the Union.

Mr. MICA: Committee of Conference. Conference report on H.R. 4348. A bill to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, and for other purposes (Rept. 112-557). Ordered to be printed.

Mr. WEBSTER: Committee on Rules. House Resolution 717. Resolution providing for consideration of the bill (H.R. 5856) making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes; providing for consideration of the bill (H.R. 6020) making appropriations for financial services and general government for the fiscal year ending September 30, 2013, and for other purposes; and providing for consideration of the conference report to accompany the bill (H.R. 4348) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, and for other purposes (Rept. 112-558). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FLAKE:

H.R. 6047. A bill to amend the renewable fuel program under section 211(o) of the Clean Air Act to require the cellulosic biofuel requirement to be based on actual production; to the Committee on Energy and Commerce.

By Mr. TURNER of Ohio (for himself, Mrs. MILLER of Michigan, Mr. WHITFIELD, Mrs. HARTZLER, Mr. TIBERI, Mr. JOHNSON of Ohio, Mr. FRANKS of Arizona, Mr. AKIN, Mr. GOHMERT, Mr. NUNNELEE, Mr. PALAZZO, Mr. CONAWAY, Mr. GOWDY, Mr. CRENSHAW, Mr. LAMBORN, Mr. CHAFFETZ, Mr. BROOKS, Mr. STUTZMAN, Mr. ROKITA, Mr. PRICE of Georgia, Mr. LANKFORD, Mr. ALEXANDER, Mrs. BONO MACK, Mr. MACK, Mr. MARCHANT, Mr. NUNES, Mr. COBLE, Mr. BARTON of Texas, Mr. WOMACK, Mr. SENSENBRENNER, Mr. COFFMAN of Colorado, Mr. TERRY, Mr. PITTS, Mr. MICA, Mr. BUCHANAN, Mr. KELLY, Mr. FITZPATRICK, Mr. LANCE, Mrs. BIGGERT, Mr. POE of Texas, Mr. MCCAUL, Mr. SOUTHERLAND, Mr. LOBIONDO, Mr. HARRIS, Mr. WALBERG, Mr. LUTKEMEYER, Mr. HASTINGS of Washington, Mr. LABRADOR, Mr. CULBERSON, Mr. ROGERS of Kentucky, Mr. CAMPBELL, Mr. HARPER, Mr. CANSECO, Mr. ISSA, Mr. FARENTHOLD, Mr. FLAKE, Mr. BRADY of Texas, Mrs. BLACKBURN, Mr. CRAWFORD, Mr. POMPEO, Mr. YOUNG of Indiana, Mr. SCHILLING, Mr. SCHOCK, Mr. DUFFY, Mrs. ELLMERS, Mr. THORNBERRY, Mr. GINGREY of Georgia, Mr. COLE, Mr.

BILBRAY, Mr. BONNER, Mr. LATTA, Mr. GERLACH, Mr. MCKEON, Mr. BARTLETT, Mr. GARRETT, Mr. BASS of New Hampshire, Mr. CASSIDY, Mr. YODER, Mrs. ROBY, Mr. TURNER of New York, Mrs. SCHMIDT, Mr. SMITH of New Jersey, Mrs. MCMORRIS RODGERS, Mr. MANZULLO, Mr. GARY G. MILLER of California, Mr. DIAZ-BALART, Mr. MURPHY of Pennsylvania, Mr. STIVERS, Mr. STEARNS, Mr. SHUSTER, Mr. BROUN of Georgia, Mr. WEST, Mr. KINGSTON, Mr. SHIMKUS, Mr. WESTMORELAND, Mr. WITTMAN, Mr. SCHWEIKERT, Mr. CHABOT, Mr. ROHRABACHER, Mr. CARTER, Mr. DUNCAN of Tennessee, Mr. BILIRAKIS, Ms. BUERKLE, Mr. ROONEY, Mr. HECK, Mr. HUNTER, Mrs. BACHMANN, Mr. POSEY, Mr. WILSON of South Carolina, Mr. NUGENT, Mr. BISHOP of Utah, Mr. PEARCE, Mr. MILLER of Florida, Mr. FORBES, Mr. KINZINGER of Illinois, Mr. LATOURETTE, Mr. SIMPSON, and Mrs. EMERSON):

H.R. 6048. A bill to amend the Internal Revenue Code of 1986 to repeal the individual and employer health insurance mandates; to the Committee on Ways and Means.

By Mr. FILNER:

H.R. 6049. A bill to grant a right of first refusal to the La Jolla Historical Society with respect to the sale of the La Jolla Post Office; to the Committee on Oversight and Government Reform.

By Mr. BECERRA (for himself, Mr. RANGEL, Mr. STARK, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. BISHOP of New York, Mr. HONDA, Ms. NORTON, Ms. BROWN of Florida, and Mr. FILNER):

H.R. 6050. A bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO MACK:

H.R. 6051. A bill to amend certain provisions of title 49, United States Code, relating to motor vehicle safety, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GRAVES of Missouri (for himself, Mr. JONES, Mr. WESTMORELAND, Mr. LONG, Mr. WOLF, and Mrs. HARTZLER):

H.R. 6052. A bill to prohibit the use of funds for the rule entitled "Provisional Unlawful Presence Waivers of Inadmissibility for Certain Immediate Relatives" published by the Department of Homeland Security on April 2, 2012 (77 Fed. Reg. 19902); to the Committee on the Judiciary.

By Mr. MACK:

H.R. 6053. A bill to repeal the provisions of the Patient Protection and Affordable Care Act and the health-related provisions of the Health Care and Education Reconciliation Act of 2010 not declared unconstitutional by the Supreme Court; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, the Judiciary, Natural Resources, House Administration, Appropriations, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MACK:

H.R. 6054. A bill to prohibit funding to implement any provision of the Patient Protection and Affordable Care Act or of the health-related provisions of the Health Care and Education Reconciliation Act of 2010; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, the Judiciary, Natural Resources, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYES (for himself, Mr. CANSECO, Mr. HINOJOSA, Mrs. DAVIS of California, and Mr. GENE GREEN of Texas):

H.R. 6055. A bill to authorize the Commissioner of U.S. Customs and Border Protection to enter into reimbursable fee agreements for the provision of customs services, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STIVERS (for himself and Mr. YARMUTH):

H.R. 6056. A bill to amend the Internal Revenue Code of 1986 to extend the energy efficient appliance credit; to the Committee on Ways and Means.

By Mr. MICA:

H.R. 6057. A bill to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Natural Resources, Science, Space, and Technology, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA:

H.R. 6058. A bill to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Natural Resources, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CANSECO (for himself, Mr. HINOJOSA, Mr. POSEY, Mr. CUELLAR, Mr. WESTMORELAND, Mr. DIAZ-BALART, and Mr. SESSIONS):

H.J. Res. 113. A joint resolution providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rules submitted by the Department of the Treasury and the Internal Revenue Service relating to the reporting requirements for interest that relates to deposits maintained at United States offices of certain financial institutions and is paid to certain nonresident alien individuals; to the Committee on Ways and Means.

By Mr. ISSA:

H. Res. 711. A resolution recommending that the House of Representatives find Eric H. Holder, Jr., Attorney General, U.S. Department of Justice, in contempt of Congress

for refusal to comply with a subpoena duly issued by the Committee on Oversight and Government Reform; considered and agreed to.

By Ms. JACKSON LEE of Texas (for herself, Mr. CONNOLLY of Virginia, Mr. JOHNSON of Georgia, Ms. BROWN of Florida, Mrs. MALONEY, Mr. DAVIS of Illinois, and Mr. RANGEL):

H. Res. 712. A resolution recommending that the Speaker of the House of Representatives not move to proceed to the consideration of the House Resolution finding Eric H. Holder, Jr., Attorney General, U.S. Department of Justice, in contempt of Congress pursuant to the report of the Committee on Oversight and Government Reform; to the Committee on Rules.

By Mr. HASTINGS of Florida:

H. Res. 713. A resolution expressing support for the XIX International AIDS Conference (AIDS 2012) and the sense of the House of Representatives that continued commitment by the United States to HIV/AIDS research, prevention, and treatment programs is crucial to protecting global health; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BERMAN (for himself and Mr. KEATING):

H. Res. 714. A resolution expressing support to end commercial whaling in all of its forms and to strengthen measures to conserve whale populations; to the Committee on Foreign Affairs, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. ISRAEL, Mr. ACKERMAN, Mr. HINCHBY, Mr. TURNER of New York, Mr. RANGEL, Mrs. MCCARTHY of New York, and Mr. BISHOP of New York):

H. Res. 715. A resolution celebrating the 50th anniversary of the Sagamore Hill Historic Site; to the Committee on Natural Resources.

By Mr. SESSIONS (for himself, Mr. BUCHANAN, Ms. BUERKLE, Mr. BUCSHON, Mr. CALVERT, Mr. CANSECO, Mrs. CAPITO, Mr. CARTER, Mr. CASIDY, Ms. CASTOR of Florida, Mr. CHABOT, Mr. CHAFFETZ, Mr. COBLE, Mr. COFFMAN of Colorado, Mr. COLE, Mr. CONAWAY, Mr. COSTELLO, Mr. CRAVAACK, Mr. CRAWFORD, Mr. CRENSHAW, Mr. CULBERSON, Mr. BURGESS, Mr. DENT, Mr. DIAZ-BALART, Mr. DOLD, Mr. DUFFY, Mrs. ELLMERS, Mrs. EMERSON, Mr. FARENTHOLD, Mr. FLAKE, Mr. FLEISCHMANN, Mr. FLEMING, Mr. FORBES, Mr. FORTENBERRY, Ms. FOXX, Mr. FRANKS of Arizona, Mr. FRELINGHUYSEN, Mr. GARDNER, Mr. GARRETT, Mr. GERLACH, Mr. STIVERS, Mr. SAM JOHNSON of Texas, Mr. BARTON of Texas, Mr. MCCAUL, Mr. FLORES, Mr. NEUGEBAUER, Mr. ROE of Tennessee, Mr. GOHMERT, Mr. FITZPATRICK, Mr. ADERHOLT, Mr. CUELLAR, Mr. GRIFFIN of Arkansas, Mr. CAPUANO, Mr. JOHNSON of Illinois, Mr. SENSENBRENNER, Mr. PALAZZO, Mr. LANDRY, Mr. BOUSTANY, Mr. GALLEGLY, Mr. McKEON, Mrs. BACHMANN, Mr. UPTON, Mr. CAMP, Mr. HEINRICH, Mr. DREIER, Mr. AMODEI, Mr. AUSTRIA, Mr. BACHUS, Mr.

BENISHEK, Mr. BERG, Mrs. BIGGERT, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BISHOP of Utah, Mrs. BLACK, Mrs. BLACKBURN, Mr. BONNER, Mr. BOREN, Mr. BROUN of Georgia, Mr. TERRY, Mr. THOMPSON of Pennsylvania, Mr. THORNBERRY, Mr. TIBERI, Mr. TIPTON, Mr. WALDEN, Mr. WALSH of Illinois, Mr. WALZ of Minnesota, Mr. WAXMAN, Mr. WEBSTER, Mr. WEST, Mr. WESTMORELAND, Mr. WHITFIELD, Mr. MURPHY of Pennsylvania, Mr. NUGENT, Mr. NUNNELEE, Mr. OLSON, Mr. PEARCE, Mr. PITTS, Mr. POMPEO, Mr. POSEY, Mr. PRICE of Georgia, Mr. QUAYLE, Mr. REICHERT, Mr. RENACCI, Mr. RIBBLE, Mr. RIGELL, Mr. RIVERA, Mrs. ROBY, Mr. ROGERS of Alabama, Mr. ROGERS of Michigan, Mr. ROHRABACHER, Mr. ROKITA, Mr. ROSKAM, Ms. ROS-LEHTINEN, Mr. ROSS of Florida, Mr. ROYCE, Mr. RUNYAN, Mr. RUPPERSBERGER, Mr. RYAN of Wisconsin, Mr. SCHILLING, Mrs. SCHMIDT, Mr. SCHOCK, Mr. AUSTIN SCOTT of Georgia, Mr. SERRANO, Mr. SHIMKUS, Mr. SHULER, Mr. SHUSTER, Mr. SIMPSON, Mr. SMITH of Nebraska, Mr. SMITH of New Jersey, Mr. SMITH of Texas, Mr. SOUTHERLAND, Mr. HERGER, Ms. HERRERA BEUTLER, Mr. HUELSKAMP, Mr. HUIZenga of Michigan, Mr. HUNTER, Mr. HURT, Mr. ISSA, Mr. JOHNSON of Ohio, Mr. JORDAN, Mr. KELLY, Mr. KING of Iowa, Mr. KING of New York, Mr. KINGSTON, Mr. KINZINGER of Illinois, Mr. KLINE, Mr. LABRADOR, Mr. LANCE, Mr. LANKFORD, Mr. LATHAM, Mr. LATOURETTE, Mr. LATTI, Mr. LUETKEMEYER, Mr. LIPINSKI, Mr. LOBIONDO, Mr. LUCAS, Mrs. LUMMIS, Mr. MACK, Mr. MANZULLO, Mr. MARCHANT, Mr. MARINO, Mr. MCCARTHY of California, Mr. MCCLINTOCK, Mr. MCCOTTER, Mr. MCDERMOTT, Mr. MCHENRY, Mr. MEEHAN, Mr. MICA, Mr. MILLER of Florida, Mr. MORAN, Mr. MULVANEY, Mr. GIBBS, Mr. GIBSON, Mr. GOSAR, Mr. GOWDY, Ms. GRANGER, Mr. GRAVES of Missouri, Mr. GRAVES of Georgia, Mr. GRIMM, Mr. GUTHRIE, Mr. HALL, Mr. HARRIS, Mr. HASTINGS of Washington, Ms. HAYWORTH, Mr. HECK, Mr. HENSARLING, Mr. WILSON of South Carolina, Mr. WOMACK, Mr. WOODALL, Mr. YODER, Mr. YOUNG of Florida, Mr. YOUNG of Indiana, Mr. ANDREWS, Mr. STUTZMAN, Mrs. BONO MACK, Mr. BROOKS, and Mr. REHBERG):

H. Res. 716. A resolution expressing support for designation of August 1, 2012, as "National Eagle Scout Day"; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

235. The SPEAKER presented a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 215 urging the Congress to reconsider the recommendations of the 2012 Air Force Structure Change Report; to the Committee on Armed Services.

236. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 167 urging the Armed Forces Committee and Subcommittee on Military Personnel to act favorably on H.R. 2148; to the Committee on Armed Services.

237. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 11 memorializing the Congress to defund and appropriate no future funding to Planned Parenthood; to the Committee on Energy and Commerce.

238. Also, a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 73 urging the President and the Congress to maintain steadfast support for the State of Israel; to the Committee on Foreign Affairs.

239. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 42 memorializing the Congress to take such actions as are necessary to encourage and enable the United States Army Corps of Engineers to expedite their wetlands permitting process; to the Committee on Transportation and Infrastructure.

240. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 7 memorializing the Congress to take such actions as necessary to assist the Vermilion Parish Police Jury; to the Committee on Transportation and Infrastructure.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. FLAKE:

H.R. 6047.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8

By Mr. TURNER of Ohio:

H.R. 6048.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the U.S. Constitution, as the Supreme Court of the United States has held that the imposition of the burdensome mandate on hardworking American taxpayers is an action Congress may take under its power to tax, and that this bill seeks to repeal sections of title 26 U.S.C., the Internal Revenue Code.

By Mr. FILNER:

H.R. 6049.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clauses 7 and 18), which grants Congress the power to establish Post Offices and post Roads and to make all laws necessary and proper to execute these powers.

By Mr. BECERRA:

H.R. 6050.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mrs. BONO MACK:

H.R. 6051.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to clause 3 of section 8 of article I of the Constitution.

By Mr. GRAVES of Missouri:

H.R. 6052.

Congress has the power to enact this legislation pursuant to the following:

Clause 4 of Section 8 of Article I of the Constitution, in creating the authority of the Congress, "To establish an uniform Rule of Naturalization."

and

The 14th Amendment of the Constitution stating that, "All persons born or naturalized in the United States," are, "citizens of the United States and of the State wherein they reside."

By Mr. MACK:

H.R. 6053.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. MACK:

H.R. 6054.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution and Clause 7 of Section 9 of Article I of the United States Constitution.

By Mr. REYES:

H.R. 6055.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section. 8.

Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

Clause 2: To borrow Money on the credit of the United States;

Clause 3: To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

Clause 4: To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

Clause 5: To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures;

Clause 6: To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

Clause 7: To establish Post Offices and post Roads;

Clause 8: To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

Clause 9: To constitute Tribunals inferior to the supreme Court;

Clause 10: To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

Clause 11: To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

Clause 12: To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

Clause 13: To provide and maintain a Navy;

Clause 14: To make Rules for the Government and Regulation of the land and naval Forces;

Clause 15: To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

Clause 16: To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States,

reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

Clause 17: To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;— And

Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. STIVERS:

H.R. 6056.

Congress has the power to enact this legislation pursuant to the following:

Clause 1, Section 8 of Article 1 of the United States Constitution which reads: "The Congress shall have Power to lay and collect Taxes, Duties, Imposts, and Excises, to pay the Debts, and provide for the common Defense and General Welfare of the United States; but all Duties and Imposts and Excises shall be uniform throughout the United States."

By Mr. MICA:

H.R. 6057.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1, Clause 3, Clause 7, and Clause 18.

By Mr. MICA:

H.R. 6058.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1, Clause 3, Clause 7, and Clause 18.

By Mr. CANSECO:

H.J. Res. 113.

Congress has the power to enact this legislation pursuant to the following:

Congress has authority to enact this legislation pursuant to Article I, Section 8, Clause 3 of the constitution. Should this IRS rule go into effect, commerce will likely be significantly impacted as deposits are pulled from U.S. financial institutions, thereby decreasing capital available for lending.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Mr. LEWIS of Georgia and Mr. LIPINSKI.

H.R. 718: Mr. TURNER of New York.

H.R. 719: Mr. BRALEY of Iowa.

H.R. 733: Mr. CHAFFETZ, Mr. WHITFIELD, and Mr. BROOKS.

H.R. 860: Mr. KELLY.

H.R. 1117: Mr. SIMPSON.

H.R. 1219: Mr. LONG.

H.R. 1283: Mr. CHANDLER, Mr. TONKO, and Mr. LAMBORN.

H.R. 1322: Mr. HINCHEY and Mr. HOLT.

H.R. 1327: Mr. REHBERG, Mr. COLE, Mr. AUSTIN SCOTT of Georgia, and Mr. MCGOVERN.

H.R. 1370: Mr. ROHRBACHER and Mr. PEARCE.

H.R. 1464: Ms. ROS-LEHTINEN and Mr. STARK.

H.R. 1475: Mr. VAN HOLLEN.

H.R. 1506: Mr. TURNER of New York.

H.R. 1549: Mr. BROWN of Georgia.

H.R. 1653: Mr. OLSON.

H.R. 1675: Ms. HANABUSA, Mr. DUFFY, Ms. JENKINS, Mr. CAPUANO, and Ms. BALDWIN.

H.R. 1956: Mr. GOHMERT, Mr. FLAKE, and Mr. AUSTIN SCOTT of Georgia.

H.R. 2014: Mrs. CAPPS.

H.R. 2069: Mr. SMITH of Washington.

H.R. 2108: Mr. LANCE.

H.R. 2492: Mr. COFFMAN of Colorado.

H.R. 2580: Mr. RUNYAN.

H.R. 2655: Mr. GIBSON.

H.R. 2698: Mr. ELLISON.

H.R. 2866: Mr. RAHALL.

H.R. 2969: Mr. PAULSEN and Mr. THOMPSON of Mississippi.

H.R. 3017: Mr. FARR.

H.R. 3146: Ms. HERRERA BEUTLER.

H.R. 3187: Mr. CALVERT, Mr. SIMPSON, Mr. BUCSHON, and Mr. UPTON.

H.R. 3269: Mr. MILLER of North Carolina, Mr. LATOURETTE, and Mr. BARLETTA.

H.R. 3343: Mr. GONZALEZ.

H.R. 3458: Mr. JOHNSON of Illinois.

H.R. 3506: Ms. ROYBAL-ALLARD.

H.R. 3510: Mr. GRIFFIN of Arkansas and Mr. LOBIONDO.

H.R. 3511: Mr. NUNNELEE.

H.R. 3591: Ms. KAPTUR and Mr. FATTAH.

H.R. 3612: Ms. JACKSON LEE of Texas.

H.R. 3627: Mr. BARLETTA.

H.R. 3797: Mr. ANDREWS and Mr. SIRES.

H.R. 3798: Ms. RICHARDSON, Mr. DEUTCH, Ms. ROYBAL-ALLARD, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. QUIGLEY.

H.R. 3803: Mr. BOREN and Mr. REED.

H.R. 3809: Mr. SIRES, Mr. LANCE, Mr. ANDREWS, and Mr. ROTHMAN of New Jersey.

H.R. 3819: Mr. QUAYLE, Mr. FLEMING, Mr. NEUGEBAUER, Mr. DUNCAN of South Carolina, Mr. GRAVES of Georgia, Mr. MULVANEY, and Mr. GOHMERT.

H.R. 3860: Mr. McDERMOTT.

H.R. 3861: Mr. WALBERG.

H.R. 3993: Mr. GENE GREEN of Texas.

H.R. 4077: Mr. COLE.

H.R. 4155: Mrs. DAVIS of California.

H.R. 4290: Mr. HONDA and Mr. SMITH of Washington.

H.R. 4305: Mr. CONNOLLY of Virginia and Mr. KISSELL.

H.R. 4367: Mr. COBLE, Mr. WITTMAN, Mr. PENCE, Ms. FOXX, and Mr. PRICE of North Carolina.

H.R. 4373: Mr. MANZULLO and Mr. DAVIS of Illinois.

H.R. 4643: Mr. SMITH of Washington.

H.R. 4965: Mr. POE of Texas and Mr. KING of Iowa.

H.R. 5186: Ms. PINGREE of Maine.

H.R. 5542: Mr. TONKO.

H.R. 5707: Ms. RICHARDSON and Mr. COHEN.

H.R. 5719: Mr. KUCINICH.

H.R. 5787: Ms. DELAURO.

H.R. 5796: Mr. SHERMAN.

H.R. 5817: Mr. LONG.

H.R. 5822: Mr. POE of Texas.

H.R. 5848: Mr. HIMES.

H.R. 5850: Mrs. MALONEY.

H.R. 5851: Mr. HONDA.

H.R. 5910: Mr. REICHERT.

H.R. 5911: Mr. PAULSEN.

H.R. 5912: Mr. RIBBLE.

H.R. 5943: Mr. THOMPSON of Pennsylvania.

H.R. 5948: Mr. STIVERS.

H.R. 5952: Mrs. LUMMIS and Mr. POSEY.

H.R. 5953: Mrs. MYRICK and Mr. HUNTER.

H.R. 5955: Mr. COSTELLO.

H.R. 5963: Mr. FRANKS of Arizona, Mr. PAULSEN, Mr. AKIN, and Mr. POSEY.

H.R. 5969: Mr. ROSS of Florida and Mrs. NOEM.

H.R. 5970: Mr. ROSS of Florida and Mrs. NOEM.

H.R. 5975: Mr. BLUMENAUER.

H.R. 5978: Mr. TOWNS and Mrs. NAPOLITANO.

H.R. 5993: Mr. JOHNSON of Illinois.

H.R. 5997: Mr. KING of New York.

H.R. 5998: Mr. PRICE of Georgia.

H.R. 6009: Mr. BISHOP of Utah.

H.R. 6025: Mr. QUAYLE and Mr. CUELLAR.

H.R. 6042: Ms. NORTON.

H. J. Res. 90: Mr. STARK, Mr. CICILLINE, and Mr. SMITH of Washington.

H. Con. Res. 119: Ms. SCHAKOWSKY.

H. Con. Res. 127: Mr. FORBES and Mr. SCOTT of South Carolina.

H. Con. Res. 129: Ms. GRANGER, Mr. COLE, Mr. STIVERS, Mr. CALVERT, Mr. BERG, Mr. GARAMENDI, and Mr. GIBSON.

H. Res. 144: Mr. CLAY.

H. Res. 367: Mr. MILLER of Florida.

H. Res. 609: Mr. CONNOLLY of Virginia.

H. Res. 618: Ms. MCCOLLUM, Mr. COHEN, Mr. SABLAN, Mr. WOLF, Mrs. SCHMIDT, and Mr. MCINTYRE.

H. Res. 623: Mr. MILLER of Florida and Mr. POE of Texas.

H. Res. 689: Mr. ROSS of Arkansas, Mr. DEFazio, Mr. ENGEL, Mr. RUSH, Mr. BUTTERFIELD, Mr. CHANDLER, Mr. GARAMENDI, Mr. HONDA, Ms. MATSUI, Ms. BASS of California, Ms. RICHARDSON, Mr. THOMPSON of Mississippi, Mr. SHULER, Mr. SHERMAN, Ms. BERKLEY, Mr. KIND, Mr. PETERSON, Mr. KISSELL, Mr. WALZ of Minnesota, Mr. COHEN, Ms. CHU, Ms. SCHAKOWSKY, Ms. VELÁZQUEZ, Mr. LEWIS of Georgia, Mr. CLEAVER, Mr. LARSON of Connecticut, Mr. GENE GREEN of Texas, Mr.

CROWLEY, Ms. SLAUGHTER, Mr. KEATING, Mr. BRADY of Pennsylvania, Mr. MARKEY, Mr. PALLONE, Mr. QUIGLEY, Mr. TOWNS, Mr. LANGEVIN, Mr. DICKS, Mr. OLVER, Mr. PERLMUTTER, Mr. RAHALL, Mr. DOYLE, Mr. THOMPSON of California, Mr. DEUTCH, Mr. SCOTT of Virginia, Mr. WELCH, Ms. SUTTON, Ms. BONAMICI, Mr. KILDEE, Ms. SCHWARTZ, Mr. CRITZ, Mrs. DAVIS of California, Mr. ELLISON, Mr. PIERLUISI, Ms. BALDWIN, Mr. VAN HOLLEN, Mr. LOEBSACK, Mr. SERRANO, and Mr. LUJÁN.

H. Res. 695: Mr. GOHMERT, Mrs. BLACKBURN, Mr. PITTS, Mr. WALBERG, Mr. WILSON of South Carolina, Mrs. LUMMIS, Mr. ROE of Tennessee, Mr. DUNCAN of South Carolina, and Mrs. ADAMS.

EXTENSIONS OF REMARKS

HONORING MR. LEONARD
ATTMAN

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. RUPPERSBERGER. Mr. Speaker, I rise before you today to honor Mr. Leonard Attman and Mrs. Phyllis Attman for their lifelong commitment to making a difference in the lives of those less fortunate. We recognize their generosity as the Board Room of Sinai Hospital in Baltimore is named in their honor.

In Baltimore, the Attman name is synonymous with "charity." Over the years, Mr. and Mrs. Attman have worked hard to make a difference in the community through countless philanthropic efforts. In the past, they have made generous donations to support medical research, including groundbreaking studies on breast cancer and brain tumors. Their efforts have brought much-needed support to fields that are often overlooked or are in greater need of further understanding.

In addition to serving as a board member at Sinai and Northwest Hospitals, Mr. Attman's involvement in professional, civic and philanthropic organizations includes membership on the boards of Shosana S. Cardin High School and Beth Tfiloh Brotherhood, as well as the Board of Directors of the Reginald F. Lewis Museum and the Signal 13 Foundation for the Baltimore City Police Department. He actively participates in the activities of many other organizations including the Advisory Board for the Shock Trauma Unit at the University of Maryland Medical Systems.

A longtime business leader, Mr. Attman has more than four decades of experience in residential and commercial real estate development. Mr. Attman was also the founder and serves as Chairman of the Board of Directors of Future Care, which manages nine nursing home facilities serving more than 1,300 patients and providing employment to more than 1,500 workers.

In all of their business endeavors, the Attmans have always focused on family first. Mr. Attman humbly considers his employees not as subordinates, but as "coworkers." He has worked to do whatever possible to avoid layoffs during the unsteady economic times in recent years.

Mr. Speaker, I ask that you join with me today to honor Mr. Leonard and Mrs. Phyllis Attman. Their compassion and dedication to the Baltimore community and Sinai Hospital is an inspiration to us all. It is with great pride that I congratulate them on their exemplary service to their community and our country and wish them many more years of success.

IN RECOGNITION OF DAN
BOLLINGER, SR.

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to Mr. Dan Bollinger, Sr. as he retires after over thirty years of illustrious service as an executive of regional development organizations in Georgia. A celebration will be held in his honor on Thursday, June 28, 2012 at the Camilla Depot in Camilla, Georgia at 5:30 p.m.

Mr. Bollinger, a native of Missouri, was raised in a small town of 600 people. He graduated from the University of Missouri—Columbia with a Bachelor of Arts degree in Political Science. He also pursued a higher level of education in the field of Community and Economic Development.

A strong leader with an exceptional work ethic, Mr. Bollinger is currently the Executive Director of Southwest Georgia Regional Commission, a planning agency that serves 14 Georgia counties including Baker, Calhoun, Colquitt, Decatur, Dougherty, Early, Grady, Lee, Miller, Mitchell, Seminole, Terrell, Thomas, and Worth. The SWGRC is responsible for assisting local governments with comprehensive planning in land and economic development. Mr. Bollinger has held the position of Executive Director since 1994.

In the past, Mr. Bollinger has also served as president of the National Association of Development Organizations and of the Georgia Association of Regional Development Centers as well as serving as Executive Director of the Missouri Bootheel Regional Planning and Economic Development Commission for 11 years. Additionally, he was vice president of the Bank of Chaffee in Missouri.

Mr. Bollinger also served our country for four years in the United States Air Force. He volunteered as president of the Chaffee, Missouri Chamber of Commerce for two terms. Additionally, he umpired baseball and fast pitch softball and refereed basketball for 25 years on the amateur level. Since moving to Georgia, he has become an avid tennis player and golfer.

George Washington Carver once said, "How far you go in life depends on your being tender with the young, compassionate with the aged, sympathetic with the striving and tolerant of the weak and strong because someday in your life you will have been all of these." As a leader, Mr. Bollinger recognized the importance of serving others.

It cannot be disputed that Dan Bollinger, Sr. has achieved numerous successes in his life. However, none of this would have been possible without the enduring love and support of his loving wife, Lynn, and wonderful children and grandchildren.

Mr. Speaker, I ask my colleagues to join me in paying tribute to Mr. Bollinger for his outstanding professional achievements and his dedicated service to Southwest Georgia.

TRIBUTE TO THE LIFE OF DR.
WENDY WAYNE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the life of Dr. Wendy Wayne who passed away on June 17, 2012 at the age of 64 after fighting a courageous four year battle with non-Hodgkin's Lymphoma. Wendy was a loving wife and mother, a committed activist and respected community leader who touched the lives of many.

A proud product of Culver City, California, Wendy was born on February 4, 1948. She attended Hamilton High School in Los Angeles and graduated from the University of Los Angeles (UCLA) before joining the Peace Corps and serving in Kenya. She married the love of her life, Gene Tackett, after traveling around the world and then working on Gene's first political campaign for Kern County Supervisor. Wendy quickly became an icon and a source of inspiration within the local community. Wendy and Gene started their family in Bakersfield in 1978 and have worked continuously to improve the quality of life of all families in Kern County, the place they called home.

Through her leadership and hard work, Wendy became a role model for her friends and neighbors. Dr. Wendy Wayne exemplified the true meaning of being an advocate. After working at Clinica Sierra Vista and obtaining a nursing degree at California State University (CSU), she worked as a nurse at Kern Medical Center (KMC). She continued her volunteer activities promoting child safety seats and expanded childcare opportunities for working mothers. Both of her sons were born in the KMC Birthing Center organized by Wendy. In 1986, Wendy started her career with the Kern County Superintendent of School's office as an advocate for expanded preschool education. Working with community leaders she helped create the Community Connection for Childcare and became its first director. She later became the executive director of Kern County's First Five organization, an agency promoting child education during their first five years of age. For more than 36 years, she was a committed and reliable member of the community.

Over the years, Wendy continued to fulfill her wanderlust for travel and doing good works with a three month health project in Kenya, Bakersfield Sister City trips, Rotary polio eradication trips to India and Nigeria,

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

working with her niece Ann Reiner in the Sudan and Uganda. Her family vacations included a revisit to her Kenyan village where she had once taught biology. Remarkably, Wendy endured countless hours of travel to receive advanced cancer treatment in Southern California while simultaneously serving as a consultant to San Joaquin Hospital to develop a much needed state of the art cancer center in Bakersfield. Her work demonstrated her dedication to fostering and preserving the health and safety of children throughout the world, and her compassion and concern for our community served as a testament to her extraordinary character.

Wendy lived an exemplary life and will undoubtedly be missed by many. The true loves of her life were husband, Gene; sons, Larkin and Benji; daughters-in-law Katie and Amy; and grandchildren Maya, Lola and Ben.

A principled and engaged citizen, Wendy Wayne participated in every aspect of community life. She led a generous and energetic life filled with love and adventure. Her long-lasting participation in our community and commitment to the well-being of future generations will ensure that her legacy lives on for years to come. Mr. Speaker, I ask my colleagues to join me in honoring the life of Dr. Wendy Wayne, a beloved wife, mother, leader and true champion for all people.

INDEPENDENCE DAY IN HONOR OF OUR ARMED FORCES AND THEIR FAMILIES

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mrs. SCHMIDT. Mr. Speaker, in honor and in remembrance of all of our Armed Forces and their families on this Independence Day, who are fighting and have fallen, and are recovering from the scars of war. I ask that this poem penned by Albert Caswell be placed in the RECORD.

INDEPENDENCE DAY

Independence . . .
Remembering our Forefathers Declaration of
Independence, they!
Remember to so kneel and pray!
For all of those,
and they . . . who now so fight so far away!
And what they so give,
so gave!
As we so awake . . .
All in the happiness and that glory of this
day!
That which freedom does so all of us so
bathe!
All on this holiday!
Our Nation's Birthday!
As that old Red, White and Blue so waves!
All in our Independence that they so give,
that they so gave!
For all of those magnificents,
who now so lie in such cold dark quiet
graves!
Whose families great pain shall not ever so
wave!
"Oh say can you see" on this day!
"By the dawn's early light",
all of those soft cold quiet graves!
As you so wipe your tears away!
This Independence Day!

Remember all of those and they,
who are without their families, gone!
And all of those who come home from war,
without arms and legs who must now so courageously live on!
To teach us where courage is born!
And all of those with the unseen scars of
war,
that which now so form!
All over there,
where the battle now so rages on!
"With the bombs bursting in air". . .
"And the rockets red glare!"
Which gives proof through the night,
of that courage they wear!
Who all for us so fight,
and so die over there!
As this Independence Day,
as you hold your families oh so very close!
And all of those picnics and family gatherings you so host!
And so watch those fireworks, explode!
Remember the grave cost and toll of all of
those living so close!
And selfless sacrifice that which they fine
hearts so host!
All for us who so pay the most!
God Bless Them All!
This Independence Day,
remember what they give and gave!
Let us we pray!
Amen!

WALL STREET JOURNAL RECOGNIZES BOUDIN CAPITAL OF THE WORLD

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. BOUSTANY. Mr. Speaker, I rise today to commemorate the article on the front page of the Wall Street Journal this morning recognizing the fantastic food and culture in my South Louisiana.

I invite any of my colleagues to travel with me to Louisiana to enjoy the fantastic boudin and Cajun culture that comprises our proud heritage in South Louisiana. All along South Louisiana we enjoy the best homemade Cajun boudin, zydeco music, and Cajun charm that is truly unique to the United States. Today, the Wall Street Journal recognized this vibrancy in its article titled "Cajun Towns Feud About Sausage With Links to the Past." To commemorate this fact, I include the article, written by Timothy W. Martin, into the CONGRESSIONAL RECORD in its entirety here:

SCOTT, LA.—Few would dispute that southern Louisiana is boudin heaven. The local version is a sausage made of pork, rice and various seasonings. Trickier to answer is which of three competing Cajun communities is its official mecca.

In April, Louisiana's state legislature bestowed the coveted mantle of Boudin Capital of the World on Scott, a bustling town of 8,600 on Interstate 10—the busy east-west highway linking Houston and New Orleans. It churns out 1.3 million pounds of the sausage a year.

"No one comes close" to Scott's sausage output, boasts Mayor Purvis J. Morrison, who lobbied hard for the title, plying lawmakers with industry statistics to make his case.

UPS trucks collect boudin (pronounced: Boo-DAN, while swallowing the N) shipments

here twice a day, he says. Sales help stuff city coffers.

"If you like hot, you'll get hot. If you want mild, you'll find mild. We have boudin balls as big as a softball. We have smoked boudin. I don't even know if anybody did it before we did it," he says.

But Scott's new title—which it uses for marketing purposes—has left a bad taste in the mouths of residents of Broussard, 12 miles to the southeast. They insist their town, population 7,600, is the Boudin Capital of the World—a title they say lawmakers gave them in the late 1970s. True, Broussard doesn't hold its annual boudin festival or crown a Boudin king anymore. But townspeople don't see that as a reason for the legislature to snub them.

"For some reason, Scott wants to be the Boudin capital, and they're trying to take our title. Doesn't hardly seem right," says Billy Billeaud, owner of a grocery store in Broussard.

Billy Billeaud's grocery store in Broussard, La., advertises its boudin.

Mr. Billeaud calls Scott a boudin arriviste whose meaty reputation is the product of aggressive marketing by numerous restaurants and meat specialty shops that have popped up in recent years on the edge of town to stuff boudin-loving travelers on busy Interstate 10.

"We don't have I-10 in Broussard," says Mr. Billeaud, 51 years old, the fourth generation Billeaud to own the store since it opened in 1889.

"Broussard can't claim nothing. They had the title and haven't done anything for 15 years," fires back Aubrey Cole, owner of Don's Specialty Meats just off I-10 in Scott.

Meanwhile, in Jennings, 35 miles or so west on I-10, Mayor Terry W. Duhon can't understand what the hot-dogging is all about. Jennings is Boudin Capital of the Universe, thanks to famed boudin chef and Jennings resident Ellis Cormier, who roamed the state decades ago promoting boudin and won the title for his hometown in the 1970s.

"We've got squatter's rights," says Mr. Duhon, who has the phone number of his favorite go-to joint—Mr. Cormier's Boudin King—on speed dial. No signs or billboards in the town mention Jennings's intergalactic ranking, because, "What do we need to promote it for? We know," he says.

Such lofty titles are of no small importance. Sales of boudin are on the rise, according to restaurateurs, online grocers and locals. The sausage has been featured on the menu at Cochon, a contemporary Cajun restaurant in New Orleans's trendy Warehouse District, which started serving a fried version of the sausage with pickled peppers last year.

"Until we got the title, we never heard anything from Broussard or Jennings. Now they are coming out of the woodwork," complains Donna Thibodeaux, who works at a tourism center in Scott next to one of the town's five boudin sellers.

Boudin's precise origins are not a matter of noir and blanc, though the sausages have been made in southern Louisiana since the mid-1800s. Back then, French Acadians—ancestors of the Cajuns—took leftover parts of a slaughtered pig and mixed them with rice, vegetables and seasonings and encased them in intestines. Some modern takes on boudin substitute pork with crawfish or shrimp. Mr. Cormier's version used more rice than meat, helping popularize the sausage to non-Cajuns because it masked the taste of bolder ingredients like pork butt and liver.

Boudin connoisseurs aren't taking sides. Mr. Billeaud's boudin in Broussard earned an

"A+" on "The BoudinLink," a review website operated by Bob Carriker, a history professor at the University of Louisiana at Lafayette, the city that both Scott and Broussard border. But he also praises Scott for its juicy version and Jennings for letting rice take on "the starring role."

Lawmakers, for their part, are unapologetic about the grilling they are getting now from boudin makers about the multiple titles. "This is not about the past, it's about the future," state Rep. Stephen Ortego said on the floor of the legislature, explaining his reasons for sponsoring the bill favoring Scott. He says his staff couldn't find any legislation anointing Broussard as boudin capital, and the state representative who allegedly backed that bill is deceased.

As for Jennings, he says, the titles of "world" and "universe" can coexist because Jennings doesn't promote its status. "Anybody can claim a title. But are you using it?" he reasons.

On a recent morning, Mr. Ortego, who grew up near Scott, laid a paper napkin across his left leg and tucked into a link of Mr. Billeaud's boudin. "This one has too much pepper," he said, arguing that Scott's is superior.

Winning the title of Boudin Capital of the World was one of Mr. Morrison's first legislative goals when he became mayor in January 2011. Boudin makers employ 83 people in the town and account for \$5 million in annual sales, helping anchor the local economy's growth over the past decade. "Without boudin, we'd just be a regular I-10 exit, with a McDonald's, a Burger King and a Chevron," says Mr. Morrison, sitting in his office next to a two-year-old fire and police station that tax revenue from boudin sales helped fund.

Rob Pelissier pulled off Scott's I-10 exit one recent morning and headed to Don's Specialty Meats. The store has billboards promoting its "best homemade boudin" some 40 miles to the west—just a few miles outside Jennings. "Maybe Jennings or Broussard had the title years back. I'd say yeah, they were good back then. But nowadays, this place here has got it," he said, staring at his empty plate. "If you spend a day here, you can see all of the traffic coming here from out of town."

Mr. Ortego's legislation doesn't ask Broussard to cede its title. For their part, Broussard town leaders have accepted their new role in the boudin world and have downgraded their expectations. The town's mayor has considered seeking the title "Boudin Capital of Louisiana" next year.

A TRIBUTE TO FRANK MCCREA ON HIS 90TH BIRTHDAY

HON. JACKIE SPEIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Ms. SPEIER. Mr. Speaker, I rise today to pay tribute to a great American, Frank McCrea, on the celebration of his 90th birthday.

Frank McCrea is a member of what we have rightfully come to call The Greatest Generation. He is everything we have come to celebrate about that celebrated group: a devoted son, brother and father; an unquestioning patriot; an extraordinary servant to his faith; and a true citizen of his community.

Frank McCrea and his 5 brothers and sisters were raised in the depths of the Great Depression. Often, they had nothing more for dinner than the vegetables they grew in their own garden. Yet Frank will reflect on those years not about hardship and deprivation, but about how the love of a close family lit them from within.

When the War came, Frank did not hesitate: he volunteered for the Navy, and served his country with honor. As one who personally has had her life saved by those who choose to serve our nation, I speak with special emphasis in expressing our country's eternal debt to those who serve in our armed forces.

Faith has been at the core of Frank's life. He has long been a deacon of his church and has been an active member of the Gideon Society for over 40 years. All of us who have come into Frank's remarkable orbit have felt the bond Frank has with his faith, and have come to know the special peace that faith has given to him.

Another cornerstone for Frank has been friendship. I know that this weekend he will be surrounded by a legion of true friends, a number who have been connected to Frank since high school—over 70 years ago. I think Frank can honestly boast that he has never lost a friend, and the number that he has gained is almost too large to measure.

But central to Frank McCrea is being a magnificent father. In his local community theater, Frank has been cast as a dad over 15 times—for good reason. His daughters Karen, Christine and Beth have all gone on to raise children of their own and lead significant lives, but they all point to the bedrock of love from their father and mother that launched them. I truly believe that all of us would regard as our greatest accomplishment if our children were to feel about us as his daughters feel about him.

In sum, Mr. Speaker, let me say that we are indeed fortunate to have citizens like Frank McCrea and that I join his church, his community, his friends and his family in wishing him the happiest of birthdays.

CONGRATULATIONS TO PEDDLER'S VILLAGE ON ITS 50TH ANNIVERSARY

HON. MICHAEL G. FITZPATRICK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. FITZPATRICK. Mr. Speaker, I would like to recognize Peddler's Village in Bucks County, Pennsylvania, as it celebrates its 50th Anniversary this month.

A community staple in my home of Bucks County, millions of guests from across the Delaware and Lehigh Valleys have visited this center of commerce and culture over the last five decades.

Founded in 1962 with the opening of a handful of small shops and a flagship restaurant, Peddler's Village now attracts 1.6 million annual visitors to its 70 independently-owned specialty shops, six restaurants and year-round festivals across its 42 acres of landscaped gardens and colonial-era architecture.

The success of this collection of Bucks County small-business men and women in fulfilling the vision of its founder, Earl Jamison, serves as an example to each of us of the creativity and perseverance of the American spirit.

Congratulations to Peddler's Village on marking 50 years of tradition, and I wish them the best of luck in the decades to come.

HONORING THE FALLEN POLICE OFFICERS OF HENRICO COUNTY, VA

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. CANTOR. Mr. Speaker, I rise today in honor of the fallen police officers of Henrico County, VA. We have with us today the Henrico County Police Athletic League, who are in Washington to lay a wreath at the National Law Enforcement Officers Memorial, in honor of the fallen and their families.

The legacy left by the fallen officers of Henrico County illuminates the strength of their commitment to public service. To pay tribute to those officers whose lives were tragically shortened, 250 students from Henrico County, VA have traveled to Washington to participate in today's wreath laying ceremony. These students are part of a program offered by the Henrico County Police Athletic League that instills in young people the values of integrity, self-respect, and discipline.

I offer my support and gratitude to the families and countless friends of these officers that have paid the ultimate sacrifice. Their memory is an inspiration to all of us.

Mr. Speaker, I ask that you join me today in remembering the fallen heroes of Henrico County, and thanking the Henrico Police Athletic League for service and commitment to our community.

DEATH OF TWO THOUSANDTH AMERICAN IN AFGHANISTAN

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Ms. LEE of California. Mr. Speaker, recently, as many of my colleagues have remarked on the House floor, we reached the sad milestone of two thousand American soldiers having lost their lives in Afghanistan.

Tomorrow we break for our July 4th recess, celebrating our nation's independence, but for too many American families missing a father, a son or a daughter, the fourth of July will be a day of absence.

Mr. Speaker, we have a word for people who lose a spouse: "Widower."

We have a word also for the children left behind when parents die: "Orphans." But we have no words for the parents of children who die.

It is a tragedy when a parent outlives their child, and it is time to put an end to our children dying in Afghanistan.

For the families of two thousand American soldiers, and equally important, for the Afghan families who have lost sons and daughters, we need to end this war and bring our soldiers home so that a political solution can be achieved.

IN HONOR OF YO AZAMA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. FARR. Mr. Speaker, I rise today to recognize Mr. Yo Azama, a Japanese language teacher at North Salinas High School in Salinas, CA, who was named the 2012 National Language Teacher of the Year by the American Council on the Teaching of Foreign Languages (ACTFL). The National Language Teacher of the Year award was created to recognize a foreign language teacher who exhibits excellence in language education.

Competition for the Foreign Language Teacher of the Award is quite steep as nominees are first evaluated by their state language organization, after which each state submits its top candidate to one of five regional committees for additional review.

Learning a foreign language opens minds to other worlds and has been scientifically proven to generate more flexibility in thinking. I was impressed by what Mr. Azama included in his application essay. He wrote "my experience as a language teacher convinces me that today's students are ready and more than willing to learn other languages and cultures, and prepare themselves to join a world that has no borders and offers them unlimited opportunities if they have the linguistic and cultural competency . . . Language connects us and as a result it binds us the global family that we are."

Mr. Speaker, this national award goes to someone who shows incredible passion for his profession, for his students, and for his community. I congratulate Mr. Azama on his much-deserved recognition as he continues to teach, lead, and inspire California's youth.

TRIBUTE TO GAIL A. W.
GOODRIDGE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. MORAN. Mr. Speaker, I rise today to pay tribute to Gail A. W. Goodridge, a leader in international development and a valued advisor and constituent, who recently passed away after a brave battle with cancer on June 18th.

Gail is an example of national heroes who remain too often unsung—those who answer a call to serve directly those most in need, regardless of their location around the world. Working in the field of global health and development with Family Health International (FHI 360), she contributed to the lives of vulnerable women and children during extended postings

in the Caribbean, where she began her career, and in East Africa, where she confronted the misery of the HIV/AIDS epidemic by founding and directing a truly innovative program (known as the ROADS Project) to prevent the spread of HIV/AIDS along African transport corridors.

At home, Gail was just as active on behalf of social justice, working in Arlington through St. Charles Borromeo Catholic Church and in secular advocacy organizations promoting immigrants' rights and affordable housing. Wherever she was, Gail was renowned for her creativity and hospitality, guided by her faith and her belief in doing the right thing. She was often in my office representing those without a voice with fierce idealism always tempered with compassion. She is remembered by her colleagues at home and abroad and by her faith communities, not only in Arlington, but in Kenya as well—by St. Joseph's the Worker Church.

Mr. Speaker, please join me in paying tribute to this worker in global human development and in offering condolences to Gail's family and colleagues on her passing.

HONORING MR. PETER DECRAENE
FOR RECEIVING THE 2011 PRESIDENTIAL AWARD FOR EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. LIPINSKI. Mr. Speaker, I rise to congratulate Mr. Peter DeCraene, a math teacher at Evanston Township High School, for receiving the 2011 Presidential Award for Excellence in Mathematics and Science Teaching (PAEMST).

The PAEMST program recognizes outstanding teachers for their contribution to teaching mathematics or science. Sponsored by the White House and administered by the National Science Foundation, PAEMST award recipients receive a certificate from President Obama and \$10,000. The award only goes to the finest teachers of science and mathematics in the country.

This year, President Obama recognized 97 mathematics and science teachers as recipients of this esteemed award. The applicants were chosen for their abilities to convey the concepts of math and science to their students, along with their work experience, educational background, and extracurricular activities related to the classroom. The PAEMST program rewards teachers for preparing and establishing a solid foundation of science, technology, engineering, and math in America's youth. Peter DeCraene has succeeded throughout his career, creatively teaching these disciplines to his students while helping his colleagues to do the same.

Mr. DeCraene's passion and enthusiasm over the past 23 years have inspired hundreds of students so that they may better contribute to America's success. The Chicago native graduated from DePaul University with a B.A. in mathematics, and an M.S. in computer

science, and he received a Certificate of Advanced Study in educational leadership from National Lewis University. He prefers teaching in small groups so that students may learn by answering one another's questions. He is currently the math department chair at Evanston Township High School, overseeing 30 teachers, along with instructing new teachers in the school wide induction program. The DePaul University graduate is also a textbook author who has presented at state and local conferences.

Please join me in honoring my constituent, Peter DeCraene, and all the recipients of the 2011 Presidential Award for Excellence in Mathematics and Science Teaching. This is an honor worthy of special distinction and I look forward to seeing more great things from Mr. DeCraene.

JULY 4, 2012 NATURALIZATION
CEREMONY IN HAMMOND

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. VISCLOSKY. Mr. Speaker, it is with great pleasure and sincerity that I take this time to congratulate the individuals who will take their oath of citizenship on July 4, 2012. In true patriotic fashion, on the day of our great nation's celebration of independence, a naturalization ceremony will take place, welcoming new citizens of the United States of America. This memorable occasion, coordinated by the Hammond Public Library and presided over by Magistrate Judge Andrew Rodovich, will be held at The Pavilion at Wolf Lake in Hammond, Indiana.

America is a country founded by immigrants. From its beginning, settlers have come from countries around the globe to the United States in search of better lives for their families. The upcoming oath ceremony will be a shining example of what is so great about the United States of America—that people from all over the world can come together and unite as members of a free, democratic nation. These individuals realize that nowhere else in the world offers a better opportunity for success than here in America.

On July 4, 2012, the following people, representing many nations throughout the world, will take their oath of citizenship in Hammond, Indiana: Edina Anita Szabo, Jonathan Carmona Garcia, Alaa Alzayed, Oliva Chavez, Guolan Lu, Jaime Oseguera Cardenas, Dejan Kitevski, Jelica Dobrijevic, Karla Elizabeth Arreguin Farias, Ahmad Abdelrahim Almaaya, Huda Dali, Ljubica Vignjevic, Kefaa Nahed Omar Shuaibi, Rea Agulto Clarito, Senka Pamucar, Tanja Vignjevic, Liljana Josevski, Omiyosoye Adebowale Ololade, Mopelola Eniola Ololade, Blessing Obong Dennis, An Boo Min, Amanjot Kaur, Jingli Crain, Caroline Elizabeth Nyamweru Kama, Halrun Luppess, Senija Crnkic, Siraneth Sem, Lenna Sabina Wade, Sanel Puzic, Jose Alberto Galicia Talabera, Tobias Florian Boes, Faneromeni Talia, James Murei Mumbura Karanja, Stella Gathoni Waithaka, Bacilia Avila, Mireya Jaquelin Aguilar, Gifty Debo Barlue, Esther

Joo Young Chun, Patricia Contreras, Salvador Cruz, Nathaniel Tuason David, Luis Alberto Garcia, Njeri Mary Karumbo, Juliana Santos Kladis, Lenka Mitic, Innocent Ngenga, Elizabeth Procyk, Jose Gustavo Suarez, Nour Alghnimi Ulayyet, and Jovita Zurita.

Though each individual has sought to become a citizen of the United States for his or her own reasons, be it for education, occupation, or to offer their loved ones better lives, each is inspired by the fact that the United States of America is, as Abraham Lincoln described it, a country "...of the people, by the people, and for the people." They realize that the United States is truly a free nation. By seeking American citizenship, they have made the decision to live in a place where, as guaranteed by the First Amendment of the Bill of Rights, they can practice religion as they choose, speak their minds without fear of punishment, and assemble in peaceful protest should they choose to do so.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating these individuals, who will become citizens of the United States of America on July 4, 2012, the day of our nation's independence. They, too, will be American citizens, and they, too, will be guaranteed the inalienable rights to life, liberty, and the pursuit of happiness. We, as a free and democratic nation, congratulate and welcome them.

IN HONOR OF CLEVELAND CITY
COUNCILWOMAN DONA BRADY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Cleveland City Councilwoman Dona Brady, who has admirably served the residents of Ward 17 since 1997.

Born and raised in Cleveland, Councilwoman Brady has been a leader in the Greater Cleveland community for years. She attended Cleveland State University Levin College of Urban Affairs where she earned her Bachelor of Arts degree, Cum Laude, in Urban Studies with a major in neighborhood revitalization. She is also a graduate of CSU's Leadership Academy.

Before she was elected to Cleveland City Council, Brady worked for the Office of Cuyahoga County Prosecutor William D. Mason, Judge Raymond L. Pianka and for the Cleveland Board of Zoning Appeals.

Throughout the past 15 years, Councilwoman Brady has worked tirelessly to improve the quality of life in Ward 17 of Cleveland, which includes the West Boulevard and Clifton historic districts. She has worked toward promoting economic development, improving public safety, maintaining the ward's housing stock and developing additional recreational opportunities for families. Brady serves as the Chair of the Public Service Committee, Vice-Chair of Public Safety, and as a member of the Council's Finance and Community and Economic Development Committees.

Councilwoman Brady is also involved in Cleveland's Albanian-American community

and has been named Cleveland's Ambassador to Albania. She has been a constant in revitalizing the Albanian Cultural Garden in Rockefeller Park and instrumental in building an international trade relationship with Fier, Albania.

Throughout the years and her career, Councilwoman Brady has been honored by numerous organizations. She is the recipient of the 2005 Outstanding Elected Official's Award from CSU Leadership Academy's David C. Sweet Alumni Society. Additionally, she has been inducted into the Golden Key National Honor Society, and recognized by Jobs with Justice, the International Services Center and American Nationalities Movement.

Mr. Speaker and Colleagues, please join me in honoring Councilwoman Dona Brady for her years of service and commitment to the Greater Cleveland area.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows: June 26, 2012—rollcall vote 416, On agreeing to the Connolly Amendment—I would have voted "nay", rollcall vote 417, On agreeing to the McClintock Amendment—I would have voted "aye", rollcall vote 418, On agreeing to the Garrett Amendment—I would have voted "aye", rollcall vote 419, On agreeing to the Capps Amendment—I would have voted "nay", rollcall vote 420, On agreeing to the Gosar Amendment—I would have voted "aye", rollcall vote 421, On agreeing to the Broun Amendment—I would have voted "aye", rollcall vote 422, On agreeing to the Broun Amendment—I would have voted "aye", rollcall vote 423, On agreeing to the Broun Amendment—I would have voted "aye".

RECOGNIZING THE NATIONAL
COUNCIL OF LA RAZA DURING
ITS 2012 ANNUAL CONFERENCE
IN LAS VEGAS, NEVADA

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Ms. BERKLEY. Mr. Speaker, today I urge my colleagues to join me in recognizing the National Council of La Raza (NCLR) during its 2012 annual conference in Las Vegas, Nevada.

The National Council of La Raza became a national organization in 1972. NCLR has grown and evolved over the course of its history to become the most authoritative voice on Hispanic issues today. Latinos are strengthened through participation in NCLR and in the political process through its various civic engagement projects. NCLR also works to strengthen emerging community-based organizations in areas where there is a growing Latino population.

Now in its 44th year, NCLR is busy building communities as an industry leader in homeownership counseling, operating programs in 40 sites throughout the country. Its Charter School Development Initiative has helped create more than 40 new schools and strengthen more than 45 others, and its Institute for Hispanic Health develops and implements health education and prevention programs and conducts health advocacy activities in partnership with its network of affiliates.

NCLR's education component is dedicated to increasing educational opportunities, improving achievement, supporting college-readiness, and promoting equity in outcomes for Latinos. The efforts of the education team build the capacity and strengthen the quality of the community-based education sector and inform the broader public education system.

NCLR's economic and workforce advocacy seeks to ensure the Latino community's ability to contribute to and share in the nation's economic opportunities by promoting policies that boost Hispanic employment in good jobs, provide safe and fair workplaces, bridge Latino workers' education and skills gaps, and offer a secure retirement.

With the Raza Development Fund, NCLR's community development lending arm is one of the nation's largest and most successful community development banks. It has approved more than 117 loans totaling \$54.6 million, leveraging more than \$267 million in financing to community-based housing projects, schools, health clinics, and day care centers.

More recently, in efforts to provide NCLR's affiliates with more direct access to elected officials in Washington, DC, earlier this year NCLR held its first annual NCLR National Advocacy Day. The event convened affiliate members from 22 states who were briefed on the most important issues facing Latinos at the national level, including education, economic mobility, health, and immigration, and who met with Members of Congress to educate them about the needs of the community.

As the Representative for Nevada's First Congressional District, it gives me immense pride to recognize the National Council of La Raza (NCLR) and the role they play in educating and training our community members, developing community leaders and fighting for equal rights and fair representation throughout the United States. I am especially pleased to welcome NCLR's members and the tens of thousands of attendees for its 2012 annual conference to Las Vegas, Nevada. I ask that my colleagues join me in recognizing the great work of NCLR and wish them a most successful 2012 conference.

INTRODUCTION OF THE TAXPAYER
BILL OF RIGHTS ACT OF 2012

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. BECERRA. Mr. Speaker, I have introduced the Taxpayer Bill of Rights every Congress since 2008, and today I am proud to introduce the Taxpayer Bill of Rights Act of 2012, legislation that contains important provisions to improve services for and protect the

rights of American taxpayers, particularly those with modest incomes. Senator BINGAMAN of New Mexico, a dedicated advocate for taxpayer rights, is introducing companion legislation in the Senate. Many of these provisions are based on proposals from the National Taxpayer Advocate, Nina Olson, who has long been a champion of improving taxpayer services and tax administration at the Internal Revenue Service (IRS).

As former Nixon Treasury Secretary William Simon said, "The nation should have a tax system that looks like someone designed it on purpose." As we look for ways to restructure the tax code to make it fairer and more transparent for all taxpayers, it is critical that ideas to help improve IRS service and accessibility are included in this conversation. Every year, millions of taxpayers file their returns with the IRS and inevitably issues of tax administration come to the forefront. These issues range from taxpayers not knowing their legal rights when interacting with the IRS, to taxpayers enlisting unscrupulous or poorly-trained preparers to help them complete one of their most important financial transactions of the year. This legislation aims to help prevent taxpayers from finding themselves in these avoidable situations, and to build on and improve taxpayer services provided through the IRS.

The centerpiece of this Act is the requirement that Treasury publish a Taxpayer Bill of Rights. The Taxpayer Bill of Rights will be a simple and straightforward statement that enumerates all taxpayers' rights and obligations, as well as reference their location in the tax code. As the National Taxpayer Advocate explained in her 2011 Report to Congress: "In a time when the IRS will feel pressure to bring in additional tax revenue, it is crucial to provide taxpayers with strong protection for their rights." Currently, these rights and obligations are scattered throughout the tax code and Internal Revenue Manual, making them neither accessible nor written in plain language that most taxpayers can understand.

This Act also helps improve the quality and accessibility of tax preparation services and advice available to taxpayers in several different ways. First, it builds on the IRS's initiative to regulate unenrolled tax preparers through examination and continuing education requirements, for which I have been a long time advocate. Implementation of the IRS tax return preparer framework is well underway, and this legislation will simply codify the existing authority of the IRS to regulate tax return preparers. The Act also helps ensure moderate income taxpayers have access to qualified tax assistance by supporting a grant program for free income tax assistance services, and by allowing IRS referrals to Low-Income Taxpayer Clinics, which provide representation to modest income taxpayers in their disputes with the IRS. The Act also provides for oversight over facilitators of high cost tax refund anticipation loans and other tax refund delivery products, and significantly increases penalties on preparers of fraudulent tax returns.

Finally, this bill includes several provisions that would improve IRS taxpayer services. One important provision provides greater protections for taxpayers when they are faced with a Notice of a Federal Tax Lien filing (NFTL). Filing of an NFTL can result in signifi-

cant, long-term hardship to a taxpayer, and may adversely affect the taxpayer's credit, thus impairing his or her ability to conduct financial transactions or secure employment. The Taxpayer Bill of Rights Act requires the IRS to make individualized determinations before the filing of an NFTL, and also requires consideration of hardship factors and a taxpayer's history of compliance before these determinations are made.

Many of the problems identified in this bill have gone unaddressed for too long, causing confusion and undue hardship for taxpayers across the country. I encourage all of my colleagues to support these common sense provisions to promote taxpayer rights and services for all Americans.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,778,950,543,472.67. We've added \$5,152,073,494,559.59 to our debt in just over 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

On this day in 1919, the Treaty of Versailles was signed in Paris, ending World War I. Without a balanced budget, the United States will no longer be able to bring peace to warring nations.

125TH ANNIVERSARY OF UNITED WAY

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. SCHIFF. Mr. Speaker, I rise today to recognize the 125th Anniversary of United Way.

Founded in 1887, United Way has become a celebrated organization committed to improving communities throughout the United States and around the world. Through locally targeted initiatives, United Way strives to advance the common good, helping communities reach their full potential in the spirit of volunteerism and service. United Way mobilizes thousands of individuals and organizations worldwide to improve education, help people achieve financial stability and promote healthy lifestyles in their communities, building the foundation for a stronger, healthier society.

Today, United Way includes almost 1,800 community-based organizations in 41 countries and territories. In Southern California, United Way of Greater Los Angeles is dedicated to providing long term solutions for the root causes of poverty. Increasing the high school graduation rate, decreasing homelessness and implementing job training and asset

development programs are part of a tireless effort to better our community and help people in need.

To all of the passionate volunteers, employees and partners of United Way, I join my colleagues in recognizing and honoring your legacy of inspirational service.

COMMENDING THE FORMATION OF THE CONGRESSIONAL ANTI-BULLYING CAUCUS

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Ms. RICHARDSON. Mr. Speaker, I rise to express my appreciation for the Congressional Anti-Bullying Caucus, a new caucus formed to heighten congressional awareness and advocate for policies to combat bullying of all kinds, from the playground to the elderly care facility. Every American is entitled to live, work, and recreate in a safe environment, free of fear from threats to his or her physical safety and mental and emotional security.

In recent years we have witnessed an explosion in the number of reported and unreported cases of bullying. It is thirteen million children will be bullying victims this year alone. It is estimated also that 15 percent of American school children skip school to avoid being bullied by schoolmates. This is tragic. Children who fear for their safety cannot learn. If they do not learn, they will not fulfill their potential. If they do not fulfill their position, the nation will be deprived of the talent it needs to compete and win in the global economy of the 21st century. If our children fall behind because they lack a safe learning environment, America falls behind. The Congressional Anti-Bullying Caucus aims to do something about.

Further, bullying jeopardizes not only the education of our children, but also their very well-being. The term "bullycide" has been coined to define the act of committing suicide as a result of bullying. This continues to be one of the leading causes of death for children under the age of 14. In fact, the rate of suicide among adolescents has grown more than 50 percent over the last 30 years.

Mr. Speaker, unfortunately bullying does not end when our children move on from the playground. It exists on college campuses, in the workplace, online, and even in elderly care facilities. Nearly half of Americans have experienced some sort of violence either in their workplace, at home, or in their community. Hazing on college campuses has been a problem for decades. Five percent of all college students admit to being hazed, with 40 percent admitting that a coach or advisor was aware of the hazing and did not intervene. This lack of action is unacceptable. Our college students must have the ability to focus on their work and prepare for their futures, without fear of physical or verbal hazing.

Bullying in the workplace appears in various forms, from narcissistic bullying, to physical, to verbal. This abuse in the workplace creates a hostile work environment, making the organization vulnerable to lawsuits, decreasing morale, and reducing productivity. Thus, bullying

is not only negatively impacting our future in the global market, but also our ability to compete today. In short, bullying has national implications and thus requires national attention and action.

I am proud to be a charter member of the Congressional Anti-Bullying Caucus. I thank Representative HONDA, the Chair of the Anti-Bullying Caucus, for his leadership and look forward to working with him and my fellow members of the caucus to reduce, if not end altogether, the scourge of bullying in our schools, neighborhoods, workplaces, and on-line.

IN RECOGNITION OF MRS.
MARGARET S. RIKER

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Mrs. Margaret Riker of Fair Haven, New Jersey. Mrs. Riker is the 2012 Count Basie Theatre's Summer Soiree honoree. Mrs. Riker is a loving mother, professional business woman and active member of the community. Her work and the recognition she is receiving from the Count Basie Theater are truly worthy of this body's recognition.

Margaret Riker hails from Bergen County, New Jersey and later moved to Fair Haven, New Jersey in 1989. Mrs. Riker is a proud member of the University of Vermont's class of 1981 where she earned a Bachelor of Arts Degree in Psychology and English. Mrs. Riker was previously employed in marketing and sales promotion. Mrs. Riker was married to the late William Riker, and is the proud mother of three children, Katie, Jack and Teddy. The Riker family moved to Bermuda in 1993 to support Mr. Riker's professional endeavors, returning to the United States in 2003. The Riker family currently resides in Rumson, New Jersey.

Margaret Riker is dedicated to enhancing the quality of life in our local community. She currently serves as President of The Rumson Community Appeal and is a Foundation Board Member of Riverview Hospital. Mrs. Riker also serves as a Community Services Board Member to the Visiting Nurses Association of Central New Jersey, Gala Committee Member to Prevention First and supports The Rumson Country Day School and The Lawrenceville School. She passionately represents the mission of these various organizations as a mentor, advocate and leader. Maggie is also an active member of area clubs including the Sea Bright Tennis and Cricket Club and the Coral Beach Club. Mrs. Riker is committed to the success of the Count Basie Theatre as a result of her passion for the performing arts. Her philanthropic efforts dedicated to maintaining and improving the Count Basie Theatre and the arts will continue enhance future performances.

Mr. Speaker, once again, please join me in congratulating Margaret Riker for serving as honoree at the Count Basie Theatre's Summer Soiree. Mrs. Riker's contributions to her family and community continued to resonate with the

constituents throughout Monmouth County, New Jersey.

DEPUTY SHERIFF SHERVIN
LALEZARY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. BERMAN. Mr. Speaker, I am joined by my colleague Congressman HENRY WAXMAN to pay tribute to Deputy Sheriff Shervin Lalezary for his outstanding courage and bravery in capturing an infamous arsonist that wreaked havoc in the city of Los Angeles. Shervin is a real estate attorney during the day and dedicates his time to volunteer as Reserve Deputy Sheriff with the L.A. Sheriff's Department at night.

At 3 a.m. on January 2, 2012, Deputy Sheriff Lalezary became a local hero and a national sensation when he captured Harry Burkhardt, a 24-year-old German national whom Los Angeles County Sheriff Lee Baca called "perhaps . . . the most dangerous arsonist in the county of Los Angeles." Burkhardt was arrested for setting a rash of car and building fires across the city. Following his arrest, there were no more suspicious fires documented in Los Angeles.

Deputy Sheriff Lalezary is a hero who demonstrates exemplary values and integrity and most importantly inspires his peers. During his numerous press conferences, public events, and even an appearance on the TV show "Ellen," he has continued to impress us with his selfless dedication and altruism. He continually downplays his role in the arrest, deflecting questions about himself and his personal life, and praising the deputies at the sheriff's West Hollywood station.

Shervin's commitment to serving Los Angeles and keeping us safe reflects the Jewish value of *tikkun olam* and the importance of giving back to our country. 30 Years After, an Iranian-American non-profit organization that promotes civic participation, rightfully presented Shervin with the 2012 Public Service Award on behalf of 30 Years After and the Persian-American community.

Mr. Speaker and distinguished colleagues, we ask you to join us in recognizing Deputy Sheriff Shervin Lalezary for his years of service and dedication to the safety and well being of our community. He is the epitome of a true humanitarian.

HONORING THE SERVICE OF
JUDGE DAMON J. KEITH

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. CONYERS. Mr. Speaker, I rise to honor the career and service to the United States of Judge Damon J. Keith on the occasion of his 90th birthday.

Since joining the federal judiciary, Judge Keith has steadfastly and courageously pro-

tected the constitutional and civil rights of this country's citizens.

In 1967, President Lyndon Johnson appointed Judge Keith to the U.S. District Court for the Eastern District of Michigan, making him only the second African-American to sit on that court at that time. During his tenure on the District Court, Judge Keith delivered several key civil rights rulings. He addressed the issue of school desegregation in *Davis v. School District of the City of Pontiac* in 1970; of employment discrimination and affirmative action in *Stamps v. Detroit Edison Co.*, in 1973 and *Baker v. City of Detroit* in 1979; and finally, of housing discrimination in *Garrett v. City of Hamtramck* in 1971 and *Zuch v. Hussey* in 1975. Judge Keith became Chief Judge of the Eastern District of Michigan in 1975.

In 1971, Judge Keith issued a landmark civil liberties ruling in *U.S. v. Sinclair*, which came to be known as the "Keith decision." Later unanimously upheld by the United States Supreme Court, Judge Keith's decision held unconstitutional wiretap surveillance absent a court order in domestic security cases.

Judge Keith continued to safeguard constitutional rights and civil liberties on the United States Court of Appeals for the Sixth Circuit, where he has served since his appointment in 1977 by President James E. Carter. In the 1980s, Judge Keith served as chair of Sixth Circuit and Judicial Conference Committees commemorating the Bicentennial of the Constitution. He took senior status in 1995.

Judge Keith was born in Detroit, Michigan on July 4, 1922 and became the first member of his family to attend college, earning a bachelor's degree from West Virginia State College. After serving our Nation for three years in the U.S. Army, he went on to receive an LL.B. from Howard University Law School and an LL.M. in labor law from Wayne State University Law School.

Judge Keith started his legal career with the African-American Detroit law firm of Loomis, Jones, Piper & Colden and was one of six Detroit attorneys invited to the White House in 1963 by President John F. Kennedy to discuss the role of lawyers in the civil rights struggle. Later, Judge Keith and four other African-American attorneys established a law firm in what had previously been the all-white legal district of downtown Detroit. At this time, Judge Keith also served as Chair of the Michigan Civil Rights Commission and President of the Detroit Housing Commission.

Throughout his distinguished career, Judge Keith has received numerous honors and awards, including: the National Association for the Advancement of Colored People's highest award, the Spingarn Medal, in 1974; the American Bar Association's Thurgood Marshall Award in 1997; and, the Edward J. Devitt Award for Distinguished Service to Justice in 1998, presented by a panel comprised of a United States Supreme Court Justice, a federal circuit court judge, and a federal district court judge.

Judge Keith also holds honorary degrees from Harvard University, Yale University, Georgetown University, the University of Michigan, Tuskegee University, and over thirty other institutions.

In addition, Judge Keith has played an active role in numerous civic, cultural, and educational organizations, including the Detroit YMCA, the Detroit Arts Commission, the Detroit Cotillion Club, and Interlochen Arts Academy, and has served as an active fundraiser for the United Negro College Fund and the Detroit NAACP.

For fifty-three years, Judge Keith was married to the late Rachel Boone Keith, M.D., with whom he had three daughters, Gilda, Debbie, and Cecile.

For his consistent defense of the Constitution and the civil rights of all people, on his 90th birthday, I honor and thank Judge Keith for his invaluable service to the United States.

INTRODUCING A RESOLUTION IN
SUPPORT OF THE XIX INTERNATIONAL
AIDS CONFERENCE

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce a resolution in support of the XIX International AIDS Conference (AIDS 2012), which takes place from July 22, 2012, through July 27, 2012, at the Walter E. Washington Convention Center in Washington, DC. This year's conference is of particular significance, as it represents the return of the International AIDS Conference to the United States after the 1987 HIV travel and immigration ban was lifted in 2010. My resolution supports a stronger international response to HIV/AIDS that seeks to foster greater scientific and programmatic collaborations around the world in order to prevent the transmission of HIV; increase access to testing, treatment, and care; and improve health outcomes for all people living with HIV/AIDS.

There are currently 33.4 million people living with HIV/AIDS worldwide, and more than 25 million have died of AIDS since the first cases were reported in 1981. In the United States, more than one million people are living with HIV/AIDS and approximately 50,000 individuals become newly infected with the virus each year. Furthermore, one in five individuals living with HIV is unaware of their infection and societal stigma remains a significant challenge, underscoring the need for greater education about HIV/AIDS and access to testing. Significant disparities also persist across diverse communities and populations with regard to incidence, access to treatment, and health outcomes, particularly for men who have sex with men (MSM), racial and ethnic minorities, women, and young people.

Since 1985, the now biennial International AIDS Conference has brought together the world's leading scientists, public health experts, policymakers, community leaders, and persons living with HIV/AIDS in order to address the major issues facing the global response to HIV/AIDS; evaluate recent scientific developments and share knowledge; and facilitate a collective strategy forward. AIDS 2012 is organized by the International AIDS Society (IAS) and expected to convene more than 20,000 delegates from nearly 200 coun-

tries, including 2,000 journalists. The theme of AIDS 2012, "Turning the Tide Together," embodies both the promise and urgency of utilizing recent scientific advances in HIV/AIDS treatment and biomedical prevention; continuing research for an HIV vaccine and cure; and scaling up effective, evidence-based interventions in key settings in order to change the course of the HIV/AIDS crisis.

AIDS 2012 is a tremendous opportunity to further strengthen the role of the United States in global HIV/AIDS initiatives; re-energize the response to the domestic epidemic within the current context of significant global economic challenges; and focus particular attention on the devastating impact that HIV is having on different communities across the country. My resolution supports the goal of bringing renewed awareness of, and commitment to, addressing the HIV/AIDS crisis in the United States and abroad. In particular, it recognizes that formulating sound public health policy; protecting human rights; advancing sexual and reproductive health and rights; addressing stigma, poverty, and other societal challenges; and ensuring accountability are key to overcoming HIV/AIDS. It also encourages the ongoing development of innovative therapies and advances in clinical treatment for HIV/AIDS in the public and private sectors.

Mr. Speaker, continued commitment by the United States to HIV/AIDS research, prevention, and treatment programs is crucial to protecting global health. I urge my colleagues to support my resolution, which recognizes the importance of the XIX International AIDS Conference in the global effort to end the HIV/AIDS pandemic and create an "AIDS-free generation." We are closer to a future without HIV/AIDS than ever before. Together with the international community, we have the means to bring an end to HIV/AIDS once and for all. What we need now is leadership and solidarity.

A TRIBUTE TO HONOR THE LIFE
AND MEMORY OF DR. ROBERT J.
GLASER

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Ms. ESHOO. Mr. Speaker, I rise today to honor the extraordinary life of Dr. Robert J. Glaser, former Dean of the Stanford University School of Medicine and a national figure in medical education. Dr. Glaser passed away on June 7, 2012, at his home in Palo Alto, surrounded by his family. Dr. Glaser, who was 93 years old, is survived by three children; Sally, Joseph Glaser II and Robert Glaser, Jr., and four grandchildren. His beloved wife Helen Glaser passed away in 1999.

Dr. Glaser was born and raised in St. Louis. He received his undergraduate degree from Harvard College in 1940 and his M.D., magna cum laude, from Harvard Medical School in 1943. He then returned to St. Louis to do his residency at Barnes Hospital of Washington University School of Medicine.

While at Barnes, his "wandering eye fixed on an attractive young woman in the senior

class," he wrote in his Harvard 25th reunion memoir. The medical student and soon-to-be pediatrician was Helen Hofsommer, M.D. She would become Glaser's wife.

After their wedding, the couple spent the next eight years in St. Louis, while Dr. Glaser moved through the ranks at Washington University, rising from Instructor to Associate Professor to Assistant Dean and Associate Dean of the Medical School. In 1956, he accepted the position of Dean of Medical School and Vice President for Medical Affairs at the University of Colorado. In 1963, he was tapped to lead Affiliated Hospitals Center Inc., in Boston, an ambitious, \$50 million merger of six Harvard-affiliated hospitals.

In 1965, he was named the Dean of the Stanford School of Medicine, which had moved from San Francisco to Palo Alto. "Though he came after the move, he was the one who shepherded the school through its formative years to get everything settled—get the molecules in motion," said James B.D. Mark, M.D., who arrived at Stanford the same year. "He was a leader at a critical time in the life of this medical school." Dr. Mark described Dr. Glaser as someone who had "great energy, great experience, high standards and worked hard." Paul Berg, Ph.D., said Dr. Glaser was a caring person who was "easy to talk to. It was always fun to talk to him. And he was very devoted to the school."

At the time, the hospital on campus was co-owned by the city of Palo Alto. As Dean and Vice President for Medical Affairs at Stanford, Dr. Glaser oversaw the purchase of the city's share of the Palo Alto-Stanford Hospital in 1968. "Dr. Robert Glaser was an extraordinary figure in American medicine and at Stanford specifically," said Philip Pizzo, M.D., the current Dean of the Stanford School of Medicine. "Dr. Glaser's vision shaped Stanford Medicine as we know it today, and his contributions have had an indelible mark on individuals, institutions and communities, locally and globally."

Dr. Glaser was tapped to serve as Acting President of Stanford University following the retirement of Dr. J.E. Wallace Sterling. He led the University at a tumultuous time of student protests against the war in Vietnam and was lauded by students for his sensitivity and responsiveness. At the medical school, Dr. Glaser also oversaw major changes in the curriculum to give students greater flexibility—a feature that remains a hallmark of the curriculum today. Even into his 90s, Dr. Glaser continued to attend medical grand rounds and teaching conferences.

After serving as Dean for five years, Dr. Glaser left Stanford in 1970 to serve as Vice President and Trustee at the Commonwealth Fund, a New York-based philanthropy devoted to improving health care. "Before he left for the Commonwealth Fund, his line was, 'I'm going to see if it's better to give, than not to receive,'" said Dr. Mark, recalling Glaser's dry wit.

He subsequently went on to serve as President, Chief Executive Officer and Trustee of the Henry J. Kaiser Family Foundation from 1972 through 1983. From 1984–97, he was Director for Medical Science and Trustee of the Lucille P. Markey Charitable Trust, where

he oversaw distribution of more than \$500 million in support of medical science research, including the establishment of the Markey Trust Scholar Program.

Dr. Glaser also had a long-term involvement with the Palo Alto Medical Foundation. Initially engaged through its research institute, in 1981 he became a founding member of its Board of Trustees and continued as an Emeritus Trustee through 2008.

A member of Alpha Omega Alpha, he served on its Board of Directors and as the Editor from 1962–97 of its scholarly journal *The Pharos*, while his wife served as Managing Editor.

Dr. Robert Glaser was also active nationally in medical education through the Association of American Medical Colleges and served on the National Advisory Committee on Higher Education. He was a founding member of the Institute of Medicine of the National Academy of Sciences and served on the boards of many organizations, including Washington University, the David and Lucile Packard Foundation, the Packard Humanities Institute, the Albert and Mary Lasker Foundation, the Kaiser Hospitals and Health Plan, Hewlett-Packard and Alza Corp.

He also received many awards and honors, including the Abraham Flexner Medal for Distinguished Service to Medical Education; the Stearns Award for Lifetime Achievement in Medicine from the New York Academy of Medicine; the Dean's Medal from Stanford School of Medicine; the Dean's Medal from the Harvard Medical School; and the Harvard Medal for Distinguished Service.

In addition to his professional interests, Dr. Glaser had a lifelong passion for the commercial airline industry. Over the years, said his daughter, Sally Glaser, Ph.D., "He and one of my brothers would often sit out in the backyard, listening to air traffic control communications as they looked at the approaching aircraft through binoculars." He was an avid traveler, logging more than five million miles in air travel for both professional and pleasure trips, including his last trip to Harvard in 2010 to attend his 70th college reunion.

Mr. Speaker, I ask my colleagues to join me in extending our deepest condolences to Dr. Glaser's three children, his four grandchildren, his colleagues and his students who knew and loved him throughout his extraordinary life. Dr. Glaser was a kind man, a brilliant doctor and a masterful educator. His life stands as an inspiration to all and a model of citizenship. He bettered our Nation, and gladdened our world.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, I was present for rollcall No. 431 and 433, and was off the floor talking with constituents from Douglas and Piatt Counties, and inadvertently missed the vote. I support the fiscal savings attendant to this amendment but had concerns over its language. Therefore, if present, I would have voted "Present."

TRIBUTE TO RICHARD COLEMAN KELLEY

HON. MARY BONO MACK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mrs. BONO MACK. Mr. Speaker, I rise today to join my colleague and friend, Congressman KEN CALVERT, to honor and pay tribute to a dear friend, Richard Coleman Kelley. Richard passed away on Thursday, June 14, 2012. A devoted husband, brother, father, and grandfather, he will be deeply missed.

Richard was born March 19, 1930 in Corona, California to David and Margaret Kelley, who were beginning to develop their property in Hemet into a citrus grove. He attended schools in Corona, and after graduating from the Army and Navy Academy in Carlsbad, California, he served honorably in the United States Air Force from 1950 to 1954. He spent a semester at the University of California at Davis before returning to work for his father on their family's ranch, only to later develop a citrus ranch of his own. In 1957, Richard married Jeanne Vig and continued to farm in Hemet while raising their three children, where he was partner of Kelley Citrus and owned Circle K Five Citrus.

It is hard to imagine that Richard had any free time on his hands, and yet he always found time for his community and family. Richard was active in his church, was vice president of the Riverside County Farm Bureau, president of the Hemet Optimist Club, was active in parent-teacher organizations, and supported every team and club in which his children participated. He also served on the board of Eastern Municipal Water District (EMWD) beginning in September of 1981, serving on the Legal Committee and as Chairman of the Building and Grounds Committee. Richard also enjoyed inventing, skiing, jogging, and farming. In fact, many of Richard and Jeanne's "vacations" were spent helping work on their daughter's and son's farms in Idaho.

In response to the high water costs that could have forced small farmers out of business in the early 1980s, Richard once said, "Agricultural water is my main interest . . . something has to be done." And as an EMWD board member and concerned citizen, he worked tirelessly to address this threat to an American way of life. That is just one testament to his can-do spirit and willingness to help solve problems in his home town that made him such a treasure to the Riverside County area for so long, and is what we will remember about him most.

On Wednesday, June 27, 2012, a memorial service celebrating Richard's extraordinary life was held. Richard will always be remembered for his legendary work ethic, generosity, contributions to the community, and love of family. His dedication to his work, family, and community are a testament to a life well-lived and a legacy that will continue. I extend my deepest condolences to Richard's family and friends. Although Richard may be gone, the light and goodness he brought to our great State will never be diminished and will never be forgotten.

Richard is survived by his children, Janice of Hemet, Kathy of Weiser, Idaho and Ron of

Weiser, Idaho; five grandchildren; and his brother, former California State Assemblyman and Senator, David Kelley. Our thoughts and prayers are with Richard's family and the many others he touched.

JUSTICE FOR MIR QUASEM ALI

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. WILSON of South Carolina. Mr. Speaker, last week, as a Member of the House Foreign Affairs Committee, Subcommittee on the Middle East and South Asia, I met Mir Ahmad BinQuasem of Bangladesh. Mir Ahmad informed me that his father, Mir Quasem Ali, was arrested on June 17, 2012, by the Bangladesh International War Crimes Tribunal for alleged crimes committed during the 1971 War of Liberation against then-West Pakistan, and for campaigning "against the process of this [War Crimes] Tribunal in foreign countries." Mir Quasem Ali is the owner of Bangladesh's largest opposition-run media outlet, which has been openly critical of the Tribunal and of the ruling government at-large. As such, I am concerned that his arrest and ongoing detention may represent a thinly-veiled attempt by the ruling government of Bangladesh to silence its opponents and critics.

In addition to my concerns about this arrest, it has come to my attention that the Tribunal itself is inherently flawed and lacks compliance with international standards. It appears that the Tribunal is international in name only, as it lacks international oversight or involvement, experienced foreign attorneys have been banned from participating, and the Tribunal violates at least two of Bangladesh's international treaty obligations. Tribunal defendants are not only denied access to international standards of justice, but several of the rights granted by domestic law. These include the right to an independent appeal, which is explicitly denied to defendants of the Tribunal.

As a member of the Middle East and South Asia subcommittee, I am very concerned about the implications that Mir Quasem Ali's arrest has for the state of democracy within Bangladesh. I will continue to closely monitor this situation and I hope that Bangladesh will take assertive measures to ensure that its upcoming elections are conducted in an openly democratic matter. I am hopeful for a bright future for the people of Bangladesh with open and fair justice for all of its citizens.

OPPOSING THE CONFERENCE REPORT TO ACCOMPANY H.R. 4348

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. MARKEY. Mr. Speaker, I have declined to add my signature to the Conference Report to accompany H.R. 4348, legislation to reauthorize the highway trust fund.

While the highway bill has traditionally been the product of reasonable, bipartisan compromise, the House Republican's version of

this year's bill was so extreme the Conference Report was hobbled from the start.

House Republicans took the jobs and economic development promised by this highway bill hostage—with unrelated provisions like the Keystone pipeline as the ransom—and the Senate had no choice but to negotiate with the hostage takers.

Provisions allocating critical conservation funding across the country, through the Land and Water Conservation Fund and a National Endowment for the Oceans, was struck from the Conference Report; only funding for the five Gulf States—Alabama, Mississippi, Louisiana, Florida and Texas—has survived. That funding will certainly be beneficial but the broader conservation programs should have been included, as well.

The Conference Report also includes provisions prohibiting the National Park Service from complying with the law limiting the impacts of aircraft noise on Grand Canyon National Park. Why we would want to use a transportation bill to make one of the crown jewels of the National Park System louder and dirtier is a mystery.

Most troubling, the Conference Report includes unjustified and harmful provisions which will undermine environmental reviews of highway and transit projects. Republicans have claimed environmental reviews delay highway projects but the facts are that most transportation projects already proceed under expedited environmental reviews and there is no evidence whatsoever that these reviews cause delay.

Nevertheless, the Conference Report includes several broad new categorical exclusions from the National Environmental Policy Act, or NEPA. These new exclusions lack flexibility or adequate standards and will limit public participation and careful consideration of transportation projects that can have devastating impacts on neighborhoods and our natural, cultural and historic resources. In the end, the purpose of these provisions is to speed up highway construction, not by cutting alleged "red-tape" but by making it harder for local communities to gather information and have input in projects that may go right through their backyards.

Unbelievably, the Conference Report also includes a radical new idea that agencies should be fined, through rescission of up to 7 percent of their budgets, for missing arbitrary deadlines for environmental reviews. Given that the main reason agencies struggle to complete these reviews quickly is a lack of funding and staff, cutting their budgets as punishment will only make the problem worse.

Inclusion of funding for the Secure Rural Schools and the Payment in Lieu of Taxes programs are positive steps, while removal of divisive, unrelated provisions on coal ash and the Keystone Pipeline are welcome improvements, compared to the House Republican bill.

Finally, the process used to develop this Conference Report was unfortunate. Conferees have been asked to sign an agreement we have had little or no time to review and the substance of the agreement was negotiated largely without input from most conferees.

This Conference Report will harm those living and working near transportation projects in

the future and fails to address some of the most pressing conservation needs facing this nation. We can and should do better.

100TH ANNIVERSARY OF THE ST. PAUL YACHT CLUB

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Ms. McCOLLUM. Mr. Speaker, today I rise to honor the Saint Paul Yacht Club in honor of the 100th Anniversary of the organization. For a century, this venerable institution has been providing safe and affordable boating opportunities to residents of Saint Paul and surrounding communities.

Since 1912, the Saint Paul Yacht Club has played a central role promoting and providing access to Minnesota's premier waterways. Originally known as the Saint Paul Motorboat Club, the early club served an active and growing speed boating population on all three of Minnesota's major rivers, the Mississippi, the Minnesota, and the Saint Croix. Early members could rent boat slips for 10 cents per foot, and purchase gasoline for 10 cents per gallon. To retrieve the gasoline, 5 gallon cans were lowered by a rope from the Wabasha Bridge to the boaters on the water.

In addition to providing helpful services to its members, the Saint Paul Yacht Club organized picnics, boat races and other social and recreational events. Boat races were particularly popular in the 1920s and 1930s. On one occasion, Christopher Columbus Smith—founder of the iconic Chris Craft boat company—set a world water speed record at a club organized boat race.

The Saint Paul Yacht Club has remained in continuous operation since 1912, and currently manages two state of the art harbor facilities within the jewel of the Saint Paul public parks—Harriet Island Regional Park—on the Mississippi River in the city's downtown. Today, the harbor remains a hub of activity, hosting 230 boat slips for vessels that are up to 50 feet long, and serving as home to a thriving year-round live-aboard and seasonal boating community. Boaters come from near and far to enjoy the tremendous views of Saint Paul and the surrounding natural beauty of the Mississippi River National River Recreation Area.

Throughout its century of service to the boating public, the Saint Paul Yacht Club has served as a model of responsible stewardship to Minnesota waterways. By promoting safe and accessible boating activities, the club has provided a tremendous service to many Saint Paul residents and visitors. The Saint Paul Yacht Club is truly an exemplary asset to our city and state.

Mr. Speaker, in honor of the 100th Anniversary of the Saint Paul Yacht Club, it is a privilege to submit this statement for the CONGRESSIONAL RECORD.

IN RECOGNITION OF THE 95TH ANNIVERSARY OF THE FRESNO COUNTY FARM BUREAU

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. COSTA. Mr. Speaker, I rise today to extend my sincerest congratulations to the Fresno County Farm Bureau which is celebrating its 95th anniversary this year. Since its establishment in 1917, the organization has continued to evolve. It began as general farm organization as an arm of the Agriculture Extension Service, and is now at the forefront of farming in California. As it nears the end of its first century, it continues to lead the agriculture industry and the community in addressing issues that result in long-term economic viability for agriculture and promoting the economic vitality of the region as we move forward in the 21st Century.

The Farm Bureau started shortly after the Smith-Lever Act of 1914 established the Agriculture Extension Service. The Act stipulated that before a county could obtain farm advisor services, it had to form a general farm organization through which the Extension Service could disseminate information and promote better farming methods. In the fall of 1917, George Fever, J.A. Poytress, Sam Heisinger, H.W. Wrightson and Charles Parlier were among a group of farmers that met with Leroy Smith, the first Extension Service farm advisor assigned to Fresno County, to lay the groundwork for a Fresno County Farm Bureau organization.

Fresno County Farm Bureau, like many other County Farm Bureau organizations, was originally set up in joint offices within the University of California Agriculture Extension Service. The Farm Bureau membership rose and fell in the pre-World War II days, dropping to 350 during the Depression. The largest growth in membership occurred around the Farm Bureau's 50th anniversary, between 1945 and 1967 when it rose from 1,000 to 4,500 members. Today, the Fresno County Farm Bureau represents more than 4,000 members. In the early 1960s, Fresno County took first place in total production value of agriculture commodities. Fresno County remains the number one agricultural county in the country, bringing in \$5.94 billion in 2010.

The Farm Bureau has played an integral role in many projects throughout its history, including: presenting President Franklin D. Roosevelt a program to strengthen agriculture during the Great Depression years in 1931; partnering with the Madera, Tulare and Kings County Farm Bureaus to organize the California Farm Bureau Marketing Association in 1918; starting a pilot program to sell tree-ripened fruit to southern California consumers in 1966; and playing a major role in the development and implementation of the Immigration Reform and Control Act (IRCA) of 1986.

Today, the Farm Bureau is a grassroots, nationwide network of Farm Bureaus organized on county, state and national levels. The

county Farm Bureau is the center of the organization and is one of 53 county Farm Bureaus currently representing a combined membership of over 4,000 family members in Fresno County. Collectively, Farm Bureau is California's largest farm organization with memberships from 76,500 farm families in 56 counties.

The Farm Bureau continues to lead the agriculture industry and the community in addressing issues that result in long-term viability for agriculture and promoting the economic vitality of the region. Farm Bureau spends countless hours researching agriculturally-related legislation; testifying in front of local, state and federal government; and conducting meetings with elected officials. In addition, it fields hundreds of calls, providing education and outreach to the community, which has continued to be a centerpiece of the Farm Bureau. Through Coffee Talk meetings, which provide the opportunity for farmers to share information in an informal setting and discuss current, local issues with special guest speakers, the Bureau has continued to make community outreach a top priority. It is also involved in promoting the Blossom Trail, the Fruit Trail and the Big Fresno Fair, and annually recognizes deserving reporters and editors for conveying accurate and objective reporting about agricultural issues and the industry.

On top of these important efforts, the Farm Bureau offers valuable agriculture education and leadership development assistance in the community. The annual Farm and Nutrition Day is put on for more than 1,500 third-graders, providing facts about food and fiber production in Fresno County. In addition, representatives from the Farm Bureau are on-hand during the annual Fair Education Program to conduct mini-presentations about agriculture for students. The Fresno County Farm Bureau also works with local universities and conducts classroom presentations. In addition to this, the Future Advocates for Agriculture Concerned about Tomorrow (FAACT) Leadership Development Program provides community leaders with a comprehensive eight-month class, highlighting specific issue areas in agriculture. FAACT offers a balanced, factual presentation of several issue areas specific to agriculture.

Mr. Speaker, I ask my colleagues to join me in recognizing the Fresno County Farm Bureau as it celebrates its 95th anniversary and prepares to continue to provide outstanding leadership for the agriculture industry throughout the Central Valley, the State of California, and our nation.

DORIT AND SHAWN EVENHAIM

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. BERMAN. Mr. Speaker, I am pleased to pay tribute to Dorit and Shawn Evenhaim for their generosity and dedication to help the less fortunate as well as provide the highest possible quality of education in our community.

Dorit and Shawn Evenhaim are Israeli Angelenos that own and operate California

Home Builders. Both Dorit and Shawn grew up in Southern Israel where they learned the Jewish value of tzedakah, the act of charitable giving and helping the less fortunate. They came to the United States following their service in the Israeli military and continued to practice this philanthropy. They have contributed countless hours of community service and provided leadership to many charitable organizations throughout the San Fernando Valley such as the Israeli Leadership Council, the Jewish Federation, and StandWithUs.

In 2004, Kadima, a 34-year-old Solomon Schecter Conservative day school in the West San Fernando Valley, had to relocate when LAUSD needed the campus that Kadima had been leasing. The Evenhaim's generous donation provided the resources for Kadima to purchase a former hospital about a mile away from the previous campus.

The Evenhaim's involvement did not end with their donation. They were also instrumental in locating the site for the new campus, acquiring the necessary permits, and remodeling the site to fit the needs of the school. Kadima's facilities now include separate yard spaces for the Early Childhood Education Center and Kindergarten, as well as athletic fields, an auditorium and swimming pool, ample classroom space, a 6,000 volume library, and a full kitchen and cafeteria. Both Dorit and Shawn have done a great job serving on Kadima's Board of Trustees.

Mr. Speaker and distinguished colleagues, I ask you to join me in recognizing Dorit and Shawn for their philanthropy and their years of service and dedication to the education and service of our community.

IN RECOGNITION OF UNITED WAY'S 125TH ANNIVERSARY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. BISHOP of Georgia. Mr. Speaker, it is my great honor to extend a heartfelt congratulations to the volunteers, employees and representatives of United Way as they celebrate 125 years of motivating millions of people to advance the common good.

On June 21, 2012, the worldwide network celebrated their United Way Day of Action, a day dedicated to volunteer and community service activities and encouraging others to pledge to become readers, tutors, or mentors. Also, on June 28, 2012, they will be celebrating the official United Way Founders Day, commemorating community leaders Frances Wisebart Jacobs, the Rev. Myron W. Reed, Msgr. William J. O'Ryan, Dean H. Martyn Hart and Rabbi William S. Friedman for founding the Charity Organizations Society, the first "United Way" Organization in Denver, Colorado in 1887.

In 125 years, United Way has expanded beyond Denver and Colorado and beyond the United States to become a network of almost 1,800 community-based United Ways in 45 countries and territories around the world. In as many years, United Way has become one of the biggest and most influential charity or-

ganizations in the world. To emphasize this point, United Way, in a partnership with the National Football League (NFL), raised more than \$1 billion dollars in 1974—the first time in history that an annual campaign of a single organization had raised this much money.

United Way envisions "a world where all individuals and families achieve their human potential through education, income stability and healthy lives." For this reason, in 2008, they set forth a 10-year program to achieve three goals by 2018: (1) Improve education and cut the number of high school dropouts (1.2 million students every year) in half; (2) help people achieve financial stability and get at least half of lower-income families (1.9 million families) on the way to economic independence; (3) promote healthy lives and increase by one-third the number of youth and adults who are healthy and avoid risky behaviors. These are ambitious goals but I am confident that the thousands of United Way advocates will work tirelessly to achieve them.

I would like to especially recognize the local United Way organizations in Georgia's Second Congressional District: Greater Valdosta United Way, Inc., United Way of South Central Georgia, United Way of Southwest Georgia, Bainbridge—Decatur United Way, United Way of Colquitt County, and United Way of the Chattahoochee Valley. I applaud the members and volunteers of these organizations for dedicating their time and efforts to support their neighbors in need.

Mr. Speaker, in closing I ask that my colleagues join me in expressing our collective and profound gratitude to the volunteers, employees and representatives of United Way for all they have done to improve the quality of life for the residents of Georgia's Second Congressional District and all around the world.

IN HONOR OF JOSEPH'S HOME

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. KUCINICH. Mr. Speaker, I rise today to honor Joseph's Home, a safe, supportive environment for homeless individuals transitioning from local hospitals and other social service agencies following a period of illness or surgery.

Cleveland has had a long history of organizations stepping up and caring for the less fortunate. The Sisters of Charity of St. Augustine (CSA) arrived in Cleveland, Ohio from France in 1851 to serve as the city's first public health nurses, laying the foundation for what would become Joseph's House. The CSA quickly began providing the health and educational needs of Cleveland's most impoverished and vulnerable residents. Over the past 160 years, the CSA has remained dedicated to addressing the root causes of poverty and meeting the needs of the communities they serve.

A group of CSA Sisters, led by founding Sisters Joan Gallagher and Regina Fierman, noticed that Greater Cleveland's homeless community transitioning from local hospitals and other social service agencies following a period of illness or surgery did not have access to a safe and supportive environment.

With a legacy of responding to the unmet needs of the community's most vulnerable residents, the Sisters of Charity of St. Augustine opened the doors of Joseph's Home in June 2000.

Joseph's House has helped over 400 men transition back into the world and has provided them with a second chance in life. Each year, around 50 men are helped; the house has a capacity of 11 men at any given time. The people served by Joseph's House, leave it with the confidence and support that helps them succeed. Joseph's House provides its residents with job opportunities, educational advancement and more importantly, a place to call home.

Mr. Speaker and colleagues, please join me in honoring Joseph's House for its years of service and dedication to improving the lives of the less fortunate.

A TRIBUTE TO BISHOP ALBERT L. JAMISON, SR.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. TOWNS. Mr. Speaker, I rise today to honor and pay tribute to Bishop Albert L. Jamison, Sr.

Bishop Albert L. Jamison, Sr. is a native of Brooklyn, New York. He serves as the distinguished Pastor of Pleasant Grove Baptist Tabernacle where he holds the unique honor of pastoring in the church of which he was born and raised. He has taken his congregation to a new awareness of God.

He is a nationally known evangelist, who travels across the United States to some of the largest cities and churches preaching the Gospel. He is the president and founder of "Pentecost At Any Cost" ministry. As a dedicated pastor and leader in the ministerial field, Bishop Jamison exemplifies a powerful Gospel music ministry. In 1970, Bishop Jamison began working with the late Reverend James Cleveland and continued working with him until the Lord called Rev. Cleveland home.

While serving on the Board of Directors, Bishop Jamison was voted "Chairman" of the Board of Directors, March 1996. He has taken the world's largest Gospel music organization, The Gospel Music Workshop of America, to new heights.

He is the loving husband of Lady Dianette Jamison and the proud father of Jourdan Allen and Joshua Jermelle Jamison. His eldest son, Albert J. Jamison preceded him in death in January 2001.

Because he dares to believe God, his life serves as an example to those he leads to develop a personal relationship with the Lord, to study the Word of God and to face the challenges of life depending wholeheartedly in faith on the Lord. This way of life is expressed in one of his favorite scriptures found in II Corinthians 15:58—Therefore, my beloved brethren, be ye steadfast, unmovable, always abounding in the work of the Lord, forasmuch as ye know that your labor is not in vain in the Lord.

Mr. Speaker, I would like to recognize Bishop Albert L. Jamison, Sr. for his extraor-

dinary contributions to the Brooklyn community.

IN SUPPORT OF THE SUPREME COURT DECISION UPHOLDING THE AFFORDABLE CARE ACT

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Ms. RICHARDSON. Mr. Speaker, after two years battling in the courts I am proud to announce today that the Supreme Court has upheld the Affordable Care Act. This has been a long and difficult fight, but I can say without a doubt it has been worth it.

This landmark ruling will allow millions of Americans to rest easy, knowing that they will not be driven into debt from medical bills if they get sick. Children will no longer be denied possibly life saving healthcare because of pre-existing conditions, and millions of young Americans will be able to stay on their parent's healthcare plans until they are 26.

The function of government is to make life better for all Americans, regardless of socioeconomic background. The Affordable Care Act will improve the quality of life for working families, children and seniors. It will also strengthen our economy.

President Obama is to be congratulated for his indispensable leadership in achieving the goal of affordable quality healthcare for all Americans, a goal we Democrats have been fighting for more than 75 years.

It is a fact of life that individuals do not have a choice in participating in the health care market. Eventually we will all get sick, and need medical attention. This bill requires every American to take control of their own coverage, and be responsible for themselves.

I am proud to have voted in favor of this legislation two years ago, and prouder still to have stood on the steps of the Supreme Court today to celebrate the success of having the Affordable Care Act upheld. Today's ruling is a momentous occasion and a true victory for Americans across the nation.

REGARDING H. RES. 711

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. BLUMENAUER. Mr. Speaker, today, I voted against the House Privileged Resolution holding Attorney General Eric Holder in contempt of Congress. Never in the 225 years of the House has there been a vote to hold any Cabinet member in contempt, and I will never vote to support such partisan legislation that's nothing short of a race to the bottom for this House.

There are serious questions that remain to be answered about the Alcohol, Tobacco, Firearms and Explosives (ATF) program, infamously known as "Fast and Furious," started in 2005 under the Bush administration. The Department of Justice is in the midst of such an

investigation, but today's vote will do nothing to further that inquiry, and will instead slow and muddle the process.

The charges by Chairman ISSA of a conspiratorial effort by the Obama administration to strengthen gun control laws—are completely unsubstantiated and laughable on their face. When that became apparent, the Chairman turned to blatant political tactics, culminating in a Contempt of Congress resolution that was rushed to the floor.

The Republicans and the National Rifle Association have created a web of constraints that make it almost impossible to restrict these dangerous practices that prompted the program in the first place.

Fast and Furious was a flawed operation. Those flaws, however, parallel the biased, politicized investigation run by House Oversight & Investigations Committee Republicans. During the Committee's 16-month investigation, they refused all Democratic requests for witnesses and hearings. The investigation was closed to the public.

The Republican refusal to even allow those directly involved with the Fast & Furious program to testify before the Oversight Committee portrays their political motivations, not the facts, nor the thousands of innocent civilians in Mexico and on the border who have lost their lives from heavily-armed drug cartels.

Attorney General Holder testified before the Committee nine times. The Department of Justice provided over 700 thousand documents to the House Oversight & Investigations Committee. Despite this broad cooperation, my Republican colleagues kept moving the goal posts, making it impossible to meet their demands. There was no end in sight. President Obama's decision to assert executive privilege was a well-reasoned decision to stop playing the Republicans' political game.

I believe deeply in the fundamental responsibility of Congress to provide oversight and accountability for the executive branch. We only weaken that authority by engaging in this partisan stunt. Congress and the American people deserve better. We should reject this effort and do our job to find out what really happened.

IN MEMORY OF BISHOP ROBERT C. JEFFERSON

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. AL GREEN of Texas. Mr. Speaker, I would like to honor the memory of a pillar in the Sunnyside community in Houston, Texas, Bishop Robert C. Jefferson, Pastor of the Cullen Missionary Baptist Church. With exceptional dedication, Bishop Jefferson served his community and advocated for the betterment of society.

Bishop Jefferson was born in Baton Rouge, Louisiana on January 12, 1942. He accepted his calling into the gospel ministry in March 1976 and was ordained at Mount Horeb Baptist Church in Houston under the pastoral leadership of the late Reverend Johnnie Jones. In March 1977, he founded Cullen Missionary Baptist Church and faithfully served there for the rest of his life.

A champion of the downtrodden and underserved, Bishop Jefferson founded and was active on a host of community organizations. He was a Founding Member of Ministers Against Crime, an organization that is active in issues involving inequities and civil rights in the Greater Houston Area. He was also the Founder of Sunnyside Up, Inc., a community development project; Founder/President of A Brand New City, Inc; Founder/President of the Cullen Christian Child Development Center; the former Second Vice President and Director of Religious Affairs of the NAACP Houston Branch; and a former member of the Houston Independent School District Board.

Finally, Mr. Speaker, Bishop Jefferson will be dearly missed by his wife, Myrtle, grandchildren, great-grandchildren, as well as his four daughters, Lola, Vanessa, Lisa and Robertine. He will be remembered in the City of Houston as a dedicated community leader and a principled man of God.

A TRIBUTE TO DR. SWAMY
SUNKARA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 28, 2012

Mr. TOWNS. Mr. Speaker, Dr. Swamy Sunkara was born in India. He graduated from Andhra Medical College and King George Hospital. Named after Dr. Swamy Naidu, Dr. Sunkara was a great surgeon, philanthropist, athlete, swordsman, and horseman of national level. He is also from a family of physicians and soccer players of international reputation.

As a young student leader Dr. Sunkara volunteered in various natural disasters including one in Divi Andhra Pradesh, where he worked for several weeks directly under Mother Teresa. She always had kind words about him when she visited that area.

Dr. Sunkara served as surgeon, and then trained as an anesthesiologist in Jamaica, Trinidad and Tobago. He completed the post-graduate course of diploma in anesthesiology from University of West Indies. He served as a social worker at St. James Infirmary in Montego Bay, Jamaica from 1979 to 1981 and served at the Prince Elizabeth Hospital for destitute children in Port of Spain, Trinidad from 1981 to 1987. He gave free anesthesia

for surgeries of children with cleft palates, club-foot, and other congenital abnormalities. Dr. Sunkara worked as a volunteer physician at Trinidad and Tobago Sports Medicine and received letters of commendation in Jamaica, Trinidad and Tobago for his work and dedication.

Dr. Sunkara migrated to the United States in 1988. He successfully completed the Diploma in Tropical Medicine and Health, Masters in Public Health with double majors in International Health and Emergency Medicine. He served as a published researcher and volunteer in Children's Cancer Study Group at New York Medical College, and Westchester Medical Center in Valhalla, New York. He worked as a volunteer Emergency Medical Technician at both the Ossining Volunteer Ambulance Corps and Pleasantville Volunteer Ambulance Corps. Dr. Sunkara received the Best Volunteer award from Westchester County Executive for the year '88-89 and received Best Volunteer award from the University of Medicine and Dentistry of Newark New Jersey in 1989. Dr. Sunkara also served as one of the Uncles for foster children of Richard Allen Center on Life in New York City.

Mr. Speaker, I would like to recognize Dr. Swamy Naidu Sunkara for his extraordinary contributions to New York City's medical community.

HOUSE OF REPRESENTATIVES—*Friday, June 29, 2012*

The House met at 9 a.m. and was called to order by the Speaker.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Eternal God, we give You thanks for giving us another day.

As this House adjourns in anticipation of Independence Day, we ask Your special blessing upon our Nation. We have many things to be thankful for, and ask that You send Your spirit, that we might continue to live our freedoms with responsibility and integrity. Help us to be truly grateful for what we have, and generous as well.

Bless the Members of this assembly and their families in the time they have together at home so that when they return, they are rested and energized to take on the important work that faces them concerning our economy and national security in today's world.

These have been historic days. Issues of grave importance have been decided, and much commentary and argument has ensued. Bless our Nation and its citizens, especially those whose energy and emotions are stirred, with equanimity, goodwill, and an abiding trust that, in time, our Nation will emerge into an even greater future as it has so many times before. Give us the faith to believe and increase our trust in You.

May all that is done this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Nevada (Mr. HECK) come forward and lead the House in the Pledge of Allegiance.

Mr. HECK led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side.

OBAMACARE DECISION DISCOURAGING FOR SMALL BUSINESSES

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, yesterday's decision by the Supreme Court to uphold ObamaCare is discouraging for America's small businesses by destroying jobs and threatening families with the loss of their insurance policies.

When the President lobbied for the passage of the 2,700-page health care takeover, he promised Americans that the individual mandate was not a tax increase. Chief Justice Roberts based his opinion on his view that it is a tax increase, which contradicts the President as being incorrect.

Chief Justice Roberts and the four liberals now confirm the President has been inaccurate. Not only will this tax place more hardship on small businesses to follow the law, but already 12,000 pages of regulations have been issued with more than 150 new boards, agencies, and programs destroying jobs.

On July 11, the House of Representatives, under the leadership of JOHN BOEHNER and ERIC CANTOR, will vote to repeal the Obama taxes. On November 6, American citizens will have the opportunity to vote for repeal and reform.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

EXPRESSING THANKS TO KRISTIE JOHNSON GREGORY FOR EXEMPLARY SERVICE

(Mr. BARROW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARROW. Mr. Speaker, I rise today to express my thanks to Kristie Johnson Gregory, who is moving on from my staff after 7 years of service to accept the position of special populations coordinator at Augusta Technical College. Kristie started as an intern in my office back in 2005, and she quickly rose up the ranks to serve as a senior constituent services representative.

Every Congressman knows just how important it is to have good staff, and Kristie is the kind of staffer that you need. Kristie and our district staff recovered some \$3.7 million in benefits wrongfully withheld from families

back home in just the last year alone, and there's no telling how many homes she helped rescue from the brink of foreclosure. When you add it all up, her record is reflected in the thank you letters of grateful constituents and the appreciation of this Congressman for a job well done.

STOLEN VALOR ACT OF 2011

(Mr. HECK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECK. Mr. Speaker, I rise today to urge my colleagues to join with me in restoring the honor and valor of our military heroes by cosponsoring my bill, H.R. 1775, the Stolen Valor Act of 2011.

While yesterday our attention was focused on the Supreme Court health care ruling, lost in the media frenzy was the story of how the Court also struck down the Stolen Valor Act of 2005, concluding that the broad nature of the law infringed upon the guaranteed protection of free speech provided by the First Amendment of our Constitution.

The Court determined that the act "sought to control and suppress all false statements on this one subject, without regard as to whether the lie was made for the purpose of material gain." The Stolen Valor Act of 2011 resolves these constitutional issues by clearly defining that the objective of the law is to target and punish those who misrepresent their service with the intent of profiting personally or financially. Defining the intent helps ensure that this law will pass constitutional scrutiny.

Mr. Speaker, the need to protect the honor, service, and sacrifice of our veterans and military personnel is just as strong today as it was in 2005. I urge my colleagues to cosponsor H.R. 1775 so that we can restore the honor and protect the valor of our military heroes.

SRI LANKA

(Ms. SCHAKOWSKY asked and was given permission to address the House for 1 minute.)

Ms. SCHAKOWSKY. I rise today to mark the third anniversary of the end of the civil war in Sri Lanka and to urge the U.S. Government to continue to press for full accountability for all human rights abuses committed during the conflict.

Over 70,000 Sri Lankans were killed in the course of the 26-year civil war.

The United Nations found claims that both sides committed war crimes to be credible, and although the war ended 3 years ago, human rights violations are reportedly continuing. Reports suggest that over 50 people—mostly critics of the government—have been abducted in the last 6 months. Human rights activists have been targeted for harassment and labeled as traitors in the national media. Gender-based violence is on the rise in the country's north.

Mr. Speaker, the international community must continue to call for accountability for the crimes during the conflict, and we must urge the Colombo government to uphold its international commitments and fully respect the human rights of all Sri Lankans.

□ 0910

SEQUESTRATION OF DEFENSE DOLLARS

(Mr. WITTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WITTMAN. Mr. Speaker, today I rise to share my frustration with the Congress' inaction on looming cuts coming to the Nation's defense budget.

In America's First District, we have a deep military history. Many of my constituents have or continue to bravely serve their Nation in a military uniform. Set to take effect in January 2013, sequestration will cut billions of defense dollars at a time when we see so much unrest across the world and American troops still deployed in harm's way in Afghanistan.

I am adamantly opposed to these catastrophic cuts and believe Congress must act now. Sequestration threatens the capability of our military to adequately protect this Nation. The Bipartisan Policy Center estimated that sequestration would result in a loss of about 1 million jobs in 2013 and 2014. This is not simply American job loss; it is a loss of critical national security capability.

Congress must not choose failure over making tough choices for the greater good of this country. Failure is an outcome we must not and cannot accept.

INVESTING IN AMERICA

(Mr. LARSEN of Washington asked and was given permission to address the House for 1 minute.)

Mr. LARSEN of Washington. Mr. Speaker, later today the House will take up a bill that is key for jobs now and for opportunity for the future.

First, we cannot have a big league economy with little league infrastructure. The transportation bill will do more to create jobs through public investment than any other piece of legis-

lation that this House has passed in the last 18 months. It puts thousands to work repairing roads, bridges and highways, and maintaining our transit systems.

Second, this bill creates opportunity for the future by stopping a devastating interest rate hike on loans students take to pay for college. College affordability is a necessary step for creating opportunity for the future. The bill sends a clear message to college students everywhere that America will invest in you.

WHAT TEXANS THINK OF THE SUPREME COURT'S RULING ON OBAMACARE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, here's what the people of Texas think of the Supreme Court's ruling on ObamaCare.

Jason from Kingwood, Texas says this:

Now that the Supreme Court has deemed every action of Congress that it does is acceptable so long as it's considered a tax, you can kiss it all goodbye. Tax on gun ownership, boxes of ammunition, worship fees, mission trip tax, Bible fee.

But don't worry. They won't take away your right to vote directly. They'll just dilute it with multiple voting, illegal voting and fuzzy counting. But it won't be through taxation.

Stacie from Texas also wrote me and says this:

This ruling sets up so much more of nanny taxes and government telling us what we can do and cannot do. Don't buy the right car? It's a tax. Don't buy the right vegetables? Tax. Don't buy the right newspaper? Tax. Don't buy the right music? Another tax.

Mr. Speaker, the power to tax is the power to destroy. So what's the next tax from Big Government?

Congress and the Supreme Court have both had their chance to voice their opinion. Now it's time for the American people to voice theirs.

And that's just the way it is.

HIGHLIGHTS OF THE PATIENT PROTECTION AND AFFORDABLE CARE ACT

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Mr. Speaker, I stood here 2 days ago addressing the Patient Protection and Affordable Care Act and reviewing its benefits. I stand here today after the landmark Supreme Court decision to make people aware of the Republicans' efforts to repeal this historic piece of legislation.

The stakeholders must remember: seniors, the benefits with the prescrip-

tion drugs already benefiting with \$3.7 billion in savings; young adults who stay on their parents' plan until the age of 26, 6.6 million of you; small businesses who will experience tax credits of up to 50 percent by the year 2014; and women, women who suffered discrimination in premiums and on preexisting conditions like pregnancy. Imagine being defined a preexisting condition. 2014 they will stop.

These are just highlights, and this is why we need to, again, focus behind the Affordable Care Act and remember, it's the largest part of our GDP that keeps growing; and we need to have it under control in order to have our great economy.

CONGRATULATING DAVID BONNER FOR HIS 2011 PRESIDENTIAL AWARD FOR EXCELLENCE IN MATHEMATICS AND SCIENCE TEACHING

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Mr. Speaker, I rise to congratulate David Bonner on earning the 2011 Presidential Award for Excellence in Mathematics and Science Teaching. Mr. Bonner is a physics teacher at Hinsdale South High School in Illinois.

As a former school board member for Hinsdale District 86, as well as a member of the Education and Science Committee, I have seen how important STEM education is in preparing our students to succeed in the 21st century. And I also know how special it is to have a great teacher who can inspire our students to get excited about a future in science, physics, math, and engineering.

Mr. Bonner should be very proud to join the ranks of only 97 teachers from across the country who have been selected for this award by a panel of distinguished scientists, mathematicians, and educators. He is a very important asset to our community, our children, and our future; and I wish him the best of luck in the future.

READ THE LAW

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, during the debate on the health care reform act, the Affordable Care Act, we continued to hear cries of "read the bill, read the bill, read the bill," as if those of us who had supported the bill had not read it. As a matter of fact, I, among many, had read it; and we were astounded at the misrepresentations that were out in the public, foisted by our Republican opponents.

Well, I'm going to be generous today and assume that they just hadn't read

that bill. But now that bill is unquestionably the law of the land. So I implore my Republican colleagues, before they continue to mislead and confuse their constituents, read the law. Read the law. Read the law.

PROVIDING FOR CONSIDERATION OF H.R. 5856, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2013; PROVIDING FOR CONSIDERATION OF H.R. 6020, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2013; AND PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 4348, MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

Mr. WEBSTER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 717 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 717

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5856) making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except for section 8121. During consideration of the bill for amendment, the chair of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. At any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 6020) making appropriations for financial services and general government for the fiscal year ending September 30, 2013, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Appropriations. After

general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with “: Provided” on page 95, line 9, through “level” on page 95, line 11. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the chair of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. When the committee rises and reports the bill back to the House with a recommendation that the bill do pass, the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 3. Upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4348) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read. The previous question shall be considered as ordered on the conference report to its adoption without intervening motion except: (1) one hour of debate; and (2) one motion to recommit if applicable.

SEC. 4. It shall be in order at any time on the legislative day of June 29, 2012, for the Speaker to entertain motions that the House suspend the rules, as though under clause 1(c) of rule XV, relating to the following: (a) measures addressing expiring provisions of law; and (b) a concurrent resolution correcting the enrollment of H.R. 4348.

SEC. 5. The requirement of clause 6(a) of rule XIII for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported on the legislative day of June 29, 2012, providing for consideration or disposition of the following: (a) measures addressing expiring provisions of law; and (b) a concurrent resolution correcting the enrollment of H.R. 4348.

The SPEAKER pro tempore (Mr. SCHOCK). The gentleman from Florida is recognized for 1 hour.

□ 0920

Mr. WEBSTER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my good friend and colleague, the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. WEBSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. WEBSTER. Mr. Speaker, I rise today in support of this rule and the underlying bills.

House Resolution 717 provides for a standard conference report rule for the consideration of the conference report to accompany H.R. 4348, the Surface Transportation Extension Act of 2012, Part II, also known simply as the “highway bill.” The conference report for the highway bill represents a bipartisan and bicameral effort to address our aging national infrastructure and chronic unemployment with a 2-year authorization.

This long-term transportation bill, agreed to by both Houses and by both parties in this conference report, provides much-needed certainty. It provides certainty not only to States and to State governments but also to the transportation and construction industries and to those Americans whose livelihoods depend on them. Rather than another short-term extension measuring mere weeks or months, this bill authorizes transportation funding for 2 full years and allows businesses to plan ahead, hire workers, and grow.

The conference report ensures taxpayer dollars are spent on high-priority infrastructure projects that support jobs and economic activity. The conference report also contains significant reforms: it streamlines the lengthy bureaucratic approval process with reforms aimed at cutting the permitting process in half; it consolidates and eliminates duplicative Federal programs; and it embraces increased private sector involvement by leveraging Federal, State, and local dollars with private sector funding. As importantly, it does all of this without any earmarks and without any spending increases.

The conference report also extends the current student loan rate of 3.4 percent for student loans for another year. This ensures that young Americans have certainty when it comes to the terms of their student loans for the coming year; and because it is paid for, the conference report ensures that no further debt will be heaped upon the American taxpayer.

Finally, the conference report reforms and reauthorizes for 5 additional years the Federal Flood Insurance Program. This program is depended upon by so many in times of natural disaster.

House Resolution 717 also provides for an open rule both for the Department of Defense Appropriations Act of 2013 and the Financial Services and General Government Appropriations Act of 2013.

The Department of Defense Appropriations Act of 2013 includes funding for critical national security needs,

and it provides the resources needed to continue the Nation's military efforts abroad. In addition, the bill provides essential funding for health and quality-of-life programs for the brave men and women of our Armed Forces and their families.

The Financial Services and General Government Appropriations Act of 2013 has jurisdiction over agencies responsible for regulating the financial and telecommunications industries; collecting taxes and providing taxpayer assistance; supporting the operations of the White House, the Federal judiciary, and the District of Columbia; managing Federal buildings; and overseeing Federal workers. The activities of these agencies impact nearly every American and are an integral part of the operations of our government.

So, once again, Mr. Speaker, I rise in support of the rule and the underlying bills. I encourage my colleagues to vote "yes" on the rule.

I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I thank my friend and colleague for yielding the time, and I yield myself such time as I may consume.

I rise to express my disappointment, not necessarily in this measure, but in how it has come about. We are here considering a rule for five unrelated measures the day before we recess for the 4th of July. Once again, we are rushing to the floor with vital legislation that most Members have hardly had the chance to read. This rule is the very embodiment of congressional dysfunction.

While my colleagues are busy playing political games, our Nation's infrastructure is crumbling, and we all know that. Tuition costs are rising, and we all know that. The economy is struggling. Perhaps, if my Republican friends weren't so preoccupied with appeasing their base, we wouldn't find ourselves in this position yet again.

We could have taken care of student loans back in March when the House first considered a measure to keep current rates. However, instead of paying for it in a way that was amenable to both sides of the aisle, the Republican leadership chose to pay for it by cutting much-needed preventative health funding. The President said he would veto the bill in this form, yet Republicans still chose to waste this body's time and defer to the Senate to come up with an affordable pay-for.

The transportation bill we are considering has been an even longer time in coming—over 3 years to be exact. While the conference report is not perfect, it is clear that we must pass a long-term reauthorization so that construction projects all across the country can move forward with repairing and improving our Nation's aging transportation system and infrastructure. Yet, once again, we find ourselves racing against the clock.

Without a long-term bill, opportunities to truly invest in our Nation's infrastructure and economy will continue passing us by. Without a long-term bill, construction projects all across the country could shut down. Without a long-term bill, 3 million Americans will be faced with not having a job after Saturday. We should not have to pass nine extensions over 3 years' time to get to this point, and we would be better served than this 27th-month extension if we did a 4- or a 5-year bill.

Infrastructure investments are essential to our Nation's economic growth and prosperity. This reauthorization should never have been held hostage by political gamesmanship. There is simply too much at stake. Short-term extensions put millions of jobs and the safety of our Nation at risk by casting great uncertainty on long-term transportation and infrastructure projects. This is unacceptable.

□ 0930

While I'm not happy about every provision in the flood insurance portion of this conference report, after 10 years since its last reauthorization and countless short-term extensions, it's about time that we get a long-term extension.

The National Flood Insurance Program insures 5.6 million properties across every State in the Nation. Yet, one Senator from Kentucky refused to allow the bill to go forward on the most specious of reasons, a vote on abortion. I have yet to hear the Senator explain what abortion has to do with flood insurance or why he would threaten the security of the homes of all those Americans just to make a political point. I guess I shouldn't be too surprised. Last night, I read where he said just because two or more persons at the Supreme Court make a decision, that doesn't mean that it's constitutional. I hope this guy goes back to law school, if he ever went.

Finally, on today's underlying appropriations measures, I can only say: here we go again. Once again, the Republicans refuse to provide the necessary funds to reach the hardest-hit Americans. Once again, the Republicans kowtow to corporate power rather than provide the resources to keep rampant excesses at bay. And once again, my friends on the other side of the aisle choose to undermine the long-term priorities of this Nation in favor of partisan posturing.

I've said before and I maintain again and now that the Republicans are living in a world of let's pretend. In "Alice in Wonderland," Alice said that "if she had a world of her own, everything would be nonsense." In the Republican world, as Alice said, "Nothing is what it is, because everything is what it isn't." In the Republican world, Mr. Speaker, the best way to rein in

the most corrupt practices of Wall Street is to underfund the SEC; the best way to close a \$400 billion tax gap is to force the IRS to fire thousands of taxpayer support employees; and the best way to ensure our national defense is to continue to pump in billions and billions of dollars into nuclear weapons that serve no earthly purpose but to destroy our Earth. What part of "we have enough nuclear weapons to destroy every human being 25 times" do we not understand?

In this world, increasing unemployment somehow improves our economy; defunding essential government programs somehow helps the hardest-hit Americans; and cutting domestic programs in health care, education, infrastructure, and economic development while increasing Defense Department funding somehow serves the long-term needs of this country. Well, it doesn't. For months we've known that student loan rates were set to rise; for months we've known that the highway bill was going to expire; and for months we've done nothing but use the House floor as a political playground.

Mr. Speaker, our country cannot prosper if every major piece of legislation is held hostage to partisan interests. As Alice said—again referring to "Alice in Wonderland"—"of all the silly nonsense, this is the stupidest tea party I've ever been to in all my life."

With that, I reserve the balance of my time.

Mr. WEBSTER. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I'm very pleased at this time to yield 3 minutes to the distinguished gentlewoman from Sacramento, California, a former member of the Rules Committee, my good friend, Ms. MATSUI.

Ms. MATSUI. I thank the gentleman from Florida for yielding me time.

Mr. Speaker, this conference report includes a transportation bill that will help put Americans back to work and rebuild our infrastructure. It will also ensure that students will not see an interest rate hike on their loans. This package also includes a much-needed 5-year extension of the National Flood Insurance Program. This comes after 17 short-term extensions.

Mr. Speaker, I represent Sacramento, which is the most at-risk metropolitan area for major flooding, as it lies at the confluence of the American and the Sacramento Rivers.

Since Hurricane Katrina, more than 25,000 homeowners in my district have been remapped, and flood insurance is now mandatory for them. The average homeowner in Sacramento that has been remapped currently pays about \$350 for a PRP policy. That's a preferred-rate policy. Beginning in 2013, they were set to pay \$1,350 once the PRP rate expired. However, that is no longer the case.

This bill contains a number of important provisions, including a flood insurance phase-in amendment offered during debate on the House NFIP bill last July. Instead of overnight sticker shock for homeowners, the provision allows for the price of flood insurance to be phased in at 20 percent per year over 5 years to the full policy price, when preferred-risk policies are no longer available in their community.

Specifically, it will effectively allow homeowners next year, in 2013, residing in Sacramento and the rest of the country, to pay close to if not the same amount they're currently paying. Each year after that, the price of flood insurance will continue to be both affordable and predictable, only rising by 20 percent until it reaches full price in year five. This provision will save the average policyholder in a remapped area hundreds of dollars, if not a few thousand, over the next 5 years.

Mr. Speaker, this provision offers real savings, especially in these trying economic times, whether it's for a senior citizen on a fixed income or a family struggling to make ends meet.

Finally, I would like to commend Chairwoman BIGGERT and Ranking Member WATERS for working with me, for their continuous efforts to preserve this amendment and work towards achieving this 5-year extension.

Mr. WEBSTER. Mr. Speaker, I yield 4 minutes to my good friend from Georgia (Mr. WOODALL).

Mr. WOODALL. Mr. Speaker, I thank my friend from Florida for yielding.

It's not often that I find agreement with both of my friends from Florida at the same time. When I listened to my friend from Florida, my Democratic colleague on the Rules Committee, in his opening statement, he's absolutely right. We're bringing five completely unrelated provisions to the floor in this conference report today, and we're bringing it in a rushed fashion so folks can get out of here and go home for the 4th of July week.

I agree with my friend from the Republican side of the aisle, my freshman colleague, who says this is just a standard conference report rule. That's absolutely right. All of these things that the gentleman from Florida, my Democratic colleague, finds troubling are just part of the standard conference report process.

I've been watching this process for a long time. I may be a freshman, but I've been watching it for a long time. And it's just the way things go around here. We've done better. To be fair to this House leadership, over the 18 months that I've been here in Congress, we've done better. We've made a commitment to bring one idea to the floor at a time, and 99 percent of the bills I've voted on have been 10 pages or less, and I could read them. I didn't have to staff it out. I could do it myself.

But something happens when we get to this conference report time. Mr.

Speaker, the question goes to our colleagues. I suspect if we put the question to our colleagues—my friend from Florida knows it's true: Would you rather rush these five unrelated bills to the floor today and get home for all the commitments you've made over the weekend, or would you rather stretch this thing out and do it right?

Mr. HASTINGS of Florida. Will the gentleman yield?

Mr. WOODALL. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. You can't really believe that it should be standard procedure for us to do a 600-page bill that CBO has not scored until 10 minutes ago.

Mr. WOODALL. Reclaiming my time, I absolutely do not believe it should be standard procedure, but it is. It has been the entire time my friend from Florida has been serving here in this House.

Again, we've done better. To the credit of my freshmen colleagues, we've done better over these last 18 months, and we will continue to do better. But Chief Justice Roberts had it right yesterday: elections have consequences. The American people are responsible for what goes on here. Mr. Speaker, we keep this calendar for a reason. We do it out of a need for service. You and I both have commitments to constituents starting at dawn tomorrow morning.

□ 0940

We have commitments to constituents to keep transportation bills going, to work with student loans, to reauthorize flood insurance, on and on and on. We have competing commitments to our constituents. I would just hope, Mr. Speaker, that if you were asking your constituents, that they would say, You know what; I would rather you cancel on me this weekend and stay up there and get it right than rush it through.

Now, with that said, it has not been partisan politics that's kept us from getting it here until this point. We've been working hard on this. To the credit of the folks on the transportation conferee committee, they have been working hard. And this was just the best they could do, getting it done today, for whatever reason. This town only operates in crisis.

I say to my friend, if we can work towards regular order, I would love to see regular order come to this institution. We have done better. Eighteen months on the job since I have been here, you and I. We have done better. My colleague from Florida and I. We have done better. But we can still do better. But we're only going to do better if the constituents demand it.

The Supreme Court had it right. You can throw out the folks who aren't doing it right. Mr. Speaker, I encourage you to encourage all voters to look

at what we do, see when we're getting it right and tell us, and see when we're getting it wrong and ask us to do better. We can do better. We will do better.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 2 minutes to my very good friend from the Virgin Islands, Dr. CHRISTENSEN.

Mrs. CHRISTENSEN. I thank the gentleman for yielding.

After 20 years of being fully and fairly included in the surface transportation bills, what is being voted on today cuts funding to the smaller territories by \$10 million. And while I am glad our sister territory of Puerto Rico as well as the States and District of Columbia are level-funded, it just seems grossly unfair that only the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Marianas are singled out for cuts.

Why cut \$10 million? Or it could have been spread out across the entire bill and not raised a blip in the 50 States, the District, or Puerto Rico. But for us small economies, it's a big blow.

That being said, it could have been worse. This body would have made our funding discretionary and, therefore, not secure. So while I decry the cuts, I have to thank the Senate for hearing our pleas and keeping our funding in the trust fund.

After all of the time, though, that we have waited for even this 2-year, 3-month infrastructure and job-creating transportation bill and knowing the need to keep college affordable and reauthorize flood insurance, I cannot, in good conscience, oppose the bill before us today.

But what is being done to the territories is unfair and discriminatory. And since it makes so little difference in the overall bill, it seems deliberately and unnecessarily punitive to us loyal Americans who serve and shed our blood just like every other in the defense and love of this, our country. Fairness would demand that it be restored.

Mr. WEBSTER. I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased at this time to yield 5 minutes to the distinguished gentleman, my good friend from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this bill.

Mr. Speaker, there's no small amount of irony that we are having this discussion today. It's on the anniversary of President Eisenhower signing into law the National Defense Highway Act. This weekend will be the 150th anniversary of the Transcontinental Railroad Act, signed into law by Abraham Lincoln. There was an era when Republicans believed in infrastructure and development.

In fact, for most of our history, actually, infrastructure has not been partisan. It's been something that people on this House floor could come together to work on. There would be differences, to be sure. But for the 20 years that I've been involved with this issue, we've been working to broaden our view of how to make transportation work better, involve citizens, more flexibility, make the dollars stretch. This came crashing to a halt with this Congress.

Now the bill that's going to come before us, I will very reluctantly vote in favor of it in part because of what's not in it. Remember, our Republican colleagues tried to force through a bill which, for the first time in history, had never had bipartisan work that came out of the Transportation and Infrastructure Committee, that came out of Ways and Means. In fact, it never even had a full committee hearing, rush-to-work session. Mercifully, it collapsed before it came to the floor.

And one of the reasons I'll vote for this bill is because what the Republicans wanted has been rejected. Remember, they wanted to take away all the funding guarantees for transit. Working with the Senate, we were able to resist that effort. They wanted to gut environmental protections.

And while you're going to find that there are some problems with this legislation, at least it's not as bad as what our Republican colleagues wanted. They wanted to completely eliminate the guarantees for transportation enhancements, for bikes and pedestrians. They were even going to eliminate the wildly popular Safe Routes to School bill. Well, most of that has been retained, although they were successful in gutting the provisions, for some reason, for Safe Routes to School.

We have a bill that actually is a little higher in terms of the funding level than what the Republicans wanted, and it is at least going to be guaranteed for 2 years. It has some provisions that are important to those of us who have rural schools, Oregon among them. It's going to make a big difference. Putting this extraneous provision in is going to help. A little help in terms of student loans. And we worked in the finance title to be able to have the money come from something that's actually going to make it more likely that we stabilize some private pension programs.

So it's not without merit. There are important things here. But the main reason to vote for it is because we've been able, working with the Senate, to resist what the Republicans attempted to inflict on the House and the American people.

But make no mistake, it is not a bill to be proud of. As I mentioned, it dramatically reduces the funding for the transportation enhancements. There is no rail title. There will be reductions

in citizen opportunities for environmental protection and participation.

It is, sadly, a missed opportunity that didn't need to happen. They could have allowed the Senate bill, in its entirety, to be voted on, and I'm confident that would have passed. Or wonder of wonders, they actually could have worked, like we used to do, in a bipartisan fashion. The last transportation bill under Republican control passed with 412 votes.

Well, we've missed an opportunity. At precisely the time when America needs more investment in renewing and rebuilding, for transit, for roads, for rail, for water and sewer, there are a whole range of things that we should be coming together to work on.

I hope that the American public looks very closely at what was attempted here in the last 6 months, they look at what we managed to stagger through, and that it is a wake-up call for people to be engaged.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HASTINGS of Florida. I yield the gentleman an additional 30 seconds.

Mr. BLUMENAUER. I have worked for 5 years with a broad coalition of stakeholders that's not partisan, that are committed to working together on a vision for how we're going to rebuild and renew the country, how we're going to revitalize the economy, and how we make our communities more livable, our families safer, healthier, and more economically secure.

If we're able to use this flawed process and sadly inadequate bill as a springboard, maybe in some ways it will have been worth it.

Mr. WEBSTER. Mr. Speaker, I just want to remind everyone again, as I said in my opening remarks, this bill has no earmarks. Yes, we know how they did it in the past, with 6,000, 7,000, 8,000 earmarks, and certainly there would be a lot of support among individual Members if that were the case. This bill has no earmarks. It's good policy.

□ 0950

The Federal Government says: We know all. We know everything that's needed in every single community, and we can stamp out one of our famed cookie-cutter approaches to funding transportation, as we used to do, so that every single dollar has a little teeny category and every State is brought into spending within those little teeny categories.

Yes, we could have done that, but that's the old way of doing it. We did it a different way. We actually had a conference, no earmarks, and we gave States flexibility. We sent to the States the opportunity to decide. Did we take out any of those things that were mentioned? Absolutely not. They're all options. So every single dollar we send to the State, the State

has an opportunity to say, Maybe we don't want to do a sound barrier, whatever it is that's there. No, we can take the flexibility that's given to us, we can use it. We can use it to our benefit far better to build transportation from the ground up rather than to build it from the top down, Washington, D.C. cookie-cutter style.

I yield 2 minutes to the gentlelady from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. Mr. Speaker, I rise today to urge my colleagues today to support this bipartisan compromise to enact three of our top economic priorities.

Some people have said, Well, we don't like the bundling; we don't like putting three bills together. But I think this is the art of compromise, and this is the art of the possible. Because all three of these bills are very important to all of us, I think, and to have this bipartisan way to do this, I think this is the way that we should go.

I started out with the flood insurance bill. And before we even had a bill, we did a draft so that every group could look at it, so that every Member could look at it and be a part of it and to have what they thought was necessary or to talk about what they didn't think was necessary. So we came up with a bill that came out of my Financial Services Subcommittee by voice vote, but out of the Financial Services Committee last June, 54-0. And people said, How did that happen? Well, it happened because we got together and worked before we really just said, Vote for my bill. And I think it's so important that we do this and get back together to be able to work in a bipartisan way. The gentlelady from California was my cosponsor. And everybody joined together.

So I think it's really important. Actually, the student loan bill is also my bill. So I really care about what is going on this morning and that we can really get together and pass these. And the transportation bill is so important to all of us. Several of us in Illinois had real concerns about how the transit part of that bill was going to be in it and really wanted to do something like what the Senate had done and include that in the trust fund.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. WEBSTER. I yield the gentlewoman an additional 15 seconds.

Mrs. BIGGERT. So I really thank the gentleman, and I think that it took a lot of compromise on both sides of the aisle. But this agreement safeguards the things in all of the bills such as the suburban transit options and funds critical road and bridge projects. So it's been a long time, but I encourage my colleagues to look at the big picture and lend this agreement their strong support.

Mr. Speaker, I rise today to encourage my colleagues to support this bipartisan compromise to enact three of our top economic

priorities: an extension of lower student loan rates, reform of the National Flood Insurance Program (NFIP), and a long-term transportation bill.

All three face tight statutory deadlines. And this agreement gives us the momentum to get all three over the finish line.

Reforming the NFIP will restore financial security to the flood program, which yields savings for taxpayers and stability in the housing market.

And extending affordable loan rates for our students will ensure that our young graduates don't have to pay the price for gridlock in Washington. Already, half of recent graduates are either unemployed or underemployed, and now is not the time to burden them with more debt and higher education costs.

Both of these proposals began here in the House with legislation I sponsored. And both passed in the House with bipartisan support. Today, we can send them to the President alongside a third critical economic priority—a long-term transportation bill.

This agreement includes a two-year extension of federal transportation funding, avoiding the need for another short-term bill.

In my home State of Illinois, transportation managers need a long-term bill to invest in the road and rail projects that will keep commerce and traffic moving—not to mention create jobs.

Mr. Speaker, it took a lot of compromise—on both sides of the aisle—but this agreement safeguards suburban transit options and funds critical road and bridge projects.

It's been a long, tough fight, but I encourage my colleagues to look at the big picture and lend this agreement their strong support.

Mr. HASTINGS of Florida. Mr. Speaker, would you be kind enough to tell me the time remaining for both sides.

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) has 13½ minutes, and the gentleman from Florida (Mr. WEBSTER) has 18¾ minutes.

Mr. HASTINGS of Florida. Thank you very much, Mr. Speaker.

I am very pleased at this time to yield 4 minutes to my good friend, the distinguished gentlewoman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. Let me thank the distinguished gentleman from Florida for his courtesies and his friendship. We've known each other a long time, and his service has been one of great commendation, and the manager as well.

We've gathered here on the floor this morning, and I want to acknowledge that the legislative process is not always pretty, but there are lives embedded in this legislation today. And though I have concerns, I am more pointed toward this House doing things to improve the quality of life for Americans who stand by the wayside and the highways of despair waiting for us to provide jobs to improve the conditions of infrastructure and their lives.

Over the past 2 years, we have seen tornadoes. We've even seen an earthquake here in Washington, D.C. We've

seen hurricanes on the coastline where I come from in Texas. And in Florida, just recently, Hurricane Debby has pierced the infrastructure. Obviously, this legislation points to some of those needs.

As I stand here today, I do want to take note of a comment made by a person in the other body and suggest to Attorney General Holder: Do not resign. We have better things to do than to speak to a Cabinet officer who is a commended public servant. So I want to make sure that that does not occur.

But as I discuss this legislation, I think it is important to note several things. One, there are young people that are facing the uphill battle of getting a college education. Now we'll have a refuge. I held a town hall meeting, and to hear the stories of \$37,000, \$50,000, \$90,000 in debt that these young people have. And they are first and second year. They are sophomores and juniors. Or maybe the veteran who does not fall into the schedule of veterans benefits with college and that person has an enormous amount of debt.

And so I'm grateful that we have frozen that interest rate; and we should say loudly to the students who are now studying that America cares about them and this House will care about them.

Now, I am concerned. And I am reading language that indicates while there's been significant progress regarding MWBEs—and this bill has \$13 billion in it for surface transportation and highways—there is concern expressed in this report that we have not really met our goals to help small businesses and minority-owned businesses and women-owned businesses. And in actuality, they have an outreach goal of 10 percent. Do we realize that there are some that are receiving Federal funds that don't even meet that goal? And I'm going to cite Houston Metro, because I was proud to have this body provide \$900 million to Houston Metro; but I'm disappointed in their lack of commitment to MWBEs.

And so this is an important statement. As I read the language, it is adding women to this to create jobs. And we want to work together. We don't want to be fighting against each other. But we create jobs and we help small businesses. And that is crucial. Mass transit has been helped. But I want to note the jobs that President Obama and Democrats have been speaking of are now focused in this bill. Because as we begin to fix the crumbling infrastructure and the \$13 billion that we've committed to mass transit, the highways, to the construction of infrastructure and bridges that are crumbling and those that have now been the subject of tornadoes, as I indicated, of hurricanes, deteriorating infrastructure, it can now be revitalized and rebuilt.

So, Mr. Speaker, and to my colleagues, yes, I will be voting on this

conference report and acknowledge the work that has been done. But more importantly, Mr. Speaker, to acknowledge that legislation sometimes, when you have to pull things from people who are desperate, may not be a process that one says is the ordinary process. But I like the fact that ordinary people have done extraordinary things. And this is an extraordinary legislative initiative with its problems, but with \$13 billion going to the people of the United States and protecting our young people and doing the business of the American people, as opposed to other direction. I hope that we will move forward in serving the American people.

□ 1000

Mr. WEBSTER. Mr. Speaker, I reserve the balance of my time, and if I could ask the gentleman how many more speakers he has.

Mr. HASTINGS of Florida. Two more, possibly three, but we're moving rapidly.

I'm pleased to yield 2 minutes to my good friend and colleague, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. I thank my friend for yielding.

The seeds of this bipartisan agreement were sown in the other body 3 or 4 months ago; and, frankly, I wish these agreements had been brought to this floor a lot sooner. They would have done a lot more good, but I'm glad that these agreements are here today.

This is a bill that will help create jobs in the transportation sector. It's overdue. It's a bill that will help our real estate industry by resolving matters about the national flood insurance program. That is overdue. And it's a bill that will avoid a dramatic doubling of student loan interest rates on Sunday, which is long overdue, so it's worth supporting.

I want to commend the negotiators on both sides for another provision regarding pension law that helps offset and pay for the provisions in this bill because it, I believe, will represent a significant investment by businesses around the country in job creation and purchasing of equipment and capital goods.

Under the terms of the pension pay-for in this bill, American employers will have about \$28 billion for the next year to spend on something other than pension plan contributions. Now their pensions will be safe and secure, but this is \$28 billion that will be available to these companies—private money—to hire people, to buy equipment, to invest in their companies and to help their businesses grow. This is businesses as large as some of the major companies in our country and businesses that are quite small.

So one of the reasons to support this legislation is, in fact, it includes for

this year alone a \$28 billion opportunity for the private sector to help put Americans back to work. This is a good idea. It was advanced by both Republicans and Democrats in this body and the other body, and I hope that we receive a "yes" vote for it here today.

Mr. WEBSTER. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I'm very pleased at this time to yield 2 minutes to my good friend, the gentlewoman from California (Ms. RICHARDSON).

Ms. RICHARDSON. Mr. Speaker, I rise in support of the conference report on H.R. 4348, the Surface Transportation Extension Act, which provides funding for the Federal-aid highway program through fiscal year 2014 at current funding levels.

Among other things, the conference report makes key investments in our Nation's infrastructure critical to goods movement, which is specifically very important to me in my district, and the additional \$500 million that is there for projects of national and regional significance.

The conference report also calls for a national freight strategic plan, and it encourages States to develop State freight plans to incentivize those States to invest in freight projects, policies, and to make sure that we can make progress in that area that has long avoided us.

In recent days, some Members have come down and expressed a desire for the Federal Government to adopt a national freight policy. As a member of the Transportation Committee representing the 37th Congressional District, I represent a very transportation-intensive district, and that's why last March I introduced a bill, H.R. 1122, the Freight Focus Act. That particular legislation was supported very much across the aisle and included support of the American Association of Port Authorities, the American Trucking Association, Operating Engineers, and many more.

My Freight Focus Act was to establish an office of freight planning within the office of the new assistant secretary, and many of those ideas have been incorporated.

As we look forward at this bill, it certainly is not what we had hoped for. We had hoped for something more like a 5-year reauthorization. That would be helpful, but at this point, given our limitations, the key thing I would like to see us focus on is to ensure that there is a strong freight plan, and I look forward to working with my colleagues to make sure that's implemented.

Further, my legislation created a goods movement trust fund. That is something that is not addressed in this legislation but should be considered as we go forward.

As you can see, there are sound freight policies. I have been a leader of

that in working with Chairman MICA and others, and I look forward to us bringing forward not only this bill, but many more to come which will put Americans back to work.

Mr. WEBSTER. Mr. Speaker, I reserve the balance of my time to close.

Mr. HASTINGS of Florida. I yield myself the balance of my time to close.

Mr. Speaker, it's a shame that we are here today considering this hodgepodge measure. For too long, my Republican colleagues have used this House to further their partisan agenda rather than the interests of the Nation.

So it is no surprise that, once again, we are rushing to the floor to take care of business that should have been taken care of months ago. Time and again, when given the choice between reasonable, bipartisan measures and blatantly partisan policies, Republicans have chosen to pander to the extreme wing of their conference. They have passed bills they know will be dead on arrival in the Senate, pursued legislation with no hope of being signed into law, and attached controversial measures to otherwise innocuous matters.

While Republicans are busy playing politics, Americans have been wondering how they're going to get a job, put a roof over their heads, or afford to pay for college or food.

Though I'm glad these measures are finally being brought to the floor, our constituents deserve better. On this measure, 600 pages, the dead of night last night, five measures put together under one, and we received a CBO score just a few minutes ago. Most Members in this body don't have any idea what's in this bill or how much it costs.

This Republican tactic of saying "no" to everything is dragging down our Nation, slowing our recovery, and threatening the survival of important and necessary government programs. There's serious work to do here in the House of Representatives, and my and your constituents can't afford to sit around and watch this spectacle.

I yield back the balance of my time.

Mr. WEBSTER. Mr. Speaker, as I have said during previous debates on short-term transportation extensions, our national infrastructure is aging, stable construction jobs are lacking, unemployment lingers about 8 percent nationally and a little over 9 percent in Florida. Regrettably, that remains the case today, many short-term extensions later. However, unlike the past, the House and Senate have come together to offer a glimmer of certainty to try to address these problems.

A long-term, multiyear highway reauthorization is critical to rebuilding our Nation's infrastructure, reforming antiquated and inefficient transportation programs, strengthening our economy, and creating jobs. A long-term authorization also provides for certainty and stability necessary for

the transportation industry to contain costs through long-term planning.

This agreement, while not perfect, is long overdue. It will begin to chip away at the bloated bureaucracy which defines our Federal transportation system. It will create jobs and it will promote economic activity in our local communities, all without adding to the deficit. For these reasons, I ask my colleagues to join me in favor of this rule.

I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RAISING A QUESTION OF THE PRIVILEGES OF THE HOUSE

Ms. JACKSON LEE of Texas. Mr. Speaker, I now rise to a question of the privileges of the House and offer the resolution previously noticed.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 718

Whereas the chair of the Committee on Oversight and Government Reform has interfered with the work of an independent agency and pressured an administrative law judge of the National Labor Relations Board by compelling the production of documents related to an ongoing case, something independent experts said "could seriously undermine the authority of those charged with enforcing the nation's labor laws" and which the House Ethics Manual discourages by noting that "Federal courts have nullified administrative decisions on grounds of due process and fairness towards all of the parties when congressional interference with ongoing administrative proceedings may have unduly influenced the outcome";

Whereas the chair of the Committee on Oversight and Government Reform has politicized investigations by rolling back longstanding bipartisan precedents, including by authorizing subpoenas without the concurrence of the ranking member or a committee vote, by refusing to share documents and other information with the ranking member, and restricting the minority's right to call witnesses at hearings;

Whereas the chair of the Committee on Oversight and Government Reform has jeopardized an ongoing criminal investigation by publicly releasing documents that his own staff has admitted were under court seal;

Whereas the chair of the Committee on Oversight and Government Reform has unilaterally subpoenaed a witness who was expected to testify at an upcoming Federal trial, despite longstanding precedent and objections from the Department of Justice that such a step could cause complications at a

trial and potentially jeopardize a criminal conviction;

Whereas the chair of the Committee on Oversight and Government Reform has engaged in a witch hunt, through the use of repeated incorrect and uncorroborated statements in the committee's "Fast and Furious" investigation; and

Whereas the chair of the Committee on Oversight and Government Reform has chosen to call the Attorney General of the United States a liar on national television without corroborating evidence and has exhibited unprofessional behavior which could result in jeopardizing an ongoing Committee investigation into Operation Fast and Furious: Now, therefore, be it

Resolved, That the House of Representatives disapproves of the behavior of the chair for interfering with ongoing criminal investigations; insisting on a personal attack against the Attorney General of the United States; and for calling the Attorney General of the United States a liar on national television without corroborating evidence thereby discredit to the integrity of the House.

The SPEAKER pro tempore. The resolution presents a question of privilege.

MOTION TO TABLE

Mr. WEBSTER. Mr. Speaker, I move to lay the resolution on the table.

The SPEAKER pro tempore. The question is on the motion to table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. JACKSON LEE of Texas. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on the motion to table will be followed by a 5-minute vote on the adoption of House Resolution 717.

The vote was taken by electronic device, and there were—yeas 259, nays 161, not voting 12, as follows:

[Roll No. 443]

YEAS—259

Adams	Burgess	Duffy
Aderholt	Burton (IN)	Duncan (SC)
Alexander	Calvert	Duncan (TN)
Altmire	Camp	Ellmers
Amash	Campbell	Emerson
Amodel	Canseco	Farenthold
Austria	Cantor	Fincher
Bachmann	Capito	Fitzpatrick
Bachus	Cardoza	Flake
Barletta	Carter	Fleischmann
Barrow	Cassidy	Fleming
Bartlett	Chabot	Flores
Bass (NH)	Chaffetz	Forbes
Benishke	Chandler	Fox
Berg	Coble	Franks (AZ)
Biggart	Coffman (CO)	Frelinghuysen
Billray	Cole	Galleghy
Billirakis	Conaway	Gardner
Bishop (UT)	Costa	Garrett
Black	Cravaack	Gerlach
Blackburn	Crawford	Gibbs
Bonner	Crenshaw	Gibson
Bono Mack	Critz	Gingrey (GA)
Boren	Culberson	Gohmert
Boswell	Davis (KY)	Goodlatte
Boustany	Denham	Gosar
Brady (TX)	Dent	Gowdy
Brooks	DesJarlais	Granger
Broun (GA)	Diaz-Balart	Graves (GA)
Buchanan	Dold	Graves (MO)
Bucshon	Donnelly (IN)	Griffin (AR)
Buerkle	Dreier	Griffith (VA)

Grimm	McCarthy (CA)	Roskam
Guinta	McCaul	Ross (AR)
Guthrie	McClintock	Ross (FL)
Hall	McCotter	Royce
Hanna	McHenry	Runyan
Harper	McIntyre	Ryan (WI)
Harris	McKeon	Salise
Hartzler	McKinley	Schilling
Hastings (WA)	McMorris	Schmidt
Hayworth	Rodgers	Schock
Heck	Meehan	Schrader
Hensarling	Mica	Schweikert
Herger	Michaud	Scott (SC)
Herrera Beutler	Miller (FL)	Scott (VA)
Hochul	Miller (MI)	Scott, Austin
Huelskamp	Miller, Gary	Sensenbrenner
Huizenga (MI)	Mulvaney	Sessions
Hultgren	Murphy (PA)	Shimkus
Hunter	Myrick	Shuler
Hurt	Neugebauer	Shuster
Issa	Noem	Simpson
Jenkins	Nugent	Smith (NE)
Johnson (IL)	Nunes	Smith (NJ)
Johnson (OH)	Nunnelee	Smith (TX)
Johnson, Sam	Olson	Southerland
Jones	Owens	Stearns
Jordan	Palazzo	Stivers
Kelly	Paul	Stutzman
Kind	Paulsen	Sullivan
King (IA)	Pearce	Terry
King (NY)	Pence	Thompson (PA)
Kingston	Peterson	Thornberry
Kinzinger (IL)	Petri	Tiberi
Kissell	Pitts	Tipton
Kline	Poe (TX)	Turner (NY)
Kucinich	Pompeo	Turner (OH)
Labrador	Posney	Upton
Lance	Price (GA)	Walberg
Landry	Quayle	Walden
Lankford	Reed	Walsh (IL)
Latham	Rehberg	Walz (MN)
LaTourette	Reichert	Watt
Latta	Renacci	Webster
LoBiondo	Ribble	West
Long	Rigell	Westmoreland
Lucas	Rivera	Whitfield
Luetkemeyer	Roby	Wilson (SC)
Lummis	Roe (TN)	Wittman
Lungren, Daniel	Rogers (AL)	Wolf
E.	Rogers (KY)	Womack
Mack	Rogers (MI)	Woodall
Manzullo	Rohrabacher	Yoder
Marchant	Rokita	Young (AK)
Marino	Rooney	Young (FL)
Matheson	Ros-Lehtinen	Young (IN)

NAYS—161

Ackerman	DeFazio	Johnson (GA)
Andrews	DeGette	Kaptur
Baca	DeLauro	Keating
Baldwin	Deutch	Kildee
Barber	Dicks	Langevin
Bass (CA)	Dingell	Larsen (WA)
Becerra	Doggett	Larson (CT)
Berkley	Doyle	Lee (CA)
Berman	Edwards	Levin
Bishop (GA)	Ellison	Lewis (GA)
Bishop (NY)	Engel	Lipinski
Blumenauer	Eshoo	Loeback
Bonamici	Farr	Lofgren, Zoe
Brady (PA)	Fattah	Lowe
Braley (IA)	Frank (MA)	Lujan
Brown (FL)	Fudge	Lynch
Butterfield	Garamendi	Maloney
Capps	Gonzalez	Markey
Capuano	Green, Al	Matsui
Carnahan	Green, Gene	McCarthy (NY)
Carney	Grijalva	McCollum
Carson (IN)	Gutierrez	McDermott
Castor (FL)	Hahn	McGovern
Chu	Hanabusa	McNerney
Cicilline	Hastings (FL)	Meeks
Clarke (MI)	Heinrich	Miller (NC)
Clarke (NY)	Higgins	Miller, George
Clay	Himes	Moore
Cleaver	Hinche	Moran
Cohen	Hinojosa	Murphy (CT)
Connolly (VA)	Hirono	Nadler
Cooper	Holden	Napolitano
Costello	Holt	Neal
Courtney	Honda	Oliver
Cuellar	Hoyer	Pallone
Cummings	Israel	Pascrell
Davis (CA)	Jackson Lee	Pastor (AZ)
Davis (IL)	(TX)	Pelosi

Perlmutter	Sánchez, Linda	Thompson (CA)
Peters	T.	Thompson (MS)
Pingree (ME)	Sanchez, Loretta	Tierney
Polis	Sarbanes	Tonko
Price (NC)	Schakowsky	Towns
Quigley	Schiff	Tsongas
Rahall	Schwartz	Van Hollen
Rangel	Scott, David	Velázquez
Reyes	Serrano	Visclosky
Richardson	Sewell	Wasserman
Richmond	Sherman	Schultz
Sires	Slaughter	Waters
Rothman (NJ)	Smith (WA)	Waxman
Roybal-Allard	Speler	Welch
Ruppersberger	Stark	Wilson (FL)
Rush	Sutton	Woolsey
Ryan (OH)		Yarmuth

NOT VOTING—12

Akin	Crowley	Johnson, E. B.
Barton (TX)	Filner	Lamborn
Clyburn	Fortenberry	Lewis (CA)
Conyers	Jackson (IL)	Platts

□ 1035

Messrs. ELLISON and WELCH changed their vote from "yea" to "nay."

Messrs. CHAFFETZ, DUNCAN of Tennessee, MCKINLEY, KIND, ALTMIRE, COSTA, Mrs. LUMMIS, Mr. SCOTT of Virginia, Ms. HOCHUL, and Messrs. NUGENT and NUNNELEE changed their vote from "nay" to "yea."

So the motion to table was agreed to. The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 443, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "nay."

PROVIDING FOR CONSIDERATION OF H.R. 5856, DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2013; PROVIDING FOR CONSIDERATION OF H.R. 6020, FINANCIAL SERVICES AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 2013; AND PROVIDING FOR CONSIDERATION OF CONFERENCE REPORT ON H.R. 4348, MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 717) providing for consideration of the bill (H.R. 5856) making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes; providing for consideration of the bill (H.R. 6020) making appropriations for financial services and general government for the fiscal year ending September 30, 2013, and for other purposes; and providing for consideration of the conference report to accompany the bill (H.R. 4348) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, and for

other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 244, nays 176, not voting 12, as follows:

[Roll No. 444]

YEAS—244

Adams	Gibson	Neugebauer
Aderholt	Gingrey (GA)	Noem
Alexander	Goodlatte	Nugent
Amash	Gosar	Nunes
Amodei	Gowdy	Nunnelee
Austria	Granger	Olson
Bachmann	Graves (GA)	Owens
Bachus	Graves (MO)	Palazzo
Barletta	Griffin (AR)	Paul
Bartlett	Griffith (VA)	Paulsen
Bass (NH)	Grimm	Pearce
Benishkek	Guinta	Pence
Berg	Guthrie	Perlmutter
Biggert	Hall	Petri
Bilbray	Hanna	Pitts
Billirakis	Harper	Poe (TX)
Bishop (UT)	Hartzler	Pompeo
Black	Hastings (WA)	Price (GA)
Blackburn	Hayworth	Quayle
Bonner	Heck	Reed
Bono Mack	Hensarling	Rehberg
Boustany	Herger	Reichert
Brady (TX)	Herrera Beutler	Renacci
Brooks	Huelskamp	Ribble
Broun (GA)	Huizenga (MI)	Richardson
Buchanan	Hultgren	Rigell
Bucshon	Hunter	Rivera
Buerkle	Hurt	Roby
Burgess	Issa	Roe (TN)
Burton (IN)	Jenkins	Rogers (AL)
Calvert	Johnson (IL)	Rogers (KY)
Camp	Johnson (OH)	Rogers (MI)
Campbell	Johnson, Sam	Rohrabacher
Canseco	Jones	Rokita
Cantor	Jordan	Rooney
Capito	Kelly	Ros-Lehtinen
Carter	King (IA)	Roskam
Cassidy	King (NY)	Ross (AR)
Chabot	Kingston	Ross (FL)
Chaffetz	Kinzinger (IL)	Royce
Chandler	Kissell	Runyan
Coble	Kline	Ryan (WI)
Coffman (CO)	Labrador	Scalise
Cole	Lance	Schilling
Conaway	Landry	Schmidt
Cravaack	Lankford	Schock
Crawford	Latham	Schrader
Crenshaw	LaTourette	Schweikert
Culberson	Latta	Scott (SC)
Davis (KY)	LoBiondo	Scott, Austin
Denham	Long	Sensenbrenner
Dent	Lucas	Sessions
DesJarlais	Luetkemeyer	Shimkus
Diaz-Balart	Lummis	Shuler
Dold	Lungren, Daniel	Shuster
Donnelly (IN)	E.	Simpson
Dreier	Mack	Smith (NE)
Duffy	Manzullo	Smith (NJ)
Duncan (SC)	Marchant	Smith (TX)
Duncan (TN)	Marino	Southerland
Ellmers	Matheson	Stearns
Emerson	McCarthy (CA)	Stivers
Farenthold	McCaul	Stutzman
Fincher	McCotter	Sullivan
Fitzpatrick	McHenry	Terry
Flake	McIntyre	Thompson (PA)
Fleischmann	McKeon	Thornberry
Fleming	McKinley	Tiberi
Flores	McMorris	Tipton
Forbes	Rodgers	Turner (NY)
Fortenberry	Meehan	Turner (OH)
Fox	Meeke	Upton
Franks (AZ)	Mica	Walberg
Frelinghuysen	Miller (FL)	Walden
Gallegly	Miller (MI)	Walsh (IL)
Gardner	Miller, Gary	Webster
Garrett	Mulvaney	West
Gerlach	Murphy (PA)	Westmoreland
Gibbs	Myrick	Whitfield

Wilson (SC)
Wittman
Wolf

Womack
Woodall
Yoder

Young (AK)
Young (FL)
Young (IN)

NAYS—176

Ackerman	Frank (MA)
Altmire	Fudge
Andrews	Garamendi
Baca	Gonzalez
Baldwin	Green, Al
Barber	Green, Gene
Barrow	Grijalva
Bass (CA)	Gutierrez
Becerra	Hahn
Berkley	Hanabusa
Berman	Hastings (FL)
Bishop (GA)	Heinrich
Bishop (NY)	Higgins
Blumenauer	Himes
Bonamici	Hinchey
Boren	Hinojosa
Boswell	Hirono
Brady (PA)	Hochul
Braley (IA)	Holden
Brown (FL)	Holt
Butterfield	Honda
Capps	Hoyer
Capuano	Israel
Cardoza	Jackson Lee
Carnahan	(TX)
Carney	Johnson (GA)
Carson (IN)	Kaptur
Castor (FL)	Keating
Chu	Kildee
Cicilline	Kind
Clarke (MI)	Kucinich
Clarke (NY)	Langevin
Clay	Larsen (WA)
Cleaver	Larson (CT)
Cohen	Lee (CA)
Connolly (VA)	Levin
Cooper	Lewis (GA)
Costa	Lipinski
Costello	Loebsock
Courtney	Lofgren, Zoe
Critz	Lowe
Crowley	Lujan
Cuellar	Lynch
Cummings	Maloney
Cummings	Markey
Davis (CA)	Matsui
Davis (IL)	McCarthy (NY)
DeFazio	McClintock
DeGette	McCollum
DeLauro	McDermott
Deutch	McGovern
Dicks	McNerney
Dingell	Michaud
Doggett	Miller (NC)
Doyle	Miller, George
Edwards	Moore
Ellison	Moran
Engel	Murphy (CT)
Eshoo	Nadler
Farr	Napolitano
Fattah	

NOT VOTING—12

Akin	Filner	Johnson, E. B.
Barton (TX)	Gohmert	Lamborn
Clyburn	Harris	Lewis (CA)
Conyers	Jackson (IL)	Platts

□ 1043

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 444, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on rollcall No. 443 and 444, I was delayed and unable to vote. Had I been present I would have voted “yea” on rollcall No. 443, and “yea” on rollcall No. 444.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, on June 29, 2012, I regret that I was not present to vote on the Motion to Table the Jackson Lee Privileged Resolution and H. Res. 717.

Had I been present, I would have voted “nay” on both bills.

CONFERENCE REPORT ON H.R. 4348, MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

Mr. MICA. Mr. Speaker, pursuant to House Resolution 717, I call up the conference report on the bill (H.R. 4348) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 717, the conference report is considered read.

(For conference report and statement, see proceedings of the House of June 28, 2011, at page 10527.)

The SPEAKER pro tempore. The gentleman from Florida (Mr. MICA) and the gentleman from West Virginia (Mr. RAHALL) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on the conference report to accompany H.R. 4348.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MICA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and my colleagues, it has indeed been a very bumpy road to get to this point where we could pass a transportation bill.

First, I have to thank my colleagues. I want to particularly thank the Speaker of the House of Representatives who stuck by me, who insisted that we pass this legislation that we worked on together in the best interest of the people of the United States, particularly in a time when people have lost their jobs, particularly at a time where the construction industry is at its lowest point in probably our history, and particularly at a time when it's important for Congress to act, not just to talk about problems that we have, but to get things done in the best interest of the people of the United States.

□ 1050

So I want to thank first the Speaker. I want to thank my colleagues who participated. I want to thank the staff who have been up almost nonstop for 2

weeks day and night trying to help wrap this up.

I'm not particularly pleased with some of the twists and turns. Let me say, first of all, my predecessor Mr. Oberstar, I regret that he was not able to achieve what we've achieved. He was undermined, unfortunately, by this administration to pass a bill. I tried to help him to pass a bill, not for partisan reasons or political reasons, but, again, for the people that we represent and trying to get this country, the economy moving forward. They had to pass six extensions. I was forced to pass three. But we're here today because so many people worked so hard.

One of the funniest things that happened to me during the passage of this bill—and you know that people have been kind of tough on me during this process—is I came to the floor one morning after a particularly tough time, and a staffer looked at me and he said, Mr. MICA, your shirt is awfully clean. He looked at my shirt, opened my coat, and he said, Your shirt is awfully clean.

I said, What do you mean?

He said, For someone that's been thrown under the bus so many times, you don't have many tire tracks on you.

One of the light moments in this process.

But you know what you have to do is, when they throw you under the bus, you get up, you right yourself, you dust yourself off, and then you gain even more determination to win and get the job done. And that's what we're doing today.

Today we're passing a bill, again, that the other side couldn't pass when they had complete control of the White House, the Senate, and the House of Representatives. We're passing this today, ironically, in the week that they passed the first transportation bill in Congress, and it was signed into law back in June of 1956.

This isn't the bill that exactly I would like, but this is a bill that, first of all, has the most historic reforms in the Federal participation in transportation programs in its history, since its adoption back in 1956. Those reforms are included, and there is a dramatic change in consolidation of some of the programs that mushroomed. Government mushrooms. Nobody does anything about reining in the size of government. This bill does something about that.

This bill takes the plea that we've heard from Beckley, West Virginia, to the west coast, from sea to shining sea in an unprecedented number of hearings across the country. And people said the whole paperwork process, red tape of Federal Government involved in transportation projects has to be changed. And we change it here for the first time historically, dramatically reducing the time that it takes to permit

and go forward with a project, dramatically reducing the cost, dramatically reducing the mandates, increasing the flexibility for local government. So we have a streamlining process, unprecedented.

Now, this wasn't easy to do because my previous chairmen—and one of them that, at least, is here—they had a little thing called earmarks. In fact, the last bill had 6,300 earmarks. And you see, my hands are behind my back. I don't have them tied, but I didn't have the ability to pass out earmarks and the other little goodies in this bill. Instead, we had to focus on policy. And this is good policy. This is good policy for transportation safety. This is good policy for, again, reforms, and it's good policy for moving forward projects across the country and putting people to work.

"Shovel-ready" will no longer be a joke. The administration, when they tried the stimulus dollars to throw that money out there, 35 percent was left in the Federal Treasury 2½ years after we passed the bill because "shovel-ready" even made the President and others cringe at the thought of how Federal red tape and paperwork stops projects in their progress.

So those are some of the reforms.

I'm grateful, again, for all that helped us move in a positive bipartisan direction.

I want to compliment Senator BOXER. She and I are probably like oil and water when it comes to political philosophy, but we joined together, like everyone should do, to get the people's work done and to get people working in the United States and pass this long overdue legislation.

I reserve the balance of my time.

Mr. RAHALL. Mr. Speaker, I yield myself such time as I may consume.

As with health care in the aftermath of yesterday's landmark Supreme Court decision, it's now time to move forward and put the divisiveness which has plagued the enactment of a surface transportation reauthorization bill for the first time in decades behind us and coalesce in support of the pending conference agreement.

This bill makes a sound investment in America. Fifty-six years ago, a Democratic Congress and a Republican President came together. And on this day in 1956, President Dwight D. Eisenhower signed into law the Federal-Aid Highway Act, which established the interstate system of highways. This historic piece of legislation created a transportation system in this country that awed the world. Yet in recent decades, our roads, bridges, trains, and transit systems have slipped into decline because we have failed to make the necessary investments to improve the condition and performance of this network.

The pending legislation will not completely reverse the course of this de-

cline, but, at the very least, States will see no reduction in the infrastructure investment funding that they desperately need to tackle crumbling roadways, deficient bridges, and to secure rail-highway grade crossings.

The States and transportation contractors will have the ability to count on a stable source of funding through fiscal year 2014, sustaining and creating jobs, and enhancing the mobility and safety of American motorists.

Critical investments in transit will continue, reducing traffic congestion. And alternative means of transportation will continue to be a valued enterprise in which to invest, increasing the quality of life and the health of the American people.

To be sure, there are some glaring shortcomings:

The transit privatization provisions threaten service, not enhance it;

The environmental streamlining provisions shortchange public input and could very well lead to greater delays in project delivery;

The Buy America provision is lethargic compared to the bold and decisive strokes that I advocated;

The mandate to install black boxes on commercial motor vehicles will come at great cost to struggling independent business people, without any proven safety benefits; and

There's an ill-advised provision that has no business in this legislation, which harms our maritime industry by weakening our cargo preference laws.

When all is said and done, though, this bill is what it is.

As with so much legislation in this body, this conference agreement—this one, in particular—means jobs, and it means that we will not have further layoffs. It means that we will continue to move our economy.

And when all is said and done, I will choose to vote for American jobs any day.

Mr. Speaker, before reserving the balance of my time, I ask unanimous consent that time on this side be temporarily managed by Mr. DEFazio of Oregon.

The SPEAKER pro tempore. Without objection, the gentleman from Oregon will control the time.

There was no objection.

Mr. RAHALL. I reserve the balance of my time.

Mr. MICA. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN), who does a wonderful job chairing and leading the Highways Subcommittee.

Mr. DUNCAN of Tennessee. Mr. Speaker, I rise in support of the conference report on H.R. 4348, the surface transportation reauthorization bill of 2012.

I first want to salute Chairman MICA for the tremendous job he has done in bringing this bill to the floor today, and I want to thank him for allowing

me to serve as chairman of the Highways and Transit Subcommittee. This monumental reform package will be considered the signature jobs bill of the 112th Congress, and I am pleased to have been a conferee on the negotiations of the conference report.

States will have over 2 years of funding certainty with no tax increases. By providing long-term funding stability to States, major projects will be able to move forward to help create jobs and make much-needed repairs to our Nation's critical transportation infrastructure. These are jobs, Mr. Speaker, that will not be outsourced to China or elsewhere.

Traffic congestion costs the U.S. economy over \$100 billion a year, approximately. With congestion expected to increase over the next decade and beyond, the job creation from this bill will help reduce congestion costs and boost the economy.

This conference report contains no earmarks.

□ 1100

Funding is distributed based on formulas which go directly to State Departments of Transportation, which will prioritize the highway and transit projects that are the most needed and most important in their State.

The number of Federal programs has been greatly reduced, which will give the States greater flexibility on how they spend their limited Federal resources. The conference report doubles the funding for the Highway Safety Improvement Program, which gives States resources for improvements to dangerous and unsafe sections on our Nation's highways and will save lives. A more robust Highway Safety Improvement Program will help continue the downward trend of highway fatalities and serious injuries that we have seen in the last several years.

The House included several streamlining provisions that will have a dramatic effect on the project delivery process. Federal agencies will be given deadlines to review burdensome environmental requirements, and it requires concurrent instead of consecutive project reviews. Projects that are in the footprint of an existing highway will not be required to go through this process. According to the last study of the Federal Highway Administration, the project delivery process can take up to 15 years from conception to completion. This is government at its worst. These reforms will help cut project delivery times in half and save taxpayers a great deal of money.

The Senate bill also includes a wide spectrum of additional government bureaucracy and red tape for small business that would have severely hurt their bottom line. We were successful in removing most of these over-burdened regulations.

This, Madam Speaker, is the most conservative highway bill ever, both

from a fiscal standpoint and from a policy standpoint. I would especially like to praise the staff that has worked so hard, led by Jim Tymon, one of the most competent and capable people this Congress has ever had, from a staff standpoint.

I look forward to passing this reform bill and putting Americans back to work, and I urge passage of this bill.

Mr. DEFAZIO. I yield myself 2 minutes.

This is 27 months of certainty for the States. That's good. They'll be able to plan major projects. That will mean there will be some equipment acquisitions by contractors and others, unlike the short-term miniscule amount of money spent during the so-called "stimulus" bill, which I opposed. That's good. But this is not enough.

Ten years ago, the United States of America was rated as having the fifth-best transportation infrastructure in the world. Not great, but not that bad. Today, we are 25th in the world. Most Third World countries are spending a much larger percentage of their gross domestic product on transportation infrastructure than we are.

The Eisenhower legacy is crumbling. We have 150,000 bridges that need repair or replacement. Forty percent of the pavement on the national highway system needs to be totally redone, not just surfaced. And we have a \$70 billion backlog in transit, and we have Buy America rules, which guarantee that all the products that go into those jobs, that investment we need, would be kept here at home. So we did not get to that point with this bill.

This is essentially a little decline from what we just spent last year on transportation infrastructure. And what we spent last year, according to two blue ribbon panels commissioned during the Bush administration, is about half of what we need to begin to bring this up to a world-class system to compete with the rest of the world and deal with the deficiencies. Build a 21st century transportation system. This money in this bill for 27 months will be enough to put a few more Band-Aids on the 20th century, and the 19th century infrastructure, in some places, that we're still utilizing.

There are good things. It builds on the ideas that Chairman Oberstar and I offered 2 years ago to dramatically consolidate the bureaucracy downtown at the Department of Transportation. We don't need to be spending money on 106 different programs that are so complicated that no one knows how to apply, and how to apply the rules, and all that. That's good. We're going to consolidate that. It does some streamlining so projects will get done more quickly.

There are a number of salutary aspects of this bill. But we need to do better by the American people the next time we address that issue.

The SPEAKER pro tempore (Mrs. EMERSON). Without objection, the gentleman from Tennessee (Mr. DUNCAN) will control the time.

There was no objection.

Mr. DUNCAN of Tennessee. Madam Speaker, I yield 2 minutes to a former chairman of our committee, a great Member of this body, the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Madam Speaker, Members of this body, I want to congratulate the staff, primarily. We mentioned some of them before. The work that they put in this bill is awesome, when they're dealing with the dark side. And you did such a good job of getting things done that we tried to get done in H.R. 7.

I will agree with the gentleman from Oregon about the future and what we have not done in this body because the public still does not believe we need to do what should be done, and that is to pay for the infrastructure through a system that's fair to everyone and quit thinking there's a magic wand to get this job done to build our infrastructure as it should be. We are declining each year.

I would like to thank the chairman also, Mr. MICA. He's absolutely right. When I was chairman, we had a \$289 billion, 5-year bill. It's been in place now 8 years. And I'm quite proud of TEA-LU. But the chairman was, yes, with his hands tied, because we did not and have not in the Congress retained what I think is a constitutional right of every Congressman: direct money in directions that they know best, without costing the budget one dime. Now we've transferred this money to the State Departments of Transportation, and I think that's really a wrong way to do it, because they're not elected. They don't know what's best for a State.

But Mr. MICA did an outstanding job. Mr. DUNCAN did an outstanding job. And the staff did an outstanding job to make really a small silk purse out of a sow's ear. But now we have to go forth and do another legislative bill in the very near future and explain it to the public: you don't like those potholes, you don't like that wobbly bridge, then you better support the concept of a user's fee or some way to raise the money, because you won't take it out of the general fund.

We have to do this for America if you want a sound economy. Our economy is based upon energy and the ability to move product to and from. If you don't do that, you don't have the America I know.

Mr. DEFAZIO. I yield 1 minute to the gentleman from Iowa (Mr. BOSWELL).

Mr. BOSWELL. I would just like to give my appreciation to you, Mr. Chairman, to Mr. RAHALL, and to you, PETER, and everybody that's worked so hard on this.

Just one comment. We're moving forward. We're going to have jobs. We've

done the right thing. It's a good first step. We've got more to do, as was just said. Everybody gives up something.

We've got this control box, if you want to call it, the black box; the recorder that's going to be in all trucks. The Mexican trucks get theirs paid for.

This happens to be a commercial driver's license. I don't know how many of you have got one, but if you want to see one, come look at it sometime. It's a little doing to get one. Owner-operators have to pay for their own. They're making \$50,000, \$60,000 a year if they're doing a good operation. That's prevalent in trucks running across this country. They're doing a good job. They're keeping commerce moving. We ought to just keep in mind we ought to give those middle class, hardworking, patriotic Americans the consideration they deserve.

But I'm glad we got the bill. I will go out there and work with all of you to try to get it better and get more done, but we've got a good first step.

Mr. DEFAZIO. I ask unanimous consent that the gentleman from West Virginia (Mr. RAHALL) be permitted to control the balance of the time.

The SPEAKER pro tempore. Without objection, the gentleman from West Virginia will control the time.

There was no objection.

Mr. MICA. Madam Speaker, I am pleased to yield 3 minutes to the distinguished chair of the Science, Space and Technology Committee, the gentleman from Texas (Mr. HALL).

Mr. HALL of Texas. Madam Speaker, I, of course, rise in support of the conference report accompanying H.R. 4348, a bicameral effort that provides States flexibility and eliminates duplication of effort. I want to thank Chairman MICA for his leadership in this conference and for his outstanding work in negotiating a strong surface transportation reauthorization. The conferees' commitment to reforming Federal surface transportation programs has ensured hardworking taxpayers' dollars are being used more effectively and efficiently.

□ 1110

Chairman MICA actually visited most areas of this country. At a time when we were at home in our districts, he could have been at his home in his district, but he was seeking to empower a bill that sought the greatest good for the greatest number. He worked hard at it. I don't believe in my 32 years here I've ever seen a chairman work so hard to get a bill that was very difficult to start with.

At the outset of the conference, many of us committed to ensuring that surface transportation and restoration funding is used for its intended purpose. As chairman of the House Committee on Science, Space and Technology, I'm pleased that the transportation research programs in the reau-

thorization are focused on enhancing safety, reducing congestion, and improving quality in the transportation system.

The reauthorization before us provides, among other things, greater flexibility to keep research programs focused, and eliminates a number of unnecessary programs.

The inclusion of language contained in the RESTORE Act illustrates our commitment to the revitalization of those areas harmed by the Deepwater Horizon oil spill. The addition of certain transparency requirements and the ability for the gulf States to dedicate funding to research and development and undertaking projects and programs using the best available science ensure the area most impacted will benefit.

I would also like to thank my colleague from Science, Space, and Technology, Mr. CRAVAACK. He worked hard to protect the interest of his constituents in Minnesota, and he was committed to ensuring that we come away with a strong research title. I believe we've done that.

Finally, I'd like to thank the Speaker for the opportunity to work with the Senate to complete a conference report that will provide more certainty to the States and the localities for infrastructure planning purposes.

I believe this bill helps to create jobs for the American people, which is vital in this troubled economy.

Mr. RAHALL. Madam Speaker, I'm happy to yield 2 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER), the ranking member of the Education and Workforce Committee, who has jurisdiction over the student loan section of this conference agreement.

Mr. GEORGE MILLER of California. Madam Speaker, I rise today in support of this conference agreement.

Without it, transportation projects would dry up, countless American workers would be thrown out of work, and a college education would cost an additional \$1,000 for more than 7 million students and their families.

The benefits of this legislation for millions of Americans will be felt immediately. In my home State of California, this legislation will save or create nearly 180,000 construction jobs rebuilding our highways and bridges and bike paths; and it will save 570,000 California students from going deeper into debt this next academic year. With this conference report, 7 million students across this country will get another year of interest rate relief as they take out their student loans for the coming college year. More than 4.5 million of those will be women, more than 1.5 million of those will be African American, nearly 1 million are Hispanic students, all who are struggling to stay in college. This interest rate relief that we are providing today will help them.

What is happening today, though, is a rare thing in this Congress. It's a victory for college students. It's a victory for low-income families. It's a victory for the middle class. It's a victory that should not be as rare as it is in the Congress today. The American people should thank this win, and we should make sure that we continue to cooperate in this Congress. And we should also make sure that we heed the words of Mr. YOUNG and Mr. DEFAZIO that we have to do more on our infrastructure to make this country a first-rate country going forward in the future.

Thank you very much for yielding me this time, Mr. RAHALL, and for all of your work on this legislation.

Mr. MICA. Madam Speaker, I'm pleased to yield 2 minutes to the gentleman from Alabama (Mr. BACHUS), the distinguished chair of the Financial Services Committee.

Mr. BACHUS. Madam Speaker, first let me commend Chairman MICA on behalf of this Congress and the American people for the fine work that you and your committee have done on this bill. We'll build more roads with less money and cut through red tape and expedite projects.

I also want to associate myself with the words of DON YOUNG, our former chairman, and of Mr. MILLER from California. You cannot have—the leading country in the world cannot have a Third World infrastructure. And unless we find new funding sources, we will continue to fall behind, and we will continue to have those potholes and bottlenecks.

Now, I want to move to the National Flood Insurance program which is a part of this bill. It also is a win for the American people. This House over a year ago approved comprehensive flood insurance, risk based, that would reduce the cost and bring many benefits to the program. Last week, the Senate sent us a bill which is essentially the bill we sent them over a year ago. It's a bipartisan bill. It was a lot of hard work and input from Members. We passed it overwhelmingly in the Financial Services Committee and overwhelmingly on the floor of this House. I would like to commend Chairwoman BIGGERT for her fine work. Her name is on this bill, and there's a reason for that. She worked harder than anyone in this Congress to deliver a good bill. It's a 5-year bill, and it will begin to make up for the deficit of \$17.5 billion that this program has as a result of those hurricanes back in 2005.

I would like to commend the Illinois delegation and the California delegation under Mr. SHIMKUS and Mr. COSTA who, sadly, is retiring this year. This bill takes care to balance costs and communities that use their own funds. I urge Members to pass this bill. It's a good bill. It includes many good provisions, and I'm proud to say that the Financial Services Committee and its

members have been a part of this effort.

As the legislation to reauthorize and reform the National Flood Insurance Program heads to the President's desk, I would like to acknowledge the time, effort, and wisdom that four members of the Financial Services Committee staff provided to create this positive outcome. These staff members were able to reconcile the differences between the House and Senate bills—working through a host of complex, highly technical issues—in less than one week. The efforts of Clinton Jones, Tallman Johnson, Ed Skala, and Nicole Austin helped all of us to achieve this very beneficial outcome for the American taxpayer, and I thank them for their service to the U.S. House of Representatives.

Madam Speaker, first I want to commend Transportation Committee Chairman MICA, Subcommittee Chairman DUNCAN, Ranking Member RAHALL and others for their hard work on the needed transportation and infrastructure improvements in this bill.

I also want to take the time to comment on provisions in this bill regarding reauthorization and reform of the National Flood Insurance Program (NFIP).

Today we're doing something we haven't done since 2004: provide a long-term reauthorization with meaningful reforms for the National Flood Insurance Program. Since September 2008, the NFIP has been extended 17 times and the program has lapsed four times during that same time period, creating needless uncertainty in the residential and commercial real estate sectors in communities across the country.

Over a year ago the Financial Services Committee and then the House, in a bipartisan display of cooperation, overwhelmingly passed a five-year flood insurance bill with comprehensive reforms and savings for the taxpayers. This week the Senate approved our legislation.

This bipartisan bill represents the hard work and input of many members, and I especially want to thank Housing Subcommittee Chairwoman BIGGERT for her leadership in getting us to this point.

This bill takes great care to balance the need to make the NFIP more actuarially sound with the need to recognize the hard work and difficult decisions many communities are making to build or rehabilitate their dams and levees. I particularly want to thank Mr. SHIMKUS for working with us to address those concerns in a responsible way.

Many of us have been calling for fundamental reforms of the NFIP for several years. The hurricanes of 2005 led to massive flooding and overwhelmed the program, which now carries a debt to the Treasury of \$17.5 billion as a result.

The NFIP is facing serious financial challenges and cannot afford to continue on its current trajectory, which is why today's bill is vital. The reforms in this bill end the decades-old subsidies for about 355,000 policyholders and reduce the program's need to borrow additional funds from the Treasury, which will help reduce the program's shortfall and protect American taxpayers.

Congress has a responsibility to ensure that the taxpayers are not left holding the bag. This

bill puts us on the path to reforming the program with risk-based premiums, and provisions to better protect both taxpayers and homeowners while encouraging greater private sector participation.

Since January of 2011, I have held as a goal of this Congress to achieve fundamental reform of the NFIP. The bill we have before us today accomplishes that in a fair and responsible manner. I urge all Members to support it.

Mr. RAHALL. Madam Speaker, I'm happy to yield 1 minute to the gentlelady from the District of Columbia (Ms. NORTON), a distinguished member of our conference on this agreement.

Ms. NORTON. I thank Chairman MICA and Ranking Member RAHALL for working together on this bill. This year's transportation bill could be named the Jobs Act of 2012 because it is the only bill from the 112th Congress that will create a significant number of jobs.

A word on a couple of significant provisions. Seldom has a pioneering, landmark bill found its way into a transportation reauthorization bill, but in today's bill is the first bill to set national standards for subway safety, bringing subways in line with all other modes of transportation, which have long had national standards. This is probably the most significant provision of this bill.

The DBE language is tailored to ensure that the government is equipped with the tools it must have to address the compelling need for the government to meet its responsibility to continue to address discrimination in small business contracting.

With all of its shortcomings, and there are many, the American people finally will have a jobs bill from this Congress.

Mr. MICA. Madam Speaker, I'm pleased to yield 2½ minutes to the distinguished gentleman from Pennsylvania (Mr. SHUSTER), one of the leaders of our committee and the chair of the Rail Subcommittee.

Mr. SHUSTER. I thank the chairman for yielding me this time. I first would like to thank Chairman MICA and CHAIRMAN DUNCAN for their hard work in producing what I believe is a very solid bill with historic reforms in it. The chairman was a tough negotiator, and he came away with something that I believe we can all be very proud of.

We need to act on this bill. If we don't act, if we fail to act, the trust fund will default. We'd have to figure out a way to bail it out. And yet, here we are with a 2-year bill that is fully funded and has some significant reforms in it.

Those reforms include, first of all, the fact that it is a 2-year bill which puts certainty out there to the States and the companies and people who build roads and highways and supply them with the products that they need. That is extremely important.

Second, it consolidates nearly two-thirds of the programs, which is impor-

tant in reducing red tape and in streamlining project delivery. That is significant. We believe that will reduce the amount of time it takes to build a significant highway project in half. That's a tremendous savings. When you look at a project I recently visited in Oklahoma City, the Crosstown Expressway, a \$680 million job, it took 15 years. If you cut that in half, it saves somewhere between \$60 million to \$80 million just on the inflation alone. So that's a significant savings, and that's why I believe this bill has great reforms in it. It is something that we all need to get behind and pass.

Again, I want to congratulate the chairman for his great work, and also the staff, all of the staff on the committee, both sides of the aisle. Both sides of the Capitol worked hard, but a special thanks to Jim Coon, Amy Smith, Jennifer Hall, and Jim Tymon for their tireless effort. There were a lot of late nights, but they did a great job, and we owe them a great deal of thanks for what they did.

Again, I encourage all of my colleagues to support this bill.

Mr. RAHALL. Madam Speaker, I'm happy to yield 1 minute to the gentleman from New York (Mr. NADLER), another valued conferee on our side.

□ 1120

Mr. NADLER. Madam Speaker, I rise in support of the transportation reauthorization conference report with mixed feelings. The conference report provides \$105 billion over the next 27 months for highway and transit programs and will put about 2 million people to work at a time when we desperately need jobs. These funding levels, although far from adequate, are a great improvement from the original House bill and will allow transportation agencies to plan and construct projects important to the economy. The conference report also prevents student loan interest rates from doubling, which is critical to more than 7 million students.

The transit funding formulas are focused on regions with the highest need and will provide essential resources for the MTA to maintain a state of good repair and to make capacity improvements to New York City's subway system. It is unfortunate, however, that the ability of transit agencies to flex funding for operating assistance has been dropped from the final bill.

Also, unfortunately, the Transportation Enhancements program, which includes bicycle, pedestrian, and safe routes to schools, is reduced by several hundred million dollars. And the Projects of National Regional Significance account, which provides for essential freight projects, is substantially watered down.

Thankfully, the Keystone pipeline and coal ash provisions are out of the bill. And although the 270-day deeming

provision is no longer in the bill, there are other environmental streamlining provisions of concern, such as the expansion of NEPA categorical exclusions for any project within an existing right-of-way. Massive highway projects could occur within an existing right-of-way, but would no longer be subject to NEPA environmental review requirements.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RAHALI. I yield the gentleman an additional 30 seconds.

Mr. NADLER. The final package is a combination of hard-fought victories and losses. Overall, this legislation is essential for creating jobs, preventing interest rates from increasing for millions of students, and putting us on a path toward economic recovery. Therefore, I urge my colleagues to support this conference report.

Madam Speaker, I rise in support of the transportation reauthorization conference report, the Moving Ahead for Progress in the 21st Century Act or "MAP-21" (H.R. 4348).

Madam Speaker, I was honored to be appointed as a member of the conference committee, and I was ready to negotiate in good faith to craft a bill that we could all be proud to support. Unfortunately, the process by which this conference was conducted over the last couple of weeks is a cause for concern and was tarnished by a lack of transparency and bipartisan collaboration. House Democratic conferees were shut out of the final negotiations. Our committee staff was not even allowed in the room. The bill text wasn't made available until 4 a.m. yesterday morning, so we have had a very limited amount of time to review the details of this legislation. Yesterday morning, I declined to sign the conference report simply because I could not endorse a product without an adequate understanding of all of its contents, and of the full impact to New York. Our Senate counterparts appear to have struck a compromise including some important victories, as well as concessions of concern. The final package will provide at least \$105 billion over the next two years for highway and transit programs, putting thousands of people to work at a time when we desperately need jobs. These funding levels are an improvement from the original House bill, and will allow transportation agencies to plan and construct projects important to the economy. The conference report also prevents student loan interest rates from doubling, which is critical for over 7 million students. As such, I will vote for this conference report, but with a number of reservations.

The highway program appears to retain the funding structure from the Senate bill and essentially preserves current funding levels to the states. There were efforts to revise the formula, which could have resulted in cuts to many states, including, potentially, to New York. It should be considered a victory that all states are essentially held harmless and will benefit from this economic recovery and jobs package. The transit funding formulas are also focused on regions with the highest need, and will provide essential resources for the MTA to maintain a state of good repair and to make

capacity improvements to New York City's subway system. The transit title requires a report on transit agencies' compliance with existing civil rights laws, and includes an enhanced workforce development grant program, although not as comprehensive as the Transportation Job Corps Act, which I introduced to establish a career ladder apprenticeship program. These are important and positive aspects of the conference agreement. I am extremely disappointed, however, that the Senate bill's temporary and targeted ability for transit agencies to flex funding for operating assistance has been dropped from the final agreement.

The bill retains the Projects of National and Regional Significance Account as a competitive grant program that we first established in SAFETEA-LU, but the provision is greatly watered down and is rendered largely symbolic. The authorization level is scaled back to \$500 million for one year in FY13, and the funding is not guaranteed, but subject to general fund appropriations. The Transportation Appropriations bill for FY13 has already been considered in the House. It passed just yesterday, and there was no funding for this program contained in it. Perhaps we will get lucky and secure funding for it when the appropriations bill is conference with the Senate later this year, but the spending levels in that bill are already much too low and resources are strained. It's hard to see how any significant funding will be dedicated over the life of this bill to these projects that are essential to freight movement, economic growth, and global competitiveness. There is a requirement that DOT prepare a report on potential projects that would be funded under the program, so some work in this area will continue, but it is wholly inadequate.

The National Freight Program originally in the Senate bill is not in the conference report, but the designation of a primary freight network and development of a national freight strategic plan is retained. For too long, freight has been too low of a priority, and this must be changed. We must make the efficient movement of freight a national priority. There is no greater transportation issue in the federal interest, and I hope that the measures contained in the conference report will be a stepping stone to a greater federal emphasis on freight policy and funding—and not an end result.

The Transportation Enhancements program, which is now called Transportation Alternatives and includes bicycle, pedestrian, and safe routes to schools, is still in the conference report, but the program is weakened from current law and from the Senate bill. These projects have bipartisan support, as evidenced by the Cardin-Cochran amendment to the Senate bill, and the Petri amendment to the House bill. Despite the broad support for transportation enhancements, the conference report lowers the overall amount of funding for these projects by several hundred million, and expands the ability for states to use this funding for other purposes, including for projects already eligible under other highway programs.

The Senate should be commended for keeping the Keystone Pipeline out of the bill, as well as the provisions including EPA authority

to regulate coal ash. These are important concessions that were undoubtedly difficult to secure. The RESTORE Act, which would dedicate 80% of the fines levied on BP to Gulf Coast oil spill restoration, is still in the bill, but it is unfortunate that the provision directing funding through the Land and Water Conservation Fund did not survive.

There are problematic environmental streamlining provisions. Although the 270 day "deeming" provision is no longer in the bill, there are several changes to the NEPA process that will undercut environmental reviews and public participation. The bill sets accelerated, hard deadlines for environmental reviews, with penalties for failure to comply, but ignores the fact that many agencies are too understaffed and underfunded to be able to meet these deadlines. Or perhaps that's the point—to deplete these agencies of resources, and make it virtually impossible for them to effectively do their job. The bill also expands NEPA categorical exclusions, which are typically reserved for smaller-scale projects that will not have a significant impact and therefore no EIS is required. One provision allows categorical exclusions for any project within an existing operational right of way. Massive highway projects could occur within an existing right-of-way, but would no longer be subject to NEPA requirements. I find it curious that many of the Members who espouse local control pushed this provision that will severely limit the ability of communities directly impacted to have a voice in proposed projects. There is bipartisan support for environmental streamlining. I believe there are common sense things we could do to shorten project delivery time, but this conference agreement goes too far in this regard.

The conference agreement includes several important safety incentive grant programs, including those targeting distracted and impaired driving. The bill includes additional incentive grants for states that adopt mandatory alcohol ignition interlock laws for individuals convicted of a DUI. Ignition interlocks are a key feature of Leandra's Law, a New York statute named for one of my constituents, a 9 year old girl who was killed in a drunk driving incident. I am thankful that the conference report contains this important provision. The conference report also does not include any increases to truck size or weight requirements and it includes a study which could provide useful information on truck size and weight safety impacts. The bill also includes improvements to motorcoach safety, requiring seat belts and establishing roof strength and crush resistance standards. However, these standards apply only to newly-manufactured motorcoaches, and there is no mandate to retrofit existing buses.

This final package is a combination of hard fought victories and losses. There are several aspects of it that I do not support, and the process by which this conference report was developed was, at times, regrettable. But the funding levels and distributions to the states and transit agencies should be considered a victory, especially given the position of House Republicans, and the bill will put a lot of people back to work at a time when we need it most. Because of the positive aspects of the transportation bill, and the extension of lower

student loan interest rates, I will vote for the conference report.

Mr. MICA. Madam Speaker, I am pleased to yield 2 minutes to one of the distinguished leaders in the House, the gentlelady from Illinois (Mrs. BIGGERT), who had a great deal to do with the flood insurance provisions—worked tirelessly.

Mrs. BIGGERT. I thank the chairman for giving me this time.

Madam Speaker, I rise in support of this conference report and wish to address particularly title II, which would reauthorize for 5 years the National Flood Insurance Program, or NFIP.

There are six important reforms included in this bill: It improves NFIP's financial stability; it will reduce the burden on taxpayers; it restores integrity to the FEMA mapping system; it will help bring certainty to the housing market through a 5-year reauthorization; and last, it explores ways to increase private market participation.

Many of us in Congress would like for the private sector, instead of taxpayers, to shoulder the risk of the National Flood Insurance Program. Market participants have signaled that they can assume the risk of flood insurance. And with the appropriate data from FEMA, the reinsurance industry has indicated that within weeks it can price this risk. That's why, for the first time in the NFIP's existence, this flood reform measure will require FEMA to solicit bids to determine the cost to the private sector, not to the taxpayer, of bearing the risk of flood insurance.

Finally, I'd just like to say that this bill is proof that bipartisanship is possible, particularly when it comes to an issue of national significance, such as the most frequently occurring national disaster in the United States, flooding. When a flood occurs, it does not choose an area that has Republican or Democrat leanings or elected officials. Floods affect most of the country and people of all walks of life. Today's flood reform measure demonstrates the democratic process, where reforms are publicly vetted, reflect input from interested stakeholders, and are realized.

Let me just thank the bill's cosponsor, Ms. WATERS, as well as Chairman BACHUS and the Financial Services Insurance Subcommittee and full committee staffs on both sides of the aisle. Let me just say also that I'd like to thank the Senate and House leadership, including Speaker BOEHNER and Leader CANTOR, as well as the thousands of constituents and groups who gave their valuable time and input to making this a very good bill.

I rise in support of this Conference Report, and I wish to address in particular Title II, which would reauthorize for five years the National Flood Insurance Program or NFIP.

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tegrity to the FEMA mapping system; it will help bring certainty to the housing market through a 5-year reauthorization; and last, it explores ways to increase private market participation.

Many of us in Congress would like for the private-sector—instead of taxpayers—to shoulder the risk of the National Flood Insurance Program. Market participants have signaled that they can assume the risk of flood insurance, and with the appropriate data from FEMA, the reinsurance industry has indicated that—within weeks—it can price this risk.

That's why, for the first time in the NFIP's existence, this flood reform measure will require FEMA to solicit bids to determine the cost to the private sector, not to the taxpayer, of bearing the risk of flood insurance.

It brings an end to the decades-old, chicken-and-egg game that has characterized the program by finally answering the question "how-do-we-get-the-government-out?"

Flood policyholders also now will have the option to choose private flood insurance over government flood insurance without the risk of lender rejection. Taxpayer-subsidized rates are eliminated, so that the private sector can offer consumers increasingly competitive rates as compared to the NFIP.

Finally, I would like to simply say that this bill is proof that bipartisanship is possible, particularly when it comes to an issue of national significance, such as the most frequently occurring natural disaster in the United States, flooding. When a flood occurs, it does not choose an area due to its Republican or Democrat leanings or elected representatives. Floods affect most of the country and people of all walks of life. Today's flood reform measure demonstrates a true, democratic process, where reforms are publically vetted, reflect input from interested stakeholders, and are realized.

With that, I will note that this conference report includes the first significant reform to the NFIP in nearly a decade. After 17 extensions since 2008, multiple lapses in the program, and months of inaction, this flood insurance reform measure is a major bipartisan accomplishment. As I've said from the beginning, the NFIP is too important to let lapse and too in debt to continue without reform. I urge my House—and Senate—colleagues to support the conference report so that we can send this agreement to the President's desk and put the nation's flood insurance program back on a sound financial footing.

In closing, let me thank the bill's cosponsor, Mrs. WATERS, as well as Chairman BAUCUS, Financial Services Insurance Subcommittee and full committee staffs on both sides of the aisle, Senate and House Leadership, including Speaker BOEHNER and Leader CANTOR, as well as the thousands of constituents and groups who gave their valuable time and input to making this a very good bill.

I would also like to thank the following:

My constituents in the 13th Congressional District of Illinois who provided advice to us throughout the development of this bill;

Illinois floodplain managers, Paul Osman and Sally McConkey;

Mrs. WATERS, Chairman BACHUS, and all of the 54 Members of the House Financial Services Committee who voted unanimously to

pass out of Committee a flood reform bill last May (2011);

All of the Members of the House who contributed to the development of this bill, and the 406 Members of the House who voted for H.R. 1309 last July (2011);

Republican House Financial Services Committee staff: my designee, Nicole Austin, as well as Clinton Jones, Ed Skala, Tallman Johnson, Jim Clinger, and Eric Thompson;

Democrat House Financial Services Committee staff: Charla Ouertatani, Dom McCoy, and Kelly Larkin;

House Republican and Democrat leadership, particularly Speaker BOEHNER and Majority Leader CANTOR, and their staff;

Members and staff on the Science, Judiciary, and Rules Committees;

Senators and Senate Banking Committee staff;

Dan Hoople with the Congressional Budget Office;

Paul Callen and his colleagues at the House Office of the Legislative Counsel;

FEMA staff, including technical experts, congressional affairs, and Vince Fabrizio;

Witnesses who testified during our hearings on flood reform; and

All of the various financial services organizations, consumer groups, as well as the Smarter Safer Coalition, which includes groups from the National Wildlife Federation to the International Code Council to Americans for Tax Reform.

Mr. RAHALL. Madam Speaker, I'm happy to yield 2 minutes to the distinguished ranking member on our Railroads Subcommittee and a valued member of our conference, the gentlelady from Florida (Ms. BROWN).

Ms. BROWN of Florida. I had much higher hopes for this transportation reauthorization bill and long for the days that our committee worked together in a bipartisan manner, but this is a good day for the traveling public and for the American economy. This transportation bill will strengthen our infrastructure, provide quality jobs, and serve as a tool to put the American people back to work.

Although I would have preferred a long-term bill with much more funding for infrastructure, and I'm disappointed that we did not include a rail title or give our local transit agencies the flexibility they asked for during these economic times, this bill will give States, local governments, and other transportation stakeholders some stability to plan and build critical transportation projects.

This bill provides steady funding for both highway and transit programs, maintains the 80–20 split between highway and transit, speeds up the permitting process for projects, includes important safety measures that will save lives, and maintains OSHA oversight of hazardous materials.

I am also pleased that this legislation includes the RESTORE Act, which will help gulf States like my State of Florida recover damages and plan for and prevent future oil spills. Florida's

economy is based on tourism and would be destroyed overnight if an oil spill reached our beaches.

This isn't a perfect bill, but I am going to vote for it. I want to thank the Senate, and I want to thank Senator BOXER, Mr. MICA and Mr. RAHALL, and all for working together. My understanding is that this is a clean bill and we can vote for it. No riders are included in my understanding. So I will vote for it, and I will recommend my colleagues vote for it too.

Mr. MICA. Madam Speaker, I am pleased to yield 1½ minutes to one of the leaders of transportation, new on the committee, but a conferee; did an outstanding job, the gentleman from Indiana (Mr. BUCSHON).

Mr. BUCSHON. Madam Speaker, as a member of the House transportation conference committee, I join my colleagues in proudly supporting this legislation.

My House colleagues and I attended many of the conference negotiations, and we fought hard for commonsense transportation reforms. This bill streamlines the environmental review process, consolidates and eliminates duplicative programs, and provides more flexibility to the States. Passing this legislation will provide job security for millions of Americans.

I'm grateful to my House and Senate colleagues that stood with me in opposing an amendment that was in the Senate bill. This amendment unfairly punished the State of Indiana for pursuing a public-private partnership. Not only would it have cost Indiana millions in transportation funding, but it would have set our country backwards in innovative transportation policy. This type of thinking is not where we need to be headed in transportation policy. We need to put taxpayers first and continue to engage the private sector in transportation projects.

I would like to thank the House and Senate staff, who have been working tirelessly on the legislation. I thank Chairman MICA, Senator BOXER, and Senator INHOFE for their leadership on this issue. Thanks to everybody's work, 25,000 Hoosiers will have job security for the next 2 years.

I urge all of my colleagues to support this legislation, and let's put millions of Americans back to work.

Mr. RAHALL. Madam Speaker, I'm happy to yield 2 minutes to the distinguished ranking member on our Committee on Oversight and Government Reform, as well as a valued member of our conference on transportation, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Thank you, Ranking Member RAHALL, and thank you for your leadership. I also thank Chairman MICA and all of my colleagues.

This bill provides certainty for our States, but overall funding for highways is reduced relative to fiscal year

2011. To ensure our Nation's mobility, we need expanded investments in all modes.

Critically, this bill finds that discrimination and related barriers continue to pose obstacles for minority and women-owned business in the transportation industry. My colleagues and I have considered the extensive evidence provided to us in testimony in the Transportation Committee and detailed disparity studies documenting ongoing discrimination in transportation contracting. We've concluded there is a compelling national interest in reauthorizing our DBE programs. I thank Senator BOXER for her leadership on this issue.

That said, I'm disappointed that House Democrats' participation in the conference was so limited. And as I have had the chance to review the final report, several of its provisions deeply concern me—perhaps none more so than section 100124, which would reduce by one-third the percent of food aid shipped on U.S. vessels.

There are fewer than 100 U.S.-flagged vessels in the foreign trade now, and they carry less than 2 percent of U.S. cargos. Without the MSP and cargo preference programs, we would have no domestic merchant marine, leaving our military, and indeed, our economy, completely dependent on foreign vessels.

□ 1130

The effect of section 100124 will be to speed the continuing decline of our fleet. It should never have been included in this bill, and it should be immediately repealed.

With that, I am going to support the bill and urge my colleagues to support it.

Mr. MICA. Madam Speaker, I am pleased to yield 2 minutes to the distinguished gentlewoman from West Virginia (Mrs. CAPITO), who has worked very hard for a provision, and she's going to explaining the situation that brings her here at this point.

Mrs. CAPITO. Thank you, Mr. Chairman, and ranking member and the conference committee, for what I think is a victory today. I think this reauthorization bill is one of the most important responsibilities we have. It's a jobs bill. It will bring efficiencies to our funding stream for very important projects, and it will remove a lot of uncertainty.

As a member of this committee, I'm really, really pleased that we were able to come to a compromise. The efficiencies and the streamlining, when the chairman brought the committee to Yeager Airport, that was one of the resounding complaints about current funding in the transportation sector is it takes too long, it's too expensive, and time is money. And we can do a lot better job with more efficiencies and make our dollars go farther. And with

hard deadlines and some exemptions, I think that this bill will do that.

There are a couple of provisions in here that I regret were not included, and most specifically, the provision on the coal ash provision. I mean, we're looking at a time where we have scant resources. We have to make smart decisions about how to weave the balance between our environment and our economy; and the coal ash provision would have provided, I think, the certainty to the construction industry and to those surrounding, also, the coal industry that smart use and responsible use of coal ash would be in our future.

Unfortunately—and I believe it occurred in the Senate that that provision was not included in our bill, and I'm deeply disappointed by that. But we will, as an energy State and as energy representatives, we'll live to fight another day.

Additionally, I would like to say, as a member of the Financial Services Committee as well, the reason that the flood bill is on this bill is extremely important, again, to lend the certainty to lenders, Realtors, homebuilders, and really, the consumer that we can get that housing market moving again; and the certainty provided by the reauthorization of the flood bill in here will provide us with that.

But I simply want to say that I think that in a bicameral, bipartisan way we moved together to show folks in West Virginia and across this Nation that we can work together to create the jobs that we need in the sectors that we need, and I look forward to supporting the bill.

Mr. RAHALL. Madam Speaker, I am happy to yield 1 minute to the gentlewoman from California (Ms. WATERS), who has higher jurisdiction over the flood insurance portion.

Ms. WATERS. Madam Speaker, I'm pleased that we could work in a bipartisan fashion to not only extend our expiring transportation and student loan interest rate programs, but to also reform the Federal flood insurance program.

I'd like to thank Representative JUDY BIGGERT for her leadership and commitment to reforming flood insurance. Representative BIGGERT and I both worked together to meet the needs of our respective caucuses, and the result is a bill that puts the flood insurance program on a solid footing.

The flood insurance program provides insurance for over 5 million Americans. However, due to massive losses from Hurricane Katrina and an inefficient mapping system, the flood insurance program has faced challenges in serving homeowners and taxpayers.

The Biggert-Waters bill will reauthorize the National Flood Insurance Program for 5 years and make critical improvements to the flood insurance program. The reforms in this bill will make flood insurance more affordable,

give communities more input into flood maps, and strengthen the financial position of the flood insurance program.

With that, I would urge an “aye” vote.

Mr. MICA. Madam Speaker, I am pleased to yield 1½ minutes to the gentlewoman from Washington (Ms. HERRERA BEUTLER), another conferee and a young leader in the Transportation and Infrastructure Committee.

Ms. HERRERA BEUTLER. Thank you, Chairman MICA. And I'd like to thank you and your staff for working tirelessly on this issue.

For the past several months, both House and Senate Members and staff have been working around the clock, and through tough negotiations we were able to work in a bipartisan, bicameral way to produce something that has direct impact on the lives of the folks I serve in southwest Washington.

I'm well aware the perception that this Congress is having difficulty getting things done, and I fought for us to stay at the table to keep working to push through for solutions to demonstrate our ability to put America's needs ahead of politics; and today, Madam Speaker, we were successful.

Particularly folks in my home district in southwest Washington State are excited that the House fought for vital reforms that are going to allow us to cut project delivery times down, even by half in some instances. That means dollars are going to go further, more projects are going to get done, and more money will be available for additional projects. That sets us up for more jobs.

We're also giving rural communities the necessary support to fund schools, emergency services, and roads while we come up with a more permanent solution that allows for increased and better forest management. My thanks to Chairman HASTINGS and his committee for their tireless work on this issue.

We also have projects of national and regional significance: the Recreational Trails Program that benefits trail riders, hikers, outdoor enthusiasts, all in my beautiful district down in southwest Washington.

We've supported using the Harbor and Maintenance Trust Fund for its intended purposes: improving our waterways that are economic arteries for places like Washington State and around the country.

Mr. Chairman, this bill is not perfect, no bill ever is. However, this is a symbol of how Congress is supposed to operate and why we're here.

With that, I urge its passage.

Mr. RAHALL. Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. ALTMIRE), a valued member of our Committee on Transportation and Infrastructure.

Mr. ALTMIRE. Madam Speaker, it's been 7 years since the Congress enacted

a long-term highway authorization; and since that law expired in 2009, State transportation agencies across America have had to deal with the uncertainty of looming funding expirations, construction workers have not known whether there would be jobs available to them, and motorists, retailers, and manufacturers have watched our infrastructure continue to crumble as this body continually failed to act. We cannot wait any longer. That's why I'm pleased today Congress will finally pass a long-term authorization that will provide certainty that has been lacking for years.

I'm also pleased that the final conference report includes a provision I authored to make America's roads safer for older drivers. By improving the safety of our roads and highways and making older drivers' travel as safe as possible, we increase road safety for every American.

This bill is an example of the success Congress can achieve when we work together. I thank my colleagues for their dedication to our Nation's infrastructure, and I'm proud to support this bill.

Mr. MICA. Madam Speaker, I'd like to inquire as to how much time remains on both sides.

The SPEAKER pro tempore. The gentleman from Florida has 5 minutes remaining, and the gentleman from West Virginia has 14½ minutes remaining.

Mr. MICA. I will continue to reserve the balance of my time.

Mr. RAHALL. I reserve the balance of my time, Madam Speaker.

Mr. MICA. Madam Speaker, if the gentleman from West Virginia is ready to close, I am ready to close, also.

Mr. RAHALL. Okay. I'm ready to close, and I yield myself such time as I may consume.

Madam Speaker, first I want to extend my deep appreciation to all conferees on this legislation, some 47, I believe.

I'd like to pay particular word of commendation to the chair of the conference committee, the gentlelady from California, Senator BARBARA BOXER. She worked extremely hard on this legislation. She worked tirelessly to resist many, many, many extreme proposals that were lobbed at her by Republican House conferees. She worked to ensure that policies and investment levels of this legislation will serve America, and she did work in a bipartisan fashion.

I'd also like to thank my counterpart and the chair of our House Transportation and Infrastructure Committee, Mr. MICA, for his leadership. He has already spoken, and has many times, of the bipartisan nature in which we started this journey in my hometown of Beckley, West Virginia, and I deeply appreciate the hearings that he started there and his continued outreach across the country.

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As this hard road progressed, there were some diversions along the way. There were efforts to sidetrack what we were trying to do in providing long-term funding for this Nation's infrastructure, yet we're here today to hail not the perfect bill—we've heard that many times in this body, and we're not considering the perfect bill. Yet we are, out of necessity, finding ourselves working together to extend our transportation program so that millions more American workers are not laid off the job.

I also want to thank my senior Senator, JAY ROCKEFELLER, the chairman of the Senate Commerce Committee, for his great contribution to this pending measure. Again, efforts were fought. Efforts on his part prevented the further degradation of any safety measures that were proposed in this conference agreement. We have a strong measure in regards to safety issues thanks to Senator ROCKEFELLER.

This legislation will preserve American jobs. As I said in the opening of this conference committee, it's time that we quit taking those political jabs at one another and, rather, provide jobs for our people. That's what we're doing in this legislation. The contracting season is late, especially in many of our northern States, and our contractors need this legislation in order to have the certainty to sign those contracts that put Americans to work this summer repairing our infrastructure. We have put aside, I guess you'll say, our hard heads—I'm happy to say—in exchange for hard hats doing the work that's necessary to get our economy back on.

As with any piece of legislation, we've compromised in this bill—all sides have—which is part of the legislative process. I've always said that. There are some things in this bill we don't like and some things we like. There are probably 435 different ways this bill could have been written if each of us had had his own way to write a bill, but that's not the way the process works. With the process being what it is, we are where we are today, so I am here to support the pending legislation.

As I sit down, I want to also thank the staff for their hard work on both the majority's side in the House and on the minority's side, on our side, and the staff on both sides of the other body as well.

I want to thank our conferees on the House side: PETER DEFAZIO, JERRY COSTELLO, ELEANOR HOLMES NORTON, JERRY NADLER, CORRINE BROWN, ELIJAH CUMMINGS, LEONARD BOSWELL, and TIM BISHOP. These individuals stuck with us every part of the way, and they truly had their hearts in improving our infrastructure and providing jobs for America.

So this is a jobs bill. I'm happy to support it, and I urge my colleagues to support this conference agreement.

I yield back the balance of my time.

Mr. MICA. I yield myself the balance of my time.

Madam Speaker, it is good to be at this point in the completion of a long overdue, major transportation reform bill for the Congress and for the American people.

First, I will take a moment and thank our staff:

Jim Tymon, who is next to me here, is the tireless staff director of the Highway Subcommittee. He is day and night helping to sort things out, looking out for the people and making certain this bill has the very best provisions; Dan Veoni; Shant Boyajian; Geoff Strobeck; Joyce Rose; Fred Miller; Steve Martinko; Justin Harclerode, who is my press secretary, or assistant. He has always had to explain what I've said or at least clarify; Jason Rosa; my sidekick, Clint Hines, who has followed me on the floor with so many member requests; Jennifer Hall, our outstanding legal counsel; Amy Smith has some real firepower for good policy for the country and for transportation for the Nation; and then our untiring leader of the committee, Jim Coon, our staff director, who day and night neglected his beautiful family for the benefit of the people of this country;

Then we even retired Jimmy Miller in the process, who headed this up for many, many years in the service to our Nation and the committee. He retired in the process, hopefully not as a result of all the hard work. He is a great American;

Then there is Stephanie Kopelousos, who was on our team for a while. She is the former Secretary of Transportation from Florida, and she organized the Secretaries around the United States—I think the forward-thinking ones—to help us go through the laws and all the mess that we've created and redline it and get rid of the bureaucracy, the duplication, the costly red tape.

So our hats are off to all of them and to so many more and to all of our distinguished colleagues who were conferees who worked on this.

We actually engaged members in discussion, which is a new approach to a conference committee. We did that, but I'm sorry the other side was thrown under the bus, some by the administration, and particularly Mr. Oberstar, for whom I feel so bad because he waited so long and could never see this day. Then, in the process, we did not draft the legislation; Ms. BOXER's staff did. So, again, if there was anyone who felt that he didn't participate enough, I tried not to be responsible for that approach in having started, as I said, the first hearing in Beckley, West Virginia, Mr. RAHALL's hometown, going all the way to the west coast to have an un-

precedented, historic bipartisan and bicameral hearing in California with BARBARA BOXER, who chaired the conference committee.

So this is where we are. Tomorrow would actually close down thousands of transportation projects. Departments of Transportation around the country were on the verge of actually giving sort of IOUs or of giving notification to close down, and probably millions would have been put out of work if we hadn't acted. So this is very important for the American people, particularly at this time when we're on the cusp of not knowing which way the economy is going to go, but it has to go forward.

There are some things in here that are also great: the RESTORE Act; student loans from which our students will benefit; national flood insurance from which people in my States and others will see reductions; transportation safety was paramount; there was a consolidation of some of the programs, streamlining, cutting red tape. We were able to do more with less and move transportation forward for the Nation.

Again, I thank everyone for their co-operation. I am pleased that we've reached this point. It doesn't have everything, and a lot of people said it couldn't be done. As my son often says—and I'll close with his remarks, and he likes the Cable Guy—"Dad, git-r-done."

Son, we got-r-done today.

I yield back the balance of my time.

Mr. COSTELLO. Madam Speaker, I rise in support of the conference agreement on H.R. 4348, the Surface Transportation Extension Act of 2012.

As a conferee on the surface transportation bill, I am glad an agreement was reached and the bill is before us today.

I am pleased that Illinois' share of federal highway formula funding increased to 3.67%, the highest level that our state has received in over 15 years.

In addition, the conference report does not include language that would allow bigger and heavier trucks on our roads and bridges, but instead requires the U.S. DOT to conduct a comprehensive, national study.

While the surface transportation conference report is not perfect, it does provide certainty to State DOTs, transit agencies, and contractors that will help create and sustain jobs for out-of-work Americans and keeps construction workers on the job for the rest of the season.

I commend Chairman MICA, Ranking Member RAHALL, Subcommittee Chairman DUNCAN and Ranking Member DEFAZIO for their leadership in helping to bring this conference report before us today.

Finally, this legislation does not include residual risk provisions in the National Flood Insurance program that would have required the purchase of flood insurance for communities behind certified levees. A strong bi-partisan effort prevailed to remove these provisions from this legislation, and I commend Congressman SHIMKUS, Senator DURBIN, and Senator KIRK for working with me on this matter.

I urge my colleagues to support the conference report and yield back the balance of my time.

Ms. BORDALLO. Madam Speaker, I rise today in strong opposition to H.R. 4348, the Moving Ahead for Progress in the 21st Century Act (MAP-21). This bill significantly cuts critical federal investment in surface transportation projects for the territories. The authorized funds for the next two fiscal years would severely undermine my district's ability to improve and upgrade road systems on Guam and put current projects at risk.

MAP-21 cuts 20 percent from the Territorial Highway Program (THP), which was established to assist Guam, the Northern Mariana Islands, American Samoa and the U.S. Virgin Islands build and improve main and secondary highway systems. The program is critical to ensuring that our districts have a quality highway system that facilitates commerce in the territories. The territories have received funding that does match their current upgrade and modernization requirements. The cuts to the THP will hinder our district's ability to meet these requirements over the next two years. The proposed cut to this program, about \$8 million for Guam over the next two years, could jeopardize financing for larger projects utilizing GARVEE financing. The GARVEE financing mechanism and current bonds assumed level funding of the THP over the next several years. Ultimately, this bill may lead to project cancellations and job losses.

Even at current funding levels, the THP is inadequate in addressing the needs of the territories, and the governments in the territories do not have access to many programs available to the 50 states and Puerto Rico. I introduced legislation that would put the territories on equal footing when competing for federal highway discretionary grant programs. Further, I offered the text of my bill for consideration as Conference Committee commenced but the text of this legislation was not included in the final bill. On top of crippling cuts to the THP, the territories are not even afforded opportunities to compete for other discretionary programs like the Innovative Bridge Research and Deployment program. My bill, H.R. 2734 would permit the Secretary of Transportation to make the territories eligible for this competitive funding to the territories and remedies a disparity where our governments are unable to even compete for this program.

Madam Speaker, H.R. 4348 will likely have a detrimental effect on my constituents and would significantly undercut our ability to improve our roadways and invest in critical infrastructure improvements. Guam is being asked to support one of the largest military realignments in our nation's history and our island is in critical need of assistance to improve our roadways to support the military buildup. Cutting 20 percent from the THP would provide nominal short-term savings but it would cost significantly more in the long-term.

However, I am very supportive of the efforts of House and Senate leaders who reached agreement to freeze student loan rates for an additional year. Increases in student loan rates would have had a significant negative impact on a generation that is already competing with the most difficult job market in generations.

Keeping student loan interest loans for an additional year keeps our commitment to our younger generations.

It is unfortunate that this compromise on student loans is attached to the transportation reauthorization as I strongly opposed to the cuts to the THP and, as such, urge my colleagues to oppose this legislation.

Mr. FALEOMAVAEGA. Madam Speaker, the Conference Agreement on H.R. 4348, Surface Transportation Extension Act of 2012 unfairly places the financial burden on the smaller territories—American Samoa, the Commonwealth of the Northern Mariana Islands (CNMI), Guam, and the U.S. Virgin Island (USVI). Specifically, the agreement would result in a 20-percent reduction for each of the smaller territories under the Territorial and Puerto Rico highway program (Div A, Title 1, Subtitle A, Section 1114) for FY 2013 and FY 2014.

The territorial highway program underscores federal commitments to sustain economic development in the territories as well as to ensure safe highways in our communities. Funding from the territorial highway program has provided for the construction and improvement of highways and roads, critical infrastructure for commerce and transportation in the territories.

Mr. Speaker, any cuts to these critical funding could prove devastating to the economies of the smaller territories, yet we face the same challenges—the high cost of energy and transportation—as everyone else across the country.

Similarly, the initial version of the Highway Reauthorization bill that the House passed earlier this year would have replaced the Highway Trust Fund as the funding source for the Territorial Highway Program, with a less stable source.

For these reasons, the territorial delegates wrote a joint letter to the Conference Committee on April 26. We specifically highlighted the need to maintain the current funding levels for the territorial program. In addition, we asked that the territories be made eligible for certain discretionary grants and planning grants programs.

I am pleased that the conference agreement would keep the Highway Trust Fund as the funding source for the Territorial Highway Program. While I am disappointed to know that the smaller territories are given the brunt of the budgetary cuts to bear, I am hopeful however that the territories would be made eligible for certain discretionary grants and planning grants programs. These additional grants could help mitigate some of the financial issues as a result of the proposed reduction.

Mr. LANGEVIN. Madam Speaker, a rare thing has happened today. Republicans and Democrats in the House and Senate have reached a compromise for the greater good of the American people. Today we will vote on three critical measures: a long-term transportation extension, a long-term flood insurance extension, and a one-year continuation of current rates for need-based student loans.

Each of these is of critical importance to our nation's economic recovery. This legislation will create or save more than 2 million jobs, including approximately 9,000 in Rhode Island, by authorizing highway and transit programs through 2014.

Unfortunately, in order to secure an agreement, the conferees included some provisions in this bill with which I disagree. I am disappointed that the legislation threatens critical environmental funding and protections and fails to expand funding for the Land and Water Conservation Fund, which provides matching grants for our state to acquire land and water for the benefit of all Rhode Islanders. I will work to restore these resources in the future, but on balance this is a good agreement that will benefit communities and workers across our state.

I am also pleased that this measure prevents the Stafford loan interest rate from doubling to 6.8 percent on July 1 for 7 million college students, saving them \$1,000 over the life of their loans. However, I am concerned that the bill cuts the student loan program by limiting the amount of time a student qualifies for a loan to 150 percent of the program's length and eliminates the six-month interest subsidy grace period after a student has graduated. Too many students—especially those from low-income families—face unnecessary barriers to pursuing a college degree, and it is our responsibility to empower them by investing in their education.

Thousands of jobs in Rhode Island have been on hold, waiting for Congress to act. This delay was needless, and this legislation is long overdue. Nowhere is our nation's fragile recovery more apparent than in my home state of Rhode Island, with an unemployment rate of 11 percent. I applaud the Conferees for their tireless efforts to craft this compromise, which will bring loan relief to our students, provide flood insurance to our homeowners, and allow our states and cities to move forward on the path to rebuilding our roads, our communities, and our economy.

Mr. HINOJOSA. Madam Speaker, I rise in strong support of the underlying bill, the Conference Report to H.R. 4348, legislation that will keep student loans affordable for more than 7 million students: 4.5 million of whom are women, 1.5 million of whom are African-American, and nearly one million of whom are Latino.

This legislation will prevent interest rates on need-based student loans from doubling on July 1st, from 3.4 to 6.8 percent and provide much-needed relief to students and families.

This will save students an average of \$1,000 over the life of their loan. In my home state of Texas, approximately 461,533 borrowers will benefit from this congressional action.

As you know, student debt is skyrocketing, with the average borrower graduating with loan debt of \$25,000. According to the Consumer Financial Protection Bureau, total outstanding student loan debt surpassed \$1 trillion late last year.

As Ranking Member of the Subcommittee on Higher Education and Workforce Training, I urge my colleagues to vote for this bill and to work in a bipartisan manner to reaffirm Congress' strong commitment to accessibility and affordability in higher education.

Together, we must address the rising cost of higher education and the ever-increasing amount of debt that students are being burdened with.

Young people in our communities must know that Congress is working hard to ensure

that they have a bright future and access to an affordable, high-quality education—one that prepares them to lead healthy and prosperous lives.

With that, I urge my colleagues on both sides of the aisle to vote for this bill.

Mr. STARK. Madam Speaker, I rise today in reluctant support of the Transportation and Student Loan Agreement (H.R. 4348). We must prevent interest rates on student loans from doubling as they are set to do tomorrow. We must reauthorize our transportation programs and get people to work rebuilding our infrastructure. This legislation, while far from ideal, accomplishes both of those worthy goals.

The bill does leave much to be desired. It invests far too little in the infrastructure investments we need, it restricts the ability of part-time students to afford college, underfunds transit, biking, and pedestrian projects, its "Buy America" provision is weak, and it includes a pay-for that could further weaken our pension system. However, given the situation we are in, passing it today is the responsible thing to do.

Continuing their trend of governing through hostage taking and brinksmanship, the Republican Majority has once again brought the nation to the edge of a vital program—in this case, Surface Transportation—expiring. More than three months ago, the Senate overwhelmingly passed a bipartisan, job-creating transportation bill with 74 votes. Instead of taking up that bill, as myself and many of my colleagues and the President urged, Republicans brought up a hyper-partisan bill that included numerous anti-environmental riders, gutted mass transit, and ended investments in pedestrian and bicycle infrastructure. Compared to that debacle, today's legislation is a vast improvement. It does not contain provisions mandating that the tar sands pipeline be built or that EPA rules on safe disposal of coal ash be undermined. Instead of slashing mass transit, it maintains funding. Most importantly, it will support more than 2 million American jobs, including 180,000 in California, rebuilding our nation and providing some certainty for California and other states to move forward with much needed infrastructure projects.

The student loan issue is another example, much like the payroll tax cut at the end of last year, of Republicans refusing to act in the interest of the American people until their hand is forced by overwhelmingly public opinion. On March 29th, House Republicans voted to allow student loan interest rates to double when they passed the Ryan Budget. They voted to increase rates on 7 million students, including 570,000 California students—the equivalent of a \$1,000 education tax on these students and their families. After hearing an outcry from the public and feeling political pressure to act, the majority finally changed their tune. I wish that the interest rate fix we are voting on today was for longer than a year and I also wish we were not paying for it, in part, by punishing part-time students by taking away interest deferment for those students. But compared to allowing the interest rate hike staring millions of students in the face to go into effect, passing this legislation is the right thing to do.

Mr. CAMP. Madam Speaker, I rise today in support of the Highway Conference Report.

This bill helps to provide the funding that cities and towns depend on to develop and maintain the infrastructure they need to attract businesses to locate in their communities and create jobs. However, given the current fiscal challenges facing our country, we must ensure that meeting those obligations does not further hamper an already weak economic recovery.

This legislation reflects that effort and serves as a reminder that Washington must learn to live within its means. To that end, House Republicans ensured that the provisions in this conference report promote job creation and do not add to the national debt.

First and foremost, the Conference Report rejects nearly \$7 billion in tax hikes included in the Senate bill. From higher taxes on private investment in infrastructure to redundant and ineffective tax enforcement measures, House Republicans were able to prevent \$7 billion in costly tax hikes on the nation's families and businesses during a time when our economy is still struggling to get back on its feet.

In addition to preventing these job-killing tax hikes, the Conference Report also adopts necessary reforms to the Pension Benefit Guaranty Corporation—or PBGC—resulting in greater accountability to taxpayers, the pension plans who participate in PBGC's insurance program, and workers who depend on PBGC to insure their retirement needs. Importantly, these reforms will also protect taxpayers from being on the hook for potential bailouts in the future.

Along with these critical reforms, this legislation provides companies who sponsor pension plans with some important funding relief made necessary by the stagnant economy, while also requiring greater accountability and transparency so that resources are correctly accounted for and used in a way that puts workers first.

Specifically, to address the failed policies of the Obama Administration that are squeezing employers and pension plans, there has long been bipartisan support for some form of pension funding relief. Liabilities in pension plans are often calculated by using an average of interest rates on corporate bonds over the prior two years. In response to an extremely weak Obama economy, the Federal Reserve has driven interest rates to historic lows and kept them there. Combined with plan investment policies, this has substantially increased the value of plan liabilities, resulting in "a rising tide" of required pension contributions (to quote a report by the Society of Actuaries). The pension funding relief provided in this conference report will allow companies to spread these skyrocketing required contributions over a long period of time, rather than forcing employers to divert resources in the near term from other business activities such as hiring, expansion or pay increases.

Pension funding relief is necessary, but so too are reforms that provide greater protection, accountability and transparency to the workers who depend on the PBGC, and taxpayers who should not be called upon to bailout PBGC. That is why this Conference Report includes several necessary PBGC reforms that were not included in the Senate bill to protect against a taxpayer-funded bailout. Those reforms include:

Disclosure requirements so participants in pension plans know of any shortfalls;

Adjustments to PBGC fees, including for multiemployer plans, which currently pose the greatest risk to PBGC;

Reforms to PBGC's governance structure;

The establishment of a new PBGC Risk Management Officer;

A required annual peer review of PBGC's insurance modeling systems; and

The termination of PBGC's unsecured \$100 million line of credit from the U.S. Treasury.

Madam Speaker, we have passed nine extensions of the highway bill. Today we have an opportunity to put an end to the "stop and start" and take more significant steps toward a longer-term set of solutions. I urge my colleagues to join me in passing this Conference Report.

Mr. RYAN of Wisconsin. Madam Speaker, I commend the Speaker, Chairman MICA, Chairman CAMP, the conferees and their staffs for their work on this surface transportation reauthorization conference bill. With a history of short-term extensions and bailouts of the highway trust fund since the last highway bill was enacted, to the credit of Chairman MICA and the Transportation and Infrastructure Committee, they acted at the beginning of this year to report legislation to fundamentally reform this program to put it on a sustainable basis. While H.R. 4348 does not ultimately achieve that goal, it makes progress and the Chairman, the Committee, and the leadership are to be commended for that effort. For the first time, it offsets general fund transfers to the highway programs to keep the program operating through September, 2014. The bill also is at current level funding, earmark free, reduces the federal bureaucracy by consolidating transportation programs, and cuts red tape to institute significant reforms to complete major infrastructure projects. Relative to the Senate highway bill that irresponsibly relied on taxpayer bailouts for highway spending and past funding practices, the conference bill before us today is an improvement.

Despite this bill's progress, it does not address the structural problems in our transportation programs and I have some concerns with some aspects of the legislation.

First, though the Highway Trust Fund was intended to be financed at the level of gas tax revenues, Congress has increased spending for the program well beyond gas tax revenue levels. As a result, the fund has increasingly operated in the red by relying on general fund transfers to pay for annual funding shortfalls. The trust fund has required three large general fund transfers, or taxpayer contributions, totaling \$35 billion since 2008. Over the next decade, the Congressional Budget Office (CBO) anticipates the Highway Trust Fund to run cash deficits in total of \$105 billion, even upon enactment of today's bill. Through a budgetary loophole, these transfers of general taxpayer revenues are not captured for budgetary effects, allowing Congress to bail out the program without being recorded as a net increase in spending or deficits.

The FY 2013 House budget resolution, H. Con. Res. 112, included a reform to close the budget loophole for general fund transfers to ensure future transfers are fully offset and assumed potential funding streams in the form of new oil and gas revenues for the Highway Trust Fund. Congress needs to continue to re-

form the critical highway program to put it on sound financial footing without further bailouts with borrowed money. H.R. 4348 makes an important effort to offset the \$18.8 billion in general fund transfers contained in the bill. But, instead of continuing to rely on general fund transfers going forward, we need to address the systemic factors that have been driving the trust fund's bankruptcy.

In terms of the bill's cost estimate, according to CBO, the unified budget impact of the entire bill is \$16 billion in net deficit reduction over ten years. However, under traditional budget scoring, this does not include the cost of general transfers to the highway fund nor the flood insurance reforms' net income. When considering the bill under House budget enforcement per its budget resolution, if we include the costs of higher spending under scored general fund transfers and the flood insurance income, it leads to a small deficit reduction over ten-years.

Second, I am concerned with H.R. 4348's use of ten-year savings to finance two years of spending. We need to be reducing spending and deficits and when we increase spending, we should be offsetting the cost in as short a timeframe as possible.

Based on CBO scoring, the bill produces ten-year savings from pension law changes, but some of these changes come with long-term costs. It appears possible that any savings gained in the ten-year window may be offset by greater federal obligations in the future. I expressed my concern over a similar 'smoothing' provision when used in past legislation.

Finally, this bill extends the current interest rate on certain student loans for another year. This is another example where Congress established a temporary subsidy with sudden expiration dates and no plans for next steps. I believe it is imperative that we work toward responsible, long-term reform in this area. Congress must stop playing games with students' interest rates to score political points. A well-educated population is critical to higher incomes and stronger economic growth, but our current education programs have serious problems. The right question is not should the interest rate be 3.4 or 6.8 percent. The focus should instead be on how developing an effective, fair and sustainable process for providing capital to students one that ensures access to higher education without fueling tuition inflation and exposing the taxpayer to unacceptable levels of risk. I look forward to working with my colleagues to achieve such reforms.

Mrs. CAPITO. Madam Speaker, I am pleased to see that H.R. 4348 includes pension reform provisions that will allow businesses to invest more to create jobs, while generating over \$9 billion in Treasury revenue over the next 10 years. H.R. 4348's pension reforms are critical to help businesses create jobs in a struggling economy.

However, I am concerned these vital reforms will be incomplete if financial reporting requirements known as Generally Accepted Accounting Principles do not conform to H.R. 4348's changes in law. H.R. 4348 does not provide a deadline to adjust these financial reporting requirements to match the bill's pension reforms.

We should expect prompt harmonization between the law and how pension obligations

are reported on companies' financial statements. If there is not harmonization many company balance sheets will be required to show inflated liabilities that H.R. 4348's pension reforms seek to address.

The clear policy of H.R. 4348 is that pension funding be calculated by a more stable, long-term method. I expect, and Congress should expect, that financial reporting requirements conform with Congress's clear intent on this issue. Financial statements should be consistent with the rate stabilization set forth in this legislation.

Mr. PALAZZO. Madam Speaker, I want to thank the Chairman for bringing this bill to the floor, and for all the hard work of our conferees in getting us to this point.

Today, I rise before you to remind this body one last time of the importance of Gulf Coast recovery and the importance of passing the RESTORE Act.

Less than a year ago, a small group of Gulf Coast legislators came together with big support from their communities, and a mission to make the Gulf Coast whole.

This was no small effort. But it is the least we could do to show our support once more to all those affected by the single largest man-made disaster in our history.

I am proud to have been a part of this landmark legislation. I want to thank all those who worked so hard with us to make this happen—from my Gulf Coast colleagues to local leaders, business interests to conservation groups.

There were many who said this could not be done in an election year, with so much competing for time on the legislative calendar. But we knew how important it was to pass this bill.

We did not give up because we knew that restoring and replenishing the Gulf Coast is more than just a responsible decision; it is the right thing to do.

Mr. DINGELL. Madam Speaker, I rise today in support of H.R. 4348. While this is not a perfect bill, it will fund important transportation projects while creating well-paying jobs across this country.

H.R. 4348 will reauthorize through the end of fiscal year 2014 our highway and transit programs at current levels—\$105 billion. While I am disappointed in this short-term reauthorization, I do believe this authorization will provide some stability to our state and local governments. We know that for every \$1 billion of federal funds invested in our highway and transit infrastructure nearly 39,000 jobs are created or sustained. This investment will give our transportation industry the ability to continue to create thousands of jobs across our country.

I am also extremely pleased that all states will be guaranteed a minimum rate of return of 95 percent on their payments into the Highway Trust Fund. During the last reauthorization I worked hard with my colleagues on both sides of the aisle to increase Michigan's rate of return to 92 percent, and I am pleased to be able to support increasing it once again. This bill will continue the Safe Routes to School program, and the transportation enhancement activities such as bike paths, bike lanes, and trails. This program has been critical to helping communities in my district, like Ann Arbor, to make their communities more livable and attractive to families and businesses, while

also greening our environment by providing alternatives for their commute. Furthermore, I am pleased that H.R. 4348 will continue to fund our mass-transit program, providing funding to critical projects that will bring our transit infrastructure into the 21st Century.

I am disappointed that H.R. 4348 did not reauthorize the Coordinated Border Infrastructure program. Michigan was one of the leaders in creating CBIP given its critical relationship with Canada and it has been instrumental in addressing border congestion. It is my hope that we can reauthorize this program in the coming months. Unfortunately, this bill does not include any provisions directing the Department of Transportation to develop a long-term national rail plan. I passed one of the first pieces of legislation authorizing investment in high-speed rail, but there has never been a strong commitment to bringing our rail program into the 21st Century until this Administration. This Administration has wisely invested billions of dollars into bringing high-speed rail travel across the country and to corridors outside the Northeast. By ignoring this goal we are halting the progress of high-speed rail and falling further behind our neighbors abroad.

I would have liked for the Land and Water Conservation Fund, or LWCF, reauthorization and funding to be included in the final bill. LWCF was included in the Senate language with overwhelming bipartisan support and I joined with 145 of my House colleagues requesting the conference committee to include the reauthorization and funding. LWCF develops local partnerships to conserve critical wildlife habitat, hunting and fishing access, state and local parks, productive forests, and important lands to be protected for future generations. I hope the House will give serious consideration to reauthorizing and funding LWCF in the coming weeks.

This bill includes a one-year extension of the 3.4 percent interest rate for subsidized Stafford student loans. I am happy that this is finally being authorized because as we continue to recover economically, we must ensure that students can afford a higher education. There were nearly 48,000 students attending a university or college in my district last year who received one of these loans and doubling the interest rate would have a significant impact on students as they get ready to start the new school year. Our children, 25 percent of our population, are 100 percent of our future. They are counting on us and I am pleased we are now standing up for the future to make higher education and job training affordable.

While we are taking a step forward today, we must start thinking towards next July when this one-year extension will expire. We cannot wait until the last minute to address this issue as we did this year. We must start thinking now about how to deal with this problem. This is not just a campaign talking point, this affects students and families and can be the difference between achieving your goals or being priced out of your dreams.

The Flood Insurance extension is a much needed part of this compromise. As we continue to experience extreme weather across the country, we need to ensure that homeowners with flooded homes can get the help they need to put their lives back together. However, as FEMA works on implementing

new floodplain maps, we must ensure that the maps make sense. Homeowners and small businesses in my district are being driven out of the homes and stores due to the high cost of flood insurance that they've never had to pay before. I urge FEMA to continue to work with local governments to address these concerns and keep families in their homes and small businesses open.

I applaud this bill, and I hope my colleagues keep working together in this manner—actually passing bills that make a difference and take action instead of playing political football on issues that do not impact the majority of Americans.

Ms. JACKSON LEE of Texas. Madam Speaker, I rise today in support of H.R. 4348 the "Surface Transportation Conference Agreement." More than 100 days ago, the Senate passed a bipartisan, job-creating transportation bill to rebuild America—that is similar to the bill we are taking up today.

This bill will create or save more than 2 million jobs, authorize highway and transit programs for more than two years at current levels, make key reforms consolidating transportation programs, and leverage federal resources to expand public-private partnerships in transportation.

However, regarding the education of our Nation in making college more affordable has always been a top priority of Democrats. In 2007, the Democratic-led Congress enacted legislation that cut the interest rate on need-based student loans in half—to 3.4 percent—over five years.

Unfortunately, under current law, that reduced rate expires and doubles to 6.8 percent on July 1.

This Congress cannot sit by and let students suffer and be denied a chance at making a better future and a brighter tomorrow because we failed to act. I am determined to see that students have a chance to learn, to aspire, and to dream.

If we don't pass this bill with common-sense pay-fors, we are setting up a roadblock to dreamers, in essence telling them that education can be foreclosed on because we did not do our jobs.

If the current rates expire the average student faces an increase of \$1,000 each. In doing nothing, House Republicans are, putting more barriers in the way of millions of Americans already struggling to pay for a higher education. It is time for Republicans in Congress to stop playing politics with students' futures and come to the negotiating table.

Minority and Women Contractors. Regarding set-asides to ensure that minority, women and other disadvantaged businesses are able to compete for transit and highway contracts, the conference report continues the program and includes key findings regarding discrimination in transportation contracts to ensure that these important provisions are upheld if ever challenged. These provisions are not expanded to rail, which is not authorized in the bill.

Although I am disappointed the bill does not include rail, it is important that as we move forward, transportation contracts, whether it be for airlines, bus, rail, or even little red wagons, women and minorities are able to compete on equal footing with the old boy's network.

I have supported this reauthorization at least 16 times since 2008. The National Flood Insurance Program (NFIP) has been invaluable

for victims and potential victims of flooding in Texas.

Congress must extend authority for the NFIP to write or renew flood insurance policies, which are required in order to obtain a mortgage in the 100-year floodplain. This is an issue of importance to not just the coastal states but in nearly every state.

Just a month ago the Houston Association of Realtors was in town and came to advocate for a reauthorization but as a practical matter would prefer—like many Members of Congress on both sides of the aisle—a long-term, 5-year reauthorization for this important measure.

The National Flood Insurance Program (NFIP) was established in 1968 in response to increasing federal government spending for disaster relief. Standard homeowners insurance does not cover flooding and therefore offers no protection from floods associated with hurricanes, tropical storms, heavy rains and other conditions. The NFIP mandates that federally regulated or insured lenders require flood insurance on properties that are located in areas that have a high risk of flooding.

As Ranking Member of the Subcommittee on Transportation Security and Infrastructure Protection of the Committee on Homeland Security, I understand as well as anyone that supporting and securing our Nation's transportation systems are critical to ensuring the free movement of people and commercial goods. But I also know that, in the strained economic circumstances that we currently face, it is equally imperative that we allocate limited resources in a way that maximizes their capacity to improve the lives of as many Americans as possible.

I am pleased that the Conference Agreement measure includes provisions to strengthen highway and motor carrier safety programs. The legislation consolidates National Highway Traffic Safety Administration incentive grant programs, and increases funding flexibility for states that qualify for safety incentive grants. The measure also improves motor carrier safety in a balanced manner.

As the Representative of 18th Congressional District of Houston, Texas, I am keenly aware of our transportation needs. Houston needs infrastructure to relieve congestion and provide adequate public transportation, but it also needs this because an investment in Houston's New Start Transit Project means jobs for Houston's constituents through the transportation sector in its communities and around the Nation.

However, I must balance the needs of my constituents. This funding is critical for funding existing and pending surface transportation and infrastructure projects while we pursue longer term solutions in the face of a misplaced focus on spending cuts. We must work together to forge a bipartisan long-term solution to our Nation's transportation and infrastructure needs.

Economic experts universally agree that funding the critical and necessary infrastructure projects nationwide creates jobs for America and increases our level of global competitiveness. There is an intense competition between fiscal responsibility and investment in job growth & infrastructure.

We must make investments in job creating infrastructure projects in order to grow the US

economy. We must be winners in contest for economic change now and for our children's future. We cannot be the losers. We must catch the wave of economic growth or be crushed by it. China, India and Europe understand this because they have committed to greater investments in their infrastructure.

As I think of my home District, the 18th Congressional District in Houston, Texas and its busy ports, much like the other ports around this great nation, I am compelled to urge my colleagues to consider the pressing national necessity of decongesting the surface transportation, both rail and highway, that moves the goods in and out of those ports.

We must improve this surface transportation system in order to accommodate national economic health, global competitiveness, and to avoid harm to agriculture industry, maritime jobs and manufacturing jobs. Maritime jobs and construction jobs for infrastructure provide a good middle class wage, allow workers to get educations at night, and lower crime rates in our cities.

We must invest in High Speed Rail. We have about 500 miles of high speed rail in process, but China has about 10,000 miles being built! We need to have a domestic talent pool with the required knowledge, skills and trained workers to do projects like high speed rail or we will be paying for skilled Chinese companies to do it for us.

Infrastructure Investment is a Non-Partisan Issue: If the AFL-CIO and U.S. Chamber of Commerce have teamed up to promote infrastructure investment, then surely the Democrats and Republicans in this Congress can do the same. Moreover, now is the time for us to consider the creation of a long overdue National Infrastructure Bank and Public-Private partnerships to shift our infrastructure improvement into full gear. We should not shy away from this issue when a nation is waiting for us to do our part to restore our economy through fortification of our infrastructure. It is time for another large, bold, national forward thinking infrastructure project like interstate highway system.

Governors and Mayors at ground level around this nation will quickly confirm that Infrastructure investments create jobs, help balance budgets, and grow both state and national economies. We must listen to our local elected officials who must fix the potholes, repair the crumbling bridges and tunnels or be held directly accountable by their constituents on every street corner. Our local elected officials will quickly tell us that infrastructure investment creates jobs, because it attracts business!

The American Association of Civil Engineers (ASCE) gives U.S. Infrastructure the Grade of "D" in its 2009 Report Card. Infrastructure Investment equals Jobs! But, the U.S. is falling behind its competitors in infrastructure development (especially China, India & Europe). The bottom line is that Transportation and Infrastructure Investment is needed for a Strong Economy.

So, I say to my colleagues that we weight this measure carefully. A delay in enactment of this Conference Agreement will shut down more than \$800 million next month in highway reimbursements and transit grants to States and urban areas, endangering more than

28,000 jobs and multi-million dollar construction projects across the country.

As Ranking Member of the Transportation Security Subcommittee at the House Committee on Homeland Security, I have continuously supported the increase in adequate resources aimed at enhancing the efficiency, safety and security of our rail and mass transit systems.

This Congress, I introduced the "Surface Transportation and Mass Transit Security Act of 2011" which seeks to authorize adequate resources and program attention to surface and mass transit security programs at the Transportation Security Administration.

To this end, the bill authorizes additional surface inspectors needed to validate security programs impacting our surface and mass transit security. The bill also creates mechanisms to strengthen stakeholder outreach, makes key revisions to the public transportation security assistance grants program and increases canine teams and resources for surface and mass transit modes.

I must say that I am pleased today that our colleagues have come together in a bipartisan and bicameral manner to create a Conference Agreement that will put Americans back to work.

Mr. TIBERI. Madam Speaker, many employers have reassured me that the pension stabilization language included in the Surface Transportation Extension Act of 2012 will allow them to invest more to create jobs and will prohibit a reduction in their workforce. I hope this is the case and that these pension reforms will help businesses create jobs in a struggling economy.

However, H.R. 4348 does not make changes to the financial reporting requirements known as Generally Accepted Accounting Principles (GAAP) to allow companies to reflect the reforms on their balance sheets. The end result of this is that many company balance sheets will be required to show inflated pension liabilities that the reforms seek to address.

There is also no guidance provided to the overseeing entities of GAAP on how to conform these reforms and accounting requirements.

The pension stabilization language is meant to allow companies to calculate their pension funding status through a more stable, long-term method. There should be consistency between the law and how pension obligations are reported on companies' financial statements.

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, I would like to voice my support for the transportation reauthorization conference report. While I was disappointed in how House Republicans broke with the tradition of working in a bipartisan fashion on transportation policy, I appreciate the Senate's bipartisan approach, which is responsible in large part for the bill we have today. In addition to the transportation reauthorization, we have been able to come together to prevent student loan interest rates from increasing, and secure a five-year reauthorization of the Flood Insurance program. It is my hope that moving forward we can look at this conference agreement as a model of what can be accomplished legislatively by seeking bipartisan, bicameral common ground.

But as with all legislation, there were many compromises, and there were several aspects of the report which I believe could further be improved. On balance, however, the conference report contains needed policy direction and authorizations that warrant support.

Most importantly, transportation reauthorization will provide much needed stimulus to local economies, and get those in the construction and manufacturing industries back to work. This bill will create or save more than 2 million jobs, and authorize highway and transit programs for more than two years. The bill will also make key reforms in consolidating transportation programs, cut red tape, and leverage federal resources to expand public-private partnerships in transportation.

This is also a good bill for Texas. Under this agreement, Texas is slated to receive more than \$3 billion annually in highway formula funds. Unlike the original House legislation, H.R. 7, this conference agreement preserves mass transit funding through the Highway Trust Fund. Funding for mass transit is critical for my district, and Texas as a whole, as we work to develop solutions to alleviate congestion and alternative modes of transportation to accommodate a growing population. Texas has also been very successful in utilizing Transportation Infrastructure Finance and Innovation Act, TIFIA, funding, and will continue to benefit under the conference agreement, which increases funding for the TIFIA program to \$750 million for FY 2013 and to \$1 billion for FY 2014. It also increases the maximum share of project costs that can be funded through the TIFIA program from 33 percent to 49 percent. This agreement will give the Texas Department of Transportation, local transit agencies, and contractors some much-needed certainty as they plan transportation projects.

This agreement will also give 461,533 Texas students relief from the impending student loan interest increase. I am very pleased that provisions blocking the rate hike are included in the conference report. In Texas and all across the country, students and recent college graduates are now facing the highest unemployment rate of any other group. Without action, the loan rates for 7.4 million college students would have doubled, adding \$6.3 billion to students' debt burden in one year alone.

As the Ranking Member of the Committee on Science, Space, and Technology, I recognize that the long-term viability of our transportation system requires a continued commitment to quality research and the development of new transportation technologies and materials that will make our transportation infrastructure—and the vehicles traveling on that infrastructure—safer, stronger, and more sustainable. I am pleased that the conference report acknowledges the important role of research and development across the Department of Transportation.

Specifically, we cannot deny that our current transportation system places an enormous burden on the environment and public health, and therefore, I am pleased that the conference report authorizes a separate environmental research program within the Federal Highway Administration. At a time when many metropolitan regions are still struggling to

meet basic health standards for air pollution, we cannot afford to stop research that will lead to a cleaner, safer, and more efficient highway system. The research conducted under this program will ensure that State and local transportation officials have the tools they need to make informed and effective decisions about local transportation projects and the environment.

I also want to express my satisfaction that the conference report provides the framework and guidance necessary to allow us to begin to really understand and, more importantly, mitigate the long-term impacts of the Deepwater Horizon Oil Spill on the Gulf Coast States. Regardless of whether you live in the coastal communities of Texas, Alabama, Louisiana, Mississippi, or Florida, the Gulf of Mexico provides a wealth of products and services that benefit the entire nation. The Gulf Coast Restoration Trust Fund will provide the resources necessary to restore the health of this unique ecosystem and revitalize the region's economy.

Finally, I would like to thank my colleagues for working with me to fix a technical error in the authorization levels for the research programs under the Federal Highway Administration. In the conference committee's haste to put together the report, it appears that the authorization levels in the Research and Education Division were not updated accordingly, but thankfully this oversight has been addressed.

Mr. MICA. Madam Speaker, I would like to extend my personal appreciation to the dedicated staff in the Office of Legislative Counsel here in the House of Representatives for helping us to write important legislation reauthorizing surface transportation programs. In addition, I would like to thank the staff of the Federal Highway Administration and the Federal Transit Administration for providing us with their technical assistance and expertise. In particular, I would like to thank the following individuals for their work on this legislation:

FROM THE OFFICE OF LEGISLATIVE COUNSEL
TRANSPORTATION AND INFRASTRUCTURE
ATTORNEYS

Curt Haensel
Rosemary Gallagher
Tom Dillon
Kakuti Lin
Tim Brown

CLERKS

Nancy McNeillie
Debra Birch

RAMSEYER TEAM

Craig Sterkx
Thomas Meryweather
Pamela Griffiths

FROM THE FEDERAL HIGHWAY ADMINISTRATION

Tim Arnade
Andrew Wishnia
Jennifer Steinhoff
Steven Frankel
Carolyn Edwards
Todd Kohr
Kimberly Monaco

FROM THE FEDERAL TRANSIT ADMINISTRATION

Rich Steinmann
Kate Webb
Bonnie Graves
Rita Maristich

Thanks to the dedication of these experts we have achieved a major accomplishment in the passage of H.R. 4348.

Ms. MCCOLLUM. Madam Speaker, I rise today in support of the Moving Ahead for Progress in the 21st Century Act. After nearly two years of Republican control, there is finally a true jobs bill on the floor of the House.

MAP-21 will protect and create 3 million American jobs. This two year transportation authorization will also provide much-needed certainty for state departments of transportation, construction companies and construction workers after nearly three years without a long term authorization.

Passage of this bill was inexcusably delayed by House Republicans for four months—first due to their refusal to negotiate with the Senate and then, due to a long list of misguided policy riders. I am pleased that a prohibition against coal ash regulation and many other unrelated riders were stripped from the final bill.

While I support the underlying legislation, I am concerned about reduced support for bicycle and pedestrian projects such as Safe Routes to School. This funding is necessary to create a modern, multimodal transportation system that gives commuters and families more choices. Under MAP-21 funding for these programs is cut by 34 percent. This is a disappointing step backwards at a time when Americans are seeing their budgets' under pressure from high gas prices. Moreover, the authorization timeframe should be longer, and the overall funding level for this bill should be higher in order to meet the country's mounting infrastructure needs.

This legislation represents a compromise between the House and Senate that is far worse than the original Senate bill. It is long overdue and far from perfect. Still, despite these shortcomings, I will vote for H.R. 4348. I refuse to gamble with the 3 million jobs that are at stake in this bill. Our country needs these jobs and our communities need the predictable funding this bill provides.

I urge my colleagues to join me in supporting H.R. 4348.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 717, the previous question is ordered.

The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. RAHALL. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

TRANSPORTATION, HOUSING AND
URBAN DEVELOPMENT, AND RE-
LATED AGENCIES APPROPRIATIONS ACT, 2013

GENERAL LEAVE

Mr. LATHAM. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the further consideration of H.R. 5972, and

that I may include tabular material on the same.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 697 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 5972.

Will the gentleman from Indiana (Mr. BUCSHON) kindly take the chair.

□ 1150

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 5972) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, with Mr. BUCSHON (Acting Chair) in the chair.

The Clerk read the title of the bill.

The Acting CHAIR. When the Committee of the Whole rose on Wednesday, June 27, 2012, an amendment offered by the gentleman from Louisiana (Mr. SCALISE) had been disposed of and the bill had been read through page 150, line 9.

AMENDMENT OFFERED BY MR. LANDRY

Mr. LATHAM. Mr. Chairman, I ask unanimous consent to vacate the request for a recorded vote on the Landry amendment to the end that the Chair put the question de novo.

The Acting CHAIR. Is there objection to the request of the gentleman from Iowa?

Without objection, the request for a recorded vote on the amendment is vacated and the Chair will put the question de novo.

There was no objection.

The Acting CHAIR. The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Louisiana (Mr. LANDRY).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

An amendment by Mrs. BLACKBURN of Tennessee.

Amendment No. 13 by Mr. MCCLINTOCK of California.

An amendment by Mr. LANKFORD of Oklahoma.

Amendment No. 9 by Mr. DENHAM of California.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MRS. BLACKBURN OF TENNESSEE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Tennessee (Mrs. BLACKBURN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 166, noes 254, not voting 12, as follows:

[Roll No. 445]

AYES—166

Adams	Gowdy	Neugebauer
Amash	Graves (MO)	Nunes
Amodei	Griffin (AR)	Nunnelee
Bachmann	Griffith (VA)	Olson
Bartlett	Guinta	Palazzo
Barton (TX)	Guthrie	Paul
Benishek	Harper	Paulsen
Biggett	Harris	Pence
Bilirakis	Hartzler	Petri
Black	Hensarling	Pitts
Blackburn	Herger	Poe (TX)
Bono Mack	Huelskamp	Pompeo
Boustany	Huizenga (MI)	Price (GA)
Brady (TX)	Hultgren	Quayle
Brooks	Hunter	Ribble
Broun (GA)	Hurt	Rigell
Buchanan	Issa	Roe (TN)
Buerkle	Jenkins	Rogers (MI)
Burgess	Johnson (IL)	Rohrabacher
Burton (IN)	Johnson (OH)	Rokita
Camp	Johnson, Sam	Roskam
Campbell	Jones	Ross (FL)
Canseco	Jordan	Royce
Cassidy	King (IA)	Ryan (WI)
Chabot	Kingston	Scalise
Chaffetz	Kline	Schmidt
Coble	Labrador	Schweikert
Coffman (CO)	Lance	Scott (SC)
Conaway	Landry	Scott, Austin
Cooper	Lankford	Sensenbrenner
Crawford	Latta	Sessions
Cuellar	Long	Shuster
Culberson	Luetkemeyer	Smith (NE)
Davis (KY)	Lummis	Southerland
DesJarlais	Lungren, Daniel	Stearns
Donnelly (IN)	E.	Stivers
Duffy	Lynch	Stutzman
Duncan (SC)	Mack	Sullivan
Emerson	Manzullo	Terry
Farenthold	Marchant	Thornberry
Fincher	Marino	Tiberi
Fitzpatrick	Matheson	Tipton
Flake	McCarthy (CA)	Turner (NY)
Fleischmann	McCauley	Upton
Fleming	McClintock	Walberg
Flores	McCotter	Walden
Forbes	McHenry	Walsh (IL)
Fortenberry	McIntyre	West
Fox	McMorris	Westmoreland
Franks (AZ)	Rodgers	Whitfield
Gardner	Mica	Wilson (SC)
Garrett	Miller (FL)	Wittman
Gingrey (GA)	Miller (MI)	Woodall
Gohmert	Miller, Gary	Yoder
Goodlatte	Mulvaney	Young (FL)
Gosar	Myrick	Young (IN)

NOES—254

Ackerman	Baldwin	Berkley
Aderholt	Barber	Berman
Alexander	Barletta	Bilbray
Altmire	Barrow	Bishop (GA)
Andrews	Bass (CA)	Bishop (NY)
Austria	Bass (NH)	Bishop (UT)
Baca	Becerra	Blumenauer
Bachus	Berg	Bonamici

Bonner	Hastings (WA)	Polis
Boren	Hayworth	Posey
Boswell	Heck	Price (NC)
Brady (PA)	Heinrich	Quigley
Braley (IA)	Herrera Beutler	Rahall
Brown (FL)	Higgins	Rangel
Bucshon	Himes	Reed
Butterfield	Hinchee	Rehberg
Calvert	Hinojosa	Reichert
Capito	Hirono	Renacci
Capps	Hochul	Reyes
Capuano	Holden	Richardson
Cardoza	Holt	Richmond
Carnahan	Honda	Rivera
Carson (IN)	Hoyer	Roby
Carter	Israel	Rogers (AL)
Castor (FL)	Jackson Lee	Rogers (KY)
Chandler	(TX)	Rooney
Chu	Johnson (GA)	Ros-Lehtinen
Cicilline	Kaptur	Ross (AR)
Clarke (MI)	Keating	Rothman (NJ)
Clarke (NY)	Kelly	Roybal-Allard
Clay	Kildee	Runyan
Cleaver	Kind	Ruppersberger
Cohen	King (NY)	Rush
Cole	Kinzing (IL)	Ryan (OH)
Connolly (VA)	Kissell	Sanchez, Linda
Conyers	Kucinich	T.
Costa	Langevin	Sanchez, Loretta
Costello	Larsen (WA)	Sarbanes
Courtney	Larson (CT)	Schakowsky
Cravaack	Latham	Schiff
Crenshaw	LaTourette	Schilling
Critz	Lee (CA)	Schock
Crowley	Levin	Schrader
Cummings	Lewis (GA)	Schwartz
Davis (CA)	Lipinski	Scott (VA)
Davis (IL)	LoBiondo	Scott, David
DeFazio	Loebach	Serrano
DeGette	Lofgren, Zoe	Sewell
DeLauro	Lowe	Sherman
Denham	Lucas	Shimkus
Dent	Lujan	Shuler
Deutch	Maloney	Simpson
Diaz-Balart	Markey	Sires
Dicks	Matsui	Slaughter
Dingell	McCarthy (NY)	Smith (NJ)
Doggett	McCollum	Smith (TX)
Dold	McDermott	Smith (WA)
Doyle	McGovern	Speier
Dreier	McKeon	Stark
Edwards	McKinley	Sutton
Ellison	McNerney	Thompson (CA)
Ellmers	Meehan	Thompson (MS)
Engel	Meeks	Thompson (PA)
Eshoo	Michaud	Tierney
Farr	Miller (NC)	Tonko
Fattah	Miller, George	Towns
Frank (MA)	Moore	Tsongas
Frelinghuysen	Moran	Turner (OH)
Fudge	Murphy (CT)	Van Hollen
Gallegly	Murphy (PA)	Velázquez
Garamendi	Nadler	Visclosky
Gerlach	Napolitano	Walz (MN)
Gibbs	Noem	Wasserman
Gibson	Nugent	Schultz
Gonzalez	Oliver	Waters
Granger	Owens	Watt
Green, Al	Pallone	Waxman
Green, Gene	Pascrell	Webster
Grijalva	Pastor (AZ)	Welch
Grimm	Pearce	Wilson (FL)
Gutierrez	Pelosi	Wolf
Hahn	Perlmutter	Womack
Hall	Peters	Woolsey
Hanabusa	Peterson	Yarmuth
Hanna	Pingree (ME)	Young (AK)
Hastings (FL)	Platts	

NOT VOTING—12

Akin	Duncan (TN)	Johnson, E. B.
Cantor	Filner	Lamborn
Carney	Graves (GA)	Lewis (CA)
Clyburn	Jackson (IL)	Neal

□ 1217

Mr. CARTER changed his vote from “aye” to “no.”

Messrs. MARCHANT, HARRIS, CASSIDY, ROSKAM, ROYCE, HARPER, HERGER, and KINGSTON changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 445, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT NO. 13 OFFERED BY MR.
MCCLINTOCK

The Acting CHAIR (Mr. THORNBERRY). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. MCCLINTOCK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 235, noes 186, not voting 11, as follows:

[Roll No. 446]

AYES—235

Adams	Diaz-Balart	Johnson (OH)
Aderholt	Donnelly (IN)	Johnson, Sam
Alexander	Dreier	Jones
Amash	Duffy	Jordan
Amodei	Duncan (SC)	Kelly
Austria	Ellmers	King (IA)
Bachmann	Emerson	King (NY)
Bachus	Farenthold	Kingston
Barletta	Fincher	Kinzinger (IL)
Barrow	Fitzpatrick	Kissell
Bartlett	Flake	Kline
Barton (TX)	Fleischmann	Labrador
Bass (NH)	Fleming	Lance
Benishkek	Flores	Landry
Berg	Forbes	Lankford
Biggart	Fortenberry	Latham
Bilbray	Fox	LaTourette
Bilirakis	Franks (AZ)	Latta
Bishop (UT)	Frelinghuysen	LoBiondo
Black	Gallely	Long
Blackburn	Gardner	Lucas
Bonner	Garrett	Luetkemeyer
Bono Mack	Gerlach	Lummis
Boustany	Gibbs	Lungren, Daniel
Brady (TX)	Gingrey (GA)	E.
Brooks	Gohmert	Mack
Brown (GA)	Goodlatte	Manzullo
Buchanan	Gosar	Marchant
Bucshon	Gowdy	Marino
Buerkle	Graves (GA)	Matheson
Burgess	Graves (MO)	McCarthy (CA)
Burton (IN)	Griffin (AR)	McCaul
Calvert	Griffith (VA)	McClintock
Camp	Guinta	McCotter
Campbell	Guthrie	McHenry
Canseco	Hall	McIntyre
Cantor	Harper	McKeon
Capito	Harris	McKinley
Cassidy	Hartzler	McMorris
Chabot	Hastings (WA)	Rodgers
Chaffetz	Hayworth	Meehan
Coble	Heck	Mica
Coffman (CO)	Hensarling	Miller (FL)
Cole	Herger	Miller (MI)
Conaway	Herrera Beutler	Miller, Gary
Cravaack	Huelskamp	Mulvaney
Crawford	Huizenga (MI)	Murphy (PA)
Crenshaw	Hultgren	Myrick
Culberson	Hunter	Neugebauer
Davis (KY)	Hurt	Noem
Denham	Issa	Nugent
Dent	Jenkins	Nunes
DesJarlais	Johnson (IL)	Nunnelee

Olson	Rohrabacher
Palazzo	Rokita
Paul	Rooney
Paulsen	Ros-Lehtinen
Pearce	Roskam
Pence	Ross (FL)
Petri	Royce
Pitts	Runyan
Platts	Ryan (WI)
Poe (TX)	Scalise
Pompeo	Schilling
Posey	Schmidt
Price (GA)	Schock
Quayle	Schweikert
Reed	Scott (SC)
Rehberg	Scott, Austin
Reichert	Sensenbrenner
Renacci	Sessions
Ribble	Shimkus
Rigell	Shuster
Rivera	Simpson
Roby	Smith (NE)
Roe (TN)	Smith (NJ)
Rogers (AL)	Smith (TX)
Rogers (KY)	Southerland
Rogers (MI)	Stearns

NOES—186

Ackerman	Fudge
Altmire	Garamendi
Andrews	Gibson
Baca	Gonzalez
Baldwin	Granger
Barber	Green, Al
Bass (CA)	Green, Gene
Becerra	Grijalva
Berkley	Grimm
Berman	Gutierrez
Bishop (GA)	Hahn
Bishop (NY)	Hanabusa
Blumenauer	Hanna
Bonamici	Hastings (FL)
Boren	Heinrich
Boswell	Higgins
Brady (PA)	Himes
Braley (IA)	Hinchey
Brown (FL)	Hinojosa
Butterfield	Hirono
Capps	Hochul
Capuano	Holden
Cardoza	Holt
Carnahan	Honda
Carson (IN)	Hoyer
Carter	Israel
Castor (FL)	Jackson Lee
Chandler	(TX)
Chu	Johnson (GA)
Cicilline	Kaptur
Clarke (MI)	Keating
Clarke (NY)	Kildee
Clay	Kind
Cleaver	Kucinich
Cohen	Langevin
Connolly (VA)	Larsen (WA)
Conyers	Larson (CT)
Cooper	Lee (CA)
Costa	Levin
Costello	Lewis (GA)
Courtney	Lipinski
Critz	Loebbeck
Crowley	Lofgren, Zoe
Cuellar	Lowey
Cummings	Lujan
Davis (CA)	Lynch
Davis (IL)	Maloney
DeFazio	Markey
DeGette	Matsui
DeLauro	McCarthy (NY)
Deutch	McCollum
Dicks	McDermott
Dingell	McGovern
Doggett	McNerney
Dold	Meeks
Doyle	Michaud
Edwards	Miller (NC)
Ellison	Miller, George
Engel	Moore
Eshoo	Moran
Farr	Murphy (CT)
Fattah	Nadler
Frank (MA)	Napolitano

Stivers
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—11

Akin	Filner	Lewis (CA)
Carney	Jackson (IL)	Neal
Clyburn	Johnson, E. B.	Sullivan
Duncan (TN)	Lamborn	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1221

Mr. DOLD changed his vote from “aye” to “no.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 446, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

(By unanimous consent, Mr. DOYLE was allowed to speak out of order.)

CHARITIES REAL WINNERS FROM CONGRESSIONAL BASEBALL GAME

Mr. DOYLE. Mr. Chairman, you all know that last night was the 51st annual Congressional Quarterly-Roll Call baseball game for charity, and I'm pleased to inform the House this morning that the Democratic team won 18-5 last night.

Mr. Chairman, there are 21 outs in the game we play because we only play seven innings. CEDRIC RICHMOND struck out 16 batters, so he didn't leave much work for our infield. It's my understanding that if the Republicans should win the Presidency, that CEDRIC is going to be offered a Cabinet position just to get him out of here. Other notables, CEDRIC also came within about 3 feet of hitting one out of the park at Nationals Field, too. BEN CHANDLER also had a fantastic game for our team as co-MVP.

But, Mr. Chairman, the real winner last night was the Boys and Girls Club of Washington, D.C. and the Washington Literacy Council. This was a record year for the congressional baseball game. We came close to raising, for the first time ever, almost a quarter of a million dollars for the charities.

I want to congratulate my good friend and Republican manager, JOE BARTON, on a hard-fought game. I can tell you, as someone who has played in the game for 18 years now, I've been part of the highs and part of the lows. I know what it's like to be on both ends of a winning and losing ball game. But the Republicans were game opponents. They came out there, and they did their best last night; but we were just a little bit better than them. And now I yield to my good friend, JOE BARTON.

Mr. BARTON of Texas. Thank you, Congressman DOYLE. There are a few things you said, like most Democrats, stretching the truth a little bit. You know, you said that there are only 21 outs in the game. Well, we being very generous and open-hearted Republicans, we play a game where you got

about 31 outs because we were so friendly with the way we didn't catch the ball.

For my Republican colleagues, there is good news and bad news. The good news is we got nine times as many hits this year. We got 500 percent more runs this year. So in some ways, we did a lot better. But the bad news is that the Democrats doubled the number of runs. And as my 6-year-old son Jack told me on the way home after the game—he's a T-ball expert—he said, Those guys didn't let up on you.

Mr. DOYLE. It's not in my nature, JOE.

Mr. BARTON of Texas. As some of you who actually went to the game noticed, at about the fourth inning, PETE SESSIONS, our first base coach, and TIM SCOTT, one of our pitchers, who are both on the Rules Committee, had to leave to go back to Rules. Now, there's no truth to the rumor that I had asked for an emergency rule asking CEDRIC RICHMOND be declared ineligible for that game. There is no truth to that rumor.

Our guys played well. Our MVP, PAT MEEHAN of Pennsylvania, pitched in relief real well. JOHN SHIMKUS got two hits. JEFF FLAKE got a double and knocked in two runs. SAM GRAVES stole several bases and played very well out in the field. So as my 6-year-old son Jack also said, Mr. DOYLE, enjoy it while you can because it won't last forever; you can't win every game.

But congratulations, and a job well done on both sides.

Mr. DOYLE. I think it is also notable that our House Chaplain, Father Conroy, did get a chance to play in the game last night. We put him in as a pinch runner. I think it's notable to say Father Conroy stole home.

Mr. BARTON of Texas. He did, but that means that God owes us one. Congratulations.

Mr. DOYLE. We want to give a round of applause to our Chaplain, too, for playing in the game.

One final look: here's the trophy, guys.

AMENDMENT OFFERED BY MR. LANKFORD

The Acting CHAIR. Without objection, 2-minute voting will continue.

There was no objection.

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. LANKFORD) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 191, not voting 7, as follows:

[Roll No. 447]

AYES—234

Adams	Gowdy	Olson
Aderholt	Graves (GA)	Palazzo
Alexander	Graves (MO)	Paul
Altmire	Griffin (AR)	Paulsen
Amash	Griffith (VA)	Pearce
Amodei	Grimm	Pence
Austria	Guinta	Peterson
Bachmann	Guthrie	Petri
Bachus	Hall	Pitts
Barletta	Hanna	Platts
Barrow	Harper	Poe (TX)
Barton (TX)	Harris	Pompeo
Benish	Hartzler	Posey
Berg	Hastings (WA)	Price (GA)
Billrakis	Hayworth	Quayle
Bishop (UT)	Heck	Reed
Black	Hensarling	Rehberg
Blackburn	Herger	Renacci
Bonner	Herrera Beutler	Ribble
Bono Mack	Holden	Rigell
Boren	Huelskamp	Rivera
Boustany	Huizenga (MI)	Roby
Brady (TX)	Hultgren	Roe (TN)
Brooks	Hunter	Rogers (AL)
Broun (GA)	Hurt	Rogers (KY)
Buchanan	Issa	Rogers (MI)
Bucshon	Jenkins	Rohrabacher
Buerkle	Johnson (OH)	Rokita
Burgess	Johnson, Sam	Rooney
Burton (IN)	Jones	Ros-Lehtinen
Calvert	Jordan	Roskam
Camp	Kelly	Ross (AR)
Campbell	King (IA)	Ross (FL)
Canseco	King (NY)	Royce
Cantor	Kingston	Ryunan
Capito	Kinzinger (IL)	Ryan (WI)
Cassidy	Kissell	Scalise
Chabot	Kline	Schilling
Chaffetz	Labrador	Schmidt
Coble	Lance	Schock
Coffman (CO)	Landry	Schweikert
Cole	Lankford	Scott (SC)
Conaway	Latham	Scott, Austin
Cravaack	LaTourette	Sensenbrenner
Crawford	Latta	Sessions
Crenshaw	Long	Shimkus
Critz	Lucas	Shuler
Culberson	Luetkemeyer	Shuster
Davis (KY)	Lummis	Simpson
Denham	Lungren, Daniel	Smith (NE)
Dent	E.	Smith (TX)
DesJarlais	Mack	Southerland
Diaz-Balart	Manzullo	Stearns
Donnelly (IN)	Marchant	Stivers
Dreier	Marino	Stutzman
Duffy	Matheson	Sullivan
Duncan (SC)	McCarthy (CA)	Terry
Duncan (TN)	McCaul	Thompson (PA)
Ellmers	McClintock	Thornberry
Emerson	McCotter	Tiberi
Farenthold	McHenry	Tipton
Fincher	McIntyre	Turner (NY)
Flake	McKeon	Turner (OH)
Fleischmann	McKinley	Upton
Fleming	McMorris	Walberg
Flores	Rodgers	Walsh (IL)
Forbes	Meehan	Webster
Fortenberry	Mica	West
Fox	Miller (FL)	Westmoreland
Franks (AZ)	Miller (MI)	Wilson (SC)
Frelinghuysen	Miller, Gary	Wittman
Galleghy	Mulvaney	Wolf
Gardner	Murphy (PA)	Womack
Garrett	Myrick	Yoder
Gibbs	Neugebauer	Young (AK)
Gingrey (GA)	Noem	Young (FL)
Gohmert	Nugent	Young (IN)
Goodlatte	Nunes	
Gosar	Nunnelee	

NOES—191

Ackerman	Bass (NH)	Bishop (NY)
Andrews	Becerra	Blumenauer
Baca	Berkley	Bonamici
Baldwin	Berman	Boswell
Barber	Biggart	Brady (PA)
Bartlett	Billbray	Braley (IA)
Bass (CA)	Bishop (GA)	Brown (FL)

Butterfield	Heinrich	Peters
Capps	Higgins	Pingree (ME)
Capuano	Himes	Polis
Cardoza	Hinchey	Price (NC)
Carnahan	Hinojosa	Quigley
Carney	Hirono	Rahall
Carson (IN)	Hochul	Rangel
Carter	Holt	Reichert
Castor (FL)	Honda	Reyes
Chandler	Hoyer	Richardson
Chu	Israel	Richmond
Cicilline	Jackson Lee	Rothman (NJ)
Clarke (MI)	(TX)	Roybal-Allard
Clarke (NY)	Johnson (GA)	Ruppersberger
Clay	Johnson (IL)	Rush
Cleaver	Kaptur	Ryan (OH)
Cohen	Keating	Sánchez, Linda
Connolly (VA)	Kildee	T.
Conyers	Kind	Sanchez, Loretta
Cooper	Kucinich	Sarbanes
Costa	Langevin	Schakowsky
Costello	Larsen (WA)	Schiff
Courtney	Larson (CT)	Schrader
Crowley	Lee (CA)	Schwartz
Cuellar	Levin	Scott (VA)
Cummings	Lewis (GA)	Scott, David
Davis (CA)	Lipinski	Serrano
Davis (IL)	LoBiondo	Sewell
DeFazio	Loebach	Sherman
DeGette	Lofgren, Zoe	Sires
DeLauro	Sires	Slaughter
Deutch	Luján	Smith (NJ)
Dicks	Lynch	Smith (WA)
Dingell	Maloney	Speier
Doggett	Markey	Stark
Dold	Matsui	Sutton
Doyle	McCarthy (NY)	Thompson (CA)
Edwards	McCollum	Thompson (MS)
Ellison	McDermott	Tierney
Engel	McGovern	Tonko
Eshoo	McNerney	Towns
Farr	Meeks	Tsongas
Fattah	Michaud	Van Hollen
Fitzpatrick	Miller (NC)	Velázquez
Frank (MA)	Miller, George	Visclosky
Fudge	Moore	Walz (MN)
Garamendi	Moran	Wasserman
Gerlach	Murphy (CT)	Schultz
Gibson	Nadler	Waters
Gonzalez	Napolitano	Watt
Granger	Neal	Waxman
Green, Al	Olver	Welch
Green, Gene	Owens	Whitfield
Grijalva	Pallone	Wilson (FL)
Gutierrez	Pascarell	Woodall
Hahn	Pastor (AZ)	Woolsey
Hanabusa	Pelosi	Yarmuth
Hastings (FL)	Perlmutter	

NOT VOTING—7

Akin	Jackson (IL)	Lewis (CA)
Clyburn	Johnson, E. B.	
Filner	Lamborn	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 1231

Mr. WHITFIELD changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 447, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "no."

AMENDMENT NO. 9 OFFERED BY MR. DENHAM

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. DENHAM) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 239, noes 185, not voting 8, as follows:

[Roll No. 448]

AYES—239

Adams	Gibson	Murphy (PA)
Aderholt	Gingrey (GA)	Myrick
Alexander	Gohmert	Neugebauer
Amash	Goodlatte	Noem
Amodel	Gosar	Nugent
Austria	Gowdy	Nunes
Bachmann	Granger	Nunnelee
Bachus	Graves (GA)	Olson
Barletta	Graves (MO)	Palazzo
Barrow	Griffin (AR)	Paul
Bartlett	Griffith (VA)	Paulsen
Barton (TX)	Guinta	Pearce
Bass (NH)	Guthrie	Pence
Benishek	Hall	Petri
Berg	Hanna	Pitts
Biggart	Harper	Platts
Bilbray	Harris	Poe (TX)
Bilirakis	Hartzler	Pompeo
Bishop (UT)	Hastings (WA)	Posey
Black	Hayworth	Price (GA)
Blackburn	Heck	Quayle
Bonner	Hensarling	Rehberg
Bono Mack	Herger	Reichert
Boustany	Herrera Beutler	Renacci
Brady (TX)	Huelskamp	Ribble
Brooks	Huizenga (MI)	Rigell
Broun (GA)	Hultgren	Rivera
Buchanan	Hunter	Roby
Bucshon	Hurt	Roe (TN)
Buerkle	Issa	Rogers (AL)
Burgess	Jenkins	Rogers (KY)
Burton (IN)	Johnson (IL)	Rogers (MI)
Calvert	Johnson (OH)	Rohrabacher
Camp	Johnson, Sam	Rokita
Campbell	Jones	Rooney
Canseco	Jordan	Ros-Lehtinen
Cantor	Kelly	Roskam
Capito	King (IA)	Ross (FL)
Carter	King (NY)	Royce
Cassidy	Kingston	Runyan
Chabot	Kinzinger (IL)	Ryan (WI)
Chaffetz	Kline	Scalise
Coble	Labrador	Schilling
Coffman (CO)	Lance	Schmidt
Cole	Landry	Schock
Conaway	Lankford	Schweikert
Cravaack	Latham	Scott (SC)
Crawford	LaTourette	Scott, Austin
Crenshaw	Latta	Sensenbrenner
Culberson	LoBiondo	Sessions
Davis (KY)	Long	Shimkus
Denham	Lucas	Shuster
Dent	Luetkemeyer	Simpson
DesJarlais	Lujan	Smith (NE)
Diaz-Balart	Lummis	Smith (NJ)
Dold	Lungren, Daniel	Smith (TX)
Dreier	E.	Southerland
Duffy	Mack	Stearns
Duncan (SC)	Manzullo	Stivers
Duncan (TN)	Marchant	Stutzman
Ellmers	Marino	Sullivan
Emerson	Matheson	Terry
Farenthold	McCarthy (CA)	Thompson (PA)
Fincher	McCaul	Thornberry
Flake	McClintock	Tiberi
Fleischmann	McCotter	Tipton
Fleming	McHenry	Turner (NY)
Flores	McIntyre	Turner (OH)
Forbes	McKeon	Upton
Fortenberry	McKinley	Walberg
Fox	McMorris	Walden
Franks (AZ)	Rodgers	Walsh (IL)
Frelinghuysen	Meehan	Webster
Galleghy	Mica	West
Gardner	Miller (FL)	Westmoreland
Garrett	Miller (MI)	Whitfield
Gerlach	Miller, Gary	Wilson (SC)
Gibbs	Mulvaney	Wittman

Wolf
Womack
Woodall

Yoder
Young (AK)
Young (FL)

Young (IN)

NOES—185

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boren
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Frank (MA)

NOT VOTING—8

Akin
Clyburn
Finer

Fitzpatrick
Jackson (IL)
Johnson, E. B.

Pallone
Pascarella
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reed
Reyes
Richardson
Richmond
Ross (AR)
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

port the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BISHOP of Utah) having assumed the chair, Mr. THORNBERRY, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 5972) making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, directed him to report the bill, as amended by House Resolution 697, back to the House with sundry further amendments adopted in the Committee of the Whole, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any further amendment reported from the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. BARBER. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BARBER. I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Barber moves to recommit the bill, H.R. 5972, to the Committee on Appropriations with instructions to report the same back to the House forthwith with the following amendment:

Page 71, line 19, after the dollar amount, insert “(reduced by \$34,000,000)”.

Page 72, line 8, after the dollar amount, insert “(reduced by \$34,000,000)”.

Page 74, line 6, after the dollar amount, insert “(reduced by \$13,000,000)”.

Page 74, line 9, after the dollar amount, insert “(reduced by \$7,000,000)”.

Page 74, line 12, after the first dollar amount, insert “(reduced by \$26,000,000)”.

Page 74, line 16, after the dollar amount, insert “(reduced by \$1,000,000)”.

Page 74, line 19, after the dollar amount, insert “(reduced by \$5,000,000)”.

Page 74, line 23, after the dollar amount, insert “(reduced by \$100,000)”.

Page 75, line 7, after the dollar amount, insert “(increased by \$75,000,000)”.

Page 82, line 6, after the dollar amount, insert “(increased by \$75,000,000)”.

□ 1235

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 448, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

This Act may be cited as the “Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2013”.

Mr. LATHAM. Mr. Chairman, I move that the Committee do now rise and re-

□ 1240

The SPEAKER pro tempore. The gentleman from Arizona is recognized for 5 minutes.

Mr. BARBER. Mr. Speaker, I'm offering this final amendment to assist our veterans.

Mr. Speaker and my colleagues, I came before you last week to be sworn in, and I spoke then about working together, working across the aisle to ensure that my constituents and all of our constituents are served by our very best work, rather than our partisan ambitions.

So I rise today in that same spirit. I rise today to ask that we come together on an amendment to help those who most deserve our gratitude and our assistance, the veterans who have bravely served to defend our homeland. Today, we have an opportunity to take care of the veterans of our military who, much to our collective shame, are homeless.

I remember the Vietnam War, and I remember how it divided our Nation. But most of all, I remember the men and women who were sent to fight in Vietnam, who often bore the brunt of the anger over the war itself. Derision that should have been directed towards policymakers was, instead, directed to those who had put their lives on the line for the country we love. And we let them down.

We failed them when they came home, and now they, and other veterans, a total estimated 70,000 of our Nation's homeless population—70,000. That is, I'm sure we all agree, completely unacceptable. I don't believe that anyone on either side of the aisle thinks that we should allow 70,000 men and women who wore our Nation's uniform to continue to go without a home.

With my amendment, we will ensure that we have enough housing vouchers to assist every one of those veterans. I submit, Mr. Speaker, and esteemed colleagues, that this is the least we owe to our veterans.

There are over 100,000 veterans in my southern Arizona district. Let me tell you about one of them. Christopher Murray, a disabled Operation Desert Storm medic and combat veteran, came to our office to seek our help when I served as Congresswoman Gifford's district director. A bank was foreclosing on his home, and he had recently been diagnosed with terminal cancer. Our staff was able to work to rescind the foreclosure and allow Mr. Murray to stay in his own home. The simple dignity of being in your own home during your final days is something we all too often take for granted. We must not deny that dignity to those who have, like Mr. Murray, served our country so well.

My amendment offers every one of us a chance to do what our office did then: to ensure that our veterans get our help and have the simple dignity of a

roof above their heads. And my amendment does that while reducing the deficit.

The passage of this amendment will not prevent passage of this underlying bill. If the amendment is adopted, it will be incorporated into the bill, and the bill will be immediately voted upon. And so, though we may disagree on parts of the bill today, we have the opportunity to speak up for the men and women who have fought for our country.

And let us all be able to go home and look every veteran we represent in the eye and know that we did the right thing by them and by their homeless brothers and sisters.

I urge everyone to vote "yes" on this final amendment.

I yield back the balance of my time.

Mr. LATHAM. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 5 minutes.

Mr. LATHAM. Mr. Speaker, I rise in opposition to the motion to recommit.

The veterans homeless program is a very good program. We all understand that. In this bill—and everybody should listen—we provide \$75 million for 10,000 new vouchers already. So there's no question that we are meeting the need. This is the same as last year, and what we have in the bill is the President's request. Let me say that again. What we have in the bill for veterans vouchers is what the President asked for.

I will also say, it's interesting at this time to bring this motion. We have been through subcommittee markup, we have gone through full committee markup, we have been on the floor of this House for 2 days, and no one's ever raised this issue because everyone understood that we had fully met the funding requirements for the veterans homeless vouchers. So now it's an interesting time to bring this amendment or this motion.

And I will tell the folks, if, in fact, we find out there is an additional need before we get to conference, there isn't anybody in this House that won't support it. But we have fully funded the needs. This has been a full vetting process, and now, at the last moment you come up with a motion that is not necessary because everyone supports these vouchers.

This is a good, balanced bill, and I urge a "no" vote on the motion to recommit.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BARBER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of H.R. 5972 and adoption of the conference report on H.R. 4348.

The vote was taken by electronic device, and there were—ayes 188, noes 233, not voting 11, as follows:

[Roll No. 449]

AYES—188

Ackerman	Garamendi	Olver
Altmire	Gonzalez	Owens
Andrews	Green, Al	Pallone
Baca	Green, Gene	Pascarell
Baldwin	Grijalva	Pastor (AZ)
Barber	Gutierrez	Perlmutter
Barrow	Hahn	Peters
Bass (CA)	Hanabusa	Peterson
Becerra	Hastings (FL)	Pingree (ME)
Berkley	Heinrich	Polis
Berman	Higgins	Price (NC)
Bishop (GA)	Himes	Quigley
Bishop (NY)	Hinchey	Rahall
Blumenauer	Hinojosa	Rangel
Bonamici	Hirono	Reyes
Boren	Hochul	Richardson
Boswell	Holden	Richmond
Brady (PA)	Holt	Ross (AR)
Braley (IA)	Honda	Rothman (NJ)
Brown (FL)	Hoyer	Roybal-Allard
Butterfield	Israel	Ruppersberger
Capps	Jackson Lee	Rush
Capuano	(TX)	Ryan (OH)
Cardoza	Johnson (GA)	Sánchez, Linda
Carnahan	Jones	T.
Carney	Kaptur	Sanchez, Loretta
Carson (IN)	Keating	Sarbanes
Chandler	Kildee	Schakowsky
Chu	Kind	Schiff
Cicilline	King (IA)	Schrader
Clarke (MI)	Kissell	Schwartz
Clarke (NY)	Kucinich	Scott (VA)
Clay	Langevin	Scott, David
Cleaver	Larsen (WA)	Serrano
Cohen	Larson (CT)	Sewell
Connolly (VA)	Lee (CA)	Sherman
Conyers	Levin	Shuler
Cooper	Lewis (GA)	Sires
Costa	Lipinski	Slaughter
Costello	Loeb	Smith (WA)
Courtney	Loeb	Speier
Critz	Lofgren, Zoe	Stark
Crowley	Lowey	Sutton
Cuellar	Lujan	Thompson (CA)
Cummings	Lynch	Thompson (MS)
Davis (CA)	Maloney	Tierney
Davis (IL)	Markey	Tonko
DeFazio	Matheson	Towns
DeGette	Matsui	Tsongas
DeLauro	McCarthy (NY)	Van Hollen
Deutch	McCollum	Velázquez
Dicks	McDermott	Visclosky
Dingell	McGovern	Walsh (IL)
Doggett	McIntyre	Walz (MN)
Donnelly (IN)	McNerney	Wasserman
Doyle	Meeks	Schultz
Edwards	Michaud	Waters
Ellison	Miller (NC)	Watt
Engel	Miller, George	Waxman
Eshoo	Moore	Welch
Farr	Moran	Wilson (FL)
Fattah	Murphy (CT)	Woolsey
Frank (MA)	Nadler	Yarmuth
Fudge	Napolitano	
	Neal	

NOES—233

Adams	Barletta	Bilirakis
Aderholt	Bartlett	Bishop (UT)
Alexander	Barton (TX)	Black
Amash	Bass (NH)	Blackburn
Amodei	Benish	Bonner
Austria	Berg	Bono Mack
Bachmann	Biggart	Boustany
Bachus	Bilbray	Brady (TX)

Brooks Harris
Broun (GA) Hartzler
Buchanan Hastings (WA)
Bucshon Hayworth
Buerkle Heck
Burgess Hensarling
Burton (IN) Herger
Calvert Herrera Beutler
Camp Huelskamp
Campbell Huizenga (MI)
Canseco Hultgren
Cantor Hunter
Capito Hurt
Carter Issa
Cassidy Jenkins
Chabot Johnson (IL)
Chaffetz Johnson (OH)
Coble Johnson, Sam
Coffman (CO) Jordan
Cole Kelly
Conaway King (NY)
Cravaack Kingston
Crawford Kinzinger (IL)
Crenshaw Kline
Culberson Labrador
Davis (KY) Lance
Denham Landry
Dent Lankford
DesJarlais Ryan (WI)
Diaz-Balart LaTourette
Dold Latta
Dreier LoBiondo
Duffy Long
Duncan (SC) Lucas
Duncan (TN) Luetkemeyer
Ellmers Lummis
Emerson Lungren, Daniel
Farenthold E.
Fincher Mack
Fitzpatrick Manzullo
Flake Marchant
Fleischmann Marino
Fleming McCarthy (CA)
Flores McCaul
Forbes McClintock
Fortenberry McCotter
Fox McHenry
Franks (AZ) McKeon
Frelinghuysen McKinley
Gallegly McMorris
Gardner Rodgers
Garrett Meehan
Gerlach Mica
Gibbs Miller (FL)
Gibson Miller (MI)
Gingrey (GA) Miller, Gary
Gohmert Mulvaney
Goodlatte Murphy (PA)
Gosar Myrick
Gowdy Neugebauer
Granger Noem
Graves (GA) Nugent
Graves (MO) Nunes
Griffin (AR) Nunnelee
Griffith (VA) Olson
Grimm Palazzo
Guinta Paul
Guthrie Paulsen
Hall Pearce
Hanna Pence
Harper Petri

NOT VOTING—11

Akin Jackson (IL) Pelosi
Castor (FL) Johnson, E. B. Schock
Clyburn Lamborn Young (IN)
Filner Lewis (CA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1301

Mr. SERRANO changed his vote from “no” to “aye.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 449, I was away from the Capitol due to prior com-

mitments to my constituents. Had I been present, I would have voted “aye.”

The SPEAKER pro tempore. The question is on the passage of the bill.

Under clause 10 of rule XX, the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 261, nays 163, not voting 8, as follows:

[Roll No. 450]

YEAS—261

Ackerman Fleischmann Marino
Aderholt Forbes McCarthy (CA)
Alexander Portenberry McCarthy (NY)
Altmire Foxx McCaul
Amodei Frelinghuysen McCotter
Andrews Gallegly McDermott
Austria Garrett McHenry
Baca Gerlach McIntyre
Bachus Gibbs McKeon
Barber Gibson McKinley
Baretta Gingrey (GA) McMorris
Barrow Gonzalez Rodgers
Bartlett Goodlatte Meehan
Barton (TX) Granger Mica
Bass (NH) Graves (GA) Michaud
Benishek Graves (MO) Miller (MI)
Berg Green, Al Miller, Gary
Berkley Green, Gene Miller, George
Biggart Griffin (AR) Moran
Bilbray Griffith (VA) Murphy (PA)
Bilirakis Grimm Myrick
Bishop (GA) Guinta Noem
Bishop (UT) Guthrie Nugent
Black Hall Nunes
Hanna Nunnelee
Bonner Harper Olson
Bono Mack Harris Oliver
Boren Hartzler Owens
Boswell Hastings (WA) Palazzo
Brady (TX) Hayworth Pastor (AZ)
Braley (IA) Heck Paulsen
Bucshon Hensarling Pence
Buerkle Herger Peters
Burton (IN) Herrera Beutler Peterson
Calvert Himes Petri
Canseco Hinojosa Platts
Cantor Hochul Poe (TX)
Capito Holden Polis
Cardoza Hoyer Price (NC)
Carnahan Huizenga (MI) Rahall
Carney Hultgren Rangel
Carter Hunter Reed
Cassidy Hurt Rehberg
Castor (FL) Israel Reichert
Chandler Jackson Lee Renacci
Clarke (MI) (TX) Ribble
Clay Jenkins Richardson
Cleaver Johnson (OH) Rigell
Coble Johnson, Sam Rivera
Coffman (CO) Jones Roby
Cole Kaptur Roe (TN)
Conaway Keating Rogers (AL)
Connolly (VA) Kelly Rogers (KY)
Conyers Kildee Rogers (MI)
Costa King (IA) Rohrabacher
Crawaack King (NY) Rokita
Crawford Kingston Rooney
Crenshaw Kinzinger (IL) Ros-Lehtinen
Critz Kissell Roskam
Cuellar Kline Ross (AR)
Culberson Lance Rothman (NJ)
Davis (CA) Landry Runyan
Davis (KY) Lankford Ruppertsberger
Denham Larsen (WA) Ryan (WI)
Dent Latham Scalise
DesJarlais LaTourette Schilling
Diaz-Balart Levin Schock
Dicks Lipinski Schrader
Dingell LoBiondo Scott (VA)
Doggett Loebsack Sessions
Dold Long Sewell
Donnelly (IN) Lucas Shimkus
Dreier Luetkemeyer Shuler
Duffy Lujan Shuster
Duncan (TN) Simpson
Ellmers E. Smith (NE)
Farenthold Lynch Smith (NJ)
Fitzpatrick Maloney Smith (TX)
Manzullo Smith (WA)

Stark
Stivers
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tierney
Towns

Turner (NY)
Turner (OH)
Upton
Visclosky
Walberg
Walden
Walz (MN)
Webster
West

Whitfield
Wittman
Wolfe
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—163

Adams Gardner
Amash Gohmert
Bachmann Gosar
Baldwin Gowdy
Bass (CA) Grijalva
Becerra Gutierrez
Berman Hahn
Bishop (NY) Hanabusa
Blumenauer Hastings (FL)
Bonamici Heinrich
Boustany Higgins
Brady (PA) Hinchey
Brooks Hirono
Broun (GA) Holt
Brown (FL) Honda
Buchanan Huelskamp
Burgess Johnson (GA)
Butterfield Johnson (IL)
Campbell Jordan
Capuano Kind
Carson (IN) Kucinich
Chabot Langevin
Chaffetz Larson (CT)
Chu Latta
Ciocilline Lee (CA)
Clarke (NY) Lewis (GA)
Cohen Lofgren, Zoe
Cooper Lowey
Costello Lummis
Courtney Mack
Crowley Marchant
Cummings Markey
Davis (IL) Matheson
DeFazio Matsui
DeGette McClintock
DeLauro McCollum
Deutch McGovern
Doyle McNerney
Duncan (SC) Meeks
Edwards Miller (FL)
Ellison Miller (NC)
Emerson Moore
Engel Mulvaney
Eshoo Murphy (CT)
Farr Nadler
Fattah Napolitano
Fincher Neal
Flake Neugebauer
Fleming Pallone
Flores Pascrell
Frank (MA) Paul
Franks (AZ) Pearce
Fudge Pelosi
Garamendi Perlmutter

NOT VOTING—8

Akin Issa Lamborn
Clyburn Jackson (IL) Lewis (CA)
Filner Johnson, E. B.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1309

Mr. JOHNSON of Georgia changed his vote from “yea” to “nay.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. FILNER. Mr. Speaker, on rollcall 450, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “nay.”

Mr. GEORGE MILLER of California. Mr. Speaker, on June 29, 2012, I inadvertently

voted “aye” on rollcall no. 450. I intended to vote “nay,” and that reflects that I oppose H.R. 5972.

CONFERENCE REPORT ON H.R. 4348, MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY ACT

The SPEAKER pro tempore. The unfinished business is the question on adoption of the conference report on the bill (H.R. 4348) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the conference report.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 373, nays 52, not voting 7, as follows:

[Roll No. 451]

YEAS—373

Ackerman
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishkek
Berg
Berkley
Berman
Biggert
Billbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Brayley (IA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Carter

Cassidy
Castor (FL)
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Coble
Coffman (CO)
Cohen
Cole
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutsch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah

Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Gerlach
Gibbs
Gibson
Gonzalez
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Gutierrez
Hahn
Hall
Hanabusa
Hanna
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Hultgren
Hunter
Israel
Issa

Jackson Lee
(TX)
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lungren, Daniel
E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markley
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McCotter
McDermott
McGovern
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)

Miller, Gary
Miller, George
Moore
Moran
Murphy (CT)
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Noem
Nunes
Nunnelee
Oliver
Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes

Scalise
Schakowsky
Schiff
Schilling
Schmidt
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
West
Whitfield
Wilson (FL)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Young (AK)
Young (FL)
Young (IN)

NAYS—52

Adams
Amash
Bachmann
Black
Brooks
Broun (GA)
Burgess
Campbell
Chabot
Conaway
Duncan (SC)
Flake
Fox
Franks (AZ)
Garrett
Gingrey (GA)
Gohmert
Goodlatte

Gosar
Gowdy
Graves (GA)
Harris
Huelskamp
Huizenga (MI)
Hurt
Jenkins
Jordan
Labrador
Lummis
Mack
McClintock
McHenry
Mulvaney
Neugebauer
Nugent
Olson

NOT VOTING—7

Akin
Clyburn
Filner

Jackson (IL)
Johnson, E. B.
Lamborn

Lewis (CA)

□ 1322

Ms. JENKINS changed her vote from “yea” to “nay.”

Mr. ROHRBACHER changed his vote from “nay” to “yea.”

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 451, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

STUDENT LOAN INTEREST RATES

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, today, the House passed a bipartisan 1-year extension of the current interest rate for Federally subsidized student loans. This is a good thing for students across the country. But as we celebrate this accomplishment, let's keep our eye on the larger picture. We wouldn't be worried about these interest rates if not for the fact that the economy is so weak and the cost of education is so high. According to the Department of Education, the savings will be \$7 a month for the average Stafford loan borrower. While that might not seem like a lot, each dollar counts for a college graduate still searching for a good-paying job.

We can have a larger effect for students by working to repeal Federal unfunded mandates that drive up the cost of college tuition and by working to put the wheels back on the economy. As a member of the Subcommittee for Higher Education and Workforce Training, I'm committed to making that happen. Let's work together to ensure that students can achieve a quality education at a reasonable cost and get great jobs when they graduate. There's no better social program than a good-paying job.

LET'S CONTINUE THE GREAT WORK

(Mr. COURTNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COURTNEY. Mr. Speaker, with a few minutes to spare, we just voted to make sure that the interest rate for the Stafford student loan program was going to stay at 3.4 and avoid the doubling of rates, which would have happened Saturday night if we had not acted. This is an issue which took months to get to. President Obama challenged Congress back at the State of the Union in January, telling us that

we must act. It took months to get any response. And I want to congratulate the 130,000 college students all across America who submitted a petition to the Speaker's office saying it was time to get moving.

We started the countdown clock on that day at Day 110, and now we are officially defusing the time bomb that would have exploded with a higher interest rate if we had not acted. We have a lot more work to do with the high cost of college and student loan debt, which now exceeds credit card debt and consumer loan debt. But having said that, we saw today an honest compromise; people coming together to make sure that that lower rate was going to be extended. Let's use that example to move forward and solve this problem for middle class families all across America.

Again, to those students who worked so hard to have their voices heard, congratulations. Let's roll up our sleeves and continue the great work.

IN SUPPORT OF THE RESTORE ACT

(Mr. PALAZZO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALAZZO. Mr. Speaker, today is a good day for the people of Mississippi's Fourth Congressional District and it's a good day for all the people of the Gulf State. Because today, with passage of the RESTORE Act, we give these States the tools they need to continue vital economic and environmental recovery.

Less than a year ago, a small group of Gulf Coast legislators came together with big support from their communities and a mission to make the Gulf Coast whole. This was no small effort, but it is the least we can do to show our support once more to all those affected by the single largest man-made disaster in our history. I am proud to have been a part of this landmark legislation. I want to thank all those who worked so hard with us to make this happen, from my Gulf Coast colleagues and House leadership to local leaders, business, and conservation groups. There were so many who said this could not be done in an election year with so much competing for time on the legislative calendar. But we know how important it was to pass this bill. We did not give up because we knew that restoring and replenishing the Gulf Coast is more than just a responsible decision: It is the right thing to do.

LET'S NOT DECEIVE OURSELVES ON WHAT THE MUSLIM BROTHERHOOD SEEKS

(Mr. DOLD asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. DOLD. Mr. Speaker, as people in the United States evaluate what happened this past weekend in the Presidential election in Egypt, I have a simple message: we shouldn't deceive ourselves.

At a time when we are focused on stopping Iran's nuclear weapons program and on isolating the Iranian regime, the incoming Egyptian President vows to expand ties with Iran. At a time when families in southern Israel constantly live in fear of Qassam rocket attacks from Hamas-controlled Gaza, the incoming Egyptian President vows to expand ties with Hamas. As for relations with Israel, we should not paper over the most obvious reason for alarm. While the incoming President has recently pledged to honor the Camp David Accords, it is our responsibility to ensure that the U.S. goodwill is not taken advantage of and painfully looked upon as naive.

We must understand that the Muslim Brotherhood has a very clear history of opposing the peace treaty. Six weeks ago, incoming President Mohammed Morsi stated: "Jihad is our path, and death for the sake of Allah is our most lofty aspiration."

While we welcome the democratic process, Mr. Speaker, this result is nothing to cheer. We must not be in denial of what the Muslim Brotherhood really wants.

□ 1330

TRIBUTE TO WENDY WAYNE

(Mr. MCCARTHY of California asked and was given permission to address the House for 1 minute.)

Mr. MCCARTHY of California. Mr. Speaker, I rise today to honor longtime Bakersfield icon, Wendy Wayne, who passed away on June 17 after a 4-year struggle with cancer. Wendy was the type of person who would go out of the way for those in need, personally taking action to make sure that those in need were helped. She was instrumental in leading the Community Connection for Child Care in Bakersfield, and later the First 5 Kern organization which served the youth of our community.

One of my fondest memories is from just 2 years ago when Wendy joined me in this House. She was my guest for the State of the Union. Sometimes we had philosophical differences, but it never changed our friendship.

Wendy will forever be known as the Mother Teresa of Bakersfield. She will be missed, but her deeds and her life will not be forgotten.

HONORING KYLE R. SCHNEIDER

(Ms. BUERKLE asked and was given permission to address the House for 1 minute.)

Ms. BUERKLE. Mr. Speaker, I rise today to honor Corporal Kyle R. Schneider. Kyle R. Schneider was born on January 8, 1988, to Richard and Lorie Schneider. He was raised in the Baldwinsville, New York, area with his brother, Kevin. Kyle was a graduate of Baker High School in Baldwinsville and attended Onondaga Community College for 1 year in the criminal justice program. While at Baker High School, he played baseball, football, and ran track. He loved the outdoors and was an avid hunter and fisherman.

In March 2008, Kyle joined the United States Marine Corps and in January of 2011 was assigned to the 3rd Platoon and deployed to Afghanistan in support of Operation Enduring Freedom. In defense of our Nation, Kyle was killed in the Helmand province, Afghanistan, on June 30, 2011, by an improvised explosive device. Kyle Schneider was 23 years old.

As we commemorate the first anniversary of his death, let us honor the service and sacrifice of Corporal Kyle R. Schneider. He is an American hero. He was a proud and valiant marine. He was also a son, a brother, a grandson, a fiancée, friend, and comrade. Kyle is greatly missed, and no words will diminish the grief of those who knew and loved him. In his death, Kyle R. Schneider has earned the thanks of a grateful Nation.

STUDENT LOAN INTEREST RATES

(Mr. CLARKE of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLARKE of Michigan. Mr. Speaker, today this House voted to extend the cap on student loan interest rates, or at least certain student loans, for an additional year. That's fine, but it's only a Band-Aid. Over 1 million Americans, and this is just one box of many that contains petition signatures, say that they want more relief. They want their student loan debt cut, reduced, and excessive debt forgiven.

So let's listen to more than 1 million Americans who want the student loan debt forgiven in this country so we can give people hope and create jobs.

TEMPORARY SURFACE TRANSPORTATION EXTENSION ACT OF 2012

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that the Committees on Transportation and Infrastructure; Ways and Means; Natural Resources; Energy and Commerce; Science, Space, and Technology; and Education and the Workforce be discharged from further consideration of the bill (H.R. 6064) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing

such programs, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. FLEISCHMANN). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The text of the bill is as follows:

H.R. 6064

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; RECONCILIATION OF FUNDS; SPECIAL RULE FOR EXECUTION OF AMENDMENTS IN MAP-21; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Temporary Surface Transportation Extension Act of 2012”.

(b) **RECONCILIATION OF FUNDS.**—The Secretary of Transportation shall reduce the amount apportioned or allocated for a program, project, or activity under this Act in fiscal year 2012 by amounts apportioned or allocated for the program, project, or activity pursuant to the Surface Transportation Extension Act of 2012 (Public Law 112-102) for the period beginning on October 1, 2011, and ending on June 30, 2012.

(c) **SPECIAL RULE FOR EXECUTION OF AMENDMENTS IN MAP-21.**—On the date of enactment of the MAP-21—

(1) this Act and the amendments made by this Act shall cease to be effective;

(2) the text of the laws amended by this Act shall revert back so as to read as the text read on the day before the date of enactment of this Act; and

(3) the amendments made by the MAP-21 shall be executed as if this Act had not been enacted.

(d) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; reconciliation of funds; special rule for execution of amendments in MAP-21; table of contents.

TITLE I—FEDERAL-AID HIGHWAYS

Sec. 101. Extension of Federal-aid highway programs.

TITLE II—EXTENSION OF HIGHWAY SAFETY PROGRAMS

Sec. 201. Extension of National Highway Traffic Safety Administration highway safety programs.

Sec. 202. Extension of Federal Motor Carrier Safety Administration programs.

Sec. 203. Additional programs.

TITLE III—PUBLIC TRANSPORTATION PROGRAMS

Sec. 301. Allocation of funds for planning programs.

Sec. 302. Special rule for urbanized area formula grants.

Sec. 303. Allocating amounts for capital investment grants.

Sec. 304. Apportionment of formula grants for other than urbanized areas.

Sec. 305. Apportionment based on fixed guideway factors.

Sec. 306. Authorizations for public transportation.

Sec. 307. Amendments to SAFETEA-LU.

TITLE IV—HIGHWAY TRUST FUND EXTENSION

Sec. 401. Extension of trust fund expenditure authority.

Sec. 402. Extension of highway-related taxes.

TITLE V—STUDENT LOANS

Sec. 501. Temporary authority.

TITLE I—FEDERAL-AID HIGHWAYS

SEC. 101. EXTENSION OF FEDERAL-AID HIGHWAY PROGRAMS.

(a) **IN GENERAL.**—Section 111 of the Surface Transportation Extension Act of 2011, Part II (Public Law 112-30; 125 Stat. 343) is amended—

(1) by striking “the period beginning on October 1, 2011, and ending on June 30, 2012,” each place it appears and inserting “the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(2) by striking “ $\frac{3}{4}$ ” each place it appears and inserting “ $\frac{280}{366}$ ”; and

(3) in subsection (a) by striking “June 30, 2012” and inserting “July 6, 2012”.

(b) **USE OF FUNDS.**—Section 111(c)(3)(B)(ii) of the Surface Transportation Extension Act of 2011, Part II (125 Stat. 343) is amended by striking “\$479,250,000” and inserting “\$485,640,000”.

(c) **EXTENSION OF AUTHORIZATIONS UNDER TITLE V OF SAFETEA-LU.**—Section 111(e)(2) of the Surface Transportation Extension Act of 2011, Part II (125 Stat. 343) is amended by striking “the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(d) **ADMINISTRATIVE EXPENSES.**—Section 112(a) of the Surface Transportation Extension Act of 2011, Part II (125 Stat. 346) is amended by striking “\$294,641,438 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$314,493,723 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(e) **SURFACE TRANSPORTATION PROJECT DELIVERY PILOT PROGRAM.**—

(1) **IN GENERAL.**—Section 327(i)(1) of title 23, United States Code, is amended by striking “the date that is 7 years after the date of enactment of this section” and inserting “September 30, 2012”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall take effect as if included in section 101 of the Surface Transportation Extension Act of 2012 and shall not be subject to the special rule in section 1(c) of this Act.

TITLE II—EXTENSION OF HIGHWAY SAFETY PROGRAMS

SEC. 201. EXTENSION OF NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION HIGHWAY SAFETY PROGRAMS.

(a) **CHAPTER 4 HIGHWAY SAFETY PROGRAMS.**—Section 2001(a)(1) of SAFETEA-LU (119 Stat. 1519) is amended by striking “\$235,000,000 for each of fiscal years 2009 through 2011, and \$176,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$235,000,000 for each of fiscal years 2009 through 2011, and \$178,600,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(b) **HIGHWAY SAFETY RESEARCH AND DEVELOPMENT.**—Section 2001(a)(2) of SAFETEA-LU (119 Stat. 1519) is amended by striking “\$108,244,000 for fiscal year 2011, and \$81,183,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$108,244,000 for fiscal year 2011, and \$82,265,440 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(c) **OCCUPANT PROTECTION INCENTIVE GRANTS.**—Section 2001(a)(3) of SAFETEA-LU

(119 Stat. 1519) is amended by striking “\$25,000,000 for each of fiscal years 2006 through 2011, and \$18,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$25,000,000 for each of fiscal years 2006 through 2011, and \$19,000,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(d) **SAFETY BELT PERFORMANCE GRANTS.**—Section 2001(a)(4) of SAFETEA-LU (119 Stat. 1519) is amended by striking “\$124,500,000 for fiscal year 2011, and \$36,375,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$124,500,000 for fiscal year 2011, and \$36,860,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(e) **STATE TRAFFIC SAFETY INFORMATION SYSTEM IMPROVEMENTS.**—Section 2001(a)(5) of SAFETEA-LU (119 Stat. 1519) is amended by striking “\$34,500,000 for each of fiscal years 2006 through 2011 and \$25,875,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$34,500,000 for each of fiscal years 2006 through 2011 and \$26,220,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(f) **ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES INCENTIVE GRANT PROGRAM.**—Section 2001(a)(6) of SAFETEA-LU (119 Stat. 1519) is amended by striking “\$139,000,000 for each of fiscal years 2009 through 2011, and \$104,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$139,000,000 for each of fiscal years 2009 through 2011, and \$105,640,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(g) **NATIONAL DRIVER REGISTER.**—Section 2001(a)(7) of SAFETEA-LU (119 Stat. 1520) is amended by striking “\$4,116,000 for fiscal year 2011, and \$3,087,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$4,116,000 for fiscal year 2011, and \$3,128,160 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(h) **HIGH VISIBILITY ENFORCEMENT PROGRAM.**—Section 2001(a)(8) of SAFETEA-LU (119 Stat. 1520) is amended by striking “\$29,000,000 for each of fiscal years 2006 through 2011 and \$21,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$29,000,000 for each of fiscal years 2006 through 2011 and \$22,040,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(i) **MOTORCYCLIST SAFETY.**—Section 2001(a)(9) of SAFETEA-LU (119 Stat. 1520) is amended by striking “\$7,000,000 for each of fiscal years 2009 through 2011, and \$5,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$7,000,000 for each of fiscal years 2009 through 2011, and \$5,320,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(j) **CHILD SAFETY AND CHILD BOOSTER SEAT SAFETY INCENTIVE GRANTS.**—Section 2001(a)(10) of SAFETEA-LU (119 Stat. 1520) is amended by striking “\$7,000,000 for each of fiscal years 2009 through 2011, and \$5,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$7,000,000 for each of fiscal years 2009 through 2011, and \$5,320,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(k) **ADMINISTRATIVE EXPENSES.**—Section 2001(a)(11) of SAFETEA-LU (119 Stat. 1520) is amended by striking “\$25,328,000 for fiscal year 2011, and \$18,996,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “\$25,328,000 for fiscal

year 2011, and \$19,249,280 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

SEC. 202. EXTENSION OF FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION PROGRAMS.

(a) MOTOR CARRIER SAFETY GRANTS.—Section 31104(a)(8) of title 49, United States Code, is amended to read as follows:

“(8) \$161,120,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(b) ADMINISTRATIVE EXPENSES.—Section 31104(i)(1)(H) of title 49, United States Code, is amended to read as follows:

“(H) \$185,549,440 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(c) GRANT PROGRAMS.—Section 4101(c) of SAFETEA-LU (119 Stat. 1715) is amended—

(1) in paragraph (1) by striking “2011 and \$22,500,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “2011 and \$22,800,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(2) in paragraph (2) by striking “2011 and \$24,000,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “2011 and \$24,320,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(3) in paragraph (3) by striking “2011 and \$3,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “2011 and \$3,800,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(4) in paragraph (4) by striking “2011 and \$18,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “2011 and \$19,000,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”; and

(5) in paragraph (5)—

(A) by striking “2006 and” and inserting “2006.”; and

(B) by striking “2011 and \$2,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012.” and inserting “2011, and \$2,280,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(d) HIGH-PRIORITY ACTIVITIES.—Section 31104(k)(2) of title 49, United States Code, is amended by striking “2011 and \$11,250,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2011 and \$11,400,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(e) NEW ENTRANT AUDITS.—Section 31144(g)(5)(B) of title 49, United States Code, is amended by striking “and up to \$21,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “and up to \$22,040,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(f) OUTREACH AND EDUCATION.—Section 4127(e) of SAFETEA-LU (119 Stat. 1741) is amended by striking “and 2011 (and \$750,000 to the Federal Motor Carrier Safety Administration, and \$2,250,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2011, and ending on June 30, 2012)” and inserting “and 2011 (and \$760,000 to the Federal Motor Carrier Safety Administration, and \$2,280,000 to the National Highway Traffic Safety Administration, for the period beginning on October 1, 2011, and ending on July 6, 2012)”.

(g) GRANT PROGRAM FOR COMMERCIAL MOTOR VEHICLE OPERATORS.—Section 4134(c) of SAFETEA-LU (119 Stat. 1744) is amended by striking “2011 and \$750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2011 and

\$760,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(h) MOTOR CARRIER SAFETY ADVISORY COMMITTEE.—Section 4144(d) of SAFETEA-LU (119 Stat. 1748) is amended by striking “June 30, 2012” and inserting “July 6, 2012”.

(i) WORKING GROUP FOR DEVELOPMENT OF PRACTICES AND PROCEDURES TO ENHANCE FEDERAL-STATE RELATIONS.—Section 4213(d) of SAFETEA-LU (49 U.S.C. 14710 note; 119 Stat. 1759) is amended by striking “June 30, 2012” and inserting “July 6, 2012”.

SEC. 203. ADDITIONAL PROGRAMS.

(a) HAZARDOUS MATERIALS RESEARCH PROJECTS.—Section 7131(c) of SAFETEA-LU (119 Stat. 1910) is amended by striking “2011 and \$870,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2011 and \$881,600 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(b) DINGELL-JOHNSON SPORT FISH RESTORATION ACT.—Section 4 of the Dingell-Johnson Sport Fish Restoration Act (16 U.S.C. 777c) is amended—

(1) in subsection (a) by striking “2011 and for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2011 and for the period beginning on October 1, 2011, and ending on July 6, 2012.”; and

(2) in the first sentence of subsection (b)(1)(A) by striking “2011 and for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2011 and for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

TITLE III—PUBLIC TRANSPORTATION PROGRAMS

SEC. 301. ALLOCATION OF FUNDS FOR PLANNING PROGRAMS.

Section 5305(g) of title 49, United States Code, is amended by striking “2011 and for the period beginning on October 1, 2011, and ending on June 30, 2012” and inserting “2011 and for the period beginning on October 1, 2011, and ending on July 6, 2012”.

SEC. 302. SPECIAL RULE FOR URBANIZED AREA FORMULA GRANTS.

Section 5307(b)(2) of title 49, United States Code, is amended—

(1) by striking the paragraph heading and inserting “SPECIAL RULE FOR FISCAL YEARS 2005 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON JULY 6, 2012.”;

(2) in subparagraph (A) by striking “2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2011 and the period beginning on October 1, 2011, and ending on July 6, 2012.”; and

(3) in subparagraph (E)—

(A) by striking the subparagraph heading and inserting “MAXIMUM AMOUNTS IN FISCAL YEARS 2008 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON JULY 6, 2012.”; and

(B) in the matter preceding clause (i) by striking “2011 and during the period beginning on October 1, 2011, and ending on June 30, 2012” and inserting “2011 and during the period beginning on October 1, 2011, and ending on July 6, 2012”.

SEC. 303. ALLOCATING AMOUNTS FOR CAPITAL INVESTMENT GRANTS.

Section 5309(m) of title 49, United States Code, is amended—

(1) in paragraph (2)—

(A) by striking the paragraph heading and inserting “FISCAL YEARS 2006 THROUGH 2011 AND THE PERIOD BEGINNING ON OCTOBER 1, 2011, AND ENDING ON JULY 6, 2012.”;

(B) in the matter preceding subparagraph (A) by striking “2011 and the period begin-

ning on October 1, 2011, and ending on June 30, 2012,” and inserting “2011 and the period beginning on October 1, 2011, and ending on July 6, 2012.”; and

(C) in subparagraph (A)(i) by striking “2011 and \$150,000,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2011 and \$152,000,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(2) in paragraph (6)—

(A) in subparagraph (B) by striking “2011 and \$11,250,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2011 and \$11,400,000 shall be available for the period beginning on October 1, 2011, and ending on July 6, 2012.”; and

(B) in subparagraph (C) by striking “though 2011 and \$3,750,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “through 2011 and \$3,800,000 shall be available for the period beginning on October 1, 2011, and ending on July 6, 2012.”; and

(3) in paragraph (7)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) in the first sentence by striking “2011 and \$7,500,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2011 and \$7,600,000 shall be available for the period beginning on October 1, 2011, and ending on July 6, 2012.”; and

(II) in the second sentence by striking “shall be set aside for:” and inserting “shall be set aside.”;

(ii) in clause (i) by striking “for each fiscal year and \$1,875,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “for each fiscal year and \$1,900,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(iii) in clause (ii) by striking “for each fiscal year and \$1,875,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “for each fiscal year and \$1,900,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(iv) in clause (iii) by striking “for each fiscal year and \$750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “for each fiscal year and \$760,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(v) in clause (iv) by striking “for each fiscal year and \$750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “for each fiscal year and \$760,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(vi) in clause (v) by striking “for each fiscal year and \$750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “for each fiscal year and \$760,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(vii) in clause (vi) by striking “for each fiscal year and \$750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “for each fiscal year and \$760,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(viii) in clause (vii) by striking “for each fiscal year and \$487,500 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “for each fiscal year and \$494,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”; and

(ix) in clause (viii) by striking “for each fiscal year and \$262,500 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “for each fiscal year

and \$266,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(B) in subparagraph (B) by striking clause (vii) and inserting the following:

“(vii) \$10,260,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(C) in subparagraph (C) by striking “and during the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “and during the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(D) in subparagraph (D) by striking “and not less than \$26,250,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “and not less than \$26,600,000 shall be available for the period beginning on October 1, 2011, and ending on July 6, 2012.”; and

(E) in subparagraph (E) by striking “and \$2,250,000 shall be available for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “and \$2,280,000 shall be available for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

SEC. 304. APPORTIONMENT OF FORMULA GRANTS FOR OTHER THAN URBANIZED AREAS.

Section 5311(c)(1)(G) of title 49, United States Code, is amended to read as follows:

“(G) \$11,400,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

SEC. 305. APPORTIONMENT BASED ON FIXED GUIDEWAY FACTORS.

Section 5337(g) of title 49, United States Code, is amended to read as follows:

“(g) SPECIAL RULE FOR OCTOBER 1, 2011, THROUGH JULY 6, 2012.—The Secretary shall apportion amounts made available for fixed guideway modernization under section 5309 for the period beginning on October 1, 2011, and ending on July 6, 2012, in accordance with subsection (a), except that the Secretary shall apportion 76 percent of each dollar amount specified in subsection (a).”.

SEC. 306. AUTHORIZATIONS FOR PUBLIC TRANSPORTATION.

(a) FORMULA AND BUS GRANTS.—Section 5338(b) of title 49, United States Code, is amended—

(1) in paragraph (1) by striking subparagraph (G) and inserting the following:

“(G) \$6,354,029,400 for the period beginning on October 1, 2011, and ending on July 6, 2012.”; and

(2) in paragraph (2)—

(A) in subparagraph (A) by striking “\$113,500,000 for each of fiscal years 2009 through 2011, and \$85,125,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “\$113,500,000 for each of fiscal years 2009 through 2011, and \$86,260,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(B) in subparagraph (B) by striking “\$4,160,365,000 for each of fiscal years 2009 through 2011, and \$3,120,273,750 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “\$4,160,365,000 for each of fiscal years 2009 through 2011, and \$3,161,877,400 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(C) in subparagraph (C) by striking “\$51,500,000 for each of fiscal years 2009 through 2011, and \$38,625,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “\$51,500,000 for each of fiscal years 2009 through 2011, and \$39,140,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(D) in subparagraph (D) by striking “\$1,666,500,000 for each of fiscal years 2009 through 2011, and \$1,249,875,000 for the period beginning on October 1, 2011, and ending on

June 30, 2012,” and inserting “\$1,666,500,000 for each of fiscal years 2009 through 2011, and \$1,266,540,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(E) in subparagraph (E) by striking “\$984,000,000 for each of fiscal years 2009 through 2011, and \$738,000,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “\$984,000,000 for each of fiscal years 2009 through 2011, and \$747,840,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(F) in subparagraph (F) by striking “\$133,500,000 for each of fiscal years 2009 through 2011, and \$100,125,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “\$133,500,000 for each of fiscal years 2009 through 2011, and \$101,460,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(G) in subparagraph (G) by striking “\$465,000,000 for each of fiscal years 2009 through 2011, and \$348,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “\$465,000,000 for each of fiscal years 2009 through 2011, and \$353,400,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(H) in subparagraph (H) by striking “\$164,500,000 for each of fiscal years 2009 through 2011, and \$123,375,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “\$164,500,000 for each of fiscal years 2009 through 2011, and \$125,020,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(I) in subparagraph (I) by striking “\$92,500,000 for each of fiscal years 2009 through 2011, and \$69,375,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “\$92,500,000 for each of fiscal years 2009 through 2011, and \$70,300,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(J) in subparagraph (J) by striking “\$26,900,000 for each of fiscal years 2009 through 2011, and \$20,175,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “\$26,900,000 for each of fiscal years 2009 through 2011, and \$20,444,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(K) in subparagraph (K) by striking “\$3,500,000 for each of fiscal years 2006 through 2011 and \$2,625,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “\$3,500,000 for each of fiscal years 2006 through 2011 and \$2,660,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(L) in subparagraph (L) by striking “\$25,000,000 for each of fiscal years 2006 through 2011 and \$18,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “\$25,000,000 for each of fiscal years 2006 through 2011 and \$19,000,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(M) in subparagraph (M) by striking “\$465,000,000 for each of fiscal years 2009 through 2011, and \$348,750,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “\$465,000,000 for each of fiscal years 2009 through 2011, and \$353,400,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”;

(N) in subparagraph (N) by striking “\$8,800,000 for each of fiscal years 2009 through 2011, and \$6,600,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “\$8,800,000 for each of fiscal years 2009 through 2011, and \$6,688,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(b) CAPITAL INVESTMENT GRANTS.—Section 5338(c)(7) of title 49, United States Code, is amended to read as follows:

“(7) \$1,485,800,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(c) RESEARCH AND UNIVERSITY RESEARCH CENTERS.—Section 5338(d) of title 49, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “2011, and \$33,000,000 for the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2011, and \$33,440,000 for the period beginning on October 1, 2011, and ending on July 6, 2012.”; and

(2) by striking paragraph (3) and inserting the following:

“(3) ADDITIONAL AUTHORIZATIONS.—

“(A) RESEARCH.—Of amounts authorized to be appropriated under paragraph (1) for the period beginning on October 1, 2011, and ending on July 6, 2012, the Secretary shall allocate for each of the activities and projects described in subparagraphs (A) through (F) of paragraph (1) an amount equal to 48 percent of the amount allocated for fiscal year 2009 under each such subparagraph.

“(B) UNIVERSITY CENTERS PROGRAM.—

“(i) OCTOBER 1, 2011, THROUGH JULY 6, 2012.—Of the amounts allocated under subparagraph (A) for the university centers program under section 5506 for the period beginning on October 1, 2011, and ending on July 6, 2012, the Secretary shall allocate for each program described in clauses (i) through (iii) and (v) through (viii) of paragraph (2)(A) an amount equal to 48 percent of the amount allocated for fiscal year 2009 under each such clause.

“(ii) FUNDING.—If the Secretary determines that a project or activity described in paragraph (2) received sufficient funds in fiscal year 2011, or a previous fiscal year, to carry out the purpose for which the project or activity was authorized, the Secretary may not allocate any amounts under clause (i) for the project or activity for fiscal year 2012 or any subsequent fiscal year.”.

(d) ADMINISTRATION.—Section 5338(e)(7) of title 49, United States Code, is amended to read as follows:

“(7) \$75,021,880 for the period beginning on October 1, 2011, and ending on July 6, 2012.”.

SEC. 307. AMENDMENTS TO SAFETEA-LU.

(a) CONTRACTED PARATRANSIT PILOT.—Section 3009(i)(1) of SAFETEA-LU (119 Stat. 1572) is amended by striking “2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2011 and the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(b) PUBLIC-PRIVATE PARTNERSHIP PILOT PROGRAM.—Section 3011 of SAFETEA-LU (119 Stat. 1573) is amended—

(1) in subsection (c)(5) by striking “2011 and the period beginning on October 1, 2011, and ending on June 30, 2012” and inserting “2011 and the period beginning on October 1, 2011, and ending on July 6, 2012.”; and

(2) in the second sentence of subsection (d) by striking “2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2011 and the period beginning on October 1, 2011, and ending on July 6, 2012.”.

(c) ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES PILOT PROGRAM.—Section 3012(b)(8) of SAFETEA-LU (49 U.S.C. 5310 note; 119 Stat. 1593) is amended by striking “June 30, 2012” and inserting “July 6, 2012”.

(d) OBLIGATION CEILING.—Section 3040(8) of SAFETEA-LU (119 Stat. 1639) is amended to read as follows:

“(8) \$7,948,291,280 for the period beginning on October 1, 2011, and ending on July 6, 2012, of which not more than \$6,354,029,400 shall be from the Mass Transit Account.”.

(e) PROJECT AUTHORIZATIONS FOR NEW FIXED GUIDEWAY CAPITAL PROJECTS.—Section 3043 of SAFETEA-LU (119 Stat. 1640) is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by striking “2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2011 and the period beginning on October 1, 2011, and ending on July 6, 2012,”; and

(2) in subsection (c), in the matter preceding paragraph (1), by striking “2011 and the period beginning on October 1, 2011, and ending on June 30, 2012,” and inserting “2011 and the period beginning on October 1, 2011, and ending on July 6, 2012,”.

(f) ALLOCATIONS FOR NATIONAL RESEARCH AND TECHNOLOGY PROGRAMS.—Section 3046(c)(2) of SAFETEA-LU (49 U.S.C. 5338 note; 119 Stat. 1706) is amended to read as follows:

“(2) for the period beginning on October 1, 2011, and ending on July 6, 2012, in amounts equal to 48 percent of the amounts allocated for fiscal year 2009 under each of paragraphs (2), (3), (5), and (8) through (25) of subsection (a).”.

TITLE IV—HIGHWAY TRUST FUND EXTENSION

SEC. 401. EXTENSION OF TRUST FUND EXPENDITURE AUTHORITY.

(a) HIGHWAY TRUST FUND.—Section 9503 of the Internal Revenue Code of 1986 is amended—

(1) by striking “July 1, 2012” in subsections (b)(6)(B), (c)(1), and (e)(3) and inserting “July 7, 2012”; and

(2) by striking “Surface Transportation Extension Act of 2012” in subsections (c)(1) and (e)(3) and inserting “Temporary Surface Transportation Extension Act of 2012”.

(b) SPORT FISH RESTORATION AND BOATING TRUST FUND.—Section 9504 of such Code is amended—

(1) by striking “Surface Transportation Extension Act of 2012” each place it appears in subsection (b)(2) and inserting “Temporary Surface Transportation Extension Act of 2012”; and

(2) by striking “July 1, 2012” in subsection (d)(2) and inserting “July 7, 2012”.

(c) LEAKING UNDERGROUND STORAGE TANK TRUST FUND.—Paragraph (2) of section 9508(e) of such Code is amended by striking “July 1, 2012” and inserting “July 7, 2012”.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2012.

SEC. 402. EXTENSION OF HIGHWAY-RELATED TAXES.

(a) IN GENERAL.—

(1) Each of the following provisions of the Internal Revenue Code of 1986 is amended by striking “June 30, 2012” and inserting “July 6, 2012”:

(A) Section 4041(a)(1)(C)(iii)(I).

(B) Section 4041(m)(1)(B).

(C) Section 4081(d)(1).

(2) Each of the following provisions of such Code is amended by striking “July 1, 2012” and inserting “July 7, 2012”:

(A) Section 4041(m)(1)(A).

(B) Section 4051(c).

(C) Section 4071(d).

(D) Section 4081(d)(3).

(b) FLOOR STOCKS REFUNDS.—Section 6412(a)(1) of such Code is amended—

(1) by striking “July 1, 2012” each place it appears and inserting “July 7, 2012”;

(2) by striking “December 31, 2012” each place it appears and inserting “January 6, 2013”; and

(3) by striking “October 1, 2012” and inserting “October 7, 2012”.

(c) EXTENSION OF CERTAIN EXEMPTIONS.—Sections 4221(a) and 4483(i) of such Code are each amended by striking “July 1, 2012” and inserting “July 7, 2012”.

(d) EXTENSION OF TRANSFERS OF CERTAIN TAXES.—

(1) IN GENERAL.—Section 9503 of such Code is amended—

(A) in subsection (b)—

(i) by striking “July 1, 2012” each place it appears in paragraphs (1) and (2) and inserting “July 7, 2012”; and

(ii) by striking “JULY 1, 2012” in the heading of paragraph (2) and inserting “JULY 7, 2012”;

(iii) by striking “June 30, 2012” in paragraph (2) and inserting “July 6, 2012”; and

(iv) by striking “April 1, 2013” in paragraph (2) and inserting “April 7, 2013”; and

(B) in subsection (c)(2), by striking “April 1, 2013” and inserting “April 7, 2013”.

(2) MOTORBOAT AND SMALL-ENGINE FUEL TAX TRANSFERS.—

(A) IN GENERAL.—Paragraphs (3)(A)(i) and (4)(A) of section 9503(c) of such Code are each amended by striking “July 1, 2012” and inserting “July 7, 2012”.

(B) CONFORMING AMENDMENTS TO LAND AND WATER CONSERVATION FUND.—Section 201(b) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–11(b)) is amended—

(i) by striking “July 1, 2013” each place it appears and inserting “July 7, 2013”; and

(ii) by striking “July 1, 2012” and inserting “July 7, 2012”.

(e) TECHNICAL CORRECTION.—Paragraph (4) of section 4482(c) of such Code is amended to read as follows:

“(4) TAXABLE PERIOD.—The term ‘taxable period’ means any year beginning before July 1, 2013, and the period which begins on July 1, 2013, and ends at the close of September 30, 2013.”.

(f) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall take effect on July 1, 2012.

(2) TECHNICAL CORRECTION.—The amendment made by subsection (e) shall take effect as if included in section 402 of the Surface Transportation Extension Act of 2012.

TITLE V—STUDENT LOANS

SEC. 501. TEMPORARY AUTHORITY.

(a) TEMPORARY AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Education is authorized to delay the origination and disbursement of Federal Direct Stafford loans made to undergraduate students under part D of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.) until the date of enactment of the MAP-21, except that the Secretary may only delay the origination and disbursement of such loans until July 6, 2012.

(b) SPECIAL RULE DOES NOT APPLY.—Subsection (a) shall not be subject to the special rule in section 1(c) of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for Spe-

cial Order speeches without prejudice to the possible resumption of legislative business.

PRESIDENT OBAMA'S TOXIC REGULATION REGIME

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Florida (Mr. WEST) is recognized for 60 minutes as the designee of the majority leader.

Mr. WEST. Mr. Speaker, I rise today not only as a Member of Congress, but as a citizen of the great State of Florida.

My fellow Floridians are frustrated with the Federal Government for imposing more and more burdensome regulations that continue to hurt our already struggling State and Nation. The President's policies have failed and are making this economy worse. While the President continues to give speeches on the principles of job growth, his administration continues to pursue job-killing policies that threaten this country's economic recovery. In fact, since President Obama took office, we've seen a 52 percent increase in completed regulations deemed economically significant. These regulations are costing the economy at least \$100 million each year.

Mr. Speaker, this is worth repeating so the American people clearly understand: since January of 2009, this President has increased by more than 50 percent the regulations costing at least \$100 million annually. The President cannot stand on his record of the last 3½ years, so he has regrettably turned to the politics of envy and division.

We cannot create a fair system for job creators when the Federal Government keeps changing the rules. We can't help the job seeker by punishing the job creator with more government red tape. According to a September 2010 report from the Small Business Administration, total regulatory costs amount to \$1.75 trillion annually.

Put another way, this \$1.75 trillion of regulatory burden is enough money for businesses to provide 35 million private sector jobs with an average salary of \$50,000. According to the same report:

Small businesses which have created 64 percent of all new jobs in the past 15 years face an annual regulatory cost of \$10,585 per employee, which is 36 percent higher than the regulatory costs facing large firms.

Yet rather than provide incentives for these businesses to expand and create jobs, the Obama administration raises taxes and imposes unnecessary, burdensome layers of red tape that impede private sector investment and destroy jobs.

In the last few months, we've heard a lot about fairness from the President, especially when it comes to the so-called rich. Accompanying President

Obama's budget for fiscal year 2013 was a simple message to the American people: everyone must shoulder their fair share.

Mr. President, the free market is not about fairness. This is not Little League baseball where everyone gets a trophy. There is nothing fair about the Federal Government telling you what kind of lightbulbs you can use to light your home, how many gallons of water you can use to flush your toilet, and which kinds of food your children have to consume.

While the President continues his "Kansas City shuffle" trying to get the American people to look right while he goes left, he continues to try and turn the attention of the American people away from his policies that continue to drag the economy down.

The facts speak for themselves. Today, there are more Federal regulations on the books than in any other time in the history of our Nation. The Obama administration currently has proposed 3,118 regulations with 167 considered economically significant.

□ 1340

In 2011 alone, Mr. Speaker, there were 79,000 new pages printed in the Federal Register. The same year, the Obama administration issued \$231.4 billion in regulatory burdens from proposed or final rules.

Today, there are 291,676 unelected Federal regulatory agency employees surrounding the United States Capitol. According to the Financial Services Roundtable, it will take 24,503 employees just to comply with the flood of regulations emanating from the Dodd-Frank banking regulations.

According to a February 15, 2012, Gallup poll, 48 percent of small businesses said they were not hiring due to concerns about possible rising health care costs, while 46 percent said they were worried about new government regulations.

A 2010 study by The Heritage Foundation found that an unprecedented 43 major regulations were imposed in fiscal year 2010, with a total economic cost of \$26.5 billion, the highest total since at least 1981.

A recent report from The Heritage Foundation also found that during the 3 years of the Obama administration, a total of 106 new major regulations have been imposed at a cost of more than \$46 billion annually and nearly \$11 billion in one-time implementation costs. This amount is about five times the cost imposed by the prior administration of President George W. Bush.

Mr. Speaker, I think it is essential the American people understand just a few proposed Obama administration regulations that will cost each of us billions of dollars:

Reconsideration of the 2008 Ozone National Ambient Air Quality Standards. Estimated cost: \$19 billion to \$90 bil-

lion. It was withdrawn in September 2011.

National Emission Standards for Hazardous Air Pollutants for Coal and Oil-Fired Electric Utility Steam Generating Units. Estimated cost: \$10 billion.

National Emission Standards for Hazardous Air Pollutants for Major Source Industrial, Commercial and Institutional Boilers and Process Heaters. Estimated cost: \$3 billion.

Standards for the Management of Coal Combustion Residuals Generated by Commercial Electric Power Producers. Estimated cost: \$6 million to \$1.5 billion.

Require motor carriers operating commercial motor vehicles in interstate commerce to use electronic on-board recorders to document their drivers' hours. Estimated cost: \$2 billion.

Hours of service on commercial motor vehicle drivers. Estimated cost: \$1 billion.

A Consumer Product Safety Commission rule deeming children's books printed prior to 1986 to be potentially toxic due to the possibility of excessive lead in the ink, even though the actual risk of the lead exposure from older books ranks only about 0.5 on a scale of one to 10, according to the Centers for Disease Control and Prevention. Nonetheless, the Consumer Product Safety Commission has urged libraries to put older children's books in storage until they can be tested for lead toxicity—at a cost of \$300 to \$500 for each book.

The Federal Government's attempt to regulate the precise moisture, temperature, and chemical standards of compost for use in producing certified organic foods.

The Department of Energy's desire to rewrite water efficiency standards for the Nation's urinals—yes, rewrite water efficiency standards for the Nation's urinals, that's correct, Mr. Speaker.

An Equal Employment Opportunity Commission declaration that requiring a high school diploma as a job certification has a disparate impact on certain individuals that failed to meet such a standard.

A Department of Justice regulation requiring enhanced access for disabled individuals at public and private facilities such as swimming pools.

And of course Numeric Nutrient Criteria, which I will discuss later.

It's no surprise why entrepreneurship in the United States of America is at a 17-year low. In 2010, the Obama administration published 82,480 pages of regulations. Two comprehensive legislative packages—the Affordable Care Act and the Dodd-Frank banking regulations—were passed and scheduled to regulate greenhouse gases as well for the first time ever in the history of this country.

In 2011, agencies finalized \$187 million in deregulatory actions, and proposed

more than \$1.1 billion in rescissions. However, these deregulatory measures were dwarfed by the new regulations that the administration published just this year.

For proposed or final rules, the Obama administration published \$231.4 billion in regulatory burdens and 133 million paperwork burden hours. Assuming a 2,000-hour work year, it would take 66,730 employees just to file the Federal paperwork.

On average, Mr. Speaker, eliminating the job of a single regulator would grow the American economy by \$6.2 million and nearly 100 private sector jobs annually. The reverse is true as well: each million-dollar increase in the regulatory budget costs the economy 420 private sector jobs.

A recent article in *The Economist* highlighted the increased complexity caused by ObamaCare, citing that "every hour spent treating a patient in America creates at least 30 minutes of paperwork, and often a whole hour."

Next year, the number of Federally mandated categories of illness and injury for which hospitals must claim reimbursement will rise from 18,000 to 140,000.

There are nine codes, Mr. Speaker, relating to injuries caused by parrots—yes, parrots—and three relating to burns emanating from flaming water skis.

Let's be real clear at this point of time: The only jobs created by regulations are jobs for regulators and more regulators. What I notice when I ride up and down Federal and Dixie Highways in south Florida are the numbers of closed storefronts, the numbers of vacant spaces. However, when I fly into Washington, D.C., Mr. Speaker, I see the number of sky cranes building more housing and office space for these regulators.

The number of Federal workers employed in regulatory activities—excluding the TSA—has jumped 20 percent since 2008 while total workforce participation in the United States of America is at a 30-year low.

Our Nation has faced 3 years of unemployment at or above 8 percent. Mr. Speaker, do you want to guess what the employment rate is in Washington, D.C.? In May, the unemployment in the Washington, D.C., metro area was 5.3 percent.

Of course, the environment is only one area of regulatory overreach by the Obama administration. In its review of overregulated America, *The Economist* magazine noted that the Dodd-Frank banking law, at 848 pages, is 23 times longer than the preceding Glass-Steagall Act. These regulations are choking off the oxygen of growth in this country, especially in our area of south Florida.

Mr. Speaker, let me take a moment to talk about an example which is taking place in our congressional district.

In 2006, Rybovich Yachts became the only company in the United States capable of repairing mega-yachts with the opening of its facility in West Palm Beach. The company took a dilapidated boatyard and turned it into the finest repair facility in the world. This facility now employs 230 workers directly and as many as 300 subcontractors each and every day. The facility quickly exceeded all business expectations, attracting commerce from around the globe and cementing south Florida's leadership position in the marine industry.

□ 1350

Last year, this facility generated \$5.5 million in local and State tax revenue. Consider the regulatory hurdles Rybovich had to leap through, the mountains of paperwork in order to get a permit issued, and the burdensome red tape they endured every step of the way.

Mr. Speaker, it is remarkable that any U.S. company chooses to do business on its own shores. To satisfy the environmental regulations and requirements for the first facility, Rybovich was required to inspect and analyze every other possible location in the area to see if there was an alternate site that would have less impact on local sea grass beds.

Once the location was chosen, the environmental impact had to be measured and mitigated one for one. In the case of Rybovich, 5 acres of sea grass needed to be replaced. Since there are limited areas where sea grass could be replanted in the vicinity, the company, Rybovich, a private sector company, had to buy an island, construct a wall around it, and plant sea grass. The island alone cost the company \$4 million.

In 2008, Rybovich realized there was market potential for a second facility to service even larger yachts. Construction for this new facility is estimated to create over 600 jobs. The total economic impact from the first 5 years of operations is estimated to be \$630 million in Palm Beach County and \$111 million in the city of Riviera Beach.

One would think, after going through the permitting process and jumping through all the environmental hurdles to open the first facility, the second would go more smoothly. One would think.

One would think, given the state of our local economy, a new project of this scope would be welcomed with open arms. But, Mr. Speaker, 4 years later, Rybovich still hasn't received a permit for its proposed project in Riviera Beach.

And did I mention the 600 jobs that would be created? That's correct. I did. However, the Federal regulators don't seem to care about that fact.

What is happening to Rybovich is not an isolated incident. This is happening all over the United States. Rybovich is

merely a whiff of the toxic bureaucratic fumes emanating from the Obama administration that regulators are using to go choke off job and economic growth with excessive environmental regulation.

Another case in point is the numeric nutrient criteria. The Environmental Protection Agency has proposed ludicrous standards for Florida's nitrogen and phosphorus levels for the State's lakes, rivers, streams, and springs.

Until 2009, the State of Florida was working cooperatively with the EPA to improve our water quality standards. However, in 2009, in an attempt to settle a lawsuit brought by environmental groups, the EPA decided to abandon that cooperative approach, federally preempt our water quality State standards, and impose new criteria on our State.

Like all Floridians, I want clean and safe water. For several years now, Florida has been working to improve its water quality, and in many respects, the State's efforts have been a model for other States throughout this country.

As Florida Wildlife Commissioner Ron Bergeron explains, "A water standard of 10 parts per billion required by numeric nutrient criteria, is more stringent," Mr. Speaker, "than rainwater which is 15 parts per billion, and is a quality of water that is humanly impossible to achieve."

Even the EPA's own Science Advisory Board has expressed serious concerns about the science used to support the regulation, and the EPA has repeatedly refused to allow a third-party review of the proposal.

But there is no doubt about one thing, Mr. Speaker. This mandate is poisonous to the economy. These regulations are not about whether we want clean water for Florida. These regulations are about how we reach that goal and at what cost.

This EPA mandate, which singles out the State of Florida, will drive up the cost of doing business, double water bills for all Florida families, and will destroy jobs. The Florida Department of Environmental Protection estimates this Federal mandate may force municipal wastewater and storm water utilities to spend as much as \$26 billion in capital improvements to upgrade their facilities. This \$26 billion will eventually be paid by each Floridian who uses water, and that means every resident.

A study by the University of Florida and the Florida Department of Agriculture and Consumer Services concluded that the EPA's numeric nutrient criteria regulations would directly cost Florida's agricultural community roughly \$1 billion each year, with additional indirect costs also exceeding \$1 billion. This billion dollar cost eventually will be paid by every American who wants to enjoy an orange, a grapefruit, or other produce that comes from our State.

The study goes on to say that implementation of the EPA regulations could put more than 14,000 agricultural workers out of a job and would cost the average household up to \$990 in higher sewer rates. That is per year, per family, \$990 more in higher water bills.

Can our already stagnant economy in Florida take that? Will families move to Florida and choose to buy homes in our already depressed housing market if they're going to have to pay nearly \$1,000 more in their annual water bills for years to come?

The EPA has repeatedly refused to allow any third-party review of the science behind the proposed mandate of numeric nutrient criteria. The EPA has also failed to complete an economic analysis.

In a disturbing article in *The New York Times* on February 16, 2011, an EPA official said they have no plans to implement this regulation in any other State except for the State of Florida.

Excessive EPA regulations hamper business expansion and job growth in nearly every industry. They hurt farmers. They hurt utility workers, pipe fitters, construction workers, coal miners, factory workers, truck drivers, and machinists.

Sixty national companies and dozens of Florida-based companies and organizations, including the United States Chamber of Commerce and the American Farm Bureau, have sent letters to the United States Congress to oppose these burdensome regulations.

Mr. Speaker, we must reduce the regulatory burden on our Nation's businesses and help put Americans back to work. We must get the Federal Government out of the way of our small businesses and entrepreneurs so that they can succeed and prosper.

When there is a need for regulations, they should be developed in concert with the private sector and, of course, done with common sense.

Over the last few months, the United States House of Representatives has passed more than two dozen bills designed to do just that—staunch the toxic regulatory flow coming from the Federal agencies. Unfortunately, Mr. Speaker, they're all still sitting on Senate Majority Leader HARRY REID's desk, which really does stink.

John Engler, the President of the Business Roundtable, recently stated that:

Regulations are hidden taxes that strangle job creation. We need action by government agencies to clear out obsolete rules and streamline permitting to reduce delays and impediments for companies to invest and grow.

The private sector is the only hope for future job creation. We need to recognize this and work together to let businesses, small and large, invest in people.

Mr. Speaker, I could not have said that any better.

Mr. Speaker, I yield back the remainder of my time.

□ 1400

BUDGET AUTONOMY FOR THE DISTRICT OF COLUMBIA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 60 minutes as the designee of the minority leader.

Ms. NORTON. Thank you, Mr. Speaker.

Members may be aware that I come to the floor occasionally in order to make certain that Members have the full background as they find themselves in the perplexing situation of receiving legislation on a local government and local residents.

We had a misunderstanding—I can only think it was a misunderstanding this week—when Senator RAND PAUL, who I know has been a student of history when it comes to the Constitution, engaged in actions that had the effect of compelling a bipartisan group of Senators to pull back their budget autonomy bill for the District of Columbia.

First, recognize that the Framers didn't go to war with American citizens, including citizens who live right in the very city in which we are now meeting, the District of Columbia, only to leave them out of the very franchise and local control that made the Framers commit what, I'm sure, the British believed were acts of treason when they rebelled against England for its refusal to recognize that taxes are a matter of local control. Bear in mind that those who went to war included the residents of this city and that the Framers in every respect showed that they respected the fact that the citizens of this city were included among those who went to war.

For example, in the transition period—10 years—as the District of Columbia moved to become the Nation's Capital—the four Framers of the Constitution from Maryland and from Virginia made sure through legislation that their members lost nothing, in as much as Maryland and Virginia had donated the land to the Nation for our Nation's Capital. Maryland and Virginia citizens were allowed to vote in their jurisdictions in Maryland and Virginia. They voted for Congress, and they were treated in every way like other Americans at that time. In 1802, when full transition to become the Nation's capital occurred, they lost what they had been promised. They lost their full rights as American citizens.

The District got back some of those rights under a Republican President 39 years ago when the District was granted home rule, the right to govern itself, under the Home Rule Act.

Richard Nixon said at the time:

I share the chagrin that most Americans feel at the fact that Congress continues to deny self-government to the Nation's Capital. I would remind the Congress that the Founding Fathers did nothing of the sort. Home rule was taken from the District only after more than 70 years of self-government, and this was done on grounds that were either factually shaky or morally doubtful.

So the Congress returned to the District some measure of home rule in 1973. In returning a good measure of home rule, the Congress nevertheless said to the District that, while it had authority over its own budget, the budget had to come to the Congress of the United States before it became final.

We are trying, as I speak, to make sure that that budget does not become a vehicle for denying the very principles that the Framers fought for and that every American stands for. This is not a country where you can pay taxes and somebody else can have something to say over how those taxes will be used. That would cause another rebellion. When this matter was put to the American people in a recent poll, here is what they said: more than seven in 10 believe that the District of Columbia should control its own budget.

I suppose in America people are saying, Duh, of course. That's a basic founding principle. Why do you need to tell us that?

We need to tell you that because there are attempts here—and there was an attempt just this week in the Senate—that contradicted the increasing bipartisan consensus for local control by the District of its own local funds, funds that not one Member of this body has had anything to do with raising. So when you put that to the American people, you get a predictable answer: seven in 10 say yes to local control by the District alone of its own local funds.

What does that mean in terms of Democrats and Republicans?

Seventy-one percent of Democrats and, by the way, 72 percent of Republicans support it. I'm not surprised at those figures. Seventy-one percent of Democrats—and slightly more—72 percent of Republicans believe that the people who pay taxes and happen to live in their Nation's Capital should be treated as full American citizens when it comes to how they spend their own local funds.

That principle is not always recognized in this body, and that's why I've come to the floor today, because I do not believe that the failure to recognize this principle comes from venality. I think it comes because there is turnover in the Congress and because people don't focus on the anti-democratic bills that come before them, so they simply do what they are told to

do. They don't do much analysis of their own about why they may be voting as a Member of Congress to overturn local laws.

Last year, the District of Columbia government was almost shut down three separate times. I don't think I could find a Member of this body—in fact, I'm sure I can't—who would say that when the Federal Government is engaged in a Federal fight over Federal spending that the District of Columbia should have to shut down, too; but that was the case because the District of Columbia local budget—its balanced budget (unlike our own)—which had been approved by the Appropriations Committee, was still here. Because it was still here and for no other reason, the District of Columbia three different times had to prepare for a shutdown of the city government, and had to prepare for the consequences of the possible violation of contracts and other serious consequences through no fault of their own.

It's important to note that a Senate appropriations bill this year does contain my no-shutdown bill for the District of Columbia, which simply says that the District of Columbia doesn't shut down if the Federal Government shuts down; of course, if the city is spending only its own local money, that's okay for the city to do.

When I refer to a bipartisan group of congressional leaders who support budget autonomy, I'm speaking of leaders who have been in the Congress, and have been in the District and have seen what the effects of not treating the District as a full local-controlled jurisdiction have been. In the House today, I am grateful to Chairman DARRELL ISSA, chairman of the committee with some jurisdiction over the District of Columbia, who is a leading proponent of budget autonomy for the District of Columbia, so much so that he has his own bill for budget autonomy, which is very much like my own.

□ 1410

In the Senate, Senator JOE LIEBERMAN and Senator SUSAN COLLINS had a bipartisan bill in committee this week for budget autonomy for the District of Columbia much like Chairman ISSA's. Budget autonomy has been supported by majority leader ERIC CANTOR. Budget autonomy has been supported by the Republican Governor of the State of Virginia.

When we note what happened in the Senate on the bill, we cannot believe that it came from animus or some sense that the District of Columbia is not a city whose citizens should be treated as other American citizens are treated. Yet, as the bill went to committee, Senator RAND PAUL appeared to have proposed any and every amendment he could think of, amendments that no self-respecting American jurisdiction could possibly abide, not because there is anything inherently

wrong with these amendments, but because they violate what the voting majority of taxpaying residents of the District of Columbia have approved as local law.

The Senator did not say he disagrees with this or that policy and he wants to make sure that the District does this or that thing. He said: I think it's a good way to call attention to some issues that have national implications. We don't have control over the States, but we do for D.C.

Oh, really? What control do you have over our local funds? Do you raise a cent of it?

This must be a misunderstanding. Since Senator RAND PAUL founded the Tea Party Caucus in the Senate and is the champion of small government and local control there, I choose to believe that this freshman Senator had not yet come to grips with the rather complicated history of the Nation's capital. If he had, I don't think he would have put forward an amendment that would require the city to allow conceal-and-carry permits. We may not have a problem with conceal and carry in the United States, but that's not what the people of the District of Columbia, who pay taxes here, have written into their constitutional local laws.

Moreover, public safety is the essence of local control. If you look to the two or three issues that nobody should have anything to say about in another local jurisdiction, surely at the head of the list would be local police power, when that power is consistent with the Constitution.

Then a stream of other amendments came forward from Senator PAUL on abortion, one of them on licensed firearms dealer, one of them having to do with labor organizations. It's as if the Senator went down a checklist. He virtually said so himself. He said: What national issues can I highlight using the District of Columbia?—as if the city were nothing but a plaything and not a jurisdiction of 600,000 American citizens who have fought and died in every war, including the war that created the United States of America, of 600,000 citizens who pay the second highest Federal taxes per capita in the United States. That's 600,000 citizens, one of whom was killed in Afghanistan last month. It means 600,000 Americans who have every right to demand equal citizenship.

Nevertheless, good news, from bipartisan support and from national polls, continues to roll in. The Senate has just passed out of committee the D.C. budget. The most the Senate and the most the House should do is act as a pass-through as long as the D.C. budget does not violate the Constitution. Of course, no local budget belongs in the United States Congress. However, D.C. does not yet have budget autonomy. Yet there is nothing, in American principle or American history which says

that once you have the local budget through here, you can just do anything you want to do, overturn local laws or restrict funds that Congress had nothing to do with raising.

I met Tea Party people for the first time when they came to Congress. I thought local control was their most basic principle. In fact, Senator RAND PAUL would like to get the Federal Government out of issues where the Constitution allows the Federal Government to be. But what about hopping over Federal issues and trying to interfere in the business of a local jurisdiction? That's against his principles; that's against everything the Framers stood for.

Polls within the last few months show that the overwhelming majority of Americans believe Congress should pass a D.C. budget without changes. Who is this overwhelming majority? Seventy eight percent of them are Democrats. Once again, Republicans lead the pack at 81 percent.

This is how the question was framed: "Today, Members of Congress are withholding approval of Washington, D.C.'s local budget unless the city agrees to a series of unrelated provisions on issues ranging from guns to abortion. Do you think Congress should or should not interfere in the city's local affairs and budget in this way?"

If anything, the issue was framed against D.C. Because you can bet your bottom dollar that of this 81 percent of Republicans who answered that Congress should not interfere with D.C.'s local affairs and budget were many who, in fact, oppose abortion and oppose any restrictions on guns or gun owners. Yet this is how they responded when asked a base question, a fundamental question regarding, if it is local money, should a national body in Washington have any right, whatsoever, to impose its will on a local budget.

Congress does lag occasionally behind the American people. This is a big lag. But the lag does not include several leaders of this House and of the Senate.

□ 1420

Senator JOE LIEBERMAN is retiring this year. He has been a champion of equal citizenship for the residents of the District of Columbia, whether it was voting rights or statehood or budget autonomy. Equal citizenship rights for District of Columbia citizens, in many ways, partially define his service.

Yet the first budget autonomy bill to pass at all in Congress came from Senator SUSAN COLLINS, when democrats were in the minority. That was in 2003. That bill went all the way to the floor and was passed in a Republican Senate. It was the House that did not pass it or D.C. budget autonomy would be law today.

So when I speak of first principles, I think there is great evidence that those first principles resonate in the Senate and resonate in the House. They resonate in the House when Representative ISSA puts forward a budget autonomy bill, it resonates in the House, when Majority Leader CANTOR, in fact, says he supports budget autonomy.

I don't believe that the average Member even desires the opportunity to use 600,000 American citizens as playthings through a local budget. We joust with one another. We disagree with one another. But I don't believe when it comes to this serious matter that if we had an opportunity, one on one, to speak with Members of this body they would give you a justification for a federal body overturning the will of the people of a local jurisdiction.

That is why I say this afternoon that by assuming that disparate treatment of any American citizens, even those who live in the District of Columbia, must reflect a misunderstanding that I hope, by coming to the floor from time to time, I can help clear up. Unequal treatment of American citizens flies in the face of the very principles that particularly Members of this House have professed from the moment the 112th Congress convened: Get the Federal Government out of our lives, even where the Federal Government has historically been in our lives; get the Federal Government out of any opportunity to get involved in our lives.

Witness the view of Republicans on the Affordable Health Care Act. Up with local control, and when it comes to local money, hands off.

You might imagine that when the District raises \$6 billion from local citizens, they wouldn't want anybody telling them anything about how to spend their local funds. The District spends that money on some matters and in some ways that are different from the way the jurisdictions of my colleagues spend their own money. Isn't tolerating these differences what is most wonderful about America?

The Framers put together a nation that was very different, that has kept us from going to war with one another over issues by above all separating out local from Federal, meaning if you stay in your part, we won't go there. We will only go where matters of national concern are to be found. That was the promise.

I must say, to my colleagues, that's the promise that's been kept for every American district, except my own. And that is why I have called Senator RAND PAUL. I have not been able to speak to him yet. I am going to ask to sit down with him. I am going to walk over to the Senate to see if I can have a good conversation with him about the District of Columbia, because I have no reason to believe, given his own short history in the Senate, that he means to

do anything but carry out his own originalist principles, his principles that local control is different from Federal intervention. Given a conversation, we can at least make some headway on what the District means to our country and how the citizens of this city feel when they are basically kicked around.

We're powerless to do anything about it. If a bill comes to the floor which keeps us from spending our own money, every Member of this body can vote on that bill except the Member that represents the District of Columbia because, as of yet, the Congress has not, in fact, given the District the voting rights that we have given to the people of Afghanistan and Iraq, with citizens from the District of Columbia among those fighting for their freedom. So I don't think anybody would blame us for coming forward to ask for what every other American takes for granted.

What is truly gratifying to me, even as I complain about the withdrawal of a budget autonomy bill in committee, which Senator JOE LIEBERMAN and Senator SUSAN COLLINS had worked so hard to perfect, what encourages me is, first, the leadership we have in the House for budget autonomy, the leadership that continues to stand strong with us in the Senate. But most of all, Mr. Speaker, what encourages me is what these two charts tell us about our country, tell us about what the American public believes, tells us what they overwhelmingly believe—that American citizens have a right when it comes to their own funds raised by them and them alone.

Yes, I take heart in the fact that while there are only small differences between Democrats and Republicans on subject autonomy, those who most favor control of the city's own budget by its own local citizens are Republicans, who are, it seems to me, only confirming their own principles.

And when it comes to whether or not the Congress, when the D.C. budget comes here, should pass it clean, just as it was when it came, or should in some way use it to profile national issues, you have even greater majorities essentially sending Congress a message that it should pass the D.C. local budget without changes. Seventy-eight percent of Democrats and 81 percent of Americans regard this as something of a truism. My colleagues represent the people included in these massive majorities.

I don't expect my colleagues to spend a lot of time on the District of Columbia. I ask only that when the budget of a local jurisdiction comes here that there be some thought behind what you do when you have the vote on that budget and I do not. In a real sense, I ask you to put yourself in my position. I am a Member of the House of Representatives. I have the same standing

that all of you have, except I do not have a vote.

I would be so bold as to ask my colleagues to put themselves in my position when they see Members of this House or Members of the Senate try to direct the District about how it ought to spend its own local funds. I ask you to put yourself in my position because I think there would be some genuine empathy with the position in which I find myself, representing 600,000 citizens who have lived up to every obligation of citizenship ever since the founding of the Republic of which they have always been a part, but never with equal citizenship.

We will continue to come forward in good faith and in the spirit of understanding and in the hope that, with greater highlighting of the discrepancies between professed principles and how they are occasionally carried out, change will come in a country which is always striving to live up to its own ideals.

I yield back the balance of my time.
[From the Washington Post, June 27, 2012]

RAND PAUL'S SITUATIONAL PRINCIPLE (By Editorial Board)

Sen. Rand Paul (R-Ky.) came to Washington on the wave of the tea party movement to limit big government. "I think a lot of things could be handled locally . . . the more local the better, and the more common sense the decisions are, rather than having a federal government make those decisions," he said during his 2010 campaign. So how to explain his spoiling a move to give the District autonomy over its own tax dollars by—and this is really rich—injecting the federal government into local affairs?

We thought we could no longer be surprised by congressional hypocrisy when it comes to the nation's capital, but Mr. Paul's willingness to turn his back on his supposed libertarian principles and devotion to local rule is truly stunning.

A bill that would give D.C. officials the ability to spend local dollars—we repeat, locally collected, locally paid tax dollars—without congressional approval was pulled from consideration this week after Mr. Paul introduced a set of amendments that would dictate to the city policies on guns, abortions and unions. "The last senator I would expect it from," said Del. Eleanor Holmes Norton (D-D.C.), telling us that she has never seen so many amendments offered at one time by a single member to restrict D.C. rights. Ironically, Ilir Zherka, head of the advocacy group DC Vote, said that Mr. Paul initially had been seen as a potential ally for the District because of his views on small government.

Mr. Paul told The Post's Ben Pershing, "I think it's a good way to call attention to some issues that have national implications. We don't have [control] over the states, but we do for D.C." In other words, "I am doing this because I can"—not exactly the argument one expects to hear from someone who has railed about federal intrusion. As Mr. Zherka pointed out, Mr. Paul's brief for small government is not whether the federal government has the power but whether it should use it.

A spokesman for Mr. Paul e-mailed us a reminder that the District is not a state but a federal jurisdiction: "Efforts to change that

have failed, and until it is changed it is not only the prerogative but the duty of Congress to have jurisdiction over the Federal District." What we don't get is how someone who raises the banner of a movement inspired by a time when Americans were ruled without representation could be so unsympathetic to the rights of D.C. citizens who are in the same position.

□ 1430

SUPREME COURT HEALTH CARE DECISION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. It's always an honor to speak before the House of Representatives, a great storied history here, just as the Supreme Court has a great storied history. There's some moments in time with regard to the United States Supreme Court which show it to have consisted of a bastion of strong-willed, determined, principled, constitutionally minded Justices. There are other times when the Supreme Court has shown itself to consist of some great judges and some who are more interested in politics, more interested in feathering their friends' nests than they are in doing what was right under the Constitution, even though it was easy enough for them to rationalize that, gee, if they did what helped their friends, then obviously that would make it better for the whole country.

I think we get some of that rationalization from this administration. Gee, if they just throw billions or hundreds of billions of dollars at friends, then their friends will do better. And if their friends are doing better, surely the rest of the country would. We have also found that to be true with regard to things like Solyndra and the massive number of other cronies of the administration that have received hundreds of billions of dollars over time and also at a time when this country is sorely hurting from overspending and running up debt.

In fact, today we had a bill regarding transportation and a conference report. I know my friend JOHN MICA from Florida worked exceedingly hard, as had other members of Transportation, trying to reach an agreement with the conference report. It looked like the Senate got the better end of the deal. But I know these people, I know their hearts, and I know they try to do what is right for America when it comes to Chairman MICA and those who are assisting him.

But, nonetheless, we heard our friends across the aisle over and over today talk about how critically important infrastructure is, how we ought to be spending money, and how just \$1 billion added to the transportation budget

could really make a tremendous difference. I hearken back to a year-and-a-half ago when the President of the United States, Barack Obama, had told people that if you will give me basically a trillion—whether it's \$800 billion, \$900 billion, apparently it looked more like a trillion dollars by the time it was finished—you just hand me over a trillion bucks and we'll get this economy going. If you don't give it to me, then it will turn out that we may see as high as 8.5 percent unemployment. But if you do give it to me, we'll never see 8.

Of course, he was wrong that we would never see 8 percent unemployment. We've gone for many months—I guess that was 3½ years ago now—that he was telling us about his big stimulus. How quickly time flies.

As the transportation proponents were pushing their bill today and talking about what the good infrastructure will do, many of us believed that was true back in January of 2009, that it would be good. If we're going to spend money on anything, spend it on the things that we really need to do: bridges, roads, all these things that need construction, need renovation.

So the President sold America largely on his stimulus because we're going to fix all the infrastructure in America. But the last 3½ years have borne out that the President did not spend \$800 billion, \$900 billion on infrastructure. He spent maybe 6 percent of the largest giveaway in American history. He surpassed the terrible mistake that TARP was—\$700 billion. And we haven't been able to get an exact number, but of the \$700 billion, it may be \$450 billion-or-so that his administration inherited. So when you get the \$800 billion, \$900 billion, trillion-dollar stimulus giveaway—porkulus, as some called it—and you combine that with \$400 billion, \$450 billion, \$500 billion that he was able to inherit from the TARP fund, you think maybe a trillion and a trillion-and-a-half dollars he had to give away.

And we hear debate over what difference \$1 billion would make. He was talking about a thousand times that for infrastructure. And he spent a tiny fraction on infrastructure, preferring instead to have massive grants and giveaways to programs that were his cronies, his pets, that are now producing no dividends and in fact are increasing further debt.

So we hear those things, how wonderful infrastructure would be, and yet we know when we as a Congress provided this administration with massive amounts of money for infrastructure, they diverted it. They did more damage to the country than they did good. And we look at the people that this President has surrounded himself with. He had a Solicitor General named Elena Kagan. The Solicitor General's job is to assist the White House, assist the ad-

ministration with potential legislation that may come to litigation, assist them with litigation. As I know from working 30 years ago in the private sector, you can't advise people about existing litigation and do your job without advising them about the way to avoid future litigation problems that you run into.

So we know that the biggest legislative agenda item for this administration was the complete takeover of health care. And as most thinking people would understand, if you could control all health care, you can pretty well control all people. You get to decide who gets what treatments, who can have a new hip, who can have a new knee, who can have radiation therapy, who can have the surgery. And as one secretary in my hometown pointed out, her mother acquired breast cancer in England, and since the English Government's wonderful health care system decided how long you had to wait before you could get to have diagnostic tests done, before you could have therapeutic activity occur, her mother didn't get the diagnostic tests in time to find out she had it for sure, didn't get the surgery in time, didn't get the treatment in time and she said, My mother died of breast cancer because she lived in England and the government was in charge of health care.

□ 1440

She said I have been found to have cancer since I've been here in the U.S., and because the government was not in charge of my health care, I got it diagnosed in time. I got treatment in time. I didn't have to live by any preconceived requirements of the government. So I'm alive because I was in America. My mother is dead because her health care was in England.

Some think the great panacea is government being charged with health care. We've heard over and over again that this is for the good of the children.

At this point I would be delighted to yield to my friend from Michigan.

UNITED WAY CELEBRATES 125 YEARS

Mr. CLARKE of Michigan. I want to thank the gentleman from Texas for yielding me some time.

Mr. Speaker, I'm very honored today to commend the United Way on 125 years of serving our country. In particular, the United Way of Southeastern Michigan has done so much good for our region and for our people. It has helped provide shelter to the homeless, provide education to our young people and training to the unemployed.

So again, I want to thank the United Way of Southeastern Michigan for its service, and also congratulate the United Way on its 125th anniversary of outstanding work for our country.

I thank the gentleman from Texas for yielding me this time.

Mr. GOHMERT. I thank and greatly appreciate my friend, Mr. CLARKE. That is obviously an important announcement. I didn't realize that the United Way had been around 125 years. They do great work, and I appreciate my friend, and I do mean my friend, calling that to our attention.

The Obama administration had an agenda item, getting ObamaCare passed. Elena Kagan was Solicitor General, and she continued to be Solicitor General even up until after the time when the first lawsuits were filed against ObamaCare. Now, she gave testimony before the Senate that satisfied them at the time that she was pure as the driven snow and she would in no way compromise integrity. That was the feeling that was gotten. She got the votes that she needed to be confirmed, and then went on to the U.S. Supreme Court.

But since that time, more questions have arisen. Wait a minute, she was there during this, that, and the other. When ObamaCare was being drafted, when it was being prepared, and even after it passed and it became law, she was the Solicitor General.

And so now that we see all of these things in perspective, we go, wait a minute, could she have been the worst Solicitor General in American history that she would never advise the President, her boss—never advise him—on the litigation that would surely be coming when his prize legislation got passed, if it got passed? Because a legitimate lawyer, an adviser, a counselor, will tell the client—in this case, the President—Look, if you want to have this pass constitutional muster, here's what you need to do. Let's get this verbiage in one place, let's get this in another.

Could she have foreseen that perhaps a weakness of the brilliant John Roberts would be, if you call something a penalty in a bill and then later call it a tax after it's passed, that maybe the Supreme Court would buy it? I don't even think that Solicitor General Kagan could have foreseen that John Roberts would totally abandon intellectual consistency. No matter how intelligent, I don't think she could have seen that coming. I certainly didn't.

But the law regarding judges, Federal judges, is not just a matter of ethics—gee, you can have an ethics complaint filed against you as you can if you're a practicing attorney or a judge. The law is 28 U.S.C., section 455, and it says:

Any justice, judge, or magistrate judge of the United States shall disqualify himself—that's generic for him and her—in any proceeding in which his impartiality might reasonably be questioned.

Well, it is absolutely clear that her impartiality is certainly questionable in her boss's most prized legislation: ObamaCare.

My friend from Alabama, one of the great Senators over at the other end of

the hall, JEFF SESSIONS, had extended eight questions to Attorney General Holder asking for answers, and they were submitted timely under the rules so they were part of the hearing and would require answers from our Attorney General Holder. And three of them in particular were these. These were questions for Attorney General Holder, because as 28 U.S.C., section 455 is the law and Justice Kagan's impartiality has reasonably been questioned, there is potential here for a law violation by Justice Kagan, and we need to know more. Since this is with regard to the law that the Attorney General is supposed to uphold, fair questions. From JEFF SESSIONS to Attorney General Holder:

Are you aware of any instances during Justice Kagan's tenure as Solicitor General of the United States in which information related to the Patient Protection and Affordable Care Act and/or litigation related thereto was relayed or provided to her?

Another question from U.S. Senator JEFF SESSIONS to Attorney General Holder that required an answer:

When did your staff begin "removing" Solicitor General Kagan from meetings in this matter? On what basis did you take this action? In what other matters was such action taken?

Clearly, Solicitor General Kagan was on the email list for people who were talking about the laws that were coming up that the administration wanted to get passed, including ObamaCare, so it's a legitimate question to know at what point did she stop getting emails regarding ObamaCare.

It's also important to know what she said in those emails, because the one email they slipped and let us get a glimpse of was when ObamaCare passed. She sent an email something along the lines of: Can you believe they got the votes? Sounds like an excited utterance.

And it's worth noting that under 28 U.S.C., section 455 the law is very clear, this is the law. It's not an ethics, an encouraged rule. This is the law.

□ 1450

"Where he or she has served in government employment"—as Solicitor General Kagan had—"and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy, she shall disqualify herself."

So, clearly, she is already disqualified because her impartiality is certainly reasonably being questioned. But is there even another law—not rule, but law—in which her impartiality can be questioned? But it makes it very clear, if she ever, ever expressed an opinion concerning the merits of ObamaCare, she should not have been allowed to sit on this case.

I think history is going to judge this case in a way that Justice Roberts

never dreamed. He is so brilliant. There's no question that he was able to rationalize that coming as part of the majority as he did was the thing to do. He has gotten accolades, just as Chief Justice Taney did when he came out with the Dred Scott decision. Justice Taney got accolades from people, you know, wow. Yes, he got criticism, just as Chief Justice Roberts has, but he got some of the same accolades he's got: wow, what a brilliant man. He has removed politics from the Supreme Court when the truth is just the opposite of what occurred.

The politics of the White House prevailed. It was pure politics; it was nothing but politics. And anyone who honestly reads this opinion from an entirely objective standpoint will not be able to say this is a beautiful piece of well-reasoned legal logic because it is not. It is a hodgepodge of poorly written, poorly thought-out, poorly pieced-together opinion; and it's an embarrassment. And one day, history will record that this Court was possessed of four individuals who had political agendas and could not set them aside, and that a Chief Justice, who knew better, decided he would try to make the Court look less than political, and in doing so became very political.

We need answers to these questions.

The third one was:

Did you ever have a conversation with Justice Kagan regarding her recusal from the matters before the Supreme Court related to the Patient Protection and Affordable Care Act? If so, please describe the circumstances and substance of those conversations.

Real easy. Now, we know that this Attorney General has significant recollection problems. He recalled, under penalty of perjury before our Judiciary Committee that he had only learned about Fast and Furious a few weeks, he said, a few weeks before the hearing. Within months, we found documentation showing that that was a lie. It had been months before, at a minimum, that he had learned. Then, when he had that presented to him, he said a few weeks, months, what's the difference? Highest Justice official in America sees no difference between a few weeks and months.

These questions need to be answered. It's already embarrassing enough that a Justice hid behind the refusal to answer questions, the avoidance of questions, to be able to sit on this case and participate in one of the worst thought-out and thought-through and expressed opinions that I've read from the U.S. Supreme Court.

And it's worth looking at some of them. If you go to the opinion itself, first of all, the Supreme Court has to deal with the issue of whether the Supreme Court can consider the case because the Anti-Injunction Act basically, in essence, says: if Congress passes a tax, then the Supreme Court does not have any jurisdiction to con-

sider the case. No one can file such case in Federal court until the tax is actually levied and the individual filing suit has actually had it levied on them. Then that individual has standing, can file a lawsuit, and the Supreme Court can consider it. But until the Supreme Court could decide and determine whether or not the penalty for not buying health care insurance was a penalty or a tax—even though the language in the act clearly said it was a penalty—well, the Court couldn't go forward. So that was the first thing they had to wrestle with. You see it particularly highlighted from pages 11 through 15.

But it's worth noting—this is page 11—the Court says: before turning to the merits, we need to be sure we have authority to do so. That's Justice Roberts, before turning to the merits, we've got to be sure we have authority. He said the Anti-Injunction Act provides:

No suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court by any person, whether or not such person is the person against whom such tax was assessed.

Can't bring the lawsuit, the Supreme Court can't consider it if it's a tax, because it won't be 2014 or so before that happens.

So you look at this decision, page 12, our brilliant Chief Justice—and he really is brilliant, he just compromised it here:

Congress's decision to label this exaction a "penalty" rather than a "tax" is significant because the Affordable Care Act describes many other exactions it creates as "taxes."

Because there are taxes. There are, clearly. There's the medical device tax that ObamaCare adds. All these other taxes, they call themselves taxes. This doesn't. And Justice Roberts points out, it's a penalty. They call it that.

Justice Roberts says, and this is page 13 of his opinion:

The Anti-Injunction Act and the Affordable Care Act, however, are creatures of Congress's own creation. How they relate to each other is up to Congress and the best evidence of Congress's intent.

Get that: best evidence of Congress's intent is the statutory text. That's why he goes through and says the text calls it a penalty. On page 15, he says:

The Affordable Care Act does not require that the penalty for failing to comply with the individual mandate be treated as a tax for purposes of the Anti-Injunction Act. The Anti-Injunction Act therefore does not apply to this suit, and we may proceed to the merits.

It's not a tax; it's a penalty. All right. So, page 15, all this legal reasoning, it's not a tax, it's a penalty, best evidence of what it is is what Congress calls it, Congress calls it a penalty, ergo it's a penalty and we can move on. And now we're entitled to consider the merits.

Now, he also adds—this is over at page 39:

The joint dissenters argue that we cannot uphold section 5000A as a tax because Congress did not frame it as such.

Now, in fact, the four intellectually honest dissenters have pointed out to the Chief Justice—they called it a penalty. You said the best evidence of what it was was what Congress called it. Congress calls it a penalty, they treat it as a penalty, and that's the best evidence. So you can't uphold 5000A as a tax because it was not intended to be one.

If you look, page 39 is where—and the full sentence says: "An example may illustrate why labels should not control here." This is the Chief Justice saying these lines. Labels should not control here. He just said, in page 11 through 15, labels should control. Congress puts the label on what they mean it to be: that should control. Now he's saying labels don't control here.

He goes on to say, and this is at page 44:

The Affordable Care Act's requirement that certain individuals pay a financial penalty for not obtaining health insurance may reasonably be characterized as a "tax."

□ 1500

I called it a penalty so I'd have jurisdiction to write this opinion, but now that I have jurisdiction to write this opinion, now, page 44, I'm calling it a tax. Also on 44 he says:

The statute reads more naturally as a command to buy insurance than as a tax, and I would uphold it as a command if the Constitution allowed it.

Well, that is the point I guess, that is really strange in an opinion because that's in a paragraph marked Capital D that starts with:

Justice Ginsberg questions the necessity of rejecting the government's commerce power.

You never put that in, you're not supposed to. In good writing of judicial opinions, you don't put that in a majority opinion. You don't attack another co-majority signer, and yet he does that a few times in his majority opinion.

But then to add first person, the first person pronoun "I" and then follow that with a conditional future tense verb "would" uphold it as a command if the Constitution allowed it, why is that there?

That looks like that should have been part of a dissenting opinion, not, for heaven's sake, the majority opinion by one of the smartest lawyers in the country. He sacrificed not only his intellectual consistency, he sacrificed his intellectual ability to write as one of the best writers we ever had. It's really tragic.

But the statute reads more naturally as a command to buy insurance. I would have allowed it. It makes no sense there in that context.

One other quote we have down here, it's found at page 57. He says:

We are confident that Congress would have wanted to preserve the rest of the Act.

He knows that's not true. He knows that the House version of ObamaCare had the severability clause. And the severability clause, every good lawyer, even every bad lawyer knows, if you want the whole document to be preserved, even if one line is struck out, you better put that Mother Hubbard clause in there so that it's all protected. You lose one line, you don't lose the whole document.

And that was in the House version, but the Senate chose to strike it out. They didn't want it in there to say, if any of these parts get struck down by the Court, it all has to fall. They didn't want that. They wanted the bill without the severability clause because if anything got struck, everything had to go. That's the way they looked at it.

In fact, that debate was even made. If we don't get this part, we don't get that part, then there's no sense even having any of it.

Well, it's pretty tragic, pretty tragic. But there's been so much sacrifice.

I'm very grateful to Justice Kennedy, Justice Scalia, Justice Thomas, Justice Alito for maintaining their consistency. The dissent is very well-written, very consistent. They not only didn't sacrifice their intellectual integrity, they did not compromise their writing ability.

It's a dangerous time, and now we know, because of this Supreme Court decision, talking to my friend, ALLEN WEST this morning, he brought this up. I didn't know he'd brought it up already in an interview. But since we now know that bringing down the cost of government function is a legitimate interest that justifies intrusive legislation, and you can now have a tax on people if they don't participate, then we know everywhere that concealed guns have been made legal, the crime rates have gone down. When the crime rates go down, the costs go down. So we need a bill that will require everybody in America to buy a gun, and if you don't, you'll be taxed.

And this Supreme Court, in their intellectual lack of integrity, will sustain that bill.

With that, I yield back the balance of my time.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1335. An act to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4348) "An Act to authorize funds for Federal-aid highways, highway safety

programs, and transit programs, and for other purposes."

GLOBAL WARMING AND AMERICAN FREEDOM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from California (Mr. ROHRABACHER) for 30 minutes.

Mr. ROHRABACHER. Mr. Speaker, I have a policy in my office that every time anyone from my district actually comes to the Capitol, they have a right to see me and talk to me, especially young people. And I have, over the years, seen hundreds and hundreds, maybe thousands of young people from my home district in southern California. And I let them talk to me and ask any questions that they would like to ask.

And I have a question that I always ask them, and I thought it would be interesting for my colleagues and perhaps any of those who are watching C-SPAN or reading this in the CONGRESSIONAL RECORD to know the answer that I get when I ask a question of the young high school students from my district.

Mr. Speaker, when our kids come in to my office and are talking to me, I note that I was actually in high school in southern California 47 years ago. And I always ask the kids, is the air better quality today, or is it worse today than when I was going to high school in southern California 47 years ago?

And 90 percent of the students, over the years, whom I've asked that question to have had exactly the wrong answer. Their answer is, oh, you were so lucky to live at a time when the air quality in southern California and around the Nation was so good, and it's so terrible that we have to put up today with air quality that's killing us.

They've been told that the air quality when I was in high school was so much better than it is today, which is 180 degrees wrong. But this is a general attitude among today's young people because our young people are being lied to. They are intentionally being given misinformation.

Now, their teachers may not be intentionally lying to them, but their teachers maybe are given information from scientists and other sources that is an exact lie from people who know that, yes, the air quality back when I went to school, and I go into description about how the air quality was so bad at times we couldn't even go out on the playground. They wouldn't even let us out of the classroom on to the sports field because the air was so bad. Today that happens maybe once a year or twice a year in southern California. Back then it happened once a week at times during the summer and during the school year.

So our kids have this view that their generation is being poisoned, and they're willing to accept stringent measures in order to protect the environment that take away a great deal of the opportunity that they should have in their lives in order to correct this horrible problem that they're told that they've got.

Well, when I tell them it's just the opposite, they're so surprised. Well, the truth is, our Nation's environment is no longer the disaster that it was 50 years ago. And 50 years ago we did have a problem. Fifty years ago I remember that when my dad was a Marine down in Quantico, when I was a child I came up here several times and my dad would say, whatever you do, don't put your finger in the Potomac River or your finger will fall off. Well, it wasn't quite that bad, but it was really bad.

We've made tremendous progress over the years on the Potomac River. I can't help but notice there are people water-skiing and sailing and fishing in the Potomac now.

Well, we don't live in the same time of 50 years ago. The air today has never been cleaner than at any time in my lifetime. The water has never been cleaner in any time in my lifetime than it is today. And I am hopeful that my children will never have to experience the pollution that was rampant when I was their age.

So, let's take a look and give credit where credit's due. That progress is, in large part, because of the efforts of the government, well, and the EPA, yes, which came in under President Nixon, and others who have used science to fight for environmental reforms and to improve the quality of life of our people.

And while I am thankful, I also would like to heed the warning that President Eisenhower left with us in his farewell address. And I quote, "that public policy could itself become the captive of a scientific technological elite."

He was warning us about government-funded research becoming so intertwined with public policy and the creation of regulations it would compromise the integrity of both.

Well, in recent years, we've seen political agendas being driven by scientific-sounding claims being used to frighten the general public again and again and again.

□ 1510

An unjustified fear has been used, for example, to ban DDT. I remember when I was a kid, and I used to run through these clouds of DDT—again, when my father was in the military down in North Carolina. Yes, it was killing millions of mosquitos in North Carolina, but when they banned that DDT, I seem to remember it had something to do with the thickness of shells of certain birds. Well, they banned DDT, and

because of that we have had millions of deaths due to malaria in Africa. Millions of young African children, because they don't have a good diet, succumb to a disease like malaria and die because of it. These children are dead—make no mistake about it—because we were frightened into an irrational position on DDT, banning that and thus destroying the lives of millions of children in the Third World.

We've seen alarmism with "The Population Bomb." Do you remember that in 1968? It was a book claiming that increasing populations and decreasing agricultural yield would lead to cannibalism and global warfare over scarce resources by the mid-1970s. Here we are a long way from the 1970s, and I'm afraid Malthus, who 150 years ago started this type of scarism, was wrong, wrong, wrong. Right now, there are a lot of scientists, unfortunately, who are molding themselves after the Malthus mistakes that were made 150 years ago.

Today's environmental alarmists use faulty and, in some cases, deceitful computer models to "prove" that the world is being destroyed one way or the other, quite often, in the ones they've been using in the last 10 years, of course, was that the world was being destroyed by manmade carbon emissions. This is proven by their computer models, even though the Earth has seen significantly higher atmospheric carbon levels many times before. Those were not necessarily bad times for this planet, but those computer models were suggesting, because of carbon emissions, we were going to face a catastrophe. In fact, I remember very well the predictions of 10 and 15 years ago that, by now, we would have reached a tipping point in the temperature of the world—that we'd have reached a temperature of about now—and then it would go up 5 to 10 degrees, which is a big jump, but we haven't seen that big jump.

The alarmists, of course, are not interested when they make mistakes, and they're not really interested in solving real problems. They are part of a coalition that wants to change our way of life—that's their goal—with their computerizations showing that just horrible times are ahead of us unless we change. The idea isn't to stop those horrible times, because those horrible times are just a product of what they put into their computers. Of course we all know what "garbage in, garbage out" means. If you put into a computer that you're going to have some kind of disaster, that's what you're going to get out of your computer, but what they have in mind, of course, and what they want to do is to change the way of life—our life—which requires us to acquiesce, or better yet, they frighten us into submission.

Make no mistake: manmade global warming, as a theory, is being pushed

by people who believe in global government. They have been looking for an excuse for an incredible freedom-busting centralization of power, and this global warming is just the latest in a long line of such scares.

This was recently acknowledged by the godfather of the global warming theory, a man who over the years has been given such credit for laying the intellectual foundation and the scientific foundation for the theory of manmade global warming. His name is James Lovelock. James Lovelock, however, has changed his mind. James Lovelock now concedes—and after a longtime dialogue with Burt Rutan, one of the great engineers of our day—has come around to understand that he was not being totally honest about things when he was accepting information that bolstered his position, and was rejecting the consideration of other information. He has changed his mind about the real threat that global warming poses to the Earth—not that there wouldn't be any global warming but that it has been totally exaggerated by the scientific community, and that he, himself, played a major role in that exaggeration.

Dr. James Lovelock is in an article in the Toronto Sun, which is entitled, "Green 'drivel' exposed: The godfather of global warming lowers the boom on climate change hysteria," which is what we have been hearing over these last few years.

Mr. Speaker, I would like to introduce for the RECORD this article that was just recently in the Toronto Sun, and I would like to put this in the RECORD at this point.

[From the Toronto Sun, June 23, 2012]

GREEN 'DRIVEL' EXPOSED

THE GODFATHER OF GLOBAL WARMING LOWERS THE BOOM ON CLIMATE CHANGE HYSTERIA

(By Lorrie Goldstein)

Two months ago, James Lovelock, the godfather of global warming, gave a startling interview to msnbc.com in which he acknowledged he had been unduly "alarmist" about climate change.

The implications were extraordinary.

Lovelock is a world-renowned scientist and environmentalist whose Gaia theory—that the Earth operates as a single, living organism—has had a profound impact on the development of global warming theory.

Unlike many "environmentalists," who have degrees in political science, Lovelock, until his recent retirement at age 92, was a much-honoured working scientist and academic.

His inventions have been used by NASA, among many other scientific organizations.

Lovelock's invention of the electron capture detector in 1957 first enabled scientists to measure CFCs (chlorofluorocarbons) and other pollutants in the atmosphere, leading, in many ways, to the birth of the modern environmental movement.

Having observed that global temperatures since the turn of the millennium have not gone up in the way computer-based climate models predicted, Lovelock acknowledged, "the problem is we don't know what the climate is doing. We thought we knew 20 years

ago." Now, Lovelock has given a follow-up interview to the UK's Guardian newspaper in which he delivers more bombshells sure to anger the global green movement, which for years worshipped his Gaia theory and apocalyptic predictions that billions would die from man-made climate change by the end of this century.

Lovelock still believes anthropogenic global warming is occurring and that mankind must lower its greenhouse gas emissions, but says it's now clear the doomsday predictions, including his own (and Al Gore's) were incorrect.

He responds to attacks on his revised views by noting that, unlike many climate scientists who fear a loss of government funding if they admit error, as a freelance scientist, he's never been afraid to revise his theories in the face of new evidence. Indeed, that's how science advances.

Among his observations to the Guardian:

(1) A long-time supporter of nuclear power as a way to lower greenhouse gas emissions, which has made him unpopular with environmentalists, Lovelock has now come out in favour of natural gas fracking (which environmentalists also oppose), as a low-polluting alternative to coal.

As Lovelock observes, "Gas is almost a give-away in the U.S. at the moment. They've gone for fracking in a big way. This is what makes me very cross with the greens for trying to knock it . . . Let's be pragmatic and sensible and get Britain to switch everything to methane. We should be going mad on it." (Kandeh Yumkella, co-head of a major United Nations program on sustainable energy, made similar arguments last week at a UN environmental conference in Rio de Janeiro, advocating the development of conventional and unconventional natural gas resources as a way to reduce deforestation and save millions of lives in the Third World.)

(2) Lovelock blasted greens for treating global warming like a religion.

"It just so happens that the green religion is now taking over from the Christian religion," Lovelock observed. "I don't think people have noticed that, but it's got all the sort of terms that religions use . . . The greens use guilt. That just shows how religious greens are. You can't win people round by saying they are guilty for putting (carbon dioxide) in the air."

(3) Lovelock mocks the idea modern economies can be powered by wind turbines.

As he puts it, "so-called 'sustainable development' . . . is meaningless drivel . . . We rushed into renewable energy without any thought. The schemes are largely hopelessly inefficient and unpleasant. I personally can't stand windmills at any price."

(4) Finally, about claims "the science is settled" on global warming: "One thing that being a scientist has taught me is that you can never be certain about anything. You never know the truth. You can only approach it and hope to get a bit nearer to it each time. You iterate towards the truth. You don't know it."

For those who are listening or who are reading this specifically in the CONGRESSIONAL RECORD, I would like to quote from that article now. That article reads:

Having observed that global temperatures since the turn of the millennium have not gone up in the way computer-based climate models predicted, Lovelock acknowledged, "The problem is we don't know what the climate is doing. We thought we knew 20 years ago."

The sign of a very intelligent person, really, is to admit the things that he doesn't know. I mean I've always said I'm not the smartest guy on the block, but I know what I don't know. Thus, when I'm talking to people, I can have an honest discussion to try to expand my knowledge. We've had too many people claiming that they know it all and that we have to give up our freedom because they know it, and they don't even have to engage in a debate with us over the details of something like global warming.

Let me know who has heard the words "case closed." I mean, 3 years ago, that's what they were saying here. What does that mean? When you hear people in government and when you hear scientists saying, "the case is closed," well, that must mean there is going to be no further debate on this issue.

I've been here as a Member of Congress for 24 years. Before that, I served in the White House for 7 years under President Reagan. I have never seen a time when there was such an effort made to cut off debate on an important subject than has been done on global warming. Never have I heard over and over again people being told to shut up and that the case is closed. Never have I seen so many research projects canceled because they in some way challenged the theory of global warming. Never have I seen so many scientists fired from their positions because they believe that the global warming theory may not be accurate.

So what we need to do is to make sure that we have an honest discussion of the issue, when even some of the promoters—some of the people who have been the strongest advocates, like the individual, the doctor, I just quoted—have changed their positions, if not totally reversed them. At least they've been open to have said, We really don't know what we've been advocating for these last few years.

Mr. Speaker, I would like to introduce into the RECORD a letter from an esteemed physicist, Gordon Fulks. This is a letter and some communication between this physicist and aerospace pioneer legend Burt Rutan. I would like to put that into the RECORD at this point.

JUNE 23, 2012.

Re Bravo on your courage!

DEAR BURT: I think you deserve much of the credit for helping James Lovelock understand the AGW phenomenon. You patiently provided him with the pertinent data and logic. As with most of us, it took some time to digest the enormity of the necessary shift in perspective. He had to give up a faith in the honesty of government agencies and most of the scientists they are supporting.

For Jim Lovelock the transition apparently involved two steps. That lessened the need for a complete about face. He first figured out the Chlorofluorocarbon-Ozone Hole scam by discovering that some scientists were cheating on the data, apparently to further their careers. He probably also knew that the chemists who received the Nobel

Prize for their work had overestimated the effect by a large factor. It was not such a huge step to then realize that climate scientists might be doing the same. But Lovelock, to his credit, wanted to be sure and took his time examining the information that you and others sent to him.

My own recognition of what was going on was likewise a two step process. During the "Nuclear Winter" scare about 25 years ago, we redid Carl Sagan's original calculations to discover that he had carefully chosen the inputs to his climate code to produce the result he wanted. When we realized that a highly respected physicist would prostitute himself to support his politics, his stature, and his income, we, in principle, understood all the other scams of the post World War Two era.

From 1946 Nobel Laureate Hermann Joseph Muller hiding evidence of a threshold phenomenon in human radiation exposure to Rachael Carson promoting half truths about DDT, to unfounded scares about Acid Rain, Ozone Depletion, Magnetic Fields, Global Warming, Ocean Acidification, Diesel Particulates, and more, we have been victimized by continuous hysteria that has led to disastrous public policies. Far too many scientists and their fellow travelers have supported a grand bilking of American taxpayers for their own selfish and political interests.

Many thanks for your efforts to convince one very important individual to re-examine the logic and evidence. Now we need to figure out how to avoid falling victim to these scams in the first place. As you know, that must involve fundamental reform of the reward process that funnels vast amounts of money to those who play along.

GORDON J. FULKS, PHD (PHYSICS),

Corbett, Oregon USA.

Now let me read, in part, what that letter says:

During the "Nuclear Winter" scare about 25 years ago, we redid Carl Sagan's original calculations to discover that he had carefully chosen the inputs to his climate code to produce the result he wanted. When we realized that a highly respected physicist would prostitute himself to support his politics, his stature and his income, we, in principle, understood all the other scams of the post World War II era.

□ 1520

Whoever looked up to Carl Sagan, and when they realized he was cheating on the information and the analysis, they realized that this was so widespread it was something to be concerned about. And I continue:

From 1946 Nobel Laureate Hermann Joseph Muller hiding evidence of a threshold phenomenon in human radiation exposure to Rachel Carson promoting half-truths about DDT, to unfounded scares about acid rain, ozone depletion, magnetic fields, global warming, ocean acidification, diesel particulates, and more, we have been victimized by continuous hysteria that has led to disastrous public policies. Far too many scientists and their fellow travelers have supported a grand bilking of American taxpayers for their own selfish and political interests.

That is the end of that quotation from that letter to Burt Rutan from this world famous physicist.

It's clear that our current system, fueled by the horrific waste of borrowed money, isn't working. Perhaps

it's time that we acted on President Eisenhower's warning and find a better way to separate research and the creation of regulations. Otherwise, we will find ourselves held truly captive with no access to inexpensive energy, reduced access to food and water, and we might find ourselves also with none of our basic freedoms because we've given them away because someone has frightened us into giving away our freedom and giving away the opportunity for a better life for our children.

Mr. Speaker, I am someone who is very optimistic about the future. We have great possibilities. There are other people who look to the future and think that the technological revolutions that we have faced are actually a detriment to humankind. People did not live good lives 100 years ago. As I mentioned, my father was a marine. Before that, he grew up on a dirt-poor farm in North Dakota, as did my mother. In those days, ordinary Americans did not live well. It was a struggle. The longevity of these people was not that long because of the struggle they were in.

We need to make sure that we continue our technological development so that we can have, yes, a clean environment, which I have indicated was a product of the good technology and, yes, the research that came from honest and hardworking scientists and engineers, quite often on a government contract. But we need to make sure that we don't back off, because we know there is a group of people in our society, and perhaps around the world, who for some reason believe that back before the industrial age that people lived better than they live today. Some of them have tried their best to fight modernism. They have declared war, for example, on the internal combustion engine. This global warming thing, that was the motive here. The internal combustion engine is supposedly putting out carbon dioxide, and carbon dioxide they believe is changing the climate of the planet.

I told you what I have asked young students who come into my office. I asked: Is the air better or worse than it was 50 years ago? I even ask Members of Congress and I ask people all the time, the ones who buy into global warming, who are saying they're advocates of global warming caused by mankind—basically the internal combustion engine—what percentage of the Earth's atmosphere is carbon dioxide, is CO₂. I hope that everyone who is focusing on these comments now ask themselves how much CO₂ there is, because CO₂ is being blamed for changing the entire climate of the planet. It would be an enormous undertaking to change the climate of the whole planet, so it must be a pretty good part of our atmosphere.

With that question, Members of Congress tell me that they believe it's 25

percent. Some people say 10 percent. Others say 20 percent. I have never had a Member of Congress come anywhere close to what it really is. It's not 10 percent or 20 percent. It's not 5 percent. It's not 1 percent. It's less than one-half of one-tenth of 1 percent. Have you got that? It's not just 1 percent. It's less than one-half of one-tenth of 1 percent. Of that, humankind is only responsible for 10 percent of that CO₂. That makes it so minuscule that it would be like putting a string across a football field and believing that was going to create changes in the entire football field.

The fact that people are unaware, even at this level, of how small the CO₂ impact is causes them to buy into these scare tactics. This is a challenge for those of us here because that threatens our freedom. It threatens us and our children in being able to have the opportunities that we had and that we hope that all Americans and all people throughout the world will have.

Let us go back on one thing. I am planning a trip this year across the country, even though the gas prices are pretty high. I'm hopefully going to drive across the country with my children. It's a wonderful thing. What a wonderful vacation. We're going to have 2 weeks to do it. I'm really looking forward to that. We're going to go in an automobile, and it will cost us. The price of gas is up and I'm not a wealthy man, but we do have this opportunity, and it's a wonderful thing.

What about 150 years ago? Did people have an opportunity like this? No. What was the biggest challenge that we faced to the health and safety of the people of this country 150 years ago? Or, let's say just at the beginning of the last century, when we turned from the 19th to the 20th century. Do you know what it was? It was horse manure. Horse manure and horse urine was enveloping our cities and the water and created health hazards for people. And the flies and the stench and the internal combustion engine came along, and it has been a great factor in providing health for human beings. All over the world we got rid of the massive animal droppings that were a threat to our health.

Also, there is the fact that we couldn't produce a lot of wealth based on animal strength and we couldn't go on long trips with our families and we didn't have a good quality of life, but the internal combustion engine provided that for people of the United States and humankind. There is no doubt that we have needed to improve the efficiency of the internal combustion engine, and we have.

Here's the thought we'll leave with. In southern California, when I was a kid, there was so much pollution—although our young people don't know about that today. But today, when they think the air is polluted in south-

ern California, we have twice as many cars on the road and we've reduced pollution into the 90s. It's probably 95 percent. This is a tremendous accomplishment. And yes, some of the regulations that we have had from the Federal Government have motivated this change. We need to accept that. But we need to also accept that it is our technological advances, and it has been not cancelling out technology for fear of things like CO₂, which are not a threat to our health. That's how we have kept America on an upward course, even though we've been dragged down scare after scare after scare.

□ 1530

I remember when we had Meryl Streep come to this Congress and testify about Alar in apples. What happened was, for 2 years apple farmers went broke throughout the United States. There were thousands of families who suffered because their product was not being bought because they were afraid of Alar. What happened to that? Alar, it was found 2 years later that it was all a scare. There was nothing to it. The same thing with cranberries. When I was a kid, we couldn't eat cranberries for Thanksgiving.

The gentleman that I quoted here, that I mentioned, who is the godfather of the global warming theory, James Lovelock, he is also the man who discovered fluoro hydrocarbons, which gave people the analysis of the ozone hole. Well, guess what? The ozone hole, as we have found out—and as it was mentioned in passing there—the ozone hole was overrated as a threat. In fact, it went away, and it's a natural cycle.

What we have had on this planet is a natural cycle of weather, of temperatures, and that will continue. But what's happened is, we've had people step forward, trying to create hysteria for their own political ends, trying to frighten people into accepting policies they otherwise would never accept.

So today, I'm hoping that as we celebrate the Fourth of July, we, again, reaffirm that we will never give up our liberty. We will never be frightened out of our liberty by foreigners who threaten us with weapons, and we will not be frightened out of our liberty by people who do not believe in the same type of freedom that we believe in but are using scare tactics to create hysteria among our people that are phony scare tactics to try to frighten us into giving up our freedom.

So on this Fourth of July, I hope we all reconfirm that guarantee of our commitment in this Nation to freedom, to opportunity for ordinary people so that ordinary people can live decent lives with liberty and justice, prosperity for all.

I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER
PRO TEMPORE

The SPEAKER pro tempore. The Chair would inform the House that, pursuant to House Resolution 711, the Speaker has certified to the United States Attorney for the District of Columbia the refusal of Eric H. Holder, Jr., to produce certain papers before the Committee on Oversight and Government Reform.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 34 minutes p.m.), the House stood in recess.

□ 1605

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FLEISCHMANN) at 4 o'clock and 5 minutes p.m.

FURTHER MESSAGE FROM THE
SENATE

A further message from the Senate by Mr. Curtis, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 51. Concurrent resolution providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

PROVIDING FOR A CONDITIONAL
ADJOURNMENT OR RECESS OF
THE SENATE AND AN ADJOURN-
MENT OF THE HOUSE OF REP-
RESENTATIVES

The SPEAKER pro tempore laid before the House the following privileged concurrent resolution:

S. CON. RES. 51

Resolved by the Senate (the House of Representatives concurring). That when the Senate recesses or adjourns on any day from Friday, June 29, 2012, through Monday, July 2, 2012, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, July 9, 2012, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Friday, June 29, 2012, through Friday, July 6, 2012, on a motion offered pursuant to this concurrent resolution by its majority leader or his designee, it stand adjourned until 2:00 p.m. on Monday, July 9, 2012, or until time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

MESSAGES FROM THE PRESIDENT

Message in writing from the President of the United States were communicated to the House by Mr. Edwin Thomas, one of his secretaries.

EXTENDING LEAST-DEVELOPED
BENEFICIARY DEVELOPING
COUNTRY BENEFITS TO SEN-
EGAL—MESSAGE FROM THE
PRESIDENT OF THE UNITED
STATES (H. DOC. NO. 112-120)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

In accordance with section 502(f)(1)(B) of the Trade Act of 1974, as amended (the "1974 Act") (19 U.S.C. 2462(f)(1)(B)), I am notifying the Congress of my intent to add the Republic of Senegal (Senegal) to the list of least-developed beneficiary developing countries under the Generalized System of Preferences program. After considering the criteria set forth in section 502(c) of the 1974 Act (19 U.S.C. 2462(c)), I have determined that it is appropriate to extend least-developed beneficiary developing country benefits to Senegal.

BARACK OBAMA.

THE WHITE HOUSE, June 29, 2012.

TERMINATING DESIGNATIONS OF
GIBRALTAR AND THE TURKS
AND CAICOS ISLANDS AS BENE-
FICIARY DEVELOPING COUN-
TRIES—MESSAGE FROM THE
PRESIDENT OF THE UNITED
STATES (H. DOC. NO. 112-121)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

In accordance with section 502(f)(2) of the Trade Act of 1974, as amended (the "1974 Act") (19 U.S.C. 2462(f)(2)), I am providing notification of my intent to terminate the designations of Gibraltar and the Turks and Caicos Islands as

beneficiary developing countries under the Generalized System of Preferences (GSP) program. Section 502(e) of the 1974 Act (19 U.S.C. 2462(e)) provides that if the President determines that a beneficiary developing country has become a "high income" country, as defined by the official statistics of the International Bank for Reconstruction and Development (i.e., the World Bank), then the President shall terminate the designation of such country as a beneficiary developing country for purposes of GSP, effective on January 1 of the second year following the year in which such determination is made.

Pursuant to section 502(e) of the 1974 Act, I have determined that it is appropriate to terminate Gibraltar's designation as a beneficiary developing country under the GSP program, because it has become a high income country as defined by the World Bank. Accordingly, Gibraltar's eligibility for trade benefits under the GSP program will end on January 1, 2014.

In addition, pursuant to section 502(e) of the 1974 Act, I have determined that it is appropriate to terminate Turks and Caicos Islands' designation as a beneficiary developing country under the GSP program, because it has become a high income country as defined by the World Bank. Accordingly, Turks and Caicos Islands' eligibility for trade benefits under the GSP program will end on January 1, 2014.

BARACK OBAMA.

THE WHITE HOUSE, June 29, 2012.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CLYBURN (at the request of Ms. PELOSI) for today on account of attending a funeral.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1335. An act to amend title 49, United States Code, to provide rights for pilots, and for other purposes; to the Committee on Transportation and Infrastructure.

BILLS PRESENTED TO THE
PRESIDENT

Karen L. Haas, Clerk of the House, reported that on June 11, 2012, she presented to the President of the United States, for his approval, the following bills.

H.R. 5883. To make a technical correction in Public Law 112-108.

H.R. 5890. To correct a technical error in Public Law 112-122.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, pursuant to Senate Concurrent Resolution 51, 112th Congress, the

House stands adjourned until 2 p.m. on Monday, July 9, 2012.

There was no objection.

Accordingly (at 4 o'clock and 12 minutes p.m.), the House adjourned until Monday, July 9, 2012, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6722. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations, Sumter County, Florida, et al. [Docket ID: FEMA-2012-0003] [Internal Agency Docket No.: FEMA-B-1253] received May 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6723. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations, Mobile, AL et al., [Docket ID: FEMA-2012-0003] received June 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6724. A letter from the Acting Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule — Mutual Insurance Holding Company Treated as Insurance Company (RIN: 3064-AD89) received June 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6725. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Political Contributions by Certain Investment Advisers: Ban on Third-Party Solicitation; Extension of Compliance Date (RIN: 3235-AK39) received June 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6726. A letter from the Assistant General Counsel for Regulatory Services, Office of the General Counsel, Department of Education, transmitting the Department's final rule — Implementation of OMB Guidance on Nonprocurement Debarment and Suspension [Docket ID: ED-2012-OS-0007] (RIN: 1890-AA17) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6727. A letter from the Deputy Director for Policy, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Interest Assumptions for Paying Benefits received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6728. A letter from the Program Manager, Department of Health and Human Services, transmitting the Department's final rule — Medicaid and Children's Health Insurance Programs; Disallowance of Claims for FFP and Technical Corrections [CMS-2292-F] (RIN: 0938-AQ32) received May 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6729. A letter from the Associate Division Chief Policy Division, PSHSB, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Parts 12 and 90 of the Commission's Rules

Regarding Redundancy of Communications Systems: Backup Power Private Land Mobile Radio Services: Selection and Assignment of Frequencies, and Transition of the Upper 200 Channels in the 800 MHz Band to EA Licensing received May 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6730. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Health Physics Surveys During Enriched Uranium-235 Processing and Fuel Fabrication Regulatory Guide 8.24 Revision 2 received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6731. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Withdrawal of Regulatory Guide 8.33, "Quality Management Program" received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6732. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Endorsement of Nuclear Energy Institute (NEI) 12-07, "Guidelines For Performing Verification Walkdowns of Plant Flood Protection Features" received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6733. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Endorsement of Electric Power Research Institute (EPRI) Draft Report 1025286, "Seismic Walkdown Guidance" received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6734. A letter from the Chief, Branch of Foreign Species, Endangered Species Program, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule To Remove the Morelet's Crocodile From the Federal List of Endangered and Threatened Wildlife [Docket No.: FWS-R9-ES-2010-0030] (RIN: 1018-AV22) received May 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6735. A letter from the Assistant Regional Director, USFWS; Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska — Subpart C — Board Determinations; Rural Determinations [Docket No.: FWS-R7-SM-2011-0068] (RIN: 1018-AX95) received May 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6736. A letter from the Chief, Branch of Delisting and Recovery, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Establishment of a Non-essential Experimental Population of American Burying Beetle in Southwestern Missouri [Docket No.: FWS-R3-ES-2011-0034] (RIN: 1018-AX79) received May 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6737. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administra-

tion, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Group-er Fishery Off the Southern Atlantic States; Snapper-Group-er Management Measures [Docket No.: 110511280-2424-02] (RIN: 0648-BB10) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BACHUS: Committee on Financial Services. Third Semiannual Report on the Activity of the Committee on Financial Services for the 112th Congress (Rept. 112-559). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS of Michigan: Permanent Select Committee on Intelligence. Semi-Annual Report of the Activity of the House Permanent Select Committee on Intelligence for the 112th Congress (Rept. 112-560). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. Activity Report of the Committee on Energy and Commerce (Rept. 112-561). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. Third Semi-annual Activity Report of the Committee on the Judiciary of the United States House of Representatives for the Period January 5, 2011 through May 31, 2012 (Rept. 112-562). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 5892. A bill to improve hydropower, and for other purposes (Rept. 112-563). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. House Concurrent Resolution 127. Resolution expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived (Rept. 112-564). Referred to the House Calendar.

Mr. BACHUS: Committee on Financial Services. H.R. 1588. A bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes; with an amendment (Rept. 112-565). Referred to the Committee of the Whole House on the state of the Union.

Mr. BACHUS: Committee on Financial Services. H.R. 3128. A bill to amend the Dodd-Frank Wall Street Reform and Consumer Protection Act to adjust the date on which consolidated assets are determined for purposes of exempting certain instruments of smaller institutions from capital deductions (Rept. 112-566). Referred to the Committee of the Whole House on the state of the Union.

Mr. DREIER: Committee on Rules. Survey of Activities for the House Committee on Rules For The Third Quarter of the 112th

Congress (Rept. 112-567). Referred to the Committee of the Whole House on the state of the Union.

Mr. ISSA: Committee on Oversight and Government Reform. Third Semiannual Activities of the Committee on Oversight and Government Reform for the 112th Congress (Rept. 112-568). Referred to the Committee of the Whole House on the state of the Union.

Mr. KLINE: Committee on Education and the Workforce. Report on the Activities of the Committee on Education and the Workforce (Rept. 112-569). Referred to the Committee of the Whole House on the state of the Union.

Mr. ROGERS of Kentucky: Committee on Appropriations. Committee on Appropriations House of Representatives Semiannual Report of Committee Activities 112th Congress (Rept. 112-570). Referred to the Committee of the Whole House on the state of the Union.

Mr. DANIEL E. LUNGREN: Committee on House Administration. Third Semiannual Report on the Activities of the Committee on House Administration During the 112th Congress (Rept. 112-571). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. Report on Legislative and Oversight Activities of the Committee on Natural Resources During the 112th Congress (Rept. 112-572). Referred to the Committee of the Whole House on the state of the Union.

Mr. MICA: Committee on Transportation and Infrastructure. Summary on the Activities of the Committee on Transportation and Infrastructure for the 112th Congress (Rept. 112-573). Referred to the Committee of the Whole House on the state of the Union.

Mr. LUCAS: Committee on Agriculture. Third Semiannual Report on Activities During the 112th Congress (Rept. 112-574). Referred to the Committee of the Whole House on the state of the Union.

Mr. McKEON: Committee on Armed Services. Third Semiannual Report on the Activities of the Committee on Armed Services for the 112th Congress (Rept. 112-575). Referred to the Committee of the Whole House on the state of the Union.

Mr. BACHUS: Committee on Financial Services. H.R. 4367. A bill to amend the Electronic Fund Transfer Act to limit the fee disclosure requirement for an automatic teller machine to the screen of that machine (Rept. 112-576). Referred to the Committee of the Whole House on the state of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII, the following action was taken by the Speaker:

H.R. 940. Referral to the Committee on Ways and Means extended for a period ending not later than September 14, 2012.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. McGOVERN (for himself and Mr. JONES):

H.R. 6059. A bill to amend title XVIII of the Social Security Act to protect Medicare beneficiaries' access to home health services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BISHOP of Utah (for himself, Mrs. LUMMIS, Mr. PEARCE, Mr. GOSAR, Mr. CHAFFETZ, Mr. TIPTON, Mr. LUJÁN, Mr. MATHESON, Mr. GARDNER, Ms. DEGETTE, Mr. PERLMUTTER, Mr. COFFMAN of Colorado, and Mr. POLIS):

H.R. 6060. A bill to amend Public Law 106-392 to maintain annual base funding for the Upper Colorado and San Juan fish recovery programs through fiscal year 2019; to the Committee on Natural Resources.

By Mr. BECERRA (for himself, Mr. LEVIN, Mr. STARK, Ms. PINGREE of Maine, Mr. BLUMENAUER, Mr. GRIJALVA, Mr. DAVIS of Illinois, Mr. RANGEL, Mr. CROWLEY, Mr. MICHAUD, Mr. WELCH, Mr. McDERMOTT, Mr. THOMPSON of California, Mr. DOGGETT, Mr. KIND, Mr. LEWIS of Georgia, and Ms. DeLAURO):

H.R. 6061. A bill to amend the Social Security Act to ensure the continuation of services under the Work Incentives Planning and Assistance program and the Protection and Advocacy for Beneficiaries of Social Security program; to the Committee on Ways and Means.

By Mr. MARINO (for himself, Mr. SMITH of Texas, Mr. CONYERS, Mr. COBLE, Mr. SCOTT of Virginia, Mr. GALLEGLY, Mr. PIERLUISI, Mr. KING of Iowa, and Ms. WASSERMAN SCHULTZ):

H.R. 6062. A bill to reauthorize the Edward Byrne Memorial Justice Assistance Grant Program through fiscal year 2017; to the Committee on the Judiciary.

By Mr. SMITH of Texas (for himself, Ms. WASSERMAN SCHULTZ, Mr. COBLE, Mr. BERMAN, Mr. GALLEGLY, Ms. JACKSON LEE of Texas, Mr. DANIEL E. LUNGREN of California, Mr. COHEN, Mr. CHABOT, Mr. PIERLUISI, Mr. CHAFFETZ, Mr. MARINO, Mr. GOWDY, Mrs. ADAMS, Ms. BUECKLE, Ms. NORTON, Mr. GRIMM, Mr. RANGEL, Mr. MEEHAN, Mr. MARKEY, Mr. TOWNS, Ms. SLAUGHTER, Mr. MORAN, Mrs. MALONEY, Mr. BOSWELL, Mr. MCGOVERN, Mr. SHERMAN, Mr. CLAY, Mr. HONDA, Ms. RICHARDSON, Ms. BASS of California, and Mr. FORBES):

H.R. 6063. A bill to amend title 18, United States Code, with respect to child pornography and child exploitation offenses; to the Committee on the Judiciary.

By Mr. MICA:

H.R. 6064. A bill to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Natural Resources, Energy and Commerce, Science, Space, and Technology, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned, considered and passed.

By Mr. COLE (for himself, Mr. BOREN, and Mr. LONG):

H.R. 6065. A bill to make improvements to the Children's Gasoline Burn Prevention Act; to the Committee on Energy and Commerce.

By Ms. HAYWORTH (for herself, Mr. DOLD, and Mr. KING of New York):

H.R. 6066. A bill to amend the Internal Revenue Code of 1986 to extend the parity between the exclusion from income for employer-provided mass transit and parking benefits; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. McKEON, Mr. CHABOT, Mr. MACK, Mr. BURTON of Indiana, Mr. RIVERA, Mr. DIAZ-BALART, Mr. McCAUL, Mrs. SCHMIDT, Mr. DUNCAN of South Carolina, Mr. TURNER of New York, and Mr. BILIRAKIS):

H.R. 6067. A bill to enhance the security of the Western Hemisphere and bolster regional capacity and cooperation to counter current and emerging threats, to promote cooperation in the Western Hemisphere to prevent the proliferation of nuclear, chemical, and biological weapons, to secure universal adherence to agreements regarding nuclear nonproliferation, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, Financial Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. VAN HOLLEN (for himself, Mr. WITTMAN, Mr. SCOTT of Virginia, Mr. HARRIS, Mr. HOYER, Mr. BARTLETT, Mr. CUMMINGS, Mr. RUPPERSBERGER, Mr. SARBANES, Ms. EDWARDS, Mr. WOLF, Mr. MORAN, Mr. CONNOLLY of Virginia, Mr. RIGELL, Mr. PLATTS, Mr. HINCHEY, and Ms. NORTON):

H.R. 6068. A bill to provide for continued conservation efforts in the Chesapeake Bay watershed; to the Committee on Agriculture.

By Mr. BARLETTA:

H.R. 6069. A bill to provide protection for certain Federal employees with respect to implementation of the June 15, 2012, memorandum from Janet Napolitano, Secretary of Homeland Security, regarding the exercise of prosecutorial discretion with respect to individuals who came to the United States as children; to the Committee on Homeland Security.

By Mr. BARLETTA (for himself, Mr. SCHWEIKERT, Mr. MURPHY of Pennsylvania, Mr. THOMPSON of Pennsylvania, Mr. BURTON of Indiana, Mr. PLATTS, Mr. ROSS of Florida, Mr. LANCE, Mr. KELLY, and Mr. MARINO):

H.R. 6070. A bill to require the Comptroller General of the United States to conduct a study to determine the impact on the United States of the policy announced by the Secretary of Homeland Security on June 15, 2012, concerning the exercise of prosecutorial discretion with respect to individuals who came to the United States illegally as children, and for other purposes; to the Committee on the Judiciary.

By Mr. BARROW:

H.R. 6071. A bill to make supplemental appropriations for medical and prosthetic research of the Department of Veterans Affairs for fiscal year 2012; to the Committee on Appropriations.

By Ms. BERKLEY:

H.R. 6072. A bill to provide for certain land conveyances in the State of Nevada, and for other purposes; to the Committee on Natural Resources.

By Mr. BILIRAKIS (for himself, Mr. MILLER of Florida, Mr. NUGENT, Mr. YOUNG of Florida, Mr. MACK, Mr. ROSS of Florida, and Ms. CASTOR of Florida):

H.R. 6073. A bill to amend title 38, United States Code, to ensure that deceased veterans with no known next of kin can receive a dignified burial, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BILIRAKIS:

H.R. 6074. A bill to amend the Internal Revenue Code of 1986 to deny the refundable portion of the child tax credit to individuals who are not authorized to be employed in the United States and to terminate the use of certifying acceptance agents to facilitate the application process for ITINs; to the Committee on Ways and Means.

By Ms. BUECKLE (for herself, Mrs. BLACKBURN, Mr. BROUN of Georgia, Mrs. HARTZLER, Mr. KELLY, Mr. ROE of Tennessee, and Mr. WESTMORELAND):

H.R. 6075. A bill to permit the chief executive of a State to create an exemption from certain requirements of Federal environmental laws for producers of agricultural commodities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. AL GREEN of Texas:

H.R. 6076. A bill to amend the Fair Labor Standards Act to provide for the calculation of the minimum wage based on the Federal poverty threshold for a family of 2, as determined by the Bureau of the Census; to the Committee on Education and the Workforce.

By Ms. NORTON:

H.R. 6077. A bill to designate the Rachel Carson Nature Trail, and for other purposes; to the Committee on Natural Resources.

By Mr. PETERS (for himself, Ms. HAHN, Mr. SCHRADER, Mr. CICILLINE, and Mr. OWENS):

H.R. 6078. A bill to amend the Small Business Act to provide for higher goals for procurement contracts awarded to small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. QUAYLE:

H.J. Res. 114. A joint resolution proposing an amendment to the Constitution of the United States relative to construing provisions of law as having been enacted pursuant to the power of Congress to lay and collect taxes; to the Committee on the Judiciary.

By Mr. AL GREEN of Texas (for himself, Ms. BASS of California, Mr. BISHOP of Georgia, Ms. BORDALLO, Ms. BROWN of Florida, Mr. BUTTERFIELD, Mr. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CLARKE of Michigan, Ms. CLARKE of New York, Mr. CLAY, Mr. CLEAVER, Mr. COHEN, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. FATTAH, Ms. FUDGE, Mr. GRIJALVA, Mr. CUMMINGS, Ms. EDWARDS, Mr. ELLISON, Mr. HASTINGS of Florida, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Ms. LEE of California, Mr. LEWIS of Georgia, Ms.

McCOLLUM, Ms. MOORE, Ms. NORTON, Mr. RANGEL, Ms. RICHARDSON, Mr. RICHMOND, Mr. RUSH, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. THOMPSON of Mississippi, Mr. TOWNS, Ms. WATERS, Mr. WATT, Ms. WILSON of Florida, Ms. SEWELL, and Mr. MEEKS):

H. Con. Res. 130. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 103rd anniversary; to the Committee on the Judiciary.

By Mr. DREIER (for himself, Mr. MEEKS, and Mr. PAULSEN):

H. Res. 719. A resolution expressing the sense of the House of Representatives that the United States should initiate negotiations to enter into a free trade agreement with Tunisia; to the Committee on Ways and Means.

By Mr. LOEBSACK (for himself and Mr. SCHILLING):

H. Res. 720. A resolution recognizing the 150th anniversary of the Rock Island Arsenal and the men and women who currently and have previously worked on Arsenal Island; to the Committee on Armed Services.

By Mr. CLARKE of Michigan (for himself and Mr. SCOTT of South Carolina):

H. Res. 721. A resolution expressing the sense of the House of Representatives that bolstering literacy among African-American and Hispanic men is an urgent national priority; to the Committee on Education and the Workforce.

By Ms. CASTOR of Florida:

H. Res. 722. A resolution expressing support for designation of July as National Sarcoma Awareness Month; to the Committee on Oversight and Government Reform.

By Mr. ROHRBACHER:

H. Res. 723. A resolution expressing the sense of the House of Representatives regarding the classification of Dr. Shakil Afridi as a refugee of special humanitarian concern to the United States; to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MCGOVERN:

H.R. 6059.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1
Article I, Section 8, Clause 3
Article I, Section 8, Clause 18

By Mr. BISHOP of Utah:

H.R. 6060.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section VIII, Clause 18 of the Constitution.

By Mr. BECERRA:

H.R. 6061.

Congress has the power to enact this legislation pursuant to the following:

Article II, Section 8.

By Mr. MARINO:

H.R. 6062.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 1 and Clause 3 of the United States Constitution.

By Mr. SMITH of Texas:

H.R. 6063.

Congress has the power to enact this legislation pursuant to the following:

The authority to enact this bill is derived from, but may not be limited to, Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. MICA:

H.R. 6064.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 1, Clause 3, Clause 7, and Clause 18.

By Mr. COLE:

H.R. 6065.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to Article I, Section 8, Clause 5 which allows Congress to "fix the Standard of Weights and Measures." This legislation would set the standards of portable fuel containers.

Additionally, Article I, Section 8, Clause 3 allows Congress to "regulate Commerce . . . among the several states." As portable fuel containers are objects of interstate commerce, it is appropriate for Federal standards to be set.

By Ms. HAYWORTH:

H.R. 6066.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Ms. ROS-LEHTINEN:

H.R. 6067.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8.

By Mr. VAN HOLLEN:

H.R. 6068.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to Clause 1 of Section 8 of Article I of the United States Constitution.

By Mr. BARLETTA:

H.R. 6069.

Congress has the power to enact this legislation pursuant to the following:

This bill makes changes to existing law relating to "Article 1 Section 8 of the U.S. Constitution Clause 18."

By Mr. BARLETTA:

H.R. 6070.

Congress has the power to enact this legislation pursuant to the following:

This bill makes changes to existing law relating to "Article 1 Section 8 of the U.S. Constitution Clause 18."

By Mr. BARROW:

H.R. 6071.

Congress has the power to enact this legislation pursuant to the following:

Article I Section I of the U.S. Constitution

By Ms. BERKLEY:

H.R. 6072.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3.

By Mr. BILIRAKIS:

H.R. 6073.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8 of the United States Constitution (clauses 12, 13, 14, and 16), which grants Congress the power to raise and support an Army; to provide and maintain a Navy; to make rules for the government and regulation of the land and naval forces; and to provide for organizing, arming, and disciplining the militia.

By Mr. BILIRAKIS:

H.R. 6074.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress To lay and collect Taxes, Duties, Imposts and Excises as enumerated in Article 1, Section 8, Clause 1 of the United States Constitution.

By Ms. BUERKLE:

H.R. 6075.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3—

The Congress shall have Power to regulate Commerce with Foreign Nations, and among several States, and with Indian Tribes.

Also, the Tenth Amendment—

The powers not Delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

By Mr. AL GREEN of Texas:

H.R. 6076.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority to enact this legislation can be found in:

Commerce Clause (Art. 1 sec. 8 cl. 3)

Necessary and Proper Clause (Art. 1 sec. 8 cl. 18)

Constitutional analysis is a rigorous discipline which goes far beyond the text of the Constitution, and requires knowledge of case law, history, and the tools of constitutional interpretation. While the scope of Congress' powers is an appropriate matter for House debate, the listing of specific textual authorities for routine Congressional legislation about which there is no legitimate constitutional concern is a diminishment of the majesty of our Founding Fathers' vision for our national legislature.

By Ms. NORTON:

H.R. 6077.

Congress has the power to enact this legislation pursuant to the following:

Clause 2 of section 3 of article IV of the Constitution.

By Mr. PETERS:

H.R. 6078.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the Constitution of the United States.

By Mr. QUAYLE:

H.J. Res. 114.

Congress has the power to enact this legislation pursuant to the following:

Article V of the U.S. Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mr. TURNER of Ohio.

H.R. 178: Mr. HIMES.

H.R. 181: Mr. HIMES and Mr. LANGEVIN.

H.R. 192: Mr. POLIS.

H.R. 273: Mr. CANSECO and Mr. COSTA.

H.R. 361: Mr. WOMACK.

H.R. 371: Mr. TURNER of Ohio.

H.R. 420: Mr. DINGELL.

H.R. 657: Mr. SCALISE.

H.R. 718: Ms. ROYBAL-ALLARD.

H.R. 831: Ms. LEE of California and Mr. HEINRICH.

H.R. 854: Mr. LUJÁN.

H.R. 941: Mr. BISHOP of Georgia.

H.R. 942: Mr. TONKO and Mr. ROSS of Arkansas.

H.R. 998: Mr. PERLMUTTER.

H.R. 1063: Mr. NUNES.

H.R. 1195: Mr. LONG.

H.R. 1236: Mrs. BACHMANN.

H.R. 1259: Mr. LOBIONDO, Mr. ROGERS of Alabama, and Mr. BURGESS.

H.R. 1265: Mr. GIBBS.

H.R. 1370: Mr. LANDRY.

H.R. 1381: Mr. ELLISON and Mr. CICILLINE.

H.R. 1464: Mr. RIVERA and Ms. SCHWARTZ.

H.R. 1475: Mr. RIVERA.

H.R. 1489: Mr. REYES.

H.R. 1543: Mr. TONKO.

H.R. 1546: Mr. BARTLETT.

H.R. 1639: Mr. JOHNSON of Georgia.

H.R. 1653: Mr. WALBERG and Mr. COBLE.

H.R. 1704: Mr. TURNER of New York.

H.R. 1775: Mr. CRENSHAW, Mrs. BLACK, Mr. AMODEI, Ms. BERKLEY, Mr. RENACCI, Mrs. NOEM, Mr. BILIRAKIS, Mr. THOMPSON of Pennsylvania, Mr. JONES, Mr. COLE, and Mr. ROE of Tennessee.

H.R. 1867: Mr. LANCE.

H.R. 1878: Ms. ROYBAL-ALLARD and Ms. RICHARDSON.

H.R. 1897: Mr. FRELINGHUYSEN.

H.R. 1936: Mr. DAVID SCOTT of Georgia.

H.R. 1971: Mr. LOEBSACK.

H.R. 2033: Ms. ZOE LOFGREN of California.

H.R. 2040: Mr. THOMPSON of Pennsylvania and Mr. SCALISE.

H.R. 2104: Mr. BERG.

H.R. 2139: Mr. ELLISON, Mrs. ADAMS, Mr. FATTAH, and Mr. BERG.

H.R. 2140: Ms. ROYBAL-ALLARD.

H.R. 2305: Mr. JONES.

H.R. 2382: Mr. HIMES.

H.R. 2479: Mr. BERG.

H.R. 2497: Mr. BROUN of Georgia.

H.R. 2554: Mr. SCHIFF.

H.R. 2563: Mr. CONNOLLY of Virginia.

H.R. 2569: Mr. ADERHOLT.

H.R. 2672: Mr. SCHRADER.

H.R. 2794: Mr. BLUMENAUER.

H.R. 2874: Mr. SCALISE.

H.R. 2978: Mr. KING of Iowa, Mr. JORDAN, and Mr. HUIZENGA of Michigan.

H.R. 2985: Mr. BLUMENAUER, Mr. LOBIONDO, and Ms. NORTON.

H.R. 2989: Mr. VAN HOLLEN and Mr. SESSIONS.

H.R. 2992: Mr. JONES.

H.R. 3053: Mr. McDERMOTT.

H.R. 3057: Mr. RYAN of Ohio.

H.R. 3165: Mr. CLAY.

H.R. 3187: Mr. FINCHER, Mr. BOSWELL, Mr. GARDNER, Mr. NUGENT, Mrs. MYRICK, Mr. COLE, and Mr. GRIFFITH of Virginia.

H.R. 3337: Mrs. BLACK and Mr. COHEN.

H.R. 3405: Mr. BACA.

H.R. 3423: Mr. THOMPSON of Pennsylvania and Mr. DREIER.

H.R. 3458: Mr. ROGERS of Kentucky.

H.R. 3461: Mr. JOHNSON of Ohio, Mr. SHERMAN, Mr. GRAVES of Missouri, and Mr. DONNELLY of Indiana.

H.R. 3489: Mr. FRELINGHUYSEN.

H.R. 3586: Mrs. ELLMERS.

H.R. 3627: Mr. SCALISE.

H.R. 3709: Mr. SMITH of Washington.

H.R. 3798: Mr. DICKS, Mr. CLAY, and Mr. MARKEY.

H.R. 3803: Mr. WALSH of Illinois, Mr. BAR-TON of Texas, and Mr. ROHRABACHER.

H.R. 3861: Mrs. MILLER of Michigan.

H.R. 3875: Mr. HOLT and Mr. LIPINSKI.

H.R. 4057: Mr. CALVERT.

H.R. 4103: Mr. BLUMENAUER.

H.R. 4104: Mr. COOPER, Mr. RICHMOND, Mr. FATTAH, and Ms. BROWN of Florida.

H.R. 4154: Mr. MORAN and Mr. FILNER.

H.R. 4169: Mr. BISHOP of Georgia.

H.R. 4190: Mr. FARR and Mrs. MALONEY.

H.R. 4215: Mr. LOEBSACK.

H.R. 4243: Mr. McKEON.

H.R. 4259: Mr. STARK.

H.R. 4277: Mr. WELCH.

H.R. 4350: Mr. MICHAUD and Ms. SCHA-KOWSKY.

H.R. 4367: Mr. REHBERG, Mr. BILIRAKIS, Mr. CRAVAACK, Mr. KING of New York, Mr. CUELLAR, and Mr. PALAZZO.

H.R. 4373: Mr. PLATTS.

H.R. 4385: Mr. GUINTA, Mr. CASSIDY, Mr. MILLER of Florida, Mrs. HARTZLER, and Mr. AUSTIN SCOTT of Georgia.

H.R. 4402: Mr. STIVERS.

H.R. 4454: Mr. AUSTIN SCOTT of Georgia.

H.R. 5542: Ms. KAPTUR, Ms. WASSERMAN SCHULTZ, Mr. HASTINGS of Florida, Mr. SARBANES, Ms. MCCOLLUM, and Mr. PETERS.

H.R. 5647: Mr. TIERNEY, Ms. VELÁZQUEZ, and Mr. COHEN.

H.R. 5684: Mr. COHEN, Mr. DEFazio, Mr. SCHRADER, and Mr. CONNOLLY of Virginia.

H.R. 5749: Mr. MCGOVERN.

H.R. 5796: Ms. PINGREE of Maine.

H.R. 5806: Mr. BILIRAKIS.

H.R. 5839: Mr. YODER.

H.R. 5840: Mr. KING of New York, Mr. QUIGLEY, Mr. KIND, and Ms. SLAUGHTER.

H.R. 5850: Ms. SCHAKOWSKY.

H.R. 5865: Mr. WOLF.

H.R. 5872: Mr. FORBES and Mr. SCALISE.

H.R. 5893: Mr. SCHOCK.

H.R. 5910: Mr. STIVERS, Mr. POLIS, Mr. MANZULLO, and Mr. HIMES.

H.R. 5931: Mr. ROSS of Arkansas.

H.R. 5954: Mr. MURPHY of Pennsylvania, Mr. HOLDEN, Mr. MEEHAN, Ms. SCHWARTZ, Mr. THOMPSON of Pennsylvania, Mr. KELLY, Mr. DOYLE, Mr. CRITZ, Mr. SHUSTER, Mr. BARLETTA, Mr. MARINO, Mr. DENT, Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. FITZPATRICK, Mr. PLATTS, and Mr. PITTS.

H.R. 5969: Mr. KELLY and Mr. BUCSHON.

H.R. 5970: Mr. KELLY and Mr. BUCSHON.

H.R. 5987: Mr. DICKS.

H.R. 5991: Mr. POLIS.

H.R. 6000: Mr. LONG, Mr. MILLER of Florida, Mr. WILSON of South Carolina, Mr. WALBERG, Mr. AUSTIN SCOTT of Georgia, Mr. PITTS, Mr. GOHMERT, Mr. MULVANEY, Mr. ROE of Tennessee, Mr. BISHOP of Utah, Mr. STUTZMAN, and Mr. FLEMING.

H.R. 6003: Ms. NORTON.

H.R. 6019: Mr. HONDA.

H.R. 6048: Mr. GRIFFIN of Arkansas, Mr. FLEMING, Mr. DAVIS of Kentucky, Mr. BOUTSTANY, Mr. JORDAN, Mr. TIPTON, Mr. FINCHER, and Mr. DESJARLAIS.

H.J. Res. 47: Mr. CAPUANO.

H.J. Res. 90: Mr. SARBANES.

H.J. Res. 103: Mr. SCALISE.

H.J. Res. 110: Mr. MCCOTTER and Mr. KING of Iowa.

H.J. Res. 111: Mr. KEATING, Ms. ESHOO, Mr. WELCH, Ms. NORTON, Mr. JACKSON of Illinois, Mr. FARR, and Ms. LEE of California.

H. Res. 216: Mr. CLAY.

H. Res. 298: Mr. FRELINGHUYSEN.

H. Res. 484: Mr. ROHRABACHER.

H. Res. 521: Mr. BLUMENAUER.

H. Res. 583: Mr. GARDNER.

H. Res. 618: Mr. BASS of New Hampshire and Mr. FORBES.

H. Res. 695: Mr. AUSTIN SCOTT of Georgia.

H. Res. 701: Mr. LONG.

H. Res. 702: Mr. LONG.

H. Res. 704: Mr. ELLISON and Mr. CRITZ.	H. Res. 709: Mr. CAPUANO.	New York, Mrs. ADAMS, Mr. MARKEY, and Mr.
H. Res. 705: Mr. GRIMM, Mr. TURNER of New	H. Res. 716: Mr. WELCH, Mr. AKIN, Mr. HAR-	TURNER of Ohio.
York, Mr. GUTHRIE, Mr. LIPINSKI, and Mr.	PER, Mrs. MCMORRIS RODGERS, Mr. TURNER of	
CONYERS.		

SENATE—Friday, June 29, 2012

The Senate met at 10 a.m. and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the light of our lives, we lift our hearts to You in praise. May Your presence be felt today on Capitol Hill. There is no one like You, for You protect the weak from the strong and the poor from the oppressor. Give our Senators strength for today's journey. Deepen their trust in You, as You guide them by Your wisdom. As we anticipate the Fourth of July, remind us that true freedom comes from You. And, Lord, we ask Your special blessing upon our outgoing Senate page class.

We pray in Your liberating Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, June 29, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SMALL BUSINESS JOBS AND TAX RELIEF ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 341, S. 2237.

The ACTING PRESIDENT pro tempore. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 341, S. 2237, a bill to provide a temporary income tax credit for increased payroll and bonus depreciation for an additional year, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, I know Senators are anxious as to what is going to happen here today. The Republican leader and I have been in close contact the last several days. We are fortunate that we are now in a position to complete work today. We should be able to do it quickly. It all depends on the cooperation of Senators.

We actually know the House is planning to vote around 12:30 today. They could do it more quickly. They could do it as late as 1 o'clock. We have the ability, now that the papers have been filed over in the House, to act before they do, as we have done before. So we will have to see how the morning moves on.

We are working on a consent to have votes in relation to the transportation conference report this morning. I know Senators have called me and, I am sure, the Republican leader on a number of occasions. As soon as we have something firmed up, we will let everyone know.

HEALTH CARE DECISION

Mr. REID. Mr. President, yesterday the U.S. Supreme Court reaffirmed that no family should live one illness or one accident away from bankruptcy. The Court decision is not a victory for Democrats or President Obama, it is a true victory for the American people. Let me give you a few reasons why that is the case, and just a few.

Since the act was signed by President Obama, more than 6 million young people have signed up for their parents' health plan. Why is that important? As most people know—in the Senate, at least—I am from Searchlight, NV. It is a very small community. Someone I care a great deal about was the assistant postmistress there. Her husband has been around town. They have been together for many years. They have a boy named Jeff. I can remember, when we first had our home in Searchlight, he would help us as a young boy, climbing up into a Joshua tree and putting up Christmas tree lights.

Well, he has grown past that. He was in college and doing quite well. He started getting sick. He had just turned 23. As embarrassing as it was, he had to go to a doctor to find out what was wrong. He had testicular cancer. That happened a matter of weeks

after he was no longer on the insurance plan of his parents. They had no money. They were desperate to help their boy, and they did everything they could to help him.

He had two or three surgeries. His life was saved. It really put a dent in what limited savings they had. She worked part time in the post office. He had worked down at the Mohave generating facility, which closed. So they had limited means. It was very difficult on what savings they had been able to accumulate.

That will not happen anymore. He would have been able to complete college because the magic age is not 22 anymore, it is 27. So that is one thing, and 6 million young Americans have taken advantage of that. They will not have to have the problems Jeff Hill had. He is doing OK now. He recently married. But it was a struggle for a long time, physically and emotionally. Because children can now stay on their parents' insurance until they are 26, no young person will have to defer his or her dreams to take a job that offers insurance.

Since health reform took effect, 5 million seniors have already saved about \$600 each on prescription drugs. The doughnut hole is being filled. Maybe people watching this presentation here today do not know what the doughnut hole is, but every senior citizen knows what it is because it costs them lots of money.

Because of this law now no longer being debatable as far as whether it is going to stand—it is the law of the country—millions have gotten free wellness checks and cancer screenings. They could never have done that before. Millions—free wellness checks and cancer screenings. That means millions of seniors have more money in their pockets for food, gas, and the electric bill. Frankly, a lot of them would not have spent that money anyway; they would have just worried about whether they had cancer or whether they should wait a while to go see the doctor for their annual physical which was way overdue. It means millions of seniors, if, in fact, they are spending for this wellness check, will not have to anymore, and they can use this money for food, gas, and electric bills.

Hundreds of thousands of businesses already offer their employees health insurance using tax credits. They are doing the right thing.

Since Congress passed the law, insurance companies can no longer put profits ahead of people.

It is no secret that the insurance companies have been lobbying for a

long time. Now 17, 18 years ago, they lobbied against the Clinton health care plan. They were very effective. "Harry and Louise" ads defeated that legislation. They spent millions of dollars. They tried to defeat this legislation, and they have been lobbying hard. I do not know how they expected to affect the Supreme Court, but maybe they have ways none of us understand. I think they wasted their money.

In the future, insurance companies will no longer be able to put profits ahead of people. They can no longer discriminate against children with pre-existing conditions.

I served in Congress with a man named James Bilbray, and we have been friends since I was going to law school back here—Jimmy Bilbray. He has had a wonderful career in politics in Nevada. But he and I as young men back here were raising our little kids together. We were going to law school. We both worked here on Capitol Hill. His little boy Kevin got so sick. He was just a baby—just a baby. He didn't know what was wrong. He had a diabetic coma. This little baby had diabetes. Kevin lived to be about 20 years old. He had a diabetic reaction when he was taking a shower, fell over the stop on the bathtub where the shower was and drowned—it killed him. He died. Kevin Bilbray. He had diabetes.

Of course, getting insurance was always a problem for that family. No longer. No longer. If a child like the Bilbrays', like little Kevin, has diabetes, they will not have to worry about, can I get insurance? And not only will it apply in the future—it applies right now to people under age 18, but in the future everybody who has a preexisting disability will be entitled to insurance. They cannot be denied because of a pre-existing disability.

It is not only diabetes, it is heart defects. I know he never talks about this, but I know about it. Senator DURBIN had a child who from the time she was a baby had a heart defect. She was sick her whole life. DICK and Loretta lost their girl a couple of years ago. She was 40 years old, thereabouts. Her whole life, she had a heart defect. In the future, people like that will be able to get insurance. They cannot be denied.

Right over in the LBJ Room yesterday morning, at my "Welcome to Washington," there were a number of people there. The granddaughter of someone with whom my oldest brother went to school—Teddy Vasquez's grandchild—was there. Why? Because she was there representing her brother, who has cystic fibrosis.

I do not know if the Presiding Officer has ever before been around anyone with cystic fibrosis, but, as I explained to them over there yesterday morning, one of my son's coaches had a son who had cystic fibrosis. They would have to beat on his chest. They had this proc-

ess to try to loosen the stuff that accumulates in the lungs because of this disease. Kids used to not live very long with this. We are doing a lot better now. We have some medicines. But in the future, anyone with cystic fibrosis will not be denied insurance because of this dread disease. Now, if you are under 18, you cannot be denied insurance because you have this dread disease.

Insurance companies can no longer raise your rates for no reason. How many times have we heard stories about insurance companies raising rates for no reason other than they wanted to? And there was no way to stop it. They can no longer drop coverage if you get sick. They did that. They can no longer do that. That is now against the law of this country.

Millions of Americans are already seeing the benefit of this law, and soon 35 million more who cannot afford health insurance will have access to reasonably priced insurance and quality care. Here is how it works. Each State will set up its own health insurance marketplace called an exchange, which will offer a menu of private insurance plans from which people can choose.

The Presiding Officer is a relatively new Senator here. I have been in Congress now for a long time. Every year, we get a menu of options, like all Federal employees. Senators do not get treated any differently than any other Federal employees. We get a number of options as to what we want to buy, the price of one up here or down here. That is what we want for everybody in America, something just like the millions of Federal employees have. That is what we will have.

We will offer a menu of private insurance plans from which people can choose what they want. Once these exchanges are in place, insurance companies will no longer be able to discriminate against any American with a pre-existing health condition, just as I have talked about. They will not be able to deny you insurance because you are sick. They will not be able to charge you more just because you are a woman. That is a fact. They will not be able to do it anymore or because you do not already have insurance. If you cannot afford the premiums, you will get a tax credit to help pay for them.

But what if you are one of the 250 million Americans who already have insurance? Nothing will change—nothing. Nothing will change except you will no longer have to worry that if you lose your job, you will lose your insurance. Nothing will change except that if you get cancer or have a stroke, your insurance company will not be able to deny you lifesaving care because you have reached some arbitrary lifetime cap.

These are not theoretical. A man in Las Vegas was a car racer. He was not

racing a car, but somebody hurt him. He became a paraplegic. He got along pretty well. He needed a lot of care. He arrived at some lifetime cap. He had an insurance policy. He had his own insurance. They cannot do that anymore. That provision on this lifetime cap will help untold hundreds of thousands of people.

Nothing will change, except when one gets a checkup and preventive will be free—a provision that has already helped 54 million Americans with private insurance.

You will be able to keep your plan and keep your doctor. But now you—not the insurance company—will be in control.

By August, almost 13 million people will get a rebate check from their insurance company because it spent too much on administrative costs and not enough on health care. They can't any longer put all the profits into these multimillion dollar bonuses and salaries people got. They cannot do that; 80 percent of what they get has to be put into helping people get well.

It is so very important to explain to people what is in this bill. Are these things people want to take away? I don't think so. They can yell and scream about ObamaCare but explain these individual provisions. This money will come back in August. I was listening to public radio this morning, and they interviewed someone who ran an insurance exchange, I think they called it. He was waiting by the phone for this decision to come out yesterday. He was so happy because CNN and FOX announced the case had been overruled. He was so happy. But when he learned it was actually still in effect, he was very sad. Why? He said: We will not be able to pay our salaries as much as we had.

He was paying a lot for salaries for the bosses and not enough money into taking care of people.

The Affordable Care Act is already helping millions of Americans—seniors on Medicare, children with heart conditions, and students following their dreams.

In the coming months, millions more will benefit from this law. That doesn't mean the law is perfect. We all know that. We are willing to work next year, and if there are problems to work out, we are happy to work with our colleagues to do that.

But now the Supreme Court has spoken; it is time to renew our focus on the most pressing challenge facing America: the high unemployment rate we have. Too many Americans are struggling, and Congress cannot afford to waste time refighting old battles. We need to work together to put Americans back to work.

As a side note, these people who talk about repeal, it would cause the loss of 400,000 jobs. If we look at all the job statistics in the past year, some of the

most significant growth is taking place in health care. I don't think we want to lose 400,000 jobs right off the bat.

Thanks to cooperation on both sides, I am glad to say the Senate will vote sometime today on the Transportation bill conference report. It is a wonderful piece of legislation that includes student loans and the problems we have had with flood insurance. These things will be completed fairly early today. The Flood Insurance Program being extended will allow millions of home closings to go forward at a time when our real estate market is beginning to rebound. Preventing interest rates from doubling on 7 million students was a major priority for all of us.

Passing the 2-year, 3 months Transportation bill will create or save 2.8 million American jobs—many of them in the hard-hit construction industry. It will also restore millions of miles of crumbling roadways, railways, and bridges. It is very important. It streamlines the process and gets rid of a lot of the ability for entities to stall the construction of these much needed roads. I had an experience similar to this in Nevada. That is why it was important to Senators BOXER and INHOFE.

This has been a very productive week. It has been a fruitful session that we have had. We have passed a bipartisan farm bill and have taken a hard look at how we are going to make the Postal Service better. The farm bill was very difficult and took a long time to get done.

I am optimistic the Senate will remain in the spirit of cooperation during the next work period, when we consider a number of other important job creation measures and other things we need to do.

I hope my colleagues have a constructive week at home. We have a lot of work to do, and I understand that. I hope everybody is safe and happy, and I certainly extend my recognition to the State of Colorado, which has had devastating fires, and the West is having real problems. They have about 200 fires burning as we speak. Eleven of them are major fires. We have to make sure we give the firefighting people the resources to do this. I was happy, within the past month, to be part of a program to advance the purchase of these tankers to fight these fires. We were able to do that.

When we come back to work in 10 days or so, everybody has to understand we have a lot to do to ensure this country's economic future. I look forward to taking up the challenge together.

PILOT'S BILL OF RIGHTS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of S. 1335 and the Senate now proceed to that matter.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1335) to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

PILOT'S BILL OF RIGHTS

Mr. ROCKEFELLER. Mr. President, S. 1335, the Pilot's Bill of Rights, takes several steps to protect the rights of pilots, including modifications to the appeals process, and improvements to the Federal Aviation Administration's Notice to Airman System and medical certification process.

Most importantly, it preserves the FAA's authority to take actions to maintain the safety of the air transportation system, and we want to be clear about the Congressional intent regarding one particular section of the bill.

Three provisions of the bill eliminate language in current statute governing the National Transportation Safety Board's (NTSB) adjudication of appeals of FAA orders that deny, amend, modify, suspend, or revoke an airman's certificate. Specifically, language in 49 U.S.C. §§ 44703(d)(2), 44709(d)(3), and 44710(d)(1), which expressly binds the NTSB to "all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed . . . unless the Board finds an interpretation to be arbitrary, capricious, or otherwise not according to law."

It is not the intention of the Senate to eliminate the NTSB's practice to observe the principles of judicial deference to the FAA Administrator when reviewing airmen appeals. The Senate only finds that this language is redundant of what is already provided for under the law and it is not the intent of the Senate to prevent the NTSB from applying the principles of judicial deference in adjudicating Federal Aviation Administration cases.

The purpose of these changes is simply to make the statute consistent with the laws governing all other Federal agencies. Thus, it is the intention of the Senate that the NTSB, in reviewing FAA cases, will apply principles of judicial deference to the interpretations of laws, regulations, and policies that the Administrator carries out in accordance with the Supreme Court's ruling in *Martin v. OSHRC*, 449 U.S. 114 (1991).

Mr. INHOFE. Mr. President, I concur.

Mr. REID. Mr. President, I ask unanimous consent that the Hutchison-Inhofe amendment at the desk be agreed to; that the bill, as amended, be read the third time and passed; that the motion to reconsider be laid upon the table, and that any statements re-

lating to the measure be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment (No. 2489) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pilot's Bill of Rights".

SEC. 2. FEDERAL AVIATION ADMINISTRATION ENFORCEMENT PROCEEDINGS AND ELIMINATION OF DEFERENCE.

(a) IN GENERAL.—Any proceeding conducted under subpart C, D, or F of part 821 of title 49, Code of Federal Regulations, relating to denial, amendment, modification, suspension, or revocation of an airman certificate, shall be conducted, to the extent practicable, in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Evidence.

(b) ACCESS TO INFORMATION.—

(1) IN GENERAL.—Except as provided under paragraph (3), the Administrator of the Federal Aviation Administration (referred to in this section as the "Administrator") shall provide timely, written notification to an individual who is the subject of an investigation relating to the approval, denial, suspension, modification, or revocation of an airman certificate under chapter 447 of title 49, United States Code.

(2) INFORMATION REQUIRED.—The notification required under paragraph (1) shall inform the individual—

(A) of the nature of the investigation;

(B) that an oral or written response to a Letter of Investigation from the Administrator is not required;

(C) that no action or adverse inference can be taken against the individual for declining to respond to a Letter of Investigation from the Administrator;

(D) that any response to a Letter of Investigation from the Administrator or to an inquiry made by a representative of the Administrator by the individual may be used as evidence against the individual;

(E) that the releasable portions of the Administrator's investigative report will be available to the individual; and

(F) that the individual is entitled to access or otherwise obtain air traffic data described in paragraph (4).

(3) EXCEPTION.—The Administrator may delay timely notification under paragraph (1) if the Administrator determines that such notification may threaten the integrity of the investigation.

(4) ACCESS TO AIR TRAFFIC DATA.—

(A) FAA AIR TRAFFIC DATA.—The Administrator shall provide an individual described in paragraph (1) with timely access to any air traffic data in the possession of the Federal Aviation Administration that would facilitate the individual's ability to productively participate in a proceeding relating to an investigation described in such paragraph.

(B) AIR TRAFFIC DATA DEFINED.—As used in subparagraph (A), the term "air traffic data" includes—

(i) relevant air traffic communication tapes;

(ii) radar information;

(iii) air traffic controller statements;

(iv) flight data;

(v) investigative reports; and

(vi) any other air traffic or flight data in the Federal Aviation Administration's possession that would facilitate the individual's ability to productively participate in the proceeding.

(C) GOVERNMENT CONTRACTOR AIR TRAFFIC DATA.—

(i) IN GENERAL.—Any individual described in paragraph (1) is entitled to obtain any air traffic data that would facilitate the individual's ability to productively participate in a proceeding relating to an investigation described in such paragraph from a government contractor that provides operational services to the Federal Aviation Administration, including control towers and flight service stations.

(ii) REQUIRED INFORMATION FROM INDIVIDUAL.—The individual may obtain the information described in clause (i) by submitting a request to the Administrator that—

(I) describes the facility at which such information is located; and

(II) identifies the date on which such information was generated.

(iii) PROVISION OF INFORMATION TO INDIVIDUAL.—If the Administrator receives a request under this subparagraph, the Administrator shall—

(I) request the contractor to provide the requested information; and

(II) upon receiving such information, transmitting the information to the requesting individual in a timely manner.

(5) TIMING.—Except when the Administrator determines that an emergency exists under section 44709(c)(2) or 46105(c), the Administrator may not proceed against an individual that is the subject of an investigation described in paragraph (1) during the 30-day period beginning on the date on which the air traffic data required under paragraph (4) is made available to the individual.

(C) AMENDMENTS TO TITLE 49.—

(1) AIRMAN CERTIFICATES.—Section 44703(d)(2) of title 49, United States Code, is amended by striking “but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law”.

(2) AMENDMENTS, MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS OF CERTIFICATES.—Section 44709(d)(3) of such title is amended by striking “but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law”.

(3) REVOCATION OF AIRMAN CERTIFICATES FOR CONTROLLED SUBSTANCE VIOLATIONS.—Section 44710(d)(1) of such title is amended by striking “but shall be bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law”.

(d) APPEAL FROM CERTIFICATE ACTIONS.—

(1) IN GENERAL.—Upon a decision by the National Transportation Safety Board upholding an order or a final decision by the Administrator denying an airman certificate under section 44703(d) of title 49, United States Code, or imposing a punitive civil action or an emergency order of revocation under subsections (d) and (e) of section 44709 of such title, an individual substantially af-

fected by an order of the Board may, at the individual's election, file an appeal in the United States district court in which the individual resides or in which the action in question occurred, or in the United States District Court for the District of Columbia. If the individual substantially affected by an order of the Board elects not to file an appeal in a United States district court, the individual may file an appeal in an appropriate United States court of appeals.

(2) EMERGENCY ORDER PENDING JUDICIAL REVIEW.—Subsequent to a decision by the Board to uphold an Administrator's emergency order under section 44709(e)(2) of title 49, United States Code, and absent a stay of the enforcement of that order by the Board, the emergency order of amendment, modification, suspension, or revocation of a certificate shall remain in effect, pending the exhaustion of an appeal to a Federal district court as provided in this Act.

(e) STANDARD OF REVIEW.—

(1) IN GENERAL.—In an appeal filed under subsection (d) in a United States district court, the district court shall give full independent review of a denial, suspension, or revocation ordered by the Administrator, including substantive independent and expedited review of any decision by the Administrator to make such order effective immediately.

(2) EVIDENCE.—A United States district court's review under paragraph (1) shall include in evidence any record of the proceeding before the Administrator and any record of the proceeding before the National Transportation Safety Board, including hearing testimony, transcripts, exhibits, decisions, and briefs submitted by the parties.

SEC. 3. NOTICES TO AIRMEN.

(a) IN GENERAL.—

(1) DEFINITION.—In this section, the term “NOTAM” means Notices to Airmen.

(2) IMPROVEMENTS.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall begin a Notice to Airmen Improvement Program (in this section referred to as the “NOTAM Improvement Program”)—

(A) to improve the system of providing airmen with pertinent and timely information regarding the national airspace system;

(B) to archive, in a public central location, all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment; and

(C) to apply filters so that pilots can prioritize critical flight safety information from other airspace system information.

(b) GOALS OF PROGRAM.—The goals of the NOTAM Improvement Program are—

(1) to decrease the overwhelming volume of NOTAMs an airman receives when retrieving airman information prior to a flight in the national airspace system;

(2) to make the NOTAMs more specific and relevant to the airman's route and in a format that is more useable to the airman;

(3) to provide a full set of NOTAM results in addition to specific information requested by airmen;

(4) to provide a document that is easily searchable; and

(5) to provide a filtering mechanism similar to that provided by the Department of Defense Notices to Airmen.

(c) ADVICE FROM PRIVATE SECTOR GROUPS.—The Administrator shall establish a NOTAM Improvement Panel, which shall be comprised of representatives of relevant

nonprofit and not-for-profit general aviation pilot groups, to advise the Administrator in carrying out the goals of the NOTAM Improvement Program under this section.

(d) PHASE-IN AND COMPLETION.—The improvements required by this section shall be phased in as quickly as practicable and shall be completed not later than the date that is 1 year after the date of the enactment of this Act.

SEC. 4. MEDICAL CERTIFICATION.

(a) ASSESSMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall initiate an assessment of the Federal Aviation Administration's medical certification process and the associated medical standards and forms.

(2) REPORT.—The Comptroller General shall submit a report to Congress based on the assessment required under paragraph (1) that examines—

(A) revisions to the medical application form that would provide greater clarity and guidance to applicants;

(B) the alignment of medical qualification policies with present-day qualified medical judgment and practices, as applied to an individual's medically relevant circumstances; and

(C) steps that could be taken to promote the public's understanding of the medical requirements that determine an airman's medical certificate eligibility.

(b) GOALS OF THE FEDERAL AVIATION ADMINISTRATION'S MEDICAL CERTIFICATION PROCESS.—The goals of the Federal Aviation Administration's medical certification process are—

(1) to provide questions in the medical application form that—

(A) are appropriate without being overly broad;

(B) are subject to a minimum amount of misinterpretation and mistaken responses;

(C) allow for consistent treatment and responses during the medical application process; and

(D) avoid unnecessary allegations that an individual has intentionally falsified answers on the form;

(2) to provide questions that elicit information that is relevant to making a determination of an individual's medical qualifications within the standards identified in the Administrator's regulations;

(3) to give medical standards greater meaning by ensuring the information requested aligns with present-day medical judgment and practices; and

(4) to ensure that—

(A) the application of such medical standards provides an appropriate and fair evaluation of an individual's qualifications; and

(B) the individual understands the basis for determining medical qualifications.

(c) ADVICE FROM PRIVATE SECTOR GROUPS.—The Administrator shall establish a panel, which shall be comprised of representatives of relevant nonprofit and not-for-profit general aviation pilot groups, aviation medical examiners, and other qualified medical experts, to advise the Administrator in carrying out the goals of the assessment required under this section.

(d) FEDERAL AVIATION ADMINISTRATION RESPONSE.—Not later than 1 year after the issuance of the report by the Comptroller General pursuant to subsection (a)(2), the Administrator shall take appropriate actions to respond to such report.

The bill (S. 1335), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. REID. I thank the Chair.

SMALL BUSINESS JOBS AND TAX RELIEF ACT MOTION TO PROCEED—Continued

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SURFACE TRANSPORTATION CONFERENCE REPORT

Mr. MCCONNELL. Mr. President, I will address two issues. I commend, in particular, the senior Senator from Oklahoma for the extraordinary work he has done to produce a transportation bill that has significant reforms in it. He has been tenacious and effective. He has tugged on our sleeves and pointed out to us repeatedly the importance of getting this job done. I congratulate him for an extraordinary accomplishment.

With regard to the bill, the highway conference report contains significant reforms to the surface transportation program. Projects will now be completed in a more timely manner because, for the first time, there are hard deadlines on agencies to complete environmental reviews.

Also, States are given maximum flexibility to use their transportation dollars the way they choose, rather than how Washington dictates. This bill is fully paid for with a package of offsets mostly included in the Senate-passed highway bill.

The conference report also contains important legislation to reform the National Flood Insurance Program and prevent the interest on college student loans from doubling.

The flood insurance bill is a model of reform: It moves this long-failing program closer to where it should be—the private sector. These reforms actually cut subsidies, save the taxpayers money, and greatly improve the program's financial position. It was negotiated and reported out of committee on a bipartisan basis.

On the student loan issue, Republicans and Democrats worked hard to find common ground. The agreement we have reached will ensure that college students who are already facing enormous challenges in the Obama economy will not be paying higher interest rates next month.

Students can't wait for the President to get off the campaign trail and actually work with Congress to prevent student loan interest rates from rising this year. So while the President continues to ignore the bipartisan proposals sent more than 3 weeks ago, Senate Democrats dropped their demand for job-killing tax hikes and worked with Republicans to find solutions.

It is nice to finally see the Senate actually work as the Senate used to. It proves that if this body ignores the campaign attacks from the President and if our Democratic friends stop pushing job-killing tax hikes, we can actually get a lot done around here. I, once again, thank my colleagues for all their hard work on these important measures.

HEALTH CARE DECISION

Mr. MCCONNELL. Mr. President, the most important issue brought to the front page in the last 2 days is the state of the new ObamaCare law.

Two and a half years ago, President Obama teamed up with Democrats right here in Congress to pass a health care bill they knew most Americans didn't want. Americans have been very clear about what they thought of this bill. So Democrats settled on a deeply dishonest sales pitch aimed at convincing them otherwise.

Nearly every day since then, the promises that formed the very heart of that sales pitch have been exposed for the false promises they were.

Americans were promised lower health care costs. But, of course, they are going up. Americans were promised lower premiums, and they are going up. Seniors were promised Medicare would be protected; it was raided to pay for a new entitlement instead. We were promised it would create jobs; CBO predicts it will lead to 800,000 fewer jobs because of ObamaCare. People were promised they could keep the plans they liked; millions have now learned they cannot.

For 2 years, the list of broken promises has grown longer and longer and longer.

But yesterday morning, we got powerful confirmation of what may have been the biggest deception of all. For years, the President and his Democratic allies in Congress have sworn up and down—sworn up and down—that failing to comply with the individual mandate did not result in a tax on individuals or families. "It is not a tax," they said.

The reason was obvious. If Americans knew that failure to comply resulted in a tax hike, of course, the bill would never have passed. If our friends on the other side had conceded the obvious—that it was, in fact, a tax hike—we all know it never would have passed. The President would not be able to claim his health care bill didn't raise taxes on the middle class, as he did again and again.

Yesterday, the Court blew the President's cover. In a narrowly upheld case on one basis only—that the penalty associated with the individual mandate is a tax—the Court spoke. It said Congress doesn't have the constitutional authority to mandate insurance coverage under the commerce clause. Congress doesn't have the authority to mandate individual insurance coverage

under the commerce clause, but it obviously does have the power to tax. So they upheld the central provision of the bill on the fact that the penalty for failing to comply with it was a tax.

In the eyes of the Court, that is all the penalty tied to the individual mandate ever was: a tax imposed by a Democratic Congress—without a single Republican vote—primarily, interestingly enough, on the middle class. It is a tax on the middle class. Let's be very clear about that. The tax connected to the individual mandate is not primarily a tax on the rich but on the middle-class Americans who will bear the brunt of it.

Listen to this, colleagues. According to the CBO, at least 77 percent of the people paying this tax will meet the President's own definition of the middle class; 77 percent of the people paying this tax will meet the President's own definition of the middle class.

Those who have to pay the tax will pay an average tax of \$1,200. Even if they pay it every year, they still will not have insurance.

Yesterday's decision turns the President's campaign rhetoric on its head. Those who will end up paying the heaviest burden for not buying government-mandated insurance are not going to be the wealthiest Americans—oh, no—but the very middle-class families the President claims to defend.

That is the truth the Court unmasked yesterday.

Most Americans thought the process Democrats used to pass the health care bill was unseemly, secretive, partisan, even antidemocratic. They also thought it was unconstitutional for the government to create commerce in order to regulate it—for the government to create commerce in order to regulate it.

All of that is still true. But what many Americans may not have appreciated when this bill passed was how empty all of the promises were—how completely empty all the promises were. And at the center of them all was the claim that failing to buy health insurance did not result in a tax. That was the central claim: Failing to buy health insurance did not result in a tax.

But the Court has now spoken: It is a tax—largely on the middle class. This is just one more reason this law needs to be repealed in its entirety. With every passing day we learn something new about this terrible law. Not only does it make the problems in our health care system worse, it leads to a tax on middle-class families who are either unable or unwilling to purchase health insurance. What a terrible idea.

So it is time for Democrats to stop trying to defend the indefensible and join Republicans in wiping this colossal legislative mistake clear off the books. Yesterday's decision gives us the clearest proof yet this bill has to go. It

needs to be repealed to clear the way for commonsense, step-by-step reforms that protect Americans' access to the care they need from the doctor they choose at a lower cost. That is precisely what Republicans intend to do.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The ACTING PRESIDENT pro tempore. Under the previous order, Senators are permitted to speak for up to 10 minutes.

The Senator from Iowa.

HEALTH CARE DECISION

Mr. GRASSLEY. Mr. President, yesterday the Supreme Court overturned the mandatory Medicaid expansion in the Affordable Care Act. As of yesterday, the States now have a choice to expand or not expand coverage to the poorest people in society without being subjected to harsh Federal penalties.

I would like to draw attention to a speech I gave on the Senate floor in December 2011 on the subject of the constitutionality of the Medicaid expansion. I expressed my concerns then about the potential impact of a Supreme Court decision on Medicaid expansion.

I said on the floor that day:

A Supreme Court ruling in favor of the States in this case could not only jeopardize the mandated Medicaid expansion in the Affordable Care Act but could challenge the fundamental structure of Medicaid and have broader implications outside of health care.

The concerns I expressed then have, to a degree, come true.

Reading from a Washington Post editorial this morning about the Court ruling on Medicaid:

This restriction of federal authority may have greater ramifications than the court's limiting of the Commerce Clause. One can imagine challenges to federal conditions across a wide spectrum of programs, including but not limited to the environment, education and transportation.

This decision overturns the mandatory expansion of the Medicaid Program. While I realize most of the focus is on the decision related to the tax mandate, we should spend a moment talking about the consequence of the Medicaid decision.

Mr. President, one of the goals of the health care reform was to provide coverage for people in need. I would argue the people most in need of coverage are people without a job, people without an income, and the poorest of the poor. The Affordable Care Act required States to cover people below poverty through Medicaid. States were mandated to expand to cover people below poverty. Yesterday, the Supreme Court ruled that mandatory expansion unconstitutional.

Writing for the majority, Chief Justice Roberts said:

Nothing in our opinion precludes Congress from offering funds under the Affordable

Care Act to expand the availability of health care, and requiring the States accepting such funds to comply with the conditions on their use. What Congress is not free to do is to penalize States that choose not to participate in that new program by taking away their existing Medicaid funding.

With this decision, States now have the option to expand Medicaid to cover people below poverty. Mr. President, the States had that option even before the Affordable Care Act was passed. So what does this decision mean in real terms?

It will be up to the States to determine if they will cover the poorest of the poor. The Federal Government cannot guarantee coverage. So now people with jobs will have to purchase insurance under the tax mandate. People without an income, people who are below poverty, are dependent upon the State in which they reside.

I know some people will believe the choice is perfunctory, that Medicaid expansion will move forward because the Federal Government has offered to pay for more than 90 percent of the expansion. But if you were a State, would you really trust a promise from a Federal Government that is \$15 trillion in debt? If you were a State, would you really trust an Obama administration that proposed eliminating that special Federal payment rate through a proposal known as the blended rate?

States will very reasonably be risk averse. States can now expand if they choose to or not at all. No one should assume for a second all States will expand to cover as much as was mandated under the Affordable Care Act.

Of course, one might think people below poverty could still get health care through tax credits, but the people who wrote this bill made people below poverty ineligible for tax credits. That is right—ineligible. It is all or nothing for the poor with Medicaid. With today's ruling, the answer is, nothing.

On December 15, 2011, I said on the Senate floor that the expansion of Medicaid and the coverage of poor people was in jeopardy because "the White House and the Democratic majority put their partisan goals ahead of collaboration with Republicans and States to build legitimate public policy."

Today, that is the outcome. When people with income, people with jobs are mandated to purchase health insurance and face a tax penalty if they do not, while the poorest people in society, those without a job or without income have a guarantee of nothing, I think victory laps are premature.

After this decision, a person in a family with an income of more than \$80,000 a year would be guaranteed access to a subsidy to buy private insurance, while a person in a family with no income would be guaranteed nothing. When people below poverty, the people who can least afford coverage or the consequence of not having coverage are

left with nothing, it sounds like failure to me.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, regarding yesterday's Supreme Court decision, there have been a variety of very interesting editorials, op-ed pieces, and blogs—many of them erudite and very useful for the analysis of the Court's opinion. Of course, it will take a long time for us to know precisely how all of this will work out over time. I thought I might refer to a couple of these opinions and op-eds and put them in the RECORD for people to see what a sampling might look like so they can more thoroughly analyze the opinion and then pose a question at the end.

I start with one of my friends, and I think one of the best columnists, even nationally, that I know. He writes for my local paper, the Arizona Republic. His name is Bob Robb, and he writes in his column on June 29:

Roberts' decision controlled the outcome, even though it was fully joined by no other justice. Here's what he concluded:

The federal government has no power under the Constitution's Commerce Clause to require individuals to purchase health insurance, as Obamacare does. However, the federal government does have the power to impose a financial penalty on people for not complying with the mandate the federal government has no authority to impose. That's because the penalty is actually a tax under Congress' constitutional taxing authority.

However, the penalty is not a tax for purposes of the Anti-Injunction Act, which would preclude the court from considering the legality until someone actually pays it.

Obviously, Mr. President, these dilemmas require some explanation. It may be—and this is my phrasing, not Bob Robb's—this is a good example of where the phrase of "legal legerdemain" comes into play.

Robb continues:

If Congress has no authority to require people to do something, such as purchase health insurance, how can it penalize them for not doing it?

And how can money owed exclusively because of failing to comply with an unconstitutional mandate be regarded as a tax and not a penalty?

He goes on to say:

The purpose of the constitutional taxing power is to raise the money to operate the government. The clause reads: "Congress shall have the power to lay and collect taxes . . . to pay the debts and provide for the common defense and general welfare of the United States."

The purpose of the penalty for not buying health insurance, however, isn't to raise revenue. The government would prefer not to get any money from it at all. The purpose is to compel compliance with the mandate that Roberts says the government has no power to impose.

There is nothing in the Constitution that can remotely be construed as giving Congress the power to tax people, not to raise revenue but to punish them for failing to do what Congress would like them to do.

And Robb concludes:

If Congress cannot do something directly, it shouldn't be able to do it indirectly through taxation.

Mr. President, this raises a very important question. If the taxing power can be used to institute mandates such as *ObamaCare*, the real question is, What limits are there on such taxing power? I believe this may be one of the most important unanswered questions in Justice Roberts' opinion.

One attempt to square the circle, in effect, was by a writer named Joshua Hawley in the *Daily Caller* in his column entitled "What's behind Roberts' surprising decision?" I note that Hawley comes to this with some credentials, being described as a former law clerk to Chief Justice Roberts as well as an associate law professor at the University of Missouri. In effect, as I read Hawley's piece, he said Justice Roberts actually constrained Congress's power dramatically by, first of all, drawing a clear line on the reasonable and proper extension of the commerce clause power. But he also said the taxing authority Roberts uses to justify Congress's action in *ObamaCare* is actually very limited.

In fact, he says that Roberts attempted to make this case *sui generis*—that is the Latin phrase for "one of a kind"—and that only in this particular case would the taxing authority be permissibly used for Congress to require the people to do something.

I hope Hawley's analysis is correct. I am not so sure it is. Roberts' opinion certainly will make it more politically difficult for Congress to pass things that extend its authority because it will have to be clothed in the cloak of a tax, and Congress doesn't generally like to pass new taxes on people. But Congress and the lawyers who advise us are pretty clever about phrasing legislation in such a way that it would meet constitutional challenges.

Now that we have a new example of a power that we might exercise—namely, this expanded taxing power—I suspect we will see efforts in the future to clothe our legislation under the guise of that taxing power. If so, the constraints in Chief Justice Roberts' opinion would be no constraints at all.

There is an old saying that hard cases make bad law. I don't know that this was all that hard of a case, but it clearly resulted in a lot of different points of view from the Justices, from which one could conclude that at least they saw it as a hard case. I just hope the end result is not bad law, as I have suggested it could be here today.

I ask unanimous consent to have printed in the *RECORD* at the conclusion of my remarks the following pieces: first, the Robert Robb column dated June 29 from the *Arizona Republic*; second, the *Wall Street Journal* editorial of June 28, "*ObamaCare and the Power to Tax*"; a Rich Lowry piece in *National Review Online* dated June

29, "*The Umpire Blinks*"; a *National View Online* piece by The Editors dated June 28, "*Chief Justice Roberts's Folly*"; and the Joshua Hawley piece dated June 28 from the *Daily Caller*.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

[From the *Arizona Republic*, June 29, 2012]

FALSE PREMISE LETS 'OBAMACARE' GO ON

(By Robert Robb)

For whatever reason, Chief Justice John Roberts decided to rescue "*Obamacare*" from the constitutional trash heap.

His reasoning in doing so should be an embarrassment to him. It certainly tossed more dirt on the burial site of the Founders' vision of a federal government with limited, enumerated powers.

Roberts' decision controlled the outcome, even though it was fully joined by no other justice. Here's what he concluded:

The federal government has no power under the Constitution's Commerce Clause to require individuals to purchase health insurance, as *Obamacare* does.

However, the federal government does have the power to impose a financial penalty on people for not complying with the mandate the federal government has no authority to impose. That's because the penalty is actually a tax under Congress' constitutional taxing authority.

However, the penalty is not a tax for purposes of the Anti-Injunction Act, which would preclude the court from considering its legality until someone actually pays it.

Where to begin?

If Congress has no authority to require people to do something, such as purchase health insurance, how can it penalize them for not doing it?

And how can money owed exclusively because of failing to comply with an unconstitutional mandate be regarded as a tax and not a penalty?

The purpose of the constitutional taxing power is to raise the money to operate the government. The clause reads: "Congress shall have the power to lay and collect taxes . . . to pay the debts and provide for the common defense and general welfare of the United States."

The purpose of the penalty for not buying health insurance, however, isn't to raise revenue. The government would prefer not to get any money from it at all. The purpose is to compel compliance with the mandate that Roberts says the government has no power to impose.

There is nothing in the Constitution that can remotely be construed as giving Congress the power to tax people, not to raise revenue but to punish them for failing to do what Congress would like them to do.

If Congress cannot do something directly, it shouldn't be able to do it indirectly through taxation.

Congress, unlike Roberts, understood that it was enacting a penalty, not a tax. The law repeatedly calls the money owed for failing to comply with the individual mandate a penalty.

Roberts says that what Congress calls it isn't dispositive regarding whether it is a tax under the Constitution. But it is dispositive for purposes of the Anti-Injunction Act.

The Anti-Injunction Act prevents those who are subject to federal taxes from challenging their legality until after they have been paid.

If the penalty is a tax, then no one could challenge its legality until after someone

pays it, which won't happen until 2014. The case wouldn't properly have been before the court.

So, Roberts declared that the money owed for failing to comply with the individual mandate is a tax for purposes of the Constitution because he says so. But it's a penalty for purposes of the Anti-Injunction Act because Congress says so.

In *Robertsworld*, an unconstitutional mandate becomes not a mandate if the money owed for not complying is dubbed a tax and not a penalty. But the same money can be both a penalty and a tax depending on who is asking and why.

It's as though Roberts were channeling Lewis Carroll in writing the opinion.

This decision is hardly the end of the *Obamacare* saga. *Obamacare* will implode as it is implemented.

The country will have to readdress the question of how to most cost-effectively subsidize the care of the seriously and chronically sick.

But for today, let's mourn the death of reasoning and something more important.

In *Federalist* No. 45, James Madison wrote: "The powers delegated by the proposed Constitution to the federal government are few and defined."

That's not the federal government we have today. Roberts' pettifoggery on *Obamacare* can be seen as its final interment.

[From the *Wall Street Journal*, June 28, 2012]

OBAMACARE AND THE POWER TO TAX

(Opinion)

'Judicial tax-writing is particularly troubling. Taxes have never been popular, see, e.g., Stamp Act of 1765.'

Supreme Court Justices Antonin Scalia, Anthony Kennedy, Clarence Thomas and Samuel Alito dissenting from the majority opinion that upheld most provisions of the Affordable Care Act on Thursday:

The provision challenged under the Constitution is either a penalty or else a tax. Of course in many cases what was a regulatory mandate enforced by a penalty could have been imposed as a tax upon permissible action; or what was imposed as a tax upon permissible action could have been a regulatory mandate enforced by a penalty. But we know of no case, and the Government cites none, in which the imposition was, for constitutional purposes, both. The two are mutually exclusive. Thus, what the Government's caption should have read was "ALTER-NATIVELY, THE MINIMUM COVERAGE PROVISION IS NOT A MANDATE-WITH-PENALTY BUT A TAX." It is important to bear this in mind in evaluating the tax argument of the Government and of those who support it: The issue is not whether Congress had the power to frame the minimum-coverage provision as a tax, but whether it did so.

In answering that question we must, if "fairly possible," construe the provision to be a tax rather than a mandate-with-penalty, since that would render it constitutional rather than unconstitutional (*ut res magis valeat quam pereat*). But we cannot rewrite the statute to be what it is not. "[A]lthough this Court will often strain to construe legislation so as to save it against constitutional attack, it must not and will not carry this to the point of perverting the purpose of a statute . . . or judicially rewriting it." In this case, there is simply no way, "without doing violence to the fair meaning of the words used," to escape what Congress enacted: a mandate that individuals maintain minimum essential coverage, enforced by a penalty.

Our cases establish a clear line between a tax and a penalty: “[A] tax is an enforced contribution to provide for the support of government; a penalty . . . is an exaction imposed by statute as punishment for an unlawful act.” In a few cases, this Court has held that a “tax” imposed upon private conduct was so onerous as to be in effect a penalty. But we have never held—never—that a penalty imposed for violation of the law was so trivial as to be in effect a tax. We have never held that any exaction imposed for violation of the law is an exercise of Congress’ taxing power—even when the statute calls it a tax, much less when (as here) the statute repeatedly calls it a penalty. When an act “adopt[s] the criteria of wrongdoing” and then imposes a monetary penalty as the “principal consequence on those who transgress its standard,” it creates a regulatory penalty, not a tax.

So the question is, quite simply, whether the exaction here is imposed for violation of the law. It unquestionably is. The minimum-coverage provision is found in [the Affordable Care Act’s individual-mandate provision], §5000A, entitled “*Requirement to maintain minimum essential coverage*.” (Emphasis added.) It commands that every “applicable individual *shall* . . . ensure that the individual . . . is covered under minimum essential coverage.” (emphasis added). And the immediately following provision states that, “[i]f . . . an applicable individual . . . fails to meet the *requirement* of subsection (a) . . . there is hereby imposed . . . a *penalty*.” (emphasis added). And several of Congress’ legislative “findings” with regard to §5000A confirm that it sets forth a legal requirement and constitutes the assertion of regulatory power, not mere taxing power. . . .

We never have classified as a tax an exaction imposed for violation of the law, and so too, we never have classified as a tax an exaction described in the legislation itself as a penalty. To be sure, we have sometimes treated as a tax a statutory exaction (imposed for something other than a violation of law) which bore an agnostic label that does not entail the significant constitutional consequences of a penalty—such as “license” or “surcharge.” But we have never—never—treated as a tax an exaction which faces up to the critical difference between a tax and a penalty, and explicitly denominates the exaction a “penalty.” Eighteen times in §5000A itself and elsewhere throughout the Act, Congress called the exaction in §5000A(b) a “penalty.”

Judicial tax-writing is particularly troubling. Taxes have never been popular, see, e.g., Stamp Act of 1765, and in part for that reason, the Constitution requires tax increases to originate in the House of Representatives. That is to say, they must originate in the legislative body most accountable to the people, where legislators must weigh the need for the tax against the terrible price they might pay at their next election, which is never more than two years off. The Federalist No. 58 “defend[ed] the decision to give the origination power to the House on the ground that the Chamber that is more accountable to the people should have the primary role in raising revenue.” We have no doubt that Congress knew precisely what it was doing when it rejected an earlier version of this legislation that imposed a tax instead of a requirement-with-penalty. Imposing a tax through judicial legislation inverts the constitutional scheme, and places the power to tax in the branch of government least accountable to the citizenry.

Finally, we must observe that rewriting §5000A as a tax in order to sustain its constitutionality would force us to confront a difficult constitutional question: whether this is a direct tax that must be apportioned among the States according to their population. Perhaps it is not (we have no need to address the point); but the meaning of the Direct Tax Clause is famously unclear, and its application here is a question of first impression that deserves more thoughtful consideration than the lick-and-a-promise accorded by the Government and its supporters. The Government’s opening brief did not even address the question—perhaps because, until today, no federal court has accepted the implausible argument that §5000A is an exercise of the tax power. And once respondents raised the issue, the Government devoted a mere 21 lines of its reply brief to the issue. At oral argument, the most prolonged statement about the issue was just over 50 words. One would expect this Court to demand more than fly-by-night briefing and argument before deciding a difficult constitutional question of first impression.

[From the National Review Online, June 29, 2012]

THE UMPIRE BLINKS (By Rich Lowry)

Chief Justice John Roberts famously defined himself as an umpire in his confirmation hearings. But an umpire is willing to make the toughest calls.

In his Obamacare decision, Roberts the umpire blinked. By issuing a decision that forestalled the tsunami of criticism that would have come his way had he struck down the law (as an activist, a partisan, and an altogether rotten human being), Roberts effectively rewrote the constitutionally problematic portions of it. He overstepped his bounds. The umpire called a balk, but gave the pitcher a do-over. The ref called a foul, but didn’t interrupt the play.

As a result, there’s Obamacare as passed by Congress. Then there’s Obamacare as passed by the Supreme Court.

Obamacare as passed by Congress had a mandate to buy health insurance and a penalty for failing to comply. Obamacare as passed by the Supreme Court has an optional tax for those without health insurance. Obamacare as passed by Congress required states to participate in a massive expansion of Medicaid, or lose all their federal Medicaid funds. Obamacare as passed by the Supreme Court makes state participation in the Medicaid expansion optional.

In pursuit of a judicial modesty deferential to Congress, Roberts usurped its role. Obamacare as passed by Congress didn’t pass constitutional muster. Obamacare as passed by the Supreme Court didn’t pass Congress—and might not have passed Congress had it been presented for an up-or-down vote festooned with yet another tax.

Roberts vindicated the core of the constitutional argument against the individual mandate that had been sneered at by the legal establishment and pronounced preposterous by the likes of Nancy Pelosi. The mandate is unprecedented in that it doesn’t regulate existing activity; it compels people to undertake an activity—namely, buying insurance—that Congress then regulates under the Interstate Commerce Clause. This stretches the Commerce Clause beyond the breaking point.

The chief even reverted to the widely derided broccoli argument: If the federal government can make you buy insurance, it can make you eat vegetables. The government’s

logic, Roberts wrote, “authorizes Congress to use its commerce power to compel citizens to act as the Government would have them act. That is not the country the Framers of our Constitution envisioned.”

Then, Roberts went out in search of some way, any way, to find the mandate constitutional. He alighted on the argument that the mandate isn’t a mandate at all, but a tax. Never mind that the tax argument was an afterthought in the administration’s defense of the law. Never mind that administration officials, from the president on down, vociferously denied that it was a tax during the debate over the bill. Never mind that the law itself never defines it as a tax and includes the mandate (and its penalty) in a different title of the act from the revenue provisions. “To say that the Individual Mandate merely imposes a tax is not to interpret the statute, but to re-write it,” the four conservative dissenters from the Roberts opinion write. The chief was willing to take out his rewrite pen to avoid striking down the mandate. He did the same to keep from throwing out the Medicaid expansion. He considers it, too, an offense against the constitutional order. Wherever exactly the line for impermissible coercion of the states falls, he noted, “this statute is surely beyond it.”

Roberts gets points for cleverness. He set clear constitutional boundaries without striking down the law. He largely sided with the critics of Obamacare without enraging its supporters. He came up with the only 54 decision that wouldn’t subject his court to the calumny of the Obama administration and law-school deans everywhere. All the op-eds that had been drafted trashing the legitimacy of the court have been filed away for now.

As chief justice, Roberts has competing priorities, of course. But it’s not his job to redraft laws under the guise of judicial restraint. On Obamacare, the umpire struck out.

[From the National Review Online, June 28, 2012]

CHIEF JUSTICE ROBERTS’S FOLLY (By the Editors)

In today’s deeply disappointing decision on Obamacare, a majority of the Supreme Court actually got the Constitution mostly right. The Commerce Clause—the part of the Constitution that grants Congress the authority to regulate commerce among the states—does not authorize the federal government to force Americans to buy health insurance. The Court, by a 5-4 margin, refused to join all the august legal experts who insisted that of course it granted that authorization, that only yahoos and Republican partisans could possibly doubt it. It then pretended that this requirement is constitutional anyway, because it is merely an application of the taxing authority. Rarely has the maxim that the power to tax is the power to destroy been so apt, a portion of liberty being the direct object in this case.

What the Court has done is not so much to declare the mandate constitutional as to declare that it is not a mandate at all, any more than the mortgage-interest deduction in the tax code is a mandate to buy a house. Congress would almost surely have been within its constitutional powers to tax the uninsured more than the insured. Very few people doubt that it could, for example, create a tax credit for the purchase of insurance, which would have precisely that effect. But Obamacare, as written, does more than that. The law repeatedly speaks in terms of a “requirement” to buy insurance, it says

that individuals “shall” buy it, and it levies a “penalty” on those who refuse. As the conservative dissent points out, these are the hallmarks of a “regulatory penalty, not a tax.”

The law as written also cuts off all federal Medicaid funds for states that decline to expand the program in the ways the lawmakers sought. A majority of the Court, including two of the liberals, found this cut-off unconstitutional and coercive on the states. The Court’s solution was not to invalidate the law or the Medicaid expansion, but to rule that only the extra federal funds devoted to the expansion could be cut off. As the dissenters rightly point out, this solution rewrites the law—and arbitrarily, since Congress could have avoided the constitutional problem in many other ways.

The dissent acknowledges that if an ambiguous law can be read in a way that renders it constitutional, it should be. It distinguishes, though, between construing a law charitably and rewriting it. The latter is what Chief Justice John Roberts has done. If Roberts believes that this tactic avoids damage to the Constitution because it does not stretch the Commerce Clause to justify a mandate, he is mistaken. The Constitution does not give the Court the power to rewrite statutes, and Roberts and his colleagues have therefore done violence to it. If the law has been rendered less constitutionally obnoxious, the Court has rendered itself more so. Chief Justice Roberts cannot justly take pride in this legacy.

The Court has failed to do its duty. Conservatives should not follow its example—which is what they would do if they now gave up the fight against Obamacare. The law, as rewritten by judges, remains incompatible with the country’s tradition of limited government, the future strength of our health-care system, and the nation’s solvency. We are not among those who are convinced that we will be stuck with it forever if the next election goes wrong: The law is also so poorly structured that we think it may well unravel even if put fully into effect. But we would prefer not to take the risk.

It now falls to the Republicans, and especially to Mitt Romney, to make the case for the repeal of the law and for its replacement by something better than either it or the health-care policies that preceded it. Instead of trusting experts to use the federal government’s purchasing power to drive efficiency throughout the health sector—the vain hope of Obamacare’s Medicare-cutting board—they should replace Medicare with a new system in which individuals have incentives to get value for their dollar. Instead of having Washington establish a cartel for the insurance industry, they should give individuals tax credits and the ability to purchase insurance across state lines. Instead of further centralizing the health-care system, in short, they should give individuals more control over their insurance.

Opponents should take heart: The law remains unpopular. Let the president and his partisans ring their bells today, and let us work to make sure that they are wringing their hands come November.

[From the Daily Caller, June 28, 2012]

WHAT’S BEHIND ROBERTS’ SURPRISING DECISION?

(By Joshua Hawley)

Say this for the lead opinion in the health care case the Supreme Court handed down Thursday: nobody saw that coming. Chief Justice Roberts joins with the court’s more

liberal wing to uphold the Affordable Care Act . . . as a tax? The result is, to put it mildly, counterintuitive. Scribes have been busily dissecting the chief justice’s doctrinal analysis from the instant the opinion went viral, but here’s a different thought: doctrine may not be the key to this judgment. As Leo Strauss once made a point of telling his students, a text can be read in many different ways, and will mean different things depending on the lens with which one reads it. The text the chief justice published on Thursday may or may not make good sense read as constitutional doctrine. But read it as constitutional politics and things get more interesting.

Not politics in the way the Washington punditry means, of course. Roberts’ opinion has nothing to do with helping or hurting President Obama’s re-election chances this fall. The truth is, Supreme Court justices are rarely interested in that sort of thing. They see themselves as above partisan allegiances and the grand questions of law they decide as more important than run-of-the-mill partisan disputes.

No, I mean politics in the constitutional sense, concerning the Supreme Court’s role in the Constitution’s structure. The danger this case held for the court from the beginning was the possibility—indeed, high likelihood—that it would draw the institution into an acute confrontation with the executive branch in the middle of an election year, and at the same time force the justices into the thick of a policy debate where they have no genuine expertise. The chief justice’s opinion can be fruitfully read as a sort of maneuver, an effort to avoid these evils while simultaneously blocking the federal government’s attempted power grab.

Consider: Roberts begins with the Commerce Clause question, where the Obama administration placed nearly all the weight of its argument. According to the administration, the Commerce Clause permits Congress to regulate any behavior (or non-behavior) that has some incidental effect on commerce. Roberts rejects that contention root and branch. Indeed, for the first time in the Supreme Court’s modern Commerce Clause jurisprudence, he announces a clear and decisive limit to what the federal government may do with its commerce authority: it may regulate only actual economic activity, and then only if the activity has a substantial effect on interstate commerce. It may not regulate a person’s choice not to enter the stream of commerce in the first place.

Had this been the sum and substance of the opinion, liberals would have bewailed it as the constitutional apocalypse they feared. But of course it is not the end; Roberts goes on to the administration’s secondary argument. Yet by placing the Commerce Clause discussion where he does, by holding unequivocally that the individual mandate cannot survive on commerce grounds, Roberts makes the Commerce Clause holding necessary to the final judgment. That means the limits on the commerce authority he announced (and with which the four dissenting justices agree) will control in future cases.

This is a significant, even major, development, but one that is largely concealed by the opinion’s ultimate judgment. Yet even that judgment turns out to be rather less a victory for the government than it first seems.

The key move in Roberts’ opinion is his conclusion that the individual mandate is actually a sort of tax, and therefore constitutional by virtue of Congress’ unquestioned power to tax. That allows the man-

date to stand, yes—but effectively makes the mandate *sui generis*, and thereby denies the government a new source of regulatory power.

This is why: Roberts does not say that the government may now regulate anything it likes by calling the regulation a tax. He says this mandate can be read as a tax in these circumstances—that is, in light of the fact that it would be unconstitutional on any other ground and the court is supposed to avoid finding statutes unconstitutional if it can—and on these grounds: because it is administered by the IRS through the tax code and operates in many respects like a normal tax. Only if future regulatory schemes can meet all these criteria would they be valid under the taxing power. Yet Roberts does not give a single example of any such scheme—and we know for a fact, because they have told us repeatedly, that members of Congress would never have voted for this regulation if they had believed it was a tax.

Making the mandate a tax has at least one other effect. It makes repeal easier. Now that the mandate has been deemed taxation, it can likely be jettisoned through use of the reconciliation process—meaning the Senate will need to muster only a bare majority for repeal, not 60 votes.

By converting the mandate to a tax, then, Roberts limits the ability of the government to do the same sort of thing in the future and underlines the political unpopularity of the law, all while allowing the law to stand. And because it does stand, the court is spared a nasty turn at center stage in the November elections.

Whether the chief justice’s stratagem actually works is a different question. Suffice it to say, I have my doubts. The text and structure of the law seem overwhelmingly to indicate that the mandate is a legal requirement—namely, to buy insurance—enforced with a fine. The mandate does not qualify as a tax under the Supreme Court’s settled rules for identifying taxes, and both the text of the law and those who wrote it said it was not.

But then, Roberts’ aim may be less to apply tax doctrine than to shift the law’s fate from the court to the voters. At the beginning of his opinion, the chief justice pointedly notes that the court “do[es] not consider whether the Act embodies sound policies. That judgment is entrusted to the Nation’s elected leaders.” He repeats this sentiment at the opinion’s close, but with a subtle variation. “[T]he Court does not express any opinion on the wisdom of the Affordable Care Act, he writes, for “[u]nder the Constitution, that judgment is reserved to the people.” Could it be that the chief justice is asking the people to render a verdict on the leaders who wrote the law in the first place? In all events, they should take him up on it.

Mr. KYL. Mr. President, I also refer people to an excellent piece in the Wall Street Journal, “A Triumph and Tragedy for the Law,” by David Rivkin, Jr., and Lee Casey, both fine lawyers who frequently opine on matters of this sort.

Mr. KYL. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANCHIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

125TH ANNIVERSARY OF THE UNITED WAY OF
WEST VIRGINIA

Mr. MANCHIN. Mr. President, to lighten the mood a little bit today, I rise to recognize West Virginia's United Way as this special organization celebrates its 125th anniversary.

The United Way was founded in 1887 by community leaders in Denver, CO. The renowned organization originated through a group of individuals who came together with the drive to improve community conditions. Since then, the organization has grown to 1,800 community-based United Ways in 41 countries and remains the world's largest privately supported nonprofit, raising nearly \$5 billion annually.

In our little State of West Virginia, United Way has touched the lives of so many. United Way volunteers have clocked thousands of hours of community service through health services, senior assistance programs, student tutoring, nutrition sites, job skills training, and financial literacy services.

United Way has enthusiastically embraced local institutions throughout our State. This wonderful organization has provided for at-risk teens at residential treatment centers, such as the Daymark around Kanawha Valley. It has supported comprehensive medical and health services at establishments such as the West Virginia Chapter of the Alzheimer's Association, West Virginia Health Right, Cabell Huntington Children's Hospital, Thomas Memorial Hospital, and the Putnam County Dental Health Council. United Way has supported family counseling at the Kanawha Valley Fellowship Home and at Family Counseling Connection. It has also benefited emergency assistance facilities, such as the Boone County Community Organization and Madison Baptist Church, Mountain Mission, and Nitro-St. Alban's Care and Share.

In 2011 alone, 68,337 individuals were served by United Way-supported programs in West Virginia alone. More than 13,162 children and youth benefited from the services of United Way partner agencies, and more than 26,997 people received financial assistance from a United Way partner agency. In addition, nearly 28,000 people received health-related assistance from a United Way partner agency.

I have always been an avid supporter of United Way and their community service efforts. My wife Gayle also served as chairwoman of Marion County's United Way. I applaud the organization's ability to inspire members in their communities to work together and improve all aspects of their neighborhoods.

United Way has so many laudable goals. The organization is working to promote a healthier society by working with families to develop healthy life-

styles. While Americans continue to struggle in tough economic times, United Way has worked with families to help them achieve financial stability. For example, United Way launched the Financial Stability Partnership, which aims to halve the approximately 40 million Americans who are working in low-paying jobs without basic health benefits. United Way has also targeted key areas of education, addressing problems such as the student dropout rate and preparing children for success at an early age.

United Way also has identified community health care needs and focuses efforts on changing health policies and practices for Americans of all ages. About 47 million Americans don't have health care coverage, and more than 80 percent are working families. The organization tackles tough health problems, such as health insurance coverage, along with the obesity epidemic and prescription drug abuse. These are tough issues that oftentimes have no easy solutions.

I applaud United Way and all of its staff members, its volunteers, and community leaders for their efforts to improve the quality of life in all of our communities. Today the United Way has every reason to celebrate its success as they face this impressive milestone. I once again congratulate their achievements, and I look forward to seeing what this great organization will accomplish in the next 125 years and beyond.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma.

PILOT'S BILL OF RIGHTS

Mr. INHOFE. Mr. President, before the Senator from West Virginia leaves, I would like to publicly thank him for all his support in something that just happened a few minutes ago; that is, passage of the Pilot's Bill of Rights.

Several—certainly Senator BEGICH—have been working hard, including Senator PRYOR and Senator MANCHIN, as well as many on the Republican side. But it is a reality now.

This is kind of a strange day for me because I have been working on two bills for 1½ years, and both will become a reality on the same day: the highway bill that everyone knows about and then the Pilot's Bill of Rights that only pilots know about.

I have been a pilot for 55 years, and I get the calls and complaints that come in. But pilots are really the only ones in our society who are denied access to justice like every other citizen has, and this corrects it. So I just want to say to my friend that I very much appreciate his support in making this a reality.

Mr. MANCHIN. Mr. President, if I may say I appreciate the leadership of my good friend from Oklahoma and his unwavering support in bringing this to all of our attention. I have been a pilot

for not quite 55 years, but 45 years, and I understand completely. Senator INHOFE brought it to the attention of all of us, even the nonpilots here. His steadfast leadership in support of this action and also his ability to work across the aisle with those on our side of the aisle, Democrats, I appreciate so much.

I know Senator BOXER feels very compelled about this and the Senator's leadership in working with her on the Transportation bill and both of them bringing that to the forefront for all of us. We are all going to benefit from that.

I thank the Senator and look forward to continuing to work with him.

Mr. INHOFE. I appreciate the comments of the Senator from West Virginia.

Mr. President, I will make a couple comments and be more detailed later. I know a lot of people will want to talk about the bill that will most likely pass today in both the House and the Senate.

A lot of people are not aware of the fact that a general aviation pilot doesn't have the same access to remedies as everybody else does. What makes this a little bit more compelling to do something about is that if you are not a pilot, you may not appreciate the fact that a lot of them are single-issue people.

I had an experience where my license was in jeopardy for something that we found out I didn't do. I thought about all these complaints I have had over the years about abusive treatment by some of the enforcement people, and I never appreciated it until it happened to me.

I know more people in the FAA who do a great job. They are very conscientious. These are career people. The problem is that every once in a while you have someone in the field with enforcement powers who just can't handle that kind of power.

I was mayor of Tulsa for several years a number of years back. We had a great police force, but every now and then you had someone on the force who couldn't handle the power. They would abuse that power, and you would have to seek them out. And that is what this is all about—you hear from these people when abuses take place.

So what we have done is we have corrected that. We have a system set up in this legislation that if someone is accused of or cited for doing something that was wrong or that might be a violation of one of the FARs, that person will now have access to the evidence that would be used against that person.

People might say: Well, wasn't that happening anyway? No, it wasn't. When this happened to me, I can remember very well—and I say to the Presiding Officer because we are very close and he knows I have been active in aviation for a long time—one year ago in October, I went to land at one of the southernmost airports in America, in South

Texas, one at which I have landed more than 200 times. I know every square foot of it. It is a noncontrolled field.

When I came in—there is a thing called NOTEM, Notice to Airmen. You are supposed to and you should find out what the NOTEMs are on the runway you will be landing on so if there is work on the runway—any towers going up, construction going on—you will know that in advance. That is your obligation.

The problem is there has never been a central location where that can be found. In this case there was no NOTEM that had been published. There I go in, with the controller in the valley down there who has actually cleared me to land. Here I am, a United States Senator. It took me 4 months to get the voice recorder and I never did find out, early on, what the evidence was against me. It turned out fine, but nevertheless 4 months to get a voice recording that you were cleared to land, that is unreasonable.

I see my friend from Indiana is on the floor. I do not want to take any more time on this, but on the NOTEM situation we will have a central location for that.

The other problem we are having right now is medical certification. I have case after case. In fact, at the AOPA, Aircraft Owners and Pilots Association—we are talking about 400,000 pilots out there—they have as their No. 1 concern the lack of consistency and uniformity in medical certification. A person could be a pilot and have a condition, could be a light heart attack or something, temporarily lose his license, then go back and have it reinstated. However, if he lives in another town, has a different doctor, that may not happen. So we have people out there who have lost their licenses. We are going to have a panel set up that is going to include the general aviation, include the medical community, and try to get uniformity. So those are three of the reforms we have in this legislation.

I yield the floor. I will be talking about that later and also talking about the upcoming highway bill. I want to remind people, my good conservative friends, people who are trying to say this is not a conservative bill—it is. The worst thing we can do is continue to operate our roadbuilding and our construction in this country on extensions. When you do an extension you lose about 30 percent of the money. Obviously, the conservative position is to do this.

We have reforms, incredible reforms, enhancement reforms. We will be talking about that during the course of the day.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Indiana.

ORDER OF PROCEDURE

Mr. COATS. Mr. President, can I ask what the procedure is regarding time?

The ACTING PRESIDENT pro tempore. Senators are permitted to speak for 10 minutes each.

Mr. COATS. Mr. President, I ask unanimous consent I be permitted to speak up to 20 minutes. I do not intend to take that much time, I do not think I will take that much time, but I think I will probably go over the 10-minute limit.

Mrs. BOXER. Reserving the right to object, Mr. President, and I will not object, I ask unanimous consent that I be allowed to have 20 minutes following my friend from Indiana.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SURFACE TRANSPORTATION

Mr. COATS. Mr. President, I rise here today to express my deep concern with this transportation conference report; in particular, about a provision that was slipped into the transportation conference report literally in the dark of night earlier this week.

This provision, which I will describe, could have a devastating effect on my State as well as the State of Illinois. The Greater Chicago metropolitan region—whether it is northwest Indiana or northeast Illinois—is a region that works together. It is part of the expanded metropolitan area. A critical part of this is a waterway, which allows goods to be transferred up and down all the way to the delta and the Mississippi and all the way out to the St. Lawrence Seaway. It is the middle-west access to commerce that centers around the Chicago-northwest Indiana area.

This provision, which was slipped in without debate, without consideration—it did not appear in the Senate bill, the transportation bill, and it did not appear in the House transportation bill and therefore is a blatant violation of rule XXVIII, which simply states you cannot do this kind of thing—but it was done anyway. I will at the proper point here raise an objection to that in a procedural way.

Let me first talk, if I could, about the way in which we do business around here. Throughout my campaign in 2010 to return to the Senate, I continually heard from people as to how frustrated they were with the process by which laws are passed. We come home and people say why did you vote against that? You say I voted against that because it included this over here which was not relevant to it, and even though I liked the rest of the bill I did not like this part—or vice versa. I voted for this even though I did not like what it included because they packaged it all together and therefore there is nothing on record as to where I stand. They say to us where do you stand? We don't know whether your yes is a yes or your no is a no because it is so confusing the way you mix the whole thing together.

That is exactly what is happening here today. We have taken a transportation bill, which was adeptly led by the Senator from California and the Senator from Oklahoma, they did a marvelous job putting a transportation package together, and now it is merged with two other major provisions. So we get one vote on this. People say: I have a real problem with the student loan bill or I have a real problem with the flood insurance bill, but I wanted to vote for the transportation bill. Now I am stuck in the position of having to vote yes on the whole thing, except what I have a problem with, another bill over here, or no, even though I want parts of the other bills to pass.

Then we go home and explain this to the people we represent and they say: Why can't you guys and ladies take up one thing, vote yes or vote no, come home, defend your vote, but we at least know where you stand? Instead of this gobbledygook, throw everything in one big pot and vote your yes or vote your no. The way we package bills here, it is no wonder people are skeptical. It is no wonder our approval rating is where it is. This gobbledygook, so-called magic dust that we use around here to obscure what we stand for and stand against, is very frustrating for the American people. I can't tell you how much that has been expressed to me when I can go home and talk to them and try to explain certain votes and procedures. They say be straight up, be transparent. Pick out something; you are either for it or against it. We will evaluate whether we want to support you or not support you in the next election on the basis of your voting, but when you cloud over the whole thing we do not know what is going on. That is one thing, packaging bills.

Second, we have a problem here, a major problem with our debt. We have known that. We spent the first 6 months of 2011 trying to come up with a long-term solution which would restructure some of our spending and put a lid on some of our spending. Finally, by August of 2011, Congress reached an agreement called the Budget Control Act which basically put caps on how much we would spend, trying to hold down this plunge into debt.

By the way, just before I came over here I checked the debt clock which I have on my Web site. The numbers of course turn faster than you can write them down because that is how fast we are plunging into more debt, but as of probably minutes or so ago, our national debt stood at \$15 trillion, nearly \$16 trillion.

None of us can comprehend what \$1 trillion is. It is impossible. There have been all kinds of examples—if you stack dollars on top of each other you can go to the Moon and back and so forth—but I think it is important that we understand the gravity of our situation in terms of our plunge into debt.

and what impact it is going to have on the future for this country and what a debt burden it is going to be on future generations now getting ever closer to—\$15,935,594,616,879 was what our debt was. That is 14 digits; 15,935,594,616,879.

We took a little bit of a step in August, a mini step in August, saying we are going to cap this spending so we do not spend more than that going forward. That will at least slow down the rate of plunging into debt. It does not begin to do what we need to do to address this, but it will slow it down.

What have we done since? What we have done is bring a number of bills to this floor, all of which continue to spend beyond our means. I did not vote for the Budget Control Act because I had a lot of skepticism about it. First of all, I felt it was woefully short of what we needed and, second, I believe that, having served here before and seen how this process works, I thought we are going to waive points of order time after time.

We congratulate each other by voting for spending controls. "This is an important step to dealing with our budget crisis. We have committed now not to spend more than the budget we deemed allows."

The postal reform bill violated budget rules; the student loan interest rate extension, it looks as though we have the score now, and we are going to violate agreed to levels; the Senate version that went over on the transportation bill violated budget rules; the payroll tax extension and the Violence Against Women Act—all violated what we promised we would do. And we wonder why the American people are skeptical? We wonder why our approval rating is in the low double digits? I mean really low, almost into single digits—why people are frustrated and upset with us? Because we tell them we have made this promise to be fiscally responsible and virtually every bill we bring up here is irresponsible and we waive what we had agreed to do. We can hardly blame them for their skepticism here.

Let me talk about this middle-of-the-night stuff. Another problem you have—you go home and what you simply can't explain is the fact that, no, this was not talked about in the Senate; no, this was not talked about in the House; there was no process—yet somebody, as we tried to merge the two bills, in the dark of the night, unnamed, no process, slipped in a provision and there it is. Usually we find out about this later.

In this case we had a process. Senator COATS from Indiana worked with Senator DURBIN, a Democrat from Illinois, and worked with another Democrat, the senior Senator from Ohio, to come to an agreement on a provision that impacted our area, the Great Lakes area, in a significant way. That was part of the Senate Energy and Water Appropriations bill.

In the dark of the night, during the conference deliberations, another provision was added, not the bipartisan provision by Senators looking out for the economic interests of their State. And by the way, the economic interests of this country—because what was dropped in, in the middle of the night, is something that could potentially cost our Government and therefore cost our taxpayers hundreds of billions of dollars.

We were fortunate enough to have discovered that because bringing those bills to the floor was delayed and we had time to dig into it and all of a sudden find out that this was done. What is egregious here is that this is not a partisan issue. We all know the House is controlled by my party. I don't know who put this in. I don't know exactly the motives as to why they put this in. But here it is, a dark-of-the-night slip into the bill and overturn something that was processed through the appropriations committee, deliberated, discussed, and voted on.

So what are the consequences of all that? What does this have to do with what I am talking about here? It sounds minuscule. We are talking about Asian carp. Why is the Senator from Indiana talking about Asian carp and hundreds and billions of dollars of costs? Let me tell you why. Asian carp is a generic term for four species of nonnative fish: grass, bighead, black, and silverhead carp. These fish were introduced to the United States in the 1970s to assist agricultural interests in the southern States.

At some point—probably through flooding—the carp escaped into the Mississippi River system, and they have since spread throughout the whole watershed. They are voracious eaters, which make them beneficial, and we can see why they were imported. They were beneficial for controlled agricultural settings, fish farms, and so forth, but they create serious ecological challenges when competing for food with native species.

I agree wholeheartedly that the spread of Asian carp throughout the Mississippi River and potentially into the Great Lakes is a serious and pressing problem, and I am committed to addressing this, as is Senator DURBIN and Senator BROWN from Ohio. We worked out a compromise agreement in terms of how we should go forward with this.

A number of steps have already been taken by the Corps of Engineers. In 2002, the Army Corps of Engineers installed the first of a series of electric barriers along the lower reach of the Chicago area waterway system. In doing so, they believe, to date, they have successfully prevented the migration of carp into the Great Lakes.

In 2009, the Corps began DNA testing to detect Asian carp in locations upstream in the barrier system. The test-

ing showed these barriers have been very effective—to use the Corps' words—in preventing Asian carp from entering the waterway. In fact, when the Illinois Department of Natural Resources wanted to check this out, they purposefully dumped a bunch of toxins into the Chicago waterway to discover the extent of the Asian carp infestation. Those toxins killed tens of thousands of fish, but only one Asian carp was found among them. Since that time, the Army Corps has firmly held that the electric barriers are working as designated.

Furthermore, in 2010, the Indiana Department of Natural Resources constructed barriers in the watershed. No State has gone further or gone to greater lengths to address this question than my State of Indiana, as well as the State of Illinois, in terms of preventing the introduction of Asian carp in the Great Lakes system. It is economically devastating for us if this happens and it is economically devastating for us and for Illinois if what was proposed in this bill in the dark of the night by the House of Representatives goes forward.

Currently, the Army Corps of Engineers is undergoing an extensive study. Despite all the attempts to take these steps, which so far have proven to be successful, this provision that was incorporated in there could result in the closing of the locks of this waterway system, and it would endanger about \$14 billion per year of economic activity and over 100,000 jobs in this area that I described that rely on the Chicago area waterway system.

Closing the locks also may cost up to an additional \$100 billion because it would require completely overhauling Chicago's underground water and sewage system. Closing the locks would also render worthless the billions of dollars that have already been invested to complete the Corps of Engineers flood control projects along the entire Mississippi watershed, and they may not even solve the problem.

While the Chicago waterway system is the only direct continuous connection between the Great Lakes system, other potential pathways could allow carp immigration in times of flooding. So while it is clear that closing the Chicago locks is not an economically viable solution for stopping Asian carp—and I do understand the concerns the Great Lakes States have on this issue and I share those concerns—as a result of all that, we worked out a bipartisan compromise solution to addressing this area. We would allow a study to go forward, allow an economic assessment of the various options that had been presented, and then give Congress the information so it can make a decision as to which solution was best needed to go forward.

What this provision does in this bill is simply give the agency responsible

the authority to go ahead with the project and what they think the solution is without Congress having anything to say about it whatsoever. It is a preauthorization on a new project which could include closing of the locks, and if it does, it would have hundreds of billions of dollars of financial implications for the taxpayers and for this Congress but also have enormous negative economic impact on north-west Indiana, northeast Illinois and the entire Chicago region and all that commerce that flows up and down the Mississippi and up and down the St. Lawrence Seaway. The other problem with this is the new language also expedites the study, even though the Corps says they need more time to do so.

I guess, in conclusion, there are two things: One is the egregious procedures that continue to give the public such a negative slant on how we do business—this bundling of bills, where we are forced to vote yes or no on the whole bundling, up or down, and we can't let our yes stand for one purposeful interest or another or a no stand due to bundling; second, we need to address these midnight procedures, this issue of "slip it in there," without going through the regular process. This body of Congress, both the House and the Senate, need to return to regular process, where we bring an idea forward, it is worked through the committee, it is transparent to all who are looking at it, we give our yea or nay, and we move it through the system, rather than simply changing things in the dark of the night at the last minute, where we have no opportunity to amend it and no opportunity to address it.

As we go forward with this, I am going to object on the basis of rule XXVIII. I don't know how it will all turn out, but I hope my colleagues will understand this is more than something that just affects Indiana, Illinois, and the Great Lakes. This is something that affects the way we do business here. If we cannot enforce these rules, we will continue to follow these practices the American people have come to absolutely hate and think they have a dysfunctional Congress. We deserve better than this. I hope my colleagues will agree with that.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Before the Senator from Indiana leaves the floor, I wish for him to know I listened very carefully and I know his concern. I have spoken with Senator DURBIN about it, and I hope we can work together. I do want to say this process where sometimes bills are put together is frustrating to everybody, and we do need to take a look at the way we do things. However, I do have some measure of sympathy for the leadership around here because it takes so long to get any one piece done.

So I do agree. I don't like the fact that we cast one vote and there are three subjects. It is very difficult for the people at home to understand it. I also want to say to my friend—before I yield 3 minutes of my time to Senator SANDERS—to feel proud of the way we put together the Transportation bill. I think in that case, which is a huge policy bill, it was transparent and that what my friend complained about was something that was put in by the other body and said it is a must have.

The truth is, up to that point, everything we have done was very much in the open, and I am very sorry my friend feels so negatively toward what we are about to do because in his State it is tens of thousands of jobs and in my State it is hundreds of thousands of jobs. It is thousands of businesses. It is going to mean a boost to this economy and a boost to the private sector. I wish to say to my friend, I understand his frustration, and I will do everything I can to help him on this issue.

Mr. COATS. If the Senator would yield, I appreciate very much her saying that. I did commend, and I will again, the work the Senator from California and Senator INHOFE have done in bringing this bill forward in the right way. I know my friend is as sorry as I am that someone in the other body decided to violate the rule, injecting into all the hard work that has been done. I regret that. I hope in the future we can avoid this.

I thank the Senator for her good words.

Mrs. BOXER. I definitely share the frustration. At this time, I would like to yield 3 minutes of the remainder of my time to Senator SANDERS.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Vermont.

Mr. SANDERS. Mr. President, I thank the Chair for yielding. As a member of the Transportation Committee, I would like to congratulate Senator BOXER for her extraordinary efforts in pushing this bill forward. This is an enormously important bill that took a lot of hard work, and I commend her for the work she and her staff have done. Senator INHOFE and I have very little in common politically, but I also wish to applaud him and his staff for coming together on this issue and doing something that is extremely important and doing it in a bipartisan way.

Anyone who drives in the State of Vermont or, for that matter, drives around America, understands, to a significant degree, our infrastructure is collapsing. In Vermont, we have dozens and dozens of bridges that are in need of repair. We have many hundreds of miles of roads that need repair. Our public transit system needs help. What this bill is about is a start toward rebuilding our crumbling infrastructure,

our roads, our bridges, our public transit and, in the process, putting a significant number of people back to work.

It is estimated this bill will save more than 1.8 million jobs nationwide in each of the next 3 years, and it will create 1 million new jobs through an expanded infrastructure financing program. What that means in the State of Vermont are thousands and thousands of decent-paying construction and other types of jobs, something we sorely need. So this bill is an excellent start. Does it go as far as it should? No, it does not. Compared to China, compared to Europe, our investments in infrastructure are minimal. When we invest in infrastructure, we make our country more productive, we put people back to work, and we make ourselves more internationally competitive. So I just want to say this is an important step forward, but we have more to do.

Today, we are focused on roads, bridges, public transit—very important—but that is not the entire infrastructure. We have to pick up the issue on rail. We are falling further and further behind China, Japan, and Europe in terms of high-speed rail. We have to invest in rail and there are great jobs in doing that. We have to invest in our water systems and in our wastewater plants. We have to make sure every community in America has high-quality broadband as well as cell phone service. That is what infrastructure is about. We have not invested anywhere near the degree we should, and now is the time to get started.

So this bill, which focuses on roads, on bridges, and public transit is an important step forward, and I wish to congratulate Senator BOXER and her staff, Senator INHOFE and his staff for their important work.

With that, I would yield the floor.

Mrs. BOXER. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 14 minutes.

The Senator from California.

Mrs. BOXER. Mr. President, I wish to thank my friend, Senator SANDERS. He is a very active member of the Environmental and Public Works Committee. He is focused on jobs, jobs, jobs. He has looked at the green job sector. He has looked at the effect of what we do on the construction industry. I am ever so grateful to him. He also has been a very clear voice for the way to move this country forward by having a clean energy policy, which we are definitely going to be looking at in the days and weeks ahead. We are now at the moment where we are waiting to see whether our friends on the other side of the aisle will allow us to proceed to finish our work on three issues: One is flood control, one is helping to make sure student loan interest rates

do not double, and the third and biggest one involves the transportation sector.

We all know, whether we are Republicans or Democrats, our focus is on boosting this economy. This bill will do that like no other. In this Transportation bill we are talking about protecting 2 million jobs that are currently in place in this country in the construction sector and the transit sector. So these are the jobs that construction workers do on the highways, the freeways, the bridges, making sure our roads are in good shape and our bridges are not going to collapse because we have 70,000 bridges that are deficient, and we know what happens when there is a horrible failure of a bridge.

I know my ranking Member, Senator INHOFE, feels very strongly about this because he had an incident in his State where one of his constituents was actually killed by a bridge failing. We cannot sit by and allow the highway program and the transit program in this country to disappear. We have taken it up to the line.

I am very grateful to Ranking Member INHOFE. I am very grateful to Chairman MICA and to Ranking Member RAHALL for the work we have done in this conference. This is a bill that everyone can be proud of, whether they are Republican or Democrat.

CBO has scored this, and it actually returns money to the Treasury. We have support from people who don't agree on most matters. I am not only talking about Senator INHOFE and myself, who do not see eye to eye on many issues; we have come together on this. Besides that, we see the AFL-CIO and the Chamber of Commerce walking hand in hand asking us to please pass this bill. So we have a few little hold-ups now, but I am very hopeful we can work through them.

The highlights of this bill: Overall, jobs, jobs, jobs. Jobs in the private sector, businesses in the private sector. We are talking about leveraging a Federal program called TIFIA, which is going to mean, frankly, hundreds of millions of dollars that will go out the door to leverage funds at the local level as well as the private sector.

As we look at our bill, we see a reform bill. We see project deliveries speeded up from 15 years to 8 years without giving up the health and safety laws people deserve. We have not done away with any environmental law; we have just put deadlines in the law. We have put milestones in the law, and we have stated if people have a problem, let us know the problem and get on with it. If there is anything new—a new factor—we will look at that, but we cannot sit around and wait an average of 13, 12, 14, 15 years to get a project done.

There are no riders in this bill. There are no environmental riders in this

bill. I think that sends a good message to the public that we are focused on transportation. These other issues are going to be addressed, but they don't have to be addressed on this bill and become a target of a veto or a standoff between the parties.

What did we do on bike paths? We have had a lot of controversy. People are saying we did away with the money for alternative transportation routes, or bike paths, called safe routes to school, called pedestrian walkways. No, we saved the same level of funding, the same percentage of funding, but we gave more flexibility to the States with their 50-percent share so if they have another pressing need they can use it for something else. Frankly, if the grassroots people at home are not happy with the State, they can let the State know that. For the first time, the other 50 percent goes to the local people. This is very important.

We also have the RESTORE Act. This means those Gulf States that got hit so hard from the BP spill will be able to restore their areas. If they had economic damage, environmental damage, this will help. The money will come from the court settlement, and BP will then make those funds available. So it does not add a dime to the deficit.

So we have a bill that doesn't add to the deficit. We have a bill that will boost this economy. We have a bill that is supported by conservatives and liberals, progressives and moderates. I think it is a great day. I am sorry there are a few issues that got added on that are disappointing to certain colleagues. Believe me, I want to work with them to help resolve those problems. But I have to tell my colleagues, when we write a bill of this scope, of this nature, we are going to have some of these issues. We will work on them.

For my remaining time—how much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 7 minutes remaining.

Mrs. BOXER. I wish to discuss the Supreme Court ruling. In a very fascinating ruling, the Chief Justice decided that the Affordable Care Act is constitutional. I am not going to spend a lot of time discussing why he said it and why they decided it. What I am going to talk about is what will happen if the Republicans have their way and this law is repealed.

I want the American people to know—and I say this with no animosity at all—I am going to do everything I can to stop them from repealing it for a reason: The reason is the families in my State and all over the country who are getting the benefits of this law.

Governor Romney says it is going to be something he is going to do on the first day—he is going to repeal the health care law, if he gets elected, day one. Let me tell my colleagues very clearly what will happen.

There are 54 million Americans who are now getting access to free preventive services such as mammograms and immunizations, if they have private insurance. That is most of our people. They would no longer get free mammograms, free checkups—over and out. Fifty-four million Americans lose if Governor Romney and the Republicans repeal this bill—6 million of my people in California.

My seniors, over 300,000, would no longer get help with their prescription drug benefits. Now they are getting help. They will then go back to choosing between taking their prescription drugs or eating dinner. I am sorry, I am going to stand in the way, if I can.

Under Medicare, millions of seniors would lose access to free preventive services. Thirty-two million Medicare patients get these services for free, including cancer screenings and flu shots. Why on Earth would somebody or some party want to get up and say: I am repealing that?

There are 105 million Americans who will once again face lifetime limits on their health insurance plans. If someone is diagnosed with cancer and they look at their plan, it says they are covered up to \$250,000. That sounds like a lot of money. I can tell my colleagues now, that is not a lot of money for someone who is battling cancer. Now, suddenly, in a person's worst moments, when they are facing radiation and chemo, they have hit up against their lifetime limit. That will be gone.

More than 6 million young adults, including 300,000 in my State, would lose their health insurance because now they have a guarantee. Because of the health care bill, they can stay on their parents' coverage until they are 26. Why would anyone want to repeal that? Ask them. They do.

Insurance companies would no longer owe rebates to customers if those insurance companies spent too much on premiums and paid the CEOs exorbitant bonuses and paid hardly anything to help people with their health care. We are going to see 12 million Americans get back \$1 billion in rebate checks in August. They will stop that. They want to stop that.

How about millions of children who are now getting coverage because they have a preexisting condition. Before this law, they couldn't. So if a child was born with a heart defect, even if it was something that could be controlled, they couldn't get insurance. We pity those families. I have had reports of people in my State crying tears of joy when the Supreme Court acted because they could not get insurance because the woman—this particular one—had a preexisting condition, and now she can get insurance.

Because of the work of Senator SANDERS—and I helped him with it—we have community health care centers across the country getting funding. So if a

person has no insurance—or even if they have insurance—they can go to a community health center and, based on their ability to pay, get health care. That would be repealed.

School-based health centers would be repealed. Training of our health care workers would be repealed.

I will tell my colleagues, that is just what the benefits are today. In 2014, there will be a slew of new benefits. This bill, while not perfect—and we can fix the problems—is a good bill.

Just remember that everyone in our country gets health care, but the difference is some of them walk into an emergency room having paid nothing for a premium, even if they are wealthy, and they expect us to pay the bill in the emergency room. With the approach that Massachusetts Governor Romney took, he said if a person is responsible and can afford it, that person has to buy a minimal health insurance plan. President Obama got the idea from Governor Romney. I call it a personal responsibility premium. Some people call it a tax. Some people call it a fee. I call it a personal responsibility premium because most of the people I represent buy health care coverage, and a few just say: You know what. I feel terrific. I will wait until something bad happens to me and then I will go to the emergency room. And they can all pay.

That is what we have. We have the people who are responsible paying for the free riders. The idea that President Obama got was from then-Governor Romney.

So this is going to be a long election season, and there are going to be a lot of battles over health care.

I hope we will pass the bill that is in front of us and take care of the construction sector and transportation. I hope we will take care of flood insurance and student loan interest rates. We can do that with one vote on a bill shortly, if we get permission to move forward. If we don't, we will be here all weekend or whatever it takes to get it done. I am not going to go home until this is done.

I will also tell my colleagues—as we look at this health care battle, the lines are pretty clear. There are millions and millions of Americans who are getting benefits today. Why would anyone want to take away those benefits? Yet that is where we are in the debate. So I hope cooler heads will prevail.

Let's get on with bringing this economy back. Let's allow this bill—with a few corrections because we can always fix things that don't work—go forward. Let's stop the heated name calling. Let's make sure we work together, just as we did on the Transportation bill. I believe this is a good moment for this Senate today. I hope we can get our work done, and then we can actually celebrate something before we start battling over health care.

Let's celebrate and say to the construction sector: We need you to rebuild those broken roads, those broken bridges. We need you to make sure we get those transit systems up and running. Then, I honestly believe, the rest of these problems we will take up one at a time.

Thank you very much, Mr. President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. GRAHAM. I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT FIRST CLASS BRAD THOMAS, LIEUTENANT RYAN DAVIS RAWL, AND SERGEANT JOHN “J.D.” DAVID MEADOR, II

Mr. GRAHAM. Mr. President, I rise to pay tribute to three fallen National Guard members from South Carolina who were killed in Afghanistan on June 20, 2012, in Khost Province. They were members of the 133rd Military Police Company who were serving on this duty. There are now 16 members of the South Carolina National Guard who have died in combat in Iraq and Afghanistan since 2003.

With the July 4 weekend coming up, we are preceding one of our biggest holidays in America, and people rightfully will take some time off, I hope, to enjoy their families and friends and get away from work and have some family time. It marks a special event in our Nation's history: The founding of our Nation through a declaration of independence that was not just words but resulted in men and women fighting to achieve our independence.

Here we are a couple hundred years later and we are still fighting. My belief is, as to the radical Islamists who would kill us all if they could, it is better to fight them over there so we do not have to fight them here.

Afghanistan was the place the Taliban took over after the Russians left and invited al-Qaida into the country, with bin Laden as their honored guest. He had sanctuary there and was able to plan the attacks of 9/11 from sanctuary provided to him in Afghanistan.

Our goal is to never let Afghanistan become a sanctuary for al-Qaida or other terrorist groups. Thus, we are in a long struggle. It has been 10 years. It has been hard, but we are making progress. The Afghan Army is getting better and stronger. The police are getting more proficient at their job. We are going to be winding the war down in 2014. But I think we can do it in a fashion to make sure Afghanistan remains stable and our national security interests are protected.

But to make all those things possible—the weekend we are going to enjoy, and the holiday season, and de-

nying terrorists safe havens—some of us have to leave our families and go off and fight this war.

SFC Brad Thomas of Easley, SC, was killed in an attack on June 20. He was a graduate of Travelers Rest High School and attended Greenville Technical College. He was a member of the 133rd Military Police Company of the South Carolina Army National Guard.

He is survived by his wife Jana and a son Cayden, a brother and two sisters. I know the family is devastated. You are in our prayers, and God bless you and give you the healing and understanding during this tough time.

To SFC Brad Thomas, you died in the service of your country, and you will be missed.

LT Ryan Davis Rawl of Lexington, SC, was killed in the same attack. He was a first lieutenant in the 133rd MP Company. He graduated from Lexington High School. He was a graduate of the Citadel. He is survived by his wife Katherine and their daughter Callie and their son Caleb.

I just want to acknowledge to Katherine, who interned in our office, that you are certainly in our prayers. You did a great job for us, and anything we can do for any of these families in South Carolina, we will. We very much pray for you and your family.

Sgt John “J.D.” David Meador, II, graduated from Lexington High School. He was a member of the wrestling team and was a wrestling coach. He was a member of the same MP Company. He is survived by his wife Christy and three daughters: Olivia, Brianna, and Elana. To Christy and her family, you will be in our prayers.

This will be a tough weekend in South Carolina. We are going to have three funerals.

To General Livingston and the National Guard family, you are certainly in our prayers. This is a tough blow for an MP company to have three people killed in one attack. So to all the members of that company, we will do our best to take care of your families while you are gone.

We have had a big argument about health care and about transportation, and that is great—democracy in action. What is the right decision for the Court to have made in the health care case? Is this a good transportation bill? I appreciate in a bipartisan fashion trying to find a solution.

But I just wanted to take a few minutes before going to the holiday weekend and remind us of one thing we do have in common: Our freedom depends on people willing to fight for it, and the one thing about this war—whether you agree with the war in Afghanistan or not—virtually every American, regardless of political persuasion, has shown an appreciation for the troops and their families. I cannot thank Members of Congress enough for never losing sight. No matter how they feel

about this war, we all appreciate those who fight it, and we all suffer and mourn for those who lose their lives in this cause.

I believe this is a just cause. I believe these men who joined the military voluntarily and left their families to go to Afghanistan were doing so in the most noble tradition of the country—that they were trying to make our families safer, my family safer, and they died in the service of their country. And that is a life well lived. They died far too soon. They left behind young children, but they will never be forgotten.

May God grant them eternal rest and peace. May God bless and provide understanding and healing to the families left behind. And may, as Americans, we never forget that our freedom is dependent upon a few of us being willing to go to faraway places, with strange sounding names, and risk never coming back.

Mr. MCCAIN. Mr. President, if the Senator will yield, first of all, I thank the Senator for his eloquent statement on behalf of those who have served and sacrificed.

Since we will all be spread around at different places over the Fourth of July and celebrating our independence, I think those are very appropriate and moving words.

I am reminded of the saying at the battlefield, written:

They shall grow not old, as we that are left grow old:

Age shall not weary them, nor the years condemn.

At the going down of the sun and in the morning

We will remember them.

Mr. President, I ask unanimous consent for a brief colloquy with the Senator from South Carolina.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SEQUESTRATION

Mr. MCCAIN. Mr. President, we are also facing another crisis as far as the military is concerned; that is, the looming prospect of sequestration. The Secretary of Defense has stated that sequestration would have a “devastating impact” on our national security. We are talking about layoffs, and some estimates are of as many as 1 million workers in the defense industry. We are looking at unknown effects of the strategic thinking that goes on as we plan to defend our Nation’s security—for example, our shift in emphasis from Europe to Asia Pacific, which requires significant air and naval assets amongst other things.

I would ask my colleague—I am not sure the American people are fully aware of the effects of something that is supposed to take effect, as I understand it, at the beginning of the next fiscal year, which would be the beginning of October 2012. Is that a correct statement, I would ask my colleague?

Mr. GRAHAM. Yes, it is.

Mr. MCCAIN. So we are asking the Defense Department to plan on what our force structure will be, what our mission will be, what our capabilities will be, beginning the first of October, and all I can see so far is total gridlock on this issue.

Now, if somebody wants to say it is our fault because we refused to “raise revenues” or because of the other side’s insistence on that and a resistance to spending cuts, I say to my colleague, I do not think people understand we still live in a very dangerous world. The Senator just talked about those who have already sacrificed. Don’t we owe it to them and their families to stop something that all of us agree would have a catastrophic impact on our ability to defend this Nation?

Isn’t it true—would the Senator agree—that it is time we sat down and started having serious negotiations, because there is no greater responsibility the Congress and the people’s representatives have than to defend the security of this Nation?

I know the Senator from South Carolina—before I ask him to answer—traveled around his State, which I intend to do, to the various military installations and talked about what would happen with this sequestration. We are talking about a very limited period of time. We are about to go out of session. We will be in during the month of July—most of the month of July—and probably the month of September. End of story.

Mr. KYL. Mr. President, might I ask my colleague to yield, if I could add one other question to his very important question for my colleague from South Carolina.

I have a recollection that during one of the hearings the Senator from South Carolina specifically asked the Secretary of Defense what the consequence would be, and I recall he had a very dramatic response. I wonder if the Senator might share that with us as well.

Mr. MCCAIN. Mr. President, I ask unanimous consent that Senator KYL be included in the colloquy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRAHAM. Well, one, I hope my colleagues will stay around for a minute or two because this is an important topic to be talking about.

Let me put this in the perspective of what we are trying to do and what we are trying to avoid. We are about \$16 trillion in debt. There is probably no stronger defense supporters in the Congress than JON KYL and JOHN MCCAIN.

The Senator just spoke of war. JOHN MCCAIN has seen his fair share of war. I think he understands as well as anybody in this body—probably better than most—what happens in war. People get hurt and people get killed and anybody who has been in the military

is no fan of war. But the goal sometimes is to make sure those who are asked to fight a particular war can fight it quickly, overwhelmingly, win, and come home.

What we are doing is trying to get out of debt. The three of us are pretty big defense hawks, but we have all agreed the Pentagon has to reduce their spending too. I think all of us—particularly Senator MCCAIN—believe there is a lot of waste in the Pentagon and that we could achieve \$50 billion in savings over the next decade by reforming the way the Pentagon does business and, quite frankly, do more with less. So count us all in—the three of us—for reducing defense spending to help get us out of debt.

But here is what has us all upset. The supercommittee that was formed by the Budget Control Act had a mission of cutting \$1.2 trillion over a decade to help get us out of debt. That is a pretty small number given what we are going to spend over the next 10 years. But the committee—Republicans and Democrats—could not find common ground as to how to cut \$1.2 trillion over the next decade. There was a penalty provision in the law, and it said that in the event the supercommittee failed, we would cut \$1.2 trillion over the next decade as follows: \$600 billion out of the Defense Department, \$600 billion out of the rest of the government.

If that penalty kicks in, then we will have cut \$1 trillion out of the Defense Department over the next decade, blindly, across the board. Every account gets affected.

What did Secretary Panetta say? He said: Sign me up for \$450 billion. I think we can get there. We will lose some capability, but we will be OK as a nation. We could fight Iran and win if we had to.

Then I asked him: What if we did \$1 trillion over the next decade—if we over doubled what you are trying to cut? He said: We would be shooting ourselves in the head as a nation. We would not have the ability to go in and take out the nuclear program in Iran because the weapons we need we could not maintain and afford.

When it comes to personnel costs, we are reducing the Army by 80,000 people under the \$450 billion plan. If we do sequestration on top of that, I say to Senator MCCAIN, we are taking another 100,000 people out of the Army. Under sequestration, the Navy would be down to a little over 200 ships. We would have the smallest Navy since 1915, the smallest Air Force in the history of the country, and the Army would go back to 1940 levels.

To my colleagues, do you believe the world has gotten that much safer that we do not need a Navy bigger than in 1915, given the threats we are facing from Iran, China, North Korea? Do you think now is a good time for the country to basically disarm, given the

threats we face from radical terrorism throughout the whole globe?

So here is what we are going to do, and our congressional leaders need to be on notice. About 1 million people would lose their jobs if we put these cuts in place, and we would destroy the defense industrial base that provides good jobs to the economy and keeps us free and safe by giving our people technology better than the enemy has.

Three National Guardsmen were killed in June in Afghanistan. We have improved the National Guard. But when we first started this war, National Guard units were leaving to go to the fight with inferior equipment. They did not have armor. So if we do sequestration on top of what we are already trying to cut in the Defense Department, we will destroy the finest military in the history of the world at a time we need it the most.

This is a body known for doing some pretty dumb things. This would be the prize. So what Senators MCCAIN, KYL, and myself are trying to do is avoid sequestration before the first of the year so our defense people can plan. If we do not set this aside before the election, that is political malpractice. I thank Senator MCCAIN and Senator KYL for their leadership.

Mr. MCCAIN. I wish to add—I note the presence of the Senator from New Hampshire who has also played a very key leadership role, including working with the mayors of every city in America, who have issued a resolution about their concern about this issue.

I wish also to state to my friends and colleagues that I know the chairman of the Armed Services Committee, whom I have had the opportunity of working with for 25 years, the Senator from Michigan, also shares our concern.

I hope we could at least get some of us together who have been involved with these issues of national security for so many years on both sides of the aisle, that we could reach some kind of an agreement. We know additional sacrifices have to be made when we are facing a \$16 trillion deficit. But to take the overwhelming majority—well over 50 percent of these reductions—out of what is about, I believe, 12 percent of our spending is obviously not appropriate.

One other point. If the President of the United States shares the concern that the Secretary of Defense shares—catastrophic, impossible to plan on, so draconian that it would cripple our ability to defend this Nation; all of those are statements which the Secretary of Defense has made—I would argue that it would be appropriate, and I would sincerely ask that perhaps the President of the United States also be involved and members of his administration or charter members of the administration to sit down with us to see how we could resolve this.

So far the executive branch has not been involved in these efforts, with the

exception of the Secretary of Defense, who has told us in the most graphic terms the devastating consequences. Again, I want to point out to my colleagues: You have to plan, especially in national defense, what weapons you are going to procure, the number of people you are going to maintain in the military, what those missions are going to be.

All of those right now, if held in abeyance in the Pentagon as far as planning is concerned, cannot have a great deal of validity if we are staring at sequestration and these draconian reductions.

Mr. GRAHAM. Would the Senator yield?

Mr. MCCAIN. Yes. And I know our most eloquent member has arrived on the floor, not to mention other attributes we are lacking.

Mr. GRAHAM. I would like all three Senators to comment on this proposition. You have just challenged the President, who is the Commander in Chief, by the way, to fix the problem that your Secretary of Defense has said would be most devastating to our ability to defend ourselves. He said it would be catastrophic, it would be draconian, there is no way to plan for it, we would be shooting ourselves in the head. Mr. President, you are the Commander in Chief. When your Secretary of Defense and every general under your command is telling you and the Congress, you need to fix this before it gets out of hand, why are you not asking us, as Republicans and Democrats, to answer the call of the Secretary of Defense? You are the Commander in Chief, my friend. It is your job to make sure our military has what it needs to go fight wars that we send them to fight and protect our Nation.

But that is not enough. It is also our job as Members of Congress to take care of those who serve. So to our Republican and Democratic leader: Why do you not convene a group of Senators? And to our leaders in the House: Why do you not get a group of House Members, and ask us to come up with a plan to do at least one thing, avoid the consequence of sequestration for 1 year in 2013, to take the monkey off their back?

I am willing to meet our Democratic friends in the middle to find a way to offset the \$110 billion in defense and nondefense spending. But to our leaders and to the President, if you think the rest of us are going to sit on the sideline and let this matter be taken up in lameduck when it becomes a nightmare for the country, you can forget it. So we are challenging our leaders and the President to get a group together to fix this.

I ask Senator MCCAIN, do you think that is a good idea?

Mr. MCCAIN. I know it is the only way we are going to solve this. I ask unanimous consent that the Senator

from New Hampshire be included. I know the Senator from Tennessee, our friend Senator CORKER, is waiting. But I think my friend from South Carolina, as usual, has stated the problem and a solution here. The problem is, we face a devastating impact on our national security. The solution is for our leaders and the President—if possible—to convene a group of Senators, whether it includes us or not is immaterial, on both sides of the aisle, on both sides of the Capitol, to sit down and work this out so we can avoid the sequester.

I will take responsibility for sequester if that is what is necessary. But I also say that without concrete, significant, and meaningful action to cause this sequester to be prevented, we are risking the lives of our young men and women who are serving in the military. I do not know of a greater responsibility that we have.

I ask the Senator from New Hampshire if she agrees.

The PRESIDING OFFICER (Mr. BLUMENTHAL.) The Senator from New Hampshire is recognized.

Ms. AYOTTE. I join with my colleagues over the concern, deep concern that keeps me up at night about sequestration, because we cannot do this to our national security. Both sides of the aisle have to come together. We need leadership from our Commander in Chief on this issue.

To put it in perspective, I asked the Assistant Commandant of the Marine Corps what the impact of sequestration would be on the Marines. Do you know what he told me? That the Marine Corps of the United States of America would be unable to respond to one major contingency. Talk about putting our country at risk and putting ourselves in a situation where unfortunately there are still so many risks around the world that our country needs to be protected from. To think that our Marine Corps would not be able to respond to one major contingency. It is outrageous. It cries for bipartisan leadership on this issue, particularly leadership from our Commander in Chief.

To put it in perspective, it is not just an issue of our national security. You would think that would be enough to bring people to the table. But we are talking about jobs across this country. The National Association of Manufacturers has estimated it would be nearly 1 million jobs; George Mason University, the same.

To my colleagues, looking around here, polling some States in terms of the estimate of job losses: 24,000 for Alabama. When we look at a State like Missouri, 31,000, when we look at a State, for example, like Florida, 39,000 for Florida. This is an issue that will hit every State in this Nation.

But, most importantly, what I am concerned about is it is going to hit our military in a way that we break

faith with our troops. In fact, General Odierno of our Army has said he would have to cut an additional 100,000 troops from our Army on top of the reductions we are making right now, approximately 72,000, and 50 percent of it would have to come from the Guard and Reserve.

You think about the important function not only of protecting our country, we could not have fought in Afghanistan or Iraq without our Guard and Reserve. I am the proud wife of someone who served in the Iraq war. I can tell you, it is not only the function that our Guard and Reserve play in terms of protecting us overseas, but they also perform a very important homeland function. Every Governor in this country will be deeply concerned if we are going to diminish our Guard and Reserve. So this is an issue that cries out for leadership from both sides of the aisle. I look forward to working with my colleagues on this now. It cannot wait until a lameduck session. We cannot put our national security in the balance, and nearly 1 million jobs at issue, to a lameduck session. This is something we should resolve right now.

I appreciate that my colleagues have come to the floor to talk about this issue today. We must get this done on behalf of the American people and our men and women in uniform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I think Senator CORKER from Tennessee was on the floor before me. I do not know if we are going back and forth or how long he expects to speak. I wish to yield to him to see what his plans are.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I thank the Senator from Illinois. I am going to speak for about 2½ to 3 minutes if that is okay.

Mr. DURBIN. I would be happy to yield to the Senator from Tennessee. I ask unanimous consent that I follow him.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET CONTROL ACT

Mr. CORKER. Mr. President, I appreciate the comments of my friends from New Hampshire and Arizona and South Carolina regarding the sequestration. I will say the reason we are in this sequestration mode is that six Republicans and six Democrats could not figure out a way, over a 10-year period, to cut \$1.2 trillion in spending out of \$45 trillion that is going to be spent by the Federal Government during that period of time. So I do hope there is a way to resolve that. But I am here to speak about something related, but in some ways very different.

Today we are getting ready to vote on some legislation dealing with flood insurance, dealing with student lend-

ing, dealing with highways. And these are all very popular programs.

What people who are listening, who may be paying attention to what the Senate is doing today, what they may not know is that for the third time, in a bipartisan way, this body is getting ready to spend more money than was deemed by the budget that was ultimately created by the Budget Control Act last year when the country almost shut down trying to save a mere \$900 billion over the next 10 years. So a vote today for this piece of legislation is basically a vote to say the Senate cannot be entrusted to carry out what it laid out last August to keep us from spending money we do not have. I know there are going to be some budget points of order that will be brought forth at some point later today.

I want to say as one Senator from Tennessee, it continues to be unbelievable to me that this body does not have the courage, does not have the will, does not have the discipline to even live within a very modest budget that was laid out last August. Today I am certain we are going to pass legislation that spends billions of dollars more than we agreed to in the Budget Control Act and especially the deemed budget that came after that, the deemed budget that was put in place as a result of what we passed last August.

I would say all those who vote for this today are basically saying we do not have the discipline to live within our means. The problems our Nation faces fiscally are only going to get worse. I think this is a very sad day for our country if that, in fact, is what happens within the next 2 or 3 hours on the Senate floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

SEQUESTRATION

Mr. DURBIN. Mr. President, I thank the Senator from Tennessee for his comments. I share his concern about our deficit. I was a member of the Simpson-Bowles Commission, voted for the commission report, bipartisan effort to reduce the deficit by \$4½ trillion over 10 years. I think we set in place a description, maybe a guidepost for how we can do this.

I would agree with him that we need to take care in the money that we spend now which will add to the deficit, though I have to say my understanding is this transportation bill is paid for. There are revenue sources that are part of this. I know the student loan continued decrease in interest rates to 3.4 percent for student loans is paid for. I believe the changes within the Flood Insurance Program, which is part of this package as well, the Republican leader spoke to that this morning, reforms in that program will move it closer to sustainability and solvency. It is not where it needs to be, but it is moving closer.

But I want to address, if I can, for a minute what has been a topic on the floor this morning about the planned cuts in the Department of Defense. Let me say at the outset what we all agree upon. No. 1, we never, ever want to shortchange America's security, never shortchange our men and women in uniform.

A nephew of mine who serves as a doorman in the gallery recently returned from 1 year in Afghanistan. We were sending packages and were worried about Michael every day. He got home safely. That is happening over and over across America. I wanted my nephew to have all he needed to come home safely. I think everybody feels the same when it comes to the Department of Defense.

Let's step back and look at this deficit debate. Allow me to put it into perspective for a moment. The last time we balanced the Federal budget was not in the 19th century, it was about 11 years ago. It was a time when William Jefferson Clinton was President, and for 3 years we had a balanced budget under a Democratic President—3 years.

When we reach a balanced budget, if you said, "What do you have in terms of spending and revenue?"—they are the same—here is what we found: Revenue and spending both equaled 19.5 percent of America's gross domestic product. The gross domestic product is the sum total of the goods and services produced in America every year. It changes and grows. The last year we were in balance, taxes equaled 19.5 percent of our GDP and Federal spending equaled 19.5 percent. We had a balanced budget.

Now we are in deep water. We saw the accumulated debt of the United States more than double under President George W. Bush, and it continues to grow, because of the recession, under this President. Our annual deficits are over \$1 trillion and are unsustainable. We borrow 40 cents for every dollar we spend, whether we are buying military equipment or paying for food stamps. That is unsustainable.

But now that we know there was a time when we were in balance, it is fair to say: What happened to spending since this budget was in balance? If you do it in constant dollars so there is no monkeying around with numbers, here is what happened since we were last in balance in our budget: Domestic discretionary spending equals student loans, medical research, transportation—all of the different things that don't fit into the Department of Defense. The spending in those areas since we were last in balance has been flat, with no increase.

What about spending for entitlement programs—Medicare, Medicaid, programs such as those—and veterans' care? What has happened to that since we were last in balance? Since we were

last in balance, the spending on entitlement programs has gone up 30 percent. Why? The baby boomers have arrived; 10,000 people a day reach the age of 65. They paid into Social Security and Medicare their whole life, and they show up now and say: It is our turn. Because of that, entitlement spending has gone up.

Let's look at the third part of the budget, which was addressed by my Republican colleague this morning—defense spending. What has happened to defense spending since the budget was in balance? Domestic discretionary flat; entitlements 30 percent. As of this year's budget, defense spending will have risen 73 percent since the budget was last in balance.

We created a supercommittee, and Senator KERRY of Massachusetts, who is here, was a member. They said: Let's find ways to reduce the deficit by \$1.2 trillion over 10 years. They tried. I am sure Senator KERRY will speak to that effort. At the end of the day, they could not reach a bipartisan agreement on how it would be done. The law we passed said: If you cannot reach agreement, we are going to do it automatically. We are going to take \$500 billion out of defense and \$500 billion out of nondefense spending. That is what this is about. People are coming to the floor and saying that we cannot take another \$500 billion out of defense spending.

I will tell you that I think that is a lot to be taken out in light of what we have already anticipated we are going to reduce in spending. I think it will cause some serious problems. But I reject the notion that that \$500 billion, if it is taken out of domestic discretionary, won't have equally horrible results.

So I say to my friends on the other side of the aisle, when you had a chance in the supercommittee to deal with spending cuts of a lesser amount or deal with revenue, closing tax loopholes, you walked away from it. Now you are complaining that we may end up cutting defense spending.

Incidentally, if the sequestration number went through—the additional \$500 billion in cuts over the next 10 years—it would bring the amount of money we spend on defense to the same percentage of the GDP as it was when the budget was in balance.

So my friends who are speaking for national defense, I join you, but I also speak for investments in America when it comes to education, innovation, and infrastructure. That will help our economy grow. And sequestration on the domestic side is unacceptable, from this Senator's point of view, as well.

We clearly need to get beyond this and talk about an honest answer to reducing the deficit. An honest answer, going back to Simpson-Bowles, puts everything on the table—everything. To my friends on the other side, I say that

it puts revenue on the table, and it must. It puts entitlement programs and spending cuts on the table, and it must. That is the only honest way to address this issue. To pick it off and say that we are going to take the one area that has grown in spending by 73 percent and ignore it and then have them say that we don't touch revenue leaves two possibilities: If we are going to do anything about the deficit—deeper cuts in programs such as student loans, medical research, or cuts in Medicare—that is what it comes down to. They are hard choices, right? I think the Bowles-Simpson approach of putting everything on the table is the right approach.

I urge my colleagues on both sides to take this pain that we are facing December 31 and turn it into an opportunity to work on a bipartisan basis to reduce this deficit.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

SURFACE TRANSPORTATION

Mr. LEE. Mr. President, I stand to raise a concern I have regarding the conference committee report to accompany H.R. 4348.

Pursuant to paragraph 9 of rule XXVIII of the Standing Rules of the Senate, we are supposed to have adequate notice of a report like this before we have the opportunity to vote on it. The rule states:

It shall not be in order to vote on the adoption of a report of a committee of conference unless such report has been available to Members and to the general public for at least 48 hours before such vote.

The current version of the committee report was filed, as I understand it, at 8:07 p.m. last night. It is not even close to the 48 hours required notice.

What we have, ultimately, when we look at this, is the fact that we have a highway bill that was sent to conference, but it came back from closed-door negotiations with a student loan bill and also with a flood insurance bill attached to it. We were neither given the chance to debate nor to amend these provisions before they came to the floor. Now we are approaching a vote on that.

We did not provide our fellow Senators or the American people with an adequate opportunity to read the 596-page conference report, which is required by our very own rule. This is somewhat reminiscent of a statement made a few years ago by then-Speaker of the House NANCY PELOSI when, speaking to Members of her body regarding the passage of the Affordable Care Act, she said:

We have to pass the bill so that you can find out what's in it.

This is one of the problems we have in Washington of which the American people are becoming increasingly aware. It is a problem that I think we need to address. Time and again, we

have a problem in which the Senate waits until the day before a holiday or the day before a scheduled instate work period before bringing something to the floor for a vote—without following the Senate's own rules, which are designed to promote and protect the openness and transparency of the legislative process. This is a troubling trend and one we should seek to avoid whenever and wherever possible.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. PAUL. Mr. President, currently Congress has about a 10-percent approval rating. One of the reasons is that we don't even obey our own rules.

For goodness' sakes, this is a 600-page bill. I got it this morning. Not one Member of the Senate will read this bill before we vote on it. We are going to vote on this in the next 30 minutes. I, Senator LEE, and others will object to this. We will have a point of order that our own rule says it has to be posted online for 48 hours. It is 600 pages, and nobody will read it. No wonder our approval rating is 10 percent. Nobody knows what we are voting on. In fact, provisions were stuck in this bill last night that have nothing to do with any of these bills. They have been stuck in and we are just now discovering it. I passed two Senators in the hall who are trying to get something out of this bill that affects their States, which they found out about just minutes ago. Nobody would have known about it if they had not found out about it.

There are three bills in question here: transportation, student loans—on the student loan bill, originally we had loans at 6 percent, and it was somehow bringing in money to the Treasury. We were using that money to pay for ObamaCare. Now it is at 3 percent, and that money is gone. Where is the money to pay for ObamaCare? We have a shell game up here. We say one thing will pay for it, and now this will pay for it—the money disappears.

Now they are saying they are going to pay for this by taking money out of pensions. Raise your hand if you think it is a good idea to underfund pensions more. Over half of the pensions in this country are technically insolvent because they don't have enough money to pay for them. Is it a good idea to have less money go into workers' pensions to pay for a student loan program?

I have a bill in Congress that says we should read the bill before we pass it. We should wait 1 day for each 20 pages, to be given time to read 600-page bills. At the very least, we ought to adhere to our own rules. They say it should be posted online at least 48 hours. Forty-eight hours is still a challenge to find out everything in here. Do you know how long the Federal Register is—55,000 pages, which is added to annually. When you read this, you have to refer to the Federal Register, which is

hundreds of thousands of pages, to find out what they stuck in this bill in the dead of night. This isn't the way we should operate.

The American people want to know why do we say the government is not going to do something for 3 days. What were they doing the previous 3 months?

The other side hasn't produced a budget in 3 years. That is against the rules. The rules of the Senate say you must produce a budget, and they didn't do it for 3 years. When we presented them with a budget that we wrote for them, nobody voted for it, and zero on the other side voted for their own President's budget.

How are we going to compromise if they are not showing up for work? How are we going to get anything done if they don't obey their own rules?

I will raise a point of order in the next hour that says that we have broken the rules of the Senate, and I will ask them to vote on it. I fully expect that the Parliamentarian will rule in our favor. We will see. The other side will simply close their eyes to the rules, and they won't care what the Parliamentarian says, and they will overturn this by saying: We are the majority, and we deem it so. We are the majority, and we don't care what is in the bill or to take time to read the bill; we just deem it so.

I think this is why the American people are unhappy with what is going on here. I object strenuously. I will vote against this, and I will raise a point of order that says we should read the bill before we pass it.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank Senator PAUL for raising these issues. We are mismanaging the American people's money. It is good to see Senator LEE, who just spoke, and Senator PAUL, both new Members of the Senate, who have been out talking to the American people and made commitments that they are going to work to try to improve the process here. I celebrate their activity, their vigor, and their determination, and a lot of others feel the same way in our body.

Shortly we will be moving a cobbled-together bill. An attempt will be made to accomplish this. I expect budget points of order and another point of order to be raised.

I want to share some thoughts about how it is we do business and some of the efforts that are not legitimate as we go about our business and are dangerous to the financial health of America.

Let's take what we call the LUST fund. I know it is an odd name. The true name of it is the leaking underground storage tank fund. People who have them have to pay fees, and it goes into a fund. The idea of the fund is to be available when cleanups need to be done. When the company or other com-

panies have gone bankrupt and there is no money, this fund will pay to clean up the waste. Maybe it makes sense. It has been operating for quite a number of years. It has run up a surplus. That surplus is in the LUST trust fund—leaking underground storage tank fund—and where does it go? What do you do with that money?

The Treasury of the United States is spending more money every year than it takes in. This year we will spend approximately \$3.7 trillion. We take in about \$2.4 trillion, and we have a \$1,300 billion deficit. That is how much we are spending. We spend around \$3.7 trillion and are taking in about \$2.4 trillion, and we have about a \$1.3 trillion deficit this year—the fourth consecutive year that we have had almost a \$1,000 billion deficit. We will have a big one again next year because we are systematically overspending.

But let's look at this fund—it has some real money in it, a number of billions of dollars—and what happens to it. Well, when the government spends more money than it takes in, it takes the money from the LUST fund. Well, how does it get it? It borrows it. So there is actually a debt instrument from the United States Treasury to the trustees or the holders or managers of the LUST trust fund, and they have loaned the money. They do not need it today, so they loan it to the government so they can spend it. And it has been borrowed and has been spent.

The assets in the LUST fund are nothing more than debt instruments from the U.S. Treasury. But on the books, it appears this LUST fund has assets. I guess in a sense it does. It has U.S. Treasury notes. So the people looking around to spend money and to try to meet the demands of our constituents—to build highways in this case—decided they could take that money.

And you know something, it does not score as an expenditure in that fashion. It is an odd way this is done. It is seen as found money that they can go over and spend. But where does the money come from? The money is not in the fund, remember? The fund holds Treasury bills. But the highway trust fund doesn't want Treasury bills, it wants money that can be spent. So what happens is the U.S. Treasury, which has been borrowing money from another government agency and giving a debt instrument in return, has to come up with the money now. It is going to be spent. It is going to be taken out of the trust fund. So where do they get the money? They convert an internal debt to an external debt.

The only thing they will do is borrow more money. So it will be this many billions of dollars more than \$1.2 trillion or \$1.3 trillion that we have. The debt is converted to a public debt, and somebody in China or in Japan or in New York will loan money to the gov-

ernment and they will use that money to pay the highway trust fund with it.

You see how circular that is? It allows the money to be double counted. And that is actually what happened with President Obama's health care bill. That \$400 billion was funded this way. Social Security still has a surplus. Although it has been drawn down, it still has a surplus in its account—or Medicare does. So the Medicare trustees raise Medicare taxes, they cut Medicare benefits, and they save \$400 billion. And that would be money of the Medicare and the trustees. It is their money. But what happened with it? Under the conventions of accounting, the money was available to be spent by the U.S. Treasury, and the U.S. Treasury then would spend it on the new health care bill.

The Congressional Budget Office Director, Mr. Elmendorf, wrote me a letter the night before the bill passed—Christmas Eve—and he said this is double counting the money. You can't simultaneously count it as making Medicare better and providing new money to fund the health care bill. Four hundred billion dollars on the night before the vote he announces this is double counting. If a private business were to do it, they would be in big trouble, I suggest. They might be sued for fraud. They would be sued for fraud.

So the money was done in that fashion, and the way it happened was Mr. Elmendorf said it is double counting the money. You cannot simultaneously benefit Medicare and fund a new health care program, although the conventions of accounting might suggest otherwise. So the real smart financiers, what did they do? They figured out how to use the conventions of accounting in a way that obscured the fact they didn't have the \$400 billion and that it was, in truth, borrowed money.

Mr. President, I see my colleagues on the floor, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I just have a couple of comments to make for clarification purposes.

First of all, I don't think anyone is going to question my conservative credentials over the years I have been here. I have been really offended by a lot of the things that have happened structurally in this institution, over in the House, but so far as this bill is concerned, let me clarify a couple of things.

It sounds good to stand up here and say we have only had a matter of minutes to look at something that is 500 pages. We have had this bill for a long time—for several days. We have had it and gone over everything. On the bill we sent from the Senate to the House, it is essentially the same thing.

I didn't agree when they added the two provisions on student loan and flood insurance. I didn't agree with

that. Everyone knows those issues, but I don't think they should have been on here. Nonetheless, we didn't have any control in this body over that. But as far as the provisions of the bill are concerned, these provisions we have seen. And everyone who has spoken against it has been there when we have talked about the great reforms, and I have commented several times that I thought one of the problems was we did too good a job because we had too many reforms. But when it got over to the House, where they are inclined to have more reforms there, they had to start from a base where we had done a good job. Streamlining and enhancements and all those things are in it.

The only thing I can say, from a conservative perspective, is we have seen this bill. We have lived with this bill, not just hours but for days, and actually for weeks, the basic provisions of the bill. But what we have to realize is there is an alternative to what we are doing here today, and that alternative—and the only alternative—is to go back to extensions.

If we go back to extensions, a couple of things happen. No. 1, we don't have any of the reforms we have in the bill; No. 2, we throw away about 30 percent of the money—

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Will my friend yield for a question?

Mr. INHOFE. Yes, of course.

Mr. REID. Through the Chair, I would ask my friend, the ranking member of this committee, is it true this is basically the same bill we are going to vote on today that passed this institution in March?

Mr. INHOFE. It is true, I say through the Chair. It passed this institution with 74 votes, as I recall.

Mr. REID. So again, people have had since March to read this bill and to get up to speed a little bit, don't you think?

Mr. INHOFE. I answer in the affirmative.

Mrs. BOXER. Mr. President, would my friend yield for 1 minute? I want to correct the RECORD.

There are a few changes, there is no question. We have speeded up project delivery, as my friend knows. We gave a little more flexibility to the States in terms of the TE program. So a few things were changed. But my friends are right, primarily, this is a similar bill. It takes the money and we say we are going to spend the same thing, plus inflation. And it is true these bills have been out here for a long time. Actually, they passed our committee, I say to Senator INHOFE, in November of last year.

Mr. INHOFE. I respond, yes, that is correct. That is accurate.

I think that is very important too because we have been talking about this

bill for a long period of time. We actually started trying to get a highway reauthorization bill way back in 2009, when the old bill from 2005 expired.

But the problem is—and I want to get back to where I was—there is an alternative to this bill. If we defeat this bill, we go back to extensions. If we go back to extensions, first of all, we are losing about 30 percent of the money off the top. Everybody knows that. Secondly, we don't get these reforms. If people are concerned out there—conservatives—that they want to defeat this and go back to extensions, they are not going to have reform with the enhancements. Right now the law requires 10 percent, depending on how we want to put it, in total funding or 2 percent of surface transportation. That has to be spent on transportation enhancements.

My good friend, the chairman of the committee, Senator BOXER, and I disagree on enhancements. She likes them; I don't. I want money to be spent on concrete, on roads and bridges. This is what I think we should be doing. But that is a disagreement we had and so we had a compromise where she can have—and anyone can have—what they want. It is an oversimplification, but it means, yes, this money is going to be put into something. It can be enhancements. In my State of Oklahoma, it is not going to be in enhancements, it is going to be paying for some of the unfunded mandates. It will be paying for things we have to do in terms of the environment and things that are required. So we have solved that problem. If we don't pass this bill, we go right back and it will have to go to enhancements.

On streamlining, all the streamlining is in this in terms of environmental streamlining. Talk to any of the road contractors out there and they will tell you about the waste of money and the number of miles of roads they can't do because of some of these requirements—these environmental requirements. We have streamlined those requirements. If we don't pass this bill, we will go back to extensions and the same thing applies—we are going to lose all those opportunities. So not only will it cost more, we will not get the streamlining.

I am very proud of a group that has always supported me, the American Conservative Union. Is there anyone around here who doesn't think the American Conservative Union isn't conservative? I made this a part of a speech yesterday, an editorial by Al Cardenas, the chairman of the American Conservative Union. It is an op-ed piece he wrote. But let me read now two short paragraphs from this op-ed piece from the American Conservative Union:

Article One, Section Eight of the Constitution specifically lists interstate road-building as one of the delineated powers and responsibilities vested in the federal Govern-

ment. In Federalist Paper #42, James Madison makes an early case for the federal government's role in maintaining a healthy infrastructure, by stating "Nothing which tends to facilitate the intercourse between states, can be deemed unworthy of the public care."

And the article goes on to say—and, remember, this is the American Conservative Union.

Perhaps most importantly, those of us who believe in constitutional conservatism understand that unlike all the things the Federal Government wastes our money on, transportation spending is at the core of what constitutes legitimate spending.

That is from the American Conservative Union. I wanted people to understand that voting for this is the conservative approach. We get more for the money being spent, it has all the streamlining in it, and it is our constitutional responsibility. This is what we are supposed to do. There are only two ways of doing it: one way is to pass this bill and the other is to operate under extensions, and I think it is very important for people to understand that.

With that, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE H.R. 4348

Mr. REID. I ask unanimous consent that notwithstanding lack of receipt of the papers with respect to the conference report to accompany H.R. 4348, at 12:55 p.m. today, the Senate proceed to a series of stacked votes as outlined in this agreement; that the time until then be equally be divided between the two leaders or their designees; that the only points of order in order to the conference report be budget points of order or points of order relative to rule XXVIII, which is the scope of conference, or rule XXVIII, paragraph 9, availability; that if a rule XXVIII scope of conference point of order, rule XXVIII availability point of order or budget-related point of order is made against the conference report and an applicable motion to waive is made during any debate time, the Senate proceed to vote on the motions to waive in the order they were raised following the use or yielding back of time; that if the motions to waive are successful, the Senate proceed to vote on the conference report; that adoption of the conference report be subject to a 60-affirmative-vote threshold; that there be 2 minutes equally divided in the usual form prior to each vote, and all after the first vote be 10-minute votes, and I ask that in spite of the fact the votes may not come right after each other, all the rest today will be

10-minute votes; further, that if the conference report is adopted, the title amendment be agreed to; finally, that no motions to recommit be in order to the conference report.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, on behalf of Senator PAUL, I raise a point of order that the conference report on H.R. 4348 has not been publicly available for 48 hours as required by rule XXVIII, paragraph 9.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I move to waive paragraph 9 of rule XXVIII with respect to the conference report to accompany H.R. 4348.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Hawaii (Mr. INOUE), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Oklahoma (Mr. COBURN), and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted "nay."

The yeas and nays resulted—yeas 72, nays 22, as follows:

[Rollcall Vote No. 169 Leg.]

YEAS—72

Akaka	Coons	Landrieu
Barrasso	Durbin	Lautenberg
Baucus	Enzi	Leahy
Begich	Feinstein	Levin
Bingaman	Franken	Lieberman
Blumenthal	Gillibrand	Lugar
Blunt	Graham	Manchin
Boozman	Hagan	McCaskill
Boxer	Harkin	McConnell
Brown (MA)	Heller	Menendez
Brown (OH)	Hoeven	Merkley
Cantwell	Hutchison	Mikulski
Cardin	Inhofe	Murkowski
Carper	Isakson	Murray
Casey	Johanns	Nelson (NE)
Chambliss	Johnson (SD)	Nelson (FL)
Cochran	Kerry	Pryor
Collins	Klobuchar	Reed
Conrad	Kohl	Reid

Rockefeller
Sanders
Schumer
Shaheen
Shelby

Stabenow
Tester
Thune
Udall (NM)
Vitter

Warner
Webb
Whitehouse
Wicker
Wyden

NAYS—22

Ayotte
Burr
Coats
Corker
Cornyn
Crapo
DeMint
Grassley

Hatch
Johnson (WI)
Kyl
Lee
McCain
Moran
Paul
Portman

Risch
Roberts
Rubio
Sessions
Snowe
Toomey

NOT VOTING—6

Alexander
Bennet

Coburn
Inouye

Kirk
Udall (CO)

The PRESIDING OFFICER. On this vote the yeas are 72, the nays are 22. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to and the point of order falls.

The majority leader is recognized.

Mr. REID. Senator COATS wishes to speak.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I would like to raise the point of order that section 1538 of the conference report to accompany H.R. 4348 violates rule XXVIII as it is a matter not committed by either House.

This is not a partisan issue. The Senator from Illinois, Mr. DURBIN, the Senator from Ohio, Mr. BROWN, the Senator from Illinois, Mr. KIRK, and I reached an agreement on how to deal with this issue. Yet during this conference work that was proceeding in the dark of the night—

The PRESIDING OFFICER. The point of order is not debatable.

Mr. COATS. Mr. President, I am not debating it. I am explaining it.

Mr. REID. Mr. President, I move to waive all scope of conference points of order on rule XXVIII.

The PRESIDING OFFICER. Are there further points of order?

Mr. COATS. Mr. President, I ask for a recorded vote.

The PRESIDING OFFICER. If there are no further points of order on rule XXVIII, the yeas and nays have been asked for on the motion to waive.

Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. There is now 2 minutes of debate on the waiver.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. COATS. Mr. President, I jumped the gun a little bit. This gives me a chance to explain it twice. Let me say there was a bipartisan agreement that was reached on this. I will not name names, but after it went over to the House, somebody dropped something in the middle of the night to change this whole process.

The issue is not just so-called Asian carp; the issue is that if this language is allowed to proceed, we will be au-

thorizing over \$100 billion of potential spending to address this without any review by the Congress. All we ask for in our agreement was a simple opportunity to review the study by the Corps of Engineers so we can make a decision based on all the facts, which included over \$100 billion of authorized spending. That is why I urge my colleagues to oppose any effort to waive this rule.

Mr. LEVIN. Mr. President, the provision in question simply accelerates a study of invasive species such as the destructive Asian carp, a study essential to protecting the Great Lakes, a resource that is vital to the health, safety, and livelihoods of millions of Americans.

The study was included in the Water Resources Development Act of 2007 that authorized the Army Corps of Engineers to conduct a feasibility study to prevent the spread of aquatic nuisance species between the Great Lakes and Mississippi River basins.

Since that time, Congress has provided over \$13 million to the Corps to conduct this study. The Corps maintains that the study cannot be completed until the end of 2015.

The provision included in the conference agreement before us today would accelerate this study and require its completion within 18 months.

We should not minimize the threat of the destructive Asian carp entering the Great Lakes.

If Asian carp got into the Great Lakes, they would not only pose a very serious threat to the environment but would have a devastating effect on thousands of local jobs and a \$7 billion fishing industry.

Accelerating this study would put us on a better track to protect one of our Nation's greatest treasures and the thousands of jobs that depend on it.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I know everyone is anxious to finish. I am too. This is a massive bill. It is so good for our country. This bill includes student loans, flood insurance, and 2.8 million jobs. There are a lot of disappointments. I have a few in this bill that I would be happy to share with someone at the right time. We must waive this. This is one of the great accomplishments of this Congress. Please, everyone, vote to waive this.

The PRESIDING OFFICER. The yeas and nays were previously ordered.

The question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Hawaii (Mr. INOUE), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Oklahoma (Mr. COBURN), and the Senator from Illinois (Mr. KIRK).

[illegible]

TABLE 1—ESTIMATE OF THE EFFECTS ON DIRECT SPENDING AND REVENUES OF THE CONFERENCE REPORT FOR H.R. 4348, MAP–21, AS POSTED ON THE WEB SITE OF THE HOUSE COMMITTEE ON RULES ON JUNE 28, 2012—Continued

	by fiscal year, in millions of dollars—												
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2012–2017	2012–2022
Estimated Outlays	0	–220	–350	–1,065	–1,885	–1,685	–1,555	–1,255	–1,115	–1,055	–1,040	–5,205	–11,225
Secure Rural Schools:													
Estimated Budget Authority	288	0	0	0	0	0	0	0	0	0	0	288	288
Estimated Outlays	0	253	35	0	0	0	0	0	0	0	0	288	288
Payment in Lieu of Taxes:													
Estimated Budget Authority	0	398	0	0	0	0	0	0	0	0	0	398	398
Estimated Outlays	0	398	0	0	0	0	0	0	0	0	0	398	398
Phased Retirement:													
Estimated Budget Authority	0	–9	–26	–45	–54	–53	–52	–50	–49	–46	–42	–187	–427
Estimated Outlays	0	–9	–26	–45	–54	–53	–52	–50	–49	–46	–42	–187	–427
Change in Medicaid FMAP Increase:													
Estimated Budget Authority	0	–510	–160	0	0	0	0	0	0	0	0	–670	–670
Estimated Outlays	0	–510	–160	0	0	0	0	0	0	0	0	–670	–670
Repeal Incremental Ocean Freight Differential:													
Estimated Budget Authority	0	–108	–108	–108	–108	–108	–108	–108	–108	–108	–108	–540	–1,080
Estimated Outlays	0	–108	–108	–108	–108	–108	–108	–108	–108	–108	–108	–540	–1,080
Limitation on Abandoned Mine Reclamation Fund Payments:													
Estimated Budget Authority	0	–139	–131	–47	–46	–46	–98	–99	–47	–47	–49	–409	–749
Estimated Outlays	0	–55	–94	–86	–73	–55	–67	–83	–73	–63	–53	–363	–702
National Flood Insurance Program ^c :													
Estimated Budget Authority	0	–5	–30	–70	105	0	0	0	0	0	0	0	0
Estimated Outlays	0	–5	–30	–70	105	0	0	0	0	0	0	0	0
One-Year Extension of Subsidized Student Loan Interest Rates:													
Estimated Budget Authority	4,285	2,595	*	*	*	*	*	*	*	*	*	6,880	6,880
Estimated Outlays	2,480	3,505	*	*	*	*	*	*	*	*	*	5,985	5,985
Eliminate Interest Subsidy for Certain Borrowers:													
Estimated Budget Authority	0	–15	–85	–110	–130	–145	–170	–195	–200	–210	–210	–485	–1,470
Estimated Outlays	0	–10	–55	–90	–105	–120	–140	–160	–175	–180	–185	–380	–1,220
Changes in Direct Spending Excluding Intragovernmental General Fund Transfers ^d :													
Estimated Budget Authority	4,573	2,450	305	547	751	787	738	747	768	717	693	9,413	13,075
Estimated Outlays	2,480	3,239	–786	–1,450	–2,073	–1,916	–1,747	–1,396	–1,198	–1,101	–1,076	–506	–7,025
Intragovernmental Transfers from General Fund to Highway Trust Fund ^d :													
Estimated Budget Authority	0	6,200	12,600	0	0	0	0	0	0	0	0	18,800	18,800
Estimated Outlays	0	6,200	12,600	0	0	0	0	0	0	0	0	18,800	18,800
Changes in Direct Spending, Including Intragovernmental General Fund Transfers ^d :													
Estimated Budget Authority	4,573	8,650	12,905	547	751	787	738	747	768	717	693	28,213	31,875
Estimated Outlays	2,480	9,439	11,814	–1,450	–2,073	–1,916	–1,747	–1,396	–1,198	–1,101	–1,076	18,294	11,775
CHANGES IN REVENUES													
Pension Provisions	595	2,391	4,501	5,044	3,540	1,446	74	–882	–2,303	–3,046	–2,616	17,517	8,744
Transfer of Excess Pension Assets and Allow Section 420 to Apply to Life Insurance Benefits	0	0	20	41	42	43	44	45	47	48	24	145	354
Phased Retirement	0	1	2	3	4	4	4	3	3	1	–1	14	24
Expand Definition of Tobacco Manufacturer to Include Roll-Your-Own-Cigarette Machines	2	12	13	11	10	9	8	7	7	7	7	57	94
Increased Civil Penalties for Lenders	0	1	1	1	1	1	1	1	1	1	1	5	10
Total Changes	597	2,405	4,537	5,100	3,597	1,503	131	–826	–2,245	–2,989	–2,585	17,738	9,226
On-budget Revenues	597	2,291	4,324	4,888	3,425	1,422	141	–726	–1,998	–2,712	–2,355	16,946	9,299
Off-budget Revenues	0	114	213	212	172	81	–10	–100	–247	–277	–230	792	–73
NET INCREASE OR DECREASE (–) IN THE DEFICIT FROM CHANGES IN DIRECT SPENDING AND REVENUES—EXCLUDING INTRAGOVERNMENTAL TRANSFERS FROM THE GENERAL FUND TO THE HIGHWAY TRUST FUND													
Impact on Deficit ^d	1,883	834	–5,323	–6,550	–5,670	–3,419	–1,878	–570	1,047	1,888	1,509	–18,244	–16,251
On-budget Deficit Change	1,883	948	–5,110	–6,338	–5,498	–3,338	–1,888	–670	800	1,611	1,279	–17,452	–16,324
Off-budget Deficit Change	0	–114	–213	–212	–172	–81	10	100	247	277	230	–792	73
NET INCREASE OR DECREASE (–) IN THE DEFICIT FROM CHANGES IN DIRECT SPENDING AND REVENUES—INCLUDING INTRAGOVERNMENTAL TRANSFERS FROM THE GENERAL FUND TO THE HIGHWAY TRUST FUND FOR BUDGET ENFORCEMENT PURPOSES IN THE U.S. HOUSE OF REPRESENTATIVES													
Impact on Deficit ^d	1,883	7,034	7,277	–6,550	–5,670	–3,419	–1,878	–570	1,047	1,888	1,509	556	2,549
On-budget Deficit Change	1,883	7,148	7,490	–6,338	–5,498	–3,338	–1,888	–670	800	1,611	1,279	1,348	2,476
Off-budget Deficit Change	0	–114	–213	–212	–172	–81	–10	–100	–247	–277	–230	–792	73
Memorandum:													
Increased Net Income to the National Flood Insurance Program ^c	0	–5	–30	–70	–145	–250	–320	–380	–430	–490	–555	–500	–2,675

Sources: Congressional Budget Office and the staff of the Joint Committee on Taxation. Notes: FMAP = Federal Medical Assistance Percentages; * = between -\$500,000 and \$0. Amounts may not sum to totals because of rounding.

^a H.R. 4348 would provide \$12.4 billion in contract authority (a mandatory form of budget authority) for the last quarter of fiscal year 2012, \$50.1 billion for fiscal year 2013, and \$50.9 billion for fiscal year 2014. CBO estimates. Consistent with the rules in the Balanced Budget and Emergency Deficit Control Act for constructing its baseline for future contract authority for transportation programs, CBO assumes that the contract authority for years after 2014 would be equal to the amount provided for 2014, the last year of the authorization.^b CBO expects that most of the outlays from contract authority (a mandatory form of budget authority) for surface transportation programs will continue to be controlled by obligation limitations enacted in future appropriation acts. Those expenditures are displayed in Table 2.^c The proposed amendment would raise premiums for certain subsidized flood insurance policies, increasing net income to the National Flood Insurance Program by \$2.7 billion. However, because many policies would continue to be subsidized and the program would continue to face significant interest costs from its prior and future borrowing, CBO expects that additional receipts collected under this legislation would be spent to cover future program shortfalls, resulting in no net effect on the budget over the 11-year period.^d Pursuant to section 508 of H. Con. Res. 112, the Concurrent Resolution on the Budget—Fiscal Year 2013, general fund transfers to the Highway Trust Fund are considered to be new budget authority and outlays for budget enforcement purposes in the House of Representatives. CBO estimates that such transfers would increase the balances attributed to the Highway Trust Fund; however, those transfers would not increase direct spending or affect budget deficits.

TABLE 2—CHANGES IN SPENDING SUBJECT TO APPROPRIATION UNDER THE CONFERENCE REPORT FOR H.R. 4348, MAP–21, AS POSTED ON THE RULES COMMITTEE WEB SITE ON JUNE 28, 2012

	By Fiscal Year, in Millions of Dollars					
	2013	2014	2015	2016	2017	2013–2017
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Spending from the Highway Trust Fund:						
Estimated Obligation Limitation ^a	49,409	50,103	0	0	0	99,512
Estimated Outlays	12,318	31,794	27,318	12,134	6,780	90,344
Other Authorized Transportation Programs:						
Estimated Authorization Level	2,697	2,198	0	0	0	4,895
Estimated Outlays	379	1,011	1,168	817	618	3,993
Non-Transportation Programs: ^b						
Estimated Authorization Level	438	437	437	437	437	2,186
Estimated Outlays	80	245	337	431	435	1,528
Total Changes:						
Estimated Budgetary Resources	52,544	52,738	437	437	437	106,593
Estimated Outlays	12,777	33,050	28,823	13,382	7,833	95,865
Memorandum:						
Reduction in Offsetting Receipts from Lower Employer Contributions ^c	0	2	3	3	3	11

Note: Components may not sum to totals because of rounding.

^a Estimated discretionary outlays reflect use of funds from the contract authority provided by the legislation under the obligation limitations specified or estimated by CBO. (Outlays stemming from any additional contract authority that would be provided for years after 2014 would be attributable to future legislation.) Under current law, CBO estimates that spending from the Highway Trust Fund would be about \$48 billion in 2012. (See Table 3 for estimates of total outlays from the trust fund in 2013 and subsequent years.)

^b H.R. 4348 would authorize the appropriation of \$440 million a year over the 2013–2017 period for a national flood mapping program and flood mitigation assistance. The legislation also would lower future federal employer retirement contributions. Those contributions are contingent on future appropriation actions.

^c Employer contributions are intragovernmental transactions that do not affect the deficit; positive numbers indicate a decrease in receipts.

TABLE 3—SUMMARY OF CASH FLOWS FOR ACCOUNTS IN THE HIGHWAY TRUST FUND UNDER H.R. 4348, MAP-21, AS POSTED ON THE WEB SITE OF THE HOUSE COMMITTEE ON RULES ON JUNE 28, 2012

	By fiscal year, in billions of dollars—											
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	
Highway Account:												
Start-of-Year Balance	14	8	4	4	c	c	c	c	c	c	c	
Revenues and Interest	33	33	33	34	35	36	36	36	36	37	37	
Intragovernmental Transfers	2	6	10	0	0	0	0	0	0	0	0	
Outlays ^{a,b}	42	43	44	44	44	45	45	46	46	47	47	
End-of-Year Balance	8	4	4	c	c	c	c	c	c	c	c	
Transit Account:												
Start-of-Year Balance	7	5	5	1	c	c	c	c	c	c	c	
Revenues and Interest	5	5	5	5	5	5	5	5	5	5	5	
Intragovernmental Transfers	0	0	2	0	0	0	0	0	0	0	0	
Outlays ^{a,b}	7	8	8	9	10	10	10	9	9	10	10	
End-of-Year Balance	5	5	1	c	c	c	c	c	c	c	c	
Memorandum:												
Cumulative Shortfall: ^c												
Highway Account Shortfall	n.a.	n.a.	n.a.	−6	−15	−24	−33	−42	−52	−62	−72	
Transit Account Shortfall	n.a.	n.a.	n.a.	−3	−7	−12	−16	−20	−24	−29	−33	

Notes: n.a. = not applicable.

Contract authority is a mandatory form of budget authority typically provided in authorization acts.

Obligation limitations are limitations on the obligation of contract authority typically provided in appropriation acts.

^a After 2014, the estimated outlays assume obligations will continue at the 2014 level, adjusted for inflation. The total outlays shown reflect prior and future obligations.

^b Outlays include amounts “flexed” or transferred between the highway and transit accounts. CBO estimates that amount would total about \$1 billion annually.

^c CBO projects that, under provisions of the Conference Report for H.R. 4348, the highway account and the transit account of the Highway Trust Fund would be exhausted in fiscal year 2015. Under current law, the Highway Trust Fund cannot incur negative balances. However, following rules in the Deficit Control Act of 1985, CBO’s baseline for highway spending assumes that obligations presented to the Highway Trust Fund will be paid in full. The memorandum to this table illustrates the cumulative shortfall of fund balances, assuming spending levels that would be authorized by the Conference Report for H.R. 4348.

Mr. REID. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

There is a sufficient second.

The yeas and nays are ordered.

The Senator from Tennessee is recognized.

Mr. CORKER. Mr. President, if I could have everybody’s attention, according to CBO, this is paid for the old way, where we spend all the money in a year or two and then it is paid for over 10.

This body came together last August in a bipartisan way to put in place the Budget Control Act, and this bill violates the deemed budget by \$2.5 billion. This will be the third time we violate the Budget Control Act deemed budget. For all of those people who are meeting in the evenings, meeting in groups in rooms trying to solve our Nation’s fiscal issues, a vote to waive this motion says we don’t have the discipline, the courage, or the will to do what we told the American people we would do to try to get our fiscal house in order.

I urge my colleagues to vote against this motion to waive right now.

Thank you, Mr. President.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, the Congressional Budget Office is a non-partisan body that determines what spending is for the Congress, and they have determined that this bill is paid for and it reduces the debt.

The PRESIDING OFFICER. The question is on agreeing to the motion. The yeas and nays are ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Ms. SNOWE (when her name was called). Present.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Hawaii (Mr. INOUE), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Oklahoma (Mr. COBURN), and the Senator from Illinois (Mr. KIRK).

Further, if present and voting, the Senator from Tennessee (Mr. ALEXANDER) would have voted “nay.”

The yeas and nays resulted—yeas 63, nays 30, as follows:

[Rollcall Vote No. 171 Leg.]

YEAS—63

Akaka	Hagan	Murkowski
Baucus	Harkin	Murray
Begich	Heller	Nelson (NE)
Bingaman	Hoeven	Nelson (FL)
Blumenthal	Inhofe	Pryor
Blunt	Johanns	Reed
Boxer	Johnson (SD)	Reid
Brown (MA)	Kerry	Rockefeller
Brown (OH)	Klobuchar	Sanders
Cantwell	Kohl	Schumer
Cardin	Landrieu	Shaheen
Carper	Lautenberg	Shelby
Casey	Leahy	Stabenow
Cochran	Levin	Tester
Collins	Lieberman	Udall (NM)
Conrad	Lugar	Vitter
Coons	Manchin	Warner
Durbin	McCaskill	Webb
Feinstein	Menendez	Whitehouse
Franken	Merkley	Wicker
Gillibrand	Mikulski	Wyden

NAYS—30

Ayotte	Enzi	McConnell
Barrasso	Graham	Moran
Boozman	Grassley	Paul
Burr	Hatch	Portman
Chambliss	Hutchison	Risch
Coats	Isakson	Roberts
Corker	Johnson (WI)	Rubio
Cornyn	Kyl	Sessions
Crapo	Lee	Thune
DeMint	McCain	Toomey

ANSWERED “PRESENT”—1

Snowe

NOT VOTING—6

Alexander	Coburn	Kirk
Bennet	Inouye	Udall (CO)

The PRESIDING OFFICER. On this vote, the yeas are 63, the nays are 30. One Senator responded “present.” Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to and the point of order falls.

ABANDONED MINE LAND TRUST FUND

Mr. ENZI. Mr. President, I am extremely disappointed to be here today to discuss a provision in the conference report that impacts my home State and potentially impacts a number of other states. The provision relates to the abandoned mine land trust fund, and undoes a carefully construed compromise that occurred in 2006 between a coalition of Eastern and Western States, mine workers, and coal companies.

This provision was included at the last moment. This pay-for was not in either the Senate version of the Transportation bill, nor was it in the House version. Although it has a tremendous impact on Wyoming, neither Senator BARRASSO nor I were consulted about the impact of the provision. We are extremely disappointed that is the case and seek commitments from our colleagues to fix this provision hopefully as a technical correction, but at any rate not later than the end of the year to reconstruct the careful compromise that occurred in 2006. While I respect the work of the conference committee, provisions like this are the reason that Congress is unpopular. I look forward to working with my colleagues to undo this terrible provision and make Wyoming and other impacted states whole.

Mr. BARRASSO. Mr. President, I second the comments of Senator ENZI.

This is an egregious provision that was included at the last moment without any consultation of Senator ENZI or I. I am extremely disappointed that we have not been able to address this matter before the conference report was filed, and it is essential to fix it as soon as possible preferably in a technical corrections bill that will be drafted in the coming weeks but most certainly by the end of the year.

This provision is not well thought out. It has the potential to impact not only Wyoming but a number of other States as well. I look forward to working with my colleagues to fix the provision in an expeditious manner.

Mrs. BOXER. Mr. President, I understand the problems that my colleagues from Wyoming have with section 100125 of the conference report. I recognize that this provision was included in the conference report without their consultation. We will be working on a corrections bill in the coming weeks, and I intend to work with them to address this issue in that bill.

Mr. INHOFE. Mr. President, I second the chairwoman's commitment to working with the Senators from Wyoming to fix this problem in the technical corrections bill. It is important that we find a way to address the issue as soon as possible, and I will work with them to make Wyoming and the other impacted States whole.

Mr. HATCH. Mr. President, a portion of the abandoned mine land trust fund program falls within the jurisdiction of the Senate Finance Committee. I am also committed to working with my colleagues from Wyoming to correct this situation. I hope we can do so as soon as possible.

TRANSIT TITLE

Mr. MENENDEZ. Mr. President, we are poised to pass a truly historic transportation bill and I wanted to engage in a brief colloquy with my colleague Chairman JOHNSON, with whom I have worked closely over the past year and a half to craft the transit title of the bill. He has been a true pleasure to work with and I think we should all be proud that we have secured stable funding for public transportation over the next 2 years.

The bill has record amounts of rail funding and by abandoning earmarks, all of the major formula programs have been increased significantly. We have greatly enhanced the Federal Transit Administration's powers to provide safety oversight and set national standards, which will ensure millions of transit passengers can travel safely and efficiently.

But for the purposes of this colloquy I wanted to focus on section 20013 on private sector participation in public transportation. I ask the chairman, does anything in this section show a preference by Congress for public transportation to be provided by private operators rather than public operators?

Mr. JOHNSON of South Dakota. Absolutely not. That section is intended to help public and private sector providers to better coordinate service and allow for more private investment in public transportation projects. Public providers of public transportation do our Nation a great service in providing affordable efficient service, lowering pollution, and easing traffic congestion. There is no reason to have a policy that favors private-public transportation service, and this language does not do so.

Mr. MENENDEZ. Chairman JOHNSON, I completely agree. This language should not be interpreted to encourage or require public-private partnership activities in transit or give any preference to grantees based on the decisions they make on this issue.

For years, the committee has endorsed the longstanding congressional policy that decisions involving the choice between public and private transit operators should be left to local authorities who are better equipped to make local transportation decisions. The Federal government is clearly best suited to making broad public policy decisions rather than micromanaging the local transit choices selected to meet the needs of rural, urban, and suburban communities. Does the chairman agree?

Mr. JOHNSON of South Dakota. Absolutely. Nothing in this bill changes the fact that decisions to use public or private service should be up to local providers. We firmly believe that the public versus private question should be decided on the basis of local needs, not ideology. And most importantly, the Federal Government should remain neutral, and it should not intrude on local decisionmaking. The language in current 49 U.S.C. 5306 regarding private sector participation states that such issues are guided by local policies, criteria, and decisionmaking. This bill maintains this language, reaffirming Congress' commitment to local control on this issue.

Mr. MENENDEZ. I thank the chairman. I look forward to continue working with you to oversee the implementation of this and other provisions in this bill and continue to do all we can do to support a robust, well-funded public transportation program.

Mrs. FEINSTEIN. Mr. President, I rise today to thank my colleagues on the transportation conference for including the National Flood Insurance Program reauthorization and for removing the controversial residual risk provision.

That provision was a real concern to me and more than a dozen cities and counties in California. It would have required nearly 1 million residents in my State to purchase flood insurance even though they live behind fully functioning levees that meet or exceed Federal safety standards. That provi-

sion alone could have quadrupled the number of homeowners in my State who have to buy flood insurance.

The flood insurance bill called this low-level risk behind levees "residual risk." It is the risk left over after a levee has been built—the risk of levee failure, in essence.

These are levees that homeowners funded with their own tax dollars, and the provision would have forced them to spend even more money. That is just not good policy. And I was proud to add my voice to that of the Senator from Arkansas in strong opposition to including it in the bill.

The bottom line is this: Until the residual risk provision was removed, the National Flood Insurance Program reauthorization would have had a devastating effect on communities in California and across the Nation.

Even homeowners in communities who maintain their levees to Federal safety standards with their own tax dollars would have been forced to pay for Federal flood insurance. I simply could not support such an unfair policy. It sent the message to homeowners and local communities that regardless of their investments in flood protection, it is simply not good enough. That is not the message we should be sending when this country needs to invest more in flood control infrastructure, not when homeowners are struggling to pay their mortgages, not when housing starts are near alltime lows, and not when our economy is still struggling to get back on track.

I was not alone in my opposition to the residual risk provision. I received letters from elected officials across the State—Oceanside, Long Beach, Lakewood, Los Angeles, Santa Maria, Stockton, Sacramento, Yuba City, Del Norte, Sutter, Yolo, and Butte Counties were opposed, as well as San Joaquin County.

This was not a regional issue. The letters came in from southern California, the central coast, northern California and the Central Valley.

In San Joaquin County, in the middle of my State, this provision would have meant 280,000 additional residents had to purchase flood insurance. This is a county where 1 in every 194 homes is in foreclosure—3.3 times the national average. At even \$1 a day, this added expense could jeopardize the county's already shaky housing market.

The purchase requirement would have covered most of the city of Stockton, with a population of nearly 300,000. This would have further devastated a city that suffered the second highest foreclosure rate in the Nation last year.

In Palo Alto, this provision would have required another 5,500 homeowners to buy insurance.

In Sutter County, an estimated 28,000 of the 34,308 parcels would have been affected. That is 81.6 percent of all parcels in the county.

In Butte County, 14,000 parcels would have been affected.

In Los Angeles County, supervisors Mark Ridley Thomas and Don Knabe tell me that at least 200,000 properties and 800,000 residents would have been impacted. These homeowners are currently protected by 130 miles of levees and 18 dams in L.A. County.

Many of the affected homeowners live along the Los Angeles River, which isn't really a river at all—it is a concrete channel. And it is very hard to imagine a flood ever occurring there. More than \$200 million has been invested to minimize the risk.

The federally authorized Los Angeles County Drainage Area Project reinforced levees along the Los Angeles River to protect against floods well beyond a 100-year event. Local taxpayers contributed \$55 million to complete this project; Federal contributions totaled another \$155 million. This investment was made so that residents could avoid \$32 million in yearly flood insurance premiums. With the inclusion of the residual risk provision, homeowners in the area would have once again had to pay flood insurance bills every year.

I appreciate the efforts of Senators COCHRAN and the chairman and ranking member to address this problem, but changes they made to the original draft did not go far enough. Even with their changes, the provision could have further depressed home prices by driving up ownership costs in many areas.

Let me be clear: This policy wasn't proposed because homeowners lived behind unsafe levees. These were safe levees that meet Federal standards. Some believe this provision was added to the original bill to restore the fiscal solvency of the program. By bringing in new, low-risk properties, it is true that the fiscal health of the Flood Insurance Program would have improved. But I, for one, oppose propping up the Flood Insurance Program on the backs of constituents who played by the rules.

If the goal is to ensure that people are informed about the risks they face, I continue to be willing to work with my colleagues to accomplish that. In fact, California already offers a model for achieving that very goal.

The bottom line is this: Even with the changes made to the residual risk provision, the bill would have still required homeowners and businesses protected by certified levees to purchase mandatory flood insurance. Candidly, I was shocked that we even considered adding this provision without a full floor debate because it was not a trivial extension. The bill would have imposed substantial new costs to nearly 1 million homeowners in California alone.

Again, I thank my colleagues on the conference committee for removing this provision. This conference report was not the time or place for it to be considered.

Now, with the 5-year reauthorization of the National Flood Insurance Program in place, we will be taking an important step to stabilize our housing market. We have also taken some very responsible steps to put the program back on the path to fiscal solvency.

I commend my colleagues for putting together this package of bills. I know they had a tremendous challenge, and I think they have done an exceptional job.

Mr. BAUCUS. Mr. President, I would like to turn to discussing the vital contributions of staff who worked on this bill. We are very fortunate in the Senate to be able to rely on the expertise and the support of so many talented and dedicated staffers whose efforts enabled us to finalize this conference report.

This bill turned out to be unique because it spanned so many different issues. In addition to the ones I have already mentioned, my staff also had to work on pension matters, flood insurance, Federal trust funds, labor, and a range of other issues. All of this combined to make this a very complicated bill with many moving parts.

Accordingly, I want to take this opportunity to publicly and professionally thank the following staffers for guiding this bill through markups in different Senate committees, negotiating with counterparts from the House of Representatives, and getting us over the finish line with a conference report that provides the American people with the good policies included in this bill:

There was Tom Lynch, who worked on both the Environment and Public Works Committee's portion of the bill and the Finance Committee's portion.

Tax Counsel Ryan Abraham, whose work along with Tom Lynch on the highway trust fund was key to being able to fund highways and transit projects under the bill.

Tom, Ryan, and Lily Batchelder, chief tax counsel and head of Finance Committee's tax team, held more than 20 staff meetings with Democrats and Republicans before our Finance Committee markup.

Mark Hybner, who was critical to refining the Indian Reservation Roads Program among other things, a program that is very important to the seven tribes in my State.

Tax and benefits counsel Tom Reeder, a true seasoned professional without whom we couldn't have found the essential offsets to ensure the highway trust fund would remain solvent.

Spencer Gray, who shepherded the secure rural schools and payment in lieu of taxes through this process.

Dave Hughes and Ann Cammack, who made critical contributions both to raise revenue and in tracking policy.

Sean Morrison and Blaise Cote, the Finance Committee's two excellent research assistants.

Heather O'Loughlin, easily one of the most versatile and capable staffers working in the Senate, who was key both to the education and the flood insurance portions.

Amber Cottle, Bruce Hirsch, Gabriel Adler, Hun Quach, Chelsea Thomas, and Rory Murphy, who were very helpful in the effort to develop offsets during the Finance Committee markup.

Department of Transportation detailee and Billings Montana native Avital Barnea, who lent helpful assistance at a crucial time.

Jeffrey Arnold, who was very helpful in assisting on Pension Benefit Guaranty Corporation provisions and phased retirement.

Intern extraordinaire Pete Markuson, who logged a lot of meaningful hours.

The outstanding press team of Jenny Donohue, Meaghan Smith, Ryan Carey, Kate Downen, Kathy Weber, and our newest addition, Sean Neary.

And my indispensable leadership staff of Jon Selib, Russ Sullivan, and Paul Wilkins, who as always remained focused and unflappable despite the challenges.

Finally, I also want to use this opportunity to thank Bettina Poirier, David Napoliello, Andrew Dohrmann, and Grant Cope from Chairman BOXER's Environment and Public Works Committee staff; Ruth Van Mark, James O'Keeffe, Murphie Barrett, Kyle Miller, Dmitri Karakitsos, and Alex Renjel from Senator INHOFE's staff; Charles Brittingham with Senator VITTER; Tyler Rushforth with Senator REID; Ellen Doneski, James Reid, Ian Jefferies, Rich Swayze, Richard Russell, and Bailey Edwards from the Commerce Committee; and Chris Campbell, Mark Prater, Jim Lyons, Nick Wyatt, and Preston Rutledge from the Finance Committee.

Without the individual and collective contributions of each one of these people I have mentioned, we would not have pulled this off. For them and their efforts to help support American jobs, all of us should be very grateful.

Mr. LEVIN. Mr. President, the bill before us today takes several important steps in several policy areas to move our Nation forward. It prevents a pending student loan interest rate hike that would make college less affordable for American students and their families. It makes important investments in our roads, bridges, and other transportation infrastructure, investments that will put Americans to work today and make our economy more competitive for years to come. It reauthorizes the Flood Insurance Program that provides security to millions of Americans, while making the program more efficient and more fair to States such as Michigan that for too long have paid more in premiums than they receive in benefits. While this legislation does not include everything I had hoped for

or supported, it makes significant progress on issues our constituents need us to address.

Millions of Americans will be relieved that this bill avoids a looming increase in student loan interest rates. On July 1, those interest rates are scheduled to double, an increase that Americans already struggling to pay for higher education simply cannot afford. Extending the current 3.4 percent interest rate for another year lifts a significant burden, financial and emotional, from students and their families who were looking to us for aid.

I am pleased Senate and House conferees have come to an agreement on a transportation reauthorization. Reauthorization of our Nation's transportation programs is long overdue.

Investing in transportation infrastructure creates jobs and improves our international competitiveness. We create more than 35,000 jobs for every \$1 billion in Federal funds we spend on transportation infrastructure. The bill will create or preserve an estimated 3 million jobs nationwide. In Michigan, the bill will provide more than \$2 billion over the next 2 years for road projects and another \$261 million over the next 2 years for Michigan transit projects. Funding transportation infrastructure improvements at robust levels is one of the most obvious things we can do to help boost the U.S. economy.

The conference report extends Federal surface transportation programs at current levels, with a small adjustment for inflation, through September 2014. Given the difficult budget climate, this has to be viewed as a victory. Our State transportation agencies need to be able to do long-term planning. This bill helps that cause and is surely better than the short-term extensions we have been living under. Given the negative budget climate and the difficulty we had finding the revenue to offset the highway trust fund shortfall, a 2-year bill is what is possible, although I would have preferred a longer term bill.

I am pleased the agreement includes a provision that would direct the Corps of Engineers to accelerate its feasibility study of preventing the inter-basin transfer of aquatic invasive species, such as the destructive Asian carp, between the Mississippi River and the Great Lakes basins. While the Corps is planning to produce an interim report at the end of 2013, this provision would require a full feasibility report that would also include a recommendation for implementing preventative measures. Accelerating this study will put us on a better track to protect our \$7 billion Great Lakes fishery that supports thousands of jobs.

The conference agreement includes a provision regarding harbor maintenance that is based on an amendment to the Senate Transportation bill. This is the first time we have addressed har-

bor maintenance in a transportation bill, and including this language will help elevate this important issue and strengthen momentum to use trust fund receipts for harbor maintenance.

I am disappointed, however, that the provision in the conference agreement does not include the strong enforcement language I urged conferees to include that would ensure that appropriators actually include funding for harbor maintenance that is collected for this purpose.

Navigation infrastructure is a vital link in the transportation system, one our economy depends upon. Maintaining our harbors and ports is vital to our economic competitiveness. I will continue to work to ensure that we provide sufficient Federal funds to properly maintain our harbors.

The conference agreement also extends for 1 year mandatory PILT funding, or payments in lieu of taxes, that will provide about \$4 million to Michigan local governments to help offset losses in property taxes due to non-taxable Federal lands within their boundaries. These payments can help support a variety of infrastructure and educational needs. I had urged conferees to include this provision in the bill, and I am pleased it was included in the final agreement.

The conference report should provide some much needed equity to Michigan and other States through a 5-year reauthorization of the National Flood Insurance Program.

Michigan residents have paid more than six times more in premiums than they have received in payouts from the National Flood Insurance Program. We must correct this disparity, and the conference report takes some steps to do so in requiring that premiums be more reflective of the true risk of flooding.

The conference report will phase out subsidies for repetitive-loss properties that continue to be rebuilt in high-risk areas. It will also phase out subsidized rates for vacation homes and businesses located in high-risk areas, many of which have received subsidized rates for more than 30 years.

This bill will clarify the law to allow property owners to purchase flood insurance from a private insurer, rather than the Federal Government, if they so choose. This means private companies can compete with FEMA to offer consumers a better price.

Finally, I am very disappointed that the conference report removes an offshore tax provision that I authored with Senator CONRAD to fight against tax evasion. This provision, which was included by voice vote in the Senate bill and is similar to a provision I introduced as part of a broader offshore tax bill, was scored as raising over \$1 billion over 10 years and could have helped pay for transportation programs or reduced the deficit. I am dis-

appointed that Congress has yet again missed an opportunity to fight offshore tax evasion, which robs billions of sorely needed dollars from our Treasury each year.

The legislation before us today does not include everything I had hoped for or supported, but it is necessary, and we should pass it without further delay.

Mr. HATCH. Mr. President, at the first public meeting of the conference committee charged with producing transportation reauthorization legislation, I laid out a series of basic principles that I think should guide our efforts to finance transportation policy. I had voted against the Senate bill in large part because it failed to follow these basic principles.

Boiled down, these principles are simple. The user-pays model that is the reason for the creation of the Highway Trust Fund should be preserved. Revenues and spending should line up on a year-to-year basis. We should avoid spending down the trust fund. And we should not raise taxes, but rather should examine the spending side of the ledger.

The conference agreement is an even further departure from these principles than the Senate bill was. The conference agreement by and large uses sources of revenue that are problematic in and of themselves to facilitate yet another general fund transfer that requires our Nation to make payments for 10 years on 2 years of programs.

Despite all of the committee markups, and staff meetings, and press conferences, and frantic press accounts, at the end of the day we simply got the fourth in a series of general fund transfers that stretches back to 2008.

I think the supposed consensus the conference committee product represents can best be summed up by the Margaret Thatcher quote I cited at the Finance Committee markup of a revenue title held on February 7.

"To me consensus seems to be the process of abandoning all beliefs, principles, values and policies in search of something in which no one believes, but to which no one objects the process of avoiding the very issues that have to be solved, merely because you cannot get agreement on the way ahead . . ."

Well I object. The taxpayers of this country deserve better than this legislation, and I will be voting against it.

Mr. LAUTENBERG. Mr. President, I rise today to oppose to the flood insurance language that is included in the conference report to accompany H.R. 4348, which the Senate will consider today.

The Senate had been debating a stand-alone bill to reform the National Flood Insurance Program for several days, but we were prevented from voting on amendments to the bill and ultimately passing the legislation. Since agreement on a process for considering

flood insurance amendments was blocked, we are now forced into an up-or-down vote on a conference report that contains provisions that will save or create millions of jobs in the transportation sector and keep Federal student loan rates from doubling. I will support the conference report because of those provisions, but I oppose the flood insurance portions.

Last September, I saw firsthand how Hurricane Irene's floods devastated communities in my State of New Jersey. President Obama and I toured the wreckage together. It was heart-breaking. We saw families with their belongings on their front lawns, and much of their homes destroyed. Unfortunately, Hurricane Irene was not the only storm to cause major flooding in New Jersey recently. In just the last 3 years, FEMA has declared five federal disasters that caused major flooding in New Jersey. For many of the people who have been hit by these floods, their homes are all they have. Many of them have owned their homes for generations. They have raised their children and built their lives in them. For these homeowners, it would be wrong to turn our backs on them. But I am afraid the flood insurance language in the conference report could do exactly that.

The flood insurance language we are considering will require major insurance premium increases for people living in certain homes built before FEMA's flood maps were finalized. For years, families who bought homes built before floods maps were available paid lower rates for their flood insurance. We did that because we recognized it would be wrong to charge extremely high premiums on families who did not know their flood risk when they purchased their home. But the flood insurance reform proposals on the table would bring the hammer down on those families. Most families affected by the change would see their premiums double. Some may even see their premiums increase five-fold. In New Jersey, we know of families in over 1,800 homes that would see their premiums increase under these provisions. Residents in other States, including Louisiana, Texas, New York, Pennsylvania, and Florida, would also face these dramatic rate hikes.

To address some of these concerns, I introduced two amendments on flood insurance this week. One would have prevented premium increases for primary residences built prior to 1974, and the other would have allowed the increases to occur for some homeowners, but provided for a hardship exemption from premium increases for families that cannot afford the higher rates. Let's remember, many of these homeowners rely on fixed incomes, are retired, and have budgeted with the expectation that their premiums would stay steady. We should not change the

rules in the middle of the game when homeowners have played by those rules from day one. Many of these families simply do not have the means to raise more money if rates increase.

I also cosponsored an amendment from Senator PRYOR to eliminate a requirement in the stand-alone bill that owners of homes behind dams and levees obtain flood insurance. I am pleased that the language in the conference report does not include that requirement.

Flood insurance reform will have real implications for millions of people throughout the United States, including in my home State of New Jersey. Changes to the National Flood Insurance Program should not be taken lightly, and deserve to be debated and amended on the Senate floor. I am disappointed my Republican colleagues have prevented us from considering important flood insurance amendments this week, and I oppose including flood insurance reform in the legislative package we are considering today.

The PRESIDING OFFICER. Under the previous order, the question is agreeing to on the conference report to accompany H.R. 4348.

Ms. MIKULSKI. Mr. President, I rise in support of the transportation conference report. This legislation will establish for the first time Federal safety standards for metro systems.

My promises made are promises kept. After the deadly DC Metro crash on June 22, 2009, I promised two things to the workers at Metro and my constituents who ride Metro. One, I would deliver the \$150 million in dedicated funding for Metro's capital improvements in the annual Transportation appropriations bill. I have done this every year. Two: pass legislation giving the U.S. Department of Transportation authority to establish safety standards for metro systems across the country. Today, this legislation delivers on that promise.

We always say a grateful nation will never forget. Then we pound our chests, hold hearings, and nothing is ever done. Well, not this time and not this Senator. Immediately following the Metro crash, I was the first to introduce a bill, the National Metro Safety Act of 2009, to establish Federal standards. My bill required the U.S. Department of Transportation to work with the National Transportation Safety Board to implement their most wanted safety recommendations: crash-worthiness standards, emergency entry and evacuation design standards, and data event recorders for rail cars; and hours-of-service regulations for train operators.

Now, 3 years later, Congress has finally acted. This highway bill includes similar language to my transit safety bill. It requires the Secretary of the U.S. Department of Transportation to create and implement safety standards

and a safety training program. The Secretary must also take into consideration the recommendations of the National Transportation Safety Board when establishing the safety performance standards for railcars.

This bill before us today also requires transit authorities to complete comprehensive safety plans and States to have a safety oversight program approved by the U.S. Department of Transportation. The Secretary must certify that these oversight programs are meeting the new Federal safety standards each year. If a State oversight agency is not doing its job, the Secretary can withhold Federal funding or require that 100 percent of funding be used to fix the metro system's problems.

In addition, the U.S. Department of Transportation has the power to conduct inspections, investigations, and audits of transit system railcars, facilities, and operations. It can also investigate accidents and provide corrective guidance. The Secretary has the authority to issue a subpoena when investigating an accident as well as require additional reporting and record-keeping.

Every weekday more than 7 million people board railcars. Now they can breathe a bit easier knowing their metro will soon have Federal safety standards just like commercial buses, airplanes, and commuter rail systems. I want to thank Senators TIM JOHNSON and BOB MENENDEZ for working with me on this important safety issue.

Mr. JOHNSON of South Dakota. Mr. President, today I wish to speak in support of the surface transportation conference report. As chairman of the Senate Banking, Housing, and Urban Affairs Committee, which is responsible for authorizing the public transportation portion of the bill, I was proud to serve as one of the conferees.

After intense and exhaustive negotiations our conference committee reached an agreement on a bill that will benefit every American. In my home State of South Dakota alone, this bill will support 10,000 jobs and across the country it will support nearly 3 million jobs. It will improve rural transit service and make our Nation's highways safer and more efficient. I am relieved that we will not let another construction season go by without certainty of Federal funding.

From the start, the Banking Committee worked in a bipartisan fashion on the transit reauthorization which is why we were able to pass our portion of this bill out of committee by a unanimous voice vote. I am happy to say that most of our committee-passed bill is still intact in the final product we have before us today.

This conference report will increase funding for public transportation through the end of fiscal year 2014 and deliver critical investments in the Nation's aging transit infrastructure.

In addition, the bill will institute much needed reforms such as speeding the construction of public transportation projects. The bill also includes transit safety provisions that have been stalled for 3 years.

Finally, our bill increases formula funding for all types of transit: additional urban and rural formula funds, new money for every State to address state of good repair needs, and more money for tribal transit. Our Nation's transit systems need more than \$77 billion to address backlogged repairs. This bill can't address all of those needs, but it can ensure that our transit systems don't fall further behind.

Americans make 35 million trips on public transportation every weekday. Many of these trips are in our cities, but in places like South Dakota, rural transit service connects seniors with their doctors and helps our workers travel long distances to get to jobs. Everyone benefits from public transportation, and this is a bill the American people deserve.

This bill wouldn't have been possible without the hard work and determination of more people than I can name today. However, there are a few in particular that I must single out.

We would not be at the finish line today if we didn't have Senator BOXER as our conference chairwoman. And Senator MENENDEZ, our Transportation Subcommittee chairman, worked side-by-side with me on transit since we started work on this bill last year. I thank them for their support.

And I would be remiss if I did not mention my staff. Homer Carlisle, my lead transit aide, did outstanding work in helping craft this bill. In the last year, he worked countless late nights that often lasted into the early morning. Additionally, Charles Yi and Dwight Fettig were instrumental in getting us to this point today.

There is just so much credit to go around. We had four committees working on this bill and without such dedicated hard-working staffs we could not have reached this agreement.

I am also pleased this conference report will provide stability to the Flood Insurance Program by reauthorizing it for 5 years. The National Flood Insurance Program protects millions of homeowners and is critically important to our Nation's housing market.

As the people of South Dakota and others across the country have experienced firsthand, flooding is responsible for more damage and economic loss than any other type of natural disaster. It affects people across the Nation, in every State, which is why we are going to do the right thing today and pass this bipartisan legislation to provide stability and much needed reforms for the program.

Since 2008, when our last long-term reauthorization expired, we have passed 18 short-term extensions of this

program. During this time, the program has lapsed 5 times, for as long as 33 days, with detrimental effects on homeowners and the insurance and housing markets.

By passing this bill, we will end the uncertainty of month-to-month extensions for the NFIP and the families and businesses that rely on its \$1.2 trillion of coverage.

This bill is not perfect, and no one has gotten everything that they wanted. Unfortunately, we were unable to reach a bipartisan agreement on addressing the outstanding debt of the program that has accumulated since Hurricane Katrina. But we have found enough common ground to move critically important reforms forward. As part of that effort, I want to thank my colleagues on the Banking Committee and in the House for their cooperation and input.

The flood insurance bill didn't just come together in one night. It came together in countless late nights worked by staff over the last year. So I want to take this opportunity to thank my committee staff—Beth Cooper, Brett Hewitt, Chris Ledoux, Glen Sears, Laura Swanson, and Charles Yi for their work on this legislation. Additionally, I want to thank Alison Wright MacDonald and James Ollen-Smith from the Office of Legislative Counsel.

Lastly, I am pleased that the conference report includes a provision to avert a catastrophic interest rate hike on student loans. If Congress had failed to act, over 7 million students, including an estimated 31,000 undergraduates in South Dakota, would have seen their interest rates double.

Earlier this month, I talked with students at Southeast Technical Institute in Sioux Falls. They told me a rate hike would make it harder for them to complete their schooling and would likely deter countless students from pursuing their higher education goals.

At a time when too many students are graduating with enormous debt loads, we should not make it more difficult for students to finance their education and manage their debt. I am glad we have reached an agreement that prevents the rate hike from taking effect. This is an important victory for students across South Dakota and throughout our country.

In passing this conference report we will send a clear message that it is still possible to work across the aisle and pass commonsense bipartisan legislation in the interest of the American people.

I urge my colleagues to support this bill and I yield the floor.

Mr. REID. Mr. President, I yield back all time.

The PRESIDING OFFICER. Without objection, all time is yielded back.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on adoption of the conference report.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Ms. SNOWE (when her name was called). Present.

Mr. DURBIN. I announce that the Senator from Colorado (Mr. BENNET), the Senator from Hawaii (Mr. INOUE), and the Senator from Colorado (Mr. UDALL) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Tennessee (Mr. ALEXANDER), the Senator from Oklahoma (Mr. COBURN), and the Senator from Illinois (Mr. KIRK).

The result was announced—yeas 74, nays 19, as follows:

[Rollcall Vote No. 172 Leg.]

YEAS—74

Akaka	Hagan	Murkowski
Baucus	Harkin	Murray
Begich	Heller	Nelson (NE)
Bingaman	Hoeven	Nelson (FL)
Blumenthal	Hutchison	Pryor
Blunt	Inhofe	Reed
Boozman	Isakson	Reid
Boxer	Johanns	Roberts
Brown (MA)	Johnson (SD)	Rockefeller
Brown (OH)	Kerry	Sanders
Burr	Klobuchar	Schumer
Cantwell	Kohl	Sessions
Cardin	Kyl	Shaheen
Carper	Landrieu	Shelby
Casey	Lautenberg	Stabenow
Chambliss	Leahy	Tester
Cochran	Levin	Thune
Collins	Lieberman	Udall (NM)
Conrad	Lugar	Vitter
Coons	Manchin	Warner
Durbin	McCaskill	Webb
Feinstein	McConnell	Whitehouse
Franken	Menendez	Wicker
Gillibrand	Merkley	Wyden
Grassley	Mikulski	

NAYS—19

Ayotte	Enzi	Paul
Barrasso	Graham	Portman
Coats	Hatch	Risch
Corker	Johnson (WI)	Rubio
Cornyn	Lee	Toomey
Crapo	McCain	
DeMint	Moran	

ANSWERED "PRESENT"—1

Snowe

NOT VOTING—6

Alexander	Coburn	Kirk
Bennet	Inouye	Udall (CO)

The PRESIDING OFFICER. Under the previous order requiring 60 votes for the adoption of this conference report, the conference report is agreed to.

The title was amended so as to read: "An Act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes."

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I move to reconsider the vote and lay that motion upon the table.

The motion to lay upon the table was agreed to.

VOTE EXPLANATION

• Mr. ALEXANDER. Mr. President, I am disappointed in the final version of

this bill. If I had been present, I would have voted against it for a number of reasons, including the fact that it violates the Budget Control Act, it does not use the money produced from the pension reforms to shore up the financial strength of pension systems, and it fails to prevent the EPA from regulating coal ash as a hazardous material.●

VOTE EXPLANATION

● Mr. BENNET. Mr. President, I want the record to reflect that I would have voted in favor of H.R. 4348, but I went home to Colorado to be with my constituents, many of whom have lost their homes and are facing severe challenges as several fires continue to rage across the State.

By finally reauthorizing our transportation programs for over 2 years, we will provide some measure of certainty for States, municipalities, and businesses across the country urgently in need of more than just a 2-month extension. The bill includes resources, modeled on legislation that I introduced with Senator MARK WARNER, for transit-oriented development competitive grants to help local communities work with private investors to promote long-term transit planning, and the legislation also contains a common-sense modification to the rural transit formula for which I advocated. These provisions will benefit transit agencies across my State as they provide quality service to Coloradans. The bill also maintains continued funding for the Payment in Lieu of Taxes (PILT) Program and Secure Rural Schools and Community Self-Determination (SRS) Act. These programs are lifelines for financially strapped rural counties and local businesses.

Of course this is not a perfect bill. I am disappointed that the conference committee eliminated the Senate provision funding the Land and Water Conservation Fund, a program that has been vital to preserving Colorado's western heritage. And I would have liked to see a longer reauthorization, with structural reforms to the highway trust fund to ensure we can continue to finance improvements to our public infrastructure and leave more—not less—for the next generation. That said, I commend my colleagues for all their hard work getting this bill across the line.

I am also pleased that this legislation will prevent loan rates from doubling and averts an increase that would have put the dream of a college degree further out of reach for thousands of Colorado students, and increased an already crushing debt burden on the middle class.●

Mrs. BOXER. Mr. President, it has been a very long and winding road to get to this place. I am overwhelmed with the amazing vote we just had—the margin of success, the fact that this is the product that is not only bipartisan

but bicameral. I understand that the House vote was equally lopsided in favor of passage. I think this sends a tremendous signal to the people of America, and that is that we can work together. Do not give up hope. When it comes to the well-being of our people, we must get together.

I know the President must be smiling broadly because he has stated over and over how important it has been for us to pass a highway bill and to pass a reduction in student loan interest rate bill in order to help our people.

I have said many times that what kept me going and so many others—and I am going to name the various chairmen whom I worked with here and over on the House side and staff—what really kept us all going is the fact that we know how hard the construction sector has been hit in this recession. The housing crisis started this recession. It has not gotten better. It is slowly coming around, but new construction is going to take a while before all of the inventories are back in their appropriate place. What is going to help us? We could fill 10 Super Bowl stadiums with unemployed construction workers. We are looking at well over 1 million construction workers who are unemployed. Well, this was the answer.

The transportation sector is hurting. The construction sector is hurting. And today we have sent a message, a powerful message that for 2 years and 3 months, we have funded a good bill that is going to employ up to 3 million workers and help thousands of businesses, and it is all in the private sector, the things that need to be done.

We know we have 70,000 bridges that are deficient. We know we have 50 percent of our roads that are deficient. We know we have transit systems that need capital improvements. We know we have bike paths that need fixing and pedestrian walkways that need fixing. All of that has been resolved.

Are there things in this package that I do not like? Absolutely. Are there things in this package my Republican counterparts do not like? Absolutely. We had to give. We had to take. We struggled.

I am going to read into the RECORD the names of these staffers. This is an unbelievable list. I am going to do it quickly. I am going to say to these staffers from the various committees that they knew how important their work was.

If we didn't succeed, there would be no more money in the highway trust fund, and all of the repairs on our roads would stop and the repairs on our bridges because everybody out there, since President Dwight Eisenhower was President, depends on the Federal share.

We cannot have a strong economy without a strong infrastructure. Here are the names. I am not reading Demo-

crats and then Republicans; I am reading the bipartisan list of staffers: Bettina Poirier, Ruth VanMark, David Napoliello, James O'Keeffe, Andrew Dohrmann, Murphie Barrett, Tyler Rushforth, Kyle Miller, Jason Albritton, Grant Cope, Mike Burke, Tom Lynch, Mark Hybner, Charles Brittingham, Alex Renjel, and Dimitri Karakitsos.

I also thank the leadership staff. When things were looking glum, there they were. They are David Krone, Bill Dauster, and Bob Herbert.

Here are the staff directors of the key committees who worked on this—remember, this was a four-committee process, including EPW, Banking, Commerce, and Finance. I thank Russ Sullivan, Dwight Fettig, Ellen Doneski and their extraordinary staff. They include Ryan Abrahams with the Finance Committee; Ian Jefferies, David Bonelli, Anna Laitin, and James Reid with the Commerce Committee; and Homer Carlisle with the Banking Committee.

I also want to thank the Senate legislative counsel, Rachelle Celebrezze and Gary Endicott, whom I drove crazy yesterday by telling them to please produce the paper.

This staff loved their work so much that I thought they would never end it. I had to beg them: Please finish because there will always be something more you can do. You can always find something better or put a comma in a different place. They wanted to make it as perfect as they could. There was a time when we just had to say, OK, we are done. They got it done. I am very moved of their dedication.

I know my staff at EPW—for 3 days, the staff members, whose names I read—if they got 4 or 5 hours of sleep, they got a lot. They are running on empty right now. I tell them that their names will forever be in this record, and people they don't know will flourish because of their work when we start hiring people to do this infrastructure work.

I thank my dear colleagues, JAY ROCKEFELLER, MAX BAUCUS, and TIM JOHNSON. No way could I have done it without them. I also pay tribute to MARY LANDRIEU, who is on the Senate floor today. Senator LANDRIEU and her State have gone through so many traumas—so many—with hurricanes and all of the attendant problems, and the BP oilspill, which did so much terrible damage to her State and the other Gulf States—environmental damage, commercial damage, broken hearts, broken spirits.

Let me tell you, you never break MARY LANDRIEU's spirit. She teamed up with Senator VITTER, and they wrote the RESTORE Act. Then she went to all of the other colleagues of the gulf cost and said: You have to help me. They put together a great package. What it means—without going into detail; she will do that—is that when the

court decision comes down and the funds come to the Federal Government for all the violations of law that took place with the BP spill, 80 percent of the funds will be directed to the very people who got hurt.

Senator LANDRIEU, it is an honor and a privilege to work with you. You have been a model of a Senator who never, ever stops fighting. I am so grateful I was able to step to the plate and help you.

I will add more names of colleagues, but I don't have time at this point. Others want to speak. This is a great moment. The bill we passed is a good bill. It is going to speed up project delivery without waiving any environmental laws that we keep the protections in and give a little more flexibility to the States on the alternative transportation routes. But, believe me, we also add a new piece that gives more power to the local people to decide on these projects. I am so pleased.

I will add more statements to the RECORD later today. We have done this, and we are going to mark this moment.

After we get our breath back and get our energy back, we are going to look at a long-term solution to the problem of the highway trust fund. We know the gas tax receipts are going down, and we have to solve the problem. If it wasn't for Senator BAUCUS and his staff, we never would be at this point because we didn't have the funding. They have to come up with it. I thank them and the Republicans on the committee.

With that, I yield the floor, thanking one and all for this tremendous vote today.

THE PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, before the Senator from California leaves the floor, for a much needed rest and relaxation and celebration with her extraordinary staff, let me be one of the first to thank her, to join my colleagues who have thanked her for her leadership.

This Transportation bill would not be a reality for the Nation—not for California, Texas, New York, or Louisiana,—if it weren't for the leadership of the chairperson of this committee. Senator ROCKEFELLER was there to push, Senator BAUCUS was there to push, Senator JOHNSON was there to push, but the leader of this victory was Senator BARBARA BOXER.

Her colleague, Senator INHOFE, stood bravely against winds of opposition, ideology, without common sense—ideology without regard to the needs of the Nation. Senator INHOFE, a Republican, stood against those winds and with the Senator from California to produce a jobs bill for the Nation.

I hope people appreciate the extraordinary accomplishment this is in the context of the political quagmire we find ourselves in just a few months before a very significant national elec-

tion, with both sides hugging the opposite wall. For these two to come forward today and meet in the middle of the Chamber and produce a bill with this kind of vote, people did not think it was possible up until just a few weeks ago. There was still the majority saying it will never happen.

But I know something about BARBARA BOXER, as well. She came here as a fighter. Her name "BOXER" says it all. It is the way she fought her way to the Senate, and she continues to fight not just for the people of California but the people of the Nation.

I knew 2 years ago—now a little over 2 years ago—when the Deepwater Horizon platform blew up in the gulf, one of the first people I could go to, to ask for help, for support, for ideas and advice about what to do would be Senator BOXER. She is a strong environmentalist. She has a heart for our oceans, and she understood the challenge of Louisiana's eroding coastline—more so than many Members in this body.

I will be forever grateful for the fact that she and her staff sat with me and other colleagues and crafted the RESTORE Act, which is a historic piece of legislation. It has no precedent in Congress. It will, for the first time, set aside such a significant amount of money from a penalty that has yet to be determined—BP—that under the law, after the Valdez spill, now has to pay to the Federal Government \$1,000 for every barrel of oil that was spilled or gushed out of the explosion for months on end. They have to pay \$1,000 for every barrel of oil that was spilled. The estimates are that, unfortunately for our coast, our people, our fishermen, shrimpers, charter boat captains, and the pelicans, fish, shrimp, and oystermen, for us it was 5 million barrels of oil spilled between August and July, until the well was capped. It is the largest pollution event in the history of the Nation. It will be the largest fine.

I have every confidence that the people of the gulf coast and the Nation will find justice in the courts. I hope this fine is as high as it can be, based on the damage that has been done from Texas to Florida and off the coast of Louisiana. When I brought this to Senator BOXER, she understood that we had to find a way for justice in the gulf. I crafted the RESTORE Act with my colleague DICK SHELBY. For months we negotiated about how to craft it, what to say, how to specifically direct the funding, and had the benefit of having the support of the White House, the support of every commission and every individual appointed by the President supportive of this idea.

So I first thank the VP's Presidential commission that was one of the first to step up and support this concept of an 80-percent set-aside and redirect to the gulf.

I particularly thank Secretary Ray Mabus, whom we will remember led the President's first commission, former Governor of Mississippi, who knows the gulf coast well and understands Louisiana's coast as a neighbor for so long. He stepped up and said: Yes, this is the right thing to do. We had hundreds—and, really, thousands—of individuals and hundreds of organizations that started to come forward.

Let me name a few: the Environmental Defense Fund was absolutely instrumental, National Audubon Society, National Wildlife Federation, Nature Conservancy, Ocean Conservancy, Oxfam America, and GNO, Inc.—Greater New Orleans, Inc. They were some of the first organizations to step up.

The Greater Houston Partnership was invaluable in the early days to build support among the business community, as were the Mobile Chamber of Commerce, Ducks Unlimited, America's WETLAND Foundation, Restore or Retreat—a vibrant local and dynamic organization in south Louisiana—Chamber of Southwest Louisiana, Baton Rouge Area Foundation, and Women of the Storm—representing thousands of women, not just throughout the gulf coast, but as well from your State and every State. Women stepped up who said this kind of accident has to stop. This kind of explosion should never happen again.

Most important, they said the people who were hurt the most, the area damaged the worst should be compensated by this fine. This money should not come to the general fund of the United States to be spent everywhere else in the Nation for a variety of unrelated purposes. The RESTORE Act says: No, the right way for this money to be allocated is to the area where the accident occurred, where the injury occurred, and that is exactly what RESTORE does—no more and no less.

There is one other person who deserves particular thanks and a shoutout, and that is the Senator from Rhode Island SHELTON WHITEHOUSE. When Senator SHELBY and I finished crafting this bill, which was introduced by a few colleagues—a similar bill—on the House side, Representative STEVE SCALISE, CEDRIC RICHMOND, and Representative BONNER from Alabama—we were having a great deal of difficulty moving a bill through a committee that only had two gulf coast Members and Senator BOXER.

The other Members were sympathetic but not that enthusiastic, and I can most certainly understand why. As you know, this is going to be a tremendous amount of money. It is going to direct these funds to only five States. They were sympathetic, but what was in it for everyone else? SHELTON WHITEHOUSE and I put our heads together and came up—it was his idea—with the bill itself and thought maybe we could, as a part of RESTORE—an integral part

of RESTORE—say perhaps the oceans deserved justice as well because water knows no boundaries. What happened in the gulf could have impacts in the Atlantic, up the Atlantic, and out to the Pacific. Who knows. And that is the problem. We don't have enough scientific research going on in this Nation about our oceans, which is 70 percent of our planet. In Louisiana, we derive great pleasure, joy, and income from our oceans, and from our oil and gas exploration, which is usually safe, on any normal day. This was not a normal day in the gulf, not a normal operation when the Horizon rig blew up. We get our fish, our oysters, our seafood industry, our restaurant industry, our hotels, and our ecotourism—and I could go on and on—from the ocean. We make our living from the ocean. Senator WHITEHOUSE and I thought—and I think most reasonable people agreed—the oceans deserve something out of this. So at no cost to the five States, we put in a provision that a small portion—a half percent of the interest earnings that would be generated—not the fund itself, not taking money away from the gulf coast, as some have claimed, but appropriately saying interest earnings—would create a trust fund for the oceans so that every State could use it for research along their coast.

But that was a bridge too far for the Republican leaders in the House who think we can learn nothing, who want no partnerships, no research whatsoever, I guess, to go on in the oceans. So as that amendment became a part of the committee process over here, we had that amendment connected to RESTORE at the committee level. It was part of RESTORE. It was moved to the floor and it enabled us to build a broader coalition, which is the way legislation is built. It is not one person's idea. It is not one person's work. The best of the bills and legislation we pass are about teams, about generosity and sharing and understanding, a little give here, a little take there.

It is a shame there are some people on the other side of this Capitol who don't seem to know that is the basic operation of a democracy. I am not sure what books they read in school, but they weren't the ones we read at Ursuline Academy, taught by the Ursuline nuns. But SHELDON WHITEHOUSE read those same books, and we put this bill together. I couldn't have been happier. Not only could I go home and say we did this great thing for the Gulf of Mexico and that everyone came together to help us in our time of need, but I could also look at our great friends from other parts of the country and say there is a portion in here for the oceans.

That is how the bill came to the floor. One of my proudest days, in my 16 years here in the Senate, was when this Senate voted, under the leadership

of Senator BOXER and myself and Senator SHELBY, for this bill—the RESTORE Act—with 76 votes. I don't think the transportation bill itself got 76 votes, to indicate how difficult it is to get 76 votes. Other than just for immaterial items, it is hard to get 76 votes for apple pie and Mother's Day greetings. But we got 76 votes, and I was so proud. Not only was it the right thing to do—a great help to the region I help to represent—but also very fair, with the inclusion also of the land and water, which was not part of RESTORE but an amendment that was put on to help this effort with other parts of the country. So the good news is we passed that bill and paid for it in full over here with a pay-for that was also agreed to by 76 Senators.

But when the bill went over to the House, one of the first and most serious detrimental things that happened was the oceans endowment trust fund was stripped out. I want those who stripped it out to know this: We will be back. We are going to lead a coalition of Democrats and Republicans in the Senate who are going to send a strong message to House Republicans that the oceans do deserve our time, our attention, our love and support and our money. We can't do this on a wish and a prayer. We have wildlife and fish and migratory birds that depend on healthy oceans. The people of our country and the world depend on that.

This will not be the last time they see the national oceans endowment. I will be proud to have my name right next to SHELDON WHITEHOUSE's and we will go into battle again.

But around here, you don't win everything every day, and so they cut it out. But we will put it back and it will be bigger and stronger than it was when they took it out.

The other thing the House Republicans did, which I have no understanding of why, to pay for this RESTORE Act, the student loans, the transportation bill, and the flood insurance bill, is they took \$700 million away from Louisiana's Medicaid budget. I will have more to say about the details of that later, because I want to stay focused on RESTORE, but I want to put in the record what our Commissioner of Administration said, who, of course, works for Republican Governor Bobby Jindal, and Republican Secretary of Health and Hospitals Bruce Greenstein:

... the loss of more than \$400 million—

And that was in fiscal year 2013, and it was another \$250 million, so it was \$650 in 2014.

—in so-called FMAP money, already built into the state's Fiscal 2013 budget passed by the Legislature and signed into law by Gov. Bobby Jindal, would altogether lead to a loss in Medicaid dollars that would require \$1.1 billion in cuts.

Mr. President, I ask unanimous consent to have printed in the RECORD a

copy of this quote from Paul Rainwater and Bruce Greenstein.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Louisiana Commissioner of Administration Paul Rainwater and Secretary of Health and Hospitals Bruce Greenstein said the loss of more than \$400 million in so-called FMAP money, already built into the state's Fiscal 2013 budget passed by the Legislature and signed into law by Gov. Bobby Jindal, would altogether lead to a loss in Medicaid dollars that would require \$1.1 billion in cuts.

Ms. LANDRIEU. The House Republicans who came up with this idea insisted on this offset when there were others that could have been offered that were much more fair, much less impactful, and much less hurtful. There were some Republican Members who absolutely insisted this offset be included, and so the Republican Governor Bobby Jindal, with a Republican legislature and a Republican delegation in the House, will have to find a way forward. I am not sure what that way is going to be, but when the bill left the Senate that was not even discussed under any circumstance whatsoever.

But even this terrible action taken on the House side cannot diminish the extraordinary victory of the RESTORE Act. Bills such as this, that basically distribute anywhere from \$5 billion to \$20 billion for coastal restoration efforts, take years, even decades to pass. We did this in 2 years, working together, staying focused, and building a support structure nationwide from the business community to the environmental community. The Chamber of Commerce stepped up, the American Petroleum Institute did their part, and many of the oil and gas companies stepped up as well. With the coalition of environmentalists, business organizations, wildlife enthusiasts, we were able to get this significant bill passed. It is going to be a tremendous downpayment for the challenge in the gulf coast.

Let me, for the record, say again that there were 86,985 square miles of water closed to fishing, approximately 36 percent of Federal waters in the gulf that were closed to fishing for months, causing a loss to the industry of \$2.5 billion. There were 600 miles of the gulf coastline that were oiled. Over half of those miles were in Louisiana, and some oil is still lingering. In fact, scientists who have been studying the baseline said the erosion of the marsh that was oiled was eroding at twice the speed as normal, and that normal erosion is pretty breathtaking in terms of its rate.

We have lost basically the size of the State of Rhode Island in the last 50 years. If our delegation is not successful in continuing to have victories such as this, it is conceivable, with the climate change that is happening, the rising of the tides and the frequency of these great storms, that one day, if we

are not successful in preserving these wetlands—and these are wetlands of all of America, that drain 40 percent of our Nation, that supply 40 percent of the fisheries to everybody, and 80 percent of the oil and gas to everyone—that New Orleans will be existing as a city with a 30-foot concrete levee around it and everything else washed away—our culture, our hope, our way of life.

I have said this a thousand times: We are not sunbathing here in south Louisiana. We are not vacationing in south Louisiana. We have fun, we have weekends where we fish and we hunt, but we are not vacationing for weeks and weeks in south Louisiana, lying on the beach and getting a tan. There are no beaches to lie on. We only have two. Grand Isle is 7 miles long, and Holly Beach, which got washed away in Rita and still has not been rebuilt.

The Corps of Engineers continues to tell me there is nothing they can do for the last inhabited island off the coast of Louisiana. Well, there is a lot they can do, and we will see to that in another bill. But we want these wetlands preserved for our children, for our grandchildren, and for the economic vitality of the Nation. This is the mouth of the greatest river system in North America and we intend to save what we can. We will never get everything back. We have lost 1,900 square miles since 1930. We lose 25 square miles of wetlands each year, and we lose a football field every 30 minutes.

Two million people live in coastal Louisiana, about ½ million in Mississippi, about 1 million in Alabama, and probably about 4 million in Texas. We cannot get up and move. There is no place to go. We don't want to live in Arkansas and Missouri. We want to live on the gulf coast, and we have been there since before this Nation was a nation, and we are not leaving. We are tired of retreating. We know this can be done. We have been to The Netherlands and places around the world where wetlands have been saved—levees built that don't break. It is cost effective in the long run. In the short run it costs investment. In the long run, it creates wealth for everyone.

Three trillion dollars is contributed to the national economy by the gulf coast every year, 17 percent of the national GDP comes from the gulf coast every year, 50 percent of all the oil and gas that fuels this Nation comes from the gulf coast, and 80 percent comes from offshore. Every year, despite how much we do, we get zero back from offshore oil and gas drilling off our shore. The interior States have received 50 percent since 1923, but not Texas, not Louisiana, not Mississippi, and not Alabama. We drill, drill, drill, and send oil everywhere, keeping lights on everywhere. The pipelines just run through our State. We are happy to have the industry, but we would like to share the revenues with the Federal

Government. We send to the Federal Government about \$6 billion a year, and have for decades. So when people say, don't you ever get embarrassed by asking for so much money? No. I could not possibly ask for as much money from Washington as we have already sent here. So I am going to continue to ask for funding for our State because we send off of our coast, and we are happy to do it, but we believe in fair partnerships and mutual respect. And until we get that, I am not going to stop advocating for our State. So RESTORE is a first step. It is the right step.

It is the fair step and justice for the goals for right now. This isn't taxpayer money. No taxpayers are paying this. BP is going to pay this. But we are going to come back next year and talk about the sharing of the tax revenues that the oil companies—not individuals but the oil companies—pay to the Federal Government every year for every barrel of oil, every cubic foot of gas they take out of the gulf. That sharing should be done not just here in America, it should be done off the coast of Africa, off the coast of South Africa, off the coast of Brazil, off the coast of Ghana, so the people who live along the coast can be respected, since that is where the drilling and the exploration is taking place.

Just as people in North Dakota and Utah and Wyoming share their revenues with the Federal Government, we intend to have a more robust revenue-sharing effort in the future. But until the day that happens—and I am confident, as sure as I am standing here, it will—this RESTORE money will go as a significant downpayment to help jump-start coastal efforts. We are not doing it like every man or woman for himself. It is not a grab bag for Governors. Senator SHELBY and I carefully crafted this so the money will be spent wisely, well, and efficiently in coordination with the Federal and State governments.

Is it going to be perfect? No. I am sure we are going to have some stumbling blocks. But this is unprecedented in its nature. This kind of public works effort has never been undertaken in this great way. So the scientists hopefully will lead us, the engineers and designers will design what we need, and we can continue giving our best effort in hopes of saving a great place on this Earth; that is, the great marshes of the gulf coast and the great delta that this mighty Mississippi River built thousands and thousands of years ago and leave it better to our grandchildren than most certainly we found it.

It has been a wonderful part of my life's work. It has been a worthy project to work on. There are others who have most certainly joined me in this leadership. But I am very proud of the work this Senate did and very disappointed in some things the House did

on it. But as Senator BOXER said, it is legislation and we just can't have a perfect bill. It was better to get this than to leave it on the cutting-room floor, even though they did leave important pieces of it there.

I wish to thank Senator BOXER's staff, in particular, Senator INHOFE's staff for being so courteous, and Senator BOXER's staff for being very tenacious—to Tina and Jason particularly—to help us negotiate one of the great environmental pieces of legislation in decades.

I yield the floor.

Mr. LIEBERMAN. Mr. President, I rise today to discuss the transportation reauthorization bill that passed today. Having served on past transportation bill conference committees, I know the long hours and intense negotiations that were required to prepare this bill for consideration today, and I want to extend my congratulations, appreciation, and respect to Senators BOXER and INHOFE. I know from past experience that they are both principled, tough negotiators, and I am sure that is why the transportation bill returned from conference with so many key provisions intact.

In March, the Senate acted in a bipartisan manner to pass a transportation bill that contained significant achievements for our country, and would have greatly benefited my State of Connecticut. The bill would have reduced red tape for transportation projects while still protecting our environment and resources. It included a provision I worked on with my colleague from Delaware, Senator CARPER, which would have required cities and States to take air quality goals into account when drafting transportation plans. It also would have provided mass transit benefits the same tax beneficial treatment as parking benefits, and would have funded Connecticut's transportation programs at a level that met our basic needs for the next few years.

The bill that came back from conference retained many of these provisions, but I regret to see that it weakened others and discarded some of the rest. As I stated earlier, I am no stranger to working on a conference committee, and I fully realize that the best legislation is produced through a give and take on various issues. Clearly, that was the case here. Despite my disappointment on some of these compromises, I believe that it was essential that we acted to ensure that our national transportation programs did not lapse on July 1, and that is why I supported the transportation bill conference report. I would like to take a few minutes to briefly explain some of my concerns, and why I ultimately voted the way I did.

My concerns can generally be broken down into three categories: environmental, Connecticut-specific programs,

and the long-term viability of the transportation system. First, let me touch upon the environment. We have come a long way since the days when Federal and State transportation departments labored under the mistaken belief that building our roads and highways bigger was better, no matter the consequences. We have long since realized that land deserves to be preserved, the purity of our water protected, and our air quality improved. I worry that the bill would be a step backwards because it would waive environmental reviews of many transportation projects, including some in environmentally endangered areas of our country. By providing a categorical exclusion under the National Environmental Policy Act for any projects within an existing operational right-of-way, I can foresee wetlands being filled, sensitive habitat threatened, and resources spoiled, all without any environmental review. There is a right way and a wrong way to expedite projects, and I believe this is the wrong way. I understand this was a necessary concession in order to get a conference report agreed to, but I hope it will be addressed in the future.

The second concern I have is the impact of the bill on my State, Connecticut. The Federal highway program is just that: a Federal program that is intended to address the needs of the national transportation system. Nonetheless, our country's different regions have particular needs. Connecticut, and the Northeast in general, have urgent needs when it comes to transportation. My State has one of our Nation's oldest transportation systems, because Connecticut has been around a long time, one of the Nation's highest ratios of traffic volume to miles of road, and is a frequent pass-through State for commuters throughout the Northeast. Federal transportation funding should go to areas with the greatest need, just as happens with other government programs such as farm subsidies and disaster relief. Connecticut residents do not protest these agricultural support programs despite our paying a disproportionate share of taxes for them, but we deserve to receive adequate funds to address our unique transportation needs. Under this bill, Connecticut will receive inadequate funding. I would urge my colleagues to reconsider this problem, as well as the 95 percent minimum rate of return for all States, during deliberations on the next transportation bill just as we did during consideration of the 2005 transportation bill.

Finally, I want to take a moment to address a growing concern across the country: the future of our Highway Trust Fund. Since the establishment of the Federal highway system, we have utilized a user-fee system to fund our transportation programs. That system served us well for years, and relied on a gas tax to fill the Highway Trust

Fund, which in turn distributed funds to our States. As is so often the case, with the good comes the bad: as we make cars that are more fuel efficient, thereby cleaning up our air and reducing emissions, we also purchase less gas per mile driven, and the amount of money flowing into the Trust Fund shrinks as a result. The gas tax has stayed static at 18.4 cents per gallon since 1993. Because it is not adjusted for inflation, the federal gas tax has experienced a cumulative loss in purchasing power of 33 percent since 1993. For 4 years now, the Trust Fund has been running a deficit and we have had to bail it out with transfers from the Treasury. This is not the way the system was meant to work, and it is not a way it can long survive.

The blame lies at all of our feet. Neither party has had the courage to face the reality that we are running out of money for our roads and bridges. Instead of dealing with the problem, we have continued to bail out the trust fund, hoping that some future Congress will take necessary steps to fix this problem. I applaud my colleague from Wyoming, Senator ENZI, who took a stand and proposed adjusting the gas tax for inflation, basically a half-cent a gallon increase. This could have gone a long way to reducing the amount of money we need to use to bailout the trust fund. Unfortunately, we never had a chance to discuss the matter. I understand that colleagues do not want to talk about raising taxes. But in the end we have no choice but to talk about raising taxes if we want our transportation infrastructure to keep pace with our people's needs.

We need leadership from Congress, and the President, to face the facts: our transportation system is both broke and broken. The system does not have funds for some basic repairs, let alone to make the new investments for infrastructure we urgently need. In 2002, the United States was ranked fifth, in terms of infrastructure quality, worldwide. Today, we have dropped to twenty-fourth. We have fallen 19 places down in less than a decade.

Unfortunately, the large-scale investments we need will not be possible until we can fix the funding issue. The Simpson-Bowles Commission recommended a 5-cent per year increase to the gas tax for 3 years. Others have recommended shifting to a system that charges users for vehicle-miles-travelled. Such a VMT would ensure that those driving fuel efficient, electric, or alternative fuel vehicles pay for the wear-and-tear to the roads they cause. Although I will not be a member of the Senate when the next transportation bill is debated, I would urge my colleagues to begin to address this issue before the trust fund goes broke once again. Washington must have the courage to keep all options on the table, and then do what works to fix this problem.

In closing, I wish to again express my gratitude to Senators BOXER and INHOFE. This is a true jobs bill, and it will guarantee that millions of construction workers are still employed come Sunday, that student loan interest rates do not double this school year, and that our truly important flood insurance program will be reauthorized.

I thank Senator BOXER, Senator INHOFE, the staff of the EPW committee, as well as the staffers at the Departments of Transportation both in Washington and Connecticut, for their efforts in bringing this bill to fruition.

Ms. LANDRIEU. Mr. President, I forgot to thank my own staff, which would be very important to do. Elizabeth Weiner, Elizabeth Craddock, Jane Campbell, my chief of staff, and my entire staff for their tremendous work—we are all going to get a good rest in the week to come—and other staff, Tanner Johnson in particular, no longer with my staff but who put the original bill together.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Ms. LANDRIEU. Mr. President, I ask unanimous consent the Senate proceed to immediate consideration of S. Con. Res. 51, the adjournment resolution which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 51) providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives.

There being no objection, the Senate proceeded to the concurrent resolution.

Ms. LANDRIEU. Mr. President, I ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 51) was agreed to, as follows:

S. CON. RES. 51

Resolved by the Senate (the House of Representatives concurring), That when the Senate recesses or adjourns on any day from Friday, June 29, 2012, through Monday, July 2, 2012, on a motion offered pursuant to this concurrent resolution by its Majority Leader

or his designee, it stand recessed or adjourned until 12:00 noon on Monday, July 9, 2012, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Friday, June 29, 2012, through Friday, July 6, 2012, on a motion offered pursuant to this concurrent resolution by its majority leader or his designee, it stand adjourned until 2:00 p.m. on Monday, July 9, 2012, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

Ms. LANDRIEU. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS JOBS AND TAX RELIEF ACT—MOTION TO PROCEED—Continued

Mr. REID. Mr. President, we are on the motion to proceed to Calendar No. 341, S. 2237; is that true?

The PRESIDING OFFICER. The Senator is correct.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 341, S. 2237, the Small Business Jobs and Tax Relief Act.

Harry Reid, Kent Conrad, Tom Harkin, Richard Blumenthal, Jeff Bingaman, Carl Levin, Al Franken, Daniel K. Inouye, Richard J. Durbin, Benjamin L. Cardin, Max Baucus, Charles E. Schumer, Jeff Merkley, Patty Murray, John D. Rockefeller IV, John F. Kerry.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum under rule XXII be waived; that at 2:15 p.m., Tuesday, July 10, there be 10 minutes equally divided between the two leaders or their designees prior to a vote on the motion to invoke cloture on the motion to proceed to S. 2237.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, July 10, 2012, at 11:30 a.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 661; that there be 30 minutes of debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to vote on that matter without intervening action or debate, the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that President Obama be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATIONS DISCHARGED

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session and the Foreign Relations Committee be discharged from further consideration of Presidential Nomination 1680 and the Senate proceed to its consideration; that the nomination be confirmed, the motion to reconsider be laid upon the table, there be no intervening action or debate; that no further motions be in order to the nomination; that any related statements be printed in the RECORD; and that President Obama be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF STATE

Derek J. Mitchell, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Burma.

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of PN 1442, 1461, 1462, 1671, 1377, and 1734; that the nominations be confirmed, the motion to reconsider be considered made and laid upon the table; that there be no intervening action or debate; that no further motions be in order to the nominations; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

COAST GUARD

The following named officers for appointment to the grade indicated in the United States Coast Guard under title 14, U.S.C., section 271:

To be rear admiral upper half

Rear Admiral (1h) Daniel B. Abel
Rear Admiral (1h) Frederick J. Kenney Jr.
Rear Admiral (1h) Marshall B. Lytle III
Rear Admiral (1h) Fred M. Midgett
Rear Admiral (1h) Karl L. Schultz
Rear Admiral (1h) Cari B. Thomas
Rear Admiral (1h) Christopher J. Tomney

The following named officer for appointment in the United States Coast Guard Reserve to the grade indicated under the 10 U.S.C., section 12203:

To be rear admiral upper half

Rear Adm. (1h) John S. Welch

The following named officers for appointment to the grade indicated in the United States Coast Guard under title 14, U.S.C. section 211(A)(2):

To be lieutenant commander

Jason A. Boyer
Eric A. Cain
William E. Donohue
Roy Eidem
Matthew A. Pickard

The following named officers as members of the Coast Guard permanent commissioned teaching staff for appointment in the grade indicated in the United States Coast Guard under title 14, U.S.C., section 188:

To be commander

Russell E. Bowman

To be lieutenant commander

Joseph D. Brown

To be lieutenant

Meghan K. Steirhaus

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Subject to qualifications provided by law, the following for permanent appointment to the grade indicated in the National Oceanic and Atmospheric Administration:

To be ensign

Lucas D. Johnson
Kevin G. Doremus
Michael N. Hirsch
Joshua D. Witmer
Jared R. Halonen
Daniel P. Langis
Andrew R. Clos
John R. Kidd
Aras J. Zygas
Refael W. Klein
David B. Keith
Whitley J. Gilbert
Kelsey E. Jeffers
Kasey M. Sims
Junie H. Cassone
Ricardo Rodriguez Perez
Aaron D. Colohan
Veronica J. Brieno Rankin
Chelsea D. Frate
Theresa A. Madsen

Subject to qualifications provided by law, the following for permanent appointment to the grade indicated in the National Oceanic and Atmospheric Administration:

To be lieutenant (junior grade)

Kyle S. Salling
Daniel D. Smith
Anthony R. Klemm
Richard J. Park
David J. Rodziejewicz
Andrea L. Proie
Joseph T. Phillips

Kelli-Ann E. Bliss
 Larry V. Thomas, Jr.
 Leslie Z. Flowers
 Shannon K. Hefferan

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consider Calendar Nos. 726, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 778, 819, 820, 821, 822, 823, and 824; that the nominations be confirmed en bloc; that the motion to reconsider be considered made and laid upon the table; that there be no intervening action or debate; that no further motions be in order to any of the nominations; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

NOMINATIONS
 IN THE AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be general

Lt. Gen. Herbert J. Carlisle

NATIONAL BOARD FOR EDUCATION SCIENCES

Larry V. Hedges, of Illinois, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring November 28, 2015.

Susanna Loeb, of California, to be a Member of the Board of Directors of the National Board for Education Sciences for a term expiring March 15, 2016.

NATIONAL COUNCIL ON DISABILITY

Kamilah Oni Martin-Proctor, of the District of Columbia, to be a Member of the National Council on Disability for a term expiring September 17, 2014.

Sara A. Gelsner, of Oregon, to be a Member of the National Council on Disability for a term expiring September 17, 2014.

DEPARTMENT OF STATE

Edward M. Alford, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of The Gambia.

Peter William Bodde, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federal Democratic Republic of Nepal.

Piper Anne Wind Campbell, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Mongolia.

Dorothea-Maria Rosen, of California, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Federated States of Micronesia.

Mark L. Asquino, of the District of Columbia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be

Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Equatorial Guinea.

Michele Jeanne Sison, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Democratic Socialist Republic of Sri Lanka, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Maldives.

Douglas M. Griffiths, of Texas, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Mozambique.

Jay Nicholas Anania, of Maryland, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Suriname.

Susan Marsh Elliott, of Florida, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Tajikistan.

Richard L. Morningstar, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Azerbaijan.

DEPARTMENT OF JUSTICE

Patrick A. Miles, Jr., of Michigan, to be United States Attorney for the Western District of Michigan for the term of four years.

John S. Leonardo, of Arizona, to be United States Attorney for the District of Arizona for the term of four years.

Jamie A. Hainsworth, of Rhode Island, to be United States Marshal for the District of Rhode Island for the term of four years.

COMMUNITY RELATIONS SERVICE

Grande Lum, of California, to be Director, Community Relations Service, for a term of four years.

NUCLEAR REGULATORY COMMISSION

Kristine L. Svinicki, of Virginia, to be a Member of the Nuclear Regulatory Commission for the term of five years expiring June 30, 2017.

Allison M. Macfarlane, of Maryland, to be a Member of the Nuclear Regulatory Commission for the remainder of the term expiring June 30, 2013.

Mr. REID. Mr. President, I ask unanimous consent that the Homeland Security and Government Affairs Committee be discharged from further consideration of PN 1121; that the nomination be confirmed; that the motion to reconsider be considered made and laid upon the table; that there be no intervening action or debate; that there be no further motions in order to the nomination; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Deborah J. Jeffrey, of the District of Columbia, to be Inspector General, Corporation for National and Community Service.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET REVISIONS

Mr. CONRAD. Mr. President, I previously filed committee allocations and budgetary aggregates pursuant to section 106 of the Budget Control Act of 2011. Today, I am adjusting some of those levels, specifically the allocation to the Committee on Appropriations for fiscal year 2013 and the budgetary aggregates for fiscal year 2013.

Section 101 of the Budget Control Act allows for various adjustments to the statutory limits on discretionary spending, while section 106(d) allows the chairman of the Budget Committee to make revisions to allocations, aggregates, and levels consistent with those adjustments. The Committee on Appropriations reported four bills that are eligible for adjustments under the Budget Control Act. Consequently, I am making adjustments to the 2013 allocation to the Committee on Appropriations and to the 2013 aggregates for spending by a total of \$9.245 billion in budget authority and \$2.385 billion in outlays. Those adjustments reflect the sum of \$5.648 billion in budget authority and \$403 million in outlays for funding designated for disaster relief, \$2.547 billion in budget authority and \$1.075 billion in outlays for funding designated as being for overseas contingency operations, and \$1.050 billion in budget authority and \$907 million in outlays for program integrity initiatives. The two program integrity initiatives for which adjustments are in order under the Budget Control Act are continuing disability reviews and reterminations and health care fraud and abuse control.

I ask unanimous consent that the following tables detailing the changes to the allocation to the Committee on Appropriations and the budgetary aggregates be printed in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

BUDGETARY AGGREGATES

[Pursuant to section 106(b)(2)(C) of the Budget Control Act of 2011 and section 311 of the Congressional Budget Act of 1974]

\$s in millions	2012	2013
Current Spending Aggregates:		
Budget Authority	3,075,731	2,828,030
Outlays	3,123,589	2,944,872
Adjustments:		
Budget Authority	0	9,245
Outlays	0	2,385
Revised Spending Aggregates:		
Budget Authority	3,075,731	2,837,275
Outlays	3,123,589	2,947,257

REVISIONS TO THE BUDGET AUTHORITY AND OUTLAY ALLOCATIONS TO THE COMMITTEE ON APPROPRIATIONS

[Pursuant to section 106 of the Budget Control Act of 2011 and section 302 of the Congressional Budget Act of 1974]

In millions of dollars	Current Allocation/ Limit	Adjustment	Revised Allocation/Limit
Fiscal Year 2012:			
Security Discretionary Budget Authority	816,943	0	816,943
Nonsecurity Discretionary Budget Authority	363,536	0	363,536
General Purpose Discretionary Outlays	1,320,414	0	1,320,414
Fiscal Year 2013:			
Security Discretionary Budget Authority	546,000	254	546,254
Nonsecurity Discretionary Budget Authority	501,000	8,991	509,991
General Purpose Discretionary Outlays	1,222,497	2,385	1,224,882

DETAIL ON ADJUSTMENTS TO FISCAL YEAR 2013 ALLOCATIONS TO COMMITTEE ON APPROPRIATIONS

[Pursuant to section 106 of the Budget Control Act of 2011]

\$s in billions	Program Integrity	Disaster Relief	Emergency	Overseas Congency Operations	Total
Financial Services:					
Budget Authority	0.000	0.167	0.000	0.000	0.167
Outlays	0.000	0.129	0.000	0.000	0.129
Homeland Security:					
Budget Authority	0.000	5.481	0.000	0.254	5.735
Outlays	0.000	0.274	0.000	0.203	0.477
Labor-HHS-ED:					
Budget Authority	1.050	0.000	0.000	0.000	1.050
Outlays	0.907	0.000	0.000	0.000	0.907
State-Foreign Operations:					
Budget Authority	0.000	0.000	0.000	2.293	2.293
Outlays	0.000	0.000	0.000	0.872	0.872
Total:					
Budget Authority	1.050	5.648	0.000	2.547	9.245
Outlays	0.907	0.403	0.000	1.075	2.385
Memorandum 1: Breakdown of Above Adjustments by Category:					
Security Budget Authority	0.000	0.000	0.000	0.254	0.254
Nonsecurity Budget Authority	1.050	5.648	0.000	2.293	8.991
General Purpose Outlays	0.907	0.403	0.000	1.075	2.385
Memorandum 2: Cumulative Adjustments (Includes Previously Filed Adjustments)					
Budget Authority	1.050	5.648	0.000	2.547	9.245
Outlays	0.907	0.403	0.000	1.075	2.385

REQUEST FOR SEQUENTIAL
REFERRAL

Mr. LEAHY. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated June 28, 2012, to the Majority leader from myself and Senator GRASSLEY.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 28, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER REID: Pursuant to Section 3(b) of Senate Resolution 400 of the 94th Congress, as amended by Senate Resolution 445, 108th Congress, we request that S. 3276, the FAA Sunsets Extension Act of 2012, which was filed by the Select Committee on Intelligence on June 7, 2012, be sequentially referred to the Judiciary Committee. The bill contains matters within the jurisdiction of the Judiciary Committee.

Thank you for your assistance and cooperation.

Sincerely,

PATRICK LEAHY,
Chairman.

CHARLES E. GRASSLEY,
Ranking Member.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC, June 28, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
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DEAR MAJORITY LEADER REID: Pursuant to Section 3(b) of Senate Resolution 400 of the 94th Congress, as amended by Senate Resolution 445, 108th Congress, we request that S. 3276, the FAA Sunsets Extension Act of 2012, which was filed by the Select Committee on Intelligence on June 7, 2012, be sequentially referred to the Judiciary Committee. The bill contains matters within the jurisdiction of the Judiciary Committee.

Thank you for your assistance and cooperation.

Sincerely,

PATRICK LEAHY,
Chairman.
CHARLES E. GRASSLEY,
Ranking Member.

CONTINUATION OF THE WIPA
PROGRAM

Mr. BAUCUS. Mr. President, I rise today to express my disappointment and frustration that the Work Incentives Planning and Assistance program also known as WIPA run by the Social Security Administration is being shut down today. Congress has not acted to extend this important program and the Commissioner of Social Security does not believe he has the authority to continue the program. I disagree. I think he could continue this program under his broad authority to implement the Social Security Act. It is my belief that if he did that and that was contrary to congressional intent, Congress would express that disapproval through the appropriations process.

Let me explain what the WIPA program does. Both the Social Security disability insurance, SSDI, program and the supplemental security income, SSI, program have many provisions to assist beneficiaries in attempting to return to work, but the rules and features of the work incentives are complex and can be intimidating. Through

the WIPA program, SSA makes grants to community-based organizations to provide SSDI and SSI disability beneficiaries with assistance in navigating and using the return-to-work features. The total budget for the WIPA grant program is \$23 million a year. Because it is such a large State, Montana has two WIPA grantees. The Montana Center for Inclusive Education at Montana State University in Billings is the WIPA specialist for residents of eastern Montana. Over the last 30 months, the WIPA in MSU Billings has served over 100 Montana residents. On the western side of the State, the North Central Independent Living Services, Inc., near Great Falls runs an innovative program where the WIPA grant is dispersed among several Centers for Independent Living in order to provide more personal, one-on-one service for residents of Montana. That program has served over 220 Montana residents.

I think the WIPA program should continue. I know many Members of Congress agree. I hope the Commissioner will continue these important programs as soon as possible. Given the state of the economy today, we should not limit important services that can help our constituents who want to help themselves by attempting to work.

AUTHORIZED RURAL WATER PROJECTS COMPLETION ACT

Mr. BINGAMAN. Mr. President, I rise today as an original co-sponsor of the Authorized Rural Water Projects Completion Act, introduced by my colleague, Senator BAUCUS. I am pleased to support this important legislation which would address the serious backlog in the construction of Bureau of Reclamation water projects that are intended to serve rural and tribal communities.

All of these projects have already been studied and authorized by the Congress. However, the funding for constructing the projects has lagged, causing a delay in addressing the needs of rural and tribal communities to have potable water delivered for their use.

In 1902, the Reclamation Fund was established by Congress, intended to be used as a funding source to construct water projects in the West. It is funded through a variety of receipts, including Federal mineral leasing receipts. However, the use of monies from the Reclamation Fund has been subject to appropriation, and therefore, large balances have remained in the Fund. The average annual surplus in the Reclamation Fund from FY 2005 through FY 2011 was \$960 million. While these monies were intended to be used for water project construction, they have not always been appropriated when needed.

The bill that is being introduced today would direct that every year \$80 million that would otherwise be depos-

ited in the Reclamation Fund be made available without further appropriation for the construction of the authorized rural water projects—projects that Congress has already determined are in the public interest and should be built.

I would like my colleagues to note that according to Bureau of Reclamation analysis, an increase in funding for the construction of rural water projects to \$80 million per year would reduce the total Federal appropriations needed to complete the projects by more than \$1 billion, due to project costs and inflation. Therefore, this bill will have a positive fiscal impact. The bill also includes language that states that amounts may not be transferred for rural water projects pursuant to the legislation if to do so would raise the deficit.

The legislation provides that the Secretary may not expend amounts under the bill until the Secretary develops programmatic goals that would: enable completion of rural water projects as quickly as possible; reflect the goals and priorities identified in the laws authorizing the rural water projects; and reflect the goals of the Reclamation Rural Water Supply Act of 2006. The bill does not direct that a particular project receive funding, but rather provides that the Secretary develop funding prioritization criteria to serve as a formula for distributing funds consistent with considerations set forth in the bill.

This bill is important to our citizens in rural and tribal communities in the West. Adequate water supplies are fundamental to our way of life, and far too many Americans still live without safe drinking water. Congress has already determined that the rural water projects it has authorized are needed to provide water supplies to our rural and tribal communities and are in the best interests of public.

Mr. President, I urge my colleagues to join me in supporting this important legislation, so that the promise of these important water projects can become an on-the-ground reality.

50TH ANNIVERSARY OF THE INTERNATIONAL BRIDGE

Mr. LEVIN. Mr. President, the International Bridge at Sault St. Marie stands as an enduring, visible reminder of the connection Michigan has with our neighbor to the north. This nearly 2-mile expanse, quite literally, brings communities in Michigan and Canada closer together, forging a mutually beneficial partnership in the process. To commemorate the construction of the bridge, a new, patriotic lighting scheme will be introduced on the American side of the bridge this week.

Thousands of vehicles cross this bridge each day. In fact, in 2007 alone, nearly 2 million cars traversed this roadway. This bridge is a pathway for

commerce and trade; it is a convenient way for families separated by a short distance, but still a Nation apart to visit; and it supports recreation and tourism, which are central to the economies of many of Michigan's communities. Designed by Dr. Carl Gronquist, this sprawling structure has buoyed a number of industries important to Michigan, including steel, paper and forestry.

Before the International Bridge opened to traffic on October 31, 1962, Michiganians crossed the St. Mary's River either by car ferry or by railway. The need for a more efficient means to connect Sault Ste. Marie, MI and Sault Ste. Marie, Ontario was evident. In response, in 1940, Congress approved an international crossing in Sault Ste. Marie, and in 1955, the Canadian Parliament established the St. Mary's Bridge Company to facilitate and oversee an international crossing. The \$16 million construction project that ensued lasted nearly 2 years and gave way to the structure we enjoy today.

Connecting Sault Ste. Marie with a city of 75,000 in Ontario that also serves as an important international trade crossing in Northwestern Ontario has been very beneficial. The theme of this celebration—Celebrating 50 years of International Friendship—speaks powerfully to this point. I also would like to recognize the work of the Sault Ste. Marie Bridge Authority and the International Bridge Administration for their tremendous work and dedication. The work that is done each day to ensure an efficient and steady flow of traffic across this bridge has positively impacted the lives of Michiganians and countless businesses for the last half century. As we look toward the future, it is important to preserve and maintain the International Bridge for future generations.

TRIBUTE TO GUNNERY SERGEANT THOMAS J. BOYD, USMC

Mr. LIEBERMAN. Mr. President, this Sunday, Marine Corps GySgt Thomas Boyd, who is currently serving as a legislative fellow in my office, will receive his promotion to master sergeant at his home in Uniontown, PA, surrounded by his wife Reagan and his family. I would like to take the opportunity to recognize Tom's accomplishments and selfless service to our Nation.

Tom enlisted in the Marine Corps in 1996, following in the footsteps of his father, older brother, and great uncle. He immediately took on the very demanding occupational specialty of signals intelligence, which involves the collection and analysis of enemy communications. It is a unique and critically important specialty that accepts only the highest quality and most trustworthy marines, which tells you a lot about Tom's character.

From 2005 to 2009 Tom was stationed at Fort Meade and served at the National Security Agency. His skills were put to the test in three combat deployments, two to Iraq and one to Afghanistan, during which he supported numerous counterterrorism operations that helped make those countries and our own more secure. The Department of Defense recognized his contributions with the Defense Meritorious Service Medal, one of the highest awards the Department can bestow upon a servicemember.

Last year the Marine Corps selected Tom for its Congressional Fellowship Program, which, as my colleagues know, is highly selective. Tom is one of only two enlisted Marines selected to serve on Capitol Hill this year. While working in a Senate office is considerably less action-packed than the jobs he has had in the recent past, Tom has tackled all the tasks we have assigned to him with the overwhelming enthusiasm and tenacity we expect from our marines.

I know some of our constituents who have met Tom are sometimes surprised to come to my office and find themselves across the table from "Big Country," as Tom is affectionately known among his peers. Then they realize that not only is Tom as dedicated to serving them as any member of any Senator's staff but also that it can be a big advantage to have a man who was clearly born to be a leatherneck on their side.

To my colleagues, should you see Tom walking the halls of the Senate, I ask that you take a moment to congratulate him on his promotion and thank him and his family for their sacrifices on behalf of our country. In his personality, professionalism, and selflessness, Tom Boyd reflects the best traditions of the U.S. Marine Corps.

REMEMBERING VICE ADMIRAL WILLIAM D. HOUSER, USN

Mr. MCCAIN. Mr. President, today I rise to honor a great naval officer and a true friend. Yesterday, VADM William "Bill" Douglas Houser, USN, Retired, was buried with full military honors at Arlington National Cemetery. His was a life spent in service to our great country and its Navy and sailors.

An Atlanta native, Admiral Houser entered the Naval Academy in 1938 at the age of 16, as part of the class of 1942. He was commissioned early with his class in 1941, after the Japanese attacked Pearl Harbor. During World War II, he served for 3 years as a deck officer aboard the USS *Nashville*, which saw combat in the battle for Guadalcanal, raids on the Marcus and Wake Islands, and operations around Leyte and Luzon in the Philippines. In 1945, Admiral Houser entered flight training and was designated a naval aviator the

following year. He saw combat in Korea as commanding officer of Fighter Squadron 44 and during the Vietnam War as commanding officer of the aircraft carrier USS *Constellation*. Other commands-at-sea included Fighter Squadron 124, the USS *Mauna Loa*, and Carrier Division TWO as a flag officer.

Ashore, Admiral Houser served on the staff of the Joint Chiefs of Staff from 1960 to 1962 and again from 1967 to 1968 as Director, Strategic Plans Division. He was the Military Assistant to the Deputy Secretary of Defense from 1962 through 1963; a member of the staff of the National Security Council in 1965; and Director of Aviation Plans and Requirements for the U.S. Navy from 1968 through 1970. He was promoted to Vice Admiral in 1972 and served his last tour of duty from 1972 to 1976 as Deputy Chief of Naval Operations for Air Warfare, where he was responsible for all Naval aviation matters. Admiral Houser said that his most satisfying accomplishment as Deputy Chief was saving the F-14 fighter from cancellation.

Admiral Houser received numerous medals and decorations while on Active Duty. They include the Distinguished Service Medal, two awards; the Legion of Merit, four awards; the Bronze Star with Combat V; and the Air Medal, two awards. In retirement, he was also honored to receive the prestigious U.S. Naval Academy Alumni Association Distinguished Graduate Award in 2003.

After retirement from the Navy, Admiral Houser went on to a successful career in the telecommunications industry, working for the Corporation for Public Broadcasting, Communications Satellite Corporation, and Com21, among others. But he always remained dedicated to the Navy he so loved. He served as a trustee of the U.S. Naval Academy Foundation for 30 years. He served on the International Midway Memorial Foundation and helped establish the annual Navy Midway Dinner. He spearheaded the creation of a Midway Memorial in the yard of the U.S. Naval Academy.

Beyond all his accomplishments, Bill was a great friend. When I returned home from prison in Vietnam, he was instrumental in helping me return to flying status. I remain forever indebted to him for his support and assistance.

Bill passed away on February 5, 2012, and is survived by his wife Jan; his 3 daughters, Cindy, Gayle, and Francie; his 2 stepdaughters, Karla and Louise; 11 grandchildren; and 1 great-granddaughter. President John F. Kennedy once said, "Any man who may be asked in this century what he did to make his life worthwhile, I think can respond with a good deal of pride and satisfaction, 'I served in the United States Navy.'" By that standard, VADM William D. Houser, USN, Retired, lived a life of immeasurable worth. God bless and Godspeed, old friend.

TRIBUTE TO REVEREND FRED LUTER, JR.

Ms. LANDRIEU. Mr. President, I rise today to ask my colleagues to join me in congratulating Rev. Fred Luther, Jr., of New Orleans, LA on being elected to be president of the Southern Baptist Convention and acknowledging Reverend Luther's unique role as the first African-American leader of the Southern Baptist Convention.

Rev. Fred Luther, Jr. preached his first church sermon in 1983 at the Law Street Baptist Church in New Orleans, LA. He then became pastor of Franklin Avenue Baptist Church in 1986. Under the leadership of Reverend Luther, the Franklin Avenue Baptist Church community grew from 65 members in 1986 to over 7,000 members in 2005. Thanks to Reverend Luther, the Franklin Avenue Baptist Church grew to be the largest Southern Baptist Church in the State of Louisiana.

In 2005, Franklin Avenue Baptist Church was extensively damaged by Hurricane Katrina. Along with the church, Reverend Luther also lost his home to flooding. Displaced members of the church totaled approximately 2,000 people. Reverend Luther, in cooperation with Rev. David Crosby, found a temporary home for Franklin Avenue Baptist Church during the aftermath of Hurricane Katrina. As well as setting up a temporary church, Reverend Luther continued to minister to his congregation, even holding services in Baton Rouge, LA, and Houston, TX. After tremendous hard work and determination, Reverend Luther reopened the door to Franklin Avenue Baptist Church in April of 2008.

In 2011, Reverend Luther became the first African-American to be elected as first vice president of the Southern Baptist Convention. The Southern Baptist Convention is a cooperative of over 45,000 churches they diligently seek to bring about greater racial and ethnic representation at every level of Southern Baptist institutional life.

Reverend Luther was then nominated by Rev. David Crosby to become president of the Southern Baptist Convention. On June 19, 2012, Reverend Luther was elected to be the first African-American president of the Southern Baptist Convention.

It is with a special measure of commendation and heartfelt congratulations on becoming the first African-American president of the Southern Baptist Convention and for his commitment to ministering to his congregation that I ask my colleagues to join me along with Reverend Luther's family in honoring and celebrating the life of this most extraordinary person.

ADDITIONAL STATEMENTS

RECOGNIZING JEWISH FAMILY SERVICES

• Mr. BLUMENTHAL. Mr. President, today I wish to recognize Jewish Family Services, a philanthropic treasure in Connecticut. This year marks a momentous 100th anniversary of community service.

Founded June 1912, Jewish Family Services was built to assist European immigrants coming to this country to seek the American dream and escape persecution. These new residents of Connecticut confronted the challenges of their new lives with hope and determination.

Jewish Family Services has touched all generations, giving unconditionally to all those in need. Following the value of Tikkun Olam—"healing the world"—their mission is truly boundless. Their courageous staff of experienced social workers has helped facilitate new lives for many citizens, empowering their first steps towards change.

Jewish Family Services has recently focused on programs to support new careers and combat long-term unemployment. Through the Jewish Employment Transition Services, JFS has helped ease the desperation of joblessness. These programs complement many others including a food pantry, mental health services, care for the aging, children, and Holocaust survivors, counseling for life transitions such as divorce, and financial tutoring.

To celebrate its 100th anniversary while preparing for the next decades, Jewish Family Services has created three new funds—one dedicated to our children, the Changing Children's Lives Fund, another for those confronting emergency situations or personal crisis, the First Responders Fund, and a third, aptly named the Future Fund.

By giving help and getting help, Jewish Family Services has formed a family for the Greater Hartford area. It embraces community assistance as a given and disperses inspiration and hope. Its one hundred years are a prelude to future accomplishment and contribution.●

FOREST RIVER, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased to honor a community in North Dakota that will soon celebrate its 125th anniversary. On July 13, 2012, the residents of Forest River will recognize the community's history and founding.

Named after the river that flows through the area, Forest River was established in 1878 as a stop for both the Northern Pacific Railroad Company and the Soo Line Railroad. The river's original name was the Big Salt River; however, it was later changed to reflect the thick growth of trees along the banks of the water.

Residents of Forest River will celebrate the town's 125th anniversary with fun activities, including a parade, an ice cream social, a street fair, several street dances, and a museum exhibit chronicling the history and heritage of the town and its residents. These activities reflect the charm and character of Forest River and the town's strong sense of community.

I ask the Senate to join me in congratulating Forest River, ND, and its residents on their 125th anniversary and in wishing them a bright future.●

REGAN, NORTH DAKOTA

• Mr. CONRAD. Mr. President, I am pleased to honor a community in North Dakota that will soon celebrate its 100th anniversary. From July 13 through the 15, the residents of Regan will recognize the community's history and founding.

Regan, like many towns in North Dakota, began with the coming of the Northern Pacific Railroad Company. Regan was named after J. Austin Regan, a businessman from nearby Fessenden and an official of Dakota Land and Townsite, the company which originally mapped the town. The first building in Regan was a cream station named Tolchinsky's, where early settlers sold their cream. In the following years, the town grew quickly with the additions of a post office, a church, many businesses, and a baseball diamond.

Dubbed "Rockin' Regan" the residents have an extensive list of events for the centennial celebration, including a parade, a raffle, and the Centennial Tractor Trek that will travel along ND-Highway 36.

Today, Regan, although small, is still a prominent farming community. I am reminded of a saying from their 75th celebration: "We are not just a town, but a community, and a community we will remain." This is the true essence of the people of North Dakota; no matter what the future brings, communities will remain. The town of Regan has demonstrated its independence as a strong community and has remained strong since 1912.

I ask the Senate to join me in congratulating Regan, ND, and its residents on their 100th anniversary and in wishing them a bright future.●

BRIDAL VEIL POST OFFICE

• Mr. MERKLEY. Mr. President, today I wish to commemorate the one hundred and twenty fifth anniversary of the Bridal Veil Post Office.

Since July 7th, 1887, the Bridal Veil Post Office has delivered letters and packages to the community in a timely and efficient manner. The post office, all 100 square feet of it, manages to keep up with the thousands of brides that flood to this town every year,

seeking the coveted Bridal Veil postmark on their wedding invitations. While the town of Bridal Veil may have decreased in size since its days as a bustling mill-town, the dedication and service of this post office has certainly remained.

The Bridal Veil Post Office also serves as a testament to a time in Oregon's past that is too often forgotten; a time that the Bridal Veil Historical Preservation Society and its supporters have fought to preserve. Even in the face of post office closures and modernizations, this post office has endured. The efforts of those that have fought to maintain this structure, especially the Historical Preservation Society, serve as a testament to its importance not only to this community, but to the state of Oregon as well.

To President and Postmaster Geri Canzler, the citizens of Bridal Veil, and all those that have fought to preserve this historic site: thank you and congratulations on 125 years and counting.●

NOTIFICATION OF THE PRESIDENT'S INTENT TO TERMINATE THE DESIGNATIONS OF GIBRALTAR AND THE TURKS AND CAICOS ISLANDS AS BENEFICIARY DEVELOPING COUNTRIES UNDER THE GENERALIZED SYSTEM OF PREFERENCES (GSP) PROGRAM—PM 53

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with section 502(f)(2) of the Trade Act of 1974, as amended (the "1974 Act") (19 U.S.C. 2462(f)(2)), I am providing notification of my intent to terminate the designations of Gibraltar and the Turks and Caicos Islands as beneficiary developing countries under the Generalized System of Preferences (GSP) program. Section 502(e) of the 1974 Act (19 U.S.C. 2462(e)) provides that if the President determines that a beneficiary developing country has become a "high income" country, as defined by the official statistics of the International Bank for Reconstruction and Development (i.e., the World Bank), then the President shall terminate the designation of such country as a beneficiary developing country for purposes of GSP, effective on January 1 of the second year following the year in which such determination is made.

Pursuant to section 502(e) of the 1974 Act, I have determined that it is appropriate to terminate Gibraltar's designation as a beneficiary developing country under the GSP program, because it has become a high income country as defined by the World Bank. Accordingly, Gibraltar's eligibility for

trade benefits under the GSP program will end on January 1, 2014.

In addition, pursuant to section 502(e) of the 1974 Act, I have determined that it is appropriate to terminate Turks and Caicos Islands' designation as a beneficiary developing country under the GSP program, because it has become a high income country as defined by the World Bank. Accordingly, Turks and Caicos Islands' eligibility for trade benefits under the GSP program will end on January 1, 2014.

BARACK OBAMA.
THE WHITE HOUSE, June 29, 2012.

NOTIFICATION OF THE PRESIDENT'S INTENT TO ADD THE REPUBLIC OF SENEGAL TO THE LIST OF LEAST-DEVELOPED BENEFICIARY DEVELOPING COUNTRIES UNDER THE GENERALIZED SYSTEM OF PREFERENCES (GSP) PROGRAM—PM 54

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with section 502(f)(1)(B) of the Trade Act of 1974, as amended (the "1974 Act") (19 U.S.C. 2462(f)(1)(B)), I am notifying the Congress of my intent to add the Republic of Senegal (Senegal) to the list of least-developed beneficiary developing countries under the Generalized System of Preferences program. After considering the criteria set forth in section 502(c) of the 1974 Act (19 U.S.C. 2462(c)), I have determined that it is appropriate to extend least-developed beneficiary developing country benefits to Senegal.

BARACK OBAMA.
THE WHITE HOUSE, June 29, 2012.

MESSAGES FROM THE HOUSE

At 10:22 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1447. An act to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes.

H.R. 3173. An act to direct the Secretary of Homeland Security to reform the process for the enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential (TWIC) to require, in total, not more than one in-person visit to a designated enrollment center.

H.R. 3276. An act to designate the facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, as the "Reverend Abe Brown Post Office Building".

H.R. 3412. An act to designate the facility of the United States Postal Service located

at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the "Sergeant Richard Franklin Abshire Post Office Building".

H.R. 3501. An act to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the "SPC Nicholas Scott Hartge Post Office".

H.R. 3772. An act to designate the facility of the United States Postal Service located at 150 South Union Street in Canton, Mississippi, as the "First Sergeant Landres Cheeks Post Office Building".

H.R. 4005. An act to direct the Secretary of Homeland Security to conduct a study and report to Congress on gaps in port security in the United States and a plan to address them.

H.R. 4251. An act to authorize, enhance, and reform certain port security programs through increased efficiency and risk-based coordination within the Department of Homeland Security, and for other purposes.

H.R. 5843. An act to amend the Homeland Security Act of 2002 to permit use of certain grant funds for training conducted in conjunction with a national laboratory or research facility.

H.R. 5889. An act to amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, and for other purposes.

At 1:38 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4348) to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

At 2:40 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6064. An act to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

The message also announced that pursuant to section 1238(B)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22 U.S.C. 7002), as amended, and the order of the House of January 5, 2011, the Speaker appoints the following member on the part of the House of Representatives to the United States-China Economic and Security Review Commission for a term to expire December 31, 2014: Mr. Peter Brookes of Springfield, Virginia.

At 3:50 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 5972. An act making appropriations for the Departments of Transportation, and

Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1447. An act to amend title 49, United States Code, to direct the Assistant Secretary of Homeland Security (Transportation Security Administration) to establish an Aviation Security Advisory Committee, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 3173. An act to direct the Secretary of Homeland Security to reform the process for the enrollment, activation, issuance, and renewal of a Transportation Worker Identification Credential (TWIC) to require, in total, not more than one in-person visit to a designated enrollment center; to the Committee on Commerce, Science, and Transportation.

H.R. 3276. An act to designate the facility of the United States Postal Service located at 2810 East Hillsborough Avenue in Tampa, Florida, as the "Reverend Abe Brown Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3412. An act to designate the facility of the United States Postal Service located at 1421 Veterans Memorial Drive in Abbeville, Louisiana, as the "Sergeant Richard Franklin Abshire Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3501. An act to designate the facility of the United States Postal Service located at 125 Kerr Avenue in Rome City, Indiana, as the "SPC Nicholas Scott Hartge Post Office"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3772. An act to designate the facility of the United States Postal Service located at 150 South Union Street in Canton, Mississippi, as the "First Sergeant Landres Cheeks Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4005. An act to direct the Secretary of Homeland Security to conduct a study and report to Congress on gaps in port security in the United States and a plan to address them; to the Committee on Homeland Security and Governmental Affairs.

H.R. 4251. An act to authorize, enhance, and reform certain port security programs through increased efficiency and risk-based coordination within the Department of Homeland Security, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 5843. An act to amend the Homeland Security Act of 2002 to permit use of certain grant funds for training conducted in conjunction with a national laboratory or research facility; to the Committee on Homeland Security and Governmental Affairs.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 5972. An act making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2013, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 4018. An act to improve the Public Safety Officers' Benefits Program.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6749. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bell Helicopter Textron Canada Limited Helicopters" ((RIN2120-AA64) (Docket No. FAA-2012-0084)) received in the Office of the President of the Senate on June 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6750. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier, Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0293)) received in the Office of the President of the Senate on June 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6751. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE SYSTEMS (Operations) Limited Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0188)) received in the Office of the President of the Senate on June 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6752. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Eurocopter Deutschland GmbH Helicopters" ((RIN2120-AA64) (Docket No. FAA-2012-0101)) received in the Office of the President of the Senate on June 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6753. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1320)) received in the Office of the President of the Senate on June 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6754. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Inc. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0109)) received in the Office of the President of the Senate on June 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6755. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Services B.V. Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0141)) received

in the Office of the President of the Senate on June 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6756. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Tallahassee, FL" ((RIN2120-AA66) (Docket No. FAA-2012-0240)) received in the Office of the President of the Senate on June 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6757. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Recreational Accountability Measures" (RIN0648-BB66) received in the Office of the President of the Senate on June 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6758. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Groupers Fishery Off the Southern Atlantic States; Amendment 24" (RIN0648-BA52) received in the Office of the President of the Senate on June 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6759. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery" (RIN0648-BA56) received in the Office of the President of the Senate on June 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6760. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Groupers Fishery Off the Southern Atlantic States; Amendment 18A" (RIN0648-BB56) received in the Office of the President of the Senate on June 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6761. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Western Pacific Pelagic Fisheries; Modification of American Samoa Large Vessel Prohibited Area" (RIN0648-BB45) received in the Office of the President of the Senate on June 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6762. A communication from the Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 47" (RIN0648-BB62) received in the Office of the President of the Senate on June 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6763. A communication from the Acting Deputy Assistant Administrator for Regu-

latory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Final 2012 Spiny Dogfish Fishery Specifications" (RIN0648-XA973) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6764. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Accountability Measures for the Recreational Sector of Gray Triggerfish in the Gulf of Mexico for the 2012 Fishing Year" (RIN0648-XC036) received in the Office of the President of the Senate on June 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6765. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XC052) received in the Office of the President of the Senate on June 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6766. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Biennial Specifications and Management Measures; Inseason Adjustments" (RIN0648-BC11) received in the Office of the President of the Senate on June 20, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6767. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries" (RIN0648-XC006) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6768. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries" (RIN0648-XC035) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6769. A communication from the Acting Director of Sustainable Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod for American Fisheries Act Catcher/Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (RIN0648-XC064) received in the Office of the President of the Senate on June 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6770. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Systems for Telephonic Notification of Unsafe Conditions at Highway-Rail and Pathway Grade Crossings" (RIN2130-AC12) received in the Office of the President of the

Senate on June 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6771. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Flightcrew Member Duty and Rest Requirements; Correction" (RIN2120-AJ58) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6772. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of VOR Federal Airways V-135 and V-137; Southwest United States" ((RIN2120-AA66) (Docket No. FAA-2011-0654)) received in the Office of the President of the Senate on June 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6773. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Multiple Compulsory Reporting Points; Continental United States, Alaska and Hawaii" ((RIN2120-AA66) (Docket No. FAA-2012-0130)) received in the Office of the President of the Senate on June 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6774. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification, Revocation and Establishment of Air Traffic Service Routes; Windsor Locks Area; CT" ((RIN2120-AA66) (Docket No. FAA-2011-1386)) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6775. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and Class E Airspace and Revocation of Class E Airspace; Bellingham, WA" ((RIN2120-AA66) (Docket No. FAA-2011-0363)) received in the Office of the President of the Senate on June 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6776. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class D and Class E Airspace; Leesburg, FL" ((RIN2120-AA66) (Docket No. FAA-2012-0445)) received in the Office of the President of the Senate on June 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6777. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Class E Airspace; Orlando, FL" ((RIN2120-AA66) (Docket No. FAA-2011-0503)) received in the Office of the President of the Senate on June 26, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6778. A communication from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the Commission's Rules" (FCC 12-59, CS Docket No. 98-120) received during adjournment of the Senate in

the Office of the President of the Senate on June 15, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6779. A communication from the Regulatory Ombudsman, Federal Motor Carrier Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Inspection, Repair, and Maintenance; Driver-Vehicle Inspection Report for Intermodal Equipment" (RIN2126-AB34) received in the Office of the President of the Senate on June 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6780. A communication from the Chief of Staff, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Improving Spectrum Efficiency through Flexible Channel Spacing and Bandwidth Utilization for Economic Area-based 800 MHz Specialized Mobile Radio Licensees, et. al." (WT Docket Nos. 12-64 and 11-110; FCC 12-55) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6781. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Wireline Competition Bureau Announces Support Amounts for Connect America Fund Phase One Incremental Support" (WT Docket Nos. 10-90, 05-337; DA 12-639) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6782. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support" (WT Docket Nos. 10-90, 07-135, 05-337, 03-109; GN Docket No. 09-51; CC Docket Nos. 01-92, 95-45; WT Docket No. 10-208) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6783. A communication from the Chief of Staff, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Suspend Acceptance and Processing of Certain Part 22 and 90 Applications for 470-512 MHz Spectrum" (DA 12-643) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6784. A communication from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Connect America Fund; High-Cost Universal Service Support" (WC Docket Nos. 10-90, 05-337; DA-646) received in the Office of the President of the Senate on June 12, 2012; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Af-

fairs, with an amendment in the nature of a substitute:

S. 2239. A bill to direct the head of each agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. BAUCUS for the Committee on Finance.

*Matthew S. Rutherford, of Illinois, to be an Assistant Secretary of the Treasury.

*Meredith M. Broadbent, of Virginia, to be a Member of the United States International Trade Commission for a term expiring June 16, 2017.

*Mark J. Mazur, of New Jersey, to be an Assistant Secretary of the Treasury.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. AKAKA (for himself, Mr. BOOZMAN, Mr. WHITEHOUSE, and Mr. CRAPO):

S. 3362. A bill to reauthorize the National Dam Safety Program Act, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CHAMBLISS (for himself and Mr. REED):

S. 3363. A bill to provide for the use of National Infantry Museum and Soldier Center Commemorative Coin surcharges, and for other purposes; considered and passed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Florida (for himself and Mr. BROWN of Ohio):

S. Res. 516. A resolution expressing the sense of the Senate on the restitution of or compensation for property seized during the Nazi and Communist eras; to the Committee on Foreign Relations.

By Mr. DURBIN (for himself and Mr. KIRK):

S. Res. 517. A resolution congratulating the Northwestern Wildcats Women's Lacrosse Team on winning the 2012 National Collegiate Athletic Association Division I Women's Lacrosse Championship; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. Res. 518. A resolution congratulating the Southern Baptist Convention for electing Reverend Fred Luter, Jr., as the president of the Southern Baptist Convention, acknowledging Reverend Luter's unique role as the first African-American leader of the Southern Baptist Convention, and honoring the

commitment of the Southern Baptist Convention to an inclusive faith-based community and society; to the Committee on the Judiciary.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Con. Res. 51. A concurrent resolution providing for a conditional adjournment or recess of the Senate and an adjournment of the House of Representatives; considered and agreed to.

ADDITIONAL COSPONSORS

S. 344

At the request of Mr. REID, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 344, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 362

At the request of Mr. WHITEHOUSE, the names of the Senator from Kansas (Mr. MORAN) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 697

At the request of Mr. CASEY, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 697, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Services for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.

S. 952

At the request of Mr. DURBIN, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 952, a bill to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children and for other purposes.

S. 974

At the request of Ms. SNOWE, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 974, a bill to amend the Internal Revenue Code of 1986 to expand the tip tax credit to employers of cosmetologists and to promote tax compliance in the cosmetology sector.

S. 1245

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 1245, a bill to provide for the establishment of the Special Envoy to Promote

Religious Freedom of Religious Minorities in the Near East and South Central Asia.

S. 1283

At the request of Mr. DURBIN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1283, a bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, grandchild, or grandparent who has a serious health condition.

S. 1301

At the request of Mr. LEAHY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 1301, a bill to authorize appropriations for fiscal years 2012 through 2015 for the Trafficking Victims Protection Act of 2000, to enhance measures to combat trafficking in persons, and for other purposes.

S. 1591

At the request of Mr. THUNE, his name was added as a cosponsor of S. 1591, a bill to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

S. 1929

At the request of Mr. BLUMENTHAL, the names of the Senator from Virginia (Mr. WARNER), the Senator from Arkansas (Mr. PRYOR), the Senator from Indiana (Mr. COATS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Texas (Mr. CORNYN), the Senator from Mississippi (Mr. WICKER), the Senator from Idaho (Mr. RISCH), the Senator from Wyoming (Mr. BARRASSO), the Senator from North Carolina (Mr. BURR), the Senator from Florida (Mr. RUBIO), the Senator from North Dakota (Mr. HOEVEN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 1929, a bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1979

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 1979, a bill to provide incentives to physicians to practice in rural and medically underserved communities and for other purposes.

S. 1990

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 1990, a bill to require the Transpor-

tation Security Administration to comply with the Uniformed Services Employment and Reemployment Rights Act.

S. 2165

At the request of Mrs. BOXER, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2189

At the request of Mr. HARKIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2189, a bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal anti-discrimination and antiretaliation claims, and for other purposes.

S. 2201

At the request of Mr. GRASSLEY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2201, a bill to amend the Internal Revenue Code of 1986 to extend the renewable energy credit.

S. 2239

At the request of Mr. JOHANNIS, his name was added as a cosponsor of S. 2239, a bill to direct the head of each agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

At the request of Mr. NELSON of Florida, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 2239, *supra*.

S. 2244

At the request of Mr. PORTMAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2244, a bill to direct the Secretary of Veterans Affairs to assist in the identification of unclaimed and abandoned human remains to determine if any such remains are eligible for burial in a national cemetery, and for other purposes.

S. 2320

At the request of Ms. AYOTTE, the name of the Senator from Hawaii (Mr. INOUE) was added as a cosponsor of S. 2320, a bill to direct the American Battle Monuments Commission to provide for the ongoing maintenance of Clark Veterans Cemetery in the Republic of the Philippines, and for other purposes.

S. 2369

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2369, a bill to establish the American Innovation Bank, to improve science and technology job training, to authorize grants for curriculum development, and for other purposes.

S. 3077

At the request of Mr. PORTMAN, the name of the Senator from Kansas (Mr.

MORAN) was added as a cosponsor of S. 3077, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the Pro Football Hall of Fame.

S. 3186

At the request of Mr. SCHUMER, the name of the Senator from Colorado (Mr. UDALL) was added as a cosponsor of S. 3186, a bill to make it unlawful to alter or remove the identification number of a mobile device.

S. 3287

At the request of Mr. PAUL, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 3287, a bill to protect individual privacy against unwarranted governmental intrusion through the use of the unmanned aerial vehicles commonly called drones, and for other purposes.

S.J. RES. 29

At the request of Mr. UDALL of New Mexico, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S.J. Res. 29, a joint resolution proposing an amendment to the Constitution of the United States relating to contributions and expenditures intended to affect elections.

S.J. RES. 43

At the request of Mr. MCCONNELL, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S.J. Res. 43, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S.J. RES. 45

At the request of Mrs. HUTCHISON, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S.J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as "Juneteenth Independence Day".

S. CON. RES. 46

At the request of Mr. WEBB, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. Con. Res. 46, a concurrent resolution expressing the sense of Congress that an appropriate site at the former Navy Dive School at the Washington Navy Yard should be provided for the Man in the Sea Memorial Monument to honor the members of the Armed Forces who have served as divers and whose service in defense of the United States has been carried out beneath the waters of the world.

S. CON. RES. 48

At the request of Mr. LEAHY, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from North Dakota (Mr. HOEVEN) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. Con. Res. 48, a concurrent resolution recognizing 375 years of service of the National Guard and affirming congressional support for a permanent Oper-

ational Reserve as a component of the Armed Forces.

S. CON. RES. 50

At the request of Mr. RUBIO, the names of the Senator from Delaware (Mr. COONS) and the Senator from Missouri (Mr. BLUNT) were added as cosponsors of S. Con. Res. 50, a concurrent resolution expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. AKAKA (for himself, Mr. BOOZMAN, Mr. WHITEHOUSE, and Mr. CRAPO):

S. 3362. A bill to reauthorize the National Dam Safety Program Act, and for other purposes; to the Committee on Environment and Public Works.

Mr. AKAKA. Mr. President, I rise today to introduce legislation to reauthorize the National Dam Safety Program managed by the Federal Emergency Management Agency, FEMA. I thank Senators BOOZMAN, WHITEHOUSE, and CRAPO for joining me in sponsoring this bill that will help promote public safety and prevent the destruction caused by dam failures. This fiscally responsible legislation will help states do more to protect communities and avoid costly dam incidents without increasing funding above the most recent authorization level.

With more than 84,000 dams listed in the National Inventory of Dams, dams are a critical and ubiquitous part of our nation's infrastructure. In Hawaii, 142 State-regulated dams are located across our islands from Kekaha on Kauai to Paauilo on Hawaii Island. These dams are owned by non-profit organizations, private companies, individuals, and Federal, State, and local governments. While they go largely unseen, dams benefit our lives every day. They provide drinking water, hydroelectric power, irrigation water, flood control, and recreational opportunities.

However, dams also pose a significant risk to public safety, local economies, and the environment. Our nation's dams received a grade of "D" from the American Society of Civil Engineers 2009 Report Card for America's Infrastructure, which cited more than 4,000 deficient dams, including more than 1,800 that would result in loss of life if they failed. Unfortunately, we know that this risk is not just hypothetical. In 2006, the Ka Loko Dam on Kauai collapsed killing seven people, and dozens of other dam failures have occurred across the nation since that time. While we cannot avoid all dam incidents, this legislation will help prevent dam disasters and better prepare Americans for when they do happen.

The National Dam Safety Program is the foundation of prevention efforts na-

tionally. The program helps states to check for deteriorating conditions at dams. This is important so that repairs can be made in order to safeguard against incidents that result in loss of life and property. The program also helps ensure that states have the technical assistance, training, and procedures needed to prevent dams from reaching a condition that puts communities in danger.

I very much appreciate the involvement of experts in dam safety, including FEMA, the Army Corps of Engineers, Hawaii Department of Land and Natural Resources, the American Society of Civil Engineers, and the Association of State Dam Safety Officials, in developing this legislation. I urge my colleagues to support his measure.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3362

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dam Safety Act of 2012".

SEC. 2. PURPOSE.

The purpose of this Act and the amendments made by this Act is to reduce the risks to life and property from dam failure in the United States through the reauthorization of an effective national dam safety program that brings together the expertise and resources of the Federal and non-Federal communities in achieving national dam safety hazard reduction.

SEC. 3. ADMINISTRATOR.

(a) IN GENERAL.—The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended by striking "Director" each place it appears and inserting "Administrator".

(b) CONFORMING AMENDMENT.—Section 2 of the National Dam Safety Program Act (33 U.S.C. 467) is amended—

- (1) by striking paragraph (3);
- (2) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and
- (3) by inserting before paragraph (2) (as redesignated by paragraph (2)) the following:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Federal Emergency Management Agency."

SEC. 4. INSPECTION OF DAMS.

Section 3(b)(1) of the National Dam Safety Program Act (33 U.S.C. 467a(b)(1)) is amended by striking "or maintenance" and inserting "maintenance, condition, or provisions for emergency operations".

SEC. 5. NATIONAL DAM SAFETY PROGRAM.

(1) OBJECTIVES.—Section 8(c) of the National Dam Safety Program Act (33 U.S.C. 467f(c)) is amended by striking paragraph (4) and inserting the following:

"(4) develop and implement a comprehensive dam safety hazard education and public awareness program to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents;"

(2) BOARD.—Section 8(f)(4) of the National Dam Safety Program Act (33 U.S.C. 467f(f)(4)) is amended by inserting ", representatives from nongovernmental organizations," after "State agencies".

SEC. 6. PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.

The National Dam Safety Program Act (33 U.S.C. 467 et seq.) is amended—

- (1) by redesignating sections 11, 12, and 13 as sections 12, 13, and 14, respectively; and
- (2) by inserting after section 10 (33 U.S.C. 467g–1) the following:

“SEC. 11. PUBLIC AWARENESS AND OUTREACH FOR DAM SAFETY.

“The Administrator, in consultation with other Federal agencies, State and local governments, dam owners, the emergency management community, the private sector, nongovernmental organizations and associations, institutions of higher education, and any other appropriate entities shall carry out a nationwide public awareness and outreach program to assist the public in preparing for, mitigating, responding to, and recovering from dam incidents.”.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**(1) NATIONAL DAM SAFETY PROGRAM.—**

(A) ANNUAL AMOUNTS.—Section 14(a)(1) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(1)) (as so redesignated) is amended by striking “\$6,500,000” and all that follows through “2011” and inserting “\$9,200,000 for each of fiscal years 2012 through 2016”.

(B) MAXIMUM AMOUNT OF ALLOCATION.—Section 14(a)(2)(B) of the National Dam Safety Program Act (33 U.S.C. 467j(a)(2)(B)) (as so redesignated) is amended—

- (i) by striking “The amount” and inserting the following:

“(i) IN GENERAL.—The amount”; and

(ii) by adding at the end the following:

“(ii) FISCAL YEAR 2013 AND SUBSEQUENT FISCAL YEARS.—For fiscal year 2013 and each subsequent fiscal year, the amount of funds allocated to a State under this paragraph may not exceed the amount of funds committed by the State to implement dam safety activities.”.

(2) NATIONAL DAM INVENTORY.—Section 14(b) of the National Dam Safety Program Act (33 U.S.C. 467j(b)) (as so redesignated) is amended by striking “\$650,000” and all that follows through “2011” and inserting “\$500,000 for each of fiscal years 2012 through 2016”.

(3) PUBLIC AWARENESS.—Section 14 of the National Dam Safety Program Act (33 U.S.C. 467j) (as so redesignated) is amended—

- (A) by redesignating subsections (c) through (f) as subsections (d) through (g), respectively; and

(B) by inserting after subsection (b) the following:

“(c) PUBLIC AWARENESS.—There is authorized to be appropriated to carry out section 11 \$1,000,000 for each of fiscal years 2012 through 2016.”.

(4) RESEARCH.—Section 14(d) of the National Dam Safety Program Act (as so redesignated) is amended by striking “\$1,600,000” and all that follows through “2011” and inserting “\$1,450,000 for each of fiscal years 2012 through 2016”.

(5) DAM SAFETY TRAINING.—Section 14(e) of the National Dam Safety Program Act (as so redesignated) is amended by striking “\$550,000” and all that follows through “2011” and inserting “\$750,000 for each of fiscal years 2012 through 2016”.

(6) STAFF.—Section 14(f) of the National Dam Safety Program Act (as so redesignated) is amended by striking “\$700,000” and all that follows through “2011” and inserting “\$1,000,000 for each of fiscal years 2012 through 2016”.

SUBMITTED RESOLUTIONS**SENATE RESOLUTION 516—EXPRESSING THE SENSE OF THE SENATE ON THE RESTITUTION OF OR COMPENSATION FOR PROPERTY SEIZED DURING THE NAZI AND COMMUNIST ERAS**

Mr. NELSON of Florida (for himself and Mr. BROWN of Ohio) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 516

Whereas protecting and respecting private property rights is a basic principle for all democratic governments that operate according to the rule of law;

Whereas Nazi or Communist regimes dominated many Eastern European countries without the consent of their people for parts of the 20th century;

Whereas the authoritarian and totalitarian regimes that emerged in Eastern Europe after World War II perpetuated the wrongful and unjust confiscation of property, including immovable property, personal property, and financial assets, that belonged to victims of Nazi persecution;

Whereas the Nazi regime considered religious property an early target and denied religious communities the temporal facilities that held them together by expropriating churches, synagogues, religious seminaries, cemeteries, and other communal property;

Whereas, after World War II, Communist regimes expanded the systematic expropriation of private, communal, and religious property in an effort to eliminate the influence of religion;

Whereas, since the fall of the Iron Curtain, only part of the immovable property confiscated during and after the Holocaust has been recovered or compensated;

Whereas, in July 2001, the Paris Declaration of the Organization for Security and Co-operation in Europe Parliamentary Assembly noted that the process of restitution, compensation, and material reparation of victims of Nazi persecution has not been pursued with the same degree of comprehensiveness by all of the participating states of that Organization;

Whereas the Organization for Security and Co-operation in Europe Parliamentary Assembly has called on each participating state to adopt and implement appropriate legislation to ensure that victims of Nazi persecution, including communal organizations and institutions, receive restitution of or compensation for lost property, without regard to the current citizenship or place of residence of the victims or their heirs or the relevant successors to communal property;

Whereas the United States Congress has, unanimously and on numerous occasions, urged countries in Europe that have not yet done so to immediately enact fair, comprehensive, nondiscriminatory, and just legislation to provide restitution, or fair compensation in cases in which restitution is not possible, to victims of persecution who had private property looted or wrongfully confiscated by Nazis during World War II or subsequently seized by a Communist government and the heirs of those victims;

Whereas the representatives of 44 countries that participated in the 1998 Washington Conference on Holocaust-Era Assets agreed on principles intended to guide just and equitable solutions to confiscated art, insurance,

and communal property, but did not address the complex issue of private property;

Whereas, 11 years later, representatives of more than 45 countries participated in the Prague Holocaust-Era Assets Conference in June 2009, and agreed to the Terezin Declaration of June 30, 2009, which—

(1) recognized that Holocaust (Shoah) survivors and other victims of Nazi persecution have reached an advanced age and that respecting their personal dignity and addressing their social welfare needs is an issue of utmost urgency;

(2) recognized that wrongful property seizures, such as confiscation, forced sales, and sales under duress of property, were part of the persecution by the Nazis of innocent people, many of whom died without heirs;

(3) recognized the importance of restituting communal and individual property that belonged to victims of the Holocaust (Shoah) and other victims of Nazi persecution and urged that every effort be made to rectify the consequences of wrongful property seizure;

(4) urged that every effort be made to provide for the restitution of former Jewish communal and religious property through in rem restitution or compensation in cases in which restitution has not yet been effectively achieved; and

(5) recognized that in some countries heirless property could serve as a basis to address the material necessities of Holocaust (Shoah) survivors and to ensure ongoing education about the Holocaust (Shoah) and its causes and consequences;

Whereas nearly 3 years have passed since the adoption of the Terezin Declaration and the governments of some countries have still not fulfilled or made progress toward fulfilling the moral obligations expressed in that document, including—

(1) the Government of Poland, which is virtually alone among post-Communist countries in not having adopted any legislation providing a process for restitution of or compensation for private property that Nazi or Communist regimes confiscated despite numerous public promises from various administrations;

(2) the Government of Romania, which has halted implementation of legislation to return former communal property or pay compensation to claimants;

(3) the Government of Latvia, which has failed to press forward with legislation to return Jewish communal and religious properties or provide financial compensation for the loss of those properties despite numerous promises to domestic and international claimants;

(4) the Government of Slovenia, which has refused to pay compensation for officially recognized former Jewish property; and

(5) the Government of Croatia, which has still not adopted appropriate legislation to provide compensation for property that the Nazis and their allies confiscated during the Holocaust;

Whereas the governments of Serbia and Lithuania have recently enacted restitution and compensation programs for private and Jewish communal property, respectively, serving as a potential model for other governments to follow;

Whereas some Holocaust survivors, now in the twilight of their lives, are impoverished and in urgent need of assistance, lacking the resources to support basic needs, including adequate shelter, food, or medical care;

Whereas the Washington and Prague conferences on Holocaust-era assets should not be the last opportunity for the international

community to address property restitution at the highest level;

Whereas the European Shoah Legacy Institute will hold an Immoveable Property Review Conference in late November 2012 in Prague to review compliance with the Terezin Declaration as well as the document entitled "Guidelines and Best Practices for the Restitution and Compensation of Immoveable (Real) Property Confiscated or Otherwise Wrongfully Seized by the Nazis, Fascists and Their Collaborators during the Holocaust (Shoah) Era between 1933-1945, Including the Period of World War II", which 43 countries adopted following the Prague Conference; and

Whereas, although those documents are not legally binding, the governments of all countries bear a moral responsibility to uphold and defend the plight and dignity of Holocaust survivors, ensure their well-being, and respond to their social needs: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the unmet needs of many Holocaust survivors and the urgency of addressing those needs;

(2) appreciates the efforts of the governments of countries in Europe that have enacted and implemented legislation for the restitution of or compensation for private, communal, and religious property wrongly confiscated during the Nazi or Communist eras;

(3) welcomes the efforts of the governments of many post-Communist countries to address complex and difficult questions relating to the status of wrongly confiscated property;

(4) urges each government that has not already done so to complete the process of adopting and implementing necessary and proper legislation to effect the in rem return of or the payment of compensation for wrongly confiscated property;

(5) calls on each government to establish restitution and compensation schemes in a simple, transparent, and timely manner to provide a real benefit to those who suffered from the unjust confiscation of their property; and

(6) calls on the Secretary of State to issue an updated report on property restitution in Central and Eastern Europe that evaluates whether the governments of those countries have met the basic standards and best practices of the international community.

SENATE RESOLUTION 517—CONGRATULATING THE NORTHWESTERN WILDCATS WOMEN'S LACROSSE TEAM ON WINNING THE 2012 NATIONAL COLLEGIATE ATHLETIC ASSOCIATION DIVISION I WOMEN'S LACROSSE CHAMPIONSHIP

Mr. DURBIN (for himself and Mr. KIRK) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 517

Whereas, on May 27, 2012, the Northwestern Wildcats Women's Lacrosse Team (referred to in this preamble as the "Wildcats") won the National Collegiate Athletic Association Division I Women's Lacrosse Championship;

Whereas the Wildcats defeated Syracuse University by a score of 8-6 in the championship game, giving the Wildcats their 7th victory over the last 8 NCAA Division I Women's Lacrosse Championships;

Whereas reigning National Player of the Year Shannon Smith had 2 goals and 2 assists in the championship game;

Whereas 2012 National Player of the Year Finalist Taylor Thornton scored the game-winning goal;

Whereas Northwestern University established their first women's lacrosse team in 1982, playing in the NCAA tournament 5 times before the team was disbanded in 1992 due to budget cuts;

Whereas, in 2002, Northwestern University revived the women's lacrosse team and hired former University of Maryland player Kelly Amonte Hiller as head coach;

Whereas, in 2005, the Wildcats went undefeated and won their first NCAA title;

Whereas, in 2007, the Wildcats joined the University of Maryland as the only 2 teams to win 3 consecutive NCAA titles;

Whereas, during their 5-year championship run from 2005 to 2009, the Wildcats were undefeated at home and had a record of 106 wins and 3 losses;

Whereas the Wildcats won their 6th and 7th NCAA titles in 2011 and 2012;

Whereas, in her final game for the Wildcats, Shannon Smith was named Most Valuable Player at Championship Weekend for the second straight year;

Whereas, for seniors like Shannon Smith, the victory on May 27, 2012 was their third NCAA championship;

Whereas, as head coach of the Wildcats, Kelly Amonte Hiller has a record of 32 wins and only 2 losses in the NCAA tournament;

Whereas Kelly Amonte Hiller will be inducted into the United States Lacrosse Hall of Fame for her performance as a player at the University of Maryland and is just one more title away from tying her former coach, Cindy Timchal, for the most NCAA championships;

Whereas, as a college athlete, Kelly Amonte Hiller earned All-American honors in both Women's Lacrosse and Soccer;

Whereas, as a lacrosse player at the University of Maryland, Kelly Amonte Hiller was a 4-time All-American and the school's record holder for career goals (187), assists (132), and points (319, which is 70 more points than the second-place holder);

Whereas, for nearly a decade, Kelly Amonte Hiller played for the United States Women's National Team, leading the United States to the International Federation of Women's Lacrosse Associations World Cup titles in 1997 and 2001;

Whereas Kelly Amonte Hiller was named to the Atlantic Coast Conference 50th Anniversary Women's Lacrosse Team in 2002 and to the NCAA Division I 25th Anniversary Women's Lacrosse Team in 2006; and

Whereas the State of Illinois celebrates the Wildcats's seventh championship and commends the fans, players, and coaches of all the teams that competed in the 2012 NCAA Women's Lacrosse Division I Championship; Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Northwestern Wildcats Women's Lacrosse Team (referred to in this resolution as the "Wildcats") on winning the 2012 National Collegiate Athletic Association Division I Women's Lacrosse Championship; and

(2) commends the Wildcats players and their fans, as well as head coach Kelly Amonte Hiller, on winning their seventh title in the last 8 years.

SENATE RESOLUTION 518—CONGRATULATING THE SOUTHERN BAPTIST CONVENTION FOR ELECTING REVEREND FRED LUTER, JR., AS THE PRESIDENT OF THE SOUTHERN BAPTIST CONVENTION, ACKNOWLEDGING REVEREND LUTER'S UNIQUE ROLE AS THE FIRST AFRICAN-AMERICAN LEADER OF THE SOUTHERN BAPTIST CONVENTION, AND HONORING THE COMMITMENT OF THE SOUTHERN BAPTIST CONVENTION TO AN INCLUSIVE FAITH-BASED COMMUNITY AND SOCIETY

Ms. LANDRIEU submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 518

Whereas the Southern Baptist Convention formed in 1845 in Augusta, Georgia, in opposition to the abolition of slavery;

Whereas the Southern Baptist Convention supported racial segregation for much of the twentieth century;

Whereas the Southern Baptist Convention issued a resolution stating that the Convention sought to purge itself and society of all racism in 1978;

Whereas the Southern Baptist Convention issued a resolution denouncing racism as a deplorable sin in 1995;

Whereas, in 2012, the Southern Baptist Convention is a cooperative of more than 45,000 churches that seek diligently to bring about greater racial and ethnic representation at every level of Southern Baptist institutional life;

Whereas Reverend Fred Luther, Jr., was born on November 11, 1956, in New Orleans, Louisiana;

Whereas Reverend Luther preached his first church sermon in 1983 at the Law Street Baptist Church in New Orleans, Louisiana;

Whereas Reverend Luther became the pastor of Franklin Avenue Baptist Church in 1986;

Whereas, under the leadership of Reverend Luther, the Franklin Avenue Baptist Church community grew from 65 members in 1986 to more than 7,000 members in 2005;

Whereas the Franklin Avenue Baptist Church was destroyed in 2005 by Hurricane Katrina and lost approximately 2,000 members;

Whereas Reverend Luther, in cooperation with Reverend David Crosby, found a temporary home for Franklin Avenue Baptist Church during the aftermath of Hurricane Katrina;

Whereas, continuing that spirit of cooperation, Reverend Crosby nominated Reverend Luther to become president of the Southern Baptist Convention;

Whereas Reverend Luther was elected to be the first African-American president of the Southern Baptist Convention on June 19, 2012; and

Whereas the election of Reverend Luther brings great pride and honor to the membership of the Southern Baptist Convention: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Southern Baptist Convention for electing Reverend Fred Luther, Jr., as the president of the Southern Baptist Convention;

(2) acknowledges Reverend Luther's unique role as the first African-American leader of the Southern Baptist Convention; and

(3) honors the commitment of the Southern Baptist Convention to an inclusive faith-based community and society.

SENATE CONCURRENT RESOLUTION 51—PROVIDING FOR A CONDITIONAL ADJOURNMENT OR RECESS OF THE SENATE AND AN ADJOURNMENT OF THE HOUSE OF REPRESENTATIVES

Mr. REID (for himself and Mr. McCONNELL) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 51

Resolved by the Senate (the House of Representatives concurring). That when the Senate recesses or adjourns on any day from Friday, June 29, 2012, through Monday, July 2, 2012, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until 12:00 noon on Monday, July 9, 2012, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on any legislative day from Friday, June 29, 2012, through Friday, July 6, 2012, on a motion offered pursuant to this concurrent resolution by its majority leader or his designee, it stand adjourned until 2:00 p.m. on Monday, July 9, 2012, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, or their respective designees, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2489. Mr. REID (for Mrs. HUTCHISON (for herself and Mr. INHOFE)) proposed an amendment to the bill S. 1335, to amend title 49, United States Code, to provide rights for pilots, and for other purposes.

TEXT OF AMENDMENTS

SA 2489. Mr. REID (for Mrs. HUTCHISON (for herself and Mr. INHOFE)) proposed an amendment to the bill S. 1335, to amend title 49, United States Code, to provide rights for pilots, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pilot's Bill of Rights".

SEC. 2. FEDERAL AVIATION ADMINISTRATION ENFORCEMENT PROCEEDINGS AND ELIMINATION OF DEFERENCE.

(a) IN GENERAL.—Any proceeding conducted under subpart C, D, or F of part 821 of title 49, Code of Federal Regulations, relating to denial, amendment, modification, sus-

pension, or revocation of an airman certificate, shall be conducted, to the extent practicable, in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Evidence.

(b) ACCESS TO INFORMATION.—

(1) IN GENERAL.—Except as provided under paragraph (3), the Administrator of the Federal Aviation Administration (referred to in this section as the "Administrator") shall provide timely, written notification to an individual who is the subject of an investigation relating to the approval, denial, suspension, modification, or revocation of an airman certificate under chapter 447 of title 49, United States Code.

(2) INFORMATION REQUIRED.—The notification required under paragraph (1) shall inform the individual—

(A) of the nature of the investigation;

(B) that an oral or written response to a Letter of Investigation from the Administrator is not required;

(C) that no action or adverse inference can be taken against the individual for declining to respond to a Letter of Investigation from the Administrator;

(D) that any response to a Letter of Investigation from the Administrator or to an inquiry made by a representative of the Administrator by the individual may be used as evidence against the individual;

(E) that the releasable portions of the Administrator's investigative report will be available to the individual; and

(F) that the individual is entitled to access or otherwise obtain air traffic data described in paragraph (4).

(3) EXCEPTION.—The Administrator may delay timely notification under paragraph (1) if the Administrator determines that such notification may threaten the integrity of the investigation.

(4) ACCESS TO AIR TRAFFIC DATA.—

(A) FAA AIR TRAFFIC DATA.—The Administrator shall provide an individual described in paragraph (1) with timely access to any air traffic data in the possession of the Federal Aviation Administration that would facilitate the individual's ability to productively participate in a proceeding relating to an investigation described in such paragraph.

(B) AIR TRAFFIC DATA DEFINED.—As used in subparagraph (A), the term "air traffic data" includes—

(i) relevant air traffic communication tapes;

(ii) radar information;

(iii) air traffic controller statements;

(iv) flight data;

(v) investigative reports; and

(vi) any other air traffic or flight data in the Federal Aviation Administration's possession that would facilitate the individual's ability to productively participate in the proceeding.

(C) GOVERNMENT CONTRACTOR AIR TRAFFIC DATA.—

(i) IN GENERAL.—Any individual described in paragraph (1) is entitled to obtain any air traffic data that would facilitate the individual's ability to productively participate in a proceeding relating to an investigation described in such paragraph from a government contractor that provides operational services to the Federal Aviation Administration, including control towers and flight service stations.

(ii) REQUIRED INFORMATION FROM INDIVIDUAL.—The individual may obtain the information described in clause (i) by submitting a request to the Administrator that—

(I) describes the facility at which such information is located; and

(II) identifies the date on which such information was generated.

(iii) PROVISION OF INFORMATION TO INDIVIDUAL.—If the Administrator receives a request under this subparagraph, the Administrator shall—

(I) request the contractor to provide the requested information; and

(II) upon receiving such information, transmitting the information to the requesting individual in a timely manner.

(5) TIMING.—Except when the Administrator determines that an emergency exists under section 44709(c)(2) or 46105(c), the Administrator may not proceed against an individual that is the subject of an investigation described in paragraph (1) during the 30-day period beginning on the date on which the air traffic data required under paragraph (4) is made available to the individual.

(c) AMENDMENTS TO TITLE 49.—

(1) AIRMAN CERTIFICATES.—Section 44703(d)(2) of title 49, United States Code, is amended by striking "but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law".

(2) AMENDMENTS, MODIFICATIONS, SUSPENSIONS, AND REVOCATIONS OF CERTIFICATES.—Section 44709(d)(3) of such title is amended by striking "but is bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law".

(3) REVOCATION OF AIRMAN CERTIFICATES FOR CONTROLLED SUBSTANCE VIOLATIONS.—Section 44710(d)(1) of such title is amended by striking "but shall be bound by all validly adopted interpretations of laws and regulations the Administrator carries out and of written agency policy guidance available to the public related to sanctions to be imposed under this section unless the Board finds an interpretation is arbitrary, capricious, or otherwise not according to law".

(d) APPEAL FROM CERTIFICATE ACTIONS.—

(1) IN GENERAL.—Upon a decision by the National Transportation Safety Board upholding an order or a final decision by the Administrator denying an airman certificate under section 44703(d) of title 49, United States Code, or imposing a punitive civil action or an emergency order of revocation under subsections (d) and (e) of section 44709 of such title, an individual substantially affected by an order of the Board may, at the individual's election, file an appeal in the United States district court in which the individual resides or in which the action in question occurred, or in the United States District Court for the District of Columbia. If the individual substantially affected by an order of the Board elects not to file an appeal in a United States district court, the individual may file an appeal in an appropriate United States court of appeals.

(2) EMERGENCY ORDER PENDING JUDICIAL REVIEW.—Subsequent to a decision by the Board to uphold an Administrator's emergency order under section 44709(e)(2) of title 49, United States Code, and absent a stay of the enforcement of that order by the Board, the emergency order of amendment, modification, suspension, or revocation of a certificate shall remain in effect, pending the exhaustion of an appeal to a Federal district court as provided in this Act.

(e) STANDARD OF REVIEW.—

(1) IN GENERAL.—In an appeal filed under subsection (d) in a United States district court, the district court shall give full independent review of a denial, suspension, or revocation ordered by the Administrator, including substantive independent and expedited review of any decision by the Administrator to make such order effective immediately.

(2) EVIDENCE.—A United States district court's review under paragraph (1) shall include in evidence any record of the proceeding before the Administrator and any record of the proceeding before the National Transportation Safety Board, including hearing testimony, transcripts, exhibits, decisions, and briefs submitted by the parties.

SEC. 3. NOTICES TO AIRMEN.

(a) IN GENERAL.—

(1) DEFINITION.—In this section, the term “NOTAM” means Notices to Airmen.

(2) IMPROVEMENTS.—Not later than 180 days after the date of the enactment of this Act, the Administrator of the Federal Aviation Administration shall begin a Notice to Airmen Improvement Program (in this section referred to as the “NOTAM Improvement Program”)—

(A) to improve the system of providing airmen with pertinent and timely information regarding the national airspace system;

(B) to archive, in a public central location, all NOTAMs, including the original content and form of the notices, the original date of publication, and any amendments to such notices with the date of each amendment; and

(C) to apply filters so that pilots can prioritize critical flight safety information from other airspace system information.

(b) GOALS OF PROGRAM.—The goals of the NOTAM Improvement Program are—

(1) to decrease the overwhelming volume of NOTAMs an airman receives when retrieving airman information prior to a flight in the national airspace system;

(2) to make the NOTAMs more specific and relevant to the airman's route and in a format that is more useable to the airman;

(3) to provide a full set of NOTAM results in addition to specific information requested by airmen;

(4) to provide a document that is easily searchable; and

(5) to provide a filtering mechanism similar to that provided by the Department of Defense Notices to Airmen.

(c) ADVICE FROM PRIVATE SECTOR GROUPS.—The Administrator shall establish a NOTAM Improvement Panel, which shall be comprised of representatives of relevant nonprofit and not-for-profit general aviation pilot groups, to advise the Administrator in carrying out the goals of the NOTAM Improvement Program under this section.

(d) PHASE-IN AND COMPLETION.—The improvements required by this section shall be phased in as quickly as practicable and shall be completed not later than the date that is 1 year after the date of the enactment of this Act.

SEC. 4. MEDICAL CERTIFICATION.

(a) ASSESSMENT.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Comptroller General of the United States shall initiate an assessment of the Federal Aviation Administration's medical certification process and the associated medical standards and forms.

(2) REPORT.—The Comptroller General shall submit a report to Congress based on the assessment required under paragraph (1) that examines—

(A) revisions to the medical application form that would provide greater clarity and guidance to applicants;

(B) the alignment of medical qualification policies with present-day qualified medical judgment and practices, as applied to an individual's medically relevant circumstances; and

(C) steps that could be taken to promote the public's understanding of the medical requirements that determine an airman's medical certificate eligibility.

(b) GOALS OF THE FEDERAL AVIATION ADMINISTRATION'S MEDICAL CERTIFICATION PROCESS.—The goals of the Federal Aviation Administration's medical certification process are—

(1) to provide questions in the medical application form that—

(A) are appropriate without being overly broad;

(B) are subject to a minimum amount of misinterpretation and mistaken responses;

(C) allow for consistent treatment and responses during the medical application process; and

(D) avoid unnecessary allegations that an individual has intentionally falsified answers on the form;

(2) to provide questions that elicit information that is relevant to making a determination of an individual's medical qualifications within the standards identified in the Administrator's regulations;

(3) to give medical standards greater meaning by ensuring the information requested aligns with present-day medical judgment and practices; and

(4) to ensure that—

(A) the application of such medical standards provides an appropriate and fair evaluation of an individual's qualifications; and

(B) the individual understands the basis for determining medical qualifications.

(c) ADVICE FROM PRIVATE SECTOR GROUPS.—The Administrator shall establish a panel, which shall be comprised of representatives of relevant nonprofit and not-for-profit general aviation pilot groups, aviation medical examiners, and other qualified medical experts, to advise the Administrator in carrying out the goals of the assessment required under this section.

(d) FEDERAL AVIATION ADMINISTRATION RESPONSE.—Not later than 1 year after the issuance of the report by the Comptroller General pursuant to subsection (a)(2), the Administrator shall take appropriate actions to respond to such report.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Thursday, July 12, 2012, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to provide oversight on Remediation of Federal Legacy Wells in the National Petroleum Reserve-Alaska.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony

for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to Jake_McCook@energy.senate.gov.

For further information, please contact Patricia Beneke (202) 224-5451 or Jake McCook (202) 224-9313.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Friday, June 29, 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on Friday, June 29, 2012.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEMPORARY SURFACE TRANSPORTATION EXTENSION ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 6064, which was received from the House and is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will state the bill by title.

The bill clerk read as follows:

A bill (H.R. 6064) to provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 6064) was ordered to a third reading, was read the third time, and passed.

UNITED STATES-ISRAEL ENHANCED SECURITY COOPERATION ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 437, S. 2165.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2165) to enhance strategic cooperation between the United States and Israel, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on Foreign Relations, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “United States-Israel Enhanced Security Cooperation Act of 2012”.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since 1948, United States Presidents and both houses of Congress, on a bipartisan basis and supported by the American people, have repeatedly reaffirmed the special bond between the United States and Israel, based on shared values and shared interests.

(2) The Middle East is undergoing rapid change, bringing with it hope for an expansion of democracy but also great challenges to the national security of the United States and our allies in the region, particularly to our most important ally in the region, Israel.

(3) The Government of the Islamic Republic of Iran is continuing its decades-long pattern of seeking to foment instability and promote extremism in the Middle East, particularly in this time of dramatic political transition.

(4) At the same time, the Government of the Islamic Republic of Iran continues to enrich uranium in defiance of multiple United Nations Security Council resolutions.

(5) A nuclear-weapons capable Iran would fundamentally threaten vital United States interests, encourage regional nuclear proliferation, further empower Iran, the world’s leading state sponsor of terror, and pose a serious and destabilizing threat to Israel and the region.

(6) Over the past several years, with the assistance of the Governments of the Islamic Republic of Iran and Syria, Hizbollah and Hamas have increased their stockpile of rockets, with more than 60,000 now ready to be fired at Israel. The Government of the Islamic Republic of Iran continues to add to its arsenal of ballistic missiles and cruise missiles, which threaten Iran’s neighbors, Israel, and United States Armed Forces in the region.

(7) As a result, Israel is facing a fundamentally altered strategic environment.

(8) Pursuant to chapter 5 of title 1 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 576), the authority to make available loan guarantees to Israel is currently set to expire on September 30, 2012.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States:

(1) To reaffirm our unwavering commitment to the security of the State of Israel as a Jewish state. As President Barack Obama stated on December 16, 2011, “America’s commitment and my commitment to Israel and Israel’s security is unshakable.” And as President George W. Bush stated before the Israeli Knesset on May 15, 2008, on the 60th anniversary of the founding of the State of Israel, “The alliance between our governments is unbreakable, yet the source of our friendship runs deeper than any treaty.”

(2) To help the Government of Israel preserve its qualitative military edge amid rapid and uncertain regional political transformation.

(3) To veto any one-sided anti-Israel resolutions at the United Nations Security Council.

(4) To support Israel’s inherent right to self-defense.

(5) To pursue avenues to expand cooperation with the Government of Israel both in defense

and across the spectrum of civilian sectors, including high technology, agriculture, medicine, health, pharmaceuticals, and energy.

(6) To assist the Government of Israel with its ongoing efforts to forge a peaceful, negotiated settlement of the Israeli-Palestinian conflict that results in two states living side-by-side in peace and security, and to encourage Israel’s neighbors to recognize Israel’s right to exist as a Jewish state.

(7) To encourage further development of advanced technology programs between the United States and Israel given current trends and instability in the region.

SEC. 4. UNITED STATES ACTIONS TO ASSIST IN THE DEFENSE OF ISRAEL AND PROTECT UNITED STATES INTERESTS.

It is the sense of Congress that the United States Government should take the following actions to assist in the defense of Israel:

(1) Seek to enhance the capabilities of the Governments of the United States and Israel to address emerging common threats, increase security cooperation, and expand joint military exercises.

(2) Provide the Government of Israel such support as may be necessary to increase development and production of joint missile defense systems, particularly such systems that defend against the urgent threat posed to Israel and United States forces in the region.

(3) Provide the Government of Israel assistance specifically for the production and procurement of the Iron Dome defense system for purposes of intercepting short-range missiles, rockets, and projectiles launched against Israel.

(4) Provide the Government of Israel defense articles and defense services through such mechanisms as appropriate, to include air refueling tankers, missile defense capabilities, and specialized munitions.

(5) Provide the Government of Israel additional excess defense articles, as appropriate, in the wake of the withdrawal of United States forces from Iraq.

(6) Examine ways to strengthen existing and ongoing efforts, including the Gaza Counter Arms Smuggling Initiative, aimed at preventing weapons smuggling into Gaza pursuant to the 2009 agreement following the Israeli withdrawal from Gaza, as well as measures to protect against weapons smuggling and terrorist threats from the Sinai Peninsula.

(7) Offer the Air Force of Israel additional training and exercise opportunities in the United States to compensate for Israel’s limited air space.

(8) Work to encourage an expanded role for Israel with the North Atlantic Treaty Organization (NATO), including an enhanced presence at NATO headquarters and exercises.

(9) Expand already-close intelligence cooperation, including satellite intelligence, with Israel.

SEC. 5. ADDITIONAL STEPS TO DEFEND ISRAEL AND PROTECT AMERICAN INTERESTS.

(a) EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.—

(1) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005.—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108–287; 118 Stat. 1011) is amended by striking “more than 8 years after” and inserting “more than 10 years after”.

(2) FOREIGN ASSISTANCE ACT OF 1961.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking “fiscal years 2011 and 2012” and inserting “fiscal years 2013 and 2014”.

(b) EXTENSION OF LOAN GUARANTEES TO ISRAEL.—Chapter 5 of title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108–11; 117 Stat. 576) is amended under the heading “LOAN GUARANTEES TO ISRAEL”—

(1) in the matter preceding the first proviso, by striking “September 30, 2011” and inserting “September 30, 2015”; and

(2) in the second proviso, by striking “September 30, 2011” and inserting “September 30, 2015”.

SEC. 6. REPORTS REQUIRED.

(a) REPORT ON ISRAEL’S QUALITATIVE MILITARY EDGE (QME).—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of Israel’s qualitative military edge in light of current trends and instability in the region.

(2) SUBSTITUTION FOR QUADRENNIAL REPORT.—If submitted within one year of the date that the first quadrennial report required by section 201(c)(2) of the Naval Vessel Transfer Act of 2008 (Public Law 110–429; 22 U.S.C. 2776 note) is due to be submitted, the report required by paragraph (1) may substitute for such quadrennial report.

(b) REPORTS ON OTHER MATTERS.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on each of the following matters:

(1) Taking into account the Government of Israel’s urgent requirement for F–35 aircraft, actions to improve the process relating to its purchase of F–35 aircraft, particularly with respect to cost efficiency and timely delivery.

(2) Efforts to expand cooperation between the United States and Israel in homeland security, counter-terrorism, maritime security, energy, cyber-security, and other related areas.

(3) Actions to integrate Israel into the defense of the Eastern Mediterranean.

SEC. 7. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) QUALITATIVE MILITARY EDGE.—The term “qualitative military edge” has the meaning given the term in section 36(h)(2) of the Arms Export Control Act (22 U.S.C. 2776(h)(2)).

Mr. REID. Mr. President, I further ask that the committee-reported substitute amendment be agreed to; that the bill, as amended, be read the third time; and that the Senate proceed to a voice vote on passage of the bill, as amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill, as amended, was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

The bill (S. 2165), as amended, was passed.

Mr. REID. Mr. President, I ask unanimous consent that the motion to reconsider be laid upon the table, with no

intervening action or debate and that any statements relating to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

DAVID F. WINDER DEPARTMENT OF VETERANS AFFAIRS COMMUNITY BASED OUTPATIENT CLINIC

Mr. REID. Mr. President, I ask unanimous consent that the Veterans Affairs Committee be discharged from further consideration of S. 3238 and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The bill clerk read as follows:

A bill (S. 3238) to designate the Department of Veterans Affairs community based outpatient clinic in Mansfield, Ohio, as the David F. Winder Department of Veterans Affairs Community Based Outpatient Clinic, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and that any statements related to the measure be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3238) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 3238

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress makes the following findings:

(1) David F. Winder, was born on August 10, 1946, in Edinboro, Pennsylvania.

(2) David F. Winder served as a Private First Class in the United States Army, enlisting in Columbus, Ohio, in 1968. His service in the Army ended in May 1970.

(3) David F. Winder was awarded the Medal of Honor, the highest honor in the United States awarded for valor to members of the Armed Forces, for his actions during the ambush of his company, on May 13, 1970, in the Republic of Vietnam for conspicuous gallantry and intrepidity at the risk of his life above and beyond the call of duty as a senior medical aidman with Company A, 3rd Battalion, 1st Infantry Regiment, 11th Infantry Brigade, Americal Division.

(4) Unarmed, PFC Winder proceeded to crawl over 100 meters of open, bullet swept terrain to treat the 2 different wounded soldiers while suffering 2 serious wounds himself in the process. He was mortally wounded for the third and final time when closing to within 30 feet of a third soldier.

(5) PFC Winder was laid to rest in Mansfield Memorial Park.

SEC. 2. DAVID F. WINDER DEPARTMENT OF VETERANS AFFAIRS COMMUNITY BASED OUTPATIENT CLINIC.

(a) DESIGNATION.—The Department of Veterans Affairs community based outpatient clinic located in Mansfield, Ohio, shall after the date of the enactment of this Act be

known and designated as the “David F. Winder Department of Veterans Affairs Community Based Outpatient Clinic”.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Department of Veterans Affairs community based outpatient clinic referred to in subsection (a) shall be deemed to be a reference to the David F. Winder Department of Veterans Affairs Community Based Outpatient Clinic.

COMMEMORATING THE 225TH ANNIVERSARY OF THE SIGNING OF THE CONSTITUTION OF THE UNITED STATES AND RECOGNIZING THE CONTRIBUTIONS OF THE NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION AND THE NATIONAL SOCIETY DAUGHTERS OF THE AMERICAN REVOLUTION

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of and the Senate proceed to S. Res. 376.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 376) commemorating the 225th anniversary of the signing of the Constitution of the United States and recognizing the contributions of the National Society of the Sons of the American Revolution and the National Society Daughters of the American Revolution, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 376) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 376

Whereas the American Revolution secured the independence of the United States of America and made possible the vibrant system of self-government of the United States;

Whereas the supporters of the American Revolution, through their vision and determination, enhanced the lives of countless individuals and made possible the system of equal justice, limited government, and the rule of law that exists in the United States;

Whereas the people who fought in the American Revolution made great sacrifices for their fledgling country;

Whereas the 55 delegates who attended the Constitutional Convention in Philadelphia, Pennsylvania, 225 years ago, and the 39 delegates who signed the Constitution of the United States at the Constitutional Convention, irrevocably changed the course of history;

Whereas the Constitution of the United States, a revered and living document—

(1) provides important rights to every citizen of the United States;

(2) secures “the Blessings of Liberty to ourselves and our Posterity”; and

(3) sets the standard of democracy for the world;

Whereas the delegates to the Constitutional Convention in 1787 established the imperative precedent of compromise;

Whereas the Constitution and the subsequent 27 amendments to the Constitution outline the freedoms and the principles of representative government that are as strong today as they were on that momentous occasion in 1787;

Whereas September 17, 2012, marks the 225th anniversary of the signing of the Constitution of the United States, which is the supreme law of the land and the document by which the people of the United States govern their great country;

Whereas, to venerate the immeasurable importance of the Constitution and the day on which the Constitution was signed, it is essential to continually educate people about, and celebrate, the principles and legacy of the Founding Fathers; and

Whereas members of organizations such as the National Society of the Sons of the American Revolution and the National Society Daughters of the American Revolution play an important role in promoting patriotism, preserving the history of the United States, and educating the public about the rights and responsibilities of citizenship: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates the 225th anniversary of the signing of the Constitution of the United States on September 17, 2012, and remembers the sacrifices made by the people who made the signing possible; and

(2) applauds the continuing contributions made by the members, volunteers, and staff of historical, educational, and patriotic societies of the United States, such as the National Society of the Sons of the American Revolution and the National Society Daughters of the American Revolution, in promoting patriotism and the values embodied in the Constitution of the United States.

PROVIDING FOR USE OF NATIONAL INFANTRY MUSEUM AND SOLDIER CENTER COMMEMORATIVE COIN SURCHARGES

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. 3363.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3363) to provide for the use of National Infantry Museum and Soldier Center Commemorative Coin surcharges, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and any statements related to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 3363) was read the third time and passed, as follows:

S. 3363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATIONAL INFANTRY MUSEUM AND SOLDIER CENTER COMMEMORATIVE COIN SURCHARGES.

Section 6(b) of the National Infantry Museum and Soldier Center Commemorative Coin Act (Public Law 110-357, 122 Stat. 3999) is amended by inserting before the period at the end the following: “, and for the retirement of debt associated with building the existing National Infantry Museum and Soldier Center.”

VETERAN SKILLS TO JOBS ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 439, S. 2239.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 2239) to direct the head of each agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

S. 2239

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

[This Act may be cited as the “Veteran Skills to Jobs Act of 2012”.]

SEC. 2. TREATMENT OF RELEVANT MILITARY TRAINING AS SUFFICIENT TO SATISFY TRAINING OR CERTIFICATION REQUIREMENTS FOR FEDERAL LICENSES.

[The head of each agency (as defined under section 551 of title 5, United States Code) shall deem an applicant for a license issued by the agency who has received relevant training while serving as a member of the Armed Forces, as determined by the head of the agency, to have satisfied any training or certification requirements for the license, unless the head of the agency determines that the training received by the applicant is substantially different from the training or certification required for the license.]

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veteran Skills to Jobs Act”.

SEC. 2. CONSIDERATION OF RELEVANT MILITARY TRAINING FOR ISSUANCE OF A FEDERAL LICENSE.

(a) *IN GENERAL.*—The head of each Federal licensing authority shall consider and may accept, in the case of any individual applying for a license, any relevant training received by such individual while serving as a member of the armed forces, for the purpose of satisfying the requirements for such license.

(b) *DEFINITIONS.*—For purposes of this Act—

(1) the term “license” means a license, certification, or other grant of permission to engage in a particular activity;

(2) the term “Federal licensing authority” means a department, agency, or other entity of the Government having authority to issue a license;

(3) the term “armed forces” has the meaning given such term by section 2101(2) of title 5, United States Code; and

(4) the term “Government” means the Government of the United States.

SEC. 3. REGULATIONS.

The head of each Federal licensing authority shall—

(1) with respect to any license a licensing authority grants or is empowered to grant as of the date of enactment of this Act, prescribe any regulations necessary to carry out this Act not later than 180 days after such date; and

(2) with respect to any license of a licensing authority not constituted or not empowered to grant the license as of the date of enactment of this Act, prescribe any regulations necessary to carry out this Act not later than 180 days after the date on which the agency is so constituted or empowered, as the case may be.

Mr. REID. I ask unanimous consent that the committee-reported substitute amendment be agreed to, the bill, as amended, then be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 2239), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

MEASURE READ THE FIRST TIME—H.R. 4018

Mr. REID. Mr. President, I understand that H.R. 4018 is at the desk and is due for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The bill clerk read as follows:

A bill (H.R. 4018) to improve the Public Safety Officers’ Benefits Program.

Mr. REID. Mr. President, I would now ask for a second reading, and I object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

SIGNING AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that from Friday, June 29 through Monday, July 9, the majority leader and Senator CARDIN be authorized to sign duly enrolled bills or joint resolutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS AUTHORITY

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the upcoming recess or adjournment of the Senate, the President of the Senate, the President pro tempore, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences, or interparliamentary conferences authorized by law, by concur-

rent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, JULY 2 THROUGH MONDAY, JULY 9, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn and convene for pro forma sessions only, with no business conducted, on the following dates and times, and that following each pro forma session, the Senate adjourn until the next pro forma session: Tuesday, July 3, at 12 p.m.; Friday, July 6, at 12 p.m.; and that the Senate adjourn on Friday, July 6, until 2 p.m. on Monday, July 9, unless the Senate has received a message from the House that it has adopted S. Con. Res. 51, which is the adjournment resolution; that if the Senate has received such a message, the Senate adjourn until Monday, July 9, at 2 p.m., under the provisions of S. Con. Res. 51; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for use later in the day; that the majority leader be recognized and Senators be permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, as previously announced, there will be no rollcall votes on Monday, July 9. The next rollcall vote will be at noon on Tuesday, July 10, on the confirmation of the Fowlkes nomination.

ADJOURNMENT UNTIL TUESDAY, JULY 3, 2012, AT 12 NOON

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

The PRESIDING OFFICER. The Senate stands adjourned until Tuesday, July 3, 2012, at 12 p.m., unless the Senate has received a message that the House has agreed to S. Con. Res. 51, in which case the Senate stands adjourned until 2 p.m. on Monday, July 9, 2012.

Thereupon, the Senate, at 4:04 p.m., adjourned until Tuesday, July 3, 2012, at 12 noon.

DISCHARGED NOMINATIONS

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH LUCAS D. JOHNSON AND ENDING WITH THERESA A. MADSEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 13, 2012. COAST GUARD NOMINATIONS BEGINNING WITH REAR ADMIRAL (LH) DANIEL B. ABEL AND ENDING WITH REAR ADMIRAL (LH) CHRISTOPHER J. TOMNEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2012.

COAST GUARD NOMINATION OF REAR ADM. (LH) JOHN S. WELCH, TO BE REAR ADMIRAL UPPER HALF.

COAST GUARD NOMINATIONS BEGINNING WITH JASON A. BOYER AND ENDING WITH MATTHEW A. PICKARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2012.

COAST GUARD NOMINATIONS BEGINNING WITH RUSSELL E. BOWMAN AND ENDING WITH MEGHAN K. STEINHAUS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2012.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH KYLE S. SALLING AND ENDING WITH SHANNON K. HEFFERAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

DEREK J. MITCHELL, OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNION OF BURMA.

DEBORAH J. JEFFREY, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

CONFIRMATIONS

Executive nominations confirmed by the Senate June 29, 2012:

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be general

L.T. GEN. HERBERT J. CARLISLE

NATIONAL BOARD FOR EDUCATION SCIENCES

LARRY V. HEDGES, OF ILLINOIS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING NOVEMBER 28, 2015.

SUSANNA LOEB, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM EXPIRING MARCH 15, 2016.

NATIONAL COUNCIL ON DISABILITY

KAMILAH ONI MARTIN-PROCTOR, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2014.

SARA A. GELSER, OF OREGON, TO BE A MEMBER OF THE NATIONAL COUNCIL ON DISABILITY FOR A TERM EXPIRING SEPTEMBER 17, 2014.

DEPARTMENT OF STATE

EDWARD M. ALFORD, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF THE GAMBIA.

PETER WILLIAM BODDE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERAL DEMOCRATIC REPUBLIC OF NEPAL.

PIPER ANNE WIND CAMPBELL, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO MONGOLIA.

DOROTHEA-MARIA ROSEN, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATED STATES OF MICRONESIA.

MARK L. ASQUINO, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EQUATORIAL GUINEA.

MICHELE JEANNE SISON, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALDIVES.

DOUGLAS M. GRIFFITHS, OF TEXAS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MOZAMBIQUE.

JAY NICHOLAS ANANIA, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SURINAME.

SUSAN MARSH ELLIOTT, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF TAJIKISTAN.

RICHARD L. MORNINGSTAR, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF AZERBAIJAN.

DEPARTMENT OF JUSTICE

PATRICK A. MILES, JR., OF MICHIGAN, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MICHIGAN FOR THE TERM OF FOUR YEARS.

JOHN S. LEONARDO, OF ARIZONA, TO BE UNITED STATES ATTORNEY FOR THE DISTRICT OF ARIZONA FOR THE TERM OF FOUR YEARS.

JAMIE A. HAINSWORTH, OF RHODE ISLAND, TO BE UNITED STATES MARSHAL FOR THE DISTRICT OF RHODE ISLAND FOR THE TERM OF FOUR YEARS.

COMMUNITY RELATIONS SERVICE

GRANDE LUM, OF CALIFORNIA, TO BE DIRECTOR, COMMUNITY RELATIONS SERVICE, FOR A TERM OF FOUR YEARS.

NUCLEAR REGULATORY COMMISSION

KRISTINE L. SVINICKI, OF VIRGINIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2017.

ALLISON M. MACFARLANE, OF MARYLAND, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING JUNE 30, 2013.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral upper half

REAR ADMIRAL (LH) DANIEL B. ABEL
REAR ADMIRAL (LH) FREDERICK J. KENNEY, JR.
REAR ADMIRAL (LH) MARSHALL B. LYTLE III
REAR ADMIRAL (LH) FRED M. MIDGETTE
REAR ADMIRAL (LH) KARL L. SCHULTZ
REAR ADMIRAL (LH) CARI B. THOMAS
REAR ADMIRAL (LH) CHRISTOPHER J. TOMNEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES COAST GUARD RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be rear admiral upper half

REAR ADM. (LH) JOHN S. WELCH
COAST GUARD NOMINATIONS BEGINNING WITH JASON A. BOYER AND ENDING WITH MATTHEW A. PICKARD, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2012.

COAST GUARD NOMINATIONS BEGINNING WITH RUSSELL E. BOWMAN AND ENDING WITH MEGHAN K. STEINHAUS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MAY 14, 2012.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH LUCAS D. JOHNSON AND ENDING WITH THERESA A. MADSEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 13, 2012.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION NOMINATIONS BEGINNING WITH KYLE S. SALLING AND ENDING WITH SHANNON K. HEFFERAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JUNE 14, 2012.

DEPARTMENT OF STATE

DEREK J. MITCHELL, OF CONNECTICUT, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNION OF BURMA.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DEBORAH J. JEFFREY, OF THE DISTRICT OF COLUMBIA, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.

EXTENSIONS OF REMARKS

HONORING BISHOP WILLIAM P.
DEVEAUX

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation:

Whereas, Bishop William P. DeVeaux is celebrating eight years (8) in leadership this year as the presiding prelate for all of the African Methodist Episcopal (AME) churches in Georgia and Dr. Patricia Ann Morris is celebrating eight years as the Episcopal Supervisor, they have both provided stellar leadership to their church on an international level; and

Whereas, Bishop and Dr. DeVeaux, under the guidance of God has pioneered and sustained the African Methodist Episcopal churches in Georgia, as an instrument in our community that uplifts the spiritual, physical and mental welfare of our citizens; and

Whereas, this remarkable and tenacious man and virtuous woman of God give hope to the hopeless, feed the hungry and are a beacon of light to those in need; and

Whereas, Bishop and Dr. DeVeaux are spiritual warriors, persons of compassion, fearless leaders and servants to all, but most of all visionaries who share not only with their Church, but with our District and the world their passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Bishop and Dr. DeVeaux on their excellent leadership in Georgia;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim June 1, 2012 as Bishop William P. DeVeaux and Dr. Patricia Ann Morris DeVeaux Day in the 4th Congressional District.

Proclaimed, this 1st day of June, 2012.

IN TRIBUTE TO SERGEANT JOHN
"J.D." DAVID MEADOR II

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. WILSON of South Carolina. Mr. Speaker, on Wednesday, June 20, 2012, Sgt. John "J.D." David Meador II, of Columbia, South Carolina, was killed in action while serving in the South Carolina Army National Guard in Afghanistan. Sergeant Meador began his career in service to our country when he enlisted in the United States Army in 1994. He is a graduate of Lexington High School and a member of the Lexington County Sheriff's Department.

As a former high school wrestler, Sergeant Meador enjoyed coaching wrestling at his alma mater, White Knoll High School, and Irmo High School. He also enjoyed hunting, the outdoors and carpentry.

Every member of our Armed Forces sacrifices their lives to keep America and her freedoms safe. Without these sacrifices, America would not remain the most free and prosperous country in the world. Specialist Meador paid the ultimate sacrifice and died honorably protecting these freedoms that we all enjoy.

My thoughts and prayers are with his wife Christy, and their two daughters, Brianna and Elana, as well as his parents, John and Sharon Meador. His service to our nation will never be forgotten and we will always be eternally grateful. As a Guard veteran myself with four sons currently serving in the military, I particularly appreciate your extraordinary military family. Freedom is not free.

HONORING THE CARROLLTON
BLACK CEMETERY

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. MARCHANT. Mr. Speaker, it gives me great pride and pleasure to rise today to recognize and commemorate the heritage of the Carrollton Black Cemetery. Buried beneath its soil are the men and women who forged the pathway for the Carrollton community. Today we recognize those who have gone before us, the sacrifices they have made, and the impact they have had on the lives of today's Carrollton citizens.

In 1850, the first recorded burial in the cemetery was Mary Lamer, an immigrant from Illinois and the original owner of the property. In 1871, the Carrollton Black Cemetery was established on a forty-acre sited owned by Mr. Scott Boswell, an early African American Carrollton farmer. By 1915, Mr. C.B. Baxley purchased the land with a deed exclusion to keep the cemetery intact. Up until the Civil War, it was customary to bury slaves on their owner's land. After Emancipation, freed slaves and their families wished to have their own burial locations. Unfortunately, the Carrollton Black Cemetery has undergone flooding from the Trinity River which has caused the loss of many of its gravestones. In 1981, to preserve the cemetery's history, a fence was erected around its perimeter. On Saturday, June 23, the cemetery was identified as a Texas historical site.

The Carrollton Black Cemetery is referred to by many names including the Carrollton Community Cemetery and the Carrollton Memorial Cemetery. The record of the Carrollton Black Cemetery reflects the rich history of the African American community in Carrollton. Many

of the people buried in the Carrollton Black Cemetery were trailblazers of growth, development, and continued successes in the Carrollton community.

Mr. Speaker, it is an honor to recognize the Carrollton Black Cemetery for the heritage and history it brings to the 24th District of Texas. I ask all of my distinguished colleagues to join me in honoring the Carrollton Black Cemetery and in commending the current citizens who care for it.

TRIBUTE TO JOHN JOHNSON

HON. WILLIAM L. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. OWENS. Mr. Speaker, I rise today to honor the career and service of one of my constituents, John Johnson, President and CEO of Alice Hyde Medical Center in Malone, New York. John's time as a public servant in the North Country and hospital administrator reflects an enduring commitment to our community and to improving the access and quality of healthcare for the people of Northern New York.

After graduating with a Bachelor's of Science degree from SUNY Plattsburgh in 1971, John went on to rise through the ranks of the Franklin County Probation Department to become its Director in 1977. He later worked as Franklin County Manager in 1984 until he joined Alice Hyde as an Associate Director in 1990. He soon became the Executive Vice President of the Acute Care Facility, the Outpatient Health Center, and the Adjacent Skilled Nursing Facility. John went on to become President and CEO of Alice Hyde in 1994 where he has served till recently.

Under John's tenure as President and CEO, the AHMC has established five health centers and opened cancer, hemodialysis, ambulatory and orthopedic and rehabilitation centers. In 2009, AHMC was recognized as the Organization of the Year by the Malone Chamber of Commerce for its efforts to pursue innovative medicine, growth, and community programs.

I had the privilege to serve with John on the Plattsburgh State University College Council where he exemplified his community commitment. While I am saddened by the departure of John as President and CEO of AHMC, his work will continue to have an impact for years to come. I congratulate John on his retirement and wish him all the best in the many years ahead.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PERSONAL EXPLANATION

HON. VICKY HARTZLER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mrs. HARTZLER. Mr. Speaker, on Thursday, June 28, 2012, I was unable to vote. Had I been present, I would have voted as follows: on rollcall No. 442, "yea."

IN HONOR OF MIKE SEDELL

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. GALLEGLY. Mr. Speaker, I rise in honor of my close personal friend Mike Sedell, who is retiring next week as the City Manager of the City of Simi Valley, California.

Mike and I have worked together for 33 years. When I was first elected to the Simi Valley City Council, he was Simi Valley's Deputy City Manager under then-City Manager Lin Koester. When I was elected to Congress in 1986, he came to Washington, DC, to serve as my first Chief of Staff. After three years in Washington, he returned to Simi Valley as Assistant City Manager, becoming City Manager in 1995.

Mike and I are not just professional associates. We are personal friends and have continued to be personal friends in the 17 years since he left my employ. Not a week goes by that we don't connect to discuss a federal issue, or a local issue, or our respective families.

Mike began working for the people of Simi Valley in 1972 as a California State University, Northridge, intern and subsequently served the City in a variety of assignments. He first worked as Simi Valley's Personnel Administrator and Community Services Coordinator, which included working on the Neighborhood Council Program, the Youth Council, and Youth Services. In 1975, he was asked to become part of the City Manager's office.

Once in the City Manager's Office, Mike effectively supervised several programs, including public affairs, media relations, City Council/staff relations, governmental affairs, labor relations, transit system operations, and elections.

When Lin Koester left Simi Valley to become the Chief Administrative Officer for Ventura County in 1995, the City Council unanimously appointed Mike as City Manager, a position he has held since.

In addition to serving as Simi Valley's City Manager, Mike periodically teaches an Intergovernmental Relations Seminar in the Master's Degree program in Public Administration at Cal State Northridge, and has served as past Chair of the Board of Directors of Interface Children and Family Services of Ventura County.

With his contacts developed over the years in both Washington and Sacramento, Mike is often called upon by Simi Valley, and occasionally other cities, to assist whenever a legislative or intergovernmental crisis occurs.

Mike also works with Sacramento and Washington legislators on budget issues affecting Simi Valley and other California cities, and he has been a key player in developing the final funding formula for local agencies, and crafting complex intergovernmental agreements.

His liaison work between the City and The Ronald Reagan Presidential Library has been instrumental in forming a strong operating bond between the Library and the City, and Mike was proud to be a member of the coordinating team that put together the local events for the funeral of President Reagan.

Mr. Speaker, Mike Sedell has spent a lifetime in public service at the local and federal level. He has steered the City of Simi Valley through many difficult times with great success and his expertise is recognized and sought after by many other government officials. I know my colleagues join my wife, Janice, and me in thanking Mike for his lifetime of public service and in wishing our good friends Mike and his wife, Judie, the best in retirement.

HONORING BRIAN A. MANN

HON. HENRY C. "HANK" JOHNSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation:

Whereas, Brian A. Mann has distinguished himself as an outstanding researcher in the area of Science from Rockdale Magnet School for Science and Technology; and

Whereas, Mr. Mann has competed throughout the state of Georgia, the Nation and internationally; and

Whereas, his research project the "Piezo-electric Nanogenerators" received the designation and prestigious ranking of #3 worldwide as a Bronze medalist this year in Istanbul, Turkey; and

Whereas, he has studied hard, sacrificed much and balanced his life as a teenager maintaining a high grade point average throughout the school year; and

Whereas, he is a model student leader with the heart to serve his community and a drive to one day be the best of the best for his school, his family and his country; and

Whereas, his boundless energy and enthusiasm has opened internationally recognized opportunities, helping Fourth District Congressional students understand that their futures are as limitless as the skies; and

Whereas, we are grateful for the accomplishments and work of this outstanding student of honor who define the power of education and imagination; and

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim June 26, 2012 as Brian A. Mann Day in Georgia's 4th Congressional District.

Proclaimed, this 26th day of June, 2012.

IN HONOR OF ANTHONY A. TORRE
AND JOHN GALLACHER, PH.D.

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. COURTNEY. Mr. Speaker, I rise today to recognize the careers of Dr. John Gallacher and Anthony A. Torre. As they prepare to retire as the Superintendent and Assistant Superintendent of Schools for the town of Enfield, respectively, they leave behind a legacy of excellence.

Dr. John Gallacher's passion for education began in 1968, when he started his career as a sixth grade teacher for the Elmhurst U-205 School District in Elmhurst, Illinois. He moved to Iowa eight years later to become an Elementary School Principal: first for the Ponora-Linden Community School District in Ponora, Iowa, and then for Washington and Torrence Schools in Keokuk. Dr. Gallacher continued his work in Keokuk until 1992, serving as the Instructional Services Coordinator and the Superintendent of Schools for the district. Having held a variety of positions within the public school system, Dr. Gallacher brought an impressive knowledge and diverse set of skills to Enfield, Connecticut. He has worked as the Superintendent for the past twenty years, where he earned the reputation of an astute problem solver and tireless worker.

Like Dr. Gallacher, Anthony Torre served in different facets of education before becoming an administrator for the Enfield Public School System. In 1959, he started out a classroom teacher at A.D. Higgins Junior High School, working for six years before transitioning to the Chair of the Math Department at Enfield High. Mr. Torre went on to serve as the school's Assistant Principal and Principal, as well as the Principal of Enrico Fermi High School in town. He has remained at his current position of the Assistant Superintendent of Schools for nearly forty years, playing a key role overseeing the expansion of the town's High Schools and ensuring that technological advances were integrated into classrooms.

These two men share nearly 100 years of experience between them that has been an invaluable asset to the children of Enfield. Both have been passionate advocates of education and have gone above and beyond the boundaries of their job description to transform the lives of thousands of youngsters. They will be missed greatly. I ask my colleagues to join with me to recognize the exemplary service that Dr. John Gallacher and Mr. Anthony Torre have provided to Connecticut's children.

IMPORTANCE OF THE WEATHERIZATION ASSISTANCE PROGRAM

HON. PAUL TONKO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. TONKO. Mr. Speaker, I would like to draw our colleagues' attention to the OP-ED that appeared in Roll Call's online issue on June 20 authored by Tim Warfield, the Executive Director of the National Association for

State Community Services Programs. The OP-ED, which I have included below, addresses the Weatherization Assistance Program (WAP), our nation's largest residential energy efficiency program. Energy efficiency represents one of our greatest opportunities to reduce energy expenditures for industry, government, and for individual citizens. Dollars we do not have to spend to heat or cool homes and buildings are dollars that can be invested elsewhere. Reducing energy use extends the years we can use non-renewable energy sources and brings us closer to achieving the goal of energy independence. Buildings represent a significant proportion of our energy use and heating and cooling expenditures are a significant portion of household budgets. At a time when we want to create jobs and lower energy costs for our constituents, programs like WAP should receive our full support.

I am disappointed that the Energy and Water Appropriations bill that we passed earlier did not maintain funding for this important program. As Mr. Warfield's editorial points out, the funding level in the House bill will not sustain this important program through 2013. I hope our colleagues in the other body will do better.

[Special to Roll Call; June 20, 2012]

WARFIELD: WEATHERIZATION IS EFFECTIVE INVESTMENT

(By Tim Warfield)

The Weatherization Assistance Program employs workers in every state and county in America and has weatherized more than 7.1 million homes over the past 35 years. Weatherization has proved its value and is a highly successful and effective investment in the American workforce—weatherization improvements funded by the 2009 stimulus law alone created 14,000 new jobs, according to the White House Recovery.gov website.

Weatherization reduces household energy use by almost 35 percent in the typical weatherized home, allowing families to use their limited funds for other necessities. The reduction in energy demand also reduces our nation's reliance on foreign oil.

The success of a program that brings the threefold benefit of jobs, household savings and energy conservation is a powerful argument to sustain and fully fund the program, yet it still has its opponents on Capitol Hill, where two Republican House Members have introduced bills to abolish it.

Unfortunately, much of the information that has been presented as an argument to cut funding is a disingenuous misrepresentation of facts. Opponents have created the false impression that remaining stimulus funds will allow the program to serve just as many households in 2013 as it did before the program expansion under the 2009 law. This misstatement occurred again during floor debate recently on the House Energy and water development appropriations bill. The argument about "available funds" would seem to demonstrate that the Weatherization Assistance Program can absorb proposed cuts and still maintain services at a fiscal 2010 level. This characterization is entirely wrong.

Program opponents in the House are taking advantage of the confusion that arises because the "program year" is not the same as the federal fiscal year. The program year was set later in the year at the Weatherization Assistance Program's inception so it wouldn't suffer the disruptive and costly effects of funding gaps that might result from prolonged federal budget negotiations.

In most states, the new program year begins in April, and by that time almost all stimulus funding will be spent. Nominal amounts will remain in three states, but in the vast majority the "available funds" that program opponents propose to use for the 2013 program year will already be used up. Additionally, regular appropriations are similarly depleted, with the \$68 million provided for 2012 being far below a sustainable level. States have already begun slowing down operations and eliminating jobs.

The funding levels debated on the Hill threaten the nationwide network and many states will be hard pressed to operate a program at all in fiscal 2013. For example, at the \$54 million level in the House-passed bill, Arizona, Hawaii and Delaware could weatherize about a dozen homes each in 2013, effectively forcing them to halt services. The ripple effect will disperse a well-trained workforce, reduce purchases from vendors that provide supplies, leave the government investment in equipment and vehicles unused, and leave many families to struggle financially because of high utility bills.

Rather than dismantling a beneficial and cost-effective operation that has been successful for 35 years, Congress should allocate funds to sustain the program at its true pre-stimulus level of \$220 million to \$240 million.

We are mindful of the difficult budget choices that face Congress, but these choices should be made based on facts. The facts show that the Weatherization Assistance Program performs a vital role in reducing the burden of high energy prices on low-income families. The program creates jobs and strengthens the economy through the purchase of materials and equipment from the private sector. Each dollar is multiplied as it flows through our communities.

Congress must restore the program to pre-stimulus levels to maintain an effective commitment to weatherization, maintain the trained workforce and provide a much needed economic boost to a fragile economy. Don't allow distortions of the facts to put the truly effective 35-year effort that is the Weatherization Assistance Program in peril.

PERSONAL EXPLANATION

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Ms. SCHAKOWSKY. Mr. Speaker, on roll-call Nos. 441, 442 I would not participate in what I strongly believe was an abuse of power by the majority who, for illegitimate reasons, chose to hold the Attorney General, Eric Holder, in contempt of Congress. I was against the rollcall votes.

Had I been present, I would have voted "nay."

HOME HEALTH COMMUNITY

HON. THOMAS J. ROONEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. ROONEY. Mr. Speaker, America's health care sector is wrought with waste, fraud and abuse, but the home healthcare industry has proposed thoughtful reforms that will

strengthen program integrity and achieve substantial savings without burdening beneficiaries.

Among the home health community's proposals are measures to reduce the abusive use of home health care services in order to eliminate excessive overpayments, as well as implement initiatives that will drive innovation and reduce program costs. Other proposed safeguards achieve savings by screening questionable claims, improving payment accuracy, and targeting bad actors. The home health care industry's proposal is a responsible initiative and should be taken into consideration as Congress continues to address ways to reduce health care costs and improve patient care.

Home health care is a key source of clinical treatment for millions of Americans and is meeting complex needs in the most cost-effective, patient-preferred setting available—patients' own homes. Unfortunately, some are now advocating the reintroduction of a copayment for home health services at a time when the industry is already threatened by arbitrary yearly payment cuts. I believe that the imposition of a home health care copayment and misguided cuts could seriously impact Florida's seniors and result in increased Medicare costs.

The home health community is vital to upholding our commitment to America's seniors and the millions of beneficiaries who depend on a meaningful and affordable Medicare program.

CAL FORMOLO

HON. DAN BENISHEK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. BENISHEK. Mr. Speaker, let it be known that it is an honor and pleasure to pay tribute to Lieutenant Cal Formolo for his distinguished military career. Lieutenant Formolo, a native of Iron Mountain, Michigan, joined the Navy in November 1987, and graduated from basic training from the Electrician's Mate "A" School and Naval Nuclear Power School. After graduation, he went on to the Nuclear Power Training Unit (S1W) where he completed prototype training. He remained in Idaho Falls for a staff instructor tour at the A1W prototype.

In August 1991, Lieutenant Formolo reported to his first ship, the Ohio Class submarine USS *Florida* in Bangor, Washington, where he was assigned to the Electrical Division. During his tour, the USS *Florida* completed nine strategic deterrent patrols, and Lieutenant Formolo was awarded two Battle Efficiency "E" awards. He was also selected as the USS *Florida* Sailor of the Year in 1996. Leaving the USS *Florida*, Lieutenant Formolo served at the Nuclear Power Training Unit in Ballston Spa, New York. As a First Class Petty Officer, he quickly qualified as the engineering officer of the watch, and advanced to the rank of Chief Petty Officer. In December 2000, Lieutenant Formolo reported to the Los Angeles Class submarine USS *Honolulu* in Pearl Harbor, Hawaii, where he completed one Western Pacific Deployment and two

Eastern Pacific Deployments. During his tour, the USS *Honolulu* was awarded the Battle Efficiency "E" Award. Lieutenant Formolo next reported to the USS *John C. Stennis* in San Diego, California. As the ship's reactor controls technical assistant, he was responsible for the safe operation and maintenance of *John C. Stennis*'s two 500 mega-watt reactors. He stood watch as Officer of the Deck during a six-month Western Pacific Deployment. In 2004, Lieutenant Formolo reported aboard the Naval Submarine Support Center Performance Monitoring Team in Norfolk, Virginia, as Officer in Charge. He was responsible for monitoring submarine systems and creating work requests for system repairs, and was promoted to Lieutenant during this tour.

In January 2007, Lieutenant Formolo reported to Commander Submarine Squadron Six to perform the duties of the Material Officer and Depot Availability Coordinator. There he was responsible for the planning and execution of submarine dry-docking repair periods. After serving in the U.S. Navy for over 24 years, Lieutenant Formolo retired during this tour on April 1, 2012. Lieutenant Formolo was awarded the Navy and Marine Corps Commendation Medals, Navy and Marine Corps Achievement Medal, Surface Warfare Officer Breast Insignia and Enlisted Submarine Warfare Breast Insignia. Lieutenant Formolo is currently employed at WE Energies as an Electric Distribution Controller. He is married to the former Cheryl Simonson of Benicia, California. They reside in Kingsford, Michigan, with their son Jacob. On behalf of the citizens of Michigan's First District, it is my privilege to recognize Cal Formolo for his service, sacrifice, and continued patriotism.

MAINE WABANAKI-STATE CHILD WELFARE TRUTH AND RECONCILIATION MANDATE

HON. CHELLIE PINGREE

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Ms. PINGREE of Maine. Mr. Speaker, I want to express my gratitude and best wishes to a coalition doing very important work in my state to heal injuries of the past and find a better path into the future.

Today, Wabanaki Chiefs, officials, and citizens—along with members of the Maine Legislature, Truth and Reconciliation Convening Group, Maine Indian Tribal-State Commission, and Maine's governor—are gathering to sign the Maine Wabanaki-State Child Welfare Truth and Reconciliation Mandate.

This historic signing will begin work to seek truth and healing in how the state child welfare system has treated the families of these indigenous Maine tribes—including the Houlton Band of Maliseet Indians, Passamaquoddy Tribe at Motahlanukuk, Passamaquoddy Tribe at Sipayik, Penobscot Indian Nation, and the Aroostook Band of Micmacs. In recent decades, these groups have seen their children taken from them to be placed with non-native families through adoption and foster care.

Through this process, the commission will listen to stories of families affected by these

practices and learn how the loss has impacted cultures that rely on their children for continued existence. The goal is not to injure, blame or shame anyone, but to bring these truths to the open air so they can heal, teach, and prevent future harm.

I'm so proud to live in a state that is willing to have these difficult, but crucially important, conversations with a spirit of honesty and reconciliation. I wish my best to this group and fervently hope it reaches a successful conclusion.

HONORING BISHOP DR. STEWART REESE, JR.

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation:

Whereas, Bishop Dr. Stewart Reese, Jr., is celebrating forty three (43) years in pastoral leadership this year as the founder of Bethesda Cathedral of the Apostolic Faith, Inc., and has provided stellar leadership to his church; and

Whereas, Bishop Reese, under the guidance of God has pioneered and sustained Bethesda Cathedral as an instrument in our community that uplifts the spiritual, physical and mental welfare of our citizens; and

Whereas, this remarkable and tenacious man of God has given hope to the hopeless and is a beacon of light to those in need; and

Whereas, Bishop Reese is a spiritual warrior, a man of compassion, a fearless leader and a servant to all, but most of all a visionary who has shared not only with his Church, but with our District and the nation his passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Bishop Reese, as he celebrates forty three years in pastoral leadership on this the Founder's Day of Bethesda Cathedral of the Apostolic Faith;

Now Therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim June 3, 2012 as Bishop Dr. Stewart Reese, Jr. Day in the 4th Congressional District.

Proclaimed, this 3rd day of June, 2012.

THE WIPA AND PABSS CONTINUATION OF SERVICES ACT OF 2012

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. BECERRA. Mr. Speaker, today I am introducing, along with my colleagues, the "WIPA and PABSS Continuation of Services Act of 2012," which would support Americans with severe disabilities who want to attempt to work and potentially reduce their need for Social Security Disability Insurance (DI) and Supplemental Security Income (SSI) disability benefits. It does so by ensuring the continuation of two important community-based programs

that assist individuals who wish to transition off of benefits by seeking and maintaining paid employment.

These programs have in the past been extended with overwhelming bipartisan support. Unfortunately, due to lack of action by the majority, the programs are today on the verge of expiring, and disability beneficiaries who want to try to work will be without the assistance they need to move ahead. We have worked extensively to find another solution, but we have reached an impasse.

I have received many letters, calls and emails of support for extending WIPA and PABSS. I'd like to submit three of these for inclusion in the CONGRESSIONAL RECORD—the endorsements of the bill by the Consortium for Citizens with Disabilities Task Force on Social Security, the National Disability Rights Network, and Easter Seals.

Helping individuals with disabilities who want to return to work should not be a partisan issue. I encourage all Members to join me in support of this legislation, and I hope we can move forward promptly, so Americans who are disabled are not denied the support they need to return to work.

More detailed information about WIPA and PABSS, and a description of the bill, follows.

"WORK INCENTIVES PLANNING AND ASSISTANCE" (WIPA)

When Congress passed the Ticket to Work Act in 1999, we recognized that beneficiaries needed help in navigating the work rules for DI and SSI recipients, which can seem like a complex maze. The Social Security Administration (SSA) lacked and still lacks the resources to be able to provide the kind of individualized assistance beneficiaries often need in order to use the work incentives. Moreover, Congress recognized that beneficiaries may be reluctant to discuss with SSA their interest in trying to work despite the obstacles, out of fear that they may lose their benefits even if their attempt to work fails. WIPA was created to fill this vacuum.

WIPA funds community-based programs through which trained benefit counselors help beneficiaries understand how to use the SSA work incentives. These counselors help people with disabilities in a number of ways:

They provide basic information on how disability beneficiaries can test out their ability to obtain and sustain employment, using work incentive provisions in DI, SSI and other programs to transition off of benefits.

They provide intensive, individualized guidance on the operation of these complex benefit rules and help beneficiaries report their earnings to SSA.

Their guidance helps reduce the likelihood of overpayments and increase beneficiaries' confidence that their attempt to work will not risk a catastrophic loss of basic economic security.

Recognizing the reality that SSA cannot always adjust benefit payments quickly in light of an individual's earnings, WIPA staff also counsel clients to set aside any overpaid benefits so that they are prepared to repay the overpayment once SSA processes their case.

Since their inception in 2000, WIPA programs have served nearly half a million SSA beneficiaries. SSA currently funds 140 WIPA grantees, using \$23 million included in its overall annual operating budget. However,

funding for more than half of the WIPA programs will expire on June 30, 2012, unless Congress or SSA is able to extend them.

"PROTECTION AND ADVOCACY FOR BENEFICIARIES OF SOCIAL SECURITY" (PABSS)

During consideration of the Ticket to Work Act, Congress also recognized that Americans with disabilities who can work may need legal advocacy in order to be able to obtain a job or maintain employment, so that they eventually won't need disability benefits. The PABSS program was established to assist such Americans.

PABSS organizations provide a wide range of services in support of work by persons with disabilities:

An individual with an intellectual disability was told that the job-coach assistance that enabled her to work would be terminated. Her local PABSS program intervened and the client was able to maintain her employment.

A blind individual had accommodations in place at work, but a software change at his company made it impossible to use them to perform his job. The PABSS office helped the employer upgrade the accommodations and worked with the Commission for the Blind to split the cost.

An individual with muscular dystrophy who lived in a rural area needed car repairs so he could get to his job. PABSS helped him resolve the issue with his warranty company so that his car could be repaired and he could keep his job.

A disabled individual was able to drive a taxi, but needed prompt payment of his past-due DI benefits in order to purchase a vehicle. PABSS helped the client obtain his past-due benefits, and he was able to purchase the cab.

PABSS operates through the protection and advocacy agencies in each state and territory. Since its inception, PABSS has assisted more than 80,000 individuals. The \$7 million annual cost is included in SSA's annual operating budget. Funding for PABSS expires September 30, 2012.

STATUS OF WIPA AND PABSS

Both programs are permanently authorized, and SSA uses its annual appropriation for the agency's overall operating expenses to fund the grantees. To reinforce and clarify the underlying law, Congress has several times adopted legislation, with overwhelming bipartisan support, to extend SSA's specific authorization to use already-appropriated operating budget funds. However, in the 112th Congress, the majority has not been able to pass an extension and has not introduced any legislation on this topic.

We have been working to find an administrative solution, since the programs are permanently authorized in statute, but the issues are complicated. The simplest way to address the problem is to pass legislation.

THE WIPA AND PABSS CONTINUATION OF SERVICES ACT OF 2012

The legislation would clarify the existing law by removing any ambiguity about SSA's authority to continue WIPA and PABSS grants. The bill removes a conflicting provision from the statute that authorized a particular amount and time frame for funding of the WIPA and PABSS programs. It leaves in place the underlying provisions that permanently establish

the two programs, including the standing authorization for SSA to use its annual operating budget to fund them.

I urge all Members to support this legislation. I hope that Congress will act promptly so that we can keep these programs in operation and continue to serve Americans with disabilities.

NATIONAL DISABILITY RIGHTS
NETWORK,
June 27, 2012.

Hon. XAVIER BECERRA,
Ranking Member, House Ways and Means Social Security Subcommittee, Washington, DC.

DEAR RANKING MEMBER BECERRA: On behalf of the National Disability Rights Network (NDRN), and the 57 Protection and Advocacy (P&A) agencies we represent in every state and territory, I write to express our strong support for the "WIPA and PABSS Continuation of Services Act of 2012" that you are introducing.

NDRN is the national membership association for the fifty-seven P&A agencies that run the Protection and Advocacy for Beneficiaries of Social Security (PABSS) program in every state, the District of Columbia, and all U.S. territories. Collectively, the P&A Network is the largest provider of legally-based advocacy services for persons with disabilities in the United States. NDRN strives to promote a society where people with disabilities have equality of opportunity and are able to participate fully in community life (including employment) by exercising informed choice and self-determination.

Every year, the PABSS program and the Work Incentives Planning and Assistance (WIPA) program help thousands of people with disabilities enter or stay in the workforce, and to progress towards independence and economic self-sufficiency. Ensuring that these programs continue is critical to addressing the high unemployment and low labor participation rates for people with disabilities in this country, while simultaneously helping beneficiaries of Social Security disability benefits attain economic self-sufficiency.

The PABSS program was created in 1999 as part of the Ticket to Work and Work Incentives Act to protect the rights of beneficiaries as they attempt to go to work. PABSS provides a wide range of services to Social Security beneficiaries. This includes information and advice about obtaining vocational rehabilitation and employment services, information and referral services on work incentives, and advocacy or other legal services that a beneficiary needs to secure, maintain, or regain gainful employment. Advocates funded by PABSS can investigate and advocate to remedy complaints of employment discrimination and other civil and legal rights violations. These advocates also address deficiencies in entities providing employment supports and services to beneficiaries.

Authorization for both the PABSS and WIPA programs expired on September 30, 2011. Fortunately, the Social Security Administration (SSA) was able to set aside funding to sustain the WIPA program until June 30, 2012, and the PABSS program until September 30, 2012. However, without the passage of a new authorization bill, like your legislation, the Social Security Administration says that the funding for these programs will end, which will cause many Social Security recipients to go without services to help them return to work. Additionally, layoffs and long-term disruptions to the

ability of grantees to provide these services will occur with the loss of experienced personnel.

Failure to reauthorize these programs will mean that the following success story, which repeats around the country every day, will no longer be able to occur:

PABSS staff represented a 57-year-old female and SSDI beneficiary, diagnosed with bilateral blindness and orthopedic disabilities. She had not been employed since losing her eyesight several years ago. She sought to return to work, and applied for services from the Division of Vocational Rehabilitation (DVR). DVR took her application, disregarded her statutory presumptive eligibility, and sent her a letter stating that she was ineligible for DVR services because of "transferable job skills." As a direct result of PABSS advocacy, DVR reopened this woman's case, found her presumptively eligible, conducted an appropriate Comprehensive Assessment of Rehabilitation Needs, and negotiated with her former employer to allow her to return to her previous job. As a result, this woman has returned to the workforce.

Examples, such as the above story, demonstrate that losing the PABSS program will hurt efforts to encourage people with disabilities to return to work, which in turn leads to further depletion of the Social Security Disability trust fund.

Again, thank you for introducing the "WIPA and PABSS Continuation of Services Act of 2012." We look forward to working with you and your colleagues to enact this important legislation into law.

Sincerely,

CURT DECKER,
Executive Director.

CONSORTIUM FOR CITIZENS
WITH DISABILITIES,
June 28, 2012.

Hon. XAVIER BECERRA,
Ranking Member, Subcommittee on Social Security of the Committee on Ways and Means, Washington, DC.

DEAR RANKING MEMBER BECERRA: The undersigned Co-Chairs of the Consortium for Citizens with Disabilities (CCD) Employment and Training and Social Security Task Forces are writing to thank you and express our strong support for the bill you are introducing to ensure the continuation of services under the Work Incentives Planning and Assistance (WIPA) program and the Protection and Advocacy for Beneficiaries of Social Security (PABSS) program. These two critically important programs help beneficiaries of the Social Security disability programs navigate the complex program rules and work incentives and attain economic self-sufficiency. The PABSS program was created in 1999 to protect the rights of beneficiaries as they attempt to go to work. The WIPA program funds Community Work Incentive Coordinators who help beneficiaries understand their options if they choose to return to work. Without congressional action, these programs will run out of funding soon causing many Social Security disability beneficiaries to go without services to help them return to work.

As you know, both WIPA and PABSS are vital to help Social Security Disability Insurance and Supplemental Security Income beneficiaries who wish to return to the workforce. WIPA grants go to local non-profits and other agencies to support outreach, education and benefits planning. WIPA grantees inform beneficiaries on the impact that employment will have on their disability income and medical coverage, and address

many of the real fears that individuals have about going to work at the risk of losing health coverage.

PABSS provides a wide range of services to Social Security beneficiaries. This includes information and advice about obtaining vocational rehabilitation and employment services, information and referral services on work incentives, and advocacy or other legal services that a beneficiary needs to secure, maintain, or regain gainful employment. Advocates funded by PABSS can investigate and advocate to remedy complaints of employment discrimination and other civil and legal rights violations, and to address deficiencies in entities providing employment supports and services to beneficiaries.

Thank you for your leadership in continuing the WIPA and PABSS programs. We thoroughly support the continuation of these vital programs for people with disabilities.

Sincerely,

Consortium for Citizens with Disabilities
Employment & Training Task Force Co-Chairs:

ALICIA EPSTEIN,
NISH.

SUSAN GOODMAN,
National Down Syndrome Congress.

CHARLES HARLES,
Inter-National Association of Business Industry and Rehabilitation (I-NABIR).

SUSAN PROKOP,
Paralyzed Veterans of America.

Consortium for Citizens with Disabilities
Social Security Task Force Co-Chairs:

JEANNE MORIN,
National Association of Disability Representatives.

TJ SUTCLIFFE,
The Arc of United States

ETHEL ZELENSKE,
National Association of Social Security Claimants' Representatives.

—
EASTER SEALS,
Washington, DC, June 27, 2012.

Hon. XAVIER BECERRA,
Ranking Member, Social Security Subcommittee, Committee on Ways and Means, Washington, DC.

DEAR RANKING MEMBER BECERRA: I am writing in support of your legislative efforts to continue the Work Incentives Planning and Assistance (WIPA) and Protection and Advocacy for Beneficiaries of Social Security (PABSS) programs at the Social Security Administration (SSA).

WIPA and PABSS provide Social Security beneficiaries with disabilities with access to reliable work incentive and benefits information that can help lead to increased employment and decreased reliability on public benefits. Four Easter Seals affiliates provide work and benefits counseling through WIPA to veterans, transition-to-work aged youth, and other Social Security beneficiaries who are interested in entering or returning to the workforce. Through the WIPA program, Easter Seals affiliates have helped thousands of individuals across the country, including many who are now working, paying taxes and improving their futures.

SSA has taken steps to wind down these programs by informing current WIPA and

PABSS grantees to stop taking new clients and to finish their work with existing clients. Service disruption will further discourage beneficiaries from working—the very problem these programs were designed by Congress to address. In addition, gaps in service will result in the loss of experienced work incentive staff members that are specially trained on the complexities of the current work incentive system and rules. Shutting down and reopening WIPA services will cost far more in terms of dollars and lost expertise than a simple continuation. While Easter Seals believes SSA has the authority and funding to continue WIPA and PABSS through the end of fiscal year 2012, we strongly support your legislative fix to make it absolutely clear and to avoid future shutdowns of these programs.

Easter Seals applauds your efforts to continue these important programs for people with disabilities. We look forward to working with you to move the bill through the legislative process.

Sincerely,

KATY BEH NEAS,
Senior Vice President, Government Relations.

IN TRIBUTE TO CAPTAIN RYAN RAWL

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. WILSON of South Carolina. Mr. Speaker, on Wednesday, June 20, 2012, Captain Ryan Rawl, of Lexington, South Carolina, was killed in action while serving in the South Carolina Army National Guard in Afghanistan. Captain Rawl is a graduate of Lexington High School in 2000. After graduating from high school, Captain Rawl furthered his education and graduated from The Citadel in 2004 with a major in Criminal Justice before joining the South Carolina National Guard in 2006. While in college, Captain Rawl received an award for his outstanding service on the school's Honor Court and enjoyed leading underclassmen in Bible study. Captain Rawl joined the National Guard in 2006. Since his active duty deployment, Captain Rawl has received numerous decorations and honors including The Bronze Star, The Purple Heart, The Combat Action Badge, The South Carolina Medal of Valor, and The South Carolina Meritorious Service Medal.

We are able to enjoy our freedoms due to the sacrifices of the brave men and women serving in our Armed Forces. Captain Rawl paid the ultimate sacrifice dedicating his life protecting American families and all of the freedoms we hold so dear.

My thoughts and prayers are with wife, Katherine, and their two young children, Callie and Caleb, as well as his parents Stanley and Diane Rawl. As a Guard veteran myself with four sons currently serving in the military, I particularly appreciate your extraordinary military family. Freedom is not free.

IN CELEBRATION OF THE 25TH
CHURCH ANNIVERSARY OF REV-
EREND DAVID L. STANLEY, SR.

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. BISHOP of Georgia. Mr. Speaker, it is my honor to extend my personal congratulations to the Reverend David L. Stanley, the beloved pastor of Union Baptist Church in Macon, Georgia, who will be celebrating 25 years at this wonderful church. On Sunday, July 8, 2012, he will be honored by his congregation at Union Baptist Church for this important milestone.

Rev. Stanley, the second youngest of five children, was born to Charles and Anna Stanley. He grew up in Dublin, Georgia and attended M.M. Burdell Elementary School and Northeast High School in Macon, Georgia.

Rev. Stanley went on to receive a Certificate of Diploma in Old and New Testament Studies from Moody Bible College. He also obtained a Bachelor of Arts degree in Biblical Studies from Carolina University in Lincolnton, North Carolina. However, Rev. Stanley's studies have not concluded as he strives to continue to understand and keep abreast of the Word of God.

Before becoming pastor of Union Baptist Church, Rev. Stanley served as a Sunday School teacher, Assistant Superintendent and Superintendent. He received God's call to the ministry in 1985 and accepted pastoral duties at Union Baptist Church two years later in 1987.

Union Baptist Church has had an enduring history. After relocating many times since the church was founded in 1893, a church at the present site was built in 1963. Many improvements and additions have been made since then and groundbreaking for the new edifice was held on November 27, 1999, during Rev. Stanley's tenure. Two years later, on April 1, 2001, the new sanctuary was unveiled and dedicated to the Lord.

Under Rev. Stanley's leadership, Union Baptist Church has grown not only in size, but also in faith. Always pressing towards the mark for the prize of the high calling of God in Christ Jesus, in order to better improve the craft of Christian discipleship, Rev. Stanley's philosophy emphasizes the importance of instructing his flock and others in becoming more knowledgeable about God's Word. Putting his philosophy into action, he implemented the Union Baptist Non-Accredited Bible School to enhance regular Bible study among members of his congregation and the community.

As a servant of God, Rev. Stanley is also a servant of others. He has received a "Key to the City" for his community work. Always endeavoring to motivate others, he was chosen as one of Macon's Most Inspirational Speakers by the residents of the city. He is also involved in the Union Baptist Association, the Georgia Baptist Convention and the Baptist Minister's Union.

Rev. Stanley is a great and inspirational leader, but none of this would have been possible without the love and support of his wife, Deborah, and his son, David, Jr.

Mr. Speaker, I ask that my colleagues join me today in congratulating Reverend David L. Stanley for 25 outstanding years of pastorship at Union Baptist Church in Macon, Georgia. He has truly implemented the Word of God in his congregation and in the community. I am profoundly grateful for his outstanding Christian stewardship and dedication to his church and family.

Truly to God be the glory!

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Ms. WOOLSEY. Mr. Speaker, on June 28, 2012, I was unavoidably detained and was unable to record my vote for rollcall No. 438. Had I been present I would have voted:

Rollcall No. 434: "yes"—Securing Maritime Activities through Risk-based Targeting (SMART) for Port Security Act.

HONORING DR. EDMUND O.
SCHWEITZER, III

HON. CATHY McMORRIS RODGERS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mrs. McMORRIS RODGERS. Mr. Speaker, I rise today to congratulate a very good friend and constituent, Dr. Edmund O. Schweitzer, III on receiving the 2012 Institute of Electrical and Electronics Engineers Medal in Power Engineering.

Truly one of the most inspirational individuals I have ever met, Dr. Schweitzer is an electrical engineer and President, CEO, and Founder of Schweitzer Engineering Laboratories in Pullman, Washington. After growing up in Chicago, he received his bachelor's and master's degrees in electrical engineering from Purdue University, West Lafayette, Indiana, and his doctorate from Washington State University, Pullman. After sharpening his craft at Ohio University and Washington State University, Dr. Schweitzer founded SEL, Inc. in 1982 in Pullman, Washington. An IEEE Fellow and member of the U.S. National Academy of Engineering, Dr. Schweitzer's has more honors and accolades to fully list, but they include an Alumni Achievement Award from Washington State University and the Purdue University Outstanding Electrical and Computer Engineer Award.

Since its founding, SEL has grown into the world's leading power protection company with over 3,000 employee-owners with facilities in 20 countries around the world. Dr. Schweitzer envisioned the concept of the "smart grid" long before the term was popularized. He recognized early in his career the importance of computer technology for power protection and how it could change the field. Dr. Schweitzer's pioneering inventions and leadership in bringing computer-based methods to the marketplace starting in the 1980s have revolutionized safety, reliability and efficiency in generating,

transmitting and distributing electric power and have transformed operation of the power grid.

Much like Benjamin Franklin and many of our nation's greatest inventors, Dr. Schweitzer was not deterred by early set backs or conventional wisdom that ran contrary to his transformational vision. Dr. Schweitzer's innovations have allowed engineers of all backgrounds to monitor, control and protect power systems in ways not previously imagined. As an engineer with keen business intellect, Dr. Schweitzer realized early on that his innovations could revolutionize companies' bottom line—allowing them to reduce expenses, expand, and create jobs. The application of Dr. Schweitzer's digital technology as replacement equipment or in new installations has led to reduced design work in protection and control systems, flexible operation options and increased reliability, resulting in reduced cost.

Recently, Speaker JOHN A. BOEHNER and I had the pleasure of touring and meeting the newest employee-owners at SEL's headquarters in Pullman, Washington. The Speaker and I were touched by the sincerity and pride each of SEL's employees have in their work—a direct reflection of Dr. Schweitzer's leadership.

Mr. Speaker, I urge all of my colleagues to join me in congratulating one of America's great innovators and modern day pioneers, Dr. Edmund O. Schweitzer, III, on receiving the 2012 Institute of Electrical and Electronics Engineers Medal in Power Engineering.

HONORING MRS. CAROLYN B.
PARKS

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation:

Whereas, the lives of many have been touched by the life of one—Mrs. Carolyn B. Parks; and

Whereas, Mrs. Carolyn B. Parks is the District I Vice President of the American Business Women's Association (ABWA), she has been and continues to be involved in promoting business and community by informing, educating and giving support to our citizens in our District; and

Whereas, this phenomenal woman has shared her time and talents for the betterment of our community through her tireless works, words of encouragement and empowerment; and

Whereas, Mrs. Carolyn B. Parks has given DeKalb County and the Metropolitan Atlanta area, tools that enhance lives, supports our youth, protect our seniors and promotes our community businesses; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mrs. Carolyn B. Parks for her outstanding leadership and service to our District;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim July 27, 2012 as Carolyn B. Parks Day in the 4th Congressional District of Georgia.

Proclaimed, this 27th day of July, 2012.

PERSONAL EXPLANATION

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. REED. Mr. Speaker, I was detained on June 20, 2012, and was unable to be on the House floor to vote. Had I been there, I would have voted as follows:

Rollcall 389: H. Res. 691, On Ordering the Previous Question: "yes."

Rollcall 390: H. Res. 691, Rule providing for consideration of H.R. 4480: "yes."

Rollcall 391: Walz of Minnesota Motion to Instruct Conferees on H.R. 4348: "yes."

CONGRATULATING LIEUTENANT
COMMANDER ZACHARY DANIEL
MERRITT

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. PLATTS. Mr. Speaker, I am delighted to offer my heartiest congratulations to Lieutenant Commander Zachary Daniel Merritt of the United States Navy on his recent promotion. This is certainly a momentous occasion and one worthy of great commendation.

Lieutenant Commander Merritt was born and raised in my hometown of York, Pennsylvania. He graduated from the Naval Reserves Officer Training Corps at Penn State University with a Bachelor's Degree in nuclear engineering. He was commissioned at Penn State in December 2004.

Lieutenant Commander Merritt served his junior officer tour aboard the U.S.S. *Michigan* and later served on the faculty of the Naval Submarine School, where he earned the distinction of "Instructor of the Year." He currently serves as the Engineer aboard the U.S.S. *Alexandria*.

Lieutenant Commander Merritt's outstanding record of service to our country is certainly worthy of great praise. All Americans are forever indebted to him and his family for their dedicated service and deep commitment to our country. I am certain that Lieutenant Commander Merritt's fellow citizens, family, friends and colleagues join me congratulating him on his recent promotion.

IN HONOR OF THE RETIREMENT
OF GAIL MILLAR

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. VAN HOLLEN. Mr. Speaker, my colleague, Mr. RYAN of Wisconsin, and I would like to take a moment to recognize the career and the retirement of Gail Millar, the General Counsel for the House Budget Committee,

and to thank her for the service she has provided to not just the Committee, but to the Congress and the United States of America in a wide variety of roles. Ms. Millar is retiring after more than three decades of dedicated service to our Nation as an employee of the Federal Government.

In 1981, she began her time on Capitol Hill by joining the Senate Budget Committee under Senator Pete Domenici and became Chief Counsel. She went from there to the Senate Parliamentarian's Office and stayed there from 1984 through 1988. After the departure of the Senate Parliamentarian, Bob Dove, she took on the enormous responsibility in 1987 as First Assistant to the new Parliamentarian, Alan Frumin. He has characterized her as a "great colleague, smart, courageous, reliable, loyal, and tough as nails."

When she announced that she was leaving the office, Majority Leader Robert C. Byrd made a personal appeal for her to stay with the Office.

Even so, soon after, Ms. Millar began as an assistant counsel for the Congressional Budget Office, rising to General Counsel during her stay there, which lasted from 1989 to 2000. Ms. Millar's area of expertise was budget scorekeeping and working with budget analysts and program analysts on budget issues.

She also served from 2000 to 2002 as clerk for the Subcommittee on Commerce, State, Justice, the Judiciary and Related Agencies at the House Committee on Appropriations. After that position, she worked from 2002 to 2005 as associate director for budget policy and management in the Office of Technical Assistance at the Department of the Treasury, a job in which she and her staff advised governments around the world about how to put in place budget processes and procedures to advance their nations.

In 2005, she began serving as Chief Counsel to the Senate Budget Committee before leaving to work for the House Budget Committee as General Counsel in 2007.

As Counsel to both the House and Senate Budget Committees, Ms. Millar has been dedicated to the proper interpretation of the law, the drafting of bills and amendments, and the development of important concepts related to those laws.

Throughout her public service, she has fearlessly advocated to preserve the integrity of the budget process and the principles of the House and Senate.

For all of the outstanding work she has done in her 32-year career, her greatest accomplishments and her proudest achievements are her two children, Joe and Jeanne.

We deeply appreciate Gail Millar's long service to Congress and to the Executive Branch, which has been manifested in so many ways and in so many roles. We will truly miss the wisdom that she brings to her work. We wish her the best in her retirement and in her new opportunity to spend more time with her family and friends.

TRIBUTE TO ERNESTINE CORNETT

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to Ernestine Cornett, in honor of her retirement after dedicating nearly 30 years to WYMT-TV, a CBS-affiliate in Hazard, Kentucky, providing continuous news coverage and serving as a tireless ambassador for southern and eastern Kentucky.

With Ernestine Cornett at the helm of WYMT as General Manager, hundreds of thousands of families gained access to local, live-remote news coverage in southern and eastern Kentucky with the station's first satellite truck. Over the years, WYMT-TV has also answered the call for more than news coverage. To promote higher attainment rates for college degrees, Ernestine led the way for thousands of students in the region to gain access to college scholarships through fundraising efforts by the station. In the midst of flooding, tornadoes and other natural disasters, the station has provided staff and airtime for numerous telethons to raise money to give back to families and communities in dire need. During the holidays, WYMT also promotes food and donation drives to make sure the less fortunate have something to celebrate.

Ernestine Cornett is also a model for women in business in rural communities. Starting in the commercial traffic department at WYMT more than two decades ago, Ernestine worked her way up the ladder to general manager in 1990 through her loyalty to the region, integrity in decision-making, her astute leadership, and pure hard work. The station's call letters, WYMT, stand for "We're Your Mountain Television" and it's Ernestine's passion for connecting and improving the region that have served as hallmarks for the station's mission.

Mr. Speaker, I ask my colleagues to join me in honoring a leader and dear friend of southern and eastern Kentucky, Ernestine Cornett, on her retirement. My wife, Cynthia and I wish Ernestine and her family all the best in the years to come.

PERSONAL EXPLANATION

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mrs. MCCARTHY of New York. Mr. Speaker, I was unavoidably absent for a vote on June 26th, 2012. Had I been present, I would have voted in the following manner:

Rollcall No. 416—On Agreeing to the Amendment (Connolly of Virginia Amendment) "yes."

CONGRATULATING THE MIAMI HEAT

HON. FREDERICA S. WILSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Ms. WILSON of Florida. Mr. Speaker, I rise today to congratulate the Miami Heat on its 2011–2012 National Basketball Association (NBA) Championship. The Miami Heat's journey to its second championship is a testament to teamwork and selflessness. In honor of their remarkable season and leadership in my community, I submit the following poem, written by Albert Carey Caswell.

THE HEAT IS ON,

FEEL . . . FEEL THE HEAT!

IN HONOR OF THE WORLD CHAMPIONS
THE MIAMI HEAT

THE HEAT IS ON, FEEL . . . FEEL THE HEAT!

(By Albert Carey Caswell)

THUNDER and HEAT!

When two forces of nature so meet!

But only one can so hold that title so very sweet?

As World Champions, as out into a future which so speaks!

Feel . . . Feel The Heat!

"WADE" a minute, your over your head . . . so very deep!

Something so fast and so furious that no one can beat!

Like a Category 5 Hurricane coming at you, up from the beach!

You better get your children inside, because this title is so out of reach!

Feel! Feel The Heat!

It begins . . . with a little boy with a ball in hand. . .

As into the wee hours of the night he now so stands . . .

Shot after shot, rebound after rebound, as he takes command!

Dreaming that Dream, that once so began!

To walk upon that hardwood, and so see and so feel the crowd . . .

To play in the NBA, all of those sights and so sounds!

As it all so begins with that first basketball, The Round!

Pee wee leagues, elementary, pick up games, middle and high school ball!

And just maybe a college so comes to call . . .

And then The Pro's, The Greatest of All!

Oh how I wonder, if all of this Dr. Naismith saw?

And for many, this dream but so gives them that chance!

To leave a life of heartache and poverty, and to so advance!

To go to March Madness, and The Big Dance . . .

And to get an education, and have a life and make future plans!

And yet still for some, even greater dreams may so advance!

To play in The NBA!

And then the greatest of all of them,

That One Golden Chance!

To be a World Champion,

and wear that crown and ring and so dance!

And so reside at The Top of Round Ball,

oh what a romance!

That of a World Champion, to so take that most lofty stance!

For only a very few will ever be in such a circumstance!

For these are sheer men of might!
 Who fly through the air almost at the speed
 of light!
 Who jump high above those backboards all
 on game night!
 With such catlike reflexes and speed, to the
 crowds to ignite!
 Even Spider Man could learn lessons from
 them all about flight!
 The ones who can shoot the eyes out of bas-
 ket going left or right!
 And who will wear this most hallowed crown,
 so very bright?
 And earn that great title of World Cham-
 pions, this night!
THUNDER AND HEAT!
 When two forces of nature on the hardwood
 so meet!
 Something's got to give, **THUNDER AND
 HEAT!**
 And after last year's loss they had down
 graded, The Heat!
 But, this year's version . . .
 according to The Book of King James, "hunt
 it . . . hunt it" was ready to compete!
 As they took that loss and planted it all in
 their hearts so very deep!
 As day in and day out they so strived for
 that title to seek!
**AS THE THREE AVENGERS AND THE
 TEAM,
 ALL CAME TOGETHER AT WARP SPEED!
 THE BIG THREE, WHAT HELL TRULY CAN
 BE!**
 Melding into a perfect storm,
 in the NBA to create such havoc, to reek!
 Making grown men so weep!
AS IT WAS JUDGEMENT DAY!
**AS THIS TIME THEY WERE PLAYING FOR
 KEEPS!**
 A New Kid in town, Durant and his Thunder
 at the OK Corral!
 When, The James Gang came riding into
 town!
 Two of the best ball slingers in the NBA to
 be found!
 But they were ambushed in game one, as The
 Heat went down!
 As Dwayne said "WADE, A MINUTE . . .
 WADE A MINUTE NOW!"
 And King James said, "its' not OK, we're
 going to be wearing that crown!"
 And he said, "you won't get this title sooner,
 much later now!"
 And BOSH, put it into high gear . . . high
 performance so now!
 As The Heat evened the series,
 and cried take me to Miami . . . were head-
 ing South!
 As it was Mano v Mano,
 LeBron and Durant who would so bow?
 Even Spider Man wishes he could be like
 LeBron,
 someway . . . or somehow!
 Maybe if he goes to his basketball camp,
 King James will show him just how!
 A question asked, "did LeBron, really turn
 that role of Spider Man down?"
 As the next three games, were all so insane
 . . .
 As **THE HEAT** said feel my pain!
 With a wave of **DEFENSE**, that washed The
 Thunder out!
 As this Hurricane's intensity grew so, and
 how!
 Even the weather channel was forecasting
 major damage, about!
 As they gave The Thunder fair warning to
 evacuate this town!
 As Dwayne was smooth as silk, as he comes
 from a different ilk!
 Is he from another planet? WOW!
 Shooting the eyes out of the basket, up and
 down the court on a cloud!

As The Thunder said,
 "cape crusaders in the NBA should not be al-
 lowed!"
 Like Batman and Robin. . . King James and
 Wade,
 The Dynamic Duo said throw in the towel!
 Now that's what I'm talking about!
 And then throw in **THE BOSH**, making The
 Big Three!
IT'S LIKE A BATTLE STAR, HOLY COW!
 James, Wade and Bosh have more combined
 take offs and landings,
 than Miami's airport does so now!
 We need an air traffic controller on the
 court,
 to regulate these take offs and landings
 somehow!
 You know, "Sometimes you get a "REVEAL-
 ING"!"
 Like you never had before!
 As they turned UP **THE HEAT** and LeBron
 triple doubled,
 and went beyond a category 5 to victory in-
 sure!
 A category, is that what his number 6 on his
 jersey stands for?
 Ruling, over his Kingdom from baseline to
 baseline. . .
 Something so beautiful and pure!
 He'll slam you, he'll jam you, like a vampire
 make your neck sore.
 As he was a Man For All Seasons, need I say
 more?
 He's a Tour De Force!
 As once again MVP once more!
 As Miller Time, throwing up three's like he
 was out of his mind!
 And Shane Battier would "Duke it out",
 making threes from the back line!
 As they were all giving James, a very Harden
 time!
 As Serge couldn't Iblocka each and every
 Heat shota he'd find!
 And Westbrook, Miami's D gave him the
 hook making him whine!
 As Mario Charmed them from down town one
 at a time!
 And Udonis U Hasem,
 all on defense and rebounds making them
 hide!
**AND WHEN GAME FIVE WAS DONE,
 THAT'S HOW THE WEST WAS WON!
 AS KING JAMES SAID, THE HEAT IS ON!
 STAY OUT OF THE HEAT MY SON!**
 Even skin block won't protect you, get the
 job done!
 As you looked around,
 you saw the tears in The Heat's eyes!
 As they had a feeling like they never had be-
 fore!
 A revealing!
 As coach Erik Poelstra said, "I'm so proud of
 you guys!"
 And Riley said, "Erik, I worship you on
 high!"
 For money can not buy, that feeling of a
 dream deep down inside!
 That all little boys hearts, one day hope to
 realize!
 Somewhere in America tonight, a little boy
 stands. . .
 shot after shot, rebound after rebound into
 the night making plans!
 Dreaming that dream, fighting that fight!
**WARNING! WARNING! A NATIONAL
 WEATHER ALERT!**
**MORE HURRICANES ARE PREDICTED IN
 THE FUTURE THAT HURT!**
**MORE NBA CHAMPIONSHIPS ARE COM-
 ING FROM THE HEAT!**
**THE HEAT IS ON, IT'S ON THE COURT,
 IT'S IN THE SEATS,
 IT'S IN THE OCEAN, IT'S IN THE
 STREETS, ON BISCAYNE BVD**

**SO SWEET! THE HEAT IS ON, FEEL. . .
 FEEL THE HEAT!**

**HONORING CRYSTAL
 BROCKINGTON AND JOHNATHAN
 DAVIS**

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. JOHNSON of Georgia. Mr. Speaker, I
 submit the following Proclamation:

Whereas, Crystal Brockington and
 Johnathan Davis have distinguished them-
 selves as an outstanding research team in the
 area of Science from Rockdale Magnet School
 for Science and Technology; and

Whereas, Miss Brockington and Mr. Davis
 have competed throughout the state of Geor-
 gia, the Nation and internationally; and

Whereas, their research project the "Optimi-
 zation of Solar Cells Using Quantum Dots &
 Nanofibers" received the designation and
 prestigious ranking of #2 worldwide as a Silver
 medalist this year in Istanbul, Turkey; and

Whereas, these students have studied hard,
 sacrificed much and balanced their lives as
 teenagers maintaining high grade point aver-
 ages throughout the school year; and

Whereas, they are model student leaders
 with the heart to serve their community and a
 drive to one day be the best of the best for
 their school, their family and their country; and

Whereas, their boundless energy and enthu-
 siasm have opened internationally recognized
 opportunities, helping Fourth District Congres-
 sional students understand that their futures
 are as limitless as the skies; and

Whereas, we are grateful for the accom-
 plishments and work of these outstanding stu-
 dents of honor who define the power of edu-
 cation and imagination; and

Now Therefore, I, HENRY C. "HANK" JOHN-
 SON, JR. do hereby proclaim June 12, 2012 as
 Crystal Brockington and Johnathan Davis Day
 in Georgia's 4th Congressional District.

Proclaimed, this 12th day of June, 2012.

**IN CELEBRATION OF HOWARD E.
 JEFFERSON'S 75TH BIRTHDAY**

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. AL GREEN of Texas. Mr. Speaker, I
 would like to acknowledge the 75th birthday of
 a respected community and business leader,
 Howard Jefferson. Born in Mississippi, on this
 day in 1937, Mr. Jefferson rose from humble
 beginnings to preeminence in Houston, Texas.

He excelled in school, graduating from
 Southern University with a Bachelor of
 Science degree in Chemistry. In 1962, he was
 the recipient of the prestigious Academic Year
 Fellowship in Science and Mathematics from
 the University of Texas. Mr. Jefferson received
 a Masters Degree in Administration and Su-
 pervision from the University of Houston in
 1967.

A born scholar and educator, Mr. Jefferson finished his education and quickly rose to the position of Assistant Superintendent in the Houston Independent School District, where he supervised over 120 schools and eight area superintendents. He later retired and went on to become the Chairman of Protectors Insurance and Financial Services, LLC as well as the Protectors Health Partners, LLC.

Mr. Jefferson has held leadership positions on various boards and commissions, including President of the National Association of the Advancement of Colored People (NAACP), Houston Branch, Vice-Chairman of the Board of Commissioners of the Houston Housing Authority, Chairman of the Veterans Advisory Committee, Vice President of the Houston Principals Association, Vice President of the Mustang Little League Football Team and Chairman of the Board of Directors of Operation PULL. He has also been a member of numerous boards and commissions, including the Harris County Board of Education, Shell Oil Company Diversity Advisory Board and City of Houston Urban Policy Advisory Board.

Mr. Jefferson's leadership and community service have been consistently recognized by his colleagues. Amongst other honors, Mr. Jefferson has received the State of Texas NAACP Heroes Award, the NAACP Mickey Leland Humanitarian Award, National Baptist Association Humanitarian Award, Houston Lawyers Association Outstanding Services Award, Houston Black Fire Fighters Service Award and had a day pronounced in the city of Houston in his honor by Houston mayor Lee P. Brown.

Mr. Speaker, I am blessed to have the opportunity to pay tribute to a man who so selflessly acts as an agent for change and a coalition builder. He is an exemplar for all those who aspire to selflessly serve others, and most of all he is a friend.

CELEBRATING THE ACHIEVEMENTS OF EUGENE SHEA

HON. C. W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. YOUNG of Florida. Mr. Speaker, I stand today to recognize the life and achievements of one of my constituents, Eugene Shea of St. Petersburg, Florida. Now 100 years old, Mr. Shea has been blessed to have lived such a long life and he has not wasted any part of that gift. In his youth, he was a world champion speed skater from his native state of New York. Since moving to St. Petersburg, he has built a successful career as a real estate agent with Coldwell Banker Commercial. He continues to work there today. Each day, he sits down at his desk with his trusted typewriter and phone. He is known for his hard work and still closes negotiations worth more than a million dollars. We should all celebrate his century of setting such a fine example.

This illustration is important for today as our expectations of a long and fruitful life continue to grow. Mr. Shea, at age 100, demonstrates for us that it is possible to continue contributing to the community long after age 65.

Working as a real estate agent, Mr. Shea is often in stressful negotiations. He handles these situations with the strength of his immense experience and hopes to continue to work at his typewriter for years to come. I hope that this might inspire others to believe that they too can continue to live healthy and productive lives.

For the last century, Mr. Shea has led a life of fine character, working hard and contributing to the community in my district. His success and continued work ethic truly represent the best ideals of his profession and are a source of inspiration for all who meet him. Mr. Shea is an exceptional example of Pinellas County, the state of Florida and the United States. I am proud to congratulate Mr. Shea for his quality and achievements which deserve to be recognized by this chamber and the country.

BETH CHAVERIM'S 30TH ANNIVERSARY

HON. E. SCOTT RIGELL

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. RIGELL. Mr. Speaker, I rise today to enter a statement into the RECORD on behalf of my constituent, Dr. Israel Zoberman. Dr. Zoberman is the Founding Rabbi of Congregation Beth Chaverim in Virginia Beach, Virginia. He is also the president of the Hampton Roads Board of Rabbis and Cantors. Dr. Zoberman asked me to enter the following remarks into the RECORD regarding Chanaka. Dr. Zoberman's statement follows:

At the Shabbat morning service, June 30, at 10:30 a.m., followed by a festive luncheon, the family of Beth Chaverim will joyfully celebrate its 30th anniversary which officially falls on July 2. What a milestone in the history of our young congregation that has endured and even flourished during these three eventful decades of accomplishments!

I, a grateful founding rabbi, shall always remember and cherish the transforming birth of what we affectionately called, "the baby." Much love and tenderness has been bestowed upon the fast-growing "baby," remaining the newest synagogue in the exceptional community of Hampton Roads and the only Reform Jewish temple in Virginia Beach. The congregation's name, "Beth Chaverim," was deliberately chosen to reflect the very essence of what we wanted our temple to be, an embracing "House of Friends," whose birth would always be justified by trying harder than others to create a loving and accepting Jewish home for those choosing to enter our gates and hearts. Admittedly, we have also learned that we are only human and that the perfect vision of our innocent youth was bound to be challenged by a complex and, at times, trying reality.

It is though beyond doubt that our beloved Beth Chaverim has generated multiple blessings onto its immediate congregational family, the larger Jewish community and the general one with interfaith bonds of historical significance. For our first three years we were kindly hosted by the now Heritage United Methodist Church, followed for ten years (1985-1995) at the most gracious Catholic Church of the Ascension, at that time the

only such Jewish-Catholic relationship in the world! While at the church I invited in 1993 Muslims to join in the first Jewish-Muslim joint prayer in Hampton Roads, celebrating the beginning of the Peace Process in the Middle East. Currently Beth Chaverim is home to two African American churches, New Jerusalem Ministries led by Dr. Veronica Coleman and Emmanuel Way of the Cross Church led by Bishop Fred E. Hill. Another giant breakthrough! Peace by Piece by Edmarc Hospice For Children and Jewish Family Service of Tidewater meets here as well, along with Boy Scouts Troop #488 that we sponsor.

I profoundly thank you, founding president Dr. Jerry and Paula Levy, and all members of our Founding Generation, for being such an indispensable part of our noble endeavors and dreams, making possible our sacred work in progress. Your faithful participation has nourished and sustained the miracle called Beth Chaverim, a caring, courageous and creative congregation! Our remarkable Bingo Bunch has made a critical contribution. Our inspiring additions in 2006 of the Marilyn and Marvin Simon Family Sanctuary and the Religious School wing have made a significant difference, allowing us to host the notable Yom Ha'Shoah gathering sponsored by the Holocaust Commission of the United Jewish Federation of Tidewater.

How appropriate and symbolic that our first "home-grown" rabbi, Sam Rose, Lora's son, was ordained on June 4th, 2012 in Cincinnati, Ohio, at my alma mater, the Hebrew Union College-Jewish Institute of Religion, from which I was ordained 38 years ago. We are proud of him, his wife Andrea, Lora and the entire family. Rabbi Rose will serve at Temple Beth Israel in Austin, Texas, as of July 1st.

A heartfelt Mazal Tov & Le'Chaim—To life for a great past and even a greater future as we continue to go and grow from strength to strength. My beloved wife Jennifer, soulmate and helpmate, founding rebbitzin, founding president Dr. Jerry and Paula Levy, president Nate and Janet Rubin, immediate past-president Chris and Dr. Jim Ohlstein, along with past-president Dr. Marty and Judi Snyder, join me in offering heartfelt gratitude on truly a grand Simcha celebration of a very special "baby."

THE SUPREME COURT OF THE UNITED STATES DECISION ON THE CONSTITUTIONALITY OF THE AFFORDABLE CARE ACT

HON. MARTHA ROBY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mrs. ROBY. Mr. Speaker, I rise today to express my deep disappointment with the recent United States Supreme Court ruling on June 28, 2012 that upheld the constitutionality of the Patient Protection and Affordable Care Act (PPACA).

The Court's opinion is lengthy and complicated and will require careful evaluation and review. However, we know that the Court affirmed the view that President Obama's law represents a significant tax on the American people, and that it is through the federal government's power to levy taxes that the Court upheld the law as constitutional.

Mr. Speaker, the Court's legal analysis is dubious and cause for concern given the dangerous precedent it sets. Can the government

now require Americans to purchase government-approved goods and services or else face the threat of a tax? What we do know, however, is that the Court put restraint on the power of Congress to mandate the purchase of goods and services under the Commerce Clause of the United States Constitution.

The Court ruled on the legal issues, not the wisdom of the policy. The American people have already weighed in and overwhelmingly rejected this law. As a whole, the law, which the nonpartisan Congressional Budget Office predicts will cost \$1.6 trillion and will result in as many as 20 million Americans losing their existing health care coverage, remains deeply unpopular with the public. This is a stark contrast to the President Obama's repeated promise that, "if you like your health care plan, you can keep your health care plan."

The President's law has also proven to be ineffective at reducing the cost of health care, as it is suffocating small businesses with overbearing regulations and hampering job creation in a time of economic uncertainty. Recent estimates indicate that the law will actually cost 800,000 American jobs, not create 400,000 jobs as NANCY PELOSI claimed in 2010.

By law, beginning in 2014, employers with more than 50 employees will be required to offer health insurance coverage or face financial penalties. In addition, an employer plan must cover a specific set of services determined by the Department of Health and Human Services (HHS) and meet actuarial standards laid out in the law. As a result, employers will be forced to choose whether to meet the new insurance requirements, pay noncompliance penalties to the Internal Revenue Service (IRS), or reduce workers' hours so they do not qualify as full-time. I have heard from several small business owners in my home state of Alabama, and across the United States, that will have financial struggles no matter which decision they chose. How can a business owner provide health insurance to his employees if his business is bankrupt?

We can all agree that the Court's preservation of PPACA's employer health insurance mandate is costly, to both employers and to their employees. Rising costs will force employers to consider dropping health coverage altogether. Recent polls state that 30 percent of employers will "definitely" or "probably" stop offering health insurance after 2014. In the wake of the Court's ruling, employers will have three options in coming years: maintain coverage and absorb cost increases, maintain coverage and pass on as many costs as possible to workers, or drop coverage and pay a penalty. Despite the court's ruling, I remain committed to working toward the repeal of this harmful law.

The House of Representatives will vote yet again to repeal the law in early July and immediately begin deliberate work to replace the law with free market reforms that truly improve access to quality and affordable care. Americans and their doctors, not federal bureaucrats and politicians, are in the best position to determine which health care options best meet their individual needs.

300TH ANNIVERSARY OF UWCHLAN TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. GERLACH. Mr. Speaker, I rise today to congratulate Uwchlan Township, Chester County, Pennsylvania on its 300th anniversary.

Founded by Welsh Quakers in the late 17th century, the first European inhabitants called the area "Uwchlan," meaning "upland" in Welsh. In 1712, Uwchlan was established as a township, having grown up around ancient Native American trails that today are part of South Village Avenue and Dowlin Forge Road.

Uwchlan existed principally as a rural, farming community well into the 20th century. The end of World War II brought about new changes as suburban developments gradually began replacing farms. A census taken in 1973 counted 6,616 residents, up from about only 500 in 1920. Three hundred years after its establishment as a township, the most recent census presents a robust population of 18,088.

While Uwchlan Township has changed a great deal since its establishment 300 years ago, it still retains much of the charm from its historic past. Now pre-Revolutionary farmhouses stand in close proximity to modern business parks. Today, Uwchlan Township and its citizens continue to make valuable contributions to the quality of the economic and social life of Chester County while preserving the rich and storied heritage of their past.

Mr. Speaker, I ask that my colleagues join me today in congratulating Uwchlan Township and its remarkable history on the occasion of its 300th anniversary and to extend best wishes for the Township's continued prosperity and longevity.

TRIBUTE TO MRS. LINDA SCRITCHFIELD

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mrs. CAPITO. Mr. Speaker, I rise today to recognize the accomplishment of a constituent of mine, Mrs. Linda Scritchfield, and to praise her 25 years of service as Site Manager for the Ravenswood Senior Center.

Linda, whose first day as Site Manager was January 1, 1987, will work her final day on June 29, 2012. When Linda took over the Senior Center, it was located in an old locks building on the banks of the Ohio River and offered few activities. Under Linda's guidance, the seniors started looking for land in order to build a new center. They held multiple fundraisers, and with the help of Jackson County Commission on Aging, grants, and the city of Ravenswood, the new center opened in November 1997.

Linda was instrumental in raising funds for the services that the senior citizens of

Ravenswood enjoy. The new center has a dining area, computer room, billiards room, library, pool area and offices. A therapeutic pool was opened a few years later. The center also provides services for veterans along with offering wigs for cancer patients, flu shot clinics, water aerobics, and open swim classes.

Although Linda has helped the Senior Center make great strides over the years, Linda says her biggest accomplishments in life are the personal relationships she formed with the seniors. They have made such an impact on her life, and she hopes that she has been able to do the same for them.

I thank Linda for her years of service and Ravenswood is fortunate to call Linda one of its own.

IN REMEMBRANCE OF JUDGE PATRICK F. GALLAGHER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Judge Patrick F. Gallagher, who spent nearly 20 years as a judge for the Cuyahoga County Domestic Relations Court.

Born on September 1, 1918, Judge Gallagher was raised in the City of Cleveland. He graduated from St. Ignatius High in 1936. Before enrolling in college, Judge Gallagher served with the U.S. Army for four years in England during World War II. He was discharged, having earned the rank of master sergeant.

Upon returning home, Judge Gallagher graduated from Case Western Reserve University and earned his law degree from Cleveland Marshall College of Law. In 1956, he joined the Cuyahoga County Juvenile Court as a legal consultant. He would eventually become the Juvenile Court's chief clerk.

Judge Gallagher was first elected as a Judge for Cuyahoga County Domestic Relations Court in 1972. He was subsequently reelected for two additional terms and retired after 18 years on the bench.

I offer my condolences to his wife, Eileen; children, Patrick (Cynthia), Dr. Michael (Catherine), Dr. Timothy (Lynn), John and Captain Colleen Gallagher Thomas; grandchildren, Molly (Kevin), Kate, Mary Catherine, Brian, Kelly, Amy, Jaci, Timothy, Erin, Daniel, Bridget and Brendan; and great-grandson, Jack.

Mr. Speaker and colleagues, please join me in honoring Cuyahoga County Domestic Relations Court Judge Patrick F. Gallagher.

COMMENDATION OF GROSSE POINTE SOUTH HIGH SCHOOL GIRLS' TRACK AND FIELD AND TENNIS TEAMS

HON. HANSEN CLARKE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. CLARKE of Michigan. Mr. Speaker, I rise today to recognize the Grosse Pointe

South girls' track and field and tennis teams for being Michigan High School Athletic Association (MHSAA) Division 1 champions! I am proud of the Grosse Pointe South athletes' discipline, motivation, and perseverance.

For the second year in a row, the Grosse Pointe South girls' track and field team won the Division 1 state championship and demonstrated the power of friendship and teamwork. Track and field team members Ersula Farrow, Haley Meier, Hannah Meier, and Kelsie Schwartz beat the state record in the 3200-meter relay by 17 seconds and set a National Federation high school track and field record with a time of 8 minutes and 48.29 seconds. Grosse Pointe South is the only Michigan team to break the 9-minute barrier in the 3200-meter relay.

The same day, the Grosse Pointe South girls' tennis team won the highly competitive Division 1 state championship title and finished with 26 points. Maggie Sweeney won the individual championship at No. 4 singles and Amelia Boccaccio and Carrie Lynch won at No. 2 doubles.

I am honored to recognize the Grosse Pointe South girls' track and field and tennis teams, their standout athletes, and their dedicated coaches for their commitment and hard work.

HONORING L.L. BEAN

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to recognize L.L. Bean on the occasion of its 100th anniversary.

It was one century ago that Leon Leonwood Bean sent out his first shipment of Maine hunting shoes. Defects in the shoe's initial design caused individuals to return 90 pairs of those shoes. Undeterred, Bean provided the purchasers with full refunds, corrected the design flaws and set back to work marketing his products. This commitment to customer satisfaction has been the cornerstone of L.L. Bean's success throughout the last 100 years. Not only does their customer satisfaction guarantee remain in effect, but L.L. Bean's store in Freeport, Maine is still open to visitors 24 hours a day, 365 days a year.

L.L. Bean has since grown to become a global retail giant. The company achieved over \$1.52 billion in sales last year while providing over 4,900 full-time jobs. Shoppers can visit any one of the retail or outlet stores located throughout the United States and Japan, or purchase quality products online. Despite its success in appealing to consumers from all over the world, L.L. Bean is beloved for retaining its uniquely Maine character.

From July 4th to 7th, L.L. Bean will be celebrating its 100th anniversary with music, parades, and a fireworks display. I am pleased to be one of the countless individuals throughout Maine who will be congratulating L.L. Bean, and all of its employees, on achieving this impressive milestone.

Mr. Speaker, please join me in congratulating L.L. Bean on its tremendous success over the last 100 years.

HONORING SENATOR MARGARITA PRENTICE ON HER RETIREMENT FROM THE WASHINGTON STATE SENATE

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Margarita Prentice as she retires from the Washington State Senate after 24 years of distinguished public service. Representing Washington's 11th Legislative District, her constituents included residents of Seattle, Renton, and SeaTac.

Senator Prentice's voice as a healthcare champion has been invaluable and has bettered our community. She previously worked as a registered nurse at Valley Medical Center and in recognition of her career in public service and leadership, the Emergency Services Tower at Valley Medical Center is named in her honor.

The Senator's contributions have been recognized by many throughout the years. She has dedicated countless hours of hard work on behalf of her constituents in the 11th District and all of Washington State. She has been recognized as the 2008 Children's Advocate by the Pediatric Interim Care Center and in 2007 was named by the Community Health Care Network of Washington as their Health Care Champion. She has also been named Legislator of the Year by the Washington State Nurses Association and Washington State Dental Hygienists Association.

Mr. Speaker, it is with respect and great pleasure that I recognize the work Senator Prentice has done for Washington State's 11th Legislative District.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent for a vote in the House chamber on June 21, 2012. Had I been present, I would have voted "nay" on rollcall vote 411.

I was also unavoidably absent in the House Chamber for one vote on June 26, 2012. Had I been present, I would have voted "yea" on rollcall votes 414, 416 and 419 and "nay" on rollcall votes 412, 413, 415, 417, 418, 420, 421, 422 and 423.

HONORING EZEKIEL DEMPSEY

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following Proclamation:

Whereas, the birth of Ezekiel Dempsey in the state of North Carolina in the 1800's

began the Dempsey family lineage which has blessed us with descendants that have helped to shape our nation; and

Whereas, the Dempsey Family has produced many well respected citizens and the patriarchs and matriarchs of the Dempsey Family are pillars of strength that have touched many throughout our nation, family members of the past and present such as Rev. Tom Dempsey, Stephen Dempsey, William Dempsey, James Dempsey and Sarah Dempsey; and

Whereas, in our beloved Fourth Congressional District of Georgia, we are honored to have members of the Dempsey family for they are some of our most beloved citizens in our District; and

Whereas, family is one of the most honored and cherished institutions in the world, we take pride in knowing that families such as the Dempsey family have set aside this time to fellowship with each other, honor one another and to pass along history to each other by meeting at this year's family reunion in DeKalb County, Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Dempsey family;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR. do hereby proclaim June 8, 2012 as Dempsey Family Reunion Day in the 4th Congressional District of Georgia.

Proclaimed, this 8th day of June, 2012.

THE INTRODUCTION OF THE RACHEL CARSON NATURE TRAIL DESIGNATION ACT OF 2012

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Ms. NORTON. Mr. Speaker, today, I am introducing the Rachel Carson Nature Trail Designation Act of 2012 to recognize Rachel Carson, an environmental pioneer and inspiration for the development of environmental consciousness and the environmental movement, best known for her groundbreaking book *Silent Spring*. September marks the fiftieth anniversary of the publication of *Silent Spring*, which has been translated into more than a dozen foreign languages. My bill designates a National Park Service trail in the District of Columbia in honor of Rachel Carson.

Ms. Carson was born on May 27, 1907, on a farm in Springdale, Pennsylvania, graduated magna cum laude with a biology degree from the Pennsylvania College for Women (later Chatham College), and received a full scholarship that enabled her to obtain a master's degree in marine zoology from Johns Hopkins University in Baltimore. A world-renowned environmental scientist, writer, and educator, Ms. Carson worked as a writer, editor, and ultimately Editor-in-Chief for the U.S. Department of Fish and Wildlife Service's publications department.

Ms. Carson lived in a city, not in the wilderness or in rural America. She accomplished much of her seminal professional work as a federal employee at the U.S. Department of

the Interior in the District. She often used the Glover Archbold Park in the District as a site from which she drew observations about nature and the environment. She performed research on dangers of pesticides, and her findings were sustained by the Science Advisory Committee, created during President John F. Kennedy's administration. As a result, federal and state legislatures enacted pesticide legislation. Her work paved the way for groundbreaking environmental protection legislation throughout the world.

Ms. Carson was inducted into the American Academy of Arts and Letters and received many other honors. She died on April 14, 1964, in Silver Spring, Maryland, leaving a rich legacy that will continue to benefit present and future generations well beyond the fiftieth anniversary of Silent Spring.

My bill serves to commemorate Rachel Carson for her tireless efforts to make the District of Columbia, the United States, and, indeed, the world a better and safer place for us all. The trail designated by the bill, located in the NPS's Glover Archbold Park in the District of Columbia, will be known as the "Rachel Carson Nature Trail." The bill ensures that Rachel Carson's contributions, many of which resulted from observations in Glover Park, will be remembered and treasured for years to come.

I strongly urge my colleagues to support this legislation.

I CANNOT SUPPORT A TAINTED
PROCESS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. KUCINICH. Mr. Speaker, I rise today because I cannot support a tainted process. Congress generally, and the Oversight and Government Reform Committee specifically, has the duty and obligation to provide effective oversight. Congress should not be interrupted in that process, but neither should that process be sullied.

Under the Constitution, Congress has the authority to compel testimony and issue subpoenas. When the President of the United States exercises the right of Executive Privilege and there is a dispute over whether that exercise is a valid one, the matter should then be referred to the courts. I have stated this publicly and frequently. While Congress has the authority to compel the information being protected by the Presidential exercise of privilege, the process by which H.R. 706 has been brought to the floor has been tainted.

I voted for the Motion to Refer brought by Congressman JOHN DINGELL which called for a real investigation. The Majority on the Committee on Oversight and Government Reform rejected all Democratic witnesses. They would not allow Michael Mukasey, former Attorney General, and Kenneth Melson, former director of the Bureau of Alcohol Tobacco, Firearms and Explosives to testify before the Committee. While Congress has the authority take this to the courts, it is premature to use this authority before a full investigation has been conducted.

Secondly, I cannot support the injudicious context in which H.R. 706 finds its way before us today. This could be a meritorious process, but it has been tainted with partisan vitriol. This takes a fundamental right of Congress and propels it into a realm of partisan action with wild charges and abuse of power. There have been charges of Presidential cover-up, despite the Chairman of the Committee admitting there is no such evidence.

Both parties should have been able to work this out before we got to this situation. This is not how Congress should have proceeded. I cannot dignify a tainted process. I have joined my colleagues in abstaining from voting, on H.R. 706 as well H.R. 711.

IN RECOGNITION OF THE LEADERSHIP
OF HIGHLAND VILLAGE
FIRE DEPARTMENT CHIEF LONNIE
TATUM

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. BURGESS. Mr. Speaker, I rise today to honor Highland Village Fire Department Chief Lonnie Tatum. Chief Tatum has spent over 42 years in public service; he began his notable career as a Firefighter/Paramedic for the City of Nacogdoches, advancing through the ranks over the next 32 years serving as Driver/Operator, Lieutenant, Captain and Arson Investigator. In 2001, he began his ten year tenure as Fire Chief at the City of Highland Village, Texas.

Chief Tatum is a graduate of the National Fire Academy and attended St. Edwards University, Angelina College and graduated from Weatherford College with a degree in Fire Service Administration. He holds Masters Level Certifications from the Texas Commission on Fire Protection, the Texas Commission on Law Enforcement and the Texas Department of Public Safety.

On numerous occasions, he has been recognized for his expertise in fire administration and personal dedication as a firefighter. Chief Tatum was chosen by the Angelina College Board of Regents to establish a Fire Academy and Training Facility at Angelina College in Lufkin, Texas, serving as Director for five years. He also served as Regional Faculty for the American Heart Association CPR training program at Stephen F. Austin University in Nacogdoches, Texas. In 1992, he was recognized as "Outstanding Firefighter" of the year, and in 1994, he received the department's Medal of Valor.

Under his laudable direction, the Highland Village Fire Department has expanded from all volunteer to a professional full-time staff comprised of fifteen Firefighters/Paramedics and additional administrative personnel. The Highland Village Fire Department has garnered recognition reflective of Chief Tatum's capable direction; in 2006, the Highland Village Fire Department was awarded an ISO Classification of 2 and celebrated the grand opening of their new state-of-the-art Central Fire Station in May 2008.

After a decade as Highland Village Fire Chief, Chief Tatum's bravery and dedication to

the safety and well being of his community will be greatly missed; his positive contributions will continue long past his retirement. It is my pleasure to recognize Highland Village Fire Chief Lonnie Tatum, and I am privileged to represent the City of Highland Village in the U.S. House of Representatives.

HONORING THE LIFE AND SERVICE
OF NORMAN F. LENT

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. MICA. Mr. Speaker, I rise today to honor the life and accomplishments of a statesman and a friend, former Member of Congress Norman "Norm" F. Lent, who passed away on June 11th.

Norm was born March 23, 1931 in Ocean-side, NY on Long Island. He graduated from Hofstra University in 1952 and in 1957 got his law degree from Cornell University. After serving in the Navy for two years and achieving the rank of Lieutenant, Norm worked as a lawyer in private practice in Lynbrook, New York beginning in 1957, and served as an Associate Police Justice in East Rockaway in 1959-60. He then worked as the Confidential Law Secretary (law clerk) to New York State Supreme Court Justice Thomas P. Farley from 1960-62.

After leaving the private sector in 1962, Lent was elected to the New York State Senate from Nassau County, and served from 1963 until 1970, when he was elected to the U.S. House of Representatives.

During his long tenure in the U.S. House of Representatives, Norm served on the House Committee on Energy and Commerce and the House Committee on Merchant Marine and Fisheries, ultimately becoming the ranking minority member of both committees often being cited as a "key player in environmental and energy legislation."

To Norm's wife Barbara and children, Barbara and Norman we extend our deepest sympathies.

Norm truly made an indelible mark on our nation and he leaves a proud and distinguished legacy. Mr. Speaker, I ask all Members of the U.S. House of Representatives join me in recognizing Norman Lents' years of service and dedication to his community, state and our Nation.

HONORING JULIA ANN SNELL

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation:

Whereas, One hundred five years ago a virtuous woman of God was born in Buena Vista, Alabama on July 1, 1907; and

Whereas, Mrs. Julia Ann Snell was born Julia Ann Holt to Mr. Daniel and Mrs. Irean Holt, she was educated in the local school

system in Alabama, married Mr. Tim Wilson in Mobile, Alabama and was a homemaker and a store clerk at their grocery store until Mr. Wilson preceded her in death; She later married Mr. Nathaniel Snell and lived in California until Mr. Snell preceded her in death, after Mr. Snell's passing, she moved back to Mobile, Alabama and eventually to Decatur, Georgia; and

Whereas, this Phenomenal Proverbs 31 woman has shared her time and talents as a Wife, Sister, Aunt and Motivator, giving the citizens of Georgia a person of great worth, a fearless leader and a servant to all who wants to advance the lives of others; and

Whereas, Mrs. Snell has been blessed with a long, happy life, devoted to God and credits it all to the Will of God; and

Whereas, Mrs. Snell along with her family and friends are celebrating this day a remarkable milestone, her 105th Birthday, we pause to acknowledge a woman who is a cornerstone in our community in DeKalb County, Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mrs. Snell on her birthday and to wish her well and recognize her for an exemplary life which is an inspiration to all;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim July 1, 2012 as Mrs. Julia Ann Snell Day in the 4th Congressional District of Georgia.

Proclaimed, this 1st day of July, 2012.

TRIBUTE TO WHEELER COUNTY JUDGE JEANNE BURCH

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. WALDEN. Mr. Speaker I rise today to recognize the tremendous, longtime, and diverse public service of a leader who lives and works in the heart of Oregon's Second District, Wheeler County Judge Jeanne Burch. Judge Burch has served as Wheeler County Judge since 1994 but began serving her County long before that. Mr. Speaker, I have enjoyed working with her and I will miss her service and so will Wheeler County.

Judge Burch lives in the town of Fossil, the county seat of Wheeler County which has a total population of around 1,400 people. Wheeler County is one of Oregon's most geographically diverse counties—it's a rugged place home to Oregon's most unique John Day Fossil Beds, two national forests, and the iconic John Day River which runs right through the middle of it. Judge Burch has seen days when her county has thrived from the economic benefits generated by the adjacent forests. And she's been there when things haven't been so good as the forest sector was forced to a halt and those jobs and benefits disappeared. Regardless, good times or bad, Judge Burch has been there to lead her county when they needed her most.

Judge Burch has called Oregon home since 1947. In the early 1950s her father got a job as a railroad conductor in the region and the

family moved to Wheeler County. Jeanne was a freshman in high school then, but went on to study at UC-Berkeley where she received a degree in accounting. That is where she met her husband, Howard, who worked for oil companies as a drilling supervisor. Howard's job took them around the world—to such places as Nigeria, Iran, Greece, and the Canary Islands. After living and seeing the world, Jeanne moved back to Wheeler County to raise her daughters Belinda and Jennifer.

In 1985, Jeanne began working as the Fossil City Recorder and Finance Director. From there, she was appointed Wheeler County Judge in early 1994. Since then, Judge Burch has been described as a "one woman county," and it's not hard to see why. She serves as a probate and juvenile court judge, the county administrator, and chair of the County Court. In her years of service she has overseen the complete rehabilitation of the county's courthouse, boosted local tourism, and opened the door for businesses to create jobs in Wheeler County.

As the Chairman of the Communications and Technology Subcommittee on the House Energy and Commerce Committee, I am grateful for Judge Burch's remarkable work on telecommunications issues. As a founding board member of Frontier TeleNet over ten years ago, she has helped implement communication services and rural broadband to communities in Gilliam, Sherman and Wheeler counties. It began as a need for broadband access and distance learning opportunities to the rural schools in the three counties. Under Judge Burch's leadership as Chair, Frontier TeleNet has expanded service coverage from roughly 4,000 square miles across three counties to 21,000 square miles across nine counties, bringing with it new ways for medical clinics to help their patients and a backbone for public safety communications in these rural counties. Judge Burch understands the important role that modern communications play in rural isolated communities.

Not only a driving force behind Frontier TeleNet's expansion, she spearheaded efforts to bring cell phone coverage to Fossil and the northern portion of Wheeler county, and continues these efforts in Mitchell and the southern end. Accomplishing these feats has not been an easy task and Judge Burch continued to push through. She has brought the knowledge gained from her experiences to other parts of Oregon as Chair of the Telecommunications Committee for Association of Oregon Counties.

Mr. Speaker, one of my fondest memories of Judge Burch is and will remain her long fight to bring modern telecommunications into the county. Years after most rural communities around Oregon had some access to cellular service, Wheeler County and the county seat of Fossil remained a completely isolated island without cell phone service. Judge Burch would often tell me about the number of recreational accidents and "potential drownings" that float down the John Day River through the county every week in the summer, and the need for cell phone service for emergencies and other uses. With this need and Jeanne's stories on my "to-do" list, I took the opportunity to point out to U.S. Cellular that this unserved area was in their coverage territory. Well, the com-

pany took Jeanne's and my message to heart and within weeks U.S. Cellular began analyzing how to cover this county. In July 2008, Jeanne's coordinated and unrelenting efforts culminated with the community celebration of the county's first cell tower.

I can recall that months after the cell service was established, Judge Burch closed a town meeting I held in Wheeler County by giving me a note from a woman whose husband most likely would have died from the heart attack he suffered, except for the fact that she was able to use her cell phone to call for emergency assistance.

Mr. Speaker, I know you would appreciate Judge Burch's get're done attitude. It makes all the travel and work worthwhile to know that someone like Judge Burch was there to help find solutions to real problems.

Although the sun is setting on Jeanne Burch's career leading Wheeler County, I can tell you the sun will never set on the impact she has had on this county and region and the people who call it home.

I ask my colleagues to join me in wishing Judge Jeanne Burch and her husband Howard the best as she retires. Judge, thank you for your exemplary service to Wheeler County and to Oregon.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,780,999,920,520.17. We've added \$5,154,122,871,607.09 to our debt in just over 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

THE 62ND ANNIVERSARY OF THE OUTBREAK OF THE KOREAN WAR

HON. MIKE KELLY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. KELLY. Mr. Speaker, the United States and the Republic of Korea have a deep and sustaining relationship built on shared values and shared sacrifice.

June 25th marked the 62nd anniversary of the outbreak of the Korean War and the early days of an alliance with Korea that has withstood the test of time.

In honor of those who made the ultimate sacrifice for the cause of freedom on the Korean Peninsula, we should affirm our continued support of this trusted ally who has fought alongside the U.S. in nearly every major conflict the U.S. has faced since World War II.

Earlier this year, the United States and the Republic of Korea began the implementation of the U.S.-Korea Free Trade Agreement, the

product of years of negotiation and persuasion that will be beneficial to both of our countries and to businesses, workers, and consumers both here and in Korea.

This Free Trade Agreement will stimulate America's economic recovery—without government spending—by increasing U.S. exports and creating jobs in the U.S. According to the Senate Finance Committee, data taken from the independent, nonpartisan U.S. International Trade Commission (ITC) suggest that KORUS could create up to 280,000 jobs in the United States. While conservative estimates from the Office of the U.S. Trade Representative show a more modest increase of 70,000 jobs, either way you cut it, KORUS means more jobs for Americans, and that's great news for a nation that's suffered one of the longest periods of high unemployment rates since the Great Depression.

In order to level the playing field for American businesses and manufacturers, the agreement has already begun to reduce Korean tariffs on U.S. exports. The ITC estimates that full implementation of KORUS will increase U.S. exports to Korea by nearly 30 percent more than imports from Korea would increase in the U.S., an amount equaling more than \$10 billion.

Even setting aside the great strides we have made by implementing the Free Trade Agreement, the relationship between the United States and Korea could not be stronger.

Economically and politically speaking, Korea is stronger today than at any time in its history, a strength that would have been unimaginable in the dark days after the North Korean invasion 62 years ago.

We have one of the strongest relationships in that part of the world and it will be growing stronger as we have more opportunities to advance our national security interests in the area of nuclear energy cooperation.

Mr. Speaker, let me add that, after 40 years of a really close partnership in nuclear energy, it's now time to renew our 123 Agreement with Korea to strengthen our cooperation in this area. The Korea-U.S. 123 Agreement will create good jobs for Americans in a key industry, nuclear energy.

Clean, safe nuclear energy creates red, white, and blue jobs. I'm talking about evening the playing field for American energy companies that are competing with foreign companies and ensure American global leadership to energy exports of strong domestic energy companies such as Westinghouse, which is one of the most successful employers in Pennsylvania.

Over the past 4 years, Westinghouse has added about 5,000 new employees to sustain its ability to deliver new nuclear power plants in China and the U.S., and provide services and nuclear fuel to the world's existing fleet of nuclear power plants. The majority of these new jobs were added in Western Pennsylvania. In fact, recently Westinghouse has consolidated about 4,000 of the 6,000 employees in Western Pennsylvania in a new facility in Cranberry Township in Butler County. Westinghouse is building products to export to Korea and other countries, and we must assure that all the legal hurdles to these exports are overcome. This includes renewal of our Section 123 agreement that dates to the early 1970s.

Mr. Speaker, as I mentioned, the Republic of Korea has been a partner with us since 1950 in every endeavor we've had—commercially, diplomatically, and militarily.

The Korean people don't wait for the call. They don't wait for somebody saying, we need your help. They are there. And they stay until it's over.

We have fought side-by-side with Korean soldiers in Vietnam, Iraq, and Afghanistan, and Korea has been a reliable diplomatic ally as we seek peace and stability in Northeast Asia and elsewhere around the world.

Mr. Speaker, that last year I had the opportunity to travel to Korea to meet with political and military leaders and with business executives. The hospitality I encountered was remarkable. My hosts were gracious and informative, and being "on the ground" helped me to understand how the U.S.—Korea partnership works so well and, indeed, how it endures.

I urge my colleagues to join me in saluting our Korean allies on this 62th anniversary of the beginning of the Korean War. More than six decades have passed but the sacrifices of our American soldiers, sailors, airmen and Marines as well as the untold sacrifices of the Korean people have not and will not be forgotten.

IN HONOR OF THE ITALIAN CULTURAL GARDEN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the Italian Cultural Garden, a Cleveland landmark that will be dedicating a statue of the great author Dante Alighieri and celebrating the 66th anniversary of the Republic of Italy on June 29, 2012.

The 254 acre piece of land that constitutes Rockefeller Park was donated to the City of Cleveland by John D. Rockefeller in 1896. The Cleveland Cultural Gardens were founded in 1926 to create a memorial area for the diverse ethnic groups that shape the region, and to serve as a space for reflection on peace, cooperation and understanding. The Cultural Gardens are currently a collection of 26 gardens which include African-American, American Indian, British, Chinese, Czech, Estonian, and Slovenian gardens, among others.

The Italian Cultural Garden was established in 1930 "as a symbol of the contribution of Italian culture to American democracy." It lies in Rockefeller Park among 35 other cultural gardens representing the diverse ethnic populations of Cleveland. The Italian Garden is the most-visited of all the gardens and is the venue of various free concerts.

The Italian Cultural Garden has been in the process of a massive restoration since 2007. The garden was enhanced with new historic lampposts, new fountains and new statues. More renovations are planned for the future.

Currently, the garden honors noteworthy figures in Italian history, including Giotto, Michelangelo, and Guglielmo Marconi. The addition of Dante Alighieri, the author of *The Divine Comedy* and a master of the Italian language,

will pay tribute to this outstanding Italian and symbolize the contributions of Cleveland's Italian community. The ceremony will be hosted by the Italian Cultural Garden Foundation.

Mr. Speaker and colleagues, please join me in honoring the Italian Cultural Garden, a historic landmark and tribute to Cleveland's beloved Italian community.

IN HONOR OF MASTER SERGEANT JOSEPH J. DUFFY

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. LAMBORN. Mr. Speaker, I rise today in honor of Master Sergeant Joseph J. Duffy's induction to the Air Force Communications and Information Hall of Fame. His service to this country spanned over 42 years from 1955 to 1997. He started as a Crypto Operator and trained over 75 personnel in Crypto Operations.

While stationed at Tan Son Nhut in Vietnam, he was responsible for the second largest COMSEC account. During his second tour in Vietnam, he was tasked with terminating all communications activities within 90 days; this was completed in less than 80 days. Due to this exemplary performance, he was assigned to RAF Bruggen, Germany as Site Commander; he was the only Tech Sergeant to achieve this distinction.

His final Air Force assignment was at HQ SAC where he attained the rank of Master Sergeant and was the COMSEC Manager for 12 AF Special Security Offices. Thanks to his unique experience and skill set, MSgt. Duffy was appointed as the Foreign Service Communications Officer for the State Department. His first three assignments were high value hardship postings to Moscow, Beijing and Berlin. He followed that up with a tour in Sydney, Australia.

His outstanding performance resulted in him being assigned to State Department HQ as the COMSEC Manager for over 70 overseas significant activities. MSgt. Duffy has earned numerous decorations including the Bronze Star, the Air Force Commendation Medal with 3 Oak Leaf Clusters, the Outstanding Unit Award with 2 Oak Leaf Clusters with the "V" device, the Vietnam Gallantry Cross with Palms, and State Department Superior and Meritorious Honor Awards.

MSGT Duffy's service to the nation has continued into his retirement. He has spent his retirement volunteering with the Warrior Games. The Warrior Games was created in 2010 as an introduction to Paralympics for injured service members and veterans and has since developed into a premier military program under the United States Olympic Committee. I applaud MSgt. Duffy for his tireless service to our country and I offer my sincere congratulations for his induction to the Air Force Communications and Information Hall of Fame.

ROCK ISLAND ARSENAL'S 150TH
BIRTHDAY

HON. ROBERT T. SCHILLING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. SCHILLING. Mr. Speaker, I rise today to wish the Rock Island Arsenal in the 17th District of Illinois a happy 150th Birthday.

An act of Congress in 1809 first established the Rock Island facility as a military reservation. In 1862 Congress officially established Rock Island Arsenal as a facility for the deposit and repair of military materiel in a bill that President Abraham Lincoln signed into law on July 11, 1862.

This Arsenal has provided equipment for our military in every major conflict since the Spanish-American War. It has supported our Army's readiness in times of both peace and war. I am proud of the work that the men and women at Rock Island Arsenal have done and are still doing because they have played a role in making our military become the best in the world.

In addition to supporting our troops and contributing our national defense capabilities, the Rock Island Arsenal has taken an active role in job creation and economic development in our region. For that reason, I am proud to be an original cosponsor of a resolution by Congressman DAVE LOEBSACK that recognizes and honors this great facility.

I am also proud to have worked hard for the Rock Island Arsenal with Congressman LOEBSACK on getting important provisions in the Fiscal Year 2012 and 2013 National Defense Authorization Acts that will help strengthen this national treasure and recognize the critical manufacturing capability of the organic base. I will continue to support this important facility.

I want to thank the past and current men and women of the Rock Island Arsenal for everything they have done for the Army and our country as a whole and I want to wish them a Happy Birthday. Here is to 150 more years.

HONORING MARY THERESA
JOHNSON

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation:

Whereas, Forty-two years ago a young woman accepted her calling to serve in the Health Care System as a Nurse; and

Whereas, Ms. Mary Theresa Johnson began her nursing career in Wilmington, Delaware and this year she retires from nursing at the Shepherd Spinal Center in Atlanta, Georgia, she has served the Health Care System well and our community has been blessed through her service; and

Whereas, this phenomenal woman has shared her time and talents as a Nurse, Mother and Motivator, giving the citizens of Georgia a person of great worth, a fearless leader, a

devoted professional and a servant to all who want to advance the lives of others through medicine; and

Whereas, Ms. Johnson is formally retiring from her nursing career today, she will continue to promote healthy living because she is a cornerstone in our community that has enhanced the lives of thousands for the betterment of our District and Nation; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Ms. Mary Theresa Johnson on her retirement and to wish her well in her new endeavors;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim May 26, 2012 as Ms. Mary Theresa Johnson Day in the 4th Congressional District of Georgia.

Proclaimed, this 26th day of May, 2012.

RECOGNIZING BONNEVILLE POWER
ADMINISTRATION ADMINISTRATOR
AND CEO STEVE
WRIGHT ON HIS RETIREMENT

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor Bonneville Power Administration (BPA) Administrator and Chief Executive Officer, Steve Wright, on his upcoming retirement. He has served as Administrator of the BPA for over a decade and is the second-longest serving administrator in the organization's history.

Mr. Wright joined BPA in 1981 in the agency's conservation office. From this entry-level position he became the permanent BPA Administrator in February of 2002 after serving as Acting Administrator since late 2000.

Mr. Wright began his tenure as head of the BPA at the beginning of the West Coast energy crisis in 2000 and 2001. He successfully avoided electrical blackouts in the Pacific Northwest by reducing spot market purchases, which helped return BPA to financial stability. He also worked to negotiate and preserve the hydropower system and bring more renewable resources to the region.

His leadership of BPA has been based on collaboration and transparency. Steve's work to reach out to customers, tribes, and stakeholders resulted in the highest ever customer, constituent, and tribal satisfaction scores. By opening up the financial and decision-making process to the public he increased transparency and reduced internal inefficiencies, saving millions of dollars.

Mr. Speaker, it is with great pleasure that I recognize the career of Steve Wright. His leadership and dedication to Bonneville Power Administration has had an astounding impact on the lives of everyone living in the Pacific Northwest. I wish him the best in all of his future endeavors.

PERSONAL EXPLANATION

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Ms. WOOLSEY. Mr. Speaker, on June 6, 2012, I was unavoidably detained and was unable to record my vote for rollcall Nos. 414–423. Had I been present I would have voted:

Rollcall No. 414: "yes"—On Hoyer of Maryland Motion to Instruct Conferees; rollcall No. 415: "no"—On Black Tennessee Motion to Instruct Conferees; rollcall No. 416: "yes"—Connolly of Virginia Amendment; rollcall No. 417: "no"—McClintock of California Amendment; rollcall No. 418: "no"—Garrett of New Jersey Amendment; rollcall No. 419: "yes"—Capps of California Amendment; rollcall No. 420: "no"—Gosar of Arizona Amendment; rollcall No. 421: "no"—First Broun of Georgia Amendment; rollcall No. 422: "no"—Second Broun of Georgia Amendment; rollcall No. 423: "no"—Fourth Broun of Georgia Amendment.

IN CELEBRATION OF THE 85TH
BIRTHDAY OF MR. LAWRENCE
WRIGHT JORDAN, SR.

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. BISHOP of Georgia. Mr. Speaker, it is my honor to extend my personal congratulations and happy birthday wishes to Mr. Lawrence Wright Jordan, Sr., who will turn 85 years of age on July 8, 2012. On this day, he will be honored by his family and friends at a celebration at Crawford County Board of Education Auditorium in Roberta, Georgia at 1:00 p.m.

Mr. Jordan, the second of nine children, was born on July 8, 1927, to Mattie Lee (Barnes) Jordan and Graham Jordan, Sr. in Roberta, Georgia. He started working at a young age and served as the "house boy" for the family whose land his own family lived on.

As he grew up, Mr. Jordan had a great desire to serve his country and wanted to enlist in the United States Army at age 18. However, he was required to wait as his older brother was in the Navy and his mother did not want two sons in the military at the same time. He was finally able to enter the Army at the age of 25.

In the 1950s, Mr. Jordan served two tours of duty in the Korean War before receiving honorable discharges from the Army. He is one of the very few Korean War Veterans still alive today.

On October 11, 1958, Mr. Jordan married Anola Preston, also of Roberta, Georgia. They would go on to have six beautiful and loving children: Barbara Ann (Jordan) Snowden, Lawrence Wright Jordan, Jr., Linda Joyce Jordan, Sam Edward Jordan, Tammy Renee (Jordan) Jones, and John Howard Jordan as well as Shirlene Tennyson, who, sadly, passed away. Additionally, Mr. Jordan has 18 grandchildren and 10 great-grandchildren.

George Washington Carver once said, "How far you go in life depends on your being tender with the young, compassionate with the

aged, sympathetic with the striving and tolerant of the weak and strong because someday in your life you will have been all of these." Mr. Jordan has advanced so far in life because he kept these lessons with him throughout his childhood, his service in the Army, and his adult life.

The race of life isn't given to the swift or to the strong, but to those who endure until the end. Mr. Jordan has run the race of life with grace and dignity and God has blessed him over his lifetime.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Mr. Jordan, a distinguished veteran and beloved husband, father, grandfather, and great-grandfather.

IN TRIBUTE TO THE RONALD REAGAN PRESIDENTIAL FOUNDATION, WALT DISNEY COMPANY, AND THE "D23 PRESENTS TREASURES OF THE WALT DISNEY ARCHIVES"

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. GALLEGLY. Mr. Speaker, I rise in tribute to the Ronald Reagan Presidential Foundation and the Walt Disney Company's D23, the Official Disney Fan Club, as they present an historic exhibit at the Ronald Reagan Presidential Library and Museum in Simi Valley, California, titled, "D23 Presents Treasures of the Walt Disney Archives."

The exhibit, which opens on July 6, salutes Walt Disney, one of America's most revered men of imagination. D23, the Official Disney Fan Club will showcase the largest-ever exhibition of iconic props, costumes, artwork, and artifacts at the Presidential Library of our 40th president, who believed there are no limits to growth and human progress when men and women are free to follow their dreams.

Ronald Reagan and Walt Disney were American originals and eternal optimists who shared a belief in the essential goodness of the American way of life. Both grew up in the heartland of America during the early 1900s with hardworking, patriotic parents who believed that everything was part of God's plan. Next to his photograph in his high school yearbook, Reagan's outlook is captured in the expression: "Life is just one grand song, so start the music."

Both men moved to California in their 20s to pursue careers in entertainment. With deeply shared values and abundant talent, the friendship of the pioneering imagineer and actor/broadcaster began decades before Reagan went to Washington. In July 1955, Disney revolutionized family entertainment when he unveiled the Magic Kingdom, Disneyland, and asked Reagan to co-host ABC's television coverage of the historic event.

Disney joined the "Friends of Ronald Reagan" to encourage and promote Reagan's ideas about limited government and individual liberty during Reagan's first gubernatorial race in 1966. Reagan was hoping Disney would join his finance team in Sacramento but, sadly, Disney died just 16 days before Rea-

gan's inauguration. In tribute, Governor Reagan successfully petitioned the U.S. Postal Service to create a stamp in Disney's honor.

During his presidency, Reagan visited Walt Disney World in Florida twice. In 1983, he promoted the President's International Youth Exchange Initiative in tandem with the World Showcase Fellowship Program, and encouraged students to "soar on the wings of invention and the winds of change."

In 1985, President and Mrs. Reagan celebrated a first at Walt Disney World by holding a "make-up" inaugural parade after the original parade was cancelled due to severely cold weather. During his speech at that event, President Reagan honored the immense force for good that is found in the imagination of those who live in freedom and reminded us that Walt Disney personified the spirit of America, leading us to invent, to build, to envision, and to learn.

After leaving the Oval Office, one of President Reagan's first public events was a return to Disneyland, where he officiated at the park's January 1990, 35th anniversary celebration, proclaiming it "one of America's treasures."

It is a tribute to both men that this exhibition of Disney treasures will be open at the Ronald Reagan Presidential Library in honor of the bond between President Reagan and Walt Disney.

Mr. Speaker, Bob Iger, the chairman of The Walt Disney Company, which partnered with the Ronald Reagan Presidential Foundation and Library, continues Walt Disney's legacy. As chairman of Capital Cities/ABC television, he was an architect of the merger with Disney—a combination that has shaped and transformed the global media landscape. He has dedicated himself to fostering the creative vitality of the Disney organization and under his guidance The Walt Disney Company has become the world's largest media company.

Ronald Reagan was the first president I served under as a Member of Congress and his Presidential Library is less than a half-mile from my home. On a plane ride back to California, I met actor Fess Parker, who was catapulted to fame by playing Disney's Davey Crockett and was returning home after spending time with his friend Ronald Reagan at the White House. Fess Parker became a lifelong friend as well. Personally and as an American, I have a strong connection to this exhibit and the men it honors.

"D23 Presents Treasures of the Walt Disney Archives" celebrates the leadership, the accomplishments, the creative spirit and powerful legacies of two great American pioneers. Ronald Reagan ended the Cold War and reshaped the world. Walt Disney changed the face of family entertainment. And both men had a keen understanding of what you'd find at the "shining city on a hill": harmony, decency, wholesomeness, and homespun values that never have, and never will, go out of style.

IN TRIBUTE TO SERGEANT FIRST CLASS MATTHEW BRADFORD "BRAD" THOMAS

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. WILSON of South Carolina. Mr. Speaker, on Wednesday, June 20, 2012, Sergeant First Class Matthew Bradford "Brad" Thomas, of Easley, South Carolina, was killed in action while serving in the South Carolina Army National Guard in Afghanistan. SFC Thomas attended Greenville Technical College after graduating from Travelers Rest High School.

SFC Thomas paid the ultimate sacrifice and served our country in the most honorable way. Without the dedication of our brave men and women serving in our Armed Forces, we would not be able to enjoy the freedoms we hold so dear. SFC Thomas served to the highest standards of military service.

My thoughts and prayers are with wife, Jana, and their son Cayden, as well as his parents Charles "Bud" and Marsha Thomas. As a Guard veteran myself with four sons currently serving in the military, I particularly appreciate your extraordinary military family. Freedom is not free.

RECOGNIZING THE HEROIC EFFORTS OF THOSE FIGHTING THE WALDO CANYON FIRE

HON. DOUG LAMBORN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. LAMBORN. Mr. Speaker, I rise today to thank the heroic men and women who are battling the Waldo Canyon Fire. 1,200 firefighters from all over Colorado's 5th District and the nation have been fighting this fire around the clock since Saturday. They have been assisted by numerous law enforcement agencies who have managed an orderly and injury-free evacuation of 32,500 citizens.

The cooperation between all levels and branches of government has been seamless, coordinated, cooperative, and effective. One example is the use of military assets, such as C-130 MAFFS firefighting aircraft. These planes have dropped over 73,000 gallons of slurry on this fire in coordination with the highly skilled firefighting teams on the ground. Additionally, Fort Carson, Peterson Air Force Base, and Cheyenne Mountain Air Force Station have contributed firefighters, support personnel, and air and ground equipment to assist in fighting and containing the fire along Highway 24 and on the Air Force Academy grounds.

The community response has been equally impressive. Shelters, food banks, and other charitable organizations have been overwhelmed by the generous donations of food and manpower. The Care and Share Food Bank has received hundreds of thousands of pounds of food and the Red Cross is doing extraordinary work at the shelters they are running throughout the District. Many homes

have been lost and much work remains, but I know that we have the people and the resources we need to win this fight.

THE TUAREG REVOLT AND THE
MALI COUP

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. SMITH of New Jersey. Mr. Speaker, this morning, my subcommittee held a hearing to examine current U.S. policy and U.S. policy options in response to the recent military coup in Mali and the larger revolt of the Tuareg people in northern Mali.

The Tuaregs have been in conflict with the central government in Bamako, Mali, for many years, but following the service of some Tuaregs as mercenaries for the late Muammar Qaddafi in Libya, the acquisition of more sophisticated weapons from the Libyan conflict and increasing ties to Al-Qaeda in the Islamic Maghreb, they now pose a danger not only to Mali, but also to Algeria, Niger, Mauritania, Burkina Faso and perhaps even Nigeria.

Meanwhile, Mali, in recent years a model of African democracy, now finds itself struggling to resurrect democratic governance and put the military back in its proper role as part of government. The downfall of Mali's democracy could have a negative impact on the future of Mali, as well as the entire Sahel region of Africa.

Amadou Toumani Touré—popularly known as ATT—led a military coup in 1991 that created a transitional government and resulted in democratic elections in 1992. Mali's growing reputation for democratic rule was enhanced in 2002, when President Alpha Oumar Konaré, having served the two terms permitted under the constitution, stepped down, and ATT, running as an independent and leveraging his reputation as Mali's "soldier of democracy," was elected president.

Unfortunately, two issues eroded ATT's initial popularity. The first was a political system in which there appears to have been incentives for corruption. Certainly there was a growing public perception that the system was corrupt. The second was popular anger toward the government's handling of the Tuareg rebellion in the North. Weeks of protests at the government response to the northern rebellion dropped ATT's popularity to a new low.

On March 21, mutinying Malian soldiers, displeased with the management of the Tuareg rebellion, attacked several locations in the capital, Bamako, including the presidential palace, state television, and military barracks. The soldiers said they had formed the National Committee for the Restoration of Democracy and State and declared the following day that they had overthrown the government. This forced ATT into hiding.

As a consequence of the instability following the coup, Mali's three largest northern cities—Kidal, Gao and Timbuktu—were overrun by the rebels on three consecutive days. On April 5, after the capture of the town of Douentza, the National Movement for the Liberation of Azawad (MNLA) said that it had accomplished

its goals and called off its offensive. The following day, it proclaimed independence of their homeland Azawad from Mali. The Islamist group Ansar al-Dine was later a part of the rebellion, claiming control of vast swaths of territory, although this control was disputed by the MNLA. On May 26, the MNLA and Ansar al-Dine announced that they had signed a pact to join their respective territories and form an Islamic state.

Will this alliance last? Perhaps not. The MNLA is an offshoot of a previous nationalist political movement and is dedicated to a separate homeland for the Tuaregs and Moors who comprise its membership. Ansar al-Dine, whose name means "Defenders of Faith," is an Islamist group believed to have links with Al-Qaeda in the Islamic Maghreb and other Islamist groups. Ansar al-Dine is dedicated to establishing sharia law—not only in Azawad, but also in the rest of Mali as well. Disputes between the two groups already have resulted in gunfire involving the supposed allies.

As we held this hearing today, the Economic Community of West African States, the African Union and the United Nations were discussing the viability of a peacekeeping mission in Mali. Such a mission would look to secure and protect civilian institutions and help restructure the Mali military. However, it also will focus on the situation in the North, which will be a tremendously sensitive matter, especially if the mission of the peacekeeping force is to retake territory from the MNLA and Ansar al-Dine.

To add further to the problematic nature of a response to the Mali coup and the Tuareg revolt, there is the matter of providing humanitarian aid to the 210,000 Malian refugees in Niger, Mauritania, Burkina Faso and Algeria. Another 167,000 Malians are internally displaced. Many of them are in remote areas and are difficult to reach with food and medical supplies. There is the question of how effective our aid efforts will be in such a challenging situation.

But no matter how difficult this matter is to address, there are too many people affected for the United States to fail to provide leadership in the effort to solve this political-social crisis.

THE ACCOMPLISHMENTS OF ARIZONA'S TGEN ON ITS 10TH ANNIVERSARY

HON. JEFF FLAKE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. FLAKE. Mr. Speaker, I rise today to acknowledge the achievements in the field of biomedical research of the Translational Genomics Research Institute, known as TGen, over the last decade.

Located in Phoenix, TGen applies the science of genomics, or the study of the human genetics, to finding cures for neurological disorders and diseases such as cancer and diabetes.

When TGen was founded in 2002, Arizona's state and local leaders were excited by the promise of the many novel scientific discoveries that could be made through TGen.

But what was most exciting was that these discoveries made possible through further research into the human genome would translate into immediate and effective benefits for doctors and especially patients.

By partnering with entities at the forefront of medical discoveries like the Mayo Clinic and Scottsdale Healthcare, TGen for 10 years has focused on utilizing genomic analyses to improve patient treatments. Whether it's sequencing anthrax or the plague; finding new clues to Alzheimer's disease; or leading new research partnerships addressing pediatric and canine cancers, TGen's research has changed patients' lives.

In addition to making critical contributions to the scientific and medical fields, over the past 10 years, TGen has made many contributions to Arizona's economy in the forms of investment and private-sector job creation. Investment into TGen and the biosciences spurred growth across the state, and spurred the launch of the Critical Path Institute and Bio5 in southern Arizona; Arizona State University's Biodesign Institute and a northern Phoenix bio campus; TGen North; and expansion of W.L. Gore in northern Arizona.

On its 10th anniversary, I applaud TGen's president, Dr. Jeffrey Trent, and the scientists at TGen for their commitment to make a difference for medical patients and their contributions to creating innovative research for Arizona.

HONORING MARIE ROBINSON

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Friday, June 29, 2012

Mr. JOHNSON of Georgia. Mr. Speaker, I submit the following proclamation:

Whereas, Ninety years ago a virtuous woman of God was born in Henry County, Georgia on July 21, 1922; and

Whereas, Mrs. Marie Robinson was born Marie Morris to Mr. Wil and Mrs. Mary Gay Morris, she was educated in the local school system in Georgia, married Mr. Moses E. Robinson and through their union was blessed with nine children, thirty-five grandchildren, sixty-six great-grandchildren and nine great-great grandchildren; and

Whereas, this Phenomenal Proverbs 31 woman has shared her time and talents as a Wife, Mother and Motivator, giving the citizens of Georgia a person of great worth, a fearless leader and a servant to all who wants to advance the lives of others; and

Whereas, Mrs. Robinson has been blessed with a long, happy life, devoted to God and credits it all to the Will of God; and

Whereas, Mrs. Robinson along with her family and friends are celebrating this day a remarkable milestone, her 90th Birthday, we pause to acknowledge a woman who is a cornerstone in our community in DeKalb County, Georgia; and

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Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mrs. Robinson on her birthday and to wish her well and recog-

nize her for an exemplary life which is an inspiration to all;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim July 21st, 2012

as Mrs. Marie Robinson Day in the 4th Congressional District of Georgia.

Proclaimed, this 21st day of July, 2012.

SENATE—Monday, July 9, 2012

The Senate met at 2 p.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

King of creation, Your faithfulness reaches to the skies. May every nation on Earth exalt You as King of kings and Lord of lords. Today, remind us of Your strength and grace, for You are mighty to save and gracious to all who seek Your face.

Lord, move in our midst and shower our Senators with wisdom and courage to unite in a common quest to solve the difficult issues of our times. Protect this Nation from dangers seen and unseen, and continue to equip our brave military and civilian protectors with Your full armor.

We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 9, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SMALL BUSINESS JOBS AND TAX RELIEF ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 341, S. 2237.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The legislative clerk read as follows:

Motion to proceed to S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, there will be no rollcall votes today. The first vote of the week will be tomorrow at noon on the confirmation of the Fowlkes nomination.

MEASURE PLACED ON CALENDAR—H.R. 4018

Mr. REID. Mr. President, I understand that H.R. 4018 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The leader is correct. The clerk will report the bill by title for a second time.

The legislative clerk read as follows:

A bill (H.R. 4018) to improve the Public Safety Officers' Benefits Program.

Mr. REID. Mr. President, I object to any further proceedings on this legislation at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the measure will be placed on the calendar.

FOCUSING ON JOBS

Mr. REID. Mr. President, last month we got a lot done. It was incredibly productive. Congress and President Obama worked together to prevent interest rates from doubling for more than 7 million college students, and we also worked to put 2.8 million Americans back to work or create new jobs and to rebuild our crumbling roads, bridges, and other parts of our transportation system. The Senate passed an FDA bill, which was so necessary to focus on why we have, among other things, shortages of lifesaving drugs. We also passed something that will allow the construction industry to go forward, which is flood insurance for the entire country. We passed a farm bill that will strengthen the agriculture industry and support some 16 million jobs.

We were able to accomplish this much last month because Republicans and Democrats worked together and compromised. Rather than wasting time participating in political theater, we actually legislated.

I hoped to continue that productive process in this work period, characterized by cooperation between lawmakers

on both sides of the Capitol and in both Chambers. Unfortunately, we already know that our colleagues in the House are going to waste much of this short work period refighting very old battles.

Republicans had indicated they would support the ruling of the Supreme Court. They, in fact, said the Supreme Court is going to decide this matter regarding affordable health care. Well, they have now changed their tune. Mitt Romney has said he would nominate Supreme Court Justices just like Justice Roberts. I wonder if he is saying that to his rightwing base today.

But now that the Court has upheld this landmark health care reform with the majority decision, written by Justice Roberts, Republicans refuse to admit that the matter is settled. This week the House will vote—and this is almost hard to comprehend—for the 31st time to repeal health care reform. They have already voted 30 times, but Speaker BOEHNER said: Let's do it again—31 times, taking many hours and many days that should have been spent on creating jobs. Congressional Republicans have spent months trying to repeal a law that has already saved lives and made people more safe as they look at health care in this country.

While House Republicans hold a political showboat, the Senate will take a different approach. We are going to continue to try to be constructive and focus on jobs. While Republicans are stuck in the past, we will be addressing the most pressing issues facing this Nation: creating jobs and securing the economy.

Last week's job report underscored the fact that Congress must do more to strengthen the recovery. So the Senate will immediately consider a package of commonsense tax cuts that will lower the cost of doing business for small businesses and pave the way for small businesses to succeed.

Our legislation will cut taxes for small firms that invest in new workers and equipment. The Small Business Jobs and Tax Relief Act will provide a 10-percent income tax credit for companies that add up to \$5 million to their payroll, creating hundreds of thousands of new jobs. Businesses are eligible for a tax break if they hire new workers or if they raise the wages of hard-working employees already on their payroll. And because the credit is capped at \$500,000, it is targeted to benefit small businesses most.

The legislation will also allow companies to write off the entire cost of purchases, such as new equipment, and

they will be able to do it in the year the purchases are made instead of writing them off over long periods of time.

More than 2 million companies could get a boost to their bottom lines, creating hundreds of thousands more jobs.

Proposals such as these have garnered Republican support in the past, and I hope they will receive bipartisan support again tomorrow.

After our weekly caucus meetings tomorrow, the Senate will vote to end a Republican filibuster and begin to debate these tax cuts. Democrats can't undertake the work of strengthening the economy alone. We will need Republican support, which is why we have proposed consensus tax cuts that should pass the Senate overwhelmingly.

It was good to see that so many reasonable Republicans were willing to work with us last month to save college students money, rebuild the Nation's infrastructure, and help protect American farmers. Tomorrow, Republicans will have an opportunity to prove they are willing to continue working with us to create jobs.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

Mr. REID. I thank the Chair.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, Senators are permitted to speak for up to 10 minutes each.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KYL. Mr. President, I ask unanimous consent that I may address the Senate as in morning business for 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FAIRNESS

Mr. KYL. Mr. President, "fairness" has become one of the watch words in this year's political debates, both at home and abroad. The term echoes throughout Europe, where German Chancellor Angela Merkel is under pressure to come up with billions in bailouts for troubled eurozone countries. Her insistence on reasonable reforms is considered unfair by many in those countries, even though Germans have sacrificed to live within their means, for example, by forgoing wage increases to avoid the problems of their neighbors.

In the United States, President Obama and his supporters have used fairness as a justification for various redistributionist policies, including a massive tax hike, a government takeover of health care, complex financial regulations, and new government spending programs.

The President and his supporters believe the Federal Government should pursue policies that will result in economic equality. But forced equality is inherently unfair. It necessarily relies on the wrong incentives that penalize success. More fundamentally, it is based on a shallow, materialistic definition of "fairness."

Aristotle wrote: "The worst form of inequality is to try to make unequal things equal."

Contrary to the goal President Obama pursues, the key determinant of lasting happiness and success is not whether you have as much money as your neighbor, regardless of the differences between you. Rather, it is what American Enterprise Institute president Arthur Brooks calls earned success and meritocratic fairness.

Much research shows people are happiest when they have the opportunity to succeed and earn their rewards. Sometimes we take risks and succeed. Sometimes we fail. Sometimes we defer gratification by saving our money. Maybe our neighbor does not. Some of us are better at making money than others. Some deliberately earn less to enjoy other pursuits in life. Decisions about families result in very different economic circumstances.

When the government tries to equalize everyone or take all the trouble out of life by taking care of our every need, it makes earned success and meritocratic fairness that much harder to achieve. When government aims to smooth over every rough patch, it eliminates the experiences that make us resourceful and resilient—the experiences that teach us how to work harder or smarter for our rewards.

Those of us who believe in earned success and meritocratic fairness believe the best way to promote these concepts is through the free enterprise system, a system in which opportunity is sacred and excellence is rewarded. We reject the notion that it is fair to impose interventionist and redistributionist policies to guarantee material equality. As Brooks notes: "For the overwhelming majority of Americans, fairness means rewarding merit, not spreading the wealth around."

In his new book, "The Road to Freedom," Brooks asks some fundamental questions related to the future of earned success, the pursuit of happiness, and meritocratic fairness:

First, "Will we see a growing bureaucracy or more entrepreneurship?"

Second, "Will we be a culture of redistribution or a culture of aspiration?"

Third, "Will we be a nation of takers or a nation of makers?"

These are serious questions that will be answered in the long run—not in 1 day or 1 year or in one session of Congress. But for now, I would like to focus on the short term. How do recent government policies help answer these questions about what is fair?

How does government spending, and the staggering debt that comes with it, affect bureaucracy and entrepreneurship? How does a redistributionist tax policy affect the aspirations of job creators and innovators? And how does our burdensome regulatory regime affect the so-called "makers" in American society?

Let's take these Brooks' questions one at a time. First, will we see a growing bureaucracy or more entrepreneurship? We all know entrepreneurship requires opportunity and private investment. But a burdensome Federal Government reduces opportunity and it crowds out private investment. Let's take a look at the growth of government under President Obama. Since his inauguration in January of 2009, the Federal debt has increased by more than \$5 trillion, and it is rapidly approaching \$16 trillion in total.

Meanwhile, the Federal budget deficit has exceeded \$1 trillion 4 years in a row. The highest deficit before President Obama was less than half that amount. How did our deficit and debt skyrocket so quickly? Well, for starters, President Obama's economic policies have resulted in slower GDP growth, which means less tax revenue flowing to the Treasury and more Americans requiring government assistance. So government income is down.

Second, the President has dramatically increased government spending. Prior to the 2008 fiscal crisis, the 40-year average for Federal outlays was less than 21 percent of our gross domestic product. But under President Obama, spending soared over 25 percent of the GDP in 2009. It has remained above 24 percent since then. This new spending has grown the Federal bureaucracy and it has increased the regulatory burden on families and businesses.

For example, the President's 2,700-page health spending law created or codified at least 159 new boards, bureaucracies, and programs, along with thousands of new pages of government regulations and more than 20 new taxes. A recent Bloomberg News report notes that the President's health care law imposes \$813 billion in taxes on middle-income families and job creators, according to the Congressional Budget Office. In total, it has imposed \$24 billion in new regulatory costs on the private sector and States, as well as almost \$59 billion in annual paperwork hours on the economy.

The 2010 Dodd-Frank law is a similar story. It is still creating countless new

rules and its direct compliance costs have already exceeded \$7 billion. Indeed, according to the Financial Services Roundtable, Dodd-Frank will force more than 26,000 employees to comply with the law.

Other Obama initiatives have failed to pass the Congress, but likewise would have expanded the bureaucracy and funneled resources from the private sector to the government. These initiatives include cap and trade, the deceptively named Employee Free Choice Act, and the more recent Paycheck Fairness Act. We need to get back to basics.

As Congressman RYAN has said, we need to make it easier for people to employ their “right to rise.” That means leaving more money in the private sector and reducing the size of the Washington bureaucracy. We can start by stopping tax hikes and bills such as ObamaCare that suck needed resources out of the economy and give unaccountable regulators immense power.

Let’s consider Brooks’ second question. Will we be a culture of redistribution or a culture of aspiration? Public policy has a direct impact on economic aspiration and economic mobility. America has traditionally been an aspirational society with high levels of mobility. Although President Obama has made class warfare a central campaign tactic, we do not have a class system here in America. We do not have an American aristocracy or noble bloodlines. Because of our meritocratic system, people in America can and do jump from one income level to another throughout their lifetimes, from the one place to another. But with unemployment stuck above 8 percent now for 41 consecutive months, and the Obama administration’s preference for redistributionist policies, there is real concern that America’s culture of aspiration may gradually be replaced by a culture of redistribution.

Look at the tax issue. President Obama wants to increase the top marginal income tax rates in order to expand the entitlement state and promote what he calls greater “fairness” in society. But what about the economic consequences of taking more money from successful people as the economy continues to struggle? The Joint Committee on Taxation has told us that allowing the top two marginal income tax rates to rise from 33 and 35 percent to 36 and 39.6 percent, respectively, will hit 53 percent of net positive income and just under 1 million business owners overall.

Raising marginal tax rates is no way to encourage aspiration or job creation. It certainly imposes a wet blanket on the kind of risk taking that has helped build America. It is merely redistribution under the guise of social justice. The President’s approach to investment is also hostile to aspiration and risk taking. He has endorsed rais-

ing the top capital gains rate from 15 to 23.8 percent, and he also wants to raise the top rate on dividends from 15 to 43.4 percent.

The so-called “Buffet tax” is yet another method of hiking taxes on investment. All of these taxes on investment reduce the value of the asset by reducing the aftertax return. Our private economy runs on business investment, which is highly sensitive to tax rates, especially on capital gains and dividends.

Some of those who prefer higher taxes have argued that if taxes do not go up, those in the top brackets will invest and save more, but that will not do much for job creation and economic growth. Well, that is factually incorrect. Saving does not mean throwing your money under a mattress or burying it in your backyard. Anyone who saves money either puts it into the bank, where it is lent to someone, often a business, so they can hire more people, purchase equipment or invest in stocks and bonds, or the money is directly invested in a stock or a bond, which provides capital for the same purpose.

In other words, savings actually puts the money saved to work providing capital for someone to do something with it. And that creates economic growth. If that increment of income is instead taken from those who earned it and spent by the government, the effect on the economy will almost always be a net negative. If we want to encourage aspiration, innovation, and the job creation that comes with those, is it a good idea to raise the capital gains rate by almost 59 percent and nearly triple taxes on dividends, even though these profits have already been taxed once at the corporate level? The President and some Congressional Democrats think so, but I strongly disagree.

Here is Brooks’ third question: Will we be a Nation of takers or a Nation of makers? Many have lamented the decline of the manufacturing base in America. Although the United States is still the largest manufacturing economy in the world, there is no doubt that policies from Washington have made it more difficult for manufacturers—and those are the economy’s foremost makers—to compete in global markets. The list of these policies is long. Let me explain a few.

First, the corporate tax rate. At over 39 percent, our combined corporate tax rate is now the highest in the industrialized world. Other countries are cutting their corporate tax rates to encourage economic growth, but we are doing nothing on the tax front to follow their lead and attract more investment to the United States. Is it any wonder jobs are moving overseas? If not, whose fault is it, the company trying to return a profit to its investors or the government which makes it impossible to compete with foreign corporations?

Look at energy. Manufacturers rely on cheap sources of energy to produce products cheaply. Yet President Obama has stood in the way of domestic production of energy such as the Keystone XL Pipeline and worked tirelessly to punitively raise taxes on the oil and gas industries. New regulations on coal-fired powerplants, emissions of greenhouse gases, and industrial boilers will also hurt our economy.

Simply put, domestic makers are being hurt by the President’s anti-energy and proregulatory agenda. Is this fair? Why should Americans pay more than the real economic cost of available American energy? And is it fair that a few corporations make billions because the government mandates that we buy ethanol from them, just to cite one example?

Now let’s turn to labor. Manufacturers are also being burdened by union-dictated rules including from the National Labor Relations Board such as the “ambush elections rule” and new rules on the establishment of “micro unions” within the workplace.

With anticompetitive tax, energy, and labor policy, it will be increasingly difficult for our country to compete as a Nation of makers. These are precisely the kinds of policies that encourage employers to move jobs overseas, which hurts American workers and the greater economy. And this is required in the name of fairness?

We are also trending toward being a Nation of “taking.” The government is the biggest taker. But a majority of Americans now take more than they contribute. In tax year 2009, 51 percent of Americans paid zero Federal income taxes, according to the Joint Committee on Taxation—over half of Americans. And these citizens take much more than their fellow citizens in government benefits.

Look at food stamps, for example. As my friend Senator SESSIONS has pointed out, “food stamp spending has quadrupled since 2001. It has doubled just since 2008. A program that began as a benefit for 1 in 50 Americans is now received by 1 in 7.” Spending on food stamp welfare has increased 100 percent since President Obama took office. Some 80 percent of all spending in the recently passed farm bill will go toward food stamps.

In total, there are 69 means-tested Federal welfare programs costing taxpayers \$940 billion every year, including both Federal programs and State contributions to those programs. The number of Americans living off the wealth of “makers” keeps growing and growing. There are nearly twice as many government workers today as there are in the manufacturing sector, meaning that there are more government workers than people making products and paying their salaries. Is that fair?

As economist Stephen Moore noted, “This is an almost exact reversal of the

situation in 1960 when there were 15 million workers in manufacturing, and 8.7 million collecting a paycheck from the government."

The growth of taxpayer-funded dependency is directly connected with the growth in the economy. The more we make as a Nation, the more wealth we generate and the less people who rely on welfare to survive. To get there we need aggressive progrowth policies in place to encourage free enterprise and discourage a Nation of taking. It is neither fair to the makers nor those who must rely on the government for the President to impose policies that reduce economic growth, reduce job creation, reduce savings and investment, and reduce opportunity and freedom.

In conclusion, free enterprise and meritocratic policies are consistent with our founding principles. As Thomas Jefferson declared in his first inaugural address, "A wise and frugal government . . . shall not take from the mouth of labor the bread it has earned."

Will America remain the country our Founders envisioned or will we become a country where fairness means equal outcomes for all dictated by the government? Will we make it easier or harder for people to earn their success? And will the American people be happier if allowed to pursue their dreams, sometimes failing, sometimes succeeding, or if the government tries to force equal economic outcomes? Which is more moral, which is more fair, which is more American?

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Georgia.

PASSTHROUGH INCOME

Mr. ISAKSON. Mr. President, if the distinguished whip will remain on the floor for a second, as I was passing through listening to his speech, I wanted to add some meat on the bones of this business of passthrough income and the 940,000 American small businesses that will be affected dramatically by the President's announcement today.

For 22 years, I ran a subchapter S corporation. A subchapter S corporation passes through its revenues to its investors who pay it at the ordinary income tax rate of an individual. Now, \$250,000 is not an inordinate amount of a number for somebody to have passed through to them in the ownership of a subchapter S corporation.

I passed the money through and paid them back based on the investment they made in the company I ran. When you raise the tax on the individual rate, then for a subchapter S corporation and limited liability corporation, for a limited partnership, you have two decisions to make as the runner of that operation: Do you reduce your retained earning investment in your company to maintain the return to your investors at the same level or do you con-

tinue to wind your company down because you cannot distribute at the rate you used to distribute?

It is very important to understand that whichever decision you make has a direct negative impact on future hiring in that company. The Congressional Research Service estimates 940,000 businesses will be affected. But listen to this number. As the leader has said, 53 percent of all passthrough income becomes subjected to the higher tax rate—53 percent, over half. That is American small business. So I want to commend the leader, because he has hit the heart of the story. This is a tax on what we need the most; that is, reinvestment of earnings to hire more people to build more businesses in America. This has the exact opposite effect on the middle class that the President described.

The second thing I will point out is that today America suffers economically from the uncertainty of what is going to happen postelection. With this proposal, the President has now made a recommendation that would extend that uncertainty for another year. The last thing American business needs is to have that uncertainty about when the next shoe is going to drop in terms of taxation on the middle class—or any class.

I commend the assistant leader for coming to the floor and telling the story about American business. We are not here to try to shelter the rich. We are here to empower business, to have more employees in the United States, and to empower our economy. Again, I commend the whip on his remarks on the Senate floor.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO MRS. TONI RYSER

Mr. MCCONNELL. Mr. President, I rise today in recognition of Mrs. Toni Ryser of Laurel County, KY, a businesswoman who is a pillar of her town, East Bernstadt. Mrs. Ryser's entrepreneurial spirit caused her to open a furniture store in East Bernstadt, KY, in 1969 that continues to thrive and serv-

ice the people of Kentucky and other States in the region. She is a shining example of a Kentuckian who has established a successful business while maintaining an important role in her community.

The daughter of Chester and Carrie Bales, Mrs. Ryser grew up in East Bernstadt. Despite hard financial times during the Great Depression, she grew up as a happy child. Her father was a truck driver and delivered groceries around Laurel County for Laurel Grocery, and her mother worked in the home. Her mother used to joke with family members that of the four children, Mrs. Ryser was the most difficult child because she always did what she wanted and had a mind of her own.

Mrs. Ryser graduated high school at age 16 and worked for Aetna Oil Company. In a bold move encouraged by her then-boss, Mrs. Ryser asked her would-be husband, R.D. Ryser, out to the movies for their first date. The couple married in June of 1947 and at age 20, Toni had their first child, Kandy. The Ryasers had two more children, Bo and Kim, over the course of the next 5 years.

Though Mrs. Ryser always wanted to be a mother, she decided she wanted to do more than keep the house during the day. Remembering the skill her mother taught her as a child, she began sewing and selling drapes. Soon Mrs. Ryser's drapery business grew and she could not complete orders as quickly as they arrived. As business increased, she decided to expand and not only sell draperies but also upscale furniture.

In 1969, Mrs. Ryser approached a furniture retailer that was hesitant to do business with her because of the rural nature of East Bernstadt. However, despite the concerns of the retailer, Mrs. Ryser decided she was going to sell furniture and was not dissuaded by the larger company's misgivings. She never doubted her ability to sell the furniture and make a profit. So in September of 1969, when Toni was 39, Ryser's Inc. was officially open for business.

Despite the continued success of the drapery business, Ryser's Inc. furniture sales did not really take off until 1972, when the Kentucky coal industry experienced a boom. The extra cash flow in the area caused the furniture business to flourish in East Bernstadt and the surrounding region. Before long, the entire family worked for the company: taking orders, making deliveries, and even offering advice on interior design.

Ryser's Inc. quickly became a premier name in furniture in Kentucky, Tennessee, and Florida. The store in East Bernstadt evolved into a warehouse, and Mrs. Ryser spent her time in the Laurel County area and the greater region bringing upscale furniture to the people. The reputation of the family business continued to grow over the years throughout the region

and State and caused Mrs. Ryser to be named a Kentucky retailer of the year in the 1990s.

A long standing member of East Bernstadt Baptist Church, a dedicated wife and mother, and a successful business woman, Mrs. Toni Ryser is most deserving of recognition for her contributions to the greater Laurel County community and economy. Mrs. Ryser never hesitated in her journey to establish a fine furnishings store in a rural area some 40 years ago. It was her belief in herself, her family, and most importantly her fellow Kentuckians that allowed her dream to become an enduring reality.

I am honored to recognize Mrs. Toni Ryser's admirable commitment to building a successful family business in East Bernstadt, KY. I ask my colleagues in the U.S. Senate to join with me in celebrating Mrs. Ryser's entrepreneurial spirit and tenacity and her important contributions to the greater Laurel County community. A recent article published in the *Sentinel-Echo*, a Laurel County publication, highlighted Mrs. Ryser's accomplishments. Mr. President, I ask unanimous consent that said article appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the *Sentinel-Echo*, May 30, 2012]

FAITH AND FAMILY HELPED BUILD FURNITURE BUSINESS

(By Tara Kaprowy)

As Toni Ryser sits down to talk about her life, she is the picture of elegance. With soft, silver hair that frames her face and several long necklaces offsetting a black blouse, she sinks into an overstuffed chair whose arm a cat casually uses as leverage to stretch its back.

The room itself can only be described as magnificent, with ochre tomes toppled against each other on grand bookshelves, drapes embroidered with the most delicate flowers, and a giant, opulent mirror standing sentinel on the far wall. Yet, despite the beauty, the room is comforting and unpretentious, much like Ryser herself.

She was born in Harlan County on Valentine's Day 1931, the daughter of Chester and Carrie Bales. While Ryser was still very young, the family moved to Livingston before settling in Laurel County when she was 7. Chester "bought a truck and started hauling groceries for Laurel Grocery," Ryser said, while Carrie got to work making her home in East Bernstadt, something she was particularly gifted at doing.

"Mother could do anything," Ryser said. "We had beautiful clothes, we had wonderful food, we had a house that was spotless."

Though money was tight and the Great Depression was raging, there were always fresh-cut flowers in the house and "I always felt rich because mother knew how to sew so I always looked the part," she said.

Ryser was the second-born of four children, and though Carrie was a strict disciplinarian, Ryser had a "way of finagling and not doing any work so I was a very happy child," she said.

And a precocious one. At the age of 4, she was getting paid a quarter to dance on the

tables and, throughout her childhood, she said she broke her nose once playing baseball and four more times doing "whatever else I could get children to play with me."

She recalled one occasion when an aunt, "who thought she was an aristocrat out of Louisville," came to visit.

"People used to discuss dying earlier than they do now," she remembered. "She said, 'Why Carrie, if something happens to you, who's going to take care of these children?' Mother said, 'Well, so-and-so would take Sara Lee. So-and-so would take Mikey. But I don't know who would want Toni.' I was really lazy."

Carrie was not, however, and when Ryser started attending East Bernstadt School, she was one of the best-dressed girls in her class.

"I went to school in starched pinafores every day," she said. "In fact, they often made a joke about how my butt had to be cold—I sat right on the seat because my dress went straight out."

Though she looked like she could be a city girl, her life was firmly planted in East Bernstadt, which "was a little more town than it is now," she said.

"We had a hotel, we bought groceries in East Bernstadt, we went to church in East Bernstadt, we went to the movies in East Bernstadt," she said. "Sometimes, when we got a little older, we would ride the train to London and see an afternoon movie and ride the train back, but we had pretty much what we needed right here in East Bernstadt."

Ryser was a good student but having fun was still her major goal, and she "liked to see what I could get away with," she said. She became fast friends with Betty Marie Muster and Pat Finney. Together, they were cheerleaders, with a photo still hanging at Weaver's of Ryser wearing her uniform. "Every Friday night, there was a dance at the Swiss Lodge," she remembered. "That was our big thing as we were going through high school. We did a lot of dancing."

She graduated from high school at 16 and "immediately got married." During her final semester, she'd gotten a job at Aetna Oil Company and her boss Mr. Miller looked over at Hunt's Cafe one day, saw R.D. Ryser, and said, "Go over, get a Coke, and ask R.D. out." She did, passing "Colonel" Harland David Sanders who was eating with Mr. Hunt along the way, and asked him.

"I said, 'Why don't we go to the movies tonight?' He said, 'No, I don't think so.' I said, 'I would like to go with you tonight. I'll be expecting you; I'll be ready at 7:30.' He says, 'I don't think so,' but at 7:30 he showed up. That was the end of him, we got married."

The wedding was in the afternoon of June 14, 1947.

"The thing I regret the most about it is my mother had made me the most beautiful wedding dress," she said. "You can't even imagine in your wildest dreams what a pretty dress I had. I was so foolish; I never even saved it. It was organdy and it was white and it had a full skirt and sleeves to my elbows and it had the most gorgeous applied pink flowers and leaves all the way around the skirt that you've ever seen. Her work was beautiful. I mean, nothing today could compare with it. Now I'd give anything to have that dress."

Ryser and R.D. moved into the two-room washhouse in the back of her parent's house—"I don't know where mother did her laundry after that"—and in 1949 moved into a home they built together.

At the age of 20, she had her first child, Kandy, followed by Bo three years later and Kim two years after that.

"I had always wanted to be a mother, very definitely," she said. "I just thought it was wonderful." Like her father, R.D. was a truck driver, hauling coal to Louisville three times a week—a five hour trek—and returning that day with groceries for Laurel Grocery. Ryser stayed home to raise her children, which she loved doing.

By the time Kim was in sixth grade, though, "I got to thinking I didn't want to spend my time doing nothing, so I decided to start making draperies." She'd been taught to sew by her mother and deeply enjoyed the meticulous work. Asking her friend Ruth Gabbard to help, she went into business and soon had so many orders they could hardly keep up.

"We'd stay backed up. Generally when we'd take an order, we'd tell them it would be two to three months," she said.

Eventually, the pressure to couple her drapery business with a furniture store grew.

"What changed things is I would go out to hang drapes and would spend maybe half a day with someone telling them what kind of sofa to go buy or where should they set their bed and wouldn't it be good to hang lights on the wall, that kind of conversation," she said. "I saw I was spending an awful lot of time, so I said if I'm going to spend my time with furniture, I'm going to be selling furniture."

Opening up a furniture store—which she decided from the beginning would be very high end—in the middle of East Bernstadt was risky. But she had the full support of her husband—"He was enough Swiss that if it was making money, he was for it," she joked—and so headed to market in High Point, N.C. She approached the big, upscale furniture lines, one of the only women there who was the main buyer.

"I went to Henredon and they didn't much want to open an account with me," she said. "They'd looked at East Bernstadt on a map. They said, 'Here's what we'll do: You place an order for \$20,000. We won't say we'll let you have an account, but we'll come by and see your place, and then we'll know if we want to take you on as a customer.' So he comes by, there's cows on this side, cows on the other side of the store, and he says, 'I want to know: Who in the world do you hope to sell furniture to?' I said, 'I'm not a bit worried about it, you just better believe I'll sell it.' So he opened up an account that day, and there never was any confusion after that."

Having put up everything she and her husband owned as collateral, Ryser's Inc. opened in September 1969. Ryser was 39.

She was soon working around the clock, keeping her focus by reminding herself, "All we have to lose is everything R.D. has ever worked for since he was 17."

The drapery business continued to flourish, but it wasn't until the coal boom in 1972 that furniture sales truly took off.

"Over night, many coal companies large and small hit the big time and there was lots of extra money in circulation," she said. "We happened to be in the right place at the right time. We had a large inventory and were willing to work night and day to help with their furniture needs. The bottom line was business was good."

Gabbard and two other women continued making draperies, and Ryser hired her family to do everything else.

"It wasn't too long before Kandy was at the store," she said. "Bo was helping. I'd go out to the high school and Harold Storm was the principal. I'd say, 'Can Bo go with us?' And he'd say, 'How many do you want,

Toni?" He'd give me two or three boys and so off we'd go with a truck full of furniture and drapes to hang."

Once arriving at their destination, Ryser would work her magic, attending to every last detail in a room.

"We did everything," she said. "We moved their old furniture until it looked nice, we put the new pieces in that they really needed. You set up and then you don't want to see a little lamp on the floor, you don't want to leave a picture hanging over here when it should have gone over there, so you just start doing it."

Once the home owner arrived home, the room would be completely transformed, with the pieces they knew they were buying accompanied by their existing furniture and a few extras that rounded out the space. The effect was enchanting, with all the parts seamlessly coming together to make the whole.

Her eye for design was flawless, with one customer who dealt in antiques asking her what she thought about his plan to mass produce the look of an antique table. Her opinion was so valuable to him that he called it the Mrs. Ryser table, which to this day is still being sold.

Word traveled fast, with the Ryser's name soon extending throughout Kentucky and spreading down into Tennessee and Florida.

Ryser was having a ball and was on the road every day, telling her children, "If we are in the store, we aren't making money." Indeed, given its remote location, the store was always meant to be more of a warehouse than a space for customers to shop.

When Bo was in college, she said she "saw she had too much to handle" and the flooring side of the business was getting neglected, "so I told my son, 'If you want to buy the business, it's here for you.'"

He did. Kandy, meanwhile, had her own set of customers, and Kim, after graduating from Eastern Kentucky University's school of design, joined her siblings. Even her mother Carrie had a hand in things.

"Mother would come down and would tell them a thing or two about drapes. It was her way or no way," she laughed. "But Ruth, she never one time get upset that mother tried to boss. Ruth is a wonderful person, that was her nature."

Business continued to grow, with customers by now all over the country. In the 1990s, Ryser was named Kentucky's retailer of the year.

Though she stayed constantly busy, "thinking nothing of going in at midnight or one in the morning," Sundays were reserved for church and family.

To this day, she remains one of the most faithful members of East Bernstadt Baptist Church, with Pastor Norm Brock joking the only way to keep Ryser at home on a snowy, icy Sunday morning is to cancel church.

"I feel like God has walked beside me my whole life, my whole life," she said. "I like to give credit where it's due and it's definitely not due me."

Every Sunday evening, she would cook a sprawling family dinner.

"We had a ball," she said. "They would bring their dates, their friends and this house would fill up from that end to this end. We'd all settle down in my kitchen and there weren't enough seats and all we'd do is discuss all the fun we'd had all week."

In 1992, she and R.D. decided to build a new house on the land on which he was born and, since they'd enjoyed their first home so much, decided to replicate the floor plan to the letter. She continues to live there.

In 2003, R.D. suffered a stroke and Ryser left the store to take care of him. She returned to work after he died a year later, but in 2006 Ryser also had a stroke. She's taken a back seat to the business for the past five years. But she continues to be active and last spring took a few months off from her regular Body Recall aerobics class to redecorate for a friend who was wintering in Florida but needed her Lexington home completely redone in time for Derby. She only trusted Ryser to do it.

Looking back, Ryser's eyes light up while talking about the excitement of the business and become moist when talking about her faith and family. When asked if she's proud of what she's accomplished, she shakes her head and sits up in her overstuffed chair.

"I'm proud of my family," she said. "I don't feel proud of myself. I've enjoyed it. I enjoyed it a lot."

ADDITIONAL STATEMENTS

SOPHIA, WEST VIRGINIA

• Mr. ROCKEFELLER. Mr. President, today I wish to bring attention to a small town in my home State. Sophia, WV, began its 100-year anniversary celebration on June 2, 2012, and will hold a litany of festive events throughout most of the summer.

Many of you present today will recall that Sophia is the town our dear friend and colleague, Senator Robert C. Byrd, so often referred to when he spoke of his home among the hills. This beautiful community served as his and Erma's haven for much of their lives.

The town of Sophia is reportedly named for Sophia Gravley McGinnis, who was born 200 years ago, in 1812. Mrs. McGinnis and her husband, Pyrrhus McGinnis, owned nearly 2,000 acres of land in and around the area according to the family's historical documents. Sophia became the first official citizen and its endeared namesake when the town incorporated in 1912. She went on to live to the ripe age of 104 years old and died in March of 1916. She is buried near Flat Top, WV.

Many times over, Senator Byrd reflected on his and Erma's time in Sophia, fondly remembering the friendships and once-bustling economy. Historically, the town of Sophia was known as the epicenter of the Winding Gulf region where countless tons of coal have been mined and transported all over the world via the extensive rail network intersecting the region.

Senator Byrd is certainly Sophia's favorite son. The memories he shared so freely with all of us act as a reminder of the importance of coal and its far-reaching impact on the State of West Virginia and our Nation. They also bring to mind the tremendous character of the people who helped create those memories and how they helped guide him in his duties as the longest serving member of the Congress.

Unfortunately, as with many towns across our great land, Sophia fell on

hard times for a number of years. With the march of technology and the mechanization of the coal industry, fewer men were needed to mine coal and service the railroads, causing Sophia's population to quickly dwindle. Grocers and markets and small shops began to close their doors. Schools helping to educate the children of Sophia were consolidated. The town soon became a shell of its former glory.

However, like other parts of West Virginia that have experienced decline, the citizens of the town of Sophia never gave up. Their story continues today and proves to be a testament of the talented and dedicated residents living there. Many of the efforts to revitalize this rural village have resulted in enormous success. Economic development initiatives have culminated in a bright future for Sophia that includes an economy of growth and a renewal of the spirit that lies deep within the hearts of the people Senator Byrd held in such high regard.

Evidence of the revitalization in the town of Sophia includes the opening of the Affinity Coal mining operation and the regular passage of railcars once again full of coal. Burning Rock Outdoor Adventure Park is bringing visitors from all across the Nation and the rich heritage of the coal industry is creating new tourism proposals and interest in the studies of mine safety and engineering. The young men and women of Sophia are no longer forced to leave their homes to find gainful employment because opportunities are once again available to them and their families.

All of these measures bring me to the floor to recognize what should be considered a shining example of dedication and commitment in times of hardship and adversity. On behalf of the people of the town of Sophia, it brings me great pride to present this statement in recognition of a community spirit that has fostered ongoing transformation, while always holding true to a history rich with fortitude.●

FEDERAL CAMPAIGN CONTRIBUTION REPORT

Derek J. Mitchell, of Connecticut, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Union of Burma, discharged from the Committee on Foreign Relations and confirmed by the Senate on June 29, 2012:

Nominee: Derek J. Mitchell.

Post: Burma.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, amount, date, and donee:

1. Self: \$2,500, 12/2/2011, Obama for America; \$200, 2009, DNC; \$1,000, 9/17/2008, Obama for America; \$1,050, 10/5/2008, Obama for America; \$200, 2008, DNC.

2. Spouse: None to report.

3. Children and Spouses: Names N/A.

4. Parents: Father—Malcolm Mitchell; \$25, 1/21/2011, Friends of Harry Reid; \$20, 9/8/2011, ActBlue; \$27.50, 6/29/2011, ActBlue; \$20, 1/12/2011, Al Franken for Senate; \$25, 11/4/2011, Beta O'Rourke Campaign; \$50, 1/13/2011, DNC; \$25, 2/24/2011, DNC; \$20, 6/30/2011, Democracy in Action; \$10, 6/2/2011, MoveOn.org; \$10, 7/22/2011, MoveOn.org; \$20, 10/14/2011, Tammy Baldwin for Senate; \$50, 4/21/2011, Obama for America; \$25, 9/7/2011, Obama for America; \$30, 1/14/2010, Act Blue; \$25, 8/11/2010, ActBlue; \$25, 9/24/2010, ActBlue; \$25, 10/12/2010, ActBlue; \$35, 2/1/2010, Democratic Party; \$25, 4/23/2010, Democratic Party; \$25, 3/6/2010, DNC; \$50, 3/25/2010, DNC; \$35, 4/17/2010, DNC; \$50, 5/19/2010, DNC; \$50, 9/2/2010, DNC.

5. Grandparents: Names—None to Report.

6. Brothers and Spouses: Names—None to Report.

7. Sisters and Spouses: Names—None to Report.

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the authority of the order of the Senate of January 5, 2011, the Secretary of the Senate, on July 2, 2012, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker had signed the following enrolled bill:

H.R. 4348. An act to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

Under the authority of the order of the Senate of January 5, 2011, the enrolled bill was subsequently signed on July 2, 2012, during the adjournment of the Senate, by the Acting President pro tempore (Mr. CARDIN).

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 4018. An act to improve the Public Safety Officers' Benefits Program.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3364. A bill to provide an incentive for businesses to bring jobs back to America.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. STABENOW (for herself, Mr. COONS, Mr. SCHUMER, Mr. BROWN of Ohio, Mr. DURBIN, Mr. MERKLEY, Mr. WHITEHOUSE, and Mrs. GILLIBRAND):

S. 3364. A bill to provide an incentive for businesses to bring jobs back to America; read the first time.

ADDITIONAL COSPONSORS

S. 387

At the request of Mrs. BOXER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 387, a bill to amend title 37, United States Code, to provide flexible spending arrangements for members of uniformed services, and for other purposes.

S. 845

At the request of Mr. ENZI, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 845, a bill to amend the Internal Revenue Code of 1986 to provide for the logical flow of return information between partnerships, corporations, trusts, estates, and individuals to better enable each party to submit timely, accurate returns and reduce the need for extended and amended returns, to provide for modified due dates by regulation, and to conform the automatic corporate extension period to long-standing regulatory rule.

S. 1483

At the request of Mr. LEVIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 1483, a bill to ensure that persons who form corporations in the United States disclose the beneficial owners of those corporations, in order to prevent wrongdoers from exploiting United States corporations in ways that threaten homeland security, to assist law enforcement in detecting, preventing, and punishing terrorism, money laundering, and other misconduct involving United States corporations, and for other purposes.

S. 1670

At the request of Mr. CARDIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1670, a bill to eliminate racial profiling by law enforcement, and for other purposes.

S. 1747

At the request of Mrs. HAGAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1747, a bill to amend the Fair Labor Standards Act of 1938 to modify provisions relating to the exemption for computer systems analysts, computer programmers, software engineers, or other similarly skilled workers.

S. 1806

At the request of Mrs. BOXER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 1806, a bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate overpayments of tax as contributions to the homeless veterans assistance fund.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2134, a bill to amend

title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2374

At the request of Mr. BINGAMAN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 2374, a bill to amend the Helium Act to ensure the expedient and responsible draw-down of the Federal Helium Reserve in a manner that protects the interests of private industry, the scientific, medical, and industrial communities, commercial users, and Federal agencies, and for other purposes.

S. 3309

At the request of Mrs. MURRAY, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3309, a bill to amend title 38, United States Code, to improve the assistance provided by the Department of Veterans Affairs to homeless veterans, and for other purposes.

S. 3317

At the request of Mr. FRANKEN, the name of the Senator from New Jersey (Mr. MENENDEZ) was added as a cosponsor of S. 3317, a bill to restore the effective use of group actions for claims arising under title VII of the Civil Rights Act of 1964, title I of the Americans with Disabilities Act of 1990, title V of the Rehabilitation Act of 1973, section 1977 of the Revised Statutes, and the Genetic Information Non-discrimination Act of 2008, and for other purposes.

S. 3355

At the request of Mr. BINGAMAN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 3355, a bill to amend the Internal Revenue Code of 1986 to provide taxpayer protection and assistance, and for other purposes.

S.J. RES. 43

At the request of Mr. MCCONNELL, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S.J. Res. 43, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 48

At the request of Mr. LEAHY, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Iowa (Mr. HARKIN) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. Con. Res. 48, a concurrent resolution recognizing 375 years of service of the National Guard and affirming congressional support for a permanent Operational Reserve as a component of the Armed Forces.

S. RES. 516

At the request of Mr. NELSON of Florida, the name of the Senator from

Maryland (Mr. CARDIN) was added as a cosponsor of S. Res. 516, a resolution expressing the sense of the Senate on the restitution of or compensation for property seized during the Nazi and Communist eras.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Thursday, July 12, 2012, at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to provide oversight on Remediation of Legacy Wells in the National Petroleum Reserve-Alaska.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to Jake_McCook@energy.senate.gov.

For further information, please contact Patricia Beneke (202) 224-5451 or Jake McCook (202) 224-9313.

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on July 12, 2012, in room SD-628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled "Federal Recognition: Political and Legal Relationship between Governments."

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, July 12, 2012 at 10:30 a.m. in 106 Dirksen Senate Office Building to conduct a hearing entitled "Beyond Seclusion and Restraint: Creating Positive Learning Environments for All Students."

For further information regarding this meeting, please contact Michael Gamel-McCormick of the committee staff on (202) 224-5501.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs has scheduled a hearing entitled, "U.S.

Vulnerabilities to Money Laundering, Drugs, and Terrorist Financing: HSBC Case History." The Subcommittee hearing will examine money laundering and terrorist financing vulnerabilities created when a global bank uses its U.S. affiliate to provide U.S. dollars, U.S. dollar services, and access to the U.S. financial system to high risk affiliates, high risk correspondent banks, and high risk clients, using HSBC as a case study. Witnesses will include representatives from HSBC and the Office of the Comptroller of the Currency. A witness list will be available Friday, July 13, 2012.

The Subcommittee hearing has been scheduled for Tuesday, July 17, 2012, at 9:30 a.m., in Room 106 of the Dirksen Senate Office Building. For further information, please contact Elise Bean of the Permanent Subcommittee on Investigations at (202) 224-9505.

D.C. COURTS AND PUBLIC SERVICE DEFENDER ACT OF 2011

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to Calendar No. 436, S. 1379.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1379) to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment, as follows:

(Omit the part shown in boldface brackets and insert the part printed in italic.)

S. 1379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "D.C. Courts and Public Defender Service Act of 2011".

SEC. 2. AUTHORITIES OF DISTRICT OF COLUMBIA COURTS.

(a) PERMITTING JUDICIAL CONFERENCE ON BIENNIAL BASIS; ATTENDANCE OF MAGISTRATE JUDGES.—Section 11-744, District of Columbia Official Code, is amended—

(1) in the first sentence, by striking "annually" and inserting "biennially or annually";

(2) in the first sentence, by striking "active judges" and inserting "active judges and magistrate judges";

(3) in the third sentence, by striking "Every judge" and inserting "Every judge and magistrate judge"; and

(4) in the third sentence, by striking "Courts of Appeals" and inserting "Court of Appeals".

(b) EMERGENCY AUTHORITY TO TOLL OR DELAY JUDICIAL PROCEEDINGS.—

(1) PROCEEDINGS IN SUPERIOR COURT.—

(A) IN GENERAL.—Subchapter III of Chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

"§ 11-947. Emergency authority to toll or delay proceedings.

"(a) TOLLING OR DELAYING PROCEEDINGS.—

"(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of Superior Court or rendering it impracticable for the United States or District of Columbia Government or a class of litigants to comply with deadlines imposed by any Federal or District of Columbia law or rule that applies in the Superior Court, the chief judge of the Superior Court may exercise emergency authority in accordance with this section.

"(2) SCOPE OF AUTHORITY.—(A) The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the Superior Court.

"(B) The authority conferred by this section extends to all laws and rules affecting criminal and juvenile proceedings (including, pre-arrest, post-arrest, pretrial, trial, and post-trial procedures) and civil, family, domestic violence, probate and tax proceedings.

"(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the Superior Court is absent or disabled, the authority conferred by this section may be exercised by the judge designated under section 11-907(a) or by the Joint Committee on Judicial Administration.

"(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

"(b) CRIMINAL CASES.—In exercising the authority under this section for criminal cases, the chief judge shall consider the ability of the United States or District of Columbia Government to investigate, litigate, and process defendants during and after the emergency situation, as well as the ability of criminal defendants as a class to prepare their defenses.

"(c) ISSUANCE OF ORDERS.—The United States Attorney for the District of Columbia or the Attorney General for the District of Columbia or the designee of either may request issuance of an order under this section, or the chief judge may act on his or her own motion.

"(d) DURATION OF ORDERS.—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that if the chief judge determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the Joint Committee on Judicial Administration, enter additional orders under this section in order to further toll or extend such time deadline.

"(e) NOTICE.—Upon issuing an order under this section, the chief judge—

"(1) shall make all reasonable efforts to publicize the order, including, when possible, announcing the order on the District of Columbia Courts Web site; and

"(2) shall send notice of the order, including the reasons for the issuance of the order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

“(f) REQUIRED REPORTS.—Not later than 180 days after the expiration of the last extension or tolling of a time period made by the order or orders relating to an emergency situation, the chief judge shall submit a brief report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Joint Committee on Judicial Administration describing the orders, including—

“(1) the reasons for issuing the orders;

“(2) the duration of the orders;

“(3) the effects of the orders on litigants; and

“(4) the costs to the court resulting from the orders.

“(g) EXCEPTIONS.—The notice under subsection (e)(2) and the report under subsection (f) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.”.

(B) CLERICAL AMENDMENT.—The table of contents of chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter III the following:

“11-947. Emergency authority to toll or delay proceedings.”.

(2) PROCEEDINGS IN COURT OF APPEALS.—

(A) IN GENERAL.—Subchapter III of chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

“§ 11-745. Emergency authority to toll or delay proceedings.

“(a) TOLLING OR DELAYING PROCEEDINGS.—

“(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of the Court of Appeals or rendering it impracticable for the United States or District of Columbia Government or a class of litigants to comply with deadlines imposed by any Federal or District of Columbia law or rule that applies in the Court of Appeals, the chief judge of the Court of Appeals may exercise emergency authority in accordance with this section.

“(2) SCOPE OF AUTHORITY.—The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the Court of Appeals.

“(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the Court of Appeals is absent or disabled, the authority conferred by this section may be exercised by the judge designated under section 11-706(a) or by the Joint Committee on Judicial Administration.

“(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

“(b) ISSUANCE OF ORDERS.—The United States Attorney for the District of Columbia or the Attorney General for the District of Columbia or the designee of either may request issuance of an order under this section, or the chief judge may act on his or her own motion.

“(c) DURATION OF ORDERS.—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that if the chief judge determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the Joint Committee on Judicial Administration, enter additional orders under this section in order to further toll or extend such time deadline.

“(d) NOTICE.—Upon issuing an order under this section, the chief judge—

“(1) shall make all reasonable efforts to publicize the order, including, when possible, announcing the order on the District of Columbia Courts Web site; and

“(2) shall send notice of the order, including the reasons for the issuance of the order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

“(e) REQUIRED REPORTS.—Not later than 180 days after the expiration of the last extension or tolling of a time period made by the order or orders relating to an emergency situation, the chief judge shall submit a brief report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Joint Committee on Judicial Administration describing the orders, including—

“(1) the reasons for issuing the orders;

“(2) the duration of the orders;

“(3) the effects of the orders on litigants; and

“(4) the costs to the court resulting from the orders.

“(f) EXCEPTIONS.—The notice under subsection (d)(2) and the report under subsection (e) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.”.

(B) CLERICAL AMENDMENT.—The table of contents of chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter III the following:

“11-745. Emergency authority to toll or delay proceedings.”.

[(c) AUTHORIZATION FOR PROGRAM OF VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—

(1) IN GENERAL.—Chapter 17 of title 11, District of Columbia Official Code, is amended by inserting after section 11-1726 the following new section:

“§ 11-1726A. Voluntary Separation Incentive Payments

“The Joint Committee on Judicial Administration may, by regulation, establish a program substantially similar to the program established under subchapter II of chapter 35 of title 5, United States Code, for nonjudicial employees of the District of Columbia courts.”.

(2) CLERICAL AMENDMENT.—The table of contents of chapter 17 of title 11, District of Columbia Official Code, is amended by inserting after the item relating to section 11-1726 the following new item:

“11-1726A. Voluntary separation incentive payments.”.

[(d)](c) PERMITTING AGREEMENTS TO PROVIDE SERVICES ON A REIMBURSABLE BASIS TO OTHER DISTRICT GOVERNMENT OFFICES.—

(1) IN GENERAL.—Section 11-1742, District of Columbia Official Code, is amended by adding at the end the following new subsection:

“(d) To prevent duplication and to promote efficiency and economy, the Executive Officer may enter into agreements to provide the Mayor of the District of Columbia with equipment, supplies, and services and credit reimbursements received from the Mayor for such equipment, supplies, and services to the appropriation of the District of Columbia Courts against which they were charged.”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with re-

spect to fiscal year 2010 and each succeeding fiscal year.

SEC. 3. LIABILITY INSURANCE FOR PUBLIC DEFENDER SERVICE.

Section 307 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2-1607, D.C. Official Code) is amended by adding at the end the following new subsection:

“(e) The Service shall, to the extent the Director considers appropriate, provide representation for and hold harmless, or provide liability insurance for, any person who is an employee, member of the Board of Trustees, or officer of the Service for money damages arising out of any claim, proceeding, or case at law relating to the furnishing of representational services or management services or related services under this Act while acting within the scope of that person's office or employment, including but not limited to such claims, proceedings, or cases at law involving employment actions, injury, loss of liberty, property damage, loss of property, or personal injury, or death arising from malpractice or negligence of any such officer or employee.”.

SEC. 4. REDUCTION IN TERM OF SERVICE OF JUDGES ON FAMILY COURT OF THE SUPERIOR COURT.

(a) REDUCTION IN TERM OF SERVICE.—Section 11-908A(c)(1), District of Columbia Official Code, is amended by striking “5 years” and inserting “3 years”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to any individual serving as a judge on the Family Court of the Superior Court of the District of Columbia on or after the date of the enactment of this Act.

Mr. REID. I ask unanimous consent that the committee-reported amendment be agreed to, and the bill, as amended, be read a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The bill (S. 1379), as amended, was ordered to be engrossed for a third reading and was read the third time.

Mr. REID. I know of no further debate on this bill, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the bill, as amended.

The bill, as amended, was passed.
(The bill will be printed in a future edition of the RECORD.)

Mr. REID. Mr. President, I ask unanimous consent that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 3364

Mr. REID. Mr. President, S. 3364 was introduced earlier today by Senator STABENOW, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 3364) to provide an incentive for businesses to bring jobs back to America.

Mr. REID. Mr. President, I ask for a second reading but object to my own request.

The PRESIDING OFFICER. Objection is heard. The bill will be read for the second time on the next legislative day.

ORDERS FOR TUESDAY, JULY 10,
2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, July 10; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized and that the first hour be

equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; and that at 11:30 a.m., the Senate proceed to executive session under the previous order; further, that the Senate recess from 12:30 p.m. until 2:15 p.m. tomorrow for our weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the first vote will be at noon tomorrow on the confirmation of the Fowlkes nomination to be a Federal district court judge.

There will be an additional rollcall vote at 2:25 p.m. tomorrow, or thereabouts, on the motion to invoke cloture on the motion to proceed to the Small Business Jobs and Tax Relief Act.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. REID. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 4:23 p.m., adjourned until Tuesday, July 10, 2012, at 10 a.m.

HOUSE OF REPRESENTATIVES—Monday, July 9, 2012

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. HARRIS).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 9, 2012.

I hereby appoint the Honorable ANDY HARRIS to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving and gracious God, we give You thanks for giving us another day. As the Members of this assembly return from days away celebrating our Nation's birth, grant them safe and restful journey. May they return ready to assume a difficult work which must be done.

We pray for the needs of the Nation and world and all of creation. Bless those who seek to honor You and serve each other and all Americans in this House through their public service. May the words and deeds of this place reflect an earnest desire for justice, and may men and women in government build on the tradition of equity and truth that represents the noblest heritage of our people.

May Your blessing, O God, be with us this day and every day to come, and may all we do be done for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Minnesota (Ms. MCCOLLUM) come forward and lead the House in the Pledge of Allegiance.

Ms. MCCOLLUM led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 29, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 29, 2012 at 5:01 p.m.:

That the Senate passed S. 3238.

That the Senate passed S. 2165.

That the Senate passed S. 2239.

That the Senate passed S. 3363.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 29, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 2(h) of rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on June 29, 2012 at 4:39 p.m.:

That the Senate passed without amendment H.R. 6064.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

THE DEPARTMENT OF JUSTICE IS ON THE WRONG SIDE OF JUSTICE

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Mr. Speaker, thousands of dead people and citizens of other countries are reportedly registered to vote in the battleground State of Florida.

Texas, however, has passed a law that would require citizens to display a photo ID when they vote. But the Jus-

tice Department isn't interested in fixing voter integrity, even though the Supreme Court has said voter ID laws are constitutional.

The DOJ, ignoring the Supreme Court decision it doesn't like, sued Texas anyway, claiming the law discriminates. The DOJ, with its battery of high-dollar lawyers, apparently has yet to find any evidence to back their claim, so it brought in a hired gun to try to find some support for its allegation—a biased liberal data group called Catalist, a self-defined agent for progressive organizations. So much for the DOJ being objective.

Instead of attacking Texas for constitutionally enforcing the law, the DOJ should focus its resources on protecting the sanctity of the ballot box. It seems the people who would be disenfranchised by voter ID laws would be unlawful voters or dead people.

The DOJ is on the wrong side of justice again.

And that's just the way it is.

STOP THE ENDLESS POLITICAL GAMES

(Ms. MCCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCCOLLUM. Mr. Speaker, this "do nothing" Republican Tea Party Congress is killing jobs with its endless political games. This week's gimmick vote to repeal the Affordable Care Act is a meaningless vote to deny millions of Americans health care.

Meanwhile, the House's failure to pass an extension of the wind energy tax credit to producers of all American energy is killing jobs. Thirty-seven thousand American jobs in the wind energy sector are at risk.

Minnesota is a leader in wind energy production, but because of its refusal to act, this Congress is causing businesses to lay people off, killing jobs, and harming our clean energy future. The wind energy tax credit supports clean energy developers, manufacturers, and construction companies in America and in Minnesota.

This Republican Tea Party Congress needs to stop the gimmicks, stop killing jobs, and, instead, immediately pass the wind energy tax credit to save jobs and to create more American jobs.

THE AFFORDABLE CARE ACT CONTINUES TO HURT PATIENTS AND DOCTORS

(Mr. BURGESS asked and was given permission to address the House for 1

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, today The Dallas Morning News and the Fort Worth Star-Telegram carried stories that only 31 percent of Texas doctors are accepting new patients who rely on Medicaid. In 2010, the last time the survey was taken, it was 42 percent. In the year 2000, it was 67 percent.

The Texas Medical Association conducted the survey and attributes the dropping numbers to a low reimbursement rate for physicians and increasing red tape. Doctors appear to be losing patience with government-funded health plans and government-run health care in general.

You know, shortly after the Supreme Court decision, all of the cable talk shows talked about its free riders that are driving up the cost of health care in this country. No, it's not. The biggest freeloader is the Federal Government.

The Federal Government, with its Medicare and Medicaid programs being structured the way they are, is actually causing the cost of health care to skyrocket in this country, and that's something that needs to stop. They're freeloading on an underfunded program, and it's costing us money. And more importantly, it's inexcusably hurting patients.

The Affordable Care Act is a bad law. We all knew it was bad law when it passed. It was written by lobbyists in secret down at the White House. It was a rough draft passed by the Senate that got forced to the House.

This House is going to hold a repeal vote this week. I suspect it will pass. I urge the Senate to take up and pass this repeal vote so we can get on to the important business of reforming the system in this country.

SUGAR, RICE, AND SOYBEAN INDUSTRY SUPPORT

(Mr. BOUSTANY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOUSTANY. Mr. Speaker, as the House Agriculture Committee considers farm bill legislation, I rise in strong support of responsible policies for all of our agriculture producers, especially the sugar, rice, and soybean industries.

Our no-cost sugar program has kept sugar supplies stable in this country, while allowing for industry expansion under the 2008 farm bill.

Last week, the St. Mary Parish Chamber of Commerce passed a resolution highlighting the critical importance of the sugar industry to south Louisiana. Mr. Speaker, I will enter it into the CONGRESSIONAL RECORD later.

The sugar industry contributes \$3.5 billion annually to Louisiana's economy, while supplying more than 16,000 jobs.

I'm pleased to see the chairman's initial draft language also includes multiple risk management options benefiting south Louisiana rice and soybean farmers. The chairman recognizes that a one-size-fits-all policy for our Nation's diverse agricultural economy is not feasible. I applaud their effort to work with all commodity groups to come up with an excellent final product in this farm bill.

As the farm bill moves forward in the House, I urge my colleagues to support policies that will work for all agriculture producers—not just some, but all—including Louisiana farmers.

□ 1410

VETERANS' COMPENSATION COST- OF-LIVING ADJUSTMENT ACT OF 2012

(Mr. GUINTA asked and was given permission to address the House for 1 minute.)

Mr. GUINTA. I rise today to add my voice to those calling for the passage of H.R. 4114, which would give a cost-of-living adjustment to our disabled military veterans.

My State, New Hampshire, has one of the largest per capita veteran populations of any State in our Nation. Nearly 128,000 former servicemen and women call the Granite State home. As its name indicates, the Veterans' Compensation Cost-of-Living Adjustment Act would provide a much-needed benefit increase, starting this December 1, for qualifying disabled veterans. It provides an increase similar to what Social Security recipients receive.

Our disabled veterans made a special sacrifice during their time in uniform, and they now live with the result of that sacrifice each and every day. Increasing their monthly benefit checks is a small price for a grateful Nation to pay. Our military Armed Forces answered the call when our country needed them most, and I believe that we must now be there for them.

I urge my colleagues to join with me in passing this important cost-of-living increase for the disabled men and women who gave so much to our country.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4 p.m. today.

Accordingly (at 2 o'clock and 11 minutes p.m.), the House stood in recess.

□ 1600

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HARRIS) at 4 p.m.

RESIGNATION FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following resignation from the House of Representatives:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
July 6, 2012.

JOHN A. BOEHNER,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR SPEAKER BOEHNER: I herewith tender to you my resignation from the office of United States Representative for Michigan's 11th Congressional District effective midnight tonight, Friday, July 6, 2012.

Sincerely,

THADDEUS G. MCCOTTER.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
July 6, 2012.

Governor RICK SNYDER,
Lansing, MI.

DEAR GOVERNOR SNYDER: I herewith tender to you my resignation from the office of United States Representative for Michigan's 11th Congressional District effective midnight tonight, Friday, July 6, 2012.

Sincerely,

THADDEUS G. MCCOTTER.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Michigan (Mr. MCCOTTER), the whole number of the House is 432.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

VETERAN SKILLS TO JOBS ACT

Mr. CHAFFETZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4155) to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veteran Skills to Jobs Act".

SEC. 2. CONSIDERATION OF RELEVANT MILITARY TRAINING FOR ISSUANCE OF A FED- ERAL LICENSE.

(a) IN GENERAL.—The head of each Federal licensing authority shall consider and may accept, in the case of any individual applying for

a license, any relevant training received by such individual while serving as a member of the armed forces, for the purpose of satisfying the requirements for such license.

(b) **DEFINITIONS.**—For purposes of this Act—

(1) the term “license” means a license, certification, or other grant of permission to engage in a particular activity;

(2) the term “Federal licensing authority” means a department, agency, or other entity of the Government having authority to issue a license;

(3) the term “armed forces” has the meaning given such term by section 2101(2) of title 5, United States Code; and

(4) the term “Government” means the Government of the United States.

SEC. 3. REGULATIONS.

The head of each Federal licensing authority shall—

(1) with respect to any license a licensing authority grants or is empowered to grant as of the date of enactment of this Act, prescribe any regulations necessary to carry out this Act not later than 180 days after such date; and

(2) with respect to any license of a licensing authority not constituted or not empowered to grant the license as of the date of enactment of this Act, prescribe any regulations necessary to carry out this Act not later than 180 days after the date on which the agency is so constituted or empowered, as the case may be.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. CHAFFETZ) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

Mr. CHAFFETZ. I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. CHAFFETZ. Mr. Speaker, I yield myself such time as I may consume.

We are here today to discuss H.R. 4155, the Veteran Skills to Jobs Act, introduced by Mr. DENHAM of California. I really appreciate the approach that this is taking with jobs and the economic environment as such. This is a commonsense, good measure. I think it is widely supported on both sides of the aisle, and I would urge my colleagues to pass it.

Essentially, H.R. 4155 ensures that applicants for Federal licenses receive credit for relevant training completed while serving as a member of the Armed Forces. While most licenses are issued by the States, the Federal Government does grant a number of licenses, most notably in the aerospace, communications, and maritime sectors.

After 40 months with the unemployment rate above 8 percent, we must do more to help create jobs; and with the unemployment rate for post-9/11 veterans at 12.7 percent, we must better support our veterans as they transition to the civilian workforce.

In April, the Defense Business Board issued a report recommending Federal agencies review military training as a qualification for their respective program requirements. H.R. 4155 is in line with this recommendation.

The bill provides some certainty to veterans during their transition from the military by ensuring their training is taken into account when applying for Federal licenses. The bill does not infringe on the jurisdiction of the licensing agency. Instead, it leaves the agency free to determine whether military training is sufficient to meet license requirements.

H.R. 4155 will reduce the licensing burden for qualified veterans, enabling them to more quickly re-enter the workforce and ease their transition to civilian life.

Again, I appreciate the work of Mr. DENHAM, Mr. WALZ, and others in a bipartisan way to introduce this bill, and I would urge my colleagues to support it.

With that, I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I rise in strong support of H.R. 4155 and yield myself such time as I may consume.

I want to thank the sponsors of H.R. 4155, especially Mr. DENHAM and Mr. WALZ, for their dedicated service to our Nation while in uniform and for their commitment to supporting our veterans here in Congress.

I deeply value and appreciate the sacrifices made by the men and women in our Armed Forces, and I'm proud to represent thousands of them who reside in the 11th District of Virginia, a district that takes military service very seriously and holds it in high esteem.

I believe that we here in Congress have a sacred duty, Mr. Speaker, to provide for their well-being. For that reason, I strongly support efforts to expedite the transition of our Nation's warriors to civilian life. We need to do all we can to help these dedicated veterans find gainful employment. It's a shameful fact that the men and women who volunteer to safeguard our country are having so much trouble finding steady, good-paying jobs. A double-digit unemployment rate for post-9/11 veterans—almost double the national average—is simply unacceptable.

Transitioning to civilian life is difficult under any circumstance; however, this hardship is compounded when veterans cannot easily translate their military skills into careers in the Federal or private sector workforce through no fault of their own.

In addition, there's the task of educating employers to better understand that so much of military training is readily transferrable to civilian job requirements in the private sector.

We need to do better for our veterans, and I believe H.R. 4155 is a strong step in that direction. It would

require each agency with Federal licensing authority to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses. This will help our returning servicemembers get credit for their military training towards a license which they can use to get Federal or private sector jobs and reintegrate into civilian life.

The Federal Government, private sector employers, and our economy will benefit by being able to take full advantage of their talent, unique skills, and experience as veterans.

Mr. Speaker, the Senate has already passed an identical version of this non-controversial, but important, bill by unanimous consent. I urge all Members to support this bill that will enable our Nation's veterans to get back to work.

I reserve the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, I would like to yield as much time as he may consume to the distinguished gentleman from California, the sponsor of the bill, Mr. DENHAM.

Mr. DENHAM. Mr. Speaker, I rise today to support legislation I authored, H.R. 4155, the Veteran Skills to Jobs Act.

America is blessed with the strongest, most capable and professional military in the world. Unfortunately for many of our veterans, transitioning from service means a battle with joblessness. And as my friend from Utah explained, the unemployment rate is 12.7 percent; but for our young veterans, it's 29.1 percent for those that are under the age of 25.

The Federal Government has invested in our servicemen with some of the most unique, expensive, and valued training in the world. These brave young men and women have put their lives on the line and deserve to be able to use this training when they come back home.

With 200,000 servicemen and -women transitioning to the civilian workforce each year, we must ensure that they're able to find jobs when they come home. I have personally dealt with this issue when I left Active Duty as a crew chief. Though I had training on the most sophisticated aircraft in the world, to work on less-sophisticated aircraft on the civilian side it would have taken me 3 years of training after I left Active Duty.

In my conversations with Mr. WALZ from Minnesota, some of the challenges that his veterans have seen in Minnesota involve having to go through the same State licensing procedure.

It's time to say enough is enough. If you've had the best training in the world, you ought to be able to get the best jobs in the world; and this body ought to make sure that certification, that licensure is a seamless process. If you leave Active Duty today, you ought to have work tomorrow in the

private sector utilizing that very same training.

This legislation not only mirrors similar efforts on the State level but follows the recommendation of the Defense Business Board and the Department of Defense that issued a report calling for exactly this same type of reform. The Veteran Skills to Jobs Act would help fix this problem, and I'm glad to see that both Chambers of Congress are working together in a bipartisan fashion to accomplish this very same goal.

Helping our returning veterans find jobs is not the concern of one party or one body of Congress. The Senate adopted this matter unanimously last week before we left for break, and it's time that this body do the same.

□ 1610

Again, I want to thank Mr. WALZ of Minnesota for his hard work on this effort, for the bipartisan effort. He and I have been in close communication this entire 112th Congress in making sure that this comes to reality, as well as Senator NELSON from Florida offering the companion bill in the Senate. It's time to make sure that we have a bipartisan and quick solution to this issue.

I also want to thank the American Legion, of which I'm a member. They have worked tirelessly in both bodies, as well as from a grass-roots perspective across the Nation working with many other service organizations, to actually make this a reality. Now it's time that this body does its job and pass this important measure.

Mr. CHAFFETZ. I reserve the balance of my time.

Mr. CONNOLLY of Virginia. Mr. Speaker, I yield 3 minutes to my good friend and colleague from Minnesota (Mr. WALZ), the cosponsor of this legislation.

Mr. WALZ of Minnesota. I thank the gentleman from Virginia for his support of this bill and other veterans issues.

First of all, I'd like to thank the gentleman from California. Mr. DENHAM's service in uniform to this Nation is to be commended, and his service to our veterans has been unwavering.

He's right, we've worked on this a long time. I had the opportunity on numerous occasions to travel downrange to visit our veterans, the last one with my good friend from California (Mr. DENHAM), and the care and concern that he showed listening to his veterans of what they need, listening to them talk about this. One of the things on the minds of our veterans, as they're fighting downrange defending our freedoms and doing what's asked of them is how are they going to be able to take care of their family when their service obligation ends.

So Mr. DENHAM came back, and working and reaching across the aisle, and

working over in the Senate, crafted a piece of legislation that's not only morally the right thing to do, taking care of our veterans—you hear a lot about the 99 percent and the 1 percent. There's truth in that: 99 percent of us enjoy the benefits of security and national defense while 1 percent provide it. So the moral obligation of providing this is pretty much unquestioned, but the thing that I think Mr. DENHAM looked into on this is making sure the economic impact was felt also.

And on this, I think this is very important to keep in mind: We spend \$140 billion a year training our military. That's an investment into those folks. When they finish their career, whether it be a stint of 4 years or whether it's a 20- or 30-year career, they come out with incredible skill training, with incredible professionalism, and they are a very mature workforce. Why would we not want to get our best and brightest back working in the economy? These are entrepreneurs. These are the folks that can get things done. This piece of legislation was crafted in such a way to do exactly that.

Implementation of concurrent credentialing has no undue burden on the military nor on its readiness. In fact, opportunities for credentialing will be a selling point for our military. You can come out and move directly into a job as an aviation mechanic or whatever it may be.

I'd like to mention just quickly here, in my State of Minnesota, an average Active Duty servicemember with an aviation mechanic or avionics occupation will have attended over 18 months of training and had a minimum of 4 years of practical experience. A certified aviation maintenance technician school costs \$20,000 a year. So we've invested. We have a trained mechanic, but we're going to have them come back, have them be unemployed, have them try and use their GI Bill—which is Federal dollars—to get the very same credentialing that they had when they left at a time when we need to put them into the job. So in Minnesota, Thief River Falls is the only place you can get this. We're asking folks to line up and get positions that they don't have enough spots for. It makes no sense.

So I'd like to thank the gentleman for a commonsense piece of legislation, for a piece of legislation that addresses both our moral and economic need. And I'd also like to say, Mr. Speaker, as the Members in this House see, we can work together to solve problems. We can understand—and on this issue—the sacrifice that our servicemembers made so that we could have the honor and the privilege of self-government and stand here and debate the country's business. We owe it to them to conduct ourselves in a manner that's reflective of their sacrifice and service.

And I would like to congratulate the gentleman from California for bringing

that type of comradery, that type of can-do spirit, and that type of willingness to compromise to get things done for the good of the soldiers.

With that, I urge my colleagues, support this legislation. Let's get it passed.

Mr. CONNOLLY of Virginia. Mr. Speaker, with that, let me just urge my colleagues, in the spirit of bipartisanship, to come together and support our veterans and to make opportunity more available. It is, as I said, a sacred duty, it seems to me, that those men and women who are willing to put on that uniform and serve their country ought to be treated with respect and dignity and a job when they come home, and this bill will go a long way to doing that.

With that, I yield back the balance of my time.

Mr. CHAFFETZ. Mr. Speaker, this is a good, commonsense, bipartisan bill. I appreciate both these gentlemen who spoke here earlier for their work on this, Mr. DENHAM and Mr. WALZ.

The Veteran Skills to Jobs Act, H.R. 4155, it makes sense, it's good government, it's what our troops deserve; and I encourage all of my colleagues on both sides of the aisle to support this and send a strong message to the military and to the private sector to let them know that we support them, that the work they do, the skills that they learn are a value, and that they are needed within the workforce as a whole, and that the skills and the training they get—the best in the world—mean something. And we can bypass this licensing issue and get them back to work sooner rather than later.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFFETZ) that the House suspend the rules and pass the bill, H.R. 4155, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CHAFFETZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

VETERANS' COMPENSATION COST-OF-LIVING ADJUSTMENT ACT OF 2012

Mr. MILLER of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4114) to increase, effective as of December 1, 2012, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain

disabled veterans, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Veterans’ Compensation Cost-of-Living Adjustment Act of 2012”.

SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION AND DEPENDENCY AND INDEMNITY COMPENSATION.

(a) **RATE ADJUSTMENT.**—Effective on December 1, 2012, the Secretary of Veterans Affairs shall increase, in accordance with subsection (c), the dollar amounts in effect on November 30, 2012, for the payment of disability compensation and dependency and indemnity compensation under the provisions specified in subsection (b).

(b) **AMOUNTS TO BE INCREASED.**—The dollar amounts to be increased pursuant to subsection (a) are the following:

(1) **WARTIME DISABILITY COMPENSATION.**—Each of the dollar amounts under section 1114 of title 38, United States Code.

(2) **ADDITIONAL COMPENSATION FOR DEPENDENTS.**—Each of the dollar amounts under section 1115(1) of such title.

(3) **CLOTHING ALLOWANCE.**—The dollar amount under section 1162 of such title.

(4) **DEPENDENCY AND INDEMNITY COMPENSATION TO SURVIVING SPOUSE.**—Each of the dollar amounts under subsections (a) through (d) of section 1311 of such title.

(5) **DEPENDENCY AND INDEMNITY COMPENSATION TO CHILDREN.**—Each of the dollar amounts under sections 1313(a) and 1314 of such title.

(c) **DETERMINATION OF INCREASE.**—

(1) **PERCENTAGE.**—Except as provided in paragraph (2), each dollar amount described in subsection (b) shall be increased by the same percentage as the percentage by which benefit amounts payable under title II of the Social Security Act (42 U.S.C. 401 et seq.) are increased effective December 1, 2012, as a result of a determination under section 215(i) of such Act (42 U.S.C. 415(i)).

(2) **ROUNDING.**—Each dollar amount increased under paragraph (1), if not a whole dollar amount, shall be rounded to the next lower whole dollar amount.

(d) **SPECIAL RULE.**—The Secretary of Veterans Affairs may adjust administratively, consistent with the increases made under subsection (a), the rates of disability compensation payable to persons under section 10 of Public Law 85–857 (72 Stat. 1263) who have not received compensation under chapter 11 of title 38, United States Code.

SEC. 3. PUBLICATION OF ADJUSTED RATES.

The Secretary of Veterans Affairs shall publish in the Federal Register the amounts specified in section 2(b), as increased under that section, not later than the date on which the matters specified in section 215(i)(2)(D) of the Social Security Act (42 U.S.C. 415(i)(2)(D)) are required to be published by reason of a determination made under section 215(i) of such Act during fiscal year 2013.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. MILLER) and the gentlewoman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Florida.

Mr. MILLER of Florida. Mr. Speaker, I yield myself such time as I may consume.

As chairman of the House Committee on Veterans’ Affairs, I rise in support of H.R. 4114, the Veterans’ Compensation Cost-of-Living Adjustment Act of 2012.

This critically important piece of legislation authorizes a cost-of-living increase for disabled veterans in receipt of disability compensation payments from VA, veterans clothing allowance payments, and other compensation for survivors of veterans who die as a result of their service to this country. The amount of the increase will be determined by the Consumer Price Index, which also controls the cost-of-living adjustment for Social Security beneficiaries.

I want to thank my colleague from New Jersey (Mr. RUNYAN), the chairman of the Subcommittee on Disability Assistance and Memorial Affairs, for introducing this important piece of legislation and for working with me and the ranking member to move it forward.

I want to urge all my colleagues to support H.R. 4114, and I reserve the balance of my time.

Ms. BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

I wholeheartedly support the Veterans’ Cost-of-Living Adjustment Act of 2012, H.R. 4114. While this committee does not control the amount of the COLA, it is critical that we pass the bill so that it can be put in place when the Social Security COLA is enacted. It is so important that the payments that our veterans, their families, and survivors receive keep pace with inflation and better enable them to put food on the table and a roof over their heads.

Mr. Speaker, I am pleased that last year’s veterans COLA increase was 3.6 percent for 2012 and that we can likely expect an increase for 2013. The exact figure will be tied directly to the Social Security COLA, whose beneficiaries will also see the same increase in their payments.

As it has since 1976, Congress, through the passage of the Veterans’ Cost-of-Living Adjustment Act, directs the Secretary of the Department of Veterans Affairs to increase the rates of basic compensation for disabled veterans and the rates of dependency and indemnity compensation to their survivors and dependents. This bill will benefit disabled veterans, their families, and their survivors from the World War I era through the current conflict in Iraq and Afghanistan.

Many of the over 3.5 million veterans who receive disability compensation benefits depend on these payments not only to provide for their basic needs, but for those of their spouses, children, and parents as well. Without an annual COLA increase, these veterans, their

families, and survivors will likely see the value of their hard-earned benefits slowly eroding.

Mr. Speaker, I think we would be derelict in our duties if we fail to guarantee that those who sacrifice so much for this country are able to receive benefits and service that keep pace with their needs and inflation.

□ 1620

We fund the wars; let’s fund the warriors. Let me repeat: we fund the wars; let’s fund the warriors.

I urge my colleagues to support the Veterans’ Compensation Cost-of-Living Adjustment Act of 2012, H.R. 4114, without delay.

I reserve the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, at this time I yield as much time as he might consume to the gentleman from New Jersey (Mr. RUNYAN), the subcommittee chairman of the Subcommittee on Disability Assistance and Memorial Affairs, not only the author of this particular piece of legislation, but since coming to this Congress, he has become one of the most ardent supporters of our veterans.

Mr. RUNYAN. Chairman MILLER, thank you for those kind words, and thank you for your support in helping me move this piece of legislation forward.

I rise today in support of H.R. 4114, the Veterans’ Compensation Cost-of-Living Adjustment Act of 2012.

H.R. 4114, which I introduced in February, puts veterans on equal footing with Social Security beneficiaries by increasing the amount provided to several kinds of compensation by the amount of the Social Security cost-of-living adjustment. These include disabled veterans compensation, veterans’ clothing allowance, and the DIC for veterans’ survivors.

This annual and noncontroversial bill, which has been scored by CBO as having no budgetary impact, is a critical part of ensuring that benefits for disabled veterans and their families are sufficient to meet their needs.

I am proud that the first bill I introduced in Congress last year was the veterans’ COLA bill, which gave the first cost-of-living adjustment to our veterans that they had received in several years. I am equally proud that we are doing right by our veterans by moving the COLA bill increase this year in the form of H.R. 4114.

I urge all Members to support this critical piece of legislation.

Mr. MILLER of Florida. Mr. Speaker, I reserve the balance of my time.

Ms. BROWN of Florida. Mr. Speaker, last month we were honored with the presence of over 400 Montford Point Marines in the Capitol to receive the Congressional Gold Medal. From 1942 to 1949, almost 20,000 African American Marines experienced basic training at Camp Montford Point near the New River in Jacksonville, North Carolina.

These heroes fought on two fronts, at home against discrimination, and across the sea to defend our Nation. This highest civilian award in the United States was first presented during the Revolutionary War to George Washington. It is fitting that this latest award should go to those men who, years before Jackie Robinson and Rosa Parks, joined the Marines to defend their country.

During this week when we are going to be debating the Affordable Care Act, we need to discuss a project that affects veterans health in my State of Florida. On July 1, the VA paid an additional \$500,000 to rent a portable operating room for a project that is 95 percent complete in the Miami VA Medical Center. When this renovation was first proposed, two minor projects, each costing \$10 million, were sponsored to fulfill the requirements of the project.

I visited the medical center last month and heard directly from the administrators of the facility about the project. The planners on the ground soon realized that patients could have been put at risk due to contamination of the operating rooms by the construction on the other side of the room.

Veterans health care was being put at risk, and rather than let this happen, it was decided by those who know the veterans health the best—those at the health facilities—to combine the projects into one and rent the portable operating rooms.

We need a procedure to give the Secretary the ability to correct these kinds of projects and not waste taxpayers' money. I will soon be introducing legislation to give the Secretary the help he needs to save taxpayers money.

In the last Congress, our Democratic leadership in the House and the Senate, with President Barack Obama, we were able to pass the largest increase in the veterans budget in history. We also passed advanced appropriations for the VA health care so that veterans would not be subject to the deadline that Congress seems to miss every year to pass a proper budget. It allows the VA to plan for the following year's health care needs and reassure veterans that they will be able to get the care that they need.

We also passed the caregivers law to help those who are taking care of the members of the military, funded PTSD and TBI mental health programs, homeless programs and rural health care in the veterans homes. It is the least we can do for those who have given so much to protect our freedom. We did not just talk the talk but walked the walk.

And since we're discussing repeal of the health care law tomorrow, I would like to briefly discuss how, in fact, the Affordable Care Act benefits our Nation's veterans and all Americans. Al-

though not a perfect bill—and no bill is since there are many compromises made—this is a perfect start, and attempting to obtain universal health care has been a primary goal of every single President and Congress since the days of Franklin Delano Roosevelt, who had fought for quality, accessible health care insurance reform for all Americans. And now, 75 years later, after the Supreme Court ruling just over a week ago, our Nation has finally attained that goal.

Millions of Americans have already come to rely on the wide-ranging and lifesaving benefits of the Affordable Care Act.

And let me just say, I keep hearing ObamaCare. Let me just be clear. Obama cares for the American health care.

Before Congress passed the Affordable Care Act, nearly one in five citizens in the wealthiest country in the world had little or no hope of affordable insurance and access to regular health care. When fully implemented, the Affordable Care Act will cover an additional 30 million Americans and 3.8 million African Americans who otherwise would remain uninsured.

Already under the Affordable Health Care Act, 17 million children with pre-existing conditions can no longer be denied coverage; 105 million Americans no longer have a lifetime limit on their coverage; 32.5 million seniors received free preventive service in 2011; 54 million Americans in private plans have received free preventive services; 6.6 million young adults up to the age of 26 have obtained insurance through their parents' plan; and 5.2 million seniors and disabled people save an average of \$704 each on their prescription drugs; 360,000 small businesses received tax credits to help them afford coverage for 2 million workers; 13 million families will receive insurance premium rebates averaging \$151 in 2012.

However, instead of debating a health care repeal, we should be debating a construction reauthorization bill to deal with the waste of taxpayer dollars, like I indicated in Miami—\$500,000 this month for a portable operating room.

In closing, let's get to work.

I yield back the balance of my time.

Mr. MILLER of Florida. Mr. Speaker, I think it's rather interesting that my colleague would talk about the supposed great things that are in the ObamaCare bill and not talk about how it's going to be paid for—in fact, the largest tax increase on the American people that this Congress has ever placed on their backs.

They would make you believe that it was all free, but it's not. It's going to cost somebody, and that's going to be the American citizens.

□ 1630

I also want to talk about the Miami project very quickly. I had to go down

and actually visit and then pressure the VA Secretary to make sure that the director of the Miami Medical Center left her job because she was not doing what she was supposed to do. In fact, this was, in a way, a skirting of the rules and of the laws by splitting a project into two, thus costing the taxpayers of the United States considerably more money, including the cost of the rental of the trailers that are being used as temporary operating rooms.

We continue to wait for the Department of Veterans Affairs to actually make an official request for us to come forward and take care of this problem that exists in Miami, specifically because of, I think, poor administrative oversight not only at the administrative level in Miami but with the VISN Director in VISN 8 as well.

GENERAL LEAVE

Mr. MILLER of Florida. Mr. Speaker, at this point, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and to include any extraneous materials that they may have on H.R. 4114.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. MILLER of Florida. Mr. Speaker, the Senate itself hasn't been able to pass a budget for almost 4 years, and they cannot pass an appropriations bill on time, so I do support the advanced appropriation that this House supported and that ultimately was signed into law. With that, I encourage all Members to support H.R. 4114.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. MILLER) that the House suspend the rules and pass the bill, H.R. 4114.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ELECTRONIC FUND TRANSFER ACT AMENDMENT

Mr. LUETKEMEYER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4367) to amend the Electronic Fund Transfer Act to limit the fee disclosure requirement for an automatic teller machine to the screen of that machine.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4367

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FEE DISCLOSURE REQUIREMENT.

Section 904(d)(3)(B) of the Consumer Credit Protection Act (15 U.S.C. 1693b(d)(3)(B)) (commonly known as the "Electronic Fund Transfer Act") is amended—

(1) by striking "REQUIREMENTS." and all that follows through "The notice required under clauses (i) and (ii)" and inserting "REQUIREMENT.—The notice required under clauses (i) and (ii)" after "NOTICE"; and

(2) by striking "., except that during the period beginning" and all that follows and inserting a period.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Missouri (Mr. LUETKEMEYER) and the gentleman from Georgia (Mr. DAVID SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Missouri.

GENERAL LEAVE

Mr. LUETKEMEYER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and to add extraneous material to this bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

Mr. LUETKEMEYER. Mr. Speaker, I yield myself such time as I may consume.

Today, we are considering one of the most commonsense bills seen in some time. This bill provides a real solution to a real problem that is impacting banks, credit unions, and merchants nationwide.

Regulation E currently mandates that ATM fee disclosures appear both in physical placard or in sticker form on the machines as well as through an on-screen electronic notification. Unfortunately, some individuals have seen the potential to make a quick buck off a frivolous claim and have begun to remove stickers from ATMs across the country, thereby placing financial institutions and merchants out of compliance. This is exactly what has happened to some small financial institutions in my district and throughout Missouri. Someone was traveling through the State, removing stickers from ATM machines, and then was offering to settle with the banks for several thousands of dollars per machine or the banks would face lawsuits.

The premise of this bill is simple: to eliminate an outdated and unnecessary regulatory burden facing merchants and financial institutions while continuing to ensure consumer protections for all ATM users through required on-screen fee disclosures.

It is important to recognize that the Consumer Financial Protection Bureau has also expressed interest in eliminating this duplicative fee disclosure requirement. In December of 2011, the CFPB asked the public to comment on the elimination of this requirement. However, during the public comment period, the CFPB admitted that it may not be able to remove the duplicative disclosure requirement and that it would be up to Congress to take action.

Today, Mr. Speaker, it is time for us to take action.

H.R. 4367 is supported by the National Association of Federal Credit

Unions, the Credit Union National Association, the American Bankers Association, the Independent Community Bankers of America, the United States Chamber of Commerce, the Electronic Funds Transfer Association, the Consumer Bankers Association, The Clearing House, the Food Marketing Institute, the Financial Services Roundtable, the National Association of Convenience Stores, the American Gaming Association, and the ATM Industry Association as well.

This legislation has broad bipartisan support from its 145 cosponsors. Among them is the gentleman from Georgia (Mr. SCOTT), who has been a great partner on this initiative, and I thank him for his efforts.

Again, I want to remind my colleagues that this bill does not in any way alter the mandate for on-screen fee disclosures, meaning that customers will have a clear understanding of what they will be charged before they complete their ATM transactions.

It is time to put an end to these frivolous lawsuits. I thank my colleagues for the sponsorship of this legislation, and I ask all Members to support this bill today.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, I yield myself such time as I may consume.

First of all, let me say that this is very much bipartisan legislation in that it has been sponsored by both Democrats and Republicans. I am very, very pleased to have as an original cosponsor on this and to have worked very closely with Mr. LUETKEMEYER, who has done an admirable job in providing leadership on a much, much needed piece of legislation, which is H.R. 4367. As I said, I am proud to be an integral part of moving forward a very timely, reasonable, and vital piece of legislation.

Let me just say at the outset, Mr. Speaker, that our banking system, our retail system, our credit unions all sit at the center—at the epicenter—of this Nation's great economic system, which is facing tremendous challenges. As Mr. LUETKEMEYER said, we are faced with people who are basically scam artists, those who will go in and remove the labeling off the ATM machines, knowing that the penalty is upwards of one half a million dollars, and then will try to bring class action lawsuits against these financial institutions in very tough economic times. So this legislation has been developed to address this and to fix this so that our banking industry and our financial services industry will not have this threat over them.

What it would do is repeal the requirement for both a physical placard as well as an electronic notice disclosing the transaction fees on the ATM screens. Currently, as it works

now, if an ATM machine does not display a physical placard, a financial institution—a bank, a credit union or our retailers—can be subject to a class action lawsuit, which would potentially amount to, as I said, one half a million dollars, or 1 percent of its net worth. This penalty has the potential of prompting bogus lawsuits against financial institutions simply due to a lack of the physical placard, even when the electronic notice is shown to a customer, perhaps because the placard was removed by a third party. So you can see that this is not fair for these institutions to be faced with up to a half million dollars in penalty fees, especially in these tough economic times. At the same time, many of these institutions continue to struggle to maintain standard operations while being faced with our current economic climate.

□ 1640

Mr. Speaker, let me just talk about that for a moment because there have been 31 bank failures in this country this year alone. About 3 weeks ago, three banks shut their doors, including the Security Exchange Bank in Marietta, Cobb County, Georgia, which is located in my district. As a matter of fact, in Georgia alone, 78 banks have closed their doors since our crisis began.

Georgia leads the Nation, unfortunately, in bank closures. That's why I am so particularly concerned about it and so pleased to have this measure pass, because this sensible legislation that we consider today would remove the threat of legal action against financial institutions—a bank or a credit union—simply for the lack of the physical placard at one of its ATM machines.

Passage of this bill, as Mr. LUETKEMEYER pointed out, will still provide the consumer with the protections that they need because a notice informing them of any fees will still be required upon the start of a transaction on the ATM screen. In addition, consumers will still be able to benefit from the convenience that the estimated 445,000 ATMs in operation in this country provide.

I'm very proud to have worked on this bill. It's very timely. It's very important for our economy that we move with this bill. The bill certainly deserves the strong bipartisan support that we have, and it's been a pleasure to work with Mr. LUETKEMEYER on it. I urge my colleagues to support this measure today.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. LUETKEMEYER. Mr. Speaker, it is now my distinct honor to yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS) to speak on the bill, our distinguished chairman on the Financial Services Committee.

Mr. BACHUS. Mr. Speaker, I came here to compliment the two gentlemen who have spoken on this bill, who are the cosponsors of a bipartisan bill.

When I first heard about this legislation, I thought, like most legislation this year, it won't go anywhere. I thought it may pass the House, but it may not pass the Senate. I understand that with this particular legislation, that our Senate colleagues are waiting for it and they're ready to act upon it.

Mr. SCOTT brought up, I think, a salient point when he said that we're having many banks and credit unions who are struggling, because when people don't have jobs, they can't pay back their loans. Our banks and credit unions are trying to cope with the added expense of more regulation. Particularly at a time like that, but at any time, for people to take advantage of a statute that is intended to protect the American people is really audacity and greed in its purest sense.

I'm an attorney, and I can tell you that 999 out of 1,000 attorneys or former attorneys would absolutely be enraged to find that very few of their colleagues are taking advantage of Regulation E and the Electronic Fund Transfer Act to sue these institutions on lawsuits that are totally against the public interest, and particularly are against the interests of those living in low-income areas and high-crime areas. The people in those areas are coping with so much that to add to that, having an ATM machine removed from that location or from a low-income area, just adds another expense for people who have very little means of financing their life today. That's what's happening.

Either the vandals themselves are going and vandalizing the sticker that we've all seen—we've all used an ATM. We've all seen the sticker there. We probably didn't notice the sticker there because what really caught our attention is when we get on the screen and we see that same notice, but that notice actually on the screen requires us to affirmatively say "yes," we will agree to it. So people today probably don't even notice that sticker. The few people who noticed that sticker and took advantage of it were people that were up to no good, people that were willing to bring what some of us would call a "frivolous lawsuit."

These lawsuits can ask for a half million dollars worth of damages. And because it is actually a statutory failure to have it, these lawsuits sometimes result in a \$100,000 or \$200,000 judgment. They're also resulting in these ATMs not being located in areas that are subject to vandalism. Of course, almost any area could be subject to it, but we've penalized those Americans who are least able to afford to travel a greater distance for the convenience of an ATM machine.

As Mr. LUETKEMEYER and Mr. SCOTT said, people come up; they scrape it off.

Some of these appear to be well-organized efforts by the very people that bring the lawsuit to go out and do these in an organized manner among hundreds of machines. They then come in and file a class action.

Mr. LUETKEMEYER, at one time, was a banker in a small Missouri community. And in most cases, particularly a small credit union or a community bank or a local bank, they can't afford to battle these for \$50,000 or \$100,000—it actually may be a big law firm bringing these lawsuits—so they settle them for \$50,000. This will put an end to that.

Let me tell you, no one on the Financial Services Committee expressed any doubt about this legislation. I don't think anyone would, other than those people who are complicit in vandalizing these machines and making money on what we sometimes called "unintended consequences." I tell you, it certainly was unintended. If we had, in our imagination, sat down for days and said what is the worst thing that could happen by requiring us to put a sticker on as well as electronic notice, we would have never come up with this. We would have never come up with the ingenuity of some people to take advantage of the law. But that's what's happened here.

Today, I think, unanimously, hopefully, we're going to shut the door on this practice and send this bill over to the Senate, particularly for areas where there is high vandalism in our rural communities. We're going to set a wrong right.

Let me say that this is a model for how this Congress ought to operate, of coming together, having a consensus, coming up with good, commonsense legislation that benefits the public and reduces unnecessary costs and puts what I consider and I think is criminal behavior out of business. We're going to put some criminals out of business with this legislation.

Mr. LUETKEMEYER, Mr. SCOTT, and all Members who are cosponsoring this bill, I commend each and every one of you.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, in closing I certainly would just like to say how important this legislation is.

As the chairman of our Financial Services Committee, Chairman BACHUS, just stated, these are sophisticated individuals. These are people who know the system. That's why I refer to them as scam artists.

This is a racket, and it's a racket that we need to put out of business that's causing tremendous headaches, tremendous difficulties for the heart of our fine economic system, which is our banking system, our commercial system. This will go a long way in helping to take away a very superfluous but serious enough threat.

The other thing about this that's very fine is we hear a great cry among

the American people for great bipartisanship. Here's a great example of Democrats and Republicans working together for the good of the United States of America.

Thank you very much for working with me on this, and I appreciate having an opportunity to work with you.

And since I have no other speakers, I yield back the balance of my time.

□ 1650

Mr. LUETKEMEYER. Mr. Speaker, again, I want to thank Mr. SCOTT from Georgia for helping this bill along. As he articulated, Georgia has had an inordinate number of banks this past year, 2 or 3 years, that have suffered and have gone out of business.

This is just another situation here where this bill may not be a very big bill in the light of things, but it certainly is going to relieve some stress on some of our institutions, also some exposure for some of our merchants. I think, as our distinguished chairman articulated, it's time to put some of these folks out of business as well.

I have had, unfortunately, some of these things go on in my district, and this is how it was brought to my attention. But I think we have come together as a group, and we had a great meeting the other day in Financial Services and had strong bipartisan support. We have the support in the Senate.

With that, I will close and ask for the support of the body.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. LUETKEMEYER) that the House suspend the rules and pass the bill, H.R. 4367.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DAVID SCOTT of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

HYDROPOWER REGULATORY EFFICIENCY ACT OF 2012

Mrs. McMORRIS RODGERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5892) to improve hydropower, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5892

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Hydropower Regulatory Efficiency Act of 2012".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Promoting small hydroelectric power projects.
- Sec. 4. Promoting conduit hydropower projects.
- Sec. 5. FERC authority to extend preliminary permit periods.
- Sec. 6. Promoting hydropower development at nonpowered dams and closed loop pumped storage projects.
- Sec. 7. DOE study of pumped storage and potential hydropower from conduits.

SEC. 2. FINDINGS.

Congress finds that—

(1) the hydropower industry currently employs approximately 300,000 workers across the United States;

(2) hydropower is the largest source of clean, renewable electricity in the United States;

(3) as of the date of enactment of this Act, hydropower resources, including pumped storage facilities, provide—

(A) nearly 7 percent of the electricity generated in the United States; and

(B) approximately 100,000 megawatts of electric capacity in the United States;

(4) only 3 percent of the 80,000 dams in the United States generate electricity, so there is substantial potential for adding hydropower generation to nonpowered dams; and

(5) according to one study, by utilizing currently untapped resources, the United States could add approximately 60,000 megawatts of new hydropower capacity by 2025, which could create 700,000 new jobs over the next 13 years.

SEC. 3. PROMOTING SMALL HYDROELECTRIC POWER PROJECTS.

Subsection (d) of section 405 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705) is amended by striking “5,000” and inserting “10,000”.

SEC. 4. PROMOTING CONDUIT HYDROPOWER PROJECTS.

(a) APPLICABILITY OF, AND EXEMPTION FROM, LICENSING REQUIREMENTS.—Section 30 of the Federal Power Act (16 U.S.C. 823a) is amended—

(1) by striking subsections (a) and (b) and inserting the following:

“(a)(1) A qualifying conduit hydropower facility shall not be required to be licensed under this part.

“(2)(A) Any person, State, or municipality proposing to construct a qualifying conduit hydropower facility shall file with the Commission a notice of intent to construct such facility. The notice shall include sufficient information to demonstrate that the facility meets the qualifying criteria.

“(B) Not later than 15 days after receipt of a notice of intent filed under subparagraph (A), the Commission shall—

“(i) make an initial determination as to whether the facility meets the qualifying criteria; and

“(ii) if the Commission makes an initial determination, pursuant to clause (i), that the facility meets the qualifying criteria, publish public notice of the notice of intent filed under subparagraph (A).

“(C) If, not later than 45 days after the date of publication of the public notice described in subparagraph (B)(ii)—

“(i) an entity contests whether the facility meets the qualifying criteria, the Commission shall promptly issue a written determination as to whether the facility meets such criteria; or

“(ii) no entity contests whether the facility meets the qualifying criteria, the facility shall be deemed to meet such criteria.

“(3) For purposes of this section:

“(A) The term ‘conduit’ means any tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.

“(B) The term ‘qualifying conduit hydropower facility’ means a facility (not including any dam or other impoundment) that is determined or deemed under paragraph (2)(C) to meet the qualifying criteria.

“(C) The term ‘qualifying criteria’ means, with respect to a facility—

“(i) the facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit;

“(ii) the facility has an installed capacity that does not exceed 5 megawatts; and

“(iii) on or before the date of enactment of the Hydropower Regulatory Efficiency Act of 2012, the facility is not licensed under, or exempted from the license requirements contained in, this part.

“(b) Subject to subsection (c), the Commission may grant an exemption in whole or in part from the requirements of this part, including any license requirements contained in this part, to any facility (not including any dam or other impoundment) constructed, operated, or maintained for the generation of electric power which the Commission determines, by rule or order—

“(1) utilizes for such generation only the hydroelectric potential of a conduit; and

“(2) has an installed capacity that does not exceed 40 megawatts.”.

(2) in subsection (c), by striking “subsection (a)” and inserting “subsection (b)”;

(3) in subsection (d), by striking “subsection (a)” and inserting “subsection (b)”.

(b) CONFORMING AMENDMENT.—Subsection (d) of section 405 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2705), as amended, is further amended by striking “subsection (a) of such section 30” and inserting “subsection (b) of such section 30”.

SEC. 5. FERC AUTHORITY TO EXTEND PRELIMINARY PERMIT PERIODS.

Section 5 of the Federal Power Act (16 U.S.C. 798) is amended—

(1) by designating the first, second, and third sentences as subsections (a), (c), and (d), respectively; and

(2) by inserting after subsection (a) (as so designated) the following:

“(b) The Commission may extend the period of a preliminary permit once for not more than 2 additional years beyond the 3 years permitted by subsection (a) if the Commission finds that the permittee has carried out activities under such permit in good faith and with reasonable diligence.”.

SEC. 6. PROMOTING HYDROPOWER DEVELOPMENT AT NONPOWERED DAMS AND CLOSED LOOP PUMPED STORAGE PROJECTS.

(a) IN GENERAL.—To improve the regulatory process and reduce delays and costs for hydropower development at nonpowered dams and closed loop pumped storage projects, the Federal Energy Regulatory Commission (referred to in this section as the “Commission”) shall investigate the feasibility of the issuance of a license for hydropower development at nonpowered dams and closed loop pumped storage projects in a 2-

year period (referred to in this section as a “2-year process”). Such a 2-year process shall include any prefilings licensing process of the Commission.

(b) WORKSHOPS AND PILOTS.—The Commission shall—

(1) not later than 60 days after the date of enactment of this Act, hold an initial workshop to solicit public comment and recommendations on how to implement a 2-year process;

(2) develop criteria for identifying projects featuring hydropower development at nonpowered dams and closed loop pumped storage projects that may be appropriate for licensing within a 2-year process;

(3) not later than 180 days after the date of enactment of this Act, develop and implement pilot projects to test a 2-year process, if practicable; and

(4) not later than 3 years after the date of implementation of the final pilot project testing a 2-year process, hold a final workshop to solicit public comment on the effectiveness of each tested 2-year process.

(c) MEMORANDUM OF UNDERSTANDING.—The Commission shall, to the extent practicable, enter into a memorandum of understanding with any applicable Federal or State agency to implement a pilot project described in subsection (b).

(d) REPORTS.—

(1) PILOT PROJECTS NOT IMPLEMENTED.—If the Commission determines that no pilot project described in subsection (b) is practicable because no 2-year process is practicable, not later than 240 days after the date of enactment of this Act, the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that—

(A) describes the public comments received as part of the initial workshop held under subsection (b)(1); and

(B) identifies the process, legal, environmental, economic, and other issues that justify the determination of the Commission that no 2-year process is practicable, with recommendations on how Congress may address or remedy the identified issues.

(2) PILOT PROJECTS IMPLEMENTED.—If the Commission develops and implements pilot projects involving a 2-year process, not later than 60 days after the date of completion of the final workshop held under subsection (b)(4), the Commission shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that—

(A) describes the outcomes of the pilot projects;

(B) describes the public comments from the final workshop on the effectiveness of each tested 2-year process; and

(C)(i) outlines how the Commission will adopt policies under existing law (including regulations) that result in a 2-year process for appropriate projects;

(ii) outlines how the Commission will issue new regulations to adopt a 2-year process for appropriate projects; or

(iii) identifies the process, legal, environmental, economic, and other issues that justify a determination of the Commission that no 2-year process is practicable, with recommendations on how Congress may address or remedy the identified issues.

SEC. 7. DOE STUDY OF PUMPED STORAGE AND POTENTIAL HYDROPOWER FROM CONDUITS.

(a) IN GENERAL.—The Secretary of Energy shall conduct a study—

(1)(A) of the technical flexibility that existing pumped storage facilities can provide to support intermittent renewable electric energy generation, including the potential for such existing facilities to be upgraded or retrofitted with advanced commercially available technology; and

(B) of the technical potential of existing pumped storage facilities and new advanced pumped storage facilities, to provide grid reliability benefits; and

(2)(A) to identify the range of opportunities for hydropower that may be obtained from conduits (as defined by the Secretary) in the United States; and

(B) through case studies, to assess amounts of potential energy generation from such conduit hydropower projects.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary of Energy shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report that describes the results of the study conducted under subsection (a), including any recommendations.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Washington (Mrs. McMORRIS RODGERS) and the gentlewoman from Colorado (Ms. DEGETTE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Washington.

GENERAL LEAVE

Mrs. McMORRIS RODGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 5892.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Washington?

There was no objection.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 5892, the Hydropower Regulatory Efficiency Act of 2012, which I introduced, along with my good friend from Colorado, Representative DIANA DEGETTE.

To see the potential and the benefits of hydropower, all we have to do is look at my home State of Washington, which gets over 75 percent of its power from clean, reliable hydropower and has some of the Nation's lowest electricity rates.

The Columbia and Snake River dams in eastern Washington, through irrigation, transformed a dry, barren desert with sagebrush to one of the most productive agriculture regions in the world. The low cost of hydropower brought high-tech companies like Google and Yahoo to relocate their servers there. Manufacturing facilities like BMW have now opened plants in Moses Lake, and the significant transportation benefits hydropower infrastructure provides to our Nation's barging are all as a result of hydropower.

Yet, notwithstanding all of these benefits, the regulatory approval proc-

ess for hydropower development, especially for smaller projects, can be unnecessarily slow, costly, and cumbersome. That's why I authored, and I urge my colleagues to support, H.R. 5892, which reforms and streamlines the hydropower permitting and regulatory process for small hydropower and conduit projects, reducing the burdens impeding development and getting low-cost electricity to communities faster.

Mr. Speaker, few would disagree that we as a Nation need to become more energy independent. Along with Members on both sides of the aisle, I support an all-of-the-above energy strategy. The Department of Energy has also a goal of doubling the amount of hydropower produced in the United States, which a recent National Hydropower Association study revealed could be accomplished without building a single new dam by simply investing in new technologies and turbines. Mr. Speaker, the benefits and the overwhelming potential is why I urge the President to include hydropower in his all-of-the-above energy strategy.

As part of an all-of-the-above strategy, we need to domestically produce more oil, coal, natural gas, and renewable energies like hydropower. According to the Energy Information Administration, currently 75 percent of all renewable energy produced in the United States is hydropower. However, that only accounts for 7 percent of the total electricity nationwide, and we've hardly scratched the surface of hydropower's potential. By utilizing currently untapped resources, the United States could add approximately 60,000 megawatts of new hydropower by 2025.

Furthermore, with job growth still at a sluggish pace and far too many Americans out of work, we should be looking at every opportunity to put Americans back to work. Increased hydropower development will do just that, with the potential to create up to 700,000 jobs over the next decade. Unleashing American ingenuity to increase hydropower production will lower energy costs and help create thousands of jobs.

Mr. Speaker, I urge all my colleagues to support American energy and support H.R. 5892.

I reserve the balance of my time.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
May 29, 2012.

Hon. BARACK OBAMA,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As we continue to advance policies that will reduce America's dependency on foreign energy under the "all-of-the-above" mantra, I respectfully urge you to consider our nation's largest, cleanest, and most inexpensive renewable energy source—hydroelectric power.

According to your Department of Energy, approximately only seven percent of our nation's total electricity and nearly seventy-

five percent of all renewable energy comes from hydropower. Hydropower's undeveloped potential is nearly exponential. Currently, only three percent of the 84,000 dams in the United States produce hydropower and hydropower production could double without building a single new dam. Not to mention the commonsense regulatory reforms that can be made to reduce the regulatory burden constraining hydropower production. The first and foremost beneficiary of increasing the development of this clean renewable energy source will be consumers with lower utility bills.

While I applaud your decision to embrace an "all-of-the-above" energy approach, I am disappointed your "all-of-the-above" approach does not include hydropower. According to your campaign website, the United States' leading renewable energy source does not play a role in our nation's energy future. With the potential and benefits of hydropower in mind, I respectfully urge you to reevaluate and include hydropower in your "all-of-the-above" approach to energy independence.

Sincerely,

CATHY McMORRIS RODGERS.

NATIONAL HYDROPOWER ASSOCIATION,
Washington, DC, July 9, 2012.

Hon. CATHY McMORRIS RODGERS,
Washington, DC.

Hon. DIANA DEGETTE,
Washington, DC.

DEAR REPRESENTATIVE McMORRIS RODGERS AND REPRESENTATIVE DEGETTE: On behalf of the National Hydropower Association (NHA) I want to extend our appreciation for your leadership on hydropower issues and recognize your tremendous work on H.R. 5892, the Hydropower Regulatory Efficiency Act of 2012.

NHA fully supports the legislation, which provides common-sense improvements to the development process for small hydropower and conduit projects while also seeking solutions to unlock new generation at existing non-powered dam infrastructure and closed-loop pumped storage facilities.

Hydropower is an integral part of America's energy portfolio. The adoption of smart, targeted policies, such as H.R. 5892, allows our nation to tap new hydropower resources to meet future energy needs.

Once again, we commend your work to increase affordable, reliable, and renewable hydropower deployment and for crafting a bill that has garnered broad bipartisan support as well as the endorsement of both the industry and the environmental community.

Sincerely,

LINDA CHURCH CIOCCI,
Executive Director.

HYDROVOLTS,
June 19, 2012.

Hon. CATHY McMORRIS RODGERS,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE McMORRIS RODGERS: We are writing to express our support for H.R. 5892, the "Hydropower Regulatory Efficiency Act of 2012."

Hydrovolts, headquartered in Seattle, Washington, is a manufacturer of portable hydropower turbines that harvest hydrokinetic energy from water channels. Primarily working with irrigation districts, water treatment plants and other water system operators who can purchase multiple turbines, we are working to help revolutionize renewable in-stream hydropower generation and make it cost-effective for the

USA and for an untapped global export market. Deployed in the huge water supply canals that now cross the continents, these turbines have no environmental impact and can be mass-produced like cars, creating good manufacturing jobs. Hydrovolts' ingenious design and business plan have won awards from cleantech venture contests and investments from individuals and corporations. Please see the online video about Hydrovolts at www.youtube.com/watch?v=gbh6K5Lvrj0.

By taking advantage of the regulatory scheme created in H.R. 5892 that allows for the rapid deployment of small hydropower technology, Hydrovolts will be able to affordably harness the hydrokinetic energy flowing through thousands of miles of canals. Hydrovolts has already built and installed turbines that are scalable, portable, low cost and easy to install. They will create clean energy that is accessible and affordable in potentially millions of sites.

H.R. 5892 will directly and dramatically help our company grow and succeed, by removing regulatory barriers that are unreasonably imposed on this untapped hydropower resource. We will get many more customers and hire more people because of this legislation. It will help launch an entirely new clean energy source for America—canal power—as well as removing a major regulatory barrier to many existing proposed hydropower projects. This is an example of pursuing an “all of the above” energy security objective from a new perspective of distributed hydropower that supports manufacturing and agriculture. Above all, Hydrovolts supports this legislation because it is an important step towards the goal of expanding hydropower production.

Founded in April of 2007, Hydrovolts has proven that it is a strong small business with large potential. To date, our most notable achievements are:

Performance design and function validated at University of Washington, USGS lab, US Navy

Successful demonstration project in Washington's Roza Irrigation District

Signed first-ever licensing agreement for demonstration in Federal canals with USBR

Winner of three national contests for cleantech business plans

Raised \$3 million from private investors and grown to 14 employees, without receiving any government subsidies or grants.

On June 19th, we met with Shaughnessy Murphy on your staff to discuss this important legislation and we look forward to continue working with you on this important legislation. The leadership you have demonstrated on the issue of renewable energy is appreciated. If there are opportunities for entrepreneurs to testify to Congress in support of H.R. 5892, we will be happy to come to Washington DC to speak up. Please don't hesitate to reach out for this.

Should you have any additional questions or wish to reach me, please feel free to contact me at 206.658-4380 or burt@hydrovolts.com.

Sincerely,

BURT HAMNER,
CEO, Hydrovolts, Inc.

PUBLIC UTILITY DISTRICT No. 1
OF CHELAN COUNTY,
Wenatchee, WA, July 5, 2012.

Hon. CATHY McMORRIS RODGERS,
Washington, DC.

DEAR REPRESENTATIVE McMORRIS RODGERS: On behalf of Chelan County PUD, I would like to thank you for sponsoring H.R.

5892, the Hydropower Regulatory Efficiency Act of 2012. Your leadership in recognizing the importance of hydropower's renewable character and economic contributions is very much appreciated. As a large hydropower generator in north central Washington State, Chelan PUD and our customers benefit significantly from this clean source of electric generation. We believe hydropower is a critical and under-appreciated resource in our nation's electric generation mix.

We are encouraged that H.R. 5892 will help facilitate hydropower development by addressing regulatory barriers for small hydropower and conduit hydropower, projects at non-powered dams, and closed loop pumped storage. These efforts are an important step in increasing generation from renewable hydropower and better-utilizing existing infrastructure. We also agree that studying the potential for pumped storage to support integration of intermittent renewable generation will be helpful as the Northwest and other regions work to integrate increasing amounts of wind into the electric grid.

Overall, we are hopeful that your legislative efforts will bring needed recognition and appreciation for the contributions of hydropower to our nation's electric generation mix. We thank you for your hard work and dedication to this issue.

Sincerely,

JOHN JANNEY,
General Manager.

GRANT COUNTY, Public Utility District, Excellence in Service and Leadership,
Ephrata, Washington, July 5, 2012.

Hon. CATHY McMORRIS RODGERS,
House of Representatives,
Washington, DC.

DEAR CONGRESSWOMAN McMORRIS RODGERS: Grant County Public Utility District (Grant PUD) applauds your extraordinary leadership in Congress to increase our nation's renewable hydropower capacity and expand American jobs and economic opportunities throughout the United States.

Grant PUD strongly supports your bi-partisan legislation—H.R. 5892, the Hydropower Regulatory Efficiency Act of 2012. We are pleased that this bi-partisan bill, introduced by yourself and Rep. Diana DeGette (D-CO), is scheduled for passage by the U.S. House of Representatives on July 9, 2012. Grant PUD believes it will foster significant growth of sustainable hydropower development that will strengthen our domestic economy, environment and renewable energy supplies.

We also commend the many additional cosponsors of this legislation, which include:

Rep. John Dingell (D-MI)
Rep. Cory Gardner (R-CO)
Rep. Robert Latta (R-OH)
Rep. Ben Lujan (D-NM)
Rep. Ed Markey (D-MA)
Rep. Jim Matheson (D-UT)
Rep. Todd Platts (R-PA)
Rep. Lamar Smith (R-TX)
Rep. Lee Terry (R-NE)
Rep. Greg Walden (R-OR)

Hydropower is a reliable, available, affordable and renewable energy resource. H.R. 5892 reminds us that hydropower has much more to offer and must play a key role in any “all-of-the-above” energy strategy. Think about this one statistic: Of the 80,000 dams across the United States, just three percent (3%) are utilized to generate hydroelectricity. Just three percent! This legislation puts America on a path to tap this available infrastructure, support our environment and employ hundreds of thousands of American workers.

According to the Department of Energy, 12,000 megawatts (MW) of new hydropower capacity could be developed at existing dams that currently do not generate electricity. This would increase U.S. hydropower capacity by 15 percent without building any new dams. That is enough energy to serve 4.5 million residential customers.

Grant PUD strongly supports the Hydropower Regulatory Efficiency Act of 2012, which also enjoys broad public support from American Rivers to the National Hydropower Association.

We appreciate your leadership on national energy issues and stand ready to assist you and the bill's numerous co-sponsors in promoting hydropower as a reliable, available, affordable and sustainable source of renewable electricity that will protect our environment and expand American job opportunities.

Sincerely,

ANDREW D. MUNRO,
Grant PUD—Director,
Customer Service Division, and Past President, National Hydropower Association.

Ms. DEGETTE. Mr. Speaker, I yield myself such time as I may consume.

I'm proud to stand here today with my Western colleague, Mrs. McMORRIS RODGERS, to speak in support of the Hydropower Regulatory Efficiency Act, H.R. 5892. Both of us realize how important hydropower is towards our country and towards energy independence. It's the largest source of renewable energy in America today, but, as Mrs. McMORRIS RODGERS said, it's only 3 percent of our Nation's dams that are producing this power.

The Hydropower Regulatory Efficiency Act will enable increased electricity production from clean domestic energy sources by removing roadblocks to new hydropower projects. This legislation will create smarter and more efficient permitting processes for hydropower projects across the Nation by easing the licensing requirements for small hydroelectric projects.

In particular, the bill will allow the Federal Energy Regulatory Commission to extend preliminary permits for those projects that had been conducted responsibly and to expand the number of hydropower projects that are exempt from FERC licensing requirements. The bill also directs FERC and the Secretary of Energy to perform studies that will reveal new potential for hydropower production and to increase grid reliability. This legislation will promote growth in our hydropower industry and it will create new jobs.

Since my colleague, Mrs. McMORRIS RODGERS, and I began crafting this bill in December of last year, it has advanced with strong bipartisan support every step of the way. This is a testament both to the substance of the bill and to the spirit of everybody who contributed to the process. Members, staff, and stakeholders negotiated constructively and openly to produce this legislation. It's important for us to realize

that even in these politically charged times, such collaboration is possible and necessary for us to fulfill our commitment to the American public.

I want to thank my colleague across the aisle for her hard work on this bill, and I also want to acknowledge Ranking Member WAXMAN and Chairman UPTON on the Energy and Commerce Committee for their support throughout the process.

H.R. 5892 will expand our potential to advance clean energy production and create jobs. I urge all Members to vote for this bill.

Mr. Speaker, I yield back the balance of my time.

Mrs. McMORRIS RODGERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Washington (Mrs. McMORRIS RODGERS) that the House suspend the rules and pass the bill, H.R. 5892.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. DEGETTE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 p.m.), the House stood in recess.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DANIEL E. LUNGREN of California) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order: H.R. 4155; H.R. 4367; and H.R. 5892, in each case by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

VETERAN SKILLS TO JOBS ACT

The SPEAKER pro tempore. The unfinished business is the vote on the mo-

tion to suspend the rules and pass the bill (H.R. 4155) to direct the head of each Federal department and agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. CHAFETZ) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 369, nays 0, not voting 62, as follows:

[Roll No. 452]

YEAS—369

Ackerman
Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Andrews
Baca
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Berg
Berkley
Berman
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chabot
Chaffetz
Chu
Cicilline
Clarke (MI)
Clay
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)

Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeFazio
DeGette
DeLauro
Denham
Dent
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellmers
Emerson
Engel
Eshoo
Farr
Fattah
Fincher
Fitzpatrick
Fleming
Flores
Forbes
Fortenberry
Foxo
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gohmert
Gonzalez
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa

Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Israel
Issa
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (GA)
LoBiondo
Loebach
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.

Mack
Maloney
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaull
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore
Moran
Mulvaney
Murphy (PA)
Nadler
Napolitano
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olver
Owens
Palazzo
Pallone
Pastor (AZ)
Paulsen
Pearce
Pelosi
Perlmutter
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis

Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Robby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuster

Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Stearns
Stivers
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Wilson (FL)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (FL)
Young (IN)

NOT VOTING—62

Akin
Austria
Benishke
Bonner
Brooks
Butterfield
Campbell
Cardoza
Carter
Cassidy
Chandler
Clarke (NY)
Cleaver
Coble
Conyers
Culberson
DesJarlais
Deutch
Diaz-Balart
Ellison
Farenthold
Filner
Flake
Fleischmann
Frank (MA)
Gingrey (GA)
Gosar
Green, Al
Gutierrez
Hirono
Jackson (IL)
Jackson Lee
(TX)
Johnson (IL)
Landry
Lee (CA)
Lewis (CA)
Lipinski
Lynch
Manzullo
Meeks
Miller, George
Murphy (CT)
Myrick
Neal
Olson
Pascarell
Paul
Pence
Peters
Rohrabacher
Ruppersberger
Rush
Ryan (WI)
Schmidt
Schock
Scott (VA)
Shuler
Simpson
Stutzman
Whitfield
Wilson (SC)
Young (AK)

□ 1855

Mr. McDERMOTT, Ms. WOOLSEY, and Mr. ALTMIRE changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. LYNCH. Mr. Speaker, on rollcall vote 452, the vote for H.R. 4155, the Veteran Skills to Job Act, had I been able to vote, I would have voted "aye."

Mr. FILNER. Mr. Speaker, on rollcall 452, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

Mr. CASSIDY. Mr. Speaker, on rollcall No. 452 I was unavoidably detained. Had I been present, I would have voted "aye."

ELECTRONIC FUND TRANSFER ACT AMENDMENT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 4367) to amend the Electronic Fund Transfer Act to limit the fee disclosure requirement for an automatic teller machine to the screen of that machine, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. LUETKEMEYER) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 371, nays 0, not voting 60, as follows:

[Roll No. 453]

YEAS—371

Ackerman	Canseco	Dreier
Adams	Cantor	Duffy
Aderholt	Capito	Duncan (SC)
Alexander	Capps	Duncan (TN)
Altmire	Capuano	Ellmers
Amash	Carnahan	Emerson
Amodei	Carney	Engel
Andrews	Carson (IN)	Eshoo
Baca	Cassidy	Farr
Bachmann	Castor (FL)	Fattah
Bachus	Chabot	Fincher
Baldwin	Chaffetz	Fitzpatrick
Barber	Chu	Fleming
Barletta	Cicilline	Flores
Barrow	Clarke (MI)	Forbes
Bartlett	Clay	Fortenberry
Barton (TX)	Clyburn	Fox
Bass (CA)	Coffman (CO)	Franks (AZ)
Bass (NH)	Cohen	Frelinghuysen
Becerra	Cole	Fudge
Berg	Conaway	Gallely
Berkley	Connolly (VA)	Garamendi
Berman	Cooper	Gardner
Biggert	Costa	Garrett
Bilbray	Costello	Gerlach
Bilirakis	Courtney	Gibbs
Bishop (NY)	Cravaack	Gibson
Bishop (UT)	Crawford	Gingrey (GA)
Black	Crenshaw	Gohmert
Blackburn	Critz	Gonzalez
Blumenauer	Crowley	Goodlatte
Bonamici	Cuellar	Gowdy
Bono Mack	Cummings	Granger
Boren	Davis (CA)	Graves (GA)
Boswell	Davis (IL)	Graves (MO)
Boustany	Davis (KY)	Green, Gene
Brady (PA)	DeFazio	Griffin (AR)
Brady (TX)	DeGette	Griffith (VA)
Braley (IA)	DeLauro	Grijalva
Broun (GA)	Denham	Grimm
Brown (FL)	Dent	Guinta
Buchanan	Diaz-Balart	Guthrie
Bucshon	Dicks	Hahn
Buerkle	Dingell	Hall
Burgess	Doggett	Hanabusa
Burton (IN)	Dold	Hanna
Calvert	Donnelly (IN)	Harper
Camp	Doyle	Harris

Hartzler	McClintock	Runyan
Hastings (FL)	McCollum	Ryan (OH)
Hastings (WA)	McDermott	Ryan (WI)
Hayworth	McGovern	Sanchez, Loretta
Heck	McHenry	Sarbanes
Heinrich	McIntyre	Scalise
Hensarling	McKeon	Schakowsky
Herger	McKinley	Schiff
Herrera Beutler	McMorris	Schilling
Higgins	Rodgers	Schrader
Himes	McNerney	Schwartz
Hinche	Meehan	Schweikert
Hinojosa	Mica	Scott (SC)
Hochul	Michaud	Scott, Austin
Holden	Miller (FL)	Scott, David
Holt	Miller (MI)	Sensenbrenner
Honda	Miller (NC)	Serrano
Hoyer	Miller, Gary	Sessions
Huelskamp	Moore	Sewell
Huizenga (MI)	Moran	Sherman
Hultgren	Mulvaney	Shimkus
Hunter	Murphy (PA)	Shuster
Hurt	Nadler	Sires
Israel	Napolitano	Slaughter
Issa	Neugebauer	Smith (NE)
Jenkins	Noem	Smith (NJ)
Johnson (GA)	Nugent	Smith (TX)
Johnson (OH)	Nunes	Smith (WA)
Johnson, E. B.	Nunnelee	Southerland
Johnson, Sam	Olver	Speier
Jones	Owens	Stark
Jordan	Palazzo	Stearns
Kaptur	Pallone	Stivers
Keating	Pastor (AZ)	Sullivan
Kelly	Paulsen	Sutton
Kildee	Pearce	Terry
Kind	Pelosi	Thompson (CA)
King (IA)	Perlmutter	Thompson (MS)
King (NY)	Peterson	Thompson (PA)
Kingston	Petri	Thornberry
Kinziger (IL)	Pingree (ME)	Tiberi
Kissell	Pitts	Tierney
Kline	Platts	Tipton
Kucinich	Poe (TX)	Tonko
Labrador	Polis	Towns
Lamborn	Pompeo	Tsongas
Lance	Posey	Turner (NY)
Langevin	Price (GA)	Turner (OH)
Lankford	Price (NC)	Upton
Larsen (WA)	Quayle	Van Hollen
Larson (CT)	Quigley	Velázquez
Latham	Rahall	Visclosky
LaTourette	Rangel	Walberg
Latta	Reed	Walden
Levin	Rehberg	Walsh (IL)
Lewis (GA)	Reichert	Walz (MN)
LoBiondo	Renacci	Wasserman
Loeb	Reyes	Schultz
Lofgren, Zoe	Ribble	Waters
Long	Richardson	Watt
Lowey	Richmond	Waxman
Lucas	Rigell	Webster
Luetkemeyer	Rivera	Welch
Lujan	Roby	West
Lummis	Roe (TN)	Westmoreland
Lungren, Daniel	Rogers (AL)	Wilson (FL)
E.	Rogers (KY)	Wilson (SC)
Mack	Rogers (MI)	Wittman
Maloney	Rokita	Wolf
Marchant	Rooney	Womack
Marino	Ros-Lehtinen	Woodall
Markey	Roskam	Woolsey
Matheson	Ross (AR)	Yarmuth
Matsui	Ross (FL)	Yoder
McCarthy (CA)	Rothman (NJ)	Young (FL)
McCarthy (NY)	Roybal-Allard	Young (IN)
McCaul	Royce	

NOT VOTING—60

DesJarlais	Johnson (IL)
Deutch	Landry
Edwards	Lee (CA)
Ellison	Lewis (CA)
Farenthold	Lipinski
Filner	Lynch
Flake	Manzullo
Fleischmann	Meeks
Frank (MA)	Miller, George
Gosar	Murphy (CT)
Green, Al	Myrick
Gutierrez	Neal
Hirono	Olson
Jackson (IL)	Pascarell
Jackson Lee	Paul
(TX)	Pence

Peters	Sánchez, Linda	Shuler
Rohrabacher	T.	Simpson
Ruppersberger	Schmidt	Stutzman
Rush	Schock	Whitfield
	Scott (VA)	Young (AK)

□ 1902

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 453, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

HYDROPOWER REGULATORY EFFICIENCY ACT OF 2012

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 5892) to improve hydropower, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Washington (Mrs. McMORRIS RODGERS) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 372, nays 0, not voting 59, as follows:

[Roll No. 454]

YEAS—372

Ackerman	Buchanan	Davis (KY)
Adams	Bucshon	DeFazio
Aderholt	Buerkle	DeGette
Alexander	Burgess	DeLauro
Altmire	Burton (IN)	Denham
Amash	Calvert	Dent
Amodei	Camp	Diaz-Balart
Andrews	Canseco	Dicks
Baca	Cantor	Dingell
Bachmann	Capito	Doggett
Bachus	Capps	Dold
Baldwin	Capuano	Donnelly (IN)
Barber	Carnahan	Doyle
Barletta	Carney	Dreier
Barrow	Carson (IN)	Duffy
Bartlett	Cassidy	Duncan (SC)
Barton (TX)	Castor (FL)	Duncan (TN)
Bass (CA)	Chabot	Edwards
Bass (NH)	Chaffetz	Ellmers
Becerra	Chu	Emerson
Berg	Cicilline	Engel
Berkley	Clarke (MI)	Eshoo
Berman	Clarke (NY)	Farr
Biggert	Clay	Fattah
Bilbray	Clyburn	Fincher
Bilirakis	Coffman (CO)	Fitzpatrick
Bishop (GA)	Cohen	Fleming
Bishop (NY)	Cole	Flores
Bishop (UT)	Conaway	Forbes
Black	Connolly (VA)	Fortenberry
Blackburn	Cooper	Fox
Blumenauer	Costa	Franks (AZ)
Bonamici	Costello	Frelinghuysen
Bono Mack	Courtney	Fudge
Boren	Crawford	Gallely
Boswell	Crenshaw	Garamendi
Boustany	Critz	Gardner
Brady (PA)	Crowley	Garrett
Brady (TX)	Cuellar	Gerlach
Braley (IA)	Cummings	Gibbs
Broun (GA)	Davis (CA)	Gibson
Brown (FL)	Davis (IL)	Gingrey (GA)

Gohmert	Lungren, Daniel	Ross (FL)
Gonzalez	E.	Rothman (NJ)
Goodlatte	Mack	Roybal-Allard
Gowdy	Maloney	Royce
Granger	Marchant	Runyan
Graves (GA)	Marino	Ryan (OH)
Graves (MO)	Markey	Ryan (WI)
Green, Gene	Matheson	Sánchez, Linda
Griffin (AR)	Matsui	T.
Griffith (VA)	McCarthy (CA)	Sanchez, Loretta
Grijalva	McCarthy (NY)	Sarbanes
Grimm	McClintock	Scalise
Guinta	McCollum	Schakowsky
Guthrie	McDermott	Schiff
Hahn	McGovern	Schilling
Hall	McHenry	Schrader
Hanabusa	McIntyre	Schwartz
Hanna	McKeon	Schweikert
Harper	McKinley	Scott (SC)
Harris	McMorris	Scott, Austin
Hartzler	Rodgers	Scott, David
Hastings (FL)	McNerney	Sensenbrenner
Hastings (WA)	Meehan	Serrano
Hayworth	Mica	Sessions
Heck	Michaud	Sewell
Heinrich	Miller (FL)	Sherman
Hensarling	Miller (MI)	Shimkus
Herger	Miller (NC)	Shuster
Herrera Beutler	Miller, Gary	Sires
Higgins	Moore	Slaughter
Himes	Moran	Smith (NE)
Hinchee	Mulvaney	Smith (NJ)
Hinojosa	Murphy (PA)	Smith (TX)
Hochul	Nadler	Smith (WA)
Holden	Napolitano	Southerland
Holt	Neugebauer	Speier
Honda	Noem	Stark
Hoyer	Nugent	Stearns
Huelskamp	Nunes	Stivers
Huizenga (MI)	Nunnelee	Sullivan
Hultgren	Oliver	Sutton
Hurt	Owens	Terry
Israel	Palazzo	Thompson (CA)
Issa	Pallone	Thompson (MS)
Jenkins	Pastor (AZ)	Thompson (PA)
Johnson (GA)	Paulsen	Thornberry
Johnson (OH)	Pearce	Tiberi
Johnson, E. B.	Pelosi	Tierney
Johnson, Sam	Perlmutter	Tipton
Jones	Peterson	Tonko
Jordan	Petri	Towns
Kaptur	Pingree (ME)	Tsongas
Keating	Pitts	Turner (NY)
Kelly	Platts	Turner (OH)
Kildee	Poe (TX)	Polis
Kind	Polis	Pompeo
King (IA)	Pompeo	Upton
King (NY)	Posey	Van Hollen
Kingston	Price (GA)	Velázquez
Kinzinger (IL)	Price (NC)	Visclosky
Kissell	Quayle	Walberg
Kline	Quigley	Walden
Kucinich	Rahall	Walsh (IL)
Labrador	Rangel	Walz (MN)
Lamborn	Reed	Wasserman
Lance	Rehberg	Schultz
Langevin	Reichert	Waters
Lankford	Renacci	Watt
Larsen (WA)	Reyes	Waxman
Larson (CT)	Ribble	Webster
Latham	Richardson	Welch
LaTourette	Richmond	West
Latta	Rigell	Westmoreland
Levin	Rivera	Wilson (FL)
Lewis (GA)	Roby	Wilson (SC)
LoBiondo	Roe (TN)	Wittman
Loeb sack	Rogers (AL)	Wolf
Lofgren, Zoe	Rogers (KY)	Womack
Long	Rogers (MI)	Woodall
Lowey	Rokita	Woolsey
Lucas	Rooney	Yarmuth
Luetkemeyer	Ros-Lehtinen	Yoder
Luján	Roskam	Young (FL)
Lummis	Ross (AR)	Young (IN)

NOT VOTING—59

Akin	Chandler	Farenthold
Austria	Cleaver	Finler
Benishak	Coble	Flake
Bonner	Conyers	Fleischmann
Brooks	Cravaack	Frank (MA)
Butterfield	Culberson	Gosar
Campbell	DesJarlais	Green, Al
Cardoza	Deutch	Gutierrez
Carter	Ellison	Hirono

Hunter	McCaul	Rohrabacher
Jackson (IL)	Meeks	Ruppersberger
Jackson Lee	Miller, George	Rush
(TX)	Murphy (CT)	Schmidt
Johnson (IL)	Myrick	Schock
Landry	Neal	Scott (VA)
Lee (CA)	Olson	Shuler
Lewis (CA)	Pascrell	Simpson
Lipinski	Paul	Stutzman
Lynch	Pence	Whitfield
Manzullo	Peters	Young (AK)

□ 1909

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 454, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, on Monday, July 9, 2012 I had a meeting regarding environmental matters in Champaign, Illinois. Had I been in Washington, I would have voted “aye” on H.R. 4155 the Veteran Skills to Jobs Act, H.R. 4367 to amend the Electronic Fund Transfer Act to limit the fee disclosure requirement for an automatic teller machine to the screen of that machine, and H.R. 5892 the Hydropower Regulatory Efficiency Act of 2012.

Again, had I been present, I would have voted “aye” on the above stated resolutions.

PERSONAL EXPLANATION

Mr. PASCRELL. Mr. Speaker, on July 9, 2012, I missed the following rollcall votes of the day.

Had I been present I would have voted

1. Yes rollcall vote No. 452 H.R. 4155—Veteran Skills to Jobs Act

2. Yes rollcall vote No. 453. H.R. 4367—To amend the Electronic Fund Transfer Act to limit the fee disclosure requirement for an automatic teller machine to the screen of that machine

3. Yes rollcall vote No. 454 H.R. 5892—Hydropower Regulatory Efficiency Act of 2012

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, this evening, I was called away on personal business. I regret that I was not present to vote on H.R. 4155, H.R. 4367, and H.R. 5892. Had I been present, I would have voted “yea” on these bills.

PERSONAL EXPLANATION

Mr. DESJARLAIS. Mr. Speaker, due to airplane maintenance issues affecting flight schedules, my arrival into Washington was delayed this evening. I was unable to cast a vote on rollcall votes No. 1452 (H.R. 4155), No. (H.R. 4367), and No. 454 (H.R. 5892). Had I been present, I would have voted aye on each of those votes.

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 3798

Mr. WEST. Mr. Speaker, I ask unanimous consent to remove myself as a cosponsor of H.R. 3798, the Egg Products Inspection Act.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

FORMER CHARLESTON NAVAL
BASE LAND EXCHANGE ACT OF
2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2061) to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2061

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Former Charleston Naval Base Land Exchange Act of 2012”.

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term “Federal land” means the parcels consisting of approximately 10.499 acres of land (including improvements) that are owned by the United States, located on the former U.S. Naval Base Complex in North Charleston, South Carolina, and included within the Charleston County Tax Assessor’s Office Tax Map Number 400-00-00-004, and shown as New Parcel B in that certain plat of Forsberg Engineering and Surveying Inc., dated May 25, 2007, entitled in part “Plat Showing the Subdivision of TMS 400-00-00-004 into Parcel B and Remaining Residual (Parcel A).”

(2) NON-FEDERAL LAND.—The term “non-Federal land” means the 3 parcels of land (including improvements) authorized to be conveyed to the United States under this Act.

(3) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

(4) STATE PORTS AUTHORITY.—The term “State Ports Authority” means the South Carolina State Ports Authority, an agency of the State of South Carolina.

SEC. 3. LAND EXCHANGE.

(a) LAND EXCHANGE.—

(1) IN GENERAL.—In exchange for the conveyance to the Secretary, by quitclaim deed, of all right, title, and interest of the State Ports Authority to the non-Federal land owned by the State Ports Authority, the Secretary is authorized to convey to the State Ports Authority, by quitclaim deed, all right, title, and interest of the United States in and to the Federal land.

(2) EXCHANGE.—If the State Ports Authority offers to convey to the Secretary all right, title, and interest of the State Ports Authority in and to the non-Federal parcels identified in subsection (b), the Secretary—

(A) is authorized to accept the offer; and

(B) on acceptance of the offer, shall simultaneously convey to the State Ports Authority all right, title, and interest of the United States in and to approximately 10.499 acres of Federal land.

(b) NON-FEDERAL LAND DESCRIBED.—The non-Federal land (including improvements) to be conveyed under this section consists of—

(1) the approximately 18.736 acres of land that is owned by the State Ports Authority, located on S. Hobson Avenue, and currently depicted in the Charleston County Tax Assessor’s Office as Tax Map Number 400-00-00-158, and as New I-48.55 Parcel B, containing

18.736 acres, on the plat recorded in the Charleston County RMC Office in Plat Book EL, at page 280;

(2) the approximately 4.069 acres of land that is owned by the State Ports Authority, located on Thompson Avenue and the Cooper River, and currently depicted in the Charleston County Tax Assessor's Office as Tax Map Number 400-00-00-156, and as New II-121.44 Parcel C, containing 4.069 acres, on the plat recorded in the Charleston County RMC Office in Plat Book L09, at pages 0391-393; and

(3) the approximately 2.568 acres of land that is owned by the State Ports Authority, located on Partridge Avenue, and currently depicted in the Charleston County Tax Assessor's Office as Tax Map Number 400-00-00-157, and as New II-121.44 Parcel B, containing 2.568 acres, on the plat recorded in the Charleston County RMC Office in Plat Book L09, at pages 0391-0393.

(c) **LAND TITLE.**—Title to the non-Federal land conveyed to the Secretary under this section shall—

(1) be acceptable to the Secretary; and

(2) conform to the title approval standards of the Attorney General of the United States applicable to land acquisitions by the Federal Government.

SEC. 4. EXCHANGE TERMS AND CONDITIONS.

(a) **IN GENERAL.**—The conveyance of Federal land under section 3 shall be subject to—

(1) any valid existing rights; and

(2) any additional terms and conditions that the Secretary determines to be appropriate to protect the interests of the United States.

(b) **COSTS.**—The costs of carrying out the exchange of land under section 3 shall be shared equally by the Secretary and the State Ports Authority.

(c) **EQUAL VALUE EXCHANGE.**—Notwithstanding the appraised value of the land exchanged under section 3, the values of the Federal and non-Federal land in the land exchange under section 3 shall be considered to be equal.

SEC. 5. BOUNDARY ADJUSTMENT.

On acceptance of title to the non-Federal land by the Secretary—

(1) the non-Federal land shall be added to and administered as part of the Federal Law Enforcement Training Center; and

(2) the boundaries of the Federal Law Enforcement Training Center shall be adjusted to exclude the exchanged Federal land.

The **SPEAKER** pro tempore (Mr. DOLD). Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. CHU) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on S. 2061 currently under consideration.

The **SPEAKER** pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation authorizes the Secretary of the Department of

Homeland Security to transfer property located in South Carolina and owned by the United States in exchange for property owned by the South Carolina State Ports Authority.

The Department will acquire land that is important to the continued operation and development of the Federal Law Enforcement Training Center's maritime academy. The State of South Carolina will acquire land that will allow the South Carolina State Ports Authority to develop an access road to Interstate 26.

This exchange would have already occurred, but the Department of Homeland Security Secretary lacked the authority to engage in the transfer of real property. This bill gives the Secretary the necessary authority to facilitate this transaction. This is a commonsense solution that will benefit both the State of South Carolina and the United States.

This bill and the underlying land exchange is supported by the Governor of South Carolina, the South Carolina State Ports Authority, and the Secretary of the U.S. Department of Homeland Security. The Senate passed this bill by unanimous consent last month.

Mr. Speaker, I urge my colleagues to support this bipartisan legislation, and I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I rise in support of Senate 2061, the Former Charleston Naval Base Land Exchange Act of 2012. This bill authorizes the Secretary of Department of Homeland Security to convey a parcel of Federal land in North Charleston, South Carolina, to the South Carolina State Ports Authority in exchange for specified lands owned by the Ports Authority.

The land to be transferred by the Department of Homeland Security formerly comprised a portion of the Charleston Naval Base but is now vacant. DHS currently leases the land it plans to acquire in this transfer and uses it to house some of the operations of the Federal Law Enforcement Training Center also known as FLETC.

The Charleston Harbor area includes the fourth busiest international container shipping port in the United States, with one passenger and four container port terminals, as well as numerous privately held terminals. The waterways in this area contain shipping channels, rivers, bays, creeks, streams, the Intracoastal Waterway, and the Atlantic Ocean. These waterways provide a realistic training environment for FLETC's Maritime Law Enforcement and Port Security students.

Specifically, the FLETC Charleston facility is one of Charleston's three residential training centers and includes a variety of specialized capabilities for maritime law enforcement and port security training. The facilities include four deepwater piers for large commer-

cial or military vessels and three sets of floating docks for smaller vessels.

Students at the FLETC Charleston facility engage in programs such as commercial vessel, boarding, training, maritime tactical operations training, and seaport security antiterrorism training. All of these programs are critical to protecting our Nation from the potential of a variety of criminal and terrorist threats.

By allowing a mutually beneficial transfer of the lands between the Port Authority and DHS, we are advancing the important mission of the FLETC.

I urge my colleagues to support Senate 2061, which the Senate has already adopted, so that it may become law.

I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I rise today in support of S. 2061, the Former Charleston Naval Base Land Exchange Act, introduced by Senator LINDSEY GRAHAM. Congressman CLYBURN and I introduced the companion to this legislation in the House, and I want to thank both Mr. CLYBURN and SENATOR GRAHAM for their support on this land swap.

Our bill simply authorizes a land swap between the Department of Homeland Security (DHS) and the South Carolina State Ports Authority. The 25 acres DHS would receive are in the middle of the Federal Law Enforcement Training Center campus and are currently leased from the Ports Authority. In exchange for this land, the Ports Authority would receive 10.5 acres of vacant DHS land to build an access road between Interstate 26 and the new container terminal under construction.

This is a commonsense solution that is a win for both parties involved, and I encourage my colleagues on both sides of the aisle to support this legislation.

The **SPEAKER** pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, S. 2061.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1920

THE LATEST IN A SERIES OF ATTACKS ON WOMEN'S REPRODUCTIVE HEALTH

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, the House just won't let up on American women. Tomorrow features a committee markup to deprive women of their constitutional right to an abortion. The bill picks on D.C. women because Republicans don't have the nerve to introduce this frontal attack on *Roe v. Wade* as a nationwide bill. But they

make no secret of their purpose. They have already gotten several conservative States to pass similar laws and they seek a Federal precedent. But they can't get a legitimate one.

Women will easily see a House-only bill based on bogus science and limited to D.C. for what it is: The latest in a series of attacks on women's reproductive health this term.

CONGRESSIONAL BLACK CAUCUS HOUR

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mrs. CHRISTENSEN. I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks in accordance with the subject of the Special Order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

Mrs. CHRISTENSEN. I want to, again, begin by thanking the Democratic leader for giving the Congressional Black Caucus this time to focus on health care reform specifically, especially as the House is preparing to continue their attempts to repeal what we know is a good bill and a needed bill in this country.

Before I begin to yield time, I just want to recognize the 103rd anniversary of the NAACP. They have long been premier champions of health care and fought for health care as a right. They are committed to eliminating the racial and ethnic disparities in our health care system that plague people of color in the United States. Their 880 Campaign is based on the fact that over the past decade, because we have not eliminated health disparities, over 880,000 African Americans and other people of color have died premature deaths from preventable causes. That does not need to happen. So we continue that fight in health care reform. We have made great strides in it. And we look forward to implementing that law, despite the attempts to repeal today.

I want to congratulate the NAACP on their 103rd anniversary this evening, and I would like to yield such time as she may consume to the gentlelady from Texas, Congresswoman EDDIE BERNICE JOHNSON.

Ms. EDDIE BERNICE JOHNSON of Texas. Thank you very much.

Two weeks ago, the United States Supreme Court justly and commendably upheld the Affordable Care Act, ensuring that millions of Americans will continue to have access to quality, affordable health care. Despite this

monumental victory for our country, for the 31st time since its enactment, Republicans are attempting to repeal the health care law, treating it as if this is just some kind of political game played between the two parties.

While the Affordable Care Act will expand coverage for millions of Americans, many Texans will be denied access by their Governor. And I'm a Texan. Just today, Texas Governor Rick Perry announced his decision not to expand Medicaid or implement a State health exchange under the Affordable Care Act—nothing more than politics. However, during his announcement, Governor Perry failed to provide an alternative plan to address the growing numbers of uninsured Texans. Texas has the highest percentage of adults without health care insurance, and rejecting Federal Medicaid funds would only worsen this predicament for Texans. Without the Affordable Care Act, millions of uninsured Americans will continue to seek primary care in our Nation's overcrowded emergency rooms, leaving taxpayers to pay the tab, if they own property. As a non-practicing registered nurse, I am all too familiar with this scenario, which has placed a huge burden on our Nation's hospital systems.

Mr. Speaker, this week's GOP messaging vote to repeal is nothing more than political warfare in an election year. Instead of bringing job-creating bills to the floor, Republican leadership insists on wasting taxpayer dollars by debating a law which has been firmly upheld by the Nation's highest court. While the Republicans have introduced numerous measures to undermine and repeal the Affordable Care Act, they have repeatedly failed to introduce one piece of legislation which could serve as a viable alternative to the health care law.

I urge my colleagues to reject this effort to take away patient protections for Americans. Instead, for once, let partisan politics come in second and let the American people win this one.

Mrs. CHRISTENSEN. Thank you, Congressman JOHNSON. Thank you for beginning to lay out the issue before us this evening, as we know that we've done landmark legislation in passing the Affordable Care Act. It is now settled law and the Supreme Court has ruled and we have a lot of other work that the American people need us to do.

At this time I would like to yield such time as she may consume to the gentlelady from Florida, Congresswoman CORRINE BROWN.

Ms. BROWN of Florida. Thank you very much for leading this discussion on health care.

You can fool some of the people some of the time, but you can't fool all of the people all of the time. And as we begin to discuss repealing the health care law tomorrow, I would like to dis-

cuss just how exactly the Affordable Care Act benefits all Americans. Although not a perfect bill—and I've been elected in Congress for 20 years and I've never seen a perfect bill, but a perfect beginning. And the reason why it's not perfect is because you make compromises throughout the process. This is a perfect start. Attempting to obtain universal health care has been a primary goal of every single President and Congress since the days of President Franklin Delano Roosevelt, who fought for quality access to health care and health care insurance reform for all Americans. And now, 75 years later after the Supreme Court ruling just over a week ago, our Nation has finally attained that goal. After 75 years, every single President has tried to implement some form of universal health care.

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In fact, millions of Americans have already come to rely on the wide-ranging and lifesaving benefits of the Affordable Care Act. And let me say that as far as Obama health care is concerned, let me clear something up. It's President Barack Obama. And let me be clear, he does care. Let me say again, President Barack Obama does care. He cares deeply about the health and well-being of every American.

Before Congress passed the Affordable Care Act, nearly one in five citizens in the wealthiest country on Earth had little or no hope of affordable insurance or getting access to regular health care. And when fully implemented, the Affordable Care Act will cover an additional 30 million Americans and 3.8 million African Americans who otherwise would remain uninsured.

Already under the Affordable Care Act, 17 million children with pre-existing conditions can no longer be denied coverage, 105 million Americans no longer have a lifetime limit on their coverage, 32 million seniors received free preventive care in 2011, 54 million Americans in private plans have received free preventive services, 6.6 million young adults up to the age of 26 have attained insurance through their parents' plan, 5.2 million seniors and disabled people saved an average of \$704 each on prescription drugs, 360,000 small businesses received tax credits to help them afford coverage for 2 million workers, and 13 million families received insurance premium rebates averaging \$151 in 2012.

In my congressional district of Florida, 6,900 young adults in the district will receive health care insurance, 6,200 seniors received prescription drug discounts worth \$3.6 million, and the average savings is \$600 per senior. And 20,000 children and 80,000 adults now have health care insurance that covers preventive services without co-pay, co-insurance, or deductibles.

Every American who has benefited from this needs to let their local Representatives, their Senator and their Governor know. We all have a dog in this fight.

The Republican Party is constantly complaining about a tax and how this law will raise taxes. But I'd like to reply to them the American taxpayers are already paying a hidden tax right now. Every single time one of the millions of our citizens who lacks health care insurance receives emergency care, that cost is passed on to paying customers through higher fees and premiums.

So the question is, how can we begin to bring our country's health care costs down? And this law is the first step in achieving this.

In closing, as I always say, you can fool some of the people some of the time, but you can't fool all of the people all of the time.

Mrs. CHRISTENSEN. I thank you, and I thank you for pointing out some of the benefits and the numbers of Americans who are enjoying those benefits already over these last 2 years. And those benefits, as you said, extend to all Americans, whether they live in Democratic districts or Republican districts. We want to make sure that people continue to be able to insure their children with preexisting disease, their young people up to age 26, to have our seniors and disabled and anyone who is insured be able to get that important preventive care without a co-pay, and begin to continue to strengthen the Medicare program as we have in the Affordable Care Act.

Ms. BROWN of Florida. I have one question before I leave. The question of tax penalty is a very debatable question. But my concern is anyone that has insurance is not affected, veterans are not affected.

Mrs. CHRISTENSEN. Absolutely.

Ms. BROWN of Florida. And you will not pay that penalty unless you do not—if you can afford it and you don't have it, then you're going to pay some minimum amount?

Mrs. CHRISTENSEN. Exactly.

Ms. BROWN of Florida. Can you explain that to people who are watching? Because, basically, it is just for those small, less than 1 percent, who do not try to get coverage.

Mrs. CHRISTENSEN. That's correct. And as you said, there is a hardship provision so that if people just cannot afford it and fall in the cracks between the Medicaid expansion and the exchange, they will not have to pay. And it will be a very small percentage, one or two percent, that CBO has said would actually end up paying the penalty, and it's a very small penalty. Yes, for administrative purposes, it's collected through the IRS; but it's a penalty. And very few people would have to pay it.

As you said also in your statement, we pay anyway. And we pay more on

the other end for not having everyone insured.

Ms. BROWN of Florida. The question is if you go to the hospital—and I was on the plane with one of the business persons and he was talking about it, and I said, you know, you are already paying. If someone on this plane passes out, they're going to the hospital, they're going to service them, and it is called, what, cost shifting? So you are already paying the cost of the most expensive way to provide health care. And many people do it. They wait until Friday, 5 o'clock and they go to the emergency room, which is the most expensive way to provide it.

Mrs. CHRISTENSEN. People who are not insured, or even people who are underinsured or who have a high co-pay, they have not gone for preventive care. Now they can get it without a co-pay. And without that preventive care, they end up in the emergency rooms in the hospital when the illness has worsened and the cost is more. We can prevent that by having everyone insured and having everyone have preventive care.

I know people are saying that we are not reducing costs. You can't reduce costs in the first couple of years. But if you look out that 10-year period and even in the 10 years past that, you will see in many ways that the cost will be reduced.

Ms. BROWN of Florida. Last question. These Governors, Texas you mentioned, Florida, these Governors are saying, we are not going to take advantage of the expansion. As a private citizen, what can I do? Because the President, just like the Governors, they can only propose. But the legislators are the ones that dispose. The President brought his proposal to Congress, but we had the ultimate decision as to what the final bill would look like. And that is as true in the State houses also.

Mrs. CHRISTENSEN. That is correct. And we will be working with our State legislatures to make sure that they understand what is at stake. And I'm sure that the voters in their districts who are already enjoying those benefits and who are looking forward to finally having insurance that they can afford for the first time will be talking to them about what they feel is important.

Ms. BROWN of Florida. Where are the health care providers and the people that provide the additional services? How should they weigh in?

Mrs. CHRISTENSEN. I'm going to read some statements from some of the primary care physicians at the end of this Special Order, but they're beginning to weigh in. And based on what I was reading today, they are weighing in pretty favorably. And they will benefit as well. It is change, and change is difficult no matter what. But they will benefit as well, and they are beginning to speak up.

Ms. BROWN of Florida. I want to thank you again for your leadership on

this matter. You've worked throughout the process in keeping us informed. I think you're the only physician—

Mrs. CHRISTENSEN. I'm the first female physician. I'm the only physician in the CBC, but there are other physicians in Congress.

Ms. BROWN of Florida. I understand. But you are the only female physician in Congress.

Mrs. CHRISTENSEN. I was the first. We have one other elected in this Congress.

Ms. BROWN of Florida. Well, you are certainly mine, and I thank you for your leadership.

Mrs. CHRISTENSEN. Physicians and other providers, the thing that we don't talk about a lot is the jobs that will be created through this Affordable Care Act. We did finally pass a transportation bill, and thank God that will begin to create some jobs and save some jobs, but the health care reform bill is also a job-creating bill. It's projected it will create about 4 million jobs of all kinds over the 10-year period. So we've been creating jobs as well in the Affordable Care Act.

I would like to yield such time as she might consume to the gentlelady from Ohio, Congresswoman FUDGE.

Ms. FUDGE. Thank you so much. I thank you for yielding, and I thank the gentlelady for all of her work on the Affordable Care Act.

People seem to believe that this was something done in haste. They don't understand that for almost a year or more, people like you, people like members of the CBC worked very, very hard to make sure that we could come up with legislation that would be not only a good piece of legislation for the people of this country, but that would be something that would benefit this Congress.

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So I thank you for your work. You know that you have been our leader, especially with the CBC, but as well as in this House. You have been our leader on this, and I thank you for that.

Mr. Speaker, I join my colleagues to express my strong support of affordable health care for all Americans. The Supreme Court has spoken, upholding landmark legislation that ensures all Americans have access to affordable, quality health care.

Millions of Americans across the country are already realizing the benefits of the Affordable Care Act, and the numbers are impressive:

Eighty-six million Americans have received free preventive screenings, free physical exams, mammograms, and other cancer screenings;

Seventeen million children with preexisting conditions can no longer be denied coverage, and 6.6 million young adults now remain under their parents' insurance plan until the age of 26;

Seventy thousand previously uninsured Americans with preexisting conditions now have the security of coverage through the Pre-Existing Condition Insurance program.

The act pays for actual care—this is something that people don't understand. The act pays for actual care, not the overinflated salaries of CEOs and executives. As a result, 12.8 million Americans will receive more than \$1.1 billion in rebates because their insurance companies spent too much of their premium dollars on administrative costs or CEO bonuses.

Let me repeat that in another way.

They are required to spend the bulk of your money—at least 80 percent—on actual care. If they don't spend it on actual care, then you are reimbursed, and that is what is happening. So now we are going to be rebated more than \$1 billion.

Further, the law makes enormous headway toward closing the gap on health disparities—of which my colleague knows so much. It includes increased funding for community health centers, which are so often a critical part of the health safety net in underserved communities.

We should be focusing on creating jobs rather than voting to repeal a law that is estimated to provide health care coverage to up to 32 million Americans. The highest court in the land has ruled, and the American people won. Let's stop this foolishness and focus on jobs.

Mrs. CHRISTENSEN. Thank you.

Congresswoman FUDGE, you're right. This is not a win for Democrats. It's not a win for the President. This is a win for the American people.

Thank you for bringing up the rebates, the \$1.1 billion in rebates. In addition to the rebates—because some insurance companies have spent over their 80 percent that has to be provided in service—the Secretary has been able, in at least 12 States already, to keep the increases in premiums at 10 percent or less. That's another function of the Affordable Care Act. And you know our constituents have been crying out over the increases in premiums that they've been experiencing every year, and now the Affordable Care Act gives the Secretary the authority to keep those premiums within not more than a 10 percent increase.

Mrs. FUDGE. Thank you, and I thank you again for your service.

Mrs. CHRISTENSEN. Thank you.

So as my colleagues have all said, the Supreme Court has upheld the law. It is settled law. It's time for us to move on.

This is landmark legislation, landmark legislation like Social Security, Medicare, Medicaid, and SCHIP. We have a lot more work that the American people need us to do:

We need to continue the middle-income tax cuts.

We need to pass the American Jobs Act.

We need to continue to address the issue of the mortgages that are causing people to lose their homes. I was reading today in one of the papers that African Americans are expected to bear the burden of the mortgage fallout for many years to come, longer than everyone else.

And then we also have to implement the Affordable Care Act. We have the exchanges. I know there is a lot of talk about the exchanges and whether we'll be able to provide the subsidies, but what we ought to be doing is working together to make sure that that very important part of this law can be fully implemented.

We're talking about the working poor, people who are doing the right thing, being responsible, working and trying to take care of their families. It would be so unfair to them, now that they see within their reach affordable health care, to take that away. We're going to pay for it either now or we're going to pay for it later, as Congresswoman BROWN was saying. It's less to pay on this side and ensure that everyone has access to the services that they need to keep them healthy and to keep them from developing those catastrophic illnesses.

I want to talk a little bit about what the Congressional Black Caucus, the Congressional Hispanic Caucus, and the Congressional Asian American Caucus have done in crafting this health care bill.

Congresswoman FUDGE is right. We didn't start just before the bill was passed. We actually started before the debate began in the Congress. We developed benchmarks.

We call ourselves the Tri-Caucus.

We decided very early that insurance would never be enough for our communities that have been left out of the health care mainstream for so long and that health equity had to be a goal of any bill that we passed, so the Tri-Caucus worked together. We worked very hard. We met with House and Senate leadership. We met with the White House several times to ensure that the benchmarks that we set for our communities were going to be met, so that, really, this bill would provide access to quality health care for all Americans—not just a few, but for all Americans.

We hear a lot about the consumer protections:

The fact that children cannot be denied insurance if they have a pre-existing disease, which is important to us;

The fact that our young people can stay on our insurance until 26 years old;

The fact that there are no lifetime and annual limits, and all of those important provisions that we hear about all of the time.

But I want to talk a little bit about some of the health equity provisions,

because this bill prevents discrimination. It defines what a health disparity is and a health disparity population, and it makes sure that all of the research in the bill, all of the task forces, all of the institutes, the comparative effectiveness research, all of those include monitoring and having a goal of eliminating health disparities in their mandate. There are incentive payments to providers if they can demonstrate that they have eliminated health disparities.

Health disparities actually cost this Nation. In a study done by the Joint Center for Political and Economic Studies, they've shown where, just over a 3-year period, \$1.24 trillion was lost in direct and indirect costs just because of health disparities.

We expanded, of course, the coverage in the consumer protections—Medicaid expansion, which we really urge all of the States to provide for their citizens who are at 133 percent or under the Federal poverty level.

The territories, despite the vote to repeal our funding, that funding still stands. My territory is enjoying a great increase in funding. We have not lifted the cap. We are not getting State-like treatment, but for the very first time, many of the territories may be able to cover at least up to 100 percent of the Federal poverty level with the substantial increases that the Affordable Care Act provided.

We also have limited funding to set up exchanges, and the consumer protections and capacity building grants applied to the territories, which really need them.

We included the Indian Health Improvement Act.

We expanded community health centers and school-based health centers within the bill.

We provide for community health worker grants. In communities that have not had the benefit of robust health care services, it's important that people that they trust in the community can help them understand this law and help to make that connection to the health services that will be provided. That's what the community health worker grants would do.

They have community transformation grants.

We tried to include a program that we've been working on called Health Empowerment Zones. We didn't quite get that, but we have funding for communities where those health services have not been available, to be able to prepare that community and to begin to build some infrastructure so that every community can have the benefits of this bill.

□ 1950

We mandated that not-for-profit hospitals create a community health needs assessment every 3 years, and we created a Community Preventive Services Task Force.

Having community-focused, community-developed, community-driven, community-implemented programs is where we're going to see the biggest improvement in health care, especially in communities of color and communities that are poor and our rural communities in our territory.

The bill ensures that Federal health care programs collect and report data on race, ethnicity, sex, primary language, and disability status. We address health care disparities in Medicaid and SCHIP by standardizing data collection requirements.

Again, in comparative effectiveness, we were able to make sure that that research will include racial and ethnic subgroups, women and people with comorbidities. We establish a National Health Care Workforce Commission that requires reporting. For the very first time in this country, we have a national strategy at prevention, and we have a national strategy to eliminate health disparities, for the very first time, all from the Affordable Care Act.

We increase the National Health Service Corps and loan repayment programs, expanded Centers of Excellence, and we made sure to invest in Historically Black Colleges and Universities and Minority-Serving Institutions.

We're going to have to greatly expand our health care workforce on all levels to take care of the 30-plus million new people who will be coming into the system, and we want to make sure that that workforce reflects the diversity of our country, and that the now underrepresented minorities have a chance to get some of those jobs and be able to provide some of those services for the communities that they come from.

We provide support for cultural competence training for health care professionals, grants to the health care workforce, to provide culturally and linguistically appropriate services. We require the dissemination of information adapted to a variety of cultural, linguistic, and educational backgrounds so that everyone can understand what it is we're trying to do and be able to access the services.

Mental health and substance abuse parity was included. We included dental services in the basic package for children. We would have wished that it could be in the basic package for all people, but we were able to get it in children.

We establish a prevention and public health fund, and I know the Republican leadership has been trying to repeal that fund, to deplete that fund, but this is an attempt to change the paradigm of how we deal with health care in this country, not to just be dealing with the acute, expensive, long-term care, but to focus on prevention. An ounce of prevention is still worth a pound of cure.

We strengthened and expanded the Office of Women's Health. We elevated the Office of Minority Health to the Office of the Secretary. We've created new Offices of Minority Health in the Food and Drug Administration, Centers for Medicare and Medicaid Service, SAMHSA, and other agencies where it's really critical that we have that input that really zeros in on the health care of the minorities who are the people who are really underserved and create some of the costs that we're trying to reduce. If we can take care of all of the people in this country, the costs will go down.

We elevated the Center on Minority and Health Disparities to a national institute at NIH, and they're doing great work with all of our universities across the country.

What we've come to understand is that when you're dealing with health, especially when you're looking from a community level, you can't just focus on disease. You have to look at the environment that people live in. And for the very first time we have a National Prevention, Health Promotion, and Public Health Council headed by our Surgeon General.

That council brings about 17 agencies of government together to plan and to look at the impact of their programs, policies, initiatives that help, and to really plan how we can create an environment in our communities and in our country that supports wellness and supports prevention and supports good health, so that people can walk in their neighborhoods, so that they could have fresh fruit and vegetables in their neighborhoods and other things like that so we can deal with the obesity problem, so we can deal with smoking cessation, and all the things that contribute to poor health and really increase the costs. When we look at communities and focus on community prevention, that's where we're going to reduce the cost of health care.

So, I wanted to just say a word about Medicare because I am so tired of hearing about \$500 billion taken out of—cut from Medicare. Now, that's a misinterpretation of what really happened. That \$500 billion comes from cutting waste, fraud, and abuse in part.

I was reading in an article in the paper just today that Medicare could probably save \$70 billion just in 1 year, in 2010, by really zeroing in on waste, fraud, and abuse and implementing some of the recommendations of the General Accountability Office—they could save \$70 billion in 1 year. Multiply that by ten, I think it comes up to \$700 billion, which is more than the \$500 billion that the Republicans keep saying we took out of Medicare.

We didn't. We made payments fairer, remember, by making the payments more equitable across the board. So we may have lowered some of the reimbursement rates for Medicare Advan-

tage, but we were able to still keep some of the better, more effective Medicare Advantage programs in place.

We began to close the doughnut hole. We took some of that money to close the doughnut hole so that over the 10-year period there will be no time that a senior or a person with disability will have to pay the full cost of their medication.

We are providing preventive care with no copayments and an annual physical exam with no copayment. And in addition to all of that, with that \$500 billion, we extended the life of Medicare by 8 years.

So I just want to clear that up. We did not take \$500 billion out of Medicare. We used it to reinvest into Medicare, to make it stronger, to provide more services and more benefits for the beneficiaries.

Of course, health care reform will take an investment, but it will reduce costs over time. We'll reduce disparities, we'll have better end-of-life care with planning by individuals and their families, we'll have that community-based prevention, obesity prevention, smoking cessation and health policy and every policy that I talked about. And all of that will reduce the cost of health care.

I just want to close by just reading a few statements from some physicians. I'm a primary care physician, a family physician myself. And Medscape today published an article from a primary care round table. And I know the doctors who spoke here said many, many things. I just want to quote a sentence or two from several of them.

Charles P. Vega, M.D. At the end of his statement he says:

The Supreme Court decision breathes life into the health care reform movement at a critical time, and we need to take advantage of this fortune, not only to implement the most important parts of the Affordable Care Act, but also to start building towards the next logical steps in health care reform, beginning with an efficient public option that emphasizes smart, quality care.

And Dr. Robert W. Morrow says:

And now we're in a regulatory space where the health of the public could take precedence over the profits of the commercial health plans. And why not?

Dr. Roy M. Poses, M.D., says of the Supreme Court ruling:

The news is not bad. We're probably, on balance, somewhat better off with some health care insurance reform than none. However, we're still a long way from meaningfully addressing concentration and abuse of power in health care. There will be no rest for the weary bloggers of the Health Care Renewal.

Another doctor, Dr. Li, says:

My take is that the plan is not as good as what's being touted by the left, but it's far better than what's being said by the right.

And Dr. Robert M. Centor says:

Clearly, upholding the individual mandate allows the U.S. to approach universal health care. Universal health care is such a worthy goal that we must applaud this victory.

Dr. Mark Williams says:

For me the Supreme Court ruling on the ACA implies at least a period of relative clarity and less uncertainty, despite much political rhetoric. In short, we now have some time for planning and innovation.

And he also says:

Healthcare is too precious to be considered a business or a marketplace commodity. Whatever system we choose must commit itself to the needs of the population and the global community, not simply to our own personal needs. It must be based on needs and not simply on service expansion.

And lastly, from my own American Academy of Family Practice, they say:

Having the mandate upheld is consistent with what has been AAFP policy for over 20 years. We have advocated for health care coverage for everyone and access to at least basic health services, including good primary care with prevention and chronic illness care. You can argue whether the mandate is the only means to get there, but at least in the analyses that I've seen, it was one of the best identified ways to get everyone covered.

And so, the American people, when you ask them about the different provisions of the law, an overwhelming majority really supports the provisions that we've been able to provide for them in health care reform.

□ 2000

Many physicians are touting the Supreme Court decision and the law. I think, if we can all forget about the political rhetoric of repeal and just work together to make sure that it's implemented in the best way possible, we will really be doing what the American people have sent us here to do.

With that, I yield back the balance of my time.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 6079, REPEAL OF OBAMACARE ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 112-587) on the resolution (H. Res. 724) providing for consideration of the bill (H.R. 6079) to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010, which was referred to the House Calendar and ordered to be printed.

INTERNATIONAL AFFAIRS AND BROKEN PROMISES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Thank you, Mr. Speaker.

These can be the best of times and the worst of times. There is still so

much potential. This country has so much in the way of assets. It is interesting to hear my friends across the aisle talk about the wonders of ObamaCare, but I know this President has said before: if you make more than \$250,000, you won't ever have your taxes raised. I won't ever raise your taxes.

He has said it a lot of different ways. Yet, when I read his version of the American Jobs Act, which he, himself, pushed for, promulgated, demanded be passed, it actually raised taxes on everybody who made more than \$125,000. So he broke the promise there.

In ObamaCare, it's very clear that, if you make just above the poverty line and if you can't afford the kind of Cadillac insurance that is demanded that you purchase, you're going to get hammered with a tax, and it will ultimately be 2½ percent in extra income tax. He basically has pushed through a bill that makes war with those who can least afford to buy health insurance—adding a 2½ percent tax to the people who are the most vulnerable and hard-working folks. They're just trying to get by, and they're going to have to pay an extra 2½ percent in income tax?

Now, the enlightened Chief Justice explains through pages 11 through 15 of his opinion that it's actually not a tax, that it's clearly a penalty because, if you don't buy the insurance at the high level the government will dictate, then it will be necessary for you to pay an extra hunk of income tax—those who are the hardworking, least able to afford it. I don't see how anybody can say, It's great, and a happy day for you.

If you go through the rest of his opinion, of course he says the Commerce Clause doesn't make the ObamaCare bill constitutional; but then he gets around to saying, Well, regardless of what Congress called it—you know, they called it a penalty—we'll just say it's a penalty for the purposes of jurisdiction so that it allows us to take up the case; but for purposes of whether or not it's constitutional, we'll call it what it is—a tax. It's one of the worst decisions this Chief Justice has ever made, and it's one of the worst I've ever read—poorly written by a man who should have known better.

But this administration has broken so many promises. It had negotiations with Egyptian leader Mubarak. We are certainly ready to throw him under the bus just as they have our allies, the Northern Alliance, that successfully fought and defeated the Taliban within a matter of months with our assistance but with less than 500 U.S. military in country. Now, after the President added troops and we had over 100,000 troops, this administration is ready to turn the country over to President Karzai and the Taliban. The Taliban has been on national television, saying, Hey, obviously, by virtue of the Obama administration's begging us to come to

the table, promising they'll release some of our murdering thugs from confinement and that they'll buy us first-class offices in Qatar, well, gee, it's obvious to the world, they've said, that the United States has lost the war in Afghanistan.

Congratulations, President Barack Obama, for making it clear to the Taliban that you have lost the war for us.

Now we are advised the President has invited Egypt's Islamist leader to the United States. Past administrations have recognized the Muslim Brotherhood's end goal of a giant, worldwide caliphate where we all fall prey under sharia law and where we all have freedom, but that freedom is to only worship Allah and where we have justice but that justice is only under sharia; and this administration is embracing them wholeheartedly.

In this article of July 8, Sunday, from Business and Financial News, it headlines: "Obama Invites Egypt's Islamist Leader to U.S." It talks about how President Barack Obama has invited Egypt's newly elected Islamist President, Mohamed Morsi, to visit the United States in September.

It reads:

Washington, long weary of Islamists and an ally of ousted President Hosni Mubarak, shifted policy last year to open formal contacts with the Muslim Brotherhood, the group behind Morsi's win.

It reads:

Morsi formally resigned from the group after his victory, but nowhere is there an indication that Egypt's new President has disavowed the effort to make the United States, which they've called the Great Satan, subservient to sharia law.

In fact, as to the Egyptian Muslim Brotherhood's leader as posted yesterday in The Blaze:

Egypt's Muslim Brotherhood chairman, Muhammad Badi, also known as the group's "Supreme Guide"—this would be the Supreme Guide over the newly elected Egyptian leader—said last week that waging jihad against Israel is an imperative for every Muslim. Middle East watcher Raymond Ibrahim, who scours the Arabic press and translates it to English for Western eyes, posted this revelation on his blog.

Then it sets out this quote:

According to last Thursday's edition of Al Wafd, during his weekly sermon, "Muhammad Badi, the Muslim Brotherhood's Supreme Guide, confirmed the necessity for every Muslim to strive to save al-Quds—and that's Jerusalem—from the hands of the rapists—Israelis—and to cleanse Palestine from the clutches of the occupation, deeming this an individual duty for all Muslims."

More specifically, he "called on all Muslims to wage jihad with their money and their selves to free al-Quds"—or Jerusalem—the same, exact language one finds in al Qaeda's tracts.

□ 2010

The article goes on that earlier this year the Middle East Research Institute translated a sermon of bodies in

which he called for “gradually establishing a global Islamic caliphate leading to ‘mastership of the world.’”

“Mastership of the world” is what’s in quotes.

It is interesting, because it hasn’t been that long ago. This was posted by my friend Patrick Poole, July 5, 2012. It says, “Rewind—2010: Egypt’s prez Morsi called for expulsion of U.S. ambassadors across Middle East.” Patrick Poole says:

While doing a bit of filing in the office yesterday, I came across a September 2010 Reuters article of more recent interest.

You might recall that was the time when Terry Jones, in Florida, was threatening to burn a Koran on the 9/11 anniversary and had the whole Muslim world in an uproar—before he had even committed the act (which happened several months later).

In the mere contemplation of such an action by Terry Jones, the Muslim Brotherhood was calling on all Muslim countries to expel all U.S. Ambassadors. And who was making this call?

According to Reuters:

Mohammad Mursi, spokesman for Egypt’s influential Muslim Brotherhood, said the organization was calling for pressure on all Muslim governments to expel U.S. Ambassadors.

Yes, this is what we want to encourage, this type of leader. We want to tell the world by this President’s open arms at the White House—not with the ill treatment previously of Prime Minister Netanyahu—but with open arms, a member of the Muslim Brotherhood who never disclaimed the desire to make us subservient to shari’a law, bringing him to the White House.

As some of us travel around and speak to different people around the world, those who are truly fighting for freedom—and not the freedom the Muslim Brotherhood talks about, where it is freedom only to worship Allah; freedom truly to make choices about who one worships or whether one worships at all. They say when the United States invites someone and shows hospitality to people in the world, the rest of the world gets the message that the conduct of those individuals they are inviting and embracing and having smiling pictures with, that their conduct is a good thing.

When this country’s leaders embrace leaders of other countries, it tells the world this is what we think in America is the way to act, the way to be, the thing to do. That it is very deflating. Having talked to Iranian refugees in northern Iraq, they just get devastated when they see an American leader being so chummy with people they know embrace terrorism, that have no problem with terrorist activities to promote Islam spreading around the world.

This President should be far more careful about who he encourages and who he discourages, because the true friends of liberty around the world, who stood up to Syria’s leader, they were not embraced by this President.

There was no statement from this President of: Let’s do for the protesters and the rebels in Syria what I demanded we did in Libya. There was nothing like that.

We’ve sent Secretary of State Clinton over to the Middle East. There have been statements that we don’t like what you’re doing, but nothing like what this White House did when they cut the legs out from Mubarak who at least tried to keep the peace with Israel to some extent and what he did in actually providing bombs and air cover to take out Qadhafi in Libya.

We knew at the time the Muslim Brotherhood will probably take over Egypt, that they have called us the great Satan. We knew in Libya that there were even al Qaeda who want to bring about this Nation’s end violently, and yet this President embraced those al Qaeda rebels, along with the other rebels in Libya, dropped bombs, and provided air cover.

None of that has been done for Syria. It’s a little bit strange because much of the world considers Syria’s leader to be a mere puppet of the Iranian terrorist leaders. Certainly Russia, who has shown great hostility to some of the things we deem to be appropriate liberty, they embrace the actions of the Syrian leader.

Where was this President when there were true freedom seekers stepping up and being killed? Was he giving a pretty speech?

Another article that was in *The Blaze*, July 8, says:

The *Jerusalem Post* explains:

Washington, long wary of Islamists and a former ally of ousted President Hosni Mubarak, shifted policy last year to open formal contacts with the Muslim Brotherhood, the group behind Mursi’s win.

Mursi’s success at the polls mirrors the rising influence of Islamists in countries across the Middle East and North Africa in the wake of revolts and protests against autocratic rulers who have led the region for decades.

But the Obama administration has invited Egypt’s new Islamist leader, Mohammed Mursi, to visit the United States in September, according to an Egyptian official, clearly reflecting Washington’s changing view of Islamists and the Muslim Brotherhood.

Here is another article, posted April 26 of this year, from *The Blaze*. It is entitled, “Want to Know Just How Close the Muslim Brotherhood is to the Obama Administration?” It says:

On Wednesday evening, GBTV unveiled a powerful documentary, “Rumors of War III,” exposing how radical Islamists, including the Muslim Brotherhood, are infiltrating American Government at its highest levels. Above is a video clip from the program outlining some of the key players involved.

It goes on:

Arif Alikahn, Former Department of Homeland Security Assistant Secretary for Policy Development: Now a Distinguished Visiting Professor of DHS and Counterterrorism at the National Defense University,

Alikahn also served as Deputy Mayor for Public Safety for the City of Los Angeles, where he reportedly derailed the LAPD’s efforts to monitor the city’s Muslim community—particularly its radical mosques and madrassas where certain 9/11 hijackers were said to have received support. He is affiliated with MPAC, which has called the terrorist group Hezbollah a “liberation movement.”

It goes on to establish some of the ties of this administration with members of the Muslim Brotherhood.

It was intriguing to me, when I asked our own Secretary of Homeland Security, Janet Napolitano, how many members of the Muslim Brotherhood were on her countering violent terrorism—violent extremism—sorry. She can’t use the word “terrorism.” She couldn’t tell me whether 10 were Muslim Brotherhood or not. She didn’t know.

Some of these things for some of us bring back memories of occurrences back from the late seventies when our own President Jimmy Carter, who has to be encouraged by this President’s administration—because many people have said they thought he had the worst Presidency in history and did so much damage to international affairs—when you look at what this administration has done.

□ 2020

I mean, to the extent that an African from West Africa, elderly gentleman, but full of wisdom, wanted to meet me and visit when I was there a couple of years ago.

He said, we were very excited that you elected a black man as your President, but we have seen America appear to grow weaker and weaker in the eyes of most people. He asked that I come back and convey—and I have on more than one occasion—that you must not allow the United States to grow weak. Those of us who are Christian in foreign countries rely on the United States’ strength to keep us somewhat safe.

If you let the world think that the United States is weak, or become weak, then many of us have no hope of being safe in this life. This country has to stand strong, and we have seen it grow weaker and weaker in the eyes of the world.

There’s an article that’s reprinted July 9, today, in *Human Events*, which was originally by Robert Spencer back February 14 of this year. He said:

Last week the Egyptian government announced that it intends to put 19 Americans on trial for fomenting antigovernment protests, a charge they deny. Protests from the Obama administration have so far been futile, met with sneers of contempt.

If you’re of a certain age, this should sound familiar. On November 4, 1979, Iranian thugs stormed the U.S. Embassy in Tehran and took 52 Americans hostage. Jimmy Carter’s government wrung its hands in futility for the next 14 months, until finally the Islamist Republic released the hostages January 20, 1981, the day Ronald Reagan took office as President of the United States.

The bitter irony in all that was that Carter had betrayed the Shah of Iran, a longtime U.S. ally, and thereby paved the way for the ascent to power of the Ayatollah Khomeini and the Iranian mullahcracy that has ruled Iran ever since. Rather than feel gratitude toward Carter, however, Khomeini viewed his abandonment of the Shah as a sign of weakness and pressed forward with his jihad against the Great Satan.

Iran has been hostile towards the United States since then, including gleeful predictions of our Nation's imminent demise. Just days ago, Iran's Supreme Leader, the Ayatollah Khamenei, declared to an enthusiastic Tehran crowd, that "in light of the realization of the divine promise by almighty God, the Zionists and the Great Satan (America) will soon be defeated. Allah's promises will be delivered, and Islam will be victorious."

The original Ayatollah Khomeini, not Khamenei, was said by Jimmy Carter to be a man, a fellow man of faith. Well, he has a different kind of faith, and we have soldiers still dying today because the United States of America allowed some Iranian thugs, terrorists, to commit an act of war by attacking an American embassy, taking Americans hostage, and did nothing to defend our territory.

I was at Fort Benning at the time. We were put on alert. Nobody wanted to go to Iran, but everybody expected, surely we will do something to show these Islamist jihadists, these thugs, that you cannot commit an act of war against the United States and not pay a price. Because as the United States Government, we have a duty to provide for the common defense. We have a duty to protect American property.

When American property is attacked, and under everybody's interpretation of international, an embassy is that country's own property, we let it go without anything but weak-kneed responses, and we are paying the price today. But we see this President who thinks a wonderful speech—and he's good at them, he reads them so well and throwing in constant apologies to people who want to destroy us and see us wiped off the map—will somehow engender love and devotion from people who want to destroy us.

It doesn't work that way internationally. We have a duty to protect this Constitution, and we are not doing so in embracing enemies of this country who still have not disclaimed the pledge, the effort to see this country overthrown.

There was a time when Presidents would view people who have made such claims and pledges or been part of terrorist organizations, we would not embrace such individuals, because we know the harm it does to our allies.

One article from a guy named Michael D. Evans says:

Carter viewed Khomeini as a religious holy man in a grassroots revolution, rather than a founding father of modern terrorism who introduced the Islamofascist ideology we are fighting today in the world war on terrorism.

As Henry Kissinger said, "Carter has managed the extraordinary feat of having, at one

and the same time, the worst relations with our allies, the worst relations with our adversaries, and the most serious upheavals in the developing world since the end of the Second World War."

That was then, and now we have another President doing the very same thing.

There was an article from The New York Times back in June of 2001:

Prime Minister Ariel Sharon of Israel will meet with President Bush at the White House next week, the second time the two have held face-to-face discussions since Mr. Sharon's election.

In contrast, Yasir Arafat, the Palestinian leader, has not been invited to Washington by the Bush administration, and officials made clear today that they had no plans to do so in the near future. So far the administration has kept Mr. Arafat at arm's length, a stark difference from President Clinton, who brought the Palestinian leader to the White House more than any other foreign leader.

Those messages are not missed by allies and enemies alike around the world.

There is another article, this is from The New York Times, posted today:

In his first major speech last month, Mohamed Morsi, the new Egyptian president, pledged to seek the release of a notorious Egyptian terrorist from a North Carolina prison. Not long before that, a member of a designated terrorist organization, Gamaa al-Islamiyya—who also happens to be a recently elected member of the Egyptian Parliament—was welcomed to Washington as part of an official delegation sponsored by the State Department.

"Obama administration officials made no public comment on Mr. Morsi's promise and struggled to explain why the Egyptian Parliament member, Hani Nour Eldin, got a visa"—since after all he was a member of a designated terrorist organization. But he got not only a visa, he got entrance into our most secure administration dwellings.

The article says that the administration cited privacy rules, "declining to say whether he had been granted a waiver from the ban on such visitors or whether his affiliation simply escaped notice."

Pressed by reporters after the visa quickly became a congressional controversy, a State Department spokeswoman, Victoria J. Nuland, said Mr. Eldin had been judged to pose no threat to the United States.

□ 2030

"It's a new day in Egypt," she added.

"It's a new day in a lot of countries across the Middle East and North Africa."

And I might add, it was a new day in Iran when the Ayatollah Khomeini took over and President Carter welcomed him as a fellow man of faith.

This article from the Times goes on:

For the Obama administration, as it navigates the tumultuous effects of the Arab spring, it's a complicated day as well. Long-held assumptions about who is a friend of the United States and who is not have been upset, leaving Americans confused.

Well, it's leaving not only Americans confused; it's leaving our allies con-

fused. We have people around the world who have fought with us, they have fought for us, and this administration has turned its back on them. You can go to the country of Afghanistan and some terrible killings have once again occurred. We know that Pakistan, according to the people I've talked to traveling around Afghanistan, Pakistan is basically the biggest source of supplies, reinforcement, or help to the Taliban. And what do we do? We have our Secretary of State apologize to the country who kept our country's biggest enemy, the mastermind behind the killing of more Americans than any other attack in our history on our soil, and they protected him. And they kept him protected. And we are supposed to apologize to Pakistan? Well, this administration did.

And when our soldiers, our military suffered attacks from a certain area there adjoining Pakistan, and apparently in Pakistan, they finally responded to protect themselves, and we have to apologize for people dying who were in the area where attacks were emanating against our own soldiers. We have to apologize to a country who is supplying and funding the Taliban that's killing American soldiers.

Yeah, it's confusing to Americans and it's confusing to our allies. And that's why, when a handful of us were in Afghanistan in April, we were a little surprised that this administration did not want us to meet with our Northern Alliance friends, among them General Dostum. Instead, this administration prefers to address them as war criminals. Yeah, they fight tough. They defeated the Taliban. They fight like the Taliban. And they have no interest in losing because they know it means they lose their lives, they lose their homes, they lose their country. So they fight viciously.

And we were able to take out the Taliban initially with a few hundred soldiers. Less than 500 Americans. We had intelligence. We had special ops. We provided air cover, provided some weapons. And the Taliban was routed. We had a hundred thousand or so military into Afghanistan. We've become occupiers. Occupiers don't do well in that part of the world. Yet this administration continually throws our allies under the bus, thinking if we just embrace our enemies, if we make a great speech, maybe if I read from the teleprompters effectively enough, then they'll see how wonderful I am and America is and they'll come fall and embrace us and just want to provide us nothing but love and affection.

It's an unrealistic view of the world. And yes, I'm a Christian and I believe everyone should be free to worship or not worship as they please. But that is not the case in Egypt right now. It's not the case in Libya right now. It's not the case in Afghanistan right now. It's not the case anywhere in any country where sharia is the law. We want

Muslims, we want atheists to be free to worship, not worship. This is America. But any group, whether atheists or any other religion in the world that attempts to force us to comply with their religious laws, should not be tolerated.

Some say you've got a bunch of xenophobes and Islamaphobes. It's interesting that the term Islamaphobe basically was generated by the Organization of Islamic Council, the OIC, that has 50 States—no, wait. They've got 57 States and we've got 50; or we've got 57 and they've got 50. I get confused. Somebody on CNN said, Well, the only reason the President said the U.S. had 57 States is he was tired. So maybe I'm just tired. I can't remember who has 57, who has 50. Some people don't understand sarcasm either.

But the OIC promulgated that term and they've given millions and millions and millions of dollars to universities in America, including some Ivy League schools. They're not Islamaphobes. They have sold their soul for money. Sure, if you will give us millions, you bet you—hundreds of thousands even—we'll teach a course on Islamaphobia. We'll denigrate other religions. We'll denigrate the Founders. We'll denigrate those who would lay down their lives for this country's freedom, and we'll call them Islamaphobes.

Well, there's no Islamaphobia here. That's why I told the security detail at the American Embassy in Afghanistan's capital, when I was told I was not going to be able to go meet our allies at the Massoud residence, our friend Massoud knows something about sacrifice. His brother possibly could have united Afghanistan, but was assassinated a day or so before 9/11 because the Taliban knew that he might be able to unite the country. And if the United States figured out this is where the attack emanated, training emanated from, then they may come. So they assassinated my friend's brother.

General Dostum, who led that gallant charge uphill against the Taliban in the face of RPGs and bullets flying, offered to take me on horseback to reenact that internationally famous battle uphill against all odds. What courage on our behalf and on behalf of people who want freedom in Afghanistan. I was certainly willing—I have grown up riding horses—until the interpreter told me, You do understand, they don't have leather saddles. They're all wood. That kind of changed my desire to do that.

But General Dostum, Massoud, these great Northern Alliance leaders that fought for us, who lost friends and family fighting with us and for us, have been thrown under the bus. But as I told the head of the security detail there, I was going to meet our friends at the Massoud residence. And after I was told we couldn't go, I let them know that I had talked to my friend Mr. Massoud and that they were send-

ing secured vehicles to pick me up and at least two or three other Members of Congress that would go. And when I was told that would not be secure, we couldn't do that, I made clear that they would have to take me down before I got to the gate of the Embassy compound, because I was going, and that I would do that after our next meeting with our soldiers—American soldiers. After the meeting, I was told, We've arranged security for you to go to the meeting so you don't have to ride with the Massoud security folks.

□ 2040

We had a good meeting. It was great to see them. They have trouble understanding why this administration has forsaken them, our allies. I don't hear anybody here calling this administration Islamophobes because they have thrown our Muslim friends under the bus. But they are the enemy of our enemy, the Taliban. And this administration, this President, has made clear to this corrupt regime over there that, look, we're going to be out on this day certain; you'll be on your own for the military.

Well, now, they're negotiating some kind of deal where we may provide some help. But Karzai, for all the things he is, he is not totally stupid. He is not a stupid man. And he knows if all our soldiers are gone, and with all the support that Pakistan has given the Taliban, then the Taliban is going to be there. They will be as vicious as they have in the past, and he'd better make some peace with the Taliban. That's why they've been allowed such freedom in the Afghan capital to the point that the Taliban leader would tell and proclaim, yes, we all can see because the U.S., because the Obama administration is begging them to come negotiate and we'll buy them things, we'll release their thugs that have killed Americans, killed innocents, but we'll release them, we'll do whatever. You just come talk to us.

It's obvious to the world that we've lost. This administration is sending dangerous signals to our allies that you cannot trust this country as an ally of this country. You'd better watch your back. So when this administration says, we've got your back, you better be wearing something that will stop a knife because it could be forthcoming. As President Mubarak found, as the Northern Alliance found, as freedom lovers in Iran have found, as freedom desirers at Camp Ashraf have found, and as some of our allies in Israel have found, this administration is the first American administration to vote with Israel's enemies a couple of years ago when we voted with Israel's enemies to require them to disclose their weaponry.

So it's confusing to people around the world. Should we take a chance on being a friend to America because a

year or two later they may embrace our enemies and throw us under the bus?

I do believe in the teachings of Jesus. I do believe in the teachings and have been there where they say it's pretty certain this is where Jesus delivered the Sermon on the Mount and told us who it was who was blessed. So some say, well, shouldn't our government turn the other cheek? Blessed are those who mourn. Shouldn't we be the peacemakers? Yes, we should be the peacemakers. But as a government, we have a different obligation. Ours is to protect our people. We are to protect those who live in America, who have trusted us to be their public servants so that they can live out the beatitudes if they choose, so that they can live out and follow the teachings of whatever religious leader they choose. But they can't do that unless we keep them safe.

I'm reading a book that I started yesterday called "The Harbinger." It indicates God withdrew His hand from our protection on 9/11. There are interesting things in that book. It's time we look at the signs and we understand from world history that you don't turn on your allies and embrace your enemies and expect to save your country. You convince others who might be tempted to be your allies not to be. You teach your enemies that you are weak in the same way individuals on a school playground do not convince a bully that they are strong when they start giving gifts to the bully and try to buy the bully's kindness and respect because what it buys is not respect, it is contempt. And that is the way this country is now viewed around the world.

If you are evil in the world, just as Romans 13 points out, if you do evil, you should be afraid because this government does not have the sword in vain. We owe a duty to freedom-loving people around the world not to become weak but to protect freedom here so others can enjoy freedom other places knowing that the United States of America does not embrace and fall in love with terrorists or terrorist organizations or leaders of terrorist groups. We fight them, and we embrace those who love peace, not terrorism; and we make the world and this country safer in so doing.

Now, Mr. Speaker, I will include in the RECORD a letter. This is Act for America. I brought this up before, but because we have rules that don't allow things that include too many pages, we had to revisit the issue because there are so many thousands and thousands of signatures. It can be found at this Web site for Act for America. This is a petition and a letter sent to the Honorable JOSEPH LIEBERMAN, the Honorable PATRICK LEAHY, the Honorable DIANNE FEINSTEIN, the Honorable PETER KING, the Honorable LAMAR SMITH, and the Honorable MIKE ROGERS. It's signed online by thousands and thousands of

verified signatures, and those can be found from Act for America, Pensacola, Florida.

With that, Mr. Speaker, I yield back the balance of my time.

ACT! FOR AMERICA,
Pensacola, FL, July 9, 2012.

Hon. LOUIE GOHMERT,
Rayburn House Office Building,
Washington, DC.

DEAR CONGRESSMAN GOHMERT: Attached, please find an ACT! for America Open Letter to targeted members of the U.S. Congress. The letter has been signed by over 21,000 Americans—all of whom are very concerned with ongoing actions by the FBI related to the language of the agency's counterterrorism training materials.

ACT! for America shares the concerns of some Members of Congress, yourself included, that the ongoing purge of counterterrorism training materials used by the FBI as well as state and local law enforcement is a danger to our nation. Further, we see these actions as a continuation of concerted efforts to manipulate, if not altogether eliminate, a clear definition of the threat that radical Islam poses to our nation.

We hope this letter will serve as a useful token of the concern the American people have for this issue as well. It also may be found on our website: <http://www.actforamerica.com/index.php/fbi-petition>.

Thank you very much for all of your efforts in the United States Congress. The 240,000 members of ACT! for America stand with you every step of the way.

With warm regards,

LISA PIRANEO,
Director of Government Relations,
ACT! for America.

Enclosure.

ACT! FOR AMERICA,
Pensacola, FL.

PLEASE PUT AN IMMEDIATE STOP TO PLANNED CHANGES IN THE FBI'S COUNTERTERRORISM TRAINING POLICIES

Hon. JOSEPH I. LIEBERMAN,
Chair, Senate Homeland Security and Governmental Affairs Committee.

Hon. PATRICK LEAHY,
Chair, Senate Judiciary Committee.

Hon. DIANNE FEINSTEIN,
Chair, Senate Select Intelligence Committee.

Hon. PETER KING,
Chair, House Homeland Security Committee.

Hon. LAMAR SMITH,
Chair, House Judiciary Committee.

Hon. MIKE ROGERS,
Chair, House Permanent Select Intelligence Committee.

DEAR CHAIRMEN LIEBERMAN, KING, LEAHY, SMITH, FEINSTEIN AND ROGERS: We write to you today in strong opposition to proposed changes to FBI counterterrorism training materials.

We share the concern of many sitting Members of Congress that the ongoing purge of counterterrorism training materials used by the FBI and state and local law enforcement puts our nation at great peril. It is critically important to the safety of our nation and its citizens that our law enforcement officials are permitted to accurately define the threat, and based on that definition, put in place sound policies to protect our nation and its citizens. Law enforcement officials are the front line of counterterrorism, and they must have accurate training materials that cannot be modified at the whim of one or two Members of Congress, or outside consultants whose identities are kept secret from congressional oversight.

Whitewashing of law enforcement counterterrorism materials appears to be an informal implementation of U.N. Resolution 1618 (the "The Istanbul Process"). This resolution includes language that seeks to bypass the U.S. Constitution by laying the groundwork for criminalizing any action or speech against a religion, using protection against "incitement to violence" as the rationale. The State Department has vowed to aid the Istanbul Process, and this is completely unacceptable. This resolution and the policies it supports are completely prohibited by the First Amendment to the U.S. Constitution and must be rejected by the United States. Political correctness must not trump constitutional rights, nor hamper our country's ability to protect itself by muzzling law enforcement.

We strongly encourage you to hold hearings on this issue and, further, to do all that you can to put an immediate halt to any changes in law enforcement counterterrorism policies before they have been fully vetted through congressional oversight. Your committees share jurisdiction over these matters.

Please know that the American public is becoming more educated about the threats posed to our nation by those who support and/or perform acts of terrorism in the name of political/radical Islam. We are looking to our elected officials to enact sound policies that will protect us, as they swore to do when they took their oaths of office.

Sincerely,

This petition signed by 21,195 verified signators. For a full list of signators please send your request to: ACT! For America, PO Box 12765, Pensacola, FL 32591.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COBLE (at the request of Mr. CANTOR) for today on account of travel delays due to weather.

Mr. CULBERSON (at the request of Mr. CANTOR) for today on account of a family obligation.

Mr. DESJARLAIS (at the request of Mr. CANTOR) for today on account of flight delays.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3238. An act to designate the Department of Veterans Affairs community based outpatient clinic in Mansfield, Ohio, as the David F. Winder Department of Veterans Affairs Community Based Outpatient Clinic, and for other purposes; to the Committee on Veterans' Affairs.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by Speaker pro tempore, Mr. THORNBERRY, on Friday, June 29, 2012:

H.R. 4348. An act to authorize funds for Federal-aid highways, highway safety pro-

grams, and transit programs, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on June 29, 2012, she presented to the President of the United States, for his approval, the following bills:

H.R. 6064. To provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs.

H.R. 2297. To promote the development of the Southwest waterfront in the District of Columbia, and for other purposes.

H.R. 33. To amend the Securities Act of 1933 to specify when certain securities issued in connection with church plans are treated as exempted securities for purposes of that Act.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 10, 2012, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6738. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's "Major" final rule—Core Principles and Other Requirements for Designated Contract Markets (RIN: 3038-AD09) received June 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6739. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Revision to the Section 8 Management Assessment Program Lease-Up Indicator [Docket No.: FR-5532-F-02] (RIN: 2577-AC76) received June 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6740. A letter from the Senior Counsel for Regulatory Affairs, Department of the Treasury, transmitting the Department's "Major" final rule—Assessment of Fees on Large Bank Holding Companies and Nonbank Financial Companies Supervised by the Federal Reserve Board To Cover the Expenses of the Financial Research Fund (RIN: 1505-AC42) received June 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6741. A letter from the Associate Division Chief, Policy Division, PSHSB, Federal Communication Commission, transmitting the Commission's final rule—Review of the Emergency Alert System; Independent Spanish Broadcasters Association, the Office of Communications of the United Church of Christ, Inc., and the Minority Media and

Telecommunications Council, Petition for Immediate Relief; Randy Gehman Petition for Rulemaking [EB Docket No.: 04-296] received May 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6742. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Safety Evaluation by the Office of Nuclear Reactor Regulation; Nuclear Energy Institute Topical Report 94-01, Revision 3, "Industry Guideline for Implementing Performance-Based Option of 10 CFR Part 50, Appendix J" received May 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6743. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Regulatory Guide 1.215, Revision 1, Guidance for ITAAC Closure Under 10 CFR Part 52 received May 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6744. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's "Major" final rule—Revision of Fee Schedules; Fee Recovery for Fiscal Year 2012 [NRC-2011-0207] (RIN: 3150-AJ03) received June 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6745. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-061, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6746. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-058, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6747. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-016, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6748. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-045, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6749. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-024, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6750. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-037, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6751. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-036, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6752. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-011, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6753. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-007, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6754. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-054, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6755. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-030, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6756. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-027, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6757. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-031, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6758. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-060, pursuant to the reporting requirements of Section 36(c) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6759. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-043, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6760. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-082, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6761. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. RSAT-12-2930, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6762. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-087, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6763. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. RSAT-12-2931, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6764. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-012, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6765. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-041, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6766. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-026, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export

Control Act; to the Committee on Foreign Affairs.

6767. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-017, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6768. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-023, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6769. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-002, pursuant to the reporting requirements of Section 36(c) and 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6770. A letter from the Chairman of the Council, Council of the District of Columbia, transmitting Transmittal of D.C. ACT 19-385, "Fiscal Year 2013 Budget Support Act of 2012"; to the Committee on Oversight and Government Reform.

6771. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period April 1, 2012 through June 30, 2012 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88-454; (H. Doc. No. 112-122); to the Committee on House Administration and ordered to be printed.

6772. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30844; Amdt. No. 3480] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6773. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30843; Amdt. No. 3479] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6774. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30842; Amdt. No. 3478] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6775. A letter from the Attorney-Advisor, Department of Transportation, transmitting the Department's final rule—National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Revision; Final Rule [FHWA Docket No.: FHWA-2010-0170] (RIN: 2125-AF41) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6776. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

[Docket No.: 30834; Amdt. No. 3471] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6777. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule—Amendment of Restricted Area R-2502E; Fort Irwin, CA [Docket No.: FAA-2012-0461; Airspace Docket No.: 12-AWP-1] (RIN: 2120-AA66) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6778. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30833; Amdt. No. 3470] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6779. A letter from the Senior Regulations Analyst, Department of Transportation, transmitting the Department's final rule—Procedures for Transportation Workplace Drug and Alcohol Testing Programs: 6-acetylmorphine (6-AM) Testing [Docket No.: DOT-OST-2010-0026] (RIN: 2105-AE14) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6780. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule—Flightcrew Member Duty and Rest Requirements; Correction [Docket No.: FAA-2009-1093; Amdt. Nos. 117-1A, 119-16A, 121-357A] (RIN: 2120-AJ58) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6781. A letter from the Attorney Advisor, Department of Transportation, transmitting the Department's final rule—National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Revision [FHWA Docket No.: FHWA-2010-0159] (RIN: 2125-AF43) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6782. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule—Amendment of Restricted Area R-2917, De Funiak Springs, FL [Docket No.: FAA-2012-0226; Airspace Docket No. 12-ASO-10] (RIN: 2120-AA66) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6783. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments [Docket No.: 30841; Amdt. No. 500] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6784. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule—Amendment of Class D and E Airspace; Baltimore, MD [Docket No.: FAA-2012-0014; Airspace Docket No. 12-AEA-1] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6785. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule—Modification, Revocation and Establishment of Air Traffic Service Routes; Windsor Locks Area; CT [Docket No.: FAA-2011-1386; Air-

space Docket No. 11-ANE-11] (RIN: 2120-AA66) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6786. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30845; Amdt. No. 3481] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6787. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule—Amendment of Class D Airspace; Cocoa Beach, FL [Docket No.: FAA-2012-0099; Airspace Docket No. 12-ASO-11] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6788. A letter from the Senior Program Analyst, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments [Docket No.: 30840; Amdt. No. 3477] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6789. A letter from the Acting Deputy General Counsel, National Aeronautics and Space Administration, transmitting the Administration's "Major" final rule—Claims for Patent and Copyright Infringement [Notice: (12-0220)] (RIN: 2700-AD63) received June 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science, Space, and Technology.

6790. A letter from the Acting Deputy General Counsel, National Aeronautics and Space Administration, transmitting the Administration's final rule—Claims for Patent and Copyright Infringement (RIN: 2700-AD63) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science, Space, and Technology.

6791. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule—Implementation of Rev. Rul. 2006-57—Issues for Public Comment [Notice 2012-38] received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Following report was filed on July 2, 2012]

Mr. RYAN of Wisconsin: Committee on the Budget. H.R. 5872. A bill to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013; with an amendment (Rept. 112-577). Referred to the Committee of the Whole House on the state of the Union.

[Submitted July 9, 2012]

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1192. A bill to extend the current royalty rate for soda ash; with an amendment (Rept. 112-578). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2027. A bill to revise the boundaries of John H. Chafee Coast-

al Barrier Resources System Sachuest Point Unit RI-04P, Easton Beach Unit RI-05P, Almy Pond Unit RI-06, and Hazards Beach Unit RI-07 in Rhode Island (Rept. 112-579). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2154. A bill to correct the boundaries of the John H. Chafee Coastal Barrier Resources System Gasparilla Island Unit FL-70P; with an amendment (Rept. 112-580). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. S. 270. An act to direct the Secretary of the Interior to convey certain Federal land to Deschutes County, Oregon (Rept. 112-581). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 6019. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the use of Juvenile Accountability Block Grants for programs to prevent and address occurrences of bullying and to reauthorize the Juvenile Accountability Block Grants program; with an amendment (Rept. 112-582). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 4402. A bill to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness; with an amendment (Rept. 112-583 Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1171. A bill to reauthorize and amend the Marine Debris Research, Prevention, and Reduction Act; with an amendment (Rept. 112-584 Pt. 1). Ordered to be printed.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 4155. A bill to direct the head of each Federal department and agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses; with an amendment (Rept. 112-585). Referred to the Committee of the Whole House on the state of the Union.

Mr. UPTON: Committee on Energy and Commerce. H.R. 4273. A bill to clarify that compliance with an emergency order under section 202(c) of the Federal Power Act may not be considered a violation of any Federal, State, or local environmental law or regulation, and for other purposes; with an amendment (Rept. 112-586). Referred to the Committee of the Whole House on the state of the Union.

Mr. SESSIONS: Committee on Rules. H. Res. 724. A resolution providing for consideration of the bill (H.R. 6079) to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010 (Rept. 112-587). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on the Judiciary discharged from further consideration. H.R. 4402 referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

[Omitted from the Record of June 29, 2012]

By Ms. JACKSON LEE of Texas.

H. Res. 718. A resolution raising a question of the privileges of the House.

[Submitted July 9, 2012]

By Mr. CANTOR (for himself, Mr. CAMP, Mr. KLINE, Mr. UPTON, Mr. SMITH of Texas, Mr. RYAN of Wisconsin, Mr. GRAVES of Missouri, Mr. HERGER, Mr. PITTS, Mr. ROE of Tennessee, Mr. MCCARTHY of California, Mr. ROSKAM, Mr. HENSARLING, Mr. SESSIONS, Mr. PRICE of Georgia, Mrs. MCMORRIS RODGERS, Mr. CARTER, and Mr. DREIER):

H.R. 6079. A bill to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, Natural Resources, the Judiciary, House Administration, Rules, Appropriations, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Texas (for himself and Mr. CONYERS):

H.R. 6080. A bill to make improvements in the enactment of title 41, United States Code, into a positive law title and to improve the Code; to the Committee on the Judiciary.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. COSTELLO, Ms. WOOLSEY, Mr. MILLER of North Carolina, Mr. LIPINSKI, Ms. EDWARDS, Mr. LUJÁN, Ms. SEWELL, Ms. WILSON of Florida, Mr. CLARKE of Michigan, and Ms. BONAMICI):

H.R. 6081. A bill to accelerate research, development, and innovation in advanced manufacturing, to improve the competitiveness of American manufacturers, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. HASTINGS of Washington:

H.R. 6082. A bill to officially replace, within the 60-day Congressional review period under the Outer Continental Shelf Lands Act, President Obama's Proposed Final Outer Continental Shelf Oil & Gas Leasing Program (2012-2017) with a congressional plan that will conduct additional oil and natural gas lease sales to promote offshore energy development, job creation, and increased domestic energy production to ensure a more secure energy future in the United States, and for other purposes; to the Committee on Natural Resources.

By Mr. LUCAS (for himself and Mr. PETERSON):

H.R. 6083. A bill to provide for the reform and continuation of agricultural and other programs of the Department of Agriculture through fiscal year 2017, and for other purposes; to the Committee on Agriculture.

By Mr. SMITH of New Jersey (for himself and Mr. DOYLE):

H.R. 6084. A bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit for education and training expenses relating to autism spectrum disorders to increase the number of teachers with such expertise; to the Committee on Ways and Means.

By Mr. BOUSTANY:

H.R. 6085. A bill to amend section 40 of the Revised Statutes of the United States to

clarify that for purposes of determining whether a Member of the House of Representatives is subject to a deduction from in pay by reason of absence from the House on a day, the Member shall be considered to be absent if the Member misses any vote held in the House on that day, and for other purposes; to the Committee on House Administration.

By Mr. HEINRICH:

H.R. 6086. A bill to direct the heads of Federal public land management agencies to prepare reports on the availability of public access and egress to Federal public lands for hunting, fishing, and other recreational purposes, to amend the Land and Water Conservation Fund Act of 1965 to provide funding for recreational public access to Federal land, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MCCOLLUM (for herself and Mr. SCHOCK):

H.R. 6087. A bill to protect girls in developing countries through the prevention of child marriage, and for other purposes; to the Committee on Foreign Affairs.

By Mr. SCHWEIKERT:

H.R. 6088. A bill to repeal certain tax increases enacted as part of health care reform; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIPTON (for himself, Mr. COFFMAN of Colorado, Mr. GARDNER, Mr. GOSAR, Mr. LAMBORN, and Mr. WALDEN):

H.R. 6089. A bill to address the bark beetle epidemic, drought, deteriorating forest health conditions, and high risk of wildfires on National Forest System land and land under the jurisdiction of the Bureau of Land Management in the United States by expanding authorities established in the Healthy Forest Restoration Act of 2003 to provide emergency measures for high-risk areas identified by such States, to make permanent Forest Service and Bureau of Land Management authority to conduct good-neighbor cooperation with States to reduce wildfire risks, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON:

H. Res. 725. A resolution expressing support for dancing as a form of valuable exercise and artistic expression and for the designation of July 28, 2012, as National Dance Day; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

241. The SPEAKER presented a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 80 encouraging the Congress to create a separate branch of the United States Armed Forces to combat cyber crime, warfare, and

terrorism; to the Committee on Armed Services.

242. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Concurrent Resolution No. 216 urging the Armed Services Committee to act favorably on H.R. 2148; to the Committee on Armed Services.

243. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 94 memorializing the Congress to take such actions as are necessary to encourage and enable the Federal Energy Regulatory Commission to expedite the review and approval of Cheniere Energy's Sabine Pass Liquefied Natural Gas facility; to the Committee on Energy and Commerce.

244. Also, a memorial of the House of Representatives of the State of Louisiana, relative to House Concurrent Resolution No. 10 memorializing the Congress to encourage the National Marine Fisheries Service, the Gulf of Mexico Marine Fisheries Council, and the Gulf of Mexico Fisheries Management Council to adopt a weekend-only fishery management scheme for red snapper for 2012; to the Committee on Natural Resources.

245. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 130 urging the Congress to enact the VISIT USA Act; jointly to the Committees on the Judiciary and Homeland Security.

246. Also, a memorial of the House of Representatives of the State of Hawaii, relative to House Resolution No. 25 supporting the Visa Improvements to Stimulate International Tourism to the United States of America; jointly to the Committees on the Judiciary and Homeland Security.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. CANTOR:

H.R. 6079.

Congress has the power to enact this legislation pursuant to the following:

In *National Federation of Independent Business v. Sebelius*, the Supreme Court rejected the constitutional basis offered by proponents of the Patient Protection and Affordable Care Act, the interstate commerce clause found in Article I, Section 8, Clause 3 of the Constitution. Having eliminated the requirement that all Americans buy insurance, the Supreme Court recast the law's penalty for not buying insurance as a tax, which Americans would pay in lieu of purchasing insurance, and five Justices upheld this tax under the taxing power of Congress, found in Article I, Section 8, Clause 1. With the individual requirement to buy insurance having been found unconstitutional, and, with the compulsory nature of that requirement being central to the funding mechanism contemplated under the Patient Protection and Affordable Care Act, Congress hereby repeals the Act in its entirety. Furthermore, Congress did not intend and does not now intend to invoke its taxing power in relation to the individual requirement to buy insurance.

The Congress, the Executive, and the Judiciary are obligated to act according to the

principle of coordinate branch construction based on their respective obligations to ensure that all their actions are constitutional. This is the clear meaning of the Vesting Clauses of Articles I, II, and III along with the Supremacy Clause of Article VI, as well as of the Oath of Office that each constitutional officer of the Federal government must take pursuant to Article VI. James Madison made this clear in 1834 stating, "As the Legislative, Executive, and Judicial departments of the United States are co-ordinate, and each equally bound to support the Constitution, it follows that each must in the exercise of its functions be guided by the text of the Constitution according to its own interpretation of it."

The "Repeal of Obamacare Act" repeals the Patient Protection and Affordable Care Act and title I and subtitle B of title II of the Health Care and Education Affordability Reconciliation Act of 2010, which included several specific provisions that extend beyond the enumerated powers granted to Congress by the Constitution, including, in particular, the Commerce, Taxing, and the Spending Clauses of Article I, Section 8, as well as the Necessary and Proper Clauses contained therein, and that otherwise improperly extend authority to Federal agencies in a manner inconsistent with the Vesting Clause of Article I, Section 1.

The general repeal of this legislation is consistent with the powers that are reserved to the States and to the people as expressed in Amendment X to the United States Constitution.

By Mr. SMITH of Texas:

H.R. 6080.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation, which makes improvements in the enactment of title 41, United States Code, into a positive law title and improves the Code, pursuant to Article I, Section 8, Clause 18 of the Constitution.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 6081.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following: Article I, section 8 of the Constitution of the United States.

By Mr. HASTINGS of Washington:

H.R. 6082.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, clause 2

By Mr. LUCAS:

H.R. 6083.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following: The ability to regulate interstate commerce pursuant to Article 1, Section 8, Clause 3.

By Mr. SMITH of New Jersey:

H.R. 6084.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause I of the Constitution

By Mr. BOUSTANY:

H.R. 6085.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9, Clause 7 which states that no money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expendi-

tures of all public Money shall be published from time to time. The Appropriations Clause provides Congress with a mechanism to control or to limit spending by the federal government

By Mr. HEINRICH:

H.R. 6086.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following: Article IV, Section 3 of the United States Constitution.

By Ms. MCCOLLUM:

H.R. 6087.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18, which gives Congress the power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing powers."

By Mr. SCHWEIKERT:

H.R. 6088.

Congress has the power to enact this legislation pursuant to the following:

Amendment 16 of the Constitution states: The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

By Mr. TIPTON:

H.R. 6089.

Congress has the power to enact this legislation pursuant to the following:

Article 4, Section 3: The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 139: Mrs. CHRISTENSEN.

H.R. 218: Mr. MEEKS.

H.R. 459: Mr. CLARKE of Michigan, Mr. GRIJALVA, Mr. BUCHSON, Mr. HASTINGS of Washington, and Ms. PINGREE of Maine.

H.R. 694: Ms. WILSON of Florida.

H.R. 733: Mr. LEVIN, Mr. BERG, Mr. DIAZ-BALART, Mr. BLUMENAUER, Mr. GRAVES of Missouri, Mr. POLIS, Mrs. BONO MACK, Mr. LATTA, and Mr. YOUNG of Florida.

H.R. 860: Mr. CUELLAR and Ms. HANABUSA.

H.R. 865: Mr. CHANDLER.

H.R. 997: Mr. MURPHY of Pennsylvania.

H.R. 998: Mr. HOYER.

H.R. 1063: Mr. HARRIS and Mr. BUCHANAN.

H.R. 1171: Ms. BONAMICI.

H.R. 1219: Mr. KISSELL.

H.R. 1244: Mr. POE of Texas.

H.R. 1265: Mr. PASCRELL.

H.R. 1322: Ms. SLAUGHTER, Mr. GRIJALVA, Mr. LOEBSACK, and Mr. JOHNSON of Georgia.

H.R. 1464: Mr. LAMBORN.

H.R. 1546: Mr. KISSELL.

H.R. 1742: Mr. GRIJALVA and Mr. HINOJOSA.

H.R. 1775: Mr. BARROW, Mr. CRITZ, Ms. BORDALLO, and Mr. BOUSTANY.

H.R. 1855: Mr. CHANDLER.

H.R. 1909: Mr. RUSH.

H.R. 1912: Mr. GENE GREEN of Texas.

H.R. 1956: Mr. WOMACK.

H.R. 1968: Mr. MURPHY of Pennsylvania.

H.R. 2040: Mr. ROE of Tennessee.

H.R. 2053: Mr. CHANDLER.

H.R. 2077: Mr. DOLD.

H.R. 2140: Ms. SCHAKOWSKY and Mr. WELCH.

H.R. 2154: Mr. MORAN.

H.R. 2168: Mr. STARK.

H.R. 2268: Mr. SCOTT of Virginia.

H.R. 2295: Mr. BENISHEK.

H.R. 2316: Mr. McDERMOTT and Mr. MORAN.

H.R. 2437: Mr. HONDA.

H.R. 2472: Mr. COFFMAN of Colorado.

H.R. 2499: Mr. LOBIONDO.

H.R. 2580: Ms. CLARKE of New York.

H.R. 2655: Mr. CUMMINGS, Mr. KISSELL, and Mr. HINCHEY.

H.R. 2672: Mr. KISSELL.

H.R. 2689: Mr. HONDA.

H.R. 2730: Mr. JOHNSON of Ohio.

H.R. 2866: Ms. ROS-LEHTINEN and Mr. HANNA.

H.R. 2948: Mr. McINTYRE.

H.R. 2969: Mr. FORBES, Mr. JONES, Mr. CONYERS, and Mr. KISSELL.

H.R. 3187: Mr. CHAFFETZ, Mr. BISHOP of Utah, Mr. MICHAUD, Mr. PAULSEN, Mr. PERLMUTTER, Ms. LORETTA SANCHEZ of California, Mrs. NAPOLITANO, Ms. FUDGE, Mrs. MCCARTHY of New York, and Mr. LATTA.

H.R. 3238: Mr. HIMES.

H.R. 3315: Mr. PRICE of Georgia.

H.R. 3337: Mr. JOHNSON of Ohio.

H.R. 3395: Mr. DUFFY.

H.R. 3510: Ms. DELAURO.

H.R. 3643: Mr. WOMACK.

H.R. 3709: Mr. JORDAN.

H.R. 3767: Ms. ROS-LEHTINEN and Ms. JENKINS.

H.R. 3780: Mr. SCHOCK.

H.R. 3798: Ms. SUTTON, Ms. MATSUI, and Mr. POLIS.

H.R. 3803: Mr. GUINTA.

H.R. 3821: Mr. HONDA.

H.R. 3861: Mr. ROGERS of Michigan.

H.R. 4035: Mr. SCHOCK.

H.R. 4066: Mrs. ELLMERS and Ms. JENKINS.

H.R. 4070: Mr. GRIFFIN of Arkansas and Mr. MICHAUD.

H.R. 4083: Mr. WAXMAN.

H.R. 4103: Mr. BUCHANAN, Ms. SPEIER, and Ms. LORETTA SANCHEZ of California.

H.R. 4124: Ms. SCHAKOWSKY.

H.R. 4155: Ms. HIRONO and Mr. CONNOLLY of Virginia.

H.R. 4158: Mr. BROWN of Georgia.

H.R. 4163: Mr. CLAY.

H.R. 4170: Ms. LEE of California.

H.R. 4186: Mr. GRIFFIN of Arkansas.

H.R. 4227: Mr. COHEN.

H.R. 4235: Ms. WILSON of Florida, Mr. HIMES, Mr. CANSECO, Mrs. MCCARTHY of New York, and Mr. HULTGREN.

H.R. 4296: Mr. ROONEY and Mr. McINTYRE.

H.R. 4346: Mr. BLUMENAUER.

H.R. 4402: Mr. McCLINTOCK.

H.R. 4405: Mr. OLVER and Mr. STARK.

H.R. 5129: Mr. CICILLINE.

H.R. 5381: Mr. BISHOP of Utah.

H.R. 5542: Ms. FUDGE, Mrs. MALONEY, Mr. FILNER, Ms. NORTON, Ms. SLAUGHTER, Mr. MURPHY of Connecticut, Mr. CRITZ, Mr. LARSEN of Washington, Mr. MICHAUD, Mr. SCOTT of Virginia, and Mr. CLARKE of Michigan.

H.R. 5684: Mr. PETERS, Mr. KEATING, Mr. ELLISON, and Mr. CARSON of Indiana.

H.R. 5707: Mr. HIMES.

H.R. 5742: Mr. SHERMAN.

H.R. 5749: Mrs. MALONEY.

H.R. 5791: Mr. NUNES.

H.R. 5822: Mr. WOLF.

H.R. 5871: Mr. POLIS and Mr. YOUNG of Indiana.

H.R. 5893: Mr. SCHILLING.

H.R. 5894: Mr. WILSON of South Carolina.

H.R. 5910: Mr. SCHILLING.

H.R. 5925: Mr. GIBSON.

H.R. 5943: Ms. HOCHUL, Mr. ROE of Tennessee, Mr. OWENS, and Mr. GRIJALVA.

H.R. 5952: Mr. COBLE.

H.R. 5957: Mr. BROWN of Georgia.
 H.R. 5974: Mr. MICHAUD and Ms. BALDWIN.
 H.R. 5978: Mr. CARSON of Indiana, Mr. OLVER, and Ms. CASTOR of Florida.
 H.R. 5995: Mr. McDERMOTT.
 H.R. 5998: Mr. GUTHRIE and Mr. KISSELL.
 H.R. 6019: Ms. HIRONO.
 H.R. 6025: Mr. BURTON of Indiana.
 H.R. 6043: Mr. BURGESS, Mr. MURPHY of Connecticut, and Mrs. BONO MACK.
 H.R. 6047: Mr. McCLINTOCK and Mr. WEST-MORELAND.
 H.J. Res. 72: Mr. FILNER.
 H.J. Res. 110: Mr. CAMP and Mr. YOUNG of Alaska.
 H. Con. Res. 129: Mr. GUINTA, Mr. MICHAUD, and Mr. WOMACK.
 H. Res. 20: Ms. HAHN.
 H. Res. 111: Mr. RYAN of Ohio, Mr. ADERHOLT, Mr. LARSEN of Washington, Mr. CULBERSON, and Mrs. BONO MACK.
 H. Res. 130: Mr. KILDEE and Mr. GRIJALVA.
 H. Res. 134: Ms. ESHOO.
 H. Res. 304: Mr. JACKSON of Illinois.
 H. Res. 623: Mr. SCHILLING.
 H. Res. 663: Mr. JOHNSON of Ohio.
 H. Res. 676: Mrs. LOWEY and Ms. TSONGAS.
 H. Res. 690: Mr. POLIS.
 H. Res. 695: Mr. NUGENT.
 H. Res. 713: Mr. CONYERS, Mr. RUSH, Ms. BROWN of Florida, Ms. WILSON of Florida, Mr. ENGEL, Mr. RANGEL, Mr. DEUTCH, Ms. NORTON, Ms. MCCOLLUM, Ms. BASS of California, Ms. HAHN, Ms. WASSERMAN SCHULTZ, Ms. JACKSON LEE of Texas, Mr. MCGOVERN, Mr. TOWNS, Mr. CLARKE of Michigan, and Ms. RICHARDSON.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks,

limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. CAMP

The provisions that warranted a referral to the Committee on Ways and Means in H.R. 6079, the "Repeal of Obamacare Act," do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI of the Rules of the U.S. House of Representatives.

OFFERED BY MR. DREIER

The provisions that warranted a referral to the Committee on Rules in H.R. 6079 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. HASTINGS OF WASHINGTON

The provisions that warranted a referral to the Committee on Resources in H.R. 6079 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. KLINE

The provisions that warranted a referral to the Committee on Education and the Workforce in H.R. 6079, the Repeal of Obamacare Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. DANIEL E. LUNGREN OF CALIFORNIA

The provisions that warranted a referral to the Committee on House Administration in H.R. 6079 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. ROGERS OF KENTUCKY

The provisions that warranted a referral to the Committee on Appropriations in H.R.

6079 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. RYAN OF WISCONSIN

The provisions that warranted a referral to the Committee on the Budget in H.R. 6079, repeal of PL 111-148, PL 111-152, the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. SMITH OF TEXAS

The provisions that warranted a referral to the Committee on the Judiciary in H.R. 6079 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

OFFERED BY MR. UPTON

The provisions that warranted a referral to the Committee on Energy and Commerce in H.R. 6079 do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 3798: Mr. WEST.

EXTENSIONS OF REMARKS

TRIBUTE TO LEON AND JOYCE
HENRY

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. JOHNSON of Georgia. Mr. Speaker, Whereas, Leon and Joyce Henry are celebrating fifty (50) years in marriage today in DeKalb County, Georgia; and

Whereas, on June 18, 1962, because of their union then, our community today has been blessed with a family that has enhanced our district, they both are instruments in our community that uplift the spiritual, physical, economic, and mental welfare of our citizens; and

Whereas, this remarkable and tenacious man of God and this phenomenal and virtuous Proverbs 31 woman have been blessed with a wonderful family: Leon, Jr., Jasmine, Jaden, Shelia, Jaxson, Cheryl, Anthony, Kingston, Brooklyn, Monique, Ebony, Elijah, Amy, TJ, Dion, Nahtiah, and "baby Ava"; and

Whereas, Leon and Joyce Henry are distinguished citizens of our district, they are spiritual warriors, persons of compassion, fearless leaders and servants to all, but most of all visionaries who have shared not only with their family, but with our District their passion to improve the lives of others; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Leon and Joyce Henry as they celebrate their 50th Anniversary, fifty (50) years in marital bliss;

Now therefore, I, HENRY C. "HANK" JOHNSON JR., do hereby proclaim June 18th as Leon and Joyce Henry Day in the 4th Congressional District of Georgia.

"WASHINGTON'S MOST WANTED"
300TH FUGITIVE

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. REICHERT. Mr. Speaker, today I congratulate Q-13 Fox, the Fox network's affiliate in Seattle, and its program "Washington's Most Wanted" for playing an integral role in the capture of 300 fugitives in Washington State and Oregon.

"Washington's Most Wanted" partners with Crime Stoppers of Puget Sound to produce local television alerting viewers to fugitives from justice in their communities, Mr. Speaker, and those communities have responded in a big way: since the show began in November of 2008, viewer tips and the hard work of the law enforcement community has led to 300 criminals—murderers, rapists, unregistered

sex offenders, thieves, and burglars—getting off the streets and out of communities.

Mr. Speaker, dynamic and productive partnerships exist between law enforcement, communications professionals, and concerned citizens all over the United States. I'm proud that such a partnership exists in the Northwest, Mr. Speaker, and I applaud Q-13, Crime Stoppers of Puget Sound, the alert and thoughtful citizens of the Northwest, and our brave and dedicated law enforcement officers for staying vigilant in the fight against dangerous fugitives and crime.

I've been fortunate enough to help in this effort to get fugitives out of our communities and the amount of success this effort has had since 2008 is no surprise—hard work and dedication pay off.

PERSONAL EXPLANATION

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. DENHAM. Mr. Speaker, during consideration of H.R. 5972, I inadvertently switched my votes for consecutive amendments. I would like the record to state the following:

Rollcall vote 434: I would like the record to reflect my vote of "aye" was intended to be "no" on Rep. MCCLINTOCK's amendment to zero out funding for the Community Development Fund including the CDBG program and apply the savings to the deficit reduction account.

Rollcall vote 435: I would like the record to reflect my vote of "no" was intended to be "aye" on Rep. MCCLINTOCK's amendment to zero out the funding for the Community Development Loan Guarantees Program Account and apply the savings to the spending reduction account.

HONORING STEPHEN ARTHUR
DYMARCIC, SR.

HON. BENJAMIN QUAYLE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. QUAYLE. Mr. Speaker, today, I would like to honor Stephen Arthur Dymarcik, Sr., who honorably served our country in the Army from 1966–1967 in Vietnam. The son of Polish immigrants, his family remembers him as a deeply patriotic and proud American who taught them to be proud of their Polish heritage, while being grateful for the opportunity to live in America. He told his son, "America is the greatest country in the world. We aren't perfect . . . but we are pretty close." Mr. Dymarcik was rated 100 percent service-con-

nected disabled by the Veterans Administration and passed away in August 2003. His loyalty to his country, patriotism and integrity are not forgotten by his family. To Mr. Dymarcik and his family, and to so many others who have honorably served our country, we appreciate your bravery, your service and your sacrifices.

IN RECOGNITION OF THE JAIN
CENTER OF NEW JERSEY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. PALLONE. Mr. Speaker, I rise today to recognize the Jain Center of New Jersey as its constituents gather to celebrate their newly constructed temple in Franklin Township, New Jersey. Their dedication to further enhance the environment for members of the Jain community is worthy of this body's recognition.

The Jain Center of New Jersey, JCNJ, was founded in 1981 and remains one of the oldest Jain organizations in North America. For thousands of years, Jains have believed in meditation, vegetarianism, environmentalism, equal rights for women, respect for other cultures and forgiveness. The Jain community in New Jersey has continued to grow exponentially and has further developed the need to construct the first all-marble temple in North America. The new temple, constructed with architectural designs from famous temples throughout India, continues to promote the positive themes of truth, non-violence, love, peace and proper conduct. The new worship site will also continue to provide opportunities for members of the community to faithfully commit to the Jain lifestyle that encourages happiness, challenge, discovery and spiritual growth. The construction of the new temple will provide culturally enriching experiences for the community and further disseminate the message of peaceful cooperation amongst others.

Mr. Speaker, once again, please join me in recognizing the Jain Center of New Jersey and congratulating its members on the inauguration of their new temple.

SIMON CALDWELL

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. GRAVES of Missouri. Mr. Speaker, I proudly pause to recognize Simon Caldwell, of Savannah, Missouri, for his admirable leadership and dedication to the community through the Savannah Lions Club. Simon joined the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Savannah Lions Club in 2008, where he has served as the third, second, and first vice president before being elected president of the chapter in 2011.

Throughout his terms, Simon has assisted with many projects including hanging flags on holidays, a fishing derby for kids, and serving at fundraiser meals. Simon has also actively participated in Special Olympics events, promoting their efforts within the club. As his leadership experiences increased, his confidence in speaking with others grew, and he now proudly conducts the chapter's meetings on a regular basis.

Mr. Speaker, I proudly ask you to join me in recognizing Simon Caldwell, whose commendable public service and dedication to the Lions Club has made him an inspiration for many. His strong moral character and earnest concern for my people makes it an honor to serve him in the United States Congress.

10TH ANNIVERSARY OF THE FEDERAL LAW ENFORCEMENT TRAINING ACCREDITATION BOARD

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. KINGSTON. Mr. Speaker, I rise today to pay tribute to the Federal Law Enforcement Training Accreditation (FLETA) Board as they celebrate their 10th anniversary on June 5, 2012. The FLETA Board of Directors is comprised of 21 senior officials from federal law enforcement agencies, academia, and professional organizations. Since the FLETA Board's inception, fifteen federal law enforcement academies and over 60 individual law enforcement training programs have voluntarily presented themselves to be assessed through the FLETA process and receive accreditation.

The FLETA Office of Accreditation is one of the smallest entities in the Federal Government with only seven government employees, yet the impact on federal training and operations is extensive. FLETA assists law enforcement agencies in virtually every department of the Federal Government to improve operations through more effective and efficient training. The mission of FLETA is more important now than ever before. This agency's efforts are demonstrative of good government in action, accountability through self-regulation, and exhibit the transparency that Americans expect of their government.

I would like to congratulate FLETA on their 10th anniversary and wish them much success in the future as they continue to assist federal law enforcement operations through training.

TRIBUTE TO DR. KENNETH L. SAMUEL

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. JOHNSON of Georgia. Mr. Speaker,

Whereas, Victory for the World Church has been and continues to be a beacon of light to our county for the past twenty-five years; and

Whereas, Dr. Kenneth L. Samuel, Pastor and Organizer and the members of the Victory for the World Church family today continues to uplift and inspire those in our community; and

Whereas, Victory for the World Church family has been and continues to be a place where citizens are touched spiritually, mentally and physically through outreach ministries and community partnership to aid in building up our District; and

Whereas, this remarkable and tenacious Church of God has given hope to the hopeless, fed the needy and empowered our community for the past twenty-five (25) years by preaching the gospel, teaching the gospel and living the gospel; and

Whereas, Victory for the World Church has produced many spiritual warriors, people of compassion, people of great courage, fearless leaders and servants to all, but most of all visionaries who have shared not only with their Church, but with DeKalb County and the world their passion to spread the gospel of Jesus Christ; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Victory for the World Church family for their leadership and service to our District on this the 25th anniversary of their founding;

Now therefore, I, HENRY C. "HANK" JOHNSON JR., do hereby proclaim May 23, 2012, as Victory for the World Church Day in the 4th Congressional District of Georgia.

UNITED WAY

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. HINOJOSA. Mr. Speaker, I rise today to celebrate the 125th anniversary of the world's largest privately supported not-for-profit organization, which now serves 1,800 communities in 41 countries and territories. The United Way is an organization created by a diverse group of leaders in 1887 in Denver, CO, with a goal of creating opportunities for a better life in their communities. Today, the United Way raises nearly \$5 billion dollars annually with a mission to "improve lives by mobilizing the caring power of communities around the world to advance the common good." In 2008, the United Way set in motion three specific goals of improving education, promoting healthy lives, and helping people achieve financial stability.

Crisis response after the tsunami struck South Asia in 2004 and a youth-led program to rebuild the Gulf Coast after the hurricanes in 2006 are just a few examples of how the organization has been committed to people in need both in the United States and internationally.

Within the fifteenth district of Texas, the United Way has served more than 200,000 people and funded more than 100 programs in two counties. These programs vary from women's programs to Boy Scouts, and include

community projects such as the purchase of school supplies to low income children. I hope that you will take a moment with me today, on the official United Way founder's day, to recognize and remember the great contribution the United Way has made to our community in the last 125 years.

25TH ANNIVERSARY OF MR. AND MRS. DONALD BARNES

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to pay tribute to a very special occasion—the 25th wedding anniversary of Mr. and Mrs. Donald Barnes of Urbana, Illinois.

Mr. and Mrs. Barnes have been long time close friends of mine and I relish this opportunity to congratulate them on this important milestone in their life.

I salute this lovely couple on the 25th year of their life together and join their family in honoring them on this special occasion. May their union be an inspiration for future generations.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,879,528,608,975.11. We've added \$5,252,651,560,062.03 to our debt in just over 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

IN REMEMBRANCE OF ANDY GRIFFITH

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Ms. RICHARDSON. Mr. Speaker, today I rise to honor the memory of one of the most beloved television personalities of all time, Andy Griffith. For over five decades he entertained us with the wholesome and charismatic energy he was known for. Mr. Griffith's career is the very definition of legendary, and he will be sorely missed.

Mr. Griffith came from humble beginnings. Born in Mount Airy, North Carolina, in 1926, he started out his entertainment career in minor comedic roles and obtained notoriety with his hit monologue "What it Was, Was Football". He went on to star in his first dramatic role in the movie "A Face in the Crowd". The character he played was a country boy

who manipulated his way to political power. The movie taught all of us the lesson that power corrupts, and corrupts absolutely.

Although this was his only real big screen success, Mr. Griffith's television roles are what we will remember him for. "The Andy Griffith Show" was an instant success. Mr. Griffith starred as the lovable Sheriff Andy Taylor, and while he never received a writing credit, he was also involved in the development of every script. Overlooked year after year for an Emmy Award, Mr. Griffith congratulated his costars and crew with graciousness and humility.

It was not until 1987 that Mr. Griffith was recognized with a People's Choice Award for his work on the television show "Matlock". He was able to show his diversity as the righteous lawyer Ben Matlock, best known for always coming out on top. Most impressively, Mr. Griffith showed the strength of his character by overcoming leg paralysis from Guillain-Barre Syndrome right before taking part in the show.

Throughout the rest of his career Mr. Griffith never stopped surprising his audience. He released many different albums, and his 1996 release "I Love to Tell the Story: 25 Timeless Hymns" went platinum.

In 2005 he was honored by President George W. Bush with the Presidential Medal of Freedom. Mr. Griffith truly personified grace and decency, his memorable performances brought millions of Americans joy while demonstrating the finest qualities of our country. Even today, that trademark whistle still makes us think of a sense of neighborliness and small town charm of years past.

Andy Griffith was a true jack-of-all-trades, who demonstrated talents both on screen and off. He started his own production company, completed an award-winning gospel music album, and later became involved in political activism. Yet audiences could be sure that Mr. Griffith would bring the same infectious energy and charisma to each endeavor.

Mr. Speaker, I would like to extend my deepest condolences to Andy Griffith's family and loved ones. I hope they can find some comfort in knowing the incredible legacy he leaves behind in hearts across the nation.

HONORING THE LIFE AND ACHIEVEMENTS OF MARC TITUS

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. RYAN of Ohio. Mr. Speaker, President Kennedy said, "A nation reveals itself not only by the men it produces but also by the men it honors, the men it remembers," and I rise today to remember and honor my dear friend, and a model public servant, Marc Titus.

Marc Titus was born in Cleveland, Ohio in 1966. A Warren G. Harding High School graduate, he attended Youngstown State University, and served in the United States Marine Corps as a Nuclear Biological Chemical Specialist.

In April of 1991, Marc continued to serve his community by joining the Warren City Fire De-

partment and becoming a member of the Honor Guard. For the last 21 years, Marc has been a respected leader and role model for new firefighters joining the force.

Over the years Marc has received numerous awards for his service. In 2009, he received the State Fire Marshal's Award for Heroism after pulling 4 people from a burning group home in Warren, Ohio.

Marc served as the president of the International Association of Firefighters Local 204 during the last 8 years of his life. During the recent Issue 2 campaign, Marc showed leadership and dedication to his profession and to his fellow firefighters with tireless work on their behalf. He always went above and beyond the call of duty striving to continually keep the Warren City Fire Department moving forward.

Marc Titus passed away on June 7, 2012 at the age of 46. Marc was a great friend of mine and taught those of us that worked with him that our lives were supposed to be spent serving others. Marc spent his life teaching us that real heroes are the ones that use their time and talents improving the lives of those in their family, community, and country. Marc did this and it was most apparent with how he dedicated his life to his 3 daughters: Jennifer, Julia, and Lindsey. We offer our condolences to them and to Marc's parents. Although his life was short, he taught us much. This hero will be sadly missed.

HONORING THE LIFE AND SERVICE OF NORTHWEST FLORIDA'S BE- LOVED JAMES "J.E." BLANKENSHIP

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. MILLER of Florida. Mr. Speaker, I rise today to recognize the life and service of Northwest Florida's beloved James "J.E." Blankenship. Mr. Blankenship served the Northwest Florida community for more than 40 years in the Holley-Navarre Fire District. In addition to his service to the community, Mr. Blankenship was also a loving and dedicated husband, father and grandfather; he is survived by his wife, Kathey (Taffy), his sons, Jeremy and Jody (Carisa), and his grandchildren, Dakota, Haleigh, Morgan and Caden.

Mr. Blankenship was born in Troy, Alabama on July 17, 1949. In 1963, he became one of the original members of the Holley-Navarre Fire District volunteer force, while working at the manufacturing company Solutia, where he retired from in 2005 to start his own small business. Mr. Blankenship continued to serve the people of Holley-Navarre as the Fire District transitioned from a volunteer to a professional force, and he did not take his duties to protect the community lightly. J.E. was an inspiration to his fellow firefighters, and he worked tirelessly to ensure that the Holley-Navarre Fire District had the necessary training and tools to serve the community. Through his tireless work on behalf of the Holley-Navarre community, Mr. Blankenship rose to become Assistant Fire Chief, and in 2003 he became a Fire Commissioner. His position as

a Fire Commissioner ensured that Mr. Blankenship was able to continue his work serving the community by overseeing the budget and operations of the department.

To some, J.E. Blankenship will be remembered as a man of conviction and a steadfast advocate for fire safety in his community. To others, he will be remembered as an inspirational leader who fought to ensure that the fire department was equipped to meet its mission. To his friends and family, he will be remembered as a devoted husband, loving father and proud grandfather. His immense contributions to the Northwest Florida community will not be forgotten.

Mr. Speaker, on behalf of the United States Congress it is an honor to recognize the life of J.E. Blankenship and his living legacy. My wife Vicki and I offer our sincere condolences to the entire Blankenship family.

CBS PRODUCER: "I'M DONE" DENYING LIBERAL MEDIA BIAS

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. SMITH of Texas. Mr. Speaker, former CBS producer Greg Kandra recently highlighted the continued existence of the national liberal media's bias.

As a result of the national media's use of selectively edited clips to push its liberal agenda, he stated that he has "grown weary trying to defend" the national media. Kandra declared that he cannot and will not defend his former colleagues against claims of liberal bias.

He writes that the national media has "successfully eroded any confidence" the public has in the news. And that the national media has "done a [great] job of diminishing what was once a great profession and undermining one of the underpinnings of democracy, a free press."

According to a recent Gallup poll, Americans' confidence in the national media is at an all time low. Americans' lack of confidence in the national media will continue until the national media provides the American people with fair and objective coverage of the news.

RESOLUTION TO SUPPORT CON- TINUATION OF CURRENT SUGAR PROGRAM

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. BOUSTANY. Mr. Speaker, Whereas, Louisiana has produced sugarcane for more than 200 years.

Whereas, Louisiana's sugarcane industry employs more than 16,000 people and contributes \$3.5 billion to the state's economy.

Whereas, Louisiana's sugar producers were harmed by Hurricanes Katrina and Rita, and a strong domestic sugar market is a critical component to continued recovery efforts.

Whereas, the state's sugar producers depend on the sugar policy created in the 2008 Farm Bill for survival.

Whereas, this sugar policy has kept sugar prices affordable for grocery shoppers, has operated at no-cost to taxpayers, and has strengthened the country's food security.

Whereas, this sugar policy has allowed America to become the largest sugar importer in the world; it benefits and is embraced by many developing countries; and it is legal under international trade rules established by the World Trade Organization.

Whereas, domestic confectioners have increased candy and chocolate production under this Farm Bill, have expanded operations and added jobs, and have seen impressive profits.

Whereas, food manufactures from other developed countries pay more for sugar than their U.S. counterparts.

Whereas, industrial sugar users have proposed eliminating current sugar policy in favor of a program that leaves America dependent on imports.

Whereas, the European Union adopted a similar import-dependent model and have suffered sugar shortages. Now therefore, be it

Resolved, That: the St Mary Parish Chamber of Commerce supports the continuation of the current U.S. sugar program and encourages Congress to work with Louisiana sugar producers to adopt a strong sugar policy in the 2012 Farm Bill.

TRIBUTE TO VIOLA REED

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. JOHNSON of Georgia. Mr. Speaker,

Whereas, the union of Viola Reed and John Walker has blessed us with descendants that have helped to shape our nation; and

Whereas, their union produced many well respected citizens, today we honor all of the matriarchs and patriarchs, who are pillars of strength for the Thomas, Walker and Wilson families; and

Whereas, in our beloved Fourth Congressional District of Georgia, we are honored to have many members of the Thomas, Walker and Wilson families, whom are some of our most productive citizens in our District; and

Whereas, family is one of the most honored and cherished institutions in the world, we take pride in knowing that families such as the Thomas, Walker and Wilson families have set aside this time to fellowship with each other, honor one another and to pass along history to each other by meeting at this year's family reunion in Atlanta, Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize the Thomas, Walker and Wilson families;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim, June 29, 2012, as Thomas, Walker and Wilson Family Reunion Day in the 4th Congressional District of Georgia.

HONORING THE LOS ANGELES KINGS, 2012 STANLEY CUP CHAMPIONS

HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Ms. HAHN. Mr. Speaker, I rise today to honor the Los Angeles Kings, the 2012 Stanley Cup Champions.

In 1967 the city of Los Angeles was awarded a National Hockey League team. 45 years later, the L.A. Kings have finally been crowned champions, having defeated the New Jersey Devils in the Stanley Cup Finals.

The Kings began the Stanley Cup Finals ranked 8th, going on to defeat the top three ranked teams in their conference while breaking numerous records along the way. Under the leadership of team coach Darryl Sutter and Captain Dustin Brown, the team beat the odds and became the only 8th seeded team to ever win the Cup.

The Kings stand as a symbol of determination and perseverance for the city of Los Angeles. Congratulations to Coach Darryl Sutter, Captain Dustin Brown, Conn Smyth winner Jonathan Quick, the players, staff and all of their dedicated fans who in 45 years, never stopped believing.

CELEBRATING LINK'S 40 YEARS OF SERVICE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. WOLF. Mr. Speaker, I rise today to recognize LINK, which celebrates 40 years serving the Herndon, Sterling and Ashburn communities in northern Virginia this month.

LINK began as a number of congregations came together to start a food pantry for those in need. Today, LINK is comprised of a strong group of churches from different backgrounds and partners with local businesses, schools and individuals efforts to serve the emergency food needs in our community.

In 2011, LINK utilized over a thousand volunteers to serve over 2,700 families with food, clothing and toys for children. LINK has also been working with public schools in Fairfax County to distribute unused cafeteria food to families in need.

I have had the privilege of working with LINK, and its excellent leadership and volunteers, many times over the years. It is a wonderful organization and I extend my sincere appreciation and deepest gratitude to the volunteers for their many years of hard work to address the serious challenge of hunger in our community.

I submit the following article from the Herndon Patch honoring LINK's 40 years of service.

[From Herndon Patch, June 22, 2012]

LINK CELEBRATES 40 YEARS SERVING THE COMMUNITY

(By Leslie Perales)

This July LINK Against Hunger will celebrate 40 years serving the Herndon, Sterling and Ashburn area communities.

The organization began with a number of congregations combining their efforts to start a food pantry for those in need. Though it's grown and changed over the years, LINK's mission is the same: Christians linking their neighbors to food and financial assistance.

The entire LINK organization is run by volunteers. Patch sat down with three of LINK's volunteers that have spent many years serving their neighbors through the organization.

Bob Ashdown has been volunteering with the organization for about 35 years and is the food pantry manager. He picks up donations from area bakeries, grocery stores, farmers markets and even schools, and oversees the pantry.

Jim Butts is the website manager for LINK and has volunteered with the organization since before it existed. He did much of the organization's paperwork on a daily basis for a time, and helped work with the furniture mission when LINK operated one.

LINK President Lisa Lombardoizzi has been working with the organization for about 15 years, beginning when she began staying home with her children. She began as a food coordinator, then worked with the food basket program.

Lombardoizzi said the biggest change she's seen in her years with LINK is more involvement from the community, and how the church demographics have changed.

She said with so many area organizations that people can volunteer with, LINK has to fight a little more to stay on people's radars, but at the same time they have been able to expand and respond to the increased need in the community.

Ashdown said in the past few years, during the recession, the community has become more aware of the need and responds very well. Social networking has had a big impact on community response, he said.

When LINK was running low on food for its holiday basket program, volunteers sent out a message on Facebook and people shared the message and responded to the need, Ashdown said.

He said the holiday basket program used to have three to four dedicated volunteers packing food over two to three weeks, but now more than 40 volunteers will come take shifts to pack the baskets.

Butts said he's seen the organization start with a food mission, add a furniture and bed mission, then eventually phase it out again. They also had a clothing mission, which eventually combined with and became The Closet, located in downtown Herndon.

LINK is unique in that it's the only organization that brings the food to its clients instead of having clients come to the pantry, Butts said. When someone in need contacts LINK, volunteers with the organization are usually able to deliver food to them within 24 to 48 hours, he said.

Butts said another unique aspect of LINK is how volunteers are able to assist stranded travelers at Dulles International Airport. He said they can respond within 24 hours to make sure they have what they need if they get stuck in the area while traveling.

Butts said in the first 25 years at LINK they had about 15 to 20 churches rotating responsibilities. Since then some have dropped out and others have joined.

Ashdown said the organization has received a lot of support from government organizations and elected officials, though none of it monetary. Local representatives hold food drives for the organization.

Lombardoizzi said LINK has been consistent in its leadership, but has seen many

different volunteers. A lot of volunteers come to the organization around Christmas and end up staying when they find they enjoy the work, she said.

Butts said in the near future he sees LINK working to improve communications with other area food pantries and banks. He said he's also working on one phone number for those in need of food to call so based on their location they can connect them with the closest location.

Ashtown said he enjoys getting to meet new people and work with them through LINK, and at the same time the volunteers get to share the gospel and live out Christianity.

LINK gives people the chance to be the hands and feet of Jesus, Lombardozi said. When they serve clients they get to know them, pray with them and sometimes find other ways to help them, she said.

Lombardozi said she likes that an organization that includes many faith backgrounds has been able to collaborate to serve their community for 40 years, working together for something they believe in.

To learn more about LINK or how to get involved, visit LINK's website here.

IN OPPOSITION OF REPRESENTATIVE BISHOP'S AMENDMENT—
H.R. 2578

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. BACA. Mr. Speaker, I rise today in strong opposition of Representative BISHOP's amendment in H.R. 2578, the Conservation and Economic Growth Act.

This amendment would give the Department of Homeland Security unrestrained authority over more than 49 million acres of land encompassing major regions heavily populated by Latinos.

These new "operational control zones" would harm communities economically, socially, and environmentally.

DHS would be explicitly exempt from complying with dozens of environmental, public health, and safety laws within 100 miles along the Mexican and Canadian borders.

Even Secretary Napolitano and the U.S. Customs and Border Patrol indicated that environmental protections do not hinder their ability to secure our borders.

This amendment proves to be unnecessary and a threat to our public health.

Also, it jeopardizes the natural parks and public lands that many people use as recreation across our nation.

I understand our nation faces many challenges, but this is no way to enhance border security.

We must respect the liberty of all Americans, enjoy our natural landscape, and ensure every person's right to a healthy life.

I urge my colleagues to vote against Representative BISHOP's amendment.

IN HONOR OF LOUIS A. MITCHELL

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. TIBERI. Mr. Speaker, I honor the life and work of Lou Mitchell on the occasion of his passing from this life to the next.

Lou Mitchell's connection to central Ohio reached back several generations and his roots ran deep in our community's soil. His family has lived and contributed to our area for generations. For example, his great-grandfather graduated from Dennison University after returning from his service in the Civil War.

Irrespective of his family's illustrious history, Lou strived to place his own stamp on the place that helped shape him. As a very successful businessman, he could have lived anywhere he wished. He wished to live in central Ohio. He wanted to live among people like himself—people who enjoy and respect hard work and honest dealings. He wanted to give back to the people and community that gave him an education, a career and common sense values.

Lou did give back in many ways over his life. As president of the Board of Big Brothers and Big Sisters of Central Ohio, a member of the Boards of the Ohio Historical Society Foundation and I Know I Can, and a Denison University Life Trustee, his wisdom and spirit influenced the direction and missions of these agencies. Lou gave to causes dear to his heart such as the Licking County YMCA, where the Mitchell Family YMCA Recreation Center was dedicated in 2005, his beloved Dennison University to build the Mitchell Athletic and Recreation Center in 1994, and the non-profit organization he started known as "A Call To College Program," which provides college scholarship money to Newark High School students. In addition, he privately helped countless individuals who he learned had experienced setbacks in life such as large medical bills or educational expenses beyond their means. He did not seek publicity or notoriety for these acts; he did them because he could and he believed it was right.

I offer my deepest sympathies to his family. Their sense of loss is shared by many of us who knew and loved Lou Mitchell. His legacy will stand as an example for all, and he will be dearly missed.

HONORING THE UNITED WAY OF PENNSYLVANIA'S 10TH CONGRESSIONAL DISTRICT

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. MARINO. Mr. Speaker, I rise today in honor of the United Way of Pennsylvania's 10th Congressional District on the occasion of the 125th anniversary.

Founded in Denver, Colorado in 1887 by five religious men and women, the United Way strives to improve public health and welfare

though charitable donations, wellness programs, and education initiatives.

Today, the United Way stands as a well known and world-renowned organization promoting good health, sound education policy, and financial stability in communities across the globe. The United Way is one of the leading not-for-profit organizations and forces for good in the world.

I would especially like to honor the men and women who work for the United Way organizations located in Pennsylvania's 10th Congressional District for their good work: United Way of Bradford County, Lycoming County United Way, United Way of the Capital Region, United Way of Mifflin-Juniata, United Way of Wyoming Valley, Danville Area United Way, Lower Anthracite Region United Way, Schuylkill United Way, United Way of Susquehanna County, and United Way of Lackawanna and Wayne Counties.

Mr. Speaker, I rise today to honor the United Way of Pennsylvania's 10th Congressional District, and ask my colleagues to join me in praising their commitment to country and community.

10TH ANNIVERSARY OF THE NIH RELEASE OF THE WOMEN'S HEALTH INITIATIVE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mrs. MALONEY. Mr. Speaker, ten years ago today, on July 9, 2002, the National Institutes of Health released groundbreaking research findings from the Women's Health Initiative—the largest preventive women's health study ever conducted in the United States. The researchers found that the hormone therapy regimen women were using at and after menopause increased a woman's risk of heart disease, rather than decreasing it, as many had believed, and that it also increased her risk of getting breast cancer.

For decades before this, hormone therapy had been heavily marketed and routinely prescribed to women during menopause, making it one of the most prescribed drug regimens in the country with more than 90 million annual prescriptions written in 1999. But after learning about these research findings, women voted with their feet and hormone therapy prescriptions dropped quickly. This was followed by the first significant drop in breast cancer rates in United States history—there are 160,000 women who were not diagnosed with breast cancer over the last 10 years because they avoided unnecessary exposure to drugs that would have caused it.

Many people deserve credit for this remarkable public health achievement—the researchers at the National Institutes of Health who led the effort, including the late Dr. Bernadine Healy, the first female director of NIH, who spearheaded the launch of the WHI; the women who volunteered to enroll in the WHI as research subjects to advance science for the benefit of all women; women's health advocates like the National Women's Health Network which built public support and demand

for research into the pressing health issues of concern to women; and the women in Congress who led the charge in 1991 to increase the nation's investment in women's health research.

The Women's Health Initiative involved more than 27,000 post-menopausal women at 45 clinical centers across the nation. It remains unsurpassed as the largest women's health research study of women in this age group. Despite this historic significance, however, unfortunately women are still underrepresented today in health research. For example, women make up just 34 percent of heart disease prevention trials and less than 40 percent of clinical cancer research. I rise today to call on my colleagues to support a more equitable allocation of resources and to address the vital need for more investment in research on women's health.

TRIBUTE TO PASTOR CAROLINE
LEACH

HON. HENRY C. "HANK" JOHNSON, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. JOHNSON of Georgia. Mr. Speaker,

Whereas, forty years ago a virtuous woman of God accepted her calling to serve in the clergy upon graduation from Columbia Seminary in May 1972; and

Whereas, Pastor Caroline Leach began her work in the ministry after being ordained the 21st woman pastor in the former Southern Presbyterian Church, and today retires as Co-Pastor of Oakhurst Presbyterian Church in Decatur, Georgia; and

Whereas, this phenomenal woman has shared her time and talents, giving the citizens of our District not just a friend who helps those in need, but a fearless leader and a servant to all who ensures that the gospel touches everyone mentally, spiritually and physically; and

Whereas, Pastor Caroline Leach is a cornerstone in our community who has enhanced the lives of thousands for the betterment of our District and Nation; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Pastor Caroline Leach upon her retirement and wish her well in her new adventures and endeavors;

Now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim June 23, 2012 as Pastor Caroline Leach Day in the 4th Congressional District of Georgia.

HONORING WOODROW RAYMOND
DUHON

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. BOUSTANY. Mr. Speaker, I rise today to commend Woodrow Raymond Duhon, member of the Montford Point Marines. The Montford Point Marines were the first group of African Americans to serve in the Marine

Corps following Franklin Delano Roosevelt's 1941 Executive Order allowing African Americans to serve in the military.

Mr. Duhon attended a segregated basic training camp at Montford Point, a facility at Camp Lejeune in North Carolina, with approximately 20,000 other men. While serving in the Marines, Mr. Duhon fought in World War II and the Korean War in the Seventh Regiment of the First Marine Division to protect and defend American civil rights, despite being denied them himself.

Soldiers who trained at Montford Point were honored at a Congressional Gold Medal Ceremony on June 27 at the U.S. Capitol. I am proud to say Mr. Duhon is among those to be recognized.

It is the brave sacrifices of soldiers like Raymond Duhon that helped the U.S. Marine Corps to grow and advance. Their contributions helped many Marines realize and achieve their dreams. I thank Raymond Duhon for his commitment to our country and his service.

EXTENSION OF THE FEDERAL
WIND PRODUCTION TAX CREDIT

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Ms. MCCOLLUM. Mr. Speaker, I would like to thank the City of North Saint Paul's Mayor Mike Kuehn for hosting the federal Wind Energy Production Tax Credit Press Conference on July 2, 2012. The press conference brought together business leaders from Minnesota's wind sector. The Wind Energy Production Tax Credit supports clean energy developers, manufacturers, and construction companies in Minnesota and across the country. I am submitting for the CONGRESSIONAL RECORD four Minnesota business leaders' comments on the need for passage of the federal wind energy production tax credit.

STATEMENT BY MS. SHANELLE MONTAN OF
ENXCO

It is a pleasure to be here and I would like to thank Congressman Ellison and Congresswoman McCollum for being here and supporting the PTC. I grew up on a farm in rural Minnesota and have seen first-hand the economic effect of the wind industry in rural Minnesota. It is my pleasure to work for enXco and to work in an industry that has done so much for communities across Minnesota.

enXco have developed projects in Minnesota for more than a decade. Thus far we have 900 MWs of wind energy from western to eastern Minnesota. Additionally, we have hundreds more MWs in development in the state. As many of the presenters stated today, wind does not happen overnight. Bringing a wind project to fruition requires meticulous studies, surveys, permitting, and other development activities. The careful placement and development of wind can take years.

We are proud that our projects have boosted the economies of small towns and rural communities across the state. Landowner payments and additional tax revenue for communities provides funding for new roads, schools, and other infrastructure across the

community. Farming is sporadic. Today crop prices are high, however, we do not know what prices will be tomorrow. A sustainable income for farmers means more investment in equipment, technology, and the family farm.

Without the PTC extension our pipeline of projects will be at risk. Hundreds of MWs of wind development will be stalled. This lapse will interfere with permitting, interconnection, and other development activities. Developers in Minnesota need a stable market. We look forward to further development across the state. With an extension of the PTC we will be able to ensure the livelihood of rural communities and increase Minnesota leadership within the wind industry.

STATEMENT BY MR. MARK AHLSTROM OF
WINDLOGICS

Wind farms are power plants that use wind as their fuel, so careful analysis is needed to find good locations and understand the wind patterns. WindLogics is a Saint Paul company with 52 people here in Minnesota and we provide these weather analysis services to project developers throughout the country. We were bigger. Because it takes time to collect and analyze the weather data to create good projects, we felt the impact of the Production Tax Credit expiration more than nine months ago and had to reduce our staff by 10 people.

It takes 18 months to plan and build a wind project even under the best of circumstances, and companies cannot plan and finance wind projects with uncertainty around the tax credit. So because we work early in the project development cycle, what we saw last fall was that project planning for 2013 essentially stopped.

This is a terrible shame because we have clients who want to invest billions of dollars in new wind projects. The industry has scaled up to the point where it can contribute \$20 billion a year in private investment to the U.S. economy, with U.S. manufacturing and jobs, but this is on hold until the Production Tax Credit is renewed. New projects can't just stop and start instantly, so any delay on renewing the tax credit just puts us that much further behind.

Wind energy is a great business that I love, and I want WindLogics to get back to helping people build new projects. We need a prompt renewal of the Production Tax Credit to make that happen.

STATEMENT BY MR. TIM MAAG OF MORTENSON
CONSTRUCTION'S RENEWABLE ENERGY

I'll echo the others in emphasizing the importance of this PTC extension. Due to the undeniable success of the PTC, businesses like Mortenson have been able to provide stable jobs for American families.

Mortenson Construction is a Minneapolis-based, family-owned construction company, with over 2,200 full time employees. Mortenson has offices in Chicago, Denver, Milwaukee, Minneapolis, Phoenix, and Seattle with international operations in Canada and China. Ranked as the 19th largest contractor in America, according to Engineering News-Record, a large portion of Mortenson's business is generated from the wind industry—nearly 30% of the company's annual revenue. Over 800 craft workers and 350 salaried professionals work in Mortenson's Renewable Energy groups and are focused on constructing renewable energy and transmission & distribution projects. The PTC has contributed greatly to our organization's positive growth in the renewable energy sector.

In 1995 Mortenson constructed our first wind project in Adair, IA, and have constructed over 120 wind projects across North

America to date. We've witnessed technology advancements over the past seven years, driven by the PTC, that have helped to make wind energy more affordable and projects more cost competitive. Our construction projects have grown from a handful of turbines to large, multi-phase projects spanning hundreds of square miles.

Right now, Mortenson is building 18 wind projects in 10 states, all scheduled to complete before the end of 2012. Each project constructed in the US bolsters our country's larger economy while playing a vital role in sustaining smaller local economies across America. We've seen firsthand the significant and revitalizing impact on rural communities surrounding wind projects. Over the construction period, jobs are made available to the local labor force, major construction contracts are awarded to local businesses and suppliers, while fabrication, maintenance, and repair shops all see increasingly positive economic impacts due to the wind project. Throughout the life of a project, more than \$500,000 may be infused into an area's hotels, restaurants, and living facilities due to construction traveler spending alone.

While Mortenson maintains an aggressive and busy 2012, those here who have spoken before me, are the leading indicators for the likelihood of future project construction. Due to the lack of a PTC extension, we're seeing a decline in turbine orders and hesitation to develop projects. Mortenson is uncertain of the number of US wind farms we will construct in 2013. This will impact the livelihood of hundreds of employees, subcontractors and other industry partners across the country.

The uncertainty surrounding the PTC extension threatens the success of and further development of the wind industry, and thereby the American economy. Because of the long-term nature of the planning and permitting process, short-term extensions of PTC are insufficient for sustaining consistent, long term growth of the industry. In conjunction with those here today, we implore our legislators to reinstate the PTC. A long-term (2-4 year) extension is crucial to averting the damaging impact to America's labor force and the long-term growth of our industry, which holds so much promise to our future generations.

STATEMENT BY MR. DOUG FREDRICKSON OF
BLATTNER ENERGY

Blattner has been in the wind industry for 15 years. We have seen the PTC expire before. But there is so much more at stake now than earlier.

There are 500 US manufacturing facilities building components for the wind industry. Once those facilities close, a stable enough wind industry environment may never exist for them to be recaptured. They will be outsourced again overseas. Construction may be an industry that has little fear from job loss due to "outsourcing". But you can still lose your job and that's why we're today. The PTC is going to expire and with it tens of thousands of good jobs will be lost. Blattner Energy is a 105 year old Minnesota construction company. We worked on our first wind farm at Lake Benton, Minnesota in 1997. We were significantly smaller than. But that first opportunity positioned us to grow with the wind industry nationwide. Today Blattner and Mortenson are the two largest builders of wind farms in North America.

At Blattner we employ approximately 1,500 people directly in wind and more through our subcontractors and suppliers. Of course

our role in a wind project is the last one. Consequently, our employees will be busy right up until December 31 of this year. But as was mentioned earlier, new wind work in 2013 is unlikely and reduction will have to occur.

Blattner has been in the wind industry for 15 years. We have seen the PTC expire before. But there is so much more at stake now than earlier. There are 500 US manufacturing facilities building components for the wind industry. Once those facilities close, a stable enough wind industry environment may never exist for them to be recaptured. They will be outsourced again overseas. Those jobs are beginning to diminish right now because there is no positive signal that a stable tax policy will be in place in the future. We ask Congress to continue its bi-partisan support for the PTC. Keep people working and extend the PTC now before your recess.

BB-USS TEXAS 35

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. POE of Texas. Mr. Speaker, as a kid growing up in Spring Branch, I always looked forward to the long days of the hot Texas summers. Long days meant more time to play outside. I didn't know that summers in the other parts of the world were not steamy like here in Houston. (I now tell my friends in Washington that are from the north, that Houston has two seasons: Summer and August.) Like most kids in the neighborhood, my sister, Jayne, and I played outdoors a good portion of the day and didn't come in 'til dark. We knew that when the porch light came on, we had to be home within five minutes of seeing the "beacon" or there would be consequences. Occasionally, we got to take summer excursions with the family to the battle-grounds, the Monument and, of course, the Battleship *Texas*.

My fondness for the USS *Texas* began in those days and has stuck with me throughout my life and career. As kids, we thought it was "cool" that Texas had its own battleship. We would pretend to shoot the guns on the ship, run through the countless corridors, hide in the nooks and crannies, and generally live in the disappearing past of the history of the great battlewagon. My best friend, Pete Cliburn, and I would climb from top to bottom of the "Mighty T," firing every gun and squeezing down every open hatch along the way. We explored the many decks and climbed the ladders of the upper decks as high as we could go. When you reached the top of the ladder of the highest point, you better remember that the metal deck you were about to lay your forearms on was as hot as a cast iron skillet! But, as kids we couldn't care less, we were fighting on the greatest battleship to have ever sailed.

As I got older I learned more about the amazing legacy of BB 35. The USS *Texas* is the last survivor of the great Dreadnought Battleships. She participated in the most important battles of the first half of the Twentieth Century, including both World Wars. She was launched 100 years ago this year and com-

missioned on March 12, 1914. She was the most powerful warship that the world had seen, and she participated in the invasion of North Africa, Normandy, Iwo Jima and Okinawa. Her most notable contributions came in WW II, firing at Nazi defenses during the D-Day invasion at Normandy. Called the "smartest man o'war afloat," the *Texas* was an integral part of many US victories. As the flagship of the US fleet on D-Day, the *Texas* was the first of her kind to mount anti-aircraft guns and the first US battleship to launch an aircraft. At the end of the War, she made three trips, bringing American servicemen home.

On the anniversary of San Jacinto Day, April 21, 1948, the *Texas* was decommissioned. Her place in history took root right here in our backyard. School children across Texas saved their nickels to help pay to dry dock the Battleship at the site of the Battle-grounds on the San Jacinto River. As a kid, it was obvious to me why General Sam routed Santa Anna—we had a Battleship! After all she was retired on San Jacinto Day. It took me awhile to figure out that the Texas Revolution was in the 1800s, and the Battleship *Texas* was used in the 1900s. While that all made perfectly good sense to me back then, my love for Texas history in the years to come taught me that they were not the same war and General Sam's accomplishments became far more impressive.

During my tenure as a judge, the "Mighty T" found its way back into my life and into the lives of offenders that I ordered to be "enlisted" in the "Texas Navy." I ordered probationers who were skilled welders, painters, plumbers and electricians to help in the restoration efforts of the Battleship. As one of many creative sentences, this became another effective tool that both served the public and the probationer—a few even went on to be hired by the Texas Parks and Wildlife Department. The probationers became a part of the history of the great ship. After being dry docked in Galveston in the 80's, many much needed repairs were made by different organizations and thousands of volunteers. The Battleship is now moored in its present location.

During my first term in Congress, I joined efforts with Congressman GENE GREEN in securing federal funding to permanently dry dock and display the USS *Texas* so that my grandchildren and generations to come could climb all over one of the world's finest fighting vessels. My DC staff visits the ship, usually in August, and I act as the Texas historian, along with help from the real experts, the Battleship staff from the Texas Parks and Wildlife Department.

Today, the Battleship *Texas* serves as a museum and a reminder of wars long past. In 1948, she was designated a National Historic Landmark. Today, the *Texas* has an onboard museum that details her efforts in our fight for freedom and a history of the sailors that called her their own.

But, all is not well with the *Texas*. What her enemies in battle could not do to her, nature has. She is old and is taking on water. She is covered with rubber patches and aluminum plates, and about one thousand gallons of water pour through her body every day. Last week, visitors were turned away from this National Historic Landmark. The grand lady of

the seas is closed until further notice. Visitors have been told the ship is closed while workers battle her leaks. Her recovery could cost an estimated 50 million dollars. In a 2007 bond election, voters approved \$25 million for her repair. This isn't enough. And, as much as it will help, the money won't be released until September. *Texas* is not just a National Historic Landmark, she is a state treasure to Texans and a monument to American sailors who first sailed her 100 years ago. The *Texas* needs volunteers and money to honor the ship and all who sailed her. Time is not on the side of the ship. Texans must save the ship now.

Otherwise, as we approach the sweltering heat of the "season" of August, we may see the beginning of the permanent demise of the USS Battleship *Texas*. Texans cannot allow the great *Texas* to sink from neglect and disappear beneath the water of history. And that's just the way it is.

IN REMEMBRANCE OF MR. ROBERT JOHN "BOB" MESLER, AS PRINTED IN THE MIDLAND DAILY NEWS ON JUNE 21, 2012

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. CAMP. Mr. Speaker, Robert John "Bob" Mesler, Jr., 87, longtime Midland resident, World War II veteran and retired Manager of Emergency Response for The Dow Chemical Company, passed away Wednesday, June 20, 2012, after a lengthy illness. Bob was born on January 4, 1925, in Cass City, Michigan, to Robert John Mesler, Sr. and Ethelyn Louise (Smith) Mesler. The Meslers moved to Midland from Saginaw in 1941. Bob was a January, 1943 graduate of Midland High School, where he played football and ran track. He began his career at The Dow Chemical Company immediately after graduation. Less than six months later, Bob was drafted into the U.S. Army, and after basic training, was assigned to the Army Specialized Training Program at Hendrix College, Arkansas.

Bob married his high school sweetheart Margery Keicher on August 16, 1944, a month before shipping out to England, then to Belgium where he served in the U.S. infantry. During the Battle of the Bulge in January 1945, Sergeant Mesler was taken prisoner, escaping his captors at the end of April 1945, a few weeks before V-E Day. He was initially reported missing, and it wasn't until he had escaped that his family learned he'd actually been a POW.

"At the present, we live for the future, but we will long remember the past," he wrote home in an April 8, 1945 letter to his bride that vividly described his capture and treatment at the hands of his German captors, long marches and strafing by friendly fire. He was serious about remembering the past. Whatever it cost him in painful memory, he talked about those wartime experiences with generations of inquiring middle and high school students, as well as with those now-grown children of his fellow World War II veterans who perhaps hadn't shared their stories as can-

didly. Though he rarely claimed the distinction, Bob was proud to have served as a member of "The Greatest Generation." With Marge by his side, he revisited the Ardennes battlefield in 1989, where he was impressed by a local memorial to his fallen comrades. "It kind of finished off some unfinished business I had," he said upon returning home. Fifteen years later, Bob and fellow Midland veterans Max Bottomley and Bill Kennett—father of Midland Daily News reporter John Kennett—joined their fellow honorees in Washington, D.C. at the dedication of the National World War II Memorial.

With his war service completed, Bob attended Central Michigan University, graduating in 1949, with a B.S. in Biology. He resumed his career at The Dow Chemical Company, capping his 40-year career there by retiring as Manager of Emergency Response. Always active in his church and community, Bob's civic efforts included two terms on Midland's Parks and Recreation Commission, the presidency of the Jaycees, and being district manager for then-Congressman William Schuette. A talented craftsman, Bob also worked on the crew that restored the Midland County Courthouse. Until recently, Bob was the Buildings and Grounds committee chair for St. John's Episcopal Church in Midland, where he had previously served terms on the church vestry as both the senior and junior warden, as well as being a Sunday School teacher and youth leader.

An avid sports booster, Bob coached and refereed Little League baseball as well as coaching Pee Wee Football. Bob and Marge raised two sons; Jeff (Sheila) Mesler and Greg Mesler, both of whom survive him, as does Jeff and Sheila's son Kyle Robert Mesler. Bob's brother Garry (Jean) Mesler also survives him, along with nieces and nephews Kim, Liz, Kevin, Patti, Jim, Ethelyn, Mike, Lyn, John, Janette, Sherry, Mary and Bill.

Bob was "stand-in grandfather" to Anna, Maria, Cate and Matt. His extended family, the "Gang," includes Niki (Don) Beckwith, Max and Martha Bottomley, Gloria and Pete Lehman, Bill and Bonnie Kennett, Grace and Mike Merrell, Janet (Larry) Lang, Helen (Bob) Ward and Caroline (Al) Gunkler. Bob was preceded in death by his parents; and two brothers, James Russell Mesler and James Richard Mesler.

Memorial Services will take place at 11 a.m., Monday, June 25, 2012, from St. John's Episcopal Church, The Rev. Rob Skirving and The Rev. Mike Wilson will officiate, with inurnment to take place in the church mausoleum. Bob's family will receive friends at the Ware-Smith-Woollever Funeral Home, 1200 West Wheeler Street on Sunday from 2-4 and 6-8 p.m. Those planning an expression of sympathy are asked to consider the Toni and Trish House or Shelterhouse. Full military honors will be presented by the Midland Area Veterans and the Department of the U.S. Army.

The family would like to give special thanks to Bob's Midland doctors, to Dr. Washer of the University of Michigan, and especially Dr. Hafez of the University of Michigan, for all the special care they gave Bob. Thanks also to the staff of MidMichigan Home Care (Hospice) and Bob's special nurse Raime.

IMPORTANCE OF FUEL EFFICIENCY

HON. TERRI A. SEWELL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Ms. SEWELL. Mr. Speaker, I rise today to discuss fuel efficiency, an issue that is near and dear to the heart of all hardworking Americans. As Members of Congress, it is our mission to do all that we can to reduce America's dependence on foreign oil for America's families. We must work hard to create and incentivize ways to produce alternative fuels and reduce gas prices here at home. And we should continue to work with our auto industry to promote the manufacturing of more fuel efficient vehicles right here in America. America's auto industry is hard at work manufacturing and developing the technology to manufacture more fuel efficient vehicles.

My congressional district and the State of Alabama is home to many auto manufacturers and suppliers that are achieving that goal and are even working hard to exceed it. All Americans can contribute to promoting energy independence and environmental sustainability by taking a few simple steps. And as we head into the major summer driving season, it's important to remember that we all can improve fuel efficiency right now.

For example, using cruise control will help drivers maintain a steady speed and save fuel. Studies have shown that tuning your car and keeping tires inflated can increase your fuel economy by 3 or 4%. Driving responsibly and at the speed limit also helps to improve fuel economy.

The EPA's website provides information about fuel efficient driving and there are numerous agencies and organizations that provide information and resources about how to drive more efficiently. Auto manufacturers and associations have also undertaken efforts to increase awareness and educate us all about fuel efficiency, and I support and applaud those efforts.

In closing, I encourage all of us to take the time to learn how to drive more efficiently and maximize our fuel economy. These techniques will save Americans fuel, decrease emissions and help us achieve energy independence.

HONORING KAY A. CALAS

HON. JANICE HAHN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Ms. HAHN. Mr. Speaker, I rise today to honor the memory of Mrs. Kay A. Calas, who passed away on Monday, June 18, 2012 at the age of 88.

We often hear the term "founding fathers" used to describe the framers of this country. Kay Calas was one of the founding mothers of the City of Carson, California, and as a 29-year member of the Carson City Council, she was truly a legend in her own time.

Kay Calas was not only one of the longest tenured elected officials in Los County's history, she was also one of the most effective

and revered council-members of her time. She is credited with helping to shape a thriving city from what was once a collection of waste dumps, vacant land patches and oil production facilities in the eastern section of Los Angeles County's South Bay region.

The creation of the City of Carson happened during the time that my father, L.A. County Supervisor Kenny Hahn, presided over that previously unincorporated area. My father's great respect for Kay Calas and her husband John, himself a great community leader and former Carson Mayor, stemmed from their shared vision of an ideal city in which people from all walks of life could live and do business harmoniously. That shared vision made Kenny Hahn a John and Kay Calas ally for life.

Once the loftier goal of incorporating Carson had been accomplished, Kay Calas relentlessly pursued her passion: that is the business of serving the people. Kay was always a champion for the senior citizens, and she had a deep love for fine arts. The Carson Symphony Association had a yearly concert for 3,000 school children, and Kay would routinely pay for the buses to bring the children to the event. She spearheaded the effort to extend Del Amo Boulevard over the San Diego (405) Freeway creating an important thoroughway to ease rush hour street traffic in the middle of town. The bridge now bears her name, while a park on East 220th Street in Carson is named after her late husband John Calas.

Above all else, Kay Calas was a public servant of the highest possible integrity. Current Carson Mayor James Dear, who served as Mayor with Mrs. Calas during two of her eight terms in office, described Kay Calas' character as "above reproach".

I extend my deepest condolences to her three surviving sons, Frank, James and Thomas, and Kay's numerous grandchildren and great-grandchildren. Though Kay Calas is no longer with us, her legacy lives on in the lives of her family and in the community that she served so tirelessly throughout her remarkable life.

TRIBUTE TO MRS. ANNIE JOHNSON-SINKFIELD

HON. HENRY C. "HANK" JOHNSON, JR. OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. JOHNSON of Georgia. Mr. Speaker, Whereas, reaching the age of 80 years is a remarkable milestone; and

Whereas, Mrs. Annie Johnson-Sinkfield was born on June 14, 1932 and is celebrating that milestone; and

Whereas, Mrs. Sinkfield has been blessed with a long, happy life, devoted to God and credits it all to the Will of God; and

Whereas, Mrs. Sinkfield is celebrating her 80th birthday with her family members, church members and friends here in DeKalb County, Georgia, on June 16, 2012, she celebrates a life of blessings; as a wife, mother, grandmother, great grandmother and great great grandmother; and

Whereas, the Lord has been her Shepherd throughout her life and she prays daily and is

leading by example a blessed life; an advocate, faithful church member at Poplar Springs Baptist Church in Ellenwood, Georgia, and a community leader; and

Whereas, we are honored that she is celebrating the milestone of her 80th birthday in the 4th District of Georgia; and

Whereas, the U.S. Representative of the Fourth District of Georgia has set aside this day to honor and recognize Mrs. Annie Johnson-Sinkfield for an exemplary life which is an inspiration to all,

Now therefore, I, HENRY C. "HANK" JOHNSON, JR., do hereby proclaim June 14, 2012, as Mrs. Annie Johnson-Sinkfield Day in the 4th Congressional District of Georgia.

IN REMEMBRANCE OF LAKEWOOD CALIFORNIA'S BRUCE DUBOIS

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mrs. RICHARDSON. Mr. Speaker, today I rise to honor the memory of one of Lakewood California's most prominent residents, Bruce DuBois. Mr. DuBois was born in my own district in 1935 at Seaside Hospital in Long Beach. He attended school in Compton until transferring to Downey High School. He could not stay away from the 37th district for long, and after enlisting in the Army and serving in France, he returned to attend Compton College.

It was during his time in college where Mr. DuBois met the love of his life and the woman he would spend the next five decades with. Diane DuBois was also a student at Compton College, and after the two met at a party it was only a year until they were married. Mrs. DuBois would later go on to become mayor of Lakewood, always with the proud support of her beloved husband.

While being an avid family man, Mr. DuBois dedicated his life to serving the community. He was very active with the Jaycees, a service group that provides leadership training through community service for adults ages 18-40. He met many of his best friends through this organization.

After retirement Mr. DuBois continued his volunteer work with the organization Meals on Wheels. At least once a week he would deliver meals to his community's shut-ins and elderly. His wife stated that he took great pride in this work, and met many friends along the way.

Mr. DuBois' life can be remembered as full of service to his community, friendship and family. He was a man we could all look to for warmth and kindness, and his presence will be sorely missed. He leaves behind his wife, two daughters, four grandchildren and a sister.

HONORING NATIONAL PARK CLIMBING RANGER NICK HALL AND OTHER CLIMBING RANGERS

HON. DAVID G. REICHERT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. REICHERT. Mr. Speaker, today I recognize a hero who died last month leading an effort to save four climbers on Mt. Rainier in Washington State.

On June 21 four climbers fell into a crevasse on a glacier on Mt. Rainier. National Park Climbing Ranger Nick Hall and other Climbing Rangers braved the elements and terrain to rescue the climbers and get them the medical attention they desperately needed. Mr. Hall, a 33-year-old four-year veteran of Mt. Rainier's Climbing Ranger team, tragically fell more than 2,500 feet down the side of the mountain. The Climbing Ranger team was unable to communicate with Mr. Hall after his fall and continued their heroic efforts to save the four climbers. All four climbers were saved and all suffered non-life threatening injuries. I applaud the heroic efforts of the rescue team.

Rangers did reach Mr. Hall hours after the rescue mission began, but, sadly, determined that he had died as a result of his fall. Because of heavy snow, clouds, and the threat of an avalanche, Mr. Hall's body could not immediately be recovered. Finally, on Thursday, July 5, Mt. Rainier National Park personnel were able to confirm that Mr. Hall's body had been recovered.

Mr. Speaker, It has been a tough year at Mt. Rainier. On January 1 Park Ranger Margaret Anderson was gunned down at Mt. Rainier by a fleeing gunman. Now Nick Hall has lost his life saving climbers on the mountain. I grieve with the friends, family, and colleagues left behind.

The week of July 15 has been declared "Stand With Those Who Serve Week" in Washington. Nick Hall is the latest example of someone willing to pay the ultimate sacrifice in service to others. Today I stand with members of the Park Service, Mt. Rainier Superintendent Randy King, and the supportive communities around the mountain.

GOVERNOR PERRY'S LETTER TO KATHLEEN SEBELIUS

HON. LOUIE GOHMERT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. GOHMERT. Mr. Speaker, I submit the following letter.

OFFICE OF THE GOVERNOR,
July 9, 2012.

Hon. KATHLEEN SEBELIUS,
Secretary, U.S. Department of Health and Human Services, Washington, DC.

DEAR SECRETARY SEBELIUS: In the ObamaCare plan, the federal government sought to force the states to expand their Medicaid programs by in the words of the Supreme Court putting a gun to their heads. Now that the "gun to the head" has been removed, please relay this message to the

President: I oppose both the expansion of Medicaid as provided in the Patient Protection and Affordable Care Act and the creation of a so-called "state" insurance exchange, because both represent brazen intrusions into the sovereignty of our state.

I stand proudly with the growing chorus of governors who reject the PPACA power grab. Thank God and our nation's founders that we have the right to do so.

Neither a "state" exchange nor the expansion of Medicaid under the Orwellian-named PPACA would result in a better "patient protection" or in more "affordable care." What they would do is make Texas a mere appendage of the federal government when it comes to health care.

The PPACA does not truly allow states to create and operate their own exchanges. Instead, it gives the federal government the final say as to which insurance plans can operate in a so-called "state" exchange, what benefits those plans must provide, and what price controls and cost limits will apply. It leaves many questions to be answered later through federal "future rulemaking." In short, it essentially treats the states like subcontractors through which the federal government can control the insurance markets and pursue federal priorities rather than those of the individual states.

Through its proposed expansion of Medicaid, the PPACA would simply enlarge a broken system that is already financially unsustainable. Medicaid is a system of inflexible mandates, one-size-fits-all requirements, and wasteful, bureaucratic inefficiencies. Expanding it as the PPACA provides would only exacerbate the failure of the current system, and would threaten even Texas with financial ruin.

I look forward to implementing health care solutions that are right for the people of Texas. I urge you to support me in that effort. In the meantime, the PPACA's unsound encroachments will find no foothold here.

Sincerely,

RICK PERRY,
Governor.

CALLING FOR THE FIRING OF U.S. AMBASSADOR TO VIETNAM

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. WOLF. Mr. Speaker, I submit a letter I sent to President Obama and Secretary Clinton calling for the firing of the U.S. ambassador to Vietnam.

Ambassador David Shear should be removed because he has repeatedly failed to advocate for human rights and speak out for the voiceless in Vietnam. I recommend that he be replaced by a Vietnamese-American.

I am particularly upset by Ambassador Shear's failure to invite more dissidents and human rights activists to the U.S. Embassy for a July 4 celebration after promising that he would.

Further, I have been disappointed in Shear's handling of the case of Dr. Nguyen Quoc Quan, a Vietnamese-American democracy activist and U.S. citizen presently being held by the communist government of Vietnam.

As I stated in the letter, "America must be a voice for the voiceless. The U.S. Embassy in Vietnam must be an island of freedom,

headed by a bold American ambassador. Ambassador Shear is not that man."

HOUSE OF REPRESENTATIVES,
July 9, 2012.

Hon. BARACK H. OBAMA,
The President, The White House, Washington, DC.

DEAR MR. PRESIDENT: On May 15, 2012, the Tom Lantos Human Rights Commission, which I co-chair, held a hearing on human rights abuses in Vietnam. As you undoubtedly know, the State Department's own annual human rights report aptly describes Vietnam as an "authoritarian state." During the hearing, several of my colleagues and I heard testimony from Mrs. Mai Huong Ngo, the wife of Dr. Nguyen Quoc Quan, a Vietnamese-American democracy activist and U.S. citizen. Upon his arrival at Tan Son Nhat International Airport in Ho Chi Minh City on April 17, he was arbitrarily detained and has been in prison ever since. Dr. Quan's wife was invited to testify in light of her husband's plight.

Assistant Secretary Michael Posner was also invited to testify at the hearing on behalf of the State Department. At the time I expressed my shock and dismay that no one from the department, not even the U.S. ambassador to Vietnam, David Shear, had been in touch with Dr. Quan's wife since his detention. Only at my urging did Ambassador Shear initiate contact with Mrs. Ngo to update her on her husband's situation.

This was disturbing on a number of levels. I have long believed that U.S. embassies should be islands of freedom—especially in repressive countries like Vietnam. Under Ambassador Shear's leadership it didn't appear that the U.S. embassy in Hanoi was embracing this important task. But even more troubling is the fact that Dr. Quan is an American citizen, and yet there appeared to be little urgency to securing his release.

In speaking by phone with Ambassador Shear following the hearing I expressed my concerns and urged him to host a July 4th celebration at the embassy, where the guest list was comprised of religious freedom and democracy activists in Vietnam. I stressed that he should fling open the doors of the embassy and invite Buddhist monks and nuns, Catholic priests and Protestant pastors, Internet bloggers and democracy activists. Such was the custom during the Reagan Administration, especially in the Soviet Union. This practice sent a strong message that America stood with those who stand for basic human rights. In many cases it afforded these individuals protection from future harassment and even imprisonment.

Ambassador Shear said that he intended to honor this request. Following my conversation with him I received the enclosed letter from the department indicating that, "Ambassador Shear continues to engage with civil society advocates, promoters of rule-of-law, and democracy activists and will welcome them to the Embassy's July 4th celebration." I took Ambassador Shear at his word and in fact shared this correspondence with members of the Vietnamese Diaspora community in the U.S., several of whom were greatly encouraged by this development.

Late last week it was brought to my attention that many of the most prominent democracy and human rights activists in Vietnam were not invited to the event. These reports seemed starkly at odds with the assurances I had personally received from Ambassador Shear. I called him directly this morning to find out if the embassy had invited the dissidents as had been agreed upon. His re-

sponse was appalling. He said that he had invited a few civil society activists but then said that he needed to maintain a "balance." I then asked him for a list of the invitees. He initially refused saying he was unable to provide this information, even though presumably the embassy, which he leads, created the guest list. Then he said he would have to address this through State Department. I asked him when we might expect to receive a copy of the guest list and, after initially declining to be specific, he eventually conceded that it would be "in a few weeks."

Ambassador Shear's entire handling of this issue has been unacceptable. He showed little to no initiative in the case of Dr. Quan. Then, after appearing to recognize the shortsightedness of this approach, he agreed to host an Independence Day event at the embassy attended by human rights and democracy activists—only to go back on his word and mislead me about his intentions. Finally, when posed with a simple congressional request for additional information about the guest list at a U.S. embassy event, he was uncooperative at best and obstructionist at worst.

In light of these realities, I write today to call for the firing of Ambassador Shear.

Sadly, his sidelining of serious human rights issues in Vietnam is symptomatic of this administration's overall approach to human rights and religious freedom. Time and again these issues are put on the backburner—to the detriment of freedom-loving people the world over. In a Constitution Day speech, President Ronald Reagan described the United States Constitution as "a covenant we have made not only with ourselves, but with all of mankind." We have an obligation to keep that covenant. If you were to take this action, it would send a critical message to U.S. ambassadors globally, and just as importantly, to repressive governments which fear the words of the Constitution and the promise they hold as much as they fear the aspirations of their own people.

I have repeatedly said that it would be fitting for a Vietnamese-American to serve as U.S. ambassador Vietnam—someone who understands the country, the language, and the oppressive nature of the government having experienced it themselves before coming to the U.S. Such an individual would not be tempted to maintain smooth bilateral relations at all costs. Such an individual would embrace the cause of freedom. The Vietnamese people, and frankly millions of Vietnamese-Americans, deserve better than what Ambassador Shear and this administration are giving them.

America must be a voice for the voiceless. The U.S. Embassy in Vietnam must be an island of freedom, headed by a bold American ambassador. Ambassador Shear is not that man.

Best wishes.

Sincerely,

FRANK R. WOLF,
Member of Congress.

Enclosure.

UNITED STATES DEPARTMENT OF STATE,
Washington, DC, June 26, 2012.

Hon. FRANK R. WOLF,
House of Representatives.

DEAR MR. WOLF: Thank you for your letter of June 6 following up on your phone conversation last month with Ambassador Shear regarding the Tom Lantos Human Rights Commission's hearing on Vietnam and the case of Dr. Richard Nguyen.

We continue to urge the Vietnamese government to release Dr. Nguyen. In addition

to raising his case with high-level Vietnamese officials, our consular officers will continue to provide all appropriate consular assistance to Dr. Nguyen. Ambassador Shear has personally spoken with Dr. Nguyen's wife, Mai Huang Ngo, and senior officials from our Consulate in Ho Chi Minh City remain in close contact with her.

Ambassador Shear continues to engage with civil society advocates, promoters of rule-of-law, and democracy activists and will welcome them to the Embassy's July 4th celebration. This is one of many ways we promote respect for human rights and rule-of-law in Vietnam.

We will keep you and your staff updated on developments regarding Dr. Richard Nguyen. Please do not hesitate to let us know if we can be of further assistance.

Sincerely,

DAVID S. ADAMS,
Assistant Secretary,
Legislative Affairs.

AMERICAN HEROES

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 9, 2012

Mr. WILSON of South Carolina. Mr. Speaker, as South Carolinians recognized our freedoms on the Fourth of July, we also express gratitude for fallen heroes who made our freedoms possible. A moving tribute was published on June 29th as an editorial in The Greenville News.

FALLEN SOLDIERS, FAMILIES ARE HEROES

Three families in South Carolina—and the state as a whole—were given a bitter reminder earlier this month that men and women still put their lives at risk every day to protect American ideals in faraway places. These men and women are heroes, as are the families that wonder, every day, if their son, daughter, spouse or child will return home.

Three from South Carolina won't. The S.C., National Guard troops were among 21 people killed in a suicide bomb attack on June 20. These brave men soon will be laid to rest, but their families will continue to grieve in ways that few of us can even begin to comprehend. It's a heart-wrenching reminder of the cost of war, and particularly of the cost of the current war in Afghanistan and the one in Iraq. These two conflicts have demanded a very heavy commitment from—and thus taken a very heavy toll on—our National Guard and Reserve troops.

The three members of the 133rd Military Police Company who were killed include Sgt. 1st Class Matthew Brad Thomas, of Easley; 1st Lt. Ryan Davis Rawl, of Lexington; and Spc. John David Meador II, of Columbia. Five other members of the company were wounded in the attack. Thomas' funeral is planned for this weekend.

The 133rd, nicknamed the Palmetto Regulators, is based in Timmonsville. It was in Afghanistan to train the Afghan national police force and was scheduled to return home in August. The three deaths bring to 16 the total of South Carolina National Guard troops who have been killed in Afghanistan since 2003.

These two wars have exacted a heavy toll on military families across the country. Many of those deaths have been among Guard and Reserve troops who traditionally

have been used in support roles, but have been called upon during these wars to serve more and longer combat tours, a result of leaner operations for a military force that is spread increasingly thin.

Thomas leaves behind a wife, Jana, and a 3-year-old son, Kayden. The family, who grief cannot be assuaged by our expressions of gratitude, nonetheless deserves our sincerest thanks for Thomas' devotion to this country and its ideals. The family members need our thoughts and prayers as they try to wade through a grief that too many military families have experienced in the past decade.

There have been 6,440 military deaths in Iraq and Afghanistan since the wars began. Of those, 1,022, or nearly 16 percent, have been National Guard or Reserve troops, according to The Washington Post.

Few of us reflect daily on the lives at risk every day in Afghanistan. Despite the continuing draw-down of American forces, it still is an exceedingly hostile place. And our nation still is calling on its part-time warriors to complete that mission.

Maj. Gen. Robert E. Livingston Jr., South Carolina's adjutant general, offered a poignant reminder to all of us that these wars still go on and our brave men and women still risk their lives.

"These men died serving their country and I want to express my deepest sympathy and condolences to their families, who are the unsung heroes of our war effort," Livingston said, according to a recent report in The State.

"These deaths are grim reminders that our military, to include the South Carolina National Guard, is still active in combat defense of our country. We are privileged to have such heroes in our midst.

Privileged, indeed.

As the nation pauses in coming week to celebrate its founding and the establishment of liberties and ideals that are desired by people around the globe; it would be worth taking more than a moment to remember the heroes—both the fallen and those whom they've left behind. These spouses and children, and the service men and women they love, are above the political rhetoric of which wars should be fought and how.

They simply serve. Their burdens are tangible reminders that the struggle for freedom continues and that it has a tremendous and painful cost. This is a cost these soldiers knew they might have to pay when they stepped forward to serve in an all-volunteer military during a time of war, but one their families are left trying to comprehend.

These men are mourned. They are praised. And they and their families should be remembered by a state and a nation that needs to be eternally grateful for their service and their immense and incomprehensible sacrifice.

Said Thomas' father, Charles, "They're doing a very important job. A lot of Americans don't understand that. But they're doing a very important job."

Amen.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily

Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 10, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 11

9:30 a.m.

Judiciary

To hold an oversight hearing to examine the impact on competition of exclusion orders to enforce standard-essential patents.

SD-226

10 a.m.

Finance

To hold hearings to examine Medicare physician payments, focusing on perspectives from physicians.

SD-215

Homeland Security and Governmental Affairs

To hold hearings to examine the future of Homeland Security, focusing on evolving and emerging threats.

SD-342

2 p.m.

Judiciary

To hold hearings to examine the nominations of Thomas M. Durkin, to be United States District Judge for the Northern District of Illinois, and Jon S. Tigar, and William H. Orrick, III, of the District of Columbia, both to be a United States District Judge for the Northern District of California.

SD-226

Commission on Security and Cooperation in Europe

To hold hearings to examine international extradition norms and their impact on United States victims of international fugitives, focusing on the case of George Wright and factors that impede or prevent extradition of criminals in the United States, concerns the United States may have regarding extradition requests from other countries, and how the United States might work to advance justice in this process.

2203, Rayburn Building

JULY 12

9 a.m.

Foreign Relations

To hold hearings to examine the Convention on the Rights of Persons with Disabilities (Treaty Doc. 112-7).

SD-G50

9:30 a.m.

Energy and Natural Resources

To hold an oversight hearing to examine remediation of Federal legacy wells in the National Petroleum Reserve-Alaska.

SD-366

10 a.m.

Environment and Public Works

To hold hearings to examine the latest science on lead's impacts on children's development and public health.

SD-406

Homeland Security and Governmental Affairs

To hold hearings to examine the future of Homeland Security, focusing on the evolution of the Homeland Security Department's roles and missions.

SD-342

Judiciary

Business meeting to consider S. 285, for the relief of Sopuruchi Chukwueke, S. 1744, to provide funding for State courts to assess and improve the handling of proceedings relating to adult guardianship and conservatorship, to authorize the Attorney General to carry out a pilot program for the conduct of background checks on individuals to be appointed as guardians or conservators, and to promote the widespread adoption of information technology to better monitor, report, and audit conservatorships of protected persons, S. 3276, to extend certain amendments made by the FISA Amendments Act of 2008, and the nominations of Terrence G. Berg, to be United States District Judge for the Eastern District of Michigan, Jesus G. Bernal, and Fernando M. Olguin, both to be a United States District Judge for the Central District of California, Lorna G. Schofield, to be United States District Judge for the Southern District of New York, Frank Paul Geraci, Jr., to be United States District Judge for the Western District of New York, Malachy Edward Mannion, and Matthew W. Brann, both to be a United States District Judge for the Middle District of Pennsylvania, Danny

Chappelle Williams, Sr., to be United States Attorney for the Northern District of Oklahoma, Department of Justice, and Charles R. Breyer, of California, to be a Member of the United States Sentencing Commission.

SD-226

10:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine creating positive learning environments for all students.

SD-106

2:15 p.m.

Foreign Relations

To hold hearings to examine the nominations of Gene Allan Cretz, of New York, to be Ambassador to the Republic of Ghana, Deborah Ruth Malac, of Virginia, to be Ambassador to the Republic of Liberia, David Bruce Wharton, of Virginia, to be Ambassador to the Republic of Zimbabwe, and Alexander Mark Laskaris, of Maryland, to be Ambassador to the Republic of Guinea, all of the Department of State.

SD-419

Indian Affairs

To hold an oversight hearing to examine Federal recognition, focusing on political and legal relationship between governments.

SD-628

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine medication and performance enhancing drugs in horse racing.

SR-253

Homeland Security and Governmental Affairs

To hold hearings to examine the nomination of Stephen Crawford, of Maryland, to be a Governor of the United States Postal Service.

SD-342

Intelligence

To hold a closed meeting to consider certain intelligence matters.

SH-219

JULY 17

9:30 a.m.

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine United States vulnerabilities to money laundering, drugs, and terrorist financing, focusing on HSBC case history.

SD-106

JULY 18

2:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of Marcie B. Ries, of the District of Columbia, to be Ambassador to the Republic of Bulgaria, John M. Koenig, of Washington, to be Ambassador to the Republic of Cyprus, Michael David Kirby, of Virginia, to be Ambassador to the Republic of Serbia, Thomas Hart Armbruster, of New York, to be Ambassador to the Republic of the Marshall Islands, and Greta Christine Holtz, of Maryland, to be Ambassador to the Sultanate of Oman, all of the Department of State.

SD-419

JULY 19

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine climate change, focusing on impacts on treaty rights, traditional lifestyles, and tribal homelands.

SD-628

SENATE—Tuesday, July 10, 2012

The Senate met at 10 a.m. and was called to order by the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, the world and all that is in it belong to You. You built our Earth on the deep waters and laid its foundations in the ocean depths. Great and marvelous are Your works. Give Your Senators this day Your hand of mercy so that they will feel Your peace and be guided by Your wisdom. Remind them that their value comes not only in actions in the work arena but also in reflection and meditation and prayer when they are not on Capitol Hill. Keep them close to You and constantly aware of Your abiding spirit in their lives. As they make time for quiet deliberation and circumspection, may they grow in the assurance of Your power.

We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICHARD BLUMENTHAL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 10, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICHARD BLUMENTHAL, a Senator from the State of Connecticut, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. BLUMENTHAL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SMALL BUSINESS JOBS AND TAX RELIEF ACT—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 341, S. 2237.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 341, S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, the next hour will be equally divided between Democrats and Republicans. The majority will control the first half and the Republicans will control the final half.

At 11:30 the Senate will proceed to executive session to consider the nomination of John Fowles to be U.S. District Judge for the Western District of Tennessee. At noon there will be a roll-call vote on the confirmation of that nomination.

The Senate will recess from 12:30 until 2:15 p.m. to allow for our weekly caucus meetings.

At approximately 2:25 p.m., there will be a cloture vote on the motion to proceed to S. 2237, which is the Small Business Jobs and Tax Relief Act.

MEASURE PLACED ON CALENDAR—S. 3364

Mr. REID. Mr. President, I understand that S. 3364 is at the desk and is due for a second reading.

The PRESIDING OFFICER. The majority leader is correct.

The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 3364) to provide an incentive for businesses to bring jobs back to America.

Mr. REID. Mr. President, I object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bill will be placed on the calendar.

SMALL BUSINESS TAX CUTS

Mr. REID. Mr. President, my Republican colleagues talk a good game on taxes, but Democrats' record of cutting taxes for small businesses speaks louder than Republican rhetoric.

Since President Obama took office, taxes have been cut for small businesses 18 times. Today he will advance a plan to cut taxes for small firms for the 19th time in just 3½ years.

The Small Business Jobs and Tax Relief Act would put money back into the coffers of true job creators. Under our plan business owners who hire new workers or give raises to current employees would get a 10-percent tax credit. Our legislation would also cut

taxes for firms that invest in new equipment, allowing more than 2 million businesses to grow faster.

These two proposals will create almost 1 million new jobs, and economists from across the political spectrum agree this is the most effective and efficient way to give the economy a badly needed boost. If my Republican colleagues want their record to match their rhetoric, they will end their filibuster of this worthy measure, and they will vote to support the real job creators.

Unfortunately, while Republicans agree we should cut taxes, their approach is completely different from ours. Congressional Republicans want to lavish huge across-the-board tax cuts on billionaire hedge fund managers and mega-rich celebrities such as Donald Trump.

Unlike our proposal, the Republican plan, which passed the House of Representatives, would not do a thing to encourage hiring. More than 99 percent of businesses in America would qualify for this extravagant tax break—even if they didn't create a single new job or raise wages for one solitary employee. In fact, fabulously rich so-called small business owners such as Kim Kardashian and Paris Hilton could qualify for these wasteful giveaways. Even though three-quarters of Americans oppose more tax breaks for the wealthiest few, nearly half of the benefits of this \$46 billion Republican proposal would go to millionaires and billionaires.

Mr. President, we Democrats want to cut taxes for small businesses, but the Republican alternative that passed the House of Representatives is simply the wrong way to do it.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

THE ECONOMY

Mr. MCCONNELL. Mr. President, last Friday morning the American people woke up to the news that the economy is on life support. The first response of the President of the United States was that we are headed in the right direction.

Let's just think about that for a second. The President's first reaction to the news that more Americans signed up for disability last month than got jobs was to flash a thumbs up and head back to the campaign trail, just like his first reaction to a question about the economy at a recent White House press conference was to say that the private sector is doing just fine.

Well, obviously, answers like that just aren't going to cut it. The President's advisers must be telling him that much. So yesterday the President—the man at the wheel—changed his tune by doing his Washington best to change the subject.

For 3½ years, this White House has shown an utter lack of imagination when it comes to jobs and the economy. If the solution doesn't involve more government, they are not interested. That is all they have. So yesterday the President went back to the same well one more time. After 3½ years of more government, more debt, more spending, more taxes, and more regulations, he demanded even more.

Yesterday the President issued an ultimatum: Raise taxes on about 1 million business owners to fund more government, and I will not raise taxes on the rest of you. That was his considered response to this crisis.

Let's leave aside for a second the complete and total absurdity of raising taxes on job creators in the middle of what some are calling the slowest recovery ever. Leave that aside and ask yourself a more fundamental question: Whose money is it in the first place?

Why should small businesses be put on the defensive about keeping money they have worked for and earned? It seems as though every day for the past 3½ years we have woken up to stories about waste and abuse in government—whether it was a bankrupt solar company or the \$800,000 party some government agency threw for itself or this week's report that we overspent on unemployment benefits by about \$14 billion.

As far as I am concerned, there should not even be a debate. The government doesn't need any more money. It is the government that should be answering to us for the tax dollars it has wasted and misdirected. It is the President who should be on the defensive. He is the one who pledged he would cut the deficit in half by the end of his first term but doubled it instead. He is the one who spent the first 3½ years of his administration shattering spending records.

Now he wants us to believe he will direct new tax revenue toward tackling the deficit? Look, yesterday's announcement was many things, but let's be honest. It wasn't a plan for deficit reduction, and it sure wasn't a plan for job creation. First and foremost, it was a distraction. By any standard the President has a nightmarish economic record. By demanding higher taxes on the few, he is trying to direct attention from it.

Second, it is deeply ideological. The President has already admitted that the last thing we need to do in the middle of a recession is raise taxes. He knows that yesterday's proposal would only make the economy worse. He knows that. His goal isn't jobs, it is in-

come redistribution. It is his idea of fairness, which means you earn and he takes. His definition of fairness means you earn and he takes.

Third, it is purely political. The President's top priority for the last year hasn't been creating jobs; it has been saving his own. Let me say that again. The top priority of the President hasn't been creating jobs for anybody else; it has been saving his own job. His advisers seem to think if they create enough scapegoats that he will slip by in November.

That is why he has spent the past year trying to convince the public that somehow his predecessor is more responsible for the economic failures of the past 3½ years than he is; that all the bailouts and the trillions in borrowed money and the government takeover of health care and the onslaught of bureaucratic redtape and regulations are somehow irrelevant to the fact that we are mired in the slowest economic recovery in modern times; that we are just one more stimulus away from an economic boom; that the fact that we have had unemployment above 8 percent for 41 straight months has nothing to do with the policies he put in place in his first 2 years in office; that all these massive pieces of legislation he touted were somehow hugely historic yet, at the same time, completely unrelated to the joblessness, uncertainty, and decline we have seen almost every day since.

It is this kind of economic thinking that leads to the kind of proposal the President announced yesterday, which says a tax hike is harmful to middle-income earners but somehow meaningless for the 940,000 business owners who will get slammed by this tax hike, as well as all the other tax hikes the President has in store for them at the end of this year.

The sad truth is the President isn't just ignoring the economic problems we face; he is exacerbating them. He is running us headlong to the cliff that is fast approaching in January. Frankly, it is hard to imagine a President deliberately doing all these things he knows will only make things worse, but that is where we are. Now it is incumbent upon the rest of us to outline a better path. And that is what we support—commonsense progrowth policies that liberate the private sector. It starts by repealing a health care law that is stifling businesses, by ending the senseless regulations that are crushing businesses, by ending the threats of tax hikes on businesses that can't afford them, and by putting our faith in free enterprise over the dictates of a centralized government. In the Obama economy, we need policies that are designed to create jobs, not destroy them.

No one should see an income tax hike next year—no one—not families, not small businesses, no one. We should ex-

tend all income tax rates while we make progress on fundamental tax reform.

It is time to put the failed policies of the past 3½ years aside and try something else. Washington has done enough damage to the economy already. Let's focus on the kinds of progrowth jobs proposals the Republican-led House has already passed. And above all, let's do no harm. It is time to give the private sector and the innovators and the workers who drive it a fighting chance.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT *pro tempore*. Under the previous order, the leadership time is reserved.

ORDER OF BUSINESS

Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Illinois.

THE ECONOMY

Mr. DURBIN. Mr. President, it has been 3 years—3 years—since my colleague from Kentucky who just spoke announced to America that his highest priority as a Senate leader was to make sure Barack Obama was a one-term President. That was his highest priority. And since that time, we have seen a record number of Republican filibusters on the floor of the Senate. They have broken all records in terms of efforts to stop even to allow a vote on the priorities of the Obama administration. For the Republican leader to then come to the floor and bemoan the fact that the President has not done more suggests he believes we are victims of political amnesia. And we are not.

We know the President came with a stimulus bill when we were losing 800,000 jobs a month. That is what we were losing the month the President was sworn in. He came with a stimulus bill to turn the economy around and to give tax breaks to businesses and individuals. And we ended up getting three Republicans who joined us over the objection of their leadership. We needed those three to break the Republican filibuster on the President's effort to get the economy moving forward again.

When it came time for health care reform, Senator BAUCUS, chairman of the Senate Finance Committee, invited the Republicans to sit down and construct a bipartisan bill with us, and they walked away—they walked away and then started a Republican filibuster against any change in health care reform. Does anyone remember the Republican alternative for health care reform? Of course not because there wasn't any. They didn't have a bill. They didn't even have a good idea. They were just here to say no and to

use their filibuster to achieve it, and that story has repeated itself over and over again.

In trying to rein in Wall Street greed so we didn't go through another recession like the one we are living through now, not enough Republicans would step up and support that. We faced a Republican filibuster again.

So for the Republican leader to come to the floor and bemoan the fact that certain things have not occurred here is to ignore the reality that he said his highest priority was to make Barack Obama a one-term President, and he has demonstrated that with an endless stream of Republican filibusters.

TAX CUTS

Now, let's get down to tax cuts. What President Obama said yesterday was this: To every single American, your first \$250,000 of income—your first \$250,000—will continue to receive a good tax break. There will be no increase in taxes on the first \$250,000 of income. For 98 percent of Americans, that is great because they make less than \$250,000, so they are not going to see any tax increase by the President's proposal. But for the 2 percent who make more than \$250,000, the President's suggestion was to go back to the tax rates, for that money earned over \$250,000, go back to the tax rates of the Clinton years, which was a time of dramatic economic expansion and the last time we in Washington balanced a budget. Now, that is not a radical idea, it is a sensible idea.

You can't come to the floor of the Senate day after day, week after week posing for holy pictures about dealing with the deficit—my goodness, the deficit—and then when we suggest raising taxes on only 2 percent of the American people, say: Oh, that is unacceptable. The only way to reach fiscal stability and deal with the deficit and debt is to put it all on the table, to make sure spending and revenue are on the table. And if we can't touch income over \$250,000 for the top 2 percent of Americans, we will never honestly deal with the deficit crisis.

The Republican leader came to the floor and said: Well, last week's employment numbers were not that encouraging. And I would join him in saying I wish they were better too. I am not going to say this is where I want to be, but I will say this: For 28 straight months—28 straight months—under President Obama, we have seen increases in private sector employment. Jobs are being lost in the public sector. We know that. They are being lost back home as State and local governments and others are reducing their payrolls. That is part of it. It is one of the reasons we haven't seen a more fulsome growth in employment. That is a reality. But private sector job growth has continued for 28 straight months.

So for the Republican leader to suggest that the President took this news

and then went out on the campaign trail, he forgot something. Last Friday President Barack Obama signed the bipartisan Transportation bill—a bill that will create and keep more than 2 million Americans working in this country building the infrastructure we need. This is a bill we have been waiting on for 3 years, and the President signed it, and I am glad he did. It helps Illinois, and it helps the Nation.

SMALL BUSINESS JOBS AND TAX RELIEF ACT

Let me also say that we can do more things to help get this economy moving forward. The first thing I would like to see is for the Republicans to end their filibuster against the small business bill we will have before us today. What does this bill do? This bill says to small businesses across America: We will give you a tax credit if you will create jobs or if you will expand your payroll—a tax credit—and we will give you a quicker depreciation on those items of equipment—technology and capital—that you purchase now.

This would be a shot in the arm. It is a recipe every Republican has sworn to Grover Norquist they are going to stand by come hell or high water—to cut taxes, cut taxes on small businesses so they will create jobs, give them a break to buy equipment so they can depreciate it more quickly and create more jobs with those who are supplying them. What is wrong with this notion? It is supposed to be the Republican credo: cut taxes, and for small business. Can't we agree on that? No. We are facing a Republican filibuster on that too.

Well, it is an illustration, in my mind, of an example of a bill that can move us forward with 1 million new jobs. Why won't the Republicans join us? Well, because they have said over and over again that they want this President to be a one-term President. They do not want success. They don't want job creation on his watch. They want as miserable a record as they can help produce to take into the November elections.

In fact, one Republican Senator said 2 weeks ago in the press: I hope the defense contractors start laying people off with the prospect of spending cuts in the future, and the sooner the better. Don't wait until after the elections; do it now.

How can he say that when we have to face these workers and their families? We don't want anyone laid off; we want people to have an opportunity to work good-paying jobs.

I think we understand what we face today. We have to come together as a nation with solutions that aren't part of the Presidential campaign rhetoric.

I served on the Simpson-Bowles Commission. I think it was a responsible way forward. I didn't agree with all of it, but it was a responsible way to move forward on deficit reduction. But we also put everything on the table in

terms of deficit reduction. We conceded the fact that we can't start the cutting that is needed until we bring ourselves strongly out of this recession, and we are moving forward on that path. It is time for us to continue that movement forward on a bipartisan basis.

I am asking for somebody to throw open the windows and bring in some fresh air here in the Senate this afternoon. When we vote on the small business tax credits to create more jobs across America, I am asking the Republicans to join us. This is not about President Obama, this is about America, its workers, its families, and our economy. If there was ever a time when we should come together on a bipartisan basis, it is now. We need to knock down the Republican filibuster, bring this bill to the floor, and do our very best to create new jobs and move this country forward.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

ENERGY TAX CREDIT

Mr. UDALL of Colorado. Mr. President, I rise once again to discuss the production tax credit for wind energy, and I wish to urge all my colleagues to extend it as soon as possible.

I have been coming to the Senate floor on an ongoing basis to highlight the tremendous growth of the wind energy industry from Colorado, to Texas, to Pennsylvania. Today I would like to talk about the future of clean energy jobs in the great State of Rhode Island.

If we look around our country, we find success stories everywhere, and wind energy is a bright spot for communities across America that supports good manufacturing jobs in places such as the United States and Rhode Island, and this is despite the great recession.

Rhode Island has dedicated itself to building a clean energy future, a key part of which is offshore wind energy. The entire eastern seaboard has massive offshore wind potential, and Rhode Island is one of the first States to begin construction on a project off of its coast. If we look at the chart I have here, we can see the potential for job creation, and we also see that Rhode Island is on track to meet 75 percent of its energy needs through offshore wind development.

Rhode Island has been the beneficiary of a number of companies locating themselves there, but one in particular I wish to call attention to is TPI Composites. It has been manufacturing wind turbine blades at its facilities in Warren, RI, for years. The decision to move to Warren was a good one for TPI because Rhode Island is known for its manufacturing acumen. And good-paying jobs have been the result of TPI's locating itself in Warren, RI.

In fact, I might also mention that President Obama just paid a visit to a TPI facility in Iowa last month. TPI has also opened a facility just across

the Rhode Island State line in Fall River, MA. They will also focus on the development and manufacturing of wind blades for offshore wind turbines.

But I want to return to the reason I am coming to the floor of the Senate on a daily basis. With the looming expiration of the production tax credit, orders for new wind blades have dropped and TPI has been forced to cut its Rhode Island workforce by 15 percent. In fact, its new facility in Fall River sits empty and idle as new wind blade development has been put on hold.

This is why I keep coming to the floor—because we need to pass an extension of the wind production tax credit. It equals jobs. We need to pass it as soon as possible. It is a travesty that we have not extended the wind production tax credit, particularly at a time when we still need to create more jobs.

I know the two Senators from Rhode Island agree with me. Communities such as Warren, RI, have benefited from the growth in the wind energy industry, but they are still hurting because of the great recession. Our failure to act is making things worse. We face a stark choice: We can let the PTC expire and continue to lose good-paying Rhode Island jobs or we can invest in America's future and take advantage of a manufacturing sector that is poised to expand.

The development of offshore wind is coming to the eastern seaboard, and the opportunities for American manufacturers such as TPI to grow their business and beat our international competitors are right there within our grasp. There is simply so much more economic growth possible if we would just simply extend the PTC.

Our inaction is stunting the growth of this important industry today. That is why I urge my colleagues to join us in extending the wind PTC as soon as possible.

I am pleased my colleagues from Rhode Island—who of course know their home State better than I could ever hope to—have joined me, Senator REED and Senator WHITEHOUSE. They know the difficult economic challenges their State has faced and they know how important the production tax credit is to jobs in their State. They have spent their public service careers fighting for the middle class, fighting for policies that create good-paying, American-based jobs. I am very much interested in hearing what they have to say on this important subject. So as my colleagues have come to expect, I will be back on the floor tomorrow talking about the wind PTC every day, until we pass the extension of it.

I look forward to hearing from my colleagues from the State of Rhode Island.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. REED. Mr. President, I commend the Senator from Colorado, Senator UDALL, for his leadership on this very important issue. I also want to commend my colleague Senator WHITEHOUSE, who has been extraordinarily effective as a national leader on energy policy and ocean policy.

As Senator UDALL pointed out, we are at a very critical moment. Nationally, with the support of the wind production tax credit, or the PTC, nearly 500 facilities across 44 States manufacture components for the wind energy industry. These products are critical to our future. The U.S. content of wind turbines installed in the United States has grown from 25 percent prior to 2005 to 60 percent today, according to the American Wind Energy Association. So we are actually seeing a situation in which American components are displacing foreign components in wind turbine installations that are being deployed here in the United States. That is an encouraging sign, because it means more jobs in manufacturing and it means more American content in products that would be purchased by Americans. This is fundamentally premised on the availability of the wind PTC, and so we have to maintain it. If we do not, then we are again at the mercy of world markets in which we suspect that there are countries that are supporting, directly and indirectly, their wind energy sectors very aggressively.

We need comprehensive reform of our Tax Code. That will be discussed, I am sure, in the months ahead. But we can't forget that this production tax credit for wind and credits for other clean energy resources support manufacturing jobs across this country, saves money for middle-class families, and increases our global competitiveness. As we think about tax reform, we also have to think about those programs that produce jobs, and this program is one of those job-producing tax provisions.

We in Rhode Island have taken steps, as Senator UDALL has alluded to, to try to position ourselves to be at the forefront of clean energy development and wind production, particularly offshore wind production. Due in part to strong State policy—and I will commend my colleagues in the State government—we ranked fifth in the country according to the American Council for an Energy Efficient Economy's annual energy efficiency scorecard. Our main utility, National Grid, and our State leaders are taking very aggressive steps to lower the amount of energy we use, which helps us in terms of our competitiveness across the globe and with other States in the country.

We have also tried to be a leader in offshore wind, for obvious reasons. We are the Ocean State. We are linked to the ocean, inextricably and historically. Offshore wind is something that

could be a huge benefit not only for ourselves but for our region.

Quonset Point is a former naval base which was closed in the 1970s. Fortunately, through the work of our predecessors, it became the site of submarine construction. Now it can also be the site of the assembly of turbines because of our access to the coast, because of the investments we made in terms of cranes, because of the investments we have made in shoring up the docks and the bulkheads. We are positioned to be a leader in the assembly of offshore wind turbines.

Part of this is not just the assembly expertise, but part of it is also the fact that we have done the fundamental environmental work necessary to make sure this economic development is environmentally sound as well as economically sound. Our local leaders have created the Ocean Special Area Management Plan, or Ocean SAMP, which essentially helps guide the locations for proper placement of wind turbines in the ocean. Among other considerations, it takes into consideration the geology, the tide, the fishing patterns, and the recreational use of the waters. They have come up with a very sophisticated plan, so we are well positioned to start creating this offshore wind production facility with the jobs onshore.

Also, as my colleague, the Senator from Colorado, pointed out, we have companies in the State that are leaders in the onshore wind industry. TPI Composites is one of them. It started as a boat builder. It used fiberglass to fabricate hulls for boats. It was sophisticated, it was state of the art. But then they shifted several years ago, because they saw the direction of this wind power development worldwide, and they started producing fiberglass blades for wind power. They have a wonderful facility in Warren, RI, and they were on the verge of expanding.

But again, as the Senator from Colorado pointed out, because of the uncertainty of extending the wind production tax credit and because of many other factors, unfortunately they have had to reduce some of their workforce. We want to see them start growing again. We want TPI to be, as it is, a world leader in the production of this type of technology. It is sophisticated. These are good jobs. They are manufacturing jobs. They are American jobs. They are the kind of work we want to be doing worldwide, so that when you go anyplace in the world and you look up, you will see a blade whose tooling, engineering, and manufacturing processes were made in Warren, RI, not in China or elsewhere.

We have a challenge in Rhode Island with 11 percent unemployment. So these are the kinds of jobs we not only want for the moment, but we want for the future, because they are valuable. They are not just a contribution in the

short run for putting people to work, they are a contribution in the long run, to our economy, to better use of energy, to better environmental quality, to a host of values that will turn out to have huge benefits for the people of Rhode Island and the people of this Nation.

I commend the Senator from Colorado for his consistent and persistent efforts to ensure we do not forget the wind production tax credit, and that we are still working hard to ensure we are able to support American manufacturing.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I am delighted to join my senior colleague from Rhode Island, Senator JACK REED, on the Mark Udall national economic tour of the renewable energy production tax credit, and I am delighted that daily tour has touched on Rhode Island today.

This renewable energy production tax credit is a vital part of our energy security strategy. It is pretty simple. It provides a per-kilowatt hour corporate tax credit for energy that is produced by various clean energy systems, such as wind, biomass, hydro, or geothermal. It makes a lot of sense. We need to do it. The problem is that it expires at the end of this year. And given the way that wind, biomass, solar, and other such projects have to be financed in advance and built over time, the market effect of the expiration of this production tax credit at the end of this year is already being felt in projects that are not going forward now or are under a cloud right now because of the uncertainty we are creating.

We know what happens when we allow the production tax credit to fail: The installations of this kind of equipment drop dramatically. The Department of Energy estimates that new wind installations will be virtually nonexistent next year if the production tax credit is allowed to expire. I don't know if there is a State in the Union in which people are not seeking to build wind energy to capture this free and abundant resource. All those projects will become nonexistent if this does not continue. It doesn't make any sense at all.

In Rhode Island, it is particularly important not only because we don't have a lot of domestic energy sources—so this is a good one for us as a domestic energy source—but also because of the jobs these projects support. We are not supporting international shipping tycoons who bring the oil over here, we are not supporting Saudi princes who pump the stuff or other folks from OPEC or around the world. We are supporting engineers in America, manufacturers in America, assemblers in America, factory workers in America, when we go this route.

My home State is still at 11 percent unemployment, so we have no tolerance for knocking down these jobs. This is not an acceptable energy strategy, it is not an acceptable jobs strategy. It is self-defeating for America's interests.

Senator REED mentioned TPI Composites. It is a great company. It is in Warren, RI. In the Warren and Bristol area, there is a real constellation of incredibly talented folks and small companies that are affiliated with the boat building industry. TPI and others do composite work—hulls, spars, masts, products that are light, strong, fast, and that help Rhode Island build the fastest and the best boats in the world. This technology has been transitioned from plain boat building and hull building to building the giant wind vanes that turn on these giant wind turbines.

This is an important industry for us and it is a valuable American industry. The idea that we would burn foreign oil rather than building composite wind vanes in Warren, RI, makes no sense at all. We are in the final stages of getting the Department of Interior's approval to build offshore wind turbines in Rhode Island. Senator REED and I have worked very hard to get TIGER grant funding to Quonset Point, where they have hardened up the pier so that a crane can operate on it. You don't see much on the pier now. It is flat, but it was dug out, steel was put in, and concrete was put down. Had we driven the crane out on the old pier, it would have crumbled down into the water and taken the crane with it. So we had to harden up the pier to put this crane out there, and the crane is now in a position to take these big wind turbines, which are too big to put on a truck and too big to put on a train. You have to build and assemble them shoreline and then barge them out to a location. We can do that now at Quonset Point. The project is expected to create 600 to 800 new jobs, and it could expand beyond that and position this Rhode Island facility as a hub for regional wind energy manufacturing.

This is important to us. We need this production tax credit. It goes along with a long history of government support for emerging industries. When the commercial airline industry was beginning to open, it had immense government support from subsidized airmail, from military contracts, from aeronautics R&D. The reason we took it from the Wright Brothers at Kitty Hawk to massive Boeing factories—which is still one of the world leaders in aircraft production—is because along the way the government supported American industry because they knew—we knew—this was an industry that had to compete with overseas manufacturers and needed our support.

In the same way, the clean energy industry is in an arena of international competition in which our country and

our companies are competing with foreign interests. We are competing with foreign companies and we are competing with the foreign governments that back them. Unfortunately, many in this building don't see that. All they see is the old, dirty, polluting fossil fuel industry and competition for the fossil fuel industry from clean energy. So they want to knock it down. Never mind that the well-established fossil fuel industries get far more in terms of government support than emerging clean energy technologies. The Environmental Law Institute points out that the United States has invested nearly six times more in subsidies for fossil fuel from 2002 to 2008 than we did in renewable energy. So it is not that their hands are clean of government support; they are here sucking up all the government subsidies they can, and they don't want clean energy to compete with them. They want to knock it down. That is a terrible mistake. We cannot allow the heavy hand of the fossil fuel industry lobbyists to stamp out competition in clean energy. It may be good for big oil, but it is not good for America, because we are in international competition to lead the world and be the manufacturers of wind, solar, geothermal, and other technologies. We are going to end up buying it. We want to also have built it. And, if we can, we want to be exporting it as well. We need to support these industries as they continue to develop and continue to grow so we can once again lead the world as we have in the past.

I thank Senator UDALL of Colorado for his leadership. He persistently and patiently comes every day to help make this point, and I am delighted he happened to choose Rhode Island as his point of focus today because Rhode Island truly does wrap it up. It is energy security, energy independence, local jobs and getting ahead and winning the game of international competition for this new technology.

I yield the floor.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I didn't come to the floor to speak about the wind energy tax credit, but I wish to say to my colleagues on the other side of the aisle that I agree with them, and they probably know I agree with them because I am the author of the wind energy tax credit of 1992. I often tell people that when we worked so hard on that, I did not have the slightest idea it would turn out to be such a big thing; that Iowa would be second in wind energy production in the Nation. I think Texas is No. 1. For sure, I did not know we would have manufacturing in our State as a result of it. We have had companies come from Spain, from Germany and then we have had from Colorado and Arizona component manufacturers that have come to Iowa.

There are about 4,000 people, maybe 5,000 people, employed in my State in that, so I hope we can get it reauthorized.

Mr. WHITEHOUSE. If the Senator will yield for a question.

Mr. GRASSLEY. Yes.

Mr. WHITEHOUSE. I not only salute what the Senator from Iowa has done on the production tax credit, but I also recognize that one of our great Rhode Island companies that is developing bioprocessed algal fuels has opened its major facility in the Senator's State, and there is a very good Iowa-Rhode Island connection on the development of algal fuels. I appreciate the fact our two States are able to work together so this Rhode Island company can have such a significant facility in Iowa.

Mr. GRASSLEY. For the Senator from Rhode Island, I believe that Rhode Island facility went to an existing ethanol plant in Shenandoah, IA—southwest Iowa.

Mr. WHITEHOUSE. It did.

TAXES

Mr. GRASSLEY. Mr. President, I have come to the floor to speak about the issue of taxes—that is now a big issue—not about the issue the majority will set before the Senate to talk about today and tomorrow and however long it takes but the issue we heard about from President Obama yesterday, the talk about the need to raise taxes on those earning more than \$250,000. We heard this from him again just yesterday, as we did last year quite a bit and the year before quite a bit, when he spoke in support of increasing taxes on the so-called wealthy.

In his speech yesterday, he made the following points: that those making under \$250,000 deserve certainty and they deserve it now; another point is that it is OK to increase taxes on small business owners making more than \$250,000 because those tax increases would affect less than 3 percent of the small business owners; another point, that those making more than \$250,000 are not paying their fair share; and another point, that we cannot afford to extend the 2001 and 2003 bipartisan tax relief to these households because of the impact on the deficit; and last, that if Congress sent him a bill to extend the 2001 bipartisan tax relief just for those making under \$250,000, he would sign the bill into law right away.

I come to the floor to highlight what the President is not telling the taxpayers. First, on the issue of certainty, the President fails to mention what his plans are for the dozens of tax provisions that expired at the end of last year and the dozens more that are expiring at the end of this year. These provisions affect everyone from teachers who dip into their own pockets to purchase school supplies to families and students struggling to pay for higher tuition. They also include key incentives for businesses to invest in

new equipment and engage in research needed to produce the products of tomorrow.

The President also failed to mention what he would do about the alternative minimum tax that threatens an ever-increasing number of middle-class Americans each year, the same middle class that the President is telling the world he wants to protect—and nothing wrong with protecting the middle class. Over the past several years, legislation was enacted in regard to the alternative minimum tax to avoid and avert this crisis happening to the middle class, and we did it through a series of patches to increase the exemption amount so these 30 million middle-class taxpayers are not hurt with the alternative minimum tax.

The President also fails to mention whether he continues to support the middle-class tax increases he included in his budget proposal. This is how the President proposes to tax the middle class. Would he reinstate the personal exemption phaseout and the Pease limitation on itemized deductions? Additionally, would he impose a new 28-percent limitation on itemized deductions? Each of these provisions comes with its own income thresholds and phaseout rules that increase complexity and increase taxpayer burden.

Finally, the President fails to mention the tax increases he supported to pay for the health care reform legislation. These provisions include a bigger haircut on the deductions for medical expenses, lower contribution amounts for flexible savings accounts, and taxes on artificial knees and hips that medical device manufacturers have to pass on to the patients.

Given all the looming tax increases the President failed to mention in his speech yesterday, it is difficult to see how extending just the 2001 and 2003 bipartisan tax relief provides certainty to taxpayers, including small business. The President agrees they are job creators and engines of our economy, so the President recognizes a fact of life that middle-class small businesspeople are job creators. Unfortunately, he defends his tax increase this way on small businesses, by claiming the impact will be minimal because only 2 to 3 percent of the small businesses would be subject to this tax increase. What the President fails to mention is that this 2 or 3 percent account for a large amount of economic activity and a large amount of the jobs created. We often talk—people on both sides of the aisle—about small business providing 70 percent of the new jobs being created in America.

I wish to see how the Joint Committee on Taxation, which is a nonpartisan congressional organization—and I wish to emphasize the nonpartisan aspect of this because we often refer to them as authorities in this area. According to this joint com-

mittee, 53 percent of the flowthrough business income would be subject to the President's proposed tax increases—so as I said, 70 percent of the new jobs created here—but this 2 or 3 percent also accounts for about 25 percent of all employment in America.

The President claims he wants to give the 97 percent of small businesses a sense of permanence. Yet the tax relief for those in this group is only for another year. How do we get permanence if we only want to provide tax policy for 1 year? It does not add up.

The President continues to claim we cannot afford to extend tax relief for those earning above \$250,000 because of our current deficit situation, but he fails to mention any ideas for reducing the deficit by controlling spending or by enacting tax reform, which is the only real way to provide a sense of permanence and eliminate the uncertainty we all agree keeps small and even larger corporations from hiring.

At the start of his administration, the President established the Simpson-Bowles Commission to come up with a framework to address our current out-of-control spending as well as to reform the Tax Code. The Commission issued a report over 1 year ago that included substantive proposals on how to reform the Tax Code. There are some proposals in the Simpson-Bowles plan I like and some proposals I do not like. I like that it would streamline the Tax Code, reduce tax rates across the board, broaden the tax base, enhance economic opportunity in the process. At the same time, it violates one of my core tenets of tax reform: that it not increase taxes overall. But the Simpson-Bowles plan is at least a serious proposal. I think most everybody recognizes that.

However, the President failed to embrace the Simpson-Bowles plan and offered a token framework for corporate tax reform. While the President agrees our current corporate tax rate is too high, his framework is overly vague and provides little in the way of simplification. Instead, as one commentator put it, his proposal on corporate tax reform simply "rearranges the deck chairs on the Titanic."

That being said, at least the President took a position on lowering the corporate tax rate to 28 percent. This is in stark contrast to his ideas on individual tax reform he put on the table yesterday. Even thinner on details, his overarching principle for individual tax reform seems to be the wealthy should pay their fair share. Yet after years of talking about the wealthy paying their fair share, he never defines what rate or amount of tax constitutes fair share for individual taxpayers. Adopting this rhetoric seems to indicate support for using the Tax Code to reduce income disparity between the highest and lowest taxpayers. However, data from the nonpartisan Congressional Budget Office—again I emphasize nonpartisan—

shows the so-called wealthy already pay the bulk of the taxes and that our Tax Code is highly progressive.

I put a chart up. This chart will show that if all Federal taxes are considered, the top 5 percent of households pay an average effective rate of about 28 percent and account for nearly 45 percent of all Federal receipts. In contrast, the bottom 20 percent, as we can see, pay average effective tax rate of about 4 percent and account for less than 1 percent of all Federal receipts. All Federal taxes include individual income taxes, corporate tax, excise, and payroll tax.

The disparity is even greater when we only consider individual income taxes. This is actually a better measure, since the President proposes to increase just income taxes on the so-called wealthy.

If we look at the chart that is before us, we will see that the bottom 40 percent of households have an average effective tax rate below zero. In contrast, the top 5 percent have an average effective tax rate of nearly 18 percent and account for 61 percent of income tax receipts.

I have highlighted the top 5 percent in these charts because these are the households generally earning more than \$250,000—in other words, these are the wealthy households, according to the President.

When we look at these numbers, it is fair to ask the President, once again, to define what he means by “fair share.” How high is the President willing to raise taxes to meet this objective? In other words, if this 5 percent is paying 61 percent of all the income tax receipts, how much more do they have to pay to satisfy the President in order to pay their fair share? In other words, define “fair share.”

I have always stated that taxpayers should pay what they owe, not one penny more and not one penny less. Anyone who looks at my record will see I have fought long and hard to shut down loopholes and to ensure taxpayers of all income levels pay what they legally owe. However, I hold a fundamentally different view from the President on how the economy works and what the government's role should be and the rate of taxation in contributing to the government's role in enhancing the economy.

I believe the money one earns is that individual's money, not a pittance that a taxpayer can keep based upon the good graces of the government. I generally believe individuals have the right to enjoy the fruit of their success. I believe the best way to increase the wealth and livelihood of all Americans is through progrowth policies that increase the size of the economic pie, not by redistributing the pie based upon some unspecified definition of fairness.

I believe 18 percent of the gross domestic product of this country is good

enough for the government to collect and spend, and for the most part it has been that way over a 50-year average of taxes. That benchmark of 18 percent is what the government has collected consistently regardless of the statutory tax rates. Whether tax rates have been high or low, they generally bring in about the same amount of money. In other words, just because they raise tax rates on the so-called wealthy people does not necessarily mean that we get the influx of revenue that some believe we will get. This is obviously something the President has not considered.

As I have done so often in recent years, I have come to the Senate floor to say we still end up with the same amount of money regardless of what the effective tax rate is because higher income individuals have the ability to choose the form of income they will receive. They also have a greater ability to decide when they will recognize this income, such as through the sale of stock, as a way to limit their taxable income in a given year. They also have accountants and attorneys to help them legally shield income from the view of the IRS. As taxes go up, so does the incentive to reduce one's income through legal and nonlegal means.

I have a chart that shows annual revenues as a percentage of gross national product in relationship to top marginal tax rates. This is in a period of time since World War II. So getting back to what I previously said, over a long period of time the revenue coming into the Federal Treasury tends to be about the same amount. I think this averages out to about 18.2 percent of GDP.

We can see during the Eisenhower years the marginal tax rate was 90 percent. Starting with Kennedy, it became 70 percent. Starting with Reagan, it became 50 percent. Once again, starting with Reagan, it came down to 30 percent. When Bush, the father, didn't keep his promise of, “Read my lips; no new taxes,” he gave in on that, it went back to 40 percent. Now under the 2001–2003 tax bills, it is at 35 percent. The President says we need to raise the tax rate back to this level.

As this chart shows, we can have high marginal tax rates or low marginal tax rates, but the people of this country have decided they are going to send just so much money to us bums in Congress to spend. So they decide how much we are going to get, and we can raise marginal tax rates, we can do what the first President Bush did, but we are still going to get about the same amount of revenue. So I hope the President takes that into consideration and also considers the negative aspect when marginal tax rates are reduced.

This means we are not going to be able to tax our way to surpluses. We are going to have to make substantial adjustments on the spending side to bring it in line with revenues. In other

words, the bottom line of what I would like to tell the President is that the American people of this country have not come to the conclusion that they are undertaxed. They have come to the conclusion that Congress spends too much, and the problem isn't on the tax side; the problem is on the expenditure side.

History also shows that tax increases just lead to spending increases. Often on the floor of the Senate I quote Professor Vedder of Ohio State University who has studied tax increases and spending for more than two decades. Some of his research goes back to World War II. His most recent work on this subject was with Steven Moore and published in the *Wall Street Journal*:

Over the entire post World War II era through 2009, each dollar of new tax revenue has been associated with \$1.17 in new spending.

So we raise a dollar here, and we spend \$1.17 over there. It is pretty obvious that bringing in more revenue isn't going to reduce the deficit.

Another study by the National Bureau of Economic Research states that when it comes to fiscal adjustments:

Those based upon spending cuts and no tax increases are more likely to reduce deficits and debt over Gross Domestic Product ratios than those based upon tax increases. In addition, adjustments on the spending side rather than on the tax side are less likely to create recessions.

So we know increasing taxes, including on targeted groups, is not going to reduce the deficit. American workers and businesses deserve tax reform and tax certainty. There is bipartisan agreement that we need comprehensive tax reform. What we need to get that done is real leadership, to be sure.

Lack of leadership is not because of lack of interest. The Senate Finance Committee, on which I serve, has held more than a dozen tax reform hearings during this Congress. The Senate Budget Committee has also held tax reform hearings. What has been lacking is what is so important in this town, Presidential leadership.

The President's speech yesterday was just that, a speech. As I outlined, he spoke only about extending certain tax relief measures for those earning under \$250,000. However, he failed to address other looming tax increases and failed to discuss how his other tax increase proposals provide the certainty that he claims he wants to provide.

It is easy for the President to engage in election year antics and goad Congress to send him a bill. Unfortunately, that is not leadership, and such speeches do nothing to help individuals and small businesses.

If the President really was concerned about preventing tax increases on the middle class and small businesses, he would at least be working with leaders in his own party to make sure they all

agreed on who the wealthy in this country really are and who ought to have their taxes increased.

Democratic leaders in the House and Senate have signaled that they support extension of lower income tax rates for those making up to \$1 million. In fact, a year ago this week, we in the Senate were debating the majority party's "millionaire tax resolution."

So if the President really wanted Congress to send him a bill that provided certainty to the taxpayers, he would make it a priority to get it done. Unfortunately, he is busy traipsing around the country raising money for his reelection. That is not leadership, and it is certainly not going to provide timely tax relief to the millions of taxpayers who need it.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF JOHN THOMAS FOWLKES, JR., TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of John Thomas Fowlkes, Jr., of Tennessee, to be United States District Judge for the Western District of Tennessee.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

Mr. LEAHY. Mr. President, I see the distinguished senior Senator from Tennessee on the floor, and I will make sure he has plenty of time to speak. If not, I will ask unanimous consent for extra time for him.

Today we will vote on only 1 of the 16 judicial nominations reported favorably by the Judiciary Committee that have been stalled for no reason from receiving a Senate vote. Regrettably, Senate Republicans are following through on their partisan opposition to the President by seeking to slam the door on qualified, consensus judicial nominees who have bipartisan support. In doing so, they seek to take advantage of the delaying tactics that they

have been employing for the last 3½ years. This is all to the detriment of the American people.

I am disappointed that Senate Republicans are choosing politics over the needs of the American people and seek to justify their actions with a warped sense of payback. This is not the time for settling imaginary scores. Their self-interested approach is what contributes to the low opinion the American people have of Congress. What the American people and the overburdened Federal courts need are qualified judges to administer justice. They are not helped by these partisan games. Following the most extended period of historically high vacancy rates in the history of our district courts, nearly 1 in every 11 Federal judgeships remains vacant. This is more than twice the vacancy rate by this date during the first term of President Bush.

This chart, available at <http://www.leahy.senate.gov/imo/media/doc/BushObama%20-%20Judicial%20-%202010-12%20-%20Area%20-%20201st%20term.pdf>, should help people understand how far behind we remain in filling the judicial vacancies to provide the Federal judges that the American people need to get justice in our Federal courts. This compares judicial vacancies during the first terms of President Bush and President Obama. It shows the stark contrast to the way in which we moved to reduce judicial vacancies during the last Republican Presidency.

This chart shows that the Senate can do better because it has done better. During President Bush's first term we reduced the number of judicial vacancies by almost 75 percent. When I became chairman in the summer of 2001, there were 110 vacancies. As chairman, I worked with the administration and Senators from both sides of the aisle to confirm 100 judicial nominees of a conservative Republican President in 17 months.

We continued when in the minority to work with Senate Republicans and confirm President Bush's consensus judicial nominations well into 2004, a Presidential election year. At the end of that Presidential term, the Senate had acted to confirm 205 circuit and district court nominees. By July 2004 we had reduced judicial vacancies to 29.

By comparison, vacancies have long remained near or above 80, while little comparative progress has been made during the 4 years of President Obama's first term. There are still 77 vacancies as of July 2012—that is more than 2½ times the number of vacancies at this point in President Bush's first term.

Each day that Senate Republicans refuse because of their political agenda to confirm these qualified judicial nominees who have been reviewed and voted on by the Judiciary Committee is another day that a judge could have been working to administer justice.

Every week lost is another in which injured plaintiffs are having to wait to recover the costs of medical expenses, lost wages, or other damages from wrongdoing. Every month is another drag on the economy as small business owners have to wait to have their contract disputes resolved. Hard-working and hard-pressed Americans should not have to wait years to have their cases decided. Just as it is with the economy and with jobs, the American people do not want to hear excuses about why Republicans in Congress will not help them. More importantly, they do not want to hear that the supposed justification is partisan. This is precisely the reason why Congress's approval rating among the American people is so low.

The nonpartisan American Bar Association has been sounding the alarm for some time that we need to do better with respect to the judicial vacancy crisis. The president of the ABA wrote the Senate leaders again on June 20 urging them to work together to schedule votes for three consensus, qualified circuit court nominees awaiting Senate confirmation so that they may serve the American people. The response was more excuses from the Republican leadership rather than any positive action. In the past, the Senate has worked together to confirm consensus circuit court nominees, especially during times of high vacancies. For example, Senate Democrats confirmed 11 circuit court nominees of President George H.W. Bush in 1992. The only exception to the practice of confirming consensus circuit court nominees in Presidential elections years with high vacancies was when Senate Republicans shut down the process of a Democratic President in 1996. The Republican leadership is apparently planning to stick with its shutdown of confirmations just as it did in 1996 when they prevented the confirmation of circuit court nominees for an entire year-long session of the Senate. It was wrong then and it is wrong now.

Since May 31, Senate Republicans have consented to consideration of only five judicial nominees. That is a far cry from the 30 confirmed in the last months of 2004 at the end of President Bush's first term that brought his total of circuit and district court confirmations to 205. It is also a far cry from the 22 confirmed in the last months of 2008 at the end of President Bush's second term. They are continuing the obstruction that has unnecessarily delayed confirmation of consensus circuit and district court nominees for months and resulted in our being more than 40 confirmations behind the pace we set in President Bush's first term.

Like so many matters on which they have flip-flopped since the American people elected President Obama—everything from the individual mandate

for private health insurance that they originated and used to favor to the deficit reduction commission—they now contend that they are invoking the Thurmond rule even though they denied its existence when President Bush was in office. Just 4 years ago the current Republican leader said that “there is no Thurmond rule” and the current ranking Republican on the Judiciary Committee called it “plain bunk.” The Senate Republican caucus held a forum to demonstrate that no such practice or rule existed and that judicial confirmations should continue in the last several months of a Presidential term. With President Obama, they have chosen to flip-flop and use the so-called Thurmond rule as an excuse for shutting down Senate confirmations. Election year politics should not trump the needs of Americans seeking to obtain justice in our Federal courts. Senate Republicans’ newly stated reliance on the Thurmond rule is really just another excuse for more of the stalling tactics that we have been seeing since President Obama was elected.

Nor is this the first time that they have been urged to work with us to confirm consensus judicial nominees to address the vacancy crisis. In his 2010 year-end report on the federal judiciary, Chief Justice Roberts called attention to the problem of overburdened courts across-the-country and the need to fill judicial vacancies. That followed in the tradition of Chief Justice Rehnquist who called out the obstruction of President Clinton’s judicial nominees. These are not Democratic partisans. Each served in Republican administrations and was appointed by a Republican President because of their conservative credentials and each has been a deeply conservative Supreme Court Justice.

What Senate Republican leaders now contend has been “exceptionally fair treatment” of President Obama’s judicial nominees has, in fact, amounted to months of unnecessary delays and their having expanded contentiousness to include judicial nominees who should be noncontentious. Their practice has been a virtual across-the-board stalling of judicial nominees. That is what has led to the backlog in confirmations and the months of delays in the consideration of consensus nominees, which has been demonstrated over and over again.

Let us take a look at how they have been stalling circuit court nominees. The nonpartisan Congressional Research Service in its recent report confirms what I have been saying. I also have prepared this chart, which is taken from the CRS report, and is available at <http://www.leahy.senate.gov/imo/media/doc/CRS%20chart%20-%20my%20version.pdf>.

They report that the median time circuit court nominees have had to wait before a Senate vote has sky-

rocketed from 18 days for President Bush’s circuit court nominees to 132 days for President Obama’s circuit court nominees. Any objective observer would concede that President Obama has made a significant effort to work with home State Senators from both parties and that his nominees have been less ideological and should be less controversial than his predecessor’s. Yet the result of Republican foot dragging and obstruction is that they are nonetheless delayed and stalled. They have filibustered nominations that they then turn around and support like that of Judge Barbara Keenan of Virginia to the Fourth Circuit who was ultimately confirmed 99 to 0 and Judge Denny Chin of New York to the Second Circuit, who was filibustered for 4 months before he was confirmed 98 to 0.

Those interested in the Tennessee nominee today will remember how hard we had to work for almost 10 months, despite the support of Senator ALEXANDER and Senator CORKER, to get Senate Republicans to allow consideration of the nomination of Judge Jane Stranch to the Sixth Circuit. Despite being approved by a bipartisan majority of the Judiciary Committee, Judge Stranch’s nomination nevertheless languished on the floor for nearly 10 months because of Republican obstruction. I personally had to come before the Senate to take the extraordinary step of propounding a unanimous consent request to consider her nomination, with the support of the senior Senator from Tennessee. So it is hard to see any difference between this supposed application of the Thurmond rule and how Senate Republicans have treated nearly all of President Obama’s circuit court nominees since the President took office—including those with support of Republican home State senators.

Among the circuit court nominees they are blockading now are two from States with Republican home State Senators’ support: William Kayatta from Maine and Judge Robert Bacharach from Oklahoma, as well as a nominee to the Federal Circuit who had the support of virtually all the Republican Senators on the Judiciary Committee.

While Senate Democrats have been willing to work with Republican Presidents to confirm circuit court nominees with bipartisan support, Senate Republicans have repeatedly obstructed the nominees of Democratic Presidents including those with the support of Republican home State Senators. During the last 20 years, only 4 circuit nominees reported with bipartisan support have been denied an up-or-down vote during a Presidential election year by the Senate. All four were nominated by President Clinton and blocked by Senate Republicans. Senate Republicans are threatening to add the current circuit nominees pend-

ing before the Senate to that list. In the previous 5 Presidential election years, a total of 13 circuit court nominees has been confirmed after May 31. It is notable that 12 of the 13 were nominees of Republican Presidents.

When Republican Senators try to take credit for the Senate having reached what they regard as their “quota” for circuit confirmations this year, they should remember that the Senate would not even have had an up-or-down vote on three of the five of them without the majority leader first having to file for cloture to overcome Republican obstruction—Adalberto Jordan of Florida to the Eleventh Circuit, Paul Watford of California to the Ninth Circuit and Andrew Hurwitz of Arizona to the Ninth Circuit. And the other two, Stephanie Dawn Thacker of West Virginia to the Fourth Circuit and Jacqueline Nguyen of California to the Ninth Circuit, were unnecessarily stalled since last year until the leader forced the issue by filing for cloture on 17 judicial nominees, ultimately reaching a deal with the Republican leader to vote on only some of the many long-stalled nominees. That is not cooperation. That is stalling, and it is why the Senate has yet to vote on a single circuit court nominee nominated by President Obama this year.

Adalberto Jordan, Stephanie Thacker and Jacqueline Nguyen had all been reported with bipartisan support from the Judiciary Committee last year but their confirmations were stalled by Republicans into this year. In my view, they could and should have been confirmed last year. Senate Republicans broke from the longstanding tradition of confirming consensus judicial nominees at the end of last year. Indeed, Senate Republicans broke from this tradition the last 2 years. When it comes to confirming consensus judges for the benefit of the American people, they choose to ignore tradition.

The two other circuit nominees who were confirmed this year—Paul Watford and Andrew Hurwitz of the Ninth Circuit had their hearings and committee votes delayed at the request of Senate Republicans. If not for this stalling by Senate Republicans, these circuit nominees could also have been confirmed last year.

Since 1980, the only Presidential election year in which no circuit nominee who was nominated that year and confirmed that year was in 1996, when Senate Republicans shut down the process against President Clinton’s circuit nominees. So when the American people hear Senate Republicans crowing about how they have cooperated to confirm five circuit court nominees this year, they should know the truth.

The fact that Republican stalling tactics have meant that circuit court nominees that should have been confirmed in the spring are still awaiting a vote after July 4 is no excuse for not

moving forward this month to confirm the circuit nominees who were voted out of the Judiciary Committee with bipartisan support. That was the point of the letter to Senate leaders from the ABA last month when the Republicans' partisan plan to stall out the rest of the year was first publicly acknowledged.

We remain far behind in filling judicial vacancies to provide the Federal judges that American people need to get justice in our Federal courts, as the previous chart demonstrates. Comparisons of judicial vacancies during the first terms of President Bush and President Obama show just how far behind we really are.

Judicial vacancies during President Obama's first term long remained near or above 80, while little comparative progress was made for years. There are still 77 vacancies as of July 2012. By this time during President Bush's first term we had reduced 110 vacancies down to 29. By this time during President Bush's first term the Senate had confirmed 44 more circuit and district court nominees than the Senate has during this Presidential term.

Despite these facts, certain Senate Republicans contend that their resistance should be excused because two Supreme Court justices, who most of them opposed, were confirmed in President Obama's first term. This is another hollow excuse and is no justification for not moving ahead with the confirmations of William Kayatta, Judge Bacharach, Judge Schwartz, and Richard Taranto to circuit vacancies or with the nearly two dozen judicial nominees that we could easily consider and confirm this year. The American people who are waiting for justice do not care about excuses. They do not care about some false sense of settling political scores. They want justice. Just as they want action on measures the President has suggested to help the economy and create jobs rather than political calculations about what will help Republican candidates in the elections in November.

Indeed, despite confirming two Supreme Court justices in President Clinton's first term, the Senate was able to confirm 200 circuit and district court judges by the end of 1996. And in 1992, at the end of President George H.W. Bush's term, the Senate was able to confirm 192 circuit and district court judges despite confirming two Supreme Court Justices. At this point, Republicans have allowed the Senate to confirm only 153 of President Obama's circuit and district court nominees. That is a far cry from what we have been able to achieve in addition to our consideration of Supreme Court nominations when the Senate was being allowed to proceed to consider judicial nominees reported with bipartisan support. This artificial ceiling on confirmations is Republicans imposing a new standard for partisan purposes.

Likewise, Republicans' newfound affection for the Thurmond rule ignores the facts. In the Presidential election year of 1992, for example, with a Republican President, the Democratic majority in the Senate proceeded to confirm 66 new judges including 11 circuit judges. Republicans have no good justification for not proceeding to confirm the judicial nominees reported with bipartisan support by the Judiciary Committee this year. We can and we should be doing more to help the American people.

The American people do not want to hear excuses from Senate Republicans about why the Senate cannot proceed to confirm judges who are well-qualified and have received significant bipartisan support. There is no good reason that the Senate should not vote on the circuit court nominees thoroughly vetted, considered and voted on by the Judiciary Committee. There is no reason the Senate cannot vote on the nomination of William Kayatta of Maine to the First Circuit, a nominee strongly supported by both of Maine's Republican Senators and reported nearly unanimously by the committee 2 months ago. There is no reason the Senate cannot vote on the nomination of Judge Robert Bacharach of Oklahoma to the Tenth Circuit, who was supported by Senator COBURN during committee consideration, and also by the State's other Republican Senator, Senator INHOFE.

There is also no reason the Senate cannot vote on Richard Taranto's nomination to the Federal Circuit. He was reported almost unanimously by voice vote nearly 3 months ago, and is supported by conservatives such as Robert Bork and Paul Clement. He is also nominated to the Federal Circuit, which has never before been a controversial court.

The one circuit court nominee who was reported out of committee with a split rollcall vote—Judge Patty Schwartz of New Jersey—should not have been controversial. She has been a Federal magistrate judge for the last 8 years and was a Federal prosecutor for 14 years, where she rose to become chief of the Criminal Division. She also has the bipartisan support of New Jersey's Republican Governor, Chris Christie.

Each of these circuit court nominees has been rated unanimously well qualified by the nonpartisan ABA Standing Committee on the Federal Judiciary, the highest possible rating. These are not controversial nominees. Senate Republicans are blocking consent to vote on superbly qualified circuit court nominees with strong bipartisan support.

Today, the Senate will vote on the nomination of John Fowlkes to fill a judicial vacancy in the U.S. District Court for the Western District of Tennessee. Judge Fowlkes has the support

of his home State Republican Senators, Senator LAMAR ALEXANDER and Senator BOB CORKER. His nomination was reported with near unanimous voice vote by the Judiciary Committee nearly 3 months ago, with the only objection coming from Senator LEE's customary protest vote. Judge Fowlkes was rated unanimously well-qualified by the ABA Standing Committee on the Federal Judiciary, the highest possible rating.

Judge Fowlkes currently serves as a criminal court judge in the 30th Judicial District at Memphis, Tennessee, where he has been a judge for approximately 5 years. He previously held several positions in public service, including as a Federal prosecutor for 13 years and as an assistant district attorney general in Shelby County for 10 years. Judge Fowlkes also served briefly as an assistant public defender at the Shelby County Public Defender's Office. His diverse range of experience makes him particularly well qualified to serve on the Federal bench.

Once we confirm Judge Fowlkes, I hope that Senate Republicans will reconsider their ill-conceived partisan strategy and work with us to meet the needs of the American people. There is no reason the Senate cannot vote to confirm the other 15 well-qualified judicial nominees reported by the Committee. There is no good reason we cannot work together to help solve the problem of high judicial vacancies and better serve the American people.

I see the two distinguished Senators from Tennessee on the floor.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER (Mr. TESTER.) The senior Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I thank the distinguished Chairman of the Judiciary Committee for his courtesy in allowing Senator CORKER and me a chance to speak about Judge Fowlkes from Tennessee. I do not intend to get into a lengthy dispute with the Senator from Vermont about the relative merits of the two political parties approving judges. But I do have to admire his persistence and creativity in always coming up with a way in how Democrats approve more Republican judges than Republicans approved Democratic judges.

I notice that our ranking member, Senator GRASSLEY, will put a statement in the RECORD today making a clear statement about what the record is. But if I may borrow from that: Today's vote will be the 152nd nominee of President Obama confirmed to district and circuit judges. We have also confirmed two Supreme Court nominees during President Obama's term. The last time the Senate confirmed two Supreme Court nominees was during President Bush's second term. During President Bush's entire second term,

the Senate confirmed a total of only 119 district and circuit court nominees. With Judge Fowlkes' confirmation today, we will have confirmed 33 more district and circuit nominees for President Obama than we did for President Bush in similar circumstances.

That is according to Senator GRASSLEY's comments, which will be printed in the RECORD. I would have to say to my friend from Vermont, my memory is good enough that about this time 4 years ago, when we had a Republican President, I think I remember the majority leader of the Senate, Senator REID, and Senator LEAHY both suggesting it was time that we slowed things down and not confirm any more circuit judges until we saw how the election came out in November. So we are basically, in our opinion, applying, in the fairest possible way in the Senate, the Thurmond-Leahy rule that has been developed over time.

If there are excellent nominees by the President to the circuit courts, well, the election is only 4 months away. If he is reelected, they can be confirmed in November and December. If he is not, then his successor will have a chance to make those nominations.

Let me speak today about a matter that I believe we have great agreement on in the Senate, with the President, and that is the nomination of the President of Judge John Fowlkes to fill a vacancy on the U.S. District Court for the Western District of Tennessee.

As the Governor of Tennessee, I had the responsibility of appointing about 50 judges over 8 years. I looked for good intelligence, good temperament, good understanding of the law, and respect for those who came before the court. I did not feel it was my responsibility ever to inquire how a judge might decide on a particular case before he took the position.

So I took some time to look into Judge Fowlkes' background when President Obama nominated him. I was delighted with what I found. I am pleased to recommend him to our colleagues. His performance has been praised throughout his career in the community of Memphis and Shelby County where he is best known. His leadership, his citizenship, his high professionalism, his courtesy to others are the words I often hear. I have letters from bar association members who say he has a creative and independent mind; from others in Memphis who say he is passionate about the community in which he lives, appearing at civic events repeatedly, committing over 50 hours of service annually to the Memphis Area Legal Services, and actively supporting the Boy Scouts.

So it is with great pleasure that I recommend to our colleagues today President Obama's nominee, Judge John Fowlkes, to fill a vacancy on the U.S. District Court for the Western District of Tennessee.

The PRESIDING OFFICER. The junior Senator from Tennessee.

Mr. CORKER. Mr. President, I rise to second what the great Senator from Tennessee LAMAR ALEXANDER said. I want to speak for a moment about the same nomination, with the same amount of energy, and the fact that I am very excited about this person being nominated.

When the White House began looking for someone to fill this position, I talked to numbers of people down in Shelby County about Judge Fowlkes, and people whom I respected, people who have been involved in the community for years. I can tell you, from every single person I talked to, they talked not only about his record but also the kind of person he was. He has served in many positions.

He has been a public defender, a district attorney, a U.S. Attorney, he was the chief administrative officer for the largest and most populous county in the State of Tennessee. Now he serves as a criminal court judge. At every stop, he has excelled and earned a reputation for professionalism and integrity. I think his experience certainly makes him very well-prepared for this position and the responsibilities he will carry out.

I am glad to join with Senator ALEXANDER, Senator LEAHY, and others. I hope we have an overwhelming vote today for this nominee, who I believe will be an outstanding Federal judge. I ask all of my colleagues to join us in supporting this person, who, again, I think will be exemplary on the bench, as he has been throughout his entire life.

Mr. GRASSLEY. Mr. President, I support the nomination of John Thomas Fowlkes, to be U.S. district judge for the Western District of Tennessee.

Although it is the practice and tradition of the Senate to not confirm circuit nominees in the closing months of a Presidential election year, we continue to confirm consensus district judge nominees. Today's vote will be the 152nd nominee of this President confirmed to the district and circuit courts. We also have confirmed two Supreme Court nominees during President Obama's term.

I continue to hear some Members repeatedly ask the question, "What is different about this President that he has to be treated differently than all these other Presidents?" I won't speculate as to any inference that might be intended by that question, but I can tell you that this President is not being treated differently than previous Presidents. By any objective measure, this President has been treated fairly and consistent with past Senate practices.

For example, with regard to the number of confirmations, let me put that in perspective for my colleagues with an apples-to-apples comparison. The last

time the Senate confirmed two Supreme Court nominees was during President Bush's second term. And during President Bush's entire second term the Senate confirmed a total of only 119 district and circuit court nominees. With Judge Fowlkes' confirmation today, we will have confirmed 33 more district and circuit nominees for President Obama than we did for President Bush, in similar circumstances.

During the last Presidential election year, 2008, the Senate confirmed a total of 28 judges—24 district and 4 circuit. Today, we will exceed the number of district court judges confirmed. We have already confirmed 5 circuit nominees, and this will be the 25th district judge confirmed this year. Those who say that this President is being treated differently either fail to recognize history or want to ignore the facts.

Judge Fowlkes received his B.A. from Valparaiso University in 1975 and his J.D. from University of Denver School of Law in 1977. From 1978 to 1979 he worked as an assistant public defender at the Shelby County Public Defender's Office, where he represented indigent defendants. In 1979, he joined the Shelby County District Attorney General's Office and served as an assistant district attorney for the next 10 years. There he tried nearly 150 jury trials, handling homicide, assault, sex offense, robbery, and burglary cases. In 1989, he became an assistant U.S. attorney, trying criminal cases until 2002. As an AUSA, he tried over 100 jury trials and handled all appellate level work. During his time at the attorney's office, Judge Fowlkes was a first assistant for several years, directing day-to-day operations of the office. From 2002 to 2007, Judge Fowlkes was the chief administrative officer for Shelby County. He was not engaged in the practice of law during this period.

In 2007, then-Governor Phil Bredesen appointed Judge Fowlkes to be a criminal court judge for Division VI of the 30th Judicial District at Memphis. In November 2008, he was elected to a full, 8-year term. In 2011, he was elected by judges of the 30th Judicial District to serve as presiding judge.

The ABA Standing Committee on the Federal Judiciary unanimously rated Judge Fowlkes as "well qualified."

I support the nomination and congratulate Judge Fowlkes on his confirmation today.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of John Thomas Fowlkes, Jr., of Tennessee, to be United States District Judge for the Western District of Tennessee.

On this question, the yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Vermont (Mr. SANDERS) is necessarily absent.

I further announce that, if present and voting, the Senator from Vermont (Mr. SANDERS) would have voted "aye."

Mr. KYL. The following Senators are necessarily absent: the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), and the Senator from Illinois (Mr. KIRK).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 173 Ex.]

YEAS—94

Akaka	Graham	Murkowski
Alexander	Grassley	Murray
Ayotte	Hagan	Nelson (NE)
Barrasso	Harkin	Nelson (FL)
Baucus	Hatch	Paul
Begich	Heller	Portman
Bennet	Hoeven	Pryor
Bingaman	Hutchison	Reed
Blumenthal	Inhofe	Reid
Blunt	Inouye	Risch
Boozman	Isakson	Roberts
Boxer	Johanns	Rockefeller
Brown (MA)	Johnson (SD)	Rubio
Brown (OH)	Johnson (WI)	Schumer
Cantwell	Kerry	Sessions
Cardin	Klobuchar	Shaheen
Carper	Kohl	Shelby
Casey	Kyl	Snowe
Coats	Landrieu	Stabenow
Coburn	Lautenberg	Tester
Cochran	Leahy	Thune
Collins	Levin	Toomey
Conrad	Lieberman	Lugar
Coons	Lugar	Udall (CO)
Corker	Manchin	Udall (NM)
Cornyn	McCain	Vitter
Crapo	McCaskill	Warner
Durbin	McConnell	Webb
Enzi	Menendez	Whitehouse
Feinstein	Merkley	Wicker
Franken	Mikulski	Wyden
Gillibrand	Moran	

NAYS—2

DeMint Lee

NOT VOTING—4

Burr Kirk
Chambliss Sanders

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:44 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. WEBB).

SMALL BUSINESS JOBS AND TAX RELIEF ACT—MOTION TO PROCEED Continued

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate equally divided and controlled between the two leaders or their designees.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 341, S. 2237, the Small Business Jobs and Tax Relief Act.

Harry Reid, Kent Conrad, Tom Harkin, Richard Blumenthal, Jeff Bingaman, Carl Levin, Al Franken, Daniel K. Inouye, Richard J. Durbin, Benjamin L. Cardin, Max Baucus, Charles E. Schumer, Jeff Merkley, Patty Murray, John D. Rockefeller IV, John F. Kerry.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 2237, a bill to provide temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Maryland (Mr. CARDIN) and the Senator from West Virginia (Mr. ROCKEFELLER) are necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Georgia (Mr. CHAMBLISS), the Senator from Illinois (Mr. KIRK), the Senator from Utah (Mr. LEE), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 80, nays 14, as follows:

[Rollcall Vote No. 174 Leg.]

YEAS—80

Akaka	Franken	Moran
Alexander	Gillibrand	Murkowski
Barrasso	Grassley	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Hatch	Paul
Bingaman	Heller	Portman
Blumenthal	Hoeven	Pryor
Blunt	Hutchison	Reed
Boozman	Inouye	Reid
Boxer	Isakson	Roberts
Brown (MA)	Johnson (SD)	Rubio
Brown (OH)	Kerry	Sanders
Burr	Klobuchar	Schumer
Cantwell	Kohl	Shaheen
Carper	Kyl	Snowe
Casey	Landrieu	Stabenow
Coats	Lautenberg	Tester
Coburn	Leahy	Thune
Cochran	Levin	Toomey
Collins	Lieberman	Udall (CO)
Conrad	Lugar	Udall (NM)
Coons	McCaskill	Warner
Corker	McConnell	Webb
Durbin	Menendez	Whitehouse
Enzi	Merkley	Wyden
Feinstein	Mikulski	

NAYS—14

Ayotte	Inhofe	Risch
Cornyn	Johanns	Sessions
Crapo	Johnson (WI)	Shelby
DeMint	Manchin	Wicker
Graham	McCain	

NOT VOTING—6

Cardin	Kirk	Rockefeller
Chambliss	Lee	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 80, the nays are 14. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, today we begin debate on a bill called the Small Business Jobs and Tax Relief Act. There are some positive elements to this legislation, but I remain amazed that the Democratic majority has decided to pursue this bill to support small businesses when looming tax increases threaten to crush these very same small businesses.

Rather than address the expiration of the 2001 and 2003 tax relief, which is denying certainty to small businesses and holding back hiring and economic development, we are discussing this

legislation. The President and his allies who are pursuing this legislation are patting themselves on the back for supporting small businesses, but puffing their chest as the saviors of America's job creators while doing nothing to address the coming fiscal cliff is like a person asking for the keys to the city after throwing a water balloon at a house fire.

Our small businesses and our economy face an existential threat with the coming tax hikes. Not only have Senate Democrats done nothing to bring some certainty to this situation, but President Obama actively undermined these businesses with his White House campaign event yesterday, during which he expressed his commitment to raising taxes on these small businesses.

So as we debate this bill, we need to keep that backdrop in mind. As the President proposes with this bill to give with one hand to small businesses, with the other hand he is prepared to sock those same people in the jaw. Small businesses are just one facet of our economy that will be hit with the largest tax increase in history if Congress and the President fail to act before January 1, 2013. But given that small businesses are the engine of job creation in our economy, the impact of these tax increases will reach far and wide, undermining economic growth and hampering innovation and job creation. Taxpayers are on the edge of a fiscal cliff. Yet instead of leading them to safety, the President's campaign is telling us to march forward.

The consequences will crush American taxpayers. In February, the Washington Post referred to this \$4.5 trillion tax hike as "taxmageddon." Federal Reserve Chairman Ben Bernanke described it as a "massive fiscal cliff" when testifying before Congress. If these tax hikes are allowed to occur, it will raise taxes on virtually all flowthrough business income in the United States come January 1, 2013.

This is especially harmful to small businesses because the vast majority of small businesses are organized as flowthrough business entities such as partnerships, S corporations, limited liability companies, and sole proprietorships.

So unless the Congress acts to prevent these massive tax increases, the vast majority of small businesses in the United States will be hit with a massive tax increase next year. It is hard to conceive of a greater impediment to job creation. All of these tax increases and the economic uncertainty they cause are going into the investment and hiring decisions of business men and women today.

Even President Obama agrees that two-thirds of the new jobs in our economy are created by small businesses. I do not know anybody who disagrees with that. With unemployment stuck at an unacceptably high level of 8.2

percent, we must not allow this tax increase to happen. America is slowly recovering from one of the greatest recessions in modern history. The Vice President rightly said that for millions of Americans it feels as if they are living through a depression. Paul Krugman recently stated we are in a depression.

I just finished reading Robert Caro's recent book on Lyndon Johnson. He discusses in that book the tax cuts of President Kennedy and how important they were and how Lyndon Johnson handled it after the horrific death of our President.

(Mr. FRANKEN assumed the chair.)

Those tax cuts solved a lot of problems. One of the things, if I recall it correctly, President Johnson said was that without them we would not have been able to pull out of the difficulties we were in.

Yet with a fragile recovery and a weak jobs market, President Obama seems content to sit idly by and allow this scheduled \$4.5 trillion tax hike to occur.

I believe Congress needs to act now in order to prevent this tax hike on America's families and job creators.

As we can see on this chart, we have the tax legislation to-do list. It is critically important for our economy and the American people that we act now to extend the tax relief signed into law by President Bush and extended by President Obama.

Notice we did have hearings on tax extenders and we did have hearings on the fourth item on the chart to prevent the 2013 tax hikes, but we have had neither a markup or a floor presentation on any of those four—tax extenders, the AMT patch, death tax reform, and preventing the 2013 tax hikes.

The 2013 tax hikes is the most crucial piece of legislation Congress must address this year, if not during the entire 112th Congress. If we allow this tax relief to expire as scheduled at the end of the year, almost every Federal income taxpayer in America will see an increase in their rates. Some will see a rate increase of 9 percent, while others will see a rate increase of 87 percent.

Because the vast majority of small businesses are flowthrough business entities, such as partnerships, the income from these businesses flows through the business directly onto the small business owners' individual tax returns. Therefore, any increase in individuals' tax rates means those small businesses get hit with a tax increase. This tax increase lands on these small business owners, even if they do not take one penny out of their business. Thus, even if a small business reinvests all its income from the business to hire more workers, pay the workers they already have or purchase equipment, they would still get hit with this looming tax hike.

Our economy simply cannot afford to take on such a fiscal shock. President

Obama promised that if we would just pass his \$800 billion stimulus bill, unemployment would not go above 8 percent. It has now been 40 months in a row since the stimulus passed that unemployment has been above 8 percent.

Looking at this problem more broadly, economists estimate that if these current tax policies are allowed to expire, the economy could contract by approximately 3 percentage points. That would be a large hit to an economy that is still weak and recovering from the fiscal crisis of 2008. Adding another fiscal crisis by neglecting to extend these tax policies may cause even further damage. For those on the other side of the aisle, including the President, who argue we should raise the top two tax rates because it is the fiscally responsible thing to do, I will point out a few things.

First, according to the Congressional Budget Office, 80 percent of the revenue lost from extending the 2001 and 2003 tax relief provisions is found among those making less than \$200,000 per year if single and \$250,000 if married.

Second, the nonpartisan official scorekeeper for Congress on tax issues, the Joint Committee on Taxation, tells us that 53 percent of all flowthrough business income would be subject to the President's proposed tax hikes. Because the vast majority of small businesses are organized as flowthrough business entities, as I mentioned above, this is especially harmful to small businesses. Given the agreed-upon importance of small businesses to our economic recovery, it is a mystery to me why the President and his Democratic allies would pursue tax increases on these very job creators. We simply cannot afford to raise taxes on over half this business income.

This would take the marginal tax rate on small businesses from 33 percent and 35 percent to 39.6 percent and 41 percent, respectively.

Look at this particular chart and the increase in small business top marginal rates. Here, the blue line starts to go up in 2012. As we can see, the marginal rates will go to 40 percent and up to 41 percent.

It seems clear what the agenda of the Senate should be. We should be focused like hawks on moving us back from the fiscal cliff and preventing "taxmageddon." Yet at a time when we should be working to prevent a massive tax increase, President Obama and his Democratic allies are spinning their wheels trying to raise taxes on politically unpopular groups.

These tax hikes are already scheduled to go into effect. Congress doesn't have to do anything, and everyone will pay more in taxes come 2013. That is not a good sign, given that some people have called this a do-nothing Senate.

Let me refer to the Senate Democratic leadership's tax legislation to-do list.

I am sure some people are tired of the mantra among conservatives that Democrats want to raise taxes and Republicans don't, but we say it because it is true. At liberal think tanks, their employees go to work every morning and think about how they can raise taxes.

My friends on the other side of the aisle, knowing their constituents already feel overtaxed, spend countless hours devising ways to raise taxes in a way that only hits politically unpopular groups or, in the case of ObamaCare, they worked tirelessly to hide the nature of the individual mandate tax and the true impact of the law's over \$500 billion in taxes.

The President is now devoting his entire reelection campaign toward tax hiking in the name of fairness. In the Senate, we have already voted twice on the proposal of my colleague from New Jersey, Senator MENENDEZ, to raise taxes on oil and gas companies. We voted twice on it.

First, we had hearings in the Senate Finance Committee last year. As I said then, that was nothing more than a dog and pony show. Everybody knew it. Then the leadership brought the bill directly to the floor, skipping the process of a markup.

A few months ago, we voted on the silly Buffett tax—the Buffett rule tax hike bill—without hearings and without a markup. This is not serious tax policy. The Buffett tax is a statutory talking point and not a very good one at that.

First, the President said it was about deficit reduction. We pointed out to him it raised only \$47 billion in revenue over 10 years, a drop in the bucket given the President's trillions in deficit spending. We pointed out that implementing the Buffett tax the way President Obama suggested in his most recent budget would lose nearly \$1 trillion over the first 10 years alone. Specifically, President Obama proposed replacing the AMT with the Buffett tax.

So the White House shifted gears. Now the Buffett tax was about fairness. But when we pointed out that his redistributionist scheme, if redirected to a lower tax bracket, would only yield an \$11-per-family tax rebate, he criticized Republicans for demonizing him as a class warrior.

The President needs to come clean about what the Buffett tax is. It is nothing less than a second and even more damaging alternative minimum tax, one that would force many small business owners and job creators to pay a minimum of 30 percent of their income in tax.

As the Wall Street Journal said on April 10:

The U.S. already has a Buffett rule. The Alternative Minimum Tax that first became law in 1969 The surest prediction in politics is that any tax that starts by hitting the rich ends up hitting the middle class because that is where the real money is.

What is rich about the Buffett rule is that Mr. Buffett would be able to avoid his own Buffett tax. What is the President doing? Why, with "taxmageddon" around the corner, are President Obama and his liberal allies dithering with these harmful tax increases?

The answer is pure and simple: politics.

Let's not forget that every minute Democrats spend playing politics is a minute we don't spend preventing the largest tax increase in American history.

It is time for the Senate Democratic leadership to get serious and to focus on preventing this massive tax hike.

Instead of focusing on preventing this massive tax hike on small business, however, the President and the congressional Democratic leadership have doubled down on their small business tax hike strategy. The President's speech yesterday was simply a rehash of the same old ineffective arguments about why we should raise taxes on small businesses. His claims that it is necessary to rein in the debt and deficit are not credible at all, considering he has added trillions of dollars to the debt since he has been in office. The Senate Democratic leadership will not even present a budget proposal of their own for the Senate to vote on.

"Taxmageddon" is coming. The only good news is that Congress can prevent this historic tax increase. I have an amendment to this bill that will prevent this historic tax increase and will pave the way for significant tax reform in 2013.

That is where my focus will be until this tax hike is prevented, and I hope my colleagues will join me in preventing this looming tax increase on the American people.

Forty of my colleagues on the other side of the aisle voted to temporarily extend this tax relief in 2010. They should do so again.

President Obama once said it would be foolish to raise taxes during an economic downturn, and he acted accordingly. I compliment him for doing so.

Our economy remains weak today. The only thing that appears to have changed is that President Obama has apparently determined that his path is class warfare.

My hope is my colleagues who have supported this tax relief in the past will put the President's shortsighted and self-interested partisanship aside and vote on behalf of their constituents to extend tax relief to America's families and small businesses.

I finished reading this book about Lyndon Johnson and about his ascension to the Presidency of United States of America. For most of the time before President Kennedy's unfortunate death, Lyndon Johnson was kind of a fish out of water. He didn't know what to do. He wasn't utilized very well. He was totally loyal to the President. But

once the murder of our President occurred, he was very sensitive to the feelings of the Kennedy family, the Kennedy widow and the Kennedy children. He was sensitive to the President's brothers. He didn't move into the White House until after everything was taken care of. But he decided he was going to make sure the President's tax cuts went through. Naturally, there was serious involvement with the civil rights bill at that time, something many of our southern Senators—most all Democrats—did not want to pass. He knew if they brought that up first, the tax bill would never pass. It is an extremely interesting book by Robert Caro as to how the President was able to get the tax cuts through ahead of bringing up the civil rights bill and then bringing up the civil rights bill and putting pressure on Republicans and Democrats to do what should have been done many years before.

I pay tribute to President Johnson, who, of course, in the eyes of many Democrats and Republicans, had a mixed record, but he was a master in helping President Kennedy's tax bill go through. And because of that, we had a period of decent expansion.

I don't think I will ever fully understand why my colleagues on the other side of the aisle don't seem to understand the importance of cutting taxes during a time when we are in real difficulty. They still want to spend more by increasing taxes, which they never seem to use to pay down any deficits. We use them to spend more than ever before. They could take a page out of Lyndon Johnson's book and really out of the book of President John F. Kennedy, who was smart enough to know, intelligent enough to know, and caring enough to know that during times of great difficulty tax rate reductions are very important.

Mr. President, I wish we could work together a little bit better. I wish both Democrats and Republicans would get off their high horses and start to band together and work on what is wrong with our country instead of what is wanted as far as political advantage goes. Taxing 940,000 small businesses—which is what our bipartisan leaders in the Senate have said—is like asking to go into a deeper depression. It is like saying we don't care.

What is really interesting is that a lot of these taxes are going to be socked onto the people who earn less than \$120,000 a year through the health care bill. And further, with regard to the health care bill, which is now considered a tax, the bottom 10 percent of all wage earners or of all people in our society are going to pay a pretty whopping percentage of the taxes that are going to be assessed. They are the ones who are going to get hit harder than anybody else.

I think our colleagues on the other side ought to really study this and figure it out. And the points I am making

are from many bodies who are supposed to be nonpartisan. We simply cannot allow tax Armageddon to occur. And by using this ploy, the President is just playing politics instead of doing what really ought to be done. I think more of him than that, and I hope that I am right and that he will get off his high horse, quit playing the class warfare game, and start doing what is right for America. He would be better off if he did, I guarantee that.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. SHAHEEN). Without objection, it is so ordered.

Mr. ISAKSON. Madam President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNITED NATIONS

Mr. ISAKSON. Madam President, I come today to share with the Senate a letter which I have written to Ambassador Susan Rice, the United States Permanent Representative to the United Nations. It is a letter I have written over a grave concern I have over actions that have taken place recently in the United Nations but also reflects back on some things that have happened in the last year or so that are very troubling to me and, quite frankly, very troubling to my constituents.

As I know the Presiding Officer is aware and as all the Senate is aware, the U.N. convened this month in New York a conventional arms trade treaty, where they are looking at an international treaty on limitations and governance over small arms shipment and trade between countries.

I have expressed my concern about the threat to the United States second amendment, our constitutional right to bear arms, and my concern over the U.N. subordinating U.S. law to itself. But I have never ever been as concerned as I am today to find out that Iran has been named, without objection, as a member of the conference that will lead this debate.

I want to talk about it for a few minutes, because a lot of U.N. politics and U.N. governance and U.N. practices are not understood by the American people. But when the U.N. has one of these conferences working toward a treaty, they will appoint a general conference or a general bureau or a board which is made up of members of the U.N. who will work out the details on the conference and then submit the entire convention to the United Nations.

There is a process in the United Nations where anyone can object to the

appointment or to any other motion that may be made on the floor, because the U.N. operates under what is known as consensus, which is the absence of an objection. If there is an objection to a motion that is made, then a vote takes place.

Iran has been seeking a position on this U.N. conference on small arms and arms trade treaty agreement for some time. That has been known.

This is the same Iran the U.N. has sanctioned four times in the last 3 years for its progress on its nuclear arms program and the enrichment of nuclear material. It is the same Iran that as recently as last week the U.N. sent its former chief head president to try to negotiate a settlement on the horrible things that happened in Syria. This is the same Iran that is accused of shipping arms to Syria and to the Assad regime, which has resulted in the killing of over 17,000 Syrians in the last year.

How in anybody's right mind could they allow a country that is in the process of doing that and that has been sanctioned four times by the U.N. to ascend to a position to negotiate a conference on a treaty on small arms on behalf of the U.N.?

I have written this letter to Secretary Rice because I have great respect for Ambassador Rice, and I know she is doing a great job. But I cannot understand for the life of me why the United States would not use its right to object to the appointment of a country such as Iran on any treaty, much less one on arms and the Arms Trade Treaty. It reminds me of what happened a year ago when North Korea went on the disarmament committee in the United Nations. Today, Syria is seeking a position on the Human Rights Commission. These types of appointments to people who are often serial violators of the governance of the committee they are trying to seek is laughable and puts the United Nations and the United States in an embarrassing position.

I have written Secretary Rice to find out the answer to this question: Did we have the opportunity to object to Iran being named to the conference? If we did, why didn't we object to that? How in the world can we be expected to have any confidence in what comes out of the conference if, in fact, one of the worst perpetrators in the world is being appointed to the conference? I hope the Secretary will inform me so that I can inform my constituents because, frankly, I cannot explain it.

I have great concern that any U.N. treaty on small arms would, intentionally or unintentionally, affect the second amendment rights of the American people. I am a great supporter of the second amendment, and I have had a concern all along. I signed a letter with Senator MORAN from Kansas last week to the Secretary registering my

objections and concerns about the threat of that treaty itself, but to find out now that one of the 15 members writing the treaty and negotiating it this month in New York City is the nation of Iran concerns me greater.

I ask unanimous consent to have printed in the RECORD my letter to the Permanent Representative to the United Nations, Susan E. Rice, of the United States and New York.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, July 10, 2012.

Hon. SUSAN E. RICE,

United States Permanent Representative to the United Nations, United States Mission to the United Nations, United Nations Plaza, New York, NY.

DEAR AMBASSADOR RICE: I write today concerning the United Nations (U.N.) Conference on the Arms Trade Treaty being held this month in New York City. I have already expressed my concerns and objections over the danger that the U.N. Arms Trade Treaty poses to our sovereignty and to our Second Amendment rights. I now write to voice my strong concern over the recent inclusion of Iran as a member of the Conference's Bureau/General Committee, and the failure of the United States to exercise its right to block this action.

On July 3, 2012, the members of the Conference unanimously supported Iran's bid for membership on the Conference's Bureau/General Committee. The Conference supported Iran's inclusion in the Bureau/General Committee despite both Iran's continued pursuit of a nuclear weapons program in defiance of numerous U.N. Security Council Resolutions and a recent U.N. report detailing Iran's central role in enabling the continuing massacre of Syrian civilians by Bashar al-Assad's regime.

Situations such as these are not without precedent. Just last year, North Korea ascended to the presidency of the U.N.-backed Conference on Disarmament, and recent reports have indicated that Syria is actively pursuing membership on the U.N. Human Rights Council. Given this recent history, the possibility of Syria joining such a body at a time when it is slaughtering thousands of its own citizens does not appear as implausible as it should.

It is my understanding that the United States had the opportunity to oppose Iran's membership. If this is true, it is particularly troubling that Iran faced no opposition. As Iran becomes increasingly isolated on the international stage a unanimous vote in favor of its membership on an international panel legitimizes the regime. The United States must vocally lead the opposition to any attempt by Iran to use an international body to further its aims. I am requesting a full explanation as to why the United States did not oppose Iran's membership on the Bureau/General Committee of the U.N. Conference on the Arms Trade Treaty, and a commitment that the United States will do all that it can to oppose Syria's membership on the U.N. Human Rights Council.

My constituents regularly voice their concerns that their tax dollars go toward supporting the United Nations, an organization that many of them see as operating in direct opposition to U.S. interests. As a member of the United Nations and as a permanent member of the Security Council, our resolve

must be the catalyst for the United Nations to assert itself as a positive force in unifying the world community against tyranny, terrorism and totalitarianism. I look forward to your response and look forward to sharing it with my constituents.

Sincerely,

JOHNNY ISAKSON,
U.S. Senate.

Mr. ISAKSON. Madam President, I ask unanimous consent to have printed in the RECORD a letter from the Members of the House of Representatives—over 100 of them—to the President and Secretary of State Clinton regarding the U.N. arms agreement.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, June 29, 2012.

President BARACK OBAMA,
Pennsylvania Avenue, NW, Washington, DC.
Secretary of State HILLARY CLINTON,
C St., NW, Washington, DC.

DEAR PRESIDENT OBAMA AND SECRETARY CLINTON: We write to express our concerns regarding the negotiation of the United Nations Arms Trade Treaty (ATT), the text of which is expected to be finalized at a conference to be held in New York during the month of July. Your administration has voted in the U.N. General Assembly to participate in the negotiation of this treaty. Yet the U.N.'s actions to date indicate that the ATT is likely to pose significant threats to our national security, foreign policy, and economic interests as well as our constitutional rights. The U.S. must establish firm red lines for the ATT and state unequivocally that it will oppose the ATT if it infringes on our rights or threatens our ability to defend our interests.

The U.S. must not accept an ATT that infringes on our constitutional rights, particularly the fundamental, individual right to keep and to bear arms that is protected by the Second Amendment, as well as the right of personal self-defense on which the Second Amendment is based. Accordingly, the ATT should not cover small arms, light weapons, or related material, such as firearms ammunition. Further, the ATT should expressly recognize the individual right of personal self-defense, as well as the legitimacy of hunting, sports shooting, and other lawful activities pertaining to the private ownership of firearms and related materials.

The U.S. must also not accept an ATT that would interfere with our nation's national security and foreign policy interests. The ATT must not accept that free democracies and totalitarian regimes have the same right to conduct arms transfers: this is a dangerous piece of moral equivalence. Moreover, the ATT must not impose criteria for determining the permissibility of arms transfers that are vague, easily politicized, and readily manipulated. Specifically, the ATT must not hinder the U.S. from fulfilling strategic, legal, and moral commitments to provide arms to allies such as the Republic of China (Taiwan) and the State of Israel. Indeed, the State Department acknowledged in June 2010 that the ATT negotiations are expected to introduce such regional, country-specific challenges. Finally, the ATT should not contain any language that legitimizes the arming of terrorists—for example, by recognizing any right of resistance to “foreign occupation”—or implies that signatories must recognize the jurisdiction of the International Criminal Court.

Furthermore, the U.S. must not agree to an ATT that would damage U.S. economic interests. The ATT must not create costly regulatory burdens on law-abiding American businesses, for example, by creating new onerous reporting requirements that could damage the domestic defense manufacturing base and related firms. Furthermore, the ATT must not pressure the U.S. to alter either the criteria or the decision-making system of its current arms export control system, which Secretary Clinton has called the “gold standard” of export controls. The ATT should not in any way skew domestic debate on export control reforms, as the U.S. continues to modernize export controls to increase U.S. global competitiveness, create jobs for American workers, and strengthen our allies.

Lastly, regardless of negotiated text, the Administration must make clear in its reservations, understandings, and declarations that the ATT places no new requirements for action on the U.S., because U.S. law is already compliant with the treaty regime or that the treaty cannot change the Bill of Rights or the constitutional allocation of power between the federal and state governments. Moreover, the U.S. must not accept the creation of any international agency to administer, interpret, or add to the ATT regime because it might represent the delegation of federal legal authority to a bureaucracy that is not accountable to the American people.

We urge this Administration to uphold the principles outlined above in the ATT negotiations at the July conference and any future venues for discussion. Should the final ATT text run counter to these principles or otherwise undermine our rights and our interests, we urge this Administration to break consensus and reject the treaty in New York. Further, the Constitution gives the power to regulate international commerce to Congress alone, and the ATT will be considered non-self-executing until Congress enacts any legislation to implement the agreement. As members of the House of Representatives, we reserve and will maintain the power to oppose the appropriation or authorization of any taxpayer funds to implement a flawed ATT, or to conduct activities relevant to any ATT that has been signed by the President but has not received the advice and consent of the Senate.

Sincerely,

MEMBERS OF CONGRESS.

Mr. ISAKSON. Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

AFFORDABLE CARE ACT

Mr. HARKIN. Madam President, 2 weeks ago the Supreme Court did the right thing and settled once and for all the question of whether the Affordable Care Act is constitutional. As I said on the floor 2 weeks ago, the fight is over; the law is constitutional, and it will stand. Some have been saying this is a great win for the President or for Democrats. I don't see it that way. I believe this is a great victory for the American people, for small businesses, and for our economy.

Now is the time to move past the political distractions and focus on the task before us: implementing the law to bring quality, affordable health coverage to every American.

Unfortunately, tomorrow the House of Representatives will take a step in exactly the opposite direction. They have cracked open their old, tired playbook and will vote once again to repeal the Affordable Care Act. This is the second time the House has taken this vote to repeal the entire Affordable Care Act, and they have failed every time to pass it in the Senate. The House has voted 30 times to repeal all or part of the Affordable Care Act. Again, they have not been successful on any one of those in the Senate, in this Chamber. If you say there hasn't been a vote—yes, in this Chamber, the Senate, last year every Member of the Republican caucus voted to repeal health reform. That failed as well. This is just cynical politics.

My Republican friends don't expect their bill to repeal the Affordable Care Act to actually become law; they just want to put on grand political theater. Their strategy, dreamed up by the same old cast of characters, such as Karl Rove, is to gin up the rumor mill, scare people with lies and distortions while offering no ideas of their own. They don't offer any new ideas because they don't have any.

Neither the House nor Senate Republicans agree on any plan that controls costs, brings down premiums, or covers as many people as the Affordable Care Act. In fact, a Republican Senator was recently asked to describe his plan for the health care system if the Affordable Care Act were repealed. Here is his answer: “What we need to do is have a lot of hearings.” That is their plan? I don't think that qualifies as a plan. That won't help the millions of people who would lose access to affordable health insurance coverage.

Republicans in Congress are pandering to the extreme rightwing—those who want to tear down everything this President has accomplished, regardless of the cost. Their strategy only makes sense if you are absolutely obsessed with two things: tearing down health reform and tearing down this President.

What would repeal mean for average Americans? Well, I have looked at this a different way. People used to think of the Republicans as being against the Affordable Care Act, but I want to delineate what the Republicans would be for if they were to succeed in repealing the Affordable Care Act. If you vote to repeal the Affordable Care Act, here is what you are for:

You are for putting dollar limits on insurance coverage of more than 100 million Americans, which would allow insurance companies to stop paying benefits right when you get really sick. They will stop paying benefits. That is what you are for if you are for repealing the Affordable Care Act.

If you are for repealing the Affordable Care Act, you are for kicking more than 3 million young people off of

their parents' insurance policy right now.

If you vote to repeal the Affordable Care Act, you are for allowing insurance companies to cancel people's coverage when they are sickest—just cancel the policy.

You would be for allowing insurance companies to spend Americans' premium dollars on CEO buildings, marketing, or fancy buildings rather than health care. In the Affordable Care Act, we have a medical loss ratio requirement, and because of that, policyholders nationwide, this year, by August 1, will receive more than \$1 billion in rebates from insurers. What that means in the future is that insurers will have to spend 80 to 85 percent of the premiums they get on health care—not advertising, corporate jets, or big CEO salaries—on health care. If you vote to repeal the Affordable Care Act, you will vote to just let them go back to their old ways, and they can spend 50 cents of every premium dollar on health care, and the rest they can spend on high salaries and fancy buildings and conventions in the Cayman Islands and places like that.

If you vote to repeal the Affordable Care Act, you are for allowing insurance companies to deny people coverage or to increase their premiums if they have a preexisting condition. Nearly half of all Americans have some form of a preexisting condition. So I guess that is what you would be for if you vote to repeal the health care bill.

If you want to repeal the bill, you are for taking affordable coverage away from more than 30 million people, and you are for making insured Americans pay for tens of billions of dollars of uncompensated care when uninsured people show up in the emergency room. This has been estimated to cost American families an average of \$1,100 in extra premiums annually.

If you vote to repeal the Affordable Care Act, you are for charging as much as \$300 in copays for lifesaving, preventive services that Americans now get for free, services such as mammograms, colonoscopies, and other cancer screenings. More than 85 million people have already used these free services so they can stay healthy, get in charge of their illnesses, or catch something early on when it costs less.

If you are for repealing the Affordable Care Act, you are for increasing prescription drug costs on seniors by an average of \$600 a year. That is because in the Affordable Care Act we close this doughnut hole. More than 5.2 million seniors and people with disabilities, I might add, have saved a total of \$3 billion already on prescription drug spending in the doughnut hole since we enacted the law. If you are for repealing this law, you are for making seniors pay more money for prescription drugs, pure and simple.

If you vote to repeal this law, you are voting to deprive States and localities

of vital funding to combat chronic diseases, such as cancer, diabetes, and heart disease, and to ensure that our kids have access to lifesaving vaccines. Why do I say that? Because in the health reform bill, there is a prevention and public health fund that is already saving lives, getting money out to communities for these very services, and cutting health care costs. So if you vote to repeal the Affordable Care Act, you are saying that we are not going to combat chronic diseases such as cancer and diabetes and heart disease.

All of these protections I have enumerated have been enjoyed by a certain select group of Americans for decades. What select group of Americans do you suppose I am talking about who have had these protections for decades? I suggest that every Member of Congress, the Senate and House, look in the mirror. We have enjoyed these for a long time. How many times have we heard in the past when we were debating and having hearings on the Affordable Care Act before we voted on it—how many times have we heard from our constituents that “we need the same kind of health care coverage you guys have in Congress.” That is what we did. We didn't have higher premiums because of preexisting conditions; there is no exclusion because of that. We have had no lifetime or annual limit on benefits, no cancellation of coverage when we got sick, and no copays for preventive services. In health reform, we basically gave the American people the same services we in Congress have enjoyed for a long time.

When a Member of Congress votes to repeal the Affordable Care Act, he or she is saying that these consumer protections are great for us—we will keep them—but they are too good for you, the rest of the American people. That is the kind of cynicism that takes your breath away.

Finally, let me point this out on the mandate that has gotten so much publicity lately. Quite frankly, the issue of this mandate—or, as I call it, a free rider penalty—has a long, bipartisan history. Seven current Republican Senators have previously endorsed a mandate. Many more Republican Senators had endorsed it, and they are no longer here because they either retired or were defeated. Former Massachusetts Governor Mitt Romney included a similar free rider penalty as the centerpiece of RomneyCare in Massachusetts. In fact, he said this: “No, no, I like mandates. Mandates work.”

So we ought to stop these silly political games. The Republicans' obsession with repealing health reform is based strictly on ideology. They oppose the law's crackdown on abuses by health insurance companies and any serious effort by the Federal Government to secure health insurance coverage for tens of millions of Americans who cur-

rently have no coverage. It is really about giving control back to their good friends—the wealthy, powerful insurance companies—so they can raise your rates and hold on to your money by denying you benefits and making egregious profits.

We all remember William Buckley's famous admonition to conservatives. He said that the role of conservatives is “to stand athwart history, yelling stop.”

William F. Buckley. Again, he said: The role of conservatives is to stand athwart history, yelling stop.

Well, in 1935, President Roosevelt and the Congress passed Social Security, providing basic retirement security for every American. Republicans yelled stop. They fought it bitterly. Seventy-five years later they are still trying to undo Social Security.

In 1965 President Johnson and the Congress passed Medicare, ensuring seniors had access to decent health care coverage. Republicans yelled stop. They fought it bitterly. Forty-five years later, they are still trying to undo Medicare.

Well, here they go again. Here they go again, trying to undo the Affordable Care Act. As I have said before, they are on the wrong side of history.

I think we should listen to the American people and leave our ideological obsessions behind and work together to make the law even better. The choice is to go forward or to be dragged backward. It is time to come together as a united American people to create a reformed health care system that works not just for the healthy and the wealthy but for all Americans.

Mr. President, I think it is important also to put a human face on this matter. Let's just put a human face on what this bill does. I have shown some of these people before. Let's talk about Emily Schlichting.

She testified before our committee. She suffers from a rare autoimmune disorder that would have made her uninsurable in the old days. But thanks to the Affordable Care Act, as a student, she is able to stay on her parents' policy until she is 26. Here is what she said at our hearing last year. She said:

Young people are the future of this country and we are the most affected by reform—we're the generation that is most uninsured. We need the Affordable Care Act because it is literally an investment in the future of this country.

—Emily Schlichting, a student in Omaha.

Then there is Sarah Posekany of Cedar Falls, IA. She was diagnosed with Crohn's disease when she was 15. During her first year in college she ran into complications from Crohn's disease and was forced to drop her classes in order to heal after multiple surgeries. Because she was no longer a full-time student, her parents' private health insurance company terminated her coverage. They stopped it. Four

years later, after many health care interventions, she found herself \$180,000 in debt and forced to file for bankruptcy. She was able to complete one semester at Hawkeye Community College but could not afford to continue. Because of her earlier bankruptcy—because of her earlier bankruptcy due to her health—every bank she applied to for student loans turned her down. But now, thanks to the new law, people like Sarah will be able to stay on their parents' health insurance plan until they are age 26.

Again, are we just going to say to people like Sarah and Emily: Tough. You got a bad break. Tough luck. Are we going to say that just to make some political point because of some ideological obsession?

The Affordable Care Act protects children with preexisting conditions now. That protection will be expanded to all adults in 2014—in just a couple of years. Well, actually, now that I think about it, in about a year and a half, every adult American will have that coverage and be able to get affordable coverage even though they have a pre-existing condition.

That could mean a lot to Eleanor Pierce. She is from Cedar Falls, IA. Here is Eleanor Pierce. When her job with a local company was eliminated, she lost her health insurance. She could purchase the COBRA insurance, but it was completely unaffordable to her. So she searched for coverage on the private individual market but was denied access because of her pre-existing condition of high blood pressure. The only plans that would cover her came with premiums she could never hope to afford without any income.

So here is Eleanor, age 62, suffering from high blood pressure, and she had no choice but to go without insurance and hope for the best. But, Mr. President, hoping for the best is not a substitute for regular medical care. One year later, Eleanor Pierce suffered a massive heart attack. When all was said and done, she had racked up \$60,000 in medical debt.

So, again, are we going to leave people like Eleanor without coverage, with mounting debt and declining health just to make some political point? These are real people the Affordable Care Act is now helping.

Well, as I have said before, the Affordable Care Act is for every American. But many of the benefits that are in place now, Republicans would take away by voting to repeal it. Many like Eleanor, who will be helped when it is fully implemented in 2014, will be denied the ability, the wherewithal to have affordable health care coverage so they can have good preventive health care measures, so they can get in to see a doctor and get medical care before they have to go to the emergency room.

I am told that tomorrow the House of Representatives will once again vote to repeal the Affordable Care Act. But once again they are on the wrong side of history. It is time to come together. Let's work together now to implement the law. It is constitutional, it is the law, let's get it implemented, and let's make sure we don't go down the road of political theater—political theater—due to ideological obsessions.

I know it is a campaign year. I have been in a lot of campaigns myself. They are tough, I know that. But there comes a point when we have to put politics aside for what is good for the American people. Now is the time to put aside the politics on the Affordable Care Act. Let's get to the business of implementing it.

As I said, Governor Romney is the nominee of the Republican Party for President. I am sure they will do everything they can to elect him. I understand that, and that is fine. That is the American way. I wouldn't have it any other way. But just keep in mind, when he was Governor, he put in a health care system in Massachusetts that is very much like the Affordable Care Act, which included a mandate. Governor Romney himself said: No, no, I like mandates. Mandates work.

Well, it is time to move ahead. Let's implement the bill, and let's get over this political theater the House is going to embark on tomorrow.

Mr. President, with that, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CASEY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NELSON of Florida. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RESTORING THE GULF OF MEXICO

Mr. NELSON of Florida. Mr. President, last week, we passed some significant legislation, and it was one little glimpse of a bright shining moment of bipartisanship. The overall Transportation bill passed overwhelmingly. The magnificent leadership of the chairman of the committee, Senator BOXER, and the ranking member, Senator INHOFE, was a good example of how government, in general, and this institution, the Senate, should operate to get things done. We went through the amendatory process, and I noticed the two leaders of the Environment and Public Works Committee fought off all the amendments that would have been killer amendments. They accepted some they believed strengthened the bill, and then we passed the bill seventy-four to nineteen. So it was overwhelming and it was bipartisan.

As a part of the process of that bill, several months ago, when the Transportation bill was on the Senate floor,

I had the privilege of offering an amendment—again, bipartisan—to restore the Gulf of Mexico after the effects of the BP oil spill. That emanated from the fact that we have a fine that will be levied by a Federal judge in New Orleans. The law allows for the judge to assess a fine per barrel of oil spilled in the Gulf of Mexico.

In this case, we are talking about some real money. We are talking about almost 5 million barrels spilled in the Gulf of Mexico. The fine could be anywhere from a \$5 billion fine all the way up to a \$20 billion fine. So the question became: Once the fine is determined and approved by the court, where is that money going to go? The Gulf State Senators argued we should be able to have this come back to help the people and the environment of the gulf who were harmed.

There are so many effects, and we do not know what is going to be the ultimate result of all of this, particularly on the health of the gulf.

Five million barrels in the gulf is a lot of oil. The question is, the natural processes of the bacteria in the water that consume oil that naturally leak through the ocean floor—is the gulf so overwhelmed with all that oil that the bacteria are not able to consume it? Since this came from a ruptured well 5,000 feet below the surface of the water, how much oil is still down there, where it is hard to get any kind of research done because of the depth and the pressure.

That is what we need to know. We need to know for the future and we need to know for all the people who have their livelihood by the gulf, be it the seafood industry—but that not only affects the gulf. The gulf provides seafood for the entire country.

I am coming here to say we have an incredible success in a bipartisan way. I remind the Presiding Officer that we passed that amendment on to the Transportation bill, the RESTORE the Gulf of Mexico Act, in this Chamber 76 to 22. It was a huge bipartisan vote. Last week was a time to celebrate, and it was a time to celebrate for our whole country for a lot of reasons.

Yesterday, I went back to the shores of the gulf to share with the people what the specifics are of the legislation we passed and, once the court decides what the fine is, how that money is going to flow and what it is going to do for our people to improve their economies and the environment and for the long-term outlook of the health of the gulf. I wish to bring this to the attention of the Senate because the gulf doesn't just belong to the gulf coast counties of five Gulf States; it belongs to all Americans, and the President signed it into law last Friday.

I wish to thank those people in the Senate, in the House, and the President for signing it, a wide array of staff and

stakeholders, the cities and the counties whose tireless efforts led to the enactment of the RESTORE Act. It aims to make sure the gulf does recover.

The chorus of support behind the success of this bill is enormous, and it would take me until the next Congress to thank everyone. But in addition to Senator BOXER and Senator INHOFE, I wish to mention the spark plug behind this whole effort was Senator MARY LANDRIEU of Louisiana, whose State has suffered mightily. Senator SHELBY and Senator BAUCUS, the chairman of the Finance Committee, who helped us come up with sources of revenue that we had to have to satisfy the General Accounting Office, Senator WHITEHOUSE, all these Senators were involved. Indeed, when we filed the bill 1 year ago, we had Senators from all 5 Gulf States as cosponsors, another display of bipartisan cooperation.

Think back to 2 years ago when this disaster began. It was about 10 at night on April 20, 2010, 52 miles off the coast of Louisiana. The Macondo 252 oil well suddenly kicked, leading to an explosive blowout that claimed the lives of 11 Americans. For the next 87 days, almost 5 million barrels of crude oil gushed into the gulf.

Fishermen pulled the gear off their boats and replaced it with booms and skimmers, tourists canceled their vacations, waiters came to work to find that there were no customers, and the oil continued to coat the marshes that are the nursery habitat for juvenile shrimp and so many of the other critters that spawn in and around the marshes. Some of the beaches that draw tourists every summer were coated. Even for those beaches that did not have oil, the perception was that there was oil on our beaches and the tourists did not come and it killed an entire tourist season.

That is why, in addition to Louisiana being affected with their environment and their shrimping industry and their fishing industry, the economy of Florida, where oil got onto the westernmost beaches—as a matter of fact, there was that famous photograph of Pensacola Beach with the white sugary sand beaches, and it looked like the entire beach was covered. That shot around the world and people started canceling vacations.

Only a few tar balls got as far east as Panama City Beach, and the rest of the gulf coast beaches all the way down to the southern tip of Florida, no oil, but the tourists stopped coming. When the tourists stop coming, there is nobody in the hotels and the hotel workers can't work, there is nobody in the restaurants and all those workers aren't working and all the ancillary businesses that depend on that major component of the economy. Then, of course, the seafood industry—the source of one-third of our domestic seafood in this country, the Gulf of Mex-

ico. Of course, the fishing industry was devastated, even those who could fish outside the danger zone of where the oil was lurking. People stopped buying gulf seafood because they were afraid it was tainted. Even when the oil was finally shut off after 3 months, the gulf was left with this public perception that the gulf was tainted.

If we remember back, the President asked the Secretary of the Navy, Ray Mabus, to recommend a strategy to restore the gulf. Why Ray Mabus? Because he had been a Gulf State Governor, Governor of Mississippi. After he did his first tour, Secretary Mabus labeled the gulf a national treasure, and he recommended that a significant portion of the Clean Water Act fines to be levied against BP be sent back to the region for environmental and economic recovery. Over the last couple weeks, the President, the Congress, stakeholder groups from across the country and across the political spectrum have made this commitment to restore this national treasure, and the result is that we passed the RESTORE Act.

Over the next 6 months, the Department of Treasury is going to develop procedures in which to implement the RESTORE Act. The Ecosystem Restoration Council, established by the act, will build on the recommendations of Secretary Mabus, the task force, and others to develop a draft comprehensive plan to address the environmental needs of the gulf. It is a Federal-State council. Once we know the outcome of the Justice Department's lawsuit against BP—and there are rumors that there is a settlement in the works. If that settlement were to be true and the judge approves it, the money will be ready to flow under the procedures being set up under this Federal-State council as initially determined by the Department of the Treasury.

The reason I wish to speak is not only to thank the many people who helped us accomplish this major milestone, but I also want to put into the CONGRESSIONAL RECORD why certain provisions in the RESTORE Act are there.

As the sponsor of the amendment, I want this legislative intent to be understood as the law is implemented. Certainly, I want understood from my perspective, as one of Florida's two Senators, what we have done. But it is important to flesh it out, if it hasn't been said already in testimony in committee as well as testimony as given in the speeches on the floor.

The RESTORE Act sends 80 percent of all the Clean Water Act fines back to the gulf through four mechanisms. The first is to direct equal allocation among the five Gulf States.

In the spring of 2011, in our State, the Florida legislature passed and the Governor signed legislation to ensure that the most affected counties receive the bulk of any oil spill funding that comes

to the State. This is different in the allocation of this first pot of money in the State of Florida from what was indicated in the other four Gulf States. In the case of Florida, it is memorialized in law that 75 percent of the funds for Florida in this first pot of money would be spent in the eight disproportionately affected counties in the Florida Panhandle—so from the west, Escambia County all the way to the east to Wakulla County—while the remaining 25 percent would be spent in other counties. That allocation of funding is mirrored in the RESTORE Act and it is now law. This is important. Because while there are places across the State that suffered from the misperception of oil, the panhandle counties were some of the hardest hit. So when it comes to the first allocation, the intent was to have those eight counties receive 75 percent of the funds in that first pot and for the other counties along the gulf coast of Florida to receive the remaining 25 percent.

If that State law is changed in the future, I want it clearly known that the legislative intent of the sponsor of this bill was what was just said: the 75-25 allocation—not to be squirreled off into some other purposes in the State government but to go to the counties that were affected by the spill.

The Senate-passed version of the RESTORE Act included impact allocation formulas for disproportionately affected counties and for other gulf coast counties that took into account things such as population and proximity to the oil spill. These impact allocations were meant to provide a reasonable and transparent method for accounting for impacts between gulf coast counties in Florida. The Florida Association of Counties convened working groups of the disproportionately affected counties to determine such a method.

When we got into the conference committee with the House, the House didn't go along with that particular internal approach so that language was not included in the final public law. But I want the record stated that was the intent of the Senate-passed bill, and as I have just come from the gulf coast yesterday, I understand from the county commissions all up and down the gulf that they intend to work with the cities and the other affected parties to try to follow that method they had recommended to us that we put into the Senate-passed bill.

The eight panhandle counties worked hard to reach a consensus, and it is my expectation they are going to continue to honor those collective decisions to come up with a fair and reasonable method of allocating the money. Throughout the spill and for the recovery efforts that are moving forward, the gulf region worked as one gulf, with Louisiana shrimpers standing shoulder to shoulder with Florida county commissions because, together,

the gulf would be stronger and better. I urge all the stakeholders to continue this unified, consensus-driven process. Any one city, any one county or State restoration effort will only help the region if you look at it as a whole.

I said there were four pots and each of the pots has a specified amount, a percentage of the total fine money. Each of them has certain criteria. The first pot I described will be divvied up among the five Gulf States, equal parts to each State, and distributed according to the formulas I mentioned.

The second pot is an amount of money specified to be directed under a Federal-State council. It will be for the purposes of restoration of the environment of the gulf.

A third pot will be according to State plans, operating under the criteria put together by all of the stakeholders, including a representative from all the gulf coast counties in Florida, and ultimately approved by the State-Federal council.

The last pot, the final 5 percent of the allocation of the moneys, is to be an investment in the long-term science and monitoring of the gulf ecosystem. When the oil began to spill we immediately realized how little we knew about the gulf. Many commercially and recreationally important fish stocks in the gulf have never had a stock assessment. We did not know what the fisheries were. We knew organizations were closing down certain fish stocks to protect the species, but it was never done with up-to-date data. To know how to restore a whole ecosystem we have to know what has been harmed and how we go about straightening it out. So half of the science funding is going toward a grant program to collect data, observe and monitor the fish, the wildlife, and the ecosystem of the gulf in the long term.

From the beginning this program has been a priority of mine because our fishing industry is so important—commercial fishing, recreational fishing, and charter fishing.

By the way, the protection of these fisheries is not just for the fish in the gulf because so many of these critters that are spawned in the marshes and bayous of the gulf, in the near-shore habitats of the gulf, are species that migrate to all the oceans of the world. I want to reiterate that this program is intended to provide a long-term investment in gulf science.

Years ago, in Alaska, after the Exxon-Valdez spill, it took 5 years for the herring population to collapse and it has not recovered in the 19 years since. We do not want this to happen in the Gulf of Mexico fisheries. If this gulf science program looks only at the short term we may not be able to adequately assess the real impacts.

This funding is also meant to supplement existing efforts and not to supplant them. I want that clear in the

legislative intent. The health of the gulf, the fishing industry, and the tourism industry all rely on accurate, up-to-date science—which is lacking, by the way, not just in the gulf but in all our fisheries.

There is a strict cap on the administrative expenses of 3 percent so that the RESTORE funds produce on-the-ground results rather than plugging budgetary shortfalls.

The science pot, the fourth pot, is divided in two. I have described the long-term science looking at the fisheries. The remaining half of the science pot will go to centers of excellence to be established in each of the five Gulf States. University and research institutions in Florida have been a vital part of the response to the Deepwater Horizon incident. Since the 1960s, Florida research institutions have worked together to benefit oceanographic science in the State. This coordinated effort is called the Florida Institute of Oceanography. This institute is essentially Florida's marine science brain trust and its members have done excellent science work, particularly since the oil spill.

This model has produced excellent results that avoid the duplication and make the most effective use of the resources in the State. That is why the RESTORE Act includes language that specifies that in our State of Florida, a consortium of public and private research institutions in the State—a total of 20 with 7 associate additional members, including the two State resource agencies—is going to be the ones named to carry out the center of excellence in our State. This language is intended to provide for the Florida Institute of Oceanography to carry out this program as the centralized voice of the ocean science in Florida.

I want that clearly understood for any who read about this legislation in the future. That was the legislative intent with regard to the center of excellence in the State of Florida. Each of the other States has their own procedures.

This past week I have been on the gulf coast quite a bit to tell folks about what I am sharing here today. This new law is going to provide some of the necessary resources and a framework to restore the gulf coast and the waters of the Gulf of Mexico. Just like plugging the Macondo well was a step in the right direction, this is another monumental step. But obviously our work is not done here.

The Department of Justice is still negotiating with BP to ensure that they are held responsible for the damage done, and it is time to implement RESTORE, because we want to eat gulf seafood forever at Fourth of July barbecues. Parents want to see their children playing on the white sand beaches of the gulf. They want them to visit the Gulf Islands National Seashore and

all up and down, from the Perdido River in the west all the way to the tip of the Florida Keys at Key West.

I am going to continue to work with our colleagues to move this process forward in a way that adequately restores this national treasure of the Gulf of Mexico for many future generations.

I appreciate the opportunity to share this and I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BURR pertaining to the introduction of S. 3367 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BURR. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The assistant majority leader.

CHILD MARRIAGE

Mr. DURBIN. Mr. President, I rise today to discuss a disturbing article which most of us saw on the front page of the Washington Post. It is entitled "In Niger, hunger crisis raises fears of more child marriages." It was written by Sudarsan Raghavan. The article highlights child marriages around the world. It is a human rights atrocity that steals the future, the health, and the lives of little girls and even boys in many developing countries.

In many of these countries girls are treated like chattel or commodities, sold into marriages with older men to settle debts or for dowries to help families survive. In Niger—the focus of the Post article—a famine is raising fears that more families will turn to that practice and marry off their little girls to gain economic security and even survival.

Niger happens to have the highest prevalence of child marriage with one out of two girls marrying before the age of 15, and some are as young as 7.

Can you imagine? Women, look around you. If you see another woman, know that in Niger one of you would have been married before you were 15 years old. That is exactly what happened to Balki Souley.

Balki Souley was married at 12 years of age. Let me show this poster of her. She is now 14. She recently lost her first child during childbirth at age 14. She almost died herself. Her small body was just too frail to handle the difficulty of facing labor. While Niger has the world's highest rate of child marriage, it is not the only place this

scourge occurs. It can be found all over the world and is most prevalent in Africa and southern Asia.

Recently the Senate acted to ensure that the U.S. government is adequately addressing this global human rights tragedy by passing the International Protecting Girls by Preventing Child Marriage Act. Senator OLYMPIA SNOWE and I were joined by a bipartisan group of 34 Senators in introducing this legislation. We have now passed this legislation in the Senate not once but twice.

Unfortunately, despite the bipartisan support for this bill in the Senate, the Republican leadership in the House refuses to act on this legislation. With every day that failure in the House continues, more and more little girls around the world, such as Balki are forced into early marriage.

This means more girls in developing countries will lose their freedom, have their childhood innocence stolen, and may, in fact, lose their lives. It means more young girls will be forced into sexual relationships with men two or three times their age, and it means more girls will suffer the devastating and often deadly health consequences that accompany forced child marriage such as sexually transmitted diseases and birth complications for the child and mother.

That is not what America stands for. I am calling on Speaker BOEHNER, Majority Leader CANTOR, and House Foreign Affairs Committee Chairman ILEANA ROS-LEHTINEN to bring this bill to a vote in the House immediately.

Read the article, consider the photographs in the Post and other places. The lives of these girls in developing countries across the world are literally in your hands.

Mr. BAUCUS. Mr. President, Mother Teresa once said, "Be faithful in small things because it is in them that your strength lies."

Small businesses matter; they are the store fronts in our main streets; they are the idea creators in our technology sector; and they are the employers of our people.

In Montana small businesses matter even more, since small firms make up 97.6 percent of our employers and create almost 70 percent of the private-sector jobs.

We know small businesses are hurting because we see the job numbers. True, unemployment rates are holding steady, but we need to do better.

Monthly job growth hit its highest point in 20 months in January, creating 275,000 new jobs. But job growth slowed substantially to 77,000 in April and 69,000 in May—its lowest point since May of last year—and 80,000 in June.

Similarly, U.S. GDP grew by 3.0 percent in the fourth quarter of 2011 but has slowed to 2.2 percent for the first quarter of 2012.

We need to give businesses the boost they need to take the risk in hiring

that additional employee or investing in that additional piece of equipment. The Small Business Jobs and Tax Relief Act introduced by Senator REID does just that. It gives businesses a 10-percent tax credit for increased payroll, allows businesses to write-off 100 percent of their business purchases made this year, and expands the ability of businesses to claim an AMT credit in lieu of bonus depreciation.

The hiring credit makes it cheaper for small businesses to employ workers or raise wages. The extension of bonus depreciation would help small businesses that purchase equipment to write off those purchases more quickly. The proposal would also help the businesses that sell the equipment. Bonus depreciation sparks investment, increases cash flows, and creates jobs.

These measures work because they provide incentives. They require companies to do something beneficial in order to obtain the corresponding tax benefit—either to hire American workers or invest in capital in the United States.

The Reid bill is in stark contrast to that offered by Representative CANTOR. His small business jobs bill is a mere giveaway. It gives businesses a 20 percent deduction for simply earning income. The Cantor bill allows businesses to avoid paying taxes on one-fifth of their profits as long as they employ fewer than 500 people and pay twice the amount of the deduction in wages. But rather than creating jobs or investing in business, the Cantor bill incentivizes the opposite. Because it provides a temporary reduced rate, the Cantor bill incentivizes businesses to defer making investments, hiring new employees or increasing wages in 2012 in order to increase profits. That is because, the larger the profits, the larger the tax deduction under the Cantor bill.

That does not make sense for what we need as a Nation. Those businesses that need the boost are those that may be struggling to make a profit right now. Indeed, this could be a risk-taking retailer or technology start-up that may not have any income at all this year. Those businesses would not be helped by Representative CANTOR's proposal. Nor does it make sense to spend \$46 billion for only 1 year of the provision as proposed by Representative CANTOR.

We should be working to create certainty for our small businesses—reducing tax rates for all businesses without magnifying budget deficits or exacerbating our long-term fiscal challenges.

We should oppose the Cantor bill and support the Reid bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, so ordered.

The assistant majority leader.

THE DREAM ACT

Mr. DURBIN. Eleven years ago, I introduced the DREAM Act. It was legislation to allow a select group of young immigrant students with great potential to be a bigger part of America. The DREAM Act gave the students a chance to earn their way into legal status. It wasn't automatic. They had to come to the United States as children, be long-term residents, have good moral character, graduate from high school, and complete at least 2 years of college or military service.

It has had a strong history of bipartisan support over 11 years. I first introduced it with my Republican lead sponsor, Senator ORRIN HATCH of Utah, when it was first introduced. When the Republicans last controlled the Congress, the DREAM Act passed the Senate in a 62-to-36 vote with 23 Republicans voting yes. It was part of comprehensive immigration reform. Unfortunately, that bill didn't pass.

The Republican support for the DREAM Act diminished for political reasons. The vast majority of Democrats, despite our support, can't stop a Republican filibuster when the bill has been called for consideration. I am still committed to the DREAM Act. I am committed to work with any Republican or any Democrat who wants to help me pass this important legislation.

Even though we have to wait on Congress to act, these young people who would benefit from the DREAM Act can't wait any longer. Unfortunately, many are now being deported or at least they were. They don't remember the places they are being deported to, and certainly in many instances they don't speak the language. Those still here are at risk of deportation themselves. They can't get a job and find it difficult to go to school. They have no support from the government in terms of their education.

That is why President Obama and Homeland Security Secretary Janet Napolitano decided the Obama administration would no longer deport young people who are eligible for the DREAM Act. Instead, the administration said they would permit these students to apply for a form of relief known as "deferred action" which puts on hold deportations and allows them—on a temporary, renewable basis—to live and work in America. I strongly support this decision. I think it will go down in history as one of the more significant civil rights decisions of our era, and I salute President Obama for his courage in reaching this conclusion.

Remember that the students we are talking about didn't come to this country because of a family decision. They were brought here as babies and as children. As Secretary Napolitano said,

immigrants who are brought here illegally as children “lack the intent to violate the law.” It is not the American way to punish kids for their parents’ wrongdoing.

The Obama administration’s new policy will make America a stronger country by giving these talented immigrants a chance to contribute more fully to the economy. Studies have found that DREAM Act students can contribute literally trillions of dollars to the U.S. economy during their working lives. They will be our future doctors and engineers and soldiers and teachers. They will make us a stronger Nation.

Let me be very clear: The Obama administration’s new policy is clearly lawful and appropriate. Throughout our history, the government has decided who they will prosecute and who they will not based on law enforcement priorities and available resources. Previous administrations in both political parties have made those decisions on deportations, and the Supreme Court recognizes the right of a President to decide what agency will make a decision to prosecute or not prosecute. Listen to what the Supreme Court said in a recent opinion on Arizona’s immigration law:

A principal feature of the removal system is the broad discretion exercised by immigration officials . . . Discretion in the enforcement of immigration law embraces immediate human concerns.

The administration’s policy isn’t just legal; it is smart and realistic. There are millions of undocumented immigrants in the country. It would take literally billions of dollars to deport all of them. It will never happen. So the Department of Homeland Security has to set priorities. The Obama administration has established a deportation policy that makes it a high priority to deport those who have committed serious crimes or who may be a threat to public safety. The administration said it is not a high priority to deport DREAM Act students. I think the administration has its priorities right.

This isn’t amnesty. It is simply a decision to focus limited government resources on those who have committed serious crimes and to basically say to DREAM Act students: You have an opportunity to remain here in a legally recognized, temporary, and renewable status.

That policy has strong support in Congress. It was RICHARD LUGAR, a Republican from Indiana, who joined me 2 years ago in writing to President Obama to ask him to do this. Last year Senator LUGAR and I were joined by 20 other Senators who stood together with us, including majority leader HARRY REID, Judiciary Committee chairman PATRICK LEAHY, and Senator BOB MENENDEZ.

According to recent polls, the American people think the President made

the right decision. For example, a Bloomberg poll found that 64 percent of likely voters, including 66 percent of Independents, support the President’s policy on DREAM Act students compared to 30 percent—less than half—who oppose it.

Some Republicans outside Congress have also expressed support. For example, Mark Shurtleff, the attorney general of Utah, said:

This is clearly within the president’s power. I was pleased when the president announced it . . . until Congress acts, we’ll be left with too many people to deport. The administration is saying, Here is a group we can be spending our resources going after, but why? They’re Americans, they see themselves as Americans, they love this country!

Mark Shurtleff, Attorney General of Utah.

It is easy to criticize the President’s policy on the DREAM Act in the abstract. What I have tried to do on a regular basis is to introduce those who follow the Senate proceedings to the actual students who are affected by this.

One of them is Kelsey Burke. Kelsey was brought to the United States from Honduras at the age of 10. Her family settled in Lake Worth, FL, where she started school in the sixth grade. By the time she was in eighth grade, she was taking advanced placement classes. She was accepted into the Criminal Justice Magnet Program at Lake Worth High School. She developed a passion for the law and started to dream about becoming an attorney. She continued to take honors classes and then enrolled in college at Palm Beach State College. She graduated from high school with a 3.4 GPA, a criminal justice certificate, and already 15 college credits.

In 2008, Kelsey was granted temporary protected status which allows immigrants to remain in the United States temporarily because it is unsafe for them to return to their home country. With temporary protected status, Kelsey is able to work legally, although she is still not eligible to stay here permanently or to become a citizen. After she began working, Kelsey was able to afford college. Keep in mind Kelsey and other DREAM Act students are not eligible for Federal student loans or any other Federal financial aid. Going to college for them is harder than it is for most kids.

While working full-time, Kelsey went to Florida Atlantic University, graduating with a major in public communications and a minor in sociology. She was indeed the first member of her family to graduate from high school and college. She now works as a paralegal at a law firm in Palm Beach County. She is very active in her community. She serves on the board of the Hispanic Bar Association, volunteers at the neighborhood community center, and coaches youth soccer. Her dream is to become a U.S. citizen, and

she wants to be an attorney. Of course, not being a citizen is an obstacle to her ever becoming a member of the legal profession in this country. Here is what she said when she wrote to me:

I desire to help others pursue their passion, to fight for their dreams, and to make a positive difference . . . Others forgot where they came from and how their ancestors got here; and what coming to America represents. I have been blessed and want to use my knowledge and experience to help other immigrant families.

I am a child of one of those immigrants. My mother was an immigrant to this country. I now have been honored to serve in the U.S. Senate, a first-generation American. I am proud of my mother’s immigrant heritage and my heritage as well. In my office behind my desk is my mother’s naturalization certificate. At about age 23 she became a citizen. I keep that certificate there as a reminder of my family roots and a reminder of this great country. It is the immigrant contribution to America that adds to our diversity, gives us strength, and I think brings a lot of special people to our shores who are willing to make great sacrifices to be part of this great Nation.

These young people affected by the DREAM Act were too young to make that conscious decision, but the parents who brought them here weren’t, and they were making that decision for them. Now we want these young people to have a chance for their generation to make this a stronger Nation. I ask my colleagues: Would we be better off if Kelsey were asked to leave? I don’t think so. I think her having grown up in this country and overcome so many obstacles is an indication of what a strong-willed and talented young woman she is. We need so many more just like her.

The President has given Kelsey and others some breathing space here with his decision on the DREAM Act. Now it is time for us to accept the responsibility not only to deal with the DREAM Act but also to deal with the immigration question. We cannot run away from the fact that it is unresolved and has been for years. We need to work together on a bipartisan basis to make certain we have an immigration system that is fair, reasonable, and will continue to build this great Nation of immigrants, bringing to the shores of this country those who have made such a difference in the past and will in the future.

I thank all of my colleagues, including the Presiding Officer, for his strong support of the DREAM Act. The President’s decision has given us a new opportunity to introduce these young people to America in a legal, protected status on a renewable basis.

Mr. President, I yield the floor for my colleague from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

OHIO MANUFACTURING

Mr. BROWN of Ohio. Mr. President, I so appreciate the leadership of Senator DURBIN on the DREAM Act. Nobody has kept the DREAM Act alive more than he, and nobody has spoken more passionately or cares more about young people. The point of so much of what he is talking about is giving people an opportunity. If they work hard and play by the rules, they can get ahead in this country. While I do not come to the floor today to talk about immigration and the DREAM Act, I support what Senator DURBIN is doing.

I come to speak about something else that is related to allowing people to have the opportunity to get ahead, and that is Ohio manufacturing and why it is so important to our country.

The best ticket to the middle class in the last 100 years in the State of Ohio and all over the country has been people making things. The way to create wealth is to either mine it or grow it or make it. The Presiding Officer in his State of Colorado understands all three of those. In Colorado they mine ore, they grow crops, they make products, as they do in Ohio. Ohio is increasingly becoming an energy State in many ways and a leading farm State. Our biggest industry in a sense in Ohio is agriculture. We are also the No. 3 manufacturing State in the United States of America. Only Texas and Colorado produce more than Ohio does. They are States two and three times our size in population and, in area, more than that.

We know that from 2000 to 2010, we lost one-third of the manufacturing jobs in this country. We lost more than 5 million manufacturing jobs, which disappeared, suffered tens of thousands of plant closings, thousands of communities abandoned or crippled, teachers laid off, librarians laid off, police and firemen laid off, families broken because of these manufacturing job losses. More than 15,000 manufacturing jobs were lost between 2000 and 2010. Since early 2010, we now have 500,000 more jobs than we had in the early 2000s. In other words, for the first time in a decade, we are actually seeing manufacturing job gains. A big part of that is what has happened to the auto industry.

I spent much of last week all over my State but especially visiting places in northern Ohio where manufacturing and especially auto manufacturing is so important. I talked to business owners who are grateful and enthusiastic about what happened with the auto rescue. The auto industry was literally dying in Ohio and across the country. At this point 4 years ago, in late 2008 and early 2009, if the U.S. Congress, the President—the House and Senate—hadn't stepped in, my State would be in a depression. Since then, we are seeing major investments—in many cases hundreds of millions of dollars of in-

vestment—tens of millions spent on major investments in Toledo, OH, by Chrysler; major investments in Ohio by GM, major investments in Ohio by Ford, and major investments in Ohio by Honda. We all understand the auto industry is alive and well and coming back.

But many of these auto suppliers—companies that make brackets or bolts or wheel covers or glass or a number of other products that all go into auto assembly—many of these manufacturers, including component manufacturers of parts for the auto industry, talk about competing against China. For too long, they tell me—and I recognize—China has been manipulating its currency to give Chinese exports an unfair advantage. The Chinese Government also gives illegal subsidies to their domestic industries for the purpose of exporting and dumping products in the American market. The term “dumping” simply means they subsidize it so the product itself is priced under the cost of producing it. It is called dumping it in our market.

If that weren't enough, China skirted trade volume even further with illegal duties that affected more than 80 percent of U.S. auto exports to China, including Ohio-made vehicles such as Jeep, assembled in Toledo, and Acura, assembled in Marysville. We can't afford to let China take the wind out of our sails.

Last week, the day after Independence Day, the administration announced it would stand with American workers and fight back against China's discriminatory tariffs on American automobiles. When they use illegal international trade law—when they put illegal tariffs on American products—it means the Chinese keep prices so high for American-made autos—artificially high—the Chinese simply won't buy them. Chinese motorists won't buy them. So they, in effect, by using these tariffs, have kept American products made by American workers in the United States of America, out of China. We buy so much from China. We can buy products in almost any store in America that were made in China. We buy so many of their products, but they do all they can—illegally in many cases—to keep our products out.

Now is the time to stand for American workers, to stand for suppliers in Dayton who provide aluminum and zinc for casting, workers in Defiance, OH, who specialize in heavy-gauge steel for our domestic automobile industry. That is why the President's decision, the United States Trade Representative's decision, aimed at defending American jobs was so important. We know what rescuing the auto industry meant for us. It was not only about preventing crises, but it could have been an economic depression, especially in the industrial Midwest. Hundreds of thousands of Ohioans depend

on the auto industry: workers, suppliers, manufacturers, drivers, truckers, sales representatives, dealerships.

For those of us in Congress who supported rescuing the auto industry, doing so meant standing for the hundreds of thousands of Ohioans and hundreds and hundreds of thousands of Americans, as much as it was about supporting the Big Three.

Today the domestic auto industry is back on course. GM is the leading car company in the world. It is earning significant profits. As I said, plants in Toledo and Lordstown and Defiance are hiring workers. Honda, Chrysler, Ford, GM, have all announced those various multimillion dollar investments in Ohio alone, not to mention many other States I named earlier.

We have to continue making the investments in manufacturing that matter for our recovery and our economic competitiveness. I was just on a conference call with rural housing advocates in Ohio. We know historically in this country what leads us out of depression: manufacturing and housing. We are doing significantly better in manufacturing. Remember earlier in my short little talk, that we lost 5 million manufacturing jobs from 2000 to 2010. We have gained 500,000 since then, including in Ohio almost every single month over the last 30 months or so. Manufacturing is doing its part to pull us out of this recession. We have got to do better in housing. That is a subject for another discussion. But the manufacturing part is so important.

One place we must remain vigilant is the enforcement of trade laws. That is what the President is doing. We know that enforcing trade law is not just right for manufacturing, it is right for job creation. The International Trade Commission's ruling in December 2009 led to a broader measure on imports to support domestic producers of steel pipe, such as V&M Star Steel in Youngstown. By addressing illegal Chinese trade practices, this decision helped increase demand for domestic production. It played a significant role in V&M Star's decision to do something that people did not expect would happen anytime soon. V&M Star Steel made a decision to build a new \$650 million seamless pipe mill in Youngstown, OH, bringing, I believe, about 1,000 building trades jobs, building the structure of the plant, and now several hundred jobs as they begin production—a new steel plant in Youngstown, OH, one of the major steel-producing centers in the country that had come on hard times, particularly in steel; a new steel mill in Youngstown, OH, because the President of the United States, because the International Trade Commission, because the Department of Commerce, because Congress pushed for it, actually enforced trade rules, and look what happened. So trade enforcement matters.

We also need to be vigilant in currency manipulation. Our trade deficit in auto parts with China grew from about \$1 billion 10 years ago to almost \$10 billion today. These massive illegal subsidies the Chinese are engaging in are worsened by indirect predatory subsidies such as currency manipulation. That is why my legislation, the Currency Exchange and Oversight Reform Act, the largest bipartisan jobs bill that has passed the Senate in the last 2 years, is so important. It got more than 70 votes in the Senate. Both parties supported it. The House of Representatives had passed a similar measure one other time. Now we are simply asking Speaker BOEHNER to schedule this bill for a vote. If it is scheduled for a vote, if the House votes on it, they will pass it, I would predict, with at least 300 votes, because large numbers of Members of both parties want to see the House of Representatives move. They voted for it before. We need Speaker BOEHNER to actually bring it to a vote.

It means standing for American jobs when China cheats. Without aggressive enforcement of trade laws, this unlevel playing field will cost hundreds of thousands of American jobs. It is born from the realization that stakes are too high for our workers, our manufacturers, our economy if we do not fight back. We need an all-hands-on-deck approach, at the U.S. Trade Rep, at the Department of State, at the Department of Commerce, to be involved and more aggressive, especially by initiating more trade actions.

We know our trade actions stabilized the auto industry. We know enforcement of trade law translates into steel jobs and paper jobs and tire jobs and other jobs. We know it is time to continue fighting for and investing in American manufacturing.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BENNET). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

SERGEANT JAMES SKALBERG, JR.

Mr. GRASSLEY. Mr. President, today I wish to pay tribute to SGT

James Skalberg, Jr., who made the ultimate sacrifice on June 27, in Wardak Province, Afghanistan. James was driving his vehicle when an improvised explosive device detonated, injuring him fatally. My thoughts and prayers go out to his wife, Jessica, his son, Carter, his parents, James and Kelli, and all his other family and friends who are grieving his loss.

Sergeant Skalberg grew up an athlete. He graduated from Nishna Valley High School in Hastings, IA in 2005, and enlisted in the Army in 2007. James deployed to Iraq with his unit in 2008 through 2009 and deployed again to Afghanistan in 2011. His awards and decorations include the Bronze Star Medal, Purple Heart, Army Commendation Medal, Army Achievement Medal, Army Service Ribbon, Overseas Service Ribbon, Driver's Badge, Air Assault Badge, and Combat Action Badge.

James is remembered by his family as having been loved by everyone for being a gentleman in every respect. He was remembered by teachers and coaches as a star player and caring student. He was carefree, easy going, reliable, levelheaded, and loving. He was a family man who loved his wife since they met as teenagers in high school, and his son, Carter, whom he hoped to one day teach to play basketball.

James was the kind of man we can be proud to call a native son of Iowa. He stood as an example to others in his actions and his character. We owe SGT James Skalberg, and others like him, our most sincere gratitude and appreciation for their willingness to make the ultimate sacrifice for our great country. I call on my colleagues in the Senate and every American to pay tribute to this brave American.

TRIBUTE TO NORTH CAROLINA AIR NATIONAL GUARD

Mr. THUNE. Mr. President, today I wish to honor six brave airmen with the North Carolina Air National Guard who died or were seriously injured while fighting South Dakota's White Draw Fire.

Lt. Col. Paul Mikeal, Maj. Joseph McCormick, Maj. Ryan David, and Senior Master Sgt. Robert Cannon were killed July 1 when their C-130 firefighting plane crashed near Edgemont, SD, as they battled a large forest fire in the Black Hills. Two crewmembers survived the crash but were left in critical condition.

Men and women in our armed forces put their lives on the line every day for their fellow servicemembers and for all Americans. They serve in the hope that these daily sacrifices will ensure a safer and more prosperous United States. Their actions are not in vain nor forgotten, and members of our armed services are continually in our thoughts and prayers.

Airmen fighting these fires are necessarily exposed to dangerous condi-

tions in order for firefighters on the ground to have the chance to contain these wildfires. The importance of these domestic actions by the Air National Guard cannot be overstated. They are fighting to save our homes, our businesses, and our communities from devastating fires, often flying in very dangerous terrain.

The names of the fallen airmen will be added to a memorial at the unit's headquarters and their service likewise praised. Great Americans such as these continue to answer the call whenever and wherever they are needed. Our hearts go out to the families and friends of Paul, Joseph, Ryan, and Robert, and I ask my colleagues to join me in commemorating the lives of these men.

RECOGNIZING J. CARL GANTER AND CIRCLE OF BLUE

Mr. LEVIN. Mr. President, I extend a hearty congratulations to J. Carl Ganter, director and founder of Circle of Blue in Traverse City, MI, on receiving the 2012 Rockefeller Foundation Innovation Award. Innovation and collaboration are two components critical to solving the challenges we face as a State and as a nation. Organizations like Circle of Blue are leading the charge, helping to inform our discussions and to guide us on a path toward lasting, comprehensive solutions.

Circle of Blue has focused its efforts on the global freshwater crisis for more than a decade and has successfully united an international network of leading journalists, scientists, and data experts to shed light on this issue and to illuminate a better path forward. This work has spurred meaningful, dynamic, and workable processes and information that are helping to solve real and pressing problems for communities in need.

Through this effort, Circle of Blue has put forth enlightening reports on the nexus between water, food, and energy. Conducted both in China and the United States, this integrated, cross-cutting work demonstrates that current practices are not only environmentally unsustainable, but can be economically disruptive. In both instances, Circle of Blue has utilized this innovative approach to build broad collaborations and solutions-focused processes that are charting a course toward a brighter future.

There is little doubt we live in a deeply interconnected world, and the fundamental economic, social, and environmental challenges we face are linked. Under Ganter's able leadership, Circle of Blue has built a breakthrough model of data collection, design, reporting, and convening that places an emphasis on these linkages holistically. By facilitating collaboration between policymakers, scientists, academics, businesses, and the general

public, this organization is on the cutting edge of developing processes to creatively implement these solutions. As Mr. Ganter recently stated, "We are listening better. We are becoming more nimble in how we work and collaborate. We are empowering people at all levels with better information to make better decisions."

By discerning emerging trends, highlighting solutions, and facilitating meaningful collaboration, Circle Of Blue is a powerful partner in a number of areas. The Rockefeller Foundation Innovation Award is a tremendous honor, one this organization richly deserves. What is most clear to me is that the best has yet to come, and I look forward to the fruits their work will surely bear in the future.

TRIBUTE TO TOM MAHR

Mr. CONRAD. Mr. President, I rise today to recognize a truly exceptional member of my staff who recently departed after 22 years of service in the Senate. Tom Mahr is one of the longest-serving members of my staff, and he has made invaluable contributions to important debates and the drafting of key pieces of legislation in the Senate over the past 2 decades. He will be missed.

Like many staff members, Tom began his career on Capitol Hill as an intern. I tapped him to join my staff in January 1988 as a legislative correspondent. Tom excelled from the start, and it was not long after that he began a steady path to increasing levels of responsibility. His first major effort as a banking legislative assistant was during the Savings and Loan bailout. He provided me with sound advice, and I was one of only 8 Senators to vote against the bailout.

Tom left briefly to complete graduate school at Princeton; he rejoined my staff in 1991, working on a number of important issues, including what to do to help the economy. When I joined the Finance Committee in 1993, Tom was assigned to work on trade issues. For North Dakota, with its significant agricultural interests, ensuring fair trade agreements and opening new markets for our products was vital. In those days, the rapid rise in imports of wheat and barley from Canada was negatively affecting farmers in North Dakota. Addressing this was a top priority for me, and Tom was a key part of the effort. With his guidance and strategic advice, I was successful in getting the U.S. Trade Representative to negotiate an agreement under which the Canadians agreed not to flood our markets.

In the mid-1990s, Tom took over the health care portfolio in my office. Health care was an integral part of the major budget battles that took place then, when the Speaker of the House was proposing to slash Medicare spend-

ing to pay for tax cuts. Tom was deeply involved and assisted in staffing me on the Chafee-Breaux bipartisan group, which ultimately produced a bipartisan budget proposal in 1996 that garnered 46 votes over the opposition of both leaders. Tom spearheaded Medicare and Medicaid changes, including improvements to rural Medicare programs and securing reimbursement for telehealth services, that became part of the 1997 Balanced Budget Act. During that time I worked with others to prevent budget legislation from block-granting nutrition programs. Winning that amendment during consideration of the 1996 welfare reform bill was an incredibly important legislative accomplishment, in terms of helping to protect the most vulnerable in our society, a priority that Tom has always had with his work on health and other issues.

In the summer of 1997, I was tasked by Leader Daschle to lead a Democratic Senate task force to develop legislation to implement the proposed tobacco settlement between the State attorneys general and a number of private tobacco plaintiffs. Tom played an integral role in developing that bill and negotiating improvements as it moved through the Senate. That bill was seen as the gold standard for public health and it won key support from the White House.

In 1998, Tom became my legislative director, a position he held until July 6, 2012. I have relied on Tom's advice, counsel, and strategic thinking on so many key initiatives that I have advanced for both North Dakota and the country. You name it, Tom was a part of it. He has been a trusted advisor during key debates from the resolution authorizing the war in Iraq that I voted against to budget and tax issues to Medicare prescription drugs and health reform. And he has led negotiations on many critical bills that I have introduced or played a role in developing.

Tom has proven himself as a strategic thinker when it comes to putting together the farm bill compromises necessary to achieve legislative success in the Senate. He has worked tirelessly with other Senate offices during the critical stages of the last three farm bills to ensure the best possible outcomes for North Dakota, while also addressing the needs and concerns of other States.

On energy, Tom has a deep understanding of the challenges and opportunities our Nation faces. He was instrumental in my efforts with the bipartisan energy group, the Gang of 10. It grew to 20, 10 Democrats and 10 Republicans. Through our efforts, we were able to come together on a bipartisan, comprehensive energy package to reduce fuel prices, lessen our dependence on foreign energy, and strengthen our economy. The New Energy Reform Act legislation produced by the group represented a true compromise, incor-

porating commonsense ideas, and it was fully offset. Tom could always be counted on to think ahead, anticipate obstacles, and develop solutions that were critical to reaching an agreement.

Tom is one of the smartest people I have ever had working for me, and he has brought that knowledge and his sound judgment to so many successful efforts. He is enormously talented, hard-working, dedicated, and incredibly loyal. And he has earned the greatest respect of other Senators, staff, and many constituents he has worked with through the years.

Tom will be leaving my office to serve as policy director for Minority Whip STENY HOYER in the U.S. House of Representatives. We are fortunate that he will continue using his incredible talent to serve the public good. While I will miss him terribly, I am so pleased that he has chosen to continue in service to Congress and our great Nation.

I am so grateful for the leadership Tom has provided in my office these past 22 years. The country is very fortunate to have someone of his caliber in public service. It is with deepest gratitude for his years of service to me, the State of North Dakota, the Senate, and the Nation that I wish him all the best in the next stage of his career.

TRIBUTE TO MAJOR GENERAL FREDERICK HODGES

Mr. INHOFE. Mr. President, I wish to recognize MG Fredrick (Ben) Hodges for his professional service and dedication to duty as the U.S. Army's Chief of Legislative Liaison over the last year. In this capacity, Major General Hodges was responsible for advising the Secretary of the Army, the Chief of Staff of the Army, and other senior Army leaders on all legislative and congressional matters. During this period of extraordinary change and challenges facing the Army, he masterfully led the Army's outreach to the Congress. Due to the exceptional manner in which he has performed, Major General Hodges has been selected to become the NATO Land Component Command Stand-Up Team Chief in Turkey.

Major General Hodges adeptly understood the importance of fostering a strong and durable relationship with Congress. He now completes his third assignment with the Army's Legislative Liaison, having served for over five years in support of the Congress. He worked tirelessly on behalf of the Army to earn both the trust and confidence of Members of Congress and their staffs. His candor and ready accessibility to Congress ensured comprehensive support for the Army. Major General Hodges handled some of the most complex and sensitive issues faced by the Army in the last decade.

Throughout his career, Major General Hodges has been the consummate

soldier's soldier and is known for having an open mind and candor while addressing the issues affecting the Army today. He is a tremendous advocate for soldiers both within the Pentagon and here on Capitol Hill. His advice, counsel, and friendship have been very valuable to us in the Senate, and he will be sorely missed.

A native of Quincy, FL, Major General Hodges graduated from the U.S. Military Academy in May 1980 and was commissioned as a second lieutenant in the infantry. Following successful completion of the basic course and Ranger School, he was assigned as a platoon leader and company executive officer in Germany. Upon return to the United States, Major General Hodges commanded infantry units at the company, battalion, and brigade levels in the 101st Airborne Division, AASLT. During his command of the "Bastogne" Brigade, Major General Hodges' leadership was instrumental in the successful invasion of Iraq during the early stages of Operation Iraqi Freedom.

Major General Hodges has also served in a variety of Army staff positions throughout his distinguished career. Ranging from tactics instructor at the Infantry School to senior battalion observer/controller at the Joint Readiness Training Center, he has ensured that our soldiers are properly trained in their war-fighting functions. As a staff officer, Major General Hodges has served as the aide-de-camp to the Supreme Allied Commander Europe, chief of staff for the XVIIIth Airborne Corps, and director of the Pakistan/Afghanistan Coordination Cell. Major General Hodges' operational assignments include deployments to both Iraq and Afghanistan as the assistant chief of staff, CJ3, Multi National Corps-Iraq and as the deputy commander for Stability, Regional Command South, International Security and Assistance Force, Kandahar, Afghanistan. Throughout the various assignments and deployments, Major General Hodges always accomplished his mission and cared for his soldiers, and took great care of the Army families under his command.

We extend our heartfelt thanks to MG Ben Hodges, to his wife Holly, and to his children Ben and Madeline, for their dedication and service to the Nation. Words cannot characterize properly the extraordinary character of Major General Hodges's accomplishments.

The Nation thanks him and wishes him success and happiness in his next assignment.

TRIBUTE TO MR. JOHN PETTERWAY, JR.

Ms. LANDRIEU. Mr. President, today I ask my colleagues to join me in recognizing and celebrating the 101st birthday of Mr. John Petterway, Jr., of

Shreveport, La. Mr. Petterway turned 101 on June 4, 2012.

Along with celebrating his 101st birthday, Mr. Petterway has also recently celebrated the 99th birthday of his wife, Alzetta Petterway, and their 70th wedding anniversary.

Mr. Petterway served in the U.S. Army during World War II, from June 1943 to September 1945. He was in the European Command where he served in Africa, Italy, and France. Mr. Petterway was recently honored by the Caddo Parish Commission, in Shreveport, LA, as the parish's oldest living World War II veteran.

After Mr. Petterway completed his service in the U.S. Army, he returned to Shreveport where he and his wife still reside. Long after his military duty and career, Mr. Petterway and his wife have stayed extremely active within their church and community.

It is with a heartfelt sincerity that I ask my colleagues to join me along with Mr. Petterway's family in honoring and celebrating the life of this extraordinary person.

RECOGNIZING NATIONWIDE CHILDREN'S HOSPITAL

Mr. PORTMAN. Mr. President, today I wish to congratulate Nationwide Children's Hospital of Columbus, OH for being ranked seventh in the country on the 2012 US News and World Report's Honor Roll for Children's Hospitals.

Nationwide Children's Hospital earned this distinction after receiving top 50 hospital distinctions in ten different departments. Its gastroenterology, cardiology and heart surgery, pulmonary, and neurology and neurosurgery departments were all ranked on the top ten lists in their respective categories.

Since 1892, Nationwide Children's Hospital has been serving the pediatric needs of millions of young buckeyes across Central Ohio. Children's Hospital provides an invaluable service for many Ohio families every year and continues a unique Ohio tradition of excellence in the healthcare industry.

This well-earned commendation arrives at an appropriate juncture for Children's Hospital as it is about to dedicate a new 2.1 million square feet expansion of its clinical and research departments. This expansion is the largest of its kind in US medical history.

Mr. President, I would like to again congratulate the staff of Nationwide Children's Hospital on this tremendous honor.

RECOGNIZING CINCINNATI CHILDREN'S HOSPITAL

Mr. PORTMAN. Mr. President, today I wish to commend Cincinnati Children's Hospital Medical Center for

being ranked third in the country on the 2012 US News and World Report's Honor Roll for Children's Hospitals.

The hospital began as The Hospital of the Protestant Episcopal Church in 1883 and has since transformed into one of the nation's leading pediatric care facilities. Through its outstanding clinical care, research and education, CCHMC serves children and families in the greater Cincinnati community and has improved child health around the Nation and throughout the world.

Cincinnati Children's Hospital Medical Center has grown significantly over the past 127 years, becoming one of the five largest employers in the region. Not only does the hospital provide outstanding patient care, but it is also responsible for many medical and research breakthroughs that have changed medicine forever. These breakthroughs include the oral polio vaccination and the invention of the first heart-lung machine, among many others.

Cincinnati Children's Hospital ranked in the top 10 in all pediatric specialty areas listed in the US News and World Report survey, and earned a top three spot on the survey's honor roll. The hospital treats patients from all over the region as parents bring their children to Cincinnati to ensure the best treatment available. It is an honor to have such a prestigious and dedicated hospital in my hometown of Cincinnati, Ohio.

I would like to recognize Cincinnati Children's Hospital for this tremendous accomplishment, which is a result of the hard work and dedication of many within the organization and community.

ADDITIONAL STATEMENTS

RECOGNIZING THE RANGELEY LAKES HERITAGE TRUST

• Ms. COLLINS. Mr. President, the Height of Land in Maine's Rangeley Lakes Region is a crown jewel among my State's abundant natural treasures. The panorama of lakes and mountains, streams and valleys, offered by this lofty perch in the Western Mountains, is among the most spectacular sights in New England.

I rise today to congratulate a remarkable group of local citizens, the Rangeley Lakes Heritage Trust, for their hard work and commitment over more than 2 decades to protect and preserve this extraordinary place and to make it accessible to all. The Height of Land Overlook on the Rangeley Lakes National Scenic Byway, officially dedicated on July 15, 2012, demonstrates the great partnership they have formed with State and Federal Government, conservation organizations, businesses, and neighbors to achieve lasting accomplishments.

Since the Rangeley Lakes Heritage Trust was formed in 1991, it has conserved more than 12,800 acres of land, including 45 miles of lake and river frontage, 15 islands, and the commanding 2,443-foot Bald Mountain, so that these features might be accessed and enjoyed by residents and visitors forever. The Height of Land Overlook has converted a narrow and dangerous corridor into a spacious, safe, and welcoming place for inspiration and reflection.

To complete this outstanding project, the Rangeley Lakes Heritage Trust brought together a wide range of people and organizations into a common cause. It overcame the boundaries between towns, bridged the divide between government agencies, and worked collaboratively with the private sector. The commitment by the Maine Department of Transportation is especially commendable.

In 2009, I was pleased to help secure \$2.9 million in U.S. Department of Transportation funding for this important project. It is essential that the Federal Government be a strong member of partnerships to preserve our natural treasures, enhance recreation, promote economic growth, and help protect the environment. The Height of Land Overlook and the conservation walk that will be completed next spring will help make this area a national destination.

Sir Edmund Hillary said that, "People do not decide to become extraordinary. They decide to accomplish extraordinary things." Like that famous mountaineer, the citizens who came together to establish the Rangeley Lakes Heritage Trust had a lofty goal. They not only reached the summit, they went far beyond. Their amazing success speaks volumes about the commitment that the people of Maine have to preserve our special places and to share them with all Americans.●

MICHAEL N. CASTLE TRAIL

● Mr. COONS. Mr. President, yesterday we recognized the vision and tireless efforts of former Congressman Mike Castle of Delaware to develop a recreational trail along the Chesapeake and Delaware—or C&D—Canal and broke ground for its construction.

The C&D Canal, managed by the Philadelphia District of the Army Corps of Engineers, has been in operation since 1829. Today it is one of the busiest working waterways in the world, with over 25,000 vessels passing through it each year. The canal is a critical commercial waterway serving the ports of Wilmington, Baltimore, and Philadelphia. The C&D Canal is bordered by a 16-mile stretch of flat, uninterrupted land, perfect for a trail, and surrounded by more than 7,500 acres of public land, creating a unique and safe environment for

recreationists. In 2004 Congressman Castle saw these assets as an ideal opportunity to enhance the canal's existing resources by adding a recreational trail.

Under Congressman Castle's leadership, a working group was formed in 2004 with representatives from the State of Delaware, New Castle County, the Army Corps, Delaware City, Chesapeake City, the State of Maryland, and recreation groups. In 2005 and 2006 public workshops were held to solicit ideas and comments from local residents regarding potential recreational uses along the C&D Canal. In March 2006 a concept plan was completed by the working group, recommending the creation of a recreational trail along the canal to be used by walkers, joggers, cyclists, and equestrians. In 2007 design work for the trail began and environmental assessments were completed, and in 2009 trail design was completed.

Congressman Castle was instrumental in obtaining resources for the trail. In addition to supporting efforts to acquire state and local funding, he also secured a total of \$2.2 million in public lands highways discretionary awards in fiscal years 2008, 2009, and 2010 from the Federal Highway Administration to go toward planning and construction of the trail.

Congressman Castle's vision and years of work to build a trail along the C&D Canal were not forgotten when he left office. Recognizing the tremendous benefits that could be realized by the trail, the delegation picked up the project where Castle left off. Since then, the delegation has worked with the Federal Highway Administration, the State of Delaware, New Castle County, the recreation community, and others to reinvigorate the working group and secure additional funding to build the first phase of the recreational trail along the banks of the Chesapeake and Delaware Canal.

The recreational trail along the C&D Canal will provide a common link to communities across the States of Delaware and Maryland from Chesapeake City to Delaware City. It will create a safe and inviting recreational opportunity along the canal and will bring families and other groups to hike, bicycle, jog, skate, or ride horseback along the trail. Local business, including restaurants and shops, will reap the benefits of this increased tourism to the area. The C&D Canal trail will also support healthy lifestyles through outdoor recreation. The trail will improve safety along the canal and increase the appeal and land value of residential developments in the area. The C&D Canal recreation trail will be an attractive asset for the Middletown, Odessa, and Townsend region that will draw new residents to the area.

Congressman Castle long ago embraced the notion that the C&D Canal is like an emerald necklace draped

across the northern portion of our beautiful State, and we are so very pleased that this jewel will be named after our dear friend.

Yesterday, the Delaware Department of Transportation broke ground on phase I of the recreational trail. This first phase will complete approximately 9 miles of the trail from Delaware City to just beyond Summit Marina in Delaware, including the construction of two trail heads, parking areas, and comfort stations.

Honoring Congressman Mike Castle's longtime support of recreational and commuter-oriented greenways and trails in Delaware and across the Nation, as well as his vision, leadership, and steadfast support of the Chesapeake and Delaware Canal trail, the Delaware delegation hereby dedicates the trail to him and officially recognizes the name as the "Michael N. Castle Trail at the C&D Canal."●

REMEMBERING RICHARD BAUER

● Mr. CRAPO. Mr. President, today I wish to honor the life of Richard Lueking Bauer, a distinguished Idahoan who will be greatly missed.

Dick has been an involved Idahoan since he and his family moved to American Falls in 1963 when he purchased Bauer Chevrolet and Oldsmobile. Dick owned the business for 22 years and was recognized as a dedicated member of the community. Prior to moving to American Falls in 1963, Dick Bauer studied economics at Westminster College in Salt Lake City, Utah, served in the U.S. Army Corps of Engineers in Germany in 1954-1956 and married his wife of 55 years, Lois Saathoff.

Throughout his life, he devoted considerable time to community service and served in leadership roles on numerous boards, commissions and organizations. This includes his service on the Power County Airport Board, the Idaho Board of Aeronautics and the Board of Directors of the Idaho Housing and Finance Association. He was also a committed Lutheran, who was actively involved in Lutheran churches in his communities, and he was a member of the Board of Regents of Pacific Lutheran University in Tacoma, Washington.

His efforts in the Republican Party included his service as national committeeman; State party chair, secretary and treasurer; county, regional and district chairman; mentor to political candidates; and member of the Ada County Lincoln Day Association. He also served as an elector for President Reagan and Vice-President Bush. President George H.W. Bush appointed Dick to serve as Regional Administrator for Region X of the U.S. Department of Housing and Urban Development.

Dick Bauer leaves behind a legacy of devoted service. He was a person that

people turned to for assistance and leadership, and he touched the lives of many people. I extend my deep condolences to his wife, Lois, and their family. Dick will be missed but not forgotten.●

RICHLAND COUNTY FAIR

● Mr. KOHL. Mr. President, today I wish to recognize the 150th anniversary of the Richland County Fair. I am proud to honor this celebration and all that this event has contributed to the State of Wisconsin.

The Richland County Agricultural Society was founded in 1857 with the mission to improve “the character and operation of the agricultural, mechanical, and household arts.” In order to achieve its mission, later that year it sponsored a cattle show and fair. The success of that first cattle show led the organization to purchase the fairground, which has allowed them to evolve and continue to sponsor this popular fair for the next 100 years. Since the original fair in 1857, year in and year out, organizers have proudly showcased the beauty, simplicity, and fortitude of rural Wisconsin life; the only years the fairs were not held were during the four summers of our Nation’s Civil War. After turning over the fairground and buildings to Richland County in 1957, this landmark celebration became officially known as the Richland County Fair. For 150 years, the Richland County Fair has built upon the foundation of recognition of the agricultural, mechanical, and household arts that truly represent the beauty of Wisconsin.

While Wisconsin’s agriculture has changed since the mid-19th century, the fun of the fair traditions has not. It is through events like these that our communities come together to celebrate Wisconsin’s unique offerings, culture, and traditions. It has stood the test of good and bad economies and serves as a reminder of our dairy and farming heritage. In recent years, the fair has provided entertainment to the citizens of Richland County and visitors by holding tractor pulls, magic shows, music concerts, games, and rides. With a rich, illustrious history, the Richland County Fair rings in its sesquicentennial anniversary and will no doubt head into many future fairs that build upon a wonderful community legacy. I am proud to have the opportunity to honor this event and honor the spirit of celebration that the Richland County Fair brings to the great State of Wisconsin.●

ONE HUNDRED YEARS OF UTAH 4-H

● Mr. LEE. Mr. President, Thomas Jefferson once wrote in a letter to George Washington: “Agriculture is our wisest pursuit, because it will in the end con-

tribute most to real wealth, good morals, and happiness.” Before their faces were chiseled into monuments and printed on dollar bills, many of the patriots who founded our Nation and who fought and died for the freedoms we cherish were simple farmers. Washington, Jefferson, and others like them were doing much more than just growing food to live off of; they were laying the groundwork for a culture of self-reliance that played a role in America’s fight for independence and its sustained growth over the past 200 years. While technology has changed the focus of our economy from agriculture to a variety of other sectors, it is crucial that we remember the principles set forth by our Founders. For the past 100 years, the 4-H Club of Utah has provided youth with the opportunity to cultivate and continue our Nation’s rich agricultural heritage while simultaneously training them in the technologies and advancements of the future. Thus, Utah 4-H’s centennial theme—“Celebrating the Past, Creating the Future”—is particularly pertinent. I find it appropriate to commemorate Utah 4-H at its centennial in the halls and records of Congress.

The four H’s stand for Head, Heart, Hands and Health. The head represents the quest for knowledge, the heart symbolizes love and service to others, hands signify hard work and the development of diligence, and health emphasizes the importance of healthy habits and a healthy lifestyle. While the educational arm of the program was originally centered in farm communities, the program has extended far beyond that with over a third of its members living in metropolitan and suburban areas. Roughly the same percent of members represent minority populations.

The express mission of 4-H is to “engage youth to reach their fullest potential while advancing the field of youth development,” and as its motto states, “to make the best better.” The 4-H of Utah strives to broaden horizons and connect participating youth with greater opportunities than would otherwise be available to them. Scholarships are offered to high school seniors and college students in need to allow them to take their 4-H education and skills to college and beyond.

The 4-H Club was established in Utah in 1912 but its roots run much deeper—back to the 1888 founding of the “Agricultural College of Utah,” which is now known as Utah State University. The purpose of the 4-H Club was to educate youth about new agricultural technology so that they might pass them to their own farm communities and improve the State’s agricultural industry. By 1931, Utah’s 4-H Club was declared to be the fastest growing in the Nation, and now in 2012, it serves over 75,000 youth. From holding a strict focus on agriculture, cooking, and home eco-

nomics, 4-H has grown and now offers over a thousand programs ranging from robotics to skateboarding. The program has succeeded in large part due to the dedication of a group of volunteers who are passionate about the work of 4-H. I commend and express gratitude to the 9,500 current 4-H volunteers, and the tens of thousands that came before them. I owe Utah 4-H a personal debt of gratitude, as my own chief of staff, Spencer Stokes, is a program alumnus who has brought skills and principles he learned in 4-H to his leadership role in my office.

The world is no longer a simple place for the youth of our Nation. They face a cloudy economic horizon with an excess of workers competing for a dearth of jobs. 4-H gives participating youth a tremendous advantage and competitive edge from a young age—helping them build healthy relationships, cultivate fruitful habits and hobbies, and learn skills to take into their communities and industries. 4-H has played a tremendous role in making Utah a better place for our youth and making our youth better contributors to our communities around the Nation.●

TRIBUTE TO JIM SUTTON

● Mr. LEE. Mr. President, the United States Air Force has always been on the cutting edge of technology, ensuring the safety of Americans from a wide variety of threats. The advancement and sustainment of this technology has come as a result of the hard work of visionary leaders in research and intelligence sectors of the United States Armed Services. One of these visionary leaders is Jim Sutton, the Director of Plans and Programs for the Ogden Air Logistics Center at Hill Air Force Base. After an honorable and decorated career, Jim is retiring from public service. I wish to honor him today.

The Ogden Air Logistics Center is one of the United States foremost warfighter sustainment organizations, with management and maintenance responsibilities for some of the world’s most advanced weapons systems. Their motto is “Innovative leaders for the defense technologies of the future; combining action and quality to ensure the systems you depend on are done right!” Jim Sutton has served as the director of Plans and Programs at the Ogden Air Logistics Center. During his tenure, he has turned the center into a model of fiscal responsibility and efficiency. Jim also oversaw the Enhanced Use Lease Program Management Office, which manages real estate transactions authorized by the Department of Defense Leasing Authority. I should note that Hill’s Enhanced Use Lease Program Management office is the largest in the country. During his tenure as director he simultaneously served as a crucial advisor to the Utah

Defense Alliance, where his colleagues note his instrumental leadership role during the Base Realignment and Closure act of 2005. One of Jim's crowning achievements at Hill is Falcon Hill, a state of the art National Aerospace Research Park located within the base itself.

Jim's career began long before he joined the directorate at the Ogden Air Logistics Center. His active duty began over 30 years ago in 1980. During that time he served in important judicial advocacy positions at the Los Angeles Air Force Base, the United States Air Forces European Headquarters in Germany, the Pentagon, San Antonio Contracting Center, Peterson Air Force Base in Colorado, Andrews Air Force Base in Maryland, Air Force Materiel Command at Wright Patterson Air Force Base and Scott Air Force base in Illinois. He has received several awards and commendations, including the Air Force Commendation Medal in 1983, five Meritorious Service Medals, the Albert M. Kuhlfield Award for Outstanding Young Judge Advocate in both 1986 and 1990, the Outstanding Career Judge Advocate in 1996, the Stuart Reichart Award for Outstanding Senior Attorney in 1999, and the Outstanding Achievement Award for work from 2001–2003.

On a more personal level, coworkers describe Jim as a man of integrity, who fought for causes important to Utah and to the advancement and sustainment of Air Force technology. He has been a tremendous ally between the armed services and the state of Utah, working closely with Utah's congressional delegation in the advancement and progress of Hill Air Force Base. He has made it his personal mission to both sustain the viability of Hill Air Force Base and fight for its continued advancement. The base is now one of the top employers in Utah, providing jobs for over 23,000 Utahns. He has brought tremendous military credibility and knowledge to the state of Utah and will remain a respected and beloved authority to Utah's armed services community. Jim's personal efforts have contributed to the advancement and sustainment of our nation's military technology, namely our highly technical weapons systems. The people of the United States owe Jim a tremendous debt of gratitude for his dedication and service. Sharon and I extend our best wishes to Jim and his family as they begin a new chapter in their lives.●

125TH ANNIVERSARY OF UNITED WAY

● Ms. MIKULSKI. Mr. President, I want to take this opportunity to celebrate 125 Years of United Way, the world's largest privately supported non-profit with 1,800 communities based throughout 41 countries and territories.

In 1887, a group of Denver community leaders recognized the need for cooperative action to address their city's problems. They created an organization to collect funds for local charities, and to coordinate relief services, counsel, and make emergency assistance grants. This community establishment sparked a national movement that ultimately became the world's leading community impact organizations.

Over the last 125 years, United Way has worked collaboratively with communities in the U.S. and around the globe, enabling individuals to achieve their maximum human potential through education and financial stability.

In my home State, the United Way of Central Maryland has had a significant impact on the lives of my constituents. Each year, over 33,000 Marylanders receive nutritious meals, and 7,000 are provided with housing. Nearly 200 Maryland youths received scholarships this year, and 600 were provided with school readiness services. The resources provided by United Way of Central Maryland have assisted each and every kind of problem my constituents face—from helping a single father of two children get employment, to providing the necessary treatment and funding for a local woman with advanced heart disease.

United Way is known for its successful partnerships. One example includes the collaboration between United Way and the Alliance of Information and Referral Systems resulted in the successful petitioning of the Federal Communications Commission to designate the telephone number "211" for health and human services information and referral. Partnerships with corporations such as MTV and CNN, along with 120 United Ways Global Corporate Leadership Companies, and the establishment of the United Way Financial Stability Partnership, have allowed United Way to be an extraordinary contributor to thousands of communities in this country and abroad.

Since its inception, United Way has led disaster response in crises around the globe. In response to the terrorist attacks of 9/11, the United Way of New York City and the New York Community Trust established the September 11th Fund to mobilize financial resources for the needs of the individuals impacted by the tragedies. It raised an astounding \$425 million. Three years later, in response to the tsunami that struck Southeast Asia, The United Way Coordinated Crisis Response Team worked with United Way communities around the world to respond to the nations impacted by the disaster.

The invaluable impact of the United Way and its associates is without question. On behalf of myself, and speaking for the countless individuals and communities that have regained their strengths and lived better lives due to

this organization, I would like to congratulate United Way on 125 years of extraordinary global service.●

NORTHWEST KIDNEY CENTERS

● Mrs. MURRAY. Mr. President, I wish to congratulate Northwest Kidney Centers on its 50th anniversary and to commemorate the organization's service and dedication to kidney patients in my home State of Washington.

In 1960, Dr. Belding Scribner, a University of Washington researcher, created the Teflon shunt, a medical device that allowed patients suffering from kidney disease access to ongoing dialysis treatments. This invention paved the way for the creation of the Northwest Kidney Centers, the first out-of-hospital dialysis organization in the world.

Since opening its doors on January 8, 1962, the Northwest Kidney Centers has grown into a national leader in the field of patient care, education, research, and prevention. It is now the largest community-based, nonprofit dialysis provider in the country—providing approximately 25 percent of Washington State's dialysis patients in 14 centers and 12 local hospitals in King and Clallam Counties. Last year Northwest Kidney Centers served nearly 1,500 patients and trained and supervised 200 patients in self-treatment at home. All together, the organization provided 226,000 dialysis treatments in our home State.

The organization regularly outperforms the Nation in clinical quality, with higher survival rates, more kidney transplants, and lower hospitalization rates. Moreover, Northwest Kidney Centers founded and still operates the Nation's first nonhospital retail pharmacy specializing in medications for kidney patients. The organization also manages unique special care units for very frail patients, thus avoiding hospitalizations and reducing costs.

Northwest Kidney Centers is a shining example of what it means to be a community-based organization. Each year Northwest Kidney Centers invests millions of dollars in the community with a variety of programs: charity care and uncompensated dialysis; training of kidney physicians; and services for predialysis patients and transplant recipients.

Finally, as we celebrate this historic 50-year milestone, I would like to recognize the entire Northwest Kidney Centers community—patients, staff, donors, supporters, and volunteers—for their dedication and commitment to improving the lives of kidney patients in our State. I salute them for their remarkable achievements and successes and look forward to the next 50 years of outstanding service and patient care.●

FLANDREAU SANTEE SIOUX TRIBE
POW WOW

• Mr. THUNE. Mr. President, today I wish to recognize the 50th Anniversary of the Flandreau Santee Sioux Tribe Pow wow in Flandreau, SD.

The Flandreau Santee Sioux Tribe is located in Moody County and gained full recognition in 1934. Beginning in 1962, the Pow wow became an annual, cultural event. Originally, pow wows were a time for religious ceremonies and the celebration of life. Held in the spring, it was a time for the community to come together to meet up with old friends and make new ones. The Pow wow is still a community event used to strengthen and preserve the Native American culture for generations to come.

The rich culture of tradition is shown in the dancing, the clothing, the food and the community that comes together every year for this unique and extraordinary event.

I wish to offer my congratulations to the members of the Flandreau Santee Sioux Tribe on this milestone anniversary and wish them continued prosperity in the years to come.●

MESSAGE FROM THE HOUSE

At 12:44 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2061. An act to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4114. An act to increase, effective as of December 1, 2012, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes.

H.R. 4155. An act to direct the head of each Federal department and agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

H.R. 4367. An act to amend the Electronic Fund Transfer Act to limit the fee disclosure requirement for an automatic teller machine to the screen of that machine.

H.R. 5892. An act to improve hydropower, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4114. An act to increase, effective as of December 1, 2012, the rates of compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for the survivors of certain disabled veterans, and for other purposes; to the Committee on Veterans' Affairs.

H.R. 5889. An act to amend title 18, United States Code, to provide for protection of maritime navigation and prevention of nuclear terrorism, and for other purposes; to the Committee on the Judiciary.

H.R. 5892. An act to improve hydropower, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE
CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3364. A bill to provide an incentive for businesses to bring jobs back to America.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3369. A bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

H.R. 1791. A bill to designate the United States courthouse under construction at 101 South United States Route 1 in Fort Pierce, Florida, as the "Alto Lee Adams, Sr., United States Courthouse".

S. 3304. A bill to redesignate the Environmental Protection Agency Headquarters located at 1200 Pennsylvania Avenue N.W. in Washington, D.C., as the "William Jefferson Clinton Federal Building", to redesignate the Federal building and United States Courthouse located at 200 East Wall Street in Midland, Texas, as the "George H.W. Bush and George W. Bush United States Courthouse and George Mahon Federal Building", and to designate the Federal building housing the Bureau of Alcohol, Tobacco, Firearms, and Explosives Headquarters located at 99 New York Avenue N.E., Washington D.C., as the "Eliot Ness ATF Building", and for other purposes.

S. 3311. A bill to designate the United States courthouse located at 2601 2nd Avenue North, Billings, Montana, as the "James F. Battin United States Courthouse".

INTRODUCTION OF BILLS AND
JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL:

S. 3365. A bill to authorize the Attorney General to award grants to State courts to develop and implement State court interpreter programs; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. CHAMBLISS, Mr. BURR, Mr. WARNER, Mr. NELSON of Florida, Mr. RUBIO, Mr. UDALL of Colorado, and Mr. BLUNT):

S. 3366. A bill to designate the Haqqani network as a foreign terrorist organization; to the Committee on Foreign Relations.

By Mr. BURR:

S. 3367. A bill to deter the disclosure to the public of evidence or information on United States covert actions by prohibiting security clearances to individuals who make such disclosures; to the Select Committee on Intelligence.

By Mr. ROBERTS:

S. 3368. A bill to amend the Food and Nutrition Act to prohibit the provision of funds made available to carry out that Act in any State that allows income deductions for controlled substances, including medical marijuana; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WHITEHOUSE (for himself, Mr. UDALL of New Mexico, Mr. FRANKEN, Mr. SCHUMER, Mr. NELSON of Florida, Mr. BENNET, Mr. MERKLEY, Mrs. SHAHEEN, and Mr. BROWN of Ohio):

S. 3369. A bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes; read the first time.

ADDITIONAL COSPONSORS

S. 119

At the request of Mr. VITTER, the name of the Senator from Indiana (Mr. COATS) was added as a cosponsor of S. 119, a bill to preserve open competition and Federal Government neutrality towards the labor relations of Federal Government contractors on Federal and federally funded construction projects.

S. 344

At the request of Mr. REID, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 344, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 534

At the request of Mr. KERRY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 534, a bill to amend the Internal Revenue Code of 1986 to provide a reduced rate of excise tax on beer produced domestically by certain small producers.

S. 818

At the request of Mr. KERRY, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 818, a bill to amend title XVIII of

the Social Security Act to count a period of receipt of outpatient observation services in a hospital toward satisfying the 3-day inpatient hospital requirement for coverage of skilled nursing facility services under Medicare.

S. 1173

At the request of Mr. WYDEN, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 1173, a bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare program.

S. 1221

At the request of Mrs. SHAHEEN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1221, a bill to provide grants to better understand and reduce gestational diabetes, and for other purposes.

S. 1299

At the request of Mr. MORAN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1397

At the request of Mr. CARPER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1397, a bill to amend the Internal Revenue Code of 1986 to provide for an investment tax credit related to the production of electricity from offshore wind.

S. 1578

At the request of Mr. TOOMEY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1578, a bill to amend the Safe Drinking Water Act with respect to consumer confidence reports by community water systems.

S. 1728

At the request of Mr. BROWN of Massachusetts, the names of the Senator from Idaho (Mr. RISCH), the Senator from Alabama (Mr. SESSIONS), the Senator from Georgia (Mr. ISAKSON), the Senator from Oklahoma (Mr. COBURN), the Senator from North Dakota (Mr. HOEVEN), the Senator from Missouri (Mr. BLUNT), the Senator from Texas (Mrs. HUTCHISON), the Senator from Arizona (Mr. KYL), the Senator from Maine (Ms. COLLINS), the Senator from Texas (Mr. CORNYN), the Senator from Arizona (Mr. MCCAIN), the Senator from Florida (Mr. RUBIO), the Senator from South Dakota (Mr. THUNE), the Senator from Mississippi (Mr. WICKER), the Senator from Iowa (Mr. GRASSLEY), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Arkansas (Mr. BOOZMAN), the Senator from Indiana (Mr. LUGAR), the Senator from Maine (Ms. SNOWE), the Senator from

Alaska (Ms. MURKOWSKI), the Senator from Nebraska (Mr. JOHANNES), the Senator from Mississippi (Mr. COCHRAN), the Senator from Kansas (Mr. ROBERTS), the Senator from Wyoming (Mr. BARRASSO), the Senator from Utah (Mr. HATCH), the Senator from New Hampshire (Ms. AYOTTE) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of S. 1728, a bill to amend title 18, United States Code, to establish a criminal offense relating to fraudulent claims about military service.

S. 1796

At the request of Mr. ISAKSON, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 1796, a bill to make permanent the Internal Revenue Service Free File program.

S. 1838

At the request of Mr. BAUCUS, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 1838, a bill to require the Secretary of Veterans Affairs to carry out a pilot program on service dog training therapy, and for other purposes.

S. 1884

At the request of Mr. DURBIN, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1884, a bill to provide States with incentives to require elementary schools and secondary schools to maintain, and permit school personnel to administer, epinephrine at schools.

S. 1935

At the request of Mrs. HAGAN, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from New Hampshire (Mrs. SHAHEEN) were added as cosponsors of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 2078

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2078, a bill to enable Federal and State chartered banks and thrifts to meet the credit needs of the Nation's home builders, and to provide liquidity and ensure stable credit for meeting the Nation's need for new homes.

S. 2189

At the request of Mr. HARKIN, the names of the Senator from Oregon (Mr. MERKLEY) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 2189, a bill to amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal anti-discrimination and antiretaliation claims, and for other purposes.

S. 2237

At the request of Mr. REID, the name of the Senator from Delaware (Mr.

COONS) was added as a cosponsor of S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

S. 2320

At the request of Ms. AYOTTE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2320, a bill to direct the American Battle Monuments Commission to provide for the ongoing maintenance of Clark Veterans Cemetery in the Republic of the Philippines, and for other purposes.

S. 2374

At the request of Mr. BINGAMAN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 2374, a bill to amend the Helium Act to ensure the expedient and responsible draw-down of the Federal Helium Reserve in a manner that protects the interests of private industry, the scientific, medical, and industrial communities, commercial users, and Federal agencies, and for other purposes.

S. 2620

At the request of Mr. SCHUMER, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3199

At the request of Mr. LUGAR, his name was added as a cosponsor of S. 3199, a bill to amend the Immigration and Nationality Act to stimulate international tourism to the United States and for other purposes.

S. 3204

At the request of Mr. JOHANNES, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Idaho (Mr. CRAPO), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3236

At the request of Mr. PRYOR, the names of the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of S. 3236, a bill to amend title 38, United States Code, to improve the protection and enforcement of employment and reemployment rights of members of the uniformed services, and for other purposes.

S. 3237

At the request of Mr. WHITEHOUSE, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3237, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 3267

At the request of Mr. SCHUMER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 3267, a bill to amend the Internal Revenue Code of 1986 to extend and modify the American Opportunity Tax Credit, and for other purposes.

S. 3280

At the request of Mr. JOHANNIS, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 3280, a bill to preserve the companionship services exemption for minimum wage and overtime pay under the Fair Labor Standards Act of 1938.

S. 3302

At the request of Mr. PAUL, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 3302, a bill to establish an air travelers' bill of rights, to implement those rights, and for other purposes.

S. 3308

At the request of Mr. HELLER, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 3308, a bill to amend title 38, United States Code, to improve the furnishing of benefits for homeless veterans who are women or who have dependents, and for other purposes.

S. 3318

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3318, a bill to amend title 38, United States Code, to prohibit the use of the phrases GI Bill and Post-9/11 GI Bill to give a false impression of approval or endorsement by the Department of Veterans Affairs, and for other purposes.

S. 3326

At the request of Mr. BAUCUS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 3326, a bill to amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic-Central America-United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S.J. RES. 43

At the request of Mr. MCCONNELL, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Florida (Mr. RUBIO) were added as cosponsors of S.J. Res. 43, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. RES. 429

At the request of Mr. WICKER, the name of the Senator from New Jersey

(Mr. LAUTENBERG) was added as a cosponsor of S. Res. 429, a resolution supporting the goals and ideals of World Malaria Day.

S. RES. 448

At the request of Mrs. BOXER, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. Res. 448, a resolution recognizing the 100th anniversary of Hadassah, the Women's Zionist Organization of America, Inc.

S. RES. 513

At the request of Mrs. GILLIBRAND, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. Res. 513, a resolution recognizing the 200th anniversary of the War of 1812, which was fought between the United States of America and Great Britain beginning on June 18, 1812, in response to British violations of neutral rights of the United States, seizure of ships of the United States, restriction of trade between the United States and other countries, and the impressment of sailors of the United States into the Royal Navy.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL:

S. 3365. A bill to authorize the Attorney General to award grants to State courts to develop and implement State court interpreter programs; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, today I introduce the State Court Interpreter Grant Program Act of 2012. This legislation would create a modest grant program to provide much needed financial assistance to States for developing and implementing effective State court interpreter programs. This would help to ensure fair trials for individuals with limited English proficiency.

States are already legally required, under Title VI of the Civil Rights Act of 1964, to take reasonable steps to provide meaningful access to court proceedings for individuals with limited English proficiency. Unfortunately, however, court interpreting services vary greatly by State. Some States have highly developed programs. Others are trying to get programs up and running, but lack adequate funds. Still others have no interpreter certification program at all. It is critical that we protect the constitutional right to a fair trial by adequately funding State court interpreter programs.

Our States are finding themselves in an impossible position. Qualified interpreters are in short supply because it is difficult to find individuals who are both bilingual and well-versed in legal terminology. The skills required of a court interpreter differ significantly from those required of other interpreters or translators. Legal English is a highly particularized area of the lan-

guage and requires special training. Although anyone with fluency in a foreign language could attempt to translate a court proceeding, the best interpreters are those that have been tested and certified as official court interpreters.

Making the problem worse, States continue to fall further behind as the number of Americans with limited English proficiency and therefore the demand for court interpreter services continues to grow. According to the most recent Census data, 21 percent of the population over age five speaks a language other than English at home. In 2010, the number of people in this country who spoke English less than "very well" was more than 25 million, compared to 23 million in 2005. In 2010, New York had almost 2.5 million. Texas had nearly 3.4 million. California had almost 6.9 million.

The shortage of qualified interpreters has become a national problem, and it has serious consequences. In Pennsylvania, a committee established by the state Supreme Court called the State's interpreter program "backward," and said that the lack of qualified interpreters "undermines the ability of the . . . court system to determine facts accurately and to dispense justice fairly." When interpreters are unqualified, or untrained, mistakes are made. The result is that the fundamental right to due process is too often lost in translation, and because the lawyers and judges are not interpreters, these mistakes often go unnoticed.

Some of the stories associated with this problem are simply unbelievable. In Pennsylvania, for instance, a husband accused of abusing his wife was asked to translate as his wife testified in court. In Ohio, a woman was wrongly placed on suicide watch after an unqualified interpreter mistranslated her words. In testimony before the Judiciary Committee, Justice Kennedy described a particularly alarming situation where bilingual jurors can understand what the witness is saying and then interrupt the proceeding when an interpreter has not accurately represented the witness' testimony. Justice Kennedy agreed that the lack of qualified court interpreters poses a significant threat to our judicial system, and emphasized the importance of addressing the issue.

This legislation does just that by authorizing \$10 million per year, over 5 years, for a State Court Interpreter Grant Program. The bill does not merely send Federal dollars to States to pay for court interpreters. It will provide much needed "seed money" for States to start or bolster their court interpreter programs to recruit, train, test, and certify court interpreters. Those States that apply would be eligible for a \$100,000 base grant allotment. In addition, \$5 million would be set aside for States that demonstrate extraordinary

need, determined by the percentage of persons in that State over the age of 5 who speak a language other than English at home and who identify as speaking English less than very well. This legislation also directs the Department of Justice to prioritize funding for any State that does not have and has not begun to develop a qualified court interpreter program. In this way, the States most in need will benefit from the grant program.

Some will undoubtedly question whether this modest amount can make a difference. It can, and my home State of Wisconsin is a perfect example of that. When Wisconsin's court interpreter program got off the ground in 2004, using State money and a \$250,000 Federal grant, certified interpreters were scarce. Now, 8 years later, the court's public registry of interpreters lists 114 certified interpreters. Most of these are certified in Spanish, where the greatest need exists. However, the State also has interpreters certified in sign language, French and German. The list of qualified interpreters who have received training and attained requisite scores on an oral assessment includes 56 individuals who speak Russian, Hmong, Korean, Bulgarian, Polish and many other languages. All of this progress in only 8 years, and with only \$250,000 of Federal assistance.

This bill includes cost saving measures to ensure funding is spent wisely. For example, it provides for remote interpretation services to facilitate certified court interpretations when costs prohibit in-person interpretations. These services help cover the cost of interpreter transportation fees. Additionally, the bill encourages States to share successful cost saving programs with other States and defines an effective court interpreter program as one that "efficiently uses funding to create substantial cost savings." To make certain grants are being used in the most resourceful manner, the Department of Justice is required to submit an annual report to Congress detailing where and how the funding was spent.

This legislation has the strong support of State court administrators and state Supreme Court justices around the country. Our States are facing this difficult challenge, and Federal law requires them to meet it. Despite their noble efforts, many of them have been unable to keep up with the demand. It is time we lend them a helping hand. This is an access issue, and no one should be denied justice or access to our courts merely because of a language barrier. I strongly urge my colleagues to support this critical legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3365

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Court Interpreter Grant Program Act of 2012".

SEC. 2. FINDINGS.

Congress finds that—

(1) the fair administration of justice depends on the ability of all participants in a courtroom proceeding to understand that proceeding, regardless of their English proficiency;

(2) 21 percent of the population of the United States over 5 years of age speaks a language other than English at home;

(3) only qualified and certified court interpreters can ensure that persons with limited English proficiency comprehend judicial proceedings in which they are a party;

(4) the knowledge and skills required of a qualified court interpreter differ substantially from those required in other interpretation settings, such as social service, medical, diplomatic, and conference settings;

(5) the Federal Government has demonstrated its commitment to equal administration of justice, regardless of English proficiency;

(6) regulations implementing title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), as well as the guidance issued by the Department of Justice pursuant to Executive Order 13166, issued August 11, 2000, clarify that all recipients of Federal financial assistance, including State courts, are required to take reasonable steps to provide meaningful access to their proceedings for persons with limited English proficiency;

(7) 43 States have developed, or are developing, qualified court interpreter programs;

(8) a robust and effective court interpreter program—

(A) actively recruits skilled individuals to serve as court interpreters;

(B) trains those individuals in the interpretation of court proceedings;

(C) develops and uses a thorough, systematic certification process for court interpreters;

(D) has sufficient funding to ensure that a qualified and certified interpreter will be available to the court whenever necessary; and

(E) efficiently uses funding to create substantial cost savings; and

(9) Federal funding is necessary to—

(A) encourage State courts that do not have court interpreter programs to develop them;

(B) assist State courts with nascent court interpreter programs to implement them;

(C) assist State courts with limited court interpreter programs to enhance them; and

(D) assist State courts with robust court interpreter programs to make further improvements and share successful cost saving programs with other States.

SEC. 3. STATE COURT INTERPRETER PROGRAM.

(a) GRANTS AUTHORIZED.—

(1) IN GENERAL.—The Administrator of the Office of Justice Programs of the Department of Justice (referred to in this section as the "Administrator") shall make grants, in accordance with such regulations as the Attorney General may prescribe, to State courts to develop and implement programs to assist individuals with limited English proficiency to access and understand State court proceedings in which they are a party.

(2) USE OF GRANTS.—A State court may use a grant awarded under this subsection to—

(A) develop or enhance a court interpreter program for the State court;

(B) develop, institute, and administer language certification examinations;

(C) recruit, train, and certify qualified court interpreters;

(D) pay for salaries, transportation, and technology necessary to implement the court interpreter program developed or enhanced under subparagraph (A);

(E) provide for remote interpretation services to facilitate certified court interpretations when costs prohibit in-person interpretation; or

(F) engage in other related activities, as prescribed by the Attorney General.

(b) APPLICATION.—

(1) IN GENERAL.—The highest State court of each State seeking a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

(2) CONTENTS.—The highest State court of each State submitting an application under paragraph (1) shall include in the application—

(A) a demonstration of need for the development, implementation, or expansion of a State court interpreter program;

(B) an identification of each State court in that State that would receive funds from the grant;

(C) the amount of funds that each State court identified under subparagraph (B) would receive from the grant; and

(D) the procedures that the highest State court would use to directly distribute grant funds to State courts identified under subparagraph (B).

(c) STATE COURT ALLOTMENTS.—

(1) BASE ALLOTMENT.—From amounts appropriated for each fiscal year pursuant to section 5, the Administrator shall allocate \$100,000 to the highest court of each State that has an application approved under subsection (b).

(2) ADDITIONAL ALLOTMENT.—

(A) IN GENERAL.—From amounts appropriated for each fiscal year pursuant to section 5, the Administrator shall allocate \$5,000,000 to be distributed among the highest State courts that—

(i) have an application approved under subsection (b); and

(ii) are located in a State with extraordinary needs that prevent the development, implementation, or expansion of a State court interpreter program.

(B) DETERMINING NEED.—In determining whether a State has extraordinary needs required under subparagraph (A), the Administrator shall consider—

(i) based on data from the Bureau of the Census, the ratio between the number of people over 5 years of age who speak a language other than English at home and identify as speaking English less than very well—

(I) in that State; and

(II) in all of the States that receive an allocation under paragraph (1); and

(ii) any efficiency or substantial cost savings expected from a State court interpreter program.

(C) PRIORITY CONSIDERATION.—In allocating amounts under subparagraph (A), the Administrator shall give priority to any State that does not have and has not begun to develop a qualified court interpreter program.

(d) TREATMENT OF DISTRICT OF COLUMBIA.—For purposes of this section—

(1) the District of Columbia shall be treated as a State; and

(2) the District of Columbia Court of Appeals shall act as the highest State court for the District of Columbia.

SEC. 4. REPORT.

Not later than 1 year after the date on which the first grant is made under section 3, the Administrator shall submit a report to Congress that describes how each highest State court has used the funds from each grant made under section 3 in a manner consistent with section 3(a)(2).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated \$10,000,000 for each of fiscal years 2013 through 2017 to carry out this Act.

By Mr. BURR:

S. 3367. A bill to deter the disclosure to the public of evidence or information on United States covert actions by prohibiting security clearances to individuals who make such disclosures; to the Select Committee on Intelligence.

Mr. BURR. Mr. President, I come to the Senate floor today for a reason I never dreamed would be needed. Recently there has been a series of articles published in the media that have described and in some cases provided extensive details about highly classified unilateral and joint intelligence operations, including covert actions. To describe these leaks as troubling and frustrating is by all standards an understatement. They are simply inexcusable criminal acts that must stop and must stop now. Our intelligence professionals, our allies and, most important, the American people deserve better than this.

I understand there are ongoing efforts in the House and Senate of which I am a part to address these leaks through legislation and that the Director of National Intelligence has implemented some administrative steps to investigate these leaks. I support those efforts. But I also believe special attention needs to be drawn to unauthorized disclosures relating to covert actions, so today I have introduced the Detering Public Disclosure of Covert Action Act of 2012.

This act will ensure that those who disclose or talk about covert actions by the United States will no longer be eligible for Federal Government security clearance. It is novel. It is very simple. If you talk about covert actions you will have your clearance revoked and you will never get another one.

This is not a bill that any Member should ever have to introduce. Covert actions are by their very definition supposed to be kept quiet. Those who engage in them, those who support them, and those who work to get them authorized all know that. Yet those rules, those very laws that are supposed to protect classified information, are being disregarded with few repercussions, even though each one of those leaks undermines the hard work of our intelligence officers, puts lives at risk, and jeopardizes our relationship with overseas partners.

As I said in this Chamber last month, I strongly believe those leakers are

violating the trust of the American people. Those who are given access to classified information, especially covert actions, are given the same responsibility we as Members have. As long as something is classified, you do not talk about it.

In other words, keep your mouth shut. Yet month after month, we see articles about covert actions that quote a wide range of U.S. officials, mostly anonymously, and often senior administration officials. While this act focuses on covert action, it in no way minimizes the importance of maintaining the secrecy of other types of classified information. Those who leak any classified information should no longer be trusted with our Nation's secrets. But I believe the damage that is being done to our covert action programs by these leaks deserves special attention today.

The act also ensures that any determination that an individual has leaked information about a covert action will be made only in accordance with the applicable law or regulation. In short, no one will lose his clearance without appropriate due process. I believe that is an important requirement, as losing clearance often means losing your livelihood.

Today I am taking one step to silence those who may have done irreparable harm by putting their own personal agendas above their colleagues and, most importantly, their country. We cannot afford to wait for more leaks or more compromised covert actions.

The bill I have introduced today may target only one part of the problem, but I believe it is an essential part of a solution. I urge my colleagues in the days and weeks to come to be supportive of this piece of legislation. I think it is a small thing to ask of those who are entrusted with our Nation's most important secrets, that they actually keep them secret or we take that ability away to be entrusted with that information.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2490. Mrs. MCCASKILL (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table.

SA 2491. Mr. HATCH (for himself, Mr. MCCONNELL, Mr. CORNYN, Mr. GRASSLEY, Mr. THUNE, Mr. KYL, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2492. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2493. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2494. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2495. Mr. ENZI (for himself, Ms. SNOWE, Mr. TESTER, Mr. BROWN of Ohio, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2496. Mr. ENZI (for himself, Mr. DURBIN, Mr. ALEXANDER, Mr. JOHNSON of South Dakota, Mr. BOOZMAN, Mr. REED, Mr. WHITEHOUSE, Mr. BINGAMAN, Mr. CARDIN, Mr. ROCKEFELLER, and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2497. Mr. HATCH (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2498. Mr. RUBIO (for himself, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2499. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2500. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2501. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2502. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2503. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2504. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2505. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2506. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2507. Mr. BROWN of Ohio (for Mr. WICKER) proposed an amendment to the resolution S. Res. 429, supporting the goals and ideals of World Malaria Day.

TEXT OF AMENDMENTS

SA 2490. Mrs. MCCASKILL (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—TEMPORARY DUTY SUSPENSION PROCESS ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Temporary Duty Suspension Process Act of 2012".

SEC. 202. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(2) COMMISSION.—The term “Commission” means the United States International Trade Commission.

(3) DUTY SUSPENSION OR REDUCTION.—The term “duty suspension or reduction” means an amendment to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States—

(A) extending an existing temporary suspension or reduction of duty on an article under that subchapter; or

(B) providing for a new temporary suspension or reduction of duty on an article under that subchapter.

SEC. 203. RECOMMENDATIONS BY UNITED STATES INTERNATIONAL TRADE COMMISSION FOR DUTY SUSPENSIONS AND REDUCTIONS.

(a) ESTABLISHMENT OF REVIEW PROCESS.—Not later than 30 days after the date of the enactment of this Act, the Commission shall complete all actions necessary to establish a process pursuant to which the Commission will—

(1) review each article with respect to which a duty suspension or reduction may be made—

(A) at the initiative of the Commission; or

(B) pursuant to a petition submitted or referred to the Commission under subsection (b); and

(2) submit a draft bill to the appropriate congressional committees under subsection (d).

(b) PETITIONS.—

(1) IN GENERAL.—As part of the process established under subsection (a), the Commission shall establish procedures under which a petition requesting the Commission to review a duty suspension or reduction pursuant to that process may be—

(A) submitted to the Commission by a member of the public; or

(B) referred to the Commission by a Member of Congress.

(2) REQUIREMENTS.—A petition submitted or referred to the Commission under paragraph (1) shall be submitted or referred at such time and in such manner and shall include such information as the Commission may require.

(3) NO PREFERENTIAL TREATMENT FOR MEMBERS OF CONGRESS.—A petition referred to the Commission by a Member of Congress under subparagraph (B) of paragraph (1) shall receive treatment no more favorable than the treatment received by a petition submitted to the Commission by a member of the public under subparagraph (A) of that paragraph.

(c) PUBLIC COMMENTS.—As part of the process established under subsection (a), the Commission shall establish procedures for—

(1) notifying the public when the Commission initiates the process of reviewing articles with respect to which duty suspensions or reductions may be made and distributing information about the process, including by—

(A) posting information about the process on the website of the Commission; and

(B) providing that information to trade associations and other appropriate organizations;

(2) not later than 45 days before submitting a draft bill to the appropriate congressional committees under subsection (d), notifying the public of the duty suspensions and reduc-

tions the Commission is considering including in the draft bill; and

(3) providing the public with an opportunity to submit comments with respect to any of those duty suspensions or reductions.

(d) SUBMISSION OF DRAFT BILL.—

(1) IN GENERAL.—The Commission shall submit to the appropriate congressional committees a draft bill that contains each duty suspension or reduction that the Commission determines, pursuant to the process established under subsection (a) and after conducting the consultations required by subsection (e), meets the requirements described in subsection (f), not later than—

(A) the date that is 120 days after the date of the enactment of this Act;

(B) January 1, 2015; and

(C) January 1, 2018.

(2) EFFECTIVE PERIOD OF DUTY SUSPENSIONS AND REDUCTIONS.—Duty suspensions and reductions included in a draft bill submitted under paragraph (1) shall be effective for a period of not less than 3 years.

(3) SPECIAL RULE FOR FIRST SUBMISSION.—In the draft bill required to be submitted under paragraph (1) not later than the date that is 120 days after the date of the enactment of this Act, the Commission shall be required to include only duty suspensions and reductions with respect to which the Commission has sufficient time to make a determination under that paragraph before the draft bill is required to be submitted.

(e) CONSULTATIONS.—In determining whether a duty suspension or reduction meets the requirements described in subsection (f), the Commission shall, not later than 30 days before submitting a draft bill to the appropriate congressional committees under subsection (d), conduct consultations with the Commissioner responsible for U.S. Customs and Border Protection, the Secretary of Commerce, the United States Trade Representative, and the heads of other relevant Federal agencies.

(f) REQUIREMENTS FOR DUTY SUSPENSIONS AND REDUCTIONS.—

(1) IN GENERAL.—A duty suspension or reduction meets the requirements described in this subsection if—

(A) the duty suspension or reduction can be administered by U.S. Customs and Border Protection;

(B) the estimated loss in revenue to the United States from the duty suspension or reduction does not exceed the dollar amount specified in paragraph (2) in a calendar year during which the duty suspension or reduction would be in effect; and

(C) on the date on which the Commission submits a draft bill to the appropriate congressional committees under subsection (d) that includes the duty suspension or reduction, the article to which the duty suspension or reduction would apply is not produced in the United States and is not expected to be produced in the United States during the subsequent 12-month period.

(2) DOLLAR AMOUNT SPECIFIED.—

(A) IN GENERAL.—The dollar amount specified in this paragraph is—

(i) for calendar year 2013, \$500,000; and

(ii) for any calendar year after calendar year 2013, an amount equal to \$500,000 increased or decreased by an amount equal to—

(I) \$500,000, multiplied by

(II) the percentage (if any) of the increase or decrease (as the case may be) in the Consumer Price Index for the preceding calendar year compared to the Consumer Price Index for calendar year 2012.

(B) ROUNDING.—Any increase or decrease under subparagraph (A) of the dollar amount

specified in this paragraph shall be rounded to the nearest dollar.

(C) CONSUMER PRICE INDEX FOR ANY CALENDAR YEAR.—For purposes of this paragraph, the Consumer Price Index for any calendar year is the average of the Consumer Price Index as of the close of the 12-month period ending on September 30 of that calendar year.

(D) CONSUMER PRICE INDEX DEFINED.—For purposes of this paragraph, the term “Consumer Price Index” means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(3) CONSIDERATION OF RELEVANT INFORMATION.—In determining whether a duty suspension or reduction meets the requirements described in paragraph (1), the Commission may consider any information the Commission considers relevant to the determination.

(4) JUDICIAL REVIEW PRECLUDED.—A determination of the Commission with respect to whether or not a duty suspension or reduction meets the requirements described in paragraph (1) shall not be subject to judicial review.

(g) REPORTS REQUIRED.—

(1) IN GENERAL.—Each time the Commission submits a draft bill under subsection (d), the Commission shall submit to the appropriate congressional committees a report on the duty suspensions and reductions contained in the draft bill that includes—

(A) the views of the head of each agency consulted under subsection (e); and

(B) any objections received by the Commission during consultations conducted under subsection (e) or through public comments submitted under subsection (c), including—

(i) objections with respect to duty suspensions or reductions the Commission included in the draft bill; and

(ii) objections that led to the Commission to determine not to include a duty suspension or reduction in the draft bill.

(2) INITIAL REPORT ON PROCESS.—Not later than 300 days after the date of the enactment of this Act, the Commission shall submit to the appropriate congressional committees a report that includes—

(A) an assessment of the effectiveness of the process established under subsection (a) and the requirements of this section;

(B) to the extent practicable, a description of the effects of duty suspensions and reductions recommended pursuant to that process on the United States economy that includes—

(i) a broad assessment of the economic effects of such duty suspensions and reductions on producers, purchasers, and consumers in the United States; and

(ii) case studies describing such effects by industry or by type of articles, as available data permits;

(C) a comparison of the actual loss in revenue to the United States resulting from duty suspensions and reductions recommended pursuant to that process to the loss in such revenue estimated during that process;

(D) to the extent practicable, information on how broadly or narrowly duty suspensions and reductions recommended pursuant to that process were used by importers; and

(E) any recommendations of the Commission for improving that process and the requirements of this section.

(h) FORM OF DRAFT BILL AND REPORTS.—Each draft bill submitted under subsection (d) and each report required by subsection (g) shall be—

(1) submitted to the appropriate congressional committees in electronic form; and

(2) made available to the public on the website of the Commission.

SEC. 204. REPORTS ON BENEFITS OF DUTY SUSPENSIONS OR REDUCTIONS TO SECTORS OF THE UNITED STATES ECONOMY.

Not later than January 1, 2014, and annually thereafter, the Commission shall submit to the appropriate congressional committees a report that—

(1) makes recommendations with respect to sectors of the United States economy that could benefit from duty suspensions or reductions without causing harm to other domestic interests; and

(2) assesses the feasibility and advisability of suspending or reducing duties on a sectoral basis rather than on individual articles.

SA 2491. Mr. HATCH (for himself, Mr. MCCONNELL, Mr. CORNYN, Mr. GRASSLEY, Mr. THUNE, Mr. KYL, and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Tax Relief Act of 2012”.

SEC. 2. TEMPORARY EXTENSION OF 2001 TAX RELIEF.

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking “December 31, 2012” both places it appears and inserting “December 31, 2013”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

SEC. 3. TEMPORARY EXTENSION OF 2003 TAX RELIEF.

(a) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

SEC. 4. ALTERNATIVE MINIMUM TAX RELIEF.

(a) TEMPORARY EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.—

(1) IN GENERAL.—Paragraph (1) of section 55(d) of the Internal Revenue Code of 1986 is amended—

(A) by striking “\$72,450” and all that follows through “2011” in subparagraph (A) and inserting “\$78,750 in the case of taxable years beginning in 2012 and \$79,850 in the case of taxable years beginning in 2013”, and

(B) by striking “\$47,450” and all that follows through “2011” in subparagraph (B) and inserting “\$50,600 in the case of taxable years beginning in 2012 and \$51,150 in the case of taxable years beginning in 2013”.

(b) TEMPORARY EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.—

(1) IN GENERAL.—Paragraph (2) of section 26(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking “or 2011” and inserting “2011, 2012, or 2013”, and

(B) by striking “2011” in the heading thereof and inserting “2013”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 5. INSTRUCTIONS FOR TAX REFORM.

(a) IN GENERAL.—The Senate Committee on Finance shall report legislation not later than 12 months after the date of the enactment of this Act that consists of changes in laws within its jurisdiction which meet the requirements of subsection (b).

(b) REQUIREMENTS.—Legislation meets the requirements of this subsection if the legislation—

(1) simplifies the Internal Revenue Code of 1986 by reducing the number of tax preferences and reducing individual tax rates proportionally, with the highest individual tax rate significantly below 35 percent;

(2) permanently repeals the alternative minimum tax;

(3) is projected, when compared to the current tax policy baseline, to be revenue neutral or result in revenue losses;

(4) has a dynamic effect which is projected to stimulate economic growth and lead to increased revenue;

(5) applies any increased revenue from stimulated economic growth to additional rate reductions and does not permit any such increased revenue to be used for additional Federal spending;

(6) retains a progressive tax code; and

(7) provides for revenue-neutral reform of the taxation of corporations and businesses by—

(A) providing a top tax rate on corporations of no more than 25 percent; and

(B) implementing a competitive territorial tax system.

SA 2492. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . REPEAL OF CERTAIN LIMITATIONS ON HEALTH CARE BENEFITS.

(a) REPEAL OF DISTRIBUTIONS FOR MEDICINE QUALIFIED ONLY IF FOR PRESCRIBED DRUG OR INSULIN.—

(1) HSAS.—Section 223(d)(2)(A) of the Internal Revenue Code of 1986 is amended by striking the last sentence thereof.

(2) ARCHER MSAS.—Section 220(d)(2)(A) of such Code is amended by striking the last sentence thereof.

(3) HEALTH FLEXIBLE SPENDING ARRANGEMENTS AND HEALTH REIMBURSEMENT ARRANGEMENTS.—Section 106 of such Code is amended by striking subsection (f).

(4) EFFECTIVE DATE.—

(A) DISTRIBUTIONS FROM SAVINGS ACCOUNTS.—The amendments made by paragraphs (1) and (2) shall apply to amounts paid with respect to taxable years beginning after December 31, 2011.

(B) REIMBURSEMENTS.—The amendment made by paragraph (3) shall apply to expenses incurred with respect to taxable years beginning after December 31, 2011.

(b) REPEAL OF LIMITATION ON HEALTH FLEXIBLE SPENDING ARRANGEMENTS UNDER CAFETERIA PLANS.—

(1) IN GENERAL.—Section 106 of the Internal Revenue Code of 1986 is amended by striking

subsection (i) and by redesignating subsections (j) and (k) as subsections (i) and (j), respectively.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2012.

SA 2493. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . PERMANENT EXTENSION OF DEDUCTION FOR STATE AND LOCAL GENERAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) of the Internal Revenue Code of 1986 is amended by striking “, and before January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SA 2494. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 301, 302, and 303(a) of such Act (relating to marriage penalty relief).

SA 2495. Mr. ENZI (for himself, Ms. SNOWE, Mr. TESTER, Mr. BROWN of Ohio, and Mr. CONRAD) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____ —TAX RETURN DUE DATE SIMPLIFICATION AND MODERNIZATION

SEC. ____ 01. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This title may be cited as the “Tax Return Due Date Simplification and Modernization Act of 2012”.

(b) REFERENCE.—Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. ____ 02. NEW DUE DATE FOR PARTNERSHIP FORM 1065, S CORPORATION FORM 1120S, AND C CORPORATION FORM 1120.

(a) PARTNERSHIPS.—

(1) IN GENERAL.—Section 6072 is amended by adding at the end the following new subsection:

“(f) RETURNS OF PARTNERSHIPS.—Returns of partnerships under section 6031 made on the basis of the calendar year shall be filed on or before the 15th day of March following

the close of the calendar year, and such returns made on the basis of a fiscal year shall be filed on or before the 15th day of the third month following the close of the fiscal year.”.

(2) **CONFORMING AMENDMENT.**—Section 6072(a) is amended by striking “6017, or 6031” and inserting “or 6017”.

(b) **S CORPORATIONS.**—

(1) **IN GENERAL.**—So much of subsection (b) of 6072 as precedes the second sentence thereof is amended to read as follows:

“(b) **RETURNS OF CERTAIN CORPORATIONS.**—Returns of S corporations under sections 6012 and 6037 made on the basis of the calendar year shall be filed on or before the 31st day of March following the close of the calendar year, and such returns made on the basis of a fiscal year shall be filed on or before the last day of the third month following the close of the fiscal year.”.

(2) **CONFORMING AMENDMENTS.**—

(A) Section 1362(b) is amended—

(i) by striking “15th” each place it appears and inserting “last”;

(ii) by striking “2½” each place it appears and inserting “3”, and

(iii) by striking “2 months and 15 days” in paragraph (4) and inserting “3 months”.

(B) Section 1362(d)(1)(C)(i) is amended by striking “15th” and inserting “last”.

(C) Section 1362(d)(1)(C)(ii) is amended by striking “such 15th day” and inserting “the last day of the 3d month thereof”.

(c) **CONFORMING AMENDMENTS RELATING TO C CORPORATIONS.**—

(1) Section 170(a)(2)(B) is amended by striking “third month” and inserting “4th month”.

(2) Section 563 is amended by striking “third month” each place it appears and inserting “4th month”.

(3) Section 1354(d)(1)(B)(i) is amended by striking “3d month” and inserting “4th month”.

(4) Subsection (a) and (c) of section 6167 are each amended by striking “third month” and inserting “4th month”.

(5) Section 6425(a)(1) is amended by striking “third month” and inserting “4th month”.

(6) Subsections (b)(2)(A), (g)(3), and (h)(1) of section 6655 are each amended by striking “3rd month” and inserting “4th month”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to returns for taxable years beginning after December 31, 2012.

SEC. 03. MODIFICATION OF DUE DATES BY REGULATION.

In the case of returns for taxable years beginning after December 31, 2012, the Secretary of the Treasury or the Secretary's delegate shall modify appropriate regulations to provide as follows:

(1) The maximum extension for the returns of partnerships filing Form 1065 shall be a 6-month period ending on September 15 for calendar year taxpayers.

(2) The maximum extension for the returns of trusts filing Form 1041 shall be a 5½-month period ending on September 30 for calendar year taxpayers.

(3) The maximum extension for the returns of employee benefit plans filing Form 5500 shall be an automatic 3½-month period ending on November 15 for calendar year taxpayers.

(4) The maximum extension for the returns of organizations exempt from income tax filing Form 990 shall be an automatic 6-month period ending on November 15 for calendar year filers.

(5) The due date of Form 3520-A (relating to the Annual Information Return of Foreign

Trust with a United States Owner) for calendar year filers shall be April 15 with a maximum extension for a 6-month period ending on October 15.

(6) The due date of Form TD F 90-22.1 (relating to Report of Foreign Bank and Financial Accounts) shall be April 15 with a maximum extension for a 6-month period ending on October 15 and with provision for an extension under rules similar to the rules in Treas. Reg. 1.6081-5. For any taxpayer required to file such Form for the first time, any penalty for failure to timely request for, or file, an extension, may be waived by the Secretary of the Treasury or the Secretary's delegate.

SEC. 04. CORPORATIONS PERMITTED STATUTORY AUTOMATIC 6-MONTH EXTENSION OF INCOME TAX RETURNS.

(a) **IN GENERAL.**—Section 6081(b) is amended by striking “3 months” and inserting “6 months”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to returns for taxable years beginning after December 31, 2012.

SA 2496. Mr. ENZI (for himself, Mr. DURBIN, Mr. ALEXANDER, Mr. JOHNSON of South Dakota, Mr. BOOZMAN, Mr. REED, Mr. WHITEHOUSE, Mr. BINGAMAN, Mr. CARDIN, Mr. ROCKEFELLER, and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —MARKETPLACE FAIRNESS

SEC. 1. SHORT TITLE.

This title may be cited as the “Marketplace Fairness Act”.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) States should have the ability to enforce their existing sales and use tax laws and to treat similar sales transactions equally, without regard to the manner in which the sale is transacted,

(2) States should have the right to collect—or decide not to collect—taxes that are already owed under State law, and

(3) States should simplify their sales and use tax systems to ease burdens on remote sellers.

SEC. 3. AUTHORIZATION TO REQUIRE COLLECTION OF SALES AND USE TAXES.

(a) **STREAMLINED SALES AND USE TAX AGREEMENT.**—Each Member State under the Streamlined Sales and Use Tax Agreement is authorized to require all sellers not qualifying for a small seller exception to collect and remit sales and use taxes with respect to remote sales sourced to that Member State pursuant to the provisions of the Streamlined Sales and Use Tax Agreement. Such authority shall commence beginning on the date that the State publishes notice of the State's intent to exercise the authority under this title, but no earlier than the first day of the calendar quarter that is at least 90 days after the date of the enactment of this Act.

(b) **ALTERNATIVE.**—

(1) **IN GENERAL.**—A State that is not a Member State under the Streamlined Sales and Use Tax Agreement is authorized to require all sellers not qualifying for the small seller exception to collect and remit sales

and use taxes with respect to remote sales sourced to that State, but only if the State adopts and implements minimum simplification requirements. Such authority shall commence beginning no earlier than the first day of the calendar quarter that is at least 6 months after the date that the State enacts legislation to exercise the authority granted by this title and to implement each of the following minimum simplification requirements:

(A) Provide—

(i) a single entity within the State responsible for all State and local sales and use tax administration, including return processing and audits for remote sales sourced to the State,

(ii) a single audit of remote sellers for all State and local taxing jurisdictions within that State, and

(iii) a single sales and use tax return to be used by remote sellers and single and consolidated providers and to be filed with the single entity within the State.

(B) Provide a uniform sales and use tax base among the State and the local taxing jurisdictions within the State.

(C) Source all interstate sales in compliance with the sourcing regime set forth in section 6(8).

(D) Provide—

(i) adequate software and services to remote sellers and single and consolidated providers that identifies the applicable destination rate, including the State and local sales tax rate (if any), to be applied on sales sourced to the State, and

(ii) certification procedures for both single providers and consolidated providers to make software and services available to remote sellers, and hold such providers harmless for any errors or omissions as a result of relying on information provided by the State.

(E) Relieve remote sellers from liability to the State or locality for the incorrect collection or remittance of sales or use tax, including any penalties or interest, if the liability is the result of an error or omission made by a single or consolidated provider.

(F) Relieve single and consolidated providers from liability to the State or locality for the incorrect collection or remittance of sales or use tax, including any penalties or interest, if the liability is the result of misleading or inaccurate information provided by a seller.

(G) Relieve remote sellers and single and consolidated providers from liability to the State or locality for the incorrect collection or remittance of sales or use tax, including any penalties or interest, if the liability is the result of information provided by the State or locality.

(H) Provide remote sellers and single and consolidated providers with 30 days notice of a rate change by the State or any locality in the State.

(2) **TREATMENT OF LOCAL RATE CHANGES.**—For purposes of this subsection, local rate changes may only be effective on the first day of a calendar quarter. Failure to provide notice under paragraph (1)(H) shall require the State and locality to hold the remote seller or single or consolidated provider harmless for collecting tax at the immediately preceding effective rate during the 30-day period. Each State must provide updated rate information as part of the software and services required by paragraph (1)(D).

(c) **SMALL SELLER EXCEPTION.**—A State shall be authorized to require a remote seller, or a single or consolidated provider acting on behalf of a remote seller, to collect

sales or use tax under this title if the remote seller has gross annual receipts in total remote sales in the United States in the preceding calendar year exceeding \$500,000. For purposes of determining whether the threshold in this subsection is met, the sales of all persons related within the meaning of subsections (b) and (c) of section 267 or section 707(b)(1) of the Internal Revenue Code of 1986 shall be aggregated.

SEC. 4. TERMINATION OF AUTHORITY.

The authority granted to a State by this title shall terminate on the date that the highest court of competent jurisdiction makes a final determination that the State no longer meets the requirements of this title, and the determination of such court is no longer subject to appeal.

SEC. 5. LIMITATIONS.

(a) IN GENERAL.—Nothing in this title shall be construed as—

(1) subjecting a seller or any other person to franchise, income, or any other type of taxes, other than sales and use taxes,

(2) affecting the application of such taxes, or

(3) enlarging or reducing State authority to impose such taxes.

(b) NO EFFECT ON NEXUS.—No obligation imposed by virtue of the authority granted by this title shall be considered in determining whether a seller or any other person has a nexus with any State for any purpose other than sales and use taxes.

(c) LICENSING AND REGULATORY REQUIREMENTS.—Other than the limitation set forth in subsection (a), and section 3, nothing in this title shall be construed as permitting or prohibiting a State from—

(1) licensing or regulating any person,

(2) requiring any person to qualify to transact intrastate business,

(3) subjecting any person to State taxes not related to the sale of goods or services, or

(4) exercising authority over matters of interstate commerce.

(d) NO NEW TAXES.—Nothing in this title shall be construed as encouraging a State to impose sales and use taxes on any goods or services not subject to taxation prior to the date of the enactment of this Act.

(e) NO EFFECT ON MOBILE TELECOMMUNICATIONS SOURCING ACT.—Nothing in this title shall be construed as altering in any manner or preempting the Mobile Telecommunications Sourcing Act (4 U.S.C. 116-126).

(f) INTRASTATE SALES.—The provisions of this title shall only apply to remote sales and shall not apply to intrastate sales or intrastate sourcing rules. States granted authority under section 3(a) shall comply with the intrastate provisions of the Streamlined Sales and Use Tax Agreement.

SEC. 6. DEFINITIONS AND SPECIAL RULES.

In this title:

(1) CONSOLIDATED PROVIDER.—The term “consolidated provider” means any person certified by a State who has the rights and responsibilities for sales and use tax administration, collection, remittance, and audits for transactions serviced or processed for the sale of goods or services made by remote sellers on an aggregated basis.

(2) LOCALITY; LOCAL.—The terms “locality” and “local” refer to any political subdivision of a State.

(3) MEMBER STATE.—The term “Member State”—

(A) means a Member State as that term is used under the Streamlined Sales and Use Tax Agreement as in effect on the date of the enactment of this Act, and

(B) does not include any associate member under the Streamlined Sales and Use Tax Agreement.

(4) PERSON.—The term “person” means an individual, trust, estate, fiduciary, partnership, corporation, limited liability company, or other legal entity, and a State or local government.

(5) REMOTE SALE.—The term “remote sale” means a sale of goods or services attributed to a State with respect to which a seller does not have adequate physical presence to establish nexus under *Quill Corp. v. North Dakota*, 504 U.S. 298 (1992).

(6) REMOTE SELLER.—The term “remote seller” means a person that makes remote sales in a State.

(7) SINGLE PROVIDER.—The term “single provider” means any person certified by a State who has the rights and responsibilities for sales and use tax administration, collection, remittance, and audits for transactions serviced or processed for the sale of goods or services made by remote sellers.

(8) SOURCED.—For purposes of a State granted authority under section 3(b), the location to which a remote sale is sourced refers to the location where the item sold is received by the purchaser, based on the location indicated by instructions for delivery that the purchaser furnishes to the seller. When no delivery location is specified, the remote sale is sourced to the customer's address that is either known to the seller or, if not known, obtained by the seller during the consummation of the transaction, including the address of the customer's payment instrument if no other address is available. If an address is unknown and a billing address cannot be obtained, the remote sale is sourced to the address of the seller from which the remote sale was made. A State granted authority under section 3(a) shall comply with the sourcing provisions of the Streamlined Sales and Use Tax Agreement.

(9) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

(10) STREAMLINED SALES AND USE TAX AGREEMENT.—The term “Streamlined Sales and Use Tax Agreement” means the multi-State agreement with that title adopted on November 12, 2002, as in effect on the date of the enactment of this Act and as further amended from time to time.

SEC. 7. SEVERABILITY.

If any provision of this title or the application of such provision to any person or circumstance is held to be unconstitutional, the remainder of this title and the application of the provisions of such to any person or circumstance shall not be affected thereby.

SA 2497. Mr. HATCH (for himself and Mr. McCONNELL) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Tax Relief Act of 2012”.

SEC. 2. TEMPORARY EXTENSION OF 2001 TAX RELIEF.

(a) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking “December 31, 2012” both places it appears and inserting “December 31, 2013”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

SEC. 3. TEMPORARY EXTENSION OF 2003 TAX RELIEF.

(a) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

SEC. 4. ALTERNATIVE MINIMUM TAX RELIEF.

(a) TEMPORARY EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.—

(1) IN GENERAL.—Paragraph (1) of section 55(d) of the Internal Revenue Code of 1986 is amended—

(A) by striking “\$72,450” and all that follows through “2011” in subparagraph (A) and inserting “\$78,750 in the case of taxable years beginning in 2012 and \$79,850 in the case of taxable years beginning in 2013”, and

(B) by striking “\$47,450” and all that follows through “2011” in subparagraph (B) and inserting “\$50,600 in the case of taxable years beginning in 2012 and \$51,150 in the case of taxable years beginning in 2013”.

(b) TEMPORARY EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.—

(1) IN GENERAL.—Paragraph (2) of section 26(a) of the Internal Revenue Code of 1986 is amended—

(A) by striking “or 2011” and inserting “2011, 2012, or 2013”, and

(B) by striking “2011” in the heading thereof and inserting “2013”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 5. INSTRUCTIONS FOR TAX REFORM.

(a) IN GENERAL.—The Senate Committee on Finance shall report legislation not later than 12 months after the date of the enactment of this Act that consists of changes in laws within its jurisdiction which meet the requirements of subsection (b).

(b) REQUIREMENTS.—Legislation meets the requirements of this subsection if the legislation—

(1) simplifies the Internal Revenue Code of 1986 by reducing the number of tax preferences and reducing individual tax rates proportionally, with the highest individual tax rate significantly below 35 percent;

(2) permanently repeals the alternative minimum tax;

(3) is projected, when compared to the current tax policy baseline, to be revenue neutral or result in revenue losses;

(4) has a dynamic effect which is projected to stimulate economic growth and lead to increased revenue;

(5) applies any increased revenue from stimulated economic growth to additional rate reductions and does not permit any such increased revenue to be used for additional Federal spending;

(6) retains a progressive tax code; and

(7) provides for revenue-neutral reform of the taxation of corporations and businesses by—

(A) providing a top tax rate on corporations of no more than 25 percent; and

(B) implementing a competitive territorial tax system.

SA 2498. Mr. RUBIO (for himself, Mr. CORNYN, and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION ON TREASURY REGULATIONS WITH RESPECT TO INFORMATION REPORTING ON CERTAIN INTEREST PAID TO NONRESIDENT ALIENS.

Except to the extent provided in Treasury Regulations as in effect on February 21, 2011, the Secretary of the Treasury shall not require (by regulation or otherwise) that an information return be made by a payor of interest in the case of interest—

(1) which is described in section 871(i)(2)(A) of the Internal Revenue Code of 1986; and

(2) which is paid—

(A) to a nonresident alien; and

(B) on a deposit maintained at an office within the United States.

SA 2499. Mr. CRAPO submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . REDUCTIONS IN INDIVIDUAL CAPITAL GAINS AND DIVIDENDS TAX RATE MADE PERMANENT.

Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (relating to sunset of title) is repealed.

SA 2500. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . MORTGAGE FORGIVENESS TAX RELIEF.

(a) IN GENERAL.—Subparagraph (E) of section 108(a)(1) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2013” and inserting “January 1, 2015”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to indebtedness discharged after December 31, 2012.

SA 2501. Mr. HELLER submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . PERMANENT EXTENSION OF ELECTION TO DEDUCT STATE AND LOCAL SALES TAXES.

(a) IN GENERAL.—Subparagraph (I) of section 164(b)(5) of the Internal Revenue Code of

1986 is amended by striking “, and before January 1, 2012”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2012.

SA 2502. Mr. NELSON of Nebraska submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . GRAZING ON PUBLIC RANGELANDS.

Section 6 of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1905) is amended—

(1) by striking the section heading and all that follows through “(a) For the” and inserting the following:

“SEC. 6. GRAZING FEES.

“(a) ESTABLISHMENT OF FEES.—

“(1) IN GENERAL.—For the”; and

(2) in subsection (a), by adding at the end the following:

“(2) GRAZING ON PUBLIC RANGELANDS.—

When establishing fees for grazing private livestock on public rangelands, the Secretary (with respect to land managed by the Bureau of Land Management (including land held for the benefit of an Indian tribe)) and the Secretary of Agriculture (with respect to National Forest System land) shall set the rate at a level that is comparable to the rate charged by private landowners in the area or region, as determined by the applicable Secretary.”.

SA 2503. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . SECRET BALLOT ELECTIONS.

No Federal funds may be used to litigate against any of the several States on behalf of the National Labor Relations Board pertaining to secret ballot union elections.

SA 2504. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REQUIREMENT OF DUE PROCESS.

None of the funds made available under this or any other Act, may be used to promulgate, administer, enforce, or otherwise implement the Representation-Case Procedures, published at 76 Fed. Reg. 80138 (December 22, 2011), unless such Procedures are modified to guarantee procedural due process rights for all parties prior to the election, including the ability to determine the appropriate bargaining unit and the opportunity to present and counter evidence and to require the imposition of at least a 30-day interval between the date on which an elec-

tion is directed and the date on which the resulting election is held.

SA 2505. Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriation place, insert the following:

SEC. ____ . MICRO-UNIONS.

No Federal funds shall be used to implement, create, apply, or enforce through prosecution, adjudication, rulemaking, or the issuing of any interpretation, opinion, certification, decision, or policy, and standard for initial bargaining unit determinations that conflicts with the standard articulated in the majority opinion in *Wheeling Island Gaming Inc. and United Food Commercial Workers International Union, Local 23*, 355 NLRB No. 127 (August 27, 2010) (including but not limited to the majority opinion in footnote 2), except for unit determinations currently governed by NLRB Rule Section 103.30 for employers currently covered by such rules.

SA 2506. Mr. MCCONNELL submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . REPEAL OF OBAMACARE.

(a) FINDINGS.—Congress finds the following with respect to the impact of Public Law 111-148 and related provisions of Public Law 111-152 (collectively referred to in this section as “the law”):

(1) President Obama promised the American people that if they liked their current health coverage, they could keep it. But even the Obama Administration admits that tens of millions of Americans are at risk of losing their health care coverage, including as many as 8 in 10 plans offered by small businesses.

(2) Despite projected spending of more than two trillion dollars over the next 10 years, cutting Medicare by more than one-half trillion dollars over that period, and increasing taxes by over \$800 billion dollars over that period, the law does not lower health care costs. In fact, the law actually makes coverage more expensive for millions of Americans. The average American family already paid a premium increase of approximately \$1,200 in the year following passage of the law. The Congressional Budget Office (CBO) predicts that health insurance premiums for individuals buying private health coverage on their own will increase by \$2,100 in 2016 compared to what the premiums would have been in 2016 if the law had not passed.

(3) The law cuts more than one-half trillion dollars in Medicare and uses the funds to create a new entitlement program rather than to protect and strengthen the Medicare program. Actuaries at the Centers for Medicare & Medicaid Services (CMS) warn that the Medicare cuts contained in the law are so drastic that “providers might end their participation in the program (possibly jeopardizing access to care for beneficiaries)”. CBO cautioned that the Medicare cuts “might be

difficult to sustain over a long period of time". According to the CMS actuaries, 7.4 million Medicare beneficiaries who would have been enrolled in a Medicare Advantage plan in 2017 will lose access to their plan because the law cuts \$206 billion in payments to Medicare Advantage plans. The Trustees of the Medicare Trust Funds predict that the law will result in a substantial decline in employer-sponsored retiree drug coverage, and 90 percent of seniors will no longer have access to retiree drug coverage by 2016 as a result of the law.

(4) The law creates a 15-member, unelected Independent Payment Advisory Board that is empowered to make binding decisions regarding what treatments Medicare will cover and how much Medicare will pay for treatments solely to cut spending, restricting access to health care for seniors.

(5) The law and the more than 13,000 pages of related regulations issued before July 11, 2012, are causing great uncertainty, slowing economic growth, and limiting hiring opportunities for the approximately 13 million Americans searching for work. Imposing higher costs on businesses will lead to lower wages, fewer workers, or both.

(6) The law imposes 21 new or higher taxes on American families and businesses, including 12 taxes on families making less than \$250,000 a year.

(7) While President Obama promised that nothing in the law would fund elective abortion, the law expands the role of the Federal Government in funding and facilitating abortion and plans that cover abortion. The law appropriates billions of dollars in new funding without explicitly prohibiting the use of these funds for abortion, and it provides Federal subsidies for health plans covering elective abortions. Moreover, the law effectively forces millions of individuals to personally pay a separate abortion premium in violation of their sincerely held religious, ethical, or moral beliefs.

(8) Until enactment of the law, the Federal Government has not sought to impose specific coverage or care requirements that infringe on the rights of conscience of insurers, purchasers of insurance, plan sponsors, beneficiaries, and other stakeholders, such as individual or institutional health care providers. The law creates a new nationwide requirement for health plans to cover "essential health benefits" and "preventive services", but does not allow stakeholders to opt out of covering items or services to which they have a religious or moral objection, in violation of the Religious Freedom Restoration Act (Public Law 103-141). By creating new barriers to health insurance and causing the loss of existing insurance arrangements, these inflexible mandates jeopardize the ability of institutions and individuals to exercise their rights of conscience and their ability to freely participate in the health insurance and health care marketplace.

(9) The law expands government control over health care, adds trillions of dollars to existing liabilities, drives costs up even further, and too often put Federal bureaucrats, instead of doctors and patients, in charge of health care decisionmaking.

(10) The path to patient-centered care and lower costs for all Americans must begin with a full repeal of the law.

(b) REPEAL.—

(1) PPACA.—Effective as of the enactment of Public Law 111-148, such Act (other than subsection (d) of section 1899A of the Social Security Act, as added and amended by sections 3403 and 10320 of such Public Law) is repealed, and the provisions of law amended or

repealed by such Act (other than such subsection (d)) are restored or revived as if such Act had not been enacted.

(2) HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.—Effective as of the enactment of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), title I and subtitle B of title II of such Act are repealed, and the provisions of law amended or repealed by such title or subtitle, respectively, are restored or revived as if such title and subtitle had not been enacted.

SEC. . BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled "Budgetary Effects of PAYGO Legislation" for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SA 2507. Mr. BROWN of Ohio (for Mr. WICKER) proposed an amendment to the resolution S. Res. 429, supporting the goals and ideals of World Malaria Day; as follows:

On page 4, line 14, strike "strongly supports" and insert "welcomes".

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, July 17, 2012, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to examine the status of action taken to ensure that the electric grid is protected from cyber attacks.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to Meagan_Gins@energy.senate.gov.

For further information, please contact Leon Lowery at 202-224-2209, or Meagan Gins at 202-224-0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WHITEHOUSE. Mr. President. I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on July 10, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 10, 2012, at 10 a.m., to conduct a hearing entitled "Developing the Framework for Safe and Efficient Mobile Payments, Part 2."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 10, 2012, at 2:45 p.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a hearing entitled "Boosting Opportunities and Growth Through Tax Reform: Helping More Young People Achieve The American Dream."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 10, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that the following interns in Senator BINGAMAN's office be granted floor privileges during today's session: Marissa Hollowwa, Sarah Hurd, Leif Rasmussen, Edna Reyes, Emily Schwab, Katherine Wills, and Maia Brown.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be granted floor privileges today: Jeffrey Arnold, Avital Barnea, Amanda Chapman, Selene Christman, Harun Dogo, Farrah Freis, Pete Markuson, Neil Pinney, Christopher Tausanovitch, Daniel West, Micah Scudder, and Danielle Herring.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that Steve Kofford of my Finance Committee staff be granted privileges of the floor for the duration of the 112th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Alex Shaner, Kelsey Smithart, and Ryan Brennan of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

D.C. COURTS AND PUBLIC SERVICE DEFENDERS ACT OF 2011

On Monday, June 9, 2012, the Senate passed S. 1379, as amended, as follows: S. 1379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “D.C. Courts and Public Defender Service Act of 2011”.

SEC. 2. AUTHORITIES OF DISTRICT OF COLUMBIA COURTS.

(a) PERMITTING JUDICIAL CONFERENCE ON BIENNIAL BASIS; ATTENDANCE OF MAGISTRATE JUDGES.—Section 11-744, District of Columbia Official Code, is amended—

(1) in the first sentence, by striking “annually” and inserting “biennially or annually”;

(2) in the first sentence, by striking “active judges” and inserting “active judges and magistrate judges”;

(3) in the third sentence, by striking “Every judge” and inserting “Every judge and magistrate judge”;

(4) in the third sentence, by striking “Courts of Appeals” and inserting “Court of Appeals”.

(b) EMERGENCY AUTHORITY TO TOLL OR DELAY JUDICIAL PROCEEDINGS.—

(1) PROCEEDINGS IN SUPERIOR COURT.—

(A) IN GENERAL.—Subchapter III of Chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

“§11-947. Emergency authority to toll or delay proceedings.

“(a) TOLLING OR DELAYING PROCEEDINGS.—

“(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of Superior Court or rendering it impracticable for the United States or District of Columbia Government or a class of litigants to comply with deadlines imposed by any Federal or District of Columbia law or rule that applies in the Superior Court, the chief judge of the Superior Court may exercise emergency authority in accordance with this section.

“(2) SCOPE OF AUTHORITY.—(A) The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the Superior Court.

“(B) The authority conferred by this section extends to all laws and rules affecting criminal and juvenile proceedings (including, pre-arrest, post-arrest, pretrial, trial, and post-trial procedures) and civil, family, domestic violence, probate and tax proceedings.

“(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the Superior Court is absent or disabled, the authority conferred by this section may be exercised by the judge designated under section 11-907(a) or by the Joint Committee on Judicial Administration.

“(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

“(b) CRIMINAL CASES.—In exercising the authority under this section for criminal cases, the chief judge shall consider the ability of the United States or District of Columbia Government to investigate, litigate, and process defendants during and after the emergency situation, as well as the ability of criminal defendants as a class to prepare their defenses.

“(c) ISSUANCE OF ORDERS.—The United States Attorney for the District of Columbia or the Attorney General for the District of Columbia or the designee of either may request issuance of an order under this section, or the chief judge may act on his or her own motion.

“(d) DURATION OF ORDERS.—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that if the chief judge determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the Joint Committee on Judicial Administration, enter additional orders under this section in order to further toll or extend such time deadline.

“(e) NOTICE.—Upon issuing an order under this section, the chief judge—

“(1) shall make all reasonable efforts to publicize the order, including, when possible, announcing the order on the District of Columbia Courts Web site; and

“(2) shall send notice of the order, including the reasons for the issuance of the order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

“(f) REQUIRED REPORTS.—Not later than 180 days after the expiration of the last extension or tolling of a time period made by the order or orders relating to an emergency situation, the chief judge shall submit a brief report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Joint Committee on Judicial Administration describing the orders, including—

“(1) the reasons for issuing the orders;

“(2) the duration of the orders;

“(3) the effects of the orders on litigants; and

“(4) the costs to the court resulting from the orders.

“(g) EXCEPTIONS.—The notice under subsection (e)(2) and the report under subsection (f) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.”.

(B) CLERICAL AMENDMENT.—The table of contents of chapter 9 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter III the following:

“11-947. Emergency authority to toll or delay proceedings.”.

(2) PROCEEDINGS IN COURT OF APPEALS.—

(A) IN GENERAL.—Subchapter III of chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end the following new section:

“§11-745. Emergency authority to toll or delay proceedings.

“(a) TOLLING OR DELAYING PROCEEDINGS.—

“(1) IN GENERAL.—In the event of a natural disaster or other emergency situation requiring the closure of the Court of Appeals or rendering it impracticable for the United States or District of Columbia Government or a class of litigants to comply with deadlines imposed by any Federal or District of Columbia law or rule that applies in the Court of Appeals, the chief judge of the Court of Appeals may exercise emergency authority in accordance with this section.

“(2) SCOPE OF AUTHORITY.—The chief judge may enter such order or orders as may be appropriate to delay, toll, or otherwise grant

relief from the time deadlines imposed by otherwise applicable laws or rules for such period as may be appropriate for any class of cases pending or thereafter filed in the Court of Appeals.

“(3) UNAVAILABILITY OF CHIEF JUDGE.—If the chief judge of the Court of Appeals is absent or disabled, the authority conferred by this section may be exercised by the judge designated under section 11-706(a) or by the Joint Committee on Judicial Administration.

“(4) HABEAS CORPUS UNAFFECTED.—Nothing in this section shall be construed to authorize suspension of the writ of habeas corpus.

“(b) ISSUANCE OF ORDERS.—The United States Attorney for the District of Columbia or the Attorney General for the District of Columbia or the designee of either may request issuance of an order under this section, or the chief judge may act on his or her own motion.

“(c) DURATION OF ORDERS.—An order entered under this section may not toll or extend a time deadline for a period of more than 14 days, except that if the chief judge determines that an emergency situation requires additional extensions of the period during which deadlines are tolled or extended, the chief judge may, with the consent of the Joint Committee on Judicial Administration, enter additional orders under this section in order to further toll or extend such time deadline.

“(d) NOTICE.—Upon issuing an order under this section, the chief judge—

“(1) shall make all reasonable efforts to publicize the order, including, when possible, announcing the order on the District of Columbia Courts Web site; and

“(2) shall send notice of the order, including the reasons for the issuance of the order, to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives.

“(e) REQUIRED REPORTS.—Not later than 180 days after the expiration of the last extension or tolling of a time period made by the order or orders relating to an emergency situation, the chief judge shall submit a brief report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Government Reform of the House of Representatives, and the Joint Committee on Judicial Administration describing the orders, including—

“(1) the reasons for issuing the orders;

“(2) the duration of the orders;

“(3) the effects of the orders on litigants; and

“(4) the costs to the court resulting from the orders.

“(f) EXCEPTIONS.—The notice under subsection (d)(2) and the report under subsection (e) are not required in the case of an order that tolls or extends a time deadline for a period of less than 14 days.”.

(B) CLERICAL AMENDMENT.—The table of contents of chapter 7 of title 11, District of Columbia Official Code, is amended by adding at the end of the items relating to subchapter III the following:

“11-745. Emergency authority to toll or delay proceedings.”.

(c) PERMITTING AGREEMENTS TO PROVIDE SERVICES ON A REIMBURSABLE BASIS TO OTHER DISTRICT GOVERNMENT OFFICES.—

(1) IN GENERAL.—Section 11-1742, District of Columbia Official Code, is amended by adding at the end the following new subsection:

“(d) To prevent duplication and to promote efficiency and economy, the Executive Officer may enter into agreements to provide

the Mayor of the District of Columbia with equipment, supplies, and services and credit reimbursements received from the Mayor for such equipment, supplies, and services to the appropriation of the District of Columbia Courts against which they were charged.”.

(2) **EFFECTIVE DATE.**—The amendment made by paragraph (1) shall apply with respect to fiscal year 2010 and each succeeding fiscal year.

SEC. 3. LIABILITY INSURANCE FOR PUBLIC DEFENDER SERVICE.

Section 307 of the District of Columbia Court Reform and Criminal Procedure Act of 1970 (sec. 2-1607, D.C. Official Code) is amended by adding at the end the following new subsection:

“(e) The Service shall, to the extent the Director considers appropriate, provide representation for and hold harmless, or provide liability insurance for, any person who is an employee, member of the Board of Trustees, or officer of the Service for money damages arising out of any claim, proceeding, or case at law relating to the furnishing of representational services or management services or related services under this Act while acting within the scope of that person’s office or employment, including but not limited to such claims, proceedings, or cases at law involving employment actions, injury, loss of liberty, property damage, loss of property, or personal injury, or death arising from malpractice or negligence of any such officer or employee.”.

SEC. 4. REDUCTION IN TERM OF SERVICE OF JUDGES ON FAMILY COURT OF THE SUPERIOR COURT.

(a) **REDUCTION IN TERM OF SERVICE.**—Section 11-908A(c)(1), District of Columbia Official Code, is amended by striking “5 years” and inserting “3 years”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to any individual serving as a judge on the Family Court of the Superior Court of the District of Columbia on or after the date of the enactment of this Act.

SUPPORTING THE GOALS AND IDEALS OF WORLD MALARIA DAY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar 433, S. Res. 429.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 429) supporting the goals and ideals of World Malaria Day.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Wicker amendment at the desk be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2507) was agreed to, as follows:

On page 4, line 14, strike “strongly supports” and insert “welcomes”.

Mr. BROWN of Ohio. Mr. President, I know of no further debate. I urge passage of the resolution.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution (S. Res. 429), as amended, was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 429

Whereas April 25th of each year is recognized internationally as World Malaria Day;

Whereas malaria is a leading cause of death and disease in many developing countries, despite being completely preventable and treatable;

Whereas fighting malaria is in the national security interest of the United States Government, as reducing the risk of malaria protects members of the Armed Forces of the United States serving overseas in malaria endemic regions, and reducing malaria deaths helps to promote stability in less developed countries;

Whereas, according to the Centers for Disease Control and Prevention, 35 countries, the majority of which are in sub-Saharan Africa, account for 98 percent of global malaria deaths;

Whereas young children and pregnant women are particularly vulnerable to and disproportionately affected by malaria;

Whereas malaria greatly affects child health, as children under the age of 5 account for an estimated 85 percent of malaria deaths each year;

Whereas malaria poses great risks to maternal health, causing complications during delivery, anemia, and low birth weights, with estimates that malaria infection causes 400,000 cases of severe maternal anemia and between 75,000 and 200,000 infant deaths annually in sub-Saharan Africa;

Whereas heightened national, regional, and international efforts to prevent and treat malaria over recent years have made measurable progress and helped save hundreds of thousands of lives;

Whereas the World Malaria Report 2011 by the World Health Organization states that in 2011, approximately 50 percent of households in sub-Saharan Africa owned at least 1 insecticide-treated mosquito net (referred to in this preamble as an “ITN”), and household surveys indicated that 96 percent of people with access to an ITN within a household actually used the ITN;

Whereas, in 2010, a total of 185,000,000 people were protected by indoor residual spraying (referred to in this preamble as “IRS”);

Whereas the World Malaria Report 2011 further states that malaria mortality rates have fallen by more than 25 percent globally, and 33 percent in Africa alone, since 2000;

Whereas the World Malaria Report 2011 further states that out of 99 countries with ongoing malaria transmissions, 43 countries recorded decreases of more than 50 percent in the number of malaria cases between 2000 and 2010, and 8 other countries recorded decreases of more than 25 percent;

Whereas continued national, regional, and international investment in efforts to eliminate malaria, including prevention and treatment efforts and the development of a vaccine to immunize children from the malaria parasite, is critical in order to continue to reduce malaria deaths, prevent backsliding in areas where progress has been made, and equip the United States and the global community with the tools necessary to fight malaria and other global health threats;

Whereas the United States Government has played a leading role in the recent progress made toward reducing the global burden of malaria, particularly through the

President’s Malaria Initiative (referred to in this preamble as “PMI”) and the contribution of the United States to the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

Whereas the United States Government is pursuing a comprehensive approach to ending malaria deaths through PMI, the United States Agency for International Development, the National Institutes of Health, the Centers for Disease Control and Prevention, the Department of Defense, and the private sector focused on helping partner countries to achieve major improvements in overall health outcomes through advances in access to, and the quality of, healthcare services in resource-poor settings; and

Whereas PMI, recognizing the burden of malaria on many partner countries, has set a target of reducing the burden of malaria by 50 percent for 450,000,000 people, representing 70 percent of the at-risk population in Africa, by 2015; Now, therefore, be it

Resolved, That the Senate—

(1) supports the goals and ideals of World Malaria Day, including the target of ending malaria deaths by 2015;

(2) recognizes the importance of reducing malaria prevalence and deaths to improve overall child and maternal health, especially in sub-Saharan Africa;

(3) commends the recent progress made toward reducing global malaria deaths and prevalence, particularly through the efforts of the President’s Malaria Initiative and the Global Fund to Fight AIDS, Tuberculosis, and Malaria;

(4) welcomes ongoing public-private partnerships to research and develop more effective and affordable tools for malaria diagnosis, treatment, and vaccination;

(5) recognizes the goals to combat malaria in the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (Public Law 110-293; 122 Stat. 2918);

(6) supports continued leadership by the United States in bilateral, multilateral, and private sector efforts to combat malaria as a critical part of the President’s Global Health Initiative; and

(7) encourages other members of the international community to sustain and scale up their support for and financial contributions to efforts worldwide to combat malaria.

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 3369

Mr. BROWN of Ohio. Mr. President, I understand that S. 3369, introduced earlier today by Senator WHITEHOUSE, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3369) to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, super PACs and other entities, and for other purposes.

Mr. BROWN of Ohio. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive its second reading on the next legislative day.

ORDER FOR PRINTING—S. 3240

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that S. 3240, the Agriculture Reform, Food, and Jobs Act of 2012, be printed as passed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JULY 11, 2012

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that when the Senate completes its business today, it

adjourn until 9:30 a.m. on Wednesday, July 11; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized and that the first hour be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half, and that all time during morning business, adjournment, and recess count postcloture on the motion to proceed to S. 2237.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWN of Ohio. Mr. President, we hope to begin consideration of the

Small Business Jobs and Tax Relief Act tomorrow.

ADJOURNMENT UNTIL 9:30 A.M.
TOMORROW

Mr. BROWN of Ohio. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:34 p.m., adjourned until Wednesday, July 11, 2012, at 9:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate July 10, 2012:

THE JUDICIARY

JOHN THOMAS FOWLKES, JR., OF TENNESSEE, TO BE UNITED STATES DISTRICT JUDGE FOR THE WESTERN DISTRICT OF TENNESSEE.

HOUSE of REPRESENTATIVES—Tuesday, July 10, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. PALAZZO).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 10, 2012.

I hereby appoint the Honorable STEVEN M. PALAZZO to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

AFGHANISTAN

The SPEAKER pro tempore. The Chair recognizes the gentleman from North Carolina (Mr. JONES) for 5 minutes.

Mr. JONES. Mr. Speaker, like all of my colleagues, I went home to my district as the other Members went to their districts. I live in eastern North Carolina. As do a lot of people, I love my district, and I'm getting the same message: Why are you still in Afghanistan? Why don't you Members of Congress vote to bring our troops home? Why are you spending the money we don't have, and young men and women are getting killed?

Again, I'm coming to the floor of the House and reporting on a book I'm reading. It's called "Funding the Enemy: How U.S. Taxpayers Bankroll the Taliban." That's the whole issue. We have defeated bin Laden. He is dead. Al Qaeda has been dispersed all around the world, but we continue to fund a corrupt leader who will not survive in the long term. We all know that, but yet we're playing this little game of spend the American taxpayers' money to keep him in office, and let's borrow the money from the Chinese

that we're spending—because that's the way it's happening—to keep Karzai in office. Seventy-two percent of the American people have agreed with most of us in the House—not all—that it's time to bring our troops home. There is not one thing that we're going to accomplish over there.

Mr. Speaker, when I saw the national security agreement that the Secretary of State and this administration have signed with Afghanistan, what we're talking about is, after 2014, we will continue to have a military presence of anywhere from 25,000 to 30,000. We are spending approximately \$4 billion a month—that's probably a lowball figure, Mr. Speaker—but \$4 billion a month for 10 years. That adds up to about \$480 billion in addition to what we've already spent, which is over \$1 trillion, in Afghanistan and in Iraq. The poor American people are paying the taxes and are getting their programs cut for children, for schools, for senior citizens, for health programs. Yet we in Congress continue to fund the war in Afghanistan.

Mr. Speaker, this book is an eye-opener to the fact that the Taliban is the biggest recipient of our taxpayers' money, going to pay to kill American kids. I'm going to keep bringing this to the floor until I finish the book, and I'm about halfway through.

Its summary says:

This is the first book to detail the toxic embrace of American policymakers and careerists, Afghanistan kleptocrats and the opportunistic Taliban. The result? U.S. taxpayers have been footing the bill for both sides of a disastrous Afghanistan war.

Mr. Speaker, this past weekend, we had eight Americans killed—eight Americans killed. I write families. I have signed over 10,740-some letters to families across this Nation because I bought the lie by the previous administration that said Saddam has weapons of mass destruction, which he never did have. So I will continue to come to the floor at least once a week, several times a month, and talk about the fact of buying this book for every Member of Congress, which is called, "Funding the Enemy: How U.S. Taxpayers Bankroll the Taliban."

When I listen to our debates on the floor—sometimes part of them, sometimes not—talking about cutting Federal programs for those people who need them the most—but yet we will find the \$8 billion a month to send to Karzai—and when we keep sending our soldiers, marines, sailors, and airmen over there so they can be shot and killed and have their feet blown away,

it is time for this Congress to wake up. When we debate the appropriations bill for the Department of Defense, I hope we will be permitted to bring amendments one after another to the floor, asking Members of Congress to bring our troops home.

Mr. Speaker, with that, I will ask God to please bless our men and women in uniform.

I will ask God to please, in his loving arms, hold the families who have lost children in Afghanistan and Iraq.

I will ask God to please bless the House and Senate that we will do what is right in the eyes of God for God's people today and God's people tomorrow.

I will ask God to please bless President Obama that he will do what is right in the eyes of God for God's people today and God's people tomorrow.

I will close by asking three times: God, please, God, please, God, please continue to bless America.

PATH TO THE 2012 FARM BILL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, this week, the House Agriculture Committee will consider not just the farm bill, but also one of the most important pieces of health legislation, environmental legislation, and vital economic development for rural America. It should be on the radar screen of every Member of Congress, whether one represents rural or urban districts. All of our constituents benefit from a vibrant agricultural sector.

The House is looking at its own legislation. The Senate has passed a bill. I must say, the Senate bill was a start. There are some provisions in it which I think are worthy of support, but it falls short in overall reform. There is no reason in an era of great concern about reducing Federal deficit spending, about improving nutrition and strengthening rural America that we can't do a better job. Currently, the majority of farmers and ranchers get no support from the Federal Government, and the assistance is concentrated in the hands of a few. This is an opportunity for us to look carefully at the House draft and to, hopefully, improve upon it.

One particular area deals with the cap on commodities and risk management. The Senate bill has at least a modest reduction in dealing with direct

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

payments, but the House draft would increase those provisions to \$125,000 and to \$250,000 for married couples—an incredibly high limitation. And sadly, the House draft would leave intact current loopholes that would allow many wealthy, nonfarm investors to collect multiples of the existing payment cap.

Another area of significant agricultural subsidy that cries out for reform is the area of crop insurance. This is something that independent analysts have looked at for years. Too much of this is concentrated for a few. It puts too much burden on the individual taxpayer, and there is too much benefit for those who need it the least. In the House proposal, there is no requirement to link the recipient of crop insurance to the protection of soil and wetlands, thereby compounding future losses; and it does not reduce the subsidy rate for wealthy farmers and investors with high adjusted incomes.

□ 1010

Most concerning is the new provisions that are termed “shallow-loss revenue,” where they’re creating new, long-term protections that really come at a potentially high price tag. Instead of moving forward with this being an area to reduce subsidy, it has been noted by independent analysts that if commodity prices fall over the course of the next decade significantly, all of the purported savings would disappear under this enhanced shallow-loss provision.

There are unwise reductions in the conservation and energy titles. In fact, there’s no funding whatsoever in the energy title in the House bill, unlike, at least, the Senate bill with \$800 million. But more significant is a reduction in the conservation stewardship program. It would limit the enrollment to 9 million acres, as opposed to the current 12.8 million acres that are available. This is despite the fact that currently with a 30 percent higher acreage level, 50 percent of the farmers who want to take advantage of this to protect the land and promote habitat for wildlife and water quality are turned away.

Another provision that looks like an improvement is actually a problem. It increases the EQIP program, the Environmental Quality Incentives Program. It increases the limitation by \$450,000, a 150 percent increase. What this does is open the floodgates for very large, confined animal feedlots that are going to end up swallowing most of this money and not making it available for others. At the same time, it reduces the amount available for organic farmers.

I hope my colleagues will look carefully at this legislation because we need to do better for America’s farmers and ranchers, for wildlife and the environment, and for the taxpayers.

THE HIGHEST COURT IN THE LAND IS THE AMERICAN PEOPLE

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. McCLINTOCK) for 5 minutes.

Mr. McCLINTOCK. Mr. Speaker, in the wake of the Supreme Court decision on the so-called Affordable Care Act, the House will once again take up the imperative of repealing it.

But the Supreme Court decision has much more dire implications for our Nation and for its cherished freedoms than merely affirming the government takeover of our health care. In reaching its conclusion, the Court obliterated the fundamental distinction between a penalty and a tax. Congress has the power to lay and collect taxes; and, therefore the Court reasons, it can apply a tax for any reason, even those otherwise outside the confines of the Constitution.

In this case, the Court ruled that Congress could not impose a law requiring citizens to purchase a government-approved health plan under the Commerce Clause, but it can impose exactly the same requirement as a tax. If it can’t fine you for disobeying, it can certainly tax you for disobeying. Mr. Speaker, if the government fines you \$250 for running a red light or taxes you \$250 for running a red light, the effect is the same. What’s the difference?

Actually, there are two critical differences. First, as a fine—as a penalty—the burden of proof is on the government to prove that you ran that red light. As a tax, the burden of proof is on you to show that you did not run it. Anyone who has ever undergone an IRS audit knows exactly what I mean. This decision fundamentally alters the most cherished principle of our justice system, the presumption of innocence.

There is a second even more chilling difference between a penalty and a tax. Under our Constitution, no penalty can be assessed without due process. You cannot be punished until you have had your day in court. But to challenge a tax, you must first pay that tax before you can seek redress through the court. You are punished first and then tried. This is the madness of Lewis Carroll’s Red Queen brought to life: Sentence first—verdict afterwards.

Under this decision, Americans may now be coerced under the threat of the seizure of their property to take any action the Federal Government decrees without any constitutional constraint, enforceable in a manner that denies both presumption of innocence and due process of law. By this reasoning, it can now tax speech it finds offensive, tax people who choose not to go to church or people who do, tax people who own guns or people who don’t. As long as we call it a tax under this decision, there are no limits to the power of the Federal Government.

I believe this decision will go down in history as one of the most deplorable ever rendered, taking a place of infamy next to Dred Scott.

If the Court has failed to defend our Constitution, then what appeal is left us? There is one. The Constitution does not belong to the Federal Government. Its ownership is made crystal clear in its first three words: “We, the people.” As Ronald Reagan said:

The Constitution is not the government’s document telling us what we can and cannot do. The Constitution is the people’s document telling our government those things that we will allow it to do.

Thus, the Supreme Court is not the highest court in the land. That position is reserved to the rightful owners of the Constitution, the sovereign American people through the votes that they cast every 2 years.

The infamous Alien and Sedition Acts were never struck down by the Court, but the American people did that in the election of 1800. The Supreme Court declared that American slaves were outside the protection of the Constitution when it struck down the Missouri Compromise, but the American people reversed that decision in the election of 1860.

Let us pray, while we still can—before that is taxed—that this infamous decision will be repudiated by what is actually and rightfully the highest court in the land, the American people.

PRETEND LEGISLATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

Mr. DEFAZIO. Repeal and replace. If multiple failed attempts constitute delivery on a promise, the Republicans have delivered in spades.

Today, the House of Representatives, for the 31st time in this session, will take up legislation to repeal all or part of the Affordable Care Act, so-called “ObamaCare.” There have been 31 attempts tying up the floor of the House. One’s enough. We already did it the first or second day we were here. The Senate is not going to take it up, but repetition is their mantra here for pretend legislation.

They could take up real legislation. In fact, they had an opportunity as part of today’s faux repeal to take up my legislation, which passed the last House of Representatives with massive bipartisan support, which would provide lower health care costs and health insurance costs for every American. That was real legislation.

Why won’t we do that? Maybe because it would upset the insurance industry, and they’re awful generous at campaign time on that side of the aisle. Maybe. I don’t know why.

I offered to the Rules Committee an amendment to take away the antitrust immunity of the insurance industry.

Yes, the insurance industry can and does get together behind closed doors and collude to drive up your rates, to exclude your coverage, and do a whole host of other things. They have been somewhat constrained by the Affordable Care Act in some of their collusive practices. Actually, the House version of the bill contains repeal of the anti-trust amendment. The Senate, due to, as I understand it, one Democratic Senator, BEN NELSON, failed to include it in their version of the law. We had a separate vote later in the House. Over 400 Democrats and Republicans voted for it. It's common sense.

They want to talk about free enterprise. It's not free enterprise when an industry can get together and collude to screw consumers. It's just not. That's not free enterprise.

My amendment was not allowed. So we're just going to have another fake debate about repealing all of ObamaCare. Let's think about their vision here. Remember, it was repeal and replace. Where is the replace part? They're not talking about the replace part. That's strange. I guess they just want to go back to the way things were—status quo. That would be in the 10 years before ObamaCare, the Affordable Care Act, health insurance premiums were up 100 percent. That's an average of 10 percent a year.

□ 1020

Let's go back to those good old days. Uninsured, up from 35 to 44 million, during those same 10 years. Let's go back to those good old days.

Rescissions? Wow, the industry could and did refuse to renew your policy or take it away when you got sick, due to technicalities. That was called a rescission, a dirty little secret. That was outlawed by the Affordable Care Act. They want to bring that back. Give the industry the right, when you get sick with cancer, to take away your policy even though you have been paying your premium for 20 years at these inflated rates.

Then, denial of coverage, of course, we'll bring back denial of coverage—any preexisting condition. Nope, sorry, we won't sell you a policy.

Lifetime limits, they want to bring back all those good old things because they have no replacement. They haven't talked about replacement. All they're talking about is repeal.

Let's put just a few statistics on who would not benefit under their proposal.

In my district, 7,400 young Americans under age 26 are on their parents' policy. Nationwide, 3.1 million young Americans have insurance today who won't have it if their repeal bill goes through.

Seniors, they are getting a 50 percent discount in the doughnut hole that never should have been created. I voted against their doughnut hole bill and the bill that subsidized the insurance

industry and the pharmaceutical industry and didn't do a great job overnight helping out seniors with their pharmaceuticals.

We could have done it for less, straight up, negotiate lower drug prices and offer a policy at cost. No, they wouldn't do that because the industry didn't like it. A pretty consistent theme here of sucking up to the insurance industry.

Then 148,000 people in my district now get free preventive care under their insurance, 54 million people across the country. That goes away when their repeal bill goes through with no replacement.

Children with preexisting conditions; 36,000 in my district have coverage now, 17 million nationwide. Tough luck, kids. You're back off the policy here under the Republican vision for the future of health insurance.

Lifetime limits; 230,000 people in my district, 105 million people nationally. Most people don't know their policies have lifetime limits until they get a catastrophic illness and they start to read the fine print and the insurance company stops paying the bills and you go bankrupt.

They want to bring back those good old days with repeal of this horrible ObamaCare.

Then we have the business rebates and on and on. This is kind of a dyspeptic view of the world here. Let's go back to the dysfunctional system we had before.

Is ObamaCare great? No. Can we fix it? Yes. Should we fix it? Yes. Should we adopt measures that would make it better, like taking away the antitrust exemption of the health insurance industry? Yes. Will they bring those issues up? No. They just want to pretend. It's pretend Congress day.

TAKE YOUR CRIMINALS BACK

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, Bangladesh national and illegal immigrant Shafiqul Islam was convicted in 2008 of promoting sexual performance of a child.

After he served his sentence in New York, an immigration judge ordered Islam to be deported back to where he came from, but Bangladesh wouldn't take back their criminal deviant. They did what many countries do, delayed, delayed, delayed, until, by law, he was released back onto the streets of America.

As other countries are well aware, U.S. law does not allow indefinite incarceration. Six weeks after his release, Islam struck again at another victim.

On a cool evening in November in New York, 73-year-old grandmother Lois Decker, a mother, a grandmother,

retired school cook, a Sunday school teacher, was walking home from the grocery store. Islam stalked her and followed her into her home and murdered the defenseless grandmother.

But stealing her life just wasn't enough for him. After Islam left her to die, he stole her car and took off in the darkness of the night. The thief, however, wrecked her car. Two good Samaritans saw the crash and mistakenly stopped to help him. Then, being the worthless outlaw he is, he tried to steal their car as well. More witnesses intervened and prevented him from stealing that vehicle, but he still fled the scene in yet another stolen vehicle. In June, a judge in New York sentenced Islam to life, where he belongs.

Mr. Speaker, currently there are thousands of criminal illegals in our country, just like Islam, that have been sent to prison, ordered deported, but their native countries stall, delay, and eventually refuse to take back their outlaws. Many of those criminals are roaming around American streets looking for more crime and malicious mischief.

There is more.

Ashton Cline-McMurray was a 16-year-old with cerebral palsy when he came in contact with another "dobad." One evening he was walking home from a football game in Massachusetts when he was ambushed, beaten, stabbed, and murdered by Loeun Heng, an illegal from Cambodia. Heng was convicted of manslaughter, sent to prison, and then ordered deported. But Heng never went back to his native country of Cambodia because they wouldn't take him.

There is more.

Vietnamese citizen Binh Thai Luc was convicted of armed robbery of a Chinese restaurant in California in 1996. He was sent to prison for 10 years and then ordered deported back to Vietnam. But, once again, Vietnam would not take him back. So, in March of this year, Luc was running loose in San Francisco and murdered five people.

Mr. Speaker, these are tragic cases that occurred in our Nation. There should be consequences for countries like Bangladesh, Vietnam, and Cambodia who fail to take back their lawfully deported criminals.

The blood of Ms. Decker and these other victims are not only the fault of Islam and the other felons, but also the fault of those countries that refuse to take their outlaw citizens back. Some of the most offending countries are Cuba, Pakistan, Vietnam, Jamaica, and, yes, our "good buddies" the Chinese.

What should we do? We should do two things: One, U.S. law should allow civil suits against these offending countries for damages without any caps on compensation; and, two, freeze legal visas to nations that refuse to take back their criminals.

Mr. Speaker, did you know a similar law already exists in the U.S., but the State Department won't enforce the law for supposedly "diplomatic reasons"? According to Secretary Napolitano, DHS and the State Department are working with these offending countries to resolve these matters, that being the folks that are getting murdered in the U.S.

I have introduced legislation that removes the uncertainty and the weak knees of bureaucrats and requires the State Department to follow through with visa sanctions against these countries. Time to play a little diplomatic hardball with these nations. After all, Americans are dying because these lawfully deported illegals don't go back where they come from.

It's time to make these crooks and misfits the problem of their home country rather than continue to remain our problem; otherwise, more grandmothers are going to die in America.

And that's just the way it is.

EDUCATION AND LITERACY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. CLARKE) for 5 minutes.

Mr. CLARKE of Michigan. Mr. Speaker, I am here, along with my good friend and colleague, the gentleman from South Carolina (Mr. SCOTT), to address a national crisis that's facing us today.

Too many of our young African American and Hispanic men cannot read. They're dropping out of school and they're ending up in prison. Without the skills to be able to get a job, many of these young men may lose hope and they resort to crime.

I personally understand, to a certain degree, what these young men are going through. I lost hope myself in my early twenties.

Raised as a single child, my parents were deceased by the time I was 19. I dropped out of school, ended up being unemployed, and resorted to food stamps. My food stamps were ultimately cut off. At that time, I felt I would never make it in life, and I gave up.

Now, several factors intervened to help save me. One was my godmother, Octavia Lyons. She wasn't a college graduate and she wasn't a professional woman. She was a domestic cleaning lady like my mother, and she was raised and educated in segregated Mobile, Alabama. She understood the value of working and the value of education, and she demanded that I do something with my life.

□ 1030

The other factor that motivated me directly to go to school, again, was the fact that I was able to go to the Detroit Public Library. I caught the bus. And I

started reading books on visual artists, and it inspired me to go back to school to study fine arts again. But the point is, I had the ability to read—and reading helped save my life.

I want to now yield to my good friend, Representative SCOTT, the gentleman from South Carolina.

Mr. SCOTT of South Carolina. Thank you, Congressman CLARKE.

Let me just thank Mr. CLARKE for focusing on the issue of education and, specifically, the issue of literacy. I will say that as a kid growing up in a single-parent household myself, living in poverty, I did not value education as a youngster. And so by the time I was in high school, I was flunking out. I failed the ninth grade. I failed world geography, civics, Spanish, and English. When you fail Spanish and English, they don't consider you bilingual. They may call you "bi-ignorant."

And that's where I found myself, because I had lost hope in life. I had a mother who believed strongly in the power of education. And because of her discipline, her involvement, and her focus, I found the path back towards prosperity, which started with education. And as chairman of the county council a few years ago, I recognized that the incarcerated population of Charleston County was highly represented by young people, mostly men, who were functionally illiterate, coming from single-parent households and living in poverty, as I did.

So the value of education cannot be overemphasized enough, and the necessity of public-private partnerships to address this issue is an absolute necessity because our Nation faces a crisis.

Mr. CLARKE of Michigan. Thank you, Representative SCOTT.

To the American people, we want to show that even though this Congress many times is divided based on ideology and party, he and I—I'm one of the most liberal Members of this House and my friend, the gentleman from South Carolina, is one of the most conservative—both agree we've got to address this national crisis. We've got to save the lives of our young black and Hispanic men. And by doing so, we're going to help strengthen our economy and help create jobs. This is a national call to action for all of us in government, schools, libraries, business, and our charities and our families, to all work together to help educate our young men on the value of reading and to teach them to read.

I yield to my friend from South Carolina.

Mr. SCOTT of South Carolina. Mr. CLARKE, I would say that without any question the issue of education is not an African American issue; it's not an Hispanic issue. It is an American issue. It is an American tradition that for all access in this Nation, the power of freedom comes from the power of education. And we stand here together as

one of the more conservative Members of the House and certainly one of the more liberal Members of the House focusing on the same problem. We may not even agree on all the paths to solving this problem, but we can agree on the necessity of addressing the issue of literacy. And if we can work together finding paths for the American people to focus their attention, finding paths for Congress to focus our attention, we find paths to the solution.

Mr. CLARKE of Michigan. I agree, my brother. I'm going to work with you on this.

Mr. SCOTT of South Carolina. Thank you, Mr. CLARKE.

Mr. CLARKE of Michigan. Thank you.

HONORING MAJOR RYAN S. DAVID

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from North Carolina (Ms. FOXX) for 5 minutes.

Ms. FOXX. Mr. Speaker, it is with sadness that I rise today to honor the memory of Major Ryan S. David of Boone, North Carolina, who was a member of the North Carolina Air National Guard. On July 1, his Charlotte-based C-130 crew crashed in South Dakota while battling the State's White Draw fire. Major David was an experienced navigator who joined the National Guard in 2011 after completing Active Duty service in the U.S. Air Force. He is survived by his wife, Jenny, and his infant son, Rob.

Along with Major David, Lieutenant Colonel Paul Mikeal of Mooresville, Major Joseph McCormick of Belmont, and Senior Master Sergeant Robert Cannon of Charlotte gave their lives in service to our country. There's no question of the bravery and commitment of these men, and we are very grateful to them. My heart goes out to the families of these heroes and their Air National Guard colleagues. May God grant them comfort in this time of loss, and may He bless the sacrifices of these fallen.

FORD'S LOUISVILLE SUCCESS STORY

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kentucky (Mr. YARMUTH) for 5 minutes.

Mr. YARMUTH. Mr. Speaker, every 44 seconds, a 2013 Ford Escape comes off the line at the Louisville assembly plant. The Escape's parts make their way along 20 miles of conveyers inside a 3 million-square-foot facility that stretches a mile from corner to corner. Inside that facility are more than 4,200 Louisvillians—and a few Hoosiers—operating state-of-the-art machinery capable of producing six different vehicles.

Ford has a long and robust history in Louisville. The company has been manufacturing vehicles in Derby City since

the Model T in 1913. The Louisville assembly plant opened in 1955 and since then has produced the Ford Ranger, the Bronco II, and the Explorer, to name just a few. Across town, the Kentucky truck plant has been operating since 1969 and employs nearly 5,000 workers.

For years, both plants thrived—and with them, families. Just recently, a woman who now works at Ford told me that her dad had worked there for 50 years. Stories of Ford careers that span lifetimes—and generations—aren't rare in Louisville. There are fathers and daughters who have built careers side-by-side on the line.

But by 2008, the Louisville assembly plant was outmoded and the U.S. economy was in crisis. The plant's future was clouded with uncertainty. Workers came to work everyday not knowing whether their jobs would be there tomorrow. Ford needed to innovate. It needed to produce vehicles that the American people could afford, that were sleeker and more fuel efficient, and that met a changing desire among car buyers who wanted more dynamic, economical vehicles. But the company needed a financial bridge to do it.

In Congress, I worked to include the Advanced Technology Vehicles Manufacturing Loan Program in the Energy Independence and Security Act of 2007. Ford received a \$5.9 billion loan through the program, which allowed the company to invest \$600 million in the Louisville assembly plant and to remap their future. In 3 years, the Louisville assembly plant has gone from uncertainty to a complete retooling. Last month, I was proud to join Ford officials and hundreds of workers to unveil what is now the biggest, most flexible high-volume Ford plant in North America. The plant has added more than 3,000 jobs, and the increases in production have led to thousands more suppliers, of which there are 500 for the new Escape model alone.

Ford also worked with the UAW to renegotiate its contract and add a third shift at the plant. By the end of this year, the company will employ more than 8,000 people in Louisville. The positive relationships forged between organized labor and Ford in Louisville should serve as a model of compromise and cooperation for the rest of the Nation.

The Escape is a success story of American ingenuity and innovation for the private sector, for organized labor, and for the Federal Government. And it's a victory for Kentucky. Ford's new investments at the Louisville assembly plant and the Kentucky truck plant are expected to contribute more than \$800 million to our Commonwealth's GDP. Let's be clear: this happened because of the leadership of Ford, UAW, and our unparalleled workforce. But none of it would have been possible without key government investments to advance large-scale innovation.

There were some who said we should let the auto industry fail. In Louisville, that would have meant putting thousands of Ford workers out on the street. It would have meant that the thousands of workers at supply companies who provide parts for the new Escape would have been updating their resumes instead of assembling Ford's newest and most advanced models. And it would have been an admission that in America our best manufacturing days are behind us. We're proving that wrong every day in Louisville and across the country.

Over the past 28 months, American manufacturers have created nearly 500,000 jobs. That's the strongest period of growth in manufacturing employment since 1995. And it's because we are using strategic Federal investments to spur innovation and leverage private sector investment. Just this month, the AP reported that Ford Motor Company sales rose 7 percent in June. The reason? Strong demand for the new Escape, which is selling at a higher rate than ever before.

□ 1040

There are still plenty who say government is part of the problem, not part of the solution. But since at least the 1940s, we have known and generally acknowledged that the market cannot do it all on its own and that there is a role for government in pursuing short and long-term economic growth and prosperity in this country.

You can find it in Louisville. Our workers, Ford, and government partners—Federal, State, and local—have shown just how successful we can be working together to build the vehicles of the future and the innovations that keep our city, and our country, on the leading edge of manufacturing.

PEOPLE WITHOUT JOBS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. MURPHY) for 5 minutes.

Mr. MURPHY of Pennsylvania. Mr. Speaker, last week, we received some unemployment numbers, or employment numbers, of 80,000 new jobs. It was a bleak statistic telling us that now we were in our 41st straight week where unemployment was above 8 percent. Of course, the real unemployment numbers are saying there are 23 million Americans out of work or looking for work, people who are unemployed or underemployed based upon their skill set and taking whatever job they can get.

But put this 80,000 new jobs in an additional context, and it is of deeper concern. This year, 3.1 million students graduated from high school, and 1.7 million graduated with a bachelor's degree from a program. Add to that list also those who have an associate's de-

gree or simply have dropped out of school, and we recognize those 80,000 new jobs are barely a drop in the bucket.

Also note that among those who are college graduates, recently, 53 percent of them are underemployed; that is, working in a job below the qualification levels which they have achieved. About 1.5 million under age 25 in 2011 were jobless or underemployed, the highest in at least 11 years. In the year 2000, the share was at a low of 41 percent.

Now, families are concerned because they don't want more unemployment checks when they can be getting an employment check. They need jobs to pay for their food and their housing, to pay off loans for their cars and schools, to save something for retirement or save something for other family needs for the future.

But put this in the context of other increases families have had to face in the last few years. The increased cost for gasoline in the last 3½ to 4 years is about \$2,200 per year per family. The increased cost of electricity with new coal regulations put forth by the EPA will cause families' electric bills to rise by \$300 to \$400 per year. The new coal regulations are estimated to lead to a loss of 180,000 jobs per year. CONSOL has announced it's laying off 318 miners. Arch Coal has laid off 750 miners in Kentucky, West Virginia, and Virginia. Alpha notified employees at four West Virginia mines of a loss of 100 jobs.

The coal regulations are such from the EPA that we have had no new coal-fired power plant permits granted for the last few years. Simply, no plants are being built, and ones are being closed down. And yet we have a massive amount of coal which we can use to create clean energy if the EPA would allow us to build some newer, cleaner plants. Look at sulfur dioxide—there has been a 56 percent decrease, and with nitrous dioxide a 38 percent decrease since the 1970s, while coal has tripled in its use. Mercury emissions have decreased by 60 percent since the 1950s, and we can do better.

We also note that we can have new jobs from offshore drilling, and although the House has passed such legislation, the Senate and the White House have blocked it. If we drill for oil and natural gas, several things can happen. One, it can free up 2.5 to \$3.7 trillion, which we can use to invest in infrastructure of roads, highways, bridges, locks and dams, and water and sewer projects. But as long as those areas are blocked, we cannot reap the benefits from that. Instead, we continue to spend money to protect OPEC oil fields and had a trade deficit of \$127 billion last year with OPEC. And sadly, of course, there is that unmeasurable, immeasurable cost of having our soldiers, sailors, airmen, and marines fight overseas, fighting Taliban and al Qaeda funded with OPEC oil profits.

Finally, we have the increased cost of health insurance. The Kaiser Family Foundation has estimated the cost to the average family to be about \$1,200 more since we passed the health care bill here, and median income for families is down \$4,300.

There are solutions that the House, Senate, and White House can work on together. But much of this is in the area of using our domestic energy and to stop saying “no” to domestic energy. Although an all-of-the-above policy that includes wind and solar is valuable, we cannot create jobs by also saying “no” to coal, 10 Federal agencies trying to block natural gas drilling, and everyone dropping the ability to drill for oil. We have solutions, we have answers. We only have to have the will to pass these.

WOMEN OF THE DISTRICT OF COLUMBIA ARE NOT PAWNS

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from the District of Columbia (Ms. NORTON) for 5 minutes.

Ms. NORTON. Mr. Speaker, American women have been outraged by Republican attacks on reproductive health this term. We saw it in the decision that was later reversed by the Susan G. Komen Race for the Cure when it initially pulled funding for Planned Parenthood for breast cancer screenings, and we saw it again in Republican attempts to defund Planned Parenthood, and then again to block access to contraceptives as part of health insurance.

More seriously, beneath the radar, there has been a far-right campaign, as announced by anti-choice forces, that will emerge in the markup of H.R. 3803, a frontal attack on abortion rights as guaranteed by Roe v. Wade. Representative TRENT FRANKS, the sponsor of H.R. 3803, and anti-choice forces have unleashed a full-fledged attack on Roe and the Nation's women, using women in the Nation's Capital as pawns.

The District of Columbia Pain Capable Unborn Child Protection Act, a bill without any scientific basis, seeks to ban all abortions in the District of Columbia after 20 weeks of pregnancy, with very limited exceptions. However, Roe v. Wade requires viability to be determined only by a physician and not by statute. Although the bill is nominally addressed only to women in the District of Columbia, it seeks to rally the most extreme Republicans by achieving a Federal imprimatur, however bogus or limited, for use in an ongoing campaign across the Nation to get States to defy the law of the land under Roe v. Wade. Several conservative States have already passed similar laws, but neither Congressional Republicans nor anti-choice organizations has the nerve to proceed in the usual way with a post-20-week abortion ban bill for the Nation because they know

that women and their supporters would angrily turn back such an attack on Roe v. Wade.

The full and equal American citizens who live in the Nation's Capital, pay Federal taxes, and go to war demand to have their laws respected—especially by unaccountable Members of Congress. By moving the post-20-week abortion ban only in conservative States and targeting the District, which has no vote on such a bill on this floor, even though it affects only our residents, Republicans show they lack the courage of their own convictions and the courage to make this bill apply nationally, even in a Republican-controlled House where they would surely win. They target the District of Columbia women because they fear the wrath of the Nation's women that a nationwide bill would surely bring.

□ 1050

Well, we will not stand by as Republicans, who claim to favor small and local government, attempt to pass legislation affecting my constituents but not theirs in an act of disdain for the Federalist principles they profess.

Fortunately, the scheduled markup of the bill has helped us and pro-choice organizations to alert women across the United States that the D.C. label on this bill is a cover for a bill that seeks to undermine the reproductive rights of women across the United States.

Women have been watching closely ever since the first attacks on reproductive health in the House this term. With the post-20-week D.C. abortion bill, Republicans have left no doubt that the reproductive freedom of America's women depends upon a Democratic Congress and a Democratic President.

RECOGNIZING ALLYN LAMB OF AGCHOICE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. THOMPSON) for 5 minutes.

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize Allyn Lamb, the president and CEO of AgChoice, who will retire at the end of the year after decades of service to the agriculture community.

AgChoice is an agriculture credit association that provides a broad range of financial services to farmers and foresters all across Pennsylvania. Under Allyn's leadership, AgChoice has become a leading institution supporting the credit needs of farmers, as well as the mortgage credit needs of rural homeowners, for communities across the Fifth District of Pennsylvania and throughout the greater Commonwealth of Pennsylvania. Even under a tough economy, AgChoice has consistently stayed financially sound while offering

outstanding service and support to our agriculture communities.

With 32 years of service in the Farm Credit System, Allyn has spent his professional career as a champion for agriculture and the individual farmer. We owe him a great deal of thanks for his tireless work and his committed leadership.

I want to thank you for your service, Allyn, and wish you well in your retirement.

REPUBLICANS ARE HOLDING AMERICA HOSTAGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. HIGGINS) for 5 minutes.

Mr. HIGGINS. Mr. Speaker, the Republican majority of this House is holding the American people and its economy hostage in a cynical ploy to keep the economy from growing and creating jobs.

In the year 2000, 12 years ago, the Federal budget had a \$258 billion surplus that was a direct result of having created 22 million private sector jobs under the Clinton administration. New road and bridge projects were funded and American businesses were providing the labor and equipment to help rebuild the Nation's infrastructure.

In the year 2001, the new Republican administration came in and looted a surplus that they didn't create to finance two tax cuts we couldn't afford and two wars that took over \$1 trillion out of the American economy. They ruined the American economy by losing more jobs than in any period in the past 60 years and created a financial crisis not seen since the Great Depression. The Republican Party and their failed policies took us from record surplus to record deficit.

In 2009, the Republicans handed this mess over to the current President and have vowed not to help him rebuild this Nation and its economy. They have created a phony debt limit crisis that reverberated throughout the American economy and the financial markets. The debt ceiling crisis cost American investors \$18 billion and led to a downgrade of the Nation's credit rating. This debt limit crisis imposed a tax on the American people that did real and permanent damage.

Default, or the threat of default, will exact more economic damage on an already fragile recovery, and they're threatening to do it all again later this year—this, despite the fact that the House Republican budget resolution spends \$1 trillion more than it takes in in revenue. The logical consequence of their budget, the Republican budget, is to raise the debt ceiling.

We need to nation build right here in America. Our Nation's roads and bridges are falling part. You have 69,000 structurally deficient bridges in this Nation. Every second of every day,

seven cars drive on a bridge that is structurally deficient. The Senate and the House just passed a \$105 billion transportation bill to spend less than \$53 billion in each of the next 2 years. While it is something, it's weak—in fact, it's pathetically weak. It will fill a few potholes, surely, but won't reconstruct roads or build bridges. It will create some jobs but won't put a dent in the unemployment rate.

We need to do nation building right here at home in America. Congress just spent \$65 billion rebuilding the roads and bridges of Iraq, a nation of 26 million people. You just spent \$78 billion rebuilding the roads and bridges of Afghanistan, a nation of 30 million people. And all you can come up with is \$53 billion for nation building in America, our Nation, a Nation of over 300 million people.

The American Society of Civil Engineers gave us a D grade, and they and the United States Chamber of Commerce agree that the poor quality of America's infrastructure costs our economy hundreds of billions of dollars in lost growth.

To grow this economy and create jobs, we need to invest in rebuilding the roads, bridges, water, and sewer systems of this country. According to the New America Foundation, a 5-year, \$1.2 trillion American rebuilding plan would create 27 million jobs. In the first year alone, the economy would add 5.2 million jobs, or 433,000 jobs each month, and the economy would grow by over \$400 billion. Unemployment would be reduced to 6.2 percent in the first year alone and 5.6 percent in the second year.

This is a real and compelling jobs plan. The best tax policy is to bring back into the economy lost taxpayers and to buy labor, materials, equipment, and services from American small businesses.

Austerity didn't work in the United States in 1937, it didn't work in Japan in the 1990s, and it's not working in Europe and the United States today. To grow the economy, we need to invest and save. House Republicans need to stop whining about China and stand up for America.

HEALTH CARE LAW REPEAL

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. STIVERS) for 5 minutes.

Mr. STIVERS. Mr. Speaker, the House and Congress this week should pass the health care repeal bill because the President's health care bill is making the economy worse.

I saw a recent poll that said 50 percent of small businesses are less likely to hire new employees because of the health care bill. As an example, in my district, I spoke to a small business owner who is scared to hire his 50th employee because it would subject his

company to the mandates under the health care law.

Greg Fortney, who is a small business owner, told me he has great concerns about the health care law. He said it would prevent him from expanding his operations and giving his employees a chance to grow their own businesses. To comply with the health care law, it would take all of the profits from his business, his annual profits, just to comply.

We need small business owners focused on creating jobs, not worrying about complying with a new mandate.

And it will tax our families who are struggling. Just last night, on a telephone town hall, I heard from a real estate agent who was concerned about the 3.8 percent tax on sales of homes that will go into effect in January of 2013. On a \$100,000 home, that's \$3,800, and it could make the difference between somebody being able to sell their home for a profit and a loss. So this isn't on the gain; this is on the net price. It has nothing to do with the health care bill. It was just a way to pay for the extra costs in the bill.

The bottom line is that the health care bill is making the economy worse. It's hurting job creators and it's hurting our struggling families and hurting real estate values. We need to repeal it and start over by focusing on cutting costs in our health care system and improving the efficiency. If we have a real crisis in health care, it's a crisis of cost.

PRESIDENT OBAMA CARES

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. WILSON) for 5 minutes.

Ms. WILSON of Florida. Mr. Speaker, "ObamaCare" was coined by the Republicans to mock the wonderful Affordable Care Act passed by Congress in 2010 and signed into law by President Obama.

The recent Supreme Court decision proves that ObamaCare was the perfect nickname because President Obama cares. He cares about you. He cares about me. He cares about my friends on the Democratic side of the aisle and he cares about my friends on the Republican side of the aisle.

□ 1100

He cares about all Americans. President Obama cares about us, and he thinks that we should not have to worry about going broke just because someone in our family gets sick.

Because Obama cares, every American has the right to affordable health care. And yet the Republicans hate it with every fiber of their being. Why?

Don't Republicans get sick, too? Don't Republicans worry about having to file for bankruptcy just because someone in their family gets sick? Don't Republicans go to the emergency room with no insurance?

Later this week, the Republicans will vote to repeal a law that proves that Obama cares. Not "repeal and replace," as they said they would do when they made their Pledge to America—just repeal. In other words, get rid of it, period.

How can the Republicans explain to their constituents the repeal of a law that affords health care for everyone? Are they trying to send a message that Republicans don't need health care?

Republicans are not robots. They get sick, they need surgery, they feel pain, they hurt, they cry, they mourn, they weep. Access to affordable health care is a basic right. It's not a Republican right, a Democratic right or an Independent right. It's a basic right for all Americans.

Hello. If you're out there somewhere in America today and you feel you don't need health care because you are invincible, well, you are not. Do you feel that the rest of us should pay your medical bills? Enough of that already.

Do you feel that those less fortunate should suffer needlessly? Then you need to pray to your God for forgiveness.

You must care. You must care about the less fortunate, the working poor, the foster child, the disabled, the elderly, the mentally ill, the homeless, those wracked with pain. And all of Congress must care.

The Affordable Care Act shows that Obama cares. He cares enough to include a provision that ensures our children can no longer be denied health care because of a preexisting condition. Obama cares enough to include a provision that allows students and young people under 26 to stay on their parents' health insurance plan no matter where they live.

Obama cares enough to add language that closes the Medicare doughnut hole so that seniors pay less for their prescription drugs. They no longer have to decide whether to fill their prescriptions or buy some food.

Obama cares enough to put in provisions that insist that insurance companies cannot drop your coverage when you get sick or that prohibit insurance companies from placing annual and lifetime limits on your health care. Life is so unpredictable.

And Obama cares enough to include a provision that prevents insurance companies from charging higher premiums for women just because they happen to be women.

The law of our land says that if you have a car you must insure that car. If you have a mortgage, you must insure that mortgage. If you have a body, insure it. Keep it healthy. Get your checkups, take your medication. What is more important to you, your luxury car, your beautiful house, or a healthy body?

Every Member of Congress has wonderful health care insurance, and our

pharmacy bills are so cheap it's unbelievable. It's simply great being covered by my health care in Congress.

Shouldn't we want the same for our constituents who sent us here to serve them? Shouldn't we care?

President Obama cares. NANCY PELOSI cares. STENY HOYER cares. JAMES CLYBURN cares. JOHN LARSON cares. XAVIER BECERRA cares, and I care.

Republicans out there, can you hear me?

You should make all Members of the U.S. House of Representatives care. Contact and let them know that everyone needs the same health care amenities that they enjoy.

Don't be hoodwinked by the tax rhetoric. Listen to the facts. Read the fine print. You deserve access to affordable health care. You need affordable care.

Power to the people. Power to ObamaCare.

CIVILIAN AID TO AFGHANISTAN: IF IT'S SO IMPORTANT, WHY AREN'T WE DOING MORE OF IT?

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, there was a very compelling op-ed piece in The Washington Post last week by U.S. Ambassador to Afghanistan, Ryan Crocker. In it, he paid tribute to the many American civilians who are risking their lives doing important humanitarian work to bring security and stability to Afghanistan.

I couldn't agree more with Ambassador Crocker that those men and women working for or contracting with the State Department or USAID are doing extraordinary work rebuilding infrastructure, helping children to go to school, improving infant and maternal health, wiring the Afghan people to the Internet.

Mr. Speaker, the burning question is this: If this work is so important, why aren't we doing more of it? The human need in Afghanistan is far greater than the resources we're devoting to the effort.

For the last few years, we've had a military surge in Afghanistan, a surge that's led to more death, more violence, more instability, and more strength for the extremists and insurgent forces we're trying to defeat.

What we need, Mr. Speaker, is a civilian surge. We need a great emphasis on development and diplomacy, on democracy promotion and debt relief, on peacekeeping and conflict resolution, not just in Afghanistan, but in impoverished and unstable countries around the developing world.

All of this is at the heart of the SMART Security proposal that I've been promoting since 2004 that I introduced during the middle of the Iraq

war. Contrary to the conventional wisdom we've been fed, military aggression does not advance our national security goals. It undermines them. It makes us less safe, not more. It emboldens terrorists, instead of vanquishing them.

We've tried it this way for more than a decade now, Mr. Speaker, and it simply has not worked. It hasn't fundamentally changed the fortunes of the Afghan people, and it hasn't driven the Taliban and other terrorist networks into oblivion.

At an international conference on aid to Afghanistan this past weekend, Secretary of State Clinton said that the administration would request Afghanistan aid funding at or near levels provided over the last decade. But at or near is not enough. It comes to somewhere between \$1 billion to \$4 billion a year, which seems like a lot of money, until you realize that's what we spend on military operations in Afghanistan roughly every week or so; \$10 billion a month waging a destructive war on Afghanistan that is killing civilians, but only a few billion dollars a year rebuilding Afghanistan and empowering civilians.

That just doesn't make sense. Ambassador Crocker has pointed this out. Our priorities are totally out of whack.

We can't continue on the same current destructive course, Mr. Speaker. This military occupation is failing America and failing Afghanistan.

Let's finally end this war. Let's bring our troops safely home and start investing in civilian aid and other SMART security initiatives, and let's do it now.

Let's also expand these initiatives to prevent war around the world.

□ 1110

THE AFFORDABLE CARE ACT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Oregon (Ms. BONAMICI) for 5 minutes.

Ms. BONAMICI. Mr. Speaker, it is unfortunate that we are here once again talking about repealing the Affordable Care Act, a bill that passed almost 2 years ago and that, as we all know, was recently upheld by the United States Supreme Court. We should be focusing on jobs and the economy. The repeal bill we are about to vote on isn't going to go anywhere, and we all know that. It won't pass the Senate, and it won't be signed into law. We could be doing real things to help Americans and the economy right now. Yet here we are, for the 31st time, voting on the same thing. So, instead of repeal, let's talk about the benefits to Americans as the Affordable Care Act is implemented.

Because it will result in more people having access to health care, the Affordable Care Act will change the lives

of millions of people. It will prevent more of the heart-wrenching stories like those we all hear about with regard to the consequences of a lack of access to health care. I know someone whose life would have been changed by the Affordable Care Act.

Bob, in Oregon, lost his job. Because he lost his job, he lost his health insurance, so he got on to COBRA. He had that expensive option for a while, and at least it gave him coverage, but then his COBRA ran out for him, just as it does for so many other people, and he was forced to live without health insurance. It was quite a risk that he had to take, and it didn't work out so well for him. Like many people without insurance, he had medical troubles, but he put off treatment, hoping for the best. In the end, though, he ended up in the emergency room, which is exactly what the Affordable Care Act is designed to prevent. He had surgery, and was then in the hospital for almost a month. Because of the sky-high medical bills, he almost lost his home.

Fortunately, he is doing okay today, but it was a very close call. This would not have happened under the Affordable Care Act, and it will not happen under the Affordable Care Act. Bob would have had access to affordable health care coverage, and he would not have put off preventative care, which is covered under the Affordable Care Act. He would have seen his doctor at the first sign of a problem, and he would not have ended up in the emergency room, which raises health care costs for everyone—a cost shift that the Affordable Care Act is designed to prevent—and he would not have come so close to losing his home.

The benefits of the Affordable Care Act are undeniable: Already in my home State of Oregon, 43,000 young people have taken advantage of the opportunity to stay on their parents' health plans; children can't be denied insurance because of preexisting conditions; and 54 million Americans now receive free preventative care, and that's just after 2 years.

There are more and more benefits that will be implemented over the next several years: Insurers will no longer be able to discriminate against women; insurance marketplaces, called "exchanges," will be created to make sure that everyone has access to affordable health insurance options; and starting just next month, women will have access to free preventative health care and contraception. All of these will be put into place, and as they are, more people will see how the Affordable Care Act positively affects their health and their wallets.

Repealing the Affordable Care Act has no benefits. In fact, doing so would take away every single benefit I just mentioned and more. According to the Congressional Budget Office, the repeal would increase the deficit—increase

the deficit—by \$210 billion over the next 10 years. We can all agree that such an increase is unacceptable and fiscally irresponsible. So this will mark the 31st time that the House has voted on some form of repeal of the Affordable Care Act. I hope it's the last so that we can focus more on the things that really matter.

WALL STREET V. MAIN STREET

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Ohio (Ms. KAPTUR) for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise today to talk about what is nothing less than the largest transfer of the American people's wealth from Main Street to Wall Street. It is likely the largest transfer in American history due to the fallout from the financial crisis of 2008.

Banks at the heart of the crisis all got larger as their CEOs made more money while average citizens saw their incomes stall, or drop, or be eliminated, and while communities across this country were hit hard by their losses. Recently, the Federal Reserve issued a startling report showing that the net worth of the average American family fell by as much as 40 percent in the last 3 years. But I can tell you the banks and speculators at the heart of this crisis that has hurt us all have all done better. It's really startling. The 2010 numbers set families, ordinary middle class families, back by nearly two decades. America's middle class was the hardest hit. Many families saw losses in their retirement savings, they saw their home worths go down, and so many millions lost jobs.

The majority of the damage nationwide was caused by the collapse of the housing market because the largest form of savings that any family actually accumulates is in the ownership of a family's home. According to the Federal Reserve, the median value of Americans' stake in their homes fell by 42 percent—nearly half—between 2007 and 2010 to about \$55,000. Those are shocking figures. While we have seen wages stagnate for the vast majority of Americans during the past three decades, the median income fell nearly 8 percent in 2010 to \$45,800. Our citizens are meeting the crisis, in my opinion, with great resolve and dignity. But those who are largely responsible for their situations have averted any real responsibility and scrutiny. Let's just take a look.

The Federal Reserve actually found that only, roughly, half of America's middle class remained on the same rung on the economic ladder. Most fell down. Yet, as the Federal Reserve's data show, not everyone lost in the recession. The median net worth of the wealthiest among us—the millionaires and billionaires who helped cause the crisis—actually rose. Moreover, the

value of some of the very top has simply been obscene. I think you'd say it's un-American. Let's take a look at the top executives on Wall Street. How did they fare when most Americans lost decades worth of their hard-earned savings?

Reportedly, the take for 2011 of the chief executive officer of J.P.Morgan, Jamie Dimon, was a whopping \$23.1 million. That's just, you know, the take-home. It's not all the stock options and everything else. I wonder if he thinks that's enough? His salary went up 11 percent—11 percent more—even though J.P.Morgan recently admitted to trading losses of over \$2 billion. How would you like that job? He got paid more while the institution lost money. Of course J.P.Morgan, still standing after it helped cause the crisis, got bigger after it became one of the Big Six. Mr. Dimon is not alone in taking home millions more while average American families lost much of their life savings.

John Stumpf from Wells Fargo, well, he only earned \$19.8 million for 1 year—\$19.8 million. Lloyd Blankfein from Goldman Sachs took in \$16.2 million. That's just the salary. His compensation reportedly rose by about 14.5 percent last year despite a sharp decline in profits and share price during that year. Isn't that interesting? Who among us could have that kind of position—you make more money when your institution loses money.

This transfer of Americans' wealth has left most communities hollowed out with abandoned homes, abandoned commercial strips, high unemployment, soaring public debts, cars that have been confiscated sitting on the backlots of banks, and weakened infrastructure across this country. When you look at this picture, you can tell there is something really wrong here.

In this body, we continue to debate how to get our fiscal house in order, but Republicans have been unwilling to negotiate. Last year, we saw how House Republicans gambled with our economy. They rejected plan after plan to raise the debt ceiling and to responsibly balance the budget by putting both spending cuts and revenues on the table. They were protecting their favored few and their like at any cost, including those who get special tax breaks and get millions even when their companies do poorly or fail. When and why are the interests of the privileged money barons put before everyone else? House Republicans refuse to provide tax relief for working families unless we give even more tax breaks to the super wealthy.

We need to get our priorities straight. We need to get our fiscal house in order. We need a smart approach that puts revenues and spending cuts on the table, and we need to focus on job creation. We need to hold these Americans accountable for the damage

they have done, and let them carry a hod and bear their fair share of the burden. So, for the sake of full disclosure, let's put their base earnings for last year on the record.

WALL STREET CEOs TAKING MILLIONS

Jamie Dimon, JPMorgan, \$23.1 Million.
John Stumpf, Wells Fargo, \$19.8 Million.
Lloyd Blankfein, Goldman Sachs, \$16.2 Million.
Vikram Pandit, Citigroup, \$14.9 Million.
James Gordon, Morgan Stanley, \$13.0 Million.
Brian Moynihan, Bank of America, \$8.1 Million.

□ 1120

YOU CAN STOP WORRYING

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Illinois (Ms. SCHAKOWSKY) for 5 minutes.

Ms. SCHAKOWSKY. I am well aware of the fact that there are many Americans who think when they hear the word "ObamaCare," that somehow it is a takeover by the government of our freedom and of our health care. I'm hoping that people will take another look now that the Supreme Court has declared this to be the law of the land and see what the advantages are for you, for individuals, what does it really mean.

For example, if you're a woman, did you know that being a woman is like being a preexisting condition? Over a lifetime, women pay about 48 percent more for their health insurance than men do. That is ended right now because of ObamaCare. Did you know that if you're a woman, you're now able to get lifesaving preventive services like a mammogram? You can go in now and get a mammogram at no cost because it's a preventive service under ObamaCare.

If you're a parent and you have a child with a disability, right now you are able to have that child insured. They cannot be excluded because they have a preexisting condition. Of course, that meant so much to the mother of Olivia. Let me just read the story of the mother of Olivia. Olivia suffered a stroke at birth, and now she's 11 years old. She has multiple health issues, including epilepsy and cognitive delays and cerebral palsy. ObamaCare means that Olivia can't be denied coverage based on her preexisting condition, and there is no lifetime limit. That's true of everyone now in America. There is no lifetime limit on her insurance coverage.

Both of Olivia's parents have switched jobs since having Olivia; and each time they switched, they had to fight to get the needed coverage for their daughter due to her preexisting condition. Imagine the relief that they don't have to do that, and no one with a child with a disability has to do that anymore.

This idea of government takeover is just not true. You will still be able to choose your providers. All the decisions you really want to make are not going to be taken away. You will even be able to choose your insurance company. If you can't afford it, you will be put into an exchange where you still get to choose a variety of insurance companies. If you can't afford the premiums, the government will help you do that.

By the way, all Members of Congress will be required to be in those health exchanges. You won't be able to say that the Members of Congress are taking care of themselves with their great health benefits. By the way, they are the same as all Federal workers. We pay our premiums, and we pay our copays. We're the only Americans that are going to be required to be in those health exchanges. So you can be assured that we're going to be making sure that we're taking care of ourselves, as well as all other Americans.

Because of ObamaCare, my adult son the other day on his birthday said, Thank you, Mom. He is a small business owner. He owns a tropical fish store in Chicago. He said, I just found out from my accountant that I received a pretty hefty tax credit, because that's what's given now to small businesses under ObamaCare. So the idea that somehow small businesses are going to be hurt because of ObamaCare, the opposite is true. Right now this is helping small businesses with a tax cut.

Here are a couple of more examples. Jerry M., a constituent, said:

My 24-year-old daughter does not make enough money to pay for individual health care. She became very ill with a throat abscess and almost died. If it weren't for ObamaCare, she would not be covered under my husband's insurance plan then. If we had not been able to get her into an excellent hospital that saved her, she might have died.

That's no longer true. You don't have to worry about that. You can stop worrying about going bankrupt over health care costs.

Here's from a senior:

My drugs are over \$4,000 a year or more, and I hit the doughnut hole—meaning a gap in coverage and the senior has to pay on her own—by July or August. But because of ObamaCare paying 50 percent, it's very helpful to me. It probably saves me \$1,200 or more a year.

She's an example of someone who is saving money right now because of ObamaCare. Take another look. I think it's really going to alleviate your worry about health care costs for your family.

SUPPORT THE AFFORDABLE CARE ACT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. RICHARDSON) for 5 minutes.

Ms. RICHARDSON. Mr. Speaker, I rise today in opposition to the latest Republican attempt to repeal the Affordable Care Act and to block meaningful health care reform. The Affordable Care Act has been upheld by the highest court, the United States Supreme Court, who found that this legislation was constitutional.

I rise today to stress my support of the Affordable Care Act and my opposition to the legislation brought before us today.

This legislation addresses the Affordable Health Care Act, millions of uninsured Americans, and it strengthens the Medicare system. It relieves all Americans of the growing financial burden and medical costs of insurance that many find tough to bear.

Let me talk a little bit about my district in California. In the 37th Congressional District, the benefits of this bill are already undisputable. There are now 23,000 children and 90,000 adults who have health care insurance that covers preventive services with no copays, co-insurance, or deductible. There will be 501 small businesses that will receive tax credits that will help them maintain or expand their health care coverage for their employees. Health care providers in my district have received \$3.4 million in affordable care grants since 2010 to support community health centers, to develop innovative and cost-saving health care delivery systems, and to train new health care professionals. These statistics are not unique to my district. There are similar success stories emerging all over the country.

Let me speak a little bit about some of those general things that are happening. If you're a senior, based upon the Affordable Care Act now, you are receiving a 50 percent discount on brand-name drugs when you are in Medicare and you experience the doughnut hole coverage gap. You have free key preventive services such as mammograms, colonoscopies, and a free annual well-visit with your physician. If you're a woman, you now have free coverage of lifesaving preventive services such as mammograms. Beginning in August, free coverage will also include additional comprehensive women-preventive services, including breast feeding support, contraception, and domestic violence screening.

If you're a parent and you have a child who is under the age of 19, they can't be denied coverage by an insurance company because of a preexisting condition. If you're an adult, you can now join or stay on your parents' health plan until you're 26 years old. Those are for our young adults. If you're a small business owner, you will be one of the millions who will be eligible as a small business owner to receive tax credits if you choose to offer coverage to your employees.

Mr. Speaker, the Affordable Care Act was a long-overdue bill that corrects

deep injustices and access to health care. The Affordable Care Act should be an act that is respected and upheld by this House. It has gone through the proper channels of legislation and now has been validated by the United States Supreme Court.

Mr. Speaker, all Americans—young, old, rich, and poor—have an inalienable right to health care and to be able to prosper. To be able to prosper, you need to be healthy.

I ask my colleagues to support the Affordable Care Act and to join me in fierce opposition to repealing the advances in health care that we already won. When we look forward, we must focus on implementing the affordable health care bill and focus on getting Americans back to work.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 29 minutes a.m.), the House stood in recess.

PRINTING OF PROCEEDINGS OF FORMER MEMBERS PROGRAM

Mr. WILSON of South Carolina. Mr. Speaker, I ask unanimous consent that the proceedings during the former Members program be printed in the CONGRESSIONAL RECORD and that all Members and former Members who spoke during the proceedings have the privilege of revising and extending their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The following proceedings were held before the House convened for morning-hour debate:

UNITED STATES ASSOCIATION OF FORMER MEMBERS OF CONGRESS 2012 ANNUAL REPORT TO CONGRESS

The meeting was called to order by the Honorable Barbara Kennelly, vice president of Former Members of Congress Association, at 8:12 a.m.

PRAYER

Dr. Alan Kieran, Office of the Senate Chaplain, offered the following prayer:

Lord God Almighty, author of life and creator of the universe, we come today seeking Your divine wisdom, peace, and protection.

In these complex times, inspire our Nation's leaders to pray with the certainty that You hear them and respond to their petitions. Anoint our leaders with Your spirit and grant them Your favor.

Father, we also know that Your divine protection is everlasting. We are not naive, though, in thinking that all will always be well. But in tough

times, we are assured that You, King of Heaven's armies, will be watching over us and guiding us.

Finally, Lord, be with those in harm's way and their families. I pray in Your mighty name, Amen.

PLEDGE OF ALLEGIANCE

The Hon. Barbara Kennelly led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Ms. KENNELLY. The Chair now calls on the Honorable Connie Morella, president of the association, and a wonderful president, to take the chair.

Ms. MORELLA. Thank you. Thank you, Barbara.

It's always a very distinct privilege to be back in this revered Chamber, and we appreciate the opportunity today to have the 42nd annual report of the United States Association of Former Members of Congress.

I'm going to be joined by a number of our colleagues in reporting on the activities and the projects of our organization.

And so first of all, I'd like to ask the Clerk to call the roll.

The Clerk called the roll of the former Members of Congress, as follows:

Mr. Alexander of Arkansas
Mr. Blanchard of Michigan
Mr. Bonker of Washington
Mr. Buechner of Missouri
Ms. Byron of Maryland
Mr. Carr of Michigan
Mr. Clement of Tennessee
Mr. Coyne of Pennsylvania
Mr. Davis of Virginia
Mr. DiGuardi of New York
Mr. Garcia of New York
Mr. Green of Wisconsin
Mr. Glickman of Kansas
Mr. Hertel of Michigan
Mr. Hochbrueckner of New York
Mr. Kennedy of Minnesota
Ms. Kennelly of Connecticut
Mr. Kolbe of Arizona
Mr. Konnyu of California
Mr. Kramer of Colorado
Mr. Lancaster of North Carolina
Mr. LaRocco of Idaho
Mr. McHugh of New York
Mr. McMillen of Maryland
Mr. Michel of Illinois
Mr. McNulty of New York
Ms. Morella of Maryland
Mr. Pressler of South Dakota
Mr. Sarasin of Connecticut
Mr. Skelton of Missouri
Mr. Symington of Missouri
Mr. Walsh of New York
Mr. Zeliff of New York

Ms. MORELLA. Fellow association members, I'm very pleased again to welcome you to our 42nd annual meeting. And I'd like to tell you something about the association.

It is bipartisan, as you know. It was chartered by Congress in 1983. The purpose of the U.S. Association of Former Members of Congress is to promote public service and strengthen democracy, both abroad and in the United States.

About 600 former Senators and Representatives belong to the association. Republicans, Democrats, and Independents are united in this organization in their desire to teach about Congress and the importance of representative democracy.

We're proud to have been chartered by Congress, and we receive no funding from Congress. All the activities which we're about to describe are financed via membership dues, program-specific grants, and sponsors, or via our fund-raising dinner. Our finances are sound, our projects are fully funded, and our 2011 audit by an outside accountant came back with a clean bill of financial health.

It's been a very successful, active, and rewarding year. We have continued our work serving as a liaison between the current Congress and legislatures overseas. We have created partnerships with highly respected institutions in the area of democracy building and election monitoring.

We have developed new projects, we're expanding others, and we again have sent dozens of bipartisan teams of former Members of Congress to teach about public service and representative democracy at universities and high schools, both in the United States as well as abroad.

When this organization was created over 40 years ago, the former Members who founded our association envisioned the organization taking the lead in teaching about Congress and encouraging public service. They were hoping that former Members could inspire the next generation of America's leaders. And over the years, we have created a number of programs, most importantly, the Congress to Campus program, to do just that.

We continue to work with our great partner, the Stennis Center for Public Service. We thank them for their invaluable assistance in administering the Congress to Campus program.

It now gives me great pleasure to yield to a former president of our association, a good friend, Matt McHugh of New York, who, along with Jack Buechner, another former president from Missouri, cochairs this great program. Thank you, Matt.

Mr. McHUGH. Thank you very much, Connie, and congratulations to you on assuming the leadership of the association. We know you will do a wonderful job.

As you all know, the Congress to Campus program is the association's flagship domestic program and the one that most engages Members from all across the country of the association. Congress to Campus sends, as Connie said, bipartisan teams of former Members to colleges, universities, and high schools across the country and around the world. We educate the next generation of leaders about the value of public service. Students benefit from the

personal interaction with our association members, whose knowledge, experience, and accessibility are unique teaching tools.

During each visit, our bipartisan teams lead classes, meet one-on-one with students and faculty, speak to campus media, participate in campus and community forums, and interact with local citizens. Institutions are encouraged to market the visit to the entire campus community and not just to those students majoring in political science, history, or government. Over the course of 2½ days, hundreds of students are exposed to the former Members' message of public service and civility.

The Congress to Campus program reached an exciting new audience this June at the 2012 American Democracy Project annual meeting in San Antonio, Texas. Former Members Dan Miller of Florida and Jerry Patterson of California, as well as our staff member, Liz Ardagna, traveled to Texas to promote the program to nearly 500 university students, administrators, and professors who are actively engaged in civic education.

During the conference, our former Members hosted a town hall meeting, a breakout session on the Congress to Campus program, and passed out brochures and spoke with teachers at the Campus & Friends tabling fair. Our people not only got the word out about our program, but also energized and reinvigorated hundreds of teachers who instruct our Nation's youth about the importance of civic engagement.

The program also made a number of international visits this academic year, including two visits to the United Kingdom and one to Turkey. Domestically, the Congress to Campus program more than doubled its visits from the fall of 2011 to the spring of 2012 and already has 13 visits booked for the fall of 2012.

The 2011–2012 academic year included visits to the United States Naval Academy, Dartmouth College, and the Coast Community College System in California. This fall we will be visiting Boston University, Penn State, and the McGovern Center for Public Service at the University of South Dakota, among others.

More than 25 former Members participated this academic year, and I want to take this opportunity to thank all of you who participated and donated your time and energy. I also want to make a special note of thanking Jack Buechner, who cochairs this program with me and who has done a magnificent job.

I also want to encourage those who have not yet had the opportunity to do so and to encourage a friend from across the aisle to join you. It is an excellent opportunity to continue your public service after Congress. Our staff has the fall 2012 Congress to Campus

schedule here this morning and you can volunteer today to participate in these exciting visits. You could also connect us with a host school—for example, your alma mater, a college in your old district, or the university your grandchild attends. Our staff will then follow up with you to make the arrangements. Liz Ardagna runs the program for us and has all the information you need.

Perhaps Liz would just stand up for a moment so everyone knows who she is, if they haven't met her yet. She does a great job for us in coordinating this program.

As was mentioned earlier, we have continued our excellent partnership with the Stennis Center For Public Service in the administration of the program. We owe a special debt of gratitude to Liz, but also to Brother Rogers of the Stennis Center for their fine work. Brother Rogers has worked with us for many years now and is located at the Mississippi State University, and has done a wonderful job as well.

The Civics Connection, a Webcast series that is broadcast to high school civics classes across the country, has become an extension of the Congress to Campus program. It is a partnership with the Lou Frey Institute of Politics and Government at the University of Central Florida. I am pleased to announce that since our last annual meeting these Webcasts have officially been added to the advanced placement government and politics syllabus for high schools nationwide. Now a high school student participating in the AP civics program at the school will benefit from the experience of our former Members since our Webcasts are incorporated into the AP civics curriculum. This is a great achievement of which we are very proud.

Since our last annual meeting, we have also continued our relationship with the People to People Program, an organization that provides hands-on learning opportunities for elementary school, middle school, and high school students visiting Washington, D.C. On each visit, former Members meet and speak with students about the experience of public service, their personal experiences in Congress, and the value of character and leadership.

In the spring of 2012, these speaking engagements took on a new congressional panel format. The events take place on Capitol Hill and not only feature a former Member as speaker, but also several Hill staffers and interns. This gives students the opportunity to learn what it is really like to work in the U.S. Congress. People to People visits are often in the middle of the business day, and again we are grateful to those former Members who take the time out of their busy schedules to connect with students touring our Nation's Capital.

Finally, I want to say again how grateful we are to all of those who have

made Congress to Campus such a success in the 35 years that we have had it and to strongly encourage all of my friends and colleagues to participate in the program, either by making a visit to a school or by recommending a school to host the program. As you know, a democracy can prosper only if its citizens are both informed and engaged, and as former legislators we have a particular opportunity and responsibility to encourage such involvement. This program gives us the opportunity to do so, particularly with our young people.

Again, thank you all very much for participating and for paying attention this morning.

Thank you, Connie.

Ms. MORELLA. Thank you, Matt, for your leadership in this program and the report that you have given, the great work. Again, I also give a tip of the hat and congratulations to Jack Buechner, working in partnership with you.

As you may recall from our last report to Congress, the association has put some energy and focus into the question of bipartisanship and civility in our political dialogue. Last year we announced the creation of a new undertaking for our association, the Common Ground Project. The purpose of the Common Ground Project is to involve citizens in a dialogue about the issues of the day, to have a vigorous debate that is both partisan and productive, and to benefit from the experience of respecting a different point of view. Some of our existing undertakings already fit into that category very nicely, with that objective, for example, the Congress to Campus program that you just heard about.

To give you more background about this Common Ground Project, I invite my colleague from Michigan, former Member Bob Carr, to share a report. Thank you, Bob. We did a Congress to Campus program together a few years ago.

Ms. KENNELLY. The Chair wishes to recognize that our president is here, Dennis Hertel, and one of the finest Members that we have had for years, Bill Hughes is also here. We are delighted to have both of you. Of course, Dennis has given us yeoman's service.

Bob.

Mr. CARR. Thank you, Barbara, and thank you, Connie, so much.

I just want to rise for a second to talk about the Common Ground Project. Of course, we are a bipartisan organization and everything we do is bipartisan. We have bipartisan leadership, and our programs, our Congress to Campus program, everything we do is in a bipartisan way. We are also mindful that sitting Members of Congress and the Congress itself faces much different pressures than we do. But yet this organization is in a unique position because we have both been in-

side and outside of the Congress, and because we are supporters of the Congress, the institution of the Congress, and hence its Members, we think that we are in a unique situation to maybe bridge that gap between the divisiveness and the lack of civility and the discourse that we are seeing today and hope to improve that.

That is what the Common Ground Project is really all about. It seeks to organize our efforts and focus them more deliberately on this issue of the discourse in this country. Now, you can't just focus on Members of Congress. You have to focus on the country itself, so that is what some of our programs are all about.

For example, just recently at George Washington University, in cooperation with their Graduate School of Political Management and the Concord Coalition, we held a one-day event where we brought students together to work on a budget simulation so that people of a variety of points of view, different philosophies and different partisan backgrounds, could work together through the numbers and on the tradeoffs of a budget. At the end of the day we all didn't agree on everything, but we managed to come to some conclusions, and we weren't throwing dishes and napkins at one another over the process. Just through that kind of pilot learning project we were able to, I think, demonstrate to some graduate students at George Washington University how the process can be done in a productive way.

Also the Common Ground Project is partnering with some like-minded organizations around the country. One is the National Institute of Civil Discourse in Arizona. Our organization and theirs brought together a group of bipartisan former Members and current Members to have a discourse on what kinds of things we might do to lower the temperature, tone down the anger, and get to a more productive civil discourse. It was a good discussion, and our goal in this Common Ground Project is to continue to expand our activities and expand our cooperation with other like-minded organizations and not just speak to more Members of Congress, but to speak to the American public.

Thank you, Connie.

Ms. MORELLA. Thank you, Bob. We appreciate your efforts, Bob, on behalf of this important undertaking as we expand it and hope it will make a difference beyond our association.

A great example of how powerful and productive bipartisanship can be is our Annual Congressional Golf Tournament. Leave it to a sport to bring us together. It is chaired by our immediate past president, Dennis Hertel, and by former board member Ken Kramer of Colorado. I would now like to yield to Ken to give us a brief report about this charitable golf tournament.

Mr. KRAMER. Thank you very much.

Connie, congratulations on your ascension to the presidency. I look forward very much, as I know others do, to working with you. You are going to do a great job. And to my fellow co-chair of the golf tournament, Dennis Hertel, I want to thank him for his efforts. He is now retired, and we are on somewhat of a more equal status than we were before, so I look forward to working with him for many, many years.

Five years ago we took what was a 35-year-old tradition, which is our annual golf tournament, which as many of you know pits Republicans against Democrats, and we gave it a bigger mission. We converted it into a charitable golf tournament to aid severely wounded veterans returning from the battlefields of Iraq and Afghanistan.

Our beneficiaries, Warfighter Sports, a program of Disabled Sports USA, and Project Hope, which is a program of the Professional Golfers Association of America, used golf and other sports to help our wounded veterans readjust to life after sustaining such severe injuries. They involve the entire family in the sport and they provide equipment and training. Our fifth charitable golf tournament will be held on July 23 at Army Navy Country Club, and if you add up the revenues from our five tournaments, we will have raised over one quarter of a million dollars now for these outstanding programs that I mentioned.

During each of our past tournaments, we have had literally dozens of current and former Members come out from both sides of the aisle to support our wounded troops. They in turn have met with dozens of wounded warriors, many of whom provide us with golf demonstrations and play in our foursomes. I might add that there have been some double amputees included in their numbers who hit further and straighter than a lot of our members. It is an incredibly humbling, rewarding, and memorable experience to spend a day in the presence of these inspiring men and women.

We have two outstanding current Member honorary chairs, JOE BACA of California and ANDREW CRENSHAW of Florida, and I want to thank them, as well as Dennis, for all that they have done to make our tournament such a success. I also want to thank all of our sponsors for their generous contributions, with particular thanks to Disabled Sports USA and the PGA for being such steadfast and invaluable partners. It really is an honor to help our Nation's heroes in this very small way.

Again, the next tournament is July 23. Let us know, if you haven't done so yet, of your interest in either playing or becoming involved with helping with sponsorship.

Thank you so much for your time.

Ms. KENNELLY. The Chair would like to mention that the first time I played in the golf tournament I said, Where are the good golfers? And they said, What do you think? As a Congressperson, you have to work down here, and on weekends you have to work at home. There are only about two good golfers, so anybody who hesitates because they think they are not good enough, feel free.

Ms. MORELLA. We appreciate Ken's report and his leadership in helping our wounded warriors. We are so honored that we can play a small role in the rehabilitation of these amazing young men and women.

Now it is my distinct honor, truly an honor and a privilege, to present our 2012 Distinguished Service Award to Representative Gabrielle Giffords of the great State of Arizona. Bestowing our association's highest award on Gabby Giffords was an easy decision. In all her endeavors in public service, she has led by example and commendable distinction in courage. I have seen her as a unifying force here on the House floor as well as in the Nation.

As you well know, her challenging schedule, which includes focusing on getting well and still working on those issues that are so dear to her, absorbs her time. Therefore, we didn't want to impose any further on her schedule. But we are thrilled that on her behalf one of her very best friends in the House of Representatives, Congresswoman DEBBIE WASSERMAN SCHULTZ, will accept the award on Gabby's behalf.

But before we invite her to come up and make comments, another friend of Gabby's, our former Member Jim Kolbe of Arizona, I would like to invite him to make a few comments.

Mr. KOLBE. Madam Speaker, the gentlelady from Maryland—Connie—thank you very much for yielding to me. It is a wonderful privilege to be back with my colleagues, former Members, here today on the floor of the House of Representatives and especially for me to be able to participate in this award.

I had the privilege of serving for 22 years in the House of Representatives representing District 5 and then District 8 in the House of Representatives—Districts 5 and 8 from the State of Arizona. I retired in 2007 and was succeeded by Representative Gabrielle, or as we all know and love her, Gabby Giffords.

But my association with Gabby runs back much further than that. When I was in Tucson, even before I became a member of the Arizona State legislature, I knew Gabby Giffords and her family, who were a very prominent business family in Tucson, and she was deeply involved in the community even then as a very young woman.

I had the privilege of not serving with her but serving alongside her,

serving from here while she was in the Arizona State Legislature, and she had a very distinguished career in the legislature, as she did here, reaching across the aisle, accomplishing legislation because she was able to talk to people and compromise and reach those kinds of decisions that needed to be made. She has been involved for years with the education of young people in our community. She is loved by virtually everybody in Arizona and certainly in Tucson.

When I announced my retirement shortly before 2006, Gabby Giffords quickly jumped into the race as a sitting member of the Arizona State Legislature. She didn't hesitate. She left the legislature to campaign full-time. She threw herself, as she did with everything, body and soul, into her campaign to serve here in Congress. Even though I had represented the district as a Republican for 22 years, she won quite easily in 2006 as a Democrat. And then, of course, was reelected in 2008 and reelected again in 2010 in a district that was at least marginally Republican in its registration, an indication, I think, of how Gabby Giffords was able, and continues to be able, to reach across the aisle.

After she was elected to the Congress, I got to know both Gabby and her then later husband, Mark Kelly, a lot better. And it was a wonderful relationship that they had together, and a wonderful relationship I had with them and the relationship they had with our community, again, loved by everyone.

Gabby was successful, I think, because she did reach across the aisle, because she didn't worry about partisan labels, because she thought about how she could accomplish things. And it is in that spirit that, following the tragic accident, we have formed the National Institute of Civil Discourse, which has been mentioned here. And our new executive director, Dr. Carolyn Lukensmeyer, is with us here today.

I think it is a real tribute to Gabby and a real tribute to all of us who care about bipartisanship and about achieving things in this House of Representatives that this organization came about in her spirit. I think Gabby is the definition of an eternal optimist. No matter what kind of trouble she faces, no matter what travails she has, she is always cheerful, always looking forward, always looking up, and always thinking about what is the very best thing that is happening in our community, in our State, and how she can make things better for all of us.

So it is a great pleasure, I think, for our association to make this award to somebody that I think has made a real contribution to bipartisanship in the House of Representatives.

I now would ask Representative DEBBIE WASSERMAN SCHULTZ to come forward and accept this award on behalf of Congresswoman Gabby Giffords.

I hope you will let Gabby know how much we miss her and appreciate her good work and how honored we are that she is receiving this award.

We have also invited Members to send a personal note, which we have collected in a book which I'm going to hand to you in just a moment. It's a great pleasure and honor for me to present our 2012 Distinguished Service Award to Gabrielle Giffords of Arizona.

Ms. MORELLA. Mr. Kolbe, if I may read it. It is very small print.

The plaque is inscribed as follows:

The 2012 Distinguished Service Award is presented by the U.S. Association of Former Members of Congress to Congresswoman Gabrielle "Gabby" Giffords for her exceptional public service and bravery in the face of adversity. Through her efforts on the House Armed Services Committee; the House Science, Space and Technology Committee; the Subcommittee on Air and Land Forces; the Subcommittee on Readiness; the Subcommittee on Technology and Innovation; and as Chairwoman of the Subcommittee on Space and Aeronautics, Congresswoman Giffords worked tirelessly to represent not only Arizonans, military families, and veterans, but all Americans. Congresswoman Giffords served her country with honor, reaching across party lines to forge bipartisan solutions to our nation's problems. Even after the tragic events of January 8, 2011, Congresswoman Giffords continues to inspire all Americans with her incredible strength, courage, and perseverance. Congresswoman Giffords is an example to us all, and her former colleagues from both sides of the aisle salute her.

Washington, D.C., July 10, 2012.

And all of that is on this plaque which I hand to you, along with the portfolio of letters of congratulations.

Ms. WASSERMAN SCHULTZ. Thank you very much.

Mr. KOLBE. Thank you.

Ms. WASSERMAN SCHULTZ. Thank you so much, Madam president, Madam Chair. Wow, all on one plaque. That's impressive.

I also, Madam President, have additional letters that were sent to my office for the book. So I'm the repository going forward, and so I will make sure that we add to this for Gabby.

Good morning, and thank you, Congressman Kolbe, for that warm introduction and for all of you for being here. It really is a privilege to address such a distinguished group, one that I hope to not join for quite a while, but that I'm really glad exists and exists in a bipartisan way, because it is important to note, especially given the struggles that we're going through right now to come together and work together, that there isn't a Republican Former Members of Congress Association or a Democratic Former Members of Congress Association. There is one united association. We are all Americans, and we should all work hard to work together.

I also want to acknowledge the presence of Gabby's former chairman of the Armed Services Committee, my former colleague, Ike Skelton from Missouri. It is wonderful to be with you.

There really is no one more suited to receive your association's highest award, the Distinguished Service Award, than my dear friend, Gabby Giffords.

Gabby, as has already been said, but can't be too oft repeated, has always led by example, as an incredible public servant, woman, and friend. Gabby was the third woman in Arizona's history to be elected to serve in the U.S. House. Gabby worked tirelessly over the years to represent not only Arizonans, military families, and veterans, but all Americans. Here in Congress, we all came to recognize that bright smile of Gabby's which people so often refer to when they're talking about her, as she reached across party lines to forge bipartisan solutions to our Nation's problems. In doing so, she has inspired so many people with her strength in the wake of unimaginable tragedy and heartbreak.

For more than a year, she's been working hard every day to get back to full strength. And Gabby never does anything halfway, and her service in Congress, as well as her recovery, is no exception. I'm so proud of my friend for her commitment to her constituents, to her work ethic and her perseverance.

It will always be one of the great treasures of my life to have met Gabby Giffords, to have served with her in Congress, but especially to share our special friendship. She has always been an inspiration to me, and seeing her become an inspiration to the entire world warms my heart, I'm sure, as much as it warms yours.

I know that you all believe, as Gabby does, that our country must be strong enough to come together to solve the challenges before us. Compared to the obstacles that Gabby has overcome in the past year, surely this is an attainable goal. We must recommit ourselves to working together to fulfill the promises of our democracy and a commitment to making America stronger so that everyone can fulfill their American Dream. And this association really is the epitome, the example. You could lead by example and be the catalyst and help us forge the way toward compromise, toward working together.

So many of you, looking across the Chamber, have served in the time when relationships were much tighter, when the fabric interwoven between the two parties was really thicker, and we could learn from your experience. I would urge you and encourage you to reach out to the leadership of both parties in the Congress and try to help us because we are going to have a better Nation if we work together. I know it is possible. Even from the political position that I hold in addition to my service in Congress, I know that it is possible. I know there are committed Members on both sides of the aisle because I work with them every day. So I would urge you to extend your in-

volvement in the political and public policy process and help us make things work and get things done.

So on behalf of Gabby and her husband Mark Kelly, thank you for recognizing her today. I know it means a great deal to both of them. Thank you so much.

Ms. MORELLA. Thank you, Congresswoman WASSERMAN SCHULTZ, for accepting the award, but also for your very inspiring words. And that is true; that is what we are all about. Thank you.

You know, I'm not in the habit of giving plaques, but I do have another commendation that I would like to share with you, and this is to our immediate past president, Dennis Hertel of Michigan. I would like to ask him to join me at the dais.

Dennis, we wanted to make sure that we gave you something to indicate your wonderful 2 years as president of the U.S. Association of Former Members of Congress. You have worked tirelessly. You've made the organization the very best and the most active that it has ever been, and I inherit from you an outstanding example of what a little nonprofit can accomplish if people who are committed lend their energy and their expertise. I'm going to try to follow your lead. It won't be easy. I think your shoe size is much larger than mine, but I'll try. But you don't have heels; therefore, it makes it a little more difficult for women, but we can do it.

So on behalf of the association, I have a plaque here which is inscribed as follows:

Presented to the Honorable Dennis M. Hertel in recognition and appreciation of his strong leadership as president of the U.S. Association of Former Members of Congress. His tremendous enthusiasm and effectiveness will always be remembered by his grateful colleagues.

Washington, D.C., July 10, 2012

It's heavy, but it is also heavy in terms of its importance and significance to us of the work that you have done. Thank you, Dennis.

Mr. HERTEL. Well, that's a very big surprise, and I thank you very much. It's a great honor. It is especially an honor because of the people I was able to work with these past 2 years, and all of the time all of us have worked with the association.

We did our retirement day for the Members last time, and these honored people like Ike Skelton and Dave Obey and Jim Oberstar, people I looked to all my life, I look at my governor today, all of the people I get to serve with on a regular basis, that we all do, it is such an honor. We have never had more people participate. We've never had a greater board for the association and all of the officers than ever before, but especially the staff that we all look to. We haven't been able to even give them a raise because economic times are tough for everybody, and yet we

have the same enthusiasm, and they do more and more all the time. So I can't say enough about Liz and Dava and Sabine and Peter, who make this association what it is. And it keeps growing and getting better all the time. It is surprising, I think all of us, as to the capacity that the staff has to help us channel our experience and ideals into a way of continuing to serve citizens and our country.

Connie, I always tell the school kids that come that the biggest change in Congress is the number of women serving and the leadership roles that they take. And so now you'll be the president, only the second woman since the legendary Lindy Boggs, whom we all loved so much. I can't think of a better person. I know when I asked you to do this, I thought we needed some class in our organization; and if there is any person who gives it, it is Connie. Her leadership here in the Congress, her bipartisan leadership overall, and her experience in the international field and her ability to energize all of us and her enthusiasm, and the fact that she is the most gracious person I know, really, I think, serves all of us. We are so fortunate to have her leadership going forward.

I want to talk about some of the international programs we have been fortunate to have.

Our former Members project with China is about 2 years old. In 2010, I was privileged to participate in a bipartisan former Member delegation to Beijing as well as Shanghai. The purpose of the trip was to learn about China firsthand, engage Chinese officials in a frank dialogue, shed some light on current U.S. politics and foreign policy, and gain knowledge about U.S.-Chinese trade relations from U.S. corporate representatives in China and Asia.

One thing that we found in that first trip, and it has gone on since in our delegations, they want to find out about our political system and about how we, as Congressmen and -women, think. They get to meet with delegations that are coming from the active Members, but it is always in and out, as we know. But for them to meet with us for several days and hear us out, hour after hour, about our vast concerns about human rights and freedom and trade and what it's going to mean in foreign policy and defense and all the rest, I think, serves it so well that what we've seen now is that we've had five delegations go, and we have had delegations go of former Senators and former House Members, two a year.

This fall we are going to be sending our sixth delegation. We've been meeting with the highest ranking people. We've met with their speaker. We've met with their foreign policy secretary, their commerce secretary, the highest people, and we have also made sure that we've met with the NGOs,

and we've been meeting with corporate America doing business in China about their issues and problems.

We always make sure that we meet with several university groups of students. And those are, I think, the most encouraging and give us the most enthusiasm of all, the visits that we have, because we see in them the future that we see in our own students. And we see that they are bridging that gap of freedom and communication with us in this new age that we live in.

We have now begun to incorporate a D.C. component also to the project. We have good meetings with current Members involved in the U.S.-Chinese relationship. We are bringing them in more, and we've hosted more Chinese visitors here on the Hill. We are the perfect conduit to do that in all respects, not only for China, but all the other study groups that we have. These former Member delegations to China and the events here in D.C. are very productive and a great way of showing the important contribution that we made in one of the most important areas that we can—internationally.

There are a number of other international projects involving former Members of Congress. Several years ago, we created the International Election Monitors Institute under the leadership of then-president Jack Buechner. My idea was we were sending over 100 Members to the Ukraine and other places for elections. We found that when we were with people from other nations—from Belgium, Canada, and other nations—we were looked at as more impartial than when we were just four Americans together. So we found that out very quickly, and we actually met with former Congressman Cheney, the Vice President, and Rumsfeld, and built at that point a bipartisan effort, and then we went overseas and were able to have, first, the Canadians meet with us. And they said “yes” right away, and some of them are here today with us, and also with our friends in the EU, in the Association of Former Members of the European Parliament, also.

What we do is we conduct multiple workshops for former legislators to train them for elections. What we found, too, was we have a lot of former parliamentarians going overseas for elections—somebody forgot to train them before they got there. It is true that we do have the instincts to be able to sniff out what is illegal and what is wrong in a system, and we are able to figure that out very quickly just because of our experience and our instincts, but we still have to train them properly so that they realize how important it is not only to be perceived impartially but to, in fact, be impartial and to have the knowledge of those particular systems.

And so we have sent delegations to Morocco, Ukraine, and Iraq. It has

mainly been possible through the Canadian International Development Agency, and we thank them very much for their support. The original intent was to train former legislators and prepare them only for observing elections. We have since realized, with our partners, that we have to have a broader, more planned effort as far as strengthening democracy. We can help an emerging democracy as it seeks to implement an election result and facilitate a peaceful transition of power, but also leading up to that election to make sure that it is fair as far as the media and all other concerns. We can help a legislative branch as it tries to assert its oversight power over the executive branch once it is elected. Given this expansion in scope, we have decided that the International Election Monitors Institute no longer is the appropriate vehicle—or, as my wife said, it is far too long a title anyway—for such an ambitious undertaking. We, therefore, disbanded it and created a new entity this year, the Global Democracy Initiative.

I am pleased that with us today are some of our colleagues from Canada and Europe and that tomorrow we'll have the first board meeting of the new Global Democracy Initiative. Our visitors from Canada are Don Boudria, Dorothy Dobbie, Leo Duguay, Francis LeBlanc, and Lily Oddie. They are joined by our good friend Richard Balfe, who represents the former members association of the European Parliament and is our current president. We thank all of them for joining us at our annual meeting and for all the work that they help us with throughout the year and for their friendship and partnership we've been able to enjoy.

As Connie mentioned earlier, we have also begun working with the U.S. Department of State. This partnership comes in several variations. We have connected bipartisan teams of former Members of Congress with U.S. Embassies overseas via Web casts. For example, following the State of the Union address, we communicated with audiences in Denmark and Tel Aviv, first giving them an extensive overview of the President's message and then engaging in a lengthy question and answer.

Another State Department-sponsored program brings former Members directly to the embassies and consulates overseas. Sometimes former Members travel specifically at the invitation of the Department, for example, when the State Department brought Connie Morella and Pat Schroeder to Poland late last year for the third annual European Congress of Women. Sometimes the State Department, under Hillary Clinton's leadership—who has reached out to the Former Members Association with her staff, thinking that we are a very vital and active asset—they will piggyback. If we let the State Department know who's taking a trip

overseas, then they will connect with embassies and consulates and NGOs in those countries that the person is in, saving our government money, but also extending the kind of people that we, as former Members, can communicate with and reaching foreign audiences.

I think that's just one example of the kind of thing we can be doing more of in the future. I already know that the experience and breadth of knowledge of the former Members is limitless. And when I see that the more that we can reach young people, the more we can reach our citizens, the more we can reach out to the world in communication, it seems to me that the greatest problem we have today is not that we don't have more information. It's that we don't have better communication.

And it seems that when we're able to reach out, that that is the best possible thing we can do for democracy in our country here at home, having people have a greater understanding and communication about the issues and the problems and the same overseas. I think that the people here in our association have shown that they have the leadership, the knowledge, the ability and, most of all, that they're willing to make that kind of a sacrifice of their time to reach out and go overseas and go around our country talking to junior colleges and universities and citizen audiences about how we can have better communication and, most importantly, a greater democracy.

So thanks very much for all of your help. I am really very honored. Thank you.

Ms. MORELLA. Dennis has demonstrated his commitment to the programs of the Association of Former Members; also, his appreciation to our international parliamentarians who joined with us in partnership on so many wonderful programs. I do hope, Dennis, that you continue with that kind of involvement that you have demonstrated. And thank you for your kind words too.

Another important international undertaking involving former Members of Congress is our Middle East Fellows Program. Now in its second year, the project brings young professionals from the Middle East to Washington, D.C., for a 1-month immersion program. It is chaired by former Members Scott Klug and Larry LaRocco. And now I would like to call on my friend and former colleague Larry LaRocco of Idaho to give us some more details. Thank you, Larry.

Mr. LAROCO. Well, thank you, Connie. I want to send my best wishes and appreciation for all you do for the association. It was great to serve with you here in the House. And I look forward to serving with you as a board member.

In the spring of 2009, the Former Members of Congress Association began a partnership with Legacy Inter-

national, a Virginia-based NGO with 30 years of experience in citizen exchange programs, for the Middle East Legislative Fellows Program, or LFP. Initiated by the Department of State and the Bureau of Educational and Cultural Affairs, the LFP hosts young professionals from Kuwait, Egypt, Morocco, and Oman for a month-long fellowship in a congressional office or a prominent NGO in Washington, D.C.

The LFP is designed to promote a positive relationship between the United States and the Middle East and the gulf states which, in light of the Arab Spring, is now more vital than ever. The fellows, candidates with strong leadership skills who represent the top talent in their fields, have the opportunity to gain practical experience and direct interaction with the U.S. Government and its officials. This is an invaluable opportunity, as many of the fellows are responsible for drafting policy in their respective countries and, of course, are their future leaders.

Our association connects the fellows with former Members whom they meet with several times over the course of their stay. The former Members act as a kind of mentor to these young men and women through one-on-one meetings, roundtable discussions, and by attending program discussions and events. The former Member mentor program provides a unique experience to the fellows as well as their mentors. While the fellows learn more about the congressional system and American politics, former Members learn about the culture and politics of the Middle East.

In an exciting extension to the LFP, at the conclusion of each program, a team of former Members complete the exchange by leading a delegation to the Middle East to conduct workshops and gain firsthand experience within the region. I was privileged to lead such a delegation, along with my cochair Scott Klug, to Kuwait and Oman. The trip was a distinct opportunity to learn about and meet a broad spectrum of groups and individuals involved in all aspects of the democracy, governance, and the economy.

The goal of this program is to seek a better understanding between cultures and establish an avenue of dialogue between nations. LFP is an unprecedented opportunity to augment a constructive political and cultural discourse between the U.S. and the Middle East. And I am very proud that our association can be part of such a vital dialogue. We maintain this program and will be active again next year with Legacy International. Thank you.

Ms. MORELLA. Thank you, Larry, for your leadership and your active involvement in this new and very great program.

Ms. KENNELLY. Madam Chairwoman?

Ms. MORELLA. Madam Speaker.

Ms. KENNELLY. I would like to introduce for a moment the gentleman from Maryland, STENY HOYER, one of our leaders in the Congress. We are very, very proud of Congressman HOYER because he has taken an interest in the former Members, and he has taken the time today to come talk with us.

Ms. MORELLA. And from the great State of Maryland, of course.

Mr. HOYER. Well, I'm sorry I'm a little late. I always try to come by to say hello to former Members. One never knows when one is going to be a former Member. So in the expectation that that will be, at some point in time, where I will be, I want to make sure that the present Members understand how important the former Members were to creating the institution that we have and that we're all very proud of.

I apologize for my voice. I have got an awful allergy that I'm fighting, but beyond that, I'm fine.

I want to say to all of you, welcome. I know that a little earlier today, I was at a fundraiser—I know you understand those kinds of things—where we honored our colleague Gabby Giffords. DEBBIE WASSERMAN SCHULTZ was here; is that correct, Connie?

And I'm pleased to see Connie Morella here, my colleague from Maryland, and my very long-time friend who I met when she was about 2 years of age, some 40 years ago, Beverly Byron from western Maryland who has remained so active. And we're very proud of them in Maryland. But we're proud of all of you as well. I'm glad to be your friend and your colleague, and I welcome you back and look forward to seeing you.

George—where's George? George and I walked in together. I asked him what he was doing. And he had some billable hours walking up the steps. Good for you, George.

But I want to say, Madam Speaker, how proud I was to have served with you. Barbara and I came in within months of one another in special elections. I think Barbara came in about 5 months after I did in 1981; and she served in a very distinguished way, as all of you did as well.

I don't know whether Nancy came by or if John was here, but I know that they—oh, they weren't here, yet. Hope springs eternal. But I wanted to welcome you here and join you here.

We have a caucus now that I will go down to. We are going to talk about repealing health care today on the floor of the House. I hope you are not holding your breath. But in any event, that will be the subject of our debate this week, I think.

I want to say to all of you that I hope that you are trying to play a role in energizing the public to the understanding of how critical it is for us to meet the fiscal challenge that confronts this country. In my view, the

most important thing this Congress can do in the next 6 months is to take very substantive, effective action on behalf of getting our country on a fiscally sustainable, credible path. In my view, that's the single most stimulative thing we could do for the economy. It would give confidence to the world that America, in fact, will be the economic and national security anchor that it has been for all of our lifetimes, frankly. And that is threatened by this inability to come to grips with meeting the fiscal challenges that confront us.

I tell people all over this country, Greece doesn't have the resources to solve its problems. It's going to need help from outside. America has the resources to solve our fiscal challenge. What we need is the political will and the courage to do so. And I would hope that you would take, as part of your responsibility, as someone who has worked in this institution—and frankly, many of you worked in it at a time when it was more possible to work together across the aisle in a constructive way to solve the problems that confront our country.

I have three daughters, three grandchildren, and two great-grandchildren. Some of you have more of all of those, I understand. But I'm very concerned about the world that we're going to leave them. My father's generation was called the Greatest Generation. Not only did they defeat the terrorists of their time, but they came home and built the greatest economy the world has ever seen.

In my view, over the last decades, we have, unfortunately, not built on that legacy in a way that would have made them proud or that will make our children proud of us when we leave. So I'm hopeful that you will play a continuing role in trying to bring the country together and the Congress together.

My view is—and I said this a little earlier this morning—that we probably won't get anything of real substance done before November 6. And none of us know what will happen on November 6. But between November 7 and December 31 or January 2, when sequestration takes place, we will see the biggest fiscal challenge this country has confronted in the 31 years that I have been in the Congress of the United States. The Bush tax cuts expire. The payroll tax cut expires. The unemployment insurance expires. The estate tax, dividend tax, the capital gains tax expire with the Bush tax cuts. The sustainable growth rate reimbursement for docs expires December 31. The AMT expires on the 31st, and sequestration takes place on January 2. If we took no action, that would be a devastating blow to the economy, to the country, and to international confidence in America's ability to lead.

So these are serious times, and I believe that all of you are continuing to be very significant leaders in our coun-

try with an experience that very few of us are given and, that is, service in this body. I would urge all of you to take it as your personal responsibility to try to help energize our people and our Members in acting responsibly, with courage and with will so that America can continue to be the kind of country that all of us believe it to be and want it to be.

So thank you for what you have done—not to get us into this bad spot because most of you were not here when we really started going down this road pretty steeply. But you are uniquely capable, in my opinion, to help us confront this challenge, which we can confront because we have the resources, if we have the will.

God bless you. Thank you very much.

Ms. MORELLA. Thank you. Thank you, STENY, for your presence and for your serious and important message. We appreciate it very much.

So, folks, not all of our programs focus exclusively on former Members. We have a number of projects that benefit from former Member leadership but involve primarily current Members and their peers overseas. We call these programs Congressional Study Groups; and our focus is on Germany, Turkey, Japan, and Europe as a whole.

These programs are now under new management, so to speak, at the association because since our last report to Congress, we've been fortunate to secure the services of Sabine Schleidt, who is our director of international programs. She has brought remarkable expansion to our current Member portfolio and has implemented several new initiatives. We are, indeed, fortunate to have someone so capable oversee this effort.

So to give you more background about these very exciting Congressional Study Groups, I invite another former Member of the association, Jack Buechner of Missouri, to the dais. Jack, would you give a report.

Mr. BUECHNER. Thank you, Madam President.

The Congressional Study Groups are, I think, an extraordinary extension of our former service to assist the current Members. I want to report on the work of the study groups on Germany, Turkey, Japan, and our newest study group, which is the Congressional Study Group on Europe. These bipartisan programs for current Members of Congress serve as invaluable tools for dialogue between lawmakers and serve as educational forums to create better understanding and cooperation between the United States and our most important strategic and economic partners.

The Congressional Study Group on Germany is the association's flagship international program and is one of the largest and most active parliamentary exchange programs between the U.S. Congress and the legislative branch of

any other country. Celebrating almost 30 years of active programming, the study group offers German and American lawmakers the unique opportunity to candidly discuss the most pertinent issues of the day, including the pressing international challenges affecting both nations and two continents. The 2012 chairman and vice chairman of the Congressional Study Group on Germany in the House of Representatives are Representative PHIL GINGREY, a Republican from Georgia, and TIM RYAN, a Democrat from Ohio. And in the Senate, Senator JEFF SESSIONS, a Republican from Alabama, serves as cochair. And his study group is in the process of finding a new Democratic cochair.

The study group's programming consists of periodic roundtable discussions on Capitol Hill for Members of Congress featuring visiting dignitaries from Germany or U.S. Governmental officials. In addition, annual seminars are conducted abroad and at home, as well as study tours geared toward senior congressional staff.

A few highlights for the Study Group on Germany's events on Capitol Hill during this year's programming include: a luncheon discussion with Gunter Krings, the vice chairman of the CDU/CSU; a breakfast featuring Ms. Emily Haber, deputy foreign minister of Germany; a breakfast with Philipp Missfelder, foreign affairs spokesman for the CDU/CSU; and a luncheon with Philip Rosler, the Vice Chancellor of Germany. The study group also hosted a working luncheon on cybersecurity and the fight against terrorism, joining senior Senate staff with a visiting delegation from the German Federal College of Security studies.

The Congressional Study Group on Germany's main pillar of programming is the annual Congress-Bundestag seminar that alternates between the U.S. and Germany. These 5-day-long conferences present Members of Congress and their counterparts at the Bundestag with an opportunity to come together for a series of in-depth discussions focusing on issues affecting trans-Atlantic relations.

In April 2012, the 29th annual seminar took place in Washington and Atlanta. Topics for discussion during those annual Congress-Bundestag seminars included the ongoing financial global downturn, specifically the development of the euro zone crisis, sustaining economic growth, relations between the European Union and the United States, foreign policy challenges, such as Iran, and energy security. And during this programming year, the study group also took two senior congressional staff tour delegations, each consisting of eight chiefs of staff, to Berlin and Brussels.

Since its establishment, the Congressional Study Group on Germany has been receiving generous support from the German Marshall fund of the

United States. And the association would like to thank Craig Kennedy, the president of GMF, for his trust in our programming. To assist with administrative expenses, the association also receives additional funding from a group of organizations making up the study group's business advisory council.

This group includes Airbus Americas, Allianz, BASF, Daimler, Deutsche Telekom, DHL Americas, Eli Lilly and Company, EMD Serono, Fresenius, Lufthansa, RGIT, and Volkswagen.

Using the successful example of the Congressional Study Group on Germany as a model, the association established the Congressional Study Group on Turkey in 2005. Given Turkey's strategic role in the region and position as a gateway between East and West, the Study Group on Turkey is essential in forging communications networks between current Members of Congress and Turkish government officials to discuss such issues as the Middle East peace process, ongoing Arab Spring developments, energy security, and avenues of cooperation in the region. The Study Group on Turkey is active only in the House of Representatives and is, like the other study groups, led by a bipartisan group of current Members of Congress. Representative GERALD CONNOLLY, Democrat of Virginia, and Representative ED WHITFIELD, Republican of Kentucky, are the cochairs.

Similar to the Congressional Study Group on Germany, the Study Group on Turkey hosts events for Members of Congress on Capitol Hill which are dedicated to U.S.-Turkey relations, an annual seminar at home or abroad, and events and study tours geared toward senior congressional staff. During the 2012 May recess, the study group brought six chiefs of staff to Turkey to learn about Turkish domestic policies and discuss the critical issues facing the U.S.-Turkey bilateral relationship.

The Congressional Study Group on Turkey regularly has the pleasure to feature members of the Turkish Grand National Assembly and members of the Turkish government, as well as U.S. government officials who come to its Capitol Hill events. The annual U.S.-Turkey seminar is a significant aspect of the study group programming for each year. The seminar brings U.S. and Turkish legislators together with policymakers and business representatives to examine important bilateral policies and transnational issues such as the ongoing developments in the region—terrorism and energy security just to name two.

The seventh annual U.S.-Turkey seminar took place in Ankara, Patara, and Istanbul in October 2011. The eighth annual seminar will take place in Washington this fall. Topics of discussion for this year's seminar will focus on stability in the region, pros-

pects for the global economy, and the growing U.S.-Turkey relations. I presume there will be some discussions about the Syrian-Turkish border, also.

The Congressional Study Group on Turkey continues to receive generous funding from the Economic Policy Research Foundation of Turkey, TEPAV, and the German Marshall Fund of the United States, as well as a group of organizations making up the study group's business advisory council. Currently, the business advisory council of the study group includes Eli Lilly and Company and the Turkish-American Business Council.

The association also organizes and administers the Congressional Study Group on Japan. Founded in 1993, the Congressional Study Group on Japan brings together Members of the U.S. Congress and members of the Japanese Diet for a series of discussions covering issues of mutual concern. As with the other study groups, the Japan study group is chaired in a bipartisan fashion. In the House of Representatives, Congressman JIM MCDERMOTT, Democrat of Washington, and Congresswoman SHELLEY MOORE CAPITO, Republican of West Virginia, serve as cochairs. In the Senate, Senators JIM WEBB, Democrat of Virginia, and LISA MURKOWSKI, Republican from Alaska, serve as cochairs.

The Congressional Study Group on Japan has been funded since its inception by the Japan-U.S. Friendship Commission, and the association would like to extend a special thanks and welcome to Paige Cottingham-Streater, the commission's new executive director.

The Congressional Study Group on Japan has been also able to garner the support of the Japanese business community in the District of Columbia with the creation of the business advisory council. Members of the inaugural BAC include Bank of Tokyo-Mitsubishi UFJ, Japan Railways-JR Central, Hitachi, Honda Motors, and Marubeni.

Earlier this year, the association established the Congressional Study Group on Europe. This study group was formed as a vehicle to expand our outreach and have a broader transatlantic discussion, not with just Brussels but capitals throughout Europe. In just over 6 months, the new study group has built the foundation for its programming and is delighted that Representative CHARLES DENT of Pennsylvania, Republican, and BEN CHANDLER, the Representative, Democrat from Kentucky, have agreed to serve as the cochairs. Together with those cochairs, the new study group has enrolled nearly 50 Members of Congress with a keen interest in the transatlantic community and partnership. In addition, the study group is working closely with European focus caucuses and embassies to provide Capitol Hill programming.

Program highlights thus far include policy discussions at the residences of

the Czech and Belgian ambassadors, a Member briefing by the German, French, and Spanish ambassadors on recent developments in the euro zone crisis, a luncheon with the former president of the European Parliament, a breakfast with the former Prime Minister of the Netherlands, and a luncheon with Dr. Ulrike Guerot, senior fellow of the European Council on Foreign Relations, on Franco-German relations.

The association has also established a diplomatic advisory council, DAC, to enhance the dialogue with other Nations. Over a dozen ambassadors have joined the informal council because of their interest and commitment to the transatlantic dialogue, and many ambassadors have been active in our programming and policy discussions. The input and expertise of the local diplomatic community is a valued addition to the Congressional Study Groups. We are very proud that as former Members we can bring this invaluable service to current Members.

I look forward to being an active part, and playing an active part, in our continued international outreach.

Before I yield, I'd like to remind everybody that the Speaker's chair is being held by a birthday girl today. I'd like to ask every one of you to give a real polite round of applause for her 42nd birthday.

Thank you.

Ms. KENNELLY. Thank you, Jack, and Madam President, may I just for a moment interrupt. We have one of the finest leaders we have ever had in this body, Congressman Bob Michel. Would you just give us a wave.

Ms. MORELLA. I was going to mention that we are so very proud of a guy who is our role model, not only while he was in Congress as the minority leader, but since then he has come to every one of our meetings. He's been very actively involved, and I don't know, I think he has probably set the record, Bob, for the number of years, but we are so honored to have you here with us today for the example you set and your continued involvement. Thank you very much.

And, Jack, thanks. Your report demonstrates how very much involved we are in the critical issues of the day and how much we involve current Members of Congress in that sweep of international activities.

Well, so far we've heard about international programs, many of which have a history of several decades, for instance, the Congress to Campus Program, and as we wrap up our report we want to highlight projects that we conceptualize to address specific issues of the day. So I'd like to invite Senator Larry Pressler of South Dakota to talk a little bit about a symposium on the economy which is going to take place later today, as well as our partnership with the National Archives. Senator Pressler, thank you for being with us.

Mr. PRESSLER. Thank you very much, Madam Ambassador. I might say that, as we discussed earlier this morning, Harriet and I are sort of following you to Paris in that I have a 4-month teaching assignment there, which we're looking forward to very much, and I'm also going to try to suggest that they have the former Members program over there.

In any event, in my script here it says, "I understand we are under a bit of a time crunch, so I will keep my remarks brief." That must be a bit of hint.

Later today, we will bring together former Members of Congress, issue experts, and university students for a 3-hour conference entitled, "The Future Job Market: How America Can Remain Competitive in a Global Economy." I am pleased to cochair this important undertaking with former Member Bob Clement of Tennessee. The goal of the conference is to discuss the future of American jobs, the role of education, immigration, and legislation in ensuring a globally competitive workforce. We feature two keynote speakers who will focus on how they and their organizations view the future of the American economy and the American worker, some of the main issues our Nation currently faces, propose solutions and decisions which have to be made today so that we are competitive one generation from now. And I understand C-SPAN is going to cover portions of this.

After the keynote remarks, the audience will divide into several working groups composed of former Members, students, and experts. The conference will conclude with short reports from each of the groups. The issues we have identified for the working group discussions are the role of the community college system, workforce education, and job training; potential legislation and efforts at both the State and Federal levels; immigration and outsourcing; and America's current economic health and possible future economic trajectories. At the conclusion of the working group discussions, each group will report to the entire conference their findings and main discussion.

Later on tonight, I am pleased to participate in a public panel discussion at the National Archives, where we will dive further into some of the questions that arose during the conference. This panel is one of a series of panels we have had the privilege to conduct at the Archives, and I thank the Archivist of the United States, David Ferriero, for this outstanding collaboration.

Three times a year our association brings together former Members of Congress and other issue experts on some of the subjects that are featured on the front pages of our newspapers. We have talked about the current political climate. We have covered the role of race in America. We hosted a

former Members panel that gave an insider's view to political campaigning, and we have focused on the 10-year anniversary of 9/11, to name just a few examples of our presentations. Clearly, these discussions are timely and important, and they're a great example of Democrats and Republicans disagreeing on some aspects, coming together on some aspects, but always treating each other with respect so that the dialogue is both civil and productive. We talked earlier about the Common Ground Project, and this is a wonderful way of implementing the concept of that program.

I think this panel series, as well as the jobs conference, are terrific examples of how active a role our association can play in addressing current issues, helping bridge a generational gap, and involving the public as well as the next generation of leaders in such a vital discussion.

I appreciate the opportunity to be involved in such important work. Thank you very much.

Ms. MORELLA. Thank you very much, Senator Pressler. We look forward to participating in the panel and the Archives event this evening, too. The events you mentioned are good examples of how our association identifies current issues and plays a role in the political discourse that's so important in our form of government.

Well, in addition to the programs you've heard about so far, we're also tasked with highlighting the achievements of former Members and providing former Members with opportunities to stay connected with other former Members after leaving Capitol Hill.

One of our premiere events which achieves both these goals is the Annual Statesmanship Award Dinner. It should be stateswomanship, too, shouldn't it? We'll think about that in the future. In March of this year, we hosted our 15th dinner, and like the preceding 14, it was chaired by our good friend, Lou Frey of Florida. Lou can't be with us today, but he has asked that our colleague, Beverly Byron from the great State of Maryland, report on this year's event.

Bev, of all 15 dinners, has been one of our most active dinner committee members, and I'd like to take this opportunity to thank her for her tireless efforts on the phone and in many other ways in our behalf. So I yield the floor to Beverly Byron.

Ms. BYRON. Thank you, Connie. First of all, let me say, I'm not Lou Frey, but we all owe Lou a great deal of gratitude for the enormous amount of work he has done year after year to make the statesmanship award dinner such a success that it is.

On March 6, the dinner was the 15th annual one. Over 400 guests attended. For the dinner, they decided to make things up a little bit. In addition to our

traditional Statesmanship Award, we created two additional award categories: the Civic Statesmanship Award and the Corporate Statesmanship Award. We wanted to take the occasion of the 15th anniversary and present a Lifetime Achievement Award.

The theme of the evening was "A Salute to Service," and all four of our honorees very clearly fit into the category of an outstanding public servant. The focal point was the presentation of a statesmanship award which recognizes a former Member or a current Member of Congress for their devotion to public service. We were very pleased this year to recognize Senator JOHN KERRY of Massachusetts as our statesmanship honoree for his outstanding political career and his service to the country.

The Civic Statesmanship Award honored a person or nonprofit that has made a significant contribution to improving our society. The 2012 recipient was the Tug McGraw Foundation. And for the Corporate Statesmanship Award, recognizing outstanding corporate citizenship, we chose David J. McIntyre, chief executive officer of TriWest Healthcare Alliance.

And finally, we had a new award, a Lifetime Achievement Award, recognizing the service to the country by a former Member of Congress. We were extremely pleased to have the opportunity to recognize the 44th president, George Herbert Walker Bush, who accepted via a video.

The evening is a lot of hard work. Don't let anybody tell you it isn't. Phone calls, et cetera. But it is a way to showcase the association and recognize outstanding public servants. Now, who helps to fund all the programs we've heard about today? The dinner is our financial lifeline. All the programs you've heard are self-financed by this association. Not a single taxpayer dollar is earmarked or appropriated for this organization and for the many projects we conduct. Therefore, a successful fundraising dinner translates into direct success for this association. Connie's looking at the budget and wants to make sure the dinner is a success. The evening is a lot of fun. It's also of great importance for our organization, and I hope that all of those former Members that are here today that haven't taken an active part in the past, when Lou calls, you will say, yes, I will take care of it.

Let me add a quick moment of congratulations to Matt and Jack Buechner on the work that they do on the Congress to Campus Program, because it's one that is absolutely critical. And finalizing, let me say to the speaker that Jack Buechner blew your cover, and I didn't have to. Thank you.

Ms. MORELLA. Thank you, Bev. Thank you for your report, your tireless efforts on behalf of the organization, not just the dinner committee but

also on the board and being an active participant in so many of our programs.

Well, all of the programs we've described, of course, require both leadership and staff to implement. Our association is blessed to have top people in both categories. I want to take this opportunity to thank the board of directors—they are 30 former Members divided equally between parties—for their advice and counsel. You are the best.

I also would be remiss if I didn't thank the other members of our association's executive committee: our vice president and birthday gal, Barbara Kennelly; our outgoing treasurer, Jim Kolbe; our past president, Dennis Hertel. You've all made this association a stronger and better organization than it's ever been, and I thank you for your time and energy and commitment, and I hope I can continue to count on your counsel and the counsel of all of the former Members who are here and those who couldn't be here.

Well, to administer all of these programs you heard about this morning takes a staff of dedicated and enthusiastic professionals. I'm going to mention their names, but I want you to know that they're only like five paid employees that run this whole organization. Isn't that incredible when we think back on our congressional offices and the staff that we had? So they've got to be pretty remarkable people to do all of this. I will mention some of the names.

Andrew Shoenig, who is our international programs officer, does such a terrific job implementing all the Capitol Hill events that you've heard about, and there are a lot of events here on the Hill.

You've heard from and about Liz Ardagna, who is our member services manager. Takes exceptionally good care of our 600 association members and all their various requests, needs, and inquiries. Anytime I ask for something, I get an immediate response, and she follows through. Thank you, Liz, for all that you do.

Esra Alemdar is our international programs manager, with particular focus on the wonderful Turkey program—which is so critically important at this time—that you heard about earlier.

Sabine Schleidt is our international programs director. She oversees all the current Member programs, which are so impressive and so important, including our new Congressional Study Group on Europe.

And Peter Weichlein is the CEO. He has spent 13 years with the association and 9 years in top position. Peter's been the one who has been—you know they've been sending you messages, now turn to page such-and-such and let's go to this because we changed this format. So there's a lot of scripting

that takes place, not only in terms of papers but a lot of the background work, and it doesn't happen if you don't have leadership from the top. So I want to commend the staff and particularly Pete for the work that has been done.

So in addition to a wonderful staff, we benefit very greatly from volunteers who give us their talents and their expertise pro bono. I want to mention one who is here today who has done a lot of work, Dava Guerin. She has taken on the role as our communications director. She tells our story, connects us with the media, all at a ridiculously low rate. Thank you, Dava. We really appreciate all that you do.

Now, every year at our annual meeting we ask the membership to elect new officers and board members, and in the past, we've done so in a separate business meeting of the membership, but it occurred to us there is no better place to do it than here in the Chamber of the House of Representatives. So, therefore, I'm going to read to you the names of the candidates for officers and board members. They're all running unopposed, and I, therefore, ask for a simple "aye" or "nay" vote as I present to you the list of candidates as a slate.

So, for the association's 2012 class of the board of directors, the candidates are:

Beverly Byron of Maryland
Jim Coyne of Pennsylvania
Bill Delahunt of Massachusetts
Phil English of Pennsylvania
Barbara Kennelly of Connecticut
Ken Kramer of Colorado
Larry LaRocco of Idaho
Connie Morella of Maryland
Jim Slatery of Kansas

So, ladies and gentlemen, all in favor of electing these nine former Members to a 3-year term on our board of directors, please say "yea." All opposed? Hearing no opposition, the slate has been elected by the membership.

And next we'll elect our executive committee. The candidates for a 2-year term as president and vice president are—this is a little embarrassing—Connie Morella of Maryland for president, Barbara Kennelly of Connecticut for vice president. All in favor of electing these two former Members to a 2-year term on the executive committee, please say "yea." All opposed? Hearing no opposition, the slate has been elected by the membership. Incidentally, I want you to know—I think this will be the first time in history we're going to have two gals at the helm, president and vice president. Thank you. It's a great honor.

The candidates for a one-year term on our Executive Committee are:

Jim Walsh of New York for Treasurer
Bill Delahunt of Massachusetts for Secretary

Dennis Hertel of Michigan for Past President
Executive Member

All in favor of electing these three former Members to a 1-year term on our executive committee, please say "yea." All opposed? Hearing no opposition, the slate has been elected by the membership.

Thank you.

Now, for the very sad part of the meeting this morning. It's now my sad duty to inform the Congress of those former and current members who have passed away since our last report. I ask all of you, including any visitors in the gallery, to rise as I read the names, and at the end of the list we will pay our respect to their memory with a moment of silence. We honor these men and women for their service to our country. They are:

James Abdnor of South Dakota
Perkins Bass of New Hampshire
Hugh Carey of New York
Robert W. Daniel, Jr., of Virginia
Edward Derwinski of Illinois
Charles Gubser of California
Katie Hall of Indiana
Mark Hatfield of Oregon
Bill Janklow of South Dakota
Ed Jenkins of Georgia
James "Jim" Lloyd of California
Norm Lent of New York
Richard Mallory of Vermont
Matthew "Marty" Martinez of California
Clarence E. Miller of Ohio
Erwin Mitchell of Georgia
Carlos Moorhead of California
James M. Quigley of Pennsylvania
Charles Whalen, Jr., of Ohio
Howard Wolpe of Michigan
Orvin B. Fjare of Montana
Melton D. Hancock of Missouri
Frank R. Mascara of Pennsylvania
Donald Payne of New Jersey
Charles H. Percy of Illinois
Richard H. Poff of Virginia
Malcolm Wallop of Wyoming
William C. Wampler of Virginia

Thank you. You may be seated.

This concludes the 42nd report to Congress by the U.S. Association of Former Members of Congress. We want to thank the Congress, the Speaker, and the minority leader for giving us the opportunity to return to this revered Chamber and to report on our association's activities, and we look forward to another active and productive year. Thank you all for being here, and I will turn it over to the speaker, Madam Speaker.

Ms. KENNELLY. The Chair, again, wishes to thank the former Members and the Members of the House and Senate who stepped in to see us.

The Chair announces that 19 former Members of Congress responded to the call of the roll.

Before terminating these proceedings, the Chair would like to invite those Members who did not respond when the rollcall was called to give their names to the Reading Clerk for inclusion in the roll.

Thank you all for coming, and I think we're looking forward to a very exciting day.

The meeting adjourned at 9:46 a.m.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Rabbi Joel Levenson, Congregation B'nai Jacob, Woodbridge, Connecticut, offered the following prayer:

We invoke Your blessing for good judgment, wisdom, and understanding upon this House and all of its esteemed Members. Keep them mindful of our trust. Bestow upon them strength, determination, and willpower to do instead of just to pray, to become instead of merely to wish.

Watch over the men and women who serve our country. For Your sake and ours, may our land be safe, secure, and a source of goodness and our lives blessed.

May we repair this world and fill it with decency, justice, and peace, a world for which the prophet Isaiah prayed centuries ago when he said:

Let justice well up as water and righteousness as a mighty stream.

May the words that we pray and the deeds that we do be acceptable before You, O Lord, our ever-present inspiration, rock, and redeemer.

And let us say, Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. MILLER of North Carolina. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. MILLER of North Carolina. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. SAM JOHNSON) come forward and lead the House in the Pledge of Allegiance.

Mr. SAM JOHNSON of Texas led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING RABBI JOEL LEVENSON

The SPEAKER. Without objection, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 1 minute.

There was no objection.

Ms. DELAURO. Mr. Speaker, it is my privilege this morning to welcome Rabbi Joel Levenson of Congregation B'nai Jacob in Woodbridge, Connecticut, to the House of Representatives.

When Joel graduated from Miami University of Ohio, he thought about going to either law school or rabbinical school, but thought the world already had too many lawyers and not enough men of faith. After graduating from the Jewish Theological Seminary in New York and serving under Rabbi Albert Lewis—the subject of Mitch Albom's book, "Have a Little Faith"—in Cherry Hill, New Jersey, Rabbi Levenson came to Woodbridge, Connecticut, where he has been the spiritual leader of Congregation B'nai Jacob since 2008.

There he has gained a reputation as a dynamic and inspiring presence on the pulpit, and he; his wife, Leora, who is with us today; and his children, Shir, Sam, and Gideon, have become warm and caring members of the community. We are joined by what we call the mishpucha up in the gallery this morning, and we welcome them all today.

Over his time in Woodbridge, Rabbi Levenson has been dedicated to promoting social justice and spiritual growth throughout Connecticut, and he has worked to foster a strong sense of Jewish identity, a joyful and inspiring congregation, and innovative educational opportunities throughout the synagogue.

Rabbi Levenson personally teaches preschool classes and meets with and works with Woodbridge teenagers, including leading them on trips to Israel. He has also worked extensively with Outreach to young families. And he is a dedicated cyclist and triathlete who has taken part in the Israel ride, a yearly ride across the 400 miles from Jerusalem to Eliat.

I thank Rabbi Levenson for his commitment to improving our community and for his profound words this morning.

Rabbi Levenson, we thank you for leading us in today's invocation.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 1379. An act to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for

officers and employees of the Service for claims relating to services furnished within the scope of employment with the Service.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. ROSELEHTINEN). The Chair will entertain 15 further requests for 1-minute speeches on each side of the aisle.

REPEAL OBAMACARE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. WILSON of South Carolina. Madam Speaker, tomorrow House Republicans will vote for the 32nd time to repeal, defund, or dismantle the President's government health care take-over bill. Not only will this legislation grow the size of government, limiting freedom, it will also levy 21 new or higher taxes on Americans and small businesses, causing the destruction of jobs.

If ObamaCare is not repealed beginning on January 1, 2013, a 3.8 percent capital gains tax on investment income will go into effect, destroying jobs in the home building and real estate industries.

The National Federation of Independent Business, NFIB, America's largest association of small businesses, has estimated ObamaCare will destroy 1.6 million jobs.

In order for our Nation to recover, ObamaCare must be repealed, and the government and Congress must pass legislation that encourages job creation through private sector job growth.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

MIDDLE CLASS TAX CUTS

(Ms. HOCHUL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOCHUL. Madam Speaker, after a week of traveling my district from Lancaster to Warsaw in upstate New York, I heard one consistent message. Our constituents, particularly the middle class, want to know their economic situation. They want to know, they're asking this Congress: Are you going to extend the tax cuts that they've now enjoyed to the tune of \$1,500 to \$2,500 a year? That's an important answer we should be able to give them this week.

Instead of looking backwards and relitigating old battles, why don't we look forward and give them the confidence they need as they're making their plans?

Families all across my district are doing what I did as a mother for 15 years every summer trying to figure

out how much are you going to spend on school shopping in the fall. Are you going to be able to plan that vacation with your family? What about Christmas shopping? You're thinking about it now. Maybe you can even squeeze in enough money to go to a Buffalo Bills game with your family.

Let's give them the certainty they need now. Let's work in a bipartisan way, Democrats and Republicans together. Let's enact a permanent middle class tax cut.

THE DOJ IS ON THE WRONG SIDE OF JUSTICE AGAIN, PART II

(Mr. POE of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE of Texas. Madam Speaker, at this moment, Attorney General Eric Holder is going to deliver a speech at a conference in Houston, Texas.

A media advisory issued by the Department of Justice said, "NOTE: All media must present government-issued photo ID (such as a driver's license) as well as valid media credentials."

In order to hear him speak, media must present a valid government photo ID. I assume this is to prevent unauthorized individuals from being able to enter the auditorium.

I suspect Mr. Holder will rant about Texas' having a voter ID law to vote, however. You see, Madam Speaker, the Justice Department is also in court today suing Texas, claiming that the Texas voter ID law disenfranchises people. It seems to me the law would only disenfranchise fraudulent voters.

Never mind the Supreme Court has already upheld voter ID laws. Madam Speaker, the DOJ just ignores Supreme Court decisions it doesn't like and continues its war against Texas.

Holder is inconsistent. He believes in security and photo IDs for people when he speaks, but rejects ballot security and IDs for people when they vote.

Security is important. Security prevents unauthorized individuals from entering an auditorium or voting who shouldn't enter the auditorium or shouldn't vote. But the DOJ doesn't care about being hypocritical.

The DOJ, Madam Speaker, is once again on the wrong side of justice.

And that's just the way it is.

□ 1210

HEALTH CARE REPEAL

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Madam Speaker, last week I visited with seniors who live at Wilfred Manor in Central Falls, Rhode Island. They asked me to deliver a message when I returned to Washington: The time for fighting over health care

reform has ended. Now our elected officials should work together to make sure this law works effectively for all American families.

Instead, Republicans have chosen to once again spend valuable legislative time trying to score political points.

What concerns me the most is how their actions would impact my constituents, folks like Rita Manley, a senior who lives in Central Falls. Rita was recently diagnosed with cancer, and if Republicans did succeed in repealing health care reform, millions of men and women like Rita could be denied coverage based on preexisting conditions.

I urge my colleagues on the other side of the aisle to refrain from starting this debate all over again and instead focus their energy and attention on getting people back to work by taking up critical jobs legislation.

OBAMACARE RULING

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. You know, last month, the Supreme Court made its regrettable ruling to uphold the President's job-killing tax program known as ObamaCare. While the High Court may have deemed it constitutional as a tax, Americans deem it burdensome and unaffordable.

ObamaCare boasts \$500 billion in tax hikes, 150 new Federal bureaucracies, and \$1.76 trillion added to the growing national debt, not to mention the massive amounts of red tape and legalese that get in the way of patients and their doctors.

Before we know it, going to the doctor will feel more like a trip to the DMV, the Department of Motor Vehicles. Our Tax-and-Spender-in-Chief needs to stop throwing more hard-earned tax dollars at a broken health care system and start working with Congress to implement commonsense reforms.

We can make coverage more accessible, more affordable, and give Americans the freedom to choose their health care plan. Our first step is to repeal ObamaCare this week.

HONORING HEROES OF NORTH CAROLINA NATIONAL GUARD'S 145TH AIRLIFT WING

(Mr. MILLER of North Carolina asked and was given permission to address the House for 1 minute.)

Mr. MILLER of North Carolina. Madam Speaker, I rise today to honor the lives of four North Carolinians: Lieutenant Colonel Paul K. Mikeal of Mooresville, Major Joseph M. McCormack of Belmont, Major Ryan S. David of Boone, and Senior Master Sergeant Robert S. Cannon of Charlotte.

The four airmen of the North Carolina National Guard's 145th Airlift Wing were supporting firefighting efforts throughout the Rocky Mountains when their aircraft crashed on July 1. Their sacrifice reminds us of the selflessness of those who put their lives at risk to protect our lives and property.

Our thoughts and prayers go out to the entire North Carolina National Guard community. We are grateful for their service and for their courage.

FARM FAMILY RECOGNITION

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Madam Speaker, tomorrow the House Ag Committee will vote on a farm bill that will give producers across our country the certainty they need to continue producing the safest, most abundant, and most reliable source of food on the planet. As the committee works to produce a responsible farm bill that works for all regions of the country, I would like to recognize Farm Families in my home State.

In my home State of Arkansas, farming is a family business. Young people begin helping with chores on the farm almost as soon as they can walk. In many cases, generations of family farmers work side by side cultivating the land. Families take great pride working together and continuing a tradition of hard work.

Agriculture is the backbone of Arkansas' rural economy, and each year the Arkansas Farm Bureau recognizes families across Arkansas for their contributions to our State. I congratulate all the county Farm Family winners across Arkansas on this achievement. All Arkansans take great pride in our State's Farm Families that were recognized this year.

Congratulations once again to all the county Farm Families recognized by the Arkansas Farm Bureau. I applaud them for their commitment to agriculture and hope for their ongoing success.

SNAP CUTS

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, tomorrow the House Agriculture Committee will mark up the farm bill that will devastate many of our children, seniors, and veterans. This misguided bill will cut \$16 billion from the SNAP program, a program that puts food on the table for over 46 million Americans.

This debate isn't just about the numbers; there is a human cost. If these cuts are allowed to stand, 2 to 3 million low-income individuals will lose SNAP eligibility, and 280,000 children will lose access to free school meals. These

are children who may have the only meal provided to them in school, and it will change their attitudes and their behaviors in school. And 210,000 households in my State of California will receive reduced benefit levels.

In California, 6 million people rely on SNAP, including 2 million children. In my district, they suffer from the fourth highest rate of food insecurity in the Nation.

It is a moral responsibility that we protect the SNAP program. We must pass a responsible farm bill that includes no nutritional cuts.

IN RECOGNITION OF THE VOICES OF LEE

(Mr. FLEISCHMANN asked and was given permission to address the House for 1 minute.)

Mr. FLEISCHMANN. Madam Speaker, I rise today in recognition of the Voices of Lee for their outstanding performance and representation of Lee University. Lee University is located in my current district within Bradley County, Tennessee, and presently has a little over 4,400 students enrolled in their undergraduate program.

Under the direction of Mr. Danny Murray, Voices of Lee has grown into a nationally recognized singing group, having released seven music albums and several DVDs since their debut in September of 1994. The group performs a cappella around the country, and their current schedule includes locations in North Carolina, Indiana, Florida, and many other States.

The energy and feeling placed in each and every song is a talent that deserves praise, as this talent is not easily learned. I believe that anyone who listens to them cannot hear the music without being moved.

Each student who receives the opportunity and honor of participating in the Voices of Lee is put through grueling training and given demanding work. However, the results of their labor are not in vain, and I am pleased to take this opportunity to commend them for such dedication.

DON'T REPEAL AFFORDABLE CARE ACT

(Ms. HAHN asked and was given permission to address the House for 1 minute.)

Ms. HAHN. Madam Speaker, I think it's worthwhile to remember why Congress passed health care reform in the first place. It's because our system was broken; it wasn't working.

But just this morning, Speaker BOEHNER said that we needed to repeal the Affordable Care Act because we didn't need it because we had the best health care system the world has ever seen. Well, I don't think that was true for 17 million children who were being denied health insurance for preexisting condi-

tions. I don't think that was true for about 3.1 million young adults who were denied coverage because they were kicked off their parents' insurance plans. And I don't think that was true for 40 million Americans who couldn't get coverage and for every family threatened with losing their coverage because of rising costs.

If we need to tweak the law, let's work together to fix it, but let's not repeal it. I think that would be bad for our health.

□ 1220

HONORING THE LIFE AND SERVICE OF ARMY MAJOR PAUL C. VOELKE

(Ms. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HAYWORTH. Madam Speaker, I rise this morning to honor the life and service of Army Major Paul C. Voelke. Major Voelke died on June 22, 2012, in Balkh province, Afghanistan, supporting Operation Enduring Freedom. This was his second deployment to Afghanistan, and had also served two tours in Iraq.

Major Voelke was in the Army for 14 years and during that time he was awarded a Bronze Star, which is given for bravery or meritorious acts or service, and a Purple Heart, given for injuries received in combat.

I was privileged last Friday to join the major's family, friends, colleagues, and neighbors at the funeral service. It was held on the grounds of his alma mater, the United States Military Academy at West Point. Major Voelke was a native of the Hudson Valley, and he spent his career in service to our Nation, and he died defending its freedoms.

His wife, Traci, movingly described his perseverance and dedication, and I know that Major Voelke's life will continue to inspire all of those who knew him and served with him.

NO CUTS TO FOOD STAMPS IN THE FARM BILL

(Ms. LEE of California asked and was given permission to address the House for 1 minute.)

Ms. LEE of California. Madam Speaker, as the founder and cochair of the Out of Poverty Caucus, this morning many of us stood with advocates and faith leaders to say in one voice: no cuts to food stamps in the farm bill.

Food stamps provided that critical bridge over troubled waters for me and my family when I was a young mother, and I thank our government and the American people for this safety net. The American people were there for me and my family when we needed it most. We need to be there for people who need it most now.

Every year, several Members take part in the Food Stamp Challenge. You eat for 1 week on average food stamp benefits, which is \$1.50 per meal. Every Member should join us in the food stamp challenge this year, especially Members who want to cut food stamps. You need to know what it means to be hungry.

We simply cannot cut \$16 billion in critical SNAP benefits. Food stamps not only feed hungry children, seniors, and veterans, but also promote real growth and create jobs. It makes no economic sense and no moral sense to cut \$16 billion from the food stamp program.

We should reject these heartless cuts on the poor and get back to creating the jobs and opportunities for everyone. People would rather have a job instead of food stamps to feed their family, but until Republicans support efforts to create jobs, we have a moral responsibility and a duty to make sure that at least people eat.

It's hard to believe, in 2012, we are debating feeding people.

CONDEMNING THE GOVERNMENT OF IRAN FOR ITS PERSECUTION OF PASTOR YUCEF NADHARKANI

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, a few weeks ago, the Senate Foreign Relations Committee passed a resolution condemning the government of Iran for its continued persecution of Pastor Youcef Nadharkani.

Pastor Youcef sits in prison for the crime of practicing his faith and wishing to raise his two young boys in that faith. His crime was to go to his sons' school and ask that they not be subjected to Islamic indoctrination. For that, he was taken directly to a tribunal and sentenced to death by hanging.

Despite years of imprisonment, his faith has held up under intense interrogation and torture. And now the government has extended its campaign of terror to Pastor Youcef's lawyer. Muhammed Ali Dadkhah has been disbarred and sentenced to 9 years imprisonment for representing the pastor. He's been pressured to confess to crimes he did not commit.

The government of Iran has no respect for human rights, or even for their own written laws. I'm glad to see my Senate colleagues stand up for Pastor Youcef. The world needs to know what is happening here.

I urge the government of Iran to return this father to his wife and his two sons.

SUPPORTING CATHOLIC SISTERS

(Mrs. CAPPS asked and was given permission to address the House for 1

minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, I rise to express my support for House Resolution 689, a resolution introduced by my colleague, ROSA DELAURO, honoring Catholic Sisters for their tremendous contributions to our country.

Catholic Sisters have long been responsible for providing care to the neediest, most marginalized people in our society. Whether they're feeding the hungry, clothing the poor, educating our students, healing the sick, or fighting for a cleaner environment, the Catholic Sisters have touched millions of lives across the country and around the world.

Madam Speaker, Catholic hospitals call themselves dignity hospitals in my district, and they play a key role in providing health services, and those institutions all rely on the tireless support of Catholic Sisters.

I want to pay special tribute to one of them, my constituent, Sister Janet Corcoran, a member of the Sisters of St. Francis who works at Marian Medical Center in Santa Maria, California. She's a pillar of our community, tirelessly advocating everywhere she goes on behalf of better health care, education, social justice, peace, and environmental protection.

Reinforced by a deep faith in God, she and other Catholic Sisters on the Central Coast, and throughout the country demonstrate an unwavering commitment to the common good day in and day out. We have much to thank them for, and I urge my colleagues to join me in supporting this important resolution.

RECOGNIZING THE 103RD BIRTHDAY OF CLEONE HODGES

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, I rise today to recognize Ms. Cleone Hodges of Boone on the occasion of her 103rd birthday.

A teaching position in Appalachian State University's Health Sciences department brought Ms. Hodges to Boone in 1938. Immediately, she was active in our community, serving 23 years as secretary for the parks department, teaching Sunday school at the First Baptist Church, and becoming active in community garden clubs.

A scholarship in her name exists to support the work of students in her former department.

Ms. Hodges' natural athletic talent helped her take the golf world by storm following retirement. On top of numerous regional wins, Hodges won three gold and two silver medals in national senior golf competitions. She scored the third of her career holes in one at the age of 93.

Ms. Hodges, a 2005 inductee to the Watauga County Sports Hall of Fame, is a mother to her son, J.B., a grandmother to two, and a great-grandmother to three.

With the rest of the Boone community, I wish her the happiest of birthdays and hope for many, many more.

EXPEDITING TRAFFIC AT THE PEACE BRIDGE

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Madam Speaker, the Peace Bridge is the second-busiest crossing at the U.S.-Canada border. Expediting traffic at the bridge is essential to the economic future of western New York.

The historic Beyond the Border agreement between the United States and Canada raises the possibility of pre-inspecting much of the U.S.-bound cargo traffic on the Canadian side of the border crossing. I have repeatedly advocated that the Department of Homeland Security initiate a pilot program for commercial pre-inspection at the Peace Bridge. Last week, New York Governor Andrew Cuomo added his strong support for this proposal.

What Governor Cuomo understands, Madam Speaker, is that the pre-inspection at the Peace Bridge would go a long way toward improving congestion at the bridge and, thereby, further integrating the western New York economy with that of southern Ontario. The success of the western New York economy is undoubtedly tied to predictable, reliable access into and out of Canada. Let's take the steps necessary to open up this bottleneck.

BIPARTISAN HEALTH CARE REFORM

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Madam Speaker, like many of my colleagues, my top priority continues to be job creation in our country. That's why I was so heartbroken with the recent health care decision by the United States Supreme Court. No matter what we think about the impact this law will have on the prevalence of health care in our country, it is not good for small businesses, and it is devastating for job creation.

This law creates massive amounts of uncertainty, raises taxes and huge administrative burdens, and places significant new mandates on entrepreneurs and small businesses. Not a recipe for economic recovery.

That's why I stand today in support of a repeal of this massive burden on our economy. We need health care reform in this country, no doubt, and I stand ready to work with Members of

both parties on a fresh start, a truly bipartisan bill that will actually reduce the cost of care, not simply shift the burden.

So let's work together on common-sense reforms. Let's repeal this act, let's give relief to small businesses, and let's get our economy going again.

LET'S NOT PLAY POLITICS WITH THE PATIENT PROTECTION AF- FORDABLE CARE ACT

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Madam Speaker, on June 28 the United States Supreme Court ruled that the Patient Protection and Affordable Care Act was constitutional. It is now the law of the land, thanks in most part to Republican-appointed Chief Justice Roberts.

Tomorrow, this House is expected to vote on the repeal of the Affordable Care Act. Vote again—remember H.R. 2 on January 19 and now H.R. 6079. It is, unfortunately, expected that, due to the Republican vote, that it will be repealed again.

How sad, Madam Speaker. How can you face the seniors, the students, the women and children and small businesses with this level of uncertainty by trying to repeal it again? They are the primary beneficiaries.

Can you explain why? Can you especially explain how this is going to add to the deficit? The CBO says so. \$100 billion in 10 years, and \$1 trillion in 20 years.

Madam Speaker, let's not play politics with one of the most important pieces of legislation that we have passed.

□ 1230

REPEALING HEALTH CARE RE- FORMS WITH REPUBLICAN DEATH PANELS

(Mr. CONNOLLY of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CONNOLLY of Virginia. Madam Speaker, I have 1 minute, so I'll have to go fast. Here are the top 10 reforms the Republicans want to repeal with their death panels tomorrow:

Discounts on prescription drugs, saving seniors \$600 a year; parents offering health care coverage to their children up to age 26; lower premiums as a result of the health care exchanges; protections from bankruptcy in the event of a catastrophic illness; free preventative screening and wellness visits every year; reforms strengthening Medicare Advantage, resulting in a 7 percent drop in premiums for the first time ever and a 10 percent increase in enrollment; \$151 in average rebates this year alone from insurance companies to

consumers all over the country; protections from having coverage rescinded arbitrarily by insurance bureaucrats; tax credits for small businesses to help defray the costs of offering coverage to their employees; and, finally, guaranteed medical coverage even if you, in America, discover you have a pre-existing condition.

Ladies and gentlemen, let us not repeal these reforms with Republican death panels.

GOP REPEAL OF THE AFFORDABLE CARE ACT

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, today the House will consider a repeal of the Affordable Care Act for the 31st time. We will spend at least 6 hours debating this, but not 1 minute considering a Republican replacement. That's because there isn't one.

The American people are now experiencing the benefits of the law: allowing young people to stay on their parents' policies until the young people are 26; requiring insurance companies to cover children regardless of preexisting conditions. The Republican leadership had the choice to include those provisions and others in this bill. Yet, once again, they are choosing to deny care to millions of Americans instead.

With this bill, the Republicans are choosing to cut young people off of their parents' coverage. They are choosing to end the guaranteed coverage for children with juvenile diabetes, autism, asthma, and other illnesses. They are choosing to raise prescription drug costs for seniors, and they are choosing to allow insurance companies to charge women more for the same policies as men.

Madam Speaker, I invite any Republican in this body to come to the floor and to explain to my constituents and theirs why they've made the choice to repeal all of these patient protections while offering the American people nothing in return.

INDIAN HEALTH CARE

(Mr. GRIJALVA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRIJALVA. Madam Speaker, the middle class and men and women looking for work in this country are asking: Where are the jobs?

The Republican majority in the House will be responding, once again, by voting to take away health coverage to struggling Americans. For instance, instead of bringing a jobs bill or a fair taxation bill up to the floor, we will be taking away health care from a very significant and important group of Americans—the first Americans—the American Indians.

By upholding health reform, the Supreme Court decision affirmed that the permanent reauthorization of the Indian Health Care Improvement Act was also part of the decision. The National Congress of American Indians responded by stating:

This is an important step for health care in Indian Country. The permanence of the Indian Health Care Improvement Act has been affirmed.

The Affordable Care Act permanently authorizes the daily health care delivery to nearly 2 million American Indians and Alaska Natives who are in critical need of improved health care and services to their communities. There will be critical updates and modernizations, expanded cancer screenings, long-term care, hospice care, and care for the elderly and the disabled.

The passage of health care reform represented a 14-year struggle by tribal leaders to make permanent a legislative commitment by the Federal Government that had not been upheld. It is wrong for the Republicans to take this promise away from Indian Country and from the first Americans of this country. Americans want a jobs plan, not their health care taken away.

POLITICAL THEATER AT ITS WORST

(Mr. ELLISON asked and was given permission to address the House for 1 minute.)

Mr. ELLISON. Madam Speaker, we could spend 5 hours today and tomorrow talking about jobs, and we could consider a jobs plan that the President offered before this very body; but we won't because we have to go repeal health care again for the 31st time. You would have thought the 17th time would be good or maybe the ninth time or the 29th time. With the 31st time, it's like they're going for a record or something. Of course, the Senate is not going to take this up.

This is political theater at its worst because Americans are out of work, and this body isn't doing anything about it. Everyone here knows that the President can't just whip up a jobs bill out of thin air. Congress has to pass it, but Congress won't pass it because they're busy doing political stunts—and that is a shame.

MOTION TO ADJOURN

Mr. ELLISON. Madam Speaker, I move that the House do now adjourn.

The SPEAKER pro tempore. The question is on the motion to adjourn.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. ELLISON. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 75, nays 318,

answered “present” 1, not voting 37, as follows:

[Roll No. 455]

YEAS—75

Andrews	Grijalva	Pallone
Barber	Hahn	Peters
Bass (CA)	Hanabusa	Pingree (ME)
Bishop (GA)	Hastings (FL)	Reyes
Brady (PA)	Higgins	Richmond
Braley (IA)	Hinchey	Roybal-Allard
Brown (FL)	Honda	Rush
Capps	Israel	Sánchez, Linda T.
Carson (IN)	Johnson (GA)	Sanchez, Loretta
Chu	Johnson, E. B.	Sarbanes
Clarke (NY)	Kaptur	Schakowsky
Clay	Keating	Schiff
Cleaver	Kildee	Schwartz
Crowley	Kucinich	Sewell
Cuellar	Lee (CA)	Slaughter
Cummings	Lowe	Stark
Davis (CA)	Maloney	Thompson (MS)
Davis (IL)	Matsui	Tonko
DeLauro	McDermott	Van Hollen
Dicks	McGovern	Waxman
Edwards	McNerney	Welch
Ellison	Meeks	Wilson (FL)
Engel	Moore	Woolsey
Farr	Nadler	
Finer	Oliver	
Fudge	Owens	

NAYS—318

Ackerman	Conyers	Harris
Adams	Cooper	Hartzler
Alexander	Costello	Hastings (WA)
Amash	Courtney	Hayworth
Amodel	Cravaack	Heck
Austria	Crawford	Heinrich
Baca	Crenshaw	Hensarling
Bachmann	Critz	Herger
Bachus	Culberson	Herrera Beutler
Baldwin	Davis (KY)	Himes
Barletta	DeFazio	Hinojosa
Barrow	DeGette	Hochul
Bartlett	Denham	Holden
Barton (TX)	Dent	Holt
Bass (NH)	DesJarlais	Hoyer
Benishek	Diaz-Balart	Huelskamp
Berg	Doggett	Huizenga (MI)
Berkley	Dold	Hultgren
Berman	Donnelly (IN)	Hunter
Biggart	Doyle	Hurt
Bilbray	Dreier	Issa
Bilirakis	Duffy	Jackson Lee
Bishop (NY)	Duncan (SC)	(TX)
Bishop (UT)	Duncan (TN)	Jenkins
Black	Ellmers	Johnson (OH)
Blackburn	Emerson	Johnson, Sam
Blumenauer	Eshoo	Jones
Bonamici	Farenthold	Jordan
Bono Mack	Fincher	Kelly
Boren	Fitzpatrick	Kind
Boswell	Flake	King (IA)
Boustany	Fleischmann	King (NY)
Brady (TX)	Fleming	Kingston
Brooks	Forbes	Kinzinger (IL)
Broun (GA)	Fortenberry	Kline
Buchanan	Fox	Labrador
Bucshon	Franks (AZ)	Lamborn
Buerkle	Frelinghuysen	Lance
Burgess	Galleghy	Landry
Burton (IN)	Garamendi	Langevin
Butterfield	Gardner	Lankford
Calvert	Garrett	Larsen (WA)
Camp	Gerlach	Latham
Campbell	Gibbs	LaTourette
Canseco	Gibson	Latta
Cantor	Gingrey (GA)	Levin
Cardoza	Gohmert	Lewis (CA)
Carnahan	Gonzalez	Lewis (GA)
Carney	Goodlatte	Lipinski
Carter	Gowdy	LoBiondo
Cassidy	Granger	Loehsack
Chabot	Graves (GA)	Lofgren, Zoe
Chaffetz	Graves (MO)	Long
Cicilline	Green, Al	Lucas
Clarke (MI)	Griffin (AR)	Luetkemeyer
Clyburn	Griffith (VA)	Lujan
Coble	Grimm	Lummis
Coffman (CO)	Guinta	Lungren, Daniel E.
Cohen	Guthrie	Lynch
Cole	Hall	Mack
Conaway	Hanna	Manzullo
Connolly (VA)	Harper	

Marchant	Posey	Smith (NE)
Marino	Price (GA)	Smith (NJ)
Markey	Price (NC)	Smith (TX)
Matheson	Quayle	Smith (WA)
McCarthy (CA)	Quigley	Southerland
McCarthy (NY)	Rahall	Speier
McCaul	Rangel	Stearns
McClintock	Reed	Stivers
McCollum	Rehberg	Stutzman
McHenry	Reichert	Sutton
McKeon	Renacci	Terry
McKinley	Richardson	Thompson (CA)
McMorris	Rigell	Thompson (PA)
Rodgers	Rivera	Thornberry
Meehan	Roby	Tiberi
Mica	Roe (TN)	Tierney
Michaud	Rogers (AL)	Tipton
Miller (FL)	Rogers (KY)	Tsongas
Miller (MI)	Rogers (MI)	Turner (NY)
Miller, Gary	Rohrabacher	Upton
Moran	Rokita	Velázquez
Mulvaney	Rooney	Visclosky
Murphy (CT)	Ros-Lehtinen	Walberg
Murphy (PA)	Roskam	Walden
Myrick	Ross (AR)	Walsh (IL)
Napolitano	Ross (FL)	Walz (MN)
Neal	Royce	Wasserman
Neugebauer	Runyan	Schultz
Noem	Ruppersberger	Waters
Nugent	Ryan (OH)	Watt
Nunes	Ryan (WI)	Webster
Nunnelee	Scalise	West
Olson	Schilling	Westmoreland
Palazzo	Schmidt	Whitfield
Pastor (AZ)	Schrader	Wilson (SC)
Paul	Schweikert	Wittman
Paulsen	Scott (SC)	Wolf
Pearce	Scott (VA)	Womack
Perlmutter	Scott, Austin	Woodall
Peterson	Scott, David	Yarmuth
Petri	Sensenbrenner	Yoder
Pitts	Serrano	Young (AK)
Platts	Sessions	Young (FL)
Poe (TX)	Sherman	Young (IN)
Polis	Shuster	
Pompeo	Simpson	

ANSWERED "PRESENT"—1

Ribble

NOT VOTING—37

Aderholt	Flores	Pascrell
Akin	Frank (MA)	Pelosi
Altmire	Gosar	Pence
Becerra	Green, Gene	Rothman (NJ)
Bonner	Gutierrez	Schock
Capito	Hirono	Shimkus
Capuano	Jackson (IL)	Shuler
Castor (FL)	Johnson (IL)	Sires
Chandler	Kissell	Sullivan
Costa	Larson (CT)	Towns
Deutch	McIntyre	Turner (OH)
Dingell	Miller (NC)	
Fattah	Miller, George	

□ 1259

Messrs. NEUGEBAUER, GINGREY of Georgia, LEVIN, PERLMUTTER, Ms. RICHARDSON and Mr. BUTTERFIELD changed their vote from "yea" to "nay."

Messrs. VAN HOLLEN, CLEAVER, CROWLEY, and RUSH changed their vote from "nay" to "yea."

So the motion to adjourn was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. AKIN. Madam Speaker, on rollcall No. 455 I was delayed and unable to vote. Had I been present I would have voted "nay."

Mr. TURNER of Ohio. Madam Speaker, on July 10, 2012, I was unable to vote on rollcall vote 455. Had I been present I would have voted "nay" on the motion to adjourn.

Mr. GENE GREEN of Texas. Madam Speaker, on rollcall No. 455, the motion to adjourn, had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Madam Speaker, on Tuesday, July 10, 2012, my scheduled flight from Champaign, Illinois, to Washington was delayed well over an hour. As a result, I left immediately for another flight out of Indianapolis to Washington. As a result, I was unable to cast my vote for rollcall No. 455. Had I been present I would have voted "present."

PROVIDING FOR CONSIDERATION OF H.R. 6079, REPEAL OF OBAMACARE ACT

Mr. SESSIONS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 724 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 724

Resolved, That upon adoption of this resolution it shall be in order to consider in the House the bill (H.R. 6079) to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010. All points of order against consideration of the bill are waived. The bill shall be considered as read. All points of order against provisions in the bill are waived. The previous question shall be considered as ordered on the bill and any amendment thereto to final passage without intervening motion except: (1) five hours of debate, with 30 minutes equally divided and controlled by the Majority Leader and Minority Leader or their respective designees, 60 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce, 60 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce, 60 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means, 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Budget, 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary, and 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Small Business; and (2) one motion to recommend.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

Mr. SESSIONS. For the purpose of debate only, I yield the customary 30 minutes to my friend, the gentlewoman from Fairport, New York, and the ranking member of the Committee on Rules, Ms. SLAUGHTER, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. SESSIONS. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. House Resolution 724 provides a closed rule for consideration of H.R. 6079.

Madam Speaker, today I rise in support of this rule and the underlying bill. H.R. 6079, the Repeal of Obamacare Act of 2012, was introduced by the Republican majority leader, ERIC CANTOR, the gentleman from Virginia. The bill text has been online since last Thursday, giving Members more than the mandatory 3 days to read and to understand the language.

Madam Speaker, on June 28, just 12 days ago, the United States Supreme Court upheld the individual mandate provisions contained in ObamaCare, thereby forcing every American to purchase health insurance. While I may disagree with how they ruled, I respect their decision and there is nothing we can do to change that. ObamaCare is now the official law of the land.

However, there is something this body can do to reverse the course and to prevent the job-destroying aspects of this bill from taking effect: a complete repeal of the bill that the President asked this Congress to pass under Speaker PELOSI—and they did. We need to repeal ObamaCare today. In 2010, Republicans were elected all across this country because Americans understood the need to stop the tax-and-spend policies of the other party. H.R. 6079 will do exactly that.

Last night in the Rules Committee, my colleague and friend, the gentleman from New Jersey (Mr. ANDREWS), urged us to "dispassionately examine the facts." I agree with just that sentiment and would like to take a moment to do just that.

Earlier this year, the Centers for Medicare and Medicaid Services, CMS, reported that health insurance premiums are expected to rise by over 44 percent over the next 9 years as a result of ObamaCare. And since ObamaCare was signed into law, there has been a steady decline in the number of Americans on private health insurance.

A report from the McKinsey Group found that more than 50 percent of employers with a high awareness of the law say that they will stop offering health insurance, confirming what Republicans have been saying for 3 years, and that is, that ObamaCare is designed to force employers to drop coverage in an attempt to get Americans to enter the new health care exchanges.

A Kaiser Family Foundation report found that health insurance premiums have increased by 9 percent, or \$1,200, for the average American family following passage of the President's health care bill.

According to the 2010 Medicare Trustees Report, as a direct result of ObamaCare, more than 90 percent of seniors will lose the retiree prescription drug coverage they have and will

see nearly double-digit premium increases. Seniors will also see reduced access to doctors, as Medicare officials explained that physicians “could find it difficult to remain profitable and might end their participation in the program, which possibly could jeopardize access to care for beneficiaries.”

According to the President's own budget, the cost of ObamaCare subsidies have jumped \$111 billion in just 1 year. Earlier this year, during a Ways and Means Committee hearing on February 28, 2012, when asked why this happened, Health and Human Services Secretary Sebelius said, “I really don't know.”

Finally, earlier this year, the non-partisan Congressional Budget Office adjusted their long-term outlook of the impact of ObamaCare on our national debt. The revised figures show ObamaCare will cost taxpayers \$1.8 trillion—twice as much as the President promised in 2010 when the bill was passed.

These are just a few of the facts that I believe should be considered dispassionately as we debate whether to repeal ObamaCare. If you think that the facts I just listed are what the country needs, vote to keep it. However, if you, like me, find these facts unacceptable for our future, then I urge you to join me in repealing ObamaCare so that we can focus on patient-centered health care solutions which do not increase dramatically insurance premiums, do not restrict access to physicians, and do not mount unsustainable debt onto our children and grandchildren, as well as harming employers who wish to employ more Americans.

I urge my colleagues to vote for the rule and the underlying bill, and I reserve the balance of my time.

[From the Wall Street Journal, June 8, 2011.]

STUDY SEES CUTS TO HEALTH PLANS

(By Janet Adamy)

A report by McKinsey & Co. has found that 30% of employers are likely to stop offering workers health insurance after the bulk of the Obama administration's health overhaul takes effect in 2014.

The findings come as a growing number of employers are seeking waivers from an early provision in the overhaul that requires them to enrich their benefits this year. At the end of April, the administration had granted 1,372 employers, unions and insurance companies one-year exemptions from the law's requirement that they not cap annual benefit payouts below \$750,000 per person a year.

But the law doesn't allow for such waivers starting in 2014, leaving all those entities—and other employers whose plans don't meet a slate of new requirements—to change their offerings or drop coverage.

Previous research has suggested the number of employers who opt to drop coverage altogether in 2014 would be minimal.

But the McKinsey study predicts a more dramatic shift from employer-sponsored health plans once the new marketplace takes effect. Starting in 2014, all but the smallest employers will be required to provide insurance or pay a fine, while most Americans

will have to carry coverage or pay a different fine. Lower earners will get subsidies to help them pay for plans.

In surveying 1,300 employers earlier this year, McKinsey found that 30% said they would “definitely or probably” stop offering employer coverage in the years after 2014. That figure increased to more than 50% among employers with a high awareness of the overhaul law.

Behind the expected shift is the fact that the law will give Americans new insurance options outside the workplace, and carriers will no longer be allowed to deny people coverage because they have been sick. McKinsey found that reduced the moral obligation employers may feel to provide coverage.

The Obama administration says it is working to encourage employers to retain coverage. An administration official, Nick Papas, described the McKinsey report as an outlier amid other research suggesting that employers overwhelmingly would keep coverage.

“History has shown that reform motivates more businesses to offer insurance,” he said. “When Massachusetts enacted health reform, the number of individuals with employer-sponsored insurance increased.”

The nonpartisan Congressional Budget Office, in a March 2010 report, found that by 2019, about six million to seven million people who otherwise would have had access to coverage through their job won't have it owing to the new law. That estimate represents about 4% of the roughly 160 million people projected to have employment-based coverage in 2019.

However, the CBO estimated that the overall number of Americans with coverage will rise by 32 million because of new subsidies and other steps.

The law contains a disincentive for employers to drop coverage. It requires all employers with more than 50 employees to offer health benefits to every full-time worker or pay a penalty of \$2,000 per worker, though it doesn't apply to the first 30 workers. Health-policy experts have questioned whether that is high enough to discourage companies from health coverage.

McKinsey found at least 30% of employers would gain economically from dropping coverage even if they completely compensated employees through other benefits or higher salaries. The study suggests the fallout would be minimal, with more than 85% of employees remaining in their jobs even if their employer stopped coverage.

Nearly half the employers said they would consider alternatives to their current plan after 2014. Besides dropping coverage, those included weighing a switch to a defined-contribution model of insurance, in effect offering coverage only to certain employees.

[From the Kaiser Family Foundation and Health Research & Educational Trust]

EMPLOYER HEALTH BENEFITS: 2011 SUMMARY OF FINDINGS

Employer-sponsored insurance is the leading source of health insurance, covering about 150 million nonelderly people in America. To provide current information about the nature of employer-sponsored health benefits, the Kaiser Family Foundation (Kaiser) and the Health Research & Educational Trust (HRET) conduct an annual national survey of nonfederal private and public employers with three or more workers. This is the thirteenth Kaiser/HRET survey and reflects health benefit information for 2011.

The key findings from the 2011 survey, conducted from January through May 2011, in-

clude increases in the average single and family premiums, as well higher enrollment in high deductible health plans with savings options (HDHP/SOs). The 2011 survey includes new questions on the percentage of firms with grandfathered health plans, changes in benefits for preventive care, enrollment of adult children due to the new health reform law, and the use of stoploss coverage by firms with self-funded plans.

HEALTH INSURANCE PREMIUMS AND WORKER CONTRIBUTIONS

The average annual premiums for employer-sponsored health insurance in 2011 are \$5,429 for single coverage and \$15,073 for family coverage. Compared to 2010, premiums for single coverage are 8% higher and premiums for family coverage are 9% higher. The 9% growth rate in family premiums for 2011 is significantly higher than the 3% growth rate in 2010. Since 2001, average premiums for family coverage have increased 113%. Average premiums for family coverage are lower for workers in small firms (3–199 workers) than for workers in large firms (200 or more workers) (\$14,098 vs. \$15,520). Average premiums for high-deductible health plans with a savings option (HDHP/SOs) are lower than the overall average for all plan types for both single and family coverage.

There is significant variation around the average annual premiums as a result of factors such as benefits, cost sharing, and geographic cost differences. Nineteen percent of covered workers are in plans with an annual total premium for family coverage of at least \$18,087 (120% of the average family premium), while 21% of covered workers are in plans where the family premium is less than \$12,058 (80% of the average premium).

Covered workers contribute on average 18% of the premium for single coverage and 28% of the premium for family coverage, similar to the percentages they contributed in 2010. Workers in small firms (3–199 workers) contribute a significantly lower average percentage for single coverage compared to workers in larger firms (15% vs. 19%), but a higher average percentage for family coverage (36% vs. 25%). As with total premiums, the share of the premium contributed by workers varies considerably around these averages. For single coverage, 59% of covered workers are in plans that require them to pay more than 0% but less than or equal to 25% of the total premium, and 3% are in plans that require more than 50% of the premium; 16% are in plans that require them to make no contribution. For family coverage, 47% of covered workers are in plans that require them to pay more than 0% but less than or equal to 25% of the total premium, and 15% are in plans that require more than 50% of the premium; only 6% are in plans that require no contribution.

Looking at the dollar amounts that workers contribute, the average annual contributions in 2011 are \$921 for single coverage and \$4,129 for family coverage. Neither amount is a statistically significant increase over the 2010 values. Workers in small firms (3–199 workers) have lower average contributions for single coverage than workers in larger firms (\$762 vs. \$996), and higher average contributions for family coverage (\$4,946 vs. \$3,755). Compared to the overall average contributions, workers in HDHP/SOs have lower average contributions for single coverage (\$723 vs. \$921), while workers in point of service (POS) plans have higher average contributions for family coverage (\$5,333 vs. \$4,129).

PLAN ENROLLMENT

Overall, PPOs are by far the most common plan type, enrolling 55% of covered workers.

Seventeen percent of covered workers are enrolled in an HMO, 10% are enrolled in a POS plan, and 1% are enrolled in a conventional plan. Enrollment in HDHP/SOs continues to rise, with 17% of covered workers in an HDHP/SO in 2011, up from 13% of covered workers in 2010, and 8% in 2009. The enrollment distribution varies by firm size, with PPOs and HMOs relatively more popular among large firms (200 or more workers) and PPOs and HDHP/SOs relatively more popular in smaller firms.

EMPLOYEE COST SHARING

Most covered workers face additional costs when they use health care services. A large share of workers in PPOs (81%) and POS plans (69%) have a general annual deductible for single coverage that must be met before all or most services are reimbursed by the plan. In contrast, only 29% of workers in HMOs have a general annual deductible. Many workers with no general annual deductible still face other types of cost sharing when they use covered services.

Among workers with a general annual deductible, the average deductible amount for single coverage is \$675 for workers in PPOs, \$911 for workers in HMOs, \$928 for workers in POS plans, and \$1,908 for workers in HDHP/SOs (which by definition have high deductibles). As in recent years, workers with single coverage in small firms (3-199 workers) have higher deductibles than workers in large firms (200 or more workers); for example, the average deductibles for single coverage in PPOs, the most common plan type, are \$1,202 for workers in small firms (3-199 workers) compared to \$505 for workers in larger firms. Overall, 31% of covered workers are in a plan with a deductible of at least \$1,000 for single coverage, similar to the 27% reported in 2010, but significantly more than the 22% reported in 2009. Covered workers in small firms (3-199 workers) remain more likely than covered workers in larger firms (50% vs. 22%) to be in plans with deductibles of at least \$1,000.

The majority of workers also have to pay a portion of the cost of physician office visits. About three-in-four covered workers pay a copayment (a fixed dollar amount) for office visits with a primary care physician (74%) or a specialist physician (73%), in addition to any general annual deductible a plan may have. Smaller shares of workers pay coinsurance (a percentage of the covered amount) for primary care office visits (17%) or specialty care visits (18%). Most covered workers in HMOs, PPOs, and POS plans face copayments, while covered workers in HDHP/SOs are more likely to have coinsurance requirements or no cost sharing after the deductible is met. For in-network office visits, covered workers with a copayment pay an average of \$22 for primary care and \$32 for specialty care. For covered workers with coinsurance, the average coinsurance is 18% for both primary care and specialty care. While the survey collects information on only in-network cost sharing, we note that out-of-network cost sharing is often higher.

Almost all covered workers (98%) have prescription drug coverage, and nearly all face cost sharing for their prescriptions. Over three-quarters (77%) of covered workers are in plans with three or more tiers of cost sharing. Copayments are more common than coinsurance for each tier of cost sharing. Among workers with three- or four-tier plans, the average copayments in these plans are \$10 for first-tier drugs, \$29 for second-tier drugs, \$49 for third-tier drugs, and \$91 for fourth-tier drugs. These amounts are not sig-

nificantly higher than the amounts reported last year. HDHP/SOs have a somewhat different cost-sharing pattern for prescription drugs than other plan types: 57% of covered workers are enrolled in a plan with three or more tiers of cost sharing while 17% are in plans that pay 100% of prescription costs once the plan deductible is met. Covered workers in these plans are also more likely to pay coinsurance than workers in other plan types.

Most workers also face additional cost sharing for a hospital admission or an outpatient surgery episode. After any general annual deductible, 55% of covered workers have coinsurance and 17% have copayment for hospital admissions.

Lower percentages have per day (per diem) payments (6%), a separate hospital deductible (3%), or both copayments and coinsurance (9%). The average coinsurance rate for hospital admissions is 17%, the average copayment is \$246 per hospital admission, the average per diem charge is \$246, and the average separate hospital deductible is \$627. The cost-sharing provisions for outpatient surgery are similar to those for hospital admissions, as most covered workers have either coinsurance (57%) or copayments (18%). For covered workers with cost sharing for each outpatient surgery episode, the average coinsurance is 17% and the average copayment is \$145.

Most plans limit the amount of cost sharing workers must pay each year, generally referred to as an out-of-pocket maximum. Eighty-three percent of covered workers have an out-of-pocket maximum for single coverage, but the limits differ considerably. For example, among covered workers in plans that have an out-of-pocket maximum for single coverage, 38% are in plans with an annual out-of-pocket maximum of \$3,000 or more, and 14% are in plans with an out-of-pocket maximum of less than \$1,500. Even in plans with a specified out-of-pocket limit, not all spending is counted towards meeting the limit. For example, among workers in PPOs with an out-of-pocket maximum, 77% are in plans that do not count physician office visit copayments, 35% are in plans that do not count spending for the general annual deductible, and 84% are in plans that do not count prescription drug spending when determining if an enrollee has reached the out-of-pocket limit.

AVAILABILITY OF EMPLOYER-SPONSORED COVERAGE

Sixty percent of firms offer health benefits to their workers in 2011—a significant reduction from the 69% reported in 2010, but much more in line with the levels for years prior to 2010. The large increase in 2010 was primarily driven by a significant (12 percentage points) increase in offering among firms with 3 to 9 workers (from 47% in 2009 to 59% in 2010). This year, 48% of firms with 3 to 9 employees offer health benefits, a level which is more consistent with levels from recent years (2010 excluded). These figures suggest that the 2010 results may be an aberration.

Even in firms that offer health benefits, not all workers are covered. Some workers are not eligible to enroll as a result of waiting periods or minimum work-hour rules. Other workers do not enroll in coverage offered to them because, for example, of the cost of coverage or because they have access to coverage through a spouse. Among firms that offer coverage, an average of 79% of workers are eligible for the health benefits offered by their employer. Of those eligible, 81% take up their employer's coverage, resulting in 65% of workers in offering firms

having coverage through their employer. Among both firms that offer and do not offer health benefits, 58% of workers are covered by health plans offered by their employer, similar to the percentage in 2010.

HIGH-Deductible HEALTH PLANS WITH SAVINGS OPTION

HDHP/SOs include (1) health plans with a deductible of at least \$1,000 for single coverage and \$2,000 for family coverage offered with an Health Reimbursement Arrangement (HRA), referred to as "HDHP/HRAs," and (2) high-deductible health plans that meet the federal legal requirements to permit an enrollee to establish and contribute to a Health Savings Account (HSA), referred to as "HSA-qualified HDHPs."

Twenty-three percent of firms offering health benefits offer an HDHP/SO, up from 15% in 2010. Firms with 1,000 or more workers are more likely to offer an HDHP/SO than smaller firms (3-199 workers) (41% vs. 23%). Seventeen percent of covered workers are enrolled in HDHP/SOs, up from 13% in 2010, and 8% in 2009. Eight percent of covered workers are enrolled in HDHP/HRAs and 9% are enrolled in an HSA-qualified HDHP. Twenty-three percent of covered workers in small firms (3-199 workers) are enrolled in HDHP/SOs, compared to 15% of workers in large firms (200 or more workers).

The distinguishing aspect of these high deductible plans is the savings feature available to employees. Workers enrolled in an HDHP/HRA receive an average annual contribution from their employer of \$861 for single coverage and \$1,539 for family coverage. The average HSA annual contribution is \$611 for single coverage and \$1,069 for family coverage. In contrast to HRAs, not all firms contribute to HSAs. Sixty percent of employers offering single coverage and 57% offering family coverage through HSA-qualified HDHPs make contributions towards the HSAs that their workers establish. The average employer contributions to HSAs in these contributing firms are \$886 for single coverage and \$1,559 for family coverage.

The average premiums for single coverage for workers in HSA-qualified HDHPs and HDHP/HRAs are lower than the average premiums for workers in plans that are not HDHP/SOs. For family coverage, the average premium for HSA-qualified HDHPs is lower than the average family premium for workers in plans that are not HDHP/SOs. For single and family coverage, the average worker contributions to HSA-qualified HDHPs are also lower than the average worker contributions to non-HDHP/SO plans.

RETIREE COVERAGE

Twenty-six percent of large firms (200 or more workers) offer retiree health benefits in 2011, which is the same percentage that offered retiree health benefits in 2010. The offer rate has fallen slowly over time, with significantly fewer large employers offering retiree health benefits in 2011 than in 2007 and years prior.

Among large firms (200 or more workers) that offer retiree health benefits, 91% offer health benefits to early retirees (workers retiring before age 65) and 71% offer health benefits to Medicare-age retirees.

HEALTH REFORM

While many of the most significant provisions of the Patient Protection and Affordable Care Act (ACA) will take effect in 2014, important provisions became effective in 2010 and others will take effect over the next few years. The 2011 survey asked employers about some of these early provisions.

Grandfathered Health Plans. The ACA exempts "grandfathered" health plans from a

number of its provisions, such as the requirements to cover preventive benefits without cost sharing or to have an external appeal process. An employer-sponsored health plan can be grandfathered if it covered a worker when the ACA became law (March 23, 2010) and if the plan does not make significant changes that reduce benefits or increase employee costs. Seventy-two percent of firms had at least one grandfathered health plan when they were surveyed (January through May of 2011). Small firms (3-199 workers) were more likely than larger firms to have a grandfathered health plan (72% vs. 61%). Looking at enrollment, 56% of covered workers were in grandfathered health plans when the survey was conducted. The percentage of covered workers in grandfathered plans is higher in small firms (3-199 workers) than in larger firms (63% vs. 53%).

Firms with plans that were not grandfathered were asked to respond to a list of potential reasons why each plan is not a grandfathered plan. Twenty-eight percent of covered workers are in plans that were not in effect when the ACA was enacted. Roughly similar percentages of workers are in plans where the deductibles (37%), employee premium contributions (35%), or plan benefits (29%) changed more than was permitted for plans to maintain grandfathered status. The reasons plans were not grandfathered varied by firm size, with workers in small firms (3-199 workers) much more likely than workers in large firms to be in a new plan that was not in effect when the ACA was enacted (63% vs. 18%) and generally less likely to be affected by plan changes.

Preventive Benefits. The ACA requires non-grandfathered plans to provide certain preventive benefits without cost sharing. Firms were asked whether changes were made to their cost sharing for preventive services or the services that were classified as preventive because of health reform. Twenty-three percent of covered workers are in a plan where the employer reported changing the cost-sharing requirements because of health reform. Workers in large firms (200 or more employees) are more likely than workers in smaller firms to be in such a plan (28% vs. 13%). Thirty-one percent of covered workers are in a plan where the employer reported changing the services that are considered preventive services because of health reform.

Coverage for Adult Children to Age 26. The ACA requires firms offering health coverage to extend benefits to children of covered workers until the child reaches age 26. The child does not need to be a legal dependent, but until 2014, grandfathered plans do not have to enroll children of employees if those children are offered employer-sponsored health coverage at their own job. The survey asked firms whether any adult children who would not have been eligible for the plan prior to the change in law had enrolled in health coverage under this provision. Nineteen percent of small firms (3-199 workers) and 70% of larger firms enrolled at least one adult child under this provision.

The numbers of children who enroll under this provision are closely related to the number of workers in the firm. Smaller firms (3-24 workers) on average enroll two adult children due to the provision, while the largest firms (5,000 or more workers) enroll an average of 492 adult children. In total, an estimated 2.3 million adult children were enrolled in their parent's employer sponsored health plan due to the Affordable Care Act.

Small Employer Tax Credit. The ACA provides a temporary tax credit for small em-

ployers that offer insurance, have fewer than 25 full-time equivalent employees, and have average annual wages of less than \$50,000. The survey included several questions for both offering and non-offering employers about their awareness of the tax credit and whether they considered claiming it.

Because our survey gathers information on the total number of full-time and part-time employees in a firm, we cannot calculate the number of full-time equivalent employees and therefore could not limit survey responses only to firms within the size range eligible for the credit. To ensure that we included employers that may have a number of part-time or temporary employees but could still qualify for the tax credit, we directed these questions to employers with fewer than 50 total employees. This approach allowed us to capture some employers with more than 25 employees who would nonetheless be eligible for the tax credit, but this also means some employers who are unlikely to be eligible for the tax credit (because they have more than 25 full-time equivalent employees) were asked these questions.

Among firms with fewer than 50 employees that offer coverage, 29% said they have made an attempt to determine if the firm is eligible for the small employer tax credit. Of the firms which attempted to determine eligibility, 30% said that they intend to claim the credit for both 2010 and 2011, 21% said they do not intend to claim the credit for either year, 41% are not sure, and small percentages said they do not know if they will claim the credit or they intend to claim it for only one of the two years. The vast majority of those saying they do not intend to claim the tax credit indicated they were not eligible to receive it.

Firms with fewer than 50 workers that do not offer health insurance were asked if they were aware of the small business tax credit. One-half (50%) of these firms said they were aware of the credit, and of those aware, 15% are considering offering coverage as a result of the credit.

OTHER TOPICS

Stoploss Coverage. Many firms that have self-funded health plans purchase insurance, often called "stoploss" coverage, to limit the amount they may have to pay in claims either overall, or for any particular plan enrollee. Fifty-eight percent of workers in self-funded health plans are enrolled in plans covered by stoploss insurance. Workers in self-funded plans in small firms (3-199 workers) are more likely than workers in self-funded plans in larger firms to be in a plan with stoploss protection (72% vs. 57%). About four in five (81%) workers in self-funded plans that have stoploss protection are in plans where the stoploss insurance limits the amount the plan spends on each employee. The average per employee claims cost at which stoploss insurance begins paying benefits is \$78,321 for workers in small firms (3-199 workers) with self-funded plans, and \$208,280 for workers in larger firms with self-funded plans.

High-Performance Networks. Some plans offer tiered or high-performance networks, which group providers in the network based on quality, cost, and/or efficiency of the care they deliver. Plans encourage patients to visit higher performing providers either by restricting networks to efficient providers, or by having different copayments or coinsurance for providers in different tiers in the network. Twenty percent of firms offering coverage in 2011 include a high-performance or tiered provider network in their health plan with the largest enrollment. Small

firms (3-199 workers) and larger firms are equally likely to offer a plan that includes a high-performance or tiered network.

CONCLUSION

The 2011 survey saw an upturn in premium growth, as the average premiums for family coverage increased 9% between 2010 and 2011, significantly higher than the 3% increase between 2009 and 2010. The percentage of workers in HDHP/SOs continues to rise as employers seek more affordable coverage options and are potentially seeking to shift increased costs to workers. In 2011, 17% of covered workers were enrolled in an HDHP/SO, compared to 13% in 2010 and 8% in 2009.

Changes from the new health reform law are beginning to have an impact on the marketplace. Significant percentages of firms made changes in their preventive care benefits and enrolled adult children in their benefits plans in response to provisions in the new health reform law. Most employees with employment-sponsored insurance are in grandfathered plans that are exempt from some of the law's new provisions, but this may change over time as firms adjust benefits and cost sharing or change plan design to incorporate new features. The survey will continue to monitor employer responses to health reform as firms adapt to early provisions in the law and as new provisions take effect.

METHODOLOGY

The Kaiser Family Foundation/Health Research & Educational Trust 2011 Annual Employer Health Benefits Survey (Kaiser/HRET) reports findings from a telephone survey of 2,088 randomly selected public and private employers with three or more workers. Researchers at the Health Research & Educational Trust, NORC at the University of Chicago, and the Kaiser Family Foundation designed and analyzed the survey. National Research, LLC conducted the fieldwork between January and May 2011. In 2011 our overall response rate is 47%, which includes firms that offer and do not offer health benefits. Among firms that offer health benefits, the survey's response rate is 47%.

From previous years' experience, we learned that firms that decline to participate in the study are less likely to offer health coverage. Therefore, we asked one question to all firms with which we made phone contact, but the firm declined to participate. The question was, "Does your company offer a health insurance program as a benefit to any of your employees?" A total of 3,184 firms responded to this question (including 2,088 who responded to the full survey and 1,096 who responded to this one question). Their responses are included in our estimates of the percentage of firms offering health coverage. The response rate for this question was 71%. Since firms are selected randomly, it is possible to extrapolate from the sample to national, regional, industry, and firm size estimates using statistical weights. In calculating weights, we first determined the basic weight, then applied a nonresponse adjustment, and finally applied a post-stratification adjustment. We used the U.S. Census Bureau's Statistics of U.S. Businesses as the basis for the stratification and the post-stratification adjustment for firms in the private sector, and we used the Census of Governments as the basis for post-stratification for firms in the public sector. This year, we modified the method used to calculate firm-based weights resulting in small changes to some current and past results. For more information on the change consult the Survey Design and Methods section of the 2011 report. Some exhibits in the

report do not sum up to totals due to rounding effects and, in a few cases, numbers from distribution exhibits referenced in the text may not add due to rounding effects. Unless otherwise noted, differences referred to in the text use the 0.05 confidence level as the threshold for significance.

2010 ANNUAL REPORT OF THE BOARDS OF TRUSTEES OF THE FEDERAL HOSPITAL INSURANCE AND FEDERAL SUPPLEMENTARY MEDICAL INSURANCE TRUST FUNDS

Each drug plan receives direct subsidies (calculated as the risk-adjusted plan bid amount minus the plan premium), prospective reinsurance payments, and low-income cost-sharing subsidies from Medicare, as well as premiums from the beneficiaries. At the end of the year, the prospective reinsurance and low-income cost-subsidy payments are reconciled to match the plan's actual experience. In addition, if actual experience differs from the plan's bid beyond specified risk corridors, Medicare shares in the plan's experience gain or loss.

Expenditures for this voluntary prescription drug benefit, which started on January 1, 2006, were determined by combining estimated Part D enrollment with projections of per capita spending. Actual Part D spending information for 2009 was used as the projection base.

a. Participation Rates

All individuals enrolled in Medicare Part A or Part B are eligible to enroll in the voluntary prescription drug benefit.

(1) Employer-Sponsored Plans

There are several options for employer-sponsored retiree health plans to benefit from the Part D program. One option is the retiree drug subsidy (RDS), in which Medicare subsidizes qualifying employer-sponsored plans a portion of their qualifying retiree drug expenses (which are determined without regard to plan reimbursement). About 20 percent of beneficiaries participating in Part D were covered by this subsidy in 2009. Effective with 2013 under the Affordable Care Act, employers will no longer be able to deduct retiree health plan costs that are reimbursed by the RDS. In addition, retiree drug claims in the coverage gap will not be eligible for the 50-percent brand-name drug discount, and the 28-percent RDS subsidy rate will remain constant even though the coverage gap will be closing over time for other Part D drug plan participants. As a result of these changes, RDS program participation is assumed to decline quickly to about 2 percent in 2016 and beyond. It is expected that the retirees losing drug coverage through qualifying employer plans will participate in other Part D plans.

□ 1310

Ms. SLAUGHTER. Madam Speaker, I thank the gentleman for yielding me the customary 30 minutes and yield myself such time as I may consume.

Madam Speaker, I guess I'd better start by saying that one man's facts are another woman's folly. I want everybody who is listening today to clear their minds of what they just heard and also to remind them that when Medicare and Social Security were also before the Congress of the United States, Republicans didn't like them either, and almost all of them voted against it. So to hear people whose plan for Medicare is to simply do away with it and give vouchers to the Medi-

care recipients no matter what their physical condition or their mental condition to go into the private market and try to buy insurance if they can with the amount of money that may not even cover it, this crying about Medicare in this bill, which really strengthens it, is hard to take.

This is an incredible milestone today, and those of you in the gallery are here on a very important day. Over the last 2 years, over 30 votes have been taken on this health care bill alone. Today is the 31st. They want to defund or dismantle or do whatever to it. Never in the history of this Congress, and I feel perfectly secure in saying this, has anybody voted this many times on a single issue. Why? Because we don't have anything else to do.

We are here simply killing time because everybody knows the Senate has already done away with this bill, so we know it's never going to become law. What it's going to do is, as I said yesterday at the Rules Committee, we're not trying to make law here, we're making political points. And that is a shame, because it's not that the country doesn't need our attention. It isn't as though the unemployment rate isn't so high and that people's futures are not so grim that they are crying out for us to get something done, but it has been said that this is the least productive Congress since the beginning of Congresses, apart from the Continental Congress.

So here today, no jobs bill has been passed here, and over that time while everybody is clamoring for it, we do the 31st vote on this measure which, again, everybody knows is going nowhere. So we have just months left in the 112th Congress, and yet we vote again on this. We voted at least nine times on women's reproductive health, which shows you what are the real issues here that people care about.

Sadly, we're not going to be able to vote this year, the rest of this term, on creating jobs or rebuilding the infrastructure or even ending the war in Afghanistan, but we vote for the 31st time on dismantling historic health care concerns.

I am sure that while time runs out on this Congress to tackle the major issues that face us, to create jobs and to rebuild our country, we have failed to answer the call. I shouldn't say "we" because that's the polite way to do it on the floor of the House. But everybody knows who is wasting time.

This year, thanks to the Affordable Care Act, already more than 360,000 small businesses are expected to receive tax credits that reduce the cost of health care for their employees. And meanwhile, the new guarantees, one that ensures that the insurance companies will spend 85 percent of the cost on health care, of your premium dollar for the first time in history, 85 cents of that dollar is going to go to health

care, not administrative costs, not being put away to something or building buildings or whatever else. It will go to health care. That in itself is going to reduce the cost. This increased efficiency is very good news not only for small business owners but all the rest of us who bear the burden of inefficient care.

In addition, more than 3 million young adults are already insured on their parents' health care, and more than 5 million seniors have cheaper prescription drugs simply thanks to this health care reform, and we have not even started. It is not going to go into full effect until 2014, which I deplore, but nonetheless that's where we are.

Despite these benefits for millions of Americans, the majority wants to take it all away. Now they talk about repeal and replace. With what? We've had no plan of replacement. There is no answer to what's going to happen to the seniors and others who are already benefiting from this plan. They have offered no solution of their own; and 537 days ago, the majority passed legislation requiring this Congress to craft a proposal that would keep popular provisions of the Affordable Care Act, such as health care for people with pre-existing conditions.

I hope everybody understands that your health care, as it is written now, has a yearly limit and a lifetime limit. If you exceed the lifetime limit, you are not insurable again in the United States. And you can do that very easily with, let's say, a serious head wound or other trauma. But we have waited for a year for this bill that was promised 537 days ago. I really believe, and I don't want to be cynical, but I certainly do believe, because I must, that no such bill will ever come.

So what's going to happen if this bill passes and the Affordable Care Act is repealed? What's going to happen to the millions of women who will, once again, be charged more money than men for the same health insurance coverage? Do you know women pay 40 percent more? What will happen to the millions of seniors who will, once again, face the financial threat of the doughnut hole? What's going to happen to the thousands of children who will, once again, be denied health insurance coverage because they were born with a preexisting condition? And what will happen to the young people on their parents' health care unable to find work because Congress is not involved with that—or at least the majority is not? What will happen to them?

Today's vote will take away health care from women like Nancy O'Donnell, who is 60 years old and lives in my district in Rochester, New York. She works four jobs to make ends meet, and not a single one of them offers health care. Her life changed when she was diagnosed with cancer and told

she would need a mastectomy. With no insurance to help cover the cost of major surgery, she faced the very real prospect of suffering with cancer and having no hope of being cured. And if anybody out there believes that you can be diagnosed with cancer and not be able to get treatment for it because you have no insurance, you've got another think coming.

Prior to the Affordable Care Act, there would have been no recourse for a woman like Nancy. For years, millions of women and men in America were denied health insurance because cancer was a "preexisting condition" or if they had ever had it and they changed jobs and they had to get new health care, they probably would not be able to because they had had cancer. Even patients like Nancy who had insurance—and she did not, remember—would face lifetime and yearly limits on their health care, meaning that they would stop providing treatment because they didn't want her high-cost disease affliction.

Thanks to the Affordable Care Act, these tragic stories are no more. Thanks to the Affordable Care Act, Nancy was able to access health insurance at a price she could afford. And with that health insurance in hand, she was able to access treatment and found out that a mastectomy was no longer needed. She has now had four clean CAT scans and no sign of cancer, and we are all delighted for her.

Women like Nancy are the reason I brought the Affordable Care Act through the Rules Committee to the House floor. Women like Nancy are the reason I stood up to those who threw a brick through one of my district office windows and who threatened my family because I wanted to provide affordable, lifesaving health care to Americans in need. Health care was costing us 17, going on 18, percent of GDP, and we could not afford it unless we wanted to become the one industrial Nation on Earth that was only able to provide health care and do war.

Surely to goodness, we would like to join the community of other nations. And in addition to that, we have put the burden on our employers to provide the health care for their employees that none of their competitors from overseas or Canada have to put up with. This has been really sad and really the start of the debate for Clinton health care which came from Lee Iacocca, who said that the cost of health care forced him to put about \$2,000 more for the cost of each automobile he sold. It was unsupportable. But we're still at it here.

The United States, as I said, is the only one that does not provide its citizens with safe, secure, and affordable health care. They do it much cheaper than we do with much better outcomes. Instead, we put the burden back on the employers. That puts us at a disadvan-

tage with competitors all around the world. Despite not providing reliable health care to millions of our citizens, the cost of health care rises. Prior to the Affordable Care Act, we were on a trajectory to soon be bankrupt simply through the skyrocketing cost of care.

□ 1320

Since the Presidency of President Roosevelt—and I'm talking about Teddy here, we're going way back beyond, ahead of Franklin—numerous Presidents have tried to provide health care—President Nixon, President Truman, President Clinton—to the millions of the uninsured to lower the cost of care.

We, each of us, when we talk about having other people buy health insurance if they can afford it, and if they can't, we help them, each family is expected, and has been for some time, paying what is estimated to be between \$1,000 and \$1,500 more on your own health care to cover for the uncompensated cost of people who don't have it.

So why don't we deal with this in a mature and grown-up way? Because somehow or other we can't. But the reason could be this: yesterday morning, Politico, one of the newspapers that we have here on the Hill, reported on the plans of the majority over the next 4 weeks. They had been talking to members of the majority. In part, they wrote: "House Republicans have planned a series of hot-button votes over the next 4 weeks to contrast the party's agenda with that of Democrats and put President Barack Obama and Democratic candidates on the defensive," as though we are not capable of standing up and defending the votes that we take. "The main goal is to boost the party's prospects on Election Day."

Madam Speaker, the record is clear: today's vote is nothing more than a show. It is political theater. It puts political games ahead of the health of the Nation's citizens.

So, on behalf of the millions of Americans who are already benefiting from affordable care, I urge my colleagues to change course and reconsider the legislation before us today. Frankly, we should drop it. There's no point in taking this vote at all. Too much needs to be done, from creating jobs to investing in schools, rebuilding our broken highways and bridges. And we have only been able, in the United States, to build one airport from the ground up since 1972, in Denver. That tells you how modernized we are. But we are playing politics with health care reform instead, and health care is already saving lives.

So I urge my colleagues to oppose today's rule, the underlying legislation, and I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, at this time I'd like to yield 3 minutes to the gentleman from Spring Hill, Flor-

ida (Mr. NUGENT), the gentleman from the Rules Committee.

Mr. NUGENT. Madam Speaker, I want to thank the gentleman from Dallas, my Rules Committee colleague, PETE SESSIONS, for yielding me the time.

Over the past couple of years, I've met with thousands of people in Florida's Fifth Congressional District, whether it's businessmen, people on Medicare, veterans, and they all have the same appeal to me: Please, please repeal ObamaCare.

It's clear the American people know what our Democratic leaders still, to this day, don't want to admit: ObamaCare eliminates millions of American jobs, it cuts hundreds of billions of dollars from Medicare, and it puts in place 21 tax hikes that are going to cost the American people more than \$800 billion over the next 10 years. And guess what. It only pays for 6 years of coverage. What a scam.

Everybody knows the health care system is broken and reform is needed, but ObamaCare is not the answer. Madam Speaker, I think a number of my colleagues forget that although the Supreme Court upheld the individual mandate—because it's a tax—it did declare parts of the bill unconstitutional. The Court explicitly stated the Affordable Care Act is constitutional in part and unconstitutional in part. And expansion, they said, of ObamaCare unconstitutionally forces States to expand Medicaid.

So the vote we take on this rule, H.R. 6097, gives Members of this body two things: repeal a law that is in part unconstitutional, and repeal an \$800 billion tax increase on the American middle class. I have to think that if the other side knew that this was a tax increase back when they first implemented it, that—you know what?—they probably would rethink their thought on it.

Last night, my colleagues on the other side said that ObamaCare reduces the deficit, but it's also a tax cut. Only in Washington does that work—creating a new trillion-dollar health care program means reducing government spending. Only in Washington is \$800 billion in new taxes a cut. These are numbers I know my colleagues on the other side of the aisle know, and, more importantly, the American people know it.

For all these reasons, I'm grateful to Leader CANTOR for introducing the Repeal of Obamacare Act, and I'm proud to be a cosponsor of this legislation. I support the rule, I support the underlying legislation, and I encourage all of my colleagues who want real health care reform to do the same.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS), the ranking member of the Education and the Workforce Subcommittee on Health.

Mr. ANDREWS. I thank my friend from New York. It's great to be with her on the floor today, and my colleagues on the Republican side as well.

Today we could be voting on a bill where we work together to cut taxes for small businesses that put Americans back to work, but we are not. Today we could be voting on a bill that would help cities and counties and States around the country rehire police officers and firefighters and teachers they've had to lay off—over 600,000 of them the last few years—but we are not. Today we could be voting on a bill that would say that, if an American company brings jobs back from overseas, we'll cut their taxes and we'll pay for it by eliminating tax giveaways and loopholes for companies that outsource their jobs outside of the United States and take them overseas, but we're not voting on that. For the 31st time in the last 18 months, we're voting on a bill to repeal the health care law.

Now, I know there are Americans who feel strongly for and against the health care law, but almost every person I listen to feels very strongly we should be working together to help create an environment where businesses can create jobs for the American people, not voting for the 31st time on essentially a political argument.

Now, I do agree with my friend from Texas—and I thank him for mentioning my name; I respect him very much—about the need for facts in this debate. There is one fact that I think we've got to get to right away, which is whether or not the law that they are trying to repeal for the 31st time increases or decreases the Federal deficit.

The Congressional Budget Office, which is our neutral, nonpartisan auditor, said in January 2011—the first time of the 31 when the other side tried to repeal this law—that repeal of the law would add \$220 billion to the deficit. In other words, if you write the law off the books, the deficit goes up because of the spending restraints and the new revenues that are in the bill.

I would want to ask my friend from Texas if he can tell us what the effect of the repeal of this bill—in other words, if this bill passes, what will this bill do to the deficit, according to the Congressional Budget Office?

I yield to the gentleman from Texas.

Mr. SESSIONS. I appreciate the gentleman asking the question.

The gentleman also understands that the Congressional Budget Office has not, as a result of the Supreme Court, been able to render that decision.

Mr. ANDREWS. Reclaiming my time, I would then respectfully ask my friend: Why don't we wait and see what the auditor says the bill will cost before we vote on it? My understanding is that they're going to do that probably by the end of this month. Why don't we wait and see what the auditor says it's going to cost before we vote on this bill?

And I would yield to the gentleman.

Mr. SESSIONS. I appreciate the gentleman engaging me. This really is of substance to the American people.

The cost of the bill is twice now—we found out a year after it was passed—twice as expensive as it was originally started.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SESSIONS. Madam Speaker, at this time, I'd like to yield 2 minutes to the gentleman from San Antonio, Texas (Mr. CANSECO), from the Financial Services Committee.

Mr. CANSECO. I thank the gentleman from Texas for yielding this time, and I rise in support of the rule and the underlying bill to completely repeal ObamaCare.

Though ObamaCare has been found to be constitutional, it doesn't mean it is good for our health care nor good for our economy. ObamaCare is still a government takeover of health care, putting Federal bureaucrats in charge of decisions that should be made by you and your doctor by creating 159 different boards, bureaucracies, and programs that will increase Washington's control over health care, like the Independent Payment Advisory Board, which is compromised of 15 unelected bureaucrats that will be empowered to decide what treatments Medicare will and will not cover.

□ 1330

ObamaCare also could lead to less access to care and lower quality health care. I recently visited with several physicians last week in my district, and they told me that ObamaCare could lead to a large exodus of physicians from active practice, leaving many Americans with health care coverage but without health care access.

ObamaCare also cuts over half a trillion dollars from Medicare to pay for other spending, which could lead physicians to cut back on the number of American seniors that they will see, negatively impacting their care by leaving seniors with health care coverage but without access to care.

Besides being bad for health care, ObamaCare is bad for our economy. I've visited with numerous small businesses throughout the 23rd Congressional District of Texas, and almost every one of them has told me that the biggest factor keeping them from expanding their businesses and hiring more employees is the uncertainty about health care costs due to various taxes and mandates contained in ObamaCare.

Given the Supreme Court's ruling, it's now up to the people's elected representatives in the Congress to provide American families and small businesses with much-needed relief from the burdens of ObamaCare by repealing it completely. Only after ObamaCare is repealed can we then work to imple-

ment commonsense reforms to make health care more affordable and accessible.

Ms. SLAUGHTER. Madam Speaker, I yield 3 minutes to the gentlewoman from California (Ms. MATSUI), a member of the Committee on Energy and Commerce.

Ms. MATSUI. I thank the gentlelady from New York for yielding me time.

Madam Speaker, I rise today in strong opposition to this rule and the underlying legislation. This bill marks the 31st time that the Republicans attempted to repeal the Affordable Care Act, even though the Supreme Court of the United States has ruled it constitutional.

Unfortunately, instead of focusing on job creation, here we are again. The underlying legislation exemplifies the majority's continuous drumbeat to abolish the ACA, fearful that Americans may have a chance to fully realize its tremendous benefits.

Instead, the majority has only offered vague phrases and empty rhetoric, such as "patient-centered health care," while repeatedly attempting to repeal legislation that will expand access to care for millions of Americans. Clearly, their idea of "patient-centered health care" refers only to those patients who can afford skyrocketing health insurance rates and do not have any preexisting conditions. What is the point of "patient-centered health care" when only a small portion of the public can access the care?

The underlying legislation before us today would deny my constituents and the American people the consumer protections for which they've been asking for for years. This legislation would increase costs to families, small business owners, and seniors across the board. It would allow insurance companies to deny coverage to Americans with preexisting conditions, drop coverage when people get sick, re-institute lifetime limits on coverage, and charge people more based merely on gender.

The ACA has already created long-lasting benefits for many of my constituents, including Paula, who, in March of 2010, was diagnosed with Ewing's sarcoma, a rare children's bone cancer, and given a 15 percent chance of survival. Initially, she was lucky to have health insurance. But at an average of \$60,000 per chemotherapy treatment, she quickly approached her lifetime benefits cap. These are not burdens anyone can or should have to bear.

Because of the ACA, she remained covered and was able to complete her full treatment plan. And in the future, because of the law, Paula will not have to fear being denied coverage due to this preexisting condition.

It is time that we move forward and focus our efforts on job creation. I urge my colleagues to vote down this rule and vote against this underlying legislation.

Mr. SESSIONS. Madam Speaker, at this time I yield 1 minute to the gentlewoman from Dunn, North Carolina (Mrs. ELLMERS), a nurse, a health care professional prior to her service in the United States Congress.

Mrs. ELLMERS. I thank my colleague from Texas for acknowledging me.

Madam Speaker, I'm here today to join my colleagues and call for the immediate repeal of ObamaCare, with its massive tax increases.

Last month, as we know, the Supreme Court verified that ObamaCare is, in fact, a tax, one that has increased financial burdens of every American by over \$500 billion, and will go down in history as the most significant expansion of the Federal Government and its power. This law has and continues to be bad policy for all Americans and future generations.

The Supreme Court's decision has sent a direct message to Congress and policymakers that we have to get back to work to repeal this law and replace it with effective, efficient reforms. I have begun circulating a letter that will be sent to Senator HARRY REID, calling on him to allow for his colleagues in the Senate to have an up-or-down vote on the repeal. Every American needs to know how his senator feels about this as well.

We each have an obligation to vote our conscience and carry out the business of the American people. I am encouraging all of my colleagues here in the House to sign on to this letter so that each Member of Congress can decide whether or not they are in favor of raising taxes on millions of hard-working American taxpayers.

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 2 minutes to the gentlewoman from Maryland (Ms. EDWARDS).

Ms. EDWARDS. Madam Speaker, I thank the gentlelady from New York, and join her in opposing the rule and the underlying bill.

This is the way it's supposed to work. Passed by the House, passed by the Senate, signed into law by the President, and upheld by the United States Supreme Court.

The ruling provided certainty for Americans and businesses all across the country, knowing that the popular provisions they've already enjoyed are going to remain in place, and we can continue to implement the law of the land.

So America, here's what Republicans want to take away from you today. They want to take away covering 7 million children, young adults who can remain on their parents health insurance plans until they're 26. They want to ban insurance companies from denying coverage to 17 million children with preexisting conditions. They want to end tax cuts that benefit 360,000 businesses that employ 2 million work-

ers, all provisions that have popular and bipartisan support.

But rather than building on and moving forward from last month's ruling, nope, the Republicans, not surprisingly, decided to spend yet another day in Congress considering the repeal of the Affordable Care Act; 31 times that the House will vote on repeal. What a waste of America's time.

Thirty times that we haven't voted on jobs bills. Thirty times we haven't focused on extending tax cuts for the middle class.

For the American people in congressional districts all across the country, this is also the 31st time that the Republicans have put in jeopardy their access to quality, affordable, and comprehensive care. And so 250 million Americans could lose their benefits and protections with the vote today.

It's a step backward for Marylanders like Doug Masiuk, who watched the Affordable Care Act because he couldn't afford to keep paying a third of his income for health care and had started using bags of coins to pay for his medicines. The Affordable Care Act saves Americans like him \$4 billion.

Families like the Mosbys in my county, in Prince Georges County, who suffered three traumatic health events and fell behind on their mortgage, almost lost their home. But the Affordable Care Act saves 105 million Americans who would reach lifetime limits but for the Affordable Care Act that the Republicans today want to repeal.

It's time to get on with it. It's enough. It's time for Republicans to move on, approve the settled law of the land, and start to implement the law.

I urge my colleagues to vote down the rule and to vote against this repeal.

Mr. SESSIONS. Madam Speaker, at this time I yield 2 minutes to the gentleman from Brigham City, Utah (Mr. BISHOP), a member of the Rules Committee.

Mr. BISHOP of Utah. Madam Speaker, if, indeed this will be the 31st time we will vote to repeal what is commonly called ObamaCare, that number signifies also the number of job-creating bills this House has passed and sent over to the Senate. It would be nice if the Senate would actually deal on any of those issues to move us forward on all of these concerns.

I do want to speak for just 1 minute here, though, about the concept of the 10th amendment, one of the task forces on which I serve. Everything that we are talking about, there's nothing wrong with helping people provide for themselves. The issue always is where should that decision be made. There's nothing wrong about that at all, but where should it be made.

The brilliance of our Founding Fathers in coming up with federalism was simply the idea of choices should be made by people in the areas in which they can affect themselves.

Massachusetts appears to have a health care system they imposed upon themselves. They like it. That's fine.

□ 1340

It won't work in the State of Utah because we are different. We have far more kids than Massachusetts has. We have a higher percentage of small business. Our solution is not their solution.

The brilliance of federalism is that the people who live in the States and the leaders of the States, they care as much as we do. They also can decide for themselves as much as we do. The other brilliance of federalism is that States can decide to be wrong if they want to without impacting the entire Nation. There are some States that may want to have a robust government involvement and tax themselves to do it. Allow them to do so. There are other areas that want to have a less robust government and tax themselves less. Allow them to do it. Only the States have the ability of becoming efficient, creating justice and creativity in their approaches.

My State of Utah came up with a legislative exchange program that better meets the needs of my State, of the demographics of my State. It is, in my opinion, still a better way of going, but unfortunately, it is stopped by ObamaCare. That is not what we should be doing. Not all great decisions have to emanate from this particular body.

Now, the Supreme Court has said this is a tax. Fine. It must be enforced by the Internal Revenue Service, and we need to realize that there will be 12,000 to 17,000 new employees of the Internal Revenue Service to enforce this provision. Will they be outsourced, as the IRS has done in the past—and does that present problems for it—or will they be funded in-house, which will cost us again?

Ms. SLAUGHTER. Madam Speaker, I am pleased to yield 3 minutes to the gentleman from Massachusetts, who knows health care, the distinguished ranking member of the Committee on Natural Resources, Mr. MARKEY.

Mr. MARKEY. The Affordable Care Act is now part of our Nation's fabric of health care laws. Right alongside Social Security and Medicare now stands the Affordable Care Act. Yet the Republicans keep trying to take away or to take apart the benefits included in this law for the 31st time since they took over the House of Representatives. What we have here, Madam Speaker, is a severe case of Republican reflux.

Again and again, the Republicans keep coming up with harmful attempts to destroy all of the protections Americans have gained under this law—a Groundhog Day Republican reflux attempt to repeal this historic piece of legislation that helps every family in our country. Again and again, the Republicans keep choosing corporations

over consumers. The side effects of this Republican reflux are serious.

If the Republicans succeed, insurance companies could, once again, deny coverage because of preexisting conditions. Kids with asthma, women with breast cancer, all of these protections would just go away, and the Republicans will replace it with nothing. Americans could, once again, be forced into bankruptcy just because they got sick. Just because they got sick, they could go bankrupt if the Republicans' repeal attempt is successful this afternoon on the House floor. And what are they going to put in place of that protection against going bankrupt just because you are sick? Nothing. They have no proposal to have something replace those protections for American families.

Women could, once again, be discriminated against with higher insurance premiums. Just being a woman, unfortunately, under existing law is a condition which has women paying more. What are the Republicans going to replace this protection for women with, a protection that is now in the law? Nothing. They have no proposal they're bringing out here today onto the House floor.

With this Republican reflux, it's the American people who get burned. All they are doing is bringing out a proposal to repeal protections that ensure for every American family all of these extra protections which the Republicans have always denied them. They keep saying: Oh, no. We care about preexisting conditions. Oh, no. We care about people going bankrupt. Oh, no. We care about women being discriminated against. Then you say to them: Well, where is your proposal? Bring it out here. Let's have a vote on it.

But do you know what? This is about insurance companies over the consumers of our country. Vote "no" on this Republican reflux bill.

Mr. SESSIONS. Madam Speaker, I would like to yield 2 minutes to the gentleman from Knoxville, Tennessee (Mr. DUNCAN).

Mr. DUNCAN of Tennessee. I thank the gentleman for yielding.

Madam Speaker, I rise in support of the rule and of the underlying legislation, the so-called Affordable Care Act, which should be called the "Unaffordable Care Act." Even if the President's plan were the best thing since sliced bread, we simply cannot afford it.

Both Medicare and Medicaid now cost many times more than what was estimated when they were first passed. Already, the estimate for the President's plan is double what it was just 1 year ago, and most of it will not be fully implemented until 2014 and some parts until 2016. And much of it is "paid for" by placing millions more onto the Medicaid rolls. This will cost all the States many billions they do not have.

The nonpartisan Congressional Quarterly estimated these additional Medicaid costs at \$627 billion over the next 10 years. In addition, in June, the Joint Committee on Taxation estimated that increased taxes over the next 10 years just to cover the plan would be from \$675 billion up to possibly as much as \$804 billion. If these are lowball front-end estimates, as is typical, the health care plan will not work unless medical care is limited or restricted more and more each year.

In considering their votes on this legislation, on this so-called Affordable Care Act, I hope that my colleagues will consider these strong words by Dr. Milton R. Wolf, President Obama's cousin. He wrote this:

For the first time in the history of our Republic, our government has demanded that every American, upon the condition of breathing, be forced to enter a legal contract with government-approved corporations. Not even King George III dared impose such control. In truth, if a government can force you to patronize companies of its choosing, the fundamental relationship between the government and the individual is irrevocably changed. If it is allowed to stand, there will be no part of your life the government cannot control, and no crony it cannot enrich with your money.

I urge the support for this rule and this underlying legislation.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to my colleague, the gentleman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding and for her leadership.

Madam Speaker, today Congress must, once again, spend time in an empty gesture even as this country waits for real solutions to serious problems.

Instead of dealing with ways to speed up and expand the creation of jobs, once again, our colleagues on the other side of the aisle insist that we pretend like we are going to repeal the Affordable Care Act—even though that could drop over 6.6 million young adults under the age of 26 off their parents' health care policies; even though that could throw 17 million children with preexisting conditions to the mercy of the marketplace; even though that would drop 5.3 million seniors down the doughnut hole of Medicare; even though it would just create new uncertainties for small businesses.

Even though all of this is true and more, you make Congress, once again, engage in this crude Kabuki, which is totally without meaning because, if by some dark miracle you are able to pass the bill in the House and the Senate, do you believe for one second that the President would sign it? So what are we doing today? We are taking a vote on repealing the Affordable Care Act for the 31st time. It was a waste of time the first time, the second time, the third time, and so on and so on, and it's a waste of time today.

So I would say let's just hurry up. Vote "no" on the rule and on the underlying bill, and let's get back to the business of working to create jobs for the American people.

□ 1350

Mr. SESSIONS. At this time, I yield 1½ minutes to the gentleman from Savannah, Georgia (Mr. KINGSTON).

Mr. KINGSTON. Madam Speaker, there are five quick reasons why I think this bill should be repealed:

Number one, it does not decrease the cost of health care. In fact, it is estimated that it will increase costs by 13 percent per family and is already moving toward a \$2,100 increase.

Number two, the loss of health care. The nonpartisan Congressional Budget Office estimates that 20 million people will lose their employer-based health insurance because of the mandates in ObamaCare.

Number three, it interferes with the patient-doctor relationship. The law creates 159 new boards, offices, and panels within the Federal Government to be in charge of people's health care decisions.

Number four, increased government spending at a time where we borrow 40 cents on every dollar we spend and our national debt is 100 percent of the GDP. ObamaCare is expected to cost over \$1.8 trillion over the next decade. We don't have the money.

Number five, loss of jobs. The nonpartisan Congressional Budget Office estimates that nearly 800,000 jobs will be lost because of ObamaCare.

Madam Speaker, we need to repeal ObamaCare and replace it with the best ideas of Republicans and Democrats, which should include expanded health savings accounts, ending frivolous lawsuits, association health plans, across-State-line health care purchases, and State-run high-risk pools. These ideas will bring America together rather than divide us as a country over this very important issue.

Madam Speaker, following are my remarks in their entirety:

Rising Health Care Costs—Under the Patient Protection and Affordable Care Act (PPACA), CBO projects health insurance premiums will increase by \$2,100 per family.

By 2016, health insurance premiums for individuals and families will increase by 13%.

Loss of Health Care Coverage—CBO estimates 20 million people could lose their employer-based health insurance because of the mandates imposed by PPACA.

According to HHS's own assumptions, as high as 80% of small businesses and 64% of large businesses will discontinue offering health insurance to its employees.

According to a survey by House Ways and Means, 71 of the nation's largest employers could save more than \$28 billion in 2014 alone and \$422.4 billion over a decade, by deciding to drop health insurance coverage for their 10.2 million employees and dependents and paying the \$2,000 per-employee penalty instead.

Some colleges have already begun dropping student health insurance plans for the coming academic year and others are warning students of premium increases because of a provision in the Obamacare requiring plans to expand their coverage benefits.

For example, Bethany College in Kansas is cancelling its health insurance plan for students rather than face a premium increase of over 350 percent, causing the plans to increase from \$445 per year to more than \$2,000 per year.

A mandate in Obamacare requires all child-only health insurance carriers to guaranty issue plans, which allows individuals to purchase health insurance on the way to the emergency room. As a result, 17 states including Georgia no longer offer new child-only health insurance policies.

Interference with Patient-Doctor Relationship—PPACA creates the Independent Payment Advisory Board (IPAB) consisting of 15 bureaucrats responsible for making spending and coverage decisions for Medicare.

CBO projects IPAB will have a marginal effect on reducing Medicare spending.

The law does create 159 new boards, offices and panels within the federal government in charge of making decisions for people's health care.

Increased Government Spending—PPACA is expected to cost \$1.8 trillion over the next decade, which is nearly double the original estimate.

Total federal spending on health care will increase from 5.4 percent of GDP this year to 10.7 percent of GDP in 2037 and 18.3% by 2087.

Loss of Jobs—The CBO estimates nearly 800,000 jobs will be lost because of passages of PPACA. This is because of the law's misguided incentives that increase the marginal tax rates discouraging work and labor supply.

According to a survey by the U.S. Chamber of Commerce, 74 percent of small businesses stated PPACA makes it harder for firms to hire new workers.

The same survey found 30% of the businesses surveyed are not hiring at all thanks to PPACA.

Ms. SLAUGHTER. Madam Speaker, I yield 2 minutes to the gentleman from Texas, a member of the Committee on Ways and Means, Mr. DOGGETT, who also served on the Subcommittee on Health during the health care debate.

Mr. DOGGETT. "I have lived through a terminal illness while struggling to get well and struggling to get and keep my insurance. I have been denied insurance because of a preexisting condition. I have lived this. It is very real for me. Today I breathe a little better. Life is good because now I have hope."

That was the reaction of my constituent, Erin Foster, to the approval of the Affordable Health Care Act by the Supreme Court. And today's legislation ought to be called the Take Away Erin Foster Hope Act, because that's what it is, replacing the Affordable Health Care Act with only tax breaks for Tylenol.

In a few days, thousands of Texans will be receiving checks of almost \$200

each, of almost \$200 million in rebates from private insurance companies that overcharged and abused them. This bill should be called the Return to Sender Act, because it says those abusive health insurance companies get their money back if this act became law.

There are seniors today who are trying to make use of the flawed Republican prescription drug act that is now law. They left a giant gap—sometimes referred to as a "doughnut hole"—in the coverage of that act.

Our seniors, as a result of the Affordable Health Care Act, have seen their prescription costs go down, some of that doughnut hole plugged, eventually to fill it all, and provide them the protection that they have earned.

This bill, if enacted, would double the cost of prescription drugs for those in the doughnut hole. About 2,250,000 Texas seniors would also no longer receive free preventive services. This act should be called the Charge Seniors More for Their Prescription Act, because that's what it does.

You see, the problem is that in their near fanatic determination to see that President Obama fails on everything, Erin Foster and that senior and that individual that is counting on one of those rebate checks, they are just collateral damage to these Republicans.

Mr. SESSIONS. Madam Speaker, at this time, I yield 1 minute to the gentleman from Laurens, South Carolina (Mr. DUNCAN), from the Foreign Affairs Committee, one of the most influential committees we have here in the House of Representatives.

Mr. DUNCAN of South Carolina. Madam Speaker, Americans know that the government takeover of health care is wrong. They spoke very loudly when the other side of the aisle forced this on America in the last Congress. It was bad policy before the Supreme Court ruled, and it was bad policy in January when we first passed the repeal bill. It's bad policy today, and it will be bad policy tomorrow. It takes \$500 billion away from Medicare. It puts government bureaucrats between Americans and their doctors. It rations care for American seniors. It adds exponentially to the Nation's debt. It grows government. Specifically, it grows the Internal Revenue Service to collect the tax, which the Supreme Court so evidently pointed out that it is a tax that will be assessed if you fail to meet government's requirement to buy something.

Socialized medicine is wrong for America, and it is time to repeal the bill.

Ms. SLAUGHTER. I am pleased to yield 2½ minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Madam Speaker, Albert Einstein once said the definition of "insanity"—and you've heard this before, Madam Speaker—is doing the same thing over and over and expecting

different results. Well, we've already voted over 30 times to repeal or restrict the Affordable Care Act, and here we are again, wasting time with politics instead of putting people back to work.

We're offering you the opportunity to help your constituents right now, Madam Speaker. You can defeat the previous question and take up the Bring the Jobs Home Act, which, for the first time, makes sure we promote insourcing of jobs and stops the corporate welfare for outsourcing jobs.

In the last decade, we have lost 5.5 million manufacturing jobs and 1.3 million back-office jobs. However, we have seen that the light of our economic recovery is powered by domestic production, not the outsourcing of jobs, and we've added over half a million manufacturing jobs in just the last 2 years.

There are some who think outsourcing is a good policy. In fact, they have made hundreds of millions doing just that.

I believe that the American Dream starts by creating good jobs right here in the United States, and that we should not outsource the American Dream to China or any other country.

This bill is very simple here. We're going to end the tax breaks that encourage companies to shift their jobs overseas, and use that to pay for tax credits for patriotic companies that want to bring jobs back home. That's pretty simple.

With all due respect, Madam Speaker, why are we wasting our time? The Supreme Court has ruled. The Affordable Care Act is the law of the land. If the law is repealed, according to a report by the New Jersey Public Interest Research Group, employers would see health care costs grow by more than \$3,000 a year, and premiums would be increased from 14 percent to 18 percent per year higher to those who want to buy insurance, and my home State of New Jersey would have 10,000 fewer jobs by the end of the decade.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. SLAUGHTER. I yield an additional 10 seconds to the gentleman from New Jersey.

Mr. PASCRELL. Despite the rhetoric, the majority is yet to propose a replacement that will cover all of the people they want to throw off the health care rolls. And they continue to ignore the number one priority of the American people: creating jobs.

A week after the Fourth of July, Madam Speaker, I urge my colleagues to defeat this motion and let the House vote on a patriotic American bill that will create jobs right here.

Mr. SESSIONS. Madam Speaker, at this time, I yield 2 minutes to the gentleman who, before he came to Congress, was on the front line of health care as an anesthesiologist on the eastern shore of Maryland, Congressman HARRIS.

Mr. HARRIS. Thank you very much, Mr. Chairman, for yielding the time.

Madam Speaker, my, my, my. Former Speaker PELOSI was so right when she said Congress had to pass this bill so Americans could just find out what's in it.

□ 1400

Well, Americans have learned a lot since we first tried to repeal the President's health care act last January. We learned that it still continues to stifle job growth as we learn more and more about it, and that's why we have to attempt to repeal it once again.

Earlier this year, Americans discovered that the law creates a new nationwide mandate for coverage that doesn't allow people to opt out when they have a religious or moral objection to those covered services, a violation of the Religious Freedom Restoration Act duly passed by this Congress and, more importantly, a violation of their First Amendment rights. These inflexible mandates jeopardize the ability of institutions and individuals to exercise their rights of conscience, one of the most basic rights, and, yes, we discovered this since we voted on the repeal last January.

Mr. Speaker, by now Americans have learned enough about this bill. They want it repealed, and we should listen to them. We should pass the rule and pass the bill.

Ms. SLAUGHTER. I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the Rules Committee chairman, the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I would like to express my appreciation to the distinguished vice chairman of the Committee on Rules, our friend from Dallas, Mr. SESSIONS, for his superb management of this rule.

I would like to say that as we look at where we're going, contrary to arguments that have been propounded here on the floor, it's important to note that everybody wants to do everything we possibly can to ensure that our fellow Americans have access to the best quality, affordable health care in the world. We have the best health care system in the world; we all know that. We want to make sure that we continue to see that health care system improve, and we have just come to the conclusion that the massive expansion of government is not the answer to the goal of ensuring that people have access to quality health care.

The Supreme Court made their decision. We know what the Supreme Court's decision was. I think that that decision pointed out a few things. It's a tax. We were told consistently it wasn't a tax, and, frankly, if we had known what the Supreme Court told us about it being a tax, I don't believe that we would have had the passage of that measure from the House.

That decision has been made, and also the Supreme Court, by virtue of determining what is constitutional, does not mean that it's good public policy. In fact, the Chief Justice has made it clear that they are not casting an opinion as to whether or not this is a right measure.

I think that most of us have come down on the side of saying that we should have taken an incremental approach in dealing with this. There are a number of things that if we had done that would have, I believe, immediately reduced the cost of health insurance and direct health care costs, Mr. Speaker.

They include things like allowing for the purchase of insurance across State lines, things like saying that there should be association health plans, which interestingly enough passed the House and died because of Democrats blocking it in the Senate when my party was last in the majority here. Also, things like allowing for real meaningful lawsuit abuse reform, which the President of the United States said he advocated when he was here, and I acknowledge pooling to deal with pre-existing conditions is something that needs to be done.

The fifth point is expanded medical savings accounts, which encourage people to put some dollars aside with a tax incentive plan for their health care needs.

If we had done these five things, Mr. Speaker, and these are things that we as Republicans have put forward and again—as I said when we were last in the majority, when people on the other side often said that we did nothing—we passed association health plans, which, again, allow small business to pool together, come together and work to get lower rates as large corporations do.

It seems to me, Mr. Speaker, that as we look at the challenges that we have, we can make this happen. The reason that we are casting the vote, as we will today to repeal, is that we need to do that so that we can do this in an open way.

Now, I have got to say some would say this is a closed rule. This is simply an up-or-down vote on whether or not we should repeal this. When we last considered this measure that we are voting to repeal today, Mr. Speaker, I have got to tell you it was done under the most closed process we have ever had.

The SPEAKER pro tempore (Mr. POE of Texas). The time of the gentleman has expired.

Mr. SESSIONS. I yield the gentleman an additional 2 minutes.

Mr. DREIER. Let me just say that when we did this, when we did this here, it was done under a process that was unprecedented for an issue of this magnitude.

That closed process, Mr. Speaker, is one of the things that I believe played

a role in seeing the Speaker of the House of Representatives, then NANCY PELOSI, have to hand the gavel to JOHN BOEHNER.

The American people understood the fact that things were so closed around here, and I am very proud and happy that since we have been in the majority our Rules Committee has reported out bills that have allowed for a structure that has made more amendments considered in the first several months of this Congress than have been considered in the entire last Congress.

So we have tried to work for more openness and, again, a real example of that closed process was what took place in the last Congress.

Well, we need to take this measure, we need to repeal it. I hope very much that some of our colleagues in the other body will agree to that. People always say it's a foregone conclusion what's going to happen. Well, you know what? I never come to an absolute foregone conclusion.

We have our responsibility, as Members of the House of Representatives, to step up to the plate and do what we as a body think is the right thing for us to do, and that's exactly what is going to take place today.

So if it doesn't happen, I think that there might be a chance for us next year to do this. Again, Republicans, contrary to what is often said, do want to take steps to ensure that all of our fellow Americans—and we listen to these horror stories, and they are terrible stories of the way people have been treated.

That's why I am a proponent of a structure that will allow for ways to deal with pre-existing conditions. I believe that we can in a bipartisan way, since the President advocated it, deal with meaningful lawsuit abuse reform.

Again, we need to remember that if we want to keep our Nation on the cutting edge of technological development to find a cure for cancer, Alzheimer's and these other ailments, we need to make sure that there's still an incentive for that to take place.

Mr. Speaker, I support the rule, and I support our underlying measure.

Ms. SLAUGHTER. I continue to reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, the Republicans today have brought forth the ideas about why we are repealing the ObamaCare health care bill. The process that was gone through has been under wide debate, but the results are factually known and understood.

Mr. Speaker, our economy is in shambles. Our economy is in shambles because of uncertainty, uncertainty in the marketplace about the rules and regulations, not just of health care, but about the impact of Big Government, and this is the big daddy of all of them. The health care bill is the big daddy that invades every single piece, part of not just this country and our society,

but because of the way it reaches into individuals and to families, it is very disruptive.

The IRS will be empowered to hire up to 17,000 new IRS agents to make sure that not only are taxes being paid, but to make sure that the government has its way with people who, even though they may or may not choose to get health care, will be required to by this government. We well understand what the results are of this bill; and as a result of that, that's why Republicans are on the floor of the House of Representatives today.

Ms. SLAUGHTER. I continue to reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. LOBIONDO).

Mr. LOBIONDO. I appreciate the chairman for yielding.

Mr. Speaker, I would like to reemphasize some points that I think probably have already been made, that health care is not a partisan issue. Whether we're Republicans or Democrats or Independents, we want to see health care more affordable and more accessible. Unfortunately, President Obama's health care bill does not do the job.

The Supreme Court made it completely clear that this is a new tax.

□ 1410

With a very fragile economy, the last thing we need to do is impose a new tax on our businesses. In my district, the average unemployment rate is hovering around 13 percent. I've talked to many of the businesses. The uncertainty of this legislation is killing their incentive to hire new people. It's something that we really shouldn't let happen. And maybe more important, I believe that the sacrosanct doctor-patient relationship is jeopardized by the 111 new boards and commissions that will put cost before care.

This is something that we cannot allow to happen. The best way to do it is for a total repeal, to start over with the points that will make sense, that most of America can get their arms around, that the medical community will say will help the doctor-patient relationship and businesses will have a clear understanding.

Ms. SLAUGHTER. May I inquire of my colleague if he has further speakers?

Mr. SESSIONS. At this time, I'd inquire of the Speaker how much time remains on both sides.

The SPEAKER pro tempore. The gentlewoman from New York has 1 minute 50 seconds remaining, and the gentleman from Texas has 3 minutes remaining.

Mr. SESSIONS. Thank you very much, Mr. Speaker.

I have no further requests for time, and I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, Presidents from both sides of the aisle

have tried to do health care in the United States for a hundred years. Finally, 2 years ago, we were able to achieve the goal. Today, we vote on a bill that would dismantle that achievement for political points only, because the 31st time is not going to be the charm here.

We have heard, again, the dire straits of this country. Please ask your Member of Congress why it is that we're voting on this for the 31st time instead of doing something about jobs, for heaven's sake.

I've not heard anything in that bill or anyplace else that 17,000 IRS agents are going to be hired. I think that's, again, something that we really don't know about.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment Mr. PASCRELL talked about, along with the extraneous material, in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. I urge my colleagues to vote "no" and defeat the previous question.

I urge a "no" vote on the rule, and I yield back the balance of my time.

Mr. SESSIONS. I appreciate the gentlewoman from New York not only for her indulgence of this issue the past few days but also for her professional nature today.

Mr. Speaker, we're on the floor because the health care bill that the President and House Democrats and Senate Democrats supported costs twice as much 1 year later as was guesstimated the year before.

The United States is suffering economically, people are suffering economically, and we are losing our competitiveness with the world. We are here because the biggest driver of what I would consider to be not just lack of jobs in this country but also continued uncertainty for the business community. Someone called them corporations. They're really employers. Employers across this country are saying to Members of Congress not just in sworn testimony but in media after media, newspaper after newspaper, that it is uncertainty related to the health care bill that is causing them not to move forward on their plans to grow their business.

We are here today because we need to make sure that we also understand the cost—the cost that is twice as much in 1 year as was guesstimated to be in the year before. This cost in doubling, this would mean that this body either needs to come up with a way to pay for it, which would mean, following the Democrats' proposal, instead of taking \$500 billion out of Medicare, we would take \$1 trillion out of Medicare. Instead of raising taxes \$570 billion, we

would have to raise taxes \$1 trillion. Instead of all these things that the bill does that taxes people, instead of it being exactly the way they said it would be, including \$70 billion for a plan for long-term care that now they cannot sustain, it would have to be \$140 billion.

Mr. Speaker, the American people do understand that health care is important, and Republicans would insist upon us following, just as we have in the past, health care bills which would better the marketplace, and people would have the ability to purchase health care at an affordable amount and to make sure that we have physicians and patients that have a close relationship. Please make no mistake: tort reform would be at the top of our order.

Secondly, buying insurance across State lines would include a healthy marketplace. Third, 26-year-olds being on their parents' insurance, that's a bipartisan idea. High-risk pools to help spread out the cost would become available. We're for those, too. And certainly associated health care plans that are able to pool their resources so that they can have a bigger team size in which to purchase health care would be important. But more importantly, we need to make sure that every single American gets health care on a pretax basis.

We've made our case today, Mr. Speaker. I am very proud of what we're doing. I urge my colleagues to vote for the rule and the underlying bill.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 724 OFFERED BY

MS. SLAUGHTER OF NEW YORK

Amendment in nature of substitute:

Strike all after the resolved clause and insert:

That immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 5542) to amend the Internal Revenue Code of 1986 to encourage domestic insourcing and discourage foreign outsourcing. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided among and controlled by the chair and ranking minority member of the Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause

1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 2. Clause 1(c) of rule XIX shall not apply to the consideration of the bill specified in the first section of this resolution.

The information contained herein was provided by the Republican Minority on multiple occasions throughout the 110th and 111th Congresses.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual: "Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule. . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

In Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: "Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Mem-

ber leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. SESSIONS. I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question will be followed by 5-minutes votes on adopting the resolution, if ordered; and agreeing to the Speaker's approval of the Journal.

The vote was taken by electronic device, and there were—yeas 238, nays 184, not voting 9, as follows:

[Roll No. 456]

YEAS—238

Adams	Dent	Herrera Beutler
Aderholt	DesJarlais	Huelskamp
Alexander	Diaz-Balart	Huizenga (MI)
Amash	Dold	Hultgren
Amodei	Dreier	Hunter
Austria	Duffy	Hurt
Bachmann	Duncan (SC)	Issa
Bachus	Duncan (TN)	Jenkins
Barletta	Ellmers	Johnson (IL)
Bartlett	Emerson	Johnson (OH)
Barton (TX)	Farenthold	Johnson, Sam
Bass (NH)	Fincher	Jones
Benishek	Fitzpatrick	Jordan
Berg	Flake	Kelly
Biggert	Fleischmann	King (NY)
Bilbray	Fleming	Kingston
Bilirakis	Flores	Kinzing (IL)
Black	Forbes	Kline
Blackburn	Portenberry	Labrador
Bono Mack	Fox	Lamborn
Boren	Franks (AZ)	Lance
Boustany	Frelinghuysen	Landry
Brady (TX)	Gallegly	Lankford
Brooks	Gardner	Latham
Broun (GA)	Garrett	LaTourette
Buchanan	Gerlach	Latta
Bucshon	Gibbs	Lewis (CA)
Buerkle	Gibson	LoBiondo
Burgess	Gingrey (GA)	Long
Burton (IN)	Gohmert	Lucas
Calvert	Goodlatte	Luetkemeyer
Camp	Gosar	Lummis
Campbell	Gowdy	Lungren, Daniel
Canseco	Granger	E.
Cantor	Graves (GA)	Mack
Capito	Graves (MO)	Manzullo
Carter	Griffin (AR)	Marchant
Cassidy	Griffith (VA)	Marino
Chabot	Grimm	McCarthy (CA)
Chaffetz	Guinta	McCaul
Coble	Guthrie	McClintock
Coffman (CO)	Hall	McHenry
Cole	Hanna	McIntyre
Conaway	Harper	McKeon
Cravaack	Harris	McKinley
Crawford	Hartzler	McMorris
Crenshaw	Hastings (WA)	Rodgers
Culberson	Hayworth	Meehan
Davis (KY)	Heck	Mica
Denham	Hensarling	Miller (FL)
	Herger	Miller (MI)

Miller, Gary	Roby	Smith (TX)
Mulvaney	Roe (TN)	Southerland
Murphy (PA)	Rogers (AL)	Stearns
Myrick	Rogers (KY)	Stivers
Neugebauer	Rogers (MI)	Stutzman
Noem	Rohrabacher	Terry
Nugent	Rokita	Thompson (PA)
Nunes	Rooney	Thornberry
Nunnelee	Ros-Lehtinen	Tiberi
Olson	Roskam	Tipton
Palazzo	Ross (FL)	Turner (NY)
Paul	Royce	Turner (OH)
Paulsen	Runyan	Upton
Pearce	Ryan (WI)	Walberg
Pence	Scalise	Walden
Petri	Schilling	Walsh (IL)
Pitts	Schmidt	Webster
Poe (TX)	Schock	West
Pompeo	Schweikert	Westmoreland
Posey	Scott (SC)	Whitfield
Price (GA)	Scott, Austin	Wilson (SC)
Quayle	Sensenbrenner	Wittman
Reed	Sessions	Wolf
Rehberg	Shimkus	Womack
Reichert	Shuler	Woodall
Renacci	Shuster	Yoder
Ribble	Simpson	Young (AK)
Rigell	Smith (NE)	Young (FL)
Rivera	Smith (NJ)	Young (IN)

NAYS—184

Ackerman	Filner	Owens
Altmire	Frank (MA)	Pallone
Andrews	Fudge	Pascarell
Baca	Garamendi	Pastor (AZ)
Baldwin	Gonzalez	Pelosi
Barber	Green, Al	Perlmutter
Barrow	Green, Gene	Peters
Bass (CA)	Grijalva	Peterson
Becerra	Hahn	Pingree (ME)
Berkley	Hanabusa	Polis
Berman	Hastings (FL)	Price (NC)
Bishop (GA)	Heinrich	Quigley
Bishop (NY)	Higgins	Rahall
Blumenauer	Himes	Rangel
Bonamici	Hinchey	Reyes
Boswell	Hinojosa	Richardson
Brady (PA)	Hochul	Richmond
Braley (IA)	Holden	Ross (AR)
Brown (FL)	Holt	Rothman (NJ)
Butterfield	Honda	Roybal-Allard
Capps	Hoyer	Ruppersberger
Capuano	Israel	Rush
Cardoza	Jackson Lee	Ryan (OH)
Carnahan	(TX)	Sánchez, Linda
Carney	Johnson (GA)	T.
Carson (IN)	Johnson, E. B.	Sanchez, Loretta
Castor (FL)	Kaptur	Sarbanes
Chandler	Keating	Schakowsky
Chu	Kildee	Schiff
Cicilline	Kind	Schrader
Clarke (MI)	Kissell	Schwartz
Clarke (NY)	Kucinich	Scott (VA)
Clay	Langevin	Scott, David
Cleaver	Larsen (WA)	Serrano
Clyburn	Larson (CT)	Sewell
Cohen	Lee (CA)	Sherman
Connolly (VA)	Levin	Sires
Conyers	Lewis (GA)	Slaughter
Cooper	Lipinski	Smith (WA)
Costa	Loeb sack	Speier
Costello	Lofgren, Zoe	Stark
Courtney	Lowey	Sutton
Critz	Lujan	Thompson (CA)
Crowley	Lynch	Thompson (MS)
Cuellar	Maloney	Tierney
Cummings	Markey	Tonko
Davis (CA)	Matheson	Tsongas
Davis (IL)	Matsui	Van Hollen
DeFazio	McCarthy (NY)	Velázquez
DeGette	McCollum	Vislosky
DeLauro	McDermott	Walz (MN)
Deutch	McGovern	Wasserman
Dicks	McNerney	Schultz
Dingell	Meeks	Waters
Doggett	Michaud	Welch
Donnelly (IN)	Miller (NC)	Wilson (FL)
Doyle	Moore	Woolsey
Edwards	Moran	Yarmuth
Ellison	Murphy (CT)	
Engel	Nadler	
Eshoo	Napolitano	
Farr	Neal	
Fattah	Oliver	

NOT VOTING—9

Akin Hirono Miller, George
Bonner Jackson (IL) Platts
Gutierrez King (IA) Sullivan

□ 1440

Messrs. HASTINGS of Florida, BUTTERFIELD, and KUCINICH, Ms. LORETTA SANCHEZ of California and Ms. JACKSON LEE of Texas changed their vote from “yea” to “nay.”

Mr. POSEY changed his vote from “nay” to “yea.”

So the previous question was ordered. The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 240, nays 182, not voting 9, as follows:

[Roll No. 457]

YEAS—240

Adams	Duffy	Johnson, Sam
Aderholt	Duncan (SC)	Jones
Alexander	Duncan (TN)	Jordan
Amash	Ellmers	Kelly
Amodei	Emerson	King (NY)
Austria	Farenthold	Kingston
Bachmann	Fincher	Kinzing (IL)
Bachus	Fitzpatrick	Kissell
Barletta	Flake	Kline
Bartlett	Fleischmann	Labrador
Barton (TX)	Fleming	Lamborn
Bass (NH)	Flores	Lance
Benishkek	Forbes	Landry
Berg	Fortenberry	Lankford
Biggert	Fox	Latham
Bilbray	Franks (AZ)	LaTourette
Bilirakis	Frelinghuysen	Latta
Bishop (UT)	Gallely	Lewis (CA)
Black	Gardner	LoBiondo
Blackburn	Garrett	Long
Bono Mack	Gerlach	Lucas
Boren	Gibbs	Luetkemeyer
Boustany	Gibson	Lummis
Brady (TX)	Gingrey (GA)	Lungren, Daniel
Brooks	Gohmert	E.
Broun (GA)	Goodlatte	Mack
Buchanan	Gosar	Manzullo
Bucshon	Gowdy	Marchant
Buerkle	Granger	Marino
Burgess	Graves (GA)	McCarthy (CA)
Burton (IN)	Graves (MO)	McCaul
Calvert	Griffin (AR)	McClintock
Camp	Griffith (VA)	McHenry
Campbell	Grimm	McIntyre
Canseco	Guinta	McKeon
Cantor	Guthrie	McKinley
Capito	Hall	McMorris
Carter	Hanna	Rodgers
Cassidy	Harper	Meehan
Chabot	Harris	Mica
Chaffetz	Hartzler	Miller (FL)
Coble	Hastings (WA)	Miller (MI)
Coffman (CO)	Hayworth	Miller, Gary
Cole	Heck	Mulvaney
Conaway	Hensarling	Murphy (PA)
Cravaack	Herger	Myrick
Crawford	Herrera Beutler	Neugebauer
Crenshaw	Huelskamp	Noem
Culberson	Huizenga (MI)	Nugent
Davis (KY)	Hultgren	Nunes
Denham	Hunter	Nunnelee
Dent	Hurt	Olson
DesJarlais	Issa	Palazzo
Diaz-Balart	Jenkins	Paul
Dold	Johnson (IL)	Paulsen
Dreier	Johnson (OH)	Pearce

Pence
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah

Akin
Bishop (NY)
Bonner

Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southernland
Stearns
Stivers
Stutzman

NAYS—182

Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradler
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Shuler
Sires
Slaughter
Smith (WA)
Speier
Lujan
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—9

Gutierrez
Hirono
Jackson (IL)

Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Yoder
Young (AK)
Young (FL)
Young (IN)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1446

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE JOURNAL

The SPEAKER pro tempore. The unfinished business is the question on agreeing to the Speaker's approval of the Journal, on which the yeas and nays were ordered.

The question is on the Speaker's approval of the Journal.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 312, nays 105, answered “present” 3, not voting 11, as follows:

[Roll No. 458]

YEAS—312

Ackerman	Clyburn	Hahn
Aderholt	Coble	Hall
Alexander	Cohen	Hanabusa
Altmire	Cole	Harper
Amodei	Connolly (VA)	Harris
Austria	Cooper	Hartzler
Baca	Courtney	Hastings (WA)
Bachmann	Crawford	Hayworth
Bachus	Crenshaw	Heinrich
Barber	Crowley	Hensarling
Barletta	Cuellar	Herger
Bartlett	Culberson	Higgins
Barton (TX)	Cummings	Himes
Bass (NH)	Davis (CA)	Hinojosa
Becerra	Davis (IL)	Hochul
Berg	Davis (KY)	Holden
Berkley	DeGette	Honda
Berman	DeLauro	Huelskamp
Biggert	DesJarlais	Huizenga (MI)
Bilbray	Deutch	Hultgren
Bilirakis	Diaz-Balart	Hunter
Bishop (GA)	Dicks	Hurt
Bishop (UT)	Dingell	Issa
Black	Doggett	Jackson Lee
Blackburn	Dreier	(TX)
Blumenauer	Duncan (SC)	Jenkins
Bonamici	Duncan (TN)	Johnson (GA)
Bono Mack	Edwards	Johnson (IL)
Boren	Ellmers	Johnson, E. B.
Boustany	Emerson	Johnson, Sam
Brady (TX)	Engel	Jones
Braley (IA)	Eshoo	Jordan
Brooks	Farenthold	Kaptur
Broun (GA)	Farr	Kelly
Buchanan	Fattah	Kildee
Bucshon	Fincher	King (NY)
Buerkle	Flake	Kingston
Burton (IN)	Fleischmann	Kissell
Butterfield	Fleming	Kline
Calvert	Flores	Labrador
Camp	Fortenberry	Lamborn
Campbell	Frank (MA)	Lance
Canseco	Franks (AZ)	Langevin
Cantor	Frelinghuysen	Lankford
Capito	Fudge	Larsen (WA)
Capps	Gallely	LaTourette
Carnahan	Garamendi	Latta
Carney	Gibbs	Levin
Carson (IN)	Gingrey (GA)	Lewis (CA)
Carter	Gonzalez	Lipinski
Cassidy	Goodlatte	Loeb sack
Castor (FL)	Gosar	Loftgren, Zoe
Chabot	Gowdy	Long
Chaffetz	Granger	Lucas
Chu	Graves (GA)	Luetkemeyer
Cicilline	Green, Al	Luján
Clarke (NY)	Griffith (VA)	Lummis
Clay	Grimm	Lungren, Daniel
Cleaver	Guthrie	E.

Mack	Platts	Sewell
Maloney	Poe (TX)	Sherman
Manzullo	Polis	Shinkus
Marchant	Pompeo	Shuler
Marino	Posey	Shuster
Markey	Price (GA)	Simpson
Matsui	Price (NC)	Smith (NE)
McCarthy (CA)	Quigley	Smith (NJ)
McCarthy (NY)	Rangel	Smith (TX)
McCaul	Rehberg	Smith (WA)
McClintock	Reichert	Southerland
McCollum	Reyes	Speier
McHenry	Richardson	Stark
McIntyre	Richmond	Stearns
McKeon	Rivera	Stutzman
McKinley	Roby	Sullivan
McMorris	Rogers (AL)	Sutton
Rodgers	Rogers (KY)	Thompson (PA)
McNerney	Rogers (MI)	Thornberry
Meeks	Rohrabacher	Tiberi
Mica	Rokita	Tierney
Michaud	Ros-Lehtinen	Tonko
Miller (FL)	Roskam	Tsongas
Miller (MI)	Ross (AR)	Turner (NY)
Miller (NC)	Ross (FL)	Turner (OH)
Miller, Gary	Rothman (NJ)	Upton
Moran	Roybal-Allard	Van Hollen
Mulvaney	Royce	Walz (MN)
Murphy (CT)	Runyan	Wasserman
Myrick	Ruppersberger	Schultz
Nadler	Rush	Waters
Napolitano	Ryan (WI)	Watt
Neal	Sarbanes	Waxman
Neugebauer	Scalise	Webster
Noem	Schiff	West
Nunes	Schmidt	Westmoreland
Nunnelee	Schock	Whitfield
Olson	Schrader	Wilson (FL)
Palazzo	Schwartz	Wilson (SC)
Pascarella	Schweikert	Wolf
Paul	Scott (SC)	Womack
Pearce	Scott (VA)	Woolsey
Pence	Scott, Austin	Yarmuth
Perlmutter	Scott, David	Young (FL)
Petri	Sensenbrenner	Young (IN)
Pingree (ME)	Serrano	
Pitts	Sessions	

NAYS—105

Adams	Gibson	Peters
Andrews	Graves (MO)	Peterson
Baldwin	Green, Gene	Quayle
Barrow	Griffin (AR)	Rahall
Bass (CA)	Guinta	Reed
Benishek	Hanna	Renacci
Boswell	Hastings (FL)	Ribble
Brady (PA)	Heck	Rigell
Brown (FL)	Herrera Beutler	Roe (TN)
Burgess	Hinchey	Rooney
Capuano	Holt	Ryan (OH)
Cardoza	Hoyer	Sánchez, Linda
Chandler	Israel	T.
Clarke (MD)	Johnson (OH)	Sanchez, Loretta
Coffman (CO)	Keating	Schakowsky
Conaway	Kind	Schilling
Conyers	Kinzinger (IL)	Sires
Costa	Kucinich	Slaughter
Costello	Larson (CT)	Stivers
Cravatack	Latham	Terry
Critz	Lee (CA)	Thompson (CA)
DeFazio	LoBiondo	Thompson (MS)
Denham	Lowey	Tipton
Dent	Lynch	Towns
Dold	Matheson	Velázquez
Donnelly (IN)	McDermott	Visclosky
Doyle	McGovern	Walberg
Duffy	Meehan	Walden
Ellison	Moore	Walsh (IL)
Filner	Murphy (PA)	Welch
Fitzpatrick	Nugent	Wittman
Forbes	Oliver	Woodall
Fox	Pallone	Yoder
Gardner	Pastor (AZ)	Young (AK)
Garrett	Paulsen	
Gerlach	Pelosi	

ANSWERED "PRESENT"—3

Amash	Gohmert	Owens
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NOT VOTING—11

Akin	Gutierrez	Landry
Bishop (NY)	Hirono	Lewis (GA)
Bonner	Jackson (IL)	Miller, George
Grijalva	King (IA)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There is 1 minute remaining.

□ 1453

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. AKIN. Mr. Speaker, on rollcall No. 456, 457 and 458 I was delayed and unable to vote. Had I been present I would have voted "yea" on rollcall No. 456, "yea" on rollcall No. 457 and "yea" on rollcall No. 458.

PERSONAL EXPLANATION

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent in the House chamber for votes yesterday and today. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 452, 453, 454 and 455 and "nay" on rollcall votes 456, 457 and 458.

REPORT ON H.R. 6091, DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS BILL, 2013

Mr. SIMPSON, from the Committee on Appropriations, submitted a privileged report (Rept. No. 112-589) on the bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2013, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

REPEAL OF OBAMACARE ACT

Mr. UPTON. Mr. Speaker, pursuant to House Resolution 724, I call up the bill (H.R. 6079) to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010, and ask for its immediate consideration.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 724, the bill is considered read.

The text of the bill is as follows:

H.R. 6079

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Repeal of Obamacare Act".

SEC. 2. FINDINGS.

Congress finds the following with respect to the impact of Public Law 111-148 and related provisions of Public Law 111-152 (collectively referred to in this section as "the law"):

(1) President Obama promised the American people that if they liked their current health coverage, they could keep it. But even the Obama Administration admits that tens of millions of Americans are at risk of losing

their health care coverage, including as many as 8 in 10 plans offered by small businesses.

(2) Despite projected spending of more than two trillion dollars over the next 10 years, cutting Medicare by more than one-half trillion dollars over that period, and increasing taxes by over \$800 billion dollars over that period, the law does not lower health care costs. In fact, the law actually makes coverage more expensive for millions of Americans. The average American family already paid a premium increase of approximately \$1,200 in the year following passage of the law. The Congressional Budget Office (CBO) predicts that health insurance premiums for individuals buying private health coverage on their own will increase by \$2,100 in 2016 compared to what the premiums would have been in 2016 if the law had not passed.

(3) The law cuts more than one-half trillion dollars in Medicare and uses the funds to create a new entitlement program rather than to protect and strengthen the Medicare program. Actuaries at the Centers for Medicare & Medicaid Services (CMS) warn that the Medicare cuts contained in the law are so drastic that "providers might end their participation in the program (possibly jeopardizing access to care for beneficiaries)". CBO cautioned that the Medicare cuts "might be difficult to sustain over a long period of time". According to the CMS actuaries, 7.4 million Medicare beneficiaries who would have been enrolled in a Medicare Advantage plan in 2017 will lose access to their plan because the law cuts \$206 billion in payments to Medicare Advantage plans. The Trustees of the Medicare Trust Funds predict that the law will result in a substantial decline in employer-sponsored retiree drug coverage, and 90 percent of seniors will no longer have access to retiree drug coverage by 2016 as a result of the law.

(4) The law creates a 15-member, unelected Independent Payment Advisory Board that is empowered to make binding decisions regarding what treatments Medicare will cover and how much Medicare will pay for treatments solely to cut spending, restricting access to health care for seniors.

(5) The law and the more than 13,000 pages of related regulations issued before July 11, 2012, are causing great uncertainty, slowing economic growth, and limiting hiring opportunities for the approximately 13 million Americans searching for work. Imposing higher costs on businesses will lead to lower wages, fewer workers, or both.

(6) The law imposes 21 new or higher taxes on American families and businesses, including 12 taxes on families making less than \$250,000 a year.

(7) While President Obama promised that nothing in the law would fund elective abortion, the law expands the role of the Federal Government in funding and facilitating abortion and plans that cover abortion. The law appropriates billions of dollars in new funding without explicitly prohibiting the use of these funds for abortion, and it provides Federal subsidies for health plans covering elective abortions. Moreover, the law effectively forces millions of individuals to personally pay a separate abortion premium in violation of their sincerely held religious, ethical, or moral beliefs.

(8) Until enactment of the law, the Federal Government has not sought to impose specific coverage or care requirements that infringe on the rights of conscience of insurers,

purchasers of insurance, plan sponsors, beneficiaries, and other stakeholders, such as individual or institutional health care providers. The law creates a new nationwide requirement for health plans to cover “essential health benefits” and “preventive services”, but does not allow stakeholders to opt out of covering items or services to which they have a religious or moral objection, in violation of the Religious Freedom Restoration Act (Public Law 103-141). By creating new barriers to health insurance and causing the loss of existing insurance arrangements, these inflexible mandates jeopardize the ability of institutions and individuals to exercise their rights of conscience and their ability to freely participate in the health insurance and health care marketplace.

(9) The law expands Government control over health care, adds trillions of dollars to existing liabilities, drives costs up even further, and too often puts Federal bureaucrats, instead of doctors and patients, in charge of health care decisionmaking.

(10) The path to patient-centered care and lower costs for all Americans must begin with a full repeal of the law.

SEC. 3. REPEAL OF OBAMACARE.

(a) PPACA.—Effective as of the enactment of Public Law 111-148, such Act (other than subsection (d) of section 1899A of the Social Security Act, as added and amended by sections 3403 and 10320 of such Public Law) is repealed, and the provisions of law amended or repealed by such Act (other than such subsection (d)) are restored or revived as if such Act had not been enacted.

(b) HEALTH CARE-RELATED PROVISIONS IN THE HEALTH CARE AND EDUCATION RECONCILIATION ACT OF 2010.—Effective as of the enactment of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), title I and subtitle B of title II of such Act are repealed, and the provisions of law amended or repealed by such title or subtitle, respectively, are restored or revived as if such title and subtitle had not been enacted.

SEC. 4. BUDGETARY EFFECTS OF THIS ACT.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, as long as such statement has been submitted prior to the vote on passage of this Act.

The SPEAKER pro tempore. The bill shall be debatable for 5 hours, with 30 minutes equally divided and controlled by the majority leader and minority leader or their designees, 60 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Education and the Workforce, 60 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Energy and Commerce, 60 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Ways and Means, 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the Budget, 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on the

Judiciary, and 30 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Small Business.

The Chair recognizes the gentleman from Michigan (Mr. UPTON).

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on H.R. 6079.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. UPTON. Mr. Speaker, I yield myself 3 minutes.

House Republicans promised the American people that, if granted the majority, we would vote to repeal the Patient Protection and Affordable Care Act, better known as ObamaCare. Let's face it. ObamaCare is nothing like what was promised. Former Speaker PELOSI said we would have to pass the bill to find out what was in it. Rest assured, we found out.

Rather than reform health care, this law epitomizes Washington at its very worst—intrusive mandates, higher costs, red tape, unaffordable spending, taxes on employers and families, and the control of personal health care decisions by boards, bureaus, and agencies in Washington. Let's just consider the many broken promises.

President Obama promised that his reforms would lower family premiums by \$2,500 by the end of his first term, yet the cost of an employee-sponsored family plan increased to \$15,000 in 2011. The CBO projects, if we allow the rest of ObamaCare's mandates to kick in, premiums will rise further.

The President told us over and over that if you liked your health care plan you could keep it, yet the law pushes employers to drop coverage. The CBO estimates that up to 20 million American workers will lose their plans under ObamaCare.

The President said his law would cost a mere \$900 billion as if spending nearly \$1 trillion on a new program were thrifty.

□ 1500

Yet, when it is fully implemented, ObamaCare is estimated to cost taxpayers \$2.6 trillion over a decade. The President promised to make Medicare stronger. Instead, ObamaCare raided \$575 billion from Medicare to pay for new programs and entitlement expansions.

The President pledged that he would not raise taxes for households with incomes under \$250,000. Yet ObamaCare includes 21 new tax increases that will cost taxpayers roughly \$800 billion over the next decade. The IRS will impose new taxes on medical devices, prescription drugs, health coverage, high-premium health plans. The agency will

place new restrictions on health saving accounts and flexible spending accounts. Employers will face a tax for failing to provide health plans approved by HHS and a new surtax on investment.

The President promised American taxpayers that they would not be forced to fund abortions and our conscience rights would be protected. Yet HHS is moving forward with a mandate that requires religious institutions to violate their principles or pay a steep fine. Or is the fine on faith going to be considered a tax as well, just like the individual mandate? The Supreme Court made clear that the mandate is a massive new tax, one that will primarily be levied on middle class households.

Repeal is also the only way to honor and restore the promises the President wisely made but foolishly broke. The Supreme Court rendered its diagnosis, but the American people will be offering a second opinion. We promised the American people that we would work to repeal this terrible law, and that is a promise we are keeping.

I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself 3 minutes.

This bill, Mr. Speaker and my colleagues, would take away health security and cause over 30 million people to lose health coverage over the next decade. That's more people than the entire population of New York and Ohio. Yet here we go again, wasting time that should be spent on improving the economy and putting people to work. Instead, we're rehashing the same old arguments. Americans deserve health security.

What's in the bill? The law that the Republicans would seek to take off the books prevents people with preexisting conditions, like pregnant women, from being denied insurance or charged so much that they can't get coverage. The law says women should not pay higher premiums just because they are women.

People should have an easy, transparent marketplace to shop for quality insurance, and the hardworking middle class should receive subsidies to help them afford it. People should not be worried about losing health coverage if they lose their job. People should be encouraged to get preventive health services and not be charged for it. Small businesses should be helped if they want to offer health insurance.

America should no longer be a country with millions of people uninsured and unable to get health insurance. That's what the Republicans want us to go back to. They argue that they want to repeal and replace ObamaCare. What's their replacement, RomneyCare? They have no replacement. They offer nothing to the American people. There is no proposal on how they would keep these 30 million

people insured and end insurance company abuses like preexisting condition discrimination.

Let's move beyond this vote and show the American people this institution is about more than just politics. It's about doing what's right for American families. Let's affirm our commitment to bring health security to all Americans. Let us reject this Republican bill that would again have the House go on record repealing the law, which has not yet been fully put into place.

Mr. Speaker, I ask unanimous consent, before I reserve whatever time I have, to empower our Health Subcommittee ranking member, Mr. FRANK PALLONE from the State of New Jersey, to be able to control the rest of the time for the Energy and Commerce Committee.

The SPEAKER pro tempore. Without objection, the gentleman will control the remainder of the time.

There was no objection.

Mr. WAXMAN. Mr. Speaker, I reserve the balance of our time.

Mr. UPTON. Mr. Speaker, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PITTS), the chair of the Health Subcommittee.

Mr. PITTS. Mr. Speaker, in March, to mark the 2-year anniversary of the signing of ObamaCare, I invited local doctors, business owners, and elected officials to talk about how the law will change the practice of health care on every level.

We heard from Dr. Gerald Rothacker about the law's failure to reform medical liability and how young doctors don't even realize they're practicing defensive medicine, ordering unnecessary tests, and driving up costs. We heard from Gary Alexander, Pennsylvania's secretary for the Department of Public Welfare, about how the law will cause State spending to explode in the coming years.

While Medicaid consumes 30 percent of the State budget now, if the law is fully implemented, it will consume over 60 percent. Pennsylvania won't be a State government. It will be a health plan that paves roads and funds schools on the side.

We also heard from Kirby Sensenig, the owner of a local roofing company. He spoke about the difficult choice he will have to make in coming years about whether to keep providing insurance for his workers, or to pay the penalty and cast them into the health care exchanges.

We all know how much health care reform was needed. We've all heard the stories about individuals denied care that they desperately needed. We've heard about the families who struggled to pay the bills when a child got sick. We all know someone who went without insurance because of the high cost of premiums. But this law did not fix what was broken. It didn't deliver the

reform the American people really wanted.

The savings, both for the government and for families, are an illusion. Don't pat yourselves on the back for gaming the CBO. There won't be a single dime saved by the law. Indeed, government spending will explode because of the law. ObamaCare's new entitlement program and massive Medicaid expansion is estimated to cost taxpayers \$1.8 trillion over the next decade.

Things aren't much better for families under ObamaCare. In 2011 alone, the annual premium for an employer-sponsored family plan soared past \$15,000. That's a sharp 9 percent increase from 2010. Twenty new taxes impose additional costs on everything from flexible spending accounts to pacemakers. That's 20 new taxes in ObamaCare not yet implemented. It will be taxing medical devices, drug manufacturers, and insurers. It drives up the cost of care. It is a farce to think that government subsidies will balance out the increased costs imposed by all the new taxes and regulations.

Finally, the reach of the Federal Government has extended even to the conscience of religious charities and educational institutions. When the government takes over health care, it takes over basic decisions of morality that should be left up to individuals. It's far past time we ended the destruction of our health care system by a poorly designed and administered law. Full repeal is the only way to get to real reform. I urge support for the bill.

Mr. PALLONE. Mr. Speaker, I yield myself 3 minutes.

Today reminds me of the movie "Groundhog Day." For those of you who aren't familiar with the movie, it's about a TV weatherman who finds himself repeating the same day over and over again. No matter what he does, he's stuck on the same day. Does that sound familiar? I think it does.

Today, we will take yet another show vote on repealing the Affordable Care Act which will never become law. In fact, we're wasting 2 days debating its repeal when Congress should be focusing on jobs and reducing the deficit. This exercise in futility does nothing but attempt to turn the clock back on all the many benefits already in place for Americans across this country. Meanwhile, it increases the deficit, puts insurance companies back in charge of America's health care, increases costs, cuts benefits for Medicare seniors, and eliminates \$40 billion in tax credits to help make insurance more affordable for small businesses.

Mr. Speaker, the Affordable Care Act ensures that hardworking middle class families will get the security they deserve and protects every American from the worst insurance company abuses. The law includes numerous provisions to keep health care costs low,

promote prevention, and hold insurance companies accountable.

For those Americans who already have health care, whether through private insurance, Medicare, or Medicaid, the Affordable Care Act is already making your coverage more secure. For example, insurance companies no longer have unchecked power to cancel your policy, deny your child coverage due to a preexisting condition, or charge women more than men.

□ 1510

Over 80 million Americans have gained coverage of preventive care free of charge, like mammograms for women and wellness visits for seniors. Nearly 13 million Americans will receive a rebate this summer because their insurance company spent too much of their premium dollars on administrative costs or CEO bonuses, and 5.3 million seniors and people with disabilities have saved an average of over \$600 on prescription drugs and the doughnut hole in Medicaid coverage, Medicare coverage. Also, 6.6 million young adults have been able to stay on their parents' plans until the age of 26, including 3.1 million young people who were newly insured—and I hear about this all the time when I am home in my district.

For those Americans who yet don't have health insurance, help is really on the way. Starting in 2014, the Affordable Care Act will offer an array of quality, affordable, private health insurance plans to choose from. If someone can't afford insurance, or for a small business that wants to provide affordable insurance to their employees, tax credits are available that make coverage affordable.

The result of this repeal, which the Republicans are putting forth today, is to basically say that millions of middle class Americans will lose out on new health freedoms and new health coverage that make a positive difference in their lives. Rather than refight these old partisan battles by starting over on health care and repealing basic protections that provide security for the middle class, Congress needs to work together to focus on the economy and create jobs.

The House Republican leadership would do well to seek bipartisan solutions to jobs and the economy instead of seeking this repeal.

I reserve the balance of my time.

Mr. UPTON. Mr. Speaker, I yield 2 minutes to the chairman emeritus of the Energy and Commerce Committee, the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. I thank the distinguished chairman.

Mr. Speaker, I rise in strong support of the bill before us this afternoon and in opposition to what is colloquially called ObamaCare.

All of the comments of the proponents of the bill that have been made

in the past in support have generally turned out to either not be true at all or to be only partially true. They said that they were having the individual mandate under the Commerce Clause. The Supreme Court said that's unconstitutional, you couldn't do it. So even though you said that's what you were doing, you're really not.

The proponents said the penalties in the bill were not taxes. Well, the Supreme Court in a 5-4 majority several weeks ago said, well, really, you're not regulating the mandate and the penalties under the Commerce Clause because that would be unconstitutional. You're actually doing it under the taxation clause.

We're kind of in an Alice in Wonderland situation here. What is true is that if this law is enforced, millions of Americans are going to pay much more for health care, and we're not going to get better quality care. People like myself oppose the bill, not because we don't want every American to have health care, but because we want Americans to have choices and to make individual choices about their health care.

This law, if enforced, mandates things. It mandates the coverage. It mandates what you have to have. It mandates what can be paid for it. This Independent Payment Advisory Board over time will probably mandate how doctors practice medicine.

I personally think that's wrong. That's why I believe, since the Supreme Court has ruled 5-4, that we ought to have another repeal vote, even though admittedly we had one over a year ago. We should repeal it, we should put everybody on record right now where they stand, send the bill to the other body and see if we can't get the majority leader over there to also have a vote. Then as people go into the election, we know where the Congress stands on this issue.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. I thank the gentleman from New Jersey.

Mr. Speaker, my colleagues, I think that today is really a sad day. It's a sad day for the House, and I can't help but think of Shakespeare: Thou doth protest too much. Now, it is very clear that my Republican friends have been opposed to any kind of national health care as long as I can remember.

But today is really quite extraordinary because the Congress not only voted, shaped on, voted on, passed, the President signed into law, it was challenged, it went to the Supreme Court. The Chief Justice and four other Justices of the Supreme Court of our land have upheld the law for health care accessibility for every single American, all God's children. And what do the Republicans do but come to repeal.

My question is, What are you for? Where's your plan? I have been in the

minority party. You've had time. This is the Energy and Commerce Committee.

Where is your plan? You talk about markets, you talk about costs, you talk about whatever; but you have no plan for the American people.

Now you've placed yourself in a position of a takeaway, and I think that's what is sad. It's sad for the American people, but it's not going to happen because the Supreme Court upheld the law.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Florida, a member of the Energy and Commerce Committee, Mr. STEARNS.

Mr. STEARNS. The gentlelady from California knows full well—she serves on the Energy and Commerce Committee—all during the markup of ObamaCare we had an alternative health plan.

I'm proud to cosponsor this bill to repeal the Affordable Care Act, ObamaCare, because the act is not affordable.

Cutting half a trillion dollars from Medicare to pay for new spending is wrong. Savings in Medicare should stay in Medicare. How severe are these cuts to Medicare? The Chief Actuary for CMS reports that 15 percent of hospitals will be unprofitable within 10 years. These cuts can endanger the viability of the hospital system and jeopardize the health care available for seniors.

Now, we have a whole alphabet soup of new agencies that are created by this monstrosity of a law. Let me tell you, the IPAD, the Independent Payment Advisory Board, we all know what that's going to do; PCORI, Patient-Centered Outcomes Research Institutes; CCHIO is the Center for Consumer Information and Insurance Oversight, they set up all the exchanges; the PCIP, which is the Pre-Existing Condition Insurance Plan. I mean, these are all new government agencies.

We need to repeal this law and start anew with commonsense solutions that encourage innovation without punishing businesses, seniors, or individuals.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. I thank my friend for yielding to me.

I rise in strong opposition to the legislation before us to repeal the Affordable Care Act.

I won't support legislation which would allow health insurance companies to deny children access to care, which would cause Americans to lose their health care insurance, which would reopen the dreaded Medicare prescription drug doughnut hole, and throw young adults off their parents' insurance policies.

Republicans have proudly stated that this is the 31st repeal vote the House

has taken. While the economy struggles to recover, it pains me that we have wasted so much time on these symbolic and political votes that are going nowhere.

The Republicans wanted the Supreme Court to decide on health care, and now our Supreme Court has spoken and they are still fighting it. It's time that everyone accepts the result of the Supreme Court.

This has been a long fight, and now it's over. If there are changes that need to be made to the Affordable Care Act, we should work together to make them; but partisan efforts to repeal the entirety of the law isn't what we should be doing.

I don't want insurance companies getting between patients and their doctors. I don't like the current system where the insurance companies deny you coverage or say you have a pre-existing condition or say you have a cap and they won't pay any more. This bill attempts to get health insurance companies, health insurance, away from the insurance companies who try to control everything and back into the hands of the consumers.

I urge my colleagues to vote against this bill, and I implore the Republican leadership to turn their focus instead on the economy and on jobs.

This health care bill, there have been so many lies spread about it, that it's unbelievable. The fact of the matter is, it's a good bill. It will take the 50 million Americans that don't have health care and reduce it to nothing. It's a good bill for the American people.

We shouldn't be wasting our time.

□ 1520

Mr. UPTON. I yield 1 minute to the gentleman from Kentucky, (Mr. WHITFIELD), a member of the Energy and Commerce Committee.

Mr. WHITFIELD. I might add that health insurance companies and pharmaceutical companies helped write the President's health care bill. And 2 years ago, when the discussion was on the floor about this bill, our friends on the other side of the aisle never talked about tax increases in the bill. I assume they didn't talk about it because they didn't know about it because the Speaker at that time said we'll find out what's in the bill after we pass the bill.

Well, when the Supreme Court upheld this law, they did so because of the taxing power of the Congress, and they said certain things were taxes. That brought up the issue of taxes. So when we went through this bill, we found 21 new taxes on the American people that will amount to about \$800 billion over 10 years. Taxes on high-cost health plans, taxes on health insurance providers, taxes on brand-name drugs, taxes on medical devices, taxes on flexible spending accounts, and others. I could go on and on and on.

I would urge the repeal of this legislation.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. I rise in strong opposition to the repeal of the Patient Protection and Affordable Care Act. This Congress has spent most of our time voting on messaging bills and very little time actually legislating. My colleagues on the other side of the aisle and I agree on many issues. We even agree on some of the shortcomings in the Affordable Care Act. No bill is perfect, and we should be spending our time improving it, not abolishing it.

Repealing this bill is a vote to drop college students from their parents' health plan. It's a vote to allow insurance companies to discriminate against women and withhold lifesaving procedures because of preexisting conditions. It would stop 13 million Americans from receiving rebates on their health care premiums. A repeal would mean children, families, and working Americans are denied health insurance. In our district in Houston, Harris County, Texas, we have one of the highest uninsured rates in the country. The bill today denies my hardworking constituents the chance to qualify and purchase health insurance.

There's no question that repeal is a bad policy. This is all politics. Mr. Speaker, I ask the majority to put partisanship aside and reach across the aisle to improve this law and not resort to partisan gimmickry that exposes our Nation's most vulnerable to even more pain and suffering.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Oregon (Mr. WALDEN), a member of the Energy and Commerce Committee.

Mr. WALDEN. Thank you very much, Mr. Chairman.

Let's face it, the law that's on the books takes \$500 billion out of Medicare and spends it on a new entitlement program. I don't think taking money away from seniors' health care to create a new government-run program is right—and neither do the American people.

I was a small business owner since 1986. We provided health insurance for the people who worked for us. As a small business owner, what I wanted was the ability to group up and have more effect in negotiating lower insurance rates for the people that we covered. This law doesn't really help in any regard with that. In fact, this is a jobs vote we're having today, because if you're a small business and you're at 49 employees, if you go to 51, then all of a sudden the government comes in on top of you with all kinds of potential penalties and fees.

And so a lot of small business owners in my district are saying: Why would I grow my business? Why would I take on this new risk? I think this stymies job growth.

I can tell you that out at Eastern Oregon University I met with the university president. They used to have a student health plan that cost \$66 a term. Because of this law and its implication, that plan went up to \$2,000 a year. They've had to walk away from it.

This law is hurting people today. It needs to be repealed and replaced.

Mr. PALLONE. I yield 1½ minutes to the gentlewoman from Colorado (Ms. DEGETTE).

Ms. DEGETTE. Mr. Speaker, we get the message: the Republican majority wants to repeal the Affordable Care Act. We got that message the last 30 times they tried to repeal it. And after this week, the 30 million Americans who have lived in fear of bankruptcy because they didn't have health insurance before the Affordable Care Act are left to ask the same question that I've been asking for the last 30 votes: What would you replace it with?

What would the Republicans tell the millions of Americans with kids with preexisting conditions like asthma and diabetes who would lose their insurance after this vote? What would they tell the millions of seniors who have lower prescription drug prices and prevention care, which would evaporate if this bill passed? What would they tell women who, under the Affordable Care Act, won't have to pay higher insurance rates simply because they're women? What would they tell the millions of young adults who are able to stay on their parents' insurance plans who would be thrown off if this bill passed?

All of those benefits and more would evaporate with this vote. And the Republican majority has nothing to say.

I have an idea. Let's put this silliness aside. While these benefits continue to roll out, let's stop the political grandstanding and instead come together to make sure the law is implemented in the best possible way. That's governing. And that's what the American public sent us here to do.

Mr. UPTON. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. TERRY), a member of the Energy and Commerce Committee.

Mr. TERRY. Mr. Speaker, the Affordable Care Act is just the opposite—unaffordable. It's chock-full of new taxes, increased government spending, and provisions that are going to make health care more expensive. CBO found that this new law's insurance mandates will raise premiums on the individual market by an additional \$2,100 per person. The Kaiser Family Foundation found that individual premiums have already, because of this, gone up 8 percent for families and 9 percent for individuals. And this law isn't even fully implemented yet.

To add insult to injury, there's 159 new boards, offices, and panels—like IPAB—that give unelected bureaucrats the authority to ration health care. It

raises taxes by \$670 billion on middle class families and employers. At a time when we have Federal deficits and prolonged unemployment, it increases total Federal Government health spending by about \$478 billion from 2014 to 2021.

I have voted to repeal this 30 times, and I will keep doing it until we get it right.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. I thank my colleague.

I rise today in strong opposition to this bill that would take away insurance protections and new access to health care from tens of thousands on the central coast of California. Thanks to this law, families are telling me they no longer need to worry that their children will be denied insurance due to a preexisting health condition. In my district alone, 9,500 students—young adults—now have health insurance through their parents' plan. A young college graduate recently came up to me at the grocery store thanking me for the peace of mind as he's looking for a job.

In my community, 59,000 seniors now receive free preventive care and thousands of seniors in the dreaded doughnut hole have received discounts for prescription drugs, saving an average of \$610. Now some folks around here may not think that much of a savings of \$600. But for so many, this makes a world of difference. Indeed, one of my constituents, Ella May from Nipomo, wrote this to me, saying that thanks to this law, "I won't be impoverished again by the cost of my medicines."

But this House majority has set up yet another vote to take away these benefits from Ella May, from my community, and from the Nation. Mr. Speaker, we should be working to stimulate growth in our economy and spur job creation, not voting for a 31st time on repealing this law.

I urge my colleagues to reject this bill.

Mr. UPTON. I yield 1 minute to the gentleman from Pennsylvania, a member of the Energy and Commerce Committee, Dr. Murphy.

Mr. MURPHY of Pennsylvania. I have never doubted my friends on the other side of the aisle's compassion or sincerity, but have always believed there was a better way of handling these health care costs to make sure that we all get the health care we need and the doctor we choose at a price we can afford.

Here are some ways we need to do this:

Allow people to buy across State lines. A University of Minnesota study said it would drop the uninsured by 12 million;

The ability to join groups, because the purchasing power of groups is what is making Medicare part D come in at 40 percent under budget;

□ 1530

Put an emphasis on coordinated care, which decreases hospitalizations and avoidable readmissions and complications, sometimes by 20 to 40 percent;

By making sure health care plans are personal, affordable and permanent, you can take the plan you need across jobs and you can't be cut for being sick;

To make sure there are tax deductions for buying insurance just like employers have, to allow the chronically ill to be part of high-risk pools;

To encourage people to take steps in their own life to maintain their own health, and;

To have better use of prescription drugs, generic and nongeneric, which also saves a massive amount of money because some \$250 billion a year is wasted in drug problems.

We need this instead of \$570 billion in new taxes in a \$1.76 trillion bill.

Mr. PALLONE. Mr. Speaker, can I inquire about how much time remains on both sides?

The SPEAKER pro tempore. The gentleman from New Jersey has 16¾ minutes remaining. The gentleman from Michigan has 17 minutes remaining.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. I know that many Americans have heard over and over again that ObamaCare is a bad thing. But now that the Supreme Court has declared it the law of the land, I hope that everyone will take another look and see what's actually in the law and how it can help you.

Right now, because of ObamaCare, if you're a woman, you have free preventive services like mammograms. I hope you'll take advantage of that. And no longer will being a woman be a pre-existing condition because insurance companies charge women up to 48 percent more for their health insurance. And because of ObamaCare, right now, if you're a parent and you have a sick child, a child with a disability, that child may not be denied health coverage. No one has to worry about lifetime caps anymore because of ObamaCare.

My son, a small businessman, said, Thanks, Mom, because of ObamaCare, 35 percent of the cost of coverage for my employees is paid for. And when fully implemented, no one will have to worry about having a preexisting condition. No one will be excluded. If you're an unemployed person and you lost your job and your health care, ObamaCare will make sure that you can get coverage.

For the first time in the United States of America, we say that health care is a right and not just a privilege for those people who can afford it.

Mr. UPTON. Mr. Speaker, at this point I would yield 2 minutes to the vice chair of the Health Subcommittee,

the gentleman from Texas, Dr. BURGESS, and when he concludes speaking, I ask unanimous consent that the rest of my time be controlled by the gentleman from Pennsylvania (Mr. PITTS), the chair of the Health Subcommittee.

The SPEAKER pro tempore. Without objection, the gentleman from Pennsylvania will control the time.

There was no objection.

Mr. BURGESS. Mr. Speaker, from its very inception, this law was bad and remains bad for America. It was written in secret down at the White House. Now our committee has exposed all the secret deals that went on literally 3 years ago this month that led to the formation and the writing of the legislation behind closed doors—the very doors that the President, when he was running for office, said would always remain open. He said this would be an open and transparent process. But when it came time to actually write the law, they invited the lobbyists in, they closed the doors, and they wrote the law.

We all remember the travesty of December 2009 when the Senate passed a bill out the day before Christmas, right before a snowstorm, and this bill that was hastily drafted, full of errors, full of problems, was passed out of the Senate, and that's what was signed into law. It wasn't even a good rough draft. It never came back to the House, and it never came to a conference committee. The dog ate our homework on the way to the President's office, and we just passed the rough draft and sent it on to the American people, and, by golly, they'll just have to live with it.

Look, there were some promises made by the President 4 years ago. One of those promises was, if you liked what you had you could keep it. It turns out what he should have been saying was, do you know what? It's going to cost you a lot more to get a lot less. There were promises made to seniors that their care would not be harmed with the passage of this law, but we all know now that that's anything but true. What about our provider communities? They were promised relief from the sustainable growth rate formula. They were promised some medical liability reform. They were promised that if we expect doctors to hold down costs, we're going to at least let them get together and talk about price. But none of these things came into being, and instead, what did we get? A bill that contains 23 new taxes, albeit one has been repealed and one has been postponed under the CLASS Act, but, still, 21 taxes that remain out there for the American people.

It was not necessary for it to be like this. There were Republican ideas that were stymied at the committee level, and then, of course, ultimately every House idea was stymied because the House simply took up and passed a very bad Senate bill. Kids on until 26,

this was part of the Republican plan from 3 years ago. It could have been part of a bipartisan plan had the Democrats chosen to do so. They rejected that notion.

I urge you to repeal this law. Let's get back to work and do it right for the American people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to heed the gavel.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Speaker, today, the Republican majority is actually telling the American people that they're better off—better off—not getting rebates from insurance companies for covering their health care expenses; better off not getting preventive services under Medicare; that the American people getting coverage from comprehensive women's prevention services that they never had before, you're going to be better off not getting them.

This is what people have today in America because of the Affordable Care Act. The majority is telling the American people they're better off not getting protection from getting cut off when certain medical costs are incurred. They're telling the American people you're better off by not getting restrictions removed so that children get coverage despite a preexisting condition; that you're better off not getting health coverage for children up to age 26 on a parent's health insurance policy; and that you're better off for not getting health help for Medicare recipients that fall into the doughnut hole.

The truth is they had over 10 years to come up with an idea, with a proposal, and nothing was ever done to help the American people gain access to affordable quality health care through the private market, because this is what this bill is all about—11 years, actually. And you keep saying that you have an alternative. You're going to repeal and replace, but you haven't come up with one proposal. You only know how to oppose and not propose.

Mr. PITTS. Mr. Speaker, I yield 1 minute to another member of the Energy and Commerce Committee, the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. I thank the chairman for yielding.

I stand here today to support the repeal of ObamaCare. Some of you are asking, how many times are we going to do this? We're going to keep at it until we get this legislation off the books. It was a bad bill, it has become a bad law.

Quite frankly, if you are satisfied with a tax-based, government-controlled, limited-access and bureaucrat-centric health care program, then this is for you. That is what ObamaCare is. That is not what the American people

want. And repeatedly, they have said to us, look, Congress should admit ObamaCare was a bad idea. Let's start fresh with a clean slate. Let's focus on increasing choice and options, decreasing cost and mandates, simplifying the system for both patients and providers, and making certain that we restore the \$500 billion of cuts that were made to Medicare and make health care tax free.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentleman from North Carolina (Mr. BUTTERFIELD).

Mr. BUTTERFIELD. If you don't succeed, try and try again. Republicans are taking this phrase to a whole new level. House Republicans will vote for the second time to overturn essential provisions in the Affordable Care Act, and, yes, for the 32nd time, to dismantle it altogether.

This repeal vote is a waste of time and tax dollars.

□ 1540

We all know that this bill will never pass the Senate, and the President would assuredly veto it. This is purely an act of political posturing, and my colleagues on the other side of the aisle should stop their obstruction.

Mr. Speaker, if the Republican majority was just as concerned with introducing a comprehensive jobs package as they've been with repealing this constitutional law that was, yes, upheld by the U.S. Supreme Court, Americans and our economy would be in a much better condition.

Stop wasting our time with political theater and try passing some beneficial, landmark bills of your own. My friends on the other side, you have a wrecking ball. Where is your plan?

Mr. PITTS. Mr. Speaker, today I'm happy to yield 2 minutes to another distinguished member of the Health Subcommittee, the gentleman from Georgia, Dr. GINGREY.

Mr. GINGREY of Georgia. Mr. Speaker, I thank the chairman for yielding.

I would like to introduce you to Sole Commissioner Boss Hog from Hazzard County, Georgia. Boss Hog used his position of authority to terrorize the citizens of his community with the help of henchmen like Sheriff Roscoe P. Coltrane in the 1970s television show "The Dukes of Hazzard."

Mr. Speaker, today, life imitates art. We now have another boss in our midst—I call this boss ObamaCare. The only health care that citizens of this country can access are those approved by the boss.

If you like what you currently have, you can't keep it. Let me repeat, if you like what you currently have, you can't keep it, according to the boss, the boss and his henchmen who help fund this tyranny. They include the biggest permanent tax increase on Americans, borne in large part by middle class families and the employers who give them jobs.

It enacts a \$500-plus billion cut to the Medicare program, all while the program is going bankrupt. And finally, new rules that allow the boss to dictate how doctors actually practice medicine. No longer will my colleagues in the medical profession be able to put the needs of their patients first.

Mr. Speaker, our Forefathers rejected tyranny, and so should we. Support H.R. 6079, a bill that would repeal ObamaCare. Let's get rid of the boss once and for all.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Florida (Ms. CASTOR).

Ms. CASTOR of Florida. Mr. Speaker, I'd like to thank Chairman PALLONE for yielding the time.

He started off the debate by saying this debate reminds him of the movie "Groundhog Day." I think he's right. It reminds me of a summer rerun. Republicans are forcing another political debate on the Affordable Care Act—a tired rerun—when the Republicans should be joining us in focusing on creating jobs and boosting the economy. That is our number one priority this summer.

It's a real shame. In fact, it's disheartening to hear my Republican colleagues urge repeal of vital consumer protections for American families. My Republican colleagues are undermining the economic security of middle class families in doing so. They are urging the elimination of important improvements to Medicare, like closing the doughnut hole, putting cash back into the pockets of seniors who need it at this time. And what they're saying is that it's okay that people don't take personal responsibility for their health and their health care, and I think that's wrong. It is not fair that if you pay those health insurance premiums time after time and those copays, that you end up picking up the tab for those who do not. That's not fair. The Affordable Care Act targets that for replacement and encourages personal responsibility.

I urge my Republican colleagues not to waste our time here, but let's come together. Let's work and focus on improving the economy and creating jobs. That really is our number one priority.

Mr. PITTS. Mr. Speaker, at this time I'm happy to yield 1 minute to the gentleman from Mississippi (Mr. HARPER).

Mr. HARPER. Mr. Speaker, the policies and regulations resulting from the President's health care law are among the most overreaching added to the U.S. Code in modern history. Further, the President himself has said that his law's individual mandate is not a tax; yet he is now rallying behind the Supreme Court ruling that defined this requirement as just that, a tax.

Look, I have little confidence that this far-reaching law would have ever advanced had the White House and congressional Democrats united behind a

tax mandate on every single American citizen.

Let's be clear: the Supreme Court ruled that this law is allowable, not that it's good policy, nor that it will improve the delivery of care. This law is bad for patients and providers, it's bad for individuals and employers, and it's bad for States and jobs. This repeal will allow Americans to receive the care they need from the doctors they choose at a cost they can afford. It's that simple.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentleman from New Mexico (Mr. LUJÁN).

Mr. LUJÁN. Mr. Speaker, this Republican majority's effort to repeal the Affordable Care Act is bad legislation that would undermine significant advancements of the delivery of health care services to all Americans. But let me be clear: this bill would repeal the single-most important Federal law that governs the delivery of health care to our first Americans, Native Americans. It's an assault on our Federal responsibility to tribal communities who, without the Indian health care system, would not have meaningful access to health care services. Our Republican majority swept the rug out from Native American women and took them out of the act to protect them from domestic violence. This act that Republicans have put before us would hurt people in a very serious way.

The act makes possible long-awaited improvements to the Indian health care delivery system by providing authority to provide cancer screenings, dialysis, as well as all hospice and elder care, recruit more qualified health professionals, modernize dated health facilities, and establish comprehensive behavioral health initiatives.

Mr. Speaker, we need to reject this health plan, and we need to reject this effort by Republicans which is causing harm to Native Americans across America.

Mr. PITTS. Mr. Speaker, at this time I am pleased to yield 1 minute to another valued member of the Health Subcommittee, the gentleman from Louisiana, Dr. CASSIDY.

Mr. CASSIDY. Mr. Speaker, as a practicing physician still seeing patients in a safety net hospital, I support repealing ObamaCare.

Let's look at Medicaid, a broken program bankrupting States and driving Federal indebtedness and, most importantly, under which patients do poorly.

Under ObamaCare, Medicaid is greatly expanded, spending increases \$100 billion, straining State and Federal budgets. We need an alternative to ObamaCare's Medicaid bankrupting governments and Medicaid's poor patient outcomes.

One reform I propose is the Medicaid Accountability and Care Act, or the MAC Act. The MAC Act controls spending, incentivizes quality care, helps

Federal funding to follow the patient. There are other needed reforms.

Chief Justice Roberts' opinion said that it is not the duty of the Supreme Court to rescue the American people from bad public policy; that is up to elected officials. Republicans seek to rescue Americans from bad policy. We offer positive policy for States, taxpayers and, most importantly, patients.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Mr. Speaker, have you ever seen the movie "Fatal Attraction"? It's a great film. The Glenn Close character is so obsessed with Michael Douglas that she does everything within her power to try to win him over, flipping out at the end of the movie by going and boiling the Douglas family bunny. Well, Mr. Speaker, I would submit that, having now had 30 different debates on this floor over repeal of the health care bill, the House Republicans have finally hit their boil-the-bunny moment.

Enough is enough. The American people want us to move on. And what they would suggest is, instead of listening to their inner Glenn Close, that maybe House Republicans should start listening to people like Colleen, a 61-year-old retired teacher from Danbury. She's got diabetes; she's got sleep apnea. What she wants is not more politics on the floor of the House of Representatives; she wants relief. She doesn't want another 5-hour debate on top of the other 29. She wants this bill implemented.

□ 1550

Mr. PITTS. Mr. Speaker, at this time, I yield 1 minute to the gentleman from Texas (Mr. OLSON).

Mr. OLSON. Mr. Speaker, I rise today in support of H.R. 6079, a bill to fully repeal ObamaCare.

The Supreme Court rightly declared the individual mandate unconstitutional under the Commerce Clause but, unfortunately, allowed it to continue as a tax—a tax. But the Supreme Court does not have the final say. The American people do at the ballot box in November. And the House has our say today.

Taxpayers face tight budgets and a weak economy. With the largest tax increase in American history happening on January 1 of next year, while the President plays political games, the last thing our taxpayers need is another tax, especially one that inserts the Federal Government between patients and their doctors.

We must repeal this intrusive law and replace it with thoughtful legislation that protects all Americans' access to quality care from the doctor they choose at a price they can afford.

Mr. Speaker, I urge my colleagues today to join me in taking the next step to repeal ObamaCare.

Mr. PALLONE. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. DAVID SCOTT of Georgia. Mr. Speaker, let me, first of all, respond to what my previous speaker on the other side has said because it's very important that we straighten the RECORD out.

This is not a tax for people to get health care insurance. What this is, the Supreme Court ruled, and again, chaired by a Republican chairman, Chief Supreme Court Justice, and he said that in order for the mandate to stand, Congress could only do it through their taxing authority. And that was to take care of the penalty.

This is not a tax for individuals to get their health insurance. CBO says it will only affect 1 percent of the American people, and that is a choice that they will make. It's not a tax penalty for you to get insurance. It's a penalty for those who can afford the insurance who choose not to buy the insurance.

Now, let me also make another point that is very clear. In addition to this being a program in which the vast majority of the American people approve, they do not want you to repeal their opportunity to have individuals, in these tough economic times, their children be able to stay on their insurance till 26. They want that there. They do not want you to repeal them having to be denied insurance because of a pre-existing condition. And our hospitals need this very much in order to have the Medicaid expansion.

Mr. PITTS. Mr. Speaker, at this time, I yield 1 minute to the gentleman from Illinois (Mr. KINZINGER), another member of the Energy and Commerce Committee.

Mr. KINZINGER of Illinois. Mr. Speaker, yesterday the Supreme Court made one thing very clear, or the other day they made one thing very clear: the individual mandate is nothing more than a tax.

The overall tax burden that this puts on our economy is staggering. The overall tax burden this puts on the middle class is staggering. And along with those unprecedented personal taxes that this implements, let me point out two other major ones:

A \$20 billion device tax. Okay. You can pay for that, according to this bill;

A \$102 billion small business health insurance tax.

This bill clearly places a huge tax burden on the American people, as said by the Supreme Court.

And by the way, yesterday, the administration asked for a tax increase on the majority of small businesses. But don't worry, because that's only for a year, because in a year taxes will increase on all levels of income if the tax cuts are allowed to expire.

In 2010, the American people sent a message to Washington when they sent one of the largest, boldest freshman

classes that they have ever sent to Washington, D.C. We were here with a mandate: Stop the tax hike; repeal this health care law. And we'll do that.

Mr. PALLONE. Mr. Speaker, may I inquire again about the time on both sides that remains?

The SPEAKER pro tempore. The gentleman from New Jersey has 6¾ minutes. The gentleman from Pennsylvania has 8½ minutes remaining.

Mr. PALLONE. I yield 1½ minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. I want to thank the gentleman for yielding, but also for your unwavering and relentless leadership on so many important issues.

I rise in strong opposition to the GOP Patients' Rights Repeal Act. Here we go again, Mr. Speaker, wasting the American people's time on voting on this bill. I think it's for about the 31st time.

This Tea Party majority is so disconnected from reality that this House takes vote after meaningless vote on bills that have no chance of ever becoming law. One of the most conservative Courts in a generation has found the provisions of the health care law constitutional, and Tea Party representatives immediately took to the steps of the Supreme Court to blast the Court as activist and promised a full repeal.

Let's call this what it is, Mr. Speaker. It's a politically motivated waste of time because Republicans have no serious jobs plan. I will say, though, that the only silver lining in this incredibly sad process is that the Tea Party has finally named a bill honestly, Patients' Rights Repeal Act, because this bill does exactly that, repeals the rights of millions of patients to access to health care.

Children now have a right to stay on their parents' policy until they are 26. Republicans want to repeal this right.

Patients have a right to not have lifetime caps on their policies nor have preexisting conditions prevent them from getting health care insurance. Republicans want to now repeal this right.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. PALLONE. I yield the gentlewoman an additional 30 seconds.

Ms. LEE of California. And let me just say, people will not have, under this bill, a right and responsibility to see a primary care doctor rather than have taxpayers pay for their primary care in emergency rooms if this Patients' Bill of Rights—or Patients' Rights Repeal Act were passed.

I tell you, our seniors, now they have a right to have a reduction in their prescription drugs. This right would be repealed under this GOP Patient's Rights bill. This is downright outrageous.

Health care finally is becoming a right. People in our country deserve

health care. They deserve to have the benefits that our society has provided for so many years and helping achieve the American Dream.

Finally, they will not have to go bankrupt due to high health care costs. Finally, yes, they will have a right to health care, which of course now the Tea Party is calling for the repeal, as it is called, the GOP Patients' Rights Repeal Act.

Mr. PITTS. Mr. Speaker, at this time I am pleased to yield 1 minute to the gentleman from Montana (Mr. REHBERG).

Mr. REHBERG. Yesterday, President Obama promised to increase taxes on our small businesses. At a time when we need to support job creation, raising taxes is the last thing we need to be doing. It makes the problem worse.

A couple of weeks ago, the Supreme Court confirmed that the President's health care law imposes the single largest permanent tax increase in history. Worse, nearly half of this regressive tax will hit the struggling middle class.

Add more than 13,000 pages of new health care regulations, so far, and it's easy to see why President Obama's economy doesn't create jobs. It's too busy creating government.

We need a new direction, but at every step the Senate stands in the way. The solution? Repeal this harmful law so we can get to work putting America back to work.

Mr. PALLONE. Mr. Speaker, I have no additional speakers at this time, so I'll reserve the balance of my time.

Mr. PITTS. Mr. Speaker, at this time I am pleased to yield 1 minute to the distinguished Member from Wisconsin (Mr. SENSENBRENNER).

□ 1600

Mr. SENSENBRENNER. We've heard a lot about taxes and the Supreme Court decision. I would like to talk about a tax that was labeled a "tax" in the Affordable Care Act when it was passed in 2010.

The act amended Internal Revenue Code section 4980(d), and it imposed a tax of \$100 per employee per day on any employer who did not follow any mandate of the Secretary of Health and Human Services. There was no conscience exemption, and there was no religious employer exemption; \$100 per employee per day is \$36,500 per year. That means that a parochial school with 50 employees has to pay a tax of \$1,825,000 each year.

The only way to repeal this tax today is to pass this bill. If this bill is defeated and does not become law, we have put all religious employers out of business.

Mr. PALLONE. I continue to reserve the balance of my time.

Mr. PITTS. Mr. Speaker, I am pleased to yield 1 minute to the distinguished Member from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. I thank the gentleman from Pennsylvania.

Mr. Speaker, this weekend back home in Lincoln, Nebraska, at a small business, a shop owner named Mary and another woman were engaged in conversation.

She looked up when they were done and saw me, and she said, Oh, I can ask you this question, Who is going to pay for this health care bill? I basically responded, Yes, that's the right question.

Right now, we are seeing some benefits from some reasonable reforms, such as being able to keep children on the health care policies of their parents until they're 26, such as allowing people who have significant pre-existing conditions some hope for affordable insurance. But there are other hard realities that must be faced here. This bill shifts costs to more unsustainable government spending. It cuts Medicare, and it erodes health care liberties. The total cost is now projected to be \$1.7 trillion, and it has 21 new taxes in it. Many small businesses are going to actually drop coverage or cut jobs as this moves forward.

Mr. Speaker, there is a better way to move forward. We need the right type of reform that will actually improve outcomes while reducing costs and protecting vulnerable persons.

Mr. PALLONE. I continue to reserve the balance of my time.

Mr. PITTS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York (Mr. GRIMM).

Mr. GRIMM. Mr. Speaker, when I was elected to Congress, I made a promise to the people of Staten Island and to Brooklyn to repeal ObamaCare. Tomorrow, I will vote again to uphold that promise.

We must repeal this overwhelmingly burdensome and costly law, which is hurting our economy and impeding job growth for small businesses. It will reduce the American workforce by as much as 800,000 and impose \$813 billion in 21 new taxes. Twelve of those taxes impact families making less than \$250,000 a year.

One of the most devastating provisions in ObamaCare cuts over a half a trillion dollars from Medicare, primarily from Medicare Advantage. I have 107,000 seniors in my district, 38,000 of whom are enrolled in Medicare Advantage. This is simply reprehensible, and we must repeal this law to protect our seniors and our economy.

Mr. PALLONE. I continue to reserve the balance of my time.

Mr. PITTS. Mr. Speaker, I yield 1 minute to the gentlelady from New York (Ms. BUERKLE).

Ms. BUERKLE. Mr. Speaker, I rise this afternoon as a nurse and as someone who has spent her professional career in health care. I ran for Congress because I was opposed to the Affordable Care Act, and I stand here today after 18 months of listening to the people in

my district, because this law is the wrong law for health care reform in the United States of America.

When I hear from my hospitals, my skilled nursing facilities, my physicians, when I hear from small businesses, and when I hear from my seniors, they're all in fear of what this health care law is going to do to them. So I think it is incumbent upon this body, as we have a responsibility to the people who live in the United States of America, to provide them with true health care reform, reform that truly reduces the cost of health care and improves access to care. This Affordable Care Act that was just declared constitutional by the Supreme Court is not—is not—the way to do that.

Mr. PALLONE. I continue to reserve the balance of my time.

Mr. PITTS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from South Carolina (Mr. MULVANEY).

Mr. MULVANEY. I've heard a lot of good reasons today to pass this bill and to repeal the law. What I haven't heard is a discussion about why we should pass it in order to help the President. We have an opportunity here to do something wonderful. We have the opportunity here to help the President keep one of his campaign promises. It's here in bright white letters on a wonderful orange background:

I can make a firm pledge under my plan that no family making less than \$250,000 a year will see any form of tax increase—not your income tax, not your payroll tax, not your capital gains taxes, not any of your taxes.

By the way, politicians usually speak in language that allows us some wiggle room. There is no wiggle room in that particular promise. There is a list here of all the times that that promise has already been broken. We got the last one—the most recent addition to that list—last week with the Supreme Court decision that told us what we've been saying from the very beginning, which is that this is yet another tax on families that make less than \$250,000.

What a great opportunity we have—all of us, both sides of the aisle. We have the opportunity to keep a politician to his promise, and we can do exactly that by passing this bill and repealing this law.

Mr. PALLONE. I yield myself 1 minute, Mr. Speaker.

I am amazed by the comments that the previous speaker made on the Republican side. The fact of the matter is that the Affordable Care Act amounts to a tax cut.

Right now, in the State of New Jersey, for people who are paying for their health insurance, we estimate that about \$1,000 or \$1,500 annually from their premiums is actually going to pay for those who are uninsured, for people who don't have insurance and have to go to the emergency rooms and then don't pay their bills.

Once the Affordable Care Act fully kicks in, because of the fact that everyone will be insured and all those people who now go to the emergency rooms and have no insurance will, in fact, have coverage, for the people who are paying their premiums right now, they're actually going to be paying less—it will be a tax cut—because they won't be paying for those people who now are uninsured.

I think it's really incredible because, if you think about it, the Republicans always talk about personal responsibility. How is it fair that people don't have themselves covered? How is it that they don't carry health insurance and then make other people pay for it?

I reserve the balance of my time.

Mr. PITTS. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from Kansas (Ms. JENKINS).

Ms. JENKINS. I thank the gentleman for yielding.

Mr. Speaker, our current health care insurance system is badly broken, but the President's Affordable Care Act will only make it worse. It will lead to fewer jobs, more debt, and reduced access to quality care. Most importantly, it doesn't even deal with our primary problem—affordability.

How can a more affordable solution result in an \$800 billion tax hike? Of the 21 new tax provisions in this law, 12 will target the middle class.

Instead of supporting the largest set of tax law changes in more than 20 years under the guise of health reform, we must repeal the law and take the time necessary to replace it with more patient-focused solutions. Pursuing consumer-driven reforms will allow Americans the flexibility to take ownership of their health care costs and will allow them the freedom to choose what plans work best for them and their families.

Mr. PALLONE. I will ask if the gentleman has any additional speakers.

Mr. PITTS. No. We are prepared to close.

Mr. PALLONE. How much time do I have remaining, Mr. Speaker?

The SPEAKER pro tempore (Mr. WOMACK). The gentleman from New Jersey has 3¼ minutes remaining.

Mr. PALLONE. I will close at this time, and yield myself the balance of my time.

Mr. Speaker, let me say over again—and I know we've had this debate so many times that it really sounds like we just keep repeating the same thing—that this is a very important day at some level because the fact of the matter is the Republicans continue with this effort to try to repeal what is probably one of the most important pieces of legislation that has ever passed in the last few years in the Congress and has been signed by the President.

The reason is that, for the first time, when the Affordable Care Act fully

kicks in, most Americans—probably 98.99 percent of Americans—will have health insurance. We estimate maybe 30, 40—perhaps more—million Americans right now do not have health insurance.

□ 1610

There are probably as many who are what we call “underinsured.” In other words, they can't really buy a good benefit package.

The fact of the matter is, by 2014, when the Affordable Care Act fully kicks in, you'll be able to go on an exchange either in your State or anywhere in the country and find a good benefit package, one that's as good probably as what you would get now under Blue Cross or Blue Shield, good benefits at a good price. That is an amazing thing. We've been here for 200 years in this country and were never able to say that that would actually happen.

I heard my colleagues on the Republican side in the Rules Committee say last night, We'll just repeal this and we'll come up with a better plan.

But they haven't come up with a better plan. They talk about health savings accounts and malpractice and all these different things that are basically around the edges. They would pretty much not guarantee most Americans, as they do under the Affordable Care Act, that they would be able to access health insurance, the peace of mind that goes with that and all the benefits that have already kicked in that would be repealed under this bill.

The fact that seniors eventually won't have to worry about the doughnut hole and will have their prescription drug coverage no matter how much they actually spend, that they'll only have to pay a co-pay; the fact that so many seniors now have preventive care; the fact that kids up to 26 years old can go on their parents' health insurance policy. So many people talk to me about that.

There's also the fact that preexisting conditions for women and others is no longer a factor in terms of your ability to buy health insurance; the fact that there are no more lifetime caps, recisions, all these discriminatory practices that we've had in the past when you are trying to buy health insurance.

The fact of the matter is that already, over the last few years, most of these discriminatory practices have been eliminated. Many people may not even realize it's a result of the Affordable Care Act, but the fact is that it is. That's why these discriminatory practices are going away.

Last night, the chairman of the Rules Committee said, We'll repeal this and we will do something and be different, and the insurance companies will continue not to have these discriminatory practices. That's simply

not true. The insurance companies will go back to the discriminatory practices if you repeal this bill. They'll almost be forced to. Because of the way this is set up, when everybody has health insurance, then the insurance companies can make enough money, if you will, so they don't have to discriminate. But they'll go back to it if this is repealed.

I ask my colleagues to stop bringing this up. This is a bad bill. Let's defeat it now, and let's continue the way we should with the Affordable Care Act in light of the Supreme Court's decision.

With that, I yield back the balance of my time.

Mr. PITTS. If this new law is so outstanding, I wonder why the administration has granted over 1,000 waivers to their friends so they don't have to meet the requirements of the law.

The President promised not to raise taxes on anyone making less than \$250,000. He has broken that pledge 20 times with this new law. Many of them are impacting the middle class that he promised not to raise taxes on. That's \$800 billion in new taxes.

My friends, the American people have a clear choice: Keep this law and pay the new taxes or take the law off the books and let's start over again with some real free-market reforms.

I urge support for the bill, and I yield back the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

We're here today to repeal a law that is both fundamentally flawed and overwhelmingly unpopular. The problem with this law, among its many faults, is it puts government at the center of health care decisions, not doctors and patients.

Instead of families and employers deciding what coverage is best for them, the Secretary of Health and Human Services makes that choice.

Instead of families and employers deciding what they can afford to spend on insurance, the IRS makes that decision.

Instead of families and employers deciding if they even need or want health insurance in the first place, the government mandates they purchase it.

This is all about the government. It is Washington knows best, and it's wrong.

By virtually every measure, this law is a failure. The price tag of the law has already doubled, health care premiums are going up, Americans are losing the insurance they have and like, taxes are being raised by over \$1.5 trillion, and 12 of the 21 new taxes in the law will hit the middle class. It increases costs for 9 out of 10 seniors. It's paid for with budget gimmicks that even the government's own actuaries admit are not workable.

According to the Congressional Budget Office, the law hinders job creation, which is something we can hardly afford after 41 consecutive months of the

unemployment rate being above 8 percent.

To put it bluntly, this law is bad for workers, seniors, families, patients, doctors, and employers. As the Supreme Court ruled, the cornerstone of the Democrats' health care law, the individual mandate, is a massive tax. The Congressional Budget Office predicts that approximately 20 million Americans will either pay the tax or be forced to buy insurance they otherwise wouldn't have purchased. That's 20 million people. Only two States in the U.S. have more than 20 million people: California and Texas. Clearly, this is a major tax with major implications.

Democrats have argued that the individual mandate was necessary to improve the Nation's health. What's next? Will they require you to purchase low-fat or low-salt foods, or will you have to pay a tax because they think it's good for you?

House Republicans have heard the American people loud and clear, and we will not let government—let alone the IRS—dictate your health care. We will repeal this law so you're again free to choose your health insurance plan, to choose your doctor, and to choose the medical treatment that best meets your needs. Most important of all, we will ensure you have the freedom to choose what's best for you and your family.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

After seven decades of frustrated efforts, the Congress and the President acted on health reform. It was seven decades that this institution wrestled with health reform. Finally, it happened.

The Republican answer: Repeal. First, it was repeal Social Security, then repeal Medicare, then repeal Medicaid by block-granting it to the States. Now it's the same old song: Repeal health care reform.

This Republican Party, the party of repeal, captured by the radical right, would now put insurance companies back in charge of health care and repeal coverage for 17 million children with preexisting conditions, repeal coverage for 6.6 million adults now covered under their parents' insurance plan, repeal tax credits for 360,000 small employers covering 2 million workers, repeal ending lifetime caps on insurance for 105 million, and repeal closing of the burdensome doughnut hole for seniors' prescription medicines.

The Republican Party of Repeal says: Repeal and replace. Yet there has not been a single comprehensive bill proposed by the Republicans at any point in this session or before. Indeed, the only comprehensive health plan presented by the Republicans was put forward by Mitt Romney when he was Governor of Massachusetts. This is how

he described his plan as recently as 2010:

Right now, in lots of parts of the country, if individuals do not have insurance, they can arrive at the hospital and be given free care paid for by government. Our current system is a Big Government system. A conservative approach is one that relies on individual responsibility. But in my view, and others are free to disagree, expecting people who can afford to buy insurance to do so is consistent with personal responsibility, and that's a cornerstone of conservatism.

□ 1620

Well, the ones who are free to disagree are his fellow Republicans. The Massachusetts plan, with an individual mandate, reflected an original conservative Heritage Foundation proposal. Indeed, bills with an individual responsibility provision have been cosponsored by Republicans for two decades.

Now, however, Republicans have been captured by the radical right and taken a 180-degree turn. This repeal bill only deepens and widens the gulf handcuffing this Congress. You know, it's as if we live in two different universes. Let me tell you about the universe that is lived in by people who have sent letters to me.

I quote one, for example, from Warren:

I am 41 years old, and I was diagnosed with a form of arthritis about 3 years ago. Because the Supreme Court upheld ObamaCare, I don't have to worry anymore. I know that I can't be dropped from my insurance carrier.

A letter from Pamela of Madison Heights, talking about the premiums that she has seen. She is a nurse. She has seen how many people have been hurt by these costly premiums. She says:

I have watched those who have to undergo painful procedures, or those who have been given a poor prognosis, because they have not had access to preventive or even standard medical treatment due to the cost. She says the Affordable Care Act is right and just.

From David in Saint Clair Shores who says:

Honestly, I am a Republican, but I don't believe the health insurance bill should be repealed. I would like to see compromise towards improving the legislation, rather than destroying it entirely.

From Nancy of Clinton Township, who writes this:

The part of the CARE Act that is most important to my family, even my Republican husband, is the provision for our college-age daughter. Our insurance dropped her at the age of 19, and we had to buy a separate policy that was very expensive and had poor coverage. Now we can save several thousands of dollars a year, which helps with her education. And it makes me sad that more people don't understand how wonderful this is. I would like the message to get out to more people.

It makes me sad, she says, that more people don't understand how wonderful this is.

You know, middle class families have had lots to worry about since trying to

recover from the worst recession in decades. So instead of making it harder for them, putting insurance companies back in the driver's seat, we should let reform proceed.

I'm the ranking member on the Ways and Means Committee. The chairman is here, too. We've had jobs bills thrown into the hopper that never come forth. Today we're going through the motions of repealing health reform for the 31st time this Congress.

What we need instead is to get the bills that are lodged in Ways and Means on jobs out on the floor and work together, instead of against each other and against the interests of the American people.

I reserve the balance of my time.

Mr. CAMP. I would just note that our health care bill was the only bill scored by the Congressional Budget Office that actually reduced the premiums.

I yield 2½ minutes to the distinguished chairman of the Health Subcommittee, the gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, we have heard many perspectives on what the Supreme Court did in its health care ruling.

I want to focus on what the Court's decision did not change. The Supreme Court's ruling did not change the fact that the Democrat health law makes it more expensive for employers to hire workers. Businesses in my district have put their expansion plans on hold because they are worried about higher costs. This law was bad for jobs when it was passed, and it's still bad for jobs now.

The Court's ruling did not change the perverse incentives in the President's law that will encourage some employers to drop their health benefits. Millions of Americans will lose the coverage they have and like. That was true when this law was passed, and it's still true now.

The Court's ruling did not change the failure of the President's law to reduce health care costs. The administration's own Medicare actuaries concluded that this law will actually increase the overall cost of health care and CBO found it will raise health care insurance premiums as well. This was a serious failure when the law was passed, and it's still a serious failure today.

The Court's ruling did not change the 21 new taxes in the Democrat health care law. In fact, the ruling highlights how the President's law raises Americans' taxes to pay for an unsustainable new program at a time when unemployment remains far too high. These tax hikes hurt our economy when they were passed, and they're still hurting our economy today.

That's why I began advocating for repeal of this bad law as soon as it was passed, and why I still support repeal today.

Vote "yes" for repeal.

Mr. LEVIN. I yield myself 15 seconds.

If repeal occurred in California, it would mean the loss of coverage for 435,000 young adults. It also would mean over 12 million Californians would lose the ability to be sure that their lifetime limits would not kick in.

I yield 3 minutes to the gentleman from New York, a very distinguished member of our committee, Mr. RANGEL.

Mr. RANGEL. My colleagues, I know that history would reflect that this Presidential election started much earlier than most of them do. As a matter of fact, it started the very day that President Obama was sworn in. The honesty of this Republican Party was for them to say that the strategy for getting back the White House was to make certain that their primary job was to get rid of Obama. The destruction of the President of the United States and everything he stood for, every piece of legislation, every idea had to be destroyed as their strategy, not for America, but for their party.

Well, I assumed that this was just political rhetoric. I didn't put too much importance to it. But when the debt ceiling came, I felt it was just a little Republican ploy of playing chicken to see how much they could get.

But when I saw they were prepared to allow the fiscal integrity of the United States of America, and what it represented, to go down the drain just to embarrass the President, then I was nudged to take another look to see just how far would they go.

Then comes recently the Attorney General, where we just didn't seem to care what kind of bad history we were making for this great Republic. We were going to, the first time in history, hold him in contempt and turn it over to the Justice Department to see what they could do to the President.

Then, of course, comes the tax cut for 98 percent of the American people. I never heard in political science 101 how you tell 98 percent of the American people that they are going to be held hostage for a tax cut or a continuation of the tax cut that they had.

But I think, when it gets to health care, you don't have to be religious to understand that you are talking about a right to live, a life to improve the quality of your life, a life to give children, not necessarily your children, but any child, a better way of life, and the ability to be able to say that even if you had a precondition, you are entitled to health care.

And when someone comes up with this grand idea, the whole thing that it is the person who thought about it that decides whether you are going to either support it, repair it, make it better, perfect it, but to repeal it, and to leave nothing out there except that, trust us, we're going to replace it, it is so unfair to the American people, who could only dream that one day health care would

be something that as an American, and as a human being, they would be entitled to.

□ 1630

The things that are happening now by the majority party in this House are very contagious because a lot of young Democrats think this is the way to govern. A lot of Democrats are coming here thinking that the more mean you get, the more successful. It's bad for this Congress and it's bad for our great country.

Mr. CAMP. I yield 2 minutes to the distinguished chairman of the Select Revenue Subcommittee, the gentleman from Ohio (Mr. TIBERI).

Mr. TIBERI. Thank you, Mr. Chairman.

The President said throughout the debate of health care and since, if you like what you have, you can keep it. Employers have told us that's simply not true. The President said, throughout the debate and since on the health care bill, the mandate is not a tax. A couple of weeks ago, the Supreme Court disagreed and said the mandate was a tax.

Today, in this Capitol, there was an executive with White Castle, a company headquartered in my hometown of Columbus, Ohio, a family-owned, family-run business with almost 10,000 employees, which has been providing health insurance to their full-time employees since 1924. And he testified today that the bill is a tax and that it will impact their ability to provide health care to their employees. Their health care may be too generous, and they'll be taxed. Their health care may not be generous enough, and they will be taxed. Furthermore, he testified that White Castle will not expand. They've put on hold expansion of 400 to 500 jobs that would be created with their expansion beyond the 12 States they're in.

One day I got a call from another employer, in my district, with 48 individuals. He had just come from his tax preparer, who told him not to expand his business—not to expand his business. He provides health care to his employees. But he was told not to go over 50 because he'd have to comply with the Federal Government and the Federal bureaucracy, new rules, new taxes, and new regulations. "And we're supposed to grow our economy," he said to me, "Pat. We're supposed to grow our economy, the private sector?"

Ladies and gentleman, CBO estimated that this bill will cost 800,000 jobs by 2021. This is not a commonsense bill that became law. Let's repeal the bill and replace it with provisions that will expand access and affordability.

Mr. LEVIN. I yield 2 minutes to the distinguished member from Washington, a member of our committee, Mr. McDERMOTT.

Mr. McDERMOTT. Mr. Speaker, I love this cartoon. According to the Re-

publicans, we're out here raising the biggest tax on people ever. Now, in this cartoon, you'll see the woman got into her car. She didn't put her seatbelt on. It was a choice, right? She's now being fined. But she says, "No, it's the biggest tax increase in history."

That's what's going on here today. It is a joke. With the individual mandate, everybody gets a choice whether you're going to put your health care safety belt on or not, the principle of personal responsibility: If you can buy health insurance and can afford it, you have to buy it or pay a penalty; now, otherwise, you're passing the cost on to us. You're a freeloader. The Republicans are glorifying freeloaders, people who say they don't want to pay if they can.

Now, the Speaker said, Don't spike the football if we win in the Supreme Court. What you should have said was, Don't kick the watercooler. What's going on on the floor today is another pointless, time-wasting exercise. It's the 31st time the Republicans have tried to repeal the bill. Now, as a psychiatrist, I'm qualified to say this: One definition of insanity is doing the same thing over and over again and expecting a different result.

The game is over. The referee, John Roberts, blew the whistle. It's over, guys. Why don't we have the Speaker call us when we're ready to get down here and talk about real things like jobs and the economy and stop giving people the idea that they're going to be scared to death. Less than 1 percent of Americans will choose to be irresponsible and not buy health insurance if they can.

Vote "no" on this bill.

Mr. CAMP. I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Louisiana, Dr. BOUSTANY.

Mr. BOUSTANY. As a physician with over 30 years clinical experience taking care of patients as a cardiac surgeon, I'm certainly familiar with the problems in our health care system, and there's no denying we need to do substantive reforms. But, Mr. Speaker, this law has not created the kind of reforms that are needed for our health care system.

Let's talk about seniors for a moment. This law cuts over \$500 billion out of the Medicare program. It's going to hurt seniors. I know this from my own personal experience having dealt with seniors and seniors' health care. We have not fixed the mismatch between cost and reimbursement. This is leading to accelerating access problems for seniors and others to good, high-quality health care and a good doctor-patient relationship. It's going to force seniors to travel further, to wait longer, depriving them of regular access to a physician that they know and trust.

We haven't solved the problem of portability. Portability is something

Americans cared about—owning your own health insurance and carrying it wherever you go. We have ways of dealing with that. That has not been solved with this law.

Taxes, nearly \$800 billion now in new taxes, and the total keeps growing. Twenty-one new taxes on every aspect of the American economy. It's no wonder this economy is in the doldrums. It's no wonder we have 41 quarters of unemployment exceeding 8 percent. This is unacceptable. Another 800,000 jobs at risk, as my colleagues mentioned earlier. Plus, CBO reports that the health insurance tax, something that hasn't been talked about much on small businesses, will be passed through to consumers in the form of higher premiums for private coverage.

Experts also warn that the law will cause massive disruptions in how medicine is practiced. It will accelerate the demise of the independent practice of medicine, which is a threat to the doctor-patient relationship, creating all kinds of conflicts of interest, from a bureaucratic board telling physicians what to do to all these other bureaucratic entities between the doctor and patient.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 30 seconds.

Mr. BOUSTANY. This one-size-fits-all approach is a disaster. That's why we must repeal this bill in the name of quality, in the name of cost, and in name of getting this economy back on track.

Mr. LEVIN. I yield myself 10 seconds. The gentleman from Louisiana voted for the \$500 billion in Medicare savings twice. You come here and criticize, I guess, yourself.

I yield 2 minutes to the gentleman from Georgia, a distinguished member of our committee, Mr. LEWIS.

Mr. LEWIS of Georgia. Mr. Speaker, we've been down this road before. We've been here 31 times before voting to repeal the Affordable Care Act. We're wasting time. The American people are suffering. They have lost their jobs, their homes, and more than 50 million uninsured are worried about whether they're one illness away from disaster.

The Affordable Care Act was a historic and necessary step to cover all Americans, and all the Republicans can say is, Repeal. These are the same forces that fought against Medicare and Social Security.

People get it. If it were not for Medicare, where would our seniors be? Where would they turn?

□ 1640

Health care is a right, and it is not a privilege; not just for some people, but for all people. We cannot and we will not go back.

Do you want to go back? Do you want people to be afraid to have a

checkup? Do you want the only doctors people see to be in an emergency room?

The Affordable Care Act is moving us away from this tragedy and toward insurance coverage for all Americans. We have come too far and suffered too long to go back. Too much progress has been made with the Affordable Care Act to go back. The American people will not be fooled this time.

Vote "no" on repeal, and get to work putting the American people back to work.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentlewoman from Tennessee (Mrs. BLACK).

Mrs. BLACK. Thank you, Mr. Chairman.

Mr. Speaker, I'm incredibly disappointed by the Supreme Court's ruling to uphold the President's health care law, but one thing the Supreme Court's decision does not change is the need for ObamaCare to be repealed immediately. The fact is that President Obama's signature legislative achievement, ObamaCare, is a tax hike on the middle-income class.

Since I took office in 2010, I've been fighting every day to repeal ObamaCare, and I will not rest until this goal is achieved. As a small businesswoman and a nurse for over 40 years, I know that ObamaCare is not only the wrong medicine for our health care system, it's also a disaster for our economy.

ObamaCare's new regulations, taxes, and mandates are crushing our already weak economy. Now three-quarters of small businesses say that the law is preventing them from hiring people, and that has left millions of middle class Americans jobless and without a way to provide for their family.

I look forward to voting tomorrow, once again, to fully repeal ObamaCare, and I hope this time that the Senate gets the message loud and clear. It's long past time for the Senate to follow the House's lead and strike down this disastrous law.

Mr. LEVIN. Mr. Speaker, I yield myself 15 seconds.

In Tennessee, as of December 2011, 59,000 young adults in Tennessee gained insurance coverage because of ACA, and almost 800,000 with Medicare received free preventive services—almost 800,000.

I now yield 2 minutes to the very distinguished colleague of mine from Massachusetts, a member of our committee, Mr. NEAL.

Mr. NEAL. Thank you, Mr. LEVIN.

I hope as this debate ensues what we can perhaps call this for the next hour, instead of ObamaCare, why don't we call it RomneyCare? This is based upon the Massachusetts model that Governor Romney signed with Ted Kennedy standing next to him. Anybody who knows anything about insurance

markets, you know the following: you can't say, as our Republican friends are saying, by the way, in print and in televised appearances, they're all saying: Oh, I like the idea of ending pre-existing condition; oh, I like the idea of keeping 26-year-olds on their parents' health insurance; oh, I very much like the idea of ending lifetime caps; oh, I very much like the idea of preventive service mammography screening and osteoporosis for women.

Well, that's what's in the legislation that we passed. Those numbers poll very well with the American people. And, by the way, the trend line continues in this direction. But if you know something about automobile insurance, it's not just on Friday night you're driving along knowing you have insurance that you need to be concerned about. It's the man or woman driving the other way toward you that you hope has automobile insurance as well.

The Massachusetts plan polls very well. Not everybody in Massachusetts, contrary to what some might think, is a Democrat. Almost 64 percent of the people in Massachusetts are Republicans and Independents. Seventy percent north approve of the health care plan that was duly negotiated with hospitals, the business community, organized labor. Everybody had a seat at the table.

Remember this as we proceed to this vote tomorrow: This is the offering that Bob Dole suggested to Bill Clinton. This is the offering that Senator Chafee from Rhode Island offered to Bill Clinton. The mandate was a Republican proposal that came from the Heritage Foundation, and it's the only bone of contention in this legislation.

Mr. CAMP. I yield 2 minutes to the distinguished chairman of the Human Resources Subcommittee, the gentleman from Kentucky (Mr. DAVIS).

Mr. DAVIS of Kentucky. Thank you, Mr. Chairman.

Mr. Speaker, I rise today in support of H.R. 6079, the Repeal of Obamacare Act.

Though the Supreme Court's decision is disappointing, it does not change the underlying truths of the President's health care law. The law has neither reduced costs nor improved choices available to Americans. It outsources Medicare decisions to an unelected rationing board, interferes with the doctor-patient relationship, and threatens consumers with fewer options and higher premiums.

The health care law is paid for with more than \$800 billion in new taxes and another \$500 billion or more in Medicare cuts. All told, we are left with 21 tax increases, including the individual mandate, which, for the first time in our country, imposes a Federal tax for inaction.

Imagine what a future Congress could tax you on for not doing: not eating fruits and vegetables, not buying

an electric car, not exercising daily to their standards—just to name a few. The possibilities of Congress' taxing power are now seemingly endless and frightening.

On top of that, the Internal Revenue Service is now the official enforcement cop for the health care law, a powerful role requiring the hiring of thousands of new IRS employees at an expense of hundreds of millions of dollars.

The takeaway? Young or old, the health care law does little to ensure affordable coverage for all Americans. We will not feel the full brunt of its impact until 2014, but the law has already proven to be a nightmare.

We can't mistake the Supreme Court's ruling for an evaluation of good policy. At the end of Chief Justice John Roberts' majority opinion is an important message. He writes:

The Court does not express any opinion on the wisdom of the Affordable Care Act. Under the Constitution, the judgment is reserved to the people.

And judged they have. This law is a disaster for patients, small businesses, and future generations of Americans. We must repeal it and redouble our efforts to start anew on real process reforms that will increase patient access and quality of care while reducing costs.

Mr. LEVIN. I yield myself 20 seconds.

While there is a reference to disaster in Kentucky, here are the facts:

48,000 young adults in Kentucky gained insurance coverage;

Since ACA was enacted, Kentucky residents with Medicare have saved a total of \$68 million;

538,000 people with Medicare in Kentucky received free preventative services.

That isn't a disaster; that's progress.

I now yield 2 minutes to the gentleman from California, our distinguished colleague on the Ways and Means Committee, Mr. THOMPSON.

Mr. THOMPSON of California. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this legislation that represents the 31st time that we have voted or will vote to repeal parts or all of the Affordable Care Act. Instead of staging these political games, we should be spending our time strengthening the reforms that were made in the Affordable Care Act and working together to put people back to work.

The Affordable Care Act was passed in response to a national crisis: businesses and individuals could not afford to buy health insurance. Hospitals, doctors, and clinics provided more than \$100 billion a year in uncompensated care—\$50 million in my district alone.

Now, the good fairy doesn't come and reimburse them for this care. These costs are passed on to all of us who have health insurance in higher taxes and higher premiums, to the tune of \$1,000 a year in higher health insurance premiums.

People with preexisting conditions could not get coverage. People in my district were hitting their lifetime caps or even annual caps and being dropped by their insurance company.

□ 1650

Others were self-employed and simply couldn't afford to buy private insurance on the open market. This was the national crisis that we worked to try and fix, and this is the national crisis that the majority party would like to go back to. It's not right. It's not good for America, and it's not good for Americans.

So on behalf of the millions of Americans who are already benefiting from the Affordable Care Act, I urge a "no" vote on this legislation.

Mr. CAMP. At this time I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from Illinois (Mr. SCHOCK).

Mr. SCHOCK. Thank you, Mr. Chairman.

Mr. Speaker, I wish to rise and offer a few facts. You know, there's been a lot of opinion going around here today, and we're all entitled to our own opinion, but we're not entitled to our own facts.

President Obama famously said: "If you like your health care plan, you will be able to keep your health care plan, period." The Congressional Budget Office released the fact that 20 million people are expected to lose their health insurance coverage if this law stands—20 million Americans who currently have health insurance will lose it under this plan: Fact. Why? Because of bad provisions in the bill.

Seventy-one out of the Fortune 100 companies will save \$422 billion by eliminating their employer-provided coverage and opt instead to pay the \$2,000 per-employee penalty instead. It incentivizes bad behavior, precisely the opposite of the stated goal.

Another claim the President repeated was: "Under my plan, no family making less than \$250,000 a year will see any form of any tax increase." Yet the only reason ObamaCare was found constitutional, the primary reason that Chief Justice Roberts—joining with Stephen Breyer, Ruth Bader Ginsburg and Elena Kagan, along with Sonia Sotomayor—upheld the individual mandate is under Congress' taxing authority. The truth is 76 percent of those paying this new individual mandate tax in 2016 will in fact be individuals who make only \$59,000, or a family of four who makes \$120,000—far below the threshold, the promise, and the guarantee of President Obama's \$250,000.

Finally, my friends on the other side of the aisle claimed health care spending would rise by a mere bargain of only \$938 billion—there was much to do, I remember, about then Speaker announcing it was below \$1 trillion—

yet the Congressional Budget Office has updated their number to cost \$1.8 trillion just this next decade. For those reasons and more, we need to repeal this bill.

Mr. LEVIN. I yield myself 30 seconds.

There was a reference by the gentleman from Illinois about facts. Let me mention the facts.

As of December 2011, 125,000 young adults in Illinois gained insurance coverage. Since it was enacted, ACA, Illinois residents with Medicare have saved a total of \$155 million on their prescription drugs and 1,350,000 people with Medicare in Illinois have received free preventive services. Those are the facts about health care reform.

I now yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), another very distinguished member of our committee.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy in permitting me to speak on this bill, and I appreciate him framing the difference that the legislation makes.

That's why, in a sense, I welcome the 31st running of this soap opera here on the floor of the House, where our Republican colleagues have attempted to repeal the Affordable Care Act. It would have a little more credibility if they actually had a meaningful alternative that would take the place, that would do the things that this legislation is in the process of doing.

Bear in mind that this legislation, over the course of the next 20 years, is going to reduce overall government spending by over \$1 trillion. It reforms Medicare, not by slashing benefits to senior citizens, but by changing the priorities and the overpayment for Medicare Advantage, which does shift, as my colleagues say, a half-trillion dollars, but it uses it to reform Medicare and pay for medical benefits for the American public.

What my friends on the other side of the aisle don't say is that they take the half trillion dollars, but they don't invest it in strengthening Medicare, they use it in their budget—the same \$500 billion—to finance tax cuts for Americans who need them the least. The wealthiest, most well off Americans use this \$500 billion for additional tax cuts.

What we have done is to move forward, and it has nothing to do with broccoli, because if you don't happen to like broccoli, you don't have to eat it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional minute.

Mr. BLUMENAUER. What's different is that, under this system, no one can force the rest of us to buy their broccoli.

Unfortunately, the American health care system now is forcing many of us to pay for the uninsured—60 percent of whom go to an emergency room or a

doctor's office every year. That's why Governor Romney had a mandate, or a tax—or whatever you call it—to be able to move this forward. That's what the legislation is modeled on. It's making a difference already for Americans in terms of young people on their parents' coverage, small businesses, more than one-third of a million who have been able to have tax credits to extend health care, and there's more along the way.

The more we debate this, the more the American public understands the benefits of the legislation, and the more the support grows.

Mr. CAMP. At this time I yield 2 minutes to a distinguished member of the Ways and Means Committee, the gentleman from New York (Mr. REED).

Mr. REED. I thank the chairman for yielding 2 minutes to me to address this important topic.

Mr. Speaker, I rise today to stand strong for repeal of ObamaCare. I think at this point in time it is only right and just that we be open and honest with the hardworking taxpayers of America. That is why it is important that we have this vote on the floor tomorrow so that the American people, with the backdrop of the United States Supreme Court decision clearly articulating what ObamaCare is—it is clear, it is a government expansion of 130-plus agencies. It's a significant tax increase, with 20-plus tax increases that are now clearly delineated and described by the Supreme Court as such.

So when we vote tomorrow, we vote on a clear record. And I gladly came here to Washington, D.C., to stand up to downsize the Federal Government, to cut taxes, not increase them.

Also, as we stand in regards to this repeal, we must be cognizant of the fact that, under ObamaCare, Medicare is cut \$500 billion. There can be no mistake about it. Let us be clear with the American people, as we go through this upcoming debate that will be ultimately decided in November, that we need to protect Medicare, preserve it, reform it, not cut it like this bill does.

So when the votes are cast tomorrow, I think ultimately the record will be clear where each and every one of us stands. I stand—and I hope all my colleagues stand with me—to repeal this legislation, which increases taxes, expands government, threatens the job creators of today and tomorrow with a burden that scares them from making the hiring decisions that are going to put people back to work today, which is the number one issue that we face in America and that we are here in Washington standing firm to stand for.

Mr. LEVIN. I yield myself 30 seconds.

The gentleman from New York voted on the \$500 billion Medicare provision twice, voted for it.

As of 2011, 160,000 young adults in New York gained insurance coverage because of health care reform. Since it

was enacted, New Yorkers with Medicare have saved a total of \$270 million on their prescription drugs. In 2011, 2 million people with Medicare in New York received free preventive services. Since 2010, over 3 million New Yorkers with private health insurance gained preventive insurance.

Mr. Speaker, how much time is there remaining on each side?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 7½ minutes remaining. The gentleman from Michigan (Mr. CAMP) has 13½ minutes.

Mr. LEVIN. I reserve the balance of my time.

□ 1700

Mr. CAMP. At this time I yield 2 minutes to the gentleman from Texas (Mr. BRADY), the distinguished chairman of the Trade Subcommittee.

Mr. BRADY of Texas. Mr. Speaker, Texas is a big State. We have a lot of poor families. And as a border State, we have a lot of people here who are not legal. As a result, we struggle to provide health care across our State. ObamaCare will make it worse, will make it harder to help families.

This chart lays out the new health care law that affects every one of you in America. This is the result of that 2,801-page bill and the Supreme Court ruling. What that Supreme Court left in place was 159 new Federal agencies and bureaucracies in between you and your doctor. What they left in place was 21 new tax increases, a dozen of which hit middle class families like yourself right in the pocketbook.

What it left in place is half a trillion dollars of cuts to our local hospitals, our home health care agencies, our nursing homes, even hospice care when people are dying. They left in place those cuts.

And today you'll hear, when I finish, the ranking member will tell you all this sugar and spice about ObamaCare in Texas. What he won't tell you is how many seniors will be forced off Medicare Advantage, their plan, because of ObamaCare. They won't tell you how few doctors will even see our seniors anymore in Texas.

What he won't tell you is how many small businesses and medium-sized businesses are going to drop their health care plans and move their workers into the subsidized exchanges because of ObamaCare. You won't hear that when I finish talking.

The truth of the matter is if ObamaCare is so great for families, why are your health care costs still going up?

If it is so great for small businesses, why did they sue to stop it?

And if it is so great for seniors, how come they can't find doctors to see them anymore?

Health care is too important to get wrong, and ObamaCare got it wrong.

It's time to repeal it, start with a fresh slate, and help the families who need it most.

Mr. LEVIN. I yield myself 30 seconds.

Twenty-five percent of the people of Texas go to sleep every night without insurance—25 percent. And people come here defending the status quo?

As of December 2011, 357,000 young adults in Texas gained insurance coverage. Since it was enacted, Texans with Medicare have saved a total of over \$220 million on prescription drugs, and over 2 million people with Medicare in Texas have received free preventive services. That's progress, in contrast to the status quo, 25 percent uninsured.

I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. SMITH), a distinguished member of the Ways and Means Committee.

Mr. SMITH of Nebraska. Mr. Speaker, I rise today in support of the bill today to repeal the health care law.

In speaking with employers in the Third District of Nebraska, it's been very interesting to hear their perspective, certainly, when they tell me that they are holding off on hiring because they simply do not know how much a new employee will cost due to these government mandates. In fact, they're paying overtime to very willing employees because the employees currently are so concerned about the economy they're certainly eager to work that overtime so they can achieve some financial security. And so we've got an imbalance here in the employment sector, and we need to fix that.

I'm also concerned that the very bureaucratic approach, for example, with the small business tax credit, when I hear from an accountant who tells me it takes longer to calculate the tax credit than it does for the remainder of the small business's tax return.

We can do better. We owe the American people better and certainly we need to repeal this bill.

Mr. LEVIN. I continue to reserve the balance of my time.

Mr. CAMP. At this time I yield 1 minute to the distinguished gentleman from Louisiana (Mr. FLEMING).

Mr. FLEMING. Mr. Speaker, by any reasonable measure, America has the best health care system in the world. Certainly the many world leaders who come here for treatment are a testament to that very fact.

However, over recent decades, a slow but steady government takeover of health care by growing entitlements has crowded out the private marketplace, creating an inefficient system whose costs are now completely out of control.

As a family physician who was elected to Congress in 2008, I came here to bring consumer choices, transparency, and efficiency back into our health

care system, putting health care decisions back into the exam room where they belong.

Instead, Democrats passed ObamaCare without even one Republican vote. It essentially doubles down on the cost, inefficiencies, and lack of accessibility to good health care that already existed, and puts Washington fully in control of your health care decisions that will ultimately lead to yet another large, unaffordable entitlement system.

Mr. LEVIN. Mr. Speaker, if you would tell the two of us from Michigan how much time there is on each side.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. LEVIN) has 7 minutes remaining. The gentleman from Michigan (Mr. CAMP) has 9½ minutes remaining.

Mr. LEVIN. So why don't I reserve one more time, and then I'll go forward.

Mr. CAMP. Mr. Speaker, at this time I yield 1 minute to the distinguished gentleman from Michigan (Mr. HUIZENGA).

Mr. HUIZENGA of Michigan. I appreciate my fellow friend from Michigan yielding this time.

I'm a freshman. This is my first term in session here in Congress. And I wasn't here for the passage of this bill. But I can tell you, I am here because the American people wanted changed. They did not and will not accept what was passed by this previous Congress.

You're going to hear a lot today about how it has helped people. We cannot go back to the status quo. But this is not the solution. This is not the way. And that's why I rise today in strong support of the repeal of the ObamaCare Act, H.R. 6079.

The fact is, the recent Chamber of Commerce survey indicated that a whopping 74 percent of small businesses say that the law makes it more difficult for them to hire new employees. I'm one of those small business owners who's been paralyzed trying to figure out what my insurance costs are going to be for my employees.

In addition, the nonpartisan Congressional Budget Office predicts ObamaCare will reduce the Nation's labor supply by 800,000 people, not something that we need right now.

This law is full of compliance uncertainties and disincentives for growth.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CAMP. I yield the gentleman an additional 15 seconds.

Mr. HUIZENGA of Michigan. The Supreme Court recently made it clear that the individual mandate is, despite what the President and my colleagues in this body are trying to say, it is a colossal tax increase on the middle class.

While I'm disappointed in the decision, we know that the American people want us to come back in and

change this law because it will not help them in the long run.

Mr. LEVIN. I now yield 2 minutes to the gentleman from the great State of Wisconsin (Mr. KIND), another distinguished member of our committee.

Mr. KIND. Mr. Speaker, I thank my good friend from Michigan for yielding me this time and for his leadership on this issue.

Mr. Speaker, just to address the previous speaker's comments, if you're a small business in America with 50 or fewer employees, you don't have to do a god-dang thing under the Affordable Care Act other than receive tax credits for offering health care coverage to your employees. So let's stop this nonsense of trying to scare small businesses throughout America.

It's been pointed out on the floor by numerous colleagues that this is the 31st attempt in this session of Congress to repeal all or part of the Affordable Care Act. Even The Washington Post pointed out earlier this week that Baskin Robbins only offers 30 flavors of ice cream. Enough is enough.

And when I first heard that the United States Supreme Court upheld the constitutionality of the Affordable Care Act, my first feelings were relief and happiness, not for me or anyone else who was involved in advancing the cause of health care reform, which was desperately needed—it is a system that has failed too many Americans for too long—but it was happiness for a 1-year-old little boy who I had a chance of meeting back home in western Wisconsin by the name of Henry.

See, Henry's mother informed me that before he was even born he suffered a seizure in her womb and, therefore, the very first breath he took in his life, they were informed that he was uninsurable because he had a pre-existing condition. And that family was depleting their entire life savings making sure that Henry was getting the health care treatment that he needed to survive in his life.

We're better than that as a Nation, folks. The Affordable Care Act, as this family pointed out, changed that immediately for Henry and that family, and for 39,000 other children throughout western Wisconsin who have a pre-existing condition.

□ 1710

Forty-five thousand young adults in Wisconsin now can stay on their parents' plans because of this act. Seniors on Medicare get a 50 percent price discount for the prescription drugs they need in their lives.

Do you want to talk about a big tax increase?

Take away the 35 percent in tax credits that small businesses are getting today for providing health care coverage, which goes up to 50 percent in 2014, or the \$800 billion in tax credits that individuals and families will re-

ceive under the exchange so they can afford health care coverage. Let's talk a little bit about that tax increase that people are going to be facing if they are successful in repealing this legislation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

Mr. KIND. What we need is more cooperation and more effort in reforming a health care system that is complicated, that is too expensive. We have tools in place now in this legislation that will not only enable reforming the way health care is delivered, which is more integrated, coordinated and patient-centered, but in how we pay for it so that it is based on the value, or the quality of care that is given, and no longer on the volume of services that is rendered, oftentimes with poor results.

I encourage my colleagues to vote "no" on this. Let's work together to improve a health care system that is in desperate need of improvement.

Mr. CAMP. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Arizona (Mr. QUAYLE).

Mr. QUAYLE. I thank the gentleman for yielding.

Mr. Speaker, 2 weeks ago, the Supreme Court voted to uphold ObamaCare. This decision confirms that the repeal of ObamaCare must take place in the very body in which it began. This decision reminds us that there is no greater calling, no higher honor than the defense of our constituents from the tyranny of government overreach.

We have seen what socialized medicine and endless entitlements have done to Europe. Well, let me be very clear: ObamaCare is no more than a Trojan horse inserted in the global epicenter of freedom. It is bad for our doctors. It is bad for our patients. It is bad for our economy. It is toxic to our middle class. From its insidious taxes to its strangling regulation to the oppressive mandate that lies at its core, ObamaCare is bad for America.

This bill gives us all a chance to vote to defend the values upon which our great Nation was founded. I urge my colleagues to support this bill and to repeal ObamaCare.

Mr. LEVIN. I reserve the balance of my time.

Mr. CAMP. At this time, I yield 1 minute to the distinguished gentleman from Mississippi (Mr. NUNNELEE).

Mr. NUNNELEE. I want to thank the chairman for yielding.

Everything they told us when they passed this law has turned out not to be true: if you like your own health plan, you can keep it. This isn't a tax hike. Prices will go down \$2,500 a year. It won't affect religious freedom. The list goes on.

I was disappointed in the Supreme Court's ruling, but I did note that the Supreme Court said it was not its job

to say whether this is a good or a bad law. Well, the American people can answer that question.

ObamaCare is bad for health care. ObamaCare is bad for seniors. ObamaCare is bad for hardworking Americans. ObamaCare is bad for job creators. ObamaCare is bad for freedom. That's why it must be repealed.

Mr. LEVIN. I continue to reserve the balance of my time.

Mr. CAMP. At this time, I yield 1 minute to the distinguished gentleman from Colorado (Mr. LAMBORN).

Mr. LAMBORN. Mr. Speaker, I rise today to support freedom and prosperity.

ObamaCare—call it a tax or a mandate—is a threat to personal liberty. My constituents in Colorado want to work directly with their doctors with regard to their health care without going through a Federal bureaucrat.

ObamaCare burdens small businesses and families by imposing more than \$800 billion in new taxes that will make it impossible for them to grow and thrive. The independent Congressional Budget Office estimates that employers will create 800,000 fewer jobs by 2021 as a result of ObamaCare. In fact, we are already seeing how this is hurting jobs today. The National Retail Federation found that 48 percent of businessowners cite the potential cost of health care as a reason they are not hiring additional workers.

We can fix what is wrong with health care through patient-centered reforms that are targeted and affordable, but first we must protect our freedoms and the economy by repealing ObamaCare.

Mr. LEVIN. I continue to reserve the balance of my time.

Mr. CAMP. At this time, Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentleman for yielding.

I rise today in strong support of the Repeal of ObamaCare Act, which will fully and immediately repeal the Affordable Care Act.

ObamaCare is not merely a government takeover of health care; but as many of us insisted during debates on this floor 2 years ago, ObamaCare is a massive tax increase on everyday Americans and small business owners, and it must be repealed. Every day in Indiana, I hear people tell me that ObamaCare is stifling our recovery. If it's not repealed in full, Hoosiers will face higher health care costs and increased taxes. The medical device tax alone can cost Indiana more than 2,000 jobs.

Yet the issue before us today is not just about economic growth; it's about freedom. ObamaCare erodes the freedom of every American, opening the door for the Federal Government to legislate, regulate, and mandate nearly every aspect of our daily lives under

the guise of its taxing power. Left unchanged, ObamaCare will change this country forever.

I truly believe in my heart this law will not stand, for in the end, the fate of our freedoms rests not in the hands of a President, a Congress or a court, for we are and have always been and shall ever remain a government of the people and by the people and for the people. While this Congress this week will vote to repeal this bill, I believe the American people will have their say on a day this fall and that some Congress someday will repeal this legislation and build us a health care system that will focus on lowering the costs of health insurance without growing the size of government.

Mr. LEVIN. I ask my colleague, how many speakers do you have left?

Mr. CAMP. I believe three or four.

Mr. LEVIN. I continue to reserve the balance of my time.

Mr. CAMP. How much time is remaining?

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CAMP) has ¾ minutes remaining. The gentleman from Michigan (Mr. LEVIN) has 4½ minutes remaining.

Mr. CAMP. At this time, I yield 1 minute to the distinguished gentleman from Florida (Mr. SOUTHERLAND).

Mr. SOUTHERLAND. I would like to thank the gentleman from Michigan for yielding the time.

Today, I rise in support of H.R. 6079, to repeal the President's health care law.

H.R. 6079 will end the individual mandate, the tax hikes on the small businesses—of which my family has been proud owners for many, many generations—the devastating cuts to Medicare, and the government intrusion into Americans' private health care decisions.

While I am disappointed with the Supreme Court and with the decision that it made by not striking down the President's health care bill, I remain committed to its full repeal. Under the health care law, over 1 million Americans will be at risk of losing their own current health care plans. The average American family will see a \$1,200 increase in its health care premiums. Many of those families I know in our family community are going to be devastatingly impacted.

As I have said time and time again, bad procedure leads to bad policy, and 2 years ago—my goodness—on full display, we saw bad procedure. That's why I stand here ready to cast my 10th vote in favor of repealing the President's health care law.

Mr. LEVIN. I now yield 2 minutes to the very distinguished member of our committee, the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. I thank my friend from Michigan for yielding this time.

I listened to my friend from Indiana a moment ago quote President Lincoln.

I would like to think that if President Lincoln were President today he would have supported this legislation, the Affordable Care Act, and that maybe we would call this LincolnCare today. I would say myself that I would call it President LincolnCare as I call it today President ObamaCare.

□ 1720

I notice my colleagues on the other side of the aisle are very much on target in terms of their talking points today. Each and every one has repeatedly called it ObamaCare, a pejorative, bringing down not only the legislation we're talking about, but diminishing the office of the President of the United States. I remind them that we have many people listening to the debate today, including young people. We should be beholden to the office of the presidency. That's why I call it President ObamaCare.

But this morning, the Speaker of the House, when asked why we're wasting time and energy on another repeal vote said: "We are resolved to get rid of a law that will ruin the best health care delivery system the world has ever seen."

Resolved to get rid of the best health care system the world has ever seen? That is what we had before the Affordable Care Act? I think my constituents—and I would daresay some of my colleagues on the other side of the aisle—would disagree with that.

Do you want to go back to a time when insurance companies could deny coverage for arbitrary reasons that put bottom lines ahead of patients' needs, back to a time when families worried about how they were going to afford coverage and lived with the fear that a single medical emergency could send them into bankruptcy, back to a time when seniors were overwhelmed by prescription drug costs with no relief in sight? No. Americans don't want to go back to that time. In fact, when we passed the Affordable Care Act, President Obama and Democrats in Congress were resolved. We were resolved to actually improve our health care system.

We knew that the status quo was not working for far too many Americans. We were resolved to ensure that everyone had access to affordable health care coverage. We were resolved to guarantee that that coverage would work better for patients and for families.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LEVIN. I yield the gentleman an additional 30 seconds.

Mr. CROWLEY. I'm not sure why my colleagues on the other side of the aisle don't share our resolve to make life for our constituents better today than it was prior to the passage of the Affordable Care Act. I don't understand the resolve to preserve what was an inadequate status quo by voting tomorrow to take a giant step backwards.

My colleagues, our friends on the other side, have no vision. That's why we're here today talking about going back to the future.

Mr. CAMP. At this time, I yield 30 seconds to the distinguished Member from Colorado (Mr. TIPTON).

Mr. TIPTON. I thank the gentleman for yielding.

Mr. Speaker, the common ground that we have is seeking affordability and accessibility. ObamaCare fails on both counts.

We've heard comments from our colleagues saying more is yet to come. That's exactly what the American people—workers, senior citizens, American families—are worried about: more to come.

We cannot find doctors. We're seeing our costs increase. We hear the comments that are coming. It is the Affordable Care Act. The problem is, there's nothing affordable about it. It is a \$2 trillion tax increase on the backs of struggling Americans. If we're going to stand up for true health care, we need to make sure that we repeal this bill, repeal it now, and replace it with common sense.

Mr. LEVIN. Mr. Speaker, I reserve the balance of my time.

Mr. CAMP. At this time, I yield 30 seconds to the distinguished gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Speaker, I rise in support of H.R. 6079.

The court said Congress can impose new taxes, and the individual mandate is constitutional as a tax. As Dr. Seuss would rhyme: If it walks like a tax, talks like a tax, and quacks like a tax, the Supreme Court will tell us surely it is a tax. And so it did.

Maybe we can serve it with green eggs and ham.

Uncle Sam, I still don't think Americans will like this ObamaCare sham.

Uncle Sam, loyal to patient-centered choice I am.

As the ledgers on exploding costs are already showing us and the courts declared that day, a tax burden is what ObamaCare is, and Americans remain dismayed.

Mr. LEVIN. Mr. Speaker, I yield myself the balance of my time.

As I stand here, I want to remember others from the State of Michigan who years and years ago argued this issue. I think I'll go back to JOHN DINGELL's father, who was from Michigan, a Member of this distinguished body, and who started this effort with others to bring health insurance to every person in this country.

After seven decades of failure, we succeeded. Yet the Republicans want to repeal it without offering anything to replace it. So I'll quote again Governor Mitt Romney. He said:

A conservative approach is one that relies on individual responsibility. But in my view, and others are free to disagree, expecting people who can afford to buy insurance to do

so is consistent with personal responsibility, and that's a cornerstone of conservatism.

It's really a cornerstone also of America as a community. To repeal this is to undermine the sense and reality of community in the United States of America. Remembering the past and looking to the future, we must vote "no" on repeal.

With that, I yield back the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this law is overwhelmingly unpopular, and the reason it is is because it is fundamentally flawed. The flaw is that government is being placed at the center of health care decisions that should be made by doctors and families together, not by the government.

Look at the other measures that we can use to examine this law. The pricetag of the law has already doubled. It's over \$1.8 trillion now. Health care premiums are going up. They're not going down as result of this law. They're going in the other direction. And Americans are losing the insurance they have. And there is a perverse incentive in this bill for employers to drop coverage because it's cheaper for them to pay the tax in the bill.

Also, taxes are being raised in general over a half a trillion dollars in this legislation, and 12 of the 21 new taxes in this law hit the middle class. It will make costs expensive for more than 90 percent of the seniors, and it's paid for with budget gimmicks that even the government actuaries say aren't going to work.

The Congressional Budget Office has said this law makes job creation harder. What we really need is to have a stronger economy that will help create jobs, but this law makes it harder, according to the CBO. We can't afford that after 41 months of unemployment above 8 percent. This law is bad for workers, bad for families, bad for patients, doctors, and employers.

I urge that we repeal this law, and I yield back the balance of my time.

□ 1730

Mr. KLINE. Mr. Speaker, I rise today in strong support of H.R. 6079, the Repeal of Obamacare Act, and yield myself such time as I may consume.

Mr. Speaker, on June 28 the U.S. Supreme Court dealt a devastating blow to the American people. In a sharply divided opinion, the Court upheld the President's decision to tax individuals who don't purchase government-approved health insurance. If Washington can dictate that private citizens must buy health insurance and impose higher taxes when they fail to do so, it is difficult to conceive of any limit on Federal power.

While I disagree with the Court's ruling, that is not the focus of our debate today. We are here instead to overturn

a flawed and failed law. The government takeover of health care is destroying jobs. It is raising health care costs. It is the wrong prescription for an ailing economy. It must be repealed. We promised the American people no less, and we owe it to them to keep our promise.

The need for repeal has grown more urgent in light of Friday's disappointing jobs report, which marked the 41st consecutive month of unemployment greater than 8 percent. A close examination of the health care law explains how it's contributing to the jobs crisis facing this Nation. Hundreds of additional boards and bureaucracies, thousands of pages of complex regulations, billions of dollars in tax hikes, and trillions of dollars in new government spending, these are the burdens the health care law has piled on the backs of working families and job creators.

For more than 2 years, the law has crippled our economy and undermined employers' ability to grow their businesses and hire new workers. This is not just my opinion. We see evidence from job creators across the country.

Gail Johnson, an employer from Virginia, said the law will "ultimately slow or stall the growth of small and mid-sized businesses as we struggle with the costly new requirements."

Speaking of the law's draconian tax on medical devices, Denis Johnson, vice president of a medical device manufacturing facility in Indiana, said it will "undoubtedly force us to cut critical R&D funding and inhibit job creation and retention."

And Will Knetch, president of a family-owned manufacturing company in Pennsylvania, testified that "the sheer monstrous size of the law intimidates most Americans and provides so many unknowns for the business community, it is scary."

Without any doubt, Mr. Speaker, Americans are concerned about getting this economy moving and putting people back to work. As these and other employers have accurately described, one of the greatest obstacles standing in the way of economic growth and prosperity is the President's health care law.

Through his government takeover of health care, the President has created a destructive roadblock to lowering health care costs and private sector job creation, and he has disrupted the careful balance of power between the people and their government.

Whether at congressional hearings, in public forums, or at the ballot box, the American people have spoken. They want their elected leaders to repeal ObamaCare so we can pave the way to private sector job growth and lower health care costs.

I urge my colleagues to stop defending a broken law and start standing by

the American people. I urge my colleagues to vote "yes" on H.R. 6079, and I reserve the balance of my time.

Mr. ANDREWS. Mr. Speaker, I yield myself 15 seconds.

Our side is going to try to bring some facts to the debate. My friend from Minnesota, the chairman of the committee, said this is a job-destroying health care bill. Since the day the President signed the bill, American companies have created 4.3 million private sector jobs.

At this time I would like to yield 2 minutes to the gentleman from Texas, who clearly understands the need for high-quality health care for all people in our country, Mr. HINOJOSA.

Mr. HINOJOSA. Mr. Speaker, I rise in strong opposition to this legislation that would take away health insurance for over 30 million Americans, force seniors to pay more for their prescription drugs, and add billions to our deficit.

In my great State of Texas, we have the highest uninsured rate in the country, a disgraceful 25 percent. One of those uninsured was a little boy named Houston Tracy from Crowley, Texas. Houston was born with a heart defect just days before the passage of the Affordable Care Act and was deemed uninsurable from birth for a preexisting condition. His case drew national attention, and eventually his private insurance company backed down under pressure. Today, under the Affordable Care Act, no child will suffer the indignity baby Houston met. Insurers can't deny children the coverage over a medical need. These are the protections that Republicans want to take away from us today.

Just yesterday, a Republican Member of Congress said that if she had her way, she would rather spend every day voting to repeal the Affordable Care Act. So rather than working to pass legislation to put Americans back to work or stop the outsourcing and offshoring of American jobs, Republicans would rather spend every day doing nothing but scoring political points by voting to take away health insurance for the millions of Americans while offering no solution for people like little Houston Tracy and the thousands of other children like him who would be left at the mercy of the insurance companies.

This is a cruel bill. I urge my colleagues to vote "no" on the Republican bill.

Mr. KLINE. Mr. Speaker, I am very pleased to yield 2 minutes to the chairman of the Workforce Protection Subcommittee, the gentleman from Michigan (Mr. WALBERG).

Mr. WALBERG. I thank the chairman.

Mr. Speaker, my friends across the aisle decry the fact that we have now voted over 30 times to defund, dismantle, and repeal the law. But, Mr.

Speaker, isn't it right to challenge a tool of destruction of the American health care system, the economy, and personal freedom of choice?

In Michigan the law has stifled economic growth and hiring and raised health care costs for everyone.

It would impose 21 new or higher taxes, 12 of which directly affect the middle class, workers and families. It would lead to a gross tax increase of almost \$570 billion over 10 years. It will cost \$1.8 trillion over the next 10 years, nearly double the original estimate.

Meanwhile, the Obama administration has failed to decide what government-approved health insurance will look like, leaving employers uncertain about the future expenses and taxes they will face. White Castle, in a hearing just prior to this, has indicated they have held back on creating 400-plus new jobs because of this uncertainty.

As if the cost of jobs and the economy wasn't enough of a negative, ObamaCare also cuts \$500 billion from Medicare to finance new entitlement programs. It reduces Medicare care itself. According to the American Medical Association, one in three primary care doctors already limit the number of new Medicare patients they take due to the cost. Once the law is fully enacted, CMS estimates that about 15 percent of Medicare part A providers will become unprofitable and drop out entirely, leaving seniors with fewer options.

Additionally, the President's hand-picked 15-member Independent Payment Advisory Board is even more troubling. Its purpose is to control future Medicare spending so that if Medicare grows beyond what is sustainable, the Board has the power to recommend cuts and ration care.

Rights of conscience violations are mandated in this bill. This must stop.

I recommend all my colleagues support the repeal of this bill in going back to a patient-centered approach that offers this health care system sustainability and care for our citizens.

Mr. ANDREWS. Mr. Speaker, I yield myself 30 seconds.

I would ask my friend from Michigan if he could just stay for a question.

My friend from Michigan just said that there is an estimate that the bill has doubled in cost, and I have read all the CBO analyses of this bill. I wonder if the gentleman could tell me the source of his statement from the Congressional Budget Office that the bill has doubled in cost from the original estimate.

I yield to the gentleman.

Mr. WALBERG. I appreciate you yielding.

It is the CBO. Go to the Congressional Budget Office. They have directly stated that it would double.

Mr. ANDREWS. Reclaiming my time, if the gentleman could supplement the

record with the date and the document that says that, I would appreciate it.

At this time I am pleased to yield 2 minutes to a gentleman who has become an expert on the budget, who understands that this repeal bill increases the national deficit and debt, the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Speaker, 2 years ago we passed ObamaCare, and now the Supreme Court has ruled that it is, in fact, constitutional.

Even after this ruling, some are ignoring the fact that these reforms are working. We know that there are children with preexisting conditions who now have insurance. We know that there are young adults who have had car accidents and their families did not have to go bankrupt for health care costs because they were able to stay on their parents' policies.

□ 1740

We know that there are seniors who are receiving assistance when they fall in the doughnut hole. We know many people have discovered curable diseases when those diseases were in fact curable because they didn't have to save up for copays and deductibles for their annual checkup. We know that there are people with serious illnesses who no longer fear being kicked off their insurance plans in the middle of treatment when they need the coverage the most. And in 18 months, all Americans will be able to afford a comprehensive health care policy. All of this was done in a fiscally responsible way. And why would anyone want to take away these protections and leave people without health security?

Mr. Speaker, I urge my colleagues to oppose this 31st attempt to turn the clock back on the advancements made under the Affordable Care Act.

Mr. KLINE. I yield 3 minutes to the chairman of the Subcommittee on Health, Employment, Labor and Pensions, the distinguished gentleman from Tennessee, Dr. ROE.

Mr. ROE of Tennessee. Thank you, Mr. Chairman.

I rise today to urge my colleagues to vote for repeal of the Affordable Care Act. As a physician, I've taken care of families for more than 30 years. During my time on the front lines, I watched our health care costs skyrocket and our health care freedom erode. I observed three major problems with the health care system. One, it costs too much. It's unaffordable for too many people. Two, there were people who didn't have access to care. And three, there's a liability crisis in this country.

The problem is too much government, so more government is not the solution. Unfortunately, the President and his party did not learn the lessons of Tennessee. In Tennessee, it began with universal coverage in the nineties called TennCare. And in 10 short budget years, Mr. Speaker, I saw our costs

triple from \$2.5 billion a year to \$8.5 billion a year. I saw access for patients go down and the quality of their care go down.

The Affordable Care Act applies this same failed idea to the whole country through a 2,700-page bill and more than 13,000 pages of rules—and still writing. The Affordable Care Act doesn't address the major problem, which is cost. And it's also going to cost jobs.

I spoke to a business owner in Tennessee just this afternoon who has 800 employees. He said his H.R. people looked at this plan. He's going to have to lay off 50 people, put 150 people on part-time work, and possibly close some of his stores.

We need to create an economic environment that creates jobs. The last Congress passed legislation that would destroy jobs. And make no mistake, our health care system was fundamentally flawed before the Affordable Care Act was signed into law. But the Affordable Care Act made a bad situation, I believe, worse. The fact is we don't have free-market medical care today. About half of all the health care bills are paid by government.

But that aside, with all the court cases, the policy proposals, the statistics, it's still important to remember that health care is about human beings. It's about people. There are no Republican or Democrat heart attacks. I've never seen one. I've never operated on a Republican or Democratic cancer in my life. So we need to talk about solutions in a bipartisan way for everyone. Health care is too important to be left to insurance bean counters and to Washington bureaucrats. Government always makes things more expensive and eventually leads to shortages, to long waits, and to rationing.

Let's just talk about a few ideas of what we should do next. Let's start by just leveling the playing field and give all individuals the same tax break that businesses get right now. Just treat an individual like a business. Let's start by empowering our seniors and saving Medicare by giving them choice. Let's allow small businesses to join together to compete for more affordable insurance just like big corporations do.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. KLINE. I yield the gentleman an additional 15 seconds.

Mr. ROE of Tennessee. And let's lower prescription costs by allowing folks to buy medicines anywhere in the world that's safe. Let's reform medical malpractice. Finally, let's force insurance companies to compete for your business across State lines.

Health care freedom is about the right incentives and personal empowerment, not government mandates and regulation. I strongly encourage a "yes" vote for this bill.

Mr. ANDREWS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, we know what our Republican friends mean when they say give seniors more choice under Medicare. They mean let them choose which private insurance company should run Medicare instead of regular Medicare. American seniors know you can count on the Medicare guarantee no matter what the circumstances are, whether you're profitable to take care of or not. That's why they support Medicare. That's why we support Medicare, even though the majority has voted on several occasions to terminate the Medicare guarantee.

At this time, Mr. Speaker, I am pleased to yield 2 minutes to a gentleman who understands that pre-existing conditions should be made illegal and insurance companies should not be able to pursue them, the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. I thank the gentleman.

It was interesting, we just had a hearing in one of the committees here in Congress, and we had four witnesses who were speculating about the fear and the myths and all the things that they hypothesize could be terrible if the Affordable Care Act were to go into effect. And then we had one witness who was the worst nightmare for those people, who was a Massachusetts businessperson with a thousand employees, president of the largest Chamber of Commerce in the country, was a member of the board of directors of one of the larger banks, and was in fact the regional consultant to the Fed in that area, who said that since Massachusetts accepted the equivalent of the Affordable Care Act, not only his business has done better and his employers have done better and his profits have gone up, but in Massachusetts the economy has done better, more people have been working, less people have been using the emergency room, and more employers are covering their employees. And in fact, that's what it is. The facts certainly outweigh all the speculation and the myth and the fearmongering that we see going on.

There are millions of people who are already taking advantage of the Affordable Care Act. One of those in my district is Terry Palary, whose son is a firefighter who's working towards his paramedic certificate and who has to spend hundreds of hours in an internship that's not paid for. He's 23 years old. He wouldn't have health insurance under his father's plan if this bill the Republicans propose were to go through. And some 3 million other young Americans wouldn't be covered on health insurance plans as well. This is misguided legislation that would end that kind of a benefit.

It would also mean the end of a meaningful consumer protection like the 80/20 provision, where we force insurance companies to actually do

something they hadn't been doing: covering health care. Providing health care services instead of paying bonuses. Executive salaries that are through the roof. And advertising and other costs—anything but health care on that. It's estimated that some 12.8 million Americans are going to receive more than \$1.1 billion in rebates because of that provision alone.

It would also see, if this bill to repeal passed, 360,000 small businesses would no longer get the business tax credits. They would no longer be able to cover some 2 million employees.

This list goes on and on. We can show you example after example of people who have fallen through the doughnut hole—those seniors—for coverage that are now being protected by the Affordable Care Act. Let's find out what we can do about jobs. Let's stop this 31st attempt to repeal an act that that's not going to be repealed and get the American people back to work.

Mr. KLINE. I am pleased to yield 1 minute to a distinguished member of the committee, the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Today, I rise to support the repeal of President Obama's health care law. I support health care reform that ensures that all Americans have access to affordable health care. However, I believe the health care law is fundamentally flawed in its approach and will only make worse our skyrocketing high health care costs and Federal deficit. A study last month found the cost of health care services is expected to rise 7.5 percent in 2013.

I'm also very concerned about the law's negative effects on job creation. I have met with hundreds of employers in my district and hear constantly how the mandates and uncertainties created by the law are discouraging hiring. The report issued by the investment research firm UBS last September said that the health care law was "arguably the biggest impediment to hiring."

We need the right reforms to eliminate waste throughout the system and reward high quality, low-cost care. We should be choosing approaches which give consumers incentives to use their health care dollars wisely. Instead, we're going in the opposite direction by turning decisions over to the government.

I support this bill and would urge all my colleagues to work together to implement real reform to ensure every American has access to affordable health care.

Mr. ANDREWS. Mr. Speaker, I yield myself 20 seconds.

We share the gentleman from Wisconsin's concern about squeezing down health care costs. The record shows that since the Affordable Care Act was enacted, growth in Medicare costs, which had been 8 percent annually, has fallen to 6 percent annually by stopping giveaway corporate welfare profits

to insurance companies and other waste while increasing Medicare benefits.

I am now pleased to yield 2 minutes to a Member who understands that being a woman should never mean paying higher premiums or being a preexisting condition, the gentlelady from California (Ms. WOOLSEY).

□ 1750

Ms. WOOLSEY. Our ranking member today has proven something that's very clear to me: this is baloney. The arguments are baloney. So baloney, baloney, baloney. We're here, Mr. Speaker, standing on the House floor for the 31st time with the majority serving more baloney regarding the Affordable Care Act.

They haven't brought a single jobs bill to the floor; but for the 31st time in the last year and a half, they are voting to repeal the Affordable Care Act.

This is just another political show, act XXXI in the Republican theater of the absurd. In a moment when what we need is real leadership to tackle serious challenges, I'm still waiting for the majority's constructive ideas on health care. But all I hear are crickets. This leaves me to conclude that they truly prefer a health care system in crisis—millions uninsured and out-of-control costs crushing families and small businesses. They must believe that it's okay for insurance companies to deny you coverage because of a preexisting condition and particularly to charge you more if you are a woman. They are obviously against seniors saving on prescription drug costs, and they are against increased access to preventive care.

We need to strengthen these reforms instead of dismantling them. The Affordable Care Act is the beginning, not the end. Actually, for nearly a half century, Medicare has provided coverage to seniors and those with disabilities in a fair, cost-efficient way. So maybe, just maybe, it's time to give every American those same benefits. We could do that by passing Medicare "E," "Medicare for Everyone."

Enough baloney, because it's time for the wealthiest Nation in the world to provide health care for all.

Mr. KLINE. I am very pleased to yield 2 minutes to a very distinguished member of the committee, the gentlelady from Illinois (Mrs. BIGGERT).

Mrs. BIGGERT. I thank the chairman for yielding.

Mr. Speaker, I rise today to voice my strong support for H.R. 6079, to repeal the Patient Protection and Affordable Care Act. Whether it's dropped coverage, higher costs or lost jobs, the unintended consequences of this legislation continue to add up. And now that the Supreme Court has declared the individual mandate to be a tax, we know that this law contains over 20 distinct tax increases.

We cannot continue to ignore the impact of this law on jobs while millions of Americans remain out of work. Nor should we cut \$500 billion from Medicare or leave in place new rules that the CBO estimates will eliminate employer-sponsored insurance for millions of Americans.

Instead of tinkering with broken pieces, we should take the cleaner route, repeal the law, and end policies that are raising costs. In their place, we can enact consensus-driven, bipartisan solutions that Democrat leaders have ignored in the past. At the same time, there's no reason we can't maintain coverage for preexisting conditions and young adults.

Let's give the Americans what they want: lower costs, access to quality care, and more choice. We can do that through the association health plans for small businesses, by allowing consumers to buy insurance across State lines, and by extending health savings accounts. And we must move forward on commonsense legislation to curb junk lawsuits that drive up costs and force doctors to practice expensive defensive medicine.

Mr. Speaker, I urge my colleagues to join me in repealing this regrettable law. Then we can put our focus back on effective reforms that will deliver lower costs without putting the government between patients and their doctors.

Mr. ANDREWS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, we continue to hear this charge that there's \$500 billion in Medicare cuts in the health care bill. Here are the facts: the new law eliminates a corporate welfare subsidy for certain health insurance companies and goes after some wasteful Medicare practices. All the Republican speakers who have spoken today must agree with those cuts because every single one of them has voted for every single one of those cuts in the last two Ryan Republican budgets. Every dollar of Medicare savings in the Health Savings Act is in the last two Republican budgets.

I am pleased at this time to yield 2 minutes to someone who understands the benefit of families' being able to keep their sons and daughters on health insurance policies until they're 26, my friend and colleague from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman from New Jersey who is so expert in these matters.

Matt from West Windsor wrote me:

I graduated from college this past May and am currently working at a job with new health insurance. I have a preexisting condition, and, shockingly, I truly would be without insurance and in big trouble if this legislation is reversed.

Carolyn from East Brunswick contacted me to say she had been laid off and her COBRA benefits were about to

expire. At age 25 and because of the Affordable Care Act, she can enroll as a dependent on her father's Federal employee benefits plan.

Mary from Princeton wrote:

Our son has cystic fibrosis and he would be subject to both the lifetime cap on benefits and the denial because of preexisting conditions were it not for the provisions of the health reform.

Many people in New Jersey tell me they need those things that the health reform law does for them, including protections against premium increases, as well as many others, like coverage for young adults, ensuring that people with preexisting conditions have access to health insurance and the elimination of lifetime limits.

Now, the majority here who are trying to repeal this law say they want to keep those provisions. I say get real. You cannot repeal the law and still have the provisions of the law in effect.

Mr. KLINE. Mr. Speaker, I yield 2 minutes to a member of the committee, the distinguished gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. I would like to thank Chairman KLINE for yielding.

I am thankful for his leadership on this very important issue promoting limited government and expanding freedom.

Due to the passage of ObamaCare, America is set to experience the largest tax increase in our Nation's history which destroys jobs. Over the past year and a half, House Republicans have voted over 30 times to repeal, defund, or dismantle the President's job-destroying health care takeover. If this law remains on the books, 21 new or increased taxes will be imposed on the American people and small businessowners. Already, the 2,700-page bill has generated over 13,000 pages of mind-boggling regulations destroying jobs.

Over the Fourth of July recess, I visited Columbus, Ohio, and read a very thoughtful editorial in The Columbus Dispatch entitled "Placebo." The article states:

The law creates headaches for businesses of all sizes that are likely to create a continuing drag on the economy and job creation. Small businesses employing close to 50 people will resist adding more workers since 50 is the threshold at which the law requires them to provide health care or pay a penalty or tax.

Throughout the past 3 years, the President and the liberal controlled Senate have pushed government red tape stalling economic growth, just like the policies of ObamaCare. Our unemployment rate has remained at over 8 percent for 41 months. It is clear the President's liberal policies are destroying jobs.

In order to put Americans back to work, we must start by repealing this overreaching bill and then vote for the

process of replacement by market reforms as developed by Chairman TOM PRICE of the Policy Committee.

Mr. ANDREWS. Mr. Speaker, I yield myself 25 seconds.

The gentleman just said this is the largest tax increase in American history. Here is the record: there are two kinds of people who will pay higher taxes under this law. Ninety-seven percent of American families won't pay one dime of tax increases under this law. The first family that pays a tax increase is a family with a gross income in excess of about \$300,000 a year. It's about 1 percent, maybe 2 percent, of the U.S. households. The second is a person who can afford health insurance, who elects not to buy it, who uses the emergency room and expects his or her neighbors to pay their bill. That's not the largest tax increase in American history.

At this time, I am pleased to yield 2 minutes to a gentledady who understands who gets hurt if this law gets repealed, the gentledady from San Diego, Mrs. DAVIS.

□ 1800

Mrs. DAVIS of California. Mr. Speaker, here we are debating for the 31st time to repeal health care reform. But again, repeal would be a tragedy for America.

Repeal would mean that children with preexisting conditions would lose their health care coverage.

Repeal would mean that 86 million Americans will no longer have access to free preventative care services.

Repeal would mean seniors would no longer save money on their prescription drugs.

Repeal would mean that 16 million middle class Americans would not get tax credits to pay for their health care.

Repeal would mean that my constituent's sister who had breast cancer would still lose her house due to excessive medical bills because she could not afford health insurance.

Repeal would mean that my constituent who had successful ovarian cancer treatment years ago would still not be able to purchase health insurance because of her preexisting condition.

There are millions of Americans who are fortunate enough to have health insurance they actually like, and they ask me why they should support reform. Well, first, this economic downturn should have taught us all that we are just one pink slip away from losing our health insurance. By allowing the unemployed to purchase affordable insurance, health care reform changes that.

Second, the uninsured, who have no other choice but to use the emergency room as a primary care office, drastically raise hospital rates for the rest of Americans who do have insurance. As a result, the insured are paying sub-

stantially higher premiums, and a mere trip to the hospital to rule out an appendicitis costs \$5,000. By requiring that everyone who can afford it have health insurance, health care reform changes that.

Small business owners in my district concerned about the new mandates in health care reform ask me why they should support it. These small business owners have always wanted to offer their employees health coverage, but they haven't been able to do so because the cost has been high and unpredictable. Health care reform changes that. Now small businesses have a risk pool for more stable and affordable premiums.

What repeal really means, Mr. Speaker, is that affordable health care, now within reach for so many Americans, would become a distant dream.

Mr. KLINE. Mr. Speaker, can I inquire as to the time remaining on each side?

The SPEAKER pro tempore (Mr. RENACCI). The gentleman from Minnesota has 17 minutes. The gentleman from New Jersey has 16½ minutes remaining.

Mr. KLINE. Mr. Speaker, I am now pleased to yield 2 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. I thank the gentleman from Minnesota, the chairman of the Education and Workforce Committee, for yielding me this time and for his leadership in combatting this terrible bill in the aftermath of a very disappointing Supreme Court decision, ruling that sometimes what we all thought and were told was a penalty is now a tax, but sometimes it's not a tax, it's a penalty. First time in the history of the United States Supreme Court, in over 200 years of decisions, that a device has been called both a penalty and a tax at the same time. Very disappointing, and here's what it leaves American citizens with. This is your new health care system: more than 150 new government agencies and programs.

I was called by PolitiFact a couple of months ago, and they said, Where do you get that 150 new government agencies and programs? We sent them a list of 158 new government agencies and programs with the page number of the bill and the section number of the statute, and we've never heard back from PolitiFact. I'm disappointed. I thought we were going to see one of those arrows pointing all the way over to the far right saying, "True."

And it is true. Not only do we get 150 new agencies and programs, we get 400 new authorities for the Secretary of Health and Human Services and other bureaucrats here in Washington to dictate to families and businesses, large and small, to local governments and State governments, to insurance companies, to health care providers what your insurance policy is going to look

like, which means you won't be able to keep the insurance that you like now and that you were promised you could keep by the President once upon a time. No, no, siree.

We already have 12,000 pages of new regulations that have been written, and they haven't even covered about half of those 400 new mandates, new regulatory authorities that they can write regulations on.

It's going to cost \$2 trillion over 10 years, a half a trillion dollars in cuts to Medicare, over \$800 billion in new taxes, including a quarter of a trillion dollars in taxes on middle-income Americans.

The fact of the matter is this monstrosity needs to be repealed. Vote for this legislation and repeal it today.

Mr. ANDREWS. Mr. Speaker, I yield myself 30 seconds.

Two points with respect to my friend from Virginia's comments:

This tax, once again, 97 percent of American families don't pay a dime more in taxes here. It's families with a gross income in excess of about \$300,000 a year and people who can afford health insurance, opt not to buy it, and send their neighbors the bills.

These regulations my friend talks about, here's what one of the regulations says:

If your health insurance company—which doesn't really have to compete for your business because they have a monopoly or oligopoly—doesn't spend money on your premiums, at least 80 or 85 percent, they have to give you the money back as a rebate.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. ANDREWS. I yield myself an additional 15 seconds.

This summer, millions of American families will be getting rebates from their health insurance companies because they haven't spent their money on care; they spent it on profit and overhead. We don't think that's such a bad regulation.

Mr. Speaker, in the interest of time, I think my friend, the chairman, has more speakers than we do, so we're going to have them go two for our one to kind of keep it even, if that's okay with my friend, the chairman.

Mr. KLINE. I appreciate my friend having me do that, and we're glad to comply, Mr. Speaker. So at this time, I'm pleased to yield 1 minute to another member of the committee, the gentleman from Pennsylvania (Mr. THOMPSON).

Mr. THOMPSON of Pennsylvania. Mr. Speaker, prior to Congress, I spent nearly three decades as a professional in a nonprofit health care setting, and in health care there's a saying: Do no harm. Unfortunately, ObamaCare violates this principle.

The President promised that his plan would decrease annual premium rates for the average family; they've actually increased.

The law creates an employer mandate that provides a perverse incentive for companies to drop their employees from health plans.

The law wastes money on so-called "demonstration" programs in order to conceal the law's scheduled cuts to Medicare Advantage, a blatant attempt to isolate the President from the political fallout from our Nation's seniors in November.

The administration insisted that failure to comply with the individual mandate would not result in a tax. Well, it's official. It's a tax.

The American people are fed up. Why? Another check was written that cannot be cashed, more promises were made that cannot be kept.

Mr. Speaker, we must protect the American taxpayer. We must prevent this policy from doing more harm. We must repeal this law.

Mr. ANDREWS. Mr. Speaker, I yield myself 20 seconds.

My friend from Pennsylvania just made reference to the employer mandate. It's very important that the public know and the Members know that if a business has 50 or fewer full-time employees, what they have to do under the Affordable Care Act is nothing. There is no mandate of any kind for a business with fewer than 50 full-time employees.

I'm pleased at this point to yield 2 minutes to a gentlelady who fought hard for senior citizen rebates and prescription drugs, the gentlelady from Cleveland, Ohio (Ms. FUDGE).

Ms. FUDGE. Mr. Speaker, I strongly oppose H.R. 6079.

Republicans in Congress need to stop the political grandstanding, stop wasting this House's time and the taxpayers' money, and start doing the work we were elected to do. There are critical issues facing the American people that desperately need our attention.

The middle class is asking Republicans: Where are the jobs? And what is their plan to stop outsourcing American jobs?

We should and we must focus on legislation in this House that will strengthen our economy. Yet it seems like Groundhog Day, the same thing over and over and over again.

The American people should know what it's going to mean to repeal the Affordable Care Act. Let me tell you what it means.

It means that the Republicans support legislation that will make insurance company CEOs and executives richer.

It means that Republicans support legislation that will deny the right of young adults to remain on their parents' insurance until age 26.

What it means is that the Republicans support legislation that will deny individuals with preexisting conditions the right to affordable health care.

It means that Republicans support legislation that will raise prescription drug costs for our seniors and eliminate provisions that hold insurance companies accountable for double-digit premium increases.

□ 1810

It means that Republicans support legislation that will raise the taxes of hundreds of thousands of small businesses by eliminating the small business health care tax credit, which helped them afford health insurance for more than 2 million workers.

And just for the record, The Washington Post Fact Checker has also concluded, and I quote, "The health law will provide more tax relief than tax burden for middle class families."

Again, it says, "The health law will provide more tax relief than tax burden for middle class families."

This repeal would mean that Republicans support legislation that will prevent eligible constituents from receiving the same health care coverage as Members of Congress. And I'm not sure why Republicans feel their constituents do not deserve the same access that they enjoy themselves. But by voting to repeal the Affordable Care Act, that is exactly the message being sent to the people we represent.

Mr. KLINE. Mr. Speaker, I yield 2 minutes to a member of the committee, the very distinguished gentleman from Tennessee, Dr. DESJARLAIS.

Mr. DESJARLAIS. Mr. Speaker, I come to the House Floor today to call attention to yet another problem in this poorly drafted, 2,700-page job-killing bill.

We all remember former Speaker of the House, NANCY PELOSI's famous statement that they needed to pass the bill so we could find out what was in it. Today I stand here perplexed by not only what is in the bill but also what is not in the bill.

When drafting ObamaCare, Democrats only gave authority for the IRS to offer premium tax credits to State exchanges. Well, many States are refusing to set up these exchanges, making it necessary for the Federal Government to create them. That is permissible within the law.

Here is what is not: nowhere in the law does it give permission for those credits to be offered in federally-run exchanges. Mr. Obama, having recognized this grave mistake, has circumvented Congress by having the IRS unilaterally change his bill to fix this error.

Last time I checked, it was Congress that made laws, not the executive branch. The legislative process should still have meaning in this country, which is why my colleague and fellow Tennessee physician Dr. PHIL ROE and I recently introduced legislation which prevents the administration from re-

writing the law. Even my colleagues who support the President's law will surely agree that his administration's actions lead us down a dangerous constitutional path.

My opposition to ObamaCare is clear. That aside, having a President act without Congress to change law sets a dangerous precedent, one that violates the principles of our Constitution and the separation of power, principles that are the pillars of our democracy.

Mr. ANDREWS. Mr. Speaker, I yield myself 15 seconds.

My friend's comments echo ones we've heard for the last 2 years about the unconstitutionality of the law. The Supreme Court spoke with great authority to that question. People may agree or disagree with the policy, but this law is clearly constitutional and valid.

I am pleased at this time to yield 2 minutes to the gentleman from Connecticut (Mr. COURTNEY), the author, the originator of the discrimination provisions against preexisting conditions, the gentleman that really initiated that.

Mr. COURTNEY. Thank you, Mr. ANDREWS, for your leadership in this debate here this evening.

We've heard a lot of misleading comments about the so-called damage that has been done to U.S. employers as a result of the Affordable Care Act. Well, the people who make those statements forgot to ask the 5,200 American employers who stamped into the Affordable Care Act's early retiree reinsurance program, over half of the Fortune 500 companies in this country included in that group, some of whose corporate logos are on the chart here.

And rather than causing problems with new employment, again, just looking at Ford Motor Company, they've added 7,000 workers this year to the ranks of their assembly plants, obviously using the benefit of the early retiree program, which acts as a Federal backstop for high insurance claims, a principle and a pattern that we have used for flood insurance, that we've used for nuclear power plant insurance, again, using the Federal Government as a backstop for high cost claims. And again, companies like Comcast, who are hiring in my district, have all taken advantage of this program.

Individuals who make these claims have also forgotten to ask the 360,000 small businesses that last year took advantage of the small business tax credit, a 35 percent tax credit on health insurance premiums. That number is going to go up to 50 percent starting in 2014.

And as Mr. ANDREWS has repeatedly pointed out here tonight, there is no mandate on businesses or firms 50 or less. That's 96 percent of small businesses in America. But there will be a tax credit to help those firms actually

defray the cost because, as a former small employer myself, small employers want to provide benefits. The problem is that they have trouble affording it, and the tax credit set up in the Affordable Care Act will help those small businesses defray the costs and entice and enroll new employees in their businesses who are looking for those types of the benefits.

So the fact of the matter is that with the job growth that we have seen, again, we need more. But with the job growth over the last year and a half since the Affordable Care Act went into effect, we have helped businesses, 5,200 employers who are using the early retiree insurance programs, including nonprofits, religious institutions, and public sector employers across the country, and 360,000 small businesses who've taken advantage of that tax credit.

We need to build on that success and grow this economy. Let's skip this debate and move on to real jobs legislation.

Mr. KLINE. Mr. Speaker, I yield myself 30 seconds.

We've heard a couple of times today from my distinguished friend and colleague from New Jersey and again from the well about how small employers aren't affected by this. If you have 50 or fewer employees, you have to do absolutely nothing. But of course if you have 51, if you hire just one more employee, you have to pay \$42,000 in penalties, I mean taxes, or whatever that is after the Supreme Court ruling.

It's having an impact on our employers. There's a reason why they're not hiring. There's a reason why they're scared, and there's a reason, frankly, why they want us to repeal this awful piece of law.

I am now pleased to yield 2 minutes to a member of the committee, a physician, the distinguished gentleman from Indiana, Dr. BUCSHON.

Mr. BUCSHON. Mr. Speaker, I rise today to urge my colleagues to support repeal of the Affordable Care Act. It's ironic that this legislation is called "affordable," because in my home State of Indiana it will be anything but affordable.

What's in it?

How about 21 new taxes, most of which hit the middle class. The law has generated and will continue to generate thousands of pages of regulation to comply with, and establishes taxpayer-subsidized exchanges that are predicted to be overwhelmed when employers start dropping their private policies for their employees. Paying the penalty will just be more cost-effective for these employers.

In Indiana, there will be approximately 500,000 additional Medicaid enrollees in 2014, and by 2024 there will be approximately 700,000 additional enrollees compared to today.

Medicaid is already a broken, financially-strapped program that does not

provide good insurance coverage for its beneficiaries. Why would we use Medicaid as the vehicle to provide coverage?

Access to physicians will continue to be a significant challenge, as fewer and fewer physicians take Medicaid. The additional cost will be 2.5 to \$3.1 billion to Indiana's Medicaid expenditures. Once the Federal subsidies end, State taxes will have to be increased dramatically or, more likely, reimbursement to providers, hospitals, and physicians will need to be cut. This will result in further access issues for beneficiaries, as even more doctors drop out of the program.

As the number of Indiana residents depending on the exchanges for their insurance grows, the cost to the Federal taxpayer will grow rapidly. Either taxes will have to be increased or again, more probably, reimbursement to providers will be cut.

We now have a new group of citizens, many of whom previously had private health coverage, that are dependent on a government program that is financially strapped. Access to providers will begin to become an issue.

The ACA is a financial snowball rolling down the hill. We must repeal it before it's too late. We need step-by-step, patient-centered health care reform that decreases the cost while maintaining the access to and quality of medical care in this country.

Mr. ANDREWS. Mr. Speaker, I yield myself 30 seconds.

The gentleman from Indiana just said that this would be where taxes would hit the middle class. I wish that were true in some ways because the people this hits are people with a household income of over \$300,000 a year. I wish more people in the middle class made more than \$300,000 a year, but they do not.

And then secondly, with respect to Medicaid enrollees, for the first 3 years the Federal Treasury picks up 100 percent of that cost. And thereafter, the average is about 95 percent of the cost of the new enrollees. This is a benefit to State governments, and I predict that virtually all of them will opt to join in.

□ 1820

At this time, I am pleased to yield 1½ minutes to a gentleman who understands the impact on hardworking families being able to get affordable health care in this country, the gentleman from Missouri (Mr. CARNAHAN).

Mr. CARNAHAN. Mr. Speaker, I oppose the Republicans' attempt to repeal the new health care law.

When people in St. Louis go to work, they want fair pay for a day's work. When they buy dinner on the way home, they expect to pay a fair price. They don't expect to get gouged because the chef needs a new set of golf clubs. Yet those are examples of what

has happened in the health care industry. Private health insurance premiums are rising faster than Medicare costs in order to provide the same services. Bonuses, advertising, overhead have crowded out dollars for actual health care.

The Affordable Care Act, or the ACA, changes that.

Now, by law, 80 percent of private insurance premiums must be spent on paying for health care. Some companies cannot or will not lower overhead and profits to 20 percent. So this year they will be forced to pay refunds of more than \$170, on average, to more than 580,000 residents in my State of Missouri.

So, Mr. Speaker, for those who have stood up for health care today, I stand with them. The Republican idea is to go backward to the broken system of the past. They are trying to end insurance for kids with preexisting conditions; to end the protection from prescription drug costs; to end free mammograms; to end the affordability tax credits for small businesses; to end refunds from insurance companies that don't spend enough on health care.

Let's call this Republican repeal bill what it is. This is a distraction from addressing the jobs agenda of this country. Let's get past this Republican stunt. Let's get back to work on things we can do together to continue to grow this economy.

Mr. KLINE. Mr. Speaker, I inquire again as to the time remaining on both sides.

The SPEAKER pro tempore. The gentleman from Minnesota has 10 minutes remaining. The gentleman from New Jersey has 9¼ minutes remaining.

Mr. KLINE. Mr. Speaker, I would now like to yield 1 minute to a member of the committee, the distinguished gentlelady from South Dakota (Mrs. NOEM).

Mrs. NOEM. I thank the gentleman for yielding.

Mr. Speaker, I rise today to support this bill, which would repeal the President's health care law.

We've known all along that this bill will cut a half a trillion dollars out of Medicare. We've known all along that up to 20 million Americans could lose their employer-sponsored health care coverage. We've known all along that this health care law has only made costs go up rather than go down or decrease since its passage. However, we now know that buried within the 2,700 pages of this bill is yet another tax that is going to hit and fall on the middle class. This is in addition to the nearly two dozen tax increases already in the law on everything from over-the-counter prescription medication to pacemakers.

The American people were given a laundry list of promises, but very little of what was promised has turned out to be true. We owe it to every taxpayer,

to every senior—to every American—to repeal this law and to pass real solutions that don't put Washington in charge of our health care.

Mr. ANDREWS. Mr. Speaker, I yield myself 20 seconds.

The gentlelady just talked about cutting a half a trillion dollars from Medicare. The fact is that the Affordable Care Act extends the life of Medicare for 8 years. It adds benefits for seniors and, more interestingly, the cuts that were made which take corporate welfare money away from insurance companies and avoid waste were voted on in favor by every Republican who has spoken today because every dollar of those cuts was used in the last two Republican budgets.

At this time, I would like to yield 1½ minutes to a gentleman who has been a leader in health care for a long time and who understands just how much his district has benefited from affordable health insurance, my good friend from California (Mr. FARR).

Mr. FARR. I thank the gentleman for yielding.

I've been listening to this debate, not just at this moment but throughout the whole health care debate. It just kind of shocked me. Why are the Republicans so angry with a bill that, essentially, they wrote?

It was the Republicans who wanted to mandate that every person in the United States carry private health care insurance. The bill does that. It was the Republicans who wanted to make sure that people who were cheating on Medicare got busted—no free ride. The bill does that. It was the Republicans who said people ought to help themselves by being healthier—eating better, taking care of their health, and exercising more. The bill encourages that.

So why are you so angry about a bill that has so much Republican writing in it?

And it struck me: Do you remember at the beginning of this year they said, We want to defeat the President—no matter what—even if he signs into law our ideas. That's it. He signed into law an awful lot of Republican ideas, and they can't stand it.

What I want to tell you is don't listen to the rhetoric down here. Go check for yourself. You can go to www.healthcare.gov. Go to your State. Go to your county. Put in some information about yourself. Find out for yourself. Check the facts. It's there. It will tell you what you get and what you don't get.

Look, there are so many good things that this bad repeal is trying to do that it's going to take away affordability, that it's going to take away access, that it's going to take away what Americans have been asking for for over 100 years. Let's keep it. Let's make it work.

Mr. KLINE. I would now like to yield 2 minutes to another member of the

committee, the gentlelady from Alabama (Mrs. ROBY).

Mrs. ROBY. I thank the chairman for yielding.

Mr. Speaker, I rise today in support of H.R. 6079, the Repeal of Obamacare Act, of which I am a proud cosponsor. Of course, on March 23, 2010, President Obama signed into law the largest health care overhaul in the history of the United States. Sadly, it is less about providing quality health care for all citizens and more about expanding the scope of Federal Government.

The law failed to address the number one health care concern that families and employers have, and that's cost. As I've been sitting here and have listened to the debate, under the individual mandate, each individual absolutely will be penalized or taxed—we'll call it a tax because the Supreme Court did—if in America—this free country—that person chooses to remain uninsured or to purchase health care that is not government-approved, and this is regardless of one's income.

Despite the Supreme Courts's ruling, a significant number of Americans continue to oppose ObamaCare, and they are encouraging Congress to take immediate action. Americans and their doctors, not Federal bureaucrats and politicians, are in the best position to determine which health care options best meet their individual needs. Regardless of the Court's decision, many problems within the law remain present, many of which have a significant impact on small businesses. The American people do not want a one-size-fits-all health care system that imposes numerous mandates, regulations, and tax hikes on employers and employees. This will be devastating not just to my home State of Alabama but also to the Nation.

I look forward to working with my colleagues on both sides of the aisle to improve our health care system by implementing market-based reforms that actually lower costs, increase access, and maintain a high quality of care for all Americans. I urge my colleagues to listen to the voices of the American people and to support H.R. 6079.

Mr. ANDREWS. Mr. Speaker, I yield myself 15 seconds.

My friend from Alabama, in describing the individual mandate which Republicans have supported for years, said that it's imposed irrespective of income. That's not accurate. If you're on Medicaid, the mandate, of course, is covered by Medicaid. There is also a hardship exemption for someone who can demonstrate that he can't afford it, and he is given a subsidy. There is also a religious conscience exemption.

At this time, I would like to yield 2 minutes to a gentleman who worked very hard to make sure that small businesses and entrepreneurs were aided by this bill and not hurt by it, the gentleman from Colorado (Mr. POLIS).

Mr. POLIS. Mr. Speaker, in this bill before us today, there are several provisions about which I think the American people would be very angry, and they will be very angry when they find out what this body is up to.

In this bill before us today, Members of Congress would be able to maintain their government-subsidized health care after they retire instead of getting insurance, like everybody else, from a plan created under the Affordable Care Act.

□ 1830

Before the Affordable Care Act was passed, Members of Congress were eligible to continue to receive government subsidized health insurance under the Federal employees health benefits program, even after they retired. This bill before us today would return that benefit and would give government subsidized health insurance to Members of Congress, even as it took it away from millions of other Americans. Members of Congress should not have access to special health insurance plans paid for by American taxpayers, as Republicans would have us do under this bill.

In addition, this bill would increase the deficit. We don't know by how much. It could be \$143 billion or it could be \$230 billion. The issue is we won't even have that estimate until July 23. Once we have that estimate, it should be important for the Republicans, if they intend to modify this bill, to say how they're paying for it and be honest with the American people. Are the Republicans in favor of increasing the deficit by \$150 billion and at the same time giving lifetime retiree health care benefits to Members of Congress, or do the Republicans intend to pay for this repeal by increasing taxes on the American middle class?

I urge a "no" vote on this Republican bill to give benefits to Members of Congress and to raise taxes on the middle class.

Mr. KLINE. Mr. Speaker, I yield 2 minutes to another member of the committee, an emergency room physician, the very distinguished gentleman from Nevada, Dr. HECK.

Mr. HECK. I thank the chair.

Mr. Speaker, just because a law is constitutional, it doesn't mean it's a good law. Just because a law is well intentioned, it doesn't mean that it fulfills its promises.

As a physician, I've heard firsthand from patients who have serious concerns about the so-called Affordable Care Act, that it would actually reduce access to affordable high quality health care by enacting substantial new taxes, creating thousands of pages of new regulations, and most alarmingly, putting unelected, unaccountable government bureaucrats in between patients and their doctors.

Millions of Americans were assured that if they liked their health plan, they could keep it. Yet, our committee has heard testimony from businesses large and small that the increased costs of providing health coverage for employees is simply unsustainable. I've talked with business owners in my own district that want to continue to provide coverage for their employees, but the health care law is making that harder. These so-called "small business tax credits" phase out so quickly after you get above 10 employees or you start to increase wages that it's a disincentive to grow a business.

Further, the Supreme Court's ruling highlights an uncomfortable truth for the law's supporters. This law stands only because the individual mandate is considered a tax, even though proponents repeatedly insisted it was not.

Mr. Speaker, we were told Congress had to pass the bill to find out what was in it. What we found was a bait and switch of unprecedented proportions. I strongly believe that we should ensure that patients with preexisting conditions have affordable insurance options, that annual or lifetime limits don't prevent Americans from receiving the care and treatment they need, and that young adults have access to insurance, especially in difficult economic times. That's why I've introduced replacement legislation to do exactly that, without a government takeover of the system.

We need to repeal this law and move forward with reasonable, bipartisan, patient-centered reforms that restore the government to its proper role in our health care system and ensure that our patients, their families, and their doctors have the ability to decide what care is most appropriate. It's for those reasons that I strongly urge support of H.R. 6079.

Mr. ANDREWS. Mr. Speaker, I yield myself 40 seconds.

Mr. Speaker, we've done some research, and have been unable to find any occasion in the recent history of the House where a major piece of legislation has been brought to the floor where the Congressional Budget Office has not yet scored what it's going to cost. I think it's very important that Members understand this. No one can tell the Members of the House how much this repeal will add to the deficit. No one. When the first repeal came up in January of 2011, the Congressional Budget Office said it would add about \$220 billion plus to the deficit to repeal the law. No one can tell us this afternoon how much this will add to the deficit.

The Congressional Budget Office has said by about July 23 they will be able to answer that question, but we're in a huge hurry tonight. We have to pass this law this week because Mr. CANTOR said the day of the Supreme Court decision that we're going to show how bold and decisive we were.

Why should Congress vote on a bill when absolutely no one knows how much it's going to cost? I have not heard that answer from the majority side.

Mr. KLINE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. I rise in support of repeal.

Mr. Speaker, when Republicans had control of Congress and the White House during the previous decade, we failed to address America's major health care problems, which were rising costs and a lack of access to health care for millions of hardworking Americans. So we Republicans didn't do the job.

Never passing up a chance to expand the size and power of government over our lives, the Democrats have seized upon this opportunity to change the fundamental nature of health care in America. Instead of fixing the problem, they chose to change the system. It is significant to remember that even though there were serious issues that needed attention, most Americans at that time were satisfied with their health care coverage.

Nevertheless, ObamaCare passed this House by seven votes and the Senate with no votes to spare. And nobody had read the whole bill. What disturbs me the most is the largest percentage of Americans who were satisfied already with their health care are going to find out to their dismay that the quality of their health care under ObamaCare will go down and the costs will go up.

President Obama has promised those who are content with their current coverage that they could keep it. We now know that is not true.

Mr. Speaker, when Republicans had control of Congress and the White House during the previous decade, we failed to address America's major healthcare problems, which were rising costs and a lack of access to insurance for millions of hardworking Americans. So, we Republicans didn't do the job. Never passing up a chance to expand the size and power of government over our lives, the Democrats have seized upon this opportunity to change the fundamental nature of healthcare in America. Instead of fixing the problem, they chose to change the system. It is significant to remember that, even though there were serious issues that needed attention, most Americans at the time were satisfied with their health coverage. Nevertheless, Obamacare was passed in this House by 7 votes, and passed by the Senate with no votes to spare. What disturbs me most: a large percentage of Americans, especially the ones already satisfied, are going to find out, to their dismay, that the quality of their healthcare under Obamacare will go down and the cost will go up.

President Obama promised that those who are content with their current healthcare coverage could keep their insurance under Obamacare. It is now clear that's not true. Obamacare includes a provision imposing a tax on employers who cancel current coverage

and dump employees into a government system. That tax is cheaper to the business than providing health insurance. So a large percentage of the American people will end up in the government system. This, then, takes the bulk of America out of a private system that has incentives built-in to bring down costs and improve quality and puts us into a government system, where inefficiency and bureaucracy are rampant.

Obamacare is not just a step in the wrong direction. It is a race in the wrong direction. The government, pursuant to Obamacare's dictates, has already hired 16,000 new IRS agents to intimidate small business. Is that a good use of healthcare dollars?

Let's commit ourselves to fixing the problems that confront us, by first undoing this behemoth bureaucratic nightmare that has been foisted upon us as a supposed solution.

Mr. ANDREWS. Mr. Speaker, if I may engage the chairman. We have only one speaker left on our side. I assume he has the right to close. If it would be amenable to him, we're going to let him finish the rest of his speakers, and then I will close for our side.

Mr. KLINE. Do I understand that the gentleman from New Jersey is the last and only speaker remaining?

Mr. ANDREWS. The last and only.

Mr. KLINE. Mr. Speaker, I have two more speakers and myself.

May I inquire as to the time remaining?

The SPEAKER pro tempore. The gentleman from Minnesota has 4 minutes remaining, and the gentleman from New Jersey has 5 minutes remaining.

Mr. KLINE. Mr. Speaker, I yield 1 minute to the gentleman from Wisconsin (Mr. DUFFY).

Mr. DUFFY. Mr. Speaker, there are a number of reasons why we should all vote to repeal ObamaCare: the tax increases on middle class Americans and the debt that is going to be piled onto the next generation of Americans.

But I want to talk about the impact of this legislation on our senior citizens, the impact this legislation is going to have on Medicare, and the fact that this bill takes \$500 billion out of Medicare and uses that money for ObamaCare.

The trustees at Medicare have indicated that Medicare will go bankrupt in 12 years. The CBO says it will go bankrupt in 8 years. Why we would take a half a trillion dollars out of Medicare for ObamaCare doesn't make sense.

One of my biggest concerns is the Independent Payment Advisory Board, a board that is going to systematically look at where it can reduce reimbursements to doctors, hospitals, and clinics for Medicare reimbursements. If you reduce payments to doctors, hospitals, and clinics for seniors, you're going to impact the quality and access of care for our current seniors. Not a future generation, but our current seniors. I think that's wrong. I think both parties should come together and find a bipartisan bill that will work for all Americans.

Mr. ANDREWS. Mr. Speaker, I yield myself 15 seconds.

The changes in Medicare that the gentleman from Wisconsin just spoke about added 8 years to the life of Medicare, added benefits to Medicare. They were so bad that he voted for them twice. Every dollar of those Medicare savings were in the last two Republican budgets for which he voted.

Mr. KLINE. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. FARENTHOLD).

Mr. FARENTHOLD. Mr. Speaker, our job as Representatives is twofold: we lead and we listen.

If we think back to the last election that swept a Republican majority into the House, a lot of the surveys say that was a result of the public's dissatisfaction with this law. We voted to repeal all or parts of it multiple times and will continue to do so.

We just conducted an online poll, a mail survey. Although not scientific, it still showed over 97 percent of the folks back in south Texas were opposed to this law. So I'm looking forward to voting to repeal it again, as I'm sure many of my colleagues are.

I do want to take a second to address something that the gentleman on the other side of the aisle mentioned. We don't have a CBO score for this. I would imagine the cost to the Federal Government, a good chunk of it, is foregone revenue in the taxes that this bill imposes.

□ 1840

It makes no sense that undoing something actually costs the government money in the way of spending; it only costs the government in the way of foregone revenue, just like this bill has cost this economy in foregone jobs.

We have numbers showing that there are thousands of jobs that could be lost as a result of this, and we have small businesses that are telling us they're not growing, they're not expanding because of the uncertainty associated with this law and the costs associated with complying with it.

Mr. ANDREWS. I yield myself 15 seconds.

Mr. Speaker, this is the first time, apparently, in the modern history of the Congress where we voted on a major piece of legislation and not a soul knows how much it's going to cost the Federal treasury. I think that's an irregular and irresponsible procedure. I think on that basis alone people should vote against this bill.

I reserve the balance of my time.

Mr. KLINE. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. I thank the gentleman for yielding.

I join with those that are concerned. I urge my colleagues to repeal this health care law so that we can replace it with a plan that is fiscally respon-

sible, that gives Americans the freedom to make health care choices for their family, that contains reforms that actually reduce costs and actually expands coverage.

My concerns here are with this 150 new government agencies that we're going to see, with what I believe will eventually lead to a government takeover of health care with the creation of a new, massive entitlement program with a cost of \$1.76 trillion over the next decade. I know the argument is made, well, we're going to pay for this by cutting Medicare by over half a trillion dollars. How could that possibly be done, given the Office of the Actuary telling us that that's not possible. That is not possible.

All of the taxes in this bill, how that will hurt business, I can tell you right now. Businesses are facing an enormous amount of uncertainty, largely because of our massive debt burden, and here we have compounded that problem with 20 taxes on businesses and individuals in this law.

Mr. ANDREWS. Mr. Speaker, I yield myself 15 seconds.

The \$1.7 trillion cost the gentleman just mentioned is a gross cost. The last time the CBO looked at this, which was in 2011, the first of 31 attempts at repeal, they said that the net savings to the deficit would be over \$200 billion. Repealing the health care bill costs the Federal treasury money and adds to the deficit.

I reserve the balance of my time.

Mr. KLINE. Is the gentleman ready to close?

Mr. ANDREWS. Yes, we are. We have no further speakers.

I yield myself the balance of my time.

Mr. Speaker, I would like to thank my colleagues on both sides for the civil and constructive tone of this debate. It's been an honor to be a part of it.

I also want to note that the leader of our committee, Congressman MILLER of California, is regrettably not with us because of the death of his mother. We extend our condolences to his family and certainly to our beloved colleague, GEORGE MILLER.

I want to speak for just a few minutes about some people who have been left out of this debate tonight. Most importantly, the people who have been left out of this debate are the people looking for a job in this country, are looking to grow business in this country, because that's what we should be working on here together tonight. We should be working on legislation that puts the American people back to work and creates an environment where America's entrepreneurs can grow and thrive and succeed.

Instead of doing that, instead of asking Speaker BOEHNER's infamous question, "Where are the jobs?" we're asking, "Where is the 31st vote on the re-

peal of the health care bill?" By doing so, we're forgetting about some other people whose voices will not be heard in this Hall tonight but who need to be heard throughout this country.

The person who had a malignancy in her breast when she was in her twenties and now, when she goes to start a company and get insurance in her thirties, is told, We won't sell you an insurance policy because you had breast cancer, or, We'll charge you three times what we charge someone else. That should be illegal. Under the law that the majority is going to repeal today, it is.

We ought to be hearing from the family whose son or daughter graduated from college and is still working as a substitute teacher or still going to grad school part-time, who has health insurance today because the law says they can stay on their mother's or father's policy. That should be the law; and under the law the majority wants to repeal today, those families would lose that benefit.

We ought to be hearing from the senior citizen who has to choose between paying their prescription drug bill or their utility bill at a time of a heat wave or a cold snap. They ought to be in a situation where the Medicare program helps to make those prescription drugs affordable; and under this law that the majority wants to repeal today, that senior is getting between \$600 and \$800 a year of a rebate.

We ought to be thinking about the family who has suffered the tragedy of a malignancy for a child in their family, and the child hits their millionth dollar of chemotherapy and the insurance company says, We're sorry; we're not insuring you anymore; we're not paying the bill anymore. That ought to be illegal, and it is illegal under the Affordable Care Act. But if the majority succeeds in its repeal, that will no longer be the case.

You have heard a lot of things today about what this bill isn't. It isn't a \$500 million cut in Medicare. It expands Medicare benefits. It lengthens the Medicare trust. It does so by cutting out corporate welfare for health insurance companies. And every single Republican speaker here today voted for every one of those cuts in the last two Republican budgets.

It's not the largest tax increase in American history. Ninety-seven percent of American families don't pay a dollar more in taxes under this bill. If your family has a gross income above about \$300,000, yes, you do. But for the other 97 percent of American families, that's not the case.

We've heard this is a government takeover of health care. This is a consumer takeover of health care.

It's a law that says when your insurance company says to you, "Sorry, but you have had breast cancer. We won't insure you," you don't have to take that anymore.

When your insurance company says, "We're sorry your daughter has leukemia, but we're not paying her bills anymore," even though you paid your premiums for 20 years, you don't have to take that anymore.

When the insurance company says, "Here's a bill that's 40 percent higher because you're a woman," you don't have to take that anymore.

This is not about defending a statute; it's about defending the rights of middle-class Americans who deserve better than this repeal.

We should defeat this repeal and come right back to work tomorrow on a bill that will stop outsourcing and support insourcing of American jobs. It's time to get back to work putting America back to work and end the 31st travesty of trying to repeal this bill.

Vote "no."

Mr. KLINE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have heard a lot of the same debate, the same rhetoric we have heard before this bill was turned into law, passed on Christmas Eve, jammed through Congress. Now we have had a chance to look at the results of that law. The reality includes higher health care costs, fewer jobs, and even more government meddling in health care decisions of private citizens.

We have now had over 12,000 pages of regulations and it is still writing. It's no wonder that America, American employers, American employees, American families are afraid of what's next.

We have heard on this floor today a suggestion that everybody should be in Medicare. No wonder they are afraid. We have heard about millions of new jobs added, and yet we're in the most anemic recovery since World War II.

We need jobs. We need to get Americans back to work. And we believe that the first important step to helping those employers put Americans back to work is to repeal this awful law.

I urge all my colleagues to vote "yes" on repeal of ObamaCare so we can stop debating a failed law and start advancing real commonsense health care reforms.

I yield back the balance of my time.

□ 1850

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 1 minute.

Let me say it this way, Mr. Speaker. This bill barely passed into law. It was the biggest social legislation to pass into law in over 40 years. Seven votes in the House, no votes to spare in the Senate, Christmas Eve, backroom deal, and it was based on three promises by the President of the United States. One, if you like the health insurance you have, you can keep it. That's a broken promise. Two, this will bring down our health care premiums. That's a broken promise. Three, there's no tax on people making less than \$200,000 in

this bill. That's a broken promise. Well, the President said, to get it passed, there was no tax. Then, he sent his lawyer to the Supreme Court to argue that it was a tax so he can keep it on the books.

If any of these three broken promises were known to the public and to Congress at the time they were passing this law, the law would have never passed in the first place. We now have this information. Let's revisit this.

With that, I look forward to a hardy debate with my good friend from Maryland (Mr. VAN HOLLEN), and I reserve the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself 1 minute.

What we're engaged in here in the House of Representatives right now is a total waste of taxpayer money. It's no wonder the American people think so little of this institution. We are now on our 31st effort in this House to repeal all or part of ObamaCare. We have not yet voted once on the President's jobs bill, which he presented last September.

Two numbers. Thirty-one; that's the number of times this House will now have voted to repeal ObamaCare. Zero; that's the number of times that we voted on the President's jobs bill.

I've been listening to this debate this afternoon and we've heard the same old, tired misrepresentations and distortions that we heard the first time around: Government takeover of health care. In the year 2010, *PolitiFact* rated that the Lie of the Year. And it just goes on and on and on like whack-a-mole.

The American people do not want to relitigate this issue. What the American people want us to do is focus on jobs and the economy. Let's get on with that business.

I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 1½ minutes to the distinguished gentleman from Texas, a member of the Budget Committee, Mr. FLORES.

Mr. FLORES. Mr. Speaker, I rise in support of the repeal of the ObamaCare Act. The original ObamaCare Act, which was passed in the middle of the night by the last Congress, without being read, has numerous fatal flaws.

One, the worst of these is that it is a violation of our constitutional liberties.

Two, it fails upon its primary goals of controlling costs and allowing Americans to keep their current health insurance coverage.

Three, it hurts our hardworking taxpayers by adding over 20 new taxes costing over \$800 billion.

Four, according to the nonpartisan Congressional Budget Office, the CBO, it will cost our Nation's workers over 800,000 jobs.

Five, in addition, now that the State Medicaid mandate has been ruled unconstitutional, those costs will in-

crease by several hundred billion dollars over its already massive cost.

Six, ObamaCare puts 15 unelected, unaccountable Federal bureaucrats between Americans and their health care providers.

Seven, even though just partially implemented, it has caused health care insurance premiums across the country to increase dramatically.

Eight, last but not least, ObamaCare is causing massive uncertainty for American business, hurting American job growth and our economy and the American middle class, adding pain to an already troubled Obama economy.

Mr. Speaker, in light of these many flaws, it is time for Congress to do the right thing and to repeal this fatally flawed legislation. That is what H.R. 6079 does, simply put, and I urge my colleagues to support it.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it's quite a scene to see so many of our colleagues rush to the floor of this House to call upon this Congress to deny the American people health care protections, patient protections, that every Member of this Congress has. If the child of a Member of this Congress has preexisting conditions, whether it's diabetes, whether it's asthma, their child gets covered. If their child is 25 years old and didn't happen to have health insurance, they can be covered on the health insurance plan. And yet this bill to repeal ObamaCare would deny to the American people the same kind of patient protections that every Member of this Congress enjoys.

It's a sad day.

With that, I yield 1½ minutes to the gentlelady from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. I appreciate the opportunity to speak on this legislation.

As so many of us know, 2 weeks ago, the Supreme Court upheld the Affordable Care Act, affirming the path forward to those consumer protections and to increase access to affordable health insurance coverage; for seniors to afford lifesaving medications; for the 17 million American children who have preexisting conditions to receive coverage for the care that they need; the 30 million uninsured Americans to be able to afford coverage.

Because of the Affordable Care Act, families will not go broke because of an illness, small businesses can afford coverage for their employees, and young adults, 6.6 million of them, can remain on their parents' insurance. Yet Republicans are continuing their politically motivated attempts to repeal health care reform instead of working to grow our economy and strengthen the financial security of America's middle class.

Today is the 31st time Republicans have called for a vote to deny Americans access to affordable, quality

health coverage. This legislation reflects a clear decision by Republicans to put partisanship ahead of the pressing needs of our constituents and our country. Their actions are taking time and attention away from the work we should be doing. It's wasteful and it's misguided. Their actions are creating uncertainty and hurting our economic recovery and the security of middle class Americans.

I urge my colleagues to oppose this legislation and get to work on jobs and economic growth for our families, for businesses, and for our Nation, and stop this wasteful, unnecessary action.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma, a distinguished member of the Budget Committee, Mr. COLE.

Mr. COLE. I thank the gentleman for yielding.

Mr. Speaker, ObamaCare is unpopular, unworkable, and unaffordable. It's unpopular because it limits individual freedom and personal choice. It's unworkable because it relies on thousands of regulations, dozens of boards and commissions, and an unelected group of bureaucrats to distribute and ration care. We have the opportunity today to end a bill that's also unaffordable. Hundreds of billions of dollars worth of taxes, hundreds of billions of dollars worth of raids on the Medicare fund.

We can only take the first step here today. But in November, the American people can take the next step by electing a President and a Senate that will work with this House instead of against them to repeal what is a legislative monstrosity that should have never passed in the first place.

Mr. VAN HOLLEN. Mr. Speaker, the gentleman who just spoke, the gentleman from Oklahoma, called this bill unaffordable. We heard the debate a little bit earlier about what the non-partisan Congressional Budget Office has said about this bill, the Affordable Care Act.

□ 1900

They say if you repeal the Affordable Care Act, it will increase the deficit over the next 10 years, and it will increase it by over \$1 trillion in the second 10 years. Yet, we have this bill on the floor today without even a fresh Congressional Budget Office estimate. So nobody knows how those numbers may or may not change.

What we do know is that the last assessment that they give us is that the action that our Republican colleagues are proposing today would increase—*increase*—our national deficit. That is not fiscal responsibility.

With that, I yield 1½ minutes to the gentlelady from Minnesota (Ms. MCCOLLUM), a member of the Budget Committee.

Ms. MCCOLLUM. Thank you, Mr. VAN HOLLEN.

This Republican Tea Party Congress is wasting America's time promoting the only issue they care about—their reelection. Today's vote is not about health care. It's a gimmick that panders to the Tea Party. This bill shows the Republican vision for health care is deny coverage, deny care, and deny the law of the land. If you have a child with a preexisting condition, possibly a life-threatening illness, this Republican plan means your child's health care insurance can be terminated. If you're a senior on Medicare, this Republican plan throws you back into the doughnut hole. The Republican plan repeals the Indian Health Care Improvement Act, harming Native children, families, and seniors all across Indian country.

The Affordable Care Act is the constitutional law of the land, and it is a good law because Obama does care. President Obama and Democrats must continue to work to implement the law and extend quality, affordable health care to millions of Americans. And this Congress must get back to work putting America back to work.

Mr. RYAN of Wisconsin. Mr. Speaker, let me yield myself 30 seconds to simply comment.

We know the CBO is going to give us a score perhaps in a couple of weeks, and it's going to be more expensive. That much we know. We know States will probably put more people on ObamaCare instead of Medicaid, which will cost more dollars. The only reason this bill “on paper” saves money is because they told CBO to score 10 years of tax increases of Medicare savings to pay for 6 years of spending.

You can contort, distort, and torture statistics long enough, and eventually they will confess. That's what happened here. In reality, I have no doubt that this will be a budget buster.

With that, I would like to yield 1 minute to the distinguished member of the Budget Committee, the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Chairman RYAN noted the false claims upon which ObamaCare was sold to the Congress, and I think they bear elaboration now that we know what is actually in it. It didn't bend the cost curve down. The Medicare actuary admitted to the House Budget Committee last year that it will add at least \$300 billion more to our health care costs. It hasn't been good for the economy.

The gentleman from Maryland asks for the Congressional Budget Office's opinion. They admitted to the House Budget Committee last year that, in fact, ObamaCare would cost our economy a net loss of 800,000 jobs. They also told us if you like your plan, you can keep it. Well, the McKinsey's survey of employers reports that nearly one-third expect to drop their employees' health plans as a result of this law, like them or not.

It seems to me three strikes and you're out. We need a system that puts patients back in charge, that provides tax reforms to put health care back within the reach of every American family and restores to them the freedom to make their own health care decisions without the interference of government bureaucrats.

This bill is a necessary first step to get us there.

Mr. VAN HOLLEN. Mr. Speaker, just to respond to my friend, the chairman of the Budget Committee, with respect to the CBO estimate, if it was true that over the 10-year period you had tax revenue loaded in the way that would sort of so-called deceive the impact of the deficit, it would stand to reason it would get worse over the second 10 years. In fact, the deficit savings, in other words, the reductions to the deficit, is greater over the second 10 years, according to the Congressional Budget Office, than the deficit reduction over the first 10 years. And if you repeal the bill, as the Republicans are proposing to do today, you will not only add to the deficit in the first 10 years, but you'll add even more to the deficit over the 20-year period.

I now yield 1½ minutes to the gentlelady from Florida, a member of the Budget Committee, Ms. WASSERMAN SCHULTZ.

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I rise today because it's time to put an end to the pointless, partisan games. The Affordable Care Act has now been passed by a duly elected Congress, signed by the President and upheld as constitutional—despite the chagrin of our colleagues on the other side of the aisle and their best efforts—upheld as constitutional by the United States Supreme Court.

More importantly, Americans, and particularly south Floridians, are already benefitting from this law. Thanks to the closing of the coverage gap, the doughnut hole, seniors in my district can now afford their prescription drugs instead of having to choose which ones they have to leave behind at the pharmacy because they can't afford to take them all home when they fall in the doughnut hole. And young adults have the security of staying on their parents' plan until the age of 26.

As a cancer survivor and a mother, this law is important to me because through it, the nearly 4 million Floridians who don't currently have health insurance will be able to get the coverage that they need.

Mr. Speaker, this is our 31st vote to repeal all or part of the Affordable Care Act. It is time to stop the tantrums, grow up and work together on Americans' number one priority—creating jobs and getting this economy turned around. I look forward to working with my colleagues and any colleague on either side of the aisle to focus on job creation, getting this economy turned

around, and focusing on Americans' number one priority, which certainly is not fruitlessly engaging in partisan bickering.

Mr. RYAN of Wisconsin. Mr. Speaker, I would like to yield 1 minute to the gentleman from Oklahoma, a member of the Budget Committee, Mr. LANKFORD.

Mr. LANKFORD. Mr. Speaker, Americans know more about this law now. Now that it's been sitting around for 2 years, we've had more time to be able to process it. Two years ago, the cost was estimated by CBO at \$800 billion. Now it's estimated at \$1.8 trillion. Americans were told that if you like your insurance, you can keep it. But now the administration estimates that up to 80 percent of the small employer plans will lose their grandfathered status and up to 64 percent of large employer plans will lose their grandfathered status and will have to be changed—of course at the end of 2013, after the election. They were told you can keep your doctor, but now we know that physician-owned hospitals, their practice days are numbered since physician-owned hospitals are punished to protect the bigger hospital companies.

We were told there are no new taxes on it, that this wasn't a tax bill. Now we know there are 20-plus different taxes on it. The supposed deficit reduction goes down in the days to come because there are so many new taxes that are built into it. Let me give you a couple of my favorites that are built into this: removing the deduction for people with high medical bills. Yes, there's a deduction if you have high medical bills. They move that cap up. So if you have high medical bills, you will pay more in taxes under this. How about the flexible spending account cap change? So if you have a special needs child that currently has special needs and you have that, your taxes will go up.

Next year, the Independent Payment and Advisory Board will be introduced. Their sole function is to deny payment for certain procedures, determine which treatments are too expensive.

Are there problems in health care delivery, yes—my family has multiple testimonies of that fact.

It is not believable to say health care will be so much better, more efficient, more effective, if only we gave control to the Federal government.

Let's repeal this bad law and get busy writing healthcare reform that actually focuses on the patient, not the bureaucracy.

Mr. VAN HOLLEN. Mr. Speaker, I now yield 1 minute to the gentlelady from Alabama (Ms. SEWELL).

Ms. SEWELL. Mr. Speaker, with only 14 legislative days left before Congress lets out for the summer recess, I want to register my disappointment that my Republican colleagues are now willing to spend yet another hour—5 hours—for the 31st time in trying to repeal the Af-

fordable Care Act. Instead of using this valuable time to put our country back on track by investing in job creation and stimulating economic growth, House Republicans have opted for divisive politics and partisan politics.

I believe enough is enough. The American people deserve better, and frankly, my constituents expect better. Not only has the Affordable Care Act been passed in both Houses of Congress and signed by the President, it was upheld by the highest court in the land nearly 2 weeks ago. By now, we should be moving forward and acknowledging the benefits of the Affordable Care Act, which the House Republican leadership cannot seem to grasp.

In my district alone, the reality is that 77,000 seniors receive affordable prescription drugs now. The reality is that 36,000 children in my district can no longer be denied coverage for pre-existing conditions.

We must get back to the work of the people. I am reminded, once again, that we have 14 days left until recess. Please let's get back to the business of the House, which is getting people back to work.

□ 1910

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 1 minute to the vice chair of the Budget Committee, the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. If one accepts all the contortions and flimsy reasoning of the Justice Roberts' opinion on the constitutionality of this law, it brings to light one important consequence: the President of the United States has not been straight with the American public.

See, the Court justified the individual mandate by calling it a tax. Now, I side with the dissent in this, but the Supreme Court has spoken, and the Supreme Court has now put the President in a tight spot. See, the President of the United States has said repeatedly that no family making less than \$250,000 will see any tax increase—not your payroll tax, not your income tax, not capital gains, not any tax. Even the OMB Director from this administration came to us and said there are no tax increases in this. Again and again the President has said this to us. But Justice Roberts said, yes, it is, it's a tax.

Look, Mr. President, it's time that you be straight with the American public. We must repeal ObamaCare. It is a broken promise this country can't afford. If we don't, it will be the final nail in the coffin of a dynamic free enterprise system. And as Speaker BOEHNER once said, we must pull it out by its roots. And if we do, then we can plant the seed of real health reform in this country.

Mr. VAN HOLLEN. Mr. Speaker, I think this whole conversation about tax or a penalty has gotten us a little

bit into the silly season. If you go to the State of Massachusetts Web site and you look at the RomneyCare plan, what they say is that if you're able to afford insurance but decide not to get it, you will pay a penalty collected through the tax system—a penalty collected through the tax system.

ObamaCare is modeled on RomneyCare. And as Governor Romney understood at one time, if you say to people who can afford health insurance, it's okay that you don't get it; just show up at the hospital and everybody else will pay your bill through their higher premiums or taxpayers who have to pay uncompensated care to hospitals, that's free-riding on the system. That's freeloading on the system. That's saying to every other person, every other taxpayer that other people should be responsible for paying for the health care bill of the person who chooses not to get health care coverage.

Yes, if you can afford health care coverage but you decide to free-ride on other people, then there's a little penalty under this bill just as there is under Governor Romney's proposal—a proposal, by the way, that was once widely supported by our Republican colleagues when they talked about the importance of personal responsibility and the importance of making sure that people who are going to use the health care system took some responsibility for paying for their health care system.

I now yield 1 minute to the gentlelady from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I'd like to thank Ranking Member VAN HOLLEN.

Mr. Speaker, I rise again to oppose the Republicans' destructive attempts to repeal the health care reform law, the 31st such attempt in this Congress.

In Ohio already, the law has been making a difference for hundreds of thousands of people—middle class families—for over 2 years. Nearly 100,000 young adults in Ohio have been able to remain on their parents' health insurance plan. In the first 5 months of this year, over 700 seniors just in my home town of Toledo, Ohio, have collectively saved over a half a million dollars on prescription drug costs. Last year, 1.2 million Medicare beneficiaries in Ohio received free preventive care from their doctor, like mammograms and colonoscopies.

Insurance companies are now paying out over \$11 million in rebates to Ohio families because the insurance companies did not spend enough on paying for health care. And over 4 million Ohioans, including 1.5 million women and 1.1 million children, have seen their insurance companies drop the lifetime and annual limits on care they had previously imposed.

The Republicans here in the House of Representatives are voting to take away all these benefits, and what is the

Republican plan to replace it? Nothing. The Republican plan to replace it is nothing.

Mr. Ranking Member, I thank you so much for yielding me time.

Mr. RYAN of Wisconsin. I yield 1½ minutes to the gentleman from Indiana (Mr. ROKITA), a member of the Budget Committee.

Mr. ROKITA. I thank the chairman.

In my 18 months here, one thing has been clear and, that is, just like so many bills, this bill isn't just about the underlying subject.

What this bill is about is controlling the individual. What this bill is about is government oversight, government control, government decision-making by bureaucrats hundreds of miles away from us over something that should be between us and our doctor.

I do agree with the gentlewoman from Ohio, this bill, this law has already made a difference. The facts are clear. ObamaCare will add trillions of dollars in new taxes, increase our \$16 trillion national debt by hundreds of billions of dollars, cause millions of Americans to lose their health insurance, destroy jobs, increase health premiums, impose new costs on States, and penalize American innovation. It's making a difference.

In Indiana—I also agree with the gentlewoman from Ohio—in Indiana, it shows just how harmful this law will be to the Hoosiers I represent. For people purchasing insurance in Indiana's individual market, premiums are expected to increase 75 to 95 percent from 2014 to 2020. Since passage of ObamaCare, my State has seen five insurance carriers withdraw from the individual market, resulting in less choice and less competition for Indiana consumers.

Indiana estimates that implementing and operating a federally mandated exchange would cost between \$10.4 million and \$18.3 million annually. Yes, Mr. Speaker, this law is making a difference—a bad difference.

As the House votes again to repeal President Obama's unpopular health care law, the American people must continue to make their voices heard. End of story.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RYAN of Wisconsin. I yield the gentleman an additional 30 seconds.

Mr. ROKITA. Personal health care decisions should be made between individuals and their doctors.

ObamaCare passed more than 2 years ago. In the infamous words of the House leadership on the other side of the aisle at that time, we have now had a chance to see what's in it, and the fact remains: we do not like it.

Mr. VAN HOLLEN. I reserve the balance of my time.

Mr. RYAN of Wisconsin. I yield at this time 1 minute to the gentleman from Indiana (Mr. YOUNG), a member of the Budget Committee.

Mr. YOUNG of Indiana. Mr. Speaker, my friends on the other side of the aisle keep saying we should focus on jobs. So let's look at how ObamaCare has impacted jobs and the economy.

A few numbers: 48 percent of business owners say the potential cost of health care coverage under ObamaCare is the reason why they're not hiring additional workers; 74 percent of small businesses said the law will make it harder to hire new employees.

States like my home State of Indiana would be hit particularly hard. Among the 21 new taxes found in ObamaCare, there is a 2.3 percent excise tax on the profits from medical device companies. Now, Indiana—and southern Indiana in particular—is home to dozens of these businesses. It employs over 20,000 Hoosier jobs in its medical device sector.

Now, because of the negative effect on our economy, we must start over and get health care reform done the right way—in the light of day, with bipartisan support, and with due deliberation. I hope we can do that. That's why I'm proud to cosponsor this first step, the Repeal Obamacare Act. I urge all of my colleagues on both sides of the aisle to support it too.

Mr. VAN HOLLEN. I continue to reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 1 minute to the distinguished lady from Wyoming (Mrs. LUMMIS).

Mrs. LUMMIS. Mr. Speaker, let's review the top 10 reasons why ObamaCare is wrong for women:

Higher insurance costs—that's already happening; 20 new taxes—that's coming; the likely loss of your current insurance—we know that's coming; losing dependent coverage—that's already happening; employers losing rights of conscience over morally offensive procedures—already in litigation; the overwhelming of the Medicaid programs that are in States that participate in the extension; loss of control over family health care decisions; doctor shortages—a real concern in my State of Wyoming; employers cutting back work hours for their employees to 25 hours a week to avoid the costly mandate; loss of child-only health insurance policies; and, now, \$210 billion added to the deficit over 10 years.

□ 1920

Mr. Speaker, Congress passed a bad law. The President signed a bad law. The Supreme Court upheld a bad law. Let's repeal it.

Mr. VAN HOLLEN. I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman from Maryland is recognized for 3½ minutes.

Mr. VAN HOLLEN. Mr. Speaker, during the debate over passage of the health care bill, ObamaCare, we heard a campaign of massive distortions. We heard it was going to create death panels—not true. We heard it was going to

be a government takeover of health care. The independent PolitiFact called that the 2010 lie of the year. Now we hear it's going to wreak havoc on the economy, when the head of the Congressional Budget Office, our non-partisan referee, just said 2 weeks ago that they don't think this bill's having any significant impact on the economy. And on and on and on.

We heard from our Republican colleagues they were going to repeal and replace. We've now repealed this 31 times in the House—no replacement.

And what does that mean? That's the status quo. Our colleagues make it sound like the status quo is just great in the health care system when the insurance companies got to run the show, when they got to deny kids coverage even if they had asthma or diabetes and preexisting conditions, when they got to say you're not covered if you're 22 years old, you can't stay on your parents' health care bill, when premiums doubled between 2000 and 2006 while insurance company profits quadrupled. That's what the Republicans are proposing to go back to.

We continue to hear this distortion about Medicare. The reality is that we reduce some of the big taxpayer subsidies to the private Medicare plan. Some of them were being subsidized 140 percent of fee-for-service; average subsidy, 114 percent. We used some of those savings to eliminate the prescription drug doughnut hole that seniors fell into, to eliminate many of the copays for preventive care services.

Now, the Republican budget that every Republican in this House has voted for, that Mitt Romney has endorsed, they took all that \$500 billion in savings, every penny. But you know what? They didn't plow one penny back into strengthening Medicare benefits. They would reopen the prescription drug doughnut hole.

So that's what this debate is all about, trying to make sure that we provide the best health care we can at the best price. And to witness this effort to deny patients across this country the same kind of patient protections that Members of this Congress have, I think, is something that the American people, when they focus on this, as they clearly are, will clearly reject.

What we should be doing, instead of taking away from millions of Americans the kind of patient protections that Members of Congress have, what we should be doing is focusing on jobs and the economy. And it is a shame that, as we're going to vote tomorrow for the 31st time to repeal ObamaCare, we haven't had a single vote on the President's jobs initiative, an initiative that he brought before this body last September. He was at the podium where the presiding officer stands now. He asked Congress to pass his jobs initiative. Not a single vote on that, and

yet here we are, our 31st vote to repeal the kind of patient protections that Members of Congress enjoy, repeal them for the American people.

So, Mr. Speaker, I hope that our colleagues will reject this effort. I know the American people have already made it clear through their voices and their response to surveys that they want to move on. They want to move on. They want to deal with jobs, and they want to deal with the economy, and they want to end the political charades.

I yield back the balance of my time. Mr. RYAN of Wisconsin. I yield myself the balance of the time.

The SPEAKER pro tempore. The gentleman from Wisconsin is recognized for 4 minutes.

Mr. RYAN of Wisconsin. Mr. Speaker, here's why we're doing this. If the facts that we now know today about this law were available when this law was being debated, there's no way this would have become law. This is effectively a government takeover of 17 percent of our economy, the health care sector. It was sold on a number of promises by the President that are now broken promises.

Taxes? There are 21 tax increases in this law, 12 of which hit people who are low- and middle-income earners.

Do you remember the line: If you like the health care plan you have, you can keep it? Completely not true.

What about the idea that this is going to lower health care premiums? They've been going up ever since the law passed. They're going up next year. They're going up even more.

Here's the fear. What we worry is going to happen, what is happening, is you're going to have what we call BUCAA, about five health insurers left: Blue Cross, United, Cigna, Aetna, and Anthem. That's the big joke in Washington. You'll have about five big, massive health insurers who are de facto public providing government extension companies like your utility company, except they're going to be controlling your health care.

People say we should focus on jobs instead of this bill. This is about jobs. The CBO is telling us it could cost us 800,000 jobs.

I remember talking to an employer in southern Wisconsin not too long ago, family business, a big family business, a private business. The woman who runs this business, whose grandfather founded it, had tears coming down her face because she provides health insurance for her employees at about \$17,000 per year for a family plan. She's proud to do it.

Her competitors notified her at one of her trade association meetings—they're publicly traded—that they're going to have to dump everybody in ObamaCare and just pay the \$2,000 per person fine; \$15,000 difference, per person, between herself and her competitors.

She was telling me that she felt she had no choice but, when the time came, to dump her people into ObamaCare.

That's what's going to happen in this country: People will get dumped into ObamaCare; ObamaCare will underpay providers; providers will go out of business; they'll overcharge the private sector; and we'll get a vicious cycle.

Here is the awful irony about this. We can have affordable access to health insurance for everybody in America, including people with pre-existing conditions, without this government takeover. That's why we do believe in replace. That's why we advocated then, and we continue to advocate today, for patient-centered health care reforms.

Deal with the discriminatory tax treatment on health care. Get transparency in price, quality, and outcome so people can really shop. Have pooling mechanisms so people can bulk buy health insurance.

Help those with preexisting conditions. Save Medicare and Medicaid by harnessing the power of choice and competition. Have the providers compete against each other for our business as patients, instead of hoping that the whims of some government bureaucrat will favor us when they make their next price controlling and rationing decision.

We can do better than this.

Here's ultimately why we're doing this, Mr. Speaker. A few weeks ago we had two chances to repeal and, therefore, replace this law. Now we have one. The Supreme Court upheld this law. That doesn't make it good policy.

The one chance left—and yes, this is the 31st time. And I fear we're going to have to do it the 32nd time, because the one chance left is that the American people, through their elected representatives, through the House of Representatives, the Senate, and the President, has one more chance before this law is actually implemented in 2014 to repeal this law and replace it with true patient-centered health care reform, and that is why we're doing this today.

With that, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. With regard to the remarks of a previous speaker in the debate, the Chair would remind Members that it is not in order to suggest dishonesty on the part of the President, such as stating that he was not being "straight with us."

□ 1930

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

I support this legislation to repeal the new health care law, which will shrink jobs, increase taxes and limit Americans' freedoms.

Although the Supreme Court has delivered its decision on ObamaCare, it is

the people whose verdict counts the most, and the American people have consistently rejected this costly and ineffective government takeover of the health care sector. They realize that the law fails our families, drives up the cost of health care, undermines the doctor-patient relationship, tramples on the religious liberties of millions of Americans, and vastly expands the role of the Federal Government. After the Supreme Court decision, we now know that ObamaCare is a massive tax hike on the middle class.

While the Supreme Court may have declared the law constitutional, that does not mean it is good policy for the American people. ObamaCare forces millions of Americans to abandon their current health care plans and to give up the physicians of their choice. A recent Reuters poll found that 56 percent of respondents oppose ObamaCare and that 61 percent oppose the individual mandate. With the costs and massive middle class tax increase this law imposes, these polls, frankly, are not a surprise. This massive tax hike on the middle class must be repealed. Only when ObamaCare is fully repealed can we enact real reforms that reduce health care costs without restricting the rights of Americans.

One reform Congress should consider to lower costs is medical liability reform. Medical liability reform will reduce the cost of health care by decreasing the waste in our system caused by defensive medicine. This practice occurs when doctors are forced by the threat of lawsuits to conduct tests and prescribe drugs that are not medically required. According to a Harvard University study, 40 percent of the medical malpractice lawsuits filed in the United States lack evidence of medical error or of any actual patient injury. Many of these suits amount to the legalized extortion of doctors and hospitals. The Congressional Budget Office estimates that lawsuit abuse reform would save taxpayers \$48 billion over the next 10 years.

The American people do not want ObamaCare. As their Representatives, we must repeal ObamaCare and enact real health care reforms that lower costs, increase access to health care, and preserve the fundamental freedoms of all Americans.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

This has been an unusual debate in Congress over an extremely important matter. What we have witnessed and listened to today for the 31st time is something that I would like to spare our conservative friends the heavy responsibility of trying to go back to their districts to explain.

I would like them to not have to explain why they voted to allow insurance companies to deny coverage for 17

million children with preexisting conditions. I would like them not to have to explain why they voted to kick over 6.5 million youngsters up to age 26 off their families' insurance policies.

I do not want my dear friends on the other side of the aisle to have to explain why their community hospitals will again have to provide free care to people without insurance and to pay for the medical costs of the uninsured. Medical providers, of course, pass these costs on to private insurers, which pass them on to families, increasing the premiums, on average, of about \$1,000. You can tell families paying this hidden tax why they want to impose it. I don't want them to have to try to explain that.

I don't want my conservative friends in this body to explain to the 13 million Americans that they won't receive \$1.1 billion in rebates this summer from health insurance companies that have overcharged them.

It goes on and on.

We don't want anyone here to have to explain to the 105 million Americans who will have to face a lifetime limit on their coverage why they would want to allow insurance companies to deny them coverage once they get sick.

Then, of course, there are the pre-existing conditions that are an excuse to, first of all, not insure for health insurance and, in addition, to deny insurance once they have it if they feel that it is a long-term illness.

We don't want any of our conservative friends to leave the House and to have to go home to explain to the 360,000 small business employers who use small business health care tax credits in order to help them afford health insurance for 2 million workers that they will not get it any longer.

Finally, we don't want our conservative friends to have to explain why this bill promotes the fiction that repealing the Affordable Care Act won't increase the deficit.

We can't keep doing this. I hope nobody is thinking about 32 or 33 times. There has been no comparable debate over a major piece of legislation that has been through this kind of tortured process in recent memory.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. LUNGREN), who is a distinguished and senior member of the Judiciary Committee.

Mr. DANIEL E. LUNGREN of California. I thank the chairman for yielding.

Mr. Speaker, the chairman of the Budget Committee, Mr. RYAN, has outlined in much detail how the current law—some call it ObamaCare, and some call it the Patient Protection and Affordable Care Act of 2010—does not do what it claims to. In fact, it does not protect the patient, and it does not provide affordable care.

He also pointed out that, when this bill was argued on this floor and in the other body, it was denied time and time again that it was a tax. We recall the President of the United States on several public occasions denied it was a tax. Yet he had his administration argue before the U.S. Supreme Court on the question of constitutionality that it was a tax.

□ 1940

The American people view the Federal Government as an entity. What have they seen with respect to this as it went from the executive branch to the legislative branch to the judiciary branch? They find that they were played. They find that what they were told at one point was not that which it was at the other point.

If you look at the Supreme Court's decision, they had to first consider whether this was a tax under what's known as the Anti-Injunction Act. The Anti-Injunction Act essentially says you can't contest a tax until it has been visited upon you. The question was, since the individual mandate, conceived as a tax, doesn't come into effect for some time, how could it be before the Court? The Court said, for purposes of standing, it is not a tax. Then they went and analyzed the individual mandate and said, Is it constitutional under the Commerce Clause? No. Is it constitutional under the necessary and proper clause, or the Spending Clause? No. But then they said, We will interpret this mandate, this penalty, as a tax for purposes of constitutionality as argued by the administration, which had denied it when it was arguing that case here in the House of Representatives and the United States Senate.

Is it any wonder people are cynical about this? Is it any wonder that people begin to lose their confidence in a government that will not present facts consistently to them? I will not say there were any intentional lies made, but I will say that the American people have to question if they have confidence in their government when they say one thing at one time and say another thing at another. In fact, now by virtue of the Supreme Court decision, this is the largest single tax on the middle class of America in history. That's what we're talking about.

Can we do better? We believe we can. We believe that you can provide affordable health care for the American people without the largest single middle class tax in the history of the Nation, which puts the Federal Government in the position of being between the patient and the doctor. It is the antithesis of patient-centered health care.

That's why we're here. We're not here because we believe the present system is perfect. We think it is broken. The status quo is not acceptable. But we believe that this bill, ObamaCare, that is before this Congress right now is un-

acceptable to the American people because it exacerbates the problems that we find in our health care delivery system. That's why we're here.

The fact of the matter that we've voted several times to repeal it and have yet to be successful is no reason for us to give up. We are standing here for the American people against the largest middle class tax increase in the history of the United States, and we will not stop until we are ultimately successful.

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds to assure my dear friend from California, a former attorney general of his State, that the Supreme Court has made more decisions that I don't like than he doesn't like, and the Chief Justice of the Supreme Court, rather than get into the Commerce Clause, ruled it a tax. I'm sorry he did that. I wish he had done it my way. You don't like the way that he did it.

With that, I yield 3 minutes to the gentleman from New York (Mr. NADLER), the former chairman of the Constitution Subcommittee of the House Judiciary Committee.

Mr. NADLER. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to the Republicans' 31st attempt to repeal the Affordable Care Act.

Mr. Speaker, you don't have to be a policy wonk to know that the U.S. economy is still struggling to rebound. Millions of Americans are still unemployed or underemployed. That this Congress has not spent every single day of the last year and a half fighting to put people back to work is unconscionable. And now, instead of fighting for good-paying American jobs, Republicans are launching their 31st attempt to repeal the Affordable Care Act.

First, the Republicans said the law was unconstitutional. The Supreme Court said they were wrong. Next, Republicans said the law was too expensive. The Congressional Budget Office said they were wrong. Now Republicans say the law will raise taxes on millions of middle class families. The Urban Institute says they are wrong, estimating that a mere 3 percent of Americans under 65 will face the choice between purchasing insurance and paying a penalty.

Mr. Speaker, let's review what the Affordable Care Act actually does.

We know it extends health insurance to 32 million uninsured Americans, which will prevent the unnecessary deaths of 45,000 people who die each year because they lack health insurance.

We know it will enable millions of Americans with preexisting medical conditions to get insurance. This has gotten publicity.

Also, every middle class family today is one cancer diagnosis away from bankruptcy. Fifty-five percent of all

personal bankruptcies are caused by health care emergencies; and 75 percent of these bankruptcies are of people who had health insurance, but health insurance that proved inadequate to cover an expensive disease like cancer.

By preventing insurance companies from denying coverage for preexisting conditions and by eliminating the annual and lifetime caps on coverage found in most current policies, the Affordable Care Act will guarantee that middle class families will no longer have to fear going broke because of an expensive illness.

Despite all of the benefits of this law, Republicans have decided the whole law must go. Fine, they want to repeal and replace. Replace it with what?

What is the Republican plan to stem the ever-rising cost of health care in this country and to reduce out-of-pocket health costs? What is the Republican plan to help millions more Americans gain access to health insurance? What is the Republican plan to end discrimination in the insurance market for women, for those with preexisting conditions, for those who are sick and going broke with medical bills and those who die because of lack of care? There is none. The simple truth is that the Republicans have no plan.

Mr. Speaker, I urge my Republican colleagues to do something new, to try something novel. Instead of going to their familiar well of election-year politics and a steady stream of “no,” let’s try to work together. Let’s not turn a blind eye on the problem and hope it goes away. Let’s not be indifferent to 45,000 unnecessary deaths of Americans every single year.

I urge my colleagues to vote “no” on this repeal bill so that we can move on to fighting for American jobs, and we can move on to assuring the middle class that they won’t go broke because of an expensive illness and to assuring 30 million Americans that they can get health insurance when they need it.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa (Mr. KING), a respected member of the Judiciary Committee.

Mr. KING of Iowa. Mr. Speaker, I thank the esteemed chair of the Judiciary Committee for yielding time to me, and I appreciate this issue being brought to the floor.

I would announce, Mr. Speaker, that this is a subject matter, the full 100 percent repeal of ObamaCare, that I have worked on now for over 2 years on the repeal. When we saw this pass, it passed the House for the first time on November 7, 2009. That was a long and difficult day here in this House of Representatives. It came back through for a final passage by legislative shenanigans, by packaging up the reconciliation along with an earlier piece that went through by requiring a 60-vote, filibuster-proof majority that took place for a time in the Senate and

came to this House under unprecedented terms, Mr. Speaker.

We saw the American people rise up. They didn’t just jam this Capitol. It wasn’t just 10,000 plus or tens of thousands of people that came here to say, Keep your hands off of our individual American freedom and liberty and health care. It was tens of thousands of people that came here that said, Let’s respect the Constitution; let’s respect fiscal responsibility; let’s respect individual rights; and let’s respect the American people.

Through that period of time, over this last 2-plus years, and a night I couldn’t sleep after this finally passed on about March 21 or so, I got up and wrote a repeal. The language for that is in this bill, most of it intact.

I’m glad we’re at this point, Mr. Speaker, because it says that this House of Representatives has reflected the will of the American people. It reflected the will of the American people in the elections a year ago last November when we saw 87 new freshman Republicans come here to this House of Representatives, and every single one of them ran on the full 100 percent repeal of ObamaCare. Every single one of them voted for the full 100 percent repeal of ObamaCare, and every single Republican Senator, 47 of them, voted for the full 100 percent repeal of ObamaCare.

Mr. Speaker, the next step is this next November when I believe there will be a change-out in the United States Senate that reflects what happened here in the House so that the full will of the American people can be worked in this body that is to be responsive to the American people.

□ 1950

While that’s going on, this terminology that began the Patient Protection and Affordable Care Act, always understood to be ObamaCare, referred to himself as ObamaCare by President Obama on February 25 in the Blair House in the health care discussion that took place when the President interrupted Republicans 72 times—not that that’s an issue, Mr. Speaker, but just for the record, he referred to it as ObamaCare.

Many of the Democrats have believed that it’s pejorative, so they changed the name of it because nobody knew what the Patient Protection and Affordable Care Act was. They changed it to the Affordable Care Act.

Well, we know it is the Unaffordable Care Act. It’s a couple of trillion dollars stacked on this heavy burden the American taxpayers have today of nearly \$16 trillion all together. It’s the Unaffordable Care Act and, in fact, what it does is it reduces care and it reduces American freedom and liberty. When you think about the American people, how distinct and unique it is to be an American, what makes us dif-

ferent? We come from a lot of places on the planet. We have the vigor of the American people here, and it’s totally unsuitable to be saddled by this unconstitutional takings of American liberty.

Mr. CONYERS. Mr. Speaker, I yield 2 minutes to a senior member of the Judiciary Committee, the gentlewoman from Texas, the Honorable SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the gentleman from Michigan, and I thank this House.

I am reminded of the Declaration of Independence that calls upon this great Nation to pursue life and liberty with certain inalienable rights, as I paraphrase it. I don’t know what the answer is to my friends on the other side.

I don’t know what the answer is to those who are languishing in the State of Texas when we have our Governor rejecting Medicaid and politicizing it by, in fact—in the ObamaCare plan the Federal Government sought to force the States to expand Medicaid. He says, in repeating, that the gun to our heads has been removed—certainly, a personal statement by this Governor.

I asked him whether or not he has asked 357,000 young people in the State of Texas, who actually are on insurance plans because of this bill. I wonder, has he asked the 3 million children that have benefited in the State of Texas since 2010, boys and girls like these little ones who are seeing doctors now for the first time.

What next, is the question. Maybe this little one, who needs to have doctors’ appointments.

I would like to know, has he responded to the fact that our plan, the Affordable Care Act, reduces the deficit by \$143 billion. Has he responded to the fact that 5.3 million seniors have saved \$3.7 billion in part D, or does he realize that health care costs have been halved to 3.9 percent now after this legislation was passed, the Affordable Care Act, because before it was 6 percent and over. I call ObamaCare LeRoy care, Maria care, senior citizens’ sick care, nursing home care. That’s what it is.

Does he realize that the American Cancer Society said this organization was looking at the ruling on Medicaid and is concerned that the decision may limit the expansion of quality coverage to some of our Nation’s most vulnerable citizens. That is what the Governor of the State of Texas has done and many others.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. CONYERS. I yield the gentlewoman an additional 30 seconds.

Ms. JACKSON LEE of Texas. Finally, Mr. Speaker, these soldiers who are coming home, who lose TRICARE, are the very people in the State of Texas whom we want to salute and honor. They will come home. Their families will need the Affordable Care Act.

Thirty percent in the 18th Congressional District in Houston, we will lose this; \$1.74 trillion in costs in health disparities, health disparities, death, and disease because we are losing the Affordable Care Act.

What is next? What is your answer?

Mr. Speaker, I rise today in vehement opposition to H.R. 6079, the "Repeal Obamacare Act of 2012."

This is a colossal waste of time and resources—this body should be focused on fostering an economic climate that promotes job creation—not settling old grudges.

The health care overhaul signed into law in March 2010 through two separate acts—the Patient Protection and Affordable Care Act (PL 111–148) and the Health Care and Education Reconciliation Act (PL 111–152)—remains the signature legislative achievement of the Obama administration. Otherwise known as the Affordable Care Act (ACA), or "Obamacare" by its detractors, the laws have been the main target of Republicans since taking control of the House in 2011.

But on June 28, 2012 the U.S. Supreme Court upheld the constitutionality of the health care law, essentially by affirming the government's power to require that Americans have health insurance or pay a financial penalty. In a 5 to 4 decision, the Court ruled that the law's "individual mandate" requirement that individuals maintain health coverage or pay a penalty falls within Congress' power to tax. The justices also ruled, however, that states may opt out of the law's expansion of the Medicaid health care program without losing all of their federal Medicaid funds.

This bill repeals the Affordable Care Act of 2010 (PL 111–148, PL 111–152). The measure also contains a number of "findings" detailing the rationale for repealing the law, including the argument that the overhaul fails to lower health care costs and instead raises the cost of coverage for millions, jeopardizes many Americans' ability to keep their current health care coverage, and "imposes 21 new or higher taxes" on individuals and businesses.

The findings also claim that the board created by the law to make cost-cutting recommendations if Medicare spending exceeds target growth rates would limit seniors' access to care, and that the law "expands the role of the federal government in funding and facilitating abortion and plans that cover abortion."

Texas is one of those states that has vehemently vowed to opt-out of the law expansion. This is a devastating decision for the 6.2 million people, including 1.2 million children, who lack health insurance. Texas has the largest percentage of people without health care than any other state. In my congressional district in Houston, 30 percent of the population is uninsured. It is my goal to continue to push Texas government to help ensure affordable and decent healthcare for those that so desperately need it.

The major provisions of the law will take effect within the next two to seven years (2014–2019). States will only spend roughly 5 percent for new Medicaid funding. This is especially true for states, like Texas, with low Medicaid coverage. This is because a large share of new enrollees will be financed by federal

spending. The State of Texas may see a reduction of about 1.4 million uninsured individuals compared to the national baseline. To say the least, the state of Texas is one state that will greatly benefit more from reform than most other states.

The repeal of the ACA will eliminate patient protection provisions, which this one provides equitable and fair services to businesses and consumers.

Estimates by the Kaiser Family Foundation determined roughly \$1.3 billion in rebates to consumers and businesses by this year in August. This is one of many definable benefits within the ACA. The State of Texas will receive roughly \$127 million in total rebates in the individual market plans, \$28 million in small group market plans, and \$30 million in large group market plans.

As part of the patient protection provisions drawn out within the ACA, insurance companies are required to issue a rebate if they did not comply with the Medical Loss Ratio provision within the ACA. The Medical Loss Ratio is calculated by dividing health care claims and quality improvement expenses by the insurers' premium income minus taxes and regulatory fees. Insurers for individual and small group markets must spend at least 80 percent of their premium income on health claims and improvement activities.

Insurers for large group markets must spend at least 85 percent of their premium income on health claims and improvement activities. This basically entails that if an insurance company pays \$70 for every insurance claim and quality improvement activity but collects \$100 in monthly premiums, they have a MLR of 70 percent.

This means that the company has 30 percent left over to spend on administrative costs, marketing, and other functional activities. As a result of the ACA, insurance companies can only spend 20 percent on such marketing and administrative activities. Therefore, the company has to issue a 10 percent rebate to consumers and small businesses in individual or small group market plans in the example above, or a 15 percent rebate back to the consumer or businesses in large group market plans.

It is yet to be determined if these rebates will either be refunded as a decrease in premium amount or issued directly back to the employer. Additionally, it is not an estimate of based on the experience of an individual enrollee or group. Instead, MLR rebates are based on an insurers' overall compliance with applicable MLR standards in each state it operates.

The most vulnerable (or use low-income adults) citizens are now able to access affordable health insurance. Eliminating a more organized and competitive market for individuals to buy health insurance. Reduce health disparities between different socioeconomic and cultural communities can change to communities of color.

The United States spends more on healthcare costs than any other developed country. The ACA helps many small businesses be more competitive by reducing the cost burdens through tax subsidies. The last sentence here is already identified in the key points. But the first sentence may help emphasize why it should not be repealed.

It is time for Republicans to get to work on jobs and to end outsourcing instead of voting for the 31st time to take patient protections away from Americans.

The GOP will vote to take away patient protections for Americans that they already enjoy as Members of Congress—in order to protect their friends in the insurance industry:

Up to 17 million children can no longer be denied coverage because of a pre-existing condition, 6.6 million young people have obtained insurance through their parents' plans, 5.3 million seniors have already saved \$3.7 billion on prescription drugs, 105 million Americans no longer face lifetime limits on their insurance coverage.

President Obama has promised to veto the Republican bill to repeal patients' rights:

"The last thing the Congress should do is refight old political battles and take a massive step backward by repealing basic protections that provide security for the middle class. Right now, the Congress needs to work together to focus on the economy and creating jobs."

The President is right. Enough is enough. It is time to act to put people to work and strengthen the middle class.

Mr. Speaker, I urge my colleagues to reject this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 1½ minute to the gentlewoman from Florida (Mrs. ADAMS), a distinguished member of the Judiciary Committee.

Mrs. ADAMS. Mr. Speaker, I rise today in support of H.R. 6079, Repeal of Obamacare Act.

Along with many Americans, I was disappointed that the Supreme Court did not strike down the law, but the Court did rule that ObamaCare is a tax, a tax on all hardworking taxpayers, including middle-income taxpayers.

Let's go back for a moment to when this bill was passed. In 2010 President Obama said if you like what you have, you can keep it. We now know that isn't true. He also said health care costs would go down, and again not true because health care costs are rising. They have gone up.

He also said on numerous occasions that this is not a tax. It's a penalty. Well, the Supreme Court has spoken, and there is no denying now that it is a tax on all hard-working taxpayers.

We all remember former Speaker of the House NANCY PELOSI famously saying, we have to pass a bill so that you can find out what is in it. The 111th Congress passed a bill ignoring the will of the American people. After the bill was signed into law, Americans across this great Nation did find out what was in the bill and, guess what, they didn't like it.

Across the country, Americans showed their displeasure with Congress at the ballot box. With their votes, they demanded Congress listen to them and repeal ObamaCare. Even today ObamaCare is less popular than it was the day my Democrat colleagues passed it. It's not hard to figure out

why the American people don't like ObamaCare.

This is a law that takes \$500 billion from Medicare, a law that will lead to the rationing of care for our seniors, and a law that adds job-killing taxes on individuals and small business when our economy is hurting.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SMITH of Texas. Mr. Speaker, I yield the gentlewoman from Florida an additional 15 seconds.

Mrs. ADAMS. Furthermore, the individual mandate is the largest tax increase on Americans in American history, the largest tax increase. It is time my colleagues on the other side of the aisle join us in repealing ObamaCare and its taxes.

I may not have been here when Congress passed ObamaCare, but I was sent by my constituents to Washington to repeal it.

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds.

I would remind my distinguished friend from Florida on the Judiciary Committee that ObamaCare extends Medicaid and does not cause anybody to lose any insurance if they already have it.

I yield 2 minutes to the distinguished gentlelady from Los Angeles, California, MAXINE WATERS, who has worked with us on so many progressive causes.

Ms. WATERS. I thank the gentleman from Michigan for the time.

I rise to oppose H.R. 6079, the Republicans 31st attempt to repeal the Affordable Care Act.

This bill is ridiculous. It is as ridiculous as the previous 30 votes to repeal health care reform. It is ridiculous because this bill is going nowhere. It will not be taken up by the Senate, and even if it were to pass the Senate, the President would veto it.

Every day people die from preventable and treatable diseases. Every day almost 50 people die of HIV/AIDS, more than 1,600 people die of heart disease and more than 5,000 people are newly diagnosed with diabetes. Yet the Republicans are trying for the 31st time to deny Americans access to preventable health services and treatment for these conditions.

Because of the Affordable Care Act, more than 6 million young adults under the age of 26 now have health insurance through their parents' plan. Many of these young people just graduated from college. They are worried about finding jobs and paying off their student loans. Yet the Republicans are trying for the 31st time to take away their right to insurance coverage.

Because of the Affordable Care Act, up to 17 million children with pre-existing conditions can no longer be denied coverage by their insurers. Yet Republicans are trying for the 31st time to return to the days when these

children could not get health insurance.

The bill on the floor today is a political charade. It is not going anywhere, and it is wasting our time when we should be focusing on jobs and our economy.

I urge the Republicans to stop this charade, withdraw this bill, and move on to the pressing issues facing this country. As a matter of fact, Republicans are forever talking about saving the taxpayers' money.

You are wasting the taxpayers' money. Look at the energy costs, look at all the man-hours and the personnel time that's being spent on this floor. Look at all these young people who should be home with their families. Look at the costs that you are incurring with this charade.

Stop it. It is ridiculous. It is not going anywhere. Mr. LUNGREN said you had made a few attempts. No, let me remind you again: 31 attempts.

It is ridiculous, it is outrageous, it's a charade and you should stop it.

□ 2000

Mr. SMITH of Texas. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. GOHMERT), who was a distinguished jurist before he became a Member of Congress, and then a distinguished member of the Judiciary Committee.

Mr. GOHMERT. I can verify that there are people who have already lost their insurance because of ObamaCare. It has happened. It was not and is not true that if you like your insurance, you can keep it. People have already lost doctors who were assured if you like your doctor, you can keep him. That was simply not true.

We were told there would be no tax. And we know from the Supreme Court that's not true. And in fact, in the bill itself one of the most devastating things coming from people who say they want to help the working poor, if you're a single individual and you're making 133 percent of the poverty level, if you're making \$14,000 and you can't afford a \$12,000 health insurance policy, you're going to be fined 2.5 percent over the next 3 years. It will build to 2.5 percent. It is a tax. It will devastate. If you make \$40,000, a family of four, five or six, \$1,000 fine because you can't afford a \$12,000 policy. That, on top of the government running everything in this \$2,500 bill. That's why we've got to repeal it—for the good of the people.

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds to tell Judge GOHMERT that there isn't one American in this country that has lost their insurance because of ObamaCare. Not one.

I yield 2 minutes to the gentleman from Tennessee, a distinguished member of the Judiciary Committee (Mr. COHEN).

Mr. COHEN. I appreciate the time.

I was a history major in college, and oftentimes I'm in this Hall and I think about the history. We've been in this Hall for nearly 150 years. And I think back. When there was an attempt to pass Social Security, the Republicans were against it; and they're still against it. They want to give it to Wall Street and let it be invested. And then the great next major historical social advance in our country's history was Medicare. And the Republicans were against it. And now they're against the Patient Protection and Affordable Care Act.

It seems what's happened is every Republican voted against it. Every Republican lines up, saying ObamaCare, and talking about Speaker PELOSI. They're lined up pretty well like ducks at the Peabody Hotel going in a line to the fountain. And Democrats, on the other hand, are concerned about children and women and life and the deficit in the long-run because of health care. And it seems like there's a continual battle in this House between people who look out for the haves and the other group that looks out for the haves who have conscience or vision and the have-nots. And I was taught well by my parents, I believe, and it was to always look out for people who needed something and you could help.

Daniel Webster's words are inscribed in this Capitol, right in this Hall, about doing something worthy to be remembered. That's what we're here for. The Patient Protection and Affordable Care Act is something worthy to be remembered: to care for and help people survive. Next month, it's going to provide \$1.1 billion for over 12 million people who have been overcharged by their insurance companies.

President Obama said this was insurance reform on steroids. It is. You want the insurance companies to run your life? Well, for you 12.5 million people that are going to get \$1.1 billion back, this is just the beginning of something great when you have some controls over the insurance company.

I'm appreciative of doing something worthy to be remembered.

Mr. SMITH of Texas. Mr. Speaker, we're prepared to close on this side, so I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I am pleased to yield the balance of my time to JOHN GARAMENDI of California.

The SPEAKER pro tempore. The gentleman from California is recognized for 2 minutes.

Mr. GARAMENDI. I thank the Members of this House for what is an extraordinary debate—a debate of which there is a lot of false information.

I was the insurance commissioner in California, and I can talk about these insurance issues forever. But what I would really like to focus on is the fact that the law that is in the land today really helps people. It would help people like my deceased sister-in-law, a juvenile diabetic. She spent the last 10

years of her life struggling to get insurance, which she couldn't get because she had a preexisting condition. That won't be the case in the future for those with juvenile diabetes. They'll be able to get insurance. They'll be able to get it through an exchange in their States—at least those States that have it—at an affordable cost. And if they don't have the income, they'll have a subsidy to buy the insurance.

It will help people like the son of my chief of staff, who was born with kidney failure. He had insurance from conception until hours after he was born. But the insurance company dropped him. That won't happen any more because children throughout this Nation will be able to stay on their parents' policy because of this law.

It will help people like my daughter, who turned 21 and the insurance company that had covered her for 21 years dumped her. Because of this law, she is now on my policy—and for 17 million other young adults who have insurance as a result of this law.

I can talk forever about the way in which the insurance companies discriminate based upon age, sex, preexisting conditions, and across this Nation millions upon millions of Americans were denied coverage, but are no longer because of the Patients' Bill of Rights.

This is insurance reform on steroids. And I wish I had this law available to me when I was insurance commissioner in California. This is a good law. This is a very, very good thing for Americans.

Mr. SMITH of Texas. Mr. Speaker, I yield the balance of my time to the gentlewoman from Minnesota (Mrs. BACHMANN), who is a member of the Financial Services Committee and the Intelligence Committee.

The SPEAKER pro tempore. The gentlewoman from Minnesota is recognized for 2½ minutes.

Mrs. BACHMANN. I thank the gentleman from Texas for yielding.

If there's anything that we have learned, Mr. Speaker, over the last several years as we've debated the President's health care plan, it is that it's been a mirage, and it has been built on a series of one broken promise after another.

The President told us that we would be saving \$2,500 a year per household if we passed his health care bill. But the sad reality is that Americans' health insurance premiums have increased by almost that amount, which means the President was off by a stunning \$5,000 per household. And Americans are pulling their pockets inside out saying, Mr. President, I don't have the money to pay \$5,000 more per year on my health insurance policy. Of course they don't. Because this has proved to be the crown jewel of socialism. That's what government health care is.

Senior citizens realized early on they had the most to lose by the President's

health insurance policy because what they found from this bill, which has been commonly called ObamaCare, is that \$575 billion will be stolen away from them out of Medicare. And not only will they have \$575 billion less in Medicare; they're also looking at having to spend—senior citizens—out of their pocket \$200 billion more in increased taxes for Medicare. That's a big loss for America's senior citizens.

But it doesn't stop there, Mr. Speaker. Millions of Americans across the United States are now going to find out that the promise the President made that if you like your health insurance, you can keep it, that's a sham, too. Not only will you not keep it; millions of Americans are looking at being thrown off their current health care policy that they have from their employer.

□ 2010

Millions—millions—of Americans will no longer even have the option of their employer's health insurance plan. How do I know that? I talked to a job provider today, 400 employees. He told me he can no longer afford to provide health insurance because of all the new increased costs. He isn't the only one.

I talked to another employer today, Mr. Speaker, a woman. She had 250 employees. Now she's down to 90. She told me, if we can't repeal this bill, she'll have to actually let them go and they'll be down to 50. We have to repeal this bill.

Mr. GRAVES of Missouri. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, small businesses create 7 out of every 10 new jobs, and they are the driving force behind this great Nation's economy, and we need these jobs as we attempt to rebound from a stubborn recession.

As chairman of the Small Businesses Committee, I constantly hear from small business owners that the burden of government regulations and taxes is too high. The health care law is perhaps the worst offender. The last thing the Federal Government should do is discourage job creation. Yet this massive health care law, with all its costs, mandates, regulations, and paperwork, does exactly that. Facing the expense and confusion this law creates, it's natural that small businesses decide to wait and see instead of invest and grow. The worst impacts of this law are yet to come.

We should be freeing up our small businesses to plan, grow, and hire. Heavy-handed government causes bold entrepreneurs to become cautious. Businesses are reduced from thinking about growth to thinking about survival.

Brian Vaughn, a small business man in Douglas, Georgia, planned to open a new store and reinvest profits. Testifying to our committee, he said:

I fear that neither of these dreams nor my plans to achieve them will be possible. In

fact, my worry is that everything I have worked for will be for naught and may be wiped out by this new health care law.

Fortunately, we have a solution: Repeal this burdensome law. Stop it in its tracks before small businesses like Brian's are permanently harmed. Then pass commonsense solutions. We want real reforms that put patients in charge of their health and bring down costs.

This law is historic, but for all the wrong reasons. It reaches too far into the personal decisions of Americans, and it puts a heavy burden on our economy and small businesses. It's an example of Big Government at its absolute worst.

We have a responsibility to repeal and replace this intrusive law before any more damage is done. So let's vote this Big Government intrusion out and give small businesses a real chance to do what they do best, and that is create jobs.

With that, Mr. Speaker, I reserve the balance of my time.

Ms. VELAZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong opposition to the bill before us today.

The Supreme Court's recent ruling upholding the health care bill was a historic win for this Nation's small businesses and their employees. Repealing the Affordable Care Act will be an enormous step backwards for 26 million small firms who not only want relief from high health care costs, but for Congress to focus on job creation.

This bill will not help a single small business secure a loan, break into new public markets, or invest in its operations. The other side acknowledges this legislation is going nowhere, just like the previous vote we took at the beginning of this Congress.

Not only is the health care bill good law, it is good policy and has already led to major achievements for small companies since its enactment. The tax credits from the health care bill have saved over 300,000 small firms an average of \$1,400 on their insurance costs. The qualifying therapeutic discovery project program has invested \$1 billion in over 4,600 small innovative firms that are developing groundbreaking therapies and creating jobs. Small firms are receiving more value for their premium dollars because the 80/20 rule is now in effect. Because of this, not only is the small group market receiving \$321 million in rebates this summer, they are benefiting from lower premiums.

The future of health reform will bring expanded coverage for preventive services and new State health exchanges in 2014, allowing more employers to purchase affordable insurance. Soon, prior medical conditions will not bar anyone from obtaining coverage. As the implementation of health care

reform continues, improving the health of the Nation's citizens will remain a priority for Congress going forward.

At a time when economic growth is critical, we should be focusing on how to help small businesses raise capital and create jobs. Today's bill does none of this. Instead, it threatens our Nation's job creators. It imposes a tax increase by eliminating critical small business tax credits, which have generated \$485 million worth of savings. By doing away with reforms that establish new health insurance markets, it would limit small businesses' ability to secure coverage and eliminate choices for entrepreneurs.

Small businesses already pay 18 percent more for coverage than their corporate counterparts. The loss of new safeguards would compound this problem. Because of health reform, insurers are no longer able to raise rates arbitrarily. Passage of this bill will strip new protections that provide bargaining power to small companies. Rather than making improvements to the law, the Republicans want to eliminate it without offering any alternatives.

While I agree that more can be done to make healthy living more attainable for Americans, voting for today's bill will not do that. One of the first votes I took this Congress was against Republican efforts to repeal the Affordable Care Act. I will continue opposing any efforts repealing a law that is beneficial to millions of small firms.

I urge Members to oppose the bill, and I urge the leadership to focus on meaningful ways to address this Nation's economic challenges.

With that, I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 2 minutes to my friend, the chairman of the Transportation and Infrastructure Committee, Mr. MICA of Florida.

PARLIAMENTARY INQUIRY

Mr. MICA. Mr. Speaker, before I begin, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. MICA. Mr. Speaker, I had not been privy to the prior debates of our discussion of the subject and the repeal legislation at hand. Is it appropriate and within the decorum of the House to refer to the legislation that is being considered repealed as repealing "ObamaCare"?

I don't want to inflict any disrespect on the office of the President. In order to keep in the decorum and respect for the office, may we refer to the President's plan for health care government takeover as "ObamaCare" or in another term?

□ 2020

What would be appropriate under the rule?

The SPEAKER pro tempore. The Chair will not render an advisory opinion.

Mr. MICA. But if I do refer to it as ObamaCare, I'm not out of order?

The SPEAKER pro tempore. The Chair will not render an advisory opinion.

Mr. MICA. Thank you. And I have been instructed by the staff that the proper term—or the title of the bill, I guess, Mr. Speaker, is Repeal of Obamacare, but I wanted to clarify that before I began.

As the Supreme Court rendered its decision, I had the opportunity to stand with some of my colleagues on the steps of the Court just across from the Capitol. I stood on the steps and spoke to the crowd gathered with other Members of Congress, and I said the decision by the Court to, again, uphold the law that we seek to repeal, the decision was basically the decision to tax the people. And the power to tax, it's been said, is the power to destroy.

I come before the House tonight and I'll state the same concerns I expressed on the steps of the Supreme Court. First, the power to destroy.

It's appropriate tonight that the Small Business Committee is here, chaired by the distinguished gentleman from Missouri. American small business has been stuck in neutral. The decision by the Court in upholding this law is taking small business, which is stuck in neutral, and actually putting it in reverse. It's putting it in reverse because it is one of the largest tax impositions—call it a mandate, call it a penalty—that you could impose on small business, which is the primary economic generator in the United States.

As a former businessman, I know the difficulty in trying to keep the door open, the lights on, the bills paid. This is probably creating the greatest uncertainty and the greatest depression in the creation of jobs since expansion of small business in the United States. So, indeed, the power to tax is the power to destroy.

Secondly, I stand in support of the measure to repeal ObamaCare, or the President's plan for health care, because of the impact on our senior citizens. The power to destroy something they sought as seniors and a promise from our government, Medicare, to cut half a trillion dollars from Medicare is not the way to go. That's why I oppose the President's plan and ask for its repeal.

Ms. VELÁZQUEZ. Mr. Speaker, since I have two speakers on this side, I will continue to reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, at this time I would yield 2 minutes to the gentleman from Florida (Mr. WEST).

Mr. WEST. Thank you, Mr. Chairman.

A U.S. Chamber of Commerce survey showed that 74 percent of small businesses contend that the Patient Pro-

tection and Affordable Care Act will make job creation at their companies even more difficult.

A recent report by Bloomberg News noted that the President's health care law will impose an estimated \$813 billion in new taxes on job creators and middle class families, based on data from the nonpartisan Congressional Budget Office. Additionally, the law and the more than 13,000 pages of related regulations issued before July 11, 2012, are causing greater uncertainty, slowing economic growth, and limiting hiring opportunities for the approximately 13 million Americans searching for work. Imposing higher costs on businesses will lead to lower wages, fewer workers, or both.

Half of all small business income would face higher taxes. According to Bloomberg News, analysis by the Joint Committee on Taxation also shows President Obama's plan for massive tax hikes "would mean higher taxes on 53 percent of business income reported on individual returns."

The ObamaCare tax is already holding back job growth in medical innovation, with venture capital investment and medical device firms down over 50 percent in 2011 compared to any previous 5 years.

Mr. Speaker, today I had 17 members of the South Florida Chapter of the Association of Builders and Contractors saying that this law is going to adversely affect their businesses. Roger Dunshee, of Twin Vee Catamarans in Fort Pierce, Florida, is considering who he will have to leave off of his insurance coverage or who he will have to completely get rid of from his business. David Carbone, president and CEO of St. Mary's Hospital in West Palm Beach, is concerned about how he will be able to run the hospital and also the type of care he will be able to provide. Dr. Mark Powers of Orthopedic Specialists in Port St. Lucie, Florida, is concerned about what he will be able to provide as a small business owner.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. GRAVES of Missouri. I yield the gentleman an additional 15 seconds.

Mr. WEST. Mr. Speaker, this is not about taking anything away from the American people. We can keep what is good. But this is bad policy that had to be passed in order for us to find out what was in those 2,700 pages.

Let us do what is right for the American people. Repeal this onerous monstrosity that is nothing more than a tax law and develop a health care solution for which the American people can be proud.

Ms. VELÁZQUEZ. At this point, Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. PETERS).

Mr. PETERS. Mr. Speaker, I stand in opposition to the Republican Affordable Care Repeal Act because it is an

irresponsible approach that does nothing to address the rising cost of health care that our families and our businesses are facing today.

It is a fact that the fastest-rising cost for most U.S. companies is health care. Without the Affordable Care Act, overall health care costs will continue to rise even faster, costs that will be borne by both the public and private sector.

It is important to note that voting for this repeal bill will eliminate the Small Business Health Care Tax Credit. This tax credit currently allows small businesses to offset up to 35 percent of their health care insurance cost. Starting in 2014, the credit will increase to 50 percent of premium cost.

Small businesses have faced outrageous increases in their health care costs over the past decade. The Affordable Care Act helps reduce that burden and is already making a real difference in people's lives.

Nearly 2 million employees at 309,000 small businesses have taken advantage of the tax credit, receiving an average credit of \$1,400. This repeal bill will put a stop to this important small business tax credit. I want to make sure that we all understand that the repeal of the Affordable Care Act will result in a tax increase on small businesses, businesses which create almost two-thirds of all new jobs in this country.

Let's be clear what the Affordable Care Act does for people and for small businesses.

The Affordable Care Act prohibits health plans from imposing caps on lifetime and annual coverage; it bars cancellation of insurance policies; it guarantees free preventative care that lowers the cost of health care; it eliminates denial of coverage for preexisting conditions. And by eliminating this unfair practice, health care reform helps nearly one-third of uninsured, self-employed entrepreneurs.

But critics of the Affordable Care Act claim that they want to go back to the old system, a system where small businesses pay more on average for health insurance than large companies, yet receive fewer benefits; a system that had small business premiums rising 113 percent over the past decade; a system where our country continues to lag behind other advanced nations in delivering timely and effective care; and a system where Americans spend twice as much as other nations on Earth but have worse health outcomes.

The Affordable Care Act protects the Nation's 26 million small businesses from unfair premium hikes and ensures that they have predictable and stable cost. Without the Affordable Care Act, out-of-control costs will only get worse, rising to \$4.4 trillion by 2018.

□ 2030

We cannot go back to business as usual. The Supreme Court has settled

the issue of the law's constitutionality, and Congress should stop these election-year stunts.

This bill has no chance of being signed into law. We need to stop playing political games and focus on putting Americans back to work.

Instead of just saying no, Republicans need to work with Democrats to improve and implement a law that ensures health care is affordable and accessible to all Americans.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. WALSH), the chairman of the Small Business Subcommittee on Economic Growth, Tax and Capital Access.

Mr. WALSH of Illinois. I thank the chairman.

And to my colleague on the other side, the Small Business Health Care Tax Credit has proven incredibly ineffective. The GAO itself has said that it is much too complex; and like everything Washington does, its temporary nature has really done nothing to reduce the cost of health care for small business.

Mr. Speaker, my State of Illinois is hurting. Real unemployment has been above 11 percent for the past 3 years.

I've heard from employers throughout my district that they do not support the President's health care law. They do not support the more than 13,000 pages of new regulations. They're already buried under regulations. They don't support the 21 new taxes. They're already overtaxed. And they definitely do not support the increased health care costs. They've seen their health care costs rise at an unsustainable rate.

Mr. Speaker, the numbers speak for themselves: 74 percent of small businesses say the law makes it more difficult to hire additional employees.

Why don't my colleagues on the other side listen to the people who create jobs in this country?

Why do my colleagues on the other side always think they have all the answers?

It's time we listened. It's time we repealed ObamaCare.

Mr. GRAVES of Missouri. Mr. Speaker, could I ask how much time we have left.

The SPEAKER pro tempore. The gentleman from Missouri has 7¼ minutes. The gentlewoman from New York has 8 minutes.

Ms. VELÁZQUEZ. I yield myself as much time as I may consume.

Mr. Speaker, on average, small businesses pay more for health insurance than large firms for comparable policies, but receive fewer benefits. Prior to enactment of the ACA, 20 percent of consumers were in plans that spent more than 30 cents of every premium dollar on administrative costs, and an additional 25 percent were in plans that spent between 25 and 30 percent of

every premium dollar on administrative costs.

The ACA included the medical loss ratio that requires the insurance company to spend at least 80 percent of small employer premium dollars on medical costs instead of administrative expenses. Is that bad for small businesses?

When Republicans were in control of both Chambers and held the Oval Office, they talked about this solution for nearly a decade, and yet nothing happened. In that time, small businesses saw their employees' premiums rise by an average of \$700 every single year.

Why should small businesses believe they can deliver on a promise this time?

So, finally, the law needs to be implemented. The most beneficial provision to small employers doesn't go into effect until 2014. The availability of State exchanges in 2014 could spur more small business owners to provide health benefits to employees.

For example, in California, just 32 percent of small businesses currently offer health insurance to their employees, but the number of those likely to offer insurance through exchanges jumped to 44 percent.

So don't repeal this legislation just for the sake of energizing the Republican base. You know that by enacting today and taking this vote this is going nowhere.

What we should be doing—and someone on the other side said that we should be listening to small businesses—yes, we are listening to small businesses, and what I hear from small businesses is that they are having trouble getting consumers through their doors, that they are having trouble selling their products, that they're having trouble accessing capital. Those are the obstacles that they are facing today, and that will prevent small businesses from creating jobs, and that is what this economy needs in order to get the economy growing again.

So repealing this today is not going to create one single job.

With that, I reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, at this time I yield 2 minutes to the gentleman from Illinois (Mr. SCHILLING).

Mr. SCHILLING. Mr. Speaker, like many in Illinois' 17th District, I'm disappointed that the Supreme Court decided to uphold the President's health care reform law. The Court ruled what we all knew from the beginning, but the President wouldn't acknowledge, the law's individual mandate is really a tax on the American people and businesses that create jobs.

Under this law, the health care costs remain too high. Government bureaucrats remain between patients and their doctors. Too many Americans remain unemployed, with national unemployment hovering above 8 percent for the last 41 straight months.

The law's medical device tax will continue to raise health care costs and limit the ability of facilities, like Cook Medical in Canton, Illinois, to expand and grow jobs. And the law's employer mandate will continue to force employers to choose between paying a penalty, increasing the number of employees eligible for health care coverage, replacing full-time staff with part-time employees, or laying folks off.

Mr. Speaker, now is not the time to raise taxes on working-class families or employers. We need to repeal this law and get to work on bipartisan health care reform that lowers costs and makes health care more convenient and more affordable.

I'm new to Congress, but I have a plan to address rising health care costs while ensuring those who need it have access to coverage. I urge men and women from across America to visit schilling.house.gov to take a look.

Ms. VELÁZQUEZ. Mr. Speaker, I continue to reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, at this time I yield 1 minute to the gentleman from Colorado (Mr. TIPTON), the Small Business Subcommittee chairman on Agriculture, Energy and Trade.

Mr. TIPTON. I thank the gentleman for yielding.

The ranking member just listed off many of the challenges the businesses face, and we agree. But let me add one more. A company in Pueblo, Colorado, PDI, employing better than 200 handicapped individuals, that company is threatening to be able to see their business shut down because of ObamaCare. They simply cannot afford it.

That is the challenge that small businesses across this Nation are truly facing, a \$2 trillion tax, a \$2 trillion tax when we need to be investing in things like competition. Let's create those opportunities, positive opportunities, through health care, allowing the marketplaces to work, ensuring that people have those opportunities to have preexisting conditions covered.

Let's let our children who are 26 years old stay on those policies, but let's bring competition to the market and have things like tort reform as well.

PDI and those handicapped individuals in Pueblo, Colorado, are counting on common sense, not politics as usual out of Washington, D.C., where one-size-fits-all, and Washington has all the answers. Let's not get between that patient/doctor relationship. The people are counting on positive action.

Ms. VELÁZQUEZ. Mr. Speaker, I continue to reserve.

Mr. GRAVES of Missouri. Mr. Speaker, at this time I yield 1 minute to the gentleman from Colorado (Mr. COFFMAN), chairman of the Small Business Subcommittee on Investigations, Oversight and Regulations.

Mr. COFFMAN of Colorado. Mr. Speaker, the Supreme Court's decision to uphold President Obama's health care reform law has reinforced the need for Congress to repeal and to replace this law. No doubt, health care reform is important. Today, health insurance is far too expensive, and health care reform should lower costs and broaden access without compromising the quality of care.

I support tax incentives to help individuals buy health insurance, high-risk insurance pools for those affected with preexisting conditions, allowing small businesses to band together for the purchase of health insurance so that they can get the same discounts that large corporations receive, and medical malpractice reform to help bring health care costs under control by curbing the unnecessary and costly practice of defensive medicine.

Mr. Speaker, it is time for Congress to act, to show the American people that we can accomplish meaningful health care reform without crippling the economy and bankrupting our Nation.

□ 2040

Ms. VELÁZQUEZ. Mr. Speaker, I would like to inquire of the Chair how much time both sides have left.

The SPEAKER pro tempore. The gentleman from New York has 5 minutes remaining. The gentleman from Missouri has 4¼ minutes remaining.

Ms. VELÁZQUEZ. I yield 3 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. Thank you to my fellow New Yorker.

I rise today opposed to the 31st edition of this legislation and urge my colleagues to vote against it.

Just what are we doing here today on the floor of this House? Are we passing jobs bills that will help the middle class? No. Are we working together to help America recover from the recession? No. Are we passing a bill that has any chance of being signed into law? No. So what exactly are we doing?

Are we politically posturing during an election year? Yes. Are we voting to repeal a law that more Americans support than oppose without any hint of a plan for replacement? Yes. Are we voting to deny 6.6 million young adults health benefits under their parents' insurance? Yes. Are we voting to raise costs for some 5.3 million seniors who pay for their prescription drugs? Yes. Are we voting to deny 17 million children with preexisting health conditions the opportunity for coverage? Yes. Are we voting to take away free screening and preventative checkups? Yes.

So, Mr. Speaker, we can do better than this. Mr. Speaker, we must do better than this.

The Supreme Court—the highest court in the land, a conservative-leaning court—has ruled, and the debate

has ended over the constitutionality of the Affordable Care Act. Instead of repealing the health care bill for the 31st time in 19 straight months in a Congress that has done absolutely nothing to create jobs, isn't it time to move on to something—anything—that will help our struggling middle class?

Mr. Speaker, the American people are sick and tired of the games played on this floor. Let's end this debate and get back to work—work that will find us passing bills, that will help grow jobs, work that will find us working together to inspire a thriving middle class.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. I thank the gentleman for yielding.

Mr. Speaker, the Supreme Court's unfortunate decision to uphold ObamaCare doesn't mean it's the right thing for this country. It's not. It was bad public policy when it was forced upon the American people 2 years ago, and it's bad public policy today.

Last Friday, the Department of Labor announced that millions are still out of work across this country and that businesses are still struggling to keep their doors open. It is unfortunate that this President doesn't seem to recognize that this law is hurting American workers and those looking for work. Businesses will be hit with more than \$500 billion in new taxes—and the Supreme Court has said what it is, a tax—a maze of burdensome red tape, and mandates that could cause the loss of 1.6 million additional jobs. We can't afford that.

And for what?—a law that puts government ahead of people, a law that consolidates power into the hands of a group of 15 unelected bureaucrats, a law that has already increased health care costs and will limit Americans' access to quality, affordable health care.

There is a better way forward.

This misguided law must be replaced with patient-centered reforms that allow families to make their own health care choices and to visit the doctors they want to visit. Health care decisions should be made at home, around kitchen tables all across the country, not in the back rooms on Capitol Hill.

Mr. Speaker, we do not need health care reform like this, but we do need health care reform. This law is not the answer. It's a Big Government power grab. That's what it really is. What history has shown time and again is that Big Government makes things more expensive, more bureaucratic, and less effective. It is time to repeal this law and to get our economy moving again and to get Americans back to work.

Ms. VELÁZQUEZ. I continue to reserve the balance of my time.

Mr. GRAVES of Missouri. Mr. Speaker, I yield 2 minutes to the chairman of the Small Business Subcommittee on Healthcare and Technology, the gentlewoman from North Carolina (Mrs. ELLMERS).

Mrs. ELLMERS. Thank you, Mr. Chairman.

Once again, I rise today to speak out against ObamaCare and why we must repeal it.

The Supreme Court's decision last month has verified that ObamaCare is one of the biggest tax increases in modern history. Furthermore, a board of 15 unelected and unaccountable bureaucrats will now remain in place to determine the health care for millions of Americans while cutting \$500 billion out of Medicare for our seniors.

The American people now have a clear choice.

We in Congress can either support historic tax and spending increases, fiscal uncertainty, and unprecedented government overreach; or we can join together to fight to repeal this ObamaCare tax and work for real solutions while taking health care decisions out of the hands of government bureaucrats and putting them back into the control of doctors, patients, and their families.

By repealing ObamaCare, we will restore the doctor-patient relationship and protect our seniors from ceding this relationship to a board of unelected bureaucrats. Our system must not dictate to doctors how to provide care, force them to provide medications regardless of known complications and then make them liable with no limits or protections.

Reforming the health care system and ensuring patient-centered access to care is not a Republican idea or a Democrat idea. Rather, it is the obligation of all of us to the American people.

Ms. VELÁZQUEZ. Mr. Speaker, I would like to inquire of the Chair how much time is left on both sides.

The SPEAKER pro tempore (Mr. FLEMING). The gentlewoman from New York has 3 minutes remaining. The gentleman from Missouri has 30 seconds remaining.

Ms. VELÁZQUEZ. At this time, I yield 2 minutes to the gentlelady from Texas, Ms. SHEILA JACKSON LEE.

Ms. JACKSON LEE of Texas. I thank the gentlelady from New York for her distinguished commitment and service to small businesses across America.

Mr. Speaker, just a few minutes ago, a colleague rose to the floor and called this "socialism." It is not. Many have risen to the floor to talk about how this will impact negatively on small business. It will not.

I rise enthusiastically to oppose what is a political legislative act—the repeal of ObamaCare. It is really the Affordable Care Act by the statement of the United States Supreme Court. The statement of Justice Roberts, of which

I read, indicates that, beginning in 2014, those who do not comply with the mandate must make a shared responsibility payment to the Federal Government.

That is what this is about—sharing and bringing about health care costs that will go down, not up.

To my small businesses, let me say how much we care for you. I have supported small businesses throughout my public life and before, and I would argue vigorously that this helps to ensure that you can keep employees and add employees.

In fact, between 2010 and 2011, health care costs dropped to 3.9 percent when it was above 6 percent—almost one half less than before the Affordable Care Act was passed. This, frankly, exempts all businesses fewer than 50 employees. That means some 96 percent of American small businesses will not even be impacted. For those that are, this legislation will provide \$40 billion in tax credits for small businesses to offer health care.

Now, in 2011, 360,000 small businesses have benefited from the health care tax credit—2 million workers. As well, you will be able to ensure with your health insurance that 85 percent of your premiums will go toward health claims and improvement activities, not to advertisement.

□ 2050

It entails that if an insurance company pays \$70 for every insurance claim and quality-improvement activity, you will get rebates, \$127 million in total rebates in the individual market, and \$1.3 billion, Mr. Speaker, to consumers and businesses.

The fact is this is the right thing to do. Support ObamaCare. Oppose the repeal. This is good for business.

HOUSE OF REPRESENTATIVES,
Washington, DC, July 3, 2012.

Hon. RICK PERRY,
Governor, State of Texas,
Austin, Texas.

DEAR GOVERNOR PERRY: As you may know, the United States Supreme Court has upheld major provisions of the Patient Protection and Affordable Care Act (ACA) last week. Residents in the state of Texas will greatly benefit from its implementation, of which two provisions will directly impact Texans. This includes the Medicaid Expansion and the implementation of health insurance exchanges. I respectfully request that you charge, the Texas State Legislature and the Texas public health departments to begin implementation of the entire law.

Now that the decision has been made by the United States Supreme Court, it is now time to move past the partisanship and begin delivering affordable care to millions of Americans. Many provisions in the ACA will benefit all of Americans; however, these two specific provisions will greatly benefit our state. For instance, the Medicaid expansion will expand coverage to Americans who are below 133 percent of the Federal Poverty Line (FPL). Roughly 25 percent of Texans are below 100 percent of the FPL, which is higher than the national average. Those who

are low income have less access to care, have poorer health outcomes and are at a higher risk of premature death. Our State has an obligation to ensure those who are most vulnerable do not prematurely die because they lacked coverage, especially after the United States Supreme Court has ruled the law constitutional. Furthermore, a number of states have already expanded their Medicaid program, and I encourage you to move forward on expanding our program as well. Although the Supreme Court decision apparently permits a state to opt out, I am requesting that you choose not to, and take care of Texans in need.

The ACA also requires states to have their state-based health insurance exchanges running by 2014 and provide a progress report by 2013. Currently, our State of Texas has done nothing in exploring options. I encourage you to begin setting up our exchange for a number of reasons.

For one, many Americans and businesses find navigating private health care insurance plans complicated and confusing. Establishing our State-based health insurance exchange will provide a clear mechanism for many Texans and small businesses purchase affordable health insurance plans. This will greatly benefit those who are below 400 percent of the FPL.

As a Member of Congress, representing our great State, I have an obligation to do all that is possible to ensure that the laws are followed when enacted. Our Supreme Court has decided on the ACA and now it is time to move forward and begin with implementation. Our State has so much to benefit from implementing the law, and I know Texans will greatly appreciate your dedication to adhere to the law.

Very Truly Yours,
SHEILA JACKSON LEE,
Member of Congress.

Mr. GRAVES of Missouri. Mr. Speaker, I'm prepared to close.

Ms. VELÁZQUEZ. Mr. Speaker, with that, I am prepared to close.

What will small businesses lose if health care reform is repealed? Small business tax credits that save employers \$435 million in 2011 will be abolished. Insurers will be able to continue price-gouging their customers and denying coverage for preexisting conditions. Repeal will mean millions of families and employers will no longer receive the benefits of lower premiums on insurance company rebates worth over \$300 million this year alone.

I urge a "no" vote because the ACA was a step in the right direction. Without it, the self-employed and small business employees will continue to be uninsured at high rates with no hope of Republican action to fix the broken health care system.

Mr. Speaker, instead of holding this vote, we should be spending our time on targeted measures to help our Nation's small businesses grow and create jobs. Maybe what we should be doing today is debating the jobs bill that the President presented to us in the House of Representatives.

With that, I yield back the balance of my time, and I urge a "no" vote.

Mr. GRAVES of Missouri. Mr. Speaker, I would like to address the comments made by the gentlelady from

Texas who claimed that 4 million small businesses are going to be able to take advantage of this tax credit and how much it was going to help.

We requested a GAO study and found that only 170 small businesses have even taken partial advantage of this credit. This bill is grossly ineffective, it does not work, and it hurts small businesses.

I would urge my colleagues to vote to repeal this piece of legislation and help get this economy finally rolling so we can pass some real reforms when it comes to health care.

With that, I yield back the balance of my time.

Mr. STARK. Mr. Speaker, I don't think I look much like Bill Murray, or have his wit, but I sure feel like him in his role in "Groundhog Day."

There are pressing issues facing our country—mainly the need to get our economy back on track and start creating jobs. But, my Republican colleagues refuse to allow us to focus on that vital priority.

Instead, we are here for the 31st time in this Congress to consider repeal of the health reform law.

Nevermind that the House already passed repeal of the health care law early in 2011 and that bill is still sitting in the Senate awaiting their consideration.

Nevermind that 29 other bills have repealed particular provisions of the law.

No, we are going to once again take the time of this Congress to pass a bill that doesn't need to be passed because my Republican colleagues are mad at the Supreme Court for upholding the law.

We know that House Republicans don't intend for the Senate to take this bill seriously because they are rushing this bill to the floor today before the Congressional Budget Office has even had the opportunity to provide a score for health reform repeal. With that analysis, we would know the cost or savings associated with health reform repeal. But, Republicans don't feel any need for being informed before they vote because they know they hate health reform and they'll vote to repeal it no matter what.

Well, with a Congress that behaves like this, none of us should wonder why our approval ratings are at 12%.

What my Republican colleagues steadfastly refuse to acknowledge is that health reform is already helping people and repealing it will have serious negative consequences for millions of Americans.

Should Republicans succeed in their blind drive to repeal health reform:

6.6 million young adults would lose the guarantee of being allowed to obtain insurance coverage on their parents' health insurance plans.

17 million children with pre-existing conditions could again be denied health insurance coverage.

105 million Americans would again be subject to lifetime limits on health insurance—which could stop coverage when they need it most.

12.8 million Americans who are due over \$1 billion in rebates from the health insurance in-

dustry this year would never see that financial relief.

The more than 5.3 million Medicare beneficiaries who have been helped with high drug costs would see that assistance disappear.

The 86 million people who have already received life-saving preventive benefits free-of-charge would lose access to that vital benefit.

The list goes on and on.

Repeal of ObamaCare is not what the American people want. When I go home, parents thank me for health reform because their children who are recent college graduates have health insurance, their parents on Medicare saved money on their prescription drugs, and they know they will soon not be locked-in to their current job for fear of losing health coverage. When they talk to me about what Congress should be doing, they emphasize, jobs, jobs, jobs.

I agree with my constituents. I urge my colleagues to vote "no" on this senseless political stunt of a bill and I implore my colleagues on the other side of the aisle to get on with the business that American's care about—jobs.

Mr. TURNER of Ohio. Mr. Speaker, the flawed Obamacare law adversely affects American families, small businesses and millions of seniors. Even before the law is fully implemented, Obamacare already increases costs on hard-working American families and businesses. For example, healthcare premiums have already increased by \$1,200 for the average American family.

Two weeks ago, the U.S. Supreme Court ruled that the individual mandate of the President's healthcare law is a tax. This tax will have tremendous consequences on individuals, working families, businesses, and local governments. In fact, the most recent Congressional Budget Office estimate indicates that the individual mandate will impose \$54 billion in new taxes on Americans over 10 years.

We have heard from many businesses across the country that the employer mandate will be devastating for them and their employees. For example, the employer mandate to provide healthcare coverage will penalize American firms by \$113 billion over 10 years and could eliminate 1.6 million jobs. At a time when the economy is still struggling to recover, we should be focused on reducing taxes on hardworking Americans and providing incentives for businesses to grow and create jobs.

That is why last week I authored H.R. 6048, the Healthcare Tax Relief and Mandate Repeal Act, with 125 of my colleagues, to repeal the Obamacare individual and employer mandates, providing relief for American families and businesses.

Mr. Speaker, I am also troubled by the Obamacare 2.3 percent tax on medical devices. Mound Laser and Photonics Center, headquartered in Miamisburg, Ohio in my district, specializes in laser-based micro and nano-fabrication. The majority of its workers have backgrounds in science and engineering, critical fields our country needs to compete in the global economy. Unfortunately, the company reported it was forced to lay off 10 employees due to the loss of business from one of its medical device clients.

Another company in my community, Ferno-Washington Inc., a global leader in manufac-

turing and distribution of professional emergency and healthcare products based in Wilmington, Ohio, says the tax increase will cause the company to scale back research, development, and production of new products, hampering the company's ability to compete. The executives at Ferno estimate the cost of the tax is equivalent to 23 jobs.

This Congress, I authored H.R. 1310, a bill to repeal this tax for first responder medical devices and co-sponsored a bill to eliminate this unfair tax altogether.

Mr. Speaker, now is not the time to impose extra burdens on American families and businesses when our economy is struggling to get back on track. I strongly support repeal of Obamacare and am committed to working with my colleagues to carefully and thoughtfully implement real healthcare reform.

Mr. MARCHANT. Mr. Speaker, I rise today in strong support of H.R. 6079, the Repeal of Obamacare Act.

Last Friday, the Bureau of Labor Statistics announced that, for the 41st straight month, we had an unemployment rate of above 8%. As a small businessman, this comes as no surprise to me. The President has done little to inspire confidence in job creators. From new, burdensome regulations and stifling tax hikes, the legislative agenda of this Administration's first two years is still wreaking havoc on the economy.

I say this just a day after the President reiterated his commitment to the notion that we ought to increase taxes to feed more big government, the same big government that has let our deficits spiral out of control and our credit rating downgraded.

We have much work to do to rein in government. Repealing this monument to bloated bureaucracy is but the first step we must take to signal to the private sector that success will not be punished.

Mr. KUCINICH. Mr. Speaker, I rise in opposition to the 31st attempt to roll back health care coverage for American families.

Before the bill was passed, the House and Senate debated it for well over a year. It was debated on the House and Senate floor, in several committees, in the media, in town halls, on the World Wide Web, in living rooms; indeed, it was hard to escape the debate during that time. The bills received dozens of votes, including committee votes. It passed the House and Senate. It was signed into law. Since then, it has continued to be debated; the House alone has devoted 43 hours of scarce floor time to it. Now, it is being implemented and American families are already benefitting from the law. It has been through the courts—all the way to the highest court—and it has been found to be constitutional. It has been upheld.

Instead of trying to accelerate our economic recovery, the primary concern of American families and businesses, we are spending hours of valuable time on the House floor debating yet again whether to repeal the Affordable Care Act. I would be enthusiastically supportive of a debate about whether to continue forward progress by moving toward a single payer system which would provide higher quality health care for everyone in the U.S. without paying a dime more than we are currently paying. That is a debate worth having.

But today's debate is not about moving forward; it is about moving backward. We can't move forward with our eyes glued to the rear view mirror. This is not governance.

Mrs. EMERSON. Mr. Speaker, three branches of the federal government now agree: the Affordable Care Act is a tax, and it falls to Congress to repeal this tax.

American families, employers, patients and providers have known this all along. CBO says the health care law will cost 800,000 American jobs. Taxpayers are footing more than a trillion dollar bill for the privilege of putting more Americans out of work. It is a tax on top of a tax.

How much more damage can this Administration inflict on the American economy? How much more uncertainty can our small businesses bear? What American senior citizen feels comfortable with handing over their health care decisions to an unelected board deep in a federal office or inflicting a \$500 billion cut to Medicare?

This law represents the most chilling powers of government: to tax as a form of interference with our freedoms, to get between Americans and their earnings at the same time it gets between Americans and their liberties. The taxes included in the ACA punish Americans for not doing something the government has decided to require.

We are here today to start a long, important conversation in Congress and in the nation about ridding ourselves of this law's dire consequences, intended and unintended. We will not settle the matter today, but it is vital that the people know we are working to strike down a tax we do not want, cannot afford and will not pay as a price for our freedom.

Ms. RICHARDSON. Mr. Speaker, I rise today in opposition to H.R. 6079, the latest Republican attempts to repeal the Affordable Care Act and block meaningful reform. I stand with the young people who can now find coverage under their parents' health insurance plans, Americans with pre-existing conditions who had been denied access to care, and senior citizens who cannot afford the sky-rocketing costs of medical treatments. Mr. Speaker, I stand with all Americans who will now begin to see the overall cost of health insurance go down.

The Affordable Care Act has been upheld by the United States Supreme Court as a constitutional law. I now rise to praise it as a wise and moral one, as well.

Access to quality, affordable healthcare is a basic right and is critical to the wellbeing of America, both today and in the future. This legislation addresses the needs of the millions of uninsured Americans, strengthens the Medicare system, and relieves all Americans of the growing financial burden of medical costs and insurance. Those who are attempting to obstruct healthcare reform are in effect sabotaging the health and financial security of my constituents and fellow Americans, and I cannot allow this repeal to pass.

In the 37th Congressional District of California, the benefits of the Affordable Care Act are undisputable. 23,000 children and 90,000 adults now have health insurance that covers preventative services with no co-pays, coinsurance, or deductibles. 510 small businesses have received tax credits to help maintain or

expand healthcare coverage for their employees. Healthcare providers in the district have also received \$3.4 million in Affordable Care Act grants since 2010 to support community health centers; to develop innovative, cost-saving healthcare delivery systems; and to train health professionals.

These statistics are not unique to my district, and similar success stories are emerging in all corners of the country.

Look, for instance, at how the healthcare law is benefitting young adults and children. Under this reform, young adults may stay on their parents' health insurance until their 26th birthday, which is especially critical when recent graduates and young adults are seeking employment. Young adults are the most uninsured group among all Americans, and without this provision, 3.1 million young adults would be uncovered.

Before the Affordable Care Act passed, health insurance companies could also deny coverage to children with pre-existing conditions, including common conditions like asthma. Healthcare reform corrected this unconscionable abuse, and its repeal would be a direct attack on the 17 million children who will now be protected from discrimination.

The concept of pre-existing conditions was also used to justify discriminatory policies that targeted women. Many women have been denied coverage or are charged at higher rates for conditions that include breast or cervical cancer, pregnancy, a history of a C-section, or having been a victim of domestic violence. I have a long history of supporting women's access to reproductive healthcare as well as a strong record fighting domestic violence. I am proud to support the Affordable Care Act, which gives women many of the rights and protections that I have fought for.

I would also like to take a moment to highlight how the Affordable Care Act helps American seniors by strengthening Medicare. 5.3 million seniors who used to fall into the "donut hole" Medicare coverage gap have already saved \$3.7 billion on prescription drugs because of healthcare reform, averaging \$600 per senior. The healthcare law will also completely close the "donut hole" by 2020. In addition, Medicare recipients are receiving a free annual wellness visit and coverage of key preventive services, meaning that seniors can access care before any problems escalate into costly and chronic conditions down the road. These services are possible because the Affordable Care Act has sparked a record-breaking crackdown on Medicare fraud, recovering more than \$4.1 billion in fiscal year 2011 alone.

Mr. Speaker, the Affordable Care Act addresses serious problems that have been plaguing children, women, and seniors. Its reforms will even the playing field for anyone who wants quality health insurance and will help our country more closely resemble the principles on which it was founded.

Despite the unfounded claims that this bill will raise taxes for everyday Americans, the Affordable Care Act will bring significant and immediate savings to the middle class at a time when they need it most. The healthcare law will provide a tax cut that averages around \$4,000 for 18 million middle class people, and 12.8 million Americans will receive \$1.1 billion

back in rebates by August. When insurance companies overspend on administrative costs and CEO bonuses, it is the middle class who pays.

Until now, everyday citizens have also had to subsidize the medical costs for a small number of people who can afford healthcare but choose to remain without coverage. These individuals force American families to pay an additional \$1,017 each year to compensate. The Affordable Care Act would impose a modest penalty, ensuring that those who do not purchase their own coverage do not cause spikes in the cost of others' insurance. Although opponents of the Affordable Care Act attack this "free-rider" penalty as an unfair tax, the truth is that the majority of Americans will never have to pay it and rather stand to benefit from lower insurance rates.

Mr. Speaker, the Affordable Care Act was a long overdue bill that corrects deep injustices in access to healthcare. Should the act be repealed, there is no planned reform to take its place. We would simply return to the same broken healthcare system and the same failed policies.

Many Americans view Congress as a system that is equally broken. They see that their leaders have an unprecedented opportunity for creating real and lasting change, and instead that chance is being squandered for short-sighted political gain. The GOP-controlled House is unleashing this attack without offering any new solutions. The Republican dismantling of the healthcare bill would be an act of betrayal to the American people who deserve basic health insurance, not election-year politics.

We have just celebrated the Fourth of July and marked the 236th anniversary of American independence. Looking back on our nation's history, there are certain moments that exemplify our evolution toward true democracy. Those are moments of action, not simply a rhetorical commitment to equality. We freed the slaves, extended voting rights to women, passed the Civil Rights Act and the G.I. bill, gave the right to vote to 18-year-olds, created social security and Medicare, and most recently repealed the discriminatory "Don't Ask, Don't Tell" policy. Each of these battles faced fierce opposition, but, now that they have been won, they are remembered as a triumph of core American values. Many look back and believe that America's best days are behind us, but I look ahead and see the Affordable Care Act as yet another brick in the wall of American greatness.

Mr. Speaker, all Americans—young, old, rich, and poor—have an unalienable right to healthcare. I ask my colleagues to join me in my pledge to support the Affordable Care Act and to continue efforts to strengthen our healthcare system in years to come.

Mr. CONAWAY. Mr. Speaker, I rise today to strongly support the passage of H.R. 6079, the Repeal of Obamacare Act.

A little over two years ago, as our Democratic colleagues were jamming this bill through Congress, their leadership thought they could appease some of the public's outrage by uttering that now famous phrase "we have to pass the bill to know what's in it."

Unfortunately for them, two years have passed and we now have seen what is in the

bill—a top down, Washington-centric plan for the future of American's health services. Obamacare expanded and entrenched the worst parts of the American health system: it drives up premiums, reduces competition among insurers, restricts patient choice, further undermines the solvency of Medicare and Medicaid, and raises hundreds of billions of dollars in new taxes.

The law creates over a hundred and fifty new boards and offices, each with the authority to manage a piece of American's health care. The bill also gives the Secretary of Health and Human Services 1,700 new or enlarged powers to control American's access to and interaction with their health services. It even mandates that religious institutions violate the basic tenants of their faith by providing coverage for drugs and procedures that they find morally objectionable.

What's more, the law taxes insurers, device manufacturers, and drug manufacturers, driving up the cost of these products. And then, in perhaps the greatest insult, Obamacare taxes employers for not providing insurance, it taxes people for not having insurance, and then it taxes people for having insurance that is too good.

Mr. Speaker, from its inception, this law has been a failure because it is premised on the misguided idea that a small group of individuals can plan out orderly lives for the rest of us. There is not one person working at the Department of Health and Human Services who knows what it is like to be a family in Bronte, practice medicine in Brownwood, or run a hospital in Andrews. Yet, Obamacare hands the fate of the families, doctors, and hospitals across my district over to the Secretary of Health and Human Services and her staff.

The ACA sets the ideas of this small cadre of Washington insiders ahead of the concerns of my constituents and their caregivers. It was crafted in secret and passed in the dead of night, and its most important details were left up to regulators who are unaccountable to voters. What was a 2,700 hundred page bill has spawned over 12,000 pages of regulations and more are being published every day.

Americans deserve a health care system that is designed with them at the heart of it. House Republicans are committed to enacting sensible reforms that build up the free-market. Solutions like buying insurance across state lines, allowing association health plans, and reforming our out of control tout system are common sense changes that will expand risk pools, lower premiums, and make insurance more affordable for millions of Americans. Our ideas can do this without the thousands of pages of rules and regulations, the hundreds of billions of dollars in taxes, and the mandates imposed by Obamacare.

I urge my colleagues join me in passing H.R. 6079 to repeal this divisive, intrusive, and loathsome healthcare law.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 6079 is postponed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4402, NATIONAL STRATEGIC AND CRITICAL MINERALS PRODUCTION ACT OF 2012

Mr. BISHOP of Utah (during consideration of H.R. 6079), from the Committee on Rules, submitted a privileged report (Rept. No. 112-590) on the resolution (H. Res. 726) providing for consideration of the bill (H.R. 4402) to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness, which was referred to the House Calendar and ordered to be printed.

VOTE AGAINST THE REPEAL

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Madam Speaker, we have just finished part of the debate for legislation that wants to repeal the Affordable Care Act. I rise today as we conclude and begin to look toward the conclusion of the debate tomorrow to make a public appeal.

When the 1965 Medicare law was written, it was written to save lives. We have statistics that recognize that prior to Medicare, Americans were living 60 years and under. It is well documented that we've extended the lives of senior citizens through Medicare. Now the Affordable Care Act seeks to extend the lives of the sickest of the sick, to extend the lives of children with pre-existing diseases, to extend the lives of individuals who would not have access to insurance, or those families who have been thrown into poverty because of catastrophic illnesses or an accident. We can do better.

This bill is a promise of allowing and providing for all Americans to be insured. This bill cries out for Republicans and Democrats to work together. This bill cries out for saving the lives of Americans who have been falling along the highway of despair and dying.

It is important for us to look for the common and better good, the public good. Save this bill. Vote against the repeal.

DOCTORS CAUCUS SPECIAL ORDER

The SPEAKER pro tempore (Mrs. ELLMERS). Under the Speaker's announced policy of January 5, 2011, the gentleman from Louisiana (Mr. FLEMING) is recognized for 32 minutes as the designee of the majority leader.

Mr. FLEMING. Madam Speaker, it's a pleasure to be on the floor once again to really talk about my favorite sub-

ject in Congress, and that is health care.

I am a physician and have been a physician for 36 years. I am a family physician. I still have an active practice and practice when I get a chance, which lately has not been very often.

We'll be talking about ObamaCare, the repeal of ObamaCare, and we'll be talking about Medicare. I say "we." That is only if I'm joined by some of my colleagues who may be making their way here this evening.

I want to in the way of introduction just let everyone understand, Madam Speaker, how we got here in the first place. Why are we here this evening talking about this? Why are we talking about the repeal of ObamaCare?

I take you back to 1965 when there was a recognition that health care insurance was becoming something more than just insurance; that is to say, that insurance, of course, in theory is to protect against catastrophe. We see that, of course, in our homeowners insurance and our car insurance. So it seemed a good idea to have some form of insurance where you would not be bankrupted by a sudden and severe illness and have your lifesavings taken away.

So the idea of insurance came up, and it was mostly a catastrophic policy. Then that sort of evolved over time into more and more comprehensive concepts, and it really has become today extremely comprehensive, perhaps even a health management type of system that you pay into and hopefully the system takes care of you. It was a recognition that a robust market did not exist for insurance for the elderly.

From that sprang the idea of Medicare, health care insurance for the elderly, which is really not insurance, per se. It's really a 100 percent single-payer government program. Then also insurance—again, a single-payer program—for the poor, and that is Medicaid. That began around 1965. It began with a promise to the health care system and to the elderly that this would never usurp the relationship with the patient, that the decisions would be made by the providers and the patients, and that Medicare—of course, the government taxpayers, if you will—would be picking up the bill, no questions asked. There was also a recognition that even though patients would get help with their bills, they would still have to pay something into that.

I will also interject that there was the belief, actuarial estimates, CBO, the Congressional Budget Office, that predicted that a program that would be maybe \$3 billion annually would maybe top out at \$12 billion.

□ 2100

Of course we know now that it's in the hundreds of billions of dollars many times over what it was initially promised to be.

In that evolution, we saw where government and insurance companies began to take a larger and larger role in covering for various things. For instance, beginning in the early eighties, Medicare began to see the physician charges becoming a problem, and from a budgetary standpoint they weren't really going up that fast, but because of the growth of the elderly out there it was running the cost up.

That led to restrictions put on what doctors could charge. Then came EMTALA, which is an acronym, a long acronym, that basically says regardless of your ability to pay, if you show up to the emergency room, the doctors and hospital have to treat you.

These are all things that began to add up over the years, and it's made Medicare, of course, balloon into an extremely expensive program, as is Medicaid as well. In fact, for most States that is the largest budgetary item that they have.

Well, fast forward to 2008. As a physician, I became very concerned that we needed health care reform in this country. Why? Because government had become such a large part of the health care system and the so-called insurance thereof, and with the price fixing that went along with that, that it began to actually have a perverse effect on health care. That is to say that as reimbursement to hospitals, doctors, and other providers were going down, that costs were actually going up just as fast, which is just the opposite you would expect intuitively.

Why was that happening, and why is it happening today? Well, the answer is this: a physician, a hospital, anybody, the first thing that they are going to do, the first thing a business or a factory is going to do is when the reimbursement per unit goes down, that is a reimbursement per patient goes down, you make it up on volume and you keep working harder and you keep seeing more patients, and you find more things to do to drive up that, and I'm saying this in a generic way.

I do not ascribe to that, but many doctors have been put in that position to just stay solvent in their practices. They have run faster and faster, seen more and more patients, done anything they can. While they make an extra dime to keep up with their costs, they're running the system up by a factor of 10. They make a dime for themselves, but the system costs a dollar for that.

As a result, we have had severe inflation. It was my belief that the way to solve this problem was to begin to move government out of health care and begin to move the private sector back in, put together robust and healthy markets, give consumers choices once again. Patients have skin in the game—that is to say, they have to pay a little something into it.

Because, remember, back in the eighties, patients' out-of-pocket ex-

pense, for instance, in Medicare for laboratory and many other items went to zero, which meant that instead of having to negotiate with the patient, what is the best ideas in terms of a list of tests that must be performed to get to the answer, I can just simply make out a list as long as I want. Somebody is going to pay for it, but it won't be the patient, and therefore, again, health care inflation.

I came to Washington after being elected to work on this with the other side of the aisle, because I saw that we had two major giant entitlement programs that are bankrupting this country, Medicaid and Medicare. I remind folks that Medicare runs out of money, according to whichever actuary you want to listen to, in 5 to 12 years. But they all agree that it runs out of money and the services will have to be sharply curtailed.

What we found was that the other side of the aisle, our Democrat colleagues over there decided that instead of solving the problem by bringing the marketplace, they wanted to take government another step. It reminds me of a story that was told to me once about two farmers. They were on a wagon, a mule, and they are going down the road, it's an old farm road, and one of the wheels breaks and they come to a stop.

Now, the mule can't pull that wagon, it's just too hard to pull it on one wheel. So the two farmers get off, one starts fixing the wheel and the other one starts going back home. The first farmer says to the second one, where are you going? He said, I'm going to get another mule, because that's the way we're going to go forward. We're just going to hitch a second mule and keep dragging this wagon down the road.

You see, in my opinion, that's precisely what happened with ObamaCare. Instead of fixing our health care crisis and the inflation and costs, the inefficiencies in the system and the fraud, waste, and abuse, by bringing the marketplace back into sanity and back into balance once again, and letting patients be the decisionmakers, what we really did is double down on the government control of health care and, as a result of that, we're going to have an even more expensive, more burdensome and bureaucratic system that we won't be able to control.

Anyway, this is the Doctors Caucus Special Order. We're going to be talking in the next 30 minutes, and we're going to be talking about the repeal of ObamaCare.

We have voted on this, you probably already heard, several times already. Of course, we have never got it past the House of Representatives because the Senate won't take it up and, of course, it's doubtful that the President, our current President, would ever sign it.

There are a lot of things that we hear about ObamaCare. Let's talk for a mo-

ment about taxes. We just had a Supreme Court decision handed down, and there has been this debate, this battle, within the Supreme Court and outside, on this individual mandate where government under this bill literally forces and requires you to purchase a product or service that is created by government, rather than making it more affordable and attractive and you opting in and you buying it on your own.

The decision has been handed down that, yes, the decision is constitutional, but not by the way of the commerce clause. But government can, Congress can now, according to the justices, Congress can basically make you do anything Congress wants to do. It has to force you through taxes. While we could debate whether I agree or not agree with that, that is the law of the land now.

This means that if we in Congress decide that we want to make citizens do things, we do have a pathway now to do that, and that is to tax you. Even if you're not in an activity or buying something we can still tax you.

I prefer that we go the market route. I would much rather people buy insurance because they see a need, they see a desirability, and they see that it's cost-effective, rather than forcing Americans to do that. Our colleagues on the other side, would rather just simply force you to do that.

But now we have to also admit that this is a tax, and our friends on the other side of the aisle I think would admit that had this been advertised as what it turns out to be, a big tax increase on the middle class, that it never would have gotten passed because they would have been voted out of office for having raised taxes on the middle class. That's a big political no-no these days.

But there are many other taxes, and I'm just going to hit on a few here. One is a 156 percent increase on the Federal excise tax on tobacco. Another is the employer mandate. The Supreme Court says that you can, Congress, you can make employers buy insurance or you certainly can penalize them if they don't.

But, interestingly enough, one part of the bill that was termed unconstitutional was coercing, or forcing States to expand Medicaid eligibility. That's a part of the Supreme Court's decision that actually is going to impact the cost of this bill.

There is a surtax on investment. This is something that you're going to hear more and more about, and the way you're going to hear about it is that one day you're going to sell a home, you're going to sell a property or an investment or something like that, and the IRS is going to demand 3.8 percent of those profits.

On the subject of the IRS, remember that it's estimated that 16,500 new IRS agents will need to be hired and are

funded in order to require or force the taxation into ObamaCare. This will certainly bring the IRS much more intimately into your life, regardless of whether you own a business, or you're simply an employee, or really don't even have a job.

□ 2110

There will be an excise tax on comprehensive health insurance plans that will go up over time, ObamaCare hike in the Medicare payroll tax. There will be a medicine cabinet tax, if you will. But what that really is removing is the tax deductibility for the pretax dollars from health savings accounts that you have been able to enjoy before, that if you go and buy cold medicine off the shelf, that you could buy it with your pretax dollars under your health savings account, that's gone. If you want to get cold medicine and use your pretax dollars, you have to get a prescription from a doctor. So one of two things are going to happen: Either you're going to have to see the doctor, which is going to cost you more, or the doctors are going to be spending a lot of their time, again, wasted in paperwork, writing prescriptions for non-prescription drugs. That really doesn't make much sense.

There will be an ObamaCare HSA withdrawal tax hike, an ObamaCare flexible spending account cap, ObamaCare tax on medical device manufacturing. It's estimated that many of the domestic medical device factories will simply go out of business or go offshore. The cutting-edge innovation that we have today in health care devices, we're going to lose that as a result of ObamaCare. That will go to other countries.

The itemized deductions, the exemption is going to go from 7.5 percent to 10 percent of adjusted gross income. There will be a tax on tanning. That's got to be a middle class tax. ObamaCare elimination of tax deduction for employer-provided retirement drug coverage in coordination with Medicare part D, ObamaCare Blue Cross Blue Shield tax hike, an excise tax on charitable hospitals, a tax on innovator drug companies, a tax on health insurers, a \$500,000 annual executive compensation limit for health insurance executives, ObamaCare employer reporting of insurance on the W-2, the black liquor tax, the ObamaCare codification of the economic substance doctrine. Again, a long list of taxes.

So, Madam Speaker, it seems to me that in a time that we have the worst recession since the Great Depression, we're now facing perhaps the largest tax increase that's occurred in our lifetimes, both through ObamaCare and through the expiration of the Bush tax rates, which are much lower than the Clinton tax rates.

Of course, you have heard some about that as well in recent days. In fact, the

President himself said in 2009 the last thing in the world we want to do is to raise taxes in a recession. And everybody knows we're in 41 months of a recession and no end in sight.

Now, there's also been some discussion and debate on the impact on small businesses. And I'm segueing to small businesses because, let's face it, taxes have an impact on all of our pocket-books, but taxes also have an impact on the ability for small businesses to hire people. If you take money off their bottom line, that's less money, less capital to invest, less money to hire more people. And that is precisely what is going on with ObamaCare.

In fact, I would say, based on studies that I have read, one said that 70-plus percent of small businesses are saying that the main reason that they're not hiring people is because of their fear, the uncertainty of ObamaCare and its impacts on them, and the people I speak with throughout my district and throughout the country who say that ObamaCare is probably the worst threat to the survival of their businesses and, therefore, they're not going to expand their businesses.

We know there's trillions of dollars sitting on the sideline right now, both small and large businesses, ready to be invested to grow jobs, and yet the job creators, the employers, are fearful. They don't want to put that money in.

Why would somebody want to put, say, \$10 million into a new factory not knowing whether they can make a profit and making the calculation that perhaps I should stand up that factory overseas someplace where, in fact, I can make a profit. I don't have to deal with ObamaCare and all that comes with it.

Now, that's just part of. We also know the hyper-regulatory atmosphere that we've evolved into, where regulations are not being written by Congress but by people in the buildings that surround the Hill here, many of which we do not yet know. 106 new major rules being written out of this administration, the worst proliferation of regulations.

So this, on top of other things—the direct hostility and attacks on energy and the job creators themselves—has just put a complete wet blanket over our economy and the creation of jobs. And I would say that ObamaCare is the lead in that entire process.

Now, there's also something that I get asked about a lot, and that is, well, what about what you Republicans say about ObamaCare and what the Democrats say about ObamaCare? And it seems—at least it appears to them—that one of us is lying about some of these things. And, of course, one of the things that is important that we do when we come to Congress, what we understand and learn, is that we should never presume ill motives of the other side. And that's exactly what I will do

tonight is not presume ill motives by the other side. So I will give you an example of what I'm talking about.

We Republicans have contended all along that \$500 billion will be ripped from Medicare. Again, I said earlier that Medicare runs out of money, becomes insolvent, in 5 to 12 years. Everybody agrees it's in that window someplace. And we have the Ryan budget plan, which would save Medicare. The other side of the aisle refuses to engage on that. But the question is: Does ObamaCare take \$500 billion out of Medicare?

I have a lot of Medicare recipients who are very worried about that, and they ask me because they hear and read things. They read something from PolitiFact or all these fact checkers, and they say, no, this isn't happening, or it's not happening the way you think it does and so forth. Well, we had a discussion with Douglas Holtz-Eakin, who is the prior CBO, about this 2 days ago, and he confirmed a lot of my beliefs about this, and here's the way it goes.

Madam Speaker, the way laws are written, oftentimes what is in the four corners of that law says one thing, but when you add the omissions and the unintended consequences and sometimes intended consequences, the effect of that is completely different. And so, for instance, the idea that Medicare does not lose \$500 billion that is dumped into ObamaCare, well, I think the nuance in there is that you have to understand that the cost of Medicare goes up progressively every year. Now, in some years it goes up higher than other years, but it always goes up.

And so in Washington, oftentimes you can say that something is cut when, in fact, it's just the increase is reduced. And so that's really what happens here, is what Democrats did in crafting ObamaCare is they cut the increase in Medicare spending and they took those so-called savings and they spent it inside of ObamaCare.

Well, where is it coming from? Is it going to have an impact? Well, of course it will. Because as things get more expensive, if you reduce the amount of increases that nominally occur, it's going to have an impact because there isn't an underlying inflationary rate that has to be recognized.

So while one can make the legalistic case that, no, there isn't \$500 billion removed, in reality, yes, it is removed because you have got to go from point A to point B. And if you don't allow that nominal increase, that inflationary rate in Medicare spending, if you don't allow that, it's a cut. It's going to be a cut in services.

And where are the services? About half of it is going to be in Medicare Advantage, which is the private type of Medicare which people really love. It's very popular in a lot of States. And the other is going to come from providers.

That would be doctors, hospitals, medical device providers, and so forth.

Now, the Democrats were very careful not to take that money from beneficiaries. And, in fact, in the sequestration that occurred last year and that we're still debating, where money is taken out of defense and it's also taken out of Medicare, the money is taken out on the provider side but not the beneficiary side.

□ 2120

That is, we're not taking away from patients, we're only taking away from the people who are providing the care. Well, that's all well and good. Well, not so fast. You have to understand that as you reduce reimbursement of services, the ability for providers to provide those services goes down. And it has been going down progressively. Certainly, a relatively small percentage of physicians today accept Medicaid for payment and reimbursement. So even if you have a Medicaid card, which, by the way, half of the so-called increase in coverage under ObamaCare will be on Medicaid. Well, that will be very good. You'll have a Medicaid card. But when you shop around and you go to various doctors' offices and you say, I'd like to see the doctor today, there will be a lot of the assistants at the desk that will say, I'm sorry, we don't accept Medicaid.

Now, you might be critical of the doctor on that, but you have to understand, doctors have to make payrolls, and they have to pay rent like everybody else. And if it comes to a point where they can't do that, then they either have to stop seeing Medicaid patients, or they have to go out of business. Either way, you're not getting in to see him because the reimbursement is not there.

Well, the same phenomenon is now happening across America in Medicare. If you're on Medicare, if you're 65 and over and are disabled and you're on Medicare, there's been such a flattening and ratcheting down in many cases of reimbursement that just because you have a Medicare card does not mean you're going to be seeing doctors when you want to see them.

And, in fact, that is precisely what I was talking about in the beginning of the discussion—that if we just simply take the same entitlement programs that are making the cost problems worse, and through the price-fixing mechanism actually perversely incentivizing fraud, waste and abuse, if we're doing that now and then, we expand yet another entitlement system, we're only going to aggravate the same problem. So what's going to be the net result? We're going to have more people, more patients, searching out care from fewer and fewer providers.

And what will that lead to? It will lead to long lines, and it will lead to rationing as a natural thing, not a

planned kind of rationing. That just will be the imbalance that we're going to have in the system.

Now, how do I know that's going to happen? Well, as I mentioned, it's already happening, but it's not showing up to the level you might expect just yet. But let's look at Massachusetts. Remember, Massachusetts and also Tennessee have comprehensive State programs, and since the comprehensive plan started in Massachusetts a few years ago, the waiting lines for doctors have grown now to an average of 6 weeks. Over 50 percent of primary care doctors are not accepting new patients. The reimbursements are going down, and so are the number of doctors. The waiting lines are getting longer.

The same happens in other countries that have single-payer systems such as Canada and Great Britain. And as a result, how do these people get care? They go to the emergency room. And where is the most expensive care? In the emergency room.

So you see, Madam Speaker, when you have a highly structured, bureaucratic, top-to-bottom system that micromanages behavior of individuals and providers, all you're going to get are higher costs. And ultimately, the only way you're going to control costs is through long lines and rationing.

Now, in ObamaCare, Democrats did something very clever. They didn't want to depend on Congress to make those tough decisions to cut reimbursements. So they created something called IPAB, the Independent Payment Advisory Board, which will be 15 unelected bureaucrats, not necessarily health care providers, appointed by the President. Again, they are unelected, and they will not be answering your phone when you call to complain. They will literally have more power than Congress itself in order to cut the benefits that you'll receive. They'll do it by way of reducing the types of services, the quality of services, and the payment for those services. It will happen in a lot of different ways, and it will begin to show up in delays, in more paperwork, misdiagnoses, and ultimately some very unfortunate outcomes that I can see coming down the road.

Now, Congress will have the responsibility of meeting certain targets of spending. But if they fail to meet those targets—and Congresses never reach those targets, that is, to cut spending by so much in Medicare—then it falls back to, it defaults back to IPAB, and IPABs will be the ones making those decisions. So call it what you will, there will be members of government, people who are on a governmental payroll, who will be making decisions about what services you will have.

Now, a lot has been said today about all the free services that you're going to receive, free Pap smears, free breast exams, free preventive health services. Madam Speaker, I have never seen any-

thing free in this society. Somebody is going to pay for that service. Somebody has got to pay somebody for doing it. Somebody has got to pay the secretary, somebody has to pay the provider, somebody has got to pay the rent. Nothing in this society is free. And I will tell you that any time somebody tells you something is free in ObamaCare or any other kind of health care insurance, they're just not being straight with you. Let's just be honest. Somebody is going to pay for it at one point or another.

Let's talk about the social conscience part of ObamaCare, which has a lot of us who are in the pro-life community very concerned. Remember, the President said that he would preserve conscience rights; that is, providers would not be forced to provide abortions or abortifacients, that is, pills that will create abortions, or anything that is against our conscience. And, in fact, the first version of ObamaCare that passed the House passed only because the pro-life Members of the Democrats said those protections have to be in there, the so-called Hyde amendment that says that no taxpayer dollars will be spent on abortions or abortion-like activities. However, when it came back from the Senate, another trick was pulled and that was pulled out of the legislation. But the President said, well, look, I'll write an Executive order, which really has very little meaning, certainly in the long term. Any President can rescind that. There are many different ways to end-run an Executive order if it's not something that's in statute. So, as a result, there are plenty of holes in ObamaCare like Swiss cheese that allow taxpayer funding of abortions.

Now for the first time in many years, a majority of Americans are pro-life. But I can tell you an overwhelming majority today and always has been against the taxpayer funding of abortions. But what we're dealing with today is not the taxpayer funding of abortions, that's already in law, and that's part of the reason to repeal it, but the fact that the President is now forcing religious institutions such as the Catholic Church to provide certain services that are against their conscience, such as abortifacients, abortions, and sterilizations. And so their choice is either to get out of health care entirely or to go along with the government and run into heavy fines.

So, where are we today with ObamaCare? Is it going to be repealed? Tomorrow ObamaCare will be repealed in the House of Representatives. That you can bet on. However, we all understand that there is a problem with the Senate, which is controlled by the very people who voted it in to begin with, and a President who, though he supports it and would not sign a repeal, says very little in defense of ObamaCare. But why? Because there's

very little that is desirable to defend in it.

So I look forward to another opportunity to vote for the full repeal and look forward to next year when we'll have the ability to repeal it lock, stock, and barrel, pull it out by its roots and start over again with step-by-step reform in health care with patient choices, as it should be.

□ 2130

REPEALING AFFORDABLE CARE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New York (Mr. TONKO) is recognized for 30 minutes as the designee of the minority leader.

Mr. TONKO. Madam Speaker, for a great number of hours today in this Chamber, there has been a great debate on whether or not to repeal the Affordable Care Act when we know fully that the chances are slim to move forward and the measure would not be signed into law. Is it political posturing? I believe it is, of a grand style.

There's a pattern being established here. There's been an attack—outright attack—on Social Security, attempts to privatize the system. It's been under attack for the last 76 years. It's been the underpinning that provides stability for working families across this great Nation. It has been a security piece that has enabled many to have at least assurances that there would be some support in family budgets as they move month to month. We know that that measure, Social Security, has been dealing with its enemies for a long time—since before it was made a law.

Likewise, Medicare, which came to us in the mid-sixties, enabled our senior community to have its health care needs met, provided predictability and stability for retired households, enabled people to enjoy a quality of life, a better quality of health care. We know that before Medicare, many of those who had retired expected to see their economic security dip south because of the expected cost of providing health care when they, perhaps, could not get that coverage in an insurance context.

So Medicare, as we know it today, would be undone by the Republican majority in this House. They would prefer to privatize Social Security, allow us to reach to the financial sector to, perhaps, see a repeat of what happened to so many individuals and families out there with this past recession, where they saw their lifetime savings wiped away, trillions lost in the American economy, pain and suffering endured by families across this land. They'd rather see a voucher system for Medicare, handing it over to the insur-

ance companies, to leave seniors digging deeper into their pockets.

So the pattern has been established here, and now a repeal of the Affordable Care Act before its full implementation, before given a chance as we arrive as the last industrialized Nation in the world to provide a universal health care coverage program. Unacceptable. Progress is struck. A decision is rendered by the highest court in the land, a conservative-leaning Court. Before the ink is dry on that decision, a move to repeal. The Court spoke. It has spoken to America and said the litmus test for constitutionality was debated and a decision rendered that said, yes, in fact, it meets the constitutionality test.

And so this evening, on the eve of the attempts to repeal the Affordable Care Act as it stands, is a very telling moment. It is one that suggests to us that there is this outright attempt to undo programs that serve our middle class so very well. And without a thriving middle class, our Nation is not prosperous. Without that thriving middle class, there's not purchasing power strong enough to provide the recovery of our economy. Without a strengthening of our middle class, there is not a confidence in the economy, a confidence that is needed so as to grow more customers for our business base.

And so the Affordable Care Act is offering promise and hope to millions, tens of millions, of Americans across this land. Whether you're insured, underinsured, uninsured, all categories will see strengthening because of this measure.

Think of it. I represent a large proportion of senior citizens who are concerned about their pharmaceutical costs. Many dealing with that doughnut hole have reached that threshold that requires them to dig into their pockets. We close that doughnut hole. We make more affordable the prescriptions that are required for people to stay well and, in some cases, to have the medications that keep them alive. We deny that opportunity to our Nation's seniors.

We deny the respect that we offer. We deny the dignity in the equation that speaks to affordable outcomes for the pharmaceuticals that our senior community requires. That doughnut hole would have been closed by 2020.

Further, at the other end of the age spectrum, many young adults, finding it difficult in this recession—and now the recovery period—to gain a job as they perhaps leave high school or college, are given the opportunity with the Affordable Care Act to remain on their family's policy until the age of 26. Therein lies a strong benefit for some 6.6 million young adults, denied with the repeal measure, denying access and affordability to health care situations. How many cases of young adults impacted by catastrophic illness or acci-

dents will it require to turn the hearts and the minds in a positive direction, that would not forego this opportunity for our Nation's young adults? A strong benefit associated with this package.

What about those who have a pre-existing condition? Some 17 million children in that category. And that's not to account for the many adults who would be denied because of preexisting conditions. Asthma in children, diabetes in our senior community, being a woman, utilized as a preexisting condition, an opportunity to deny coverage and the basic core need that we should consider to be truly American. Another benefit lost to the greedy notion of repealing success that was achieved in this House and the United States Senate and signed into law by this President.

What about the efforts to deny lifetime benefits as a threshold? Cutting people off of an insurance coverage at perhaps a very demanding time in their lives. Games played with people and their lives and their recovery; hope pulled from working families across this Nation because of an insensitivity of this Congress. A deplorable situation.

Assistance to our small business community. Now, if we profess our small business community to be the economic engine that is part and parcel of our economic comeback, our economic springboard, then would we not want to provide assistance in that basic core need area? Would we not want to allow tax credits to come the way of our small business community? Many, a majority of those businesses will remind all of us as Representatives that they want to provide for their employees.

□ 2140

They want a productive workforce. That means a strong and well workforce. And so they see it as a strong investment; one, however, that they could not afford in recent years because of the escalating costs, 18 percent larger bill than industry and perhaps weaker coverage.

They wanted that turned around. They wanted a smart approach, a businesslike approach, a sensitive response. They got it with the Affordable Care Act.

Progress denied, the small business engine weakened by this sort of neglect that could be advanced in this cited pattern of undoing Social Security, privatizing Social Security, changing Medicare as we know it forever, now repealing the Affordable Care Act. We see the pattern. We see the gross neglect, the disrespect for America's middle class, her working families.

So we go forward and we understand that, with the opportunities of an exchange, small employers, our small business community understands that if they're unable to enter into an exchange where all the private sector

participants agree to play by the rules, to sharpen their pencils, roll up their sleeves, provide the service, live within the parameters, and allow for the many to enter into a common exchange to provide corresponding benefits.

Think of it. If 1 of 10 in that employee firm of 20 were to be impacted with catastrophic illness, it's devastating, an actuarial impact that hits that small business owner hard in the pocketbook because of the premium increase for that 1 person of the 10 you employ.

If those same 10 employees were allowed to enter the exchange, a better outcome, a different outcome, a stronger outcome for the economic recovery of this Nation because the gross majority of jobs being produced in this comeback are being done by our small business community.

And so, you know, the formula is quite obvious. We want a comeback. We want that strongest response here from Washington for that kick that we endured from a recession that drained us of 8.2 million jobs.

The best way to do it, first of three principles, small business. Provide for the strengthening of small business, which the Affordable Care Act does, because that small business community has forever been the pulse of American enterprise.

Secondly, invest in that entrepreneur, the dreamer, the mover, the shaker. It always stretched us, since our days of pioneer spirit with the Industrial Revolution and the westward movement, very familiar to the district I represent, which is the donor area to the Erie Canal in upstate New York in the capital region, Mohawk Valley. That pioneer spirit exists in our fabric today. It's our DNA. Invest in the entrepreneur. To be the ideas economy kingpin, we rely on these wizards to build us, sustain us, stretch us, empower us.

And then finally, invest in a thriving middle class, which the Affordable Care Act does. It enables us, as a middle class community, to be bolstered by the confidence, the security, the stability that has come with this success story in guaranteeing access and affordability to quality health care that will underscore the value of wellness and not just deal with illness, that will put together efforts to cost contain, that will bring people into a structured program so that we can monitor their activities and connect them to a system.

You know, you'll hear from some on the floor, we don't want to pay for this. It's going to cost us too much.

We're paying today for the neglect, for the consequences of a not-so-perfect system. Status quo will not cut it, and so we need to go forward with progressive policies, with the soundness of reform, with the boldness of transition, with the confidence we can instill, with

the progressiveness of policies that we can draft.

And so it is a sad note here echoed in this Chamber, that would attempt to unravel, dilute, destroy, deny the promise we can make to America.

As I look at this effort for a comeback, the containment of health care costs is just one of those areas that we need to help control. Create that better environment in which to grow jobs, cultivate a prosperity. It's important. It's important for us to understand that it is part of an economic recovery equation.

But there's also the wisdom of investing in education, in higher education, again, under attack by a system that does not always profess the strength of research and education and patents and discovery.

We understand that we are in the midst of a global race on innovation, clean energy and ideas and high tech. To be outstanding competitors, to arrive at that race ready to conquer, we will need to be strong and fit in order to be the winning agent on that global scene.

We saw that order of passion. We saw that order of investment in the global race on space just decades ago. This Nation, impacted by a Sputnik moment, dusted off its backside and said, Never again. Never again.

And what was the result?

Together, a Nation grew in its commitment to winning the global race on space. We are going to be that agent, that Nation, that proud people that would stake the American flag on the Moon. And we won that race because of a commitment, because of investment in the soundness of the people of this great country and her business community. We embraced research. We embraced science. We believed in our strength as a people, and the confidence exuded was the elixir that brought us to the victory.

Where is that like passion today? Where is that leadership?

A rather youthful President that led us in the sixties and challenged us, in almost replication today, finds us, interestingly, to be challenged by a rather youthful President asking us to enter into the global sweepstakes, committing with passion to the cause.

And so we need that investment in education, in higher education and research. Just today, in Schenectady, New York, in the 21st Congressional District of New York that I'm proud to represent, we announced formally the creation of the advanced battery manufacturing center at that facility of GE.

CEO Jeff Immelt traveled for the celebration, came to town to announce this wonderful, wonderful addition. That is America at work with her genius activity. That's America determined to win the global race on ideas.

Advanced battery manufacturing, the battery, the linchpin to so much poten-

tial out there, to grow domestic supplies of energy, to grow jobs as we grow our energy future, to reduce the glutinous dependency on fossil-based fuels, oftentimes imported from some of the most unfriendly nations to the United States, sending hundreds of billions of dollars annually to those foreign treasuries that are then used to train troops to fight against our own daughters and sons on the battlefield.

□ 2150

Unacceptable. There is a better way, and this Congress knows it.

We invest in jobs. We invest in health care. We invest in education. We invest in research. We do it in a way that promises our best attempt as a Nation to generations yet unborn. Someone was there for us, and we need to be there for future generations of Americans to provide the sort of cutting-edge opportunity that will spell America at her best. I look at that opportunity for not only battery manufacturing but nanotechnology and semiconductor signs, chip manufacturing.

The newly designed 20th Congressional District in New York that comprises a good portion of the now existing 21st District that I represent is probably one of the most technology invested-in congressional districts in the country. It is happening because there is this belief in the worker, a belief in the entrepreneur, a belief in the small business community, a belief in the industrial context of the district, and knowing full well that America's needs—be they for the environment or energy's sake or business creation, job creation, business opportunity—are inspiring this remarkable progress.

It requires our moving forward with a plan. It requires our moving forward academically with the soundness of policy and with the corresponding resource advocacy that will yield lucrative dividends. I see it all the time. I see it in energy-efficiency programs that produce jobs, that enable us to capture waste heat. That is part of the energy process, enabling us to be much more efficient. Efforts that enable us to create more and more patents in a world that has grown much more competitive, much more sophisticated we can ill afford to weaken in our attempts to be the kingmakers of the international economy.

The old American spirit, the history of this Nation replete with those rags to riches scenarios, that became the reason and the inspiration for the compilation of journeys made by our ancestors to these shores, because the opportunity called the "American Dream" became the prize for which they searched. I see it in my own roots. The proudest label I carry in life is as the grandson of immigrants. Their journey gave me great opportunity, and it gave my family great opportunity. Those journeys chased after the American Dream.

We need, beginning in this House Chamber, to reignite the American Dream, to go back to the core essence of who we are as a people, to reach into that American heart and soul that has forever relied on its passion that we can achieve because we have opportunity, and that we will not deny that opportunity, that we will strengthen the boldness of those dreams and enable us to respond to the needs of the moments and the future and to write our legacy as a generation of Americans.

Let us not fail in that attempt. Let us continue to reach deep into that American spirit. At a time when we were challenged and our economy was brought to its knees by failed policies that did not manage well, that did not provide for the stewardship of our resources, and when we tripped and fell, let it be known that, in the recovery, we were stronger than ever before. Because of that belief that our best days lay ahead of us, the belief that those best days were in the future, we moved forward, and we dug deep into that American spirit to respond with the respect for America's middle class. Our middle class—all of us in that middle class—have always understood if you play hard, if you abide by the rules, if you roll up your sleeves and do your best, you could rightfully anticipate the taste of success.

That is America in her most shining moments, and that is an economy that we can produce. It begins with the soundness of a strong and productive workforce that went through training and retraining, that got to taste the potential for success by that self discovery that comes with education, and to then understand our gifts so that we could share them in the most profound way, and then to provide for the wellness of that workforce so it could be most productive, so that the condi-

tioning that came with that sort of commitment and that order of respect and that potion of dignity could then allow for us to speak to a Nation that was humbled by its own beginnings, where the rightful stories of so many who made it their journey were written by a Nation that believed in her people.

So, tonight, on this eve of an attempt to repeal the Affordable Care Act, let us understand that our budget here in Washington, our actions with legislation, our responsiveness to the needs of the American people are an establishment of our priorities—a prescription of what we see our future to be—a reaching into the heart to say that we are a truly caring lot. That's what separates us from other nations. It is the uniqueness of America and her greatness. The Affordable Care Act is a measurement of not only sound policy; it is a statement of a compassionate society that understands it's not about oneself, that it's about neighbors, that it's about community, that it's about The Great Society.

It has been the history through the decades, through the vintages of time, that has enabled us to reach to the greatness of our government, to reach to the soundness of ideas and innovation, to respond to the challenges that have enabled us to build upon those who preceded us, always anticipating that the next generation would be made stronger.

We owe it to our children and grandchildren and generations yet unborn. Let them look at this moment in history, American history, knowing that America was challenged, that she stepped up to the plate and said “yes” to her people and truly made a difference, and allowed people to understand full well that the best days of this great Nation lie ahead of us.

With that, Madam Speaker, I yield back the balance of my time.

PUBLICATION OF BUDGETARY MATERIAL

REVISIONS TO THE AGGREGATES AND ALLOCATIONS OF THE FISCAL YEAR 2012 AND 2013 BUDGET RESOLUTIONS

Mr. RYAN of Wisconsin. Madam Speaker, pursuant to section 404 of H. Con. Res. 34, the House-passed budget resolution for fiscal year 2012, deemed to be in force by H. Res. 287, and sections 401 and 503 of H. Con. Res. 112, the House-passed budget resolution for fiscal year 2013, deemed to be in force by H. Res. 614 and H. Res. 643, I hereby submit for printing in the Congressional Record revisions to the budget allocations and aggregates set forth pursuant to the budget for fiscal years 2012 and 2013. The revision is designated for H.R. 6079. A corresponding table is attached.

The applicable concurrent resolutions on the budget allow adjustments pursuant to sections 302 and 311 of the Congressional Budget Act of 1974, as amended (Budget Act). For the purposes of the Budget Act, these revised aggregates and allocations are to be considered as aggregates and allocations included in the budget resolutions, pursuant to sections 101 of H. Con. Res. 34 and section 101 of H. Con. Res. 112.

H. Con. Res. 34 and H. Con. Res. 112 both included the budget impact of repealing the Affordable Care Act in their original budget aggregates and allocations. For enforcement purposes, however, sections 404 and 503 of H. Con. Res. 34 and H. Con. Res. 112, respectively, set their revenue aggregates at Congressional Budget Office baseline levels and provide for downward adjustments for certain enumerated policies, among which is the repeal of the Affordable Care Act. The attached table shows a revenue adjustment to H. Con. Res. 34 and H. Con. Res. 112 for H.R. 6079 only; the spending impact is not shown since it is already assumed in the original budget resolution aggregates.

BUDGET AGGREGATES

(On-budget amounts, in millions of dollars)

	Fiscal Year		
	2012	2013	2013–2022
Current Aggregates:			
Budget Authority	2,858,503	2,799,329	(1)
Outlays	2,947,662	2,891,863	(1)
Revenues	1,877,839	2,258,522	32,416,513
Repeal of Obamacare Act (H.R. 6079):			
Budget Authority	0	0	(1)
Outlays	0	0	(1)
Revenues	–15,000	–26,000	–734,000
Revised Aggregates:			
Budget Authority	2,858,503	2,799,329	(1)
Outlays	2,947,662	2,891,863	(1)
Revenues	1,862,839	2,232,522	31,682,513

¹ Not applicable because annual appropriations acts for fiscal years 2013 through 2022 will not be considered until future sessions of Congress.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1379. An act to amend title 11, District of Columbia Official Code, to revise certain administrative authorities of the District of Columbia courts, and to authorize the District of Columbia Public Defender Service to provide professional liability insurance for officers and employees of the Service for

claims relating to services furnished within the scope of employment with the Service; to the Committee on Oversight and Government Reform.

ADJOURNMENT

Mr. TONKO. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, July 11, 2012, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6792. A letter from the Director, Program Development and Regulatory Analysis, Rural Development Utilities Programs, Department of Agriculture, transmitting the Department's final rule — Substantially Underserved Trust Areas (SUTA) (RIN: 0572-AC23) received June 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6793. A letter from the Acting Director, Legislative Affairs Division, Department of Agriculture, transmitting the Department's final rule — Appeal Procedures [Docket No. NRCS-2011-0017] (RIN: 0578-AA59) received June 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6794. A letter from the Director, Regulatory Review Group, Department of Agriculture, transmitting the Department's final rule — Section and Functions of Farm Service Agency State and County Committees (RIN: 0560-AG90) received June 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6795. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Methyl bromide; Pesticide Tolerances [EPA-HQ-OPP-2012-0245; FRL-9352-4] (RIN: 2070-ZA16) received June 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6796. A letter from the Regulatory Specialist, Department of the Treasury, transmitting the Department's final rule — Alternatives to the Use of External Credit Ratings in the Regulations of the OCC [Docket ID: OCC-2012-0005] (RIN: 1557-AD36) received June 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6797. A letter from the Regulatory Specialist, Department of the Treasury, transmitting the Department's final rule — Lending Limits [Docket ID: OCC-2012-0007] (RIN: 1557-AD59) received June 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6798. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Guidelines for the Supervisory Review Committee received June 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6799. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Listing Standards for Compensation Committees [Release Nos.: 33-9330; 34-67220; File No. S7-13-11] (RIN: 3235-AK95) received June 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6800. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Final Priorities; Na-

tional Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Rehabilitation Engineering Research Centers (RERC) Catalog of Federal Domestic Assistance [CFDA Number: 84.133E-1 and 84.133E-3] received June 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6801. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Final Priorities; National Institute on Disability and Rehabilitation Research (NIDRR)—Disability and Rehabilitation Research Projects and Centers Program—Disability Rehabilitation Research Project (DRRP)—Burn Model Systems Centers [CFDA Number: 84.133A-3] received June 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6802. A letter from the Acting Director, Office of Regulatory Affairs and Collaborative Action, AS-IA, Department of the Interior, transmitting the Department's final rule — Heating, Cooling, and Lighting Standards for Bureau-Funded Dormitory Facilities [Docket ID: BIA-2012-0001] (RIN: 1076-AF10) received June 12, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6803. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Revisions to the Georgia State Implementation Plan [EPA-R04-OAR-2010-0969; FRL-9686-9] received June 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6804. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Determination of Attainment of the 1997 Ozone Standard for the Western Massachusetts Nonattainment Area [EPA-R01-OAR-2011-0960; A-1-FRL-9688-4] received June 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6805. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval, Disapproval and Promulgation of Air Quality Implementation Plans; Texas; Determination of Failure to Attain the 1-Hour Ozone Standard [EPA-R06-OAR-2011-0775; FRL-9688-3] received June 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6806. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval, Disapproval and Promulgation of Air Quality Implementation Plan; Utah; Maintenance Plan for the 1-Hour Ozone Standard for Salt Lake and Davis Counties [EPA-R08-OAR-2011-0719; FRL-9683-1] received June 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6807. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Determination of Failure to Attain the One-Hour Ozone Standard by 2007, Determination of Current Attainment of the One-Hour Ozone Standard, Determinations of Attainment of the 1997 Eight-Hour Ozone Standards for the New York-Northern New Jersey-Long Island Nonattainment Area in

Connecticut, New Jersey and New York [EPA-R02-OAR-2011-0956; FRL-9682-7] received June 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6808. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — TSCA Inventory Update Reporting Modifications; Chemical Data Reporting; 2012 Submission Period Extension [EPA-HQ-OPPT-2009-0187; FRL-9353-1] (RIN: 2070-AJ43) received June 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6809. A letter from the Deputy Chief, CGB, Federal Communications Commission, transmitting the Commission's final rule — Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges ("Cramming"); Consumer Information and Disclosure; Truth-in-Billing and Billing Format [CG Docket No.: 11-116] [CG Docket No.: 09-158] [CC Docket No.: 98-170] received May 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6810. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Llano, Texas) [MB Docket No.: 11-168, RM-11642] received June 4, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6811. A letter from the Deputy General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Transmission Planning and Coast Allocation by Transmission Owning and Operating Public Utilities [Docket No.: RM10-23-001; Order No. 1000-A] received May 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6812. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-1416; Directorate Identifier 2011-NM-156-AD; Amendment 39-17056; AD 2012-10-07] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6813. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab AB, Saab Aerosystems Airplanes [Docket No.: FAA-2012-0184; Directorate Identifier 2011-NM-118-AD; Amendment 39-17055; AD 2012-10-06] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6814. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2012-0042; Directorate Identifier 2011-NM-154-AD; Amendment 39-17057; AD 2012-10-08] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6815. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; International Aero Engines AG Turbofan Engines [Docket No.: FAA-2009-1100; Directorate Identifier 2009-NE-37-AD; Amendment 39-17044; AD 2012-09-09] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6816. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Piper Aircraft, Inc. Airplanes [Docket No.: FAA-2012-0251; Directorate Identifier 2012-CE-002-AD; Amendment 39-17058; AD 2012-10-09] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6817. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Airplanes [Docket No.: FAA-2012-0105; Directorate Identifier 2011-NM-123-AD; Amendment 39-17049; AD 2012-09-14] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6818. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2011-1321; Directorate Identifier 2011-NM-045-AD; Amendment 39-17047; AD 2012-09-12] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6819. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2011-1327; Directorate Identifier 2011-NM-091-AD; Amendment 39-17048; AD 2012-09-13] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6820. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hawker Beechcraft Corporation Airplanes [Docket No.: FAA-2012-0218; Directorate Identifier 2012-CE-003-AD; Amendment 39-17051; AD 2012-10-02] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6821. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Boeing Company Model 767-200, -300, -300F, and -400ER Series Airplanes [Docket No.: FAA-2011-0044; Directorate Identifier 2010-NM-059-AD; Amendment 39-17039; AD 2012-09-04] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6822. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2011-1095; Directorate Identifier 2010-NM-241-AD; Amendment 39-17032; AD 2012-08-15] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6823. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Airplanes [Docket No.: FAA-2011-1323; Directorate Identifier 2010-NM-212-AD; Amendment 39-17018; AD 2012-08-02] (RIN: 2120-08-02) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6824. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness

Directives; Airbus Airplanes [Docket No.: FAA-2012-0041; Directorate Identifier 2011-NM-167-AD; Amendment 39-17037; AD 2012-09-02] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6825. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier, Inc. Airplanes [Docket No.: FAA-2012-0036; Directorate Identifier 2011-NM-142-AD; Amendment 39-17028; AD 2012-08-11] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6826. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Airplanes [Docket No.: FAA-2011-1413; Directorate Identifier 2011-NM-062-AD; Amendment 39-17036; AD 2012-09-01] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6827. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; SOCATA Airplanes [Docket No.: FAA-2012-0250; Directorate Identifier 2011-CE-043-AD; Amendment 39-17063; AD 2012-10-14] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6828. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab AB, Saab Aerosystems Airplanes [Docket No.: FAA-2011-1410; Directorate Identifier 2011-NM-033-AD; Amendment 39-17038; AD 2012-09-03] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6829. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada Turbo-prop Engines [Docket No.: FAA-2012-0417; Directorate Identifier 2012-NE-11-AD; Amendment 39-17045; AD 2012-09-10] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6830. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Burkhart GROB Luft- und Raumfahrt GmbH Powered Sailplanes [Docket No.: FAA-2012-0324; Directorate Identifier 2012-CE-008-AD; Amendment 39-17060; AD 2012-10-11] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6831. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sicma Aero Seat Passenger Seat Assemblies, Installed on, but not Limited to, ATR-GIE Avions de Transport Regional Airplanes [Docket No.: FAA-2012-0334; Directorate Identifier 2012-NM-001-AD; Amendment 39-17024; AD 2012-08-07] (RIN: 2120-AA64) received June 8, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. BONNER: Committee on Ethics. In the Matter of Allegations Relating to Representative Vernon G. Buchanan (Rept. 112-588). Referred to the House Calendar.

Mr. SIMPSON: Committee on Appropriations. H.R. 6091. A bill making appropriations for the Department of the Interior, environment, and related agencies for the fiscal year ending September 30, 2013, and for other purposes (Rept. 112-589). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Rules. H. Res. 726. A resolution providing for consideration of the bill (H.R. 4402) to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness (Rept. 112-590). Referred to the House Calendar.

Mr. UPTON: Committee on Energy and Commerce. H.R. 5859. A bill to repeal an obsolete provision in title 49, United States Code, requiring motor vehicle insurance cost reporting, with an amendment (Rept. 112-591). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. DUNCAN of South Carolina: H.R. 6090. A bill to amend the South Carolina National Heritage Corridor Act of 1996 to designate the management entity for the South Carolina National Heritage Corridor, and for other purposes; to the Committee on Natural Resources.

By Ms. DeGETTE: H.R. 6092. A bill to implement updated pay and personnel policies in order to improve the recruitment and retention of qualified Federal wildland firefighters and to reduce the Federal Government's reliance on the more costly services of non-Federal wildfire resources; to the Committee on Oversight and Government Reform.

By Mr. SMITH of Nebraska: H.R. 6093. A bill to establish a moratorium on aerial surveillance conducted by the Administrator of the Environmental Protection Agency under the Federal Water Pollution Control Act; to the Committee on Transportation and Infrastructure.

By Mrs. CAPPS (for herself, Mr. ENGEL, and Ms. SCHAKOWSKY):

H.R. 6094. A bill to amend title 49, United States Code, to prohibit rental of motor vehicles under a safety recall because of a defect related to motor vehicle safety or non-compliance with an applicable motor vehicle safety standard until the defect or non-compliance is remedied, and for other purposes; to the Committee on Energy and Commerce.

By Mr. DEUTCH: H.R. 6095. A bill to authorize the Secretaries of the military departments to provide an exception to the standards for awarding the Purple Heart for veterans of World War II whose service records are incomplete because of damage to the permanent record; to the Committee on Armed Services.

By Mr. RUNYAN (for himself and Mr. PALLONE):

H.R. 6096. A bill to reauthorize various Acts relating to Atlantic Ocean marine fisheries; to the Committee on Natural Resources.

By Mr. SENSENBRENNER (for himself, Mrs. BLACK, Mr. PETRI, Mr. UPTON, Mr. FORTENBERRY, Mr. QUAYLE, Mrs. MILLER of Michigan, Mr. TERRY, Mr. SULLIVAN, Mr. FITZPATRICK, Mr. SHIMKUS, Mr. NUNES, Mr. SESSIONS, Mr. SCHILLING, Mr. FRANKS of Arizona, Mr. DUFFY, Mr. HUIZENGA of Michigan, Mr. PITTS, Mr. RIBBLE, Mr. GINGREY of Georgia, Mr. BROUN of Georgia, Mr. MULVANEY, Mr. JORDAN, Mrs. SCHMIDT, Mr. BURGESS, Mrs. ADAMS, Mr. CHABOT, Mr. POE of Texas, Mr. GALLEGLY, Mr. DANIEL E. LUNGREN of California, Mr. MARINO, Mr. GOHMERT, Mr. CHAFFETZ, Mr. FORBES, Mr. GRIFFIN of Arkansas, Mr. KING of Iowa, Mr. AMODEI, Mr. GOODLATTE, Mr. WOLF, Mr. CANSECO, Mr. LANKFORD, Mr. PENCE, Mr. HARPER, Mr. AUSTRIA, Mr. GOWDY, Mr. ISSA, Mr. KINGSTON, Mr. WESTMORELAND, Mr. ROONEY, Mr. PRICE of Georgia, Mr. RYAN of Wisconsin, Mr. MANZULLO, Mr. KINZINGER of Illinois, Mr. ROKITA, Mr. NUGENT, Mr. LUETKEMEYER, and Ms. FOXF):

H.R. 6097. A bill to exempt employers from any excise tax and certain suits and penalties in the case of a failure of a group health plan to provide coverage to which an employer objects on the basis of religious belief or moral conviction; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANCE (for himself, Mr. QUIGLEY, Mr. JOHNSON of Illinois, Mr. COOPER, and Mr. SCHIFF):

H. Res. 727. A resolution directing the Clerk of the House of Representatives to provide members of the public with Internet access to certain Congressional Research Service publications, and for other purposes; to the Committee on House Administration.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. DUNCAN of South Carolina:
H.R. 6090.

Congress has the power to enact this legislation pursuant to the following:

This legislation speaks to concerns normally within the purview of the several states. However, in the past, the federal government has taken powers beyond constitutional reach as it relates to these programs. This legislation is constitutional because it follows the desires of the sovereign state of South Carolina as provided for by our Governor. As such, it follows the 10th Amendment which rightly holds these rights to the several sovereign states.

By Mr. SIMPSON:

H.R. 6091.

Congress has the power to enact this legislation pursuant to the following:

The principal constitutional authority for this legislation is clause 7 of section 9 of article I of the Constitution of the United States (the appropriation power), which states: "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . ." In addition, clause 1 of section 8 of article I of the Constitution (the spending power) provides: "The Congress shall have the Power . . . to pay the Debts and provide for the common Defence and general Welfare of the United States . . ." Together, these specific constitutional provisions establish the congressional power of the purse, granting Congress the authority to appropriate funds, to determine their purpose, amount, and period of availability, and to set forth terms and conditions governing their use.

By Ms. DEGETTE:

H.R. 6092.

Congress has the power to enact this legislation pursuant to the following:

Article IV, section 3, Clause 2 of the Constitution of the United States.

By Mr. SMITH of Nebraska:

H.R. 6093.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 (Commerce Clause)

Article I, Section 8, Clause 18 (Necessary and Proper Clause)

By Mrs. CAPPS:

H.R. 6094.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. DEUTCH:

H.R. 6095.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution Clause 14, which grants Congress the power to make Rules for the Government and Regulation of the land and naval Forces.

By Mr. RUNYAN:

H.R. 6096.

Congress has the power to enact this legislation pursuant to the following:

The Commerce Clause, Article 1, Section 8, Clause 3 of the Constitution

By Mr. SENSENBRENNER:

H.R. 6097.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 7 which provides that "All bills for raising Revenue shall originate in the House of Representatives."

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 139: Ms. LORETTA SANCHEZ of California.

H.R. 360: Mr. JOHNSON of Illinois.

H.R. 459: Ms. BERKLEY and Mr. SCHIFF.

H.R. 615: Mr. WOMACK.

H.R. 750: Mr. BROOKS.

H.R. 763: Mr. WOMACK.

H.R. 904: Mr. WOMACK.

H.R. 975: Mr. HONDA and Mr. BLUMENAUER.

H.R. 1111: Mr. LANKFORD.

H.R. 1193: Ms. HAHN.

H.R. 1297: Mr. WOMACK.

H.R. 1340: Mrs. ROBY.

H.R. 1370: Mr. SCOTT of South Carolina.

H.R. 1448: Mr. HONDA.

H.R. 1464: Mr. PASCRELL.

H.R. 1519: Mr. DONNELLY of Indiana.

H.R. 1543: Ms. BONAMICI, Mr. BISHOP of New York, and Mr. LATOURETTE.

H.R. 1612: Mr. KISSELL.

H.R. 1614: Mr. WILSON of South Carolina.

H.R. 1639: Ms. HAYWORTH.

H.R. 1653: Mrs. ELLMERS and Ms. HAYWORTH.

H.R. 1720: Mr. POLIS.

H.R. 1739: Mr. RUSH.

H.R. 1746: Ms. WATERS.

H.R. 1774: Mr. BLUMENAUER.

H.R. 1860: Mrs. NOEM.

H.R. 1865: Mr. WOMACK.

H.R. 1876: Mr. WALZ of Minnesota.

H.R. 1916: Ms. SLAUGHTER.

H.R. 1993: Mr. MILLER of Florida.

H.R. 2193: Mr. JACKSON of Illinois, Ms. WILSON of Florida, and Ms. RICHARDSON.

H.R. 2194: Ms. FUDGE and Mr. BACA.

H.R. 2239: Ms. HIRONO.

H.R. 2280: Mr. GRIJALVA.

H.R. 2328: Mr. CICILLINE.

H.R. 2335: Mr. BROUN of Georgia.

H.R. 2364: Ms. SCHAKOWSKY.

H.R. 2600: Mr. REYES, Mr. CASSIDY, Ms. CASTOR of Florida, Mr. WELCH, and Mr. WILSON of South Carolina.

H.R. 2672: Mr. CARSON of Indiana.

H.R. 2918: Mr. HARRIS.

H.R. 2954: Mr. BLUMENAUER.

H.R. 2992: Mr. CALVERT.

H.R. 3015: Mr. BACHUS and Mr. KISSELL.

H.R. 3053: Ms. WILSON of Florida and Mr. WAXMAN.

H.R. 3098: Mr. OLSON.

H.R. 3102: Mr. BACA.

H.R. 3159: Ms. BUERKLE.

H.R. 3187: Ms. PINGREE of Maine and Mr. MATHESON.

H.R. 3232: Mr. POLIS.

H.R. 3337: Mr. KING of New York, Mr. PALAZZO, Mr. THOMPSON of Pennsylvania, and Ms. HAYWORTH.

H.R. 3357: Mr. CAPUANO.

H.R. 3395: Mr. SHULER.

H.R. 3423: Mr. PALAZZO.

H.R. 3429: Mr. FARENTHOLD.

H.R. 3432: Mr. McDERMOTT and Mr. SCHIFF.

H.R. 3485: Mr. HASTINGS of Florida.

H.R. 3496: Mr. JOHNSON of Illinois and Ms. LEE of California.

H.R. 3497: Mr. PAULSEN and Mr. CARSON of Indiana.

H.R. 3612: Mr. CANSECO and Mr. PAUL.

H.R. 3618: Ms. EDWARDS and Mr. KILDEE.

H.R. 3661: Mr. GIBBS, Mr. LEWIS of Georgia, and Mr. DUFFY.

H.R. 3712: Ms. LINDA T. SANCHEZ of California.

H.R. 3713: Ms. HAYWORTH and Mr. DENT.

H.R. 3760: Mr. FRELINGHUYSEN.

H.R. 3803: Mr. DANIEL E. LUNGREN of California.

H.R. 3819: Mr. WALBERG.

H.R. 3862: Mr. PITTS.

H.R. 4051: Mr. HOLT and Ms. ZOE LOFGREN of California.

H.R. 4052: Mr. HOLT, Mr. RUSH, and Mr. POE of Texas.

H.R. 4070: Mr. PLATTS.

H.R. 4115: Ms. HERRERA BEUTLER.

H.R. 4124: Mr. BURGESS.

H.R. 4196: Mr. MICHAUD.

H.R. 4238: Mr. CARSON of Indiana.

H.R. 4247: Mr. COHEN.

H.R. 4256: Mr. WOMACK.

H.R. 4271: Mr. BLUMENAUER.

H.R. 4287: Mr. GIBSON, Mr. STARK, Mr. BISHOP of Georgia, Mr. CLAY, Ms. DEGETTE, Mr. HINOJOSA, and Ms. HAYWORTH.

H.R. 4313: Mr. WALZ of Minnesota.

H.R. 4322: Mr. WALBERG.

H.R. 4362: Mr. QUIGLEY.
 H.R. 4373: Mrs. MCCARTHY of New York and Mr. HUIZENGA of Michigan.
 H.R. 4481: Mr. FLORES.
 H.R. 4643: Mr. YODER.
 H.R. 4953: Mr. NEAL.
 H.R. 4972: Ms. HIRONO.
 H.R. 5542: Mr. BRADY of Pennsylvania, Mr. KEATING, Mr. HEINRICH, Mr. BISHOP of New York, and Mr. ANDREWS.
 H.R. 5684: Mr. GARAMENDI.
 H.R. 5707: Mr. SCHRADER.
 H.R. 5716: Mr. GALLEGLY.
 H.R. 5741: Mr. COLE and Mr. RIVERA.
 H.R. 5748: Mr. CLAY.
 H.R. 5796: Ms. BALDWIN and Mr. HINCHEY.
 H.R. 5822: Mr. TURNER of New York, Mr. LANKFORD, and Mr. PITTS.
 H.R. 5848: Mr. BLUMENAUER.
 H.R. 5864: Mr. PETERS.
 H.R. 5879: Mr. BOSWELL and Mr. WITTMAN.
 H.R. 5893: Ms. HANABUSA.
 H.R. 5914: Mr. POLIS.
 H.R. 5953: Mr. NUNNELEE.
 H.R. 5963: Mr. LANKFORD.
 H.R. 5969: Mr. CARTER.
 H.R. 5970: Mr. CARTER.
 H.R. 5986: Mr. COBLE.
 H.R. 6048: Mr. LONG and Mr. GOODLATTE.
 H.R. 6060: Mr. HEINRICH.
 H.R. 6079: Mr. BRADY of Texas, Mr. NEUGEBAUER, Mr. HURT, Mr. GUTHRIE, Mr. NUGENT, Mr. ROGERS of Alabama, Mr. THORNBERRY, Mrs. BLACKBURN, Mr. JOHNSON of Ohio, Mr. CASSIDY, Mr. LAMBORN, Mr. CONAWAY, Mr. SOUTHERLAND, Mrs. EMERSON, Mr. GUINTA, Ms. ROS-LEHTINEN, Mr. WALDEN, Mr. CULBERSON, Mr. LANDRY, Mr. GIBBS, Mr. FRANKS of Arizona, Mr. WHITFIELD, Mr. MURPHY of

Pennsylvania, Mr. GRIFFITH of Virginia, Mr. SHUSTER, Mr. GINGREY of Georgia, Mr. LABRADOR, Mr. QUAYLE, Mr. GRIFFIN of Arkansas, Mr. MACK, Mr. PALAZZO, Mr. GOSAR, Mr. GOWDY, Mr. GOODLATTE, Mr. WILSON of South Carolina, Mrs. MILLER of Michigan, Mr. CHAFFETZ, Mr. BURTON of Indiana, Mr. ROSS of Florida, Ms. BUERKLE, Mrs. BLACK, Mr. DANIEL E. LUNGREN of California, Mr. BERG, Mr. LUETKEMEYER, Mr. HUIZENGA of Michigan, Mr. MCKINLEY, Mr. BUCSHON, Mr. WALBERG, Mr. WOMACK, Mr. GRAVES of Georgia, Mr. POE of Texas, Mr. BOUSTANY, Mr. LANCE, Mr. CANSECO, Mr. OLSON, Mr. AUSTRIA, Mrs. ADAMS, Mr. AUSTIN SCOTT of Georgia, Mr. PAUL, Mr. COLE, Mr. SIMPSON, Mr. BISHOP of Utah, Mr. AMASH, Mr. PENCE, Mrs. SCHMIDT, Mr. HARPER, Mr. STIVERS, Mr. ROGERS of Kentucky, Mr. POMPEO, Mr. MICA, Mr. AKIN, Mr. DUNCAN of South Carolina, Mr. GRIMM, Mrs. CAPITO, Mr. JONES, Mr. ROONEY, Mr. HASTINGS of Washington, Mr. SAM JOHNSON of Texas, Mr. FARENTHOLD, Mr. GARY G. MILLER of California, Mrs. BACHMANN, Mr. COBLE, Mr. PEARCE, Mr. YODER, Mr. DIAZ-BALART, Mr. ADERHOLT, Mr. ROKITA, Mr. COFFMAN of Colorado, Ms. JENKINS, Mr. LANKFORD, Mr. WALSH of Illinois, Mr. HARRIS, Mr. MCCAUL, Mr. LONG, Mr. HUELSKAMP, Mr. NUNNELEE, Mr. FLORES, Mr. CRAVAACK, Mr. REHBERG, Mr. BURGESS, Mr. MCCLINTOCK, Mr. LATHAM, Mrs. ELLMERS, Mr. LATTA, Mr. KINZINGER of Illinois, Mr. AMODEI, Mr. THOMPSON of Pennsylvania, Mr. TURNER of New York, Mr. RIVERA, Mr. TERRY, Mr. Tipton, Mrs. ROBY, Mr. CAMPBELL, Mr. STEARNS, Mr. WOODALL, Mr. SCHWEIKERT, Mr. JORDAN, Mr. MULVANEY, Mr. DUNCAN of Tennessee, Mr. HUNTER, Mr. DUFFY, Mr. BARTON of

Texas, Mr. WESTMORELAND, Mrs. MYRICK, Mr. BENISHEK, Mr. BROUN of Georgia, Mr. FINCHER, Mr. BROOKS, Mr. CRAWFORD, Mr. TIBERI, Mr. FLAKE, Mr. STUTZMAN, Mr. CRENSHAW, Mr. MCHENRY, Mr. SCHOCK, Mr. SMITH of New Jersey, Mr. YOUNG of Indiana, Mr. PLATTS, Mr. LOBIONDO, Mr. WITTMAN, Mr. MILLER of Florida, Mr. SCOTT of South Carolina, Mrs. HARTZLER, Mr. SCALISE, and Ms. FOXX.

H.R. 6087: Ms. NORTON, Ms. BROWN of Florida, and Mr. TOWNS.

H.R. 6089: Mr. PEARCE.

H.J. Res. 13: Mr. MURPHY of Pennsylvania.

H.J. Res. 78: Ms. BASS of California and Mr. HIMES.

H.J. Res. 110: Mr. WALBERG.

H. Con. Res. 114: Mr. LAMBORN.

H. Con. Res. 129: Ms. BUERKLE.

H. Con. Res. 130: Ms. BONAMICI.

H. Res. 134: Mrs. BLACKBURN.

H. Res. 298: Mr. MURPHY of Connecticut, Ms. LINDA T. SANCHEZ of California, Mr. SESSIONS, Mr. DENT, and Mr. CLARKE of Michigan.

H. Res. 526: Mr. WALZ of Minnesota.

H. Res. 618: Mr. BISHOP of Georgia and Mr. SCHILLING.

H. Res. 662: Mr. BACHUS.

H. Res. 694: Mr. STARK, Mr. BACA, and Mr. HONDA.

H. Res. 704: Mr. SHERMAN and Mr. CARNAHAN.

H. Res. 713: Ms. DEGETTE, Mr. LEVIN, Mr. FARR, Mrs. DAVIS of California, Mr. STARK, and Mr. POLIS.

H. Res. 722: Mr. BACA.

EXTENSIONS OF REMARKS

HONORING DR. JAMES WILSON
MURRAY

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mrs. EMERSON. Mr. Speaker, I rise today in honor of Dr. James Wilson Murray's service as the executive director of General Baptist Ministries. Dr. Murray is retiring after 65 years of ministry. His service to our country and his community is unparalleled. I am incredibly thankful for the work he has done and the example he has set in Southern Missouri.

Dr. Murray served more than 20 years in the United States Marine Corps. He saw combat in both Korea and Vietnam and was recognized with three Purple Hearts and the Bronze Star Medal for valor. After leaving military service, Dr. Murray was president of Oakland City College for 33 years. He transformed the university from an unaccredited, declining college to a fully accredited university with more than 2,000 students on multiple campuses.

In addition to these incredible experiences and years of service, Dr. Murray has dedicated his life to the ministry of the General Baptist denomination. While serving as the executive director of General Baptist Ministries in Poplar Bluff, he established financial stability, provided ministerial credibility and implemented Mission One, a five-year initiative to offer new resources and enhanced communications to the people and ministries of the General Baptist denomination.

From the bottom of my heart, I appreciate everything he has done from his service in the Marine Corps to his time as executive director of General Baptist Ministries. I am proud to have Dr. Murray serve as an example in Southern Missouri, and I thank him for his years of dedication.

PERSONAL EXPLANATION

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mr. WILSON of South Carolina. Mr. Speaker, I submit the following remarks regarding my absence, due to travel delays with a lightning storm at Charlotte, from a vote which occurred on July 9, 2012. Listed below is how I would have voted if I had been present.

Roll Number 452—H.R. 4155 To direct the head of each Federal department and agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses—"aye."

THE FIRST ANNIVERSARY OF
SOUTH SUDAN'S INDEPENDENCE

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mr. CAPUANO. Mr. Speaker, yesterday, July 9, marked the one year anniversary of South Sudan's independence. A nation whose self-determination was long in the making, South Sudan had to struggle for its freedom, and millions of its people paid with their lives to reach that milestone. One year later, a country has been established, but its stability and prosperity are unfortunately far from assured.

As we know too well, conflict rages near the border between Sudan and South Sudan. Hundreds of thousands of refugees from Southern Kordofan and Blue Nile states in Sudan have streamed into South Sudan, and their numbers are only increasing. Men, women, and children in the conflict areas have been cut off from humanitarian supplies due to fighting between the Sudanese Armed Forces (SAF) and Sudan People's Liberation Movement-North (SPLM-N). Near constant bombing by the SAF has forced families to seek refuge in caves and travel hundreds of miles, sometimes by foot, to reach safety from the barrage.

Add to this the stress of fraught negotiations between Sudan and South Sudan on post-CPA implementation issues—such as border demarcation, oil transit, wealth and debt sharing, the status of Abyei—and you have a volatile situation that has been teetering on the edge of a cliff for months. In April, Sudan and South Sudan exchanged cross-border attacks. While negotiations have since resumed under the auspices of the United Nations High-Level Implementation Panel, they have yet to lead to many concrete developments, or to the implementation of the African Union/United Nations-approved road map.

Internally, South Sudan has its own problems that need attention. Violence and ethnic conflict has ebbed and flowed in Jonglei state over the past few years. Although the Government of the Republic of South Sudan has taken steps to address this, real concerns remain. Demobilization and disarmament must continue judiciously. In addition, the RSS government's laudable attempts to root out corruption and graft at all levels have been met with open hostility and far too much opposition from other officials. I encourage His Excellency President Salva Kiir Mayardit to continue fighting corruption and establish high standards for his government. Such an approach will better serve the people of South Sudan in the long run and will help guarantee a democracy founded on the soundest principles.

The United States must continue to pay strict attention to the needs of South Sudan as

it further establishes itself with an eye toward longevity. This means supporting responsible policies put forth by the RSS government and telling hard truths to our friends when necessary. We must stress the importance of finding a solution to the oil crisis. We must maintain strides made thus far in development in South Sudan and encourage further progress through proper governance, capacity-building, investment, and promotion of agriculture. The American people have invested too much in the success of South Sudan to turn back now.

So, on this anniversary of South Sudan's independence, I join in celebrating the initial achievement, but I also pledge my commitment to seeing South Sudan emerge as a fully competent, robust, and vibrant democracy in the years ahead.

IN HONOR OF KEITH RUNYON FOR
HIS 43 YEARS OF JOURNALISTIC
EXCELLENCE AT THE LOUIS-
VILLE COURIER-JOURNAL

HON. JOHN A. YARMUTH

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mr. YARMUTH. Mr. Speaker, I rise today to pay tribute to a newsman and writer whose desire to inform and enrich his community led to a 43-year career in journalism.

Keith Runyon retired from the Louisville Courier-Journal in April, leaving behind a matchless legacy. One of Kentucky's longest-serving and most distinguished journalists, Keith spent 35 years on the newspaper's editorial board, where he skillfully guided the C-J through times of national turmoil and triumph to local controversy and accomplishment.

The landscape of Keith's career is decorated with awards, and earlier this year he received one of the most prestigious: The Society of Professional Journalists' acclaimed Sigma Delta Chi Award.

Keith was the last member of the editorial board to have a direct connection to the Bingham Family, who owned and operated the Louisville Courier-Journal for three generations. The Bingham's two-tiered commitment to solid, fact-based journalism and advocacy for social justice has always remained—in Keith, and in all those who he has advised over the years.

But Keith's field of vision has always been broader than political reporting and commentary. Through most of his career, he also served as editor of the C-J's books page, driving to expand coverage of literature and nonfiction at a time when most major U.S. newspapers are cutting back.

Among the many responsibilities of journalists and commentators is to fully envision the kind of community where you want to live and work to achieve it. We are indebted to Keith

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for his years spent in service of that cause. His legacy will be the decency, equality, and justice that he fought for and inspired throughout our community.

On behalf of the 3rd Congressional District, I thank Keith for more than four decades of contributions to our city, and I wish him years of happiness and continued success in his retirement.

PERSONAL EXPLANATION

HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mr. RYAN of Wisconsin. Mr. Speaker, due to a delay of my flight to Washington, D.C., I missed rollcall vote 452. Had I been present, I would have voted "yes" on the motion to suspend the rules and pass H.R. 4155, a bill to direct the head of each Federal department and agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

ON THE OCCASION OF THE THIRTIETH ANNUAL METRO DETROIT YOUTH DAY

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mr. PETERS. Mr. Speaker, I ask my colleagues to rise today to recognize the organizers, supporters and participants of the 30th annual Metro Detroit Youth Day.

In 1982, Detroit Mayor Coleman A. Young asked Mr. Ed Deeb to rise to the challenge of restoring relationships between the local business community and the youth of Detroit. From this need, Mr. Deeb, Mr. Tom Fox and the late Mr. Jerry Blocker founded Youth Day, an annual event which strengthened ties between Detroit business owners and youth. Under Mr. Deeb's leadership as chairman and coordinator of Youth Day, it has continued to grow and evolve into an event focused on nurturing the great potential of our youth and community support in the City of Detroit.

Youth Day has grown from eleven hundred participants the first year to over thirty-seven thousand annually, with more than seven hundred thousand youth participants throughout its history. Of equal importance are the more than fifteen hundred annual volunteers who come from more than 320 organizations and 310 businesses and civic groups who supervise sports clinics, games, contests and many other activities that are a part of this daylong event.

Youth Day's evolution included expanding its impact on participants, supporters and volunteers. As part of this expansion, Youth Day began to focus on providing youth with guidance, mentoring, substance abuse prevention and motivational activities designed to allow them to channel their creativity and ideas into positive outcomes, as well as provide the opportunity to pursue higher education. This

year, participants will also have the opportunity to attend workshops on anti-bullying and obesity.

To promote higher education, Youth Day began awarding participants with scholarships for youth who displayed outstanding citizenship, leadership and service. Since 1992, over seven hundred scholarships have been awarded to graduating high school seniors in Metro Detroit, and over eighty will be awarded this year. In addition to the scholarship awards, several colleges will have information booths at Youth Day to showcase opportunities for higher education.

The fifty-person Youth Day Executive Board spearheads volunteer and event organization. Ed's vision speaks for itself, as Youth Day has been awarded numerous accolades including a Point of Light award from President George H.W. Bush and the Physical Fitness Award from the Governor's Council.

Mr. Speaker, I ask my colleagues to join me in celebrating the 30th annual Metro Detroit Youth Day and recognizing the organizers, supporters, volunteers and participants for working together to build a stronger future for Michigan youth in Metro Detroit.

HONORING THE GRAND HOTEL

HON. DAN BENISHEK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mr. BENISHEK. Mr. Speaker, let it be known it is an honor to commemorate the occasion of the 125th anniversary of the opening of the Grand Hotel in Mackinac Island, Michigan.

The idea for a hotel on scenic Mackinac Island in Lake Huron became a reality when the Mackinac Island Hotel Company was formed by two railroads and a steamship company to promote tourism in the region. On July 10, 1887, the Grand Hotel opened its doors to the world. Using a force of 600 carpenters and 1.5 million Michigan White Pine boards, the original hotel was completed in just 93 days.

In the 1930s, W. Stewart Woodfill, who joined the hotel as a clerk in 1919, purchased the hotel and became its new owner. In 1960, Dan Musser, an employee since 1951, became the president of the hotel. The Mussers purchased the hotel in 1979 and have owned it since that time.

Throughout its history, the hotel welcomed many luminaries and statesmen including Mark Twain and Thomas Edison in addition to Presidents Harry S. Truman, John F. Kennedy, Michigan's own Gerald Ford, George H.W. Bush and Bill Clinton.

The Grand Hotel is set on picturesque Mackinac Island. In addition to relaxing or participating in sports such as golf or tennis, patrons of the hotel can explore the Mackinac Island State Park, visit nearby Fort Mackinac, the oldest building in the state of Michigan, or enjoy bicycling or horseback riding. The island has banned motorized transportation since 1898. Although over a century has passed, some things never change, as the hotel still holds afternoon tea and patrons must wear proper evening dress at dinner.

The hotel still holds the record for possessing the longest porch in the world, at 660 feet long. It has been on Michigan's State Historical Register since 1957, was added to the National Historical Register in 1972, and became a National Historical Landmark in 1989. Aside from its historical status, the Grand Hotel has worked to make the facility as green as the forests which surrounds it.

In its 125 years of operation, the Grand Hotel has represented an important link to the Great Lake State's past and its future. I wish the Grand Hotel and its staff a very happy anniversary. May it enjoy another 125 years of continued success in preserving an important and thriving summer destination.

As a final note, I would like to invite all Members of this body and all Americans to come to Northern Michigan and experience the natural beauty and friendly hospitality that make my home state one of the best places in the country to visit.

THE ALEH FOUNDATION PAID TRIBUTE TO MIKE SILVERSTEIN AT THEIR 28TH YEAR MILESTONE GALA

HON. MICHAEL G. GRIMM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mr. GRIMM. Mr. Speaker, Mike Silverstein was a legendary figure in the shoe industry and co-founded NINA Footwear in 1953. Operating from a loft on Prince Street in New York City, the brothers, Stanley and Mike built Nina Footwear into one of the most widely respected independent companies in the shoe industry. Mike combined a flair for showmanship with true business acumen and was instrumental in developing the shoe industry's presence in New York City.

Mr. Silverstein was also renowned in other circles. To so many who knew Mike Silverstein, as well as to the disabled children that Aleh Foundation helps, Moshe "Mike" Silverstein is unforgettable, and has left his family and friends with warm and happy memories. His charismatic personality was joyously remembered by the Chairpersons, Honorees and the Raine & Stanley Silverstein Family Foundation during the Aleh 28th annual Awards Dinner to "Fulfill a Child's Dream." Friends in the industry in which he played a central role for decades will remember him fondly as he left behind a beautiful family; to include his children, Scott, Baron, Nanci, and Neil.

At the Dinner in the ballroom of the Museum of Jewish Heritage in Battery Park NYC, Rabbi Dr. Elie Abadie, an Aleh Foundation Rabbinical Board member and a strong supporter of the great work done by the Aleh Foundation, recited an emotional and special prayer dedicated to the deceased. Afterwards Rabbi Abadie then presented a Congressional certificate to Mr. Silverstein's niece, Nina Miner and her daughter Leslie and husband Michael—the sponsors of the 2012 Aleh dinner. These wonderful individuals were also the sponsors of a residential wing to house children in the Aleh village, which is known as the "Aleh Negev" in

loving memory of Stanley Silverstein's great granddaughter, the late Chana Emunah Kule ob'm.

Truly, the City and people of New York will miss the kindness and compassion of Mike Silverstein. His good deeds and charitable spirit will live forever within our hearts.

CONGRATULATING THE WAUSAU KAYAK/CANOE CORPORATION FOR HOSTING THE 2012 INTERNATIONAL CANOE FEDERATION JUNIOR AND UNDER-23 CANOE SLALOM WORLD CHAMPIONSHIPS IN WAUSAU, WISCONSIN

HON. SEAN P. DUFFY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mr. DUFFY. Mr. Speaker, I rise today to ask my colleagues to join me to recognize the hosts of the 2012 International Canoe Federation's Junior and Under-23 Canoe Slalom World Championships. This competition between young canoe and kayak paddlers all over the world will take place on the Wausau Whitewater Course in Wausau, Wisconsin from July 10 to July 15, 2012.

Due to the many great people who contributed to bringing this event back to American waters, this will be Wausau's second year to host the Junior World Championship and their first year to host the U-23 Championship. I am truly proud and honored that this event is taking place in Wisconsin's 7th Congressional District.

This international competition among Junior Slalom and U-23 canoe and kayak paddlers will bring together over 400 participants and support staff representing athletes from over 35 nations. Not only does this event bring a multitude of skill and interest to the Central Wisconsin area, it will bring the inaugural championship for the Under-23 age category, which is sure to become an exciting new force in the slalom realm. In fact, two of the soon-to-be Olympic competitors in this category, Caroline Queen and Casey Eichfeld, will be competing in Wausau before competing for the United States at the 2012 Summer London Games later in July. Additionally, the event will also welcome international dignitaries to Wausau, Wisconsin, including Mr. Jose Perurena, the current president of the International Canoe Federation.

This World Championship would not be possible without the Wausau Kayak/Canoe Corporation as the official host the event, as well as the multiple contributions from local and national foundations and organizations—including, The Alexander Foundation, The Dudley Foundation, The BA & Esther Greenheck Foundation, The Community Foundation of North Central WI, Wisconsin Public Service, Charter Communications, and Kinzie Green Marketing. I would like to take this moment to recognize the hard work and intense effort to make this event possible.

I am immensely proud and honored to have such a group of high caliber athletes coming to compete in Central Wisconsin, especially in Wisconsin's 7th Congressional District. I wish

everyone the best of luck in their upcoming races.

HONORING BOB PHILLIPS'S SERVICE AS THE 2011-2012 LEBANON ROTARY CLUB PRESIDENT

HON. DIANE BLACK

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mrs. BLACK. Mr. Speaker, it is my honor as a fellow Rotarian to congratulate Bob J. Phillips on his service as the 2011-2012 President of the Lebanon Rotary Club in Lebanon, Tennessee. True to the Rotary theme "service above self," Mr. Phillips worked tirelessly with his club to improve his community.

Prior to serving as President, Mr. Phillips served the Lebanon Rotary Club as a Member of the Board of Directors and project manager for the initial installation of the first two water purification systems in Honduras. He additionally served as Bulletin Editor prior to becoming President and is a Paul Harris Fellow.

Mr. Phillips retired from Lockheed Martin in 2000 with over 22 years of service. In his last assignment with Lockheed Martin, he served as Assistant General Manager, Information Services Division, and managed all communication and information technologies in support of the Nevada Test site for the U.S. Department of Energy from 1995 to 2000.

He and his wife, Barbara, relocated to Lebanon after his retirement. They have two children and five grandchildren. He is a member of the Maple Hill Church of Christ where he has served on the evangelism program.

PERSONAL EXPLANATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mr. AKIN. Mr. Speaker, on rollcall No. 452, 453 and 454 I was delayed and unable to vote. Had I been present I would have voted "aye" on rollcall No. 452, "aye" on rollcall No. 453 and "aye" on rollcall No. 454.

CELEBRATING THE 47TH ANNIVERSARY OF THE OLDER AMERICANS ACT

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today in celebration of the 47th anniversary of the Older Americans Act.

The Older Americans Act of 1965 was the first federal-level initiative aimed at providing comprehensive services for American seniors. The Older Americans Act has played an instrumental role in shaping American society by supporting critical nutrition services, job training, senior centers, caregiver support, trans-

portation, health promotion, and benefits enrollment, among other services.

The Older Americans Act remains an important element in our government, especially as American citizens live longer, and as many face financial challenges during these tough economic times.

Today, the Older Americans Act authorizes an extensive array of service programs through a national network of 56 state agencies, 629 area agencies, nearly 20,000 service providers, 244 tribal organizations, and two Native Hawaiian organizations that represent 400 Tribes. Additionally, it includes community service employment for low-income seniors. It also provides older citizens with training, research, and demonstration activities in the field of aging and vulnerable elder rights protection activities.

Mr. Speaker, I am happy to report that many seniors in the 37th Congressional District of California have benefited from this indispensable piece of legislation and have been protected from homelessness and joblessness. On the anniversary of the Older Americans Act, I urge my colleagues to join me in celebrating the wonderful contributions American seniors have made to our nation and to continue supporting the services critical to their wellbeing.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mrs. MYRICK. Mr. Speaker, I was unable to participate in the following votes. If I had been present, I would have voted as follows:

Rollcall vote 452: on the motion to suspend the rules and pass H.R. 4155—I would have voted "aye."

Rollcall vote 453: on the motion to suspend the rules and pass H.R. 4367—I would have voted "aye."

Rollcall vote 454: on the motion to suspend the rules and pass H.R. 5892—I would have voted "aye."

HAPPY 65TH BIRTHDAY VICTORIA CERNOK

HON. JEFF DENHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mr. DENHAM. Mr. Speaker, I rise today to congratulate an extraordinary milestone of Huntington Beach resident Victoria Cernok, as she celebrates her 65th birthday on July 10, 2012.

A fifth generation Californian, Victoria has continued to be an active member in the Huntington Beach community for more than four decades. Victoria and her husband, John, raised their four children—Jon, Brian, Jill, and Greg—in Huntington Beach, while simultaneously running a private culinary and catering business and staying engaged in her children's education through volunteer parental

activities. She also had a great career as a flight attendant—traveling the country serving others, while watching her family grow.

Victoria now enjoys spending time with her two grandsons, Grant and Blake, going for walks on the beach, honing her painting skills, traveling the world, teaching generations of Huntington Beach residents how to create culinary masterpieces at the local Community College, and being an active member in the acclaimed Saint Simon and Jude Church Choir.

Victoria has contributed her life to being a dedicated and wonderful mother and a shining example in her community by giving her time and energy to the betterment of others.

Mr. Speaker, please join me in congratulating Victoria on this special day, July 10th, 2012, and in wishing her a Happy 65th Birthday! May she have many, many more.

HONORING THE LIFE OF CHRISTINE "TINA" MICHELLE DRABBLE-McCORMACK

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today with deep sympathy to offer my condolences to the family and friends of a beloved daughter of American Samoa, Christine "Tina" Michelle Drabble-McCormack, who passed away early on the morning of July 9, 2012 in Phoenix, Arizona following a 6-year battle with melanoma.

Christine, who was known as "Tina" among family and friends, was born on May 30, 1971 in American Samoa, the eldest child of Thomas Hingston Drabble of Te Puke, New Zealand and Ta'alolo 'Chande' Lutu-Drabble of Pago Pago, American Samoa.

As a young girl, Tina attended South Pacific Academy, a private school where her father was one of the founders. At the early age of 9, she learned how to play golf from her uncle Fuga Tolani Teleso and she was selected as a member of the American Samoa Team in the 10 and under age group in the Junior Golf World Competition in San Diego, California, placing 2nd World and 1st Place International.

In the following years, Tina would continue to represent American Samoa, serving as an American Samoa Flag Carrier in the 15–17 age group Junior Golf World Competition and earning additional 2nd and 3rd place World trophies, and an additional 4th place and two 1st place International trophies among junior golfers.

In 1985 she became a member of the American Samoa Team in the South Pacific Mini Games in the Cook Islands, where her team won the gold medal. Two years later, at the age of 15, she participated in another gold-winning American Samoa team in the renowned South Pacific Games held in New Caledonia in 1987. That year, Tina also won the Individual Silver Medal.

Tina attended Seabury Hall in Maui, Hawaii where she attained a 4.0 High School Grade Point Average in all four years. She was also the only female golfer on the school's all-male

golf team. During high school, she also represented American Samoa in the three Fijian Ladies Opens in Suva, Fiji and the Fijian Ladies Classics in Deuba, Fiji in 1989, 1990 and 1991. She won all six of them.

After high school, Tina was accepted at Stanford University and Brigham Young University in Utah but chose New Mexico State University for its golf program. She graduated with a Bachelor of Arts degree in Accounting & Marketing and was selected as Captain of her college golf team. Before turning pro in 1996, Tina participated in the United States Amateur Links, finishing second to Natalie Gulbis, who is now one of the LPGA's top golfers.

After Tina turned Professional, she played at the Futures Tours and won at Bay Hill Country Club. In 2007, a year after she was diagnosed with cancer, Tina was selected as an American Samoa Flag Carrier in the 2007 South Pacific Games in Apia, Samoa, where she culminated her career by winning the Individual Gold Medal for American Samoa.

After college, Tina worked at Ashcraft Investment Company in Encinitas, California, as a Special Assistant to her dad at Sadie's Inn & Sadie's by the Sea in American Samoa and briefly at PICED, an educational development center in American Samoa. Tina was 41 years old in May this year.

It is a very sad time for not only the Drabble family, but also for our American Samoan community. We have lost a beautiful young lady whose contribution to the people of American Samoa, especially as a sportswoman, will always be an inspiration to our young people. Tina was not only an ambassador of the Samoan people to the world but she was also a loving daughter, sister, and friend.

I cannot imagine what a terrible experience it is for any parent to witness their child's life slowly coming to an end and I cannot find any words sufficient enough to comfort the Drabble family. In closing today, I can only extend my heartfelt sympathy to the Drabble family, especially Mr. Tom Drabble, Tina's father, and Mrs. Ta'alolo 'Chande' Lutu-Drabble, Tina's mother, who has also been Tina's full time caregiver and patient advocate in the final stages of her daughter's life.

In the Book of Matthew we read, "Blessed are they who mourn, for they shall be comforted." I pray that the comfort of God will give Tina's family strength and that through the tremendous sorrow, memories of Tina's life and her beautiful spirit will bring lasting joy to all who loved her. Tina, you will surely be missed.

la manuia lau faigamalaga.

CONGRATULATING THE WISCONSIN INDIANHEAD TECHNICAL COLLEGE OF SUPERIOR, WISCONSIN, ON THE OCCASION OF THE COLLEGE'S 100TH ANNIVERSARY

HON. SEAN P. DUFFY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mr. DUFFY. Mr. Speaker, I rise today to congratulate the Wisconsin Indianhead Tech-

nical College of Superior, Wisconsin as it celebrates its 100th anniversary.

The Wisconsin Indianhead Technical College (WITC) is an impressive institution servicing the growing educational needs of Northwest Wisconsin. Throughout its 100 years, WITC has exemplified the important role of vocational and technical education for effective workforce preparation. Our Nation's varying economy and work environment is dependent on the advancement of new technology and innovation. With each new innovation created, WITC has been the key to supporting and supplying Northwest Wisconsin industries with a new generation of highly skilled workers.

Established in 1912, the Industrial, Commercial and Continuing Evening School in Superior, WI was the first technical school in Northwest Wisconsin founded to specifically address the need for educating those working in the manufacturing industry. As automation and mechanization processes in American industry grew and developed, this technical school shifted with the times to accommodate the changing populations and educational needs.

Workforce enhancement and skills training has seen a great deal of industrial focused positions—from shipbuilding, paper and steel industry directed courses to aircraft manufacturing and electrical work curriculum. Over time, advancing new curriculum, adding associate degree programs, and expanding a distance learning network of online classes and outreach centers has helped to provide students with affordable, flexible and accessible education and career opportunities for Wisconsinites.

In 1987 Wisconsin Indianhead Vocational, Technical and Adult Education district became the Wisconsin Indianhead Technical College to more accurately reflect the mission of the school. Today, WITC employs a staff of more than 1,700 and provides education to 6,000 credit students in more than 50 full-time programs, and nearly 20,000.

WITC has provided Northwest Wisconsinites with the important technical and vocational skills needed to succeed and advance in today's economy. These are the achievements that we recognize today as Wisconsin Indianhead Technical College reaches this important milestone—its 100th year anniversary.

RECOGNIZING THE VILLAGE OF HOMER GLEN FOR BEING NAMED AN INTERNATIONAL DARK SKY COMMUNITY

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mr. LIPINSKI. Mr. Speaker, I rise today to honor the Village of Homer Glen, which will be recognized this evening as only the fourth International Dark Sky Community in the world. At the Homer Glen Village Hall in the Council Chambers, Mr. Bob Parks, Executive Director of the International Dark Sky Association, will present the village with the award. Homer Glen's commitment to recognizing the beauty of the night sky as well as saving energy has been recognized internationally and I

am very proud of their accomplishment. In particular, Village Trustee, Margaret Sabo has been a stalwart supporter of this initiative, and she deserves special acknowledgment.

In 2007, Homer Glen passed the first city ordinance of its kind in Illinois. By setting guidelines for the amount of light commercial business can emit, the village eliminated the need for establishments to escalate the brightness of their signs to garner attention. The ordinance also included a lighting cutoff at night, which reduces glare for pedestrians, cyclists, and motorists, and protects the natural cycle of night and day for local wildlife. I also want to recognize several establishments in Homer Glen that responded to the ordinance with effective and responsible lighting plans: Eagle Rock Community Church, Firestone Complete Auto Care, Silver Cross Health Center, and Midland Federal Savings and Loan. All of the organizations will be recognized at the event tonight as well as Debra Briggs Luginbuhl who has been a leader in developing the ordinance.

While saving energy, the city ordinance has also allowed for local residents to view the breathtaking beauty of our night sky, something so many Americans cannot do or take for granted. Every summer, local organizations hold a stargazing event at Trantina Farm, where thousands of local residents can clearly view constellations including Bootes, Hercules, the Corona Borealis, and much more. This year, the event will be this Friday, July 13th. Over 1000 stargazers have attended since the beginning of the event, and local amateur astronomers from Kankakee Area StarGazers, the Naperville Astronomical Association, and the South West Astronomy Observers Group come to help others recognize the various celestial bodies.

I commend Homer Glen for joining Flagstaff, Arizona, Borrego Springs, California, and Sark Island in the English Channel as an International Dark Sky Community. The residents of this village have shown initiative and leadership in appreciating our night sky and I hope others will follow.

TRIBUTE TO COLONEL ROBERT D. PETERSON

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mrs. CAPITO. Mr. Speaker, I rise today to recognize the accomplishments of Colonel Robert D. Peterson; who has served West Virginia through his leadership for the past 3 years at the United States Army Corps of Engineers, Huntington District. Col. Peterson is responsible for the 300 navigable miles of the Ohio River basin. Col. Peterson employees over 800 staff members to maintain 35 reservoirs, and nine locks and dams. I want to personally congratulate Col. Peterson for his continued success.

The awards of Col. Peterson are just a fraction of what he has truly accomplished. Col. Peterson has successfully managed 35 flood projects that prevented over 11.3 billion dollars in damages while allowing over 30 million visi-

tors to support these regions through tourism. He was responsible for the processing of 94 tons of commercial traffic valued at \$18.6 billion dollars through nine locks and dams. He oversaw the ongoing construction of the Bluestone Dam including communication of risk in the event of dam failure and held a Combined Emergency Exercise to educate affected federal, state and local governments to potential dangers. As a result, the Huntington District was selected by the Great Lakes and Ohio River division as the Regional Dam Safety Production Center and soon after, selected by the Corps of Engineers Headquarters as the Corps' national Mandatory Center of Expertise for Dam Safety.

I had the honor to work with Col. Peterson as he executed nine Project Partnership Agreements for environmental infrastructure projects providing water and sewer service to unserved and underserved residents of the Second Congressional District, resulting in improved public health and safety. He has proven to be an effective communicator in a variety of public venues on the federal, state and local level, including such forums as the Ohio River Basin Alliance of which I have been involved. And lastly, he issued 800 permits for mining, highway construction, and flood emergency, including the permit to place West Virginia's newest resident, the Boy Scout Jamboree on a post-mining land site within our beautiful state of West Virginia.

Col. Robert D. Peterson is an outstanding soldier, friend, husband and father. He is a 1985 graduate from the prestigious academy of West Point, graduating with a Bachelors of Science and from the U.S. Army War College with a Masters Degree in Strategic Studies. Col. Peterson was awarded the Bronze Star, three Army Commendation Medals, two Army Achievement Medals, the Armed Forces Expeditionary Medal, Master Parachutist Badge, and the Bronze Order of the deFleury Medal.

Col. Peterson's work has greatly enhanced the state of West Virginia and the world around him. Congratulations to Col. Peterson on his numerous accomplishments.

IN RECOGNITION OF THE 2012 WASHINGTON, DC FALUN DAFA EXPERIENCE SHARING CONFERENCE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mr. FARR. Mr. Speaker, I rise to welcome participants of the 2012 Washington, DC Falun Dafa Experience Sharing Conference and Rally.

I share Falun Gong's commitment to freedom of expression and peaceful demonstration. As the Universal Declaration of Human Rights states, every person has the right to freedom of thought, conscience, and religion, and we must do all that we can to ensure that citizens here in America and around the world have access to these fundamental rights.

Since Falun Gong's inception in 1992, it is estimated that millions of individuals have been drawn to its guiding principles of truthful-

ness, compassion, and tolerance. These principles are enduring cornerstones of a democratic society. Yet, as we mark over 60 years since the adoption of the Universal Declaration of Human Rights, it is a travesty that those who hold Falun Gong beliefs have been persecuted and tortured. I look forward to the day when Falun Gong practitioners can freely express their beliefs without fear of reprisal.

Mr. Speaker, peace and justice are not only values but calls to action that we must live out every day. I will continue to act here in Congress to promote peace for all persecuted communities and work for a more just world.

PAYING TRIBUTE TO MAJOR GENERAL FREDERICK "BEN" HODGES' SERVICE TO OUR NATION

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mr. YOUNG of Florida. Mr. Speaker, I rise to pay tribute to Major General Frederick "Ben" Hodges, United States Army, for his extraordinary dedication to duty and selfless service to the United States of America. Major General Hodges will be moving on from his present assignment as the Chief, Office Congressional Legislative Liaison (OCLL) for the United States Army to become the North Atlantic Treaty Organization (NATO), Land Command, Chief.

A native Floridian from Quincy, Major General Ben Hodges graduated from the United States Military Academy in May 1980 and was commissioned as an Infantry Officer. After his first assignment as an Infantry Lieutenant in Germany, he commanded Infantry units at the Company, Battalion and Brigade levels with the 101st Airborne Division (Air Assault) and in combat during Operation IRAQI FREEDOM. His most recent operational combat assignment was as the Director of Operations, Regional Command South, in Kandahar, Afghanistan during Operation ENDURING FREEDOM.

Major General Hodges has served in a variety of Joint and Army Staff positions to include Tactics Instructor at the Infantry School; Chief of Plans, 2nd Infantry Division in Korea; Aide-de-Camp to the Supreme Allied Commander Europe; Army Congressional Liaison Officer; Task Force Senior Observer-Controller at the Joint Readiness Training Center, Fort Polk, LA; Chief of Joint Operations for Multi-National Corps—Iraq (MNC-I) in Operation IRAQI FREEDOM; Chief of Staff, XVIII Airborne Corps at Fort Bragg, NC; and Director of the Pakistan Afghanistan Coordination Cell on the Joint Staff.

Mr. Speaker, it has been a pleasure to recognize Major General Hodges' long and decorated career today and also the great benefit to the Nation he has provided as the Chief, Office Congressional Legislative Liaison (OCLL) for the United States Army. We work closely with Major General Hodges to accomplish the toughest tasks for our Service Men and Women and Ben has always achieved excellence daily during his tenure. On behalf of a grateful Nation, I join my colleagues today in

recognizing and commending Major General Hodges for a lifetime of service to his country. For all he and his family have given and continue to give to our country, we are in their debt. We wish him, his wife Holly, his son Ben, and his daughter Madeline, all the best as they continue their journey to his next assignment at the North Atlantic Treaty Organization.

PERSONAL EXPLANATION

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mr. AL GREEN of Texas. Mr. Speaker, yesterday I was unavoidably detained and missed the following votes:

H.R. 4155—Veteran Skills to Jobs Act. Had I been present, I would have voted “yes” on this bill.

H.R. 4367—To amend the Electronic Fund Transfer Act to limit the fee disclosure requirement for an automatic teller machine to the screen of that machine. Had I been present, I would have voted “yes” on this bill.

H.R. 5892—Hydropower Regulatory Efficiency Act of 2012. Had I been present, I would have voted “yes” on this bill.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,879,266,313,073.20. We've added \$5,252,389,264,160.12 to our debt in just over 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

On this day in 1951, armistice talks began for ending the Korean War at Kaesong. We must balance our budget so that we have the resources to engage in peace talks.

IN MEMORY OF LEONARD RONIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mr. KUCINICH. Mr. Speaker, I rise today to remember Leonard Ronis who passed away on July 4. Mr. Ronis will long be remembered in the Greater Cleveland area for his more than 6 decade career in public transportation. Leonard Ronis was born September 5, 1921, grew up in the Glenville neighborhood of Cleveland during the Great Depression, and graduated from Glenville High School. He studied industrial psychology at Western Reserve University where he received his bach-

elors and masters degrees. He volunteered with the US Army during World War II where he served in the Infantry, Foreign Language Training (Russian) and the Signal Corps. He finished his service as Officer in Charge of the Civilian Personnel Department of the Philadelphia Signal Depot.

Leonard Ronis began his career in transit in 1946 upon leaving military service in World War II. He started in the Personnel Department at the Cleveland Transit System (CTS) and worked his way up to Personnel Director, Operations Manager and Assistant General Manager before becoming the last General Manager for CTS on November 1, 1974. At that time, he was a founder and past president of the Ohio Public Transit Association, an organization that played a significant role in developing the state legislation which allowed regional transit authorities to be created.

As a Cleveland City Councilman and Council's representative in the negotiations which enabled the creation of a regional transit authority in 1974-75, I had the privilege of working with Leonard Ronis on the transition from a city-owned transit system. Leonard was a dedicated public servant who was a strong negotiator with only the best interest of the people who use and pay for public transit in mind. When the Greater Cleveland Regional Transit Authority (RTA) was created, he took the helm as General Manager and led the RTA through its first 7 years. Under his leadership, he won more than \$320 million in federal funding for operations and capital expenses. He also saw ridership increase 70 percent under his administration. Upon retirement in 1982, Leonard Ronis continued to apply his expertise in transit as a consultant for Parsons Brinckerhoff, a nationally known transit engineering firm based in New York City.

In 1990, Leonard was named to the American Public Transit Association (APTA) Hall of Fame. In 2005, he received an award from the APTA for his sixty years of achievement and dedicated service in public transportation. In addition to being a founder and president of the Ohio Public Transit Association, he was a Member, Institute of Transportation Engineers; Board Member, Case Western Reserve University Alumni; Member, Visiting Committee of Cleveland State University College of Urban Affairs; and Board Member, Retired Senior Volunteer Program.

Mr. Speaker, and respected colleagues, please join me in remembering Leonard Ronis, an esteemed public servant who dedicated his life and career to making public transportation better for the people who use it and depend on it to get around.

COMMENDING BELL LABS OF MURRAY HILL, NEW JERSEY ON THE 50TH ANNIVERSARY OF TELSTAR

HON. LEONARD LANCE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mr. LANCE. Mr. Speaker, today marks the anniversary of a defining moment in the history of modern communications. It was 50 years ago that Bell Labs, based in Murray Hill,

New Jersey, in partnership with NASA, launched the world's first active communications satellite. The Telstar I was launched on July 10, 1962, ushering in the era of real-time global telephony, data communications and TV broadcasting.

With Telstar and its successors the world was made a smaller place. Billions of people around the world had instant access to news, sports and entertainment.

Telstar I, a sphere roughly a yard in diameter and weighing about 170 pounds, incorporated dozens of innovations from Bell Labs. The satellite could carry 600 voice calls and one black-and-white TV channel.

Telstar achieved many firsts. It was the first active, direct-relay communications satellite, successfully transmitting through space the first television pictures, telephone calls, high-speed data communications and fax images, and the first live transatlantic television feed. Telstar truly changed the world in which we live.

Telstar came out of Bell Labs 50 years ago and paved the way for innovations in communication that are still taking place at a campus located in my district in Murray Hill, New Jersey—where Alcatel-Lucent headquarters their global R&D arm.

Over 3,000 employees are hard at work there, creating technological innovations for future generations.

Researchers at Bell Labs have won seven Nobel Prizes in Physics—shared by 13 people. The most recent prize was awarded in 2009 to George E. Smith and Willard S. Boyle for their invention and development of the charge-coupled device (CCD)—a technology used for digital imaging in cameras and high-powered telescopes. Other innovations to come out of Bell Labs throughout the years include the transistor, the cell phone, solar cells and the laser.

As the innovation engine behind Alcatel-Lucent, Bell Labs helps to weave the technological fabric of modern society. The Labs' scientists and engineers make seminal scientific discoveries, launch technological revolutions that reshape the way people live, work and play, and continue to build the most advanced and reliable communication networks in the world.

I congratulate Bell Labs on its historic accomplishments.

HONORING THE ACHIEVEMENT OF CORTLAND JUNIOR SENIOR HIGH SCHOOL EIGHTH-GRADERS ON THEIR FIRST PLACE FINISH IN THE NASA SPACE SETTLEMENT CONTEST

HON. RICHARD L. HANNA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mr. HANNA. Mr. Speaker, I rise today to congratulate Mrs. Stephanie Passeri-Densmore's 8th grade English class at Cortland Junior Senior High School in Cortland, New York. Her class proudly won First Place in this year's NASA Space Settlement Contest.

The members of this year's First Place team include: Lead Officers: Captain Caitlyn Ruggiero and Co-captain Justin Gower; Officers: Clayton Larson, Connor Zinn, Macayla Kemp, Matt Plunkett, Molly Doubet, Madison Wasley; and Crew: Seamus Mulhern, Julia Marshall, Rebecca Alteri, Hannah Burkhard, Justin Cavanagh, Christopher Dovi, Bogdan Kalytyuk, Adam Klaes, Luke Lang, Erica Moran, Kelsey Neville, Jonathon Phillips, Audrey Porter, Tiffany Rogers, McKenzie Stark, Mya Velazquez, Curtis Wilk.

Mrs. Passeri-Densmore's 8th grade class began competing in the NASA Space Settlement Contest in March 1999 and every year since then they have placed among the top three finishers. The students create new entries every year.

The students choose their own small groups that tackle specific topics needed for the survival of an orbital space settlement. The groups communicate during the process to make sure the different sections coordinate smoothly when they are put together at the end. The students are able to choose the shape and location of the settlements. Most years, the students have chosen to put their settlement in the Lagrange 5 position between Earth and the moon or in orbit around Mars. It is an honor for me to celebrate the continued success of Mrs. Passeri-Densmore's students. Proudly, Mrs. Passeri-Densmore has several former students who chose careers in space-related professions or university programs because they became excited and interested after their participation in the NASA Space Settlement Contest.

Mr. Speaker, I proudly ask you to join me in honoring of these students and this outstanding teacher, Mrs. Passeri-Densmore, who is inspiring students to ask questions, to dream big, to open their minds and believe in themselves. Congratulations and keep up the good work.

PERSONAL EXPLANATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mr. MANZULLO. Mr. Speaker, on Monday, July 9, 2012, I unfortunately missed a series of votes. If I had been here, I would have voted "yea" on rollcall No. 452, "yea" on rollcall No. 453, and "yea" on rollcall No. 454.

HONORING DANIEL WAYNE WILLIAMS

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mrs. EMERSON. Mr. Speaker, I rise today in honor of Daniel Wayne Williams, a newly-naturalized American citizen and newly-adopted son of Brock and Ashley Williams. After three years of waiting, Brock and Ashley are bringing Daniel home with them from Russia. I am proud to offer them my deepest congratulations.

As a member of the House Adoption Caucus, these are the kinds of stories I love to share about the close-knit, loving American families who welcome adopted children into their homes in Southern Missouri from all over the nation and all over the world. I am reminded that it is our duty in this House of Representatives to promote their dreams of parenthood as well as the dreams of children to be adopted by parents who will make a warm and loving home for them.

Brock and Ashley have taken this journey together to find their son. Daniel has received a tremendous gift from them, and he is providing an even greater gift to them. Many have been able to follow their story through their blog, the Gorby Project—a step-by-step account of the adoption process which began in 2010. It serves as a reminder that adoption is rarely a short or easy process and that we have a duty to be supportive of these aspiring parents as well as the children who bring them such joy.

Thank you to the Williams family for sharing their experience with us, for promoting adoption, for persevering to bring their family together, and for demonstrating the great love that binds parents to their children—even when those children come to them from far away over the course of many years.

IN HONOR OF SSGT MARCUS "MARK" BURLESON AND HIS FAMILY

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 10, 2012

Mr. CONAWAY. Mr. Speaker, I rise today to honor an American hero from my district in Odessa, Texas, SSGT Marcus "Mark" Burleson of the 2nd/EOD Company, The United States Marine Corps. On December 9, 2011, while serving in Afghanistan, SSGT Burleson was disarming a second IED, when a third one nearby exploded, almost taking his life. He lost one arm and the complete use of another. He lost one eye and vision in his other, and suffered numerous other severe injuries. In much pain, SSGT Burleson continues to recover with the help of his wife, Sara; his sons Marcus and Issac; and his daughter, Ariel. Families and heroes like these are the heart of Texas and the backbone of America. I ask that this poem, The Heart of Texas, penned in their honor by Albert Caswell, be placed in the CONGRESSIONAL RECORD.

THE HEART OF TEXAS

The. . .
The Heart of Texas. . .
Out in The West. . .
In Texas,
where men grow tall who can so pass that
test!
Men like Houston and Austin,
who were but of our nation's very best!
For from her Heart,
now comes such a man no less,
who so answered that most noble call when
he was so asked!
Who all for our freedom so faced death!
That Call to Arms!

That Call to Fight,
as did this young man to do what was right!
To so march off to war,
so boldly there all in uniform!
All out into the darkest of all nights!
For from out of her heart so came,
you Mark. . . one of her most magnificent of
all sights!
Because, In Texas they grow em tall!
And Heroes too,
somehow they just don't believe in small!
All in this United States Marine,
the one who so answered that most noble and
proudly worn those shades of green!
SSGT Burleson,
all in you. . . and what we saw!
Was but,
The Heart of Texas who but gave his all!
All in your most magnificent shades of
green!
Because, you Mark. . .
so grew up to be one of the finest of all
things that one could be!
As you so grew up to be A United States Marine!
Because, all in you. . . The Very Heart of
Texas can so be seen!
As the eyes of Texas are upon you Mark,
and they so like what they have seen!
All in your fine life of Strength In Honor,
and what it all so means!
While, against all odds. . .
somehow almost like a God, you'd so con-
vene!
And not give up you United States Marine!
For you had one of the toughest jobs of that
war!
Where, each new step, EOD. . .
but so means death for sure!
For only a man of such character and faith,
could such fear so ignore!
As there you were on that day,
when your fine life almost when away!
As an explosion took your arms,
and eye and so ravaged your body all in
every way!
As it was all in that moment when you so
had a choice. . .
When, your heart as big as Texas so said lis-
ten to that inner voice!
And don't give up,
as all of your Brothers In Arms for you
began to pray!
As somehow, someday you Mark have so
come back from that day!
Oooh. . . rah. . . Jar Head,
as your Heart of Texas has so led the way!
To so help you to so leave behind,
all of that pain and heartache that which
comes to you on each day. . .
To So Move On, To So March Off. . . To Our
World To So Bless!
Because, nothing is getting in this Marine's
way! As You So Teach Us!
As You So Beseech Us!
As You So Reach Us!
All in what your fine heart conveys!
For you are More Than Just A Man Mark,
you are one of Texas's very best!
Teaching us all,
what that word hero so means no less!
They say everything is bigger in Texas,
and maybe Hearts and Heroes too so yes!
And if I ever have a son,
I wish he could be like you who our world
does bless!
Because, after that morning when you
awoke. . .
As you so had a choice,
as your fine heart to you so spoke!
Give Up Or Give In, and make the Angels cry
so then. . .
For your wife and sons and daughter found
the hope. . .

All in Mark what your fine soul invoked. . .	Because, Marine your Strength In Honor and	As out to all of these quiet heroes our hearts
As you've put the T in Texas,	Courage brings tears to our eyes!	so call!
all in your heart of strength and of such	Moments are all we have!	As they give you the strength and encour-
hope!	To change the world!	agement. . .
Because, arms and legs Mark we all need. . .	To go off with but our flags unfurled!	but to live but one day more, to give your
but somehow we can cope!	To Make A Difference With It All!	all!
But, up in Heaven you need not any of	All but for The Greater Good,	For families like these,
those. . .	to so answer that most noble call!	Heaven will one day call!
And that's where you are going one day to be	And families like your's SSGT Burleson,	As why we see on this very day,
with our Lord so close. . .	who so see their loved ones injured and fall!	a smile upon our face. . .
Without them we can still survive!	Are the ones who must now so watch and	As we so watch you Mark,
But, without a heart of faith. . . our souls	help them rebuild,	The Heart of Texas in every way!
will so surely die!	all in such pain one and all!	

HOUSE OF REPRESENTATIVES—Wednesday, July 11, 2012

The House met at 10 a.m. and was called to order by the Speaker.

MORNING-HOUR DEBATE

The SPEAKER. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

GASODUCTO

The SPEAKER. The Chair recognizes the gentleman from Illinois (Mr. GUTIERREZ) for 5 minutes.

Mr. GUTIERREZ. Mr. Speaker, we've all seen bad horror movies, the ones where every time you think it's safe to relax and take a deep breath, the monster is right behind the door. You know the drill. No matter how hard the teenagers in the basement or the swimmers in the lake or the hikers in the wood try to get away, the creature just can't be stopped.

Well, the people of Puerto Rico are stuck in their very own horror movie, one that just won't end, and one with a villain that just won't go away, except the villain isn't a guy wearing a hockey mask or carrying a chain saw. The villain is a bunch of government insiders, and the horror story is about their desire to build a huge gas pipeline.

It's a pipeline that the people of Puerto Rico don't want, that experts have said that Puerto Rico doesn't need, and environmentalists have testified will destroy the natural beauty of thousands of acres on the island. And this might be the scariest part. It's a pipeline that Puerto Rico doesn't even have enough natural gas to operate.

The name of the pipeline is Gasoducto, and the horror story started in 2010. About all that has been missing from the script is bad music and vampires. The story has featured the Puerto Rican people's tax dollars, as much as \$100 million of them, paid to consultants and lobbyists hired by the government, including close friends and allies of the Governor and his ruling party.

It's featured the government hiring a consulting team of former high-ranking Army Corps of Engineer employees

based in Florida. The consultants magically convinced the Army Corps to take review of the project away from the local San Juan, Puerto Rico, office. Where did they move it to? Surprise—to Florida, right down the road from where the consultants live and used to work.

It has featured ever-increasing cost estimates of the project, ballooning to nearly \$1 billion. It has featured huge protests and marches by the Puerto Rican people against the pipeline and public opinion polls showing three-quarters of the people strongly opposed to the project.

It has featured power supply experts who studied the government plan and noticed one important flaw. Just as Casa Pueblo, countless technical experts, environmentalists, scientists, and I have insisted to the Army Corps all along, the only current source of natural gas supply available for this project in Puerto Rico was too small for a pipeline to even work.

And finally, it even featured—after tens of millions of dollars spent—the Governor appointing his own commission to make recommendations about how Puerto Rico can make better use of natural gas to meet its energy needs.

The commission, appointed by the very Governor who dreamt up the Gasoducto plan, made three recommendations. None of them—I repeat—none of them included Gasoducto. Not one. Actually, they discarded it and called it unviable.

Finally, the people of Puerto Rico thought the monster must be dead. Finally, we can stop sending tax dollars to connected government insiders, we can stop worrying about our environment, we can stop wondering where in the world the natural gas for a billion dollar pipeline will actually come from. But that's not how horror movies work.

Last week, the Governor was quoted in the press as saying Gasoducto was still alive. Why? Because the Governor of Puerto Rico claims that the Assistant Secretary of the Army, who oversees the Army Corps of Engineers, has asked him personally not to withdraw the Gasoducto application. Assistant Secretary Darcy wants him, the Governor, to wait a while before pulling the plug, which is already on life support for this monster.

Personally, I find this hard to believe. I don't know why an Assistant Secretary of the Army would want to keep a monster alive that is an unneeded, unwanted insider boondoggle

that isn't even wanted by the regime that proposed it in the first place. But I've written to find out, is it true and how could this be?

I expect answers, just like I expect answers on my ongoing request to the Army about how the Army Corps of Engineers has handled this application and why the review was moved away from their employees in Puerto Rico and closer to a bunch of consultants who used to head their office in Florida.

When it comes to Gasoducto, enough is enough. Like in most bad monster movies, Gasoducto has been almost impossible to believe from the very first scene, a silly, unnecessary waste of time and money. It's time to roll the credits and declare this monster dead once and for all.

IN MEMORY OF MAERSK MCKINNEY MOLLER

The SPEAKER pro tempore (Mr. FARENTHOLD). The Chair recognizes the gentleman from North Carolina (Mr. COBLE) for 5 minutes.

Mr. COBLE. Mr. Speaker, I stand today to honor the legacy and achievements of one of the greatest friends America has ever known, Mr. Maersk McKinney Moller, who died recently at the age of 98 in his home country of Denmark. Mr. Moller, whom I've known personally for more than 2 decades, was a Dane and an American by virtue of his American mother, a loyal husband, a doting father, a brilliant businessman, and a leading figure in the development of the modern globalized marketplace.

I initially met Mr. Moller, Mr. Speaker, in his Copenhagen office. We spoke for 35 to 40 minutes, and it became apparent to me that I was in the presence of a truly great man.

Mr. Moller loved America. It is no coincidence that his company's U.S. flag business unit, Maersk Line, Limited, owns and operates the largest U.S. flag fleet of vessels serving our military today. In fact, these U.S. flag vessels employ more American mariners and have delivered more of the critical material to supply U.S. troops in the Iraq and Afghanistan conflicts than any other carrier. And the same is true of humanitarian aid and every other category of government-impelled cargo carried by U.S. flag commercial vessels. Maersk McKinney Moller believed in the mission and basic goodness of America, and he demonstrated that belief throughout his life.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Moller, Mr. Speaker, was born in Denmark in 1913. He grew up in the shipping industry that his father, Arnold Peter Moller, had started in 1904. In 1940, after the occupation of Denmark by Nazi troops, all the company's vessels in international waters were ordered to neutral ports and a third of the fleet sought refuge in ports controlled by the United States.

□ 1010

Mr. Moller traveled to New York soon after the occupation and ran the operations from there through 1947.

Allied forces requisitioned the Maersk fleet and most were subsequently lost to German U-boats in the most devastating loss of merchant mariner life in history. At the conclusion of the war, Mr. Moller returned to Denmark and continued building a global business empire, becoming CEO of the group in 1965.

In 1991, Mr. Moller wrote a letter to then-U.S. Secretary of Defense Dick Cheney highlighting the longstanding connections between America and Maersk. Among other matters in the letter, Mr. Moller wrote:

Maersk is, and has always been, a strong advocate for uninhibited free trade and the principles of freedom consistently enunciated by the United States and Denmark. Our entire organization, and especially Maersk Line, Limited will be ready to serve anytime should that be desired.

Mr. Moller stepped down as CEO in 1993, but remained chairman of the AP Moller Group until 2003. Even through the last few months of his life, however, Mr. Moller went to work every day, walking up five flights of stairs to his office.

Through his vision and leadership, Mr. Moller built the largest container shipping company in the world, but never abandoned his love and appreciation for the United States and its people. Over 70 years, he personally cultivated and sustained a valuable partnership with the United States, one that continues to support and advance our commercial and national security interests around the world.

Finally, Mr. Moller was a citizen of Denmark, indeed, the world; but he will always have a special place of respect, admiration, and appreciation from the people and the Government of the United States.

CLIMATE CHANGE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, in this time of extreme weather events, our hearts go out to victims of the storms, wildfires, power outages, torrential downpours, the winds, trees crashing into homes. It makes our hearts ache, thinking of the suffering

of hundreds of thousands of people in sweltering heat without electricity.

Beyond our shores, we see this extreme weather is global in scale, such as the flash floods that killed hundreds in Russia this last week. We must pause, shudder, and feel sadness for those families.

For many, the instinct is to help people resettle, rebuild, and reconnect. But the Nation's elected leaders should do more than comfort those in distress and try to help people recover. As policymakers, shouldn't we act to try and prevent the next catastrophe?

Some of this is relatively simple and straightforward, even if potentially controversial. Don't relocate people right back in the same flame or flood zone. We know they'll be ravaged by fire and flood. At a minimum, we shouldn't have the Federal Government pay to put people right back in harm's way.

This discussion is part of flood insurance reform and national disaster policy that I personally have been working on for decades. We have made some progress, but not nearly what we should.

You would think we would stop making it worse, yet we allow more and more people to move into the flame zone seeking to live with nature, and these people then expect government to prevent nature from doing what it's done for eons. In most cases, the fires in these areas not only cannot be stopped, but we make the next fire worse by suppressing nature's natural fire cycle until there's so much fuel in the forest that the inevitable next fire burns longer and more furiously, putting more at risk.

The more people who are permitted or even encouraged to build homes and live in an area that cannot be defended is a prescription for disaster. It's an example of political malpractice, a head-in-the-sand attitude that many today in this Chamber have regarding climate change, rising sea level and weather instability, which are all completely predictable, foreseen consequences of carbon pollution.

It's being played out in a variety of areas. We're watching oceans become more acidic, bleaching and killing coral reefs, which are the rain forests of the sea. Shouldn't we be doing something to try and prevent it?

On the land, it's becoming clear what warming will mean to our communities with more instability, hotter temperatures, heavier precipitation events, 23,383 all-time heat records set this year.

The worst example of government response, I think, is legislation in North Carolina, and it's already passed the State senate and is working its way through, that would prevent the State and local governments from planning based on the best scientific evidence about the accelerating pace of sea level increase.

In Congress, it's notable that one of our major parties has firm opposition to even using the words "climate change," let alone plan for or prevent it happening. It's not an energy policy to promote more carbon pollution and lavish support for old fossil fuel technology, nor to claim climate science is a hoax.

That's the mindset that puts at risk replacement of a vitally needed satellite providing climate data. With all the ominous signs, horrific events and high stakes, how can we, as policymakers, not at least give weight to the advice of the vast majority of scientists.

I'll tell you, this current generation of politicians will be asked by their grandchildren what could you possibly have been thinking. Indeed, I'll wager that some of today's policymakers, even the most obtuse and dogmatic, will live long enough to regret their hostility to science and their shortsighted devotion to politics of the moment over the future of the planet and their very families.

They are like King Canute, who ordered the tide not to come in until it washed over his feet. Unlike King Canute, today's policymakers could do something about it.

HEALTH TAX

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. FORBES) for 5 minutes.

Mr. FORBES. Mr. Speaker, several days ago I was one of only a handful of Members of Congress who actually sat in the Supreme Court and listened to five Justices debate and say that they believed that the President's health tax was constitutional, and I watched them debate the four Justices who believed it was not constitutional.

Because one more Justice believed it was constitutional than the four that believed it was not constitutional, our friends on the other side of the aisle believe that we should now step back and do nothing and just allow this health tax to be imposed on the American people.

Well, we reject that suggestion, and the reason we do is because today the number one issue in the American people's minds is the economy, and the number one concern we have about the economy is the loss of their jobs. Yet we have watched as this administration has had 41 straight months of unemployment in excess of 8 percent.

We have watched as their policies have delivered us a net loss of 473,000 jobs, and we are about to unleash three enormous job killers on the American public. In just a few months, we will increase taxes on the American people if we refuse to extend the Bush tax cuts, which will cost thousands of jobs. Yet our friends on the other side of the aisle say we should step back and do nothing, and we reject that notion.

In just a few months, based on legislation this President approved and signed into law, we will have massive defense cuts that his own Secretary of Defense says will cost us 1.5 million jobs, and our friends on the other side of the aisle say we should do nothing and just let that come on the American people. We reject that notion.

Finally, Mr. Speaker, as this health tax gets ready to be imposed on the American people, based on the Congressional Budget Office, it will cost 800,000 jobs. Yet our friends on the other side of the aisle say we should take no action and just let it happen. We reject that notion.

The reason we reject it is because the American people realize that as we take an action to repeal this health tax, we are setting a new course for health care in America. As we set a new course for health care in America, we begin to do what the American people want us to do and set a new course and a new direction for America.

□ 1020

AMERICANS NEED REAL SOLUTIONS TO REAL PROBLEMS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Boy, my friend from Virginia could not be more wrong.

What exactly are the House Republicans trying to accomplish with today's 31st repeal vote of health care? One of the first votes Republicans brought to the floor when they became the majority in January of 2011 was to repeal the health care insurance reform law in its entirety. That bill passed out of the House on a virtual party-line vote, so you'd think Republicans would move on to the real challenges facing our economy like unemployment and the expiration of individual and business tax cuts.

In the face of the Supreme Court ruling declaring important health insurance protections in the Affordable Care Act constitutional, House Republicans are not repealing that earlier vote but instead setting up a repeat of it. They have become so ideologically immovable that they can think of no more constructive solution than to simply replay this bit of political theater. Meanwhile, 56 percent of Americans say it's time to move on to the true pressing challenges facing our Nation, according to a Kaiser Family Foundation poll. A quick review of those challenges shows that this Republican House majority has not even tried to address them.

Let's start with the very real threat of expiring tax cuts creating a drag on our economy. There are a number of already expired and expiring tax cuts, including the alternative minimum tax

patch, which could affect 34 million Americans. Then there's the payroll tax cut affecting 160 million Americans and numerous businesses, including the Bush tax cuts, which expire later this year. All combined, the expiration of those tax cuts could add up to a \$4,000 per household bill on Americans. So far, House Republicans haven't felt the urgency to hold a single vote to extend any of those tax cuts.

How about the Medicare doc fix? If Congress doesn't extend the sustainable growth rate patch, Medicare and TRICARE doctors will see more than a 27 percent cut in their reimbursements, causing many of them to stop seeing patients. Millions of seniors and military members and retirees could lose access to their doctors. But not a single vote has been proposed by the Republicans to stop that from happening.

Then there's the debt ceiling. Without action, the Nation will once again risk breaching its statutory limit, triggering a historic default. Last summer, we achieved a bipartisan agreement to raise that ceiling and lower the deficit at the same time, warding off the cataclysmic effects of default, but not before House Republicans pushed us to the brink, resulting in the first time ever a downgrading of U.S. credit. The American people don't want a repeat of that sad chapter in our history, and our economy certainly cannot afford it. Ronald Reagan knew the value of ensuring America fulfilled its commitments. He raised the debt ceiling 18 times with no conditionality.

What about a comprehensive jobs bill? After 27 straight months of private sector job growth, cleaning up the mess President Obama inherited, the base of U.S. job creation has begun to slow in the wake of instability in European markets. Before the July 4 holiday, we achieved a rare feat for this Congress in passing a bipartisan reauthorization of the transportation bill, giving a much-needed jolt to the construction sector. But we can and should do more to spur hiring in the alternative energy sector, manufacturing, health care, and more. But instead of focusing on jobs, which they claimed in the last election was their focus, Republicans are creating a sense of déjà vu all over again on the floor by staging a repeat of the health care reform.

Lost in this political pandering is the fact that the Affordable Care Act is actually working. Seniors who fall in the prescription drug doughnut hole are saving an average of \$651 this year alone. Almost 13 million Americans are eligible for rebates averaging \$151 from their insurance companies, thanks to new requirements in the bill. Premiums for Medicare Advantage are down 7 percent for the first time ever and benefits are up and enrollment is up 10 percent. Medicare is on track to save \$200 billion by 2016, pursuant to

the act, without one benefit being cut—in fact, benefits improving.

Mr. Speaker, the House majority is selectively ignoring those improvements to justify this repeat of its repeal vote. With so much to do—with American businesses and families waiting for tax predictability, with the economy bracing for the impending fiscal cliff, with almost 4 million people still searching for employment—House Republicans are still offering more of the same. And sadly, it's not enough. Americans need real solutions to real problems. Let's get on with them.

HIGH-LEVEL NUCLEAR WASTE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. SHIMKUS) for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I come back on the floor as I have almost weekly throughout this entire Congress for 2 years to talk about the issue of high-level nuclear waste and what are we to do about it. And I really applaud my colleagues who joined me on June 6, 2012, on an amendment to a spending bill. It was a bipartisan vote; 326 Members of Congress supported finishing the scientific study on Yucca Mountain. That's the money that we had appropriated and that Senator REID and President Obama did not spend for the scientific study. Then, in the last two cycles, Senator REID has been blocking additional money for finishing the scientific study. So 226 Republicans and 98 Democrats joined me to really stress the point that we've got to finish this.

Yucca Mountain started in 1982 with the Nuclear Waste Policy Act. It was the defined location—it is the defined location—under current law under the amendments passed in 1987. To not fulfill and not to move forward is, in my estimation, breaking the law of the land. And who's complicit in this is our friends on the other side and the President of the United States.

Now, how does that affect the rest of the Nation and the Senators involved and Members involved? Well, we compare the current site of Yucca Mountain to where nuclear waste is located around this country. Yucca Mountain currently has no nuclear waste on-site. We've already spent \$15 million over 20 years trying to finish this project. It would be stored a thousand feet underground, it would be a thousand feet above the water table, and it would be a hundred miles from the Colorado River.

Well, let's look at where we have nuclear waste, and nuclear waste is defined by a lot of different titles. Some is just spent fuels from nuclear utilities. A lot of our nuclear waste is defense waste: reprocessed, weaponized uranium or the chemicals needed to effect that.

So we have a Department of Energy location at Idaho National Labs. How

much waste is in Idaho right now? We've got 5,090 canisters on-site. Waste is stored above the ground and in pools. Waste is 500 feet above the water table and waste is 50 miles from Yellowstone National Park, a major tourist destination for many of our citizens throughout this country.

This is a Senate issue, really, and not a House issue anymore since the House is on record, especially with this vote this year of 326 of our colleagues in support. Where are the Senators? The last time I came down to the floor, I talked about the State of Missouri and Senator MCCASKILL, who is undecided after being a U.S. Senator for 5½ years. Well, now I turn to Montana, who's a neighbor to Idaho, and another undecided Senator, Senator JON TESTER. Can you imagine being a U.S. Senator for 5½ years, having nuclear waste in the State next to you and never having a position on what do we do with the final position on nuclear waste, whether it's nuclear waste in spent fuel or whether it's nuclear waste in our defense industry?

A place like Hanford, Washington, where we have millions of gallons of toxic nuclear waste that's designed to go to Yucca Mountain, couldn't a U.S. Senator in 5½ years say, I think yes, or I think no? Why is that important? You look at the total tally of what we've done over the past year and a half trying to identify where Senators stand. We have 55 Senators who support moving forward on Yucca Mountain. We have 22 question marks, one of them being Senator TESTER from Montana. And then we have 23 identified "no" votes. Really, to close debate, based upon the Senate rules, you need 60. If we can move Senator MCCASKILL and Senator TESTER, that brings us to 57 Senators and really a game-changing position to resolve this issue of high-level nuclear waste, which is pretty much throughout the country.

In my own State, my colleagues here on the floor in the State of Illinois, we are the largest nuclear-generating State in the country. We have six locations, 11 reactors. Some are right on Lake Michigan, Wisconsin; nuclear power plants right on Lake Michigan, Michigan; nuclear power plants right on Lake Michigan. Would you rather have high-level nuclear waste in the desert underneath a mountain or would you rather have it next to Lake Michigan or 50 miles from Yellowstone National Park? I think the answer is simple.

This has become politicized because of the Majority Leader of the Senate and his partner in crime, the President of the United States. It's time for us to move on good public policy: identify, centrally locate, and store high-level nuclear waste underneath a mountain in a desert.

□ 1030

THE AFFORDABLE CARE ACT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Wisconsin (Ms. BALDWIN) for 5 minutes.

Ms. BALDWIN. Mr. Speaker, thanks to the Affordable Care Act, roughly 17 million American children with pre-existing medical conditions can no longer be discriminated against and be denied health insurance by insurance companies. And yet, rather than focus on the key tasks of creating jobs and strengthening the middle class in America, my Republican colleagues want to tear up the health care law. They want to rip up the independent decision by our Supreme Court, by Justices appointed by Presidents of both parties, finding the Affordable Care Act is on firm constitutional footing, and they want to start all over again, putting the coverage of those millions of children I just spoke about at risk.

This vote is personal. Health care is personal. When I was 9, I had a serious childhood illness. I spent 3 months in the hospital. My grandparents, who were raising me, found out that their family insurance didn't cover me. They made great sacrifices to help pay for my care. But if that weren't enough, when my grandparents then looked for insurance that would cover me, they couldn't find coverage at any price. I was considered one of those kids with a preexisting medical condition, never mind that I had fully recovered from my illness. No child should ever be denied coverage for that reason.

I grew up believing that no family should have to go through what ours did. Parents or grandparents shouldn't have to worry, shouldn't have to lay awake at night worrying about whether they can provide for a sick child or whether an illness might bankrupt their family.

Families now know that insurance companies can't discriminate against their children based on a preexisting condition. Turning back the clock so insurance companies can, once again, deny children access to care is simply wrong.

It is time that we all move forward. It is time that we work together. It is time to make this Affordable Care Act work for the American people.

GOVERNMENT BY CONSENT OF THE GOVERNED

The SPEAKER pro tempore. The Chair recognizes the gentleman from Michigan (Mr. WALBERG) for 5 minutes.

Mr. WALBERG. Mr. Speaker, despite talk of political gridlock in D.C., Republicans and Democrats can agree on at least one thing—the economy is in rough shape. For the past 41 months, the unemployment rate has not gone below 8 percent, causing worry, uncertainty, and frustration for many fami-

lies living in Michigan and across the U.S. But unfortunately, things can still get worse.

It's time for President Obama and the Senate to stop pushing their failed agendas and start applying commonsense policies that work. My Republican colleagues and I in the House have been listening to the American people and remain committed to policies that spur job creation, reduce costs, and restore power back to the people.

Last month's employment report showed that millions of Americans still are without a job and the unemployment rate is stuck at 8.2 percent. Meanwhile, the anemic job growth is even worse in my district where some areas show an unemployment rate of over 9 percent. Nationwide, the rate of "real unemployment," which includes the unemployed, the underemployed, and those that want to work but have given up looking, now totals 14.9 percent. Making matters worse, the number of weeks it takes a worker to find a job has more than doubled since President Obama took office. Is this hope and change?

But it's not just the unemployment numbers which paint a grim picture of our economy. Government spending is out of control. With 84 days left in the fiscal year, the government has already spent its way into another \$1 trillion deficit. Despite this out-of-control spending, the Senate hasn't bothered to pass a budget in more than 3 years. Since that time, the Federal Government has added more than \$4 trillion to our national debt.

Families and businesses in my district and across the country know that they can't spend more than they make, which is why they create budgets and why they sometimes have to make tough choices to prevent them from drowning in debt. They get it, but sadly, their President and Senate still refuse to look at the facts.

But they also refuse to listen to the American people. According to the polls, Americans, and especially those in my district, are angry about having a government takeover of health care and the largest tax increase in history. Health care coverage is already too expensive for many families in my district, and this health care takeover will not only make it more expensive, but put Federal bureaucracy between them and their doctor. On top of that, it will hinder job creators from hiring by requiring them to either offer costly government-mandated health insurance or pay a steep fine.

So far, my colleagues and I in the House have taken 30 floor votes to repeal, defund, and dismantle the law. After it's gone, we can start over with commonsense reforms that will return choices to the patients and not burden job creators with higher costs, new regulations, and more uncertainty.

It's obvious to the American people that the President's policies are failing and making the economy worse. Instead, they want the government to stop taxing them more, stop creating new harmful regulations, and stop coming between them and their doctor.

House Republicans have been listening. That's why we will continue to work on repealing this unfavorable and costly health care law. It's why we already put forth a balanced, responsible budget, and it's why we put together a plan for America's job creators to create an environment in which small businesses can grow and hire and where health care is affordable again.

Currently, there are 27 bipartisan jobs bills that have been passed by the House and are languishing in the Democrat-controlled Senate. My hope is that the President and Senate stop talking to the American people and start listening to them.

THE AFGHANISTAN WAR: COSTING US DEARLY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Another day, Mr. Speaker, another wave of attacks by insurgents in Afghanistan. The New York Times reported yesterday that the Taliban killed five police officers with a roadside bomb in what it calls "a relatively peaceful province" in central Afghanistan.

Separate attacks in Kandahar led to the deaths of three officers, with six civilians wounded. A motorcycle bomb took the lives of several more people in Helmand province on Sunday night, and then yet another motorcycle bomb in northern Afghanistan on Monday, wounding 26, with 10 in critical condition. And a deeply disturbing video is making its way around the Internet showing a 22-year-old Afghan woman being brutally executed by the Taliban over accusations of adultery.

Almost 11 years after our military occupation began, the security situation in Afghanistan is clearly abysmal. Our troops are in danger, Afghan security forces are in danger, and innocent civilians are in danger. Nearly 11 years ago, we went to war with the goal of defeating the Taliban, and yet the Taliban is alive and well, winning recruits, operating in the shadows, and ruling by terror throughout Afghanistan.

I'm not saying that ending the war and bringing our troops home will stabilize Afghanistan overnight. But I am saying that the longer we continue with our military occupation, the more we breathe life into the very forces we're trying to defeat. It is the resentment of our boots on the ground that is helping to sustain the Taliban.

There are clearly urgent humanitarian needs in Afghanistan, Mr.

Speaker, and we have a moral responsibility to help meet them.

□ 1040

This is one of the poorest nations on Earth, with infrastructure needs, children who need schools, and malnutrition that must be addressed. But deploying thousands and thousands of troops for more than a decade is not the way to meet these challenges. Our military is not trained or equipped to do that kind of work.

For pennies on the dollar, Mr. Speaker, we can have a true civilian surge, investing in development aid to improve the lives of the Afghan people. We could give USAID a fraction of the \$10 billion a month we spend on the war in Afghanistan and we could do a world of good. This approach isn't just the right thing to do, it isn't just a moral imperative, it's the SMART national security strategy as well.

On the other hand, the existing strategy of invasion and occupation has not served us well. The Afghanistan war has cost us dearly—in precious lives, in taxpayer dollars, in moral authority, and global credibility. It is undermining our national security interests instead of advancing them.

Mr. Speaker, it's time to do the smart thing—bring our troops home and, in return, invest in the hopes and future of the Afghan people—and do it now.

GOVERNMENT INCOMPETENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Mr. Speaker, Indiana prison inmate Ryan Greminger collected unemployment benefits during his 2-year sentence in the county jail for a drug crime. He collected \$14,000 of taxpayer money. He was in jail, and the government continued to pay him anyway.

Only in America would we pay people in jail because they are unemployed. Greminger should not have obtained money from honest American taxpayers, but he did.

Government is becoming incompetent when it comes to paying unemployment benefits. According to CNN, the Federal Government overpaid \$14 billion in unemployment benefits just last year. That means 11 percent of all jobless benefits paid out were not supposed to be paid to those individuals. Those overpayments that should have gone to people in need were sent by government to those who didn't deserve any money. You see, not all payments are to honest people who are looking for jobs and are out of work.

Inmate Greminger's case is bad, but there's more.

A convicted killer, murderer, in a California prison was receiving at least \$30,000 in unemployment checks. The

murderer made sure that his family and his friends cashed his checks while he was locked up. So each month, his family fraudulently cashed his \$1,600 check, which they would then deposit in his jail bank account. Guess where it went next, Mr. Speaker? He shared the jail money with some of his low-life prison gang members while he was in the joint.

There's more.

The Federal Government reportedly sent a man \$515,000 in payments over 37 years—37 years, Mr. Speaker—because he was supposedly unemployed. Thirty-seven years of unemployment benefits for anyone is nonsense to me, but who exactly were they sending that money to in this case? A dead person who died 40 years ago. No wonder he wasn't working, Mr. Speaker; he wasn't around.

We count on our government to spend our tax dollars wisely, but it is inefficiently sending money to those not qualified to obtain taxpayer support—prison inmates and dead people.

Fourteen billion dollars is a lot of money in anybody's book. In the private sector, if a business misappropriated \$14 billion, the people in charge would be fired or go to jail, but not so with government agencies. These overpayments and wasteful incompetent spending really don't shock or surprise Americans anymore at all. There's so much waste of taxpayer money that we have become accustomed to it, and we actually expect government to waste money—too big, too wasteful, too incompetent, and too inefficient.

But the real problem is not waste, but the size and inefficiency of government. We're moving to a society that is just another European nanny state, where government is bigger, bloated, and controlling. The government says it will provide all our needs if we just turn over more power, authority, and money to government and government agencies.

Mr. Speaker, does anybody ever really get warm fuzzies when we hear about government programs like the post office, FEMA, the IRS, or TSA? I don't think so. Government doesn't do things better; it does things more expensively and wastefully. And government promotes a concept of more dependence on government, not independence.

We in Congress need to realize the obvious—that unlimited, out-of-control government is not the answer to our problems. But until we get a grip on government and move to a constitutional concept of limited government, we should expect and demand more accountability from the people that are in charge of the people's money.

With hard economic times affecting the unemployed, we cannot tolerate wasteful spending by government bureaucracies. With 8.5 percent unemployment nationwide, 11 percent in the

Hispanic community, 14 percent in the African American community, 14 percent for returning military from Iraq and Afghanistan, and 50 percent unemployment for recent college graduates, we should demand that when government helps those we as a society say it should help, government does so properly and efficiently and in a dignified way. Otherwise, more dead people will continue to receive taxpayer money that should go to people that are at least alive.

And that's just the way it is.

AFFORDABLE CARE ACT REPEAL EFFORTS

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. COHEN) for 5 minutes.

Mr. COHEN. Mr. Speaker, the passage and implementation of the Affordable Care Act is the culmination of an American political journey that started a century ago with Teddy Roosevelt in 1912 with the Bull Moose Party—also a Republican—and picked up years later by Harry Truman and other Presidents, including Richard Nixon, another Republican. The most recent groundwork for reform was laid in part by the former Republican Presidential candidate, Robert Dole, as an alternative to Hillary Clinton's plan, and by the present Republican Presidential nominee, Mitt Romney. I commend them for championing the concept of the individual mandate back when it wasn't quite as unpopular on their side of the aisle.

The history of reforming our Nation's health care system is a strong one that has historically been championed by lawmakers on both sides of the political spectrum, until this Congress. My colleagues on the other side of the aisle have wasted hours upon hours debating and voting upon the various versions of the legislation that would repeal the Affordable Care Act.

My colleagues know that these initiatives are fruitless. They know that voting over and over and over again—more than 30 times total—on measures to repeal the Affordable Care Act is a waste of time, but they keep calling for these votes. Do you want to know why? Because they want to distract the American public from the fact that they are so committed to unseating our President, Barack Obama, that they haven't passed any effective jobs-creating legislation since they took over the majority in this House in 2010.

The Supreme Court of the United States upheld the constitutionality of the Affordable Care Act, and it's time to face the facts. Earlier today, a gentleman from Virginia said, Oh, it was just 5-4. *Bush v. Gore* was 5-4. We accepted that the person who got the least votes and lost Florida was President of the United States for 8 years, but the consequences we still have to face.

The Affordable Care Act is the law of the land. As a result, millions of Americans who were previously uninsured or underinsured have access to affordable, high-quality health care. In fact, the number of Americans uninsured is equal to the population of 25 of the 50 States.

Thanks to the Affordable Care Act, millions of Americans and small businesses have already benefited from lower health care costs, increased access to preventive care, and stronger patient protections.

Thanks to the Affordable Care Act, 12.8 million families will receive rebates that total over \$1 billion from insurers next month, in August, because the law requires companies to provide value for their premium dollar. Never before has that happened.

Community health centers in my district have received over \$10 million to deliver health care services to underserved and impoverished Memphians, and 170,000 households in my district will get a premium credit so they can afford quality health insurance coverage.

Women no longer are considered a preexisting condition, and insurance companies can't charge them more, which they did, by 40 percent.

Medicare beneficiaries now have access to preventive care and services without any copay.

And 64,000 people in my district will go from uninsured to insured.

32.5 million seniors nationwide received one or more preventive care treatments in 2011.

The doughnut hole is being closed; 50 percent discounts on covered brand-name generics.

Annual and lifetime caps on health care coverage are now illegal, meaning insurance companies can't kick you off the plan just because you get cancer or are in an accident or have a heart attack.

Our children are now protected because insurers are prevented from denying coverage to children under 19 for preexisting conditions. This means up to 17 million children with preexisting conditions are now protected from discrimination.

Young adults can remain on their parents' insurance until they're 26, providing some protection in this uncertain job market.

□ 1050

It's now affordable for small businesses to provide insurance to employees. The tax credits cover up to 35 percent of the cost of coverage and will go up to 50 percent in 2014. In fact, in 2011, 360,000 small employers used the Small Business Health Care Tax Credit to help them afford health insurance for 2 million workers.

One of the most misleading arguments by my colleagues concerns that penalty that will be assessed on those

financially-able Americans who choose not to purchase insurance, thereby not taking responsibility for their health care. Responsibility. That's one of the keynotes of the Republican side.

But if an uninsured person in my district gets into a car accident or comes down with an aggressive illness, they're taken to a public hospital in Memphis called The MED. The MED treats everybody because they have to, and when The MED takes cares of those people, the property owners, the responsible people, pay for it through higher property taxes, or you pay for it with your insurance, if you have it, because it's uncompensated care if you go to a non-public hospital.

The time and effort put in by nurses and doctors and assistants at The MED aren't free. The medical devices and supplies that The MED used to treat those uninsured people aren't free. Every single resident of Shelby County pays for those services when a person seeks emergency services there, and the taxes go up.

People who choose not to buy insurance for themselves and their families, even with the Federal Government providing incentives and credits, are irresponsible free riders, and it's the free riders that the other side's trying to talk about, not the conscientious and responsible people who take control of their own lives and their own destinies.

Not taking responsibility for the health of yourself and your family is reckless. The free riders have been a burden on our national health care system for far too long, and it's time they take responsibility for their actions and their health. This penalty, which will be equal to no more than the estimated cost of an insurance premium, is the way we do it.

It's long past time we implement the health reform initiated by Teddy Roosevelt and championed by people of both parties. It's time Americans realize and take advantage of their right to quality healthcare. And it's long past time my colleagues stop playing partisan politics and start working on behalf of the American people, not giant corporations, once again.

STARTUP ACT 2.0

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. DOLD) for 5 minutes.

Mr. DOLD. Mr. Speaker, this week I welcomed 26 new citizens to this country. It was an inspirational event, and I'm so proud of all they have been able to accomplish. These individuals have worked hard to become citizens, and they are poised to go on and fulfill the American Dream. There is no doubt that times are tough, and yet these individuals have persevered despite all of the obstacles.

As families all over the Nation are struggling with the lagging economy,

we must remain focused on job creation and economic growth. As part of my Main Street jobs agenda, I'm focused on bringing opportunities such as STEM education for our students and for those looking for work. As part of this effort, I've cosponsored the bipartisan, bicameral Startup Act 2.0.

The United States is the higher education destination for the world. This is a testament to the strength of these institutions and the value of the degrees. But too often, foreign students come here to learn, and then have little choice but to return to their home countries after they are through.

Students with advanced degrees in science, technology, engineering, and mathematics are forced to go home with that knowledge, with the ideas and aspirations, aspirations to change the world and bring new technologies. Many of them want to stay here to make something of themselves here in our country because it is still the best place for ideas to become realities. And what we do is we force them to go back to their own country, to compete against us here in the United States.

These ideas become solutions which, in turn, become job-creating companies. According to a study by the National Foundation for American Policy, immigrants founded or cofounded almost half of the top 50 venture-backed companies in the United States.

Since our Nation's founding, Mr. Speaker, immigrants have flourished, along with our economy. America becomes a richer and more dynamic society by encouraging the best and the brightest from all over the world to set up shop here on our soil. That is why I'm honored to cosponsor the bipartisan, bicameral Startup Act 2.0 that will help get Americans back to work, and I encourage my colleagues to do the same.

America becomes a richer and more dynamic society by encouraging the best and the brightest from all over the world to come here to our country.

The people I welcomed as new citizens this week do not have time for gridlock in Washington, Mr. Speaker. The American public doesn't have time for gridlock in Washington. We must move forward and find common ground to help the millions of Americans who are working toward their American Dream, to help them get back to work.

READ THE BILLS AND COMPARE THE TWO

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. AL GREEN) for 5 minutes.

Mr. AL GREEN of Texas. Mr. Speaker, this message is only for persons who may get sick. If you will never get sick, this message is not for you, N-O-T, not for you. Only for those who will get sick.

Mr. Speaker, I hold in my left hand a copy of the Affordable Care Act. I hold

in my right hand the replacement bill that my colleagues across the aisle have been talking about.

This bill has passed the Congress of the United States of America. It is more than 2,000 pages. It was condemned for being too long, which may explain the size of this bill. This bill has within it preventive care. This bill has within it a cap on administrative costs. You must spend 80 to 85 percent of the money that insurance companies collect on health care. This bill protects persons who are under 26 years of age, as they can stay on their parents' insurance. This bill covers persons with preexisting conditions.

I had to read this bill. My constituents insisted that I read this bill before voting on it.

And my constituents want me to read this bill. This is the replacement bill, and they want me to be sure that I understand the replacement bill before I vote to repeal.

So what I'd like to do now, for all within the sound of my voice and who are viewing this, I want to read the replacement bill. I shall read the replacement bill. Let me just read half of it first. I shall now read one-half of the replacement bill. Now, I shall read the other half of the replacement bill.

Now, some of you will say, AL, you read too fast; I didn't pick up all of that. So, for those who listen slowly, or those who may have missed it, I shall now read the replacement bill in its entirety. That's the replacement bill.

Here is the bill that we can read. I'm going to ask that I be allowed to place the replacement bill in the RECORD.

Mr. Speaker, I ask that persons consider the empirical evidence as well as the invisible evidence. When you weigh the empirical evidence against the invisible evidence, you decide whether we should vote to repeal.

Now, there may be some who contend, well, AL, really, I'd just like to go back to the way things were. Let's quickly go back to the way things were. Gladys Knight had a song titled, "The Way We Were."

Here is the way we were in 2009. In 2009, when we were considering replacement, we were spending \$2.5 trillion a year on health care. That's a big number. Hard to get your mind around it. That's \$79,000 a second. It was, at that time, 17.6 percent of the GDP.

We were spending \$100 billion a year on persons who were uninsured. It was projected that by 2018 we'd spend \$4.4 trillion, which would have been 20.3 percent of GDP, which is \$139,000 a second.

In my State of Texas we had 6 million people who were uninsured. In Harris County, where I have my congressional district, we had 1.1 million people who were uninsured. Twenty percent of the State's children were uninsured. Fifty million Americans were uninsured. 45,000 persons per year were

dying because of a lack of insurance. That's one person every 12 minutes.

And if you don't like that, call Harvard. I got the statistics from Harvard.

The system was not sustainable. This is why we embarked upon producing this bill.

So I beg that those who insisted that I read this bill before voting, please understand that before you vote, you ought to read this bill and compare the two.

□ 1100

COMMUTER SAVINGS ACT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from New York (Ms. HAYWORTH) for 5 minutes.

Ms. HAYWORTH. As a frequent rider and former commuter on New York's mass transit system, I know how important public transportation is.

Alone, the New York Metropolitan Transportation Authority, or MTA, transports more than 8.5 million commuters across metropolitan New York every day. In the district I'm privileged to serve—New York's 19th Congressional District—which includes Westchester, Orange, Rockland, Dutchess, and Putnam Counties, the MTA's 31 Metro-North Railroad stations serve 11,000 passengers every weekday.

Our Hudson Valley's mass transit commuters lost part of their recent tax credits for employer-provided mass transit benefits as of January 1 of this year. Commuters utilizing the mass transit portion have seen their credits drop from \$230 per month to \$125 per month, which means that their commuting costs have increased. In contrast, commuters utilizing the driving and parking benefits have seen an automatic increase from \$230 per month to \$240 per month, which is why I introduced the Commuter Savings Act on June 29.

This legislation would extend parity between the mass transit and parking portions of the transportation tax credit, which would increase mass transit benefits from \$125 per month to \$240 per month. Mass transit minimizes traffic congestion, reduces fuel consumption, and limits the wear and tear on our roads and bridges. It's really a great win for all of us even if we don't use mass transit. The Commuter Savings Act will directly help more than 70,000 of our Hudson Valley neighbors, and the bill is retroactive to January 1 of this year, which will provide mass transit commuters with a full 2 years of certainty in their mass transit benefits.

For the tens of thousands of Hudson Valley residents and millions of Americans across the country who rely on safe and affordable public transportation and for all of us who enjoy the benefits of those fellow Americans

using mass transit, I urge my colleagues to join me and my fellow primary cosponsors, Representatives PETER KING and BOB DOLD, in giving our mass transit commuters a break in these tough economic times.

JULIE DOYLE

The SPEAKER pro tempore. The Chair recognizes the gentleman from Minnesota (Mr. ELLISON) for 5 minutes.

Mr. ELLISON. I appreciate everything everyone has said in defense of the Affordable Care Act; but rather than striking a statistical position or coming up with basically what was pretty humorous and entertaining by my good friend from Texas—I really enjoyed his presentation—I just want to talk about a person.

This is the person I want to talk about. She is a young lady from my district in the prime of her youth. She is only 25. I would like to talk to you about her a little bit, Mr. Speaker.

Today, we are going to vote to repeal the Affordable Care Act for the 31st time. We are wasting 2 days debating a bill that has already passed the House and that has no chance in the Senate. Rather than spending our time creating jobs, we're spending it trying to take health care away from those who need it most. One of those people, Mr. Speaker, is an individual by the name of Julie Doyle.

This is Julie. Julie is 25, as I said. Her life has already been filled with numerous roadblocks. Julie had her first heart procedure at age 12; and for the last 13 years, her life has been filled with many ups and downs, including having lost her father when she was 15. Despite numerous health issues, Julie is still very active as the captain of her softball team, as the captain of her tennis team. She is a student council member and an active community volunteer. So as you can imagine, I think she is an amazing kid. Of course, she is not a kid—she is a young woman now—but she is still quite an amazing member of our community.

Like many young people her age, Julie is dreaming of going to college, of having a successful career. She wants to study business. Her efforts were derailed about 3 years ago when she started having multiple system disorders and started blacking out. There were days when she only had the energy to crawl from the bathroom. Concussions, bruises, broken teeth became routine. Just as her condition was becoming severe, her insurance was due to end. However, because of the Affordable Care Act provision allowing young adults to stay on their parents' plans until the young adults are aged 26, Julie was able to get the health care that she needed.

Now, for the people who think it's so clever, so smart, so funny to repeal the Affordable Care Act—I don't know

what they think it is—I urge them to think about Julie. Julie is worth it.

OPPOSITION TO REPEALING THE AFFORDABLE CARE ACT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. ROYBAL-ALLARD) for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, this is day 2 of the misguided Republican attempt to repeal the Affordable Care Act. We have been down this road 31 times with the same arguments and the same often misleading rhetoric that does not reflect the true benefits of the Affordable Care Act.

Those who argue against it are not speaking for my 167,000 uninsured constituents who for the first time will receive health insurance coverage when the law is fully implemented. They are not speaking for the 7,000 young adults who can now stay on their parents' insurance plans until they are aged 26, or for the 510 small businesses in my district that are receiving tax credits to help maintain or expand health care coverage for their employees.

Colleagues who support the repeal of the Affordable Care Act are also disregarding the needs of minority communities in which millions suffer from persistent and life-shortening health disparities. In my largely Latino district, for example, thousands more of my constituents will have access to health care through the expansion of Medicaid, the creation of health insurance exchanges, and through the law's expansion of community health centers.

Mr. Speaker, my constituents do not want the Affordable Care Act repealed nor do the millions of Americans across our country for which the ACA has brought lifesaving benefits. This is most certainly true for women, seniors and people with disabilities.

Under the Affordable Care Act, being female can no longer be considered a preexisting condition. Women will no longer have to pay higher premiums than men, and prenatal care will finally be covered for all women in this country.

Never again will our sisters, mothers and daughters have to choose between a mammogram or putting food on the table because these lifesaving preventative health services will no longer require copayments.

As for seniors, last year, as a result of health reform, over 32 million of them received free preventative health services, and over 5 million seniors are saving close to \$4 billion on Medicare prescription drug costs as the doughnut hole closes.

Because Obama cares, our families and neighbors with disabilities will no longer live in fear of reaching lifetime limits on their insurance or of being excluded from coverage due to having preexisting conditions.

Mr. Speaker, the Affordable Care Act is already working for my constituents—for women, for minority communities, for seniors, and for people with disabilities. It is time for my Republican colleagues to listen to these Americans who do not want to lose their new health benefits. The Supreme Court has upheld the Affordable Care Act. Let's stop wasting time and taxpayers' money and find solutions to the other complex issues facing our country today.

OPPOSING THE REPEAL OF THE AFFORDABLE CARE ACT

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Florida (Ms. BROWN) for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, the poor will always be with us, but our job is to help raise the standards. I've got to tell you, if it were not already invented, I would say this Congress invented the words the "do nothing Congress"—do nothing.

Today is the second day that we are debating the repeal of the Affordable Care Act. Let me be clear that not one single person who has come to this floor debating doing away with it doesn't have insurance, because we have the best insurance. In fact, my blood pressure is up, so I went downstairs. Because I have insurance, I was able to test my blood pressure and get some additional medication. In fact, later I was able to go to the dentist because I have insurance. Yet what we are debating is you at home not having health care, because we—everybody in this House, every Member who has come to this floor—has health care.

□ 1110

Every single President, since Franklin Roosevelt, for 75 years has tried to push some form of universal health care, and I want to thank President Barack Obama. They like to say "ObamaCare." I want to say, "President Barack Obama cares, and he was able to accomplish something." Let's be clear that the President proposes, and the Congress disposes. So it had to be the Congress. It was the Democratic Congress, the Democratic Senate, and the President that passed the bill.

Instead of discussing health care repeal, we should be debating VA construction. In my State as of July 1, the VA paid an additional \$500,000 to rent a portable operating room for a project that is 95 percent complete, but we haven't had a chance on the floor to take up VA construction. We have 31 times that we're taking up repealing health care. I visited that facility last month, and I found out that it would have been a health risk not to expand the program for the veterans in that area.

People often say, "What did the Democratic House, President, and Congress do?" We passed the largest VA

budget in the history of the United States of America. We took care of the veterans. We had a far-reaching budget. We gave care to the caregivers of our veterans. It goes on and on.

I really do believe to whom God has given much, much is expected. He expects us to work to empower the American people with jobs and health care. Basically “do nothing” is the label of this Congress, the Do-Nothing Congress.

MMM, MMM BAD HEALTH CARE POLICY

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. CROWLEY) for 2 minutes.

Mr. CROWLEY. Mr. Speaker, today, Republicans in the House will once again bring up a repeal of the Affordable Care Act.

We've seen a lot of repeal from them, but not as much with respect to their so-called plan to replace. I think I've figured out what the GOP wants to replace the Affordable Care Act with.

Here is what I assume must be the Republican plan for health care in our country: chicken noodle soup. Chicken noodle soup? Many of our mothers and grandmothers have told us that chicken noodle soup is a cure-all for anything, but I think the Republican plan takes Grandma at her word a little too literally.

Can't afford health care coverage and need medical care? Have some chicken noodle soup. Have you been diagnosed with a serious disease and can't afford the prescription drugs you need to treat it? Have some chicken noodle soup. At least you can rely on good old-fashioned chicken noodle soup. Have a preexisting condition like diabetes that lets your insurance company deny you coverage? That's okay. Have some chicken noodle soup and you'll feel better in the morning.

The truth is, it won't be all better in the morning. That's why we enacted the Affordable Care Act, to ensure that people could get the affordable, quality coverage they need; that seniors can afford their prescription medications; and that an insurance company can no longer deny you coverage because you have a preexisting condition.

I don't know why Republicans want to go back to the day when chicken noodle soup was the only option for hardworking families who couldn't afford care. The truth is, chicken noodle soup might be mmm, mmm good for lunch, but as a health care policy, it is mmm, mmm bad.

LET'S STOP THE POSTURING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Illinois (Mr. LIPINSKI) for 3 minutes.

Mr. LIPINSKI. Mr. Speaker, we have heard hours of impassioned speeches on

the repeal of the Affordable Care Act, most defending all or nothing, and pitting us against them. But the American people aren't interested in the politics. They want us to focus on what we can do moving forward to make good health care more affordable for them without breaking the bank.

I believe the ACA is flawed, and I parted ways with the majority of my Democratic colleagues in voting against it in 2010. As I said then, “The bill does not do enough to lower the skyrocketing costs of health care, cuts more than \$400 billion from Medicare, is not fiscally sustainable over the long-term, and breaks with the status quo by allowing Federal funding for abortion and abortion coverage.”

But we all agree there are good provisions. The bill expanded access to care and improved health insurance by doing things such as prohibiting discrimination based on preexisting conditions and extending family coverage to children up to the age of 26. Why, then, are we being asked to blindly throw out the good with the bad, or alternatively, to simply let the law stand with no changes at all?

A few months after I voted against the ACA, in a town hall meeting in Hickory Hills, I was asked by an opponent of the law if I would vote to repeal it. I said, “No. We need a fix, not a repeal that would take us back to the status quo.” He said, “Okay. Repeal and replace. Keep the good parts, and make other necessary changes.”

I agreed, and that's exactly what I have been working to do. I helped pass into law a bill to repeal the burdensome 1099 requirement for small businesses and helped introduce and pass legislation to repeal the ACA's CLASS Act program, which would have added tens of billions of dollars to the deficit. In addition, I worked to pass legislation to ensure that no taxpayer money is spent for abortion under the law, and I continue to fight against portions of the HHS mandate that violate Americans' religious liberty.

At the start of this Congress, I hoped we could work on major fixes to the health care law. Instead, a bill was brought to the floor in January 2011 which would have eliminated the entire law with no exceptions. I opposed that bill. I voted for a resolution instructing four House committees to develop replacement legislation. Yet, 18 months later, there still is no replacement. Instead, we're again voting on a repeal, period. And once again, we all know this bill will pass the House and die in the Senate.

A Chicago Tribune editorial recently stated: “If Democrats want to save the ambitions of this law, they're going to have to find a way to write a Truly Affordable Care Act.” And the Tribune concluded that Republicans “ought to engage Democrats in a real effort to contain the costs before the law takes

full effect in 2014.” I wholeheartedly agree.

Let's stop the posturing, roll up our sleeves, and work to make health care more affordable for all Americans in a fiscally sound manner. That is what the American people want us to do. That is what we need to do.

REPEAL OF THE ACA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Missouri (Mr. CLAY) for 3 minutes.

Mr. CLAY. Mr. Speaker, I cannot believe we are asked for a 31st time to repeal the Affordable Care Act.

This isn't just a policy issue. This is a moral test. This is one of the great moral tests of our time. Those who vote to repeal the Affordable Care Act are failing that moral test. They are utterly failing that test.

Paying health insurance premiums and other health care bills has become very difficult for American families. Premiums have gone up each year and the cost of health care has escalated. Insurance companies have shifted costs to consumers through increases in deductibles and copayments and decreases in covered services. Low- and middle-income families need relief from skyrocketing health care costs.

The constitutional ACA provides real relief to American families. First, the Affordable Care Act provides direct financial relief to millions of insured American families that struggle to pay health insurance premiums today. The new law allows families to shop for a plan in new State insurance exchanges and allows them to receive a big discount on their premiums.

□ 1120

The ACA protects people from high deductibles, high copayments, and unexpected gaps in their insurance coverage in three ways. It eliminates lifetime and annual limits on how much an insurance plan will pay for covered benefits. That means payments won't suddenly run out. It caps how much a person must spend each year on deductibles and copayments for covered benefits. That means that families won't be forced to lose their homes because they get sick. And it provides additional help with out-of-pocket costs for lower-income families.

Second, the ACA expands the affordable insurance options to families who could not afford coverage before. Medicaid will now be available to families at or lower than the 133 percent of the Federal poverty level. For people with incomes above that level and up to 400 percent of poverty, new premium tax credits will help them afford coverage. Reducing the number of uninsured will help reduce the “hidden health tax” that is imposed on insured families. We all pay higher premiums to pay for the care of the uninsured.

Third, the Affordable Care Act will slow the growth of underlying health care costs and help all Americans.

As I have said on this floor before, the ACA is the greatest improvement in women's health in decades. Under the ACA, millions of women are gaining access to affordable health care coverage. Women will not have to pay more than men for the same insurance policy, and women will not be denied coverage because they are sick or have preexisting conditions. Women will be guaranteed preventive services, such as mammograms and cervical cancer screenings, with no deductibles or copays.

Senior women will have access to coordinated care.

Senior women will save thousands of dollars as reform closes the Medicare prescription drug coverage gap.

Family caregivers—who are typically women—will benefit from new supports that help them care for their loved ones while also taking care of themselves.

Mr. Speaker, as the great Progressive Hubert Humphrey said:

"The moral test of government is how that government treats those who are in the dawn of life, the children; those who are in the twilight of life, the elderly; those who are in the shadows of life, the sick; the needy and the handicapped."

By voting to repeal the ACA, my colleagues are failing that test, Mr. Speaker. They are failing that moral test.

DON'T LET BAD POLITICS DRIVE BAD POLICY

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) for 3 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, just to set the record straight, I'm a family physician and the first female doctor in the Congress.

Just less than 2 weeks ago, the Supreme Court issued a final ruling that the health care reform law is, in fact, constitutional. It is now the law of the land.

Despite this, today my colleagues on the other side of the aisle are revisiting old political battles instead of using the final weeks in this session to fully implement a current law that will protect the health of every American, instead of creating jobs during a time when unemployment is at a persistent high, instead of strengthening the American economy and ensuring that taxes on middle class families are not raised.

I have heard the scare tactics and spin that my colleagues are using to mislead the American public. The truth is this: repealing the health care reform bill would set this country back on a course no American—Republican or Democrat—wants to go back to.

With the list of horrible consequences, H.R. 6079 reads like a dishonor roll.

The Republicans' repeal of health care reform will raise taxes on 18 million middle-class people.

More than 6 million young adults will lose the option of being covered under their parents' health care plans.

More than 5 million seniors will pay more in prescription drugs, leaving many having to choose between paying their rent, food, or medicine.

129 million Americans, 17 million of whom are children with so-called preexisting disease, which before health care reform included acne and pregnancy, may be denied health care coverage when they need it, and 33 million currently uninsured Americans will stay among the ranks of the uninsured.

More than 32 million seniors and 54 million other Americans will pay more for mammograms, colonoscopies, annual wellness exams, and other often lifesaving preventive care that detects cancers and diseases at their earliest stages when they are most treatable.

105 million Americans would again have lifetime limits on their health insurance, which often puts health care services out of reach when people need it the most. Also, 15 million Americans would be dropped from their insurance companies altogether.

Many of the provisions of the law may never get funded that would close the shameful gaps in health care that cause people of color, the poor of every race and ethnicity, even those who may be Republican or Tea Party, rural Americans and those who live in our Nation's territories, to die in excess numbers from preventable deaths and cost the country billions of dollars every year. There's nothing appropriate, just, fair, or worthy in this attempt to repeal the Affordable Care Act. It turns back progress. It closes a door to wellness that is now just being opened to over 30 million Americans. It sets this Nation on a path that is unhealthy and less financially secure, and it threatens our position of leadership in the world.

Even though we know this is just an empty exercise, that it's not going anywhere, we do have the opportunity to stand together and do the right thing to not let bad politics drive bad policy. When the bill comes up for a vote, vote "no" on H.R. 6079.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 11 o'clock and 25 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro

tempore (Mrs. MILLER of Michigan) at noon.

PRAYER

Rabbi David Algaze, Havurat Yisrael Synagogue, Forest Hills, New York, offered the following prayer:

God, from Whom all blessings flow, bless this assembly to steer this great Nation to the prominence You bestowed upon her; a land where even a humble bicycle messenger can soar to serve in this Hall, where every man has dignity and the capacity to prosper, where the ignorant can reach knowledge and the persecuted sanctuary. Move it from finiteness to infinity, from constriction to amplitude, from isolation to leadership, from cynicism to faith. Uphold its preeminence among the nations, for its message of freedom is beneficial to all men.

Let us pray for wisdom, not passion; for knowledge, not shallowness; for truth, not trend; for enduring amity to allies and steadfast stand against its foes.

Bring us the day when all men shall turn to one another in pleasantness, when they combine regardless of differences in a union under Your reign, as the prophet Zechariah proclaimed: "On that day, God shall be One, and His Name one."

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Tennessee (Mr. COHEN) come forward and lead the House in the Pledge of Allegiance.

Mr. COHEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING RABBI DAVID ALGAZE

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. TURNER) is recognized for 1 minute.

There was no objection.

Mr. TURNER of New York. Madam Speaker, fellow Members, I am privileged to have had the honor of inviting Rabbi David Algaze here to lead us in the benediction. Rabbi Algaze serves as the senior rabbi of Havurat Yisrael Synagogue in Forest Hills, Queens, a position he has held since founding the congregation in 1981.

Rabbi Algaze has always held a commitment to academics both as a student and as a teacher. He holds multiple master's degrees and has served as a professor in all levels of academia. He is a former president of the Association of Sephardic Rabbis of America, and is the founder and president of the World Committee for the Land of Israel.

He has always been a strong advocate for the Jewish community in Queens and throughout New York. An ardent supporter of the State of Israel, Rabbi Algaze continues to fight to ensure its safety, security, and well-being. A prime example of these efforts is his work to educate the world about the current situation in Iran and the threat it poses to Israel and the United States.

A scholar, educator, and pillar of religious leadership in our community, he has been a terrific friend to me and has always been there for all those in need.

I thank you, Rabbi Algaze.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 further requests for 1-minute speeches on each side of the aisle.

RICE UNIVERSITY—HOUSTON, TEXAS

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, late one summer night a few years ago, I boarded a red-eye flight back to Houston. I saw college students on the plane, and I expected the worst. I was wrong, however. As soon as the plane took off, these athletes broke out their books, and they studied for the rest of the flight. I was impressed by this group of considerate, smart, focused, and driven student athletes. No surprise, they were the Owls baseball team from Rice University.

Rice was named after Massachusetts-born businessman William Marsh Rice, a transplanted Yankee who was successful in Houston, Texas. He chartered the Rice Institute. Today, Rice University is the home of 5,000 students. Its achievements make Houston proud—artificial heart research, structural chemical analysis, and space science, just to name a few. And the Rice Owls baseball team gives Houston a baseball team we can be proud of. And just yesterday, Rice was named one of the top 100 universities in the world by the Center for World University Rankings.

I want to congratulate Rice president, Dr. Leebron, his wonderful educators, and his students for an amazing 100 years of excellence and education.

And that's just the way it is.

STUDENT VETERANS ACADEMIC COUNSELING ENHANCEMENT ACT

(Ms. CHU asked and was given permission to address the House for 1 minute.)

Ms. CHU. After returning from Iraq, John started college. He didn't pick a major right away, instead, exploring different subjects. But he struggled. It was hard for him to focus; and after what he had been through, he couldn't relate to his classmates. Soon, he had used up his GI Bill benefits and couldn't afford to graduate.

What John's story tells us is that even though we vigorously train our soldiers, we give veterans little guidance to succeed in school. So I'm introducing the Student Veterans Academic Counseling Enhancement Act, endorsed by the American Legion, the Iraq and Afghanistan Veterans of America, and the Veterans of Foreign Wars. This bill provides regular one-on-one academic counseling to GI Bill students no matter where they go to school, and it tracks veteran graduation rates to help ensure academic and career success. This Student Veterans Act will ensure taxpayer dollars are spent responsibly, while helping veterans graduate and get good jobs. We owe it to those who have sacrificed so much for us, our veterans.

REPEAL OF OBAMACARE ACT

(Mr. BENISHEK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENISHEK. Madam Speaker, in upholding the President's health care law, the Supreme Court identified the law as a \$675 billion tax increase on America's working families and reminds us that we cannot depend on courts to fix the mistakes that Congress has made.

I know something about health care. I've been a doctor for 30 years taking care of patients in northern Michigan. I know the President's plan is not solving our health care problems. In fact, it's making them worse.

The law hurts seniors by cutting more than \$500 billion from Medicare. The law creates a board of 15 Washington bureaucrats to decide how to reduce Medicare costs. The law contains more than 13,000 pages of new regulations that will suffocate our small businesses.

The President's law never addressed rising health care costs. America has a great health care system, but the problem is it costs too much. I recommend we enact a step-by-step approach that lowers cost through free market competition and strengthens the doctor-patient relationship.

The American people have been clear—they don't like this terrible law. I urge all Members to support the Repeal of Obamacare Act, so we can scrap

this law and work together on real health care reforms that actually lower costs and make health care more affordable.

LEADERSHIP ALLIANCE

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Madam Speaker, I rise today to commemorate the 20th anniversary of the Leadership Alliance.

The Leadership Alliance, established by Brown University in 1992, is a national academic consortium of leading research universities and minority-serving institutions with the mission of developing underrepresented students into outstanding leaders and role models in academia, business, and the public sector.

Through an organized program of research, networking, and mentorship at critical transitions along the entire academic training pathway, the Leadership Alliance prepares young scientists and scholars for graduate training and professional apprenticeships.

To date, the consortium has mentored more than 2,600 undergraduates, including 33 Rhode Islanders. Brown University has mentored 386 Leadership Alliance participants, 35 percent of whom have received a graduate-level degree.

I am proud to stand in support of this initiative that identifies, trains, and mentors talented underrepresented and underserved students.

I congratulate and commend the Leadership Alliance, including Brown University, for 20 years of mentoring a diverse and competitive research and scholarly workforce.

□ 1210

REPEAL OBAMACARE

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. Madam Speaker, in 2009, President Obama rightly said, "The last thing you want to do is raise taxes in the middle of a recession." Yet the President's signature legislative achievement, ObamaCare, hinges on 21 separate tax increases, 12 of which hit the middle class.

ObamaCare and its taxes have already proved crushing to the economy, along with broken promises to spur job creation, reduce debt, cut premium costs, and allow patients to keep their coverage and physicians. Family premiums are up over \$1,000, 20 million people are at risk of losing the doctors they like, 48 percent of businesses aren't hiring to brace for rising health costs, and by 2021, the CBO estimates there will be 800,000 fewer jobs because of ObamaCare.

The job of Congress is not to defend failure. ObamaCare makes it harder for job creators to hire and fails in its most basic objectives. Thus, we have a duty to spare the American people from its \$1.76 trillion bill by fully repealing this legislation.

NOMINATION OF JOHN T. FOWLKES, JR. TO THE FEDERAL DISTRICT COURT OF WESTERN TENNESSEE

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Madam Speaker, yesterday the United States Senate approved the nomination of President Obama, upon my recommendation, of John T. Fowlkes, Jr. to be the new Federal District Court Judge in the Western District of Tennessee. It was a moment of bipartisanship, where Senators McCONNELL and REID worked to get the nomination up, and my Republican Senators, CORKER and ALEXANDER, sponsored and supported that nomination.

Judge Fowlkes is an outstanding jurist and was an astounding attorney. He was a public defender, a State prosecutor, a Federal prosecutor, a chief administrative officer for our county government, and a current criminal court judge.

I empanelled a group of lawyers—bipartisan, just about every representation you can imagine—to advise me on the person to recommend. Everybody felt John Fowlkes had the temperament and disposition, judicial experience, and was the right person for the job.

I was proud to recommend him. I'm pleased the President nominated him. I'm thankful the Senate acted in a bipartisan way so we can work down our caseload. We need more judges, and the Senate needs to approve more.

THE WRONG PRESCRIPTION

(Mr. JOHNSON of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JOHNSON of Ohio. Madam Speaker, we've long known that President Obama's takeover of our health care is bad medicine. And now that the Supreme Court has determined that it's one of the largest tax increases in American history, we've confirmed that it's bad policy.

As I travel up and down the Ohio River, I hear repeatedly that this disastrous law must be repealed and replaced with commonsense, patient-centered solutions that will grow our economy.

Today, the House will vote, once again, to repeal this law because it's full of broken promises covered up in empty political rhetoric.

President Obama promised us that this law would lower health care costs,

but now we know it will cost more than double what was expected, almost \$2 trillion.

We were promised that the law would create jobs, but 40 percent of American businesses tell a different story.

And finally, we were promised that we'd be able to keep our doctors, but a recent survey says that 83 percent of doctors have considered quitting over the law.

Free market and patient-centered solutions are not only good policies, but they are also the correct medicines for health care reform, not President Obama's Big Government takeover.

TEXAS' DECISION NOT TO EXPAND MEDICAID AND THE VOTE TO REPEAL THE AFFORDABLE CARE ACT

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Ms. EDDIE BERNICE JOHNSON of Texas. Madam Speaker, by refusing to expand Medicaid to cover millions of sick, low-income adults, Texas Governor Rick Perry has joined the growing list of Republican Governors who have decided to put partisan politics before the health of their residents.

6.2 million Texans, including 1.2 million children, lack health insurance, the highest number of any State in the Nation. Medicaid expansion would drastically decrease Texas' uninsured rate from an astonishing 25 percent to just 9 percent.

Without the Affordable Care Act, millions of uninsured Americans will continue to seek primary care in our Nation's overcrowded emergency rooms, leaving taxpayers, property owners, to foot the bill. As a nonpracticing registered nurse, I am all too familiar with this scenario, which has placed a tremendous burden on our Nation's hospital systems.

Madam Speaker, the highest court in the Nation has spoken, and it's time for us to move forward for the American people.

HONORING THE SERVICE OF SPECIALIST ANDREW SMITH

(Mr. FLEISCHMANN asked and was given permission to address the House for 1 minute.)

Mr. FLEISCHMANN. Madam Speaker, I rise to honor Specialist Andrew Smith of the United States Army's 82nd Airborne Division.

Andrew grew up in my hometown of Ooltewah, Tennessee, and enlisted in the Army after graduating from Lee University. On his first patrol in Kandahar, an IED detonated near him and he lost both of his legs.

I first met Andrew where he was recovering at Walter Reed, where I was impressed by his spirit, curiosity, and determination. His wife, Tori, was by

his side the entire time and keeps a constant vigil. Andrew's mother has been active as well, ensuring he receives the best care possible.

A particularly touching tribute is an essay written by Andrew's sister, Katie. She writes:

He was aware of the risks that were involved in being a soldier, but he was so devoted to protecting our freedom that he was willing to sacrifice in a major way. Even though he is away from the war, he is still fighting.

Katie's essay reminds us that our freedom and safety depend on heroes like Andrew Smith who put their lives on the line to defend us. I am humbled to recognize Andrew, and I am pleased his family is able to join him here today in the House gallery.

I will submit Katie's essay for inclusion in the CONGRESSIONAL RECORD later. And I speak for all Americans when I say that we are forever grateful.

STOP THE POLITICAL THEATER

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. On January 19, 2011, the Republicans voted to repeal ObamaCare. Thirty other times on the floor since then, they have voted to repeal ObamaCare, or part of ObamaCare. And today, for the 31st time, they will vote to repeal ObamaCare.

How about doing something productive for the American people in terms of lowering health insurance and health care costs instead of your political theater here?

The Supreme Court has ruled. Let's roll up our sleeves and improve what is the law of the land.

I propose that today we should vote on my bipartisan amendment to take away the antitrust immunity of your friends, the insurance industry, so they can't collude to drive up prices, they can't collude to restrict coverage and divide up markets and make it more expensive for all Americans. The Consumers Union says this would mean a 10 to 25 percent drop in everybody's health insurance in this country.

Let's do something real. Stop the political theater. Let's help the American people get affordable health care and health insurance.

REPEAL OBAMACARE

(Mr. MARCHANT asked and was given permission to address the House for 1 minute.)

Mr. MARCHANT. Madam Speaker, I rise today to support H.R. 6079. It hasn't taken very long for the weight of ObamaCare to become a significant drag on our economy and our family budgets.

Just 2 years since it was enacted, there are already 12,825 pages of ObamaCare-related regulations and notices published in the Federal Register.

Nobody knows what the final number of regulations will be, and let's hope that we never find out.

It is this high level of uncertainty that is preventing many businesses in my district from hiring new workers and growing. This is particularly true among small businesses looking to expand. We must repeal this law now that is a disincentive for any small business to grow.

I urge my colleagues to join me in voting for repeal.

□ 1220

A DEMOCRACY ABOUT PEOPLE AND NOT DOLLARS

(Mr. HIMES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIMES. Madam Speaker, I rise this morning not to advocate a Democratic position nor to refute a Republican idea. Instead, I rise to highlight a fundamental threat to our ability to have that important debate. I refer, of course, to the hundreds of millions—indeed, billions—of dollars that will influence who comprises this otherwise democratic body, which may very well determine who occupies the Presidency next.

In each of our hearts, those of us in this Chamber called to represent people know that that cannot possibly be right. That is why I will cosponsor two possible constitutional amendments to reverse the damage of Citizens United—H.J. Res. 111 and H.J. Res. 78.

This should not be partisan. Today, it looks like the dollars are behind the Republicans; but tomorrow, that may be different. So let's join, let's stand together for our democracy and back a constitutional amendment to make our democracy about people, not about dollars.

THE CENTENNIAL CELEBRATION OF RICE UNIVERSITY

(Mr. OLSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLSON. Madam Speaker, I rise today to celebrate Rice University's centennial.

One hundred years ago, in Houston, Texas, the Rice Institute opened its doors to 48 male and 29 female students. Since that time, it has grown to be one of the most respected universities in all of the world.

World history has been made on Rice's campus. As all Texans know, in September of 1962, President John F. Kennedy stood in Rice stadium and committed a Nation, founded by explorers, to the greatest exploration in human history—a Moon landing. Space City USA was born at Rice.

I am a proud alumnus of Rice University, class of 1985, Jones College. What gives Rice such a special place in my heart is an uncommon feeling—a feeling of family and home—that transcends my 4 years on campus. It's a feeling you can see in this picture of my son, Grant, and me on campus this year.

Happy centennial, Rice. I can't wait for the next 100 years. Go Owls!

MONTROSE SEARCH AND RESCUE TEAM

(Mr. SCHIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHIFF. Madam Speaker, I rise today to honor the Montrose Search and Rescue team.

For over 65 years, Montrose Search and Rescue has been conducting lifesaving operations throughout the Angeles National Forest and the neighboring areas. These brave men and women have risked their own lives to rescue stranded hikers, victims of natural disasters, and anyone in need of assistance.

Two weeks ago, their heroism was on full display. The team spotted a little girl who was face down, drowning in a pool of running water in the forest. The 18-month-old girl was unconscious and had stopped breathing when they pulled her out of the water. Thanks to them, this little girl was brought back to life to the unimaginable relief and gratitude of her family.

That young girl, along with so many others, is alive today because of the heroic actions of the Montrose Search and Rescue team. They do all this for their community without asking anything in return, and their humbling dedication to service and their selfless desire to help those in need deserve our respect and gratitude.

So, today, I rise to say thank you, Montrose Search and Rescue, for the great work that you do and for the lives that you save through your efforts.

NATIONAL CANCER INSTITUTE DESIGNATION FOR THE UNIVERSITY OF KANSAS

(Mr. YODER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YODER. Madam Speaker, many of the smartest minds in America work tirelessly every day to discover a cure for cancer. I am happy to say we will soon take another step towards the ultimate goal of winning the battle against cancer, and it will happen right in the Kansas City community as the University of Kansas Cancer Center will soon receive a National Cancer Institute designation by the National Institutes of Health.

This NCI designation at the KU Cancer Center will affirm that the highest quality of cancer research will be conducted at the University of Kansas and that this research will directly lead to improved cancer care and lifesaving treatments across the country.

Madam Speaker, nearly 1.7 million Americans this year will be diagnosed with the horrible disease of cancer. It touches all of our lives personally, and we must remain committed as a Nation to ultimately winning this war against cancer. That's why I am proud today to stand in support of the University of Kansas' efforts in this battle and to congratulate all involved for this important milestone.

REPEALING THE AFFORDABLE CARE ACT

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to urge my Republican colleagues to move beyond the attacks on health care for Americans and to move forward by getting our country back to work.

The majority thinks that it's a badge of honor to claim that it will have had 31 votes to repeal the Affordable Care Act. I completely disagree.

They will have voted 31 times to strip patients of basic protections. They will have voted 31 times to reverse the progress made by the Affordable Care Act, including protecting up to 17 million children who now have coverage even if they have preexisting conditions. In fact, the 31st vote that we will take is nothing more than a reaction to Chief Justice John Roberts' opinion that the law is constitutional. Yet the GOP continues to dispute this. Let's move on.

If they were serious, they would have presented us with a plan 31 votes ago to help us fix any flaws that this law may have. So I plead for the 31st time: let's get back to work.

GOVERNMENT TAKEOVER OF HEALTH CARE IS NOT THE ANSWER

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BILIRAKIS. Madam Speaker, the sad reality in our country today is that Americans are faced with skyrocketing health care costs. Rather than address the situation, Democrats passed a \$1 trillion health care takeover that costs too much, taxes too much, and borrows too much.

Americans don't deserve this.

Americans deserve commonsense ideas, like medical liability reform, encouraging health savings accounts,

strengthening association health plans, and allowing people to purchase health insurance across State lines—common-sense ideas. These reforms would make health care more affordable and accessible without passing on crushing debt to future generations.

Unlike the current health care law, which has raised taxes, cost jobs, and limited personal control of health care, Americans deserve meaningful and affordable health care reform that will lower costs, protect consumers, and increase accessibility while allowing Americans to control their own health care decisions. This misguided takeover of the health care system is not the answer.

THE CENTENNIAL CELEBRATION OF RICE UNIVERSITY

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. I rise today to congratulate our hometown university, Rice University, for their 100-year celebration—a university known for advancing education in the arts, humanities, and sciences. It is a leading university, and it has been ranked among the top 20 universities in the United States by the U.S. News & World Report every year since the rankings began in 1983.

As a former member of the House Science Committee, I am reminded of their great work in nanotechnology, space, cellular technology, bioinformation in energy and health, and their collaboration with the Johnson Space Center. I am also delighted that they have decided in years past to eliminate the bar against African American students and to open the opportunities of a grand education to Latinos and African Americans and to young people who have a last name such as Qadeer.

They have a bright light in Dr. Roland Smith, who has led the effort in diversifying their campus, and I was delighted to go and join them in honoring the Honorable Barbara Jordan, one of my predecessors in the 18th Congressional District. They, of course, have a group of astute athletes who have made them proud, and they represent the diversity of America.

It is great to congratulate a university that understands its brilliance and its necessity in teaching the next generation of scientists, thinkers and humanitarians, and to also be called an excellent university.

Congratulations, Rice University, for your 100th year, for your service to this Nation, and for your reflection of the diversity of this great country.

□ 1230

RICE UNIVERSITY'S 100TH ANNIVERSARY

(Mr. CULBERSON asked and was given permission to address the House

for 1 minute and to revise and extend his remarks.)

Mr. CULBERSON. Madam Speaker, I have the singular privilege of representing Rice University, and I join my colleagues from Houston in recognizing and congratulating them on their 100th anniversary this year.

Rice has consistently been ranked as one of the Nation's greatest universities and recognized by U.S. News & World Report as among the Nation's top 20 universities. And they've consistently ranked in the top 50 universities in the world.

Rice University researchers are pioneers in a broad spectrum of fields, including space, energy, and my personal passion, nanotechnology. Nanotechnology is an absolute game-changer, revolutionizing everything that we will touch and see in the 21st century. Rice University is the birthplace of nanotechnology research.

Nanotechnology holds incredible potential for everything from curing cancer to improving the storage and transmission of electricity and moving electricity in ways that we cannot even imagine today, allowing us to miniaturize devices. Multistage nanoparticles will allow the delivery of cancer-curing drugs to individual structures within cells, allowing scientists to identify diseases at the cellular level, things that could not have been possible without the groundbreaking work at Rice University.

I congratulate them on their 100th anniversary today.

GET SOMETHING DONE

(Mr. BARBER asked and was given permission to address the House for 1 minute.)

Mr. BARBER. Madam Speaker, I rise today as the Member who most recently faced an electorate, and I have heard loud and clear that the people of southern Arizona elected me for the very same reason the people of every other district elect their representative, to stand up for them.

I wasn't here to vote on the Affordable Health Care Act when it passed, but I appreciate its benefits and that we must work to improve it. I rise today to speak against this repeal.

We should be here having a robust discussion about how to make this law better. We should be acting to ensure that Medicare doesn't pay more for prescription drugs than the VA, and to keep rising insurance costs from hurting small businesses. We should be looking for ways to create jobs, to strengthen our middle class, to bolster our economy. We should rise above partisan bickering, move on, and get something done.

This repeal bill sends a message to American families that this body cares more about political grandstanding than improving their lives. Let's put

aside this charade and do the work for which we were elected.

DRACONIAN CUTS

(Ms. LINDA T. SÁNCHEZ of California asked and was given permission to address the House for 1 minute.)

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, the House farm bill calls for draconian cuts that hurt our most vulnerable Americans. I'll be blunt and just get straight to the point. The House-proposed cuts are completely unacceptable.

The SNAP program puts healthy food on the table for 46 million Americans every month. In my home State of California, close to 6½ million people struggle to put food on the table. An even worse statistic—and one that really breaks my heart: almost 2½ million children each year in California have had to go to bed hungry, and it's simply because their families couldn't afford food.

These proposed cuts to SNAP would quite literally take food out of the mouths of children. In my district, SNAP helps provide food for seniors, kids, veterans, and working families. About 20 percent of my constituents report that at some point last year, they couldn't buy food for themselves or their family. I don't understand why in good conscience Congress would ask millions of struggling Americans to go hungry in order to subsidize big agribusiness.

As a country, we cannot afford to turn our backs on those who need us most now.

DYSFUNCTIONAL POLITICS

(Mr. CARNAHAN asked and was given permission to address the House for 1 minute.)

Mr. CARNAHAN. Madam Speaker, yesterday, a Republican Representative from my State actually told the truth about the 31st attempt to repeal the new health care law. He told a St. Louis newspaper that today's vote is just because "we want to get people on the record." We've done that 30 times already.

The Affordable Care Act is the law of the land. It was passed by the Congress, signed by the President, and found constitutional by the U.S. Supreme Court.

This Republican health care repeal bill isn't about people. It's about more divisive, dysfunctional politics. They know the repeal bill is pointless, and there is no way we're going backwards to the broken health care system of the past. Let's use the time to pass a jobs bill. Let's pass the middle class tax cut extension that we all agree with. Let's pass my bill that will protect veterans returning from war zones from the impacts of psychological damage.

Today, our troops are killing themselves at a rate of nearly one a day.

They urgently need our help. Let's do something for them. Let's do something that actually matters to the American people. Let's put ourselves on record for the people, for jobs, rather than wasting time casting the same vote 30 times.

PROTECTING AMERICANS AND THEIR LOCAL BANK ACCOUNTS

(Ms. EDWARDS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. EDWARDS. Madam Speaker, on my way home from work, I stopped at the local grocery store, and I stopped at the bank. My bank is located conveniently between my grocery store and the gas station, only minutes from my home.

I thought about the last 4 years and the fights that Democrats in Congress are waging to make sure working families can see more money in their bank accounts. It's been tough, but we've had some successes: reducing out-of-pocket health care expenses with preventive care, closing the prescription drug doughnut hole, protecting consumers from overdraft and ATM fees, even getting the American auto industry back on track as a mainstay of American manufacturing.

But we have some important fights ahead of us. We are fighting to keep in place critical middle class tax cuts. We know Americans can't afford those tax hikes. We know American seniors can't afford the drastic cuts in Medicare in the Republican Tea Party budget.

Democrats are focused on growing the economy, creating jobs, and ensuring that Americans see more money in our neighborhood bank accounts—not on some other shore, not in some other country, and not on some island. Republicans say they worry about the same things, but today they're repealing health care and protecting the interests of millionaires because they care more about those folks than they do about hardworking Americans and their local bank accounts.

SAY "NO" TO CUTS IN FOOD ASSISTANCE

(Mr. PETERS asked and was given permission to address the House for 1 minute.)

Mr. PETERS. Madam Speaker, I rise in opposition to the proposed \$16.5 billion in cuts to SNAP in the farm bill. SNAP is the most important antihunger program in the Nation, helping more than 46 million Americans put food on the table every day. Far too many hardworking Michiganders are struggling to feed their children. Nearly one in five Michigan households face food insecurity each and every day.

Having met with many of the good folks working in our food banks,

they're already stretched too thin. I'm appalled that Republicans think that it's a good idea to kick millions of children, seniors, and families off of food assistance so they can provide massive, taxpayer-funded subsidies for wealthy agribusinesses.

I call on my Republican colleagues to join me and stand up for those who are most vulnerable in our society. We need to send a clear message that we will never vote to take food away from hungry children. No one in our country should go hungry.

I urge my colleagues to say "no" to cuts in food assistance.

THE WORST IS YET TO COME

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Madam Speaker, Republican attacks on lifesaving access to contraceptives in the health care act is one in a series on women's reproductive health this term. The worst is yet to come in the planned markup of H.R. 3803, to ban abortions after 20 weeks. Cloaked as a restriction on D.C. women, the bill merely uses them for a frontal attack on *Roe v. Wade* that guarantees abortion rights until viability, as determined by a physician.

The Franks bill picks on D.C. women because anti-choice opponents lack the courage of their own convictions, or they would have made the 20-week abortion ban a nationwide bill. That, of course, would bring on the wrath of the American people who support choice. Judging by their reaction even before markup, women see through the cynicism and are poised to protect their constitutional rights.

□ 1240

PROVIDING FOR CONSIDERATION OF H.R. 4402, NATIONAL STRATEGIC AND CRITICAL MINERALS PRODUCTION ACT OF 2012

Mr. BISHOP of Utah. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 726 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 726

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4402) to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness. The first reading of the bill shall be dispensed with. All points of order

against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-26. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Utah is recognized for 1 hour.

Mr. BISHOP of Utah. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Colorado (Mr. POLIS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Mr. BISHOP of Utah. I ask that all Members have 5 legislative days during which they may revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

Mr. BISHOP of Utah. This resolution provides for a structured rule for consideration of H.R. 4402, which is the National Strategic and Critical Minerals Production Act, and provides for 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources, and makes in order seven specific amendments out of

ten which were filed at the Rules Committee. Five of the seven are Democratic amendments and two are Republican. So this is a fair and generous rule and will provide for a balanced and open debate on the merits of this important piece of legislation.

Madam Speaker, I am pleased to stand before the House today in support of this rule, and especially the underlying legislation, which is H.R. 4402, the National Strategic and Critical Minerals Production Act of 2012.

I appreciate the hard work of the bill's chief sponsor, the gentleman from Nevada (Mr. AMODEI), who understands this situation very well and has put a great deal of time and effort into coming up with a rational and legitimate solution to a problem which we face. Mr. AMODEI, as well as the chairman of the Natural Resources Committee, the gentleman from Washington (Mr. HASTINGS), are to be commended in forwarding this bill to the full House for our consideration today.

Our Nation has been blessed with tremendous natural resources, and over the last century these abundant resources are one of the key reasons that has allowed our Nation to emerge as a leading world economic and industrial power. In many aspects, we have only scratched the surface with regard to the development of these abundant natural resources, whether it be in energy, such as coal or oil shale or natural gas deposits, or whether it be in various natural minerals.

One of the cornerstones of manufacturing in the United States includes the access to a stable and steady supply of these types of resources. Unfortunately, in recent decades, much of the development and mining of these domestic mineral resources has been hampered or shut down entirely by a combination of special-interest politics by certain self-appointed environmental groups and by bureaucratic red tape here in Washington. Often these two factors seem to go hand in hand, particularly under the current administration.

We have all felt the pain of seeing what these failed policies have done to energy production in our country. We are more dependent than ever on foreign sources, increasing our trade imbalance, sending our dollars overseas, often to areas of the world that do not have our best interests at heart. It has led to escalating gas prices and escalating price spikes for energy and other commodities, and has made our economy more vulnerable to external international forces largely beyond our immediate control. These failed policies have also led to job losses in the United States in the energy and mining sector, which historically and ironically have been some of the highest paying jobs that middle class work has available.

The bureaucratic delays and regulations regarding the mining of strategic

and critical minerals is the exact same thing. By their very nature, these minerals are absolutely essential to manufacturing in electronics, metal alloys, ceramics, glass, magnets, and catalysts used in countless commercial and, especially, defense applications.

Procurement of certain strategic and critical minerals is so crucial that the Department of Defense and the Defense Logistics Agency manage stockpiles of such materials which are deemed so critical that an adequate supply must be maintained at all times to ensure national military preparedness and readiness.

More and more, we have seen that these materials are unfortunately being purchased from overseas and not from U.S. producers, making us wholly dependent upon other countries to ensure our own national security. Critical weapons visions, such as night vision equipment, advanced lasers, avionics, fighter jet canopies, missile guidance systems, and many, many others could not be built without these rare Earth minerals.

The primary duty of Congress under the Constitution is to provide for the common defense. This bill takes us in the right direction for helping to restore U.S. domestic production of critical and strategic minerals by facilitating a more timely permitting process review for mineral exploration projects and to ensure that such essential mineral mining projects are not delayed unnecessarily by frivolous litigation.

Let me be clear, this bill does not predetermine the outcome of agency review of such permit applications. It merely brings clarity to the process and ensures that the appropriate agencies will not unreasonably delay consideration but will, at the conclusion of 30 months, issue either a "yes" or "no" decision based on the merits of each individual application.

This bill will also help cut the flow of frivolous lawsuits, which are often filed simply as delay tactics.

It's a good bill. It's a fair rule and a good underlying bill, and I urge its adoption.

I reserve the balance of my time.

□ 1250

Mr. POLIS. I thank the gentleman from Utah for yielding me the customary 30 minutes. I yield myself such time as I may consume.

Madam Speaker, I rise in opposition to the rule and the underlying bill, H.R. 4402, the National Strategic and Critical Minerals Production Act. Much of what the gentleman from Utah said I agree with in terms of the strategic need for critical minerals for our industrial and military production. However, that's only a teeny part of what this bill does.

Now my colleague, Mr. TONKO, offers an amendment that would in fact limit

this bill, the National Strategic and Critical Minerals Production. In addition, it's my understanding that bipartisan legislation has emerged from the Natural Resources Committee that would address the strategic need for critical minerals. However, that is not the bill that is being brought forth under this rule. Instead, we essentially have yet another rollback of public health, of water and environmental protections for the mining industry, which is our Nation's top toxic polluter.

So I'm very disappointed that the House majority has chosen to bring forward this bill instead of the bipartisan bill that passed committee. It shuts out several sensible amendments that have been offered by Democratic Members. And the underlying legislation doesn't limit itself to strategic and critical minerals. In fact, it's so broad that, despite the bill's title, it would expand mining companies' ability to mine on public land for nearly all minerals, including plentiful minerals like sand and clay and even coal. So this really is not a discussion of strategic and critical minerals if we're talking about sand and clay.

In fact, yesterday, in our Rules Committee, Chairman HASTINGS admitted during the Rules Committee hearing when questioned by Mr. MCGOVERN that this bill applies to a lot more than strategic and critical minerals. In fact, Chairman HASTINGS, when asked on this issue, said:

We talk about a form of minerals as being rare Earth. There's no question they are rare. But to say that some minerals aren't critical to our well-being I think defies logic.

Chairman HASTINGS went on to cite the use of sand and gravel to build our interstate system as an example of a critical use.

A lot of what the gentleman from Utah said is true and is important. However, when we're talking about sand and gravel, they don't fit the commonsense definition of the Strategic and Critical Minerals Production Act that were cited by the gentleman of being of national importance.

So the chairman of the committee has made clear this bill isn't about rare Earth minerals at all. It's not the kind of bipartisan bill that's targeting critical resources. Rather, it's about giving mining companies a blank check to take anything they want out of the ground anywhere, anytime.

Under the bill, the mining sponsor is handed control over the timing of the permitting decision, irrespective of the project's impacts on natural, cultural, historic resources, its local impact, taking into account the effect on the economies of our counties, and jobs. Rather, it gives the mining companies a blank check. It permits nearly all mining operations to circumvent meaningful public health and environmental review processes. And when you

consider the large and complex mining operations covered under this bill, it's even more inappropriate to reduce or eliminate the public comment or review process because of the sheer size of some of these projects.

The actual harm that this legislation would produce is far-reaching. As drafted, the legislation threatens to increase pollution of water in our Western United States. For States already dealing with the extreme drought conditions like my home State of Colorado, also the site of several deadly fires, the last thing we need is to jeopardize our already scarce water resources. We can't afford to affect our water quality and quantity with additional mining operations without understanding their impacts on our water supplies.

Democrats and Republicans agree that we should be crafting a strategy to develop our rare Earth and other critical minerals. In fact, a year ago in this very same Congress the Natural Resources Committee marked up H.R. 2011, a bill supported by the National Mining Association and a bill that had strong bipartisan support that would help develop our rare Earth and other critical minerals. So why aren't we considering that bill on the floor today? Instead, we're considering an ideological bill that will go nowhere and has a statement of opposition from the President as well.

Why the House majority sees a need for this legislation to promote mining is somewhat mystifying, considering that under President Obama's administration the average time it takes to approve a plan of operation for a mine has decreased substantially. According to BLM data, plans of operation for hardrock mines are being approved 17 percent more quickly under the Obama administration than the Bush administration. Eighty-two percent of plans of operation were approved within 3 years under the Obama administration. According to the BLM, it takes, on average, 4 years to approve a mining plan of operations for a large mine—more than a thousand-acre mine—on public lands. There's a lot of issues—county issues, civic issues, economic issues—around a thousand-acre mine. And there needs to be a thoughtful process about how it affects communities where it is located and how it affects air and water.

Mining companies already extract billions of dollars of minerals from our public lands. This bill would continue to line the pockets of an industry that already has significant profit margins, and actually this bill jeopardizes jobs and our economic recovery by failing to take into account the local economic impact of mines—and not mining for strategic and critical mineral production but mining for nearly everything under the sun, including clay and gravel, again.

So I think, again, while we can be grateful that President Obama has accelerated the approval process, there's certainly work to continue. I urge my colleagues to bring forth a bipartisan bill that would specifically look at real strategic and critical minerals. But this bill and this rule are unduly restrictive, and I encourage my colleagues to vote "no." I reserve the balance of my time.

Mr. BISHOP of Utah. I am pleased to yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE), who understands this issue very directly with his experience both on the Resources Committee as well as in his home State of New Mexico.

Mr. PEARCE. I appreciate the gentleman yielding.

I rise today in support of the rule for H.R. 4402, the National Strategic and Critical Minerals Production Act. The gentleman from Utah has stated it right: It's a fair rule, it's a good bill. All it does is simply defines a critical mineral as any related to national security or the Nation's energy infrastructure. That clarity is needed. But additionally, it affects one thing that the people are constantly clamoring about in my particular district: Where are the jobs?

This bill understands what the President began to hint at in his March 22, 2012, executive order. The President in that executive order said:

Our Federal permitting and reviews processes must provide a transparent, consistent, and predictable path for both project sponsors and affected communities. They must ensure that agencies set and adhere to timelines and schedules for completion of reviews, set clear permitting performance goals, and track progress against these goals.

The President has moved toward the problem that we see in this country—that many of our mines are moving outside this Nation. New Mexico used to be the home for 11 rare Earth mineral mines. Today, it's the home of zero. Those mines have relocated over in China.

As we look at the rare Earth minerals, those are strategically important. That's one thing that this bill attempts to get at—the definitions that will really give teeth to the President's executive order from March 22.

People in New Mexico constantly ask: Why don't the two parties work together? I think there are many opportunities for the parties to work together. The President has begun the process, and we're simply adding the reverse piece to it that would make it a completed argument. The President has said in the past, for instance, that we're not working together, and he has stated in both the last two States of the Union that we must reform corporate taxes.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BISHOP of Utah. I yield the gentleman an additional 1 minute.

Mr. PEARCE. I requested the President work with us to affect those taxes. Let's lower those corporate taxes. Let's get companies back here. But the President has at this point kept those discussions at arm's length. This bill is simply another attempt to reach out to the President and say we all want to create jobs. We want commonsense solutions to the problems that we face. Work with us to define the strategic and critical minerals. And let's do it in this act.

So I think it's something that the President should be reaching out to this body and saying, "Yes, good, go." I would thank the sponsor for bringing the bill. Let's work together to create jobs and get those mining industries back here in America.

□ 1300

Mr. POLIS. Madam Speaker, I would like to yield 4 minutes to the gentleman from Massachusetts, the distinguished ranking member of the Committee on Natural Resources, Mr. MARKEY.

Mr. MARKEY. I thank the gentleman from Colorado.

We are just hours removed from House Republicans' voting to take away health care for 30 million Americans and put the insurance companies back in charge of our health care system. And it's back to business as usual for the GOP-controlled House.

Yes, it's time to get back to more giveaways to the Nation's wealthiest companies. Because when House Republicans aren't voting to take away health care from ordinary Americans, from poor Americans, they're voting for "wealth care" for the most profitable industries in the history of the United States of America. In fact, the majority continues to bring largely the same legislation to the floor over and over again, only the name of the industry reaping the windfall changes.

Two weeks ago, the Republican majority voted to give away nearly all of our onshore public lands to the oil and gas industry. The majority has passed bills to put rigs off our beaches in California, off our beaches in Florida, and off our beaches in New Jersey without passing any new safety requirements after the BP oil spill just 2 years ago. They have passed legislation to allow old-growth forests to be clear-cut and to hand over land to a multinational mining company without protecting Native American sacred sites or local water quality.

In fact, this Republican majority has cast so many votes to give away our public lands to the oil, the gas, the mining, and the timber industries, it's almost hard to remember which industry is getting a special giveaway each week.

So I have a suggestion that I think could help everyone out there keep track. Each week, we can consult this

handy-dandy chart, the “GOP Wheel of Giveaways,” to figure out which industries are going to get their turn benefiting from handouts from my colleagues on the other side of the aisle on the same day they’re going to take away health benefits from the poor, the sick, the elderly, and ordinary families in America.

Let’s see who the big winners are on the House floor today as they take away the health care benefits for ordinary people. Let’s give it a spin here. Let’s see what happens as we look at what is happening out there in this great land of ours this week.

This week, it’s the mining industry, ladies and gentlemen. Come on down. You are this week’s big winner in the GOP giveaway game. The mining industry is the big winner on this giveaway show here today on the House floor. That’s because the bill that the majority is bringing to the floor tomorrow, despite being entitled the National Strategic and Critical Minerals Act, has absolutely nothing to do with developing these minerals. In fact, this bill is all about gutting the environmental safeguards and the proper review of large mining projects on public lands for virtually all minerals, including coal.

Under this legislation, sand apparently could be considered as rare. Gravel could be a critical mineral. Crushed stone or clay could be a strategic resource. Even abundant minerals like gold, silver, or copper could potentially qualify as a rare Earth product under this bill and have lower environmental standards as a result in drilling for them that would endanger ordinary families again and their health. But of course they would never provide any health care benefits for them because that’s the other bill we’re going to be having out here on the House floor and gutting here today.

Indeed, the only rarities created under the Republican bill would be environmental protections or public input.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POLIS. I yield the gentleman an additional 1 minute.

Mr. MARKEY. And while this bill provides new giveaways to large multinational mining companies, it does nothing to change the Mining Law of 1872—1872, ladies and gentlemen—which allows mining companies to pull taxpayer-owned hard rock minerals out of our public lands without giving Americans a fair payment. In fact, under the 140-year-old law, mining companies can extract gold, silver, uranium, copper, and other hard rock minerals without paying taxpayers one cent in royalties for the minerals on the public lands of the United States of America. This law isn’t just outdated, it’s outrageous.

These are the same people here who are saying we can’t afford to pass the

law which protects against preexisting conditions in health care of ordinary Americans. These are the people here saying we can’t pass a bill to protect against discrimination against women in our society.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. POLIS. I yield the gentleman an additional 30 seconds.

Mr. MARKEY. This law isn’t jut outdated, it is outrageous.

On the game show “The Price is Right,” a \$1 bid is strategic. But under the Republican giveaway game show, it is an actual price that these huge industries can continue paying for the rights to our public lands. The Republicans want to continue giving away grazing rights for a little more than \$1 per acre and allow oil companies to warehouse public lands for \$1.50 an acre.

And after more than 250 votes against the environment and more than 110 votes to benefit the oil and gas industries, the American people are going to look at the record of this Republican majority and say, “No deal.”

I urge a “no” vote on the Republican proposal.

Mr. BISHOP of Utah. Madam Speaker, if the gentleman would stay here a second, I understand from the Congressional Quarterly that it is your birthday today. In which case, to the gentleman from Massachusetts, I wish you a happy birthday.

I appreciate the visual that you had. Unfortunately, as you tried to spin it, we realized it didn’t work. So hopefully that is for your birthday party because nothing else works. But I appreciate and I wish you a happy birthday.

I yield the gentleman from Massachusetts 30 seconds.

Mr. MARKEY. I thank the gentleman.

And if it were possible to retard the aging process, that would be something that I think all of us could agree upon. But in the absence of that breakthrough medically, I thank the gentleman for his bipartisan wishes of a happy birthday.

Mr. BISHOP of Utah. And as someone with whiter hair than you have, I understand what you’re talking about.

I yield 3 minutes to the gentleman from California (Mr. ROHRABACHER), who does indeed have some of these industries in his district and understands full well what this bill is actually attempting to accomplish.

Mr. ROHRABACHER. I rise in support of the rule and rise in support of H.R. 4402.

Tomorrow, we will be considering H.R. 4402, that takes significant steps towards making much-needed reforms to our Nation’s mineral exploration and mineral permitting process. H.R. 4402 will force the hands of unyielding bureaucrats who seem intent on ob-

structing any and all mining, despite the detrimental effects that their actions have on the American people.

At a time when China threatens to hamstring our military capabilities and cripple American health care, telecommunications, and renewable energy markets by controlling or reducing our access to rare Earth minerals, we must take responsible action to ensure our access to minerals that are vital to our prosperity and security. In short, the timely licensing of mineral applications is critical to our Nation’s survival and to preserving the American way of life, which is opportunity for all to live a decent life.

While investigating this issue, the Natural Resources Committee found that it often takes over 10 years for agencies to license mineral projects. This is simply unacceptable. But the forces that arrogantly stand in the way of these permits should be of no surprise to us. They are the same gang who routinely stand in the way of technological and scientific advancement. That’s right, extreme environmentalists—I remember Ronald Reagan said that some of these people would rather live in a bird nest—some of whom are Federal bureaucrats and some of them, of course, belong to activist organizations that seem to sue for sport and constantly stand in the way of any development of natural resources that were put here by God not to be sitting in the ground, but to help ordinary people live well.

□ 1310

The people who are stopping us from getting those minerals are standing in the way of ordinary people having a decent life, which is so important and we’re so proud of here, that every American should have those opportunities.

This mindset that puts the well-being of insects above the health, safety, and quality of life of human beings has contributed to the 8.2 percent unemployment rate—and that’s a low figure, as far as I’m concerned. The real unemployment is far beyond that. But the restrictions that we’ve had on our people that would like to use these natural resources for the well-being of our people has contributed to that unemployment.

Fortunately, however, we are here today to say that we’ve had enough.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BISHOP of Utah. I yield the gentleman an additional minute.

Mr. ROHRABACHER. I would say that luckily we are coming to our senses and having courage enough to stand up to this obstructionism by setting reasonable time limits for litigation and by setting a total review process for the issuing of permits to 30 months; 30 months is a very reasonable time.

The reforms that we put in place will ensure that American mineral mining projects are not indefinitely delayed by frivolous lawsuits or by unwilling bureaucrats, or by activists who, as I say, care more about the habitat of insects and lizards than they do about the well-being of the American people.

I come from California. I am a surfer, and I am in the water a lot—anytime I can get out there. We have had offshore oil and gas reserves in the hundreds of billions of dollars available to us, but denied the people of California. Even as we cut the programs that our seniors and our children need, these radicals will not let us get to those oil and natural gas resources. That is a sin against those older people in California and the young people.

We need to clean up that situation. Whose side are we on? We're on the side of ordinary Americans leading a decent life, and that's what this bill is all about.

Mr. POLIS. Well, in briefly addressing the gentleman from California, I would encourage him to support President Obama's proven track record of success in accelerating the access to public lands, a 17 percent improvement in speed of access over the Bush administration.

With that, I yield 2 minutes to the gentleman from New York (Mr. TONKO).

Mr. TONKO. I thank the gentleman from Colorado.

I rise in opposition to this rule. There is no reason we could not have an open rule on this legislation—well, unless there are amendments the majority does not want the Members to vote on. Obviously, my colleague, Representative HOLT, has offered one such amendment. The Rules Committee did not make his amendment to require companies that earn a profit mining on public lands to disclose their public donations in order. Why not? Vast amounts of secret money are ruining our democracy.

It is the ultimate irony that free speech now has such a high cost. Our democracy has truly become the best that secret money can buy. That's not good news for the average voters who do not have tens of thousands of dollars to shower on their preferred candidates.

Representative HOLT's amendment would shine some light on this practice and ensure that the entities profiting from public resources are accountable to the electorate. The public, I believe, has a right to know, a right to know who is funding our elections. Apparently, under this rule, they don't even have the right to know where Members of this House stand on this issue.

Mr. BISHOP of Utah. Could I inquire of the gentleman from Colorado how many additional speakers he has.

Mr. POLIS. We have one remaining speaker at this point. We might have one other, but we have one currently here.

Mr. BISHOP of Utah. Then, Madam Speaker, let me yield myself just 1 minute.

To try and put things in parameter of what we're actually doing in this bill, in the sixties to the eighties, the United States was actually the leader in the production of most of these minerals. Today, 97 percent of the rare Earth oil, or 97 percent of the rare Earth oxide, 89 percent of the rare Earth alloy, 75 percent of—I can't pronounce the words—and 60 percent of the small cobalt magnets all come from China. We have lost that to them. The reason for doing that is actually part of bureaucratic delay.

Once again, unlike a lot of comments that have been made about this bill, it doesn't pick winners or losers. It doesn't even change the process. All it does is tell the bureaucracy in Washington to do it, to do it within 30 days, making sure that we have now sped up the process so that we now can do something. Instead of in 7 years, in 4 years, does not help reality. That's the point of this bill. It has nothing to do with other issues. It's only trying to get the process to be sped up so decisions are made in a timely fashion.

With that, I reserve the balance of my time.

Mr. POLIS. Madam Speaker, it's my honor to yield 2 minutes to the gentleman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE of Texas. I thank the gentleman.

Frankly, I would say to my good friend on the other side of the aisle that there probably could be, in many instances, common ground about the exporting of mineral exploration. Many of us would look to this as a positive strategy for creating jobs.

I think it is important to say to my friends that, in fact, this bill is not even coming to the floor of the House today. It is not even going to be debated today. So that is one fracture, if we talk about creating jobs.

But another fracture is, of course, that we are substituting this legislation—that might, if it was bipartisan, be able to move forward on creating jobs—for wasting time and casting votes and debating on the Affordable Care Act, an act that has already proven that it has saved lives, provided coverage for small businesses; exempted businesses under 50 persons, allowing them to have insurance; closed the doughnut hole on the prescription drug benefit; and saved billions of dollars.

Here in this legislation, of course, one of the challenges that I have is that even though one would call this a bureaucracy, in actuality it is expediting and overlooking the National Environmental Policy Act, and therefore expediting necessary environmental review. It is being called an "infrastructure project" for purposes of the executive order entitled Improving Performance of Federal Permitting

that was designed to reduce permitting time. But more importantly, there are environmental impacts that should be considered.

There is no opposition to creating jobs. There is no opposition to the value of our minerals. But I do believe there is opposition to expediting the process and excluding an environmental review and, more importantly, limiting this debate—that might create jobs, might have opportunities for more amendments, might have more time on the floor—by what we're going to do today, which is frivolity, again, for those of us who believe that we can come together in a bipartisan way to work on the underlying premise of the Affordable Care Act of saving lives, expanding opportunities, and adhering to the Supreme Court's decision that this is the right law of the land that works for all people.

I'd ask my colleagues on the underlying rule to oppose it, and maybe we can get down to the work of the people of the United States of America.

Mr. BISHOP of Utah. Madam Speaker, I am happy to yield 5 minutes to the sponsor of this particular piece of legislation, who will do a couple of things, I hope, as he gets up there. One, he will remind us all that no environmental laws are waived by this process; it's about timing. And, number two, he will clarify that when I said 30 days, I meant 30 months. That's why I don't talk well without a script in front of me.

I yield 5 minutes to the gentleman from Nevada (Mr. AMODEI), who has clearly understood this issue and put it together.

Mr. AMODEI. I thank my colleague from the Beehive State.

I want to start out with, obviously, support for the rule. I think the rule is very open in the context of the legislation.

For those that haven't reviewed the legislation, it's about 11½ pages long. It's available out here; it's available online. I recommend you to do it. Because when we talk about what it really does, it's not a wheel of giveaways. When you talk about strategic and critical minerals, here are some words from the bill: "Strategic and critical minerals means minerals that are necessary."

Here's some thoughts to ponder: national defense and national security. Now, do you know what those minerals were 10 years ago, and do you know what they're going to be 10 years from now? It's not meant to be as specific—and my colleague from Colorado is absolutely right, these are broad definitions because, you know what, we don't do this every day. We're not going to check this every year and spend time like this on it. So when you talk about some flexibility there, it's not an accident; it's supposed to be broad.

Here's another thing: strategic and critical. How about the Nation's energy

infrastructure? Kind of important if you care about things like energy, regardless of what side of the fence you're on.

A couple other things. Strategic and critical, those minerals, to—here it is out of the bill—support domestic manufacturing. Oh, my goodness. How about support agriculture? Don't care about that.

□ 1320

How about support housing, telecommunications? There was a mention of health care. Are those strategic and critical for the lifestyle or the health and welfare of this Nation?

Strategic and critical. Transportation infrastructure. Oh, and the last couple of things, the Nation's economic security and balance of trade. God forbid that we think about those things when we talk about the minerals industry. Are those broad? They absolutely are.

But here's the part that nobody mentions. There is nothing in those 11½ pages that say that a Federal land manager can't, in response to an application, say, my first finding is that it is not a critical and strategic mineral.

So if somebody comes in for sand and gravel, and it's not that important, then guess what? Under the regulations that the Department of Agriculture and the Department of the Interior are doing, I assume they'll give them the ability to make that finding. And if somebody doesn't like it, under this bill they've got 60 days to sue them on it. But we don't want you to know that because we're going to spin wheels and talk about the giveaway of the day.

By the way, while we're giving stuff away, please show me in the bill where it says that you get a certain result?

And when we talk about reducing the time, this says, both sides can execute agreements that say 30 months. Okay? Guess what? It also says, oh, by the way, if both sides agree, you can extend the 30 months. Now, for those who are familiar with the process and how that works, tell me how an applicant is benefited by a nice, crisp 30-month "no."

So if there's an issue about water quality, or there's an issue about anything that is being talked about—oh, and can I see the repeal sections on NEPA? I don't see that language in here.

You know, I don't envy Federal land use managers. It's a tough job. And when you look at this, see the red? That's federally-owned property. This is to talk about the time it takes to process a permit request to mine on federally-owned property.

So, with all due respect, and plenty of respect for my colleague from Colorado, who's in this, knows it, 36 percent of his State is federally owned, no disrespect to the birthday boy who's somewhere south of 1 percent.

When you talk about economic development, regardless of whether you're riding an elephant or a donkey, guess what? This complicates it. So, when you talk to those Federal land use managers locally and you talk about things, just a couple more things here, because we can't have this. I mean, this is awful stuff. If we talk about enhanced government coordination, permitting review, engage other agencies and stakeholders early in the process, coordinate and consult with project proponents and opponents. I mean, I'm sorry.

And by the way, where's the part in the NEPA bill that was enacted in 1969 that said what we're really trying to do here is see how long you can wait with that application pending?

So guess what? If you get a "no," you get it in 30 months. Or if there are legitimate issues that aren't taken care of in 30 months, why wouldn't you, as an applicant, say, you know what? We'll execute something, as provided in this bill, to say you get six more months. Going off to court is not the optimal thing for anybody.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BISHOP of Utah. I yield the gentleman an additional 30 seconds.

Mr. AMODEI. We talk about additional giveaways or whatever. Nobody gets anything out of this other than they get a time certain in the review process. And if there's more time needed, then guess what? It provides for that.

What's the idea here? Collaboration between Federal land managers and stakeholders, all stakeholders. If you're an applicant, you want a "yes," but there's no magic in getting a 30-month "no."

My final point is this. When you talk about the changes that have been made by the present administration in permitting time, I find it incredibly interesting to hear in committee that that permitting time was actually less than what this proposes.

This cuts nobody off. It's a good place to talk, and it gets rid of the part that is never in NEPA, which is, we're going to outwait you and hope you go away.

Mr. POLIS. Madam Speaker, I'm prepared to close. Bad bill, bad idea, bad rule. I urge a "no" vote.

I yield back the balance of my time. Mr. BISHOP of Utah. Great bill, fair rule. I urge adoption.

I yield back the balance of my time and move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. POLIS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

REPEAL OF OBAMACARE ACT

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 6079) to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010, will now resume.

The Clerk read the title of the bill.

Mr. CANTOR. Madam Speaker, it is my honor to yield 1 minute to the Speaker of the House, the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Let me thank my colleague for yielding, and say to my colleagues, I rise today in strong support of H.R. 6079, a legislation that would repeal the President's health care law.

When this bill passed, we were promised that the health care law would lower costs and help create jobs. One congressional leader even suggested it would create 400,000 new jobs.

Well, guess what? It didn't happen. This bill's making our economy worse, driving up the cost of health care, and making it harder for small businesses to hire new workers.

The American people were told that they'd come to like this bill once it was passed. Well, that didn't happen either. Most Americans not only oppose this law, but they fully support repealing it.

The American people were told that taxes on the middle class wouldn't go up if this bill passed. Well, guess what? There are 21 tax increases in this health care law, and at least a dozen of them hit the middle class.

And let me just give you a glimpse of the damage that all these tax hikes will do to our economy. A tax on health insurance providers will end up costing up to 249,000 jobs, according to the National Federation of Independent Business.

A tax on health care manufacturers will put as many as 47,000 jobs in jeopardy, according to one nonpartisan estimate. Then you've got the employer mandate, which will affect every job creator with 50 or more employees.

Let's take White Castle, a company in my home State. They say that the employer mandate would eat up most of their net income starting in 2014. And that's on account of just one provision in the law.

And then there's the individual mandate that the Supreme Court has now ruled is a massive tax. The Congressional Budget Office says that roughly 20 million Americans will either have to pay this tax or be forced to buy insurance that they wouldn't have purchased otherwise.

You add it all up, the tax increases in this health care law will take at least \$675 billion out of our pockets over the next 10 years. All this at a time when employers are just trying to get by.

Listen, I think there's a better way, and that's why we're here today. Americans want a step-by-step approach that protects the access to care that they need from the doctor they choose at a lower cost. They certainly didn't ask for this government takeover of their health care system that's put us in this mess that we're in today.

At the beginning of this Congress, the House voted to repeal this health care law. It was our pledge to America, and we kept it. Unfortunately, our colleagues in the Senate refused to follow suit, and since then, we've made some bipartisan progress on repealing parts of this harmful health care law, including the 1099 paperwork mandate.

But this law continues to make our economy worse, and there's even more resolve to see that it is fully repealed.

Now, I think this is an opportunity to save our economy. And for those who still support repealing this harmful health care law, we're giving our colleagues in the Senate another chance to heed the will of the American people. And for those who did not support repeal the last time, it's a chance for our colleagues to reconsider. For all of us, it's an opportunity to do the right thing for our country.

□ 1330

Mr. LARSON of Connecticut. Madam Speaker, I yield 1 minute to our Democratic leader, the gentlelady from San Francisco, California, without whom there would not be an Affordable Care Act, and we greatly appreciate her efforts.

Ms. PELOSI. I thank the gentleman for yielding.

Madam Speaker, more than 2 years ago, we put forth a vision for America's middle class to ensure health care would be not a privilege for a few but a right for all Americans.

Today and yesterday—for the past 2 days—as they've done more than 30 times in this Congress, the Republicans are set to take away that right. Over the past 2 days, we have heard the talking points of the health insurance industry. They're trying to drown out the facts, and the facts are these:

What is the takeaway from this debate? The takeaway is the protections House Republicans are voting to take away from America's families:

Today, up to 17 million children have the right to health care coverage even if they have diabetes, asthma, leukemia, or any other preexisting medical condition. Put an "X" next to that. Republicans want to take away protections for children with preexisting conditions;

Today, all young adults have the right to get insurance on their parents'

policies. Republicans want to take away that right from America's students and young people. Where we have that coverage for young adults, put an "X" next to that;

Today, 5.3 million seniors have saved \$3.7 billion on their prescription drugs. Republicans want to take away prescription drug savings for seniors;

Today, small business owners have used tax credits to help them afford insurance already for 2 million additional people, and the bill is not fully in effect. Republicans want to take away the tax credits for businesses to help their entrepreneurship and job creation;

Today, nearly 13 million Americans are set to benefit from \$1.1 billion in rebates from health insurance companies. Republicans want to take away those cost savings from America's families;

Today, American women have free coverage. They have a right to free coverage for lifesaving preventative care like mammograms. Starting in August, women will gain free access to a full package of preventative services. No longer will a woman be a pre-existing medical condition, but Republicans want to take away those protections from women and all Americans.

Many across the country have heard our Republican colleagues claim that very few people are affected by the pre-existing condition provision of the law. The fact is: The Republicans are wrong. The fact is—you be the judge—138 million Americans have preexisting medical conditions.

I ask our friends on the other side of the aisle: Do you know anybody with breast cancer? with prostate cancer? with asthma? with diabetes? people with disabilities? The list goes on and on. With this bill that you have on the floor today, you will take away their rights to affordable coverage.

That is why the American Cancer Society opposes this repeal effort and their "13 million cancer patients and survivors who need access to adequate and affordable coverage." That's why they oppose this repeal effort, the American Cancer Society.

Do any of you know the millions of Americans living with a disability? With this bill, you take away their rights to quality, affordable care.

That's why Easter Seals wrote:

Millions of parents of children with disabilities are breathing a huge sigh of relief knowing their children will not be dropped from their insurance.

Do you know any parents of children with diabetes or asthma or childhood leukemia? Do you know any? With this bill, you will take away the rights of these children to affordable care throughout their lives.

That's why the American Diabetes Association, on behalf of the nearly 26 million Americans with diabetes, urged us to oppose this bill in order to "pro-

tect people with diabetes who for too long have been discriminated against because of their disease."

My Republican colleagues are taking away patient protections for millions of Americans, protections you as Members of Congress already enjoy. I think that that's an undermining of fundamental fairness. If you repeal this bill, it means you keep your Federal health insurance benefits while you take these patient protections away from the American people. What a Valentine to the health insurance industry.

When I think of people protected by this law, I always remember the powerful testimonial at a hearing last year from Stacie Ritter, whose twin daughters, Hannah and Madeleine, are both cancer survivors. They're 4 years old, and both were diagnosed with leukemia. Hannah and Madeleine faced stem cell transplants, chemotherapy, and total body irradiation. Yet, over time, Stacie said, "We ended up bankrupt even with full insurance coverage."

Today, Hannah and Madeleine are happy, healthy 13-year-olds. According to Stacie:

My children now have protections from insurance discrimination based on their pre-existing cancer condition. They will never have to fear the rescission of their insurance policy if they get sick. They can look forward to lower health insurance costs and preventative care.

We passed the Affordable Care Act for people like Stacie, Hannah, and Madeleine, and we passed it for some of the people we heard from today at an earlier meeting. I urge my colleagues to think about them and to think about Stacie and her children when they cast a vote to take away their rights and protections.

Here is what the Affordable Care Act is about:

It's about strengthening the middle class, honoring the entrepreneurial spirit of our country, putting medical decisions in the hands of patients and their doctors. This is about innovation, prevention, wellness. It's about the good health of America as well as good health care for America. It's about restoring and reigniting the American Dream and living up to the vows of our Founders of life, liberty, and the pursuit of happiness. It's about a healthier life, the liberty and freedom to pursue happiness as defined by your own passions and your own talents and your own skills and your own aspirations. If you want to start a business, if you want to be self-employed, if you want to change jobs, you are not job-locked because your decision about your job, your career, and your life has to be predicated by your health insurance company.

That's what this freedom is in this 1 week from the Fourth of July that we celebrate with this bill.

Now, to make the American Dream a reality for all, Republicans must stop

this effort to take away patient protections from Americans.

Let's review again what the GOP is taking away from Americans. This is the takeaway from this debate:

Take away, the Republicans say, protections from children with preexisting conditions; take away prescription drug savings for seniors; take away coverage for young adults; take away preventative health services for women; take away the no lifetime limits, which are so important to so many families in our country.

We must work together on America's top priorities—job creation and economic growth. This bill creates 4 million jobs. It reduces the deficit. It enables our society to have the vitality of everyone rising to their aspirations without being job-locked, as I said.

The American people want us to create jobs. That's what we should be using this time on the floor for, not on this useless bill to nowhere—bill to nowhere—that does serious damage to the health and economic well-being of America's families.

I urge my colleagues to vote “no” on this bill. Let us move forward together to strengthen the economy and to strengthen the great middle class, which is the backbone of our democracy.

Hello, My name is Aracely Rodriguez. I am from San Diego, CA and I work everyday to ensure that Latina women have access to comprehensive affordable health services from a trusted provider.

I have the opportunity to experience first hand what a difference the Affordable Care Act will be for women, particularly women of color. It is hard for me to believe that anyone would want to take away these critical new benefits for women all over this country.

We know the Affordable Care Act will make insurance more affordable and provide more choices to women and their families. As a result of the Affordable Care Act 14 million women will be newly insured.

Today, about 39 percent of Latinas are uninsured—that is more than women of any other racial or ethnic group.

The Affordable Care Act will ensure that women have access to preventative health services such as mammograms and life saving cancer screenings—and in August, many women will have access to even more preventative health services such as well-women visits and birth control without co-pays or deductibles.

Access to birth control is a critical issue to many Latinas and their families. Over 50 percent of all Latinas have experienced a time in their lives when the cost of prescription birth control made it difficult for them to consistently use it.

The Affordable Care Act will end gender discrimination once and for all—so that women are not charged more for insurance than men.

This is what health reform means to women's health in our communities. “Being a woman is not a pre-existing condition.”

My name is Jamal Lee, I'm a native of Baltimore, MD. I own Breasia Studios, LLC, a digital recording studio and an audio, lighting, and video production company in Lau-

rel, Maryland and I'm a member of Small Business Majority's network council.

Until recently, I hadn't had health insurance since I was 21, when my mother had to drop me from her insurance plan. Since I started my business in 2005 I hadn't been able to afford insurance for myself, let alone my employees. I did the best I could to counteract the lack of health insurance by giving my employees safety training courses and assisting with the heavy lifting. I couldn't risk losing an employee to an on-the-job injury. But I finally was able to purchase insurance through a state subsidy program and when the Affordable Care Act was signed into law, I had another windfall—the small business tax credits. The tax credits, along with the state subsidy program, mean I can finally afford health insurance for myself and everyone else in the Breasia family. Knowing we're covered if something happens has an enormous impact on morale and my employees' physical and emotional well-being.

Thanks to the tax credits in the healthcare law, I may even be able to grow my business. And because I'm finally able to offer benefits, my business has become much more competitive when I look to hire. Repealing the law or defunding provisions like the tax credits would be a huge blow to my business.

My name is Bill Cea and I am a retired public school teacher from Boca Raton, Florida. I am here today on behalf of the Alliance for Retired Americans.

Thanks to the Affordable Care Act, I am one of 16 million seniors on Medicare who has been able to get a free wellness visit or preventive service. These are free—no co-pays, no deductible.

For me, it was an opportunity to go to my doctor's office for a thorough evaluation of my health, review the medicines I take, and discuss any questions and concerns I had.

Not only is this good for your health, but it is also good public policy. Medicare costs will be much lower if more seniors are able to stay healthy and identify problems before they become serious and costly.

I know many seniors in Florida who are in the Medicare coverage gap known as the “donut hole.” Under this new law, these seniors are now paying \$600 less per year for their prescriptions. The law will keep closing more and more of the “donut hole” until it completely goes away.

The bottom line is this: the Affordable Care Act is good for seniors. It helps us live longer, better lives. It helps us be able to see a doctor and fill a prescription.

These new Medicare benefits are making a big difference in seniors' lives. Congress must not take them away. Please vote against repealing the Affordable Care Act.

My name is Emily Schlichting. I'm a 22-year-old auto-immune disease patient from Omaha, NE. My life has drastically changed for the better thanks to the Affordable Care Act, but I have no guarantee that those changes will last. I would like to share with you just how the repeal of health care reform would affect my life.

The summer before my senior year of high school, when I was 17, I began experiencing a lot of odd symptoms, and none of my doctors could figure out what was causing them. My symptoms started as open ulcers that would get painfully and dangerously infected, and over the next two years intensified to include high-grade fevers, mysterious raised lumps on my legs, and swollen joints. After two years of visiting multiple specialists, re-

ceiving MRI's and CAT scans, which was topped off by a week-long stay in the hospital during my first semester of college, I was finally diagnosed with Behcet's Disease, a rare auto-immune condition.

When your health care is tied directly to your employment, your career opportunities become a lot more limited than you'd imagine. Suddenly, taking a few years off to work at a non-profit before graduate or law school was not an option because I would have dropped off my parents' insurance plan. Beyond that, I had to be extremely careful not to ever drop off an insurance plan because I have a pre-existing condition, which meant if I dropped off I would likely not be able to get back on insurance. Paying for my own health care out of pocket would bankrupt me. I regularly see two rheumatologists, an ophthalmologist, a dermatologist, an internist and other specialists for my condition. And that's when things are going well.

But, thankfully, with the passage of the Patient's Coverage and Affordable Care Act my disease no longer gets to dictate my life. The dependent coverage clause has been a godsend for me; it allows me to stay on my parent's insurance until I'm 26; it gives me that buffer time to figure out what career I want to pursue, and work for a couple years to gain experience and valuable job skills instead of rushing into an expensive graduate program just so I can stay on an insurance plan. Allowing young people to stay on their parent's insurance gives us new freedom to work toward our goals without going uncovered. But even more important than that is the fact that the Patient's Bill of Rights makes it so that I can't be denied insurance simply because I have a disease I can't control. And that . . . it's changed my life in so many ways. I can't put into words how scary the idea of being sick and bankrupt at 25 is, so you'll have to trust me on this one. It's terrifying.

I can tell you over and over how much health reform has positively impacted my life, but I'm not the only young American that has been positively impacted by this legislation. I'm one example of millions and millions of young Americans who have been helped by this bill, whether through the Dependent Care clause or the Patient's Bill of Rights or the combination of the two, like me. Young people are the future of this country and we are the most affected by reform—we're the generation that is the most uninsured. We need the Affordable Care Act because it is literally an investment in the future of this country.

Good afternoon. My name is Christine Haight Farley and I'm the proud mother of two wonderful boys with bright futures. Unfortunately, one of my sons has Cystic Fibrosis. For him, the Affordable Care Act is the key to that bright future.

Cystic Fibrosis, or CF, is a genetic disorder that has no cure at this time and few effective treatments. Among the symptoms are persistent lung infections and breathing and digestive difficulties.

Because only 30,000 people in the U.S. have CF, treatment for it tends to be extremely expensive. The average CF patient spends \$64,000 annually on health care, which is 15 times more than the average American. My son has to take 30 pills, 2 inhalers, and 3 nebulizers every day. We have a machine in our home that he has to use twice daily to shake the mucus from his lungs to prevent bacterial infections and clear his airways. At night, he uses a feeding tube while he sleeps in order to ensure that he gets the calories

he needs, because CF patients don't properly digest food. Even with this level of care, he is admitted to the hospital every year for a week because of a bacterial infection that requires heavy antibiotics administered through an IV. You can imagine what all of this costs.

And yet, we consider ourselves extremely lucky. We have excellent health insurance that helps to cover the costs of the various therapies and treatments he needs. But we have always worried about what will happen when our son grows up and has to find his own health insurance. As you can imagine, our entire family was very happy when the Affordable Care Act was signed into law. And we were ecstatic when the Court upheld the law. But it makes me furious when I hear opposition to the Affordable Care Act based on the "principle" of states' rights. For me, that principle is entirely outweighed by the principle that every child deserves a bright future no matter what disease they happen to be born with. Repealing this law would allow young people with life-threatening illnesses to be denied health insurance. I consider that unprincipled.

A survey conducted last year by the Cystic Fibrosis Foundation revealed that 31% of CF patients skipped doses or took less than was prescribed due to cost concerns. It also revealed that 16% of CF patients have reached an annual limit on their health insurance coverage, and 3% have reached a lifetime limit.

I have heard about the challenges faced by young adults with CF in finding health insurance. Young adults with CF are often denied insurance coverage, and they face barriers in their career as they make work and life choices that are dictated by a limited set of health care options. That's not the future I want for my son.

Because of the Affordable Care Act, my son will be able to get the care and treatment he needs. He will be able to stay on our insurance until he's 26, and after that no insurance company will be able to deny him coverage because of his pre-existing condition. And we won't have to worry about lifetime limits on his coverage. Moreover, he won't have to base his decisions about a job or a career on health care coverage.

As a mom, there is nothing more valuable to me than my children's future. I thank Leader Pelosi, the Congress, and President Obama for giving that to my son and to the other five million American children with pre-existing conditions.

□ 1340

Mr. CANTOR. Madam Speaker, I yield 1 minute to the gentleman from Illinois (Mr. ROSKAM), the chief deputy whip.

Mr. ROSKAM. I thank the gentleman for yielding.

Madam Speaker, do you remember these lines when the President was pitching the health care bill? He said: If you like what you have, you can keep it. It will not add a single dime to the deficit. This is absolutely not a tax increase, and it will bring down premiums by \$2,500 for the typical family.

The gentlelady from California a moment ago spoke about things to take away. Let's take this away. Let's take away the reality of this new health care law that has done this.

It is now clear that 20 million Americans are likely to lose their employer-

based health coverage. The law will cost \$2.6 trillion if fully implemented and add over \$700 billion to the deficit. It has \$500 billion in new taxes that are triggered towards the middle class. And the average increase in family premiums doesn't go down \$2,500; it goes up \$1,200.

Here is what we should take away. We should take away this albatross in the economy. We should repeal it. We should replace it.

And here is the good news. The voters get the last word in November.

Stay tuned.

Mr. LARSON of Connecticut. Madam Speaker, at this time, I yield 3 minutes to our distinguished whip from Maryland (Mr. HOYER), a person who understands what it means to make it in America.

Mr. HOYER. I thank my friend.

Repeal it and replace it. For the 31st time, we have a repeal with no replacement, no alternative, no protection offered by my Republican colleagues—not one.

You could, of course, introduce legislation that would say, We're going to repeal and replace with this. You haven't done it. So the American people have no idea.

We're on the floor today with the distinguished gentleman from Michigan who himself, and his father before him a half a century ago, said: Americans need the security of having the guarantee of access to affordable quality health care.

That's what we did.

Madam Speaker, after the landmark Supreme Court ruling upholding the Affordable Care Act, Americans are ready to move on. Yet here we're again voting for the 31st time on a bill to repeal the health care law with no replacement, no alternative, no protections. That's not what we ought to be focused on.

Americans want us to create jobs and to grow our economy. According to a Kaiser Family Foundation poll last week, 56 percent of Americans believe that opponents of the law should drop attempts to block its implementation. It's time for Republicans to end their relentless obsession with taking away health care benefits for millions of Americans.

If this bill were to pass, insurance companies could once again discriminate against 17 million children with preexisting conditions. If it were to pass, 30 million Americans would lose their health insurance coverage. It would take away \$651 each from 5.3 million seniors in the Medicare doughnut hole, making their prescription drugs more expensive. There would be 360,000 small businesses no longer able to claim a tax credit to help cover their employees. And 6.6 million young adults under 26 would be forced off their parents' plans and left to face a tough job market with the added pressure of being uninsured.

The Republican repeal bill would take away these benefits and end these cost-saving measures. And after 31 votes, as I said, no alternative, nothing. There is no bill to read, no plan to follow, no security to offer. Repealing health care without an alternative would add over \$1 trillion to deficits over the next two decades. I don't say that. The Congressional Budget Office says that.

It is occurring in the place of a vote that we could be taking on legislation to create jobs. There is nothing about jobs this week, nothing last week, nothing scheduled for next week, or the week after. It's a waste of time.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LARSON of Connecticut. I yield the gentleman an additional 1 minute.

Mr. HOYER. Why is it a waste of time? Because the Republican majority knows that it will not pass the United States Senate, and it would not be signed by the President of the United States. It's a message bill. It's politics as usual. It is spurring the base while spurning the average working American.

I outlined several proposals yesterday that are bipartisan in nature and ought to come to this floor immediately. It's called "Make It in America." Let's vote on those bills. Let's vote on those bills to create opportunities, not this one to take them away.

Madam Speaker, I urge my colleagues to oppose this bill, and let us work together constructively for a better economic future for our people, more economic security, more health care security, and a better America.

Mr. CANTOR. Madam Speaker, I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING), the Republican conference chairman.

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Speaker, I've heard so many of my Democrat colleagues come to the floor and question why are we here to vote to repeal the President's health care program. Let me offer a few reasons.

Number one, the American people don't want it. The longer people have to know this bill, the more intense they are in wanting to see it repealed.

Reason number two is we hear from our friends on the other side of the aisle that the Supreme Court said it was constitutional. Well, the \$5 trillion of additional debt that they and President Obama have foisted on the American people, it's constitutional, but, Madam Speaker, it is not wise.

Seniors know that the President's health care program cut a half a trillion dollars out of Medicare. The Independent Payment Advisory Board is 1 of 159 boards, commissions, and programs that will get between Americans and their doctors. The Independent Payment Advisory Board, they're there

to help ration health care for seniors. That's another reason.

I just heard the distinguished leader of the Democrat Party saying we should be talking about jobs and the economy. Madam Speaker, these are the very same people who told us the stimulus bill would help jobs, would help the economy. The stimulus bill was not a jobs bill. Repeal of ObamaCare is a jobs bill.

Talk to any small business person across America that has 40, 45 workers, and they will tell you: We're not going to go to 50. We're not going to do that. We're not going to hire those extra people.

Talk to a tool and die manufacturer like I have in my district in Jacksonville, Texas. Half of their business comes from the medical device industry. You know what? He told me that ObamaCare, with the medical device tax, is going to force him to lay off workers.

The employer mandate costs jobs. The Congressional Budget Office, which the gentleman from Maryland just cited, they, themselves, said this will cost 800,000 jobs. Private economists say it will cost 1 to 2 million jobs. The Chamber of Commerce just did a survey of small businesses. Seventy-four percent said this makes it more difficult to hire.

So after the President just turned in his 41st straight month of 8 percent-plus unemployment, the worst jobs and economic performance since the Great Depression, maybe it's time for a true jobs bill, Madam Speaker, and a true jobs bill is to repeal ObamaCare. The American people do not want it. We can't afford it. Job creators are losing jobs.

Let's repeal it, and repeal it today.

Mr. LARSON of Connecticut. Madam Speaker, at this time, I yield 2 minutes to the distinguished gentleman from South Carolina (Mr. CLYBURN), a leader in the Democratic Caucus.

Mr. CLYBURN. Mr. LARSON, thank you for yielding me the time.

Madam Speaker, I rise today in opposition to this partisan charade to repeal the Affordable Care Act.

This is the 31st time the majority has orchestrated a vote to repeal in whole or in part this very important and long-awaited law to increase accessibility and decrease the cost of quality health care.

□ 1350

Fortunately, the other body rejected this ill-fated effort the first 30 times, and this 31st time will be no different. Why, then, are we having this debate?

Do my Republican colleagues really believe that the majority of the other body is now ready to take from children born with diabetes the right to coverage under their parents' health care policies?

Do my Republican colleagues really believe that a majority of the other

body is now ready to take from children who are seeking employment the right to remain on their parents' health care policies up to their 26th birthday?

Do my Republican colleagues really believe that a majority of the other body is now ready to take from a woman with breast cancer, or a man with prostate cancer, the right to keep their coverage once they get sick?

The American people are smarter than that. They know the deal. They do not wish to be taken down this primrose path for the 31st time. The American people want stability in their lives, security for their families, and safety in their communities.

Americans want us to stop jerking them around. They cannot have stability in their lives when we are shipping American jobs overseas. They cannot have security in their homes when they are fearful of getting sick. They cannot have safety in their communities when their teachers, policemen, and firefighters are being led off while we are engaged in symbolic episodes.

I ask my colleagues to reject this charade, and let's vote to restore the American Dream.

Mr. CANTOR. Madam Speaker, I yield 1½ minutes to the gentleman from South Carolina (Mr. SCOTT).

Mr. SCOTT of South Carolina. Madam Speaker, why are we here? We keep hearing that from my friends on the right—why are we here again today—and the reality of it is simple. The numbers keep changing, and it simply does not add up.

A long time ago, in 2010, a long time ago, the estimates were \$900 billion will be the cost of ObamaCare. Two years later, now the estimate is at nearly \$2 trillion.

Well, how do we fund this? Everybody wants to know this. A program that is already financially strapped, Medicare. ObamaCare takes \$500 billion, \$500 billion out of Medicare.

What does that mean? Well, to me, as a grandson of a grandfather who is 92 years old, 92 years old, what happens when we take \$500 billion out of Medicare?

Well, the answer is clear. There is a 15-member board called IPAB, the Independent Payment Advisory Board, that will then recommend cuts to Medicare payments for doctors, hospitals, and other providers. In other words, my grandfather's health may be in the hands of a 15-member autonomous board who will decide what happens to his health. That's wrong.

If you look in ObamaCare, what you will find is that \$317 billion of new taxes, or a 3.8 percent tax on dividends, capital gains and other income, you will find \$110 billion on the middle class for folks who like their health care and want to keep it? Oh, no. No, no, no. They can't keep it.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. CANTOR. I yield the gentleman an additional 30 seconds.

Mr. SCOTT of South Carolina. Then you find another \$101 billion, another \$101 billion in annual tax on health insurance providers not paid for by those folks who make more than \$200,000, but paid for by the hardworking, everyday folks like my granddaddy and my momma, those folks who struggled to make their ends meet, \$100 billion of new taxes.

But if you need a medical device, another \$29 billion of new taxes. There is just not enough time, Mr. Leader, to talk about all the taxes that can't be articulated in just 2 minutes.

Mr. LARSON of Connecticut. Madam Speaker, I yield myself 30 seconds.

To respond here, as Mr. ANDREWS has very patiently and eloquently pointed out, the \$500 billion that was just discussed by the previous speaker is something that the Republicans have voted on twice. Perhaps they didn't get a chance to read that bill as they sometimes claim about health care on this side.

I yield 2 minutes to the vice chair of the Democratic Caucus, the gentleman from California, XAVIER BECERRA.

Mr. BECERRA. I thank the chairman for yielding the time.

It took 19 Presidents and 100 years dating back to President Teddy Roosevelt to open the door to all Americans, to quality health care that is centered on the patient-doctor relationship; 105 million Americans who will fall ill will no longer have a lifetime limit on the coverage they receive from their health insurance company.

Up to 17 million children today who have preexisting conditions cannot be denied coverage by an insurance company; 6.6 million young adults under the age of 26 today can stay on the health care policy of their parents; 5.3 million seniors today received an average \$600 to help cover the cost of their prescription drugs when they fall into the so-called doughnut hole; 360,000 small businesses in America, men and women who own their own businesses, got assistance through a tax credit to help provide health insurance coverage to their employees. Thirteen million Americans will benefit in insurance premium rebates from insurance companies, who must now show that they are spending the premium money they get from those Americans for health care, not on paying CEO salaries or not on profits—\$1.1 billion national rebates for 13 million Americans.

Perhaps the most important thing that most Americans don't recognize, the thousands of dollars that those of us who do have health insurance throughout America that we pay premiums to our insurance companies to cover care, not for us and our families, but for those of us who don't have insurance, the free-riders, that will start to drop. Those are the things that are at stake.

Yet while it took 100 years for us to get to this point, it has taken our Republican colleagues only a year and a half to vote over 30 times to try to repeal these patient rights and protections, patient rights and protections that President Obama promised, this Congress delivered, and the Supreme Court affirmed.

My Republican colleagues say that to repeal and replace these patient rights protections is the right way to go, but the only thing we have seen from them on this floor is all repeal and no replace. It's time for this Congress to get to work on the most important thing before us, getting Americans back to work. Let us vote this down and get to work.

Mr. CANTOR. Madam Speaker, I yield 1½ minutes to the gentlewoman from Washington, the Republican Conference vice chair, Mrs. McMORRIS RODGERS.

Mrs. McMORRIS RODGERS. I thank the leader for yielding.

Madam Speaker, I rise in strong support of this legislation today to repeal ObamaCare because the control of health care and health care decisions belongs in the hands of patients, families, and their doctors.

ObamaCare was a Big Government takeover of one of the most personal aspects in our lives; and I come to this debate as a mom, as a wife. I have two children, one that was born with special needs.

I understand firsthand, talking to so many within the disabilities community, and I hear their fear, their fear of not being able to find the doctors, not being able to find the therapists within the Medicaid programs, within TRICARE because of the government. These are government programs that are too often making false promises.

I think about my parents, who are signing up for Medicare, and the over \$500 billion in cuts to the Medicare program. In eastern Washington, it is very difficult to find a doctor right now who will take a new Medicare patient.

Because of ObamaCare, my family, like millions all across this country, are facing longer lines, fewer doctors, and lower quality of care. We can and we must do better. If we don't repeal this law, the results are going to be disastrous.

CBO, the Congressional Budget Office, has already estimated 20 million Americans will lose their employer-provided health insurance. Health care premiums continue to soar. Innovation, lifesaving technology and devices are being threatened.

The first step to putting individuals and families back in charge of their health care is to repeal ObamaCare, and I urge support.

□ 1400

Mr. LARSON of Connecticut. It gives me great honor to yield 1 minute to the

dean of the Connecticut delegation and a voice for compassion and who believes passionately about this health care law that's in effect for the American people, ROSA DELAURO of Connecticut.

Ms. DELAURO. What will happen if the House majority succeeds in repealing the Affordable Care Act? Seventeen million children with preexisting conditions will once again be denied coverage; 6.6 million under 26 will no longer be covered by their parents' insurance plan; insurers will be allowed to discriminate against women again, charge them more, deny them coverage because they've had a Cesarean section, and leave maternity and pediatric care out of their policies. The doughnut hole reopens, costing seniors billions of dollars; 360,000 small businesses lose tax credits. Americans will have to pay out-of-pocket for preventive services like cancer screenings and wellness exams, preventive services that could have saved the life of Celia, a 50-year-old East Haven woman who died from breast cancer because she simply could not afford a mammogram. And 30,000 Americans will lose their health insurance and be left to their fate while every single Republican in this House will maintain their health care coverage.

Repealing the Affordable Care Act is wrong. It was wrong the first time. It is wrong the 31st time. Welcome to Groundhog Day in the House of Representatives.

The SPEAKER pro tempore (Mrs. EMERSON). The time of the gentlewoman has expired.

Mr. LARSON of Connecticut. I yield the gentlewoman an additional 10 seconds.

Ms. DELAURO. This majority needs to stop working to put American families at risk and start working to make our economy healthy.

Mr. CANTOR. Madam Speaker, I yield 1½ minutes to the gentleman from Georgia, the Republican Policy Committee chairman, Dr. PRICE.

Mr. PRICE of Georgia. I thank the leader.

As a physician, one of the tenets of medicine is: first, do no harm. Sadly, the President's law does real harm.

The Supreme Court has said that the law is constitutional. That doesn't make it good policy. It harms all of the principles that Americans hold dear as it relates to health care—it increases costs, decreases accessibility, lowers quality, and limits choices—the wrong direction for our country. It harms patients—especially seniors—by removing \$500 billion from Medicare and having 15 unaccountable bureaucrats deny payment for health care services—decisions that should be made by patients and doctors, not by government. It harms doctors, over 80 percent of whom in a recent poll said that they would have to consider getting out of medi-

cine because of this law. And it harms our economy, killing over 800,000 jobs and making it more difficult for small businesses, the job-creation engine of our Nation, to create jobs.

And it's that much more frustrating because it doesn't have to be this way. There are positive solutions that don't require putting Washington in charge. There's a better way, and the first step to that better way is to repeal this law so we may work in a rational, deliberative, and, yes, bipartisan process for patient-centered health care where patients and families and doctors make medical decisions, not Washington.

The President's law doesn't just harm the health of patients and seniors; it harms the health of our economy and our Nation. And the first step to replace is to repeal. And we can start today.

Mr. LARSON of Connecticut. Madam Speaker, may I inquire as to how much time we have on both sides.

The SPEAKER pro tempore. The gentleman from Connecticut has 4½ minutes remaining, and the gentleman from Virginia has 5 minutes remaining.

Mr. LARSON of Connecticut. I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. I thank the gentleman for yielding.

As has been said, for the 31st time in this Congress the House Republicans are trying to put insurance companies back in charge of America's health care. The House Republicans are preoccupied with taking away the patient protections while they're keeping their own protections.

I recently got a letter from a woman named Annie who lives in East Bay of the San Francisco Bay area and she told me how vital this law is to her and her family. Her husband is self-employed. He has diabetes; and thanks to the Affordable Care Act, the husband will finally have access to quality, affordable coverage. Annie's daughter has a preexisting condition; and thanks to this law, the insurance companies won't be allowed to deny her daughter coverage. And Annie's son, a 25-year-old, thanks to this law, is able to get on his mother's health care plan and save the family a great deal of money.

But today, the Republicans want to take that all away. They want to take away all these protections and these benefits that American families haven't had in the past. Today, the Republicans in the Congress want to put the insurance companies back in the business—the same insurance companies that took away your policy when your child was born with a disability; the same insurance companies that didn't allow you to have cancer surgery because you had a lifetime limit or they decided you had a preexisting condition; the same insurance companies that decided that your children would be kicked off your policies when they're 18.

I don't think we should go there, America. But that's what repeal brings you. That's the Republican plan: to give it all back to the insurance companies. After a hundred years of struggling, take it away and give the power to the people to determine their own health care needs and the kind of policies that they need.

Mr. CANTOR. Madam Speaker, I yield 3 minutes to the majority whip, the gentleman from California (Mr. MCCARTHY).

Mr. MCCARTHY of California. I thank our respected leader for yielding.

From the moment ObamaCare was introduced, House Republicans and the American people have expressed concerns about the quality, the cost, and the effect that it would have on jobs. We're here today because the Supreme Court ruling made one thing clear: it's up to Congress to do the repeal of the devastating tax increase and what it would effect upon our economy.

As we all know, ObamaCare stands today because the Supreme Court said it's constitutional as a tax. The Chief Justice stated in his opinion:

Members of this Court are vested with the authority to interpret the law; we possess neither the expertise nor the prerogative to make policy judgments. Those decisions are entrusted to our Nation's elected leaders, who can be thrown out of office if the people disagree with them. It is not our job to protect the people from the consequences of their political choices.

But it is our job. And, unfortunately, we have learned over the past 2 years this law has proven to be bad policy. And you know what's more important? It's filled with broken promises.

We all remember President Obama's first promise: if you like the health care you have today, you can keep it. Well, that's not true. Eighty percent of those in small employer plans risk even keeping what they have today. The President also promised the law would bring down premiums by \$2,500. But that's not true either because it's already been increased \$1,200. The CBO says it will even rise higher.

President Obama did promise as I sat right here and listened to him that he would not add one dime to the deficit. Well, you know what? That's not true either. It's going to add billions of dollars. President Obama promised he would not raise taxes on those making less than \$250,000. It turns out ObamaCare includes 21 new taxes—12 of them on the middle class.

Promises made, promises broken.

There was another President from Illinois who was quoted as saying:

As our case is new, so we must think anew, and act anew. We must disenthrall ourselves, and then we shall save our country.

Well, now is the time to listen to the American people. Now is the time to put the patient first while they are empowered. Now is the time to repeal and begin to bring this country back together with a quality of health care

where the patient has the choice, not the government.

Mr. LARSON of Connecticut. I yield myself 15 seconds as we ask the dean of the delegation to step forward and just say that aside from the platitudes that we've heard today as have been expressed by many on our side and some of the eloquence of debate that we've heard, we continue to see no plan from the other side but a persistent endeavor to repeal a plan that would cost more than a hundred billion dollars for the taxpayers.

I yield 1 minute to the dean of the House of Representatives, the gentleman from Michigan, JOHN DINGELL.

Mr. DINGELL. I thank my good friend for yielding.

This is the gavel I used when I presided over the passage of Medicare and when I presided over the passage of legislation called ACA. This legislation takes care of the American people. I'm willing to loan it to my Republican colleagues if they'll use it in a good cause. It's even been on television with "The Daily Show."

But what is important here is you're going to win the vote, but you're going to lose the case and the debate because the American people know what you're trying to take away from them. This is the 31st time we've voted on this. And it is the law.

We have 44 days left to finish the business of this Congress, according to your whip's office. And interestingly enough, we're not going to deal with important questions like jobs, employment, the economy. We have the worst economy, which the President inherited, since the days of Herbert Hoover.

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The American people are going to wonder why this Congress has not been doing it. Well, the reason is the Republicans have been wasting the public's time. And in those 44 days, they're not going to be able to do the Nation's business. The unemployed are going to continue to be unemployed.

I'll loan you the gavel if you promise to use it for something good because it's a fine piece of wood and its tasks in terms of dealing with the public's concerns are not yet done.

But having said these things, I say shame. You are wasting the time of the American people. You are wasting the time of the Congress.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LARSON of Connecticut. I yield the gentleman an additional 1 minute.

Mr. DINGELL. You're wasting the time of the Congress. You've told us how you're going to repeal and replace. Where is the replacement? It is not to be seen. Where are the steps that you should be taking about jobs and opportunity for the American people? They are not to be seen.

You have the gavel, use it. Use the leadership that the people have given

you to lead the Congress of the United States. The Democrats will work with you. But you won't work with us, and you won't work for the American people.

The time of dealing with the business of this Nation is short, and the needs of the American people are great. But nowhere are we seeing anything done by our Republican colleagues except to get up and denounce ObamaCare.

I say have a more enlightened outlook and proceed to do the Nation's business well.

Mr. CANTOR. Madam Speaker, I am prepared to close and reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from Connecticut has 2 minutes remaining.

Mr. LARSON of Connecticut. Thank you, Madam Speaker.

I want to compliment both sides for the quality of debate that has occurred on this floor over the last couple of days.

Today, we are here for the 31st time to act on repealing the Affordable Care Act. I give my colleagues credit for their persistence, but I'm deeply troubled by the obstinacy and the obstruction that they have demonstrated in an almost callow indifference to the needs of American families. Most importantly, the simple dignity that comes from a job that more than 14 million of our Americans are being denied, and we can't, in this great civil body, bring forward the President's bill that will create jobs.

One of the people in my district, Signe Martin, said, do you not understand that you have plunged us into the dark abyss of uncertainty?

The only thing that creates and corrects that situation is the simple dignity that comes from a job. And yet today, we spend our time on the floor talking about something where we should be working together, where Members on our side of the aisle, who would have preferred Medicare for everyone—the majority of our caucus would have been there—and yet embraced the compromise that extolled the virtues of the Romney plan in Massachusetts. But there is no room for compromise on the other side of the aisle.

So we can only surmise this: that you would rather see the President fail than the American people succeed. Person after person on both sides of the aisle have gotten up and talked about the need for us to come together. You embrace most everything that's in this plan but would rather see the President fail than the Nation succeed.

The SPEAKER pro tempore. The time of the gentleman has expired.

The gentleman from Virginia is recognized for 2 minutes.

Mr. CANTOR. Madam Speaker, I introduced this legislation on behalf of my colleagues so that we may all be on

record following the Supreme Court's decision in order to show that the House rejects ObamaCare and that we are committed to taking this flawed law off the books.

This is a law, Madam Speaker, that the American people did not want when it was passed, and it remains a law that the American people do not want now.

First and foremost, ObamaCare violates President Obama's central promise to the American people that if they like their current health coverage, they can keep it. The vast majority of people in this country like the health care that they have and they want to keep it. But now, thanks to this law, patients across the Nation are losing access to the health care they like. Millions stand to lose health care coverage from their employers because ObamaCare is driving up costs and effectively forcing employers to drop health care coverage.

Beyond that, ObamaCare takes away from patients the ability to make their own decisions and individual choices. Instead of letting patients and their families work with their doctors to decide the best care, ObamaCare puts Washington in the driver's seat to make health care choices for them and their families.

Taking away choice, driving up costs, and making health care dramatically more expensive is not the prescription that Americans asked for.

Madam Speaker, we know in this tough economy we need to be doing everything we can to help our small businessmen and -women. They are struggling because of uncertainty and facing the prospect of one of the largest tax hikes in history. ObamaCare increases that burden by adding new costs and more red tape. The new harsh reality is that creating new jobs and bringing on new employees may just be too expensive and too burdensome if this law is left to stand.

The President said throughout the health care debate—as did former Speaker PELOSI and my colleagues on the other side of the aisle—that his health care law was not a tax. Well, we now know that the Supreme Court has spoken: It is a tax. Madam Speaker, it's time to stop all the broken promises and get back to the kind of health care people in this country want.

It cannot be overlooked that ObamaCare also has disastrous implications for the moral fabric of our Nation. Despite the claims to the contrary, this law actually paves the way for Federal funding of abortion, violating many individuals' religious, ethical, and moral beliefs. It is also the basis from which President Obama launched an assault on the religious freedom of millions of Americans by requiring employers to cover items and services with which they—and perhaps their employees—fundamentally disagree.

Washington-based care is not the answer. There is a better way to go about improving the health care system in this country. The American people want patient-centered care that allows them to make the very personal decisions about health care with their families and their doctors. They want to keep the care they like. They want to see costs come down, and they want health care to be more accessible. That is the kind of health care we on the Republican side of the aisle support, and frankly the type of care that the vast majority of the American people support.

Madam Speaker, we have said since day one that we must fully repeal this law. Today, we can start over and we can tell the American people, we are on your side, we care about your health care, and we want quality care at affordable cost. We listened, and we've acted.

I yield back the balance of my time.

Mr. REYES. Madam Speaker, I rise today in opposition to the 31st attempt to undermine the Affordable Care Act. Since the passage of the Affordable Care Act, tens of millions of Americans are already receiving better care as well as better value for their health care dollars. Already, Americans are benefiting from the provisions that have been implemented. In fact, 6.6 million young Americans now have health coverage until age 26, 105 million Americans are no longer facing lifetime limits on health benefits, and 17 million children with pre-existing conditions can no longer be denied coverage.

Instead of focusing on jobs legislation, Republicans are once again trying to take away patient protections by seeking to repeal the Affordable Care Act. Instead of providing solutions to the provisions in the law that they would like to see changed, they would rather repeal the whole law and all the positive changes that come along with it. This constant push to take away patient protections is no longer based on logic, but is clearly a partisan political ploy to score cheap points at the expense of millions of Americans.

We should turn our efforts to tackling our nation's larger problems, such as the economy and job creation. Let's move beyond this vote and demonstrate our commitment to the American people.

My Republican colleagues have requested that we work together, but, as they seek to once again make America a country where millions of people are uninsured and unable to afford health care, their actions speak louder than their words.

The Republican proposal to repeal the Affordable Care Act would affect thousands of El Paso residents who are already benefiting from the law, including the 52,000 children who are no longer denied insurance due to pre-existing conditions, the 2,900 seniors who have saved \$1.8 million in drug costs, and the over 360 small businesses who received new tax credits to help them expand health care coverage to their employees.

Republicans seem to forget how things were before the Affordable Care Act. For example, one family in my district faced significant

health care related financial difficulties. They had a daughter with a severe disability who had undergone 17 surgeries, numerous hospitalizations, required constant care, and treatment that cost up to \$2,000 a month. The couple's private insurance company implemented lifetime caps to prevent a major loss of profits at the expense of the health of the young girl. As a result, the family had to cover the medical expenses out of pocket and went bankrupt. While the current Affordable Care Act would prevent private insurance companies from using lifetime cap provisions to bar critical services to patients like this young girl, this couple's private insurance took advantage of the lax regulations at the time and left the family to fend for themselves.

There are countless other examples of El Pasoans who faced similar situations. There are those who had been denied coverage because of pre-existing conditions and others who faced similar situations with insurance companies who took advantage of lax health care oversight. That was then—now, the Affordable Care Act gives families the opportunity to have the best life possible.

Madam Speaker, I urge my colleagues to reject this misguided legislation.

Mr. BACA. Madam Speaker, I rise today in support of the Affordable Care Act.

This law is already providing relief to millions of Americans, and almost 20 percent of Californians.

Already, nearly 3 million people with Medicare in California have received free preventive services or a free annual wellness visit with their doctor.

The Affordable Care Act strengthens Medicare and reduces costs for seniors, by eliminating the donut hole that hurt many of our seniors in the past.

Right now, there are 435,000 young adults in California under the age of 26 who now have coverage because they were able to stay on their parent's plan—like Ms. Sandra Rodriguez and her daughter of San Bernardino, California.

And, over 8,600 uninsured California residents who were denied coverage because of a "pre-existing condition" are now insured because of this law.

Finally, Americans are in charge of their health care, not insurance companies.

Repeal takes our nation in the wrong direction. We need to move forward and ensure health equality for all.

Mr. RUNYAN. Madam Speaker, I rise in support of H.R. 6079, the Repeal Obamacare Act. It has been over two years since the partisan Patient Protection and Affordable Care Act was signed into law by President Obama and the country is still looking for reform.

When ObamaCare was introduced, the public was assured this was not a tax, but we have come to realize that this is, in fact one of the largest tax increases on the middle class in recent memory. We were told that ObamaCare would strengthen Medicare, but in fact the bill diverts \$500 billion from Medicare to pay for other provisions of ObamaCare.

The United States needs real common-sense healthcare reforms, which is why I urge my colleagues to support H.R. 6079. We must work together in a bi-partisan manner to support reforms that will lower costs, like allowing

individuals to search for insurance across state lines and comprehensive tort reform, while continuing to protect individuals with pre-existing conditions and allowing children to remain on their parents' insurance plan.

Mr. COSTELLO. Madam Speaker, I rise today in opposition to yet another effort to repeal the Affordable Care Act. Passed by the House and the Senate, signed by the president and confirmed by the Supreme Court, I do not support repeal of this law.

While the Affordable Care Act is not perfect, it has had tremendous positive impacts already, eliminating pre-existing condition restrictions, allowing young adults to remain on their parents' insurance until age 26, and making prescription drugs more affordable for our seniors. For too long our system has needed to be reworked to achieve greater savings and improved patient outcomes. Now that the Supreme Court has found this law constitutional, we need to concentrate on implementing it as efficiently as possible. The statistics speak for themselves:

105 million Americans no longer have a lifetime limit on their coverage.

As many as 17 million children with pre-existing conditions are no longer threatened by denial of coverage.

6.6 million young adults up to age 26 are covered under their parents' policies. Without that coverage nearly half of them would be uninsured.

5.1 million seniors in the "donut hole" have already saved over \$3.2 billion on prescription drugs.

Madam Speaker, rather than practicing partisan politics, we owe it to our constituents to work together to ensure the Affordable Care Act continues to make health care more affordable and accessible for millions of Americans. Today's vote is another effort to take us in the wrong direction, and I urge my colleagues to oppose it.

Ms. DELAURO. Madam Speaker, if the Majority succeeds in repealing the Affordable Care Act, as they have tried to do over thirty times now, it will be the women of America who are especially harmed.

Insurance companies will be allowed to charge women more for the same coverage once again. They will be able to withhold coverage from women who have had a child or a C-section, or even who have been victims of domestic violence.

Coverage for maternity and pediatric care will all disappear. Women will lose access to the free recommended preventive screenings that save lives. Subsidies to help working mothers buy insurance for their families will dry up.

We know for a fact this will happen. According to the National Women's Law Center, over 90 percent of the best-selling plans in states that have not already banned gender rating still charge women more than men for the same coverage. This costs women and their families approximately \$1 billion a year.

And this is what the House Majority wants to bring us back to. We fought hard two years ago to put woman's health on an equal footing with that of her spouse, son, and brother at last. We should build on that, not throw it all away.

If the Majority wants us to think they care about women's health, it is time for them to

walk the walk. That means stopping these partisan political games, and allowing the fully constitutional reforms in the Affordable Care Act to work for women.

Mr. DAVIS of Illinois. Madam Speaker, when it comes to health care in the United States low-income and minority people are underserved and uninsured, with this in mind the health care reform legislation was passed by Congress and signed into law by President Obama on March 23 of 2010. This law ensures that all Americans have access to quality, affordable health care. The non-partisan Congressional Budget Office has determined that this law will provide coverage to 32 million more people, or more than 95 percent of Americans, while at the same time lowering health care costs over the long term and reducing the deficit by \$138 billion through 2019, with \$1.2 trillion additional deficit reduction in the following 10 years.

When considering this law I cannot help but think of the 52,000 children and families from the 7th district of Illinois that do not have coverage or have low-quality health care coverage. The Affordable Care Act provides the following benefits to these individuals:

Improves coverage for 334,000 residents with health insurance.

Gives tax credits and other assistance to up to 158,000 families and 14,100 small businesses to help them afford coverage.

Improves Medicare for 76,000 beneficiaries, including closing the donut hole. Extends coverage to 52,000 uninsured residents.

Guarantees that 11,500 residents with pre-existing conditions can obtain coverage.

Protects 1500 families from bankruptcy due to unaffordable health care costs.

Allows 60,000 young adults up to the age of 26 to obtain coverage on their parents' insurance plans.

Provides millions of dollars in new funding for 92 community health centers.

Reduces the cost of uncompensated care for hospitals and other health care providers by \$222 million annually.

The Affordable Care Act will help begin to fill the Medicare Part D drug doughnut hole to reduce the cost burden for 76,000 beneficiaries in my district. It's going to extend coverage to 52,500 uninsured individuals who currently go to the county hospital. This legislation, in my mind, is the most impactful health legislation that we have seen since Medicare and Medicaid. The positive impact of this law extends beyond my district, to every district in our country.

The Affordable Care Act provides new ways to bring down costs and improve the quality of care for every individual, including those individuals who historically have had little to no health coverage. This is evident because each year more than 83,000 racial and ethnic minorities die as a result of lacking access to high quality and culturally competent health care. In turn, this cost us more than \$300 billion every year. I am so thankful that there is finally equal access to health care coverage. We should be proud that now children, the elderly, low-income, and minorities can equally access preventative services, primary physicians, and urgent care. I believe the expansion of coverage to these individuals has a major impact on the health of the current generation, as well as future generations.

This law ensures that more than 17.6 million children with pre-existing conditions can no longer be denied quality coverage. It also allows children to stay on their parents' health insurance up to age 26. Now, 410,000 African-American and 736,000 Latino, young adults between the ages of 19–25, who would have been uninsured are now covered under their parents' health insurance. To date about 6.6 million young adults up to age 26 have already taken advantage of this section of the law, and have to obtained health coverage through their parents' plan. Considering 3.1 million of those young adults would be uninsured without this coverage, this law has made a major impact in young peoples' lives. I believe it is imperative to the future well-being of our country that we provide the upcoming generations with this form of adequate and equal healthcare coverage.

In addition, the law now includes a section regarding funding to states for home visitation programs. The funding provides a critical opportunity for federal, state, and local communities to improve the health and well-being of children and families. Quality, early childhood visitation is a proven and cost-effective method to improve schools readiness, well-being, and health for children and families. I truly believe in the importance of this provision that is why we have worked bipartisantly for over five years to establish these evidenced based prevention grants to prepare our youngest citizens for success in school and life.

Older adults spend more money on health related costs than any other age group and they have the most health related needs, for this reason I am grateful that this law extends coverage to older adults. I am proud that we can now rest assured because, 4.5 million African American and 3.9 million Latino elderly and disabled who receive Medicare will have expanded access to preventative services with no cost-sharing, including annual wellness visits with personalized prevention plans, diabetes and colorectal cancer screening, bone mass measurements and mammograms. In fact, during 2011, 2.3 million seniors had a free Annual Wellness Visit under Medicare. We have seen this law continue to help older adults during 2012, with already 1.1 million seniors receiving a free visit within the past six months. We should also note that in 2011, 32.5 million seniors received one or more free preventive services. I believe this is outstanding, and with 14 million seniors having already received these services this year, we can anticipate even more seniors being served by the end 2012.

I am proud that the Affordable Care Act also includes the Community First Choice Option, it is a provision I have worked very hard on. This law is a major step forward to ending Medicaid's institutional bias by allowing states to give individuals with disabilities who are Medicaid eligible and who require an institutional level of care to choose between receiving care at home or in a nursing facility. Receiving community-based services and supports is critical to allowing people to lead independent lives, play an active role in day-to-day family life, have jobs, and participate in their communities. These are services our older adult population and citizens with disabilities need. It will keep them stronger and healthier longer.

I am extremely happy that in 2014 Medicaid coverage will expand to include families with incomes at or below 133 percent of the federal poverty guidelines. Our public health care system is overloaded and stretched past the breaking point and the extension of Medicaid is critical to sustaining that system. This expansion will now include adults without dependent children living at home; this is a population that has previously not been eligible in most states. This ensures that all individuals have equal access to health care coverage. I will be watching closely to ensure that this provision of the law is implemented in a manner consistent with the best interests of the American people.

The Affordable Care Act has expanded coverage to minority and low-income individuals, who have historically had the lowest health care coverage. In fact, it is estimated that by 2016, 3.8 million African Americans and 5.4 million Latinos, who would otherwise be uninsured will gain coverage. This means that by 2016, 6.2 million Americans who would otherwise have to go to the emergency room for a minor ear ache now has the opportunity to go to a primary physician at a medical home. Also, starting in August, millions of women will begin receiving free coverage for a package of comprehensive women's preventive services. This allows us to anticipate lower rates of prenatal medical issues and that future generations will be born healthy.

The law also provides funding to improve quality of care and management of chronic diseases that are more prevalent amongst African Americans and Latinos. This will ensure that individuals with chronic diseases can receive the medication and care needed for their wellbeing. It is reassuring to know that 105 million Americans will no longer have a lifetime limit on their coverage.

I feel that one of the greatest benefits of the Affordable Care Act are the laws that assists medical institutions in eliminating disparities that both African Americans and Latinos face in their health care services. More funding is now going towards data collection and research about health disparities. The second part of this funding extends to increase racial and ethnic diversity of health care professionals and strengthen cultural competency training among providers. This will improve diversity and equality in the health care industry. In fact it is estimated that by 2014 the percentage of African Americans in the National Service Corps will increase from 6 percent to 18 percent, and the percentage of Latinos will increase from 5 percent to 21 percent. This is an amazing improvement that I am proud to witness during my service. I hope that this increase in diversity inspires and empowers the next generation of doctors, nurses and surgeons to advocate for even further health care equality for all people.

Mr. ISRAEL. Madam Speaker, I rise today to speak in opposition to the Patients' Rights Repeal Act.

House Republicans began the majority by passing a budget that takes Medicare away from seniors. They are now trying to end their majority by passing a repeal of patient protections for everyone else in the middle class.

With this bill, they will take away a woman's protection against an insurance company's de-

cision to deny coverage because breast cancer is a preexisting condition. They will take away coverage of kids on their parent's policy until the age of twenty-six. They will take away the prohibition against lifetime and annual limits.

House Democrats want to move forward to pass comprehensive legislation to help small businesses create jobs and strengthen the middle class. House Republicans want to move backwards to repeal patient protections in order to help big insurance companies and weaken the middle class.

Mr. BISHOP of Georgia. Madam Speaker, when I first ran for Congress in 1992, I pledged to my constituents that I would use the political process to improve the lives of people and communities of the Second Congressional District of Georgia. For this reason, I supported the Affordable Care Act in 2010 because I believed that it would make a significant difference in making health care more affordable and more accessible.

I still believe in the effectiveness of the law more than two years after its enactment. In fact, it is needed now more than ever. My District has high rates of diabetes, cancer, heart disease, and obesity. Many of my constituents cannot get health insurance because they have reached their lifetime limit or they have a pre-existing condition. I also have heard from seniors who cannot afford their prescription drugs because they have fallen into Medicare's "donut hole," small businesses owners who find the cost of health insurance to be too high, and residents of rural communities who must travel long distances to find a doctor.

They deserve better. We all do.

Repealing the Affordable Care Act would be a significant setback for these Georgians as well as the entire nation. According to a Washington Post editorial Tuesday, since the health reform law was enacted, increases in national health expenditures have slowed, saving Americans more than \$220 billion. In Georgia alone, the closure of the "donut hole" in coverage to date has saved Medicare recipients over \$13 million. Already over three million residents are free from worrying about lifetime limits on coverage. The law's insurance reforms, which already have taken effect, will allow 123,000 young Georgians stay on their parents' plan until age 26 and ensure the protection of over 26 million children nationwide with pre-existing conditions.

Now that it has been upheld by the United States Supreme Court, we must work together to ensure that the Affordable Care Act remains the law of land so that America can be a healthier, more prosperous, and more just nation.

What I said two years ago still holds true today. As a man of faith, I know that Jesus taught us to provide and care for others, especially the "least of these," or those that have few advocates. I believe He would take care of this immediate need of the people and not let them fend for themselves. This law goes a long way toward living up to this moral principle, and I urge my colleagues to oppose its repeal.

Mrs. MILLER of Michigan. Madam Speaker, I have some simple questions for those who support Obamacare . . . how does the hiring of over 16,000 new IRS agents provide any-

one greater access to care? How does hiring 16,000 new IRS agents improve the doctor patient relationship? How does hiring 16,000 new IRS agents lower the cost of healthcare?

The fact is those new IRS agents won't do anything to improve healthcare because IRS agents don't help deliver affordable and accessible healthcare—they collect taxes and Obamacare is definitely chock full of new taxes to be collected.

Taxes on tanning, taxes on healthcare policies the government deems are too good, taxes on employers for providing health insurance the government deems is not good enough, taxes on income, taxes on drug manufacturers, taxes on medical devices, and even a massive new tax for not having health insurance.

While President Obama has done little to help create the private sector jobs we so desperately need in this country he has certainly done a lot to promote full employment among tax collectors.

The fact of the matter is those who wrote this bill sold it to Congress and the American people saying that the individual mandate was not a tax, and it is a massive new tax. And I would hazard to say that if it was sold as what it truly is then it never would have passed either the House or Senate.

Just before passage then Speaker PELOSI famously said we had to pass the bill to find out what's in it. Well the American people have found out what is in Obamacare and they don't like it one bit. Sure there may be parts that they like, but not the full trillion dollar monstrosity.

We can do better and the American people certainly deserve better.

Let's repeal this bill today, start over and give the American people what they want . . . legislation that supports private sector solutions to reduce costs, improve access to care and strengthen the doctor patient relationship out of the reach of your local IRS agent.

Mr. RIVERA. Madam Speaker, I rise in support of the "Repeal of Obamacare Act" before us today. I commend our Leadership for bringing this bill to the Floor so quickly to enable us to start the important process of repealing and replacing this job-destroying healthcare law. Our vote today demonstrates once again our commitment to our constituents that we will protect them from government interference with their relationship with their doctors and fulfills our promise that we will protect all Americans from new taxes on the middle class.

I strongly support healthcare reform, for example, by offering tax credits for individuals to purchase healthcare insurance, by allowing small businesses to pool together beyond state lines, thus gaining bargaining leverage to purchase more affordable health insurance policies for their workers, and by prohibiting insurance companies from denying coverage due to pre-existing conditions.

As we begin the process of replacing Obamacare with commonsense reforms that lower healthcare costs for families and small businesses and increase access to affordable quality care, we must ensure that the replacement includes critical Medicaid funding for Puerto Rico and the other territories. The

funding, originally added to Obamacare legislation because it was the sole legislative vehicle available at the time, has just begun to reverse federal policy that has treated our fellow Americans in Puerto Rico inequitably. Where previously Washington paid less than 20 percent of Puerto Rico's Medicaid costs, the federal government is now paying 35 percent of the cost of the program. This is a step in the right direction, but still far below equal treatment. By comparison, the federal government pays nearly 70 percent for the District of Columbia's program and 75 percent for Mississippi's program. How can we continue to ask the U.S. citizens of Puerto Rico to do their share in service to our country—with hundreds of thousands serving honorably in the U.S. military—when the federal government isn't doing its part to treat them fairly in federal programs like Medicaid? This isn't about a hand out, but rather a level playing field to provide a fair and just level of medical care to every American citizen.

I have voted to repeal Obamacare, and will continue to do so until we prevail, and intend to work on reform measures that include access to high quality health care at affordable costs. Ensuring the current levels of Medicaid funding for Puerto Rico and the territories must be part of that reform effort.

Mr. MARCHANT. Madam Speaker, the Supreme Court ruled that the individual mandate was Constitutional. But the cost of the Patient Protection and Affordable Care Act, or "Obamacare", remains grievously unsustainable. Unless Obamacare is repealed, either in whole or in part, America's healthcare system will prove to be a ticking fiscal time bomb.

Regardless of the Obama plan, healthcare payment rates across Medicare, Medicaid, and private insurance are alarming. According to the Congressional Budget Office, between 1975 and 2005, annual per-person health spending in the United States rose, on average, 2 percentage points faster than per-person economic growth. In other words, healthcare costs have outpaced our national income.

Now add Obamacare: massive new entitlements, additional dependence on government, tax hikes, bureaucratic micromanagement of healthcare, and the possibility of Congress taxing other forms of inactivity in the future. In 2014, Obamacare will significantly expand Medicaid to childless adults with incomes up to 138 percent of the poverty level. If states don't expand Medicaid, 11.5 million very poor adults will be on their own. That is more than the entire population of Greece.

Americans that fail to follow the healthcare mandate will be required to pay a penalty, or an Obamatax, starting in 2014. When fully phased in two years later, the penalty will be \$695 for each uninsured adult or 2.5 percent of family income, whichever is greater, up to \$12,500.

Madam Speaker, America is facing a genuine healthcare crisis. But our country also has 13 million unemployed and millions of others are struggling. They simply can't afford a new tax imposed by Washington. There is a way to improve both our healthcare system and fiscal outlook, and it starts by repealing Obamacare.

Mr. PLATTS. Madam Speaker, today's vote by the U.S. House of Representatives to repeal the health care law will ensure continued scrutiny of a complex law that was wrongly rushed through the legislative process and largely remains a mystery to a vast majority of the American people. Given that rising health care costs are the main driver of our Nation's long-term debt crisis, it is imperative for Congress to fully debate a policy that will have such dramatic ramifications for future generations of Americans.

The health care law was enacted more than two years ago. Yet health care costs continue to rise. Uncertain business owners are hesitant to invest and hire workers. And major portions of the law—including higher taxes on businesses, increased taxes on certain medical devices, and countless new regulations—have yet to even be implemented. This massive new entitlement program will cost taxpayers more than \$2 trillion per decade, further burdening our already crippling national debt.

Truly reforming our health care system requires a common-sense, step-by-step approach that will lower costs and better ensure access to affordable, quality health care. Opponents of the health care law have long proposed alternative solutions—such as allowing small businesses to form health insurance pools and join together across state lines to purchase health insurance, medical malpractice liability reform, and insurance reforms addressing the issues of pre-existing conditions and allowing young adults to remain on their parents' plans—that would achieve these goals.

The status quo in health care is clearly unacceptable. A narrow majority of the Supreme Court may have upheld the constitutionality of the health care law last week, but that does not change the fact that this law is clearly bad public policy. Congress must continue to press for true, common-sense reforms focused on lowering the cost of health care for all Americans.

Mr. POSEY. Madam Speaker, I rise to express my support for the bill before us today that would repeal the health care law. The new health care law is unworkable, unaffordable, compromises the doctor-patient relationship, and undermines individual liberty and personal freedom. It was for these reasons and others that I opposed the bill two years ago.

Let's remember that this health care law was drafted behind closed doors and the American people were told by congressional leaders at the time that Congress had to pass it so that the American people could see what was in the 2,000-page bill. Americans have begun to see more of what is in the bill, and according to the latest polls most Americans want the law repealed. Dozens of states, including Florida, have indicated that they will do what the Supreme Court has said they can do, and that is to refuse to implement key components of the law.

For America's senior citizens there are key provisions of this law that are of great concern. The Congressional Budget Office's March 1, 2010 analysis concluded that the health care law cuts Medicare spending by at least \$500 billion. It also leaves in place the

flawed Medicare physician payment system that threatens senior's access to physicians as it allows a 33% reimbursement cut to take effect on December 31, 2012. This will harm seniors' access to medical care.

The new health care law makes deep cuts to Medicare Advantage plans, which will result in millions of seniors' losing their MA health plans. In fact, millions of seniors' were scheduled to lose their MA plans on December 31, 2012, except that the Administration "found" money to plug the hole for one year so that seniors would not receive a letter two months from now telling them that their MA health plan would no longer be available to them. Seniors are also very concerned about the Independent Payment Advisory Board (IPAB), which has broad unbridled authority to unilaterally eliminate Medicare benefits. IPAB must be repealed.

Americans were promised that they would be able to keep their current health care plan, but millions of Americans would have already lost their plan had a temporary waiver not been granted to simply delay their loss until next year. Millions more will lose their current coverage and be forced into government directed health care in 2014 if this law is not repealed.

Americans were told that the law would save money and would "only" cost \$938 billion. However, the non-partisan Congressional Budget Office (CBO) recently raised the 10-year cost of the law to \$1.8 trillion. The United States has a national debt of over \$16 trillion and we simply cannot afford the new law, as it will continue to saddle future generations of Americans with debt they cannot possibly repay.

We were promised the health care law would "lower your premiums by \$2,500 per family" by the end of 2012. But even the Kaiser Family Foundation's 2011 Annual Health Benefits Survey found that premiums increased by over \$1,200 in just the first year since the law's passage and they expect premiums to continue climbing.

We do not need the health care law's 159 new federal agencies and boards that are being created to stand between you and your doctor. Twelve of the nearly two dozen new taxes included in the law will specifically increase taxes on those making less than \$250,000 a year. These new taxes will not make health care any cheaper, but will further add to the tax burden that is straining family budgets and hampering the ability of small businesses to create jobs.

While I believe that there are shortcomings in our health care system, this health care law was the wrong prescription, and it is for that reason it should be repealed and replaced with a plan based on individual choice, personal liberty and economic freedom.

Mr. MARCHANT. Madam Speaker, I rise today to ask my colleagues to join me in voting for H.R. 6079. Though the Supreme Court opinion didn't strike down the entire law, it did prohibit the federal government's ability to coerce state governments in accepting major expansions to Medicaid.

Now that many states have indicated they will not accept the Medicaid expansion, this seriously undermines a major premise of Obamacare. Even before the Supreme Court's

ruling on Medicaid, patients were already seeing higher premium costs and fewer choices.

We need to start over and craft a health care plan that will actually increase patient access and lower premiums. We can do this while working with our state governments rather than trying to force a Washington-knows-best plan.

Mr. FLAKE. Madam Speaker, I rise today in support of repealing the Patient Protection and Affordable Care Act.

It's no secret that the U.S. health care system is broken; however, instead of strengthening the system, the Affordable Care Act took a top-down approach that will leave patients and taxpayers worse off than they were before.

I believe Americans should have access to effective and affordable care. This can best be accomplished by using market forces to improve quality and control cost.

I support allowing individuals to purchase health insurance across state lines and the expansion of associated health plans, health savings accounts, and other free-market reforms that allow individuals to be in control of their own healthcare decisions.

Americans have a choice when they buy a car or go to the grocery store. Why can't they have that same choice when purchasing something as important as health care?

I also support allowing small employers and individuals to pool together to purchase health insurance, thereby giving them greater buying power to negotiate when purchasing a plan.

Expanding health savings accounts not only gives individuals maximum flexibility in determining how to spend their health care dollars, but it encourages saving and helps reduce the overall cost of health care.

Finally, I support reforming the tax code so individuals get the same incentives that employers currently have for purchasing health care.

These measures will make health care more affordable, and unlike the law we are repealing today, they are sustainable.

Mr. YOUNG of Alaska. Madam Speaker, I rise in strong support of the measure before us today. While the Supreme Court may have ruled Obamacare constitutional on the basis that it is a tax, that doesn't make it good policy. We owe it to the American people to repeal this middle-class tax hike and instead enact real reform that will rely on reasonable and proven market-driven solutions that do not trample on individual rights.

As we craft our replacement to Obamacare, however, we must protect one positive provision that was enacted as part of the law: the Medicaid funding included beginning addressing the longstanding disparity for Puerto Rico and the other U.S. territories compared to the states. This funding represented a shared commitment between the federal and territorial governments to ensure the fiscal solvency of the territories' Medicaid programs. Although this additional funding was added to Obamacare legislation, it represents the culmination of years of discussion between the federal government and the territories, and is entirely separate from the rest of the law. If this funding is not replaced, Puerto Rico will once again be forced to cover 80 percent of the cost of its Medicaid program—a burden

that would be unfathomable and fiscally unsustainable if placed on the states. If hundreds of thousands of Puerto Ricans have willingly served in the U.S. military with honor, wearing the U.S. flag proudly on their uniform, then surely we can treat the U.S. citizens of Puerto Rico fairly in Medicaid.

When Puerto Rico Governor Fortuño took office in 2009, he inherited a \$3.3 billion budget deficit. A true fiscal conservative, he made the difficult choices necessary to reduce this deficit by 90 percent in FY2013. Failure to replace this Medicaid funding would not only have dire consequences for the neediest residents of Puerto Rico, but would also jeopardize the Island's economic recovery and marginalize the tough choices and sacrifices made by Governor Fortuño and the 3.7 million U.S. citizens of Puerto Rico over the past 3½ years. With this in mind, I would like to express my commitment to work with my colleagues to ensure we restore this vital funding.

The SPEAKER pro tempore. All time for debate has expired.

Pursuant to House Resolution 724, the previous question is ordered on the bill.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of H.R. 6079 is postponed.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 19 minutes p.m.), the House stood in recess.

□ 1500

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mrs. EMERSON) at 3 p.m.

REPEAL OF OBAMACARE ACT

The SPEAKER pro tempore. Pursuant to clause 1(c) of rule XIX, further consideration of the bill (H.R. 6079) to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010, will now resume.

The Clerk read the title of the bill.

MOTION TO RECOMMIT

Mr. ANDREWS. Madam Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. ANDREWS. I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Andrews moves to recommit the bill H.R. 6079 to the Committees on Energy and Commerce, Ways and Means, and Education and the Workforce with instructions to report the same to the House forthwith with the following amendment:

Add at the end the following new section:

SEC. 5. MEMBERS OF THE HOUSE OF REPRESENTATIVES WHO VOTE TO REPEAL HEALTH CARE FOR THEIR CONSTITUENTS MUST FORFEIT THEIR OWN TAXPAYER-SUBSIDIZED HEALTH BENEFITS.

(a) **FORFEITURE OF FEHBP BENEFITS BY ANY MEMBER VOTING IN FAVOR OF HEALTH CARE REPEAL.**—A Member of the House of Representatives who votes in favor of passage of this Act (including the repeal of the patient benefit protection provisions described in subsection (b)) shall become ineligible to participate, as such a Member, in the federally funded Federal employees health benefits program (FEHBP) under chapter 89 of title 5, United States Code, effective at the beginning of the first month after the date of the enactment of this Act.

(b) **PATIENT BENEFIT PROTECTION PROVISIONS.**—For purposes of subsection (a), the patient benefit protection provisions described in this subsection include any provision of (or amendment made by) the Patient Protection and Affordable Care Act or the Health Care and Education and Reconciliation Act of 2010 that provides for or protects patient benefits, including the following:

(1) **PROHIBITION OF PREEXISTING CONDITION EXCLUSIONS.**—Section 2704 of the Public Health Service Act relating to the prohibition of preexisting condition exclusions or other discrimination based on health status.

(2) **FAIR HEALTH INSURANCE PREMIUMS.**—Section 2701 of the Public Health Service Act relating to fair health insurance premiums, and prohibiting gender-based discriminatory premium rates.

(3) **COVERAGE OF ADULT CHILDREN UNTIL AGE 26.**—Section 2714 of the Public Health Service Act relating to the extension of dependent coverage for adult children until age 26.

(4) **CLOSURE OF MEDICARE PART D DONUT HOLE.**—Section 1860D-14A of the Social Security Act relating to the Medicare part D coverage gap discount program.

(5) **NO LIFETIME OR ANNUAL LIMITS.**—Section 2711 of the Public Health Service Act relating to no lifetime or annual limits.

(6) **PREVENTIVE HEALTH SERVICES COVERAGE WITHOUT COST SHARING.**—

(A) Section 2713 of the Public Health Service Act relating to the coverage of preventive health services without cost sharing.

(B) The amendments made by sections 4103 and 4104 of the Patient Protection and Affordable Care Act (as amended by section 10406 of such Act), relating to an annual Medicare wellness visit and Medicare payment for preventive services without cost sharing including colorectal cancer screening.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey is recognized for 5 minutes in support of the motion.

Mr. ANDREWS. Madam Speaker, if my amendment passes, we will proceed immediately to final passage of this

bill. It doesn't delay or defer consideration in any way.

My amendment raises the following question: Should Members of Congress live by the same laws we write for everyone else?

I say we should.

The last 2 days have been filled with sincere focus and passionate debate about the future of the Affordable Care Act. Members whom I respect and admire have taken strong positions saying we should repeal the law. Members whom I respect and admire have taken strong positions saying we should uphold and enforce the law, as I believe strongly.

But whether you believe in the repeal of the law or the upholding of the law, you ought to believe in the basic principle that when we write a law around here, we should live by that law the same way everybody else does. So my final amendment says that supporters of repeal should live by the same consequences that everyone else will live by if they succeed in repealing the law.

You see, because if my amendment does not pass and the bill passes, Members of Congress will be protected if an insurance company tries to discriminate against us because we have had breast cancer or asthma or diabetes, but our constituents will not enjoy that protection.

If my amendment does not pass but the underlying repeal bill does pass, Members of Congress cannot be forced to pay higher premiums because they are female or because they are a certain age, but our constituents will not enjoy that protection.

If the final bill passes without my amendment passing, we will be able to take our sons and daughters who are less than 26 years of age and keep them on our own policies, but the people who pay our salaries, our constituents, will not have that protection.

If the underlying repeal bill passes without the amendment that I'm offering, then we would, as Members of Congress, get help paying high prescription drug bills under Medicare, but our constituents under Medicare would not enjoy that same benefit.

If my amendment does not pass, and the underlying repeal bill passes, if, God forbid, a member of our families is struck with a horrible disease or malignancy and runs up millions of dollars of bills, the insurance company will not be allowed to say, "Sorry, we're going to stop paying your health care bills because you've run up against a lifetime or annual policy limit," but Members of Congress will have that protection.

So, you see, I think this comes down to a basic point: If we write a law, we should live by it. This is something that I think most Members, liberal, conservative, Republican, Democrat, say when we go home to our district.

We, frankly, have all encountered constituents who wonder why we don't

pay into Social Security. The truth is we all do—we all do—just the way our constituents do.

We run into constituents who say that they don't understand why our sons and daughters can pay off their student loans or get them forgiven for free when their kids can't. That's false. Our sons and daughters live under exactly the same student loan rules everybody else does.

We have people ask us, you know, how come we don't follow the tax laws everybody else does. We most certainly do. Republican, Democrat, liberal, and conservative live by exactly the same laws that we write.

□ 1510

I don't think we should make an exception to that policy here. And if you don't vote for this final underlying amendment—and I think we all should—if you don't vote for this final underlying amendment, understand what happens. Members of Congress are protected against preexisting conditions, but our constituents aren't. Members of Congress are permitted to have our sons and daughters on our policies until they're 26, but our constituents can't. Members of Congress can't be charged more for premiums because of their age or their gender, but our constituents can. Members of Congress under Medicare would get certain rights and privileges and their prescription drugs, but our seniors and constituents can't.

I think whether we agree or disagree with the Affordable Care Act, we all ought to agree with this principle: When Congress writes a law, we should all live by it.

So I would respectfully say to my friends, both Republican and Democrat, if you believe in the law you're having to vote for today, then vote to live under it as well. Vote "yes" on this motion to recommit.

I yield back the balance of my time.

Mr. CANTOR. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Virginia is recognized for 5 minutes.

Mr. CANTOR. Thank you, Madam Speaker.

First of all, I would say to the gentleman, my friend from New Jersey, we on this side of the aisle care about the health care of the American people. That's why we're here. That's why I brought this bill forward, along with and on behalf of my colleagues. It is not about Members of Congress. It is not about trying to say that you get health care and we don't get health care.

This is a dire situation for millions of Americans. There are so many things going on right now—critical, critical needs out there across this country where people are out of work, people

don't have their health care. People are hurting. And for us to sit here and discuss a motion to recommit like this, I just don't think, Madam Speaker, it is what the American people would like us to be doing. It is about health care for Americans.

Most Americans do have health care. Most Americans like the health care they have, but it's just too expensive. And more and more Americans are going to go without health care because of this law. And as the President said when he first started this discussion in 2009, Americans that have health care and like it should be able to keep it. Well, that is clearly a promise that's been broken. And we are trying to end the era of broken promises. We are trying to end the era of Washington-controlled health care.

We believe, as do most of the American people, that patient-centered care is our goal. That's where we need to start. We start along the path towards that goal by repealing ObamaCare. ObamaCare has added cost upon cost. In fact, the average American family, in terms of the premiums that they pay, has paid a premium increase of approximately \$1,200 since the passage of ObamaCare. In fact, the CBO estimates that insurance premiums for individuals buying private health coverage on their own will increase by \$2,100 in 2016 compared to what the premiums would have been if the law had not passed. This is why, when study after study is showing that people are not able to keep the health care they like, it's because of the cost. People aren't able to afford it. The employers are unable to afford it.

We are after patient-centered care. We are after affordable care. And we are trying to improve and enlarge the access to care. ObamaCare fails on all those fronts.

So, Madam Speaker, it is not a game to be played, as is evident in this motion to recommit. It is about the American people and that health care.

Madam Speaker, I urge my colleagues to vote against the motion to recommit and urge them instead to vote for the passage of repeal of ObamaCare.

I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit. The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. ANDREWS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on the motion to recommit will be followed by 5-minute votes on passage of the bill, if ordered, and adoption of House Resolution 726.

The vote was taken by electronic device, and there were—yeas 180, nays 248, not voting 3, as follows:

[Roll No. 459]

YEAS—180

Ackerman	Filner	Napolitano
Altmire	Frank (MA)	Neal
Andrews	Fudge	Oliver
Baca	Garamendi	Owens
Baldwin	Gonzalez	Pallone
Barber	Green, Al	Pascarell
Bass (CA)	Green, Gene	Pastor (AZ)
Becerra	Grijalva	Pelosi
Berkley	Gutierrez	Perlmutter
Berman	Hahn	Peters
Bishop (GA)	Hanabusa	Peterson
Bishop (NY)	Hastings (FL)	Pingree (ME)
Blumenauer	Heinrich	Polis
Bonamici	Higgins	Price (NC)
Boswell	Himes	Quigley
Brady (PA)	Hinche	Rahall
Braley (IA)	Hinojosa	Rangel
Brown (FL)	Hirono	Reyes
Butterfield	Hochul	Richardson
Capps	Holden	Richmond
Capuano	Holt	Rothman (NJ)
Cardoza	Honda	Roybal-Allard
Carnahan	Israel	Ruppersberger
Carney	Jackson Lee	Rush
Carson (IN)	(TX)	Ryan (OH)
Castor (FL)	Johnson (GA)	Sánchez, Linda T.
Chandler	Johnson, E. B.	Sanchez, Loretta
Chu	Kaptur	Sarbanes
Cicilline	Keating	Schakowsky
Clarke (MI)	Kildee	Schiff
Clarke (NY)	Kind	Schrader
Clay	Kucinich	Schwartz
Cleaver	Langevin	Scott (VA)
Clyburn	Larsen (WA)	Scott, David
Connolly (VA)	Larson (CT)	Serrano
Conyers	Lee (CA)	Sewell
Cooper	Levin	Sherman
Costa	Lewis (GA)	Sires
Costello	Lipinski	Slaughter
Courtney	Loeback	Speier
Critz	Lofgren, Zoe	Stark
Crowley	Lowey	Sutton
Cuellar	Luján	Thompson (CA)
Cummings	Lynch	Thompson (MS)
Davis (CA)	Maloney	Tierney
Davis (IL)	Markey	Tonko
DeFazio	Matsui	Towns
DeGette	McCarthy (NY)	Tsongas
DeLauro	McCollum	Velázquez
Deutch	McDermott	Visclosky
Dicks	McGovern	Walz (MN)
Dingell	McIntyre	Wasserman
Doggett	McNerney	Schultz
Donnelly (IN)	Meeks	Waters
Doyle	Michaud	Watt
Edwards	Miller (NC)	Waxman
Ellison	Miller, George	Welch
Engel	Moore	Wilson (FL)
Eshoo	Moran	Woolsey
Farr	Murphy (CT)	Yarmuth
Fattah	Nadler	

NAYS—248

Adams	Brady (TX)	Crenshaw
Aderholt	Brooks	Culberson
Akin	Broun (GA)	Davis (KY)
Alexander	Buchanan	Denham
Amash	Bucshon	Dent
Amodei	Buerkle	DesJarlais
Austria	Burgess	Diaz-Balart
Bachmann	Burton (IN)	Dold
Bachus	Calvert	Dreier
Barletta	Camp	Duffy
Barrow	Campbell	Duncan (SC)
Bartlett	Canseco	Duncan (TN)
Barton (TX)	Cantor	Ellmers
Bass (NH)	Capito	Emerson
Benishek	Carter	Farenthold
Berg	Cassidy	Fincher
Biggert	Chabot	Fitzpatrick
Bilbray	Chaffetz	Flake
Bilirakis	Coble	Fleischmann
Bishop (UT)	Coffman (CO)	Fleming
Black	Cohen	Flores
Blackburn	Cole	Forbes
Bono Mack	Conaway	Fortenberry
Boren	Cravaack	Fox
Boustany	Crawford	Franks (AZ)

Frelinghuysen	Lewis (CA)	Rogers (MI)
Gallegly	LoBiondo	Rohrabacher
Gardner	Long	Rokita
Garrett	Lucas	Rooney
Gerlach	Luetkemeyer	Ros-Lehtinen
Gibbs	Lummis	Roskam
Gibson	Lungren, Daniel E.	Ross (AR)
Gingrey (GA)		Ross (FL)
Gohmert	Mack	Royce
Goodlatte	Manzullo	Runyan
Gosar	Marchant	Ryan (WI)
Gowdy	Marino	Scalise
Granger	Matheson	Schilling
Graves (GA)	McCarthy (CA)	Schmidt
Graves (MO)	McCauley	Schock
Griffin (AR)	McClintock	Schweikert
Griffith (VA)	McHenry	Scott (SC)
Grimm	McKeon	Scott, Austin
Guinta	McKinley	Sensenbrenner
Guthrie	McMorris	Sessions
Hall	Rodgers	Shimkus
Hanna	Meehan	Shuler
Harper	Mica	Shuster
Harris	Miller (FL)	Simpson
Hartzler	Miller (MI)	Smith (NE)
Hastings (WA)	Miller, Gary	Smith (NJ)
Hayworth	Mulvaney	Smith (TX)
Heck	Murphy (PA)	Smith (WA)
Hensarling	Myrick	Southerland
Herger	Neugebauer	Stearns
Herrera Beutler	Noem	Stivers
Hoyer	Nugent	Stutzman
Huelskamp	Nunes	Sullivan
Huizenga (MI)	Nunnelee	Terry
Hultgren	Olson	Thompson (PA)
Hunter	Palazzo	Thornberry
Hurt	Paul	Tiberi
Issa	Paulsen	Tipton
Jenkins	Pearce	Turner (NY)
Johnson (IL)	Pence	Turner (OH)
Johnson (OH)	Petri	Upton
Johnson, Sam	Pitts	Walberg
Jones	Platts	Walden
Jordan	Poe (TX)	Walsh (IL)
Kelly	Pompeo	Webster
King (IA)	Posey	West
King (NY)	Price (GA)	Westmoreland
Kingston	Quayle	Whitfield
Kinzinger (IL)	Reed	Wilson (SC)
Kissell	Rehberg	Wittman
Kline	Reichert	Wolf
Labrador	Renacci	Womack
Lamborn	Ribble	Woodall
Lance	Rigell	Yoder
Landry	Rivera	Young (AK)
Lankford	Roby	Young (FL)
Latham	Roe (TN)	Young (IN)
LaTourette	Rogers (AL)	
Latta	Rogers (KY)	

NOT VOTING—3

Bonner	Jackson (IL)	Van Hollen
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□ 1545

Messrs. RIGELL, GARY G. MILLER of California, PALAZZO, BARROW, and SMITH of Washington changed their vote from “yea” to “nay.”

Messrs. CICILLINE, CHANDLER, and CONYERS changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. VAN HOLLEN. Madam Speaker, on roll-call No. 459, I was unavoidably detained. Had I been present, I would have voted “yea.”

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ANDREWS. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 244, noes 185, not voting 2, as follows:

[Roll No. 460]

AYES—244

Adams	Goodlatte	Nunes
Aderholt	Gosar	Nunnelee
Akin	Gowdy	Olson
Alexander	Granger	Palazzo
Amash	Graves (GA)	Paul
Amodei	Graves (MO)	Paulsen
Austria	Griffin (AR)	Pearce
Bachmann	Griffith (VA)	Pence
Bachus	Grimm	Petri
Barletta	Guinta	Pitts
Bartlett	Guthrie	Platts
Barton (TX)	Hall	Poe (TX)
Bass (NH)	Hanna	Pompeo
Benishek	Harper	Posey
Berg	Harris	Price (GA)
Biggert	Hartzler	Quayle
Bilbray	Hastings (WA)	Reed
Bilirakis	Hayworth	Rehberg
Bishop (UT)	Heck	Reichert
Black	Hensarling	Renacci
Blackburn	Herger	Ribble
Bono Mack	Herrera Beutler	Rigell
Boren	Huelskamp	Rivera
Boustany	Huizenga (MI)	Roby
Brady (TX)	Hultgren	Roe (TN)
Brooks	Hunter	Rogers (AL)
Broun (GA)	Hurt	Rogers (KY)
Buchanan	Issa	Rogers (MI)
Bucshon	Jenkins	Rohrabacher
Buerkle	Johnson (IL)	Rokita
Burgess	Johnson (OH)	Rooney
Burton (IN)	Johnson, Sam	Ros-Lehtinen
Calvert	Jones	Roskam
Camp	Jordan	Ross (AR)
Campbell	Kelly	Ross (FL)
Canseco	King (IA)	Royce
Cantor	King (NY)	Runyan
Capito	Kingston	Ryan (WI)
Carter	Kinzinger (IL)	Scalise
Cassidy	Kissell	Schilling
Chabot	Kline	Schmidt
Chaffetz	Labrador	Schock
Coble	Lamborn	Schweikert
Coffman (CO)	Lance	Scott (SC)
Cole	Landry	Scott, Austin
Conaway	Lankford	Sensenbrenner
Cravaack	Latham	Sessions
Crawford	LaTourette	Shimkus
Crenshaw	Latta	Shuster
Culberson	Lewis (CA)	Simpson
Davis (KY)	LoBiondo	Smith (NE)
Denham	Long	Smith (NJ)
Dent	Lucas	Smith (TX)
DesJarlais	Luetkemeyer	Southerland
Diaz-Balart	Lummis	Stearns
Dold	Lungren, Daniel E.	Stivers
Dreier		Stutzman
Duffy	Mack	Sullivan
Duncan (SC)	Manzullo	Terry
Duncan (TN)	Marchant	Thompson (PA)
Ellmers	Marino	Thornberry
Emerson	Matheson	Tiberi
Farenthold	McCarthy (CA)	Tipton
Fincher	McCauley	Turner (NY)
Fitzpatrick	McClintock	Turner (OH)
Flake	McHenry	Upton
Fleischmann	McIntyre	Walberg
Fleming	McKeon	Walden
Flores	McKinley	Walsh (IL)
Forbes	McMorris	Webster
Fortenberry	Rodgers	West
Fox		Westmoreland
Franks (AZ)	Meehan	Whitfield
Frelinghuysen	Mica	Wilson (SC)
Gallegly	Miller (FL)	Wittman
Gardner	Miller (MI)	Wolf
Garrett	Miller, Gary	Womack
Gerlach	Mulvaney	Woodall
Gibbs	Murphy (PA)	Yoder
Gibson	Myrick	Young (AK)
Gingrey (GA)	Neugebauer	Young (FL)
Gohmert	Noem	Young (IN)
	Nugent	

NOES—185

Ackerman	Andrews	Baldwin
Altmire	Baca	Barber

Barrow	Gonzalez	Pallone
Bass (CA)	Green, Al	Pascrell
Becerra	Green, Gene	Pastor (AZ)
Berkley	Grijalva	Pelosi
Berman	Gutierrez	Perlmutter
Bishop (GA)	Hahn	Peters
Bishop (NY)	Hanabusa	Peterson
Blumenauer	Hastings (FL)	Pingree (ME)
Bonamici	Heinrich	Polis
Boswell	Higgins	Price (NC)
Brady (PA)	Himes	Quigley
Braley (IA)	Hinchey	Rahall
Brown (FL)	Hinojosa	Rangel
Butterfield	Hirono	Reyes
Capps	Hochul	Richardson
Capuano	Holden	Richmond
Cardoza	Holt	Rothman (NJ)
Carnahan	Honda	Roybal-Allard
Carney	Hoyer	Ruppersberger
Carson (IN)	Israel	Rush
Castor (FL)	Jackson Lee	Ryan (OH)
Chandler	(TX)	Sánchez, Linda
Chu	Johnson (GA)	T.
Cicilline	Johnson, E. B.	Sanchez, Loretta
Clarke (MI)	Kaptur	Sarbanes
Clarke (NY)	Keating	Schakowsky
Clay	Kildee	Schiff
Cleaver	Kind	Schrader
Clyburn	Kucinich	Schwartz
Cohen	Langevin	Scott (VA)
Connolly (VA)	Larsen (WA)	Scott, David
Conyers	Larson (CT)	Serrano
Cooper	Lee (CA)	Sewell
Costa	Levin	Sherman
Costello	Lewis (GA)	Shuler
Courtney	Lipinski	Sires
Critz	Loeb sack	Slaughter
Crowley	Lofgren, Zoe	Smith (WA)
Cuellar	Lowey	Speier
Cummings	Lujan	Stark
Davis (CA)	Lynch	Sutton
Davis (IL)	Maloney	Thompson (CA)
DeFazio	Markey	Thompson (MS)
DeGette	Matsui	Tierney
DeLauro	McCarthy (NY)	Tonko
Deutch	McCollum	Towns
Dicks	McDermott	Tsongas
Dingell	McGovern	Van Hollen
Doggett	McNerney	Velázquez
Donnelly (IN)	Meeks	Visclosky
Doyle	Michaud	Walz (MN)
Edwards	Miller (NC)	Wasserman
Ellison	Miller, George	Schultz
Engel	Moore	Waters
Eshoo	Moran	Watt
Farr	Murphy (CT)	Waxman
Fattah	Nadler	Welch
Filner	Napolitano	Wilson (FL)
Frank (MA)	Neal	Woolsey
Fudge	Oliver	Yarmuth
Garamendi	Owens	

NOT VOTING—2

Bonner Jackson (IL)

□ 1553

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

THE CONGRESSIONAL CHALLENGE CUP

(Mr. CRENSHAW asked and was given permission to address the House for 1 minute.)

Mr. CRENSHAW. Madam Speaker and Members of the House, I've been asked to report the results of a competition that took place on Monday at the Columbia Country Club.

The competition is called the Congressional Challenge Cup. It's an event where a team of golfers from the Democratic side of the House plays a team of golfers from the Republican side of the House. I wanted to report to the House

that this year's winner of the Congressional Challenge Cup is the Republican team.

Very briefly, I want to thank my teammates: TREY GOWDY, MICK MULVANEY, JEFF DUNCAN, DUNCAN HUNTER, TOM ROONEY, REID RIBBLE, and STEVE SOUTHERLAND. I want to thank them for their dedication, their hard work, and, most of all, for just showing up.

The big winner, Madam Speaker, is an organization called the First Tee. Over the last 11 years that we've had this competition, over \$1.5 million has been raised for the First Tee. This is an organization that works with young people to try to touch their lives through educational programs that deal with character, honesty, integrity. They work in all 50 States. They've touched the lives of 4.5 million people over the years, and they do a lot of work in the inner cities and for the less fortunate.

So it was a great day, and I want to thank everybody for their involvement.

Certainly, I want to yield time to my Democratic counterpart, to the captain of the Democratic team, Mr. YARMUTH. Mr. YARMUTH. I thank my good friend from Florida.

I want to congratulate the Republicans on their victory.

All good things must come to an end. Our 5-year winning streak was broken through, largely, superior play, although I do question some of the strategy that was invoked by the Republican team, notably Mr. MULVANEY and Mr. GOWDY wearing matching plaid Bermuda shorts, which distracted all of my team members.

But seriously, this is a great event, and it was conducted very much in accordance with the nine core values that the First Tee espouses, particularly sportsmanship, honesty, integrity, and courtesy. I think all of us enjoyed the day and left the event much closer than when we started. There was a great spirit of collegiality as well as competition.

Once again, I want to thank all of my fellow team members on the Democratic side. I congratulate the Republicans. Once again, I congratulate and thank the First Tee for all they do to promote high qualities among our youth in America.

Mr. CRENSHAW. Madam Speaker, I yield back the balance of my time.

PROVIDING FOR CONSIDERATION OF H.R. 4402, NATIONAL STRATEGIC AND CRITICAL MINERALS PRODUCTION ACT OF 2012

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on adoption of the resolution (H. Res. 726) pro-

viding for consideration of the bill (H.R. 4402) to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 245, nays 180, not voting 6, as follows:

[Roll No. 461]

YEAS—245

Adams	Flores	Lungren, Daniel
Aderholt	Forbes	E.
Akin	Fortenberry	Mack
Alexander	Fox	Manzullo
Amash	Franks (AZ)	Marchant
Amodei	Frelinghuysen	Marino
Austria	Gardner	Matheson
Bachmann	Garrett	McCarthy (CA)
Bachus	Gerlach	McCaul
Barletta	Gibbs	McClintock
Bartlett	Gibson	McHenry
Barton (TX)	Gingrey (GA)	McIntyre
Bass (NH)	Gohmert	McKeon
Benishek	Goodlatte	McKinley
Berg	Gosar	McMorris
Biggart	Gowdy	Rodgers
Billbray	Granger	Meehan
Billirakis	Graves (GA)	Mica
Black	Graves (MO)	Miller (FL)
Blackburn	Griffin (AR)	Miller (MI)
Bono Mack	Griffith (VA)	Miller, Gary
Boren	Grimm	Mulvaney
Boustany	Guinta	Murphy (PA)
Brady (TX)	Guthrie	Myrick
Brooks	Hall	Neugebauer
Broun (GA)	Hanna	Noem
Buchanan	Harper	Nugent
Bucshon	Harris	Nunes
Buerkle	Hartzler	Nunnelee
Burgess	Hastings (WA)	Olson
Burton (IN)	Hayworth	Owens
Calvert	Heck	Palazzo
Camp	Hensarling	Paul
Campbell	Herger	Paulsen
Canseco	Herrera Beutler	Pearce
Cantor	Hochul	Pence
Capito	Huelskamp	Petri
Carney	Huizenga (MI)	Pitts
Carter	Hultgren	Platts
Cassidy	Hunter	Poe (TX)
Chabot	Hurt	Pompeo
Chaffetz	Issa	Posey
Coble	Jenkins	Price (GA)
Coffman (CO)	Johnson (IL)	Quayle
Cole	Johnson (OH)	Rehberg
Conaway	Johnson, Sam	Reichert
Cravaack	Jones	Renacci
Crawford	Jordan	Ribble
Crenshaw	Kelly	Rigell
Culberson	King (IA)	Rivera
Davis (KY)	King (NY)	Roby
Denham	Kingston	Roe (TN)
Dent	Kinzinger (IL)	Rogers (AL)
DesJarlais	Kissell	Rogers (KY)
Diaz-Balart	Kline	Rogers (MI)
Dold	Labrador	Rohrabacher
Donnelly (IN)	Lamborn	Rokita
Dreier	Lance	Rooney
Duffy	Landry	Ros-Lehtinen
Duncan (SC)	Lankford	Roskam
Duncan (TN)	Latham	Ross (AR)
Ellmers	LaTourette	Ross (FL)
Emerson	Latta	Royce
Farenthold	Lewis (CA)	Runyan
Fincher	LoBiondo	Ryan (WI)
Fitzpatrick	Long	Scalise
Flake	Lucas	Schilling
Fleischmann	Luetkemeyer	Schmidt
Fleming		Schock

Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns

Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)

Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—180

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Barrow
Bass (CA)
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah

Filner
Frank (MA)
Fudge
Garamendi
Gonzalez
Green, Al
Green, Gene
Grijalva
Gutierrez
Hahn
Hanabusa
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hirono
Holden
Holt
Honda
Hoyer
Israel
Jackson Lee
(TX)

Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Lipinski
Loebsock
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeke
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano

Neal
Oliver
Pallone
Pascarell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Peterson
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sanchez, Linda
T.

Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schradner
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOT VOTING—6

Bishop (UT)
Bonner

Gallegly
Jackson (IL)

Lummis
Reed

□ 1606

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that all Mem-

bers may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 6079.

The SPEAKER pro tempore (Mr. FLORES). Is there objection to the request of the gentleman from Georgia?

There was no objection.

HOUR OF MEETING ON TOMORROW

Mr. WESTMORELAND. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 9 a.m. tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

PERMISSION FOR MEMBER TO BE CONSIDERED AS FIRST SPONSOR OF H.R. 2181

Mr. BUTTERFIELD. Mr. Speaker, I ask unanimous consent to be considered as the first sponsor of H.R. 2181, a bill to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution.

The bill was authored and introduced by our friend and colleague, the late Donald Payne, Sr., from the State of New Jersey.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

MINNESOTA LEADS IN CHARTER SCHOOL MOVEMENT

(Mr. PAULSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAULSEN. Mr. Speaker, my home State of Minnesota has a remarkable legacy when it comes to charter school education. By launching the first charter schools in the country, along with leading the way in public education and reform nationwide, we have been able to serve our students and community for the past 20 years in a better way.

In celebrating two decades now of achievement, let's ensure that this tradition continues by looking for further ways to improve these schools, making them effective for all American students. I was pleased, Mr. Speaker, that my amendment to the Empowering Parents Through Quality Charter Schools Act not only enhances teaching methods in schools, but also breaks down the barriers to make charter schools more accessible for the thousands of students that are now wait-listed across the country.

Young people should have the opportunity for a good education regardless of their ZIP code.

Mr. Speaker, I want to recognize the recent anniversary for charter schools and encourage their support in the years to come.

□ 1610

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Mr. Speaker the draft farm bill, unfortunately, contains serious damage to the Supplemental Nutrition Assistance Program, the foundational food lifeline for millions of Americans. What a shame when unemployment levels remain too high, with the cost of living rising, with food prices going up that affect so many of our senior citizens, and millions of Americans who live at the edge. Surely this Congress can do better.

Wall Street speculators and bankers got to keep all their bonuses, and the Republican majority can't seem to find their way to ask the richest to pay something to help our Republic close the gap. Millionaires and billionaires, couldn't they forego some of their ill-gotten treasure, especially the speculators who led this Republic to the edge?

What do the Republicans do? Literally take food out of the mouths of children, seniors, the unemployed, the disabled—\$16 billion worth. Citizens who live at the edge of poverty receive \$1.50 per meal in benefits.

The farm bill thus far takes food off the table of up to 3 million Americans and asks nothing of millionaires and billionaires. What a shame.

I urge my colleagues to oppose the cuts to SNAP.

SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, I rise today to oppose the deep cuts proposed to the Supplemental Nutrition Assistance Program.

The SNAP program provides low-income families, our disableds, and our elderly essential access to healthy foods. We should not ask our most vulnerable citizens to go hungry to balance the Federal budget. A cut of \$16 billion in SNAP benefits will not achieve that balanced budget.

SNAP benefits not only provide needed nutritional support to recipients; they support local economies and our farm operations by boosting sales of fresh fruit and vegetables at farmers

markets and local grocery stores. Our Nation's farmers and ranchers produce high-quality abundant foods in a system that is the envy of the world.

There is no reason for anyone to go hungry in the United States. Let's produce a food and farm bill that each day gives farmers a fair deal and ensures all of our citizens nutritious meals.

GAME CHANGER FOR FOOTBALL FANS

(Mr. HIGGINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HIGGINS. Mr. Speaker, in my home town of Buffalo, New York, nearly half the Bills games were blacked out last season because, despite an average game attendance of 67,000, the games were not sellouts because Ralph Wilson Stadium is one of the largest in the league.

Last week, we learned that NFL owners passed a resolution allowing teams to decide to broadcast games locally when more than 85 percent of seats are filled. This is a change to current policy, which requires a stadium to be sold out.

If teams embrace this new policy, it will be a game changer for football fans in Buffalo and across the Nation. This change would not have been possible without the hard work and dedication of loyal sports fans, including Sports Fans Coalition, the Buffalo Fan Alliance, and the Bills Mafia.

I urge the NFL owners to opt into this policy and the Federal Communications Commission to consider a similar policy change. Fans support their local stadiums with their tax dollars. It's time for teams to give back something in return for that commitment that they have made.

BLOCKING PROPERTY OF PERSONS THREATENING THE PEACE, SECURITY, OR STABILITY OF BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-123)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the "order") that modifies the scope of the national emergency declared in Executive Order 13047 of May 20, 1997, as modified in scope in Executive Order 13448 of October 18, 2007, and relied

upon for additional steps taken in Executive Order 13310 of July 28, 2003, Executive Order 13448 of October 18, 2007, and Executive Order 13464 of April 30, 2008, and takes additional steps with respect to that national emergency.

In Executive Order 13047, the President found that the Government of Burma committed large-scale repression of the democratic opposition in Burma after September 30, 1996, and further determined that the actions and policies of the Government of Burma constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. To address that threat and to implement section 570 of the Foreign Operations, Export Financing, and Related Appropriations Act, 1997 (Public Law 104-208), the President in Executive Order 13047 prohibited new investment in Burma. On July 28, 2003, the President issued Executive Order 13310, which contained prohibitions implementing certain provisions of the Burmese Freedom and Democracy Act of 2003 (Public Law 108-61) and blocked the property and interests in property of persons listed in the Annex to Executive Order 13310 or determined by the Secretary of the Treasury, in consultation with the Secretary of State, to meet designation criteria specified in Executive Order 13310. In Executive Order 13448, the President expanded the scope of the national emergency declared in Executive Order 13047, incorporated existing designation criteria set forth in Executive Order 13310, blocked the property and interests in property of persons listed in the Annex to Executive Order 13448, and provided additional criteria for designations of other persons. In Executive Order 13464, the President blocked the property and interests in property of persons listed in the Annex to Executive Order 13464 and provided additional criteria for designations of other persons.

While the Government of Burma has made progress towards political reform in a number of areas, including by releasing hundreds of political prisoners, pursuing ceasefire talks with several armed ethnic groups, and pursuing a substantive dialogue with the democratic opposition, this reform is fragile. I support this reform in Burma and the building of a democratic political process that will allow all of the people of Burma to be represented. However, I have found that the continued detention of political prisoners, efforts to undermine or obstruct the political reform process, efforts to undermine or obstruct the peace process with ethnic minorities, military trade with North Korea, and human rights abuses in Burma particularly in ethnic areas, effectuated by persons within and outside the Government of Burma, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. To ad-

dress this situation, the order imposes additional measures with respect to Burma.

The order provides criteria for designations of persons determined by the Secretary of the Treasury, in consultation with or at the recommendation of the Secretary of State:

To have engaged in acts that directly or indirectly threaten the peace, security, or stability of Burma, such as actions that have the purpose or effect of undermining or obstructing the political reform process or the peace process with ethnic minorities in Burma;

To be responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, or to have participated in, the commission of human rights abuses in Burma;

To have, directly or indirectly, imported, exported, reexported, sold or supplied arms or related materiel from North Korea or the Government of North Korea to Burma or the Government of Burma;

To be a senior official of an entity that has engaged in the acts described above;

To have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, the acts described above or any person whose property and interests in property are blocked pursuant to the order; or

To be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the order.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of the order.

All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA,
THE WHITE HOUSE, July 11, 2012.

□ 1620

AFFORDABLE CARE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New York (Mr. TONKO) is recognized for 60 minutes as the designee of the minority leader.

Mr. TONKO. This evening we are going to address for the coming hour with a couple of our colleagues the issues of affordable health care and the

fact that we see a pattern here that's established by the House that seems to walk away from the needs of a middle class, a working class in this society. Our country depends upon a thriving middle class, one that is given the respect and the dignity it so much deserves. And with the attacks on Social Security with its 76-year old history and the efforts to privatize Social Security, we understand that that would put at risk a number of people.

Not a single cent of Social Security was lost to its recipients during the very painful recession. And likewise, in the mid-sixties we saw the emergence of Medicare, which allowed for, again, the dignity factor to be presented and found in the midst of our senior households where, at that point in time, prior to Medicare, those who would retire would anticipate a decline in their income and their economic security simply because of the impact that their health care costs would have on their retirement years. Since then, not only have we seen a stronger sense of security and stability in those senior households, but we have seen a strengthening of the response to the health care needs of our seniors because of the stability that Medicare produced and the quality of the care that has been part and parcel to the Medicare history.

And so now, in its infancy, the Affordable Care Act is under threats with the repeal measure that was just taken on this House floor to undo the progress that was achieved for, again, America's health care consumers. It is a troubling notion, at best. This hour of discussion will be dedicated to the concerns that we have for the economic ripple effects that befall the middle class, which needs to be a thriving middle class, and the impact of several of these attacks that seem to undermine the very foundations upon which security is provided to America's great populations.

So we're concerned. We're concerned about that repeal and what it means, what is removed from the equation of success that was brought about a couple of years ago as we worked in a bipartisan, bicameral way with the White House to make certain that a growing need out there that found this country as the only industrialized nation to not have a universal health care program, when that is put at risk again because of the efforts to repeal.

We are joined by my colleague from California, Representative JOHN GARAMENDI.

JOHN, you witnessed this vote just now to repeal health care. The Affordable Care Act was providing hope and opportunity and promise to all generations in this American mosaic. It is a tragic moment.

Mr. GARAMENDI. Mr. TONKO, thank you so very much. And thank you for beginning this discussion by going

back into the history of the United States back to the development of Social Security and the extraordinary benefit that that has brought to not only seniors but to their children, to families, knowing that when retirement age approached—65—there would be a foundation for whatever retirement program a person would have, and also for pointing out that for years now, and certainly in the recent decade, our Republican colleagues have called for the privatization of Social Security.

Now if you trust Wall Street, then I guess it's a good idea. If we had any lesson, we should have had the lesson of 2008 and 2009, when Wall Street turned its back on the American public and simply ripped us off to a fare-thee-well and nearly collapsed the world economy. Were it not for the efforts of the Obama administration and, frankly, this Congress, it may very well have happened.

And then you pointed out Medicare coming along in 1964, 1965 and the way in which that has protected seniors. I remember as a young child—I think I was probably 7 or 8—my dad took me down to the county hospital to visit one of our neighbor ranchers. I've got to tell you it was horrible. That was the only care available for a senior who had no money. And then Medicare came along, and 60 percent of America's seniors were in poverty prior to Medicare. Now, with Social Security and Medicare, it's somewhere around 10, 15 percent. An enormous boost. Yet twice this House has voted to terminate Medicare. Not the Democrats. Our Republican colleagues twice have voted to terminate Medicare so that every American less than 55 years of age would not receive Medicare. They would be given a voucher and told to go fight as best they could in the private insurance market.

And then today, another major effort by the Democrats to provide health care for all Americans—a health insurance policy that you knew was there, that you could count on, that would be affordable. The 31st time, today, a full repeal or a partial repeal was taken up and passed by our Republican colleagues.

So what's an American to do? What does it mean to Americans? Let's spend some time talking about what this means to Americans if you didn't have Medicare. If you don't have the Affordable Care Act, what would it mean?

I'm going to start, if I might, or would you like to start?

Mr. TONKO. Absolutely. We, I know, are joined by some of our colleagues. But if you want to go through your chart.

Mr. GARAMENDI. Let me just take up the Patient's Bill of Rights very, very quickly. I was the insurance commissioner in California for 8 years. The insurance industry puts people behind

profits. Profits before people. And they're concerned about making sure that they have a healthy group of customers. They don't want sick people. Sick people cost money. So over the years they have developed a whole set of discriminatory practices to exclude from coverage people they don't want to take care of because they might be expensive.

So in the Affordable Care Act there is the Patient's Bill of Rights that forces the insurance companies to end insurance discrimination. And here's just some of them:

Children with preexisting conditions. An example, my chief of staff, his son was covered by insurance the day he was born. The second day of his life they discovered that kid had very serious renal failure; kidney failure. Bam, the insurance was over. That family was off their insurance policy; gone, done. No longer. We're talking about I think 14 million American children that are going to get coverage regardless of what their health circumstances might be.

Young adults. This one is close to home. I've got six children. Every one of them have passed through that age of 21 when they were no longer on our insurance policy. Most recently, my daughter. Twenty-one years of age, covered by an insurance company for 21 years and 9 months. The day of her 21st birthday, off the insurance policy. We're now talking about every young American 21 to 26 stays on their parents' health policy.

She also happens to be a woman. Women are discriminated against in insurance because they have a preexisting condition: They could get pregnant. That's expensive. We don't want to cover them, say the insurance companies. No, no. Under the Patient's Bill of Rights, the discrimination against every woman in America on their insurance policy is over. Apparently, our Republican colleagues don't care about these very, very important efforts to end insurance discrimination.

We can go on here. Seniors. Who among us doesn't have a preexisting condition? High blood pressure, juvenile diabetics, type II diabetes. Try to get insurance without the Affordable Care Act—you're out of luck. You won't get insurance.

□ 1630

So the Patient's Bill of Rights, should today's action become law, is repealed, and along with it, the protections that 315 million Americans presently have—presently have. No more insurance discrimination. The ability to get insurance is guaranteed. No more discrimination.

Yes, I'm a little passionate about this one because I've watched this. I've watched this as insurance commissioner. I fought the insurance companies day in and day out as they denied

coverage, as they refused to provide the coverage, as they told people they couldn't get care. But the law is in place now. The law is in place, and it's going to stay in place despite the vote today.

Mr. TONKO, thank you.

Mr. TONKO. And interestingly, Representative GARAMENDI, we've been reminded I think by the general public that the legislature, the legislative body here, Congress, took up the bill. They passed it. It went over to the President. He signed it. The highest court in the land, a conservative-leaning court, reviewed it, made their decision and rendered a decision that said it met with constitutionality.

People are saying go forward. Move on. Get to the issues that now have got to be resolved, and that is the economy, creating the jobs, producing the post-recession responsiveness that people so much require and deserve, and that's where they're at.

We've been joined by Representative ELEANOR HOLMES NORTON who has joined us.

Representative, thank you for joining us in the Special Order.

Ms. NORTON. Well, I want to thank you, Representative TONKO, and my other good colleague, Representative GARAMENDI, for leading this special order and for offering the perspective that you've begun this hour with, something that our fathers and grandfathers are responsible for, the Greatest Generation, and now has been embraced by the American people. And as proud Democrats, we are very, very proud of that, of these very important reforms.

I wanted to come to the floor as well to offer some real-life, real-time evidence as people try to judge what they've heard on the floor today and what they heard on the floor yesterday about the health care bill. We teach our children fair play, you win some, you lose some. And when you lose, then you've lost that one; you try again another time.

What they've seen in the House this year and last year are the Republicans trying to repeal financial reform. They lost that. It's as if the law of the land weren't the law of the land. Now they're trying to repeal health care reform even when the Supreme Court announces the law of the land. They've come to the point where they do not recognize the law of the land as announced by passage in the Senate and the House, signature of the President, and, in the case of the health care reform bill, the imprimatur, which is the last word, of the Supreme Court.

But as I heard the debate, I was concerned that the American people would be concerned in the face of this economy about what they hear our colleagues on the other side say the health care bill will do to the economy, and attempt to essentially frighten

people, especially yesterday when the Republicans came forward with a usual set of horrors, this after the bill was passed, now when we ought to be thinking of the best ways to implement it. But none of those horrors about what was going to happen because of the health care bill was data based.

We ought to ask ourselves: Why would the Republicans not use the one existing experience that we have, the 6-year experience of the Massachusetts health care law, which is the very model for the health care law we passed? And that, of course, was a law that was engineered by their own candidate for President, Mitt Romney.

Well, I had occasion to look at the experience under that bill because, as you may know, our colleagues had hearings all around the House yesterday on health care reform as a prelude to the repeal vote on the floor. And I was in the Oversight and Government Reform Committee, and the hearing was on the impact on jobs. Now, if you want to scare the American people, tell them that the bill is going to add to the problems in their jobs.

One of the witnesses was a State senator from Massachusetts, who has been a State senator for 2 years. He was not in the senate when Governor Romney's bill was passed. He is the CEO of Cape Air. That's a 1,000-employee company. It's a tough business because it's the airline business. It's a regional airline. And he had some real-time experience for us.

And I think it's important just to say a few words about what Massachusetts Senator Daniel Wolf said who for 6 years served on the Federal Reserve Board's Advisory Council of New England, who was board chair of one of the largest chambers of commerce in Massachusetts and is a trustee of the largest mutual bank in the Cape and Islands region. He is a small businessman of the kind we have in mind when we talk about small business. This is what he reported: That his premiums today—under the Massachusetts bill which this bill, our bill, is patterned after—are roughly 3 percent of his company's gross income. And to quote him: "Health care reform has not stifled business." Since the passage of the Massachusetts health care reform bill, the very bill that is the model for our health care bill, this company has added 15 percent more Massachusetts-based jobs.

He talked about premiums. Importantly, he said that just before the passage of the Massachusetts law, premiums were going up 15 to 20 percent. They are down now—going up 5 percent. And he said last year he was able to negotiate a 5 percent decrease. My friends, part of this, a great part of this, has to do with the large insurance pool that, of course, Massachusetts citizens are in now when you see these reductions.

The State spending for health care reform programs last year represented a 1.4 percent increase in the State budget. Two-thirds of their residents support the health care reform.

It was extraordinary testimony from a businessman who had no reason to come forward. He's not a politician. Yes, he's in the State senate, but he has the credibility of being in the Senate and being a quintessential small businessman.

I want to suggest to my colleagues that there's a reason why our colleagues do not point to the only real experience that could tell us something about what is going to happen with this law, and that is because they are not driven by data, but by some ideology that is not understandable. But once you get it in your head that if you're against the bill even when it's passed, you've got to do all you can to kill it—If it's health care reform, you kill health care reform. If it's financial reform, even after the worst recession since the Great Depression, then you try to kill that.

I think that in hearing what has happened in Massachusetts that you would think Mitt Romney would be shouting from the hilltops about it. When you see what's happened in Massachusetts, what the Republicans, what we ourselves should be doing is studying in depth the experience of Massachusetts, seeing what their mistakes were, looking at their successes, instead of throwing horrors out there based on no data and based on nothing.

□ 1640

I thank you for coming forward to start a discussion that helps give the American people some broader sense of what this struggle is about and helps them to understand that when they hear the word "repeal," it is not what it means. In order to repeal, you have to get both Houses and the signature of the President.

People should be alerted that this law is here to stay. It is almost impossible—it will be almost impossible, unless there is a Herculean change in the House, the Senate, and the Presidency, to change the Congress in the direction of those who oppose the law. Absent that, every Member of this House who believes in law and order, who believes in the rule of law, has an obligation to sit down together to make this law work and not try to undermine it. To the extent that you undermine it, you are now undermining the health care of the citizens of the United States of America.

Mr. TONKO. Thank you, Representative HOLMES NORTON.

You know, you talk about the struggle and the move to repeal. It obviously didn't place consumers first and foremost in that thought process. It was probably listening to those deep pockets of interest that did not want

to be pulled to the table to provide better outcomes for our consumers.

Look at the benefits of the health care law for our seniors: 5.1 million seniors receiving savings on their prescription drugs. Actually, I've seen this number as high as 5.3 million, and probably climbing in the short order of time. What an important, significant savings. I hear it all the time from seniors in my district who are always reaching into their pockets after that doughnut hole is hit, and they get the benefit for a while until they hit a certain threshold. As we all know, many, in a short order of months, are digging into their own pockets. These are medications that are required to stay well, and in many cases to stay alive.

There are 32.5 million seniors receiving free preventative services—health care screenings, the annual checkup, flu shots—items that are brought to their benefit in order to, again, underscore the value added of wellness. Strengthening consumer protections for seniors in the part D program, something I heard a lot of favorable review about, and 85 percent of Medicare Advantage plan revenues going toward senior medical care rather than profits for the insurance industry.

So these are big changes. These are changes that were welcomed by the senior community. I can tell you, if you close that doughnut hole by the year 2020, as the Affordable Care Act is to do, you're providing a major benefit for seniors, with the advancement of pharmaceuticals that speak to all sorts of illnesses. This is a wonderful opportunity for them to understand the attachment that is essential.

I heard of far too many people adjusting their dosages of medications to balance their family's budgets. That is not the best outcome for health care. This advances sound decisionmaking, efficiencies, the best use, the wisest use of resources and, again, speaking to the dignity factor of our country's senior citizens.

Representative MARCY KAPTUR from Ohio, a great Representative, a strong voice for consumers in this House, thank you for joining Representative GARAMENDI and me. It's great to have you here. I know that you're hearing a lot in the State of Ohio.

Ms. KAPTUR. I want to thank you, Congressman TONKO, for your leadership on so many issues that relate to the well-being of the American people and our economy.

Health care is one-sixth of the leg of the stool that holds up the Republic. It is a major industry. When you look at all of our medical hospitals, all of our schools, the nursing profession, dentistry, and you take it all together, it is a massive employer across our country.

Congressman GARAMENDI, coming from California, your experience is so vast in terms of your leadership at the

State level there, and now here as a Member of Congress. So I'm very proud to stand with colleagues from New York and California, coastal powerhouses, from the State of Ohio right in the middle of the country there.

I wanted to add to your discussions this evening some real-life stories that illustrate what you've been talking about tonight. Here's a story from Toledo, Ohio, a real story of a couple that was forced to drop their health coverage after the wife got sick and their health insurance premiums jumped from \$800 a month in 2007 to \$1,200 a month in 2008. How many families across our country, when somebody gets sick, the premium goes up? This bill is wonderful because it doesn't allow that to happen.

For this family, the cost in 2009 would have risen to \$1,600 a month, with a \$2,500 deductible. So what did the couple do? They dropped their insurance. They couldn't afford the insurance, even though the wife was sick. But because of the law that we passed, the wife received coverage through a high-risk insurance pool that was set up within our State following the passage of the law. They're paying \$400 a month—less than they paid before, half of what they paid before—and they have a \$1,500 deductible. Literally, the new insurance coverage saves them \$15,000 a year, which for them was unaffordable. That's why they dropped their insurance. But just that family alone tells us how important this act is. And think of how many cases across this country have similarities to theirs.

From Marblehead, Ohio, which is very central to the district that I'm privileged to represent, a small business owner, a woman, was diagnosed with lupus. She was turned down by multiple insurance companies because she had a preexisting condition. But because of this act and the high-risk insurance pool in Ohio, she was able to obtain a plan for \$315 a month, with a \$2,500 deductible—that was her choice. But she has obtained insurance, even though she has a preexisting condition. How many Americans have you said have preexisting conditions? This allows them to continue to pay, not be canceled. So they're contributing to the pool, the insurance pool; and they're able to take care of themselves.

Finally, the third example I wish to place on the table is a senior citizen couple that faced a \$3,000 to \$4,000 bill, an extra prescription drug cost, after the husband developed a staph infection. How many families do we know have relatives that develop staph infections? That required them to spend a lot more money in 2009 and 2010 on prescription drugs. Thankfully, the husband's health has improved, and they've saved money thanks to the doughnut hole provisions you talked

about that took effect in 2010. So they didn't have to pay that extra money for the prescription drugs necessary that you have to take when you get an infection. You have to take those for a very long time, and they're very expensive. The wife said of their situation:

For seniors like Paul and me living on limited income through Social Security, these costs were not a joke. Because of the Affordable Care Act, no senior will ever have to go through what Paul and I spent that year doing.

By the end of this decade, that doughnut hole will be completely closed at the rate of \$500 a year; \$500 a year to a senior citizen is a mountain of money—\$50 is a lot of money because they're on limited incomes. Most people depend on Social Security to hold their lives together. So to get bills of \$500 or \$5,000, it's an impossibility.

I challenge every American who's listening to my words tonight and every young person who has a conscience, go to the supermarket and look for some of the people who are staring at the vegetables, or raspberries, or fish, and they can't afford to buy it. Maybe you could slip them a couple bucks in the supermarket—nobody would even know about it. I've done that so many times. And they can buy something they want that they can't afford to buy.

So when you're a senior citizen, limited income is a real fact of everyday life. So for all of the millions and millions of Americans, Congressman TONKO, that you talked about, this is being lived life by life, family by family in the State of Ohio.

I'm very pleased to join both of you and to thank the President of the United States for having the guts to stick with his convictions, and our Speaker then, NANCY PELOSI, for fighting so hard for every vote in this House and really helping to lift all of America to a different plane for the future.

The last thing I will say is, I come from a small business family. Our father was one of those people that had to sell his business because he got sick. He had to get health insurance for his family, so he went to work for an automotive company.

□ 1650

And I remember how ill he became, and what a horrible choice that was for him back then.

Half the uninsured in this country are small businesses. The law says if you have 50 or under, you don't have to provide insurance; but if you're interested, those exchanges will be there for you. And there will also be plans that your employees can buy into if they want to.

Wow, do I wish that had existed in the 1950s when we were growing up as young children and our dad could have had that plan so he wouldn't have had to sell his business. What a difference that would have made in our family.

And that story is repeated by the tens of millions across this country. Half of those who could potentially benefit are small business owners and their workers.

Thank you for doing this Special Order tonight as we speak on behalf of the American people.

Mr. TONKO. Thank you, Representative KAPTUR. Please feel free to share more information with us. The anecdotal evidence that you provide from your region alone speaks to the empowerment that is part of this transition, this progressive policy.

And to now attempt to repeal, just as you've given people the sense of hope that there will be a doable outcome, that they won't have to cut medication in half so that they could have enough money to do all the other items that are required of them, to pay utility bills, or to afford to eat for that given month—the fact that they would cut their medication in half is not a sound thing. They're spending money, and it's probably ineffective.

And so tethering people to a system that is sound and secure. You know, when people say, well, I don't want to pay for someone's insurance, I don't want to pay for this health care program. You're paying today through premiums and through taxes. You're paying for the worst sort of outcome by putting people into emergency rooms and having them visit with a different doctor each time they visit and not having the stability and the standardized outcome that is predictable and effective and efficient.

These are the dynamics that are driven by the soundness of a policy like this, that, yes, will take investment, but will get far greater bang for the buck than what we're getting today with a haphazard sort of response that does not provide continuity or direction or standardization or predictability and certainty. We will be far better off and a much more compassionate response is rendered.

From a taxpayer perspective, from a consumer perspective, it's a far greater, stronger, more intelligent outcome; and it speaks to, I think, the core fabric of this wonderful country that we do truly care. And this is a way to show it and still be economically sounder in our attempts.

Thank you for sharing the anecdotal evidence.

Representative GARAMENDI, you and I have done a number of these Special Orders on this House floor, and I find it fascinating to see what the response is out there from the public, who always call to engage and get more information. And so the fact that we can provide more information on what is included in the Affordable Care Act, I think, is a good opportunity here.

And I know you always have a lot to say and a lot to share, and your walk in your professional life as insurance

commissioner was an important bit of strength for all of us in the caucus.

Mr. GARAMENDI. Our colleague, MARCY KAPTUR, reminded me of a personal story, personal things.

My sister-in-law was a juvenile diabetic, and I think of what would her circumstances be if she had had this law when she was alive. The last 20 years of her life were a struggle. The company she worked for folded, and her health insurance was lost. And she spent the last 20 years of her life struggling financially, medically, and really unable to get the kind of continuity of care necessary. She got a lot of help from her family; but even so, it was a struggle.

Under the law today, she would have been able to get insurance. And in 2014, in California, or actually next year in California, there will be an exchange. So even though she spent those last 20 years as an independent contractor, selling various things over those years, she could enter into a large pool, that is the exchange, where she would have the same opportunity to buy a low-cost policy as though she were in Ford Motor Company with hundreds of thousands of employees.

Our Republican colleagues would abolish the exchanges. And I just think about what could have been. There was no exchange, and she wasn't able to get that insurance; but had she lived, and had other men and women with diabetes or serious heart issues or other kinds of problems, medical problems, they could get insurance in the exchange and be part of a large pool.

Simultaneously, if they didn't have the income, they would be able to get a subsidy. If their income was less than the poverty level, that insurance would be free through the Medicaid program. And if they were above the poverty level, it would be subsidized so that it would be affordable.

I guess this is really about compassion. This is about our very moral sense of who we are as Americans, do we have compassion, and do we care for our fellow citizens.

On today's floor I heard the most astounding arguments, arguments based upon falsehoods, just flat out falsehoods. I heard the Speaker here say that the Affordable Care Act cost employment. But since the Affordable Care Act has been in place for the last 2 years, private sector employment has grown every single month.

Now, there may have been some company that decided not to employ somebody, or maybe they went out of business for any number of reasons. But private sector employment has grown every single month for the last 28 months. So, taken as a whole, the Affordable Health Care Act didn't retard employment. It didn't cause the number of private sector employees to decline. In fact, they've grown.

And I also heard the very same person, with the very same argument, say

that it's driven up health care costs. Well, excuse me, take a look at the statistics, the health care statistics. We've actually seen, in the last 2 years, since the Affordable Health Care Act went into effect, a significant decline in the rate of inflation for health care. In fact, the rate of inflation for health care in the last 2 years, 2010 and 2011, was the lowest rate of growth in every year except one in the last 50 years. It was 3.9 percent.

Those are not my statistics. They're not pulled out of the air. Those are government statistics about health care inflation—3.9 percent, which was the lowest rate of inflation in general health care in the last 50 years, except only one other year.

How about the cost of premiums?

Before I get there, the average health care spending in 2000 to 2009 was 6.8 percent per year. That's the annual growth, 6.8 percent per year. In 2010 and 2011, as I just said, it was 3.9 percent, nearly 50 percent less.

Let's get our facts right. Put aside the rhetoric and deal with the facts. If you're going to come down here, as Speaker or anybody else, use facts in your argument. Don't just throw out a number.

Mr. Speaker, if you'd like to debate it on the floor with me, come on down.

Seniors paying more? No, I don't believe so. No, they don't pay more. Medicare Advantage enrollees, the cost of premiums for Medicare Advantage was 16 percent less in 2012 than in 2010. The Affordable Health Care Act, was it responsible for that? Partly, yes, because the Affordable Health Care Act took \$150 billion, \$15 billion a year, away from the insurance companies and plowed it back into Medicare benefits.

The drug benefit that you were talking about—free medical services, preventative services.

□ 1700

The result was a 16 percent reduction—an overall average—across the United States for Medicare Advantage. Oh, by the way, these are statistics from Mercer, one of the health care consulting companies. I think I'll let it go at that. There are more statistics about that.

Mr. Speaker and my colleagues on the Republican side, if you want to come down and debate the issue of health care inflation, then you'd better come down here with real facts. Don't come down here with a lot of just talk. Health care inflation has gone down since the Affordable Care Act has been put in place.

Mr. TONKO, why don't you pick it up from here. Maybe I'll have a challenge on the floor from the Speaker. We'll see.

Mr. TONKO. The gentleman from California speaks of the Medicare Advantage programs. Obviously, they

came about because there were those who suggested they could do it cheaper. Give us a special model out there and launch it as a pilot, and we'll show you how we can do this special programming and give us a return.

After reviewing now what is the history of all of that, it was deemed that there were overpayments of anywhere from 10 to 14 percent. So the dollars were slid over to programs like filling the doughnut hole and providing for screenings for our seniors, not taking it away from a category of health care consumers—in this case, an age demographic of seniors—but taking those savings, as we sweep those savings, and then reinvesting them in a way that provides balance and more sensitivity for the consumer rather than having record profits developed for an industry. To me, that was progressive policy. And for people to then take those savings and use them in their own budget presentations for other purposes was disingenuous.

Now, when you talk about the efforts today of the Affordable Care Act to include an exchange, what I think is oftentimes lost. Representative GARAMENDI, is people see this as some sort of public exchange that is going to be run by the government. In fact, when we set up an exchange and when private sector sources come to the table, if they're willing to abide by the rules, if they're going to govern themselves by the parameters that have been established in the legislation, they can then offer services through the exchange. So it's a private sector solution but with new caveats of parameters that are established so as to provide benefit for the consumer.

When you think of it, if there are firms that hire 10 people and one of those 10 becomes catastrophically ill, the actuarial impact of that one individual circumstance can drive premiums up for that small business in very high order. That kind of impact is unacceptable for the small business community that today pays some 18 percent more for its insurance and oftentimes gets weaker coverage.

With the benefits of an exchange that is private sector-driven, you now have the opportunities that people can have that actuarial measurement made in a pool of perhaps millions so that the unsteady and unpredictable kind of outcome for small business is now rendered more efficient and more sensitive by shaving the peaks that may occur in a universe as small as 10 people.

So there is a science to this. There is thoughtfulness that has been pumped into the discussion; and by inserting that thoughtfulness, we have come up with reforms that really speak to a wiser use of this country's health care dollars. It was a folding in of progress over the course of several years that was initiated with its passage a couple of years ago that needed time to work.

To then move to repeal before a number of these programs are even implemented and for people to just play politics with the lives of individuals, with the health care quality of individuals, is regrettable, and then for us to be asked to visit for the 31st time a repeal exercise in some 19 consecutive months.

We used this week of session in Congress to debate for hours, to message for hours, to come to the floor for votes. These were session days that were used up for the repeat of an exercise that time and time and time again has been conducted just to politically posture when, in fact, the American public is saying, Look, you voted on this. Look, the President signed it into law. Look, the Supreme Court—the highest law in the land, the conservative-leaning Court—has ruled constitutionality.

They want us to move forward with job creation, with responding to the cures this economy needs. We started with a terrible pit of a recession: 8.2 million jobs lost and 800,000 jobs being lost per month as this administration started and, ironically, when I started my service in the House of Representatives. We were in a dark, deep hole. To come out of that with 29 consecutive months of private sector job growth and to come out of that with over 4 million jobs created in the private sector and to go forward with an effort to reform our health care system in a way that extends greater opportunity and beacons of hope to families, individuals, those who are catastrophically ill, those denied because of preexisting conditions,

pharmaceuticals unaffordable for many seniors, to have all that turned around and to have all of this progress of the comeback trail from the recessionary period that was far too long and far too deep and far too painful than anyone ever forecasted—to strike that kind of progress and then have it met with 31 consecutive efforts to repeal the situation is regrettable. It's regrettable.

Representative GARAMENDI, you've been here for those 31 efforts. Has anything changed? It's the same old, same old that is being expressed out there that does not, I think, meet the concerns of individuals out there from coast to coast.

Mr. GARAMENDI. You are absolutely correct. We really need to get to jobs.

I notice some of our Republican colleagues are here. They'll be taking the next hour, and I suspect they are going to pick up something that was said over and over again over the last 2 days. I just want to put on the table some facts, some facts about what is really going on here.

I heard speakers come to the floor, including the Speaker of the House, saying the Affordable Care Act was the largest middle class tax increase ever.

Well, I'm sorry. The Washington Post Fact Checker said the health care law will provide more tax relief than tax burden for middle class families. A report from the nonpartisan Congressional Budget Office shows that an estimated 4 million individuals will likely pay the penalty because they're not going to buy insurance. Okay? That's about 1.2 percent of the total population.

They also estimated that 16 million Americans—that's four times more—will receive tax credits, or subsidies, to help them pay for insurance coverage through the new exchanges. Now, that's 5 percent of the population. The CBO estimates that the government will provide \$630 billion in tax credits and subsidies for insurance over the next 11 years and only \$54 billion in penalties—taxes or tax increases—on the middle class.

So the fact of the matter is the middle class is going to get an enormous tax benefit as a result of this. Those who buy insurance are actually going to see their taxes reduced as they buy insurance. They'll have health care coverage at an affordable cost, their taxes will go down, they'll receive subsidies. The essential point here is that it is not a tax increase, the overwhelming, largest-ever on the middle class. In fact, it is a huge tax reduction.

Secondarily, there is a decreased cost to every American who buys health insurance today because there will not be a shift of cost from the uninsured to the insured and to the taxpayer. That's precisely what happens when you have some 40 million Americans uninsured. They get sick. Fortunately, in this Nation, we have not yet come to the point when we do not provide health care to people who are sick and in need of care. They get it at the emergency room, and they get it at the community clinics.

□ 1710

It becomes what is known as uncompensated care. In other words, it is not paid for directly by the individual, but indirectly by every single American that buys a health insurance policy and every company that buys a health insurance policy and the American taxpayers.

The Affordable Health Care Act does not increase the cost of health care in America. In fact, it has the significant potential of decreasing the cost. In the last 2 years, we've seen the health care costs in America decline to the lowest inflation rate ever in the last 50 years except 1 year.

Let's get the facts correct, my colleagues. If we're going to talk about tax increases, get the facts correct. Talk about the tax reductions at the same time. Talk about the fact that the Affordable Health Care Act, in effect, has actually been part of an overall reduction in the inflation rate of health care.

And in the Affordable Health Care Act, there are very significant, long-lasting, and powerful reforms that will bend the cost curve of health care, such as electronic medical records. The repeal would wipe that out. It would be gone.

Primary care clinics across this Nation are funded through the Affordable Health Care Act. Where do you think people get care today? In those clinics. If they don't get care there, they're going to the emergency room at 5 or 10 times the cost.

There are vaccinations for our children, which, incidentally, in the appropriations bill, our Republican friends tried to eliminate many of these vaccinations. Fortunately, it didn't happen.

There is preventive care for seniors so that their blood pressure and diabetes is controlled. Today, our Republican colleagues voted to wipe out preventive care not only for seniors, but beginning this August, a month from now, every woman in America will be able to get preventive screening. Mammograms, pap smears, blood pressure testing. That's what's being lost here, all in the name of some political opportunistic effort to try to run out once again what you thought was successful in the last election period.

Well, the American public isn't going to be fooled twice. The American public will come to know that in the Affordable Health Care Act there is real benefit for Americans.

Mr. TONKO, thank you for bringing us to this floor. Thank you for bringing us the opportunity to talk about what is real.

Mr. TONKO. Representative GARAMENDI, I couldn't agree more with the need to exchange statistics here, the real stats on what is happening. We only have a short history, but already it's a powerful statement.

When you look at healthy pregnancies, that front-end life investment which this embraces, what a soundness to the rationale for progressive policy.

When you think of the dignity factor for those senior years so that people aren't chopping a pill in half so as to meet their family budget and take care of half of their medical needs, this is an exercise of foolishness to repeal at a time when we've just started the engine of recovery and transformation and transition and reform.

We also know that—and I hear it from my constituents all the time—repeal. What's the replacement? There is no hint of a replacement because you took it halfway and said, We're just going to repeal this. That's the political posturing that is so painful, because you have now delivered to society a new opportunity to better steward our resources, to better provide for the dignity in the equation so that people can have that comfort zone, knowing that if they get impacted by some

sort of catastrophic illness—and we've seen it in our communities, in our neighborhoods, in our families where peoples' lives are turned around in an instant. To those who you suggested might not buy the insurance, who then bears the burden if there is a catastrophic outcome?

They're saying, Oh, you're asking them to pay a tax if they don't want insurance.

If they don't have insurance and they get a catastrophic illness, they fall into some sort of huge accident, who's going to pay? You're right, Representative GARAMENDI, there are those that get in charity situations where premiums cover it, taxpayers cover it.

This has been thought out in a very meaningful way. We talk about a global competitiveness. We talk about our industries going to the marketplace, international marketplace, wind contracts, produce in America, and grow jobs. Part of the price that they have to calculate is the cost of health care. If we're providing a benefit to our business community, if we're having a smarter approach taken to the health care dollars being utilized in best fashion, there's a corresponding benefit that befalls the economic recovery opportunities because our businesses will be able to have the benefit of the soundness of that universal health care system to more effectively compete in the international marketplace, to secure those contracts that then translate into jobs.

There is an interconnectedness here that goes well beyond health care policy. It falls into the realm of economic recovery and business creation and all sorts of quality-of-life issues that market our neighborhoods, our States, and our Nation for jobs.

We know what's happening in other Nations. They have taken the bull by the horns, and they have put together a good, sound system, and we were comfortable to have status quo be our rule, our guiding light. It was the boldness of those leaders that came forward and said: There is a better way to use those dollars out there. There are better ways to reach people. There is a need for preventive and wellness programs, for screenings and for those annual checkups, making certain that pharmaceutical needs are something that are within the grasp of our senior community and our middle-income community and our middle-aged community.

To cite scenarios like that of your staffer and his child, to provide that hope in the middle of despair where people have abandoned the hope for a better tomorrow for their children because of lack of affordability, to cover those health care situations, that's what this is about.

This is the old American spirit coming forward. It's about speaking as a community, not as individuals discon-

nected from one another. It's about thinking as a society, of a greatness of America at her best: compassionate, resolved to make a difference, determined to use our resources in a way that is most effective, most efficient, most smart. It is America at a great, shining moment. And to denounce all of that progress and to move for repeal speaks volumes about greed and about injustice and the desire to turn progress around.

Representative GARAMENDI, we close in the next minute or two. Any closing thoughts from you? I thank you for joining us this evening.

Mr. GARAMENDI. I thank you, and I suspect we're going to hear once again this is a government takeover. That's not true. It's not true at all. This is built upon the private delivery system that we presently have. Talk about the government designing or taking over the policy is just not true. I know this. I was the insurance commissioner. I know that it is actually the insurance companies heretofore before this bill that actually did that.

Mr. TONKO, thank you so very much for your leadership on this and your passion for it. We are out of time.

This issue is not going to go away. This issue will be around. I would hope, as it is discussed in the months ahead, that we actually get down past the rhetoric and talk about the real facts of what is in the Affordable Health Care Act. It's an extraordinary improvement for America's health care.

Thank you very much, Mr. TONKO.

Mr. TONKO. Thank you.

Mr. Speaker, I yield back the balance of my time.

□ 1720

GOP FRESHMEN SPECIAL ORDER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from New York (Mr. REED) is recognized for 60 minutes as the designee of the majority leader.

Mr. REED. Mr. Speaker, I rise this evening and come to the floor to talk about an important issue of the day. A few hours ago in this Chamber on this floor, this House voted to repeal ObamaCare.

The Affordable Care Act to me is a classic example of what is wrong with Washington, D.C. It is a philosophy that this city has the arrogance and the vision to think that if we take over an area such as health care from Washington, D.C., somehow magically the bureaucrats and the folks here in Washington are going to wave a magic wand and cure the problems in the health care industry.

What ObamaCare is, it's simple: it's an expansion of government, it's 130 agencies, newly created agencies, to enter into the health care arena, 22

taxes to pay for that expansion of government to take on health care. You got half a trillion dollars of cuts to Medicare.

Mr. Speaker, I have heard for the last 18 months, as a freshman Member of this Chamber, how the folks on this side of the aisle came here to Washington to kill Medicare. We literally had campaign ads where we were supposedly rolling Grandma and Grandpa up the Niagara Gorge to somehow represent that that's the mission of our side of the aisle. That's ridiculous.

Here we have a bill that cuts Medicare \$500 billion, and my colleagues on the other side of the aisle have the audacity to say that we're the ones who are trying to kill Medicare. Well, \$500 billion worth of cuts to Medicare goes a long way to jeopardizing that program.

I just come here tonight, Mr. Speaker, and I am joined by some of my fellow freshmen who will be coming in and out over the next hour, to really try to articulate to the people of America that with what the Supreme Court did—and I've read the decision at least five times, and I disagree with it—but I do agree with the one sentiment the Chief Justice represented in the majority opinion.

He said, we're going to call, essentially, ObamaCare what it is, an expansion of government, and it's a tax; it's a tax increase. If that's what the people of America want their elected officials in Washington to do, then so be it. That is not for the Court, and that is not for the Chief Justice to decide. It's up to the people.

The vote that we took this afternoon is done on the backdrop of the Supreme Court decision saying exactly what ObamaCare is, an expansion of government, tax increases to pay for it, and cuts to Medicare of \$500 billion. Let's be honest with the American people. The American people deserve their elected officials to come to this floor, to this Chamber, and deal with the issues in an open and honest way.

I was proud to cast the vote today to stand for repeal of ObamaCare because we can do better. We can do better than continuing the traditional Washington, D.C., tactics of, well, let the government take it over, let me raise your taxes to pay for it. You know what, we can do better than trying to say, well, it's a penalty and therefore we will argue until we're blue in the face that it's not a tax, but then the Supreme Court comes and says it is a tax. Let's just be honest with the issues that are before us tonight.

I am joined by a great freshman colleague from the State of Mississippi. For his introductory remarks, I would yield as much time as he may consume in regards to this pivotal issue.

Mr. PALAZZO. Thank you, Congressman REED. I appreciate you organizing this Special Order tonight. It's a very

important issue, not just to my constituents back in the State of Mississippi, the Fourth Congressional District, but to all Americans. So thank you for doing that.

Over the past 2 years, our Nation has engaged in the debate of the future of our country and the future of health care reform. When the Supreme Court ruled to uphold the health care law as a tax, they never meant to send a message that this is a good policy. Their ruling did not change the fact that it is bad for our job creators, which are our small businesses. It's bad for families, and it's bad for seniors.

They weren't putting their stamp of approval on the enormous burden of regulations and tax hikes that this bill brings. They weren't making a statement in favor of a law that takes health choices out of the hands of individuals and doctors and that places more control in the hands of government bureaucrats.

What they did when they ruled on this law was reaffirm that this is, indeed, a multibillion dollar tax. The Court reaffirmed that it is, indeed, unconstitutional to force a massive Medicaid expansion upon States like Mississippi, which cannot afford it.

Finally, the Supreme Court reaffirmed for myself and my colleagues and for millions upon millions of Americans that there is a need to fully repeal this law. So today, with this vote, we are listening to the majority of the American people who do not want this law, and we renew our commitment to them to bring real step-by-step commonsense solutions that Americans want and provide them with the access to the care they need from the doctor they choose and at a price that they can afford.

Mr. REED. Well, I appreciate the gentleman from Mississippi's comments, and I hope he continues to stay with us here this evening and we have this conversation as we move forward.

The gentleman from Mississippi touched on something, Mr. Speaker, that is extremely important when it comes to this issue. With the adoption and the repeal of ObamaCare, what we're trying to send to the American people is a message that the folks on this side of the aisle, in particular, want to make sure that we tackle health care reform and, one, we take care of the critical issue, and that is how are we going to change the cost escalators that are occurring in health care every year. How are we going to do that?

Now, the fundamental principle over here on our side of the aisle that I firmly believe in is that we are going to do that, once we repeal this law, by taking reforms from the perspective of the individual, from the patient, and from the doctor's point of view, not from the ObamaCare model of handing it to administrators and bureaucrats

and somehow thinking that the government has the solution to this problem.

What we're going to deploy, in my opinion, are good old-fashioned market forces, forces of individual choice, having individuals and patients and doctors control their health care destiny rather than having some unelected bureaucrat under the Independent Payment Advisory Board making determinations as to what type of health care you're going to receive. We can do better than that in America.

The gentleman from Mississippi makes a great point when he talks about the expansion and the tax burden that this law puts on all Americans. In particular, many folks, I heard the debate over the last couple of days, said we have used up floor time when we should be focusing on jobs.

Well, you know what, this is related to jobs. Because of the expansion of government, the mandates that come from this and the higher taxes that are placed on all Americans as a result of this will saddle our private sector, will saddle our individuals, they will saddle our job creators with a burden that they just can't overcome. What we should be doing is relieving those burdens so that they can hire the people of today and tomorrow.

This expansion of government just doesn't stop today. If it is allowed to go forward—and I hope my colleagues in the Senate take this bill up so the American people know exactly where they stand—but if this bill is allowed to go forward, we are saddling Americans with a burden, both tax and government regulations and mandates, to a point where we are just asking them to do something where they have just got a load that is too heavy to bear, and that's just simply to hire people. But you can't hire people if you have more taxes and you have got more burdens and obligations of government regulations to comply with.

I see my friend from Mississippi may have a couple more comments on the topic.

Mr. PALAZZO. Well, Congressman, there are so many bad things about this bill. We could spend a lot more than an hour talking about it.

The American people have had over 2 years to fully digest the bill that was crammed down their American throats by the 112th Congress. What the Republican House is doing is we are not going to make the same mistakes that they did.

We had a President, we had a Speaker of the House, and we had a Senate that ignored the pleas and cries of the American people. Nonetheless, they passed a 2,700-page bill. There is nothing good in a 2,700-page bill. They did it under the cover of darkness.

The former Speaker of the House said, "You have to pass it before you'll know what's in it." We're not going to make those same mistakes. We're not

going to repeat their failures. What we're going to do is we're going to listen to the American people. We're going to take their solutions so that we can address the care that they need from the doctor that they choose and at a price that they can afford.

□ 1730

There's some good things that are going to be coming forth. So I don't understand. Our colleagues on the other side are saying, Hey, this bill isn't perfect, but let's keep it and tweak it. There's no small fix to this bill. It is garbage. We have to throw it out and start over. But we're going to listen to the American people. And I think that's where they went wrong. We are even going to offer, I believe, our colleagues, as we've done in almost every bill, allow them to bring amendments to the floor, where in 2009 they did not allow one Republican amendment to the bill.

So the old saying: If you're ignorant of the past, you're doomed to repeat it. Well, we've learned from our history, and we're going to make right for the American people on health care.

Thank you, Congressman.

Mr. REED. I appreciate the gentleman from Mississippi, a great Member of the freshman class, joining us tonight. I know we have some other colleagues to continue this conversation.

One point before I yield to the gentleman from Florida. We're talking about job creation. Back in the district, back in upstate New York, in Corning, my hometown, we get out and we have town halls and we meet with constituents, we meet with business owners. And I'll tell you, one meeting really resonated with me. I went up to Hornell, New York, a great community up in our district, Mr. Speaker, and met with a company called Dyco Electronics. He employs about 48 employees. And he had me in his office, and we're walking down the floor watching his shop where he's assembling different electronic components and we're talking about the issues of the day. Mr. Speaker, he had a point that resonates when it comes to this issue.

He said, You know what, Tom? I'm not going to hire any more people. I've got business. I've got some opportunities that I can potentially expand. But the CEO of Dyco electronics, 48 employees, said, If I go over 50 employees, we're walking down the floor watching his shop where he's assembling different electronic components and we're talking about the issues of the day. Mr. Speaker, he had a point that resonates when it comes to this issue.

So this is all related to jobs also, as we continue this debate. It's not just about health care but it's about job creation. And I agree that it is a primary issue of the day. But that is a classic example and that resonated

with me when I came back down here to stand for repeal, because so many small businesses, I think, are in the exact same situation as Dyco Electronics back in Hornell, New York, where they are shocked in a deer-in-the-headlight type moment where they're saying, No, we're not hiring because we don't want to go over that 50-employee threshold.

With that, I'm pleased to yield to a great member of the freshman class, the gentleman from Florida.

Mr. WEST. Thank you very much to my colleague, Mr. REED, for allowing me to be here and spend some time to talk about one of the reasons why I did not want to continue on supporting what has to be the "Patient Protection Unaffordable Tax Act."

When you think about down in south Florida, where I am from, a lot of people play golf. I've never swung a golf club in my life. But I do appreciate this term that they use called a mulligan. And a mulligan means you get to do it over. And I think that's what the American people want from us here in this distinguished body, Republicans and Democrats, a do-over. So that's what we tried to do today. And hopefully, Senator REID will take our heed and he will go forth and allow the American people to see that mulligan take place.

But I sit on the Small Business Committee. When you think about the effects that this tax law—because that's really all that it is now that the solicitor general from the administration argued that it was a tax and Chief Justice Roberts did agree with him. So it's a tax. And so down South, if it quacks like a duck, if it walks like a duck, doggone it, it's a duck.

Roughly 940,000 small businesses will be hit by an incredibly big tax hike. According to the National Federation of Independent Business, the advocacy group for small businesses, 75 percent of small businesses are organized as pass-through entities, small businesses, subchapter S, LLCs, meaning that they pay their taxes on their business income at an individual rate. The Joint Committee on Taxation estimates that this tax hike that is going to be hitting will affect 940,000 small businesses. Half of all small business income would face higher taxes.

According to Bloomberg News and an analysis by the JCT, it also shows that President Obama's plan for these massive tax hikes mean higher taxes on 53 percent of business income reported on individual returns. More than a quarter of American workers' jobs are at risk. According to U.S. Census data through the NFIB, small businesses employ more than 25 percent of the total workforce. So raising taxes on these small businesses threatens these jobs—and that's the last thing we need to do in this weak economy.

My colleague, Mr. REED, just talked about this artificial employer mandate

where if you go over 50 employees, then you get hit with these fines because you have to provide certain levels of health insurance and health coverage. Well, why would we put that type of artificial burden? What does that mean for a small business owner that is at 48 and 49? He's not going to seek to go any higher. Or, if he does go any higher, he's going to drop people off of his insurance coverage. Or, maybe even worse, he'll just get rid of that employee, which means another person that's added in.

A U.S. Chamber of Commerce survey showed that 74 percent of small businesses contend that this law will make job creation at their companies even more difficult. The Supreme Court's health care ruling leaves in place 21 tax increases enacted as part of this law. A dozen of these are going to affect those people: less than \$200,000 for singles and \$250,000 for married couples—a clear violation of what the President talked about with his pledge to avoid taxes on lower- and middle-income taxpayers. This is the reason why I said we've got to have a mulligan.

An additional 0.9 percent payroll tax on wages and self-employment income and a new 3.8 percent tax on dividends, something very important for seniors down in south Florida. Capital gains. Why are we going after capital gains in a health care law? I don't know. I think it's a tax law. Why are we going to go after capital gains when we need to have investments so we can grow our economy—and other investment income for taxpayers.

"Cadillac tax" on high-cost plans; annual tax on health insurance providers; annual tax on drug manufacturers and importers; a 2.3 percent excise tax on medical device manufacturers and importers. And if I'm right, Mr. REED, that's one of those pieces of legislation, that 31 or 32 sitting on HARRY REID's desk, so we can get rid of that medical device tax. Again, I just tell this guy we need to have a mulligan.

Raise a 7.5 percent AGI on medical expense deductions to 10; deny eligibility of "black liquor" for cellulosic biofuel producer credit. What does that have to do with health care?

Codify economic substance doctrine; increase penalty for non-qualified health savings account distributions; impose limitations on the use of health savings accounts, flexible spending accounts, and Archer MSAs to purchase over-the-counter medicines; impose fee on insured and self-insured health plans and patient-centered outcomes research trust fund; eliminate the deduction for expenses allocable to Medicare part D subsidy; impose a 10 percent tax on tanning services.

I have got to tell you, down in south Florida, if it's kind of clouded over, a lot of people go into the indoor tanning booths. Now they've got to pay a tax for that.

What are we doing with the Tax Code, Mr. REED? Are we now using the Tax Code as a means by which we're going to promote social policy? Are we using the Tax Code now as a means by which we're going to create behavior modification here in the United States of America? That's all this bill does.

Sixteen thousand new IRS agents. Why do we need 16,000 new IRS agents if this is supposed to be a health care law? It's because someone's got to collect all that money that this "Patient Protection Unaffordable Tax Act" is bringing upon the American people.

What do you really get with this? You get 159 new government agencies and bureaucracies. You get all of these different bureaucrats up here in Washington, D.C., that are going to interject themselves between the doctor-patient relationship.

Well, no one talked about this a lot, how in this health care law the Federal Government took over college education loans. It was the people from across the aisle who made the decision that we will take it from 3.4 to 6.8 percent. Once again, it became incumbent upon us to come in and try to clean up the mess that was made.

It is truly as the former Speaker said: we have to pass this bill in order to find out what is in it. And now that we're finding out what is in it, we just cannot stomach this. The ObamaCare tax is already holding back job growth in medical innovation, with venture capital investment and medical device firms down 50 percent in 2011 compared to any of the previous 5 years. The average American family already paid a premium increase of approximately \$1,200 in the year following passage of this law. The Congressional Budget Office predicts that health insurance premiums for individuals buying private health coverage on their own will increase by \$2,100 in 2016 compared to what the premiums would have been in 2016 if this law had not been passed.

□ 1740

Mr. Speaker, there is no doubt about the fact that we need to do something to reform the health care process here in the United States of America and make it more affordable. But to all of a sudden bring the Federal Government in—you know, it was about 30-some-odd years ago when there was a former Democrat President that said everyone has a right to own a home, and the Federal Government created this thing called the Community Reinvestment Act. And look how well that worked out 30 years later in 2008 when we had that financial meltdown tied to the mortgage industry.

So what is going to happen with this incredibly onerous invasion into the health care industry? I don't want to be around 30 years from now to see. And that's why my message to HARRY REID is very simple: The American peo-

ple want a mulligan. Let's do it over and do it right.

Mr. REED. Well, I so appreciate Mr. WEST's comments. The gentleman from Florida speaks very clearly and directly on the issues with this bill. And as the gentleman articulated, 139 different agencies are now created under ObamaCare.

I've come to the well of the House, Mr. Speaker, to display to America what our health care system now looks like under ObamaCare. This diagram goes through the 2,700 pages of statutory language and identifies those 130-plus agencies. This is what American health care looks like after ObamaCare.

We can do better. As the gentleman from Florida mentions, we need a mulligan. And what we need to do is listen to the American people. That is one of the fundamental problems down here in Washington, D.C. People down here think: I'm in Washington. I got elected and I got a title. I'm Paul Congressman. Of course I know what's best for everybody in America.

Do you know what? I trust the American individual. I believe in the American individual. We need to listen to him. That's why we go back to the district and we talk to so many constituents. We have town halls because of the commonsense ideas that people have around their kitchen tables and the conversations they are having around their sofas in their living room.

We should be listening to the American individual and the American people because the common sense of America is what makes us strong, not some bureaucratic thought process of some person reading a book who sits in a cubicle down here in Washington, D.C., and comes up with a monster of a health care program that's got 130-plus agencies.

And this is how the personal relationship of a patient and a doctor is handled under ObamaCare. We can do better. We need a mulligan.

I so appreciate my other friends in the freshman class coming this evening to meet with us.

With that, I would like to yield to a good Member, a great friend from Arkansas (Mr. GRIFFIN).

Mr. GRIFFIN of Arkansas. Thank you. I appreciate it very much.

Mr. Speaker, we have heard a lot about repeal and replace, and I have a lot of constituents asking about the replace part of that. And what I tell them is we have a lot of ideas that have been introduced here in the House. In fact, by last count, there are over 200. I think it's something like 219 bills introduced in the House that relate to health care reform. So we are not short of ideas in terms of implementing real health care reform.

But before we get to that, we first must repeal this monstrosity, this almost 3,000-page monstrosity of taxes,

new boards, and new agencies that makes it more difficult for businesses to hire new people. So that's why we're here focusing on repeal today.

We have, Mr. Speaker, lots of ideas. For example, many of us here support medical liability reform. Gallup polls and other experts have testified that much of the cost of what we pay in health care is attributable to the practice of defensive medicine. By some counts, one-quarter of all health care costs are attributable to the practice of defensive medicine.

We have a great medical liability reform bill. In fact, if I remember correctly, a couple years ago in the State of the Union, the President said he was in favor of medical liability reform. I haven't heard much from him on that. I wish he would talk more about it. It certainly wasn't part of his health care law. But that's a great idea that will reduce the practice of defensive medicine and reduce the cost of health care and, in turn, make health insurance more affordable, which, in turn, addresses the access question.

We also have great legislation introduced by my friend, MARSHA BLACKBURN of Tennessee. She has got a great bill. What it does is it allows for competition between insurance companies across State lines. So if you live in Arkansas and you see a health care plan that you want to buy over in Tennessee, our neighboring State, well, you can buy that plan. And then if you move to Arizona—I don't know why you would leave Arkansas, but if you did, you could take that with you across State lines.

Competition, choice, and patient-centered options, that's the kind of health care reform we need. And that's the kind of health care reform that I favor, that many folks here in the House favor, and that is reflected in the over 200 bills that have been introduced here. And we want to get to that. But before we can get to that, before we can focus on the replace, we have to repeal. And that's why we're here again asking the Senate to do its part.

I'll tell you, I've had some folks on Twitter and Facebook and other places say, You're just wasting your time. Why are you just wasting your time? I think I was asked that on television earlier today. And my response was, when I made a pledge in my campaign to repeal ObamaCare, the President's health care law, whatever you want to call it, my pledge was not I'm going to fight to repeal it if the Senate agrees to pass it. That wasn't my pledge. My pledge was I'm going to fight to repeal it. I'm going to control what I can control. I can't control the Senate.

In fact, I told somebody on Twitter about 15 minutes ago, before I came down here to the floor, I said, well, if we in the House only took action on issues that we know the Senate will vote on, we would all be sleeping. Mr.

Speaker, you'd be sleeping in the chair and we'd be sleeping, because the Senate doesn't take action on much of anything. Sometimes I feel like I've got to walk down there and wake them up.

So my job in fulfilling my promises, my pledges, and my commitment to my constituents is not dependent upon whether the Senate is going to do the right thing or not. I hope they do. I'm praying for them, and I wish them well. But we're going to do our job here regardless of what they do down there.

I'll say one more thing. Anybody who has been paying attention over the last 2 years knew before I ever got elected what my intention was. And I think a lot of us talked about this before we ever got here, and what we are doing is following through on our promise.

I yield back, and I appreciate the time.

Mr. REED. I appreciate the gentleman's comments.

I think you're touching on something when we talk about the Senate and what we can control here in the House. And I think today's exercise of voting to repeal ObamaCare again was time well spent, because it's time to be open and honest with the American people.

Look at this bill, the 2,700 pages that created this health care system with 139 agencies that you see on this board. Look at the timing of when these requirements and these mandates kick in. Look at the whole argument of the last 2 years in the debate on the Affordable Care Act, ObamaCare. Look at the argument over whether it's a penalty or a tax.

I can remember Kathleen Sebelius in front of me on the Ways and Means Committee still fighting me as the arguments were going on in front of the Supreme Court whether or not this was a tax or a penalty. Essentially, she fought that tooth and nail and said, no, it's not a tax; it's a penalty.

□ 1750

You saw the President repeatedly tell different reporters and go on the record and say it's not a tax; it's a penalty. There's a lot of politics going on under this bill. And they all want to do it in a way that makes sure that they're not held accountable, in my opinion, because November 6, 2012, is a critical date. When you look at most of the dates under this bill, when most of the mandates and most of the tax increases are kicked in, they happen after November 6, 2012.

What's so magical about November 6, 2012? Well, obviously we have a Presidential election. We have a Senate election. We have a House election. So today, what we did, after the Supreme Court spoke and called the bill what it is—an expansion of government, a tax increase—we went on the record so that the American people, come November, know where we stand.

Now, I'm not as hopeful as my colleague was talking about the Senate may take this up, or asking HARRY REID to take this up. What I think is going to happen is the Senate is going to run from this. They're not going to go on record in regards to how they feel on the repeal of ObamaCare, if they're either going to reinforce it or reaffirm it. They're not going to take it up. Why? Because November 6, 2012, is coming down the pipeline, and they don't want to go on record after the Supreme Court has spoken and called it what it is—expansion of government and a tax increase.

That's not how elected officials lead. Elected officials lead by putting their name up on the board and standing in front of their constituents and in front of the American people and being honest and open with them because hard-working taxpayers deserve no less. And as a freshman Member of this Chamber and as a freshman Member of this body, I firmly believe we can tackle more of our problems if we adopt that attitude, just being open and honest with the American people.

With that, I'm so pleased to be joined by the gentleman from Colorado (Mr. GARDNER).

Mr. GARDNER. I thank the gentleman from New York for his time today and his leadership on this important issue. I know you have a young family, as do I, and you're here today to make sure that we talk about those matters that are important to our families, those things that will lead to a better future for them.

But it's been a disappointing day today when we saw colleagues on the other side of the aisle who had an opportunity to reject one of the largest tax increases in American history, when they could have voted to repeal and begin the replacement process on the health care bill, the President's takeover of health care, but, instead, most of them, the vast majority of them, decided to move forward with the tax, a tax that they pledged they would never commit and carry out on the middle class of this country.

Growing up in a little town of the eastern plains of Colorado, I will never forget my hometown doctor. At times, he was the only doctor in a town of about 3,000 people. His name was Jack Pierce. Dr. Pierce was somebody that's still looked up to in my hometown. He's moved away, lives in Texas now, but he's somebody who parts of the new hospital is named after, somebody who delivered me and was there when my mom, in my hometown, was delivered as well.

Dr. Pierce was my doctor's name. With the health care bill, the rest of America gets Dr. Washington. Dr. Washington is now going to make health care decisions for the American people. If you're sick and you need help, you better have the approval of

Dr. Washington first because Dr. Washington has a board of bureaucrats that will decide for you what kind of treatment you may or may not receive.

Dr. Washington is going to ensure that you have a \$1,200 increase in health care premiums if you're the average American family. That's just what happened after the first year of enactment of the President's health care takeover.

Dr. Washington will see that, in 2016, you'll have a 13 percent increase in your premium for individuals and families who can buy coverage on their own compared to if the law hadn't been enacted at all, a 13 percent increase if the law hadn't been enacted at all.

Going back to Colorado and talking to business owners, they talk about what their costs will be. Families talk about the insurance that they'd like to have now, the insurance they wanted to keep but are concerned they're not going to be able to under the President's takeover of health care. This tax increase will cost Americans dearly. It will cost them the doctors that they wanted and it will cost them the insurance that they'd like to keep.

We know that this bill is going to cost even more than it was anticipated to cost. As recently as June 27, 2012, they said that this health care bill would cost \$1.8 trillion over the next 10 years. Today, we see numbers with new estimates over \$2 trillion, nearly \$2.6 trillion over the next 10 years to pay for this. How is it going to be paid for? A tax on the American people.

In a letter to the Governor of Texas, Kathleen Sebelius, Secretary Sebelius, wrote, saying:

We encourage you to participate in this new, expanded health care opportunity because of the generous Federal benefits that are being offered.

How is this country going to pay for those generous Federal benefits? Deficit spending? borrowing? tax increases? The answer is: All of the above. In fact, that may be the only thing this administration agrees with when it comes to all of the above—taxes, spending, and debt.

Ladies and gentlemen, the people that I represent in Colorado, the people that we represent in this country are asking for real health care solutions. They're asking for solutions that will improve the quality of care while decreasing the cost of care. The President's takeover does none of those.

We have an obligation to this country, to the people we represent, to make sure they understand that when the chief actuary of Medicare says that the two primary promises that were made in this health care bill will never materialize, that it will decrease costs and that if you like the insurance you have, you get to keep it—the chief actuary, independent actuary, has said those two primary promises will not be realized. And yet today, the vast majority of people in the President's own

party said move forward with the tax and say good-bye to the health care that you and your family is hoping to secure.

So with that, I would again thank the gentleman from New York for the opportunity to be here to talk about ways that we can move this country forward and our obligation to the American people.

Mr. REED. I so appreciate the gentleman from Colorado joining us tonight.

When you talk about Dr. Washington, it is a great analogy. What we're really talking about—are we not?—is the Independent Payment Advisory Board as kind of the primary example of the agency of Dr. Washington.

What is the Independent Payment Advisory Board? It's 15 unelected bureaucrats that, under the law, will be making recommendations to Congress as to where to cut in Medicare, the types of services that are going to be provided under American health care going forward under ObamaCare.

Now, the argument I've heard from my colleagues on the other side of the aisle is, well, those are just recommendations. But they go to Congress, and if we disagree, we can take a vote in the House and take a vote in the Senate and the President signs it into law, and we overrule those recommendations.

Look at the law. Read the law. I trust the American individuals. Read the law. What do those recommendations do?

Those recommendations come to Congress and require a two-thirds vote of the House and the Senate to approve or disapprove those recommendations if we want to do something differently than what the agency recommends to us. Why stack the deck? Why have a two-thirds voting requirement on such a critical issue as to what health care is going to be delivered in America? So let's just be open and honest with the American people and call it what it is.

You've got 15 unelected bureaucrats—under the law, not obligated to conduct their conversations or their debates in public—make recommendations to Congress so that they can say that we're having Congress ultimately have the ultimate decision, but then make Congress have a two-thirds voting requirement to override those 15 members of that unelected Independent Payment Advisory Board when it comes to health care decisions. What kind of health care system is that?

We can do better. We don't need to rely on Dr. Washington. We need a mulligan, as my colleague from Florida said. We can do better. We can do it by repealing this and listening to the American people and adopting reforms that are patient-centered and doctor-centered at the end of the day.

With that, I am so pleased to be joined by a great colleague from Ten-

nessee (Mrs. BLACK), a colleague of the Ways and Means Committee. I'm proud to yield to her.

Mrs. BLACK. Thank you, my colleague from New York. I want to thank you for managing this Special Order tonight because we cannot talk about this issue enough. We have got to continue to make sure that the American people are aware of this devastating bill called ObamaCare, or the Patient Affordability Act.

Now, having been a nurse for over 40 years and working in the health care system, we have the best health care in the world. I have done medical mission trips in other parts of the world, and I can tell you they don't come anywhere near providing the kind of quality service that we have here in this country. As a matter of fact, we will see people from other countries come to the United States to get that care because they know across this world that we provide the best health care in the world.

But I'm not going to disagree that the system is broken and does need some repair.

□ 1800

We do need to have more accessibility. We do need to lower the cost, and we need to make sure that, while doing that, we maintain and increase quality.

However, what has happened in the bill that was passed some 3 years ago now by our colleagues on the other side of the aisle, there wasn't transparency, there wasn't input by those who were providing care and that are a part of the system, and we didn't see patient-centered care.

There are other solutions. This is not the only solution. And as my colleague from New York shows this chart, this very complicated chart, when NANCY PELOSI said that we have to pass this bill to know what's in it, she was correct, because as we look at these 139 different agencies that still are going to have to be created and rules and regulations that need to be promulgated, we have no clue of what's going to be happening with this health care system now for the next 5 to 8 years.

We do have some solutions, good solutions that are patient-centered, that are market-driven solutions, such as HSAs, which really have not been given a chance. But HSAs are a very, very good way, especially for the young. Many of the young people that are currently not insured are not insured because they can't see a reason for paying for the very expensive insurance that's out there and available for them.

Things such as removing the barriers from purchasing your health care across State lines, these are some good, market-driven ideas that will bring the cost of health care down and give patients more opportunity for them to make decisions about what's best for them in their health care.

Also, tort reform. We know tort reform has worked in those States where it has been successfully implemented. Tort reform needs to be done across the entire country.

These are real solutions that allow the patient to be in the driver seat to make those decisions about what's best for them.

But, instead, what do we have?

We have a law that's devastating our economy, and it is wrong medicine for our health care system.

Three-quarters of our small businesses—and I know that as I visit these small businesses across my district, they're the bedrock of the U.S. economy—say the law is preventing them from hiring people. And all of this, and health care costs continue to soar, so it hasn't done anything to bring the cost down. What we're seeing is the cost escalating.

And to make matters worse, ObamaCare will result in millions of Americans being dropped from their employers' health insurance plans and pushed on the government-run health insurance. And all of this, all of this results in more deficit spending and more tax hikes for the middle class folks.

The President has said as recently as this week that he does not want to raise taxes on the middle class. He also says he wants Congress to focus on job creation and the economy.

But, Mr. President, the House has voted yet again to do just that. By repealing ObamaCare, we can prevent this crippling tax on the middle class, and this will also lift the cloud of uncertainty and other job-killing taxes that are wreaking havoc on our economy and our health care system.

It's been 41 straight months of unemployment above 8 percent, and it doesn't look like things are going to change very soon. If the President is committed to helping the middle class like he says, then he will join us in doing away with this law that is increasing the tax burden and the cost of health care for all Americans. Americans deserve better.

Thank you again, my colleague from New York, for managing this time to allow us to be able to talk to the American people and help them understand there are real solutions out there.

Mr. REED. I so appreciate my colleague from Tennessee offering her comments. And I know we're coming to the end of our hour with a few minutes left, but we have plenty of time for two more colleagues that have joined us this evening.

I yield to a great gentleman from Texas, a member of the freshman class, Mr. FLORES.

Mr. FLORES. Mr. REED, I want to thank you for managing this Special Order today, and thank you for allowing me some time to participate.

I'm very proud of our freshman class here in Washington. We have changed

things in this town, at least on this side of the Capitol, and we're responding to what the American people want. The American people overwhelmingly do not want ObamaCare.

So I have to thank Mr. PALAZZO and Mr. WEST and Mrs. BLACK. I assume Mr. WOODALL's going to speak in a few minutes, and Mr. GARDNER, and thank them for getting up here and telling the truth.

A few minutes ago I was sitting in the Chair as the Speaker pro tempore, and the gentleman from California (Mr. GARAMENDI), a Democrat, and Mr. TONKO, a Democrat from New York, invited me to come down and debate with them, so I'm here to debate with them.

If you'd listen to what the Democrats say about ObamaCare, you'd think the world was going to be perfect and butterflies were going to be singing Kumbaya. You'd think that everything was going to be just fine.

When you go to the HHS Web site that talks about ObamaCare, all you see are all the things that tell you about how great your life is going to be, but it doesn't discuss the cost. And only in this town we call Washington, D.C., this town that's based on fantasy, can you believe things like that, where you can get everything for a cost of nothing.

Well, Americans know that's not the case. They know that you can't do that, and Americans know that you can't take one-sixth of our economy and turn it over to bureaucrats like the people that run the GSA. Now, the people at the GSA partied real well, but I don't trust them with our Nation's health care, not my granddaughter's, not my grandmother's, none of their health care.

Now, we, as I said, in this town we're changing things as the freshman class. Most of us that came in this class came from the real world. We know how to sign the front side of a paycheck, we know what the commitment is like to have to hire an employee, to have to make sure that that employee's family gets a paycheck so that that family will have food and housing and education; that they can be part of a robust local economy so that they can be part of a healthy middle class in this country.

But bureaucrats don't do that. The private sector does that, builds that healthy economy for Americans.

So, again, I just can't see how you could say that we could turn over health care to folks like the ones that run the GSA.

What Mr. GARAMENDI and Mr. TONKO need to do, when they say that everything's for free and costs nothing, and the world's going to be better off, they need to come talk to a small software company in Waco, Texas, that saw their premiums go up in 2011 by 27 percent and saw their health insurance premiums go up this year by 23 per-

cent. Or the small manufacturer in Bryan-College Station, Texas, that's looked at their premiums increase by a combination of about 40 percent over the last 2 years. And each of these companies is thinking, Do I have to drop coverage? Do I have to lay off employees so I can absorb the extra cost? Do I move my operations overseas?

The folks on the other side of the aisle need to understand that the taxes, the restrictions, the regulations that come with ObamaCare are a tax on all America. When you tax the economy, you tax all Americans. And we've already talked in great detail. Mr. WEST laid out all the taxes in ObamaCare, did it pretty well.

But I just say, when you add it all up, and you add all those taxes together, they're a tax on the economy, and that's a tax on the middle class. That's a tax on every class in America. And that's not what Americans want.

I voted for the repeal of ObamaCare today, and I'm proud I did. And I'd urge that HARRY REID, over in the Senate, take it up.

And so I've put together sort of the top 10 fatal flaws that are part of ObamaCare, and here they are.

Number one, the worst of them is it's a violation of our constitutional liberties, your right to your religious preferences, where you can have a bureaucrat, like the ones at the GSA, cram down your throat what your employer has to provide for you or what it may not provide for you.

Number two, it fails in its primary goals of controlling costs and allowing Americans to keep their health insurance coverage. You heard our other freshman speakers lay that out well today.

Number three, it hurts our hard-working taxpayers by adding over 20 new taxes, costing over \$800 billion, taxes on things like home sales and investment income. Those hit the middle class just like everybody else.

Number four, according to the non-partisan Congressional Budget Office, the CBO, as we call it around here, it will cost our Nation over 800,000 jobs. How's that good for the middle class?

In addition, now that the State Medicaid mandate was ruled unconstitutional, the costs of ObamaCare are going to increase by \$700 billion. And that's already on top, further damaging our fragile fiscal situation at the Federal level.

Number six, we've already talked about this tonight, a half a trillion dollars cut from Medicare, hurting our seniors.

□ 1810

Number seven, ObamaCare puts 15 unelected, unaccountable bureaucrats between doctors and patients.

Mr. Speaker, I don't want people who run the GSA between me and my doctor or between my granddaughter and

her doctor or my daughter-in-law and her doctor. This is an assault on all Americans—women and men, young and old.

Number eight, even though it has been partially implemented, it has caused health care premiums to inflate dramatically across the country.

Number nine, ObamaCare is causing massive uncertainty for American businesses, hurting American job growth and our economy and the American middle class, adding further pain to all of the economic policies that we are experiencing in the Obama economy.

Number 10, we heard about this earlier, about the Federal takeover of the student loan program, which is another accounting gimmick that was used to pay for the Democratic takeover of health care.

So, Mr. REED and Mr. Speaker, I would say it's time for us—and we did today—to recognize that these fatal flaws mean that this program should be overturned. We did the right thing today. We took bold action, and I think it's high time that the Senate acted and did the same thing.

One of the things that Mr. TONKO and Mr. GARAMENDI talked about is if Americans wanted to hear the facts. They laid out their version of the facts. Americans can go my Web site. There is an ObamaCare section at flores.house.gov that's right at the top of the page. You can find out about the taxes. You can find out about the law and about the times we've tried to repeal this thing. You can read the law to see what's in it. You can read the Supreme Court decision. Then you can also see what the Republican alternatives are, some of the ideas of the alternatives to fix this.

Mr. REED, I thank you for your leadership on this, and I look forward to serving with you.

Mr. REED, I appreciate the gentleman for joining us this evening.

I know we have another freshman colleague from the great State of Georgia who has joined us this evening and who will bring us to a conclusion.

Mr. WOODALL, I am proud to yield to you.

Mr. WOODALL, I thank the gentleman for yielding. I appreciate the Speaker for being down here with us, and I appreciate the comments of my friend from Texas.

He says, you know, if you want to, you can just go and read the law. Wouldn't that be neat? Wouldn't that be neat? If you wonder what some of those reforms are that the freshman class brought to this body, you can now go and read the law. There is time to make that happen, and that is what is so frustrating to me about this debate.

I appreciate the way that you all have highlighted each and every one of these things, because when I go to the folks back home, they say, ROB, the

President told me he's going to bring down health care costs. Wouldn't that be good?

I say, Yes, that would be good.

They say, The President tells me he's going to ensure that I can keep the policy that my family knows and loves today. Wouldn't that be good?

I say, Yes, that would be good.

Then the people say, Well, ROB, he tells me he's going to make sure that children who don't have access to health care today will have access to health care tomorrow. Wouldn't that be good?

I say, Yes, that would be good.

They say, So why do you oppose the bill?

I say, Because it doesn't do any of those things. Take a look.

Now, the CBO tells us it's 800,000 jobs that this bill destroys. Let's say it's only 700,000. That's 700,000 too many. Study after study tells us this is raising costs with all the mandates—mandate after mandate after mandate—from the Federal level. Let's say there are only a dozen mandates instead of the 30 or 40 that I believe there are. Isn't that a dozen too many?

In my great State of Georgia, a family went out to buy insurance for their child shortly after the President's health care bill passed. Do you know what the insurance commissioner told them? He said, You know, you could have purchased a policy for your child before the President's health care bill passed—but, after the President's health care bill passed, every single insurer of children left the State of Georgia because they could not do business under the President's model.

Read the law, my colleague from Texas says. Look at the chart, my colleague from New York says. When you get to the facts, if only it did what the President promised America it would do, but it doesn't. But we can.

The first vote we took as freshmen was to repeal the President's health care bill. About 189 of our colleagues voted against it. They wanted to keep it. Today, only 185 of our colleagues voted against it and wanted to keep it.

The folks asked back home, ROB, what happens now that the Supreme Court has said it's okay?

I said, They didn't say it was okay. They said they weren't able to look at the policy to see if the policy was any good. They said it's not their job to protect the American people from their political decisions. They said, yes, the power to tax is just this dangerous but that it's up to Congress to decide.

Congress decided today.

I am grateful to my friend from New York for using this opportunity to highlight that decision. The final say on this bill was not the last Thursday in June with the Supreme Court. It is the first Tuesday in November with the American people.

You and I know what the American people are going to say. We are their

Representatives. This is not the 29th time, and it is not the 30th time. It is the 31st time the American people's Representatives have spoken in this House, and they've said we can do better. This bill is bad for America. It's bad for health care reform. We can do better.

I thank my friend from New York.

Mr. REED. I appreciate the gentleman from Georgia and my colleague from Texas and all of my colleagues for joining us.

As we wrap up tonight, you're absolutely right. We can do better. Health care, obviously, needs to be reformed. The costs that we are seeing and the increases in costs in health care need to be addressed, but this law doesn't do it. This law compounds the problem. Just look at its track record. I've been contacted by numerous constituents over the last year who were talking about premium notices with increases of 10 to 15 percent in the State of New York. It's not delivering on the promises.

As my colleague from Texas says, read the law. Absolutely, read the law. We have. We have spoken in this body on behalf of the people and have said we stand for repeal. My colleague from Georgia is absolutely correct, and the Chief Justice's closing comments are absolutely correct—it's up to the people. That's when they will speak, in November 2012.

I know that we stand on their side with the vote that we took today to say that we can do better. We need to stop this government takeover and these tax increases that are coming down the pike to pay for it. We need to stop it before it's too late, and November 2012 is the last stop to allow us to turn this back.

With that, I am so pleased to yield back the balance of my time.

OBAMACARE AND OTHER ADMINISTRATION ACTIVITIES

The SPEAKER pro tempore (Mr. FINCHER). Under the Speaker's announced policy of January 5, 2011, the Chair recognizes the gentleman from Texas (Mr. GOHMERT) for 30 minutes.

Mr. GOHMERT. Thank you, Mr. Speaker.

We have had a number of people ask, Why would we have a vote today to repeal ObamaCare when it has been done before?

There had not been a vote taken since the United States Supreme Court said that the administration misrepresented what was really in this bill. It was a tax. We know there have been misrepresentations about different things, but this bill creates a massive tax for the people who can least afford it.

So run the numbers:

If you make \$14,856 or more and if you're a single individual, then the

chances are you're probably not going to be able to pay for a \$12,000 health insurance policy, which is the estimated cost of the insurance policy that is being mandated by the ObamaCare law. If you cannot and if you make more than \$14,856—let's say you make \$20,000—and you can't afford the \$12,000 for the insurance policy, then you will have an extra annual tax of \$371 when the 2½ percent extra income tax kicks in. If you only make \$14,856 and if that's before taxes—take away a hunk of that for income tax, Medicare tax, Social Security tax—then that \$371 means a lot. It may mean the difference between being able to fill up a worker's car enough times to get to and from work so he doesn't lose his job.

If you're a family of two and if you make \$20,123 or more—if you make \$30,000 or anything over \$20,123—then you will have an extra 2½ percent tax of \$503.

□ 1820

But the more you make over \$20,123, the more the tax is. But it's a minimum of \$503. If you make \$30,657 and you're a family of four, four people living off \$30,657 under ObamaCare, if you still cannot afford the \$12,000 or so policy that the government mandates under this law, then you will have an additional \$766 with which you will not be able to buy food for your family. You'll not be able to buy gas for your car with that extra \$766. I don't mean people who make \$30,000 and have a family of four have an extra \$766. The people I talk to that make that kind of money and have a family of four don't have any extra money, and especially not to pay the extra \$766 Obama tax on these individuals.

If you make \$41,190 or more and you're a family of six, you will have a minimum \$1,030 extra income tax that you will have to pay in order to meet the requirements of ObamaCare and to keep the Obama tax IRS agents off your doorstep. There are thousands and thousands of new IRS agents who will find jobs, even though there's hundreds of thousands in net loss of jobs since this President has taken over. We've lost four more jobs than we've picked up.

At least one piece of good news is that the government has gotten bigger. That's good news for those who love big government. I don't happen to. There's good news for those who love more IRS agents because we're adding thousands and thousands of those who will make sure that if you make \$41,190 and you're a family of six, they'll make sure that not only do you have to pay your regular income tax, you will have an added tax, an Obama tax in ObamaCare of \$1,030 minimum. Anything you make above \$41,190 and you're a family of six or fewer, then you will keep paying more tax the

more you make. And that is if you're not able to afford the \$12,000 or so average cost that is estimated that the Obama health insurance that's dictated in the ObamaCare bill will require.

If you're a family of eight or more and you make \$51,724 or more, you will have a minimum tax of \$1,293 on top of regular income tax. Congratulations, that's a gift from the Obama administration and all of those—not a single Republican—on the Democratic side of the aisle that voted to cram down ObamaCare on a Nation where it was clear poll after poll after poll what the people wanted. The American people got it. They did not want the government dictating their health care.

Now we have Chief Justice John Roberts abandoning intellectual integrity with his opinion in pages 11 through 15 and saying clearly this is not a tax, it's a penalty. It's the Obama administration penalizing everybody in America that doesn't buy exactly what the administration says. It's a penalty. Chief Roberts makes it clear the best evidence he says of what it is is Congress' own language. Congress calls it a "penalty." It really is. It just penalizes those who don't do what the Obama administration says.

Then at about the middle of page 15 of the Supreme Court opinion, Chief Justice Roberts says since it's a penalty and not a tax, the Anti-Injunction Act does not apply. So the Supreme Court does have jurisdiction because, as he makes clear, if this were really a tax, the Anti-Injunction Act would apply, and no one could file suit over the ObamaCare bill until 2014. But he says since it's a penalty and not a tax, then we do have jurisdiction, we can proceed now, and we don't have to wait until 2014.

Then he proceeds through the rest of his opinion, after talking about the Commerce Clause, to say that no matter what Congress called it, this is really a tax. Then, of course, he has to also justify why he calls it a penalty for one thing and a tax for another. It is one of the worst written opinions that I've seen.

At least when the liberals on the Supreme Court have written opinions, they've at least been more intellectually consistent than that tragic opinion as written by our Chief Justice. He's a good man. He lost his way. I feel sure that at some point he will find his way back when he realizes what has really occurred.

Today, the ObamaCare bill was debated somewhat further; but yesterday during the debate I heard people on the Democratic side of the aisle who kept saying, No one has lost their insurance. No one will lose their insurance. If you like your insurance, you're not going to lose it. There were people that I have great respect for saying that, and I know they would never intentionally tell something that's false, the key being intentionally.

What it told me is they really don't know; they honestly don't know that people across America have already been losing their insurance that they liked and wanted to keep. They don't know that. So I'm hopeful that people across America, when they've heard over the last few days people saying nobody will lose their insurance, nobody has lost their insurance, that as people continue to and have already lost their insurance, that they will make sure to drop a line or give a call or something and make sure that people here know that, Yes, we have lost our insurance and we liked it. We were okay with it. It was ObamaCare that caused the loss.

We heard people who kept saying we ought to be talking about jobs. I know they're sincere about that. What they don't understand is that this bill is killing jobs. As so many people have said that I've talked to, We are right there at the 50-employee limit under ObamaCare. We don't want to have 50. We're keeping things small. We're not going to hire some folks. We're doing other things because we simply cannot afford to pay that extra \$2,000 an employee tax that we get hit with the minute we go over that 50-employee limit.

There are people not being hired. There are people that are losing jobs. Others are saying, We're downscaling. We don't want to be over that 50-employee number so that we can maybe stay competitive in a down economy.

But the trouble is, people are hurting these days. The economy is difficult.

And I've been intrigued, as have people on both sides of the aisle, who let me know that during this time when we have a chance—Democrats for a time, Republicans for a time, back and forth—have a chance to bring things to the floor to get into the CONGRESSIONAL RECORD and to make public things that others may have missed. I constantly have people say, I had no idea about that until I heard you talking about it on the floor. I was watching C-SPAN.

And I've been told before, Gee, we love it when you're on TV because then we can finally turn you off. Then I have been told by others in some offices here on Capitol Hill that they actually turn up the sound when they see me on.

Whatever the case, Mr. Speaker, this is a wonderful chance to make sure people get information that they don't have time to get otherwise.

□ 1830

We have been hearing a great deal about the photo ID.

In the District of Columbia Federal court here, we have been having a suit between our so-called Department of Justice and Texas over whether Texas can do as Indiana did and require a photo ID in order to vote.

Texas pretty well tracked the Indiana law. It looks like a good law. I read it. I read the Supreme Court opinion that addressed the issue and upheld the law as being a legitimate law.

I don't know that, from reports I heard today, whether or not Texas is trying the case properly, but if they put on the evidence that's available and is quite convincing and clear, there should be no reason for Texas to lose this case that requires a photo ID. If someone cannot afford a photo ID, they can't afford the few dollars for that, then under the Texas law, as the Indiana law, they can simply make that indication, and if you can't pay for it, then you're going to get it free.

There are groups in Texas that have made clear if you can't get to where you need to go to get a photo ID, we'll take you there.

In fact, if this Justice Department had spent a tiny, tiny fraction of the money it has spent on this litigation against Texas, against Florida, and against these other States on just helping people get photo IDs, there wouldn't have been a problem in the world with everybody having a photo ID that needed one.

This article, a July 11, 2012, publication, Katie Pavlich, News Editor, writes:

Earlier today, Attorney General Eric Holder addressed the NAACP National Convention at the George R. Brown Convention Center in Houston, Texas. What did media need in order to attend? That's right, government issued photo identification (and a second form of identification too!), something both Holder and the NAACP stand firmly against when it comes to voting.

Wow, the NAACP and the Attorney General have just disenfranchised a slew of people that probably would have liked to have heard the Attorney General. But they disenfranchised them, said you can't come into the NAACP convention unless you've got a photo ID. You can't come in.

Yet the Attorney General was in court saying that what Texas is doing is wrong, and if it's wrong, why are the NAACP and the Attorney General doing it?

The article says:

All media must present government-issued photo ID (such as a driver's license) as well as valid media credentials. Members of the media must RSVP to receive press credentials.

And it gives the website. Then it says:

For security purposes, media check-in and equipment setup must be completed by 7:45 a.m. CDT for an 8:00 a.m. CDT security sweep. Once the security sweep is completed, additional media equipment will NOT be permitted to enter and swept equipment will NOT be permitted to exit.

But what's sad is these so-called folks that can't get a photo ID that the NAACP and the Attorney General are complaining about, not being able to get one, they can't even get into the convention.

So how is it that these people who say we're out for those that don't have a photo ID really care about those without a photo ID if they won't even let them into their convention?

Continuing:

Ironically, NAACP President Ben Jealous rallied against voter ID just before Holder took the stage.

In the convention they are railing against it, but the people without photo IDs, if there are those who can't get them that really want them, they couldn't get in to hear the speech.

Going on:

The head of the NAACP on Monday likened the group's fight against conservative-backed voter ID laws that have been passed in several States to the great civil rights battles of the 1960s.

Benjamin Todd Jealous, the CEO and president of the National Association for the Advancement of Colored People, said these are "Selma and Montgomery times," referring to historic Alabama civil rights confrontations. He challenged those attending the NAACP's annual convention to redouble their efforts to get out the vote in November.

"We must overwhelm the rising tide of voting suppression with the high tide of registration and mobilization and motivation and protection," he said.

"Simply put, the NAACP will never stand by as any State tries to encode discrimination into law," Jealous said.

Well, obviously he doesn't have a chance to get out and see the real news. But in Georgia they passed a photo ID requirement for voters and have had two elections since, and in both those elections minorities have increased greater than before, and actually increased greater than Anglo voters. There has been no disenfranchisement in Georgia.

So, actually, it turns out that the photo ID has engaged minority voters. The fact is the Voting Rights Amendment is a violation of our United States Constitution until it is applied, section 5 is applied, to every State in the Union.

There were southern States that were guilty of racial suppression in the sixties and prior, and it is an abomination to this Nation that such occurred, not nearly as much as slavery, but it's still an abomination. It still should not have been happening. The Voting Rights Act has done a great deal toward eliminating that.

But, unfortunately, under the Voting Rights Act, atypical of most things in America, once you improve your State to the place where there is no problem, you still are not out from under punishment, the penalty of section 5, because of what happened in the 1960s and before.

So, States have complained, look, you know, we fix things. We're doing good. In fact, we are doing better than so many districts in other parts of the country that are not under section 5 that's so punitive.

Some of us couldn't help but wonder, when a big majority on both sides of

the aisle voted to extend the Voting Rights Act, including section 5 that got even tougher for another 25 years, why they wouldn't have supported the Gohmert amendment. The Gohmert amendment said, look, section 5, punitive provisions ought to apply to every district, every State in the country. Failure to do so is a violation of equal protection.

Why is it that districts in other parts of the country, north, east, west, are allowed to grow into racial disparity and suppression of minority vote but they're not treated with section 5, whereas States that have been under that punitive provision can't ever get out from under it even though they are better off than other parts of the country?

Well, the reason, it seems to be—you wonder, why would people vote? Why not vote to do it across the country? If it's good for these States that have proved better than our own State, why should it not apply to everyone? And I still ask that question. The only thing you wonder is we had the power to ram this down on these States punitively, so we did. The last thing we wanted was any of those punitive provisions applying to our States or our districts where disparity is more a problem than those original areas.

So, I don't know. I wonder if at some point we're going to have a rush of the bipartisan leadership that pushed that through to come back and say, You know what, LOUIE, you're right. If it applies to southern States, it ought to apply to everybody. It ought to apply to those districts that have more of a racial problem than there has been or exists now in those States that are treated punitively.

□ 1840

Well, we'll see.

We've also heard about the loving relationship, as this administration says, with such a great ally as Israel. And it defies explanation. This is from Breitbart, William Bigelow, dated 10 July 2012:

How much does Barack Obama hate Israel and want to throw her under the bus? Here's how much: the Obama administration not only excluded Israel from a new counterterrorism forum in Spain; it didn't even mention Israel in its remarks. If there were ever a country that has dealt with murderous terrorist attacks over and over again, that country would have to be Israel.

Here's what Marie Otero, the State Department's Under Secretary for Civilian Security, Democracy and Human Rights, said:

"Last September at the official launch of the Global Counterterrorism Forum, I had the privilege to introduce the premiere of a film 'Hear Their Voices,' which tells the stories of 11 survivors of terrorist attacks from Pakistan, Jordan, Northern Ireland, Uganda, Turkey, Indonesia, India, Spain, Colombia, and the United States. The film, which was produced by the Global Survivors Network, is a powerful plea for audiences around the world, especially those sympathetic to the grievances expressed by extremists, to recog-

nize the human cost of terrorism, and I am delighted that our Spanish hosts are planning on showing this film here later this afternoon."

When Secretary of State Clinton announced the coalition's formation in June, she didn't include Israel on her list of countries that suffer from terrorist attacks.

How could Secretary Clinton not immediately think of Israel as a country that suffers from terrorist attacks when they have bombs, they have rockets flying into Israel every day?

Defenders of Israel were furious, even those who were Democrats. Josh Block, a Democratic strategist and a former spokesman for AIPAC, said, "When the administration promised to include Israel in the counterterrorism forum that the United States founded—after Jerusalem's inexplicable exclusion from the initial meeting a month ago—one would think that they would be true to their word. Clearly, someone failed here. How Israel could be excluded from another meeting of an anti-terror forum that we in the United States chair is beyond comprehension, especially one that focuses on victims of terrorism. At a time when Romney is challenging the administration's record on U.S.-Israel relations, this error stands out."

First of all, Mr. Block, no one failed here. Obama succeeded beyond his wildest dreams.

Later in the article:

Jonathan Schanzer, vice president for research at the Foundation of Defense of Democracies, said, "What we're seeing is a trend of Israel being left out of the global discussion on terrorism, while Israel was extremely helpful during the beginning stages of this conversation. The Obama administration is downplaying the struggle that Israel has been enduring. I believe to a certain extent this is due to regional politics, and it's disconcerting to see this change. It just looks like a quiet effort to downplay the issue."

The State Department would not answer questions about the matter.

Pretty tragic how this State Department, how this administration could continue to exclude Israel from counterterrorism discussions about countries who have been victims of terrorism.

Here is an interesting additional article. We had another hearing today in one of our Judiciary Committees. It caused us to think again about Fast and Furious, never far from your mind when you know there are guns out there still being used to kill innocent people that were put there, forced there, by this administration. This article, dated July 6 from Deroy Murdock, National Review Online—and I'm not going to read the whole article, but a significant part is important to note.

Mr. Murdock writes:

While Brian Terry is the most visible victim of this notorious policy, he is not its sole casualty.

On February 15, 2011, U.S. Immigration and Customs Enforcement agent Jaime Zapata, 32, was shot mortally in San Luis Potosi, Mexico. Members of Los Zetas drug gang also hit ICE agent Victor Avila in that ambush, although not fatally. This assault involved a rifle purchased in Dallas in another Obama administration "gunwalking" escapade.

Largely overlooked is this plan's calamitous impact on Mexico, its people, and U.S.-Mexican relations. Fast and Furious has spilled American blood. But south of the border, it has made blood gush like an oil strike.

"One of the things that's so offensive about this case is that our Federal Government knowingly, willfully, purposefully, gave the drug cartels nearly 2,000 weapons—mainly AK-47s—and allowed them to walk," Representative JASON CHAFFETZ told NBC News. These arms were supplied to lead Federal agents in Phoenix to the Mexican thugs who acquired them. Instead, Fast and Furious guns melted into Mexico without a trace.

And I add, parenthetically, because they were never intended to be followed. And that was clear.

Back to the article:

These weapons became invisible, but not silent.

The 300 Mexicans or so that have died as a result of this also deserve attention and what it's done to our American-Mexican relations needs great sympathy and heartfelt apologies.

With that, Mr. Speaker, I yield back the balance of my time.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 2061. An act to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 47 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, July 12, 2012, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6832. A letter from the Secretary of the Commission, Commodity Futures Trading Commission, transmitting the Commission's final rule — Customer Clearing Documentation, Timing of Acceptance for Clearing, and Clearing Member Risk Management; Core Principles and Other Requirements for Designated Contract Markets; Correction (RIN: 3038-0092, -0094) received June 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6833. A letter from the Secretary, Commodity Futures Trading Commission, transmitting the Commission's final rule — Swap Data Recordkeeping and Reporting Requirements: Pre-Enactment and Transition Swaps [3038-AD48] received June 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6834. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final

rule — Highly Pathogenic Avian Influenza [Docket No.: APHIS-2006-0074] (RIN: 0579-AC36) received June 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6835. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of Tomatoes From the Economic Community of West African States Into the Continental United States [Docket No.: APHIS-2011-0012] (RIN: 0579-AD48) received June 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6836. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Cyflufenamid; Pesticide Tolerances [EPA-HQ-OPP-2009-0029; FRL-9352-5] received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6837. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Propiconazole; Pesticide Tolerances [EPA-HQ-OPP-2011-0397; FRL-9350-9] received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6838. A letter from the Chairman, Board Governors of the Federal Reserve System, transmitting Annual Report to the Congress on the Presidential \$1 Coin Program; to the Committee on Financial Services.

6839. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Ireland pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6840. A letter from the Chairman President, Export-Import Bank, transmitting the Bank's report on export credit competition and the Export-Import Bank of the United States for the period January 1, 2011 through December 31, 2011; to the Committee on Financial Services.

6841. A letter from the Chairman, Appraisal Subcommittee, Federal Financial Institutions Examination Council, transmitting the 2011 Annual Report of the Appraisal Subcommittee, pursuant to 12 U.S.C. 3332; to the Committee on Financial Services.

6842. A letter from the Secretary, Department of Health and Human Services, transmitting Review of HIV Program Effectiveness, pursuant to 42 U.S.C. 300ff-87a Public Law 111-87, section 2688(c); to the Committee on Energy and Commerce.

6843. A letter from the Chief Executive Officer, Anti-Doping Agency, transmitting the Agency's 2011 Annual Report and Financial Audit; to the Committee on Energy and Commerce.

6844. A letter from the Administrator, Department of Energy, transmitting a report entitled "The Availability and Price of Petroleum and Petroleum Products Produced in Countries Other than Iran"; to the Committee on Energy and Commerce.

6845. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Irradiation in the Production, Processing, and Handling of Food [Docket No.: FDA-2007-F-0390] (Formerly 2007F-0115) received June 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6846. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agen-

cy's final rule — Approval and Promulgation of Air Quality Implementation Plans; Ohio; Regional Haze [EPA-R05-OAR-2011-0329; FRL-9683-4] received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6847. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Indiana; Volatile Organic Compounds; Consumer Products [EPA-R05-OAR-2010-1050; FRL-9690-3] received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6848. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Designation of areas for Air Quality Planning Purposes; Missouri and Illinois; St. Louis Nonattainment area; Determination of Attainment by Applicable Attainment Date for the 1997 Annual Fine Particulate Standards [EPA-R07-OAR-2011-0627; FRL-9692-8] received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6849. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Louisiana; Regional Haze State Implementation Plan [EPA-R06-OAR-2008-0510; FRL-9692-3] received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6850. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; State of Georgia; Regional Haze State Implementation Plan [EPA-R04-OAR-2010-0936; FRL-9696-1] received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6851. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Louisiana: Final Authorization of State Hazardous Waste Management Program Revision [EPA-R06-RCRA-2012-0367 FRL-9692-7] received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6852. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the California State Implementation Plan, Mojave Desert Air Quality Management District (MDAQMD) and Yolo-Solano Air Quality Management District (YSAQMD) [EPA-R09-OAR-2012-0027; FRL-9686-6] received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6853. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Withdrawal of Direct Final Rule Revising the California State Implementation Plan, South Coast Air Quality Management District [EPA-R09-OAR-2012-0236; FRL-9609-9] received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6854. A letter from the Chief of Staff, Media Bureau, Federal Communications Commission, transmitting the Commission's final rule — Carriage of Digital Television Broadcast Signals: Amendment to Part 76 of the

Commission's Rules [CS Docket: 98-120] received June 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6855. A letter from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform-Mobility Fund [WC Docket No.: 10-90] [GN Docket No.: 09-51] [WC Docket No.: 07-135] [WC Docket No.: 05-337] [CC Docket No.: 01-92] [CC Docket No.: 96-45] [WC Docket No.: 03-109] [WT Docket No.: 10-208] received June 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6856. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-19, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6857. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of the Understandings Reached at the 2011 Australia Group (AG) Plenary Meeting and other AG-Related Clarifications to the EAR [Docket No.: 120112039-2176-03] (RIN: 0694AF45) received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6858. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "District of Columbia Agencies' Compliance with Fiscal Year 2011 Small Business Enterprise Expenditure Goals", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

6859. A letter from the Auditor, Office of the District of Columbia Auditor, transmitting copy of the report entitled "District of Columbia Agencies' Compliance with Fiscal Year 2011 Small Business Enterprise Expenditure Goals", pursuant to D.C. Code section 47-117(d); to the Committee on Oversight and Government Reform.

6860. A letter from the Secretary, Department of Education, transmitting the forty-sixth Semiannual Report to Congress on Audit Follow-up, covering the six month period ending March 31, 2012 in compliance with the Inspector General Act Amendments of 1988; to the Committee on Oversight and Government Reform.

6861. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6862. A letter from the Accounting Manager, Accounting Policy and External Reporting, Federal Home Loan Bank of Des Moines, transmitting the 2011 management report and statements on system of internal controls of the Federal Home Loan Bank of Des Moines, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

6863. A letter from the President and Chief Executive Officer, Federal Home Loan Bank of Indianapolis, transmitting the 2011 Statements on System of Internal Controls of the

Federal Home Loan Bank of Indianapolis, pursuant to 31 U.S.C. 9106; to the Committee on Oversight and Government Reform.

6864. A letter from the Acting Director, Office of Government Ethics, transmitting the Office's final rule — Executive Branch Qualified Trusts (RIN: 3209-AA00) received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6865. A letter from the Director, Office of Personnel Management, transmitting the Office's Federal Equal Opportunity Recruitment Program Report for Fiscal Year 2011, pursuant to 5 U.S.C. 7201(e); to the Committee on Oversight and Government Reform.

6866. A letter from the Secretary, Secretary of Education, transmitting the sixty-fourth Semiannual Report to Congress of the Office of the Inspector General for the period October 1, 2011, through March 31, 2012; to the Committee on Oversight and Government Reform.

6867. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Recreational Management Measures for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2012 [Docket No.: 120321208-2076-02] (RIN: 0648-BC07) received June 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6868. A letter from the Clerk, Court of Appeals, transmitting an opinion of the United States Court of Appeals for the Fourth Circuit, Ganess Maharaj, No. 11-1747 (June 14, 2012); to the Committee on the Judiciary.

6869. A letter from the Attorney General, Department of Justice, transmitting notification that the Department has determined not to file a petition for a writ of certiorari in *Al Haramain Islamic Foundation, Inc. v. US Dep't of Treasury*, No. 10-35032 (9th Cir. Feb. 27, 2012); to the Committee on the Judiciary.

6870. A communication from the President of the United States, transmitting notification of the designation of Irving A. Williamson as Chairman of the United States International Trade Commission, for the term expiring June 16, 2014, pursuant to 19 U.S.C. 1330(c)(1); to the Committee on Ways and Means.

6871. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting the June 2012 Report to Congress: Medicare and the Health Care Delivery System; jointly to the Committees on Energy and Commerce and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 3862. A bill to impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof, and for other purposes; with an amendment (Rept. 112-53). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1996. A bill to amend titles 5 and 28, United States Code, with respect to

the award of fees and other expenses in cases brought against agencies of the United States, to require the Administrative Conference of the United States to compile, and make publicly available, certain data relating to the Equal Access to Justice Act, and for other purposes; with an amendment (Rept. 112-594). Referred to the Committee of the Whole House on the state of the Union.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committees on Oversight and Government Reform, Science, Space, and Technology, the Judiciary, and Intelligence (Permanent Select) discharged from further consideration of H.R. 3674.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XIII, bills and reports were delivered to the Clerk for printing, bills referred as follows:

Mr. KING of New York: Committee on Homeland Security. H.R. 3674. A bill to amend the Homeland Security Act of 2002 to make certain improvements in the laws relating to cybersecurity, and for other purposes; with an amendment (Rept. 112-592, Pt. 1); referred to the Committee on Energy and Commerce for a period ending not later than September 21, 2012, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(f) of rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FLAKE (for himself and Mr. CHAFFETZ):
H.R. 6098. A bill to amend the Federal Crop Insurance Act to immediately reduce crop insurance premium subsidy rates from the higher subsidies provided since the Agricultural Risk Protection Act of 2000; to the Committee on Agriculture.

By Mr. CARNAHAN (for himself, Mr. POLIS, Mr. HONDA, and Mr. HINCHEY):
H.R. 6099. A bill to amend the Public Works and Economic Development Act of 1965 with respect to grants for economic adjustment, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRALEY of Iowa:
H.R. 6100. A bill to amend the Internal Revenue Code of 1986 to provide a temporary extension of the 2001 and 2003 tax cuts for the middle class, and for other purposes; to the Committee on Ways and Means.

By Ms. CHU (for herself, Mr. RANGEL, Ms. LORETTA SANCHEZ of California, Mr. FILNER, and Mr. JONES):

H.R. 6101. A bill to amend title 38, United States Code, to improve educational counseling opportunities for veterans, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GERLACH (for himself and Mr. KIND):

H.R. 6102. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for small businesses, and for other purposes; to the Committee on Ways and Means.

By Ms. HOCHUL:

H.R. 6103. A bill to amend title XI of the Social Security Act to increase fines and penalties for Medicare fraud to augment Medicare fraud enforcement activities, such as the Health Care Fraud and Enforcement Action Team (HEAT) program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RICHMOND:

H.R. 6104. A bill to provide a temporary extension for the middle class of certain tax relief enacted in 2001, 2003, and 2009; to the Committee on Ways and Means.

By Mr. STIVERS (for himself and Mr. CARSON of Indiana):

H.R. 6105. A bill to amend the Federal Home Loan Bank Act to allow non-Federally insured credit unions to become members of a Federal Home Loan Bank; to the Committee on Financial Services.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. FLAKE:

H.R. 6098.

Congress has the power to enact this legislation pursuant to the following:

The ability to regulate interstate commerce pursuant to Article I, Section 8, Clause 3.

By Mr. CARNAHAN:

H.R. 6099.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 1. "All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and a House of Representatives."

By Mr. BRALEY of Iowa:

H.R. 6100.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution.

By Ms. CHU:

H.R. 6101.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to Article I, Section 8.

By Mr. GERLACH:

H.R. 6102.

Congress has the power to enact this legislation pursuant to the following:

Clause 1 of Section 8 of Article I of the United States Constitution.

By Ms. HOCHUL:

H.R. 6103.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the U.S. Constitution.

By Mr. RICHMOND:

H.R. 6104.

Congress has the power to enact this legislation pursuant to the following:

This bill is introduced pursuant to the powers granted to Congress under the General Welfare Clause (Art. 1 Sec. 8 Cl. 1), the Commerce Clause (Art. 1 Sec. 8 Cl. 3), and the Necessary and Proper Clause (Art. 1 Sec. 8 Cl. 18).

Further, this statement of constitutional authority is made for the sole purpose of compliance with clause 7 of Rule XII of the Rules of the House of Representatives and shall have no bearing on judicial review of the accompanying bill.

By Mr. STIVERS:

H.R. 6105.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 178: Mr. AKIN.
H.R. 210: Mr. CONYERS and Mr. SABLAN.
H.R. 303: Mr. YODER and Mr. AKIN.
H.R. 451: Mr. AUSTIN SCOTT of Georgia and Mr. CARSON of Indiana.
H.R. 459: Ms. HAYWORTH.
H.R. 546: Mr. WOMACK.
H.R. 631: Mr. LARSEN of Washington.
H.R. 733: Mr. GUINTA, Mr. CRITZ, and Mr. RIBBLE.
H.R. 735: Mr. LANKFORD.
H.R. 835: Mr. LATHAM.
H.R. 860: Mr. BACHUS.
H.R. 890: Mr. FINCHER and Mr. RENACCI.
H.R. 904: Mr. OWENS.
H.R. 905: Mr. BARROW, Mrs. CAPPS, and Mr. LARSON of Connecticut.
H.R. 998: Mr. KIND.
H.R. 1006: Mr. SHIMKUS.
H.R. 1044: Mrs. ROBY.
H.R. 1063: Mr. YOUNG of Indiana.
H.R. 1111: Mr. GRAVES of Georgia, Mr. MULVANEY, Mr. POSEY, and Mr. WALSH of Illinois.
H.R. 1236: Ms. HAYWORTH and Mr. CRENSHAW.
H.R. 1244: Mr. HECK.
H.R. 1307: Mr. MCKEON.
H.R. 1370: Mr. BILIRAKIS.
H.R. 1410: Mr. OLSON.
H.R. 1449: Ms. DEGETTE.
H.R. 1464: Mr. MILLER of Florida.
H.R. 1478: Mr. NEAL.
H.R. 1546: Ms. CHU.
H.R. 1592: Mr. FITZPATRICK.
H.R. 1672: Mr. HIMES, Ms. DELAURO, Ms. NORTON, Mr. LOBIONDO, Mr. LARSON of Connecticut, and Mr. BOSWELL.
H.R. 1681: Mr. BISHOP of New York.
H.R. 1775: Mr. COURTNEY, Mr. AKIN, Mr. BACHUS, Mr. RIGELL, Mr. ROGERS of Alabama, Mr. AUSTRIA, Mr. NUNNELEE, Mr. WITTMAN, Ms. HAYWORTH, Mr. ROSKAM, Mr. FITZPATRICK, and Mr. YODER.
H.R. 1955: Mr. CONNOLLY of Virginia.
H.R. 2032: Mr. HIMES, Mr. JOHNSON of Ohio, and Mr. MCKEON.
H.R. 2051: Mr. REED.
H.R. 2155: Mr. MORAN.
H.R. 2353: Ms. DELAURO.
H.R. 2382: Mr. PERLMUTTER.
H.R. 2479: Mr. RICHMOND.
H.R. 2492: Mr. MCKEON.
H.R. 2569: Ms. HAYWORTH.
H.R. 2655: Mr. CARNAHAN.
H.R. 2672: Mr. ENGEL.

H.R. 2697: Mr. DEUTCH.
H.R. 2794: Mr. FILNER and Mr. CARNAHAN.
H.R. 2962: Ms. BONAMICI.
H.R. 2969: Ms. TSONGAS and Mr. HOLDEN.
H.R. 2992: Mr. POE of Texas.
H.R. 3187: Mr. CRITZ.
H.R. 3252: Ms. HAYWORTH.
H.R. 3307: Mr. WALZ of Minnesota.
H.R. 3356: Mr. POSEY.
H.R. 3387: Mr. LOBIONDO.
H.R. 3395: Mr. JONES and Mr. GUTHRIE.
H.R. 3458: Mr. CANSECO and Mr. LATHAM.
H.R. 3496: Mrs. CAPPS and Mr. BLUMENAUER.
H.R. 3526: Mr. DOLD and Mrs. LOWEY.
H.R. 3612: Ms. ROS-LEHTINEN.
H.R. 3634: Mr. UPTON, Mr. MULVANEY, Mr. WALBERG, and Mr. WALSH of Illinois.
H.R. 3658: Mr. SHIMKUS.
H.R. 3761: Ms. SCHAKOWSKY.
H.R. 3767: Mrs. NAPOLITANO and Mr. HIMES.
H.R. 3783: Mr. FITZPATRICK.
H.R. 3798: Mr. SCOTT of Virginia, Ms. TSONGAS, Ms. BASS of California, Ms. LORETTA SANCHEZ of California, and Mr. PASTOR of Arizona.
H.R. 3821: Mr. LEWIS of Georgia.
H.R. 3861: Mr. UPTON.
H.R. 3862: Mrs. BLACK.
H.R. 3877: Ms. HAYWORTH.
H.R. 4035: Mr. PASCRELL.
H.R. 4055: Mr. KILDEE and Mr. LIPINSKI.
H.R. 4066: Ms. SLAUGHTER.
H.R. 4078: Mrs. BLACK.
H.R. 4100: Ms. HANABUSA.
H.R. 4122: Mr. TIERNEY.
H.R. 4169: Ms. BONAMICI.
H.R. 4221: Mr. SCHOCK.
H.R. 4235: Mr. STIVERS and Mr. RENACCI.
H.R. 4248: Mr. CONNOLLY of Virginia.
H.R. 4271: Mr. HASTINGS of Florida.
H.R. 4318: Mrs. MALONEY.
H.R. 4336: Ms. HERRERA BEUTLER.
H.R. 4344: Mr. COHEN.
H.R. 4720: Mr. BISHOP of New York.
H.R. 4965: Mr. BACHUS.
H.R. 5381: Mr. WALSH of Illinois and Mr. GARDNER.
H.R. 5542: Mr. LATOURETTE, Mr. PALLONE, and Ms. HOCHUL.
H.R. 5647: Mr. FRANK of Massachusetts, Mr. HOLT, Ms. BASS of California, Mr. BLUMENAUER, Mr. GUTIERREZ, Mr. HIMES, and Ms. BORDALLO.
H.R. 5713: Mr. MCINTYRE.
H.R. 5816: Mr. LARSEN of Washington.
H.R. 5846: Mr. MICA.
H.R. 5850: Mr. LAMBORN.
H.R. 5911: Ms. HAYWORTH, Mr. SHUSTER, and Mr. OLSON.
H.R. 5924: Mr. COFFMAN of Colorado.
H.R. 5925: Mrs. NOEM.
H.R. 5942: Mr. ROSKAM and Mr. BARROW.
H.R. 5943: Mr. SHUSTER.
H.R. 5944: Mr. HASTINGS of Florida, Ms. NORTON, and Ms. FUDGE.
H.R. 5953: Mr. JORDAN.
H.R. 5955: Mr. FILNER.
H.R. 5962: Mr. BLUMENAUER, Mr. HOLT, and Ms. ESHOO.
H.R. 5976: Mr. SCHIFF.
H.R. 5978: Mr. CICILLINE.
H.R. 6000: Mrs. ELLMERS.
H.R. 6012: Mr. LEWIS of California, Mrs. HARTZLER, Mr. RYAN of Ohio, Mr. MANZULLO, Mr. HUNTER, Mr. BARTON of Texas, Mr. CICILLINE, Mr. MICHAUD, Mr. MARCHANT, Mr. BURGESS, Mr. NEAL, and Mr. KING of New York.
H.R. 6025: Mr. SCHWEIKERT.
H.R. 6034: Mr. BOSWELL.
H.R. 6046: Ms. LEE of California, Ms. NORTON, Mr. COURTNEY, Mr. HINCHEY, Mr. GEORGE MILLER of California, and Mr. DEUTCH.

H.R. 6085: Mr. LANCE.
H.R. 6089: Mr. BISHOP of Utah.
H.R. 6094: Mr. GALLEGLY.
H.R. 6097: Mr. CRAVAACK, Mr. BOUSTANY, Mr. CONAWAY, Mr. CARTER, Mr. BARLETTA, Mr. RIVERA, Mr. CASSIDY, Mrs. BACHMANN, and Mr. STEARNS.
H.J. Res. 111: Mr. HIMES and Mr. FILNER.
H. Con. Res. 116: Mrs. NOEM, Ms. MCCOLLUM, Mr. SCHOCK, Mr. MARINO, and Mr. LATHAM.
H. Con. Res. 129: Mr. RUNYAN.
H. Res. 134: Mr. SCALISE.
H. Res. 397: Mr. JACKSON of Illinois.
H. Res. 484: Mr. JONES.

H. Res. 618: Mr. HALL, Mr. PASCRELL, and Mr. CONNOLLY of Virginia.
H. Res. 652: Ms. MCCOLLUM and Mr. BUTTERFIELD.
H. Res. 672: Ms. HIRONO.
H. Res. 695: Mr. COFFMAN of Colorado.
H. Res. 705: Mr. GENE GREEN of Texas, Mr. MICHAUD, Mr. CLARKE of Michigan, Mr. CICILLINE, and Mr. MURPHY of Pennsylvania.
H. Res. 709: Mr. DINGELL.
H. Res. 714: Mr. FALEOMAVEGA, Mr. FARR, Mr. LEVIN, and Mr. STARK.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative TONKO, or a designee, to H.R. 4402, the National Strategic and Critical Minerals Production Act of 2012, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.

SENATE—Wednesday, July 11, 2012

The Senate met at 9:30 a.m. and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer.

Let us pray.

Lord, You illuminate our lives with Your presence and protect us from danger. You keep us from stumbling and falling. In the fret and fever of these challenging times, thank You for this quiet moment when we can lift our hearts to You. Today, make the highest incentive of our Senators be not to win over one another but to win with one another by doing Your will for all. Lord, make them faithful agents who are determined to bring Your purposes to pass. Correct their mistakes, redeem their failures, confirm their right actions, and crown their day with the blessing of Your approval.

We pray in Your loving Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 11, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SMALL BUSINESS JOBS AND TAX RELIEF ACT—MOTION TO PROCEED

Mr. REID. Madam President, what is the matter now before the Senate?

The ACTING PRESIDENT pro tempore. The motion to proceed to S. 2237.

SCHEDULE

Mr. REID. Madam President, the next hour will be equally divided between the two leaders or their designees. The Republicans will control the first half, the majority will control the final half.

We are hopeful we will be able to agree to the motion to proceed to S. 2237, the Small Business Jobs and Tax Relief Act, today.

MEASURE PLACED ON THE CALENDAR—S. 3369

Mr. REID. Madam President, I am told that S. 3369 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for the second time.

The legislative clerk read as follows:

A bill (S. 3369) to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, super PACs, and other entities, and for other purposes.

Mr. REID. I object to any further proceedings with respect to this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar.

TAX CUTS

Mr. REID. Madam President, over the last few years Americans who are very wealthy have taken home a greater share of the Nation's income since the 1920s. That is 90 years. A larger percentage of what is out there the rich are getting. The rich are getting richer and the poor are being squeezed, as are the middle class. The rich are doing well.

But while the bank accounts of a few fortunate Americans have grown, their tax bills have not. The wealthiest Americans now pay the lowest tax rates in more than 50 years.

While this generous Tax Code has been good for their bottom lines, it hasn't been good for America's bottom line. Hundreds of billions of dollars in tax cuts—some say more than \$1 trillion—have been handed out disproportionately to the rich by the previous administration, fueling skyrocketing deficits and a growing national debt.

Democrats and Republicans alike agree that we have to reduce the deficit and rein in the debt. Unfortunately, the same Republicans who say we have to get our fiscal house in order also claim millionaires and billionaires

cannot afford to contribute even a tiny bit more and share the effort that is before this country.

These same Republicans say multi-millionaires such as Mitt Romney need lower taxes—even lower than the only tax return we have been able to see of Governor Romney, which showed his rate at 16 percent. We don't know what is in the other tax returns he should have made public. Tax returns were made public by his father, who started it, and everyone who has run for President since then has followed him. George Romney set an example that his son should follow. We want to know what is in those tax returns he refuses to show the American public. Did he pay any taxes?

Well, I suggest to everybody that Mitt Romney doesn't need another tax break. In fact, he has so much money that he doesn't even know where it is all located—Switzerland, Cayman Islands, Bermuda? No wonder he doesn't want America to see his tax returns.

Mitt Romney is doing fine, and so are the other millionaires and billionaires. It is the middle class I am worried about, not the very wealthy.

We all know times have been tough the last few years for ordinary Americans who are struggling to keep a roof over their head and food on the table. That is the literal truth. The last thing they can afford now is a tax increase. That is why Democrats want to keep taxes low for 98 percent of Americans, including almost 98 percent of small businesses—everyone making less than \$250,000 a year. But while Democrats are focused on how we can help 98 percent of Americans, Republicans are focused on how they can help Mitt Romney and the rest of the top 2 percent. They are willing to hold tax cuts for everyone hostage to protect tax breaks for that top 2 percent.

Democrats don't agree the top 2 percent of wage earners can't afford to pay the same tax rate they paid when Bill Clinton was President. Remember, that was when the budget was balanced and we were paying down the debt. Some claimed they were paying down the debt too quickly. The years of the Bush administration took care of that, when the \$7 trillion surplus over 10 years was wiped out.

Still we are willing to debate that with our Republican colleagues, and we are willing to discuss it reasonably. But we don't believe middle-class families should wait and wonder, watch and worry whether their taxes are about to go up while Congress has that conversation. We should not wait until the last second to act.

Here is what one major newspaper wrote yesterday about the need to act:

The majority of Americans, and the broader economy, should not be held hostage again to another debate over the merits of tax cuts for the wealthy. . . . There will never be consensus for solving our nation's budget problems without first ending the lavish tax breaks at the top.

I call on my Republican colleagues to help us give 98 percent of American families the certainty and the security they need, and to do it now, right away. I call on them to help us pass a tax cut that will benefit the middle class without bankrupting our Nation.

It is time we faced facts. If we are serious about reducing the deficit, we cannot keep handing out more tax breaks to the richest of the rich. We will have to make difficult decisions about where to cut and invest to keep our Nation strong.

But whether we keep taxes low for middle-class families should not be one of the difficult decisions we make. I haven't heard one person—Democrat, Republican, or Independent—say we should raise taxes on middle-class families. This is an area where we can easily find common ground. So what is stopping us from doing what is right and doing it now? I hope it won't be more Republican hostage-taking on behalf of the top 2 percent.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

RAISING TAXES

Mr. McCONNELL. Madam President, earlier this week President Obama reiterated his desire to raise taxes on small businesses earning over \$250,000 a year. I and all of my Republican colleagues oppose this tax hike for the same reason the President himself opposed it 2 years ago—because raising taxes would only make a bad economy worse.

But here it comes again—sort of like a bad penny—the liberal crusade for more government, regardless of the circumstances, the impact it would have on working Americans or the broader economy.

On Monday the President issued the following reckless ultimatum: Let me raise taxes on about 1 million business owners, and I promise I won't raise taxes on everybody else.

In the face of 41 straight months of unemployment above 8 percent, the President is begging Congress to let him raise taxes on the very businesses the American people are counting on to create jobs.

It is the exact opposite, of course, of what is needed. For some reason, he thinks a tax hike is his ticket to reelection. He says it is fair.

Well, I don't think most Americans think it is particularly fair for a government that doesn't do a thing to live within its means to take more money

away from those who have worked and sacrificed to earn it, only to waste it on some solar company or on one more government program we can't afford.

We have seen this movie too many times in the past. Frankly, we don't have the luxury to waste any more time arguing about a question that is already settled for most people. The problem here isn't that the government taxes too little but that it spends too much.

What the American people need right now isn't a lecture on fairness; they would like to have some certainty. That is why today I am going to call on the Senate to provide just that. I have already called for a 1-year extension of all the current income tax rates.

Today I will go further by asking consent that we set up two votes in the Senate: one on the President's proposal to raise taxes on nearly 1 million business owners in the middle of the worst economic recovery in modern times, and another that would extend current income tax rates for 1 year and task the Finance Committee to produce a bill that would enact fundamental, pro-growth tax reform.

It has been over a quarter century since we last did comprehensive tax reform. We all agree, on a bipartisan basis, that we need to do it again.

The Senate should make itself clear which policy it supports, and this is our chance to do it.

On Monday, the President said if the Senate passes this tax hike on small businesses, he would sign it right away. That is what he said 2 days ago, on Monday. I can't see why our friends on the other side would not want to give him the chance.

With that, I ask unanimous consent that at 2 p.m. today the motion to proceed to S. 2237 be adopted, and that the first two amendments in order to the bill be the Hatch-McConnell amendment No. 2491, which would provide for the extension of current rates while we work on tax reform, and a Reid or designee amendment to enact the President's proposal, which, as I have said, would impose job-killing tax hikes on nearly 1 million businessowners.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Madam President, reserving the right to object, we have been here before. We try to legislate here, and the program of the Republicans in the Senate has been to divert, deny, and obstruct.

I asked the Chair when we started what we were doing here, and we are on a small business jobs bill. It is extremely important legislation. It would give small businesses across America—small businesses with less than 500 employees—and that is where most jobs are created—a 10-percent tax credit for hiring more people, and it would also give them the ability, this year, to purchase equipment and write that off. It would be great for the economy.

We are told by outside experts that it would create about a million jobs. What we have before us is something that the Republicans in the House have sent us. It is their version of this. It is the "help Paris Hilton" legislation. It would give people like her a tax break for doing nothing—\$46 billion of the American people's money to help Paris Hilton and others. It would give people a tax break for doing nothing—nothing. And for my friend the Republican leader to talk about small businesses being hurt with the proposal of the President—that is not true. As I said in my opening statement, 98 percent of the American people would have the benefit of that tax benefit, and 97½ percent of small businesses would benefit.

So we are in the situation where my friend talks about the fact that we have not had enough job creation, and I acknowledge that. Certainly that is true, and the President acknowledges that. But you see, we have kind of a hole to pull ourselves out of. During the prior 8 years, 8 million-plus jobs were lost, and we have filled that hole more than halfway, with 4½ million new jobs being created. We have had 28 months of private sector job growth—28 months in a row. So we are making progress, but we have a long way to go.

Madam President, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Republican leader.

Mr. McCONNELL. Let me simplify this for everybody. On Monday the President asked that we have the vote I have just offered to the majority. We have a clear contrast here. We have 41 straight months of unemployment over 8 percent. If this is a recovery, it is the most tepid recovery in modern times. The President's solution to that is to raise taxes on about 1 million small business owners, representing about 53 percent of small business income and up to 25 percent of the workforce.

We are on a different bill that my friend the majority leader is talking about, that I understand would be slipped by the House in any event. Clearly, what we are doing this week is having a political discussion, not seriously legislating. So my recommendation is that we give the President what he asked for. He wants to have a vote on raising taxes on individuals making over \$250,000 a year, which, of course, includes almost 1 million small businesses that pay taxes as individuals, not as corporations—they are either S corps or LLCs—the most successful small businesses in America, in fact. That is a vote we welcome. It is a vote the President is asking for, and it is a vote I just asked for.

Senator HATCH, our leader on the Finance Committee, here on the floor right behind me today, has advocated that we extend the current tax rates for 1 year—the same thing the President, I would say to my friend from

Utah, wanted to do 2 years ago, at that time arguing it would be bad for the economy not to do that. And the growth then was actually better than it is now. We think we ought to vote on that. It would give Senator HATCH and Senator BAUCUS and the people on the Finance Committee a year to work us through comprehensive tax reform. Again, it has been a quarter of a century since we have done that.

Why not have those votes today? That is what my consent agreement is about. I am a little surprised we are not willing to give the President what he asked for, which is a vote on a clear distinction for the American people so they can understand how the two sides look at this important issue. It could not be more clear.

Madam President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Madam President, the American people are seeing again—again and again and again—the scores of times during the last 18 months that we have engaged in a filibuster. As I said earlier, it is a way to divert attention from what we are doing today—to obstruct. As is indicated in the Oxford English Dictionary, a filibuster is an act which obstructs progress in a legislative assembly; to practice obstruction. That is what is going on today.

Now, why shouldn't we pass this bill that is before the body today? It would create 1 million jobs and give small businesses—not Paris Hilton but small businesses—across America today a tax credit for hiring more people and allow them to write off what they purchase, which would create more jobs.

So we have here a big Las Vegas neon sign flashing on and off saying: Grover Norquist has won again.

To the people out there watching who might be wondering who Grover Norquist is, remember, he is this guy who goes to the Republicans and asks if they would be kind enough to sign a pledge for him that does what he wants them to do and not what the American people want, which is that they will not tax the rich at all, not even a tiny bit. He says: Sign this pledge, will you? Of course they all sign. But the American people—Democrats, Independents, and Republicans—agree that the richest of the rich should pay a little bit more.

But we are now involved in a filibuster to divert attention away from an important piece of legislation. Let's pass this legislation. We will have this tax debate. We will be happy to do that, but let's get this done first. As most people know, I appreciate my friend the Republican leader. I know he has a job to do. But let's get away from this pledge, and let's start legislating and not have to break filibusters on virtually everything we do.

The ACTING PRESIDENT pro tempore. The Republican leader.

Mr. MCCONNELL. Madam President, I think we have witnessed here a new definition of a filibuster. My good friend the majority leader, I gather, is accusing me of filibustering when I am trying to get a vote—not one but two votes—on what he says he is for, what the President says he is for, and a vote on what Republicans are for. So we have here a brandnew definition of a filibuster. Even when you are trying to get votes and they are objected to by the other side, somehow that is a filibuster.

Now, my good friend talks about what would help small businesses. I think we ought to ask them would they prefer the underlying bill, which the majority leader has called up and we have voted to proceed to, or would they prefer not to have their taxes go up at the end of the year? Talk about a no-brainer. I don't think there is any question what small businesses would rather have.

But we are certainly not filibustering. We enjoy discussing our differences of opinion on the tax issue. There couldn't be anything more important to the American people if we are going to get this economy going again. And certainly trying to set up two votes—No. 1 on what the President is asking for and No. 2 on what Republicans think is a better alternative—could not, in my view, be the definition of a filibuster.

So Senator HATCH is here—and obviously the majority leader can speak again if he wishes—and he is going to address the matter as well, but I wish to thank him again for his conspicuous leadership on the Finance Committee. We are looking to him to work us through this comprehensive tax reform matter again next year. It is going to be extremely important for the country, and I thank him for his good work.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. REID. Madam President, when I came here this morning—I repeat for the third time—I asked what the business was before this body. It is the small business jobs bill. Of course, there has been a direct attack on that legislation by saying: Let's do something else. Let's not do this right now. Let's do something else.

I understand the definition of a filibuster. I understand it very clearly—from the Dutch, a “free booter,” one of a class of piratical adventurers who pillaged the Spanish colonies in the West Indies during the 17th century; one who engages in unauthorized and irregular warfare against a foreign state. They go on to say, in the United States, to obstruct progress in a legislative assembly; to practice obstructionism.

Yes, they are trying to, as the “free booters” here, steal legislation and move to something else. They will do anything they can, as my friend the Republican leader said at the beginning

of this Congress, to divert attention from the fact that President Obama should be reelected.

Madam President, I will end this debate soon. There will be other times to do this. But if Governor Romney came before this body to be a Cabinet officer, he couldn't get approved. He won't show anybody his income tax returns. So if he doesn't qualify to be a Cabinet officer, how could he qualify to be President? So let's debate the issues before us. We will get to the tax issues, and that way we will be able to talk in more detail about Governor Romney's taxes. But right now, before this body is the small business jobs bill.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

ORDER OF BUSINESS

Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half.

The Senator from Utah.

TAX CUTS

Mr. HATCH. Madam President, this is really an amazing moment, as far as I can see. Sometimes, for those watching on C-SPAN, the Senate, with its unique rulings, can seem like a pretty arcane place. The impact of unanimous consent requests is not something ordinary folks talk about, so let me put this in plain English.

The Senate's Republican leader has just made a remarkable offer to our friends on the other side, the Democrats. We hear all the time from the left that Republicans refuse to do anything in the Senate, which certainly is mind-boggling. Remember this episode the next time you hear that. My friend and colleague, the Senator from Kentucky and the Republican leader, MITCH MCCONNELL, presented this body with an opportunity to take a stand, to take a vote—two votes, as a matter of fact—to show the American people our cards on the most important issue facing this country: the coming fiscal cliff. In exchange for a vote on the amendment I introduced to extend all of the 2001 and 2003 tax relief for 1 year, the Republican leader agreed to a vote on the President's counteroffer that would increase taxes on families and small businesses. You heard that right. The Republican leader offered a vote on President Obama's plan to raise taxes, and the Democratic leader rejected this offer. That is mind-boggling to me. Senate Democratic leadership turned down an opportunity to vote on President Obama's tax increase bill—the bill he insists is the only acceptable way to address the fiscal cliff.

After today, all of the President's surrogates, if they are honest, will have to rewrite their talking points

about the do-nothing Republicans in the Senate. Senate Democratic leadership is effectively filibustering—and that is the real use of the term—President Obama's tax increase bill. Did everyone out there hear that? They are filibustering their own bill by not agreeing to equivalent votes here.

So what does that tell us? Here is what it tells us. It tells us that the President's tax increase plan is not just an economic disaster, it is a political loser, and they know it. It tells us that in spite of all the big talk from the President's Chicago reelection campaign about evil Republicans who want to extend all of the 2001 and 2003 tax relief, vulnerable Members of the Senate's Democratic conference do not want to be anywhere near the President's tax increase alternative. To borrow from the film "Top Gun," the President's campaign is writing checks that Senate Democrats can't cash or, as we westerners like to say, the President is all hat and no cattle. He is tipping his tax increase Stetson, but he doesn't have enough of a herd in the Senate to follow him.

Keep in mind that the Democratic leadership is not just filibustering the President's tax increase proposal, that leadership is also filibustering my tax relief proposal as well. And I suspect they are filibustering this amendment because they are afraid it would pass. Forty Democrats in this Chamber supported the extension of the 2001 and 2003 tax relief in 2010—40 Democrats—and they would probably do so again if they had a chance, so the Democratic leadership has decided to deny them that chance.

The President is asking for compromise. Well, he is looking at it. As the ranking member on the Senate Finance Committee, I have deep reservations about temporary tax policies. Temporary tax policy does not provide the certainty to small businesses and families that is necessary for long-term planning and investment. If a small business does not know what its tax bill is going to be next year, it is not going to be doing any hiring. We all understand that. So it is not surprising to me, with next year's tax rates up in the air, that we just saw the worst quarter of hiring in over 2 years.

But in the interest of preventing a tax increase that would further hamper the economy, I am willing to set aside the virtue of permanency for the time being.

My amendment would just extend the 2001 and 2003 tax relief for 1 year, and during that year we would work on doing what is right with regard to tax reform.

The amendment I have filed with my friend, the Republican leader, is in itself a compromise, but we have offered a further compromise. Fair is fair. We have our proposal: We want to keep taxes low for all Americans, par-

ticularly with our economy on the ropes. And the President has his proposal: He wants to raise taxes on small businesses, even as the prospects for economic growth and job creation look increasingly bleak.

So let's have these votes. Let's get it on the record. Our constituents sent us here to make hard choices. It is time to put our money where our mouth is.

If the President and his party think it is morally reprehensible to extend all of the 2001 and 2003 tax relief, then they should vote against it. If they think raising taxes is the way to go, then vote for the President's plan.

I wish I could say I was shocked, but this is just par for the course. We have been watching this now for a couple of years.

I know the hand-wringing Washington pundits like to blame Republicans for the lack of progress on the fiscal cliff, but this episode should show, once and for all, what a fiction that is. Republicans are ready to act. We are ready to vote. We can vote on my amendment to extend tax relief to all Americans and on the President's proposal to deny that tax relief to small businesses. We can do what our constituents sent us here to do—we can vote and let the better plan win. But the Democratic leadership, fearful of the embarrassing reality that their own conference has serious reservations about the President's tax-hiking agenda, is now filibustering their own bill, and they are now filibustering President Obama's signature tax policy.

Those who continue to talk about the President's reelection prospects in glowing terms need to reevaluate that fairly. President Obama thinks the ticket to his reelection runs through tax hike valley. He is going to succeed where Walter Mondale failed.

President Obama's signature economic policy is a promise to raise taxes on job creators when we are facing the 40th straight month of unemployment in excess of 8 percent. We don't need a sophisticated poll to figure out how popular this policy is in swing States or with Independents. Just look at what happened this morning. Republicans offered a vote on the President's plan, and Democrats balked at the opportunity.

Democrats are filibustering President Obama's signature domestic policy—a bill to increase taxes—and they are doing so because many members of their own conference know that a vote for these tax increases would sink them back home. They know that.

This is a pathetic spectacle made even more so by the fact that time is running short, the fiscal cliff is approaching, and families and businesses need to know what their tax rates will be next year. To date, the Senate's Democratic leadership has done absolutely nothing to provide that cer-

tainty. It is disgraceful what we are witnessing this morning. We need to put politics aside and have these votes.

I would renew the Republican leader's unanimous request and ask that we immediately proceed to debate and votes on my amendment to extend tax relief to all Americans and on the President's tax increase plan. President Obama seems to think he has a winning issue. It might be good for him, but delaying resolution of these tax rates is putting partisan goals ahead of the common good. The American people deserve better than this.

What is mind-boggling to me is for our leader to tie up the parliamentary tree so no real amendments can be voted on. And we offer him a vote on the President's proposal and he accuses us of filibustering when he refuses to allow that vote? Before that we would like to have a vote on our proposal for the 2001 and 2003 tax relief that we know needs to be effectuated. Then what really boggled my mind is when the leader talked in terms of the Republicans are filibustering? Give me a break.

We have asked for two major votes: one on the President's own proposal and the other on my proposal to extend those tax cuts for 1 more year, during which time both sides should come together, work together, compromise together, and come up with a new reformed Tax Code that doesn't continue to eat us alive.

I am absolutely amazed by what happened this morning.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore, The Senator from Indiana.

Mr. COATS. Madam President, I came down to the floor early to line up in the queue to talk about taxes and the proposal that has just been discussed.

I sat here in amazement as the Senator from Utah has just expressed, and as the minority leader expressed the redefinition of "filibuster." It was a tortured effort on the part of the majority leader to try to redefine it in a way that had just the opposite effect of what a filibuster really is.

I wish the majority leader had been at our caucus luncheon yesterday when we debated whether we would vote against the cloture motion to proceed on this bill. The consent of our caucus was, no; we welcome a debate on taxes. We welcome the opportunity to move forward and discuss our two visions of how we need to revive this economy.

So let's not use parliamentary tricks or a parliamentary procedure to avoid that debate and to avoid a vote on the President's proposal. We realized there was the opportunity for the majority leader to use parliamentary tricks and procedures in order to deny us the opportunity to offer our own version of what we thought we should do with our Tax Code and provisions, particularly

as it reflects this particular tax on small business, but we welcome the opportunity to come and debate that and work through it and, hopefully, make an offer that is acceptable.

So the minority leader came down here this morning and turned to the majority leader and said: We are going to give you your vote. We are not going to use parliamentary procedures to prevent you from having an opportunity to vote on your proposal, the President's proposal.

By some tortured way of opposing this, the majority leader essentially said: There you go again. Republicans are filibustering. I think we all just sat here with our mouths agape saying: Have we missed something? We are offering to give you your vote.

Now, it is clear this center aisle—not completely—divides us in terms of how we think we should go forward in dealing with this very sick and anemic economy. There is probably pretty close to a consensus that tax reform needs to be an essential part of what we need to do.

In a bipartisan way, Senator RON WYDEN, a Democrat from Oregon, and DAN COATS, a Republican from Indiana, have been working for 1½ years now on something that was started with Senator Gregg, who is now retired from distinguished service in the Senate but worked with Senator WYDEN for 2 years in putting a package together, a comprehensive tax reform package. It is the only plan out there that has been written, scored, and is available for debate and available to the tax-writing committees to use as a basis—or foundation or parts of it or all of it or whatever—in forming their own version to bring forward. But there is a bipartisan consensus that we ought to move forward on comprehensive tax reform.

Senator HATCH, our Republican leader in the Finance Committee—which is the committee responsible for writing that bill—has said piecemeal is not the way to go. Anybody who has analyzed our current situation understands that comprehensive tax reform is the best solution. But even Senator HATCH agreed, in this instance, given the situation we now face, he would accept going forward with a short-term proposal that would give us 1 year to put together a comprehensive tax reform package. The last one occurred in 1986, so long past time we overhaul the Tax Code. With all the credits and subsidies and additions and addendums to the current Tax Code, it is complex beyond anybody's ability to fully understand. And it isn't fair. It favors some at the expense of the many. In many cases, there are special credits and tax breaks that go to a single industry. So we need much more fairness across the board, and that is what Senator WYDEN and I attempt to do in our proposal.

The word "fairness" is thrown around here as a condemnation on the

Republican Party's ability to achieve bipartisan consent, but if we want to talk about fairness, let's talk about what just happened here. It was immminently fair for the minority leader to offer the Democrats a vote on the President's proposal. All we asked in return was an opportunity to present, debate and vote on our proposal.

What is amazing is that the Democratic Party controls the Senate. They have the votes to pass the President's proposal. So in the end, if they voted in unison with the President, their proposal wins. If we vote and we come up short, we lose.

Obviously, there must be a reason they don't want that vote. They don't want an alternative presented to them because they must fear they would lose votes on their side of the aisle for the President's proposal, and we would gain votes from them on our side. It has happened in the past, and apparently that is the decision they made.

But this torturous explanation of how this could be a Republican filibuster—if they can spin this one at the White House and at the press conference today, or if they can spin this through the press, they are not listening or understanding what is actually going on here.

What is going on here is a decided attempt by the majority leader to protect his party from having to take a vote for or against. If the American people want anything out of this body, and if they are disgusted with anything that comes out of this body, it is when people go home and say: Well, we didn't have a real vote on that. There was a procedural this or that and it got stopped here or modified there or the others tied up the legislative tree.

What in the world does that mean to most people outside of this body? They used some procedural way to avoid a real vote.

They want our yes to be yes and our no to be no, and we are offering to the Democratic leader that opportunity. Let your yes be yes and your no be no on the specific bill before us, and then go home and explain to your people why you voted yes or why you voted no. Then they can decide in this democratic process whether they want to send you back or send somebody else back for you.

The American people aren't getting that kind of clarity right now, and it is no wonder they are disgusted with Congress. It is 10:00 in the morning when we are talking about this. If they get a fair treatment in the press over what happened this morning, they will fully easily grasp and understand that what was proposed by the Republicans was nothing but fairness, and what was proposed by the other party was nothing but unfairness.

What could be more fair than giving each side, in a divided vision of how we should go forward, their opportunity to

debate what they believe in and to call a vote for it? Particularly from the party that has the votes to win and the party that has the votes not to win, why not have the vote? What have you got to lose? Unless you think you are going to lose your own people or not want to put them on the line for having a yes or a no recorded clearly before the American people.

I have diverted from what I was going to say this morning. I was just so amazed by what took place down here I could not help but comment on it.

We will see how this all gets spun out by the White House. We will see what is the next diversionary tactic they use to stop us from talking about the No. 1, No. 2, and No. 3 issue facing this country; that is, this anemic economy. Eighty thousand jobs? Only eighty thousand jobs created in June. People say we are on the right track? That doesn't even replace the number of people who are retiring, let alone add new jobs. How many college graduates this spring are living in the basement of their parents' home? That has happened now for more than 3 years. There are millions, 12.7 million people who woke this morning with no job to go to. There are many more who woke to go to jobs far below their abilities or training. So 80,000 jobs, let's put this in perspective. It is far below what we need just to break even, just to give anybody a new shot and a new chance.

We have had 3½ years of the policies of this administration which have not improved the situation and, in fact, some have said are making it worse. We all know we have come through a tough time. We all know just sticking the blame against one side or the other is not the solution. The solution is to find how to put sensible policies in place that will get this economy moving again. One of those policies is comprehensive tax reform.

Once again, I bring up the Wyden-Coats bill. It has been out there. It is written. It is scored. It is available to take up right now if that were the case, but because the tax-writing committees have the jurisdictional right to have a say and because it is a complex process, they would like some time to put it together.

The proposal of Senator HATCH, eminently fair, is to basically say let's not put a bandaid on the Tax Code now with something that is not going to make much difference at all and, in fact, we believe, will negatively impact small businesses around the country.

I had a small business group in my office yesterday basically saying the President only talks about the middle class. That is whom I hire, they say. That is who is working in our business. If they put a tax on me, the owner of the business, actually it is a tax on the business—the passthroughs, the non-corporations that exist here where, from a tax basis, everything flows

through to that individual taxpayer. They say I am the guy who owns the business. I am the guy who makes the decision on hiring. I am the guy who has to put the health care plan together. I am the guy who hires the people and pays the people. If government taxes me more, I do not have the same flexibility to hire, expand or buy equipment or expand my factory or hire more people.

Yes, the White House can go out and spin it like I am a rich guy, but because I have chosen a certain way in order to form my business—not as a corporation—I am taxed in an entirely different way than corporations. But if you go out and say we are giving the middle class a break—and we are hurting the people who employ the middle class and you are raising their taxes—you are hurting the middle-class people. The very people the President says he is trying to protect, he is hurting by raising this tax. The President himself said in his campaign and throughout his Presidency: The worst thing you can do is raise any taxes during a time of economic distress.

I do not care if you are Paul Krugman or if you are the most conservative economic analyst out there, there is a widespread consensus that the last thing you do is raise taxes at a time of a stagnant economy, a recessionary economy. It is the last thing you do.

DAN COATS just said that, respected economists on the left and right said that, and even the President of the United States said that as a candidate and throughout his Presidency. In 2010, the President said the last thing we should do is raise any taxes. Now he has turned around to say let's tax up to 1 million small businesses because obviously they can spin that and play that in what sounds like a politically opportune way.

It is a direct contradiction coming out of the mouth of the President, out of the mouths of others. It is simply an election year political class division ploy to divert from the miserable record under this administration, in terms of dealing with this economy. Frankly, if they know—we can hardly conclude anything, but they just do not know what they are doing. But even if they know what they are doing, their policies have not worked.

Whether it is Republicans or Democrats, if they have done something for 3½ years and it has not worked, isn't it time to look at a different set of policies? That is what we wanted to debate, but the majority leader is not allowing us to debate. In some excruciatingly, twisted way, he is saying Republicans are trying to prevent us from going forward. It boggles the mind.

I will stop with that and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

STOLEN VALOR ACT OF 2011

Mr. BROWN of Massachusetts. Madam President, I have enjoyed the previous speaker. It was very interesting.

I wish to shift gears and talk about S. 1728, the Stolen Valor Act of 2011. As many know, the Supreme Court recently struck down the Stolen Valor Act of 2011 by saying that lying about military awards, records, and service is protected by our first amendment rights. The Court has ruled. But let's be clear, it is wrong and cowardly for people to make fraudulent statements in order to receive distinctions they have not earned. Let me say that again. It is wrong and cowardly for people to make fraudulent statements in order to receive distinctions they have not earned.

As a 32-year member of the Army National Guard still serving, I feel very strongly about this issue, and I believe we need a Federal law to punish those who seek to benefit from making false claims and steal the true valor of our heroic men and women in uniform. My bipartisan, bicameral Stolen Valor Act of 2011 reminds me of the bill we worked on, the insider trading bill. We have an opportunity once again to send a powerful message to the American people that in the middle of the gridlock we can work together on something that makes complete sense. It addresses the Supreme Court's change by making a key change in order to protect first amendment rights. It would punish individuals who deliberately lie about their military service, their records or honors, with the intention of obtaining anything of value.

The key term is "of value." One actually gets something of value as a result of their misrepresentations. Again, the new Stolen Valor Act makes it a Federal crime to lie about military service in order to profit or benefit, and that is the key distinction.

Yesterday, Congressman JOE HECK of Nevada and I—he is the lead sponsor in the House version of the bill, I in the Senate—held a press conference to start a fresh campaign to pass the new Stolen Valor Act. We had wonderful results. Within a few hours of that press conference, we gained 27 new cosponsors in the Senate, making a total of 29. I encourage the Presiding Officer and others on her side of the aisle to get involved in this very real effort to help our heroes who have served legitimately. Congressman HECK also has 67 bipartisan cosponsors in the House.

Also, yesterday, the Pentagon announced they will take a major step to deter con artists by establishing a searchable database of military awards and medals to confirm, in fact, that the person with whom one is dealing or speaking with is, in fact, deserving of the medals and honors they received.

It is clear this cause has momentum and the Supreme Court decision has

given many a sense of urgency and clarity. In fact, today I wrote President Obama to ask for his public endorsement of the bill, very similar to the day he was walking up the aisle after the State of the Union and I said: Mr. President, I have a bill on HARRY REID's desk on insider trading. Let's get it out. He said: I will; I will get it out.

He can do the same here. He can give his public endorsement of this very important bill, and I am hopeful the Commander in Chief will lend his endorsement to this cause, to show leadership on this issue and give his blessing so we can actually get to work on legislation that will truly pass, I venture 99 to 0, in this Chamber. His voice would join several military organizations that endorsed the Stolen Valor Act of 2011: the Military Officers Association of America, the Association of the U.S. Army, Military Order of the Purple Heart, and the Iraq and Afghanistan Veterans of America.

As bipartisan support of this effort grows, I ask my Senate colleagues who have not cosponsored the Stolen Valor Act of 2011 to get on board. It is time. It is time to send a very powerful message to the men and women who have served with dignity and honor that we respect that service and we are tired of the frauds who are out there perpetrating fraud and wearing medals and receiving honors to which they are not entitled.

If we choose to come together and pass this legislation, we can respond immediately to the Supreme Court's ruling with the urgency this issue deserves. It is very similar to how Senator McCASKILL and I, in the middle of the gridlock a couple years ago, passed the Arlington Cemetery bill. We can do it with this legislation as well and send a message to the American people that we can work together and that unified message will protect the valor of our heroic veterans and servicemembers who defend our freedom and serve our country with the greatest of honor.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that I be allowed to speak for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I applaud the Senator from Massachusetts for introducing the bill. He is trying to make a constitutional way so those who have done the service for our country and earned the medals are assured that those medals mean something and cannot be in any way misrepresented without a consequence. I thank the Senator from Massachusetts.

TAX POLICY

I rise to talk about this week's issue, which is taxes on our Nation's small

businesses. Small businesses are the economic engine of America. It is not big business. Jobs are created by small businesses that grow and become medium-size businesses. They are responsible for driving most of the job growth in this country. Fifty-five percent of private sector jobs are created by small business. Punishing them with new taxes in a time of economic stagnation is incomprehensible. It is incomprehensible.

This tax that is suggested by the President on those who make \$200,000 to \$250,000 or more will affect small business, make no mistake about it. I have been a small businessperson, and I know if someone is paying all the expenses they are paying, if they are taxed as an individual in their small business, they are not going to be able to hire new people—not with what is looming next year in increased taxes. Even the talk of it is part of the reason we have the stagnation we do.

Seventy-five percent of the small businesses in our country pay taxes at an individual rate. They are organized as flowthrough businesses: Partnerships, S corporations, LLCs, and sole proprietorships. Fifty-three percent of all flowthrough business income will be subject to the top two individual income tax rate increases subject to take place in 2013. Even our talking about tax increases is on the minds of our small businessespeople. It makes them very nervous.

We have an already uncertain environment. Hiring is stalled. We have been strangling growth in our country and the hope of recovery is not there. The first round of taxes in the health care law the President's party and the President passed will kick in, in 2013. I do not want to have to go back to the small business owners whom I have just visited with last week all over my State and say: Yes, it is true. You are going to have the taxes involved in the health care plan that will take effect in 2013 and your taxes are going up because you are going into a higher bracket, and if the President has his way, the rates are going to increase too. That is not the message anyone in this body should want to take back to their home States and I do not want to go back to the hard-working employees and customers and tell them the same thing because it will not be just small business owners caught in the net of higher taxes, every American is going to see their taxes increase if they are paying taxes today.

We have a cliff. Everyone around here is talking about the fiscal cliff. It happens on December 31 of this year. Taxes will automatically go up on January 1. Everybody will go into a higher bracket. We will lose the marriage penalty relief we have had. We are going to see tax increases on the middle class, and it is going to be steep. Approximately 31 million Americans will be

hit for the first time with the alternative minimum tax. Most people know the alternative minimum tax was enacted in 1969 to target a few hundred millionaires in America to try to ensure that those millionaires paid a tax. Well, guess who qualifies next year if we don't do something. A single person making \$33,750 and a married couple earning \$45,000 will be considered as not paying their fair share of taxes. That is outrageous for this Congress to let that happen. We must work with the President to ensure that those steep tax increases do not take effect.

The tax increases, the astronomical debt we face, and the persistent high unemployment rate have come together to create a perfect recovery-killing storm. And if this weren't enough to send our economy into permanent hiding, we now have the dubious honor of having the highest corporate tax rate in the world at 35 percent. We used to be second, but Japan had the good sense to lower its rate earlier this year, so now it is America that holds that dubious honor.

This is not a recipe for growth. Is it any wonder that we have a recurring over 8 percent unemployment rate in this country? If we don't do something before the end of this year, those who are employed are going to pay more taxes next year, and for those who are not employed, it is going to be harder to find a job. So what is the answer? The answer, as we all know, is for this Congress and the President to do something before the election.

Now, Senator REID has introduced a tax bill. It is a bill that will provide two temporary tax credits, but a 1-year temporary tax credit is really not enough. Many of us voted in support of the motion to proceed to this bill because we would like something to start with, and I hope the majority leader is going to allow amendments because there are many amendments for us to try to cobble together a bill that will really make a difference in our economy. So it is a start, and I am going to give the leader credit for that.

A real long-term solution is what business is looking for. If we have a 1-year tax credit, we are going to get a 1-year plan, and a 1-year plan is not going to encourage people to be hired. It is not going to encourage employers when they see a 1-year plan and know that Congress is going to do what it has done so often; that is, get to the last of the year and then cobble something together that will perhaps last a year. Maybe it will be the same or maybe it won't. That is not the way business works. They have to plan. They have to know what they are going to have in the next 5 years in expenses so they know what they can produce and what they can charge. That is the private sector.

We should be focusing on the underlying issue. It should be tax relief and

tax reform. We can alleviate the employers' conundrum and get them to start hiring if they know what to expect, and a 1-year fix will not do it. We need long-term tax reform, we need to address the looming debt, and we know it. We know what the fiscal cliff is.

I would like to read a letter I received in answer to a congratulatory note I wrote to the former football coach at Texas A&M, R.C. Slocum, who is one of the finest men I have ever met. He is exactly what America is. He was just inducted into the College Football Hall of Fame, and I congratulated him sincerely because he is the kind of person we want coaching our young men in football.

Well, he wrote me back, and I am going to read an excerpt from his letter. He does the niceties of thanking me for writing him, and then he says:

I am really concerned that the America that you and I grew up in is being attacked from within. Although I grew up in a poor family, I was taught that I was privileged because I was born in America, the land of opportunity. We did not begrudge the "rich" but was encouraged that through hard work and education, some day we could be one of them. Thankfully, I was not taught that it was someone else's fault that we were poor or that government would, or should, come bail us out. We worked our own way out and felt the great feeling of accomplishment that goes with it. In my career as a coach, I encouraged my players to try the formula I was given. It still works and I am so proud of the young men that have dramatically changed their lives, and with it the course of their families' lives.

That is what America is, and that is what we ought to be working to achieve.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

ORDER OF PROCEDURE

Mr. UDALL of Colorado. Madam President, I am here on the Senate floor to highlight our country's clean energy future.

Mrs. BOXER. Would the Senator yield for a unanimous consent regarding time?

Mr. UDALL of Colorado. I would be happy to yield.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, I ask unanimous consent that Senator UDALL proceed for 6 minutes, that I proceed for 12 minutes, and that Senator MANCHIN proceed for 12 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Colorado.

PRODUCTION TAX CREDIT

Mr. UDALL of Colorado. Madam President, I am here on the floor, as I have been for a succession of morning speeches, to talk about the importance of extending the tax credit for wind power. If you look in every corner of our great country, the production tax

credit has resulted in good-paying jobs for Americans—jobs, I might add, that can't be exported overseas.

I have taken a tour of the country. This morning I wish to highlight the beautiful State of South Carolina.

South Carolina is one of the few States that do not have installed on-shore wind power, but that has not stopped South Carolina from attracting literally dozens of manufacturers that support 1,000 good-paying wind energy jobs across the State.

As we look at this chart of the State of South Carolina, we can see that the green circles acknowledge the manufacturing facilities that built components for wind turbines. Nearly every component in a wind turbine is built in South Carolina.

I wish to highlight Greenville, up here in the northwestern part of South Carolina. GE has a facility there, and they have designed the 1.5-megawatt wind turbine that is a hallmark of GE. That facility supports more than a dozen suppliers and hundreds of jobs across the State.

One of the most exciting ventures outside of manufacturing that is going on in South Carolina is the massive investment that has been made in innovation. In 2009 Clemson University won a \$45 million grant from the American Recovery and Reinvestment Act and the Department of Energy for the construction of a brandnew facility that will be the largest wind turbine testing facility in the world. In that facility, they will test cutting-edge drivetrain technologies for the next generation of wind turbines.

Now, South Carolina has doubled down on that support of wind innovation. The university donors and other partners have joined Clemson and have come up with another \$53 million to supplement the \$45 million that came through the Recovery Act. That is \$98 million that will be an investment in South Carolina's economy and in our wind energy future.

So not only will there be good-paying jobs created at this wind turbine drivetrain testing facility, but this facility will be a global leader in developing wind turbines capable of 3 to 10 times as much power as wind turbines today. I was under the impression that wind turbine technology had matured and that we had wrung out every electron possible. I have been told we can increase the yields by 3 to 10 times through this kind of research. This facility will focus on onshore and offshore wind turbines. So this is crucial research.

We know in Colorado that the presence of top-notch research and development institutions attracts incredibly talented individuals and often results in the creation of new companies that commercialize the new and innovative technologies developed in these R&D facilities. I know that in the Presiding

Officer's State, that is a formula for success. When we make the investments such as South Carolina, Colorado, and New York are making, we draw top-notch resources that are able to exploit in a responsible way natural resources.

The grant I mentioned combined with the research dollars that have come from the private sector represent an enormous opportunity for South Carolina and for our country in turn. We already see millions of dollars that have been attracted into South Carolina from global investors because they see the potential of what is going to happen at Clemson.

The point I want to make is that if we don't extend the wind tax credit, the PTC, then these wind manufacturers may not have the wherewithal, frankly, to team up with Clemson, to commercialize the new technologies that will be developed in South Carolina, and then the jobs that follow won't be created. That just doesn't make sense. South Carolina and Clemson are going to be global leaders in the development of these new technologies.

The question is, Where will these new turbines be built? I know, for one, that the Chinese would be happy to step in and take away our manufacturing jobs. But if we get our act together and extend the PTC, then these wind turbines will be built here in America. They will be built in South Carolina, they will be built in Colorado, and they will be built in Pennsylvania. They will be built all over our country in literally every corner. But if we let the PTC expire, we risk shipping this industry and our good-paying jobs overseas.

Coloradans keep telling me—and I know in the Presiding Officer's home State as well—that there is no reason to outsource these jobs. There is no reason to outsource energy production, and there is no reason to handicap a growing industry that has helped make us and our country more energy independent. Let's pass the extension of the PTC today. Let's create jobs today. Let's build this clean energy economy. Let's pursue an all-of-the-above strategy. Let's do it here in the United States, and let's do it now.

Madam President, thank you for your attention and your interest.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Madam President, was there any time remaining for Senator UDALL?

The ACTING PRESIDENT pro tempore. He used 6 minutes.

TAX POLICY

Mrs. BOXER. Madam President, I rise to talk a little bit about health care and what it would mean if the Republicans get their way and take away so many benefits for millions of people. But before I do, I would like to respond

to Senator HUTCHISON's remarks on taxes.

President Obama has called on us to pass a tax cut for 98 percent of the American people. That would not be for millionaires, but for the middle class. It is not for billionaires, but for the middle class—98 percent. He said anyone earning up to \$250,000 will get a tax break. As a matter of fact, he said all income under \$250,000 will get a tax cut. Only income over \$250,000 would go back to the tax rates of Bill Clinton. Let me remind everyone that in those years we had 23 million new jobs created and a balanced budget, and we never had more millionaires created in one period of time as we did then because it was a fair tax system.

President Obama has asked us to give a tax break to everyone on the first \$250,000 of their income and after that go back to the rates under Bill Clinton. That includes 97 percent of small business owners. When we hear the Republicans get up and say: Democrats want to hurt small businesses, Democrats want to hurt the job creators, our position is that 97 percent of small business owners agree with the President—they should get a tax break. If you earn over that \$250,000, which is a few percent, pay the fair share that we paid during the fabulous economic growth period when Bill Clinton was the President.

Why do we feel it is important that we say 98 percent and not 100 percent of taxpayers? Because we have a deficit issue. We have a debt problem. We want to get back to the days of balanced budgets, and we will get there, if everyone pays their fair share.

So let's be clear. All of those tears being shed on the other side are being shed for people such as Donald Trump. Isn't it unfortunate that a man such as Donald Trump, who was able to catch the dream to the ultimate—and all right, we want that for everyone—has to pay just a little bit more? At a time when people are taking their money out of this country and putting it in Swiss bank accounts and Bermuda accounts and accounts in the Cayman Islands, it is time for everyone to have a little patriotism here. We have to have the greatest country in this world, and that means the strongest military in the world; that means the best roads and bridges in the world; that means a strong education system. We want to wipe out cancer, AIDS, and Alzheimer's. That means a strong medical research system. We need everyone in America to do their part.

My dad was a CPA. We were very middle class—lower middle class, I would say. I started working in little jobs when I was 16, 17, and I got mad. I hate to age myself, but the minimum wage was quite low then. It was in the cents. It was around 75 cents an hour or something. I remember saying, Why do I have to pay anything to the government? I don't want to pay anything.

My father would say to me, You kiss the ground you walk on because you live in America, and we have to have things in this country to make us great. And don't you ever forget that, and don't you complain about it. He also said, You make sure it is spent right and you make sure you have a voice in it. But this country needs to be strong. So to have millionaires and billionaires take their money out of America and hide it in accounts in other countries is not something I would be proud of. We should invest our funds here and everyone should pay their fair share.

HEALTH CARE

Here is the deal. The Republicans have said if they take over all of the branches of government, which is their goal, on day one they are going to repeal ObamaCare. They are going to repeal our health care law. It reminds me of this: If I were to say to the Presiding Officer, meet me on the corner at 6 o'clock tonight and I am going to punch you in the nose, hit you over the head, and leave you there, she might rethink meeting me. She might say, you know, BARBARA, that is not something to look forward to. Well, let me say this to the millions of Americans who are already receiving the benefits of ObamaCare, which I will describe: You are about to be hit over the head and punched in the nose, if the Republicans take over Washington, DC. That is their goal, to take over the Senate, take over the Presidency, and keep the majority in the House.

Let me tell my colleagues why I say this. Here are the benefits that are in jeopardy—not in jeopardy from repeal; they will be repealed: Free preventive services which have already begun: Cancer screenings and immunizations for those people who have private insurance. Fifty-four million people are going to be punched in the nose and hit in the head, if the Republicans take over and they repeal health care—on day one. They are trying to do it today over in the House for the 31st time.

Prescription drug discounts for seniors who are in the doughnut hole. Fifty-two million seniors have already saved \$3.7 billion. They are going to be hit in the head and punched in the nose on day one—not even day two—of a Republican takeover.

Free preventive services for seniors. We have 32.5 million Medicare patients who get free screenings now—32.5 million. That is almost as many people as live in California who will be hit in the head and punched in the nose on day one—not on day two or three, but right away.

Protection against lifetime dollar limits. Right now, people think they have a good health care insurance plan. If a person gets, God forbid, something such as cancer and they have it checked out and find out the limit is \$½ million, maybe \$1 million, maybe

even \$2 million limit—they don't know how fast that limit comes and then they are out of insurance. So now 105 million Americans who had limits on their policies no longer have limits. Well, if the Republicans take over, punch in the nose, hit in the head, they are finished; they are out.

Young adults who can now stay on their parents' plan up to age 26—6.6 million young adults—are out of luck on the first day of a Republican takeover.

Let's go to the next chart. Limits on the amount of premiums health insurance companies can spend on administrative costs. Right now, 12 million Americans-plus are going to receive a total of \$1 billion in rebates because, under ObamaCare, the insurance companies have to spend the money on patients—80 percent—not on their own perks, not on their bonuses, and people are going to get checks in the mail. So I say to these 12.7 million Americans: I hope you are listening, because on day one, no more rebates.

Tax credits to help small businesses purchase health insurance. We hear about how the Democrats don't care about small business. How about this: The 360,000 small businesses who insure 2 million workers have gotten tax credits, right now—right now. We see the crocodile tears over there, yet they want to repeal a tax break that is helping 360,000 small businesses.

If a child is born with a preexisting condition, let's say some heart defect, and that child can't get insurance. Today they can. Guess what. Seventeen million children benefit from this protection right now. Seventeen million of the most vulnerable people now have protection because of ObamaCare. But if the Republicans take over, these little babies are out—out of luck—and their parents will probably have to go on welfare. Great. Meet you on the corner, be there, vote for me, and I will punch you in the nose and hit you in the head. That is what is going on.

Funding for new community health care centers and expansions. Already 3 million patients have been helped by this. The fact is we have seen funds go to these community health care centers in our communities, so whether a person has insurance or not, they can drop in to a health care center. It is particularly important in rural areas where they have very little access.

I just talked about what happens already. Now, in 2014, we set up the health insurance exchanges so there is competition and people can get cheaper insurance. The preexisting condition benefit will then apply to everybody, so if you have a preexisting condition and you are an adult, you can still get health care.

Women will get protection. Women have had to pay twice as much as a man for insurance. That is discrimination. That will be banned starting in 2014.

There will be protection against arbitrary annual limits on the health care benefits people can get. Sometimes people have the ability to get health care coverage, but it is capped every year. No more artificial caps.

Finally, we will say that health insurance plans have to cover essential benefits such as maternity care. Many plans will not cover maternity care. That is over.

So then people say, Well, how is this reform paid for? The Republicans say taxes will go up, deficits will go up. The CBO has told us that this is actually a reducer of the deficit by tens of billions of dollars. As a matter of fact, it reduces the deficit by \$127 billion over the next 10 years. How is it that ObamaCare saves money? It is because we invest in prevention. Everyone within the sound of my voice knows that if a woman gets an annual mammogram and it indicates a very tiny start of a breast tumor and the patient gets that tumor out at an early stage, they have avoided the worst consequences and it is way cheaper than waiting until the end when a patient needs radiation, chemotherapy, all of this tough medicine that is also expensive.

I ask unanimous consent for 1 more minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. How else do we pay for this? We cut out waste and fraud in Medicare. We say to the health care industry: You make a lot more money and you have to pay a little more, and they will.

Then there are the free riders who say, I will never get sick, and if I do I will get free health care at the emergency room. We finally say to them, as they did in Massachusetts: Those days are over. If you can afford it, you need to get a basic policy. By the way, it is a tiny percentage of people. It is 1.4 million people. I think it is less than 1 percent of the people who will have to get insurance because the rest of us are paying \$1,000 a year to cover these people. So no more free rides. We all work together.

I will close with this. Watch out in this election who you vote for. If somebody tells you they are going to repeal health care, that means all of these benefits go out the window. All of this deficit cutting goes out the window. The Supreme Court said it is constitutional, and it is.

I want to make this point: Don't vote for people who will punch you in the nose, hit you in the head, and walk away from you. I think the choice is between those who will lift people up and make life better for people and their families and those who would go back to a system that was so harmful for our families.

Thank you very much, Madam President. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from West Virginia.

POWER OUTAGES

Mr. MANCHIN. Madam President, I rise this morning to address a situation that is very hard for me to believe, and I am sure for many of my colleagues, and maybe the Presiding Officer as well. It makes no sense to the people of our great State of West Virginia.

For nearly 2 weeks, hundreds of thousands of West Virginians have been deprived of basic necessities such as water and electricity because of massive storms—not just West Virginia but up and down the east coast. At the peak of the outage, FEMA estimates that 688,000 West Virginians didn't have power. That is a third of our State. One-third of our State was completely knocked out. Hundreds of thousands of people had to throw away all of the food in their refrigerators and freezers because of the lack of electricity.

Our National Guard and first responders did a superb job of keeping people safe. But this country learned just how vulnerable and inadequate our infrastructure is and how much we have come to depend on it. Up and down the east coast, our electrical grid was crippled by this storm because there is no backup plan—none whatsoever—that could keep the vital necessities of life running during these horrific storms.

The fact is we have to invest in our Nation's infrastructure. We all talk about it but still very little is being done. Power outages cost this country between \$79 billion and \$164 billion every year. That is because on top of powering our hospitals, our nursing homes, and our schools, reliable energy underpins our economy and keeps Americans at work.

I know there are other needs around the world, but seeing firsthand how vulnerable our system is, I was so surprised—and the Presiding Officer might be also—and disappointed to hear yesterday that the U.S. Army Corps of Engineers is making a massive investment in power infrastructure in another country by awarding a \$94 million contract to provide—listen—reliable power in Afghanistan. So I thought: How will I explain this back home? We are providing reliable power to the Afghans when nearly 200,000 West Virginians spent an entire week without electricity, lost all of their food, and suffered through nearly 100-degree heat during this period of time, when our country is losing tens and hundreds of billions of dollars because of power outages all over the east coast? As of 6 p.m. yesterday—this is more than 12 days after the storm—we still have over 30,000 people without electricity.

I cannot count the number of times I have come to the floor of this Senate Chamber to say it is time to start re-

building America and not Afghanistan. But in all my time in the Senate, I have not seen a starker example of misplaced priorities. It is wrong to invest in reliable power for the Afghan people when tens of thousands of not just West Virginians but Americans all over this country have been without power for nearly 2 weeks because our infrastructure is so vulnerable.

In fact, in our State, too many people still don't have reliable water. When the power goes out, the water systems can't purify the water. In McDowell County in our southern coalfields, FEMA expects it will be another 2 to 3 weeks before our water service is restored to the customers in the Northfork public service district. Let me repeat that. They will go another 2 to 3 weeks without water, a basic necessity of life. That will be a full month after the storm without one of life's basic necessities.

Something is truly out of balance. It has been almost 2 weeks since a storm of unprecedented strength hit our State. How can I look the people of my great State of West Virginia in the eye when our infrastructure is so poor that they do not have reliable power or water but still tell them we are investing in transmission lines to provide reliable power to Afghanistan? It just does not make sense.

According to the Congressional Research Service, the American taxpayers have already spent more than \$9 billion—\$9 billion—on infrastructure projects in Afghanistan, including the costs of reconstruction assistance, diplomatic security, and activities by non-Department of Defense agencies. This is in addition to the \$551 billion we have spent on military operations. And that does not even begin to address Iraq, where we have spent at least \$5 billion on electrical systems and \$61 billion total on infrastructure projects, according to the Special Inspector General for Iraq Reconstruction.

Still, when we take a closer look at the project that was announced yesterday, the facts are even more disturbing. The Army Times reported that the Corps' awarding of \$93.6 million to improve electrical transmission from the Kajaki Dam power station throughout the Helmand Province of Afghanistan includes burying transmission lines—burying transmission lines which we do not even do in America—and providing backup generators—which we do not have, which is why we have lost our water systems and our food.

But believe it or not, the people of the United States already paid to build the Kajaki Dam powerhouse in the 1970s. I am going to quote from this article from the Army Times.

Because the entire electrical system has largely been neglected—

Neglected—

due to decades of war, Afghan and U.S. agencies are partnering to increase power genera-

tion and distribution to solve the severe lack of electricity in the region.

Trust me, in West Virginia we can understand the severe lack of power.

This facility was not maintained in the 1970s. It was not maintained in the 1980s. It was not maintained in the 1990s. It is still not being maintained. What makes us think it is going to be maintained now that we are spending millions and millions of dollars?

This is only one small piece of an even more costly contract to bring electricity to southern Afghanistan. The \$93.6 million contract is the first of six integrated components collectively called the Kandahar Helmand Power Project, a USAID initiative to expand the electrical distribution system of two provinces in southern Afghanistan, with a combined estimated population of 1.7 million. That is short of the population of my home State of West Virginia. We are about 1.8 million.

It is one thing to help another country with loans—which I am all for—that will help them get back on their feet so they can repay their debts, but it is another thing entirely to pour billions of taxpayer dollars into another country for a decade with no chance of any repayment to this country and to the taxpayers of the United States of America. Something is wrong with that.

I cannot say it enough: If you build a bridge in West Virginia, we will not blow it up. If you help us build a school, we will not burn it down. We are very appreciative. We appreciate the help of all American taxpayers because we are part of this great country. If you help us invest in a more reliable electricity system, we will use that power to make this country stronger, to power this Nation's economy, and to provide good-paying jobs all over this country.

Not only that, the scope of the problem with electricity infrastructure in West Virginia is tremendous. According to the National Energy Technology Laboratory, power outages in West Virginia take four times longer to fix than the national average. We have been blessed with so much beauty, but we have kind of a challenging topography, if you will, and it makes it much more difficult.

If we modernize our grid to make it more flexible and reliable, we can make a return on investment of up to \$6 for every \$1 we invest, according to studies from both the Electric Power Research Institute and the National Energy Technology Laboratory. Instead of investing that money in Afghanistan, doesn't it just make sense to invest it here at home? And we will start right in West Virginia if you like.

Madam President, I would feel the same if this was in your State, if it was in any other State in the country. This might have been a "once in a lifetime" storm, one where millions of people

lost power no matter how well we prepared, but the fact that tens of thousands of West Virginians are still without power and water is a sign that we must do better as a country.

This could have happened to any State—whether it is a storm, an earthquake, tornado, fire, flood, or a hurricane—and I hope that my colleagues in the Senate would share my feelings. We cannot help others if we do not make and keep ourselves strong. We are beginning to neglect our very real needs at home.

As West Virginians, I am proud to say we are a strong people. We are able to pick ourselves up faster than most, and we go to the aid of our friends and neighbors who need it most—even though we are in need ourselves. But when you go to a filling station and the sign says “cash only,” and then you find out that the banks are closed because all the power is down, and the ATM is out—we are changing and transforming our whole monetary system, but there is no backup plan—what do you do? We have a problem. We truly have a problem. But I know we can fix it because we are Americans.

That is why it is time to rebuild America and our infrastructure, not Afghanistan or other places of the world. Let's make ourselves strong again so we can help people.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. BEGICH. Madam President, first, before I make my comments—I want to talk about the Small Business Jobs and Tax Relief Act—I want to say to my friend from West Virginia, I know they are struggling under incredible issues—even before the storm that occurred. I know he has efforts he is doing to build infrastructure, and his statements are right on the mark.

In western Alaska, 40 percent of the communities do not even have water infrastructure. It is not a question of rebuilding it; they do not have it. So I recognize the Senator and his great work for West Virginia, making it a better place. His points are well thought out and right to the mark about what we need to do to rebuild this country. A good part of all that is it is about American jobs, American workers building those water and sewer lines and putting those transmission lines back up—whether they be above or below the ground.

So, again, I commend the Senator for his work in West Virginia.

Madam President, I have come down to talk about the Small Business Jobs and Tax Relief Act. I come from the small business world. I know people come down to the Senate floor on the other side of the aisle and talk about being from the small business world. I always like to look and see what that really means. It is always amazing to me.

When someone is from the small business world, here is what it is really about: It is not about working for some corporation, having a nice title, not really worrying about making it from day to day or worrying about a payroll. At the end of the day, if the business is not good, they do not get a check. That is how it works in the small business world.

So when I hear people come down and talk about small business, it surprises me, to be very frank, the lack of understanding, the lack of knowledge they have about the small business world. I have been in it from the age of 14. My wife has grown a business from serving and selling smoked salmon on the street corner to now, having a couple retail stores and doing very well. But she has struggled just like everyone else. She has had to deal with the bureaucracy. She has had to figure out how to raise the capital, put retirement money on the table, maximize her credit cards—do everything possible to take her dream and make it a reality, just as I have done for all my years in the small business world.

So I come here not just as a Senator from Alaska, representing Alaskans and small businesses, but also as someone who has lived it, worked it, and understands it. We have a chance—and I appreciate the 80-to-14 vote to let us proceed to this bill, which is the Small Business Jobs and Tax Relief Act. This is an important bill. It has two components that seem simple in a lot of ways but have great impact.

First, I want to mention the idea that you can get a tax credit for hiring people. Some say, well, small businesses will not use a tax rate just to hire people. I, maybe, agree to a certain extent on that, but why is this important? If you are a small businessperson and you are going to increase your payroll—maybe you are giving raises or bonuses, and so forth, or you are going to hire part-time or full-time people, if you hire those people—and just a clear example is if your payroll is \$200,000, and your payroll goes up by \$20,000 to \$220,000, you will get a tax break of 10 percent, which is \$2,000.

What will that small business do with that \$2,000? In a big business that just gets lost in some pile. Maybe it goes to some corporate salary. But here is what a small businessperson will do with it. They will get that \$2,000, and they might now go recarpet their lease-hold improvement or their rental space they are using for their small business.

What does that mean? That \$2,000 now goes to the carpet layer and the carpet seller. What will they do with it? They will put it into the next part of the economy. It just keeps moving much quicker and faster in the economy. As a matter of fact, every \$1 we see out there has a multiplier effect that is pretty significant for small business.

So the one piece is giving tax credits for small businesses to increase their payrolls. It may be for increased salaries or for increased employment. Either way you are putting more money into the working people of this economy and, therefore, they are putting it back into the economy.

The second piece of the act is the depreciation. If you are not a small businessperson, you do not really pay a lot of attention to this. But the way the IRS Code works is if you invest in new equipment, carpeting, sheet rock, lighting, whatever, the IRS has these schedules to depreciate this over many years.

Here is how it works: First, we have the tax credit for payroll, and now we have a second piece of this bill, which is accelerated or bonus depreciation, which means if you are thinking of an idea—I will tell you, a small business I just visited in Alaska called Lime Solar, by Chet Dyson and Jessie Moe—these are two young men who are starting a small business to sell solar products for homes and businesses, but they got a lease-hold space. They rented a space. It had no sheet rock, no lighting. They are responsible for paying for all of that.

So they invested, they cleaned it up, sheet-rocked it, fixed it all up, put equipment in. All that expense now—if this bill passes—can be written off in the first year instead of depreciating it over multiple years.

Why is that important? Let's assume they spent \$100,000 renovating their facility and they are in a 25-percent tax bracket. They will save in the first year \$25,000—like that—instead of spreading that over the next 10 or 15 years. Why is that important? That \$25,000 they save in taxes or depreciation they will be able to reinvest, reinvest into their business as they struggle to figure out how to build their markets.

Another friend of mine, Jack Lewis, opened his second restaurant recently, Firetap. Restaurants are not a cheap business. I have been in that business. I would not wish it on anybody. It is a tough business. Margins are thin. But, again, he invested, he built it, built it all out of scratch. Now he can, again, under this bonus depreciation schedule depreciate it, write it off in the first year. That is a huge benefit for these small businesses.

When I look at another small company called SteamDot Coffee—it is a small coffee company. Jonathan White owns it. They brew their own coffee, have their own coffee, and they also package it and manufacture it for resale. That takes a lot of equipment. Now they get to write that off in the first year.

What this bill does is simple, but yet it has a huge impact. As a matter of fact, under the depreciation it is estimated that for every \$1 we give in the

tax benefit, there is a \$9 benefit to the GDP, a 1-to-9 ratio. Any businessperson would love that deal. That is a great deal.

So this bill, I hope—our colleagues have shown by 80 to 14 this is a great bipartisan effort. I hope we now move to the next stage. Maybe we will have some amendments and work through it. But let's do it for the small business community of this country, for the State I live in, and for every State.

I say to the Acting President pro tempore, the State of New York is piled with small businesses. When you go through New York City, every inch of the street has a small businessperson. That is what drives this economy. That is what makes this economy happen. That is where we need to put our investment.

I will end on this note: I know we will have some pro forma votes, as I call them, show-and-tell. We will vote on this 20-percent tax rate deduction that is being proposed by the House. It sounds good, but there is no guarantee that is going to go back into the economy. As a matter of fact, if you are a hedge funder, you will get that break. If you are an attorney, you will get that break. If you are a small businessperson, you will get that break. But there is no guarantee that money goes back into the economy. So if we are going to give these tax incentives, let's make sure it is helping the economy and building jobs and building a future for us.

So, Madam President, I just wanted to come down and speak on this bill and encourage my colleagues to support the Small Business Jobs and Tax Relief Act, not only through the pro forma vote we had yesterday to move forward on it but also to really pass it.

We have done a great job the last few months passing a lot of legislation out of this body. Let's continue that effort and help our economy grow.

Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that Senator BLUMENTHAL and I be recognized for the next 20 or so minutes to speak on the issue of cybersecurity.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CYBERSECURITY

Mr. WHITEHOUSE. Madam President, I rise to speak about cybersecurity, but specifically about the cyber

threat to our Nation's critical infrastructure. By critical infrastructure I mean the power grid that supplies electricity to our homes that keeps us warm in the winter and cool in the summer. I mean the financial services' processing systems that connect our ATMs to our accounts and move money around in our complex financial system. I mean the communications networks by which we talk and e-mail and text and message one another.

The men and women we have charged with our Nation's defense and we have confirmed in these roles in the Senate have repeatedly and consistently warned us about the danger of cyber attacks on this critical infrastructure. It provides power and light and heat, tracks and records financial transactions, allows communication and data transfer, keeps airlines safe in the air, controls our dams, and enables our commerce. The consequences of failure in these areas could be catastrophic. We must pay heed to these warnings about America's critical infrastructure as we consider cybersecurity legislation.

The administration has described this cyber threat in no uncertain terms. The Director of National Intelligence, James Clapper, has stated:

[I]t's clear from all that we've said [that] we all recognize we need to do something. . . . We all recognize this as a profound threat to this country, to its future, to its economy, to its very being.

Secretary of Defense Leon Panetta has warned:

The next Pearl Harbor we confront could very well be a cyber attack.

Secretary of Homeland Security Janet Napolitano has compared this threat to the September 11 attacks.

Prior to 9/11, there were all kinds of information out there that a catastrophic attack was looming. . . . The information on a cyberattack is at that same frequency and intensity and is bubbling at the same level, and we should not wait for an attack in order to do something.

Attorney General Holder stressed the urgency of responding to this threat in a recent Senate Judiciary Committee hearing. He said:

This a problem that we must address, our nation is otherwise at risk and to ignore this problem, to think it is going to go away runs headlong into all of the intelligence we have gathered, the facts we have been able to accrue which show that the problem is getting worse instead of getting better. There are more countries that are becoming more adept at the use of these tools, there are groups that are becoming more adept at the use of these tools, and the harm that they want to do to the United States and to our infrastructure through these means is extremely real.

Chairman of the Joint Chiefs of Staff Martin Dempsey has warned that "a cyber attack could stop society in its tracks."

NSA Director and U.S. Cyber Commander GEN Keith Alexander, a four-star general, has stated:

We see this as something absolutely vital to the future of our country. Cybersecurity for government and critical infrastructure is key to the security of this Nation.

A recent report from the Department of Homeland Security found that companies which operate critical infrastructure have reported a sharp rise in cybersecurity incidents over the past 3 years. Companies reported 198 cyber incidents in 2011, up from 41 incidents in 2010, and just 9 in 2009. This may reflect that the private sector is just now beginning to catch on. It is unfortunate but true that the private sector cannot be counted on to respond to this growing challenge on its own.

As Deputy Secretary of Defense Ashton Carter has explained, and I quote again:

There is a market failure at work here. . . . Companies just aren't willing to admit vulnerability to themselves, or publicly to shareholders, in such a way as to support the necessary investments or lead their peers down a certain path of investment and all that would follow.

These were administration warnings, but the concerns are bipartisan. A wide range of national security experts from previous Republican administrations have echoed this alarm. Former Director of National Intelligence and NSA Director ADM Mike McConnell has said, and I quote:

The United States is fighting a cyber-war today, and we are losing. It's that simple.

He explained:

As the most wired nation on Earth, we offer the most targets of significance, yet our cyber defenses are woefully lacking. . . . The stakes are enormous. To the extent that the sprawling U.S. economy inhabits a common physical space, it is in our communications networks. If an enemy disrupted our financial and accounting transactions, our equities and bond markets or our retail commerce—or created confusion about the legitimacy of those transactions—chaos would result. Our power grids, air and ground transportation, telecommunications and water filtration systems are in jeopardy as well.

That ends the quote from Admiral McConnell.

Admiral McConnell also made a comparison to threats from the past.

The cyber-war mirrors the nuclear challenge in terms of the potential economic and psychological effects. . . . We prevailed in the Cold War through strong leadership, clear policies, solid alliances and close integration of our diplomatic, economic, and military efforts. We backed all of this up with robust investments—security never comes cheap. It worked, because we had to make it work. Let's do the same with cybersecurity. The time to start was yesterday.

Former Deputy Secretary of Defense Paul Wolfowitz has also echoed the administration's warning that a cyber attack has the potential of causing devastation on the scale of another September 11. He stated:

I hope we do not have to wait for the cyber-equivalent of 9/11 before people realize that we are vulnerable.

Former Assistant Secretary for Policy at the Department of Homeland Security Stewart Baker has compared the

threat to the catastrophic effects of Hurricane Katrina.

We must begin now to protect our critical infrastructure from attack. And so far, we have done little. We are all living in a digital New Orleans. No one really wants to spend the money reinforcing the levees. But the alternative is worse. . . . And it is bearing down on us at speed.

Former NSA Director and CIA Director Michael Hayden has said:

We have entered into a new phase of conflict in which we use a cyberweapon to create physical destruction, and in this case, physical destruction in someone else's critical infrastructure.

Former Republican officials have also noted the cybersecurity gap in the private sector due to this market failure. Former Secretary of Homeland Security Chertoff said:

The marketplace is likely to fail in allocating the correct amount of investment to manage risk across the breadth of the network on which our society relies.

The following examples are emblematic of the market failure that both Democratic and Republican national security officials have identified in this cybersecurity area for critical infrastructure.

When the FBI-led National Cyber Investigative Joint Task Force informs an American corporation that it has been hacked, 9 times out of 10 that American corporation had no idea.

Kevin Mandia of the leading security firm Mandiant has said, and I quote:

In over 90 [percent] of the cases we have responded to, Government notification was required to alert the company that a security breach was underway. In our last 50 incidents, 48 of the victim companies learned they were breached from the Federal Bureau of Investigation, the Department of Defense, or some other third party.

In operation Aurora, the cyber attack which targeted numerous companies, most prominently Google, only 3 out of the approximately 300 companies attacked were aware that they had been attacked before they were contacted by the government.

We cannot count on the private sector to defend itself against a threat about which it is so unaware. An advanced persistent intrusion of the U.S. Chamber of Commerce's systems also went undetected until the chamber received help from the government. The Wall Street Journal reported that a group of hackers in China breached the computer defenses of the U.S. Chamber, gained access to everything stored in its systems, including information about its 3 million members, and remained on the network for at least 6 months and possibly more than a year. The chamber only learned of the break-in, according to the article, when the FBI told the group that servers in China were stealing its information. The special expertise of our national security agencies is a consistent theme through these examples. As former Assistant Attorney General, OLC Direc-

tor, and Harvard Law School Professor Jack Goldsmith has explained:

The government is the only institution with the resources and the incentives to ensure that the [critical infrastructure] on which we all depend is secure, and we must find a way for it to meet its responsibilities.

By the way, that was Goldsmith at the Department of Justice in the Bush administration. This is a Republican appointee speaking. These warnings have been repeatedly communicated to us in the Senate. We cannot plead ignorance of them.

I ask unanimous consent to have printed in the RECORD a letter to Senate Majority Leader REID and Minority Leader MCCONNELL dated January 19, 2012.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JANUARY 19, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR MAJORITY LEADER REID AND MINORITY LEADER MCCONNELL, We write to urge the Senate to take up, debate, and pass legislation to strengthen our nation's cybersecurity.

As former executive branch officials who shared the responsibility for our nation's security, we are deeply concerned by the severity and sophistication of the cyber threats facing our nation. These threats demand a response. Congress must act to ensure that appropriate tools, authorities, and resources are available to the executive branch agencies, as well as private sector entities, that are responsible for our nation's cybersecurity. The Senate is well-prepared to take up legislation in this important national security field, and to do so in a bipartisan manner in the best traditions of the Senate.

Every week brings new reports of cyber intrusions into American companies or government agencies, new disclosures of the breach of Americans' private information, or new revelations of incidents of cyber disruption or sabotage. The present cyber risk is shocking and unacceptable. Control system vulnerabilities threaten power plants and the critical infrastructure they support, from dams to hospitals. Reported intrusions into defense contractors and military systems reveal the direct national security cost of cyber attacks. Evaluations of the Night Dragon and Aurora attacks reveal the vulnerability of our most advanced and essential industries to sophisticated hackers. The recent report by the Office of the National Counterintelligence Executive makes clear that foreign states are waging sustained campaigns to gather American intellectual property—the core assets of our innovation economy—through cyber-enabled espionage. The growing threat of terrorist organizations acquiring cyber capabilities and using them against American interests opens another battlefield in cyberspace. And every day, Americans' identities are compromised by international criminals who have built online marketplaces for buying and selling Americans' bank account numbers and passwords.

This constant barrage of cyber assaults has inflicted severe damage to our national and economic security, as well as to the privacy

of individual citizens. The threat is only going to get worse. Inaction is not an acceptable option.

Senate committees of jurisdiction have done important, bipartisan work developing legislation to strengthen our nation's cybersecurity. The Administration likewise has weighed in with a set of legislative proposals. The stage thus is set for the Senate to take up cybersecurity legislation. We believe that it can and should undertake this work in keeping with its best, bipartisan traditions, addressing this pressing national security need with the seriousness that it deserves.

We urge the Senate to do so in short order: the rewards of increased security for our country, particularly our private sector critical infrastructure, will be rapid and profound.

Sincerely,

MICHAEL CHERTOFF.
WILLIAM J. LYNN III.
J. MICHAEL MCCONNELL.
RICHARD CLARKE.
DR. WILLIAM J. PERRY.
PAUL WOLFOWITZ.
JAMIE GORELICK.
GEN. (RET.) JAMES
CARTWRIGHT, USMC.

Mr. WHITEHOUSE. This explains that the threat is only going to get worse; inaction is not an acceptable option. This letter was signed by former Secretary of Homeland Security Michael Chertoff, former Deputy Secretary of Defense Paul Wolfowitz, former Director of National Intelligence and NSA Director ADM Mike McConnell, former Vice Chairman of the Joint Chiefs of Staff General James Cartwright, former Defense Secretary Dr. William Perry, former Deputy Attorney General Jamie Gorelick, former Deputy Secretary of Defense William J. Lynn, III, and former Special Advisor to the President for Cyber Security, Richard Clarke.

I also have a letter written to Majority Leader REID and Minority Leader MCCONNELL, dated June 6, 2012, which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JUNE 6, 2012.

DEAR SENATORS REID AND MCCONNELL, We write to urge you to bring cyber security legislation to the floor as soon as possible. Given the time left in this legislative session and the upcoming election this fall, we are concerned that the window of opportunity to pass legislation that is in our view critically necessary to protect our national and economic security is quickly disappearing.

We have spoken a number of times in recent months on the cyber threat—that it is imminent, and that it represents one of the most serious challenges to our national security since the onset of the nuclear age sixty years ago. It appears that this message has been received by many in Congress—and yet we still await conclusive legislative action.

We support the areas that have been addressed so far, most recently in the House: the importance of strengthening the security of the federal government's computer networks, investing in cyber research and development, and fostering information sharing about cyber threats and vulnerabilities

across government agencies and with the private sector. We urge the Senate to now keep the ball moving forward in these areas by bringing legislation to the floor as soon as possible.

In addition, we also feel that protection of our critical infrastructure is essential in order to effectively protect our national and economic security from the growing cyber threat. Infrastructure that controls our electricity, water and sewer, nuclear plants, communications backbone, energy pipelines and financial networks must be required to meet appropriate cyber security standards. Where market forces and existing regulations have failed to drive appropriate security, we believe that our government must do what it can to ensure the protection of our critical infrastructure. Performance standards in some cases will be necessary—these standards should be technology neutral, and risk and outcome based. We do not believe that this requires the imposition of detailed security regimes in every instance, but some standards must be minimally required or promoted through the offer of positive incentives such as liability protection and availability of clearances.

Various drafts of legislation have attempted to address this important area—the Lieberman/Collins bill having received the most traction until recently. We will not advocate one approach over another—however, we do feel strongly that critical infrastructure protection needs to be addressed in any cyber security legislation. The risk is simply too great considering the reality of our interconnected and interdependent world, and the impact that can result from the failure of even one part of the network across a wide range of physical, economic and social systems.

Finally, we have commented previously about the important role that the National Security Agency (NSA) can and does play in the protection of our country against cyber threats. A piece of malware sent from Asia to the United States could take as little as 30 milliseconds to traverse such distance. Preventing and defending against such attacks requires the ability to respond to them in real-time. NSA is the only agency dedicated to breaking the codes and understanding the capabilities and intentions of potential enemies, even before they hit “send.” Any legislation passed by Congress should allow the public and private sectors to harness the capabilities of the NSA to protect our critical infrastructure from malicious actors.

We carry the burden of knowing that 9/11 might have been averted with the intelligence that existed at the time. We do not want to be in the same position again when “cyber 9/11” hits—it is not a question of “whether” this will happen; it is a question of “when.”

Therefore we urge you to bring cyber security legislation to the floor as soon as possible.

Sincerely,

HON. MICHAEL CHERTOFF,
HON. J. MIKE MCCONNELL,
HON. PAUL WOLFOWITZ,
GEN. MICHAEL HAYDEN,
GEN. JAMES CARTWRIGHT
(RET),
HON. WILLIAM LYNN III.

Mr. WHITEHOUSE, Secretary Chertoff, Admiral McConnell, Deputy Secretary Wolfowitz, General Hayden, and General Cartwright urged us to:

... bring cyber security legislation to the floor as soon as possible. Given the time left

in this legislative session and upcoming election this fall, we are concerned that the window of opportunity to pass legislation that is in our view critically necessary to protect our national and economic security is quickly disappearing.

They specifically focused on the threat to critical infrastructure, stating that “protection of our critical infrastructure is essential in order to effectively protect our national and economic security from the growing cyber threat.”

We must not ignore this chorus of warnings issued by those who are the most informed and most alert about the danger to our critical infrastructure. We must pass cybersecurity legislation, and we must ensure that the cybersecurity legislation we pass addresses our Nation’s critical infrastructure. No bill that fails to address critical infrastructure can be said to have done the job of protecting our country.

Our Nation will be vulnerable if critical infrastructure companies fail to meet basic security standards, as they do right now. Legislation must include a mechanism to end this continuing vulnerability. If operators object to a particular approach to cybersecurity for our critical infrastructure on the basis that it is too burdensome or too unwieldy, they will find many Members of the Senate on both sides—myself and Senator BLUMENTHAL included—who are ready and eager to work with them. But if the purpose of the exercise is to come to an end point in which the operators of our critical infrastructure do not have to reach adequate levels of cybersecurity, then we need to move on and we need to vote and go beyond that.

The question of how we get to cybersecurity is one we should engage in the Senate. The question of whether we protect our privately held critical infrastructure in a responsible way is one we should not allow to deter us from getting this job done to protect our national and economic security.

Whatever the ultimate solution, we simply must find a way to improve the cybersecurity of our critical infrastructure.

I yield the floor to Senator BLUMENTHAL, who has been engaged in efforts with me to try to find a way through to a bipartisan bill that will protect our critical infrastructure. He has expertise in this area as a superbly trained lawyer, a multiply elected Attorney General of his home State, a former marine dedicated to our national security, and as a person who brings the highest level of legal talent to this discussion, having argued, I think, five separate cases before the U.S. Supreme Court. He has been an enormous asset, and I appreciate his participation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. BLUMENTHAL. Madam President, I thank the Senator from Rhode

Island, my distinguished colleague, for those very generous remarks. Actually, I had four arguments in the Supreme Court. The rest was similarly exaggerated as to my qualifications. But I thank the Senator from Rhode Island. Most importantly, I thank him for his extraordinary work on this issue and for his leadership and vision as well as his courage.

I wish to emphasize a number of the points he made so powerfully in his remarks earlier. First and most significantly, the United States is under cyber attack. The question is, How do we respond? It is our national interests that are at stake.

Every day this Nation suffers attempted intrusions, attempted interference, and attempted theft of our intellectual property as a result of the ongoing attacks we need to stop, deter, and answer.

National security is indistinguishable from cybersecurity. In fact, cybersecurity is a matter of national security and not only so far as our defense capabilities; our actual weapons systems are potentially under attack and interference, but also, as my colleague from Rhode Island said so well, because our critical infrastructure is every day at risk—our facilities in transportation, our financial systems, our utilities that power our great cities and our rural areas and our intellectual property, which is so valuable and which every day is at risk and, in fact, is taken from us wrongfully, at great cost to our Nation.

The number and sophistication of cyber attacks has increased dramatically over the past 5 years. All the warnings—bipartisan warnings—say those attacks will continue and will be mounted with increasing intensity. In fact, experts say that with enough time, motivation, and funding, a determined adversary can penetrate nearly any system that is accessible directly from the Internet.

The United States today is vulnerable. To take the Pearl Harbor analysis that our Secretary of Defense has drawn so well, we have our “ships” sitting unprotected today, as they were at the time of the Pearl Harbor attack. Our ships today are not just our vessels in the sea but our institutions sitting in this country and around the world, our critical infrastructure, which is equally vulnerable to sophisticated and unsophisticated hackers.

In fact, the threat ranges from the hackers in developing countries—unsophisticated hackers—to foreign agents who want to steal our Nation’s secrets, to terrorists who seek ways to disrupt that critical infrastructure.

It is not a matter simply of convenience. We are not talking about temporary dislocations, such as the loss of electricity that the Capital area suffered recently or that our States in New England suffered as a result of the

recent storms last fall; we are talking about permanent, severe, lasting disruptions and dislocations of our financial and power systems that may be caused by this interference.

One international group, for example, accessed a financial company's internal computer network and stole millions of dollars in just 24 hours.

Another such criminal group accessed online commercial bank accounts and spread malicious computer viruses that cost our financial institutions nearly \$70 million.

One company that was recently a victim of intrusion determined it lost 10 years' worth of research and development—valued at \$1 billion—virtually overnight. These losses are not just for the shareholders of these companies, they are to all of us who live in the United States because the losses, in many instances, are losses of information to defense companies that produce our weapons, losses of property that has been developed at great cost to them and to our taxpayers. We should all be concerned about such losses.

As Shawn Henry, the Executive Assistant Director of the FBI, has said: "The cyber threat is an existential one, meaning that a major cyber attack could potentially wipe out whole companies."

Those threats to our critical infrastructure, as we have heard so powerfully from my colleague from Rhode Island, are widespread and spreading.

Industrial control systems, which help control our pipelines, railroads, water treatment facilities, and powerplants, are at an elevated risk of cyber exploitation today—not at some point in the future but today. The FBI warns that a successful cyber attack against an electrical grid "could cause serious damage to parts of our cities, and ultimately even kill people."

The Department of Homeland Security said that last year they had received nearly 200 reports of suspected cyber incidents, more than 4 times the number of incidents reported in 2010.

In one such incident, more than 100 computers at a nuclear energy firm were infected with a virus that could have been used to take complete control of that company's system.

These reports, these warnings, go on.

In summary, the Director of the FBI said it best: "We are losing data, we are losing money, we are losing ideas, and we are losing innovation."

Those threats are existential to our Nation, and we must address them now—not simply as a luxury, not as a possibility but as a need now.

I thank the Senator from Rhode Island, as well as my distinguished fellow Senator from Connecticut, JOSEPH LIEBERMAN, and others on the other side, such as Senators MCCAIN, COLLINS, GRAHAM, and CHAMBLISS, as well as other colleagues on this side, for their leadership in this area. They have

started this effort with great dedication.

There has been substantial work done already. No one here has ignored this threat. We must move forward for the sake of our Nation's security. Our cybersecurity must be addressed as soon as possible. Cybersecurity is not an issue we can wait to address until we see the results of failure. The consequences of a debilitating attack would be catastrophic to our Nation. I hope we can continue to fill the consensus, which the Senator from Rhode Island has been working to do, with other colleagues, so we can come together, as he said—not whether but how—and do it in a bipartisan way. This issue has elicited, very commendably and impressively, colleagues from both sides who have been working on this issue with dedication and diligence. I hope the body as a whole will match the vigor that is appropriate.

Again, I thank the Senator from Rhode Island. Part of our challenge will be to elicit better agency coordination. If the Senator from Rhode Island wishes to comment further, I hope perhaps he can respond to the question of how soon we should come together and work on this issue. Is it a problem we can delay until the next session or should we try to address it during the coming months of this session before we close?

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I am delighted to respond to the Senator in two ways. First, as the Senator so well pointed out, this is not a future threat or a prospective threat that we need to prepare ourselves against; this is an ongoing, current threat. There is a campaign of attacks into our national security infrastructure, into our intellectual property, and into our critical infrastructure, such as the power grids and the communications networks we count on in our daily lives for what we consider the American standard of living here at home. So time is not our friend.

As one of the individuals I quoted said—I think Admiral McConnell—the day to get this done was yesterday. So the sooner the better. We do need to form a consensus in this body, enough to move through the parliamentary obstacles that exist in this body, which allows us to go forward and will allow us to go forward in a way that does something serious about forcing the operators of our critical infrastructure to put in adequate cybersecurity protections. If they have to do it because they have incentives to do it, that is one way of getting there. If they have to do it because there are regulations that demand it, that is another way of getting there. There are different ways of getting there. And as the Senator from Connecticut and I have discussed—and we are actually working

together on this—we are open to different ways to get there, but it should be agreed amongst us in the Senate that getting there, getting to the point where America's critical infrastructure is protected from cyber attack as reasonably well as we can should be the nonnegotiable goal. Anything short of that should be seen as failure.

There is another thing I wanted to add. The Senator was very generous in his remarks and credentialing of a great number of Senators who have been working very hard. I would also like to single out Senator COONS, who has been very helpful in our efforts.

I will stay on our side of the aisle at this point and add in particular Senator MIKULSKI. BARBARA MIKULSKI serves on the Intelligence Committee. She is keenly aware of the cyber threat. She has taken deep dives into this issue in her role as a cardinal on the Appropriations Committee. She does the appropriations for many of the national security agencies and law enforcement agencies that are deeply involved in this. So when she speaks, she speaks with real authority and she speaks with real impact. Her participation in this effort is extraordinarily helpful, in addition to the efforts of the many Senators whom my colleague singled out as well.

With that, I yield the floor. I see the Senator from Louisiana is here, and I thank the Senator from Connecticut.

Mr. BLUMENTHAL. I thank the Senator and the Chair.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Louisiana.

PREScription DRUG POLICY

Mr. VITTER, Mr. President, I come to the Senate floor to talk about a priority of mine that has been the case since I first came to the Senate; that is, reimportation—changing Federal law appropriately to allow Americans to buy safe, cheaper prescription drugs from Canada and other countries.

We all know prescription drug prices are sky-high in the United States. They are sky-high by any metric, by any measure, but certainly in this down economy and certainly for folks like our seniors who are on a fixed income. They are particularly sky-high when you compare those drug prices to the prices of exactly the same drugs in other countries, including other Western industrialized countries, such as Canada immediately to our north.

For this reason, from the very beginning of my work in the Senate, I have laid out a number of solutions that I believe would make the situation a lot better, including generics reform, which I am working on in a bipartisan way with other Members of the Senate. One of those proposed solutions has been reimportation. Again, that would mean changing Federal law, as I think we absolutely need to do, to allow American seniors and all Americans to

buy safe, cheaper prescription drugs from other countries such as Canada.

Let me emphasize that I am talking about exactly the same prescription drugs as we can buy here at much higher prices, and I am only talking about FDA-approved drugs. I am talking about drugs coming from the same sources, manufacturing sites, either in this country that go to Canada and other countries or sometimes from third-party countries, with the drugs coming to both Canada and the United States.

When I first came to the Senate, we were on the verge of passing that legislation. I worked in a bipartisan way with a large group of Senators, including Senator Byron Dorgan of North Dakota, who was one of the leaders of the issue at the time; JOHN MCCAIN on our Republican side; and many others, including OLYMPIA SNOWE, who were also involved in this issue.

One of those strong vocal supporters of reimportation was then-Senator Barack Obama. He took a very clear position as a U.S. Senator being strongly in support of reimportation. He voted for the full-fledged reimportation bill in 2007, and as he became a Presidential candidate, that strong, clear support continued during his Presidential campaign. Then-candidate Obama clearly stated once again his strong, crystal-clear support for reimportation. In fact, Presidential candidate Obama used very feisty language about reimportation. He claimed he would fight Big Pharma—the big pharmaceutical companies—stating, “We’ll take them on, hold them accountable for the prices they charge” and “[drug] companies are exploiting Americans by dramatically overcharging U.S. consumers.”

Unfortunately, after then-candidate Obama was elected President, some things changed, and the biggest change was the ObamaCare proposal and all of the backroom deals, bartering, and deal-making that led to its passage through Congress. I had concerns at the time. In fact, I spoke very clearly about my concerns here on the Senate floor that there were some backroom deals going on, essentially trading reimportation—the White House pledging to oppose reimportation, clearly against what the President ran on and how he voted here in the Senate, if Big Pharma would join the effort to pass ObamaCare into law.

More recently, in the last few months, e-mails and other evidence have surfaced that clearly confirm that is exactly what went on. In fact, the House Energy and Commerce Committee has had an investigation into this issue, and it has revealed and made very clear the closed-door negotiations about ObamaCare that essentially struck a deal between Big Pharma and the White House, the White House saying: You support

ObamaCare, you help us pass it, you produce advertising dollars to do that, and we will deep-six—kill forever—reimportation.

As I said, this House investigation has laid out a clear pattern of e-mails and other communications that tell the story very clearly. PhRMA e-mails, for instance, say:

Rahm will make it clear that PhRMA needs a direct line of communication, separate and apart from any other coalition.

Of course, Rahm is then-White House Chief of Staff Rahm Emanuel.

On June 10, 2009, PhRMA lobbyists met with White House officials, and coming out of that meeting, they said they had discussed the details “and the expected financial gain from health reform.”

The same House investigation has revealed meetings between top administration officials and other special interest groups, including meetings at the DSCC—Democratic Senatorial Campaign Committee—to coordinate political operations. PhRMA lobbyists attended these meetings to learn about White House messaging and “how our effort can be consistent with that.”

Then the final big deal was struck, and the big deal, as revealed clearly by this evidence and these e-mails, was very clear: PhRMA—the big pharmaceutical companies—would support ObamaCare not just in word but in deed, including putting up \$70 million to help fund an advertising campaign in support of the passage of ObamaCare. That \$70 million from the biggest pharmaceutical companies went to two 501(c)(4) groups—Healthy Economy Now and Americans for Stable Quality Care. These groups were formed specifically to advertise and promote the passage of ObamaCare. The former group was actually created after a meeting discussing the need for these efforts at the DSCC, a Democratic campaign arm. In addition, Big Pharma—the biggest pharmaceutical companies—offered \$80 billion in payment reductions and other parts of health care financing in order to again secure their top priority: killing, in their mind, hopefully forever, reimportation.

In June President Obama’s top White House health care adviser, Nancy-Ann DeParle, wrote to PhRMA that the Obama administration had “made [the] decision, based on how constructive you guys have been, to oppose importation.” Later, after that, PhRMA lobbyist e-mails confirm the deal and specifically highlight a conversation a PhRMA lobbyist had with White House Deputy Chief of Staff Jim Messina. The PhRMA lobbyist wrote:

Confidential. [White House] is working on some very explicit language on importation to kill it in health care reform.

In August 2009 PhRMA’s top lobbyist at the time, Billy Tauzin, made it crystal clear as well when he said:

We were assured . . . you will have a rock-solid deal.

The tragedy of all this is they apparently did have a rock-solid deal because if we look at Senate votes after that backroom deal which helped pass ObamaCare, there were multiple individual Senators who flipped their votes and made good on the White House rock-solid deal to kill reimportation—that opportunity for all Americans, particularly seniors, to be able to buy safe, cheaper prescription drugs from Canada and elsewhere.

Let’s look at votes on the broad reimportation bill which was led by then-Senator Byron Dorgan. I was a cosponsor, and so were many other Senators who had been involved in this issue, such as JOHN MCCAIN, OLYMPIA SNOWE, and many others. In 2007 the Senate actually passed that measure 63 to 28, although after that it was essentially scuttled by a poison pill that was added to the bill. But the vote on the base measure was 63 to 28, with 47 Senate Democrats voting yes, including then-Senator Barack Obama.

Now let’s flash-forward to 2009, after the ObamaCare backroom deal, and it is a whole different planet, a whole different landscape. The Senate defeated the same measure 51 to 48. There was a 60-vote threshold, with 38 Senate Democrats voting yes—a far smaller number—and 23 Senate Democrats switching their votes from 2007. It was exactly the same measure, but 23 Senate Democrats flip-flopped, switched their votes in light of the White House ObamaCare deal.

We can see a similar flip-flop with regard to votes on my Vitter amendment, which was a more narrowly tailored measure regarding reimportation. In 2009 the Senate passed that Vitter amendment 55 to 36, with, again, 45 Senate Democrats voting yes on that more focused and narrowly tailored reimportation amendment. But in 2011, after the deal, it was a completely different story. The Senate rejected the same amendment 45 to 55, with only 29 Senate Democrats voting yes—again, 14 Senate Democrats having switched their votes, doing a complete flip-flop from 2009.

So I believe the facts are in. Investigations, e-mails, and other crystal-clear evidence, including those votes and vote switches, make it very clear there was a backroom deal worth billions of dollars to Big Pharma and worth a lot politically to the Obama White House. That deal, as evidenced by these communications and quotes and e-mails, was very clear.

Big Pharma said: We will help you pass ObamaCare. We will give you \$70 million in advertising money. We will help lower costs so you can brag that ObamaCare is, through some smoke and mirrors accounting, actually saving money when it is not. And, in exchange, you kill reimportation, which

would lower prices on us and hurt our profit margin. And the White House said: Absolutely, we agree.

Senator Obama was full bore for reimportation. Candidate Obama campaigned on the issue and was very strong and vocal about it. President Obama cut the backroom deal and killed it. Those of us who are still fighting for lower prescription drug costs here in the Senate are, quite frankly, still reeling from the setback and still trying to deal with it. But I believe we ultimately will deal with it and will recover from this major setback when the American people fully realize what went on—the corrupt, I would say, backroom deal that was cut between the White House and Big Pharma, and how seniors and other Americans are paying the price.

ObamaCare passed, and prescription drug prices continue to be sky high. They continue to hurt tens of millions of Americans, particularly those on a fixed income such as seniors. And we continue to need a solution to that very real problem. That is why I will continue to fight. I will continue to fight for any measure that makes sense to lower prescription drug prices, generics reform, streamlining at FDA, and, yes, reimportation, to level the playing field, to get a world price on the drugs we use and not force a much higher price on Americans than virtually anyone else pays around the world.

America's seniors need that relief. I wish the Obama White House understood that and acted upon that. I wish President Obama would keep his word that he made as a Senator and as a Presidential candidate. But I will continue to keep my word on the issue and to build that support for strong, effective reimportation legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

HONORING RAUL WALLENBERG

Mrs. GILLIBRAND. Mr. President, I rise today on a matter that has become very close to my heart; and that is, honoring Raoul Wallenberg with the Nation's highest civilian award, the Congressional Gold Medal of Honor. I urge my colleagues to support conferring this honor on Mr. Wallenberg, and I am grateful that we already have 71 of my colleagues from every part of the political spectrum supporting our efforts.

During World War II, Raoul Wallenberg chose to leave his life of ease in Sweden for a diplomatic assignment in Hungary, which was then an ally in Nazi Germany. His assignment was the result of a recruitment effort by the United States War Refugee Board and the Office of Strategic Services to try to save the remaining Hungarian Jews from the Holocaust.

In his effort, Mr. Wallenberg succeeded beyond anyone's expectations.

He provided Swedish passports for thousands of Jews, which literally made the difference between life and death. Mr. Wallenberg rented 32 buildings in Budapest, raised a Swedish flag, and declared them protected with diplomatic immunity. Within these buildings, he housed, protected, and saved almost 10,000 precious lives.

Mr. Wallenberg's bravery and his will to act are shining examples to us all. According to eyewitnesses, Mr. Wallenberg once climbed onto the roof of a train with Jews departing for Auschwitz, handing them protective passes through the doors. Amid threats from the guards, he then marched dozens of those with passes to safety in a diplomatic convoy. As the Nazi front was collapsing and Adolf Eichmann moved to kill all the remaining Jews in Budapest, it was Mr. Wallenberg who helped thwart that plan by threatening Hungarian leaders with the promise of hanging for war crimes if they carried out the plot.

Sadly, and selflessly, Mr. Wallenberg was later taken prisoner when the Soviet Army liberated Budapest from the Nazis, and it is presumed that he died in a Moscow prison.

This hero's willingness to risk his own life for others exemplifies his outstanding spirit, his dedication to humanity, and the responsibility for all of us to speak out against atrocities. His enduring legacy lives on in the countless descendants of those he saved, the lives of New Yorkers such as Peter Rebenwurz, a New York City resident whose late father helped Jews in the Budapest ghetto, and whose father-in-law only survived because of Mr. Wallenberg's heroic efforts.

I wish also to take this moment to recognize Andrew Stevens, who was an active member of the Jewish underground during the Holocaust who worked bravely alongside Mr. Wallenberg to save Jewish lives.

As we move to award Raoul Wallenberg with this Congressional Medal of Honor upon the centennial of his birth, we pay tribute to an extraordinary man whose life should serve as a shining example of leadership and courage for all future generations to come.

Mr. President, I wish also to address the second issue of something we have been debating on the floor all morning, and that is the issue of jobs and what this Congress is doing to help our small businesses grow.

I rise in support of the Landrieu-Snowe amendment and the underlying bill. These two proposals will address what every American expects us to take on; that is, coming together to create jobs, help our economy grow, and focus squarely on creating opportunities for our middle class to thrive. All across my home State of New York, too many middle-class families are continuing to struggle in this very tough economy.

Of course, the government doesn't create any jobs. Businesses create jobs and ideas, and people create jobs, especially small businesses. Small businesses have been responsible for at least 60 percent of all new jobs that have been created, and small businesses can give us the spark we actually need to create a growing economy and a thriving middle class.

I have spent months going all across New York State having roundtables with businesses, and I have particularly hosted roundtables focused on women-owned businesses. I have been to restaurants, I have been to bookstores, I have been to recyclers, I have been to incubators, I have been to home stores, all businesses created by women all across New York State.

Women-owned businesses are among the fastest growing sector within the small business economy. More than 10 million businesses are owned by women, employing more than 13 million people and generating nearly \$2 trillion worth of sales in 2008 alone. Even though women-owned businesses start their businesses with about eight times less capital than their male counterparts, in the decade from 1997 to 2007, women-owned businesses added roughly ½ million jobs to our economy. That is the kind of growth we need right now. That is the kind of spark that could actually make a difference. And we could do our part right here in Congress this week. It is time to end all the political posturing. It is time to come together around commonsense core ideas, such as giving these businesses the tax breaks they need to grow.

We shouldn't wait another day to eliminate capital gains on investments in these small businesses. We should extend the tax breaks for businesses that allow them to invest in new property, plants, or equipment and take those deductions upfront. We should give them incentives to hire those new employees. It is our responsibility as lawmakers to do this kind of work together, in a bipartisan way, one that can set aside the political gamesmanship.

I know, just as women-owned small businesses are ready to lead us to lasting economic strength and growing economy, the women of the Senate are there to support them. Democrats and Republican women have come together around this bill in a bipartisan way to urge our colleagues to support it.

These tax provisions provide relief to the self-employed, to small businesses in their capital investments, and encourage new investment. They work hand in hand with other tax credits that encourage new hires and wage increases. The combination of these things will harness their full potential for our American businesses to grow.

We know these proposals are effective. They helped boost private sector

job creation over the past 2 years. But we all know there is so much more we have to do, and we can start by renewing these commonsense steps to unlock the power of our small businesses.

These aren't Democratic ideas; they are not Republican ideas; they are just good ideas. They are good, commonsense ideas that can make a difference. We should be able to come together to do this for the American people to create a growing economy again.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, yesterday the Senate voted by a wide margin to proceed to Leader REID's Small Business Jobs and Tax Relief Act.

Everyone in this Chamber claims to support both small businesses and tax relief, and Republicans know the best way to do that is to stop the \$4.5 trillion tax hike that looms over the economy, and it is crippling job creators.

Fortunately, there is an easy way to solve the problem: Vote on and pass amendment No. 2491, introduced by Senators HATCH and MCCONNELL and cosponsored by myself and several colleagues.

The amendment is simple. It prevents the looming expiration of the 2001 and 2003 tax relief for 1 year, and lays out specific conditions for progrowth tax reform in the coming months. It is similar to the approach the House will take later this month.

In other words, the Hatch-McConnell amendment stops income tax rates from rising. It stops capital gains and dividends rates from rising. It stops the job-killing death tax from rising and the related exemption from falling. And it prevents the alternative minimum tax from engulfing millions more middle-income Americans.

It is an amendment that would protect our economy more than any debt-financed stimulus bill or other kind of short-term tax credit that the Obama administration could dream up. It is an amendment that, given the history of bipartisan support for tax relief in this Chamber, should pass the Chamber today.

To be clear, stopping these tax hikes for 1 year is not a perfect solution. My preference is to continue the current rates as we move toward comprehensive tax reform for both individuals and corporations. But let's be clear about what the other options are.

First, we could let the top two marginal tax brackets increase from 33 and 35 percent to 36 and 39.6 percent respectively. That is what President Obama and Leader REID wish to do.

That strategy means that almost 1 million business owners will be hit with a massive tax increase on New Year's Day. And that is according to the nonpartisan Joint Committee on Taxation. That strategy means 53 percent of business income will be subjected to a tax hike in order to fund the historic levels of spending from the current administration. The strategy guarantees more jobs will be lost, that unemployment will stay high, and that economic growth will remain sub par.

Let me repeat that. Over half—53 percent—of all business income would be subjected to this tax increase.

If we do nothing, the current code expires and Americans will see over \$4.5 trillion taken from the private sector over the next decade. This will help push us into a recession next year, according to the Congressional Budget Office. For any Member of this Chamber who cares about job creation and economic recovery, these two options should be unacceptable. They certainly were for President Obama in 2010. Less than 2 years ago, when President Obama signed legislation into law preventing taxes from going up on any American, he noted that tax hikes, and I am quoting here, "would have been a blow to our economy just as we are climbing out of a devastating recession."

Evidently, 40 Senate Democrats agreed with the President since they too voted to stop taxes from increasing in 2010. What is the difference now? Our economy is in worse shape, growing now at less than 2 percent. At that time it was 3 percent. So there is even more reason not to raise taxes now than there was in 2010 when the President thought it was a bad idea.

I want to echo the sentiments of Senator MCCONNELL this morning. Even though the President's plan is bad for the economy, we should vote on it and we should vote on the Hatch amendment today. Let's show the American people where we stand. A unanimous consent agreement to do just that was blocked this morning by the majority leader even though President Obama said the following 2 days ago:

So my message to Congress is this: Pass a bill. I will sign it tomorrow. Pass it next week; I'll sign it next week. Pass it next—well, you get the idea.

We should follow President Obama's suggestion. We should vote on these proposals. Let's vote on his proposal. Let's vote on Senator HATCH's proposal. Senator HATCH's proposal will stop taxes from going up on any American. The other one will burden nearly 1 million business owners with job-killing higher taxes. I think Americans deserve to know where their elected officials stand on these critical issues.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WEBB. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia.

Mr. WEBB. Mr. President, I ask to speak on an amendment I have sent to the desk.

The PRESIDING OFFICER. Amendments are not in order at this time, but it can be submitted.

Mr. WEBB. Mr. President, I ask to speak on the bill I send to the desk.

The PRESIDING OFFICER. The measure will be appropriately referred.

Mr. WEBB. Thank you, Mr. President. I thank the Parliamentarian for that clarification.

(The remarks of Mr. WEBB pertaining to the introduction of S. 3372 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WEBB. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of New Mexico). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, what is the current parliamentary situation?

The PRESIDING OFFICER. The Senate is postcloture on the motion to proceed to S. 2237.

Mr. LEAHY. I thank the distinguished Presiding Officer, the Senator from New Mexico.

VERMONT NATIONAL GUARD

Mr. President, let me begin by noting that this morning, while watching "The Today Show," I saw a piece about the Vermont National Guard. We have called them the Green Mountain Boys from the time of Ethan Allen. It was fascinating to watch Savannah Guthrie, who is one of the anchors of the morning program "The Today Show." Her brother is a colonel with the Vermont National Guard who flies F-16s. She got to ride on the plane with her brother, which I thought was remarkable. I had the opportunity to fly with them before. For those of us who are usually confined to flying on airlines, this is a little bit different, both in takeoff, visibility, and maneuvers. I have never been on a commercial airplane where I was pulled anywhere from 5 to 9 Gs, as that flight was.

I was glad to see not only Colonel Guthrie recognized, but also all the men and women of the Vermont National Guard. This is a group who, in the hours after 9/11—the tragedies of 9/11—immediately took to the air and guarded the skies over New York City.

I recall when our adjutant general called me to tell me that the Green

Mountain Boys were protecting New York City around the clock.

I asked her: Where are you basing them from?

She said: Vermont.

I said: Well, how long does it take you to get to New York City?

She told me: With the after burners, a matter of minutes.

I have never been quite able to make that flight on a commuter plane from Burlington, VT, to New York City. But they can be refueled in midair.

Everybody, whether on vacation or not, showed up at the Vermont National Guard—our mechanics, flight administrators, and pilots, of course. They kept those planes going around the clock for weeks. They did not miss a single day of their mission, or a single minute of their mission—even with all the calibration of weapons and radar and everything else. It was a remarkable scene.

I am glad to see them recognized this morning, and as a Vermonter, I am extraordinarily proud of our Vermont National Guard, both our Army Guard and our Air Guard. They do all the people of our State proud.

Mr. President, I wish to speak on another matter, and I ask as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, small businesses and working families throughout Vermont and around the country are facing incredibly challenging times. These problems are especially acute in my State, where we rely so heavily on small businesses to create jobs for our citizens and to make Vermont the desirable place to live and to visit that it is.

The Federal Government has rightly recognized the important role small businesses play in our economy. From SBA loans, to USDA Rural Development grants, to small business set-asides on government contracts, a variety of targeted Federal programs join with small businesses to help them grow and prosper.

This Congress has enacted several job-creating steps. Just last year, I was able to lead the effort here in the Senate to enact a major overhaul of our Nation's outdated patent laws. The Leahy-Smith America Invents Act is going to create jobs, but also, and very importantly, it is going to help unleash more American innovation, and it does not add a penny to our deficit. In fact, last year Vermont was awarded more patents per capita than any State in the Union. Of course, those patents mean more jobs for Vermonters.

And 2 weeks ago we made further progress by passing a transportation funding bill that will make vital investments in our Nation's roads, bridges, and transit systems, and a student loan bill that will lower the costs of college borrowing for thousands of students and their families.

I might say, these student loans are extremely important. I remember the one I had when I was in law school—a 10-year loan. Two things happened the year of that last payment, that 10th payment on my student loan from law school: first, the satisfaction my wife, Marcelle, and I had in paying off the loan, and second, it was that same year I was sworn into the U.S. Senate. I wonder if I would have been here had we not had the money to pay for school.

But I think we can and must do more to help our struggling small businesses and working families.

That is why I strongly support the bill before us today that will provide small businesses with tax incentives to begin hiring again. The bill is a multipronged strategy for spurring job creation. First, it would create a tax credit for businesses to hire new workers or increase wages for their current workers. In other words, instead of saying that we just give a tax break to extraordinarily wealthy people and somehow jobs will be created, we say: Let's see the jobs. Show me the jobs. Show me the jobs. If you have a tax credit for businesses that hire new workers or increase wages for their current workers, then that is a good use of our Tax Code. Second, it would allow businesses to immediately write off all of the major purchases they make this year. That is a tangible incentive for new investments and new hires, right away.

I do not support this bill just because the President supports it, or the Democratic leader supports it, or most of the Members of my side of the aisle support it. They all do stand behind this effort, and I am grateful for that. I support this bill because I have heard from small business owners in Vermont, Democratic and Republican alike, who tell me they would make capital improvements and put people to work immediately if this bill were signed into law. And I suspect the same would be true in virtually every other State in this country.

On the shores of Lake Champlain, in the northern border town of Highgate, VT, sits one of America's most genuine and beautiful family resorts: the Tyler Place Family Resort. Year after year, families flock to the resort to spend time with their families, swimming and boating and enjoying a summer campfire. It is the kind of place that draws the same families year after year, where multigenerational families take time to enjoy each other's company as well as the great food and the magnificent views. It is easy to forget, especially when you are sitting there watching the sunset over the beautiful, great big Lake Champlain, that it is one of the millions of small businesses that keep America's economy moving forward and Americans at work.

Last year I heard from the owners of the resort, including Pixley Tyler Hill,

a dogged advocate for Vermont, for Vermont's tourism industry, and for Lake Champlain, about their interest in seeing an extension of the bonus depreciation provision that expired in December.

Her brother Ted Tyler summed it up by saying:

These changes in the tax law make all the difference in the world in decisions whether to spend money, and thereby stimulate the economy and increase employment in the process. For example, consider a resort deciding whether to add tennis courts, put in a new sewer system, upgrade roads or do major landscaping work—say, at an anticipated cost of \$300,000. Absent bonus depreciation the company will have paid \$300,000 but it can only deduct \$20,000 that year as an expense for tax purposes. True enough that over the next 14 years, the business can continue to write off \$20,000. But how many small businesses can afford to wait that long to recoup the \$280,000 they no longer have?

Pixley and Ted had me sold the minute they explained that this tax incentive was the difference between making new investments and hiring someone, and sitting on their hands waiting for things to change. Extending this provision alone is reason enough to pass the bill.

This bill is full of a million other reasons why we should be working with all the determination we can muster and promptly pass it. Pass it now when the economy needs it. It is a good, solid reason for each of the jobs it would create for working families and businesses all over America.

I urge all Senators to work without delay on this important legislation. Businesses in each of our 50 States are waiting for us to lend another helping hand to the economic recovery act.

VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT

Mr. President, it has been nearly 3 months since the Senate passed the bipartisan Leahy-Crapo Violence Against Women Reauthorization Act—3 months. We are no closer to enacting this bill into law than we were in April when 68 Senators, Republican and Democratic Senators alike, voted for this critical legislation to protect women from domestic and sexual abuse.

I am concerned that politics threatens to get in the way of passing this critical legislation this year. Protecting every victim of domestic and sexual violence should be above politics. Members of Congress in both Chambers, set aside the political rhetoric. Act swiftly to reauthorize this landmark legislation and save countless lives.

Time is running out. There are only a few weeks left in this session before election-year politics take over and Congress comes to a standstill. There are critical improvements in the Leahy-Crapo reauthorization bill that will not take effect unless Congress acts. We cannot simply say: Well, if we

do not enact it, maybe we can do it next year or the year after. There are a lot of major programs that can only be enacted in this bill, not in appropriations, not any other way.

Sexual assault programs will not receive the added support they need unless we pass our bill into law. The legislation's emphasis on increasing housing protection for victims and preventing homicides connected to domestic and sexual violence will not have an opportunity to help vulnerable victims across the country. Important improvements in campus safety and prevention programs for teens will not occur. Immigrant victims, Native women, and LGBT victims will continue to remain without the services and protection they need and deserve.

The legislation is too important to wait. I hear from victims and the professionals who work on their behalf. They say they need the improvements made by the Leahy-Crapo bill and they need them today.

The legislation is particularly important during difficult economic times because the economic pressures facing many Americans can pose additional hurdles in leaving abusive relationships. Active community networks are needed to provide support to victims in these circumstances, yet budget cuts result in fewer available services, such as emergency shelters, transitional housing, and counseling.

Late last month, I had the opportunity to speak at the VAWA National Days of Action rally, where survivors and professionals in the field—those who have dedicated their lives to helping victims all over the country—gathered together to send Congress a message. They told me they are very frustrated by the lack of progress in passing VAWA, and rightfully so, because they and the victims they serve are the ones who are affected by Congress's inaction. They were so inspired when this body came together and 68 of us voted to pass it. Now they ask when are we going to finish.

Their message to Congress was loud and clear: Do your job. Pass VAWA now. Supporting the work of these tireless advocates, and the victims they help, should be our priority.

Victims should not be forced to wait any longer. They will not benefit from the improvements we made in the Senate bill unless both Houses of Congress vote to pass this legislation. The problems facing victims of domestic and sexual violence are too serious for Congress to delay. Domestic and sexual violence knows no political party. Its victims are Republican and Democratic, rich and poor, young and old. As I said so many times, a victim is a victim is a victim. Helping these victims, all of these victims, should be our goal.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLIMATE CHANGE

Mr. WHITEHOUSE. Mr. President, we were here two winters ago, in February, when Washington was hit by a snowstorm that achieved the nickname Snowmageddon. The city and, in fact, much of the mid-Atlantic was buried under feet of snow. It was the biggest snowstorm in 90 years for this area. People in Washington were struggling to get to work and school, and people went without power for days.

This being Washington, some of our colleagues in the Senate seized on that opportunity to mock climate change and to suggest these winter snowstorms were inconsistent with the projections of what would happen from global warming and climate change. As an initial matter, that is a false comparison from the very get-go all by itself. Climate science models have predicted consistently that as polar ice caps and glaciers melt and more water enters the system, we can expect heavier precipitation events. One of the ways it has been described is that if you have a pot on the stove and you have the heat under it and it is simmering, when you turn up the heat, you get more activity in the pot. You add energy to a dynamic system like a pot of boiling water, and it creates more energy in the dynamic environment.

In the same way, the extra energy coming in because of climate change, our carbon pollution in the atmosphere, is energizing our atmosphere and our weather, and we are getting weather extremes as a result.

There was an article in *Science Daily*, headlined "Arctic Ice Melt Is Setting Stage for Severe Winters." It says this:

The dramatic melt-off of Arctic sea ice due to climate change is hitting closer to home than millions of Americans might think.

That's because melting Arctic sea ice can trigger a domino effect leading to increased odds of severe winter weather outbreaks in the Northern Hemisphere's middle latitudes—think the "Snowmageddon" storm that hamstrung Washington, DC, during February 2010.

I ask unanimous consent that this article be printed in the *RECORD* at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. WHITEHOUSE. That shows the original challenge to climate change theory, based on the incident of

Snowmageddon, was like so much that is said to challenge climate change—phony, outright wrong, a misunderstanding of how it works, and misrepresenting what it shows.

Scientists have recently published an article in *Oceanography* that demonstrates that link between climate change and severe winter weather in the northern Hemisphere's middle latitudes. I think that can be debunked as a phony claim against the facts of climate change that are surrounding us. Look around at what is happening now. We are seeing extreme weather on the other side.

Last week, Eugene Robinson wrote a Washington Post column that was entitled "Feeling the Heat." He wrote:

Still don't believe in climate change? Then you're either deep in denial or delirious from the heat.

He points out that the evidence is mounting in irresistible and ultimately irrefutable ways. To quote from his article:

The National Oceanic and Atmospheric Administration says the past winter was the fourth-warmest on record in the United States. To top that, Spring—which meteorologists define as the months of March, April and May—was the warmest since recordkeeping began in 1895.

Again, this spring—March, April, and May—was the warmest since recordkeeping began in 1895.

He continues:

If you don't believe me or the scientists, ask a farmer whose planting seasons have gone awry.

The Bloomberg news recently wrote a story entitled "U.S. Corn Growers Farming in Hell as Midwest Heat Spreads." The story reported that corn crops are in the worst condition since 1988 and that 53 percent of the Midwest is experiencing moderate to extreme drought conditions.

I ask unanimous consent to have printed in the *RECORD*, at the conclusion of my remarks, the Bloomberg article I have just referenced.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. WHITEHOUSE. It is not just the agricultural sector that is getting clobbered by the drought and the heat. As the Presiding Officer, Senator UDALL of New Mexico, knows all too well, and to quote from a New York Times story:

Explosive wildfires have burned across much of the west in recent weeks. In southwestern New Mexico, the largest wildfire in state history has burned nearly 300,000 acres.

Of course, New Mexico is the Presiding Officer's home State, but the article also describes other fires on the loose in Colorado and Utah.

The High Park Fire, which has been burning for weeks near Fort Collins and is one of the largest and most destructive blazes in the state's history . . .

The article also mentions that Colorado had more than half a dozen fires burning and said conditions have not been this bad in a decade.

So we are seeing exactly the kind of extreme weather conditions the climate scientists, whom the deniers have always mocked and made fun of, actually predicted. They predicted this would happen, and it is, in fact, happening.

It is clear we can't take a particular storm and say this storm, this fire, this drought was the product of climate change. The example people use to describe what is going on is that it is akin to loading dice. The more someone loads the dice, the more the numbers they have loaded the dice to show up will show up. So we will get more weather events. Even if we don't load the dice, we are sometimes going to get double sixes. We can't show every double six is because the dice were loaded, but when we see more and more double sixes showing up—more than history would suggest or more than the odds would suggest—then something is going on. That is what we have done by loading our atmosphere with carbon pollution. We have loaded the dice for these extreme weather events, and now we are reaping that bitter harvest from the pollution we have thrown up there.

Unfortunately, the bitter harvest in this city is that we continue to listen to propaganda and nonsense from the polluters designed specifically to create enough doubt to prevent us from taking action about something that is creating these immense consequences for foresters and firefighters in the West, for corn farmers in the Midwest, and for anybody who has to experience extraordinary weather events like "snowmageddon," so-called, here in Washington. These things are beginning to have an effect as real life begins to model what the climate scientists predicted.

NOAA's Chief Jane Lubchenco spoke before an audience in Australia, which is experiencing very similar conditions, and said these extreme weather events are convincing many Americans that climate change is a reality. We are seeing that more and more.

Yale, George Mason University, and the Knowledge Networks did some polling on this subject, and 69 percent of the respondents said they agreed that "global warming is affecting the weather in the United States" versus 30 percent who said they disagreed. So better than 2 to 1 the American people are ready for us to do something about this. They know there is a connection and they expect us to take responsible action.

Gallup polls are reflecting a rebound in the public's concern about climate change from 51 percent in 2011 up to 55 percent in March of this year. Before the recession, it was all the way up to 66 percent, until the economic issues pushed it aside.

The contention the polluting industries and their mouthpieces here in Washington make—that the jury is

still out on climate change caused by carbon pollution—is simply false. The jury is not still out. The verdict is in, the verdict is clear, and we should start doing something about it.

When I come to the Senate floor to give these talks, I often quote a letter from back in October 2009 that was signed by virtually every major scientific organization in the country—the American Chemical Society, the American Geophysical Union, the American Meteorological Society, the American Society of Agronomy, the Botanical Society of America, the Soil Science Society of America, the American Statistical Association, and I could go on and on. The point is not to name all the multiple responsible and respected scientific organizations that signed the letter but to read what it was they said. If we think about it, as I read it, think about how cautious scientists ordinarily are in the language they use. Here is what they said:

Observations throughout the world make it clear—

Clear—

that climate change is occurring, and rigorous scientific research demonstrates—

Not suggests, demonstrates—

that the greenhouse gases emitted by human activities are—

Not maybe, are—

the primary driver. These conclusions are based on multiple independent lines of evidence, and contrary assertions are inconsistent with an objective assessment of the vast body of peer-reviewed science.

That is a very "sciencey" way of saying something that is pretty harsh, which is that all these contrary assertions about climate change simply cannot be reconciled with an objective assessment of the facts, of the vast body of peer-reviewed research. If it can't be reconciled with an objective assessment, what kind of assessment is it getting? What it is getting, I submit, is a phony assessment, a political, propaganda-driven assessment, and an assessment with the purpose of creating enough doubt to slow down political action, to preserve the status quo, and to allow pollution to continue to pour out of these smokestacks.

I speak very specifically about smokestacks because Rhode Island is a downwind State, and so much of the coal pollution that gets piped up into the atmosphere through Midwestern smoke stacks ends up landing in my State. It lands in the form of ozone, in particular. There are days in a Rhode Island summer that look clear, look beautiful, and someone can be driving by sparkling Narragansett Bay in the morning on their way to work when off goes the radio and the radio jock, in giving the news announcements of the day, says: Today is a bad air day in Rhode Island. Infants should stay indoors. The elderly should stay indoors. People with breathing difficulties should stay indoors.

This is an otherwise beautiful day. Yet children, seniors, and people with breathing difficulties should stay indoors? Yes, because corporations, pumping carbon pollution and other forms of pollution out of their Midwestern smokestacks, will not clean up their act. So they get to hold Rhode Islanders, on a clear summer day, captive indoors because they will not clean it up? That is wrong. It is just plain wrong.

I am going to continue to come to the floor on a regular basis to keep pointing this out. For some reason, this has become the issue in Washington that dare not be mentioned. Enough of that. It is time we started to mention it. It is time we started to force this issue, and it is time we started to do something about it because any other form of activity faced with these facts would be wildly irresponsible.

Let me give the example I have used before. You are a parent. You have responsibility for the welfare and well-being of your child. Your child is showing symptoms. You don't know quite what is wrong, but you take her to the doctor and the doctor says: Something is wrong here. She needs treatment. Treatment is not going to be easy, it will not be cheap, but she needs it. You think: OK. That is bad news. I tell you what, I am going to be a responsible parent and I am going to go get a second opinion. So you go and get a second opinion and that doctor says the exact same thing: Your daughter is sick. She needs treatment. So you ask a couple more doctors who are friends. You get a third and fourth opinion.

Let's say you are the most determined parent in the world and you go out and you get 99 second opinions. You contact 100 doctors about your daughter's condition, and 97 of them, 97 of those doctors say your daughter is sick and she needs to be taken care of and she needs this treatment. At that point you say: There is still doubt. There are these three other doctors who aren't so sure about this, so I am not going to do it. That is not something a responsible parent would do. I suspect in some circumstances that would be so irresponsible that it might land you in the child and family services office of your local government.

That is exactly what we are being asked to do about climate change—to ignore the 97 percent of peer-reviewed climate scientists who understand this is real, this is man-made, and the consequences are going to be ferocious for us because there is a 3-percent doubt. It gets even worse because so many of the scientists involved in the 3 percent are scientists for hire who have economic ties to the polluting industries. Some of them even go back to previous fights, such as those over whether cigarette smoking is good for you or whether lead paint is safe for children.

These are scientists who have made a career of manufacturing doubt on behalf of the cigarette and tobacco industry, on behalf of the lead paint industry, and now on behalf of the big carbon polluters. In a nutshell, they are phonies, and we are being asked to believe them.

I see the Senator from Florida is here, and I think my time at this point has probably expired. I appreciate the time to come before this body and share these views again. I will close by pointing out if there is one place we truly need to worry about climate change and about the effects of our carbon pollution, it is not just in our atmosphere, it is not just in the climate or in the weather, it is in the oceans. The oceans are undergoing historic changes as a result of the amount of carbon in our atmosphere. We are acidifying our oceans at a rate that is unprecedented. We are now out of a bandwidth that has lasted for 8,000 centuries—8,000 centuries. Our entire species has developed within a safe bandwidth of atmospheric carbon and of ocean acidity that we have now, for the first time, stepped out of and a long way out of. If we do not take this issue on in a responsible way, we are going to bear an even more bitter harvest.

EXHIBIT 1

[From the ScienceDaily, June 6, 2012]
ARCTIC ICE MELT IS SETTING STAGE FOR
SEVERE WINTERS
(By Anne Ju)

The dramatic melt-off of Arctic sea ice due to climate change is hitting closer to home than millions of Americans might think.

That's because melting Arctic sea ice can trigger a domino effect leading to increased odds of severe winter weather outbreaks in the Northern Hemisphere's middle latitudes—think the "Snowmageddon" storm that hamstrung Washington, D.C., during February 2010.

Cornell's Charles H. Greene, professor of earth and atmospheric sciences, and Bruce C. Monger, senior research associate in the same department, detail this phenomenon in a paper published in the June issue of the journal *Oceanography*.

"Everyone thinks of Arctic climate change as this remote phenomenon that has little effect on our everyday lives," Greene said. "But what goes on in the Arctic remotely forces our weather patterns here."

A warmer Earth increases the melting of sea ice during summer, exposing darker ocean water to incoming sunlight. This causes increased absorption of solar radiation and excess summertime heating of the ocean—further accelerating the ice melt. The excess heat is released to the atmosphere, especially during the autumn, decreasing the temperature and atmospheric pressure gradients between the Arctic and middle latitudes.

A diminished latitudinal pressure gradient is associated with a weakening of the winds associated with the polar vortex and jet stream. Since the polar vortex normally retains the cold Arctic air masses up above the Arctic Circle, its weakening allows the cold air to invade lower latitudes.

The recent observations present a new twist to the Arctic Oscillation—a natural

pattern of climate variability in the Northern Hemisphere. Before humans began warming the planet, the Arctic's climate system naturally oscillated between conditions favorable and those unfavorable for invasions of cold Arctic air.

"What's happening now is that we are changing the climate system, especially in the Arctic, and that's increasing the odds for the negative AO conditions that favor cold air invasions and severe winter weather outbreaks," Greene said. "It's something to think about given our recent history."

This past winter, an extended cold snap descended on central and Eastern Europe in mid-January, with temperatures approaching minus 22 degrees Fahrenheit and snowdrifts reaching rooftops. And there were the record snowstorms fresh in the memories of residents from several eastern U.S. cities, such as Washington, New York and Philadelphia, as well as many other parts of the Eastern Seaboard during the previous two years.

Greene and Monger did note that their paper is being published just after one of the warmest winters in the eastern U.S. on record.

"It's a great demonstration of the complexities of our climate system and how they influence our regional weather patterns," Greene said.

In any particular region, many factors can have an influence, including the El Nino/La Nina cycle. This winter, La Nina in the Pacific shifted undulations in the jet stream so that while many parts of the Northern Hemisphere were hit by the severe winter weather patterns expected during a bout of negative AO conditions, much of the eastern United States basked in the warm tropical air that swung north with the jet stream.

"It turns out that while the eastern U.S. missed out on the cold and snow this winter, and experienced record-breaking warmth during March, many other parts of the Northern Hemisphere were not so fortunate," Greene said.

Europe and Alaska experienced record-breaking winter storms, and the global average temperature during March 2012 was cooler than any other March since 1999.

"A lot of times people say, 'Wait a second, which is it going to be—more snow or more warming?'" Well, it depends on a lot of factors, and I guess this was a really good winter demonstrating that," Greene said. "What we can expect, however, is the Arctic wildcard stacking the deck in favor of more severe winter outbreaks in the future."

EXHIBIT 2

[From Bloomberg, July 9, 2012]

U.S. CORN GROWERS FARMING IN HELL AS
MIDWEST HEAT SPREADS
(By Jeff Wilson)

The worst U.S. drought since Ronald Reagan was president is withering the world's largest corn crop, and the speed of the damage may spur the government to make a record cut in its July estimate for domestic inventories.

Tumbling yields will combine with the greatest-ever global demand to leave U.S. stockpiles on Sept. 1, 2013, at 1.216 billion bushels (30.89 million metric tons), according to the average of 31 analyst estimates compiled by Bloomberg. That's 35 percent below the U.S. Department of Agriculture's June 12 forecast, implying the biggest reduction since at least 1973. The USDA updates its harvest and inventory estimates July 11.

Crops on July 1 were in the worst condition since 1988, and a Midwest heat wave last

week set or tied 1,067 temperature records, government data show. Prices surged 37 percent in three weeks, and Rabobank International said June 28 that corn may rise 9.9 percent more by December to near a record \$8 a bushel. The gain is threatening to boost food costs the United Nations says fell 15 percent from a record in February 2011 and feed prices for meat producers including Smithfield Foods Inc. (SFD).

"The drought is much worse than last year and approaching the 1988 disaster," said John Cory, the chief executive officer of Rochester, Indiana-based grain processor Prairie Mills Products LLC. "There are crops that won't make it. The dairy and livestock industries are going to get hit very hard. People are just beginning to realize the depth of the problem."

TOP COMMODITIES

Corn rallied 18 percent in the month through July 6 on the Chicago Board of Trade to \$6.93, trailing only wheat among 24 commodities tracked by the Standard & Poor's GSCI Spot Index, which rose 2 percent. The MSCI All-Country World Index of equities advanced 4 percent, and the dollar gained 1.3 percent against a basket of six currencies in the period. Treasuries returned 0.5 percent, a Bank of America Corp. index shows. Corn for December delivery in Chicago extended the rally today, jumping 5.3 percent to settle at \$7.30.

About 53 percent of the Midwest, where farmers harvested 60 percent of last year's U.S. crop, had moderate to extreme drought conditions as of July 3, the highest since the government-funded U.S. Drought Monitor in Lincoln, Nebraska, began tracking the data in 2000. In the seven days ended July 6, temperatures in the region averaged as much as 15 degrees Fahrenheit above normal. Soil moisture in Illinois, Indiana, Ohio, Missouri and Kentucky is so low that it ranks in the 10th percentile among all other years since 1895.

Fields are parched just as corn plants began to pollinate, a critical period for determining kernel development and final yields. About 48 percent of the crop in the U.S., the world's largest grower and exporter, was in good or excellent condition as of July 1, the lowest for that date since 1988 and down from 77 percent on May 18, government data show.

YIELD LOSSES

The USDA may cut its production forecast by 8.5 percent, the biggest July reduction since a drought in 1988 led the government to cut its estimate by 29 percent, a separate Bloomberg survey of 14 analysts showed. Farmers probably will collect 13.534 billion bushels, compared with the USDA's June forecast for a record 14.79 billion, based on the average of estimates in the survey.

Goldman Sachs Group Inc. said July 2 that yields will reach 153.5 bushels an acre, below the USDA estimate for an all-time high of 166.

"Corn yields were falling five bushels a day during the past week" in the driest parts of the Midwest, said Fred Below, a plant biologist at the University of Illinois in Urbana. "You couldn't choreograph worse weather conditions for pollination. It's like farming in hell."

RECORD CROP

Even with the drought, U.S. production in 2012 is expected to rise 9.5 percent from last year to a record after farmers sowed the most acres since 1937, the survey showed. Higher output would help boost inventories before next year's harvest, up from what analysts said will be a 16-year low on Sept. 1 of 837 million bushels.

Futures fell 2.2 percent on July 6, the most in two weeks, after the USDA reported a 90 percent drop in export sales in the week ended June 28. U.S. refiners curbed output of corn-based ethanol last week to the lowest since September as gasoline demand weakened, government data show.

Corn's rally also may stall if Europe's widening debt crisis and a faltering global economy erode record demand for the grain. The International Monetary Fund will reduce its estimate for growth this year because of weakness in investment, employment and manufacturing in Europe, the U.S., Brazil, India and China, Managing Director Christine Lagarde said July 6.

"The shrinking global economy is the elephant in the room that no one wants to discuss as long as U.S. crops are under siege," said Dale Dorcholz, the senior market analyst for Bloomington, Illinois-based AgriVisor LLC. "Corn demand at \$5 is much more robust than when it costs \$7."

CHANGING EXPECTATIONS

Corn tumbled into a bear market in September and kept dropping as farmers planted more crops. Robert Manly, the chief financial officer at Smithfield Foods, the largest U.S. pork producer, told analysts on a June 14 conference call that hog-raising costs would "begin to decline starting in the fall." Corn has surged 41 percent since then, reaching a nine-month high today.

U.S. corn production may drop to 11 billion bushels, the smallest crop in seven years, because the hot, dry weather killed the pollen and rains now may be too late to reverse the damage, according to Cory, the Indiana mill owner and a former investment banker. Prices may reach \$9 before demand slows, he said.

World corn use rose to a record every year since 1997 as the expanding economy boosted incomes and the consumption of meat and dairy products from animals raised on the grain. The USDA projected last month a 6.4 percent increase in global demand to 923.39 million tons in the year that starts Sept. 1, the biggest gain in six years. More U.S. output went to ethanol production than livestock feed in 2011 for the first time ever.

VULNERABLE PERIOD

While the U.S. harvest is about two months away, the drought reached plants at the most vulnerable period in their growing cycle, said Nick Higgins, a London-based analyst at Rabobank, predicting a 13.488 billion-bushel harvest.

Based on current soil moisture and June temperatures, the drought is probably the worst since 1988, said Joel Widenor, a vice president at the Commodity Weather Group in Bethesda, Maryland. The private forecaster said July 5 that corn output this year will be 13.52 billion bushels, and that hot, dry weather in the next two weeks may reduce yields further.

The drought may spark a rebound in global food prices this month through October, halting a slide that sent costs in June to the lowest level in 21 months, Abdolreza Abbassian, an economist in Rome at the United Nations' Food & Agriculture Organization, said July 5.

BASE INGREDIENT

"Corn is key because of its widespread use as a base ingredient in so many foods and for its use in feed for livestock," said Stanley Crouch, who helps oversee \$2 billion of assets as chief investment officer at New York-based Aegis Capital Corp. "We are at the tipping point."

In May, retail prices of boneless hams, ground beef and cheese in the U.S. were close

to all-time highs set earlier this year, while chicken breast jumped more than 12 percent during the first five months of the year, government data show.

"When people look at rising prices for hamburger, butter, eggs and other protein sources from higher corn costs, that's when more money ends up in the food basket," said Minneapolis-based Michael Swanson, a senior agricultural economist at Wells Fargo & Co., the biggest U.S. farm lender. "We were hoping for a break, and we aren't going to get it."

Mr. WHITEHOUSE. I thank the Presiding Officer, and I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from South Dakota.

Mr. THUNE. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are in postcloture time.

HEALTH CARE

Mr. THUNE. Mr. President, when Congress began debating health care in 2009, the goal was to lower the cost of care and give Americans the care they need from a doctor they choose.

Americans were promised that if they liked the insurance they had and the doctor they had, they would be able to keep the plan and to continue to see the doctor they liked. Americans were promised that the negotiations would be transparent and televised on C-SPAN. Americans were promised the bill wouldn't add a dime to the deficit, and that it would lower the cost of care. Americans were promised their premiums would go down by \$2,500. Americans were promised this President would not raise taxes on families with incomes below \$250,000.

Instead, Congress passed a massive governmental takeover of the health care industry. In the last 2 years, we have seen that Americans can't keep the insurance they had, continue to see the doctor they like, and are paying more for health care now than they would have if this administration had not pushed through the massive 2,700-page bill. The law adds billions to the deficit. And at the end of the day, Americans will find they are left holding a bag full of empty, broken promises.

Today I want to focus on the broken promises of taxes. The President pledged not to raise taxes on individuals making less than \$200,000 and families making less than \$250,000 per year. Yet the new individual mandate tax—which the Supreme Court affirmed as a tax increase—will raise \$54 billion in new taxes, largely on middle-income Americans between 2015 and 2022.

In fact, according to the Congressional Budget Office, 77 percent of those projected to pay the tax in 2016 will be those earning less than \$120,000 per year. Americans earning less than \$120,000 clearly meet the President's definition as middle income.

The Congressional Budget Office projections confirm that at least three out

of every four Americans subjected to the new individual mandate tax will be the same middle-income taxpayers President Obama promised would not see their taxes raised by one dime.

In fact, when asked by George Stephanopoulos of "ABC News" in September of 2009 if the President rejected the notion that the individual mandate was a tax, the President stated, "I absolutely reject that notion." The President wasn't equivocal and he didn't leave any room for interpretation.

So let's be clear. This President and the Democratic leaders here in Congress sold ObamaCare as if it did not contain significant new tax increases on the middle class. Yet what they now know what they were selling was an incredible bait and switch. They were in fact enacting \$54 billion in new individual mandate taxes primarily on the middle class by calling it something else.

I would note that this tax increase is larger than the "Buffett rule" tax increase the President has spent much of the year promoting.

The Supreme Court ruled that the individual mandate is not constitutional under either the Commerce Clause or the Necessary and Proper Clause of the Constitution. So there are only two options: Either the individual mandate is a tax—and it happens to be a tax that falls hardest on the middle class—or it is unconstitutional.

It is estimated that average tax on an American subject to this new tax increase will be about \$1,100 per year. And after paying this tax, these Americans still won't have health insurance.

We should not forget that the national health insurance tax is not the only tax increase in ObamaCare affecting individuals. Starting next year, individuals will be able to save less money, taxfree, in Flexible Spending Accounts to pay for their own healthcare expenses. Currently, there is no statutory limit on FSA contributions, though many FSAs set their own limits. Starting next year, ObamaCare will cap the amount Americans can save in a Flexible Savings Account at only \$2,500 per year, and ObamaCare will limit tax deductions for those with the largest health care needs by reducing the medical expense deduction from expenses above 7.5 percent of adjusted gross income to expenses above 10 percent of adjusted gross income. So at the very time ObamaCare is driving up health care costs, it is also making it more difficult for American families to pay for their own healthcare needs.

These tax increases don't even take into account the new 3.8-percent tax increase on investment income or the almost 1-percent Medicare surtax that will be imposed on higher income Americans starting in 2013, making it more expensive for small business owners to hire new workers or otherwise invest in our economy.

These taxes on individuals are in addition to the ObamaCare taxes on businesses, such as the new medical device tax or the tanning tax. We know these taxes on businesses will ultimately be passed through to consumers of health care, driving health care prices even higher.

In fact, of the \$552 billion in new taxes included in ObamaCare, according to the Joint Committee on Taxation and the Congressional Budget Office, the Joint Economic Committee has estimated that roughly \$250 billion is tax increases that will hit the middle class either directly or through the health care products they consume.

In addition to this new national health insurance tax of \$1,100 a year and other increases in ObamaCare, Americans will see that health care costs will continue to rise.

Despite the President's promise that his health care plan would reduce insurance premiums, premiums have increased by over \$2,200 since Obama took office, according to the Kaiser Family Foundation. And according to the President's own Actuary at the Centers for Medicare and Medicaid Services in a report from this month on national health expenditure projections, premiums under the new health care law will rise faster than if we had done nothing at all. I want to quote from that report.

In 2014, growth in private health insurance premiums is expected to accelerate to 7.9 percent, or 4.1 percentage points higher than in the absence of health reform.

Think about what is actually being said here. The cost of health insurance would have gone up a lot less per year had we done nothing than what we did with this bill, which is to increase those expenditures for health care by about 7.9 percent.

Americans are going to be stuck paying higher costs for health insurance medical devices due to the tax on these sectors that this bill imposes.

Americans know firsthand that we are going to continue to struggle with an economy that is not performing well. The unemployment rate remains above 8 percent for 41 consecutive months. On the immediate horizon the American people stare down an enormous tax increase, from a health reform law they didn't want and still don't want.

Americans are also seeing this law has impacted our economy. According to a recent poll, 48 percent of businesses that are not currently hiring list the potential cost of health care regulations as a reason for not seeking new employees. And according to the Congressional Budget Office, ObamaCare will mean 800,000 fewer jobs over the next decade. The last 3 years have made it very clear that ObamaCare is making our economy worse by driving up costs and discouraging job creation.

Moving forward, Congress needs to start by repealing ObamaCare. We need to repeal ObamaCare and enact commonsense, step-by-step reforms that protect Americans' access from the care they need, from the doctor they choose, at a lower cost.

Republicans will not repeat the Democrats' mistakes. We will not rush to pass a massive bill the American people don't support. We need to do this the right way: No backroom deals or 2,700-page bills that no one has read.

This President owes it to Americans to admit his broken promises, and to work with Republicans to put in place real health care reforms that will actually help lower health insurance costs for individuals and families and ensure that Americans can get the care they need when they need it.

The taxes I have mentioned in the health care law are going to add up to a massive tax increase on average ordinary Americans. All the analyses that have been done by the Joint Committee on Taxation, the Congressional Budget Office, and the Joint Economic Committee come to that very same conclusion.

This is a tax that is going to hit middle-class Americans, notwithstanding the President's promise that he wouldn't raise taxes on those making less than \$200,000 a year. Seventy-five percent of that tax burden from that individual mandate tax—which is \$54 billion—will hit those making less than \$120,000 per year.

So the whole idea of promises made and promises broken I think is the narrative that has attached itself to this health care reform law. I submit that the Congress and the President need to work together to repeal this law and to work in a constructive way to put in place commonsense, step-by-step reforms that actually will drive the cost of health care down for Americans, because that is the one thing that Americans, as they look at the health care economy today, want to see. They want to know their costs are going to go down rather than up, and they continue to see these increases in premiums year over year and that continues to affect our economy.

The mandates that are imposed upon employers in this health care law as well are going to lead to fewer jobs. That is the outcome of this health care law. It is higher costs for Americans, and it is going to mean fewer jobs for American workers.

Coupled with that, we have seen as recently as yesterday the President saying he now wants to raise taxes on those small businesses in our country. The tax he has proposed on those making more than \$250,000 a year, interestingly enough, hits 940,000 small business owners. Fifty-three percent of the passthrough income would face higher taxes as a result of the proposal he made yesterday. The people who run

those businesses employ 25 percent of the American workforce. So we are talking about huge new burdens on our economy at a time when we absolutely cannot afford it: 41 consecutive months of 8-percent or higher unemployment; 23 million Americans either unemployed or underemployed; 5.4 million Americans who have been unemployed for a long period of time; and the weakest recovery literally since the end of World War II. Those are the economic circumstances we find ourselves in today, and now we have proposals coming out of the White House, in addition to the burdens imposed by ObamaCare, that would lead to higher taxes on the very people we look to to get us out of this economic circumstance, and that is our small businesses and entrepreneurs, all of whom are going to be faced with higher taxes because of the President's proposals.

We can do better for the American people. We can get this economy growing again with commonsense health care reforms, commonsense tax reforms, regulatory reforms that lower the cost and the burden of doing business in this country, a comprehensive energy policy that will make sure we are developing our own energy sources in this country, and getting Federal spending under control.

We need a smaller Federal Government and a bigger, more robust private economy. You cannot do that by continually piling more taxes and more regulations and more mandates and more requirements on the very people who create jobs. The American people deserve better and we can do better.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

ORDER OF PROCEDURE

Mr. NELSON of Florida. Mr. President, as a courtesy to Senator INHOFE, I ask unanimous consent that Senator INHOFE be recognized after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the remarks by the Senator from Florida the Senator from Wyoming be recognized, and then I be recognized after the Senator from Wyoming for up to 35 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VETERANS UNEMPLOYMENT

Mr. NELSON of Florida. Mr. President, on the battlefield there is a code among the military that you don't leave anybody behind. That principle ought to apply to our returning veterans as well. It is essential for us to care for our veterans when they get home and show them the same respect and loyalty they showed us during their service.

This economic downturn has been especially tough for many of our veterans as they come back from Iraq and Afghanistan. The unemployment rate among veterans returning from those two countries was 9.5 percent in June. While this is clearly an improvement from last year, and an improvement in the entire economy over the last couple of years, it is still more than a point higher than the national average. For our youngest veterans, it is even worse—29 percent in 2011.

Our servicemembers have already done the toughest jobs out there. They are highly trained and extremely skilled. We ought to give them as many opportunities as possible to succeed when they get home. That means when veterans come back from war, they shouldn't have to do battle with bureaucrats.

I wanted to make a commonsense suggestion, so I filed a bill—which recently passed both the House and the Senate—to remove some of those bureaucratic obstacles in our veterans' way and to make it easier for them to get occupational and professional licenses when they get home. The Veteran Skills to Jobs Act is a bipartisan bill cosponsored by 17 Senators and supported by veterans organizations such as the American Legion. I ask unanimous consent that the American Legion's commentary on this legislation be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. NELSON of Florida. The bill directs Federal agencies to recognize relevant military training when certifying veterans for Federal occupational licenses. It is common sense. If veterans have skills learned in the military, they ought to be able to utilize those skills, that training, without having to go through duplicate training when they get into a specialized civilian job. If the military training is found to be comparable to the civilian requirements, the veteran would be deemed qualified for that occupation.

These are the licenses people need in order to get jobs in the civilian sector.

I want to give an example. Let's say an Air Force or Navy aircraft mechanic gets out of the service. That veteran may want to use those skills learned in the military to work in the commercial airline business. To do so, that veteran must be certified as an aircraft mechanic technician, certified by the Federal Aviation Administration. This requires an airframes and powerplant license from the FAA.

Although the veteran has trained to do this, this highly skilled occupation for our military, what we are seeing all too often is common sense goes out the window, and that veteran may have to go through redundant and expensive training to get that airframes and powerplant license. Of course, that does not make sense.

This is not just a Federal issue. Many States are starting to recognize military training when certifying veterans for State licenses, such as nurses and truckdrivers. I am pleased that the Federal Government will now move in this direction as well. We have already passed it unanimously in the Senate; likewise, they have passed it in the House. Both bills are down in the other's respective Chambers. We need to go ahead and pass this legislation. Today I will move for final passage of the bill, and I know of no objection since we got it out of the Senate unanimously.

One of the greatest honors I have in my job is getting to meet and thank our veterans and current members of our military and all of our national security apparatus. It is up to us to stand by these folks. Passing legislation to help employ veterans, such as the Veteran Skills to Jobs Act, is one way we can thank them.

EXHIBIT 1

THE AMERICAN LEGION,
OFFICE OF THE NATIONAL COMMANDER,
Washington, DC, March 30, 2012.

Hon. BILL NELSON,
U.S. Senate, Hart Senate Office Building,
Washington, DC.

DEAR SENATOR NELSON: On behalf of the 2.4 million members of The American Legion, I would like to express support for S. 2239, the Veteran Skills to Jobs Act of 2012, which provides for Federal certification of veterans who have been qualified for licensure through relevant military training.

With an anemic economy and a downsizing military, it is essential veterans be given the ability to quickly find civilian employment upon separation from the military. Without these types of opportunities, separating military personnel could add to the unemployment problem currently faced by millions of Americans. Federal certification and licensure of veterans who have received relevant training will assist in this process of ensuring that veterans are able to smoothly and quickly transition between military and civilian employment. Matching qualified veterans with Federal licenses which require their expertise is good for veterans, good for the economy and good for the country.

Again, The American Legion fully supports enacting S. 2239 and applauds your leadership in addressing this critical issue facing our nation's veterans and their families.

Sincerely,

FANG A. WONG,
National Commander.

The PRESIDING OFFICER. The Senator from Wyoming.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor today, as I do week after week, ever since the President's health care law has been passed, to offer a doctor's second opinion about this health care law, which I believe is bad for patients, bad for providers—the nurses and doctors who take care of those patients—and terrible for taxpayers.

We saw the Supreme Court issue its historic decision on the President's health care law. The Court confirmed

that the individual mandate in the President's health care law is a tax. The President said it was not a tax. I will just say the Supreme Court confirmed that it is in fact a tax. The decision makes it clear that the Internal Revenue Service, the IRS, will now play an unprecedented role in America's health care system.

That is not something American citizens have asked for or want, but it is something many American citizens fear. Recently, the Associated Press highlighted this concern in an article titled, "Tax Man Cometh to Police You on Health Care."

"Tax Man Cometh to Police You on Health Care."

The article points out that the health care law contains the largest set of tax changes in more than 20 years. To be specific, according to the Congressional Budget Office, there are at least 18 separate taxes contained in the health care law. These taxes are expected to cost taxpayers more than \$500 billion over the next 10 years.

The Associated Press points out that the IRS is expected to spend over \$880 million just to implement the law from 2010 to 2013, and to do this they are going to hire more than 2,700 new government workers. This could be just the tip of the iceberg. According to a report issued by the House Ways and Means Committee, the Internal Revenue Service may need as many as 16,500 additional bureaucrats to enforce the President's health care law—now the President's health care tax.

One of these taxes the agents are going to be enforcing is something called the individual mandate. This is the part of the law that forces every American to have health insurance. If they do not have it, the law forces them to purchase health insurance—and not just any health insurance. No, no, not at all. They need to purchase government-approved health insurance. This is not necessarily something this family thinks is right for them and their needs and their insurance and their family. No, that is not good enough. They have to purchase government-approved insurance, and the IRS is going to check on them to make sure they do.

According to the Congressional Budget Office, 77 percent of those forced to pay the tax will be people making less than \$120,000 a year. President Obama repeatedly promised he would not raise taxes on the middle class. Specifically, he promised that no family making less than \$250,000 a year would see any form of tax increase.

Let me just quote. The President of the United States said:

I can make a firm pledge. Under my plan, no family making less than \$250,000 a year will see any form of tax increase . . .

The President went on to say "not your income tax." He said "not your payroll tax." He said "not your capital

gains tax." He finished it by saying "not any of your taxes."

But when the President's lawyers went before the Supreme Court, they did just the opposite. They argued that this mandate was indeed a tax. The Solicitor General even stated that the Court had an obligation to construe the mandate as a tax. He said it could be upheld on that basis.

As it turns out, a majority of the Supreme Court agreed that the mandate was constitutional, but only because it is a tax. In short, the Supreme Court confirmed that the President has broken his promise to middle-class families; and it is the promise that he made to not raise taxes. In fact, the President's individual mandate tax will produce more tax revenue for the government than the so-called Buffett rule that this administration has been supporting.

While supporters of the health care law may support using the IRS to scare people into getting health insurance, most Americans do not think this is the right policy for our country. Back when Congress was debating this health care law, the American people were looking for reform, health care reform that would actually lower the cost of care, not raise their taxes. They wanted a law that helped train more doctors and more nurses to take care of them, not more tax collectors to look into their life and their records. The last thing they want is the IRS breathing down their necks and banging down their doors. But that is what the American people have gotten through the President's health care law, and that is what they are stuck with unless Congress and the White House repeal and replace this flawed and failed law.

As a physician with 25 years of experience taking care of families all around Wyoming, I believe there is a better way. We can implement commonsense reforms in a step-by-step way that allows people to purchase insurance across State lines, reform medical liability laws, and strengthen State high-risk pools. These simple changes will help lower the cost of care without forcing millions of Americans to live in the fear of the Internal Revenue Service.

That is why I am going to continue to come to the Senate floor and call on Congress to repeal the President's health care law. It is time for Americans to get what they were looking for in the beginning but do not get as a result of the President's health care law. What they are looking for is the care they need from the doctor that they choose at a lower cost.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

GLOBAL WARMING HYSTERIA

Mr. INHOFE. Mr. President, I have to say that I enjoy these second opinions when they come from such a well-

known doctor who knows what he is talking about. Quite often we in this body are forced to kind of assume we are experts in every area. It is nice to have a few who really are. I think I don't say it very often, but I actually learn something when I hear him talk.

Anyway, that is not why I am here today. I hope to help provide some sense and balance and accuracy which is clearly lacking in the mainstream media trying to drum up support for the global warming hysteria again.

I have to say it is like we are back to the good-old days. We talked about this for 10 years. There are different people coming up with legislation, the cap-and-trade legislation. They found out, of course, that the American people realized it was a gigantic tax and there were no benefits, so it kind of went by the wayside. But there is a new thing happening, and it was interesting because just last Friday one of the Obama appointees to the National Oceanic and Atmosphere Association said to the Associated Press:

The wildfires and hot temperatures over the past few weeks will likely convince Americans that global warming is real.

In other words, they are now trying to tie them together. They have never tried to do this before because that is one of the few things that all experts agree on: that one isolated case doesn't make a case for major changes in the weather. This is kind of a dangerous game to play because what are they going to say when winter comes and it is going to get cold? As soon as it gets cold I can tell you what they are going to say. They are not going to use global warming; they are going to use climate change.

As the season changes, the terminology changes, and they will start saying just because the temperatures are freezing doesn't mean the planet is not overheating—if you follow through the double negatives.

My good friend from Rhode Island commented on the famous igloo. This was pretty prominent two summers ago. Let me tell you the story of where we got to the igloo. As most people know, because I brag about it all the time, I have 20 kids and grandkids.

This happens to be one family. You cannot see them as well. It is six of the most beautiful people we have ever seen. It happens to be my daughter and her husband and their family of four kids.

Anyway this would have been in February 2010. Some of us remember how cold it was during that time. It happens that one of my kids—the only one who is adopted is a little girl, an orphan from Ethiopia, whom we found and nursed back to health. My daughter Molly, who had nothing but boys, adopted this little girl.

Put her picture up there. She is a pretty little girl. She has become kind of a hero.

Every February I sponsor something called the African dinner where about 400 of our friends from Africa come over, and we are establishing close, intimate relations with them. It happens that 12 years ago, we found the little girl who is pictured on the poster. She is now a 12-year-old little girl. She reads at college level. She is smart and she is the main speaker every time we have this dinner.

In February 2010, little Zegita Marie was up here and she brought her whole family and made her speech. It was a beautiful thing. Afterwards, as they were getting ready to take the plane back home, the blizzards came, and all of the airports in the area shut down. There was no way they could get back. So what do you do with a family of six when you are snowbound and there is nothing but snow and ice on the ground? You make an igloo. So they did.

That is a real igloo. It sleeps four people. I know that; I was in it. It was right by the Library of Congress. The sign on the top said: Al Gore's new home. Actually, I think it may have said: Honk if you want global warming—or something like that. Anyway, everyone was having a good time.

Some of my liberal friends were so upset. One of them was Keith Olbermann. Keith Olbermann, who was with MSNBC, designated my daughter Molly's family of six as the worst family in America. Now, there is her husband who is very prominent in Fayetteville, AR. My daughter Molly is a professor at the university. She was designated as Outstanding Professor of the Year this year. She will be marching out during the homecoming on November 3 to accept that award. It is quite an outstanding family, and the kids are all straight-A students and all of that wonderful stuff.

So that is the famous igloo. It has been a long time since we had a chance to talk about it. There we have Molly, James, Jase, Luke, Jonah, and Marie enjoying that. Believe it or not, that is the worst family in America.

Well, just after the igloo story broke, a reporter by the name of Dana Milbank warned the alarmists. Keep in mind the terminology we use. Those people who think the world is coming to an end because catastrophic global warming is coming is all due to man-made gases, so we need to shut down America. Those are the alarmists.

The skeptics are people like me, those who look at it and say science has been stripped out by the United Nations for an ulterior motive. Dana Milbank has been very much on the other side of the issue and warned the alarmists to stop using weather to justify global warming because then what do they do when the weather doesn't cooperate with their predictions of the melting planet.

He wrote:

In Washington's blizzards, the greens were hoist by their own petard.

He said:

If the Washington snows persuade the greens to put away the slides of polar bears and pine beetles and to keep the focus on national security and jobs, it will have been worth the shoveling.

But not everyone got that memo. In July 2010, the hot summer that followed the intense blizzards when my family put up the igloo, Jon Karl of ABC News asked me to do an interview outside in the heat. It was obviously an ambush. People who know me well know I enjoy ambushes, so I went out there in the heat. They got ready with the cameras rolling, and they had a pan with an egg on it. They were going to fry it, but it didn't fry. Nice try, but it didn't work.

I am sure some here may have noticed that somebody else tried this last weekend. Last weekend I happened to be in the Farnborough Airshow, which I go to every year. While I was at the airshow, I got a call from home telling me that they have kind of resurrected the igloo, and they were talking about that. They were planning a great big event on The Mall, and in the event they were going to take the thing, called "Hoax"—let me go back to 2003.

In 2003 when I realized and I started hearing from a lot of the real scientists that it was a hoax, I made the comment that the notion of catastrophic global warming is due to manmade anthropogenic CO₂ and manmade gases. It is the greatest hoax ever perpetrated on the American people. So that is where "Hoax" came from.

So they had a great big thing made of ice. Apparently, it was the size of a car. It said "Hoax" with a question mark. They were going to put it out there and it was going to melt and they were going to make a big issue out of it.

The problem is nobody showed. So what did they do? They felt they couldn't do this if there were no cameras, so they called it off. They used the excuse that there had been a storm, and they thought this might be offensive to people who lost electricity in the storm. Anyway, that thing went under too.

So in addition to the recent activity from my alarmist friends, the hot weather has also brought some of my favorite global warming reporters out of hiding, and they have been all too eager to link today's weather events to manmade greenhouse gases. Of course, many of the most outspoken global warming alarmists and scientists have been happy to play along. The important point is that no one, not even the most committed alarmist, can claim that any percentage of the warm weather is due to manmade greenhouse gases. I will go into more detail in just a minute.

This is an inconvenient truth that global warming reporters have kept

out of their headlines, and in some cases their stories as well.

Seth Borenstein of the Associated Press is a good guy. He is on the other side of this issue, but he is one of these guys I still like. He is one of the most prominent global warming reporters. He came out last week with another scary headline proclaiming: "This US summer is what global warming looks like."

Some quotes and stories appeared in Reuters, The Hill, and Politico. Yesterday morning *Time* magazine ran a piece by Bryan Walsh with the headline, "Now Do You Believe in Global Warming?" I was happy to see that Mr. Walsh began his article in *Time* magazine with a picture of my family in their igloo. He concluded his piece with:

We're living in an igloo in the summertime, and the ice melting all around us.

It is kind of interesting that they try to talk about global warming, but all of a sudden they changed it to cooling.

This was in the *New York Times*. They said:

This summer has been conspicuously different in New York City, not one 99-degree day in Central Park. Not a single day that the temperature even approached 90. For just the second time in 140 years of record keeping, the temperatures failed to reach 90 in either June or July.

The daily average last month was at or below normal every day but two. The temperature broke 80 on 16 days in New York.

So it goes on to say that the problem they are having is it is unusually cool. But that didn't inure to the benefit of the alarmists, so that wasn't used.

So it is time to take a trip down Memory Lane. Don't forget that *Time* is the same publication that told us in 1974 that we should be very concerned about the coming ice age.

There it is. Every magazine had it. *Newsweek* had the same thing. All the other magazines said another ice age is coming, and we are all going to die.

Since there is time to do this, I will mention one thing which is not in my notes. Think about how many times this has happened. Let's look at the last 100 years. We will start with 1895. From 1895 to 1925, we went through a 30-year period that was a cooling period. Everyone back then was saying another ice age is coming, and we are all going to die.

From 1925 to 1945, for that 20-year period, we went through a warming period. That is when they coined the phrase "global warming." That was way back in the 1930s. From 1945 to 1975 we went into a cooling period. Again, we talked about how an ice age is coming. After that, we went into a warming period that went up to the turn of the century. Now it is actually going down into a cooling period again, but that was actually a chart.

I guess what I am saying is every 20 or 30 years, we go through this. We go through the same hysteria, and every-

one goes crazy and says the world is coming to an end. The interesting thing about this is that the time in world history when we had the greatest surge of CO₂ was right after World War II. That was in 1945, and that precipitated not a warming period with all of that CO₂, but a cooling period that endured for 30 years. Those were the headlines in the paper.

Now 30 years later, during the height of the global warming movement, they changed their tune. The image that is sealed in everyone's mind is the *Time* magazine cover, which we have: "Be Worried, Be Very Worried." There is the last polar bear standing on the last cube of ice. Everything is melting, and we are all going to die. Again, that is *Time* magazine.

If I were on the board of directors of *Time* magazine, I would probably do the same thing. It is a competitive business, and they have to sell magazines. The truth is when we ask the alarmists directly, they will specifically link the recent weather events to human activity. How do we know this? We recently came across a reported conference held by a group called Climate Communication. This is a very liberal group. As their Web site confirmed, this call was held to spoonfeed talking points to reporters on how to link the heat over the past few weeks to manmade global warming.

To his credit, AP reporter Seth Borenstein asked the most important question of the call. He asked: What percentage of the recent warm weather can be attributed to manmade gases? I want to be completely accurate, so I would like to quote in full Borenstein's question as well as the answers he got from Dr. Michael Oppenheimer and Dr. Steven Running, two of the foremost global warming alarmist scientists. This is what Seth Borenstein said:

Let me try to put you more on the spot, Mike and Steve: I know there's attribution—you haven't done attribution studies, but if you ballparked it right now and had to put a percentage number on this, on the percent that the heat wave, the percentage of blame you can put on anthropogenic climate change, on this current heat wave, and on the fires, what percentage would the two of you use?

Dr. Oppenheimer, who is a scientist, said:

Come on, I'm not going to answer that. Yes, I will answer it, and my answer is: I won't do it. You know, we have to do things carefully, because if you don't, we are going to end up with bogus information out there. People will start disbelieving because you'll be more wrong, more often. This is not the kind of thing I want to do off the top of my head. Nor do I think it can be done, you know, convincingly without really taking—doing careful analysis, so I'll pass on this one and see if Steve has a different view.

Well, Dr. Steve Running said:

Well, I already got way too hypothetical on my last answer. Yeah, it's . . . probably really dangerous for us to just lob out a number.

Well, this goes on and on and on. I have all of this down. It is actually all in the record at this point, so it is redundant. He keeps trying to get them to say there is a percentage of chance that this warm weather is due to global warming.

Now, we have to stop for a minute because we have seen that Seth Borenstein was asking the inconvenient question. One of the moderators tried to step in and tell the AP reporter that his question was a bad one.

Let me quote that one again, Susan Hossel, moderator for the event, said:

Seth, most of the scientists I talk to say it is a contributing factor and that's what we can say and that it's really not even really a well-posed question to ask for a percentage, because it just—what you're asking really is for a model to determine the chances of this happening without climate change or with climate change and models are not very good.

So we see how he responded. He said:

I understand, I've been covering this for 20 years, I understand. I don't need a lecture, thank you very much. What I'm asking for is—

And he went on. Obviously, he was never able to get it.

Here is the irony: Their Web site specifically explains that the purpose of the call is to give reporters a link relating hot weather to human-caused global warming.

It states:

Climate Communication hosted a press conference featuring experts discussing the connections between extreme heat and climate change.

But when pressed, they couldn't make the link. Again, Borenstein asked a great question, a question that badly needed to be asked. Unfortunately, none of the information appeared in his article for the AP. Without that link, Borenstein was forced to make his article about what global warming could look like in the future. But in doing so, he left out any mention of uncertainty expressed by the scientist.

Borenstein quoted Chris Field, a leading author of the Intergovernmental Panel on Climate Change. That is the United Nations that started this whole thing, and they are the ones who were stacking the scientists. He is one of the individuals. According to Field, this report warns of "unprecedented extreme weather events" due to global warming. But, as usual, Borenstein failed to mention that even the IPCC, which normally heightens the fear factor as much as possible, admitted in that same March report that there is significant uncertainty regarding linking extreme weather events to human causes.

Also missing from the article was the mention of Borenstein's interview from climatologist Judith Curry of the Georgia Institute of Technology. Fortunately, she was good enough to post her answers on her blog since he didn't use it. Curry explained:

We saw these kinds of heat waves in the 1930's, and those were definitely not caused by greenhouse gases. Weather variability changes on multidecadal time scales, associated with large ocean oscillations. I don't think that what we are seeing this summer is outside the range of natural variability for the past century. In terms of heat waves, particularly in cities, urbanization can also contribute to the warming.

There was another interesting part of the conference call that I think is worth mentioning. When ABC News reporter Bill Blakemore asked about the effect of La Nina and El Nino on today's hot weather, Dr. Oppenheimer was again uncomfortable about this question and said it was "off message." Yet NOAA—that is, the N-O-A-A—came out yesterday with a different opinion. Andrew Revkin of the New York Times explained on his blog:

In a briefing and several postings today, the National Oceanic and Atmospheric Administration reviewed the most notable climate and weather events of 2011. Many of these events—from an extreme East African drought to Australian deluges—were significantly driven by a "double-dip La Nina" cooling of the tropical Pacific Ocean, agency scientists said.

In other words, it is La Nina and El Nino that made the difference.

In yesterday's Tulsa World, there was an opinion piece that directly addressed this El Nino and La Nina debate and how it affects Oklahoma specifically; that is, my State of Oklahoma. The editorial mentions an interview in April of 2008 with Tulsa National Weather Service meteorologist Nicole McGavock regarding Oklahoma's record rainfall that month. McGavock said:

Don't go blaming global warming, but rather blame El Nino's counterpart, La Nina. La Nina happens when the weather is cooler near the equator along the Pacific Ocean.

It has nothing to do with global warming.

That same opinion piece mentioned another article published in December of 2011 which was about Oklahoma's drought-filled summer of 2011. In it, associate State climatologist Gary McManus said:

Did this hot summer happen due to global warming? [No.] I think when we study this summer, we will find that we would have had the warmest summer regardless of global warming.

With all this in mind, it is no wonder that when Time magazine asks the question, "Now do you believe in global warming?" the answer is resounding: The American people are no longer buying it. As the Washington Post recently reported, global warming is no longer an issue of concern for Americans, and one of the reasons is that the public doesn't trust those who try to use hot weather as proof of global warming. The public has clearly grown weary of the alarmists' fear campaigns. After all, they have been going on for 12 years.

Just how bad have things gotten for the global warming movement? Well,

one indication is that no one is even talking about global warming except for myself and Representative MARKEY over in the House. As a Politico article said yesterday, Representative MARKEY accused Republicans of being silent on the threat of global warming and called for Republicans to hold hearings.

While Representative MARKEY is quick to accuse Republicans of silence, he says nothing about the silence we are hearing from the Democrats here in the Senate. We haven't heard anybody. I haven't heard the term "global warming" coming from any Senator. When was the last time anyone heard President Obama or the Democrats mention global warming? In fact, their campaign has failed so miserably that President Obama, running for reelection, is pretending to support oil and gas to gain votes.

The irony is that the President, who came into office promising to slow the rise of the oceans and all that, has presided over the complete collapse of the global warming movement. Since President Obama took office nearly 4 years ago, not one global warming cap-and-trade bill has been debated on the Senate floor. In fact, if anything, they are regressing in support for their pet issue. Last year 64 Senators went on record as wanting to rein in the Obama EPA's global warming regulations.

We have said several times that there have been numerous bills introduced ever since the Kyoto Treaty was never submitted for ratification. That was back in the early 1990s. Ever since that time, there have been numerous bills that would be cap-and-trade bills and they have gone down. Each time, they go down by a greater percentage than the one before did. In fact, if anything, they are regressing in their support.

So the far-left environmental community has clearly been instructed to keep quiet, although sometimes they can't help themselves and they get into trouble, like 350.org that I referred to. They are no doubt assured that if President Obama is reelected, he will do everything he can to achieve his global warming agenda through regulations because the American people have rejected legislation. That is what has happened. Actually, the cost of it, which is not controversial—it is because people recognize and nobody has actually refuted the fact that if it were to pass either by legislation or by regulation, it would cost the American people between \$300 billion and \$400 billion a year. So people now realize that and know we can't afford to do something that really is not going to accomplish anything.

Anyway, the Obama administration is already doing—we have identified right now some \$68 billion that he has, through regulations, been able to have on all of his climate agenda. So it has already been very expensive. Nobody is really aware of it, but nonetheless that

is what is happening. He just doesn't want the American people to know it. How can he convince them that so much economic pain is necessary now that the global warming movement has completely lost its trust in the public? That would stop some of the usual suspects from continuing to try to drum up global warming hysteria, but we wouldn't count on Al Gore coming out of hiding to help or President Obama saying anything to back him up—at least not now, before the election.

Just the other day, George Mason University, I believe it was, did a polling of all of the 480 TV meteorologists. Only 19 percent of them said we are having global warming due to man-made gases. Now, that is a major change from before. So the trendline is going back the other way. The polling has definitely gone the other way.

Back to last weekend's failed effort to blame hot weather on global warming, I would like to mention three things on which scientists agree.

First of all, we can't blame global warming on one event. Let me share with my colleagues what Roger Pelke, professor of environmental studies at the University of Colorado, said:

Over the long term, there is no evidence that disasters are getting worse because of climate change.

Judith Curry, whom I already mentioned, is a well-established scientist. She said:

I have been completely unconvinced by any of the arguments . . . that attributes a single extreme weather event, a cluster of extreme weather events, or statistics of extreme weather events to anthropogenic forcing.

Myles Allen, the head of the Climate Dynamics Group at the University of Oxford's Atmospheric, Oceanic and Planetary Physics Department, said:

When Al Gore said . . . that scientists now have clear proof that climate change is directly responsible for the extreme and devastating floods, storms, and droughts . . . my heart sank.

I was on "The Rachel Maddow Show." She doesn't have Republicans on very often. She is one of my favorite liberals, and I enjoy being on. I found out then that Bill Nye, her science guy, actually is one—one of the things he states is, don't fall into the trap of trying to say that because somebody is at some place that is very, very hot, that somehow that supports global warming. In fact, Dana Milbank, a Washington Post columnist who is a major Maddow contributor, said:

When climate activists make the dubious claim, as a Canadian environmental group did, that global warming is to blame for the lack of snow at the Winter Olympics in Vancouver, then they invite similarly specious conclusions about Washington's snow . . . Argument-by-anecdote isn't working.

That was Dana Milbank, who is really on the other side of this issue.

So I mentioned that there are three things. One is a fact that is incon-

trovertible, that people agree on, which is that one or two events aren't going to reflect climate change or global warming.

The second thing is the cost. Years ago when the Kyoto Treaty was up, I wasn't sure which way to go. I assumed the scientists were all together on this, only to find out they weren't.

One thing we did find out when we got a report from several universities, including MIT, was that the cost of this, if we were to pass any of the bills, would have been between \$300 billion and \$400 billion a year. What I always do when I hear about billions and trillions of dollars is I try to, if I can, find out how that affects my family and the State of Oklahoma.

Back when we had the largest tax increase in 1993 called the Clinton-Gore tax increase, they increased marginal rates, the death tax, capital gains tax and all of that, and it was at that time the largest tax increase in three decades. We were all pretty outraged about it. Yet that was a \$32 billion tax increase. Here we are talking about a \$300 billion to \$400 billion tax increase.

The last thing I would say is that if we have a tax increase like this, what do we get for it?

I sometimes appreciate—in fact, I always appreciate the Administrator of the EPA, Lisa Jackson. She is an appointee of President Obama. I asked her this question on live TV in one of our committee hearings: If you guys are going to do this by regulation or if you are going to have cap and trade and punish the American people with all of the cost of this and everything else, if they are successful, if that happened, would this reduce the CO₂ worldwide? Her answer: No, it wouldn't. Because this isn't where the problem is. The problem is in China and Mexico and India. One could carry that argument on out further and conclude that if we have that kind of a regulation in this country and drive our manufacturing base overseas, they would go to places such as China and India where there are no emissions restrictions, so it would have the effect of actually increased CO₂.

Anyway, I appreciate very much Time magazine coming out and bringing up the igloo again. It is a thing of beauty, and it is very meaningful to me, and I think it told a story that a lot of people needed to hear, and they have heard it now.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

HEALTH CARE

Mr. BENNET. Mr. President, I thank you for the recognition. I come to the floor to briefly talk about the Supreme Court decision on health care.

I was in Colorado last week. We had a wonderful time traveling across the Western Slope of our State. We spent time in Gunnison County and other

places. We fished in Hartselle. One thing people were not talking about there was the Supreme Court decision on health care. What they were talking about was how we get our economy moving again; how we recouple our economic growth in this country to job growth and wage growth again; how we create a comprehensive and thoughtful approach to reducing our deficit and our debt; how we educate our kids for the 21st century; how we build this economy to make sure we leave our kids with something better than what we found. In short, they were talking about exactly what people inside the beltway are not talking about.

Today the House of Representatives—I don't know whether voting has started yet—in the wake of the Supreme Court decision, is voting to repeal the health care reform bill for the 31st time. They have been successful 30 times. They have voted to repeal the bill 30 times, but they feel the need now to do it a 31st time.

I saw on the TV in my office today the Twitter traffic that was rolling at the bottom of the screen. One person after another announced that they were voting to repeal the health care bill for the 31st time.

I thought about a Facebook post I saw last week from somebody I know in Denver named Mary Seawall. She is on the school board there, but she is not a politician. This is what she wrote the day after the Supreme Court reached its decision on health care:

Yesterday's Supreme Court decision upholding the Affordable Care Act came on a hard day for our family. Yesterday afternoon, we learned that our 6-year-old Annie has type 1 diabetes. She and I sat in a doctor's office crying through her first finger prick, her first insulin shot. Our life is now different.

She will have this disease for her entire life or until there is a cure. A few years ago, our entire family might have lost our insurance. She now has a preexisting condition that likely would have made her uninsurable as an adult.

Mary wrote:

What I am saying is not political; it's a mother's sigh of relief.

"A mother's sigh of relief."

When I heard the Supreme Court ruling, I was waiting for the call—

"I was waiting for the call"—

to tell me why my baby looked too thin, why she had to take breaks walking up a flight of stairs, why she had started wetting her bed. The ruling means she lives in a country that won't leave her behind.

We are very lucky that we caught this early before she lost consciousness or went into a coma, something that would have likely happened in the next few days.

I know our luck came from health insurance that allowed her worried parents to take her to the doctor because we had a "bad feeling." Many families, even insured ones, can't do what we did. I was raised on the idea of "better to be safe than sorry." Our health care system has been "better sorry than safe" for too long.

Mary goes on to say that this Supreme Court decision “couldn’t have come at a better time, our family’s worst day.”

I hope the folks who are twittering about their repeal for the 31st time of this bill rather than working to try to improve it, rather than working to try to fix it, incapable of actually telling us what they would replace this with, would take a moment to read what a mother in Denver posted on Facebook last week.

I do not think this health care bill was perfect, and I said that from the day we passed it. There are issues around cost, in particular, that I continue to be very concerned with because despite the rhetoric around this place, the reality is that we cannot solve our deficit and debt problem without dealing with a restructuring of how we deliver health care in the United States. Maybe the bill is not perfect, and maybe there are suggestions that could be made to improve it. I have my own. I tried, when we passed the bill, to put a fail-safe in place that would actually hold this Congress to the numbers that it said it would save, the dollars that we said we would save, and that if we did not, we had to figure out how to cut or make other changes to get there. So there is more work to be done. But the thing I find amazing—and this is why I wanted to come to the floor—is how far away this conversation is from the people I represent and what a masquerade so much of this conversation is.

I know there were a lot of people who were disappointed that the health care bill was declared constitutional by the Supreme Court, and there were people who said they were going to declare it unconstitutional, and they did not.

So the next day—and really for the next week—what we heard was, well, the bill imposes a tax on the middle class of this country, that the President broke a promise because he said he would not raise taxes on the middle class.

I want everybody to know what is being talked about when people talk about this. They are talking about a piece of the legislation called the health care mandate. Some people call it a penalty, and some people call it a tax. That is something that has been debated around here for the last week. It has not been debated before this.

I do not care what label you put on it, frankly, because people at home are not talking to me about this. Do you know why they are not talking to me about this? Because it applies to 1 percent—1.2 percent, to be precise—of the American people. That is what the Congressional Budget Office told us when we were passing this legislation. And if you do not believe me, it is on page 33—I will not enter the whole opinion into the RECORD—of the Supreme Court’s finding of fact, where

Justice Roberts finds as a matter of fact that the CBO said this mandate would cost \$4 billion and that roughly 4 million people would be affected. Those are the 4 million people after Medicare and Medicaid and private employers’ insurance and personal insurance that people buy. That is a group of people, a sliver, 1 percent of the American people who can afford to buy insurance but do not and choose to pay the penalty or the tax or the mandate instead of buying their insurance—\$4 billion; 4 million people.

Mr. President, I ask unanimous consent that the portion of the Supreme Court Opinion of the Court that I referred to on page 33 of the opinion be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OPINION OF THE COURT

The exaction the Affordable Care Act imposes on those without health insurance looks like a tax in many respects. The “[s]hared responsibility payment,” as the statute entitles it, is paid into the Treasury by “taxpayer[s]” when they file their tax returns. 26 U.S.C. §5000A(b). It does not apply to individuals who do not pay federal income taxes because their household income is less than the filing threshold in the Internal Revenue Code. §5000A(e)(2). For taxpayers who do owe the payment, its amount is determined by such familiar factors as taxable income, number of dependents, and joint filing status. §§5000A(b)(3), (c)(2), (c)(4). The requirement to pay is found in the Internal Revenue Code and enforced by the IRS, which—as we previously explained—must assess and collect it “in the same manner as taxes.” *Supra*, at 13–14. This process yields the essential feature of any tax: it produces at least some revenue for the Government. *United States v. Kahriger*, 345 U.S. 22, 28, n. 4 (1953). Indeed, the payment is expected to raise about \$4 billion per year by 2017. Congressional Budget Office, *Payments of Penalties for Being Uninsured Under the Patient Protection and Affordable Care Act* (Apr. 30, 2010), in *Selected CBO Publications Related to Health Care Legislation, 2009–2010*, p. 71 (rev. 2010).

Mr. BENNET. What the health care bill was intended to do—and again, it may not have done it perfectly, and there may be other ideas we ought to be legislating around—what it was intended to do is solve a problem that confronted not 1 percent of the American people, not 4 million people, but a problem that conservatively—extremely conservatively—affects 50 percent of the American people and is a \$58.5 billion problem, not a \$4 billion problem, because it is 50 percent of the people who are covered today by their employers who have to pay \$1,100 a year in additional premiums to subsidize the uninsured in the United States of America. That was one of the big objectives of dealing with this health care issue. And I say it is conservative because this number does not even include the people who are buying insurance on their own. So maybe if you add those numbers together, you

get to about 70 percent of the American people.

So we spent a week on cable television, on the floor of the Senate, occupied completely with this 1 percent number over here, with no theory at all about what we are doing for 50 percent of Americans. That is how comical this conversation has become. I should not say comical. That is how detached this conversation has become from what is actually going on in the real lives of the people whom I represent and others in this Chamber represent.

What is so amazing to me, having watched this as somebody who has not been around here for very long and may not understand all the ways of Washington, is that when you look at the history of this so-called mandate or so-called tax, it is really puzzling to understand the politics around this.

This is a chart, I show you in the Chamber, that is part of an article that ran in the *New Yorker* a couple weeks ago called the “Unpopular Mandate” by Ezra Klein. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the *New Yorker*, June 25, 2012]

UNPOPULAR MANDATE—WHY DO POLITICIANS REVERSE THEIR POSITIONS?

(By Ezra Klein)

On March 23, 2010, the day that President Obama signed the Affordable Care Act into law, fourteen state attorneys general filed suit against the law’s requirement that most Americans purchase health insurance, on the ground that it was unconstitutional. It was hard to find a law professor in the country who took them seriously. “The argument about constitutionality is, if not frivolous, close to it,” Sanford Levinson, a University of Texas law-school professor, told the *McClatchy* newspapers. Erwin Chemerinsky, the dean of the law school at the University of California at Irvine, told the *Times*, “There is no case law, post 1937, that would support an individual’s right not to buy health care if the government wants to mandate it.” Orin Kerr, a George Washington University professor who had clerked for Justice Anthony Kennedy, said, “There is a less than one-per-cent chance that the courts will invalidate the individual mandate.” Today, as the Supreme Court prepares to hand down its decision on the law, Kerr puts the chance that it will overturn the mandate—almost certainly on a party-line vote—at closer to “fifty-fifty.” The Republicans have made the individual mandate the element most likely to undo the President’s health-care law. The irony is that the Democrats adopted it in the first place because they thought that it would help them secure conservative support. It had, after all, been at the heart of Republican health-care reforms for two decades.

The mandate made its political debut in a 1989 Heritage Foundation brief titled “Assuring Affordable Health Care for All Americans,” as a counterpoint to the single-payer system and the employer mandate, which were favored in Democratic circles. In the brief, Stuart Butler, the foundation’s health-care expert, argued, “Many states now require passengers in automobiles to wear

seat-belts for their own protection. Many others require anybody driving a car to have liability insurance. But neither the federal government nor any state requires all households to protect themselves from the potentially catastrophic costs of a serious accident or illness. Under the Heritage plan, there would be such a requirement.” The mandate made its first legislative appearance in 1993, in the Health Equity and Access Reform Today Act—the Republicans’ alternative to President Clinton’s health-reform bill—which was sponsored by John Chafee, of Rhode Island, and co-sponsored by eighteen Republicans, including Bob Dole, who was then the Senate Minority Leader.

After the Clinton bill, which called for an employer mandate, failed, Democrats came to recognize the opportunity that the Chafee bill had presented. In “The System,” David Broder and Haynes Johnson’s history of the health-care wars of the nineties, Bill Clinton concedes that it was the best chance he had of reaching a bipartisan compromise. “It should have been right then, or the day after they presented their bill, where I should have tried to have a direct understanding with Dole,” he said.

Ten years later, Senator Ron Wyden, an Oregon Democrat, began picking his way back through the history—he read “The System” four times—and he, too, came to focus on the Chafee bill. He began building a proposal around the individual mandate, and tested it out on both Democrats and Republicans. “Between 2004 and 2008, I saw over eighty members of the Senate, and there were very few who objected,” Wyden says. In December, 2006, he unveiled the Healthy Americans Act. In May, 2007, Bob Bennett, a Utah Republican, who had been a sponsor of the Chafee bill, joined him. Wyden-Bennett was eventually co-sponsored by eleven Republicans and nine Democrats, receiving more bipartisan support than any universal health-care proposal in the history of the Senate. It even caught the eye of the Republican Presidential aspirants. In a June, 2009, interview on “Meet the Press,” Mitt Romney, who, as governor of Massachusetts, had signed a universal health-care bill with an individual mandate, said that Wyden-Bennett was a plan “that a number of Republicans think is a very good health-care plan—one that we support.”

Wyden’s bill was part of a broader trend of Democrats endorsing the individual mandate in their own proposals. John Edwards and Hillary Clinton both built a mandate into their campaign health-care proposals. In 2008, Senator Ted Kennedy brought John McDonough, a liberal advocate of the Massachusetts plan, to Washington to help with health-care reform. That same year, Max Baucus, the chairman of the Senate Finance Committee, included an individual mandate in the first draft of his health-care bill. The main Democratic holdout was Senator Barack Obama. But by July, 2009, President Obama had changed his mind. “I was opposed to this idea because my general attitude was the reason people don’t have health insurance is not because they don’t want it. It’s because they can’t afford it,” he told CBS News. “I am now in favor of some sort of individual mandate.”

This process led, eventually, to the Patient Protection and Affordable Care Act—better known as Obamacare—which also included an individual mandate. But, as that bill came closer to passing, Republicans began coalescing around the mandate, which polling showed to be one of the legislation’s least popular elements. In December, 2009, in

a vote on the bill, every Senate Republican voted to call the individual mandate “unconstitutional.”

This shift—Democrats lining up behind the Republican-crafted mandate, and Republicans declaring it not just inappropriate policy but contrary to the wishes of the Founders—shocked Wyden. “I would characterize the Washington, D.C., relationship with the individual mandate as truly schizophrenic,” he said.

It was not an isolated case. In 2007, both Newt Gingrich and John McCain wanted a cap-and-trade program in order to reduce carbon emissions. Today, neither they nor any other leading Republicans support cap-and-trade. In 2008, the Bush Administration proposed, pushed, and signed the Economic Stimulus Act, a deficit-financed tax cut designed to boost the flagging economy. Today, few Republicans admit that a deficit-financed stimulus can work. Indeed, with the exception of raising taxes on the rich, virtually every major policy currently associated with the Obama Administration was, within the past decade, a Republican idea in good standing.

Jonathan Haidt, a professor of psychology at New York University’s business school, argues in a new book, “The Righteous Mind,” that to understand human beings, and their politics, you need to understand that we are descended from ancestors who would not have survived if they hadn’t been very good at belonging to groups. He writes that “our minds contain a variety of mental mechanisms that make us adept at promoting our group’s interests, in competition with other groups. We are not saints, but we are sometimes good team players.”

One of those mechanisms is figuring out how to believe what the group believes. Haidt sees the role that reason plays as akin to the job of the White House press secretary. He writes, “No matter how bad the policy, the secretary will find some way to praise or defend it. Sometimes you’ll hear an awkward pause as the secretary searches for the right words, but what you’ll never hear is: ‘Hey, that’s a great point! Maybe we should rethink this policy.’ Press secretaries can’t say that because they have no power to make or revise policy. They’re told what the policy is, and their job is to find evidence and arguments that will justify the policy to the public.” For that reason, Haidt told me, “once group loyalties are engaged, you can’t change people’s minds by utterly refuting their arguments. Thinking is mostly just rationalization, mostly just a search for supporting evidence.”

Psychologists have a term for this: “motivated reasoning,” which Dan Kahan, a professor of law and psychology at Yale, defines as “when a person is conforming their assessments of information to some interest or goal that is independent of accuracy”—an interest or goal such as remaining a well-regarded member of his political party, or winning the next election, or even just winning an argument. Geoffrey Cohen, a professor of psychology at Stanford, has shown how motivated reasoning can drive even the opinions of engaged partisans. In 2003, when he was an assistant professor at Yale, Cohen asked a group of undergraduates, who had previously described their political views as either very liberal or very conservative, to participate in a test to study, they were told, their “memory of everyday current events.”

The students were shown two articles: one was a generic news story; the other described a proposed welfare policy. The first article was a decoy; it was the students’ reactions to

the second that interested Cohen. He was actually testing whether party identifications influence voters when they evaluate new policies. To find out, he produced multiple versions of the welfare article. Some students read about a program that was extremely generous—more generous, in fact, than any welfare policy that has ever existed in the United States—while others were presented with a very stingy proposal. But there was a twist: some versions of the article about the generous proposal portrayed it as being endorsed by Republican Party leaders; and some versions of the article about the meagre program described it as having Democratic support. The results showed that, “for both liberal and conservative participants, the effect of reference group information overrode that of policy content. If their party endorsed it, liberals supported even a harsh welfare program, and conservatives supported even a lavish one.”

In a subsequent study involving just self-described liberal students, Cohen gave half the group news stories that had accompanying Democratic endorsements and the other half news stories that did not. The students who didn’t get the endorsements preferred a more generous program. When they did get the endorsements, they went with their party, even if this meant embracing a meaner option.

This kind of thinking is, according to psychologists, unsurprising. Each of us can have firsthand knowledge of just a small number of topics—our jobs, our studies, our personal experiences. But as citizens—and as elected officials—we are routinely asked to make judgments on issues as diverse and as complex as the Iranian nuclear program, the environmental impact of an international oil pipeline, and the likely outcomes of branding China a “currency manipulator.”

According to the political-science literature, one of the key roles that political parties play is helping us navigate these decisions. In theory, we join parties because they share our values and our goals—values and goals that may have been passed on to us by the most important groups in our lives, such as our families and our communities—and so we trust that their policy judgments will match the ones we would come up with if we had unlimited time to study the issues. But parties, though based on a set of principles, aren’t disinterested teachers in search of truth. They’re organized groups looking to increase their power. Or, as the psychologists would put it, their reasoning may be motivated by something other than accuracy. And you can see the results among voters who pay the closest attention to the issues.

In a 2006 paper, “It Feels Like We’re Thinking,” the political scientists Christopher Achen and Larry Bartels looked at a National Election Study, a poll supported by the National Science Foundation, from 1996. One of the questions asked whether “the size of the yearly budget deficit increased, decreased, or stayed about the same during Clinton’s time as President.” The correct answer is that it decreased, dramatically. Achen and Bartels categorize the respondents according to how politically informed they were. Among the least-informed respondents, Democrats and Republicans picked the wrong answer in roughly equal numbers. But among better-informed voters the story was different. Republicans who were in the fiftieth percentile gave the right answer more often than those in the ninety-fifth percentile. Bartels found a similar effect in a previous survey, in which well-informed Democrats were asked whether inflation had gone down during Ronald Reagan’s

Presidency. It had, but many of those Democrats said that it hadn't. The more information people had, it seemed, the better they were at arranging it to fit what they wanted to believe. As Bartels told me, "If I'm a Republican and an enthusiastic supporter of lower tax rates, it is uncomfortable to recognize that President Obama has reduced most Americans' taxes—and I can find plenty of conservative information sources that deny or ignore the fact that he has."

Recently, Bartels noticed a similar polarization in attitudes toward the health-care law and the Supreme Court. Using YouGov polling data, he found that less-informed voters who supported the law and less-informed voters who opposed it were equally likely to say that "the Supreme Court should be able to throw out any law it finds unconstitutional." But, among better-informed voters, those who opposed the law were thirty per cent more likely than those who supported it to cede that power to the Court. In other words, well-informed opponents realized that they needed an activist Supreme Court that was willing to aggressively overturn laws if they were to have any hope of invalidating the Affordable Care Act.

Orin Kerr says that, in the two years since he gave the individual mandate only a one-per-cent chance of being overturned, three key things have happened. First, congressional Republicans made the argument against the mandate a Republican position. Then it became a standard conservative-media position. "That legitimized the argument in a way we haven't really seen before," Kerr said. "We haven't seen the media pick up a legal argument and make the argument mainstream by virtue of media coverage." Finally, he says, "there were two conservative district judges who agreed with the argument, largely echoing the Republican position and the media coverage. And, once you had all that, it really became a ballgame."

Jack Balkin, a Yale law professor, agrees. "Once Republican politicians say this is unconstitutional, it gets repeated endlessly in the partisan media that's friendly to the Republican Party"—Fox News, conservative talk radio, and the like—"and, because this is now the Republican Party's position, the mainstream media needs to repeatedly explain the claims to their readers. That further moves the arguments from off the wall to on the wall, because, if you're reading articles in the Times describing the case against the mandate, you assume this is a live controversy." Of course, Balkin says, "if the courts didn't buy this, it wouldn't get anywhere."

But the courts are not as distant from the political process as some like to think. The first judge to rule against the individual mandate was Judge Henry Hudson, of Virginia's Eastern District Court. Hudson was heavily invested in a Republican consulting firm called Campaign Solutions, Inc. The company had worked with the Presidential campaigns of John McCain and George W. Bush, the Republican National Committee, the Swift Boat Veterans for Truth, and Ken Cuccinelli—the Virginia state attorney general who is one of the plaintiffs in the lawsuits against the Affordable Care Act.

The fact that a judge—even a partisan judge in a district court—had ruled that a central piece of a Democratic President's signature legislative accomplishment was unconstitutional led the news across the country. Hudson's ruling was followed by a similar, and even more sweeping, ruling, by Judge Roger Vinson, of the Northern District

of Florida. Vinson declared the entire bill unconstitutional, setting off a new round of stories. The twin rulings gave conservatives who wanted to believe that the mandate was unconstitutional more reason to hold that belief. Voters who hadn't thought much about it now heard that judges were ruling against the Administration. Vinson and Hudson were outnumbered by other district judges who either upheld the law or threw out lawsuits against it, but those rulings were mostly ignored.

At the Washington Monthly, Steve Benen kept track of the placement that the Times and the Washington Post (where I work) gave to stories about court rulings on the health-care law. When judges ruled against the law, they got long front-page stories. When they ruled for it, they got shorter stories, inside the paper. Indeed, none of the cases upholding the law got front-page coverage, but every rejection of it did, and usually in both papers. From an editorial perspective, that made sense: the Vinson and Hudson rulings called into question the law's future; the other rulings signalled no change. But the effect was repeated news stories in which the Affordable Care Act was declared unconstitutional, and few news stories representing the legal profession's consensus that it was not. The result can be seen in a March poll by the Kaiser Family Foundation, which found that fifty-one per cent of Americans think that the mandate is unconstitutional.

What is notable about the conservative response to the individual mandate is not only the speed with which a legal argument that was considered fringe in 2010 had become mainstream by 2012; it's the implication that the Republicans spent two decades pushing legislation that was in clear violation of the nation's founding document. Political parties do go through occasional, painful cleansings, in which they emerge with different leaders who hold different positions. This was true of Democrats in the nineteen-nineties, when Bill Clinton passed free trade, deficit reduction, and welfare reform, despite the furious objections of liberals. But in this case the mandate's supporters simply became its opponents.

In February, 2012, Stuart Butler, the author of the Heritage Foundation brief that first proposed the mandate, wrote an op-ed for USA Today in which he recanted that support. "I've altered my views on many things," he wrote. "The individual mandate in health care is one of them." Senator Orrin Hatch, who had been a co-sponsor of the Chafee bill, emerged as one of the mandate's most implacable opponents in 2010, writing in *The Hill* that to come to "any other conclusion" than that the mandate is unconstitutional "requires treating the Constitution as the servant, rather than the master, of Congress." Mitt Romney, who had both passed an individual mandate as governor and supported Wyden-Bennett, now calls Obama's law an "unconstitutional power grab from the states," and has promised, if elected, to begin repealing the law "on Day One."

Even Bob Bennett, who was among the most eloquent advocates of the mandate, voted, in 2009, to call it unconstitutional. "I'd group us"—Senate Republicans—"into three categories," he says. "There were people like me, who bought onto the mandate because it made sense and would work, and we were reluctant to let go of it. Then, there were people who bought onto it slowly, for political advantage, and were immediately willing to abandon it as soon as the political

advantage went the other way. And then there's a third group that thought it made sense and then thought it through and changed their minds." Explaining his decision to vote against the law, Bennett, who was facing a Tea Party challenger in a primary, says, "I didn't focus on the particulars of the amendment as closely as I should have, and probably would have voted the other way if I had understood that the individual mandate was at its core. I just wanted to express my opposition to the Obama proposal at every opportunity." He was defeated in the primary, anyway.

But, whatever the motives of individual politicians, the end result was the same: a policy that once enjoyed broad support within the Republican Party suddenly faced unified opposition—opposition that was echoed, refined, and popularized by other institutions affiliated with the Party. This is what Jason Grumet, the president of the Bipartisan Policy Center, a group that tried to encourage Republicans and Democrats to unite around policy solutions, calls the "think-tank industrial complex"—the network of ideologically oriented research centers that drive much of the policy debate in Washington. As Senator Olympia Snowe, of Maine, who has announced that she is leaving the Senate because of the noxious political climate, says, "You can find a think tank to buttress any view or position, and then you can give it the aura of legitimacy and credibility by referring to their report." And, as we're increasingly able to choose our information sources based on their tendency to back up whatever we already believe, we don't even have to hear the arguments from the other side, much less give them serious consideration. Partisans who may not have strong opinions on the underlying issues thus get a clear signal on what their party wants them to think, along with reams of information on why they should think it.

All this suggests that the old model of compromise is going to have a very difficult time in today's polarized political climate. Because it's typically not in the minority party's interest to compromise with the majority party on big bills—elections are a zero-sum game, where the majority wins if the public thinks it has been doing a good job—Washington's motivated-reasoning machine is likely to kick into gear on most major issues. "Reasoning can take you wherever you want to go," Haidt warns. "Can you see your way to an individual mandate, if it's a way to fight single payer? Sure. And so, when it was strategically valuable Republicans could believe it was constitutional and good. Then Obama proposes the idea. And then the question becomes not 'Can you believe in this?' but 'Must you believe it?'"

And that means that you can't assume that policy-based compromises that made sense at the beginning will survive to the end, because by that time whichever group has an interest in not compromising will likely have convinced itself that the compromise position is an awful idea—even if, just a few years ago, that group thought it was a great one. "The basic way you wanted to put together a big deal five years ago is that the thoughtful minds in one party would basically go off and write a bill that had seventy per cent of their orthodoxy and thirty per cent of the other side's orthodoxy and try to use that to peel off five or six senators from the other side," Grumet says. "That process just doesn't work anymore." The remarkable and confusing trajectory of the individual-mandate debate, in other words, could simply be the new norm.

I asked Ron Wyden how, if politicians can so easily be argued out of their policy preferences, compromise was possible. "I don't find it easy to answer that question, because I'm an elected official and not a psychiatrist," he said. "If somebody says they sincerely changed their minds, then so be it." But Wyden is, as always, optimistic about the next bipartisan deal, and, again, he thinks he knows just where to start. "To bring about bipartisanship, it's going to be necessary to win on something people can see and understand. That's why I think tax reform is a huge opportunity for the economy and the cause of building coalitions." Perhaps he's right. Or perhaps that's just what he wants to believe.

Mr. BENNET. I urge people to read this because what Mr. Klein does in this article is chart the political course of this mandate from about 1989 to the present. The red shown on the chart is the years in which this was a Republican idea, advanced by Republican Members of Congress and by think tanks like the Heritage Foundation that actually came up with the idea to begin with to deal with the fact that there were people in this country who were not buying health insurance and whom we were all subsidizing, and then when it became a Democratic idea in more recent times.

It strikes me as one person watching all of this that this might have more to do with the party that is in the White House or not in the White House than it does with respect to the merits of the idea. But it is, of course, the merits of these ideas that we should be debating and talking about. But we should not be telling the American people that something that affects 1 percent of the American people is a broad-based assault on the middle class, and we should be bringing to this floor the ideas we have for improving what 50 percent of the American people or 70 percent of the American people are already facing. That is what people in our States believe.

Here is part of an editorial from the Greeley Tribune, which I think was published yesterday, where they wrote:

In 2010, the North Colorado Medical Center provided more than \$71 million in services to indigent patients who didn't have health insurance. It wrote off another \$29 million in bad debt.

The Greeley Tribune writes:

Eventually, insured patients [must] pay for that, in higher premiums and co-pays.

Mr. President, I ask unanimous consent that editorial be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TRIBUNE OPINION: REFORMS FROM AFFORDABLE CARE ACT WILL IMPROVE ACCESS TO CARE

Depending on who you talk to, the U.S. Supreme Court decision to uphold the Affordable Care Act is either a great step toward improving health care for millions of Americans or it's the end of the world as we know it.

But we applaud the court's decision for many reasons. We think the hysteria surrounding the Affordable Care Act is generally unfounded and while not perfect, the Affordable Care Act is a step in the right direction toward reforming our health care system.

The Supreme Court specifically upheld the individual mandate provision, which will eventually require everyone to have health insurance. Those against the measure say it is an example of a government mandate aimed at controlling what should be a personal freedom to choose not to carry health insurance.

We argue, however, that this really isn't that different than being required to carry auto insurance if you drive a car or being required to pay your taxes. It's something we should all do to be contributing citizens of this nation.

But even more, those of us who do have insurance end up paying for those who don't through higher health care costs.

In 2010, North Colorado Medical Center provided more than \$71 million in services to indigent patients who didn't have health insurance. It wrote off another \$29 million in bad debt. Eventually, insured patients pay for that, in higher premiums and co-pays.

This provision isn't meant to be a punishment. Programs are being developed to help those who truly can't afford medical insurance.

There are other aspects of the act that are also good, including stopping insurance companies from denying coverage for people with ongoing conditions and the provision that will allow children to stay on their parent's insurance until they are 26.

Frankly, in Colorado, where many aspects of the act have already been instituted, the numbers are hard to ignore. According to Gov. John Hickenlooper's office:

Because of GettingUsCovered, a high-risk insurance pool, 1,331 people with pre-existing conditions have received coverage.

43,997 more adults have gained health insurance coverage.

Nearly 1 million residents of the state with private health insurance now have coverage for preventative health care.

Nearly 2 million residents do not have to worry about lifetime limits on coverage, freeing those suffering from chronic diseases such as cancer of the threat of losing their coverage, and their ability to receive treatments.

There are many more reforms that are needed in our health care system. There needs to be more emphasis on preventative care. There needs to be more access to treatment for some patients who are suffering from chronic illnesses. The skyrocketing cost of health care needs to be addressed.

We do believe this act will head the United States toward some of those reforms that eventually will be a direct benefit to patients.

Unfortunately, we also realize this is going to continue to be a political issue, and that is unfortunate. Access to good health care should be a right in this country for every single citizen, regardless of their income level. It shouldn't be a tool for politicians to use scare tactics and myths to gain more power.

We hope this historic affirmation of the constitutionality of the Affordable Care Act is just the first step toward improving access, and our health care system as a whole.

Mr. BENNET. Mr. President, I believe that folks in Colorado have moved on here, that they want us to

improve this legislation, that they want us to get focused on the real matters at hand, which are getting this economy going again, getting us into an environment where we have more jobs and rising wages again, and they are a lot less interested in these talking points.

I do not understand why people who are in politics can simultaneously make such a big deal about this that affects 1 percent of the people in this country and at the same time support legislation, for example, that forces women, that mandates women to have procedures before they can make a choice about their own reproductive health. It does not make any sense because it is completely inconsistent.

I have a daughter Anne who is 7, not 6 like Mary's daughter. But it is her health care and the certainty in her life and in her sisters' lives and the thousands of children across my State whose health care we should be interested in.

I can see that other colleagues of mine have come to the floor, so I am going to move along here. But before I do that and before I yield to the Senator from Maryland, I want to say that if this repeal happened in the House and then this repeal happened in the Senate and it were signed into law, 932,000 Coloradans who have pre-existing conditions would lose their insurance, 50,000 young adults in Colorado who can now stay on their parents' insurance until they are 26 would no longer be able to, and women could once again be discriminated against simply because they are women. It is welcome to 696,000 women in Colorado who need maternity care or other women's health services who are not going to be charged higher premiums since this law is in effect. And when these exchanges are set up, 521,000 Colorado children will, for the first time, have better vision and dental coverage.

I want to work in a bipartisan way going forward to try to make sure we are doing everything we can to follow the examples of places such as St. Mary's Hospital in Grand Junction or the University of Colorado Hospital in Denver or Denver Health in Denver to drive higher quality and to drive lower costs. It is essential. It is essential for our economy, and it is essential for our competitive position in the world. And it is essential that we put these talking points down and start actually dealing with the facts as they are.

With that, Mr. President, I thank you for your patience, and I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Maryland.

Mr. CARDIN. First, Mr. President, I thank Senator BENNET for his comments as they relate to the Affordable Care Act. I appreciate very much the point the Senator made that what was passed by Congress and signed by

President Obama was really an evolution of work that had been done and recommendations that had been made by Democratic and Republican administrations over a long period of time and that what the Supreme Court did was uphold Congress's ability to move forward with a plan that will give every American access to affordable quality health care.

I could not agree more with the Senator that we need to do work on this. We need to improve the bill. There are different things we need to work on, and Democrats and Republicans should be working together to move forward on the health care debate.

I also appreciate the point the Senator raised that the House of Representatives—I think it is the 31st time they are acting on legislation that repeals all or part of the Affordable Care Act. But their strategy is to repeal the law, and they have nothing to move forward with. They do not have a plan. As the Senator pointed out, if that were to become the case—and it will not; we are not going to pass it in the Senate—parents who now have their children on their insurance policy, who are 23, 24, 25 years old, would lose that opportunity, and parents who can now get their children covered by insurance who have preexisting conditions would lose that protection.

The Patients' Bill of Rights that we have incorporated against abusive practices of private insurance companies—so that if someone goes into an emergency room with emergency conditions, they need to be reimbursed under prudent layperson standards—that could be lost. Our seniors could lose their wellness exams that are covered under Medicare. And we are closing the coverage gap on prescription drugs. That could be lost.

Let me also point out that our seniors appreciate the fact that what we did in the Affordable Care Act extends the life of Medicare for about a decade. That would be lost.

Small businesses will be able, in 2014, to go into exchanges and not be discriminated against by paying more for their insurance than a larger company. That would be lost.

As the Senator knows, the attack on women's health care—this bill that is now law allows women to be treated equally with men as far as premiums are concerned. That would be lost.

So I appreciate Senator BENNET taking the time on the floor to go over exactly what would happen if we were to repeal the Affordable Care Act.

What we need to do, and I think the Court gave us this opportunity—they spoke to the fact that it is up to Congress to move forward on this—it gives us a chance, Democrats and Republicans, to say: How can we make sure our health care system is as cost-effective as possible.

In the Senate Finance Committee today, we had a roundtable discussion

with experts as to how we can do delivery system reforms, use ways we can manage people with serious illnesses and bring down the cost. That is what we need to do.

But the Affordable Care Act itself reduced health care costs. Look at the record. We will lose all that. We actually add to the deficit by repealing the Affordable Care Act. As the Senator knows, the House changed their rules so they can repeal the bill, even though it adds to the deficit.

So I wanted to first thank the Senator for bringing this to the attention of our colleagues as to what is involved. I do think Democrats and Republicans need to work together. The one comment I hear more and more from my constituents is stop the gridlock in Washington. Stop debating the old issues. Let's move forward. Let's create jobs. Let's work together. Let's get the job done for the American people.

Mr. President, I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TOURETTE SYNDROME

Mr. CARDIN. I rise to bring attention to Tourette syndrome, a neurological disorder that affects more than 200,000 Americans in the most severe form and as many as 3 million more who exhibit milder symptoms. Tourette syndrome or TS is characterized by repetitive involuntary movements and vocalizations called tics.

The disorder is named for a French neurologist who in 1885 first described the condition in an 86-year-old woman. TS occurs in people from all ethnic groups and is present in males three to four times more often than in females.

The early symptoms are typically noticed first in childhood, usually when a child is between the age of 3 and 9 years of age. Although TS can be a chronic condition with symptoms lasting a lifetime, most patients experience the most severe symptoms in their early teens, with some improvements occurring in the late teens and continuing into adulthood.

In May, a 13-year-old boy named Jackson Guyton from Parkton, MD, visited my office to tell me about his experiences with Tourette. Jackson first noticed symptoms 5 years ago during the summer of 2007. While on vacation with his family at the beach, his body started making strange movements he could not control. First, came a head jerk, then eye-squinting and rolling; later, he started emitting high-pitched squeaking sounds. As Jackson put it: "I was a regular kid one moment, with good grades and very few problems, then in the next I was rolling my eyes and making sounds. . . . like a fire alarm going off."

In school, the sound was so loud his friends would cover their ears and

avoid sitting near him in class, and parents of other children began complaining about his being in their children's class. With teachers who were uneducated on TS, the symptoms continued throughout the school year.

So as to avoid ridicule, Jackson began skipping school or spending more time in the nurse's office than in class. Fortunately, Jackson's parents found a physician who was able to quickly diagnose the condition as Tourette Syndrome. Jackson changed schools and spent the next few years in treatment, trying various medications prescribed by his doctors.

Those medicines were somewhat helpful. Jackson tried other treatments and clinical trials at Johns Hopkins University, where he met Dr. Matthew Specht, a professor of child and adolescent psychiatry who teaches children exercises to help control the tics.

That technique, cognitive behavioral intervention therapy or CBIT requires patients to use a great amount of focus and it does not work for everyone. But it did help Jackson control his squeaks. In the middle school, he encountered a guidance counselor named Mrs. Oates who helped change his life. In Jackson's words:

She learned as much as she could about TS and helped me learn how to deal with the kids better and talk to teachers about what was happening. She also gave me a safe place to hang out when things were bad. Through her and a group that my mom started to help other families with TS in our area, I made a few friends who understood me better.

She also helped Jackson develop a presentation for the 6th grade class in his school. Jackson is now 13 years of age, and in September he will enter the 9th grade at Hereford High School. He is no longer feeling depressed, and he no longer retreats from others because of his condition. Rather, he welcomes the opportunity to use his experiences to educate teachers and other students as a Youth Ambassador, a position for which he was trained at the National TSA Conference with about 40 other young people.

Recently, he presented information about TS to more than 400 elementary school students. He says he truly enjoys answering their questions. He believes, as I do, it is important for people to understand that children with TS are not doing strange or disruptive things on purpose, and he just wants to be treated like everyone else.

Jackson still has unpredictable and sometimes painful tics, but he knows now that TS will not stop him from accomplishing everything he wants to do in life. Last year, Jackson's little brother Davis was also diagnosed with TS. Jackson says that having a teacher who understands the problem and knows how to help is one of the most important things in the life of a child with TS.

He is preparing a special presentation for Davis's class that he will deliver

when the 2012–2013 school year starts. I am very proud of this young man. I am hopeful the examples set by him, his guidance counselor Mrs. Oates, and other TSA Youth Ambassadors are blazing a trail for those who are newly diagnosed.

I am also pleased Congress understands how important public awareness of Tourette is. In 2000, Congress created the Tourette Syndrome Public Health Education Research Outreach Program at the Centers for Disease Control and Prevention. The purpose of this program is to increase recognition and diagnosis of TS, reduce the stigma attached to the disorder, and increase the availability of effective treatment.

The program also includes a public-private partnership between the CDC and the Tourette Syndrome Association, or TSA, that provides educational programs for physicians, allied health professionals and school personnel as well as those who have TS, their families, and the general public. To date, the CDC-TSA outreach program has conducted more than 520 educational programs for 32,000 professionals and community members nationwide.

This program is working well. In addition, CDC has entered into a cooperative agreement with the University of Rochester and the University of South Florida to better understand the public health impact of tic disorders, including TS, for individuals and their families and the community.

One of the areas being assessed is education, as they are looking at the effect of TS on standardized test scores, grade retention, and the presence of an individualized education program. Significantly, they are also measuring teachers' understanding of TS, and this information will be used to inform and improve outreach programs.

I urge my colleagues to support full funding of this program again this year so we might expand awareness of TS and lead to a better quality of life for people such as Jackson and families across the Nation who are affected by this disorder.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEALTH CARE

Mr. CORNYN. Mr. President, I have listened to some of my friends across the aisle talking about the vote in the House to repeal what has now come to be known as ObamaCare, which the official title is the Patient Protection and Affordable Care Act. But I think history has now demonstrated it is not the Affordable Care Act; it is the "Unaffordable Care Act."

My colleagues suggest the only way we can possibly protect people from

preexisting disease exclusions under their insurance policy or make sure young adults up to 26 years old can remain covered under their parent's coverage is to pass this \$2.5 trillion monstrosity. That is not the case. We could easily address these other issues as well as affordability if we were to take a step-by-step approach to try to make sure the patient-physician decision-making process is preserved, while making health coverage more affordable for more Americans.

But unfortunately that was not the approach taken under ObamaCare. In fact, under ObamaCare, there was almost no attention paid to trying to make coverage more affordable. The focus was on expanding coverage, an admirable goal but one that ignored affordability almost entirely. We now know ObamaCare was based, the vote in favor of and the public support, such as it is for ObamaCare, was based on a litany of what has now proven to be broken promises. The promise that if someone likes what they have, they can keep it, we know that is not true. More and more employers are dropping their employer-provided coverage for their employees.

The President himself said a family of four would actually see their premiums reduced an average of \$2,500 a year. What has happened? Premiums continue to go up, roughly at the rate of 10 percent a year.

The President said, and I heard my colleague from Maryland just say, ObamaCare cuts the deficit. How they can spend \$2.5 trillion and take \$½ trillion more from Medicare, an already fragile, unsustainable program—unless we fix it—and that cuts the deficit is, I think, beyond the understanding of most Americans. Certainly, it is beyond mine.

I would like to ask my colleague this question: What we know is that now the Supreme Court has decided the constitutionality of ObamaCare. The Supreme Court has said—and under our system of government it is the Supreme Court that is the final word on these matters. It said the only way ObamaCare could be constitutional is for the individual mandate to be considered a tax—a tax. Indeed, it is a tax, a broad-based tax on the middle class.

I want to know how many votes in the House, how many of our colleagues in the Senate would have voted for ObamaCare if it had been called what it is, a middle-class tax increase—a middle-class tax increase. I think it is important to have a vote in the House today, and I think it is important to have a vote in the Senate, as Senator MCCONNELL has proposed to do, to see whether, based on the fact that the Supreme Court has finally decided this is a tax on the middle class, whether it would enjoy the support across the aisle it did in 2009 and 2010.

But I wish to talk a moment more about taxes and indeed the challenges

that face small businesses and working families across the country and the need for the Senate to stop contributing to the class warfare rhetoric and gamesmanship that seems to encompass us 118 days now before the general election and the importance of actually addressing taxes in a constructive manner, in a way that will helpfully get our economy growing again.

To that end, it is my sincere hope that the majority leader will allow an open amendment process on this piece of legislation and allow it to go forward and give Senators the opportunity to offer ideas about how to improve this legislation and help small business job creation.

What we do know for a fact is that unless Congress and the President act before December 31, 2012, American taxpayers will face the single largest tax increase in American history. Why is that? Because the tax provisions we passed in 2001 and 2003 and then again in 2010, under President Obama, will expire at the end of this year.

For example, in less than 6 months, the highest individual tax bracket will rise from 35 percent to just under 40 percent. I think it is important for everyone to realize we are just talking about Federal taxes. We are not talking about State taxes or local taxes. Many States—thank goodness not Texas but many States—have a State income tax which is added to the Federal tax burden. Of course, virtually everyone in the country pays some form of sales tax.

We need to think about, when we add to the tax burden of the American people, what that means in terms of their cumulative tax burden, including Federal, State, and local taxes.

Unless Congress acts, people in the lowest tax bracket will see a 50-percent tax increase. Indeed, the marriage penalty will increase, the child credit will be cut in half, and taxes on capital gains and dividends will increase.

Why are lower taxes on capital gains and dividends important? Well, on capital gains it is important because we want to incentivize people to make long-term investments, to create jobs.

Why is the lower dividend rate important? Many seniors who are retired depend on dividend income from their retirement funds in order to help pay their cost of living.

The bottom line is unless Congress and the President act before December 31—and I submit it is important to act sooner rather than later to send a signal to the markets and job creators about their tax burden on January 1—every taxpayer in the country will pay higher taxes.

Unfortunately, instead of engaging in a serious manner on this issue, the President earlier this week reverted to his old playbook of class warfare and gamesmanship. He advocated again another policy which has failed to pass

the laugh test, if you think about it. The President previously proposed the so-called Buffet rule—named for Warren Buffet—and said if we pass the Buffet rule and raise taxes, our problems would all be solved.

Do you know how much revenue would be generated by the Buffet rule if it passed? It would be enough revenues to run the Federal Government for 11 hours—less than half a day.

Well, I have to admit the President's recent announcement that he wants to raise taxes on small businesses has left me scratching my head. I remember back in 2010, when President Obama said raising taxes during a fragile economic recovery "would have been a blow to our economy." That is what President Obama said in 2010. But in 2012, he seems to be singing an entirely different tune. At the time, in 2010, economic growth was roughly 3.1 percent. That is when President Obama said raising taxes would be a blow to our economy. Do you know what the economic growth numbers are today? Our economy is growing at roughly 2 percent of GDP, gross domestic product. Instead of 3.1 percent, it is growing even slower right now.

Of course, as I mentioned, this tax increase the President and the majority leader are proposing is on top of the ObamaCare taxes. It is not just the individual mandate I alluded to earlier that will penalize people who don't buy government-approved health care, but that is on top of approximately 20 different other tax increases that are part of the ObamaCare legislation. Not only do these new taxes break the President's own pledge not to raise taxes on individuals who make less than \$200,000 a year or families making less than \$250,000 a year, but it also creates barriers to new investment and job creation.

Recently I attended a meeting downstairs with Bob Zoellick, head of the World Bank, and the president of the New York Federal Reserve office—a gentleman whose name escapes me. The president of the Federal Reserve in New York said: When talking with business people across the country, I ask them what is your attitude, your mood? Are you going to invest or sit back on the sidelines? He said almost universally the message is: We are done. We are not doing anything else until Washington—in other words, Congress and the President—figure this out.

Who in their right mind would want to start a new business with the uncertainty as far as taxes are concerned, or the burdens that are imposed upon individuals and small businesses because of ObamaCare? I mentioned that in addition to what the Supreme Court found to be a tax—the individual mandate—ObamaCare includes a new 3.8-percent surtax on capital gains, dividends, rents, and interest earned by

many taxpayers. This new surtax goes into effect next year, in 2013.

Another thing I found amazing in terms of the audacity of those who supported ObamaCare in 2009 and early 2010 is that a lot of the taxes that were included in the bill didn't go into effect until after this next election. Isn't that an amazing coincidence?

Enacting this permanent tax hike was a mistake then, and it continues to be a mistake now. It will discourage savings and investment, reduce productivity, and it will depress wages and the standard of living for millions of Americans.

According to one nonprofit economic policy research and educational organization, a 2.9-percent tax increase would depress economic growth by 1.3 percent. You heard me a moment ago say our economy is growing roughly at 2 percent. This think tank says they estimate a 2.9-percent tax increase would depress economic growth by 1.3 percent, and it would reduce capital formation by 3.4 percent. Those are numbers that come out of, obviously, a think tank, but that means fewer jobs and a lower standard of living for many Americans. The damage to job creation and economic growth would be even greater from a 3.8-percent investment tax. You don't have to be an economist or a rocket scientist to figure out that higher taxes are going to depress economic activity. Indeed, it is all about incentives. If we create incentives for people to be productive, work hard, and make investments, then they will respond. If we raise the bar and make it more expensive and harder, they are going to do less of it. It is that simple.

Taxpayers, including small businesses, are already scheduled to get hit with the largest tax increase in history at the end of the year, as I have already mentioned.

I will close on this, as far as this subject is concerned: We know the key to job creation is to grow the economy and allow small businesses to flourish, invest, and create jobs. That is what we are missing now. Government has grown and grown and grown. It has spent money it didn't have under the stimulus bill passed early in the Obama administration. Do you know what the projection was at that time that unemployment would be today if we passed this spending bill using borrowed money? The President's administration said unemployment would be at 5.6 percent. Yet it continues to persist at over 8 percent. So we know that obviously didn't work.

I believe it is important that we put into place an insurance policy against any Senate effort to increase taxes on small businesses. For that reason, I have offered time after time a proposal that would require a supermajority to raise taxes on small businesses. The last time I raised this proposal, when we considered the 2010 budget—which is

actually the last time the Senate passed a budget, but that is another subject altogether—the amendment passed with the support of 82 Senators, including 42 Democrats, many of whom still serve in the Senate.

Raising taxes on small businesses that represent the primary engine of job growth in this country is not the answer to getting our economy back on track.

I know about 400,000 small businesses in Texas that employ 4 million people especially cannot afford to pay higher taxes, particularly at this time. We know it is small businesses that create the vast majority of new jobs.

Given that the administration has said it is committed to creating jobs, I am left wondering why they would want to increase taxes on those we are depending upon to do just that. I know the millions of Americans who remain out of work are wondering the same thing today.

VOTER IDENTIFICATION

Mr. President, I want to make a brief comment about the voter identification debate. This is particularly important in my State, but it is important across the country, because many States have passed commonsense voter identification laws to protect the integrity of the ballot and prevent dilution of the vote for majority and minority members and everyone across the board, and to protect against voter fraud.

Yesterday Attorney General Holder spoke in Houston, TX, at a gathering of the NAACP. I am sorry to say his remarks were completely inappropriate and misleading. Mr. Holder knows—or he should know—that the Texas law that requires a photo ID in order to cast a ballot will be issued free of charge to any voter who asks for one—free of charge.

He conveniently ignores the fact that the Supreme Court of the United States has previously—in an Indiana case—dispositively held that voter ID laws are constitutional and necessary to protect the integrity of the vote. This is the low point of the Attorney General's remarks. He once again defamed my State and our State legislature by equating our commonsense voter ID law with a poll tax.

By invoking the specter of Jim Crow racism, the Attorney General is playing the lowest form of identity politics. Mr. Holder knows better. This rhetoric is irresponsible and a disgrace to the office of the Attorney General. Shame on him.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RUBIO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GROWING THE ECONOMY

Mr. RUBIO. Mr. President, I wanted to come to the floor today because of the good news I have heard recently, that the Senate is going to spend the next couple of weeks, maybe the whole month, talking about tax policy. I think that is very encouraging, because this is one of the issues I was hoping we would deal with early on, when I got here last year. And I am, quite frankly, surprised it has taken this much time, a year and a half, to pivot to this issue. I am hopeful—I don't know if it has been determined yet—but I am hopeful on this legislation currently before the Senate, the minority will be given an opportunity to introduce ideas. I think that is important for this place to work well.

I have read the history of this distinguished place and it only works well, it only functions when the ideas of both sides are allowed to be heard. I know we can count votes here, and from time to time we may have a chance to pass a few things, but when one is in the minority, as I am, it is harder to get ideas passed. But I would love to at least get a vote on some of these ideas we are hoping to push forward, and our hope is that will happen. So let's hope that works out.

What I want to remind us all about a little bit today is what our goal is. We can't arrive at the right solutions if we don't know exactly what it is we are trying to get to. Our goal, I believe—and there is a consensus now throughout this country, and it is actually something that unites both political parties—needs to be to grow the economy. That is our goal, to grow the economy. And what will result from growing the economy is that good will happen for everybody.

How does the economy grow is the first fundamental question we have to answer. The economy grows when two things happen: either someone starts a business or someone grows their existing business. That is what leads to economic growth. It is that simple. Someone starts a new business because they think they can make money at it or someone goes into their existing business and says, I think we can make more money, let's grow this thing. That is how the economy grows.

So the issue before us here as Federal policymakers has to be what can the Federal Government do to help that kind of growth. In essence, what the Federal Government can do is to encourage people and make it easier for people to either start a business or to grow their business. So if that is our goal, then every time a measure comes before this body—tax policy, regulatory policy—what we should ask ourselves is, does this make it easier or harder for someone to start a business? Does it make it easier or harder for

someone to grow an existing business? Does this measure make it easier or harder for the economy to grow? Because if we are indeed united by this goal of growing the economy, that should be the measure of anything we take on. And it is through that lens that I want to examine some of what we are talking about right now. Because it seems to me, at least in some of the policies I have heard proposed this week, that maybe some folks have the goal wrong. Because if we closely examine some of these policies, it sounds as if the goal is, let's take a limited economy that isn't growing and let's divide it. And primarily it sounds like, let's take this limited economy that isn't growing and let's allow us to take money from people who are maybe making a little too much, give it to the government, and the government can then spend it on behalf of people who maybe aren't making enough.

I know that may sound appealing to the folks who are among those Americans who aren't making enough money, but I want you to know something: It never works. That idea never works. Here is why it never works. It actually never works because, first of all, the money doesn't get to you. When you give government money to spend, it invariably doesn't usually spend it very well. In fact, when you give government money to spend, the people who end up getting that money are the people who can afford to hire people to come to Washington and influence how the money is spent. So sometimes the money never even gets to you, if in fact you allow the government to do this.

But it is more complicated than that. It can actually cost people their jobs, and here is why. How you create businesses or how you expand an existing business is pretty straightforward. Someone is in business, someone makes some money or gets a hold of some money and they decide to take that money and invest it. They use the money they have made and they reinvest it in their business so the business grows or they use the money they have made to start a brandnew business. This stuff works. This is how the American economy has grown and how we became the most prosperous people on Earth.

I know this works not just because I read about it in a magazine. I know it works because I have lived it. As I have detailed and talked about in the past on this floor, my father was a bartender. He worked at a hotel as a bartender. My mother had a lot of different jobs, but for a while she worked as a maid in a hotel. The reason I talk about this is to explain how and why my mom and dad had a job that paid them money to raise us and give us a chance to do all the things my siblings and I were able to do. Someone made some money, they took that money

and opened up this hotel. That is why my parents had a job. They didn't have a job because the President of the United States back in 1965 or 1975 gave them a job. They had a job because someone who made money took that money and used it to start a new business or to grow an existing business and hire them. They also had a job because other people who had money decided to use that money to go on vacation and they came to Miami Beach or to Las Vegas, when I lived in Las Vegas, and they spent that money at these hotels.

The point is, people had money, and they either invested it or spent it. And that allowed a bartender and a maid—my mother and father—to raise my siblings and me and to give us opportunity. That was true in the 1950s, in the 1960s, in the 1970s, in the 1980s, in the 1990s, and it is still true. That is what is needed to grow this economy. And the problem is, if we go after these people, if we go after the money they have made and give it to the government, maybe they will decide not to open that new business or maybe they will decide this is not the year to take that vacation or instead of taking the 5-day vacation, they take the 3-day vacation. And you know who gets hurt? The bartender and the maid and the people who work in these places. Because money has to go somewhere. If you are taking it out of the hands of the people who invest it and spend it, they can't invest it or spend it, and it is people who are trying to make it—like my parents were—who get hurt by it.

So we have to get our goal right. Because if our goal is to grow the economy, we don't have to call trick plays. What we can do at the Federal level to grow the economy is pretty straightforward. All we have to do is talk to the people who grow the economy. If we go out and talk to the people who have a great idea and are trying to start a business, they will tell us what they are looking for. It is pretty straightforward stuff: tax reform.

What do we mean by tax reform? Simple. We want a Tax Code that is stable, predictable, and affordable. Of course we have to have taxes. Government needs revenue to be able to pay for what we all expect from government. But it has to be a predictable system and it has to be an affordable system. If taxes get too high, people may decide not to invest it in this country or to leave it in the bank, and that doesn't help anybody. So the point is we need to have a Tax Code that is stable, predictable, and affordable.

We need regulations that are the same: stable, affordable, and predictable. Look, we need regulations; right? I want this water to be clean. I don't want the water to poison me. We don't want to walk out on the street and breathe in air that will hurt us. There

is a role for regulation. The problem is that most Federal regulations are set by bureaucrats who work for the government, and all they think about is can this regulation maybe help. They do not think at all about the impact of that regulation on businesses. That is not part of the equation. When they sit down and write a regulation, that is not part of the equation at all. So we end up having these regulations that may not even help that much but hurt a lot; that help wipe out entire industries, but the impact on helping the environment or whatever else is nebulous at best. So we have to change that.

That is why we need to pass a law here like the REINS Act, which says any regulation that has an economic impact beyond a certain amount of money should have to be approved by elected people, who are accountable, who have to measure both the effectiveness of the regulation but also whether it is going to cost jobs or wipe out an industry. Because that is important too. Protecting our industries and our sources of job creation is as important as some of these other things we are trying to protect through regulations and they have to be balanced against one another. We do not want to simply be making decisions in a vacuum.

Along those lines, something that is both a tax and a regulation is ObamaCare. Look, we have a health insurance problem in America. There is no denying that. But there are better ways to deal with it. The problem is this bill that passed has created a tremendous amount of uncertainty. For example, it says if you have more than 50 full-time employees, there are certain requirements you have to meet. So imagine if you are a company with 48 or 49 employees. This may not be the year to hire the 50th. And maybe you are going to be the 50th, but now you don't get hired or, worse, maybe you will decide this is the year to turn all your employees into part-time employees. That is not good for the workers. Yet that is the impact this law is having, not to mention the fact it is a tax increase.

That is what the IRS does. The IRS collects taxes. And guess who you have to prove you have insurance to. And not just any old insurance, but insurance they deem to be acceptable. The IRS. Millions of Americans now every year will have to prove to the IRS they have insurance or they will owe the IRS money. That is a tax, and that is not going to help job creation, especially if you are a small business.

I outlined this last week. Imagine a small business run by a husband and wife with two kids, and the business—not them, but their business—makes \$95,000 a year. It will cost them between \$4,000 to \$6,000 to buy health insurance. If they do not, they will owe the IRS \$2,000. Tell me that is good for

that business. Or imagine if you are thinking about going into business and you realize this is what is going to happen to you and you decide not to go into business. That is not good for growth. That is why this law needs to be repealed and it needs to be replaced.

Something else we need in this country is a pro-American energy policy. Do people realize the American innovator has come up with this technology over the last 5 years that now has made us a very energy-rich country? I don't know if people fully understand how energy-rich America is. If you want a small glimpse of what it can mean to our future, go to North Dakota. They are having a jobs boom. They can't find enough people to work there.

Energy is important and we need to start behaving like an energy-rich country, with a true all-of-the-above strategy where the energies we choose are decided by the marketplace and not by politicians. When politicians decide which energy source to use, you know who wins? The people with the best lobbyists. The people with the best lobby. The people with the most political influence. That is how we got a Solyndra-type situation, where a company that was going to go bankrupt got all this money—your tax dollars—and meanwhile America is sitting on over 100-some-odd years of natural gas at our disposal and no concise national energy policy to utilize it.

Let me tell you why energy matters. If we can get energy costs down and stable and predictable, manufacturing will start coming back to America. That is one of the leading costs of manufacturing, energy. We are an energy-rich country. Some of those factories that closed, we can actually get them to come back here. Imagine what that would do for economic growth, not to mention the fact that America could potentially now begin to sell overseas as well, creating yet another industry and all the things that come with it.

How about free and fair trade? There is an emerging middle class all over the world now. One of the great things that has happened over the last 20 years is that all over the world there are now people who a decade ago were living in poverty and can now afford to buy the products we invent and build, people all over the world, by the way, who can now afford to take vacations. And do you know where they want to come? To the United States of America. They want to come to Florida. They also want to come here.

I think that is fantastic, that now there are millions of people all over the world who can afford to visit the United States and leave their money at our hotels, at our restaurants, and at our amusement parks. That creates jobs, that creates growth, free and fair trade, that allows the American people to build things we can sell overseas to other places and lowers the cost of buying certain things here.

Last year, we ratified the free trade agreement with Colombia, Panama, and South Korea. We are already seeing the economic benefits of that in south Florida. Imagine if we were able to do that with more countries in a free and fair way. It has to be fair.

One last thing we could probably do to help grow this economy is deal with the long-term debt. And that is what it is, it is a long-term debt problem that hovers all over all of this conversation and creates uncertainty. People are afraid—especially people with lots of money are afraid—to invest in the American economy because they look at this debt problem, they look at this political process's inability to deal with it, and they think, Do you know what. That country is destined for confiscatory tax rates. They are going where Europe is going. We don't want to invest in a country that is going to wind up like Europe in 5 years. That is why we have to deal with the long-term debt, and the sooner the better.

To deal with the long-term debt, by the way, you have to deal with what is causing it. That is why it is so important we save Medicare. Medicare is a very important program. My mother is on Medicare. I would never support anything that hurts my mother or people like her. But people in my generation need to understand that if we want to keep Medicare the way it is for our parents and if we want Medicare to even exist when we retire, Medicare is going to have to look different for us, for 41-year-olds. We have to save Medicare. And to deal with the long-term debt, we have to deal with that. That is what is driving part of the debt. That is not being driven by foreign aid, which is less than 1 percent of our budget. The debt is not being driven by food stamp programs. The debt is not being driven by defense spending.

Look, if money is being misspent or wasted, it is never a good idea to do that. If there are ways to save money on foreign aid, we should save it. If there are ways to save money in the food stamp program, we should save it. If there are ways to save money in the defense budget, we should save it. But that is not what is driving our long-term debt. To pretend we are going to get 100 percent of our savings from 25 or 20 percent of our budget leads to the kind of catastrophic cuts we talk about in this town, because no one wants to touch the big issues that have to be dealt with.

What would happen if we did these six things? Let's say that tomorrow, overnight, magically these things happened: We got real tax reform, real regulatory reform, we repealed and replaced ObamaCare, we had a pro-American energy strategy, we expanded free and fair trade, and we had a plan in place that began to deal with the long-term debt in a serious and sustainable

way. Let me tell you what would happen: explosive economic growth, primarily by the creation of jobs.

Do you know what more jobs means? It means, No. 1, more taxpayers. It means you can now generate revenue for government to pay for what we all want government to do, and you don't have to raise tax rates to do that. It means you have more taxpayers who are now paying into the tax system who give you the revenue you need to bring the debt under control. Everything gets easier if the economy grows. The debt gets easier, our budgets get easier.

Jobs also mean more customers for your business. If someone is unemployed, it is hard for them to spend money. It is hard for them to buy a house, much less the things that go in it. It is hard for them to take vacations. More jobs means more stability for your business or for the place you work in. More jobs means more taxpayers, it means more customers for your business. And, by the way, it means a more stable society, a place where hard work can earn them a decent wage so they can save money for their kids' college, so they can save money for their retirement, so they can buy a home and furnish it, so they can afford to take a couple weeks vacation a year with their families. Millions of Americans can't do that anymore.

Millions of Americans have done everything we have asked of them. They went to school, they graduated. They were told if they did that, they could find a job that paid them a decent wage, and they are struggling to do that now.

By the way, all of the strategies for growth aren't at the Federal level. It is important that States take on the issue of education reform. It is important for us as parents to be honest with our kids. In the 21st century, it is going to be hard to find a job if all you have is a high school diploma. It is that simple.

If you look at the unemployment rate between people who have a college degree or a post-high school degree and those who don't, it is stunning. It is stunning. If you don't have more than a high school education, you are going to struggle to succeed in this new century. We have to let our kids understand that. It is our job as parents and as a community to do that.

By the way, it is important for us to work with the States, as I outlined earlier, to modernize our education system. Why have we stigmatized career education? Why can't we graduate kids from high school with both a diploma and an industry certification and a career? We need to begin to teach our kids to compete with the world, not just with other States. These are other things that have to happen as well.

The point I wanted to drive today is we need to remind ourselves of what

the goal is here. The goal is growth. The goal is, What can we do at the Federal level to help grow the economy? Ultimately, the economy grows because of the private sector, because someone who has made some money takes that money and invests it by starting a new business or by growing their existing business. We should find ways to make that easier and encourage people to do that. That has to be our goal. It doesn't require trick plays; it doesn't require some complicated new gimmick. We don't have to reinvent the wheel. The American people haven't run out of good ideas. Americans haven't forgotten how to start businesses or even entire new industries. Even as I speak to you right now, I am 100 percent convinced that within walking distance of this building there is someone somewhere drawing up the great next American company business plan on the back of a napkin or a scrap piece of paper. And if we give them a chance to do it, they are going to do it.

We are still the same people we have always been. There is nothing wrong with the American people. They just need a little help from their government. I think if we get our goals right around here, we can do a few simple but important things that allow Americans to do, once again, what we do better than any country or any people in the history of the world, and that is create prosperity and create opportunity.

Madam President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, before I get into the substance of my remarks, I heard the concluding remarks of my colleague, Senator RUBIO, talking about ideas and education and small business growth.

I agree with his basic concept that we are still the greatest country in the world, that we encourage entrepreneurs and people with great ideas, that education means a great deal to making that happen; that no other country inspires young people, middle-aged people, even older people to start new businesses. I hope it means he is going to vote for the proposal that is now before us. Because what this proposal does is take that young person within walking distance of Washington, DC, who has a great idea and, once they start a business, allows them to get that business to move more quickly. There are lots of those businesses, and probably some within Washington, DC, as well. So I hope my colleague from Florida will vote for

our Small Business Jobs and Tax Relief Act.

The proposal will spur economic growth. It will create nearly 1 million new jobs in this country. If my Republican colleagues care about small business in America, they would work with us to pass this commonsense bill immediately instead of playing procedural games that are thinly veiled attempts to block these tax cuts that spur hiring. The bill is based on bipartisan ideas that have traditionally enjoyed Republican support, yet they are obstructing their passage. Why are our Republican colleagues changing their tune? The only explanation is that Republicans continue to block proposals that will help create jobs and spur our economic recovery for their own political gain.

This is a simple proposal. It is a smart proposal. It is a tax cut proposal. In my home State of New York, small businesses from Cattaraugus to Clinton County are poised to grow and make the jump to the next level. These business owners know the economy is slowly turning a corner, but we are not there yet to full unthrottled growth, so they are looking for Congress to do more—not less—to spur hiring.

This initiative is aimed at the small businesses that are truly the lifeblood of our Nation, and we need to help them jumpstart expansion plans this year. There is simply no time to waste.

There is a business in Cortland, NY, central New York, called Precision Eforming. It is a great small business that would use this tax cut to buy a new piece of equipment called a Dipcoater to help the company create high-end acoustics such as hearing aids. With the Dipcoater, Precision Eforming will increase yield and need to hire new employees.

There are stories like this throughout my State. Napoleon Engineering Services, a new ball-bearing plant in Olean, hopes to hire more employees and will purchase new equipment for its growing business. Quinlan's Pharmacy and Medical Supply in Livingston County wants to add an additional location in Schuyler County. In Staten Island, the owner of a small restaurant chain recently told me this proposal could help him expand to additional locations.

Simply put, this bill makes equipment purchases and capital improvements for thousands of small businesses cheaper, and, by doing that, provides a real jolt to the economy. In fact, it is estimated that every \$1 of tax cuts devoted to writing off the cost of a business's purchases generates about \$9 of GDP growth. Let me repeat that. One dollar of tax cuts devoted to writing off the cost of a business's purchases generates nine times that in GDP growth. Why wouldn't we do it? Economists of every stripe will tell you that hiring incentives like the ones in

this bill are the best ways to kick-start an economy and get people back to work. Why wouldn't we do it?

In fact, a new nonpartisan analysis of the proposal before us has determined it will create nearly 1 million jobs this year. Look at your State: 22,000 in Washington State, 10,000 in Nebraska, 11,000 in Iowa, 40,000 in Pennsylvania, 63,000 in my home State of New York, 77,000 in Texas. Huge numbers of new jobs will be created by this proposal. Why won't our colleagues move forward on it?

It is estimated that 93,000 jobs will be added to the construction industry, 61,000 new jobs added to manufacturing. The report concludes that the proposal's impact would be felt across every State and in a range of industries, with a significant jump in employment in construction and manufacturing. The proposal is targeted toward the mom-and-pop Main Street businesses that will benefit most from this relief.

You want to talk about job creators? You want to help job creators? Well, these small business owners are real job creators and they are the ones who make this country run. They come in early, they stay late, they work hard, and they deserve a tax break.

Here lies an important contrast between what we are proposing and a different tax cut proposal that the House Republicans have passed. The House Republican proposal is neither focused on true small business nor does it make the tax cut dependent on a company doing any hiring at all. Our proposal rewards actual job creation by true small businesses, rather than giving more tax breaks to millionaires and billionaires who may not create a single job. They have profits; they get a cut in their taxes for their profits even if they fire people. Does that make any sense? Our bill's common-sense measures have had broad bipartisan support. There is no reason Democrats and Republicans alike should not support them now. The relief in this bill would be a grand slam for our economy as a whole. It puts more people to work, expedites the expansion of successful small bills throughout the country, expands businesses to new communities, and keeps money flowing through local economies. For too many business owners, this relief simply cannot wait. Let's get this bill to the President's desk and get our business owners started on the developments that will propel them into the next decade.

Once we pass this bill, we must work together to give certainty to American families that they will not see a mass tax hike at the end of the year. We should all agree our small businesses deserve tax cuts and a Small Business Jobs and Tax Relief Act that will help them hire workers. We should all agree no middle-class families should face a

tax increase at the end of the year. Let's take care of our areas of agreement and then we can turn to debate on whether our country can afford to give more tax breaks to the wealthiest 2 percent.

I yield the remainder of my time and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Ms. LANDRIEU. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. LANDRIEU. Madam President, as chair of the Small Business Committee of the Senate, I am pleased to come to the floor to give some supporting remarks for Senator SCHUMER's small business tax reduction bill. The bill will invest, basically, \$20 billion to the bottom line of small businesses—owners of businesses that are dynamic and that are growing. I would like to make that distinction. It is not all small business that will get tax relief. It is small businesses that are dynamic and growing and adding employees or increasing wages.

The bill is smartly and narrowly targeted to motivate and to reward those small businesses, a subgroup of the 28 million small businesses that exist in the country today, many of which are in the Senator's State, Minnesota, that has some very high-growth, high-potential small business development in the medical field, I understand. In my State, it would be those businesses that are growing because of the increased demand for energy and the new technologies that are coming out, not only for oil and gas production, which is important, but also other sources of energy. In Ohio and Michigan, it could be those small business suppliers that are rallying around the emerging and strengthening automobile industry, which President Obama and the Democratic Members of this Congress had so much to do with salvaging.

Our business is not just throwing money against the wind. It is taking precious taxpayer dollars and targeting them to those businesses that are growing. That is why, as the chair of the Small Business Committee, I strongly endorse Senator SCHUMER's proposal over the proposal that came from the House of Representatives.

The House of Representatives' bill basically is taking \$40 billion that we do not have—we do not have the \$20 billion either but one is half the cost—taking \$40 billion and throwing it at businesses, 50 percent of which, according to the CBO study, will accrue to the highest income earners in the country—over \$1 million. It is not targeted. It is just about business profits, which are important. I know businesses are in business to make profits. I have

no problem with that. We want our businesses to be profitable. But the Schumer proposal, relative to the Cantor proposal, is targeted to those businesses making a profit and reinvesting it in the business to grow—hiring workers and putting behind this recession we are coming out of—a recession because of poor policies of previous administrations—coming out of this recession to help grow the economy.

We can give tax cuts in a variety of different ways. If we had all the money in the world, maybe we could afford to do both, but we are not that fortunate. We have to make choices. That is what we do on the floor of this Senate every day, make choices, make distinctions between wise ways to spend money and poor ways to spend money.

I suggest, if we have \$20 billion to spend, if everybody agrees we have at least that, that the Schumer approach is much more efficient, will be much more effective, will get much more bang for the buck than the Cantor approach.

I commend Senator SCHUMER for putting his bill on the floor, the Small Business Tax Relief and Job Creation Act of 2012. According to the National Economic Council, the tax credit would provide \$20 billion in direct tax relief for businesses that hire new workers or increase wages, and it could encourage an additional \$200 to \$300 billion in new wages and jobs this year.

This tax credit, as I said, makes sense. It will help create jobs. According to the Congressional Budget Office report released last year, the CBO report from November of 2011, policies that have the largest effect on output and employment per dollar of cost in 2012 and 2013 are the ones that would reduce the marginal cost of hiring. That is exactly what the Schumer bill does.

Firms that make capital investments in 2012 would be allowed to deduct the full value of the investment on their 2012 return. We know this kind of targeted tax cut can spark demand that small businesses have been clamoring for. This tax cut is an extension of a tax provision that expires in 2011 and had yielded an estimated \$50 billion in added investments and lowered the average cost of capital for business investment by over 75 percent, according to the National Council of Economic Advisers.

We have had a lot of experience in the Small Business Committee and in the Finance Committee, on which Senator SCHUMER serves, in the last couple years designing and implementing tax cuts for the middle class, tax cuts for the job creators. Again, if we look very objectively, considering the Schumer proposal costs half as much as the Cantor proposal and will probably do three times if not four times better, it is a no-brainer which one is more effective; that is, the Schumer proposal.

Our hope is if Senators come to the floor and begin to look more carefully at the Schumer proposal versus the proposal that came from the House, they will realize the benefit of the Schumer approach and give it the 60 votes we need to move it forward and will reject the Cantor approach as being too expensive relative to the other option that is on the table and much less effective. In the event the Senate decides to do neither, which might happen because there have been logjams around here for a while now, I have to say I was very proud of my colleagues BARBARA BOXER and JIM INHOFE for working to break the logjams in a spectacular way just 2 weeks ago on the Senate floor when they finally negotiated a 2-year transportation bill, the flood insurance bill, the RESTORE Act, and the student loan reduction bill, which is the remarkable work the Congress did last week.

In the event the Cantor proposal fails and the Schumer proposal fails, I am hoping to offer an amendment that the leadership is considering now that was put together by the Snowe staff and the Landrieu staff over the course of the last several weeks. The only name on this right now is mine, but it has been put together by a variety of Senators who have been working across the aisle for months on items that are very important to the small business community.

Again, we have 28 million small businesses in America; 22 million of them are single employers. In other words, they are self-employed professionals who are doctors, lawyers, landscape architects, architects, other service providers, network professionals, and IT professionals who are working in their own business and employ themselves. They are very valuable. We encourage entrepreneurship in America. We may have more entrepreneurs per capita than any place in the world. We believe in it and we are excited.

We are also excited for our businesses that start with two or three employees, and before we know it they have 200 or 300 employees. Then, when we close our eyes and open them, they have 2,000 employees. That is very exciting. We call them the gazelles. We look for accelerating opportunities.

As I said, we put this package together with the significant input of Senator SNOWE and her staff, along with input from Senator KERRY, who has been an extraordinary leader in this way. Senator MERKLEY, Senator CARDIN, and a list of other Senators whom I am going to refer to have been working for years on some of these issues. I wish to make sure I give them the credit for these issues.

First in our package is the very popular and very effective 100-percent exclusion of capital gains for investments in small businesses. It was part of the small business tax extenders package.

President Obama has recommended this and Senator KERRY is the lead sponsor, along with Senator SNOWE, on the Finance Committee.

Let me give a little background. Until 2009, noncorporate taxpayers were allowed to exclude 50 percent of the gain from the sale of the stock of a qualified small business if taxpayers held the stock for 5 years. The Recovery Act increased the 50 percent to 75 percent and the Small Business Act of 2010 subsequently increased it to 100 percent. As of January this year, it was reverted down to 50 percent and startup investments are no longer entitled to the preferred capital gain treatment.

Our proposal would basically take this up to 100 percent exclusion from the sale of capital gains that noncorporate taxpayers purchased in 2012 and 2013 and hold for 5 years. It has bipartisan support. As I said, Senator KERRY has been the lead advocate. Senator SNOWE has worked side by side with him, and along with Senator MORAN, Senator WARNER, Senator COONS, and Senator RUBIO have all called for this provision to be permanent. I wish we could make it permanent. This bill will not make it permanent, but we will extend it for another year and a half.

According to the Kauffman Foundation paper published earlier this year—and the Kauffman Foundation, for those who don't know, is the leading think tank. It is not political at all. It is just a middle-of-the-road, well-respected think tank on small business development. They published a paper earlier this year, the 100-percent exclusion “boosts the after-tax returns on such investments in startups and should induce substantial levels of new investments in startup firms.” They further estimate that making this provision permanent would increase risky investments by, conservatively, 50 percent more than the overall cost of the provision. So they are supporting this provision very strongly and would like to see it permanent, but we can only afford in this package to have it for the next year as we again build our way out of this recession.

I guess, from a conservative point of view, one of the good things about this provision—after we vote on the Schumer proposal and the Cantor proposal—it only scores at \$4 billion. We get a tremendous benefit for a very small investment of taxpayer money, relatively speaking. Not that \$4 billion is chump change, but compared to the \$20 billion we are considering for the Schumer package and the \$40 billion for the Cantor package, we think we can take that \$4 billion and, similar to yeast, make it stretch and grow to affect a lot of people and to spur a lot of investment.

The next provision is the small business tax extenders, the increased deduction for startup expenditures.

Again, this has been a Snowe and Merkley initiative. I think Senator MERKLEY has truly stood up to fight for this.

Under current law, taxpayers can elect to deduct up to \$5,000 of startup expenditures in the taxable year in which they start a trade or business. The \$5,000 is reduced—but not below zero—by the amount by which the startup costs exceed \$50,000.

Examples of potential startup costs: studies of potential markets, products, labor markets or transportation systems; advertisements for the opening of a new business, et cetera; compensation for consultants who help get one's business started.

The Small Business Jobs Act temporarily increased the amount of the startup expenditures entrepreneurs could deduct from their taxes in 2010 from \$5,000 to \$10,000, with a phaseout threshold of \$60,000. Senator MERKLEY fought to have this provision in the Small Business Jobs Act. This proposal has been repeatedly endorsed by the National Association for the Self-Employed and the National Federation of Independent Businesses.

As part of his “Startup America” legislative agenda, President Obama has called for making this permanent. Again, my amendment doesn't make it permanent, but it does make it effective through 2013.

According to a Kauffman Foundation survey, on average, new firms inject about \$80,000 into their businesses during the first year of operation. The vast majority of small business owners—between 80 percent and 90 percent—also invest significant amounts of their own money. I wish to underscore this. The way this amendment came together is we conducted in the Small Business Committee—and had very good turnout—about three or four high-level roundtables, where instead of just having 2 or 3 people testify, we had 20 people at a roundtable show up. For 2 hours, in a very informal setting, they were answering questions, such as: What is the best thing we could do to help you now? What are the barriers to growth? What does a healthy ecosystem for small business look like and what could we do to strengthen and make healthier that ecosystem in America? That is where these ideas came from.

Of course, Senator MERKLEY picked up on some of this and understood. The Kauffman Foundation was there. They said that even though I have talked a lot on the Senate floor about how small businesses need to borrow money—and many do—when they start a company, they don't want to borrow money unless they absolutely have to because the chances of it not working are pretty significant. Most new startups fail, and so people do not want to go into debt unless they have to or unless they are a little bit more sure their idea is going to work.

The benefit of this proposal is that we are actually rewarding the risk-takers who are digging into their savings and taking second mortgages out on their homes and putting some of their other savings at risk behind their idea. What we are saying is if they do that, we will give a significant tax break, considering it costs about \$88,000 to start an average business. So this is targeted to those risk-takers. It is not just taking money out of the Treasury and throwing it at all small businesses. It is taking that money—and this is only \$4 billion total—and saying: Ok. Let's target it to those individuals who are putting their lives on the line. They are putting their livelihood on the line and their future on the line. What can we do to support them? I am a very big believer in this provision, and I thank Senator MERKLEY for bringing it to us.

I see Senator CASEY and Senator SHAHEEN are on the Senate floor to speak and that my time has expired. Since I am going to be on the floor most of the afternoon explaining this amendment, I would be happy to yield the floor.

I see Senator SESSIONS is here and ask unanimous consent that Senator CASEY speak for 10 minutes, Senator SESSIONS for the next 5 or 10 minutes and Senator SHAHEEN for 5 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. SESSIONS. Madam President, if the Senator would make that 10 minutes, I think that will be fine.

Mrs. LANDRIEU. I will amend that to 10 minutes each in the order of Senator CASEY, Senator SESSIONS, and Senator SHAHEEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Pennsylvania.

Mr. CASEY. Madam President, I wish to commend the senior Senator from Louisiana not only for her work on this legislation but for her many years laboring in the vineyard, so to speak, on small business issues and job-creation strategies to help our small business owners across the United States.

I rise to speak about this legislation as well because when I go to Pennsylvania and travel across our State, I get two basic messages from the people of our State. They are very clear. They say two things: First, work on job creation. Put your time into putting in place ways to create and incentivize the creation of jobs. The second message is work together and get things done. Work with people in both parties to move a strategy forward to create jobs.

I think this legislation does both. It is focused on creating jobs, especially as it relates to our small business owners and their workers and their communities, but it also is a way to bring Democrats and Republicans together to create jobs. The Small Business Jobs

and Tax Relief Act will, indeed, help small businesses hire people by reducing the cost to small firms of bringing on a new worker or increasing their hours or pay. The economics of this are clear and compelling. By providing small businesses with new incentives to hire, we can create jobs and bolster economic recovery.

Small businesses are at the center of the economy of the United States and are vital to our recovery. I know in Pennsylvania there are nearly 250,000 small businesses. Four out of every five firms in the State are small businesses. This legislation is commonsense legislation and I hope will have strong bipartisan support when we vote on the bill itself.

It includes a business payroll tax incentive similar to legislation I introduced back in the year 2010 that will make it easier for small businesses to grow and to encourage economic growth throughout the country. It will give businesses a 10-percent income tax credit on new payroll for hiring new workers or increasing employee wages. It is, in fact, targeted legislation. It is targeted to small business owners. It is because it is capped at \$500,000 per firm or 10 percent of a payroll increase of \$5 million.

In addition to being targeted, it is timely. It will be available immediately for any new hires or increased wages for the remainder of 2012.

Thirdly, it is very effective. The Congressional Budget Office, known around here by the acronym CBO, said a tax credit based on increased payroll would create the most jobs and have the greatest positive impact on America's gross domestic product when compared to other job creation policies that have been proposed. Under this legislation small businesses that hire a new worker would, on average, see more than \$4,000 in tax savings per worker hired. That is a substantial help to a small firm, and people can just do the math as they hire more than one person. That is a smart step in the right direction to help these small businesses themselves as well as boost job creation throughout our country.

As the chairman of the Joint Economic Committee, our committee just produced a report recently—I know my colleagues can't see all the lettering on this report I am holding, but it is a very simple report that is just a couple of pages—outlining in very clear fashion the impact that small businesses have on our economy in terms of the predominance of small businesses when we consider businesses across the board. The name of the report is "Tax Incentives for Small Business Hiring and Investment: Strengthening the Backbone of the Economy." In fact, that is the truth. The backbone of the American economy is our small business sector.

The report finds that enacting a tax credit for businesses that hire additional workers or increase the hours and wages of existing employees will help both sustain and accelerate the recovery. Across the Nation, 79 percent of business establishments are either single-establishment businesses with fewer than 100 employees or are parts of multi-establishment companies with total employment of under 100 employees.

Small businesses are responsible for more hiring in the U.S. economy than medium-sized or large businesses. As the labor market has begun to recover, small businesses have led the way again and again. If we look at the time period of February 2010 to February 2012, small establishments were responsible for 46 percent of the hires versus 34 percent for medium-sized businesses and 20 percent for large establishments.

This is a critical point: Small firms accounted for nearly half of the hiring from early 2010 to early 2012. Small businesses truly are the engines that power our economy.

The recent monthly unemployment reports, which show job growth at a slower pace than earlier in the year, underscore the need to provide new incentives to hire and invest in businesses. Many small firms want to hire more workers, and they also want to increase hours. This legislation will help them do that.

In addition to the payroll tax credit, the legislation will extend the 100 percent depreciation deduction for major purchases through the end of 2012 so that businesses that want to make a big investment—a new building, a new significant piece of equipment—can get the benefit of that this year. An extension of this business expensing would reduce the cost of investment and promote economic growth.

So, in summary, the Small Business Jobs and Tax Relief Act would help create jobs and strengthen the economy and move our recovery forward. These are objectives we all share. I hope we can move forward in a bipartisan manner to pass this legislation because, in the end, it meets that two-part test my constituents give to me every day; that is, they want me to do everything I can to help create jobs, and they want me to do it in a bipartisan way. This legislation, in fact, does this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

HEALTH CARE

Mr. SESSIONS. Madam President, this afternoon the House of Representatives voted 244 to 185 to repeal the President's health care law, the Affordable Care Act. It was a bipartisan vote. A number of Democrats voted in support of the law, although not as many as voted originally to pass it, because a

lot of the Democrats, even those who voted against it, got shellacked in the last election, and it was a pretty rough, intense debate.

The American people never felt comfortable with this legislation. I believe it will be repealed. I do not believe it will be implemented. The reason is, whether one likes it or not, we simply do not have the money.

I wish to talk about that today. I am the ranking Republican on the Budget Committee, and I wish to share some thoughts with my colleagues as we wrestle with what to do on health care and how to undo the legislation that passed by the narrowest single margin in this Senate on Christmas Eve and was based on false accounting.

President Obama promised, before a joint session of Congress in 2009, to spend \$900 billion over 10 years on the law. He said:

Now, add it all up, and the plan I'm proposing will cost around \$900 billion over 10 years.

\$900 billion is a lot of money. It is almost twice the defense budget.

The President went on to say in support of this health care legislation that it would reduce the debt of the United States. We are going to add all of these new people to the insurance rolls, and it is going to pay for itself and reduce the debt. No one really believed that, but that is what the arguments were and the representations that were made.

But once we add up all the different spending provisions in the health care law, including closing the doughnut hole, implementation costs, including all of those IRS agents and other spending in the legislation, the total gross spending for the law over the 2010–2019 period—the 10-year budget window used at the time it was enacted—was actually \$1.4 trillion. I will just show this to my colleagues with this chart because it is very important. The President promised the American people in his speech before a joint session of Congress that it would cost \$900 billion. People knew it would cost more. But even then, in the initial 10 year budget window, as he proposed, when we count up all the spending in the Congressional Budget Office estimates of the legislation, including the enforcement mechanism through the IRS agents, closing the doughnut hole and other spending in the law outside of the major coverage provisions, the law spends \$1.4 trillion over that same 10 year period. That is almost 50 percent more right there. I think that fact is indisputable. I will ask my colleagues to come tell me if I am wrong.

I would just note parenthetically, one of the most important components of health care reform should have been resolving the doc fix. Under current law, we are projected, without legislation that takes effect, to reduce Medicare payments to doctors by roughly 30 percent by the end of this year.

At the time the health care law passed, the cost of a permanent doc fix added up to about \$200 billion to \$250 billion over a 10 year period. Democrats originally included the doc fix in earlier drafts of the bill. But in the end when they looked at the numbers, if they included the doc fix—which is critical and needs to be fixed permanently; not continuing to hang out there every year and to be fixed by borrowed money—then the bill couldn't have continued in surplus. In fact, according to the Congressional Budget Office, it wouldn't continue to be paid for as the President was saying. So they just didn't do it. They just decided they wouldn't fix one of the most important issues in health care, and it remains that way today.

So, as I work through this, we are using nonpartisan Congressional Budget Office numbers.

Most of the major spending provisions in the law, as our colleagues should know, do not take effect until 2014. So the true 10-year score should be 2014 through 2023. That is the 10-year window of full implementation. How much will the bill cost then? Each year it goes up because until 2014 we don't really see a 10-year full cost of the legislation.

So what Democrats did was—and the President deliberately did, with help from his OMB Director, Mr. Peter Orszag—they manipulated CBO's scoring conventions. In the initial 10 year budget window they only included 6 years of spending on the major coverage provisions so that CBO would appear to score it over 10 years and say it would only cost \$900 billion. That delay tactic was a pure budget gimmick. So we can look at this chart and see that from 2014 through 2023, each year these red lines represent a situation in which we are closer and closer to 10 years of full implementation and how much the cost will be.

So we go from 2014, and the next 10 years, as the bill is fully implemented, and it will cost \$2.6 trillion, almost three times the amount the President promised it would cost.

So people ask: How do we get in a situation where we are borrowing 40 cents of every dollar we spend? This kind of deception. A CEO in a court of law would go to jail if he proposed using that kind of accounting in his business practice and asked people to invest in his stock.

Analysis by my staff on the Budget Committee, based on the estimates and growth rates the Congressional Budget Office utilizes, finds that the total spending under the law, including the other spending not directly related to the coverage provisions, will amount to at least \$2.6 trillion, and could be much more.

Now, how did they get this done? It is a sad state of affairs, frankly. The Obama administration, Mr. Orszag, the

Office of Management and Budget Director who works directly for the President, also asserted that "health care reform is entitlement reform." In other words, this is going to fix an entitlement danger—the problems we have with Medicare, Social Security, and Medicaid; entitlement programs, each one of which are growing at fast rates that are unsustainable, that will head to bankruptcy in the years to come.

However, a simple comparison of the Federal Government's unfunded obligations for health care programs, before and after the health care law was enacted, clearly proves that the President's health care reform is not entitlement reform. It will not improve our long term spending trajectory. It will not make these programs more viable in the future. It did not put Social Security, Medicare, or Medicaid on a sustainable path. Those programs remain disastrously unsustainable.

The President does not even talk about that any more. Here we are running into a reelection campaign and the country is facing a colossal financial danger from unsustainable debt, and the President would not even talk about it. He says things are getting along fine. I think it is a failure of leadership for him not to talk honestly with the American people about our fiscal challenges.

So before the President's health care law was enacted, unfunded obligations for the Federal health care programs totaled \$65 trillion over a 75-year period. That is how much we are going to run short in money to pay for the obligations we have incurred under Medicare and Medicaid—and some other programs, but those are the big ones. After the recent passage of this health care bill, however, the figure, according to my staff's estimates, has gone up to \$82 trillion. So the difference in the two numbers is what has been added to the unfunded liabilities of the United States. By the way, \$17 trillion is 2½ times the unfunded liabilities of Social Security, which is \$7 trillion.

If my colleagues think I am in error about any of these numbers, I hope they will correct me. Perhaps I am, but we work hard to be accurate about them, and I don't believe I am off in any substantial degree.

The bottom line is this: We cannot afford this law and the additional burden it places on our country's finances.

We must repeal this health care law in its entirety and replace it with reforms that will improve our finances and reduce health care costs for Americans, not drive up their costs. This bill, whether you like it or not, will not be implemented. We simply do not have the money. At this time of high unemployment, and almost no growth, it will be hard to do the things that are necessary, that we have to do: fix Social Security, fix Medicare, provide for

the common defense. Those things have to be done. We have no money to pay for a \$2.6 trillion program over a 10-year period. We have to save these programs we are committed to first.

The President's health care law will not be fully implemented until 2014. It is not too late to stop it now. And we are going to have to, simply because the finances of this country will not allow for it to go forward.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mrs. SHAHEEN. Madam President, I am pleased to come to the floor this afternoon to join my colleagues, Senator LANDRIEU and Senator CASEY, in talking about the importance of addressing some of the concerns that face small business.

Senator CASEY said something that I think is very important. He said, when he goes around Pennsylvania, one of the things he hears from his constituents is that they expect us to work together here in Washington, in the Senate, in Congress, to get things done for the people of this country. I hear that from my constituents. I am sure the Presiding Officer hears that from her constituents. People throughout the country expect us to work together, and they want to see us address the economic challenges we are facing in this country.

Well, one of the best ways to address the fiscal issues we are facing is to be able to grow this economy. Nothing is more important to growing the economy, to creating jobs, than small businesses.

Senator CASEY talked about the recent report that came out from his congressional committee talking about the importance of small business. The fact is that over the last decade, businesses with fewer than 250 employees accounted for nearly 80 percent of all new hires. Economists tell us that about two-thirds of the jobs that are going to be needed to get us out of this recession are going to come from small businesses.

In New Hampshire, small businesses are particularly important. We are a small business State. Over 95 percent of all New Hampshire companies have fewer than 500 employees. About 85 percent of New Hampshire companies have fewer than 20 employees.

We have to look at how we can help those small businesses continue to grow.

Yesterday afternoon, I met with a group of small business owners from New Hampshire. They were all owners of construction companies. The construction industry in New Hampshire has been one of those industries that has been hardest hit in our State, and these businesses still need help. These business owners need help if they are

going to be able to keep their businesses prospering and create jobs.

The legislation that is before us, the Small Business Jobs and Tax Relief Act, will help these small businesses.

The Landrieu amendment that I want to speak specifically to is critical as we look at how we can provide additional help to these small businesses. I want to talk specifically to two provisions that are in the Landrieu amendment, also known as the SUCCESS Act.

The first one would deal with export issues. What I have learned, as I have been working with business and looking at how we can improve our economy and help create jobs, is that giving those small businesses access to international markets is critical.

What we know is that about 95 percent of the markets are outside of the United States, and yet only 1 percent of our small and medium-sized businesses actually export. So what we have to do is help in every way we can through our policies to give them access to those international markets.

Senator AYOTTE and I both serve on the Small Business Committee. We represent New Hampshire. Last year we held a field hearing in New Hampshire, and we heard from small businesses in our State about what we can do here in Washington that might help them export. As a result of what we heard, we have introduced some stand-alone legislation. But provisions in that stand-alone legislation have been incorporated into the SUCCESS Act—the amendment that Senator LANDRIEU is going to be offering.

Those provisions would help our small businesses. One, they would improve governmentwide export promotion. Right now we have a lot of independent silos, independent efforts that exist in different agencies to help small businesses with exporting. What we want to do is provide more coordination among those independent programs.

It would also increase State events that are targeted to help small businesses export. Both provisions, as we heard from our small businesses in New Hampshire, are important to them, as they think about what they can do to improve their chances of exporting, getting into those international markets, and having the jobs that can be created as a result.

So that is one of the provisions in the Landrieu amendment, the SUCCESS Act, that I think is very important. Senator AYOTTE and I and our staffs have worked very hard on this.

Another provision that again is from stand-alone legislation that was introduced by Senator LANDRIEU, Senator SNOWE, Senator ISAKSON, and myself—so it is also bipartisan legislation—would extend the 504 refinancing program through the Small Business Administration.

As I go around New Hampshire, I still hear the small businesses in my State saying that they are still having challenges accessing credit. Well, extending the 504 refinancing program is to me a no-brainer as we think about how we can give those small businesses access to credit. What these provisions would do is extend for a year and a half the ability for the Small Business Administration to continue refinancing short-term commercial real estate debt into long-term fixed-rate loans, again, through the existing 504 loan program—something that makes eminent sense, something that we ought to do.

So those are two provisions I have worked on specifically with other Members of this body. They are provisions that are bipartisan. I think they have a lot of support. If we can get this amendment to the floor, I think there will be a lot of support for it. And it reflects all of the provisions of the SUCCESS Act that Senator LANDRIEU has been putting together.

Again, I want to end with where I started; that is, the people of New Hampshire and the people of this country expect us to work together to address the issues facing the country. Nowhere is that more important than in what we need to do to help create jobs and helping small businesses have the support they need so they can create the jobs that are going to get us out of this recession. Providing long-term help to those people who are unemployed is absolutely critical. This legislation would help do that. I hope our colleagues, when it comes to the floor, will decide this is one more way we can help small businesses create jobs and grow this economy.

I thank Senator LANDRIEU for her leadership and Ranking Member SNOWE on the Small Business Committee for her leadership and hope we can move this legislation forward this week.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I thank my colleague from New Hampshire for not only being such an aggressive and fine and thoughtful member of the Small Business Committee, but for her constant encouragement to me and to Senator SNOWE to try to pull together some of the ideas that we all can agree on and move forward.

It may not be the most perfect package, it may not be the most extensive package, but as the Senator from New Hampshire said, it is a package that most all of us can agree to, and it has a pricetag of only \$4 billion.

That is a lot of money. But compared to the Republican proposal that has come over here from the House at \$40 billion, and the Schumer proposal, which I support because it is much more targeted and much more responsible at \$20 billion, this \$4 billion amendment could have a tremendous

bang, a tremendous leveraging power for its cost. And the two proposals Senator SHAHEEN explained beautifully actually have zero cost because the 504 program is a program that pays for itself. All we are doing is extending its authorization so people—and there are thousands of them in Louisiana, in Rhode Island, in New Hampshire, and other States—who are caught paying higher interest rates on short-term loans for commercial buildings—and I am sure we all know someone in that category—can now, if this amendment passes, go to their local bank—it is not a government program; it is a partnership with the local banks and through the SBA—and refinance their building and get a longer term loan.

In fact, I am told that this program, this 504 program, is basically taking up the majority of the space in this lending, that still the lenders are very weak. They are not extending credit out in a long fixed rate. They are lending short term. They are lending with adjustable rates. As the Presiding Officer knows, and many others, when a person is starting a small business and taking so much risk, one risk that can be eliminated is the cost of their money. It is very comforting to a small business owner—who has to borrow, who does not have the savings or has run through their savings or the equity in their home and they have to extend and take that risk—to be able to have a fixed, longer term rate.

So again, this proposal came from Senator ISAKSON, who truly is acknowledged as the expert in this entire Chamber on commercial real estate and on residential real estate. He is known and respected on both sides of the aisle. This is his proposal with Senator SHAHEEN. I thank him for his leadership.

Also, the Senator spoke about the export coordination. Again: zero cost; just smarter government, at no cost. We need more of that around here: smarter government, less spending. That is what Senator SHAHEEN's proposal does, which is a portion of this amendment, the Small Business Export Growth Act.

Let me reiterate that 95 percent of the world's customers are located outside of the borders of the United States. It might be shocking to people in America to realize this, but we represent only 4 to 5 percent of the population of the Earth. We think of ourselves as the biggest and the best, and we are the best. We are not necessarily the biggest when it comes to population, though.

So there are growing markets all over the world. Mr. President, 95 percent of our customers and a majority of the market are outside of the boundaries of the United States. What we are recognizing is, right now only 1 percent of the 28 million small businesses in America export. Why would that be?

One, it can be intimidating for a small business, even though they have a great product, they have a great idea, they have great technology. And India needs that technology or some countries in Africa might absolutely want that product or that service. The small businesses are intimidated. They do not have the accountants, they do not normally have access to high-powered, expensive lawyers and trade executives and experts. So that is what our government—and, frankly, State governments are doing this. Smart governments at the State level—whether it is California, Oregon, Louisiana—all States are now recognizing: Gee, we need to get behind our small businesses in our State and help them to export.

I was very proud to put a substantial investment in the jobs act of 2010, which gave competitive grants to States. And it is remarkable; just a little bit of investment at the Federal level is leveraging a tremendous amount of excitement at the State and local level as those governments accept those grants and then put them to work.

In Louisiana, our department of economic development has been very aggressive in using its step grants. So, again, this is not an additional grant program. This Shaheen-Ayotte proposal has no cost. It is perfecting, coordinating this export initiative by establishing an interagency task force between the SBA, the USDA, and the Ex-Im Bank. It is really encouraging cooperation that now does not exist at the Federal level and requires the SBA, in coordination with other agencies, to conduct one outreach event in each State per year, which I think would really help to motivate our State governments and our stakeholders at the State level to be helpful.

Let me go back to the beginning. We have the SUCCESSION Act amendment. I talked earlier about 16 provisions in this amendment. We talked about the 100-percent exclusion of capital gains. We have talked about the increased deduction for startup expenditures, which is Senator MERKLEY's provisions.

Now I want to talk about the S corp holding period. This has come out of the Finance Committee. Senator SNOWE and Senator CARDIN have been very strong advocates of this provision. Under current law, when a corporation becomes an S corporation—and there are, of course, benefits to becoming that kind of corporation—right now it is required to hold its business assets for 10 years or pay punitive taxes. In our mind, this 10-year holding period is too long. It ties up assets that could be sold to raise capital. In 2010, in our small business bill, we reduced this holding period to 5 years so businesses would be better able to manage their planning cycles. So this proposal is to extend the 5-year holding period through 2012 and 2013. You know, po-

tentially, if we could afford it, we would like to make this proposal permanent, but in the Landrieu SUCCESSION Act amendment, it would extend it through 2012 and 2013 and has a minimal cost.

The next provision is a carryback provision—up to 5 years of general business credits. This is a proposal about which Senator SNOWE feels very strongly. The proposal would extend the carryback period from 1 year to 5 years for general business credits earned in 2012 and 2013. It would provide tax refunds to businesses that were previously healthy but are currently running losses.

The proposal would improve the effectiveness of business credits that are intended to expand investment and employment. The provision would allow businesses greater immediate benefit from credits designed to encourage specific types of activity. By providing businesses with greater opportunity to claim business credits, the provision would also give an infusion of cash to businesses, which might promote investment. So that is another provision of our SUCCESSION Act.

Section 179 is probably the most popular part of our amendment and, again, Senator SNOWE has championed this in the Finance Committee. Many Finance Committee members are completely aware of section 179 in the Tax Code, which deals with expensing that many restaurants and retailers use. Basically, it provides a credit for them if a small business buys machinery and equipment or property contained in or attached to a building other than structural components, such as refrigerators, grocery store counters, office equipment, gasoline storage tanks, pumps at retail service stations, even livestock, including horses, cattle, sheep, and goats, other fur-bearing animals—all of the equipment or products or purchases small businesses make to run their businesses. This would allow an immediate writeoff of up to \$500,000 for this kind of property. So, again, it is \$2.3 billion over 10 years. It is the most expensive part of this whole amendment, but we think it is \$2 billion well invested to encourage those small businesses to make these investments now, to get jobs and expansion opportunities underway.

Twenty-six national business groups, such as the NFIB, the U.S. Chamber of Commerce, the National Association of Home Builders, and the National Association for the Self-Employed, have endorsed this and have sent a letter to us with very enthusiastic support.

The next section is expanding access to capital for entrepreneurs. This was actually mentioned in President Obama's State of the Union Message to us when he talked about his small business proposals. He outlined maybe half a dozen things, a few of which we have implemented and a few of which we

have not yet implemented. This was on his bucket list, if you will. And I am a strong proponent of this provision.

We created a small business investment company in a bipartisan way decades ago. It has been one of the most successful programs created to spur business development in the country. It basically operates on a sustainable level and does not cost the Federal Government anything. It is like venture capital—not really like venture capital—it is like an investment; not a bank but a nonbank investment company that was created many years before I became chair of this committee. It is something that was done through Democratic and Republicans administrations because it worked.

All this does is raise the statutory cap from \$3 billion to \$4 billion, and it increases the amount of leverage of licensees from \$225 million to \$350 million. They are bumping up against that \$3 billion cap. It has been very successful. We would like to take it to the next level. And, of course, some of the most successful funds within SBIC are bumping up against their \$225 million cap per fund. So this is one of the great ideas that came out of our roundtable. Again, not only does President Obama support it, it has my strong support and Senator SNOWE's, the ranking member of the Small Business Committee.

The next provision would be the SBA 504 refinance. This extends for a year and a half the ability of the SBA 504 Loan Program. We talked about this. Senator SHAHEEN spoke about this, and I have already explained it. So this is really the Isakson-Shaheen-Snowe proposal.

The next is the small business lending activity index. This is something I have put forward. We have talked with the banks and the SBA. They are all on board and accepting of this concept. It is a way to measure the small business lending activity that is being done at the city-State level through the 7(a) and 504 Lending Program.

It was very curious to me, when I became chair of this committee, that we did not have the measurements in place to actually judge whether some of our programs were really working. Were they working really well or working moderately or were they very weak? So I have instructed my staff and we have been working together to see in every way if we measure and really record the activities of the Small Business Administration. It is only a \$1 billion agency, one of the smaller agencies of the government, but that billion dollars comes from taxpayers and we want to make sure that money is spent well and wisely.

So this legislation, again, is at no cost. It can be done within the current budget. It will be called the lender activity index. It will be posted on the SBA Web site. It will have the name of

the bank, the number of SBA loans made by each bank, the total dollar amount of SBA loans, the ZIP Code of bank activity, the industries lent to, so we can sort of see how our banks are lending and to what areas, the stage of the business cycle, and then whether it was a woman-owned, minority-owned, or veteran-owned business, if that information can be obtained. It is very simple. We made sure the language is easy for the banks. They already have to report this data; it is just not in a useable format. This will require them to put it in a useable format.

The next is access to global markets. This is what Senator SHAHEEN spoke about. So the major part of this bill is tax cuts to businesses and then some oversight of the SBA, tightening up, coordinating our export strategy. And then the next and final part of this—or next to last part of our amendment is basically access to mentoring, education, strategic partnership.

In our roundtable—I am not going to go into all of the details of these items, but the bottom line is that in our roundtable, experts—business owners and the Kauffman Foundation and others—came to us and said: Senator, you are right, businesses need capital. You are right, we need access to global markets. You are right that we need a fair tax code. But what businesses also need is technical advice and support and training, and we need more education, entrepreneurship education.

The Small Business Administration is not the education agency, so we have been very careful not to mission creep. We have designed a couple of proposals that can encourage better activity within the SBA to form partnerships with nonprofits and even for-profits, not-for-profits, and schools to promote entrepreneurship appropriately. The Federal Government can be a model. It is only one model. But we believe technical training is important. We have partners already established—the women's small business centers and minority business centers. Getting them to be more effective and providing additional counseling is very important.

Finally on this amendment, access to government contracting is another method for small businesses to be able to grow. Governments—whether it is Federal, State, or local—are huge purchasers of goods and services, and if our contracting laws are right and if they are enforced, then small businesses in America will have an opportunity to get started by competing for government contracts or to grow by receiving government contracts. And they are more likely to grow. If a big business gets a contract from the government, they can sometimes absorb that contract and make their company more efficient, giving more work to the people who are already there. And there is nothing wrong with that; that is business. But when a small business

gets a government contract, most of the time it results in additional hiring because small businesses have to be lean and agile. So they might have five people but they have a lot of expertise. They land a contract from the government that they are most certainly qualified to do, and then they have to hire. So they have to hire 10 people to carry out that contract, which is why I have been very supportive—Senator CARDIN has been a champion on this issue and Senator LEVIN as well—of giving small businesses an opportunity for contracting. That will really help.

In conclusion on this amendment—I see other Members coming to the floor. I wish to speak for another 5 or so minutes. I came to the floor today to support the underlying bill, which is the Schumer tax cut provision that is targeted tax relief to small businesses in America. I hope our Members will support that.

If for any reason they don't support that, or even if we do, we will still have an opportunity, I hope, to vote on the Landrieu amendment. I say that humbly because this amendment has been put together by Senator SNOWE and her staff with me and members of the Small Business Committee on both sides of the aisle. We picked up some great ideas from individual legislation that had been filed, and it got unanimous consent and review, talking to many people.

So we don't believe it is controversial. We know it doesn't cost that much—\$4 billion—and we believe it will have a tremendous and immediate impact on small businesses in America.

I wanted to give that explanation. We have received a tremendous amount of support today from a variety of organizations.

I see my colleague on the floor. I will yield the floor at this time and perhaps will take a few more minutes before 6 o'clock.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I am awaiting Senator DURBIN and Senator ENZI. I will be happy to listen to the Senator from Louisiana if she would like to continue for a while until they come. I plan to speak for a few minutes after they speak on a different subject.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, there are a few other things I would like to say.

I wanted to take a minute to respond to something that Senator RUBIO said earlier, and Senator SESSIONS, while I was on the floor. I have great respect for those two Members, but he came to the floor with a fairly critical diatribe, if you will, against some of President Obama's policies. I have not been a great supporter of the President's energy policies, and I actually appreciate

some of the views Senator RUBIO holds about the fact that we need to drill more in this country.

I want to show something I think Florida should be mindful of and suggest that the Senator from Florida could start making that speech at home in Florida because Florida is one of the States that virtually produces no energy, from any source. It has been a bone of contention with me for many years that we have had Senators come to the floor and talk about what so-and-so doesn't do and what so-and-so doesn't do.

I want to remind the Senator from Florida that the gas that keeps the lights on in Florida actually comes from the Mobile Bay. These are the pipelines that Mississippi and Alabama and Texas—9,000 miles of pipelines and drilling—have off of our shore and onshore to provide gas and lights to Florida.

This is a chart that is very interesting. Before America can be energy independent or energy secure, each State should be energy secure, or each region. The country is not made up of smoke and mirrors; it is made up of 50 States. If every State and every region would do its part, either producing or conserving or a little of both, we could actually get there. But I get a little tired of the lectures criticizing us—particularly from States that neither conserve nor produce.

California gets a little bit of a break, even though they consume more energy than any State. They are a net consumer of energy. We are down here, a net producer. The States that produce more energy than they consume are Wyoming, West Virginia, Louisiana, New Mexico, Alaska, Kentucky—and North Dakota should be on here now because this was some years ago. Probably Montana also would be on here now.

The Senator from Florida is coming and lecturing everybody about producing, and his own State produces virtually nothing and consumes everything. I wanted to say that I find that offensive. California gets a little bit of a pass from me because if we look at another chart, they do more to sort of consume energy through government regulations, which I know the other side doesn't like. They think we don't need any regulations, and that is their view. California has a lot of regulations—maybe too much for me as well—but they are doing a lot to conserve. Florida doesn't. Maybe if Florida started doing a little drilling, it would help the United States to be more energy independent.

My second point: I want to answer something Senator SESSIONS said. I will try to find my document on that in a minute. Senator SESSIONS came to the floor a few minutes ago and talked about the cost of the health care bill. The health care bill has some expen-

sive components to it. The purpose of the health care bill, remember, Mr. President—because the occupant of the chair was in the middle of that battle—was designed to reduce the overall cost of health care for the Nation because the percentage of the gross national product going to health care was moving up dramatically and frighteningly—from 12 percent a few years ago to 14 percent, to 16 percent, and it was on its way to 19 percent. It was on its way to 19 percent before Barack Obama got sworn into office.

I am getting tired—and the American people are getting tired—of the same diatribe coming from the other side of the aisle about how the cost of the Affordable Care Act is causing the country to go off the edge. This country was going off the edge before President Obama even became President. They know that. But they are just bound and determined to keep talking about the same old thing day in and day out, about how the Affordable Care Act is wrecking America. The only thing wrecking America is their stubbornness.

I want to put this into the RECORD. When President Clinton was President, as you know, it was the last time we had a surplus. It was the Republican President and the Republican leadership that turned that surplus into a deficit. The ship had already hit the iceberg before President Obama took his oath of office. Now they want to blame the entire deficit on the Affordable Care Act.

When the Affordable Care Act is implemented—now that the Supreme Court has said it is most certainly constitutional—instead of fighting it every step of the way, it would, in the long run, save money.

They want to talk about this tax, tax, tax, tax. I want to call what they do the “no care tax,” because that is the Republican position. Before there was the Affordable Care Act, people in America were losing care rapidly. Small businesses were dropping their insurance. They could not afford it anymore. These premiums have been going up for a long time. The Affordable Care Act didn't drive the premiums up; they were going through the ceiling. We had to do something to try to stop it.

When President Obama came into office, and we saw that the trends were going up, in our efforts to try to get the budget back into balance it was obvious that we had to do something with health care. But they keep talking about tax, tax, tax. I remind them that before we passed the Affordable Care Act, there was a tax on every insurance policy that people in America had because it was a tax for the uninsured. It was about \$1,200. That tax was on the backs of the American people before President Obama ever became President, before we even began debating the Affordable Care Act.

The other cost that was going on in this country was the people who didn't have Medicare, who didn't have Medicaid, and didn't have insurance—and it was a rising number of people without insurance. And as States cut back on their Medicaid, a rising number of people who didn't have Medicaid went to our hospitals, our private hospitals, our public hospitals, and our not-for-profit hospitals. Do you know what the Republicans want to tell them. Just treat those people for free. There is no one to reimburse you for this cost. Medicaid will not reimburse them because they are not 65. They don't have private insurance. And the Governors cut back on Medicaid because they can't bear to go look for some tax loopholes that people might not need in order to provide working Americans with health care.

They are too busy campaigning for their next election, so they told all the hospitals: You all go ahead and take care of these people for free. So when a non-paying customer went to a hospital, whom do you think picked up the tab for that? The paying customer.

So before President Obama became the President, before we started trying to figure out a way out of this terrible mess, there was a huge tax on the backs of the American people and a huge debt having to be paid every year by every hospital in America. Why don't they talk about that? They don't.

I hope the American people will listen because I am so tired of that same old speech. I have heard it for 3 years—before the debate, during the debate, and I guess we are going to hear it up to the election. I hope the American people will listen. Don't let them talk about the tax that is supposedly in this bill. The Affordable Care Act is alleviating a tax burden. It alleviates a terrible tax burden, an invisible tax that has been on the American people, and a heavy burden on the backs of the taxpayers—and immoral in some ways, as well—with working Americans working 50, 60 hours a week, and when they get sick, they have nowhere to turn.

Instead of putting their proposals on the table, they decided they wanted to block and tackle and stop and not contribute anything. I think the country will make a good decision. I think the country likes the fact that their kids can stay on their health care plan until they are 26, and they like the fact that when they get sick with cancer or diabetes they cannot be kicked off their health insurance. Particularly businesses would like it if the States would step up and cover some of these lower wage workers, and the burden would not fall on us.

For every Governor—and mine may be one—who rejects the expansion of Medicare, who do they think has to pick this up? It is the small businesses.

The burden should be shared for our lower income workers broadly, not on

the backs of businesses that are struggling. That is the way we designed this program. The Federal Government said: We know it is tough. We know it is an expansion. Do you know what. We will pick up the 3 years 100 percent to give you some time, to help you so you can look at your Tax Code, and you might be able to find out and let me get this one more thing off my chest. Who made up the rule that the Federal Government is in charge of the health of every American citizen? Do Governors have any responsibility for health? Are we supposed to just do everything up here? Do mayors and Governors have any responsibility for the health and welfare of the people they serve? I suggest the Governors—some of them—get off the campaign trail, get back to their offices, and start putting health care legislation together—particularly some of the Republican Governors.

I am glad I said that. I am happy to turn over the microphone. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARKETPLACE FAIRNESS ACT

Mr. ALEXANDER. Mr. President, I have come to the floor in support of Senator ENZI of Wyoming, Senator DURBIN of Illinois, and a group of other Senators and House Members who are working on legislation called the Marketplace Fairness Act.

I am going to let them do their own speaking. I am their chief self-appointed cheerleader. Senator ENZI has been working on this ever since he has been in the Senate. He has a special passion for it as a former owner of a shoe store in Wyoming.

Let me see if I can phrase it this way. If I were to ask the question, What do Governor Chris Christie, Governor Mitch Daniels, Governor Jeb Bush, Governor Haley Barbour, Al Cardenas, chairman of the American Conservative Union, Governor Bob McDonnell of Virginia, and Governor Paul LePage of Maine all have in common, one might say they are all Republicans, and that is true. One might say they are all conservatives, and that is true.

The other thing one could say about those Governors and Republicans and conservatives is that they all support the Enzi-Durbin Marketplace Fairness Act. What is the Marketplace Fairness Act and why do they support it? The Marketplace Fairness Act is an 11-page bill about a two-word issue, and the issue is States rights.

The reason I am such a strong supporter and a cosponsor of what they are doing is because when I, in my former

life, used to be Governor of Tennessee, nothing would make me angrier than Washington politicians who would try to tell me what to do about my own business. We have a legislature in Tennessee and in Wyoming and we have a Governor and we know what services we want and we have a range of options of taxes to pay for that. It was always my position we could make our own decisions about how to do that.

What Senators ENZI and DURBIN and others of us are saying is that States have a right to decide what taxes they impose and from whom to collect them. If the States of Tennessee or Wyoming say: We are going to have a sales tax and we are only collecting it from half the people, it has the right to be wrong. That is what I mean by States rights.

If I were in Tennessee, I would say: Surely, you will not have a State sales tax and only collect it from some of the people. You would collect it from all the people who owe it. Surely, you will treat all your businesses that are in a similarly situated situation the same way. That would be my position if I were Governor or in the legislature, but I will let them decide that.

What we have advanced in the Senate, which has 13 cosponsors, is a piece of legislation that makes it clear States can decide for themselves whether to collect State sales taxes from some of the people who owe it or from all the people who owe it. I will give an example and then I will sit down and listen to Senator ENZI and let him talk.

This past week I had a birthday, and my wife gave me an ice cream maker from Williams-Sonoma, which I am sure is going to add a few pounds as the months go on. So there we were over the Fourth of July holiday, and I wanted to get some of the stuff one needs to make ice cream. You can buy ice cream starter from Williams-Sonoma and it comes in a can and it makes the project a lot easier and you can buy chocolate syrup and they will mail it right to your house. You can do all these things online, of course, or I could have driven back to Nashville and gone to the store in Nashville and bought it all there. If I had bought all that stuff in Nashville, I would have paid Nashville's 9.25 percent sales tax. If I buy it online, I wouldn't have to pay the tax when I bought it, except that Williams-Sonoma collects it. So I went on the Internet, put it on my credit card, and there was the amount of money it cost to buy the stuff for my ice cream maker. Right at the end of it, it added the tax on, the same sales tax I owed and would have paid if I had been at Williams-Sonoma in Nashville. So I pushed the button, off it went, they collected the tax from my credit card, sent it to the State of Tennessee, and it was done.

Twenty years ago, that wouldn't have happened with an out-of-State

seller. It was too cumbersome. The technology wasn't advanced, the Internet wasn't as fast, and the States had not gotten their acts together. It was all very confusing, and the Supreme Court said you can't impose that on States—requiring an out-of-State seller to collect the sales tax that is owed—even though it may be owed. Today, it is different. It is as easy to figure out the tax as it is to Google the weather in your hometown. In fact, it is easier. It is easier to have the tax collected online than it is to go into the store and do it.

In any event, in the State of Tennessee, Governor Haslam and the Lieutenant Governor—and I can guarantee we are a conservative State—want the right to decide that for themselves. I know what they are going to do, if they have the right to collect the sales tax from everybody who owes it instead of just some of the people who owe it. They are going to lower the tax rate for everybody. They might get rid of the only vestige of an income tax we have, or the food tax might go down. They might spend some more money for teachers' salaries. That is their business.

But I am here to say that Senators ENZI and DURBIN and others have solved a big problem for this country, and the reason why this bill is inevitable and why I hope it will pass this week or next week or the next week—and why I believe the House of Representatives is going to pass it as well—is because it is a simple 11-page bill about a 2-word issue: States rights. That is why Governor Christie and Governor Daniels and Governor Bush and Congressman PENCE and many Republicans and many conservatives are saying let's pass it. Let's get out of the way and let States make their own decisions, and then the States can decide from whom they want to collect their sales taxes.

I congratulate Senator ENZI—and Senator DURBIN—on his work and I look forward to working with Senator ENZI and I hope this year we can continue to turn this bill the Senator has worked on for more than a dozen years into a law.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, the Senator from Tennessee, Mr. ALEXANDER, is far too modest. Yes, I have been working on this since I got to the Senate, but he is the one who got it shortened down to 11 pages and made it a States rights bill. The States are realizing their rights anyway, and there are attempts at making changes in the sales tax law in order to cover this huge loss of revenue they are experiencing, but it doesn't work unless we do what the Supreme Court urged us to do when they issued the Quill decision back in the

1990s, which is to pass a national law that clarifies how this tax would be collected if the States choose to do it.

I am very pleased Senator DURBIN joined us on this issue. Practically every State is losing money because of the tax that is only being collected for people who buy instate, and when they buy out of State, they are used to it being collected and it isn't collected. So half the time the State is not getting its money, and we need to change that before States come to the Federal Government and say we need some money for this project and then that sometimes gets worked into a bill. We are out of money at the Federal level. We have eliminated earmarks, so we can't do what we used to do, and we probably shouldn't have done it then. At any rate, we are borrowing 42 cents on every \$1 we spend, so we don't have any money to give to the States.

But the States do have this authority, an authority to do a sales tax. Of course, they didn't anticipate they were just going to tax the businesses that were in their State that were paying a property tax and were hiring local people and were participating in all the community events and telling everybody out of State they didn't have any responsibility in it. There has always been an effort to get their responsibility too. I am glad we have this opportunity to discuss the small business jobs and tax bill, but in this amendment to it—which would be known as the Marketplace Fairness Act—we are talking about fairness. We do expect everybody will be treated fairly.

So let's start with a common-day practice that is happening in our Nation's retail markets today. If someone buys the book "The Hunger Games" at the local bookstore in town, they will pay more for the book from the brick-and-mortar store than if they bought the book online. There is nothing different about the brick-and-mortar store's book versus the book purchased on the Internet except the sales tax they have to pay. If they choose to do so, States should have the flexibility and the ability to fix this inequality.

Sales taxes go directly to State and local governments. They bring in needed revenue for maintaining our schools, fixing our roads, and supporting our law enforcement. As I like to add, have you ever tried to flush your toilet on the Internet? If sales over the Internet continue to go untaxed and electronic commerce continues to soar, revenues to State and local governments will plummet. But if Congress fails to authorize States to collect tax on remote sales and electronic commerce continues to grow, we are implicitly blessing a situation where States will be forced to raise other taxes, such as income or property taxes, to offset the growing loss of sales tax revenue. Do we want this to happen? No, we don't.

The Marketplace Fairness Act was written in the aftermath of the Supreme Court's 1992 Quill decision. Congressional involvement is necessary because the ruling stated the thousands of different State and local tax rules were too complicated and onerous to require businesses to collect sales tax unless they had a physical presence—store, warehouse, et cetera—in the purchaser's home State.

The Supreme Court essentially stated Congress needs to decide how to move forward. I strongly believe now is the time for Congress to act. Many Americans don't realize when they buy something online or order something from a catalog from a business outside their own State, they still owe the sales tax. For over a decade, Congress has been debating how to best allow States to collect the sales taxes from online retailers in a way that puts Main Street businesses on a level and fair playing field with the online retailers.

The Marketplace Fairness Act empowers States to make the decision themselves. If they choose to collect already existing sales taxes on all purchases, regardless of where the sale was—whether it was online or in a store—they can. If they want to keep it the way they are, the States can do that.

I have been working on this sales tax fairness since joining the Senate in 1997. As a former small business owner, it is important to level the playing field for all retailers—in-store, catalog, and online—so an outdated rule for sales tax collection does not adversely impact small businesses and Main Street retailers. As a State legislator, I know we never passed a law, as I said, that discriminated against the instate people. We never put a burden on people who pay the property tax, who hire local residents and participate in the community events while telling those out of State we want them to have our money, but they do not have to do anything in return. We never intended to give the out-of-State businesses a free ride. That is what the local legislators are all concerned about.

On November 9, 2011, Senators DURBIN, ALEXANDER, TIM JOHNSON, and I introduced, with six of our other colleagues, in a very bipartisan way, the Marketplace Fairness Act to close this 20-year loophole that distorts the American marketplace by picking winners and losers, by subsidizing some businesses at the expense of other businesses and subsidizing taxpayers at the expense of other taxpayers. All businesses and their retail sales and all consumers and their purchases should be treated equally and fairly.

I wish to provide some highlights of what the Marketplace Fairness Act accomplishes:

The bill gives States the right to decide to collect or not to collect taxes

that are already owed. The legislation would streamline the country's more than 9,000 diverse sales tax jurisdictions and provide two options by which States could begin collecting taxes for online and catalog purchases. The bill gives States two voluntary options that would allow them to collect the State sales taxes that are already owed if they choose.

The first option is the Streamlined Sales and Use Tax Agreement, supported by 24 States that have already passed laws to simplify their tax collection rules. The second option puts in place basic minimum simplification measures States can adopt to make it easier for out-of-State businesses to comply.

The bill also carves out small businesses so they are not adversely affected by the new law by exempting businesses with less than \$500,000 in sales online or out-of-State sales from collection requirements. It is very important there is an exemption for startup and small businesses if they have less than \$500,000 of sales in 1 year. Once they reach the \$500,000, then the next year they have to begin collecting the tax. This small business exemption will protect small merchants and give new businesses time to get started.

Don't let the critics get away with saying this kind of simplification cannot be done. In the early 1990s, when the Quill decision was handed down, the Internet was still in diapers and cell phones came with bags and looked like bricks. Cell phones now have Internet capability, and software, computers, and technologies have all advanced at an exponential pace. The different rates and jurisdiction problem is no problem for today's programs.

As a former mayor and State legislator, I also strongly favor allowing States the authority to require sales and use tax collection from retailers in all sales, if they choose to do so. We need to implement a plan that will allow States to generate revenue using mechanisms already approved by their local leaders. We need to allow States the ability to collect the sales taxes they already require, if enacted. This would provide \$23 billion in fiscal relief for the States for which Congress does not have to find an offset. This will give States less of an excuse to come knocking on the Federal door for handouts and will reduce the problem of federally attached strings. It will give States a chance to reduce property taxes or other taxes.

The Marketplace Fairness Act is not about new taxes. No one should tax the use of the Internet. No one should tax Internet services. I do, however, have concerns about using the Internet as a sales tax loophole. Sales tax collection is already required by my home State of Wyoming no matter how or where we buy something, if it is not taxed by

the State we get it from. We are supposed to fill out our own form and submit the information. Nobody is used to filing that kind of form or doing that kind of tax collection, and they never know whether the tax is owed or how much it is, particularly on small purchases.

It is always collected at the stores by the stores in state. We have to make the system simpler so they don't have to fill out forms. Under Wyoming law, online purchases are already subject to a sales tax; it just can't be collected and given to our State. The situation is very similar to that of other States.

Senators DURBIN, ALEXANDER, and I have worked tirelessly to assist the sellers, States, and local governments to simplify sales and use tax collection and administration. We have worked with all interested parties to find a mutually agreeable legislative package to introduce. Many hours have been dedicated to finding the right solution.

I want to publicly commend and thank Senators DURBIN and ALEXANDER for taking a leadership role in working on this important policy issue.

Ten years ago, the bills we considered to try to close this loophole were not adequate to solve the problem. Marketplace Fairness does solve the problem. It is simple. It is about States' rights. It is about fairness. At a time when States' budgets are under increasing pressure, Congress should give State and local governments the ability to enforce their own laws. I strongly encourage my colleagues to support amendment No. 2496, known as the Marketplace Fairness Act, and get it enacted into public law this year.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BENNET). The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank Senator ALEXANDER of Tennessee and Senator ENZI of Wyoming, cosponsors of this measure and participants in this colloquy on the floor today. I am sorry I wasn't here at the outset, but I am grateful for their participation and comments they have made, and especially for their commitment to this cause.

I think Senator ENZI—and I would give special thanks to Senator ALEXANDER, who stepped in at a very important moment and helped us craft a part of this bill—helped us craft an agreement on this bill and brought some new approaches to it which have been extremely helpful.

The notion of offering this as an amendment is a show of good faith on our part and a show of commitment to the seriousness and the importance of this issue. The fact that many Democrats and Republicans can join together in this bipartisan manner is an indication that this bill cuts across party lines. I think it gets down to a basic issue, as it says, of fairness.

The economy is clearly getting better. There are better days ahead; jobs

are being created and our economy is growing stronger. There may be times when the job numbers are disappointing and the stock market stumbles, and we continue to face challenges in Europe and other places, but we are improving.

Businesses in Illinois and across the country are starting to see customers come back. Small retailers in my home State of Illinois are pushing the slogan "buy local" in their effort to urge consumers to come back to local stores, farmers markets, and shoe stores, instead of buying online. These efforts support local brick-and-mortar sellers who contribute to the community in so many different ways. They sponsor the local baseball teams, they collect sales and use taxes that pay for services such as fire, police, and trash collection, and they provide good-paying local jobs.

While these efforts have been successful, many local retailers share with me how frustrating it is to lose business because online retailers have a built-in advantage that I have seen firsthand. While local Main Street businesses collect State and local taxes and use taxes, their online competitors don't. In Illinois, this can mean an 8-percent differential in price. This encourages customers to buy everything from electronics to books online to avoid paying sales tax and use taxes.

A couple examples:

Bob Naughtrip, owner of Soccer Plus in Palatine and Libertyville, IL, describes how his biggest online competitor can offer a discount of more than \$10,000 because it doesn't have to collect sales and use taxes. Bob sells sporting equipment to local sports clubs, and it is not unusual for these clubs to make purchases that exceed \$100,000 a year. He can't compete when the competition has a \$10,000 price advantage, so he loses the business.

Matt Lamsargis, owner of the Springfield Running Center—a person I have come to know—and Bob Thompson, owner of BikeTek, both in my hometown of Springfield, told me when I visited their small businesses last year they are victims of "showrooming," they call it. They lose business when customers walk into the store, look around, maybe even try on the clothing and shoes or even get fitted just right, write down a few numbers, then walk out the door and order the product over the Internet at a discount, because the Internet seller doesn't collect sales tax and these local retailers have to. Ironically, some of the customers, dissatisfied with their online purchases, come back to the same store to complain about a product they didn't even buy there. So we have got to find a way to make this a fairer marketplace.

Why can't State and local governments require online retailers to collect sales and use taxes? For 20 years, State and local governments have been

prohibited from enforcing their own sales and use tax laws because of a Supreme Court decision in *Quill v. North Dakota* where the Court clearly stated that only Congress has the authority to solve this problem.

Last year, Senator ENZI, Senator ALEXANDER, and I introduced the Marketplace Fairness Act with additional cosponsors. We now have 13 bipartisan sponsors. This bipartisan group of Senators understands that to truly help small businesses grow and create jobs, we need to make sure they compete on a level playing field. The Marketplace Fairness Act would do that. That is why it is being filed as an amendment to the Small Business Jobs and Tax Relief Act.

Our amendment is about saving Main Street businesses and the jobs provided by those businesses. This bill does not mandate the States but it allows States, if they choose, to require online and brick-and-mortar retailers to play by the same sales tax rules. The bill eliminates the built-in price advantage that has distorted the market for 20 years.

It includes, as Senator ENZI recently said, a small seller exemption for those selling less than \$500,000 worth of commodities a year. If Grandma Bennet's apple butter is being cased up and sold to the tune of \$10,000 or \$20,000 a year online because her smart grandson has given her advice on how she can retail this online, she doesn't have to start collecting sales tax until she has sold \$500,000 worth of goods; in the next year, she collects sales tax. So we are trying to be sensitive to smaller businesses and, as Senator ENZI said, start-up businesses.

This bill includes 240 organizations. I ask unanimous consent that the list of those organizations be printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 1.)

Mr. DURBIN. This is an issue where the International Association of Firefighters and AFSCME stand together with the National Retail Federation, the Retail Industry Leaders Association, and the Consumer Electronics Association. What an amazing coalition.

Amazon.com, the largest retailer online in America, supports our bill. Yet the largest online retailer, in supporting this bill, still has Members of the Senate questioning whether they are going to react positively. They are on record in favor of this.

It is also supported by groups such as the U.S. Conference of Mayors, the National Association of Counties, and the National Council of State Legislators. The National Governors Association supports the Marketplace Fairness Act, because these State and local governments are losing about \$23 billion a year on uncollected sales tax. In Illinois, we are losing about \$1 billion a

year, about 15 percent of our current deficit. It would make a difference if we could collect this. Again, the States would have to make that decision. We don't force it on them.

This has the support of eight Democratic Governors and 13 Republican Governors, including Governor Quinn of Illinois, O'Malley of Maryland, McDonnell of Virginia, Mitch Daniels of Indiana, and Haley from the State of South Carolina. Recently, Governor Chris Christie from the State of New Jersey publicly came out in support and said:

I too—along with Governors like Governor Daniels and others—urge the federal government and Congress in particular to get behind . . . legislation to allow states to be able to make these choices for themselves. . . .

Governor LePage, a Republican Governor from the State of Maine, wrote a letter of support saying, "The Marketplace Fairness Act does not raise taxes." The point he makes and the argument here is this is not a new tax.

So if this bill has such broad bipartisan support, why haven't we passed it? Well, we need 60 Senators. The majority leader has said to me and Senator ENZI, "Show me the votes." And that is what we are trying to do—bring together a bipartisan group that will support this, that understands it is simple fairness for small businesses that create jobs and opportunities all across America. And with the sales taxes they collect, they provide for local police and firemen, for the sewers and streets, and the things in life that we come to take for granted in our cities across America. We want to make sure the online retailers are making the same contribution.

So I urge my colleagues, when this amendment comes before them, to support it on a bipartisan basis.

Mr. President, I yield the floor.

EXHIBIT 1

SUPPORT FOR THE MARKETPLACE FAIRNESS ACT

American Federation of Labor and Congress of Industrial Organizations; Abbell Credit Corporation, Chicago, IL; Acadia Realty Trust, White Plains, NY; AFL-CIO Department for Professional Employees; Airgas, Inc.; Alabama College Bookstore Association; Alabama Retail Association; Alaska Veterinary Medical Association; Alliance of Wisconsin Retailers; Amazon.com; American Apparel and Footwear Association; American Booksellers Association; American Federation of State, County and Municipal Employees; American Federation of Teachers; American Specialty Toy Retailing Association; American Veterinary Medical Association; Arizona Retailers Association; Arkansas Grocers and Retail Merchants Association; Association for Christian Retail; Association of Washington Business; AutoZone, Inc.; Balliet's LLC; Barnes and Noble, Inc.; Beall's, Inc.; Bed, Bath, & Beyond, Inc.; Ben Bridge Jewelers, Seattle, WA; Best Buy Co., Inc.; Blake Hunt Ventures, Inc., Danville, CA; Build-A-Bear Workshops®, Saint Louis, MO; Buy.com; California Association of College Store; California Business Properties

Association; California Retailers Association; California Veterinary Medical Association; Carolinas Food Industry Council; CBL & Associates Properties, Inc., Chattanooga, TN; Cencor Realty Services, Dallas, TX; Center on Budget and Policy Priorities; Certified Commercial Investment Member Institute; Chesterfield Blue Valley, LLC, St. Louis, MO; Christian Booksellers Association; City of Carrollton, Texas; College Stores of New England (MA, CT, RI, ME, VT, NH); College Stores Association of New York State.

College Stores Association of North Carolina; Colorado Retail Council; Colorado Veterinary Medical Association; Connecticut Retail Merchants Association; Consumer Electronics Association; Consumer Electronics Retailers Coalition; The Container Store, Dallas, Texas; The CortiGilchrist Partnership, Ilc, Al Corti, Principal, San Diego, CA; D. Talmage Hocker, The Hocker Group, Louisville, KY; David Hocker & Associates, Inc., Owensboro, Kentucky; DDR Corp., Beachwood, OH; Delaware Veterinary Medical Association; Dick's Sporting Goods, Inc.; DLC Management Corp., Tarrytown, NY; Donahue Schriber Realty Group, Costa Mesa, CA; Economic Alliance of Snohomish County, WA; Edens & Avant, Columbia, SC; Evergreen Devco, Inc., Glendale, CA; Fairfield Corporation, Battle Creek, MI; Federal Realty Investment Trust, Rockville, MD; FedEx, David Campbell, CEO; Florida Retail Federation; Food Marketing Institute; Foot Locker, Inc.; Footwear Distributors and Retailers of America; Forest City Enterprises, Inc., Cleveland, OH; Gap Inc., San Francisco, CA; Garrison Pacific Properties, San Rafael, CA; General Growth Properties, Chicago, IL; Georgia Association of College Stores; Georgia Retail Association; Georgia Veterinary Medical Association; Glimcher Realty Trust, Columbus, OH; Governing Board of the Streamlined Sales and Use Tax Agreement; Government Finance Officers Association; Great Lakes Independent Booksellers Association; The Greeby Companies, Inc., Chicago, IL; Hart Realty Advisers, Inc., Simsbury, CT; The Home Depot, Inc.; Hy-Vee, Inc.; Idaho Retailers Association; Idaho Veterinary Medical Association; Illinois Association of College Stores; Illinois Retail Merchants Association; Illinois State Veterinary Medical Association; Independent Running Retailer Association; Indiana Retail Council.

Indiana Veterinary Medical Association; Institute of Real Management; International Association of Fire Fighters; International Council of Shopping Centers; International Economic Development Council; International Federation of Professional and Technical Engineers; Iowa Retail Federation; Iowa Veterinary Medical Association; J.C. Penney Corporation, Inc.; JCPenney; Jewelers of America; Jo-Ann Stores, Inc.; John Bucksbaum, Private Real Estate Investor/Developer, Former Chairman and CEO of General Growth; Kemper Development Company, Bellevue, WA; Kentucky Retail Federation; Kentucky Veterinary Medical Association; Kimco Realty Corporation, New Hyde Park, NY; The Kroger Company; L. Michael Foley and Associates, LLC, La Jolla, CA; Limited Brands, Inc.; Los Angeles Area Chamber of Commerce; Louisiana Retailers Association; Louisiana Veterinary Medical Association; Lowes Companies, Inc.; Maine Merchants Association; Maine Veterinary Medical Association; Malcolm Riley and Associates Los Angeles, CA; Marketing Developments, Inc. MI; Marshall Music Co., Lansing, MI; Mary Lou Fiala, CEO, Loft Unlim-

ited, Ponte Vedra Beach Florida; Maryland Retailers Association; Massachusetts Veterinary Medical Association; Meijer, Inc.; Michigan Association of College Stores; Michigan Retailers Association; Michigan Veterinary Medical Association; Mid States Association of College Stores (IA, NE, KS, MO); Middle Atlantic College Stores; Minnesota Retail Association; Minnesota Veterinary Medical Association; Missouri Retailers Association; Mountains and Plains Independent Booksellers Association; NAOP, Commercial Real Estate Development Association; NAMM, National Association of Music Merchants; National Association of Chain Drug Stores; National Association of College Stores.

National Association of Counties; National Association of Real Estate Investment Trusts; National Association of Realtors; National Bicycle Dealers Association; National Conference of State Legislatures; National Education Association; National Governors' Association; National Grocers Association; National Home Furnishings Association; National League of Cities; National Retail Federation; National School Supply and Equipment Association; Nebraska Retail Federation; Nebraska Veterinary Medical Association; The Neiman Marcus Group, Inc.; Nevada Veterinary Medical Association; New Atlantic Independent Booksellers Association; New England Independent Booksellers Association; New Jersey Retail Merchants Association; New Jersey Veterinary Medical Association; New Mexico Retail Association; Newspaper Association of America; North American Retail Dealers Association; North Carolina Retail Merchants Association; North Carolina Veterinary Medical Association; North Dakota Retail Association; Northern California Independent Booksellers Association; Ohio Association of College Stores; Ohio Council of Retail Merchants; Oklahoma Veterinary Medical Association; Outdoor Industry Association; Pacific Northwest Booksellers Association; Pennsylvania Retailers' Association; Performance Marketing Association; Pet Industry Joint Advisory Council; Petco Animal Supplies, Inc.; PetSmart, Inc.; Planning Developments, Inc., MI; The Pratt Company, Mill Valley, CA; Professional Beauty Association; Properties, Inc., Chicago, IL; The Rappaport Companies, McLean, VA; Real Estate Roundtable; Realtors Land Institute; REI (Recreational Equipment, Inc.); Reininga Corporation, Healdsburg, CA; Retail Association of Mississippi.

Retail Association of Nevada; Retail Council of New York State; Retail Industry Leaders Association; Retail Merchants of Hawaii; Retailers Association of Massachusetts; Rhode Island Retail Federation; Rocky Mountain Skyline Bookstore Association (CO, MT, NM, WY); Safeway, Inc.; Sears Holdings Corporation; Seattle Metropolitan Chamber of Commerce; The Seayco Group, Bentonville, AK; The Sembler Company, St. Petersburg, FL; Service Employees International Union; ShareASale; Simon Property Group, Indianapolis, IN; Soccer Dealer Association; Society of Industrial and Office Realtors; South Carolina Association of Veterinarians; South Carolina Retail Merchants Association; South Dakota Retailers Association; Southern Independent Booksellers Alliance; Southwest College Bookstore Association (AR, LA, TX, OK, NM, MS); Steiner + Associates LLC, Columbus, Ohio; Stirling Properties, Covington, LA; Tanger Factory Outlet Centers, Inc., Greensboro, NC; Target Corporation; Taubman Realty Group, Bloomfield Hills, MI; Tennessee Retail Association;

Tennessee Veterinary Medical Association; Texas Retailers Association; The Timberland Company; Tractor Supply Company; Tri-State Bookstore Association; The UAW; U.S. Conference of Mayors; Utah Food Industry Association; Utah Retail Merchants Association; Utah Veterinary Medical Association; Vermont Retail Association; Vestar Development Co.—Phoenix AZ; Virginia Retail Merchants Association; Virginia Veterinary Medical Association; Wal-Mart Stores, Bentonville, AR; Washington Retail Association; Washington State Veterinary Medical Association; WDP Partners, LLC, Phoenix, AZ; The Weitzman Group, Dallas, Texas; Wendy's Company; West Virginia Retailers Association; West Virginia Veterinary Medical Association; Western Development Corporation, Washington, DC; Westfield, LLC., Los Angeles, CA; Wisconsin Association of College Stores; Wisconsin Veterinary Medical Association; Wolfe Properties, LLC, St. Louis, MO; World Floor Covering Association; Wyoming Retail Association; Wyoming Veterinary Medical Association; Zumiez, Inc., Everett, WA.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I ask unanimous consent that all remaining time postcloture be yielded back and the Senate adopt the motion to proceed to S. 2237.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

SMALL BUSINESS JOBS AND TAX RELIEF ACT

The PRESIDING OFFICER. The clerk will report the measure.

The assistant legislative clerk read as follows:

A bill (S. 2237) to provide a temporary income tax credit for increased payroll and extended bonus depreciation for an additional year, and for other purposes.

AMENDMENT NO. 2521

(Purpose: In the nature of a substitute)

Mr. REID. Mr. President, on behalf of Senator LANDRIEU, I have a substitute amendment at the desk I wish to have reported.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for Ms. LANDRIEU, proposes an amendment numbered 2521.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. On that, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2522 TO AMENDMENT NO. 2521

Mr. REID. Mr. President, I now have a first-degree perfecting amendment which is also at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2522 to amendment No. 2521.

The amendment is as follows:

At the end, add the following new section: SEC. ____.

This Act shall become effective 7 days after enactment.

Mr. REID. Mr. President, I ask for the yeas and nays on that.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2523 TO AMENDMENT NO. 2522

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2523 to amendment No. 2522.

The amendment is as follows:

In the amendment, strike "7 days" and insert "6 days".

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion on the substitute amendment which is at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 2521 to S. 2237, the Small Business Jobs and Tax Relief Act.

Harry Reid, Mary L. Landrieu, Kirsten E. Gillibrand, Barbara A. Mikulski, Carl Levin, Frank R. Lautenberg, Barbara Boxer, Mark Udall, Mark Begich, Sheldon Whitehouse, Richard Blumenthal, Al Franken, Patrick J. Leahy, Tom Udall, Max Baucus, Benjamin L. Cardin, Richard J. Durbin.

AMENDMENT NO. 2524

(Purpose: To provide a perfecting amendment.)

Mr. REID. Mr. President, I have an amendment at the desk to the language proposed to be stricken.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2524 to the language proposed to be stricken by amendment No. 2521.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. REID. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2525 TO AMENDMENT NO. 2524

Mr. REID. I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2525 to amendment No. 2524.

The amendment is as follows:

At the end, add the following new section: SEC. ____.

This title shall become effective 5 days after enactment.

AMENDMENT NO. 2526

Mr. REID. I have a motion to commit the bill with instructions. The clerk has that.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] moves to commit the bill (S. 2237) to the Committee on Finance, with instructions to report back forthwith, with amendment numbered 2526.

The amendment is as follows:

SEC. ____.

This Act shall become effective 3 days after enactment.

Mr. REID. I ask for the yeas and nays on that motion.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2527

Mr. REID. Mr. President, I have an amendment to the instructions at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2527 to the instructions of the motion to commit S. 2237 to the Committee on Finance.

The amendment is as follows:

In the amendment, strike "3 days" and insert "2 days".

Mr. REID. Mr. President, I ask for the yeas and nays on that.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 2528 TO AMENDMENT NO. 2527

Mr. REID. Mr. President, I have a second-degree amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 2528 to amendment No. 2527.

The amendment is as follows:

In the amendment, strike "2 days" and insert "1 day".

CLOTURE MOTION

Mr. REID. Finally, Mr. President, I have a cloture motion on the bill which is at the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on S. 2237, the Small Business Jobs and Tax Relief Act.

Harry Reid, Max Baucus, Mary L. Landrieu, Kirsten E. Gillibrand, Barbara A. Mikulski, Carl Levin, Frank R. Lautenberg, Barbara Boxer, Mark Udall, Mark Begich, Sheldon Whitehouse, Richard Blumenthal, Al Franken, Patrick J. Leahy, Tom Udall, Benjamin L. Cardin, Richard J. Durbin

Mr. REID. I ask unanimous consent that the mandatory quorum requirement under rule XXII be waived for the cloture motions just filed.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING AN INCENTIVE FOR BUSINESSES TO BRING JOBS BACK TO AMERICA—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 442, S. 3364.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to S. 3364, a bill to provide an incentive for businesses to bring jobs back to America.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, right now the Senate is considering the small business jobs bill, a very important proposal that was part of President Obama's package to increase employment in this country. It will create a million jobs. This legislation will give tax credits to businesses that grow and hire. Yet Republicans are looking for any excuse to vote down the proposal for two reasons: No. 1, it has the support of President Obama and the Democrats in Congress. Second, it would strengthen the economy, which would help President Obama.

We know Republicans will not do anything that helps President Obama, even if it is good for the economy, be-

cause their No. 1 goal is to defeat the President. My friend MITCH MCCONNELL has said that. So Republicans are hiding behind their usual procedural trick, filibustering with unrelated amendments. If there is any doubt about Republicans' motivation to kill this legislation, take a look with me at the amendment proposed today by Senator HATCH of Utah.

The first thing Senator HATCH's amendment would do is eliminate all the tax cuts, every tax cut we have in this proposal, every one of them, the one that is now before the Senate, to create a million jobs. The Hatch amendment would literally eliminate every provision in the bill designed to create jobs.

Senator HATCH's amendment eliminates the 10-percent credit for employers to hire additional workers or increase their payrolls, a provision that would create—that part alone—a half million jobs. It strikes another deduction for businesses that invest in machinery and equipment which would create another half million jobs.

But the Republican amendment does not stop there. It goes on to increase taxes for 25 million American families. The Republican amendment, I repeat, increases taxes for 25 million American families. Senator HATCH's amendment would extend tax breaks for the top 2 percent of Americans, but it fails to extend a number of tax cuts that help middle-class families get by in a very tough economy. For example, Senator HATCH's amendment, a Republican amendment, would increase taxes by \$1,100 for 11 million families trying to pay for college—11 million families, in effect an increase of their taxes by \$1,100.

The Republican amendment would make it harder for 12 million large families to put food on the table. It would increase taxes by \$800 for families that have three children or more. Senator HATCH's amendment, the Republican amendment, fails to extend the full childcare tax credit for 6 million families, increasing their taxes by \$500 each.

So no one is fooled by the Republican amendment. We see it for what it is, more Republican obstruction that comes with the added bonus of sticking it to the middle class. If that were not enough political theater for 1 day, my Republican colleagues also claim they are anxious to vote on President Obama's plan to cut taxes for 98 percent of American families. Once again, no one should be fooled. Republicans know very well the Senate will vote on the President's proposal to give middle-class families the certainty they will not be hit with a tax increase. We will vote on it this work period. I have already said so. They say they want a vote sooner, so let's lock in an agreement sooner. The President's plan to give 98 percent of Americans certainty

their taxes will not go up and Republican plans to raise taxes on 25 million American families—Democrats are ready to have those votes right away and we will do it with a simple majority. Then we can get back to the task at hand, cutting taxes for millions of small businesses that want to expand and put Americans back to work.

I have a consent agreement that I will go through with you.

UNANIMOUS CONSENT REQUEST—S. 2237

Mr. President, I ask unanimous consent that cloture be vitiated with respect to the substitute amendment on S. 2237, that the motion to commit be withdrawn and amendment Nos. 2525 and 2522 be withdrawn; that at 2 p.m. tomorrow, Thursday, July 12, the Senate vote in relation to the following amendments: amendment No. 2524, which is the Cantor language; substitute amendment No. 2521; that there be no other amendments or motions in order to the amendment to the bill prior to the votes other than motions to waive or motions to table; that upon disposition of the two amendments the Senate proceed to a vote on passage of S. 2237, as amended, if amended; further, that at a time to be determined by the majority leader after consultation with the Republican leader the Senate proceed to consideration of a bill to be introduced by Senator REID or designee, extending the 2001, 2003, and 2009 tax cuts for 98 percent of Americans and 96 percent of small businesses as outlined by President Obama; that the only amendment in order to the bill be an amendment offered by Senator MCCONNELL or designee, which is identical to the text of amendment No. 2491, as filed by Senator HATCH; that the amendment not be divisible; that there be 4 hours of debate on the amendment and the bill, equally divided between the two leaders or their designees prior to a vote in relation to the McConnell or designee amendment; that upon disposition of the amendment the Senate proceed to vote on the passage of the bill, as amended, if amended; that there be no motions or points of order to the amendment or the bill.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. MCCONNELL. I am glad my friend the majority leader has dropped his earlier opposition and now wants to make an effort to set up these votes on this important issue. On Monday, the President said that if the Senate passes his tax hike on small businesses he would sign it right away. So I am glad the Senate will have a chance to beat that bad idea that will raise taxes on nearly 1 million small businesses.

I will be happy to take a look at what my good friend the majority leader is offering, but I cannot at this time agree to lock in a vote at an indeterminate time on a proposal that has not

yet been written. My good friend has had all day to come up with a written proposal, but I gather that so far they have been unable to do so or, if they have, we certainly have not seen it. Our proposal is drafted and filed and has been available for all to see.

My goal here—and it is one that I laid out several weeks ago—is that we act now to ensure that no one's income taxes go up January of next year. The mere threat of this tax increase is already a drag on our economy and I do not plan on standing by and letting that tax increase go into effect.

So we would be happy to set up a vote on this issue as soon as the majority leader produces a bill to show us what tax increases they have in mind. I want to make sure that everyone understands the differences in our positions. My goal—and I hope it is one that is shared by a majority of Senators—will be to enact a bill that protects small businesses by extending current income tax rates for 1 year to ensure that no one in America sees an income tax hike in January, and tasking the Finance Committee to produce a bill that would enact fundamental progrowth tax reform. Their goal will be the President's proposal to raise taxes on nearly 1 million business owners in the middle of the worst economic recovery in modern times.

The Senate ought to make absolutely clear which policy it supports. I look forward to having the chance to do that, but until that time, until we actually have a product we can take a look at, I cannot agree to this request, and therefore I object.

The PRESIDING OFFICER. Objection is heard.

The majority leader.

Mr. REID. Mr. President, I will be very brief. My friend the Republican leader said this morning, and I quote directly: I am trying to get a vote, a vote on what he says he's for, on what the President says he's for, and what the Republicans say they are for. That is what this consent agreement does.

I am happy to let the Republican leader read the exact language. But let no one be fooled by this. The Hatch amendment does not do anything to protect small businesses. It does everything to protect Grover Norquist and his pledge; that is, make sure the American people are not satisfied. They believe—Democrats, Independents, and Republicans—that the top 2 percent of income earners in this country should contribute to solving the problems we have with the deficit and the debt in this country. That is what this is all about.

I look forward to working with my friend the Republican leader to see if we can come to a position here where we can vote on the bill that is before us. I am concerned because the Hatch language eliminates our bill, but I am happy to have staff, during the night,

look and see if we can arrive at some way to move forward. But I think I made my point clear.

Mr. MCCONNELL. Mr. President, one other brief observation. I have already objected, but one other brief observation. The consent that I objected to also chose for us the amendment we would get to have, and of course that is not an agreement the Republican side would feel we would want to be a part of.

Mr. REID. Mr. President, I am only trying to do what they said they wanted to do this morning. Senator HATCH came and gave a big speech: This is what they want to do. If they have something else they want to propose, I am happy to take a look at that, but I only am trying to do what they said they wanted to do this morning.

Mr. President, I suggest the absence of a quorum unless my friend has more to say?

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. UDALL of Colorado). Without objection, it is so ordered.

MORNING BUSINESS

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JOHN BOWLING

Mr. MCCONNELL. Mr. President, today I wish to recognize Mr. John Bowling of Laurel County, KY. "Big John Bowling," as he is affectionately called by friends and family, not only served Laurel County as jailer during the 1970s, but has also lived a life of kindness and integrity. His legacy to Kentucky exceeds his public service because not only was he a compassionate jailer, he also built a loving home for his family that welcomed all members of the Laurel County community.

John Bowling met his wife, Imogene, at a church dinner. After commenting on the quality of a macaroni salad at the dinner, his pastor introduced him to Imogene. At that time Imogene was married, but later, in 1964, her husband was tragically killed in a car crash and Imogene was left with three children aged 7, 4, and 2 years old. Imogene began working at Hoskins Grocery where, 5 years later, she and Mr. Bowling became reacquainted.

The couple began dating and they brought Imogene's children along on every date. After 6 years, the couple

married. In their first year of marriage, Imogene had another daughter, Tammy Jo. The four children loved their parents and considered John to be an excellent father. Mr. Bowling truly cared for the children, which he showed by ensuring chaperones came along on all of their dates which were only at church.

The family continued to grow when Imogene was approached to take in Toni, a 21-year-old who did not have a palette in her mouth, had limited hearing in one ear, and no hearing canal in the other ear. Though Toni could only communicate through sign language, she quickly became part of the Bowling family.

Crediting faith in God for their success in blending a harmonious family, John Bowling created a home atmosphere that was accepting of anyone who crossed his home's threshold. From adopting his wife's children, to taking in Toni, to allowing relatives and family friends to stay with the family, Big John made his home one of love.

It is an honor today to pay tribute to my fellow Kentuckian, John Bowling. Mr. Bowling not only made a family and lovingly raised his children, but also opened up his home for those in need of a place of refuge and comfort. He is an example of what it means to live by the Golden Rule. The Laurel County community is better off today because of the impact "Big John Bowling" has made and the compassionate way in which he treated others.

At this time I ask my Senate colleagues to join me in recognizing Mr. John Bowling for his service to Laurel County, KY. An article from the Sentinel Echo: Silver Edition magazine, published in Laurel County, recently highlighted this humble man's invaluable contributions to his family and community. I ask unanimous consent that said article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[The Sentinel-Echo: Silver Edition, Spring 2012]

JAILER BY VOCATION, FATHER AT HEART

(By Nita Johnson)

Though known more commonly as "Big John Bowling," a former and extremely popular county jailer, John Bowling is also remembered as an excellent father.

He was renowned for his kindness and humanity while serving as Laurel County Jailer during the 1970s, traits he showed to both jail employees and inmates and he also displayed to his wife and children at home.

Although only one of the five children he raised with his wife, Imogene, was his biological child, Bowling's other children recall him as being a loving father to them.

Bowling met Imogene at a church dinner at Piney Grove Holiness Church on Ky. 363 on an invitation from then-pastor Bobby Medley. Bowling and Medley were good friends, and Imogene, who was married at that time, and Medley's wife were good

friends, though Bowling and Imogene had never met. When Bowling sampled some macaroni salad at the dinner that Sunday, he was impressed.

"He said he told Bobby that he didn't know who made that macaroni salad, but if she was single, he was going to marry her," said his daughter, Joyce Parker. "So Bobby introduced John to Mom."

That meeting was one of the highlights of Imogene's life. In 1964, her husband was killed in a car crash, leaving her with three children—ages 7, 4, and 2—to raise alone. She had no job, no car, no driver's license, and was herself very ill.

"The day after the funeral, she went to Good Samaritan Hospital," Parker explained. "She was in and out of the hospital five times for 10 days with bleeding ulcers."

"She'd been eating vanilla wafers and drinking skim milk," added Barbara Wells, another daughter.

"She was actually healed from the ulcers," Parker said. "She came home to spend some time with us and went to a revival. The preacher went to her and told her she needed healing. When she went back to the doctor, she didn't have the ulcers."

Once back in good health, Imogene set out to obtain a job. She got her driver's license, bought a car, and began working at Warner's store in London around 1966. She later worked at Hoskins Grocery on Ky. 363, where she met John again when he came into the store one day.

The couple began dating, with Imogene insisting on taking the children with her on dates, even though other family members offered to keep the children.

"When she and John dated, she wouldn't go without us," Wells said. "John had a truck with a camper on it and we'd ride in the back and look through the window into the front."

Their union came six years later. The family consisted of Imogene's children, Barbara, Joyce, and Gerald, as well as Imogene's mother, who had lived with them since Imogene's husband died. Eleven months after their marriage, John and Imogene became the parents of Tammy Jo.

"John was always good to us," Parker said. "He hauled trucks from GM dealers and he got us all a new watch so we loved him."

"He never spanked us," Wells added. "I guess that's why we never resented him. Mom did all the discipline."

"The kids were never much trouble," Bowling said. "They were always good kids."

Wells, the eldest of the brood, said rules were very strict at the Bowling household, however.

"We had curfews and rules. We had chaperones on our dates, which was only going to church," she said. "There was an old lady that lived near us and, when I had a date, she chaperoned us. Then later on, Joyce and Gerald chaperoned."

"Then I chaperoned when Joyce dated," chimed in Tammy Jo.

Children were always welcome at the Bowling household, with nieces and nephews from both sides of the family often living with the family. Imogene also took in disabled adults and elderly persons, as she was certified to keep as many as three at one time.

Then the family extended again with the arrival of Toni, who has now lived with the Bowling family for 38 years.

"She was an orphan and was born with deformities," Imogene said. "Her father wanted to just leave her at the hospital (in Philadelphia) but her mother wouldn't do it. She remarried and had another child and died.

The stepfather kept (Toni) around until the baby was big enough that he could take care of her and he took her to a mental health office.

"They called me and asked if I could take her," Imogene continued. "She cried every day, all day, for three weeks and I told them I couldn't keep her. Then she started doing better. She's been with us since she was 21 years old."

Toni, who lacked a palette in her mouth and had only 20 percent hearing in one ear and no hearing canal in the other ear, can speak only partially and uses sign language to communicate. But she is as much a part of the Bowling family as the other four children, all of whom express their love for one another.

While many question the success of blended families, the Bowling family credits their faith in God and religious background for their own success. They also credit the demeanor of their parents.

"John was not a typical stepfather," Parker said. "He took care of us, always worked hard and my parents never raised their voices."

"I think one key to blended families is that Mom did the discipline," Wells said. "My husband, Mark, has three stepdaughters and he never spanked them. I did the discipline. I think that is one reason that our family worked. We didn't have that jealousy or resentment or saying that he wasn't the real dad."

Whatever the secret of successfully blended families may be, the Bowlings and their children all agree that staying in church was a key factor. Now approaching their 43rd anniversary in June, the couple continues to stay close to their children, always showing their love and support for one another and celebrating the true meaning of family.

TRIBUTE TO ALICE HELTON

Mr. McCONNELL. Mr. President, today I wish to honor Mrs. Alice Helton of Laurel County, KY. Though she may have never held public office, Mrs. Helton invaluable served her community through kindness, hospitality, and an unselfish desire to help those around her. On April 26, 2012, she died at age 94. Her legacy of faith, generosity, and love will survive her in the memories of her family, friends, and the citizens of London, KY.

Mrs. Alice Helton, then-Miss Alice Hill, the last of eight children, was born on May 2, 1917, in Keavy, KY, to farmers Mr. John and Mrs. Sallie Hill. She was raised in the country and lived a simple life. The family would work together in the fields during the day and on Sundays be visited by neighbors while the children played marbles. Alice, in her interview with the Sentinel-Echo for the London Living Treasures special series, recalled plucking duck feathers with her mother as a child and walking for hours to find ducks to make feather beds and pillows.

At age 7, Alice began attending Keavy School. One of her fondest memories of grade school was spending time at recess with her friends throwing horseshoes and watching boys play basketball. After elementary school,

she attended a boarding school called London School. Upon finishing the eighth grade, she returned home, lived with her parents, and looked after her siblings' children while they were at work.

Alice met William Raymond Helton, a truckdriver from Corbin, KY, when she was 22. Though her family didn't support the relationship, the two eloped and were married. Mrs. Helton, during the first 17 years of her marriage, had seven children. The family lived in a small house, near her parents, which soon became the place where the entire family would meet and spend time together.

Her children have many colorful memories of growing up with Mrs. Helton. They never questioned her love or willingness to protect the family because during the week, when her husband was away driving a truck, she would ward off thieves trying to steal the family chickens by shooting her rifle toward a row of trees behind the coop. In order to avoid becoming a victim of her unique security system, all family members would call out to her any time they passed the yard.

Mrs. Helton was described as a "magnet" that drew all of the family together. She would take on the role of mother to her nieces and nephews as her siblings passed away and loved them as if they were her own children. Her love also was shown by entertaining them at game nights, where card games and Yahtzee were the main attraction.

Mrs. Helton was more than a wife, mother, grandmother, aunt, and member of the Laurel County community. She was the matriarch of the Helton family and the glue that held it together. From talking on the phone for hours on end with her children and grandchildren to taking in family and friends in need, Mrs. Helton lived a life of compassion and kindness. After her death, a neighbor said that she tried to live the way Jesus lived, but if she only lived half as well as Mrs. Helton, she would be satisfied.

It is a privilege to honor the legacy of Mrs. Alice Helton. A true pillar of the Laurel County community, she was an example for all Kentuckians of a woman who lived her life with integrity and love. I ask my fellow colleagues in the Senate to join me in remembering this remarkable woman from Laurel County, KY.

A recent article published by a Laurel County publication, the Sentinel-Echo, recognized Mrs. Helton's lifetime of contributions to her family and community. I ask unanimous consent that said article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[The Sentinel-Echo, May 16, 2012]

ALICE HELTON WAS SURROUNDED BY FAMILY
(By Tara Kaprowy)

Before Alice Helton passed away a few weeks ago, just six days shy of her 95th birthday, she said getting to see her loved ones in heaven would be the best birthday present she could ask for.

It was a Thursday afternoon, and Alice's family members had gathered around her hospital bed, which she'd occupied for just a few days. "She said she was ready to go, and for us to please just let her go peacefully," granddaughter Lisa Alexander said. "She made sure she held each family member's hands, and told them how much she loved them. She told them to love each other and to take care of each other." She quietly slipped away around 2 in the afternoon, and the woman who was the magnet that pulled her large family together, and whose home was always described as Grand Central Station, was gone.

She had a good, long life. One that started May 2, 1917, in Keavy, "right across the field" from her current home on German Lane. The youngest of eight siblings, she was born to John and Sallie Ann Karr Hill. "Our house was about like a school, there were so many of us," Alice said. "Mommy and poppy were good people." John and Sallie were farmers, and "mommy would do the cooking and we would all come back in from the field and eat dinner; plain old country meals of beans, potatoes, and cornbread. Then we would go out in the field and work and come back and have a cold supper, usually milk and bread."

In addition to farming, John Hill delivered the mail for the U.S. Postal Service. "Sometimes I'd go with him and he'd deliver those packages on horseback from Vox to Lily. He'd buy me a little candy to eat on while we was gone, that sugar candy."

The Hill home was a plain but happy one, with the kids playing hide and seek and marbles while the adults visited with neighbors on Sunday afternoons in between going to church at Locust Grove and Level Green.

It was hot in the house in the summer, with no screens to keep the flies "and everything else there is to have" away, and so cold in the winter the dipper would freeze in the water bucket overnight. On snowy days, "we would pop popcorn on the stove and piece quilts," Alice said. Once a week, the family would head to a big spring "and there was a great, old big rock there we'd use to set our tubs on" to do laundry. Another tub was used for baths. "It was a lot of trouble," Alice said about bathing when she was a kid, "but the water stayed pretty warm." Alice, being the baby, would always be the last one in the water.

One of the chores she keenly remembers was rounding up her mother's paddling of ducks. "Mommy would pick the feathers off them and make pillows and feather beds," Alice said. "Here we'd go marching down the branch to find her ducks. We'd have to gather them back up and drive them back home. Some later, there they'd go again. We'd go up and down through there catching them. And then we'd go and look for wildflowers up and down the branch. My mom would walk us to death."

Alice's mother made all of her children's clothes, often cobbling together feed sacks for the girls to wear. But Alice didn't mind. "They were just as comfortable and pretty as store-bought," she said.

Alice started attending Keavy School at the age of 7—"I didn't want to go when I was 6" and she quickly made fast friends with

Georgia Alsip and Anna Lee Bunch. "We'd get out and roam around at recess. We'd watch 'em play basketball. Sometimes we'd pitch horseshoe. Back then we had a recess that lasted about half an hour of a morning. Then we had another at dinner, then another half an hour in the evening. We had time to play."

The school was a "big, white, two-story building with an aisle up through the middle and rooms up each side. There were stairs up each side of the front door." One of her teachers, Oscar Parman, boarded with the Hills, and he "was just like a brother to me."

Following elementary school, Alice went on to London School, where, boarding with her sister in town, she stayed until the eighth grade. She then returned to her parents' house and, since several of her siblings had become teachers and started raising their own families, the care of their children during the day fell to Aunt Alice. She took on the role naturally and was a loving, tender caregiver whose influence long outlasted her babysitting days.

At the age of 22, Alice met a man by the name of William Raymond Helton, a truck driver who lived in Corbin, with whom she was soon taken. Though she didn't have the support of her family—"They just didn't think he was the kind I should marry"—Alice got up early one morning, washed a white dress with pink flowers and told her sister, with whom she was living, she was headed down to a revival. "I got down there at the foot of the hill and he's sitting there on a bench waiting for me and we turned around and went back to Preacher Grubb's house. In other words, we eloped."

Alice and her husband moved into a tiny starter house, and soon she and Raymond started a family. Over the next 17 years, they had seven children—Freda, Herschel, Joan, Wanda, Wayne, Debbie, and Danny—and during World War II moved into their first real home a stone's throw away from her parents. "It wasn't much because you couldn't get lumber back then because of the war," she said. "They just threw it up as good as they could make it." Still, Alice made it her own, and soon it was a popular gathering spot for friends and family.

Alice was an indulgent, kind mother, and her children have fond memories of chasing lightning bugs in the twilight, listening to the Grand Ole Opry, watching "Lassie" and "Rin Tin Tin," and heading out for ice cream cones at the local dairy drive-in. Though Alice very rarely had a chance to relax, when she did, she liked spending time "watching the kids play."

But Alice was deeply protective too. "Daddy would be gone during the week and it was just us kids," daughter Joan remembered, laughing. "She would hear people trying to steal her chickens. So she would make all of us kids get behind the couch and she would get out there and start shooting at the trees, to try and scare them off. My uncle worked for the railroad, and he would have to walk to the end of our road to catch his ride at night. And he'd start hollering, 'It's me, Alice!' because he didn't want to get shot."

In 1969, Raymond built the family a new, bigger home across the street, and it's there Alice remained, even after Raymond died from Alzheimer's at the age of 83. Though widowed, Alice didn't stop "being the glue that held us all together," Joan said. As she'd done before she married, Alice continued taking care of kids; this time it was her grandchildren whom she would babysit. Her nieces and nephews would constantly visit or

call, and when her mother decided she no longer wanted to live alone, she showed up at Alice's door and moved in. "As our parents passed on, Aunt Alice would say, 'I'm adopting you now and I have a little job for you to do,' so Aunt Alice became our surrogate mother and we all snuggled under her loving wings to survive our tragedies," one of Alice's nieces, Peggy Black, said.

During the week and every Sunday, Alice would get together with her siblings for game night, entertaining, and competitive evenings involving Yahtzee, Aggravation, Chinese checkers, and a complicated game called Hand and Foot that required seven decks of playing cards. "We'd always come in here and we'd hear the dice rolling and we'd say, 'It sounds like the casino is open today,'" granddaughter Lisa recalled. Alice and her brothers and sisters would gather in the kitchen while their children and grandchildren would sit outside to visit, the laughter and drama stemming from the game wafting onto the porch. This tradition continued for decades, with most of Alice's siblings living into their 90s.

In the end, Alice was the last of her siblings to survive but continued to be surrounded by family. On the afternoon of her interview, her phone rang nearly every 10 minutes, with family members on the other end calling for a chat. One of her daughters and a granddaughter sat on the couch to ask her questions. And Alice sat in her recliner talking, remembering and smiling at the past.

Thoughts from the family:

Alice's family said that when she first found out that she not only had been nominated, but also chosen as one of London's Living Treasures, the first thing she said was "I haven't done anything special to deserve this. I haven't fought in any wars, or held any high positions in the community. I don't know what they will find to write about me." We assured her that yes, all the things she had mentioned were indeed important, but that she too had done some pretty important things in her life as well. We told her that when someone needed her she was always there to help, she was kind to people, she made people feel loved and needed, she always made people feel welcome at her home, people always wanted to be around her, she was a loving caregiver, she indeed impacted peoples' lives in a profound way. One example is something that was said about Alice by one of her neighbors—she said that she knew she was supposed to try to live her life patterned by the way Jesus had lived his, but that she would feel satisfied if she could just live her life the way Alice Helton had lived hers. Another testimony of how much she was valued by the community was when one of the preachers at her funeral said that he felt as if he was officiating the funeral of "royalty."

Alice was a special lady to many people, and those who knew her, and loved her, and respected her, will miss her dearly. Her family said that they were so thankful that she was able to do her interview for the London Living Treasures project before she passed. And during her final hours on this earth, it was so clear to them how strong her faith in God was. They said she wasn't scared; she knew where she was going. They said that witnessing that kind of faith was one of the greatest gifts she could have ever given them.

VOTE EXPLANATION

Mr. UDALL of Colorado. Mr. President, from June 25 to June 29, 2012, I

was unable to vote on Senate rollcall votes due to personal family reasons, as well as the devastating wildfires that were burning in many parts of Colorado. Had I been present I would have voted "yea" on vote Nos. 166, 167, 168, 169, 170, 171, and 172.

LIFTING HOLD ON H.R. 3012

Mr. GRASSLEY. Mr. President, today I lift my hold on H.R. 3012, the Fairness for High-Skilled Immigrants Act. This bill would eliminate the per-country numerical limitations for employment based immigrants and change the per-country numerical limitations for family-based immigrants. When I placed a hold on the bill, I was concerned that the bill did nothing to better protect Americans at home who seek high-skilled jobs during this time of record unemployment. Today, I lift my hold because I have reached an agreement with the senior Senator from New York, the chairman of the Senate Judiciary Subcommittee on Immigration, Refugees and Border Security.

I have spent a lot of time and effort into rooting out fraud and abuse in our visa programs, specifically the H-1B visa program. I have always said this program can and should serve as a benefit to our country, our economy and our U.S. employers. However, it is clear that it is not working as intended, and the program is having a detrimental effect on American workers.

For many years, Senator DURBIN and I have worked on legislation to close the loopholes in the H-1B visa program. Our legislation would ensure that American workers are afforded the first chance to obtain the available high paying and high skilled jobs in the United States. It would make sure visa holders know their rights. It would strengthen the wage requirements, ridding the incentives for companies to hire cheap, foreign labor.

While I could not get everything that was included in the Durbin-Grassley visa reform bill, there is agreement to include in H.R. 3012 provisions that give greater authority to program overseers to investigate visa fraud and abuse. Specifically, there will be language authorizing the Department of Labor to better review labor condition applications and investigate fraud and misrepresentation by employers. There is also agreement to include a provision allowing the Federal Government to do annual compliance audits of employers who bring in foreign workers through the H-1B visa program.

I appreciate the willingness of other members to work with me to include measures that will help us combat visa fraud, and ultimately protect more American workers. I look forward to working with others as H.R. 3012 progresses in the Senate.

TRIBUTE TO WENDY NELSON-KAUFFMAN

Mr. BLUMENTHAL. Mr. President, I am delighted to honor one of our Nation's most dedicated, talented, and influential teachers. Wendy Nelson-Kauffman, a humanities teacher at the Metropolitan Learning Center in Bloomfield, CT, was recently named as the 2012 Magnet Schools of America's National Teacher of the Year.

The Metropolitan Learning Center is part of the Capitol Region Education Council, which recognizes annually a teacher who "exemplifies excellence in academic achievement through innovative programs that promote equity and diversity for students in Magnet Schools." This award spotlights the exceptional teachers and schools, especially our Nation's magnet schools, dedicated to equal opportunity. The Metropolitan Learning Center, open to students in 7th through 12th grades in the Greater Hartford Area, is one of Connecticut's finest centers for secondary education.

Since 1966, the Capitol Region Education Council has helped lead in reforming how we educate our Nation's children. Active in 36 areas of Connecticut, administering 120 programs in 20 facilities to more than 100,000 students annually, this network of dedicated administrators, educators, and education reformers has made tremendous impact, especially in underserved communities.

Ms. Nelson-Kauffman is renowned at the Metropolitan Learning Center. She has received many awards, including 2003 Connecticut Teacher of the Year, 2005 State History Teacher of the Year, and 2011 Capitol Region Education Council Teacher of the Year. But she is most respected for her generous energy and passion for changing the lives of our next generations. More telling than awards are the students who frequently share stories about the time Ms. Nelson-Kauffman dressed up as Rosie the Riveter or traveled with them to Africa and then formed the popular after-school group Student Abolitionists Stopping Slavery.

For almost 20 years as an educator at Hamden and Bloomfield High Schools and adult education centers, Ms. Nelson-Kauffman has used project-based learning with tremendous success. Her passion for journalism fosters an experiential, interactive teaching method. As Metropolitan Learning Center's social studies teacher and personal project coordinator for the prestigious International Baccalaureate Program, Ms. Nelson-Kauffman embraces a lifelong love of the past by placing it into the context of the present.

She shares her own genuine love of history with her classrooms. In 2003, invited to attend the Harriet Beecher Stowe Center Teacher Institute, she studied primary resources that unearthed stories of 19th-century women

reformers. With this new background as inspiration, she introduced sensitive topics like abolitionism and racism to her high school students with tact and grace.

As an ambassador to educators around Connecticut, Ms. Nelson-Kauffman has demonstrated the effectiveness of multicultural teaching methods, to include travel, activities, group interactions, concerts, and dance. Her authenticity is rare and a real treasure. She is a stellar role model for anyone who mentors or teaches our future leaders. I hope my Senate colleagues will join me in congratulating Ms. Nelson-Kauffman, who has helped mitigate apathy and promote enthusiasm for the study of humanities.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. BECKY PANEITZ

• Mr. BOOZMAN. Mr. President, today I wish to honor Dr. Becky Paneitz for her dedication, leadership and vision for providing a quality, affordable secondary education at NorthWest Arkansas Community College.

Having earned her bachelor's degree from the University of Arkansas at Monticello and her master's from the University of Arkansas at Little Rock, Dr. Paneitz understands the unique education challenges in Arkansas and faced that task head-on. As the President of NWACC for nearly a decade, she developed additional opportunities to reach students by establishing learning centers in the region. These efforts increased student enrollment exponentially. In less than 10 years the student population nearly doubled, making NWACC one of the largest and fastest growing community colleges in the country.

To accommodate this record growth, Dr. Paneitz launched an aggressive building expansion project on the NWACC campus including the Shewmaker Center for Global Business Development, the Center for Health Professions and the new Student Center.

Dr. Paneitz devoted her life to education and that took her across the country from Pueblo Community College in Colorado to Hutchinson Community College in Kansas and Central Piedmont Community College in North Carolina. Along the way she found time to earn her doctorate in vocational education at Colorado State University.

Under Dr. Paneitz's guidance the community college established itself as an advocate of child welfare, partnering with the National Child Protection Training Center as a regional partner to provide training and technical assistance for child protection professionals. This is a great effort

to better serve children in Arkansas and protect the wellbeing of children all across the country.

I congratulate Dr. Becky Paneitz for her outstanding contributions to education and for her achievements at NWACC. I wish her continued success in her future endeavors as she gets ready to move onto the next chapter in her life after she retires as the President of Northwest Arkansas Community College in June 2013. I am grateful for her years of service and leadership to Arkansas.●

RECOGNIZING THE HEALTHY COMMUNITIES COALITION

● Mr. HELLER. Mr. President, I rise today to recognize the Healthy Communities Coalition of Lyon and Storey Counties, HCC, for its dedication to meeting Nevadans' healthcare needs. The HCC serves 8 of Nevada's rural areas by partnering with local agencies to provide health and wellness resources to the Silver State's most remote communities. I am proud to honor the HCC's commitment to serving the citizens of my home State.

Local residents created the HCC in 1995 to provide a safe environment for Nevada's youth by reducing poverty and substance abuse. Adapting to Nevada's evolving needs, the HCC expanded its resources to provide rural Nevadans of all ages with health and wellness resources they could otherwise not access. Promoting healthy communities in Nevada for over a decade, the HCC remains dedicated to addressing local needs to capitalize on local strengths.

Nevada has been one of the hardest-hit States in this difficult economic climate. Far too many Nevadans are out of work and continue facing great difficulties. I commend and appreciate organizations like the HCC, which offers assistance to struggling Nevadans who depend on their local resources. The HCC is empowering the communities of rural Nevada as we work to return America's economy back to a period of greater prosperity.

Today, I ask my colleagues to join me in recognizing the HCC for all it does for the Silver State. I wish the HCC staff continued success and thank them wholeheartedly for their efforts to encourage a healthy community for all Nevadans.●

RECOGNIZING BROOKS TRAP MILL

● Ms. SNOWE. Mr. President, today I wish to recognize and commend the tremendous success of Brooks Trap Mill, a family-owned lobster trap manufacturer headquartered in Thomaston, ME. The lobster industry is iconic of my home State and the hard work, perseverance, and success of everyone at Brooks Trap Mill is emblematic of the strong tradition of entrepreneurship in Maine.

As former chair and current ranking member of the Senate Small Business Committee, I have had the tremendous privilege of hearing countless small business success stories from hard-working entrepreneurs across the country. Simply put, Brooks Trap Mill is one of these extraordinary stories. Since its inception in 1946, it has grown to become an indisputable leader in the fishing industry, while consistently creating quality jobs for Mainers. As a critical supplier to the commercial lobster industry, as well as other trap fisheries, Brooks Trap Mill offers Maine fishermen a vast selection of products to haul their catch. Their extensive inventory ranges from bait, buoys, foul-weather clothing, and rope to traps for lobster, oysters, sea bass, and shrimp.

Like so many small Maine businesses, Brooks Trap Mill is rooted firmly in family tradition. Founded by Michael Brooks over 60 years ago in a stock mill in Rockland, ME, Brooks Trap Mill has expanded considerably throughout the years but continues to be a family-owned and operated business. With three locations, the largest of which entails over 45,000 square feet of storage space, Brooks Trap Mill has accumulated one of the largest stocks of lobstering materials in the industry. Currently run by the third generation of the family, siblings Mark, Julie, and Stephen Brooks are fully involved in leading the business' success. Under their watch, the company manufactures, sells, and distributes nearly 50,000 new lobster traps annually.

Brooks Trap Mill is also dedicated to serving its community through support and participation in a variety of organizations and events including the Maine Lobstermen's Association; the Maine Lobster Festival in Rockland, Maine; and the Festival of Lights Lobster Trap Tree. Brooks Trap Mill has earned a reputation as a devoted and hard-working fixture of the lobster fishing industry, and its community service is admirable.

Through their remarkable growth, ingenuity, and dedication to its customers, the Brooks family has left an indelible mark on Maine maritime history. Brooks Trap Mill remains a tribute to the work begun 60 years ago by Michael Brooks. I thank the entire Brooks family for all of their efforts and wish them and everyone at Brooks Trap Mill success in their future endeavors.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages

from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

REPORT ON THE ISSUANCE OF AN EXECUTIVE ORDER MODIFYING THE SCOPE OF THE NATIONAL EMERGENCY DECLARED IN EXECUTIVE ORDER 13047 OF MAY 20, 1997, WITH RESPECT TO BURMA—PM 55

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) (IEEPA), I hereby report that I have issued an Executive Order (the "order") that modifies the scope of the national emergency declared in Executive Order 13047 of May 20, 1997, as modified in scope in Executive Order 13448 of October 18, 2007, and relied upon for additional steps taken in Executive Order 13310 of July 28, 2003, Executive Order 13448 of October 18, 2007, and Executive Order 13464 of April 30, 2008, and takes additional steps with respect to that national emergency.

In Executive Order 13047, the President found that the Government of Burma committed large-scale repression of the democratic opposition in Burma after September 30, 1996, and further determined that the actions and policies of the Government of Burma constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. To address that threat and to implement section 570 of the Foreign Operations, Export Financing, and Related Appropriations Act, 1997 (Public Law 104-208), the President in Executive Order 13047 prohibited new investment in Burma. On July 28, 2003, the President issued Executive Order 13310, which contained prohibitions implementing certain provisions of the Burmese Freedom and Democracy Act of 2003 (Public Law 108-61) and blocked the property and interests in property of persons listed in the Annex to Executive Order 13310 or determined by the Secretary of the Treasury, in consultation with the Secretary of State, to meet designation criteria specified in Executive Order 13310. In Executive Order 13448, the President expanded the scope of the national emergency declared in Executive Order 13047, incorporated existing designation criteria set forth in Executive Order 13310, blocked the property and interests in

property of persons listed in the Annex to Executive Order 13448, and provided additional criteria for designations of other persons. In Executive Order 13464, the President blocked the property and interests in property of persons listed in the Annex to Executive Order 13464 and provided additional criteria for designations of other persons.

While the Government of Burma has made progress towards political reform in a number of areas, including by releasing hundreds of political prisoners, pursuing ceasefire talks with several armed ethnic groups, and pursuing a substantive dialogue with the democratic opposition, this reform is fragile. I support this reform in Burma and the building of a democratic political process that will allow all of the people of Burma to be represented. However, I have found that the continued detention of political prisoners, efforts to undermine or obstruct the political reform process, efforts to undermine or obstruct the peace process with ethnic minorities, military trade with North Korea, and human rights abuses in Burma particularly in ethnic areas, effectuated by persons within and outside the Government of Burma, constitute an unusual and extraordinary threat to the national security and foreign policy of the United States. To address this situation, the order imposes additional measures with respect to Burma.

The order provides criteria for designations of persons determined by the Secretary of the Treasury, in consultation with or at the recommendation of the Secretary of State:

To have engaged in acts that directly or indirectly threaten the peace, security, or stability of Burma, such as actions that have the purpose or effect of undermining or obstructing the political reform process or the peace process with ethnic minorities in Burma;

To be responsible for or complicit in, or responsible for ordering, controlling, or otherwise directing, or to have participated in, the commission of human rights abuses in Burma;

To have, directly or indirectly, imported, exported, reexported, sold or supplied arms or related materiel from North Korea or the Government of North Korea to Burma or the Government of Burma;

To be a senior official of an entity that has engaged in the acts described above;

To have materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, the acts described above or any person whose property and interests in property are blocked pursuant to the order; or

To be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the order.

I have delegated to the Secretary of the Treasury the authority, in consultation with the Secretary of State, to take such actions, including the promulgation of rules and regulations, and to employ all powers granted to the President by IEEPA as may be necessary to carry out the purposes of the order.

All agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of the order.

I am enclosing a copy of the Executive Order I have issued.

BARACK OBAMA.

THE WHITE HOUSE, July 11, 2012.

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 4:13 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 2061. An act to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3369. A bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6785. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Single Family Housing Guaranteed Loan Program" (RIN0575-AC90) received in the Office of the President of the Senate on June 28, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6786. A communication from the Secretary of Defense, transmitting a report on the approved retirement of General Ann E. Dunwoody, United States Army, and her advancement to the grade of general on the retired list; to the Committee on Armed Services.

EC-6787. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Defense Federal Acquisition Regulation Supplement: Order of Application for Modifications" ((RIN0750-AH56) (DFARS Case 2012-D002)) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2012; to the Committee on Armed Services.

EC-6788. A communication from the Director of the Regulatory Management Division,

Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Illinois; Regional Haze" (FRL No. 9683-6) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2012; to the Committee on Environment and Public Works.

EC-6789. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Regional Haze State Implementation Plan" (FRL No. 9695-4) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2012; to the Committee on Environment and Public Works.

EC-6790. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Regional Haze State Implementation Plan" (FRL No. 9695-5) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2012; to the Committee on Environment and Public Works.

EC-6791. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Synchronizing the Expiration Dates of the Pesticide Applicator Certificate with the Underlying State or Tribal Certificate" (FRL No. 9334-4) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2012; to the Committee on Environment and Public Works.

EC-6792. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Effective Date for the Water Quality Standards for the State of Florida's Lakes and Flowing Waters" (FRL No. 9691-3) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2012; to the Committee on Environment and Public Works.

EC-6793. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Supervised Securities Holding Company Registration" (RIN7100-AD81 and FRB Docket No. R-1430) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6794. A communication from the Acting Director of Legislative Affairs, Legal Office, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Calculation of Maximum Obligation Limitation" (RIN3064-AD84) received during adjournment of the Senate in the Office of the President of the Senate on July 5, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6795. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Amendment to Existing Validated End-User Authorizations: Hynix Semiconductor China Ltd., Hynix Semiconductor (Wuxi) Ltd., and

Boeing Tianjin Composites Co. Ltd. in the People's Republic of China" (RIN0694-AF71) received in the Office of the President of the Senate on July 9, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6796. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Process for Submissions for Review of Security-Based Swaps for Mandatory Clearing and Notice Filing Requirements for Clearing Agencies; Technical Amendments to Rule 19b-4 and Form 19b-4 Applicable to All Self-Regulatory Organizations" (RIN3235-AK87) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6797. A communication from the Under Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency that was declared in Executive Order 13441 with respect to Lebanon; to the Committee on Banking, Housing, and Urban Affairs.

EC-6798. A communication from the Senior Vice President and Chief Financial Officer, Federal Home Loan Bank of San Francisco, transmitting, pursuant to law, the Bank's 2011 Management Report; to the Committee on Banking, Housing, and Urban Affairs.

EC-6799. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Cincinnati, transmitting, pursuant to law, Bank's 2011 Management Report and statement on system of internal controls; to the Committee on Banking, Housing, and Urban Affairs.

EC-6800. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Pittsburgh, transmitting, pursuant to law, the Bank's 2011 Statement on System of Internal Controls, audited financial statements, and Report of Independent Registered Public Accounting Firm on Internal Controls over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards; to the Committee on Banking, Housing, and Urban Affairs.

EC-6801. A communication from the Accounting Manager, Accounting Policy and External Reporting, Federal Home Loan Bank of Des Moines, transmitting, pursuant to law, the Bank's 2011 management report; to the Committee on Banking, Housing, and Urban Affairs.

EC-6802. A communication from the President and Chief Executive Officer, Federal Home Loan Bank of Topeka, transmitting, pursuant to law, the Bank's management reports and statements on system of internal controls for fiscal year 2011; to the Committee on Banking, Housing, and Urban Affairs.

EC-6803. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Implementation of the Understandings Reached at the 2011 Australia Group (AG) Plenary Meeting and Other AG-Related Clarifications to the EAR" (RIN0694-AF45) received in the Office of the President of the Senate on June 28, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6804. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law,

the report of a rule entitled "Wyoming Regulatory Program" (Docket No. WY-042-FOR) received during adjournment of the Senate in the Office of the President of the Senate on July 6, 2012; to the Committee on Energy and Natural Resources.

EC-6805. A communication from the Acting Assistant Secretary, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Vehicles and Traffic Safety—Bicycles" (RIN1024-AD97) received in the Office of the President of the Senate on June 29, 2012; to the Committee on Energy and Natural Resources.

EC-6806. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Integration of Variable Energy Resources" (RIN1902-AE16) received during adjournment of the Senate in the Office of the President of the Senate on July 5, 2012; to the Committee on Energy and Natural Resources.

EC-6807. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Report to Congress on the Voluntary Commitments to Reduce Industrial Energy Intensity"; to the Committee on Energy and Natural Resources.

EC-6808. A communication from the Secretary of the Interior, transmitting, the report of proposed legislation entitled "National Park Service Study Act of 2012"; to the Committee on Energy and Natural Resources.

EC-6809. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report entitled "Proposed Final Outer Continental Shelf (OCS) Oil and Gas Leasing Program 2012-2017"; to the Committee on Energy and Natural Resources.

EC-6810. A communication from the Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Indiana Regulatory Program" (Docket No. IN-160-FOR) received during adjournment of the Senate in the Office of the President of the Senate on July 6, 2012; to the Committee on Energy and Natural Resources.

EC-6811. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Qualified Energy Conservation Bonds" (Notice 2012-44) received in the Office of the President of the Senate on June 29, 2012; to the Committee on Finance.

EC-6812. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 16(m)(4)(C)—Dividends and Dividend Equivalents on Restricted Stock and Restricted Stock Units" (Rev. Rul. 2012-19) received in the Office of the President of the Senate on June 29, 2012; to the Committee on Finance.

EC-6813. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 3121—Tips Included for Both Employee and Employer Taxes" (Rev. Proc. 2012-18) received in the Office of the President of the Senate on June 29, 2012; to the Committee on Finance.

EC-6814. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal

Rates—July 2012" (Rev. Rul. 2012-20) received in the Office of the President of the Senate on June 29, 2012; to the Committee on Finance.

EC-6815. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interim Guidance on Rev. Rul. 2012-18, Sec. 3121—Tips Included for Both Employee and Employer Taxes" (Announcement 2012-25) received in the Office of the President of the Senate on June 29, 2012; to the Committee on Finance.

EC-6816. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Portability of a Deceased Spousal Unused Exclusion Amount" ((RIN1545-BK34) (TD 9593)) received in the Office of the President of the Senate on June 29, 2012; to the Committee on Finance.

EC-6817. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—February 2012" (Rev. Rul. 2012-7) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2012; to the Committee on Finance.

EC-6818. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Treatment of Income from Certain Government Bonds for Purposes of the PFIC Rules" (Rev. Rul. 2012-45) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2012; to the Committee on Finance.

EC-6819. A communication from the Inspector General of the Department of Health and Human Services, transmitting, pursuant to law, a report entitled "Part D Plans Generally Include Drugs Commonly Used by Dual Eligibles: 2012 (OEI-05-12-00060)"; to the Committee on Finance.

EC-6820. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Child Welfare Outcomes 2007-2010: Report to Congress"; to the Committee on Finance.

EC-6821. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(d) of the Arms Export Control Act (Transmittal No. DDTTC 12-020); to the Committee on Foreign Relations.

EC-6822. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to amendment to part 126 of the International Traffic in Arms Regulations (ITAR); to the Committee on Foreign Relations.

EC-6823. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, a Foreign Policy Report on the removal of United Nations arms embargo provisions against Rwanda; to the Committee on Foreign Relations.

EC-6824. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2012-0069—2012-0084); to the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND
JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. UDALL of New Mexico:

S. 3370. A bill to authorize the Administrator of General Services to convey a parcel of real property in Albuquerque, New Mexico, to the Amy Biehl High School Foundation; to the Committee on Environment and Public Works.

By Mr. BEGICH (for himself and Ms. SNOWE):

S. 3371. A bill to establish, within the National Oceanic and Atmospheric Administration, an integrated and comprehensive ocean, coastal, Great Lakes, and atmospheric research, prediction, and environmental information program to support renewable energy, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. WEBB (for himself and Mr. CONRAD):

S. 3372. A bill to amend section 704 of title 18, United States Code; to the Committee on the Judiciary.

By Ms. MURKOWSKI:

S. 3373. A bill to require the Attorney General to issue a report on the Alaska Rural Justice and Law Enforcement Commission; to the Committee on the Judiciary.

By Mr. NELSON of Nebraska:

S. 3374. A bill to amend the Public Rangelands Improvement Act of 1978 to establish criteria for the rate of fees charged for grazing private livestock on public rangelands; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 3375. A bill to designate the Berryessa Snow Mountain National Conservation Area in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CASEY (for himself and Ms. MURKOWSKI):

S. 3376. A bill to amend the Federal Food, Drug, and Cosmetic Act to prevent the abuse of dextromethorphan, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. WARNER (for himself, Ms. MURKOWSKI, Mr. BLUNT, Mr. BURR, Mrs. FEINSTEIN, Mr. CHAMBLISS, Mr. UDALL of Colorado, Mr. RISCH, and Ms. SNOWE):

S.J. Res. 47. A joint resolution amending title 36, United States Code, to designate July 26 as United States Intelligence Professionals Day; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 412

At the request of Mr. LEVIN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 412, a bill to ensure that amounts cred-

ited to the Harbor Maintenance Trust Fund are used for harbor maintenance.

S. 697

At the request of Mr. CASEY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 697, a bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts paid by a spouse of a member of the Armed Services for a new State license or certification required by reason of a permanent change in the duty station of such member to another State.

S. 960

At the request of Mr. KERRY, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 960, a bill to provide for a study on issues relating to access to intravenous immune globulin (IVG) for Medicare beneficiaries in all care settings and a demonstration project to examine the benefits of providing coverage and payment for items and services necessary to administer IVG in the home.

S. 1616

At the request of Mr. MENENDEZ, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1616, a bill to amend the Internal Revenue Code of 1986 to exempt certain stock of real estate investment trusts from the tax on foreign investments in United States real property interests, and for other purposes.

S. 1929

At the request of Mr. BLUMENTHAL, the names of the Senator from Nebraska (Mr. NELSON), the Senator from Maine (Ms. SNOWE), the Senator from Illinois (Mr. KIRK) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 1929, a bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

S. 2078

At the request of Mr. MENENDEZ, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 2078, a bill to enable Federal and State chartered banks and thrifts to meet the credit needs of the Nation's home builders, and to provide liquidity and ensure stable credit for meeting the Nation's need for new homes.

S. 2173

At the request of Mr. DEMINT, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2173, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 2239

At the request of Mr. NELSON of Florida, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as

a cosponsor of S. 2239, a bill to direct the head of each agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

S. 2342

At the request of Mr. TESTER, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 2342, a bill to reform the National Association of Registered Agents and Brokers, and for other purposes.

S. 2472

At the request of Mr. CASEY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 2472, a bill to provide for the issuance and sale of a semipostal by the United States Postal Service for research and demonstration projects relating to autism spectrum disorders.

S. 3204

At the request of Mr. JOHANNIS, the names of the Senator from Tennessee (Mr. ALEXANDER), the Senator from Oklahoma (Mr. INHOFE) and the Senator from North Carolina (Mr. BURR) were added as cosponsors of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3239

At the request of Mrs. FEINSTEIN, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 3239, a bill to provide for a uniform national standard for the housing and treatment of egg-laying hens, and for other purposes.

S. 3291

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 3291, a bill to prohibit unauthorized third-party charges on wireline telephone bills, and for other purposes.

S. 3333

At the request of Mr. TOOMEY, the name of the Senator from Florida (Mr. RUBIO) was added as a cosponsor of S. 3333, a bill to require certain entities that collect and maintain personal information of individuals to secure such information and to provide notice to such individuals in the case of a breach of security involving such information, and for other purposes.

S. 3364

At the request of Ms. STABENOW, the names of the Senator from Minnesota (Mr. FRANKEN), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 3364, a bill to provide an incentive for businesses to bring jobs back to America.

S. 3369

At the request of Mr. WHITEHOUSE, the names of the Senator from Vermont (Mr. LEAHY), the Senator from New Mexico (Mr. BINGAMAN), the

Senator from Louisiana (Ms. LANDRIEU), the Senator from Maryland (Ms. MIKULSKI), the Senator from New Jersey (Mr. MENENDEZ), the Senator from North Carolina (Mrs. HAGAN), the Senator from Colorado (Mr. UDALL), the Senator from Michigan (Ms. STABENOW), the Senator from Michigan (Mr. LEVIN), the Senator from Iowa (Mr. HARKIN), the Senator from Delaware (Mr. COONS), the Senator from Wisconsin (Mr. KOHL), the Senator from North Dakota (Mr. CONRAD), the Senator from Hawaii (Mr. INOUE), the Senator from Vermont (Mr. SANDERS), the Senator from Rhode Island (Mr. REED), the Senator from Missouri (Mrs. MCCASKILL), the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 3369, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

S.J. RES. 39

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S.J. Res. 39, a joint resolution removing the deadline for the ratification of the equal rights amendment.

S.J. RES. 43

At the request of Mr. MCCONNELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S.J. Res. 43, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. CON. RES. 48

At the request of Mr. THUNE, his name was added as a cosponsor of S. Con. Res. 48, a concurrent resolution recognizing 375 years of service of the National Guard and affirming congressional support for a permanent Operational Reserve as a component of the Armed Forces.

At the request of Mr. LEAHY, the name of the Senator from Massachusetts (Mr. BROWN) was added as a cosponsor of S. Con. Res. 48, *supra*.

S. RES. 487

At the request of Mr. BEGICH, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 487, a resolution expressing the sense of the Senate that the ambush marketing adversely affects Team USA and the Olympic and Paralympic Movements and should not be condoned.

AMENDMENT NO. 2493

At the request of Mrs. HUTCHISON, the names of the Senator from South Dakota (Mr. THUNE) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of amendment No. 2493 intended to be proposed to S. 2237, a bill

to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

AMENDMENT NO. 2496

At the request of Mr. DURBIN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of amendment No. 2496 intended to be proposed to S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

At the request of Mr. ENZI, the names of the Senator from Hawaii (Mr. AKAKA), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Minnesota (Mr. FRANKEN) were added as cosponsors of amendment No. 2496 intended to be proposed to S. 2237, *supra*.

AMENDMENT NO. 2506

At the request of Mr. MCCONNELL, the names of the Senator from Utah (Mr. HATCH), the Senator from Arizona (Mr. KYL), the Senator from Florida (Mr. RUBIO), the Senator from Kansas (Mr. ROBERTS), the Senator from Texas (Mrs. HUTCHISON), the Senator from Louisiana (Mr. VITTER), the Senator from Nebraska (Mr. JOHANNES), the Senator from Texas (Mr. CORNYN), the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. INHOFE), the Senator from Wyoming (Mr. BARRASSO), the Senator from Utah (Mr. LEE), the Senator from Mississippi (Mr. WICKER), the Senator from Ohio (Mr. PORTMAN), the Senator from Wisconsin (Mr. JOHNSON), the Senator from Georgia (Mr. ISAKSON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Indiana (Mr. COATS), the Senator from Oklahoma (Mr. COBURN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of amendment No. 2506 intended to be proposed to S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WEBB (for himself and Mr. CONRAD):

S. 3372. A bill to amend section 704 of title 18, United States Code; to the Committee on the Judiciary.

Mr. WEBB. Mr. President, I am introducing this bill today in response to a recent Supreme Court holding that invalidated the provisions of what has become known as the Stolen Valor Act of 2006. The Supreme Court decision regarded a place in the Stolen Valor Act that made all false statements about the receipt of military decorations a crime. It states that this act, in the view of the Court:

... seeks to control and suppress all false statements on this one subject in almost limitless times and settings without regard to whether the lie was made for the purpose of material gain.

Basically what the Supreme Court was saying is that we cannot freeze all first amendment rights to make claims about anything in this society unless there was a purpose at the end of it in terms of some sort of a material gain.

I understand and fully accept the Court's holding in this case about the overly broad measures of the Stolen Valor Act of 2006. The legislation I am introducing today is designed to remedy this issue and to bring criminal penalties to those who falsely claim military service or the receipt of unearned awards, medals, and ribbons if these statements were made in pursuit of a tangible benefit or a personal gain.

This legislation is drafted under the guidance of the holding of the Supreme Court in this case. I am a strong believer in the first amendment. I believe it is sacrosanct in our society. I believe the freedom to speak one's mind and to dissent when one opposes a proposal or an issue or a government policy is the very foundation of a truly free society.

At the same time, the very special reverence with the first amendment should be measured against the equally special place our society holds for military service. There are strongly emotional reasons that this is so and there are clearly other tangible benefits that derive from military service.

I would point out something that for many of us seems obvious, but I think it needs to be restated as we consider the Supreme Court decision on the Stolen Valor Act and what the implications are for the legislation I am introducing. The experience of military service, particularly hard combat, is a unique phenomenon in our society. There was a saying when I was in the Marine Corps many years ago that "For those who have fought for it, freedom has a flavor that the protected shall never know." Once someone has been in hard combat, they will never see life around them in the same way again. That doesn't mean they will be worse or particularly better or damaged or in some way empowered, but for the rest of their lives they will truly see a lot of things differently. They will have seen horrible events that strain their emotions, yet increase their ability to understand tragedy and to value human courage in many different stripes and forms. They will have learned to appreciate the inherent contradictions between the pristine intellectual debates about war and the reality of a blood-soaked battlefield where decisions must be made in an instant while human lives hang precariously in the balance.

These lives comprise the burden and the value of military service. Neither the scars nor the lessons disappear

when one leaves the battlefield or when one leaves the military. The men and women who step forward to serve carry this burden and share these values for the rest of their lives. Our veterans have given a portion of themselves to our country, and our country has always been good at reciprocating. Our veterans love America and America loves our veterans.

It is important to understand the impact that military service can have on one's life in order to comprehend what a disservice it is for others to pretend to have served. There is an old country song that says "You've got to suffer if you want to sing the blues." Those who have not served, have not paid the price that comes with earning that respect. In many cases they are indeed attempting to gain tangible benefits that have been designed to reward and honor military service when they pretend to have served.

Here are a few of those benefits that are in the legislation I am outlining: benefits relating to the military service provided by the Federal Government or a State or local government; the ability to gain employment or professional advancement; financial remuneration, for instance, receiving money for books or writings related to the notion of having served; seeking an effect on the outcome of criminal or civil court proceedings; and seeking to impact one's personal credibility in a political campaign. There are others, but those are clearly tangible benefits that come from stating that one served in the military when one did not.

The journey of this Stolen Valor legislation begins with one individual whom I have known for a very long time. His name is Jug Burkett. He was a Vietnam veteran, like myself. He grew up in the military. His father had a career in the military. He identified this problem many years ago and looked at the impact of those who had claimed to have served or who had claimed to have served in areas where they did not on all the areas I just mentioned.

He wrote a book many years ago called "Stolen Valor." He had quite a journey with this book and has pursued the issue of honesty and integrity in our legal process and in other ways. It was largely because of Jug Burkett's effort that the Stolen Valor Act was passed in 2006.

I do not believe the Supreme Court decision in any way invalidates the concerns Jug Burkett and others have had. In fact, I think what we are doing with this legislation is to make sure proper concerns are laid out without being overly broad so that any words said in a bar room or someone sitting around personally is not going to have legal authorities measuring every single word anyone says.

We have designed this very specifically with respect to the concerns the

Supreme Court laid out. I may be offering this bill as an amendment to the National Defense Authorization Act. My hope is this amended language could gain the support of all of our colleagues and that we could move this bill quickly, perhaps as an independent bill.

This bill respects the first amendment. It respects military service, and it assures a special place in our society that has always been reserved for those who have stepped forward and gone into harm's way on our behalf.

By Mrs. BOXER:

S. 3375. A bill to designate the Berryessa Snow Mountain National Conservation Area in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I am pleased to introduce the Berryessa Snow Mountain National Conservation Area Act. Congressman MIKE THOMPSON recently introduced companion legislation to this bill in the House of Representatives, and I thank him for all of the work he has done on advancing this initiative.

This important legislation designates 319,000 acres of public lands in Lake, Mendocino, Napa, and Yolo Counties as the Berryessa Snow Mountain National Conservation Area, or NCA. The area is a haven for hiking, camping, rafting, and horseback riding, and is home to a diverse array of wildlife including black bears and bald eagles.

My bill does not add any new lands to the Federal Government—the lands included in this NCA are already managed by the Bureau of Land Management, the Bureau of Reclamation, and the U.S. Forest Service. A National Conservation Area designation will require these three agencies to develop a multi-agency management plan in consultation with stakeholders and the public, improving coordination on wildlife preservation, habitat restoration, and recreational opportunities. Creation of the NCA will also help the agencies take a more coordinated approach to preventing and fighting wildfires, combating invasive species and water pollution, and stopping the spread of illegal marijuana growth.

By unifying these individual places under one banner, my bill helps put the Berryessa Snow Mountain region on the map as a destination for new visitors. This region is one of the most biologically diverse, yet least known regions of California. By raising its profile, an NCA designation will boost tourism and increase business opportunities in the region's gateway communities. The Outdoor Industry Association has estimated that outdoor recreation supports 408,000 jobs and contributes \$46 billion annually to California's economy, underscoring the immense potential of sites such as the proposed

Berryessa Snow Mountain NCA to drive local economic growth. Additionally, the region will become recognized by more people as uniform signage and publications are created to reach more diverse audiences, allowing them to learn more about this beautiful area.

Finally, this designation enables more people to share in the management of these wonderful resources through the creation of a public advisory committee. Local citizens, outdoor enthusiasts, business owners, and other stakeholders will be granted an official avenue to provide input on how to best care for these beautiful rivers, ridges, forests, canyons, and creeks, along with their diverse plant and wildlife species.

Creation of this proposed National Conservation Area has strong support from a large coalition of local governments, elected officials, business owners, landowners, farmers, private individuals, and many conservation and recreation groups. This bill is the culmination of a grassroots effort of concerned citizens taking the initiative to care for the beautiful areas in their communities, and I am proud to support their work and commitment. I particularly applaud Tuleyome, a local nonprofit active in protecting wilderness and agriculture in the western Sacramento Valley and Inner Coast Range, for their leadership on this effort.

I look forward to working with my colleagues to pass this important legislation. The Berryessa Snow Mountain region deserves national status and recognition, and I urge my colleagues to join me in supporting this effort.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2508. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table.

SA 2509. Mr. HATCH (for himself, Mr. BROWN of Massachusetts, Mr. TOOMEY, Mr. RISCH, Mr. PORTMAN, Mr. ROBERTS, Mr. ISAKSON, Mr. JOHANNES, Mr. COATS, Mr. KIRK, Ms. COLLINS, Mrs. HUTCHISON, Mr. KYL, Mr. BARRASSO, Mr. MCCAIN, Mr. COBURN, Mr. BURR, Ms. AYOTTE, Mr. RUBIO, Mr. LUGAR, Mr. CRAPO, Mr. CORNYN, Mr. INHOFE, Mr. ALEXANDER, Mr. HELLER, Mr. BOOZMAN, Mr. GRAHAM, Mr. HOEVEN, Mr. THUNE, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2510. Mr. HATCH (for himself, Mr. JOHANNES, Mr. RISCH, Mr. PORTMAN, Mr. ROBERTS, Mr. ISAKSON, Mr. COATS, Mr. KIRK, Ms. COLLINS, Mrs. HUTCHISON, Mr. KYL, Mr. BARRASSO, Mr. MCCAIN, Mr. COBURN, Mr. BURR, Mr. COCHRAN, Mr. RUBIO, Mr. CRAPO, Mr. CORNYN, Mr. INHOFE, Mr. ALEXANDER, Mr. HELLER, Mr. BOOZMAN, Mr. GRAHAM, Mr. HOEVEN, Mr. THUNE, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2511. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2512. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2513. Mr. BROWN of Ohio (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2514. Mr. THUNE (for himself, Mr. ROBERTS, Mr. BLUNT, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2515. Mr. BENNET (for himself, Mr. MORAN, Mr. UDALL of Colorado, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2516. Mr. FRANKEN (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2517. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2518. Mr. THUNE (for himself, Mr. RUBIO, Mr. GRAHAM, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2519. Mr. WHITEHOUSE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2520. Mr. BENNET (for himself, Mr. MORAN, Mr. UDALL of Colorado, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2521. Mr. REID (for Ms. LANDRIEU) proposed an amendment to the bill S. 2237, supra.

SA 2522. Mr. REID proposed an amendment to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, supra.

SA 2523. Mr. REID proposed an amendment to amendment SA 2522 proposed by Mr. REID to the amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, supra.

SA 2524. Mr. REID proposed an amendment to the bill S. 2237, supra.

SA 2525. Mr. REID proposed an amendment to amendment SA 2524 proposed by Mr. REID to the bill S. 2237, supra.

SA 2526. Mr. REID proposed an amendment to the bill S. 2237, supra.

SA 2527. Mr. REID proposed an amendment to amendment SA 2526 proposed by Mr. REID to the bill S. 2237, supra.

SA 2528. Mr. REID proposed an amendment to amendment SA 2527 proposed by Mr. REID to the amendment SA 2526 proposed by Mr. REID to the bill S. 2237, supra.

SA 2529. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2530. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2531. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2508. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ POINT OF ORDER ON LEGISLATION THAT RAISES INCOME TAX RATES ON SMALL BUSINESSES.

(a) POINT OF ORDER.—

(1) IN GENERAL.—In the Senate, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that includes any provision which increases Federal income tax rates.

(2) DEFINITION.—In this section, the term “Federal income tax rates” means any rate of tax under—

(A) subsection (a), (b), (c), (d), or (e) of section 1 of the Internal Revenue Code of 1986, (B) section 11(b) of such Code, or (C) section 55(b) of such Code.

(b) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SA 2509. Mr. HATCH (for himself, Mr. BROWN of Massachusetts, Mr. TOOMEY, Mr. RISCH, Mr. PORTMAN, Mr. ROBERTS, Mr. ISAKSON, Mr. JOHANNIS, Mr. COATS, Mr. KIRK, Ms. COLLINS, Mrs. HUTCHINSON, Mr. KYL, Mr. BARRASSO, Mr. MCCAIN, Mr. COBURN, Mr. BURR, Ms. AYOTTE, Mr. RUBIO, Mr. LUGAR, Mr. CRAPO, Mr. CORNYN, Mr. INHOFE, Mr. ALEXANDER, Mr. HELLER, Mr. BOOZMAN, Mr. GRAHAM, Mr. HOEVEN, Mr. THUNE, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

1. REPEAL OF MEDICAL DEVICE EXCISE TAX.

(a) IN GENERAL.—Chapter 32 of the Internal Revenue Code of 1986 is amended by striking subchapter E.

(b) CONFORMING AMENDMENTS.—

(1) Subsection (a) of section 4221 of such Code is amended by striking the last sentence.

(2) Paragraph (2) of section 6416(b) of such Code is amended by striking the last sentence.

(c) CLERICAL AMENDMENT.—The table of subchapters for chapter 32 of such Code is amended by striking the item relating to subchapter E.

SA 2510. Mr. HATCH (for himself, Mr. JOHANNIS, Mr. RISCH, Mr. PORTMAN, Mr. ROBERTS, Mr. ISAKSON, Mr. COATS, Mr. KIRK, Ms. COLLINS, Mrs. HUTCHISON, Mr. KYL, Mr. BARRASSO, Mr. MCCAIN,

Mr. COBURN, Mr. BURR, Mr. COCHRAN, Mr. RUBIO, Mr. CRAPO, Mr. CORNYN, Mr. INHOFE, Mr. ALEXANDER, Mr. HELLER, Mr. BOOZMAN, Mr. GRAHAM, Mr. HOEVEN, Mr. THUNE, and Mr. WICKER) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

1. REPEAL OF TAX ON INDIVIDUALS WHO FAIL TO MAINTAIN MINIMUM ESSENTIAL COVERAGE.

Section 5000A of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(h) TERMINATION.—This section shall not apply with respect to any month beginning after the date of the enactment of this subsection.”.

SA 2511. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—GRAZING IMPROVEMENT ACT OF 2012

SEC. 201. SHORT TITLE.

This title may be cited as the “Grazing Improvement Act of 2012”.

SEC. 202. TERMS OF GRAZING PERMITS AND LEASES.

Section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752) is amended—

(1) by striking “ten years” each place it appears and inserting “20 years”; and

(2) in subsection (b)—

(A) by striking “or” at the end of each of paragraphs (1) and (2);

(B) in paragraph (3), by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(4) the initial environmental analysis under National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) regarding a grazing allotment, permit, or lease has not been completed.”.

SEC. 203. RENEWAL, TRANSFER, AND REISSUANCE OF GRAZING PERMITS AND LEASES.

Title IV of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1751 et seq.) is amended by adding at the end the following:

“SEC. 405. RENEWAL, TRANSFER, AND REISSUANCE OF GRAZING PERMITS AND LEASES.

“(a) DEFINITIONS.—In this section:

“(1) CURRENT GRAZING MANAGEMENT.—The term ‘current grazing management’ means grazing in accordance with the terms and conditions of an existing permit or lease and includes any modifications that are consistent with an applicable Department of Interior resource management plan or Department of Agriculture land use plan.

“(2) SECRETARY CONCERNED.—The term ‘Secretary concerned’ means—

“(A) the Secretary of Agriculture, with respect to National Forest System land; and

“(B) the Secretary of the Interior, with respect to land under the jurisdiction of the Department of the Interior.

“(b) RENEWAL, TRANSFER, REISSUANCE, AND PENDING PROCESSING.—A grazing permit or lease issued by the Secretary of the Interior, or a grazing permit issued by the Secretary of Agriculture regarding National Forest System land, that expires, is transferred, or is waived shall be renewed or reissued under, as appropriate—

“(1) section 402;

“(2) section 19 of the Act of April 24, 1950 (commonly known as the ‘Granger-Thye Act’; 16 U.S.C. 5801);

“(3) title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.); or

“(4) section 510 the California Desert Protection Act of 1994 (16 U.S.C. 410aaa–50).

“(c) TERMS; CONDITIONS.—The terms and conditions (except the termination date) contained in an expired, transferred, or waived permit or lease described in subsection (b) shall continue in effect under a renewed or reissued permit or lease until the date on which the Secretary concerned completes the processing of the renewed or reissued permit or lease that is the subject of the expired, transferred, or waived permit or lease, in compliance with each applicable law.

“(d) CANCELLATION; SUSPENSION; MODIFICATION.—Notwithstanding subsection (c), a permit or lease described in subsection (b) may be cancelled, suspended, or modified in accordance with applicable law.

“(e) RENEWAL TRANSFER REISSUANCE AFTER PROCESSING.—When the Secretary concerned has completed the processing of the renewed or reissued permit or lease that is the subject of the expired, transferred, or waived permit or lease, the Secretary concerned may renew or reissue the permit or lease for a term of 20 years after completion of processing.

“(f) COMPLIANCE WITH NATIONAL ENVIRONMENTAL POLICY ACT OF 1969.—The renewal, reissuance, or transfer of a grazing permit or lease by the Secretary concerned may, at their sole discretion, be categorically excluded from the requirement to prepare an environmental assessment or an environmental impact statement if—

“(1) the decision to renew, reissue, or transfer continues the current grazing management of the allotment;

“(2) monitoring of the allotment has indicated that the current grazing management has met, or has satisfactorily progressed towards meeting, objectives contained in the land use and resource management plan of the allotment, as determined by the Secretary concerned; or

“(3) the decision is consistent with the policy of the Department of the Interior or the Department of Agriculture, as appropriate, regarding extraordinary circumstances.

“(g) PRIORITY AND TIMING FOR COMPLETING ENVIRONMENTAL ANALYSES.—The Secretary concerned, in the sole discretion of the Secretary concerned, shall determine the priority and timing for completing each required environmental analysis regarding any grazing allotment, permit, or lease based on the environmental significance of the allotment, permit, or lease and available funding for that purpose.

“(h) NEPA EXEMPTIONS.—The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the following:

“(1) Crossing and trailing authorizations of domestic livestock.

“(2) Transfer of grazing preference.”.

SA 2512. Mr. BROWN of Ohio submitted an amendment intended to be proposed by him to the bill S. 2237, to

provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ SMALL BUSINESS HUBZONES.

(a) DEFINITION.—In this section, the term “covered base closure area” means a base closure area that, on or before the date of enactment of this Act, was treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) pursuant to section 152(a)(2) of the Small Business Reauthorization and Manufacturing Assistance Act of 2004 (15 U.S.C. 632 note).

(b) TREATMENT AS HUBZONE.—A covered base closure area shall be treated as a HUBZone for purposes of the Small Business Act (15 U.S.C. 631 et seq.) during the 5-year period beginning on the date of enactment of this Act.

SA 2513. Mr. BROWN of Ohio (for himself and Mr. CASEY) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____—21ST CENTURY INVESTMENT

SEC. ____ 1. SHORT TITLE.

This title may be cited as the “21st Century Investment Act of 2012”.

SEC. ____ 2. RESEARCH CREDIT MADE PERMANENT.

(a) IN GENERAL.—Section 41 of the Internal Revenue Code of 1986 is amended by striking subsection (h).

(b) CONFORMING AMENDMENT.—Paragraph (1) of section 45C(b) of such Code is amended by striking subparagraph (D).

(c) EFFECTIVE DATE.—The amendments made by this subsection shall apply to amounts paid or incurred after December 31, 2011.

SEC. ____ 3. INCREASE IN SIMPLIFIED RESEARCH CREDIT.

(a) IN GENERAL.—Subparagraph (A) of section 41(c)(5) of the Internal Revenue Code of 1986 is amended by striking “14 percent (12 percent in the case of taxable years ending before January 1, 2009)” and inserting “20 percent”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. ____ 4. INCREASE IN RESEARCH CREDIT FOR RESEARCH WITH UNITED STATES BUSINESSES.

(a) IN GENERAL.—Section 41 of the Internal Revenue Code of 1986, as amended by section 2 of this Act, is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

“(h) SPECIAL RULE FOR RESEARCH WITH UNITED STATES MANUFACTURING BUSINESS.—

“(1) IN GENERAL.—If the taxpayer elects the application of this subsection, subsection (a)(1) shall be applied by substituting ‘25 percent’ for ‘20 percent’ with respect to qualified United States research expenses.

“(2) QUALIFIED UNITED STATES RESEARCH EXPENSES.—For purposes of this subsection, the term ‘qualified United States research expenses’ means qualified research expenses for qualified research, substantially all of which occurs in the United States.

“(3) SEPARATE APPLICATION OF SECTION.—In the case of any election of the application of this subsection, this section shall be applied separately with respect to qualified United States research expenses.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred for taxable years beginning after the date of the enactment of this Act.

SEC. ____ 5. INCREASE IN DOMESTIC PRODUCTION ACTIVITIES DEDUCTION FOR MANUFACTURED PROPERTY RESEARCHED AND DEVELOPED IN UNITED STATES.

(a) IN GENERAL.—Subsection (d) of section 199 of the Internal Revenue Code of 1986 is amended by redesignating paragraph (10) as paragraph (11) and by inserting after paragraph (9) the following new paragraph:

“(10) SPECIAL RULE FOR CERTAIN MANUFACTURING.—

“(A) IN GENERAL.—In the case qualified production activities income attributable to the manufacture or production of qualifying production property substantially all of the research and development of which occurred in the United States, subsection (a) shall be applied by substituting ‘15 percent’ for ‘9 percent’.

“(B) SPECIAL RULE WHEN TAXABLE INCOME USED TO DETERMINE DEDUCTION.—In the case of any taxable year for which the taxpayer’s qualified production activities income exceeds the taxpayer’s taxable income (determined without regard to this section), the amount of taxable income to which the 15 percent amount in subparagraph (A) applies under subsection (a)(1) shall be an amount equal to the amount which bears the same ratio to such taxable income (as so determined) as—

“(i) the amount of qualified production activities income of the taxpayer for the taxable year which is attributable to the manufacture or production of qualifying production property substantially all of the research and development with respect to which occurred in the United States, bears to

“(ii) all qualified production activities income of the taxpayer for the taxable year.

“(C) TERMINATION.—This paragraph shall not apply to taxable years beginning after December 31, 2020.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SA 2514. Mr. THUNE (for himself, Mr. ROBERTS, Mr. BLUNT, and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2.

SA 2515. Mr. BENNET (for himself, Mr. MORAN, Mr. UDALL of Colorado, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . EXTENSION OF CREDITS FOR WIND FACILITIES.

(a) **PRODUCTION TAX CREDIT.**—Paragraph (1) of section 45(d) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2013” and inserting “January 1, 2015”.

(b) **INVESTMENT TAX CREDIT.**—Clause (i) of section 48(a)(5)(C) of the Internal Revenue Code of 1986 is amended by striking “or 2012” and inserting “2012, 2013, or 2014”.

(c) **CONFORMING AMENDMENT.**—Paragraph (1) of section 1603(e) of division B of the American Recovery and Reinvestment Act of 2009 is amended by striking “January 1, 2013” and inserting “January 1, 2015”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply to facilities placed in service after December 31, 2012.

SEC. ____ . DELAY IN APPLICATION OF WORLD-WIDE INTEREST.

(a) **IN GENERAL.**—Paragraphs (5)(D) and (6) of section 864(f) of the Internal Revenue Code of 1986 are each amended by striking “December 31, 2020” and inserting “December 31, 2022”.

(b) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act.

SA 2516. Mr. FRANKEN (for himself and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . EXTENSION OF TIME FOR MAKING S CORPORATION ELECTIONS.

(a) **IN GENERAL.**—Subsection (b) of section 1362 of the Internal Revenue Code of 1986 is amended to read as follows:

“(b) **WHEN MADE.**—

“(1) **RULES FOR NEW CORPORATIONS.**—Except as provided in paragraph (2)—

“(A) **IN GENERAL.**—An election under subsection (a) may be made by a small business corporation for any taxable year at any time during the period—

“(i) beginning on the first day of the taxable year for which made, and

“(ii) ending on the due date (with extensions) for filing the return for the taxable year.

“(B) **CERTAIN ELECTIONS TREATED AS MADE FOR NEXT TAXABLE YEAR.**—If—

“(i) an election under subsection (a) is made for any taxable year within the period described in subparagraph (A), but

“(ii) either—

“(I) on 1 or more days in such taxable year and before the day on which the election was made the corporation did not meet the requirements of subsection (b) of section 1361, or

“(II) 1 or more of the persons who held stock in the corporation during such taxable year and before the election was made did not consent to the election,

then such election shall be treated as made for the following taxable year.

“(C) **ELECTION MADE AFTER DUE DATE TREATED AS MADE FOR FOLLOWING TAXABLE YEAR.**—If—

“(i) a small business corporation makes an election under subsection (a) for any taxable year, and

“(ii) such election is made after the due date (with extensions) for filing the return for such year and on or before the due date (with extensions) for filing the return for the following taxable year,

then such election shall be treated as made for the following taxable year.

“(2) **RULES FOR EXISTING C CORPORATIONS.**—In the case of any small business corporation which was a C corporation for the taxable year prior to the taxable year for which the election is made under subsection (a), the rules under this paragraph shall apply in lieu of the rules under paragraph (1):

“(A) **IN GENERAL.**—An election under subsection (a) may be made by a small business corporation for any taxable year—

“(i) at any time during the preceding taxable year, or

“(ii) at any time during the taxable year and on or before the 15th day of the 3d month of the taxable year.

“(B) **CERTAIN ELECTIONS MADE DURING 1ST 2½ MONTHS TREATED AS MADE FOR NEXT TAXABLE YEAR.**—If—

“(i) an election under subsection (a) is made for any taxable year during such year and on or before the 15th day of the 3d month of such year, but

“(ii) either—

“(I) on 1 or more days in such taxable year and before the day on which the election was made the corporation did not meet the requirements of subsection (b) of section 1361, or

“(II) 1 or more of the persons who held stock in the corporation during such taxable year and before the election was made did not consent to the election,

then such election shall be treated as made for the following taxable year.

“(C) **ELECTION MADE AFTER 1ST 2½ MONTHS TREATED AS MADE FOR FOLLOWING TAXABLE YEAR.**—If—

“(i) a small business corporation makes an election under subsection (a) for any taxable year, and

“(ii) such election is made after the 15th day of the 3d month of the taxable year and on or before the 15th day of the 3rd month of the following taxable year,

then such election shall be treated as made for the following taxable year.

“(D) **TAXABLE YEARS OF 2½ MONTHS OR LESS.**—For purposes of this paragraph, an election for a taxable year made not later than 2 months and 15 days after the first day of the taxable year shall be treated as timely made during such year.

“(3) **AUTHORITY TO TREAT LATE ELECTIONS, ETC., AS TIMELY.**—If—

“(A) an election under subsection (a) is made for any taxable year after the date prescribed by this subsection for making such election for such taxable year or no such election is made for any taxable year, and

“(B) the Secretary determines that there was reasonable cause for the failure to timely make such election,

the Secretary may treat such an election as timely made for such taxable year.

“(4) **MANNER OF ELECTION.**—Elections may be made at any time as provided in this subsection by filing a form prescribed by the Secretary. For purposes of any election described under paragraph (1), the Secretary shall provide that the election may be made on any timely filed small business corporation return for such taxable year, with the consents of all persons who held stock in the corporation during such taxable year included therewith.

“(5) **SECRETARIAL AUTHORITY.**—The Secretary may prescribe such regulations, rules, or other guidance as may be necessary or appropriate for purposes of applying this subsection.”.

(b) **REVOCATIONS.**—Paragraph (1) of section 1362(d) of the Internal Revenue Code of 1986 is amended—

(1) by striking “subparagraph (D)” in subparagraph (C) and inserting “subparagraphs (D) and (E)”, and

(2) by adding at the end the following new subparagraph:

“(E) **AUTHORITY TO TREAT LATE REVOCATIONS AS TIMELY.**—If—

“(i) a revocation under subparagraph (A) is made for any taxable year after the date prescribed by this paragraph for making such revocation for such taxable year or no such revocation is made for any taxable year, and

“(ii) the Secretary determines that there was reasonable cause for the failure to timely make such revocation,

the Secretary may treat such a revocation as timely made for such taxable year.”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to elections for taxable years beginning after the date of the enactment of this Act.

SA 2517. Mr. BEGICH submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . ELECTION FOR SMALL BUSINESSES TO EXPENSE DEPRECIABLE PROPERTY.

(a) **IN GENERAL.**—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 179E the following new section:

“SEC. 179F. ELECTION FOR SMALL BUSINESSES TO EXPENSE CERTAIN DEPRECIABLE PROPERTY.

“(a) **IN GENERAL.**—An eligible small business may elect to treat the cost of any qualified property as an expense which is not chargeable to a capital account.

“(b) **ELIGIBLE SMALL BUSINESS.**—For purposes of this section—

“(1) **IN GENERAL.**—The term ‘eligible small business’ means, with respect to any taxable year, any trade or business the net profit of which does not exceed \$1,000,000.

“(2) **NET PROFIT.**—The term ‘net profit’ means the excess of the aggregate gross receipts over the sum of—

“(A) the costs of goods sold which are allocable to such receipts, and

“(B) other expenses, losses, or deductions which are properly allocable to such receipts.

“(3) **AGGREGATION RULES.**—All persons treated as a single employer under subsection (a) or (b) of section 52 or subsection (m) or (o) of section 414 shall be treated as a single trade or business for purposes of this subsection.

“(c) **ELECTION.**—An election under this section for any taxable year shall be made on the taxpayer’s return of the tax imposed by this chapter for the taxable year. Such election shall be made in such manner as the Secretary may by regulation prescribe.

“(d) **DEFINITIONS AND SPECIAL RULES.**—

“(1) **QUALIFIED PROPERTY.**—For purposes of this section, the term ‘qualified property’ means any property which is section 179 property as defined in section 179(d)(1), determined—

“(A) without regard to any placed in service date under subparagraph (A)(ii) thereof, and

“(B) without regard to any taxable year limitation under section 179(f).

“(2) SPECIAL RULES.—For purposes of this section, rules similar to the rules of paragraphs (3), (4), (5), (9), and (10) of section 179(d) shall apply.”.

(b) CLERICAL AMENDMENT.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 179E the following new item:

“Sec. 179F. Election for small businesses to expense certain depreciable property.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

SA 2518. Mr. THUNE (for himself, Mr. RUBIO, Mr. GRAHAM, and Mr. BOOZMAN) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —DEATH TAX REPEAL

SEC. 1. SHORT TITLE.

This title may be cited as the “Death Tax Repeal Permanency Act of 2012”.

SEC. 2. REPEAL OF ESTATE AND GENERATION-SKIPPING TRANSFER TAXES.

(a) ESTATE TAX REPEAL.—Subchapter C of chapter 11 of subtitle B of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 2210. TERMINATION.

“(a) IN GENERAL.—Except as provided in subsection (b), this chapter shall not apply

to the estates of decedents dying on or after the date of the enactment of the Death Tax Repeal Permanency Act of 2012.

“(b) CERTAIN DISTRIBUTIONS FROM QUALIFIED DOMESTIC TRUSTS.—In applying section 2056A with respect to the surviving spouse of a decedent dying before the date of the enactment of the Death Tax Repeal Permanency Act of 2012—

“(1) section 2056A(b)(1)(A) shall not apply to distributions made after the 10-year period beginning on such date, and

“(2) section 2056A(b)(1)(B) shall not apply on or after such date.”.

(b) GENERATION-SKIPPING TRANSFER TAX REPEAL.—Subchapter G of chapter 13 of subtitle B of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 2664. TERMINATION.

“This chapter shall not apply to generation-skipping transfers on or after the date of the enactment of the Death Tax Repeal Permanency Act of 2012.”.

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subchapter C of chapter 11 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 2210. Termination.”.

(2) The table of sections for subchapter G of chapter 13 of such Code is amended by adding at the end the following new item:

“Sec. 2664. Termination.”.

(d) RESTORATION OF PRE-EGTRRA PROVISIONS NOT APPLICABLE.—

(1) IN GENERAL.—Section 301 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 shall not apply to estates of decedents dying, and

transfers made, on or after the date of the enactment of this Act.

(2) EXCEPTION FOR STEPPED-UP BASIS.—Paragraph (1) shall not apply to the provisions of law amended by subtitle E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to carryover basis at death; other changes taking effect with repeal).

(e) SUNSET NOT APPLICABLE.—

(1) Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to title V of such Act in the case of estates of decedents dying, and transfers made, on or after the date of the enactment of this Act.

(2) Section 304 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 is hereby repealed.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to the estates of decedents dying, and generation-skipping transfers, after the date of the enactment of this Act.

SEC. 3. MODIFICATIONS OF GIFT TAX.

(a) COMPUTATION OF GIFT TAX.—Subsection (a) of section 2502 of the Internal Revenue Code of 1986 is amended to read as follows:

“(a) COMPUTATION OF TAX.—

“(1) IN GENERAL.—The tax imposed by section 2501 for each calendar year shall be an amount equal to the excess of—

“(A) a tentative tax, computed under paragraph (2), on the aggregate sum of the taxable gifts for such calendar year and for each of the preceding calendar periods, over

“(B) a tentative tax, computed under paragraph (2), on the aggregate sum of the taxable gifts for each of the preceding calendar periods.

“(2) RATE SCHEDULE.—

“If the amount with respect to which the tentative tax to be computed is:	The tentative tax is:
Not over \$10,000	18% of such amount.
Over \$10,000 but not over \$20,000	\$1,800, plus 20% of the excess over \$10,000.
Over \$20,000 but not over \$40,000	\$3,800, plus 22% of the excess over \$20,000.
Over \$40,000 but not over \$60,000	\$8,200, plus 24% of the excess over \$40,000.
Over \$60,000 but not over \$80,000	\$13,000, plus 26% of the excess over \$60,000.
Over \$80,000 but not over \$100,000	\$18,200, plus 28% of the excess over \$80,000.
Over \$100,000 but not over \$150,000	\$23,800, plus 30% of the excess over \$100,000.
Over \$150,000 but not over \$250,000	\$38,800, plus 32% of the excess over \$150,000.
Over \$250,000 but not over \$500,000	\$70,800, plus 34% of the excess over \$250,000.
Over \$500,000	\$155,800, plus 35% of the excess of \$500,000.”.

(b) TREATMENT OF CERTAIN TRANSFERS IN TRUST.—Section 2511 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(c) TREATMENT OF CERTAIN TRANSFERS IN TRUST.—Notwithstanding any other provision of this section and except as provided in regulations, a transfer in trust shall be treated as a taxable gift under section 2503, unless the trust is treated as wholly owned by the donor or the donor’s spouse under subpart E of part I of subchapter J of chapter 1.”.

(c) LIFETIME GIFT EXEMPTION.—Paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) the amount of the tentative tax which would be determined under the rate schedule set forth in section 2502(a)(2) if the amount

with respect to which such tentative tax is to be computed were \$5,000,000, reduced by”.

(d) CONFORMING AMENDMENTS.—

(1) Section 2505(a) of the Internal Revenue Code of 1986 is amended by striking the last sentence.

(2) The heading for section 2505 of such Code is amended by striking “UNIFIED”.

(3) The item in the table of sections for subchapter A of chapter 12 of such Code relating to section 2505 is amended to read as follows:

“Sec. 2505. Credit against gift tax.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to gifts made on or after the date of the enactment of this Act.

(f) TRANSITION RULE.—

(1) IN GENERAL.—For purposes of applying sections 1015(d), 2502, and 2505 of the Internal Revenue Code of 1986, the calendar year in which this title is enacted shall be treated as 2 separate calendar years one of which ends on the day before the date of the enactment of this Act and the other of which begins on such date of enactment.

(2) APPLICATION OF SECTION 2504(b).—For purposes of applying section 2504(b) of the Internal Revenue Code of 1986, the calendar year in which this title is enacted shall be treated as one preceding calendar period.

SA 2519. Mr. WHITEHOUSE (for himself and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a

temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; as follows:

At the end, add the following:

TITLE —SMALL BUSINESS REORGANIZATION EFFICIENCY AND CLARITY

SEC. 01 SHORT TITLE.

This title may be cited as the “Small Business Reorganization Efficiency and Clarity Act”.

SEC. 02. FLEXIBILITY IN CONFIRMATION.

Section 1129(e) of title 11, United States Code, is amended by striking “45 days” and inserting “90 days”.

SEC. 03. CLARITY IN PERIODIC REPORTING REQUIREMENTS.

Section 308(b) of title 11, United States Code, is amended—

(1) in paragraph (4), by adding “and” at the end;

(2) in paragraph (5), by striking “; and” at the end and inserting a period; and

(3) by striking paragraph (6).

SEC. 04. RETAINING PROFESSIONAL SERVICES.

(a) IN GENERAL.—Section 327 of title 11, United States Code, is amended by adding at the end the following:

“(g) Notwithstanding subsection (a), a person is not disqualified for employment under this section by a small business debtor solely because such person holds a claim of less than \$5,000 that arose prior to the date of commencement of the case.”.

(b) ADJUSTMENTS TO DOLLAR AMOUNT.—Section 104 of title 11, United States Code, is amended by inserting “327(g),” after “303(b),”.

SEC. 05. ENFORCEMENT OF SMALL BUSINESS SELECTION.

Section 1112(b)(4) of title 11, United States Code, is amended—

(1) by redesignating subparagraphs (O) and (P) as subparagraphs (P) and (Q), respectively; and

(2) by inserting after subparagraph (N) the following:

“(O) failure of a small business debtor to designate itself as a small business debtor;”.

SEC. 06. REPORT.

Not later than 12 months after the date of enactment of this Act, the Comptroller General of the United States, in consultation with the Administrative Office of United States Courts and the Executive Office of United States Trustees, shall submit a report to Congress detailing—

(1) the number and percentage of all cases filed under chapter 11 of title 11, United States Code, in which the debtor is a small business debtor, as that term is defined in section 101(51D) of title 11, United States Code;

(2) the number of cases and rates of confirmations for small business debtors in cases filed under chapter 11 of title 11, United States Code, as compared with—

(A) all debtors in cases filed under that chapter 11;

(B) all debtors in cases filed under that chapter 11 that are not small business debtors;

(C) debtors in cases filed under that chapter 11 that—

(i) are not small business debtors; and

(ii) have less than \$5,000,000 in debt;

(D) debtors in cases filed under that chapter 11 that—

(i) are not small business debtors; and

(ii) have less than \$10,000,000 in debt;

(E) debtors in cases filed under chapter 12 of title 11, United States Code; and

(F) debtors in cases filed under that chapter 13 that are business cases;

(3) the number of cases filed under chapter 11 of title 11, United States Code, in which the debtor has less than \$2,343,300 in debt outstanding, but does not designate itself a small business debtor;

(4) recommendations for improving the confirmation rate for small business debtors; and

(5) an analysis on whether the definition of the term “small business debtor” should be amended to include businesses with—

(A) less than \$5,000,000 in debt; and

(B) less than \$10,000,000 in debt.

SA 2520. Mr. BENNET (for himself, Mr. MORAN, Mr. UDALL of Colorado, and Mr. TESTER) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; as follows:

At the end, add the following:

SEC. 00. EXTENSION OF CREDITS FOR WIND FACILITIES.

(a) PRODUCTION TAX CREDIT.—Paragraph (1) of section 45(d) of the Internal Revenue Code of 1986 is amended by striking “January 1, 2013” and inserting “January 1, 2015”.

(b) INVESTMENT TAX CREDIT.—Clause (i) of section 48(a)(5)(C) of the Internal Revenue Code of 1986 is amended by striking “or 2012” and inserting “2012, 2013, or 2014”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities placed in service after December 31, 2012.

SEC. 00. DELAY IN APPLICATION OF WORLD-WIDE INTEREST.

(a) IN GENERAL.—Paragraphs (5)(D) and (6) of section 864(f) of the Internal Revenue Code of 1986 are each amended by striking “December 31, 2020” and inserting “December 31, 2022”.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SA 2521. Mr. REID (for Ms. LANDRIEU) proposed an amendment to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

DIVISION A—SMALL BUSINESS JOBS AND TAX RELIEF

SECTION 1. SHORT TITLE.

This division may be cited as the “Small Business Jobs and Tax Relief Act”.

SEC. 2. TEMPORARY TAX CREDIT FOR INCREASED PAYROLL.

(a) IN GENERAL.—In the case of a qualified employer who elects the application of this section, there shall be allowed as a credit against the tax imposed by chapter 1 of the Internal Revenue Code of 1986 for the taxable year which includes December 31, 2012, an amount equal to 10 percent of the excess (if any) of—

(1) the sum of the wages and compensation paid by such qualified employer for qualified services during calendar year 2012, over

(2) the sum of such wages and compensation paid during calendar year 2011.

(b) LIMITATION.—The amount of the excess taken into account under subsection (a) with

respect to any qualified employer shall not exceed \$5,000,000.

(c) WAGES AND COMPENSATION.—For purposes of this section—

(1) WAGES.—The term “wages” has the meaning given such term under section 3121 of the Internal Revenue Code of 1986 for purposes of the tax imposed by section 3111(a) of such Code.

(2) COMPENSATION.—The term “compensation” has the meaning given such term under section 3231 of such Code for purposes of the portion of the tax imposed by section 3221(a) of such Code that corresponds to the tax imposed by section 3111(a) of such Code.

(3) APPLICATION OF CONTRIBUTION AND BENEFIT BASE TO CALENDAR YEAR 2011.—For purposes of determining wages and compensation under subsection (a)(2), the contribution and benefit base as determined under section 230 of the Social Security Act shall be such amount as in effect for calendar year 2012.

(4) SPECIAL RULE WHEN NO WAGES OR COMPENSATION IN 2011.—In any case in which the sum of the wages and compensation paid by a qualified employer for qualified services during calendar year 2011 is zero, then the amount taken into account under subsection (a)(2) shall be 80 percent of the amount taken into account under subsection (a)(1).

(5) COORDINATION WITH OTHER EMPLOYMENT CREDITS.—The amount of the excess taken into account under subsection (a) shall be reduced by the sum of all other Federal tax credits determined with respect to wages or compensation paid in calendar year 2012.

(d) OTHER DEFINITIONS.—

(1) QUALIFIED EMPLOYER.—For purposes of this section—

(A) IN GENERAL.—The term “qualified employer” has the meaning given such term under section 3111(d)(2) of the Internal Revenue Code of 1986, determined by substituting “section 101 of the Higher Education Act of 1965” for “section 101(b) of the Higher Education Act of 1965” in subparagraph (B) thereof.

(B) AGGREGATION RULES.—Rules similar to the rules of sections 414(b), 414(c), 414(m), and 414(o) of such Code shall apply to determine when multiple entities shall be treated as a single employer, and rules with respect to predecessor and successor employers may be applied, in such manner as may be prescribed by the Secretary of the Treasury or the Secretary’s designee (in this section referred to as the “Secretary”).

(2) QUALIFIED SERVICES.—The term “qualified services” means services performed by an individual who is not described in section 51(i)(1) of such Code (applied by substituting “qualified employer” for “taxpayer” each place it appears)—

(A) in a trade or business of the qualified employer, or

(B) in the case of a qualified employer exempt from tax under section 501(a) of such Code, in furtherance of the activities related to the purpose or function constituting the basis of the employer’s exemption under section 501 of such Code.

(e) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of sections 280C(a) and 6501(m) of the Internal Revenue Code of 1986 shall apply with respect to the credit determined under this section.

(f) TREATMENT OF CREDIT.—For purposes of the Internal Revenue Code of 1986—

(1) TAXABLE EMPLOYERS.—

(A) IN GENERAL.—The credit allowed under subsection (a) with respect to qualified services described in subsection (d)(2)(A) for any taxable year shall be added to the current year business credit under section 38(b) of

such Code for such taxable year and shall be treated as a credit allowed under subpart D of part IV of subchapter A of chapter 1 of such Code.

(B) **LIMITATION ON CARRYBACKS.**—No portion of the unused business credit under section 38 of such Code for any taxable year which is attributable to an increase in the current year business credit by reason of subparagraph (A) may be carried to a taxable year beginning before the date of the enactment of this section.

(2) **TAX-EXEMPT EMPLOYERS.**—

(A) **IN GENERAL.**—The credit allowed under subsection (a) with respect to qualified services described in subsection (d)(2)(B) for any taxable year—

(i) shall be treated as a credit allowed under subpart C of part IV of subchapter A of chapter 1 of such Code, and

(ii) shall be added to the credits described in subparagraph (A) of section 6211(b)(4) of such Code.

(B) **CONFORMING AMENDMENT.**—Section 1324(b)(2) of title 31, United States Code, is amended by inserting “or due under section 2 of the Small Business Jobs and Tax Relief Act” after “the Housing Assistance Tax Act of 2008”.

(g) **TREATMENT OF POSSESSIONS.**—

(1) **PAYMENTS TO POSSESSIONS.**—

(A) **MIRROR CODE POSSESSIONS.**—The Secretary shall pay to each possession of the United States with a mirror code tax system amounts equal to the loss to that possession by reason of the application of subsections (a) through (f). Such amounts shall be determined by the Secretary based on information provided by the government of the respective possession of the United States.

(B) **OTHER POSSESSIONS.**—The Secretary shall pay to each possession of the United States which does not have a mirror code tax system the amount estimated by the Secretary as being equal to the loss to that possession that would have occurred by reason of the application of subsections (a) through (f) if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply with respect to any possession of the United States unless such possession establishes to the satisfaction of the Secretary that the possession has implemented (or, at the discretion of the Secretary, will implement) an income tax benefit which is substantially equivalent to the income tax credit allowed under such subsections.

(2) **COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.**—No increase in the credit determined under section 38(b) of the Internal Revenue Code of 1986 against United States income taxes for any taxable year determined by reason of subsection (f)(1)(A) shall be taken into account with respect to any person—

(A) to whom a credit is allowed against taxes imposed by the possession by reason of this section for such taxable year, or

(B) who is eligible for a payment under a plan described in paragraph (1)(B) with respect to such taxable year.

(3) **DEFINITIONS AND SPECIAL RULES.**—

(A) **POSSESSION OF THE UNITED STATES.**—For purposes of this subsection, the term “possession of the United States” includes American Samoa, Guam, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

(B) **MIRROR CODE TAX SYSTEM.**—For purposes of this subsection, the term “mirror code tax system” means, with respect to any possession of the United States, the income

tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.

(C) **TREATMENT OF PAYMENTS.**—For purposes of section 1324(b)(2) of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from credit provisions described in such section.

(h) **REGULATIONS.**—The Secretary shall prescribe such regulations or guidance as are necessary to carry out the provisions of this section.

SEC. 3. EXTENSION OF ALLOWANCE FOR BONUS DEPRECIATION FOR CERTAIN BUSINESS ASSETS.

(a) **EXTENSION OF 100 PERCENT BONUS DEPRECIATION.**—

(1) **IN GENERAL.**—Paragraph (5) of section 168(k) of the Internal Revenue Code of 1986 is amended—

(A) by striking “January 1, 2012” each place it appears and inserting “January 1, 2013”, and

(B) by striking “January 1, 2013” and inserting “January 1, 2014”.

(2) **CONFORMING AMENDMENTS.**—

(A) The heading for paragraph (5) of section 168(k) of such Code is amended by striking “PRE-2012 PERIODS” and inserting “PRE-2013 PERIODS”.

(B) Clause (ii) of section 460(c)(6)(B) of such Code is amended by striking “January 1, 2011 (January 1, 2012)” and inserting “January 1, 2013 (January 1, 2014)”.

(3) **EFFECTIVE DATES.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (B), the amendments made by this section shall apply to property placed in service after December 31, 2011.

(B) **CONFORMING AMENDMENT.**—The amendment made by paragraph (2)(B) shall apply to property placed in service after December 31, 2010.

(b) **EXPANSION OF ELECTION TO ACCELERATE AMT CREDITS IN LIEU OF BONUS DEPRECIATION.**—

(1) **IN GENERAL.**—Paragraph (4) of section 168(k) of the Internal Revenue Code of 1986 is amended to read as follows:

“(4) **ELECTION TO ACCELERATE AMT CREDITS IN LIEU OF BONUS DEPRECIATION.**—

“(A) **IN GENERAL.**—If a corporation elects to have this paragraph apply for any taxable year—

“(i) paragraph (1) shall not apply to any eligible qualified property placed in service by the taxpayer in such taxable year,

“(ii) the applicable depreciation method used under this section with respect to such property shall be the straight line method, and

“(iii) the limitation imposed by section 53(c) for such taxable year shall be increased by the bonus depreciation amount which is determined for such taxable year under subparagraph (B).

“(B) **BONUS DEPRECIATION AMOUNT.**—For purposes of this paragraph—

“(i) **IN GENERAL.**—The bonus depreciation amount for any taxable year is an amount equal to 20 percent of the excess (if any) of—

“(I) the aggregate amount of depreciation which would be allowed under this section for eligible qualified property placed in service by the taxpayer during such taxable year if paragraph (1) applied to all such property, over

“(II) the aggregate amount of depreciation which would be allowed under this section for eligible qualified property placed in serv-

ice by the taxpayer during such taxable year if paragraph (1) did not apply to any such property.

The aggregate amounts determined under subclauses (I) and (II) shall be determined without regard to any election made under subsection (b)(2)(D), (b)(3)(D), or (g)(7) and without regard to subparagraph (A)(ii).

“(ii) **LIMITATION.**—The bonus depreciation amount for any taxable year shall not exceed the lesser of—

“(I) 50 percent of the minimum tax credit under section 53(b) for the first taxable year ending after December 31, 2011, reduced (but not below zero) by the sum of the bonus depreciation amounts for all taxable years ending after such date for which an election under this paragraph was made which precede the taxable year for which the determination is made (other than amounts determined with respect to property placed in service by the taxpayer on or before such date), or

“(II) the minimum tax credit under section 53(b) for such taxable year determined by taking into account only the adjusted minimum tax for taxable years ending before January 1, 2012 (determined by treating credits as allowed on a first-in, first-out basis).

“(iii) **AGGREGATION RULE.**—All corporations which are treated as a single employer under section 52(a) shall be treated—

“(I) as 1 taxpayer for purposes of this paragraph, and

“(II) as having elected the application of this paragraph if any such corporation so elects.

“(C) **ELIGIBLE QUALIFIED PROPERTY.**—For purposes of this paragraph, the term ‘eligible qualified property’ means qualified property under paragraph (2), except that in applying paragraph (2) for purposes of this paragraph—

“(i) ‘March 31, 2008’ shall be substituted for ‘December 31, 2007’ each place it appears in subparagraph (A) and clauses (i) and (ii) of subparagraph (E) thereof,

“(ii) ‘April 1, 2008’ shall be substituted for ‘January 1, 2008’ in subparagraph (A)(iii)(I) thereof, and

“(iii) only adjusted basis attributable to manufacture, construction, or production—

“(I) after March 31, 2008, and before January 1, 2010, and

“(II) after December 31, 2010, and before January 1, 2013, shall be taken into account under subparagraph (B)(ii) thereof.

“(D) **CREDIT REFUNDABLE.**—For purposes of section 6401(b), the aggregate increase in the credits allowable under part IV of subchapter A for any taxable year resulting from the application of this paragraph shall be treated as allowed under subpart C of such part (and not any other subpart).

“(E) **OTHER RULES.**—

“(i) **ELECTION.**—Any election under this paragraph may be revoked only with the consent of the Secretary.

“(ii) **PARTNERSHIPS WITH ELECTING PARTNERS.**—In the case of a corporation making an election under subparagraph (A) and which is a partner in a partnership, for purposes of determining such corporation’s distributive share of partnership items under section 702—

“(I) paragraph (1) shall not apply to any eligible qualified property, and

“(II) the applicable depreciation method used under this section with respect to such property shall be the straight line method.

“(iii) **CERTAIN PARTNERSHIPS.**—In the case of a partnership in which more than 50 percent of the capital and profits interests are owned (directly or indirectly) at all times

during the taxable year by one corporation (or by corporations treated as 1 taxpayer under subparagraph (B)(iii)), for purposes of subparagraph (B), each partner shall take into account its distributive share of the amounts determined by the partnership under subclauses (I) and (II) of clause (i) of such subparagraph for the taxable year of the partnership ending with or within the taxable year of the partner. The preceding sentence shall apply only to amounts determined with respect to property placed in service after December 31, 2011.

“(iv) SPECIAL RULE FOR PASSENGER AIRCRAFT.—In the case of any passenger aircraft, the written binding contract limitation under paragraph (2)(A)(iii)(I) shall not apply for purposes of subparagraphs (B)(i)(I) and (C).”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to taxable years ending after December 31, 2011.

(3) TRANSITIONAL RULE.—In the case of a taxable year beginning before January 1, 2012, and ending after December 31, 2011, the bonus depreciation amount determined under paragraph (4) of section 168(k) of the Internal Revenue Code of 1986 for such year shall be the sum of—

(A) such amount determined under such paragraph as in effect on the date before the date of enactment of this Act—

(i) taking into account only property placed in service before January 1, 2012, and

(ii) multiplying the limitation under subparagraph (C)(ii) of such paragraph (as so in effect) by a fraction the numerator of which is the number of days in the taxable year before January 1, 2012, and the denominator of which is the number of days in the taxable year, and

(B) such amount determined under such paragraph as amended by this Act—

(i) taking into account only property placed in service after December 31, 2011, and

(ii) multiplying the limitation under subparagraph (B)(ii) of such paragraph (as so in effect) by a fraction the numerator of which is the number of days in the taxable year after December 31, 2011, and the denominator of which is the number of days in the taxable year.

DIVISION B—SUCCESS ACT OF 2012

SEC. 1. SHORT TITLE.

This division may be cited as the “Success Ultimately Comes from Capital, Contracting, Education, Strategic Partnerships, and Smart Regulations Act of 2012” or the “SUCCESS Act of 2012”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this division is as follows:

DIVISION B—SUCCESS ACT OF 2012

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—SMALL BUSINESS TAX EXTENDERS

Sec. 101. References.

Sec. 102. Extension of temporary exclusion of 100 percent of gain on certain small business stock.

Sec. 103. Extension of increased amount allowed as a deduction for start-up expenditures.

Sec. 104. Extension of reduction in recognition period for built-in gains tax.

Sec. 105. Extension of 5-year carryback of general business credits of eligible small businesses.

Sec. 106. Extension of increased expensing limitations and treatment of certain real property as section 179 property.

TITLE II—ACCESS TO CAPITAL

Subtitle A—Expanding Access to Capital for Entrepreneurial Leaders

Sec. 211. Short title.

Sec. 212. Program authorization.

Sec. 213. Family of funds.

Sec. 214. Adjustment for inflation.

Sec. 215. Public availability of information.

Sec. 216. Authorized uses of licensing fees.

Sec. 217. Sense of Congress.

Subtitle B—Low-Interest Refinancing

Sec. 221. Low-interest refinancing under the local development business loan program.

Subtitle C—SBA Lender Activity Index

Sec. 231. SBA lender activity index.

TITLE III—ACCESS TO GLOBAL MARKETS

Sec. 301. Short title.

Sec. 302. Report on improvements to Export.gov as a single window for export information.

Sec. 303. Report on developing a single window for information about export control compliance.

Sec. 304. Promotion of exporting.

Sec. 305. Export control education.

Sec. 306. Small Business Inter-Agency Task Force on Export Financing.

Sec. 307. Promotion of exports by rural small businesses.

Sec. 308. Registry of export management and export trading companies.

Sec. 309. Reverse trade missions.

Sec. 310. State Trade and Export Promotion Grant Program.

Sec. 311. Promotion of interagency details.

Sec. 312. Annual export strategy.

TITLE IV—ACCESS TO MENTORING, EDUCATION, AND STRATEGIC PARTNERSHIPS

Subtitle A—Measuring the Effectiveness of Resource Partners

Sec. 411. Expanding entrepreneurship.

Subtitle B—Women's Small Business Ownership

Sec. 421. Short title.

Sec. 422. Definition.

Sec. 423. Office of Women's Business Ownership.

Sec. 424. Women's Business Center Program.

Sec. 425. Study and report on economic issues facing women's business centers.

Sec. 426. Study and report on oversight of women's business centers.

Subtitle C—Strengthening America's Small Business Development Centers

Sec. 431. Institutions of higher education.

Sec. 432. Updating funding levels for small business development centers.

Sec. 433. Assistance to out-of-state small businesses.

Sec. 434. Termination of small business development center defense economic transition assistance.

Sec. 435. National Small Business Development Center Advisory Board.

Sec. 436. Repeal of Paul D. Coverdell drug-free workplace program.

Subtitle D—Terminating the National Veterans Business Development Corporation

Sec. 441. National Veterans Business Development Corporation.

TITLE V—ACCESS TO GOVERNMENT CONTRACTING

Subtitle A—Bonds

Sec. 511. Removal of sunset dates for certain provisions of the Small Business Investment Act of 1958.

Subtitle B—Small Business Contracting Fraud Prevention

Sec. 521. Short title.

Sec. 522. Definitions.

Sec. 523. Fraud deterrence at the Small Business Administration.

Sec. 524. Veterans integrity in contracting.

Sec. 525. Section 8(a) program improvements.

Sec. 526. HUBZone improvements.

Sec. 527. Annual report on suspension, debarment, and prosecution.

Subtitle C—Fairness in Women-Owned Small Business Contracting

Sec. 531. Short title.

Sec. 532. Procurement program for women-owned small business concerns.

Sec. 533. Study and report on representation of women.

Subtitle D—Small Business Champion

Sec. 541. Short title.

Sec. 542. Offices of Small and Disadvantaged Business Utilization.

Sec. 543. Small Business Procurement Advisory Council.

TITLE VI—TRANSPARENCY, ACCOUNTABILITY, AND EFFECTIVENESS

Subtitle A—Small Business Common Application

Sec. 611. Definitions.

Sec. 612. Sense of Congress.

Sec. 613. Executive Committee On a Small Business Common Application.

Sec. 614. Authorization of appropriations.

Subtitle B—Government Accountability Office Review

Sec. 621. Government Accountability Office review.

TITLE I—SMALL BUSINESS TAX EXTENDERS

SEC. 101. REFERENCES.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 102. EXTENSION OF TEMPORARY EXCLUSION OF 100 PERCENT OF GAIN ON CERTAIN SMALL BUSINESS STOCK.

(a) IN GENERAL.—Paragraph (4) of section 1202(a) is amended—

(1) by striking “January 1, 2012” and inserting “January 1, 2014”, and

(2) by striking “AND 2011” and inserting “, 2011, 2012, AND 2013” in the heading thereof.

(b) TECHNICAL AMENDMENTS.—

(1) SPECIAL RULE FOR 2009 AND CERTAIN PERIOD IN 2010.—Paragraph (3) of section 1202(a) is amended by adding at the end the following new flush sentence:

“In the case of any stock which would be described in the preceding sentence (but for this sentence), the acquisition date for purposes of this subsection shall be the first day on which such stock was held by the taxpayer determined after the application of section 1223.”.

(2) 100 PERCENT EXCLUSION.—Paragraph (4) of section 1202(a) is amended by adding at the end the following new flush sentence:

“In the case of any stock which would be described in the preceding sentence (but for this sentence), the acquisition date for purposes of this subsection shall be the first day on which such stock was held by the taxpayer determined after the application of section 1223.”.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to stock acquired after December 31, 2011.

(2) SUBSECTION (b)(1).—The amendment made by subsection (b)(1) shall take effect as if included in section 1241(a) of division B of the American Recovery and Reinvestment Act of 2009.

(3) SUBSECTION (b)(2).—The amendment made by subsection (b)(2) shall take effect as if included in section 2011(a) of the Creating Small Business Jobs Act of 2010.

SEC. 103. EXTENSION OF INCREASED AMOUNT ALLOWED AS A DEDUCTION FOR START-UP EXPENDITURES.

(a) IN GENERAL.—Paragraph (3) of section 195(b) is amended—

(1) by inserting “, 2012, or 2013” after “2010”, and

(2) by inserting “2012, AND 2013” in the heading thereof.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2011.

SEC. 104. EXTENSION OF REDUCTION IN RECOGNITION PERIOD FOR BUILT-IN GAINS TAX.

(a) IN GENERAL.—Paragraph (7) of section 1374(d) is amended—

(1) by redesignating subparagraph (C) as subparagraph (D), and

(2) by inserting after subparagraph (B) the following new subparagraph:

“(C) SPECIAL RULE FOR 2012 AND 2013.—For dispositions of property in taxable years beginning in 2012 or 2013, subparagraphs (A) and (D) shall be applied by substituting ‘5-year’ for ‘10-year’.”

(b) TECHNICAL AMENDMENT.—Subparagraph (B) of section 1374(d)(2) is amended by inserting “described in subparagraph (A)” after “, for any taxable year”.

(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2011.

SEC. 105. EXTENSION OF 5-YEAR CARRYBACK OF GENERAL BUSINESS CREDITS OF ELIGIBLE SMALL BUSINESSES.

(a) IN GENERAL.—Subparagraph (A) of section 39(a)(4) is amended by inserting “or in taxable years beginning in 2012, or 2013” after “2010”.

(b) TECHNICAL AMENDMENT.—Section 38(c)(5)(B) is amended—

(1) by striking “the sum of”, and

(2) by inserting “for any taxable year to which subparagraph (A) applies” after “or (4)”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (a) shall apply to credits determined in taxable years beginning after December 31, 2011.

(2) TECHNICAL AMENDMENTS.—The amendments made by subsection (b) shall take effect as if included in section 2013(a) of the Creating Small Business Jobs Act of 2010.

SEC. 106. EXTENSION OF INCREASED EXPENSING LIMITATIONS AND TREATMENT OF CERTAIN REAL PROPERTY AS SECTION 179 PROPERTY.

(a) IN GENERAL.—

(1) DOLLAR LIMITATION.—Section 179(b)(1) is amended—

(A) by striking “and” at the end of subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (E),

(C) by inserting after subparagraph (C) the following new subparagraph:

“(D) \$500,000 in the case of taxable years beginning in 2013, and”, and

(D) in subparagraph (E), as so redesignated, by striking “2012” and inserting “2013”.

(2) REDUCTION IN LIMITATION.—Section 179(b)(2) is amended—

(A) by striking “and” at the end of subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (E),

(C) by inserting after subparagraph (C) the following new subparagraph:

“(D) \$2,000,000 in the case of taxable years beginning in 2013, and”, and

(D) in subparagraph (E), as so redesignated, by striking “2012” and inserting “2013”.

(b) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking “2013” and inserting “2014”.

(c) ELECTION.—Section 179(c)(2) is amended by striking “2013” and inserting “2014”.

(d) SPECIAL RULES FOR TREATMENT OF QUALIFIED REAL PROPERTY.—

(1) IN GENERAL.—Section 179(f)(1) is amended by striking “2010 or 2011” and inserting “2010, 2011, or 2013”.

(2) CARRYOVER LIMITATION.—Section 179(f)(4) is amended by striking subparagraphs (A) through (C) and inserting the following:

“(A) IN GENERAL.—Notwithstanding subsection (b)(3)(B)—

“(i) no amount attributable to qualified real property placed in service in any taxable year beginning in 2010 or 2011 may be carried over to any taxable year beginning after 2011, and

“(ii) no amount attributable to qualified real property placed in service in any taxable year beginning in 2013 may be carried over to any taxable year beginning after 2013.

“(B) TREATMENT OF DISALLOWED AMOUNTS.—Except as provided in subparagraph (C)—

“(i) TAXABLE YEARS BEGINNING AFTER 2011.—To the extent that any amount is not allowed to be carried over to a taxable year beginning after 2011 by reason of subparagraph (A)(i), this title shall be applied as if no election under this section had been made with respect to such amount.

“(ii) TAXABLE YEARS BEGINNING AFTER 2013.—To the extent that any amount is not allowed to be carried over to a taxable year beginning after 2013 by reason of subparagraph (A)(ii), this title shall be applied as if no election under this section had been made with respect to such amount.

“(C) AMOUNTS CARRIED OVER FROM CERTAIN TAXABLE YEARS.—

“(i) AMOUNTS CARRIED OVER FROM 2010.—If subparagraph (B)(i) applies to any amount (or portion of an amount) which is carried over from a taxable year other than the taxpayer’s last taxable year beginning in 2011, such amount (or portion of an amount) shall be treated for purposes of this title as attributable to property placed in service on the first day of the taxpayer’s last taxable year beginning in 2011.

“(ii) AMOUNTS CARRIED OVER FROM 2013.—If subparagraph (B)(ii) applies to any amount (or portion of an amount) which is carried over from a taxable year other than the taxpayer’s last taxable year beginning in 2013, such amount (or portion of an amount) shall be treated for purposes of this title as attributable to property placed in service on the first day of the taxpayer’s last taxable year beginning in 2013.”

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

TITLE II—ACCESS TO CAPITAL

Subtitle A—Expanding Access to Capital for Entrepreneurial Leaders

SEC. 211. SHORT TITLE.

This subtitle may be cited as the “EXCEL Act of 2012”.

SEC. 212. PROGRAM AUTHORIZATION.

Section 303(b) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)) is amended, in the matter preceding paragraph (1), in the first sentence, by inserting after “issued by such companies” the following: “, in a total amount that does not exceed \$4,000,000,000 each fiscal year (adjusted annually to reflect increases in the Consumer Price Index established by the Bureau of Labor Statistics of the Department of Labor)”.

SEC. 213. FAMILY OF FUNDS.

Section 303(b)(2)(B) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)(B)) is amended by striking “\$225,000,000” and inserting “\$350,000,000”.

SEC. 214. ADJUSTMENT FOR INFLATION.

Section 303(b)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(b)(2)) is amended by adding at the end the following:

“(E) ADJUSTMENTS.—

“(i) IN GENERAL.—The dollar amounts in subparagraph (A)(ii), subparagraph (B), and subparagraph (C)(ii)(I) shall be adjusted annually to reflect increases in the Consumer Price Index established by the Bureau of Labor Statistics of the Department of Labor (in this subparagraph referred to as the ‘CPI’).

“(ii) APPLICABILITY.—The adjustments required by clause (i)—

“(I) with respect to dollar amounts in subparagraphs (A)(ii) and (C)(ii)(I) shall initially reflect increases in the CPI during the period beginning on the effective date of section 505 of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5; 123 Stat. 156) through the date of enactment of this subparagraph and annually thereafter;

“(II) with respect to dollar amounts in subparagraph (B) shall reflect increases in the CPI annually on and after the date of enactment of this subparagraph.”

SEC. 215. PUBLIC AVAILABILITY OF INFORMATION.

Section 303 of the Small Business Investment Act of 1958 (15 U.S.C. 683) is amended by adding at the end the following:

“(1) ACCESS TO FUND INFORMATION.—Annually, the Administrator shall make public on its website the following information with respect to each small business investment company:

“(1) The amount of capital deployed since fund inception.

“(2) The amount of leverage drawn since fund inception.

“(3) The number of investments since fund inception.

“(4) The number of businesses receiving capital since fund inception.

“(5) Industry sectors receiving investment since fund inception.

“(6) The amount of leverage principal repaid by the small business investment company since fund inception.

“(7) A basic description of investment strategy.”

SEC. 216. AUTHORIZED USES OF LICENSING FEES.

Section 301 of the Small Business Investment Act of 1958 (15 U.S.C. 681) is amended—

(1) by redesignating subsection (e) as subsection (d); and

(2) in subsection (d)(2)(B), as so redesignated, by inserting before the period at the end the following: “and other small business investment company program needs”.

SEC. 217. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) small business investment companies would benefit from partnerships with community banks and other lenders, and should

work with community banks and other lenders, to ensure that if community banks and other lenders deny an application by a small business concern for a loan, the community banks or other lenders will refer the small business concern to small business investment companies; and

(2) the Administrator of the Small Business Administration (in this division referred to as the “Administrator”) should—

(A) increase outreach to community banks and other lenders to encourage community banks and other lenders to invest in small business investment companies;

(B) use the Internet to make publicly available in a timely manner which small business investment companies are actively soliciting investments and making investments in small business concerns;

(C) partner with governors, mayors, States, and municipalities to increase outreach by small business investment companies to underserved and rural areas; and

(D) continue to make changes to the webpage for the small business investment company program, to make the webpage—

(i) a more prominent part of the website of the Administration; and

(ii) more user-friendly.

Subtitle B—Low-Interest Refinancing

SEC. 221. LOW-INTEREST REFINANCING UNDER THE LOCAL DEVELOPMENT BUSINESS LOAN PROGRAM.

Section 1122(b) of the Small Business Jobs Act of 2010 (15 U.S.C. 696 note) is amended by striking “2 years” and inserting “on the date that is 3 years and 6 months”.

Subtitle C—SBA Lender Activity Index

SEC. 231. SBA LENDER ACTIVITY INDEX.

Section 4 of the Small Business Act (15 U.S.C. 633) is amended by adding at the end the following:

“(g) SBA LENDER ACTIVITY INDEX.—

“(1) DEFINITION.—In this subsection, the term ‘covered loan’ means a loan made or debenture issued under this Act or the Small Business Investment Act of 1958 (15 U.S.C. 661 et seq.) by a private individual or entity.

“(2) REQUIREMENT.—Not later than 6 months after the date of enactment of this subsection, the Administrator shall make publicly available on the website of the Administration a user-friendly database of information relating to lenders making covered loans (to be known as the ‘Lender Activity Index’).

“(3) DATA INCLUDED.—

“(A) IN GENERAL.—The database made available under paragraph (2) shall include, for each lender making a covered loan—

“(i) the name of the lender;

“(ii) the number of covered loans made by the lender;

“(iii) the total dollar amount of covered loans made by the lender;

“(iv) a list of each ZIP code in which a recipient of a covered loan made by the lender is located;

“(v) a list of the industries of the recipients to which the lender made a covered loan;

“(vi) whether the covered loan is for an existing business or a new business;

“(vii) the number and total dollar amount of covered loans made by the lender to—

“(I) small business concerns owned and controlled by women;

“(II) socially and economically disadvantaged small business concerns (as defined in section 8(a)(4)(A)); and

“(III) small business concerns owned and controlled by veterans; and

“(viii) whether the covered loan was made under section 7(a) or under the program to

provide financing to small business concerns through guarantees of loans under title V of the Small Business Investment Act of 1958 (15 U.S.C. 695 et seq.).

“(B) INCORPORATION OF DATA.—The Administrator shall—

“(i) include in the database made available under paragraph (2) information relating to covered loans made during fiscal years 2009, 2010, 2011, and 2012; and

“(ii) incorporate information relating to covered loans on an ongoing basis.

“(C) PERIOD OF DATA AVAILABILITY.—The Administrator shall retain information relating to a covered loan in the database made available under paragraph (2) until not earlier than the end of the third fiscal year beginning after the fiscal year during which the covered loan was made.”.

TITLE III—ACCESS TO GLOBAL MARKETS

SEC. 301. SHORT TITLE.

This title may be cited as the “Small Business Export Growth Act of 2012”.

SEC. 302. REPORT ON IMPROVEMENTS TO EXPORT.GOV AS A SINGLE WINDOW FOR EXPORT INFORMATION.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director of International Trade of the Small Business Administration shall, after consultation with the entities specified in subsection (b), submit to the Committee on Small Business and Entrepreneurship and the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Small Business and the Committee on Foreign Affairs of the House of Representatives a report that includes the recommendations of the Director for improving the experience provided by the website Export.gov (or a successor website) as—

(1) a comprehensive resource for information about exporting articles from the United States; and

(2) a single website for exporters to submit all information required by the Federal Government with respect to the exportation of articles from the United States.

(b) ENTITIES SPECIFIED.—The entities specified in this subsection are—

(1) small business concerns (as defined in section 3 of the Small Business Act (15 U.S.C. 632)) that are exporters; and

(2) the President’s Export Council, State agencies with responsibility for export promotion or export financing, district export councils, and trade associations.

SEC. 303. REPORT ON DEVELOPING A SINGLE WINDOW FOR INFORMATION ABOUT EXPORT CONTROL COMPLIANCE.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Chief Counsel for Advocacy of the Small Business Administration shall submit to the appropriate congressional committees a report assessing the benefits of developing a website to serve as—

(1) a comprehensive resource for complying with and information about the export control laws and regulations of the United States; and

(2) a single website for exporters to submit all information required by the Federal Government with respect to export controls.

(b) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term “appropriate congressional committees” means—

(1) the Committee on Commerce, Science, and Transportation, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Small Business and Entrepreneurship of the Senate; and

(2) the Committee on Energy and Commerce, the Committee on Foreign Affairs,

and the Committee on Small Business of the House of Representatives.

SEC. 304. PROMOTION OF EXPORTING.

Section 22(c)(11) of the Small Business Act (15 U.S.C. 649(c)(11)) is amended by inserting “, which shall include conducting not fewer than 1 outreach event each fiscal year in each State that promotes exporting as a business development opportunity for small business concerns” before the semicolon.

SEC. 305. EXPORT CONTROL EDUCATION.

Section 22 of the Small Business Act (15 U.S.C. 649) is amended—

(1) by redesignating subsection (1) as subsection (n); and

(2) by inserting after subsection (k) the following:

“(l) EXPORT CONTROL EDUCATION.—The Associate Administrator shall ensure that all programs of the Administration to support exporting by small business concerns place a priority on educating small business concerns about Federal export control regulations.”.

SEC. 306. SMALL BUSINESS INTER-AGENCY TASK FORCE ON EXPORT FINANCING.

The Administrator, in consultation with the Secretary of Agriculture, the President of the Export-Import Bank of the United States, and the President of the Overseas Private Investment Corporation shall jointly establish a Small Business Inter-Agency Task Force on Export Financing to—

(1) review and improve Federal export finance programs for small business concerns; and

(2) coordinate the activities of the Federal Government to assist small business concerns seeking to export.

SEC. 307. PROMOTION OF EXPORTS BY RURAL SMALL BUSINESSES.

(a) SMALL BUSINESS ADMINISTRATION-UNITED STATES DEPARTMENT OF AGRICULTURE INTERAGENCY COORDINATION.—

(1) EXPORT FINANCING PROGRAMS.—In coordination with the Secretary of Agriculture, the Administrator shall develop a program to cross-train export finance specialists and personnel from the Office of International Trade of the Administration on the export financing programs of the Department of Agriculture and the Foreign Agricultural Service.

(2) EXPORT ASSISTANCE AND BUSINESS COUNSELING PROGRAMS.—In coordination with the Secretary of Agriculture and the Foreign Agricultural Service, the Administrator shall develop a program to cross-train export finance specialists, personnel from the Office of International Trade of the Administration, Small Business Development Centers, women’s business centers, the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1)), Export Assistance Centers, and other resource partners of the Administration on the export assistance and business counseling programs of the Department of Agriculture.

(b) REPORT ON LENDERS.—Section 7(a)(16)(F) of the Small Business Act (15 U.S.C. 636(a)(16)(F)) is amended—

(1) in clause (i)—

(A) by redesignating subclauses (I) through (III) as items (aa) through (cc), respectively, and adjusting the margins accordingly;

(B) by striking “list, have made” and inserting the following: “list—

“(I) have made”;

(C) in item (cc), as so redesignated, by striking the period at the end and inserting “; and”; and

(D) by adding at the end the following:

“(II) were located in a rural area, as that term is defined in section 1393(a)(2) of the Internal Revenue Code of 1986, or a nonmetropolitan statistical area and have made—

“(aa) loans guaranteed by the Administration; or

“(bb) loans through the programs offered by the United States Department of Agriculture or the Foreign Agricultural Service.”; and

(2) in clause (ii)(II), by inserting “and by resource partners of the Administration” after “the Administration”.

(c) COOPERATION WITH SMALL BUSINESS DEVELOPMENT CENTERS.—Section 21(c)(3)(M) of the Small Business Act (15 U.S.C. 648(c)(3)(M)) is amended by inserting after “the Department of Commerce,” the following: “the Department of Agriculture.”.

(d) LIST OF RURAL EXPORT ASSISTANCE RESOURCES.—Section 22(c)(7) of the Small Business Act (15 U.S.C. 649(c)(7)) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

“(D) publishing an annual list of relevant resources and programs of the district and regional offices of the Administration, other Federal agencies, the small business development center network, Export Assistance Centers, the network of women’s business centers, chapters of the Service Corps of Retired Executives, State and local export promotion programs, and partners in the private sector, that—

“(i) are administered or offered by entities located in rural or nonmetropolitan statistical areas; and

“(ii) offer export assistance or business counseling services to rural small businesses concerns; and”.

SEC. 308. REGISTRY OF EXPORT MANAGEMENT AND EXPORT TRADING COMPANIES.

(a) COORDINATION WITH EXPORT MANAGEMENT COMPANIES AND EXPORT TRADING COMPANIES.—Not later than 1 year after the date of enactment of this Act, the Administrator shall establish a program to register export management companies, as that term is defined by the Department of Commerce, and export trading companies, as that term is defined in section 103 of the Export Trading Company Act of 1982 (15 U.S.C. 4002).

(b) REQUIREMENTS.—The program established under subsection (a) shall—

(1) be similar to the program of the Administration for registering franchise companies, as in effect on the date of enactment of this Act; and

(2) require that a list of the export management companies and export trading companies that register under the program, categorized by the type of product exported by the company, be made available on the website of the Administration.

SEC. 309. REVERSE TRADE MISSIONS.

Section 22(c) of the Small Business Act (15 U.S.C. 649(c)) is amended—

(1) in paragraph (12), by striking “and” at the end;

(2) in paragraph (13), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(14) in coordination with other relevant Federal agencies, encourage the participation of employees and resource partners of the Administration in reverse trade missions hosted or sponsored by the Federal Government.”.

SEC. 310. STATE TRADE AND EXPORT PROMOTION GRANT PROGRAM.

Section 1207(a)(5) of the Small Business Jobs Act of 2010 (15 U.S.C. 649b note) is amended by inserting after “Guam,” the following: “the Commonwealth of the Northern Mariana Islands.”.

SEC. 311. PROMOTION OF INTERAGENCY DETAILS.

It is the sense of Congress that the Administrator should periodically detail staff of the Administration to other Federal agencies that are members of the Trade Promotion Coordinating Committee, to facilitate the cross training of the staff of the Administration on the export assistance programs of such other agencies.

SEC. 312. ANNUAL EXPORT STRATEGY.

Section 22 of the Small Business Act (15 U.S.C. 649), as amended by section 305 of this division, is amended by adding at the end the following:

“(m) SMALL BUSINESS TRADE STRATEGY.—

“(1) DEVELOPMENT OF SMALL BUSINESS TRADE STRATEGY.—The Associate Administrator shall develop and maintain a small business trade strategy that is included in the report on the governmentwide strategic plan for Federal trade promotion required to be submitted to Congress by the Trade Promotion Coordinating Committee under section 2312(f)(1) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f)(1)) that includes, at a minimum—

“(A) strategies to increase export opportunities for small business concerns, including a specific strategy to increase opportunities for small business concerns that are new to exporting;

“(B) recommendations to increase the competitiveness in the global economy of small business concerns in the United States that are part of industries in which small business concerns account for a high proportion of participating businesses;

“(C) recommendations to protect small business concerns from unfair trade practices, including intellectual property violations;

“(D) recommendations for strategies to promote and facilitate opportunities in the foreign markets that are most accessible for small business concerns that are new to exporting; and

“(E) strategies to expand the representation of small business concerns in the formation and implementation of United States trade policy.

“(2) ANNUAL REPORT TO CONGRESS.—At the beginning of each fiscal year, the Associate Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the small business trade strategy required under paragraph (1), which shall contain, at a minimum—

“(A) a description of each strategy and recommendation described in paragraph (1);

“(B) specific policies and objectives, together with timelines for the implementation of such policies and objectives; and

“(C) a description of the progress of the Administration in implementing the strategies and recommendations contained in the report submitted for the preceding fiscal year.”.

TITLE IV—ACCESS TO MENTORING, EDUCATION, AND STRATEGIC PARTNERSHIPS

Subtitle A—Measuring the Effectiveness of Resource Partners

SEC. 411. EXPANDING ENTREPRENEURSHIP.

Section 4 of the Small Business Act (15 U.S.C. 633), as amended by this division, is amended by adding at the end the following:

“(h) MANAGEMENT AND DIRECTION.—

“(1) PLAN FOR ENTREPRENEURIAL DEVELOPMENT AND JOB CREATION STRATEGY.—

“(A) PLAN REQUIRED.—The Administrator, in consultation with a representative from each entrepreneurial development program of the Administration, shall develop and submit to Congress a plan for using the entrepreneurial development programs of the Administration to create jobs during fiscal years 2013 and 2014.

“(B) CONTENTS OF PLAN.—The plan required under subparagraph (A) shall—

“(i) include the plan of the Administrator for using existing programs, including small business development centers, women’s business centers, the Service Corps of Retired Executives authorized by section 8(b)(1), Veterans Business Outreach Centers, and programs of the Office of Native American Affairs, to create jobs;

“(ii) identify a strategy for each region of the Administration to use programs of the Administration to create or retain jobs in the region; and

“(iii) establish performance measures and criteria, including goals for job creation, job retention, and job retraining, to evaluate the success of the plan.

“(2) DATA COLLECTION PROCESS.—

“(A) IN GENERAL.—The Administrator shall, after notice and opportunity for comment, promulgate a rule to develop and implement a consistent data collection process for the entrepreneurial development programs.

“(B) CONTENTS.—The data collection process developed under subparagraph (A) shall collect data relating to job creation and performance and any other data determined appropriate by the Administrator.

“(3) COORDINATION AND ALIGNMENT OF SBA ENTREPRENEURIAL DEVELOPMENT PROGRAMS.—The Administrator, in consultation with other Federal departments and agencies as the Administrator determines is appropriate, shall submit an annual report to Congress describing opportunities to foster coordination of, limit duplication among, and improve program delivery for Federal entrepreneurial development programs.

“(4) DATABASE OF ENTREPRENEURIAL DEVELOPMENT SERVICE PROVIDERS.—

“(A) ESTABLISHMENT.—After providing a period of 60 days for public comment, the Administrator shall—

“(i) establish a database of providers of entrepreneurial development services; and

“(ii) make the database available through the website of the Administration.

“(B) SEARCHABILITY.—The database established under subparagraph (A) shall be searchable by industry, geographic location, and service required.

“(5) COMMUNITY SPECIALIST.—

“(A) DESIGNATION.—The Administrator shall designate not fewer than 1 staff member in each district office of the Administration as a community specialist whose full-time responsibility is working with local providers of entrepreneurial development services to increase coordination with Federal entrepreneurial development programs.

“(B) PERFORMANCE.—The Administrator shall develop benchmarks for measuring the

performance of community specialists under this paragraph.”.

Subtitle B—Women's Small Business Ownership

SEC. 421. SHORT TITLE.

This subtitle may be cited as the “Women's Small Business Ownership Act of 2012”.

SEC. 422. DEFINITION.

In this subtitle, the term “Administrator” means the Administrator of the Small Business Administration.

SEC. 423. OFFICE OF WOMEN'S BUSINESS OWNERSHIP.

(a) IN GENERAL.—Section 29(g) of the Small Business Act (15 U.S.C. 656(g)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B)—

(i) in clause (i), by striking “in the areas” and all that follows through the end of subclause (I), and inserting the following: “to address issues concerning the management, operations, manufacturing, technology, finance, retail and product sales, international trade, Government contracting, and other disciplines required for—

“(I) starting, operating, and increasing the business of a small business concern;”; and

(ii) in clause (ii), by striking “Women's Business Center program” each place that term appears and inserting “women's business center program”; and

(B) in subparagraph (C), by inserting before the period at the end the following: “, the National Women's Business Council, and any association of women's business centers”; and

(2) by adding at the end the following:

“(3) TRAINING.—The Administrator may provide annual programmatic and financial examination training for women's business ownership representatives and district office technical representatives of the Administration to enable representatives to carry out their responsibilities.

“(4) PROGRAM AND TRANSPARENCY IMPROVEMENTS.—The Administrator shall maximize the transparency of the women's business center financial assistance proposal process and the programmatic and financial examination process by—

“(A) providing public notice of any announcement for financial assistance under subsection (b) or a grant under subsection (I) not later than the end of the first quarter of each fiscal year;

“(B) in the announcement described in subparagraph (A), outlining award and program evaluation criteria and describing the weighting of the criteria for financial assistance under subsection (b) and grants under subsection (I);

“(C) minimizing paperwork and reporting requirements for applicants for and recipients of financial assistance under this section;

“(D) standardizing the programmatic and financial examination process; and

“(E) providing to each women's business center, not later than 60 days after the completion of a site visit to the women's business center (whether conducted for an audit, performance review, or other reason), a copy of any site visit reports or evaluation reports prepared by district office technical representatives or officers or employees of the Administration.”.

(b) CHANGE OF TITLE.—

(1) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(A) in subsection (a)—

(i) by striking paragraphs (1) and (4);

(ii) by redesignating paragraphs (2) and (3) as paragraphs (4) and (5), respectively; and

(iii) by inserting before paragraph (4), as so redesignated, the following:

“(2) the term ‘Director’ means the Director of the Office of Women's Business Ownership established under subsection (g);”;

(B) by striking “Assistant Administrator” each place that term appears and inserting “Director”; and

(C) in subsection (g)(2), in the paragraph heading, by striking “ASSISTANT ADMINISTRATOR” and inserting “DIRECTOR”.

(2) WOMEN'S BUSINESS OWNERSHIP ACT OF 1988.—Title IV of the Women's Business Ownership Act of 1988 (15 U.S.C. 7101 et seq.) is amended—

(A) in section 403(a)(2)(B), by striking “Assistant Administrator” and inserting “Director”; and

(B) in section 405, by striking “Assistant Administrator” and inserting “Director”; and

(C) in section 406(c), by striking “Assistant Administrator” and inserting “Director”.

SEC. 424. WOMEN'S BUSINESS CENTER PROGRAM.

(a) WOMEN'S BUSINESS CENTER FINANCIAL ASSISTANCE.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(1) in subsection (a), as amended by section 423(b) of this division—

(A) by inserting before paragraph (2) the following:

“(1) the term ‘association of women's business centers’ means an organization—

“(A) that represents not less than 51 percent of the women's business centers that participate in a program under this section; and

“(B) whose primary purpose is to represent women's business centers;”;

(B) by inserting after paragraph (2) the following:

“(3) the term ‘eligible entity’ means—

“(A) a private nonprofit organization;

“(B) a State, regional, or local economic development organization;

“(C) a development, credit, or finance corporation chartered by a State;

“(D) a junior or community college, as defined in section 312(f) of the Higher Education Act of 1965 (20 U.S.C. 1058(f)); or

“(E) any combination of entities listed in subparagraphs (A) through (D);”; and

(C) by adding after paragraph (5) the following:

“(6) the term ‘women's business center’ means a project conducted by an eligible entity under this section.”;

(2) in subsection (b)—

(A) by redesignating paragraphs (1), (2), and (3) as subparagraphs (A), (B), and (C), and adjusting the margins accordingly;

(B) by striking “The Administration” and all that follows through “5-year projects” and inserting the following:

“(1) IN GENERAL.—The Administration may provide financial assistance to an eligible entity to conduct a project under this section”; (C) by striking “The projects shall” and inserting the following:

“(2) USE OF FUNDS.—The project shall be designed to provide training and counseling that meets the needs of women, especially socially and economically disadvantaged women, and shall”; and

(D) by adding at the end the following:

“(3) AMOUNT OF FINANCIAL ASSISTANCE.—

“(A) IN GENERAL.—The Administrator may award financial assistance under this subsection of not less than \$100,000 and not more than \$150,000 per year.

“(B) LOWER AMOUNT.—The Administrator may award financial assistance under this subsection to a recipient in an amount that is less than \$100,000 if the Administrator de-

termines that the recipient is unable to make a non-Federal contribution of \$100,000 or more, as required under subsection (c).

“(C) EQUAL ALLOCATIONS.—If the Administration has insufficient funds to provide financial assistance of not less than \$100,000 for each recipient of financial assistance under this subsection in any fiscal year, the Administrator shall provide an equal amount of financial assistance to each recipient in the fiscal year, unless a recipient requests a lower amount than the allocated amount.

“(4) CONSULTATION WITH ASSOCIATIONS OF WOMEN'S BUSINESS CENTERS.—The Administrator shall consult with each association of women's business centers to develop—

“(A) a training program for the staff of women's business centers and the Administration; and

“(B) recommendations to improve the policies and procedures for governing the general operations and administration of the women's business center program, including grant program improvements under subsection (g)(4).”; (3) in subsection (c)—

(A) in paragraph (1) by striking “the recipient organization” and inserting “an eligible entity”; (B) in paragraph (3), in the second sentence, by striking “a recipient organization” and inserting “an eligible entity”; (C) in paragraph (4)—

(i) by striking “recipient of assistance” and inserting “eligible entity”; (ii) by striking “such organization” and inserting “the eligible entity”; and (iii) by striking “recipient” and inserting “eligible entity”; and

(D) in paragraph (5)—

(i) in subparagraph (A), by striking “a recipient organization” and inserting “an eligible entity”; and

(ii) by striking “the recipient organization” each place it appears and inserting “the eligible entity”; and

(E) by adding at end the following:

“(6) SEPARATION OF PROJECT AND FUNDS.—An eligible entity shall—

“(A) carry out a project under this section separately from other projects, if any, of the eligible entity; and

“(B) separately maintain and account for any financial assistance under this section.”;

(4) in subsection (e)—

(A) by striking “applicant organization” and inserting “eligible entity”; (B) by striking “a recipient organization” and inserting “an eligible entity”; and

(C) by striking “site”; (5) by striking subsection (f) and inserting the following:

“(f) APPLICATIONS AND CRITERIA FOR INITIAL FINANCIAL ASSISTANCE.—

“(1) APPLICATION.—Each eligible entity desiring financial assistance under subsection (b) shall submit to the Administrator an application that contains—

“(A) a certification that the eligible entity—

“(i) has designated an executive director or program manager, who may be compensated using financial assistance under subsection (b) or other sources, to manage the center on a full-time basis;

“(ii) as a condition of receiving financial assistance under subsection (b), agrees—

“(I) to receive a site visit by the Administrator as part of the final selection process;

“(II) to undergo an annual programmatic and financial examination; and

“(III) to the maximum extent practicable, to remedy any problems identified pursuant to the site visit or examination under subclause (I) or (II); and

“(iii) meets the accounting and reporting requirements established by the Director of the Office of Management and Budget;

“(B) information demonstrating that the eligible entity has the ability and resources to meet the needs of the market to be served by the women’s business center for which financial assistance under subsection (b) is sought, including the ability to obtain the non-Federal contribution required under subsection (c);

“(C) information relating to the assistance to be provided by the women’s business center for which financial assistance under subsection (b) is sought in the area in which the women’s business center is located;

“(D) information demonstrating the experience and effectiveness of the eligible entity in—

“(i) conducting financial, management, and marketing assistance programs, as described in subsection (b)(2), which are designed to teach or upgrade the business skills of women who are business owners or potential business owners;

“(ii) providing training and services to a representative number of women who are socially and economically disadvantaged; and

“(iii) working with resource partners of the Administration and other entities, such as universities; and

“(E) a 5-year plan that describes the ability of the women’s business center for which financial assistance is sought—

“(i) to serve women who are business owners or potential business owners by conducting training and counseling activities; and

“(ii) to provide training and services to a representative number of women who are socially and economically disadvantaged.

“(2) ADDITIONAL INFORMATION.—The Administrator shall make any request for additional information from an organization applying for financial assistance under subsection (b) that was not requested in the original announcement in writing.

“(3) REVIEW AND APPROVAL OF APPLICATIONS FOR INITIAL FINANCIAL ASSISTANCE.—

“(A) IN GENERAL.—The Administrator shall—

“(i) review each application submitted under paragraph (1), based on the information described in such paragraph and the criteria set forth under subparagraph (B) of this paragraph; and

“(ii) to the extent practicable, as part of the final selection process, conduct a site visit to each women’s business center for which financial assistance under subsection (b) is sought.

“(B) SELECTION CRITERIA.—

“(i) IN GENERAL.—The Administrator shall evaluate applicants for financial assistance under subsection (b) in accordance with selection criteria that are—

“(I) established before the date on which applicants are required to submit the applications;

“(II) stated in terms of relative importance; and

“(III) publicly available and stated in each solicitation for applications for financial assistance under subsection (b) made by the Administrator.

“(ii) REQUIRED CRITERIA.—The selection criteria for financial assistance under subsection (b) shall include—

“(I) the experience of the applicant in conducting programs or ongoing efforts designed to teach or enhance the business skills of women who are business owners or potential business owners;

“(II) the ability of the applicant to begin a project within a minimum amount of time;

“(III) the ability of the applicant to provide training and services to a representative number of women who are socially and economically disadvantaged; and

“(IV) the location for the women’s business center proposed by the applicant, including whether the applicant is located in a State in which there is not a women’s business center receiving funding from the Administration.

“(C) PROXIMITY.—If the principal place of business of an applicant for financial assistance under subsection (b) is located less than 50 miles from the principal place of business of a women’s business center that received funds under this section on or before the date of the application, the applicant shall not be eligible for the financial assistance, unless the applicant submits a detailed written justification of the need for an additional center in the area in which the applicant is located.

“(D) RECORD RETENTION.—The Administrator shall maintain a copy of each application submitted under this subsection for not less than 7 years.”; and

(6) in subsection (m)—

(A) by striking paragraph (3) and inserting the following:

“(3) APPLICATION AND APPROVAL FOR RENEWAL GRANTS.—

“(A) SOLICITATION OF APPLICATIONS.—The Administrator shall solicit applications and award grants under this subsection for the first fiscal year beginning after the date of enactment of the Women’s Small Business Ownership Act of 2012, and every third fiscal year thereafter.

“(B) CONTENTS OF APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit to the Administrator an application that contains—

“(i) a certification that the applicant—

“(I) is an eligible entity;

“(II) has designated a full-time executive director or program manager to manage the women’s business center operated by the applicant; and

“(III) as a condition of receiving a grant under this subsection, agrees—

“(aa) to receive a site visit as part of the final selection process;

“(bb) to submit, for the 2 full fiscal years before the date on which the application is submitted, annual programmatic and financial examination reports or certified copies of the compliance supplemental audits under OMB Circular A-133 of the applicant; and

“(cc) to remedy any problem identified pursuant to the site visit or examination under item (aa) or (bb);

“(ii) information demonstrating that the applicant has the ability and resources to meet the needs of the market to be served by the women’s business center for which a grant under this subsection is sought, including the ability to obtain the non-Federal contribution required under paragraph (4)(C);

“(iii) information relating to assistance to be provided by the women’s business center in the area served by the women’s business center for which a grant under this subsection is sought;

“(iv) information demonstrating that the applicant has worked with resource partners of the Administration and other entities;

“(v) a 3-year plan that describes the ability of the women’s business center for which a grant under this subsection is sought—

“(I) to serve women who are business owners or potential business owners by conducting training and counseling activities; and

“(II) to provide training and services to a representative number of women who are socially and economically disadvantaged; and

“(vi) any additional information that the Administrator may reasonably require.

“(C) REVIEW AND APPROVAL OF APPLICATIONS FOR GRANTS.—

“(i) IN GENERAL.—The Administrator shall—

“(I) review each application submitted under subparagraph (B), based on the information described in such subparagraph and the criteria set forth under clause (ii) of this subparagraph; and

“(II) whenever practicable, as part of the final selection process, conduct a site visit to each women’s business center for which a grant under this subsection is sought.

“(ii) SELECTION CRITERIA.—

“(I) IN GENERAL.—The Administrator shall evaluate applicants for grants under this subsection in accordance with selection criteria that are—

“(aa) established before the date on which applicants are required to submit the applications;

“(bb) stated in terms of relative importance; and

“(cc) publicly available and stated in each solicitation for applications for grants under this subsection made by the Administrator.

“(II) REQUIRED CRITERIA.—The selection criteria for a grant under this subsection shall include—

“(aa) the total number of entrepreneurs served by the applicant;

“(bb) the total number of new startup companies assisted by the applicant;

“(cc) the percentage of clients of the applicant that are socially or economically disadvantaged; and

“(dd) the percentage of individuals in the community served by the applicant who are socially or economically disadvantaged.

“(iii) CONDITIONS FOR CONTINUED FUNDING.—In determining whether to make a grant under this subsection, the Administrator—

“(I) shall consider the results of the most recent evaluation of the women’s business center for which a grant under this subsection is sought, and, to a lesser extent, previous evaluations; and

“(II) may withhold a grant under this subsection, if the Administrator determines that the applicant has failed to provide the information required to be provided under this paragraph, or the information provided by the applicant is inadequate.

“(D) NOTIFICATION.—Not later than 60 days after the date of each deadline to submit applications, the Administrator shall approve or deny any application under this paragraph and notify the applicant for each such application of the approval or denial.

“(E) RECORD RETENTION.—The Administrator shall maintain a copy of each application submitted under this paragraph for not less than 7 years.”; and

(B) by striking paragraph (5) and inserting the following:

“(5) AWARD TO PREVIOUS RECIPIENTS.—There shall be no limitation on the number of times the Administrator may award a grant to an applicant under this subsection.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended—

(A) in subsection (h)(2), by striking “to award a contract (as a sustainability grant) under subsection (l) or”;

(B) in subsection (j)(1), by striking “The Administration” and inserting “Not later

than November 1 of each year, the Administrator”;

(C) in subsection (k)—

(i) by striking paragraphs (1), (2), and (4);

(ii) by redesignating paragraph (3) as paragraph (4); and

(iii) by inserting before paragraph (4), as so redesignated, the following:

“(1) IN GENERAL.—There are authorized to be appropriated to the Administration to carry out this section, to remain available until expended, \$14,500,000 for each of fiscal years 2013, 2014, and 2015.

“(2) USE OF FUNDS.—Amounts made available under this subsection may only be used for grant awards and may not be used for costs incurred by the Administration in connection with the management and administration of the program under this section.

“(3) CONTINUING GRANT AND COOPERATIVE AGREEMENT AUTHORITY.—

“(A) PROMPT DISBURSEMENT.—Upon receiving funds to carry out this section for a fiscal year, the Administrator shall, to the extent practicable, promptly reimburse funds to any women’s business center awarded financial assistance under this section if the center meets the eligibility requirements under this section.

“(B) SUSPENSION OR TERMINATION.—If the Administrator has entered into a grant or cooperative agreement with a women’s business center under this section, the Administrator may not suspend or terminate the grant or cooperative agreement, unless the Administrator—

“(i) provides the women’s business center with written notification setting forth the reasons for that action; and

“(ii) affords the women’s business center an opportunity for a hearing, appeal, or other administrative proceeding under chapter 5 of title 5, United States Code.”;

(D) in subsection (m)—

(i) in paragraph (2), by striking “subsection (b) or (1)” and inserting “this subsection or subsection (b)”;

(ii) in paragraph (4)(D), by striking “or subsection (1)”;

(E) by redesignating subsections (m) and (n), as amended by this division, as subsections (1) and (m), respectively.

(2) PROSPECTIVE REPEAL.—Section 1401(c)(2) of the Small Business Jobs Act of 2010 (15 U.S.C. 636 note) is amended—

(A) in subparagraph (A), by striking “and” at the end;

(B) in subparagraph (B), by striking the period at the end and inserting “; and”;

(C) by adding at the end the following:

“(C) by redesignating paragraph (6), as added by section 424(a)(3)(E) of the Women’s Small Business Ownership Act of 2012, as paragraph (5).”

(c) EFFECT ON EXISTING GRANTS.—

(1) TERMS AND CONDITIONS.—A nonprofit organization receiving a grant under section 29(m) of the Small Business Act (15 U.S.C. 656(m)), as in effect on the day before the date of enactment of this Act, shall continue to receive the grant under the terms and conditions in effect for the grant on the day before the date of enactment of this Act, except that the nonprofit organization may not apply for a renewal of the grant under section 29(m)(5) of the Small Business Act (15 U.S.C. 656(m)(5)), as in effect on the day before the date of enactment of this Act.

(2) LENGTH OF RENEWAL GRANT.—The Administrator may award a grant under section 29(1) of the Small Business Act, as so redesignated by subsection (b)(1)(E) of this section, to a nonprofit organization receiving a grant under section 29(m) of the Small Business

Act (15 U.S.C. 656(m)), as in effect on the day before the date of enactment of this Act, for the period—

(A) beginning on the day after the last day of the grant agreement under such section 29(m); and

(B) ending at the end of the third fiscal year beginning after the date of enactment of this Act.

SEC. 425. STUDY AND REPORT ON ECONOMIC ISSUES FACING WOMEN’S BUSINESS CENTERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a broad study of the unique economic issues facing women’s business centers located in covered areas to identify—

(1) the difficulties such centers face in raising non-Federal funds;

(2) the difficulties such centers face in competing for financial assistance, non-Federal funds, or other types of assistance;

(3) the difficulties such centers face in writing grant proposals; and

(4) other difficulties such centers face because of the economy in the type of covered area in which such centers are located.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study under subsection (a), which shall include recommendations, if any, regarding how to—

(1) address the unique difficulties women’s business centers located in covered areas face because of the type of covered area in which such centers are located;

(2) expand the presence of, and increase the services provided by, women’s business centers located in covered areas; and

(3) best use technology and other resources to better serve women business owners located in covered areas.

(c) DEFINITION OF COVERED AREA.—In this section, the term “covered area” means—

(1) any State that is predominantly rural, as determined by the Administrator;

(2) any State that is predominantly urban, as determined by the Administrator; and

(3) any State or territory that is an island.

SEC. 426. STUDY AND REPORT ON OVERSIGHT OF WOMEN’S BUSINESS CENTERS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the oversight of women’s business centers by the Administrator, which shall include—

(1) an analysis of the coordination by the Administrator of the activities of women’s business centers with the activities of small business development centers, the Service Corps of Retired Executives, and Veterans Business Outreach Centers;

(2) a comparison of the types of individuals and small business concerns served by women’s business centers and the types of individuals and small business concerns served by small business development centers, the Service Corps of Retired Executives, and Veterans Business Outreach Centers; and

(3) an analysis of performance data for women’s business centers that evaluates how well women’s business centers are carrying out the mission of women’s business centers and serving individuals and small business concerns.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to Congress a report containing the results of the study under subsection (a), which shall include recommendations, if any, for eliminating the duplication of services provided by women’s business centers, small business development centers, the Service Corps of Retired Execu-

tives, and Veterans Business Outreach Centers.

Subtitle C—Strengthening America’s Small Business Development Centers

SEC. 431. INSTITUTIONS OF HIGHER EDUCATION.

Section 21 of the Small Business Act (15 U.S.C. 648) is amended—

(1) in subsection (a)(1), by striking “: *Provided*, That” and all that follows through “on such date.” and inserting the following: “. On and after December 31, 2013, the Administrator may only make a grant under this paragraph to an applicant that is an institution of higher education, as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), that is accredited (and not merely in preaccreditation status) by a nationally recognized accrediting agency or association recognized by the Secretary of Education for such purpose in accordance with section 496 of that Act (20 U.S.C. 1099b).”; and

(2) in subsection (c)(3)(K), by inserting “public and private institutions of higher education (including universities, community colleges, and junior colleges),” before “local and regional private consultants”.

SEC. 432. UPDATING FUNDING LEVELS FOR SMALL BUSINESS DEVELOPMENT CENTERS.

(a) MINIMUM FUNDING LEVELS.—Section 21(a)(4)(C) of the Small Business Act (15 U.S.C. 648(a)(4)(C)) is amended—

(1) in clause (iii)—

(A) by striking “\$90,000,000” each place that term appears and inserting “\$98,500,000”;

(B) by striking “\$81,500,000” each place that term appears and inserting “\$90,000,000”;

(C) by striking “\$500,000” each place that term appears and inserting “\$600,000”;

(2) in clause (v)(II), by striking “if the usage” and all that follows through the end of the subclause and inserting a period; and

(3) in clause (v), by striking subclause (I) and inserting the following:

“(I) IN GENERAL.—Of the amounts made available in any fiscal year to carry out this section—

“(aa) not more than \$50,000 may be used by the Administration to pay the expenses enumerated in subparagraph (B) of section 20(a)(1);

“(bb) not more than \$500,000 may be used by the Administration to pay the expenses enumerated in subparagraph (C) of section 20(a)(1); and

“(cc) not more than \$250,000 may be used by the Administration to pay the expenses enumerated in subparagraph (D) of section 20(a)(1).”

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 21(a)(4)(C)(vii) of the Small Business Act (15 U.S.C. 648(a)(4)(C)(vii)) is amended to read as follows:

“(vii) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subparagraph—

“(I) \$135,000,000 for fiscal year 2013;

“(II) \$135,000,000 for fiscal year 2014; and

“(III) \$135,000,000 for fiscal year 2015.”

SEC. 433. ASSISTANCE TO OUT-OF-STATE SMALL BUSINESSES.

Section 21(b)(3) of the Small Business Act (15 U.S.C. 648(b)(3)) is amended—

(1) by striking “(3) At the discretion” and inserting the following:

“(3) ASSISTANCE TO OUT-OF-STATE SMALL BUSINESSES.—

“(A) IN GENERAL.—At the discretion”; and

(2) by adding at the end the following:

“(B) DISASTER RECOVERY ASSISTANCE.—

“(i) IN GENERAL.—At the discretion of the Administrator, the Administrator may authorize a small business development center to provide assistance, as described in subsection (c), to small business concerns located outside of the State, without regard to geographic proximity, if the small business concerns are located in an area for which the President has declared a major disaster under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170), during the period of the declaration.

“(ii) CONTINUITY OF SERVICES.—A small business development center that provides counselors to an area described in clause (i) shall, to the maximum extent practicable, ensure continuity of services in any State in which the small business development center otherwise provides services.

“(iii) ACCESS TO DISASTER RECOVERY FACILITIES.—For purposes of this subparagraph, the Administrator shall, to the maximum extent practicable, permit the personnel of a small business development center to use any site or facility designated by the Administrator for use to provide disaster recovery assistance.”.

SEC. 434. TERMINATION OF SMALL BUSINESS DEVELOPMENT CENTER DEFENSE ECONOMIC TRANSITION ASSISTANCE.

(a) IN GENERAL.—Section 21(c)(3) of the Small Business Act (15 U.S.C. 648(c)(3)) is amended—

(1) by striking subparagraph (G); and
(2) by redesignating subparagraphs (H) through (T) as subparagraphs (G) through (S), respectively.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 21(a) of the Small Business Act (15 U.S.C. 648(a)) is amended—

(1) in paragraph (4)(C)(vi), by striking “or (c)(3)(G)”;

(2) in paragraph (6), by striking “subparagraphs (B) through (G) of subsection (c)(3)” and inserting “subparagraphs (B) through (F) of subsection (c)(3)”.

(c) EXISTING GRANTS.—Nothing in this section shall affect any grant made to a small business development center before the date of enactment of this Act under section 21(c)(3)(G) of the Small Business Act (15 U.S.C. 648(c)(3)(G)), as in effect on the day before the date of enactment of this Act, and any such grant shall be subject to such section 21(c)(3)(G), as in effect on the day before the date of enactment of this Act.

SEC. 435. NATIONAL SMALL BUSINESS DEVELOPMENT CENTER ADVISORY BOARD.

(a) IN GENERAL.—Section 21(i)(1) of the Small Business Act (15 U.S.C. 648(i)(1)) is amended—

(1) in the first sentence, by striking “nine members” and inserting “10 members”;

(2) in the second sentence, by striking “six” and inserting “the members who are not from universities or their affiliates”;

(3) by striking the third sentence; and
(4) in the fourth sentence—

(A) by striking “Succeeding Boards” and inserting “The members of the Board”; and
(B) by inserting “not less than” before “one-third”.

(b) INCUMBENTS.—An individual serving as a member of the National Small Business Development Center Advisory Board on the date of enactment of this Act may continue to serve on the Board until the end of the term of the member under section 21(i)(1) of the Small Business Act (15 U.S.C. 648(i)(1)), as in effect on the day before such date of enactment.

SEC. 436. REPEAL OF PAUL D. COVERDELL DRUG-FREE WORKPLACE PROGRAM.

Section 27 of the Small Business Act (15 U.S.C. 654) is repealed.

Subtitle D—Terminating the National Veterans Business Development Corporation
SEC. 441. NATIONAL VETERANS BUSINESS DEVELOPMENT CORPORATION.

(a) IN GENERAL.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by striking section 33 (15 U.S.C. 657c).

(b) CORPORATION.—On and after the date of enactment of this Act, the National Veterans Business Development Corporation and any successor thereto may not represent that the corporation is federally chartered or in any other manner authorized by the Federal Government.

(c) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SMALL BUSINESS ACT.—The Small Business Act (15 U.S.C. 631 et seq.), as amended by this section, is amended—

(A) by redesignating sections 34 through 45 as sections 33 through 44, respectively;

(B) in section 9(k)(1)(D) (15 U.S.C. 638(k)(1)(D)), by striking “section 34(d)” and inserting “section 33(d)”;

(C) in section 33 (15 U.S.C. 657d), as so redesignated—

(i) by striking “section 35” each place it appears and inserting “section 34”;

(ii) in subsection (a)—
(I) in paragraph (2), by striking “section 35(c)(2)(B)” and inserting “section 34(c)(2)(B)”;

(II) in paragraph (4), by striking “section 35(c)(2)” and inserting “section 34(c)(2)”;

(III) in paragraph (5), by striking “section 35(c)” and inserting “section 34(c)”;

(iv) in subsection (h)(2), by striking “section 35(d)” and inserting “section 34(d)”;

(D) in section 34 (15 U.S.C. 657e), as so redesignated—

(i) by striking “section 34” each place it appears and inserting “section 33”;

(ii) in subsection (c)(1), by striking section “34(c)(1)(E)(ii)” and inserting section “33(c)(1)(E)(ii)”;

(E) in section 36(d) (15 U.S.C. 657i(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(F) in section 39(d) (15 U.S.C. 657l(d)), as so redesignated, by striking “section 43” and inserting “section 42”;

(G) in section 40(b) (15 U.S.C. 657m(b)), as so redesignated, by striking “section 43” and inserting “section 42”.

(2) TITLE 10.—Section 1142(b)(13) of title 10, United States Code, is amended by striking “and the National Veterans Business Development Corporation”.

(3) TITLE 38.—Section 3452(h) of title 38, United States Code, is amended by striking “any of the” and all that follows and inserting “any small business development center described in section 21 of the Small Business Act (15 U.S.C. 648), insofar as such center offers, sponsors, or cosponsors an entrepreneurship course, as that term is defined in section 3675(c)(2).”.

(4) FOOD, CONSERVATION, AND ENERGY ACT OF 2008.—Section 12072(c)(2) of the Food, Conservation, and Energy Act of 2008 (15 U.S.C. 636g(c)(2)) is amended by striking “section 43 of the Small Business Act, as added by this Act” and inserting “section 42 of the Small Business Act (15 U.S.C. 657o)”.

(5) VETERANS ENTREPRENEURSHIP AND SMALL BUSINESS DEVELOPMENT ACT OF 1999.—Section 203(c)(5) of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking “In cooperation with the Na-

tional Veterans Business Development Corporation, develop” and inserting “Develop”.

TITLE V—ACCESS TO GOVERNMENT CONTRACTING

Subtitle A—Bonds

SEC. 511. REMOVAL OF SUNSET DATES FOR CERTAIN PROVISIONS OF THE SMALL BUSINESS INVESTMENT ACT OF 1958.

(a) MAXIMUM BOND AMOUNT.—Section 411(a)(1) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(a)(1)) is amended by striking “does not exceed” and all that follows and inserting “does not exceed \$5,000,000.”.

(b) DENIAL OF LIABILITY.—Section 411(e)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 694b(e)(2)) is amended by striking “bonds exceeds” and all that follows and inserting “bonds exceeds \$5,000,000.”.

Subtitle B—Small Business Contracting Fraud Prevention

SEC. 521. SHORT TITLE.

This subtitle may be cited as the “Small Business Contracting Fraud Prevention Act of 2012”.

SEC. 522. DEFINITIONS.

In this subtitle—

(1) the term “8(a) program” means the program under section 8(a) of the Small Business Act (15 U.S.C. 637(a));

(2) the terms “Administration” and “Administrator” mean the Small Business Administration and the Administrator thereof, respectively;

(3) the terms “HUBZone” and “HUBZone small business concern” and “HUBZone map” have the meanings given those terms in section 3(p) of the Small Business Act (15 U.S.C. 632(p)), as amended by this division; and

(4) the term “recertification” means a determination by the Administrator that a business concern that was previously determined to be a qualified HUBZone small business concern is a qualified HUBZone small business concern under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)).

SEC. 523. FRAUD DETERRENCE AT THE SMALL BUSINESS ADMINISTRATION.

Section 16 of the Small Business Act (15 U.S.C. 645) is amended—

(1) in subsection (d)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking “Whoever” and all that follows through “oneself or another” and inserting the following: “A person shall be subject to the penalties and remedies described in paragraph (2) if the person misrepresents the status of any concern or person as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans, in order to obtain for any person”;

(ii) by amending subparagraph (A) to read as follows:

“(A) prime contract, subcontract, grant, or cooperative agreement to be awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 35;”;

(iii) by striking subparagraph (B);

(iv) by redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and

(v) in subparagraph (C), as so redesignated, by striking “, shall be” and all that follows and inserting a period;

(B) in paragraph (2)—

(i) by redesignating subparagraphs (C) and (D) as subparagraphs (D) and (E), respectively; and

(ii) by inserting after subparagraph (B) the following:

“(C) be subject to the civil remedies under subchapter III of chapter 37 of title 31, United States Code (commonly known as the ‘False Claims Act’);” and

(C) by adding at the end the following:

“(3)(A) In the case of a violation of paragraph (1)(A) or subsection (g) or (h), for purposes of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the amount that the Federal Government paid to the person that received a contract, grant, or cooperative agreement described in paragraph (1)(A), (g), or (h), respectively.

“(B) In the case of a violation of subparagraph (B) or (C) of paragraph (1), for the purpose of a proceeding described in subparagraph (A) or (C) of paragraph (2), the amount of the loss to the Federal Government or the damages sustained by the Federal Government, as applicable, shall be an amount equal to the portion of any payment by the Federal Government under a prime contract that was used for a subcontract described in subparagraph (B) or (C) of paragraph (1), respectively.

“(C) In a proceeding described in subparagraph (A) or (B), no credit shall be applied against any loss or damages to the Federal Government for the fair market value of the property or services provided to the Federal Government.”;

(2) by striking subsection (e) and inserting the following:

“(e) Any representation of the status of any concern or person as a small business concern, a HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans, in order to obtain any prime contract, subcontract, grant, or cooperative agreement described in subsection (d)(1) shall be made in writing or through the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto.”; and

(3) by adding at the end the following:

“(g) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person misrepresents the status of any concern or person as a small business concern, a qualified HUBZone small business concern, a small business concern owned and controlled by socially and economically disadvantaged individuals, a small business concern owned and controlled by women, or a small business concern owned and controlled by service-disabled veterans—

“(1) in order to allow any person to participate in any program of the Administration; or

“(2) in relation to a protest of a contract award or proposed contract award made under regulations issued by the Administration.

“(h)(1) A person that submits a request for payment on a contract or subcontract that is awarded under subsection (a) or (m) of section 8, or section 9, 15, 31, or 35, shall be deemed to have submitted a certification that the person complied with regulations

issued by the Administration governing the percentage of work that the person is required to perform on the contract or subcontract, unless the person states, in writing, that the person did not comply with the regulations.

“(2) A person shall be subject to the penalties and remedies described in subsection (d)(2) if the person—

“(A) uses the services of a business other than the business awarded the contract or subcontract to perform a greater percentage of work under a contract than is permitted by regulations issued by the Administration; or

“(B) willfully participates in a scheme to circumvent regulations issued by the Administration governing the percentage of work that a contractor is required to perform on a contract.”.

SEC. 524. VETERANS INTEGRITY IN CONTRACTING.

(a) DEFINITION.—Section 3(q)(1) of the Small Business Act (15 U.S.C. 632(q)(1)) is amended by striking “means a veteran” and all that follows and inserting the following: “means—

“(A) a veteran with a service-connected disability rated by the Secretary of Veterans Affairs as zero percent or more disabling; or

“(B) a former member of the Armed Forces who is retired, separated, or placed on the temporary disability retired list for physical disability under chapter 61 of title 10, United States Code.”.

(b) VETERANS CONTRACTING.—Section 4 of the Small Business Act (15 U.S.C. 633), as amended by this division, is amended by adding at the end the following:

“(i) VETERAN STATUS.—

“(1) IN GENERAL.—A business concern seeking status as a small business concern owned and controlled by service-disabled veterans shall—

“(A) submit an annual certification indicating that the business concern is a small business concern owned and controlled by service-disabled veterans by means of the Online Representations and Certifications Application process required under section 4.1201 of the Federal Acquisition Regulation, or any successor thereto; and

“(B) register with—

“(i) the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation, or any successor thereto; and

“(ii) the VetBiz database of the Department of Veterans Affairs, or any successor thereto.

“(2) VERIFICATION OF STATUS.—

“(A) VETERANS AFFAIRS.—The Secretary of Veterans Affairs shall determine whether a business concern registered with the VetBiz database of the Department of Veterans Affairs, or any successor thereto, as a small business concern owned and controlled by veterans or a small business concern owned and controlled by service-disabled veterans is owned and controlled by a veteran or a service-disabled veteran, as the case may be.

“(B) FEDERAL AGENCIES GENERALLY.—The head of each Federal agency shall—

“(i) for a sole source contract awarded to a small business concern owned and controlled by service-disabled veterans or a contract awarded with competition restricted to small business concerns owned and controlled by service-disabled veterans under section 35, determine whether a business concern submitting a proposal for the contract is a small business concern owned and controlled by service-disabled veterans; and

“(ii) use the VetBiz database of the Department of Veterans Affairs, or any successor

thereto, in determining whether a business concern is a small business concern owned and controlled by service-disabled veterans.

“(3) DEBARMENT AND SUSPENSION.—If the Administrator determines that a business concern knowingly and willfully misrepresented that the business concern is a small business concern owned and controlled by service-disabled veterans, the Administrator may debar or suspend the business concern from contracting with the United States.”.

(c) INTEGRATION OF DATABASES.—The Administrator for Federal Procurement Policy and the Secretary of Veterans Affairs shall ensure that data is shared on an ongoing basis between the VetBiz database of the Department of Veterans Affairs and the Central Contractor Registration database maintained under subpart 4.11 of the Federal Acquisition Regulation.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendment made by subsection (b) and the requirements under subsection (c) shall take effect on the date on which the Secretary of Veterans Affairs (referred to in this subsection as the “Secretary”) publishes in the Federal Register a determination that the Department of Veterans Affairs has the necessary resources and capacity to carry out the additional responsibility of determining whether small business concerns registered with the VetBiz database of the Department of Veterans Affairs are owned and controlled by a veteran or a service-disabled veteran, as the case may be, in accordance with subsection (i) of section 4 of the Small Business Act (15 U.S.C. 633), as added by subsection (b).

(2) TIMELINE.—If the Secretary determines that the Secretary is not able to publish the determination under paragraph (1) before the date that is 1 year after the date of enactment of this Act, the Secretary shall, not later than 1 year after the date of enactment of this Act, submit a report containing an estimate of the date on which the Secretary will publish the determination under paragraph (1) to the Committee on Small Business and Entrepreneurship and the Committee on Veterans' Affairs of the Senate and the Committee on Small Business and the Committee on Veterans' Affairs of the House of Representatives.

SEC. 525. SECTION 8(a) PROGRAM IMPROVEMENTS.

(a) REVIEW OF EFFECTIVENESS.—Section 8(a) of the Small Business Act (15 U.S.C. 637(a)) is amended by adding at the end the following:

“(22) Not later than 3 years after the date of enactment of this paragraph, and every 3 years thereafter, the Comptroller General of the United States shall—

“(A) conduct an evaluation of the effectiveness of the program under this subsection, including an examination of—

“(i) the number and size of contracts applied for, as compared to the number received by, small business concerns after successfully completing the program;

“(ii) the percentage of small business concerns that continue to operate during the 3-year period beginning on the date on which the small business concerns successfully complete the program;

“(iii) whether the business of small business concerns increases during the 3-year period beginning on the date on which the small business concerns successfully complete the program; and

“(iv) the number of training sessions offered under the program; and

“(B) submit to the Committee on Small Business and Entrepreneurship of the Senate

and the Committee on Small Business of the House of Representatives a report regarding each evaluation under subparagraph (A).”.

(b) OTHER IMPROVEMENTS.—In order to improve the 8(a) program, the Administrator shall—

(1) not later than 90 days after the date of enactment of this Act, begin to—

(A) evaluate the feasibility of—

(i) using additional third-party data sources;

(ii) making unannounced visits of sites that are selected randomly or using risk-based criteria;

(iii) using fraud detection tools, including data-mining techniques; and

(iv) conducting financial and analytical training for the business opportunity specialists of the Administration;

(B) evaluate the feasibility and advisability of amending regulations applicable to the 8(a) program to require that calculations of the adjusted net worth or total assets of an individual include assets held by the spouse of the individual; and

(C) develop a more consistent enforcement strategy that includes the suspension or debarment of contractors that knowingly make misrepresentations in order to qualify for the 8(a) program; and

(2) not later than 1 year after the date on which the Comptroller General submits the report under section 8(a)(22)(B) of the Small Business Act, as added by subsection (c), issue, in final form, proposed regulations of the Administration that—

(A) determine the economic disadvantage of a participant in the 8(a) program based on the income and asset levels of the participant at the time of application and annual recertification for the 8(a) program; and

(B) limit the ability of a small business concern to participate in the 8(a) program if an immediate family member of an owner of the small business concern is, or has been, a participant in the 8(a) program, in the same industry.

SEC. 526. HUBZONE IMPROVEMENTS.

(a) PURPOSE.—The purpose of this section is to reform and improve the HUBZone program of the Administration.

(b) IN GENERAL.—The Administrator shall—

(1) ensure the HUBZone map is—

(A) accurate and up-to-date; and

(B) revised as new data is made available to maintain the accuracy and currency of the HUBZone map;

(2) implement policies for ensuring that only HUBZone small business concerns determined to be qualified under section 3(p)(5) of the Small Business Act (15 U.S.C. 632(p)(5)) are participating in the HUBZone program, including through the appropriate use of technology to control costs and maximize, among other benefits, uniformity, completeness, simplicity, and efficiency;

(3) submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding any application to be designated as a HUBZone small business concern or for recertification for which the Administrator has not made a determination as of the date that is 60 days after the date on which the application was submitted or initiated, which shall include a plan and timetable for ensuring the timely processing of the applications; and

(4) develop measures and implement plans to assess the effectiveness of the HUBZone program that—

(A) require the identification of a baseline point in time to allow the assessment of eco-

nomics development under the HUBZone program, including creating additional jobs; and

(B) take into account—

(i) the economic characteristics of the HUBZone; and

(ii) contracts being counted under multiple socioeconomic subcategories.

(c) EMPLOYMENT PERCENTAGE.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (5), by adding at the end the following:

“(E) EMPLOYMENT PERCENTAGE DURING INTERIM PERIOD.—

“(i) DEFINITION.—In this subparagraph, the term ‘interim period’ means the period beginning on the date on which the Administrator determines that a HUBZone small business concern is qualified under subparagraph (A) and ending on the day before the date on which a contract under the HUBZone program for which the HUBZone small business concern submits a bid is awarded.

“(ii) INTERIM PERIOD.—During the interim period, the Administrator may not determine that the HUBZone small business is not qualified under subparagraph (A) based on a failure to meet the applicable employment percentage under subparagraph (A)(i)(I), unless the HUBZone small business concern—

“(I) has not attempted to maintain the applicable employment percentage under subparagraph (A)(i)(I); or

“(II) does not meet the applicable employment percentage—

“(aa) on the date on which the HUBZone small business concern submits a bid for a contract under the HUBZone program; or

“(bb) on the date on which the HUBZone small business concern is awarded a contract under the HUBZone program.”; and

(2) by adding at the end the following:

“(8) HUBZONE PROGRAM.—The term ‘HUBZone program’ means the program established under section 31.

“(9) HUBZONE MAP.—The term ‘HUBZone map’ means the map used by the Administration to identify HUBZones.”.

(d) REDESIGNATED AREAS.—Section 3(p)(4)(C)(i) of the Small Business Act (15 U.S.C. 632(p)(4)(C)(i)) is amended to read as follows:

“(i) 3 years after the first date on which the Administrator publishes a HUBZone map that is based on the results from the 2010 decennial census; or”.

SEC. 527. ANNUAL REPORT ON SUSPENSION, DEBARMENT, AND PROSECUTION.

The Administrator shall submit an annual report to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives that contains—

(1) the number of debarments from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of debarments that were based on a conviction; and

(B) the number of debarments that were fact-based and did not involve a conviction;

(2) the number of suspensions from participation in programs of the Administration issued by the Administrator during the 1-year period preceding the date of the report, including—

(A) the number of suspensions issued that were based upon indictments; and

(B) the number of suspensions issued that were fact-based and did not involve an indictment;

(3) the number of suspension and debarments issued by the Administrator dur-

ing the 1-year period preceding the date of the report that were based upon referrals from offices of the Administration, other than the Office of Inspector General;

(4) the number of suspension and debarments issued by the Administrator during the 1-year period preceding the date of the report based upon referrals from the Office of Inspector General; and

(5) the number of persons that the Administrator declined to debar or suspend after a referral described in paragraph (8), and the reason for each such decision.

Subtitle C—Fairness in Women-Owned Small Business Contracting

SEC. 531. SHORT TITLE.

This subtitle may be cited as the “Fairness in Women-Owned Small Business Contracting Act of 2012”.

SEC. 532. PROCUREMENT PROGRAM FOR WOMEN-OWNED SMALL BUSINESS CONCERNS.

Section 8(m) of the Small Business Act (15 U.S.C. 637(m)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking “who are economically disadvantaged”;

(B) in subparagraph (C), by striking “paragraph (3)” and inserting “paragraph (4)”;

(C) by striking subparagraph (D); and

(D) by redesignating subparagraphs (E) and (F) as subparagraphs (D) and (E), respectively; and

(2) by adding at the end the following:

“(7) SOLE SOURCE CONTRACTS.—A contracting officer may award a sole source contract under this subsection to a small business concern owned and controlled by women under the same conditions as a sole source contract may be awarded to a qualified HUBZone small business concern under section 31(b)(2)(A).”.

SEC. 533. STUDY AND REPORT ON REPRESENTATION OF WOMEN.

Section 29 of the Small Business Act (15 U.S.C. 656), as amended by section 424 of this division, is amended by adding at the end the following:

“(n) STUDY AND REPORT ON REPRESENTATION OF WOMEN.—

“(1) STUDY.—The Administrator shall periodically conduct a study to identify any United States industry, as defined under the North American Industry Classification System, in which women are underrepresented.

“(2) REPORT.—Not later than 5 years after the date of enactment of this subsection, and every 5 years thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the results of each study under paragraph (1) conducted during the 5-year period ending on the date of the report.”.

Subtitle D—Small Business Champion

SEC. 541. SHORT TITLE.

This subtitle may be cited as the “Small Business Champion Act of 2012”.

SEC. 542. OFFICES OF SMALL AND DISADVANTAGED BUSINESS UTILIZATION.

(a) APPOINTMENT AND POSITION OF DIRECTOR.—Section 15(k)(2) of the Small Business Act (15 U.S.C. 644(k)(2)) is amended by striking “such agency,” and inserting “such agency to a position that is a Senior Executive Service position (as such term is defined under section 3132(a) of title 5, United States Code), except that, for any agency in which the positions of Chief Acquisition Officer and senior procurement executive (as such terms are defined under section 43(a) of this Act) are not Senior Executive Service positions,

the Director of Small and Disadvantaged Business Utilization may be appointed to a position compensated at not less than the minimum rate of basic pay payable for grade GS-15 of the General Schedule under section 5332 of such title (including comparability payments under section 5304 of such title);".

(b) **PERFORMANCE APPRAISALS.**—Section 15(k)(3) of the Small Business Act (15 U.S.C. 644(k)(3)) is amended—

(1) by striking "be responsible only to, and report directly to, the head" and inserting "shall be responsible only to (including with respect to performance appraisals), and report directly and exclusively to, the head"; and

(2) by striking "be responsible only to, and report directly to, such Secretary" and inserting "be responsible only to (including with respect to performance appraisals), and report directly and exclusively to, such Secretary".

(c) **SMALL BUSINESS TECHNICAL ADVISERS.**—Section 15(k)(8)(B) of the Small Business Act (15 U.S.C. 644(k)(8)(B)) is amended by striking "and 15 of this Act," and inserting ", 15, and 43 of this Act;".

(d) **ADDITIONAL REQUIREMENTS.**—Section 15(k) of the Small Business Act (15 U.S.C. 644(k)) is amended by inserting after paragraph (10) the following:

"(11) shall review and advise such agency on any decision to convert an activity performed by a small business concern to an activity performed by a Federal employee;

"(12) shall provide to the Chief Acquisition Officer and senior procurement executive of such agency advice and comments on acquisition strategies, market research, and justifications related to section 43 of this Act;

"(13) may provide training to small business concerns and contract specialists, except that such training may only be provided to the extent that the training does not interfere with the Director carrying out other responsibilities under this subsection;

"(14) shall carry out exclusively the duties enumerated in this Act, and shall, while the Director, not hold any other title, position, or responsibility, except as necessary to carry out responsibilities under this subsection;

"(15) shall submit, each fiscal year, to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report describing—

"(A) the training provided by the Director under paragraph (13) in the most recently completed fiscal year;

"(B) the percentage of the budget of the Director used for such training in the most recently completed fiscal year; and

"(C) the percentage of the budget of the Director used for travel in the most recently completed fiscal year; and

"(16) shall have not less than 10 years of relevant procurement experience.".

(e) **TECHNICAL AMENDMENTS.**—Section 15(k) of the Small Business Act (15 U.S.C. 644(k)), as amended by subsection (d), is further amended—

(1) in the matter preceding paragraph (1) by striking "who shall" and inserting "who";

(2) in paragraph (1)—

(A) by striking "be known" and inserting "shall be known"; and

(B) by striking "such agency," and inserting "such agency;";

(3) in paragraph (2) by striking "be appointed by" and inserting "shall be appointed by";

(4) in paragraph (3)—

(A) by striking "director" and inserting "Director"; and

(B) by striking "Secretary's designee," and inserting "Secretary's designee;";

(5) in paragraph (4)—

(A) by striking "be responsible" and inserting "shall be responsible"; and

(B) by striking "such agency," and inserting "such agency;";

(6) in paragraph (5) by striking "identify proposed" and inserting "shall identify proposed";

(7) in paragraph (6) by striking "assist small" and inserting "shall assist small";

(8) in paragraph (7)—

(A) by striking "have supervisory" and inserting "shall have supervisory"; and

(B) by striking "this Act," and inserting "this Act;";

(9) in paragraph (8)—

(A) by striking "assign a" and inserting "shall assign a"; and

(B) by striking "the activity, and" and inserting "the activity; and";

(10) in paragraph (9)—

(A) by striking "cooperate, and" and inserting "shall cooperate, and"; and

(B) by striking "subsection, and" and inserting "subsection;"; and

(11) in paragraph (10)—

(A) by striking "make recommendations" and inserting "shall make recommendations";

(B) by striking "subsection (a), or section" and inserting "subsection (a), section";

(C) by striking "Act or section 2323" and inserting "Act, or section 2323";

(D) by striking "Code. Such recommendations shall" and inserting "Code, which shall"; and

(E) by striking "contract file." and inserting "contract file;".

SEC. 543. SMALL BUSINESS PROCUREMENT ADVISORY COUNCIL.

(a) **DUTIES.**—Section 7104(b) of the Federal Acquisition Streamlining Act of 1994 (15 U.S.C. 644 note) is amended—

(1) in paragraph (1) by striking "and" at the end;

(2) in paragraph (2) by striking "authorities." and inserting "authorities;"; and

(3) by adding at the end the following:

"(3) to conduct reviews of each Office of Small and Disadvantaged Business Utilization established under section 15(k) of the Small Business Act (15 U.S.C. 644(k)) to determine the compliance of each Office with requirements under such section;

"(4) to identify best practices for maximizing small business utilization in Federal contracting that may be implemented by Federal agencies having procurement powers; and

"(5) to submit, annually, to the Committee on Small Business of the House of Representatives and the Committee on Small Business and Entrepreneurship of the Senate a report describing—

"(A) the comments submitted under paragraph (2) during the 1-year period ending on the date on which the report is submitted, including any outcomes related to the comments;

"(B) the results of reviews conducted under paragraph (3) during such 1-year period; and

"(C) best practices identified under paragraph (4) during such 1-year period.".

(b) **MEMBERSHIP.**—Section 7104(c) of the Federal Acquisition Streamlining Act of 1994 (15 U.S.C. 644 note) is amended by striking

"(established under section 15(k) of the Small Business Act (15 U.S.C. 644(k))."

(c) **CHAIRMAN.**—Section 7104(d) of the Federal Acquisition Streamlining Act of 1994 (15

U.S.C. 644 note) is amended by inserting after "Small Business Administration" the following: "(or the designee of the Administrator)".

TITLE VI—TRANSPARENCY, ACCOUNTABILITY, AND EFFECTIVENESS Subtitle A—Small Business Common Application

SEC. 611. DEFINITIONS.

In this subtitle—

(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(2) the term "Executive agency" has the meaning given that term under section 105 of title 5, United States Code;

(3) the term "Executive Committee" means the Executive Committee on a Small Business Common Application established under section 613(a);

(4) the term "small business concern" has the meaning given that term under section 3 of the Small Business Act (15 U.S.C. 632);

SEC. 612. SENSE OF CONGRESS.

It is the sense of Congress that Executive agencies should—

(1) reduce paperwork burdens on small business concerns pursuant to section 3501 of title 44, United States Code;

(2) maximize the ability of small business concerns to use common applications, where practicable, and use consolidated web portals to interact with Executive agencies;

(3) maintain high standards for data privacy and security;

(4) increase the degree and ease of information sharing and coordination among programs serving small business concerns that are carried out by Executive agencies, including State and local offices of Executive agencies; and

(5) minimize redundancy in the administration of programs that can utilize common applications, where practicable, and consolidated web portals.

SEC. 613. EXECUTIVE COMMITTEE ON A SMALL BUSINESS COMMON APPLICATION.

(a) **ESTABLISHMENT.**—There is established in the Administration an Executive Committee on a Small Business Common Application, which shall make recommendations regarding the establishment, if practicable, of a small business common application and web portal.

(b) **MEMBERSHIP.**—

(1) **IN GENERAL.**—The members of the Executive Committee shall consist of—

(A) the Administrator;

(B) the Assistant Secretary of Commerce for Economic Development; and

(C) 1 senior officer or employee having policy and technical expertise appointed by each of—

(i) the Administrator of the General Services Administration;

(ii) the Director of the National Institutes of Health;

(iii) the Director of the National Science Foundation;

(iv) the President of the Export-Import Bank;

(v) the Secretary of Agriculture;

(vi) the Secretary of Defense;

(vii) the Secretary of Health and Human Services;

(viii) the Secretary of Labor;

(ix) the Secretary of State;

(x) the Secretary of the Treasury; and

(xi) the Secretary of Veterans Affairs.

(2) **CHAIRPERSON.**—The Administrator shall serve as chairperson of the Executive Committee.

(3) **PERIOD OF APPOINTMENT.**—Members of the Executive Committee shall be appointed for a term of 1 year.

(4) **VACANCIES.**—A vacancy in the Executive Committee shall be filled in the same manner as the original appointment, not later than 30 days after the date on which the vacancy occurs.

(c) **MEETINGS.**—

(1) **IN GENERAL.**—The Executive Committee shall meet at the call of the chairperson of the Executive Committee.

(2) **QUORUM.**—A majority of the members of the Executive Committee shall constitute a quorum.

(3) **FIRST MEETING.**—The first meeting of the Executive Committee shall take place not later than 30 days after the date of enactment of this subtitle.

(4) **PUBLIC MEETING.**—The Executive Committee shall hold at least 1 public meeting before the date described in subsection (d)(1) to receive comments from small business concerns and other interested parties.

(d) **DUTIES.**—

(1) **RECOMMENDATIONS.**—Not later than 270 days after the date of enactment of this Act, upon a vote of the majority of members of the Executive Committee then serving, the Executive Committee shall submit to the Administrator recommendations relating to the feasibility of establishing a small business common application and web portal in order to meet the goals described in section 612.

(2) **TRANSMISSION TO EXECUTIVE AGENCIES.**—The Executive Committee shall transmit to each Executive agency a complete copy of the recommendations submitted under paragraph (1).

(3) **TRANSMISSION TO CONGRESS.**—The Executive Committee shall transmit to each relevant committee of Congress a complete copy of the recommendations submitted under paragraph (1).

(4) **RECOMMENDATIONS BY EXECUTIVE AGENCIES.**—Not later than 30 days after the date on which the Executive Committee transmits recommendations to the Executive agency under paragraph (2), each Executive agency that provides Federal assistance to small business concerns shall submit to Congress recommendations, if any, for legislative changes necessary for the Executive agency to carry out the recommendations under paragraph (1).

(e) **PERSONNEL MATTERS.**—

(1) **COMPENSATION OF MEMBERS.**—The members of the Executive Committee shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) **DETAIL OF EMPLOYEES.**—The Administrator may detail to the Executive Committee any employee of the Economic Development Administration, and such detail shall be without interruption or loss of civil service status or privilege.

(f) **FEDERAL ADVISORY COMMITTEE ACT.**—Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply with respect to the Executive Committee.

SEC. 614. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator such sums as may be necessary to carry out this subtitle.

Subtitle B—Government Accountability Office Review

SEC. 621. GOVERNMENT ACCOUNTABILITY OFFICE REVIEW.

Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit a report to the Committee on Small Business and Entre-

preneurship of the Senate and the Committee on Small Business of the House of Representatives that evaluates the status of the programs authorized under this division and the amendments made by this division, including the extent to which such programs have been funded and implemented and have contributed to promoting job creation among small business concerns.

SA 2522. Mr. REID proposed an amendment to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; as follows:

At the end, add the following new section:
SEC. ____.

This Act shall become effective 7 days after enactment.

SA 2523. Mr. REID proposed an amendment to amendment SA 2522 proposed by Mr. REID to the amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; as follows:

In the amendment, strike “7 days” and insert “6 days”.

SA 2524. Mr. REID proposed an amendment to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; as follows:

Strike all after the first word and insert the following:

1. SHORT TITLE.

This Act may be cited as the “Small Business Tax Cut Act”.

SEC. 2. DEDUCTION FOR DOMESTIC BUSINESS INCOME OF QUALIFIED SMALL BUSINESSES.

(a) **IN GENERAL.**—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 200. DOMESTIC BUSINESS INCOME OF QUALIFIED SMALL BUSINESSES.

“(a) **ALLOWANCE OF DEDUCTION.**—In the case of a qualified small business, there shall be allowed as a deduction an amount equal to 20 percent of the lesser of—

“(1) the qualified domestic business income of the taxpayer for the taxable year, or

“(2) taxable income (determined without regard to this section) for the taxable year.

“(b) **DEDUCTION LIMITED BASED ON WAGES PAID.**—

“(1) **IN GENERAL.**—The amount of the deduction allowable under subsection (a) for any taxable year shall not exceed 50 percent of the greater of—

“(A) the W-2 wages of the taxpayer paid to non-owners, or

“(B) the sum of—

“(i) the W-2 wages of the taxpayer paid to individuals who are non-owner family members of direct owners, plus

“(ii) any W-2 wages of the taxpayer paid to 10-percent-or-less direct owners.

“(2) **DEFINITIONS RELATED TO OWNERSHIP.**—For purposes of this section—

“(A) **NON-OWNER.**—The term ‘non-owner’ means, with respect to any qualified small

business, any person who does not own (and is not considered as owning within the meaning of subsection (c) or (e)(3) of section 267, as the case may be) any stock of such business (or, if such business is other than a corporation, any capital or profits interest of such business).

“(B) **NON-OWNER FAMILY MEMBERS.**—An individual is a non-owner family member of a direct owner if—

“(i) such individual is family (within the meaning of section 267(c)(4)) of a direct owner, and

“(ii) such individual would be a non-owner if subsections (c) and (e)(3) of section 267 were applied without regard to section 267(c)(2).

“(C) **DIRECT OWNER.**—The term ‘direct owner’ means, with respect to any qualified small business, any person who owns (or is considered as owning under the applicable non-family attribution rules) any stock of such business (or, if such business is other than a corporation, any capital or profits interest of such business).

“(D) **10-PERCENT-OR-LESS DIRECT OWNERS.**—The term ‘10-percent-or-less direct owner’ means, with respect to any qualified small business, any direct owner of such business who owns (or is considered as owning under the applicable non-family attribution rules)—

“(i) in the case of a qualified small business which is a corporation, not more than 10 percent of the outstanding stock of the corporation or stock possessing more than 10 percent of the total combined voting power of all stock of the corporation, or

“(ii) in the case of a qualified small business which is not a corporation, not more than 10 percent of the capital or profits interest of such business.

“(E) **APPLICABLE NON-FAMILY ATTRIBUTION RULES.**—The term ‘applicable non-family attribution rules’ means the attribution rules of subsection (c) or (e)(3) of section 267, as the case may be, but in each case applied without regard to section 267(c)(2).

“(3) **W-2 WAGES.**—For purposes of this section—

“(A) **IN GENERAL.**—The term ‘W-2 wages’ means, with respect to any person for any taxable year of such person, the sum of the amounts described in paragraphs (3) and (8) of section 6051(a) paid by such person with respect to employment of employees by such person during the calendar year ending during such taxable year.

“(B) **LIMITATION TO WAGES ATTRIBUTABLE TO QUALIFIED DOMESTIC BUSINESS INCOME.**—Such term shall not include any amount which is not properly allocable to domestic business gross receipts for purposes of subsection (c)(1).

“(C) **OTHER REQUIREMENTS.**—Except in the case of amounts treated as W-2 wages under paragraph (4)—

“(i) such term shall not include any amount which is not allowed as a deduction under section 162 for the taxable year, and

“(ii) such term shall not include any amount which is not properly included in a return filed with the Social Security Administration on or before the 60th day after the due date (including extensions) for such return.

“(4) **CERTAIN PARTNERSHIP DISTRIBUTIONS TREATED AS W-2 WAGES.**—

“(A) **IN GENERAL.**—In the case of a qualified small business which is a partnership and elects the application of this paragraph for the taxable year—

“(i) the qualified domestic business taxable income of such partnership for such taxable

year (determined after the application of clause (ii)) which is allocable under rules similar to the rules of section 199(d)(1)(A)(ii) to each qualified service-providing partner shall be treated for purposes of this section as W-2 wages paid during such taxable year to such partner as an employee, and

“(ii) the domestic business gross receipts of such partnership for such taxable year shall be reduced by the amount so treated.

“(B) QUALIFIED SERVICE-PROVIDING PARTNER.—For purposes of this paragraph, the term ‘qualified service-providing partner’ means, with respect to any qualified domestic business taxable income, any partner who is a 10-percent-or-less direct owner and who materially participates in the trade or business to which such income relates.

“(5) ACQUISITIONS AND DISPOSITIONS.—The Secretary shall provide for the application of this subsection in cases where the taxpayer acquires, or disposes of, the major portion of a trade or business or the major portion of a separate unit of a trade or business during the taxable year.

“(C) QUALIFIED DOMESTIC BUSINESS INCOME.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified domestic business income’ for any taxable year means an amount equal to the excess (if any) of—

“(A) the taxpayer’s domestic business gross receipts for such taxable year, over

“(B) the sum of—

“(i) the cost of goods sold that are allocable to such receipts, and

“(ii) other expenses, losses, or deductions (other than the deduction allowed under this section), which are properly allocable to such receipts.

“(2) DOMESTIC BUSINESS GROSS RECEIPTS.—

“(A) IN GENERAL.—The term ‘domestic business gross receipts’ means the gross receipts of the taxpayer which are effectively connected with the conduct of a trade or business within the United States within the meaning of section 864(c) but determined—

“(i) without regard to paragraphs (3), (4), and (5) thereof, and

“(ii) by substituting ‘qualified small business (within the meaning of section 200)’ for ‘nonresident alien individual or a foreign corporation’ each place it appears therein.

“(B) EXCEPTIONS.—For purposes of paragraph (1), domestic business gross receipts shall not include any of the following:

“(i) Gross receipts derived from the sale or exchange of—

“(I) a capital asset, or

“(II) property used in the trade or business (as defined in section 1231(b)).

“(ii) Royalties, rents, dividends, interest, or annuities.

“(iii) Any amount which constitutes wages (as defined in section 3401).

“(3) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of paragraphs (2) and (3) of section 199(c) shall apply for purposes of this section (applied with respect to qualified domestic business income in lieu of qualified production activities income and with respect to domestic business gross receipts in lieu of domestic production gross receipts).

“(d) QUALIFIED SMALL BUSINESS.—For purposes of this section—

“(1) IN GENERAL.—The term ‘qualified small business’ means any employer engaged in a trade or business if such employer had fewer than 500 full-time equivalent employees for either calendar year 2010 or 2011.

“(2) FULL-TIME EQUIVALENT EMPLOYEES.—The term ‘full-time equivalent employees’ has the meaning given such term by subsection (d)(2) of section 45R applied—

“(A) without regard to subsection (d)(5) of such section,

“(B) with regard to subsection (e)(1) of such section, and

“(C) by substituting ‘calendar year’ for ‘taxable year’ each place it appears therein.

“(3) EMPLOYERS NOT IN EXISTENCE PRIOR TO 2012.—In the case of an employer which was not in existence on January 1, 2012, the determination under paragraph (1) shall be made with respect to calendar year 2012.

“(4) APPLICATION TO CALENDAR YEARS IN WHICH EMPLOYER IN EXISTENCE FOR PORTION OF CALENDAR YEAR.—In the case of any calendar year during which the employer comes into existence, the number of full-time equivalent employees determined under paragraph (2) with respect to such calendar year shall be increased by multiplying the number so determined (without regard to this paragraph) by the quotient obtained by dividing—

“(A) the number of days in such calendar year, by

“(B) the number of days during such calendar year which such employer is in existence.

“(5) SPECIAL RULES.—

“(A) AGGREGATION RULE.—For purposes of paragraph (1), any person treated as a single employer under subsection (a) or (b) of section 52 (applied without regard to section 1563(b)) or subsection (m) or (o) of section 414 shall be treated as a single employer for purposes of this subsection.

“(B) PREDECESSORS.—Any reference in this subsection to an employer shall include a reference to any predecessor of such employer.

“(e) SPECIAL RULES.—

“(1) ELECTIVE APPLICATION OF DEDUCTION.—Except as otherwise provided by the Secretary, the taxpayer may elect not to take any item of income into account as domestic business gross receipts for purposes of this section.

“(2) COORDINATION WITH SECTION 199.—If a deduction is allowed under this section with respect to any taxpayer for any taxable year—

“(A) any gross receipts of the taxpayer which are taken into account under this section for such taxable year shall not be taken into account under section 199 for such taxable year, and

“(B) the W-2 wages of the taxpayer which are taken into account under this section shall not be taken into account under section 199 for such taxable year.

“(3) APPLICATION OF CERTAIN RULES.—Rules similar to the rules of paragraphs (1), (2), (3), (4), (6), and (7) of section 199(d) shall apply for purposes of this section (applied with respect to qualified domestic business income in lieu of qualified production activities income).

“(f) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out the purposes of this section, including regulations which prevent a taxpayer which reorganizes from being treated as a qualified small business if such taxpayer would not have been treated as a qualified small business prior to such reorganization.

“(g) APPLICATION.—Subsection (a) shall apply only with respect to the first taxable year of the taxpayer beginning after December 31, 2011.”

(b) CONFORMING AMENDMENTS.—

(1) Section 56(d)(1)(A) of such Code is amended by striking “deduction under section 199” both places it appears and inserting “deductions under sections 199 and 200”.

(2) Section 56(g)(4)(C) of such Code is amended by adding at the end the following new clause:

“(vii) DEDUCTION FOR DOMESTIC BUSINESS INCOME OF QUALIFIED SMALL BUSINESSES.—Clause (i) shall not apply to any amount allowable as a deduction under section 200.”

(3) The following provisions of such Code are each amended by inserting “200,” after “199,”

(A) Section 86(b)(2)(A).

(B) Section 135(c)(4)(A).

(C) Section 137(b)(3)(A).

(D) Section 219(g)(3)(A)(ii).

(E) Section 221(b)(2)(C)(i).

(F) Section 222(b)(2)(C)(i).

(G) Section 246(b)(1).

(H) Section 469(i)(3)(F)(iii).

(4) Section 163(j)(6)(A)(i) of such Code is amended by striking “and” at the end of subclause (III) and by inserting after subclause (IV) the following new subclause:

“(V) any deduction allowable under section 200, and”.

(5) Section 170(b)(2)(C) of such Code is amended by striking “and” at the end of clause (iv), by striking the period at the end of clause (v) and inserting “, and”, and by inserting after clause (v) the following new clause:

“(vi) section 200.”

(6) Section 172(d) of such Code is amended by adding at the end the following new paragraph:

“(8) DOMESTIC BUSINESS INCOME OF QUALIFIED SMALL BUSINESSES.—The deduction under section 200 shall not be allowed.”

(7) Section 613(a) of such Code is amended by striking “deduction under section 199” and inserting “deductions under sections 199 and 200”.

(8) Section 613A(d)(1) of such Code is amended by redesignating subparagraphs (C), (D), and (E) as subparagraphs (D), (E), and (F), respectively, and by inserting after subparagraph (B) the following new subparagraph:

“(C) any deduction allowable under section 200.”

(9) Section 1402(a) of such Code is amended by striking “and” at the end of paragraph (16), by redesignating paragraph (17) as paragraph (18), and by inserting after paragraph (16) the following new paragraph:

“(17) the deduction provided by section 200 shall not be allowed; and”.

(c) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter B of chapter 1 of such Code is amended by adding at the end the following new item:

“Sec. 200. Domestic business income of qualified small businesses.”.

SA 2525. Mr. REID proposed an amendment to amendment SA 2524 proposed by Mr. REID to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; as follows:

At the end, add the following new section:
SEC. ____.

This title shall become effective 5 days after enactment.

SA 2526. Mr. REID proposed an amendment to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; as follows:

SEC. ____.

This Act shall become effective 3 days after enactment.

SA 2527. Mr. REID proposed an amendment to amendment SA 2526 proposed by Mr. REID to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; as follows:

In the amendment, strike “3 days” and insert “2 days”.

SA 2528. Mr. REID proposed an amendment to amendment SA 2527 proposed by Mr. REID to the amendment SA 2526 proposed by Mr. REID to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; as follows:

In the amendment, strike “2 days” and insert “1 day”.

SA 2529. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . MODIFICATION AND PERMANENT EXTENSION OF THE INCENTIVES TO REINVEST FOREIGN EARNINGS IN THE UNITED STATES.

(a) **REPATRIATION SUBJECT TO 5 PERCENT TAX RATE.**—Subsection (a)(1) of section 965 of the Internal Revenue Code of 1986 is amended by striking “85 percent” and inserting “85.7 percent”.

(b) **PERMANENT EXTENSION TO ELECT REPATRIATION.**—Subsection (f) of section 965 of the Internal Revenue Code of 1986 is amended to read as follows:

“(f) **ELECTION.**—The taxpayer may elect to apply this section to any taxable year only if made on or before the due date (including extensions) for filing the return of tax for such taxable year.”.

(c) **REPATRIATION INCLUDES CURRENT AND ACCUMULATED FOREIGN EARNINGS.**—

(1) **IN GENERAL.**—Paragraph (1) of section 965(b) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) **IN GENERAL.**—The amount of dividends taken into account under subsection (a) shall not exceed the sum of the current and accumulated earnings and profits described in section 959(c)(3) for the year a deduction is claimed under subsection (a), without diminution by reason of any distributions made during the election year, for all controlled foreign corporations of the United States shareholder.”.

(2) **CONFORMING AMENDMENTS.**—

(A) Section 965(b) of such Code is amended by striking paragraphs (2) and (4) and by redesignating paragraph (3) as paragraph (2).

(B) Section 965(c) of such Code is amended by striking paragraphs (1) and (2) and by redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively.

(C) Paragraph (3) of section 965(c) of such Code, as redesignated by subparagraph (B), is amended to read as follows:

“(3) **CONTROLLED GROUPS.**—All United States shareholders which are members of an

affiliated group filing a consolidated return under section 1501 shall be treated as one United States shareholder.”.

(d) **CLERICAL AMENDMENTS.**—

(1) The heading for section 965 of the Internal Revenue Code of 1986 is amended by striking “**TEMPORARY**”.

(2) The table of sections for subpart F of part III of subchapter N of chapter 1 of such Code is amended by striking “Temporary dividends” and inserting “Dividends”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SA 2530. Mr. LEE submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . PERMANENT EXTENSION OF TAX RELIEF.

(a) **2001 TAX RELIEF.**—The Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking title IX.

(b) **2003 RELIEF.**—Title III of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking section 303.

(c) **ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNTS.**—

(1) **INCREASED EXEMPTION AMOUNTS MADE PERMANENT.**—

(A) **IN GENERAL.**—Paragraph (1) of section 55(d) of the Internal Revenue Code of 1986 is amended—

(i) by striking “\$45,000 (\$72,450 in the case of taxable years beginning in 2010 and \$74,450 in the case of taxable years beginning in 2011)” in subparagraph (A) and inserting “\$74,450”;

(ii) by striking “\$33,750 (\$47,450 in the case of taxable years beginning in 2010 and \$48,450 in the case of taxable years beginning in 2011)” in subparagraph (B) and inserting “\$48,450”; and

(iii) by striking “paragraph (1)(A)” in subparagraph (C) and inserting “subparagraph (A)”.

(2) **EXEMPTION AMOUNTS INDEXED FOR INFLATION.**—Subsection (d) of section 55 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(4) **INFLATION ADJUSTMENT.**—

“(A) **IN GENERAL.**—In the case of any taxable year beginning in a calendar year after 2011, each of the dollar amounts contained in subparagraphs (A) and (B) of paragraph (1) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2010’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(B) **ROUNDING.**—Any increase determined under subparagraph (A) shall be rounded to the nearest multiple of \$100.”.

(3) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2011.

(d) **ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE CREDITS.**—

(1) **IN GENERAL.**—Subsection (a) of section 26 of the Internal Revenue Code of 1986 is amended to read as follows:

“(a) **LIMITATION BASED ON AMOUNT OF TAX.**—The aggregate amount of credits al-

lowed by this subpart for the taxable year shall not exceed the sum of—

“(1) the taxpayer’s regular tax liability for the taxable year reduced by the foreign tax credit allowable under section 27(a), and

“(2) the tax imposed by section 55(a) for the taxable year.”.

(2) **CONFORMING AMENDMENTS.**—

(A) **ADOPTION CREDIT.**—

(i) Section 23(b) of the Internal Revenue Code of 1986 is amended by striking paragraph (4).

(ii) Section 23(c) of such Code is amended by striking paragraphs (1) and (2) and inserting the following:

“(1) **IN GENERAL.**—If the credit allowable under subsection (a) for any taxable year exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 25D and 1400C), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.”.

(iii) Section 23(c) of such Code is amended by redesignating paragraph (3) as paragraph (2).

(B) **CHILD TAX CREDIT.**—

(i) Section 24(b) of such Code is amended by striking paragraph (3).

(ii) Section 24(d)(1) of such Code is amended—

(I) by striking “section 26(a)(2) or subsection (b)(3), as the case may be,” each place it appears in subparagraphs (A) and (B) and inserting “section 26(a)”, and

(II) by striking “section 26(a)(2) or subsection (b)(3), as the case may be” in the second last sentence and inserting “section 26(a)”.

(C) **CREDIT FOR INTEREST ON CERTAIN HOME MORTGAGES.**—Section 25(e)(1)(C) of such Code is amended to read as follows:

“(C) **APPLICABLE TAX LIMIT.**—For purposes of this paragraph, the term ‘applicable tax limit’ means the limitation imposed by section 26(a) for the taxable year reduced by the sum of the credits allowable under this subpart (other than this section and sections 23, 25D, and 1400C).”.

(D) **SAVERS’ CREDIT.**—Section 25B of such Code is amended by striking subsection (g).

(E) **RESIDENTIAL ENERGY EFFICIENT PROPERTY.**—Section 25D(c) of such Code is amended to read as follows:

“(c) **CARRYFORWARD OF UNUSED CREDIT.**—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under this subpart (other than this section), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such succeeding taxable year.”.

(F) **CERTAIN PLUG-IN ELECTRIC VEHICLES.**—Section 30(c)(2) of such Code is amended to read as follows:

“(2) **PERSONAL CREDIT.**—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.”.

(G) **ALTERNATIVE MOTOR VEHICLE CREDIT.**—Section 30B(g)(2) of such Code is amended to read as follows:

“(2) **PERSONAL CREDIT.**—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.”.

(H) NEW QUALIFIED PLUG-IN ELECTRIC VEHICLE CREDIT.—Section 30D(c)(2) of such Code is amended to read as follows:

“(2) PERSONAL CREDIT.—For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year.”.

(I) CROSS REFERENCES.—Section 55(c)(3) of such Code is amended by striking “26(a), 30C(d)(2),” and inserting “30C(d)(2)”.

(J) FOREIGN TAX CREDIT.—Section 904 of such Code is amended by striking subsection (i) and by redesignating subsections (j), (k), and (l) as subsections (i), (j), and (k), respectively.

(K) FIRST-TIME HOME BUYER CREDIT FOR THE DISTRICT OF COLUMBIA.—Section 1400C(d) of such Code is amended to read as follows:

“(d) CARRYFORWARD OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by section 26(a) for such taxable year reduced by the sum of the credits allowable under subpart A of part IV of subchapter A (other than this section and section 25D), such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.”.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2011.

TITLE —DEATH TAX REPEAL

SEC. 1. SHORT TITLE.

This title may be cited as the “Death Tax Repeal Permanency Act of 2012”.

SEC. 2. REPEAL OF ESTATE AND GENERATION-SKIPPING TRANSFER TAXES.

(a) ESTATE TAX REPEAL.—Subchapter C of chapter 11 of subtitle B of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 2210. TERMINATION.

“(a) IN GENERAL.—Except as provided in subsection (b), this chapter shall not apply to the estates of decedents dying on or after the date of the enactment of the Death Tax Repeal Permanency Act of 2012.

“(b) CERTAIN DISTRIBUTIONS FROM QUALIFIED DOMESTIC TRUSTS.—In applying section 2056A with respect to the surviving spouse of a decedent dying before the date of the enactment of the Death Tax Repeal Permanency Act of 2012—

“(1) section 2056A(b)(1)(A) shall not apply to distributions made after the 10-year period beginning on such date, and

“(2) section 2056A(b)(1)(B) shall not apply on or after such date.”.

(b) GENERATION-SKIPPING TRANSFER TAX REPEAL.—Subchapter G of chapter 13 of subtitle B of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

“SEC. 2664. TERMINATION.

“This chapter shall not apply to generation-skipping transfers on or after the date of the enactment of the Death Tax Repeal Permanency Act of 2012.”.

(c) CONFORMING AMENDMENTS.—

(1) The table of sections for subchapter C of chapter 11 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

“Sec. 2210. Termination.”.

(2) The table of sections for subchapter G of chapter 13 of such Code is amended by adding at the end the following new item:

“Sec. 2664. Termination.”.

(d) RESTORATION OF PRE-EGTRRA PROVISIONS NOT APPLICABLE.—

(1) IN GENERAL.—Section 301 of the Tax Relief, Unemployment Insurance Reauthoriza-

tion, and Job Creation Act of 2010 shall not apply to estates of decedents dying, and transfers made, on or after the date of the enactment of this Act.

(2) EXCEPTION FOR STEPPED-UP BASIS.—Paragraph (1) shall not apply to the provisions of law amended by subtitle E of title V of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to carryover basis at death; other changes taking effect with repeal).

(e) SUNSET NOT APPLICABLE.—Section 304 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 is hereby repealed.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to the estates of decedents dying, and generation-skipping transfers, after the date of the enactment of this Act.

SEC. 3. MODIFICATIONS OF GIFT TAX.

(a) COMPUTATION OF GIFT TAX.—Subsection (a) of section 2502 of the Internal Revenue Code of 1986 is amended to read as follows:

“(a) COMPUTATION OF TAX.—

“(1) IN GENERAL.—The tax imposed by section 2501 for each calendar year shall be an amount equal to the excess of—

“(A) a tentative tax, computed under paragraph (2), on the aggregate sum of the taxable gifts for such calendar year and for each of the preceding calendar periods, over

“(B) a tentative tax, computed under paragraph (2), on the aggregate sum of the taxable gifts for each of the preceding calendar periods.

“(2) RATE SCHEDULE.—

“If the amount with respect to which the tentative tax to be computed is:	The tentative tax is:
Not over \$10,000	18% of such amount.
Over \$10,000 but not over \$20,000.	\$1,800, plus 20% of the excess over \$10,000.
Over \$20,000 but not over \$40,000.	\$3,800, plus 22% of the excess over \$20,000.
Over \$40,000 but not over \$60,000.	\$8,200, plus 24% of the excess over \$40,000.
Over \$60,000 but not over \$80,000.	\$13,000, plus 26% of the excess over \$60,000.
Over \$80,000 but not over \$100,000.	\$18,200, plus 28% of the excess over \$80,000.
Over \$100,000 but not over \$150,000.	\$23,800, plus 30% of the excess over \$100,000.
Over \$150,000 but not over \$250,000.	\$38,800, plus 32% of the excess of \$150,000.
Over \$250,000 but not over \$500,000.	\$70,800, plus 34% of the excess over \$250,000.
Over \$500,000	\$155,800, plus 35% of the excess of \$500,000.”.

(b) TREATMENT OF CERTAIN TRANSFERS IN TRUST.—Section 2511 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(c) TREATMENT OF CERTAIN TRANSFERS IN TRUST.—Notwithstanding any other provision of this section and except as provided in regulations, a transfer in trust shall be treated as a taxable gift under section 2503, unless the trust is treated as wholly owned by the donor or the donor’s spouse under subpart E of part I of subchapter J of chapter 1.”.

(c) LIFETIME GIFT EXEMPTION.—Paragraph (1) of section 2505(a) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) the amount of the tentative tax which would be determined under the rate schedule set forth in section 2502(a)(2) if the amount with respect to which such tentative tax is to be computed were \$5,000,000, reduced by”.

(d) CONFORMING AMENDMENTS.—

(1) Section 2505(a) of the Internal Revenue Code of 1986 is amended by striking the last sentence.

(2) The heading for section 2505 of such Code is amended by striking “unified”.

(3) The item in the table of sections for subchapter A of chapter 12 of such Code relating to section 2505 is amended to read as follows:

“Sec. 2505. Credit against gift tax.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to gifts made on or after the date of the enactment of this Act.

(f) TRANSITION RULE.—

(1) IN GENERAL.—For purposes of applying sections 1015(d), 2502, and 2505 of the Internal Revenue Code of 1986, the calendar year in which this title is enacted shall be treated as 2 separate calendar years one of which ends on the day before the date of the enactment of this Act and the other of which begins on such date of enactment.

(2) APPLICATION OF SECTION 2504(b).—For purposes of applying section 2504(b) of the Internal Revenue Code of 1986, the calendar year in which this title is enacted shall be treated as one preceding calendar period.

SA 2531. Mr. ROBERTS submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

On page __, between lines __ and __, insert the following:

SEC. ____ . EXTENSION OF AUTHORITY OF SECRETARY OF THE TREASURY TO RELEASE A LEVY ON A TAXPAYER'S PROPERTY BASED ON AN ECONOMIC HARDSHIP DUE TO THE FINANCIAL CONDITION OF THE TAXPAYER'S BUSINESS.

(a) IN GENERAL.—Paragraph (1) of section 6343 of the Internal Revenue Code of 1986 is amended—

(1) by inserting “or the taxpayer’s trade or business” after “taxpayer” in subparagraph (D), and

(2) by adding at the end the following new sentence: “For purposes of subparagraph (D), in making the determination to release a levy against a trade or business on economic hardship grounds, the Secretary shall consider the economic viability of the trade or business, the nature and extent of the hardship (including whether the taxpayer exercised ordinary business care and prudence), the potential harm to individuals if the trade or business is liquidated, and whether the taxes could be collected from a responsible person under an assessment under section 6672.”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to levies issued on or after the date of the enactment of this Act.

NOTICE OF HEARING

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on Wednesday, July 25, 2012, at 2:30 p.m., in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of this oversight hearing is to examine the role of water use efficiency and its impact on energy use.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Meagan_Gins@energy.senate.gov.

For further information, please contact Sara Tucker at (202) 224-6224 or Meagan Gins at (202) 224-0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 11, 2012, at 10 a.m., in room SD-215 of the Dirksen Senate Office Building, to conduct a roundtable to discuss "Medicare Physician Payments: Perspectives from Physicians."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 11, 2012, at 10 a.m., to conduct a hearing titled "The Future of Homeland Security: Evolving and Emerging Threats."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on July 11, 2012, at 9:30 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Oversight of the Impact on Competition of Exclusion Orders to Enforce Standard-Essential Patents."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BEGICH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized

to meet during the session of the Senate on July 11, 2012, at 2 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Judicial Nominations."

The PRESIDING OFFICER. Without objection, it is so ordered.

RAOUL WALLENBERG CENTENNIAL CELEBRATION ACT

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3001, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3001) to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

There being no objection, the Senate proceeded to consider the bill.

Mr. BENNET. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, without any intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3001) was ordered to a third reading, was read the third time, and passed.

VETERAN SKILLS TO JOBS ACT

Mr. BENNET. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4155, which was received from the House and is at the desk.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4155) to direct the head of each Federal department and agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

There being no objection, the Senate proceeded to consider the bill.

Mr. BENNET. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 4155) was ordered to a third reading, was read the third time, and passed.

ORDERS FOR THURSDAY, JULY 12, 2012

Mr. BENNET. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, July

12; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized and the first hour be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNET. Mr. President, this evening the majority leader filed cloture on the Landrieu substitute and the underlying Small Business Jobs and Tax Relief Act. As a result, the filing deadline for amendments to the Landrieu substitute amendment and to S. 2237 is 1 p.m. tomorrow.

Unless an agreement is reached, the cloture votes will be on Friday. We hope we can come to an agreement to have them tomorrow.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BENNET. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:03 p.m., adjourned until Thursday, July 12, 2012, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

DOROTHY KOSINSKI, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL COUNCIL ON THE HUMANITIES FOR A TERM EXPIRING JANUARY 26, 2016, VICE RICARDO QUINONES, TERM EXPIRED.

DEPARTMENT OF STATE

DAWN M. LIBERI, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND Plenipotentiary of the United States of America to the Republic of Burundi.

STEPHEN D. MULL, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND Plenipotentiary of the United States of America to the Republic of Poland.

WALTER NORTH, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND Plenipotentiary of the United States of America to Papua New Guinea, and to serve concurrently and without additional compensation as Ambassador Extraordinary and Plenipotentiary of the United States of America to the Solomon Islands and Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Vanuatu.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. DAVID R. HOGG

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. JOYCE L. STEVENS

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be brigadier general

COL. KYLE E. GOERKE

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be major general

BRIG. GEN. JOHN L. GRONSKI

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL IN THE UNITED STATES NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND TITLE 42, U.S.C., SECTION 7158:

TO BE DIRECTOR, NAVAL NUCLEAR PROPULSION PROGRAM

To be admiral

VICE ADM. JOHN M. RICHARDSON

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. DAVID A. DUNAWAY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JOEL A. AHLGRIM
ZACHARY M. ALEXANDER
DAVID A. BARROWS
DAVID A. BESACHIO
JONATHAN BESCHLOSS
KENNETH O. BONAPARTE
BRANDON J. BRYANT
NATALIE J. BURMAN
JOSEPH R. CARNEY
LEO A. CARNEY
ROBERT J. CARPENTER III
JERRY W. CHANDLER II
THOMAS L. CHUNG
SHAWN S. CLAUSEN
DANIEL E. COOPER
JANINE R. DANKO
SOPHIA E. DEBEN
MICHAEL L. DEVAN
ANDREW P. DOAN
JOHN D. DUERDEN
CHRISTOPHER A. DUPLESSIS
MARILISA G. ELROD
JILL E. EMERICK
CHRISTIN M. B. FOSTER
STEPHEN L. FOSTER
DANIEL W. GABIER
THOMAS Q. GALLAGHER
TODD A. GARDNER
STEVEN J. GAUERKE
JON C. GIACOMAN
JOSE E. GOMEZ
CARLOS E. GOMEZSANCHEZ
ISAAC GOODING
THOMAS R. GRANT
ELIZABETH A. GRASMUCK
JOY A. GREER
ERICA S. GROGAN
PETER M. HAMMER
RYAN J. HARRIS
JESSICA M. HAYFORD
JUSTIN W. HEIL
JASON W. HOLLENSBE
EWELL M. HOLLIS
ARLENE J. HUDSON
DAVID C. JANNOTTA
ANTHONY W. KELLER
ROLAND S. KENT
MIN K. KIM
LEO T. KROONEN
CORRY J. KUCIK
RYAN D. LAMOND
DUANE M. LAWRENCE
FERNANDO F. LEYVA
ANDREW H. LIN
ROBERT A. LIOTTA
MICHELLE F. LIU
JASON J. LUKAS
STEVEN R. MAIER
DEBRA A. MANNING
CHAD Y. MAO
MATTHEW J. MARCUSON
JEFFREY S. MARTENS
GREGORY S. MCNABB
ALEX R. MINTER
EMORI A. MOORE
CHRISTOPHER J. NEAL
BRIAN G. NORWOOD

TIMOTHY R. OELTMANN
TAWAKALITU O. OSENI
JAMES K. PALMA
GREGORY A. PATE
GERALD W. PLATT
OBIE M. POWELL
STEVEN P. PRASKE
BRYAN D. PROPPES
ELIZABETH T. REEVES
KRISTIE A. ROBSON
CORBY D. ROPP
KAREN B. RUSSELL
VICTOR L. RUTERBUSCH
PATCHO N. SANTIAGO
JOEL M. SCHOFER
JASON W. SCHROEDER
CYNTHIA M. SCHULTZ
PETER J. SEBENY
JOHN H. SEOK
BRADLEY A. SERWER
WILLIAM W. SHIELDS
JEFFREY W. SINGLEY
LEAH K. SOLEY
SCOTT A. SPARKS
SEAN P. STROUP
MICHAEL A. SULLIVAN
MATTHEW J. SWIBER
STEPHEN S. TANTAMA
CHRISTOPHER R. TATRO
JOHN C. VENTURA
ERIK P. VOOGD
RUSTIN C. WALTERS
DIRK A. WARREN
JOHN B. WEATHERWAX
DAVID A. WEIS
TIMOTHY M. WIMMER
CAROLYN A. WINNINGHAM
STACEY Q. WOLFE
MARK L. WOODBRIDGE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JOHN E. BISSELL
ROBERT P. BOLTON
CYNTHIA CHINH
RONNIE M. CITRO
HARRY R. COLE, JR.
CHRISTOPHER M. HAMLIN
MATTHEW B. B. MILLER
ROBERT H. MINER
JOHVIN PERRY
SEPEHR RAJAJI
ALEXANDER ROYZENBLAT
HOWARD K. VANNES
RASHA H. WELCH
SABINA S. YUN
STEPHEN S. YUNE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

ROBERT L. ANDERSON II
BRENNAN S. AUTRY
DEBRA L. BAKER
CHRISTOPHER T. BLAIR
GORDON R. BLIGHTON
WILLIE J. BROWN
GERALD F. BURKE
STEPHEN A. CHAPMAN
SERGIO CHAVEZ
MATTHEW C. DOAN
MICHAEL O. ENRIQUEZ
WILLIAM E. GRADY
MICHAEL J. GRANDE
DARRYL E. GREEN
RONA D. GREEN
GARY C. GROTHE, JR.
MATTHEW J. HOLCOMB
WILLIAM R. HOWARD
THOMAS D. JENKINS
FRANCA R. JONES
WILLIAM E. KELLY
JASON T. LEWIS
KATHRYN T. LINDSEY
NILO M. LLAGAS
CHRISTOPHER J. MALDARELLA
ANDREW L. MARTIN
WILLIAM J. PLUMMER III
DONNA POULIN
JAMES C. QUICK III
ROBERT C. RAWLEIGH
JEFFREY J. REPASS
DUNELEY A. ROCHINO
RONALD L. SCHOONOVER
THAD J. SHARP
MICHAEL D. SMITH
DANIELLE M. WOOTEN
CAROL B. ZWIEBACH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

MARC S. BREWEN
HUGH BURKE
ARTHUR L. GASTON III
STACIA J. GAWRONSKI

CHRISTOPHER J. GREER
MATTHEW B. KUREK
JOAN M. MALIK
KIMBERLEY B. MCCANN
KEVIN W. MESSER
MARK P. NEVITT
HEATHER D. PARTRIDGE
STEPHEN C. REYES
ANGELA C. RONGOTES
JEFFREY A. SUTTON
DUSTIN E. WALLACE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

LUCELINA B. BADURA
LAURIE E. BASABE
SHELLY B. BENFIELD
CHERIE L. BLANK
SUSANNE E. BLANKENBAKER
JOHANNA M. BRENNER
WILLIAM H. BROOKS
CHAWN T. BROWN
JENNIFER J. BUECHEL
JENNY S. BURKETT
KEVIN J. BURNS
WILLIAM S. BYERS
CARLIN A. CALLAWAY
SANTIAGO B. CAMANO
BRIAN E. CARMAN
MICHELLE N. CARR
JASEN P. CHRISTENSEN
DANIEL W. CLARK
NATHANIEL R. CLARK
JULIE A. CONRARDY
WENDY A. COOK
PATRICIA L. CRELLER
JULIE A. DARLING
DANIEL A. DAURORA
JOSEPH L. DESAMERO
AMY L. DRAYTON
KENNETH N. DUBROWSKI
JASON B. ELLIS
ALISON E. FAITH
RONALD A. FANCHER
MIKE T. FINCKBONE
PATRICK J. FITZPATRICK
JOSE D. FLORES
FLEMING L. FRENCH
MICHELLE A. FRENCH
KATHRYN A. GARNER
TRACEY R. GILES
CARL W. GOPORTH
JOSEPH A. GOMEZ
MATTHEW J. GRASER
ERIC C. GRYN
RHONDA O. HINDS
SHARON L. HOUSE
DIANA L. HOWELL
JEFFREY L. HUFF
BOBBY J. HURT
TRACY R. ISAAC
MARC E. JASEK
SHAWN B. KASE
MARIE J. KELLEY
SHAUNA R. KINGHOLLIS
KATHRYN J. KRAUSE
MARK R. LANG
RACHEL M. LEWIS
DAVID M. LOSHBAUGH
ANGELO P. LUCERO
JOSEPH A. MARCANTEL
ABIGAIL E. MARTER
FREDORA A. MCRAE
JENNIFER A. MILLS
CHRISTOPHER P. NILES
SALEE J. P. OBOZA
RONNIE G. OKIALDA
CHRISTINE C. PALARCA
MARY K. PARKER
ELISABET PRIETO
ROBERT B. PROPPES
KEVIN G. QUINN
SARA E. SHAPFER
KIM P. SHAUGHNESSY
PATRICK S. SHUSTER
LISA M. SNYDER
DARRYL B. SOL
TIMOTHY K. STACKS
PAULINE M. STAJNER
WENDY L. STONE
MAVIS R. THOMAS
PAUL S. VILLALBA
PHILIP D. VOYER
MICHELE A. WAARA
PAMELA H. WALL
MICHELLE E. WEDDLE
GERARD J. WHITE
WILLIAM W. WIEGMANN
FRANCISCO I. WONPAT
HEATHER G. WYCKOFF
WILLIAM A. YOUNG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

JASON W. ADAMS
STERLEN D. BARNES
ROMEO O. BAUTISTA

STEVEN E. BOYCOURT
ARCANGELO P. DELLANNO
PAUL W. DEMEYER
JOHN H. HAMILTON IV
MICHAEL D. KRISMAN
ANDREW J. LEWIS
RYAN D. LOOKABILL
BRIAN W. MAXWELL
JOHN G. MONTINOLA
ERIK R. NALEY
ERNAN S. OBELLOS
JOEL P. PITEL
JEREMY C. POWELL
ANDRE T. SADOWSKI
MARTIN C. THOMAS
ANGELA S. S. TORRES
SHAWN M. TRIGGS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

DAVID L. CLINE
BRUCE W. CROUTERFIELD

ROY E. HOFFMAN
JOHN T. JOHNS
ROBERT L. JONES, JR.
ERIK P. LEE
EMORY C. LUSSI
LEROY G. MACK III
HAGAN R. MCCLELLAN, JR.
GABRIEL MENSAH
PATRICK A. NIEMEYER
SANTIAGO RODRIGUEZ
RYAN R. RUPE
BETH A. STALLINGA
MARK A. TANIS
MICHAEL L. TOMLINSON
PAUL S. TREMBLAY
BRIAN D. WEIGELT
TEDDY L. WILLIAMS, JR.
DAVID S. YANG

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
TO THE GRADE INDICATED IN THE UNITED STATES NAVY
UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

EMILY Z. ALLEN

JAY A. BIESZKE
DEANNA S. CARPENTER
MICHAEL W. CHUCRAN
GARY W. DOSS
RICHARD A. FICARELLI
ANA I. FRANCO
JOSEPH D. HARDER III
RANDALL E. HARMEYER
MICHAEL A. JAMES
RONALD J. JENKINS
CHAD C. KOSTER
PHILLIP M. LAVALLEE
WALTER S. LUDWIG
THOMAS J. LYONS III
EDWARD B. MILLER IV
MICHAEL K. OBEIRNE
JEFFREY M. PFEIL
JOSEPH C. POPE
JEFFREY W. SHERWOOD
JENNIFER L. TETATZIN
ROBERT G. TETREAULT
MARK I. TIPTON
DUDE L. UNDERWOOD
JONATHAN P. WITHAM

EXTENSIONS OF REMARKS

CELEBRATING THE 175TH ANNI-
VERSARY OF THE CITY OF
ALTON, ILLINOIS

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing the 175th Anniversary of the City of Alton, Illinois.

Among the first Europeans to explore the area later settled as Alton, Illinois were Father Jacques Marquette and Louis Joliet in 1673. The Illiniwek tribes had lived in the area for many years and a Native American drawing, the Piasa, a fierce-looking bird that was painted on the bluffs overlooking the Mississippi River was first documented by Fr. Marquette. The drawing has been reproduced many times and the Piasa can still be seen on the bluffs today.

Situated on the banks of the Mississippi, between its confluences with the Missouri and Illinois Rivers, Alton was a natural location for development as a river town in the early 19th Century. Rufus Easton, a St. Louis businessman who ran a ferry operation at Alton named the town after his eldest son in 1818. Because of its excellent location, the community experienced tremendous growth and was incorporated as a city in 1837.

1837 was the year of another important event in Alton's history, although hardly a highlight. Abolitionist printer, Elijah Lovejoy, who had moved from St. Louis to Alton because of increasing tensions in the slave state of Missouri, was killed by a mob in Alton as he attempted to protect his printing press. Other significant historical notes of Alton in the mid-19th Century included being a major stop on the Underground Railroad and the site of a Union prison for Confederate soldiers, many of whom died there due to rampant disease. Alton was also the location for the final Lincoln-Douglas debate, in 1858.

Famous people from Alton include renowned jazz musician Miles Davis and Robert Wadlow, known as the "Alton Giant," and still the tallest human in recorded history at 8 ft. 11 inches tall.

The 20th Century saw an increase in manufacturing in the Alton area, with steel, glass and cardboard boxes among the leading industries that provided employment for Alton residents. As Alton has expanded and diversified, it has always remained tied to the river. The area is referred to as Riverbend because of the arc of the Mississippi at Alton. The National Great Rivers Museum and the National Great Rivers Research and Education Center, both near the Melvin Price Lock and Dam at Alton, are two recent additions that promote the study and appreciation of the rivers that gave rise to many cities like Alton.

Mr. Speaker, I ask my colleagues to join me in celebrating the 175th Anniversary of the City of Alton, Illinois and to wish them the very best for a bright and prosperous future.

IN RECOGNITION OF THE 40TH
ANNIVERSARY OF TITLE IX

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. DAVIS of Illinois. Mr. Speaker, I wish to recognize the 40th anniversary of Title IX. This historic piece of legislation has had a profound and lasting impact on gender equity in this country. While many people associate Title IX with primarily promoting funding equality in collegiate athletics, its impact is much greater—affecting the role of women as leaders and role models in our society. Title IX of the Education Amendments in 1972 prohibited sex discrimination in education programs and activities receiving federal financial assistance. It is the cornerstone of federal statutes that require equal access to all areas of education for women. Title IX sent a message to young women across this country that their achievements were just as great as those of their male counterparts.

The opportunity to succeed is an essential tenet of our American spirit; Title IX provides women with an opportunity to succeed in collegiate athletics and beyond. An entire generation of young women has seized this opportunity, as evidenced by their many achievements. In the past 40 years, women have excelled in all aspects of society. In law and government, we have seen the first female Speaker of the House, the first female Supreme Court Justice and the first female Secretary of State. In science and technology, we have seen the first female astronaut enter space and six female scientists receive Nobel Prizes. Title IX has helped lay the foundation for equal educational access for these achievements.

In addition, Title IX has helped create a generation of young female athletes: in 1972, only 1 in 27 women participated in high school sports; now 1 in 3 participate. Sports can play a key role in a young person's successful growth and development. Young people who participate in sports are more likely to be goal-oriented, healthy, confident and ambitious. These athletes have lower teenage pregnancy rates, are less likely to commit crimes and are less likely to use drugs or alcohol. The dramatic increase in female sports participation is undoubtedly an important factor in women's success and advancement in the past 40 years.

Women have come a long way since the 1970s, but considerable work remains. On average, a woman still earns only 77 cents for

every dollar earned by a man across all occupations and levels of educational attainment. Further, women's rights to healthcare and prevention services are being challenged by courts and legislatures across this country. As policymakers, we must remember how long it has taken women to get to this point and must not allow gender equity to recede. We must continue to legislate with the spirit of equality and opportunity, as the Members of the 88th Congress did 40 years ago. I commend the many achievements that women have made since the passage of Title IX and look forward to seeing many more in the future.

RECOGNIZING THE NIXA HIGH
SCHOOL BOWLING TEAM

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. LONG. Mr. Speaker, I rise today to congratulate the Nixa High School Bowling Team for winning their second State High School Bowling Championship.

Nixa High School's bowling team, in its second year of existence, returned to defend its championship title at the Missouri State Tournament and left its competition in the gutter. The Eagles advanced with 3 other local teams to the Missouri State Championships where they competed against 23 other teams from all across the state.

The team, which included seniors Kyle Bates and Jacob Nelson; juniors Justin Lair, Kristen Nunn, Nick Zummo, and Brandon Maser; and sophomores David Krol, Shannon Burns, and Dylan Brentlinger, initially competed in 24 games which followed the Baker Format.

The Baker format is patterned after college bowling competitions and is used to maintain a quicker pace from game to game, yielding more excitement. Nixa bowling was the Number 1 seed out of the top five teams to advance to the championship round, and the team ultimately prevailed against Jefferson City after two straight games with scores of 215–174 and 211–196.

While bowling is usually recognized as an individual sport, the Baker competition format required each member of the Nixa bowling team to think as a team because each shot would be included as part of one score. As a result, teams competing in this format will only be as good as their weakest link because all players participate in only 2 frames each.

Coaches David Krol and Larry Hughes worked diligently to instill that concept in their team and should be proud of their accomplishment in guiding such a phenomenal group of young men and women. I commend them all on a job well done.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Nixa community is justifiably proud of this extraordinary group of young and talented future leaders.

I urge my colleagues to join me in congratulating the Nixa High School Bowling Team as they celebrate their second State Bowling Championship.

IN MEMORY OF SERGEANT JOSE
RODRIGUEZ

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. CARDOZA. Mr. Speaker, it is with great sadness that I rise today with my colleague Congressman JIM COSTA to honor the late Sgt. Jose Rodriguez who was killed on June 19, 2012 in Kandahar province, Afghanistan while supporting Operation Enduring Freedom. Sergeant Rodriguez paid the ultimate price, sacrificing his life, while protecting and serving the United States of America.

Sergeant Rodriguez was raised in Newman and Gustine. He graduated from Gustine High School in 2008 and joined the army shortly thereafter. He was assigned to Joint Base Lewis-McChord near Tacoma, Washington in 2009. His first deployment was in July 2009 where he was a part of the 5th Brigade, 2nd Infantry Division. Sergeant Rodriguez decided to re-deploy on a second tour of duty in order to better provide for his wife and young son. On his second tour, he was in the 4th Battalion, 23rd Infantry Regiment, 2nd Stryker Brigade Combat Team, 2nd Infantry Division. He received the Army Achievement Medal, Army Good Conduct Medal, National Defense Service Medal, Army Commendation Medal Combat Service, Global War on Terrorism Service Medal, Non-Commissioned Officers Professional Development Ribbon, Army Service Ribbon, Overseas Ribbon, NATO Medal, Certificate of Achievement, and Combat Infantry Badge.

Sergeant Rodriguez's family called him a responsible, quiet, and caring man. He had hoped to become a firefighter after returning home next year. He leaves behind a loving wife, Maria "Lupita" Rodriguez and a thirteen month old son, Octavian. He is also survived by his parents Margarita Rodriguez and Augustine Rodriguez; his brothers, Ruben Rodriguez, Julian Rodriguez, Edgar Rodriguez, Jonathon Rodriguez and his two sisters, Judith Rodriguez and Jacqueline Rodriguez.

Mr. Speaker, together with my colleague, Congressman JIM COSTA, the recognition that we are offering today before the House of Representatives for Sergeant Jose Rodriguez is small compared to the contributions and impact he had on the lives of so many. He was truly an invaluable member of our community and an outstanding human being. My thoughts are with Sergeant Rodriguez's family and the community as they grieve the loss of this wonderful young man.

BATTLE CRY, A CRY TO ACTION

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. HALL. Mr. Speaker, I rise today to present a poem by Dona Julian Cassel. Ms. Cassel graduated from East Texas State University, currently Texas A&M University-Commerce, in 1967 with a bachelor's degree in Elementary Education and 1971 with a master's degree in English. She is a retired teacher who has since formed her own training company which works with businesses to teach their staff communication and customer service skills.

Ms. Cassel's writing is timely for our Nation, and something I believe can inspire Americans to act.

BATTLE CRY, A CALL TO ACTION

Now is the time to take your stand!
Don't huddle in the shadows anymore—
Your collective voices must soon be heard.
Send your lawmakers a resounding roar!
Make your earnest requests be known!
Demand from Congress and from your state—
Empowerment to teach as you know best
To produce the results that make America great!

O teachers! What power you still possess!
Immortal forces upon the ages—
This noble profession which is your calling
Deserves respect and rightful wages!
Defend the honor of your vocation!
Keep its standards lifted high!
Unite! Join this call to action!
Embrace these stanzas as your battle cry!

IN HONOR OF MANDELA DAY

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Ms. RICHARDSON. Mr. Speaker, I happily rise today to celebrate Nelson Mandela's birthday on July 18. Mr. Mandela is a man whose life has been absolutely dedicated to service and social justice.

From a young age, Mr. Mandela was aware of the economic and civil injustices that plagued South Africa under apartheid, where racial discrimination was official government policy. Mr. Mandela joined the African National Congress and worked to end minority rule in his home country, becoming an enemy of the South African government.

In 1963, Mr. Mandela was sentenced to life imprisonment for political offenses, ultimately serving 27 years. During this time, he refused to renounce his political beliefs in exchange for a reduced term, and he remained steadfastly committed to his cause. Many would see a life sentence as total defeat, but Mr. Mandela continued his campaign and, in doing so, became an international symbol of resistance.

Despite a lifetime of constant struggle, Mr. Mandela never became bitter or overcome with anger. He instead looked ahead to the possibility of equality and freedom in a country

that had always been divided by race. His dream was not to wage war against his oppressors. Rather he sought to liberate them from ignorance and hatred and create a unified nation.

Mr. Mandela's struggle has distinguished him as an extraordinary leader in the eyes of the international community and his fellow South Africans. Mr. Mandela was presented with the Nobel Peace Prize in 1993, and he accepted the award on behalf of all South Africans who had made tremendous sacrifices in the name of peace and liberty. The following year, he was elected President of South Africa in the first fully representative democratic election, defeating apartheid rule.

Even after stepping down from the South African presidency, Mr. Mandela's commitment to service did not waiver. Mr. Mandela has since founded three foundations: The Nelson Mandela Centre of Memory, the Nelson Mandela Children's Fund, and the Mandela-Rhodes Foundation. I am truly inspired by Mr. Mandela's tireless work and continued advocacy.

In 2009, July 18 was adopted by the United Nations as Nelson Mandela International Day of Service. Mr. Mandela gave 67 years of his life to the fight for human rights, and people all over the world are asked to spend Mandela Day giving 67 minutes of their time to serve their local communities and charities.

Mr. Speaker, apartheid has ended, but struggles for peace and human dignity persist in all corners of the world. I remember one passage that Mr. Mandela wrote: "After climbing a great hill, one only finds that there are many more hills to climb." With this sentiment in mind, I ask my colleagues and fellow Americans to join me in observing Mandela Day and continuing Mr. Mandela's legacy in our own communities.

HONORING JOHN P. BRODER

HON. CAROLYN MCCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to recognize and honor my friend, John P. Broder, upon his retirement from Winthrop-University Hospital.

Mr. Broder has been in the marketing, public affairs and development profession for 42 years. For the past 20 years, he has been the Vice President for External Affairs and Development at Winthrop-University Hospital. He was responsible for government relations and development programs and has been instrumental in establishing the marketing, advertising and public affairs department at the Hospital.

Mr. Broder received his degree in business administration from the St. Michael's College in Vermont and earned his MBA in Marketing from the Hagen Graduate School of Business at Iona College. In addition, Mr. Broder was honorably discharged from the U.S. Army after serving a combat tour in the Republic of Vietnam. He began his career with the United Way of Tri-State before moving to the Columbia Presbyterian Medical Center where he was

responsible for the hospital's successful \$110 million capital campaign. Prior to joining the team at Winthrop, Mr. Broder was the Vice President in charge of the development programs at Long Island Jewish Medical Center.

In addition to his impressive career, Mr. Broder has made time to serve the community through a variety of organizations. He is the Vice President of the Mineola Chamber of Commerce, a board member and past President of the Mineola Lions Club, Director of the Fair Media Council, works with the Mineola Community Planning Committee, and is a member of the Corporate Advisory Committee of Literacy Nassau, to name a few.

For more than 30 years Mr. Broder has been a resident of Long Island and through his work and his volunteer service he has done a great deal to help improve our communities.

Mr. Speaker, it is with admiration and respect that I offer my thanks and recognition to my friend John P. Broder for his many years of hard work and friendship.

HONORING RICE UNIVERSITY ON THEIR CENTENNIAL ANNIVERSARY

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. BRADY of Texas. Mr. Speaker, I rise today to celebrate the 100th Anniversary of Rice University in Houston, Texas as a prominent research university advancing education in the arts, humanities and sciences. Inaugurated on October 12, 1912 and named after its benefactor, William Marsh Rice, the university has continued to excel, with an impressive list of accomplishments and achievements over the past century.

As a leading research university with a commitment to undergraduate education, Rice consistently ranks among the top 20 universities in the United States overall and ranks among the world's top 100 universities every year.

The University is leading research in a wide range of fields, from bioinformatics, cellular technology, and health, to nanotechnology, and space. Rice is the first university in the United States to create a department dedicated to space exploration. In fact, the land that is now home to the Johnson Space Center of the National Aeronautics and Space Administration in Houston was originally donated by Rice.

The university also has a proven track record of producing strong, dependable community and national leaders including: Former U.S. Secretary of State James Baker, Former Attorney General Alberto Gonzales, current City of Houston Mayor Annise Parker, Nobel Prize of Chemistry Dr. Richard Smalley, NASA Astronaut Peggy Whitson, and All-Star Major League Baseball player Lance Berkman, just to name a few.

Truth be told, each year I take my two sons down to Reckling Park to watch from the hill and left field the Rice Owls compete in NCAA baseball. It's a tradition in our family.

Mr. Speaker, it is an honor to join with Rice University administration, staff, alumni, stu-

dents and community in celebrating this milestone and I look forward to the bright future and successes coming out of Rice University over the next centennial. I am confident the best is yet to come.

PERSONAL EXPLANATION

HON. YVETTE D. CLARKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Ms. CLARKE of New York. Mr. Speaker, on the Legislative Day of July 9, 2012, I missed two votes. Had I been present for these rollcall votes, I would have voted "Yes" on rollcall 452—H.R. 4155—Veteran Skills to Jobs Act and "Yes" on rollcall 453—H.R. 4367—ATM Fee Disclosure Requirement.

HONORING NORTH CAROLINA STATE SENATOR EDWARD JONES ON THE OCCASION OF RECOGNITION BY DOWNTOWN ENFIELD RESTORATION AND PRESERVATION

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. BUTTERFIELD. Mr. Speaker, I rise with great pleasure to honor North Carolina State Senator Edward Jones. Senator Jones' steadfast commitment to North Carolina and its Fourth Senatorial District is to be applauded as a fine example of a public servant. As the only retired State Trooper elected to the North Carolina Senate, Senator Edward Jones serves his constituency with a legacy of humility and patriotism. He truly embodies his personal motto, "We are not judged by the titles we possess, but by the job we do."

Senator Jones' public service extends back to his duties in the 82nd Airborne Division of the U.S. Army. After an honorable discharge from the military, Edward Jones served as Deputy Sheriff in Buncombe County prior to enrolling in the North Carolina Justice Academy where he became a patrolman in 1975. At the time, he was one of only three African American troopers in North Carolina, and defied odds by rising to the rank of Sergeant in 1985 and ultimately First Sergeant in 1995.

Upon retirement from the State Highway Patrol, he went on to serve as Chief of Police and later Mayor for the city of Enfield, located in Halifax County. His service in these two roles provided significant exposure to local concerns and a firm foundation for his subsequent political career.

In 2005, Jones was appointed to the North Carolina General Assembly to complete the unexpired term of Representative John Hall. In 2007, he was appointed again, this time to complete the unexpired term of Senator Robert Holloman. In this seat, which remains as his current post, he serves North Carolina Senate's Fourth District, one of the largest districts in the legislature. As Senator, Jones has distinguished himself in the area of crime and

public safety. He not only leads from the senate floor, but also on a grassroots level as he frequently visits communities, agencies, and organizations to assess respective needs and concerns.

Outside the legislature, Senator Jones is decorated with many achievements. He is the first African American to serve on the Board of Trustees at Chowan University. He is a member of the Governor's Crime Commission, the North Carolina Legislative Black Caucus, and board member of the Halifax County Boys and Girls Club.

While his commitment to public service is commendable, it is noteworthy that he is deeply rooted in his faith and family. Jones is the proud husband to wife, Mary Ann, father to daughters Alesha and Andrea, and "Papa" to granddaughters, Charisma, Carmen, and Farrah.

Senator Jones is a man of honor, valor, and commitment. I urge my colleagues to join me in applauding Senator Edward Jones' lifelong dedication to the people of North Carolina.

PERSONAL EXPLANATION

HON. KEITH ELLISON

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. ELLISON. Mr. Speaker, on July 9, 2012, I missed rollcall votes No. 452–454 due to a family obligation. Had I been present I would have voted "yea."

HONORING THE WORLD WAR II VETERANS OF ILLINOIS

HON. MIKE QUIGLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. QUIGLEY. Mr. Speaker, I rise to honor the World War II veterans who traveled to Washington, DC, on July 11, 2012 with Honor Flight Chicago, a program that provides World War II veterans the opportunity to visit the World War II Memorial on The National Mall in Washington, D.C. This memorial was built to honor their courage and service to their country.

The American Veteran is one of our greatest treasures. The Soldiers, Airmen, Sailors, Marines, and Coast Guardsmen who traveled here on July 11 answered our nation's call to service during one of its greatest times of need. From the European Campaign to the Pacific Asian Theatre to the African Theater, these brave Americans risked life and limb, gave service and sacrificed much, all while embodying what it is to be a hero. We owe them more gratitude than can ever be expressed.

I welcome these brave veterans to Washington and to their memorial. I am proud to submit the names of these men and women for all to see, hear, and recognize, and I call on my colleagues to rise and join me in expressing gratitude.

Russell J. Abbott, Elizabeth M. Adamo, Kenneth H. Amdall, William B. Barnard, Philip

Basic, Marvin D. Berns, Joseph A. Bertucci, Forest Black, Edward N. Boersma, Robert Bourdage, John A. Brodinski, Michael P. Cernyar, Leonard E. Chapp, Bernard J. Chesner, Daniel L. Chorney, Raymond E. Crotty, John A. Deora, Xenophon Doudalis, Robert C. Ellis, David Epstein, E. John Faassen, Natale Fazio, Peter A. Ferro, Ruthe C. Foster, Walter C. Gardynski, August Genge, Jr., Owen Gillespie, Helmuth Goering, Kent Goldbranson, W. Leonard Gregory, Lad Gregurich, John F. Gruber, Lewis Hague, Rueben W. Helander, Raymond F. Henders, James H. Hurley, Howard J. Jacklin, William N. Johnson, Raymond G. Kapinus, Edward Kelby, Vette E. Kell, Arthur M. Koblish, Ronald E. Kregel, Sophie E. Kulaga, James Lamont, Donald L. Lawler, Richard H. Leadbetter, Albert Lee, Howard D. Levinson, Philip J. LoMonaco, Louis Lowy, Raymond Lowy, Teddy A. Madej, Alvin B. Manheim, Randall E. McMinn, Eugene S. Mikos, John R. Minerick, Salvatore Morello, William R. Morrow, Glen E. Nelson, Henry L. Offerman, Edwin Ogonowski, Arthur Olsen, Calvin Parmele, Myron Petrakis, Raymond Anthony Pfeifer, Martin A. Poenisch, Daniel C. Reese, Amos John Roberts, John Patrick Roche, Ray Rooney, Frederick Rosenow, Eugene H. Seibert, Richard A. Siver, Donald E. Skelton, Charles A. Smith, Ora L. Smith, Richard L. Soderlund, Thomas E. Sullivan, Arthur R. Tessmann, Jasper C. Tromp, William John Unger, Jack Vollriede, Owen F. Wagener, Harry R. Warren, Joseph G. Wegrzyn, Oddie Wiley, Raymond A. Wilke, Ferguson L. Willis, William Fred Wilson, William F. Wolf, Arthur W. Youngberg.

HEALTHCARE REPEAL AND WOMEN'S RIGHTS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Ms. SLAUGHTER. Mr. Speaker, this bill will never become law, and it is a perfect symbol of the failure of this Congress.

Over the last two years we've voted more than 30 times to mess with the healthcare reforms in the Affordable Care Act. This Congress could barely bring itself to pass a transportation bill, yet it found the time to vote on the same issue 30 times.

The second biggest priority of this Congress appears to be the legislative war on women. We've taken at least 9 votes to take away rights and protections away from women, and specifically attacking women's health.

In short, this Congress has spent two years actively working against the rights of women and healthcare of American families.

Prior to the Affordable Care Act becoming law, being a woman was a pre-existing condition. Women were denied health insurance coverage because they were victims of domestic abuse, and when they were given health insurance coverage, they oftentimes paid more than men for the same level of care. Companies that have a large number of female employees faced higher healthcare costs than other companies—all because health insurance companies could, and did, get away with price discrimination.

The Affordable Care Act finally gave women equal rights when it came to healthcare, and it is the reason I rise to defend that lifesaving legislation today. I strongly oppose the political charade that is being carried out here today—and on behalf of every woman who is no longer a second-class citizen, I urge my colleagues to vote against today's bill.

SUPPORTING PROTECTION OF FEDERAL FINANCIAL ASSISTANCE FOR HIGHER EDUCATION

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. DAVIS of Illinois. Mr. Speaker, President Franklin Delano Roosevelt once said, "We cannot always build the future for our youth, but we can build our youth for the future." College access and success are fundamental stepping stones toward economic security and global competitiveness. As policymakers, it is imperative that we support students in making college affordable so that our citizens and nation can prosper.

I strongly supported the passage by the House of the bipartisan Senate agreement to prevent a doubling of the student loan interest rates. Without this action before July 1, more than seven million students would have seen their interest rates double, resulting in an approximate \$1000 additional debt burden per student for this year. Indeed, failure to act would have added \$6.3 billion to students' debt burden in 2012, with 1.5 million African-American students and 1 million Latino students experiencing an additional \$1.5 billion and \$1 billion in loan repayment costs, respectively.

Unfortunately, the agreement prevents the interest rate hike by cutting student financial aid, continuing a disturbing trend in which the Republican Leadership insists that low-income and middle-class students pay for federal student aid programs and deficit reduction. In the last two years, the Republican Leadership has insisted on multiple cuts to student aid, including: elimination of the interest subsidy for graduate student loans; elimination of the interest subsidy for the six-month grace period after finishing school; elimination of summer Pell grants; reduction in the number of semesters a student can receive Pell grants; erection of barriers to qualifying for the maximum Pell grant; and reduced eligibility for the minimum Pell grant award. These cuts require low-income and middle-class students to incur roughly \$20 billion in the cost of their federal loans and resulted in 145,000 students losing their Pell grants. Rather than viewing federal support for higher education as an investment in our nation, Republicans in the House prefer to subsidize oil companies that make tens of billions of dollars in profits rather than help low-income and middle-class students afford college. I firmly believe that we must help all citizens access the American dream, not just the most privileged. We must strengthen the system of student aid, not weaken it.

In addition to interest rates, there are multiple other education policies that lawmakers

must support in order to prepare our youth for the future. For example, we must increase Pell Grants, which constitute a critical avenue by which low-income students access higher education. If Pell Grants are reduced in any way, attending and completing college will be beyond the financial reach of the vast majority of low-income students. Reductions in Pell also will have a disparate negative impact on racial and ethnic minority groups given that 46% of African Americans, 39% of Hispanics, 36% of American Indians, and 22% of Asian American and Pacific Islander undergraduate students rely on Pell, with African Americans representing about one-quarter and Latino Americans representing approximately one-fifth of Pell recipients. For the 2012–2013 academic year, the maximum Pell Grant will be at a historic low, covering less than one-third of the cost of a four-year degree. This is unacceptable.

Further, policymakers must also maintain consumer protections on student loans, such as income-based repayment as well as re-institute bankruptcy protections for private student loans. Income-based repayment is a critical improvement to financial aid that makes higher education affordable by limiting repayment based on the income and family size of borrowers. For most borrowers, loan payments end up being less than 10 percent of their income—or nothing if the borrower experiences financial difficulty. After 25 years of qualifying payments, the remaining loan amount is eligible for forgiveness. These Democratically-championed policies promise to help borrowers handle their student loan debt in a responsible manner as they enter the workforce, have families, and purchase homes.

Consumer protections related to bankruptcy for private student loan debt are equally important, but will require Congressional action. Unfortunately, without any hearings, in 2005 Congress made private student loans by for-profit lenders extremely difficult to discharge in bankruptcy even after meeting the restrictive criteria for bankruptcy, treating private student debt in the same manner as debts for criminal penalties and back taxes. This 2005 change gave special federal protections to for-profit lenders, penalized borrowers for pursuing higher education, and provided no incentive to private lenders to lend responsibly. Private education debt is no different than other consumer debt; it involves private profit and deserves no privileged treatment. Congress must restore fairness in student lending by treating privately issued student loans in bankruptcy the same as other types of private debt. This is why I introduced the Private Student Loan Bankruptcy Act, which I will continue to champion until it is law.

A strong economy requires an educated workforce, and an educated workforce comes from ensuring students and their families have what they need to prepare for, enroll in, and complete college. Given that student debt has surpassed credit card debt for the first time in history, our economy remains fragile, and the labor market demands increased skills, now is not the time to make deep and permanent cuts to critical college programs serving needy students. I urge the Republican Leadership to invest in education and support students. I will steadfastly protect federal financial assistance

for higher education so that we can build our youth for the future.

HONORING THE LADY JACKET'S
BASKETBALL TEAM

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. HALL. Mr. Speaker, I rise today in honor of the Lady Jacket Basketball team of Rockwall, Texas for their efforts during the 2012 4A State Championship game in Austin, Texas.

The game was extremely close; however, the Lady Jackets fell short 45–42, showing incredible heart and determination throughout the game. I commend their hard work throughout the entire season.

The Lady Jacket's head coach, Jill McDill, praised her team as one of the best defenses she had ever coached.

Special congratulations to Paige Turner and Alyssa Lang for being named to the Class 4A All-Tournament Team.

The reputation of the Lady Jacket Basketball program is one that is filled with pride and respect from the players, fans, and the entire Rockwall community.

Mr. Speaker, as we adjourn today, let us recognize Rockwall's Lady Jacket Basketball team, commend them for their successful season, and wish them continued success.

CONGRATULATING ORASURE
TECHNOLOGIES FOR HIV/AIDS
BREAKTHROUGH

HON. CHARLES W. DENT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. DENT. Mr. Speaker, I am thrilled to draw attention to a landmark decision by the Food and Drug Administration (FDA) last week approving the OraQuick In-Home HIV test and commend OraSure Technologies for this profound advancement in HIV/AIDS diagnostics. This test is the first rapid over-the-counter HIV test approved in the United States. The OraQuick In-Home HIV test detects the presence of HIV antibodies roughly 20 minutes after a simple oral swab. It is also the first rapid diagnostic test for any infectious disease that has been approved by the FDA for sale over-the-counter.

The FDA's decision is a significant moment in the history of our fight against HIV/AIDS. Since the beginning of the epidemic, getting individuals tested has been a critical component of HIV prevention and linkage to care. HIV testing enables individuals to know their status and protect their health as well as the health of others. Yet, over 1 million Americans are unaware of their infection. Those who do not know they have HIV are disproportionately responsible for the nearly 50,000 new infections that occur each year. The availability of an over-the-counter test will lead to greater testing, increased diagnoses, reduced transmissions, earlier treatment and saved lives.

OraSure Technologies, located in the heart of the Lehigh Valley in the 15th Congressional District of Pennsylvania, has been at the forefront of rapid diagnostics for over a decade. This most recent accomplishment comes on the heels of the company receiving approval for our nation's first rapid test for Hepatitis C. Headquartered in Bethlehem, PA, OraSure's innovation has led to an economic resurgence on a brownfield site where Bethlehem Steel once stood proud.

Again, it is an honor to commend OraSure for leading the way in transforming diagnostic testing through innovative new technologies and playing a key role in what will hopefully be a transformation in the fight against HIV/AIDS. I want to extend my congratulations to the company and all of its employees for earning approval of the first over-the-counter in-home HIV test. This achievement will have a dramatic impact on the number of individuals who will learn their HIV status and most importantly, save countless lives.

FORCED ABORTION AT 7 MONTHS
OF FENG JIANMEI SPARKS
GLOBAL OUTRAGE—AND CON-
CERN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. SMITH of New Jersey. Mr. Speaker, China's one-child policy in effect since 1979 is state sponsored murder and constitutes massive crimes against humanity. The Nuremberg Nazi war crimes tribunal properly construed forced abortion as a crime against humanity—nothing in human history compares to the magnitude of China's 33 year assault on women and children.

Abortion is a weapon of mass destruction. Millions have been exterminated.

Today in China, rather than being given maternal care, pregnant women without birth allowed permits are hunted down and forcibly aborted. They are mocked, belittled, and humiliated.

In recent days, the exploitation and forced abortion at seven months of Feng Jianmei has sparked global outrage—and deep concern for her welfare and that of the women of China (In early July, the European Parliament “strongly condemned” China's one child and forced abortion policy). While Feng remains in a hospital—she calls it a prison—her husband, Deng, has been beaten. Feng's gross mistreatment however is far too commonplace.

Feng Jianmei was forced to undergo an abortion on June 2nd, seven months into her pregnancy. Media reports indicate that local officials in northwestern Shaanxi Province held Ms. Feng for three days, blindfolded, and coerced her to consent to the abortion. Even with the supposed consent, it took five men to hold her down and administer the drug that induced the 48 hour labor. The injection was given directly to the child's head.

Ms. Feng's husband, Deng, posted graphic photos of his wife and the dead baby online, embarrassing the government. Deng Jicai, Mr. Deng's sister, said her brother and sister-in-

law had refrained from speaking to media but decided to speak to German reporters who traveled to Shaanxi when the government did not produce investigation results as promised.

Ms. Deng reported to the media that the local government organized a backlash against the family members, calling them traitors and keeping them under surveillance, apparently angered over the family's contacts with journalists. Local residents took a long bus ride to the hospital where Ms. Feng was recovering from the abortion and demonstrated with banners reading, “beat the traitors soundly and expel them from Zengjia township!” Family members claim that the demonstration seemed to be a campaign organized and funded by the local authorities but made to look like a spontaneous public gesture. Mr. Deng reportedly also was beaten and labeled a traitor for speaking out about the crime.

The China Daily reported that there was no legal basis for the fine of \$6,300 for the second pregnancy that Ms. Feng refused to pay. The local government also has admitted that Ms. Feng's legal rights were violated. Publicity surrounding the forced abortion prompted the firing of two local officials and warnings or demerits being issued against five others.

Mr. Deng escaped from the hospital where both he and his wife were being forcibly detained. He traveled to Beijing and hired a lawyer to sue the local government. Mr. Deng's location is now unknown, but it is believed that he is in hiding. Ms. Feng is still being held at the hospital.

The lawyer, Zhang Kai, said recently that he has sent a legal request on behalf of Feng's husband, Deng Jiyuan, asking local police and prosecutors to investigate criminal infractions in the case. Deng also is seeking unspecified compensation from the government, Zhang said.

The widespread circulation of the photos posted by Mr. Deng has prompted renewed debate in China and the world regarding the one-child policy, possibly including within the government itself. Researchers with a center affiliated with China's State Council, the equivalent of China's cabinet, argued in an essay published in the China Economic Times newspaper on July 3, 2012, that China should adjust the one-child policy “as soon as possible” to head off a potential demographic crisis.

The Wall Street Journal on July 6th also reported that a group of prominent Chinese scholars issued an open letter on Thursday calling for a rethink of the country's one-child policy. The group argued that the policy in its current form is incompatible with China's increasing respect for human rights and need for sustainable economic development. The letter comes less than a month after Feng's photo and story ignited public anger.

“The birth-approval system built on the idea of controlling population size as emphasized in the current ‘Population and Family Planning Law’ does not accord with provisions on the protection of human rights contained in the nation's constitution,” the authors of Thursday's letter wrote, adding that a rewriting of the law was “imperative.”

The list of signatories to Thursday's letter included several high-profile figures, including Beijing University sociologist Li Jianxin and

Internet entrepreneur James Liang. "This is a time during which people all over the world have realized there are problems with the [one-child] policy," Mr. Liang, the co-founder and chief executive of Chinese online travel site Ctrip.com, told *The Wall Street Journal*. Mr. Liang, who has spent the past five years pursuing a Ph.D. in economics at Stanford University and just published a book challenging the notion that China has too many people, said he has felt a recent opening up of discussion around the one-child policy.

Mr. Liang, who advocates a complete dismantling of the family-planning system rather than a two-child system put forward by others, said he initially became interested in the one-child policy when he came across research showing that innovation and entrepreneurship are dominated by young people. He said he feared a shrinking of the population of young people would hamper the country's efforts to evolve beyond being merely the world's factory. "From an economic perspective, the one-child policy is irrational. From a human-rights perspective, it's even less rational," Mr. Liang said.

Earlier this week, I heard testimony from Guo Yangling, who like Feng, will tell us how she suffered a brutalizing late term forced abortion:

Heading out to buy breakfast . . . I was stopped by an older woman in her 50s who asked me if I had a 'birth permit.' I said no . . . Then, two staff members from the Family Planning Commission came and asked me where I was from, where I lived and what my name was . . . I tried to walk away but they wouldn't let me go . . . 'Help, somebody!' But no one came to help. Then two vans arrived, their doors opened and people sitting inside . . . 'Get in quickly.' I refused and said, 'I don't know who you are, why you are asking me to get into your vehicle and where you are taking me?' They said, 'You will know after you get in' . . . On the road, in an attempt to save my baby who would soon be arriving in this world, I reached my hand for the van door. They grabbed me and held me down on the van floor, yanking my hair and trampling my limbs and body . . . I screamed again 'murder,' only to have a cloth used to wipe cars stuffed into my mouth . . . I got out, I was brought to the second floor of the building. There, I saw a number of female victims sitting on the benches in the corridor, their eyes filled with tears of anxiety, terror and sadness . . . a woman dressed in white and wearing a surgical mask told me to get on the delivery bed immediately. I refused, so they pinned me down on the bed by force. After the person in white pressed my belly with her hands and felt the position of my baby's head, she stuck a big, long, fatal needle deep into my abdomen . . . By then, my unborn baby had already been murdered and I lost heart.

This is the grim reality of the one-child-per-couple policy. As we have known for three decades, there are no single moms in China—except those who somehow evade the family planning cadres and conceal their pregnancy. For over three decades, brothers and sisters have been illegal; a mother has absolutely no right to protect her unborn baby from state sponsored violence.

The price for failing to conform to the one-child-per-couple policy is staggering. A Chinese woman who becomes pregnant without a permit will be put under mind-bending pres-

sure to abort. She knows that "out-of-plan" illegal children are denied education, health-care, and marriage, and that fines for bearing a child without a birth permit can be 10 times the average annual income of two parents, and those families that can't or won't pay are jailed, or their homes smashed in, or their young child is killed. If the brave woman still refuses to submit, she may be held in a punishment cell, or, if she flees, her relatives may be held and, very often, beaten. Group punishments will be used to socially ostracize her—her colleagues and neighbors will be denied birth permits. If the woman is by some miracle still able to resist this pressure, she may be physically dragged to the operating table and forced to undergo an abortion.

Her trauma, like Feng and Guo, is incomprehensible. It is a trauma she shares, in some degree, with every woman in China, whose experience of intimacy and motherhood is colored by the atmosphere of fear. The World Health Organization (WHO) reports staggering 500 female suicides per day in China. China is the only country in the world where the female suicide rate is higher than the male, and according to the Beijing Psychological Crisis Study and Prevention Center, in China the suicide rate for females is three times higher than for males.

The result of this policy is a nightmarish "brave new world" with no precedent in human history, where women are psychologically wounded, girls fall victim to sex-selective abortion (in some provinces 140 boys are born for every 100 girls), and most children grow up without brothers or sisters, aunts or uncles or cousins.

Over the years I have chaired 37 congressional human rights hearings focused in whole or in part on China's one-child policy. At one, the principal witness, Wujuan, a Chinese student attending a U.S. university testified about how her child was forcibly murdered by the government. She said, "[T]he room was full of moms who had just gone through a forced abortion. Some moms were crying. Some moms were mourning. Some moms were screaming. And one mom was rolling on the floor with unbearable pain." Then Wujuan said it was her turn, and through her tears she described what she called her "journey in hell."

At another hearing, a woman who was the director of a family planning clinic in Fujian said that by day she was a monster, by night a wife and mother of one.

Women bear the major brunt of the one-child policy not only as victimized mothers. Due to the male preference in China's society and the limitation of the family size to one child, the policy has directly contributed to what is accurately described as gendercide—the deliberate extermination of a girl—born or unborn—simply because she happens to be a girl.

As a result of the Chinese government's barbaric attack on mothers and their children, there are some tens of millions of missing daughters in China today. It has been noted that the three most dangerous words in China today are: "it's a girl!"

Because of the missing girls—China today has become the human sex trafficking magnet of the world. Women and young girls from outside the country are being sold as commod-

ities throughout China—a direct consequence of the one-child policy.

I am the author of the Trafficking Victims Protection Act of 2000, a comprehensive law to prevent trafficking, prosecute traffickers and protect victims.

One provision of the law requires an annual assessment of every country. According to this year's TIP Report released on June 19th:

China's birth limitation policy, coupled with a cultural preference for sons, creates a skewed sex ratio in China, which served as a key cause of trafficking of foreign women as brides for Chinese men and for forced prostitution.

The government took no discernible steps to address the role that its birth limitation policy plays in fueling human trafficking in China, with gaping gender disparities resulting in a shortage of female marriage partners. The government failed to take any steps to change the policy; and in fact, according to the Chinese government, the number of foreign female trafficking victims in China rose substantially in the reporting period. The Director of the Ministry of Public Security's Anti-Trafficking Task Force stated in the reporting period that "[t]he number of foreign women trafficked to China is definitely rising" and that "great demand from buyers as well as traditional preferences for boys in Chinese families are the main culprits fueling trafficking in China."

A June 26th op-ed in *The People's Daily*—the official newspaper of the Chinese Communist Party—shed light on the emerging demographic catastrophe that is China.

The article titled "Leftover men to be a big problem" admits that there is a "bachelors" crisis that will "trigger a moral crisis of marriage and family" and the "continual accumulation of the number of unmarried men will greatly increase the risk of social instability."

At a congressional hearing I chaired last September BYU Professor Valerie Hudson, author of *Bare Branches: The Security Implications of Asia's Surplus Male Population*, testified that "by year 2020 young adult bare branches—ages 15–34 will number approximately 23–25 million . . . the foremost repercussions will be an increase in societal instability, marked increases in crime, crimes against woman . . . and the formation of gangs . . ."

Nicholas Eberstadt, a world-renowned demographer asks, "What are the consequences for a society that has chosen to become simultaneously, more gray and more male."

In her assessment for security and potential war, Professor Hudson testified "faced with worsening instability at home, and an unsolvable economic decline at home (as China ages) China's government may well be tempted to use foreign policy to 'ride the tiger' of domestic instability. The twin themes of anti-Japanese feeling and unfulfillment of China's reunification with Taiwan will be deeply resonant to much of the population of China. In the next two or three decades, we are likely to see observable security ramifications of the masculinization of China's growing young adult population, especially combined with an understanding of the consequences of global aging . . ."

Last August Vice President JOE BIDEN visited China, and told the audience that he was well aware of and "fully understood" the one-

child policy, and that he was not "second guessing" the State for imposing it. Can you imagine what the public reaction would be if the Vice President had said that he "fully understands" and is not "second guessing" copyright infringement and gross violations of intellectual property rights?

The one-child-per-couple policy is the most egregious, vicious attack on women ever. For the Vice President of the United States to publicly state that he fully understands the one child policy and then say he won't second guess it is unconscionable, and sells out every mom in the PRC.

Although Vice President BIDEN attempted to modestly backtrack on his extraordinarily callous comment about the policy, his voting record as a Senator shines a spotlight on his long-held disregard for the severity of this human rights violation. On September 13, 2000, he joined 52 other senators in defeating an amendment by then-Senator Jessie Helms condemning the one-child policy. Then-Senator BIDEN reportedly did so because he was concerned that condemning China on fundamental human rights would interfere with the normalization of trade relations.

Not only is the Obama administration turning a blind eye to the atrocities being committed under the one-child policy, but it is even contributing financial support—contrary to U.S. law—to the United Nations Population Fund (UNFPA). Twenty eight years ago—on May 9, 1984—I authored the first amendment ever to a foreign aid bill to deny funding to organizations such as the UNFPA that are complicit with China's forced abortion and involuntary sterilization policy. It passed. After all these years, it is astonishing that policy makers—including and especially the Obama administration—remain indifferent or worse, supportive, of these massive crimes against women and children. The Obama administration has long enabled this cruel policy by its silence and financial support to the tune of over \$165 million to the UNFPA, an organization that supports, plans, implements, defends and whitewashes the Chinese government's brutal program.

On one of several trips to Beijing, I challenged Peng Peiyun—then China's director of the nation's population control program—to end the coercion. Madame Peng told me that the UNFPA was very supportive of the one-child-per-couple program and that the UNFPA adamantly agrees with her that the program is voluntary and that coercion doesn't exist.

For over 30 years, the UNFPA has consistently heaped praise on China's population control program and repeatedly urged other countries to embrace similar policies.

A few years ago, the UNFPA and the Chinese government rolled out the red carpet and hosted high level diplomats from Africa including health ministers to sell "child limitation" policies. Despite the fact that China's enforcement mechanism relies on heavy coercion and its aging population will soon implode its economy, some African leaders seem to have taken the bait. Limitations on the number of children a mother may carry to term are under active consideration throughout the subcontinent.

And the UNFPA has tried to impose China-like child limitation policies on other nations as well, including the Philippines.

Finally, in 2000, I wrote a law—The Admiral James W. Nance and Meg Donovan Foreign Relations Authorization Act for fiscal years 2000 and 2001.

Section 801 of Title VIII of that Act still in effect today requires the Secretary of State not to issue any visa to, and the Attorney General not to admit to the United States, any foreign national whom the Secretary finds, based on credible and specific information, to have been directly involved in the establishment or enforcement of forced abortion or forced sterilization.

Owing to a glaring lack of implementation, only a handful of abusers of women have reportedly been denied visas to the U.S. That must change.

Lastly I thank each of our witnesses, who testified at a hearing I held earlier this week on this issue, for speaking out on this important topic.

CONGRATULATING GLENDALE HIGH SCHOOL'S SPENCER HAIK

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. LONG. Mr. Speaker, I rise today to congratulate Glendale High School's Spencer Haik for winning the 1600 Meter Run at the Missouri Class 4 State Track and Field Championships.

Through his hard work and dedication, Spencer placed first in the 1600 Meter Run with a winning time of 4:15.11. His winning time was 5 seconds off his previous school record of 4:20.23. This achievement also marked the third time this year Spencer established a new school record.

Spencer plans to participate in several meets across the country this summer and will be a junior at Glendale High School in the fall.

I urge my colleagues to join me in congratulating Spencer Haik, the winner of the 1600 Meter Run at the Missouri Class 4 State Track and Field Championships.

IN SUPPORT OF SMALL BUSINESS TAX CUTS

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Ms. RICHARDSON. Mr. Speaker, I rise today to applaud the Administration for the immediate executive actions that will accelerate our nation's small business growth. There are 28.6 million small businesses in the U.S. and small businesses create two out of every three jobs in the country. In the state of California small businesses employ more than 50 percent of the state's 16 million workers and represent 90% of job growth for high-paying jobs. The statistics are clear, small businesses are the key to economic recovery and continued growth.

Ameliorating the burdens of small businesses stabilizes uncertainty and encourages

critical job growth. Five of these initiatives are immediate executive actions that will accelerate Federal payments, reduce paperwork, and make it easier for small firms to access loans and tax credits, and one is a legislative proposal to raise the amount of investment small businesses can expense next year.

Mr. Speaker, let me briefly highlight some of the key initiatives:

(1) Accelerate payments to small business subcontractors: Through the Office of Management and Budget, agencies will be directed to make contract payments along an accelerated timeline to all prime contractors for the next year (typically 15 days after receipt of proper documentation, as opposed to 30 days), with the understanding that those prime contractors will similarly accelerate payments to their small business subcontractors.

(2) Announce support for Section 179 expensing at \$250,000 for one year: President Obama is calling on Congress to write legislation to allow small businesses to write off up to \$250,000 in capital investments in 2013, such as machinery and equipment, to drive productivity. Without an act from Congress, the expensing limit for small businesses is scheduled to decline to only \$25,000 in 2013.

(3) Increase access to capital through SBA's Small Loan Advantage (SLA) 2.0: SBA is re-launching Small Loan Advantage, one of its key small dollar loan products, as SLA 2.0. This revamped program raises the maximum loan amount from \$250,000 to \$350,000, streamlines the loan process, and makes it easier for lenders to extend loans to small businesses across America.

(4) Launch "Quick App" for surety bond guarantees under \$250,000: SBA is launching "Quick App," a streamlined application that will eliminate the need for contractors to complete five unnecessary forms to apply for surety bonds. Providing small firms, particularly in the construction industry, streamlined access to these bonds will make it easier for them to compete for and win additional business, which is important to allowing them to expand and create jobs.

(5) Reduce paperwork for SBA's Disaster Loan Program: Cutting the online application from 80 screens to three or four screens (depending on loan type) will allow families and businesses easier and quicker access to support for rebuilding after a disaster.

(6) Align New Markets Tax Credit with the needs of investors in growing small firms: Reforms the existing New Markets Tax Credit that will make it easier for community development entities (CDEs) to attract private sector funds for investment in startups and small businesses operating in lower-income communities. The regulations are designed to encourage CDEs to invest in other types of small local businesses by relaxing the reinvestment requirements for CDEs investing in certain operating businesses. The Treasury Department is also considering regulatory reforms that would further simplify the requirements for these CDEs and intends to publish these for comment in the future.

Entrepreneurs and small businesses are engines of innovation and economic growth; the small businesses in my district are at the forefront of innovation. The diverse innovation of small businesses in my district from aerospace

to healthcare will be able to expand market share with the support of these six key initiatives. I will continue to fight for legislation that will support the approximately 16,300 small businesses in my district.

Mr. Speaker, I would like to commend the Administration for taking the necessary steps to help small businesses expand their export programs and alleviate potential layoffs. I urge my colleagues to build upon the Administration's executive actions and provide more support for small businesses.

**HONORING THE MEMBERS OF THE
NATIONAL GUARD AND ARMED
FORCES RESERVES**

HON. KEVIN YODER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. YODER. Mr. Speaker, I rise today to honor all the members of our National Guard and Armed Forces Reserves who defend our nation at home and abroad, and to voice my support of the Employer Support of the Guard and Reserve (ESGR) program operated through the Department of Defense.

The ESGR provides education, consultation, and if necessary mediation for employers of Guard and Reserve employees. As the 1.3 million members of the National Guard and Reserve continue to perform an increasing number of unique missions within America's borders and beyond, ESGR will continue to be the resource for the employers of citizen warriors.

Members of the National Guard and Reserve bring a strong work ethic, leadership and specialized skills to the civilian workplace, and hiring veterans is a great way employers can show their appreciation for the service and sacrifice of our military men and women.

Mr. Speaker, I stand in support of ESGR and their mission to assure that all American employers support and value the employment and military service of members of the National Guard and Reserve forces.

**IN CELEBRATION OF RICE UNIVER-
SITY'S 100TH ANNIVERSARY**

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. GENE GREEN of Texas. Mr. Speaker, I rise to recognize the hundred-year anniversary of the founding of Rice University, one of our nation's preeminent research universities.

Founded through the estate of Mr. William Marsh Rice as a gift to the City of Houston, Rice Institute, as it was originally known, opened its doors on September 23, 1912, with 77 students and a dozen faculty.

From these humble beginnings, Rice University has risen to be a leader in science, engineering, medicine, music, and athletics.

Rice placed a critical part in the development of our nation's space program and was the site of President John Kennedy's famous "moon speech" in 1962.

Today, Rice is recognized as one of the top national research universities in the country by such publications as Forbes and U.S. News and World Report.

Rice is also recognized for its residential college system, similar to resident colleges at Oxford and Cambridge, its beautiful campus grounds and architecture, and the high quality of student life.

A list of famous alumni include a "Who's who" of Houston's most recognized citizens, including George R. Brown, Thomas Cruikshank, William Hobby, and our present mayor, Annise Parker.

I congratulate Rice University, its students, faculty, and alumni on their 100 years of success and thank them for the vital role they serve on behalf of the Houston community and wish them another 100 years of trail-blazing, discovery, and success.

THE SACRIFICE A SOLDIER MAKES

**HON. CHARLES J. "CHUCK"
FLEISCHMANN**

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. FLEISCHMANN. Mr. Speaker, following is the essay written by Katie Smith in honor of her brother, SPC Andrew Smith, and all soldiers.

THE SACRIFICE A SOLDIER MAKES

(By Katie Smith)

The Tomb of the Unknown Soldier represents the sacrifices a soldier makes to defend our country. Knowing that I would be honoring the three fallen soldiers and any other soldier who made the sacrifice with laying the wreath meant the world to me. The history of the Tomb humbles me to know that people have given their lives protecting me and that they are still being honored for it. Multiple members of my family served in the U.S. military, including both of my grandfathers and my brother. In my opinion, the Unknown Soldier symbolizes the sacrifice, whether death or injury, a soldier risks taking.

I have personal experience with how a soldier sacrifices. My brother, SPC Andrew Smith, a soldier with the 82nd Airborne, was deployed to Afghanistan and was wounded in combat on March 8, 2012. While on patrol near Kandahar, an IED detonated next to him. He lost both of his legs and suffered some other severe wounds. Before he joined the Army, we asked why he wanted to do this, and he said, "I will do anything and go anywhere to keep this fight from coming here." He was aware of the risks that were involved in being a soldier, but he was so devoted to protecting our freedom that he was willing to sacrifice in a major way. Even though he is away from the war, he is still fighting. He fights for his life, mobility, and a somewhat normal life. While I was at Walter Reed National Medical Center, I noticed a whole community of people with titanium limbs, and knowing that they made the sacrifice for me and my freedom, as my brother did, is humbling. I will never again take for granted any of my limbs, my mobility, or my freedom because now I know that people lost those things while keeping me safe. I couldn't imagine what it would be like if I had to say that my brother made the same

exact sacrifice the Unknown Soldiers did, and I thank God every day that I don't have to. However, I would love to honor them in any way I can, all the same.

It is a great tragedy that has come over these soldiers, but it is also a great honor for them. They were brave enough to make that sacrifice, and they should be rewarded in every way possible. These men and women are true heroes, and I can't thank them enough for the service they've done for our country.

REMEMBERING HAROLD WILLIAMS

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. BLUMENAUER. Mr. Speaker, Portland was saddened by the loss of longtime civic leader and community activist Harold Williams.

Harold was best known as the longest serving board member of Portland Community College with over two decades of outstanding service. But he was already a fixture in our community long before that.

Harold earned two degrees, both his bachelor and masters degrees, at Portland State University where he was Director of the Education Center and where he exercised a strong voice on behalf of inclusion. From the very beginning, Harold Williams was a champion of opportunity for the underserved so it was only natural he would gravitate to Portland Community College. Young African American men received special attention from Harold, but he was a strong proponent of opportunity for everyone throughout our community.

Harold was a large man with an even larger personality and a greater heart until it failed him on July 1st. We extend our condolences to the Williams family and to his much larger family in Northeast Portland which will miss him dearly, but will forever be thankful for his many contributions.

**CONGRATULATING DR. ROBERT
FAWCETT**

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. PLATTS. Mr. Speaker, I am delighted to offer my heartiest congratulations to Dr. Robert Fawcett of York, Pennsylvania on being named the 2012 Family Physician of the Year by the Pennsylvania Academy of Family Physicians. This is indeed an outstanding achievement.

Throughout his career, Dr. Fawcett has practiced a wide range of family medicine, including critical care, pediatrics, geriatrics and sports medicine. As evidenced by the previous awards for his medical work, Dr. Fawcett's skill and compassion has benefited hundreds of families throughout his career. In addition, his history of volunteer service has made his community a better place in which to live and work.

This dedication is shared by Dr. Andre Lijoi of York, who was previously named Pennsylvania's Family Physician of the Year in

2008. Dr. Lijoi has dedicated his career to making a meaningful contribution to the lives of his patients. He has educated residents and students on the need to provide competent, compassionate care by strengthening the physician/patient relationship and by motivating patients to lead healthier lives. Dr. Lijoi has also been a very active community volunteer.

I once again offer my congratulations to Dr. Fawcett and Dr. Lijoi for personifying the best ideals and practices of family medicine. They have positively impacted countless of their fellow citizens throughout their careers and I know that their patients, friends, family and colleagues join with me in offering best wishes for continued success in their future endeavors.

H.R. 6079—OBAMACARE REPEAL
ACT

HON. ERIC CANTOR

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. CANTOR. Mr. Speaker, there are many issues in the health care law that require Congressional attention. After repeal of ObamaCare, as we craft proposals to reform the health care system, there are a variety of issues that were dealt with in the original ObamaCare law that had nothing to do with the central elements of the law that we will seek to address. These include for example reforming the Medicaid program in a way that, among other things, addresses disparities in Medicaid funding amongst the states and territories. Puerto Rico Governor Fortuño has personally raised this latter issue with me. The Governor has taken commendable steps to reduce Puerto Rico's deficit and grow its economy and it is important that with respect to Medicaid, Puerto Rico and the other territories be treated fairly.

OUR UNCONSCIONABLE NATIONAL
DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, on the 208th anniversary of the fatal wounding of Alexander Hamilton in his duel with Aaron Burr, it is \$15,879,266,313,073.20. We've added \$5,252,389,264,160.12 to our debt in just over 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

RECOGNIZING THE IMPORTANCE
OF EQUAL PAY FOR WOMEN

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. DAVIS of Illinois. Mr. Speaker, as we mark the 40th anniversary of Title IX—the historic law establishing equal access to education for women, I would like to take a moment to recognize the importance of equal pay for equal work, another federal policy that is essential to providing equal opportunity for women in our country. The contemporary push for women's rights began with the passage of the Equal Pay Act of 1963. Although this statute was a great advancement for women in society, much work remains to strengthen the reality of equal pay for women. For example, in 1963, women earned sixty cents for every dollar a man made. Today, according to the latest Census statistics, women only earn seventy-seven cents for every dollar a man makes—progress but still an egregiously-unfair and unequal disparity. Equal pay is the foundation for economic well-being and security. Policymakers must take action to ensure that equity in pay is a national priority.

In 2009, the 111th Congress took strides to further close the gender discrimination gap in the professional work environment by passing The Lilly Ledbetter Fair Pay Act into law. This law initiated great improvements for women in the workforce, such as allowing a time frame extension to file lawsuits against employers for wage discrepancies. However, additional protections are needed, which is why Democratic lawmakers are advancing the Paycheck Fairness Act. The Paycheck Fairness Act strengthens the equality provisions within the Lilly Ledbetter Fair Pay Act and eliminates the loopholes not seen in the past. For example, it increases penalties on employers who violate federal law and allows women to pursue legal matters if they are treated unjustly. The legislation also ensures equality in the tax code so that everyone—male and female, high-income earners and those living in poverty—pays their respective tax rate. Fairness should be applicable to all, in wages and in taxes. The Paycheck Fairness Act provides effective remedies to women who are not being paid equal wages for equal work, and Congress should pass the bill as soon as possible.

Equality in pay is an issue of civil rights. Women represent more than half of the workforce, and they deserve the full-amount of earnings for their work. Loss of hundreds of thousands of dollars over a lifetime due to unequal pay undermines the economic security of women and our nation. I will continue to steadfastly support and advance legislation that promotes gender equality and civil fairness.

CONGRATULATING VICTORIA
FOLEY

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. LONG. Mr. Speaker, I rise today to congratulate Victoria Foley of the Joplin McAuley Catholic Track and Field Team for winning the Discus State Title at the Missouri Class 1 State Track and Field Championship.

Victoria worked hard throughout the season to achieve her state title. She continuously strove to better her performance, inspiring her teammates as well as earning the respect of her competitors.

Victoria is a solid definition of what it takes to be a great student athlete by virtue of her phenomenal talent and great sportsmanship. Through her hard work and dedication she won the Missouri Class 1 State Discus Championship with a throw of 121 feet 3 inches. In the end, she added herself among only 2 others who can share the State Champion title in the McAuley Catholic High School history.

I urge my colleagues to join me in congratulating Victoria Foley, the Missouri Class 1 State Discus Champion.

IN CELEBRATION OF MRS. BESSIE
RUDOLPH ANDERSON'S 100TH
BIRTHDAY

HON. SANFORD D. BISHOP, JR.

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. BISHOP of Georgia. Mr. Speaker, I rise today to pay tribute to a beloved role model and gracious woman of faith, Mrs. Bessie Mae Rudolph Anderson. On Saturday, July 14, 2012, Mrs. Anderson will be honored at an event celebrating her 100th birthday in Albany, Georgia.

Mrs. Anderson was born on July 6, 1912 in Mount Willing, Alabama to Isiah and Ada Eula Cabble Rudolph. She was the fifth of nine children. She and her brother, Will Arthur, are the only living siblings today.

As she grew up, Mrs. Anderson helped her father on the farm and her mother in the house. In her free time, she was the "Belle of the Ball" as she loved to dance. She has always enjoyed fishing, reading, telling stories about her childhood, and cooking her famous biscuits.

In 1924, Mrs. Anderson met William Anderson, a "Georgia Boy." After dating for five years, they were married on July 28, 1929. They began their life together in Alabama where they had five children: William, Jr., Mattie Pearl, John Samuel, Rosie Maxine and Ernestine. In 1940, they moved to Georgia where they had six more children: Katherine, Sim Hill, Lee Ernest, Lottye, Freddie Mae, and Charles Edward. Mrs. Anderson was a devoted wife and loving mother and worked hard to make a home for her family.

When her youngest child started school, Mrs. Anderson began working for the Pope family in Thomasville, Georgia as a housekeeper and caregiver for their three children:

Sissy, Dusty, and Miller. She was like family to the Popes and she loved those three children as her own.

Mrs. Anderson often said she was a chemist and a nurse licensed in all states because whenever and wherever anyone fell ill, she was always willing to go and nurse them back to health using her own homemade medical remedies.

Mrs. Anderson has achieved numerous successes in her life, but none of this would have been possible without the love and support of her late husband, William, her eleven children, and her 194 grandchildren and great-grandchildren.

Most important to Mrs. Anderson is her sturdy and enduring relationship with the Lord. She is a longtime member of Mercy Seat Christian Church. She served as treasurer for the church for many years and still serves as Mother of the Church.

The race of life isn't given to the swift or to the strong, but to those who endure until the end. Mrs. Anderson has run the race of life with grace and dignity and God has blessed her over her lifetime.

Mr. Speaker, I ask my colleagues to join me today in paying tribute to Mrs. Bessie Mae Rudolph Anderson as she and her family prepares to celebrate her 100th birthday.

RECOGNIZING ST ANN'S SCHOOL 148 YEARS OF EDUCATING YOUTH

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. REED. Mr. Speaker, I rise today to recognize St Ann's School of Hornell, New York for educating the youth of the 29th district for 148 years. On Wednesday, June 20th, St Ann's school closed its doors for the final time, bringing to a close a long legacy of providing a strong Catholic education to the children of the Southern Tier.

Since its founding in 1863, St Ann's School has committed itself not just to the development of the skills necessary for learning, but to the development of the whole child. Operating in an atmosphere permeated by Christian values, St Ann's School has long provided families with an affordable option to instill in their children the intellectual, emotional, and spiritual values necessary to become outstanding citizens.

It has been my privilege to represent St Ann's School for the past 2 years, and although I regret the decision that was made to close the school, I am truly thankful for its deep commitment to the education of the children of the 29th District of New York.

RECOGNIZING THE IMPORTANCE OF THE SUPPLEMENTAL NUTRI- TION ASSISTANCE PROGRAM (SNAP)

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise today to speak in support of Supplemental Nutrition Assistance Program (SNAP) funding as the House Agriculture Committee marks up H.R. 6083, the Federal Agriculture Reform and Risk Management (FARMM) Act.

As families struggle to meet their basic needs during the economic downturn, the SNAP short-term food assistance program has become more important than ever. With over 14 percent of American households suffering from food insecurity, SNAP works to ensure that children, unemployed workers, and seniors have the nutrition and extra help they need. SNAP provides essential support for 46.3 million Americans (nearly half of which are children) in 22 million different households. Washington State alone has nearly 1 million people that rely on SNAP benefits.

Changes proposed in the FARMM Act to end broad-based categorical eligibility would hurt low-income families in Washington State. An estimated 80,000 Washingtonians that currently receive SNAP benefits would not qualify or would be dropped from the program. Further, an estimated 280,000 low-income children in SNAP-eligible households that currently have access to free or reduced school meals would no longer have access. Further, FARMM Act provisions to limit which Low Income Home Energy Assistance Program (LIHEAP) payments can apply to SNAP benefits, would further limit benefits received through SNAP. These changes would disproportionately impact children, seniors, and working families. In these trying economic times, many Washingtonians cannot afford these cuts.

Congress must stand up for SNAP funding, as the program plays a crucial role in our economic recovery. The best way to lower government spending on SNAP is not through major cuts, but by continuing to help families in need. In Washington State, the average SNAP recipient receives benefits for only nine months. In these tough economic times, SNAP is providing much-needed support in getting families back on their feet.

Mr. Speaker, I ask that my colleagues protect SNAP funding as the FARMM Act goes through the legislative process.

PERSONAL EXPLANATION

HON. ED PERLMUTTER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. PERLMUTTER. Mr. Speaker, I rise to correct an error I made in voting recently.

Rollcall vote 430, the twelfth Broun amendment, proposed to reduce the Public Housing Operating fund by \$56 million. Because that

particular series of votes included six successive amendments by Representative Broun of Georgia, and these votes were shortened to two minutes in length, I mistakenly lost track of the order of amendments and voted "yes" on rollcall 430. I ask that the RECORD reflect I intended to vote "no" on rollcall 430.

CONGRATULATING ARENA PHARMACEUTICALS AND THE FDA

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. BILBRAY. Mr. Speaker, I rise today to congratulate Arena Pharmaceuticals and the Food and Drug Administration (FDA) on their work to approve a new weapon in the battle against obesity—Belviiq. This is the first new drug for the treatment of this serious medical condition to be approved by the FDA in 13 years. According to the FDA, this innovative therapy works by activating the serotonin 2C receptor in the brain. Activation of this receptor may help a person eat less and feel full after eating smaller amounts of food.

Mr. Speaker, the health of our nation needs to be a top priority, and with over 93 million Americans impacted by obesity this type of innovation needs to be supported. The FDA's approval of Belviiq is not only a step towards improving the lives of many Americans and significantly reducing healthcare costs, but it can also result in job retention and job growth in San Diego. Breakthroughs, like Belviiq from the San Diego life science community, create jobs in their search for innovations to ensure a healthier future. Arena Pharmaceuticals invested over \$1.5 billion dollars to get to this point, much of which was spent in California. In addition, all pivotal clinical trials were conducted here in the United States of America. By fostering cutting edge life science research, we can bring economic invigoration to San Diego and the U.S. while alleviating current medical ailments like obesity.

The life science industry employs over 2 million Americans, with the San Diego cluster being one of the largest at approximately 40,000 employees and 700 companies. Through successes in this industry with promising advancements like Belviiq, more companies and research projects can emerge in the region to generate job opportunities. San Diego biotechnology is internationally renowned for important discoveries in the medical field. Belviiq adds another distinction to San Diego biotechnology as our region is directly contributing to remedying obesity in the United States, which costs the nation \$190 billion per year. These medical breakthroughs not only help our local businesses, but also contribute to a healthier America.

Currently, less than one third of Americans have a healthy body weight. Americans across all social and economic groups are consequently affected by medical issues caused by being overweight. This recent innovation can allow us to look towards a future in which less Americans are affected by this serious medical condition and other weight-related illnesses. As doctors have been asking for more

research into new treatments for weight-loss, Belvii begins to answer these calls. Now we have taken the first steps in a new approach to obesity and will hopefully see new results.

Congratulations to Mr. Jack Lief of Arena Pharmaceuticals. The work of this innovative company will not only be felt in San Diego but across this great country.

50TH ANNIVERSARY OF THE
GEORGIA PEANUT COMMISSION

HON. AUSTIN SCOTT

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. AUSTIN SCOTT of Georgia. Mr. Speaker, with the discussion of a new farm bill heating up, I would like to pay special recognition to the Georgia Peanut Commission. In August, the Commission will be celebrating their 50th anniversary. Since 1961, they have successfully improved the profitability of peanuts and peanut products through research, promotion, and education, creating a better market for Georgia peanut farmers.

When the Georgia Peanut Commission began, farmers who harvested 475,000 acres of peanuts averaged yields of 1,200 pounds per acre. Last year, farmers who harvested the same 475,000 acres averaged over 3,500 pounds per acre, an increase of 350 percent. Due to their efforts, Georgia peanut yields are consistently higher than other states; possess superior quality, and contribute an estimated 2 billion dollars to the Georgia economy.

In fact, Georgia is number 1 in the national production of peanuts with nearly 50 percent of the annual crop.

And no one can miss those small red packs of peanuts. The Georgia Peanut Commission is recognized throughout the world by their red packages of Georgia peanuts. Annually, the Commission distributes 2 million of those little red packs, demonstrating their commitment to the peanut industry.

In addition, with farmers and ranchers being the true conservationists of America, the Commission, on August 1st, will open a net-zero energy building, which will serve as their new headquarters. During the construction of this new building, only local contractors and businesses were used and no government funding was provided, further showing their commitment to Georgia's agricultural future.

Mr. Speaker, with agriculture being one of the economic pillars of this great country, it is with pride that I congratulate the Georgia Peanut Commission on its 50th anniversary, and I look forward to working with the Commission for another 50 years.

CONGRATULATING QUINTIN SMITH

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. LONG. Mr. Speaker, I rise today to congratulate Quintin Smith on his 200 Meter Dash State Title at the Missouri Class 4 State Track and Field Championships.

Quintin Smith, a senior at Parkview High School, took home first place for the Vikings in the 200 Meter Dash with a time of 21.50.

I urge my colleagues to join me in congratulating Quintin Smith on his 200 Meter Dash State Track and Field Title.

HONORING MILLENNIUM MOMENTUM
FOUNDATION, INC. FOR
THEIR STRONG PUBLIC SERVICE

HON. KAREN BASS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Ms. BASS of California. Mr. Speaker, today I recognize an exceptional foundation in California's 33rd District—Millennium Momentum Foundation, Inc. (MMF). This Los Angeles based organization was formed on July 12, 2002 as a 501(c)(3) with the critical mission to increase the number of students and young adults from various backgrounds in the public service system through higher education, scholarships, mentoring, and leadership development training.

MMF empowers and encourages students to further develop their passion for service, commitment to change, and to become leaders within their communities. The program rewards exceptional student leaders with scholarships that are matched by their own institutions, providing more financial resources for students to complete their college degrees. Students attend life changing leadership development workshops focusing on important issues such as personal finance, professional communication, dispute resolution, and résumé and interview preparation. This foundation has an outstanding and effectual track record of equipping young people with the tools and skills they need to reach success in public service.

Millennium Momentum Foundation, Inc. has become one of the premier providers of leadership development training in the nation with a 96 percent college graduation rate and an 85 percent employment matriculation rate among program participants completing service delivery from 2004 to 2011. MMF's capacity to effectively reach, educate, train, and professionally develop young adults was so impressive, it was selected by the Obama administration in 2012 to serve as a national partner to help implement the White House Young America Series, a non-partisan educational conference initiative aiming to merge President Obama's vision with young America's needs in 17 cities around the nation.

Mr. Speaker, we are very proud to have such an outstanding organization as part of the Los Angeles Community and California's 33rd Congressional District.

CELEBRATING THE BIRTH OF
SALLY WILLOUGHBY WILSON

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. WILSON of South Carolina. Mr. Speaker, I am happy to congratulate my son Julian

Wilson and his wife Joy Wilson of Lexington, South Carolina, on the birth of their new baby girl. Sally Willoughby Wilson was born at 10:48 p.m., on Saturday, June 30, 2012, weighing 7 pounds and measuring 19 and $\frac{3}{4}$ inches long. Sally joins an older brother, Jack Wilson. She has been born into a loving home where she will be raised by parents who are devoted to her well-being and bright future.

I would also like to congratulate Sally's grandparents Gary Strickland and Sherry Strickland of Nichols, South Carolina, and my wife, Roxanne Wilson of Springdale, South Carolina. I am so excited for this new addition to the Wilson family.

ON THE OCCASION OF THE ANNEX-
ATION OF ELSMERE CANYON IN
SANTA CLARITA, CA

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. McKEON. Mr. Speaker, I rise today to recognize the City of Santa Clarita and its residents on the recent annexation of Elsmere Canyon. This annexation completes a 25-year journey to protect a beautiful canyon that provides outstanding recreation opportunities to residents of the Santa Clarita Valley and visitors from surrounding areas.

Elsmere Canyon serves as an important wildlife corridor and is an integral part of the City's greenbelt. The Canyon is a popular destination for hikers and outdoor enthusiasts, and greatly enriches the recreational opportunities available in our area.

I am proud to have fought for, and won inclusion of, a legislative provision that was written into law which will forever protect Elsmere Canyon from being developed as a massive landfill. In February of 1995, I introduced H.R. 924, legislation that would prohibit the Secretary of Agriculture from transferring any part of the Angeles National Forest from federal ownership to be used as a landfill. This language was included in the Omnibus Parks and Public Lands Management Act of 1996, which was signed into law that year.

I would like to recognize the efforts of the Santa Clarita City Council, Supervisor Antonovich, and the Santa Monica Mountains Conservancy for working together to purchase the land in 2010, which helped to pave the way for annexation into the City this spring. It is my sincere hope that Elsmere Canyon serves as a reminder that when residents, elected officials, and community organizations come together, we can create great opportunities for the residents that live in our beautiful valley.

HONORING JAMES ROMAN
CUTSHAW

HON. PAUL C. BROUN

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. BROUN of Georgia. Mr. Speaker, I rise today to honor a dear friend, a selfless humanitarian, a loving son, brother, husband,

and father—Mr. James Roman Cutshaw, better known as Roman.

In addition to his unwavering dedication to his family, Roman is also a lifelong Marine who served in World War II as an artilleryman. Roman's father taught him about how precious freedom and liberty are, as he served during World War I. He encouraged each of his sons to enlist as well. Not only did Roman make his father extremely proud, he also took away intangible life lessons about camaraderie, duty, and honor that are still with him today.

After the war Mr. Cutshaw continued his education and received a Bachelor of Science in Accounting. He later moved his family from Greeneville, Tennessee, to Athens, Georgia, where he became a successful businessman, father to four boys, and pillar of the community.

After his retirement, Mr. Cutshaw has continued an active and engaging lifestyle all the while maintaining a constant drive to better himself in every way possible. At age 77 he returned to school to obtain a second degree in Heating and Air Engineering and at age 86 he received a third degree in Theology. Roman maintains a garden large enough to feed several families in his community and has done countless free repairs on refrigerators, freezers, and air conditioners in the hot Georgia summers for those not fortunate enough to afford these costly services. He is truly an example of what it means to put others' needs before your own and to always trust in the Lord.

In 2011, Roman was diagnosed with cancer and is now in his hardest battle yet. Just last week, he turned 92 years old and days before was placed under the care of Hospice. Our thoughts and prayers are with him, but we know God has blessed and will continue to bless Roman. This is a man who has not been afraid to get his hands dirty or make sacrifices on behalf of his neighbors. He understands the value of a hard day's work, the loyalty it takes to make 50 years of marriage work, and above all, the importance of prayer. He has touched many lives, especially those of his children, and he continues to be an inspiration to all who know him. Please join me in honoring Roman and wishing him a very blessed 92nd birthday.

ATTACKS ON CHRISTIANS IN NIGERIA: UNPROVOKED, UNCONSCIONABLE

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. SMITH of New Jersey. Mr. Speaker, earlier this week I held a hearing to examine U.S. policy and policy options for managing relations with Nigeria in light of concerns on terrorism and social and political unrest.

The stability and commitment to justice and the rule of law of the Nigerian government is critical to regional, continental and global economic interests. Nigeria is hugely important on many fronts. Nigeria, Africa's largest producer of oil and its largest democracy, is one of the U.S. government's key strategic partners on

the continent. It is Africa's most populous country, with more than 155 million people, roughly half Muslim and half Christian, and its second-largest economy. Nigeria supplies nearly three times the volume of imports to the United States as Angola, the second leading U.S. import supplier. The United States receives nearly 20% of our petroleum exports from Nigeria.

Consequently, Nigeria's stability is of critical interest for the U.S. economy and American policy interests in Africa.

Attacks by the Nigerian Islamic terrorist group Boko Haram on Christians, including attacks launched this past weekend, are unprovoked and unconscionable. People of all faiths—and all people of goodwill—must demand immediate action against this terrorist organization.

According to Catholic News Agency/EWTN News:

“Archbishop Ignatius A. Kaigama is concerned over the seemingly endless violence against Christians that claimed at least 58 lives this past weekend and hundreds of others in recent weeks. It is ‘our prayer that something definitive will be done to stop the situation that is inhuman,’ the Archbishop of Jos, Nigeria and Nigerian Bishops’ Conference president said. In a July 9 interview with Vatican Radio, Archbishop Kaigama said that the violence against Christian villages around Jos ‘doesn’t seem to stop.’ Although he was recently awarded the Institute for International Research’s annual peace building award, the archbishop said he and his priests are discouraged by the silence of foreign governments surrounding the violence in Nigeria. A peaceful resolution ‘cannot be left to just one country,’ the archbishop said, urging a ‘collective effort.’”

Boko Haram reportedly is in league with al-Qaeda in the Mahgreb and is involved at some level with Tuareg rebels in northern Mali, Islamists in Somalia and possibly even the Taliban in Afghanistan.

In addition to its well-publicized attacks on Christians in Nigeria, Boko Haram has been involved in murdering those they consider moderate Muslims or Muslims collaborating with the central government or the West, including several Muslim clerics, the leader of the All Nigeria People's Party and the brother of the Shehu of Borno, a northern Muslim religious leader. There are reports that some northern Nigerian leaders may be supporting Boko Haram in some way as leverage against a government they oppose.

U.S. policy toward Nigeria also must take into account ethnic, religious and political challenges the Nigerian government faces outside of the Boko Haram dynamic. Furthermore, development deficits in Nigeria have had unequal impacts on various minority ethnic groups, such as in Nigeria's Delta region. This lack of attention to equitable development in Nigeria has led to violent uprisings that do not appear to be resolved in any part of the country, certainly not in the Niger Delta.

In Nigeria, President Goodluck Jonathan is considered to be the personification of his name: a fortunate politician who has been in the right place at the right time to enable him to enjoy a meteoric rise in politics with no perceived political base or political distinction in

his relatively brief career. He was an obscure government employee before he entered politics in 1998, and a year later, he was elected Deputy Governor of Bayelsa State. Except for his success in negotiations with his fellow Ijaws in the troubled delta region, he served without any special distinction until he became the Governor of Bayelsa State, after his predecessor was impeached on corruption charges in 2005.

Outgoing President Olusegun Obasanjo selected then-Governor Jonathan to be the People's Democratic Party vice presidential candidate with Umaru Yar'Adua, a presidential candidate from the north, in the 2007 elections. Yar'Adua was ill for much of his time in office, and Jonathan was called on to exercise presidential authority in November 2009 when Yar'Adua was unable to do so. Nigerian power brokers accepted Jonathan as official Acting President in February 2010. When Yar'Adua finally died in May 2010, these power brokers only accepted Jonathan to be sworn in as president because he was not considered a threat and likely wouldn't run for reelection.

However, Jonathan surprised them by announcing in September 2010 that he had consulted widely throughout Nigeria and would run for president. Jonathan won the presidential election convincingly, but his ruling People's Democratic Party lost seats in the Senate and the House of Representatives, and PDP now holds four fewer governorships—down to 23 of 36.

In October 2010, the Jonathan Administration called for the fuel subsidy to be removed. The government's decision was met with demonstrations and strikes by national unions. But while the unions agreed to end strikes and protests, the Joint Action Forum, a civil society affiliate of the unions, continued protests for a time throughout the country. The government responded with what human rights groups charged was excessive force. In northern Kano State, a student was shot to death in the course of breaking up a rally.

In addition to the resentment caused by government brutality in dealing with the largely youth-led fuel subsidy protests, high unemployment, resentment over perceived government corruption, and mismanagement and experience in organizing social protests may yet have a lasting impact on Nigerian politics and society.

The issues of excessive government force in the Niger Delta, northern Nigeria and other areas of the country over several past governments in Nigeria has fed resentment. Combined with the northern political opposition, the increasing resistance by minorities and the civil society political revolt, the Jonathan Administration faces significant forces arrayed against it. The questions our government must answer are: will this government withstand its opposition and what can we do to help Nigeria to remain Africa's essential nation?

A TRIBUTE TO SUSANNAH
MUSHATT JONES ON HER 113TH
BIRTHDAY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. TOWNS. Mr. Speaker, I rise today to pay tribute and to honor Susannah Mushatt Jones on the occasion of her 113th birthday celebration. Lovingly called "Miss Susie", she is a symbol of longevity and commitment to family for all New Yorkers and our nation.

Susie Jones was born July 6, 1899 in Lowndes County, Alabama and was the third of 11 children. Susie survives all of her siblings and is a firsthand historian of a unique quantity of our American history and growth as a country. She never had children but has more than 100 nieces and nephews. She is generous to the core paying for two nieces through college and lavishing gifts on the rest.

Miss Susie grew up in the segregated South and taught for two months after graduating high school. She then moved to New Jersey to work with a wealthy family in 1922. The following year she moved to work with a Westchester County family. Her work with various families over those years took her from the East Coast to the West Coast. At one point, Miss Susie worked for a prominent Hollywood family, socializing with movie stars and attending movie premieres. According to her, one time she was "close enough to Ronald Reagan to reach out and touch him." "Clark Gable, Cary Grant, I saw them all. George Raft was my favorite."

Miss Susie uses the word wonderful a lot, but about the only time she doesn't use it is in reference to her ex-husband, Henry. "We married in 1928, I think. He wasn't a mean person. He was a very good cook," she says. "But I don't know what happened to him."

Miss Susie retired in 1965 during the Civil Rights Movement and witnessed the continued change in the country through the following years. She lost her vision about 12 years ago and maintains her infectious laugh and upbeat attitude. Although she now has limited mobility, Miss Susie was an active member of the Vandalia Houses Senior Center tenant patrol well beyond her 100 years. Twice a day she sat in the lobby checking the guests as they signed in.

We can all learn from Miss Susie's secrets to a long life. She never smoked, drank. She works hard and loves faithfully. "I thank the Lord for the love I receive from my family," she says.

Mr. Speaker, I would like to recognize the wonderful life and important contributions of Susannah Mushatt Jones. She is a treasured and active member of Vandalia Senior Center. We are proud that she is still part of our community. This milestone gives all of us hope that people can truly live a long prosperous life.

HONORING COLONEL CHARLES C.
GIBSON

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. MARINO. Mr. Speaker, I rise today to honor my constituent, Colonel Charles C. Gibson, and congratulate him on his relocation to the United States Army Communications Electronics Command Headquarters at Aberdeen Proving Ground, Maryland, as Chief of Staff.

Currently serving as a commander of Tobyhanna Army Depot, Colonel Gibson has devoted over two decades of heroic service to our country, demonstrating his devotion to the preservation of the United States of America and to our safety through numerous military campaigns, decorations and advancement to leadership positions.

Originally from Baltimore, Maryland, Colonel Charles Gibson was commissioned a second lieutenant in the Ordnance Corps in 1986. After receiving his degree in Mathematics from Bowie State University in 1987, he began his military career as a Platoon Leader for the 122nd Main Support Battalion, 3rd Armored Division, Hanau, Germany, which later deployed with the 3rd Armored Division to Operations Desert Shield/Desert Storm in 1990.

Upon his return, Colonel Gibson assumed the position of Maintenance Officer, Support Operations Cell and Battalion S-3, 264th Corps Support Battalion, Fort Bragg, NC, and deployed to Haiti in 1994. Subsequently, he served in several leadership positions while assigned to the 25th Infantry Division, Schofield Barracks, Hawaii including; Support Operations Officer, G4 Division Logistics Planner, Battalion Commander of a Stryker BSB, 2nd Stryker Brigade, and Assistant Chief of Staff, Logistics Division G4. While with the 25th Infantry Division, he deployed to Bosnia as the Logistics Operations Planner. He also served one year as the BDE Support Operations Officer with the 45th Corps Support Group with a deployment to Thailand.

Colonel Gibson's awards and decorations for his service in the United States Army include the Bronze Star Medal, Meritorious Service Medal with five oak leaf clusters, Army Commendation Medal with three oak leaf clusters, Army Achievement Medal, Meritorious Unit Commendation, National Defense Service Medal, Armed Forces Expeditionary Medal, Southwest Asia Medal, Global War on Terrorism Service Ribbon, Kuwaiti Defense Service Medal, Army Service Ribbon, Overseas Service Ribbon, Southwest Asia Kuwaiti Liberation Medal, NATO Medal and Parachutist Badge.

Mr. Speaker, I rise today to honor Colonel Charles C. Gibson, and ask my colleagues to join me in praising his commitment to the protection and defense of our great nation.

RICE UNIVERSITY 100TH BIRTHDAY

HON. K. MICHAEL CONAWAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. CONAWAY. Mr. Speaker, I rise today to congratulate Rice University on its 100th birthday. For over a century it has stood as one of the premier educational institutions in the world.

Over the past 100 years, Rice University's name has come to be synonymous with excellence. The institution consistently ranks among the top 20 national universities in the U.S. News & World Report and holds many other marks of excellence.

For example, in 2010 Rice University was ranked No. 1 worldwide in materials science research. In 2011, the Carnegie Foundation gave the university top classifications for "very high research activity" and "comprehensive doctoral program".

While this is an amazing accomplishment, Rice's work is more than just a statistic—it has changed the world we live in. The research performed by the university has proved groundbreaking on several fronts, most notably the discovery of "buckyballs." The discovery launched the field of Nanotechnology which has led directly to advances many fields, including medicine, technology, energy, defense, and transportation. Nanotechnology is already playing a powerful role in the lives of Americans, from its capacity to help find cures to deadly diseases to reducing the cost and extending the lifespan of consumer products like clothes and cars.

Rice's School of Business, Architecture, Engineering, Social Sciences, Music, Humanities, Institute of Public Policy, and the Alliance of Technology and Entrepreneurship all hold similar national standing.

Not only is Rice University a heavyweight contender in academic and research fields, the university also maintains a noteworthy athletic department. For 17 consecutive years, Rice has produced a NCAA conference championship team—another outstanding accomplishment.

Again, congratulations to Rice University on its 100th birthday. Rice University's devoted faculty and student body have continually endeavored for excellence, and as a result Texans, Americans, and people all over our world have benefited.

RECOGNIZING THE CENTENNIAL
CELEBRATION OF RICE UNIVERSITY

HON. RANDY NEUGEBAUER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. NEUGEBAUER. Mr. Speaker, I rise today to commend Rice University and celebrate 100 years since its founding in Houston, TX. Since its first class in the fall of 1912, Rice has established itself as a flagship of Texas universities. This October, faculty, students and alumni will celebrate a century of

excellence and distinction in the Houston community and the state of Texas.

Rice and Texas Tech, my alma mater, were in the Southwest Conference together during my college years. We Tech fans are often described as very passionate at our football games and other sporting events. I remember how much fun we had when we played against Rice, because Rice fans are just as fanatical about their school as we are about ours.

Rice University cultivates a flourishing learning environment and empowers its students to explore opportunities in and out of the classroom. It has a prestigious and notable alumni list comprised of many people I respect and admire in Texas and throughout the country, including my friend and Texas colleague, Congressman PETE OLSON. I'm proud Texas can boast of a quality university like Rice, and I stand today to congratulate Rice University on 100 years of excellence.

RICE UNIVERSITY'S CENTENNIAL COMMEMORATION

HON. JOE BARTON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. BARTON of Texas. Mr. Speaker, I rise today to commemorate Rice University on reaching its centennial. Since its founding a hundred years ago, Rice University has become a distinguished institution, high in the ranks of academic achievement amongst our country's best colleges and universities. Rice's research programs are highly regarded and it is the proud alma mater of many intellectuals who have been recognized for their accomplishments, including numerous Marshall Scholars, Rhodes Scholars, and Fulbright Scholars.

In addition to their extraordinary academic programs, Rice has made a name for itself in the area of collegiate sports. The Rice University Owls became the kings of baseball when they won the 2003 College World Series, and they have continued to stand in the ranks with the country's best college baseball teams. Rice has also succeeded in the area of women's athletics. Its volleyball, soccer, basketball, and tennis teams have competed in many NCAA tournaments, earning Rice a varied set of achievements.

As Rice University reaches its centennial in October, I want to give credit to its students and professors for their hard work and commitment to higher education. Their consistent dedication to academic advancement makes Rice the prestigious institution it is today.

I commend Rice University for reaching this impressive milestone, and I wish them the best of luck for the next 100 years. I look forward to seeing the big things the faculty, alumni, and current students at Rice will undoubtedly continue to accomplish.

I hope all Members will join me in congratulating Rice University for 100 years of academic excellence.

CONGRATULATORY REMARKS FOR OBTAINING THE RANK OF EAGLE SCOUT

HON. SANDY ADAMS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mrs. ADAMS. Mr. Speaker, I would like to congratulate Joshua Whetman for achieving the rank of Eagle Scout.

For his Eagle Scout Project, Joshua developed an action archery course to benefit a local youth camp. Throughout the history of the Boy Scouts of America, the rank of Eagle Scout has only been attained through dedication to concepts such as honor, duty, country and charity. By applying these concepts to daily life, Joshua has proven his true and complete understanding of their meanings, and thereby deserves this honor.

I offer my congratulations on a job well done and best wishes for the future.

RECOGNIZING PARKVIEW HIGH SCHOOL BOYS 4X100M RELAY TEAM

HON. BILLY LONG

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 11, 2012

Mr. LONG. Mr. Speaker, I rise today to congratulate the Parkview High School Boys 4x100m Relay Team for winning Missouri Class 4 State Track and Field Championships.

The team, which included juniors Christopher Hargrove, AJ Green and Myron Willis, and senior Quintin Smith, won the relay event with a time of 42.17.

Coach Jay Miller and his talented coaching staff should be proud of their accomplishment in guiding this group of talented athletes. I commend them all on a job well done.

I urge my colleagues to join me in congratulating the Parkview High School State Champion Boys 4x100m Relay team.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 12, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 17

9:30 a.m.

Foreign Relations

To hold hearings to examine the next ten years in the fight against human trafficking, focusing on attacking the problem with the right tools.

SD-419

Homeland Security and Governmental Affairs

Investigations Subcommittee

To hold hearings to examine United States vulnerabilities to money laundering, drugs, and terrorist financing, focusing on HSBC case history.

SD-106

10 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the "Dodd-Frank Wall Street Reform and Consumer Protection Act", focusing on two years later.

SR-328A

Banking, Housing, and Urban Affairs

To hold hearings to examine the semi-annual Monetary Policy Report to Congress.

SD-G50

Energy and Natural Resources

To hold hearings to examine the status of action taken to ensure that the electric grid is protected from cyber attacks.

SD-366

2:30 p.m.

Appropriations

Financial Service and General Government Subcommittee

To hold hearings to examine if consumers are adequately protected from flammability of upholstered furniture, focusing on the effectiveness of furniture flammability standards and flame retardant chemicals.

SD-138

Intelligence

To hold a closed mark-up to consider certain intelligence matters.

SH-219

JULY 18

10 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine improving the transparency of Federal spending.

SD-342

Judiciary

To hold hearings to examine improving forensic science in the criminal justice system.

SD-226

Veterans' Affairs

To hold hearings to examine the nomination of Thomas Skerik Sowers II, of Missouri, to be Assistant Secretary of Veterans Affairs for Public and Intergovernmental Affairs.

SR-418

2 p.m.

Aging

To hold hearings to examine Medicare and Medicaid coordination for dual-eligibles.

SH-216

2:30 p.m.

Judiciary
Privacy, Technology and the Law Sub-
committee

treaty rights, traditional lifestyles,
and tribal homelands.

SD-628

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine the census, focusing on planning ahead for 2020.

SD-342

Foreign Relations

To hold hearings to examine the nominations of Marcie B. Ries, of the District of Columbia, to be Ambassador to the Republic of Bulgaria, John M. Koenig, of Washington, to be Ambassador to the Republic of Cyprus, Michael David Kirby, of Virginia, to be Ambassador to the Republic of Serbia, Thomas Hart Armbruster, of New York, to be Ambassador to the Republic of the Marshall Islands, and Greta Christine Holtz, of Maryland, to be Ambassador to the Sultanate of Oman, all of the Department of State.

SD-419

3 p.m.

Commerce, Science, and Transportation
Aviation Operations, Safety, and Security
Subcommittee

To hold hearings to examine the global competitiveness of the United States Aviation Industry, focusing on addressing competition issues to maintain United States leadership in the aerospace market.

SR-253

JULY 19

10 a.m.

Health, Education, Labor, and Pensions
To hold hearings to examine making college affordability a priority, focusing on promising practices and strategies.

SD-430

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine climate change, focusing on impacts on

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

JULY 25

10 a.m.

Judiciary

To hold hearings to examine ensuring judicial independence through civics education.

SH-216

2:30 p.m.

Energy and Natural Resources
Water and Power Subcommittee

To hold an oversight hearing to examine the role of water use efficiency and its impact on energy use.

SD-366

AUGUST 1

9 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine MF Global, focusing on accountability in the futures markets.

SR-328A

SENATE—Thursday, July 12, 2012

The Senate met at 9:32 a.m. and was called to order by the Honorable TOM UDALL, a Senator from the State of New Mexico.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, by whose providence our forebears brought forth this country, hallowed be Your Name. We thank You for a new day of service to You and our Nation.

Lord, forgive us when our lives contribute to the problems and not the solutions. Keep us from obstructing the doing of Your will. Make us better that we may do better.

Today, attune the will of our lawmakers to Your purposes, providing for them the stamina that comes from above. Lord, give them the strength to be productive in service, to live above daily trifles, and to surrender to Your will and love.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable TOM UDALL led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 12, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM UDALL, a Senator from the State of New Mexico, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. UDALL of New Mexico thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

DISCLOSE ACT OF 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I move to proceed to Calendar No. 446, S. 3369, the DISCLOSE Act.

The ACTING PRESIDENT pro tempore. The clerk will state the bill by title.

The bill clerk read as follows:

Motion to proceed to S. 3369, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements of corporations, labor organizations, Super PACs, and other entities, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, the next hour will be equally divided between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

Last evening I filed cloture on the Landrieu substitute amendment to S. 2237, the Small Business Jobs and Tax Relief Act. Under the rule the cloture votes would be on Friday. I will work on that with the Republican leader—we already have a general agreement—and we will try to schedule the vote sometime today.

TAX RATES

Mr. REID. Mr. President, this week Republicans continued to make the case that millionaires and billionaires cannot afford to pay even a penny more in taxes. Meanwhile, a new report shows average tax rates are at the lowest level in decades.

The nonpartisan Congressional Budget Office reported this week that in 2009 rates fell to their lowest level in more than three decades, 30 years. Much of that decline is thanks to President Obama, who has consistently fought to lower taxes for middle-class families over the last 2½ years.

The average tax rate in this country fell to the lowest rate since 1979—17.4 percent. Of course, that is still higher than what Mitt Romney paid in the only year for which he has been willing to disclose his tax return. I am confident the reason he hasn't disclosed his tax returns in the years people want to know—remember, he disclosed 1 year. His father George Romney set the precedent that people running for President would file their tax returns and let everybody look at them. But Mitt Romney cannot do that because he has basically paid no taxes in the prior 12 years.

Again, the average tax rate in this country is the lowest it has been since 1979—17.4 percent. But I repeat, that is still much higher than what Mitt Romney pays.

Most Americans don't have the benefit of Swiss bank accounts or tax shelters in the Cayman Islands or Bermuda and who knows what else. We cannot see those tax returns.

As our economy continues to recover, it is critical we keep tax rates low for the middle class people who are struggling to pay their mortgage, send their kids to college, and save for retirement.

That is why President Obama and Democrats in Congress want to extend tax cuts for 98 percent of American families.

But there is one group that is not struggling: Mitt Romney and the rest of the top 2 percent of Americans.

My Republican friends can come out and talk and say it is terrible and all we are trying to do is raise taxes on small businesses. The President's legislation raises taxes on 2 percent of wealthy people and about 2.5 percent of businesses. This is no crush for small businesses. It seems to me the 2 percent at the top can contribute a little bit more to deficit control.

Yet Republicans are prepared to block tax cuts for 98 percent of families, unless Democrats agree to even more giveaways for the richest of the rich.

As Republicans continue to argue that the wealthiest 2 percent cannot contribute even a little more, I urge them to talk to the three-quarters of Americans who disagree. I urge them to talk to the almost 60 percent of Republicans who believe the wealthiest Americans should shoulder their fair share of the responsibility for getting the deficit under control. Almost 60 percent of the Republicans agree with what the President is doing; that the top 2 percent should pay a little more.

I urge my Republican friends to talk to a few of the more than 135 million taxpayers who are waiting to see whether Republicans will continue holding hostage their tax cuts.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

HARD VOTES

Mr. MCCONNELL. Mr. President, yesterday, something truly remarkable happened right here in the Senate. First, Democrats blocked a vote that the President of their own party called for just 2 days earlier.

Last night, the majority leader moved to shut down a debate on taxes that hadn't even begun.

Earlier this week, President Obama issued an outrageous ultimatum to Congress: Raise taxes on about 1 million business owners and I promise not to raise taxes on anybody else.

At a moment when the American people are reeling from the slowest recovery in modern times, when the percentage of those who could work are working is at a three-decade low, and just 5 months away from the economic body blow that will result if tax rates spike, as scheduled on January 1, the President's solution is to take away more money from the very business folks we are counting on to create jobs we need, presumably so he can spend it on solar companies and stimulus bills.

This was the President's brilliant economic solution to the mess we are in.

Naturally, Republicans oppose this. The way we see it, nobody should see an income tax hike right now, not small businesses, not individuals, nobody. Nobody should get a tax hike right now. The problem isn't that Washington taxes too little but that it spends too much. Rather than just talk about it, we thought we should actually take a vote on it.

After all, the President himself boasted Monday that he would sign a bill to raise taxes on small businesses right away if we pass it. So we suggested two votes, one on the President's plan—once it is actually written—and one on ours. But the majority leader in the Senate blocked it from happening. Why? Because, as usual, Democrats want to have it both ways.

Two years ago, when the economy was growing faster than it is now, 40 Democrats in the Senate voted to do precisely what Republicans are proposing right now: keep everybody's taxes right where they are and do no harm. The President apparently doesn't want any of them to vote that way now.

In other words, he doesn't want to do what is right for the economy and jobs. He wants to do what he thinks is good for his reelection campaign. For some reason, his advisers think it helps him to take more money away from small, already-struggling businesses and spend it on more government. That is the plan anyway, and he wants to stick with it.

Yesterday, the Democratic majority leader did what the President told him to. He made sure there wasn't a vote on a proposal the President of his own party demanded 2 days earlier. My friend, the majority leader, made sure there wasn't a vote on the plan the President asked for just 2 days ago. Then he offered a vote on a bill today that isn't even written and only if Democrats and Republicans give up their ability to offer amendments to the bill we haven't seen yet.

This is the kind of absurdity we get when we have a governing party that is

more concerned with winning an election than facing the consequences of the President's failed economic policies. But it actually gets even more absurd because the majority leader didn't just block us yesterday from having votes on whether to raise taxes, he wouldn't even let us have a debate about it—don't have the vote and don't have the debate.

Senators on both sides of the aisle have proposals that would help the American people weather the economic crisis we are in. Senator HUTCHISON has an amendment that would extend the relief from the blow of the marriage penalty. Senator HELLER has a plan to extend the deduction of sales tax in Nevada. Senator SCOTT BROWN and a whole host of other Republicans have a proposal to repeal the potentially devastating tax on medical devices that is being used to help fund ObamaCare. Senators CORNYN and CRAPO have amendments that would lessen the blow of the tax hikes on investments—tax hikes that will directly affect job creation and harm those, such as our seniors, who are living on fixed incomes.

As for the Democrats, well, even they have some ideas that might do some good for the country. Senator BROWN of Ohio has an amendment to extend the research and development credit, which I know has bipartisan support even if Republicans might differ in his approach. Senator BEGICH has an amendment that would extend the popular tax breaks for investments by small businesses. I don't fully endorse the specific approach taken by these two, but if they had a chance to offer and debate them, I think we might be able to work out an agreement and actually get a result. But we can't even have a debate or get a vote on these Democratic amendments because of the politics.

Personally, I can't imagine why Democratic Senators would tolerate this kind of authoritarian approach. It seems to me that if Senator BROWN of Ohio and Senator BEGICH really believe in their amendments, they would fight for a vote on them. It is hard to believe their constituents sent them here to rubberstamp everything the party leader puts out there regardless of the impact on their States. We would probably have these votes later today if these Democratic Senators vote to cut off debate. I will leave it up to them to explain to their constituents why they didn't think these amendments deserved votes.

But the larger issue is this: All of these petty political maneuvers betray an astounding lack of concern about not only the economic crisis we are in but the threat that is posed by the fiscal cliff we all know is looming in January. A New York Times article from just this morning suggests that one reason the economy has slowed down

so much is that businesses are reacting to the uncertainty about what will happen at the end of the year. Well, of course that is the case. We hear it from everyone. Yet here is a Democratic-controlled Senate blocking votes, blocking debate, and hosting private meetings with the President's political advisers on strategy instead of working on serious bipartisan solutions.

Last night Democratic leaders admitted that the bill they wanted Republicans to turn to hasn't even been written yet. Think about that. The proposal the President announced Monday with so much fanfare hasn't even been put on paper. Yet Democrats wanted us to move to it. Move to what? What is it? We haven't seen it. I think it hasn't been written. You can't move to a speech. This is the level of seriousness we are seeing from the Democratic-controlled Senate right now. This is how seriously they take this economic crisis. It is nothing but one political game after another. If the President has a proposal, we will be happy to send an intern down to the White House to pick it up, but we can't vote on a speech. Frankly, we can't continue like this.

It is long past time Democrats in the White House and in the Senate took the lives and challenges of working Americans as seriously as they take their politics. It is time to put childish things aside and get down to serious business for the American people.

Mr. President, I yield the floor.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The Senator from Colorado.

WIND PRODUCTION TAX CREDIT

Mr. UDALL of Colorado. Mr. President, I rise today, as I have been every day, to urge my colleagues to work with me and to work with the Presiding Officer to extend the production tax credit for wind. The PTC, as it is known, has broad economic effects, positive effects all across our great country.

I am going to talk today, as I have each day, about an individual State that is known for its wind resources, and today that is the great State of Kansas. Kansas is already known as a national leader in both wind manufacturing and production. In fact, Kansas has the most wind projects under construction, as we sit here today, and is on track to almost double their installed wind energy capacity.

We can see from this map of Kansas that there is a lot of activity. For example, there is construction currently underway in what will be the largest wind farm in Kansas, which is located just southwest of Wichita, in south

central Kansas. The Flat Ridge 2 Wind Farm will cover about 66,000 acres, and it should be up and running by the end of the year.

The two companies running the project—BP Wind Energy and Sempra U.S. Gas & Power—have invested over \$800 million and have employed 500 construction workers. Those are impressive numbers wherever you might find them. But that is not all. Once this project is done and operating, the local community should receive over \$1 million annually in tax payments from the project. There are some 200 property owners who own the land under the turbines, and they will receive a similar amount in royalty payments. That is real money for real Americans, all thanks to wind energy and the production tax credit.

These are jobs and investments that are created here at home, and they create good-paying jobs in Kansas, helping the local economy and providing critical income for rural communities. I have to say this is especially important as the drought takes a steep toll on farmers across the Midwest this year. Wind power, if you think about it, is a cash crop that always ripens and always returns the investment in the marketplace.

This is just one project in Kansas that isn't even completed yet, so let me talk about the overall effect of wind energy in Kansas.

The wind energy industry in Kansas supports 3,000 jobs, it results in \$3.7 million in property taxes from wind projects that go to local communities, and 8 percent of Kansas's power comes from wind. Those are impressive numbers, and they would only grow as Kansas invests.

There are thousands of Kansas wind energy jobs supporting millions of dollars of local tax revenue and, as I pointed out here, almost one-tenth of Kansas's total power needs. This harnessing of the wind has truly become an economic driver, and it presents enormous opportunity for this important Midwestern State.

I would like to focus on one county. Lane County's economic development operation is headed up by Dan Hartman. Dan moved to western Kansas 5 years ago, in large part because he wanted to live in the heart of rural America, but he also wanted to help create a better, more secure energy future for America, with Kansas playing a central role. Since then, Dan has been working with counties, farmers, and landowners to bring as much wind energy as possible to western Kansas, and I think those possibilities are almost unlimited because there is enough potential wind power in Kansas to meet the needs of Kansas some 90 times over.

That brings me to the point I wish to make today, and it is why I keep coming to the floor. The uncertainty we

have created by failing to extend the wind production tax credit, unfortunately, has sidelined roughly \$3.5 billion in wind energy investments. That just defies common sense. Back home in my State of Colorado, I keep hearing from my fellow Coloradans: Why the heck aren't you in Congress working to save wind energy jobs right now? To Dan Hartman, the solution seems simple, and I want to quote him. He said:

I look at the wind energy industry as a matter of survival and our future in Kansas. If we don't extend the PTC, we're throwing away our future. We need it badly. If you really look at the money, the PTC cost is dwarfed by the capital investment it encourages.

Dan has it right, and we should listen here in the Congress. If we refuse to develop our wind energy resources, there are a lot of countries that are willing to outcompete us—take China, for example. We have to work to keep these jobs and that investment here in the United States, and that is why the Congress must extend the production tax credit as soon as possible.

Mr. President, you also know we have bipartisan support. This isn't solely a Republican or a Democratic issue. Senator MORAN from Kansas, my good friend, has joined me and others to make this happen. We have offered an amendment to the bipartisan small business lending bill that would extend the PTC by 2 years, until the end of 2014.

We need the PTC. It equals jobs. We need to pass it as soon as possible. I want to ask my colleagues again, as I have every day, to join Senator MORAN, Senator UDALL of New Mexico, Senator THUNE, and others to help pass this much needed, commonsense, bipartisan amendment or find another way to extend the PTC to ensure that more investment and more jobs in States such as Kansas, Colorado, and others all across our country will be the result.

Mr. President, I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SMALL BUSINESS JOBS AND TAX RELIEF ACT

Mr. REED. Mr. President, I rise today in support of the Small Business Jobs and Tax Relief Act. This is a tough economy for a lot of people across the United States. It is especially difficult in my home State of Rhode Island, and that is why I support the legislation before us today. It will help small businesses to hire new workers and to expand their payroll or invest in new capital equipment. This is

a commonsense step to encourage growth and create jobs.

These tax cuts are cost-effective and have been estimated by the CBO as having some of the biggest bang for the buck compared to other fiscal policies that directly benefit businesses. It is especially important to pass cost-effective policies because we are in the midst of a global slowdown that is hurting job creation and lowering government revenue.

In contrast, the other body—the House—has been intent upon repealing the Affordable Care Act, rolling back regulations on firms that pollute, or providing tax windfalls to special interests. That approach will not provide the real economic growth we need today to put people to work. In fact, it will exacerbate our deficit, and it will hurt the middle class of the United States.

The targeted tax cuts in the legislation we propose, the Small Business Jobs and Tax Relief Act, stand in stark contrast to the approach taken by the House Republicans in their Small Business Tax Cut Act, which is in many respects just another way to provide huge tax benefits to the wealthiest Americans instead of doing what we should be doing—providing jobs for all Americans. Proposals such as the House Republican bill will only generate 30 cents for every Federal dollar spent as compared to the \$1.30 and \$1.10 multiplier for tax cuts for job creation and investments in new equipment, respectively, that are included in our bill.

Even more disturbing with the House proposal is that nearly half of the \$46 billion in tax cuts would go to the wealthiest Americans—millionaires and billionaires—without having to create one single job.

In contrast, our bill provides a targeted 10-percent income tax credit for businesses that increase their payroll by hiring new workers or raising wages this year. So there is a direct link between the tax credit and creating new jobs or raising wages for working men and women. This is a tax credit that is directly linked to this job creation effort, and the credit is targeted to increasing middle-class job wages because the credit only applies to the first \$110,000 in wages for any individual employee. So we are looking to target this as closely and precisely as we can to be both effective and prudent with our resources.

The tax credit is further targeted to small businesses because it only applies to the first \$5 million in new payroll, effectively capping the maximum tax credit to any business to \$500,000.

The bill also extends bonus depreciation through 2012 for businesses that invest in new capital. Bonus depreciation has proved to be an effective incentive for businesses to pull forward capital purchases and invest in the

near term, offsetting some of the weak aggregate demand that has held back our economic recovery.

In 2011, bonus depreciation accelerated \$150 billion in tax cuts to 2 million businesses and generated an estimated \$50 billion in added investment.

In total, the Small Business Jobs and Tax Relief Act is estimated to create about 1 million jobs nationally and over 3,500 jobs in my State of Rhode Island. We desperately need these jobs, and we need them as quickly as possible. This bill is a responsible, cost-effective, and fair way to generate growth.

Before us today is yet another example of my colleagues in the Democratic caucus putting forth reasonable solutions that have been analyzed by economists and determined to provide immediate help to millions of out-of-work Americans. But my fear is that my colleagues on the other side will again filibuster and oppose this effort, like others we have made, while only offering proposals that promise great things but in reality contribute very little to putting people to work quickly. And that is our challenge.

The damage caused by the refusal of many of my colleagues to support these legitimate job proposals and their efforts to actively unwind Federal support for our recovery is hard to overstate. Their narrowly focused economic proposals, in which a vast portion of their tax cuts flow to millionaires and billionaires or corporations that send jobs overseas, doesn't help our middle class, doesn't help our economy, doesn't help our Nation's fiscal health. Republican proposals do not respond to our immediate crisis.

The legislation before us does respond to that crisis by creating jobs for middle-class working Americans right now. And it does not give large additional tax cuts for the wealthiest of Americans.

So I hope we can move forward. I hope we can bridge the differences and pass this legislation. It is legislation that has been looked at by economists and has been determined to provide real benefits. For every dollar we invest, we will get more than that in terms of economic productivity in the economy. Again, this is in stark contrast to simply proposing to cut taxes for the wealthiest Americans and assume that would put people to work. That was the essence of the Bush economic policies, and at the end of 8 years we were in one of the deepest economic crises, losing hundreds of thousands of jobs per month.

We pulled back from that brink, but in order to go forward, and go forward with momentum and confidence, we have to pass legislation such as the legislation we have proposed today: targeted efforts to put people to work, to move our economy forward, to move the Nation forward. This will help mil-

lions of Americans who are impacted by this tough economy in the most meaningful way—and that is simply by getting them back to work. When we do, this country will do great things, as it always has done. I urge my colleagues to support this measure.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELLER. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

THE ECONOMY

Mr. HELLER. Mr. President, last week's jobs report reinforces what many of us have known for some time. Unlike what the President would like you to believe, the private sector is not doing fine and this administration's policies are not providing effective solutions to our Nation's problems. The health of our economy hinges upon job growth, and it clearly has not received the attention it deserves. Our Nation has no roadmap, and it is past time for a genuine effort to work in a bipartisan manner to create the certainty and stability that will allow American businesses and families to thrive.

Every morning Nevadans wake up and grab their hometown newspaper or turn on their local news. Some are getting ready to go to work, while others start another day trying to find a job. These Nevadans have become all too familiar with headlines of Nevada leading the country in unemployment and foreclosures.

For the Nevadans who are going to their job, these headlines create fear and uncertainty about their future. For the Nevadan who is unemployed, these headlines are another blow to their hopes of finding work. That is what many Nevadans have had to live with for far too long.

I read and see the latest unemployment statistics just like everyone else, but I know that behind these numbers are real people struggling to make ends meet. Being home in Nevada I have met the unemployed mechanic, the unemployed computer engineer, and the unemployed waitress. Blue collar and white collar workers alike continue to pay the price because of the poor decisions by Wall Street and Washington.

Nevadans did not want the Wall Street bailout—but Washington did it anyway. Nevadans did not want the trillion dollar stimulus bill—but Washington did it anyway. Nevadans did not want the President's health care bill—but Washington did it anyway.

When I am in places such as Reno, Las Vegas, Henderson, or Elko I often ask people to raise their hand if the bailout has helped them find a job. No

one raises their hand. I ask did the stimulus bill help them find a job. No one raises their hand. Finally, I ask them if the health care bill has helped them find a job and still no one raises their hand.

In January 2009, President Obama was inaugurated and Democrats controlled both the House and the Senate. Nevada's unemployment rate was at 9.4 percent.

Nearly 4 years later Nevada's unemployment rate is 11.6 percent. Too many people in Nevada are unemployed, have stopped looking for jobs or worse, left the State for employment elsewhere.

With over 23 million Americans out of work or underemployed I think it is past time to ask the President and this Congress is this working?

Nevadans have seen the effects of higher Washington spending, higher regulations, and higher debt and they know these policies have failed. They deserve solutions. Instead of having more show votes, Congress needs to focus on pro-growth policies that eliminate burdensome regulations, reform the tax code and help struggling homeowners. It is my hope that our economy will improve as the year goes on, but Washington must take action.

There are small commonsense measures that we can pass right now if given the opportunity. I continually come here to the Senate floor to offer solutions that will provide our Nation's job creators with the tools to provide for long-term economic growth. I have crafted three housing bills to help those foreclosed upon to stay in their home, shorten the short-sale process, and ensure homeowners who get mortgage relief are not hit with additional taxes. I have offered legislation that would require Washington bureaucrats at agencies to take into account jobs when issuing regulations or to streamline permitting for energy-related projects on public lands or even something as simple as combining annual reports submitted to Congress. These are small measures that if passed would make a big difference to our Nation's job creators. Unfortunately, all too often we find ourselves taking political show votes instead of debating commonsense solutions. The bill we have before us on the floor is a perfect example. I filed two amendments to this bill that would help ease the stress of taxes on middle-class Nevadans and one to help underwater homeowners. Both are bipartisan proposals. Yet once again we find ourselves in a position where we cannot have an open debate on amendments.

These are not partisan issues, these are American issues. If any Member of Congress commits themselves to spending reform, tax reform, regulation reform, and finding solutions to fix the housing crisis, then they will have me as an ally.

Nevadans deserve better than what they have gotten from this Congress and White House, which is why I will continue to keep coming to this floor to raise my voice for the citizens of Nevada and I will fight every day to create jobs and get Nevadans back to work.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. I ask to be recognized for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

KU CANCER CENTER CONGRATULATIONS

Mr. ROBERTS. Mr. President, I come to the floor today to congratulate the University of Kansas on its prestigious designation as a National Cancer Institute Cancer Center.

I do regret I can't be at the KU ceremony today to mark this designation by the NCI because of anticipated votes in the Senate, but I am certainly there in spirit.

This designation of "cancer center" is such an important development for my state and others in our region because it means that many Kansans and their families who have faced frightening diagnoses—and trying treatments—will no longer have to seek cures all the way down to Texas or up to Minnesota.

They can, and will be able to, stay closer to home and their support systems. Simply put, it's great news for Kansas cancer patients in the region.

I am personally gratified by this designation because it represents more than a decade of work with so many outstanding partners. It has truly been a team effort to achieve this important Federal designation.

When I was first elected to this body in 1996, I created a blue ribbon committee of Kansas leaders in government, academia and the private sector to advise me on the State's science and technology needs. The goal was to make us more competitive in a global marketplace increasingly reliant on research and technology and to provide economic opportunity to stop out-migration of our best and brightest young people.

The Roberts advisory committee set out to implement policies and secure Federal investments to further the research goals of Kansas State University in plant and animal science, Wichita State University in composite and aviation research and the University of Kansas in life science research.

I personally took this goal to the Kansas legislature in 2001 and again in

2002 encouraging my colleagues in the Kansas State legislature to help promote State investment in research infrastructure—to be part of it.

At the time, I spoke about how the statistics showed that Kansas was lagging behind other States in the race for Federal and private research dollars.

In response, the Kansas legislature more than stepped up to the plate with special thanks to leaders like Representative Kenny Wilk, Senator Kent Glasscock, Representative Nick Jordan and Senator Dave Kerr.

The legislature voted in favor of bonding authority—and we constructed and invested in buildings at the KU Cancer Center and the Biosecurity Research Institute at K-State. Likewise, Wichita State's work in composite research is now revolutionizing industries from aircraft to health care. And about this same time, Stowers Biomedical Research Institute came into existence, which provided a key private source of research excellence.

Our Kansas motto is "To the stars through difficulty." Well, in short, the stars aligned.

KU's then-Chancellor Bob Hemenway and I sought out other opportunities to help raise KU's research profile.

In 2004, we invited then-NIH Director Elias Zerhouni to KU for a tour and discussion about KU Medical Center's research facilities.

Dr. Zerhouni recognized—as many Federal research directors do—that there is great promise in research conducted at Kansas universities.

Chancellor Hemenway and I worked in concert to design congressionally directed programs to supplement KU's internal NIH cancer research successes. This included those won by Dr. Jeff Aube, who leads one of four NIH drug discovery centers.

Furthermore, this coordinated effort with Chancellor Hemenway and his leadership team also provided KU with the flexibility to recruit new cancer research faculty who brought considerable expertise and NCI cancer research programs to KU.

In 2006, with the critical mission of the National Cancer Institute in mind, from my post on the Senate Health Committee, we fought to reauthorize funding for National Institutes of Health which oversee the National Cancer Institute.

This reform bill reaffirmed the various centers of NIH including the Cancer Institutes and reauthorized their funding.

In fact, this was a continuation of Congressional efforts from 1999, when we were successful at doubling NIH funding over 5 years, at a time when many wanted to divert Federal funds to other research.

My then-partner in the Senate, Sam Brownback, now our State's Governor, and I worked together to advance this push.

In 2009, Senator Brownback and I secured \$5.5 billion in Federal investments for the University of Kansas to purchase equipment needed to further its cancer research. Sam's leadership, both then and now, is immeasurable.

Over those 10 years, there were many other excellent team members supporting this effort who should be recognized. I apologize I will not be able to name everyone who played such a big and important role.

First, Dr. Howard Mossberg, dean emeritus of the KU School of Pharmacy. He was the force behind the regular meetings of our Science and Technology Advisory Committee. Howard, who lives in Lawrence, home of KU, did this work for free because he recognized the opportunity to use the advisory committee to provide us with key facts to support our research and technology initiatives. KU, in fact, hosted many of our advisory committee meetings down through the years. I truly appreciate that.

Riding shotgun back in Kansas on this effort has been my tireless staff member Harold Stones. Harold provided the hard work of collecting and then distilling and providing to everyone concerned the valuable contributions among our technology leaders for more than a decade, helping me turn them into policy and progress.

Credit must also go to former KU research directors Dr. Bob Barnhill and Dr. Michael Welch. They were instrumental in my research about the KU Cancer Center. Jim Roberts, who sadly passed away from cancer himself, was a valuable KU adviser to me, as is Steve Warren today.

I have appreciated getting to know Dr. Roy Jensen, who leads the KU Cancer Center. I know Roy will continue to stay in close touch with me and the entire Kansas delegation about the KU Cancer Center as it continues to progress. Our work is ongoing. It is not done.

I would also be remiss not to mention the contributions of my former legislative director, Mr. Keith Yehle. Keith was the point person for KU to contact, whether it was about the KU Cancer Center, the advancements in special education or the Hoglund Brain Imaging Center, where we also secured \$1.8 million in Federal investment for renovation and equipment. Keith went on to work at KU for Chancellor Hemenway to help him and our current Chancellor Gray-Little navigate the corridors of Capitol Hill.

My former chief of staff Leroy Towns, former deputy legislative director Jennifer Swenson, and my current senior health care policy adviser Jennifer Boyer round out the list of the Roberts team who spent countless hours working on behalf of the University of Kansas—whether it is the cancer center designation or any other of KU's initiatives.

Let me stress that my current colleagues in Congress, Senator JERRY MORAN, Congresswoman LYNN JENKINS, and Congressman KEVIN YODER, have each carved out important initiatives to promote this designation and have helped make this day possible. This partnership will continue for KU.

We could not have accomplished something this encompassing without strong public support. In this regard, I also wish to thank the publisher and the editor of the Lawrence Journal-World, Mr. Dolph Simons, Jr., for his comprehensive coverage with regard to all these initiatives over the years.

What we have with the NCI designation is proof of what I said to the Kansas State legislature back in 2001; that public and private and academic partnerships are critical to developing our State's economy over the long term. I applaud the generosity of the Kansas Masonic Foundation, Annette Gloch, the Hall Family Foundation, and others for their key contributions to this effort.

In the Senate this week, we have talked a lot about the need for job growth—jobs, jobs, jobs. According to the University of Kansas, since 2006, the National Cancer Institute's designation pursuit alone has created 1,123 jobs and had a regional economic impact of \$453 million. We can only expect, with the announcement of the cancer center designation today, that these numbers will grow jobs, jobs, jobs.

Our work does not end today. We will always be focused on ensuring a better treatment of cancer victims. A great thanks go to so many—past and present. I am honored to have been there at the beginning, but in some ways I believe you ain't seen nothing yet. Congratulations to the University of Kansas and to the entire State of Kansas.

"Rock Chalk Jayhawk." Well done, KU.

MEDICAL DEVICE TAX

Mr. BROWN of Massachusetts. Mr. President, I rise to discuss the small business tax bill currently before the Senate, one of which I hope we have an opportunity to debate openly and fairly and allow amendments. I am not quite sure if that is going to happen, which is frustrating because the American people deserve better. When we allow the process to work and we allow everybody to have their say in the process, we ultimately get a good bill. I am hopeful we can do the same on this one.

It is good we are finally working on jobs, but I believe we should be working in a more bipartisan way, as we did with the insider trading bill, crowd-funding, the Arlington Cemetery bill, the 3-percent withholding, and many other bills. We need to work on a bill where all Members are offered an opportunity to have their votes on job-creating ideas.

I don't think one party has the monopoly on how to create jobs in this country. I think we can actually get together in a room and hammer it out and try to work to help protect the middle-class and everybody in America who wants to get out and work.

We have worked together, as I have said, on a whole host of bills. I forgot the hire a hero tax credit, which is clearly a jobs bill. I worked with Senator BENNET and Senator MERKLEY on that. It is a very important piece of legislation. With that type of success, I don't understand why we don't try that more often.

The new medical device tax is one more example of a policy we all know is bad for jobs and, in fact, bad for our economy. The House has already voted to repeal this job-killing tax. I am disappointed to say the Senate has not taken the time to work to repeal it in a truly bipartisan manner.

For those who don't know what the medical device tax is or why we should even care, let me explain. In Massachusetts, we have over 400 medical device companies employing tens of thousands of people. This 2.3 percent tax on medical device sales will cost our economy thousands of jobs and limit Americans access to the most groundbreaking, state-of-the-art medical devices.

For example, Covidien, a medical device company with 2,000 employees in my home State, has estimated that taxable medical devices represent approximately 30 to 40 percent of the total net sales in 2011. What that means in plain language is that will cost Covidien between \$80 million and \$107 million annually. From where is that money going to come? Will it come from R&D, expansion, hiring or expanding their workforce?

Over the last 5 years, Covidien has more than doubled its R&D investment and launched more than 100 new products. One of those products is a device that restores blood flow in patients who have suffered from a stroke by mechanically removing blood clots from blocked vessels. Obviously, that is a very important device that would actually help save people's lives and save costs. Another product provides the first safe and effective treatment for large or giant wide-neck brain aneurysms available on the market, but losing \$80 million to \$107 million in revenue each year will put Covidien's continuing growth in very real jeopardy.

Another medical device company, Stryker Corporation, said late last year they would begin cutting 5 percent of their workforce in response to the tax. That is 1,000 jobs that will be gone as a result of this tax. Stryker expects the device tax to cost them \$130 million to \$150 million in the first year alone. These are just two examples. As I said, in Massachusetts we have over 400 medical device companies.

The Massachusetts medical device industry employs nearly 25,000 workers

in Massachusetts and contributes over \$4 billion to our economy. Massachusetts alone is expected to lose over 2,600 jobs. As a direct result of this tax, around 10 percent of our device manufacturing workforce will be affected. The bottom line is we can't have that kind of job loss in a sector of our economy that is still struggling.

Yesterday, I, along with others, introduced an amendment to repeal this job-killing medical device tax. It is a tax which will drive up the cost of care for patients and make our workers and our companies less competitive.

Some say it is time to move on from the health care bill to work on the jobs legislation. With all due respect, working on job growth means repealing the health care bill and its 18 new job-destroying taxes along with one-half trillion in Medicare cuts.

A lot of these things haven't clicked in and the American public isn't quite aware they are soon going to be affected by 18 new taxes associated with the Federal health care bill and a one-half trillion in Medicare cuts. It is time to get rid of the medical device tax before it does even more damage, not only to Massachusetts but other States that have a large medical device industry.

I urge my colleagues to get behind this effort in a truly bipartisan, bicameral manner.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Should we go to the bill?

The PRESIDING OFFICER. The Senate is considering the motion to proceed on S. 3369.

ESTATE TAX

Mr. HATCH. Mr. President, I find it ironic that we are debating a bill called the Small Business Jobs and Tax Relief Act when that bill does absolutely nothing to address the death tax, one of the biggest threats to our small businesses in our country.

Again, while Republicans are being accused of not wanting to move legislation to help grow the economy and develop jobs, it was interesting to read this morning that my Democratic friends still do not have any agreement among themselves on how to proceed on a number of tax issues—including the death tax. They need to get moving over there.

Next year, unless Congress does something, the death tax will come roaring back at a much higher rate of 55 percent and a much lower exemption amount of \$1 million next year, though those who promote the death tax characterize it as impacting only Daddy Warbucks, the Monopoly Man, and Montgomery Burns. The data does not bear out this cartoonish characterization.

The death tax does not just hit those at higher income tax brackets; it has an effect well beyond small business

owners and adversely impacts middle-class jobs and wages. Call it what you will, the estate tax or the death tax, but in the end it is a tax that is antismall business and antijob creation and antiwage increase.

We are in the midst of another Senate floor show of pursuing legislation that will give the President and his allies campaign talking points but will do absolutely nothing to spur economic growth and job creation. Meanwhile, the Senate has failed to take action on estate tax reform. This is beyond irresponsible.

I have been a long-time proponent of repealing the death tax. Not only is it double taxation and a deterrent to savings, but it also sucks up capital in the marketplace. To be clear, this is capital that could be used to hire more workers or expand small businesses or any business for that matter. This is a basic economic concept that seems lost on our current President, President Obama.

During last year's deficit reduction talks, President Obama argued on behalf of tax increases saying:

I do not want, and I will not accept a deal in which I am asked to do nothing, in fact, I'm able to keep hundreds of thousands of dollars in additional income that I don't need.

Income that I don't need? This is a point that could only be made by a person with a very loose understanding of how business and entrepreneurs operate. The President seems to think this so-called excess income does no good. In fact, however, it will be invested or it would be invested in new business ventures, new hires, and better wages.

If these entrepreneurs with all this excess income did nothing but put that money into a savings account, it would benefit individuals looking to buy a house, buy a car or start their own business, but the President does not seem to grasp this. So it is no surprise that he and his Democratic allies have done nothing to address this job-killing death tax increase looming on the horizon.

The President claims he is interested in job creation. He certainly should be after last month's anemic jobs report. Well, he need look no further than death tax repeal. I know his liberal base might not appreciate it, but the rest of the country, which is less interested in class warfare talking points and more interested in getting the economy moving again, would embrace it.

The death tax adds inefficiency to our economy. It is what economists refer to as deadweight loss. In other words, it creates another burden on our free market system and prevents the full potential of economic growth.

For instance, many small businesses have to purchase insurance in order to prepare for paying the death tax so they do not end up having to sell the

business just to pay the death tax. This added cost is embedded into the cost of goods when sold. In other words, American consumers, American workers, or Americans looking for work are those who will ultimately have to pay the death tax.

Consider also that heirs are often forced to sell an asset of the business or the business itself in order to meet this arbitrary tax due date. These assets are likely generating revenue and could be a vital part of the business. But because the tax man cometh, small businesses are forced to sell these assets to pay the death tax.

We ought to repeal the death tax, plain and simple. We actually don't get that much revenue from the death tax to justify its existence. It has been a pain in the neck from the beginning.

In 2010 the death tax was temporarily repealed, but in a few months the law will take a sharp turn for the worse. Back in 2010 Senators KYL and Lincoln offered a compromise that gained bipartisan support which eventually became law. Under title III of the Tax Relief Act—a law signed by President Obama—the death tax and the gift tax are unified with a \$5 million exemption amount and a tax rate of 35 percent. Under current law, however, in 2013 we will once again have a 55-percent estate tax due within 9 months of death, and in some cases the tax will reach 60 percent. The exemption amount could be as low as \$1 million.

That is not right. How does it benefit our economy to have small businesses and farmers wondering whether they have to sell their business or literally sell the farm to pay for an uncertain amount of taxes? It creates an accounting and financial nightmare.

The estate tax is not about making the Tax Code more progressive. The estate tax is not about more redistribution. It is not about deficit reduction. It is class warfare, and while it might stir up some votes, it has an outsized and detrimental impact on our economy.

Many do not realize the enormous impact the death tax has on rural America. I am not only talking about farmers and ranchers; I am also talking about small family-owned businesses that generate economic growth in smaller towns—and even larger towns. If we do not address the death tax, some businesses with assets over \$1 million could be susceptible to the death tax.

I know for a small business \$1 million in assets is a pretty low threshold. That is why I care about this death tax debate: because of real people, real Utahans, in real communities, who will be upended if this tax increase is allowed to go into effect.

When we hear about the number of individuals impacted by the death tax, that statistic actually understates the sweep of this intrusion by the Federal

Government. The estate tax return is filed by the representative of the deceased. That return does not take into account the dead person's family, employees, or neighbors. All of those folks are affected if the death tax burdens that particular family business or farm.

There seems to be a strategy by the Democratic leadership to drag its feet in coming up with a resolution to this impending problem. What they fail to realize is this strategy is only adding to the cloud of uncertainty—economic uncertainty—over our country and over our economy. Will Congress keep the rates and exemption amounts the same? Will Congress increase them? What do I need to do as a small business owner to better prepare my business from withstanding a tax increase?

These are the types of questions more and more small business owners and farmers are continuing to ask. The uncertainty these questions generate is holding back investment, job creation, and wage growth. Yet policies to promote economic growth have, unfortunately, taken a back seat to Presidential talking points that campaign advisers think will generate votes. Attack the rich. Promise more spending.

As a candidate, President Obama promised in 2008 that Washington needed to spread the wealth around. That is one promise the President has kept. In spite of an economy that demands a focus on job creation, the President and his liberal allies have spent the last year coming up with even more intensive redistributionist schemes.

Recently, the Joint Committee on Taxation released an estimate on how many more taxable estates, farming taxable estates, and small business taxable estates would be affected by the increase in the death tax over the next 10 years. The numbers are truly astonishing. If Congress does not act, we will see more than a 1,000-percent increase in the number of taxable estates, a 2,300-percent increase in the number of farming taxable estates, and a 1,000-percent increase in the number of small business taxable estates. The reach of the death tax is growing, and it is going to hit not just the so-called rich but current employees and, for that matter, entire communities.

Let's take a look at the tax year of 2013. It arrives in a little over 7 months, by the way. Under current law, 46,700 estates will be taxable. If we extend the Lincoln-Kyl compromise, 3,600 estates would be taxable. Now, let me refer to the Joint Committee on Taxation estate tax data chart. It is the second column on the chart. When we think about it, under current law the path on which we seem to be slow-walking means more than 10 times the number of estates will be hit by the tax. The Lincoln-Kyl compromise means only the top 10 percent—the wealthiest estates—would be hit by the death tax.

If we project out the 8 years of current law over 10 years, we will find that roughly 570,000 estates will be taxable over that period. Under the Lincoln-Kyl compromise, which is the current estate tax regime, roughly 41,000 estates would be taxable over that period. So 570,000 estates under the law that many Democrats would want or only 41,000 estates would be taxed under the Lincoln-Kyl compromise.

In a recent interview with the Associated Press, Secretary of Agriculture Kathleen Merrigan described an epidemic of sorts that is hitting our farmlands across the United States. She did not talk about rising fuel prices or droughts. Instead, Secretary Merrigan discussed how our country's farmers and ranchers are getting older, and fewer young people are taking their places. I have heard time and time again that the death tax is the No. 1 reason family farms and businesses fail to pass down to the next generation.

If Congress does not act soon, the Joint Committee on Taxation estimates that another 2,000 farming estates will be hit by the death tax next year. Keep in mind farmers sometimes carry debt. That would reduce the value of the farm, but on the other hand farmers have other farm-related assets such as combines and other equipment that are not included in the figures I cited.

This data shows the failure to address the estate tax cliff will undermine many family farms. For those folks who are working this land, this is an unwelcome uncertainty. As I indicated earlier, the tax is an impediment to passing on the family business, in this case the family farm. A much higher death tax, apparently supported by many Members on the other side, will undermine many family farms and small businesses. Yet these family farms and small businesses form the economic backbone of their communities.

Do we really want to send the signal that those who work hard, save, and want to pass something on to their families exist solely to fund bloated Federal programs? Why work hard? Why save? Why not work less? Instead, if the President is just going to spread the wealth around, it might just be easier to go into debt and live beyond one's means.

There is something fundamentally unjust about the estate tax. Contrary to the claims of the President and his most liberal supporters, a person's wealth is the result of his or her labor. When one builds a business, one puts their sweat and ingenuity into it. To then be punished for this—to have it taken away at the moment of death by the Federal Government—is an assault on personal liberty and freedom.

John Locke, the great philosopher, understood this. America's Founding Fathers understood this, and they

would no doubt be appalled to know that behind the Grim Reaper now stands an IRS agent waiting to collect and deliver the government's share. But today's so-called liberals have abandoned this classical liberal philosophy—the philosophy of natural rights and liberties upon which our Nation was founded—in favor of a redistributionist philosophy that undermines rights and undermines our economy.

Time is running out. We cannot continue this cycle of passing temporary tax relief and then waiting until the very last minute to decide what to do next. We owe it to family farms and small businesses to figure out a way to pass a permanent solution so each year businesses are not left wondering whether they will have to shut their doors in order to pay the death tax.

Also, for those who love to raise taxes on small businesses, keep in mind these small businesses pay a lot of income tax each year into the Treasury's coffers. Do we want to kill the goose that is laying the golden eggs? If we are serious about providing true tax relief that will help small businesses grow, we can sit here and debate whether a bandaid will be the cure to our ailing economy, or we can begin the debate over how to prevent historic tax increases from hammering our small businesses and farms.

I urge my friends in the Democratic leadership to put the death tax on the Senate's radar screen.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWN of Ohio). Without objection, it is so ordered.

SMALL BUSINESS JOBS AND TAX RELIEF ACT

Mr. BLUMENTHAL. Mr. President, I am reminded today of the old saying that we campaign in poetry but we govern in prose. We are in the midst of a campaign season when we hear a lot of rhetoric perhaps posing as poetry, but we have an obligation to govern. I rise today in support of S. 2337, which is most certainly simple, straightforward prose in dedication to the art of government. It is the Small Business Jobs and Tax Relief Act. It is about as simple and straightforward as it possibly could be.

It has two compelling, concise concepts. The first is a tax credit of 10 percent on new payroll. It can be either new hiring or increased wages in 2012 as compared to 2011, and it is capped at \$500,000—pretty simple, straightforward prose in aid of jobs, in aid of employment.

It also extends for 1 year the 100-percent bonus depreciation allowance to

stimulate economic investment—again, to create jobs. It is a very simple and straightforward extension of the accelerated depreciation that boosts gross domestic product and will benefit 2 million businesses—it is estimated 2 million businesses—most of them small businesses across the United States. In fact, this measure is very specifically targeted and aimed at small businesses creating jobs. They are the backbone of our economy. They are the source of the majority of new jobs.

It economizes, very prudently and practically, the aid that is designed to boost new jobs, as well as overall output in our economy.

It is supported by a broad consensus of economists, including Alan Blinder, who has endorsed this idea as a job creator, saying:

The basic idea is to offer firms that boost their payrolls a tax break. As one concrete example, companies might be offered a tax credit equal to 10% of the increase in their wage bills. . . . No increase, no reward.

That is the concept: "No increase, no reward." But the reward and the incentive are a powerful potential driving force to aid small businesses in increasing the numbers of jobs they provide.

I thank Leader HARRY REID for this very targeted and profoundly meaningful proposal. But when I think about the impact of this legislation, I do not think of the folks who are gathered in this Chamber. I think of people in Connecticut—13,000 people in Connecticut—who will have jobs if we move forward on this bill.

I think of a man named Hector Hernandez. I met Hector at a jobs fair I hosted in East Hartford this past September. After 25 years of working for the same company—as they say, working hard and playing by the rules—Hector lost his job. He is willing to do most anything to find a new job, but he cannot find one. There are simply no jobs for Hector. This measure will help to provide him one.

At that same jobs fair I met Ty Wagner. Ty took a very smart path. He decided he was going to get all the education that could possibly be accessible to him. He got a technical degree from a top university. He wanted to work in the State when he graduated. His dream job was to give back, to provide public service. He has not been able to find any job, let alone his dream job, and he is every bit as lost as Hector Hernandez.

That situation faced by Hector and Ty is only one aspect of the crisis in America's job market. I think of Jodey Lazarus who moved to Stamford 5 years ago in search of economic opportunity. She put her two kids in local schools, signed up for college classes, started to get her finances in order, and today she makes barely enough to feed her family. She receives no benefits. She has been looking for a job that

will pay her more and give her more security, but in this economy her efforts have come to nothing. Every week she hopes and prays her income will be enough to provide food for her family. People like Jodey and Hector and Ty deserve better.

As I travel across Connecticut, I hear often that there are jobs and employers cannot find people with the skills to fill them. We need to provide those skills to develop our workforce, to make sure education and training are available so people have skills to fill the jobs that exist.

Washington can do more for them. This kind of targeted, practical approach—not Republican or Democrat, not conservative or progressive—simply provides the tools small businesses need: a 10-percent payroll tax cut, accelerated depreciation—simple, straightforward prose, not poetry, prose—that will put people back to work in Connecticut and around the country.

I urge that my colleagues come together—as the American people want us to do desperately, are seeking for us to do—and to govern in prose that makes a practical difference in their lives, a tool for small business—not as a panacea but as a practical aid so small businesses can put people back to work across the State of Connecticut and the country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland is recognized.

Mr. CARDIN. Mr. President, first, let me thank my colleague from Connecticut, Senator BLUMENTHAL, for his comments. I must tell the Senator, listening to him account to the people in Connecticut, to the individuals who are struggling in this economy, I can tell the Senator we have the same exact circumstances happening in Maryland.

This past weekend I was with some small business owners who were telling me their plans for opening a new restaurant and opening a new gasoline station, telling me of the struggles they are having in getting financing. There are community banks that have money, but they cannot make the loans because of the new rating system, and it is very difficult to get the capital to get the type of expansions they need today to start a new business.

In my State of Maryland, the high-tech and cybersecurity areas where we have small companies that are starting up to help our country, to help our country answer the problems of cybersecurity, help our country develop the type of biotech discoveries that will make our health care system more cost effective, are having a very difficult time putting together the capital in order to be able to move forward with job creation.

The Senator and I know 60 percent of our job creation will come from small

businesses. We also know innovation is more likely to come from small companies that find ways to work more cost effectively. Today in this economy it is a challenge for small business owners to be able to put together the business financing to create the jobs we need for our economy.

The Senator also understands if we are going to balance our budget, if we are going to be able to move forward, we have to have more people working. A lot of people are looking for work and cannot find a job. We want more people working to fuel our economy. Also, by the way, they also pay taxes and help us bring our budget into balance.

So I could not agree with the Senator more that we need to get Democrats and Republicans working together. Here we have a bill on the Senate floor that helps small businesses. Let's not filibuster this bill. Let's at least bring it up for an up-or-down vote. I thought in a democracy majority rules. Let's bring it up. Let's have a vote. Let's keep it to the small business issues.

We all talk about our support for small businesses. Let's keep it to the issue before us: to create jobs, to help small businesses do that.

The underlying bill—and I thank Senator REID for the underlying bill—says to small businesses: If you add to our economy, if you create more jobs, if you increase your payroll, then we have tax help for you to do that.

I must tell you, I think this is exactly what we need. We know businesses cannot get all the financing they need. They need some help in order to be able to put together new job opportunities. This bill provides that with a 10-percent credit on the cost of a new hire. That gives an incentive for the small business owner. It may be the difference between setting up that new restaurant or moving forward to add that employee that will not only help our economy but will help that company discover the way in which we can deal with the cyber threats to this country. So it helps our country, it creates the jobs, and this underlying bill should be discussed on the floor of the Senate without filibusters that deny us that chance.

I also thank Senator LANDRIEU. Senator LANDRIEU, the chair of the Small Business Committee, has put forward a series of amendments. I am proud to have worked with her on the amendment she has brought forward that adds some provisions that are extremely important.

I know in the underlying bill, working with Senator LANDRIEU, we have also the expensing provision. That is an important provision. As I am sure the Senator from Connecticut understands, that provision allows a business owner to go out and make a capital investment, to buy a piece of equipment. Rather than having to write it off over

3 years or 5 years or 10 years, they can write it off immediately, having the ability to buy that piece of equipment, to grow their business, and to be able to then write off the cost. It is just a timing issue for the businessperson, but it is the difference between making the investment or not making the investment, creating a job or not creating a job.

By the way, by buying that piece of equipment, that business owner is also helping another business owner who is selling that piece of equipment, to get our economy back moving again. It is those types of commonsense provisions that have always enjoyed broad bipartisan support in the Senate—always. These are provisions we have had Democrats and Republicans working on together. We need to do that today.

Let's move on with the bill. We have had it on the floor of the Senate now a couple days. Let's move on and start voting, but do not filibuster. Let's vote on relevant amendments. Can't we just stick with the small business issues and vote on that in order to help our economy grow?

I am also pleased about another provision that is in the Landrieu amendment and the underlying bill now that we could have a chance to vote on that increases the surety bond limits for small businesses. This was passed by the Senate and incorporated into law in February 2009. I was proud to be the sponsor of this amendment that increased the surety bond limit from \$2 million to \$5 million.

The reason this becomes important is, for a small business owner to be able to get a government contract of over \$100,000, they need to have a surety bond. In order to get that surety bond, the small business owner has to take, usually, for security, some of their assets and pledge them for the surety bond rather than using them for the credit of the company, which is really a catch-22 situation.

Increasing the limit from \$2 million to \$5 million frees up some of that ability because the government comes in, the Small Business Administration comes in and helps them with that surety bond. So if you are a construction contractor trying to get a Federal contract, the difference between \$2 million and \$5 million is a huge difference in the type of contracts that you can compete for.

It is interesting that when we looked at it, we had projected it would generate about \$147 million in additional bonding activity for projects of over \$2 million, and we found that, in fact, it increased activity by \$360 million.

So the need was there. It generated strong activity. Democrats and Republicans supported it. I was proud of the support of Senator LANDRIEU and Senator SNOWE.

This is not a controversial issue. The only way we are going to get that increase—that expired in 2010. It is no

longer part of the law. We are back to \$2 million. So small business owners are at a disadvantage. We just have not had a chance to extend that. It is not controversial. It brings money into the economy. It is not scored.

So we need to be able to get that done. If we cannot get to this bill, I do not know when we will get that increase in the surety bond limit. So that is another reason I urge my colleagues to let us vote on this bill to help small businesses in our community. It has always enjoyed bipartisan support.

Here is what we are asking. My colleagues, we all talk about we want to create more jobs. We all talk about supporting small businesses because we know small businesses are the growth engine of America. We all know small businesses create more of the new patents, more of the new innovations per employee than the larger companies do. Let's put our action where our words are. We can do that today by allowing the Senate to move forward to consider amendments on the Reid bill that is before us—the Landrieu amendments. Let's move forward with that bill. Let's take up relevant amendments that deal with small business issues. Let's vote them up or down by a majority vote of the Senate. And then I am sure, at the end of the day when we put that bill up for final passage, it will enjoy broad support by the Members of this body. And it gives the American people confidence that we indeed are focused on job creation for America.

I urge my colleagues to let us move forward on this bill. Let's take up the Landrieu amendments, take up the underlying bill. Let's do something that can help small businesses, help job growth, help our economy, and restore confidence to the American people that we are indeed dealing with the agenda they want us to do—moving our country forward, moving our economy forward by creating more jobs in our economy.

I thank my friend from Connecticut.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HOEVEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGROWTH TAX REFORM

Mr. HOEVEN. Mr. President, I rise today to speak on the need for progrowth tax reform.

Recently, President Obama—in fact, on Monday—in a speech proposed a plan to raise tax rates rather than continuing the current tax rates. That means raising taxes on individuals and small businesses and raising the capital gains tax on investment—not only the income tax, but also the capital

gains tax on small businesses, individuals, capital gains tax on investments. It also means raising the death tax on American families—the estate tax.

He made that proposal even though he has repeatedly said we cannot raise taxes in a recession. He has made that statement repeatedly in recent years, that we cannot raise taxes in a recession because it would hurt the economy, and raising taxes would hurt job creation.

But here we were on Monday, and he proposed we raise the tax rates. This is at a time when we have 8.2 percent unemployment; in fact, we have been over 8 percent unemployment for 41 straight months. We have 13 million people who are unemployed whom we want to get back to work, and we have another 10 million who are underemployed. On the order of 23 million people are either unemployed or underemployed.

Since this administration has taken office, middle-class income has declined from approximately \$55,000 to about \$50,000. The number of people on food stamps has grown from 32 million recipients to 46 million recipients. Home values have dropped from an average of about \$169,000 to an average of about \$148,000. In the area of economic growth, GDP growth is the weakest of any recovery post-World War II. The last quarter, it was reported that it was about a 1.9-percent increase over the prior quarter.

In the area of job creation, the report for June, as far as the number of jobs gained in the month, came out last week. In June, we gained about 80,000 jobs. That is far short of the 150,000 jobs we need to grow each month just to keep up with population growth.

So now the President says the solution is to raise taxes on our job creators. This week, after the President's speech—as I said, he spoke on Monday—I received a letter from a small business owner in my State of North Dakota. I know this individual. In fact, he has a hardware store in Bismarck. I have often gone there for items I need when I am working on my home. In fact, last year, when we had terrible flooding throughout North Dakota, in Minot and other communities—we had flooding in Bismarck, and my home is along the Missouri River and was in the way of the flood—I often went there to get needed items. He runs a good business, a good small business, and it is very helpful. He sent me this letter after the President's speech on Monday. I will read it. It is short:

Senator HOEVEN:

The president's recent comments on raising taxes on high income earners concern me greatly. Perhaps he just doesn't understand that for people like me, who own a business, the bulk of those earnings actually go to the bank payments for what I borrowed to be here. I am actually in danger of being taxed to a point of no living wage for myself. The taxes and bank payments come first. Out of an income that classifies me as rich, I actu-

ally take \$40,000 home to my family. How much more do they want?

John, you've shopped in my store, you've seen all how we have grown, and you know people like me would use every available dime to grow more. This president's programs not only limit my company's potential to grow, but they destroy any incentive to work and hire more people. I just don't know if he doesn't understand what he's doing, or just doesn't care.

Please, Senator HOEVEN, share with your partners in the Senate how critical an issue this is for small business owners like me. Oh, and Thanks for Shopping at Ace when you're home in Bismarck.

Jeffrey Hinz, Kirkwood Ace Hardware.

I think Jeff sums it up well—better than I could. Jeff represents millions of small businesses across this country that are the very backbone of our economy. They hire the people, they pay the wages, they pay the taxes. They fuel the growth and the dynamism of our economy. In short, they make our economy go. Small business in this country makes our economy go.

Yet the President's proposal would raise taxes on about 1 million business owners, hurting their ability to grow our economy, hurting our ability to get those 13 million unemployed people back to work.

That is not the way to go. Very clearly, that is not the way to go. This administration's policies are making it worse. But the President says everyone needs to pay their fair share. How many times have you heard him say that? Well, of course, everyone needs to pay their fair share. But the way to do it is with progrowth tax reform and closing loopholes, not by raising taxes on some people, some businesses, and not others.

That is what we have proposed. We have proposed progrowth tax reform and closing loopholes. Let's extend the current tax rates for 1 year and set up a process to pass progrowth tax reforms that lower rates, close loopholes, are fair, simpler, and will generate the revenue to reduce our debt and deficit, along with savings and spending less—controlling government spending, but that will generate the economic growth to drive revenue, not higher taxes.

The reality is that is the only way to get on top of our debt and deficit and to get people back to work. We need economic growth to reduce the debt and deficit, along with more savings at the Federal level, controlling spending, and we need economic growth to get people working again.

That is why we have put forward our approach—a simple approach—to extend the current tax rates for another year and set up a process for comprehensive progrowth tax reform. That is the right approach. From 2000 to 2010, I served as the Governor of my State. That is the approach we took. Look at the results in our State of North Dakota. Look at the results in States such as Indiana, where that approach has been taken. It works at the

State level. It will work at the Federal level. We need to do it.

I call on President Obama, as well as my colleagues, to engage in this vital effort now for the good of the American people.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the Senator from Ohio, Mr. BROWN, be recognized following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. MCCAIN. Mr. President, this body for 50 years has passed the National Defense Authorization Act, and for 50 years, after conference, it has reached the President's desk and been signed by the President of the United States.

There are many pressing issues that confront the Senate, the Congress, and the Nation. But I don't think we should forget that our first obligation is to secure the safety of our citizens, and that can only be done by training, arming, and equipping the men and women who are serving in the military.

Mr. President, a couple of months ago, through the Senate Armed Services Committee, we passed the National Defense Authorization Act, and it has some very important components in it to continue to support the men and women who are serving, and their families, and to provide them with the equipment and training they need to defend this Nation.

We are still in conflict in Afghanistan. We are on the brink of a crisis with Iran over nuclear weapons. We have adjusted our presence in Asia in response to the rising influence of China. The uprising in Syria threatens to spill over into neighboring countries. And, of course, the situation in Egypt is clearly one of significant question as to how the Egyptian Government and people will progress. Some would argue that in many respects the State of Israel is under more threat than at any time since perhaps the 1973 war. So we live in a dangerous world. We live in a very uncertain time. And it seems to me our priorities should be to bring the national defense authorization bill to the floor.

The bill received a unanimous vote in committee by both Republicans and Democrats. I am proud of the relationship the chairman and I have developed over many years of working together. I am confident that despite the fact there will be hundreds of amendments filed, we can work through those and work through the process, as we have in the past, and bring the Defense authorization bill to a conclusion and to conference with the House and then signed by the President of the United States. We owe this to the men and women who are serving in the military.

It is not our right, it is our obligation to get the authorization bill to the President's desk.

We may have significant disagreements, but for 50 years this body has passed the Defense authorization bill and it has been signed by the President of the United States. We are in some danger of not getting this done this year when we look at the remaining weeks we have in session and the number of challenges that are before us. So I think it is time we step back and look at the requirement to pass this legislation.

I have some sympathy for the majority leader in that there is great difficulty in the way we are doing business nowadays. But I hope my colleagues on both sides of the aisle will all recognize the importance of this legislation. We must urge Members on both sides to set aside their own personal agendas and do what is necessary for the defense of this Nation.

The bill provides \$525 billion for the base budget of the Defense Department, \$88 billion for operations in Afghanistan and around the world, and \$17.8 billion to maintain our nuclear deterrent. The bill authorizes \$135 billion for military personnel, including the cost of pay, allowances, bonuses, and a 1.7-percent across-the-board pay increase for all members of the uniformed services—something I think all of us would agree is well-earned. That is, by the way, also the President's request. It improves the quality of life for the men and women in the Active and Reserve components of the All-Volunteer Force and helps to address the needs of the wounded servicemembers and their families.

As we and our NATO partners reduce operations in Afghanistan, the importance of transitioning responsibility to Afghan forces increases, as does the need to provide for the protection of our deployed troops. This legislation provides our service men and women with the resources, training, equipment, and authorities they need to succeed in combat and stability operations. It enhances the capability of U.S. forces to support the Afghan National Security Forces and Afghan local police as they assume responsibility for security throughout Afghanistan by the year 2014.

Weapons systems modernization is essential to the future viability of our national security strategy, and this legislation provides for substantial improvement of legacy ships, aircraft, and vehicles, while authorizing research and development investments to ensure our troops remain the best equipped in the world. The bill authorizes the President's request for missile defense and accelerates support for our allies, including the joint U.S.-Israeli cooperative missile defense programs, such as the Arrow weapon system and the David's Sling short-range missile

defense system. It also provides multiyear procurement authority for the Chinook helicopters, V-22 aircraft, Virginia-class submarines, and Arleigh Burke-class destroyers, reflecting estimated savings of more than \$7 billion over 5 years. And none of this can take place unless we pass the authorization bill.

The committee also sought to improve the ability of the armed services to counter nontraditional threats, including terrorism, cyber warfare, and the proliferation of weapons of mass destruction. I believe the key battlefield of the 21st century will be cyber warfare, and I am concerned about our ability to fight and win in this new domain. To improve the Defense Department's cyber capabilities, this legislation consolidates defense networks to improve security and management, which will permit personnel to be reassigned to support offensive cyber missions, which are understaffed.

The issue of nuclear proliferation is addressed, and other programs to counter the flow of improvised explosive devices and curtail the trade of worldwide narcotics are authorized in this bill.

Especially important are provisions to enhance the capability of the security forces of allied and friendly nations to defeat al-Qaida, its affiliates, and other violent extremist organizations. The Armed Services Committee extended the Defense Department's authority to train and equip forces in Yemen to counter al-Qaida in the Arabian Peninsula and forces in east Africa to counter al-Qaida affiliates and elements of al-Shabaab.

To ensure proper stewardship of taxpayer dollars and compliance with law and regulation, the bill promotes aggressive and thorough oversight of the Department's programs and activities. This includes adding funding for the Department of Defense inspector general. The Department of Defense inspector general reviews resulted in an estimated \$2.6 billion in savings in 2011—a return on investment of more than \$8 for every \$1 spent. The committee mark also codifies the 2014 goal for the Department of Defense to achieve an auditable statement of budgetary resources.

Further, it improves the cost-effectiveness of DOD contracting by limiting the use of cost-type contracts for the production of major weapons systems. In addition, the bill includes a series of wartime contracting provisions drawn from the McCaskill-Webb bill implementing the recommendations of the Commission on Wartime Contracting. In that vein, the bill enhances protections for contractors that blow the whistle on waste, fraud, and abuse in defense contracts.

Finally, this legislation requires the Secretary of Defense to submit a detailed report to Congress on the impact

budget sequestration will have on military readiness and national security. Similar legislative language has been passed twice by this body and by the House of Representatives. The Congress does not yet have an accurate understanding of the implications of sequestration beyond an assertion that the cuts would be “devastating,” which is the word used by Secretary of Defense Leon Panetta and nearly every other defense official we have queried. We must have this information as we begin the work of developing a balanced approach to deficit reduction that replaces sequestration with a responsible plan for getting our Nation’s finances in order.

I want to repeat, Mr. President, that for 50 years, I am proud to say—and in the years I have been in this, obviously—we have successfully authorized the programs and policies of the Department of Defense. I am proud of what this committee has done. I am proud of what the Senate has done. I am proud of what the Congress has done and the Presidents these pieces of legislation have come before for their signature. Let’s not allow the anticipation of an election to hinder our ability to act in the interests of the men and women who are so bravely serving our Nation.

I hope the majority leader, in consultation with the Republican leader, will come to an agreement so that we can have a date certain. And I can assure the leadership on both sides that Senator LEVIN and I will again be able to expedite this process, allowing amendments and debate as they are called for and at the same time come to a successful conclusion and make this the 51st year we have succeeded in doing what is necessary to fulfill our most solemn and important obligation, which is to do everything within our power to ensure the security of this Nation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HAGAN). Without objection, it is so ordered.

VETERANS RETRAINING ASSISTANCE PROGRAM

Mr. BROWN of Ohio. Madam President, I rise to address a problem facing too many communities across the country, including small towns and big cities, suburbs and remote rural areas.

Servicemembers who have risked their lives protecting our Nation shouldn’t have to wonder whether they will be able to find a job when they leave the service. Unfortunately, far too many do.

On Monday, I was in Youngstown in northeast Ohio speaking to Army vet-

eran Pedro Colon. He is one of the first Mahoning County area veterans to be approved for VRAP.

VRAP is a particularly important program for veterans in this country. It stands for Veterans Retraining Assistance Program. We just authorized it under the VOW to Hire Heroes Act. I am the first Ohio Senator ever to sit on the Veterans’ Committee for a full term, and I take that responsibility seriously. One of the outreach training efforts put together by Senator MURRAY in the Veterans’ Committee is VRAP.

Mr. Pedro Colon, Jr., is a high school graduate in his early fifties. Even though he served in an Army medical laboratory as a specialist, civilian employers wouldn’t accept his military training experience. As the Presiding Officer knows, having such a huge military presence in her State, in many cases employers are reluctant to hire veterans. Perhaps they are afraid they haven’t been tested for PTSD or, for whatever reason, employers far too often seem reluctant to hire veterans. We know the unemployment levels are higher among veterans than they are the rest of the population. We know there is a particular problem for veterans who are a little bit older, who, as in the case of Mr. Colon, are middle-aged. We also know sometimes veterans, particularly if they came out of high school and went directly into service, might not know when leaving the service how to apply for a job, how to do a resume, all the things people learn to do when they are stateside in the civilian workforce.

Because of VRAP, Mr. Colon will study at the Mahoning County Career and Technical Center, beginning in September, to train to become a medical assistant—something he knows something about from his military service but was not certified and, unfortunately, unemployable in that field.

We have a responsibility to the Pedro Colons of the world to do something about these thousands of older veterans who are jobless or unemployed. VRAP is for veterans 35 to 60. The GI bill—which most of us in this Chamber supported earlier—helped those returning servicemembers a little bit younger than 35, not as much as it should have but in a significant way. But for many who, similar to Mr. Colon, are older than that, the opportunity to benefit from much of the GI bill has expired.

As we invest in our servicemembers in times of war, we should do so when they return to their communities, when they hang up their uniforms, and when they embark in the next phase of their lives.

We have a role to play, and this is a case where government can step in and help the private sector do what is right to serve those veterans who served us. That is why the Veterans Retraining

Assistance Program—which is a joint Department of Veterans Affairs and Department of Labor training initiative—is so important.

Last year Congress passed and President Obama signed into law the VOW to Hire Heroes Act, which honors our government’s obligation to our veterans. VRAP, a component of that law, provides unemployed veterans between the ages of 35 and 60 the opportunity to pursue training for new careers in high-demand occupations.

As of July 12, some 33,000 applications have been received nationally for the VRAP. The program was limited to 99,000 participants through March 31, 2014. All of us must do everything we can to spread the word to eligible veterans. The number was restricted to 99,000 and the expiration date was set at March 31, in large part, so we could see how this program worked, we could measure it and we could reintroduce it and continue it, if it is as effective as I and as most of us on the Veterans’ Committee think it will be.

Tony Blankenship, another Ohioan from Martins Ferry in Belmont County on the Ohio River in eastern Ohio, across from Wheeling, WV, was an unemployed iron worker and plans to study at Belmont College for a career as a medical assistant.

There are hundreds of different kinds of jobs and tens of thousands of slots for people to sign up. In my State, they can go to the Veterans Service Commission. Ohio is one of those lucky States—not every State does this—that has a Veterans Service Commission funded by taxpayers in local communities. Every county seat, I believe, has a veterans service officer and a Veterans Service Commission, the chief function of which is to serve returning veterans with health care, education, and a whole host of issues, such as job training, for instance, that a veteran might deal with.

So programs such as VOW to Hire a Heroes Act and VRAP are not only about opportunities for veterans; they are about helping businesses strengthen our economy by meeting the demand for high-skilled workers. We are seeing businesses leverage public and private resources to hire veterans and expand operations. I met with veterans and veterans advocates from Dayton and Dublin to Mansfield, Chillicothe, Cleveland and Columbus and lots of places around my State to talk to them about how we can partner to help businesses hire unemployed veterans.

In North Canton I worked with the Chesapeake Energy Corporation to convene a job fair for Ohio veterans seeking employment as equipment operators, truckdrivers, electronic technicians, and other high-demand careers, perhaps in the shale development industry.

In Cleveland State University’s SERV Program, staff discussed their

national model of helping servicemembers and veterans transition to civilian life through education and workforce training.

At a roundtable I did on Veterans Day at Cleveland State 4 or 5 years ago, I talked to veterans and to school administrators about the importance of integrating service men and women who have recently left the military back into the classroom, thinking about the 25-year-old young man or woman who had been in combat in Iraq sitting in class next to an 18-year-old suburban young man or young woman who had no idea of the kind of life experiences the veteran, only 6 or 7 years older chronologically but much older in what he or she had seen in combat. Cleveland State has figured this out, as has Youngstown State, and they have been national models for ways of integrating these service men and women back into the classroom to be able to go out into the workforce.

In Columbus, where I held a field hearing on veterans unemployment in December, the Solar by Soldiers Program is hiring veterans to install energy technology.

We need to spread the word about training programs, such as VRAP, that will help provide our veterans with the necessary skills to find good-paying jobs. It is part of our job to serve those who have served us so faithfully and so well.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. RUBIO. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. RUBIO. Madam President, it is always good to see the gallery full, people in town visiting this process, this week in the Senate. We have actually had a pretty interesting week. We have had a chance to talk about the economy and taxes, something I wish we had spent more time talking about in the months since I got elected last year to the Senate. In a few moments, later this afternoon we will have a vote on a bill that has been called a tax cut bill. The problem with it—and I want people watching here who are maybe not fully familiar with the process, a process I am still learning, to understand—what is going to happen is Republicans had a bunch of ideas we wanted included. We probably were not going to win those votes. We are not the majority. But we wanted those ideas to be discussed, and instead we have been told that cannot happen, that the majority is going to pick which of our ideas they want to listen to and the others will be put aside.

The problem with that is the people of Florida sent me here and, just like

there are 99 other people who serve here, they have a right to have their voice heard. Unfortunately some of the ideas we have offered will not get a vote, and therefore we will not be able to move forward on that bill as a result. One of the only things the minority party can do in this process here in the Senate to ensure our voices are heard is ensure we are not going to allow legislation to move forward unless the rights of the minority are respected because, after all, we represent Americans as well who have different ideas than the majority and have a right to have their voices heard. I hope we get back to a point where the Senate works the way it was designed to work—the Senate I ran to be a part of, not the Senate we are part of here today.

I do think what has been good about this week is we have had a chance to talk about the economy. I know people at home are hearing a lot about the economy, about jobs and about the debt, so I am trying to make some sense of it for folks calling our office. One of the best ways to do that is come here on the floor of the Senate and be able to speak about these issues, not just to the people sitting here today but to the folks who are going to watch back at home or later on on YouTube or wherever this video might be available to them.

What I want to talk a little bit about today is the debt and what that means. What it basically means is the Government of the United States borrows money to pay for our costs because we spend more money than we take in. The Federal Government, your government, spends more money every year than it takes in in taxes and other fees. The only way it can get the money to pay for these things is they have to borrow it by selling something called bonds. They sell this debt that we have to pay back over the years. That is how we fund our Government. Unfortunately, almost a third is funded in that way. What has happened over the years is because we have spent consistently more than we have taken in—that is called the deficit. Every year when you spend more than what you take in, the annual amount you owe is called the deficit, but it starts building up something called the national debt. Today we owe about just over \$15 trillion of money that we are going to have to pay back. Let me correct that—that you are going to have to pay back through your taxes now and in the future. In fact, your great-grandchildren are going to have to pay it back. That is the national debt. The problem with the national debt is it has become an enormous part of our national economy. It has grown to a very dangerous level as a percentage of our overall economy.

What is the way to solve it? The only way to solve it is growth. The only way

to solve this problem is to grow our economy. If our economy grows, then the debt becomes smaller as a percentage of our overall economy. Think of it almost as a pie. If the pie gets bigger, the slice gets smaller if you keep it constant. It is the same thing with the debt. If we can keep the debt constant and we can grow the economy, then our debt becomes less problematic. That is the solution to this problem.

As a point of emphasis, let me tell you, let's suppose we wanted to get back to what our debt was in 2007. We want our debt to be what it was in 2007. In order to do that, we would have to come up with over \$1 trillion this year to get us back to what our debt was as a percentage back in 2007. It basically means we would have to come up with that permanently. The functional reality is that to do that we would either have to double everybody's taxes or we would have to cut close to a third of our budget right now.

The point is, we cannot tax our way out, cut our way out of this issue. Definitely there have to be cuts. But we cannot cut our way out of this and we certainly cannot tax our way out of it. If you double the tax rates in this country, which is what you would have to do to get us back to 2007, No. 1, you would trigger a massive recession. I mean the economy would stop. But, No. 2, it would be impossible to collect it. It is unrealistic.

I am citing those numbers to give an example of why we cannot raise taxes. We cannot tax our way out of this problem and we cannot simply cut our way out of it either. The only solution is growth, dynamic growth—not slow growth, big growth. That is the only solution because if the economy grows, more jobs are created. If more jobs are created, you have more taxpayers. If someone is unemployed right now, they are not paying income tax. Now they get a job or get a raise at their job. Even if the rates stay the same, they are paying more taxes. Now the government has more money to pay down the debt—if it doesn't grow the government. And that has been the problem over the last few years. Our revenue has grown. The amount of money coming into the government has actually gone up. But the spending has gone up even more and that is why the deficit grows and why the debt grows. That is how growth would solve this problem. If the economy grows, more people have jobs and they get raises at their jobs. That means people get more money which leads to more growth because they spend that money and invest that money, but it also means they are generating more, but for government, and now the government has more to pay down the debt and they have to borrow less. So that is the solution. Growth is the solution, growing the economy.

How do we grow the economy faster? The economy grows because of the private sector, that is how. Real growth comes from businesses, it comes from private sector growth, from small businesses and from big businesses, from dry cleaners, from gas stations, from convenience stores, from the guy who cuts your yard and your lawn—that is growth, private sector growth.

Here is the truth. If you look at the statistics, it is undeniable. The bigger the government the smaller the private sector—because there is only so much money in the world. And the only place government gets its money is either it has to tax or borrow it from the private sector. That is—unless it is going to print more money which has a whole other set of problems we will talk about 1 day—the only way your government can get more money to grow, if it takes it from you, from the private sector. It either has to tax you or it has to borrow the money from you. Either way, it is money that the government has to take out of the private world to grow the government.

Here is what happens when you take money out of the private world. That money is no longer available to save, because if you save it you are putting it in a bank and the bank can now use that money to give you a mortgage. Or that is money you no longer have to spend, which means businesses have fewer customers and the customers they do have are spending less money.

Let me tell you the functional application of that. If you are a waiter or waitress at a restaurant and people are not spending as much because they do not have the money, they are spending it in taxes, this means they are going to restaurants less, which means you are going to make less money in both tips and wages. It may even mean your hours get cut. Millions of Americans know this reality. This is not a theory, this is a reality. If people have less money to spend, they cannot spend it at the place where you work, and if they do not have the money to spend at the place where you work, you will make less money, you will work less hours, and you may even lose your job.

The other thing the private sector can do with this money is invest it, and that is when you get growth in the economy. When a business or business man or woman makes some money and they take the money and decide, you know what I am going to do this with money? I am going to use it to grow my business or I am going to use it to start a new business. The problem is, if government takes some of this money from them, they can't do that. That is why the bigger the government, the smaller the private sector, and the smaller the private sector, the smaller the growth, which is our only solution. That is not a theory, that is a reality. Statistics prove that the bigger the government, the higher the unemploy-

ment rate. I should have brought the chart I have that shows that every time government size and spending go up, the unemployment rate goes up. Why? For the reasons I just explained. That money the government used to grow came out of the private sector. That is money businesses now don't have to invest or spend.

Let me talk about another place where it hurts. The higher the government, the worse the stock market does. Why is that? I will explain why. People buy stock on the hope that they can make a profit on that stock in the future. The problem is that the more the government spends, the higher the taxes will have to be in the future to pay for that. So if people think taxes in the future are going to be higher and therefore their chances for making money on stock are going to be less, they are not going to buy stock.

Here is the problem. When people buy shares of stock, what they are basically doing is investing money in companies. They are investing money in companies so that the company can grow and make more money, and then the company pays back a profit. But if people are no longer willing to invest money in companies, those companies cannot grow. If those companies cannot grow, that is where people become unemployed, that is where people's hours get cut, and that is where new jobs are not created. It is also why kids who are graduating from college can't find a job. The money has to come from somewhere, and the bigger the government, the less that is available in the private sector to grow. These are facts.

Now, what are the arguments around here? Well, the Bush tax cuts are the existing Tax Code. The Bush tax cuts led to this debt. Well, George Bush cut taxes, and as result the government didn't generate enough money, and that is why we have this debt.

That is false. Our government has grown impressively over the last decade. The problem is that the amount of money we spent has grown even faster.

Listen, it doesn't matter if you get a raise. If you get a raise but your spending grows by even more, you are not going to notice the difference. If you get a \$10,000 raise but you buy something that costs \$20,000 more than what you are spending now, you are going to owe more money. That is what we have done here in Washington—certainly before I got here.

By the way, both parties are to blame. Unfortunately, this is a bipartisan debt, and what has happened is that even though the government has generated more money, it has spent even more. So it is not the Bush tax cuts. That is just not true.

The fact is we have a spending problem. Let me explain what is so dangerous about this spending problem. The Federal Government has grown fast in the past. We have had periods

like this before. Let me tell you when they were: the Revolutionary War, the Civil War, World War I, and World War II. During those four periods, government spending grew really fast. But here is the difference: When the war was over, the war was over. The war happened, we won World War II, and things went back to normal. The difference now is that this is not because of a war, this is because we have grown the government. This is permanent. That is the difference between the spike in spending and the other spending in the past. This spike in spending is permanent. That means it is here to stay unless we change. There is no going back to normal.

We have a serious problem, and I have explained why the debt hurts everyone at home. If you are unemployed, if you are underemployed, if you are working twice as hard and making half as much, the debt is part of the problem because the government has taken money out of the private sector. It is money that used to go to you and is now going to the government now and in the future. So the debt is part of the reason why the economy is not growing and why jobs are not being created.

At the end of the day, we cannot tax and simply cut our way out of this. Let me be clear. There are places to save money. I promise, the Federal Government wastes money. We should find that, and we should eliminate it. It is never a good idea to waste money. But we can't just cut our way out, and we certainly can't tax our way out of this debt problem. We have to grow our way out of this debt problem. We have to grow our economy out of it, not our government out of it. The only way to grow our economy is for the private sector to grow, but the evidence is clear that the bigger the government, the smaller the private sector. So therein lies the answer.

When we talk about holding constant and lowering the size of government, it is not some ideological talking point. This is not some conservative-versus-liberal talking point. This is evidence-based. This a fact, and the statistics are clear that the bigger the government, the higher the unemployment rate. The bigger the government, the worse the stock market performs. The bigger the government, the less money there is available to create jobs in the private sector, start new businesses, or grow existing businesses. That is why we have to shrink the size of our government. The sooner we do it, the better we are going to be, and that is what I hope we will work on here in a bipartisan fashion. Both parties helped to create this situation, and now I hope both parties will help to work to solve it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SMALL BUSINESS JOBS AND TAX RELIEF ACT

Mr. REID. Madam President, I ask unanimous consent that the Senate now resume consideration of S. 2237, the Small Business Jobs and Tax Relief Act; that the time until 2 p.m. be equally divided between the two leaders or their designees; that at 2 p.m. the Senate proceed to a vote in relation to amendment No. 2524; that immediately following the disposition of amendment No. 2524, the Senate proceed to vote on the motion to invoke cloture on the substitute amendment No. 2521; that if cloture is not invoked on the substitute amendment, the Senate then proceed to vote on the motion to invoke cloture on S. 2237; that if cloture is invoked on the substitute amendment, all postcloture time be yielded back, the substitute amendment be agreed to, and the Senate proceed to vote on the motion to invoke cloture on S. 2237; that if cloture is invoked on the bill, all postcloture time be yielded back and the Senate proceed to vote on passage of the bill, as amended, if amended; that if cloture is not invoked on S. 2237, the bill be returned to the calendar; further, that there be no other amendments or motions in order to the amendments or the bill prior to the votes other than motions to waive or motions to table; that there be 2 minutes equally divided between the votes and all after the first vote be 10-minute votes; and finally, that the Senate then resume the motion to proceed to Calendar No. 446, S. 3369.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

A bill (S. 2237) to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

Pending:

Reid (for Landrieu) amendment No. 2521, in the nature of a substitute.

Reid amendment No. 2522 (to amendment No. 2521), to change the enactment date.

Reid amendment No. 2523 (to amendment No. 2522), of a perfecting nature.

Reid amendment No. 2524 (to the language proposed to be stricken by amendment No. 2521), of a perfecting nature.

Reid amendment No. 2525 (to amendment No. 2524), to change the enactment date.

Reid motion to commit the bill to the Committee on Finance, with instructions, Reid amendment No. 2526, to change the enactment date.

Reid amendment No. 2527 (to (the instructions) amendment No. 2526), of a perfecting nature.

Reid amendment No. 2528 (to amendment No. 2527), of a perfecting nature.

Mr. REID. I suggest the absence of a quorum and ask unanimous consent that the time be charged equally against the proponents and opponents.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRANSPARENCY IN GOVERNMENT

Mr. GRASSLEY. Madam President, President Obama and his administration claim to be open and above board in their actions. As recently as July 1, the White House Chief of Staff, Jack Lew, told a television audience:

This administration has been the most transparent administration ever.

So I come to the floor now to say that is simply not the case, and I am going to highlight an outstanding example of how it is not the case.

Last month, an attorney with the Department of Justice from the Civil Rights Division attended a public meeting in Louisiana—a public meeting in her official capacity. Before the meeting began, this attorney, Rachel Hranitzky, reportedly asked whether any representatives of the media were present at this meeting. A reporter from the Daily Iberian identified himself. This Justice Department attorney then announced: “You can quote those who speak, but you can’t quote me.”

On what basis does the Justice Department presume to tell a reporter who can be quoted at a public meeting? The reporter had the same question. It has been reported that he asked her to cite legal authority which would support her claim that he could not quote a Justice Department attorney at a public meeting. Ms. Hranitzky provided no such law. She did say the Justice Department has special rules on how its attorneys can be quoted. She did not back up that statement, however. So here is a public meeting anyone could attend and hear a lawyer from their government speak on civil rights enforcement. Yet a representative of that government claimed that it was the policy of the Justice Department that the press would have fewer rights than the general public to quote what that government representative said at that public meeting. This undercuts the claim that “[t]his Administration has been the most transparent administration ever,” going back to the quote of the Chief of Staff.

This refusal to allow the public to know how government officials are performing their job is totally unaccept-

able—and I hope to everybody it would be unacceptable.

As appalling as this reported action was, what followed was even worse. Ms. Hranitzky tried to kick the reporter out of an open meeting because he questioned her. She relented after he said—regrettably but understandably, in my view—that he would not quote her.

Then the Justice Department attorney totally abused her power, according to press reports. She told the reporter she could have the Justice Department call the newspaper’s publishers or editors and say something such as this: You don’t want to get on the Department of Justice’s bad side.

That statement represents a raw abuse of power.

We expect the Justice Department to investigate law-breaking and pursue appropriate cases without regard to politics. Threatening to use the power to bring a criminal case or civil action against any entity because it had the temerity to insist that the Department of Justice obey the first amendment is outrageous.

The newspaper has protested to the Justice Department and has not, to my knowledge, received any response. The Department’s public comment on the incident does not deny that any of the reported statements were made.

That the Civil Rights Division and the Department of Justice have not committed to allowing the press to quote its attorneys at public meetings a month after one of its attorneys has claimed that it is the Department’s policy not to permit such reporting is completely unacceptable. It leads one to ask: What does the Civil Rights Division wish to hide?

I have received many complaints concerning the enforcement actions of the Civil Rights Division. When the division’s attorneys will not allow themselves to be quoted, we can only conclude that they are saying things about enforcing the law that the American people would never accept.

There are no statutes that deny the media the right to quote statements of Justice Department officials that are made at public meetings. If there were, they would violate the first amendment’s protection of freedom of speech as well as protection of freedom of the press. There should be no Justice Department policies to that effect either, and for the very same reason.

This administration says it is transparent. It wants people to believe that, but then it wants to prevent the press from reporting what it says in public. To carry out that plan, it threatens those reporters with a politically motivated legal action. That is thuggish, not transparent.

To the extent the Department has a policy of preventing the press from quoting the statements of its attorneys at public meetings, that policy should

be reversed immediately to comply with the first amendment. Whether it has a policy or not, the attorney who claimed that such a policy existed and tried to expel the reporter from a public meeting because he might quote her, and threatened the reporter for getting on the Department of Justice's bad side, should be appropriately disciplined.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. HAGAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. McCASKILL). Without objection, it is so ordered.

Mrs. HAGAN. Madam President, I rise today to speak in support of the Small Business Tax Cut and Job Creation Act.

Families throughout North Carolina are facing a difficult economy right now. I have said repeatedly that the people of our State cannot wait until after the election for Congress to work on solutions to speed up our economic recovery. That is why I am pleased the Senate has agreed to consider this small business legislation.

This is a bill that will help North Carolinians get back to work this year in industries such as health care, finance, construction, manufacturing, and retail.

This legislation supports businesses that expand payroll or invest in new equipment, and there are estimates that it will put 27,000 unemployed people in my State back to work. It does this by creating an incentive for North Carolina small businesses to add new jobs in 2012 by giving businesses a 10-percent income tax credit on new payroll.

And it encourages businesses to make new investment by extending the 100-percent business deduction on qualified property. Providing real tax relief that lowers the cost of doing business should be a bipartisan idea and it is one I will support.

I also want to express my deep appreciation to the Small Business Committee chair, Senator LANDRIEU, for including a proposal of mine in her SUCCESS Act amendment. This amendment would put us on the path to establishing a common application for small businesses to apply for Federal assistance across agencies, across departments, and programs with a single application.

Frequently I hear from small business owners who tell me that government redtape is preventing them from growing their businesses and creating jobs. We need to slim down this bureaucratic redtape. I believe our small business should not have to be responsive to the whims of the Federal bureauc-

racy. The Federal Government needs to be responsive to the needs of our small businesses.

In February, I introduced the Small Business Common Application Act, which would establish a common application that allows small business owners to apply for grants, seek technical assistance, and bid on contracts from the Federal Government with a single form. It would function much like the common application students use today to apply to multiple colleges and universities.

Senator LANDRIEU's amendment would put us on the path toward creating a common application by establishing an interagency executive committee with representatives from 12 different agencies and departments that will report back to Congress and the SBA within 270 days on whether a common application is feasible.

This is a commonsense bill that I believe both sides of the aisle can agree to to cut the paperwork burden on our small business owners.

I ask unanimous consent that all time spent in quorum calls be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THUNE. Madam President, before too long here we are going to be voting. We are going to have three votes, I think, on whether we are going to move forward on a tax bill. I frankly think there are things in the underlying bill that is before us today that would do some good. The bonus depreciation provision is something many of us have supported in the past. We think that is good tax policy with regard to encouraging small businesses to invest, by giving them a quicker way to write off those capital investments. So there are some things in the underlying bill that make some sense.

But the whole exercise we are going through here is a charade for a couple of reasons. One, you cannot originate revenue measures in the Senate. That is something that has to happen in the House of Representatives. So anything that comes out of here, if it were to pass, would be blue-slipped by the House of Representatives. You have a constitutional issue to deal with here in the first place.

Secondly, you have a procedure, a process set up whereby there is not an opportunity for us to offer amendments. We put a tax bill on the floor, a piece of legislation, a vehicle that ought to be open to amendment. There

are many of us with ideas about things that we think would promote economic growth and create jobs in our economy, but we are not going to have the opportunity to offer those amendments.

Frankly, a tax debate is something that many of us welcome. We think that talking about taxes is certainly something that, if you are someone who is concerned about the economy, if you are someone who is concerned about getting Americans back to work, certainly talking about the Tax Code and its impact on our economy is a very relevant debate. Frankly, we ought to be headed toward a reform of our Tax Code which today is way too complicated and, frankly, it needs to be overhauled.

But in the interim, we have coming up now on January 1 of next year a bunch of tax provisions, current tax policy, that expires. In anticipation of that, we have a lot of businesses that are very concerned. There is uncertainty out there among job creators in our economy about what is going to happen on January 1, and is Congress going to act to put off these tax increases that will occur on January 1 or are they going to allow them to go into effect, in which case many businesses would be dramatically impacted by having higher tax burdens, making it more difficult for them to create jobs.

I do not think there is anybody out there, those who study economics, even those of us who do not, just as a matter of common sense, on a very practical level, who would think that raising taxes on people who create jobs, on small businesses, would be something that would be good in an economy that you are trying to get back on its feet, trying to get to recover.

In fact, the President of the United States in 2010 said it would be a blow to our economy if tax rates went up on small businesses. Well, that was back at a time when economic growth was a little over 3 percent. Here we are 2 years later. Economic growth is much slower. We are growing at a more sluggish rate, about 2 percent. There is a concern that even that is going to slow down as we approach the end of the year.

And yet we have this threat hanging out there on the horizon, looming, of higher taxes on small businesses, the very people we rely upon to get Americans back to work, to create jobs, and to get this economy growing again.

What we ought to be thinking about is what can we do to promote economic growth. We ought to be thinking about what are those tax policies we can put in place. I hope that will be the purpose of tax reform when we get there. I hope that is soon as well. As I said before, I think tax reform is critical if we are going to see economic growth and if we are going to do away with the complex Tax Code we have today and replace it with something that makes much more

sense, it is more clear, more simple, more fair for American businesses and people across this country who are filing their tax returns every year.

But we ought to be looking at what can we do to promote economic growth. All of our tax policy ought to be oriented around getting this economy growing and expanding again, because in so many ways that helps address many of the other problems we are confronting. We have this huge out-of-control debt problem. Obviously it needs to be addressed through spending reductions, trying to make government more efficient, smaller, more limited, rather than the government we have seen here the last few years that continues to grow as a percentage of our economy. The government as a percentage of our economy today is at the highest level we have seen literally since the end of World War II. We are at about—24 or 25 percent of our entire GDP now is represented by Federal spending. So we have got to get government under control, which means we have got to address some of the drivers of Federal spending, including Medicare, Medicaid, Social Security. That means these entitlement programs so many people rely upon, in order to save them, have to be reformed. If we are going to get them on a sustainable fiscal path, if we are going to make sure they are there for future generations, we have got to reform our entitlement programs and get the government spending back at a more reasonable level, more consistent with what we have seen historically, which is about 20 to 21 percent of our entire economy.

So it starts there. But then you have to couple the reductions in government spending with economic growth. The way ultimately that we get to where we need to be as a Nation is we have to get the economy growing and expanding again. It is counterintuitive to me and to most Americans, I think, to suggest that the way to do that would be to raise taxes on the very people you are looking to create jobs and to grow this economy. Those are our small businesses. So when the President came out earlier this week and suggested we ought to allow the tax rates to expire for people who make more than \$250,000, what he was talking about, according to the Joint Committee on Taxation, was almost 1 million small businesses, almost 1 million small businesses, if we do not take steps to avert it on January 1. They are going to see their taxes go up. Those small businesses I am referring to employ 25 percent of the American workforce. Most of them are small businesses organized as subchapter S corporations, LLCs, which means their income flows through to their individual tax returns and they pay at the individual rate level.

So as a consequence, when you start raising taxes for people above \$250,000,

you are hitting 1 million—almost 1 million, I should say—of those small businesses that are going to be faced with higher tax burdens and higher tax liabilities. That to me is completely counterintuitive to what we ought to be thinking if we are interested in getting the economy growing again. We should not be making it more difficult, more expensive for small businesses to create jobs, we ought to be looking at what we can do to lessen the burden on our small businesses and to keep that tax burden, that regulatory burden, at a level that does not create impediments and barriers to them going out and investing and creating jobs.

The President's proposal is exactly the opposite of what we should be doing. And 53 percent of the income I mentioned—these companies that are organized, small businesses as S corporations, LLCs—53 percent of that income would be faced with a higher tax burden come January 1 unless we take steps to avert it. What the President proposed essentially was allowing taxes to go up on those very small businesses.

So I hope not only will we turn down the President's proposal, but that we will be thinking about what we can be doing to simplify the Tax Code, that would lower rates businesses in this country pay, and provide incentives for them to get people back to work. Again, by that I mean policies that promote economic growth.

There are so many things we ought to be doing that we are not doing now that I think would provide the necessary policies to encourage and enable small businesses to grow their business, make those investments, and put people back to work. There are a number of things that our small businesses face that are not directly related to the Tax Code but indirectly related: regulatory burdens and more agencies spending time on more regulations making it difficult and more expensive to create jobs.

Regulatory reform ought to be part of an agenda here. If we are serious about policies that will grow the economy, we ought to deal with the overreaching regulations that create excessive burdens for the small businesses and couple that with tax reform.

One of the burdens we have placed on small businesses of late is the ObamaCare legislation we passed a few years ago. There has been some debate about the question of whether the individual mandate is a penalty or a tax. We know one thing: It is a cost that will be borne by a lot of people across this country. We also have the mandate or requirements imposed upon small business—employer mandates that will increase the cost of our small businesses—the cost of doing business for them out there.

All of these things that have been put in place drive up the cost of doing

business, make it more difficult and expensive to create jobs in this country—rather than looking at what we can do to make it less expensive and less difficult to create jobs.

Regarding the health care bill, we talked about the individual mandate and who is impacted. By the way, according to the Joint Committee on Taxation, 77 percent of the people who would be impacted by the individual mandate tax are people who make less than \$120,000 a year. The President promised, when he was running for office, he would not raise taxes on anybody who makes less than \$250,000 a year. Clearly, one of the many broken promises in the health care bill was the individual mandate and its impact on the very people on whom he said he would not raise taxes—middle-income Americans who make less than \$120,000 a year. According to the Joint Committee on Taxation, 77 percent of those people would see higher taxes.

It is a significant amount of tax, \$54 billion over the next 10 years. If you think about the amount of revenue raised by the individual mandate tax, it is actually more in revenue than would have been raised by the so-called Buffet tax designed to get millionaires in this country to pay more in taxes. So we are levying a tax on middle-income Americans that actually is going to exceed in revenue the amount raised by the so-called tax on millionaires. It is ironic, but that is exactly what the ObamaCare bill will do.

In addition to that there are a series of other taxes that are imposed on people across this country. Many of them strike at middle-income Americans. There are about \$250 billion in taxes that are imposed on our economy that will be passed on, in many cases, to consumers, and the impact is to raise the cost of health care. Taxes on health insurance plans, taxes on pharmaceuticals, taxes on medical devices, self-insured health plans—a whole range of taxes that are included in the ObamaCare legislation, are going to hit middle-income Americans squarely in the face. Not only do we have the individual mandate tax but all these others that are included in the ObamaCare legislation that will hit working people across this country.

Look at all the burdens associated with those taxes and the regulations that are coming out of many of the agencies in our government now, and all you see, if you are a small business, is a higher cost of doing business, more uncertainty about what is going to happen in the future, and it is just that much more difficult when it comes to making determinations about growing your business or starting a new business and creating the jobs that are so important to our economy.

When we talk about the economic circumstances that we are in today, everybody focuses on the unemployment

rate, of course. We have now had more than 8 percent unemployment for 41 straight months. We have 23 million Americans who are either jobless or underemployed in our economy. And 5.4 million Americans have been unemployed for a long period of time. We have the weakest recovery, literally, since the end of World War II.

Yet what is the prescription that the President and many of his allies in Congress have for that? Higher taxes. It is higher taxes on the people who create jobs. Can you think of anything that makes less sense if you are really interested in economic growth and creating jobs? That is absolutely the opposite of what we ought to be doing. We should not be raising taxes on those 1 million small businesses—subjecting them and the 25 percent of the workforce who work for them to the possibility that there will be higher taxes. Their jobs can be in jeopardy.

We ought to look for ways to provide certainty, and we should extend the existing rates so small businesses out there trying to make decisions about what they are going to do in the future can know for sure what the rules are, but, more importantly, also know that their taxes will not go up on January 1.

There is a Congressional Budget Office analysis out there which suggests that come January 1, when we hit the so-called fiscal cliff, which includes the increase in the tax rates as well as the sequester on spending that was put into place as part of the Budget Control Act, that if nothing is done to avert that fiscal cliff, in the first 6 months of next year we will see up to 1.3 percent less economic growth. But just as important, not only is that a factor we deal with next year, it is also something that impacts us right now, today, because the CBO also found it could cost a half point of economic growth this year, right now. It is because of this uncertainty, because of the specter of tax rates going up on small businesses come January 1 of next year.

What we ought to be doing instead of talking about what we are going to do or raising taxes on small businesses in this economy is looking to extend the rates that exist today so those rates don't go up, giving businesses certainty, and then following up on that next year with tax reform which broadens the tax base, lowers rates, gets us more competitive in the global marketplace, and is more clear, more simple and fair for American businesses.

Until that happens, the very worst we could be doing now, in my opinion, is raising taxes, for all of the reasons I just mentioned. It creates uncertainty, obviously, and raises the cost of doing business in this country. It hits the very people we are hoping are going to lead us out of this economic malaise we are in today.

Again, I also say with regard to this issue, the issue of taxes is so important

to businesses. The issue of regulations is so important to businesses. Those are things, if we are serious about an agenda to get Americans back to work, we ought to be focused on.

That is why we ought to be repealing ObamaCare. That \$248 billion in taxes—that is not the total amount of taxes; it is over \$500 billion in taxes that will be imposed as a result of ObamaCare. These are the taxes that hit middle-income Americans, according to the Joint Economic Committee. Not only do we have the \$248 billion or \$250 billion that hits middle-income Americans, we have an additional 3.8 percent tax on unearned income that would hit high-end earners, as well as a new Medicare tax on high-end earners. We have so many taxes coming at this economy now it is hard to fathom.

That should not be complicated by doubling down with our small businesses and essentially telling them that come January they are going to see their rates go up. For the people paying the 35-percent rate today, it would go up to 39.6 percent. Capital gains will go up from 15 to 20 percent. Dividend rates are going up from 15 to 39.6 percent. This is a very real issue, a real-time issue. It is having an impact on the economy today. We should do everything we can to avoid that.

I hope when we are through with what is a charade, and we have the votes on this bill—which, as I said, because the revenue measures don't originate in the Senate; they originate in the House, they would be blue-slipped if it passed here because this is a process where Republicans are not allowed to offer amendments. This is a tax vehicle on the Senate floor. But in the terms we use in the Senate, the majority leader has “filled the amendment tree,” making it virtually impossible for Republicans to offer amendments that we would like to see debated and voted on.

When this charade is completed, I hope the majority leader will decide we need to have a debate about taxes and what we can do to promote economic growth, a debate on whether we are going to extend the rates that will expire January 1, meaning higher taxes for nearly 1 million small businesses to whom we are looking to get us out of this recession and get Americans back to work. I hope that will be the debate and vote we will ultimately have when this particular political exercise is completed today.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

AMENDMENT NO. 2524

Mr. BAUCUS. Madam President, I would like to say a few words about the next vote, which is the Cantor amendment.

The Cantor amendment, just to review, would give a 20-percent deduction to all businesses that employ fewer

than 500 people. The 20-percent deduction is calculated on U.S. source business income and is limited to 50 percent of the W-2 wages paid. In other words, the business must be paying at least twice the amount of the deduction in wages. In addition, taxpayers cannot get both this deduction and the 90-percent manufacturing deduction; the main point being this Cantor bill is a gross giveaway. It gives businesses a 20-percent deduction for simply earning income. They do not have to do anything, just earn income and get a 20-percent deduction.

The amendment allows businesses to avoid paying taxes on about one-fifth of their profits as long as they employ fewer than 500 people. That is virtually 99 percent of all American companies. Worse still, it provides a temporary reduced tax rate. This would incentivize businesses to defer making investments, hiring new employees or increasing wages in order to increase profits. That is because the larger the profits, the larger the tax deduction under this bill.

Rather than creating jobs or investing in business, the Cantor bill incentivizes the opposite. It incentivizes businesses to sit and wait rather than to invest in people or equipment. It does not make any sense to spend \$46 billion for only 1 year of the provision, as proposed in this bill.

This is a giveaway, frankly, to almost all companies—99.6 percent of the companies in the United States—to hedge funds, to partnerships, and private equity firms. Almost all employ fewer than 500 employees. It is absolutely the wrong policy for this Nation to adopt.

I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. SANDERS). Under the previous order, the question is on agreeing to amendment No. 2524.

A motion to table has been made. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from New Mexico (Mr. UDALL) is necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico (Mr. UDALL) would vote “aye.”

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 73, nays 24, as follows:

[Rollcall Vote No. 175 Leg.]

YEAS—73

Akaka	Enzi	Murray
Alexander	Feinstein	Nelson (NE)
Ayotte	Franken	Nelson (FL)
Barrasso	Gillibrand	Portman
Baucus	Graham	Pryor
Begich	Hagan	Reed
Bennet	Harkin	Reid
Bingaman	Inouye	Risch
Blumenthal	Johanns	Rockefeller
Boxer	Johnson (SD)	Rubio
Brown (OH)	Johnson (WI)	Sanders
Cantwell	Kerry	Schumer
Cardin	Klobuchar	Sessions
Carper	Kohl	Shaheen
Casey	Landrieu	Stabenow
Chambliss	Lautenberg	Tester
Coats	Leahy	Thune
Coburn	Levin	Toomey
Conrad	Lieberman	Udall (CO)
Coons	Manchin	Warner
Corker	McCaskey	Webb
Cornyn	Menendez	Whitehouse
Crapo	Merkley	Wyden
DeMint	Mikulski	
Durbin	Murkowski	

NAYS—24

Blunt	Heller	McCain
Boozman	Hoeven	McConnell
Brown (MA)	Hutchison	Paul
Burr	Inhofe	Roberts
Cochran	Isakson	Shelby
Collins	Kyl	Snowe
Grassley	Lee	Vitter
Hatch	Lugar	Wicker

NOT VOTING—3

Kirk	Moran	Udall (NM)
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The motion was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I yield to my distinguished colleague. Mr. MCCONNELL.

The PRESIDING OFFICER. The Republican leader.

SENATOR COLLINS' 5,000TH CONSECUTIVE
ROLLCALL VOTE

Mr. MCCONNELL. Mr. President, the Senator from Maine, Ms. COLLINS, has just passed an important milestone, her 5,000th consecutive rollcall vote, a tenacious accomplishment indeed that represents the work ethic and dedication Senator COLLINS has for the people of Maine and for the Senate. We all know she is one of the hardest working Members of the Senate.

Listen to this. Since she was sworn in, in January, January 3 of 1997, she has been present for every single rollcall vote. That is over 15 consecutive years, never missing a vote.

Senator COLLINS is actually in quite an elite company. Recently, she passed Senator Byrd and is now third all time behind Senator CHUCK GRASSLEY and the late Bill Proxmire from Wisconsin. I know she took great pride also in being in the company of her role model, a woman who played a major role in her decision to run for public office in the first place, fellow Maine Senator Margaret Chase Smith, who is currently No. 5 on the list.

On behalf of the entire Senate, I congratulate Senator COLLINS for this milestone.

(Applause, Senators rising.)

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, this is a remarkable accomplishment. I hope I do not get her into trouble with her colleagues, but I truly like her. I appreciate her capability to work with us, work with everybody. She is somebody whom we never have to guess where she stands on an issue and I admire and appreciate her so much for that. I have worked with her on issues going back for many years and I again say I appreciate what she has done.

She has great genes. Her mother and father each served as mayor of a small town in Maine, a place called Caribou. I don't have fond memories of Caribou because in my, I think, 1998 race, there was a great mailing we did. One of my consultants from—not from Nevada, that is for sure—instead of having deer, they had caribou on my campaign literature. It took me a while to figure that one out. I am sure the town of Caribou was bigger than my hometown, Searchlight.

Her family ran a lumber business. Her father was also a State senator.

I am confident SUSAN has learned to be the Senator she is because of Bill Cohen. I had the pleasure of serving with him. He is a good man—from Maine. I served as a junior Member when he was chairman of the Aging Committee and he was such a wonderful man. I still talk to Bill Cohen. She has many of his traits. As we know, she worked for him. He has been a great Secretary of Defense. He has just been a good person, and I am confident her ability to be the legislator she is, a lot of it is attributed to him.

She has always been known for her ability to compromise. Legislation is the art of compromise, and she works with all Members.

I think the tone she has set working with JOE LIEBERMAN is magnificent. They have run that committee with dignity and on a totally bipartisan basis.

Five thousand votes—frankly, a number of us have cast 5,000 votes, but it is ridiculous, the example she has set, never missing a vote. I wish her the very best and many years to serve in the future of the Senate.

(Applause.)

Ms. MIKULSKI. Mr. President, I want to take this opportunity to honor Senator COLLINS, a colleague and dear friend, on her landmark 5,000th consecutive vote.

Since becoming a Senator in 1997, Senator COLLINS has never missed a single vote. This is a sign of her commitment to the people of Maine and the entire country. The commitment began in her home. Her parents taught her what it meant to work hard and serve the people, both in the family-owned lumber business and both as mayors of her hometown of Caribou, ME. She has carried on their legacy and deep commitment to public service.

I stand here in recognition of Senator COLLINS because her 5,000 votes have stood not only for the people of Maine, but for our great Nation. She has stood for science, innovation and research, women's equality and veterans. Her voice and her votes have shaped and will continue to shape our Nation.

Let me tell you a little bit about what her votes have accomplished. Senator COLLINS is a fighter for funding for science, innovation and research. Together we cosponsored the Spending Reductions through Innovations in Therapies (SPRINT) Act which would spur improvement in research and drug development for chronic health conditions such as Alzheimer's.

When I reach across the aisle, I know Senator COLLINS is there to find a sensible center that will be good for America.

Her leadership has extended beyond her bipartisan efforts. She continues to serve as a role model for young women nationwide. As a fellow Girl Scout, we both learned that determination, principles and respect for others are the foundation for a productive future. We designated 2012 the "Year of the Girl," in support of Girl Scouts and the organization's lasting lessons.

Today we celebrate Senator COLLINS' record of integrity, unsurpassed work ethic, and a steadfast commitment to the people of Maine. Her voting record is exemplary of the fact that we are continuing to crack the marble ceiling. Not only are women getting elected to the Senate, we are raising hell, holding powerful leadership positions and taking on America's biggest issues.

She is a valued Member, colleague and dear friend. Congratulations Senator COLLINS on your 5,000th vote and your extraordinary commitment to the people of Maine and our great Nation.

Mr. DURBIN. Mr. President, I am delighted to add my voice to this chorus of congratulations for our colleague on her singular and remarkable achievement.

It seems fitting that Senator COLLINS would reach this historic milestone just after the All Star Game because this really is a Hall of Fame sort of accomplishment.

With that 5,000th consecutive vote she cast moments ago, Senator COLLINS now holds the third-longest voting streak in Senate history. In the entire history of the United States Senate, the only Members with longer unbroken voting streaks are William Proxmire, who is way out front with 10,252 consecutive votes, and Senator GRASSLEY, with 6,393 consecutive votes.

But here is the thing about Senator COLLINS: She is the only Senator who has ever hit that mark without missing a single vote—the only perfect voting record among the 5,000-consecutive votes Hall of Famers.

Senator COLLINS' historic voting record is a reflection of her dedication

to the hardworking people of Maine and a testament to her respect for this Senate.

We have heard about some of the lengths Senator COLLINS has gone to to preserve her unbroken voting streak, including how she once twisted her ankle running in high heels to cast a vote.

That vote was to protect the State Children's Health Insurance Program, and working parents and their children in my State of Illinois and throughout America are grateful to her for her pains.

That is the other remarkable thing about Senator COLLINS' voting record. It is laudatory not only for the number of consecutive votes Senator COLLINS has cast but also for the courage behind many of those votes.

Senator COLLINS and I were elected to the Senate in the same year, 1996. As freshman Senators, we cosponsored a successful bill to repeal a \$50 billion tax break for the tobacco industry.

We have worked together to combat Medicaid fraud and improve food safety.

Along with Senator SNOWE, Senator COLLINS voted for Wall Street reform and for the economic recovery plan that may well have kept America from tipping into a depression.

She voted for the Lily Ledbetter Fair Pay Act, and she voted to confirm both Sonya Sotomayor and Elena Kagan to the U.S. Supreme Court.

I hope I don't get her into trouble with this list.

Her voting record is in keeping with Maine's tradition for independent thinking.

When SUSAN COLLINS was a senior in high school, she came to Washington and had an amazing experience. She was able to talk to her hero and home State Senator, Margaret Chase Smith, for nearly 2 hours in her office.

Senator COLLINS later told a reporter: "I remember leaving her office thinking that women can do anything and that women can get to the highest levels of government and make a difference."

Years earlier, Margaret Chase Smith had made history of her own when she delivered her famous "Declaration of Conscience" speech. In that speech, she urged Senators to reject the destructive anti-communist hysteria being whipped up by Joe McCarthy.

Senator Smith said then: "As an American, I want to see our nation recapture the strength and unity it once had when we fought the enemy instead of ourselves."

We can hear echoes of that famous plea in an op-ed Senator COLLINS wrote for The Washington Post a few months ago.

As Senator COLLINS wrote: "[N]either party has a monopoly on good ideas. The challenges we face will not be met by those who believe compromise is a

dirty word. . . . The center will hold only if we put the same effort into unity that partisans put into division."

She is right.

On a more personal note I want to say that not only does Senator COLLINS have one of the best voting records in this Senate, she also has the best taste in books of just about anyone I know. She reads constantly, and I am grateful to her for the many good books and talented authors she has introduced me to.

A year ago, some gay veterans and other Mainers hosted a reception to thank Senator COLLINS for her courageous cosponsorship, with Senator LIEBERMAN, of the bill to allow gay men and lesbians to serve openly in America's Armed Forces.

At that reception, a Navy veteran who spent her time in the service hiding her sexual orientation presented Senator COLLINS with one of her ship's coins, which are awarded to Navy personnel for going beyond their duty.

And an 80-year-old man and lifelong independent voter praised her by saying, "Senator COLLINS is . . . filling the high heels of Margaret Chase Smith wonderfully."

We know that even when those high heels cause her to twist her ankle, they cannot keep her from casting her vote and making history.

Once again, I congratulate Senator COLLINS on this singular achievement.

And looking forward to the happy milestone she will celebrate next month, Loretta and I give Senator COLLINS and her husband-to-be our best wishes for many years of happiness together.

AMENDMENT NO. 2521

The PRESIDING OFFICER. There will now be 2 minutes of debate, equally divided.

Who yields time?

The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I think we are on the Landrieu amendment.

The PRESIDING OFFICER. The Senator is correct.

Ms. LANDRIEU. Mr. President, I discussed this amendment in great detail yesterday, so there is no reason to review it. I thank many Members of the Small Business Committee on both sides of the aisle for putting forth some terrific, very popular, and effective ideas for small business: 100 percent exclusion of capital gains, decreased deductions for startup expenditures, S corporation holding period reductions, carryback on business credits, and expensing of 179—all very familiar to this body and absolutely critical for investing in our small business. The bill only costs \$4 billion compared to some of the other numbers that are being thrown around here. We think it is very cost effective, and I ask for the support of the body.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. HATCH. Mr. President, I yield back time.

CLOTURE MOTION

The PRESIDING OFFICER. All time is yielded back. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the substitute amendment No. 2521 to S. 2237, the Small Business Jobs and Tax Relief Act.

Harry Reid, Mary L. Landrieu, Kirsten E. Gillibrand, Barbara A. Mikulski, Carl Levin, Frank R. Lautenberg, Barbara Boxer, Mark Udall, Mark Begich, Sheldon Whitehouse, Richard Blumenthal, Al Franken, Patrick J. Leahy, Tom Udall, Max Baucus, Benjamin L. Cardin, Richard J. Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on amendment No. 2521, offered by the Senator from Nevada, Mr. REID, for Ms. LANDRIEU, to S. 2237 shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 176 Leg.]

YEAS—57

Akaka	Gillibrand	Nelson (NE)
Baucus	Hagan	Nelson (FL)
Begich	Harkin	Pryor
Bennet	Heller	Reed
Bingaman	Inouye	Reid
Blumenthal	Johnson (SD)	Rockefeller
Boxer	Kerry	Sanders
Brown (MA)	Klobuchar	Schumer
Brown (OH)	Kohl	Shaheen
Cantwell	Landrieu	Snowe
Cardin	Lautenberg	Stabenow
Carper	Leahy	Tester
Casey	Levin	Udall (CO)
Collins	Lieberman	Udall (NM)
Conrad	McCaskill	Vitter
Coons	Menendez	Warner
Durbin	Merkley	Webb
Feinstein	Mikulski	Whitehouse
Franken	Murray	Wyden

NAYS—41

Alexander	Crapo	Kyl
Ayotte	DeMint	Lee
Barrasso	Enzi	Lugar
Blunt	Graham	Manchin
Boozman	Grassley	McCain
Burr	Hatch	McConnell
Chambliss	Hoehn	Murkowski
Coats	Hutchison	Paul
Coburn	Inhofe	Portman
Cochran	Isakson	Risch
Corker	Johanns	Roberts
Cornyn	Johnson (WI)	

Rubio
SessionsShelby
ThuneToomey
WickerNelson (NE)
Nelson (FL)
Pryor
Reed
Reid
RockefellerSanders
Schumer
Shaheen
Stabenow
Tester
Udall (CO)Udall (NM)
Warner
Webb
Whitehouse
Wyden

NOT VOTING—2

Kirk

Moran

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 41. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

There will now be 2 minutes of debate equally divided.

The Senator from Montana.

Mr. BAUCUS. Mr. President, I think minds are made up. I just suggest that both sides yield back the remainder of the time and vote.

The PRESIDING OFFICER. Without objection, all time is yielded back.

CLOTURE MOTION

The cloture motion having been presented under rule XXII, the chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on S. 2237, the Small Business Jobs and Tax Relief Act.

Harry Reid, Max Baucus, Mary L. Landrieu, Kirsten E. Gillibrand, Barbara A. Mikulski, Carl Levin, Frank R. Lautenberg, Barbara Boxer, Mark Udall, Mark Begich, Sheldon Whitehouse, Richard Blumenthal, Al Franken, Patrick J. Leahy, Tom Udall, Benjamin L. Cardin, Richard J. Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. BOXER) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Kansas (Mr. MORAN).

The PRESIDING OFFICER (Mrs. SHAHEEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 44, as follows:

[Rollcall Vote No. 177 Leg.]

YEAS—53

Akaka	Conrad	Klobuchar
Baucus	Coons	Kohl
Begich	Durbin	Landrieu
Bennet	Feinstein	Lautenberg
Bingaman	Franken	Leahy
Blumenthal	Gillibrand	Levin
Brown (MA)	Hagan	Lieberman
Brown (OH)	Harkin	McCaskill
Cantwell	Heller	Menendez
Cardin	Inouye	Merkley
Carper	Johnson (SD)	Mikulski
Casey	Kerry	Murray

NAYS—44

Alexander	Enzi	McConnell
Ayotte	Graham	Murkowski
Barrasso	Grassley	Paul
Blunt	Hatch	Portman
Boozman	Hoeven	Risch
Burr	Hutchinson	Roberts
Chambliss	Inhofe	Rubio
Coats	Isakson	Sessions
Coburn	Johanns	Shelby
Cochran	Johnson (WI)	Snowe
Collins	Kyl	Thune
Corker	Lee	Toomey
Cornyn	Lugar	Vitter
Crapo	Manchin	Wicker
DeMint	McCain	

NOT VOTING—3

Boxer

Kirk

Moran

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Under the previous order, S. 2237 is returned to the calendar.

Mrs. MCCASKILL. Madam President, today I voted in support of invoking cloture on Senate Amendment 2521 to S. 2237, offered by Senator LANDRIEU. I supported cloture on this substitute amendment because, overall, Senator LANDRIEU's legislation would help our Nation's small businesses grow and find new markets. However, I had some concerns with aspects of the legislation that would increase sole-source contracting. In general, we need to ensure that where noncompetitive contracting programs are authorized, they are narrow and fair. In light of the fact that cloture was not invoked on the amendment, I look forward to working with Senator LANDRIEU on her legislation in the future.

DISCLOSE ACT OF 2012—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the Senate resumes consideration of the motion to proceed to S. 3369.

The Senator from Louisiana.

SUCCESS ACT

Ms. LANDRIEU. Madam President, before we end the debate on the small business tax relief bills, I want to thank the 57 Members of this Senate who voted for the SUCCESS Act. The SUCCESS Act has been building support, strong support across the aisle now for about 3 to 4 weeks. It is an outgrowth of not one, not two, but three very successful, high-profile roundtables the Small Business Committee in the Senate has conducted over the course of the spring, coming into the summer, in hopes that we could present a bill that could give a boost in the middle of this summer period to the small businesses that are really struggling to hire and to get

stronger as this economy gains strength. Unfortunately, we fell only three votes short just a few minutes ago.

This bill is primarily a tax cut—very targeted, very specific, and very effective—to the small businesses we are counting on to grow and to accelerate the potential high-growth businesses, not just any startups but those that really have the capacity to grow.

We were hoping that despite the partisan posturing, we could have received the 60 votes to give this effort some more life. But we are not going to be discouraged.

I want to particularly thank Senator SHAHEEN, the Presiding Officer, for her help. I want to specifically thank Senator CARDIN and Senator HAGAN for spending time on the floor for the provision of streamlining applications for small businesses. That is in this bill.

I want to thank Senator VITTER, Senator HELLER, and Senator COLLINS particularly for their support today. I want to briefly, for another minute, mention a few of the organizations that are supporting this effort, which is only a \$4 billion cost. It has a \$12 billion immediate impact but only a \$4 billion score. It was very effectively written to create a score like that. I am proud of the staff work that went into this effort.

The American Farm Bureau Federation, the American Lighting Association, the Rental Association, Association of Builders and Contractors, Association of Equipment Manufacturers, Automotive Aftermarket Industry Association, Financial Executives, Metal Services Institute, Independent Community Bankers—and just to name a few more—the National Beer Wholesalers, National Association of Home Builders, Printing Industry of America, Small Business & Entrepreneurship Council, the U.S. Black Chamber of Commerce, many women's organizations, Women Construction Owners, Women's Business Enterprise, et cetera, et cetera.

We are very proud to be building in the U.S. Chamber of Commerce a very broad coalition that can see the value. Perhaps we cannot find common ground on a \$40 billion tax cut bill or a \$50 billion tax cut bill or even \$20 billion. But I think we could find common ground on a bill that only scores and costs the Federal Government \$4 billion has a \$12 billion impact.

It is \$4 billion over 10 years, but the benefit is right now, the way that we have structured it, to extend these tax credits and tax extenders for about a year and 3 months which would give us time as we move forward to revise the Tax Code and to see how we can reduce and eliminate our deficit and make our Tax Code more fair. At least it would give a strong signal to many of these small businesses they can count on the tax cuts that are in this bill.

So I am going to, on behalf of the 57 Members who voted for this bill today, file a stand-alone bill. It is going to be called the SUCCESS Act of 2012. I am going to ask all of those who voted today to join me as a cosponsor of the legislation. And let's see, we still have some time left in the summer before we leave. Perhaps, with the administration's support—and they do support the provisions of this—and with the leadership shown by some of the Republican Senators today, who knows, we might be able to get something done.

Finally, we are working closely with the House leadership on the Small Business Committee. I am working very closely with Chairman GRAVES. They have passed some of this already through the House. So perhaps if we stay focused and work a little bit harder, we might be able to squeeze out another piece of legislation that will help the small businesses of America.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX RATES

Mr. GRASSLEY. Madam President, I come to the floor at this point to counteract and add substance to something the majority leader said today in regard to taxes.

Recently, the Congressional Budget Office released an update to its report on average effective tax rates. Several of my colleagues on the other side of the aisle have pounced on this report claiming that tax rates are at historic lows.

In a floor speech just this morning the majority leader said the lowest tax rates in 30 years was “thanks to President Obama, who has consistently fought to lower taxes for the middle-class families over the last 3½ years.” However, the majority leader and others of his political party are only telling half the story. The report also shows that incomes of households in all income groups have declined by an average of 12 percent since 2007. This means, then, that Americans are 12 percent poorer than they were in 2007.

Now, should we also thank President Obama for this reduction in income? Essentially, this is what the majority leader is doing when he thanks President Obama for lower tax rates because when individuals have less income, they pay less in taxes. Now, isn't that common sense?

Millions of Americans are out of work and have very little or no income. You would have better luck getting blood out of a turnip than collecting income taxes from someone who has no income.

Over the past weeks and months we have heard a lot about income inequality. Occupy Wall Street has been very vocal on this issue. Many Members of Congress have also expressed concern that income inequality is ever increasing. The Finance Committee, of which I am a member, just recently had a hearing on this very topic. This most recent CBO data shows that income inequality is at the lowest point in more than a decade. The share of income held by the top 1 percent has shrunk by 28 percent. At the same time, the bottom 60 percent of households saw their share of income increase by an average 11 percent.

So perhaps my friends on the other side of the aisle do have reason to cheer: The rich are much less rich but, of course, the poor are poorer as well. It is just that those in the lower incomes did not see their income shrink by as much as higher income people.

Of course, those in the bottom 60 percent of households are not better off today than they were when income inequality was greater. In fact, they are poorer and struggling more than ever. So I just hope my colleagues on the other side of the aisle keep that in mind as we try to create a better future, and do it for everyone.

Reduction in income inequality should not be a goal in and of itself. What really matters is individual well-being and opportunity for everybody to succeed. This is best achieved, then, through progrowth policies aimed at growing the economic pie, not by targeting certain unpopular groups for tax hikes.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COONS). The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I rise today to speak about the DISCLOSE Act of 2012. This is legislation that will shine a bit of needed light into the flood of secret money in our elections. I would like to start with particular thanks to Senators CHUCK SCHUMER, MICHAEL BENNET, AL FRANKEN, JEFF MERKLEY, JEANNE SHAHEEN, and TOM UDALL for their hard work on developing the legislation. I look forward to joining them as this debate goes forward.

This morning the majority leader moved to proceed to this vital piece of legislation. I thank him. I and many of my colleagues are looking forward to the opportunity to make the case in this Chamber for this important piece of legislation. In a sense, that case has already been made. As anyone who

watches television knows, our airwaves are filled with negative political attack ads. The organizations that pay for these negative political attack ads all have patriotic-sounding names dotted with words like “prosperity,” “freedom,” and “future.” The names sound harmless, but they are phony. All too often the ads are paid for by secret special interests, billionaires, and wealthy corporations seeking special secret influence in our democracy and drowning out the voices of middle-class American families.

As USA Today put it just last week in an editorial supporting this DISCLOSE Act, “Everybody’s watching what’s expected to be by far the most expensive presidential campaign in history, and not without a dose of horror. Freed by the Supreme Court from spending limits, all manner of special interests are opening the spigots to buy influence.” That is exactly right, “All manner of special interests are opening the spigots to buy influence,” and because their money is secret, the American public doesn’t even know who is behind the negative political attack ads other than the phony name.

Here is how my home State paper, the Providence Journal, reacted to the original Citizens United decision that has unleashed this torrent of secret special interest money:

The [Citizens United] ruling will mean that, more than ever, big-spending economic interests will determine who gets elected. More money will especially pour into relentless attack campaigns. Free speech for most individuals will suffer because their voices will count for even less than they do now. They will simply be drowned out by the big money.

The Providence Journal could not have been proven out more correctly by the events that have taken place since.

Senator JOHN MCCAIN said earlier this year:

I predicted when the United States Supreme Court, with their absolute ignorance of what happens in politics, struck down [the McCain-Feingold campaign finance law], that there would be a flood of money into campaigns, not transparent, unaccounted for, and this is exactly what is happening.

Senator MCCAIN was right. Campaigns are no longer waged by candidates and parties fighting over ideas; they are now waged by shadowy political attack groups posing as social welfare organizations, run by political operatives, linked to specific candidates, and fueled by millions of undisclosed dollars from secret special interests. When these secretive special interests take over our elections, it puts in jeopardy the key supports of a strong middle class, supports such as Social Security, Medicare, Pell grants, a progressive tax system, and things that have paved the way for generations to achieve the American dream.

Why do I say that? I say that because these special interests have motives to

spend this kind of money. If those motives were good for America, would they be so desperate to keep what they are doing secret? I don't think so.

Americans who worry now that Washington listens too much to the special interests, strap in, look out, and hang on to your wallet because a secret special interest avalanche is underway. According to a study in April, 90 percent of the money being spent by super PACs, nonprofits, and other outside groups to elect the President of the United States is coming from secret sources, secretive corporations, and billionaires whose names and motives the voters may never know and who will have no accountability for how that money is spent.

When there is no accountability for how money is spent because the phony front organization that purports to be spending it isn't real and the real party and interest has hidden behind a veil of secrecy, then there is no limit on what people will say. It is accountability that keeps public dialog in reasonable check. That is why you and I, Mr. President, are obliged at the end of our campaign advertisements to say: I am Senator WHITEHOUSE, and I approve this message. I am Senator COONS, and I approve this message.

Well, relieved from that accountability, about 70 percent of the ads in this election cycle have been negative. That is up from 9 percent in 2008. I will say it again: 70 percent, up from 9 percent, as this flood of secret special interest money has hit.

Even worse, if we look at the four top-spending political 501(c)(4)s—the secret organizations, the ones that hide their donors—and what they have done in the last 6 months, an estimated 85 percent of their election spending was spent on ads that contained deceptions, according to a recent analysis by the Annenberg Public Policy Center. So we unhinge any real person from accountability for this spending. The special interests behind it remain secret, and the ads become virtually exclusively negative attack ads and they are riddled with deception.

This is what the Supreme Court thought free speech looked like. This is all the result of that disastrous decision by the Supreme Court in *Citizens United v. Federal Election Commission* which opened the floodgates of secret, anonymous special interest money. I think it was a deliberate decision, but that is a discussion for another day. For today, our purpose is to point out that the campaign finance system, as a result, is broken and it lends itself to corruption in new and unprecedented ways.

The Supreme Court, in the *Citizens United* decision, in its blissful ignorance, never even considered what happens behind the scenes. They talked only about the public debate and the public expenditure of this money. They

assumed it would be independent of the candidates, and they were wrong. They assumed it would be transparent as to who was behind it, and they were wrong. They also assumed that what was put on the air was the end of the issue. They took no consideration of the behind-the-scenes meeting where the special interest comes in to meet the Congressman and doesn't spend \$5 million in secretly funded negative attack ads but threatens to. And if the threat works, they buy the vote, nobody ever sees an ad, and the institution of government is corrupted.

It is one thing if it is a company and they say: Well, I am going to be against you, and my CEO is going to have a party and raise money in \$5,000 increments against you, and our PAC is going to give a \$10,000 check to your opponent. We are going to tell our workers that you are not a good person for our industry.

OK, that is not great, but it is nowhere near as dangerous as being able to say: We are going to put \$5 million into a secret campaign of negative attack ads against you, and nobody is going to know it is us. If you play right and do what you are told, we will lay off, but otherwise, look out, we are coming after you. It will be hidden, it will be negative, and it will be nasty.

That is no way to run a democracy. So today the majority leader has moved to a bill that will bring at least transparency and accountability to our elections. At least these big special interests will have to say who they are. Then we as Americans can evaluate what their motives are, what the deal might be, whether we are actually aligned with their interests, and we can evaluate what they are saying about candidates. We will have more information. We will have a better quality of free speech. This is not a Democratic or Republican issue. In fact, disclosure has never before been a Republican or Democratic issue. This is about protecting our democratic process as Americans.

I really look forward to debating this important measure with my colleagues in the upcoming days. I am joined by Americans of all political stripes who are disgusted by the influence of this unlimited secret money pouring into our elections. We are disgusted by campaigns that succeed or fail, that last or don't last, depending on how many billionaires the candidate has funding their campaign through these special organizations. More and more around this country, particularly in Rhode Island—the people I hear from at home—people feel this government responds only to wealthy and corporate interests. They feel the middle class can't catch a break, that nobody is listening, that everything is done for the big guys. They see their jobs disappear. They see their wages stagnate. They see bailouts and special deals for the

big guys, and they lose faith that their elected officials are actually listening to them. If we thought that was a problem before, when at least it was public and at least we knew who the registered lobbyists were and who had made the campaign contributions and at least we knew there were some reasonable limits on all that—all those gates have been knocked down. It is the Wild West now, and it is secret.

Six in ten Americans say the middle class will not catch a break in this economy until we reduce the influence of lobbyists, big banks, and big donors. Guess what. With these fountains of secret money behind them, their influence isn't being reduced; it is going to be dramatically increased—and increased in ways that lend themselves to corruption.

One out of every four Americans actually says they are less likely to even vote because they believe big donors and super PACs have so much more influence over elected officials than they do that they feel pushed out of the process, so why bother. That is a terrible blow to American democracy.

Nearly 7 in 10 Americans, including a majority of Democrats and Republicans, agree with this proposition: New rules that let corporations, unions, and people give unlimited money to super PACs will lead to corruption. One would think that is a blindingly obvious proposition. It escaped the five conservative members of the Supreme Court who decreed that was not going to be the case. Seven out of ten Americans disagree with them. I disagree with them. The closer we get to elections, the more we see that proposition is foolhardy.

So we have the DISCLOSE Act, a bill that Republican and former Federal Election Commission Chairman Trevor Potter said is appropriately targeted, narrowly tailored, clearly constitutional, and desperately needed. I very much hope we can join in this debate; that we can get this bill passed in the Senate; that we can clean up our elections and begin to do something about this foul avalanche of negative attack ads—again, 85 percent of them containing deception—that are now polluting our public discourse.

Prior to the *Citizens United* decision and prior to the floodgates actually opening, there was a long and rich bipartisan tradition in this Senate of demanding disclosure of spending in elections. Many of our Republican colleagues in the Senate have loudly and clearly supported disclosure in the past, and I hope they will join us in passing this important piece of legislation. The fundamental principle of a government of the people, by the people, and for the people is a government that will listen to the people, not just to the big special interests that can afford massive secret money.

I urge my colleagues to support the DISCLOSE Act of 2012.

I thank the Presiding Officer.

I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FRANKEN). Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO LIEUTENANT GENERAL RONALD L. BURGESS

Mr. CHAMBLISS. Mr. President, I rise today to pay tribute to LTG Ronald L. Burgess, Jr., the current Director of the Defense Intelligence Agency, and one of the Nation's premier leaders in the intelligence community and in the United States military.

Lieutenant General Burgess retires this summer after a distinguished 38-year career. During his career, Lieutenant General Burgess has been recognized with numerous awards and decorations, which include the Defense Distinguished Service Medal, Defense Superior Service Medal with two oak leaf clusters, the Legion of Merit, Meritorious Service Medal with four oak leaf clusters, Joint Service Commendation Medal, United States Special Operations Command Medal, Army Commendation Medal, Army Achievement Medal, NATO Medal—Former Republic of Yugoslavia, Parachutist Badge, Joint Chiefs of Staff Identification Badge, and the Army Staff Identification Badge.

As a driving force in the intelligence community, General Burgess will soon conclude a career marked by exceptional leadership and strategic vision, both of which have significantly advanced U.S. national security interests while also strengthening our national intelligence and military intelligence capabilities during a very challenging period in our Nation's history.

Throughout his time in uniform, Lieutenant General Burgess has demonstrated an unyielding dedication to duty and an innate ability to inspire enthusiasm and commitment to serve those he leads. Lieutenant General Burgess's selfless service to country and his unparalleled personal drive have been instrumental in transforming defense intelligence into a more capable and cooperative enterprise, providing the critical intelligence required by military commanders and policymakers both at the defense and national levels.

Commissioned as a second lieutenant through the Auburn University ROTC Program in 1974, Lieutenant General Burgess began his career with a series

of assignments in armor and military intelligence units in Germany and Ft. Stewart, GA, where he was directly responsible for planning multiple highly successful National Training Center rotations, numerous command post exercises, and an Army training and evaluation program.

Lieutenant General Burgess was recognized for his meticulous planning and forceful execution of operational procedures which contributed significantly to combat readiness. Later Lieutenant General Burgess held a variety of key staff and command positions, including Assistant Executive Officer to the Deputy Chief of Staff for Intelligence, Washington, DC in 1990, and as the battalion commander, 25th Infantry Division, from May 1993 to May 1994, at Schofield Barracks, HI.

From July 1995 to May 1997, Lieutenant General Burgess commanded the 470th Military Intelligence Brigade where he served with great distinction. As commander, he provided outstanding leadership which led to the unit's operational success in support of the Commanding General of the United States' Army South and the Commander U.S. Southern Command.

During this period, Lieutenant General Burgess skillfully integrated a multi-disciplined intelligence force into an extremely innovative war-fighting asset while also expanding the brigade's regional focus through more than 150 operational deployments across Latin America, the Caribbean, Europe, and Korea. While commanding the 470th, Lieutenant General Burgess also served as acting vice director of intelligence, and subsequently the acting director of intelligence for U.S. Southern Command. During this period Lieutenant General Burgess guided a continuous flow of intelligence analysis in support of the year-long Tupac Amaru Revolutionary Movement hostage crisis at the Japanese ambassador's residence in Lima. Lieutenant General Burgess's support was key to developing the detailed analysis required by U.S. military commanders, our ambassador to Peru and the President to make timely and informed decisions leading to the safe withdrawal of American hostages.

Following his assignment at U.S. Southern Command, Lieutenant General Burgess served as the Director of Intelligence (J-2) for the Joint Special Operations Command, JSOC, Fort Bragg, North Carolina, from May 1997 to May 1999. During this assignment, Ron's leadership was instrumental in supporting continuous global deployments as well as major exercises and highly complex joint-service training events.

Mr. President, in June 1999, Ron returned to the Southern Command as the Director of Intelligence, J-2. Among his achievements while serving in that position, Lieutenant General

Burgess led an interagency intelligence effort to create a fused Colombian intelligence capability that enhanced military and police cooperation against illegal global drug networks. Lieutenant General Burgess led Southern Command's intelligence response to many challenges including potential migrant operations, tracking of Cuban exiles, hurricane and earthquake disaster relief, and sustained counterdrug operations in both the area of responsibility and throughout transit zones.

From June 2003 to July 2005, Lieutenant General Burgess served as the Director for Intelligence (J-2) for the Joint Chiefs of Staff, JCS. As the J-2, Ron directed all-source intelligence analysis and reporting for the Chairman JCS, the Secretary of Defense, the Joint Staff, and Unified Commands. Lieutenant General Burgess served as the focal point for crisis intelligence support to military operations, indications and warning intelligence in the Department of Defense, and Unified Command intelligence requirements. Assuming control of intelligence operations only months after the United States and coalition forces invaded Iraq, Lieutenant General Burgess was at the forefront of providing timely and insightful intelligence for operational requirements in Iraq, Afghanistan, transnational terrorism, and all developing global issues affecting U.S. interests abroad.

In August 2005, Lieutenant General Burgess reported to the Office of the Director for National Intelligence, ODNI, where he served as the Deputy Director of National Intelligence for Customer Outcomes, Director of the Intelligence Staff, Acting Principal Deputy Director of National Intelligence, and acting Director of National Intelligence. During this period, Lieutenant General Burgess played a key role in developing and reforming the Intelligence Community during an unprecedented period of global change. During Ron's tenure at ODNI, his leadership was key during the revision of Executive Order 12333, which governs all intelligence activities, the development of the first-ever joint manning document for military personnel assigned to organizations outside of the Department of Defense, critical Intelligence Community managerial operations were overhauled, and innovative human capital practices were implemented under his watch.

After completing his ODNI assignment, Lieutenant General Burgess was appointed the 17th director of the Defense Intelligence Agency, DIA, in March 2009. As the Vice Chairman of the Senate Select Committee on Intelligence I have personally witnessed Ron's thoughtful and ambitious program to strengthen DIA's ability to address the ever-changing requirements

of military commanders and policy-makers at the defense and national levels. Lieutenant General Burgess has focused DIA on our nation's greatest challenges including Afghanistan-Pakistan, Iraq, Iran, transnational terrorism, and preventing strategic surprise elsewhere around the globe. In doing so, Ron has reinforced DIA's ability to surge in support of contingency operations and crises, successfully launching a 24/7 crisis analysis cell at the start of the Libyan crisis and establishing an Afghanistan-Pakistan Task Force that refined the agency's ability to support ongoing combat operations.

As DIA was celebrating its 50th anniversary, Lieutenant General Burgess charted an innovative, five-year strategy to strengthen and unite the agency's core defense capabilities while also focusing the agency on warning, core mission areas, partnership, and performance. DIA's new strategy emphasizes best practices to support our warfighters and policy makers in an era of persistent conflict and enduring U.S. fiscal challenges and sets the path toward achieving the strategy's major theme of "One Mission—One Team—One Agency."

As Director of DIA, Lieutenant General Burgess has worked to strengthen and improve the Joint Worldwide Intelligence Communications System, JWICS, the secure backbone for much of the U.S. Intelligence Community, the White House, U.S. combatant commanders, and allies. Additionally, he has led the effort to establish the Defense Clandestine Service, DCS, which provides enhanced collection capabilities in support of the highest priority intelligence requirements of the Director of National Intelligence, the Secretary of Defense, the Secretaries of the Military Departments, and the Combatant Commanders.

No matter the range or complexity of the issues, Ron always kept himself, his colleagues and subordinates focused on the fundamental obligations and responsibilities borne by those entrusted with some of the Nation's most important and sensitive missions.

He frequently reminded DIA employees, "While much of what we do is secret, our work is a public trust."

And consistent with that view, Ron emphasized at every opportunity the non-negotiable need for intelligence professionals to always demonstrate the highest degree of integrity, both personal and professional. He often counseled new employees, senior managers and military attachés headed to new postings that "integrity is needed most when it is hardest to maintain."

Mr. President, while much of what is said behind closed doors at the Senate Intelligence Committee is classified, I can tell you, my colleagues and the American people, that DIA is held in high esteem by the Senate Intelligence

Committee, due in no small part to Ron's leadership. DIA is an indispensable, principal member of the U.S. Intelligence Community and has strengthened its performance as the functional intersection between defense and national intelligence. Lieutenant General Burgess leaves behind a more flexible and adaptive agency, one that is much more capable of meeting our national security challenges. Under his leadership, DIA has earned even greater respect within the Intelligence Community and continues to warrant Congress' strong support and trust.

Mr. President, while the Army and Intelligence Community will be losing a leader who has answered the call time and again at such critical points in our Nation's history, I know that Ron will be happy to reclaim his Saturday afternoons in the fall to root for his Auburn Tigers, and that the Burgess family will cherish more time with a husband and father. Mr. President, I wish Ron and his wife Marta the very best as he enters retirement. On behalf of a grateful Nation and my colleagues in the U.S. Senate, I thank Ron and his family for his many years of faithful service and a job well done.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that on Monday, July 16, at 5 p.m., the Senate proceed to executive session to consider the following nomination: Calendar No. 662; that there be 30 minutes for debate equally divided in the usual form; that upon the use or yielding back of that time, the Senate proceed to a vote with no intervening action or debate on the nomination; that the motion to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order; that any related statements be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, the Senate is currently on the motion to proceed to S. 3369; is that correct?

The PRESIDING OFFICER. The leader is correct.

CLOTURE MOTION

Mr. REID. That being the case, I have a cloture motion at the desk on the motion to proceed to that matter.

The PRESIDING OFFICER. The cloture motion having been presented

under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 446, S. 3369, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

Harry Reid, Sheldon Whitehouse, Jack Reed, Joseph I. Lieberman, Jon Tester, Mark L. Pryor, Benjamin L. Cardin, Christopher A. Coons, Jeanne Shaheen, Daniel K. Akaka, Herb Kohl, Charles E. Schumer, Mark Begich, Tim Johnson, Robert Menendez, Frank R. Lautenberg, Mark Udall, Sherrod Brown.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum required under our rule XXII be waived, and that on Monday, July 16, following the vote on the McNulty nomination and the resumption of legislative session, there be up to 10 minutes of debate, equally divided between the two leaders or their designees prior to a cloture vote on the motion to proceed to S. 3369.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that we now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO WILLIAM H. MEADOWS

Mr. REID. Mr. President, I recognize and honor William H. Meadows for his long and successful service from 1996 to 2012 as president of The Wilderness Society. Bill came to Washington, D.C. with his wife Sally to lead The Wilderness Society after years of working as a volunteer and then as a professional staff person for the Sierra Club. Since then, he has neither lost the passion that first made him a conservation activist nor the gracious Southern charm that came from his Tennessee upbringing.

Under his leadership, The Wilderness Society has maintained its focus on their core mission of protecting wilderness and inspiring Americans to care for our wild places. During his tenure, The Wilderness Society has had substantial success, helping Congress expand the National Wilderness Preservation System by nearly 6.5 million acres and establish the National Landscape

Conservation System to increase protection for Bureau of Land Management lands. In that time, the organization has nearly doubled in size and they provide sound scientific, legal, and policy expertise on major issues relating to our Federal public lands better than ever.

I have had the good fortune of working with Bill and The Wilderness Society on legislation that impacts our Federal wild lands heritage. He and The Wilderness Society have been important partners in successful efforts to protect millions of acres of Nevada's finest wilderness in Clark, Lincoln, and White Pine counties, as well as establish the Black Rock Desert-High Rock Canyon Emigrant Trails National Conservation Area and Sloan Canyon National Conservation Area. I am tremendously proud of that legacy and Bill played a critical role in that effort. He never failed to understand the need to work closely with local communities and key stakeholders to find areas of common ground and to reach shared solutions. He brought to these conservation efforts a level headed, reasonable, thoughtful approach that helped move all the parties beyond the type of knee-jerk ideology that too often results in gridlock.

Bill has also been an important ally in many national debates about Federal public lands ranging from our energy policy to management of healthy forests to the protection of iconic wild lands like the Arctic National Wildlife Refuge. He and his organization were influential in the Clinton Administration's establishment of the Roadless Rule, which helps protect nearly 60 million acres of our most pristine national forests.

He has always been willing to meet with his opponents. At a time when many conservationists were at odds with the George W. Bush administration, Bill was able to establish and maintain a working relationship with the Undersecretary for Natural Resources in the Department of Agriculture. This big tent approach to conservation is one of the things that make Bill exceptional. He is further distinguished by his ability to clearly understand the dynamics of national and local politics without becoming cynical or losing his integrity. Thank you, Bill, for your tremendous service as an extraordinary conservation leader.

TRIBUTE TO DENNIS T. DORTON

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a good friend of mine and a good friend to the Commonwealth of Kentucky, Mr. Dennis T. Dorton. After a successful, lifelong career in banking culminating in his service as president and chief executive officer at Citizens National Bank, Mr. Dorton will retire this month.

A native of Paintsville, KY, Dennis Dorton has worked at Citizens National Bank for 42 years. He joined the bank in 1970 following his graduation from Morehead State University, where he earned a bachelor's degree in business administration. Dennis also attended Paintsville High School and is a graduate of National Investment School University of Oklahoma, National Trust School Northwestern University, and attended Stonier Graduate School of Banking at Rutgers University.

Dennis is well known and well regarded throughout the State's banking community for his career of accomplishment. He served as treasurer for the Kentucky Bankers Association and was that organization's chairman in 2007-08. He is also on the Board of Trustees for the Kentucky Hospital Association and the Highlands Regional Medical Center. His many other civic and community service efforts include his work as treasurer and board member of the Paintsville-Johnson County Chamber of Commerce, chairman of the Appalachian Artisan Center, treasurer of the Kentucky Historical Society Foundation, and vice chairman and board member of the Christian Appalachian Project Board. He also served for 15 years on the Paintsville City Council, 6 years on the Paintsville Independent School Board, and on a number of committees for Big Sandy Community & Technical College.

Mr. Dorton is also an active member of the First United Methodist Church in Paintsville, and has volunteered on missions to Belize and Costa Rica to help build church and school buildings. He has taught personal financial management courses at his church, and even taught at local elementary schools on subjects as varied as woodworking, banjos, and folk art.

Dennis and his wife, Jean, have a son, Andrew Trigg Dorton, who is married to Stephanie Stumbo. Dennis and Jean are the grandparents of Tristan Andrew and Ashton Warren. I am sure Dennis's family is very proud of him and all that he has accomplished.

At this time I ask my U.S. Senate colleagues to join me in commemorating Mr. Dennis T. Dorton for his decades of work and service to his loved ones, his employer, his community, and the Commonwealth. He has set a remarkable example to follow for those who know him. I congratulate him on his successes and wish him well upon his retirement.

TRIBUTE TO JUDGE GEORGE LEIGHTON

Mr. DURBIN. The Cook County Criminal Courts Building in Chicago is an imposing building at the intersection of 26th Street and California Avenue that has long been known by its address: 26th and Cal. Last month, the

Criminal Courts Building was renamed the Honorable George N. Leighton Criminal Court Building in tribute to a remarkable man.

Judge George Leighton, who turns 100 years old this October, has excelled as a lawyer and judge and has embodied the ideals of the American dream.

George Leighton was born in 1912 in New Bedford, MA, to African immigrants. As a young boy, Judge Leighton picked fruit for several months each year to help support his family. Then just before he should have started seventh grade, he left school to take a job on an oil tanker in the Dutch West Indies.

George Leighton never finished grade school or high school, but he heard that a scholarship fund was offering a \$200 scholarship for the winner of an essay contest, and he submitted the winning essay. In 1936, with his \$200 scholarship, he hitchhiked to Washington, D.C., to attend college. He was granted conditional admittance to Howard University, where he graduated magna cum laude 4 years later.

In 1940, George Leighton joined the United States Army's 93rd Infantry Division. When he returned to the United States after the war, he was accepted at Harvard Law School. He graduated from Harvard and passed the Illinois State Bar Examination.

He then moved to Chicago because he was impressed that Chicago had elected an African American congressman, William Dawson. He set up a law practice next to the old Comiskey Park on Chicago's South Side. And he began fighting courageously to break down barriers of racial discrimination in voting, housing and education.

In 1949, George Leighton became an Assistant Illinois Attorney General. When he advised one group of African-Americans that the law did not prohibit them from moving to the Cicero neighborhood, an all-white neighborhood at the time, race riots erupted. Judge Leighton was indicted for inciting the riot. An up-and-coming lawyer named Thurgood Marshall came to the defense of Judge Leighton, argued the case, and the indictment was dismissed.

In 1964, Mayor Daley asked Leighton to run for circuit court judge, and he won the election in a landslide. He then moved into his office at 26th and Cal, the Cook County Criminal Courts Building.

In 1969, Judge Leighton was appointed to the First District Appellate Court of Illinois, where he served as the first African-American judge on the Illinois Court of Appeals. Six years later, he was nominated by President Gerald Ford to serve as U.S. District court judge for the Northern District of Illinois.

George Leighton has been a life-long champion of civil rights and equality.

There is no more fitting a tribute than to name the building in which Judge Leighton first began practicing law some 66 years ago in his honor.

Judge Leighton contributed to our understanding of justice. He stood up to powerful interests in defense of the truth and did not bend to pressure or prejudice in his pursuit of justice. He served the people of Illinois and the citizens of the United States proudly throughout his tenure on the bench.

I thank Judge George Leighton for his service and join the Chicago community in congratulating him on this new honor.

HUNGARY

Mr. CARDIN. Mr. President, a year ago, I shared with my colleagues concerns I had about the trajectory of democracy in Hungary. Unfortunately, since then Hungary has moved ever farther away from a broad range of norms relating to democracy and the rule of law.

On June 6, David Kramer, the President of Freedom House who served as Assistant Secretary of State for Democracy, Human Rights and Labor for President George W. Bush, summed up the situation. Releasing Freedom House's latest edition of Nations in Transit Kramer said: "Hungarian Prime Minister Viktor Orbán and Ukrainian president Viktor Yanukovich, under the pretext of so-called reforms, have been systematically breaking down critical checks and balances. They appear to be pursuing the 'Putinization' of their countries."

The report further elaborates, "Hungary's precipitous descent is the most glaring example among the newer European Union (EU) members. Its deterioration over the past five years has affected institutions that form the bedrock of democratically accountable systems, including independent courts and media. Hungary's negative trajectory predated the current government of Prime Minister Viktor Orbán, but his drive to concentrate power over the past two years has forcefully propelled the trend."

Perhaps the most authoritative voice regarding this phenomenon is the Prime Minister himself. In a February 2010 speech, Viktor Orbán criticized a system of governance based on pluralism and called instead for: "a large centralized political field of power . . . designed for permanently governing." In June of last year, he defended his plan to cement economic policy in so-called cardinal laws, which require a two-thirds vote in parliament to change, by saying, "It is no secret that in this respect I am tying the hands of the next government, and not only the next one but the following ten."

Checks and balances have been eroded and power has been concentrated in

the hands of officials whose extended terms of office will allow them to long outlive this government and the next. These include the public prosecutor, head of the state audit office, head of the national judicial office, and head of the media board. Those who have expressed concerns about these developments have good reason to be alarmed.

I am particularly concerned about the independence of the judiciary which, it was reported this week, will be the subject of infringement proceedings launched by the European Commission, and Hungary's new media law. Although there have been some cosmetic tweaks to the media law, the OSCE Representative on Freedom of the Media has argued that it remains highly problematic. Indeed, one expert has predicted that the most likely outcome of the new law will be to squeeze out reporting on corruption.

Hungary also adopted a new law on religion last year that had the stunning effect of stripping hundreds of religions of their legal recognition en masse. Of the 366 faiths which previously had legal status in Hungary, only 14 were initially granted recognition under the new law. Remarkably, the power to decide what is or is not a religion is vested entirely and exclusively in the hands of the legislature, making it a singularly politicized and arbitrary process. Of 84 churches that subsequently attempted to regain legal recognition, 66 were rejected without any explanation or legal rationale at all. The notion that the new framework should be acceptable because the faiths of most Hungarian citizens are recognized is poor comfort for the minority who find themselves the victims of this discriminatory process. This law also stands as a negative example for many countries around the world just now beginning tenuous movement towards democracy and human rights.

Finally, a year ago, I warned that "[i]f one side of the nationalism coin is an excessive fixation on Hungarian ethnic identity beyond the borders, the other side is intolerance toward minorities at home." I am especially concerned by an escalation of anti-Semitic acts which I believe have grown directly from the government's own role in seeking to revise Hungary's past.

Propaganda against the 1920 Treaty of Trianon, which defines the current borders of Hungary, has manifested itself in several ways. Most concretely, the Hungarian government extended citizenship on the basis of ethnic or blood identity—something the government of Viktor Orbán promised the Council of Europe in 2001 that it would not do and which failed to win popular support in a 2004 referendum. Second, the government extended voting rights to these new ethnic citizens in countries including Romania, Serbia, Slovakia and Ukraine. This has combined with a rhetorical and symbolic fixation

on "lost" Hungarian territories—apparently the rationale for displaying an 1848 map of Greater Hungary during Hungary's EU presidency last year. In this way, the government is effectively advancing central elements of the agenda of the extremist, anti-Semitic, anti-Roma Jobbik party. Moreover, implicitly—but unmistakably—it is sending the message that Hungary is no longer a civic state where political rights such as voting derive from citizenship, but where citizenship derives from one's ethnic status or blood identity.

The most recent manifestation of this revisionism includes efforts to rehabilitate convicted war criminal Albert Wass and the bizarre spectacle of the Hungarian government's role in a ceremony in neighboring Romania—over the objections of that country—honoring fascist writer and ideologue József Nyíró. That event effectively saw the Speaker of the Hungarian Parliament, László Kóvér; the Hungarian State Secretary for Culture, Géza Szócs; and Gábor Vona, the leader of Hungary's most notoriously extremist party, Jobbik, united in honoring Nyíró. Several municipalities have now seen fit to erect statues honoring Miklós Horthy, Hungary's wartime leader, and the writings of Wass and Nyíró have been elevated onto the national curriculum.

It is not surprising that this climate of intolerance and revisionism has gone hand-in-hand with an outbreak of intolerance, such as the anti-Semitic verbal assaults on a 90-year old Rabbi and on a journalist, an attack on a synagogue menorah in Nagykanizsa, the vandalism of a Jewish memorial in Budapest and monuments honoring Raoul Wallenberg, the Blood Libel screed by a Jobbik MP just before Passover, and the recent revelation that a Jobbik MP requested—and received—a certificate from a genetic diagnostic company attesting that the MP did not have Jewish or Romani ancestry.

We are frequently told that Fidesz is the party best positioned in Hungary to guard against the extremism of Jobbik. At the moment, there seems to be little evidence to support that claim. The campaign to rehabilitate fascist ideologues and leaders from World War II is dangerous and must stop. Ultimately, democracy and the rights of minorities will stand or fall together.

Hungary is not just on the wrong track, it is heading down a dangerous road. The rehabilitation of disgraced World War II figures and the exaltation of blood and nation reek of a different era, which the community of democracies—especially Europe—had hoped was gone for good. Today's Hungary demonstrates that the battle against the worst human instincts is never fully won but must be fought in every generation.

YUKOS OIL COMPENSATION

Mr. INHOFE. Mr. President, Russia's weak rule of law is bad for the people of Russia, of course, but it also harms American citizens. As Congress considers legislation directed at strengthening human rights and the rule of law in Russia, we also should address the economic impact on Americans, including those Americans who are owed \$12 billion when Yukos Oil, in which they held 15 percent of its stock, was expropriated by the Russia Government. To date, none of the American owners of Yukos caught up in Russia's renationalization of this company has received any compensation for this unlawful taking. And without a bilateral investment treaty, BIT, with Russia, the only recourse available to U.S. investors is for our State Department to espouse the case of its wronged citizens. I support this course of action, and I ask unanimous consent to have printed in the RECORD a letter I wrote with Senator SCOTT BROWN to Secretary Clinton last October 27, 2011, that addresses this issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, October 27, 2011.

Hon. HILLARY RODHAM CLINTON,
Secretary of State, Department of State, C
Street, NW., Washington, DC.

DEAR MADAM SECRETARY: We are writing to ask that you seek compensation from Russia on behalf of hundreds of thousands of U.S. investors who have lost approximately \$12 billion as a result of Russia's expropriation of Yukos Oil Company. With all other avenues exhausted for American investors, only espousal by the United States can help to bring this matter to an appropriate resolution.

American investors collectively owned approximately 15 percent of Yukos at the time the Russian authorities began dismantling the company. The American investors in Yukos included several public pension funds and more than 70 institutional investors in at least 17 States. There also were over 20,000 individual American investors who owned Yukos shares directly, in addition to the hundreds of thousands who owned shares indirectly through mutual funds.

These investors have valid claims against Russia under international law, but they have no mechanism to assert these claims because there is no bilateral investment treaty (BIT) in force between the United States and Russia. Other foreign owners of Yukos have been able to initiate BIT claims, and a UK investor recently won such a case. In a unanimous decision, the arbitrators in the UK case concluded that Russia had expropriated Yukos and that compensation was due.

In June 2008, American investors formally petitioned the State Department to undertake government-to-government negotiations with Russia. We respectfully ask that you espouse the claims of these Americans and seek payment from the Government of Russia as soon as possible.

Thank you for your consideration of our concerns. We look forward to hearing from you.

Sincerely,

JAMES M. INHOFE,

U.S. Senator.
SCOTT BROWN,
U.S. Senator.

ADDITIONAL STATEMENTS

TRIBUTE TO JACK BOOKTER

• Mrs. BOXER. Mr. President, today I am honored to pay tribute to Jack Bookter for his 45 years of extraordinary service to the International Brotherhood of Teamsters in San Francisco. Throughout his career, Mr. Bookter has worked to ensure that the workers represented by his union have received just compensation under fair working conditions.

After serving in the U.S. Navy and as a police officer in San Bruno, CA, Jack became a driver for United Parcel Service, UPS, where he also served as a shop steward who represented the interests of his fellow drivers. For the past 36 years, he has served as secretary treasurer for Teamsters Local 278, which later became Local 2785. Jack Bookter has also served as chairman of the UPS Western Region Grievance Panel and as a member of the policy committee representing the Teamsters Joint Council 7 at the California Teamsters Public Affairs Council.

Mr. Bookter is part of a long and proud tradition of union leaders who fight to give workers and their families the rights and opportunities they need to achieve the American dream.

I join Mr. Bookter's friends and colleagues in celebrating his career and much deserved retirement. I wish him well in this next chapter of his life, and I hope that he enjoys many more years of happiness with his wife Yvonne, as well as his daughters, Cathy, Jill, and Yvette.●

TRIBUTE TO COLONEL DAVID E. ANDERSON

• Mr. CARDIN. Mr. President, today I wish to recognize Colonel David E. Anderson who will complete his 3-year tour of duty as commander and district engineer of the Baltimore District, Army Corps of Engineers, on July 20, 2012. Colonel Anderson will officially retire from the United States Army Corps of Engineers at the end of the year. Colonel Anderson's career has spanned 26 years of service where he has led both mechanized and airborne combat engineer units as well as commanding two USACE districts.

Colonel Anderson excelled as the commander of the Baltimore District in the North Atlantic Division. He directed the successful operation of flood risk mitigation, hurricane protection, environmental restoration, Federal navigation and other water resource work within a 49,000 square mile area and along 7,000 miles of the Chesapeake Bay's environmentally sensitive shore-

line. Colonel Anderson led the district as it responded to the Nation's Base Realignment and Closure 2005 mission, which brought a \$7.2 billion construction and engineering effort to the National Capital Region.

During his career he has served as the commander of the Honolulu District and two tours as a legislative assistant, including one tour as the legislative assistant to the Vice Chief of Staff of the Army, and one tour as the legislative assistant to the Secretary of the Army.

Colonel Anderson's dedication to duty, loyalty to the Nation, and personal engagement with soldiers, civilian personnel, and the public will be positively felt for years to come. His selfless service is in keeping with the highest traditions of the Corps of Engineers.

Kara Anderson, Colonel Anderson's wife of 24 years, and his three children, also warrant our thanks. In addition to her unfailing support for her husband, she has played an active role in every military community that Colonel Anderson's career has taken him. The entire family has made important sacrifices for our Nation and they, too, deserve our thanks.

I ask my colleagues to join me today in recognizing the contributions Colonel Anderson has made to the U.S. Army Corps of Engineers, Baltimore District and wish him and his family well in his retirement.●

CONGRATULATING 2012 OLYMPIC QUALIFIERS

• Mr. HELLER. Mr. President, today I wish to extend well-deserved congratulations to four Nevadans who have earned the unique distinction of being named to the 2012 United States Olympic Team. Amanda Bingson, Jake Dalton, Connor Fields, and Michael Hunter will be competing in hammer throw, gymnastics, BMX, and boxing at the Olympic Games in London. I am proud to recognize some of our nation's greatest athletes and members of Team USA who will represent the Silver State proudly.

A Silverado High School alumni and UNLV sophomore, Amanda Bingson, finished second in the hammer throw at the U.S. Olympic Trials in Eugene, Oregon. An ambitious athlete, she is a three-time Mountain West hammer-throw champion, two-time national All-American honoree, and recently set a new UNLV hammer throw record.

Jake Dalton, a 2009 graduate of Spanish Spring High School, took victories in the floor exercise and vault in a combined points total from the VISA Championships and the Olympic Trials. He joins the rest of Team USA in the hopes of winning gold, a feat that has not been secured by men's gymnastics since 1984. Jake has won 4 individual NCAA titles, 13 All-American honors,

and is believed to be Nevada's first male gymnast to make the Olympic team.

Green Valley High School alumni, Connor Fields, won the U.S. Men's BMX Time Trials in Chula Vista, California, earning a place on the three-man team for the 2012 London Games. This 19-year-old southern Nevada native is the first rider in BMX supercross history to win three straight World Cup final races.

Michael Hunter, Las Vegas heavyweight boxer, qualified for this summer's London Games with a semifinal victory in the AIBA Americas Olympic Qualifying Tournament in Rio de Janeiro. A three-time national champion, encouragement from Michael's family has always been paramount to reaching his Olympic dream.

I wish Amanda, Jake, Connor, and Michael the best of luck in London this summer and look forward to watching them compete. I ask my colleagues to join me in congratulating these four remarkable athletes as we show our pride and support for entire the U.S. Olympics Team.●

REMEMBERING TROOPER AARON BEESLEY

● Mr. LEE. Mr. President, on June 30, Trooper Aaron Beesley responded to a call to rescue two teenagers stranded on Mount Olympus in the Wasatch Mountains near Salt Lake City. As a part of the search and rescue helicopter unit, he helped load the two teenagers into the helicopter, ensuring their own safety before his own. When the helicopter pilot had secured the hikers, he went back for Trooper Beesley, only to find that he had fallen down the 60-foot cliff face. A hero fell from Mount Olympus. Someone once said, "A hero is always remembered, but legends never die." Aaron Beesley woke up that morning already a hero in every sense of the word, and he fell that night into legend, a legend of service and sacrifice that will live far beyond his mortality.

His mother recalled that from the age of 5 Aaron had aspired to be a firefighter. His greatest ambition was to protect others from harm and danger. He attended the police academy after serving a LDS mission in Oakland, CA, and was then hired by the Utah Highway Patrol. There he committed to "face danger with confidence, resolution and bravery" and to "meet the service needs of everyone encountered." These principles were a part of Aaron's nature long before he became a trooper. He may have fallen in the line of duty, but for him, this duty was his life. He saw the world through the lens of a hero, constantly seeking opportunities to help and serve others long after the workday ended. At his funeral service, Aaron's mother Laretta Beesley said, "Aaron was a hero every

day of his life." Based on his rescue record, lifesaving awards, medal of excellence, and the tremendous words of praise from his family and coworkers, I believe his mother's description is perfect.

Aaron will be remembered as a man of many hats. He is survived by his wife Kristie and sons Austin, 7, and twins Derek and Preston, 4. They will remember him as a loving husband and father. His brother Arik remembers him as a hero, recalling the countless phone calls they shared in which Aaron provided a play-by-play account of his latest rescue. His parents remember him as a clever practical joker. As a child he once tricked a group of neighborhood boys into performing his loathed chore of stacking wood by telling them how much fun it would be. His mother lovingly remembers how he watched them do it for him with a sly smile, periodically expressing how much he would love to be stacking wood too. His coworkers and friends remember him as a genius who could fix anything, from neighbors' broken electronics to highway patrol communications equipment. Aaron was even able to perform the necessary maintenance on the patrol's air fleet, saving the department thousands of dollars. His colleague Steve Winward remembers him as an inventor, designing cell phone applications for helicopter flight navigation and field sobriety tests.

Mr. President, I pay tribute today to Aaron Beesley not simply to mourn his loss but to celebrate his life, his willingness to perform his duty and serve others. Sharon and I extend our condolences to Kristie, Austin, Derek and Preston and praise them for their courage at this difficult time. Aaron truly remembered service before self, as do all who wake up every morning prepared to give their lives for those they serve. I pray that his family, friends, and loved ones may feel an outpouring of love and support from grateful citizens around the country and that they may forever remember Aaron with the tremendous pride his legacy deserves.●

RECOGNIZING BRYAN ALMEIDA

● Mr. RUBIO. Mr. President, today I recognize Bryan Almeida, a spring press intern in my Washington, DC office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

Bryan is a graduate of Belen Jesuit Preparatory School in Miami, FL. Currently, he is a sophomore at The George Washington University majoring in political communications. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Bryan for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING PAT BATEMAN

● Mr. RUBIO. Mr. President, today I recognize Pat Bateman, a spring intern in my Washington, DC office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

Pat is a graduate of the University of Sydney, where he double-majored in law and government and international relations. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Pat for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING MEG C. HAMBY

● Mr. RUBIO. Mr. President, today I recognize Meg Casscells-Hamby, a summer intern in my Washington, DC office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Meg is a graduate of Trinity Preparatory High School in Winter Park, FL. Currently, she is a sophomore at Harvard University interested in psychology. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Meg for all the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING CHARLES C. DAVIS III

● Mr. RUBIO. Mr. President, today I recognize Charles Carlton Davis III, a summer intern in my Washington, DC office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

Chad is a graduate of Jesuit High School in Tampa, FL. Currently he is a junior at the University of Florida majoring in political science and minoring in history and religion. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Charles for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING CLAY MCADAM DAVIS

● Mr. RUBIO. Mr. President, today I recognize Clay McAdam Davis, a summer intern in my Washington, DC office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Clay is a senior at the University of Virginia majoring in American studies and minoring in sociology. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Clay for all the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING ARREN DELATORRE

● Mr. RUBIO. Mr. President, today I recognize Arren Delatorre, a summer intern in my Washington, DC office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Arren is a graduate of Sandalwood High School in Jacksonville, FL. Currently she is a sophomore at the University of Florida majoring in advertising. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Arren for all the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING BILLY DONOVAN

● Mr. RUBIO. Mr. President, today I recognize Billy Donovan, a summer intern in my Washington, DC office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

Billy is a graduate of Saint Francis High School in Gainesville, FL. Currently he is a junior at the University of Florida majoring in political science. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Billy for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING LAUREN FIELDS

● Mr. RUBIO. Mr. President, today I recognize Lauren Fields, a summer intern in my Washington, DC office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Lauren is a graduate of the Carrollton School of the Sacred Heart in Miami, FL. Currently, she is a junior at Johns Hopkins University majoring in international studies with a concentration in foreign relations. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Lauren for

all the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING HUNTER GAYLOR

● Mr. RUBIO. Mr. President, today I recognize Hunter Gaylor, a summer intern in my Washington, DC office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

Hunter is a graduate of Florida Air Academy in Melbourne, FL. He is a senior at Harvard University majoring in government. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Hunter for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING MARY C. GILLIGAN

● Mr. RUBIO. Mr. President, today I recognize Mary Catherine Gilligan, a spring intern in my Washington, DC office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Mary Catherine attends The George Washington University where she is majoring in International Affairs with a concentration in conflict resolution. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Mary Catherine for all the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING RACHEL GROCOCK

● Mr. RUBIO. Mr. President, today I recognize Rachel Grocock, a summer intern in my Washington, DC office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Rachel is a graduate of Winter Park High School in Winter Park, FL. Currently she is a junior at Georgetown University majoring in international politics with a concentration in international security. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Rachel for all the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING CRISTINA HACKLEY

● Mr. RUBIO. Mr. President, today I recognize Cristina Hackley, a summer press intern in my Washington, DC of-

fice, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Cristina is a junior at Georgetown University majoring in international history. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Cristina for all the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING JAZMIN HERNANDEZ

● Mr. RUBIO. Mr. President, today I recognize Jazmin Hernandez, an intern in my Doral, FL office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Jazmin is a sophomore at the Florida International University in Miami. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Jazmin for all the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING MICHAEL HOFFMAN

● Mr. RUBIO. Mr. President, today I recognize Michael Hoffman, an intern in my Miami, FL office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

Michael is a graduate of Stoneman Douglas High School in Parkland, FL. He received his Bachelor's Degree in political science and international relations from the University of Central Florida in Orlando, FL. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

Michael is a Veteran of the U.S. Navy. He served 3 years in Japan in a F18 squadron and deployed on the USS Kitty Hawk. He then spent 1 year in Afghanistan as an individual Augmentee and as a Combat Master Driver for U.S. Forces. Michael was awarded two Navy and Marines Corps achievement medals and a Joint Service Commendation Medal as well as numerous other campaign medals. Also, in 2006, Michael was honored as Specific Fleet Filler of the Year.

I would like to extend my sincere thanks and appreciation to Michael for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING RANDALL JUDT

● Mr. RUBIO. Mr. President, today I recognize Randall Judt, a spring intern in my Washington, DC office, for all of

the hard work he has done for me, my staff and the people of the State of Florida.

Randall is a graduate of Stetson University in Deland, FL, where he majored in political science. He recently graduated from George Mason University with his master's degree in international commerce and policy. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Randall for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING LUKE KILLAM

● Mr. RUBIO. Mr. President, today I recognize Luke Killam, a summer intern in my Washington, DC office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

Luke is a graduate of Northview High School in Century, FL. Currently he is a senior at the University of Florida majoring in civil engineering. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Luke for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING BROOKE MCBATH

● Mr. RUBIO. Mr. President, today I recognize Brooke McBath, a spring intern in my Washington, DC office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Brooke is a graduate of the University of Miami, where she majored in English and minored in psychology. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Brooke for all the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING CARLOS MORALES

● Mr. RUBIO. Mr. President, today I recognize Carlos Morales, a spring law extern in my Washington, DC office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

Carlos is a graduate of Kings High School in Tampa, FL and the University of Florida, where he majored in history. Currently, he is in his third year at the George Washington University Law School. He is a dedicated and diligent worker who has been devoted

to getting the most out of his externship experience.

I would like to extend my sincere thanks and appreciation to Carlos for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING STEVE NELSON

● Mr. RUBIO. Mr. President, today I recognize Steve Nelson, a spring intern in my Washington, DC office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

Steve is a graduate of the United States Military Academy, where he majored in Middle Eastern area studies. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Steve for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING SARAH POTTER

● Mr. RUBIO. Mr. President, today I recognize Sarah Potter, a spring intern in my Washington, DC office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Sarah is a junior at the George Washington University majoring in political science and anthropology. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Sarah for all the fine work she has done and wish him continued success in the years to come.●

RECOGNIZING JOANNA RODRIGUEZ

● Mr. RUBIO. Mr. President, today I recognize Joanna Rodriguez, a press intern in my Washington, DC office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Joanna is a graduate of Our Lady of Lourdes Academy in Coral Gables, FL. Currently, she is a junior at The George Washington University majoring in political communications. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Joanna for all the fine work she has done and wish her continued success in the years to come.●

RECOGNIZING SHAWN ROGERS

● Mr. RUBIO. Mr. President, today I recognize Shawn Rogers, a summer in-

tern in my Washington, DC office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

Shawn is a graduate of Durant High School in Plant City, FL. Currently, he is a junior at the United States Military Academy majoring in American politics and minoring in terrorism studies. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Shawn for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING NICHOLAS SCHER

● Mr. RUBIO. Mr. President, today I recognize Nicholas Scher, a summer intern in my Washington, DC office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

Nick is a graduate of Christopher Columbus High School in Miami, FL. Currently he is a senior at Florida State University majoring in political science and english with a concentration in literature. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to Nick for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING JAMES WILLIAMS

● Mr. RUBIO. Mr. President, today I recognize James Williams, a spring intern in my Washington, DC office, for all of the hard work he has done for me, my staff and the people of the State of Florida.

James is a graduate of Gulliver Preparatory School in Miami, FL. Currently, he is a senior at Catholic University of America majoring in politics and minoring in philosophy and theology. He is a dedicated and diligent worker who has been devoted to getting the most out of his internship experience.

I would like to extend my sincere thanks and appreciation to James for all the fine work he has done and wish him continued success in the years to come.●

RECOGNIZING CASSIE ZABALO

● Mr. RUBIO. Mr. President, today I recognize Cassie Zabalo, an intern in my Doral, FL office, for all of the hard work she has done for me, my staff and the people of the State of Florida.

Cassie is a senior at the Florida International University in Miami, FL

majoring in political science with hopes of attending law school. She is a dedicated and diligent worker who has been devoted to getting the most out of her internship experience.

I would like to extend my sincere thanks and appreciation to Cassie for all the fine work she has done and wish her continued success in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 9:59 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6079. An act to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

ENROLLED BILL SIGNED

The President pro tempore [Mr. INOUE] reported that he had signed the following enrolled bill, which was previously signed by the Speaker of the House:

S. 2061. An act to provide for an exchange of land between the Department of Homeland Security and the South Carolina State Ports Authority.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 6079. An act to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6825. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Azoxytobin; Pesticide Tolerances" (FRL No. 9352-2) received in the Office of the

President of the Senate on July 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6826. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Dicloran and Formetanate; Tolerance Actions" (FRL No. 9353-7) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6827. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Methoxyfenozide; Pesticide Tolerances" (FRL No. 9354-3) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6828. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Sulfentrazone; Pesticide Tolerances" (FRL No. 9353-8) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6829. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Pasteuria spp. (Rotylenchulus reniformis nematode)—Pr3; Exemption from the Requirement of a Tolerance" (FRL No. 9353-5) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6830. A communication from the Secretary of Energy, transmitting, pursuant to 42 U.S.C. 2286e, a report entitled "Department of Energy Activities Relating to the Defense Nuclear Facilities Safety Board Fiscal Year 2011"; to the Committees on Appropriations; and Armed Services.

EC-6831. A communication from the Assistant Secretary of Defense (Legislative Affairs), transmitting a legislative proposal and accompanying report relative to the National Defense Authorization Act for Fiscal Year 2013; to the Committee on Armed Services.

EC-6832. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule Step 3 and GHG Plantwide Applicability Limits" (FRL No. 9690-1) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Environment and Public Works.

EC-6833. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Hazardous Chemical Reporting: Revisions to the Emergency and Hazardous Chemical Inventory Forms (Tier I and Tier II)" (FRL No. 9674-1) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Environment and Public Works.

EC-6834. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland; Reasonably Available Control Technology

for the 1997 8-Hour Ozone National Ambient Air Quality Standard" (FRL No. 9697-9) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Environment and Public Works.

EC-6835. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Nonattainment New Source Review; Fine Particulate Matter (PM_{2.5})" (FRL No. 9698-2) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Environment and Public Works.

EC-6836. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Delegation of National Emission Standards for Hazardous Air Pollutants for Source Categories; Gila River Indian Community" (FRL No. 9698-7) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Environment and Public Works.

EC-6837. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Authorization of State-initiated Changes and Incorporation by Reference of Approved State Hazardous Waste Management Program" (FRL No. 9694-7) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Environment and Public Works.

EC-6838. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, the annual report on the activities of the U.S. Economic Development Administration (EDA), Department of Commerce, for fiscal year 2011; to the Committee on Environment and Public Works.

EC-6839. A communication from the Deputy Director for Policy, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received in the Office of the President of the Senate on June 28, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6840. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Effective Date of Requirement for Premarket Approval for a Pacemaker Programmer" (Docket No. FDA-2011-N-0526) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6841. A communication from the Director of Regulations and Policy Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Effective Date of Requirement for Premarket Approval for an Implantable Pacemaker Pulse Generator" (Docket No. FDA-2011-N-0522) received during adjournment of the Senate in the Office of the President of the Senate on July 2, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6842. A communication from the Railroad Retirement Board, transmitting, pursuant to law, a report entitled "Twenty-Fifth

Actuarial Valuation of the Assets and Liabilities Under the Railroad Retirement Acts as of December 31, 2010"; to the Committee on Health, Education, Labor, and Pensions.

EC-6843. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a petition to add workers from the Feed Materials Production Center (FMPC) in Fernald, Ohio, to the Special Exposure Cohort; to the Committee on Health, Education, Labor, and Pensions.

EC-6844. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled "Report to Congress on the Aging Services Technology Study"; to the Committee on Health, Education, Labor, and Pensions.

EC-6845. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Annual Report for 2011 on Disability-Related Air Travel Complaints"; to the Committee on Health, Education, Labor, and Pensions.

EC-6846. A communication from the Under Secretary of Defense (Comptroller), transmitting, pursuant to law, a report relative to the Department of Defense (DoD) plan for complying with the Improper Payments Elimination and Recovery Act (IPERA) of 2010; to the Committee on Homeland Security and Governmental Affairs.

EC-6847. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "The Interagency Security Classification Appeals Panel (ISCAP) Bylaws, Rules, and Appeal Procedures" (RIN3095-AB76) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Homeland Security and Governmental Affairs.

EC-6848. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 19-385, "Fiscal Year 2013 Budget Support Act of 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6849. A communication from the General Counsel of the National Tropical Botanical Garden, transmitting, pursuant to law, a report relative to the Garden not being able to file its audit report within six months of the close of its fiscal year ending December 31, 2011; to the Committee on the Judiciary.

EC-6850. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report relative to applications for delayed-notice search warrants and extensions during fiscal year 2011; to the Committee on the Judiciary.

EC-6851. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled "2011 Annual Report of the National Institute of Justice"; to the Committee on the Judiciary.

EC-6852. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Implementation of Statutory Amendments Requiring the Qualification of Manufacturers and Importers of Processed Tobacco and Other Amendments Related to Permit Requirements, and the Expanded Definition of Roll-Your-Own Tobacco" (RIN1513-AB72) received during adjournment of the Senate in the Office of the President of the Senate on July 5, 2012; to the Committee on the Judiciary.

EC-6853. A communication from the Director, Administrative Office of the United States Courts, transmitting, pursuant to law, a report entitled "2011 Wiretap Report"; to the Committee on the Judiciary.

EC-6854. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes to Implement Miscellaneous Post Patent Provisions of the Leahy-Smith America Invents Act" (RIN0651-AC66) received in the Office of the President of the Senate on July 9, 2012; to the Committee on the Judiciary.

EC-6855. A communication from the Under Secretary and Director, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Changes to Implement the Preissuance Submissions by Third Parties Provision of the Leahy-Smith America Invents Act" (RIN0651-AC67) received in the Office of the President of the Senate on July 9, 2012; to the Committee on the Judiciary.

EC-6856. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Dependency and Indemnity Compensation Payable to a Surviving Spouse with One or More Children Under Age 18" (RIN2900-AO38) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Veterans' Affairs.

EC-6857. A communication from the Director of the Regulation Policy and Management Office of the General Counsel, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Dependency and Indemnity Compensation (DIC) Benefits for Survivors of Former Prisoners of War Rated Totally Disabled at Time of Death" (RIN2900-AO22) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 2218. A bill to reauthorize the United States Fire Administration, and for other purposes (Rept. No. 112-180).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1409. A bill to intensify efforts to identify, prevent, and recover payment error, waste, fraud, and abuse within Federal spending (Rept. No. 112-181).

By Mr. LEAHY, from the Committee on the Judiciary:

Report to accompany S. 2554, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to extend the authorization of the Bulletproof Vest Partnership Grant Program through fiscal year 2017 (Rept. No. 112-182).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

H.R. 3902. A bill to amend the District of Columbia Home Rule Act to revise the timing of special elections for local office in the District of Columbia.

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment in the nature of a substitute and an amendment to the title:

S. 1744. A bill to provide funding for State courts to assess and improve the handling of proceedings relating to adult guardianship and conservatorship, to authorize the Attorney General to carry out a pilot program for the conduct of background checks on individuals to be appointed as guardians or conservators, and to promote the widespread adoption of information technology to better monitor, report, and audit conservatorships of protected persons.

EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of nominations were submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Terrence G. Berg, of Michigan, to be United States District Judge for the Eastern District of Michigan.

Jesus G. Bernal, of California, to be United States District Judge for the Central District of California.

Lorna G. Schofield, of New York, to be United States District Judge for the Southern District of New York.

Danny Chappelle Williams, Sr., of Oklahoma, to be United States Attorney for the Northern District of Oklahoma for the term of four years.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LIEBERMAN (for himself and Ms. SNOWE):

S. 3377. A bill to amend the Internal Revenue Code of 1986 to exempt private foundations from the tax on excess business holdings in the case of certain philanthropic enterprises which are independently supervised, and for other purposes; to the Committee on Finance.

By Mr. ROCKEFELLER:

S. 3378. A bill to establish scientific standards and protocols across forensic disciplines, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. ROBERTS (for himself and Mr. ENZI):

S. 3379. A bill to standardize the definition of the term "small business refiner" for purposes of laws administered by the Environmental Protection Agency; to the Committee on Environment and Public Works.

By Mr. BLUMENTHAL (for himself, Mr. BEGICH, Mr. ISAKSON, Ms. SNOWE, Mr. RUBIO, and Mr. TESTER):

S. 3380. A bill to provide for the issuance of a Victory for Veterans stamp, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself, Mr. FRANKEN, Mr. HARKIN, Mr. WHITEHOUSE, and Mr. BROWN of Ohio):

S. 3381. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

By Mr. GRASSLEY (for himself, Mr. KYL, Mr. CORNYN, Mr. LEE, Mr. PAUL, and Mr. COBURN):

S. 3382. A bill to impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof, and for other purposes; to the Committee on the Judiciary.

By Mr. VITTER (for himself and Mr. SESSIONS):

S. 3383. A bill to reject the final 5-year Outer Continental Shelf Oil and Gas Leasing Program for fiscal years 2012 through 2017 of the Administration and replace the plan with a 5-year plan that is more in line with the energy and economic needs of the United States; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. CONRAD, Mr. TESTER, and Mr. JOHNSON of South Dakota):

S. 3384. A bill to extend supplemental agricultural disaster assistance programs; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 434

At the request of Mr. COCHRAN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 434, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 971

At the request of Mr. WYDEN, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 971, a bill to promote neutrality, simplicity, and fairness in the taxation of digital goods and digital services.

S. 1385

At the request of Mr. VITTER, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 1385, a bill to terminate the \$1 presidential coin program.

S. 1744

At the request of Ms. KLOBUCHAR, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 1744, a bill to provide funding for State courts to assess and improve the handling of proceedings relating to adult guardianship and conservatorship, to authorize the Attorney General to carry out a pilot program for the conduct of background checks on individuals to be appointed as guardians or conservators, and to promote the widespread adoption of information technology to better monitor, report, and audit conservatorships of protected persons.

S. 1832

At the request of Mr. ENZI, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Hawaii (Mr. AKAKA), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from

Minnesota (Mr. FRANKEN) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 1832, a bill to restore States' sovereign rights to enforce State and local sales and use tax laws, and for other purposes.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 2374

At the request of Mr. BINGAMAN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2374, a bill to amend the Helium Act to ensure the expedient and responsible draw-down of the Federal Helium Reserve in a manner that protects the interests of private industry, the scientific, medical, and industrial communities, commercial users, and Federal agencies, and for other purposes.

S. 3204

At the request of Mr. JOHANNES, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3237

At the request of Mr. WHITEHOUSE, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 3237, a bill to provide for the establishment of a Commission to Accelerate the End of Breast Cancer.

S. 3252

At the request of Mr. PORTMAN, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Illinois (Mr. DURBIN), the Senator from Wisconsin (Mr. KOHL) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 3252, a bill to provide for the award of a gold medal on behalf of Congress to Jack Nicklaus, in recognition of his service to the Nation in promoting excellence, good sportsmanship, and philanthropy.

S. 3286

At the request of Mrs. MCCASKILL, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 3286, a bill to enhance security, increase accountability, and improve the contracting of the Federal Government for overseas contingency operations, and for other purposes.

S. 3319

At the request of Ms. KLOBUCHAR, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 3319, a bill to amend the National Trails System Act to revise the route of the North Country National Scenic Trail in northeastern Minnesota to in-

clude existing hiking trails along the north shore of Lake Superior, in the Superior National Forest, and in the Chippewa National Forest, and for other purposes.

S. 3323

At the request of Mr. ROCKEFELLER, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 3323, a bill to amend the Servicemembers Civil Relief Act to improve the protections for servicemembers against mortgage foreclosures, and for other purposes.

S. 3326

At the request of Mr. MCCONNELL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 3326, a bill to amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic-Central America-United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S. 3372

At the request of Mr. WEBB, the name of the Senator from Alaska (Mr. BEGICH) was added as a cosponsor of S. 3372, a bill to amend section 704 of title 18, United States Code.

S.J. RES. 43

At the request of Mr. JOHANNES, his name was added as a cosponsor of S.J. Res. 43, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

At the request of Mrs. FEINSTEIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S.J. Res. 43, *supra*.

S.J. RES. 45

At the request of Mrs. HUTCHISON, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S.J. Res. 45, a joint resolution amending title 36, United States Code, to designate June 19 as "Juneteenth Independence Day".

S. CON. RES. 48

At the request of Mr. LEAHY, the names of the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of S. Con. Res. 48, a concurrent resolution recognizing 375 years of service of the National Guard and affirming congressional support for a permanent Operational Reserve as a component of the Armed Forces.

S. CON. RES. 50

At the request of Mr. RUBIO, the names of the Senator from Utah (Mr. HATCH), the Senator from Texas (Mrs.

HUTCHISON), the Senator from Kansas (Mr. ROBERTS) and the Senator from Mississippi (Mr. WICKER) were added as cosponsors of S. Con. Res. 50, a concurrent resolution expressing the sense of Congress regarding actions to preserve and advance the multistakeholder governance model under which the Internet has thrived.

AMENDMENT NO. 2492

At the request of Mrs. HUTCHISON, the names of the Senator from Arkansas (Mr. BOOZMAN), the Senator from Oklahoma (Mr. COBURN), the Senator from North Carolina (Mr. BURR) and the Senator from Ohio (Mr. PORTMAN) were added as cosponsors of amendment No. 2492 intended to be proposed to S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

AMENDMENT NO. 2493

At the request of Mrs. HUTCHISON, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 2493 intended to be proposed to S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

AMENDMENT NO. 2499

At the request of Mr. CRAPO, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of amendment No. 2499 intended to be proposed to S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

AMENDMENT NO. 2514

At the request of Mr. THUNE, the name of the Senator from Arizona (Mr. KYL) was withdrawn as a cosponsor of amendment No. 2514 intended to be proposed to S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

AMENDMENT NO. 2516

At the request of Mr. FRANKEN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of amendment No. 2516 intended to be proposed to S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

AMENDMENT NO. 2518

At the request of Mr. THUNE, the names of the Senator from Nebraska (Mr. JOHANNIS) and the Senator from Arizona (Mr. KYL) were added as cosponsors of amendment No. 2518 intended to be proposed to S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

AMENDMENT NO. 2521

At the request of Ms. LANDRIEU, the names of the Senator from Delaware (Mr. COONS) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 2521 proposed to S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. ROCKEFELLER:

S. 3378. A bill to establish scientific standards and protocols across forensic disciplines, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. ROCKEFELLER. Mr. President, the criminal justice system relies on forensic science to identify and prosecute criminals and exonerate the falsely accused. But in a pathbreaking 2009 report to Congress, the National Academy of Sciences found that the interpretation of forensic evidence is severely compromised by the lack of supporting science and standards. They concluded, "The bottom line is simple: In a number of forensic science disciplines, forensic science professionals have yet to establish either the validity of their approach or the accuracy of their conclusions, and the courts have been utterly ineffective in addressing this problem."

In a series of recent articles, the Washington Post reported on flawed forensic work that may be responsible for the wrongful convictions in thousands of criminal cases. An April Post editorial urged the Justice Department to conduct a full review of all cases that ended in conviction, and a July 11 story reports that the Justice Department and the FBI have now launched such a review. The National Academy of Sciences, the Washington Post, the Innocence Project, and the National Association of Criminal Defense Lawyers, among others, have all called for strengthened forensic science and standards.

The Forensic Science and Standards Act of 2012 responds to this call by promoting research. The bill would establish a National Forensic Science Coordinating Office, housed at the National Science Foundation, NSF, to develop a research strategy and roadmap and to support the implementation of that roadmap across relevant Federal agencies.

NSF would establish a forensic science grant program to award funding in areas specifically identified by the research strategy. NSF would be directed to award two grants to create forensic science research centers to conduct research, build relationships with forensic practitioners, and educate students. All agencies with equi-

ties in forensic science would be encouraged to use prizes and challenges to stimulate innovative and creative solutions to satisfy the research needs and priorities identified in the research strategy.

The bill requires standard development. The National Institute of Standards and Technology, NIST, would be directed to develop forensic science standards, in consultation with standards development organizations and other stakeholders. NIST could establish and solicit advice from discipline-specific expert working groups to identify standards development priorities and opportunities.

The bill requires implementing uniform standards. To advise on the application of the new standards, a Forensic Science Advisory Committee chaired by the Director of NIST and the Attorney General would be established. The Advisory Committee, composed of research scientists, forensic science practitioners, and users from the legal and law enforcement communities, would make recommendations to the Attorney General on adoption of standards. The Attorney General would direct the standards' implementation in Federal forensic science laboratories and would encourage adoption in non-Federal laboratories as a condition of Federal funding or for inclusion in national databases.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3378

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Forensic Science and Standards Act of 2012".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings.
- Sec. 3. Definitions.
- Sec. 4. National forensic science research program.
- Sec. 5. Forensic science research grants program.
- Sec. 6. Forensic science research challenges.
- Sec. 7. Forensic science standards.
- Sec. 8. Forensic science advisory committee.
- Sec. 9. Adoption, accreditation, and certification.
- Sec. 10. National Institute of Standards and Technology functions.

SEC. 2. FINDINGS.

Congress finds that—

(1) at the direction of Congress, the National Academy of Sciences led a comprehensive review of the state of forensic science and issued its findings in a 2009 report, "Strengthening Forensic Science in the United States: A Path Forward";

(2) the report's findings indicate the need for independent scientific research to support the foundation of forensic disciplines;

(3) the report stresses the need for standards in methods, data interpretation, and reporting, and the importance of preventing

cognitive bias and mitigating human factors; and

(4) according to the report, forensic science research is not financially well supported, and there is a need for a unified strategy for developing a forensic science research plan across Federal agencies.

SEC. 3. DEFINITIONS.

In this Act:

(1) **ADVISORY COMMITTEE.**—The term “Advisory Committee” means the Forensic Science Advisory Committee established under section 8.

(2) **COORDINATING OFFICE.**—The term “Coordinating Office” means the National Forensic Science Coordinating Office established under section 4.

(3) **FORENSIC SCIENCE.**—

(A) **IN GENERAL.**—The term “forensic science” means the basic and applied scientific research applicable to the collection, evaluation, and analysis of physical evidence, including digital evidence, for use in investigations and legal proceedings, including all tests, methods, measurements, and procedures.

(B) **APPLIED SCIENTIFIC RESEARCH.**—In subparagraph (A), the term “applied scientific research” means a systematic study to gain knowledge or understanding necessary to determine the means by which a recognized and specific need may be met.

(C) **BASIC SCIENTIFIC RESEARCH.**—In subparagraph (A), the term “basic scientific research” means a systematic study directed toward fuller knowledge or understanding of the fundamental aspects of phenomena and of observable facts without specific applications towards processes or products.

(4) **STANDARDS DEVELOPMENT ORGANIZATION.**—The term “standards development organization” means a domestic or an international organization that plans, develops, establishes, or coordinates voluntary consensus standards using procedures that incorporate openness, a balance of interests, consensus, due process, and an appeals process.

SEC. 4. NATIONAL FORENSIC SCIENCE RESEARCH PROGRAM.

(a) **ESTABLISHMENT.**—There shall be a national forensic science research program to improve, expand, and coordinate Federal research in the forensic sciences.

(b) **NATIONAL ACADEMY OF SCIENCES REPORT ON FORENSIC SCIENCE.**—The Director of the National Science Foundation shall contract with the National Academy of Sciences to develop, not later than 180 days after the date of enactment of this Act, a report that—

(1) identifies the most critical forensic science disciplines, which may include forensic pathology and digital forensics, that require further research to strengthen the scientific foundation in those disciplines; and

(2) makes recommendations regarding research that will help strengthen the scientific foundation in the forensic science disciplines identified under paragraph (1).

(c) **NATIONAL FORENSIC SCIENCE COORDINATING OFFICE.**—

(1) **ESTABLISHMENT.**—There is established a National Forensic Science Coordinating Office, with a director and full time staff, to be located at the National Science Foundation. The Director of the Coordinating Office shall be responsible for carrying out the provisions of this subsection.

(2) **UNIFIED FEDERAL RESEARCH STRATEGY.**—The Coordinating Office established under paragraph (1) shall coordinate among relevant Federal departments, agencies, or offices—

(A) the development of a unified Federal research strategy that—

(i) specifies and prioritizes the research necessary to enhance the validity and reliability of the forensic science disciplines; and

(ii) is consistent with the recommendations in the National Academy of Sciences report on forensic science under subsection (b);

(B) the development of a 5-year roadmap, updated triennially thereafter, for the unified Federal research strategy under subparagraph (A) that includes a description of—

(i) which department, agency, or office will carry out each specific element of the unified Federal research strategy;

(ii) short-term and long-term priorities and objectives; and

(iii) common metrics and other evaluation criteria that will be used to assess progress toward achieving the priorities and objectives under clause (ii); and

(C) any necessary programs, policies, and budgets to support the implementation of the roadmap under subparagraph (B).

(3) **ADDITIONAL DUTIES.**—The Coordinating Office shall—

(A) evaluate annually the national forensic science research program to determine whether it is achieving its objectives; and

(B) report annually to Congress the findings under subparagraph (A).

(4) **DEADLINES.**—The Coordinating Office shall submit to Congress—

(A) not later than 1 year after the date of enactment of this Act, the unified Federal research strategy under paragraph (2)(A);

(B) not later than 1 year after the date of enactment of this Act, the initial 5-year roadmap under paragraph (2)(B); and

(C) not later than 1 month after the date it is updated, each updated 5-year roadmap under paragraph (2)(B).

SEC. 5. FORENSIC SCIENCE RESEARCH GRANTS PROGRAM.

(a) **ESTABLISHMENT.**—Not later than 1 year after the date of enactment of this Act, the National Science Foundation shall establish a forensic science research grants program to improve the foundation and practice of forensic science in the United States based on the recommendations in the unified Federal research strategy under section 4.

(b) **MERIT REVIEW.**—Each grant under this section shall be awarded on a merit-reviewed, competitive basis.

(c) **PUBLICATION.**—The National Science Foundation shall support, as appropriate, the publication of research results under this section in scholarly, peer-reviewed scientific journals.

(d) **FORENSIC SCIENCE RESEARCH CENTERS.**—

(1) **IN GENERAL.**—As part of the forensic science research grants program under subsection (a), the Director of the National Science Foundation shall establish 2 forensic science research centers—

(A) to conduct research consistent with the unified Federal research strategy under section 4;

(B) to build relationships between forensic science practitioners and members of the research community;

(C) to encourage and promote the education and training of a diverse group of people to be leaders in the interdisciplinary field of forensic science; and

(D) to broadly disseminate the results of the research under subparagraph (A).

(2) **TERMS OF DESIGNATION.**—

(A) **IN GENERAL.**—The Director shall designate each forensic science research center for a 4-year term.

(B) **REVOCATION.**—The Director may revoke a designation under subparagraph (A) if the Director determines that the forensic science research center is not demonstrating adequate performance.

(C) **AMOUNT OF AWARD.**—Subject to subsection (f), the Director shall award a grant up to \$10,000,000 to each forensic science research center. A grant awarded under this subparagraph shall be for a period of 4 years.

(D) **LIMITATION ON USE OF FUNDS.**—No funds authorized under this section may be used to construct or renovate a building or structure.

(3) **REPORTS.**—Each forensic science research center shall submit an annual report to the Director, at such time and in such manner as the Director may require, that contains a description of the activities the center carried out with the funds received under this subsection, including a description of how those activities satisfy the requirement under paragraph (2)(D).

(e) **EVALUATION.**—

(1) **IN GENERAL.**—The Director of the National Science Foundation shall conduct a comprehensive evaluation of the forensic science research grants program every 4 years—

(A) to determine whether the program is achieving the objectives of improving the foundation and practice of forensic science in the United States; and

(B) to evaluate the extent to which the program is contributing toward the priorities and objectives described in the roadmap under section 4(c)(2)(B).

(2) **REPORT TO CONGRESS.**—The Director of the National Science Foundation shall report to Congress the results of each comprehensive evaluation under paragraph (1).

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the National Science Foundation to carry out this section—

(1) \$34,000,000 for fiscal year 2013;

(2) \$37,000,000 for fiscal year 2014;

(3) \$40,000,000 for fiscal year 2015;

(4) \$43,000,000 for fiscal year 2016; and

(5) \$46,000,000 for fiscal year 2017.

SEC. 6. FORENSIC SCIENCE RESEARCH CHALLENGES.

(a) **PRIZES AND CHALLENGES.**—

(1) **IN GENERAL.**—A Federal department, agency, or office may assist in satisfying the research needs and priorities identified in the unified Federal research strategy under section 4 by using prizes and challenges under the America COMPETES Reauthorization Act (124 Stat. 3982) or under any other provision of law, as appropriate.

(2) **PURPOSES.**—The purpose of a prize or challenge under this section, among other possible purposes, may be—

(A) to determine or develop the best data collection practices or analytical methods to evaluate a specific type of forensic data; or

(B) to determine the accuracy of an analytical method.

(b) **FORENSIC EVIDENCE PRIZES AND CHALLENGES.**—

(1) **IN GENERAL.**—A Federal department, agency, or office, or multiple Federal departments, agencies, or offices in cooperation, carrying out a prize or challenge under this section—

(A) may establish a prize advisory board; and

(B) shall select each member of the prize advisory board with input from relevant Federal departments, agencies, or offices.

(2) **PRIZE ADVISORY BOARD.**—The prize advisory board shall—

(A) identify 1 or more types of forensic evidence for purposes of a prize or challenge;

(B) using the samples under paragraph (3), recommend how to structure a prize or challenge that requires a competitor to develop a forensic data collection practice, an analytical method, or a relevant approach or technology to be tested relative to a known outcome or other proposed judging methodology; and

(C) through the Coordinating Office, advise relevant Federal departments, agencies, or offices in designing prizes or challenges that satisfy the research needs and priorities identified in the unified Federal research strategy under section 4.

(3) **SAMPLES.**—The National Institute of Standards and Technology or the Department of Justice shall provide or contract with a non-Federal party to prepare, for each type of forensic evidence under paragraph (2)(A), a sufficient set of samples, including associated digital data that could be shared without limitation and physical specimens that could be shared with qualified parties, for purposes of a prize or challenge.

(4) **FINGERPRINT DATA INTEROPERABILITY.**—At least 1 prize or challenge under this section shall be focused on achieving nationwide fingerprint data interoperability if the prize advisory board, the Coordinating Office, or a Federal department, agency, or office identifies an area where a prize or challenge will assist in satisfying a strategy related to this issue.

SEC. 7. FORENSIC SCIENCE STANDARDS.

(a) ESTABLISHMENT.—

(1) **IN GENERAL.**—The National Institute of Standards and Technology shall—

(A) identify or coordinate the development of forensic science standards to enhance the validity and reliability of forensic science activities, including—

(i) authoritative methods, standards, and technical guidance, including protocols and best practices, for forensic measurements, analysis, and interpretation;

(ii) technical standards for products and services used by forensic science practitioners;

(iii) standard content, terminology, and parameters to be used in reporting and testing on the results and interpretation of forensic science measurements, tests, and procedures; and

(iv) standards to provide for the interoperability of forensic science-related technology and databases;

(B) test and validate existing forensic standards, as appropriate; and

(C) provide independent validation of forensic science measurements and methods.

(2) CONSULTATION.—

(A) **IN GENERAL.**—In carrying out its responsibilities under paragraph (1), the National Institute of Standards and Technology shall consult with—

(i) standards development organizations and other stakeholders, including relevant Federal departments, agencies, and offices; and

(ii) testing laboratories and accreditation bodies to ensure that products and services meet necessary performance levels.

(3) **PRIORITIZATION.**—When prioritizing its responsibilities under paragraph (1), the National Institute of Standards and Technology shall consider—

(A) the unified Federal research strategy under section 4; and

(B) the recommendations of any expert working group under subsection (b).

(4) **REPORT TO CONGRESS.**—The Director of the National Institute of Standards and Technology shall report annually, with the President's budget request, to Congress on

the progress in carrying out the National Institute of Standards and Technology's responsibilities under paragraph (1).

(b) EXPERT WORKING GROUPS.—

(1) **IN GENERAL.**—The Director of the National Institute of Standards and Technology may establish 1 or more discipline-specific expert working groups to identify gaps, areas of need, and opportunities for standards development with respect to forensic science.

(2) **MEMBERS.**—A member of an expert working group shall—

(A) be appointed by the Director of the National Institute of Standards and Technology;

(B) have significant academic, research, or practical expertise in a discipline of forensic science or in another area relevant to the purpose of the expert working group; and

(C) balance scientific rigor with practical and regulatory constraints.

(3) **FEDERAL ADVISORY COMMITTEE ACT.**—An expert working group established under this subsection shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(c) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the National Institute of Standards and Technology to carry out this section—

(1) \$5,000,000 for fiscal year 2013;

(2) \$12,000,000 for fiscal year 2014;

(3) \$20,000,000 for fiscal year 2015;

(4) \$27,000,000 for fiscal year 2016; and

(5) \$35,000,000 for fiscal year 2017.

SEC. 8. FORENSIC SCIENCE ADVISORY COMMITTEE.

(a) **ESTABLISHMENT.**—The Director of the National Institute of Standards and Technology and the Attorney General, in collaboration with the Director of the National Science Foundation, shall establish a Forensic Science Advisory Committee.

(b) **DUTIES.**—The Advisory Committee shall provide advice to—

(1) the Federal departments, agencies, and offices implementing the unified Federal research strategy under section 4;

(2) the National Institute of Standards and Technology, including recommendations regarding the National Institute of Standards and Technology's responsibilities under section 7; and

(3) the Department of Justice, including recommendations regarding the Department of Justice's responsibilities under section 9.

(c) **SUBCOMMITTEES.**—The Advisory Committee may form subcommittees related to specific disciplines in forensic science or as necessary to further its duties under subsection (b). A subcommittee may include an individual who is not a member of the Advisory Committee.

(d) **CHAIRS.**—The Director of the National Institute of Standards and Technology and the Attorney General, or their designees, shall co-chair the Advisory Committee.

(e) **MEMBERSHIP.**—The Director of the National Institute of Standards and Technology and the Attorney General, in consultation with the Director of the National Science Foundation, shall appoint each member of the Advisory Committee. The Advisory Committee shall include balanced representation between forensic science disciplines (including academic scientists, statisticians, social scientists, engineers, and representatives of other related scientific disciplines) and relevant forensic science applications (including Federal, State, and local representatives of the forensic science community, the legal community, victim advocate organizations, and law enforcement).

(f) **ADMINISTRATION.**—The Attorney General shall provide administrative support to the Advisory Committee.

(g) **FEDERAL ADVISORY COMMITTEE ACT.**—The Advisory Committee established under this section shall not be subject to section 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 9. ADOPTION, ACCREDITATION, AND CERTIFICATION.

The Attorney General—

(1) shall promote the adoption of forensic science standards developed under section 7, including—

(A) by requiring each Federal forensic laboratory to adopt the forensic science standards;

(B) by encouraging each non-Federal forensic laboratory to adopt the forensic science standards;

(C) by promoting accreditation and certification requirements based on the forensic science standards; and

(D) by promoting any recommendations made by the Advisory Committee for adoption and implementation of forensic science standards; and

(2) may promote the adoption of the forensic science standards as a condition of Federal funding or for inclusion in national data sets.

SEC. 10. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY FUNCTIONS.

Section 2(b) of the National Institute of Standards and Technology Act (15 U.S.C. 272(b)) is amended—

(1) in paragraph (12), by striking “and” after the semicolon;

(2) in paragraph (13), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

“(14) to identify and coordinate the development of forensic science standards to enhance the validity and reliability of forensic science activities.”.

By Mr. DURBIN (for himself, Mr. FRANKEN, Mr. HARKIN, Mr. WHITEHOUSE, and Mr. BROWN of Ohio):

S. 3381. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 3381

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Protecting Employees and Retirees in Business Bankruptcies Act of 2012”.

(b) **TABLE OF CONTENTS.**—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—IMPROVING RECOVERIES FOR EMPLOYEES AND RETIREES

Sec. 101. Increased wage priority.

Sec. 102. Claim for stock value losses in defined contribution plans.

Sec. 103. Priority for severance pay.

Sec. 104. Financial returns for employees and retirees.

Sec. 105. Priority for WARN Act damages.

TITLE II—REDUCING EMPLOYEES' AND RETIREES' LOSSES

Sec. 201. Rejection of collective bargaining agreements.

- Sec. 202. Payment of insurance benefits to retired employees.
- Sec. 203. Protection of employee benefits in a sale of assets.
- Sec. 204. Claim for pension losses.
- Sec. 205. Payments by secured lender.
- Sec. 206. Preservation of jobs and benefits.
- Sec. 207. Termination of exclusivity.
- Sec. 208. Claim for withdrawal liability.

TITLE III—RESTRICTING EXECUTIVE COMPENSATION PROGRAMS

- Sec. 301. Executive compensation upon exit from bankruptcy.
- Sec. 302. Limitations on executive compensation enhancements.
- Sec. 303. Assumption of executive benefit plans.
- Sec. 304. Recovery of executive compensation.
- Sec. 305. Preferential compensation transfer.

TITLE IV—OTHER PROVISIONS

- Sec. 401. Union proof of claim.
- Sec. 402. Exception from automatic stay.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Business bankruptcies have increased sharply in recent years and remain at high levels. These bankruptcies include several of the largest business bankruptcy filings in history. As the use of bankruptcy has expanded, job preservation and retirement security are placed at greater risk.

(2) Laws enacted to improve recoveries for employees and retirees and limit their losses in bankruptcy cases have not kept pace with the increasing and broader use of bankruptcy by businesses in all sectors of the economy. However, while protections for employees and retirees in bankruptcy cases have eroded, management compensation plans devised for those in charge of troubled businesses have become more prevalent and are escaping adequate scrutiny.

(3) Changes in the law regarding these matters are urgently needed as bankruptcy is used to address increasingly more complex and diverse conditions affecting troubled businesses and industries.

TITLE I—IMPROVING RECOVERIES FOR EMPLOYEES AND RETIREES

SEC. 101. INCREASED WAGE PRIORITY.

Section 507(a) of title 11, United States Code, is amended—

- (1) in paragraph (4)—
 - (A) by striking “\$10,000” and inserting “\$20,000”;
 - (B) by striking “within 180 days”; and
 - (C) by striking “or the date of the cessation of the debtor’s business, whichever occurs first.”;

- (2) in paragraph (5)(A), by striking—

- (A) “within 180 days”; and
 - (B) “or the date of the cessation of the debtor’s business, whichever occurs first”;

- (3) in paragraph (5), by striking subparagraph (B) and inserting the following:

“(B) for each such plan, to the extent of the number of employees covered by each such plan, multiplied by \$20,000.”

SEC. 102. CLAIM FOR STOCK VALUE LOSSES IN DEFINED CONTRIBUTION PLANS.

Section 101(5) of title 11, United States Code, is amended—

- (1) in subparagraph (A), by striking “or” at the end;
- (2) in subparagraph (B), by inserting “or” after the semicolon; and
- (3) by adding at the end the following:
 - “(C) right or interest in equity securities of the debtor, or an affiliate of the debtor,

held in a defined contribution plan (within the meaning of section 3(34) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(34))) for the benefit of an individual who is not an insider, a senior executive officer, or any of the 20 next most highly compensated employees of the debtor (if 1 or more are not insiders), if such securities were attributable to either employer contributions by the debtor or an affiliate of the debtor, or elective deferrals (within the meaning of section 402(g) of the Internal Revenue Code of 1986), and any earnings thereon, if an employer or plan sponsor who has commenced a case under this title has committed fraud with respect to such plan or has otherwise breached a duty to the participant that has proximately caused the loss of value.”

SEC. 103. PRIORITY FOR SEVERANCE PAY.

Section 503(b) of title 11, United States Code, is amended—

- (1) in paragraph (8), by striking “and” at the end;

- (2) in paragraph (9), by striking the period and inserting a semicolon; and

- (3) by adding at the end the following:

“(10) severance pay owed to employees of the debtor (other than to an insider, other senior management, or a consultant retained to provide services to the debtor), under a plan, program, or policy generally applicable to employees of the debtor (but not under an individual contract of employment), or owed pursuant to a collective bargaining agreement, for layoff or termination on or after the date of the filing of the petition, which pay shall be deemed earned in full upon such layoff or termination of employment; and”

SEC. 104. FINANCIAL RETURNS FOR EMPLOYEES AND RETIREES.

Section 1129(a) of title 11, United States Code is amended—

- (1) by adding at the end the following:

“(17) The plan provides for recovery of damages payable for the rejection of a collective bargaining agreement, or for other financial returns as negotiated by the debtor and the authorized representative under section 1113 (to the extent that such returns are paid under, rather than outside of, a plan).”;

- (2) by striking paragraph (13) and inserting the following:

“(13) With respect to retiree benefits, as that term is defined in section 1114(a), the plan—

“(A) provides for the continuation after its effective date of payment of all retiree benefits at the level established pursuant to subsection (e)(1)(B) or (g) of section 1114 at any time before the date of confirmation of the plan, for the duration of the period for which the debtor has obligated itself to provide such benefits, or if no modifications are made before confirmation of the plan, the continuation of all such retiree benefits maintained or established in whole or in part by the debtor before the date of the filing of the petition; and

“(B) provides for recovery of claims arising from the modification of retiree benefits or for other financial returns, as negotiated by the debtor and the authorized representative (to the extent that such returns are paid under, rather than outside of, a plan).”

SEC. 105. PRIORITY FOR WARN ACT DAMAGES.

Section 503(b)(1)(A)(ii) of title 11, United States Code is amended to read as follows:

“(ii) wages and benefits awarded pursuant to a judicial proceeding or a proceeding of the National Labor Relations Board as back pay or damages attributable to any period of time occurring after the date of commence-

ment of the case under this title, as a result of a violation of Federal or State law by the debtor, without regard to the time of the occurrence of unlawful conduct on which the award is based or to whether any services were rendered on or after the commencement of the case, including an award by a court under section 2901 of title 29, United States Code, of up to 60 days’ pay and benefits following a layoff that occurred or commenced at a time when such award period includes a period on or after the commencement of the case, if the court determines that payment of wages and benefits by reason of the operation of this clause will not substantially increase the probability of layoff or termination of current employees or of nonpayment of domestic support obligations during the case under this title.”

TITLE II—REDUCING EMPLOYEES’ AND RETIREES’ LOSSES

SEC. 201. REJECTION OF COLLECTIVE BARGAINING AGREEMENTS.

Section 1113 of title 11, United States Code, is amended by striking subsections (a) through (f) and inserting the following:

“(a) The debtor in possession, or the trustee if one has been appointed under this chapter, other than a trustee in a case covered by subchapter IV of this chapter and by title I of the Railway Labor Act, may reject a collective bargaining agreement only in accordance with this section. Hereinafter in this section, a reference to the trustee includes a reference to the debtor in possession.

“(b) No provision of this title shall be construed to permit the trustee to unilaterally terminate or alter any provision of a collective bargaining agreement before complying with this section. The trustee shall timely pay all monetary obligations arising under the terms of the collective bargaining agreement. Any such payment required to be made before a plan confirmed under section 1129 is effective has the status of an allowed administrative expense under section 503.

“(c)(1) If the trustee seeks modification of a collective bargaining agreement, then the trustee shall provide notice to the labor organization representing the employees covered by the agreement that modifications are being proposed under this section, and shall promptly provide an initial proposal for modifications to the agreement. Thereafter, the trustee shall confer in good faith with the labor organization, at reasonable times and for a reasonable period in light of the complexity of the case, in attempting to reach mutually acceptable modifications of such agreement.

“(2) The initial proposal and subsequent proposals by the trustee for modification of a collective bargaining agreement shall be based upon a business plan for the reorganization of the debtor, and shall reflect the most complete and reliable information available. The trustee shall provide to the labor organization all information that is relevant for negotiations. The court may enter a protective order to prevent the disclosure of information if disclosure could compromise the debtor’s position with respect to its competitors in the industry, subject to the needs of the labor organization to evaluate the trustee’s proposals and any application for rejection of the agreement or for interim relief pursuant to this section.

“(3) In consideration of Federal policy encouraging the practice and process of collective bargaining and in recognition of the bargained-for expectations of the employees covered by the agreement, modifications proposed by the trustee—

“(A) shall be proposed only as part of a program of workforce and nonworkforce cost

savings devised for the reorganization of the debtor, including savings in management personnel costs;

“(B) shall be limited to modifications designed to achieve a specified aggregate financial contribution for the employees covered by the agreement (taking into consideration any labor cost savings negotiated within the 12-month period before the filing of the petition), and shall be not more than the minimum savings essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by the liquidation, or the need for further financial reorganization, of the debtor (or any successor to the debtor) in the short term; and

“(C) shall not be disproportionate or overly burden the employees covered by the agreement, either in the amount of the cost savings sought from such employees or the nature of the modifications.

“(d)(1) If, after a period of negotiations, the trustee and the labor organization have not reached an agreement over mutually satisfactory modifications, and further negotiations are not likely to produce mutually satisfactory modifications, the trustee may file a motion seeking rejection of the collective bargaining agreement after notice and a hearing. Absent agreement of the parties, no such hearing shall be held before the expiration of the 21-day period beginning on the date on which notice of the hearing is provided to the labor organization representing the employees covered by the agreement. Only the debtor and the labor organization may appear and be heard at such hearing. An application for rejection shall seek rejection effective upon the entry of an order granting the relief.

“(2) In consideration of Federal policy encouraging the practice and process of collective bargaining and in recognition of the bargained-for expectations of the employees covered by the agreement, the court may grant a motion seeking rejection of a collective bargaining agreement only if, based on clear and convincing evidence—

“(A) the court finds that the trustee has complied with the requirements of subsection (c);

“(B) the court has considered alternative proposals by the labor organization and has concluded that such proposals do not meet the requirements of paragraph (3)(B) of subsection (c);

“(C) the court finds that further negotiations regarding the trustee's proposal or an alternative proposal by the labor organization are not likely to produce an agreement;

“(D) the court finds that implementation of the trustee's proposal shall not—

“(i) cause a material diminution in the purchasing power of the employees covered by the agreement;

“(ii) adversely affect the ability of the debtor to retain an experienced and qualified workforce; or

“(iii) impair the debtor's labor relations such that the ability to achieve a feasible reorganization would be compromised; and

“(E) the court concludes that rejection of the agreement and immediate implementation of the trustee's proposal is essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by liquidation, or the need for further financial reorganization, of the debtor (or any successor to the debtor) in the short term.

“(3) If the trustee has implemented a program of incentive pay, bonuses, or other financial returns for insiders, senior executive

officers, or the 20 next most highly compensated employees or consultants providing services to the debtor during the bankruptcy, or such a program was implemented within 180 days before the date of the filing of the petition, the court shall presume that the trustee has failed to satisfy the requirements of subsection (c)(3)(C).

“(4) In no case shall the court enter an order rejecting a collective bargaining agreement that would result in modifications to a level lower than the level proposed by the trustee in the proposal found by the court to have complied with the requirements of this section.

“(5) At any time after the date on which an order rejecting a collective bargaining agreement is entered, or in the case of an agreement entered into between the trustee and the labor organization providing mutually satisfactory modifications, at any time after such agreement has been entered into, the labor organization may apply to the court for an order seeking an increase in the level of wages or benefits, or relief from working conditions, based upon changed circumstances. The court shall grant the request only if the increase or other relief is not inconsistent with the standard set forth in paragraph (2)(E).

“(e) During a period in which a collective bargaining agreement at issue under this section continues in effect, and if essential to the continuation of the debtor's business or in order to avoid irreparable damage to the estate, the court, after notice and a hearing, may authorize the trustee to implement interim changes in the terms, conditions, wages, benefits, or work rules provided by the collective bargaining agreement. Any hearing under this subsection shall be scheduled in accordance with the needs of the trustee. The implementation of such interim changes shall not render the application for rejection moot.

“(f) Rejection of a collective bargaining agreement constitutes a breach of the agreement, and shall be effective no earlier than the entry of an order granting such relief. Notwithstanding the foregoing, solely for purposes of determining and allowing a claim arising from the rejection of a collective bargaining agreement, rejection shall be treated as rejection of an executory contract under section 365(g) and shall be allowed or disallowed in accordance with section 502(g)(1). No claim for rejection damages shall be limited by section 502(b)(7). Economic self-help by a labor organization shall be permitted upon a court order granting a motion to reject a collective bargaining agreement under subsection (d) or pursuant to subsection (e), and no provision of this title or of any other provision of Federal or State law may be construed to the contrary.

“(g) The trustee shall provide for the reasonable fees and costs incurred by a labor organization under this section, upon request and after notice and a hearing.

“(h) A collective bargaining agreement that is assumed shall be assumed in accordance with section 365.”

SEC. 202. PAYMENT OF INSURANCE BENEFITS TO RETIRED EMPLOYEES.

Section 1114 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting “, whether or not the debtor asserts a right to unilaterally modify such payments under such plan, fund, or program” before the period at the end;

(2) in subsection (b)(2), by inserting after “section” the following: “, and a labor organization serving as the authorized representative under subsection (c)(1),”;

(3) in subsection (f), by striking “(f)” and all that follows through paragraph (2) and inserting the following:

“(f)(1) If a trustee seeks modification of retiree benefits, then the trustee shall provide a notice to the authorized representative that modifications are being proposed pursuant to this section, and shall promptly provide an initial proposal. Thereafter, the trustee shall confer in good faith with the authorized representative at reasonable times and for a reasonable period in light of the complexity of the case in attempting to reach mutually satisfactory modifications.

“(2) The initial proposal and subsequent proposals by the trustee shall be based upon a business plan for the reorganization of the debtor and shall reflect the most complete and reliable information available. The trustee shall provide to the authorized representative all information that is relevant for the negotiations. The court may enter a protective order to prevent the disclosure of information if disclosure could compromise the debtor's position with respect to its competitors in the industry, subject to the needs of the authorized representative to evaluate the trustee's proposals and an application pursuant to subsection (g) or (h).

“(3) Modifications proposed by the trustee—

“(A) shall be proposed only as part of a program of workforce and nonworkforce cost savings devised for the reorganization of the debtor, including savings in management personnel costs;

“(B) shall be limited to modifications that are designed to achieve a specified aggregate financial contribution for the retiree group represented by the authorized representative (taking into consideration any cost savings implemented within the 12-month period before the date of filing of the petition with respect to the retiree group), and shall be no more than the minimum savings essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by the liquidation, or the need for further financial reorganization, of the debtor (or any successor to the debtor) in the short term; and

“(C) shall not be disproportionate or overly burden the retiree group, either in the amount of the cost savings sought from such group or the nature of the modifications.”;

(4) in subsection (g)—

(A) by striking “(g)” and all that follows through the semicolon at the end of paragraph (3) and inserting the following:

“(g)(1) If, after a period of negotiations, the trustee and the authorized representative have not reached agreement over mutually satisfactory modifications and further negotiations are not likely to produce mutually satisfactory modifications, then the trustee may file a motion seeking modifications in the payment of retiree benefits after notice and a hearing. Absent agreement of the parties, no such hearing shall be held before the expiration of the 21-day period beginning on the date on which notice of the hearing is provided to the authorized representative. Only the debtor and the authorized representative may appear and be heard at such hearing.

“(2) The court may grant a motion to modify the payment of retiree benefits only if, based on clear and convincing evidence—

“(A) the court finds that the trustee has complied with the requirements of subsection (f);

“(B) the court has considered alternative proposals by the authorized representative and has determined that such proposals do

not meet the requirements of subsection (f)(3)(B);

“(C) the court finds that further negotiations regarding the trustee’s proposal or an alternative proposal by the authorized representative are not likely to produce a mutually satisfactory agreement;

“(D) the court finds that implementation of the proposal shall not cause irreparable harm to the affected retirees; and

“(E) the court concludes that an order granting the motion and immediate implementation of the trustee’s proposal is essential to permit the debtor to exit bankruptcy, such that confirmation of a plan of reorganization is not likely to be followed by liquidation, or the need for further financial reorganization, of the debtor (or a successor to the debtor) in the short term.

“(3) If a trustee has implemented a program of incentive pay, bonuses, or other financial returns for insiders, senior executive officers, or the 20 next most highly-compensated employees or consultants providing services to the debtor during the bankruptcy, or such a program was implemented within 180 days before the date of the filing of the petition, the court shall presume that the trustee has failed to satisfy the requirements of subparagraph (f)(3)(C).”; and

(B) by striking “except that in no case” and inserting the following:

“(4) In no case”; and

(5) by striking subsection (k) and redesignating subsections (l) and (m) as subsections (k) and (l), respectively.

SEC. 203. PROTECTION OF EMPLOYEE BENEFITS IN A SALE OF ASSETS.

Section 363(b) of title 11, United States Code, is amended by adding at the end the following:

“(3) In approving a sale under this subsection, the court shall consider the extent to which a bidder has offered to maintain existing jobs, preserve terms and conditions of employment, and assume or match pension and retiree health benefit obligations in determining whether an offer constitutes the highest or best offer for such property.”.

SEC. 204. CLAIM FOR PENSION LOSSES.

Section 502 of title 11, United States Code, is amended by adding at the end the following:

“(1) The court shall allow a claim asserted by an active or retired participant, or by a labor organization representing such participants, in a defined benefit plan terminated under section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, for any shortfall in pension benefits accrued as of the effective date of the termination of such pension plan as a result of the termination of the plan and limitations upon the payment of benefits imposed pursuant to section 4022 of such Act, notwithstanding any claim asserted and collected by the Pension Benefit Guaranty Corporation with respect to such termination.

“(m) The court shall allow a claim of a kind described in section 101(5)(C) by an active or retired participant in a defined contribution plan (within the meaning of section 3(34) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(34))), or by a labor organization representing such participants. The amount of such claim shall be measured by the market value of the stock at the time of contribution to, or purchase by, the plan and the value as of the commencement of the case.”.

SEC. 205. PAYMENTS BY SECURED LENDER.

Section 506(c) of title 11, United States Code, is amended by adding at the end the following: “If employees have not received

wages, accrued vacation, severance, or other benefits owed under the policies and practices of the debtor, or pursuant to the terms of a collective bargaining agreement, for services rendered on and after the date of the commencement of the case, then such unpaid obligations shall be deemed necessary costs and expenses of preserving, or disposing of, property securing an allowed secured claim and shall be recovered even if the trustee has otherwise waived the provisions of this subsection under an agreement with the holder of the allowed secured claim or a successor or predecessor in interest.”.

SEC. 206. PRESERVATION OF JOBS AND BENEFITS.

Title 11, United States Code, is amended—

(1) by inserting before section 1101 the following:

“SEC. 1100. STATEMENT OF PURPOSE.

“A debtor commencing a case under this chapter shall have as its principal purpose the reorganization of its business to preserve going concern value to the maximum extent possible through the productive use of its assets and the preservation of jobs that will sustain productive economic activity.”;

(2) in section 1129(a), as amended by section 104, by adding at the end the following:

“(18) The debtor has demonstrated that the reorganization preserves going concern value to the maximum extent possible through the productive use of the debtor’s assets and preserves jobs that sustain productive economic activity.”;

(3) in section 1129(c), by striking the last sentence and inserting the following: “If the requirements of subsections (a) and (b) are met with respect to more than 1 plan, the court shall, in determining which plan to confirm—

“(1) consider the extent to which each plan would preserve going concern value through the productive use of the debtor’s assets and the preservation of jobs that sustain productive economic activity; and

“(2) confirm the plan that better serves such interests.

A plan that incorporates the terms of a settlement with a labor organization representing employees of the debtor shall presumptively constitute the plan that satisfies this subsection.”; and

(4) in the table of sections for chapter 11, by inserting the following before the item relating to section 1101:

“1100. Statement of purpose.”.

SEC. 207. TERMINATION OF EXCLUSIVITY.

Section 1121(d) of title 11, United States Code, is amended by adding at the end the following:

“(3) For purposes of this subsection, cause for reducing the 120-day period or the 180-day period includes the following:

“(A) The filing of a motion pursuant to section 1113 seeking rejection of a collective bargaining agreement if a plan based upon an alternative proposal by the labor organization is reasonably likely to be confirmed within a reasonable time.

“(B) The proposed filing of a plan by a proponent other than the debtor, which incorporates the terms of a settlement with a labor organization if such plan is reasonably likely to be confirmed within a reasonable time.”.

SEC. 208. CLAIM FOR WITHDRAWAL LIABILITY.

Section 503(b) of title 11, United States Code, as amended by section 103 of this Act, is amended by adding at the end the following:

“(11) with respect to withdrawal liability owed to a multiemployer pension plan for a

complete or partial withdrawal pursuant to section 4201 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1381) where such withdrawal occurs on or after the commencement of the case, an amount equal to the amount of vested benefits payable from such pension plan that accrued as a result of employees’ services rendered to the debtor during the period beginning on the date of commencement of the case and ending on the date of the withdrawal from the plan.”.

TITLE III—RESTRICTING EXECUTIVE COMPENSATION PROGRAMS

SEC. 301. EXECUTIVE COMPENSATION UPON EXIT FROM BANKRUPTCY.

Section 1129(a) of title 11, United States Code, is amended—

(1) in paragraph (4), by adding at the end the following: “Except for compensation subject to review under paragraph (5), payments or other distributions under the plan to or for the benefit of insiders, senior executive officers, and any of the 20 next most highly compensated employees or consultants providing services to the debtor, shall not be approved except as part of a program of payments or distributions generally applicable to employees of the debtor, and only to the extent that the court determines that such payments are not excessive or disproportionate compared to distributions to the debtor’s nonmanagement workforce.”; and

(2) in paragraph (5)—

(A) in subparagraph (A)(ii), by striking “and” at the end; and

(B) in subparagraph (B), by striking the period at the end and inserting the following: “; and

“(C) the compensation disclosed pursuant to subparagraph (B) has been approved by, or is subject to the approval of, the court as reasonable when compared to individuals holding comparable positions at comparable companies in the same industry and not disproportionate in light of economic concessions by the debtor’s nonmanagement workforce during the case.”.

SEC. 302. LIMITATIONS ON EXECUTIVE COMPENSATION ENHANCEMENTS.

Section 503(c) of title 11, United States Code, is amended—

(1) in paragraph (1)—

(A) by inserting “, a senior executive officer, or any of the 20 next most highly compensated employees or consultants” after “an insider”; and

(B) by inserting “or for the payment of performance or incentive compensation, or a bonus of any kind, or other financial returns designed to replace or enhance incentive, stock, or other compensation in effect before the date of the commencement of the case,” after “remain with the debtor’s business,”; and

(C) by inserting “clear and convincing” before “evidence in the record”; and

(2) by amending paragraph (3) to read as follows:

“(3) other transfers or obligations, to or for the benefit of insiders, senior executive officers, managers, or consultants providing services to the debtor, in the absence of a finding by the court, based upon clear and convincing evidence, and without deference to the debtor’s request for such payments, that such transfers or obligations are essential to the survival of the debtor’s business or (in the case of a liquidation of some or all of the debtor’s assets) essential to the orderly liquidation and maximization of value of the assets of the debtor, in either case, because of the essential nature of the services provided, and then only to the extent that

the court finds such transfers or obligations are reasonable compared to individuals holding comparable positions at comparable companies in the same industry and not disproportionate in light of economic concessions by the debtor's nonmanagement workforce during the case."

SEC. 303. ASSUMPTION OF EXECUTIVE BENEFIT PLANS.

Section 365 of title 11, United States Code, is amended—

(1) in subsection (a), by striking "and (d)" and inserting "(d), (q), and (r)"; and

(2) by adding at the end the following:

"(q) No deferred compensation arrangement for the benefit of insiders, senior executive officers, or any of the 20 next most highly compensated employees of the debtor shall be assumed if a defined benefit plan for employees of the debtor has been terminated pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, on or after the date of the commencement of the case or within 180 days before the date of the commencement of the case.

"(r) No plan, fund, program, or contract to provide retiree benefits for insiders, senior executive officers, or any of the 20 next most highly compensated employees of the debtor shall be assumed if the debtor has obtained relief under subsection (g) or (h) of section 1114 to impose reductions in retiree benefits or under subsection (d) or (e) of section 1113 to impose reductions in the health benefits of active employees of the debtor, or reduced or eliminated health benefits for active or retired employees within 180 days before the date of the commencement of the case."

SEC. 304. RECOVERY OF EXECUTIVE COMPENSATION.

Title 11, United States Code, is amended by inserting after section 562 the following:

"SEC. 563. RECOVERY OF EXECUTIVE COMPENSATION.

"(a) If a debtor has obtained relief under subsection (d) of section 1113, or subsection (g) of section 1114, by which the debtor reduces the cost of its obligations under a collective bargaining agreement or a plan, fund, or program for retiree benefits as defined in section 1114(a), the court, in granting relief, shall determine the percentage diminution in the value of the obligations when compared to the debtor's obligations under the collective bargaining agreement, or with respect to retiree benefits, as of the date of the commencement of the case under this title before granting such relief. In making its determination, the court shall include reductions in benefits, if any, as a result of the termination pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, of a defined benefit plan administered by the debtor, or for which the debtor is a contributing employer, effective at any time on or after 180 days before the date of the commencement of a case under this title. The court shall not take into account pension benefits paid or payable under of such Act as a result of any such termination.

"(b) If a defined benefit pension plan administered by the debtor, or for which the debtor is a contributing employer, has been terminated pursuant to section 4041 or 4042 of the Employee Retirement Income Security Act of 1974, effective at any time on or after 180 days before the date of the commencement of a case under this title, but a debtor has not obtained relief under subsection (d) of section 1113, or subsection (g) of section 1114, then the court, upon motion of a party in interest, shall determine the percentage diminution in the value of benefit obliga-

tions when compared to the total benefit liabilities before such termination. The court shall not take into account pension benefits paid or payable under title IV of the Employee Retirement Income Security Act of 1974 as a result of any such termination.

"(c) Upon the determination of the percentage diminution in value under subsection (a) or (b), the estate shall have a claim for the return of the same percentage of the compensation paid, directly or indirectly (including any transfer to a self-settled trust or similar device, or to a non-qualified deferred compensation plan under section 409A(d)(1) of the Internal Revenue Code of 1986) to any officer of the debtor serving as member of the board of directors of the debtor within the year before the date of the commencement of the case, and any individual serving as chairman or lead director of the board of directors at the time of the granting of relief under section 1113 or 1114 or, if no such relief has been granted, the termination of the defined benefit plan.

"(d) The trustee or a committee appointed pursuant to section 1102 may commence an action to recover such claims, except that if neither the trustee nor such committee commences an action to recover such claim by the first date set for the hearing on the confirmation of plan under section 1129, any party in interest may apply to the court for authority to recover such claim for the benefit of the estate. The costs of recovery shall be borne by the estate.

"(e) The court shall not award postpetition compensation under section 503(c) or otherwise to any person subject to subsection (c) if there is a reasonable likelihood that such compensation is intended to reimburse or replace compensation recovered by the estate under this section."

SEC. 305. PREFERENTIAL COMPENSATION TRANSFER.

Section 547 of title 11, United States Code, is amended by adding at the end the following:

"(j) The trustee may avoid a transfer to or for the benefit of an insider (including an obligation incurred for the benefit of an insider under an employment contract) made in anticipation of bankruptcy, or a transfer made in anticipation of bankruptcy to a consultant who is formerly an insider and who is retained to provide services to an entity that becomes a debtor (including an obligation under a contract to provide services to such entity or to a debtor) made or incurred on or within 1 year before the filing of the petition. No provision of subsection (c) shall constitute a defense against the recovery of such transfer. The trustee or a committee appointed pursuant to section 1102 may commence an action to recover such transfer, except that, if neither the trustee nor such committee commences an action to recover such transfer by the time of the commencement of a hearing on the confirmation of a plan under section 1129, any party in interest may apply to the court for authority to recover the claims for the benefit of the estate. The costs of recovery shall be borne by the estate."

TITLE IV—OTHER PROVISIONS

SEC. 401. UNION PROOF OF CLAIM.

Section 501(a) of title 11, United States Code, is amended by inserting ", including a labor organization," after "A creditor".

SEC. 402. EXCEPTION FROM AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (27), by striking "and" at the end;

(2) in paragraph (28), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(29) of the commencement or continuation of a grievance, arbitration, or similar dispute resolution proceeding established by a collective bargaining agreement that was or could have been commenced against the debtor before the filing of a case under this title, or the payment or enforcement of an award or settlement under such proceeding."

By Mr. GRASSLEY (for himself, Mr. KYL, Mr. CORNYN, Mr. LEE, Mr. PAUL, and Mr. COBURN):

S. 3382. A bill to impose certain limitations on consent decrees and settlement agreements by agencies that require the agencies to take regulatory action in accordance with the terms thereof, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I rise today to introduce important regulatory reform legislation.

Recently, when describing the state of our economy, President Obama said that the private sector was "doing fine."

I disagree. I think that the American people disagree with the President's statement.

There are 12.7 million Americans unemployed and another 8.2 million underemployed. 5.4 million Americans have been unemployed for 27 weeks or more.

That's not "doing fine."

The Federal Government needs to do everything possible to create an environment that will allow private sector employers to create jobs. To accomplish that, common sense would tell us that the government needs to remove barriers to job creation rather than erect new ones. The Federal Government needs to listen to employers so it can learn from them exactly what it can do to help.

Unfortunately, the Obama administration hasn't listened. In fact, unbelievably it is actually doing the opposite of what employers are saying they need.

Employers are saying that they need relief from job killing regulations.

For example, according to a Gallup survey, small-business owners in the United States are most likely to say that complying with government regulations is the biggest problem facing them today.

Indeed, the burden of regulations is overwhelming. Recently, the Small Business Administration estimated that the Federal regulatory burden has reached \$1.75 trillion per year.

So what has the Obama administration's response been?

It is planning to increase the number of regulations.

The Obama administration's regulatory agenda has thousands of regulations in its production line, more than a hundred of which will have a major impact on the economy. Those are on

top of more than one thousand regulations already completed.

I am sorry to say that the news gets even worse. On top of the thousands of new regulations it to impose, it appears that the administration is trying to get around the procedures governing how regulations are enacted.

In recent years, consent decrees and settlement agreements have been used to circumvent the laws and procedures that govern how regulations are enacted and to speed up the process in ways that limit the public's ability to fully participate and to exercise the rights guaranteed by our laws.

These consent decrees or settlement agreements may come as a surprise to the regulated industry and the public. They usually establish truncated deadlines for the agency to promulgate a regulation.

The lack of advance notice and the expedited schedule for the proposal and promulgation of regulations allows an agency to avoid the input that comes with meaningful public participation. It may also allow agencies to short-circuit the analytical requirements of regulatory process statutes, such as the Administrative Procedure Act. Expedited deadlines further allow agencies to undercut the review of proposed regulations by the Office of Management and Budget's Office of Information and Regulatory Affairs OIRA.

The practice of using consent decrees and settlement agreements to enact regulations has become known as "sue-and-settle" litigation.

The dangers of sue-and-settle litigation and of government by consent decree are not a new problem.

Nearly 30 years ago, Judge Malcom Wilkey of the D.C. Circuit warned about the dangers of collusive consent decrees. In his dissenting opinion in *Citizens for a Better Environment v. Gorsuch*, Judge Wilkey explained:

Government by consent decree enshrines at its very center those special interest groups who are party to the decree. They stand in a strong tactical position to oppose changing the decree, and so likely will enjoy material influence on proposed changes in agency policy.

As a policy device, then, government by consent decree serves no necessary end. It opens the door to unforeseeable mischief; it degrades the institutions of representative democracy and augments the power of special interest groups. It does all of this in a society that hardly needs new devices that emasculate representative democracy and strengthen the power of special interests.

Because the Obama administration is trying to dramatically increase the number of regulations, we must make sure that the laws and procedures governing rulemaking are followed and followed in a meaningful way.

The debate about sue-and-settle litigation is important because it raises questions about fairness, transparency and public participation in administrative rulemaking. It also raises the

issue of whether meaningful judicial review is taking place.

Under the Administrative Procedure Act and other laws, the public and affected persons, in particular, have a right to adequate notice and an opportunity to comment on a proposed regulation. They also have a right to have their comments fully considered.

However, when sue-and-settle litigation is used real, public participation is effectively eliminated.

Generally speaking, the agreement on how to regulate is reached without the full input of the people and businesses that are affected. Discussions are held and agreements may be reached between government officials and special interest groups outside the public process. This is particularly true where career employees and political appointees at agencies share the agenda of the special interest group suing the agency and use the lawsuit as an opportunity to implement their common goals.

Also, the negotiated deadlines for creating the new regulation can be so accelerated that the public's comments might receive little or no true consideration.

Keep in mind that these regulations often involve complex scientific and economic issues. Those issues cannot generally be fully and properly considered under a truncated time frame.

Another fundamental aspect of rule-making is the opportunity to challenge a decision by participating as an intervenor. However, with sue-and-settle litigation, special interest groups and the government may reach an agreement before a lawsuit is even filed. This eliminates the opportunity for members of the public to intervene in the case to protect their interests.

Even where a settlement occurs after affected parties may have been granted intervention, these parties have little or no chance to participate in settlement discussions because they are not invited by the government and the special interest groups.

Moreover, when an agency creates a regulation through sue-and-settle litigation, it reorganizes its work by promising to take specific actions at specific times, before or instead of other projects that may be of greater benefit to the public.

Also, sue-and-settle litigation helps officials and administrations to avoid accountability. Instead of having to answer to the public for controversial regulations and policy decisions, officials are able to point to a court order and maintain that they were required or forced to promulgate a controversial regulation.

The case of American Nurses Association v. Jackson is an example of the sue-and-settle phenomenon.

In that case, a group of environmental organizations sued the Environmental Protection Agency, EPA, in De-

cember 2008, challenging the agency's failure to create emissions standards for pollutants from power plants under the Clean Air Act. Subsequently, the Utility Air Regulatory Group, UARG, representing the utility industry, intervened as a defendant in the case.

On October 22, 2009, the plaintiffs and the EPA filed a proposed consent decree. It was the result of a deal struck exclusively between them. They did not include the UARG in their discussions. Although the judge expressed concerns about the exclusion of the UARG from the settlement discussions, she was satisfied when the plaintiffs and the EPA informed her that this practice was the "norm."

Under the consent decree, the EPA conceded that it had failed to perform a mandatory duty under the Clean Air Act by failing to issue a "maximum achievable control technology", MACT, regulation for power plants. The EPA pledged that it would issue a proposed regulation by March 16, 2011 and a final regulation by November 16, 2011.

The UARG objected to the consent decree. It argued that the proposed decree improperly limited the government's discretion because it required the EPA to find that standards under 112(d) of the Clean Air Act were required. Consequently, the decree prevented the agency from either declining to issue standards or adopting other standards instead of the more burdensome MACT standard.

Although acknowledging the significance of the UARG's arguments, the judge nevertheless rejected them in its short opinion approving the consent decree.

As to the language limiting the EPA's discretion in the rulemaking, the judge stated that the EPA believed itself to be obligated to promulgate 112(d) standards and, "and by entering this consent decree the Court [wa]s only accepting the parties' agreement to settle, not adjudicating whether EPA's legal position [wa]s correct." The judge simply believed that "[i]f necessary, [the] UARG [could] challenge [the] EPA's final rule and its legal position."

With regard to the UARG's argument that the time frame within which the EPA proposed to carry out the rulemaking was insufficient, the judge noted that she "appreciate[d]" the concern that the schedule was too short for the critical and expensive regulatory decisions that would be made. Nevertheless, she held that it was enough that the proposed consent decree allowed for a change of the schedule if needed.

The judge's reasoning on this point was interesting given that she acknowledged in a footnote that under the consent decree, the UARG could not petition for an extension of the deadlines.

In the end, the judge acknowledged that the concerns raised by the UARG were not insubstantial. However, she did not believe that she could gauge the adequacy, or lack thereof, of the schedule. Consequently, in a somewhat cavalier manner the judge concluded that: "[s]hould haste make waste, the resulting regulations will be subject to successful challenge". . . . If EPA needs more time to get it right, it can seek more time."

Unfortunately, it appears that the EPA's proposed regulation contained significant errors. Indeed, the EPA did not analyze the impact of its regulation on electric reliability or provide sufficient time for industry to do so.

In November of 2011, the UARG brought its concerns to the judge, asking for relief from the consent decree.

In particular, it argued that more time was needed to respond to the voluminous comments submitted during the rulemaking process, to fix the serious flaws, and to then more carefully consider the promulgation of a rule with such serious and far-reaching consequences. For example, the schedule under the consent decree only allowed 104 days for the EPA to consider and respond to 20,000 unique, public comments received before it published the final rule. In total, there were 960,000 comments submitted.

The UARG's motion was supported by twenty-four states and Governor Terry Branstad on behalf of the people of Iowa. As part of their amicus brief, they pointed out that the American Coalition for Clean Coal Electricity, ACCCE, had estimated that the rule promulgated under the consent decree would result in the loss of 1.44 million jobs in the United States between 2013 and 2020. Because of the rule, the ACCCE also predicts national electricity price increases in 2016 to average 11.5 percent, with an increase of 23.5 percent in some regions.

The EPA issued a final rule on December 21, 2011, and has argued that the UARG's motion is moot.

As it stands, the rule is among the most costly of rules ever promulgated by the EPA with the agency estimating that the annualized cost at \$9.6 billion in 2015. Industry estimates are even higher. Petitions for reconsideration of the rule are pending and more lawsuits are likely.

The EPA could have done it right the first time by crafting a sensible, workable rule that both protects the environment and can be implemented without causing unnecessary job losses or higher electricity prices for hard-working families. Instead, we have flawed, controversial regulation that may have to be rewritten.

Although we don't know how this will all turn out, we have to remember that the process by which this rule was created was the product of a consent decree.

In sum, when special interest groups and agencies engage in sue-and-settle litigation, the end product is a regulation that implements the priorities of the special interest groups. Moreover, these regulations are created under schedules that render notice-and-comment rights a mere formality, eliminating the opportunities for regulated entities, the public and the OIRA to have any input on the content of final regulations.

That is why I'm introducing the Sunshine for Regulatory Decrees and Settlements Act of 2012. Senators KYL, CORNYN, COBURN, LEE and PAUL are co-sponsors of the bill.

Representative BENJAMIN QUAYLE of Arizona has introduced a companion bill in the House.

The Sunshine bill endeavors to solve the problems I have outlined. It does this by enacting reasonable pro-transparency measures. I'll just outline a few of those measures.

First, the Sunshine bill provides for greater transparency, requiring agencies publicly to post and report to Congress information on sue-and-settle complaints, decrees and settlements.

Second, the bill prohibits same-day filing of complaints and pre-negotiated consent decrees and settlement agreements in cases seeking to compel agency action. Instead, it requires that consent decrees and settlement agreements be filed only after interested parties have been able to intervene in the litigation and join settlement negotiations and only after any proposed decree or settlement has been published for notice and comment.

Third, the Sunshine bill requires courts considering whether to approve proposed consent decrees and settlement agreements to account for public comments and compliance with regulatory process statutes and executive orders. This bill would facilitate public participation by allowing comment on any issue related to the matters alleged in the complaint or addressed in the proposed agreement. Government agencies would be required to respond to comments, and the court would assess whether the proposed schedule allows sufficient time for real and meaningful, public comment on the regulation.

Fourth, the bill requires the Attorney General or, where appropriate, the defendant agency's head, to certify to the court that he or she has approved any proposed consent decree or settlement agreement that includes terms that: convert into a duty a discretionary authority of an agency to propose, promulgate, revise, or amend regulations, commit an agency to expend funds that have not been appropriated and budgeted, commit an agency to seek a particular appropriation or budget authorization, divest an agency of discretion committed to it by statute or the Constitution, or otherwise

afford any relief that the court could not enter under its own authority.

Finally, the Sunshine bill makes it easier for succeeding administrations to successfully move the courts for modifications of a prior administration's consent decrees by providing for de novo review of motions to modify if the circumstances have changed.

Sue-and-settle litigation damages the transparency, public participation and judicial review protections Congress has guaranteed for all of our citizens in the rulemaking process.

Regulations are laws. The procedure and process used to create them are important. They are part of our system. The American system of law-making and judicial review is a model for the world. Our system should not be distorted or manipulated.

Regulations must be made in the open, through the procedures and processes established under our laws.

The Sunshine for Regulatory Decrees and Settlements Act will help to ensure that established and well-grounded protections remain in place, while maintaining the government's ability to enter into consent decrees and settlement agreements, when appropriate.

I urge all of my colleagues to work with me and to support this legislation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2532. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table.

SA 2533. Mr. BARRASSO (for himself, Mr. HATCH, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 2237, *supra*; which was ordered to lie on the table.

SA 2534. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2237, *supra*; which was ordered to lie on the table.

SA 2535. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2237, *supra*; which was ordered to lie on the table.

SA 2536. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2237, *supra*; which was ordered to lie on the table.

SA 2537. Mr. COBURN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 2237, *supra*; which was ordered to lie on the table.

SA 2538. Mr. KYL (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 2237, *supra*; which was ordered to lie on the table.

SA 2539. Mr. KYL (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 2237, *supra*; which was ordered to lie on the table.

SA 2540. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2237, *supra*; which was ordered to lie on the table.

SA 2541. Mr. PAUL submitted an amendment intended to be proposed by him to the

bill S. 2237, supra; which was ordered to lie on the table.

SA 2542. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2543. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2544. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2545. Mr. MANCHIN (for himself and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2546. Mrs. SHAHEEN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2547. Mr. ROBERTS (for himself, Mr. HATCH, Mr. RUBIO, Mr. BURR, Ms. COLLINS, Mr. BROWN of Massachusetts, Mr. COBURN, Mr. ALEXANDER, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2548. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2549. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2550. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2551. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2552. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, supra; which was ordered to lie on the table.

SA 2553. Mr. REID (for Mrs. GILLIBRAND (for herself, Mr. ISAKSON, Mr. CHAMBLISS, and Mr. DURBIN)) proposed an amendment to the bill H.R. 2527, to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

TEXT OF AMENDMENTS

SA 2532. Mr. VITTER submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . SUSPENSION OF FINES FOR FIRST-TIME PAPERWORK VIOLATIONS BY SMALL BUSINESS CONCERNS.

Section 3506 of title 44, United States Code (commonly referred to as the "Paperwork Reduction Act"), is amended by adding at the end the following:

"(j) SMALL BUSINESSES.—

"(1) SMALL BUSINESS CONCERN.—In this subsection, the term 'small business concern' has the same meaning given as in section 3 of the Small Business Act (15 U.S.C. 632).

"(2) IN GENERAL.—In the case of a first-time violation by a small business concern of a requirement regarding the collection of information by an agency, the head of the agency shall not impose a civil fine on the small business concern unless the head of the agency determines that—

"(A) the violation has the potential to cause serious harm to the public interest;

"(B) failure to impose a civil fine would impede or interfere with the detection of criminal activity;

"(C) the violation is a violation of an internal revenue law or a law concerning the assessment or collection of any tax, debt, revenue, or receipt;

"(D) the violation was not corrected on or before the date that is 6 months after the date on which the small business concern receives notification of the violation in writing from the agency; or

"(E) except as provided in paragraph (3), the violation presents a danger to the public health or safety.

"(3) DANGER TO PUBLIC HEALTH OR SAFETY.—

"(A) IN GENERAL.—In any case in which the head of an agency determines under paragraph (2)(E) that a violation presents a danger to the public health or safety, the head of the agency may, notwithstanding paragraph (2)(E), determine not to impose a civil fine on the small business concern if the violation is corrected not later than 24 hours after receipt by the owner of the small business concern of notification of the violation in writing.

"(B) CONSIDERATIONS.—In determining whether to allow a small business concern 24 hours to correct a violation under subparagraph (A), the head of an agency shall take into account all of the facts and circumstances regarding the violation, including—

"(i) the nature and seriousness of the violation, including whether the violation is technical or inadvertent or involves willful or criminal conduct;

"(ii) whether the small business concern has made a good faith effort to comply with applicable laws and to remedy the violation within the shortest practicable period of time; and

"(iii) whether the small business concern has obtained a significant economic benefit from the violation.

"(C) NOTICE TO CONGRESS.—In any case in which the head of an agency imposes a civil fine on a small business concern for a violation that presents a danger to the public health or safety and does not allow the small business concern 24 hours to correct the violation under subparagraph (A), the head of the agency shall notify Congress regarding the determination not later than 60 days after the date on which the civil fine is imposed by the agency.

"(4) LIMITED TO FIRST-TIME VIOLATIONS.—

"(A) IN GENERAL.—This subsection shall not apply to any violation by a small business concern of a requirement regarding collection of information by an agency if the small business concern previously violated

any requirement regarding collection of information by the agency.

"(B) OTHER AGENCIES.—For purposes of making a determination under subparagraph (A), the head of an agency shall not take into account any violation of a requirement regarding collection of information by another agency."

SA 2533. Mr. BARRASSO (for himself, Mr. HATCH, and Ms. SNOWE) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . PROTECTING PATIENTS FROM HIGHER PREMIUMS.

Section 9010 of the Patient Protection and Affordable Care Act (Public Law 111-148), as amended by section 10905 of such Act and by section 1406 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), is repealed.

SA 2534. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . NO MORTGAGE INTEREST DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 163(h)(4) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(G) NO DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.—

"(i) IN GENERAL.—Except as provided in clause (ii), no deduction shall be allowed by reason of paragraph (2)(D) for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than \$1,000,000 for such taxable year.

"(ii) TERMINATION.—Clause (i) shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 4 through 11 of the Small Business Jobs and Tax Relief Act matches dollar for dollar the decrease in revenue attributable to the enactment of sections 2 and 3 of such Act."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. ____ . NO RENTAL EXPENSE DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.

(a) IN GENERAL.—Section 212 of the Internal Revenue Code of 1986 is amended by adding at the end the following new flush sentence:

"Paragraph (2) shall not apply for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than \$1,000,000 for such taxable year. The preceding sentence shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 4 through 11 of the Small Business Jobs and

Tax Relief Act matches dollar for dollar the decrease in revenue attributable to the enactment of sections 2 and 3 of such Act.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. —. NO GAMBLING LOSS DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.

(a) **IN GENERAL.**—Section 165(d) of the Internal Revenue Code of 1986 is amended by adding at the end the following: “In the case of a taxpayer with an adjusted gross income equal to or greater than \$1,000,000 for the taxable year, the preceding sentence shall not apply for any taxable year beginning before the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 4 through 11 of the Small Business Jobs and Tax Relief Act matches dollar for dollar the decrease in revenue attributable to the enactment of sections 2 and 3 of such Act.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. —. NO DISCHARGE OF INDEBTEDNESS DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.

(a) **IN GENERAL.**—Section 108 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

“(j) **NO DEDUCTION FOR MILLIONAIRES AND BILLIONAIRES.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), no exclusion shall be allowed by reason of this section for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than \$1,000,000 for such taxable year.

“(2) **TERMINATION.**—Paragraph (1) shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 4 through 11 of the Small Business Jobs and Tax Relief Act matches dollar for dollar the decrease in revenue attributable to the enactment of sections 2 and 3 of such Act.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. —. NO ELECTRIC PLUG-IN VEHICLE TAX CREDIT FOR MILLIONAIRES AND BILLIONAIRES.

(a) **IN GENERAL.**—Section 30D(f) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(8) **NO CREDIT FOR MILLIONAIRES AND BILLIONAIRES.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), no credit described in subsection (c)(2) shall be allowed under this section for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than \$1,000,000 for such taxable year.

“(B) **TERMINATION.**—Subparagraph (A) shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 4 through 11 of the Small Business Jobs and Tax Relief Act matches dollar for dollar the decrease in revenue attributable to the enactment of sections 2 and 3 of such Act.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. —. NO HOUSEHOLD AND DEPENDENT CARE CREDIT FOR MILLIONAIRES AND BILLIONAIRES.

(a) **IN GENERAL.**—Section 21 of the Internal Revenue Code of 1986 is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

“(f) **NO CREDIT FOR MILLIONAIRES AND BILLIONAIRES.**—

“(1) **IN GENERAL.**—Except as provided in paragraph (2), no credit shall be allowed under this section for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than \$1,000,000 for such taxable year.

“(2) **TERMINATION.**—Paragraph (1) shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 4 through 11 of the Small Business Jobs and Tax Relief Act matches dollar for dollar the decrease in revenue attributable to the enactment of sections 2 and 3 of such Act.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. —. NO RESIDENTIAL ENERGY EFFICIENT PROPERTY CREDIT FOR MILLIONAIRES AND BILLIONAIRES.

(a) **IN GENERAL.**—Section 25D(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

“(9) **NO CREDIT FOR MILLIONAIRES AND BILLIONAIRES.**—

“(A) **IN GENERAL.**—Except as provided in subparagraph (B), no credit shall be allowed under this section for any taxable year with respect to any taxpayer with an adjusted gross income equal to or greater than \$1,000,000 for such taxable year.

“(B) **TERMINATION.**—Subparagraph (A) shall not apply to any taxable year beginning after the date on which the aggregate savings from the elimination of the deductions and credits for millionaires attributable to the enactment of sections 4 through 11 of the Small Business Jobs and Tax Relief Act matches dollar for dollar the decrease in revenue attributable to the enactment of sections 2 and 3 of such Act.”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SA 2535. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. —. REQUIRING HIGHER INCOME INDIVIDUALS TO PAY MORE FOR THEIR SHARE OF MEDICARE PART B.

(a) **IN GENERAL.**—Section 1839 of the Social Security Act (42 U.S.C. 1395r) is amended by adding at the end the following new subsection:

“(j) **PAYMENT OF UNSUBSIDIZED PART B PREMIUM AMOUNT BY HIGHER INCOME INDIVIDUALS.**—

“(1) **IN GENERAL.**—In the case of an individual whose modified adjusted gross income exceeds the applicable amount described in paragraph (2), the monthly premium determined under subsection (a) for a month after December 2012 shall be equal to the unsub-

sized part B premium amount, adjusted as required in accordance with subsections (b), (c), and (f), and to reflect any credit under section 1854(b)(1)(C)(ii)(III).

“(2) **APPLICABLE AMOUNT DESCRIBED.**—

“(A) **IN GENERAL.**—For purposes of paragraph (1), subject to subparagraph (C), the applicable amount described in this paragraph is \$150,000.

“(B) **JOINT RETURNS.**—In the case of a joint return, subparagraph (A) shall be applied by substituting a dollar amount which is twice the dollar amount otherwise applicable under such subparagraph for the calendar year.

“(C) **INFLATION ADJUSTMENT.**—In the case of any calendar year beginning after 2013, each dollar amount in this paragraph shall be increased as described in subsection (i)(5).

“(3) **DEFINITIONS.**—In this subsection:

“(A) **MODIFIED ADJUSTED GROSS INCOME.**—The term ‘modified adjusted gross income’ has the meaning given such term in subparagraph (A) of subsection (i)(4), determined for the taxable year applicable under subparagraphs (B) and (C) of such section.

“(B) **UNSUBSIDIZED PART B PREMIUM AMOUNT.**—The term ‘unsubsidized part B premium amount’ means 200 percent of the monthly actuarial rate for enrollees age 65 and over (as determined under subsection (a)(1) for the year).”.

(b) **CONFORMING AMENDMENTS.**—(1) Section 1839(b) of the Social Security Act (42 U.S.C. 1395r(b)) is amended by inserting “, subject to subsection (j),” before “(without regard” in the first sentence.

(2) The table in section 1839(i)(3)(C) of the Social Security Act (42 U.S.C. 1395r(i)(3)(C)) is amended—

(A) in the second line—

(i) by striking “but not more than \$150,000” and inserting “but not more than the applicable amount described in subsection (j)(2)”; and

(ii) by adding a period at the end; and

(B) by striking the third and fourth lines.

(3) Section 1844 of the Social Security Act (42 U.S.C. 1395w) is amended, in each of subsections (a)(1)(C) and (c), by striking “section 1839(i)” and inserting “subsections (i) and (j) of section 1839”.

(c) **EFFECTIVE DATE.**—The amendments made by this section shall apply to months after December 2012.

SEC. —. REQUIRING HIGHER INCOME INDIVIDUALS TO PAY MORE FOR THEIR SHARE OF MEDICARE PART D.

(a) **IN GENERAL.**—Section 1860D–13(a) of the Social Security Act (42 U.S.C. 1395w–113(a)) is amended by adding at the end the following new paragraph:

“(8) **PAYMENT OF UNSUBSIDIZED PART D PREMIUM AMOUNT BY HIGHER INCOME INDIVIDUALS.**—

“(A) **IN GENERAL.**—In the case of an individual whose modified adjusted gross income exceeds the applicable amount described in section 1839(j)(2) (including application of subparagraph (C) of such section) for the calendar year, the monthly amount of the beneficiary premium applicable under this section for a month after December 2012 shall be equal to the unsubsidized part D premium amount.

“(B) **DEFINITIONS.**—In this paragraph:

“(i) **MODIFIED ADJUSTED GROSS INCOME.**—The term ‘modified adjusted gross income’ has the meaning given such term in subparagraph (A) of subsection (i)(4), determined for the taxable year applicable under subparagraphs (B) and (C) of such section.

“(ii) **UNSUBSIDIZED PART D PREMIUM AMOUNT.**—The term ‘unsubsidized part D premium amount’ means the national average

monthly bid amount (computed under paragraph (4)) for the month.”.

(b) CONFORMING AMENDMENTS.—Section 1860D-13(a)(1) of the Social Security Act (42 U.S.C. 1395w-113(a)(1)) is amended—

(1) in subparagraph (A), by striking “The monthly” and inserting “Except as provided in paragraph (8), the monthly”; and

(2) in subparagraph (G), by inserting “and paragraph (8)” after “and (F)”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to months after December 2012.

SA 2536. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, add the following:

SEC. ____ . PROHIBITION ON FEDERAL FINANCIAL ASSISTANCE BY PERSONS HAVING SERIOUSLY DELINQUENT TAX DEBTS.

(a) DEFINITION OF SERIOUSLY DELINQUENT TAX DEBT.—In this section:

(1) IN GENERAL.—The term “seriously delinquent tax debt” means an outstanding debt under the Internal Revenue Code of 1986 for which a notice of lien has been filed in public records pursuant to section 6323 of that Code.

(2) EXCLUSIONS.—The term “seriously delinquent tax debt” does not include—

(A) a debt that is being paid in a timely manner pursuant to an agreement under section 6159 or 7122 of Internal Revenue Code of 1986; and

(B) a debt with respect to which a collection due process hearing under section 6330 of that Code, or relief under subsection (a), (b), or (f) of section 6015 of that Code, is requested or pending.

(b) PROHIBITION.—

(1) GRANTS, CONTRACTS, LOANS, AND OTHER SUBSIDIES.—An individual or entity who has a seriously delinquent tax debt shall be ineligible to receive financial assistance (including any payment, loan, grant, contract, or subsidy) from the Federal government during the pendency of such seriously delinquent tax debt.

(2) TAX CREDITS.—Part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subpart:

“Subpart K—Certain Taxpayers Ineligible for Credits

“Sec. 59AA. Certain taxpayers ineligible for credits.

“SEC. 59AA. CERTAIN TAXPAYERS INELIGIBLE FOR CREDITS.

“Notwithstanding any other provision of this part, no credit shall be allowed to a taxpayer under this part for any taxable year if such taxpayer has seriously delinquent tax debt on the last day of such taxable year.”.

(c) REGULATIONS.—The Secretary of Treasury shall issue such regulations as the Secretary considers necessary to carry out this section.

SA 2537. Mr. COBURN (for himself and Mr. BURR) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other

purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . REPEAL OF HEALTH INSURANCE TAX.

Section 9010 of the Patient Protection and Affordable Care Act (Public Law 111-148), as amended by section 10905 of such Act and by section 1406 of the Health Care and Education Reconciliation Act of 2010 (Public Law 111-152), is repealed.

SA 2538. Mr. KYL (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . 1-YEAR EXTENSION OF 2012 ESTATE AND GIFT TAX RULES.

(a) IN GENERAL.—Paragraph (2) of section 901(a) of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(b) CONFORMING AMENDMENT.—Section 304 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 is amended by inserting “in the same manner and to the same extent such section applies to the amendments made by title V of such Act” after “title”.

SA 2539. Mr. KYL (for himself and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . PERMANENT EXTENSION OF 2012 ESTATE AND GIFT TAX RULES.

Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to—

(a) title V of such Act (relating to estate, gift, and generation-skipping transfer tax provisions), or

(b) title III of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

SA 2540. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . MODIFICATIONS TO IMPLEMENTATION OF INCREASES IN TAX RATES ON INVESTMENT INCOME.

(a) RATES ON CAPITAL GAINS AND DIVIDENDS.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended—

(1) by striking “All” and inserting the following:

“(a) IN GENERAL.—All”;

(2) by striking “to taxable years beginning after December 31, 2012” and inserting “to

the first termination taxable year and to all taxable years after such first termination taxable year”, and

(3) by adding at the end the following new subsection:

“(b) TERMINATION TAXABLE YEAR.—For purposes of this section—

“(1) IN GENERAL.—The term ‘termination taxable year’ means, with respect to any taxpayer, the later of—

“(A) the first taxable year beginning after December 31, 2012, or

“(B) the first taxable year ending after the date on which both the integrated capital gains rate and the integrated dividend rate do not exceed the average integrated OECD rate.

“(2) INTEGRATED CAPITAL GAINS RATE.—The term ‘integrated capital gains rate’ means the sum of—

“(A) the highest rate of tax imposed on corporations under section 11 of the Internal Revenue Code of 1986,

“(B) the average of the highest rate of tax imposed on corporations under the laws of the States,

“(C) the highest rate of tax imposed on capital gains under section 1 of such Code, and

“(D) the rate of tax imposed under section 1411 of such Code.

“(3) INTEGRATED DIVIDENDS RATE.—The term ‘integrated dividends rate’ means the sum of—

“(A) the highest rate of tax imposed on corporations under section 11 of the Internal Revenue Code of 1986,

“(B) the average of the highest rate of tax imposed on corporations under the laws of the States,

“(C) the highest rate of tax imposed on dividends under section 1 of such Code, and

“(D) the rate of tax imposed under section 1411 of such Code.

“(4) AVERAGE INTEGRATED OECD RATE.—The term ‘average integrated OECD rate’ means the average of the highest rates of tax imposed on corporations (including taxes imposed by regional, local, or sub-central authorities) by countries with membership in the Organisation of Economic Co-operation and Development.”.

(b) ADDITIONAL TAX ON UNEARNED INCOME.—Section 1411(e) of the Internal Revenue Code of 1986 is amended by striking “or” at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting “, or”, and by adding at the end the following new paragraph:

“(3) to any other taxpayer for any taxable year ending before the date on which both the integrated capital gains rate and the integrated dividend tax rate do not exceed the average integrated OECD rate (as such terms are defined under section 303(b) of the Jobs and Growth Tax Relief Reconciliation Act of 2003).”.

SA 2541. Mr. PAUL submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ . PERMANENT REPATRIATION OF FOREIGN EARNINGS TO THE UNITED STATES.

(a) REPATRIATION SUBJECT TO 5 PERCENT TAX RATE.—Subsection (a)(1) of section 965 of the Internal Revenue Code of 1986 is amended

by striking “85 percent” and inserting “85.7 percent”.

(b) **PERMANENT EXTENSION TO ELECT REPATRIATION.**—Subsection (f) of section 965 of the Internal Revenue Code of 1986 is amended to read as follows:

“(f) **ELECTION.**—The taxpayer may elect to apply this section to any taxable year only if made on or before the due date (including extensions) for filing the return of tax for such taxable year.”.

(c) **REPATRIATION INCLUDES CURRENT AND ACCUMULATED FOREIGN EARNINGS.**—

(1) **IN GENERAL.**—Paragraph (1) of section 965(b) of the Internal Revenue Code of 1986 is amended to read as follows:

“(1) **IN GENERAL.**—The amount of dividends taken into account under subsection (a) shall not exceed the sum of the current and accumulated earnings and profits described in section 959(c)(3) for the year a deduction is claimed under subsection (a), without diminution by reason of any distributions made during the election year, for all controlled foreign corporations of the United States shareholder.”.

(2) **CONFORMING AMENDMENTS.**—

(A) Section 965(b) of such Code is amended by striking paragraphs (2) and (4) and by redesignating paragraph (3) as paragraph (2).

(B) Section 965(c) of such Code is amended by striking paragraphs (1) and (2) and by redesignating paragraphs (3), (4), and (5) as paragraphs (1), (2), and (3), respectively.

(C) Paragraph (3) of section 965(c) of such Code, as redesignated by subparagraph (B), is amended to read as follows:

“(3) **CONTROLLED GROUPS.**—All United States shareholders which are members of an affiliated group filing a consolidated return under section 1501 shall be treated as one United States shareholder.”.

(d) **CLERICAL AMENDMENTS.**—

(1) The heading for section 965 of the Internal Revenue Code of 1986 is amended by striking “**TEMPORARY**”.

(2) The table of sections for subpart F of part III of subchapter N of chapter 1 of such Code is amended by striking “Temporary dividends” and inserting “Dividends”.

(e) **EFFECTIVE DATE.**—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

(f) **EMERGENCY RELIEF.**—Section 125 of title 23, United States Code, as in effect on October 1, 2012, is amended by adding at the end the following:

“(h) **EMERGENCY TRANSPORTATION SAFETY FUND.**—

“(1) **IN GENERAL.**—There is established in the Treasury of the United States a fund to be known as the ‘Emergency Transportation Safety Fund’ (referred to in this section as the ‘Fund’), to be administered by the Secretary and to remain available without fiscal year limitation, for use in accordance with paragraph (3).

“(2) **TRANSFERS TO FUND.**—The Fund shall consist of amounts equal to 50 percent of the total revenues received in the Treasury resulting from the amendments made to section 965 of the Internal Revenue Code of 1986 by the Small Business Jobs and Tax Relief Act.

“(3) **USE OF FUND.**—

“(A) **IN GENERAL.**—Subject to subparagraph (E), the Secretary, in consultation with a representative sample of State and local government transportation officials, shall create a prioritized list of emergency transportation projects, which the Secretary shall use to provide funding to States to carry out those projects using amounts from the Fund.

“(B) **CRITERIA.**—In creating the list under subparagraph (A), the Secretary, in addition to any other criteria established by the Secretary, shall rank priorities in descending order, beginning with—

“(i) whether the project is part of the interstate highway system;

“(ii) whether the project is a road or bridge that is closed for safety reasons;

“(iii) the impact of the project on interstate commerce;

“(iv) the volume of traffic affected by the project; and

“(v) the overall value of the project or entity.

“(C) **REPORT.**—Not later than 120 days after October 1, 2012, the Secretary shall submit to Congress a report that includes—

“(i) a prioritized list of emergency transportation projects to be funded through the Fund; and

“(ii) a description of the criteria used to establish the list under this subsection.

“(D) **QUARTERLY UPDATES.**—Not less frequently than 4 times per year, the Secretary shall—

“(i) update the report submitted under subparagraph (C);

“(ii) send a copy of the updated report to Congress; and

“(iii) make a copy of the updated report available to the public on the website of the Department of Transportation.

“(E) **USE OF AMOUNTS.**—At the end of each fiscal year, the Secretary shall make available all unobligated amounts remaining in the Fund in excess of \$500,000,000 to carry out the national highway performance program under section 119.

“(4) **ANNUAL REPORTS ON FUND.**—

“(A) **IN GENERAL.**—Not later than 60 days after the end of each fiscal year beginning with fiscal year 2013, the Secretary shall submit to Congress a report on the operation of the Fund during the fiscal year.

“(B) **CONTENTS.**—Each report shall include, for the fiscal year covered by the report, the following:

“(i) A statement of the amounts deposited into the Fund.

“(ii) A description of the expenditures made from the Fund for the fiscal year, including the purpose of the expenditures.

“(iii) Recommendations for additional authorities to fulfill the purpose of the Fund.

“(iv) A statement of the balance remaining in the Fund at the end of the fiscal year.”.

SA 2542. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VII—FEDERAL RESERVE INDEPENDENCE

SEC. 701. SHORT TITLE.

This title may be cited as the “Federal Reserve Independence Act”.

SEC. 702. FINDINGS.

Congress finds the following:

(1) In October 2011, the Government Accountability Office found the following:

(A) Allowing members of the banking industry to both elect and serve on the boards of directors of Federal reserve banks poses reputational risks to the Federal Reserve System.

(B) Eighteen former and current members of the boards of directors of Federal reserve banks were affiliated with banks and companies that received emergency loans from the Federal Reserve System during the financial crisis.

(C) Many of the members of the boards of directors of Federal reserve banks own stock or work directly for banks that are supervised and regulated by the Federal Reserve System. These board members oversee the operations of the Federal reserve banks, including salary and personnel decisions.

(D) Under current regulations, members of a board of directors of a Federal reserve bank who are employed by the banking industry or own stock in financial institutions can participate in decisions involving how much interest to charge to financial institutions receiving loans from the Federal Reserve System, and the approval or disapproval of Federal Reserve credit to healthy banks and banks in “hazardous” condition.

(E) Twenty-one members of the boards of directors of Federal reserve banks were involved in making personnel decisions in the division of supervision and regulation under the Federal Reserve System.

(F) The Federal Reserve System does not publicly disclose when it grants a waiver to its conflict of interest regulations.

(2) Allowing currently employed banking industry executives to serve as directors on the boards of directors of Federal reserve banks is a clear conflict of interest that must be eliminated.

(3) No one who works for or invests in a firm receiving direct financial assistance from the Federal Reserve System should be allowed to sit on any board of directors of a Federal reserve bank or be employed by the Federal Reserve System.

SEC. 703. END CONFLICTS OF INTEREST.

(a) **CLASS A MEMBERS.**—The tenth undesignated paragraph of section 4 of the Federal Reserve Act (12 U.S.C. 302) (relating to Class A) is amended by striking “chosen by and be representative of the stockholding banks” and inserting “designated by the Board of Governors of the Federal Reserve System, from among persons who are not employed in any capacity by a stockholding bank”.

(b) **CLASS B.**—The eleventh undesignated paragraph of section 4 of the Federal Reserve Act (12 U.S.C. 302) (relating to Class B) is amended by striking “be elected” and inserting “be designated by the Board of Governors of the Federal Reserve System”.

(c) **LIMITATIONS ON BOARDS OF DIRECTORS.**—The fourteenth and fifteenth undesignated paragraphs of section 4 of the Federal Reserve Act (12 U.S.C. 303) (relating to Class B and Class C, respectively) are amended to read as follows:

“No employee of a bank holding company or other entity regulated by the Board of Governors of the Federal Reserve System may serve on the board of directors of any Federal reserve bank.

“No employee of the Federal Reserve System or board member of a Federal reserve bank may own any stock or invest in any company that is regulated by the Board of Governors of the Federal Reserve System, without exception.”.

SEC. 704. REPORTS TO CONGRESS.

The Comptroller General of the United States shall report annually to Congress beginning 1 year after the date of enactment of this Act to make sure that the provisions in this title are followed.

SA 2543. Mr. SANDERS submitted an amendment intended to be proposed to

amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**TITLE —FEDERAL RESERVE
INDEPENDENCE**

SEC. 01. SHORT TITLE.

This title may be cited as the “Federal Reserve Independence Act”.

SEC. 02. FINDINGS.

Congress finds the following:

(1) In October 2011, the Government Accountability Office found the following:

(A) Allowing members of the banking industry to both elect and serve on the boards of directors of Federal reserve banks poses reputational risks to the Federal Reserve System.

(B) Eighteen former and current members of the boards of directors of Federal reserve banks were affiliated with banks and companies that received emergency loans from the Federal Reserve System during the financial crisis.

(C) Many of the members of the boards of directors of Federal reserve banks own stock or work directly for banks that are supervised and regulated by the Federal Reserve System. These board members oversee the operations of the Federal reserve banks, including salary and personnel decisions.

(D) Under current regulations, members of a board of directors of a Federal reserve bank who are employed by the banking industry or own stock in financial institutions can participate in decisions involving how much interest to charge to financial institutions receiving loans from the Federal Reserve System, and the approval or disapproval of Federal Reserve credit to healthy banks and banks in “hazardous” condition.

(E) Twenty-one members of the boards of directors of Federal reserve banks were involved in making personnel decisions in the division of supervision and regulation under the Federal Reserve System.

(F) The Federal Reserve System does not publicly disclose when it grants a waiver to its conflict of interest regulations.

(2) Allowing currently employed banking industry executives to serve as directors on the boards of directors of Federal reserve banks is a clear conflict of interest that must be eliminated.

(3) No one who works for or invests in a firm receiving direct financial assistance from the Federal Reserve System should be allowed to sit on any board of directors of a Federal reserve bank or be employed by the Federal Reserve System.

SEC. 03. END CONFLICTS OF INTEREST.

(a) **CLASS A MEMBERS.**—The tenth undesignated paragraph of section 4 of the Federal Reserve Act (12 U.S.C. 302) (relating to Class A) is amended by striking “chosen by and be representative of the stockholding banks” and inserting “designated by the Board of Governors of the Federal Reserve System, from among persons who are not employed in any capacity by a stockholding bank”.

(b) **CLASS B.**—The eleventh undesignated paragraph of section 4 of the Federal Reserve Act (12 U.S.C. 302) (relating to Class B) is amended by striking “be elected” and inserting “be designated by the Board of Governors of the Federal Reserve System”.

(c) **LIMITATIONS ON BOARDS OF DIRECTORS.**—The fourteenth and fifteenth undesignated paragraphs of section 4 of the Federal Reserve Act (12 U.S.C. 303) (relating to Class B and Class C, respectively) are amended to read as follows:

“No employee of a bank holding company or other entity regulated by the Board of Governors of the Federal Reserve System may serve on the board of directors of any Federal reserve bank.

“No employee of the Federal Reserve System or board member of a Federal reserve bank may own any stock or invest in any company that is regulated by the Board of Governors of the Federal Reserve System, without exception.”.

SEC. 04. REPORTS TO CONGRESS.

The Comptroller General of the United States shall report annually to Congress beginning 1 year after the date of enactment of this Act to make sure that the provisions in this title are followed.

SA 2544. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, add the following:

TITLE VII—WIRELESS TAX FAIRNESS

SECTION 701. SHORT TITLE.

This title may be cited as the “Wireless Tax Fairness Act of 2012”.

SEC. 702. FINDINGS.

Congress finds the following:

(1) It is appropriate to exercise congressional enforcement authority under section 5 of the 14th amendment to the Constitution of the United States and Congress’ plenary power under article I, section 8, clause 3 of the Constitution of the United States (commonly known as the “commerce clause”) in order to ensure that States and political subdivisions thereof do not discriminate against providers and consumers of mobile services by imposing new selective and excessive taxes and other burdens on such providers and consumers.

(2) In light of the history and pattern of discriminatory taxation faced by providers and consumers of mobile services, the prohibitions against and remedies to correct discriminatory State and local taxation in section 306 of the Railroad Revitalization and Regulatory Reform Act of 1976 (49 U.S.C. 11501) provide an appropriate analogy for congressional action, and similar Federal legislative measures are warranted that will prohibit imposing new discriminatory taxes on providers and consumers of mobile services and that will assure an effective, uniform remedy.

SEC. 703. MORATORIUM.

(a) **IN GENERAL.**—No State or local jurisdiction shall impose a new discriminatory tax on or with respect to mobile services, mobile service providers, or mobile service property, during the 5-year period beginning on the date of enactment of this Act.

(b) **DEFINITIONS.**—In this title:

(1) **MOBILE SERVICE.**—The term “mobile service” means commercial mobile radio service, as such term is defined in section 20.3 of title 47, Code of Federal Regulations, as in effect on the date of enactment of this Act, or any other service that is primarily intended for receipt on, transmission from, or use with a mobile telephone or other mo-

bile device, including but not limited to the receipt of a digital good.

(2) **MOBILE SERVICE PROPERTY.**—The term “mobile service property” means all property used by a mobile service provider in connection with its business of providing mobile services, whether real, personal, tangible, or intangible (including goodwill, licenses, customer lists, and other similar intangible property associated with such business).

(3) **MOBILE SERVICE PROVIDER.**—The term “mobile service provider” means any entity that sells or provides mobile services, but only to the extent that such entity sells or provides mobile services.

(4) **NEW DISCRIMINATORY TAX.**—The term “new discriminatory tax” means a tax imposed by a State or local jurisdiction that is imposed on or with respect to, or is measured by, the charges, receipts, or revenues from or value of—

(A) a mobile service and is not generally imposed, or is generally imposed at a lower rate, on or with respect to, or measured by, the charges, receipts, or revenues from other services or transactions involving tangible personal property;

(B) a mobile service provider and is not generally imposed, or is generally imposed at a lower rate, on other persons that are engaged in businesses other than the provision of mobile services; or

(C) a mobile service property and is not generally imposed, or is generally imposed at a lower rate, on or with respect to, or measured by the value of, other property that is devoted to a commercial or industrial use and subject to a property tax levy, except public utility property owned by a public utility subject to rate of return regulation by a State or Federal regulatory authority;

unless such tax was imposed and actually enforced on mobile services, mobile service providers, or mobile service property prior to the date of enactment of this Act.

(5) **STATE OR LOCAL JURISDICTION.**—The term “State or local jurisdiction” means any of the several States, the District of Columbia, any territory or possession of the United States, a political subdivision of any State, territory, or possession, or any governmental entity or person acting on behalf of such State, territory, possession, or subdivision that has the authority to assess, impose, levy, or collect taxes or fees.

(6) **TAX.**—

(A) **IN GENERAL.**—The term “tax” means a charge imposed by a governmental entity for the purpose of generating revenues for governmental purposes, and excludes a fee imposed on a particular entity or class of entities for a specific privilege, service, or benefit conferred exclusively on such entity or class of entities.

(B) **EXCLUSION.**—The term “tax” does not include any fee or charge—

(i) used to preserve and advance Federal universal service or similar State programs authorized by section 254 of the Communications Act of 1934 (47 U.S.C. 254);

(ii) specifically dedicated by a State or local jurisdiction for the support of E-911 communications systems; or

(iii) used to preserve and advance Federal telecommunications relay services or State programs implementing this Federal mandate pursuant to title IV of the Americans with Disabilities Act of 1990 (Public Law 101-336; 104 Stat. 327) and codified in section 225 of the Communications Act of 1934 (47 U.S.C. 225).

(c) **RULES OF CONSTRUCTION.**—

(1) DETERMINATION.—For purposes of subsection (b)(4), all taxes, tax rates, exemptions, deductions, credits, incentives, exclusions, and other similar factors shall be taken into account in determining whether a tax is a new discriminatory tax.

(2) APPLICATION OF PRINCIPLES.—Except as otherwise provided in this title, in determining whether a tax on mobile service property is a new discriminatory tax for purposes of subsection (b)(4)(A)(iii), principles similar to those set forth in section 306 of the Railroad Revitalization and Regulatory Reform Act of 1976 (49 U.S.C. 11501) shall apply.

(3) EXCLUSIONS.—Notwithstanding any other provision of this title—

(A) the term “generally imposed” as used in subsection (b)(4) shall not apply to any tax imposed only on—

(i) specific services;

(ii) specific industries or business segments; or

(iii) specific types of property; and

(B) the term “new discriminatory tax” shall not include a new tax or the modification of an existing tax that—

(i) replaces one or more taxes that had been imposed on mobile services, mobile service providers, or mobile service property; and

(ii) is designed so that, based on information available at the time of the enactment of such new tax or such modification, the amount of tax revenues generated thereby with respect to such mobile services, mobile service providers, or mobile service property is reasonably expected to not exceed the amount of tax revenues that would have been generated by the respective replaced tax or taxes with respect to such mobile services, mobile service providers, or mobile service property.

SEC. 704. ENFORCEMENT.

Notwithstanding any provision of section 1341 of title 28, United States Code, or the constitution or laws of any State, the district courts of the United States shall have jurisdiction, without regard to amount in controversy or citizenship of the parties, to grant such mandatory or prohibitive injunctive relief, interim equitable relief, and declaratory judgments as may be necessary to prevent, restrain, or terminate any acts in violation of this title.

(1) JURISDICTION.—Such jurisdiction shall not be exclusive of the jurisdiction which any Federal or State court may have in the absence of this section.

(2) BURDEN OF PROOF.—The burden of proof in any proceeding brought under this title shall be upon the party seeking relief and shall be by a preponderance of the evidence on all issues of fact.

(3) RELIEF.—In granting relief against a tax which is discriminatory or excessive under this title with respect to tax rate or amount only, the court shall prevent, restrain, or terminate the imposition, levy, or collection of not more than the discriminatory or excessive portion of the tax as determined by the court.

SA 2545. Mr. MANCHIN (for himself and Mr. BEGICH) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend hours depreciation for an additional year, and for other purposes; which was ordered to lie on table; as follows:

At the end, add the following:

TITLE —COMMUNITY INVESTMENT AND JOB CREATION

SEC. 01 SHORT TITLE.

This title may be cited as the “Community Investment and Job Creation Act of 2012”.

SEC. 02. SHORT FORM REPORTS OF CONDITION FOR CERTAIN COMMUNITY BANKS.

(a) IN GENERAL.—Section 7(a) of the Federal Deposit Insurance Act (12 U.S.C. 1817(a)) is amended by adding at the end the following:

“(12) SHORT FORM REPORTS OF CONDITION FOR COMMUNITY BANKS.—

“(A) IN GENERAL.—With respect to reports of condition required under paragraph (3) for each calendar quarter, an insured depository institution described in subparagraphs (A), (B), (C), and (D) of section 10(d)(4) may submit a short form of any such report of condition in 2 nonsequential quarters of any calendar year.

“(B) ASSET ADJUSTMENTS.—For purposes of this paragraph—

“(i) section 10(d)(4)(A) shall be applied by substituting ‘\$10,000,000,000’ for ‘\$500,000,000’; and

“(ii) section 10(d)(4)(C) shall be applied by substituting ‘\$1,000,000,000’ for ‘\$100,000,000’.

“(C) SHORT FORM DEFINED.—In this paragraph, the term ‘short form’ means a report of condition required under paragraph (3) that is in a format established by the appropriate Federal banking agency, after notice and opportunity for comment, that—

“(i) is significantly and materially less burdensome for the insured depository institution to prepare than the format of the report of condition otherwise required under paragraph (3); and

“(ii) provides sufficient material information for the appropriate Federal banking agency to assure the maintenance of the safe and sound condition of the depository institution and safe and sound practices.”

(b) REGULATIONS.—Any regulation required to carry out section 7(a)(12) of the Federal Deposit Insurance Act, as added by subsection (a) of this section, shall be published in final form not later than 6 months after the date of enactment of this Act.

SEC. 03. EXCEPTION TO ANNUAL PRIVACY NOTICE REQUIREMENT UNDER THE GRAMM-LEACH-BLILEY ACT.

Section 503 of the Gramm-Leach-Bliley Act (15 U.S.C. 6803) is amended by adding at the end the following:

“(f) EXCEPTION TO ANNUAL NOTICE REQUIREMENT.—A financial institution shall not be required to provide an annual disclosure under this section until such time as the financial institution—

“(1) fails to provide nonpublic personal information in accordance with the provisions of subsection (b)(2) or (e) of section 502 or regulations prescribed under section 504(b);

“(2) shares information with affiliates described in section 603(d)(2)(A) of the Fair Credit Reporting Act; or

“(3) changes its policies and practices with regard to disclosing nonpublic personal information from the policies and practices that were disclosed in the most recent disclosure sent to consumers in accordance with this section.

“(g) EXCEPTION TO NOTICE REQUIREMENT.—A financial institution shall not be required to provide any disclosure under this section if—

“(1) the financial institution is licensed by a State and is subject to existing regulation of consumer confidentiality that prohibits disclosure of nonpublic personal information without knowing and expressed consent of the consumer in the form of laws, rules, or

regulation of professional conduct or ethics promulgated either by the court of highest appellate authority or by the principal legislative body or regulatory agency or body of any State, the District of Columbia, or any territory of the United States; or

“(2) the financial institution is licensed by a State and becomes subject to future regulation of consumer confidentiality that prohibits disclosure of nonpublic personal information without knowing and expressed consent of the consumer in the form of laws, rules, or regulation of professional conduct or ethics promulgated either by the court of highest appellate authority or by the principal legislative body or regulatory agency or body of any State, the District of Columbia, or any territory of the United States.”

SEC. 04. AGRICULTURE LOAN GUARANTEES.

(a) FEES.—Section 310B(g)(5) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932(g)(5)) is amended by inserting before the period the following: “, except that for a loan in an amount of less than \$5,000,000, the Secretary may assess a 1-time fee of 1 percent or less of the guaranteed principal portion of the loan”.

(b) GUARANTEE AMOUNTS.—Section 364 of the Consolidated Farm and Rural Development Act (7 U.S.C. 2006f) is amended—

(1) in subsection (a)—

(A) in paragraph (3)—

(i) by striking “may” and inserting “shall”; and

(ii) by striking “standards that are not less stringent than”; and

(B) in paragraph (4), by inserting before the period the following: “, except that the Secretary may guarantee not more than 90 percent of a loan made by a certified lender if such loan is in an amount of less than \$5,000,000”; and

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (B), by striking “and” at the end;

(ii) in subparagraph (C), by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following: “(D) in the absence of a demand for or experience with guaranteed loans made under a rural development program, proven experience in making small business loans.”; and

(B) in paragraph (5)(A), by inserting before the semicolon the following: “, except that the Secretary may guarantee not more than 90 percent of a loan made by a certified lender if such loan is in an amount of less than \$5,000,000”.

SEC. 05. QUALIFYING INVESTMENTS IN SMALL BANK ISSUERS.

(a) GENERALLY.—The principles of Internal Revenue Service Notice 2010-2 shall apply to any qualifying investment by any person in a small bank issuer in the same manner as if such investment had been made by the Department of the Treasury pursuant to any of the Programs (as defined in Notice 2010-2).

(b) DEFINITIONS.—For purposes of this section—

(1) the term “qualifying investment” means any investment in the equity of a small bank issuer that otherwise would have constituted an ownership change under section 382(g) of the Internal Revenue Code of 1986 (relating to limitations on net operating loss carry forward and certain built-in losses following an ownership change); and

(2) the term “small bank issuer” means any insured depository institution, as defined in section 3(c)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1813(c)(2)), which—

(A) was required under a prompt corrective action order issued pursuant to section 38 of

the Federal Deposit Insurance Act (12 U.S.C. 1831o), or a formal or informal enforcement order, to raise capital as a result of an examination that took place during calendar years 2008 through 2012 by the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, or the Federal Deposit Insurance Corporation; and

(B) at the time of the order referred to in subparagraph (A), had total consolidated assets of \$10,000,000,000 or less.

SEC. 06. CAPITAL FORMATION FOR COMMUNITY BANKS.

Section 413(a) of the Dodd-Frank Wall Street Reform and Consumer Protection Act (15 U.S.C. 77b note) is amended—

(1) by striking “(a) IN GENERAL.—The” and inserting the following:

“(a) ADJUSTMENTS.—

“(1) IN GENERAL.—The”; and

(2) by adding at the end the following:

“(2) EXCEPTION FOR COMMUNITY BANK PURCHASES.—The Commission shall adjust its net worth standard for an accredited investor, as set forth in the rules of the Commission under the Securities Act of 1933, by allowing for the inclusion of the value of the primary residence of the natural person, but only if the natural person is purchasing securities from a community bank.

“(3) DEFINITION.—As used in paragraph (2), the term ‘community bank’ means a depository institution having assets of less than \$10,000,000,000.”.

SA 2546. Mrs. SHAHEEN (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of the bill, add the following:

DIVISION B—ENERGY SAVINGS AND INDUSTRIAL COMPETITIVENESS

SEC. 2001. SHORT TITLE.

This division may be cited as the “Energy Savings and Industrial Competitiveness Act of 2012”.

TITLE I—BUILDINGS

Subtitle A—Building Energy Codes

SEC. 2101. GREATER ENERGY EFFICIENCY IN BUILDING CODES.

(a) DEFINITIONS.—Section 303 of the Energy Conservation and Production Act (42 U.S.C. 6832) is amended—

(1) by striking paragraph (14) and inserting the following:

“(14) MODEL BUILDING ENERGY CODE.—The term ‘model building energy code’ means a voluntary building energy code and standards developed and updated through a consensus process among interested persons, such as the IECC or the code used by—

“(A) the Council of American Building Officials;

“(B) the American Society of Heating, Refrigerating, and Air-Conditioning Engineers; or

“(C) other appropriate organizations.”; and

(2) by adding at the end the following:

“(17) IECC.—The term ‘IECC’ means the International Energy Conservation Code.

“(18) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103).”.

(b) STATE BUILDING ENERGY EFFICIENCY CODES.—Section 304 of the Energy Conserva-

tion and Production Act (42 U.S.C. 6833) is amended to read as follows:

“SEC. 304. UPDATING STATE BUILDING ENERGY EFFICIENCY CODES.

“(a) IN GENERAL.—The Secretary shall—

“(1) encourage and support the adoption of building energy codes by States, Indian tribes, and, as appropriate, by local governments that meet or exceed the model building energy codes, or achieve equivalent or greater energy savings; and

“(2) support full compliance with the State and local codes.

“(b) STATE AND INDIAN TRIBE CERTIFICATION OF BUILDING ENERGY CODE UPDATES.—

“(1) REVIEW AND UPDATING OF CODES BY EACH STATE AND INDIAN TRIBE.—

“(A) IN GENERAL.—Not later than 2 years after the date on which a model building energy code is updated, each State or Indian tribe shall certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively.

“(B) DEMONSTRATION.—The certification shall include a demonstration of whether or not the energy savings for the code provisions that are in effect throughout the State or Indian tribal territory meet or exceed—

“(i) the energy savings of the updated model building energy code; or

“(ii) the targets established under section 307(b)(2).

“(C) NO MODEL BUILDING ENERGY CODE UPDATE.—If a model building energy code is not updated by a target date established under section 307(b)(2)(D), each State or Indian tribe shall, not later than 2 years after the specified date, certify whether or not the State or Indian tribe, respectively, has reviewed and updated the energy provisions of the building code of the State or Indian tribe, respectively, to meet or exceed the target in section 307(b)(2).

“(2) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

“(A) determine whether the code provisions of the State or Indian tribe, respectively, meet the criteria specified in paragraph (1); and

“(B) if the determination is positive, validate the certification.

“(c) IMPROVEMENTS IN COMPLIANCE WITH BUILDING ENERGY CODES.—

“(1) REQUIREMENT.—

“(A) IN GENERAL.—Not later than 3 years after the date of a certification under subsection (b), each State and Indian tribe shall certify whether or not the State and Indian tribe, respectively, has—

“(i) achieved full compliance under paragraph (3) with the applicable certified State and Indian tribe building energy code or with the associated model building energy code; or

“(ii) made significant progress under paragraph (4) toward achieving compliance with the applicable certified State and Indian tribe building energy code or with the associated model building energy code.

“(B) REPEAT CERTIFICATIONS.—If the State or Indian tribe certifies progress toward achieving compliance, the State or Indian tribe shall repeat the certification until the State or Indian tribe certifies that the State or Indian tribe has achieved full compliance, respectively.

“(2) MEASUREMENT OF COMPLIANCE.—A certification under paragraph (1) shall include documentation of the rate of compliance based on—

“(A) independent inspections of a random sample of the buildings covered by the code in the preceding year; or

“(B) an alternative method that yields an accurate measure of compliance.

“(3) ACHIEVEMENT OF COMPLIANCE.—A State or Indian tribe shall be considered to achieve full compliance under paragraph (1) if—

“(A) at least 90 percent of building space covered by the code in the preceding year substantially meets all the requirements of the applicable code specified in paragraph (1), or achieves equivalent or greater energy savings level; or

“(B) the estimated excess energy use of buildings that did not meet the applicable code specified in paragraph (1) in the preceding year, compared to a baseline of comparable buildings that meet this code, is not more than 5 percent of the estimated energy use of all buildings covered by this code during the preceding year.

“(4) SIGNIFICANT PROGRESS TOWARD ACHIEVEMENT OF COMPLIANCE.—A State or Indian tribe shall be considered to have made significant progress toward achieving compliance for purposes of paragraph (1) if the State or Indian tribe—

“(A) has developed and is implementing a plan for achieving compliance during the 8-year-period beginning on the date of enactment of this paragraph, including annual targets for compliance and active training and enforcement programs; and

“(B) has met the most recent target under subparagraph (A).

“(5) VALIDATION BY SECRETARY.—Not later than 90 days after a State or Indian tribe certification under paragraph (1), the Secretary shall—

“(A) determine whether the State or Indian tribe has demonstrated meeting the criteria of this subsection, including accurate measurement of compliance; and

“(B) if the determination is positive, validate the certification.

“(d) STATES OR INDIAN TRIBES THAT DO NOT ACHIEVE COMPLIANCE.—

“(1) REPORTING.—A State or Indian tribe that has not made a certification required under subsection (b) or (c) by the applicable deadline shall submit to the Secretary a report on—

“(A) the status of the State or Indian tribe with respect to meeting the requirements and submitting the certification; and

“(B) a plan for meeting the requirements and submitting the certification.

“(2) FEDERAL SUPPORT.—For any State or Indian tribe for which the Secretary has not validated a certification by a deadline under subsection (b) or (c), the lack of the certification may be a consideration for Federal support authorized under this section for code adoption and compliance activities.

“(3) LOCAL GOVERNMENT.—In any State or Indian tribe for which the Secretary has not validated a certification under subsection (b) or (c), a local government may be eligible for Federal support by meeting the certification requirements of subsections (b) and (c).

“(4) ANNUAL REPORTS BY SECRETARY.—

“(A) IN GENERAL.—The Secretary shall annually submit to Congress, and publish in the Federal Register, a report on—

“(i) the status of model building energy codes;

“(ii) the status of code adoption and compliance in the States and Indian tribes;

“(iii) implementation of this section; and

“(iv) improvements in energy savings over time as result of the targets established under section 307(b)(2).

“(B) IMPACTS.—The report shall include estimates of impacts of past action under this

section, and potential impacts of further action, on—

“(i) upfront financial and construction costs, cost benefits and returns (using investment analysis), and lifetime energy use for buildings;

“(ii) resulting energy costs to individuals and businesses; and

“(iii) resulting overall annual building ownership and operating costs.

“(e) TECHNICAL ASSISTANCE TO STATES AND INDIAN TRIBES.—The Secretary shall provide technical assistance to States and Indian tribes to implement the goals and requirements of this section, including procedures and technical analysis for States and Indian tribes—

“(1) to improve and implement State residential and commercial building energy codes;

“(2) to demonstrate that the code provisions of the States and Indian tribes achieve equivalent or greater energy savings than the model building energy codes and targets;

“(3) to document the rate of compliance with a building energy code; and

“(4) to otherwise promote the design and construction of energy efficient buildings.

“(f) AVAILABILITY OF INCENTIVE FUNDING.—

“(1) IN GENERAL.—The Secretary shall provide incentive funding to States and Indian tribes—

“(A) to implement the requirements of this section;

“(B) to improve and implement residential and commercial building energy codes, including increasing and verifying compliance with the codes and training of State, tribal, and local building code officials to implement and enforce the codes; and

“(C) to promote building energy efficiency through the use of the codes.

“(2) ADDITIONAL FUNDING.—Additional funding shall be provided under this subsection for implementation of a plan to achieve and document full compliance with residential and commercial building energy codes under subsection (c)—

“(A) to a State or Indian tribe for which the Secretary has validated a certification under subsection (b) or (c); and

“(B) in a State or Indian tribe that is not eligible under subparagraph (A), to a local government that is eligible under this section.

“(3) TRAINING.—Of the amounts made available under this subsection, the State may use amounts required, but not to exceed \$750,000 for a State, to train State and local building code officials to implement and enforce codes described in paragraph (2).

“(4) LOCAL GOVERNMENTS.—States may share grants under this subsection with local governments that implement and enforce the codes.

“(g) STRETCH CODES AND ADVANCED STANDARDS.—

“(1) IN GENERAL.—The Secretary shall provide technical and financial support for the development of stretch codes and advanced standards for residential and commercial buildings for use as—

“(A) an option for adoption as a building energy code by local, tribal, or State governments; and

“(B) guidelines for energy-efficient building design.

“(2) TARGETS.—The stretch codes and advanced standards shall be designed—

“(A) to achieve substantial energy savings compared to the model building energy codes; and

“(B) to meet targets under section 307(b), if available, at least 3 to 6 years in advance of the target years.

“(h) STUDIES.—The Secretary, in consultation with building science experts from the National Laboratories and institutions of higher education, designers and builders of energy-efficient residential and commercial buildings, code officials, and other stakeholders, shall undertake a study of the feasibility, impact, economics, and merit of—

“(1) code improvements that would require that buildings be designed, sited, and constructed in a manner that makes the buildings more adaptable in the future to become zero-net-energy after initial construction, as advances are achieved in energy-saving technologies;

“(2) code procedures to incorporate measured lifetimes, not just first-year energy use, in trade-offs and performance calculations; and

“(3) legislative options for increasing energy savings from building energy codes, including additional incentives for effective State and local action, and verification of compliance with and enforcement of a code other than by a State or local government.

“(i) EFFECT ON OTHER LAWS.—Nothing in this section or section 307 supersedes or modifies the application of sections 321 through 346 of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.).

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section and section 307 \$200,000,000, to remain available until expended.”.

(c) FEDERAL BUILDING ENERGY EFFICIENCY STANDARDS.—Section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) is amended by striking “voluntary building energy code” each place it appears in subsections (a)(2)(B) and (b) and inserting “model building energy code”.

(d) MODEL BUILDING ENERGY CODES.—Section 307 of the Energy Conservation and Production Act (42 U.S.C. 6836) is amended to read as follows:

“SEC. 307. SUPPORT FOR MODEL BUILDING ENERGY CODES.

“(a) IN GENERAL.—The Secretary shall support the updating of model building energy codes.

“(b) TARGETS.—

“(1) IN GENERAL.—The Secretary shall support the updating of the model building energy codes to enable the achievement of aggregate energy savings targets established under paragraph (2).

“(2) TARGETS.—

“(A) IN GENERAL.—The Secretary shall work with State, Indian tribes, local governments, nationally recognized code and standards developers, and other interested parties to support the updating of model building energy codes by establishing 1 or more aggregate energy savings targets to achieve the purposes of this section.

“(B) SEPARATE TARGETS.—The Secretary may establish separate targets for commercial and residential buildings.

“(C) BASELINES.—The baseline for updating model building energy codes shall be the 2009 IECC for residential buildings and ASHRAE Standard 90.1-2010 for commercial buildings.

“(D) SPECIFIC YEARS.—

“(i) IN GENERAL.—Targets for specific years shall be established and revised by the Secretary through rulemaking and coordinated with nationally recognized code and standards developers at a level that—

“(1) is at the maximum level of energy efficiency that is technologically feasible and life-cycle cost effective, while accounting for the economic considerations under paragraph (4);

“(II) is higher than the preceding target; and

“(III) promotes the achievement of commercial and residential high-performance buildings through high performance energy efficiency (within the meaning of section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17061)).

“(ii) INITIAL TARGETS.—Not later than 1 year after the date of enactment of this clause, the Secretary shall establish initial targets under this subparagraph.

“(iii) DIFFERENT TARGET YEARS.—Subject to clause (i), prior to the applicable year, the Secretary may set a later target year for any of the model building energy codes described in subparagraph (A) if the Secretary determines that a target cannot be met.

“(iv) SMALL BUSINESS.—When establishing targets under this paragraph through rulemaking, the Secretary shall ensure compliance with the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note; Public Law 104-121).

“(3) APPLIANCE STANDARDS AND OTHER FACTORS AFFECTING BUILDING ENERGY USE.—In establishing building code targets under paragraph (2), the Secretary shall develop and adjust the targets in recognition of potential savings and costs relating to—

“(A) efficiency gains made in appliances, lighting, windows, insulation, and building envelope sealing;

“(B) advancement of distributed generation and on-site renewable power generation technologies;

“(C) equipment improvements for heating, cooling, and ventilation systems;

“(D) building management systems and SmartGrid technologies to reduce energy use; and

“(E) other technologies, practices, and building systems that the Secretary considers appropriate regarding building plug load and other energy uses.

“(4) ECONOMIC CONSIDERATIONS.—In establishing and revising building code targets under paragraph (2), the Secretary shall consider the economic feasibility of achieving the proposed targets established under this section and the potential costs and savings for consumers and building owners, including a return on investment analysis.

“(c) TECHNICAL ASSISTANCE TO MODEL BUILDING ENERGY CODE-SETTING AND STANDARD DEVELOPMENT ORGANIZATIONS.—

“(1) IN GENERAL.—The Secretary shall, on a timely basis, provide technical assistance to model building energy code-setting and standard development organizations consistent with the goals of this section.

“(2) ASSISTANCE.—The assistance shall include, as requested by the organizations, technical assistance in—

“(A) evaluating code or standards proposals or revisions;

“(B) building energy analysis and design tools;

“(C) building demonstrations;

“(D) developing definitions of energy use intensity and building types for use in model building energy codes to evaluate the efficiency impacts of the model building energy codes;

“(E) performance-based standards;

“(F) evaluating economic considerations under subsection (b)(4); and

“(G) developing model building energy codes by Indian tribes in accordance with tribal law.

“(3) AMENDMENT PROPOSALS.—The Secretary may submit timely model building energy code amendment proposals to the model building energy code-setting and

standard development organizations, with supporting evidence, sufficient to enable the model building energy codes to meet the targets established under subsection (b)(2).

“(4) ANALYSIS METHODOLOGY.—The Secretary shall make publicly available the entire calculation methodology (including input assumptions and data) used by the Secretary to estimate the energy savings of code or standard proposals and revisions.

“(d) DETERMINATION.—

“(1) REVISION OF MODEL BUILDING ENERGY CODES.—If the provisions of the IECC or ASHRAE Standard 90.1 regarding building energy use are revised, the Secretary shall make a preliminary determination not later than 90 days after the date of the revision, and a final determination not later than 15 months after the date of the revision, on whether or not the revision will—

“(A) improve energy efficiency in buildings compared to the existing model building energy code; and

“(B) meet the applicable targets under subsection (b)(2).

“(2) CODES OR STANDARDS NOT MEETING TARGETS.—

“(A) IN GENERAL.—If the Secretary makes a preliminary determination under paragraph (1)(B) that a code or standard does not meet the targets established under subsection (b)(2), the Secretary may at the same time provide the model building energy code or standard developer with proposed changes that would result in a model building energy code that meets the targets and with supporting evidence, taking into consideration—

“(i) whether the modified code is technically feasible and life-cycle cost effective;

“(ii) available appliances, technologies, materials, and construction practices; and

“(iii) the economic considerations under subsection (b)(4).

“(B) INCORPORATION OF CHANGES.—

“(i) IN GENERAL.—On receipt of the proposed changes, the model building energy code or standard developer shall have an additional 270 days to accept or reject the proposed changes of the Secretary to the model building energy code or standard for the Secretary to make a final determination.

“(ii) FINAL DETERMINATION.—A final determination under paragraph (1) shall be on the modified model building energy code or standard.

“(e) ADMINISTRATION.—In carrying out this section, the Secretary shall—

“(1) publish notice of targets and supporting analysis and determinations under this section in the Federal Register to provide an explanation of and the basis for such actions, including any supporting modeling, data, assumptions, protocols, and cost-benefit analysis, including return on investment; and

“(2) provide an opportunity for public comment on targets and supporting analysis and determinations under this section.

“(f) VOLUNTARY CODES AND STANDARDS.—Notwithstanding any other provision of this section, any model building code or standard established under this section shall not be binding on a State, local government, or Indian tribe as a matter of Federal law.”.

Subtitle B—Worker Training and Capacity Building

SEC. 2111. BUILDING TRAINING AND ASSESSMENT CENTERS.

(a) IN GENERAL.—The Secretary of Energy shall provide grants to institutions of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) and Tribal Colleges or Universities (as de-

fined in section 316(b) of that Act (20 U.S.C. 1059c(b)) to establish building training and assessment centers—

(1) to identify opportunities for optimizing energy efficiency and environmental performance in buildings;

(2) to promote the application of emerging concepts and technologies in commercial and institutional buildings;

(3) to train engineers, architects, building scientists, building energy permitting and enforcement officials, and building technicians in energy-efficient design and operation;

(4) to assist institutions of higher education and Tribal Colleges or Universities in training building technicians;

(5) to promote research and development for the use of alternative energy sources and distributed generation to supply heat and power for buildings, particularly energy-intensive buildings; and

(6) to coordinate with and assist State-accredited technical training centers, community colleges, Tribal Colleges or Universities, and local offices of the National Institute of Food and Agriculture and ensure appropriate services are provided under this section to each region of the United States.

(b) COORDINATION AND NONDUPLICATION.—

(1) IN GENERAL.—The Secretary shall coordinate the program with the Industrial Assessment Centers program and with other Federal programs to avoid duplication of effort.

(2) COLLOCATION.—To the maximum extent practicable, building, training, and assessment centers established under this section shall be collocated with Industrial Assessment Centers.

TITLE II—BUILDING EFFICIENCY FINANCE

SEC. 2201. LOAN PROGRAM FOR ENERGY EFFICIENCY UPGRADES TO EXISTING BUILDINGS.

Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by adding at the end the following:

“SEC. 1706. BUILDING RETROFIT FINANCING PROGRAM.

“(a) DEFINITIONS.—In this section:

“(1) CREDIT SUPPORT.—The term ‘credit support’ means a guarantee or commitment to issue a guarantee or other forms of credit enhancement to ameliorate risks for efficiency obligations.

“(2) EFFICIENCY OBLIGATION.—The term ‘efficiency obligation’ means a debt or repayment obligation incurred in connection with financing a project, or a portfolio of such debt or payment obligations.

“(3) PROJECT.—The term ‘project’ means the installation and implementation of efficiency, advanced metering, distributed generation, or renewable energy technologies and measures in a building (or in multiple buildings on a given property) that are expected to increase the energy efficiency of the building (including fixtures) in accordance with criteria established by the Secretary.

“(b) ELIGIBLE PROJECTS.—

“(1) IN GENERAL.—Notwithstanding sections 1703 and 1705, the Secretary may provide credit support under this section, in accordance with section 1702.

“(2) INCLUSIONS.—Buildings eligible for credit support under this section include commercial, multifamily residential, industrial, municipal, government, institution of higher education, school, and hospital facilities that satisfy criteria established by the Secretary.

“(c) GUIDELINES.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Secretary shall—

“(A) establish guidelines for credit support provided under this section; and

“(B) publish the guidelines in the Federal Register; and

“(C) provide for an opportunity for public comment on the guidelines.

“(2) REQUIREMENTS.—The guidelines established by the Secretary under this subsection shall include—

“(A) standards for assessing the energy savings that could reasonably be expected to result from a project;

“(B) examples of financing mechanisms (and portfolios of such financing mechanisms) that qualify as efficiency obligations;

“(C) the threshold levels of energy savings that a project, at the time of issuance of credit support, shall be reasonably expected to achieve to be eligible for credit support;

“(D) the eligibility criteria the Secretary determines to be necessary for making credit support available under this section; and

“(E) notwithstanding subsections (d)(3) and (g)(2)(B) of section 1702, any lien priority requirements that the Secretary determines to be necessary, in consultation with the Director of the Office of Management and Budget, which may include—

“(i) requirements to preserve priority lien status of secured lenders and creditors in buildings eligible for credit support;

“(ii) remedies available to the Secretary under chapter 176 of title 28, United States Code, in the event of default on the efficiency obligation by the borrower; and

“(iii) measures to limit the exposure of the Secretary to financial risk in the event of default, such as—

“(I) the collection of a credit subsidy fee from the borrower as a loan loss reserve, taking into account the limitation on credit support under subsection (d);

“(II) minimum debt-to-income levels of the borrower;

“(III) minimum levels of value relative to outstanding mortgage or other debt on a building eligible for credit support;

“(IV) allowable thresholds for the percent of the efficiency obligation relative to the amount of any mortgage or other debt on an eligible building;

“(V) analysis of historic and anticipated occupancy levels and rental income of an eligible building;

“(VI) requirements of third-party contractors to guarantee energy savings that will result from a retrofit project, and whether financing on the efficiency obligation will amortize from the energy savings;

“(VII) requirements that the retrofit project incorporate protocols to measure and verify energy savings; and

“(VIII) recovery of payments equally by the Secretary and the retrofit.

“(3) EFFICIENCY OBLIGATIONS.—The financing mechanisms qualified by the Secretary under paragraph (2)(B) may include—

“(A) loans, including loans made by the Federal Financing Bank;

“(B) power purchase agreements, including energy efficiency power purchase agreements;

“(C) energy services agreements, including energy performance contracts;

“(D) property assessed clean energy bonds and other tax assessment-based financing mechanisms;

“(E) aggregate on-meter agreements that finance retrofit projects; and

“(F) any other efficiency obligations the Secretary determines to be appropriate.

“(4) PRIORITIES.—In carrying out this section, the Secretary shall prioritize—

“(A) the maximization of energy savings with the available credit support funding;

“(B) the establishment of a clear application and approval process that allows private building owners, lenders, and investors to reasonably expect to receive credit support for projects that conform to guidelines;

“(C) the distribution of projects receiving credit support under this section across States or geographical regions of the United States; and

“(D) projects designed to achieve whole-building retrofits.

“(d) LIMITATION.—Notwithstanding section 1702(c), the Secretary shall not issue credit support under this section in an amount that exceeds—

“(1) 90 percent of the principal amount of the efficiency obligation that is the subject of the credit support; or

“(2) \$10,000,000 for any single project.

“(e) AGGREGATION OF PROJECTS.—To the extent provided in the guidelines developed in accordance with subsection (c), the Secretary may issue credit support on a portfolio, or pool of projects, that are not required to be geographically contiguous, if each efficiency obligation in the pool fulfills the requirements described in this section.

“(f) APPLICATION.—

“(1) IN GENERAL.—To be eligible to receive credit support under this section, the applicant shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary determines to be necessary.

“(2) CONTENTS.—An application submitted under this section shall include assurances by the applicant that—

“(A) each contractor carrying out the project meets minimum experience level criteria, including local retrofit experience, as determined by the Secretary;

“(B) the project is reasonably expected to achieve energy savings, as set forth in the application using any methodology that meets the standards described in the program guidelines;

“(C) the project meets any technical criteria described in the program guidelines;

“(D) the recipient of the credit support and the parties to the efficiency obligation will provide the Secretary with—

“(i) any information the Secretary requests to assess the energy savings that result from the project, including historical energy usage data, a simulation-based benchmark, and detailed descriptions of the building work, as described in the program guidelines; and

“(ii) permission to access information relating to building operations and usage for the period described in the program guidelines; and

“(E) any other assurances that the Secretary determines to be necessary.

“(3) DETERMINATION.—Not later than 90 days after receiving an application, the Secretary shall make a final determination on the application, which may include requests for additional information.

“(g) FEES.—

“(1) IN GENERAL.—In addition to the fees required by section 1702(h)(1), the Secretary may charge reasonable fees for credit support provided under this section.

“(2) AVAILABILITY.—Fees collected under this section shall be subject to section 1702(h)(2).

“(h) UNDERWRITING.—The Secretary may delegate the underwriting activities under this section to 1 or more entities that the Secretary determines to be qualified.

“(i) REPORT.—Not later than 1 year after commencement of the program, the Secretary shall submit to the appropriate committees of Congress a report that describes in reasonable detail—

“(1) the manner in which this section is being carried out;

“(2) the number and type of projects supported;

“(3) the types of funding mechanisms used to provide credit support to projects;

“(4) the energy savings expected to result from projects supported by this section;

“(5) any tracking efforts the Secretary is using to calculate the actual energy savings produced by the projects; and

“(6) any plans to improve the tracking efforts described in paragraph (5).

“(j) FUNDING.—

“(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section \$400,000,000 for the period of fiscal years 2012 through 2021, to remain available until expended.

“(2) ADMINISTRATIVE COSTS.—Not more than 1 percent of any amounts made available to the Secretary under paragraph (1) may be used by the Secretary for administrative costs incurred in carrying out this section.”.

TITLE III—INDUSTRIAL EFFICIENCY AND COMPETITIVENESS

Subtitle A—Manufacturing Energy Efficiency

SEC. 2301. STATE PARTNERSHIP INDUSTRIAL ENERGY EFFICIENCY REVOLVING LOAN PROGRAM.

Section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h-1) is amended—

“(1) in the section heading, by inserting “**AND INDUSTRY**” before the period at the end;

“(2) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

“(3) by inserting after subsection (g) the following:

“(h) STATE PARTNERSHIP INDUSTRIAL ENERGY EFFICIENCY REVOLVING LOAN PROGRAM.—

“(1) IN GENERAL.—The Secretary shall carry out a program under which the Secretary shall provide grants to eligible lenders to pay the Federal share of creating a revolving loan program under which loans are provided to commercial and industrial manufacturers to implement commercially available technologies or processes that significantly—

“(A) reduce systems energy intensity, including the use of energy-intensive feedstocks; and

“(B) improve the industrial competitiveness of the United States.

“(2) ELIGIBLE LENDERS.—To be eligible to receive cost-matched Federal funds under this subsection, a lender shall—

“(A) be a community and economic development lender that the Secretary certifies meets the requirements of this subsection;

“(B) lead a partnership that includes participation by, at a minimum—

“(i) a State government agency; and

“(ii) a private financial institution or other provider of loan capital;

“(C) submit an application to the Secretary, and receive the approval of the Secretary, for cost-matched Federal funds to carry out a loan program described in paragraph (1); and

“(D) ensure that non-Federal funds are provided to match, on at least a dollar-for-dollar basis, the amount of Federal funds that are provided to carry out a revolving loan program described in paragraph (1).

“(3) AWARD.—The amount of cost-matched Federal funds provided to an eligible lender shall not exceed \$100,000,000 for any fiscal year.

“(4) RECAPTURE OF AWARDS.—

“(A) IN GENERAL.—An eligible lender that receives an award under paragraph (1) shall be required to repay to the Secretary an amount of cost-match Federal funds, as determined by the Secretary under subparagraph (B), if the eligible lender is unable or unwilling to operate a program described in this subsection for a period of not less than 10 years beginning on the date on which the eligible lender first receives funds made available through the award.

“(B) DETERMINATION BY SECRETARY.—The Secretary shall determine the amount of cost-match Federal funds that an eligible lender shall be required to repay to the Secretary under subparagraph (A) based on the consideration by the Secretary of—

“(i) the amount of non-Federal funds matched by the eligible lender;

“(ii) the amount of loan losses incurred by the revolving loan program described in paragraph (1); and

“(iii) any other appropriate factor, as determined by the Secretary.

“(C) USE OF RECAPTURED COST-MATCH FEDERAL FUNDS.—The Secretary may distribute to eligible lenders under this subsection each amount received by the Secretary under this paragraph.

“(5) ELIGIBLE PROJECTS.—A program for which cost-matched Federal funds are provided under this subsection shall be designed to accelerate the implementation of industrial and commercial applications of technologies or processes (including distributed generation, applications or technologies that use sensors, meters, software, and information networks, controls, and drives or that have been installed pursuant to an energy savings performance contract, project, or strategy) that—

“(A) improve energy efficiency, including improvements in efficiency and use of water, power factor, or load management;

“(B) enhance the industrial competitiveness of the United States; and

“(C) achieve such other goals as the Secretary determines to be appropriate.

“(6) EVALUATION.—The Secretary shall evaluate applications for cost-matched Federal funds under this subsection on the basis of—

“(A) the description of the program to be carried out with the cost-matched Federal funds;

“(B) the commitment to provide non-Federal funds in accordance with paragraph (2)(D);

“(C) program sustainability over a 10-year period;

“(D) the capability of the applicant;

“(E) the quantity of energy savings or energy feedstock minimization;

“(F) the advancement of the goal under this Act of 25-percent energy avoidance;

“(G) the ability to fund energy efficient projects not later than 120 days after the date of the grant award; and

“(H) such other factors as the Secretary determines appropriate.

“(7) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subsection, \$400,000,000 for the period of fiscal years 2012 through 2021.”.

SEC. 2302. COORDINATION OF RESEARCH AND DEVELOPMENT OF ENERGY EFFICIENT TECHNOLOGIES FOR INDUSTRY.

(a) IN GENERAL.—As part of the research and development activities of the Industrial

Technologies Program of the Department of Energy, the Secretary shall establish, as appropriate, collaborative research and development partnerships with other programs within the Office of Energy Efficiency and Renewable Energy (including the Building Technologies Program), the Office of Electricity Delivery and Energy Reliability, and the Office of Science that—

(1) leverage the research and development expertise of those programs to promote early stage energy efficiency technology development;

(2) support the use of innovative manufacturing processes and applied research for development, demonstration, and commercialization of new technologies and processes to improve efficiency (including improvements in efficient use of water), reduce emissions, reduce industrial waste, and improve industrial cost-competitiveness; and

(3) apply the knowledge and expertise of the Industrial Technologies Program to help achieve the program goals of the other programs.

(b) **REPORTS.**—Not later than 2 years after the date of enactment of this Act and biennially thereafter, the Secretary shall submit to Congress a report that describes actions taken to carry out subsection (a) and the results of those actions.

SEC. 2303. REDUCING BARRIERS TO THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.

(a) **DEFINITIONS.**—In this section:

(1) **INDUSTRIAL ENERGY EFFICIENCY.**—The term “industrial energy efficiency” means the energy efficiency derived from commercial technologies and measures to improve energy efficiency or to generate or transmit electric power and heat, including electric motor efficiency improvements, demand response, direct or indirect combined heat and power, and waste heat recovery.

(2) **INDUSTRIAL SECTOR.**—The term “industrial sector” means any subsector of the manufacturing sector (as defined in North American Industry Classification System codes 31-33 (as in effect on the date of enactment of this Act)) establishments of which have, or could have, thermal host facilities with electricity requirements met in whole, or in part, by onsite electricity generation, including direct and indirect combined heat and power or waste recovery.

(3) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

(b) **REPORT ON THE DEPLOYMENT OF INDUSTRIAL ENERGY EFFICIENCY.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a report describing—

(A) the results of the study conducted under paragraph (2); and

(B) recommendations and guidance developed under paragraph (3).

(2) **STUDY.**—The Secretary, in coordination with the industrial sector, shall conduct a study of the following:

(A) The legal, regulatory, and economic barriers to the deployment of industrial energy efficiency in all electricity markets (including organized wholesale electricity markets, and regulated electricity markets), including, as applicable, the following:

(i) Transmission and distribution interconnection requirements.

(ii) Standby, back-up, and maintenance fees (including demand ratchets).

(iii) Exit fees.

(iv) Life of contract demand ratchets.

(v) Net metering.

(vi) Calculation of avoided cost rates.

(vii) Power purchase agreements.

(viii) Energy market structures.

(ix) Capacity market structures.

(x) Other barriers as may be identified by the Secretary, in coordination with the industrial sector.

(B) **Examples of—**

(i) successful State and Federal policies that resulted in greater use of industrial energy efficiency;

(ii) successful private initiatives that resulted in greater use of industrial energy efficiency; and

(iii) cost-effective policies used by foreign countries to foster industrial energy efficiency.

(C) The estimated economic benefits to the national economy of providing the industrial sector with Federal energy efficiency matching grants of \$5,000,000,000 for 5- and 10-year periods, including benefits relating to—

(i) estimated energy and emission reductions;

(ii) direct and indirect jobs saved or created;

(iii) direct and indirect capital investment;

(iv) the gross domestic product; and

(v) trade balance impacts.

(D) The estimated energy savings available from increased use of recycled material in energy-intensive manufacturing processes.

(3) **RECOMMENDATIONS AND GUIDANCE.**—The Secretary, in coordination with the industrial sector, shall develop policy recommendations regarding the deployment of industrial energy efficiency, including proposed regulatory guidance to States and relevant Federal agencies to address barriers to deployment.

SEC. 2304. FUTURE OF INDUSTRY PROGRAM.

(a) **IN GENERAL.**—Section 452 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111) is amended by striking the section heading and inserting the following:

“FUTURE OF INDUSTRY PROGRAM”

(b) **DEFINITION OF ENERGY SERVICE PROVIDER.**—Section 452(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(a)) is amended—

(1) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively; and

(2) by inserting after paragraph (3):

“(5) **ENERGY SERVICE PROVIDER.**—The term ‘energy service provider’ means any private company or similar entity providing technology or services to improve energy efficiency in an energy-intensive industry.”

(c) **INDUSTRIAL RESEARCH AND ASSESSMENT CENTERS.**—

(1) **IN GENERAL.**—Section 452(e) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(e)) is amended—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting appropriately;

(B) by striking “The Secretary” and inserting the following:

“(1) **IN GENERAL.**—The Secretary”;

(C) in subparagraph (A) (as redesignated by subparagraph (A)), by inserting before the semicolon at the end the following: “, including assessments of sustainable manufacturing goals and the implementation of information technology advancements for supply chain analysis, logistics, system monitoring, industrial and manufacturing processes, and other purposes”; and

(D) by adding at the end the following:

“(2) **CENTERS OF EXCELLENCE.**—

“(A) **IN GENERAL.**—The Secretary shall establish a Center of Excellence at up to 10 of

the highest performing industrial research and assessment centers, as determined by the Secretary.

“(B) **DUTIES.**—A Center of Excellence shall coordinate with and advise the industrial research and assessment centers located in the region of the Center of Excellence.

“(C) **FUNDING.**—Subject to the availability of appropriations, of the funds made available under subsection (f), the Secretary shall use to support each Center of Excellence not less than \$500,000 for fiscal year 2012 and each fiscal year thereafter, as determined by the Secretary.

“(3) **EXPANSION OF CENTERS.**—The Secretary shall provide funding to establish additional industrial research and assessment centers at institutions of higher education that do not have industrial research and assessment centers established under paragraph (1), taking into account the size of, and potential energy efficiency savings for, the manufacturing base within the region of the proposed center.

“(4) **COORDINATION.**—

“(A) **IN GENERAL.**—To increase the value and capabilities of the industrial research and assessment centers, the centers shall—

“(i) coordinate with Manufacturing Extension Partnership Centers of the National Institute of Standards and Technology;

“(ii) coordinate with the Building Technologies Program of the Department of Energy to provide building assessment services to manufacturers;

“(iii) increase partnerships with the National Laboratories of the Department of Energy to leverage the expertise and technologies of the National Laboratories for national industrial and manufacturing needs;

“(iv) increase partnerships with energy service providers and technology providers to leverage private sector expertise and accelerate deployment of new and existing technologies and processes for energy efficiency, power factor, and load management;

“(v) identify opportunities for reducing greenhouse gas emissions; and

“(vi) promote sustainable manufacturing practices for small- and medium-sized manufacturers.

“(5) **OUTREACH.**—The Secretary shall provide funding for—

“(A) outreach activities by the industrial research and assessment centers to inform small- and medium-sized manufacturers of the information, technologies, and services available; and

“(B) a full-time equivalent employee at each center of excellence whose primary mission shall be to coordinate and leverage the efforts of the center with—

“(i) Federal and State efforts;

“(ii) the efforts of utilities and energy service providers;

“(iii) the efforts of regional energy efficiency organizations; and

“(iv) the efforts of other centers in the region of the center of excellence.

“(6) **WORKFORCE TRAINING.**—

“(A) **IN GENERAL.**—The Secretary shall pay the Federal share of associated internship programs under which students work with or for industries, manufacturers, and energy service providers to implement the recommendations of industrial research and assessment centers.

“(B) **FEDERAL SHARE.**—The Federal share of the cost of carrying out internship programs described in subparagraph (A) shall be 50 percent.

“(C) **FUNDING.**—Subject to the availability of appropriations, of the funds made available under subsection (f), the Secretary shall

use to carry out this paragraph not less than \$5,000,000 for fiscal year 2012 and each fiscal year thereafter.

“(7) **SMALL BUSINESS LOANS.**—The Administrator of the Small Business Administration shall, to the maximum practicable, expedite consideration of applications from eligible small business concerns for loans under the Small Business Act (15 U.S.C. 631 et seq.) to implement recommendations of industrial research and assessment centers established under paragraph (1).”.

SEC. 2305. SUSTAINABLE MANUFACTURING INITIATIVE.

(a) **IN GENERAL.**—Part E of title III of the Energy Policy and Conservation Act (42 U.S.C. 6341) is amended by adding at the end the following:

“SEC. 376. SUSTAINABLE MANUFACTURING INITIATIVE.

“(a) **IN GENERAL.**—As part of the Industrial Technologies Program of the Department of Energy, the Secretary shall carry out a sustainable manufacturing initiative under which the Secretary, on the request of a manufacturer, shall conduct onsite technical assessments to identify opportunities for—

“(1) maximizing the energy efficiency of industrial processes and cross-cutting systems;

“(2) preventing pollution and minimizing waste;

“(3) improving efficient use of water in manufacturing processes;

“(4) conserving natural resources; and

“(5) achieving such other goals as the Secretary determines to be appropriate.

“(b) **COORDINATION.**—The Secretary shall carry out the initiative in coordination with the private sector and appropriate agencies, including the National Institute of Standards and Technology to accelerate adoption of new and existing technologies or processes that improve energy efficiency.

“(c) **RESEARCH AND DEVELOPMENT PROGRAM FOR SUSTAINABLE MANUFACTURING AND INDUSTRIAL TECHNOLOGIES AND PROCESSES.**—As part of the Industrial Technologies Program of the Department of Energy, the Secretary shall carry out a joint industry-government partnership program to research, develop, and demonstrate new sustainable manufacturing and industrial technologies and processes that maximize the energy efficiency of industrial systems, reduce pollution, and conserve natural resources.

“(d) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be to carry out this section \$10,000,000 for the period of fiscal years 2012 through 2021.”.

(b) **TABLE OF CONTENTS.**—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part E of title III the following:

“Sec. 376. Sustainable manufacturing initiative.”.

SEC. 2306. STUDY OF ADVANCED ENERGY TECHNOLOGY MANUFACTURING CAPABILITIES IN THE UNITED STATES.

(a) **IN GENERAL.**—Not later than 60 days after the date of enactment of this Act, the Secretary shall enter into an arrangement with the National Academy of Sciences under which the Academy shall conduct a study of the development of advanced manufacturing capabilities for various energy technologies, including—

(1) an assessment of the manufacturing supply chains of established and emerging industries;

(2) an analysis of—

(A) the manner in which supply chains have changed over the 25-year period ending on the date of enactment of this Act;

(B) current trends in supply chains; and

(C) the energy intensity of each part of the supply chain and opportunities for improvement;

(3) for each technology or manufacturing sector, an analysis of which sections of the supply chain are critical for the United States to retain or develop to be competitive in the manufacturing of the technology;

(4) an assessment of which emerging energy technologies the United States should focus on to create or enhance manufacturing capabilities; and

(5) recommendations on leveraging the expertise of energy efficiency and renewable energy user facilities so that best materials and manufacturing practices are designed and implemented.

(b) **REPORT.**—Not later than 2 years after the date on which the Secretary enters into the agreement with the Academy described in subsection (a), the Academy shall submit to the Committee on Energy and Natural Resources of the Senate, the Committee on Energy and Commerce of the House of Representatives, and the Secretary a report describing the results of the study required under this section, including any findings and recommendations.

SEC. 2307. INDUSTRIAL TECHNOLOGIES STEERING COMMITTEE.

The Secretary shall establish an advisory steering committee that includes national trade associations representing energy-intensive industries or energy service providers to provide recommendations to the Secretary on planning and implementation of the Industrial Technologies Program of the Department of Energy.

Subtitle B—Supply Star

SEC. 2311. SUPPLY STAR.

Part B of title III of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by inserting after section 324A (42 U.S.C. 6294a) the following:

“SEC. 324B. SUPPLY STAR PROGRAM.

“(a) **IN GENERAL.**—There is established within the Department of Energy a Supply Star program to identify and promote practices, recognize companies, and, as appropriate, recognize products that use highly efficient supply chains in a manner that conserves energy, water, and other resources.

“(b) **COORDINATION.**—In carrying out the program described in subsection (a), the Secretary shall—

“(1) consult with other appropriate agencies; and

“(2) coordinate efforts with the Energy Star program established under section 324A.

“(c) **DUTIES.**—In carrying out the Supply Star program described in subsection (a), the Secretary shall—

“(1) promote practices, recognize companies, and, as appropriate, recognize products that comply with the Supply Star program as the preferred practices, companies, and products in the marketplace for maximizing supply chain efficiency;

“(2) work to enhance industry and public awareness of the Supply Star program;

“(3) collect and disseminate data on supply chain energy resource consumption;

“(4) develop and disseminate metrics, processes, and analytical tools (including software) for evaluating supply chain energy resource use;

“(5) develop guidance at the sector level for improving supply chain efficiency;

“(6) work with domestic and international organizations to harmonize approaches to analyzing supply chain efficiency, including the development of a consistent set of tools, templates, calculators, and databases; and

“(7) work with industry, including small businesses, to improve supply chain efficiency through activities that include—

“(A) developing and sharing best practices; and

“(B) providing opportunities to benchmark supply chain efficiency.

“(d) **EVALUATION.**—In any evaluation of supply chain efficiency carried out by the Secretary with respect to a specific product, the Secretary shall consider energy consumption and resource use throughout the entire lifecycle of a product, including production, transport, packaging, use, and disposal.

“(e) **GRANTS AND INCENTIVES.**—

“(1) **IN GENERAL.**—The Secretary may award grants or other forms of incentives on a competitive basis to eligible entities, as determined by the Secretary, for the purposes of—

“(A) studying supply chain energy resource efficiency; and

“(B) demonstrating and achieving reductions in the energy resource consumption of commercial products through changes and improvements to the production supply and distribution chain of the products.

“(2) **USE OF INFORMATION.**—Any information or data generated as a result of the grants or incentives described in paragraph (1) shall be used to inform the development of the Supply Star Program.

“(f) **TRAINING.**—The Secretary shall use funds to support professional training programs to develop and communicate methods, practices, and tools for improving supply chain efficiency.

“(g) **EFFECT OF IMPACT ON CLIMATE CHANGE.**—For purposes of this section, the impact on climate change shall not be a factor in determining supply chain efficiency.

“(h) **EFFECT OF OUTSOURCING OF AMERICAN JOBS.**—For purposes of this section, the outsourcing of American jobs in the production of a product shall not count as a positive factor in determining supply chain efficiency.

“(i) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to carry out this section \$10,000,000 for the period of fiscal years 2012 through 2021.”.

Subtitle C—Electric Motor Rebate Program

SEC. 2321. ENERGY SAVING MOTOR CONTROL REBATE PROGRAM.

(a) **ESTABLISHMENT.**—Not later than January 1, 2012, the Secretary of Energy (referred to in this section as the “Secretary”) shall establish a program to provide rebates for expenditures made by entities for the purchase and installation of a new constant speed electric motor control that reduces motor energy use by not less than 5 percent.

(b) **REQUIREMENTS.**—

(1) **APPLICATION.**—To be eligible to receive a rebate under this section, an entity shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including—

(A) demonstrated evidence that the entity purchased a constant speed electric motor control that reduces motor energy use by not less than 5 percent; and

(B) the physical nameplate of the installed motor of the entity to which the energy saving motor control is attached.

(2) **AUTHORIZED AMOUNT OF REBATE.**—The Secretary may provide to an entity that meets the requirements of paragraph (1) a rebate the amount of which shall be equal to the product obtained by multiplying—

(A) the nameplate horsepower of the electric motor to which the energy saving motor control is attached; and

(B) \$25.

(C) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2012 and 2013, to remain available until expended.

Subtitle D—Transformer Rebate Program

SEC. 2331. ENERGY EFFICIENT TRANSFORMER REBATE PROGRAM.

(A) **DEFINITION OF QUALIFIED TRANSFORMER.**—In this section, the term “qualified transformer” means a transformer that meets or exceeds the National Electrical Manufacturers Association (NEMA) Premium Efficiency designation, calculated to 2 decimal points, as having 30 percent fewer losses than the NEMA TP-1-2002 efficiency standard for a transformer of the same number of phases and capacity, as measured in kilovolt-amperes.

(B) **ESTABLISHMENT.**—Not later than January 1, 2012, the Secretary of Energy (referred to in this section as the “Secretary”) shall establish a program to provide rebates for expenditures made by owners of commercial buildings and multifamily residential buildings for the purchase and installation of a new energy efficient transformers.

(C) REQUIREMENTS.

(1) **APPLICATION.**—To be eligible to receive a rebate under this section, an owner shall submit to the Secretary an application in such form, at such time, and containing such information as the Secretary may require, including demonstrated evidence that the owner purchased a qualified transformer.

(2) **AUTHORIZED AMOUNT OF REBATE.**—For qualified transformers, rebates, in dollars per kilovolt-ampere (referred to in this paragraph as “kVA”) shall be—

(A) for 3-phase transformers—

(i) with a capacity of not greater than 10 kVA, \$15;

(ii) with a capacity of not less than 10 kVA and not greater than 100 kVA, the difference between 15 and the quotient obtained by dividing—

(I) the difference between—

(aa) the capacity of the transformer in kVA; and

(bb) 10; by

(II) 9; and

(iii) with a capacity greater than or equal to 100 kVA, \$5; and

(B) for single-phase transformers, 75 percent of the rebate for a 3-phase transformer of the same capacity.

(D) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2012 and 2013, to remain available until expended.

TITLE IV—FEDERAL AGENCY ENERGY EFFICIENCY

SEC. 2401. ADOPTION OF PERSONAL COMPUTER POWER SAVINGS TECHNIQUES BY FEDERAL AGENCIES.

(A) **IN GENERAL.**—Not later than 360 days after the date of enactment of this Act, the Secretary of Energy, in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and the Administrator of General Services, shall issue guidance for Federal agencies to employ advanced tools allowing energy savings through the use of computer hardware, energy efficiency software, and power management tools.

(B) **REPORTS ON PLANS AND SAVINGS.**—Not later than 180 days after the date of the issuance of the guidance under subsection (A), each Federal agency shall submit to the Secretary of Energy a report that describes—

(1) the plan of the agency for implementing the guidance within the agency; and

(2) estimated energy and financial savings from employing the tools described in subsection (A).

SEC. 2402. AVAILABILITY OF FUNDS FOR DESIGN UPDATES.

Section 3307 of title 40, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively; and

(2) by inserting after subsection (c) the following:

“(d) **AVAILABILITY OF FUNDS FOR DESIGN UPDATES.**—

“(1) **IN GENERAL.**—Subject to paragraph (2), for any project for which congressional approval is received under subsection (a) and for which the design has been substantially completed but construction has not begun, the Administrator of General Services may use appropriated funds to update the project design to meet applicable Federal building energy efficiency standards established under section 305 of the Energy Conservation and Production Act (42 U.S.C. 6834) and other requirements established under section 3312.

“(2) **LIMITATION.**—The use of funds under paragraph (1) shall not exceed 125 percent of the estimated energy or other cost savings associated with the updates as determined by a life-cycle cost analysis under section 544 of the National Energy Conservation Policy Act (42 U.S.C. 8254).”

SEC. 2403. BEST PRACTICES FOR ADVANCED METERING.

Section 543(e) of the National Energy Conservation Policy Act (42 U.S.C. 8253(e)) is amended by striking paragraph (3) and inserting the following:

“(3) **PLAN.**—

“(A) **IN GENERAL.**—Not later than 180 days after the date on which guidelines are established under paragraph (2), in a report submitted by the agency under section 548(a), each agency shall submit to the Secretary a plan describing the manner in which the agency will implement the requirements of paragraph (1), including—

“(i) how the agency will designate personnel primarily responsible for achieving the requirements; and

“(ii) a demonstration by the agency, complete with documentation, of any finding that advanced meters or advanced metering devices (as those terms are used in paragraph (1)), are not practicable.

“(B) **UPDATES.**—Reports submitted under subparagraph (A) shall be updated annually.

“(4) **BEST PRACTICES REPORT.**—

“(A) **IN GENERAL.**—Not later than 180 days after the date of enactment of the Energy Savings and Industrial Competitiveness Act of 2012, the Secretary of Energy, in consultation with the Secretary of Defense and the Administrator of General Services, shall develop, and issue a report on, best practices for the use of advanced metering of energy use in Federal facilities, buildings, and equipment by Federal agencies.

“(B) **UPDATING.**—The report described under subparagraph (A) shall be updated annually.

“(C) **COMPONENTS.**—The report shall include, at a minimum—

“(i) summaries and analysis of the reports by agencies under paragraph (3);

“(ii) recommendations on standard requirements or guidelines for automated energy management systems, including—

“(I) potential common communications standards to allow data sharing and reporting;

“(II) means of facilitating continuous commissioning of buildings and evidence-based

maintenance of buildings and building systems; and

“(III) standards for sufficient levels of security and protection against cyber threats to ensure systems cannot be controlled by unauthorized persons; and

“(iii) an analysis of—

“(I) the types of advanced metering and monitoring systems being piloted, tested, or installed in Federal buildings; and

“(II) existing techniques used within the private sector or other non-Federal government buildings.”

SEC. 2404. FEDERAL ENERGY MANAGEMENT AND DATA COLLECTION STANDARD.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended—

(1) by redesignating the second subsection (f) (as added by section 434(a) of Public Law 110-140 (121 Stat. 1614)) as subsection (g); and

(2) in subsection (f)(7), by striking subparagraph (A) and inserting the following:

“(A) **IN GENERAL.**—For each facility that meets the criteria established by the Secretary under paragraph (2)(B), the energy manager shall use the web-based tracking system under subparagraph (B)—

“(i) to certify compliance with the requirements for—

“(I) energy and water evaluations under paragraph (3);

“(II) implementation of identified energy and water measures under paragraph (4); and

“(III) follow-up on implemented measures under paragraph (5); and

“(ii) to publish energy and water consumption data on an individual facility basis.”

SEC. 2405. ELECTRIC VEHICLE CHARGING INFRASTRUCTURE.

Section 804(4) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(4)) is amended—

(1) in subparagraph (A), by striking “or” after the semicolon;

(2) in subparagraph (B), by striking the period at the end and inserting “; or”; and

(3) by adding at the end the following:

“(C) a measure to support the use of electric vehicles or the fueling or charging infrastructure necessary for electric vehicles.”

SEC. 2406. FEDERAL PURCHASE REQUIREMENT.

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended—

(1) in subsections (a) and (b)(2), by striking “electric energy” each place it appears and inserting “electric, direct, and thermal energy”; and

(2) in subsection (b)(2)—

(A) by inserting “, or avoided by,” after “generated from”; and

(B) by inserting “(including ground-source, reclaimed, and ground water)” after “geothermal”;

(3) by redesignating subsection (d) as subsection (e); and

(4) by inserting after subsection (c) the following:

“(d) **SEPARATE CALCULATION.**—Renewable energy produced at a Federal facility, on Federal land, or on Indian land (as defined in section 2601 of the Energy Policy Act of 1992 (25 U.S.C. 3501))—

“(1) shall be calculated (on a BTU-equivalent basis) separately from renewable energy used; and

“(2) may be used individually or in combination to comply with subsection (a).”

SEC. 2407. STUDY ON FEDERAL DATA CENTER CONSOLIDATION.

(A) **IN GENERAL.**—The Secretary of Energy shall conduct a study on the feasibility of a government-wide data center consolidation, with an overall Federal target of a minimum

of 800 Federal data center closures by October 1, 2015.

(b) **COORDINATION.**—In conducting the study, the Secretary shall coordinate with Federal data center program managers, facilities managers, and sustainability officers.

(c) **REPORT.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the results of the study, including a description of agency best practices in data center consolidation.

TITLE V—MISCELLANEOUS

SEC. 2501. OFFSETS.

(a) **ZERO-NET ENERGY COMMERCIAL BUILDINGS INITIATIVE.**—Section 422(f) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17082(f)) is amended by striking paragraphs (2) through (4) and inserting the following:

“(2) \$50,000,000 for each of fiscal years 2009 through 2012;

“(3) \$100,000,000 for fiscal year 2013; and

“(4) \$200,000,000 for each of fiscal years 2014 through 2018.”.

(b) **ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS AND LOANS FOR INSTITUTIONS.**—Subsection (j) of section 399A of the Energy Policy and Conservation Act (42 U.S.C. 6371h–1) (as redesignated by section 2301(2)) is amended—

(1) in paragraph (1), by striking “through 2013” and inserting “and 2010, \$100,000,000 for each of fiscal years 2011 and 2012, and \$250,000,000 for fiscal year 2013”; and

(2) in paragraph (2), by striking “through 2013” and inserting “and 2010, \$100,000,000 for each of fiscal years 2011 and 2012, and \$425,000,000 for fiscal year 2013”.

(c) **WASTE ENERGY RECOVERY INCENTIVE PROGRAM.**—Section 373(f)(1) of the Energy Policy and Conservation Act (42 U.S.C. 6343(f)(1)) is amended—

(1) by redesignating subparagraph (B) as subparagraph (D); and

(2) by striking subparagraph (A) and inserting the following:

“(A) \$100,000,000 for fiscal year 2008;

“(B) \$200,000,000 for each of fiscal years 2009 and 2010;

“(C) \$100,000,000 for each of fiscal years 2011 and 2012; and”.

(d) **ENERGY-INTENSIVE INDUSTRIES PROGRAM.**—Section 452(f)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17111(f)(1)) is amended—

(1) in subparagraph (D), by striking “\$202,000,000” and inserting “\$102,000,000”; and

(2) in subparagraph (E), by striking “\$208,000,000” and inserting “\$108,000,000”.

SEC. 2502. BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

SEC. 2503. ADVANCE APPROPRIATIONS REQUIRED.

The authorization of amounts under this division and the amendments made by this division shall be effective for any fiscal year only to the extent and in the amount provided in advance in appropriations Acts.

SA 2547. Mr. ROBERTS (for himself, Mr. HATCH, Mr. RUBIO, Mr. BURR, Ms.

COLLINS, Mr. BROWN of Massachusetts, Mr. COBURN, Mr. ALEXANDER, and Mr. KIRK) submitted an amendment intended to be proposed by him to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ REPEAL OF DISTRIBUTIONS FOR MEDICINE QUALIFIED ONLY IF FOR PRESCRIBED DRUG OR INSULIN.

Section 9003 of the Patient Protection and Affordable Care Act (Public Law 111–148) and the amendments made by such section are repealed; and the Internal Revenue Code of 1986 shall be applied as if such section, and amendments, had never been enacted.

SA 2548. Mr. WYDEN submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division B, insert the following:

TITLE ____ ENTREPRENEURIAL TRAINING

SEC. ____ RULEMAKING.

(a) **IN GENERAL.**—Not later than 9 months after the date of enactment of this Act, the Secretary of Labor shall establish alternate guidelines for measuring State and local performance, under section 136 of the Workforce Investment Act of 1998 (42 U.S.C. 2871), regarding entrepreneurial training services, as authorized in section 134(d)(4)(D)(vi) of such Act (29 U.S.C. 2864(d)(4)(D)(vi)), and provide the State and local workforce investment boards with specific guidance on successful approaches to collecting performance information on entrepreneurial training, notwithstanding section 136(f)(2) of such Act (42 U.S.C. 2871(f)(2)).

(b) **CONSIDERATIONS.**—In determining the alternate guidelines, the Secretary shall consider utilizing authorities granted under the Workforce Investment Act of 1998, including a State’s waiver authority, as authorized in section 189(i)(4) of such Act (29 U.S.C. 2939(i)(4)).

(c) **REPORT.**—Not later than 12 months after publication of the final rule establishing the guidelines, the Secretary shall issue a report on the progress of State and local workforce investment boards in implementing new entrepreneurial training programs and any ongoing challenges to offering entrepreneurial training programs, with recommendations to Congress on how best to address those challenges.

SA 2549. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE ____ FREEDOM FROM RESTRICTIVE EXCESSIVE EXECUTIVE DEMANDS AND ONEROUS MANDATES

SEC. ____ 01. SHORT TITLE.

This title may be cited as the “Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012”.

SEC. ____ 02. FINDINGS.

Congress finds the following:

(1) A vibrant and growing small business sector is critical to the recovery of the economy of the United States.

(2) Regulations designed for application to large-scale entities have been applied uniformly to small businesses and other small entities, sometimes inhibiting the ability of small entities to create new jobs.

(3) Uniform Federal regulatory and reporting requirements in many instances have imposed on small businesses and other small entities unnecessary and disproportionately burdensome demands, including legal, accounting, and consulting costs, thereby threatening the viability of small entities and the ability of small entities to compete and create new jobs in a global marketplace.

(4) Since 1980, Federal agencies have been required to recognize and take account of the differences in the scale and resources of regulated entities, but in many instances have failed to do so.

(5) In 2009, there were nearly 70,000 pages in the Federal Register, and, according to research by the Office of Advocacy of the Small Business Administration, the annual cost of Federal regulations totals \$1,750,000,000. Small firms bear a disproportionate burden, paying approximately 36 percent more per employee than larger firms in annual regulatory compliance costs.

(6) All agencies in the Federal Government should fully consider the costs, including indirect economic impacts and the potential for job loss, of proposed rules, periodically review existing regulations to determine their impact on small entities, and repeal regulations that are unnecessarily duplicative or have outlived their stated purpose.

(7) It is the intention of Congress to amend chapter 6 of title 5, United States Code, to ensure that all impacts, including foreseeable indirect effects, of proposed and final rules are considered by agencies during the rulemaking process and that the agencies assess a full range of alternatives that will limit adverse economic consequences, enhance economic benefits, and fully address potential job loss.

SEC. ____ 03. INCLUDING INDIRECT ECONOMIC IMPACT IN SMALL ENTITY ANALYSES.

Section 601 of title 5, United States Code, is amended by adding at the end the following:

“(9) the term ‘economic impact’ means, with respect to a proposed or final rule—

“(A) the economic effects on small entities directly regulated by the rule; and

“(B) the reasonably foreseeable economic effects of the rule on small entities that—

“(i) purchase products or services from, sell products or services to, or otherwise conduct business with entities directly regulated by the rule;

“(ii) are directly regulated by other governmental entities as a result of the rule; or

“(iii) are not directly regulated by the agency as a result of the rule but are otherwise subject to other agency regulations as a result of the rule.”.

SEC. 04. JUDICIAL REVIEW TO ALLOW SMALL ENTITIES TO CHALLENGE PROPOSED REGULATIONS.

Section 611(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting “603,” after “601.”;

(2) in paragraph (2), by inserting “603,” after “601.”;

(3) by striking paragraph (3) and inserting the following:

“(3) A small entity may seek such review during the 1-year period beginning on the date of final agency action, except that—

“(A) if a provision of law requires that an action challenging a final agency action be commenced before the expiration of 1 year, the lesser period shall apply to an action for judicial review under this section; and

“(B) in the case of noncompliance with section 603 or 605(b), a small entity may seek judicial review of agency compliance with such section before the close of the public comment period.”; and

(4) in paragraph (4)—

(A) in subparagraph (A), by striking “, and” and inserting a semicolon;

(B) in subparagraph (B), by striking the period and inserting “; or”; and

(C) by adding at the end the following:

“(C) issuing an injunction prohibiting an agency from taking any agency action with respect to a rulemaking until that agency is in compliance with the requirements of section 603 or 605.”.

SEC. 05. PERIODIC REVIEW.

Section 610 of title 5, United States Code, is amended to read as follows:

“§ 610. Periodic review of rules

“(a)(1) Not later than 180 days after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012, each agency shall establish a plan for the periodic review of—

“(A) each rule issued by the agency that the head of the agency determines has a significant economic impact on a substantial number of small entities, without regard to whether the agency performed an analysis under section 604 with respect to the rule; and

“(B) any small entity compliance guide required to be published by the agency under section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note).

“(2) In reviewing rules and small entity compliance guides under paragraph (1), the agency shall determine whether the rules and guides should—

“(A) be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant adverse economic impacts on a substantial number of small entities (including an estimate of any adverse impacts on job creation and employment by small entities); or

“(B) continue in effect without change.

“(3) Each agency shall publish the plan established under paragraph (1) in the Federal Register and on the Web site of the agency.

“(4) An agency may amend the plan established under paragraph (1) at any time by publishing the amendment in the Federal Register and on the Web site of the agency.

“(b) Each plan established under subsection (a) shall provide for—

“(1) the review of each rule and small entity compliance guide described in subsection (a)(1) in effect on the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012—

“(A) not later than 9 years after the date of publication of the plan in the Federal Register; and

“(B) every 9 years thereafter; and

“(2) the review of each rule adopted and small entity compliance guide described in subsection (a)(1) that is published after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012—

“(A) not later than 9 years after the publication of the final rule in the Federal Register; and

“(B) every 9 years thereafter.

“(c) In reviewing rules under the plan required under subsection (a), the agency shall consider—

“(1) the continued need for the rule;

“(2) the nature of complaints received by the agency from small entities concerning the rule;

“(3) comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy of the Small Business Administration;

“(4) the complexity of the rule;

“(5) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules;

“(6) the contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such a calculation cannot be made;

“(7) the length of time since the rule has been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule; and

“(8) the economic impact of the rule, including—

“(A) the estimated number of small entities to which the rule will apply;

“(B) the estimated number of small entity jobs that will be lost or created due to the rule; and

“(C) the projected reporting, record-keeping, and other compliance requirements of the proposed rule, including—

“(i) an estimate of the classes of small entities that will be subject to the requirement; and

“(ii) the type of professional skills necessary for preparation of the report or record.

“(d)(1) Each agency shall submit an annual report regarding the results of the review required under subsection (a) to—

“(A) Congress; and

“(B) in the case of an agency that is not an independent regulatory agency (as defined in section 3502(5) of title 44), the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget.

“(2) Each report required under paragraph (1) shall include a description of any rule or guide with respect to which the agency made a determination of infeasibility under paragraph (5) or (6) of subsection (c), together with a detailed explanation of the reasons for the determination.

“(e) Each agency shall publish in the Federal Register and on the Web site of the agency a list of the rules and small entity compliance guides to be reviewed under the plan required under subsection (a) that includes—

“(1) a brief description of each rule or guide;

“(2) for each rule, the reason why the head of the agency determined that the rule has a

significant economic impact on a substantial number of small entities (without regard to whether the agency had prepared a final regulatory flexibility analysis for the rule); and

“(3) a request for comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rules or publication of the guides.

“(f)(1) Not later than 6 months after each date described in subsection (b)(1), the Inspector General for each agency shall—

“(A) determine whether the agency has conducted the review required under subsection (b) appropriately; and

“(B) notify the head of the agency of—

“(i) the results of the determination under subparagraph (A); and

“(ii) any issues preventing the Inspector General from determining that the agency has conducted the review under subsection (b) appropriately.

“(2)(A) Not later than 6 months after the date on which the head of an agency receives a notice under paragraph (1)(B) that the agency has not conducted the review under subsection (b) appropriately, the agency shall address the issues identified in the notice.

“(B) Not later than 30 days after the last day of the 6-month period described in subparagraph (A), the Inspector General for an agency that receives a notice described in subparagraph (A) shall—

“(i) determine whether the agency has addressed the issues identified in the notice; and

“(ii) notify Congress if the Inspector General determines that the agency has not addressed the issues identified in the notice; and

“(C) Not later than 30 days after the date on which the Inspector General for an agency transmits a notice under subparagraph (B)(ii), an amount equal to 1 percent of the amount appropriated for the fiscal year to the appropriations account of the agency that is used to pay salaries shall be rescinded.

“(D) Nothing in this paragraph may be construed to prevent Congress from acting to prevent a rescission under subparagraph (C).”.

SEC. 06. REQUIRING SMALL BUSINESS REVIEW PANELS FOR ADDITIONAL AGENCIES.

(a) AGENCIES.—Section 609 of title 5, United States Code, is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “a covered agency” and inserting “an agency designated under subsection (d)”;

(B) by striking “a covered agency” each place it appears and inserting “the agency”;

(2) by striking subsection (d) and inserting the following:

“(d)(1) On and after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012, the Environmental Protection Agency, the Bureau of Consumer Financial Protection, and the Occupational Safety and Health Administration of the Department of Labor shall be—

“(A) agencies designated under this subsection; and

“(B) subject to the requirements of subsection (b).

“(2) The Chief Counsel for Advocacy shall designate as agencies that shall be subject to the requirements of subsection (b) on and after the date of the designation—

“(A) 3 agencies for the first year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012;

“(B) in addition to the agencies designated under subparagraph (A), 3 agencies for the second year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012; and

“(C) in addition to the agencies designated under subparagraphs (A) and (B), 3 agencies for the third year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012.

“(3) The Chief Counsel for Advocacy shall designate agencies under paragraph (2) based on the economic impact of the rules of the agency on small entities, beginning with agencies with the largest economic impact on small entities.”; and

(3) in subsection (e)(1), by striking “the covered agency” and inserting “the agency”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 603.—Section 603(d) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking “a covered agency, as defined in section 609(d)(2)” and inserting “the Bureau of Consumer Financial Protection”; and

(B) in paragraph (2), by striking “A covered agency, as defined in section 609(d)(2),” and inserting “The Bureau of Consumer Financial Protection”.

(2) SECTION 604.—Section 604(a) of title 5, United States Code, is amended—

(A) by redesignating the second paragraph designated as paragraph (6) (relating to covered agencies), as added by section 1100G(c)(3) of Public Law 111–203 (124 Stat. 2113), as paragraph (7); and

(B) in paragraph (7), as so redesignated—

(i) by striking “a covered agency, as defined in section 609(d)(2)” and inserting “the Bureau of Consumer Financial Protection”; and

(ii) by striking “the agency” and inserting “the Bureau”.

SEC. 07. EXPANDING THE REGULATORY FLEXIBILITY ACT TO AGENCY GUIDANCE DOCUMENTS.

Section 601(2) of title 5, United States Code, is amended by inserting after “public comment” the following: “and any significant guidance document, as defined in the Office of Management and Budget Final Bulletin for Agency Good Guidance Procedures (72 Fed. Reg. 3432; January 25, 2007)”.

SEC. 08. REQUIRING THE INTERNAL REVENUE SERVICE TO CONSIDER SMALL ENTITY IMPACT.

(a) IN GENERAL.—Section 603(a) of title 5, United States Code, is amended, in the fifth sentence, by striking “but only” and all that follows through the period at the end and inserting “but only to the extent that such interpretative rules, or the statutes upon which such rules are based, impose on small entities a collection of information requirement or a recordkeeping requirement.”.

(b) DEFINITIONS.—Section 601 of title 5, United States Code, as amended by section 03 of this title, is amended—

(1) in paragraph (6), by striking “and” at the end; and

(2) by striking paragraphs (7) and (8) and inserting the following:

“(7) the term ‘collection of information’ has the meaning given that term in section 3502(3) of title 44;

“(8) the term ‘recordkeeping requirement’ has the meaning given that term in section 3502(13) of title 44; and”.

SEC. 09. REPORTING ON ENFORCEMENT ACTIONS RELATING TO SMALL ENTITIES.

Section 223 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended—

(1) in subsection (a)—

(A) by striking “Each agency” and inserting the following:

“(1) ESTABLISHMENT OF POLICY OR PROGRAM.—Each agency”; and

(B) by adding at the end the following:

“(2) REVIEW OF CIVIL PENALTIES.—Not later than 2 years after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012, and every 2 years thereafter, each agency regulating the activities of small entities shall review the civil penalties imposed by the agency for violations of a statutory or regulatory requirement by a small entity to determine whether a reduction or waiver of the civil penalties is appropriate.”; and

(2) in subsection (c)—

(A) by striking “Agencies shall report” and all that follows through “the scope” and inserting “Not later than 2 years after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012, and every 2 years thereafter, each agency shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Small Business and the Committee on the Judiciary of the House of Representatives a report discussing the scope”; and

(B) by striking “and the total amount of penalty reductions and waivers” and inserting “the total amount of penalty reductions and waivers, and the results of the most recent review under subsection (a)(2)”.

SEC. 10. REQUIRING MORE DETAILED SMALL ENTITY ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

“(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

“(1) describing the reasons why action by the agency is being considered;

“(2) describing the objectives of, and legal basis for, the proposed rule;

“(3) estimating the number and type of small entities to which the proposed rule will apply;

“(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

“(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; and

“(6) estimating the additional cumulative economic impact of the proposed rule on small entities, including job loss by small entities, beyond that already imposed on the class of small entities by the agency, or the reasons why such an estimate is not available.”; and

(2) by adding at the end the following:

“(e) An Agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities—

“(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs of the Office of Management and Budget under Executive Order 12866, if that order requires the submission; or

“(2) if no submission to the Office of Information and Regulatory Affairs is required—

“(A) a reasonable period before publication of the rule by the agency; and

“(B) in any event, not later than 3 months before the date on which the agency publishes the rule.”.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) by inserting “detailed” before “description” each place it appears;

(B) in paragraph (2)—

(i) by inserting “detailed” before “statement” each place it appears; and

(ii) by inserting “(or certification of the proposed rule under section 605(b))” after “initial regulatory flexibility analysis”;

(C) in paragraph (4), by striking “an explanation” and inserting “a detailed explanation”; and

(D) in paragraph (6) (relating to a description of steps taken to minimize significant economic impact), as added by section 1601 of the Small Business Jobs Act of 2010 (Public Law 111–240; 124 Stat. 2251), by inserting “detailed” before “statement”.

(2) PUBLICATION OF ANALYSIS ON WEB SITE, ETC.—Section 604(b) of title 5, United States Code, is amended to read as follows:

“(b) The agency shall—

“(1) make copies of the final regulatory flexibility analysis available to the public, including by publishing the entire final regulatory flexibility analysis on the Web site of the agency; and

“(2) publish in the Federal Register the final regulatory flexibility analysis, or a summary of the analysis that includes the telephone number, mailing address, and address of the Web site where the complete final regulatory flexibility analysis may be obtained.”.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

“(a) A Federal agency shall be deemed to have satisfied a requirement regarding the content of a regulatory flexibility agenda or regulatory flexibility analysis under section 602, 603, or 604, if the Federal agency provides in the agenda or regulatory flexibility analysis a cross-reference to the specific portion of an agenda or analysis that is required by another law and that satisfies the requirement under section 602, 603, or 604.”.

(d) CERTIFICATIONS.—Section 605(b) of title 5, United States Code, is amended, in the second sentence, by striking “statement providing the factual” and inserting “detailed statement providing the factual and legal”.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

“§ 607. Quantification requirements

“In complying with sections 603 and 604, an agency shall provide—

“(1) a quantifiable or numerical description of the effects of the proposed or final rule, including an estimate of the potential for job loss, and alternatives to the proposed or final rule; or

“(2) a more general descriptive statement regarding the potential for job loss and a detailed statement explaining why quantification under paragraph (1) is not practicable or reliable.”.

SEC. 11. ENSURING THAT AGENCIES CONSIDER SMALL ENTITY IMPACT DURING THE RULEMAKING PROCESS.

Section 605(b) of title 5, United States Code, is amended—

(1) by inserting “(1)” after “(b)”;

(2) by adding at the end the following:

“(2) If, after publication of the certification required under paragraph (1), the head of the agency determines that there will be a significant economic impact on a substantial number of small entities, the agency shall comply with the requirements of section 603 before the publication of the final rule, by—

“(A) publishing an initial regulatory flexibility analysis for public comment; or

“(B) re-proposing the rule with an initial regulatory flexibility analysis.

“(3) The head of an agency may not make a certification relating to a rule under this subsection, unless the head of the agency has determined—

“(A) the average cost of the rule for small entities affected or reasonably presumed to be affected by the rule;

“(B) the number of small entities affected or reasonably presumed to be affected by the rule; and

“(C) the number of affected small entities for which that cost will be significant.

“(4) Before publishing a certification and a statement providing the factual basis for the certification under paragraph (1), the head of an agency shall—

“(A) transmit a copy of the certification and statement to the Chief Counsel for Advocacy of the Small Business Administration; and

“(B) consult with the Chief Counsel for Advocacy of the Small Business Administration on the accuracy of the certification and statement.”.

SEC. 12. ADDITIONAL POWERS OF THE OFFICE OF ADVOCACY.

Section 203 of Public Law 94-305 (15 U.S.C. 634c) is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “; and”;

(3) by inserting after paragraph (6) the following:

“(7) at the discretion of the Chief Counsel for Advocacy, comment on regulatory action by an agency that affects small businesses, without regard to whether the agency is required to file a notice of proposed rulemaking under section 553 of title 5, United States Code, with respect to the action.”.

SEC. 13. TECHNICAL AND CONFORMING AMENDMENTS.

(a) **HEADING.**—Section 605 of title 5, United States Code, is amended, in the section heading, by striking “**Avoidance**” and all that follows and inserting the following: “**Incorporations by reference and certification.**”.

(b) **TABLE OF SECTIONS.**—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following:

“605. Incorporations by reference and certifications.”;

and

(2) by striking the item relating to section 607 inserting the following:

“607. Quantification requirements.”.

SA 2550. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed to amendment

SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE —FREEDOM FROM RESTRICTIVE EXCESSIVE EXECUTIVE DEMANDS AND ONEROUS MANDATES

SEC. 01. SHORT TITLE.

This title may be cited as the “Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012”.

SEC. 02. FINDINGS.

Congress finds the following:

(1) A vibrant and growing small business sector is critical to the recovery of the economy of the United States.

(2) Regulations designed for application to large-scale entities have been applied uniformly to small businesses and other small entities, sometimes inhibiting the ability of small entities to create new jobs.

(3) Uniform Federal regulatory and reporting requirements in many instances have imposed on small businesses and other small entities unnecessary and disproportionately burdensome demands, including legal, accounting, and consulting costs, thereby threatening the viability of small entities and the ability of small entities to compete and create new jobs in a global marketplace.

(4) Since 1980, Federal agencies have been required to recognize and take account of the differences in the scale and resources of regulated entities, but in many instances have failed to do so.

(5) In 2009, there were nearly 70,000 pages in the Federal Register, and, according to research by the Office of Advocacy of the Small Business Administration, the annual cost of Federal regulations totals \$1,750,000,000,000. Small firms bear a disproportionate burden, paying approximately 36 percent more per employee than larger firms in annual regulatory compliance costs.

(6) All agencies in the Federal Government should fully consider the costs, including indirect economic impacts and the potential for job loss, of proposed rules, periodically review existing regulations to determine their impact on small entities, and repeal regulations that are unnecessarily duplicative or have outlived their stated purpose.

(7) It is the intention of Congress to amend chapter 6 of title 5, United States Code, to ensure that all impacts, including foreseeable indirect effects, of proposed and final rules are considered by agencies during the rulemaking process and that the agencies assess a full range of alternatives that will limit adverse economic consequences, enhance economic benefits, and fully address potential job loss.

SEC. 03. INCLUDING INDIRECT ECONOMIC IMPACT IN SMALL ENTITY ANALYSES.

Section 601 of title 5, United States Code, is amended by adding at the end the following:

“(9) the term ‘economic impact’ means, with respect to a proposed or final rule—

“(A) the economic effects on small entities directly regulated by the rule; and

“(B) the reasonably foreseeable economic effects of the rule on small entities that—

“(i) purchase products or services from, sell products or services to, or otherwise conduct business with entities directly regulated by the rule;

“(ii) are directly regulated by other governmental entities as a result of the rule; or

“(iii) are not directly regulated by the agency as a result of the rule but are otherwise subject to other agency regulations as a result of the rule.”.

SEC. 04. JUDICIAL REVIEW TO ALLOW SMALL ENTITIES TO CHALLENGE PROPOSED REGULATIONS.

Section 611(a) of title 5, United States Code, is amended—

(1) in paragraph (1), by inserting “603,” after “601.”;

(2) in paragraph (2), by inserting “603,” after “601.”;

(3) by striking paragraph (3) and inserting the following:

“(3) A small entity may seek such review during the 1-year period beginning on the date of final agency action, except that—

“(A) if a provision of law requires that an action challenging a final agency action be commenced before the expiration of 1 year, the lesser period shall apply to an action for judicial review under this section; and

“(B) in the case of noncompliance with section 603 or 605(b), a small entity may seek judicial review of agency compliance with such section before the close of the public comment period.”; and

(4) in paragraph (4)—

(A) in subparagraph (A), by striking “, and” and inserting a semicolon;

(B) in subparagraph (B), by striking the period and inserting “; or”;

(C) by adding at the end the following:

“(C) issuing an injunction prohibiting an agency from taking any agency action with respect to a rulemaking until that agency is in compliance with the requirements of section 603 or 605.”.

SEC. 05. PERIODIC REVIEW.

Section 610 of title 5, United States Code, is amended to read as follows:

“§ 610. Periodic review of rules

“(a)(1) Not later than 180 days after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012, each agency shall establish a plan for the periodic review of—

“(A) each rule issued by the agency that the head of the agency determines has a significant economic impact on a substantial number of small entities, without regard to whether the agency performed an analysis under section 604 with respect to the rule; and

“(B) any small entity compliance guide required to be published by the agency under section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note).

“(2) In reviewing rules and small entity compliance guides under paragraph (1), the agency shall determine whether the rules and guides should—

“(A) be amended or rescinded, consistent with the stated objectives of applicable statutes, to minimize any significant adverse economic impacts on a substantial number of small entities (including an estimate of any adverse impacts on job creation and employment by small entities); or

“(B) continue in effect without change.

“(3) Each agency shall publish the plan established under paragraph (1) in the Federal Register and on the Web site of the agency.

“(4) An agency may amend the plan established under paragraph (1) at any time by publishing the amendment in the Federal Register and on the Web site of the agency.

“(b) Each plan established under subsection (a) shall provide for—

“(1) the review of each rule and small entity compliance guide described in subsection

(a)(1) in effect on the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012—

“(A) not later than 9 years after the date of publication of the plan in the Federal Register; and

“(B) every 9 years thereafter; and

“(2) the review of each rule adopted and small entity compliance guide described in subsection (a)(1) that is published after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012—

“(A) not later than 9 years after the publication of the final rule in the Federal Register; and

“(B) every 9 years thereafter.

“(c) In reviewing rules under the plan required under subsection (a), the agency shall consider—

“(1) the continued need for the rule;

“(2) the nature of complaints received by the agency from small entities concerning the rule;

“(3) comments by the Regulatory Enforcement Ombudsman and the Chief Counsel for Advocacy of the Small Business Administration;

“(4) the complexity of the rule;

“(5) the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, unless the head of the agency determines it to be infeasible, State and local rules;

“(6) the contribution of the rule to the cumulative economic impact of all Federal rules on the class of small entities affected by the rule, unless the head of the agency determines that such a calculation cannot be made;

“(7) the length of time since the rule has been evaluated, or the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule; and

“(8) the economic impact of the rule, including—

“(A) the estimated number of small entities to which the rule will apply;

“(B) the estimated number of small entity jobs that will be lost or created due to the rule; and

“(C) the projected reporting, record-keeping, and other compliance requirements of the proposed rule, including—

“(i) an estimate of the classes of small entities that will be subject to the requirement; and

“(ii) the type of professional skills necessary for preparation of the report or record.

“(d)(1) Each agency shall submit an annual report regarding the results of the review required under subsection (a) to—

“(A) Congress; and

“(B) in the case of an agency that is not an independent regulatory agency (as defined in section 3502(5) of title 44), the Administrator of the Office of Information and Regulatory Affairs of the Office of Management and Budget.

“(2) Each report required under paragraph (1) shall include a description of any rule or guide with respect to which the agency made a determination of infeasibility under paragraph (5) or (6) of subsection (c), together with a detailed explanation of the reasons for the determination.

“(e) Each agency shall publish in the Federal Register and on the Web site of the agency a list of the rules and small entity compliance guides to be reviewed under the plan required under subsection (a) that includes—

“(1) a brief description of each rule or guide;

“(2) for each rule, the reason why the head of the agency determined that the rule has a significant economic impact on a substantial number of small entities (without regard to whether the agency had prepared a final regulatory flexibility analysis for the rule); and

“(3) a request for comments from the public, the Chief Counsel for Advocacy of the Small Business Administration, and the Regulatory Enforcement Ombudsman concerning the enforcement of the rules or publication of the guides.

“(f)(1) Not later than 6 months after each date described in subsection (b)(1), the Inspector General for each agency shall—

“(A) determine whether the agency has conducted the review required under subsection (b) appropriately; and

“(B) notify the head of the agency of—

“(i) the results of the determination under subparagraph (A); and

“(ii) any issues preventing the Inspector General from determining that the agency has conducted the review under subsection (b) appropriately.

“(2)(A) Not later than 6 months after the date on which the head of an agency receives a notice under paragraph (1)(B) that the agency has not conducted the review under subsection (b) appropriately, the agency shall address the issues identified in the notice.

“(B) Not later than 30 days after the last day of the 6-month period described in subparagraph (A), the Inspector General for an agency that receives a notice described in subparagraph (A) shall—

“(i) determine whether the agency has addressed the issues identified in the notice; and

“(ii) notify Congress if the Inspector General determines that the agency has not addressed the issues identified in the notice; and

“(C) Not later than 30 days after the date on which the Inspector General for an agency transmits a notice under subparagraph (B)(ii), an amount equal to 1 percent of the amount appropriated for the fiscal year to the appropriations account of the agency that is used to pay salaries shall be rescinded.

“(D) Nothing in this paragraph may be construed to prevent Congress from acting to prevent a rescission under subparagraph (C).”

SEC. 06. REQUIRING SMALL BUSINESS REVIEW PANELS FOR ADDITIONAL AGENCIES.

(a) AGENCIES.—Section 609 of title 5, United States Code, is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “a covered agency” and inserting “an agency designated under subsection (d)”;

(B) by striking “a covered agency” each place it appears and inserting “the agency”;

(2) by striking subsection (d) and inserting the following:

“(d)(1) On and after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012, the Environmental Protection Agency, the Bureau of Consumer Financial Protection, and the Occupational Safety and Health Administration of the Department of Labor shall be—

“(A) agencies designated under this subsection; and

“(B) subject to the requirements of subsection (b).

“(2) The Chief Counsel for Advocacy shall designate as agencies that shall be subject to the requirements of subsection (b) on and after the date of the designation—

“(A) 3 agencies for the first year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012;

“(B) in addition to the agencies designated under subparagraph (A), 3 agencies for the second year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012; and

“(C) in addition to the agencies designated under subparagraphs (A) and (B), 3 agencies for the third year after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012.

“(3) The Chief Counsel for Advocacy shall designate agencies under paragraph (2) based on the economic impact of the rules of the agency on small entities, beginning with agencies with the largest economic impact on small entities.”; and

(3) in subsection (e)(1), by striking “the covered agency” and inserting “the agency”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) SECTION 603.—Section 603(d) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking “a covered agency, as defined in section 609(d)(2)” and inserting “the Bureau of Consumer Financial Protection”; and

(B) in paragraph (2), by striking “A covered agency, as defined in section 609(d)(2),” and inserting “The Bureau of Consumer Financial Protection”.

(2) SECTION 604.—Section 604(a) of title 5, United States Code, is amended—

(A) by redesignating the second paragraph designated as paragraph (6) (relating to covered agencies), as added by section 1100G(c)(3) of Public Law 111–203 (124 Stat. 2113), as paragraph (7); and

(B) in paragraph (7), as so redesignated—

(i) by striking “a covered agency, as defined in section 609(d)(2)” and inserting “the Bureau of Consumer Financial Protection”; and

(ii) by striking “the agency” and inserting “the Bureau”.

SEC. 07. EXPANDING THE REGULATORY FLEXIBILITY ACT TO AGENCY GUIDANCE DOCUMENTS.

Section 601(2) of title 5, United States Code, is amended by inserting after “public comment” the following: “and any significant guidance document, as defined in the Office of Management and Budget Final Bulletin for Agency Good Guidance Procedures (72 Fed. Reg. 3432; January 25, 2007)”.

SEC. 08. REQUIRING THE INTERNAL REVENUE SERVICE TO CONSIDER SMALL ENTITY IMPACT.

(a) IN GENERAL.—Section 603(a) of title 5, United States Code, is amended, in the fifth sentence, by striking “but only” and all that follows through the period at the end and inserting “but only to the extent that such interpretative rules, or the statutes upon which such rules are based, impose on small entities a collection of information requirement or a recordkeeping requirement.”.

(b) DEFINITIONS.—Section 601 of title 5, United States Code, as amended by section 03 of this title, is amended—

(1) in paragraph (6), by striking “and” at the end; and

(2) by striking paragraphs (7) and (8) and inserting the following:

“(7) the term ‘collection of information’ has the meaning given that term in section 3502(3) of title 44;

“(8) the term ‘recordkeeping requirement’ has the meaning given that term in section 3502(13) of title 44; and”.

SEC. 09. REPORTING ON ENFORCEMENT ACTIONS RELATING TO SMALL ENTITIES.

Section 223 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended—

(1) in subsection (a)—

(A) by striking “Each agency” and inserting the following:

“(1) ESTABLISHMENT OF POLICY OR PROGRAM.—Each agency”; and

(B) by adding at the end the following:

“(2) REVIEW OF CIVIL PENALTIES.—Not later than 2 years after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012, and every 2 years thereafter, each agency regulating the activities of small entities shall review the civil penalties imposed by the agency for violations of a statutory or regulatory requirement by a small entity to determine whether a reduction or waiver of the civil penalties is appropriate.”; and

(2) in subsection (c)—

(A) by striking “Agencies shall report” and all that follows through “the scope” and inserting “Not later than 2 years after the date of enactment of the Freedom from Restrictive Excessive Executive Demands and Onerous Mandates Act of 2012, and every 2 years thereafter, each agency shall submit to the Committee on Small Business and Entrepreneurship and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Small Business and the Committee on the Judiciary of the House of Representatives a report discussing the scope”; and

(B) by striking “and the total amount of penalty reductions and waivers” and inserting “the total amount of penalty reductions and waivers, and the results of the most recent review under subsection (a)(2)”.

SEC. 10. REQUIRING MORE DETAILED SMALL ENTITY ANALYSES.

(a) INITIAL REGULATORY FLEXIBILITY ANALYSIS.—Section 603 of title 5, United States Code, is amended—

(1) by striking subsection (b) and inserting the following:

“(b) Each initial regulatory flexibility analysis required under this section shall contain a detailed statement—

“(1) describing the reasons why action by the agency is being considered;

“(2) describing the objectives of, and legal basis for, the proposed rule;

“(3) estimating the number and type of small entities to which the proposed rule will apply;

“(4) describing the projected reporting, recordkeeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities which will be subject to the requirement and the type of professional skills necessary for preparation of the report and record;

“(5) describing all relevant Federal rules which may duplicate, overlap, or conflict with the proposed rule, or the reasons why such a description could not be provided; and

“(6) estimating the additional cumulative economic impact of the proposed rule on small entities, including job loss by small entities, beyond that already imposed on the class of small entities by the agency, or the reasons why such an estimate is not available.”; and

(2) by adding at the end the following:

“(e) An agency shall notify the Chief Counsel for Advocacy of the Small Business Administration of any draft rules that may have a significant economic impact on a substantial number of small entities—

“(1) when the agency submits a draft rule to the Office of Information and Regulatory Affairs of the Office of Management and Budget under Executive Order 12866, if that order requires the submission; or

“(2) if no submission to the Office of Information and Regulatory Affairs is required—

“(A) a reasonable period before publication of the rule by the agency; and

“(B) in any event, not later than 3 months before the date on which the agency publishes the rule.”.

(b) FINAL REGULATORY FLEXIBILITY ANALYSIS.—

(1) IN GENERAL.—Section 604(a) of title 5, United States Code, is amended—

(A) by inserting “detailed” before “description” each place it appears;

(B) in paragraph (2)—

(i) by inserting “detailed” before “statement” each place it appears; and

(ii) by inserting “(or certification of the proposed rule under section 605(b))” after “initial regulatory flexibility analysis”;

(C) in paragraph (4), by striking “an explanation” and inserting “a detailed explanation”; and

(D) in paragraph (6) (relating to a description of steps taken to minimize significant economic impact), as added by section 1601 of the Small Business Jobs Act of 2010 (Public Law 111-240; 124 Stat. 2251), by inserting “detailed” before “statement”.

(2) PUBLICATION OF ANALYSIS ON WEB SITE, ETC.—Section 604(b) of title 5, United States Code, is amended to read as follows:

“(b) The agency shall—

“(1) make copies of the final regulatory flexibility analysis available to the public, including by publishing the entire final regulatory flexibility analysis on the Web site of the agency; and

“(2) publish in the Federal Register the final regulatory flexibility analysis, or a summary of the analysis that includes the telephone number, mailing address, and address of the Web site where the complete final regulatory flexibility analysis may be obtained.”.

(c) CROSS-REFERENCES TO OTHER ANALYSES.—Section 605(a) of title 5, United States Code, is amended to read as follows:

“(a) A Federal agency shall be deemed to have satisfied a requirement regarding the content of a regulatory flexibility agenda or regulatory flexibility analysis under section 602, 603, or 604, if the Federal agency provides in the agenda or regulatory flexibility analysis a cross-reference to the specific portion of an agenda or analysis that is required by another law and that satisfies the requirement under section 602, 603, or 604.”.

(d) CERTIFICATIONS.—Section 605(b) of title 5, United States Code, is amended, in the second sentence, by striking “statement providing the factual” and inserting “detailed statement providing the factual and legal”.

(e) QUANTIFICATION REQUIREMENTS.—Section 607 of title 5, United States Code, is amended to read as follows:

“§ 607. Quantification requirements

“In complying with sections 603 and 604, an agency shall provide—

“(1) a quantifiable or numerical description of the effects of the proposed or final rule, including an estimate of the potential for job loss, and alternatives to the proposed or final rule; or

“(2) a more general descriptive statement regarding the potential for job loss and a detailed statement explaining why quantification under paragraph (1) is not practicable or reliable.”.

SEC. 11. ENSURING THAT AGENCIES CONSIDER SMALL ENTITY IMPACT DURING THE RULEMAKING PROCESS.

Section 605(b) of title 5, United States Code, is amended—

(1) by inserting “(1)” after “(b)”;

(2) by adding at the end the following:

“(2) If, after publication of the certification required under paragraph (1), the head of the agency determines that there will be a significant economic impact on a substantial number of small entities, the agency shall comply with the requirements of section 603 before the publication of the final rule, by—

“(A) publishing an initial regulatory flexibility analysis for public comment; or

“(B) re-proposing the rule with an initial regulatory flexibility analysis.

“(3) The head of an agency may not make a certification relating to a rule under this subsection, unless the head of the agency has determined—

“(A) the average cost of the rule for small entities affected or reasonably presumed to be affected by the rule;

“(B) the number of small entities affected or reasonably presumed to be affected by the rule; and

“(C) the number of affected small entities for which that cost will be significant.

“(4) Before publishing a certification and a statement providing the factual basis for the certification under paragraph (1), the head of an agency shall—

“(A) transmit a copy of the certification and statement to the Chief Counsel for Advocacy of the Small Business Administration; and

“(B) consult with the Chief Counsel for Advocacy of the Small Business Administration on the accuracy of the certification and statement.”.

SEC. 12. ADDITIONAL POWERS OF THE OFFICE OF ADVOCACY.

Section 203 of Public Law 94-305 (15 U.S.C. 634c) is amended—

(1) in paragraph (5), by striking “and” at the end;

(2) in paragraph (6), by striking the period at the end and inserting “; and”; and

(3) by inserting after paragraph (6) the following:

“(7) at the discretion of the Chief Counsel for Advocacy, comment on regulatory action by an agency that affects small businesses, without regard to whether the agency is required to file a notice of proposed rule-making under section 553 of title 5, United States Code, with respect to the action.”.

SEC. 13. TECHNICAL AND CONFORMING AMENDMENTS.

(a) HEADING.—Section 605 of title 5, United States Code, is amended, in the section heading, by striking “**Avoidance**” and all that follows and inserting the following: “**Incorporations by reference and certification.**”.

(b) TABLE OF SECTIONS.—The table of sections for chapter 6 of title 5, United States Code, is amended—

(1) by striking the item relating to section 605 and inserting the following:

“605. Incorporations by reference and certifications.”;

and

(2) by striking the item relating to section 607 inserting the following:

“607. Quantification requirements.”.

SA 2551. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ INCLUDING INDIRECT ECONOMIC IMPACT IN SMALL ENTITY ANALYSES.

Section 601 of title 5, United States Code, is amended—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7)(B), by striking the period at the end and inserting a semicolon;

(3) in paragraph (8)—

(A) by striking “RECORDKEEPING REQUIREMENT.—The” and inserting “the”; and

(B) by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(9) the term ‘economic impact’ means, with respect to a proposed or final rule—

“(A) the economic effects on small entities directly regulated by the rule; and

“(B) the reasonably foreseeable economic effects of the rule on small entities that—

“(i) purchase products or services from, sell products or services to, or otherwise conduct business with entities directly regulated by the rule;

“(ii) are directly regulated by other governmental entities as a result of the rule; or

“(iii) are not directly regulated by the agency as a result of the rule but are otherwise subject to other agency regulations as a result of the rule.”.

SA 2552. Ms. SNOWE (for herself and Mr. COBURN) submitted an amendment intended to be proposed to amendment SA 2521 proposed by Mr. REID (for Ms. LANDRIEU) to the bill S. 2237, to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ INCLUDING INDIRECT ECONOMIC IMPACT IN SMALL ENTITY ANALYSES.

Section 601 of title 5, United States Code, is amended—

(1) in paragraph (6), by striking “and” at the end;

(2) in paragraph (7)(B), by striking the period at the end and inserting a semicolon;

(3) in paragraph (8)—

(A) by striking “RECORDKEEPING REQUIREMENT.—The” and inserting “the”; and

(B) by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(9) the term ‘economic impact’ means, with respect to a proposed or final rule—

“(A) the economic effects on small entities directly regulated by the rule; and

“(B) the reasonably foreseeable economic effects of the rule on small entities that—

“(i) purchase products or services from, sell products or services to, or otherwise conduct business with entities directly regulated by the rule;

“(ii) are directly regulated by other governmental entities as a result of the rule; or

“(iii) are not directly regulated by the agency as a result of the rule but are other-

wise subject to other agency regulations as a result of the rule.”.

SA 2553. Mr. REID (for Mrs. GILLIBRAND (for herself, Mr. ISAKSON, Mr. CHAMBLISS, and Mr. DURBIN)) proposed an amendment to the bill H.R. 2527, to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “National Baseball Hall of Fame Commemorative Coin Act”.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) On June 12, 1939, the National Baseball Hall of Fame and Museum opened in Cooperstown, New York. Ty Cobb, Walter Johnson, Christy Mathewson, Babe Ruth, and Honus Wagner comprised the inaugural class of inductees. This class set the standard for all future inductees. Since 1939, just one percent of all Major League Baseball players have earned induction into the National Baseball Hall of Fame.

(2) The National Baseball Hall of Fame and Museum is dedicated to preserving history, honoring excellence, and connecting generations through the rich history of our national pastime. Baseball has mirrored our Nation’s history since the Civil War, and is now an integral part of our Nation’s heritage.

(3) The National Baseball Hall of Fame and Museum chronicles the history of our national pastime and houses the world’s largest collection of baseball artifacts, including more than 38,000 three dimensional artifacts, 3,000,000 documents, 500,000 photographs, and 12,000 hours of recorded media. This collection ensures that baseball history and its unique connection to American history will be preserved and recounted for future generations.

(4) Since its opening in 1939, more than 14,000,000 baseball fans have visited the National Baseball Hall of Fame and Museum to learn about the history of our national pastime and the game’s connection to the American experience.

(5) The National Baseball Hall of Fame and Museum is an educational institution, reaching 10,000,000 Americans annually. Utilizing video conference technology, students and teachers participate in interactive lessons led by educators from the National Baseball Hall of Fame Museum. These award-winning educational programs draw upon the wonders of baseball to reach students in classrooms nationwide. Each educational program uses baseball as a lens for teaching young Americans important lessons on an array of topics, including mathematics, geography, civil rights, women’s history, economics, industrial technology, arts, and communication.

SEC. 3. COIN SPECIFICATIONS.

(a) **DENOMINATIONS.**—In recognition and celebration of the National Baseball Hall of Fame, the Secretary of the Treasury (hereafter in this Act referred to as the “Secretary”) shall mint and issue the following coins:

(1) **\$5 GOLD COINS.**—Not more than 50,000 \$5 coins, which shall—

(A) weigh 8.359 grams;

(B) have diameter of 0.850 inches; and

(C) contain 90 percent gold and 10 percent alloy.

(2) **\$1 SILVER COINS.**—Not more than 400,000 \$1 coins, which shall—

(A) weigh 26.73 grams;

(B) have a diameter of 1.500 inches; and

(C) contain 90 percent silver and 10 percent copper.

(3) **HALF-DOLLAR CLAD COINS.**—Not more than 750,000 half-dollar coins which shall—

(A) weigh 11.34 grams;

(B) have a diameter of 1.205 inches; and

(C) be minted to the specifications for half-dollar coins contained in section 5112(b) of title 31, United States Code.

(b) **LEGAL TENDER.**—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) **NUMISMATIC ITEMS.**—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

(d) **SENSE OF CONGRESS.**—It is the sense of Congress that, to the extent possible without significantly adding to the purchase price of the coins, the \$1 coins and \$5 coins minted under this Act should be produced in a fashion similar to the 2009 International Year of Astronomy coins issued by Monnaie de Paris, the French Mint, so that the reverse of the coin is convex to more closely resemble a baseball and the obverse concave, providing a more dramatic display of the obverse design chosen pursuant to section 4(c).

SEC. 4. DESIGN OF COINS.

(a) **IN GENERAL.**—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with—

(A) the National Baseball Hall of Fame;

(B) the Commission of Fine Arts; and

(2) reviewed by the Citizens Commemorative Coin Advisory Committee.

(b) **DESIGNATIONS AND INSCRIPTIONS.**—On each coin minted under this Act there shall be—

(1) a designation of the value of the coin;

(2) an inscription of the year “2014”; and

(3) inscriptions of the words “Liberty”, “In God We Trust”, “United States of America”, and “E Pluribus Unum”.

(c) **SELECTION AND APPROVAL PROCESS FOR OVERSE DESIGN.**—

(1) **IN GENERAL.**—The Secretary shall hold a competition to determine the design of the common obverse of the coins minted under this Act, with such design being emblematic of the game of baseball.

(2) **SELECTION AND APPROVAL.**—Proposals for the design of coins minted under this Act may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary. The Secretary shall encourage 3-dimensional models to be submitted as part of the design proposals.

(3) **PROPOSALS.**—As part of the competition described in this subsection, the Secretary may accept proposals from artists, engravers of the United States Mint, and members of the general public.

(4) **COMPENSATION.**—The Secretary shall determine compensation for the winning design under this subsection, which shall be not less than \$5,000. The Secretary shall take into account this compensation amount when determining the sale price described in section 6(a).

(d) **REVERSE DESIGN.**—The design on the common reverse of the coins minted under this Act shall depict a baseball similar to those used by Major League Baseball.

SEC. 5. ISSUANCE OF COINS.

(a) **QUALITY OF COINS.**—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) **PERIOD FOR ISSUANCE.**—The Secretary may issue coins minted under this Act only

during the 1-year period beginning on January 1, 2014.

SEC. 6. SALE OF COINS.

(a) **SALE PRICE.**—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

- (1) the face value of the coins;
- (2) the surcharge provided in section 7(a) with respect to such coins; and
- (3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, winning design compensation, overhead expenses, marketing, and shipping).

(b) **BULK SALES.**—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) **PREPAID ORDERS.**—

(1) **IN GENERAL.**—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) **DISCOUNT.**—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) **IN GENERAL.**—All sales of coins minted under this Act shall include a surcharge as follows:

- (1) A surcharge of \$35 per coin for the \$5 coin.
- (2) A surcharge of \$10 per coin for the \$1 coin.
- (3) A surcharge of \$5 per coin for the half-dollar coin.

(b) **DISTRIBUTION.**—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the National Baseball Hall of Fame to help finance its operations.

(c) **AUDITS.**—The National Baseball Hall of Fame shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) **LIMITATION.**—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 8. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that—

- (1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and
- (2) no funds, including applicable surcharges, are disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, winning design compensation, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

SEC. 9. BUDGET COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement

titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet during the session of the Senate on July 12, 2012, at 2:30 p.m. in room SR-253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, “Medication and Performance Enhancing Drugs in Horse Racing.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 12, 2012, at 9:30 a.m. in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on July 12, 2012, at 10:15 a.m. in room SD-406 of the Dirksen Senate Office Building to conduct a hearing entitled, “The Latest Science on Lead’s Impacts on Children’s Development and Public Health.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 12, 2012, at 9 a.m. to hold a hearing entitled, “Convention on the Rights of Persons with Disabilities (Treaty Doc. 112-7).”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 12, 2012, at 2:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Com-

mittee on Health, Education, Labor, and Pensions be authorized to meet during the session of the Senate to conduct a hearing entitled, “Beyond Seclusion and Restraint: Creating Positive Learning Environments for All Students” on July 12, 2012, at 10:30 a.m. in room SD-106 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 12, 2012, at 10 a.m. to conduct a hearing entitled, “The Future of Homeland Security: The Evolution of the Homeland Security Department’s Roles and Missions.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 12, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on July 12, 2012, in room SD-628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct a hearing entitled “Federal Recognition: Political and Legal Relationship between Governments.”

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 12, 2012, at 10 a.m., in SD-226 of the Dirksen Senate Office Building, to conduct an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BROWN of Ohio. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 12, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISTRICT OF COLUMBIA SPECIAL ELECTION REFORM ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to consideration of Calendar No. 448.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 3902) to amend the District of Columbia Home Rule Act to revise the timing of special elections for local office in the District of Columbia.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that the bill be read a third time and the Senate proceed to passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3902) was ordered to a third reading and was read the third time.

The PRESIDING OFFICER. Is there further debate?

If not, the question is, Shall the bill pass?

The bill (H.R. 3902) was passed.

Mr. REID. I ask unanimous consent that the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL BASEBALL HALL OF FAME COMMEMORATIVE COIN ACT

Mr. REID. Mr. President, I ask unanimous consent that the Banking Committee be discharged from further consideration of H.R. 2527 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title.

The bill clerk read as follows:

A bill (H.R. 2527) to require the Secretary of the Treasury to mint coins in recognition and celebration of the National Baseball Hall of Fame.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. I ask unanimous consent that a Gillibrand substitute amendment, which is at the desk, be agreed to, the bill, as amended, be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 2553) was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the 'National Baseball Hall of Fame Commemorative Coin Act'.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) On June 12, 1939, the National Baseball Hall of Fame and Museum opened in Cooperstown, New York. Ty Cobb, Walter John-

son, Christy Mathewson, Babe Ruth, and Honus Wagner comprised the inaugural class of inductees. This class set the standard for all future inductees. Since 1939, just one percent of all Major League Baseball players have earned induction into the National Baseball Hall of Fame.

(2) The National Baseball Hall of Fame and Museum is dedicated to preserving history, honoring excellence, and connecting generations through the rich history of our national pastime. Baseball has mirrored our Nation's history since the Civil War, and is now an integral part of our Nation's heritage.

(3) The National Baseball Hall of Fame and Museum chronicles the history of our national pastime and houses the world's largest collection of baseball artifacts, including more than 38,000 three dimensional artifacts, 3,000,000 documents, 500,000 photographs, and 12,000 hours of recorded media. This collection ensures that baseball history and its unique connection to American history will be preserved and recounted for future generations.

(4) Since its opening in 1939, more than 14,000,000 baseball fans have visited the National Baseball Hall of Fame and Museum to learn about the history of our national pastime and the game's connection to the American experience.

(5) The National Baseball Hall of Fame and Museum is an educational institution, reaching 10,000,000 Americans annually. Utilizing video conference technology, students and teachers participate in interactive lessons led by educators from the National Baseball Hall of Fame Museum. These award-winning educational programs draw upon the wonders of baseball to reach students in classrooms nationwide. Each educational program uses baseball as a lens for teaching young Americans important lessons on an array of topics, including mathematics, geography, civil rights, women's history, economics, industrial technology, arts, and communication.

SEC. 3. COIN SPECIFICATIONS.

(a) DENOMINATIONS.—In recognition and celebration of the National Baseball Hall of Fame, the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall mint and issue the following coins:

(1) \$5 GOLD COINS.—Not more than 50,000 \$5 coins, which shall—

- (A) weigh 8.359 grams;
- (B) have diameter of 0.850 inches; and
- (C) contain 90 percent gold and 10 percent alloy.

(2) \$1 SILVER COINS.—Not more than 400,000 \$1 coins, which shall—

- (A) weigh 26.73 grams;
- (B) have a diameter of 1.500 inches; and
- (C) contain 90 percent silver and 10 percent copper.

(3) HALF-DOLLAR CLAD COINS.—Not more than 750,000 half-dollar coins which shall—

- (A) weigh 11.34 grams;
- (B) have a diameter of 1.205 inches; and
- (C) be minted to the specifications for half-dollar coins contained in section 5112(b) of title 31, United States Code.

(b) LEGAL TENDER.—The coins minted under this Act shall be legal tender, as provided in section 5103 of title 31, United States Code.

(c) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all coins minted under this Act shall be considered to be numismatic items.

(d) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent possible without significantly adding to the purchase price of

the coins, the \$1 coins and \$5 coins minted under this Act should be produced in a fashion similar to the 2009 International Year of Astronomy coins issued by Monnaie de Paris, the French Mint, so that the reverse of the coin is convex to more closely resemble a baseball and the obverse concave, providing a more dramatic display of the obverse design chosen pursuant to section 4(c).

SEC. 4. DESIGN OF COINS.

(a) IN GENERAL.—The design for the coins minted under this Act shall be—

(1) selected by the Secretary after consultation with—

- (A) the National Baseball Hall of Fame;
- (B) the Commission of Fine Arts; and
- (2) reviewed by the Citizens Commemorative Coin Advisory Committee.

(b) DESIGNATIONS AND INSCRIPTIONS.—On each coin minted under this Act there shall be—

- (1) a designation of the value of the coin;
- (2) an inscription of the year "2014"; and
- (3) inscriptions of the words "Liberty", "In God We Trust", "United States of America", and "E Pluribus Unum".

(c) SELECTION AND APPROVAL PROCESS FOR OBTAINING DESIGN.—

(1) IN GENERAL.—The Secretary shall hold a competition to determine the design of the common obverse of the coins minted under this Act, with such design being emblematic of the game of baseball.

(2) SELECTION AND APPROVAL.—Proposals for the design of coins minted under this Act may be submitted in accordance with the design selection and approval process developed by the Secretary in the sole discretion of the Secretary. The Secretary shall encourage 3-dimensional models to be submitted as part of the design proposals.

(3) PROPOSALS.—As part of the competition described in this subsection, the Secretary may accept proposals from artists, engravers of the United States Mint, and members of the general public.

(4) COMPENSATION.—The Secretary shall determine compensation for the winning design under this subsection, which shall be not less than \$5,000. The Secretary shall take into account this compensation amount when determining the sale price described in section 6(a).

(d) REVERSE DESIGN.—The design on the common reverse of the coins minted under this Act shall depict a baseball similar to those used by Major League Baseball.

SEC. 5. ISSUANCE OF COINS.

(a) QUALITY OF COINS.—Coins minted under this Act shall be issued in uncirculated and proof qualities.

(b) PERIOD FOR ISSUANCE.—The Secretary may issue coins minted under this Act only during the 1-year period beginning on January 1, 2014.

SEC. 6. SALE OF COINS.

(a) SALE PRICE.—The coins issued under this Act shall be sold by the Secretary at a price equal to the sum of—

- (1) the face value of the coins;
- (2) the surcharge provided in section 7(a) with respect to such coins; and
- (3) the cost of designing and issuing the coins (including labor, materials, dies, use of machinery, winning design compensation, overhead expenses, marketing, and shipping).

(b) BULK SALES.—The Secretary shall make bulk sales of the coins issued under this Act at a reasonable discount.

(c) PREPAID ORDERS.—

(1) IN GENERAL.—The Secretary shall accept prepaid orders for the coins minted under this Act before the issuance of such coins.

(2) DISCOUNT.—Sale prices with respect to prepaid orders under paragraph (1) shall be at a reasonable discount.

SEC. 7. SURCHARGES.

(a) IN GENERAL.—All sales of coins minted under this Act shall include a surcharge as follows:

(1) A surcharge of \$35 per coin for the \$5 coin.

(2) A surcharge of \$10 per coin for the \$1 coin.

(3) A surcharge of \$5 per coin for the half-dollar coin.

(b) DISTRIBUTION.—Subject to section 5134(f) of title 31, United States Code, all surcharges received by the Secretary from the sale of coins issued under this Act shall be promptly paid by the Secretary to the National Baseball Hall of Fame to help finance its operations.

(c) AUDITS.—The National Baseball Hall of Fame shall be subject to the audit requirements of section 5134(f)(2) of title 31, United States Code, with regard to the amounts received under subsection (b).

(d) LIMITATION.—Notwithstanding subsection (a), no surcharge may be included with respect to the issuance under this Act of any coin during a calendar year if, as of the time of such issuance, the issuance of such coin would result in the number of commemorative coin programs issued during such year to exceed the annual commemorative coin program issuance limitation under section 5112(m)(1) of title 31, United States Code (as in effect on the date of the enactment of this Act). The Secretary of the Treasury may issue guidance to carry out this subsection.

SEC. 8. FINANCIAL ASSURANCES.

The Secretary shall take such actions as may be necessary to ensure that—

(1) minting and issuing coins under this Act will not result in any net cost to the United States Government; and

(2) no funds, including applicable surcharges, are disbursed to any recipient designated in section 7 until the total cost of designing and issuing all of the coins authorized by this Act (including labor, materials, dies, use of machinery, winning design compensation, overhead expenses, marketing, and shipping) is recovered by the United States Treasury, consistent with sections 5112(m) and 5134(f) of title 31, United States Code.

SEC. 9. BUDGET COMPLIANCE.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Committee on the Budget of the House of Representatives, provided that such statement has been submitted prior to the vote on passage.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 2527), as amended, was read the third time and passed.

MEASURE READ THE FIRST TIME—H.R. 6079

Mr. REID. Mr. President, there is a bill at the desk due for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The bill clerk read as follows:

A bill (H.R. 6079) to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

Mr. REID. I now ask for a second reading, but in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for a second time on the next legislative day.

ORDERS FOR MONDAY, JULY 16, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m., Monday, July 16, 2012; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; at that time that I be recognized; that at 5 p.m. the Senate proceed to executive session under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, there will be two rollcall votes on Monday evening. Beginning at 5:30, there will be a vote on the McNulty nomination. Following that vote, there will be 10 minutes of debate and then we will vote on cloture to S. 3369, the DISCLOSE Act.

ADJOURNMENT UNTIL MONDAY, JULY 16, 2012, AT 2 P.M.

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:48 p.m., adjourned until Monday, July 16, 2012, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

MARK A. BARNETT, OF VIRGINIA, TO BE A JUDGE OF THE UNITED STATES COURT OF INTERNATIONAL TRADE, VICE JUDITH M. BARZILAY, RETIRED.

DEPARTMENT OF JUSTICE

ANGELA TAMMY DICKINSON, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS, VICE MARY ELIZABETH PHILLIPS, RESIGNED.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE DEPARTMENT OF STATE FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

JOELLE-ELIZABETH BEATRICE BASTIEN, OF MARYLAND

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA,

ROSALYN ADAMS, OF CALIFORNIA
MIRIAM R. ASNES, OF MASSACHUSETTS
RICHARD A. BAKEWELL, OF VIRGINIA
WILLIAM D. BARRY, OF FLORIDA
JEN M. BAUER, OF MARYLAND
LINDA MARIE BLOUNT, OF VIRGINIA
KELLY HAMILTON BUSBY, OF VIRGINIA
GINA MARIELA CABRERA-FARRAJ, OF VIRGINIA
CHRISTIAN R. CALL, OF VIRGINIA
NORMAN LUCZON CAPISTRANO, OF CALIFORNIA
JANE CARTER, OF CALIFORNIA
CHRISTINA JEANNE CAVALLIO, OF VIRGINIA
ALAN M. CLARK, OF FLORIDA
JORDANA MICHELLE COX, OF CALIFORNIA
SHAYNA COLLEEN GRAM, OF TEXAS
KELIA EILEEN CUMMINS, OF FLORIDA
PETER J. DAVIS, OF VIRGINIA
CHRISTIAAN EDWARD NICHOLAS DE LUIGI, OF VIRGINIA
JASON M. DEROSA, OF MASSACHUSETTS
PHILIP M. DIMON, OF GEORGIA
LAURA GAVINSKI DJURAGIC, OF PENNSYLVANIA
DAWN MARIE DOWLING, OF VIRGINIA
STEVEN JAMES DUBÉ, OF FLORIDA
KONSTANTIN DUBROVSKY, OF VIRGINIA
JAMES COE ECONOMOU, OF NEW YORK
STEPHANIE TERESA ESPINAL, OF THE DISTRICT OF COLUMBIA
SPENCER MICHAEL FIELDS, JR., OF VIRGINIA
JOHN H. FLETCHER, OF VIRGINIA
JENNIFER MARIE FOLTZ, OF MICHIGAN
GRETCHEN M. FRANK, OF THE DISTRICT OF COLUMBIA
RUTH H. GALLANT, OF CALIFORNIA
NEIL H. GIBSON, OF VIRGINIA
COURTNEY C. GILLESPIE, OF TEXAS
TORREY ANDREW GOAD, OF WASHINGTON
BETTINA DANETTE GORCZYNSKI, OF VIRGINIA
SARAH MARIE GOURDE, OF OREGON
JASON H. GREEN, OF TENNESSEE
ANN DELONG GREENBERG, OF NEW HAMPSHIRE
JAMES RYAN GRIZZLE, OF VIRGINIA
GISCARD G. GUILLOTEAU, OF FLORIDA
STEPHANIE MARIE HACKENBURG, OF PENNSYLVANIA
MAXWELL J. HAMILTON, OF LOUISIANA
GRAHAM B. HARLOW, OF COLORADO
ROBIN A. HARTSELL, OF ILLINOIS
ROBERT B. HAWKINS III, OF CALIFORNIA
NICHOLAS WILLIAM HELTZEL, OF VIRGINIA
EILEEN T. HIGGINS, OF FLORIDA
BRADFORD HOPEWELL, OF VIRGINIA
ETHAN ROBERT HYCHE, OF CALIFORNIA
CHRISTIAAN K. JAMES, OF TEXAS
BLAKE A. JOHNSTON, OF COLORADO
C. MELORA JOHNSTON, OF COLORADO
TYLER JAMES JOHNSTON, OF FLORIDA
DAVID MAURICE JONES, OF ILLINOIS
SUSAN KOPP KEYACH, OF PENNSYLVANIA
JONATHAN LOREN KOEHLER, OF ILLINOIS
STEPHANIE KOTECKI-BONHOMME, OF WASHINGTON
KEITH ROBERT KRAUSE, JR., OF THE DISTRICT OF COLUMBIA
MARTIN L. LAHM III, OF NEW YORK
SCOTT JOHN LANG, OF ILLINOIS
LISA CHRISTINE LARSON, OF MINNESOTA
ELLISON S. LASKOWSKI, OF THE DISTRICT OF COLUMBIA
JANETTE ELISE LEHOUX, OF UTAH
ANDREA K.S. LINDGREN, OF MINNESOTA
SEAN PATRICK LINDSTONE, OF VIRGINIA
KENDRICK M. LIU, OF CALIFORNIA
CHRISTIE L. LIVINGSTON, OF NEW YORK
MARISA LEIGH MACISAAC, OF MAINE
JONATHAN JOSEPH MAGSAYSAY, OF THE DISTRICT OF COLUMBIA
BRIAN STEVEN MANNING, OF OKLAHOMA
ERIN NICHOLE MARKLEY, OF MISSOURI
NAOMI AMANDA MATTOS, OF VIRGINIA
STACEY L. MAUPIN, OF ILLINOIS
RUTH J. NEWMAN, OF COLORADO
VICTORIA LEIGH NIBARGER, OF KANSAS
PAUL M. NICHOLS, OF THE DISTRICT OF COLUMBIA
NICHOLAS R. NOVAK, OF WASHINGTON
ERIN T. O'CONNOR, OF TEXAS
ALETA TURNER OKEDJI, OF THE DISTRICT OF COLUMBIA
DOUGLAS H. OSTERTAG, OF CALIFORNIA
JEFFREY L. OTTO, OF NEW YORK
LISA INGRID OVERMAN, OF FLORIDA
MARK SEBASTIAN PALERMO, OF THE DISTRICT OF COLUMBIA
JOHN REED PAYNE, OF TEXAS
RICHARD PAYNE—HOLMES, OF VIRGINIA
KIMBERLY MICHELLE PEREZ, OF TEXAS
JOSÉ FRANCISCO PEREZ ETRE, OF THE DISTRICT OF COLUMBIA
ANN PERRELLI, OF MARYLAND
DAVID CONRAD PETERSON, OF MISSOURI
JAMES D. PLASMAN, OF ILLINOIS
KATHERINE PARRINDER PLONA, OF MICHIGAN
PAMELA ROSS DIFENDERFER PONTIUS, OF TEXAS
ERIK S. PUGNER, OF CALIFORNIA
MICHAEL JOHN RALLES, OF MINNESOTA
REBECCA CAROL RAMAN, OF TENNESSEE
ERIN BROOK RENNER, OF THE DISTRICT OF COLUMBIA
LUCY AVENT REYNO, OF VIRGINIA
JENNIFER A. RIZZOLI, OF TEXAS
BRETT ROSE, OF ARIZONA
STEPHANIE KYLEEN FAIN SANDOVAL, OF TEXAS
ROCCO CHRISTOPHER SANTORO, OF NEW YORK
SHELLEY WALKER SAXEN, OF FLORIDA

LUKE AARON SCHTELE, OF NEVADA
 CHARLES FREDERICK SETEN, OF ILLINOIS
 REBECCA ANN SEWERYN, OF PENNSYLVANIA
 JENNIFER TERESE SIREGAR, OF FLORIDA
 SARAH F. SKORUPSKI, OF THE DISTRICT OF COLUMBIA
 JASON A. SMITH, OF VIRGINIA
 SETH A. SNYDER, OF MISSOURI
 DOMINIC K. SO, OF CALIFORNIA
 JOHN W. STABLES, OF TEXAS
 SALLY STERNAL, OF VIRGINIA
 LIAM LYNCH SULLIVAN, OF NEW HAMPSHIRE
 GLENN EDWARD TOSTEN II, OF MARYLAND
 JAMES STEPHEN TOWN, OF PENNSYLVANIA
 VINCENT CHARLES TRAVERSO, OF CALIFORNIA
 CHAD M. TWITTY, OF ARIZONA
 STEPHEN J. VALEN, OF CALIFORNIA
 BEENA MARY VARNAN, OF TEXAS
 ANDREW M. VEVEIROS, OF MARYLAND
 KENNAN DANIEL WATT, OF UTAH
 STEPHEN C. WEEKS, OF FLORIDA
 TRESSA ANNE WEYER, OF FLORIDA
 TIMOTHY H. WILEY, OF MASSACHUSETTS
 JARED M. YANCEY, OF VIRGINIA
 JENNIE YOUNG, OF FLORIDA
 KIRA ZAPORSKI, OF WISCONSIN

THE FOLLOWING—NAMED MEMBERS OF THE FOREIGN SERVICE TO BE SECRETARIES OR CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DULCE MARIA ACOSTA—LICEA, OF CALIFORNIA
 CHARLES M. ADAMS, OF VIRGINIA
 MARK R. ANDERSON, OF VIRGINIA
 A. JUSTINE AUTRY, OF VIRGINIA
 ARI AVIDAR, OF VIRGINIA
 HENRY NICHOLAS BAKER, JR., OF KENTUCKY
 MICHAEL GEORGE BARRERA, OF TEXAS
 JASON J. BARTMESS, OF VIRGINIA
 MARIJANA KATALINA BATES, OF FLORIDA
 THOMAS G. BELL, OF WYOMING
 BRANT BEYER, OF INDIANA
 SHELLA A. BIALLAS, OF WASHINGTON
 KEITH M. BIERD, OF VIRGINIA
 TIMOTHY DAVID BIRNER, OF VIRGINIA
 PAUL S. BLOOM, OF VIRGINIA
 SUZANNE D. BOOTH, OF TEXAS
 STEVEN A. BOWEN, OF VIRGINIA
 JAMES BOYDEN, OF WASHINGTON
 SAMANTHA L. BRAHAM, OF VIRGINIA
 ALLISON BROWNING, OF VIRGINIA
 DAVID S. BURNSTEIN, OF KENTUCKY
 PATRICIA A. BURROWS, OF MAINE
 DEVIN M. CAHILL, OF ILLINOIS
 ROBERT CHAMBERS, OF MARYLAND
 LAP NGUYEN CHANG, OF WASHINGTON
 LISA CHIU, OF VIRGINIA
 NICHOLAS W. CHRISTIANSON, OF VIRGINIA
 ROBERT CLARK, OF CALIFORNIA
 COLIN D. CLAY, OF FLORIDA
 SCOTT K. CLAYTON, OF OHIO
 ERIN E. CONCORDS, OF ARIZONA
 ERIN J. COYLE, OF VIRGINIA
 THOMAS P. COYNE, OF VIRGINIA
 DAVID W. CRONIN, OF VIRGINIA
 LUCAS E. DABNEY, OF OHIO
 MOLLY J. DALESSANDRO, OF WASHINGTON
 JOHN KEEGAN DE LANCIE, OF CALIFORNIA
 KAITLYN JEAN DEUTSCH, OF VIRGINIA
 DANNY DEVRIES, OF MICHIGAN
 JEREMIAS N. DIRK, OF MICHIGAN
 JEFFREY DOUGLAS, OF VIRGINIA
 SAMUEL CALLAN DOWNING, OF WASHINGTON
 ELISE M. EDWARDS, OF THE DISTRICT OF COLUMBIA
 RYAN MCCRAY ELY, OF THE DISTRICT OF COLUMBIA
 KYLE BROCK ENSLEY, OF OKLAHOMA
 LANCE C. ERICKSON, OF ILLINOIS
 JAMES E. ERMARTH, OF NEW HAMPSHIRE
 DOUGLAS SOMERVILLE EVANS, OF VIRGINIA
 DAVID FARRAR, OF VIRGINIA
 SHAWN E. FAST, OF VIRGINIA

JOHN D. FIELD, OF VIRGINIA
 VICTOR MANUEL GARCIA—RIVERA, OF FLORIDA
 CARRIE GIARDINO, OF MASSACHUSETTS
 JOHN R. GIBBS, OF VIRGINIA
 SARAH DEVIN GLASSBURNER—MOEN, OF OREGON
 JOSEPH R. GOCHAL, OF THE DISTRICT OF COLUMBIA
 ARON F. GOLD, OF PENNSYLVANIA
 BARTHOLOMEW GOLDYN, OF VIRGINIA
 BRENDAN P. GOUGH, OF VIRGINIA
 BRIAN H. GRANDJEAN, OF VIRGINIA
 JOHN GRANOS, OF THE DISTRICT OF COLUMBIA
 THOMAS WITTEN GRAVES, OF VIRGINIA
 CORETTA GREEN, OF VIRGINIA
 KATHERINE HALL, OF COLORADO
 KELLY R. HARRIS, OF VIRGINIA
 JENNIFER HENGSTENBERG, OF IOWA
 JULIE ELIZABETH HENNINGER, OF THE DISTRICT OF COLUMBIA
 ELIZABETH W. HERMAN, OF VIRGINIA
 CALANDRA HERSRUD, OF NEVADA
 TANYA T. HICKS, OF VIRGINIA
 MATTHEW S. HSIEH, OF VIRGINIA
 LAUREN N. HUOT, OF FLORIDA
 SURIYA CASSIS JAYANTI, OF CALIFORNIA
 BRITTANY K. JENKINS, OF VIRGINIA
 PETER G. JESCHKE, OF VIRGINIA
 PRIYA JINDAL, OF OHIO
 KEVIN M. JOHNS, OF VIRGINIA
 ALAN J. JOHNSON, OF VIRGINIA
 DANIEL C. JOHNSON, OF TEXAS
 HELENA ULRIKA JOYCE, OF CALIFORNIA
 JON T. KAKASENKO, OF VIRGINIA
 JAMES F. KILDAY, OF VIRGINIA
 SARAH E. KINDIG, OF VIRGINIA
 ALEXANDRA J. KING, OF MARYLAND
 ANTHONY C. KING, OF WASHINGTON
 JARED P. KNAB, OF OHIO
 JOSEPH ROBERT KNUPP, OF PENNSYLVANIA
 BROOKE KREGER, OF VIRGINIA
 CAROLYN ANNE KRUMME, OF TEXAS
 CHANDNI KUMAR, OF MARYLAND
 JENNIFER LANDAU-CARTER, OF OREGON
 KARL D. LANDSBERG, OF VIRGINIA
 MALLORIE S. LAVALLAIS, OF VIRGINIA
 ANDREW LEROSE LEAHY, OF OREGON
 EUNA LEE, OF VIRGINIA
 JOHN T. LONG, OF VIRGINIA
 KELLY SHANNON LONG, OF NEW YORK
 KIMBERLY K. MAGEE, OF MARYLAND
 AGATA MARIA MALEK, OF NEW MEXICO
 MERIDETH S. MANELLA, OF NEW JERSEY
 LYNN ALEXANDRIA MARSHALL, OF MICHIGAN
 JAMES J. MARTELL, OF VIRGINIA
 STEPHEN L. MARTELLI, OF DELAWARE
 LUKE MARTIN, OF CALIFORNIA
 CHARLES S. MATICH, JR., OF THE DISTRICT OF COLUMBIA
 BENJAMIN W. MEDINA, OF VIRGINIA
 LUKE MEINZEN, OF KANSAS
 PARINAZ K. MENDEZ, OF FLORIDA
 DEREK MASON MILLS, OF CONNECTICUT
 ROBERT V. MOELLER, OF VIRGINIA
 ROBYN MOFSOWITZ, OF THE DISTRICT OF COLUMBIA
 DORIAN MOLINA, OF NEW YORK
 DONNA RENEE MOLINARI, OF THE DISTRICT OF COLUMBIA
 TRAVIS MUIR, OF THE DISTRICT OF COLUMBIA
 KEITH W. MURPHY, OF THE DISTRICT OF COLUMBIA
 JEANNE B. NIENHAUS, OF VIRGINIA
 BARRY E. NORMAN, OF VIRGINIA
 DOUGLAS A. OLIVA, OF VIRGINIA
 MARY L. OLNEY, OF NORTH CAROLINA
 KATIE ANN OSTERLOH, OF FLORIDA
 KENDRA E. PACE, OF FLORIDA
 THOMAS E. PAJUSI, OF NEW JERSEY
 BENJAMIN PARISI, OF FLORIDA
 STRADER PAYTON, OF MISSOURI
 VICTOR M. PEREZ, OF FLORIDA
 ANKITA B. PERRY, OF THE DISTRICT OF COLUMBIA
 MALCOLM G. PERRY, OF THE DISTRICT OF COLUMBIA

ADRIAN PETRISOR, OF ARIZONA
 JOSSELIN PHAN, OF THE DISTRICT OF COLUMBIA
 BRIAN CHRISTOPHER PHELPS, OF NORTH CAROLINA
 JENNIFER A. PIERSON, OF TEXAS
 DENISE M. PONTACOLONI, OF THE DISTRICT OF COLUMBIA
 CASEY K. POST, OF PENNSYLVANIA
 KEVIN JOHN POWERS, OF THE DISTRICT OF COLUMBIA
 STACIE J. PRIDOTKAS, OF VIRGINIA
 TAMARA PRZYLEPA, OF GEORGIA
 NATHANIEL D. REIN, OF THE DISTRICT OF COLUMBIA
 ROBERT B. REVERE, OF THE DISTRICT OF COLUMBIA
 RONALD S. RHINEHART, OF WASHINGTON
 TYRA E. RIVKIN, OF VIRGINIA
 BRUCE ROBINSON, OF VIRGINIA
 BENJAMIN R. ROODE, OF THE DISTRICT OF COLUMBIA
 ROBERT S. ROSE, OF VIRGINIA
 KERYN ROSS, OF VIRGINIA
 ROBIN MERCEDES ROTMAN, OF ILLINOIS
 JOHN ROWOLD, OF FLORIDA
 SUJOYA S. ROY, OF NEW YORK
 CLAIRE E. RUFFING, OF NEW YORK
 KATHLEEN MEARA RYAN, OF MASSACHUSETTS
 ANDREW D. SABO, OF VIRGINIA
 OSCAR SAENZ, OF TEXAS
 KRISTIN M. SALAZAR, OF NEW MEXICO
 SARA L. SALINAS, OF ARIZONA
 MEGAN MARIE SALMON, OF WASHINGTON
 DIANA SANTOS, OF VIRGINIA
 JOSHUA EDWARD SAXTON, OF VIRGINIA
 ROBERT SCHRIER, OF MARYLAND
 SHANNA SCOTT, OF INDIANA
 CHRISTOPHER J. SENECA, OF VIRGINIA
 GABRIEL D. SHARAF, OF CALIFORNIA
 SHANA SHERRY, OF CALIFORNIA
 JOSHUA STEVEN SHRAGER, OF PENNSYLVANIA
 CRAIG SIMONS, OF CALIFORNIA
 ERIK E. SKAGGS, OF VIRGINIA
 WILLIAM G. SKELTON, OF VIRGINIA
 AUDREY SUE-JUNE CHAN SLOVER, OF COLORADO
 ALEXIS KOTARBA SMALLRIDGE, OF THE DISTRICT OF COLUMBIA
 ANDREW C. SNAVELY, OF NORTH CAROLINA
 LAUREN STARRETT, OF THE DISTRICT OF COLUMBIA
 ADAM J. STECKLER, OF NORTH CAROLINA
 JASON B. STEGMAN, OF MARYLAND
 HELAINA M. STEIN, OF NEW YORK
 EMILY M. STOLL, OF VIRGINIA
 ELIZABETH A. STREETT, OF WASHINGTON
 WILLIAM DANIEL STURGEON, OF VIRGINIA
 BRUCE W. SULLIVAN, OF NEW JERSEY
 GURU KIRN KAUR SUMLER, OF TEXAS
 CAROLE F. SUN, OF THE DISTRICT OF COLUMBIA
 STEPHEN M. SUSANN, OF VIRGINIA
 RAMONA L. TAN, OF VIRGINIA
 ALINE TASLAKIAN, OF VIRGINIA
 JERAD SCOTT TIETZ, OF MARYLAND
 BRYAN P. TIKALSKY, OF VIRGINIA
 JOHN B. TILSTRA, OF MARYLAND
 TRI TRAN, OF CALIFORNIA
 CARL W. TREICHEL, OF VIRGINIA
 DAVID WAGNER, OF MASSACHUSETTS
 NATHAN D. WALLACE, OF THE DISTRICT OF COLUMBIA
 JONATHAN P. WEDD, OF CALIFORNIA
 HEATH H. WHITE, OF VIRGINIA
 AZAR SOUGHAY WILLIAMS, OF TENNESSEE
 BRIAN P. WILLIAMS, OF FLORIDA
 KEVIN L. WOMACK, OF THE DISTRICT OF COLUMBIA
 NOAH WOODRUFF, OF MASSACHUSETTS
 TODD A. WOODRUFF, OF VIRGINIA
 ALAN A. WRIGHT, OF MARYLAND
 JOHN YANG, OF VIRGINIA
 JENNIFER L. YOUNG, OF VIRGINIA
 SERGIO ZABALA, OF THE DISTRICT OF COLUMBIA
 SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:
 KENNETH R. PROPP, OF VIRGINIA

HOUSE OF REPRESENTATIVES—Thursday, July 12, 2012

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mrs. CAPITO).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 12, 2012.

I hereby appoint the Honorable SHELLEY MOORE CAPITO to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: God of the universe, we give You thanks for giving us another day.

As the Members of this people's House deliberate these days, give them the wisdom and magnanimity to lay aside what might divide us as a people to forge a secure future for our country.

We pray for all people who have special needs. May Your presence be known to those who are sick, that they might feel the power of Your healing spirit. Be with those who suffer persecution in so many places in our world, and bless our troops who are engaged in the easing of those sufferings. Give to all who are afraid or anxious or whose minds are clouded by uncertain futures the peace and confidence that come from trust in Your goodness and mercy.

Inspire the men and women who serve in this House to be their best selves, that they may in turn be an inspiration to the Nation and to the world.

May all that is done here this day be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. HULTGREN) come forward and lead the House in the Pledge of Allegiance.

Mr. HULTGREN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

MASSIVE DEFENSE CUTS

(Mr. WITTMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WITTMAN. Madam Speaker, I rise today to express concerns on behalf of my constituents. Paralysis, uncertainty—these are the effects of inaction, inaction on looming, massive defense cuts that will go into effect in January 2013.

In America's First District, many small businesses exist to support our military, to innovate and to build systems and resources—resources for our troops that save lives and help them do their job on the battlefield. But these businesses face an uncertain future as the question of looming defense cuts, or sequestration, remain unresolved. Do they stop production? Do they lay off workers?

This spring, I voted with the majority in this House to avoid these massive defense cuts while putting the Nation's budget on a path to balance. The Senate has failed to act. The President has threatened to veto.

Our military and those who support it—and the national security of this country—demand our attention and respect. Leaving this issue to the last minute is irresponsible. Now is the time for action.

WESTERN NEW YORKERS COMPETING IN THE OLYMPIC GAMES

(Ms. HOCHUL asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOCHUL. Madam Speaker, 2 weeks from tomorrow Olympic athletes from all over this world will parade into the stadium in London to officially launch the 2012 Olympics.

I am so proud to say that five of them will be western New Yorkers that

we represent in upstate New York. These include archer Jake Kaminski from Elma; the current number one ranked women's pole vaulter, Jenn Suhr of Churchville; volleyball player Matt Anderson, born in Buffalo; swimmer Ryan Lochte, born in Rochester; and two time U.S. Soccer Female Athlete of the Year, Abby Wambach of Rochester.

Throughout their lifetimes of training, hard work, and sacrifices, these athletes embody what it means to be an American, and they carry with them to London the pride of western New York and the entire Nation.

As we wish them and the entire team good luck, my wish is that that sense of common purpose that joins all of us as Americans during that Olympic period will join us on this floor of Congress as we seek to form a more perfect Union.

FARM BILL

(Mr. BERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERG. Madam Speaker, last night the House Agriculture Committee finished its work on the farm bill, late last night, and I applaud Chairman LUCAS and Ranking Member PETERSON for their work. I rise today to call for full consideration of the farm bill before the House.

Agriculture is the backbone of North Dakota, and North Dakota farmers and ranchers deserve the stability and certainty that a long-term reauthorized farm bill would provide.

With the farm bill passing through committee with bipartisan support, including strong crop insurance, now is the time for the full House to act on it. I urge my colleagues to join with me and work together to get this bipartisan farm bill passed.

HONORING PRISCILLA DEWEY HOUGHTON

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute.)

Mr. BLUMENAUER. Madam Speaker, Priscilla Dewey Houghton, beloved wife of our dear colleague of 18 years, Amo Houghton, passed away last Friday.

She was a playwright, a linguist, a poet who, together with Amo, formed a special type of power couple. Priscilla was intelligent, curious, and gracious. She was the perfect partner for Amo.

While her efforts 40 years ago led her to introduce children and adolescents to joy and creativity in Massachusetts, here in D.C., with Amo, she fought against rancor and mean spiritedness in our Nation's capital.

Priscilla was the first honorary member of the Congressional Bike Caucus. Cycling was significant to her because of an early bout with polio that left her bedridden for a year. Priscilla was a very special woman whose battle with adversity never slowed her down or dimmed her spirits.

Our hearts go out to Amo and her family and friends gathering for her memorial service in Boston this Saturday.

LIFE SAFETY EDUCATOR OF THE YEAR: MARSHA GIESLER

(Mrs. BIGGERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BIGGERT. Madam Speaker, today I rise to honor Marsha Giesler, an Illinois native and a recipient of the 2012 National Fire Protection Association's Fire and Life Safety Educator of the Year award.

Marsha serves as the Downers Grove Fire Department public information officer, and in that role she coordinates with emergency service personnel to provide Downers Grove residents with valuable, lifesaving information and safety-related materials. She is also assistant to the chief and a juvenile fire interventionist. To help others promote safety within their own communities, she published a 400-page reference book, "Fire and Life Safety Educator," the most easily accessible reference book of its kind.

Madam Speaker, Marsha Giesler's more than 20 years of excellent public service have demonstrated her commitment to keeping our community safe, and I want to commend Marsha for her leadership, her dedication, and her hard work.

NEW YORK STATE'S I-STOP LAW

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Madam Speaker, yesterday New York State's Eric Schneiderman was in western New York to celebrate the passage of New York State's I-STOP law. This law uses online databases to connect doctors and pharmacists helping to combat the tragic prescription drug abuse epidemic.

I was pleased to join the effort by leading a bipartisan State delegation letter in support of this law. While there are many important players in the passage of this bill, I would like to especially congratulate Senator Tim Kennedy, Avi and Julie Israel for their efforts.

The passage of I-STOP raises awareness of the growing importance of integrating health information technology and electronic medical records into the field of health care.

Madam Speaker, I am hopeful that other States move to implement this and other electronic medical record technologies. This is a serious problem, and it is our responsibility to act swiftly.

□ 0910

GETTING SPECIFIC ON HEALTH CARE

(Mr. HULTGREN asked and was given permission to address the House for 1 minute.)

Mr. HULTGREN. Madam Speaker, now that the health care law is out of the judicial process, it's back in the hands of the legislature. It's time to face the real consequences of this law.

This week, the Ways and Means Committee has started examining the tax effects. The Oversight Committee is looking at the impact on patients and doctors and on the economy. But in reality, we know what to expect. An average American family will see a \$1,200 increase in health care premiums after this law is fully in effect. More than 1 million Americans are at risk of losing their plan because their plan was denied a waiver. The Congressional Budget Office has estimated that we will see 800,000 fewer jobs by 2012. The law contains 22 new tax increases. And 9 in 10 seniors with retiree benefits will lose their retiree prescription drug coverage through their employers.

It's time to get specific with the American people about what this law means for them.

PROTECTING THE STUDENT LOAN INTEREST RATE

(Mr. COURTNEY asked and was given permission to address the House for 1 minute.)

Mr. COURTNEY. Last Friday, President Obama signed into law a bipartisan compromise which extended a lower student interest rate of 3.4 percent. Incredibly, the ink was barely dry on that measure when the Romney campaign introduced their higher education plan, which would take us back to wasteful taxpayer subsidies to private student loan lenders.

This is what the conservative Cato Institute said about that proposal:

A meaningless change from a college affordability standpoint. Obviously, it would have an effect for banks, who would be happy to go back to that. It was a great gig for them.

A Romney supporter at the new New America Foundation said on this issue:

On this issue, Romney is just ridiculous. His campaign staff doesn't have any new ideas. So they just said, Let's go back to

what we were doing before the Obama administration.

For young Americans, the choice this fall is becoming clearer. We have a President who successfully challenged this Congress to protect the lower student loan interest rate, and his opponent, who is looking to take \$60 billion in taxpayer funds and give it away to special interests.

THE PULSE OF TEXAS: AVA

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Madam Speaker, when I am back in southeast Texas, I hear from individuals and businesses who are concerned about how ObamaCare will affect them. Ava, a senior from Houston, tells me this:

I am a senior who is very concerned that I will lose the great health care that I am presently receiving under Medicare. I am pleased with my doctors and with my health care plan. At the present, I can afford it, and I am concerned I will not be able to in the future if ObamaCare goes completely through and that I might not get the care I need for the health issues I already have.

Seniors cannot afford ObamaCare, nor do they want it. Living on limited income today is hard enough without this new health care plan wanting more of my money. Seniors seem to be taking it on the chin tremendously on this issue.

Madam Speaker, Ava is right: ObamaCare is not good for seniors on Medicare. They will pay more for less care because of this expensive government takeover of America's health.

And that's just the way it is.

FOOD SHOULD BE OUT OF THE CONVERSATION

(Mr. BUTTERFIELD asked and was given permission to address the House for 1 minute.)

Mr. BUTTERFIELD. One of the most significant congressional accomplishments in 1965 was to create a program whereby American citizens could have the opportunity for nutritious foods. The SNAP program allows 46 million Americans to avoid being hungry. The benefits go to deserving individuals. Fifteen percent are elderly; 20 percent are disabled. The average gross monthly income for a food stamp household is \$731. The average net income is \$336.

Now we see an effort to roll back these benefits to these vulnerable populations. The Ryan House budget calls for \$35 billion in cuts. The Lucas-Peterson plan marked up last night calls for \$16 billion. That will result in 3 million Americans losing basic nutrition.

Madam Speaker, this proposal will hurt real people and literally take food off of their table. It's wrong, it's immoral, and it's irresponsible to take food away from deserving American citizens to balance a budget that is unbalanced because of reckless policies that have benefited the rich.

I urge my colleagues to develop a balanced approach to deficit reduction, to include cuts and new revenue. But food should be out of the conversation.

NATIONAL STRATEGIC AND CRITICAL MINERALS PRODUCTION ACT OF 2012

GENERAL LEAVE

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the bill, H.R. 4402.

The SPEAKER pro tempore (Mr. POE of Texas). Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 726 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 4402.

The Chair appoints the gentlewoman from West Virginia (Mrs. CAPITO) to preside over the Committee of the Whole.

□ 0915

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 4402) to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness, with Mrs. CAPITO in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Washington (Mr. HASTINGS) and the gentleman from Massachusetts (Mr. MARKEY) each will control 30 minutes.

The Chair recognizes the gentleman from Washington.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Madam Chair, the United States of America is rarely last at anything. Unfortunately, that is not the case when it comes to permitting mining projects. In 2012, the U.S. was ranked dead last, along with Papua New Guinea, out of 25 major mining companies on the pace of mining permitting. Now I can't speak for Papua New Guinea, but the reason the U.S. is so slow to issue new mining permits is simple: government bureaucracy.

Burdensome red tape, duplicative reviews, frivolous lawsuits, and onerous regulations can hold up new mining projects for more than a decade. These

unnecessary delays cost Americans jobs as we become more and more dependent on foreign countries for raw ingredients to fuel manufacturing and our economy. The lack of American-produced strategic and critical minerals are prime examples of how America has regulated itself into 100 percent dependence on at least 19 unique elements.

Rare Earth elements, a special subset of strategic and critical minerals, are often used as core components for the manufacturing of everything from national security systems to consumer electronics to medical equipment to renewable energy components and everyday household items. Even though America has a plentiful supply of rare Earth elements, our negative approach to producing these crucial materials has resulted in China producing 97 percent of the world's rare Earth elements. Just like the United States' dependence on foreign oil causes pain at the pump, Americans will soon feel the impact of China's monopoly on the rare Earth element market. Those impacts will be felt when they need a CAT scan or they want to buy a new computer for their small business or purchase an iPhone or install solar panels on their roof.

H.R. 4402, the National Strategic and Critical Minerals Production Act, introduced by our colleague from Nevada (Mr. AMODEI) will help to end this foreign dependence by streamlining government red tape that blocks strategic and critical mineral production. First and foremost, this is a jobs bill, and the positive impact of this bill's intent will extend beyond the mining industry. For every metals mining job created, an estimated 2.2 additional jobs are generated. And for every nonmetal mining job created, another 1.6 jobs are created. This legislation gives the opportunity for American manufacturers, for small business technology companies, and construction firms to use American resources to help make the products that are essential for our everyday lives, and in the process this will put Americans back to work.

As China continues to tighten global supplies of rare Earth elements, we should respond with an American mineral mining renaissance that will bring mining and manufacturing jobs back to the United States. The National Strategic and Critical Minerals Production Act will help supply our national security, high-tech, health care, agriculture, construction, communications, and energy industries with homemade American materials. This bill is the latest example of House Republicans' commitment to and focus on American job creation. The House has passed over 30 job creation bills that still sit in the Senate, where their leaders, unfortunately, refuse to take any action.

□ 0920

This includes several bills from the Natural Resources Committee to increase production of our all-of-the-above energy resources and to protect our public access to public land.

H.R. 4402 will enable new American mineral production. We must act now to cut the government red tape that is stopping American mineral production that furthers our dependence on foreign minerals.

So I urge my colleagues to vote "yes" for this underlying legislation; and with that, I reserve the balance of my time.

Mr. MARKEY. I yield myself as much time as I may consume.

It is really quite fitting that the Republican-controlled House of Representatives is taking up a bill today to weaken environmental regulations for the hard rock mining industry. Because just last night the Republican candidate for President held a lavish \$25,000-a-plate fundraising dinner out in Montana. For those who don't know, the Daly mansion where that event was held was owned by a famous guy, Marcus Daly, was one of the three "copper kings" of Montana during the Gilded Age. He was infamous for his epic battles with other robber barons for control over the copper industry in Montana and around the country.

In fact, the Supreme Court's recent 5-4 decision to invalidate the Montana election law of 1912 overturned a law that was originally enacted to respond to the very excesses of mining barons like Marcus Daly.

So here we are out here on the House floor embracing the Gilded Age. But here in the Republican House, we are not in a Gilded Age; we are in a Give-away Age where every week the Republicans seek to hand even more giveaways to the oil, the gas, the timber, the coal, and the mining industries. The bill we are considering today is so broadly drafted where apparently sand, gravel, and crushed stone are considered rare and strategic that the majority actually appears to be trying to usher in a new stone age. Under this bill, the next time you go to the beach, you should put some sand in your pocket because the majority apparently believes that it is a rare element. That gravel in your driveway is protected because, under this bill, it is apparently strategic to America's national security.

Rare Earth elements are indispensable to a wide range of military, electronic, and industrial applications, as well as a variety of clean energy technologies. But this bill isn't giving us just the futuristic technologies of the Jetsons. It's giving us the prehistoric technologies of the Flintstones. Volumes of reports have been written about rare Earth minerals and other critical and strategic minerals; and none of them define things like gravel,

sand, and clay as critical or strategic minerals.

What we could be doing and what we should be doing on this House floor is developing a policy to break China's grip on the rare Earth minerals that are important to our high-technology sector and to national defense. But we aren't doing that with this bill. No, what we are doing here is using strategic and critical minerals as a pretext for gutting environmental protections relating to virtually all mining operations.

Now, because the majority has cast so many votes to benefit these industries that it gets hard to keep track, we have created this chart to help everyone keep track of which industry is benefiting each week in the GOP giveaway game show. Yesterday, my colleague from Utah seemed extremely interested in making sure this chart functioned properly in order to aid the body. So I brought it back today so we can give it a spin and make sure we all remember who is getting a special giveaway today. But for the Republican Congress, this isn't the game show "Wheel of Fortune." This is the Wheel of Fortune 500 Companies where we can spin to see which large, multinational companies will get handouts.

In "Jeopardy," you state your answer in the form of a question. In the GOP House of Giveaways, answers are stated in the form of questionable policies. And the GOP's final answer in their running game of "Who Wants to Be a Millionaire" is always the same: it is the largest corporations in America at the expense of American taxpayers and the environment. In fact, the majority is bringing this bill chock-full of giveaways to the mining industry on the floor without addressing the 140-year-old loophole that allows mining companies to extract gold, silver, uranium, and other hard rock minerals from public lands without paying taxpayers any royalty payments.

This rip-off is even worse when you see that every western State actually charges royalties of between 2 and 12 percent for companies to mine hard rock minerals on State lands; but on Federal lands, which might be right next door, the mining companies don't have to pay taxpayers a dime in royalties.

The robber barons are long gone, but mining companies can still operate under a law put in place during their heyday. Yet the majority's answer is not only to do nothing to end this free mining on public lands. They are trying to hand even more giveaways to this industry in this bill. This is a bad bill, and it should be defeated. I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chairman, I'm very pleased to yield 2 minutes to the gentleman from Colorado (Mr. LAMBORN), who is the

chairman of the Energy and Mineral Resources Subcommittee on the Committee on Natural Resources.

Mr. LAMBORN. I thank the chairman.

Madam Chairman, I am pleased to speak in support of H.R. 4402, the National Strategic and Critical Minerals Production Act of 2012, introduced by my colleague, Representative AMODEI, of which I am a cosponsor. This bill was heard in our Energy and Mineral Resources Subcommittee on April 26.

Although Americans hear a lot about our dependence on foreign oil, they may not know about our dependence on foreign countries for minerals critical to our manufacturing, national defense, communications, and medical care needs.

Over the years, we have allowed frivolous lawsuits and unnecessary regulations to stifle our domestic production of these vital minerals. Today, the United States is nearly 100 percent reliant on countries such as China for rare Earth elements that are essential to our economy. We should all be troubled by China's recent policies restricting exports of these critical minerals. But rather than complain about that to the World Trade Organization, as the Obama administration is doing, we should simply support our efforts to allow production of and access to our own vast domestic supplies.

This bill is a bipartisan plan that cuts red tape by streamlining the permitting process for mineral development which will create jobs and help grow the economy. Under current laws and regulations, it could take a developer up to 10 years to get all the government permits in place. This bill would shorten that time down to just over 2 years.

These minerals are essential components of technologies in everyday items ranging from cell phones, computers, medical equipment, renewable energy products, high-tech military equipment, and building supplies. They are vital to our country's manufacturing sector and our ability to create jobs. Every job in metals mining creates an estimated 2.3 additional job.

It's time for America to get serious about rare Earth and strategic minerals. We can start by opening up our \$6 trillion worth of untapped mineral resources.

I urge my colleagues to support this bill.

Mr. MARKEY. I yield to the gentleman from New Jersey as much time as he may consume.

Mr. HOLT. I thank my friend, the ranking member.

Madam Chair, today we're considering the so-called National Strategic and Critical Minerals Production Act of 2012. Now, despite the bill's title, it has almost nothing to do with national strategic and critical minerals production.

□ 0930

In fact, under the guise of promoting the development of minerals critical to the United States' national security, this legislation would reshape mining decisions on public lands for almost all minerals. You heard Mr. MARKEY talk about gravel and sand and other things that can fall under the definition here of critical minerals.

There's a list of problems with this bill that is long, and several of the amendments we'll consider today will attempt to address the egregious provisions that would truncate important environmental review.

Make no mistake, this is a giveaway. It is free mining, no royalties, no protection of public interest, exemption from royalty payments, near exemption from environmental regulations, near exemption from legal enforcement of the protections. And it's unnecessary.

Madam Chairman, the Natural Resources Committee has already reported out legislation, on a bipartisan basis, to lay the groundwork for developing critical and strategic mineral production. Nearly a year ago, July of 2011—yes, 12 months ago—the committee reported out H.R. 2011, on a bipartisan basis, the National Strategic and Critical Minerals Policy Act of 2011, by unanimous consent. That bill would improve our understanding of critical strategic mineral deposits and aid in their development.

That legislation is not only bipartisan, it's supported by the National Mining Association, for heaven's sake. The president and CEO of the National Mining Association, Hal Quinn, issued a statement when the bill was passed out of committee, saying, "The House Natural Resources Committee took important bipartisan action today to ensure U.S. manufacturers, technology innovators, and our military have a more stable supply of minerals vital to the products they produce and use."

He went on to say that legislation "will provide a valuable assessment of our current and future mineral demands and our ability to meet more of our needs through domestic minerals production."

Yes, a year ago we reported out a bill, on a bipartisan basis, that would do what this legislation purports to do. Instead, we're taking up this legislation, which is a giveaway.

The legislation we could be dealing with actually deals with strategic and critical minerals. If the majority were to bring it to the floor, I'm sure it would pass in an overwhelming, bipartisan way and would likely be passed by the other body and signed into law.

We should be able to work in this fashion when it comes to improving our supply of rare earths and other strategic minerals and ensuring that we're not dependent on China and other nations for their supply, but the

majority is not interested, evidently, in working in a bipartisan fashion. Instead, they're moving this bill, H.R. 4402, which has almost nothing to do with strategic minerals and is really about giveaways to the mining industry. This bill is a Trojan horse and has no chance of becoming law.

Why are we playing these games? Why are, I should say, they playing these games with our need to develop strategic minerals? We should be working in the kind of fashion that led to last year's bill.

The majority should shelve this giveaway to the mining industry and bring up the other Critical Minerals Policy Act to the floor immediately.

Mr. HASTINGS of Washington. Madam Chairman, I am very pleased to yield 2 minutes to the author of this legislation, the gentleman from Nevada (Mr. AMODEI).

Mr. AMODEI. Madam Chair, I'm going to follow on the theme from my colleague from the Garden State: Why? Why an 11½-page bill that does two things; sets a 30-month—not rock-hard, no pun intended—time limit on Federal permitting decisions for mines and says, if you don't like that decision, you've got to sue in 60 days?

Why are you not talking about what's the problem with 2½ years to talk about the permit? What's the problem with providing some predictability to the timing of the permitting process? What's the problem with not stringing people out under NEPA for over a decade for mine decisions? Why are we not hearing about that?

The giveaway stuff is phenomenally entertaining. This does nothing to tax law. This does nothing to safety law. This does nothing to supplant NEPA, and this does nothing to supplant any State fix. This is an 11-plus-page bill that says you've got 30 months—and by the way, if you both agree, you can use more than 30 months. Now, what's the translation of that? God forbid we have collaboration between an applicant and a Federal land use agency in this process.

Why are you afraid of collaboration? Why are you afraid of setting a time limit? And where in the 1969 NEPA law—since we're talking about old stuff—does it say this is a marathon, and if you can outwait them—forget about the facts, forget about the science, forget about the technology—we're going to obfuscate and delay and hope that you will go away? Because, you know what—my hat's off—it's become a great weapon in this.

But when less than 1 percent of the surface area of Federal land in this Nation is impacted by mining, I think what it's really about is we don't want any predictability for this because we're basically against an industry.

Everybody's got a definition of "strategic." When you talk about transportation, medical devices, national de-

fense, the economy, I think those are strategic and critical things.

So I would urge your support on this, to bring some collaboration, truly, instead of making this an administrative marathon for purposes of permitting.

Mr. MARKEY. I yield 3 minutes to the gentleman from Georgia (Mr. JOHNSON).

Mr. JOHNSON of Georgia. Madam Chair, the bill we are considering today isn't about ensuring our supply of "strategic and critical minerals." This bill is about deregulating the mining industry and the pipeline industry.

It's misnamed. It should be renamed the Koch Brothers Mining and Pipeline Deregulatory Act of 2012. It's consistent with everything that my colleagues on the other side of the aisle have been about during this 112th Congress. It's been about deregulation; it's been about tax breaks for the wealthy; and it's been about cutting the ability of the government to do what it needs to do.

While they're cutting the ability of the Federal agencies to assess the propriety of these kinds of activities—mining and gas line production—while they are cutting the ability to do that, they are reducing the time within which the remaining assets of the various agencies have to do the work that they are supposed to do. I'll tell you, it's important that we assess the environmental impact of various proposals on our environment, but my colleagues on the other side don't care about the environment.

Almost a year ago, the Natural Resources Committee produced H.R. 2011, the National Strategic and Critical Minerals Policy Act, a bipartisan bill that actually did address supply vulnerabilities for truly strategic and critical minerals policy. I was proud to work with Ranking Member MARKEY and Chairman HASTINGS to coauthor that legislation, and it was passed unanimously by their committee.

That bill, H.R. 2011, would have passed this body with broad bipartisan support and would probably have passed the Senate, too. It could have been a rare glimpse of actual governance in this totally politicized Tea Party House of Representatives. Unfortunately, I understand that bill was obstructed by Republican leadership. I wonder why.

Could it be the Koch brothers? Things go better with Coke. Could it be because the mining industry instructed them to attack environmental regulations instead? Did someone get a phone call from Rush Limbaugh with instructions?

The CHAIR. The time of the gentleman has expired.

Mr. MARKEY. I yield the gentleman an additional 30 seconds.

Mr. JOHNSON of Georgia. Rather than bringing the bipartisan H.R. 2011, here we have a wolf in sheep's clothing,

a bill that purports to serve our national security interests but, in truth, just seeks to undermine environmental regulations that protect the health and well-being of Americans throughout this great country.

□ 0940

It's just another episode in a long saga of misleadingly named Republican legislation, bills that claim to help the country, but really just help the special interests. What a shame.

Mr. HASTINGS of Washington. Madam Chairman, I yield myself 30 seconds, and I would yield to the gentleman from Georgia, if he can tell me, in this 11-page bill, where environmental laws are gutted, and I'll yield to the gentleman if he can give me a specific, what page.

I'm asking you a question, and I'll yield to you if you respond to my question.

Mr. JOHNSON of Georgia. You asked me a question and I'm going to answer it.

Mr. HASTINGS of Washington. What page?

Mr. JOHNSON of Georgia. The overall scheme of this bill—

Mr. HASTINGS of Washington. What page?

Mr. JOHNSON of Georgia. The overall scheme of this bill is to take away—

Mr. HASTINGS of Washington. What page? I asked the gentleman—I'm yielding to him to respond to me at what page. The gentleman cannot respond.

Mr. JOHNSON of Georgia. You're not interested in debate.

Mr. HASTINGS of Washington. The gentleman obviously can't respond. I reclaim my time.

I am very pleased at this point to yield 2 minutes to the gentleman from Arizona (Mr. GOSAR), a member of the Natural Resources Committee.

Mr. GOSAR. Madam Chairman, I rise today in support of H.R. 4402.

My home State of Arizona is known for the five Cs: cattle, cotton, citrus, climate, and, lastly, copper. People have been digging in Arizona for precious metals like copper for centuries. In the 1850s, nearly one in every four people in Arizona were miners. Without a doubt, mining fueled the growth that makes Arizona the State it is today.

Today, the Arizona mining industry is alive, but it is not what it used to be. A wide array of other critical minerals such as copper, coal, uranium, lime, and potash are mined throughout my district. These projects employ hundreds of my constituents with high-paying jobs, jobs that pay over \$50,000 to \$60,000 a year plus benefits. In rural Arizona, those types of jobs are few and far between—in fact, they are few and far between across this country.

But there is some potential, and there's so much more. As you can see

from the graphic, rare Earth and other critical minerals have been discovered throughout rural Arizona and are suitable for development. These are minerals our country badly needs to meet the demands for production of everyday items like cell phones, computers, batteries, and cars.

So what is the holdup?

As I travel throughout rural Arizona talking with companies that do business throughout my State, the message is clear. The length, the complexity, the uncertainty of the permitting process is stymieing the development of and discouraging investors from committing to U.S. mining.

If you do not believe this, how about a real life example? I will give you an example right out of rural Arizona. Down here in Safford, in the southeastern part of my district, is the home of the newest mine in North America. It took 13 years for all the necessary permitting. Imagine that. Time is money.

I was the first cosponsor of H.R. 4402 because the government has to work more efficiently. This legislation streamlines the process and sets benchmarks while ensuring continued environmental protection.

Let me be clear. Despite what the opposition says, this bill does not exempt the industry from complying with environmental regulations. It tackles the problems on the government approval process.

Let's restore some sanity into the permitting process.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. GOSAR. If the current bureaucratic gridlock was in place 150 years ago, I do not believe Arizona could exist as it does today. Copper would not be one of our five founding Cs.

Let's restore some sanity to the permitting process and get American miners back to work. Vote "yes" on the National Strategic and Critical Minerals Production Act. Our economy deserves and depends on it.

Mr. MARKEY. I yield as much time as he may consume to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman.

I just wanted to address the point raised by the committee chair. Where in the bill, he asks, are there exemptions from environmental review?

Well, section 102 is where they are, right at the front of this bill, page 4, if he wanted to know the page number. Under section 102, the lead agency can determine whether the NEPA law, the National Environmental Policy Act, even applies to a particular project. The whole idea of the National Environmental Policy Act is that there would be an independent review that involves public input, input from all af-

ected interests, and input from somebody who speaks for the land and somebody who speaks for the trees.

One of my colleagues a few moments ago said mining affects only a tiny, tiny fraction of the land. Well, that is, if you ignore everybody who's downstream and downwind.

Section 102 allows deferring and relying on data from reviews that have been performed not under NEPA standards. The majority says, well, State reviews should suffice.

Well, does anybody remember a State called Montana that was controlled by copper interests? Do you think that State's reviews of a copper mining environmental impact would suffice?

Well, that's the kind of thing that would be permitted under this legislation. It would be whether to prepare a document, the determination of the scope of any review, the submission and review of any comments from the public. They could say no public comments are permitted. I consider that a real abrogation of our responsibility and, yes, a real removal of environmental protection.

Mr. HASTINGS of Washington. I yield myself 30 seconds to respond to my friend from New Jersey.

He talked about section 102. Section 101, which is the basis of all this really, talks about what the President did with his executive order, by improving performance of Federal permitting and review of infrastructure projects. Now, we are simply duplicating what the President has already said is okay in other areas.

With that, Madam Chairman, I am very pleased to yield 2 minutes to the gentleman from New Mexico (Mr. PEARCE).

Mr. PEARCE. Madam Chair, I rise in support of H.R. 4402, the National Strategic and Critical Minerals Production Act.

It's nice to hear on the floor who it is that's speaking for the trees in New Mexico. We've just burned down 300,000 acres of those trees in New Mexico because of the voices coming from Washington saying don't cut a single one of them. Let the fuels build up in those forests until they burn down.

All this bill is doing is saying, let's hold our government accountable to some standard of performance. We want our government servants to do the same work they would do in 10 years in maybe 30 months. That is not an unreasonable assumption for us in America, who are looking for the jobs.

New Mexico used to be the home to 11 rare Earth mineral mines. Those are the ones that create cell phone batteries, the minerals that create technological things. And we now have pushed those out of New Mexico and the rest of the West, and we've pushed them over to China so that they have the jobs and we no longer have them in this country.

We have people here who are willing to scream foul on every single thing when we ask the government to simply do its job in a little bit more efficient manner.

We actually did that in the 2005 Energy Policy Act. An amendment placed in the Resources Committee actually improved the permitting process. It had categorical exclusions. It created pilot offices.

I just had a chance to visit with the State director of BLM last week. He said that our processes are so much better today because of that bill. That's all we're trying to do in this bill here today.

H.R. 4402 simply listens to the President. We were talking about, from the other side of the aisle, we should rename it. Well, why don't we rename it, We're Listening to You, Mr. President? You asked on March 22 that our Federal permitting and review processes must provide a transparent, consistent, and predictable path. The President is asking for it, and this bill simply gives it.

The reason that we don't have jobs in this country is because we're sending them to other countries. Companies cannot wait for 10, 12, 15 years. They can't invest in that permitting process to get to the point of where their process is finished.

The CHAIR. The time of the gentleman has expired.

Mr. HASTINGS of Washington. I yield the gentleman an additional 30 seconds.

Mr. PEARCE. They can't invest 10 to 12 years in a permitting process to be told at the end of it, we're sorry; we're not going to do it.

We could call this the Let's Reinvest in American Green Jobs. Green jobs require aluminum; 100 percent of that is imported. Green jobs require nickel; 100 percent of that is imported. Green jobs require platinum; 91 percent of that is imported.

Our friends on the other side of the aisle speak from both sides of their mouth. We want green jobs, but we don't want to have any of the productive assets here. We want to import them from other countries. Let's reinvest in America.

□ 0950

Mr. MARKEY. Madam Chair, how much time remains on either side?

The CHAIR. The gentleman from Massachusetts has 12½ minutes remaining. The gentleman from Washington has 15 minutes remaining.

Mr. MARKEY. I yield such time as he may consume to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. I thank the gentleman for giving me a chance to clarify further the point raised by the chairman that this does not eviscerate environmental protections.

I talked about section 102, and the chairman came back and said, well,

section 101 just refers to the Presidential order that allows certain infrastructure projects to move ahead with expedited environmental review. First of all, it is only expedited environmental review—it is not with removal of environmental review—and that was talking about specific critical construction projects.

What this would do would allow the exemption, essentially, from environmental review for any of the materials that go into the construction project, including gravel and sand. All of that would be exempt because the mining companies could negotiate a timetable for each step of the review process. The mining companies could enter into a negotiation for determining whether there would be public comment or whether partial previous reviews would suffice.

Furthermore, section 103 directs the agency overseeing this project to prioritize, to give the highest priority, to maximizing the production of the mineral resource. In other words, that relegates any review, any challenge to the regulatory process, to secondary, tertiary or nonexistent status. It says maximizing production has the highest priority. This is a giveaway to mining companies. This is not about providing strategic and critical minerals.

The other side has talked at length about the importance of these minerals to our modern technology today for batteries and cars and magnets and all sorts of other things. They're right, we should be ensuring a good supply of these things; but this bill does not do it.

Mr. HASTINGS of Washington. Before I yield to the gentleman from Michigan, I yield myself 30 seconds.

The gentleman from New Jersey disparaged, I guess, sand and gravel. Madam Chairman, I would point out to you that I think, after the earthquakes in northern California, when roads collapsed, and after the earthquakes in southern California, when the roads collapsed, and when the bridge collapsed in Minnesota, I have to believe that those people felt that sand and gravel were very critical minerals at that time. That's why this bill is broad in its definition of "critical minerals."

With that, I am very pleased to yield 2 minutes to a member of the Natural Resources Committee, the gentleman from Michigan (Mr. BENISHEK).

Mr. BENISHEK. Thank you, Mr. Chairman.

I come to the floor today to express my support for H.R. 4402, the National Strategic and Critical Minerals Production Act. This bill will expedite responsible mineral production in the United States by reducing Federal red tape and by speeding up the Federal permitting process to create new mining jobs.

My northern Michigan district is blessed with abundant mineral re-

sources. From copper mines in Keweenaw and Houghton to the iron mines in Marquette and the western parts of the Upper Peninsula, mining has been the foundation of northern Michigan's economy. Currently, mining contributes over \$4 billion to Michigan's economy annually and employs over 30,000 people. Today, new mining operations in northern Michigan are being explored. These mines have the potential to create thousands of new jobs. In fact, just last week, I visited one of these new mine sites and was able to see firsthand the work that they are doing to responsibly utilize Michigan's vast copper resources.

Regrettably, the Federal Government and Washington bureaucrats have been standing in the way of new mines across this country. Due to lawsuits and government inefficiency, the current process of acquiring permits for a new mining project can take more than a decade. That's right, a decade. While our economy is struggling, we can not afford to wait 10 years while the Federal Government sits on its hands. We need to encourage the responsible use of our mineral resources to create jobs and keep America competitive with the rest of the world.

Madam Chair, I encourage all Members to support this commonsense legislation to speed up this process and create jobs. If we can get the Federal Government out of the way, I am confident areas like northern Michigan can flourish once again.

Mr. MARKEY. I yield such time as he may consume to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Madam Chair, I have used the phrase "giveaway," as have others today several times. The ranking member spoke about the wheel of giveaways. One day, it's oil. Another day, it's timber. Today, it's mining. There is also a lot of concern about the special interests that are represented here by this.

I offered an amendment to this bill to ensure that the companies involved, the mining companies, could not continue to extract valuable minerals for free, minerals that belong to the American people, without accountability for their expenditures to obtain political influence. My amendment, which unfortunately was not allowed by the Rules Committee, would have simply required that mineral exploration and mining companies disclose their contributions for political influence over the previous 5 years in order to obtain new leases—perfectly legal and, I would say, perfectly reasonable.

The Supreme Court decision in *Citizens United* ruled that corporations may spend freely in elections, which I believe constituted a blow to popular democracy. It overturned a century-old doctrine going back to Teddy Roosevelt restricting corporate money in campaigns. The flawed decision opened

floodgates on corporate spending to influence, maybe even to dominate, our elections. Because of that decision, American democracy has come to be defined by super PACs and similar organizations.

The amendment I offered would have helped to restore some sanity and transparency to this process by requiring that mining companies disclose their campaign contributions over the previous 5 years in order to receive new leases for public lands.

As Speaker BOEHNER said on "Meet the Press" a few years back:

I think what we ought to do is we ought to have full disclosure, full disclosure of all of the money that we raise and how it is spent. I think that sunlight is the best disinfectant.

I agree. We should be doing that in this case as well. Promoting the development of minerals that are critical to core national priorities and that are genuinely susceptible to supply disruption, like rare Earth elements, should be an area where Democrats and Republicans can work together, not one where special interests advance one partisan interest over another. Unfortunately, the majority's hurry to give yet another handout to the mining industry means that we are not having that debate here today.

Mr. HASTINGS of Washington. Madam Chairman, I am very pleased to yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN. Mr. Chairman, thank you for the time.

I stand here today in support of the bill of my friend and colleague, MARK AMODEI.

I think it's really important that we use America's resources responsibly to grow jobs in this country. We need American jobs using American resources and not relying on foreign imports and driving our jobs offshore. This is especially important when it comes to our mineral resources. We've heard all the rhetoric on the other side of the aisle, all that stuff. Let me just talk to you about the eastern Oregon miners.

They are individual men and women. They are very blue collar. They are not part of the wealthy class you hear talked about here. They've just been trying to work with this Federal Government for over a decade to be able to use the mining claims that they have. Back in 2001 and 2004, the Forest Service grouped together 49 mining plans of operations for analysis and approval. Then in 2005, the Forest Service decision to approve the plans was then litigated, and it resulted in the requirement that the Agency reduce some of its analysis.

□ 1000

Today, 11 years later, the Federal Government still can't get their work done. This is in an area that at one time in our history produced some of

the most substantial gold, silver, and minerals that we need in the United States.

When we pull out all our little electronic gadgets—you know what?—if it weren't for the mining interests in America, you wouldn't have those gadgets, because that's what goes into what we use. We need to be able to use America's resources. This allows us to do it.

The 42 mining operations in Baker County, if they were allowed to work—and these are just average Americans just trying to do what they're allowed to do under Federal law but held up because of the Federal agency's inability to get their work done or unwillingness to in the North Fork and the Burnt River and elsewhere. If they could just move forward, if they could just get an answer out of the Federal Government in something short of 10 or 11 years, they could be producing jobs. They could be producing mineral resources and wealth for this country, the United States of America. We can create jobs here using our mineral resources.

Some of these people have died waiting. You shouldn't have to die waiting for your Federal Government to get its work done. That's why we need this bill.

Mr. MARKEY. I ask once again how much time is remaining.

The CHAIR. The gentleman from Massachusetts has 7 minutes remaining, and the gentleman from Washington has 10½ minutes remaining.

Mr. MARKEY. At this point, Madam Chair, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chairman, I'm very pleased to yield 2 minutes to the gentleman from Oklahoma (Mr. LANKFORD).

Mr. LANKFORD. Madam Chair, I'm honored to rise in support of H.R. 4402, with my colleague MARK AMODEI, and to support this.

This is about setting a definitive timeline for permits, which creates certainty and encourages private investment. This is not about government investment; this is about private investment. This is not about taxpayer dollars, but taxpayers. This is about jobs and the American economy.

Everything from your automobile to your iPhone requires rare Earth minerals. Every solar panel, every wind turbine, every electric battery for every car, every fluorescent light bulb, your UV glass, audio speakers, fiber optics, precision guide munitions, metal alloys, magnets, and a whole lot more all require rare Earth minerals.

We need to understand that China now controls the international market of rare Earth minerals, not because they have beaten us in the market, but because we have beaten us. We have the resources, but we simply made the permitting process so long, complicated, and unpredictable that we've

killed our supply and allowed other Nations to control our future.

In my district, there is a magnet manufacturing plant that creates high-tech magnets dependent on rare Earth minerals. Last year, they were able to purchase a certain rare Earth mineral for \$4 a pound. Now, with China as the only supplier, that is now \$55 per pound. That drives up the cost of everything that we use those high-tech magnets for, and it's very difficult on the manufacturing industry.

We have allowed China to have the monopoly. We should have the ability to produce our own materials here.

You cannot turn on your car, your lights, your computer without China sending us the materials to do it. When we are fighting to get control of our energy future, we must not forget that it doesn't matter if we have our own energy future if we can't even turn on what we plug in because we don't have the rare Earth minerals to produce it.

We have a manufacturing future if we actually manufacture, and that means rare Earth minerals now in this modern economy. Jobs like mining, geologists, engineers, truck drivers, manufacturing, service industry, yes, even government regulators are all dependent on us getting moving on producing our own stuff.

Right now, as the price goes up, it's time for us to bring the price down with more mining.

Mr. MARKEY. Madam Chair, I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chairman, I'm very pleased to yield 2 minutes to my colleague from the great State of Washington (Mrs. MCMORRIS RODGERS).

Mrs. MCMORRIS RODGERS. I thank the chairman from the great State of Washington for yielding, and I rise in strong support of Mr. AMODEI's important legislation, the National Strategic and Critical Minerals Production Act, because if we want to build it in America, then we need to be able to mine it in America.

This legislation is important in identifying and promoting strategic and critical minerals here in America. It will make us more competitive by addressing permitting delays, improving the NEPA process, and revitalizing our domestic critical minerals supply chain.

Madam Chairman, it takes longer to receive a mining development permit in the United States than in any of the other 25 mining nations in the world. The average waiting period for a permit is 7 to 10 years, and in many examples, it's much longer. We can improve this process without changing our environmental standards.

The Kettle River-Buckhorn mine in eastern Washington that employs over 400 people in Ferry County knows this all too well. The EIS schedule and now

the important exploratory permits to keep them operating have been delayed for years and was recently delayed for an additional year without much explanation.

This bill is important. It's important to bringing jobs to America, bringing job certainty to Ferry County and eastern Washington.

Right now, many foreign countries are requiring companies that buy raw materials from them to produce the products those minerals are a part of in that foreign country. If you are concerned about American infrastructure, if you are concerned about American manufacturing, if you are concerned about American energy independence, American mining, or American jobs, I urge you to support H.R. 4402.

Mr. MARKEY. Madam Chair, I yield myself such time as I may consume.

This legislation is fundamentally a solution in search of a problem. According to the analysis of data provided by the BLM for hard rock mines on public lands for which we have complete data, the average time it takes to approve a plan of operation for a mine has actually decreased under the Obama administration.

According to the BLM data, plans of operation for hard rock mines are being approved roughly 17 percent more quickly under the Obama administration than under the Bush administration. Thank you again, President Obama, for the great job you're doing in changing the way in which the Bush administration held up those permits.

Despite the majority's claims, 82 percent of plans of operation for hard rock mines are approved within 3 years under the Obama administration. According to the BLM, it takes, on average, 4 years to approve a mining plan of operations for a large mine. That's more than 1,000 acres on public lands.

My colleagues on the other side have asked repeatedly what the problem is with their legislation that would truncate and eviscerate proper review of all mines on public lands if the majority of plans are approved within 3 years. It is because a little more than 15 percent of hard rock mines take more than 4 years to approve. For these mines, where mining companies may not have submitted a complete application and may not have posted a sufficient bond to ensure the mine is cleaned up where additional environmental review is required because the mine is large or potentially damaging to our environment and public health, this bill would prevent proper review.

We're already approving hard rock mines more quickly under the Obama administration than under the Bush administration. We should not be eviscerating proper review of virtually all mining operations on public lands, as this Republican bill would do, and we should certainly not be doing it under the pretense of developing critical and strategic minerals.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chairman, I'm very pleased to yield 2 minutes to the gentleman from Wisconsin (Mr. DUFFY).

Mr. DUFFY. I appreciate the gentleman for yielding.

We're here talking about H.R. 4402 that's going to minimize the permitting process and the delays and streamline bureaucracy around mining.

I want to be clear that there is no conversation in this House that is saying we should do away with the permitting process or we should do away with the bureaucracy. We're here to say, Let's streamline it. Let's make it easier. Let's make sure that we don't have the bureaucracy and the permitting process stand in the way of good projects and good paying jobs.

In my home district in the northwest corner of Wisconsin, we had a similar issue come up that we dealt with in our State.

□ 1010

We have a great vein of iron ore up in Iron County and Ashland County. It's a vein that, if mined, would create 600 to 700 new, good-paying jobs in the northern part of Wisconsin, jobs that pay anywhere from \$60,000 to \$80,000 a year. Many of those jobs would be union jobs.

What we try to do in the State of Wisconsin is say let's streamline the permitting process so those who want to invest in that mine can get an answer in a reasonable amount of time. And if we go through a permitting process—any of us who live in northern Wisconsin who would have found information that would say that this mine would damage Lake Superior, which all of us love, we live up there because we love the outdoors, we love the lake—if it was going to damage the lake, we would all stand opposed to the mine.

If you can do it in a safe manner and if you can get a permit in a reasonable amount of time, why are we saying no to good-paying jobs? This is an area that has an unemployment rate of over 10 percent. They need good-paying jobs, and we have the permitting process standing in the way of these people going back to work.

We see more and more rules and regulations that stand in the way of job growth. That's wrong.

Let's stand together, let's streamline this process, make sure that we're environmentally safe and we're also creating jobs.

Mr. MARKEY. I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chair, may I inquire as to how much time remains on both sides.

The CHAIR. The gentleman from Washington has 4½ minutes remaining, and the gentleman from Massachusetts has 5 minutes remaining.

Mr. HASTINGS of Washington. I yield 1 minute again to the author of this legislation, the gentleman from Nevada (Mr. AMODEI).

Mr. AMODEI. Madam Chair, I would just briefly indicate—and I want to thank you for finally looking at section 102 and talking about the bill. I appreciate that. It's a great day in my young career that that has happened.

Let's look at what section 102 does that is so insidious for the wheel of giveaways, which by the way we want to borrow and paste over it. Instead of what you've got, how about the wheel of takeaways? Takeaways from national defense, takeaways from communications, takeaways from national infrastructure, takeaways from balance of trade; oh, and let's talk about takeaways from living-wage jobs without standing benefits, some of which are, in fact, union jobs. So the wheel of takeaways we won't bore you with, but that wheel can go both ways.

Section 102, interestingly enough, if you like this, this is a bad thing. It requires best practices, Madam Chair, for things like considering State agency reports that have jurisdiction over the issue. That's a pretty frivolous takeaway. It already exists.

Or how about considering best practices for conducting reviews concurrently? Oh, my God, the Republicans are giving something away, conducting reviews concurrently. Oh, my goodness. How about expediting rather than delaying the process?

Mr. MARKEY. I yield myself 1 minute.

Again, this bill is not aimed at ensuring that we can guarantee that we increase the production of the kinds of rare Earth that we need in order to compete against China. By the way, if we're really going to be using China as the guise for the reduction in the environmental laws in the United States because they have rare Earth, and we're ramping up our production of rare Earth, what we should really be talking about is why in the world are the Republicans supporting the sale of our oil and our natural gas to China.

If they're using precious minerals as an economic weapon against the United States, then why don't we use natural gas and oil, which we have, against them because that's the most precious of all minerals.

The CHAIR. The time of the gentleman has expired.

Mr. MARKEY. I yield myself an additional 1 minute.

Oil and gas really drive the economy of the world, and every time I bring an amendment out here on the floor that says, well, let's drill for oil and natural gas on the public lands of the United States, but we can't export it after we discover it here, drill for it here, to China, the Republicans, every time, vote not to put a ban on that. At the same time, they are over there with

crocodile tears very concerned about China having all of these precious metals that they won't sell to us.

Well, you want to know the best way to get China to sell that stuff to us? For us not to sell the stuff we have to them, that they need to manufacture those materials. That's the game.

So you can't have it both ways. You just can't have it both ways. Either this is a great threat to our country and we're going to use the precious metals we have, the precious minerals that we have, oil and gas as our weapon against China, or we're doomed. We don't have a real strategy.

Again, this is not a coherent strategy to deal with the country of China and their economic strategy to undermine our competitiveness.

I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chair, I would just advise my friend that I am prepared to close if the gentleman from Massachusetts is prepared to close.

Mr. MARKEY. I am prepared to close.

The CHAIR. The gentleman from Massachusetts has 3 minutes remaining.

Mr. MARKEY. I thank the Chair.

China's rare Earth policies do burn America's high-tech manufacturing competitiveness, and the Republicans just want to throw gas on the fire, American natural gas.

Our greatest competitive advantage in manufacturing right now is low-priced domestic natural gas, but the Republicans want to export that competitive edge to China and to develop a global natural gas market so that the United States natural gas prices triple here domestically, or quadruple to match the prices the rest of the world pays.

China will not send their rare Earth minerals to the United States, but Republicans have continually voted to allow exports of our low-cost natural gas, our manufacturing advantage, to China.

This is a one-way ticket to manufacturing oblivion. Natural gas in our country is six to seven times less expensive than natural gas in China. It is four times less expensive than natural gas in Europe. That is our competitive advantage.

What the Republicans have consistently done since they have taken over the majority is to put in place policies to export our natural gas that is six times less expensive to China that will then be used in the manufacture of every product that they will then sell back to us, undermining every manufacturing industry in the United States as we supply the very valuable precious natural gas they need in order to harm dramatically the American economy.

Where do they show up? They show up here with crocodile tears about the restrictions that the National Environmental Policy Act places upon mining

for sand, mining for gold, mining for silver. You really think that's the way we're going to get back into a better competitive stance against the Chinese as you're saying no, let's sell our natural gas that's six times less expensive than the natural gas they have in America fueling their industries?

That's just an upside-down policy. It's just dealing with the periphery of the challenge that China presents to us, and not even in an effective way, rather than going right to the core of how they are exploiting this mindless commitment to not the American Petroleum Institute, but we might as well call it the world petroleum institute because they don't represent American interests.

That's what we have to do here on the floor of the House of Representatives. That's what our amendments do today to make sure that we do for our country.

I yield back the balance of my time.

Mr. HASTINGS of Washington. May I inquire as to how much time I have remaining.

The CHAIR. The gentleman from Washington has 3½ minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

First of all, for the record, Madam Chair, natural gas is not affected at all by this bill.

Madam Chair, I will submit for the RECORD excerpts from the March 2012 Report to Congress by the Department of Defense on the rare Earth materials in defense applications on national security dependence on a secure supply of high-tech critical minerals.

□ 1020

Madam Chairwoman, my colleagues have talked about the fact that this administration claims that mining permitting timelines have been reduced. Yet this President has been in office now for 40 months, and while they are filing WTO complaints against China on rare Earth minerals, they have yet to permit one rare Earth mine here in America, and there doesn't seem like there's any on the horizon that will get approval.

I want to also talk about one other thing, Madam Chairman. President Obama has been giving a lot of speeches claiming support for insourcing jobs to the United States from foreign nations. Currently, our Nation is dependent on foreign nations such as China and India for critical materials that American manufacturers and our economy depend upon. This bill will help reverse this dependency and insource these good-paying jobs right here to the United States. Yet the official position of the Obama administration is that they strongly oppose this jobs bill. Not only will this bill help create mining jobs in Nevada, Colorado, New Mexico, and many other States, it will also help produce the critical materials and

minerals that American manufacturers need and that millions of jobs depend on in Ohio, Michigan, and Pennsylvania.

So President Obama can give speech after speech claiming support for insourcing jobs, but when he should take action to make that happen, the Obama administration essentially goes the other way, as he has done with this bill.

Once again, Madam Chairman, this bill simply says that in a given time period there should be a decision made. It doesn't say it should be a positive or negative, but that a decision should be made. That's all. And when we're dealing with materials that are so important to our economy and to American jobs, we should be very much in favor of this legislation.

For that reason, Madam Chairman, I urge my colleagues to vote for H.R. 4402, and I yield back the balance of my time.

ASSESSMENT OF RARE EARTH MATERIALS SUPPLY CHAIN A. INTRODUCTION

This report is prepared pursuant to section 843 the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383) and Senate Report 111-201, accompanying S. 3454, page 174. The Act requires the Secretary of Defense to submit a report to Congress on the supply and demand for rare earth materials in defense applications and Senate Report 111-201 requests discussion of national security issues related to rare earth materials in the defense supply chain.

C. CONGRESSIONALLY MANDATED ASSESSMENT CRITERIA

In section 843 of the National Defense Authorization Act (NDAA) for Fiscal Year 2011, Congress mandated that the Department assess which, if any, of the rare earth materials meet the following two criteria:

Criterion 1: "The rare earth material is critical to the production, sustainment, or operation of significant United States military equipment."

Criterion 2: "The rare earth material is subject to interruption of supply, based on actions or events outside the control of the government of the United States."

For each rare earth material that meets both criteria, section 843 requires a plan to ensure long-term availability, with a goal of establishing an assured source of supply of such material in critical defense applications by December 31, 2015.

Section 843 states that the plan shall include consideration of risk mitigation methods and states that sintered neodymium iron boron (NdFeB) magnets meet the criteria for inclusion in the plan.

F. FORECAST OF U.S. SUPPLY VS. KEY DEFENSE CONSUMPTION—2013

	Supply	Consumption	Surplus	Deficit
Dysprosium	7	7	0
Erbium	1.2	1.14	0.056
Europium	21	11	10
Gadolinium	42	4	38
Neodymium	2,232	110	2,122
Praseodymium	824	14	810
Yttrium	26	119	93

Rare earth materials are widely used within the U.S. defense industrial base. Markets

for rare earth materials are dominated by commercial end-uses, and the defense industrial base represents a small fraction of overall U.S. consumption. The seven rare earth elements in the preceding table are those which are the most prevalent among defense consumption for the purposes of procurement. The assessment determined that by 2013 U.S. production could satisfy the level of consumption required to meet defense procurement needs, with the exception of yttrium (estimates based on model using 2010 data). Since 2010, both expected DoD demand, and, more significantly, actual U.S. commercial demand have decreased significantly. As importantly, the U.S. and global market has responded to market conditions with new investments, corporate restructuring, and technical advances. All are trending positive for a market capable of meeting future U.S. Government demand. It is anticipated the domestic supply of REEs and rare-earth-containing products will continue to grow between now and 2015, and it will be possible for manufacturers within the defense industrial base to obtain some rare-earth-containing products from reliable foreign sources of supply. Despite the many positive developments that indicate an increasingly diverse and robust domestic and global supply chain for rare earth materials, the Department will continue to monitor these supply chains and take actions as indicated in the following sections.

G. DOD'S RECOMMENDED PLANS TO ASSURE SUPPLIES OF RARE EARTH MATERIALS

The DoD plan for ensuring the long-term availability of rare earth materials applies a multi-pronged approach. The following options could be used in conjunction with existing DoD Defense Production Act Title I authorities (e.g., priority claim on U.S. supplies and foreign supplies that are imported into the United States):

DoD will engage in continuous, rigorous monitoring of markets and production levels;

DoD will undertake recurring reviews of defense industrial base materials supply chains;

DoD will make preparations for the possible need to establish buffer stocks that are contractor-owned, U.S. Government-subsidized but not implemented unless certain predetermined marked indicators are met; and

DoD will make preparations for the possible need to establish contingency measures to obtain vendor-managed inventories when pre-determined market and/or supply chain indicators occur.

In addition to the elements of supply assurances in the plan above, the following methods will be considered during implementation of the DoD plan, as outlined in section 843:

Assessment of available financing to industry, universities and not-for profits;

Assessment of Defense Production Act benefits;

Assessment of research and development funding for alternatives and substitutions; and

Assessment of foreign trade practices with relevant U.S. Government components.

H. CONCLUSIONS

Rare earth materials are widely used within the defense industrial base. However, such end uses represent a small fraction of U.S. consumption. As a result, when looked at in isolation, the growing U.S. supply of these materials is increasingly capable of meeting the consumption of the defense industrial

base. Over the past year, there have been a number of positive developments with regard to both supply and demand within the rare earth materials markets. Reactions to market forces have resulted in positive developments, such as prices decreasing by half from their peak levels in July 2011, increased investment and domestic supply of rare earth materials, corporate restructuring within the supply chain, and lower forecasts for non-Chinese consumption. By 2015, the Department believes this will help to stabilize overall markets and improve the availability of rare earth materials.

The Department remains committed to pursuing a three-pronged approach to this important issue: diversification of supply, pursuit of substitutes, and a focus on reclamation of waste as part of a larger U.S. Government recycling effort. In addition to the many positive developments that indicate an increasingly diverse and robust domestic and global supply chain for rare earth materials, the Department will continue to monitor these supply chains, prepare possible contingency plans for ensuring their availability, and implement such plans as appropriate.

Mr. SCHOCK. Madam Chair, I rise today in strong support of H.R. 4402 the National Strategic and Critical Minerals Production Act.

Many Americans might not be aware, but our country is facing a crisis when it comes to rare earth elements. These naturally occurring elements are vital to our national security because they are essential components in defense weapon systems. However, their importance does not end there. Everyday items that Americans are accustomed to, such as cell phones and computers, require rare earth elements. Our energy infrastructure is dependent on these resources, including: pipelines, refining capacity, electrical power generation and transmission, and renewable energy production. Strategic and critical minerals are also used to support the manufacturing, agriculture, housing, and telecommunications industries. Even medical equipment utilizes these elements.

During the 1960s and continuing to the 1980s, America was the premiere leader in rare earth element production. However, since then production has moved almost exclusively to China. They now produce about 97 percent of rare earth oxides, are the single exporter of commercial quantities of rare earth refined metals, and are the manufacturer of the world's strongest magnets.

What is most disturbing is that China appears to be cutting its rare earth exports and restricting other countries' access to these resources. America has become almost totally dependent on China for rare earth elements, and we have lost our domestic capacity to tap into our own supply.

Madam Chair, this House has had lengthy debates about how onerous red-tape and regulations are hurting our country's economy. Unfortunately, over-regulation is hurting our ability to produce rare earth elements. Frivolous lawsuits and a maze of a permitting process have caused America to no longer be a leader in rare earth element manufacturing. H.R. 4402 corrects this problem. This legislation will allow our country to more efficiently develop these essential resources.

The National Strategic and Critical Minerals Production Act will cut red-tape and streamline

the permitting process to begin a mineral production project which can currently take over a decade. This bill will require the permitting review process to be completed within 30 months. Additionally, the legislation ensures projects are not indefinitely delayed by litigation by setting time limits to file legal challenges to mining projects.

Overall, this legislation would require the Departments of Interior and Agriculture to better help develop our rare earth elements here at home.

Madam Chair, this bill is vital to our national security and our economy, and I urge its swift passage.

Mr. VAN HOLLEN. Madam Chair, today's legislation has more to do with undermining environmental review of mining on public lands than the production of rare earths and other critical minerals, and I will oppose it today.

Specifically, H.R. 4402 would let mining companies operating on public lands set time limits for each part of the environmental review process and then arbitrarily cap total environmental review time at 30 months. The bill then elevates mining over hunting, fishing, grazing, conservation and any other public purpose and places new restrictions on judicial review. Finally, the definition of "strategic and critical minerals" in this legislation is so broad as to encompass virtually every mineral that is or could be mined on public lands—including such common materials as sand, clay and gravel. If the majority was seriously interested in targeting the production of strategic and critical minerals on public lands, we would have adopted the amendment offered by our colleague Rep. PAUL TONKO expressly for that purpose. Instead, the Tonko amendment was defeated on a party line vote and so we are left with the serious defects of the underlying legislation.

Madam Chair, we can responsibly develop our natural resources and protect our environment at the same time. H.R. 4402 ignores that central truth and should be opposed by every member of this body.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

In lieu of the amendment in the nature of a substitute recommended by the Committee on Natural Resources, printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule an amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-26. That amendment in the nature of a substitute shall be considered as read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4402

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Strategic and Critical Minerals Production Act of 2012".

SEC. 2. FINDINGS.

Congress finds the following:

(1) *The industrialization of China and India has driven demand for nonfuel mineral commodities, sparking a period of resource nationalism exemplified by China's reduction in exports of rare-earth elements necessary for telecommunications, military technologies, healthcare technologies, and conventional and renewable energy technologies.*

(2) *The availability of minerals and mineral materials are essential for economic growth, national security, technological innovation, and the manufacturing and agricultural supply chain.*

(3) *The exploration, production, processing, use, and recycling of minerals contribute significantly to the economic well-being, security and general welfare of the Nation.*

(4) *The United States has vast mineral resources, but is becoming increasingly dependent upon foreign sources of these mineral materials, as demonstrated by the following:*

(A) *Twenty-five years ago the United States was dependent on foreign sources for 30 nonfuel mineral materials, 6 of which the United States imported 100 percent of the Nation's requirements, and for another 16 commodities the United States imported more than 60 percent of the Nation's needs.*

(B) *By 2011 the United States import dependence for nonfuel mineral materials had more than doubled from 30 to 67 commodities, 19 of which the United States imported 100 percent of the Nation's requirements, and for another 24 commodities, imported more than 50 percent of the Nation's needs.*

(C) *The United States share of world wide mineral exploration dollars was 8 percent in 2011, down from 19 percent in the early 1990s.*

(D) *In the 2012 Ranking of Countries for Mining Investment, out of 25 major mining countries, the United States ranked last with Papua New Guinea in permitting delays, and towards the bottom regarding government take and social issues affecting mining.*

SEC. 3. DEFINITIONS.

In this Act:

(1) **STRATEGIC AND CRITICAL MINERALS.**—The term "strategic and critical minerals" means minerals that are necessary—

(A) *for national defense and national security requirements;*

(B) *for the Nation's energy infrastructure, including pipelines, refining capacity, electrical power generation and transmission, and renewable energy production;*

(C) *to support domestic manufacturing, agriculture, housing, telecommunications, healthcare, and transportation infrastructure; and*

(D) *for the Nation's economic security and balance of trade.*

(2) **AGENCY.**—The term "agency" means any agency, department, or other unit of Federal, State, local, or tribal government, or Alaska Native Corporation.

(3) **MINERAL EXPLORATION OR MINE PERMIT.**—The term "mineral exploration or mine permit" includes plans of operation issued by the Bureau of Land Management and the Forest Service pursuant to 43 CFR 3809 and 36 CFR 228A respectively.

TITLE I—DEVELOPMENT OF DOMESTIC SOURCES OF STRATEGIC AND CRITICAL MINERALS

SEC. 101. IMPROVING DEVELOPMENT OF STRATEGIC AND CRITICAL MINERALS.

Domestic mines that will provide strategic and critical minerals shall be considered an "infrastructure project" as described in Presidential Order "Improving Performance of Federal Permitting and Review of Infrastructure Projects" dated March 22, 2012.

SEC. 102. RESPONSIBILITIES OF THE LEAD AGENCY.

(a) **IN GENERAL.**—The lead agency with responsibility for issuing a mineral exploration or

mine permit shall appoint a project lead who shall coordinate and consult with other agencies, cooperating agencies, project proponents and contractors to ensure that agencies minimize delays, set and adhere to timelines and schedules for completion of reviews, set clear permitting goals and track progress against those goals.

(b) The lead agency with responsibility for issuing a mineral exploration or mine permit shall determine any such action would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 if the procedural and substantive safeguards of the lead agency's permitting process alone, any applicable State permitting process alone, or a combination of the two processes together provide an adequate mechanism to ensure that environmental factors are taken into account.

(c) The lead agency with responsibility for issuing a mineral exploration or mine permit shall enhance government coordination on permitting and review by avoiding duplicative reviews, minimizing paperwork and engaging other agencies and stakeholders early in the process. The lead agency shall consider the following best practices:

(1) Deferring to and relying upon baseline data, analysis and reviews performed by State agencies with jurisdiction over the proposed project.

(2) Conducting reviews concurrently rather than sequentially to the extent practicable and when such concurrent review will expedite rather than delay a decision.

(d) At the request of a project proponent, the project lead of the agency with responsibility for issuing a mineral exploration or mine permit shall enter into an agreement with the project proponent and other cooperating agencies that sets time limits for each part of the permit review process including the following:

(1) The decision on whether to prepare a document required under the National Environmental Policy Act of 1969.

(2) A determination of the scope of any document required under the National Environmental Policy Act of 1969.

(3) The scope of and schedule for the baseline studies required to prepare a document required under the National Environmental Policy Act of 1969.

(4) Preparation of any draft document required under the National Environmental Policy Act of 1969.

(5) Preparation of a final document required under the National Environmental Policy Act of 1969.

(6) Consultations required under applicable laws.

(7) Submission and review of any comments required under applicable law.

(8) Publication of any public notices required under applicable law.

(9) A final or any interim decisions.

(e) In no case should the total review process described in subsection (d) exceed 30 months unless agreed to by the signatories of the agreement.

(f) The lead agency is not required to address agency or public comments that were not submitted during the public comment periods provided by the lead agency or otherwise required by law.

(g) The lead agency will determine the amount of financial assurance for reclamation of a mineral exploration or mining site, which must cover the estimated cost if the lead agency were to contract with a third party to reclaim the operations according to the reclamation plan, including construction and maintenance costs for any treatment facilities necessary to meet Federal, State or tribal environmental standards.

SEC. 103. CONSERVATION OF THE RESOURCE.

In developing the mineral exploration or mine permit, the priority of the lead agency shall be to maximize the development of the mineral resource, while mitigating environmental impacts, so that more of the mineral resource can be brought to the market place.

SEC. 104. FEDERAL REGISTER PROCESS FOR MINERAL EXPLORATION AND MINING PROJECTS.

(a) PREPARATION OF FEDERAL NOTICES FOR MINERAL EXPLORATION AND MINE DEVELOPMENT PROJECTS.—The preparation of Federal Register notices required by law associated with the issuance of a mineral exploration or mine permit shall be delegated to the organization level within the agency responsible for issuing the mineral exploration or mine permit. All Federal Register notices regarding official document availability, announcements of meetings, or notices of intent to undertake an action shall be originated and transmitted to the Federal Register from the office where documents are held, meetings are held, or the activity is initiated.

(b) DEPARTMENTAL REVIEW OF FEDERAL REGISTER NOTICES FOR MINERAL EXPLORATION AND MINING PROJECTS.—Absent any extraordinary circumstance or except as otherwise required by any Act of Congress, each Federal Register notice described in subsection (a) shall undergo any required reviews within the Department of the Interior or the Department of Agriculture and be published in its final form in the Federal Register no later than 30 days after its initial preparation.

TITLE II—JUDICIAL REVIEW OF AGENCY ACTIONS RELATING TO EXPLORATION AND MINE PERMITS

SEC. 201. DEFINITIONS FOR TITLE.

In this title the term "covered civil action" means a civil action containing a claim under section 702 of title 5, United States Code, regarding agency action affecting a mineral exploration or mine permit.

SEC. 202. TIMELY FILINGS.

A covered civil action is barred unless filed no later than the end of the 60-day period beginning on the date of the final Federal agency action to which it relates.

SEC. 203. EXPEDITION IN HEARING AND DETERMINING THE ACTION.

The court shall endeavor to hear and determine any covered civil action as expeditiously as possible.

SEC. 204. LIMITATION ON PROSPECTIVE RELIEF.

In a covered civil action, the court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of a legal requirement, and is the least intrusive means necessary to correct that violation.

SEC. 205. LIMITATION ON ATTORNEYS' FEES.

Sections 504 of title 5, United States Code, and 2412 of title 28, United States Code (together commonly called the Equal Access to Justice Act) do not apply to a covered civil action, nor shall any party in such a covered civil action receive payment from the Federal Government for their attorneys' fees, expenses, and other court costs.

The CHAIR. No amendment to that amendment in the nature of a substitute shall be in order except those printed in House Report 112-590. Each such amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the

proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. TONKO

The CHAIR. It is now in order to consider amendment No. 1 printed in House Report 112-590.

Mr. TONKO. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 3, beginning at line 7, strike paragraph (1) and insert the following:

(1) STRATEGIC AND CRITICAL MINERALS.—The term "strategic and critical minerals"—

(A) means—

(i) minerals and mineral groups identified as critical by the National Research Council in the report entitled "Minerals, Critical Minerals, and the U.S. Economy", dated 2008; and

(ii) additional minerals identified by the Secretary of the Interior based on the National Research Council criteria in such report; and

(B) shall not include sand, gravel, or clay.

Page 4, strike lines 1 through 6 and insert the following:

(1) MINERAL EXPLORATION OR MINE PERMIT.—The term "mineral exploration or mine permit"—

(A) means a mineral exploration or mine permit for strategic and critical minerals; and

(B) includes any plan of operation for strategic and critical minerals that is issued by the Bureau of Land Management and the Forest Service.

The CHAIR. Pursuant to House Resolution 726, the gentleman from New York (Mr. TONKO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. TONKO. Thank you, Madam Chair.

My amendment is very simple. It replaces the overly broad definition in H.R. 4402 with a definition that truly address the materials identified in the title of the bill: critical and strategic materials.

Since the realization that China was restricting exports of rare Earth metals in 2010, the issue of critical and strategic materials has reemerged as a concern. This isn't the first time Congress has considered our potential vulnerability to resource shortages. Just before World War II, Congress passed the Strategic and Critical Materials Stockpiling Act of 1939 to address our Nation's requirement for materials needed for national defense. We have expanded our notion of strategic and critical materials since that time to include civilian and economic needs for materials. But there is no precedent for the broad definition included in H.R. 4402. The military's current definition of strategic and critical materials in the U.S. Code is far narrower than the definition in this bill.

Nine of the ten bills introduced in this Congress dealing with strategic

and critical minerals rely on definitions or specific lists of minerals that would conform to the definition in my amendment—not to the one in H.R. 4402. The definition in H.R. 4402 would include virtually all minerals and materials no matter how available they are. No other legislation proposes a definition that would consider sand and gravel “critical” materials.

The National Academy of Science panel looked at this issue in 2008. The panel specified two factors that define a mineral as critical: It is essential in use and subject to the risk of supply restriction. H.R. 4402’s definition captures only the first factor that the Academy considered. The panel recognized that the list of critical materials was likely to change over time due to technological developments, usage patterns, changes in mineral reserves, and many other factors.

They developed a matrix that could be used to evaluate substances and used this matrix to examine a group of minerals that are in current high demand. Two dozen minerals were identified as critical in the NAS report. The rare Earth metals, the platinum metals, and several other minerals were included in their list. Oddly enough, sand, gravel, iron, copper—all useful materials, to be sure—did not make it to the list. The current definition in H.R. 4402 is unnecessary if the purpose is to secure additional critical minerals.

H.R. 4402 undermines the protection of our public lands and elevates mining above all other public land uses. If H.R. 4402 is truly a bill to address potential shortages of critical minerals, then my amendment should be adopted. Let’s concentrate on the problem at hand: Securing additional rare Earth minerals and other truly critical minerals.

I urge my colleagues to support my amendment.

Mr. MARKEY. Will the gentleman yield?

Mr. TONKO. I will yield to the gentleman from Massachusetts.

Mr. MARKEY. I thank the gentleman for yielding.

So what is the majority doing in this bill? They’re saying that sand is a “critical” material; gravel, clay. There’s no crisis in the sand industry. We don’t need to wad it down, the environmental protections for drilling for sand or gravel or clay. There is no crisis. That’s what this whole bill is. It’s a Trojan horse. It’s moving in to undermine environmental protections where they’re working and where there’s no need to reduce them.

If they want to talk about scandium or europium or cerium or terbium or some other critical strategic material that we should be discussing out here that we need for cell phones or we need for solar panels or we need for our defense systems, that’s one thing. But that’s not what this is about. This is

about watering down environmental protections for sand and clay and endangering the health and well-being of the Nation for no reason whatsoever because there’s no strategic relationship between those very prosaic minerals and our national security.

Mr. TONKO. Madam Chair, I yield back the balance of my time.

Mr. HASTINGS of Washington. Madam Chairman, I rise in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Madam Chairman, this amendment attempts to pick which minerals are winners and losers in the Federal permitting sweepstakes. The underlying bill that we are talking about focuses on the permitting of mines that meet four clear categories of domestic need—and this is important—national security, energy infrastructure, domestic manufacturing, and our national economic balance of trade.

The amendment would restrict these down to just a 2008 study done by the National Research Council that took a limited and narrow look at only the aerospace, the electronic, and automotive industries when considering each mineral critical. However—and this is important, Madam Chairman—the report also states:

All minerals and mineral products could be or could become critical to some degree, depending on their importance and availability. The criticality of a specific mineral can and likely will change as production technologies evolve and new products are developed.

The definition of the strategic and critical minerals in H.R. 4402 is written broadly—we acknowledge that—to allow for the most flexibility when carrying out the provisions of this act. Less than 10 years ago, people were concerned about platinum group metals used for computer and electronics and the pending shortfall of copper availability.

□ 1030

Today, the focus is primarily on the availability of rare Earth elements and rare Earth metals that are in China. Tomorrow, the shortage could be lithium for batteries, silica for solar panels, and any of a host of other minerals.

Interestingly, in this talk of sand and gravel, during the U.S. Geological Survey’s great shakeout in California, which simulated a massive earthquake and the problems that could be faced, they discovered that there would be a shortfall of building materials—sand and gravel, Madam Chairman—if there were a major earthquake causing significant damage in the L.A. basin and the surrounding areas. I think that would be very critical if that were to happen. It happened in the last 25 years, twice in California and once in Minnesota.

Mineral production is a key economic activity supplying strategic and critical metals and minerals essential for agriculture, communication, technology, construction, health care, manufacturing, transportation, and the arts. More specifically, strategic metals and metal alloys are an integral component of aerospace, defense, and other critical infrastructure.

Minerals, Madam Chairman, are also necessary to satisfy the basic requirements of an individual’s well-being, and that includes food, clothing, shelter and a clean and healthy environment. So we should not limit ourselves today by narrowly defining what is strategic and critical. That’s precisely what this amendment does, and I think that’s a wrong approach. So, with that, I would urge a “no” vote.

Madam Chairman, I understand that the gentleman yielded back his time; is that correct?

The CHAIR. The gentleman is correct.

Mr. TONKO. Madam Chair, I ask unanimous consent to reclaim my time.

Mr. HASTINGS of Washington. I urge a “no” vote on the amendment. I will reserve my time, and I will not object if the gentleman wants to reclaim his time.

The CHAIR. The gentleman from New York has asked unanimous consent to reclaim the 1 minute he has remaining.

Without objection, the request is granted.

There was no objection.

Mr. TONKO. Madam Chair, I appreciate that.

I just want to state clearly that the amendment itself embraces flexibility. It understands that if there are changes in time that are requiring the list to be adjusted, we would have the academy adjust that so that the flexibility is there recognizing that if, in the course of time, the change needs to be made, if we need to further extend the list, so be it. But the flexibility is contained in the amendment.

With that, I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield myself the balance of the time.

The CHAIR. The gentleman is recognized for 2 minutes.

Mr. HASTINGS of Washington. I am simply saying that this underlying bill lays out four strategic areas in which we should have minerals to support those areas. And then we say there should be a timeframe, a defined timeframe, in which, unless there is an agreement it should be longer, activity should be done. It’s pretty straightforward. This amendment, as offered, would very narrowly say what is critical. I think that’s the wrong approach.

So with that, I urge a “no” vote on the amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. TONKO).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. TONKO. Madam Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. HASTINGS
OF FLORIDA

The CHAIR. It is now in order to consider amendment No. 2 printed in House Report 112-590.

Mr. HASTINGS of Florida. Madam Chair, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, strike lines 8 through 10 and insert the following:

(e)(1) In no case should the total review process described in subsection (d) exceed 30 months unless—

(A) agreed to by the signatories of the agreement, or

(B) the lead agency has determined that an adequate review has not been completed due to issues arising not contained in the permit application or otherwise unforeseen by the signatories at the time of submittal of the permit application.

(2) In a case described in paragraph (1)(B)—

(A) the lead agency may extend the total review process by 6 months;

(B) if, at the end of that 6-month period, the issues referred to in paragraph (1)(B) have not been adequately addressed, the lead agency may extend the total review process by an additional 6 months;

(C) if at the end of that additional 6-month period the issues referred to in paragraph (1)(B) have not been adequately addressed, the lead agency shall issue its final determination on the permit application

The CHAIR. Pursuant to House Resolution 726, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Madam Chair, despite the name of this bill, the underlying legislation has, in my judgment, little to do with securing a sufficient supply of rare Earth minerals for our country. Rather, it is another Republican giveaway to large, profitable companies that do not need congressional action to pad their bottom lines.

In fact, today's bill is so broadly drafted that it is not just rare Earth mines that will no longer have to adhere to our Federal environmental laws, but virtually any mine on public land anywhere, including silver, uranium and coal mines.

Mining operations have severe and permanent consequences for the land and residents living nearby. In fact, 75 percent of existing mines end up polluting the groundwater despite the de-

signed mitigation plans. The need for a complete and thorough review of the environmental impact before approval is therefore absolutely necessary.

What's more, Madam Chair, is that this bill's underlying intent of loosening up the permitting process is not even necessary. Mining is already the priority use for most public lands, which makes it virtually impossible to regulate and control. Mining on public lands is also already incredibly cheap. These companies pay little rent to the American taxpayer for the use of public land.

Moreover, under the Obama administration, 82 percent of plans are approved within 3 years, with an average of 4 years for the largest mines located on public lands. Any delays in permit approval usually stem from an incomplete application or problems that arise during review which were not anticipated and require supplemental information.

By giving the lead agency the option to extend the time period for review in the event of new information, my amendment makes sure agencies can get the job done right while still adhering to a predictable schedule. Prioritizing speed over accuracy—I learned early, as did all of us, that haste makes waste—as this bill does, guarantees that mining companies are able to drill additional mines at a faster rate with less consideration for the broader impact of those mines.

My amendment is necessary to give agencies the time they need to make sure that this bill will not compromise environmental protections that keep our drinking water safe, soil nourishing and nontoxic, and our air clean enough to breathe.

Madam Chair, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chairman, I rise in opposition.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself as much time as I may consume.

Madam Chairman, this amendment would reverse course on the goal of this legislation to streamline red tape. This amendment could add an entire year to the time allowed for the government to make a decision on a permit. This would then drag out the process 40 percent longer than provided for in the underlying bill.

The 30-month time period set by this legislation is accomplished by making government work more efficiently—and I, quite frankly, think that's what all Americans would like—by aligning some reviews and taking some actions concurrently.

Establishing a simple deadline for the government to do their job in a timely fashion is reasonable, and I think it is reasonable. This is especially true since it doesn't change the

standards and requirements that must be met to get approval. It simply provides that an agency work efficiently while still complying with all, and let me emphasize all, environmental laws and regulations, studies, consultations, draft and file documents—all of them—that are required in order for a final record of decision to be issued on a mine plan. All the same review, but just in 30 months instead of what has been taking, in many cases, over a decade.

The underlying bill provides for flexibility on the 30-month permit timeline should a justifiable need arise for further analysis. Let me repeat: it allows for further time if that is needed. Yet this amendment would give a Federal agency an automatic excuse to prolong the process for a year, and there is no explanation that is needed.

So this amendment presents bureaucracy with a “drag your feet for free” card. It would hand over another roll of red tape to the government and invite them to string up more obstacles and delay job creators from getting a straight answer. And keep in mind, the 30-month time period that we're talking about simply says “an answer shall be given.” It could be negative; it could be positive.

This bill provides certainty for permit applicants by allowing the United States to be more competitive so that we can create more jobs here at home and produce more of the critical materials and minerals that are needed for our economy and therefore lessen our reliance on foreign sources.

□ 1040

So I oppose the amendment offered by my good friend from Florida, and I reserve the balance of my time.

Mr. HASTINGS of Florida. Madam Chair, I yield myself the balance of my time.

Madam Chair, I understand very clearly what my good friend from Washington is saying. My quarrel is in asking that the lead agency be given the option to extend the time, as I believe historically mining companies—who, under the underlying bill would have the right to sign off on the extension—are not likely to do that. There is no history showing that they do. They want to hurry up and get on with their mining business. When there are unpredictable kinds of circumstances, then it would seem to me that the lead agency would be the place that would determine the time for review.

With that, Madam Chair, I yield back the balance of my time.

Mr. HASTINGS of Washington. I yield myself the balance of the time.

In response to my friend, the legislation says that both sides have to agree. I think that's a good way. The gentleman says that there's no evidence of that. Well, there's no evidence that the contrary would work either.

So, to give more time—again, what we have heard over and over and over, and especially those Members and the author of this legislation who comes from a State that is heavily in the mining industry, the uncertainty is what the problem is. What this legislation does is provide certainty but flexibility. Now, I think that makes sense. If you probably walk to Main Street anyplace in America and said this is what the option is of a 30-month time period rather than up to 10 or more years, they would say, yeah, I think certainty makes a great deal of sense.

So this amendment offered by my good friend from Florida I think extends it, doesn't need to be there, and I urge a "no" vote.

I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. HASTINGS of Florida. Madam Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Florida will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. MARKEY

The CHAIR. It is now in order to consider amendment No. 3 printed in House Report 112-590.

Mr. MARKEY. Madam Chair, I have an amendment in order under the rule.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, after line 22, insert the following new subsection:

(h) The lead agency with responsibility for issuing a mineral exploration or mine permit for hardrock minerals on Federal land after the date of enactment of this Act shall require a royalty payment of 12.5 percent of the value of the minerals produced pursuant to the permit. Amounts received by the United States as such royalties shall be available to the Secretary of the Interior, subject to the availability of appropriations and in addition to amounts otherwise available, for abandoned hardrock mine lands reclamation.

The CHAIR. Pursuant to House Resolution 726, the gentleman from Massachusetts (Mr. MARKEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. MARKEY. I yield myself such time as I may consume.

Madam Chair, I have an amendment in order today, and the reason I have it in order is that it's a very simple amendment. It would update an antiquated mining law to end the free ride that mining companies extracting minerals like gold and silver and uranium on public lands currently enjoy. It would then send that money to benefit Western States by dedicating the funding to cleaning up the more than

160,000 abandoned mines we have in the West.

The underlying bill would extend a host of new giveaways to the mining industry while doing nothing to ensure taxpayers are getting a proper return on these valuable minerals like gold and silver and uranium on public lands.

It is well past time to fix this law that was passed during the Presidency of Ulysses S. Grant in 1872. My amendment would require mining companies to pay taxpayers 12.5 percent of the value of these hard rock minerals taken off of the public lands. That is the same royalty rate that coal and oil and natural gas companies pay to the Federal Government to mine and drill on public lands.

While mining companies pay no royalty on Federal lands to mine for gold and silver, they do pay a royalty on State lands that would about those Federal lands. Twelve Western States already require mining companies to pay royalties up to 12 percent on mining on their State lands. Colorado charges up to 12 percent on minerals taken from their State lands. Utah, Wyoming, and California all charge up to 10 percent. Nevada charges up to 5 percent. But when it comes to mining on Federal lands, which could be right next door to the State lands, these multinational mining companies, they still get to play Uncle Sam for Uncle Sucker. They pay Federal taxpayers—all of the rest of us in the country—no royalties while reaping this massive windfall. So what my amendment would do is it would ensure that the States where this mining is occurring reap the benefits.

According to the GAO, there are more than 160,000 abandoned gold and silver and copper and uranium and other mines in the West. Some estimates put that number as high as 500,000 abandoned mines. These mines stopped production decades or, in some cases, more than a century ago and have no responsible parties to carry out the proper environmental remediation. The result is that the streams and the rivers, the aquifers, the soils continue to be contaminated by mercury and thorium and arsenic and other toxic pollutants. In fact, the GAO says that more than 33,000 mines are already a danger to the public health and environment. Arizona has some 50,000 abandoned hard rock mines; California has more than 47,000; Utah and Nevada have 17,000 and 16,000, respectively.

According to the Congressional Research Service, cleaning up abandoned mine sites can cost tens of millions of dollars per mine. Well, my amendment would generate nearly \$400 million over the next 10 years that would be dedicated to cleaning up these sites. This would ensure that mining companies are paying their fair share to aid our Western States in cleaning up these dangerous and toxic sites.

At this point, I would like to reserve the balance of my time, Madam Chair.

Mr. HASTINGS of Washington. Madam Chair, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Madam Chairman, this amendment is directly contrary to the intent of this bill that would create new jobs in the United States and ensure a stable domestic supply of the critical minerals that are so important to our economy.

This amendment would impose an entirely new, retroactive fee on mining operations on Federal lands. It would impose a royalty that would be one of the highest of any country in the world and, thus, would probably drive more mining jobs overseas and put American manufacturing, once again, at risk.

In the past, when we've had this issue in front of the Natural Resources Committee, we've had Democrat witnesses that have testified that an 8 percent gross royalty was unprecedented in the world and would not make economic sense, and yet this amendment is talking about a 12.5 percent gross royalty.

In 2006, the World Bank report cautioned against gross royalty approaches as compared to ability-to-pay or profit-based approaches. Madam Chair, let me quote directly from that report:

Nations should carefully weigh the immediate fiscal rewards to be granted from high levels of royalty against the long-term benefits to be gained from a sustainable mining industry that will contribute to long-term development, infrastructure, and economic diversification.

So they argue directly against this type of approach.

Let us keep our focus on what is important here today. We are dependent on foreign sources for minerals that sustain our economy.

We all know that the more you tax something, the less you get. That's what this approach is. I could take the gentleman's, my good friend from Massachusetts, math that he had out there and change it a little bit and say this is where there would be a lot of job losses if this amendment were adopted and this were to become law, because that's the area that would be affected, the Western part of the United States.

So, Madam Chair, I urge a "no" vote on this amendment, and I reserve the balance of my time.

□ 1050

Mr. MARKEY. Madam Chair, could you advise us as to how much time is remaining?

The CHAIR. The gentleman from Washington has 2½ minutes remaining. The gentleman from Massachusetts has 1 minute remaining.

Mr. MARKEY. I reserve the balance of my time.

Mr. HASTINGS of Washington. I yield 1 minute to the gentleman from Nevada (Mr. AMODEI), once again, the sponsor of this legislation.

Mr. AMODEI. Madam Chair, I appreciate the comments.

I would just like to point out, for the RECORD, since we're talking about Western abandoned mines, what's your definition of abandoned mine? Because if it's where somebody pushed up a little dirt and that's considered an abandoned mine, quite frankly, we're pretty proud in Nevada of the job that our Division of Environmental Protection has done on abandoned mine projects. We collaborate with the Feds.

Quite simply, I believe the phrase was used earlier today, it's a solution in search of a problem. We're getting on it. We're doing very well. And quite frankly, I hope the Chair is not on this committee, but when you see a 12½ gross proceeds tax subject to the appropriations process of my colleagues here, no thank you very much.

Mr. MARKEY. I continue to reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Chair, who has the right to close on this amendment?

The CHAIR. The gentleman from Washington has the right to close.

Mr. HASTINGS of Washington. I would just advise the gentleman that I have no more requests for time.

Mr. MARKEY. Then I yield myself the balance of my time.

So this is a very simple amendment. What it says is this: that these big mining companies—and the ones I'm talking about have a market capitalization of \$90 billion—well, they just have to pay to drill on public lands, Federal public lands.

Right now they're paying to drill on State public lands, and when they come over to the Federal public lands it's like free parking, free rent. You don't have to pay anything.

Well, where are you going? You're going to where it's free. And who's letting them have it for free? Uncle Sam. Uncle Sucker.

So what the Markey amendment says is we're going to raise \$400 million, charging them to drill for these precious minerals on Federal lands, and we're going to give the \$400 million over to the States so that they can clean up their old mines where there are environmental problems.

So if you care about the environmental problems in these Western States, here's your ability to send \$400 million in, collected where the big companies are now paying nothing to mine on Federal lands, in order to help deal with environmental problems there. Not in Massachusetts, not in the East, but right here, right where this mining goes on, right where the environmental disasters occur.

Vote "aye" on the Markey amendment.

I yield back the balance of my time. Mr. HASTINGS of Washington. Madam Chairman, I yield myself the balance of the time.

Once again, as that map is moving away, that's where the jobs would go if you add a gross tax to this activity.

Let me point out just an economic issue here. Like oil and gas, probably not quite the same, you really don't know if there's any minerals in the ground until you dig. And if you put a royalty of 12½ percent, you are going to discourage that activity.

What does that mean?

When you discourage that activity, it means the potential for job creation and mineral production in this country goes away.

Now, if that's the intent of some in this country and maybe some on the other side, okay, be honest about it.

I don't think that's the right approach, so I would urge my colleagues to reject this gross tax amendment. And with that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Chair announced that the noes appeared to have it.

Mr. MARKEY. Madam Chair, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. YOUNG OF ALASKA

The CHAIR. It is now in order to consider amendment No. 4 printed in House Report 112-590.

Mr. YOUNG of Alaska. Madam Chairman, I have an amendment at the desk.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, after line 22, insert the following:

(h) With respect to strategic and critical materials within a federally administered unit of the National Forest System, the lead agency shall—

(1) exempt all areas of identified mineral resources in Land Use Designations, other than Non-Development Land Use Designations, in existence as of the date of the enactment of this Act from the procedures detailed at and all rules promulgated under part 294 of title 36, Code for Federal Regulations;

(2) apply such exemption to all additional routes and areas that the lead agency finds necessary to facilitate the construction, operation, maintenance, and restoration of the areas of identified mineral resources described in paragraph (1); and

(3) continue to apply such exemptions after approval of the Minerals Plan of Operations for the unit of the National Forest System.

The CHAIR. Pursuant to House Resolution 726, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Alaska.

Mr. YOUNG of Alaska. I yield myself such time as I may consume.

Madam Chairman, this is a simple amendment. It addresses the roadless areas in national forests but, specifically, in Alaska. It does not overturn the roadless areas.

This is an attempt, as previously stated in this Congress, that highly mineralized areas would not be affected by the roadless area. It directly affects the Vulcan find of rare minerals, rare Earth.

And I have to address my colleagues for a sense. Now, right now China controls the rare Earths of this world. Yet, we have tremendous deposits in Alaskan lands and in other lands of this Nation. But rare Earth is the future of all this high technology that people do support, and the so-called things that we try to develop are from rare Earth.

It's wrong to have China control the price, control the quantity and availability for modern technology when we have our own. All we're asking in this is to make sure that an area that has high potential areas of rare Earth be accessible to the water.

And the rules of roadless area do not apply. They were exempted before. They should be exempted now. But a ruling in 2011 made this area inaccessible for the development of rare Earth for this Nation.

If you believe in the independence of this Nation, if you believe the importance of technology for the future, then you'll support this amendment. This is the right amendment for the right time to make sure we have this development.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I thank the gentleman for yielding. And I think that his amendment makes eminently good sense. It's exactly these sort of rulings that tie up our natural resources, and we should be utilizing them.

I think the gentleman has a good amendment, and I support it.

Mr. YOUNG of Alaska. I thank the gentleman.

Again, this is specific for an area of rare Earth that's for the future of this Nation. This amendment should be adopted, and I urge a "yes" on my amendment.

I reserve the balance of my time.

Mr. HOLT. Madam Chair, I rise in opposition.

The CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. HOLT. Almost 15 years ago, the Forest Service began the process of reviewing the management of the last remaining, undeveloped forests, the so-called roadless areas.

In 2001, the Bush administration, yes, the George W. Bush administration,

issued regulations to protect these areas in an effort recognized as one of the most far-reaching conservation initiatives taken by the Federal Government in decades.

Now, a decade later, after litigation, 60 million acres of our forests, and the clean water derived from those forests, are now protected from harmful development. Three hundred fifty four municipal water supplies flow through roadless areas on their way to homes and businesses. These areas include sacred sites for Native Americans. They include biological strongholds for fish and wildlife. The continued protection of these areas is something that people all over America care about.

I know the gentleman thinks that this is somehow infringing on Alaska. The point that must be made is this is in the national interest, and continued protection of these areas is common sense. It is what I know my constituents tell me they want.

For the record, there are already 380,000 miles of roads in the rest of our national forests, with only 20 percent maintained to adequate standards of safety.

The gentleman from Alaska offers an amendment that purports to waive the roadless rule for the purposes of mineral development. However, both the Forest Service and the Bureau of Land Management say that the current policy does not prevent mineral developers from accessing development sites in our forests. All the current policy requires is careful consideration before access for mining operations is permitted.

I recognize that southeast Alaska, we all recognize that southeast Alaska is a unique place that requires access by boat and helicopter. However, mine operators have been able to get the approval necessary for that access. This is a waiver that is overly broad, which Federal agencies tell us is unnecessary for the purposes purported here. And it just invites conflict where, for a decade now, there has been resolution.

□ 1100

Congress has debated the roadless policy for a decade—actually for many decades, but for a decade—and opponents of the policy have had their day in court. Congress, the public, and the courts agree that they have supported the protections, including protections for those holding valid existing mineral rights. This amendment is not necessary, and I urge its defeat.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, with all due respect, I enjoy people from Massachusetts and New Jersey talking about my State. It really always excites me that they really know a lot. They know nothing.

This roadless area was open for mineral development; and, actually, exemptions of certain rules couldn't allow it.

Last year, they said, no, this couldn't be done, having access to this rare Earth for the Nation—for the Nation—this small area. All they want to do is get to the water. What good is rare Earth for this Nation if you can't get to it? We might as well stake a claim on the Moon. I mean, this is 17 million acres of land that have already been set aside, all but 1 million acres. All I'm asking for is access for the American people, access to this mineral deposit for the American people for the future, for the technology that is needed so as not to be dependent on China.

Now, he may be representing China instead of New Jersey, and I respect that; but I'm talking about respect for this Nation. This amendment should be adopted for the good of the people of this Nation if you're thinking about the future. Ironically, that side offered an amendment to narrow this bill to only rare Earths. That amendment was offered, and I can't understand that.

All I'm saying is, if you want access to rare Earth, then pass this amendment. Make it good for the Nation. Let's not be listening to somebody who, very frankly, doesn't understand the need—and this is a person who is a doctor, bless his heart, who understands the physical needs for the future, yet he says we're going to protect this little, narrow spot just to access water for the people of America. This is what this amendment does.

I'm trying to get something done for America. I'm not playing politics in this. It really doesn't affect Alaska to that extent other than the fact that it's in the State of Alaska. It does affect other States, but quite frankly, I want it for Alaska. It's my job. I'm not affecting New Jersey. I don't ever introduce an amendment or oppose anything for New Jersey. If he wants something in New Jersey, if he wants to drill in New Jersey, I'd support it. If he wouldn't want to drill in New Jersey, I wouldn't support it. If you follow what I'm saying, this is important for the people of America, and I urge the passage of this amendment.

I reserve the balance of my time.

Mr. HOLT. The gentleman is right, this affects more than Alaska. This affects the country at large. The roadless rule has been debated. It has been litigated. It should be considered settled.

The Young amendment, as the gentleman has explained, derives from his interest in having road access for mineral development in Alaska. Both the Forest Service and the Bureau of Land Management—I repeat—say that the current policy does not prevent the mineral developers from accessing development sites. We don't need to overturn a well-debated, well-litigated, settled matter of the roadless rule.

Just to be clear, the amendment that the gentleman from Alaska offers would exempt all areas of identified mineral resources in land use designa-

tions, et cetera, from the procedures detailed and the rules promulgated under title 36, Code of Federal Regulations.

This is sweeping and it is not necessary.

Again, I urge the defeat of this amendment, and I reserve the balance of my time.

The Acting CHAIR (Mr. SIMPSON). The gentleman from Alaska has 1 minute remaining. The gentleman from New Jersey has 30 seconds remaining.

Mr. YOUNG of Alaska. I yield 30 seconds to the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. I thank the gentleman for yielding.

I just want to point out that the areas that this amendment affects have already been set aside for mineral development. I want to repeat that, Mr. Chairman: these have already been set aside for mineral development. That policy has not changed at all. All it ensures is that we are going to have access to it.

I just want to address the irony that the gentleman pointed out. This is for rare Earth. This particular one in his State is where we have rare Earth, and now they say they don't want it. There is some irony here, and I can't quite get my arms around it.

Mr. HOLT. Mr. Chair, of course we want this country to have the minerals that it's dependent on; but need I repeat again that the Forest Service and Bureau of Land Management say that current policy does not prevent mineral developers from accessing the development sites. This amendment is not necessary, and it would overturn very important resolutions that protect the public lands in the public interest.

I yield back the balance of my time.

The Acting CHAIR. The gentleman from Alaska has 30 seconds remaining.

Mr. YOUNG of Alaska. One last comment.

He says there is no restriction and that we can go ahead and mine this Earth. You can't develop it. It's that simple. All exploration had to be done by helicopter. There was no access by road. To develop it, we must have this road to water access. This is a good amendment. It provides this Nation with the right minerals that are necessary for future technology. We should adopt this overwhelmingly if you're thinking of the Nation instead of an interest group.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The question was taken; and the Acting Chair announced that the ayes appeared to have it.

Mr. HOLT. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by

the gentleman from Alaska will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. CRAVAACK

The Acting CHAIR. It is now in order to consider amendment No. 5 printed in House Report 112-590.

Mr. CRAVAACK. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 7, after line 22, insert the following:

(h) This section shall apply with respect to a mineral exploration or mine permit for which an application was submitted before the date of the enactment of this Act if the applicant for the permit submits a written request to the lead agency for the permit. The lead agency shall begin implementing this section with respect to such application within 30 days after receiving such written request.

The Acting CHAIR. Pursuant to House Resolution 726, the gentleman from Minnesota (Mr. CRAVAACK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. CRAVAACK. Today, I rise in support of my amendment, as well as in support of the underlying bill.

H.R. 4402 is a commonsense, pro-growth piece of legislation that would simply facilitate a timely permitting process for very important mining projects throughout the United States.

The United States cannot continue to depend on foreign countries to supply critical precious and rare Earth metals. This is a vital strategic disadvantage to the security of the United States. What happens if, one day, a supplying country decides it doesn't want to export or decides to restrict precious metals? What if our sea lanes become controlled by those who are not friendly to the United States? These mines are not something we can turn on and off at the flip of a switch.

These mines are multi-million if not billion, dollar projects that take years of capital investment just to get going. This bill is as much a strategic defense bill as it is a jobs bill. According to a University of Minnesota-Duluth study, 2.5 ancillary jobs are produced for every mining job. These are good-paying jobs that we cannot afford to lose.

My amendment will also allow mining projects that have already applied for a permit and are currently in the permitting process access to the new expedited procedures. My amendment falls along the same commonsense thinking that the underlying bill comes from, which is that 30 months is plenty of time to complete the total review process for permitting a mine. Currently, there are numerous projects in the permitting pipeline that have taken way too long and that still have no definitive end in sight.

One such project is in my district. PolyMet Mining initiated an environ-

mental review of its proposed NorthMet copper and nickel mine back in 2005. Since then, the company has invested over \$40 million for EIS inquiries. That is 7 years and counting for just environmental reviews. Another project that is just getting under way in the Eighth District is the Twin Metals project, which will also produce thousands of Minnesota jobs for both construction and long-term operations.

In a 2009 study, the University of Minnesota-Duluth found that more than 12,000 Minnesota construction jobs will be created in Minnesota if all strategic metal mining projects currently under study move forward.

□ 1110

In 2009, the UMD study also estimated that more than 5,000 direct long-term Minnesota mining jobs will be created when all strategic metal mining projects currently under study become operational.

Minnesota needs these jobs, and the country needs the minerals that these mines produce, and everyone needs a definitive permitting timeline that is reliable. Unfortunately, PolyMet is not a unique project. Seven years and \$40 million is not even the worst example of inefficient permitting. Many other mining projects have been stalled for even longer due to inefficient and, at times, an agenda-driven permitting process.

Another example is the Montanore mine in Montana. It has been in the permitting process since 2003. The Montanore project was previously permitted by the State of Montana, the U.S. Forest Service, and other cooperating Federal agencies in 1993, following a full EIS process. The company chose not to proceed with the project until 2003 and has been working to obtain the same Federal permits since that time.

Mr. Chairman, I could give example after example of how inefficient and onerous our Federal permitting process is, but there's just not enough time to do so. These multiyear delays in processing Federal permits for many good projects are impeding thousands of jobs, massive investments across the country, and are blocking domestic production of much-needed rare Earth strategic and critical precious metals.

This amendment would ensure that these projects, like all future projects, are given a firm timeline that communities can count on while, at the same time, more than addressing concerns.

I urge passage of this amendment and the underlying bill.

Mr. HASTINGS of Washington. Will the gentleman yield?

Mr. CRAVAACK. I will be happy to yield to the gentleman from Washington.

Mr. HASTINGS of Washington. I thank the gentleman for his amendment.

This is, as he said in his opening remark: simply a commonsense approach that those that are in the process now should avail themselves of potential changes in law.

It is an excellent amendment, and I support it.

Mr. CRAVAACK. I thank the chairman, and I reserve the balance of my time.

Mr. MARKEY. Mr. Chairman, I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. This bill is ostensibly a bill that is supposed to be discussing rare Earth. It's supposed to be discussing strategic minerals that we can use in our competition to produce high-tech products that we're competing with the Chinese and others in order to produce in our country.

The kinds of strategic materials that we're talking about are scandium, cerium, europium, and terbium. These are not minerals that people ordinarily hear about. And from the high-tech manufacturing sector, we hear that they're central to their ability to be able to compete.

What the underlying bill would do is to reduce or eliminate the proper review of mining operations on public lands for virtually all types of minerals; not just for those rare Earths that I just mentioned, but also for gold, silver, uranium, and things like sand and gravel that are clearly—I think we should all be able to agree upon the fact that sand and gravel are not strategic minerals for our country. They're plentiful. They're available. We don't need to be watering down environmental laws in our attempt to be able to have enough sand and gravel and clay in the United States of America.

This amendment would not only allow for insufficient review for future mining operations, it would allow mining operations that are currently being reviewed to also escape proper scrutiny. Even worse, this amendment is drafted in such a way that it could potentially even apply to mining operations that already have been approved.

Following environmental review, mines sometimes have to put in place mitigation measures to protect the public health and the environment. Under this amendment, there is the potential that those companies could seek to have those mitigation measures thrown out. In an effort to save potentially millions of dollars, I understand what the company is trying to do. That might be good for that company, but it's not good for the environment or for the American people who already have mitigation agreements in place to protect against the mining company endangering the health, the well-being, and the water table of the

area where the mining is going on. It wouldn't just cover europium; it would cover, potentially, gravel, sand, and other elements that clearly don't need that kind of protection.

This amendment would likely invite a hailstorm of litigation, which I would think that my colleagues on the other side would like to avoid. I would also like to think that my colleagues on the other side would rather have the Department of the Interior, the Forest Service, and other Federal agencies continue to move forward to approve new mines, not be bogged down relitigating mines that have already been approved.

This amendment makes a bad bill even worse and would have a number of unintended consequences that could invite litigation and actually delay the approval of future mines.

I urge defeat of the amendment, and I reserve the balance of my time.

Mr. CRAVAACK. Mr. Chairman, I inquire as to the time I have remaining.

The Acting CHAIR. The gentleman from Minnesota has 30 seconds remaining.

Mr. CRAVAACK. Mr. Chairman, I would just like to remind our colleagues that mines aren't just permitted and then forgotten. They're constantly monitored.

The precious metals we're talking about go into our cell phones, our computers, our weaponry, and even our catalytic converters. We need these materials now, and we cannot be held ransom by China. May I remind you, 600 pounds of copper goes into every windmill.

With that, Mr. Chairman, I yield back the balance of my time.

Mr. MARKEY. Mr. Chairman, I yield myself the balance of my time.

Again, I understand the business plan here of these mining interests that don't even pay royalties to drill on the Federal lands of our country. Let's just continue this business plan. That's what they're saying to themselves. Maybe we can get it out of this Republican Congress. So, in addition to not paying, let's also have rules that say we're going to water down the environmental laws, as well, not only for europium and cerium and other rare Earths, but also for sand and for gravel and for clay. I understand. That's a great business plan.

It's not for the American people. They get watered-down environmental laws, and they also don't even get paid the royalties on the Federal lands of our country. It's just one big, bad deal for the United States taxpayers, and I urge a "no" vote on this amendment.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. CRAVAACK).

The amendment was agreed to.

AMENDMENT NO. 6 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. It is now in order to consider amendment No. 6 printed in House Report 112-590.

Mr. HASTINGS of Florida. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 10, line 4, before "Sections" insert "(a) IN GENERAL.—".

Page 10, after line 9, add the following:

(b) LIMITATION ON APPLICATION.—Subsection (a) does not apply to a covered civil action filed by—

(1) a not-for-profit organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(2) an individual.

The Acting CHAIR. Pursuant to House Resolution 726, the gentleman from Florida (Mr. HASTINGS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, this bill is an irresponsible giveaway to the mining industry that has taken enormous profits at American taxpayer expense.

One section in particular is extremely disturbing. Section 205 of the bill eliminates awarding of attorneys' fees to litigants bringing successful legal challenges against certain agencies' actions, like the issuance of a mining permit.

Eliminating the possibility of fee shifting makes litigation prohibitively expensive for groups and individuals that don't have the deep pockets of large corporate entities. Indeed, the whole reason fee shifting exists in the first place is so that a party does not have to be wealthy in order to file a lawsuit.

Justice should be accessible to all, regardless of their individual financial circumstances. Eliminating the awarding of attorneys' fees means that the traditional parties for these kinds of lawsuits, such as nearby landowners, small business owners, and environmental groups, will no longer be reimbursed for the cause of successfully litigating a claim.

The only reason to eliminate this fee shifting is to discourage parties from filing these kinds of suits.

Who is the biggest beneficiary of reducing the number of permit challenges? The permit-holding mine companies, of course. Since litigation can be extremely expensive, these cash-strapped plaintiffs usually only bring those lawsuits with the most likelihood of success because they literally cannot afford to lose.

□ 1120

Eliminating the awarding of attorneys' fees will increase the predict-

ability of the permitting process only by stifling access to the courts.

Mr. Chairman, my amendment creates an exception for the awarding of attorneys' fees to successful challenges submitted by either individual citizens or nonprofit entities so that justice in this country is not reserved for only those who can afford the hefty entrance fee.

I reserve the balance of my time.

Mr. HASTINGS of Washington. I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield 3 minutes to the gentleman from Arizona (Mr. QUAYLE).

Mr. QUAYLE. I thank the gentleman for yielding.

Mr. Chairman, I oppose this amendment, because it would have allowed ideological special interest groups to block mining permits through lawsuits funded by taxpayer dollars.

The Equal Access to Justice Act of 1980 is a law in need of reform. Recognizing the Federal Government's vast resources, it was intended to help protect small businesses, charities and ordinary Americans from unreasonable litigation or administrative proceedings.

To this end, the EAJA allows individuals with a net worth of under \$2 million and businesses worth less than \$7 million to collect attorneys' fees up to \$125 per hour. Last year the Judiciary Committee Subcommittee on Courts, Commercial and Administrative Law held a hearing on the need for EAJA reform.

The subcommittee learned that particular groups, particularly environmental organizations, are aggressively exploiting the EAJA. The EAJA exempts all not-for-profit organizations from the net worth cap, and it allows attorneys' fees over \$125 per hour if a special factor justifies such an award.

Well-heeled environmental organizations take full advantage of these provisions to collect large awards for attorneys' fees. For example, the Center for Food Safety recently awarded more than \$2.6 million under the EAJA, with its lead counsel compensated at a rate of \$650 per hour. It's a good gig if you can get it.

Simply by reviewing public court records, a witness of the subcommittee's hearing found that 20 environmental organizations collected \$5.8 million in fees between September 1, 2009, and August 31, 2010.

The EAJA was meant to help give small businesses, charities, and ordinary citizens a fighting chance against the Federal Government. Considering the pressing need for reform, the National Strategic and Critical Minerals Production Act of 2012 was wisely written to prevent any organization or straw man plaintiff who was a member

of and whose attorneys may be paid by such an organization from slowing down the permitting process or advancing its ideological agenda in court using public money.

Now, of course, they can still bring suit, but not on the taxpayers' dime.

For these reasons, I oppose this amendment.

Mr. HASTINGS of Florida. Mr. Chairman, I have no further speakers, and I yield back the balance of my time.

Mr. HASTINGS of Washington. May I inquire how much time remains?

The Acting CHAIR. The gentleman from Washington has 2½ minutes remaining.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

I just want to make a point here. The Natural Resources Committee I have the privilege to chair has been investigating the payment of attorneys' fees and court costs to revolving door plaintiffs in environmental lawsuits.

For example, we have learned that based on information that's supplied by the Department of Justice, over \$2 million in taxpayer dollars have been paid to a single organization, the Center for Biological Diversity, and they have done that for 50 lawsuits that have been filed under a single environmental statute.

This organization, which would qualify, by the way, for payments if the gentleman from Florida's amendment is adopted, they have offices in 15 States and they pay their executive director in the six figures. The question arises: Why should taxpayers be paying for their attorneys?

It seems like these lawsuit-happy environmental groups make a living from suing the Federal Government. When they sue the Federal Government, they divert resources from the Federal Government to carry out its statutory duties when it comes to environmental issues or permitting issues or whatever. I think that this amendment is ill advised by singling out some people that should not be covered.

I urge rejection of this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Florida (Mr. HASTINGS).

The amendment was rejected.

AMENDMENT NO. 7 OFFERED BY MR. GRIJALVA

The Acting CHAIR. It is now in order to consider amendment No. 7 printed in House Report 112-590.

Mr. GRIJALVA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Add at the end the following:

TITLE III—MISCELLANEOUS PROVISIONS
SEC. 301. PROTECTION OF HUNTING, FISHING,
GRAZING, AND RECREATION.

This Act shall not apply with respect to any mineral exploration or mining permit a

lead agency determines would diminish opportunities for hunting, fishing, grazing, or recreation on public lands.

The Acting CHAIR. Pursuant to House Resolution 726, the gentleman from Arizona (Mr. GRIJALVA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. GRIJALVA. Mr. Chairman, my amendment states that nothing in this bill should diminish opportunities for hunting, fishing, grazing, or recreation on public lands.

H.R. 4402 would elevate the interests of the mining industry above all others. This legislation contains language requiring that the priority of the Federal Government "shall be to maximize the development of the mineral resources, while mitigating environmental impacts, so that more of the mineral resources can be brought to the marketplace."

This legislation would put mineral extraction on public lands above all other uses, jeopardizing hunting, fishing, livestock grazing, outdoor recreation, and many other critical uses of our public lands.

When open pits cover the American West, tourists to Arizona may have another Grand Canyon to visit. This time, instead of marveling at the geologic forces that over the courses of millions of years shaped one of the Nation's most awe-inspiring sites, they will be forced to ponder chains of man-made chasms left behind by unaccountable mining companies. My amendment will make sure that other important uses are not pushed aside, that all Americans continue to have access to their public lands.

In fact earlier this week the Department of the Interior issued a report on the agency's economic contributions to the Nation. Many of these contributions come from uses other than mining. In 2011, there were over 435 million recreational visits to Interior-managed lands. This activity contributed \$48.7 billion in economic activity and supported approximately 403,000 jobs nationwide, including 14,000 jobs in my home State of Arizona. By elevating the interests of mining companies above hunters, anglers, and ranchers, as H.R. 4402 would do, we threaten that revenue that local communities have come to rely on.

Last month we considered so-called urgent legislation from the majority here on the House floor that was billed as vitally necessary to protect hunting and fishing on public lands. Now my colleagues on the other side of the aisle are doing just the opposite by elevating mining on our public lands above hunting and fishing. It seems that when the majority was fishing around for new sweetheart deals and ways to help the mining, oil, and gas industry, they decided to forget about their commit-

ment the previous month to the hunting and angling communities.

My amendment would in no way hamper mining on Federal lands. It would simply reaffirm that we should not bury the other important uses of our public lands below energy development, as the underlying bill would do.

Our public lands belong to the American people and have many important uses. We should not undermine the ability of the American people to hunt and fish on public lands by destroying the current law.

I can't get my head around the idea that the mining industry will have first use above all other uses on our public lands while paying no royalties to the American taxpayer. On top of that, the bulk of the resources taken from our public lands is exported worldwide to countries like China.

Multinational mining companies get our resources free of charge while visitors have to pay a user fee to use some of our public lands. Now their needs are not as important to the Republicans as free access for the mining interests in this country.

It's very sad and ironic. I would urge a "yes" vote on my amendment to maintain a balance for the American people in their use of their public lands.

With that, I reserve the balance of my time.

Mr. HASTINGS of Washington. I rise in opposition to this amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Chairman, this is an anti-mining, anti-jobs amendment, and it is not a pro-sportsman amendment.

I believe strongly in multiple uses of our Federal lands. It is something that as chairman of the Natural Resources Committee, I take very, very seriously, and multiple means economic activity and recreational activity.

□ 1130

Earlier this year, this House worked to promote legislation advocating hunting and fishing on Federal lands. It was primarily aimed at promoting and protecting sportsmen's access to Federal lands. Sportsmen's access includes hunting and fishing. This bill had strong bipartisan support from most of America's sportsmen's organizations, and it received strong bipartisan support here in this body. However, Mr. Chairman, I must note that the sponsor of this amendment, my good friend from Arizona, opposed that bill that was for hunting and fishing for sportsmen.

Federal Land Management allows one use to be disrupted to ensure that we make the best and highest use of our lands. That's common sense. If the

best use is rare Earth mining to secure our Nation against foreign resource nationalism and so forth, we should use the land for that. While at the same time that mine is being developed, we allow for mitigation to balance out disturbance of other activities. If a company disturbs an acre here, they can mitigate that with an acre there. The amendment completely ignores that reality.

So we should call this amendment for what it is. It's an attempt to stop mining on Federal lands, which, of course, will make us more dependent on foreign minerals. This amendment contradicts the express purpose of this legislation, which is to require the lead agency responsible for permitting strategic and critical mineral exploration and mining projects to reduce the permitting timelines through better coordination. This amendment would empower a Federal agency to unilaterally choose to red-tape another process that can take—which we've seen in the past—up to a decade long to complete a permitting process.

As a matter of fact, I might say, Mr. Chairman, the only effect of this amendment and other amendments that we've heard is to protect bureaucratic red tape, which is what the underlying bill wants to streamline. It makes sense. But every amendment we've heard coming from the other side seems to want to protect that point.

So this amendment falls under that same category. It does not deserve our support. I urge rejection, and I reserve the balance of my time.

Mr. GRIJALVA. Mr. Chairman, can I inquire as to how much time is remaining?

The Acting CHAIR. The gentleman from Arizona has 1½ minutes remaining.

Mr. GRIJALVA. I yield the balance of my time to my good friend from New Mexico and a member of the Natural Resources Committee, Mr. LUJÁN.

Mr. LUJÁN. This amendment is straightforward. It's about protecting hunting and fishing. That's how simple this is. Sadly, a similar amendment was rejected by the Rules Committee, who had a similar debate over oil and gas leasing. But I rise in strong support of the Grijalva amendment, and I urge my Republican colleagues to take a step back and consider the true impacts their policies are having on public lands.

Public lands are just that: lands for the public to enjoy and use for the great benefits that they provide. Generations of New Mexicans have used our State lands for hunting, fishing, recreation, and grazing. Mineral development is important, but let's do it where it makes sense.

We have seen bill after bill on this floor that are giveaways to Big Oil companies, mining companies, and corporate interests that don't consider the

long-term detrimental impacts to wildlife habitat and public use for recreational use. Today's bill would require the Federal Government to maximize the development of mining on public lands and limit access to land for hunting, fishing, and recreational shooting. All the Grijalva amendment says is let's protect that little area.

This is a bad bill to hunters, anglers, and ranchers, and I urge support of the Grijalva amendment to H.R. 4402 to protect our access to public lands.

Mr. HASTINGS of Washington. I yield myself the balance of my time.

I would just simply say that this is an amendment, as I mentioned in my earlier remarks, that simply is anti-mining at its best, because there is, in current law, a procedure for giving higher access to certain activities and then there is the mitigation process. But to suggest that this is something that would protect sportsmen defies logic. As a matter of fact, Mr. Chairman, the NRA has come out against the Grijalva amendment.

So with that, I urge a "no" vote on the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. GRIJALVA).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. GRIJALVA. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments printed in House Report 112-590 on which further proceedings were postponed, in the following order:

Amendment No. 1 by Mr. TONKO of New York.
Amendment No. 2 by Mr. HASTINGS of Florida.
Amendment No. 3 by Mr. MARKEY of Massachusetts.
Amendment No. 4 by Mr. YOUNG of Alaska.
Amendment No. 7 by Mr. GRIJALVA of Arizona.

The Chair will reduce to 2 minutes the minimum time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. TONKO

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. TONKO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 251, not voting 18, as follows:

[Roll No. 462]

AYES—162

Andrews	Green, Gene	Pelosi
Baca	Grijalva	Perlmutter
Baldwin	Hahn	Peters
Barber	Hanabusa	Pingree (ME)
Bass (CA)	Hastings (FL)	Polis
Becerra	Heinrich	Price (NC)
Berkley	Higgins	Quigley
Berman	Himes	Rahall
Bishop (NY)	Hinchey	Rangel
Blumenauer	Hinojosa	Reyes
Bonamici	Hirono	Richardson
Brady (PA)	Holt	Richmond
Braley (IA)	Honda	Rothman (NJ)
Brown (FL)	Hoyer	Roybal-Allard
Butterfield	Israel	Ruppersberger
Capps	Johnson (GA)	Ryan (OH)
Capuano	Johnson, E. B.	Sánchez, Linda T.
Carnahan	Kaptur	Sanchez, Loretta
Carney	Keating	Sarbanes
Carson (IN)	Kildee	Schakowsky
Castor (FL)	Kind	Schiff
Chu	Kucinich	Schrader
Cicilline	Langevin	Schwartz
Clarke (MI)	Larsen (WA)	Scott (VA)
Clarke (NY)	Larson (CT)	Scott, David
Clay	Lee (CA)	Serrano
Cleaver	Levin	Sewell
Clyburn	Lewis (GA)	Sherman
Cohen	Lipinski	Shuler
Conyers	Loebuck	Sires
Cooper	Lofgren, Zoe	Slaughter
Courtney	Lujan	Smith (WA)
Crowley	Lynch	Speier
Cummings	Maloney	Stark
Davis (CA)	Markey	Sutton
Davis (IL)	Matsui	Thompson (CA)
DeFazio	McCarthy (NY)	Thompson (MS)
DeGette	McCollum	Tierney
DeLauro	McDermott	Tonko
Deutch	McGovern	Towns
Dingell	McNerney	Tsongas
Doggett	Meeks	Van Hollen
Doyle	Michaud	Velázquez
Edwards	Miller (NC)	Visclosky
Ellison	Miller, George	Walz (MN)
Engel	Moore	Wasserman
Eshoo	Moran	Schultz
Farr	Murphy (CT)	Waters
Fattah	Nadler	Watt
Filner	Napolitano	Waxman
Frank (MA)	Neal	Wilson (FL)
Fudge	Olver	Woolsey
Garamendi	Pallone	Yarmuth
Gonzalez	Pascrell	
Green, Al	Pastor (AZ)	

NOES—251

Adams	Boustany	Crenshaw
Aderholt	Brady (TX)	Critz
Alexander	Brooks	Cuellar
Altmire	Broun (GA)	Culberson
Amash	Buchanan	Davis (KY)
Amodei	Bucshon	Denham
Austria	Buerkle	Dent
Bachmann	Burgess	DesJarlais
Bachus	Burton (IN)	Diaz-Balart
Barletta	Calvert	Dold
Barrow	Camp	Donnelly (IN)
Bartlett	Campbell	Dreier
Barton (TX)	Canseco	Duffy
Bass (NH)	Cantor	Duncan (SC)
Benishek	Capito	Duncan (TN)
Berg	Carter	Ellmers
Biggert	Cassidy	Emerson
Billray	Chabot	Farenthold
Bilirakis	Chaffetz	Fincher
Bishop (GA)	Chandler	Fitzpatrick
Black	Coffman (CO)	Flake
Blackburn	Cole	Fleischmann
Bonner	Conaway	Fleming
Bono Mack	Costello	Flores
Boren	Cravaack	Forbes
Boswell	Crawford	Fortenberry

Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Latham
LaTourette

Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)

NOT VOTING—18

Ackerman
Akin
Bishop (UT)
Cardoza
Coble
Connolly (VA)
Costa

Dicks
Gallegly
Gutierrez
Jackson (IL)
Jackson Lee
(TX)
Jenkins

Lowey
Lummis
Murphy (PA)
Rush
Welch

□ 1158

Messrs. FRELINGHUYSEN, MCINTYRE and TURNER of Ohio changed their vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 2 OFFERED BY MR. HASTINGS OF FLORIDA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. HASTINGS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wolf
Wittman
Witt
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

RECORDED VOTE
The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 162, noes 252, not voting 17, as follows:

[Roll No. 463]

AYES—162

Andrews
Baca
Baldwin
Barber
Bass (CA)
Becerra
Berkley
Berman
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Ciilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Levin
Cohen
Connolly (VA)
Conyers
Cooper
Courtney
Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dingell
Doggett
Doyle
Edwards
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Fudge
Garamendi

Gonzalez
Green, Al
Green, Gene
Grijalva
Hahn
Hanabusa
Hastings (FL)
Heinrich
Himes
Hinchey
Hinojosa
Hirono
Holt
Honda
Hoyer
Israel
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kildee
Kind
Kissell
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Lewis (GA)
Lipinski
Loeb sack
Lofgren, Zoe
Luján
Lynch
Maloney
Markey
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeke
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Pallone

Pascrell
Pastor (AZ)
Pelosi
Perlmuter
Peters
Pingree (ME)
Polis
Price (NC)
Quigley
Rahall
Rangel
Reyes
Richardson
Richmond
Rothman (NJ)
Roybal-Allard
Ruppersberger
Ryan (OH)
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Scott, David
Serrano
Sewell
Sherman
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

NOES—252

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Austria
Bachmann
Bachus
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishkek
Berg
Biggart
Bilbray
Bilirakis
Bishop (GA)
Black
Blackburn
Bonner
Bono Mack

Boren
Boswell
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway

Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Farenthold
Fincher
Fitzpatrick
Flake

Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Herrera Beutler
Higgins
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Johnson (IL)
Johnson (OH)
Johnson, Sam
Jones
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Labrador
Lamborn
Lance
Landry
Lankford

Latham
LaTourette
Latta
Lewis (CA)
LoBiondo
Long
Lucas
Luetkemeyer
Lungren, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McClintock
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
Meehan
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mulvaney
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paul
Paulsen
Pearce
Pence
Peterson
Petri
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)
Quayle
Reed
Rehberg
Reichert
Renacci
Ribble
Rigell
Rivera
Roby

Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Royce
Runyan
Ryan (WI)
Scalise
Schilling
Schmidt
Schock
Schradler
Schweikert
Scott (SC)
Scott, Austin
Sensenbrenner
Sessions
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stearns
Stivers
Stutzman
Sullivan
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner (NY)
Turner (OH)
Upton
Walberg
Walden
Walsh (IL)
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Yoder
Young (AK)
Young (FL)
Young (IN)

NOT VOTING—17

Ackerman
Akin
Bishop (UT)
Cardoza
Coble
Costa
Dickens

Gallegly
Gutierrez
Hanna
Jackson (IL)
Jackson Lee
(TX)
Jenkins

Lowey
Lummis
Rush
Velázquez

□ 1203

Mr. TURNER of Ohio changed his vote from “aye” to “no.”

Mr. WELCH changed his vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 163, noes 253, not voting 15, as follows:

[Roll No. 464]

AYES—163

Andrews	Gibson	Pastor (AZ)
Baca	Gonzalez	Pelosi
Bachmann	Green, Al	Peters
Baldwin	Green, Gene	Petri
Barber	Grijalva	Pingree (ME)
Bass (CA)	Gutierrez	Polis
Becerra	Hahn	Price (NC)
Berman	Hanabusa	Quigley
Bishop (NY)	Hastings (FL)	Rahall
Blumenauer	Heinrich	Rangel
Bonamici	Himes	Reyes
Boswell	Hinchey	Richardson
Brady (PA)	Holt	Richmond
Braley (IA)	Honda	Rothman (NJ)
Brown (FL)	Hoyer	Roybal-Allard
Butterfield	Israel	Ruppersberger
Capps	Johnson (GA)	Ryan (OH)
Capuano	Johnson, E. B.	Sánchez, Linda
Canahan	Kaptur	T.
Carney	Keating	Sanchez, Loretta
Carson (IN)	Kildee	Sarbanes
Castor (FL)	Kind	Schakowsky
Chu	Kucinich	Schiff
Cicilline	Langevin	Schrader
Clarke (MI)	Larsen (WA)	Schwartz
Clarke (NY)	Larson (CT)	Scott (VA)
Clay	Lee (CA)	Scott, David
Cleaver	Levin	Serrano
Clyburn	Lewis (GA)	Sewell
Cohen	Lipinski	Sherman
Connolly (VA)	Loebach	Sires
Conyers	Lofgren, Zoe	Slaughter
Cooper	Lujan	Smith (WA)
Costa	Lynch	Speier
Courtney	Maloney	Stark
Crowley	Markey	Sutton
Cummings	Matsui	Thompson (CA)
Davis (CA)	McCarthy (NY)	Thompson (MS)
Davis (IL)	McCollum	Tierney
DeGette	McDermott	Tonko
DeLauro	McGovern	Towns
Deutch	McNerney	Tsongas
Dingell	Meeks	Van Hollen
Doggett	Michaud	Velázquez
Doyle	Miller (NC)	Visclosky
Edwards	Miller, George	Walz (MN)
Ellison	Moore	Wasserman
Engel	Moran	Schultz
Eshoo	Murphy (CT)	Waters
Farr	Nadler	Watt
Fattah	Napolitano	Waxman
Filner	Neal	Welch
Frank (MA)	Olver	Wilson (FL)
Fudge	Pallone	Woolsey
Garamendi	Pascarella	Yarmuth

NOES—253

Adams	Boren	Costello
Aderholt	Boustany	Cravaack
Alexander	Brady (TX)	Crawford
Altmire	Brooks	Crenshaw
Amash	Broun (GA)	Critz
Amodei	Buchanan	Cuellar
Austria	Bucshon	Culberson
Bachus	Buerkle	Davis (KY)
Barletta	Burgess	DeFazio
Barrow	Burton (IN)	Denham
Bartlett	Calvert	Dent
Barton (TX)	Camp	DesJarlais
Bass (NH)	Campbell	Diaz-Balart
Berg	Canseco	Dold
Berkley	Cantor	Donnelly (IN)
Biggert	Capito	Dreier
Bilbray	Carter	Duffy
Bilirakis	Cassidy	Duncan (SC)
Bishop (GA)	Chabot	Duncan (TN)
Black	Chaffetz	Ellmers
Blackburn	Chandler	Emerson
Bonner	Coffman (CO)	Farenthold
Bono Mack	Cole	Fincher
	Conaway	Fitzpatrick

Flake	Lance	Rivera
Fleischmann	Landry	Roby
Fleming	Lankford	Roe (TN)
Flores	Latham	Rogers (AL)
Forbes	LaTourette	Rogers (KY)
Fortenberry	Latta	Rogers (MI)
Fox	Lewis (CA)	Rohrabacher
Franks (AZ)	LoBiondo	Rokita
Frelinghuysen	Long	Rooney
Gardner	Lucas	Ros-Lehtinen
Garrett	Luetkemeyer	Roskam
Gerlach	Lungren, Daniel	Ross (AR)
Gibbs	E.	Ross (FL)
Gingrey (GA)	Mack	Royce
Gohmert	Manzullo	Runyan
Goodlatte	Marchant	Ryan (WI)
Gosar	Marino	Scalise
Gowdy	Matheson	Schilling
Granger	McCarthy (CA)	Schmidt
Graves (GA)	McCaul	Schock
Graves (MO)	McClintock	Schweikert
Griffin (AR)	McHenry	Scott (SC)
Griffith (VA)	McIntyre	Scott, Austin
Grimm	McKeon	Sensenbrenner
Guinta	McKinley	Sessions
Guthrie	McMorris	Shimkus
Hall	Rodgers	Shuler
Hanna	Meehan	Shuster
Harper	Mica	Simpson
Harris	Miller (FL)	Smith (NE)
Hartzler	Miller (MI)	Smith (NJ)
Hastings (WA)	Miller, Gary	Smith (TX)
Hayworth	Mulvaney	Southerland
Heck	Murphy (PA)	Stearns
Hensarling	Myrick	Stivers
Herger	Neugebauer	Stutzman
Herrera Beutler	Noem	Sullivan
Higgins	Nugent	Terry
Hinojosa	Nunes	Thompson (PA)
Hochul	Nunnelee	Thornberry
Holden	Olson	Tiberi
Huelskamp	Owens	Tipton
Huizenga (MI)	Palazzo	Turner (NY)
Hultgren	Paul	Turner (OH)
Hunter	Paulsen	Upton
Hurt	Pearce	Walberg
Issa	Pence	Walden
Johnson (IL)	Perlmutter	Walsh (IL)
Johnson (OH)	Peterson	Webster
Johnson, Sam	Pitts	West
Jones	Platts	Westmoreland
Jordan	Poe (TX)	Whitfield
Kelly	Pompeo	Wilson (SC)
King (IA)	Posey	Wittman
King (NY)	Price (GA)	Wolf
Kingston	Quayle	Womack
Kinzinger (IL)	Reed	Woodall
Kissell	Rehberg	Yoder
Kline	Reichert	Young (AK)
Labrador	Renacci	Young (FL)
Lamborn	Rigell	Young (IN)

NOT VOTING—15

Ackerman	Gallegly	Lowey
Akin	Hirono	Lummis
Bishop (UT)	Jackson (IL)	Ribble
Cardoza	Jackson Lee	Rush
Coble	(TX)	
Dicks	Jenkins	

□ 1207

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. HIRONO. Mr. Chair, on rollcall No. 464, the Markey amendment, had I been present, I would have voted "aye."

AMENDMENT NO. 4 OFFERED BY MR. YOUNG OF

ALASKA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Alaska (Mr. YOUNG) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 238, noes 178, not voting 15, as follows:

[Roll No. 465]

AYES—238

Adams	Gohmert	Nugent
Aderholt	Goodlatte	Nunes
Alexander	Gosar	Nunnelee
Altmire	Gowdy	Olson
Amash	Granger	Palazzo
Amodei	Graves (GA)	Paul
Austria	Graves (MO)	Paulsen
Bachmann	Green, Gene	Pearce
Bachus	Griffin (AR)	Pence
Barletta	Griffith (VA)	Peterson
Bartlett	Grimm	Petri
Barton (TX)	Guinta	Pitts
Bass (NH)	Guthrie	Platts
Benishkek	Hall	Poe (TX)
Berg	Hanna	Pompeo
Biggert	Harper	Posey
Bilbray	Harris	Price (GA)
Bilirakis	Hartzler	Quayle
Bishop (GA)	Hastings (WA)	Reed
Black	Hayworth	Rehberg
Blackburn	Heck	Reichert
Bonner	Hensarling	Renacci
Bono Mack	Herger	Rigell
Boren	Hirono	Rivera
Boswell	Holden	Roby
Boustany	Huelskamp	Roe (TN)
Brady (TX)	Huizenga (MI)	Rogers (AL)
Brooks	Hultgren	Rogers (KY)
Broun (GA)	Hunter	Rogers (MI)
Buchanan	Hurt	Rohrabacher
Bucshon	Issa	Rokita
Buerkle	Johnson (IL)	Rooney
Burgess	Johnson (OH)	Ros-Lehtinen
Burton (IN)	Johnson, Sam	Roskam
Calvert	Jones	Ross (AR)
Camp	Jordan	Ross (FL)
Campbell	Kelly	Royce
Canseco	King (IA)	Runyan
Cantor	King (NY)	Ryan (WI)
Capito	Kingston	Scalise
Carney	Kinzinger (IL)	Schilling
Carter	Kline	Schock
Cassidy	Labrador	Schweikert
Chaffetz	Lamborn	Scott (SC)
Coffman (CO)	Lance	Scott, Austin
Cole	Landry	Sensenbrenner
Conaway	Lankford	Sessions
Cravaack	Latham	Shimkus
Crawford	LaTourette	Shuster
Crenshaw	Latta	Simpson
Critz	Lewis (CA)	Smith (NE)
Cuellar	LoBiondo	Smith (NJ)
Culberson	Long	Smith (TX)
Davis (KY)	Lucas	Southerland
Denham	Luetkemeyer	Stearns
Dent	Lungren, Daniel	Stivers
DesJarlais	E.	Stutzman
Diaz-Balart	Mack	Sullivan
Dold	Manzullo	Terry
Dreier	Marchant	Thompson (PA)
Duffy	Marino	Thornberry
Duncan (SC)	Matheson	Tiberi
Duncan (TN)	McCarthy (CA)	Tipton
Ellmers	McCaul	Turner (NY)
Emerson	McClintock	Turner (OH)
Farenthold	McHenry	Upton
Fincher	McKeon	Walberg
Flake	McKinley	Walden
Fleischmann	McMorris	Walsh (IL)
Fleming	Rodgers	West
Flores	Meehan	Westmoreland
Forbes	Mica	Whitfield
Fortenberry	Miller (FL)	Wilson (SC)
Fox	Miller (MI)	Wittman
Franks (AZ)	Miller, Gary	Womack
Frelinghuysen	Mulvaney	Woodall
Gardner	Murphy (PA)	Yoder
Garrett	Myrick	Young (AK)
Gibbs	Neugebauer	Young (FL)
Gingrey (GA)	Noem	Young (IN)

NOES—178

Andrews	Gibson	Pascarell
Baca	Gonzalez	Pastor (AZ)
Baldwin	Green, Al	Pelosi
Barber	Grijalva	Perlmutter
Barrow	Gutierrez	Peters
Bass (CA)	Hahn	Pingree (ME)
Becerra	Hanabusa	Polis
Berkley	Hastings (FL)	Price (NC)
Berman	Heinrich	Quigley
Bishop (NY)	Herrera Beutler	Rahall
Blumenauer	Higgins	Rangel
Bonamici	Himes	Reyes
Brady (PA)	Hinchey	Richardson
Braley (IA)	Hinojosa	Richmond
Brown (FL)	Hochul	Rothman (NJ)
Butterfield	Holt	Roybal-Allard
Capps	Honda	Ruppersberger
Capuano	Hoyer	Ryan (OH)
Carnahan	Israel	Sánchez, Linda
Carson (IN)	Johnson (GA)	T.
Castor (FL)	Johnson, E. B.	Sanchez, Loretta
Chabot	Kaptur	Sarbanes
Chandler	Keating	Schakowsky
Chu	Kildee	Schiff
Cicilline	Kind	Schmidt
Clarke (MI)	Kissell	Schrader
Clarke (NY)	Kucinich	Schwartz
Clay	Langevin	Scott (VA)
Cleaver	Larsen (WA)	Scott, David
Clyburn	Larson (CT)	Serrano
Cohen	Lee (CA)	Sewell
Connolly (VA)	Levin	Sherman
Conyers	Lewis (GA)	Shuler
Cooper	Lipinski	Sires
Costa	Loeb sack	Slaughter
Costello	Lofgren, Zoe	Smith (WA)
Courtney	Lujan	Speier
Crowley	Lynch	Stark
Cummings	Maloney	Sutton
Davis (CA)	Markley	Thompson (CA)
DeFazio	Matsui	Thompson (MS)
DeGette	McCarthy (NY)	Tierney
DeLauro	McCollum	Tonko
Deutch	McDermott	Towns
Dingell	McGovern	Tsongas
Doggett	McIntyre	Van Hollen
Donnelly (IN)	McNerney	Velázquez
Doyle	Meeks	Visclosky
Edwards	Michaud	Walz (MN)
Ellison	Miller (NC)	Wasserman
Engel	Miller, George	Schultz
Eshoo	Moore	Waters
Farr	Moran	Watt
Fattah	Murphy (CT)	Waxman
Filner	Nadler	Webster
Fitzpatrick	Napolitano	Welch
Frank (MA)	Neal	Wilson (FL)
Fudge	Olver	Wolf
Garamendi	Owens	Woolsey
Gerlach	Pallone	Yarmuth

NOT VOTING—15

Ackerman	Dicks	Lowey
Akin	Gallegly	Lummis
Bishop (UT)	Jackson (IL)	Ribble
Cardoza	Jackson Lee	Rush
Coble	(TX)	
Davis (IL)	Jenkins	

□ 1211

Mr. POE of Texas changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. CONYERS. Mr. Chair, during rollcall vote No. 465 on H.R. 4402, the Young (AK) Amendment, I mistakenly recorded my vote as “aye” when I should have voted “no.”

Ms. HIRONO. Mr. Chair, I intended to vote “no” on rollcall vote No. 465, the amendment offered by my friend Congressman YOUNG of Alaska.

AMENDMENT NO. 7 OFFERED BY MR. GRIJALVA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. GRI-

JALVA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 248, not voting 16, as follows:

[Roll No. 466]

AYES—167

Andrews	Garamendi	Pastor (AZ)
Baca	Gonzalez	Pelosi
Baldwin	Green, Al	Perlmutter
Barber	Green, Gene	Peters
Bass (CA)	Grijalva	Pingree (ME)
Becerra	Gutierrez	Polis
Berkley	Hahn	Price (NC)
Berman	Hanabusa	Quigley
Bishop (NY)	Hastings (FL)	Rahall
Blumenauer	Heinrich	Rangel
Bonamici	Higgins	Rehberg
Boswell	Himes	Reyes
Brady (PA)	Hinchey	Richardson
Braley (IA)	Hirono	Richmond
Brown (FL)	Holt	Rothman (NJ)
Butterfield	Honda	Roybal-Allard
Capps	Hoyer	Ruppersberger
Capuano	Israel	Sánchez, Linda
Carnahan	Johnson (GA)	T.
Carney	Johnson (IL)	Sanchez, Loretta
Castor (FL)	Johnson, E. B.	Sarbanes
Chandler	Kaptur	Schakowsky
Chu	Keating	Schiff
Cicilline	Kildee	Schrader
Clarke (MI)	Kind	Schwartz
Clarke (NY)	Kucinich	Scott (VA)
Clay	Langevin	Scott, David
Cleaver	Larsen (WA)	Serrano
Clyburn	Larson (CT)	Sewell
Cohen	Lee (CA)	Sherman
Connolly (VA)	Levin	Shuler
Conyers	Lewis (GA)	Sires
Cooper	Loeb sack	Slaughter
Costa	Lofgren, Zoe	Speier
Costello	Lujan	Stark
Courtney	Lynch	Sutton
Crowley	Maloney	Thompson (CA)
Cuellar	Markley	Thompson (MS)
Cummings	Matsui	Tierney
Davis (CA)	McCarthy (NY)	Tonko
Davis (IL)	McCollum	Towns
DeFazio	McDermott	Tsongas
DeGette	McGovern	Van Hollen
DeLauro	McNerney	Velázquez
Deutch	Meeks	Visclosky
Doyle	Michaud	Walz (MN)
Dingell	Miller (NC)	Wasserman
Doggett	Miller, George	Schultz
Doyle	Moore	Waters
Edwards	Moran	Watt
Ellison	Murphy (CT)	Waxman
Engel	Nadler	Webster
Eshoo	Napolitano	Welch
Farr	Neal	Wilson (FL)
Fattah	Olver	Woolsey
Filner	Pallone	Yarmuth
Fitzpatrick	Pascarell	

NOES—248

Adams	Barton (TX)	Boren
Aderholt	Bass (NH)	Boustany
Alexander	Benishke	Brady (TX)
Altmire	Berg	Brooks
Amash	Biggert	Broun (GA)
Amodei	Bilbray	Buchanan
Austria	Bilirakis	Bucshon
Bachmann	Bishop (GA)	Buerkle
Bachus	Black	Burgess
Barletta	Blackburn	Burton (IN)
Barrow	Bonner	Calvert
Bartlett	Bono Mack	Camp

Campbell	Holden	Poe (TX)
Canseco	Huelskamp	Pompeo
Cantor	Huizenga (MI)	Posey
Capito	Hultgren	Price (GA)
Carson (IN)	Hunter	Quayle
Carter	Hurt	Reed
Cassidy	Issa	Reichert
Chabot	Johnson (OH)	Renacci
Chaffetz	Johnson, Sam	Ribble
Coffman (CO)	Jones	Rigell
Cole	Jordan	Rivera
Conaway	Kelly	Roby
Cravaack	King (IA)	Roe (TN)
Crawford	King (NY)	Rogers (AL)
Crenshaw	Kingston	Rogers (KY)
Critz	Kinziger (IL)	Rogers (MI)
Culberson	Kissell	Rohrabacher
Davis (KY)	Kline	Rokita
Denham	Labrador	Rooney
Dent	Lamborn	Ros-Lehtinen
DesJarlais	Lance	Roskam
Diaz-Balart	Landry	Ross (AR)
Dold	Lankford	Ross (FL)
Donnelly (IN)	Latham	Royce
Dreier	LaTourette	Runyan
Duffy	Latta	Ryan (WI)
Duncan (SC)	Lewis (CA)	Scalise
Duncan (TN)	Lipinski	Schilling
Ellmers	LoBiondo	Schmidt
Emerson	Long	Schock
Farenthold	Lucas	Schweikert
Fincher	Luetkemeyer	Scott (SC)
Fitzpatrick	Lungren, Daniel	Scott, Austin
Flake	E.	Sensenbrenner
Fleischmann	Mack	Manzullo
Fleming	McCauley	Marchant
Flores	Marino	Shimkus
Forbes	Matheson	Shuster
Fortenberry	McCarthy (CA)	Simpson
Fox	McCaul	Smith (NE)
Franks (AZ)	McClintock	Smith (NJ)
Frelinghuysen	McHenry	Smith (TX)
Gardner	McIntyre	Southerland
Garrett	McKeon	Stearns
Gerlach	Gibbs	Stivers
Gibbs	McKinley	Stutzman
Gibson	McMorris	Sullivan
Gingrey (GA)	Rodgers	Terry
Gohmert	Meehan	Thompson (PA)
Goodlatte	Mica	Thornberry
Gosar	Miller (FL)	Tiberi
Gowdy	Miller (MI)	Tipton
Granger	Miller, Gary	Turner (NY)
Graves (GA)	Mulvaney	Turner (OH)
Graves (MO)	Murphy (PA)	Upton
Griffin (AR)	Myrick	Walberg
Griffith (VA)	Neugebauer	Walden
Grimm	Noem	Walsh (IL)
Guinta	Nugent	Webster
Guthrie	Nunes	West
Hall	Nunnelee	Westmoreland
Hanna	Olson	Whitfield
Harper	Owens	Wilson (SC)
Harris	Palazzo	Wittman
Hartzler	Paul	Wolf
Hastings (WA)	Paulsen	Womack
Hayworth	Pearce	Woodall
Heck	Pence	Yoder
Hensarling	Peterson	Young (AK)
Herger	Petri	Young (FL)
Herrera Beutler	Pitts	Young (IN)
Hochul	Platts	

NOT VOTING—16

Ackerman	Gallegly	Lowey
Akin	Hinojosa	Lummis
Bishop (UT)	Jackson (IL)	Rush
Cardoza	Jackson Lee	Ryan (OH)
Coble	(TX)	Smith (WA)
Dicks	Jenkins	

□ 1214

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIR (Mr. WEST). The question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The Acting CHAIR. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

SIMPSON) having assumed the chair, Mr. WEST, Acting Chair of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 4402) to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness, and, pursuant to House Resolution 726, he reported the bill back to the House with an amendment adopted in the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

If not, the question is on the amendment in the nature of a substitute, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Ms. SLAUGHTER. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentlewoman opposed to the bill?

Ms. SLAUGHTER. In its present form, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Ms. Slaughter moves to recommit the bill H.R. 4402 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

Page 9, after line 2, insert the following:

SEC. 105. PROHIBITION ON ISSUANCE OF PERMITS TO PERSONS, CORPORATIONS, AND SUBSIDIARIES THAT ARE DELINQUENT ON TAXES.

No Federal mineral exploration or mine permit shall be issued pursuant to this Act to a person, corporation, partnership, trust, or other form of business organization that has failed to pay any tax required under State or Federal law, or to a subsidiary of such a corporation, partnership, or other form of business organization.

SEC. 106. PROHIBITIONS REGARDING CHINA AND IRAN.

(a) **PROHIBITION ON EXPORT.**—Each Federal mineral exploration or mine permit issued pursuant to this Act shall include provisions that prohibit export to the China or Iran of strategic and critical minerals produced under the permit.

(b) **PROHIBITION ON ISSUANCE OF PERMITS.**—No Federal mineral exploration or mine permit may be issued pursuant to this Act to—

(1) any company in which China or Iran has an ownership interest; and

(2) any person (including any successor, assign, affiliate, member, or joint venturer

with an ownership interest in any property or project any portion of which is owned by such person) that is in violation of the Iran Sanctions Act of 1996 (50 U.S.C. 1701 note) or the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (22 U.S.C. 8501 et seq.).

(c) **PRESIDENTIAL WAIVER OF PROHIBITIONS WITH RESPECT TO CHINA.**—The President may waive the prohibitions under subsections (a) and (b) with respect to China upon certification that the Government of China has removed its export restraints on strategic and critical minerals.

SEC. 107. PERMIT REQUIREMENTS REGARDING USE OF AMERICAN MINING EQUIPMENT AND OUTSOURCING OF AMERICAN JOBS.

Each Federal mineral exploration or mine permit issued pursuant to this Act shall include provisions that—

(1) require, to the extent practicable, that all mining equipment used under the permit must be manufactured in the United States; and

(2) prohibit the permit holder from outsourcing American jobs.

Ms. SLAUGHTER (during the reading). Mr. Speaker, I ask unanimous consent that the reading be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The SPEAKER pro tempore. The gentlewoman from New York is recognized for 5 minutes on her motion.

Ms. SLAUGHTER. Mr. Speaker, we've just concluded debate on a bill that will make it easier for the mining industry to profit from digging up valuable minerals on land owned by the American taxpayer.

□ 1220

What would the American people get in return? Nothing, except poorer public health, a dirtier environment, and fewer opportunities for hunting, fishing, and recreation.

Instead of the bill we are considering today, we should be amending the statute that was signed into law by Ulysses S. Grant. Can you imagine that? The mining law of 1872, which is our mining law today, gives away the valuable minerals we should be saving for ourselves or, at the very least, getting some revenue from. But no, 140 years later, we still have this bill which has long outlived its usefulness.

Over the 25 years that I've served in Congress, every attempt to repeal this law has failed. Today, we compound the problem by voting on legislation that will give even more power to mining interests. Adding insult to injury, the companies benefiting from this bill can continue to take minerals owned by the American taxpayers royalty free, even if they're foreign companies and even if they have cheated or are delinquent on their taxes.

There is still time to fix three of the most glaring loopholes contained in this bill, and my amendment does just that. It will not kill the bill, and we

will immediately move forward with the final vote on its passage. However, if adopted, my amendment will insert safeguards into the final legislation to protect our national security and to protect American jobs.

First, my amendment prevents mining contracts from being awarded to companies that have failed to pay their taxes. Last week, the Las Vegas Sun reported that mining companies in Nevada have underpaid their taxes by \$8.7 million since 2008. At a time when cities and towns across America are going bankrupt and we're facing disaster in many areas of the country and some in Congress threaten to cut Medicare and food stamps in the name of fiscal responsibility, we must and should hold corporations accountable for the taxes they owe to the American people. If mining companies are to profit from our natural resources, they must be required to pay their fair share.

I'm the author of the Reciprocal Market Access Act, a bipartisan bill that would finally put an end to the wholesale exporting of American manufacturing jobs to China. My amendment today echos this plan. With the passage of this amendment today, we would make sure that the door is closed when China comes knocking to profit from our precious natural resources.

Finally, my amendment protects American jobs by prohibiting outsourcing and requiring mining companies to use mining equipment made in the United States. Isn't that little enough to ask?

The sweat and blood of middle class Americans built the United States, and it's time this Congress put their interests first. With my amendment today, we can do just that, by putting in place safeguards that will protect American jobs and ensure that mining equipment is made in America.

I'm introducing my amendment on behalf of the people of Rochester, New York. Some of the greatest workers that the country has ever known live there. My constituents are among the 300 million rightful owners of our Nation's natural resources, and not a single one of them wants this Congress to simply give them away to China or outsource precious American jobs.

Over the last 2 years, the majority has consistently pandered to corporate interests. Listen to this, because we've been very concerned this week with how many times we voted to repeal health care. Try this one on. We have voted more than 100 times this term, the last 18 months, over 100 times to benefit the oil industry. As demonstrated last night by a wonderful CBS News program, it costs millions and millions of dollars. They estimate that just the health care votes over and over cost the taxpayers \$50 million.

Last year, we voted—as you remember, I voted against it, of course—to give Federal land to a single foreign

mining company that has ties to Iran's nuclear program. That was mining of uranium, free, about 8 miles from the Grand Canyon. I don't know how much more stupid we can get. I think it is absolutely obvious to us that a law passed in 1872 is nowhere near adequate for what we need today.

I urge a "yes" vote on this amendment to protect American workers, American resources, and to protect our friends who are extremely worried about Iran by making sure that they do not benefit at all.

Mr. Speaker, we've just concluded debate on a bill that will make it easier for the mining industry to profit from digging up valuable minerals on land owned by the American taxpayer. And what would the American people get in return? Nothing except poorer public health, a dirtier environment, and fewer opportunities for hunting, fishing and recreation.

Instead of the bill we are considering today, we should be amending the statute that was signed into law by Ulysses S. Grant in 1872. In an effort to spur development of the West, the law gave almost unlimited power to mining companies. 140 years later, this law has outlived its usefulness, yet over the 25 years I've been in Congress, every attempt to repeal this law has failed. Now today, we compound the problem by voting on legislation that will give even more power to mining interests.

Adding insult to injury, the companies benefitting from this bill can continue to take minerals owned by American taxpayers—royalty-free—even if they're foreign companies, and even if they have cheated on their taxes.

There is still time to fix three of the most glaring loopholes contained in this bill, and my amendment does just that. The amendment will not kill the bill, and we will immediately move forward with a final vote on its passage.

However, if adopted, my amendment will insert safeguards into the final legislation that will protect our national security and protect American jobs.

First, my amendment prevents mining contracts from being awarded to companies that have failed to pay their taxes. Last week, the Las Vegas Sun reported that mining companies in Nevada have underpaid their taxes by \$8.7 million since 2008. At a time when cities and towns across America are going bankrupt, and some in Congress threaten to cut Medicare and other vital programs in the name of fiscal responsibility, we must hold corporations accountable for the taxes they owe to the American people. If mining companies are to profit from our natural resources, they must be required to pay their fair share.

Second, my amendment ensures that neither Iran nor China is allowed to profit from today's bill. Under my amendment, mineral resources deemed critical or strategic will be prohibited from export to Iran or China. No company that is owned by Iran or China will be allowed to mine American minerals, and under no circumstances will American minerals be exported to either of these nations.

In an age when Iran is threatening the security of our ally Israel, and the stability of the entire Middle East, this Congress must ensure that not a single American resource goes to supporting the dangerous Iranian regime. My

amendment would leave no doubt that the United States stands by our allies and that not an ounce of American minerals ends up in Iranian hands.

Furthermore, as my constituents know all too well, China routinely engages in unfair and anti-competitive behavior that has stolen American jobs and weakened our middle class. It is time that this Congress, and this country, stops the decades-long giveaway to China.

I am the author of the Reciprocal Market Access Act, a bipartisan bill that would finally put an end to the wholesale exporting of American manufacturing jobs to China, and my amendment today echoes this plan. With passage of my amendment today, we would make sure that the door is closed when China comes knocking to profit from our precious natural resources.

Finally, my amendment protects American jobs by prohibiting outsourcing, and requiring mining companies to use mining equipment that is made in the United States.

The sweat and blood of middle class Americans built the United States, and it is time that this Congress put their interests first. With my amendment today, we can do just that, by putting in place safeguards that protect American jobs and ensure that mining equipment is made in the USA.

I am introducing my amendment on behalf of the people of Rochester NY—they are some of the greatest workers that the world has ever known. My constituents are among the 300 million rightful owners of our Nation's natural resources, and I know that not a single one of them wants this Congress to simply give away our valuable assets to China, or outsource precious American jobs.

Over the last 2 years, the Majority has consistently pandered to corporate interests. The Majority has voted more than 100 times to benefit the oil industry, and even voted last year to give away Federal land to a single foreign mining company that has ties to Iran's nuclear program.

The Majority has also answered the wishes of the health insurance industry, including voting more than 30 times to dismantle historic healthcare reforms. They've continued this corporate care-giving right up until today as we prepare to vote on a bill that is a giveaway to corporate mining interests.

What we should be doing is voting on a jobs bill that helps people, not fattens corporate profits. But if the Majority insists on moving forward with flawed bills, we can at least close loopholes in order to protect the American people. By fixing three vital flaws within today's bill, my amendment will allow each of us to vote for our constituents and stand up for the middle class.

Again, my amendment will not kill the bill. If my amendment is adopted, the bill as amended will immediately be voted upon. I urge my colleagues to support my amendment, and stand with me as I fight to protect our natural resources and American-made jobs.

Mr. HASTINGS of Washington. Mr. Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. HASTINGS of Washington. Mr. Speaker, the underlying bill is about

American jobs and not only American mining jobs. Our manufacturing sector, as part of it, uses the minerals from these mining jobs. So it is much broader than that.

I have to comment on the tone here that we've heard over and over from the other side on this issue. The bill streamlines the bureaucracy and red tape. Every amendment that was offered today and the tone of all of their debate on this was to side with the bureaucracy that imposes more red tape.

What is even more ironic is that this is about mining in America. The arguments from the other side all day were "don't mine in America." What's the motion to recommit? Don't sell what we're going to mine in America. They didn't want to mine in the first place, and now they're saying we can't sell it if we mine it. It doesn't make any sense.

Mr. Speaker, this is a jobs bill for American workers. I urge rejection of the motion to recommit and "yes" on the underlying bill, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 181, nays 231, not voting 19, as follows:

[Roll No. 467]

YEAS—181

Altmire	Clay	Fudge
Andrews	Cleaver	Garamendi
Baca	Clyburn	Gonzalez
Baldwin	Cohen	Green, Al
Barber	Connolly (VA)	Green, Gene
Barrow	Conyers	Grijalva
Bass (CA)	Cooper	Gutierrez
Becerra	Costa	Hahn
Berkley	Costello	Hanabusa
Berman	Courtney	Hastings (FL)
Bishop (GA)	Crowley	Heinrich
Bishop (NY)	Cuellar	Higgins
Blumenauer	Cummings	Himes
Bonamici	Davis (CA)	Hinchee
Boren	Davis (IL)	Hinojosa
Boswell	DeFazio	Hirono
Brady (PA)	DeGette	Hochul
Braley (IA)	DeLauro	Holden
Brown (FL)	Deutch	Holt
Butterfield	Dingell	Honda
Capps	Doggett	Hoyer
Capuano	Donnelly (IN)	Israel
Carnahan	Doyle	Johnson (GA)
Carney	Edwards	Johnson, E. B.
Carson (IN)	Ellison	Jones
Castor (FL)	Engel	Kaptur
Chandler	Eshoo	Keating
Chu	Farr	Kildee
Cicilline	Fattah	Kind
Clarke (MI)	Filner	Kissell
Clarke (NY)	Frank (MA)	Kucinich

Gibson	Luetkemeyer	Rogers (MI)
Gingrey (GA)	Lungren, Daniel	Rohrbacher
Gohmert	E.	Rokita
Goodlatte	Mack	Rooney
Gosar	Manzullo	Ros-Lehtinen
Gowdy	Marchant	Roskam
Granger	Marino	Ross (AR)
Graves (GA)	Matheson	Ross (FL)
Graves (MO)	McCarthy (CA)	Royce
Griffin (AR)	McCaul	Runyan
Griffith (VA)	McClintock	Ryan (WI)
Grimm	McHenry	Scalise
Guinta	McIntyre	Schilling
Guthrie	McKeon	Schmidt
Hall	McKinley	Schock
Hanna	McMorris	Schweikert
Harper	Rodgers	Scott (SC)
Harris	Meehan	Scott, Austin
Hartzler	Mica	Sensenbrenner
Hastings (WA)	Miller (FL)	Sessions
Hayworth	Miller (MI)	Sewell
Heck	Miller, Gary	Shimkus
Hensarling	Mulvaney	Shuler
Herger	Murphy (PA)	Shuster
Herrera Beutler	Myrick	Simpson
Hochul	Neugebauer	Smith (NE)
Holden	Noem	Smith (NJ)
Huelskamp	Nugent	Smith (TX)
Huizenga (MI)	Nunes	Southerland
Hultgren	Nunnelee	Stearns
Hunter	Olson	Stivers
Hurt	Owens	Stutzman
Issa	Palazzo	Sullivan
Johnson (IL)	Paul	Terry
Johnson (OH)	Paulsen	Thompson (PA)
Johnson, Sam	Pearce	Thornberry
Jones	Pence	Tiberi
Jordan	Peterson	Tipton
Kelly	Petri	Turner (NY)
King (IA)	Pitts	Turner (OH)
King (NY)	Platts	Upton
Kingston	Poe (TX)	Walberg
Kinzinger (IL)	Pompeo	Walden
Kissell	Posey	Walsh (IL)
Kline	Price (GA)	Webster
Labrador	Quayle	West
Lamborn	Reed	Westmoreland
Lance	Rehberg	Whitfield
Landry	Reichert	Wilson (SC)
Lankford	Renacci	Wittman
Latham	Ribble	Wolf
LaTourette	Rigell	Womack
Latta	Rivera	Woodall
Lewis (CA)	Roby	Yoder
LoBiondo	Roe (TN)	Young (AK)
Long	Rogers (AL)	Young (FL)
Lucas	Rogers (KY)	Young (IN)

NOES—160		
Andrews	DeFazio	Johnson, E. B.
Baca	DeGette	Kaptur
Baldwin	DeLauro	Keating
Barber	Deutch	Kildee
Bass (CA)	Dingell	Kind
Becerra	Doggett	Kucinich
Berman	Doyle	Langevin
Bishop (NY)	Edwards	Larsen (WA)
Blumenauer	Ellison	Larson (CT)
Bonamici	Engel	Lee (CA)
Brady (PA)	Eshoo	Levin
Braley (IA)	Farr	Lewis (GA)
Brown (FL)	Fattah	Lipinski
Butterfield	Filner	Loebsock
Capps	Frank (MA)	Lofgren, Zoe
Capuano	Fudge	Lujan
Carnahan	Garamendi	Lynch
Carney	Gonzalez	Maloney
Carson (IN)	Green, Al	Markey
Castor (FL)	Green, Gene	Matsui
Chu	Grijalva	McCarthy (NY)
Cicilline	Gutierrez	McCollum
Clarke (MI)	Hahn	McDermott
Clarke (NY)	Hanabusa	McGovern
Clay	Hastings (FL)	McNerney
Cleaver	Heinrich	Meeks
Clyburn	Higgins	Michaud
Cohen	Himes	Miller (NC)
Connolly (VA)	Hinchey	Miller, George
Conyers	Hinojosa	Moore
Cooper	Hirono	Moran
Courtney	Holt	Murphy (CT)
Crowley	Honda	Nadler
Cummings	Hoyer	Napolitano
Davis (CA)	Israel	Neal
Davis (IL)	Johnson (GA)	Olver

Pallone	Sánchez, Linda	Thompson (MS)
Pascarell	T.	Tierney
Pastor (AZ)	Sanchez, Loretta	Tonko
Pelosi	Sarbanes	Towns
Perlmutter	Schakowsky	Tsongas
Peters	Schiff	Van Hollen
Pingree (ME)	Schrader	Velázquez
Polis	Schwartz	Visclosky
Price (NC)	Scott (VA)	Walz (MN)
Quigley	Scott, David	Wasserman
Rahall	Sherman	Schultz
Rangel	Sires	Waters
Richardson	Slaughter	Watt
Richmond	Smith (WA)	Waxman
Rothman (NJ)	Speler	Welch
Roybal-Allard	Stark	Wilson (FL)
Ruppersberger	Sutton	Woolsey
Ryan (OH)	Thompson (CA)	Yarmuth

NOT VOTING—15

Ackerman	Gallegly	Lummis
Akin	Jackson (IL)	Reyes
Bishop (UT)	Jackson Lee	Rush
Cardoza	(TX)	Serrano
Coble	Jenkins	
Dicks	Lowey	

□ 1250

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. AKIN. Mr. Speaker, on rollcall No. 468, had I been present, I would have voted "aye."

REMOVAL OF NAME OF MEMBER
AS COSPONSOR OF H.R. 835

Mr. CRAWFORD. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor from H.R. 835.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 3001. An act to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

H.R. 4155. An act to direct the head of each Federal department and agency to treat relevant military training as sufficient to satisfy training or certification requirements for Federal licenses.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Madam Speaker, I yield to the gentleman from Virginia, the majority leader, for the purposes of inquiring about the schedule for the week to come.

Mr. CANTOR. I thank the gentleman from Maryland, the Democratic whip, for yielding.

Madam Speaker, on Monday, the House is not in session. On Tuesday, the House will meet at noon for morn-

ing-hour and 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m. On Wednesday and Thursday, the House will meet at 10 a.m. for morning-hour and noon for legislative business. On Friday, the House will meet at 9 a.m. for legislative business. Last votes of the week are expected no later than 3 p.m.

Madam Speaker, the House will consider a number of bills under suspension of the rules, a complete list of which will be announced by the close of business tomorrow.

In addition, the House will consider H.R. 5872, the Sequestration Transparency Act, sponsored by Congressman JEB HENSARLING. This is a bill that will bring needed transparency to the administration's process for implementing devastating cuts to our national defense and many social programs on January 2. Chairman PAUL RYAN and the Budget Committee passed this bill in a bipartisan fashion, so I expect it to be brought up under suspension of the rules.

Finally, and in keeping with funding our national security, the House will consider H.R. 5856, the Department of Defense Appropriations Act, sponsored by Congressman BILL YOUNG. This will be the House's seventh appropriations bill of the year.

I expect the defense funding bill to be on the floor for the balance of the week. Members should be aware that late evening votes are possible on Wednesday, July 18, and Thursday, July 19.

Mr. HOYER. I thank the gentleman for that scheduling information.

As the gentleman knows, we have, as I calculate, 12 legislative days left to go in July and the beginning of August, of which 3 of those days we will be coming in at 6:30. As a result, we don't have much time left, and I would ask the gentleman if there is any expectation of having bills other than the regulatory—I understand one of those weeks will be the regulatory week. Other than the regulatory bills, will we have any jobs legislation on the floor?

Mr. CANTOR. I thank the gentleman for the question.

Madam Speaker, we've been, as the gentleman knows, very transparent about scheduling the floor, sending out a memo making Members aware of where we're headed for the remainder of the July period. I would say to the gentleman that, after next week, we will be focusing on cutting red tape, reducing the regulatory burden on our job creators. As we know, the regulatory atmosphere in this country is making it more difficult and more expensive for small businesses and large to create jobs. We'll be focusing on that.

The following week, Madam Speaker, will be the week in which we will bring forward a piece of legislation to stop the tax hikes to ensure that all Ameri-

cans know we are not going to see taxes go up for them at the end of this year.

In addition to that, we'll bring forward a bill that will be focused on how we get to a pro-growth tax system in this country, laying out the principles for tax reform and suggesting an expedited procedure so that we can actually achieve results for the American people so that our job creators and working families can get back to work.

Mr. HOYER. I understand the gentleman's answer, and I think we have consensus on this floor about cutting red tape and facilitating decisions by the Federal Government or by the State government or by local government. We have all heard that complaint throughout our careers. I think that's a legitimate concern for us to have. However, when I ask about a jobs bill, the gentleman responds on a couple of levels.

I think I may have mentioned this before, but what concerns me is that Bruce Bartlett, whom I think the gentleman probably knows, a former President Reagan and President H. W. Bush administration official, says that no hard evidence is offered for the claim that regulatory issues have increased. But he says that Republicans have embraced "the idea that government regulation is the principal factor holding back employment. They assert that Barack Obama has unleashed a tidal wave of new regulations, which has created uncertainty among businesses and prevents them from investing and hiring."

□ 1300

As I said, he says no hard evidence is offered for this claim. He then says:

In my opinion, regulatory uncertainty is a canard invented by Republicans that allows them to use current economic problems to pursue an agenda supported by the business community year in and year out. In other words, it's a simple case of political opportunism, not a serious effort to deal with high unemployment.

Now, that's his opinion, I understand that. But my concern is, if you ask an economist whether or not many of the pieces of legislation we've passed that we've called jobs bills—the gentleman's pointed that out—economists say in the short term—which is really what we need to deal, we need to deal in the short term and the long term—is not going to create jobs. This week, we haven't done anything to create jobs.

By the way, might I ask the gentleman, because I didn't see it next week, do we expect a 32nd or a 33rd vote on repealing the Affordable Care Act either next week, the week after, or the week after that? As the gentleman knows, CBS opines that we've spent some 80 hours on that issue, with whatever cost is attendant to that. You can answer both questions, I suppose, but certainly I would be interested and the Members would be interested to

know whether or not we're going to have another vote on repealing the Affordable Care Act.

I yield to my friend.

Mr. CANTOR. Madam Speaker, I thank the gentleman for yielding.

I would say to the gentleman about this week's vote—in fact, today—today we voted on a bill that helps us “Mine it in America.” The gentleman likes to speak about “making it in America.” Why shouldn't we also be mining it in America? So it's very much a bill to facilitate that business and industry in this country in an environmentally sensitive way. In fact, 22 of the gentleman's caucus Members joined us in that vote—“Mine it in America,” Madam Speaker.

As to the gentleman's question about the suggestion that perhaps the regulatory environment does not affect the potential growth or real growth in this country, that is something that I don't believe the gentleman agrees totally with that statement, because I know he and I both have worked on trying to streamline regulations here. We don't want overly burdensome regulations on small or large businesses or working families.

So again, I would take issue with the suggestion that economists would say that regulatory atmosphere and framework don't have anything to do with job creation. Of course it does. It has to do with the environment for one to take a risk, for investors to put capital to work, for entrepreneurs to go out and sign their name on the dotted line with the bank. Of course regulation has something to do with job creation and growth. That is exactly our point. And I hope the gentleman will join us in the week that we bring these red tape reduction bills to the floor to help us accomplish something so that we can roll back the unduly burdensome framework and make sure we have a smart framework of regulation so that we can see America grow.

As to the gentleman's final question about scheduling another repeal vote of ObamaCare, if the gentleman would like to do so, I'm happy to meet with him. Right now, as the gentleman knows, we have done that this week. And I would say to the gentleman, the reason why perhaps we spent so much time on that issue, it is the most personal issue to many millions of Americans. It's their health care; it's their family's health care. At the end of the day, this election season will underscore the importance of people engaging in this discussion and participating in our democracy because the kind of health care that we will have in this country will be determined by the outcome of the election.

The real question is, Madam Speaker, are we going to have Washington-based health care or patient-based health care? That's what it comes down to. Who's in the driver seat, patients and

their doctors, or Washington-based bureaucrats deciding what kind of coverage we can have? We all know what's happened with that approach under ObamaCare: costs have gone up, employers are beginning to shed the plans, and people will not be able to have the health care they have. That's why we've spent the time we have on this bill.

Mr. HOYER. Well, the gentleman knows full well I think you have wasted a lot of time on this House floor, wasted a lot of effort on this House floor knowing full well that that had no chance of passage and that you were simply appealing to the base that you were just appealing to. In fact, this gentleman believes that what you would do if your bill is passed, you would take away benefits from millions and millions and millions of people. I think that's incontestable. It's incontestable that seniors, who are now getting more help with the doughnut hole for their prescription drugs which enhance their quality and length of life, would lose it if we repealed the Affordable Care Act.

It is incontrovertible, I will tell my friend, that millions of young people who can't find a job unfortunately in this economy—and we haven't gotten any immediate jobs legislation that was offered by the President on this floor to even consider, pass or fail—millions of young people would lose their insurance.

Millions of children who have a pre-existing condition, who now, under the Affordable Care Act, cannot be precluded by the insurance companies—which is really who you want to put in—not you personally, but who the defeat of the Affordable Care Act would put insurance companies back in charge, not government bureaucrats, but insurance companies.

So many of your Republican Governors don't want to set up the exchanges. All the exchanges are setting up a free market of private sector insurers where people can make a judgment: Do they like policy A, B or C? It's very tough for consumers to determine right now whether they're getting a good bargain for the price they're paying for their health insurance, which is very expensive. And I will tell the gentleman that the Affordable Care Act will also create—CBO says, economists say—millions of jobs in the health care area. So, contrary to the gentleman's assertion that we are taking away care, in fact we are adding 30 million people access to affordable quality health care.

As Mr. Romney said, we are requiring responsibility. So everybody takes personal responsibility to make sure that, if they can, they will insure themselves. So, what? So that the rest of us won't have to pay when they go to the hospital or get sick. They will be responsible for themselves. And if they

need help, as Mr. Romney said in Massachusetts when RomneyCare was adopted—a model just like we've adopted for the Nation—it's important to make sure that they get some help. That's what that bill does.

In addition to that, we've made sure that people didn't have a serious illness and have the insurance companies—not government bureaucrats, not the government, but insurance companies—say you're too sick, we're not going to cover you anymore.

So I will tell my friend, he and I have a radically different view on what the consequences are of the 31 votes that we've had, that the gentleman knew were not going to pass the Senate, knew the President wasn't going to sign, and knew you didn't have the votes to override. You're making a political point, I understand that. There are people who disagree with the Affordable Care Act; I understand that as well. But I frankly think that, had we dealt with jobs legislation during that period of 80 hours and considered the President's jobs bill, we would have millions of more people employed today in America right now.

Now, let me just, so that there's no misunderstanding, so I don't neglect to respond to the gentleman's assertion, he's right. He and I agree: we need to cut government red tape; we need to speed approvals; we need to make sure that we do not impede, by regulation, the growth of our economy and the growth of jobs. I couldn't agree with him more. I think we ought to deal with that on a bipartisan basis, and hopefully we will continue—or perhaps start to do that, I might say, or continue to do that in some instances. But the gentleman is correct.

Now, let me ask you something, however, about the tax vote, because you also mentioned bringing taxes down. Let me ask you something: Do you expect that vote to come the last week that we are in session before the August break? I yield to my friend.

Mr. CANTOR. I'd say, Madam Speaker, to the gentleman, can you repeat the question?

Mr. HOYER. Yes. Do you expect the vote on taxes, which you have referred to, to occur the last week—which I believe is the 29th of July, the week of 29 July—to be on that week?

Mr. CANTOR. I would respond to the gentleman, Madam Speaker, that, yes, we have scheduled for that week a vote on the bill to extend existing rates. That extension will be for a year.

We will also be bringing up a bill that will outline the principles for tax reform that I know the gentleman also has said we need to reform our Tax Code so that we can help make it fairer, more simple, and so that we can see the economy grow again. Those vehicles will be brought up that week, yes, Madam Speaker.

Mr. HOYER. I'll look forward to seeing the latter bill because the gentleman is correct, I think we do need to reform our tax system. We need to make it simpler. I would like to see us reduce preference items and bring rates down, as the Bowles-Simpson/ Domenici-Rivlin—Gang of Six, whoever you want to refer to—has suggested. I think that's moving in the proper direction.

□ 1310

I also think we have to, however, frankly, make sure that we bring down the deficit and debt confronting this Nation. And I think, as Bowles-Simpson pointed out, you've got to do that in a balanced way.

Let me ask you something on these packages that you said are coming that last week. There have not yet been hearings on the ramifications of either of those bills, as I understand it, in the Ways and Means Committee.

Does the gentleman expect there to be hearings on those? And does the gentleman expect there to be a markup of either one of those bills in the Ways and Means Committee?

I yield to my friend.

Mr. CANTOR. Madam Speaker, I'd say to the gentleman, I think I disagree with the gentleman, there haven't been hearings.

I think, for the last year and a half, Chairman CAMP and his committee have been fast about looking at the Tax Code, talking about tax reform, divulging what it would mean for us to have an increased tax environment for this economy. We've been all about the economy and growth.

I'd say to the gentleman, he likes to say, why can't we do jobs bills? We have been doing jobs bills. He complains about the 30-some bills we've been doing relating to ObamaCare. I would say we've done even more than that relating to jobs.

I would ask the gentleman to just remember where those bills sit right now. They're on the doorstep of the Senate, and the leader over there refuses to bring them up.

And so, again, I'd say to the gentleman, we stand ready to work together so that we can produce results for the people that sent us here, and that is the purpose of bringing forward the bills that have been talked about, have been dissected, in terms of existing tax rates, where they may or may not go, how they affect growth in this economy. That's what we're doing.

We've had multiple votes, multiple hearings on tax reform, on what the tax rates mean, and this vote will be very clear. If you want to stop the tax hike for all Americans, at all income levels, you'll vote for the bill. If you want to engage in tax reform, if you feel the Tax Code is too complicated, it needs to be simplified, rates brought down, loopholes closed, you'll vote for the bill. It's that simple.

Mr. HOYER. When you say, I presume, as the gentleman said, we're talking about two different bills, are we not?

Mr. CANTOR. I would say to the gentleman, that is correct.

Mr. HOYER. I thank the gentleman for that clarification.

Let me say to the gentleman that when the gentleman says there have been hearings on tax reform, I think that's probably accurate. What there has not been, in my view and in Mr. LEVIN's, who's the ranking member of the committee, there's been no hearing on the ramifications of the bill, which, apparently, is going to be brought to the floor, which simply extends all the Bush-era tax cuts, ramifications to the deficit, ramifications to the debt and, indeed, ramifications to the economy.

I would say, with all due respect to my friend, the majority leader, I don't believe there have been hearings on that issue. There have been hearings on, should we reform the Tax Code. The gentleman and I agree. We should simplify it. We should reform the Tax Code. We should make it more compatible with economic growth, and very frankly, for average individual Americans who want to pay their taxes, would like to pay as little as possible, all of us would like to do that, but want to support their country as well.

So I don't really share the gentleman's view that there have been hearings on the ramifications of the bill that the gentleman says he's going to bring to the floor, and that's what I asked.

Now, let me ask you the other question, which was the second part of it. Is there going to be a markup of the bill which you're going to bring to the floor in terms of taxes? To clarify, so that Members on both sides of the aisle will have an opportunity to offer amendments in committee, make observations in committee as to the ramifications of that action, and that Members will have an opportunity to reflect on that bill.

I yield to my friend.

Mr. CANTOR. Madam Speaker, I would say to the gentleman, this is a very simple and clear choice here. Given this economy, if one wants to raise taxes on all Americans, you vote against the bill. If you want to go and help folks through a more simple Tax Code, and you want to look towards tax reform, you vote for the next bill. Straight up or down.

There has been enough discussion, enough hearings, in the Ways and Means Committee, as well as the Budget Committee. These issues were central to our budgets. Your Members on the Budget Committee, as well as ours, I had a full open hearing on that budget document and a markup.

We believe now's not the time to raise taxes on working people, small businesses and large. The economy is

anemic. We don't have enough job growth. Why do we want to take more of people's hard-earned money? That's why we're bringing this bill forward.

This bill is straight up or down. Stop the tax hike or not.

Mr. HOYER. I take it the answer is no, there will not be a markup on a bill that will have extraordinary consequences to all Americans, and possibly extraordinary consequences to the deficit and debt and to our economy. Am I correct in interpreting your answer as no, there will not be a markup of this very important bill? You will bring it straight to the floor without committee consideration? Is that an accurate interpretation of what you said?

I yield to the gentleman.

Mr. CANTOR. Madam Speaker, I think the gentleman has heard my response.

Mr. HOYER. Well, I did hear the response, and apparently I accurately characterized it. I think that's a shame, Mr. Majority Leader.

Mr. BOEHNER said that we were going to be an open House, that we were going to consider matters, and that everybody would have their opportunity to have their input.

Usually, tax bills are brought to the floor, not subject to amendment. You have just said, as I understand what you said, this bill, our way or the highway. If you don't like the bill the way we brought it to the floor, you're out of luck. You don't have an option. You can't put any of your ideas into this bill.

If that's the way you intend to consider this bill, Mr. Leader, I think that's unfortunate.

I yield to my friend.

Mr. CANTOR. Madam Speaker, the gentleman knows that his side of the aisle will have an opportunity to posit their position on taxes through the regular process of a motion to recommend. And as I had said publicly yesterday, when asked, are the Democrats in the House going to be able to offer the President's tax proposal, I said, absolutely they will.

So we'll see. We'll see, Madam Speaker, if the gentleman decides to put forward the President's tax proposal calling for a tax hike on American small businesses. We'll see if that happens, Madam Speaker. But we will see, and that will be the week it will happen.

You're either for stopping tax hikes or you're not.

Mr. HOYER. My way or the highway. That's what you just said, Mr. Leader. I understand that concept.

Very frankly, in my view, we have agreement. We have agreement on something that you won't bring to the floor, and it is that all middle class, working Americans will not get a tax hike, all of them. And everybody, up to \$250,000 of income, will have no tax increase.

But we have a big deficit and a big debt, and we need to pay our bills. We have a debt limit vote coming up at the end of this year. Very frankly, we took the country to the brink of default and very adversely affected our economy by undermining confidence.

You talked a lot about confidence in the last campaign, Mr. Leader. I agreed with you. I think we need to instill confidence, not undermine confidence.

But I will tell my friend that if you wanted to work together, as you've said on a number of occasions now, as for instance we did with the Export/Import bank, the bills that you sent over there, we didn't work together on. They were passed on a partisan vote, for the most part. Not all of them. And some votes were overwhelmingly bipartisan. And guess what happened? They became law. The President signed them. Export/Import bank, the jobs bill that you promoted and which I voted for.

You said you want to work together. Now, it's interesting when you say "work together," because what you say you're going to give us is a motion to recommit. And what you will instruct, and what your whip will instruct, is for all of your Members, vote "no," and your side will inaccurately say it is a purely procedural vote. And as you have for the last 18 months, your Members will vote "no" on motions to recommit, notwithstanding the fact that they may agree with the substance.

And the fact of the matter is, Mr. Leader, we can have a vote that ought to pass with 435 votes, 435 votes. Everybody in this Congress says that we ought to not have a tax increase on working Americans, on working Americans making less than \$250,000 in taxable income. As you know, that's more income.

□ 1320

But we won't get that vote except on an MTR, on which you have instructed your Members to vote "no," incorrectly arguing that it's a procedural vote only and not a substantive vote. I would say to my friend, not only will you not allow us an amendment on the floor, it appears, but you won't allow an amendment to be offered in committee so that we can vote on that.

Yes, we have disagreement; but you're prepared to hold hostage working Americans by saying, if the richest people in America might have a little bit of a tax increase, then everybody else is going to get a tax increase. You said it a different way, I understand; but the reality and the ramifications of the actions that you are proposing to follow will mean that we will not get a vote, which I think there is overwhelming support of, in making sure that working Americans and, yes, 97 percent of small businesses don't get any tax increase at all. We have agreement on that, Mr. Leader.

Why don't we bring that to the floor and show the American public that, yes, we can come together, as you have suggested; that yes, we can agree; and that yes, we can make sure that they don't get a tax increase? Then, yes, we can have a debate on the balance. You will take one position, and I may take another position, and the American public will see that, and then they can make a judgment as to with whom they agree.

Now, my view is an overwhelming majority of the public will agree with me, and you will think the overwhelming majority of the American public will agree with you. That's what democracy is about. Let us have this debate. Let us have this vote. Let us make sure that working Americans aren't held hostage to the wealthiest in our country.

Mr. CANTOR. Madam Speaker, what I would say to the gentleman is holding hostage working families is denying them a job. It's about jobs. The gentleman can play with the statistics all he wants and claim that 97 percent of the small businesses will get a tax break this way and that let's leave the other for later; but the significant fact is, it's with the others where the significant job growth can be.

Why would we want to go and tax job creators? We know that 50 percent of the people who will get a tax hike under the President's proposal get at least a quarter of their incomes from small business, and the more their incomes the more the percentage. That means the jobs.

So why would we want to stop job creators from hiring people? Because Washington takes more of their money. Why would we want tax rates to go up on anybody in this anemic economy? And why would we want to go and raise taxes when we haven't put an end to the out-of-control spending in Washington? Because what you're doing is digging the hole deeper.

That's our position, Madam Speaker.

So I would ask the gentleman straight up: Is the gentleman going to bring to the floor a motion to recommit for his proposal, the President's proposal? Is that going to be the motion to recommit? Will the gentleman actually put his words to work and have that be their motion to recommit?

Mr. HOYER. If the gentleman is asking me am I for the President's proposal, the answer is absolutely yes. I don't want the gentleman confused in any way. If the motion to recommit is the only option we have available, we are certainly going to discuss that option, but we're not going to pretend, either to ourselves or to the American people, that your side will treat it as a real vote.

Do you want to put it on the floor as an amendment? Do you want to have a real debate on it, not 5 minutes on one

side and 5 minutes on the other side, which the motion to recommit is limited to?

You're shutting us down—you're gagging us—and, yes, you're putting middle class taxpayers at risk because you know, I know, and the American people know the President of the United States has said he would veto your bill. He has said he will sign a bill that together we could pass making sure that 98 percent of Americans do not get a tax increase. What you are proposing to do, Mr. Leader, is to bring to the floor a bill which simply protects the 2 percent, that says that the 2 percent should not pay more. The gentleman says, oh, they're great job creators. I understand what the gentleman is saying.

By the way, the program you're going to offer, it was in place. It was in place from 2001, 2003 to 2009. You and I both know what happened, not solely because it was in place, of course—let us stipulate to that. The fact is we had the deepest recession in your lifetime and my lifetime and the lifetimes of anybody who is younger than 90 years of age under the program that you're proposing we continue with. I will tell you, Mr. Leader, I don't think that's a great way to proceed. At least we ought to have the opportunity to debate it. At least we ought to have more than 5 minutes on our side to tell the American people where we're coming from. At least we ought to have a vote where you don't instruct your Members it's a procedural vote and don't vote for it.

I will tell the gentleman with all clarity that the consequences of your act—and you do it knowledgeably—will be that middle class taxpayers will be put at risk. Why? Whether you agree with it or not, the President will veto it. The Senate, I don't think will pass it. The fact of the matter is we can do for 98 percent of Americans that which we agree on. You don't want them to have a tax increase. I don't want them to have a tax increase. We agree on that. Americans can not understand, when we agree on that, why we can't at least pass something on which we agree which will help 98 percent of Americans in this struggling economy, which is as you clearly point out.

Now, you point out—you didn't use the term—that we only added 80,000 jobs last month. I was disappointed by that; that was unfortunate. But in the last month of the previous administration, we lost 818,000 jobs in 1 month with your program in place. That's an 890,000, almost 900,000, turnaround. From 818,000 minus to 80,000 plus, we created 4.4 million jobs in the last 28 months. Not enough. Not enough by far.

I want to work with the gentleman to create many more—work with him on

jobs legislation, economic growth legislation, Make It in America legislation. If we could get some of that legislation to the floor, we think it would be helpful.

So I say to my friend that I feel very strongly, as you can tell, that if we are going to have this vote, which is an extraordinarily consequential vote, at least we ought to have a substitute—at least—not just an MTR, which your side incorrectly argues is just a procedural vote, not just a 5-minute debate on our side and a 5-minute debate on your side. Don't you think Americans expect more of us in terms of a very substantive debate on the floor of this House, not in a political forum but in a legislative policy forum? I would urge the gentleman to consider that objective.

If the gentleman has nothing further, I yield back the balance of my time.

HOUR OF MEETING ON TOMORROW

Mr. CANTOR. Madam Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 a.m. tomorrow, and further when the House adjourns on that day, it adjourn to meet at noon on Tuesday, July 17, 2012, for morning-hour debate and 2 p.m. for legislative business.

The SPEAKER pro tempore (Ms. HERRERA BEUTLER). Is there objection to the request of the gentleman from Virginia?

There was no objection.

RULE BY THE FEW PLUTOCRATS THREATENS OUR REPUBLIC

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. Madam Speaker, I rise today to draw attention to how campaign super PACs are contributing unlimited campaign spending, which shifts enormous political power to the superwealthy. Rule by the few plutocrats truly threatens our Republic and greatly harms representative government.

Here is a great cartoon. It was in the Toledo Blade by Paul Kirk. It shows how the super PACs really have a stranglehold on the politics of this country.

With the Citizens United ruling by the Supreme Court, they threw away decades of legal precedent governing campaign contributions. The result has been a growing stranglehold by the money barons on good government and our political process. The American people know it, and they know we're not doing anything about it.

At a minimum, we should demand greater transparency of who is actually giving this money. No more hidden donors. I urge my colleagues to sign discharge petition 4010, which is here on the floor today, to move a bill for dis-

closure to the floor. What we really should do is pass a constitutional amendment to allow for campaign spending and contribution limits. I had that bill; and I've had that bill Congress, after Congress, after Congress. It's House Resolution 8. I encourage my colleagues to join me as cosponsors.

Let's do what Canada and Britain have done, and that's to rein in the control of the many by the few money barons.

□ 1330

MADE IN AMERICA, AN ECONOMIC SOLUTION

(Mr. ISRAEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ISRAEL. Madam Speaker, today we learn that American athletes competing in the Olympics will wear uniforms made in China. That not only hurts our pride; it hurts our economy.

"Made in America" is not just a label; it is an economic solution. Today there are 600,000 vacant manufacturing jobs in this country, and the Olympic committee is outsourcing the manufacturing of uniforms to China. That is not just outrageous; it is just plain dumb. It is self-defeating.

I understand and my constituents understand the hard work, the skills, and the dedication of athletes competing in the Olympics. I think the Olympic committee has to understand the hard work, the dedication, and the skills of America's apparel manufacturers, designers, and small businesses. That's why today I'm calling on the Olympic committee to reverse this decision and make sure that American athletes competing in the Olympics are competing with labels that say "Made in America."

THE WORDS OF MARK HELPRIN

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. GOHMERT) is recognized for 60 minutes as the designee of the majority leader.

Mr. GOHMERT. Mark Helprin is an author who was educated at Harvard, Oxford, Princeton, Columbia, having also served in the British Merchant Navy and Israeli Military. I will simply convey his words in an article first printed in Hillsdale College's *Imprimis* 3 years before 9/11 propelled us into the realization that we had been at war for over 20 years, but only the other side knew it was a war, and also before we knew how crushing and debilitating our enormous debt would be and has become.

I've shortened the words a bit and provided them here as they express my

heart more exquisitely than my own written words could:

When letters took a month by sea and the records of the United States Government could be moved in a single wagon pulled by two horses, we had great statesmanship. We had men of integrity and genius: Washington, Hamilton, Franklin, Jefferson, Adams, Madison, Monroe. These were men who were in love with principle, as if it were an art, which in their practice they made it.

They studied empires that had fallen for the sake of doing what was right in a small country that had barely risen and were able to see things so clearly that they surpassed in greatness each and every one of the classical models that they had approached in awe.

Now, lost in the sins and complexity of a Xanadu, when we desperately need their high qualities of thought, their patience of deliberation and their unerring sense of balance, we have only what we have, which is a political class that in the main has abandoned the essential qualities of statesmanship with the excuse that these are inappropriate to our age. They are wrong. Not only do they fail to honor the principles of statesmanship, they fail to recognize them, having failed to learn them, having failed to want to learn them.

In the main, they are in it for themselves. Were they not, they would have a higher rate of attrition, falling with the colors of what they believe rather than always landing on their feet—adroitly, but in dishonor. In light of their vows and responsibilities, this constitutes not merely a failure, but a betrayal. And it is a betrayal of not only statesmanship and principle, but of country and kin.

Why is that? It is because things matter. Even though it be played like a game by men who excel at making it a game, our life in this country, our history in this country, the sacrifices that have been made for this country, the lives that have been given to this country, are not a game. My life is not a game. My children's lives are not a game. My parents' lives were not a game. Your life is not a game.

Yes, it's true, we do have accumulated great stores of power, of wealth, and decency against which those who pretend to lead us can draw when, as a result of their vanities and ineptitudes, they waste and expend the gifts of previous generations. The margin of error bequeathed to them allows them to present their failures as successes.

They say, as we are still standing, and a chicken is in the pot, What does it matter if I break the links between action and consequence, work and reward, crime and punishment, merit and advancement? I myself cannot imagine a military threat and never could. So what does it matter if I weld shut the silo hatches on our ballistic missile submarines? What does it matter if I weld shut my eyes to the weapons of mass destruction in the hands of lunatics who are building long-range missiles?

Our jurisprudence is the envy of the world, so what does it matter if now and then I perjure myself a little? What is an oath? What is a pledge? What is a sacred trust? Are not these things the province of the kinds of people who were foolish enough to do without all of their lives, to wear ruts in the Oregon Trail, to brave the seas, to die on the beaches of Normandy and Iwo Jima, and on the battlefields of Shiloh and Antietam for me so that I can draw from America's great accounts and look good, and be Presidential, and have fun in all kinds of ways?

That is what they say—if not in words, then indelibly in actions. They who, in robbing Peter to pay Paul, present themselves

as payers and forget that they are also robbers. They who, with studied compassion, minister to some of us at the expense of others. They who make goodness and charity a public profession, depending on their election upon a well-mannered embrace of these things and the power to move them not from within themselves or by their own sacrifices but, by compulsion, from others. They who, knowing very little or next to nothing, take pride in eagerly telling everyone else what to do. They who believe absolutely in their recitation of pieties, not because they believe in the pieties, but because they believe in themselves.

Nearly 400 years of America's hard-earned accounts, the principles we established, the battles we fought, the morals we upheld for century after century, our very humility before God, now flow promiscuously through our hands like blood onto sand, squandered and laid waste by a generation that imagines history to have been but a prelude for what it would accomplish. More than a pity, more than a shame, it is despicable. And yet this parlous condition, this agony of weak men, this betrayal, and this disgusting show are not the end of things.

Principles are eternal. They stem not from our resolution or lack of it, but from elsewhere where, in patient and infinite ranks, they simply wait to be called. They can be read in history.

□ 1340

They arise as if of their own accord when, in the face of danger, natural courage comes into play and honor and defiance are born. Things such as courage and honor are the mortal equivalent of certain laws written throughout the universe. The rules of symmetry and proportion, the laws of physics, the perfection of mathematics, human will, that not only natural law but our own best aspirations have a life of their own. They have lasted through far greater abuse than abuses them now. They can be neglected, but they cannot be lost. They can be thrown down, but they cannot be broken.

Each of them is a different expression of a single quality, from which each arises in its hour of need. Some come to the fore as others stay back, and then, with changing circumstance, those that have gone unnoticed rise to the occasion.

Rise to the occasion. The principle suggests itself from a phrase, and such principles suggest easily and flow generously. You can grab them out of the air from phrases, from memories, from images.

A statesman must rise to the occasion. Democrats can do this. Harry Truman had the discipline of plowing a straight row 10, 12, and 14 hours a day, of rising and retiring with the sun, of struggling with temperamental machinery, of suffering heat and cold and one injury after another. After a short time on a farm, presumptions about ruling others tend to vanish. It is as if you are pulled to earth and held there.

The man who works the land is hard put to think that he would direct armies and nations. Truman understood the grave responsibility of being President of the United States, and that it was a task too great for him or anyone else to accomplish without doing a great deal of injury—if not to some, then to others. He understood that, therefore, he had to transcend himself. There would be little enjoyment of the job, because he had to be always aware of the enormous consequences of everything he did. Contrast this with the unspeakably vulgar pleasure in office of President Clinton.

Truman, absolutely certain that the mantle he assumed was far greater than he could ever be, was continually and deliberately aware of the weight of history, the accomplishments of his predecessors, and, by humble and imaginative projection, his own inadequacy. The sobriety and care that derived from this allowed him a rare privilege for modern Presidents to give to the Presidency more than he took from it. It is not possible to occupy the Oval Office without arrogantly looting its assets or nobly adding to them. May God bless the President who adds to them, and may God condemn the President who loots them.

America would not have come out of the Civil War as it did had it not been led by Lincoln and Lee. The battles raged for 5 years, but for 100 years in the country, both North and South, modeled itself on their character. They exemplified most perfectly Churchill's statement, "Public men charged with the conduct of the war should live in a continual stress of soul."

The continual stress of soul is necessary as well in peacetime, because for every good deed in public life, there is a counterbalance. Benefits are given only after taxes are taken. That is part of governance. The statesman, who represents the whole Nation, sees in the equilibrium for which he strives a continual tension between victory and defeat. If he did not understand this, he would have no stress of soul, he would merely be happy—about money showered upon the orphan, taken from the widow; about children sent to day care, so that they may be long absent from their parents; about merciful parole of criminals, who kill again. Whereas a statesman knows continual stress of soul, a politician is happy, for he knows not what he does.

It is difficult for individuals or nations to recognize that war and peace alternate, but they do. No matter how long peace may last, it will end in war. Though most people cannot believe at this moment that the United States of America will ever actually fight for its survival, history guarantees that it will. And, when it does, most people will not know what to do. They will believe of war, as they did of peace, that it is everlasting.

The statesman, who is different from everyone else, will, in the midst of common despair, see the end of war, just as during the peace he was alive to the inevitability of war, and saw it coming in the far distance, as if it were a gray wave moving quietly across a dark sea.

The politician will revel with his people and enjoy their enjoyments. The statesman, in continual stress of soul, will think of destruction. As others move in the light, he will move in the darkness, so that as others move in darkness, he may move in the light. This tenacity, that is given to those of long and insistent vision, is what saves nations.

A statesman must have a temperament that is suited for the Medal of Honor, in a soul that is unafraid to die. Electorates rightly favor those who have endured combat, not as a matter of reward for service, as is commonly believed, but because the willingness of the soldier to give his life is a strong sign of his correct priorities, and that in the future he will truly understand that statesmen are not rulers but are servants. It seems clear, even in these years of squalid degradation, that having risked death for the sake of honor is better than having risked dishonor for the sake of life.

No matter what you're told by the sophisticated classes that see virtue in every form of corruption and corruption in every form of virtue, I think you know, as I do, that the

American people hunger for acts of integrity and courage. The American people hunger for a statesman magnetized by the truth, unwilling to give up his good name, uninterested in calculation only for the sake of victory, unable to put his interests before those of the Nation.

What this means in practical terms is no focus groups, no polls, no triangulation, no evasion, no broken promises, and no lies. These are the tools of the chameleon. They are employed to cheat the American people of honest answers to direct questions. If the average politician, for fear that he may lose something, is incapable of even a genuine "yes" or "no," how is he supposed to rise to the great occasions of state? How is he supposed to face a destructive and implacable enemy? How is he supposed to understand the rightful destiny of his country and lead it there?

□ 1350

At the coronation of an English monarch, he is given a sword. Elizabeth II took it last, and as she held it before the altar, she heard these words:

"Receive this kingly sword, brought now from the altar of God and delivered to you by us, the Bishops and servants of God, though unworthy. With this sword do justice, stop the growth of iniquity, protect the holy Church of God, help and defend widows and orphans, restore the things that are gone to decay, maintain the things that are restored, punish and reform what is amiss, and confirm what is in good order; that doing these things may be glorious in all virtue; and so faithfully serve our Lord."

Would that we in America come once again to understand that statesmanship is not the appetite for power but—because things matter—a holy calling of self-abnegation and self-sacrifice. We have made it something else. Nonetheless, after and despite its betrayal, statesmanship remains the manifestation, in political terms of beauty, and balance, and truth. It is the courage to tell the truth, and thus discern what is ahead. It is a mastery of symmetry of forces, illuminated by the genius of speaking to the heart of things.

Statesmanship is a quality that, though it may be betrayed, is always ready to be taken up again merely by honest subscription to its great themes. Have confidence that even in idleness its strengths are growing, for it is a providential gift given to us in times of need. Evidently we do not need it now, but as the world is forever interesting, the time will surely come when we do. And then, so help me God, I believe that, solely by the grace of God, the corrupt will be thrown down and the virtuous will rise up.

Slavery was an abomination, but statesmen arose and fought until its demise. But 13 years after the foregoing words were first said, we do so desperately need that statesmanship, and God's unmitigated grace, so that His providential gift of this Nation to us may endure for additional generations and, in the process, may God resume blessing these United States of America.

Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. COBLE (at the request of Mr. CAN-TOR) for today on account of personal reasons.

Ms. JACKSON LEE of Texas (at the request of Ms. PELOSI) for today on account of business in district.

Mr. RUSH (at the request of Ms. PELOSI) for today.

ADJOURNMENT

Mr. GOHMERT. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 55 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, July 13, 2012, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6872. A letter from the Under Secretary, Department of Defense, transmitting a report of a violation of the Antideficiency Act, Army Case Number 10-02; to the Committee on Appropriations.

6873. A letter from the Chairman, National Labor Relations Board, transmitting notification of two violations of the Antideficiency Act, as required by section 1351 of Title 31, United States Code, pursuant to 31 U.S.C. 1351; to the Committee on Appropriations.

6874. A letter from the Chairman and President, Export-Import Bank, transmitting a report on transactions involving U.S. exports to Australia pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended; to the Committee on Financial Services.

6875. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's 2011 Annual Report of the Securities Investor Protection Corporation; to the Committee on Financial Services.

6876. A letter from the Surgeon General, Department of Health and Human Services, transmitting third annual Status Report from the National Prevention, Health Promotion and Public Health Council; to the Committee on Energy and Commerce.

6877. A letter from the Deputy Division Chief, Pricing Policy Division, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing a Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform-Mobility Fund [WC Docket No.: 10-90] [GN Docket No.: 09-51] [WC Docket No.: 07-135] [WC Docket No.: 05-337] [CC Docket No.: 01-92] [CC Docket No.: 96-45] [WC Docket No.: 03-109] [WT Docket No.: 10-208] received June 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6878. A letter from the Chief of Staff, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Improving Spectrum Efficiency Through Flexible Channel Spacing and Bandwidth Utilization for

Economic Area-based 800 MHz Specialized Mobile Radio Licensees; Request for Declaratory Ruling that the Commission's Rules Authorize Greater than 25 kHz Bandwidth Operations in the 817-824/862-869 MHz Band [WT Docket No.: 12-64] [WT Docket No.: 11-110] received June 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6879. A letter from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Wireline Competition Bureau Announces Support Amounts For Connect America Fund Phase One Incremental Support [WC Docket Nos.: 10-90, 05-337] received June 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6880. A letter from the Chief of Staff, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule — Wireless Telecommunications Bureau and Public Safety and Homeland Security Bureau Suspend the Acceptance and Processing of Certain Part 22 and 90 Applications for 470-512 MHz (T-Band) Spectrum received June 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6881. A letter from the Deputy Bureau Chief, Wireline Competition Bureau, Federal Communications Commission, transmitting the Commission's final rule — Connect America Fund; High-Cost Universal Service Support; [WC Docket No.: 10-90] [WC Docket No.: 05-337] received June 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6882. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Advance Notification to Native American Tribes of Transportation of Certain Types of Nuclear Waste [NRC-1999-0005] (RIN: 3150-AG41) received June 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6883. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — NRC Enforcement Policy Revision [NRC-2011-0176] received June 19, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6884. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting a notice of proposed follow-on lease with the Government of Singapore (Transmittal No. 04-12) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6885. A letter from the Acting Secretary, Department of Commerce, transmitting a certification of export to China; to the Committee on Foreign Affairs.

6886. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting report prepared by the Department of State concerning international agreements other than treaties entered into by the United States to be transmitted to the Congress within the sixty-day period specified in the Case-Zablocki Act; to the Committee on Foreign Affairs.

6887. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to transnational criminal organizations that was declared in

Executive Order 13581 of July 24, 2011; to the Committee on Foreign Affairs.

6888. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to the former Liberian regime of Charles Taylor that was declared in Executive Order 13348 of July 22, 2004; to the Committee on Foreign Affairs.

6889. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6890. A letter from the Secretary, Department of Transportation, transmitting the Semiannual Report of the Office of Inspector General for the period ending March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6891. A letter from the Associate General Counsel, Department of Agriculture, transmitting two reports pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6892. A letter from the Secretary, Department of the Treasury, transmitting the Department's semiannual reports from the Treasury Inspector General and the Treasury Inspector General for Tax Administration; to the Committee on Oversight and Government Reform.

6893. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management report for the period ending March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6894. A letter from the Special Counsel for Congressional/Intergovernmental Affairs, National Labor Relations Board, transmitting the Board's semiannual report from the office of the Inspector General for the period October 1, 2011 through March 31, 2012; to the Committee on Oversight and Government Reform.

6895. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2011 through March 31, 2012; to the Committee on Oversight and Government Reform.

6896. A letter from the Administrator, Small Business Administration, transmitting the Administration's semiannual report from the office of the Inspector General for the period October 1, 2011 through March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Oversight and Government Reform.

6897. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Coastal Fisheries Cooperative Management Act Provisions; American Lobster Fishery [Docket No.: 110722404-1073-02] (RIN: 0648-BA56) received June 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6898. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final

rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area [Docket No.: 111213751-2102-02] (RIN: 0648-XC061) received June 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6899. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod for American Fisheries Act Catcher/Processors Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No.: 111213751-2102-02] (RIN: 0648-XC064) received June 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6900. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 24 [Docket No.: 101202599-2122-02] (RIN: 0648-BA52) received June 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6901. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Accountability Measures for the Recreational Sector of Gray Triggerfish in the Gulf of Mexico for the 2012 Fishing Year [Docket No.: 120417412-2412-01] (RIN: 0648-XC036) received June 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6902. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Northern Rockfish in the Bering Sea and Aleutian Islands Management Area [Docket No.: 111213751-2102-02] (RIN: 0648-XC052) received June 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6903. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Commercial Porbeagle Shark Fishery Closure [RIN: 0648-XC044] received June 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6904. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Western Pacific Pelagic Fisheries; Modification of American Samoa Large Vessel Prohibited Area [Docket No.: 110909578-2120-02] (RIN: 0648-BB45) received June 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6905. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Amendment 18A [Docket No.: 120309176-2075-02] (RIN: 0648-BB56) re-

ceived June 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6906. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Framework Adjustment 47 [Docket No.: 120109034-2171-01] (RIN: 0648-BB62) received June 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6907. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures; Correction [Docket No.: 110707371-2136-02] (RIN: 0648-BB28) received June 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6908. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Biennial Specifications and Management Measures; Inseason Adjustments [Docket No.: 100804324-1265-02] (RIN: 0648-BC11) received June 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6909. A letter from the Acting Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Recreational Accountability Measures [Docket No.: 111128700-2405-02] (RIN: 0648-BB66) received June 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6910. A letter from the Clerk, Court of Appeals, transmitting an opinion of the United States Court of Appeals for the Seventh Circuit, *Exelon Generation Company, LLC v. Local 15, International Brotherhood of Electrical Workers*, No. 11-2423, (May 31, 2012); to the Committee on the Judiciary.

6911. A letter from the Auditor, Congressional Medal of Honor Society, transmitting the annual financial report of the Society for calendar year 2011, pursuant to 36 U.S.C. 1101(19) and 1103; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 3120. A bill to amend the Immigration and Nationality Act to require accreditation of certain educational institutions for purposes of a nonimmigrant student visa, and for other purposes; with an amendment (Rept. 112-595). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Ms. EDWARDS, and Mr. LIPINSKI):

H.R. 6106. A bill to establish scientific standards and protocols across forensic disciplines, and for other purposes; to the Committee on Science, Space, and Technology, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL (for himself, Mr. THOMPSON of Pennsylvania, Mrs. CHRISTENSEN, Mr. JONES, Mr. MEEKS, Mr. MCCAUL, Mr. BISHOP of Georgia, Ms. SCHAKOWSKY, Ms. RICHARDSON, Ms. BERKLEY, Ms. CHU, Mr. PLATTS, and Mr. KELLY):

H.R. 6107. A bill to amend title 38, United States Code, to improve the ability of health care professionals to treat veterans via telemedicine; to the Committee on Veterans' Affairs.

By Mr. FLORES:

H.R. 6108. A bill to reduce the pay of Members of Congress who miss votes because of campaigning for election to another office; to the Committee on House Administration, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself, Mr. RANGEL, Mr. McDERMOTT, Mr. LEWIS of Georgia, Mr. NEAL, Mr. BECERRA, Mr. BLUMENAUER, Mr. KIND, Mr. PASCRELL, Mr. CROWLEY, and Ms. BERKLEY):

H.R. 6109. A bill to amend the Internal Revenue Code of 1986 to extend the research and development tax credit, to limit treaty benefits with respect to certain deductible related-party payments, and to treat general aviation aircraft as 7-year property; to the Committee on Ways and Means.

By Mr. LIPINSKI (for himself, Mr. LATOURETTE, Mr. MICHAUD, Ms. KAPTUR, and Mr. CONYERS):

H.R. 6110. A bill to establish educational seminars at United States ports of entry to improve the ability of U.S. Customs and Border Protection personnel to classify and appraise articles that are imported into the United States in accordance with the customs laws of the United States; to the Committee on Ways and Means.

By Mr. HECK (for himself and Mr. RENACCI):

H.R. 6111. A bill to exclude from consideration as income under the United States Housing Act of 1937 payments of pension made under section 1521 of title 38, United States Code, to veterans who are in need of regular aid and attendance; to the Committee on Financial Services.

By Mr. WOODALL (for himself, Mr. FRANKS of Arizona, Mr. McCLINTOCK, Mr. WILSON of South Carolina, Mr. AUSTIN SCOTT of Georgia, Mr. CAMPBELL, Mr. KING of Iowa, Mr. WESTMORELAND, Mr. JONES, Mr. LONG, Mr. OLSON, Mr. SCOTT of South Carolina, and Mr. FITZPATRICK):

H.R. 6112. A bill to require Federal contractors and other recipients of Federal funds to participate in the E-Verify Program for employment eligibility verification, to permanently reauthorize the E-Verify Program,

and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LUMMIS (for herself and Mr. RAHALL):

H.R. 6113. A bill to repeal a limitation on annual payments under the Surface Mining Control and Reclamation Act of 1977; to the Committee on Natural Resources.

By Mr. BENISHEK:

H.R. 6114. A bill to amend title 40, United States Code, to grant veterans access to Federal excess and surplus property; to the Committee on Oversight and Government Reform.

By Ms. BUERKLE (for herself and Mr. KELLY):

H.R. 6115. A bill to amend the Internal Revenue Code of 1986 to increase the contribution limit for Coverdell education savings accounts from \$2,000 to \$10,000; to the Committee on Ways and Means.

By Mrs. CHRISTENSEN (for herself, Mr. FALCOMA, Ms. BORDALLO, Mr. CLAY, Mr. CLEAVER, Ms. LEE of California, Mr. TOWNS, Mr. JOHNSON of Georgia, Mr. DAVIS of Illinois, Mr. CONYERS, Mr. WATT, Ms. CLARKE of New York, Mr. HASTINGS of Florida, Mr. RANGEL, Mr. THOMPSON of Mississippi, Mr. RICHMOND, Mr. BUTTERFIELD, Ms. FUDGE, Mr. SCOTT of Virginia, Mr. AL GREEN of Texas, Ms. EDWARDS, Ms. WATERS, Mr. MEEKS, Mr. BISHOP of Georgia, Ms. BASS of California, Ms. MOORE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. NORTON, Ms. RICHARDSON, Ms. WILSON of Florida, Ms. BROWN of Florida, Mr. RUSH, and Ms. JACKSON LEE of Texas):

H.R. 6116. A bill to amend the Revised Organic Act of the Virgin Islands to provide for direct appeals to the United States Supreme Court of decisions of the Virgin Islands Supreme Court; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mr. BERMAN, Mr. NADLER, Ms. ZOE LOFGREN of California, Mr. COHEN, Mr. JOHNSON of Georgia, Ms. CHU, Ms. LINDA T. SANCHEZ of California, Ms. SCHAKOWSKY, Ms. NORTON, Mr. DINGELL, Mr. GEORGE MILLER of California, Ms. MCCOLLUM, Mr. KUCINICH, Mr. CAPUANO, Mr. FILNER, Ms. LEE of California, Mr. GUTIERREZ, Mr. DOGETT, and Mr. GRIJALVA):

H.R. 6117. A bill to amend title 11, United States Code, to improve protections for employees and retirees in business bankruptcies; to the Committee on the Judiciary.

By Mr. GRIMM (for himself, Mr. ROSKAM, Mr. WOMACK, and Mr. ROSS of Arkansas):

H.R. 6118. A bill to amend section 353 of the Public Health Service Act with respect to suspension, revocation, and limitation of laboratory certification; to the Committee on Energy and Commerce.

By Mr. HONDA:

H.R. 6119. A bill to establish a program to accelerate entrepreneurship and innovation by partnering world-class entrepreneurs with Federal agencies; to the Committee on Oversight and Government Reform.

By Mr. HONDA (for himself, Mr. CARNAHAN, Mr. CARNEY, Mr. CICILLINE, Mr. ELLISON, Mr. LARSEN of Washington, Ms. LEE of California, Mr. RYAN of Ohio, and Mr. WELCH):

H.R. 6120. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for qualified manufacturing facility construction costs; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself, Mr. SHUSTER, Mr. CUMMINGS, Mr. DOLD, Mr. LEWIS of Georgia, Mr. YOUNG of Alaska, Mr. CHANDLER, Mr. COOPER, Mr. TIBERI, Mr. ROONEY, Mr. CRITZ, Ms. EDWARDS, Mr. WALZ of Minnesota, Mr. YARMUTH, Ms. ESHOO, Mr. SIRE, Ms. ZOE LOFGREN of California, Mr. TOWNS, Mr. MCDERMOTT, Mr. SERRANO, Ms. MATSUI, Mr. BOSWELL, Mr. THOMPSON of California, Mr. DICKS, Mr. DEFazio, Mr. MCGOVERN, Mr. QUIGLEY, Mr. GENE GREEN of Texas, Mr. BLUMENAUER, Ms. SUTTON, Ms. PINGREE of Maine, Mr. TIERNEY, Mr. LANGEVIN, Mr. DEUTCH, Ms. SEWELL, Mr. CARSON of Indiana, Ms. JACKSON LEE of Texas, Mr. ISRAEL, Ms. DEGETTE, Mr. ALTMIRE, Mr. THOMPSON of Mississippi, Mr. RUPERSBERGER, Mr. ACKERMAN, Mr. BISHOP of Georgia, Ms. BASS of California, Mr. PERLMUTTER, Mr. REYES, Ms. MOORE, Mr. LUJÁN, Mr. HINOJOSA, Ms. HAHN, Mr. BACA, Ms. VELÁZQUEZ, Mr. JACKSON of Illinois, Mr. ROSS of Arkansas, Mr. MARINO, Mr. BARLETTA, Mr. MCNERNEY, Mr. GERLACH, Mr. DENT, Mr. WATT, Mr. FLEISCHMANN, Mr. HASTINGS of Florida, Mr. GUTHRIE, Mr. MURPHY of Pennsylvania, Mr. SHULER, Mr. HEINRICH, Mr. THOMPSON of Pennsylvania, Mr. LATOURETTE, Mr. FRELINGHUYSEN, Mr. MCHENRY, Mrs. BONO MACK, Mr. DOYLE, Mr. TURNER of Ohio, Mr. RICHMOND, Mr. ANDREWS, Ms. WOOLSEY, Mrs. MALONEY, Mr. WELCH, Mrs. MCCARTHY of New York, Ms. BONAMICI, Ms. DELAURO, Mr. MURPHY of Connecticut, Mr. COURTNEY, Mr. CAPUANO, Mr. GRIJALVA, Mr. HOLDEN, Mr. CLAY, Mr. BRADY of Pennsylvania, Mr. RAHALL, Mr. BISHOP of New York, Mr. FATTAH, Mr. CARNAHAN, Mr. COSTA, Ms. LORETTA SANCHEZ of California, Mr. RANGEL, Ms. BORDALLO, Mr. VISCLOSKEY, Ms. RICHARDSON, Ms. CLARKE of New York, Ms. MCCOLLUM, Ms. KAPTUR, Ms. NORTON, Mr. LARSEN of Washington, Mrs. DAVIS of California, Mr. HIGGINS, Mr. HIMES, Mr. CONNOLLY of Virginia, Ms. HOCHUL, Ms. CHU, Mr. AL GREEN of Texas, Mr. VAN HOLLEN, Ms. ROYBAL-ALLARD, Mr. STARK, Mr. CICILLINE, and Mr. LANCE):

H.R. 6121. A bill to provide for the issuance of a Victory for Veterans stamp, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DANIEL E. LUNGREN of California:

H.R. 6122. A bill to revise the authority of the Librarian of Congress to accept gifts and bequests on behalf of the Library, and for other purposes; to the Committee on House Administration.

By Ms. MATSUI:

H.R. 6123. A bill to clarify the authority of the Secretary of the Army to correct erroneous Army College Fund benefit amounts; to the Committee on Armed Services.

By Mr. NADLER:

H.R. 6124. A bill to direct the Secretary of Transportation to issue regulations with respect to ensuring families are able to sit together on flights, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. RENACCI (for himself and Mr. PERLMUTTER):

H.R. 6125. A bill to amend the Federal Deposit Insurance Act and the Federal Credit Union Act with respect to privilege of information provided to Federal and State agencies, and for other purposes; to the Committee on Financial Services.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mr. ELLISON, Mr. CARSON of Indiana, Mr. CONYERS, Mr. HOLT, Mr. CONNOLLY of Virginia, Mr. RUSH, Ms. BORDALLO, Mr. CARNAHAN, Ms. FUDGE, Ms. LEE of California, Mr. VISCLOSKEY, Ms. MOORE, Mr. STARK, Mr. GRIJALVA, Mr. PASCRELL, Mr. HONDA, Mr. TOWNS, Mr. SHERMAN, Ms. MCCOLLUM, Ms. JACKSON LEE of Texas, Ms. CHU, Ms. CLARKE of New York, Mr. CLEAVER, and Mr. FILNER):

H. Res. 728. A resolution recognizing the commencement of Ramadan, the Islamic holy month of fasting and spiritual renewal, and commending Muslims in the United States and throughout the world for their faith; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. FILNER introduced a bill (H.R. 6126) for the relief of Azucena Salazar Bazan; which was referred to the Committee on the Judiciary.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 6106.
Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following: Article I, section 8 of the Constitution of the United States.

By Mr. RANGEL:

H.R. 6107.
Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following: Congress is given the power under the Constitution "To raise and support Armies," "To provide and maintain a Navy," and "To make Rules for the Government and Regulation of the land and naval Forces." Art. I, §8, cls. 12-14. See also: *ROSTKER V. GOLDBERG*, 453 U. S. 57 (1981)

By Mr. FLORES:

H.R. 6108.
Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 9, Clause 7 which states that no money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement

and Account of the Receipts and Expenditures of all public Money shall be published from time to time. The Appropriations Clause provides Congress with a mechanism to control or to limit spending by the federal government

By Mr. LEVIN:

H.R. 6109.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

"The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

Sixteenth Amendment

"The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

By Mr. LIPINSKI:

H.R. 6110.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3: The Congress shall have Power * * * To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

Article 1, Section 8, Clause 1: The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

By Mr. HECK:

H.R. 6111.

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I, Section 8, Clause 18 of the United States Constitution, to make all laws which shall be necessary and proper for carrying into execution the foregoing Powers, and all other powers vested by the Constitution in the Government of the United States, or in any Department or officer thereof.

By Mr. WOODALL:

H.R. 6112.

Congress has the power to enact this legislation pursuant to the following:

"Commerce Clause (Art. 1 sec. 8 cl. 3)

Necessary and Proper Clause (Art. 1 sec. 8 cl. 18)

By Mrs. LUMMIS:

H.R. 6113.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

Article I, Section 8, Clause 1

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

The abandoned mine land fund is a tax on coal produced, in part, on federal lands. Both the tax, and its distribution were created pursuant to the Surface Mining Control and Reclamation Act of 1977, presumably with the Constitutional authority to tax, raise

revenue, and spend that revenue under Article I, Section 8, Clause 1. This legislation seeks to repeal a section of that bill dealing with the distribution of AML funds. While the Constitution gives no explicit authority to repeal, it can be inferred that what Congress has the Constitutional authority to create, it can also repeal.

By Mr. BENISHEK:

H.R. 6114.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, clause 2

"The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States;"

By Ms. BUERKLE:

H.R. 6115.

Congress has the power to enact this legislation pursuant to the following:

Section 8, clause 1 ("The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises . . ."), and the 16th Amendment.

By Mrs. CHRISTENSEN:

H.R. 6116.

Congress has the power to enact this legislation pursuant to the following:

"Article IV, section 3 of the Constitution of the United States grant Congress the authority to make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States."

By Mr. CONYERS:

H.R. 6117.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4.

By Mr. GRIMM:

H.R. 6118.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. HONDA:

H.R. 6119.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18 of the United States Constitution.

By Mr. HONDA:

H.R. 6120.

Congress has the power to enact this legislation pursuant to the following:

section 8 of article I of the Constitution.

By Mr. LARSON of Connecticut:

H.R. 6121.

Congress has the power to enact this legislation pursuant to the following:

Clause 7, section 8, of article I to establish Post Offices and Post Roads, in combination with clause 18, section 8, article I to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. DANIEL E. LUNGREN of California:

H.R. 6122.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 8 and Article I, Section 8,

Clause 18 of the Constitution of the United States.

By Ms. MATSUI:

H.R. 6123.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3 of the United States Constitution.

By Mr. NADLER:

H.R. 6124.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to the following: clause 3 of section 8 of article I of the Constitution and clause 18 of section 8 of article I of the Constitution.

By Mr. RENACCI:

H.R. 6125.

Congress has the power to enact this legislation pursuant to the following:

Amendment X is cited as delegating to the states or to the people all "powers not delegated to the United States by the Constitution."

Additionally, Article I, Section 8, Clause 18: The Congress shall have Power to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by the Constitution in the Government of the United States, or in any Department or Officer thereof.

Mr. FILNER:

H.R. 6126.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority of Congress to enact this legislation is provided by Article I, Section 8 of the United States Constitution (Clause 4), which grants Congress the power to establish a Uniform rule of Naturalization throughout the United States.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 192: Mr. PASTOR of Arizona and Ms. KAPTUR.

H.R. 303: Mr. STIVERS.

H.R. 409: Mr. OWENS.

H.R. 498: Mr. GRIFFIN of Arkansas.

H.R. 719: Ms. HAYWORTH, Mr. ROHRBACHER, and Mr. ANDREWS.

H.R. 735: Mr. BENISHEK.

H.R. 831: Ms. MOORE and Mr. WITTMAN.

H.R. 835: Mr. LOEBSACK.

H.R. 891: Mr. RICHMOND.

H.R. 972: Mrs. BACHMANN.

H.R. 1006: Mr. FITZPATRICK.

H.R. 1044: Mr. THOMPSON of California.

H.R. 1050: Mr. HANNA.

H.R. 1111: Mr. DUNCAN of South Carolina.

H.R. 1167: Mr. CASSIDY.

H.R. 1283: Mr. TIERNEY, Mr. AKIN, and Mr. STIVERS.

H.R. 1464: Mr. ROSKAM.

H.R. 1475: Mr. MARINO.

H.R. 1648: Mr. BOSWELL.

H.R. 1672: Mr. LOEBSACK and Mr. CAMP.

H.R. 1675: Ms. HAYWORTH and Mr. HASTINGS of Florida.

H.R. 1681: Ms. ROYBAL-ALLARD.

H.R. 1775: Mr. MARINO and Ms. JENKINS.

H.R. 1903: Mrs. CAPPS.

H.R. 2040: Mrs. ADAMS.

H.R. 2108: Mr. PASCRELL, Mr. GUTHRIE, and Ms. LINDA T. SANCHEZ of California.

H.R. 2139: Mr. CARNAHAN, Mr. MATHESON, Mr. SCHIFF, Mr. AL GREEN of Texas, and Ms. FUDGE.

H.R. 2239: Mr. KIND.

H.R. 2469: Mr. FARR.

H.R. 2497: Mrs. CAPITO.

H.R. 2514: Mr. CASSIDY.

H.R. 2547: Mr. SIRES.
 H.R. 2563: Mr. TOWNS, Ms. BERKLEY, and Mr. RUSH.
 H.R. 2780: Mr. LARSON of Connecticut.
 H.R. 3067: Mr. FORBES, Mr. GRAVES of Missouri, and Mr. CARSON of Indiana.
 H.R. 3125: Mr. FILNER.
 H.R. 3395: Mrs. ROBY and Mrs. ELLMERS.
 H.R. 3399: Mr. REED.
 H.R. 3496: Mr. WALZ of Minnesota and Mr. PASTOR of Arizona.
 H.R. 3510: Mr. BARLETTA.
 H.R. 3526: Mr. SIRES.
 H.R. 3528: Mr. HASTINGS of Florida.
 H.R. 3553: Mr. MCGOVERN.
 H.R. 3627: Mr. BARTON of Texas, Mr. ROGERS of Michigan and Ms. RICHARDSON.
 H.R. 3661: Mr. THOMPSON of California, Mr. WALBERG, and Ms. BUERKLE.
 H.R. 3886: Mrs. CAPPS and Mr. STARK.
 H.R. 3974: Mr. WAXMAN.
 H.R. 4010: Mr. CARNEY and Ms. HIRONO.
 H.R. 4057: Mr. MCKINLEY.
 H.R. 4066: Mr. LOEBSACK.
 H.R. 4103: Mr. MCGOVERN and Mr. HONDA.
 H.R. 4124: Mr. DINGELL.
 H.R. 4215: Mr. LATHAM and Mr. AUSTIN SCOTT of Georgia.
 H.R. 4242: Mr. FITZPATRICK.
 H.R. 4373: Mrs. MALONEY.
 H.R. 4378: Mr. COSTELLO, Mr. RANGEL, Mr. NADLER, Ms. ZOE LOFGREN of California, Mr. LATHAM, and Mr. HASTINGS of Florida.
 H.R. 4385: Mr. BROUN of Georgia, Mr. HURT, Mr. BROOKS, Mr. WALBERG, Mr. GRIFFIN of Arkansas, Mr. COLE, and Mr. BUCSHON.
 H.R. 5542: Mr. ELLISON.
 H.R. 5647: Ms. ZOE LOFGREN of California, Mr. BISHOP of New York, Mr. ISRAEL, Mrs.

NAPOLITANO, Mr. CAPUANO, Mrs. MCCARTHY of New York, and Ms. EDWARDS.
 H.R. 5741: Mr. SCHIFF and Mr. MURPHY of Connecticut.
 H.R. 5796: Mr. BERMAN, Ms. HAYWORTH, Mr. REYES, Mr. MORAN, and Mr. KINGSTON.
 H.R. 5846: Mr. NUGENT and Mr. PITTS.
 H.R. 5909: Ms. NORTON and Mr. RANGEL.
 H.R. 5910: Mr. BONNER.
 H.R. 5911: Mr. LATHAM.
 H.R. 5953: Mr. YOUNG of Florida.
 H.R. 5969: Mr. BARROW, Mr. HUNTER, and Mr. KINGSTON.
 H.R. 5970: Mr. BARROW, Mr. HUNTER, and Mr. KINGSTON.
 H.R. 5977: Mr. SESSIONS.
 H.R. 5978: Mr. PASTOR of Arizona and Mr. BRADY of Pennsylvania.
 H.R. 6004: Ms. BORDALLO.
 H.R. 6025: Mr. PEARCE.
 H.R. 6027: Ms. BASS of California.
 H.R. 6033: Mr. BACA.
 H.R. 6063: Mr. AMODEI, Mr. QUIGLEY, Mr. CARSON of Indiana, Mr. AUSTRIA, and Mr. CARNAHAN.
 H.R. 6075: Mr. GIBBS.
 H.R. 6087: Mr. MCGOVERN, Ms. WOOLSEY, Mr. BERMAN, and Mr. RANGEL.
 H.R. 6092: Mr. GALLEGLY and Mr. GRIJALVA.
 H.R. 6097: Mr. TIBERI and Mr. WALBERG.
 H.J. Res. 110: Mr. REHBERG.
 H. Con. Res. 107: Mr. PAUL.
 H. Con. Res. 109: Mr. STARK, Mr. MILLER of Florida, Mr. MORAN, Mr. FILNER, and Mr. PITTS.
 H. Res. 262: Ms. LINDA T. SÁNCHEZ of California.
 H. Res. 573: Mr. CLAY.

H. Res. 613: Mr. LARSEN of Washington.
 H. Res. 623: Mrs. NOEM and Mr. PITTS.
 H. Res. 704: Mr. BLUMENAUER and Ms. RICHARDSON.
 H. Res. 713: Mr. SIRES, Mr. CICILLINE, Mr. PERLMUTTER, Mr. CARNAHAN, Mr. BLUMENAUER, and Ms. ROYBAL-ALLARD.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 835: Mr. CRAWFORD.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5856

OFFERED BY: Mr. MULVANEY

AMENDMENT No. 1: At the end of the bill (before the short title), insert the following: SEC. _____. (a) Appropriations made in this Act are hereby reduced in the amount of \$1,072,581,000.

(b) The reduction in subsection (a) shall not apply to amounts made available for—

- (1) accounts in title I;
- (2) “Other Department of Defense Programs—Defense Health Program”; and
- (3) accounts in title IX.

EXTENSIONS OF REMARKS

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 381, I was absent due to personal reasons.

Had I been present, I would have voted "aye."

IN REMEMBRANCE OF NORA EPHRON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in honor of Nora Ephron, an iconic journalist, novelist, playwright, screenwriter, actress, director, and producer.

Nora was born into a Jewish family in New York City on May 19, 1941. She spent most of her childhood in Beverly Hills, California with her parents, who were also screenwriters, and her three younger sisters. Nora graduated from Wellesley College in Massachusetts in 1962 with a degree in political science.

Nora's many talents, in addition to her unique personality, equipped her for a long and very successful career that included a variety of roles. She began as an intern in the Kennedy White House upon graduation from college. Nora then moved to New York where she was a columnist and essayist for major newspaper publications including *The New York Post* and *The New York Times Magazine*. Nora later enjoyed success in the film industry. Some of her most famous films include hits such as *When Harry Met Sally* (1989), *Sleepless in Seattle* (1993), and *You've Got Mail* (1998), all of which were nominated for major awards. Recently, in 2009, Nora was the writer, director, and producer of the film *Julie and Julia*, fulfilling three of the roles traditionally not held by women in Hollywood. In addition to her ambitious career, Nora was the mother of two children, Jacob and Max Bernstein.

She will be greatly missed by those who knew her, as well as by all who enjoyed reading her work and watching her films.

Mr. Speaker and colleagues, please join me in honoring Nora Ephron, a woman who contributed invaluable works of literature and film during her lifetime and set an example for women everywhere.

PERSONAL EXPLANATION

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. OLSON. Mr. Speaker, on rollcall No. 454 on H.R. 5892, I am not recorded because I was absent due to a weather delay.

Had I been present, I would have voted "aye."

HONORING PINE TREE LEGAL ASSISTANCE

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to honor Pine Tree Legal Assistance in celebration of their 45th anniversary this month.

Pine Tree Legal Assistance is a non-profit organization dedicated to providing high quality, free, legal assistance to low-income individuals. Serving as the primary legal aid provider in Maine with six offices ranging from Presque Isle to Portland, Pine Tree Legal strives to provide access to legal assistance in all corners of the state.

Since its founding on July 19, 1967, Pine Tree Legal Assistance has worked to remove the barriers to justice that can be experienced by low-income Mainers. Their services range from providing basic legal advice to active representation in the most serious cases. The organization continues to place a priority on helping individuals and families meet their basic human needs, such as access to housing, food, income, safety, and education. Pine Tree Legal also boasts innovative, issue-specific divisions such as a Native American Unit and KIDS LEGAL, as well as providing help with unemployment issues and foreclosure prevention. More recently, they have been responsible for the development and ongoing support of Stateside Legal, which is an online resource to provide legal information to veterans and military families.

Pine Tree Legal Assistance maintains an excellent reputation in the field of legal advocacy. They also serve as one of six Maine nonprofits that meet the Better Business Bureau standards for charitable accountability. I am pleased to share in the celebration of Pine Tree Legal Assistance's 45th year of exemplary legal assistance to the people of Maine.

Mr. Speaker, please join me in congratulating Pine Tree Legal Assistance on achieving this tremendous milestone.

IN HONOR OF THE 20TH VENTURA COUNTY STAND DOWN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. GALLEGLY. Mr. Speaker, I rise to honor the outstanding achievements of Ventura County Stand Down, which next week will mark 20 years of helping homeless veterans combat life on the streets.

During the three-day, two-night Stand Down, veterans will live on the campus of the California Army National Guard Armory in military-style tents erected by the Seabees. They will have access to showers, toiletries, new and used clean clothing, and hot meals each day.

Working in conjunction with dozens of public and private agencies, Stand Down 2012 will provide homeless veterans with a myriad of services such as medical treatment, legal services, prescription lenses, employment counseling and referrals, VA benefits, drug and alcohol counseling, general relief information, transitional housing information, along with a range of other government and social services.

It's a monumental undertaking. Ventura County Stand Down would not be a success—or have even been launched—without the skill and perseverance of Claire Hope, the founder and chairperson of Ventura County Stand Down. The daughter of a World War II veteran and mother of a veteran of Desert Storm, Claire Hope has a soft heart for veterans and a strong will to help those in need.

About 300 volunteers help Claire each year. Another nearly 300 companies, corporations, and non-profit organizations are on board. About 20 service providers take part and 20 committees oversee all aspects of the event, from planning, to execution, to cleanup, to follow-up.

Many of the volunteers have been with Claire since the beginning. While I can't name them all, I would be remiss without noting several key people whose efforts have meant so much to our veterans. They include 20-year Executive Committee Chairs J. Roger Myers, Herb Williams III, Dr. Cal Farmer, Madeline Lee, Gene Ogden, Jean Farley, and Hal Nachenberg. Other Executive Committee Chairs include Judge Pro-Tem Nancy Aronson, Jodi Prior, Yasmin Morrison, Mary Gene Ryan, Betty Zamost, Charles Lane, Jane Towley, Bob Shiverdecker, Carl Lanterman, Gary Erland, Connie Biggers, Carol Rogers, and Jim Rogers.

Special recognition for their ongoing major contributions to Stand Down belongs to: International Brotherhood of Electrical Workers, Local 952; California Army National Guard Armory, Ventura; American Legion Auxiliary; American Legion; Beacon House—San Pedro;

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Salvation Army of Ventura; Veterans of Foreign Wars Post 11395 Thousand Oaks; Marjorie Mosher Schmidt Foundation; New Directions Technologies, Inc.; U.S. Department of Veterans Affairs; Beacon House San Pedro; Naval Facilities Expeditionary Logistics Center & the Thirty-First Seabee Readiness Group; Ventura County Bar Association Ventura County Public Defenders; Chief's Council of the 146th Airlift Wing of the California Air National Guard; Ventura Superior Court Homeless Court; and Neal C. Green, DDS.

Mr. Speaker, I am proud to be affiliated with Ventura County as Honorary Cochairman for the 20th year. I know my colleagues will join me in recognizing the importance of Ventura County Stand Down and in thanking Claire Hope and her myriad of volunteers for their selfless efforts in helping those who served our country and who fell on hard times to have a fighting chance to resume a life of stability and peace. It's a yeoman's effort, and one worth undertaking.

STAND WITH THOSE WHO SERVE

HON. DAVID G. REICHERT

OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. REICHERT. Mr. Speaker, today, I honor "Stand With Those Who Serve Week" in my home state of Washington. Governor Christine Gregoire today urged all citizens to join her in "this special observance to support the many activities and efforts of Washington's public safety personnel and services."

The public safety and law enforcement community in Washington State has endured a lot of heartache over the past years, and those losses are always at the forefront of our thoughts. Such terrible incidents remind us that despite the risk, our police officers and other public safety personnel do not pause for fear or self-interest. They serve bravely, boldly and selflessly and continue every day to earn our respect, admiration and gratitude.

Mr. Speaker, the support that my colleagues across state and party lines have shown demonstrates our commitment to the brave men and women in the law enforcement and public safety professions. It is my hope that through all of this support they continue to have the tools and encouragement that they need.

Therefore, Mr. Speaker, I join with Governor Gregoire today, along with other elected representatives in Washington, community leaders and private citizens in standing in solidarity with our brave public servants and law enforcement personnel. While they work to reduce crime, protect the vulnerable and keep our communities safe, we will stay mindful of their efforts and in turn serve them, wherever and whenever possible.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 382 I was absent due to personal reasons.

Had I been present, I would have voted "aye."

FIFTH ANNIVERSARY OF EASTERN NEBRASKA VETERANS' HOME

HON. LEE TERRY

OF NEBRASKA
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. TERRY. Mr. Speaker, I rise today to pay tribute to the Eastern Nebraska Veterans' Home on its fifth anniversary.

The facility and its dedicated staff have successfully provided care to 117 members during this time in the areas of assisted living, intermediate care, skilled care and Alzheimer's care. The facility is specifically designed to meet the different mobility needs of each of its members.

The ENVH stands as a testament to Nebraska's commitment to our veterans by providing them with a state of the art facility and the services that they deserve.

I also want to point out that this facility is a result of the public and private sectors working together to meet the needs of our Nation's heroes. Multiple agencies at all levels of government worked together on this project to better the lives of these individuals.

The Eastern Nebraska Veterans' Home has provided quality care for our veterans and their dependents for five years and I wish them many more years as they continue to serve our veterans and their families.

CONGRATULATING RICE UNIVERSITY ON THE OCCASION OF ITS 100TH ANNIVERSARY

HON. PETE SESSIONS

OF TEXAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. SESSIONS. Mr. Speaker, for the last one hundred years Rice University has made unique and important contributions to our Nation and the world. Despite its small size, Rice has stood as one of the most forward-thinking institutions, contributing monumental advances in science and technology, as well as to the liberal arts. It was Rice University that opened the Nation's first department of space physics and produced American business magnates like Howard Hughes. It was Rice University that was the decades-long teaching home to Nobel Prize winners Richard Smalley and Robert Curland, and it is Rice University that continues to educate some of the brightest minds in the world. At this moment, Rice students are developing coated sand that can purify water in countries without access to clean drinking water and lithium-ion batteries that can be painted onto any surface.

In 2008, Rice University was ranked the number one institution for "industry impact." Education is the key to our Nation's future, and it is institutions like Rice University that will ensure that America's greatest days are not in the past. Please join me today in celebrating the many accomplishments that Rice

has achieved over the last one hundred years, and many more surely to come.

RECOGNIZING MR. JEFFREY MEEK

HON. TIM GRIFFIN

OF ARKANSAS
IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. GRIFFIN of Arkansas. Mr. Speaker, I rise today to commend and congratulate Mr. Jeffrey Meek of Hot Springs Village, Arkansas, for his dedication to preserving the stories of Arkansas's World War II veterans.

Jeff's interest in the stories and lives of World War II veterans began when his own son enlisted in the U.S. Marine Corps. At that time, Jeff started researching the experiences of his father and his wife's father during World War II. Then, after joining the Akansa Chapter of the Daughters of the American Revolution, Jeff's wife, Jeanne, recommended that Jeff get involved in the Library of Congress' Veterans History Project (VHP), which is preserving oral histories of our veterans. Each oral history is recorded on a DVD and, along with VHP documentation, is sent to the Library of Congress to be preserved and made accessible to researchers, educators, and the general public.

Jeff conducted his first oral history for the VHP in 2007 and started reporting some of the stories in his local newspaper, the Hot Springs Village Voice. He later published 75 accounts in his book *They Answered the Call: World War II Veterans Share Their Stories*. Jeff has spent over one thousand hours collecting the moving stories of hundreds of our World War II veterans, and he has brought them to life during three sold out programs honoring them.

Jeff's dedication to World War II veterans extends beyond recording their oral histories. He accompanied a group of veterans as they participated in the "Honor Flight" program. This program flies World War II veterans to Washington, D.C., free of charge, so they may visit the World War II memorial and some of the other memorials in Washington, D.C.

For his devotion to our veterans, Jeff has been recognized by a number of organizations, including the Akansa Chapter of the Daughters of the American Revolution and each of Hot Springs Village's five military organizations. In addition, he received a letter of commendation from the Veterans History Project itself for his attention to detail in preserving the treasured chronicles of our nation's heroes.

Because of volunteers like Jeff, our veterans will be forever honored through the preservation of their memories. I commend Jeff for his outstanding service to Arkansas's veterans, and I would encourage other Americans to become involved with the Library of Congress' Veterans History Project by recording the stories of veterans in their own communities. I thank Jeff for giving these veterans the opportunity to tell their stories and for allowing these stories to become priceless pieces of American history.

RECOGNIZING THE 100TH ANNIVERSARY OF RICE UNIVERSITY

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. MARCHANT. Mr. Speaker, I rise today to recognize the 100th anniversary of Rice University. Throughout the last century, Rice has not only developed into one of the most prestigious and exemplary academic institutions in Texas, it has also matured into one of the leading research universities in the United States.

The first president of Rice University was Edgar Odell Lovett, and he set forth an ambitious vision to become a premier research university. However, since its inception in 1912, Rice has been exceptional in both academics and athletics. Rice now plays a leading role in research in many fields including nanotechnology, space, cellular technology, bioinformatics, energy, health, and the environment. Their athletic program is constantly one of the best in Conference USA and their championship win in the 2003 College Baseball World Series serves as further evidence that the Rice Owls are extraordinary across the institutional spectrum.

Rice has been ranked among the top 20 universities in the country by U.S. News & World Report every year since the rankings began in 1983. In recognition of their dedication to keeping high quality education affordable, Princeton Review ranks Rice among the top 10 best value private colleges.

Mr. Speaker, I ask all my distinguished colleagues to join me in recognizing the 100th anniversary of Rice University. Rice has pushed the boundaries of education and research since 1912, and this institution will undoubtedly be a leader for years to come.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker on rollcall No. 383 I was absent due to personal reasons.

Had I been present, I would have voted "nay."

RECOGNIZING THE 40TH ANNIVERSARY OF THE WOMEN LAWYERS DIVISION OF THE NATIONAL BAR ASSOCIATION

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Ms. BERKLEY. Mr. Speaker, today I urge my colleagues to join me in recognizing the Women Lawyers Division, WLD, of the National Bar Association, NBA, on its 40th Anniversary Celebration in Las Vegas, Nevada.

The Women Lawyers Division was formally established in 1972 as a vehicle for women in the practice of law to address the issues and problems that particularly affect the interests and concerns of African-American women.

The WLD had its genesis during 1971 when an informal coalition of 19 women members of the National Bar Association discussed soliciting new NBA members to run for national offices. These women decided there were many issues they should consider addressing. Therefore, on August 5, 1971, Ruth Harvey Charity convened the first organizational meeting of NBA women lawyers in Atlanta, Georgia.

In 1975, the Women Lawyers Division sponsored its first seminar at the NBA national convention. The WLD hosts seminars at each annual convention, addressing the following subjects: impact of juvenile law on the family; domestic violence; energy law; sexual harassment; child advocacy; international law; professional ethics; post conviction relief; law teaching and trial techniques; ascending to the bench and judicial selection methods; the Internet and personal computer technology; rainmaking and leadership for women.

In 1977, Ruth Harvey Charity was elected a Vice President of the National Bar Association, which was the first time in 25 years a woman held so high a position within the NBA. In 1981, another WLD member, Arnette R. Hubbard, was elected the first President of the NBA, and Alice Bonner, another founder of the WLD, was installed as the first woman President of the NBA Judicial Council Division. Since that year, eight other WLD members have served as President of the NBA.

The Supreme Court swearing-in tradition began in 1981 and continues today. Each spring, the Women Lawyers Division supports a group of National Bar Association members for admission to appear before the U.S. Supreme Court. This ceremony is held annually in an effort to enhance the posture of African-American lawyers as legal advocates and to increase the number of minority lawyers who are readily available to represent their clients before this nation's highest court.

The WLD will kick off its 40th Anniversary Celebration with its Inaugural "Respect Yourself" Day, which will be a special salute to African-American women and girls to encourage love and respect for themselves and their fellow sisters. The WLD will host its Fourth Annual "Respect Yourself" Mentor Program to educate young, at-risk and disadvantaged African-American girls on the importance of self-respect.

Through the Women Lawyers Division, women have made a significant impact on the goals and directions of the NBA by participating at all levels of the organization. The WLD has achieved its goal of adding positive direction to the NBA by contributing and establishing a new dimension and sensitivity of the NBA as it addresses legal issues affecting women, children, the family, and the African-American community as a whole.

As the Representative for Nevada's First Congressional District, it gives me immense pride to honor the Women Lawyers Division of the National Bar Association on its 40th Anniversary Celebration in Las Vegas, Nevada, and I urge my colleagues to join me in recog-

nizing the accomplishments of this crucial organization and its admirable efforts.

A TRIBUTE TO CAPTAIN WILBUR D. JONES

HON. MIKE MCINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. MCINTYRE. Mr. Speaker, it is with great pleasure that I rise and ask you to join me in recognizing Captain Wilbur D. Jones, of Wilmington, North Carolina, who has earned the StarNews Lifetime Achievement Award. The StarNews Lifetime Achievement Award was established in 2003 to honor individuals who have given substantially of themselves for the improvement of the communities of Southeastern North Carolina. Captain Jones is very worthy of this honor, and I salute him for his legacy of service to our state and nation.

Captain Jones stands out as a distinguished former member of the United States Navy, historian, preservationist and award-winning author and lecturer. Born in the middle of the Great Depression, Captain Jones was only seven years old at the outset of World War II, but this history-shaping era sparked an ongoing passion for military history within him that continues to this day.

After graduating from the University of North Carolina at Chapel Hill, Captain Jones made the decision to enroll in Officer Candidate School. Beginning in 1956, he served as both a Regular Navy and Ready Reserve officer, finally retiring in 1984. During this time his tact for leadership earned him the rank of Naval Captain. He honorably commanded two Reserve units with the same dedication and strong, personal leadership that he is known for today. As Captain Jones said himself, "Remembering how I began, I was born to be a military historian and career Armed Forces Officer in service to my country."

Concurrently with his service to our nation, Captain Jones spent 41 years in the U.S. Department of Defense, while maintaining a role as a civilian professor and Associate Dean of Information at the Defense Acquisition University. His service included more than seven years in the Pentagon as a Captain on active duty and as a civilian assistant to the Under Secretary of Defense for Acquisition. His career took him and his family around the globe, but Captain Jones returned to his home of Wilmington, North Carolina in 1997, where he remains today.

These unique experiences would later serve him well in his role as a historian, author, lecturer and preservationist. He has produced an impressive and important collection of works on World War II. To date, he has authored 17 books on military history and national defense, along with collecting and publishing innumerable research papers, encyclopedia entries, interviews and photographic documentaries.

With his natural energy and intelligence, Captain Jones is not just North Carolina's treasure, but also a treasure to our country. The StarNews Lifetime Achievement Award Captain Jones receives today is a major honor, and is also just one of the many

awards that Captain Jones has earned in his lifetime, from the National Defense Medal, North Carolina Historian of the Year, Senior Service Award, and countless others recognizing the quality of his writing, research and dedication to leadership.

Captain Wilbur D. Jones serves as an example across generations by acting as a man of courage, a man of duty, and a man who is devoted to serving his homeland. Mr. Speaker, I wish to thank you for allowing me to honor one of North Carolina's most distinguished Naval Officers and historians, and I ask my colleagues to join me in recognizing a man whom North Carolina and the United States is proud to call their own.

IN REMEMBRANCE OF MR. JIMMY BIVINS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in remembrance of Cleveland, Ohio's famous boxer, Mr. Jimmy Bivins.

Bivins was born in Dry Branch, Georgia on December 6, 1919. He moved to Cleveland at the age of three and attended Central High School, where he was an honor student. Weighing only 112 pounds, Bivins began his boxing career in 1936.

Bivins' professional boxing career began in 1940 and lasted until 1955. He boxed in 112 professional fights, accumulating 86 wins and 31 knockouts. Between June 22, 1942 and February 25, 1946, he went unbeaten in 26 consecutive bouts. During his fifteen year career, Bivins defeated eight of eleven world champions and four of the seven fellow Hall of Famers he faced throughout his career. Although he was never able to compete for the world title, Bivins remains the only boxer to date that has ranked as the No. 1 contender in both the Light Heavyweight and the Heavyweight divisions.

In 1999, Bivins was inducted into the International Boxing Hall of Fame. That same year, Sports Illustrated said that Bivins may have been the greatest modern heavyweight who never got a shot at the title crown. He was best known for his powerful left jab.

Following his boxing career, Bivins joined the Teamsters and drove bakery and snack trucks around the City of Cleveland. He was active in the community, spending time at the gym with local kids teaching them how to box, telling them stories and giving them fatherly advice. He also cooked food for them every Sunday to make sure that they did not go hungry as he had in the past.

Mr. Speaker and colleagues, please join me in honoring the life of Jimmy Bivins.

PERSONAL EXPLANATION

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. OLSON. Mr. Speaker, on rollcall No. 452 on H.R. 4155 I am not recorded because I was absent due to a weather delay.

Had I been present, I would have voted "aye."

HONORING LAURIANNE CORMIER

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the 100th birthday of Laurianne Cormier. Born on July 12, 1912, in Lewiston, Maine, Mrs. Cormier has two daughters, seven grandchildren and ten great-grandchildren.

Mrs. Cormier has dedicated much of her life to working and volunteering in her community. Like many other Franco-Americans growing up in Lewiston during the Great Depression, Mrs. Cormier helped to support her family by working in a local shoe factory. After her retirement, Mrs. Cormier kept busy by volunteering at the YWCA and at St. Mary's Regional Medical Center in Lewiston. In fact, thirty-five years later, Mrs. Cormier is still volunteering there and has devoted over 18,500 hours of her time and energy to the community she loves.

Mrs. Cormier's co-workers admire her work ethic, spirit and passion for her job. In October of 2010, she was presented with the Mayoral VIBE Award (Volunteers Inspire By Example) and in April of this year, she was nominated for one of the Maine Commission for Community Service's annual Governor's Awards for Service and Volunteerism. Mrs. Cormier was recognized as a special "Volunteer Hero" at that ceremony.

On Tuesday of this week, her colleagues at St. Mary's hosted a birthday party for her and on Sunday, July 15, her family and friends will gather for a second celebration that will take place at the Franco-American Heritage Center. I am very much looking forward to congratulating Mrs. Cormier in person at Sunday's celebration.

Mr. Speaker, please join me in honoring Laurianne Cormier on this special day. She is truly an exemplary citizen whose dedication to her community and to her family is certainly an inspiration to us all.

EXPRESSING CONCERNS REGARDING THE NEGOTIATION OF THE UNITED NATIONS ARMS TRADE TREATY

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. REED. Mr. Speaker, I rise today to express my significant concerns over the nego-

tiations with the United Nations regarding the United Nations Arms Trade Treaty (ATT). As it stands currently, the actions of the United Nations indicate that this treaty will pose serious threats to the personal freedoms, national security, foreign policy, and economic interests of the United States. Yet, the Administration has voted to participate in negotiations, despite this impact.

Our Second Amendment rights are fundamental individual rights that must be protected. However, the United Nations Arms Treaty poses a potential threat to this right held by every United States citizen. This treaty cannot be allowed to jeopardize our ability to own small arms, rifles or ammunition. Furthermore, the ATT must recognize and respect one's right of self defense and our nation's legacy of hunting and participation in shooting sports.

This treaty also has the potential to threaten our national security and foreign policy. Democracies and totalitarian regimes should not be given the same arms transfer rights, nor can we legitimize the arming of terrorists or countries that do not recognize the International Criminal Court. Importantly, the ability of the United States to provide arms to trusted allies, such as Israel, should not be infringed.

Finally, the United Nations Arms Treaty should not do anything that would hurt our economic interests here at home and abroad. American businesses should not be burdened by increased regulatory and reporting requirements that could damage domestic manufacturing, particularly in our already difficult economic times. We cannot allow the ATT to jeopardize American jobs or American industry.

Unfortunately, I am concerned that this treaty will impact all of these interests, and potentially more. Therefore, Mr. Speaker, I strongly support and urge the Administration to consider and uphold the sentiment displayed in the bi-partisan letter that my colleague MIKE KELLY and 130 co-signers sent to President Obama and Secretary Clinton.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 384 I was absent due to personal reasons.

Had I been present, I would have voted "nay."

REMEMBERING MICHIGAN STATE SENATOR BILL VAN REGENMORTER

HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. POE of Texas. Mr. Speaker, I rise today to honor the life of a leader in the victims' rights movement, former Michigan State Senator Bill van Regenmorter.

It was fitting that flags in Michigan were flown at half-mast following Bill's death. Many news reports in Michigan detailed his significant contributions to the people of his beloved state and, most especially, his long advocacy and legislative accomplishments on behalf of crime victims and survivors. I feel it is fitting to equally recognize that Bill's contributions go far beyond the borders of Michigan. As one of the earliest state legislators to draft and enact crime victims' rights legislation, Bill was extraordinarily generous in sharing his experiences, insights and innovations with those of us in other states dedicated to the same cause. His hand can indeed be seen in similar laws in dozens of other states. Bill's tireless efforts were recognized in 2009 by the U.S. Department of Justice, when he received the Ronald Wilson Reagan Public Policy Award from the Office for Victims of Crime.

There is no question that without Bill van Regenmorter, we could not have made as much progress as we have in securing crime victims' rights throughout our entire nation. As a Texas judge, I can attest that we tapped Bill's wisdom and expertise in the late 1980s to develop our own "Victims' Bill of Rights"—an important law that, to this day, provides a strong foundation for the fair treatment of crime victims in my state.

In Bill's own words, "victim empowerment has brought integrity to the system that wasn't there before." Bill's legacy can be found in his pioneering efforts that empowered countless crime victims and those who serve them to stand up for victims' rights, and his inspiration for anyone concerned about individual and community safety to, as he did throughout his entire life, get involved and make a positive difference.

The U.S. Congressional Victims' Rights Caucus sends its condolences to Bill's wife Cheryl and his family, and his "extended family" of crime victims, survivors and victim advocates who benefit today and in the future from his pioneering efforts.

And that's just the way it is.

CELEBRATING THE 100TH ANNIVERSARY OF RICE UNIVERSITY

HON. BILL FLORES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. FLORES. Mr. Speaker, as a Representative of the great state of Texas, I am honored to be a citizen of a state which is home to an outstanding institution like Rice University. Rice is celebrating its 100 year anniversary, as it was inaugurated in October 12, 1912, in Houston, Texas.

Rice has consistently been ranked as one of the top 20 national universities in the United States by U.S. News & World Report every year since the rankings began in 1983.

Rice also ranks among the 10 best value private colleges by Princeton Review.

The James A. Baker III Institute for public policy at Rice is world renowned for its contributions as a think tank.

Rice has constitutently been ranked among the top 20 universities in the U.S. overall and for Hispanic students.

Rice University is one of three Tier One research and education universities in Texas. Rice is ranked the number 4 best value among private Universities.

Rice plays a leading role in research in many fields, including nanotechnology, space, cellular technology, bioinformatics, energy, health, and the environment.

I congratulate Rice University for 100 years of preparing its students to succeed in a highly competitive and complex world, and look forward to 100 more.

HONORING ADOLFO CALERO PORTOCARRERO

HON. DAVID RIVERA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. RIVERA. Mr. Speaker, businessman, entrepreneur, freedom fighter and long-time friend of the United States Adolfo Calero Portocarrero died in Managua, Nicaragua on June 2.

Mr. Calero was best known as an ally of the United States in our efforts to prevent the spread of communism in Central America in the 1980s. He was leader of the Nicaraguan Democratic Force, the largest group in the broad anti-Sandinista coalition.

Mr. Speaker, I personally knew Adolfo Calero and I can attest that he was a great friend of the United States. He went to high school in New Orleans, received degrees from Notre Dame and Syracuse University, managed the Coca-Cola bottling plant in Nicaragua, and occasionally lived in Miami, Florida.

Calero was a member of the Conservative Party in Nicaragua and after the communist Sandinista (FSLN) overthrow of the Somoza regime in 1979, he was jailed and later went into exile in Florida. Eventually he joined the political directorate of the Nicaraguan Democratic Force and became its president.

What is lesser know is that Calero had also been twice jailed by the Somozas in the 1970s. He was an advocate and friend of democracy and an opponent of dictatorship whether it was on the right or left.

In the 1980s, saddened and angered by Nicaragua's fall to communism and Daniel Ortega's abuse of human rights, Calero joined the United Nicaraguan Opposition (UNO) in an effort to unify the various anti-Sandinista factions. Nicaragua's "counter-revolutionary" fighters or Contras were largely made up of 18–22 year olds, independent rural farmers and indigenous Christian Indians from the Caribbean Coast. The Contras also filled their ranks with disenchanting Sandinistas—at one time 6 of 14 Contra regional commanders and 13 of 52 Contra task force commanders were Sandinista defectors who wanted true freedom. At the peak of their strength, UNO had 30,000 men in the field—more than the Sandinistas ever had in their fight against the Somoza regime.

The decade-long effort to oppose the Sandinistas received typical on-again off-again support from a fickle U.S. Congress. During that time, Soviet-Cuban support for communist

governments and insurgencies in Nicaragua, El Salvador, Guatemala, Honduras and Mexico was steadfast. Their goal was to spread communism throughout the hemisphere and up to the southern border of the United States. Central America was engaged in an epic struggle and Nicaragua was the epicenter. More than 3000 Cuban military intelligence and State security officers set up the repressive internal security apparatus in Nicaragua, advised the Sandinista armed forces, and participated in combat. The PLO sent 100 experienced combat officers, Libya and Iran shipped tons of weapons, the Cubans sent tens of thousands of AK-47s, Soviet Mi-8 helicopters and SA-7 missiles.

Thousands of Contras were killed and maimed, but they held fast. The struggle culminated in a ceasefire in 1988 and democratic elections in 1990. In those elections, UNO's coalition of 14 political parties led by Violetta Chamorro scored an upset victory over the Sandinistas.

Calero's efforts ultimately led to victory and the restoration of democracy. Calero's dedication to freedom and democracy also led to the beginning of the end of Soviet-Cuban penetration of Central America.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 385, I was absent due to personal reasons.

Had I been present, I would have voted "nay."

IN HONOR OF THE LIFE OF PAT LUCE-AOELUA

HON. ENI F. H. FALEOMAVEAGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. FALEOMAVEAGA. Mr. Speaker, I rise today in honor of a pioneer, a leader, an advocate, and a dear friend, Pat Luce-Aoelua, who recently passed away in Los Angeles, California.

Pat was born in Fagatogo, American Samoa in 1944 to Ioane Afele Levi and Fanuaea Vaitupu Tu'ufuli Levi and was adopted by American missionaries, Maurice and Corabelle Luce, in 1946. Later, Pat and her adoptive parents immigrated to California in 1952 where Pat attended school and began her career. She received her Bachelor of Arts in Psychology from California State University at Sacramento and her Master of Science in Counseling from the University of California at Davis.

Pat was the Executive Director of the National Office of Samoan Affairs (NOSA) that was based initially in San Francisco and later moved its headquarters to Carson, California. She, together with other Samoan community leaders in California, founded NOSA in 1976

to bridge the federal and state agencies with the local Samoan communities. Some of the community leaders included Senator and Paramount Chief Galeai Tu'ufulu, High Talking Chief Leuluso'o Leatutufu, and Matau Taele. Pat and NOSA made sure that they worked closely with the elder chiefs and local Samoan church organizations in advocating for Samoans and Pacific Islanders both on the state and federal level, in better assisting the needs of the elderly, and providing opportunities for the younger generation.

In the late 1970s, Pat was very active within the Samoan community in northern California. As she became more involved in the 1980s, Pat was instrumental in allowing American Samoans to become eligible for Federal funding and programs through the Native American programs. She also spearheaded the movement in passing state legislation in California providing for the identification and tabulation of Pacific Islanders as an ethnic group in the California state and county systems.

Pat is not only a leader amongst the Samoan community but especially within all of the Asian and Pacific American communities throughout all the U.S. In 1980, through Pat's leadership and diligence, she was able to fight for the inclusion of Pacific Islanders as an identifier in the U.S. Census, a category that remains today. Pat's philosophy was ensuring that much of the needs of the Pacific Islanders could be addressed with the use of data collected through the decennial census and other government surveys.

Although Pat has left us and began a new journey, her legacy will remain vigilant through torch bearers made up of the many new young Pacific Island leaders who have been under Pat's tutelage over the past three decades who today are working closely with their communities and advocating for those who are disenfranchised.

I want to take this time to offer my personal condolences to Pat's husband, Tuimavave Aoelua, their only daughter—Corabelle, and to their many families and friends who are mourning the loss of one of Samoa's strongest daughters. I pray the Lord will comfort them during this tragic time.

Pat will be greatly missed. Ia manuia lau malaga.

CELEBRATING THE JEWISH FEDERATION OF GREATER PITTSBURGH'S 100 YEARS OF SERVICE TO THE GLOBAL JEWISH COMMUNITY

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. CRITZ. Mr. Speaker, I rise to recognize the Jewish Federation of Greater Pittsburgh for reaching its 100th year of service to Jewish communities around the globe. Since 1912, the Federation has been capably serving Jewish needs in the areas of healthcare, education and social welfare.

Since its inception, the Federation has never taken its finger off the pulse of the global Jewish community. Its efforts have always

kept pace with the dynamic challenges facing Jews living in Pittsburgh, Israel and elsewhere throughout the world. The Federation serves as the central Jewish fundraising organization for Greater Pittsburgh, and has undertaken a number of initiatives to build solidarity and promote prosperity within western Pennsylvania's Jewish community.

In 1984, the Federation conducted a Comprehensive Jewish Community Study to highlight the needs of Greater Pittsburgh's Jewish population. The results led to the creation of a Jewish Community Center in Pittsburgh's South Hills and Jewish Residential Services for special needs individuals of the Jewish faith. After conducting a similar demographic study in 2002, the Federation established new outreach programs and created the Centennial Fund for a Jewish Future through the Jewish Community Foundation.

The Federation has also done a significant amount of philanthropic work abroad. Federation leaders have done a great deal to promote the Buncher Community Leadership Program, which trains Jewish professionals from vulnerable Jewish communities throughout the world. They have also played an active role in programs such as Spectrum and Passover in the FSU, which focus on rebuilding Jewish communities in the former Soviet Union. Furthermore, the Federation was on the front lines of the humanitarian responses to Hurricane Katrina, the 2004 tsunami in Asia and the 2010 earthquake in Haiti.

In Israel, the Federation has actively helped to respond to terror attacks and promote economic development in recent years by raising more than \$5.5 through its Israel Emergency campaign and by sponsoring numerous educational and solidarity programs. Historically, the Federation has also helped to raise money for Israel during times of conflict. Currently, the Foundation is working to advance the Jewish Agency for Israel's Partnership Together Program, which is focused on strengthening relationships between Jews in Israel and the Diaspora, and on promoting economic development within Israel's Karmeil and Misgav region.

Mr. Speaker, the Jewish Federation of Greater Pittsburgh's long history of promoting solidarity and prosperity within Jewish communities throughout the world is a testament to its abiding commitment to philanthropy. I offer this great organization my most heartfelt congratulations on 100 years of fruitful community service.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 386. I was absent due to personal reasons.

Had I been present, I would have voted "nay."

HONORING THE DEDICATED SERVICE OF PAUL HAMANN

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Ms. SCHAKOWSKY. Mr. Speaker, today the White House honors leaders who had made a significant difference in the way their communities combat homelessness among children and youth. I am so proud that one of the 13 "Champions of Change" is my constituent, Paul Hamann, President and C.E.O. of the Night Ministry.

In the wealthiest nation on earth, any amount of homelessness is unacceptable, yet nearly one million Americans currently do not have a roof over their head. They include men, women and children. This Congress must do more to eradicate homelessness, and we should support people like Paul and organizations like the Night Ministry that are working to provide help and hope to the homeless.

The Night Ministry is Chicago's safety net of last-resort social services, health care, housing and outreach for homeless youth and adults and those who are isolated from the community. I have had the pleasure to witness and take part in the great work the Night Ministry does at their Health Outreach Bus and their Youth Outreach Van in the Uptown and Lakeview neighborhoods in Chicago.

Paul has dedicated his life to helping those in need through his work for non-profit organizations. He has been with the Night Ministry for 10 years and has led the organization since 2007. Under Paul's direction, the Night Ministry has broadened its impact on the Chicago community through health outreach, short-term housing assistance, support and instruction for pregnant teens, and transitional housing. His tireless work has made a difference for thousands of Chicagoans who would otherwise go without healthcare, housing, or food.

I thank Paul Hamann for his outstanding leadership of the Night Ministry and I wish him many years of continued success. He is a true Champion of Change.

PERSONAL EXPLANATION

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. GEORGE MILLER of California. Mr. Speaker, on July 9 and July 10, 2012, I was in California attending to family obligations. Had I been present, I would have voted as follows:

On rollcall vote No. 452, I would have voted "yea."

On rollcall vote No. 453, I would have voted "yea."

On rollcall vote No. 454, I would have voted "yea."

On rollcall vote No. 455, I would have voted "yea."

On rollcall vote No. 456, I would have voted "nay" on the previous question, so that instead of voting on the Patients' Rights Repeal

Act, the House could instead vote on H.R. 5542, a bill that focuses on jobs and working families.

On rollcall vote No. 457, I would have voted "nay" on the rule that will govern the 31st attempt this Congress to take away healthcare benefits and patient protections from millions of Americans.

On rollcall vote No. 458, I would have voted "nay."

TRIBUTE TO RICE UNIVERSITY'S CENTENNIAL CELEBRATION

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. GONZALEZ. Mr. Speaker, I ask my colleagues to join me in honoring Rice University for celebrating 100 years of achievement in private higher education.

Since its foundation, Rice University has left its mark on the advancement of arts and sciences as one of America's premier schools. They have consistently been at the forefront in many areas of medical research, and played a key role in the academic and physical foundation of the Johnson Space Center, turning the dream of manned space flight into a reality.

Be it through elite research or first-rate student education, the contributions of Rice University have undoubtedly reverberated through the many areas of scientific advancement throughout the past 100 years. It is an honor to represent this university in our great State of Texas, and it is an honor to have them represent our state to the country and the world.

CONGRATULATING THE LOS ANGELES KINGS ON THEIR STANLEY CUP VICTORY

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise today to celebrate an historic occasion in the history of Los Angeles sports teams. On June 11 the Los Angeles Kings of the National Hockey League won their first national championship. Today the Stanley Cup calls LA "home", and the nation joins us in calling the Kings, "champions".

The Kings' championship was 45 years in the making. They began the playoffs as the number eight seed. They quickly dispatched the Vancouver Canucks, the number one seed team, four games to one. Next they took on the Saint Louis Blues and swept this number two seed team in four games. They then took on the third seed team the Phoenix Coyotes and earned the title of Western Conference champions for only the second time in Kings' history. This was the first time in NHL history that an eighth seed team beat the first and second seed teams. But our champion Kings went even further by also beating the third seed team as well.

The championship series against the New Jersey Devils was a thriller and the Kings

quickly took a commanding three game lead. After a couple of Devil victories, in game six of the series, the Kings regained their momentum and put New Jersey away with a 6-1 victory to clinch the Stanley Cup.

The Kings are only the second number eight seed team in NHL history to advance to the championship series and the first number eight seed team to win the Stanley Cup. Their game six victory on their home ice at the Staples Center was cause for celebration by thousands of Kings fans in Los Angeles and throughout Southern California.

In winning the NHL championship, the Kings join the prestigious ranks of Los Angeles sports teams who have brought championship titles to the City of the Angels, including the Lakers, the Dodgers, the Galaxy, UCLA Bruin and USC Trojan teams, the Strings of the World Team Tennis League, and yes, the former-Los Angeles Raiders.

Congratulations to the Kings team: Jeff Carter, Kyle Clifford, Colin Fraser, Simon Gagne, Dwight King, Anze Kopitar, Trevor Lewis, Andrei Loktionov, Jordan Nolan, Scott Parse, Dustin Penner, Mike Richards, Brad Richardson, Jarret Stoll, Kevin Westgarth, Justin Williams, Drew Doughty, Davis Drewiske, Matt Greene, Alec Martinez, Willie Mitchell, Rob Scuderi, Slava Voynov, Jonathan Bernier and Jonathan Quick.

Special congratulations to Coach Darryl Sutter, General Manager Dean Lombardi and team captain Dustin Brown for leading the team to victory, and to AEG and the entire staff of the Kings organization whose work supports, trains and promotes the team. Thank you all for giving the city of Los Angeles our first Stanley Cup win!

Mr. Speaker, the Los Angeles Kings are the kings of hockey! Let's all celebrate their historic victory!

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 387, I was absent due to personal reasons.

Had I been present, I would have voted "aye."

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,876,457,645,132.66. We've added \$5,249,580,596,219.58 to our debt in just over 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

Today marks the 150th anniversary of the authorization of the Medal of Honor by Congress. We must balance the budget so that we may continue to honor properly those who have served this country valiantly.

HONORING ZACH HUDSON, A TRUE COMMUNITY HERO

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. MICA. Mr. Speaker, I rise to honor and recognize Officer Zach Hudson of the Lake Mary, Florida Police Department.

Officer Hudson has dutifully served the citizens of Florida for ten years and the Lake Mary community since 2007 as their Community Relations Officer. His dedication to public safety serves as an example to his fellow officers and neighbors.

Shortly after joining the Lake Mary force, Officer Hudson was dispatched to a residence that housed two elderly ladies. Upon arriving, he realized the home contained no food and had no electricity. The little money they did have, they told Hudson, was alternated each month between food and medicines. He had seen instances such as these on his beat in the past, but he decided, in his own words, that "I'd had enough and I realized something had to be done."

Soon after, Hudson started the Seniors Intervention Group in Lake Mary. With the help of Hudson and hundreds of volunteers, this program provides seniors with essential assistance such as food, money, transportation, vehicle maintenance and help around the house. From helping change doorway illuminating light bulbs to fixing leaky sinks, tasks we can perform easily, no job is considered too small when the safety and well-being of our seniors is concerned.

In early 2010, Hudson's vision had become so popular, it became a non-profit and expanded to all of Seminole County and continues to this day as a crucial resource for hundreds of elderly seniors in Central Florida.

Officer Hudson's contribution is not merely recognized within his community, but the nation as well. Earlier this month, CNN recognized his good work by naming him one of their CNN Heroes of 2012.

Mr. Speaker, in honor of Officer Zach Hudson's service to his community, I have asked the Architect of the Capitol to fly an American Flag over the U.S. Capitol Building.

Officer Hudson represents the very finest of our nation's law enforcement. I am honored and humbled that he has served the district I represent. I ask my colleagues to join me in recognizing the heroic duty of Officer Zach Hudson.

IN HONOR OF THE ERICK J.
UMSTEAD MEMORIAL FOUNDATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. ANDREWS. Mr. Speaker, I rise today to honor Sabrina Umstead Smith, and her husband Roosevelt Smith, for their work to provide resources and financial support for the families of chronically ill children by founding the non-profit organization, The Erick J. Umstead Memorial Foundation, Inc.

In 1988, Sabrina lost her first husband in an apartment fire while expecting a child. As a result of oxygen deprivation caused by the fire, the child was born with underdeveloped lungs and cerebral palsy. Tragically, just three years later her young son succumbed to these medical disabilities.

Sabrina knows the challenges of caring for a chronically ill child. Motivated by a desire to make a tangible difference in the lives of chronically ill children and their parents and caregivers, she founded the Erick J. Umstead Memorial Foundation.

The foundation provides numerous services, to the families of chronically ill children, students, and medical professionals. Caregivers Count provides grants to financially disadvantaged parents and caregivers. Future Health Care Leaders offers scholarships for undergraduates who intend to pursue providing care to chronically ill pediatrics. The Assistive Technology Program awards grants to hospitals and pediatric facilities to purchase specialized equipment and devices that facilitate the developmental progress of chronically ill children. In addition to financial aid, the foundation also provides a resource center for parents on their website, and distributes donated pajamas for chronically ill children.

Mr. Speaker, Sabrina's endless dedication to chronically ill children and their families should not go unrecognized. I join all of South Jersey in thanking her for her efforts.

CELEBRATING THE SERVICE OF
PASTOR EMERITUS LOCKS

HON. G. K. BUTTERFIELD

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. BUTTERFIELD. Mr. Speaker, the Reverend Sidney A. Locks, Jr., retired from the helm of Cornerstone Missionary Baptist Church (CMBC) in Greenville, North Carolina as a legendary figure in the Greenville community. Under the directive of Pastor Emeritus Locks, CMBC honed its capacity for community outreach and effected "giving" as an inseparable hallmark of CMBC's congregation.

Pastor Locks was born the son of a preacher in Opelousas, Louisiana. Through his father's ministry he was called to spread the word of God to others. After earning a Master's in Divinity from the Interdenominational Theological Center (ITC) in Atlanta, Georgia, Pastor Locks embarked on a 30 year career in the ministry, preaching to congregants about the love and compassion of God.

Determined to reflect the same spirit of love and compassion regularly evoked in his sermons, Pastor Locks weaved those virtues into the fabric of Cornerstone Missionary Baptist Church, where he began pastoring in 1989. Ten years later, Hurricane Floyd presented Locks and CMBC congregation with the opportunity to demonstrate its unwavering commitment to service. When Hurricane Floyd ravished North Carolina's shores—destroying homes and disrupting lives—CMBC gathered resources to feed, clothe, and provide refuge for the victims of the storm.

CMBC leadership during the storm's recovery efforts won the Pastor and the CMBC congregation many followers, helping to position the church as an epicenter for community work. Even today, community leaders recall being cared for by the church after surviving days without food. Others starkly remember the congregation's efforts to lift the spirits of the families who felt hopeless at that time.

Under Pastor Lock's leadership, Cornerstone secured 44 apartment units to convert into a senior living facility; built a Family Life Center; and founded numerous programs to assist members of the congregation and the community.

Mr. Speaker, I commend the extraordinary work of Pastor Sidney Locks, Jr., and ask that my colleagues in the U.S. House of Representatives join me in honoring his commitment to God, to country, and to community.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 388 I was absent due to personal reasons.

Had I been present, I would have voted "aye."

H.R. 4402

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. BLUMENAUER. Mr. Speaker, today, I was disappointed that the House passed the National Strategic and Critical Minerals Production Act of 2012 (H.R. 4402). Like many people, I am deeply concerned about our country's, and the world's, increasing dependence on unstable and unreliable Chinese mining practices to provide the "rare earth minerals" that our industries need. However, the legislation passed by the House waives almost all environmental laws for all types of hardrock mining, even though the mining of these materials can be extraordinarily dangerous and toxic. This incredibly broad waiver hurts communities, public lands, and the environment, and supports big, mining industries at the expense of the American taxpayer.

I had hoped that H.R. 4402 would serve as an expression of our commitment to make

sure the United States is properly supplied with these minerals that are essential for the economy and our national security. Instead, I am disappointed because my colleagues failed to tailor the legislation to specifically meet this need and included an overly broad definition of "rare earth minerals." This bill would have benefited from a clear definition of what the rare earth minerals are, which would have been achieved by an amendment offered by my colleague, Representative TONKO. Instead, the sweeping exemptions from environmental regulations have created a partisan issue where none existed before.

I sincerely hope that when this issue is revisited in the future, we are able to work in a bipartisan manner to strike a balance that allows us to acquire our necessary supplies in a way that is efficient, safe for our workers, and protects the environment.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 412, I was absent due to personal reasons.

Had I been present, I would have voted "aye."

IN RECOGNITION OF MR. HOWARD
R. MAIER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. KUCINICH. Mr. Speaker, I rise to recognize Mr. Howard R. Maier, who is retiring after 23 years as Executive Director of the Northeast Ohio Areawide Coordinating Agency, better known as NOACA. He is being honored on July 12, 2012, on his retirement at the City Club of Cleveland.

As the region's Metropolitan Planning Organization, or MPO, NOACA serves Cuyahoga, Geauga, Lake, Lorain, and Medina Counties in Northeast Ohio, including all of Ohio's 10th Congressional District. NOACA prepares the region's Long Range Transportation Plan and the Transportation Improvement Program. NOACA also conducts water quality and air quality planning.

Mr. Maier has overseen an annual budget of \$6.5 million, a staff of 42, and a governing board of 44 elected and appointed officials. Under Howard's leadership, NOACA has received awards from the National Association of Regional Councils, the Association of Metropolitan Planning Organizations, the Ohio Department of Transportation, and Eco-City Cleveland, among others.

Howard Maier is a Fellow of the American Institute of Certified Planners. After receiving his Bachelor of Arts in Economics and his Masters in City Planning from Ohio State University, Howard earned his Master of Science in Public Management from Case Western Reserve University in 1974.

He was Director of Planning and Development for the City of Cleveland Heights and the Principal Planner for the Cuyahoga County Planning Commission before joining NOACA. He was asked by the NOACA board to step up as Acting Executive Director in 1989 when there was a leadership crisis at the agency. He was then appointed as Executive Director in 1991, where he served until his recent retirement in June 2012.

Howard Maier has distinguished himself with many awards and honors during his years with NOACA, including Honorary Membership in the American Institute of Architects, Mayfield High School Hall of Fame, Ally of the Year for the Northeast Ohio Alliance for Hope, Distinguished Alumnus of Ohio State University's College of Engineering, and NOACA's "Wally," the Walter F. Ehrnfelt Award for Outstanding Regional Contribution.

Mr. Speaker, and distinguished colleagues, please join me in honoring Howard Maier as he enjoys his well-earned retirement.

PERSONAL EXPLANATION

HON. PETE OLSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. OLSON. Mr. Speaker, on rollcall No. 453 on H.R. 4367, I am not recorded because I was absent due to a weather delay.

Had I been present, I would have voted "aye."

RECOGNITION OF BRIGADIER GENERAL GWEN BINGHAM (U.S. ARMY)

HON. J. RANDY FORBES

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. FORBES. Mr. Speaker, I would like to recognize a significant milestone being reached this year by Brigadier General Gwen Bingham. Brig. Gen. Bingham has been given the assignment to be the first woman ever to take command of the White Sands Missile Range in New Mexico. The White Sands Missile Range encompasses nearly 3,200 square miles and is the largest military installation in the United States, used by the Army, Navy, Air Force, NASA, and other government agencies and private enterprises for research, development and training.

Prior to this assignment, Brig. Gen. Bingham was also the first woman to hold the position of Quartermaster General and Commandant of the U.S. Army Quartermaster School at Fort Lee (Virginia). As Quartermaster General, she was responsible for overseeing the training of more than 20,000 military students annually.

This milestone marks yet another impressive achievement in an already distinguished 31-year career for Brigadier General Bingham. It is a testament to her professionalism, character, and selfless sacrifice to her country. I am honored to recognize her continued achievements.

HONORING THE 70TH WEDDING ANNIVERSARY OF MR. AND MRS. JOHN UNDERWOOD

HON. STEPHEN LEE FINCHER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. FINCHER. Mr. Speaker, it is my distinct pleasure to congratulate and extend my best wishes to Mr. and Mrs. John Underwood of Paris, Tennessee, on the seventieth anniversary of their wedding date.

This is truly an event to commemorate. Seventy years of marriage is a milestone that speaks to the Underwoods' dedication and love to one another. No doubt their relationship has been through both times of joy and sorrow, and it has served as a stable influence in the lives of their family.

The seventieth wedding anniversary is often called the "platinum" anniversary. This is a fitting name, because what John and Grace share with each other, and with God, is indeed precious. The Underwoods are proud Americans and role models for us all. I am honored to salute their commitment to one another, their family, our community, and our nation. May God bless them with many more happy years together.

ANNIVERSARY OF THE SIX ASSURANCES AND THE LIFTING OF MARTIAL LAW IN TAIWAN

HON. MICHAEL T. MCCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. MCCAUL. Mr. Speaker, I rise today to commemorate two important anniversaries that are coming up this July 14th in relation to our close friend and ally: the country of Taiwan.

Since the end of World War II, the United States and Taiwan have fostered a close relationship that has been of enormous strategic and economic benefit to both countries. When the United States shifted diplomatic relations from Taiwan to the People's Republic of China in January 1979, Congress moved quickly to pass the Taiwan Relations Act (TRA) to ensure that the United States would continue its robust engagement with Taiwan in the areas of commerce, culture, and security cooperation. On April 10, 1979, this important and lasting piece of legislation became the "Law of the Land" and has since served as the statutory basis for U.S.-Taiwan relations going forward.

After 33 years, the TRA still stands as a model of Congressional leadership in the history of our foreign relations, and, together with the 1982 "Six Assurances," it remains the cornerstone of a very mutually beneficial relationship between the United States and Taiwan.

These "Six Assurances" were designed by President Reagan to further clarify U.S. policy toward Taiwan (in particular to the sale of arms to Taiwan,) to reiterate our commitment to Taiwan's security under the TRA and to reaffirm our position on Taiwan's sovereignty. It

also stipulated that we would not pressure Taiwan to enter into negotiations with the PRC.

This coming July 14 marks the 30th anniversary of President Reagan issuing said Six Assurances in 1982. It also marks the 25th anniversary of the lifting of martial law in Taiwan in 1987.

Martial law was promulgated in Taiwan on May 19, 1949 by Chiang Kai-shek's Chinese Nationalist government. Its end 38 years later marked the longest imposition of martial law by a regime anywhere in the world. Even after the end of martial law, tight restrictions on the people of Taiwan's freedom of assembly, speech and the press remained in place. Nevertheless, July 14, 1987 set the stage for a momentous process of democratization in Taiwan that continues to this day.

Over the past three decades, Taiwan has remained a trusted ally of the United States that shares with us the ideals of freedom and democracy. However, the people of Taiwan continue to live day after day under the ominous shadow cast by over 1,400 short and medium-range ballistic missiles that the People's Republic of China (PRC) has aimed at them. The PRC persists in claiming Taiwan as a "renegade province," refusing to renounce the use of force to prevent Taiwan's formal de jure independence.

Mr. Speaker, I invite my colleagues to join me in commemorating this July 14 the 30th anniversary of the Six Assurances and the 25th anniversary of the lifting of martial law in Taiwan, to further underline our unwavering commitment to the people of Taiwan and to affirm our support for the strong and deepening relationship between the U.S. and Taiwan.

H. RES. 711, RECOMMENDING THAT THE HOUSE OF REPRESENTATIVES FIND ERIC H. HOLDER, JR., ATTORNEY GENERAL, U.S. DEPARTMENT OF JUSTICE, IN CONTEMPT OF CONGRESS FOR REFUSAL TO COMPLY WITH A SUBPOENA DULY ISSUED BY THE COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. CUMMINGS. Mr. Speaker, the Resolution holding Attorney General Eric H. Holder, Jr. in contempt of Congress and the accompanying report approved by the Committee on Oversight and Government Reform have significant flaws. Although some are simply misleading, others are significant legal deficiencies and factual errors that may call into the question the validity of the Resolution itself. These flaws are described in detail in a document available at <http://go.usa.gov/vSU> and are hereby incorporated for the record into these remarks.

For example, the Resolution and report would hold the Attorney General in contempt for not producing documents that were never demanded by the Committee's subpoena. The Committee's subpoena was issued on October

11, 2011, and it explicitly demanded documents up to the date it was issued. Documents created after October 11, 2011, clearly fall outside of the scope of the subpoena.

Yet, the Resolution and report would hold the Attorney General in contempt for not producing documents created between October 11, 2011, and December 2, 2011. The Resolution states, "That Eric H. Holder, Jr., Attorney General of the United States, shall be found to be in contempt of Congress for failure to comply with a congressional subpoena." The report explicitly covers documents from the date the Department sent a letter to Senator CHARLES GRASSLEY on February 4, 2011, to the date it formally withdrew that letter on December 2, 2011. The report states that the Attorney General should be held in contempt for not producing documents regarding "why it took so long for the Department to withdraw the letter."

Committee Chairman DARRELL E. ISSA reiterated his demand for documents covering this time period before an "emergency meeting" of the Rules Committee. When asked about this deficiency, the interpretation he provided of his own subpoena was incorrect. He stated: "... [runs to the end of this Congress]." In contrast, the text of the subpoena itself states: "With the exception of paragraphs 4 and 5, the time period covered by this subpoena is from August 1, 2009 to the present, unless otherwise specified." Since the subpoena was issued on October 11, 2011, it clearly covered documents only until October 11, 2011. Under the Chairman's interpretation,

the subpoena's reference to "the present" actually would mean "the future."

The Committee's full subpoena is available for review at <http://go.usa.gov/wuD> and is hereby incorporated for the record into these remarks.

It should come as no surprise that the Resolution and Committee report contain such obvious deficiencies because Republican House leaders rushed to schedule the Floor vote only one week after the Committee voted on a strictly party-line basis to approve them.

HONORING THE 50TH
ANNIVERSARY OF TELSTAR

HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. MICHAUD. Mr. Speaker, I rise today to recognize the 50th Anniversary of the first successful transatlantic television signal between Andover Earth Station, Maine, and Pleumeur-Bodou Telecom Center in Brittany, France, which took place on July 12, 1962.

As a Co-Chair of the Congressional French Caucus, it is often my great honor to commemorate special moments in history that recognize the historical relationship of the United States and France. It is a particular honor to recognize an event that my home State of Maine played a key part of.

Five decades ago, Andover, Maine, and Pleumeur-Bodou, France, were connected for

a short 22 minutes. In our digital world, sometimes it is hard to believe how far we have come. But that short bond, less than a half an hour, played a historical role in advancing science and telecommunications forever.

Former Senator Margaret Chase Smith is synonymous with statesmanship across Maine and the United States. How proud Senator Smith, who played an important role in Telstar's success, must have been when the first image shown across the Atlantic Ocean was a live shot of the American flag being held in Andover, Maine.

Because of the unique partnership formed between Maine and France five decades ago, the world saw the potential in space and satellite communication, and in the power of sharing information around the globe.

Mr. Speaker, please join me in recognizing this special occasion.

PERSONAL EXPLANATION

HON. BILL HUIZENGA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 12, 2012

Mr. HUIZENGA of Michigan. Mr. Speaker, on rollcall No. 413, I was absent due to personal reasons.

Had I been present, I would have voted "aye."

HOUSE OF REPRESENTATIVES—Friday, July 13, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 13, 2012.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving and gracious God, we give You thanks for giving us another day.

How shall we be measured in Your sight? In a culture of achievement, we can carry over competitive attitudes to our relationship with You and to those we love and serve. But once we realize there is nothing we can do to make You love us more than You already do, we can be set free to simply love as You love and serve others with abandonment. Help us to give of ourselves in love and service, for this is enough.

In a culture of success, the worst thing that can happen is to fail. But all You ask of us, O Lord, is to do what is right, speak what is true, and give of ourselves in service to others without counting the cost.

Bless the Members of this people's House and bless us all with the grace to love as You love. May all we do be done for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The SPEAKER pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 12, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 12, 2012 at 5:52 p.m.:

That the Senate passed without amendment H.R. 3902.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until noon on Tuesday, July 17, 2012, for morning-hour debate.

There was no objection.

Accordingly (at 10 o'clock and 3 minutes a.m.), under its previous order, the House adjourned until Tuesday, July 17, 2012, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6912. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Chronic Wasting Disease Herd Certification Program and Interstate Movement of Farmed or Captive Deer, Elk, and Moose [Docket No.: 00-108-8] (RIN: 0579-AB35) received June 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6913. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Acquisition of Tents and Other Temporary Structures (DFARS Case 2012-D015) (RIN: 0750-AH73) received June 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6914. A letter from the Secretary, Department of Health and Human Services, transmitting annual report on new safety technologies and equipment pursuant to the MINER Act of 2006 for Fiscal Year 2011; to the Committee on Education and the Workforce.

6915. A letter from the Chair, Board of Governors, Patient-Centered Outcomes Research

Institute, transmitting the 2011 Annual Report, pursuant to 42 U.S.C. 1320e Public Law 111-148, section 1181(d)(10); to the Committee on Energy and Commerce.

6916. A letter from the Director, Defense Security Cooperation Agency, transmitting a notice of proposed lease with the Government of Sweden (Transmittal No. 05-12) pursuant to Section 62(a) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6917. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Wassenaar Arrangement 2011 Plenary Agreements Implementation: Commerce Control List, Definitions, New Participating State (Mexico) and Reports [Docket No.: 111220789-1017-01] (RIN: 0694-AF50) received June 18, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6918. A letter from the Secretary, Department of Defense, transmitting a report on the U.S. Commitments Ensuring the Safety, Reliability, and Performance of its Nuclear Forces; to the Committee on Foreign Affairs.

6919. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting consistent with the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Pub. L. 107-243), the Authorization for the Use of Military Force Against Iraq Resolution (Pub. L. 102-1), and in order to keep the Congress fully informed, a report prepared by the Department of State for the February 26, 2012 — April 25, 2012 reporting period including matters relating to post-liberation Iraq under Section 7 of the Iraq Liberation Act of 1998 (Pub. L. 105-338); to the Committee on Foreign Affairs.

6920. A letter from the Chairman, Federal Trade Commission, transmitting the semi-annual report on the activities of the Office of Inspector General for the period from October 1, 2011 through March 31, 2012, pursuant to 5 U.S.C. app. (Insp. Gen. Act), section 5(b); to the Committee on Oversight and Government Reform.

6921. A letter from the Program Manager, Department of Justice, transmitting the Department's final rule — Residency Requirements for Aliens Acquiring Firearms (2011R-23P) [Docket No.: ATF 22I; AG Order No. 3337-2012] (RIN: 1140-AA44) received June 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6922. A letter from the Program Manager, Department of Justice, transmitting the Department's final rule — Firearms Disabilities for Certain Nonimmigrant Aliens (2001R-332P) [Docket No.: ATF 24F; AG Order No. 3336-2012] (RIN: 1140-AA08) received June 14, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6923. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's Thirty-Fourth Annual Report to Congress pursuant to section 201 of the Hart-Scott-Rodino Antitrust Improvements Act of and Section 7A of the Clayton Act, pursuant to 15 U.S.C. 18a(j); to the Committee on the Judiciary.

6924. A letter from the Director, National Legislative Commission, American Legion,

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

transmitting a copy of the Legion's financial statements as of December 31, 2011, pursuant to 36 U.S.C. 1101(4) and 1103; to the Committee on the Judiciary.

6925. A letter from the Deputy Assistant Secretary, Department of Labor, transmitting the 2011 annual report on the Department's Veterans' Employment and Training Service, pursuant to 38 U.S.C. 2009(b); to the Committee on Veterans' Affairs.

6926. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — Autopsies at VA Expense (RIN: 2900-AO03) received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6927. A letter from the Director of Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs, transmitting the Department's final rule — VA Veteran-Owned Small Business Verification Guidelines (RIN: 2900-AO49) received June 26, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

6928. A letter from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting the Department's final rule — (Department of the Treasury Circular, Public Debt Series No. 3-72) U.S. Treasury Securities — State and Local Government Series received June 15, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6929. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Treatment of Overall Foreign and Domestic Losses [TD 9595] (RIN: 1545-BH13) received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6930. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Portability of a Deceased Spousal Unused Exclusion Amount [TD 9593] (RIN: 1545-BK34) received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6931. A letter from the Secretary, Department of Health and Human Services, transmitting a report entitled, "Plan to Implement a Medicare Skilled Nursing Facility Value-Based Purchasing Program"; jointly to the Committees on Energy and Commerce and Ways and Means.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MCHENRY (for himself and Mr. GARRETT):

H.R. 6127. A bill to amend the Securities Exchange Act of 1934 to enable national securities exchanges to provide financial incentives to market-makers that adhere to objective standards that increase the liquidity and depth of the public capital markets and promote enhanced trading and price-discovery for smaller public companies; to the Committee on Financial Services.

By Ms. ROYBAL-ALLARD:

H.R. 6128. A bill to amend part E of title IV of the Social Security Act to ensure that immigration status alone does not disqualify a parent, legal guardian, or relative from being a placement for a foster child, to prohibit a State, county, or other political subdivision of a State from filing for termination of parental rights in foster care cases in which an otherwise fit and willing parent or legal guardian has been deported or is involved in (including detention pursuant to) an immigration proceeding, unless certain conditions have been met, and for other purposes; to the Committee on Ways and Means.

By Mr. CLARKE of Michigan (for himself, Mr. CONYERS, and Mr. THOMPSON of Mississippi):

H.R. 6129. A bill to amend the Fair Credit Reporting Act to prohibit the use of consumer reports and consumer information in making any determination involving auto insurance with respect to a consumer, and for other purposes; to the Committee on Financial Services.

By Ms. HOCHUL:

H.R. 6130. A bill to require priority visa processing for visitors to National Heritage Areas or National Parks, to invest in communities hosting these national treasures, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California (for herself, Mr. BERMAN, Ms. ROS-LEHTINEN, Mr. FRANKS of Arizona, Mr. McDERMOTT, Mr. HASTINGS of Florida, and Ms. NORTON):

H. Con. Res. 131. Concurrent resolution expressing support for continued international cooperation to combat HIV/AIDS; to the Committee on Foreign Affairs.

By Mr. ISRAEL:

H. Res. 729. A resolution reaffirming the commitment of the House of Representatives to American manufacturing and jobs, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey:

H. Res. 730. A resolution urging the Government of Ukraine to ensure free and fair parliamentary elections on October 28, 2012, by adhering to democratic standards, establishing a transparent electoral process and releasing opposition leaders sentenced on politically motivated grounds; to the Committee on Foreign Affairs, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are sub-

mitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MCHENRY:

H.R. 6127.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8.

By Ms. ROYBAL-ALLARD:

H.R. 6128.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18.

By Mr. CLARKE of Michigan:

H.R. 6129.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3 of the Constitution of the United States of America.

By Ms. HOCHUL:

H.R. 6130.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the Constitution of the United States.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 459: Mr. ROYCE.
H.R. 997: Mr. SHUSTER.
H.R. 1006: Mr. RIVERA and Mr. McCAUL.
H.R. 1063: Mr. DAVIS of Illinois.
H.R. 1543: Ms. SUTTON and Mrs. CAPPS.
H.R. 1802: Mrs. LOWEY.
H.R. 2212: Mr. CLAY.
H.R. 2335: Ms. JENKINS.
H.R. 2866: Ms. EDWARDS.
H.R. 3032: Mr. CARSON of Indiana.
H.R. 3091: Mr. ROSS of Florida.
H.R. 3269: Mr. WEBSTER.
H.R. 3458: Mr. BOREN.
H.R. 3605: Mr. STARK.
H.R. 3618: Ms. WOOLSEY.
H.R. 3783: Mr. WEST and Mrs. ELLMERS.
H.R. 3803: Mr. NUNES, Mr. PAULSEN, and Mr. GERLACH.
H.R. 4122: Ms. SLAUGHTER.
H.R. 4235: Mr. CONAWAY and Mr. POSEY.
H.R. 4269: Mr. CONAWAY.
H.R. 4323: Ms. HAYWORTH, Mr. GIBSON, and Mrs. BLACK.
H.R. 4481: Mr. LAMBORN.
H.R. 5381: Mr. GIBBS.
H.R. 5914: Mr. CARTER.
H.R. 5925: Mrs. McMORRIS RODGERS.
H.R. 5943: Mr. LUETKEMEYER and Mrs. HARTZLER.
H.R. 6043: Mr. CONNOLLY of Virginia.
H.R. 6046: Mr. CAPUANO, Mr. CARNAHAN, Mr. FARR, Mr. LEWIS of Georgia, and Mr. STARK.
H.R. 6047: Mr. LAMBORN, Mr. BOREN, Mr. ROE of Tennessee, Mrs. LUMMIS, Mr. SCHWEIKERT, Mr. WALBERG, and Mr. PITTS.
H.R. 6088: Mr. FRANKS of Arizona and Mr. BARTLETT.
H.R. 6089: Mr. FLORES.
H.R. 6117: Ms. BALDWIN.
H.J. Res. 8: Mr. JONES.
H. Res. 262: Mr. BUTTERFIELD.
H. Res. 506: Mr. CRITZ.
H. Res. 672: Mr. SCHIFF.

EXTENSIONS OF REMARKS

HONORING THE MEMORY OF LONG-TIME CARSON CITY COUNCIL-WOMAN KAY CALAS

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 13, 2012

Ms. RICHARDSON. Mr. Speaker, today I rise to honor the memory of a truly inspirational woman, Kay Calas. Kay was a resident of Carson for over seven decades, and helped the area evolve into a large and diverse city with a thriving business community.

Shortly after moving to Carson in 1940 with her oldest son Chuck Thonney she met her husband, John Calas. Together they had four sons and were active members of the Carson community. He went on to found the Carson Chamber of Commerce, help the city incorporate in 1968 and finally was elected to the City Council in 1972.

Only three years later Mr. Calas passed away. The city saw something special in Kay, and 1,400 residents signed a petition urging the council to appoint her to the seat for the remainder of his term. Although the effort was unsuccessful she ran in the next election, and won. She won the next seven elections as well, before retiring in 2005.

Throughout scandal and corruption in the city's government, Kay could always be looked to as the beacon of righteousness. Although many of her colleagues were brought down from these scandals, not once was she affected.

Kay's life was dedicated to her sons and the city she loved so much. She had a particular passion for senior citizen's rights and the fine arts. There were instances where she would pay for a senior's hearing aid if the insurance would not cover it, and every year she paid the travel expenses to bring 3,000 school children to The Carson Symphony Orchestra.

Her political rivals had great respect for her as well, stating that although they disagreed on legislative issues, they knew Kay was always trying to help the city and residents of Carson.

Kay Calas was an innovative and visionary woman. As a woman in Congress I can appreciate what it takes to break into a traditionally male oriented world, and being elected in the seventies to public office is all the more impressive. She was an ideal role model for the young women of Carson, and her presence will be sorely missed.

THE HELP SEPARATED FAMILIES ACT

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 13, 2012

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise to introduce the Help Separated Families Act. This legislation proposes common sense solutions to keep families united and reduce the number of children in foster care as a result of immigration enforcement action.

During the first half of last year alone, more than 46,000 parents of U.S. citizen children were deported from the United States. In the wake of their parents' removal, a growing number of children have been placed in foster care and left to languish, or worse yet, have been separated permanently from their families when their parents' rights are terminated. It is estimated that over 5,000 children in at least 22 states are currently living in foster care as a result of immigration enforcement policies.

As parental deportation and detention rates have risen in recent years, the devastating impact on families has increased. Mothers like Encarnacion Bail Romero, who was apprehended in a federal immigration raid in 2007 and torn from her then-seven-month son, often face insurmountable barriers to family reunification. Ms. Romero, a native of Guatemala, had her parental rights terminated while in federal custody after a judge ruled that "illegally smuggling herself into the country is not a lifestyle that can provide any stability for the child." Her son Carlitos was adopted out against her will to a new family who now calls him Jameson, and Ms. Romero has not seen him in approximately five years.

What this case and so many more like it tell us is that, in the U.S., immigration status in itself has become grounds to permanently separate families. This is absolutely, unquestionably inhumane and unacceptable—particularly for a country that values family and fairness so highly.

The bond that exists between children and parents is not weakened by country of origin or immigration status. Undocumented parents love their children and want the best for them as all parents do, yet our broken child welfare and immigration systems undermine the best interests of their families. The Help Separated Families Act helps address this heartbreaking issue.

To ensure more children are cared for by family members, my bill prohibits immigration status from disqualifying a parent, legal guardian, or relative from placement consideration. While current law allows undocumented individuals to become a foster or adoptive parent, our child welfare system continues to be biased against undocumented caregivers, as evidenced by a 12-year-old boy in Michigan

who has spent two full years in foster care with strangers after both of his parents were deported. Even though his aunt and uncle sought custody, they were denied by the child welfare agency on the basis of their immigration status.

The Help Separated Families Act also facilitates family unity by prohibiting states from petitioning to terminate parental rights based on the deportation or detention of a parent, provided certain conditions have been met. This provision protects the legal rights of parents and prevents child welfare agencies from unfairly, unnecessarily, and permanently separating children from their parents.

Our broken immigration system has torn apart families and taken a terrible toll on communities. I ask my colleagues to join me in doing our part to keep families together by supporting the Help Separated Families Act.

ANNIVERSARY OF SOUTH SUDAN'S INDEPENDENCE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 13, 2012

Mr. WOLF. Mr. Speaker, Monday marked the anniversary of South Sudan's independence. The people of that war-weary nation voted overwhelmingly to break from Khartoum which is headed by an indicted war criminal.

The challenges facing this fledgling nation are sizeable, including government corruption. A June AP story reported on President Salva Kiir's efforts to secure the return of an estimated \$4 billion in stolen funds. Kiir wrote, "We fought for freedom, justice and equality . . . Yet, once we got to power, we forgot what we fought for and began to enrich ourselves at the expense of our people." These are sobering but necessary words.

South Sudan's transition to independence has been undermined by their murderous neighbor to the north—Bashir. He's driven thousands of refugees from the Nuba Mountains into South Sudan.

And the Obama administration has done little to thwart him.

We must stand with our friends in the South as they seek to establish a healthy democracy and we must bring Bashir to justice.

ANNIVERSARY OF THE SIX ASSURANCES AND OF THE LIFTING OF MARTIAL LAW IN TAIWAN

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 13, 2012

Ms. BERKLEY. Mr. Speaker, I rise today to commemorate two important anniversaries

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that are coming up this July 14th in relation to our close friends in Taiwan.

Since the end of World War Two, the United States and Taiwan have fostered a close relationship that has been of enormous strategic and economic benefit to both countries. When the United States shifted diplomatic relations from Taiwan to the People's Republic of China (PRC) in January 1979, Congress moved quickly to pass the Taiwan Relations Act (TRA) to ensure that the United States would continue its robust engagement with Taiwan in the areas of commerce, culture, and security cooperation. On April 10, 1979, President Jimmy Carter signed this important and lasting piece of legislation into law and it has since served as the statutory basis for U.S.-Taiwan relations going forward.

After 33 years, the TRA still stands as a model of Congressional leadership in the history of our foreign relations, and, together with the 1982 Six Assurances, it remains the cornerstone of a mutually beneficial relationship between the United States and Taiwan. These Six Assurances—issued by President Ronald Reagan on July 14, 1982—further clarified U.S. policy toward Taiwan, particularly regarding arms sales, while reiterating our commitment to Taiwan's security under the TRA and reaffirming our position on Taiwan's sovereignty. It also stipulated that we would not pressure Taiwan to enter into negotiations with the PRC.

On that same day five years later, martial law was lifted in Taiwan, setting the stage for a momentous process of democratization in Taiwan that continues to this day. Taiwan now has a robust, boisterous parliament, and has seen several peaceful transitions of presidential power between parties, based on re-

peated free and fair elections. They have truly joined the world's community of democracies, which has only strengthened the friendship between our two peoples.

Unfortunately, though, Taiwan continues to live day after day under the ominous shadow cast by over 1400 short and medium-range ballistic missiles that the PRC has aimed at them. The PRC persists in claiming Taiwan as a "renegade province," refusing to renounce the use of force to prevent Taiwan's formal *de jure* independence.

Mr. Speaker, I invite my colleagues to join me in commemorating this July 14th as the 30th anniversary of the Six Assurances and the 25th anniversary of the lifting of martial law in Taiwan, to further underline our unwavering commitment to the people of Taiwan and to affirm our support for the strong and deepening relationship between the U.S. and Taiwan,

HONORING JUDGE MICHAEL NASH
FOR HIS INSTALLATION AS
PRESIDENT OF THE NCJFCJ

HON. KAREN BASS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 13, 2012

Ms. BASS of California. Mr. Speaker, today I honor a remarkable individual of California's 33rd Congressional District—Judge Michael Nash on occasion of his installation as President of the National Council of Juvenile and Family Court Judges, NCJFCJ, as well as his service and dedication to strengthening the court system, helping American families and

children, and bringing attention to critical issues facing these children and families. An accomplished leader, Judge Nash is characterized by his profound compassion for children and families in California.

Judge Nash has continuously demonstrated his strong commitment to Los Angeles and the nation, having served in many outstanding positions directed toward the betterment of his community. He has served as a Judge in the Los Angeles Juvenile Court for over two decades and has been the Presiding Judge for 15 years. Judge Nash also was a co-chair of the California Judicial Council's Family & Juvenile Advisory Committee, and Chair of the Juvenile Court Judges of California. He has also left a legacy in his community by organizing the "Adoption Saturdays" Program in 1998, which has extended across the nation and has helped see the adoption of over 10,000 children in the foster care system. Judge Nash supervised the establishment of Los Angeles' first mental health and drug court for juveniles, dedicating himself to the development and progression of youth in his community.

Judge Nash will bring years of experience, deep insight, and strong determination to the National Council of Juvenile and Family Court Judges as its President. He is an extraordinarily innovative leader who will continue to improve outcomes for abused and neglected children and their families throughout the nation.

Mr. Speaker, I am very proud to have such a pioneering and inspiring community leader in my home district. I take great pleasure in recognizing Judge Michael Nash as he assumes the Presidency of the National Council of Juvenile and Family Court Judges.

SENATE—Monday, July 16, 2012

The Senate met at 2 p.m., and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, who keeps us in Your love, forgive us when we give our best to the wrong things. Keep us from becoming annoyed and angry about things which in our calmer moments we know do not matter. Give our lawmakers this day the wisdom to know what is important and what is unimportant so they will never forget the things that truly matter. Help them, Lord, to never let the things that do not matter to matter too much. Give them in all their duties Your help, in all their perplexities Your guidance, and in all their dangers Your protection.

We pray in Your great Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 16, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DISCLOSE ACT OF 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 446, S. 3369, the DISCLOSE Act.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 446, S. 3369, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements of corporations, labor organizations, super PACs, and other entities, and for other purposes.

SCHEDULE

Mr. REID. Mr. President, at 5 p.m., the Senate will proceed to executive session to consider the nomination of Kevin McNulty to be United States District Judge for the District of New Jersey.

At 5:30 p.m., there will be two rollcall votes. The first vote will be on confirmation of the McNulty nomination. There will then be 10 minutes of debate prior to a cloture vote on the motion to proceed to the DISCLOSE Act.

MEASURE PLACED ON THE CALENDAR—H.R. 6079

Mr. REID. Mr. President, I am told H.R. 6079 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The legislative clerk read as follows:

A bill (H.R. 6079) to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

Mr. REID. I now object to any further proceedings on this matter.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar under rule XIV.

THE DISCLOSE ACT

Mr. REID. Mr. President, Thomas Jefferson, one of our greatest Presidents, once said,

The end of democracy . . . will occur when government falls into the hands of lending institutions and moneyed corporations.

Campaign finance reform protections we have in place—and have had for many years—have solved the problem Jefferson talked about by limiting political spending by corporations. Then out of nowhere came the Supreme

Court to issue its Citizens United opinion, rolling back a century of work to make elections transparent and credible.

The result of Citizens United has been a flood of corporate, special-interest campaign spending by shadowy front groups with questionable motives. Not since the days of Teddy Roosevelt, a Republican who put a stop to unlimited corporate donations, has America seen this kind of out-of-control spending to influence elections.

Democrats and the majority of Americans believe the Supreme Court got it very wrong with Citizens United. Anonymous spending by so-called nonprofits, often backed by huge corporate donors or a few wealthy individuals, used to make up 1 percent of election spending. This year it will make up well over half of the spending. There is no question Citizens United opened the door for big corporations and foreign entities to secretly spend hundreds of millions of dollars to influence elections and undermine the fairness and integrity of the process. Let us look at Nevada. Through the first part of this year, more money has been spent per capita on TV ads in Nevada than in any other State in the country. Most of the ads have been funded by anonymous groups flush with cash from these huge oil interests, Wall Street, moneyed interests, foreign gambling interests, and other interests seeking greater influence in Washington.

Voters in Nevada and across the country deserve to know who paid for these ads. We have proven it is possible to remove the veil of secrecy from outside money and make the process more transparent. We have done that before and we need to do it again. We can require large political donors to disclose their identities so voters can at least judge their motivations for themselves.

Requiring large donors to disclose their identities is not a new concept. In fact, my counterpart, Senator McCONNELL, and many of his Republican colleagues, have supported this in the past. The legislation today before the Senate—the DISCLOSE Act—would require disclosure of donations in excess of \$10,000 if they are used for campaign purposes.

The bill treats all political entities equally—whether unions, corporations, business associations, or super PACs. And contrary to Republican claims, this legislation would not require organizations to turn over membership rosters or lists of grassroots donors. Rather, it would prevent corporations and wealthy individuals from using front groups to shield their donations from disclosure.

Yet my Republican colleagues, with rare exception, have lined up against this commonsense legislation. Their newfound opposition to transparency makes one wonder who they are trying to protect. Perhaps Republicans want to shield a handful of billionaires willing to contribute nine figures to sway a close Presidential election.

If this flood of outside money continues, the day after the election 17 angry old White men will wake up and realize they have just bought the country. That is a sad commentary. About 60 percent or more of these outside dollars are coming from these 17 people.

These donors have something in common with their nominee. Like Mitt Romney, they believe they play by their own set of rules. Mitt Romney has refused to release his tax returns. I think everybody in America now knows that. From the one and only return we have seen, we know Mitt Romney pays a lower tax rate than most middle-class families. We know he has a Swiss bank account. We know he takes advantage of tax shelters in the Cayman Islands and tax shelters in Bermuda. But we can only guess what new secrets would be revealed if we could examine a dozen years of his tax returns. His father, George Romney, set the standard for Presidential elections. He released 12 years of tax returns so Americans could evaluate his record for themselves. His son should also let his records out so we can evaluate his record for ourselves.

Even nominees for Cabinet posts are required to release 3 years of tax returns and declare financial holdings worth more than \$1,000. Romney's refusal to be open and honest would disqualify him from even being a Cabinet secretary. And his penchant for secrecy makes Americans wonder: What is he hiding?

Thomas Jefferson famously argued: Democracy depends on an informed electorate. If that is true—and I believe it is—it stands to reason disclosure can only strengthen our democracy. But don't take my word for it. As my friend Senator MCCONNELL has said, "Disclosure is the best disinfectant."

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

THE DISCLOSE ACT

Mr. MCCONNELL. Mr. President, later today Senate Democrats will

show where their legislative priorities truly lie.

At a moment when the American people are reeling from the slowest economic recovery in modern times, and just 5½ months away from the culmination of tax hikes and spending cuts already being referred to around the world as America's fiscal cliff, Senate Democrats want us to waste our time on the DISCLOSE Act, a bill that has only two discernible purposes: to create the impression of mischief where there is none, and to send a signal to unions that Democrats are just as eager to do their legislative bidding as ever.

Think about it. We have had 41 straight months of unemployment above 8 percent. It has been more than 3 years since the Democratic Senate passed a budget, but this is what they want to do.

For months Republicans have been urging Democrats to do something about the approaching fiscal cliff now, before it is too late. The American people don't expect us to see every crisis that comes around the corner, but they should be able to expect us to do something about the problems we do see and that we know are coming. Yet last week President Obama signaled that he and his campaign advisers think it is good politics to keep the threat of these looming tax hikes on everyone right on the table as supposed leverage in an effort to raise taxes on nearly 1 million business owners right now.

As the Washington Post reported this morning, not only do Democrats in Congress agree with him, they are ready and willing to go right off the fiscal cliff if they don't get their way. In their near fanatical crusade to inflict even more pain on American businesses, Democrats are now openly admitting that they plan to wait until this debate reaches full throttle and Americans are panicked about the outcome to do anything because they think it will make it more likely they will get their way. And if they don't, then so be it. They are ready to accept the economic and fiscal consequences. They see a crisis coming, and they don't want to waste it.

The Congressional Budget Office has said that not doing anything and walking off this fiscal cliff would lead to a recession. The IMF chief says it would threaten the global economy. Yet Senate Democrats today are announcing they are perfectly ready and willing to accept all that if Republicans don't allow them to raise taxes on the very businesses we are counting on to create the jobs we need.

This is what passes for governance among Democrats these days: Put the American people up against a wall, pick their pockets, and then hope that in the midst of the scuffle they will blame it—and the recession that would follow—on the Republicans.

Now, let's make no mistake. What the Democrats are proposing today is an entirely avoidable high-stakes game of chicken with the single-minded goal of taking more money from those who earn it for government to waste. The President made it very clear over the weekend that he doesn't think entrepreneurs are responsible for their own success. They owe it to the government. Successful entrepreneurs owe their success to the government. That is the attitude driving everything this President and his Democratic allies in Washington are doing right now. Their one-point plan for getting America back on track is clear: You earn, we take. And if they don't get to impose it, then they will welcome a recession.

They are so single-mindedly focused on taking the earnings of others for themselves and spreading it around—in the President's famous phrase—that they are recklessly ignoring any proposal to prevent the coming crisis in order to achieve it.

Last week Senate Republicans proposed a legislative solution which ensures that no one sees their income tax go up—no one—at the end of the year, legislation that creates a path for the kind of fair, broad-based comprehensive tax reform members of both parties claim they want and which would give individuals and businesses the certainty they have been asking us to give them since the very beginning of the administration.

We could have passed this completely reasonable proposal last week and put the anxiety of millions of Americans at ease with a single vote, but Democrats, of course, refused. They would rather keep the crisis unresolved, keep it looming out there on the horizon. They think it gives them a political edge. They think it is good politics. And they should be ashamed. They should be ashamed.

Consider this: It has been nearly 1 year since the President demanded \$500 billion in automatic cuts to defense at the end of this year. Yet with the date now fast approaching, we still don't know how he intends to handle it. The President's campaign wants people asking whether his opponent is hiding something on a 10-year-old tax return. How about what this President is actually concealing about his plans to slash defense? With just a few months to go before these cuts devastate communities all across the country, the President has yet to outline his plans.

Republicans in the House have already passed, and Senate Republicans have proposed, concrete plans to avoid these devastating cuts to our national defense. Our uniformed military deserves the certainty that their operations, training, support, and weapons systems will be fully funded. Meanwhile, the President hasn't demonstrated the least bit of interest in this issue—no interest whatsoever. He

hasn't said a thing. He is apparently more interested in blowing smoke about his opponent's tax returns than in talking about the tax hike he actually plans to impose on the very businesses we are counting on to create the jobs Americans need—not some other day but right now.

He would rather spend his time raising unfounded suspicions about a guy whose entire professional career has been a dress rehearsal for bringing order to a government that has become so bloated, so inefficient, and so bureaucratic that it is crying out for the kind of leadership and reform Democrats simply refuse to provide. He would rather attack a guy who has succeeded at just about everything he has ever done than propose a solution himself. And the reason, of course, is perfectly clear: Washington Democrats are worried he might succeed at reforming government too. They don't want to give him the chance.

Think about it. The economy is flat on its back, millions are struggling to find work, and Democrats aren't outlining a solution. They are plotting about how to take advantage of it to advance an ideological agenda most Americans oppose and to cast doubt about anybody who poses a serious threat to the crony-capitalist bureaucratic favor factory right here in Washington.

Where the rest of us see the worst economic recovery in modern times, Democrats see another opportunity to use a crisis to grow the government, and that is what they are focused on—not on providing hope and relief for already struggling Americans but providing more tax dollars for the government to waste and misdirect. In the meantime they will waste our time with bills like this one which they know will not pass but will give them a chance to make a fuss about a problem that doesn't exist—and blow a kiss to the unions for good measure.

But if we are going to have to vote on proceeding to this bill, I would like to take a moment to explain why it is not only exhibit A in how completely irresponsible Democrats are being right now, but why it is such a terrible idea in itself.

First, a point on process. When the history books are written, the 112th Congress may well be known as the Congress of irrelevant committees—the Congress of irrelevant committees. There once was a day when committees held hearings on bills, debated them, offered amendments, and reported them out for full Senate consideration. Now it is find a bill, put it on the calendar, move to proceed, file cloture, lose, and repeat. That is today's Senate. Committees are not being used to generate good legislation. In other words, they are viewed as an obstacle to overcome in the effort to make a point in front of the cameras on the

Senate floor. The latest such effort is the DISCLOSE Act, a bill aimed at doing something about people exercising their first amendment rights to participate in the process.

My question is, do something about what? Do something about races which previously would not have been competitive but now are? Do something about individuals and organizations criticizing unpopular positions and policies? Do something about groups advocating on behalf of their members to promote or oppose the very positions for which their members joined? As George Will has pointed out, the political process is not a private club with the parties and the candidates controlling membership. Under the Citizens United decision of 2010, independent groups are now able to speak, again, under the first amendment regardless of who, when, and about what they are speaking. This is something Democrats should be celebrating, not excoriating.

The Founders envisioned a nation in which speech would be promoted as widely as possible. That is what the first amendment is all about, particularly when it comes to the political process. The purpose of this legislation is totally clear. After Citizens United, Democrats realized they could not shut up their critics so they decided to go after the microphone instead by trying to scare off the funders. As Senator SCHUMER put it during debate on an earlier version of this bill, “. . . the deterrent effect should not be underestimated.” That was Senator SCHUMER on the real purpose of this bill: “The deterrent effect should not be underestimated.”

Just as with the DISCLOSE Act of 2010, this amounts to nothing more than member and donor harassment and intimidation and is all part of a broader government-led intimidation effort by this administration. There are parallel efforts going on at the FCC, the SEC, the IRS, the DOJ, and the White House itself to silence its critics.

The creation of a modern day Nixonian “enemy's list” is currently in full swing and, frankly, the American people should not stand for it. As I have said before, no individual or group in this country should have to face harassment or intimidation or incur crippling expenses defending themselves against their own government simply because the Government does not like the message they are advocating. But that is what we are seeing.

My own view has always been, if you cannot convince people of the wisdom of your policies, then you need to come up with some better arguments. Instead, the left has resorted to tactics such as the pending legislation. This legislation is an unprecedented requirement for groups to publicly disclose their donors, stripping a protec-

tion recognized and solidified by the courts. As a result of this legislation, advocacy groups ranging from the NAACP to the Sierra Club, to the Chamber of Commerce, all of which already disclose their donors to the IRS, would now be forced to subject their members to public intimidation and harassment. Why? For supporting organizations and groups whose goals they agree with.

Predictably, unions are exempted from the kind of disclosure Democrats now want to impose on everybody else. The so-called stand by your ad provision in an earlier version has done a David Copperfield and entirely vanished.

I am not advocating for the provision but simply to note its absence, which proves the primary goal of this bill is not good government or transparency but targeted speech suppression. That is what this is about—targeted speech suppression.

I have to give the authors credit, whoever they are. They actually list labor unions as a covered organization in the bill. However, through an elaborate scheme of thresholds and triggers, they might as well have saved the ink, since unions are largely given a free pass by this bill, despite the fact they are, by far, the biggest players in political campaigns in our entire country. No one else comes close—almost all of it, of course, on the Democratic side.

As the Wall Street Journal reported last week, labor unions spent a total of \$4.4 billion on campaigns from 2005 to 2011, a staggering amount of money and perfectly within their rights. I would add, under the first amendment.

Let's be clear. The other side may be able to whip the media up into a lather over the increased participation of individuals and groups that do not like the direction this President has taken our country, but the big money is coming from the left in the form of mandatory dues to labor unions. To the left, big money from individuals and corporations is a problem. But the nearly \$800 million spent by unions in 2008, oh, that is just fine and dandy—as long as nearly 100 percent of it goes to their own campaigns.

As supporters of this legislation have readily admitted, the real target of this bill is to protect themselves from criticism over their wildly unpopular policies and positions. This is precisely why this legislation has been opposed by business groups from coast to coast and opposed by everyone from the NRA—which is key voting this vote—to the ACLU, to the U.S. Chamber of Commerce. I greatly appreciate all the effort these folks have put into educating and advocating on this issue.

I will certainly do everything in my power to protect the first amendment rights from DISCLOSE, the sequel, and I ask my colleagues on both sides of the aisle to join with me in voting no.

We have many serious problems in this country. Too much free speech is not one of them.

Democrats can call this bill whatever they want, but they cannot conceal its true intent, which is to encourage their allies and discourage their critics from exercising their first amendment right to speak their mind. If Democrats do not like the level playing field ensured by the first amendment and reaffirmed by Citizens United, they should do a better job convincing the American people of the wisdom of their policies and focus on real problems instead of inventing ones that do not exist. To this point, I once again urge our friends to put the political games aside and do something now about the fiscal cliff that is approaching before it is too late. Our Nation has been mired in an economic coma for years. More people signed up for disability last month than found a job. The number of Americans on food stamps continues to climb. It is all about to get worse, and we have a President who is on a single-minded crusade to punish business owners even more.

Republicans have proposed serious, concrete ideas for addressing the problems we face, but we cannot do any of it if the President and his Democratic allies in Congress refuse to join us. Unfortunately, that is where we are. Democrats have made their priorities perfectly clear and, sadly, the American people they were elected to serve appear to be very much at the bottom of the list.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

The Senator from Rhode Island.

ORDER OF PROCEDURE

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senator from Arkansas now be recognized to deliver remarks regarding a casualty from his home State—for which I will take this opportunity to send my condolences and the condolences of the people of Rhode Island—and at the conclusion of his remarks that I be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOOZMAN. Mr. President, I thank the Senator for yielding me a few minutes.

The ACTING PRESIDENT pro tempore. The Senator from Arkansas is recognized.

HONORING OUR ARMED FORCES

SERGEANT MICHAEL STRACHOTA

Mr. BOOZMAN. Mr. President, we are aware that our freedoms are not truly free and our soldiers give the greatest sacrifice in freedom's defense. The sacrifices of Americans in uniform and their families embody the courage,

honor, and patriotism that we must always remember.

Today I am here to pay my respects to Army SGT Michael Strachota, an Arkansas soldier who sacrificed his life for the love of this country in support of Operation Enduring Freedom.

Sergeant Strachota graduated from Pine Bluff High School in Pine Bluff, AR in 2002. In 2007 he enlisted in the Army and was assigned to the 96th Transportation Company, 180th Transportation Battalion, 13th Sustainment Command at Fort Hood, TX.

Sergeant Strachota was aware of the dangers he faced having served a previous deployment to Iraq in 2009. His family says that Michael was proud of his job and recalled to Arkansas newspapers how excited he was about his position and how he wanted to pursue a new direction in the military as an Army Ranger or pilot.

Sergeant Strachota's family said he was known for his friendly, out-going, and generous nature and his love of the outdoors and riding motorcycles. Most of all he was devoted to his family. He delayed his R&R to be home for his son's birthday on July 5th.

Sergeant Michael Strachota answered the highest call for this country. He is a true American hero. I ask my colleagues to keep his wife Lauren, son William and the rest of this family and friends in their thoughts and prayers during these difficult times. I humbly offer my sincerest gratitude for his selfless service and patriotism for this Nation.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I rise to speak about the DISCLOSE Act of 2012, legislation that will shine some much needed light into the flood of secret money that is now polluting our elections. I would like to open with thanks to Senators CHUCK SCHUMER, MIKE BENNET, AL FRANKEN, JEFF MERKLEY, JEANNE SHAHEEN, and TOM UDALL for their hard work in our task force that developed this legislation. I look forward to continuing to work with them through this debate.

On Thursday, Majority Leader REID moved to proceed to this vital piece of legislation, and we will vote on it this evening. I thank the leader. I and many of my colleagues are looking forward to the opportunity to make the case for this important measure. But in a sense, for the American public, the case has already been made. As anyone who watches television knows, our airwaves are filled with political attack ads. The organizations paying for many of these ads have patriotic and benign-sounding names with words such as "prosperity" and "freedom" and "future" frequently to be found. These names sound harmless, but all too often the ads are actually paid for by secret special interests, such as billionaires and wealthy corporations seeking

secret special influence in our democracy. In the process, they drown out the voices of regular American families who wish to participate in elections.

The Republican leader indicated we were going after the impression of mischief where there is none. Many Americans certainly have the impression of mischief.

As USA Today put it last week in an editorial supporting this DISCLOSE Act:

Everybody's watching what's expected to be by far the most expensive presidential campaign in history, and not without a dose of horror. Freed by the Supreme Court from spending limits, all manner of special interests are opening the spigots to buy influence.

Here is how my home State paper, the Providence Journal, explained the Citizens United decision that unleashed this torrent of special interest money.

The [Citizens United] ruling will mean that more than ever, big-spending economic interests will determine who gets elected. More money will especially pour into relentless attack campaigns. Free speech for most individuals will suffer because their voices will count for even less than they do now. They will simply be drowned out by the big money.

I think the Providence Journal hit the nail right on the head. What has happened since the Citizens United decision has, in fact, proved them right. Senator JOHN MCCAIN said earlier this year:

The United States Supreme Court—in what I think is one of the worst decisions in history—struck down the restrictions in the so-called McCain-Feingold law, and a lot of people don't agree with that, but I predicted when the United States Supreme Court, with their absolute ignorance of what happens in politics, struck down that law, that there would be a flood of money into campaigns, not transparent, unaccounted for, and this is exactly what is happening.

Senator MCCAIN is right. This is exactly what is happening. It is not an impression of mischief, it is mischief on the loose.

Richard Posner, a leading conservative legal scholar and a Federal judge, recently said:

Our political system is pervasively corrupt due to our Supreme Court taking away campaign-contribution restrictions on the basis of the First Amendment.

Our political system is pervasively corrupt. This is from a conservative Federal judge.

The impact of Citizens United has been very clear. In the 2010 midterm elections, the first after Citizens United, there was a more than a four-fold increase in expenditures from super PACs and other outside groups compared to 2006—\$69 million up to \$305 million—with nearly three-quarters of political advertising coming from sources that were prohibited from spending money back in 2006. Also, in 2010, those 501(c)(4)s and (c)(6) not-for-profit organizations spent more than \$135 million in unlimited and secret political contributions. Anonymous

spending rose from 1 percent of outside spending in 2006 to 44 percent in 2010.

We are already seeing the influence of money on the 2012 elections. Super PACs and other outside groups have spent over \$150 million in this election cycle, about twice of what was spent in the same period of 2008 during the last Presidential election.

Nondisclosing groups, said the New York Times, “have accounted for two-thirds of the political advertising bought by the biggest outside spenders so far in the 2012 election cycle . . . with close to \$100 million in issue ads.”

Campaigns are no longer waged by candidates and parties fighting over ideas, they are now waged by shadowy political attack groups posing as social welfare organizations run by the likes of Karl Rove and other political operatives and fueled by millions of undisclosed dollars from secret special interests. When these secret special interests take over our elections this way, it drowns out the voices of regular individual Americans. It also puts in jeopardy some of the key pillars of a strong middle class, pillars such as Medicare, Social Security, and Pell grants that have paved the way for generations to achieve the American dream but have always been the targets of special interests.

These special interests have motives. They have motives to spend this kind of money. If those motives were good for America and were welcomed by the average American, they wouldn't need and wouldn't want to keep them secret. We need to ask ourselves a very important question: What are they hiding? Why do they demand secrecy? Whatever the answer, one thing is clear: Americans who worry that Washington is too beholden to special interests now need to be concerned more than ever. Hang onto your wallets, here come the special interests, and you won't even know who they are.

As recently reported in the New York Times, secret spending groups have accounted for two-thirds of this advertising. Two-thirds of ad spending from groups, other than candidates or parties, has come from secretive corporations and billionaires whose names and agendas the voters may never know and who will have no accountability for how that money is spent. Impression of mischief, indeed.

Of course, when we don't have accountability, there is no limit to what people will say. One of the restraints on the vitriol and the filth that is so often part of the American political debate is that candidates have to stand by their ads. If someone says something that is awful, if they engage in relentless negative attacks, voters may charge them a price for that. They may find that unwelcome. That, of course, disappears when the name behind the ad is attached to no living person or corporation. It is just an entity, a sham, a phony, a shell.

How has this worked out? Not well for the American public. An April study found that about 70 percent of ads in this election cycle have been negative. That is up from only 9 percent through the same period in 2008. In 2008, 9 percent of ads in that time period had been negative. In this cycle, 70 percent have been negative. Over the last 6 months, if we look at the four top-spending political 501(c)(4) organizations, the ones that don't have to disclose their donors, they spent an estimated 85 percent of their election spending on ads containing deceptions. So 70 percent of the stuff out there is negative, up from only 9 percent, and 85 percent of the big spenders are spending their money on ads that have been determined to be deceptive.

The names of the organizations sound lovely: Americans for Prosperity, American Future Fund, American Energy Alliance, and Crossroads GPS. Without knowing who funds these shadowy groups, the American voter has no idea what mischief they are up to.

This is all a result of the Supreme Court's disastrous and misguided decision in *Citizens United v. Federal Election Commission*. This is the decision that opened the floodgates to unlimited and secret corporate and special interest money pouring into our elections.

This chart shows how easy it is under our current system for wealthy interests to skirt existing disclosure rules and spend secret millions in election ads. This amounts to a form of legalized political money laundering or, to use the phrase Senator McCain and I used in our brief to the Supreme Court, “identity laundering.”

Super PACs are supposed to disclose their donors under current law, but that can sometimes be weeks or months after a deceptive ad runs. If a donor wants to avoid even that disclosure, it can set up a shell corporation, which may be nothing more than a P.O. box someplace, and send the money through that super PAC through a shell corporation without a real name showing up on a disclosure form. They just launder it through the shell corporation, and the next thing they know the money is doing their work.

They can also pass the money through a 501(c)(4) social welfare organization. I put the words “social welfare” in quotes because that is the IRS phrase that is used for these organizations. There is very little social welfare being accomplished by the big political donor groups known as social welfare associations. The IRS gives nonprofit status to these groups whose primary purpose—and in many cases their only purpose—is to shield big spenders from having their identities disclosed. In many cases, these 501(c)(4) so-called social welfare groups are so

closely affiliated with the super PACs that they have all the same staff and the same office space. It is a 501(c)(4) independent social welfare organization for the IRS with the same staff and the same office space as a super PAC. Please. Of course, the 501(c)(4) groups still don't have to disclose their donors, even when they are the same staff and the same office as the super PAC.

On this chart, we see the money raised by one of them, Citizens United, by Republican political operatives, including Karl Rove. They raised money through the Crossroads PAC. It is a super PAC, and it is supposed to disclose its donor. It has attached to it Crossroads GPS, a 501(c)(4) group that is not the super PAC and it can maintain complete secrecy for its donors. Guess which one has raised the most money. It is an easy question. It is the 501(c)(4) group that doesn't have to disclose its donors. The group raised \$76.8 million through 2011 as opposed to only \$46.4 million raised by its sister super PAC. This is by no means a unique situation.

As the New York Times wrote in an editorial last Sunday in support of the DISCLOSE Act, “Corporations love the secrecy provided by Mr. Rove's group because it protects them from scrutiny by nosy shareholders and consumers.” They want a big influence on elections but without leaving any tracks.

An unnamed corporate lobbyist told the newspaper Politico earlier this year that nondisclosure is always preferred by corporate donors. Why is it preferred? Because it makes it impossible for the public and law enforcement to track down the corrupting influence of the money that these corporations spend in elections. The DISCLOSE Act puts an end to this nonsense. It puts an end to using 501(c)(4) groups and shell corporations to shield the identities of big donors.

One thing that should not be lost in the discussion of anonymous spending is the fact that there is one person to whom this spending is never anonymous; that is, the candidate who is either benefited or punished. Although the donors have managed to hide their identities from the public, they can sure tell the candidate how much money they are putting in the candidate's super PAC and, by the way, what position they want that candidate to take on issues. What this creates is a perfect recipe for corruption—wealthy corporations, individuals, and special interests secretly spending millions of dollars to influence a candidate in ways the public never sees.

A rich donor can secretly threaten massive spending against a candidate without even putting up the money. If the candidate doesn't take the right position on an issue, then they can pull the trigger, but they can make the threat quietly.

Political scientist Norm Ornstein recently said:

I had this tale told to me by a number of lawmakers. You're sitting in your office and a lobbyist comes in and says, "I'm working for Americans for a Better America. And I can't tell you who's funding them, but I can tell you they really, really want this amendment in the bill." And who knows what they'll do. They have more money than God.

If the candidate complies, of course, the expenditure is never made, there is no paper trail, no trace of that threat. Yet the system has been corrupted. Let's also dispense with the fiction that this spending is independent. The whole rationale for unlimited spending was that it was to be done independently of candidate campaigns. The reality is that super PACs are anything but independent. Campaigns and super PACs share fundraising lists, donors, former staff, and consultants. Candidates appear at fundraisers for their super PACs. Super PACs recycle ads that were originally run by the candidates. They share film. They are free to act as the evil twins of candidate campaigns, as one FEC Commissioner put it, raising unlimited, secret money, and then spending it on massive amounts of advertising—most of it negative—to benefit their preferred candidates.

Our campaign finance system is broken, and it lends itself to corruption in new and unprecedented ways. Immediate action is required to fix it. Today we are debating a bill that will at least bring some transparency and accountability into this election spending. This should not be a Democratic issue or a Republican issue, and in the past, it has not been. It has always had bipartisan support because it is about protecting our Democratic process. We need to pass the DISCLOSE Act now.

The USA Today editorial said:

Citizens United left the public only one way to protect itself from the rising threat: Disclosure. At the federal level, this would be achieved by the DISCLOSE Act.

I thank USA Today for supporting this bill.

The Supreme Court also made it crystal clear in this very Citizens United decision that disclosure was an appropriate and even a necessary part of a healthy campaign finance system. Here is what Justice Anthony Kennedy wrote, writing for the majority:

[P]rompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters. Shareholders can determine whether their corporation's political speech advances the corporation's interest in making profits, and citizens can see whether elected officials are in the pocket of so-called moneyed interests.

The new version of the DISCLOSE Act will do exactly this. It says nothing more and nothing less than when corporations and other wealthy interests spend money—more than \$10,000—

to influence our elections, their identities must be disclosed.

There is no question where the American people stand on this issue. Americans of all political stripes are disgusted by the influence of unlimited, anonymous corporate cash in our elections and by campaigns that succeed or fail depending on how many billionaires the candidate has in his pocket—or advisers, perhaps. More and more, people feel their government responds only to wealthy and corporate interests. They see their jobs disappear. They see their wages stagnate. They see bailouts and special deals for the big guys. And they lose faith that their elected officials will listen to them.

Six in ten Americans say the middle class will not catch a break in this economy until we reduce the influence of lobbyists, big banks, and big donors. Seven in ten Americans, nearly, including a majority of both Democrats and Republicans, agree that "new rules that let corporations, unions, and people give unlimited money to super PACs will lead to corruption." Notwithstanding what the NRA and the chamber and other big DC lobbying powerhouses want, they are at odds with the regular American people. Indeed, one in four Americans says they are actually less likely to vote because big donors to super PACs have so much more influence over elected officials than average Americans.

These numbers should be a call to arms for anyone who believes our American democracy is one of our world's shining jewels and should be scrupulously, carefully, ardently protected. Indeed, people are answering this call to arms in numbers that are increasing every day.

I have with me today here on the Senate floor 213,000 Americans—213,000 citizen cosponsors of this DISCLOSE Act, which were collected by CREDO Action. My colleagues can leaf through them and see people from Apple Valley, MN; from San Francisco, CA; from Ashland, OR; from Austin, TX; from Long Beach, NY; from Imperial, NE; from Yorktown Heights, NY; from Brick, NJ; from Schaumburg, IL; people from all across the country—nearly a quarter of a million of them now—coming from all 50 States, and more than 1,000 Rhode Islanders are in this group. Unlike the corporations and the billionaires who are spending hundreds of millions of dollars to buy our elections and who insist on doing it in secret, these regular people are unashamed to stand up for what they believe in. Their pride in civic engagement reflects the best values of America, and their numbers show that this is an issue where a broad cross-section of Americans demand a change to what is happening in our elections.

Justice Antonin Scalia has written:

Requiring people to stand up in public for their political acts fosters civic courage, without which democracy is doomed.

Our friends who have signed on as citizen cosponsors have that courage, and the biggest campaign spenders in the world should as well. Frankly, even those big campaign spenders should be patriotic enough to understand, as Justice Scalia did, that democracy is doomed without civic courage, and they should step up on their own. But, instead, they are hiding behind the rules and hiding their identities and trying to buy influence.

I will conclude by saying that prior to Citizens United, there was a long bipartisan tradition supporting laws that require disclosure of spending in elections. This bipartisan consensus may be reemerging. Senator JOHN MCCAIN of Arizona and I recently filed with the Supreme Court a brief that urged the Court to reconsider the flawed premise of its decision in Citizens United—the false premise that independent expenditures can't lead to corruption or the appearance of corruption. As the statistics about anonymous spending and public perception I have cited make clear, this premise has been fully discredited.

Although the Supreme Court declined this opportunity to put our elections back on a saner path, I am proud to have worked in a bipartisan fashion on that brief with Senator MCCAIN, who has long been a leader in this Congress and in this country on campaign finance issues. I hope our partnership will mark the beginning of greater cooperation across party lines on this issue of vital importance to our democracy.

There are some misconceptions about the act that have colored the public debate. We plan to explain during the course of the debate why the critics of this bill have gotten so many things just plain wrong. This act contains only the most basic provisions requiring outside groups to disclose campaign-related fundraising and spending. The legislation has been streamlined from the DISCLOSE Act that nearly passed the Senate in 2010. It places fewer burdens on covert administrations. It contains no prohibitions on spending, no special exemptions for any group or type of group. Contrary to what the Republican leader said, it does not require grassroots organizations to disclose their donors, and it treats every organization exactly the same right across the board.

Some have complained, such as a Republican witness in the Rules Committee hearing on this bill, that the so-called stand-by-your-ad requirements originally in the bill were too burdensome. He described them, actually, as radical. So we removed them. We have tried to accommodate. I know that many of my colleagues, including Senator RON WYDEN, who authored this stand-by-your-ad legislation and who has heroically fought for it for many years, remained very supportive of

these provisions, and I hope we will be able to reintroduce them at another time. But we didn't, so that complaint should be closed off. Some complain that this was just an attempt to influence this election. Well, its effective date is January 1, 2013, so it will not, to the regret of many, influence this election.

According to Republican former FEC Chairman Trevor Potter, the DISCLOSE Act of 2012 is "appropriately targeted, narrowly tailored, clearly constitutional and desperately needed."

I stand ready to work with any of my colleagues, Democrats or Republicans, who want to make this bill better, but we can't use complaints—particularly unjustified complaints—as an excuse to do nothing.

While the status quo of unlimited secret money may work to benefit some politicians for the moment, in the long run it will hurt us all, regardless of party. Unlimited money is not a force that anyone can ultimately hope to control, and unlimited secret money is even more dangerous. More important, the American people, who are already beginning to lose faith in our electoral system, can reasonably fear that their elected officials will only care about the anonymous donors writing eight-figure checks in deals and gifts that they will never see.

Many of my Republican colleagues in the Senate know this, and they have supported disclosure in the past. Senator MITCH MCCONNELL, the Republican leader, for instance, was once a great advocate for disclosure. As he said in 2000, "Republicans are in favor of disclosure," adding, "Why would a little disclosure be better than a lot of disclosure?" That question is as timely today as it was then.

I hope my Republican colleagues will join us in passing this important piece of legislation. Help us restore the fundamental principle of a government of the people, by the people, and for the people.

The Washington Post wrote yesterday in an editorial supporting this DISCLOSE Act:

We'd like to see a few courageous Republicans rise in the Senate on Monday and declare: Enough is enough.

If our friends across the aisle decide to block this legislation which clearly reflects the will of the American people, I am prepared to force this issue by debating this bill long into the night. If they are unwilling to join us in our mission to shine a light on secret money elections, we will keep the lights on here.

I urge my colleagues to support the DISCLOSE Act of 2012.

I thank the Presiding Officer, and I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Arizona.

Mr. KYL. Mr. President, I ask unanimous consent to speak in morning business for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FISCAL POLICY

Mr. KYL. Mr. President, today I wish to speak about two related subjects. Both are very much in the news, and both relate to the fiscal condition in the United States and what happens on January 1 if the U.S. Congress and the President allow a tax increase to be imposed upon the American people that will amount to the largest tax increase in the history of our country—about \$4.5 trillion over 10 years. That tax increase is slated to go into effect unless we stop it. The effect of that tax increase on economic growth, on job creation, and on our small businesses and families will be devastating unless we act. The other subject, which is also pertinent to tax policy, is a subject that has been raised by many in the Obama Presidential campaign relating to outsourcing of jobs. Let me speak to that first because it has a direct relationship to this question of taxation.

In today's Wall Street Journal, there is an op-ed piece by Arthur Laffer and Ford Scudder called "The Tax Cliff is a Growth Killer." Let me quote just two sentences from it:

The United States faces economic collapse thanks to massive tax increases on Jan. 1, and continued deficit spending for years on end.

They go on to say:

The blunt reality is that we cannot have a prosperous economy when government is overspending, raising tax rates, printing too much money, overregulating and restricting the free flow of goods and services across national boundaries.

Now, what does this have to do with outsourcing? There has been criticism of companies that send jobs to another country or that hire people in other countries to do work for them. The same thing can be said when a business no longer expands in the State in which it is headquartered or operating and moves part of its business to another State. We have seen our States actually compete for business. The reason they do this, in many cases, is because the business conditions under which they operate in the first State are no longer conducive to competition, for them to be able to make products or provide services that are competitive with those who are working to compete against them. So they have to go where labor is cheaper, where the costs are less, where the regulation is not as onerous, and where taxes are lower, perhaps—in other words, where the conditions for doing business are more favorable so they can continue to compete.

The same thing is true when jobs are sent overseas. The reality is American businessmen are not sitting around wondering how they can be evil, how they can fire American workers, how they can go overseas to do business. It

is much easier to stay right here in the good old USA. For a whole lot of reasons, they make a lot of sacrifices to keep their businesses here. But there comes a point in time when American tax policy, regulatory policy, and the uncertainty of doing business here finally gets to the point where—in order to stay in business, in order to remain competitive—they have to find places elsewhere where they can do their work that enables them to remain competitive.

When we go to the store, and we are looking at the goods on the shelf, and we see the very same thing, where in one case it costs \$5 and in the next case it costs \$10, chances are we are going to buy the \$5 product. If a company has to make that product overseas in order to stay competitive, that is exactly what they are going to do. It ends up helping the American consumer. It is not good for American workers who cannot work in that particular industry.

But what is the cause for it? Is it because there are entrepreneurs out there, business folks—your neighbors and mine—who want to somehow hurt American workers, who are not patriotic or who are evil people? Think about it. The answers, of course, are no. The only reason they are hiring work to be done in foreign countries is because that is how they can stay competitive, how they can offer that same product for \$5, as their competitor does.

What causes them to have to do that? Well, the first thing is American tax policy. We have the highest corporate tax rate in the world. Of all industrialized countries, we are No. 1. In this case, No. 1 makes it more difficult to do business. We have the most progressive tax system; that is, the people at the highest end pay the highest amount of taxes of anyone in any country in the industrialized world. When you take the corporate tax rate and add to it the capital gains and dividends, we have the highest tax rate—the integrated tax rate is what they call it—in the industrialized world for dividends and the second highest for capital gains.

What about regulations? We impose far more in the way of regulatory burdens on our businesses—ranging from environmental regulations to labor regulations, you name it—than most of the other industrialized countries do.

What about uncertainty? Well, we have this new law called ObamaCare that has put a tremendous amount of burden on American businesses. They are either going to have to continue to provide insurance for their employees or pay a fine. They have to pay new taxes. There are some \$800 billion in taxes under ObamaCare—some 21 different taxes.

The problem here is not that there are evil businessmen who hate American workers. They bend over backwards to keep their business here; it is

a lot easier. But the reason sometimes they have to go abroad is because their government treats them unfairly compared to their competitors overseas. We tax them too much. We regulate them too much. And there is too much uncertainty.

So when we are debating this subject about outsourcing, about people abroad making products that are then sold in the United States, ask yourself the question: Why would an American company do that? The answer is, they do it when they have to, when their own government's policies make it impossible for them to compete effectively here in the United States.

That leads to the second. Why would the President be proposing to add more taxes, both on American businesses and American families, at a time when we are in the middle of a very severe economic downturn, and when the President himself a year and a half ago said: To raise taxes under these circumstances would be a blow to the economy? Again, he said: You don't raise taxes in a recession.

When he said those things, our gross domestic product growth was about 3 percent. We were growing at a rate of about 3 percent. Today, it is under 2 percent, and we still have 8.2 percent unemployment. So the circumstances today are, if anything, worse than they were a year and a half ago when the President said: We should not raise taxes because it will be a blow to the economy. You don't raise taxes in a recession.

So why would the President be proposing it now? And what is he proposing? He says we should raise taxes on any individual who makes over \$200,000 a year and a family who makes over \$250,000. We should raise capital gains taxes to the rate of 23.8 percent; dividends the same; the death tax to 45 percent. So your dad created a business, built it up; he passed away, you and your sister are the heirs, and the day he dies, Uncle Sam says: That will be 45 percent of the value of the business, please, minus whatever the exemption is. It is unconscionable we would do that in this country.

When the President was asked by Charlie Gibson in one of the Presidential debates, when he was campaigning the first time: Senator Obama, would you raise taxes on capital gains even if it did not bring in any more revenue—because economists all agree that frequently raising the rate actually results in less tax collection because people do not sell the property that would be subject to the tax under those circumstances—what did he answer? He said, yes, he would still raise it, even if it did not bring in more revenue. And the reason is because he wanted to redistribute the wealth from people who made money to other people to whom it would be given, presumably.

So this is not about deficit reduction as much as it is about a theology that we need to raise taxes, and we need to raise it on people who are the productive, successful people in our society who make money.

If you take the top quintile of taxpayers—the top 20 percent, high income earners—they already pay 90 percent of the taxes in the country. Is it fair that top 20 percent should pay 90 percent of the taxes? Well, you can argue whether it is fair, but I think for the President to say that is unfair, they should pay even more, raises the question: Well, how much more? Should they pay all of it? Should 20 percent of our citizens pay all of the taxes for everybody else? Nobody else has to pay anything? As it is, the rest of us only pay 10 percent.

So what is fair? Why is it fair to take away from people what they have earned and what they want to save in order to give it to somebody else or to have the government spend the money as if the government was wiser in spending money than the citizens are?

The reality is the people who are successful, who make money, create capital, which is then invested in businesses, and that investment promotes job creation and economic growth, raising the gross domestic product for all of us. That is the economics of success and it is the opportunistic society this country has held sacred for over two centuries. Give people an opportunity to succeed, and when they do, do they put their money—the money they earn—do they put it in a mattress? Well, not anymore. You either put it in a bank or you invest it with a mutual fund or in some other kind of investment.

What happens when that money is put in the bank or in the mutual fund? It creates capital for somebody else to use, to create a job, to invent a new product, whatever it might be. It helps business expand.

So why would you change your mind, a year and a half after you said it would be a blow to the economy, to now suggest raising taxes? And who are these people who make \$200,000? Well, it turns out about a million of these people—940,000, to be exact—are business owners. These are the small business folks who create the jobs—most of the jobs coming out of the recession. In fact, they account for 25 percent of all jobs in America. A quarter of all of the jobs are by these very folks on whom you are going to raise the taxes.

I know some people said: Well, that is only a small percentage of the business owners, it is only 3 percent. Yes, and that 3 percent accounts for 53 percent of the income taxes paid. In other words, these are the businesses that are creating the jobs. They employ a quarter of all of the people in the country. They are paying 53 percent of the taxes in this tax bracket. The reality

is, when raising taxes on that group, you are going to make it more difficult for them to grow their businesses, to add more people.

Here is an example. A woman by the name of Karen Madonia, who is the CFO of a family business in Aurora, IL—it is called Illco, and it supplies ventilation and heating and air conditioning and refrigeration equipment—testified before the House Small Business Committee in May. Among the things she said was—and I am quoting her now:

We don't have money sitting in the bank to pay more taxes—all our profit is invested in the business. If we have to pay more taxes, that means we can't hire workers or buy trucks and inventory.

That is typical of small businesses. The money is plowed back into the business. And when the owner passes away, it goes to his heirs—and then subject to the kind of tax we are talking about here? That would be devastating to this kind of business.

One of the objections from those who support the President's idea of raising taxes is that: Well, the Bush tax cuts benefited the wealthy more than anybody else. Bear in mind that the Bush tax cuts applied to everybody. That is the tax rate that has been in existence now for a decade, and everybody's taxes were reduced to some extent.

They say: Well, that contributed to the deficit. How much did it contribute to the deficit? The Congressional Budget Office, nonpartisan, recently issued a report, and in that report they calculated the difference between the projections of a surplus and then the resulting deficit and what was the reason for that. Do you know what they found? That the amount of tax relief to this top 20 percent of taxpayers—the high income earners—accounted for all of 4 percent of the deficit. And how much did the new spending and the interest cost on that spending account? Over 12 times as much. So the reality is the Bush tax cuts, which helped everyone, did not help the wealthy more than everybody else, did not contribute to the deficit, and, in fact, those taxpayers are now paying 94 percent of income taxes, up from 81 percent before the Bush tax cuts went into effect. So that high income group is paying more now in taxes than it did before the Bush tax cuts went into effect.

My point here is, when the President demagogues this issue, suggesting that somehow it was only the rich who got the benefit of the Bush tax cuts and we have to take that money away from them, they are paying more than they did before, and it only accounted for 4 percent of the deficit. And these are the very people who are creating the jobs in America today. So why would we want to raise taxes at this point on anybody, including on this group of people?

My final point: Again, the nonpartisan Congressional Budget Office

has issued a report in which they say that this fiscal cliff—the combination of across-the-board sequestration and the expiration of the existing Tax Code on January 1—will result in a new recession; that we will have growth next year of only one-half of 1 percent if we allow that to happen. Why would the President be willing to raise taxes on America and take a chance that we are going to drive ourselves even deeper into economic trouble than we already are?

I urge my colleagues to work together to forestall these new tax increases on all Americans and to forestall the sequestration—a combination of which will drive us back into recession.

The ACTING PRESIDENT pro tempore. The Senator from New Mexico.

ORDER OF PROCEDURE

Mr. BINGAMAN. First, Mr. President, I ask unanimous consent that following my remarks, the Senator from Utah, Mr. HATCH, be recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I came to speak on the DISCLOSE Act. I would say parenthetically that I congratulate my colleague from Arizona for his statement earlier—a spirited defense of those U.S. business leaders who choose to shift jobs overseas. That is a subject for another day. I will not engage in that debate today, but I think it admirable that he feels compelled to make that case here on the Senate floor today.

I want to speak in support of the DISCLOSE Act. If there is one thing that Democrats and Republicans should be able to agree on, it is that our campaign finance system is broken. My colleague from Rhode Island made that point earlier, and I certainly agree with that.

With the Supreme Court's decision in *Citizens United*, corporations, unions, and other groups are able to raise millions of dollars through secret contributions and spend unlimited amounts of money to influence Federal elections, as long as they do not directly coordinate with a candidate.

According to the Federal Election Commission, it is expected that something over \$11 billion will be spent over the course of the 2012 elections. That is about twice the 2008 level of spending. This is a staggering amount of money, and the source of much of that money will be completely in the dark. As a result, extraordinarily well-financed special interest groups dominate the airwaves, and it is nearly impossible for the average citizen to know who is behind campaign ads. In fact, it is nearly impossible for experts to know who is behind particular campaign ads.

This is not good for public discourse, and it is not good for our democracy. In a healthy democracy, voters need to

be able to make informed decisions about the information that is presented to them. The lack of transparency that currently exists in our political system makes that incredibly difficult.

I strongly disagree with the Supreme Court's ruling in the *Citizens United* case, but the reality is that short of a constitutional amendment or a decision by the Court to reverse its opinion—both occurrences are unlikely anytime in the near future—the ability of Congress to restrict independent expenditures is very limited.

There is something we can do now that would make a difference. We can enhance transparency with respect to the high-volume spending that is influencing our elections. We may not be able to stop the flood of unlimited spending, but we can shed some light on the process and enable the public to at least see where the money is coming from.

The enactment of legislation requiring greater transparency about who is spending on campaigns was specifically called for by the Supreme Court in the *Citizens United* decision. The Republican leader in the Senate has argued against the DISCLOSE Act on the theory that it would squelch political speech.

I ask unanimous consent to have printed in the RECORD following my remarks an opinion piece in *Politico* this morning entitled, "MITCH MCCONNELL dead wrong on DISCLOSE Act." It was written by Adam Skaggs, the senior counsel for the Democracy Program at the Brennan Center for Justice at the New York University School of Law.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BINGAMAN. In that opinion piece Mr. Skaggs points out that there is no legal or logical basis to support the Republican leader's argument. The DISCLOSE Act is an important step in the direction of requiring transparency. The legislation would require certain organizations that make more than \$10,000 in campaign-related expenditures to file a disclosure report with the Federal Election Commission and to report the names of any donors who contributed over \$10,000.

About 93 percent of the money raised by super PACs in 2010 through 2011 came from donors giving over \$10,000, and this legislation would shed some light on where this money is coming from. The disclosure requirements apply to corporations, to labor unions, to 501(C)(3) nonprofit organizations, and to 527 election advocacy organizations, but they would not apply to 503(c)(3) charitable organizations.

The legislation also includes mechanisms to protect legitimate non-political donations from disclosure and prevents funding sources from being

hidden by laundering funds through third-party groups. It is clear our campaign laws are outdated. They are in desperate need of revision. Frankly, I wish there was a consensus in Congress to make more fundamental reforms to our campaign finance system than we are considering today. Unfortunately, this is not presently the case, but I hope that we could build bipartisan support for some basic disclosure provisions and for this narrowly tailored bill that is pending in the Senate.

A much more comprehensive version of the DISCLOSE law was filibustered by Republicans in 2010. The revised version we are currently debating has been narrowed significantly. The provisions banning campaign spending by foreign entities and government contractors were removed. Corporate campaign spending is no longer required to be reported to shareholders, and lobbyists will not have to report their campaign spending in their annual disclosure reports under the bill being considered in the Senate.

The new bill also raises the disclosure trigger from \$600 to \$10,000 to focus only on large donations and to reduce the burden on organizations. The newest version dropped the "stand-by-your ad" provision that required the listing of donors in TV and radio ads.

I am not unsympathetic to first amendment concerns regarding the rights of politically active groups that want to be engaged in the discussions regarding the future of our country, but enabling corporations and special interest groups to use what are essential shell organizations for the simple purpose of spending vast sums of money to influence elections, and to do so in secret, is incredibly harmful to our democracy.

Requiring the disclosure of large donors is a reasonable mechanism to maintain the integrity of our electoral system without infringing on the ability of organizations to actively participate. I urge my colleagues on both sides of the political aisle to take this opportunity to support the modest but important reforms that are included in the DISCLOSE Act.

I yield the floor.

EXHIBIT 1

[From *Politico*, July 15, 2012]

MITCH MCCONNELL DEAD WRONG ON DISCLOSE ACT

(By Adam Skaggs)

Senate Minority Leader Mitch McConnell (R-Ky.) has launched a full-throated attack on the DISCLOSE Act, which Democrats are set to bring to the Senate floor on Monday. DISCLOSE supporters say it ensures transparency and accountability in U.S. elections. McConnell, however, contends it's a vehicle for intimidation that will squelch political speech and let the Obama administration compile an "old-school enemies list" to punish critics.

Central to McConnell's strongest indictment is that the bill is a lawless end run to

get around the Supreme Court's Citizens United decision. McConnell seems to suggest the Democrats' actions are not only wrong—they're un-American.

But McConnell's critique fundamentally mischaracterizes the relationship between the Supreme Court and other branches of our government. By intimating that it is illegitimate for the legislative and executive branches to develop policy in response to Supreme Court decisions, the Senate leader displays ignorance of the basic hydraulics in the founders' system of separated powers.

Indeed, suggesting that enhanced disclosure undermines Citizens United takes what Justice Antonin Scalia might call "a particularly high degree ofchutzpah." The decision endorsed robust disclosure—by a near-unanimous, 8-1 vote.

"The First Amendment protects political speech," Justice Anthony Kennedy wrote for the majority, "and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way."

McConnell, by arguing that disclosure undermines the First Amendment, is in fact turning Citizens United on its head.

He also misrepresents the relationship between branches of government. To be sure, the role of the elected branches is distinct from that of the judiciary. It is emphatically the job of the courts to say what the law and Constitution mean, and the President and Congress may not trump the Supreme Court's interpretation. But once the high court announces its interpretation, it is appropriate, sometimes even expected, that elected officials develop new statutes and policies that fit the new parameters.

That is exactly what Congress is seeking to do with DISCLOSE. Citizens United posited the benefits of a "campaign-finance system that pairs corporate independent expenditures with effective disclosure," explaining that "disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters."

But, because of numerous loopholes in current law, effective disclosure exists today only in theory—not reality.

The proposed law would remedy that deficiency by requiring groups that run campaign ads to disclose their major contributors—while letting donors who earmark contributions for nonpolitical purposes remain anonymous. The bill represents a clear constitutional exercise of congressional power—consistent with the guidelines laid out by the court in Citizens United.

This back-and-forth dialogue among the branches of government, driving the creation and development of law and public policy, is healthy, even essential, for democracy. This policymaking in response to Supreme Court decisions is also routine—contrary to McConnell's specious argument.

After the court read the Civil Rights Act to limit certain gender discrimination claims, for example, Congress responded by passing the Lilly Ledbetter Fair Pay Act to extend the statute of limitations for such claims. In another case, soon after the court struck down the military commissions the Bush administration had set up to try Guantanamo detainees, Congress passed the Military Commissions Act to create new panels it hoped would pass muster before the high court.

Policymaking in the states follows the same dynamic. After the Citizens United decision, more than 10 states responded by amending their laws—many to require dis-

closure of the new corporate political spending that the ruling enabled.

There is nothing out of the ordinary—and certainly nothing untoward—about these or countless other examples of lawmakers responding to legal precedent. The only remarkable thing is McConnell's contention that this legislative action is somehow illicit.

In fact, legislative responses to Supreme Court rulings can sometimes be necessary. When a court rests its decisions on a policy assumption that turns out to be wrong, elected officials have an obligation to address that discrepancy. Citizens United conditioned corporations' right to unlimited political speech on transparency—pairing corporate spending with "effective disclosure"—so voters could better understand what groups are trying to influence their votes.

By passing DISCLOSE, Congress can ensure that reality conforms to the idealized disclosure system that the Supreme Court assumed existed.

While they're at it, Congress should address one more Citizens United problem. The ruling allows corporations to make independent expenditures because, it said, spending wholly independent of candidate campaigns could not lead to corruption.

Unfortunately, much of the outside spending now dominating the 2012 election has come from candidate-specific super PACs, functioning like de facto arms of the candidate campaigns. About as far from "wholly independent" as can be imagined.

Congress should adopt meaningful coordination rules to police the ties between campaigns and super PACs—and ensure that groups claiming to be "independent" really are.

It is not an "end run" around a Supreme Court ruling that embraced transparency and independence for Congress to ensure transparency and independence. Despite McConnell's 'Chicken Little' rhetoric, it's what democracy is about.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

FISCAL POLICY

Mr. HATCH. Mr. President, today the Senate is taking more time to debate a bill that will have little consequence for the American people—all people, that is, but those who work in the White House on President Obama's reelection campaign.

We are in our 41st straight month with unemployment above 8 percent, but the Senate is again taking up precious time—time that could be devoted toward creating jobs—to address legislation that is instead designed to create votes for the President's flagging reelection efforts. I would be outraged at this partisan display if it were not so pathetic, but in the end I think the American people will have enough outrage to spare.

It is important for the American people to know what the Senate Democratic leadership considers pressing business. Today the world's greatest deliberative body, the Senate, takes up one of the most deliberately political pieces of legislation you will ever see. Meanwhile, my friends on the other side of the aisle are now saying that when faced with the choice of addressing the fiscal cliff we are facing at the

end of this year by raising taxes on small businesses, they will take their stand with tax hikes.

This is remarkable. Rather than stop the country from going over the fiscal cliff and preventing the expiration of the 2001 and 2003 tax relief, they are prepared to "Thelma and Louise" the American economy right off the cliff.

This is an astonishing admission, but it is not surprising. We hear from the other side about Republican orthodoxy on tax relief, but we rarely hear them come clean about their own economic orthodoxy. Occasionally it emerges for all to see.

On Friday in Virginia the President let his real views on economic matters slip. Here are his views on business owners.

Somebody helped to create this unbelievable American system that we have that allowed you to thrive. Somebody invested in roads and bridges. If you've got a business—you didn't build that. Somebody else made that happen.

Well, the President is right that somebody did make that happen. The people who made it happen are called taxpayers. The President seems to think the Department of Transportation just made those roads and bridges happen, but that is not how it works. Nothing happens in this country—no roads, no bridges, no firefighters, no military, no public schools, no nothing—without taxpayers footing the bill.

Much of that financing comes from the very small businesses on which President Obama was lecturing on Friday and on which he and his allies are desperate to raise taxes. Their economic philosophy appears to be that government is the engine of the economy when, in fact, the government ceases to exist without economic growth and the tax revenues that fund all of these investments the President wants to spend on.

With this bizarre world view, it is not surprising that President Obama and Senate Democrats think it is more important to raise taxes on over 1 million small businesses than it is to prevent a recession and encourage job growth. If we do not address this fiscal cliff, taxes will go up by over \$4.5 trillion over the next 10 years. The President's former Director of the Office of Management and Budget has suggested this might throw us into a recession. The Federal Reserve has suggested this dire outcome as well. But instead of dealing with it by extending the existing tax rates, the President and Senate allies are playing chicken with the economic recovery. They are playing games not only with the economy, but they are playing games with peoples' livelihoods. This is a disgrace.

The American people understand that tax increases in the name of deficit reduction wind up being tax increases to fund larger government.

That has been the history of my 36 years here, and the American people have the last say on this matter. A recent poll found that a majority of the American people want all the 2001 and 2003 tax policy extended—all of it. Then we can undertake fundamental tax reform. Why can't we do that? What is the other side's objection?

There is no real policy objection. The only real objection is that it diverts the President and his Democratic allies from their real pressing business, which is apparently getting the President reelected. Here we are debating another bill that will do nothing to create a job and nothing to get our economy moving again.

The politically motivated bill du jour is the DISCLOSE Act. I oppose this legislation on policy grounds, but just as importantly, I oppose the majority's ongoing effort to convert the U.S. Senate into a vessel for President Obama's political campaign. The majority knows this legislation will not pass in the Senate, or at least they should know, given the fact this Chamber has already rejected this legislation. What is worse is that it appears that the majority does not even want this legislation to pass. What they want and what has become too common in the Senate these days is another dog-and-pony show—another opportunity to demonize the business community in service of the President's class warfare campaign theme.

My friends on the other side of the aisle would have you believe the Supreme Court's *Citizens United* decision has paved the way for a corporate takeover of our election system, that corporations are spending untold millions to influence elections with no accountability.

What they will not tell you is that increased spending by super PACs in this campaign cycle has nothing to do with *Citizens United*. While they are touting the benefits of increased disclosure, they conveniently leave out the fact that super PACs are already required to disclose their donors and that the Supreme Court in *Citizens United* no less actually upheld those disclosure requirements.

Furthermore, and contrary to the majority's talking points, *Citizens United* has not led to a dramatic increase in corporate campaign spending. Yet the majority argues that the dangers of corporate campaign spending are ever present and, as a result, we need to know the names and addresses of individual donors to such campaigns.

So with the dangers to democracy of corporate giving and the negative impact of *Citizens United* largely straw men, what is the purpose of our debating this bill today? Clearly, this effort is more about discouraging political speech than on transparency. It is just another effort on the part of the Obama administration and their con-

gressional allies to intimidate those who disagree with the President's policies. Not able to defend these policies, it is critical that the President discourage those who would criticize them.

We saw this last year when the President issued an Executive order that would, in effect, give the President the authority to deny government contracts to certain companies based on their donations or political engagement. Earlier this summer, the IRS requested confidential donor information from organizations applying for tax exempt status, information that is protected by Federal law—the confidentiality of which is protected by Federal law.

This past June I was joined by a number of my colleagues in expressing our concerns about these questionable IRS practices, and we are still awaiting a response. Liberal advocacy organizations have publicly stated that they plan to use campaign disclosures to intimidate and embarrass those who have donated to opposing campaigns. As we have seen in several recent news reports, many political operatives have already done so.

The DISCLOSE Act would make this type of political intimidation easier and more common. So given the other side's track record when it comes to "transparency," I hope they excuse me if I am a bit skeptical when they claim this is about good government and not about punishing political opponents.

If the majority wanted us to take them seriously in this effort, they would have at least included provisions that would apply the same type of standards to the labor unions who have, for decades now, bankrolled Democratic election campaigns on the local, State, and Federal levels—and to the tune of billions of dollars, and they are the best political operatives in the business. It is no accident that the unions are far more likely than corporations to engage in the type of advocacy and political spending the majority is deriding in this debate.

Yet while the language of the DISCLOSE Act ostensibly applies to union spending, the unions' bottom-up business model of funding their political activities would continue unabashed under this legislation without a single additional disclosure on the part of most unions.

This can hardly be a coincidence.

Mr. President, in *Citizens United*, the Supreme Court reaffirmed that money spent in the political process is protected by the first amendment. While this may be accompanied by spending and speech that some find objectionable, such is the natural byproduct of living in a country that has a first amendment.

While colleagues are free to lament the results, they should not use this occasion as an opportunity to silence

citizens who oppose their agenda and discourage their critics from speaking out. Because the DISCLOSE Act seems designed for that very purpose, I urge my colleagues to vote no on cloture.

As much as I disagree with the decision of the Senate leadership to play political small ball when there are pressing fiscal issues facing this country, I appreciate their desire to shift the debate to politically expedient legislation. The fact is, from a policy perspective this administration has come up wanting again and again.

Last week the President, when asked to evaluate the failings of his administration, claimed he had focused too much on policy. This is like a recent college graduate saying at a job interview that one of his biggest shortcomings is that he cares too much and sometimes works too hard.

Give me a break. For all of the trillions in new spending and tax hikes, there is apparently nothing in the President's policy record worth defending. In fact, their *modus operandi* is to avoid any discussion of any policy at all, pretend the last 4 years did not happen, pretend the stimulus did not happen, pretend the efforts of cap and tax and union card check did not happen, pretend ObamaCare did not happen, and, instead, just smear the opponent.

When the President said his administration needed to focus less on policy and more on storytelling, I guess this is what he had in mind: Rather than defend his own policies, he and his campaign surrogates would develop a storyline that smears their political opponent. That is all fine and good. As they say, life is about choices, but let's not sugarcoat this decision. It is an ugly one, and the President will have to live with it.

Should the President be forced to defend his record, he would have a lot of explaining to do. Just last week we learned another doozy from his administration.

In essence, by the stroke of a pen—and against the clear intent of bipartisan majorities of the American people, Congress, and the law itself—President Obama's administration has attempted to undo welfare reform, one of the signature bipartisan policy achievements of the last 20 years.

Nearly 16 years ago, on August 22, 1996, after two vetoes, then-President Bill Clinton finally signed the Personal Responsibility and Work Opportunity Reconciliation Act—otherwise known as welfare reform. This landmark legislation, the product of the Republican-controlled Congress, ended the entitlement to welfare and replaced it with a block grant to the States. This block grant, known as the temporary assistance for needy families—or TANF—provided States with unprecedented control over welfare programs in exchange for meeting Federal work standards.

Since enactment of welfare reform, welfare caseloads have dropped dramatically. Families receiving welfare have dropped by nearly 60 percent. People got jobs who were unemployed for years, and they gained self esteem from working.

Welfare reform remains popular and is often cited as the most significant domestic policy accomplishment in decades. The core philosophy behind welfare reform is the emphasis on work and moving from dependency to self-sufficiency.

Despite the popularity of welfare reform, programs created under TANF have languished. As more States were able to get credit toward the Federal work requirement based on the declining caseloads, TANF increasingly became less of a welfare-to-work program and more of a funding stream to prop up other social programs.

In 2005, the nonpartisan Government Accountability Office reported that several States listed as part of their definition of a "Federal work activity" under TANF some of the following: One, bed rest; two, personal care activities; three, massage; four, exercise; five, journaling; six, motivational reading; seven, smoking cessation; eight, weight loss promotion; nine, participating in parent-teacher meetings; ten, helping a friend or relative with household tasks and errands.

My gosh.

The Deficit Reduction Act of 2005, which then-Senator Barack Obama opposed, attempted to refocus State efforts on getting individuals engaged in work and closing these work activity loopholes. The funding authority for TANF expired at the end of fiscal year 2010.

The Obama administration has not proposed a comprehensive reauthorization of TANF, and TANF has continued under a series of stop-gap extensions. Late last week, the Obama administration quietly released "guidance" to the States, informing them that the administration had granted itself authority to waive work requirements in TANF, "including definitions of work activities and engagement, specified limitations, verification procedures and the calculation of participation rates."

In the 16 years since the creation of the TANF, no administration has concluded that they have the authority to waive TANF work requirements. The provision in the Social Security Act, section 1115, which allows certain waivers, does not cite the section of the law that includes the TANF work requirements. In an attempt to justify the waiver scheme, the Obama administration cites a reference in section 1115 to a provision dealing with a TANF State plan. Because the State plan section refers to the work requirements, according to the Obama administration, this allows them to waive TANF work requirements.

Mr. President, if this sketchy logic is allowed to stand, a case could be made that there is virtually no domestic social program whose rules and protections cannot be waived. For example, since Medicaid is referred to in section 1115, and since the foster care programs are referred to in the Medicaid statute, a case could be made that under the administration's sketchy logic the protections for children in foster care could be waived.

This executive overreach is a very serious matter with major long-range implications. The Obama administration, through this waiver scheme, is attempting to unilaterally disarm the legislative branch of the government and accomplish by executive fiat what they never even attempted to do through the regular legislative process.

This administration has consistently demonstrated a flagrant disregard for the constitutionally mandated coequal branch known as the legislative branch. This is but the latest in a series of decisions that demonstrates the administration's sheer arrogance in attempting to bypass Congress without legal warrant.

To be clear, disregard of Congress's power to make the laws under which we live is disregard for the American people. The essence of Republican governance is that the American people have a say in what the laws are. That say comes through their elected representatives, not some unelected bureaucrat putting out guidance that is in flat contradiction to the wishes of the people's representatives and the clear text of the law that is supposedly being enforced.

Ours is a government of laws, not of men. With this action, the administration has shown that it will not let the constitutional prerogatives of Congress or the actual intent of the law stand in the way of their policy goals.

We cannot let this stand. I, for one, have no intention of letting it stand. Let me just say when we did the temporary assistance for needy families bill, one of the most important provisions in that bill was the work activity provision. Because people had to go to work after a certain period of time—during which we gave them help, money, subsidization, and did all the necessary things to help them go to work—literally about 60 percent to two-thirds of those who had been on welfare, some for generations, went to work and gained self esteem by supporting themselves.

I, for one, have no intention of letting it stand. I will shortly introduce legislation to halt this risky scheme and attempt to gut welfare reform. I urge colleagues to stand with me. Nothing less than the constitutional viability of the Congress is at stake.

I can imagine if Senator Byrd, who was the majority leader for many years and became the principal rules person

on the Senate floor for most of my service—if he were here today he would be having a fit over this type of arrogance by this administration or any other administration, Republican or Democrat. He would be standing for the rights of the Senate.

I caution my colleagues on the other side that it is time for them to stand for the rights of the Senate and the House—this legislative body called the Congress. We have to quit this and quit relying on an out-of-control administration to do Executive orders that modify what is really legislation passed by this branch of government, which is supposedly coequal.

I hope we will all fight. Our country will be better off if we do.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, what is the parliamentary situation?

The ACTING PRESIDENT pro tempore. The Senate is considering the motion to proceed to S. 3369, the DISCLOSE Act.

Mr. KERRY. Senators are permitted to speak on the previously agreed-upon time?

The ACTING PRESIDENT pro tempore. There is no time.

Mr. KERRY. Mr. President, I appreciate the opportunity to say a few words about the DISCLOSE Act, which we are debating on the floor of the Senate.

I have been involved in this issue of campaign finance reform since I first entered politics, when I first became involved in the political discourse of our country in the late 1960s and early 1970s—a long time ago now.

With 27 years as a Member of the Senate, I have seen this debate over money in American politics. I have seen it endure its highs and also its lows.

Looking back in history, I can remember back in 1990 when we summoned 59 votes in the Senate—mostly Democrats, which will tell you a lot about this issue, and 4 Republicans, including Senators Cohen of Maine; Jeffords of Vermont; McCain of Arizona, who is still here and fighting on this issue; and Senator Pressler from South Dakota. We passed a restraint on spending in American politics, a balanced bill which would have, in fact, required disclosure and limitations on spending, with a certain ability of people to be able to be held harmless if people were millionaires and spent extraordinary amounts of money. It made the playing field in America fair, and it gave the best opportunity for the American citizen—about whom this entire exercise is supposed to be focused—an opportunity to know they were not going to be bombarded with unbelievable amounts of money that distort the American political debate.

We thought we had a chance, but unfortunately that bill was vetoed by the President.

It is not a coincidence that only four Republicans supported that bill. It is not a coincidence today, as we come to the floor of the Senate, that maybe no Republican or very few—very few, I think is a fair way to say it—will be willing to vote to disclose where our money comes from.

We are not even here seeking a limitation on the amount of spending. We ought to be, but we are not. We are here simply trying to get the American people the right to know who is giving the money, who is paying these millions of dollars in order to affect the debate in America and, in most cases, I will tell everyone, frankly, to distort the debate. I believe the amount of money in American politics today is stealing America's democracy. It is robbing Americans of the right to have the kind of representation and the kind of discussion Americans deserve.

When I was first here back in 1985, we were working with people such as Bill Bradley from New Jersey and David Boren from Oklahoma and JOE BIDEN, now the Vice President, obviously, and George Mitchell, the former majority leader and Senator from Maine, all of whom were dedicated to trying to take the big money out of politics and replace it with a public match for Senate and House races. Fundamentally, the status quo won. The status quo stopped us, and the status quo is winning today.

In response to the soft money scandals—maybe people have forgotten we had our scandals in the 1990s—we finally passed the McCain-Feingold bill, modest as it was. All it did was put a ban on soft money, the soft money, which is the big amounts of money that get poured into the political system. That ban had the unintended consequence of pushing everybody to look for the biggest loophole they could find, and they found a loophole. The 527 groups, as we have come to know them, came out and the debate was again taken away from the candidates and given to outside groups that had huge amounts of money.

A lot of Americans are not aware of that. A candidate could be running and have one thing he or she wants to actually say, but outside groups can come in with enormous amounts of money and completely flood the ability of a candidate to control the message of that particular campaign and certainly have a profound impact on it. Never did we imagine then, however, that with one decision, the Supreme Court would tilt the voice of our democracy and our discourse so heavily in favor of large unaccountable interests at the expense of the average American. That, my friends, is what happened when the Supreme Court made the Citizens United decision, which is certainly the worst decision in 100 years, if not more.

What we are talking about today is a system that is simply broken. It is as fundamentally broken as the campaign system in our country has ever been. I worry personally, deeply, about what it has done to our ability to govern in the public interest and what it does today to threaten the ability of this institution to function.

In explaining why she is leaving the Senate, our Republican colleague Senator SNOWE wrote: This body is not living up to what the Founding Fathers envisioned. She spoke of our Founding Fathers' vision for the Senate, where we could reach consensus in an orderly manner. There is nothing orderly and there is no consensus. Does anyone believe we can make that kind of Senate occur today, given the kind of campaign finance system we have, where all our time—or a huge amount of our time—is a fairer way to say it—is spent raising money? I have heard the majority leader and the minority leader complain they can't have Senators here Mondays, Fridays, and other periods of time because everybody is governed by the campaign schedule. We now have secret donors who blow candidates out of the water with on-air distortions that are simply mind-boggling. I lived through many of those distortions in 2004, when I ran for President, so I know what I am talking about when I talk about the power of the lie with a lot of money put behind it. I don't think anybody here believes the amount of money in the system today doesn't have the ability to drown out the voices of people who get into public service in order to get things done but who don't have that kind of money and don't have access to that kind of money.

Frankly, the fundamental reason why there is such a disparity between the numbers of Democrats who want to have a fair playing field and the number of Republicans who vote against campaign finance reform is, obviously, they have a lot more money. Corporations have a lot more money, big billionaires who don't want to be taxed in a fair way in America have a lot more money to throw at the system. So we have one guy out in Las Vegas who can put millions of dollars behind a candidate for President and keep a candidacy alive when normally it would have died long ago. The only life it had was the money. That is what happens today.

That is not what the Founding Fathers intended for this institution. Ours is a system where billions of dollars can be spent by any millionaire or billionaire or the largest corporations in the world to distort our democracy, diminish the voices of candidates, pollute our airwaves with spending whatever and wherever, and the average American doesn't even get to know where the money is coming from. They have the ability in the United States of

America to do it secretly—secretly. It is secret money. The sources are unspecified and the American people don't know who is behind it.

I think it is an insult to the freedom every Senator extols the virtues of all the time in this Senate. It is an insult to the notion regarding our liberty and our equality and our fairness. It violates the rules of honorable discourse and debate, and it is a threat to every single public servant running for office in this Nation because it means their ideas can be drowned by the dollars.

I got an e-mail the other day from somebody in another country who e-mailed me and said: You guys are beginning to look like the oligarchies of the world, where the amounts of money buy anything they want.

The increased influence of special interest money, big money in our politics is robbing the average citizen of their ability to be able to set the agenda. The agenda is set by the money because the money is what runs the campaigns. As a result of the Supreme Court ruling in Citizens United, all any CEO or billionaire has to do is turn over billions of dollars to somebody who goes out and runs a media campaign.

Senator MCCAIN, as we all know, feels passionately about this issue. He recently said: "I think there will be scandals associated with the worst decision of the United States Supreme Court in the 21st century."

I agree with Senator MCCAIN. There already are scandals, but not everybody sees them. But I will tell you this, a lot of Senators know exactly what they are.

This imbalance we have will result in escalating media wars, where candidates are reduced to mere proxies in the process. Somewhere, at some time, those winning candidates are going to be asked to pay up on some special interest need or to tow the line on an agenda that is set by a kind of new terror that enters into our politics.

All one has to do is think about the trajectory we are on today. Will Rogers once said that "politics has gotten so expensive that it takes a lot of money to even get beat with." That has never been more true. Will Rogers would be stunned by the amount of money in politics today.

In 2008, a record total of \$5.2 billion was spent in Presidential, Senate, and House races. That broke the 2004 record the year I ran of \$4.1 billion, and that broke the 2000 record of \$3.1 billion. In other words, every single year more and more money. But now, in 2010, in the first campaign after Citizens United, there was a fourfold increase in the expenditures from super PACs and other outside groups compared to 2006—fourfold increase—in a 2-year period of time. Anonymous spending—anonymous spending—rose from 1 percent of the outside spending to 44 percent in a 2-year period of time.

That is what we get when the Supreme Court of the United States rules in a 5-to-4 decision—one vote—that corporations and big interests have the same rights to speech as individuals. I mean it is stupefying to think about it. I remember from law school that a corporation was a fictitious entity—a fictitious entity—created to provide a veil of protection for the people who form it in order to permit commerce in America. Nobody ever created a corporation with the notion it would have the same rights as a person. Corporations don't get married. They don't have kids. They don't cry. Sometimes, I suppose, when Wall Street falls apart, a few people may. But the notion that somehow corporations can have the same rights of people is an insult to the drafters of the Constitution of our country and the corollary that somehow they, therefore, get to spend the same amount of money in an election cycle as an individual.

As a result, we are now seeing a spending blitz by shadowy groups that is projected to reach billions of dollars—money that is impossible to trace to its source, money that is kept in shadows, away from the average American's ability even to ask who is paying the bills for those ads, who is behind those ads, whose interests do those ads represent? The sums of money we are talking about will mean little to the corporations compared to what they may get in return, and that is what this is all about: blocking legislation, blocking a regulation, preventing a change in the tax law that takes away a preference that has no relationship to today's economy.

There are hundreds of examples, and I have seen them through the years, where money drives the agenda of the Congress and of our politics, way in excess of what it ought to be when we measure it against the real concerns of the average family trying to make ends meet or find a job in America.

Today, we will vote on a bill—a vote that ought to go unopposed by any Member of this institution who swore to uphold the Constitution of the United States—and this vote could go a long way toward making the fight between the public interest and corporate interest, if not fair, at least transparent. The American people are smart and, given that opportunity, will begin to make some judgments about exactly what is at stake.

The DISCLOSE Act is not an act to amend the Constitution. It doesn't even overturn the decision of the Supreme Court that equated the right of corporations to people, nor does it constitute campaign finance reform. It is none of those things. Those would be structural solutions. I, frankly, am for them. I think we ought to do them. I think we need a constitutional amendment at this point in order to rectify what the Supreme Court has had dif-

ficulty discerning. But all the DISCLOSE Act would do is shed light on who is giving money—transparency.

This bill ought to receive unanimous support. It is an effort to shine the disinfectant of sunlight on corporations and faceless organizations trying to buy and bully their way into influence in Washington through campaigns that are run against the Members who disagree with them. All we need to do is look at the amount of money that has been spent against some of our colleagues who are running this year—millions of dollars dumped in anonymously in these States to try to affect those races.

In short, the DISCLOSE Act requires corporations, organizations, and special interest groups to disclose their political advertising just like a candidate for office does. That is all it requires. What could be more normal in America, what could be more American than allowing the American people to know who is trying to speak to them? I don't think it is radical, and I don't think it is prohibitive. It simply removes the fallacy that Americans are voluntarily somehow organizing to pursue some public interest. That is a farce. That is not what is happening in these instances. The truth is that Americans aren't organizing or mobilizing to bring you the vast percentage of the advertisements that are seen on TV. The truth is that corporate special interest money is being compiled and targeted to pursue a special interest and send a loud televised message to those who disagree with them that they are going to be punished and tempered. And not only is it going to tip elections, it is going to cripple the legislative process.

When the Citizens United decision was handed down, the voices that were seeking corporate largess said at that time that it is not going to have any impact. They said we need not worry about funneling new funds to candidates. But the truth is that Karl Rove has admitted that based on the Citizens United decision, he formed two new groups to influence the 2010 elections with \$52 million worth of ads bankrolled anonymously by special interests. And now that the Supreme Court has opened that door to these anonymous ads, similar groups are already planning to spend approximately \$300 million on the election this fall.

So whether or not you agree with the message those ads and organizations are sending, at a minimum you ought to support the idea that these messages should be sent openly and that those who send them ought to be held accountable. As I have said before, this ought to be something every U.S. Senator supports.

As chairman of the Foreign Relations Committee, I have the privilege of trying to press our interests in many different parts of the world, and I meet

with people in various parts of the world who look back at us and ask a lot of questions of us about our democracy. Increasingly, people are asking whether the United States of America can deliver. Increasingly, people are looking at us incredulously and questioning our political system because we go to the brink over a default on the debt ceiling or because we can't get a budget passed because we don't do the fundamental business. And one of the most profound reasons we don't do that—and I have seen it change here—is that the power of the money, the power to influence the election has a profound impact on what colleagues are prepared to take up, what they are prepared to vote on, and how they are prepared to vote.

It is a dollarocracy that is beginning to call the shots, and the American people know it. That is why they are so disappointed in what is happening—or not happening—in Washington, DC. That is why the ratings for the U.S. Congress are so low—because it doesn't produce, it can't produce, it won't produce. And the money almost guarantees that.

This is not a new fight in our country. Teddy Roosevelt, a Republican, fought this fight in the early 1900s, and he took on the great malefactors of wealth, he took on the concentration of power, and he was the great trust buster. It was an extraordinary period of time in America confronting power.

Back in 1910, in Osawatimie, KS, Teddy Roosevelt said:

The Constitution guarantees protections to property, and we must make that promise good. But it does not give the right of suffrage to any corporation.

He urged his listeners again and again to demand an especially national restraint upon unfair money-getting, as he called it, and the absence of that restraint, he noted, has tended to create a small class of enormously wealthy and economically powerful men whose chief object is to hold and increase their power.

What Teddy Roosevelt said in 1910 is perhaps even more true today. The reason is that during the 1990s and subsequently, we have created greater wealth in America than during the period when we did not have an income tax. People today are wealthier, comparatively, than the Pierponts, the Morgans, the Rockefellers, the Carnegies, the Mellons, and all of those famous names of the 1900s who helped build this country. Today, the wealth far exceeds that wealth, and the disparity between the average American and the wealthy has grown wider and wider than at any other time in American history. While the average American family sees their income getting squeezed and going down, the upper 1 percent has seen 10, 20, 30 times increases in their income. And that is what is playing out in the American

political system today in this Citizens United decision.

All we ask today—although we ought to be asking for more. We know we can't get it now, but at least we ought to be able to get the ability of the American people to know who is putting the money into the system, who is trying to affect these votes, who is trying to set the agenda, whose interests are really at stake. That is what is at stake in this vote today, and I hope all our colleagues will vote for the right to disclose those funds to the American people, who have an inalienable right to know exactly from where they are coming.

The PRESIDING OFFICER (Mr. MANCHIN). The Senator from Texas.

TAX POLICY

Mr. CORNYN. Mr. President, earlier today our colleague from Washington State indicated that President Obama and the Democratic leadership in Congress are willing to accept the largest tax increase in American history and a series of crippling defense cuts unless Republicans will agree to raise taxes significantly falling on the very people we are counting on to get our economy going again and to create jobs. I wish to say just a few words in response.

First of all, Senators on both sides of the aisle understand that a massive tax increase could well push our economy back into a recession. Senators on both sides of the aisle understand that it would suffocate our investments that are so important to business creation and job growth. Senators on both sides of the aisle understand that middle-class families are already struggling with high unemployment and wage stagnation. And Senators on both sides of the aisle understand that we are living through the weakest economic recovery since the Great Depression. Yet President Obama and his party seem obsessed with raising taxes on the very people who are responsible for most of that new job creation.

Led by the President, these same people are demonizing business owners and demanding that they be punished, while simultaneously demanding that these same people create jobs. It is no wonder that so many Americans are concerned about the future of the U.S. economy. In the meantime, Democratic leaders such as our colleague from Washington State are apparently ready to stand by and allow truly Draconian across-the-board defense cuts even though the President's own Secretary of Defense has said these cuts would hollow out our military and be catastrophic to our national security. It simply amazes and discourages me that some people are willing to play chicken with our economy and our national security in such a cavalier, calculated sort of way.

Given that our country has endured 41 straight months of unemployment above 8 percent and given how dev-

astating these defense cuts would be to our military, I would like to ask our President and my Democratic colleagues a few simple questions. Are you really willing to allow the largest tax increase in American history? Are you really willing to risk the U.S. economy heading backwards into a recession by the combination of these huge tax increases and the \$1.2 trillion budget sequestration scheduled for January 2? Are you really willing to tell middle-class families that their needs are less important than the political needs of your party? When it comes to the defense cuts that are part of the sequestration scheduled to go into effect in January of 2013, are you really willing to do what Secretary Panetta said would happen, which is hollowing out the U.S. military? Are you really willing to let Washington gamesmanship compromise our Nation's security? Are you really willing to tell the heroes of Iraq and Afghanistan and our veterans that their needs are less important than the political needs of your party? In short, are you really willing to put election-year politics ahead of the Nation's interests?

I can only hope that this is a temporary aberration and that the answer is really no and that cooler heads will ultimately prevail when the price of inaction becomes even more apparent, but I can't say I am at all confident.

When I hear President Obama tell the American people that the private sector is doing just fine or tell business owners that the government is responsible for their success, I realize the President simply doesn't understand the challenges facing America's entrepreneurs and job creators or the risks they take every day to create jobs. In short, I wonder whether the President really understands and appreciates the free enterprise system. It is clear he doesn't understand the damaging economic effects of misguided government policies, such as ObamaCare. A small businessman named Grady Payne recently told Congress that his 31-year-old lumber company, Conner Industries, based in Fort Worth, TX, could be "legislated out of existence" if the President's health care law is allowed to stand.

Whenever I head home to Texas and speak to business owners such as Mr. Payne, I hear the same complaints. People are worried that the primary engine of American job creation is being held back by regulatory overreach, a woefully inefficient and unfair Tax Code, and widespread uncertainty about the future of government policies. These are not Republican concerns or Democratic concerns, these are concerns that affect every man, woman, and child in this country but especially those who own a business, those who want to start a business, and those who are looking for a job. We all know these problems are going to have

to be addressed sooner or later. My preference is that we address them sooner and not later if America is going to remain competitive in the global economy and reduce the painfully high unemployment rate. After all, these were the problems we were sent here to solve.

I hear time and time again: Well, an election is coming up. This is an election year. We can't do it in an election year.

But we have had an election every 2 years since 1788. It would be a gross dereliction of our duty if Congress and the President were to give up on making important decisions in the last 6 months before the next election. Just imagine what the American people must think. I take that back; I know what they think because they are constantly telling me how frustrated they are with Congress and Washington, how dysfunctional it is, how they do not believe their political leaders are listening to them or hearing them when they say they need help to allow this great engine of job creation off the mat and to allow it to get back to work and to allow them to get back to work as well. But it is not going to happen when the President and his party are willing to play chicken with a recession.

My constituents, similar to all our constituents, all 320 million or so Americans, have to make important decisions about their families every day, every week, and every month of the year. Why would it be that Congress and the President could have an extended vacation from making those same kinds of hard choices? It does not make any sense. Beyond that, it is an abdication of our responsibility.

Nobody has said leadership is easy. But right now, on issues of extraordinary importance to our economy and our national security, leadership is what the American people need and leadership is what they deserve, but so far that leadership is AWOL. But hope remains that cooler heads will prevail and that Congress and the President, working together, will do our job to help put America back to work, to remove the uncertainties in the political process.

When my colleague from Washington makes rash statements, threatening our country with a recession unless this side of the aisle agrees to tax increases that would fall disproportionately on the job creators in this country, that is not the kind of cool deliberation or common sense coming together we need when it comes to solving our Nation's biggest economic problems.

I yield the floor.

The PRESIDING OFFICER. President Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to speak on the DISCLOSE Act. I rise in very strong support of this bill. I

thank the Senator from Rhode Island, Mr. WHITEHOUSE, for his leadership on this bill. He brings such great background, with his legal training, as attorney general and U.S. attorney, well versed on issues of the Constitution and also his very strong commitment that elections should be free and fair and not rigged by big special interests.

Today, we have a vote to protect the voice of ordinary Americans who now more than ever need to be able to trust their political system. But you know what. We have a big problem and it is something called a super PAC. Nobody knows what that means, but I am going to spell it out in plain English.

First of all, a super PAC means we can have unlimited secret money being pumped into our elections. That is not the American way. That is why we are calling our bill the DISCLOSE Act. It is balanced, it is common sense, and it protects the rights of the individual, looking out for the little guy or gal, and also protects the integrity of our political system.

I am a reformer, and I absolutely believe in the Constitution of the United States and that wonderful first amendment. In our country, we can speak our mind and we can organize. I stand before you today because of the first amendment. I fought a highway that would have ripped through Baltimore. I challenged political machines and political bosses. I challenged powerful special interests that were going to make money. But because of the Constitution I had the right to speak my mind, the right to organize—and I did.

In other countries, they take people like me and throw them in jail. With me, because of the first amendment, I could run in an election, do a sweat-equity campaign door to door, and come to the city council, the Congress, and the Senate. I love that first amendment.

Right now, under the guise of free speech, there are those who say we cannot in any way impede big-buck donors or big special interests from giving what they want and not even saying who they are. I think when Tom Jefferson and John Adams and Charles Carroll sat around Philadelphia writing the Constitution, they did not think the first amendment was about protecting the right of secret donors to rig elections. I do not believe that unfettered influence of super donors and big business with no limits or requirements for disclosure was what the Founders wanted when they wrote that Bill of Rights.

When the Supreme Court decided a case called *Citizens United*, it opened the floodgates to unlimited secret money. We knew there would be risk and it took no time for it to take root. In the 2010 midterm elections, we saw a fourfold increase in this type of so-called super PAC spending. Three-quarters of that spending came from groups

that were previously prohibited. The worst of it, it is all being kept from the American people—who are these organizations and what do they stand for.

At a time when the American public needs a government on their side, they need to know who is working behind the scenes to get people elected. The DISCLOSE Act is simple. It requires a covered organization to file disclosure with the Federal Election Commission within 24 hours after they spend \$10,000 or more on a campaign. What is a covered organization? Corporations, labor unions, PACs, and super PACs. This is not a new concept in Congress. We have regulations. If you are a candidate like candidate MIKULSKI, you face limits on donors. During a campaign, I have to say who is giving me money. I have to disclose who is giving me money, and the donor has limits. Whether it comes from a political action committee such as the National Association of Social Workers, which has always supported me, whether it is the American Nurses Association, which has always supported me, they disclose it. So we know it is the nurses; we know it is the social workers.

Also, there are donors whose names appear. Why can that not be true for all campaigns? What is wrong about saying who you are when you are giving more than \$10,000 a year? The American public has a right to know. They have a right to be heard, and they need to be represented.

I am a Shirley Chisholm Democrat. She said she wanted a government that was unbought and unbossed. Put me in that Shirley Chisholm Democratic column. Our Democratic process is currently clouded by a cloak of secrecy. The integrity of our political system is important to me. We are not sent to do the business of secrecy or high-dollar bidding on our seat. We are sent to do the work of the people and make their lives better. We owe it to the public to shed light on who gives us money—who they are, how much they give, and what is it that they do. Let's vote in favor of democracy. Let's support the DISCLOSE Act and let's have a Congress that is unbought and unbossed.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, at this moment in time, corruption of America is taking place, but it is not in front of our eyes. The American people have a right to know who is responsible. It is being corrupted by secret money from secret donors. Every day they spend more and more money to buy our elections, but we do not even know exactly who they are. We are talking about a small number of people who are among the richest in America, and they are determined to manipulate the election in order to elect those to high office, including a President, who will pursue their special interests.

When we turn on the TV, we see their handiwork right in front of our eyes. Attack ads that are filled with deceptions about what is happening are undermining our democracy one distortion at a time.

Who is responsible for the fabrications in these ads? We can't know. Unlike the election rules of the past, the names of those funding these operations are hidden from the American people. We see organizations with innocuous names such as Americans for Prosperity and Crossroads GPS fill the airwaves with wild claims. These front organizations provide the curtain that hides billionaires and corporations from sight. We need to pull back the curtain on the sources of secret money. Why shouldn't American citizens know who wants to override our people power with their purchasing power?

Democrats have offered a way to shine the sunlight on who is trying to buy our country. The DISCLOSE Act would reveal the identities of those who pour millions of dollars into efforts to deceive the American people. These groups claim their mission is social welfare, but their sinister intention is to protect their own corporate welfare.

It is clear the Republicans are doing everything in their power to prevent the American people from knowing who is behind this disgraceful mission of deception and dishonesty. So today on the Senate floor I am going to disclose the identities of a couple of people who are among the biggest sources of secret money. I am going to disclose where their money comes from. Here on this placard we see the Koch brothers, David and Charles Koch. They are the powerhouses in this movement to take away the ability of the American people to decide how they vote and who gets into office.

These brothers are worth billions of dollars, and they are unabashed in their zeal to use their fortunes to further their political agenda. It has been reported that these two brothers are putting together a secret group of donors, and they are going to put \$400 million in the pot to subvert the upcoming election—\$400 million. The Koch brothers and their secret group will use those millions of dollars to flood the airwaves, but when we see the ads, we will not see the names of the Koch brothers or members of their secret group of millionaires. We will see a name, a nice name: Americans For Prosperity. Yes, the Koch brothers' prosperity.

When we look at what it stands for, truly, it stands for siphoning off the votes of the American people, trading them in for cash and picking up their agenda. Registered as a social welfare organization—it is an insult. That is why they are allowed to keep their donors secret. They have told the IRS they are not a political committee.

Who, aside from the Koch brothers, are the donors to Americans for Prosperity? We cannot tell you. They are kept secret. They are allowed to hide behind the curtain.

If these wealthy individuals want to pick our next President, they should have the muscle and the courage to stand and say so; tell everybody what it is they want to accomplish, what they want to do to our democracy. They don't have the courage. They would rather stand behind the curtain and control our election \$1 million at a time.

Where do these brothers get all this money? It is interesting. These brothers run a giant international conglomerate, one of the largest privately held companies in the world. This secretive corporation has a huge impact on our lives. Koch Industries controls oil, gas, and chemical companies that do business across the globe.

Now, while we may not notice, their products are everywhere. In fact, their products are in many American homes today. For instance, all of these everyday products are sold by Koch Industries. These Dixie cups are cups that kids drink out of, and they are sold by the Koch brothers. Paper plates that often serve birthday cakes are sold by the Koch brothers. Brawny paper towels that we use to clean the floor when our kids spill things are also sold by the Koch brothers.

You probably haven't heard of INVISTA—it is another company owned by the Koch brothers' global conglomerate—but they do make things you have heard of, such as STAINMASTER carpet and LYCRA fabric for clothes. We think these goods come in handy, we all buy them, but they are also a source of revenue for the Koch brothers, who fund attack ads that pollute our airwaves.

The bottom line is that allows the billionaires who sit on top of global business empires to subvert our democracy. They want to change it. They want to change the character of our country. They want a few to be able to name the governance of the millions.

Although Brawny paper towels may be able to clean up some spills, they will not be able to clean up what is going on with our electoral process.

The bottom line is this: When the wealthy decide they are going to control our elections, the American people have every right to know it. When these wealthy people decide they want to become kingmakers as well, the public should know what they are up to. Kings went out of America centuries ago, and they are trying to bring it back in some form.

Common sense says our democracy and our country's core are at stake, and we don't want it to happen. I hope the American people see what is going on here and understand that they are not being told what is going on in our

society. That is not what America is about.

America's openness has been the bulwark for our society since its founding. Secret societies have largely disappeared from our country, but when they do inevitably appear, it has been to bring instability. Transparency has enabled our Nation to flourish with openness. Our country has become richer as a result of that openness and transparency.

Now, at a critical moment in the history of America, it is shocking to see this abject use of secrecy and power. We should not let them take it. We should not let the few with all kinds of wealth—billionaires, if you will, made on the backs of the American people—take our democracy from the millions. If it weren't for people who manned the jobs, such as cops, doctors, teachers, and the other people in our society, I don't care how smart these people were, they could not have amassed these fortunes. And I don't begrudge them the ability to spend it where they want, but when it comes to the election, we have to tell the truth. We have to have it happen that way. The American people have to know who is going to put the President in the White House in the next administration. We don't want it to change because someone else is hiding behind the curtain and manipulating hundreds of millions of Americans who are going to have to abide by them when these elections are over.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I wish to thank Senator LAUTENBERG.

I was listening to Senator MIKULSKI and Senator BINGAMAN on their comments to try to bring some common sense to our election laws by basically disclosing who contributes to the political process. That is something Republicans and Democrats have been together on for a long time. I don't know what happened. This seems to be an issue that doesn't get bipartisan support.

I particularly wish to thank Senator WHITEHOUSE for his leadership on this issue. He has been talking about this matter of DISCLOSE, along with Senator SCHUMER, since the Supreme Court decision in 2010 with the Citizens United decision.

I must say that I think the Citizens United decision will go down as one of the worst decisions in the history of the Supreme Court of the United States. I say that for many reasons. First and foremost, those who are students of our judicial system and our constitutional separation of powers will understand that the case that went up to the Supreme Court was a pretty narrow case based upon a 30-minute documentary. In that decision of Citizens United, the Court ruled in a very

broad way that a corporation has all the rights of an individual in our political system. It is the first time that has happened. It reversed the legislation that had been passed by Congress.

The Framers of our Constitution envisioned that it was the legislative branch of government that would make our laws and policies. The legislature, after a great deal of debate and after many different attempts, passed laws that restricted how much money corporations could put in our political system and how they had to do it in a very open and transparent manner. Then we had a reform bill known as the McCain-Feingold bill that spelled out certain restrictions. All of these cases and laws have been upheld over a long period of time by court decisions.

In Citizens United, the Court not only substituted itself for the legislature but reversed its own precedent in ruling that corporations could literally put an unlimited amount of money into our political system. As I said, I think it was one of the worst decisions in the history of the Supreme Court. It has now unleashed unlimited money in our political system. What corporations and undisclosed sources can now put into our elections will dwarf what individual contributors will make available in the political season.

The Center for Responsive Politics has now said that super PACs and their related organizations have already spent over twice what similar groups spent 4 years ago. We not only have this unleashing of undisclosed corporate funds, we are now seeing the super PACs taking over as the major source of funding of campaigns.

As Senator MIKULSKI just said on the Senate floor, if we run for office and solicit contributions, every one of those contributors is listed on our reports. We make quarterly reports so that the people of the Nation know who is financing our campaigns. They will not know who is financing these ads that are going to appear on television from these Citizens United-type political activities where we don't know where the money is coming from. It could come from a single source who wishes to influence our political system but does not want to be identified in the cause. I really think this compromises our democratic system. I think an individual could literally distort our political system through the use of money, and that is something I hope all of us would be concerned about.

I am now a believer. I think the only thing we can do to overturn the Citizens United case is to support Senator TOM UDALL's constitutional amendment. That amendment gives the Congress the power we thought we had to legislate.

I think the people of Maryland, West Virginia, and our Nation would be surprised to learn that we cannot legislate the limits of what people can contribute in campaigns. They think that

is our responsibility, not the Court's. Well, Senator TOM UDALL's amendment would give us the power to do that and overturn the Citizens United case. I hope we could come together to let us have the power we should have. It seems to me that is something both Democrats and Republicans in this body should agree on, that those decisions should be made in the Congress of the United States and not in the Supreme Court or the courts of our land.

The bill we have before us—and I urge my colleagues to let us move forward to the DISCLOSE Act—brings transparency into the campaign finance system. Many of us frequently talk about transparency. Transparency is the most important part of integrity in our system. We talk about a lot of other countries adding transparency to the way they do business. Well, we should have transparency in one of the most fundamental parts of our system, and that is how we conduct our elections. It is key to our democracy.

It is Justice Brandeis who said that "sunlight is said to be the best of disinfectants." I don't understand why we would resist the public knowing who is contributing money to influence our political system.

The DISCLOSE Act has the bipartisan support of the League of Women Voters, Democracy 21, and People for the American Way.

Let me quote from a letter recently sent to Congress by the nonprofit, nonpartisan Campaign Legal Center. It says:

Hundreds of millions of dollars will be spent to influence the outcome of the elections over the next four months. Neither the candidates being attacked with these millions of dollars nor the public will have complete, accurate, meaningful information about the sources of such money. Only the contributors and the beneficiaries will be in the know. Passage of S. 3369 will mean that in future election cycles those funding these shadow campaigns will be disclosed to the public so that voters can make informed decisions at the polls.

The letter goes on to say:

As we get closer to the 2012 elections, the amount of federal campaign-related spending using funds from undisclosed sources continues to rise. Especially troubling is the lack of transparency regarding the expenditures of so-called "Section 501(c) groups" this election cycle, such as Priorities USA and Crossroads GPS.

I have heard some of my colleagues say: Well, can we constitutionally do this? Is this allowed for us? After all, Citizens United sort of says anything goes. Well, let me quote from the Citizens United decision—and this is very interesting—where the Court wrote:

[P]rompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters. Shareholders can determine whether their corporation's political speech advances the corporation's interest in making profits, and citizens can see whether

elected officials are in the pocket of so-called moneyed interests.

The First Amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and gives proper weight to the different speakers and messages.

That is the Supreme Court speaking in Citizens United.

We clearly have the authority to move at least this modest step forward to allow the American people to see who is making these contributions so they can make an informed judgment on election day. We owe it to the citizens of this country to take up and pass the DISCLOSE Act.

Once again, I wish to thank my colleague, who is now on the Senate floor, Senator WHITEHOUSE, for his leadership on this issue. As I said earlier, from day one when the Supreme Court issued its decision, it was Senator WHITEHOUSE who immediately observed that we have to do something to make sure that those who use this process to influence our system—that information is disclosed so the public has the information they need in order to properly judge our elections.

Mr. JOHNSON of South Dakota. Mr. President, I rise today as a proud cosponsor of the DISCLOSE Act.

The Citizens United case opened the floodgates to unprecedented spending from super PACs and outside interests. I am concerned this ruling has effectively given those with the deepest pockets the loudest voice. This is a situation that works to the detriment of our democracy because the flood of secret money is drowning out the voices of working families.

In the elections following the Citizens United case, corporate and special-interest money has poured into our political system. In the 2010 midterm election, there was a fourfold increase in spending from these entities in comparison to 2006. During that same timeframe, anonymous spending by organizations rose from 1 percent in 2006 to 44 percent in 2010.

In response to the surge in secret election spending by special interests, the DISCLOSE Act seeks to restore accountability and transparency in our country's elections. The bill represents an important first step in addressing the many problems created by the Citizens United ruling.

Even the Supreme Court reckoned that greater transparency would likely be needed to mitigate the risk of corruption as a result of its ruling. Therefore, I am baffled by my colleagues who are dragging their heels on such a commonsense measure. Voters deserve to know who is making large donations to influence an election. The DISCLOSE Act would give Americans the information they need to take back control and hold elected officials and large corporations accountable. To those who

remain opposed to this bill, I urge you to reconsider your position and support this critically important legislation.

Mrs. FEINSTEIN. Mr. President, today I wish to express my strong support for the DISCLOSE Act of 2012.

This bill is a first step toward restoring some transparency and accountability to our electoral system, an action sorely needed in the wake of the Supreme Court's misguided Citizens United decision.

If the DISCLOSE Act is passed by Congress and signed into law it would put in place the following two new campaign disclosure measures: One, it requires third-party groups to disclose their top funding sources those over \$10,000 to the Federal Election Commission; and, two, it requires these independent groups to certify that their activities are not coordinated with candidates or political parties.

Why are these new disclosure requirements necessary?

The DISCLOSE Act is necessary because Citizens United, a narrow 5-4 decision by the Roberts Court, struck down critical parts of the Bipartisan Campaign Reform Act.

Let me be clear: Citizens United upended nearly a century of congressional law and overturned two Supreme Court rulings. It is the reason super PAC is now a household phrase, and the decision troubled me greatly.

The Court held that the first amendment affords corporations and interest groups the right to spend freely millions, even billions of dollars on election ads to support or defeat a particular candidate.

The practical effect of the decision didn't take long to appear. We have already seen how unlimited and opaque special interest money can decide a Presidential primary, and we continue to see the impact during the current general election.

The Citizens United decision has opened the door to unlimited, undisclosed corporate and special interest spending in Federal elections.

In other words, an individual or a corporation can give tens of millions of dollars to an independent campaign effort to slander, impugn, or oppose a candidate or an issue or to support the same anonymously.

Under current law there is no requirement to disclose to the voters or any government agency the names of the individuals who contributed to these campaign efforts.

This is total unlimited and anonymous spending.

Let me repeat: unlimited spending.

It is impossible to exaggerate how far reaching this decision is: it weakens the very essence of our democracy and the integrity of our system of elections.

What does this mean in the real world?

This means an oil company like ExxonMobil, which earned \$41 billion in

profits last year, can spend unlimited money to defeat candidates who oppose offshore drilling. It means Academi (the company formerly known as Blackwater) and other defense contractors can spend unlimited sums to elect candidates who view their defense positions favorably. And large banks will be free to use their corporate treasury to attack candidates in favor of financial regulation and consumer protection.

During testimony in 2010, Fred Wertheimer of Democracy 21 said it well:

It would not take many examples of elections where multimillion corporate expenditures defeat a member of Congress before all members quickly learn the lesson, vote against the corporate interest at stake in a piece of legislation and you run the risk of being hit with a multimillion-dollar corporate ad campaign to defeat you.

Since Citizens United, we have seen explosive growth in outside corporate and special-interest expenditures:

The fall 2010 midterm elections ushered in the independent third-party groups, which spent a record \$300 million during that election cycle. This amount is quadruple the \$69 million spent by outside groups in 2006. Nearly three-quarters of political advertising in 2010 came from sources prohibited from spending money in 2006.

By the summer of 2008, about \$70 million had been spent by third-party groups during the Presidential race. According to the Center for Responsive Politics, outside groups are currently on pace to at least triple that 2008 total. An astonishing \$167 million has already been spent as of July 11, 2012.

Almost \$140 million of this comes from super PACs established in the wake of the Citizens United decision. As of July 11, there are 667 registered super PACs that have already raised more than \$244 million.

More money is being spent than ever before, and it is clear that these unlimited sums could be a major factor in the 2012 elections.

Earlier this year, the Washington Post reported that many independent ads for the general election campaign originate from nonprofit interest groups that do not disclose their donors. The analysis found that politically active nonprofit groups with undisclosed donors have spent more than \$24 million in the 2012 cycle on political ads.

The public deserves to know who these donors are. The value of transparency was demonstrated vividly in 2010, when Texas-based oil companies funded a ballot measure to repeal California's landmark climate change law, the "California Climate Change Solutions Act."

Although the campaign for this measure spent more than \$10 million, they were unable to conceal that their funding came from out-of-State sources, led by multimillion-dollar

contributions from Texas-based oil companies. This transparency allowed California voters to know the real source of advertisements during the campaign and make a more informed decision. That proposition failed, and, I believe it failed because voters knew who was paying for the ads.

Transparency works. It makes a difference. With public confidence in government at a record low, now is the time for more transparency, not less. We must restore confidence in our government. The Supreme Court made its decision in Citizens United, so there isn't much that Congress can do. But the DISCLOSE Act is an attempt to make clear the effects of Citizens United and ensure that our election process remains transparent.

The public deserves to know who is funding the super PACs and other groups that are airing political ads. When voters know who paid for an ad, they make more educated decisions. The DISCLOSE Act is a step toward making that reality.

Mr. INOUE. Mr. President, I rise today to speak in support of S. 3369, the Democracy is Strengthened by Casting Light on Spending in Elections, or DISCLOSE, Act.

I joined Senator WHITEHOUSE and some 25 of my colleagues in cosponsoring this bill because it is the right thing to do. I do not believe, as some claim, that the DISCLOSE Act will chill or limit the right to free speech in something as fundamental as advocating for a candidate for elected office. The bill will simply require more openness by those advocating, an important point in our world of radio, television, and the internet. The DISCLOSE Act will help restore transparency and accountability to our electoral process by requiring outside groups to disclose who funds their political activities. It may be worth noting that the bill is not focusing on the average American contributing small amounts of money to her candidate, but rather on those groups who are making donations of at least \$10,000. I do not think it is so onerous to ask those contributing such large sums to identify themselves.

But, I must be honest. I was disappointed to learn that the so-called "stand by your ad" provision was not included in S. 3369. This provision, which required that the biggest donors of a campaign, or sponsors of a radio or TV spot, be identified during the ad, was what initially caught my attention. In an age where communications are largely anonymous whether it is on Twitter, Facebook, or to a lesser extent, radio and even television, I believe it is only fair that Americans learn who is speaking to them as they are listening. We have moved past those times when a candidate or his supporters would use a soapbox to explain their positions to a crowd, and

who is doing the talking is no longer clear.

However, I believe the overarching principle of the DISCLOSE Act sharing the identities of those advocating in an election campaign, whether it be for or against a candidate, or simply an opinion is a necessary part of democracy. I hope my colleagues will agree and vote to support passage of the DISCLOSE Act.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF KEVIN McNULTY TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Kevin McNulty, of New Jersey, to be United States District Judge for the District of New Jersey.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

Mr. LEAHY. Mr. President, before I begin my remarks on the nomination, I wish to speak for a moment about the debate we are having on the DISCLOSE Act. We read the horror stories of secret money going into campaigns. If we can't restrict the amount of money, at least let's know where it comes from. It is bad enough the Supreme Court has said corporations are people, as though having elected General Eisenhower as President, we could now elect General Electric as President, or electing yahoos such as Millard Fillmore as Vice President means we could elect Yahoo as Vice President.

There should be only one secret in an election, and that should be a secret ballot. That should be knowing you are secretly voting for who you want to vote for, and it should be disclosed only if you want it disclosed. As far as paying the bills, the American people ought to know who is paying the bills, how much, and why. Otherwise, we do not have honest elections. It is as simple as that.

Mr. President, today we will vote on only one of the 18 judicial nominations

voted on by the Judiciary Committee but that are being stalled for no good reason. I am sure the people of New Jersey and the New Jersey Senators appreciate Senate Republicans finally allowing a vote on this nomination even after 3 months of needless delay. I suspect they would be more appreciative if the minority were also allowing a vote on the nomination of Michael Shipp for another vacancy on the same Federal court in New Jersey and who was also voted out of the Judiciary Committee virtually unanimously 3 months ago. I am sure they would be even more appreciative than that if Senate Republicans would allow a vote on the nomination of Judge Patty Shwartz to fill the vacancy on the Third Circuit Court of Appeals who was voted out of the Judiciary Committee more than 4 months ago, and who has the support of New Jersey's Republican Governor, Chris Christie.

The minority's stalling votes on judicial nominees with significant bipartisan support is all to the detriment of the American people. This has been a tactic that they have employed for the last 3½ years, despite repeated appeals urging them to work with us to help solve the judicial vacancy crisis. We have seen everyone from Chief Justice John Roberts, himself appointed by a Republican president, to the non-partisan American Bar Association urging the Senate to vote on qualified judicial nominees that are available to administer justice for the American public. Sadly, Republicans insist on being the party of "no".

What the American people and the overburdened Federal courts need are qualified judges to administer justice in our Federal courts, not the perpetuation of extended, numerous vacancies. Today vacancies on the Federal courts are more than 2½ times as many as they were on this date during the first term of President Bush. The Senate is more than 40 confirmations off the pace we set during President Bush's first term.

Because they cannot deny the strength of this comparison using apples to apples by comparing first terms Senate Republicans instead try to draw comfort by making comparisons to President Bush's second term after we had already worked hard to reduce vacancies by 75 percent and confirmed 205 circuit and district judges. Their effort is unconvincing and unavailing. In fact, during President Bush's second term, the number of vacancies never exceeded 60 and was reduced to 34 near the end of his presidency. In stark contrast, vacancies have long remained near or above 80, with little progress made in these last 3½ years. Today, there are still 78 vacancies. Their tactics have actually led to an increase in judicial vacancies during President Obama's first term a development that is a sad first.

But the real point is that their selective use of numbers is beside the point and does nothing to help the American people. We should be doing better. I know that we can because we have done better. During President Bush's first term, notwithstanding the 9/11 attacks, the anthrax attack on the Senate, the ideologically-driven selections of judicial nominees by President Bush, and his lack of outreach to home State Senators, we reduced the number of judicial vacancies by almost 75 percent, down to 29 by this point during his first term and acted to confirm 205 circuit and district court nominees by the end of his first term.

Another excuse from the minority comes across more as partisan score settling than anything else. They claim that having confirmed two Supreme Court Justices, the Senate cannot be expected to reach the 205 number of confirmations in President Bush's first term.

The first and most important point is that those proceedings do not excuse the Senate from taking the actions it could now on the 18 judicial nominees voted out of the Judiciary Committee and ready for final Senate action. That second Supreme Court confirmation was in August 2010. That is almost 2 years ago and it was opposed by most Senate Republicans.

Senate Republicans held down circuit and district court confirmations in President Obama's first 2 years in office to historically low numbers 12 by the end of 2009 and another 48 in 2010 for a total of only 60. We did better last year when Senator GRASSLEY became the ranking member and were able to confirm 64 nominees. Had Republicans not stalled 19 nominations at the end of last year and dragged those confirmations out into May of this year, we, the American people, and the Federal courts would be much better off. As it is, however, the fact remains there are 18 qualified judicial nominations the Senate could be voting on without further delay.

They refuse to acknowledge that in addition to confirming two Supreme Court Justices in President Clinton's first term, the Senate was able to confirm 200 circuit and district court judges. And in 1992, at the end of President George H.W. Bush's term, the Senate with a Democratic majority was able to confirm 192 circuit and district court judges despite confirming two Supreme Court Justices. Republicans have kept the Senate well back from those numbers by only allowing the Senate to proceed to confirm 154 of President Obama's circuit and district court nominees. That is a far cry from what we have been able to achieve in addition to our consideration of Supreme Court nominations when the Senate was being allowed to function more fairly and to consider judicial nominees reported with bipartisan support.

Nor are the nominees about whom we are concerned recently nominated. These are not nominees dumped on the Senate in scores at the end of a presidential term. These are, instead, nominations that date back to October of last year. Most were nominated before March. In fact the circuit court nominees who Republicans are refusing to consider date back to October and November of last year and January of this year. William Kayatta was voted on by the Committee and placed before the Senate by mid April and could have been confirmed then. Richard Taranto and Judge Shwartz have been stalled before the Senate even longer, since March. As I explained in my last statement, Senate Republicans have shut down confirmations of circuit court judges not just in June or July but, in effect, for the entire year. The Senate has yet to vote on a single circuit court nominee nominated by President Obama this year. Since 1980, the only presidential election year in which there were no circuit nominees confirmed who were nominated that year was in 1996, when Senate Republicans shut down the process against President Clinton's circuit nominees. The fact that Republican stalling tactics have meant that circuit court nominees that should have been confirmed in the spring—such as Bill Kayatta, Richard Taranto and Patty Shwartz—are still awaiting a vote after July 4 is no excuse for not moving forward this month to confirm these circuit nominees. Both Mr. Kayatta and Mr. Taranto were voted out of the Judiciary Committee with significant bipartisan support, and Judge Shwartz, a Magistrate Judge and former Federal prosecutor, has the support of Republican Governor Chris Christie.

The American people who are waiting for justice do not care about these excuses. They do not care about some false sense of settling political scores. They want justice, just as they want action on measures the President has suggested to help the economy and create jobs rather than political calculations about what will help Republican candidates in the elections in November.

When Republican Senators try to take credit for the Senate having reached what they regard as their "quota" for confirmations this year, they should acknowledge their strenuous opposition to those confirmations for which they now take credit. As recently as 2008, Senate Republicans denied there was a Thurmond rule. They used to say that any judicial nominee reported to the Senate was entitled to a vote and that every judicial nominee was entitled to an up-or-down vote and that they would never filibuster judicial nominees. Well, the Majority Leader has had to file 28 cloture petitions to end their filibusters of judicial nominees. Now they are flip-flopping on their own call for up-or-down votes.

What they are doing now is a first. As I have noted, in the past five presidential election years, Senate Democrats have never denied an up-or-down vote to any circuit court nominee of a Republican President who received bipartisan support in the Judiciary Committee. They are denying votes to William Kayatta, a nominee from Maine supported by his home State Republican Senators, and Robert Bacharach, a nominee from Oklahoma supported by his home State Republican Senators, and Richard Taranto, whose nomination to the Federal Circuit received virtually unanimous support. Even Judge Patty Shwartz, whose nomination to the Third Circuit received a split rollcall vote, has the bipartisan support of New Jersey Governor Chris Christie.

As I have noted previously, in the past 5 presidential election years, a total of 13 circuit court nominees have been confirmed after May 31. It is notable that 12 of the 13 were nominees of Republican presidents.

Today, the Senate will vote on the nomination of Kevin McNulty to fill a judicial vacancy in the U.S. District Court for the District of New Jersey. Like all of the judicial nominees voted on by the Judiciary Committee, he has the support of his home State Senators. His nomination was reported with a nearly unanimous voice vote by the Judiciary Committee nearly 3 months ago, with the only objection coming from Senator LEE's customary protest vote. He was rated unanimously well qualified by the ABA Standing Committee on the Federal Judiciary, the highest possible rating.

Kevin McNulty currently serves as a director and head of the appellate practice group at Gibbons, P.C., a law firm in New Jersey. He served as a Federal prosecutor in the U.S. Attorney's Office for the District of New Jersey for more than 10 years, where he was chief of the Appeals Division for 3 of those years. After law school, he clerked for Judge Frederick B. Lacey of the U.S. District Court for the District of New Jersey. Over the course of his 29-year legal career, Kevin McNulty has tried 12 cases to verdict and has argued numerous cases before the Federal courts of appeal. In 2008, the New Jersey Law Journal named him "Lawyer of the Year." I support this well-qualified nominee.

I, again, urge Senate Republicans to reconsider their ill-conceived partisan strategy and work with us to meet the needs of the American people. With more than 75 judicial vacancies still burdening the American people and our Federal courts, there is no justification for not proceeding to confirm the judicial nominees reported with bipartisan support by the Judiciary Committee this year. We can and we should be doing more to help the American people.

Anyway, I yield the floor, and I suggest the absence of a quorum, with the time equally divided.

Mr. GRASSLEY addressed the Chair. The PRESIDING OFFICER. Will the Senator withhold his suggestion for a quorum?

Mr. LEAHY. Of course. I am sorry. I didn't see my friend from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I support the nomination of Kevin McNulty to be district judge in New Jersey. Although it is the practice and tradition of the Senate to not confirm circuit nominees in the closing months of Presidential election years, we continue to confirm consensus district judge nominees. Today's nominee is such a consensus nominee, and he will be the 153rd nominee of this President confirmed to the district and circuit courts.

I continue to hear some of my colleagues repeatedly ask the question: What is different about this President that he has to be treated differently than all of these other Presidents? That is a question we often hear.

I will not speculate as to any inference that might be intended by that question, but I can tell my colleagues this President is not being treated differently than previous Presidents. By any objective measure, this President has been treated fairly and consistently with past Senate practices.

For example, with regard to the number of confirmations, let me put that in perspective for my colleagues with an apples-to-apples comparison. As I mentioned, we have confirmed 152 district and circuit court nominees of this President. We have also confirmed two Supreme Court nominations during President Obama's first term. Everyone understands that Supreme Court nominations take a great deal of committee time. When the Supreme Court nominations are pending in the committee, all other nomination work is put on hold.

The last time the Senate confirmed two Supreme Court nominees was during President Bush's second term. During that term, the Senate confirmed a total of only 119 district and circuit court nominees. With Mr. McNulty's confirmation today, we will have confirmed 34 more district and circuit court nominees for President Obama than we did for President Bush in similar circumstances.

During the last Presidential election in 2008, the Senate confirmed a total of 28 judges—24 district and 4 circuit. Today we will exceed the number of district court judges confirmed. We have already confirmed circuit nominees, and this will be the 26th district judge confirmed this year. Those who say this President is being treated differently either fail to recognize history or want to ignore the facts.

Another statistic that is often misused to allege a campaign of Republican obstructionism is the number of days to confirmation. My colleagues on the other side want to focus on one particular phase of the confirmation process—the time from being reported out of committee to actual confirmation on the Senate floor. They ignore the timeline for the rest of that process.

The fact is for both Presidents the average time from nomination to confirmation is roughly equivalent: 211 days for President Bush's judicial nominees and 224 days for President Obama's judicial nominees.

There is another issue I wish to turn to that is repeatedly raised; that is, the vacancy rate—as if Republicans are to blame for that fact as well. Let me review the record and set the facts out for all to hear.

When President Obama took office there were 59 judicial vacancies. I note that at the beginning of 2008 there were 43 vacancies. So the practice for Democrats who controlled the Senate during that last year of President Bush's term was to allow vacancies to increase by more than 37 percent.

By mid-March 2009, when the first Obama judicial nomination was sent to the Senate, there were 70 judicial vacancies. Over the next 3 months, despite the rise in vacancies, only 5 more circuit nominations were sent to this body. By the end of June, when the Senate received its first district nomination, there were 80 vacancies. The failure or delay in submitting nominations for vacancies has been the practice of this administration. Yet somehow people want to blame the Senate, and particularly Republicans in the Senate, for not moving swiftly enough.

By the end of 2009 there were 100 vacancies, with only 20 nominees. In December 2010, more than half of the 108 vacancies had no nomination. At the beginning of this year, only 36 nominees were pending for the 82 vacancies. At present, still more than half of the 78 vacancies have no nominee.

I remind my colleagues once again that all of this process starts not here in the U.S. Senate but in the White House, at the other end of Pennsylvania Avenue. So when one wants to complain about judicial vacancies, start first by looking there, and then to the Democrats who have controlled the Senate during this period.

Because of those delays in nominations and decisions made by the Senate Democratic leadership, only 13 judges were confirmed during President Obama's first year. That was the choice of Democrats, who controlled the White House and the Senate, not because of anything the Republican minority could do. Yet Democrats now argue that President Obama is somehow behind in confirmations, and based upon that flawed logic there is some

perceived notion that he is entitled to “catch up” on nominations.

The fact is we have confirmed over 78 percent of President Obama’s district nominees. At this point in his Presidency 75 percent of President Bush’s nominees had been confirmed. President Obama is running ahead of President Bush on district confirmations as a percentage. It is not the fault of the Republicans that this President has fewer nominations. How many times do I have to say it? The Senate can only act on what comes up here from the White House.

Finally, let me respond to some criticisms I have heard or read lately about the Thurmond rule. Last week, in the Los Angeles Times, for example, an editorial with the headline “Reject the ‘Thurmond Rule’” was based on factual errors and omissions, so I want to correct that. This editorial echoed many of the Democratic talking points that we hear here on the floor.

The suggestion that we are operating any differently than Democrats did in 2004 and 2008 is simply without merit. Democrats stalled and blocked numerous highly qualified circuit nominees during those Presidential election years, including even nominations that had bipartisan support.

For instance, the fourth circuit provides a prime example of the tactics employed by the majority party. Democrats refused to process Judge Robert Conrad, even though he had already been confirmed unanimously as a U.S. attorney and district court judge. Democrats refused to process Judge Glen Conrad even though he had strong bipartisan home-State support. Steve Matthews also had strong home-State support. Yet the Democrats in committee refused to even give him a vote. The Democrats even tried to justify blocking the nomination of U.S. attorney Rod Rosenstein to the fourth circuit by claiming he was doing “too good of a job”—that is their words—as U.S. attorney to be promoted.

By refusing to give these nominees a vote in committee, the Democrats engaged in what we would refer to as a “pocket filibuster” of all four of these candidates to the fourth circuit. This was at a time when the fourth circuit’s vacancy rate was over 25 percent.

The bottom line is that the Democratic leadership has invoked the Thurmond rule repeatedly to justify stalling nominees—even those with bipartisan support. And now they do not want us to enforce the rule they helped establish.

But as I have pointed out, this President is not being treated differently. In many respects, he is being treated better. We have even been more fair. And we cannot have two different sets of rules around here. I suppose we could have, but we should not have.

I will now speak to the biographical information of our nominee, Mr.

McNulty. Again, I want to make it very clear I support this nomination and obviously congratulate him on confirmation, which I anticipate will happen with broad support in a few minutes.

Mr. McNulty received his BA from Yale University in 1976 and his JD from New York University School of Law in 1983. Upon graduation, Mr. McNulty served as a law clerk to Judge Frederick B. Lacey, U.S. district judge for the District of New Jersey. After his clerkship, Mr. McNulty began his legal career as a litigation associate at Paul, Weiss, Rifkind, Wharton & Garrison. From 1984 through 1987, he worked at the firm handling civil litigation and white-collar criminal defense in both State and Federal court.

From 1987 to 1998, he was a Federal prosecutor in the U.S. Attorney’s Office for the District of New Jersey. From 1987 to 1991, he was a member of the Criminal Division, where he prosecuted a variety of firearms, narcotics, fraud and immigration offenses. In 1990, he was selected to head the Organized Crime and Drug Enforcement Task Force, which handled the largest cases in the Criminal Division, including RICO prosecutions. From 1991 to 1992, he prosecuted large white-collar fraud cases in the Frauds Division. In 1992, he was appointed deputy chief of the Criminal Division. In 1995, he was named chief of appeals. In that position, he briefed and argued criminal appeals to the U.S. Court of Appeals for the Third Circuit, supervised other attorneys in the division, served as ethics officer, and acted as general legal adviser to the office and U.S. Attorney.

In 1998, he joined Gibbons P.C., where he presently is a director and chairs the firm’s appellate practice. He is also a member of the Business & Commercial Litigation department. His time there is equally divided between appeals and trial work. The majority of his clients are corporations. He handles litigation between commercial entities, typically including anti-trust, securities, patent, and contract disputes, while also encompassing constitutional and other claims.

The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. McNulty as “Well Qualified.”

I support the nomination and congratulate Mr. McNulty on his confirmation today.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, this is a privilege and an opportunity for me to affirm my support for the confirmation of Kevin McNulty to be a U.S. district judge for the District of New Jersey.

The parties who come before a district court deserve to know that they appear before only the most qualified and impartial judges. That is why the

Constitution gives the Senate a solemn duty to provide the President with advice and consent on judicial nominations.

I take this duty very seriously. Today it is my pleasure to come to the floor to confirm my support for Mr. Kevin McNulty for a judgeship on the U.S. District Court for the District of New Jersey.

Kevin McNulty has had an exceptional career and has dedicated himself to the rule of law and public service. That is why I was so proud to have recommended him to President Obama.

I first learned about Mr. McNulty’s sterling credentials in 2009, when one of New Jersey’s most respected jurists, former chief judge of the U.S. Court of Appeals for the Third Circuit John Gibbons recommended him for a position on the district court bench.

In the years since, I have had the opportunity to meet Mr. McNulty multiple times and have gained a great appreciation for his outstanding reputation in the legal community in New Jersey.

Mr. McNulty leads the appellate practice group at an outstanding law firm based in Newark. The law firm is called the Gibbons law firm. He has argued criminal, commercial, intellectual property, and pharmaceutical matters, displaying his prowess as a litigator.

He is a respected leader with solid judgment. He worked as a prosecutor and was known for being hard working and fair. For more than a decade, he prosecuted criminal cases as an assistant U.S. attorney in New Jersey. He served as the deputy chief of the criminal division and earned a well-deserved promotion to chief of the appeals division. During his tenure with the U.S. Attorney’s Office, he served with a number of U.S. attorneys, including a current Supreme Court Justice, Samuel Alito.

Mr. McNulty’s academic credentials are as impressive as his professional record. After a successful undergraduate career at Yale University, he excelled at New York University’s School of Law, where he was a member of the Law Review.

A few years ago, in 2008, the New Jersey Law Journal honored him as their Lawyer of the Year. I am confident, if confirmed, his work as a judge will earn him similar praise.

This fine nominee is, thank goodness, finally getting the vote he deserves. He is going to be great on the bench. He is eminently qualified and will make an exceptional judge.

In Newark, a Federal courthouse carries my name. When it was dedicated, I requested an inscription that I authored and believe in so deeply be placed on the wall. It reads: “The true measure of a democracy is its dispensation of justice.” I firmly believe that there is where we see the equalizer of

citizenship in this country. As this quote demonstrates, our country's core is a belief in equal and just representation before the law. Our system thrives because of fair and evenhanded judges. They are the stewards of our democracy, and I know Mr. McNulty will approach this position with thoroughness and honor. So I look forward to hearing my colleagues vote to confirm Kevin McNulty to the U.S. District Court for the District of New Jersey, with the knowledge that we will be sending an outstanding judge to the Federal bench, as we so often have in this Chamber.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to speak today in support of Kevin McNulty, a distinguished New Jerseyan and an outstanding candidate for the District Court of New Jersey, and I certainly urge my colleagues to vote affirmatively on his confirmation in a few minutes.

A district judge must possess exemplary analytical skills, a strong work ethic, and an extraordinary knowledge of the law. I am proud to say Mr. McNulty has demonstrated these qualities on countless occasions.

He has been the chair of the appeals group in the prestigious law firm of Gibbons. At Gibbons, he has been directly involved in approximately 100 appeals related to a wide variety of legal issues, including pharmaceutical, intellectual property, commercial, and criminal matters.

He has tirelessly fought for his clients' interests. His hard work and dedication, as you heard Senator LAUTENBERG describe, earned him the New Jersey Law Journal's Lawyer of the Year Award for 2008.

Before his distinguished time at Gibbons, he served as the chief of the appeals division of the U.S. Attorney's Office, where he was also the lead attorney for the Organized Crime & Drug Enforcement Task Force, as well as the ethics officer and grand jury coordinator. While at the U.S. Attorney's Office, he was honored with the Federal Law Enforcement Officers Association Award.

He began his professional career as a law clerk for the Honorable Frederick Lacey, U.S. District Judge for the District of New Jersey.

He graduated cum laude and was third in his class at the New York University School of Law. His academic achievement also earned him membership in the New York University Law Review, where he served as articles editor, and membership in the honors society Order of the Coif.

While at New York University School of Law, he was awarded the American Judicial Society Prize, the Pomeroy Prize, and the Moot Court Advocacy Award. It shows the breadth and scope of his intellectual ability.

Outside of his professional career, he has demonstrated an admirable commitment to public service. He is a member of the board of trustees of the Urban League of Essex County. He is a former member of the Third Circuit Lawyers' Advisory Committee. He is coauthor of the Pennsylvania Bar Institute Guide to Third Circuit Practice. He has written and spoken on a whole host of legal topics. He is also an active member of the New Jersey, Federal, and American Bar Associations.

Throughout his career, Kevin McNulty has demonstrated a strong analytical ability, rapid research skills, and an outstanding work ethic, and I believe he is well equipped to serve with distinction as a district judge for the District of New Jersey.

In sum, the breadth and scope of Mr. McNulty's experience and qualifications make him exceptionally well qualified for the position of U.S. district judge.

Finally, I want to take the opportunity to say I am hopeful that our colleagues will agree to move forward on two other New Jersey nominations: Michael Shipp, who has been nominated to the third district, and Patty Shwartz, who is nominated to the third circuit.

Michael Shipp is a highly respected magistrate judge in New Jersey who has an abiding commitment to the rule of law, a deep knowledge of both criminal and civil law, and a long commitment to public service. Patty Shwartz is also a well-respected magistrate judge who has handled over 4,000 civil and criminal cases. Both of these judges deserve immediate consideration. Their qualifications will make them an exceptional addition to the Federal bench in New Jersey, and certainly I offer my strong support to both of them as we move forward in this process.

I hope after tonight's vote—where we expect this extraordinary candidate to be confirmed—we will get the opportunity to do so also for Judge Shipp and Judge Shwartz.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

LAW OF THE SEA TREATY

Mr. INHOFE. Mr. President, I rise for an announcement. At the conclusion of these votes, I will be making what I think is a fairly significant announcement in terms of 35 Members of this body who have stated they will oppose the Law of the Sea Treaty, which, of course, means it would not be able to be passed this session. So I will be doing that immediately following the votes that take place momentarily.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Kevin McNulty, of New Jersey, to be U.S. District Judge for the District of New Jersey?

Mr. ALEXANDER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. SCHUMER (when his name was called). "Present."

Mr. DURBIN. I announce that the Senator from Montana (Mr. TESTER) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. HELLER), the Senator from Illinois (Mr. KIRK), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 3, as follows:

[Rollcall Vote No. 178 Ex.]

YEAS—91

Akaka	Feinstein	Merkley
Alexander	Franken	Mikulski
Ayotte	Gillibrand	Moran
Barrasso	Graham	Murray
Baucus	Grassley	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Portman
Bingaman	Hatch	Pryor
Blumenthal	Hoehn	Reed
Blunt	Hutchison	Reid
Boozman	Inhofe	Risch
Boxer	Inouye	Roberts
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johanns	Rubio
Burr	Johnson (SD)	Sanders
Cantwell	Johnson (WI)	Sessions
Cardin	Kerry	Shaheen
Carper	Klobuchar	Shelby
Casey	Kohl	Snowe
Chambliss	Kyl	Stabenow
Coats	Landrieu	Thune
Coburn	Lautenberg	Toomey
Cochran	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lieberman	Vitter
Coons	Lugar	Warner
Corker	Manchin	Webb
Cornyn	McCain	Whitehouse
Crapo	McCaskill	Wyden
Durbin	McConnell	
Enzi	Menendez	

NAYS—3

DeMint	Lee	Paul
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ANSWERED "PRESENT"—1

Schumer

NOT VOTING—5

Heller	Murkowski	Wicker
Kirk	Tester	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

DISCLOSE ACT OF 2012—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate equally divided and controlled between the two leaders or their designees.

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, we are going to divide this among five Senators so I will just take a few seconds to say corporations are having a field day because they can put all this money in to influence the political system while at the same time being anonymous. They do not have to disclose what every other donor has to disclose when they make a political contribution.

Are they interested in my State, in the quality of the representation of my State? I think they are interested in their own agenda and buying elections. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, it is not a shareholder democracy when a \$10 million corporate buy effectively drowns out the \$5 to \$10 to \$20 donation that represents real people with real concerns. The DISCLOSE Act would make CEOs do what political candidates do—what we all do—when we pay for political advertising: face the camera and tell the voters we sponsored a commercial. Whether we are Democrat or Republican, surely, we wouldn't want to see our political system, our democratic system, become the puppet of a few large corporations with whatever interest they have—oil or big insurance or drug companies or companies that outsource jobs as their specialty.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from New York.

Mr. SCHUMER. Madam President, the most astounding fact that has emerged since the Citizens United decision is that just 17 people have given over half the money to the Republican super PAC. There is very little disclosure, and there are huge amounts of money cascading in from a small few.

My colleagues, whether one is a Democrat or a Republican, we have to admit this is corrosive to our democracy. This gets further away from the idea that each of us has an equal say than anything that has been done in the last 100 years.

I hope my colleagues will join us in this modest measure, which doesn't even limit how much people can give but simply says they have to disclose; they have to tell they are giving. When ads are disclosed, they are less vicious and there is some semblance of truth that has to float around them.

I urge my colleagues, for the good of this country, the sake of our future, to support this modest, truly modest, piece of legislation.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, perhaps the most important three words in our constitution are "We the people." But the whole notion of "We the people" is threatened by oceans of dark secret cash, oceans of cash used as a threat on the front end and as an election hammer on the back end. It is simply destructive to our democracy.

Tonight is the night for some profiles in courage to stand for the American system, for democracy, and for the people.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, in 1822, the Founding Father James Madison wrote:

A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own governors must arm themselves with the power knowledge gives.

A vote for DISCLOSE is a vote to arm the people with the power that knowledge gives, to arm them with the popular information about elections—information necessary to prevent this great popular government of ours from becoming a special interest farce, information necessary to protect this democracy from the tragedy, as JOHN MCCAIN predicted, of scandal that will result.

Give the American people the information they need to be their own governors. Vote for DISCLOSE.

I yield back the remainder of our time.

The PRESIDING OFFICER. The Republican leader.

Mr. MCCONNELL. Madam President, for 40 straight months we have had unemployment above 8 percent and a debt the size of our economy. Yet our friends in the majority want to get us to pass a bill that everybody from the ACLU to the NRA is opposed to, a bill designed to give the government the information to intimidate people who have the courage to stand up to the government and argue against what it is doing.

Not only should we not be doing this in good times but to waste the Senate's time on a proposal totally without merit at a time when our economy is in the tank is the ultimate waste of the Senate's time. I strongly urge a "no" vote.

I yield back the remaining time.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Madam President, I wish to use leader time to say we know the Republicans don't like disclosure. We can tell that from the person they are

going to nominate for the President of the United States.

The PRESIDING OFFICER. Pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 446, S. 3369, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

Harry Reid, Sheldon Whitehouse, Jack Reed, Joseph I. Lieberman, Jon Tester, Mark L. Pryor, Benjamin L. Cardin, Christopher A. Coons, Jeanne Shaheen, Daniel K. Akaka, Herb Kohl, Charles E. Schumer, Mark Begich, Tim Johnson, Robert Menendez, Frank R. Lautenberg, Mark Udall, Sherrod Brown.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3369, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements of corporations, labor organizations, super PACs and other entities and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Louisiana (Ms. LANDRIEU) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. HELLER), the Senator from Illinois (Mr. KIRK), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 51, nays 44, as follows:

[Rollcall Vote No. 179 Leg.]

YEAS—51

Akaka	Gillibrand	Murray
Baucus	Hagan	Nelson (NE)
Begich	Harkin	Nelson (FL)
Bennet	Inouye	Pryor
Bingaman	Johnson (SD)	Reed
Blumenthal	Kerry	Rockefeller
Boxer	Klobuchar	Sanders
Brown (OH)	Kohl	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden

NAYS—44

Alexander	Blunt	Burr
Ayotte	Boozman	Chambliss
Barrasso	Brown (MA)	Coats

Coburn	Hutchison	Portman
Cochran	Inhofe	Reid
Collins	Isakson	Risch
Corker	Johanns	Roberts
Cornyn	Johnson (WI)	Rubio
Crapo	Kyl	Sessions
DeMint	Lee	Shelby
Enzi	Lugar	Snowe
Graham	McCain	Thune
Grassley	McConnell	Toomey
Hatch	Moran	Vitter
Hoeven	Paul	

NOT VOTING—5

Heller	Landrieu	Wicker
Kirk	Murkowski	

The PRESIDING OFFICER. On this vote the yeas are 51, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. REID. Madam President, I enter a motion to reconsider the vote by which cloture was not invoked.

The PRESIDING OFFICER. The motion is entered.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I ask unanimous consent that Senator INHOFE be recognized for 15 minutes for his remarks regarding the Law of the Sea, that Senator SHAHEEN and Senator KLOBUCHAR then be recognized, and then for the duration of today's session Senators be able to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma.

LAW OF THE SEA TREATY

Mr. INHOFE. Madam President, I am about to make a major announcement that I think is very significant and, hopefully, would give us more time to attend to some of the problem areas we are trying to attend to, such as the Defense authorization bill, sequestration, expiring tax cuts, and all the spending bills. The announcement I would make is that we now have a letter containing 34 signatures of those who say: If you bring up the ratification of the Law of the Sea Treaty this year, we would oppose it. So we actually have 35 such signatures.

I want to make a couple of comments. I was going to talk for a little longer, but I know there are a lot of Senators wanting to get the floor. So I will try to do this in a shorter period of time.

First of all, I have been involved in this treaty for a long period of time. Way back during the Reagan administration this treaty that was actually first negotiated back in the 1970s was defeated for a variety of reasons. A lot of people are saying the reasons Reagan opposed it at that time have been answered. That is just flat not true. Ambassador James Malone, who renegotiated the lost treaty during the Reagan administration, stated:

All the provisions from the past that make such a [new world order] outcome possible, indeed likely, still stand. It is not true, as argued by some, and frequently mentioned,

that the U.S. rejected the Convention in 1982 solely because of technical difficulties with part XI.

That is the seabed mining portion of it.

The Collectivist and redistributionist provisions of the treaty were at the core. . . .

They are still in there today.

I think it is important to recall what happened in 2004. In 2004, when Republicans were the majority, I chaired the Committee on Environment and Public Works and was also one of the senior members of the Senate Armed Services Committee. At that time the Law of the Sea Treaty passed the Senate Foreign Relations Committee without—I believe it was without a dissenting vote. I think it was 16 to 0. So we started having hearings before the two committees that were my committees, the Environment and Public Works Committee, talking about how this would subject us to other countries imposing their will on us, as well as ramifications that would affect the Senate Armed Services Committee. As a result, of course, we recall it was defeated.

We have this happening again. I do appreciate Senator KERRY and his efforts to get this through. We have had several hearings. They have been pretty lopsided. I believe the count today is there have been 16 witnesses supporting it and some 4 witnesses opposing it. That is not really important because I think it is worth mentioning a couple of things about it but then actually going into the detail as to why, if it is brought up, it could not be ratified during this year or during a lameduck session.

First of all, when I talk to someone about the problems with this I tell them this would cede authority to the United Nations over 70 percent of the surface of the Earth, along with the air above it. I remember one time a witness came—this was back during the Bush administration which was supporting the treaty, but I asked the question, I said: If you have 70 percent of the surface area, does that mean you also have 70 percent of the air above it? They could not answer that question. Now I think it is pretty well understood that would be the case.

I tell people three things: First of all, we would be submitting our sovereignty, surrendering it to the United Nations, over 70 percent. That really is enough. But when we talk about the fact that for the first time in the history of this country it authorized the United Nations to have taxing authority over the United States of America, people go ballistic. That is something that is not conceivable we would even be considering.

Then when we are talking about the lawsuits, how we have lawsuits we could be facing—let me be a little more specific.

The area that is in controversy in terms of its ability to tax or otherwise

get royalties from the United States, would otherwise go to the United States and put those into the United Nations, is an area called the Extended Continental Shelf. That would be in excess of 200 nautical miles offshore. Nothing within this treaty is going to affect this within the 200 miles, but outside it would be.

As it is right now, it is important to understand how the royalties are paid at the present time. The royalties the United States usually collects from the Extended Continental Shelf is an amount between 12.5 percent and 18.75 percent. The reason there is a disparity between those is because the royalties go along with how much money can be made out there if things go well and how deep it is, how far out it is, how expensive it is to drill, and all of that. So the range the United States currently collects is between 12.5 percent and 18.75 percent from the Extended Continental Shelf.

Under article 82, if we pass the Law of the Sea Treaty, at the end of the 12th year, 7 percent of the royalties would be taken away from the United States—that is roughly half the royalties we would have—and given to the International Seabed Authority to redistribute those in accordance with whatever they want to do. It is not specific. This all would take place in Kingston, Jamaica, of all places, where they would make this redistribution of wealth. I have often said that is something the United Nations has always desired; that is, to have the ability to redistribute the wealth.

It is hard to say what amount would fall into the royalties within the Extended Continental Shelf. There is a group that was appointed to try to approximate these things, and they have said it would be in the hundreds of billions or maybe even in the trillions.

For each trillion that would be in production, that would equal about \$70 billion that would be taken out of the U.S. Treasury and put into the United Nations, sent to the Seabed Authority in Kingston, Jamaica, to be redistributed around the world in accordance with whatever criteria they would have. That is a huge amount, and it is very significant, and it is specific that the figure would be up to 7 percent after the 12th year. That is a very significant amount.

When we stop and think about it, we have been talking about how we can come up with \$1 trillion in the next 10 years. Now all of a sudden we have an amount that could come close to equaling that just from losing our royalties that would otherwise come to the United States of America. Of course, there is the lawsuits. I think this is significant. Under the Law of the Sea Treaty, any country could sue the United States in an international tribunal and not in the U.S. courts.

In other words, we could be subjected to lawsuits from other countries. There

are already a number of Pacific Island nations that intend to sue the United States for environmental damage to their seas and air if the United States joins the Law of the Sea Treaty. In other words, we would be voluntarily allowing people to sue the United States on what they would allege to be environmental damages.

The members of the convention and regulations to prevent pollution in maritime is very specific. Article 212 of the Law of the Sea Treaty states to “adopt laws and regulations to prevent, reduce, and control pollution of the marine environment from or through the atmosphere, applicable to the air space under their sovereignty”—we are talking about the United Nations—“and to vessels flying their flag or vessels or aircraft of their registry, taking into account internationally agreed rules, standards and recommended practices.”

If the EPA—as we found out in their endangerment finding—is able to declare an endangerment, just imagine what they could do under this case. In fact, article 235 states that countries “are responsible for the fulfillment of their international obligations concerning the protection and preservation of the marine environment. They shall be liable in accordance with international law.”

That is why we have so many of the far-left environmental groups, such as Greenpeace, the Natural Resources Defense Council, the Environmental Defense Fund, and all of them fervently supporting this treaty because they want to use it admittedly to bring the United States and all other countries into conformity with their environmental agenda.

I am going to submit this for the RECORD. It is interesting because we have, for example, Andrew Strauss, who is a law professor and is very well known, who states that the U.S. rejection of the Kyoto Protocol “makes the United States the most logical first country target of a global warming lawsuit in international forum.”

I commend to the attention of my colleagues the various legal entities that are rejoicing about the fact that they might be able to sue this country.

I ask unanimous consent to have printed in the RECORD a letter signed by 31 Members of the Senate stating that they will object to and vote against any ratification effort that would take place this year. It doesn't restrict it to this year. There are 31 Members.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER, We understand that Chairman Kerry has renewed his efforts to pursue Senate ratification of the United Nations Convention on the Law of the Sea. We

are writing to let you know that we believe this Convention reflects political, economic, and ideological assumptions which are inconsistent with American values and sovereignty.

By its current terms, the Law of the Sea Convention encompasses economic and technology interests in the deep sea, redistribution of wealth from developed to undeveloped nations, freedom of navigation in the deep sea and exclusive economic zones which may impact maritime security, and environmental regulation over virtually all sources of pollution.

To effect the treaty's broad regime of governance, we are particularly concerned that United States sovereignty could be subjugated in many areas to a supranational government that is chartered by the United Nations under the 1982 Convention. Further, we are troubled that compulsory dispute resolution could pertain to public and private activities including law enforcement, maritime security, business operations, and non-military activities performed aboard military vessels.

If this treaty comes to the floor, we will oppose its ratification.

Sincerely yours,

Mitch McConnell, Jon Kyl, Jim Inhofe,
Roy Blunt, Pat Roberts, David Vitter,
Ron Johnson, John Cornyn, Jim
DeMint, Tom Coburn, Mike Johanns,
John Boozman.

Rand Paul, Jim Risch, Mike Lee, Jeff
Sessions, Mike Crapo, Orrin Hatch,
John Barrasso, Richard Shelby, Pat
Toomey, John Thune, Richard Burr,
Saxby Chambliss.

Dan Coats, John Hoeven, Roger Wicker,
Jerry Moran, Marco Rubio, Dean Heller,
Chuck Grassley.

Mr. INHOFE. I also ask unanimous consent to have printed in the RECORD a separate letter that is signed by Senators PORTMAN and AYOTTE stating essentially the same thing.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, July 16, 2012.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: Recently, there has been renewed interest in the United Nations Convention on the Law of the Sea, a treaty completed in 1982 and modified in 1994. After careful consideration, we have concluded that on balance this treaty is not in the national interest of the United States. As a result, we would oppose the treaty if it were called up for a vote.

Proponents of the Law of the Sea treaty aspire to admirable goals, including codifying the U.S. Navy's navigational rights and defining American economic interests in valuable offshore resources. But the treaty's terms reach well beyond those good intentions. This agreement is striking in both the breadth of activities it regulates and the ambiguity of obligations it creates. Its 320 articles and over 200 pages establish a complex regulatory regime that applies to virtually any commercial or governmental activity related to the oceans—from seaborne shipping, to drug and weapon interdiction, to operating a manufacturing plant near a coastal waterway.

The terms of the treaty are not only expansive, but often ill-defined. Article 194, for example, broadly requires nations to “take

... all measures consistent with this Convention that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities.” Article 207 decrees that “[s]tates shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from land-based sources ... taking into account internationally agreed rules.” Article 293 empowers tribunals to enforce not only the treaty provisions but also “other rules of international law not incompatible with [the treaty].” Because the treaty authorizes international legislative and judicial bodies to give shape and substance to these and other open-ended commitments, the United States would be binding itself to yet-unknown requirements and liabilities. That uncertainty alone is reason for caution.

The treaty's breadth and ambiguity might be less troubling if there were adequate assurance that it will be enforced impartially and in a manner consistent with U.S. interests. But that is not so. The United States could block some but not all actions of the International Seabed Authority, a legislative body vested with significant power over more than half of the earth's surface. Further, the treaty's judicial bodies are empowered to issue binding judgments even over U.S. objections. In some cases, the United States could elect to resolve disputes before a five-member arbitration tribunal, in which we would choose two arbitrators. But the United States would have no hand in selecting the decisive, fifth arbitrator, unless it could agree with the opposing party. Other cases would be decided by the powerful International Tribunal, which is even less accountable to the United States. Comprised of 21 foreign judges with no guaranteed U.S. seat, the tribunal can resolve any dispute concerning interpretation of the treaty. It has compulsory jurisdiction over disputes concerning the seabed beyond national borders and power to grant preliminary injunctive relief whenever it deems necessary “to preserve the respective rights of the parties to the dispute or to prevent serious harm to the marine environment.”

The method of executing tribunal judgments further concerns us. Unlike many international agreements, key provisions of the Law of the Sea treaty are drafted to be “self-executing,” meaning that certain tribunal judgments would automatically constitute enforceable federal law, without congressional legislation or meaningful review by our nation's judiciary. As Justice John Paul Stevens noted in a concurring opinion in *Medellin v. Texas*, the Law of the Sea treaty appears to “incorporate international judgments into domestic law” because it expressly provides that decisions of the tribunal “shall be enforceable in the territories of the States Parties in the same manner as judgments or orders of the highest court of the State Party in whose territory the enforcement is sought.” In other words, the treaty equates tribunal decisions with decisions of the U.S. Supreme Court. This means that private litigants will likely be able to invoke tribunal judgments as enforceable in U.S. courts—against the government and possibly against U.S. businesses. The United States will have no lawful choice but to acquiesce to tribunal judgments, however burdensome or unfair.

The treaty could also spawn international environmental tort claims directly against U.S. businesses and citizens. A federal law called the Alien Tort Statute (ATS) gives

courts the power to hear “any civil action by an alien for a tort . . . committed in violation of the law of nations or a treaty of the United States.” Remarkably, even though the U.S. has not yet ratified the Law of the Sea treaty, the treaty has already been invoked as a basis for ATS litigation targeting industrial activities. In a 2002 lawsuit brought by residents of Papua New Guinea against a mining corporation, a federal district court in California held that the plaintiffs had stated a valid ATS claim under the environmental provisions of the Law of the Sea treaty. A panel of the Ninth Circuit agreed. Accession to the treaty would only strengthen ATS claims like this 2002 lawsuit by transforming international environmental norms into a binding treaty obligation.

In short, we are deeply concerned about the treaty’s breadth and ambiguity, the inadequate U.S. input in the treaty’s adjudicative bodies, and the automatic enforcement of tribunal judgments in the United States. Against these risks to U.S. sovereignty, however, we have also carefully weighed the potential benefits of the treaty.

As members of the Armed Services Committee, we are mindful that the Defense Department believes this treaty would help secure the navigational freedom of our fleet. We take this recommendation seriously and recognize that the treaty would provide an additional tool to our diplomatic and military leaders in resolving maritime disputes. We also understand the commercial interests associated with treaty accession. Several U.S. businesses have explained that the treaty would enhance investment in energy development and mineral extraction by increasing certainty about ownership claims. Specifically, the treaty would codify rights to resources in the U.S. exclusive economic zone, the extended continental shelf, and the deep seabed. It would also give the United States a formal role in the Commission on the Limits of the Continental Shelf, which is now reviewing claims by treaty members in the Arctic.

At the same time, even treaty proponents recognize that these provisions primarily clarify rights that the United States already possesses under customary international law and has other means of asserting. For example, the treaty’s 200-nautical-mile rule defining coastal states’ exclusive economic zones is consistent with longstanding U.S. claims. Moreover, the United States has successfully used bilateral negotiations with Russia and Mexico to define claims to the extended continental shelf in the Gulf of Mexico and the Arctic. Similarly, the treaty’s navigational regimes reflect the current practices of the U.S. Navy, and we believe that our maritime interests are best secured by maintaining U.S. naval power beyond challenge.

The real issue is not whether the United States will defend its maritime rights, but rather who will have the final say on the scope of those rights. We simply are not persuaded that decisions by the International Seabed Authority and international tribunals empowered by this treaty will be more favorable to U.S. interests than bilateral negotiations, voluntary arbitration, and other traditional means of resolving maritime issues. No international organization owns the seas, and we are confident that our nation will continue to protect its navigational freedom, valid territorial claims, and other maritime rights.

On balance, we believe the treaty’s litigation exposure and impositions on U.S. sovereignty outweigh its potential benefits. For

that reason, we cannot support the Law of the Sea treaty and would oppose its ratification.

Sincerely,

ROB PORTMAN,
Ranking Member, Subcommittee on Emerging Threats and Capabilities, Committee on Armed Services.

KELLY AYOTTE,
Ranking Member, Subcommittee on Readiness and Management Support, Committee on Armed Services.

Mr. INHOFE. I also have a statement from the Web site of Senator ISAKSON, and I was given permission to speak on behalf of LAMAR ALEXANDER, that while he hasn’t taken a position on the Law of the Sea Treaty, he does object to having it brought up this year. So we have 35 Members of the Senate who have stated they would object if it is brought up before the Senate this year.

So with these items I referenced included as a part of the RECORD, I would like to say that something isn’t going to happen this year. It could be they want to bring it up, and that is up to the leader. If he desires to do so, of course, he could do it. If it does come up, it will take a lot of time from other business that this body should address.

With that, I would only say there are some 35 Members—and many more I might suggest—who would vote against it should it come up.

I have used my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. I am here to be on the Senate floor to join my colleagues in support of the DISCLOSE Act. We need to bring some transparency to the secret money that is being spent on campaigns across this country.

I ask unanimous consent for the following speakers to speak in the order that I am listing them: Senator KLOBUCHAR, followed by Senator MENENDEZ, Senator SHERROD BROWN, Senator LEVIN, and then myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. KLOBUCHAR. Madam President, I first want to thank the Senator from New Hampshire for his great leadership on this issue and all the Senators who have been involved. I am a cosponsor of the DISCLOSE Act, and I hope my colleagues on the other side of the aisle will strongly reconsider that vote today so we can actually go to a vote and actually debate this bill. This filibuster is basically putting a stop to the debate on an issue that is so important.

We get calls from people all across Minnesota. Yesterday people asked me in two parades: What is going on? What are these ads that we are seeing on TV?

They have a right to know what these groups are called, no matter

what their names are, who is paying for those groups, who is paying for these ads, and that isn’t happening today.

I am here to focus on the public’s distrust of our political process and our need to ensure that the American people have a government that is responsive to their concerns. Free and fair elections in which every American has a right to make their voice heard at the voting booth are the cornerstone of our democracy. Yet in the wake of the Citizens United decision, a flood of special interest spending has undermined the faith of the people in our elections. By loosening the rules on campaign spending, Citizens United has led to a torrent of negative ads funded not by concerned citizens participating in democracy but by unlimited special interest money.

I don’t think we thought we would see the day with all of the reforms that had been made where one billionaire can write a \$10 million check or \$20 million check. Under the system, candidates have to report every contribution that is \$200 and over, and we have to painstakingly do our reports so the world, our constituents, and reporters can see them online. We have literally hundreds of millions of dollars that are being spent where we cannot tell where that money came from. That is not right.

This type of campaign spending moves the focus of our elections away from the real issues facing American families but, worse, this unprecedented involvement of special interests in our political process has convinced the American people there is something wrong with how we conduct elections—and there is. Americans can see the increased role that special interests and even individual billionaires are playing in politics, heightening their suspicions that Washington works only for the powerful.

I constantly hear from the people of my State who justifiably believe the more money outside groups spend—secret money they are spending on these campaigns—the less their voices are heard. We cannot continue to allow faith in our democratic process to be eroded by the secretive influence of outside money. That is why I am a cosponsor of the DISCLOSE Act.

The DISCLOSE Act heeds the wisdom of Justice Louis Brandeis that sunlight is the best disinfectant and will bring accountability and transparency to the special interest money that is inundating our elections and inundating the airwaves. The act requires that certain organizations, including corporations, unions, section 527 political groups, and so-called super PACs declare their campaign spending above a certain dollar amount. The act will ensure that Americans can find out the sources of funding for advertising they

seek. Most importantly, they will prevent special interests from hiding behind the curtain as they attempt to influence our elections.

By setting the reporting threshold at \$10,000, this carefully crafted act we just voted to go ahead with—and, unfortunately, is blocked by a filibuster—ensures that small businesses and other organizations will not be unduly burdened and that only significant political players will have to report their spending.

I know some people oppose the DISCLOSE Act on what they call first amendment grounds, but this bill doesn't limit free speech in any way. I don't agree with the notion that contribution limits and other restrictions on campaign spending are a threat to free speech. But even if we were to accept that argument, this bill does nothing to impact free speech. It does not contain any limits on contributions or spending or make any changes to our campaign finance system, as much as I think we need to do that.

In fact, I think the best way to do that is a constitutional amendment. But that is not what we are talking about today. We are talking about a simple bill called the DISCLOSE Act, which will ensure more transparency so we know what billionaire is spending how much money in each State on the ads we are seeing on TV.

In reality it is a modest bill in comparison to the size of the problem, but it is a first step toward bringing some sensibleness back to the elections. This bill simply ensures the public has access to information about the funding behind television ads and other election materials. In fact, even the majority opinion in *Citizens United* discussed the constitutionality and important benefits of disclosure. The opinion itself in *Citizens United* said this:

The first amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.

The Supreme Court actually anticipated that Congress—in this decision that I don't agree with—might put some disclosure rules in place, but today we were blocked from doing that. Our campaign finance laws already require that many individual contributions, as I noted, be made public. I see no harm in holding outside groups and outside individuals to the same level of accountability.

Finally, this should not be a partisan issue. Senators in both parties have been leaders on campaign finance reform. As everyone knows, Senators McCain and Feingold championed the most significant reforms in many years, and this bill is much less dramatic than those reforms.

I ask my colleagues to reconsider their vote. Our democracy literally de-

pends on this. We have to know who is spending money so we can figure out why they are spending the money so people will understand the true intent behind these ads. They can't do it if they don't have the information, if someone is just pulling a curtain over their heads so they cannot see anything except the noise on the screen. They need to know what is behind it.

Thank you, Madam President. I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Madam President, I am pleased to join my colleagues in speaking about the DISCLOSE Act and why this is so critically important for our democracy. I appreciate the leadership of several of our colleagues in this respect.

For the last 2 years our democracy has been hijacked by powerful special interests. Tonight we had the opportunity to begin repairing the fabric of our Nation's democracy before permanent damage is done. Unfortunately, Republicans decided not to put our democracy back on the right track.

Out there, in this Presidential election season, murky special interests are spending unlimited amounts of corporate money. It is even possible that foreign governments can determine it is in their interests to funnel vast amounts of money to influence American political elections. Think about a country that does currency manipulation, that violates trade agreements, that steals intellectual property rights. Those of us who oppose those types of actions taken by other countries that are against the national economic interests of the United States could easily see that money flow through U.S. subsidiaries. That money could ultimately end up in campaigns to say: We do not want this Member of Congress, who is standing up for the interests of the American middle class and American businesses against our interests. We want to be able to continue to manipulate our currency, to be able to continue to steal intellectual property rights, to be able to continue with impunity to violate trade agreements.

That is possible as the law exists now. I believe we have a patriotic obligation to protect our electoral system from that kind of influence. These anonymous secretive interests—mostly corporate—aren't spending money because they want to feel like a part of the process, they are spending money for a purpose. They have a reason and, no doubt, a self-interest. One doesn't spend tens of millions of dollars without having a self-interest. Is this what our Founding Fathers had in mind? We should know who they are and what is their agenda.

Since the Supreme Court made its ruling in *Citizens United* allowing corporate interests to spend money unlimitedly, the money has been more

than trickling in, the money has been a torrent, a tsunami of unlimited cash. According to the *New York Times*, independent groups have spent at least \$118 million since the start of the Presidential campaign. One super PAC alone has spent over \$57 million.

If my colleagues do not believe me, listen to Michael Toner, the former Chairman of the Federal Election Commission, who said: "I can tell you from personal experience the money's flowing." The money is flowing. This begs the question, Where is this money flowing from and where is it going? Who is behind the cash and what is to prevent foreign government interests from influencing our elections? What is to stop foreign influence in American elections other than complete disclosure?

If corporations are spending money to influence elections, it is for the sole purpose of improving their own bottom lines. And this undermines the very essence of our democracy, where individual citizens are the ones who should determine the outcome of elections, not murky, shadowy, multibillion-dollar corporate interests or, worse, a foreign government. Disclosure, full disclosure, is what we need, and that is what we should demand before the people lose control of our electoral process.

That is why I introduced another bill, the Shareholder Protection Act—a commonsense proposal that gives real people a say in the process. If the Supreme Court's position, which, obviously, is the law of the land, is that a corporation is a person and therefore can go ahead and spend in Federal elections, then since the corporation's money belongs to the shareholders, it is only right that they have a voice on how their money is going to influence elections.

My bill would require shareholder approval of corporate political spending. This basic step would ensure that corporations' political activities actually reflect the will of their shareholders. If, as the Supreme Court ruled, corporations have free speech rights, then their shareholders should have control of that speech. The Shareholder Protection Act does that by giving shareholders the opportunity to exercise their free speech rights. But until we can reach consensus on my proposal, the least we can give the American people is the right to know who is trying to influence them.

I think these are basic principles of a democracy. There are basic principles in our democracy on which both parties should be able to agree.

Imagine the influence of the big five oil companies on American elections. In March, 47 U.S. Senators voted against repealing \$24 billion in oil subsidies over the next 10 years. We know from their publicly disclosed donations that these 47 Senators received over \$23 million in donations from oil companies over the course of their careers. So

after the oil companies fought tooth and nail to protect the taxpayer subsidies—the \$24 billion they get, which costs us as taxpayers \$76 dollars every second—do we think they wouldn't spend millions more in support of what they want? Now they can give unlimited amounts of money to super PACs without ever disclosing the contributions.

In another example, Alliance Resource Group, a coal company, gave over \$2.4 million to Karl Rove's super PAC, American Crossroads, which then turned around and funded advertisements targeting important environmental protection regulations. They are using unlimited corporate funds to influence our elections and our Nation's energy policy to protect their bottom line, regardless of the consequences to the air we breathe and regardless that States such as mine suffer from too high of an incidence of respiratory illnesses and cancers. They basically spend whatever it takes to buy their right to continue to pollute the air we collectively breathe.

I could go on and on with examples of why special interests would very well spend in Federal elections to dictate policies that ultimately would hurt everyone but the special interests. That is what we are fighting against. This legislation is the first step in undoing that.

The American people deserve to know who is giving more than \$10,000. I don't believe that is too much to ask. As a matter of fact, all of us who run in this body for the Senate and all who run in the House of Representatives—all of our contributors are subject to disclosure. So if the donation of an average citizen back at home is subject to disclosure, why can we not at least have that corporation disclose when they give over \$10,000 to one of these shadowy super PACs? The average citizen has to disclose but the corporations don't. Isn't something wrong with that equation?

I see why we can't get a vote on the other side of the aisle because, overwhelmingly, they are receiving the benefits of this undisclosed, shadowy money. But is that truly the American way? Is that why we came to this institution? I thought we came for the very essence of what our democracy is about, which is clear, open transparency at the end of the day. Is that what the average voter wants to see in terms of this democracy? I don't think so.

I leave my colleagues with this simple message: Our democracy was founded on the principle of an open and honest debate, but without disclosure we get neither. All we get are commercials on television and we don't know who is paying for them; we don't know what their interests are; we only know the negativity that flows from it, but we get none of the people behind it, none of the corporations behind it.

Again, they will not spend tens of millions of dollars to just simply participate in the process. If they want to participate in the process, they can disclose, as does every other citizen. There is no reason they shouldn't disclose. If there is a reason why any company is spending money to make a case for what they believe is good public policy, fine. Let them disclose. But to vote against disclosure as a simple element of preserving our democracy is beyond my comprehension.

I hope, as the electorate sees these advertisements without disclosure, they will say to themselves: Who are the people behind these advertisements? Where are all of these millions of dollars coming from, and what is it that they want for their money? When we ask those questions, in the absence of simple disclosure, I think we will come to understand who these shadowy figures are and what they really want. That is why we should pass the DISCLOSE Act, and I hope we get another chance to get our colleagues to reconsider.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. MERKLEY). The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, I think Senator MENENDEZ asked the right question in the absence of this Chamber doing the right thing, and that is staying consistent with what the Republican leader, Senator MCCONNELL, said some years ago. He said that sunlight is the best disinfectant and that we should disclose everything. He wanted unlimited—mostly, I believe, if I recall, unlimited contributions but full disclosure. He has changed his position. I assume it is to protect the oil industry and perhaps the Chinese money that is coming in in these elections or the big Wall Street banks that have opposed my election, as well as the Presiding Officer because of his work on banking issues, and will come in against him in Oregon.

I stand behind this idea Senator MENENDEZ suggested, which is that if the Senate won't move, voters will start asking the question, Who is giving this money, and why are they putting in this kind of money?

I rise—and I thank Senator SHAHEEN for her leadership—because big corporations and wealthy investors are flooding our elections with campaign money. They are looking for gain. We don't really know whom the money is from. We can guess. In my State, we think it is oil companies. We think it is Wall Street banks. We think it could be money from Chinese interests, whether it is money laundered from China through American corporations or directly from American corporations that specialize in outsourcing jobs to China and making more money. Look what happened with the Olympics just recently, if that doesn't sort of beg the question.

We know that these dollars in Ohio are drowning out the voices of working middle-class people in my State and across the country. Consider this: The television market in Cleveland, OH, is the 18th largest media market in the country.

Lots of cities come to mind that are larger: Philadelphia, Houston, Detroit, New York, Chicago, L.A., San Francisco, Washington, DC, Boston. Many cities, many media markets are larger than Cleveland, the 18th largest television market in the country, which includes about 1.5 million viewers. Cleveland is now No. 2 ranked in the country in political spending—again, larger than New York and Chicago and Philadelphia and Houston and San Diego. Only Los Angeles has had more money spent in its TV market than has Cleveland.

The Columbus market—still significant but smaller than Cleveland's—is not far behind in political spending.

Why is that? The Presidential race in Ohio; the Senate race in Ohio; a congressional race in Ohio with two incumbents, one a Democrat and one a Republican, facing off, with most of the money spent by special interest groups; undisclosed, secret money on Cleveland television and Columbus television, mostly against candidates, mostly against incumbents, mostly against people who have a history of standing for the middle class against oil company interests, who have a history of standing for jobs and against bad trade agreements where companies outsource to China—which they benefit from—standing for Wall Street banks that have done significant damage to our country and to our economy.

We do not know for sure where this money comes from. They will not disclose it. The people paying for these ads are simply unwilling to step out of the shadows. It is not hard to guess, but we simply cannot prove it.

At the same time, as to all these ads that have come into Cleveland and have come into Columbus and all over my State, nonpartisan fact-check organizations have discovered that many of these ads in my State are false. They have a rating—they have a "true," "mostly true," "mostly false," "false," and the worst rating is "pants on fire." "Pants on fire" suggests that people running these ads or groups making these statements willfully disregard the truth or, to put it more succinctly, simply lie. We are seeing, in many of these ads that are run by these special interest groups, they are simply lying. They get a "false" or they get a "pants on fire" rating from PolitiFact, a national organization which won the Pulitzer Prize, is nonpartisan, and has no partisan leanings, no ideological leanings.

It is no surprise people paying for these ads do not want to be associated with them. If they are an oil company,

they do not want the public to know how they are lying. If they are an American corporation that outsources to China, they do not want the American people to know they are the ones paying for these ads and lying.

That is why this legislation is so important. These wealthy, unnamed, out-of-State donors can get away with this—we know this by now—because the Supreme Court's *Citizens United* decision sweeps aside decades' worth of established jurisprudence and allows corporations and very wealthy individuals to spend as much as they like to defeat politicians who do not do their bidding.

Big businesses and billionaires should not be able to buy elections and citizens should know who is behind the ads aimed at winning their votes.

In one of his fireside chats—in a very different political environment, with very different media available to them—President Franklin Roosevelt said the “use of power by any group, however situated, to force its interest or to use its strategic position in order to receive more from the common fund than its contribution to the common fund justifies, is an attack against and not an aid to our national life.”

In a nutshell, President Roosevelt said—he could have been speaking to this issue today—that he called them the “malefactors of great wealth.” He called them “economic royals.” He called them a lot of things—very wealthy people who had disproportionate influence on their national government, even with a President who was fighting for the middle class, who was fighting for the common man against these interest groups.

That is why the Democracy is Strengthened by Casting Light on Spending in Elections Act, the DISCLOSE Act, matters. We need to pass this bill.

The DISCLOSE Act would ensure greater accountability and transparency in corporate political spending by requiring the disclosure of campaign-related fundraising and spending by outside groups.

Over the course of the past 2 years, we have seen politics increasingly influenced by millionaires and billionaires who secretly give unlimited amounts of money to manipulate American politics. These multimillionaires are trying to secretly buy elections.

The DISCLOSE Act would prevent these corporations and wealthy individuals from using shell front groups to hide their donations from disclosure.

By giving millions of dollars in secret money, these megadonors are looking to cash in on policies that will benefit their business interests.

I do not want to make this about my State. I mentioned the huge money in Cleveland, the huge money in Columbus. We are seeing it in the Toledo

market. We are seeing it in the Dayton market, the Cincinnati market, the Youngstown market, even those TV markets on the periphery of the State that serve other States: Wheeling, WV, Parkersburg, WV, Charleston, Huntington, WV, Fort Wayne, IN—States where you might buy the television time that Ohioans will see.

I do not want to make this about my campaign. In my campaign, we have seen already, in Ohio, \$2.5 million in special interest money, laundered—and I use that term advisedly—laundered through groups such as the U.S. Chamber of Commerce, laundered through groups such as Crossroads—that is the group associated with George Bush's political director, whatever his title was—money coming through 60 Plus, money laundered through Concerned Women for America—who decidedly are not, I might add—money laundered through all kinds of organizations; undisclosed, secret money that comes in and does attack ads against elected officials.

I can stand on my own. I am not all that concerned about what it means to me. I am concerned that those groups, undisclosed, want to buy elections. Do you know why they want to buy elections? They want to buy elections so they can continue the subsidies they get and the tax break for the oil companies. They want to buy elections so they can continue to outsource jobs to China and write trade rules that make it easier and more profitable to do that. They want to buy elections because they want to stop our efforts to force the six largest banks in the country—the Wall Street banks—to divest some of their earnings. They are not just too big to fail, they are also too big to manage and too big to regulate.

They want to buy elections, these outside groups, because they want to continue the preferential treatment they get in this Congress when they are drug companies and to stop generic drugs and to stop negotiation directly with the drug companies to save money for seniors for their pharmaceutical drugs.

That is what they have at stake—always, frankly, against the public interest, always an attack on the middle class, always an assault on people who simply want an opportunity to get ahead in this country—just an opportunity, not a gift, not a handout but an opportunity to go to college, an opportunity to go to the local—to go to Lorain County Community College, an opportunity to go to school and be able to pay back their loans, an opportunity to get a decent job and stay in the town they grew up in so they can raise children around their grandparents—all the kinds of things most Americans agree with.

The DISCLOSE Act would prevent these corporations from continuing to deceive the public and simply not in-

forming the public of what is happening. Their priorities erode protections and safeguards for middle-class workers and their families. They seek to extend tax shelters for the top 1 percent. This is not just an attack on the integrity of our democracy. That is fundamentally what it is, but that is not why they do it. They do it because it is a direct assault on middle-class families and working Americans.

The 1 percent will do increasingly better because of *Citizens United*. The 1 percent is mostly behind these efforts and mostly behind the efforts to defeat the DISCLOSE Act.

Democracy demands openness in the public square, in our public conversations, and in that most sacred democratic tool: our elections. Under *Citizens United*, what we have is a sale—not a democracy—it is an auction going to the highest bidder. It is not an election.

Our Nation's highest Court took an issue that was not even presented to the Court and decided to overturn a century of legal precedent. Our largest companies straddle the globe. They wield enormous influence already. The top Fortune 500 companies reap billions in profits. The average Ohio household struggles to break even, as does the average household from Senator WHITEHOUSE's Rhode Island and Senator SHAHEEN's New Hampshire.

The largest corporations leverage their enormous economic power into seemingly unchecked political clout.

In 2011, corporations spent \$3.3 billion lobbying Congress to influence legislation—\$3.3 billion to lobby Congress—exerting far more influence on our political process than they should.

We know they spent this \$3.3 billion because they were required by law to disclose what they spent. My guess is, if that law did not exist that they had to disclose what they were spending on lobbying, some of my colleagues would vote against disclosure for them, what they are spending to influence elections. So they spend \$3.3 billion to lobby. They spend hundreds of millions of dollars on elections. They work to repeal and roll back voter rights.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. BROWN of Ohio. I will wrap up. Thank you. I ask unanimous consent for 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. We have no idea, though, what these groups are spending as they try to undermine our electoral system. What we know is that corporations and roving—if I could use that word—front groups are already pouring hundreds of millions into campaigns.

The DISCLOSE Act can help clear these murky waters. The question ultimately is, if we cannot pass this, then our citizens need to ask us: Why are

they spending all this money? Who are these people spending this money? Who is spending it? Why are they spending tens of millions in my State and other States around the country? What is it they want? When voters start asking that question, I think the answer will be pretty self-evident.

I thank Senator WHITEHOUSE and Senator SHAHEEN for their work on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first, let me commend Senator WHITEHOUSE, Senator SHAHEEN, and all those who have worked so hard with them to bring this cause to the public forum.

The genius of our Founding Fathers was to establish a system of government in which the governed determine who represents them. It is easy for us, more than two centuries removed from their achievement, to lose sight of just how remarkable that achievement was. They overturned untold centuries of human history during which those with wealth and power made the decisions and everyone else had little or no chance to influence how they were governed.

The remarkable system the Founders created has endured through war, crisis, depression, and doubt. But we should not mistake that endurance for automatic permanence. Democracy requires that we maintain the vital connection between the people and their elected representatives. It must be the voters and not the influential few who choose our Nation's leaders. If the people begin to doubt their central role in our government, it will be corrosive to democracy.

In recent months, there has been reason for just such doubt. A Supreme Court ruling has opened our system to a flood of unlimited and secret special interest money. Inexplicably, a one-Justice majority of the Court decided in the Citizens United case that such unlimited, anonymous donations "do not give rise to corruption or the appearance of corruption."

Many of us believed from the moment that decision was handed down that the Court's majority was badly mistaken. But events since that day have left little doubt. We have, in recent months, seen the dangerous consequences of the Court's ruling: a deluge of unregulated funds that has threatened to upend the election campaign for our Nation's highest office, a flood whose organizers vow will upend congressional campaigns across the Nation this summer and fall.

Through super PACs and through supposedly regulated but, in fact, actually unregulated nonprofit organizations, the conduits through which this flood of secret money flows, millionaires and billionaires already have made massive donations to fund a bar-

rage of attack ads, drenching and smothering the voices of those who are to make the decisions in our democracy—the people.

According to the Center for Responsive Politics, an independent watchdog group, as of mid-July, these super PACs have raised more than \$244 million to influence elections. Individuals and corporations can make unlimited donations to these super PACs whose donations are supposed to be disclosed. But the Court's decision opened the door not just to individuals and corporations seeking to influence elections with unlimited contributions, this ruling, combined with the IRS's failure to strictly enforce our laws on the operation of nonprofit groups organized as social welfare organizations under section 501(c)(4) of the Internal Revenue Code, allows them to seek this influence with spending that is not only unlimited but is also secret because there is no requirement that donations to those 501(c)(4) organizations be disclosed to the public.

Donors can seek to influence an election with huge sums of money and can do so now without even having to disclose their involvement. They do so covered by the figleaf that the nonprofit groups to which they donate are dedicated to "social welfare," rather than partisan politics. That fiction dissolves the moment one looks at these social welfare attack ads that the IRS is, so far, blind to.

According to an analysis of TV ad spending data by the Campaign Media Analysis Group, two-thirds of all ad spending by outside groups so far during this election cycle has come from nonprofits subject to no Federal public disclosure rules. Much more is on the way as election day approaches this fall.

The organizations now spending millions of dollars to influence elections were set up for that explicit purpose, to campaign for candidates they favored and against candidates they opposed. Yet they preserve their nonprofit status and their secrecy by relying on a contradictory regulation and guidance from the IRS.

This is how it works. In order to keep their tax-exempt status and keep donor names and donation amounts secret, organizations are set up as "social welfare" organizations under 501(c) of the Internal Revenue Code.

For example, 501(c)(4), which is a very popular section of the Code for these organizations to claim, requires that an organization be operated "exclusively"—I repeat—"exclusively for the promotion of social welfare". Yet in the regulation implementing this statute, the IRS says: "An organization is operated exclusively for the promotion of social welfare if it is primarily engaged in promoting in some way the common good and general welfare."

Under this regulation, according to the IRS, to qualify as "exclusively" dedicated to social welfare, you need only be "primarily" interested in social welfare. That does not fit any reasonable definition of "exclusively" that I know of.

I have expressed my concern to the IRS about this. I pointed out to the IRS that the IRS took a stand on this issue once before. In 1997, it denied nonprofit status to an organization called the National Policy Forum. The IRS position then was that "partisan political activity does not promote social welfare."

Yet the IRS's determination of a group's tax-exempt status can take 1 year. Therefore, even if the IRS determines that these organizations are not legitimately "social welfare" organizations, it will likely be too late. The secret money will have already been donated and spent. The elections will be over.

The contradiction in the IRS regulation is reflected in IRS literature designed to guide the operation of nonprofits. IRS officials pointed me to information on the agency's Web site that states: "The promotion of social welfare does not include direct or indirect participation or intervention in political campaigns on behalf of or in opposition to any candidate."

But in the very next sentence on that same Web site, the guidance says, "A social welfare organization may engage in some political activities, so long as that is not its primary activity." So that contradicts the plain assertion in the previous sentence that "social welfare advocacy does not include campaigning."

It also then leaves open the question of the definition of "primary" activity. An IRS publication on nonprofit organizations contains the same contradiction. It says:

Promoting social welfare does not include direct or indirect participation or intervention in political campaigns on behalf of or in opposition to any candidate for public office. However—

It goes on to say—

if you submit proof that your organization is organized exclusively to promote social welfare, it can obtain an exemption [from taxes] even if it participates legally in some political activity on behalf of or in opposition to candidates for public office.

That makes no sense. If partisan activity does not meet the IRS definition of "promoting social welfare," how can an organization that participates in partisan activity possibly be "organized exclusively to promote social welfare"? So rather than providing clarity, the IRS is perpetuating ambiguity. It should promptly end this ambiguity.

We also have a responsibility to act. The Senate and the Congress should act to prevent these organizations from continuing to benefit from their tax-

exempt status and hide their donor information. They should be required to disclose the donor and contribution information and stop hiding behind their nonprofit status. The facade of these TV ads not being partisan politics needs to be swept away. It is that simple.

We have seen repeatedly the corrosive effects of secret money on the political process. We need to look to history, including modern history—the Watergate scandal, a single incident in U.S. modern history that most damaged public confidence in honest government involved burglaries—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. LEVIN. I ask unanimous consent for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, the Watergate scandal, which is the single incident in modern U.S. history that most damaged public confidence in honest government, involved burglaries and dirty tricks that were paid for using secret campaign donations. Even by the weak standards of the time, much of the secret money was illegal.

More than 20 corporations and organizations were fined and some executives went to jail because their secret payments to the Nixon campaign violated the law. Now a donor can make such secret donation dedicated to who knows what nefarious purpose and spend unlimited amounts in secret with what has, to this point, been the acquiescence of the IRS.

Post-Watergate history warns us as well. We are all familiar with the revelations about former Senator John Edwards. His personal failings got most of the media attention, but let's not forget the financial heart of his problem: While running for President, he sought and received secret amounts of cash from a major campaign donor in order to conceal embarrassing facts that might damage the campaign. Yet huge secret payments to campaigns at this moment in our history are rife.

We need to look no further than this capital city in which we work to see the dangers of secret money. The residents of Washington, DC, have learned in recent weeks that the current mayor benefited from what Federal prosecutors have called a "shadow campaign" of huge secret donations from a major city contractor. The chief Federal prosecutor has said: "The 2010 mayoral election was corrupted by a massive infusion of cash that was illegally concealed from the voters of the District." If true, these charges mean that a campaign donor with a major financial interest in city government decisions sought to influence the election of the city's mayor using huge secret payments that concealed his involvement.

Do any of us doubt that individuals and corporations with a vested interest

in Federal Government outcomes are spending huge sums of money to influence those outcomes without ever having to disclose their involvement to the public? People may go to jail for such spending in the Washington, DC, election. Yet secret spending is common practice in campaigns for the highest offices in our country.

This is not the democracy that men and women have fought to protect throughout our history. It's not the democracy the Founders adopted in our Constitution. As Adlai Stevenson once put it: "Every man has a right to be heard; but no man has the right to strangle democracy with a single set of vocal chords." Yet this torrent of unregulated money threatens to strangle the voice of the people.

Mistaken though it may have been, the Supreme Court's decision stands until it is reversed. We are committed to uphold the rule of law even when we disagree with the Supreme Court's interpretation of the law. But we must be equally committed to the fight for a vibrant, open, representative democracy, one in which elections are determined not by the secret spending of billionaires, but by the will of the people.

The bill we seek to vote on would take an important step toward mitigating the damage of the Citizens United decision. The DISCLOSE Act of 2012 would help shine the light of day on what has been, since the Court's ruling, an underground sewer flow of hundreds of millions of dollars. It would require nonprofits engaged in partisan political activities to disclose their major donors and their expenditures. It would not stop the flow of unlimited money, because we cannot under the Citizens United ruling, but it would at least ensure that the people know who is trying to influence elections.

The Supreme Court has consistently maintained that requiring disclosure is constitutional. Even in the Citizens United case, the Court's majority said, "Disclosure permits citizens and shareholders to react to the speech of corporate entities in the proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages." Indeed, the majority's reliance on disclosure is key to their argument that unlimited spending from corporations would not create corruption or its appearance. The same Supreme Court that has allowed this flood of money has said Congress can require it to be disclosed. We should do so, and so promptly.

It is difficult to understand why Members of the Senate could oppose these simple, straightforward disclosure requirements. It is difficult to imagine that we would be comfortable telling our constituents that we voted to uphold the veil of secrecy that now shields this flood of money from public view. And it is even more remarkable

that some of us would vote, not just to maintain that secrecy, but to prevent the Senate even from debating it. The filibuster of this legislation, if successful, will signal shocking acquiescence to a system in which the wealthy, fortunate few can seek to shape the outcome of elections in secret, without the Senate even voting on whether to continue that secret system.

There are those in this body who defend the flood of secret cash in our politics. It is hard for this Senator to understand how those Senators explain to their constituents that they do not deserve to know who is spending millions to influence elections. But it is doubly difficult to accept the refusal of my colleagues to allow us to vote on this bill by filibustering the motion intended to let us proceed to that vote.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mrs. SHAHEEN. Mr. President, since the Supreme Court's decision 2 years ago in Citizens United, we have seen a new system of campaign finance emerge. Without limits on donations or limits on spending by outside groups such as super PACs, we have been inundated with mostly political advertisements while candidates from both sides of the aisle struggle to raise more and more money just to keep up.

Nearly \$170 million has been spent so far in this election cycle by outside groups, and that does not include much the candidates themselves have spent. Just think what good we could do with that \$170 million. The rising influence of donors and corporations is a problem. But the larger issue, and the one we are here to talk about—and I wish to recognize the leadership of Senator WHITEHOUSE from Rhode Island, who has done such a great job of raising the importance of this issue. The larger issue is the prevalence of secret money that is increasingly making its way into our campaigns. Millions of dollars of untraceable money have already been spent during this election. This spending is unacceptable because there is too much at stake in this election for Americans who are struggling. By that, I am not talking about the secret donors who can afford to spend millions of dollars on secret political ads. I am talking about middle-class families who are struggling with their mortgages, trying to pay for college, fighting to get their credit card payments mailed in on time. These are the Americans who need our attention.

They deserve to know who paid for the most recent negative ad they see on their television. The truth is middle-class families will not be able to catch a break unless we start by reducing the influence of special interests, of big donors, and of corporate lobbyists, and that is what the DISCLOSE Act is about. That is why it deserves our support.

We have heard Senator LEVIN speak very eloquently to the 501(c)(4) organizations, those organizations that are allowed to keep their donors secret. In many cases, they are actually allowed to deduct those contributions. Those secret donors can deduct those contributions from their taxes. It is hard to understand why they should be allowed to do that. It is not right. It is not fair. We need to change the system.

Some have objected to requiring disclosure of donors because they say it undermines free speech. Let me address that. Because our democracy is based on the free exchange of ideas—and political speech should enjoy the highest level of protection—we should recognize that citizens always have the right to speak and be heard, especially on matters as important as who should represent them in Washington.

That is not what the DISCLOSE Act is about. It is precisely because we need to make sure citizens stay involved in the political process that we need this reform, because freedom of speech does not mean freedom of secrecy. Anonymous political speech by these organizations has no place in our democracy. Accountability, transparency, and credibility must be preserved in our political system.

When I talk to voters in New Hampshire these days, they are not optimistic about being heard in Washington. According to the Granite State Poll that is done by the University of New Hampshire, three-quarters of our New Hampshire adults think Members of Congress are more interested in serving special interest groups. One-quarter of New Hampshire adults think they have no influence at all on what the Federal Government does.

People throughout New Hampshire and throughout this country do not believe their interests are being represented. What they do support is the kind of legislation we are talking about in the DISCLOSE Act. Three-quarters of New Hampshire adults strongly support a law that would require corporations, unions, and non-profit groups to disclose their sources of spending when they participate in elections, and this support is not limited to New Hampshire.

According to a Greenberg-Quinlan poll recently, 77 percent of voters nationwide, regardless of party, say reforming our campaign finance system is very important.

I get a lot of cards and letters from people. Most of the people who write to me and write to all of us sign their names. Because they sign their names, we know who they are and we can respond. We can correct misunderstandings. We can engage in a discussion with them about policies before the Congress. The same should be true for political speech.

Justice Antonin Scalia once wrote—and we put this on poster board be-

cause I thought it was so apropos to what we have been talking about with the DISCLOSE Act. He said:

Requiring people to stand up in public for their political acts fosters civic courage, without which democracy is doomed.

It is important for donors to own their participation. That is what the DISCLOSE Act is about. That is why we should all vote to support it.

I can't finish my remarks without talking about a New Hampshire woman who really represents what we are talking about when we talk about participation in the political process. Her name was Doris Haddock, or Granny D, as we in New Hampshire knew her. Some people may remember that when she was 89 years old, she started walking across America to call attention to the importance of campaign finance reform. In the 14 months she took to walk across this country—and she turned 90 on the way—she traveled 3,200 miles, went through four pairs of sneakers, and everywhere she stopped, she talked about the importance of addressing campaign finance reform so that ordinary Americans could be heard.

Well, Granny D died 2 years ago at the age of 100.

She left behind 2 children, 8 grandchildren, and 16 great-grandchildren. She also left behind an incredible legacy that embodies the importance of what the first amendment was designed to protect and what it need not protect.

We need to make sure people like Granny D can continue to be heard regardless of how much money they have. That is why we need the DISCLOSE Act. The first amendment doesn't protect the rights of shell corporations and dummy organizations to flood our airwaves with negative ads using money from anonymous donors. Let's take a lesson from Granny D and take a stand and pull back the curtain to see who is behind all of this secret money. The DISCLOSE Act will allow us to do that. That is why we should support its passage. I hope our colleagues on the other side of the aisle will decide they should join us. It is critical to our democratic process.

The PRESIDING OFFICER. The Senator from Montana.

Mr. TESTER. Mr. President, I rise this evening in support of the DISCLOSE Act, legislation to shine some sunlight onto our elections, to restore transparency and accountability into this Nation's political campaigns.

The DISCLOSE Act is a responsible step toward making sure that people decide the course of our future; that people make their own choices based on good information; that people always have the ability to hold this government accountable through transparency.

Right now, that's not the case.

On January 21 of 2010, the U.S. Supreme Court made a decision that gave

power to corporations to spend unlimited money on political campaigns—with no transparency whatsoever.

That includes foreign corporations, by the way. So, for example, it would be pretty easy for a Chinese company to start spending a lot of money to influence American elections, again, with no transparency whatsoever.

The Citizens United decision has already dealt a blow to our democracy. It is allowing a handful of billionaires, corporations and secretive groups that represent special interests to try and buy votes.

That already happened in Montana once. And the people of Montana put a stop to it one hundred years ago.

At the turn of last century, one of the world's wealthiest men literally bought himself a seat in the U.S. Senate. His name was William Clark. He was one of the mining barons of the Gilded Age. Mr. Clark left his mark across this Nation. In fact, Clark County, Nevada, is named for him.

Back then, Montana's legislature got to choose who served in the U.S. Senate. So William Clark paid as many legislators as he could to send him to Washington.

In fact, he spent a staggering \$431,000 buying his Senate seat in 1899. That's equivalent to about \$11 million today.

This bold bribery was a national scandal back then. And it shaped Montana forever. Because of what William Clark did, Montana passed a law in 1912 limiting the influence of wealthy corporations over our elections.

And just as important, the scandal showed us that as Montanans, transparency prevents corruption. Transparency allows for accountability.

Mr. President, transparency in government is a fundamental value in Montana.

A few weeks ago, the U.S. Supreme Court struck down Montana's important 1912 law to guarantee transparency and accountability in our elections.

Citing its own Citizens United decision—and the idea that corporations somehow have the same rights as individual people—the U.S. Supreme Court tossed out Montana's century-old law.

Now the secretive special interests are taking full advantage of this uneven playing field. They are buying up millions of dollars of time on the airwaves, blanketing Montana with lies and distortions in order to influence voters. And Montanans are getting sick of it.

Like 100 years ago, a few millionaires and billionaires are bankrolling secretive campaign spending.

And they are steamrolling our democracy, because they are doing it in secret, with no accountability and transparency.

I support undoing the Citizens United decision by amending the U.S. Constitution. That's a heavy lift. But it's

one I, along with many of my colleagues, support. And in the meantime, let's make our elections more transparent. I join most Montanans when I say that any money spent influencing voters ought to be transparent, no matter where it comes from.

That is exactly what this DISCLOSE Act does.

Mr. President, I don't think anyone here has heard complaints about too much transparency when it comes to political TV ads.

The DISCLOSE Act requires any organization or individual who spends \$10,000 or more on a political campaign to report that expenditure within 24 hours.

No organization or type of organization is exempt. It applies to superpacs, unions, and so-called "issue advocacy" organizations.

That is not stifling free speech. That is responsibility. It is accountability.

The DISCLOSE Act strengthens our freedom to make informed decisions about our democracy.

And for folks in Montana, it's a chance for us to put our priorities back ahead of special interests, for Montanans to make their own choices free from the influence of unlimited spending by multinational corporations.

It's what the people of this Nation deserve. I urge all of my colleagues to vote for that transparency.

A vote against the DISCLOSE Act is a vote to allow secretive special interests to buy something that should never, ever be for sale—our democracy and the power to make our own decisions, with good information, full transparency, and full accountability.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, before the Senator from Montana leaves, I want to ask him a question. Did he hear, earlier this evening, a Senator come out here and say he thought the DISCLOSE Act would intimidate people from participating in the political process? Is the fact of disclosing where the money is coming from supposed to be an intimidation?

Mr. TESTER. Well, anytime transparency and accountability is an intimidation, that means there is a different agenda behind that money. I say that I think the DISCLOSE Act is a well-crafted, smart bill that allows transparency and accountability in our election process. When accountability and transparency become a bad thing, we are in big trouble in this country.

I thank the Senator for the question.

Mr. NELSON of Florida. Yes, indeed. I thank the Senator for his comments. My comments will be very similar because the DISCLOSE Act is a very simple piece of legislation, and it is about letting people know who is spending money and how much in order to influence elections, and therefore not to allow the democratic process of elect-

ing officials to be taken over by a few superdonors who pay for these slash-and-burn negative ads that are also, by the way, patently false.

I have had \$8 million of negative attack ads run against me. Every independent fact-checking organization has said they are either false or pants-on-fire false. Yet the public doesn't know where the money is coming from in order to run these kinds of ads.

I really have never seen this kind of situation we are facing this year because this 5-to-4 Supreme Court decision has left the door open for these megadonors to secretly finance and propel the flow of false information. It is not just happening in my State; we are hearing that it is happening in a bunch of States. It is not just in Senate elections; it is happening in elections at all levels, including the Presidential election. What is happening is that these people and these organizations are donating so they can satisfy their own agendas, and they do so in their own self-interest, to see that it is going to be protected in Washington. The ones who are running ads in my State of Florida clearly don't care about Florida; they care about their own political agenda. In essence, they are trying to buy elections.

So with this new crop of secretive donors seemingly popping up—new ones every day—there doesn't seem to be an end in sight. That is why we need a law like the DISCLOSE Act. Voters need to know who is influencing the elections. We as Federal candidates have to know basically every dime of political contributions and—oh, by the way, we are limited in the amount of contributions per contributor that we can take, and we can only take from people, not from a corporation. We are obviously seeing how distorted the implementation of this 5-to-4 Supreme Court decision is in this law. That is why we have to pass a bill to at least bring it out into the sunshine.

In this Citizens United 5-to-4 Supreme Court decision which allows these unlimited donations, the Supreme Court even said in a part of the opinion that there is a need for transparency. Well, that is what we are trying to accomplish with this legislation. The Supreme Court, in its opinion, said that voters should be well informed about the group or the person who is speaking in what they consider free speech. Well, that is exactly what this legislation intends to do. It informs the electorate, makes sure they have the information they need to judge the message for themselves.

This onslaught of unlimited, anonymous contributions puts everyday folks at risk of having their voices drowned out by the billionaires and the corporations. If the campaign law says the average person has to disclose their contribution to a candidate, why shouldn't billionaires and millionaires

have to do so as well? It is a question of fairness. There should not be two sets of standards for political contributions.

That is why we are here on the Senate floor well into the night supporting the DISCLOSE Act. We ought to pass this bill. Yet you see partisan politics at its worst when the votes are being recorded. It is simple. It says what has already been described: The person who wants to donate \$100, even \$1,000, if they are going through a super PAC, they don't have to disclose that, but if they are donating \$10,000 or more, then that ought to be disclosed and we ought to know where that money is coming from and what their agenda is by virtue of us knowing where the money is coming from.

This legislation will stop the special treatment for the super PACs by making sure they play by the rules everybody else has to play by.

Mr. President, there is going to be a lot of commentary tonight. I thank the Chair for the opportunity, and I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. UDALL of New Mexico. Mr. President, let me, first of all, thank Senator WHITEHOUSE for heading up this campaign finance task force. I think this has been a real solid effort by a number of Senators. Senator WHITEHOUSE, whether it is at Netroots or on the Senate floor, has been participating this evening, and we appreciate all of his help. The Presiding Officer, Senator MERKLEY, has also been a key member of the task force. Senator BENNET, who is going to be speaking after I have finished, is another member of the task force. So we appreciate being allowed to get together.

What we need to be reminded of this evening is where we are. We just took a vote to try to get onto the DISCLOSE Act, and 51 Democrats said let's get onto the bill, with 44 Republicans—not a single Republican—voting not to allow us to move to the bill.

Basically, as Senators BENNET, WHITEHOUSE, and MERKLEY know, the Senate is now in the mode of a full filibuster. We are on a motion to proceed and have not been allowed to move to the bill. So people should recognize that is the posture we are in right now, so we are going to be down here talking about this issue.

I have joined my colleagues to talk about this serious problem of campaign finance reform, one that threatens the very nature of our democracy. That threat is the unprecedented flow of money into our elections. We need to look at this dangerous torrent of money and consider how to stop it. I believe a step in the right direction is the DISCLOSE Act.

In January 2010 the Supreme Court issued its disastrous opinion in *Citizens United v. FEC*. Two months later, the

DC Circuit Court of Appeals decided the *SpeechNow v. FEC*, which the Supreme Court upheld. These two cases gave rise to super PACs. They opened the floodgates of secret cash. Super PACs have poured millions of dollars into negative and misleading campaign ads, and, as they often do, under the cover of darkness—quiet, stealthy, without disclosing the true source of the donations.

It is ironic. They make all this sound and fury on the airwaves, but they are silent on who is paying for it. Why? Why the silence? Why the cat and mouse? The American people are blessed with common sense. They know usually when someone will not admit to something it is because there is something to hide. They have seen where all that shadowy campaign money can take us—to corruption, to scandal, to places like Watergate, dark days where we have been before. And believe me, I don't think the American people want to go back to the era when we had big suitcases of cash, with the President keeping cash in his White House safe. The American people don't want to return to that time.

The *Citizens United* and *SpeechNow* decision sparked a renewed focus on the need for campaign finance reform. But let's be clear, the Court laid the groundwork for this broken system many years ago. In 1976 the Court held in *Buckley v. Valeo* that restricting independent campaign expenditures violates the first amendment right to free speech. That ruling established the flawed precedent that money and speech are the same thing—another nail in the coffin of common sense. The result: elections based too much on the ability to raise money and too little on the quality of ideas, too much on a dedication to fundraising and too little on the public good.

Money and free speech are not the same, and it is a tortured logic to say they are. They may seem comparable in the rarified hallways of the Supreme Court but not in the rough and tumble streets of political campaigns. We know this. The super PACs writing these huge checks know it too, and they must be chuckling all the way to the bank. But the American people do not find this funny—infuriating perhaps but definitely not funny.

I don't think we can truly fix this broken system until we undo the false premise that spending money on elections is the same thing as the constitutional right of free speech. That can only be achieved if the Court overturns *Buckley* or we amend the Constitution. Until then, we will fall short of the real reform that is needed. But we still should do all we can in the meantime to make a bad situation better, and that is what we have been trying to do with the DISCLOSE Act. That is what we must do with the DISCLOSE Act. It is not the comprehensive reform I

would like to see, but the perfect should not be the enemy of the good, and the DISCLOSE Act is the good we can do now. It is a step forward, a vital step forward, even with the flawed Supreme Court precedents that constrain us.

The DISCLOSE Act is a step out of the shadows, and that is exactly where we need to be headed. The DISCLOSE Act of 2012 asks a simple question—an important and eminently fair question: Where does the money come from and where is it going?

If we don't start asking that question, we may soon be asking another one, one we heard when scandal shook this country in years passed: What did he know and when did he know it? It is a simple question that follows the money because the American people have a right to know who is writing the checks.

Under the bill any covered organization, including corporations, labor unions, nonprofit organizations, and super PACs that spend \$10,000 or more on campaign-related disbursements during an election cycle, would have to file a report with the Federal Election Commission that discloses all donations above \$10,000.

It also requires the disclosure of any transfer made to a third party for the purposes of campaign-related expenditures. This addresses the growing problem of using so-called social welfare organizations to funnel anonymous money to super PACs.

This is a practical, sensible measure. It doesn't get money out of our elections, but it does shine a light into the dark corners of the campaign finance system. A similar bill in the last Congress had broad bipartisan support, with 59 votes in the Senate and passing the House. Since then we have all watched a flood of money raining down during this election year. We are seeing the real impact of the *Citizens United* and *SpeechNow* decisions on our elections. The need for this legislation has become even more apparent.

I serve on the Senate Rules Committee, and in March Chairman SCHUMER held a hearing on the DISCLOSE Act. We heard several concerns about the bill, both from our Republican colleagues on the committee and their witness. At the hearing, the minority witness claimed there were many provisions in the bill he disliked. He said:

I think perhaps the most radical is the government-mandated disclaimer.

While I disagree with his assertion that standing by your ad is a radical idea, that is no longer an issue in this bill. We have taken the disclaimer provision out. I still believe it is an important provision, but we listened to the minority's concerns and revised the bill.

Another concern raised at the hearing was the effective date of the legis-

lation. Senator ALEXANDER is our ranking member on the committee, and I think a great deal of him and appreciate the work he and Chairman SCHUMER have done on this and many other issues. At the hearing on DISCLOSE, Senator ALEXANDER said the following:

This hearing is as predictable as the spring flowers in the middle of an election. My friends on the other side of the aisle are trying to change the campaign finance laws to discourage contributions from people with whom they disagree, all to take effect on July 1, 2012.

Well, guess what, Senator ALEXANDER. We have also addressed this concern. The bill has been changed so that the disclosure requirements go into effect at the beginning of next year. So the shadow groups can still do everything in their power to buy this election. They can still hide their faces from the voters, but they will have to step to the plate the next time around. They can still write the checks, they can still try to buy future elections, but they will finally have to say who they are at the checkout stand.

The bill we are considering is as simple and straightforward as it gets: If you are making large donations to influence an election, the voters in that election should know who you are. That is not a radical concept.

What is disappointing is that this type of disclosure, and campaign finance reform more generally, used to have broad bipartisan support. Now that conservative super PACs are raising huge sums of cash and hiding many of their donors, disclosure has suddenly become another partisan issue.

If we look at past reform efforts, they have always been bipartisan. In 1972, the Federal Election Campaign Act passed with strong bipartisan support from both parties. After Watergate, Democrats and Republicans came together, again to strengthen the act and set limits on independent expenditures. More recently, in 2002, we passed the bipartisan Campaign Reform Act, also known as McCain-Feingold. That bill passed in the Senate with broad support. Five of our current Republican colleagues voted for it.

The constitutional amendment that Senator BENNET and I introduced this Congress also used to be bipartisan. Senator Fritz Hollings was the lead sponsor for many years, but the amendment was always bipartisan. It had the support of respected Republican Senators such as Ted Stevens, Arlen Specter, John Danforth, THAD COCHRAN, and JOHN MCCAIN.

The PRESIDING OFFICER. The Senator has utilized 10 minutes.

Mr. UDALL of New Mexico. Mr. President, I ask unanimous consent that I be allowed an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. UDALL of New Mexico. So we can see why I am disappointed with the

partisanship that has taken over this important issue. It is not like the problem of money influencing our elections has been solved. The recent Supreme Court decision struck down laws my Republican colleagues voted for. I hope they will be willing to work with us now to pass disclosure laws that will withstand judicial scrutiny.

And unless we take action, I fear things will only get worse. Earlier this year, my friend Senator JOHN MCCAIN said the following at a panel discussion on campaign finance reform:

What the Supreme Court did [in *Citizens United*] is a combination of arrogance, naiveté and stupidity the likes of which I have never seen. I promise you, there will be huge scandals because there's too much money washing around, too much of it we don't know who's behind it and too much corruption associated with that kind of money.

I think Senator MCCAIN is right. I recall the debate when we considered the DISCLOSE Act in the last Congress. Many of our concerns then were still hypothetical. We could only guess how bad it might get. Well, now we know. Unfortunately, our worst fears have come true.

The toxic effect of the *Citizens United* and *SpeechNow* decisions has become brutally clear. The floodgates of campaign spending are open and gushing and threaten to drown out the voices of ordinary citizens.

Look at what we have seen already. Huge sums of unregulated, unaccountable money are flooding the airwaves. An endless wave of attack ads, paid for by billionaires, is poisoning our political discourse. Social welfare organizations are abusing their non-profit status. They shield their donors and then funnel the money into Super PACs.

The American public, rightly so, looks on in disgust.

A recent Washington Post-ABC News poll found that nearly 70% of registered voters would like Super PACs to be illegal. Among independent voters, that figure rose to 78%. Supporters of Super PACs and unlimited campaign spending claim they are promoting the democratic process. But the public knows better—wealthy individuals and special interests are buying our elections.

Our nation cannot afford a system that says, “come on in” to the rich and powerful, but then says “don’t bother” to everyone else.

The faith of the American people in their electoral system is shaken by big money. It is time to restore that faith. It is time for Congress to take back control.

There is a great deal to be done to fix our campaign finance system. I will continue to push for a constitutional amendment that will allow comprehensive reform. But, in the interim, let's at least shine a light on the money. The American people deserve to know where this money is coming from. And

they deserve to know before, not after, they head to the polls. That is what the DISCLOSE Act will achieve.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. Mr. President, I thank my neighbor, the Senator from New Mexico, for his kind words and his leadership on this issue. I have been privileged to have the chance to cosponsor a constitutional amendment that I think responds very nicely to what he hears from his constituents, as I hear from mine, whether they are Republicans, Democrats, or Independent voters. I also want to thank the Senator from Rhode Island, Mr. WHITEHOUSE, for organizing this time tonight and for his leadership over these many months.

It is 8:45 p.m. tonight in Washington, DC, as we debate this bill. We are not actually debating the bill because we weren't even allowed to move to a debate on the bill. I can't tell you the number of times we haven't been able to do that.

I am often struck by the fact that I think the Founding Fathers would have wanted us to debate all these bills and to vote up or down on each one and then to go home and explain to our constituents why we voted one way or why we voted another way. But here we are, not technically debating a bill, once again, because we haven't even been able to move onto a piece of legislation that historically has been and I hope will again become bipartisan.

As I mentioned, it is 8:45 here. At home in Colorado, it is 6:45. It is dinnertime. Families are sitting around having dinner with their loved ones, much as I did when I was a boy. I can remember my parents, who followed public affairs closely, turned on the evening news every night about this time, and Walter Cronkite would be on the television. I remember that the ads, as probably does the Senator from New Mexico, were things like Geritol, things that cleaned your dentures. I remember one ad in particular—I never could believe they could get the cherry stains out of those pearls, but every single night they were able to do it. And if there was a political ad on television, the candidate had to get on at the end and say: My name is MICHAEL BENNET, my name is JEFF MERKLEY, my name is TOM UDALL or DICK DURBIN or HARRY REID or SHELDON WHITEHOUSE, and I approve this message. That is what we saw when I was a child.

Tonight, families all over my State, which is a swing State, are going to have to endure advertisement after advertisement that is not advertising those consumer products I described but are advocating for candidates and political ideas. And many of them will have phony names. The Committee for a Strong America or Tall Children or Strong Teeth is what they are going to

see. Now, because of what the Supreme Court ruling did, they can't even find out, if they wanted to, who is donating to those in many cases fake committees.

I wish to start out tonight by making clear what is not at issue with this bill. This is not a constitutional question we are debating here tonight. There is not a question that disclosure and disclaimer—which this bill doesn't even do—is constitutional. Eight of nine Supreme Court Justices have not only said it is constitutional but some have said that is a desired result.

Justice Scalia said:

Requiring people to stand up in public for their political acts fosters civic courage, without which democracy is doomed.

For my part, I do not look forward to a society that, thanks to the Supreme Court, campaigns anonymously and even exercises the direct democracy of initiative and referendum hidden from public scrutiny and protected from the accountability of criticism. This does not resemble the home of the brave. It takes courage to put your name on something, to stand for something that is unpopular. It doesn't take a lot of courage to let somebody use your money in a way that keeps you completely anonymous and imposes something on families in our States who are trying to make a fundamental American decision to vote in a democracy. That doesn't take courage. That is the point Justice Scalia was making because Justice Scalia, I believe, thought Congress would do its job and enact what is constitutional, require disclosure, require disclaimer.

This issue is one that has been well understood in this country since its founding. Here is Patrick Henry in 1788:

The liberties of a people never were, nor ever will be, secure when the transactions of their rulers may be concealed from them.

Accountability and transparency—that is what this legislation is about, and it is emphatically constitutional. So if somebody comes and tells you this is about the Constitution, tell them that eight of nine Supreme Court Justices have already ruled on this question. They have already ruled that what is in the content of this act is constitutional.

What is happening out there as a consequence of a decision that was made by the Supreme Court on the one hand and the failure of the Congress to act in a timely manner on the other? Well, these super PACs have come into being, these anonymous folks who have been able to give money.

There is an owner of a casino in Las Vegas, and he has actually given more money to super PACs in 2012 than anybody else in the country—at least that is my understanding—but to him this is chump change. So far he has given \$35 million, and he says he is going to give more than that. That is a lot of

money to most people, but it is not a lot of money to this guy because he has a net worth of \$23.9 billion.

We did some math at home, and what we figured out is that in Colorado and in America, the average family's net worth is roughly \$77,000. So if they were to spend the same percentage of their net worth that this one casino owner in Las Vegas has spent of his net worth, that would be about \$108, which is about what people spend a week on groceries who are making this kind of money. To them, that would be a little bit of a sacrifice, \$108, but if they knew they could control the outcome of elections in State after State, if they could influence the election of the very President of the United States by spending .0001 of their net worth, \$108, they might do it.

This is pocket change for him. These numbers get so big it is hard sometimes to think about what it means. This one person's net worth is 332,000 times the net worth of our average family.

Think about it this way: The median household income in Colorado is roughly \$56,000. A family earning \$56,000 in Colorado every year, year in and year out, who never paid any taxes—and is probably paying a higher rate, by the way, than this guy in Las Vegas—but who never paid any taxes, who never spent one penny of their salary—\$56,000 a year, year in and year out and didn't spend a nickel of it—would have to do that for 441,000 years before it added up to what this guy has. Just to give you a sense of perspective, human beings made their appearance on this planet 200,000 years ago—less than half of what it would take for this diligent and prudent family to raise what this fellow is worth. It gives you a sense of the order of magnitude.

As some of my colleagues have said, one aspect that is really interesting about this super PAC phenomenon is it is a very small group of very wealthy people who are contributing to it. It is not most corporations. It is not some people who have some means. This is a tiny, tiny group of people who are committed to a set of political outcomes in their economic interests that I am not sure are in the same interests of most of the folks who live in my State.

Again, we are not saying they can't do it. This bill doesn't say they can't do it. This bill just says: If you are going to do it, you need to tell us who you are. We want to know who you are. Step up and say why it is you are doing what you are doing.

It is not surprising, by the way, that this problem has become enormous since this decision was made. In 2006, 1 percent of donors were undisclosed; that was it. Ninety-nine percent were disclosed, and 1 percent was not disclosed. It is even worse today.

This is 2010, the year I was running and a year when Colorado saw more

outside money on television than anybody should deserve to see, more outside money than any State in the United States of America, and 44 percent of the money that was spent was not disclosed. The identity of the people who gave the money was not disclosed. That is virtually half of what was spent, and it is going to be worse this year.

I have three daughters who are 12, 11, and 7, and everybody who has been a parent would know this intuitively. Not surprisingly, as the spending has become more anonymous, the advertising has become more negative. If one of my kids thinks they can get away with doing something negative to one of their sisters—which is not often, but it happens—if they think they can get away with it without anybody catching them, they are a lot more likely to do it than if they know somebody is watching.

The PRESIDING OFFICER. The Senator has utilized 10 minutes.

Mr. BENNET. I ask for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNET. I thank the Presiding Officer.

So you can see that the portion of positive advertising here is much, much higher than the negative.

Today it is almost entirely negative. And between the hours of 6 p.m. and 9 p.m. tonight in the State of Colorado and across the United States of America, those graphs are going to be borne out by negative ad after negative ad.

We face enormous structural issues in the economy in this country. We faced them for a while, and we are facing them again because, as you can see from this chart, GDP growth, our economic output, has decoupled from wage growth and job growth. That is what has happened in the United States. And the job of this Congress and the job of this administration and our generation's job is to recouple this so that we have a rising middle class. And that is what we should be spending our time on as we think about reforming our Tax Code and our regulatory code and our statute books. But there are some folks around who aren't necessarily all that interested in that because the current system works pretty well for them.

I can't tell you the number of times I have heard people say in this Chamber that the government shouldn't pick winners and losers. That is really easy to say when you are on the winning side. We ought to have a set of rules that are responsive to the needs of the vast majority of American people—whether Republicans, Democrats, or Independents—who together, no matter where they are in the economic spectrum, all want essentially the same thing, which is to make sure we are not the first generation of Americans to

leave less opportunity, not more, to the people who are coming afterwards. I believe that anybody who wants to come to that debate, anybody who wants to play in that game is welcome, but they ought to tell us who they are.

Mr. President, I yield the floor. I see the Senator from Illinois is here, and I look forward to his remarks.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Colorado for his remarks, and a special thanks to my colleague from Rhode Island, SHELDON WHITEHOUSE, for gathering us here this evening.

It is almost 8:30 Washington time. The Chamber is otherwise empty. Senator STABENOW from Michigan is preparing to speak.

This is not really a Senate debate. That happens almost never in this body, which is unfortunate. I had hoped that perhaps some Members from the other side would come and defend their position, but they haven't. It is their right to go home, and they have done it. We think it is worth a few minutes of our time to come even this late at night to talk about this issue.

Lyndon Johnson was a pretty famous Senator and President, and back in the day he used to say that when he was looking for advisers, he wished he had someone near him who would run for sheriff. What President Johnson was saying is that the practical experience of politics is somehow a lot different from what many people imagine.

I thought of that when I reflected on this Supreme Court currently sitting—the same Court that decided *Citizens United*—and the fact that not one of them has ever stood for election, none of them has gone through a campaign. When they addressed *Citizens United*, it was strictly from a legalistic academic viewpoint, and the decision reflected it because it was such a gross departure from where we have been as a nation.

A Presidential candidate may argue that corporations are people. Our Supreme Court, in *Citizens United*, said the views of corporations should be treated like the views of people, like the free speech every American is guaranteed under our Constitution, and with just that twist of a phrase they have literally changed the face of politics in America in a negative fashion.

I would say the *Citizens United* case from the Supreme Court was as negative on the political process of America as the *Dred Scott* decision by the same Supreme Court was on the social fabric of America. What they have unleashed with *Citizens United* is a force we have never, ever seen before in American politics. It is the force of anonymous, secret donors—people, oligarchs, millionaires and billionaires who are determined to impose their political will on the body politic and will spend whatever it takes to achieve it.

We are seeing it all across the country. There is not a single contested Senate race in which these super PACs have not arrived and spent \$5, \$10, \$12, \$15 million already in negative advertising across this country—most of it unaccounted for.

The DISCLOSE Act, which brings us together this evening, is very basic in that people who give more than \$10,000 must disclose their identity. It applies to labor unions, corporations, everyone—it is across the board. Disclosure used to be one of the tenets, one of the pillars of the Republican position. They used to say: Don't limit what a person can give as long as they disclose it in a timely fashion.

They amended their decision after Citizens United and lopped off the end of it: Don't limit what a person can give—period. They do not call for timely disclosure anymore.

The DISCLOSE Act does. Why is it important? It is important because Americans have good judgment, and they know if a person—for example, the Koch brothers, the Koch brothers of Pennsylvania, if I am not mistaken, wherever their home is—they are interested in energy and oil production. If they invest millions of dollars on behalf of a certain candidate, many voters will say: I wonder what that candidate's position is on the issues of the tax treatment of oil companies, on energy tax credits, and the like. So Americans will ask the right question as long as they know who is behind the issue. Under Citizens United there is no compulsion.

Senator BENNET of Colorado said just moments ago the Supreme Court made it clear in the Citizens United decision that though they were unleashing the opportunity to contribute, they expected there would be accountability—like the DISCLOSE Act. Unfortunately, they did not anticipate it would become a partisan issue, and virtually no Republicans have supported us. Today when the vote was cast, not a single Republican would vote to bring this bill to the floor for debate.

We are now in the midst of a Republican filibuster on the DISCLOSE Act, another Republican filibuster. Not one single Republican Senator would join us in this effort to bring this bill to the floor for debate, amendment, and a vote. We have seen so many Republican filibusters. Now we see this one.

The reason this is more important than most is it gets to the heart of our political process. It isn't a matter of who spends what and how much in a campaign. I look at it in a little different perspective. I am concerned about who will run for office. I used to put myself in the category—I think it still applies—of mere mortals who decide to get involved in politics. I do not come from wealth. I am not a wealthy person. I have never relied on my personal wealth to get me elected. If I did, it wouldn't last very long.

I wonder if people like me will ever get engaged in politics after Citizens United. They have to stop and think: No matter how many doors I knock on, no matter how many hands I shake, no matter how often I study the issues and take the positions I think are meaningful and would resonate with voters, the fact is some super PAC could arrive tomorrow, spend \$1 million, and blow me away. That is a humbling thought for someone deciding to engage in a race for public office for the first time.

I think this gets to the heart of what is wrong with politics in America—the cost and nature of our political campaigns. It is a fact—we hear it every day on the floor of the Senate—people measure the gravity and importance of votes in terms of their political impact. How many times have I heard someone cast a vote here and afterwards say: That will be a good 30-second spot. We think about that because we know that is what our life experience translates into—messages that can be delivered through the media to the voters. Now this outside force comes along and spends enormous amounts of money, dramatically increasing the amount that has been spent.

As was said earlier, in 2006, outside groups spent \$70 million to influence Federal midterm elections; 4 years later super PACs, outside groups, spent \$294 million, four times as much. Trust me, it is on its way up.

What will the average family think about this? I said to my colleagues at lunch a few weeks back: I think the average voter looks at this enormous wash of money coming into American politics much the way they view gangland killings. As long as they want to kill one another off and I don't have to hear the gunfire and my family is not in danger, let them have at it. Spend whatever you want, politicians versus politicians.

But the fact is this is going to be gunfire they are going to hear because the net result of these super PACs and the money they spend will be decisions on critical issues. Trust me, the people who are pouring the money into the super PACs have an agenda. It is an agenda about the role of government, what the Tax Code will look like, whether certain corporations and special interests will be treated in a better way by the candidates who are benefited by super PACs.

So though the average family may think it is just politicians squabbling and wasting their own money, it is much worse. It, unfortunately, brings us to the point where we have to worry about not who runs for office but, once elected, who will stay in office.

How about those in office? I have thought about it myself. I am sure my colleagues have. You cast a vote and you think: I just opened the door for a super PAC to come in the next time I

am up for election and nail me because I took them on.

If we have reached the point where Members of the Senate are quaking and quivering about the prospect of super PAC money being spent against them, we are going to lose something very important and fundamental in the American body politic.

I also want to say something about those who are defending the secrecy of the super PACs. In my hometown newspaper and the newspapers in Chicago, after they print an article, they usually give local people a chance to anonymously comment. Occasionally, I read the banter back and forth. It is amazing, the chest thumping, fire breathing they get in these comments from these anonymous pipsqueaks who do not have the courage to disclose their own names. I would say it should be a standard in American politics that if someone feels strongly enough to put their money on the line in a super PAC, they ought to have the courage, and the law should require, that their identity be disclosed as well.

I see Senator STABENOW is here, and I know she has a busy life of her own. I am going to yield the floor to her. But I will say one more thing.

I was invited to go on "The Daily Show," which a lot of people follow closely, and I enjoy every time I watch. Jon Stewart asked a question of me: If you could pass one law that would change politics for the better in America, what would it be?

I said: It may be a little egotistical of me, but it would be a bill I have for public financing of campaigns. I honestly believe if we move to a stage where we have public financing, shorter campaigns, positive messages, real debates, it would enhance not only our reputations with the voters of America, it would enhance the institutions we are running for.

Currently, we don't have that. We don't have public financing. Maybe we never will. But while we have the current system of money being spent, let's at least demand, as the DISCLOSE Act does, that there be transparency and accountability for the good of our democracy and for the good of the voters.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I first thank Senator WHITEHOUSE for his leadership. I am proud to join him and so many of my colleagues in supporting and cosponsoring the legislation in front of us. I thank the majority leader for his comments, and all of those who care deeply about, frankly, our democracy, which is what we are talking about this evening.

I strongly believe in the DISCLOSE Act and think it is critical as step 1. I think there is much more that needs to be done even as we go forward to add to this. But this is a very important,

basic standard of transparency. If someone spends \$10,000 on ads trying to affect an election, people should know who they are. It is just as simple as that.

I think it is important for us to emphasize the fact that the majority of the Senate this evening voted for this bill. The reason we did not pass the bill tonight is that the Republicans, colleagues on the other side of the aisle, are putting us in a situation where we have to reach 60 votes and therefore, by not doing that, they are filibustering the bill. So they are blocking the bill. They are filibustering the bill. We have a majority. All we want is a vote. Give us a vote. If we had an up-or-down vote on this bill, this bill would have been passed. I think it is incredibly important for everyone to understand that. It is not that we do not have the support. We have the votes. It was demonstrated this evening.

At the moment what we do not have is the supermajority to get past a filibuster. I urge everyone listening or watching tonight to contact their Members, to urge them to support the effort to stop the filibuster—which is what we are talking about right now.

Unfortunately, for everyone in America, we know this is going to be the most negative campaign cycle in the history of the country. Secretly funded negative ads with ominous music and shadowy figures and vicious attacks are going to fill our living rooms for the months between now and the election. In fact, in many States that has already been happening very intensely.

We know why. We have been talking about that—a Court decision that has tied money to free speech, corporations are people, money equals free speech. That creates a situation where now we are being told through the Supreme Court ruling in *Citizens United* that we, in fact, cannot put limits on corporate money or union money or any other kind of dollars coming in because it is under the category of free speech.

It has opened the floodgates for secret money allowing special interests—and that is who is spending the money, special interests with their own agenda—to spend unlimited funds to essentially buy elections, buy a U.S. Senate that works for them, a U.S. House of Representatives, a Presidency that works for them. It is not the majority of Americans, not the folks who got up this morning and went to work. Maybe they took a shower before work, but maybe they took a shower after work—the folks working very hard every day, trying to hold it together, who have been through the toughest recession we have seen since the Great Depression, who have most likely struggled with their house underwater and credit card debt too high and trying to piece together one or two or three part-time jobs to hold things together for their families. They are not the ones who are

funding these secret ads. It is not their secret money.

What we know so far is that over half the money that has come in has been from 17 multimillionaires in our country. When we think about that, it is pretty worrisome. When we think about the fact that 17 or 18 or 20 people in our country could decide to buy a form of government that works for them, that is certainly not a democracy. I think this bill is part of an effort that we are all working to achieve, to protect the basics of our democracy.

It is not about making judgments for people about whom they should vote for, whom they should support, how they should be involved in elections. It is about making sure we all know—that the American people know—who is spending the money so each American can make their own judgment about the agenda of the people who are spending the money and whether that reflects their own agenda and their own values.

This is simply about shining the light of day, opening up a process, transparency, so each of us can make our own judgments about whom we choose to believe and not believe in this political process.

When we run TV ads, the law requires us to disclose. We go on at the end of the ad and say: I am Senator STABENOW, and I approved this message. Personally, I don't see why someone else running it should not be doing that too. I know the sponsor of this bill agrees with that as I know do my colleagues on this side of the aisle. But we are not even asking that. We are simply saying if someone spends \$10,000 or more, they need to disclose it. They need to put it on a Web site so the public has the opportunity to know who they are and how much they are spending.

There are a couple of brothers we talk about a lot now because of the money they have been openly talking about spending. It has been in the papers. Certainly, it has been in the media for months—two gentlemen called the Koch brothers who have been spending millions and millions of dollars. I don't know what the final numbers will be. I have seen numbers that show each of the two of them say they want to spend \$200 million, \$400 million together.

I don't know, maybe more to impact the elections. I think it is important for the people in Michigan, the people of Rhode Island, the people in Colorado, and across the country to know they are doing that. They should know who they are and how much is being spent in order to make a judgment about how they are choosing to spend their money. If someone, whoever it is, is spending \$10,000 on influencing elections through ads, Americans have a right to know.

We know right now from the way we have been able to piece together what

is happening that we are talking about big, wealthy, special interest. It is no surprise as to who is spending the money. What is their motivation? What are they trying to buy? I know there are those who would like to keep special tax breaks for shipping jobs overseas. We are going to have a chance, once we complete this debate, to vote on legislation of mine called the Bring Jobs Home Act. There are those who don't want us to eliminate the tax break that allows folks who are shipping jobs overseas to write it off their taxes, which I find outrageous. There are folks on the other side shipping jobs overseas who want to keep that tax break, and they may very well want to spend money against candidates and against Members who vote for my bill.

We know big oil companies want to keep taxpayer subsidies even though they are the most profitable companies in the history of the world. Probably when the tax incentives started in 1916, it made a lot of sense for new and emerging companies. It doesn't make sense today, from a taxpayer standpoint, to be paying high prices at the pump from one pocket and subsidies to companies out of the other. We know they may very well want to spend money to be able to keep those subsidies. Seventy-three percent of Americans want to end oil and gas subsidies, but the special interests are fighting to keep them. We know there is money being spent in the elections, secret money, to support people who will keep those tax subsidies.

So the question is: Why is this in the public interest? In America, the greatest democracy in the world, why in the world are we letting this happen? Our democracy is not for sale. It should not be for sale, and we are fighting to make sure it is not for sale. The people of our country are the ones who have the power to decide who represents them, and it should not be a group of anonymous billionaires somewhere who are able to do that.

So when those billionaires want to buy attack ads and influence our votes, the least they can do is have the courage to come forward and say how much they are spending and put their name to it and be able to have to disclose that to everybody. The American people have a right to know. The people in Michigan have the right to know. We have already seen millions of dollars being spent in Michigan, and people have the right to know who is spending that money. What is their background? What is their interest? They need to know so they can make their own judgment about whether it has any credibility.

The 2010 midterm election saw a more than 400-percent increase in spending from what has been called the super PAC. That is a 400-percent increase in spending 2 years ago.

The PRESIDING OFFICER. The Senator's 10 minutes has expired.

Ms. STABENOW. Mr. President, if I might just have 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. STABENOW. Let me indicate also that in the first 4 months of this year, 90 percent of all outside money being spent on this coming November Presidential election was secret. Again, that is 90 percent of what was spent in just the first 4 months of this year was secret. This is about openness, transparency, and whether everyone in our country is going to have the opportunity to have information to make their own judgments. We need to be allowed to pass this bill. We need an up-or-down vote on this issue. We need to stop the filibuster that is happening by the Republicans on the other side of the aisle. Stop blocking the bill. Let us vote on it. We have the votes to get it passed. The American people deserve to have this passed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I know we have Senator HAGAN, Senator BENNET, and Senator FRANKEN all here waiting, but I would like to do some quick parliamentary business that needs to be accomplished.

RESOLUTIONS SUBMITTED TODAY

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration en bloc of the following resolutions which were submitted earlier today: S. Res. 520, 521, 522, and 523.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate will proceed to the resolutions en bloc.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the resolutions be agreed to, the preambles be agreed to, the motions to reconsider be laid upon the table en bloc, with no intervening action or debate, and any statements related to the resolutions be printed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolutions were agreed to.

The preambles were agreed to.

The resolutions, with their preambles, read as follows:

S. RES. 520

(Commending the National Association for the Advancement of Colored People on the occasion of its 103rd anniversary)

Whereas the National Association for the Advancement of Colored People (referred to in this preamble as the "NAACP"), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of the date on which President Abraham Lincoln was born, by a multiracial group of activists who met in a national conference to discuss the civil and political rights of African-Americans;

Whereas the NAACP was founded by a distinguished group of leaders in the struggle

for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the NAACP National Headquarters is located in Baltimore, Maryland;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all people and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance on the press, the petition, the ballot, and the courts;

Whereas the NAACP has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minorities in the United States;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the decision issued by the Supreme Court in *Brown v. Board of Education* (347 U.S. 483 (1954));

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama, an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of—

(1) the Civil Rights Act of 1957 (Public Law 85-315; 71 Stat. 634);

(2) the Civil Rights Act of 1960 (Public Law 86-449; 74 Stat. 86);

(3) the Civil Rights Act of 1964 (Public Law 88-352; 78 Stat. 241);

(4) the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(5) the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. García Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109-246; 120 Stat. 577); and

(6) the Fair Housing Act (42 U.S.C. 3601 et seq.);

Whereas in 2005, the NAACP launched the Disaster Relief Fund to help hurricane survivors rebuild their lives in the States of Louisiana, Mississippi, Texas, Florida, and Alabama;

Whereas in the 110th Congress, the NAACP was prominent in lobbying for the passage of H. Res. 826, the resolved clause of which expresses that—

(1) the hanging of nooses is a horrible act when used for the purpose of intimidation;

(2) under certain circumstances, the hanging of nooses can be criminal; and

(3) the hanging of nooses should be investigated thoroughly by Federal authorities, and any criminal violations should be vigorously prosecuted;

Whereas in 2008, the NAACP vigorously supported the passage of the Emmett Till Unsolved Civil Rights Crime Act of 2007 (28 U.S.C. 509 note), a law that puts additional Federal resources into solving the heinous crimes that occurred during the early days

of the civil rights struggle that remain unsolved and brings those who perpetrated those crimes to justice;

Whereas the NAACP has helped usher in the new millennium by charting a bold course, beginning with the appointment of the youngest President and Chief Executive Officer in the history of the organization, Benjamin Todd Jealous, and its youngest female Board Chair, Roslyn M. Brock;

Whereas under the leadership of Benjamin Todd Jealous and Roslyn M. Brock, the NAACP has outlined a strategic plan to confront 21st century challenges in the critical areas of health, education, housing, criminal justice, and the environment;

Whereas on July 16, 2009, the NAACP celebrated its centennial anniversary in New York City, highlighting an extraordinary century of "Bold Dreams, Big Victories" with a historic address from the first African-American President of the United States, Barack Obama;

Whereas as an advocate for sentencing reform, the NAACP applauded the enactment of the Fair Sentencing Act of 2010 (Public Law 111-220; 124 Stat. 2372), a landmark piece of legislation that reduces the quantity of crack cocaine that triggers a mandatory minimum sentence for a Federal conviction of crack cocaine distribution from 100 times that of people convicted of distributing the drug in powdered form to 18 times that sentence: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 103rd anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) commends the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all people.

S. RES. 521

(Designating September 2012 as "National Spinal Cord Injury Awareness Month")

Whereas the estimated 1,275,000 individuals in the United States who live with a spinal cord injury cost society billions of dollars in health care costs and lost wages;

Whereas an estimated 100,000 of those individuals are veterans who suffered the spinal cord injury while serving as members of the United States Armed Forces;

Whereas accidents are the leading cause of spinal cord injuries;

Whereas motor vehicle crashes are the second leading cause of spinal cord and traumatic brain injuries;

Whereas 70 percent of all spinal cord injuries that occur in children under the age of 18 are a result of motor vehicle accidents;

Whereas every 48 minutes a person will become paralyzed, underscoring the urgent need to develop new neuroprotection, pharmacological, and regeneration treatments to reduce, prevent, and reverse paralysis; and

Whereas increased education and investment in research are key factors in improving outcomes for victims of spinal cord injuries, improving the quality of life of victims, and ultimately curing paralysis: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2012 as "Spinal Cord Injury Awareness Month";

(2) supports the goals and ideals of Spinal Cord Injury Awareness Month;

(3) continues to support research to find better treatments, therapies, and a cure for paralysis;

(4) supports clinical trials for new therapies that offer promise and hope to those persons living with paralysis; and

(5) commends the dedication of local, regional, and national organizations, researchers, doctors, volunteers, and people across the United States that are working to improve the quality of life of people living with paralysis and their families.

S. RES. 522

(Designating September 2012 as “National Child Awareness Month” to promote awareness of charities benefitting children and youth-serving organizations throughout the United States and recognizing efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States)

Whereas millions of children and youth in the United States represent the hopes and future of the United States;

Whereas numerous individuals, charities benefitting children, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of children and youth throughout the United States;

Whereas raising awareness of, and increasing support for, organizations that provide access to healthcare, social services, education, the arts, sports, and other services will result in the development of character and the future success of the children and youth of the United States;

Whereas the month of September, as the school year begins, is a time when parents, families, teachers, school administrators, and communities increase their focus on children and youth throughout the United States;

Whereas the month of September is a time for the people of the United States to highlight and be mindful of the needs of children and youth;

Whereas private corporations and businesses have joined with hundreds of national and local charitable organizations throughout the United States in support of a month-long focus on children and youth; and

Whereas designating September 2012 as “National Child Awareness Month” would recognize that a long-term commitment to children and youth is in the public interest, and will encourage widespread support for charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

Resolved, That the Senate designates September 2012 as “National Child Awareness Month”—

(1) to promote awareness of charities benefitting children and youth-serving organizations throughout the United States; and

(2) to recognize efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States.

S. RES. 523

(Recognizing the heroic efforts of firefighters and military personnel in the United States to contain numerous wildfires that have affected tens of thousands of people)

Whereas firefighters and residents of the United States have contended with extreme and erratic fire behavior and rapid rates of fire spread;

Whereas, as of July 12, 2012, more than 31,754 wildfires have burned more than 3,281,008 acres of land, resulting in a devastating loss of life and property;

Whereas, as of July 12, 2012, firefighters have battled fires all across the Nation, including—

(1) 1,637 fires that have burned more than 516,482 acres in the Southwest United States;

(2) 13,584 fires that have burned more than 291,957 acres in the Southern United States;

(3) 3,178 fires that have burned more than 819,345 acres in the Northern and Central Rocky Mountain region of the United States;

(4) 4,963 fires that have burned more than 975,669 acres in the State of California and the Great Basin region of the United States;

(5) 787 fires that have burned more than 595,096 acres in the State of Alaska and the Northwest United States; and

(6) 7,605 fires that have burned more than 82,459 acres in the Eastern United States; and

Whereas, the brave men and women who fight wildfires on a daily basis help minimize the displacement of individuals and protect against the loss of life and property: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the heroic efforts of firefighters and military personnel to contain wildfires and protect lives, homes, natural resources, and rural economies throughout the United States;

(2) encourages the people and Government of the United States to express their appreciation to the brave men and women in the firefighting services throughout the United States;

(3) encourages the people and communities of the United States to act diligently in preventing and preparing for a wildfire; and

(4) encourages the people of the United States to keep in their thoughts the individuals who have suffered as a result of a wildfire.

Mr. WHITEHOUSE. In conclusion, I note that S. Res. 520 recognizes the 103rd anniversary of the founding of the NAACP, which for reasons I will discuss later, is an interesting irony in today's debate coming from the Republican side.

I will now yield to Senator BENNET of Colorado, and he will be followed by Senator HAGAN.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BENNET. I wish to thank the Senator from Rhode Island for his leadership and my other colleagues who are out here tonight.

I wish to be clear again about what this bill is. First of all, it is very clear it is constitutional. In the Supreme Court, eight of nine Justices have said that. As I listen to the debate tonight, I also think people at home should know this is about a few actors in the country who have been allowed to spend wild amounts of money without saying who they are. This doesn't prevent them from spending the money. It simply says they need to say who they are.

My sense, having spent time with people who are often asked to contribute to these campaigns, is that people who have the means to spend \$10,000 on political activity, by and large, would actually like this disclosure requirement. The reason they would like this disclosure requirement is so they can say to people who are trying to list them and distorting our politics and having them pay for negative attack ads they don't agree with and they don't think are true, could say no because they know they could say to the

people: I am not going to sign up for that because I don't want to put my name on that.

There is an enforcement mechanism I think virtually everybody in America would support and certainly at home would support. I would argue the only place in America that anybody would think that spending vast amounts of money by a small group of people without having to tell us who they are makes sense, and that is right here in Washington, DC. Maybe some people will benefit from making the ads or those who are paid to place the ads on television. But otherwise, it is hard to find anybody who would think this wasn't in their interest and certainly not in their children's interest.

I ask unanimous consent to have printed in the RECORD Senator COBURN's column in the op-ed page of the New York Times where he lays out in a very succinct and compelling view some of the things that are wrong with this place.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORQUIST'S PHANTOM ARMY

(By Tom Coburn)

When the antitax lobbyist Grover G. Norquist made a visit to Capitol Hill recently, leading Democrats welcomed the chance to build up their favorite boogeyman. Harry Reid, the Senate majority leader, said Mr. Norquist has “the entire Republican party in the palm of his hand.” A spokeswoman for Nancy Pelosi, the House minority leader, said Mr. Norquist—who is famous for getting lawmakers to pledge not to support tax hikes or deficit reduction that is paired with revenue increases—was coming to give the G.O.P. its “marching orders.”

But this story is utterly false. Senate Republicans—and many House Republicans—have repeatedly rejected Mr. Norquist's strict interpretation of his own pledge, a reading that requires them to defend every loophole and spending program hidden in the tax code. While most Republicans do, of course, oppose tax increases, they are hardly the mindless robots Democrats say they are.

What the narrative does, however, is let Democrats off the hook. If they can make out Republicans as uncompromising ideologues, they can continue refusing to offer detailed plans to reform entitlement programs. That is the real obstacle to a grand bargain on spending, not Mr. Norquist's pledge.

Consider the evidence: I recently proposed amendments to end tax earmarks for movie producers and the ethanol industry. Mr. Norquist charged that those measures would be tax hikes unless paired with dollar-for-dollar rate reductions. And yet all but six of the 41 Senate Republicans who had signed his pledge voted for my amendments.

Those 35 Republican pledge-violators are hardly soft on taxes. Rather, they understand that the tax code is riddled with special-interest provisions that are merely spending by another name. If asked to eliminate earmarks for things like Nascar, the tackle-box industry or Eskimo whaling captains—all of which are actual tax “breaks”—most of my colleagues would be embarrassed to demand dollar-for-dollar rate reductions, and rightly so.

As a result, rather than forcing Republicans to bow to him, Mr. Norquist is the one who is increasingly isolated politically. For instance, while his organization, Americans for Tax Reform, was calling my ethanol amendment a tax hike, the Club for Growth, which is far more influential among conservative lawmakers, endorsed my amendment outright.

What's more, my colleagues have repeatedly rejected Mr. Norquist's demand that Republicans walk away from any grand bargain on the deficit that includes even a penny of new revenue. Speaker of the House John A. Boehner, who calls Mr. Norquist "some random person," offered to trade revenue increases for entitlement reform in talks with the White House last summer. Republicans on the National Commission on Fiscal Responsibility and Reform made a similar offer, as did Senator Pat Toomey, Republican of Pennsylvania, during last year's deficit supercommittee negotiations. My colleagues, by and large, know that doing nothing to confront our fiscal challenges would mean an automatic tax increase and a cut to entitlement programs.

The problem with the pledge is that it is powerless to prevent future automatic tax increases and has failed to restrain past spending. The "starve the beast" strategy to shrink the size of the federal government by cutting revenue but not spending was a disaster. Every dollar we borrow is a tax increase on the next generation.

And in a debt crisis, higher interest rates and the debasement of our currency would be additional tax hikes. In that sense, no one is doing more to violate the spirit of the pledge than Mr. Norquist himself, who is asking Republicans to reject the very type of agreement that could prevent future tax increases.

What unifies Republicans is not Mr. Norquist's tortured definition of tax purity but the idea of a Reagan- or Kennedy-style tax reform that lowers rates and broadens the tax base by getting rid of loopholes and deductions. It's true that Republicans would prefer to lower rates as much as possible, and it's true that Republicans believe smart tax reform will generate more, not less, revenue for the federal government. But Republicans would not walk away from a grand bargain on entitlements and tax reform that would devote a penny of revenue to deficit reduction instead of rate reduction.

Free-market conservatives have repeatedly given openings to Democrats that they have chosen to ignore. The president, for instance, knows that his calls to raise taxes on earnings over \$250,000, which follows his gimmicky Buffett Rule, is a nonstarter unless paired with fundamental tax and entitlement reform.

The majority of Democrats and Republicans understand the severity of our economic challenges. They know they have to put everything on the table and make hard choices. Legislators who would rather foster political boogymen only delay those critical reforms.

Mr. BENNET. It also calls for the kind of principled leadership we are going to apply in order to solve the challenges we face with respect to our debt and deficit to get this economy moving again. It includes recoupling rising wages and job growth to our economic growth, energy policy, educating our kids in the 21st century. It is all the things people at home want us to be working on.

In a State such as mine that is one-third Republican, one-third Democratic, and one-third Independent, there is not that much difference in opinion about what the solutions ought to be.

The reason I support the DISCLOSE Act is that I think it is one important step. It is certainly not the only step, but it is one important step toward recoupling the conversation we are having in Washington and to recoupling the priorities that are in Washington. Maybe it is better to say it this way: to recouple the priorities the people have at home to the work being done or not done in Washington, DC.

We should pass this bill and get on with the people's business.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, may I ask the Senator from Colorado that in an environment in which the bulk of the political spending is being done by outside groups and the bulk of the outside spending groups is secret, what is the likelihood of those goals being accomplished with the best interests of the American people in mind and not with the best interests of the special interests behind those secret donations in mind?

Mr. BENNET. I thank the Senator for his question. I think it is going to be made much more difficult. There are plenty of people I know at home who watch the stuff going on, on TV, and they don't recognize themselves and the cartoon that is playing. Sometimes they don't recognize their priorities playing out on the Senate floor. They don't recognize the convictions they have or the aspirations they have for the communities or the debate they are having. It is a natural reaction for people to say: I don't want any part of that.

As DICK DURBIN was saying, somehow this is a knife fight that has nothing to do with me, and I am not going to pay attention to it. The problem is, as with any fight such as that, what we end up doing is ducking and covering because that is what we have to do in order to stay out of the way. That isn't going to put us in the position of being able to deliver on the promise of generation after generation of Americans to make sure the folks coming after us actually have more opportunity, not less, than we had.

Remember, this is a tiny proposal. This is simply requiring disclosure. It is not even requiring a disclaimer. Frankly, if it were up to me, I would want people who funded these committees to have to stand up at the end of the ads to say: I am John Smith or I am Mary Jones, and I paid for this ad. But this bill doesn't even do that. All it says is they have to say who they are. I think poll after poll shows that 90 percent of Americans, Democrats, Republicans, Independents, agree with that.

This is one issue where the sort of optical issues that happened somehow on the beltway ought to not lead us to a place where we obscure the vision of the American people, which on this issue is as clear as can be. We have to get this done and get on to the rest of the business at hand.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mrs. HAGAN. Mr. President, I too echo the comments of the Senator from Colorado, and I thank the Senator from Rhode Island for bringing this bill forward and for putting together what the American people expect from people who donate to campaigns.

Today, I join my colleagues, as I did 2 years ago, to discuss the state of campaign finance and reflect on what I think is a dark cloud that has been cast over our Nation's election system.

The Supreme Court's decision in Citizens United created a watershed effect in our elections process. The decision eviscerated decades of campaign finance law that was in place for the purpose of making sure the American people, not special interests, decided our elections. It was 2 years ago that I expressed my deep concern that this ruling would weaken the voice of the American people in elections, and I am afraid my fear and the fears of many others have come true.

Since the ruling, many political operatives have established nonprofit proposed social welfare organizations under 501(c)(4) of the Tax Code. These groups utilize a loophole in the Tax Code to receive huge, secret donations intended solely to influence political campaigns rather than promote the social welfare of our citizens.

In 2006, outside groups spent \$69 million on political campaigns. Only 1 percent, \$690,000 in 2006, of that funding came from undisclosed sources.

By comparison, in 2010, the amount of outside group spending on political campaigns skyrocketed to \$305 million, and the sources of 44 percent of that money were not disclosed. So in 4 years' time, the amount of undisclosed dollars grew exponentially from 1 percent to almost half of all outside political spending.

This year, outside group spending is projected to rise at an astounding rate, and we are certainly seeing it now. Of the \$140 million raised by super PACs thus far, 82 percent has come from secret donors. That is shocking, and we know it is growing.

In North Carolina, the story is no different. Last week, the Charlotte Observer reported that "more than any congressional battle in the south . . . North Carolina's 8th District has become a magnet for money." And that is outside money. In that same article, the newspaper reported that only two other districts in the entire country have seen more outside spending than

the \$1.6 million poured into the eighth congressional district. The two candidates themselves have only spent \$1 million through the end of June.

Let me point out that this level of spending is for a runoff primary election in a mostly rural part of North Carolina. I cannot imagine what the general election race will look like.

The level of secret, anonymous money influencing our political elections is breathtaking. America's campaign finance process should and must be transparent. Of course, every American, including the wealthiest among us, has the right to have his or her voice heard, but those spending huge amounts of money to influence elections should not hide their activities. Information on who is funding political advocacy should be available to the public so voters can ultimately make fully informed decisions.

The DISCLOSE Act would take a step in the right direction to ensure accountability in our system. The bill would institute comprehensive disclosure requirements on corporations, on unions, and other organizations that spend money on Federal election campaigns. By increasing the transparency of campaign spending by these groups, the DISCLOSE Act seeks to prevent unregulated and unchecked power over our elections by a handful of wealthy corporations and individuals.

Right now, the voices of ordinary Americans—of ordinary North Carolinians—are being drowned out by secret money. North Carolina deserves better and our country deserves better. That is why I am cosponsoring the DISCLOSE Act. The voices of North Carolinians—not the voices of a few wealthy companies and individuals—should determine the outcome of our elections.

I will continue to work with my colleagues here in the Senate to protect the integrity of the elections process. We came very close last time, with 59 votes. We were one vote away. I hope my colleagues on both sides of the aisle will join this effort to achieve a fair and transparent elections process.

I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, Senator COONS will be joining us very shortly. He was on the floor a moment ago and will be back very shortly. I wish to take a moment before he returns—here he is. I will not take a moment before he returns.

I yield the floor to the Senator from Delaware. I await hearing from him.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. COONS. Mr. President, I rise today to join the chorus of voices from our caucus who have tonight spoken to the value, to the importance of transparency in elections. Transparency, as

we all know, is critical for free and fair elections and for democracy to function, because the people of this country—the voters, the constituents, those whom we serve and those who hire and fire all who serve them at Federal and State and local offices—need to know who they represent, who is funding their campaigns, what goals they will pursue in office, and whether the ends serve their interests. Tonight, as the Presiding Officer knows all too well, colleagues have joined to speak in support of the DISCLOSE Act—a bill that would make important progress toward clearing away the clouds that have been laid on the face of the American body public because of the decision of Citizens United.

The integrity and the fairness of our elections is at the very heart of American democracy. It is in some ways the proudest legacy of our Founding Fathers and, in my view, a beacon to the rest of the world. A difficult, a regular part of modern electioneering, of modern campaigns, is campaign ads. In fact, many of us spend a huge amount of our time raising the money and delivering the content to connect with our constituents through television. I am blessed to represent a small State—roughly 800,000 souls—so we actually get to campaign door to door, to go door-knocking, to meet people in person in my State. But, still, television ads play a very important part. In other larger States, folks will often never even meet in person the candidates for offices in the House and in the Senate or for President, and television ads there dominate the whole campaign election process. No one likes campaign ads, but they are a part of our politics, and an effective and, sadly, a powerful part as well.

For most of our modern political history, voters at least knew who the ads were coming from—the candidates and the parties that supported them—and could make judgments accordingly. If someone thought an add was too nasty, they could vote against the candidate who ran it. That is the whole point, forcing us as candidates to own our ads, to say, "I am Chris Coons and I approved this ad." We all know as candidates who have stood before our electorate how it feels to put our personal name, our face, to an ad that might be hitting a little too hard, and that pulls us back from sometimes overreaching.

But what we are here to talk about tonight is the whole new world that has been unleashed by a Supreme Court decision. In my view, the basic right of every American to free and fair elections has been compromised by a new flood of tens of hundreds of millions of dollars from wealthy individuals, from corporations, from shadowy national special interest groups, since the Supreme Court, through Citizens United, opened these floodgates to unlimited secret campaign activities, threatening

to overwhelm the fundamental trust of our constituents and the transparency so essential to our democracy.

As a lawyer, Citizens United was one of the most surprising Supreme Court decisions of my life, because it radically upended settled constitutional understanding as well as bipartisan agreement that had been reached here in the Senate regarding appropriate limitations on corporate speech. When the McCain-Feingold law passed in 2002, 6 years prior, it showed a strong bipartisan intent to rein in corporate spending, to rein in and manage spending by interests of all kinds in politics. That is why I was shocked when, in the opinion in Citizens United, it was joined by the so-called "originalist" or "strict constructionist" members of the Court. The originalist mode of interpretation of the Constitution attacks every question by asking a common question: Would the Framers have thought the action or law being challenged before the Supreme Court is constitutional?

That is why, if one had asked me in 2008, looking at Citizens United and at the issues presented to the Court, whether an originalist interpreting the first amendment would have found the corporate electioneering regulations this body had adopted in McCain-Feingold to be valid, it seems to me there was only one possible answer, and that was yes.

Our Founding Fathers recognized corporations are creatures not endowed, as the rest of us are, with inalienable rights. They are, rather, fictional, legal creatures—creatures of legislative grace. Were this not the case, the corporation by the name of Citizens United—the corporation that was at issue in this decision—wouldn't have stopped at simply making a movie attacking Hillary Clinton, but would have actually cast a vote against Hillary Clinton. Of course, it couldn't. Corporations don't have bad hair days; corporations don't have tasteless ties; corporations don't have moods and opinions. Corporations are not people. They exist as people only in legal fiction.

I would note the first amendment states: "Congress shall make no law . . . abridging the freedom of speech, or of the press." If freedom of speech included fictional entities, nonhuman entities such as corporations, there would have been no reason to separately affirm that the press also enjoyed that freedom granted to real, living, breathing individuals. In my view, then, Citizens United was wrongly decided.

As shown through a long line of legislative and judicial interpretation, a view of corporations as having first amendment rights that are limited, and can and should be limited more than can be limited for real, living, breathing individuals, has remained the dominant one throughout our modern history.

In 1907, the Tillman Act prohibited campaign contributions by corporations. In 1947, the Taft-Hartley Act prohibited expenditures and the application of this law further. It was upheld by the Court in 1957 in *U.S. v. Automobile Workers*. When the Supreme Court first made the leap from the expenditure/contribution distinction in *Buckley v. Valeo* in 1971, even then it left intact the longstanding distinction between the first amendment rights of living, breathing individuals and corporations—legal fictional entities.

In the 1982 case of *FEC v. National Right to Work Committee*, Justice Rehnquist wrote for a unanimous Court that it was proper to treat corporations more restrictively than people. Oh, how I wish that were the majority opinion of the Court today.

The further analysis in 1986 in *FEC v. Massachusetts Citizens for Life*, though striking down restrictions on speech by a pro-life organization, actually underscored the original understanding that when the Constitution protects corporate speech, it only does so as a proxy for the underlying free speech rights of real, living, breathing individuals. In that case, a nonprofit organized and funded specifically for the purpose of bringing about a political goal—pro-life policies—was seen as having free speech rights only because of the rights of those individuals who funded it and organized it. When we talk about a corporation's first amendment rights, then, we should be using shorthand for the first amendment rights of those who are its shareholders or who own it or who control it.

The corporate/individual distinction was even again affirmed as recently as 1990 in the *Austin* case.

The constitutional history of limitations on corporate speech was so clear that the Supreme Court had upheld the *McCain-Feingold* Act in 2003, just 6 years before they struck it down. What possibly could have changed in those intervening years that would be so convincing to an originalist mindset? I don't know. In my view, this decision did not make sense. But I do know that campaign finance, which was a bipartisan issue in this Chamber in 2003, where Senator Feingold and Senator MCCAIN, a Democrat and a Republican, led a strong bipartisan coalition to rein in the negative influence of special interest money—that has changed. That has shifted to today, sadly, a starkly partisan issue.

As we have seen today, Senator after Senator of the other party has risen to speak about lots of issues, but none has addressed head-on why disclosure is no longer in the best interests of our citizens, why transparency is no longer essential to democracy. Yet Democrat after Democrat, Senator after Senator from my side of the aisle, has risen to stand firmly with those organized by Senator WHITEHOUSE who has led so

ably this discourse on the floor today, who view the DISCLOSE Act not as curing the errors of *Citizens United* but as striking one important blow, to ripping the cover off the millions of dollars in secret contributions that today I think threaten to swamp our electoral ship.

If the *Citizens United* case has tilted elections toward those with the money to buy them, the DISCLOSE Act is to me an opportunity to level the playing field a little bit. Instead of with money, it arms voters with information.

The DISCLOSE Act does just what its name suggests: It requires disclosure. It requires any covered organization, including unions, corporations, and super PACs, which spends \$10,000 or more on certain campaign activities to promptly file a report with the FEC—to file a report with the Federal Election Commission—within 24 hours. This brings some measure of fairness and transparency back to our elections so voters can make informed decisions instead of simply being pushed and prodded and ultimately duped by a flood of negative ads.

I am confident it does not restrict or limit free speech of any kind. This bill simply allows voters—those who are in the driver's seat or should be in our system, those who hire and fire us—to see who is spending money to influence their decision at the ballot box.

The DISCLOSE Act imposes the minimum possible burden on organizations spending vast amounts of money on elections, while still requiring the kind of prompt and timely disclosure voters deserve and expect in this electronic, in this digital age, where the ads that flood the airwaves, that push for a decision, happen so close to an election that it is important to have disclosure real time.

We voted on the DISCLOSE Act earlier tonight, but my colleagues across the aisle lined up in lockstep against it. Sadly, every Member of the other party voted against it. What is so wrong with voters having information about who is trying to influence their vote? Why is this basic information so important to hide from the American people? Public disclosure of campaign contributions and spending should be expedited, should be swift, should be available so voters can judge for themselves what is appropriate.

I could not agree more. I agreed when the esteemed Republican leader said those exact words in 1997, and I agree with them today. "Disclosure" he said, "is the best disinfectant."

Earlier today I had the honor of presiding, as you do now, Mr. President, and I got to listen to the Republican minority leader speak against disclosure. There are many other issues to which we can and should turn. There are many other important issues before our country, and he raised them all in

turn. But the thing I had the hardest time with was his leading the other caucus, one after the other, to speak against, to vote against disclosure—something he himself, the Republican leader, spoke so forcefully in favor of as recently as 1997: "Disclosure is the best disinfectant." Back then, the talking points for the other caucus were: Spend all you want. There should be no limits on campaign contributions as long as there is disclosure. Disclosure will keep things open and fair.

Sadly, today, even that small measure of rationality has been openly abandoned. Voters in my home State do not want secret spending clouding the legitimacy of our elections. They want to exercise this most basic American right out in the sunshine—with knowledge, with information about who backs whom—just as, I believe, our Founders intended.

Let's face it, folks. These super PACs are not raising hundreds of millions of dollars to run campaign ads that are updates on the latest sports scores, that are filled with YouTube videos of sneezing pandas or yawning kittens. These super PACs are gearing up to run the most negative possible campaign ads—the sorts of ads that can change hearts and minds because they have no accountability, because they have no one's name at the bottom line, because they feel free and are free to make the nastiest and most unfounded personal attacks.

Four years ago, at this point in the campaign cycle, just 9 percent—9 percent—of the political ads on TV were negative, according to the Wesleyan Media Project, which has scored ads by their negativity or positivity. Just 9 percent.

What do you think that number is this year? At this stage, this still early stage in campaigning, 70 percent. Seventy percent of the ads have been negative, and it is only July. It is not even August.

At the same point in 2008, 3 percent for the ads came from outside groups like super PACs. This year, 60 percent have been paid by outside groups. Campaigns themselves have inevitably, as a result, taken on a more negative tone, a more caustic aspect. There is no doubt in my mind that the primary mission of most super PACs is to fund the sorts of ads that destroy candidates and campaigns, that tear them down, that contribute to the steady pollution and degradation of our political discourse. They are raising money to buy television ads that assault the fame and destroy the candidates they do not like.

This same study from the Wesleyan Media Project bears that out. It found that 86 percent of the ads the super PACs and interest groups have run during this cycle have been negative. Is

there any wonder then that our campaigns, our politics, our culture has become more steadily divisive and on this floor more consistently divided?

There are no centrist super PACs. There are no (c)(4)s that are determined to fund a message about bringing America together. These super PACs are designed to divide us, and they are doing a great job.

At the end of the day, one of the questions we have to have for the citizens of America is, what does this mean for you? What does it mean to have tens or hundreds of millions of dollars pouring into negative ads, driving the outcome of elections at the State and Federal level that simply divide us? It means more partisanship. It means more rancor. It means less progress. It means fewer problems solved.

If the intentions of these super PACs, of these special (c)(4)s, were so positive, then why would they need to hide whom they were supporting? Why would they need to conceal the purposes of the ads they support?

Let me, if I might for a few moments, respond to some things I heard earlier today from Republicans while I was presiding and while I was watching in my office.

One of my Republican colleagues earlier today claimed the DISCLOSE Act does not apply to labor unions and suggested that this was a big wet kiss to organized labor from my side of the aisle. This suggestion was made by several in leadership. It is a ludicrous claim. Every provision in the DISCLOSE Act applies equally to covered organizations, corporations, business associations, membership organizations, and unions.

Why have a \$10,000 threshold? To reduce the burden on all membership organizations of all kinds; the \$10,000 threshold is enough to cover 93 percent of the money raised by these super PACs and thus does not needlessly burden national membership organizations, with thousands of members who contribute \$25 or \$50 or \$100.

It is these handful of folks, who are contributing huge amounts of money, whose contributions we hope to expose to the sunshine, to make positive contributions to allowing voters to know who is contributing to whom and why.

One other thought I want to add to tonight's debate is, as the Africa Subcommittee chair on the Foreign Relations Committee, I often have the opportunity to hear from and meet with legislators and heads of state from Africa who come to meet with us here in Washington. They come to the United States to listen to us and to hear from us how our democracy functions, because for much of the world we are considered the gold standard of how to run free, fair, and open elections, of how to deliberate as an open and positive body, of how to be accountable to and serve the people of the United States.

We already have some challenges making progress, listening to each other, and getting past the partisan divide. But if we already have challenges, if the folks listening wonder whether the Senate of the United States listens to our citizens enough, just wait until another billion dollars of secretive special interest money pours into our campaigns.

In my view, one of the things we can hold up to the rest of the world is that we have clean, fair elections. This decision by this Supreme Court, in *Citizens United*, threatens that at its very core. This flood of money suggests that what is our greatest accomplishment in many ways as a nation is at very real risk. We cannot, in my view, lose the moral high ground of being a country that has fought so hard for so long to be a place where every person—every real person—has an equal vote and an equal right to be heard.

The unfortunate reality is we are not going to be able to amend the Constitution to repeal the *Citizens United* decision this year. I wish we could. But it is not going to happen on that timeline. As we saw earlier today, this Senate is apparently not even willing to require the slightest bit of transparency and accountability by passing the DISCLOSE Act, as we should. Maybe we will get the votes tomorrow. Maybe after listening to this tonight, after hearing from us, our constituents will be moved to contact other Members of this body.

But I am concerned. I am concerned that the Congress is not going to be able to stem the massive influx of cash into our elections this year or this cycle. It may, in fact, be too late for that. There is a reason campaigns and super PACs fund these negative ads. They work. They are designed to go around your head and target your heart. They move you to vote on what you are afraid of, not what you aspire to. And they can be so highly effective.

I do not like negative ads. The Presiding Officer does not like negative ads. Our citizens and our constituents do not like negative ads. We still have a choice, though. We may not yet be able to amend the Constitution. We may not be able to persuade the other side to pass the DISCLOSE Act this time. But we can allow ourselves instead to say, we will not listen to these craven, destructive ads. We can change the channel. We can ignore the ads. We can learn about candidates and their records. We can vote from a place of power instead of fear. Each and every one of us, each and every citizen, can be more powerful than the Supreme Court, can be more powerful than the billionaires and corporations who are trying to sway our votes by deciding to be better with our politics, by deciding to listen past the smear campaigns and the negative attacks.

It is my hope we will be able someday to pass the DISCLOSE Act and to

amend the Constitution. But until then, I am left with this: With the encouragement of my colleagues, with confidence in our citizens, and with optimism that somehow through this smear campaign of super PAC ads the truth of the American system will still be shown to the world.

Thank you. With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, let me thank Senator COONS for his remarks, echo one point he made, and make an announcement.

The point I wish to echo is that the importance of American democracy and of clean American elections does, indeed, extend beyond our borders, as Senator COONS mentioned from his role as the chair of the Subcommittee on Africa in the Foreign Relations Committee.

I grew up in the Foreign Service and served on the Intelligence Committee. I have traveled pretty widely in that role. There is a reason Presidents have talked about our Nation as a city on the hill. There is a reason Presidents have described our Nation as a lamp raised in the darkness, that the glow from what we accomplish lights the world. There is a reason the hymn "America The Beautiful" talks about how our "alabaster cities gleam." There is not much gleam on those alabaster cities tonight, not after this vote. There is a lot of mud on the walls of those cities, and it is going to get worse unless we pass this vote.

And people get it, which brings me to my announcement, which is that up to this evening, the Progressive Change Campaign Committee has had 34,269 Americans sign its petition supporting the DISCLOSE Act. Demand Progress has had over 50,000 Americans sign up for its petition supporting the DISCLOSE Act. CREDO Action, as I mentioned earlier, has had 213,000 Americans—213,000 Americans—sign up as citizen cosponsors of the DISCLOSE Act. This stack of papers I have in the Chamber has 57 names to a page—213,000 Americans who really put their name down there, something that, evidently, the big, sneaky donors are not willing to do and our colleagues are not willing to force them to do.

And DISCLOSEAct.com has 320,378 signatures supporting the DISCLOSE Act. That Web site got so much activity earlier tonight, as we rolled into this vote, that the Web site crashed from the activity of Americans trying to be a part of the debate we are having here, trying to make their voices heard because they perfectly well understand that these big special interests—the ones that do not want how and why they spend their money in politics to be known to anybody—they do not have Americans' best interests at heart, and they see this coming, and they want to fight back.

That total is 617,000 Americans who have signed up to have our backs and to support this bill.

So as we go forward into the remarks from Senator PRYOR, Senator BLUMENTHAL, and then Senator FRANKEN, we should know that it is not just the one, two, three, four, five, six of us who are now in this Chamber. For each one of us, there are 100,000 Americans who are behind us and want this to happen.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. PRYOR. Mr. President, I thank my colleague from Rhode Island for his great leadership not just on this issue but many issues. But this is certainly a very important issue.

I rise today to the lend my voice to support campaign finance reform and specifically the DISCLOSE Act. I want to come back to the phrase "lend my voice" in just a minute. The DISCLOSE Act—a lot of times, people back home hear about these bills that are 500 pages long or 2,000 pages long. This one is barely 20 pages long. It is really about 19 pages and 4 lines long. This is a short bill, very concise, very to the point. I am for it.

I am for even broader campaign finance reform, and let me give you one example of why I support campaign finance reform. There has been too much money in Federal politics for a long time. This did not just start last year or even 5 years ago, this has been building over a long period of time.

When I ran for attorney general in my State in 1998, I raised and spent somewhere around \$800,000. That may not sound like a lot of money, and certainly in a Federal race it is not a lot of money, but that got the job done. I had a Republican opponent. We fought it out. She was a very worthy opponent. We had debates, and we sort of barnstormed around the State. It was wonderful.

In 2002, 4 years later, I decided to run for the Senate. That year I had to raise somewhere in the neighborhood—I do not have the figures in front of me but a little bit over \$4 million. So same State, basically the same population, same voters; nothing had really changed except I went from a State race, statewide race, for which I raised and spent for the campaign about \$800,000, to about five times that amount in 2002. That was before there were super PACs. That was before money really took over, the way you see in 2012. And money really has taken over the system. It is not good. It is not good at all.

I am for the DISCLOSE Act, but I also think we should do larger campaign finance reform based on transparency. Actually, I am supportive of lower giving amounts instead of higher giving amounts.

I support something we used to do in Arkansas. I have not looked at the

State law in a while. I assume it is the same, where PACs have to play by the same rules everybody else does. They are subject to the same limits. I think that takes away a lot of the funny business that goes on with PACs.

I think that when we do campaign finance reform, we have to reform more than just the campaigns themselves because right now the campaigns are very regulated. There is a lot of transparency. There is a lot of disclosure. There are a lot of limits and requirements on campaigns. If it is MARK PRYOR for U.S. Senate or whoever it may be, there are lots of rules that govern that. That is the way it should be. The problem is outside the campaign, the extracurricular activities. That is where the real challenge is.

That takes us to Citizens United. I must say, with all due respect, that I think it is naive to hold that money does not have a corrosive effect on politics. It does. We have seen it for two centuries in this country. We have seen that money has a corrosive effect on politics. There have been various reform movements that have been designed to curb that corrosive effect, but unfortunately the Citizens United case just kicked the door open wide, as wide as it has ever been kicked in American history.

I do not want to criticize the Supreme Court, but I certainly hope that after the 2012 elections they will have an opportunity to revisit that decision. I hope they are looking at the press reports where these super PACs and other groups are saying they are going to raise and spend hundreds of millions of dollars. In fact, one tabulation I saw is that just against President Obama's reelection campaign—just to make sure he does not get reelected—there is well over \$1 billion they claim they are going to raise and spend to defeat this President. That skews the whole political system in this country. It is not healthy. It is not good.

I see these pages here who are with us today. They are learning about our democracy. I am so proud of them for being here and being here late night, both on the Democratic and Republican side. I am so glad they have this opportunity. I hope it is the opportunity of a lifetime for them. But I do not want the lesson to be that money owns politics, because that is kind of where we are today. We are going to find out in 2012 how much of an impact it has.

Let's go to the first amendment. Again, I do not want to get too deeply into the Supreme Court's decision in Citizens United because I hope they revisit it. But we as citizens have rights that are protected by the U.S. Constitution. The Constitution calls us persons. They call us people. Unfortunately, in this recent decision, the U.S. Supreme Court has basically said that corporations are people and persons

and are given that same right. I disagree with that. Corporations cannot vote; they cannot be drafted into the military; they do not have a religion to be protected. There is a lot of difference in corporations. There has always been this legal understanding that a corporation can be a person for certain purposes—everybody agrees with that; we understand why—but not for all purposes and not for political purposes.

One of the truths that we hold self-evident in our system of government is that our rights are inalienable. They do not come from the State. Our rights come from some higher authority than just the Constitution or just the U.S. Government or just the Congress. Our rights are inalienable. Well, corporations are created by people. They do not have inalienable rights. It is ridiculous to think they do.

Again, I hope the Supreme Court will take an opportunity, based on what they saw in 2012, to revisit that decision.

Let me talk about the current state of affairs. I know I have colleagues waiting. I want to wrap this up as quickly as I can. The current state of affairs is that we have unlimited money coming into the political system and secret money coming into the political system. That is a bad combination. That is not good for the public's welfare. It is not good for the average voter and the average citizen.

Again, we have a first amendment right to free speech. There is no doubt about that. And we should. And we should zealously and jealously protect that. But in the political situation we have today, if I have a person in Arkansas who wants to give \$100 for a campaign—say, a local congressional campaign, he wants to give \$100—well, somebody else can come along—it may be an individual, it may be a corporation; we do not know who it is—and they can give \$1 million or they can give more. It can be unlimited, but I want to use round figures here so we can talk about this in a concise way. So \$100 from the voter in the State who is actually voting in that election and \$1 million from who knows where. Well, I would say this. I talked about it earlier. I want to lend my voice to this. I want that voter to have a voice. I do not want that outside or that secret money or whomever is offering that to have a voice that is 10,000 times louder than that person in Arkansas. It would be like right here. If I were here speaking today and talking about being for the DISCLOSE Act and I turned around and there were 10,000 other people crammed in this Chamber talking about the same act but talking against the act, whose voice is going to be heard by the public? It is not going to be mine. That is the problem with the current state of affairs.

So let's say a television spot—I will just pick a number—costs \$500. That is

the cheap spot. That is a laughably cheap spot in a lot of markets, but let's say it is a small market and it is not in prime time. Let's say it is \$500. I will just pick that figure. So if that person gave \$100, they bought one-fifth of a TV ad—one-fifth. That is about a 6-second TV ad. If that corporation or outside person—whomever it is—gave \$1 million, they have bought 2,000 TV ads—2,000 compared to 6 seconds. No comparison at all. It is unfair. It grounds out and dilutes our first amendment right that is protected in the Constitution.

This is the last point I wish to make on this unlimited money, and then I would like to make my final point in just a second. On the unlimited money, you need to ask yourself: Why are they doing this? Why are they giving this money? Is it out of the goodness of their hearts?

No, that is not it. That is not it. Elections have consequences. They want to influence the election because they want the consequence to be that they have influence, they have power, they have control. That is what this is about.

We talk about it in terms of 30-second ads and negative ads. What this is about ultimately is who makes decisions in this country. Is it the general public? Is it elected officials who are here because sometimes they go through bruising campaigns to get here, but they are here and they are trying to put the public interest first or are those decisions going to be made by people whose elections were bought lock, stock, and barrel with unlimited and secret money? That is what is at stake today. That is what is at stake tonight. That is why I am for the DISCLOSE Act. I do not think it goes far enough. But I do want to finish on that last point.

The DISCLOSE Act is about transparency. That is a major step in the right direction. I do not think it is the whole ball game; it is a major step in the right direction. I think this is a good piece of legislation.

I thank all of my colleagues who are here tonight and who are talking about this and bringing awareness to the American public about this because I think it is important. And I think this is something we do have to get right, and we need this reform. This is a great place to start.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. FRANKEN. Mr. President, I wish to thank the Senator from Rhode Island for his leadership on this and so many other issues. I thank the Senator from Arkansas for his comments. I recommend them to anyone.

Minnesotans are proud of our participation in civic life. We believe very strongly in hearing each other out. In the last Presidential election, 78 per-

cent of eligible voters in my State turned out to vote—well above the national turnout of 64 percent of voting-age citizens in 2008. In fact, Minnesota has led the Nation for voter turnout in the last six elections. This is really remarkable. It is one of the reasons I am so proud to represent my State here in the Senate. But when the Supreme Court upended 100 years of law with *Citizens United*, it yanked the microphone away from average Minnesotans and turned it over to a handful of millionaires and billionaires and corporations intent, as Senator PRYOR said, on controlling the outcome of our election and controlling the decisions that are made that affect the men, women, and children in my State.

A single person writing a check for \$1 million or \$10 million or \$100 million can drown out the voices of everyone else, and they can do so in total secrecy. We have heard about a handful of millionaires and billionaires who have written fat checks to bankroll Presidential candidates, but what is most terrifying about this is that we only know about those people because they decided to let us know. For every billionaire who tells us he is writing a check to a candidate, there are probably 10 or 100 or 1,000 corporations and ultrawealthy individuals who are writing similar checks in secret. Even one of the ones we know about because he decided to let us know now says he is also going to give secretly.

I was listening to C-SPAN radio in my car. That is right, I listen to C-SPAN in my car. They had a woman on who was a journalist. Her beat is money and politics. She writes for a major American daily paper. C-SPAN was talking calls, and one caller basically said all of this is about privatizing Social Security and Medicare so Wall Street folks can get their hands on the money from those programs and so insurance programs get their hands on Medicare money. You know there is truth to that. So the expert says in the answer—and I am paraphrasing—that is what we thought. Most people thought it was going to be corporations giving us money, but it turns out it is just ultrawealthy people who are doing it. Then she paused and said: Of course, we don't know that because so much of the money is secret.

I thought to myself, here is a woman whose whole area of expertise—this is what she thinks about 10, 12 hours a day—money and politics—and yet, even she, because this money is secret—even she is capable of being confused or not understanding the implications of all this secret money—even if it was just for her for a moment or a couple of moments.

That is the purpose of why we are up here tonight to talk about the proliferation of secret money post-*Citizens United* and its implications on our democracy. Americans may not like it—

I sure don't—but the Supreme Court has ruled. At least for now *Citizens United* is here to stay. The Supreme Court isn't final because it is right; it is right because it is final. So we need to accept that. Absent a constitutional amendment, Congress can no longer limit corporate contributions or campaign contributions to outside or independent groups—so-called independent groups. As much as we may want to, we can't stop corporations and ultrawealthy individuals from flooding our elections with massive amounts of money. We can't stop it. But the Supreme Court said we can shine light on the shadowy interests behind those unprecedented contributions. We can force these organizations and ultrawealthy individuals to disclose.

Justice Anthony Kennedy said this in his majority opinion in *Citizens United*:

Prompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters. Shareholders can determine whether their corporation's political speech advances the corporation's interest in making profits, and citizens can see whether elected officials are in the pocket of so-called moneyed interests.

Justice Kennedy went on to say:

The First Amendment protects political speech, and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.

I could not have said it better myself. This is in his majority opinion of *Citizens United*. My colleagues and I have simply taken Justice Kennedy's words to heart, and we have drafted a bill that will bring transparency and accountability to the electorate so they can make the decisions about who should lead our country. That is critical because elections matter.

Elections determine who is going to get to Washington, who is going to get here to make decisions on behalf of the rest of the Nation. Americans need to know who is spending tons of money to get candidates elected.

That is why we are here today to talk about the DISCLOSURE Act. This bill is not a panacea. It will not overturn *Citizens United*, and it will not stop the tsunami of money pouring in from corporations. But it will require that all that special interest money be disclosed publicly, and that will have tremendously beneficial effects for this country.

We may not be able to stop the tidal wave of unlimited cash, but we can, and we should, at a minimum know who is writing those big checks. Not only will this type of disclosure discourage backroom deals conducted under a cloak of secrecy but, more importantly, it will discourage donors from unleashing negative, misleading,

and deceptive ads against politicians who are trying to do the right thing.

But that is not our world today. Companies don't want us to know they are giving lots of money to elect or defeat someone. So they do something that looks a lot like money laundering, but it is legal.

They might create and give money to a shell corporation, which in turn donates to a super PAC. When we look at the records for the super PAC, we will see the shell corporation but not the original source of the money.

A company might give money to one shell corporation, which in turn gives money to a PAC or another shell corporation, and so on, until it finally reaches the ultimate super PAC. It is nearly impossible to trace it back to the original corporation. That is in the super PACs.

The company can just give money to a 501(c)(4)—a so-called social welfare organization—which is under no obligation to disclose a single thing. Of course, there are rules in place to make sure these nonprofits are truly social welfare organizations and deserving of their privileged tax-exempt status. Specifically, they must spend less than 50 percent of their money on political activities. Unfortunately, the IRS has not been aggressively enforcing this rule. We suspect that many of these 504(c)(4)s are not spending more than 50 percent on nonpolitical ads.

But no matter how companies or wealthy individuals secretly funnel their money into elections, we all lose. We lose because we don't know who is paying for the negative attack ads that are constantly dominating our TV or the newspaper ads or the Web ads online or the robocalls that interrupt dinner or the misleading mailers or the field operatives who knock on our door or call us on Saturday mornings.

Minnesotans believe strongly in hearing each other out, and they want honest, informed debate. They want to hear all sides of an issue before they make up their minds. This is why we have such a high voter turnout in our State. They want to listen to the competing priorities for our State and our Nation because these issues are not simple. They want to hear all sides before deciding who to vote for at the polls.

Unfortunately, Minnesotans cannot listen to all sides when worthwhile debate is being drowned out by a tsunami of corrosive, negative, and often deceptive ads paid for by outside special interest groups. These days, especially if one is in a swing State, people can't turn on a television without seeing them.

But it is not just volume that drowns out legitimate debate and turns off voters; it is what the ads are saying. More and more are negative, deceptive or both. According to the Annenberg Public Policy Center—listen to this—85

percent of the dollars spent on Presidential ads by the four top-spending 501(c)(4)s—or so-called social welfare organizations—were spent on ads containing at least one deceptive claim—deceptive. No wonder people are disenchanting with our political system.

Anonymity fuels this. It is easy to pay for ads that deceive voters when they don't have to attach their name to them, and so they have no accountability. It is easy to launch personal attacks when they are doing so in secret—under the cloak of anonymity. It is these so-called social welfare groups that are responsible for so many of these deceptive ads that have absolutely no requirements to disclose their donors.

The public doesn't know when they watch political ads whether they are true or deceptive. That is a problem because there is no question that advertising works. People watch TV. They love TV. I love TV. I made a living in TV. When we watch TV, there are commercials, and commercials work. Do you know the show "Mad Men"? It is popular and it is about advertising in the early 1960s and it is about how advertising works. They discovered this a long time ago, and it is true; it works. Advertising helps influence what we buy, what we eat, what we drink, where we shop and, yes, which politician we will support when we go to the polls.

Most Americans don't watch or listen to C-SPAN in their spare time. Most Americans aren't engrossed in politics, keeping track of every vote we take in Congress. That is why political ads can make or break how Americans feel about a candidate come election day.

The Supreme Court recognized this in *Citizens United* when it noted it had previously upheld disclosure laws in order to address the problem of purportedly independent groups running election-related ads while "hiding behind dubious and misleading names."

It is these generic and sometimes misleading names for outside groups—with nice words such as "America," "freedom" or "prosperity" in their titles—that are manipulating the public now. In the 2010 election, these outside groups spent more than \$280 million on campaign ads, which was more than double what they spent in 2008 and more than five times what they spent in 2006. Even more shocking, there are estimates that outside groups will spend more than \$1 billion on independent expenditures this election cycle.

The public has every right to know who is bankrolling these ads, so it can better understand what motivates these messages and take what they say in some context and with a grain of salt.

As important, what we are not seeing, what has been drowned out by all these negative deceptive ads is debate and discussion about the issues most

Americans care about: How am I going to pay my mortgage? How am I going to put my kids through college? How am I going to find a job in this difficult economy? Will I be able to retire and enjoy my golden years?

Why is this happening? Why aren't ads focused on these issues? The answer is quite simple. Ads that dominate the airwaves are expensive, and they are being bought by corporations and ultrawealthy individuals for their own interests.

Corporations aren't evil—far from it. There are many great corporations in Minnesota. But it is their duty to maximize shareholder profit. Their focus is on cutting costs or consolidating their position in a market or on reducing the number of regulations they need to comply with to keep their workers safe, in some cases, or maybe to keep our air and water clean. Their first priority isn't helping the middle class, and they are not going to spend money from their general treasuries on ads urging candidates to keep college affordable or push for funding for Pell grants, Head Start or for medical research.

But the bigger issue—and the reason why disclosure matters so much in our political system—is that corporations don't just buy ads to make their views known; they use them as a weapon against politicians. This is a real problem. It is happening today, and it is only going to get worse and worse now that corporations can spend what they want, as much as they want, whenever they want, with absolutely no transparency.

Candidates know if they do not support the policies that corporations are pushing, they are likely to face a torrent of negative ads funded by that corporation or industry when they are running for election or reelection. All those ads will come from a shell organization with a name such as the American Prosperity Fund for America's Prosperity in the Future in America. The public will not know that a corporation or wealthy individual is buying these ads, but the candidate will, and the candidate will be powerless to stop it.

This is why I think the Supreme Court got it wrong in *Citizens United*—and this is a quote from the Supreme Court—when it found "independent expenditures, including those made by corporations, do not give rise to the corruption or the appearance of corruption."

Wow. That is what the Court said. They made that statement without any citation to legal authority, without any citation to evidence. This statement was plucked from thin air. It doesn't pass the smell test. Any Minnesotan knows intuitively that is just flat-out wrong.

The reality is, unfortunately, money does equal power in this country. Elections cost money—a lot of money. With

each election cycle it is costing more and more. When a corporation or wealthy individual can spend a truckload of cash to support its favorite politician and kick out a courageous politician who may have hurt its bottom line, our entire democratic system is undermined. If this continues, we risk becoming an oligarchy, which would undermine our already undermined middle class and would quash the working poor's aspirations for entering the middle class. It would be harder to get a wage that could put a roof over your head, harder to afford child care, and harder to send a kid to college. There will be an even greater disparity between the rich and everyone else.

Already, since the 1970s, our Nation has been growing apart as the rich get richer and the poorer and middle class fall further and further behind. They have seen little or no return on their increased productivity and longer working hours. If money and power continue to accumulate among a few individuals and companies, it will only get worse. There will be less money for education, less money for unemployment insurance, and less money for basic research to cure diseases. It will be harder to get health insurance, if health care reform is repealed, and they might even be successful in pushing to privatize Social Security or Medicare. This will not benefit working families.

Your power to sway elected representatives should be the same regardless of whether you are the CEO of a Fortune 500 company or a police officer in a small town. Unfortunately, we are careening toward a world where that is no longer the case and where the average American's voice is drowned out by all the special interests monopolizing our public discourse.

Thomas Jefferson once said:

The end of democracy and the defeat of the American Revolution will occur when government falls into the hands of lending institutions and moneyed incorporations.

I fear, Mr. President, we are on the brink of just that.

The DISCLOSE Act will not fix all the harms of Citizens United, but it is certainly a step forward. It will bring much needed sunshine to our political system which will go a long way toward reducing the number and dishonesty of negative attack ads that further corrode our public dialogue and ultimately threaten our democratic system.

I am disappointed my colleagues do not recognize just that, and they have refused to even let us have a full debate on this important bill. I understand we may be taking up a motion for reconsideration, and I urge my colleagues to reconsider and join me in supporting this important piece of legislation and join those of us who are here tonight. If it is allowed to come up for an up-or-down vote, I am confident this body

will pass it, and that would be cheered by the American public.

In closing, I would like to remind this body of an exchange Benjamin Franklin had with one of the delegates at the closing of the Constitutional Convention in 1787. When asked whether we have either a republic or a monarchy, Dr. Franklin responded: "A Republic, if you can keep it."

Our Founders created the greatest Nation in history. It is our job to keep it that way and make sure a nation premised on equality and freedom does not become a nation beholden to just the rich and the powerful.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. BLUMENTHAL. Mr. President, I thank the Senator from Minnesota for his very powerful and eloquent words, and I particularly want to thank my distinguished friend and colleague from Rhode Island for his leadership on this issue. I also thank others who have been at his side and working with him. I have been proud to be a cosponsor of this measure.

I would like to thank Senator SCHUMER, who introduced a similar measure in 2010. The DISCLOSE Act of 2010 has been, in fact, considerably narrowed and tailored to target the anonymity of huge donations—increasingly large donations today—and it is the kind of tailoring and narrowing that reflects the care and precision and hard work that my colleague from Rhode Island and others—and I am proud to be among them—have given to this matter.

As I rise at this late hour, we can't know—we can only hope—that America is listening or that our colleagues are listening, but I do know we should be listening to America. I am listening to Connecticut, and what I hear from Connecticut, the people of my State—as so many of my colleagues are hearing from their constituents and citizens—is they are losing trust in the greatest democracy in the history of the world. The greatest country in the history of the planet is losing the confidence and faith of its people.

I am hearing from people such as Catherine Sturges of New Canaan, CT, who says:

Undisclosed campaign money influences candidates, elections and undermines the role of the voter. In turn, the election process is corrupted. Only a few cannot be allowed to impact a system which is intended to represent us all.

Lawrence Poin of Fairfield tells me, and I am listening:

Right now, foreign governments, oil tycoons, and Wall Street banks can spend millions to buy our democracy, and the American public will never know.

And I am listening also to Garrett Timmons of Brooklyn, CT, who says:

I think campaign and election reform should go much further and include a constitutional amendment in light of Citizens

United, but I know how unrealistic that is. At least this act—

He is referring to the DISCLOSE Act of 2012—

is a step in the right direction, and I hope a no-brainer for our Congress. The people of this country are losing their representation in government to special interests and the funders of political campaigns. And to make matters worse, we don't even know who are stealing our elections.

I am listening to those people who are watching. They are watching what is happening in this country, and they are losing faith because they believe Washington is failing to listen to them. There are millions of other hard-working families who are struggling to put food on the table, stay in their homes, and find jobs who believe the system is not working for them and not listening to them as much as it is to the people who can afford to give to political campaigns, let alone who can afford to give tens of millions.

If we listen to the people of America—and I am listening to the people of Connecticut—we will pass the DISCLOSE Act of 2012.

All this bill requires is openness and disclosure and accountability. It places no limits on what can be contributed, on what can be done, on what can be said. It is completely consistent with Citizens United. I am not here to relitigate that case.

The Supreme Court, in the *Bullock* decision, recently indicated it would not relitigate that case anytime soon. It invalidated a Montana State law that prohibited corporations from making independent expenditures. We are not going to relitigate whether a corporation is a citizen or whether any of these entities can contribute or in what amounts.

The DISCLOSE Act of 2012 is completely consistent with *Citizens United*. In fact, in a certain very true sense, *Citizens United*, in its majority opinion, presumed disclosure. The Supreme Court, in the majority opinion in that case, made clear the first amendment protects political speech when it said:

... and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way.

The framework, the reasoning, the logic of *Citizens United* is no limits on speech but disclosure of who is speaking and who is funding and supporting that speech. That basic premise is one that runs through the precedence of this Court and of others who have litigated these cases. It is not too much to say that the DISCLOSE Act of 2012 is an essential predicate to the framework, the legal framework, that *Citizens United* presumes.

I would rather go further as well. As one of my constituents said, I would favor a constitutional amendment that would enable some limits consistent with the Constitution. Money is corrosive. Too much money in the system

corrupts. But, again, we are not here to set limits, we are here to deal with secrecy, with anonymity. Secrecy and anonymity not only corrode, they destroy the essence of our democracy. By opening the system to the sunshine that will eliminate that secrecy, we are helping to restore trust and faith in government, and we would be showing that Washington will listen to the American people, including the people of Connecticut.

The Supreme Court decisions, like elections, have consequences, and Citizens United certainly has shown that it has consequences. During the 2010 midterm elections, the first election season after Citizens United, outside groups spent nearly \$300 million—four times as much money as in the 2006 midterm election before the Citizens United decision. Nearly half of the money spent in the 2010 election after Citizens United was spent by just 10 groups. Think about it. Ten groups spent more than half of that \$300 million.

As spending has quadrupled, transparency has been lessened. Nobody knows where this money is coming from. In 2006, only 1 percent of political spending by outside groups was anonymous. In 2010, 44 percent—nearly half—was anonymous. We know anonymity on the Internet or in the public sphere breeds negativism, it breeds deception, and often it breeds outright lies.

Accountability is one of the watch words of our democracy, and the anonymity of this spending, of these contributions of tens of millions—indeed, hundreds of millions of dollars that are contributed by a handful of people and entities, whether it is corporations or business associations or unions, is corrupting to the process.

The majority opinion in Citizens United dismissed concerns about unlimited political spending by claiming that prompt disclosure would make these entities and individuals accountable to shareholders, voters, consumers, and the public at large. Yet elections have been inundated with secret money.

Citizens United had consequences unintended and unanticipated by the Supreme Court. People may say: Well, the Justices were naive. But the fact is this body, the Congress, must compensate to ameliorate and remedy the unintended consequences of that decision. The American people have shown in polls as well as those letters I mentioned earlier that they expect us to do so. Seven in ten Americans believe super PACs should be illegal, including majorities of Democrats, Republicans, and Independents. This issue is not partisan. It should be bipartisan. It has been bipartisan in the past and must be again. More than seven in ten Americans feel there is too much money in politics, including, again, the majority of Democrats, Republicans, and Inde-

pendents. Seven in ten Americans, including majorities of Republicans, Democrats, and Independents, believe there should be limits on contributions to political campaigns. One in four Americans say they are less likely to vote because of the super PACs and these anonymous donations. Finally, seven in ten Americans agree that “new rules that let corporations, unions, and people give unlimited money to super PACs will lead to corruption.”

Let the Senate listen to the people of Connecticut and America. Let them say: We respect what you are saying again and again, and we will act in a bipartisan way to protect our democracy.

Americans want their choice of candidates to be an election, not an auction. At the very least, we should tell them and make possible for them to know who is doing the bidding in those auctions, who is doing the buying, and who is doing the selling. Nobody wants there to be an auction, but if contributions are not limited, the auction at the very least should be in the open so that the public can see who is buying, who is selling, and who is bidding. That view of American democracy may not be a very elevating one, but we deal with practical reality, and as we speak, tens of millions of Americans are watching what we will do. Maybe not tonight, perhaps not at this hour, but at the end of the day, at the end of this debate, they will hold the Senate accountable for what it does or what it fails to do.

I urge my colleagues to reconsider and approve the DISCLOSE Act of 2012. Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. FRANKEN). The Senator from Rhode Island.

Mr. REED. Mr. President, I rise today to join my colleagues in supporting the DISCLOSE Act.

I commend Senator BLUMENTHAL for his extraordinarily insightful and articulate words with respect to this critical issue. I particularly wish to commend the Senator from Rhode Island, Mr. WHITEHOUSE. He has been the driving force to bring this issue to the floor, to educate all of us in the Senate and the American people about what is at stake, and in many respects, it is our democracy. It is the presumption that every American has their vote count just as much as anybody else's vote, that elections are decided based upon issues and ideas and not by the sheer volume and the sheer magnitude of 30-second advertisements that are designed more to divert than to inform, designed more to excite than to inform. Most people believe in a system that is based on thoughtful consideration of ideas and issues and in a system in which everyone's vote counts.

Senator WHITEHOUSE is an extraordinarily gifted attorney. He under-

stands these issues perhaps as well as anyone in this body. He was a Federal attorney and our state's attorney general, and he has brought not just knowledge of the Constitution but this passion for justice and fairness and decency and democracy to the forefront of our debate today, and this will not be the last day we will be debating this issue. So let me begin by commending his efforts.

A fundamental right guaranteed by the Constitution is the right to vote. Each citizen gets one vote, and this right represents a critical pillar of our democracy because we treat everyone equally, allowing each citizen to have this crucial and critical say in who governs, on the issues, and ultimately what is the course of this great country.

But because of the Supreme Court decision in Citizens United, I worry that our political and civic conversations now advantage those who flood our airwaves, papers, and Web sites by talking—if not shouting—louder simply because they have more money and resources to do so.

The New York Times recently included the following in an article, giving us one indication of how much money is awash in our political system, and it reflects what my colleague from Connecticut said.

During the 2010 midterm elections, tax-exempt groups outspent PACs by a 3-2 margin, according to a recent study by the Center for Responsive Politics and the Center for Public Integrity, with most of that money devoted to attacking Democrats or defending Republicans. And such groups have accounted for two-thirds of the political advertising bought by the biggest outside spenders so far in the 2012 election cycle, according to Kantar Media's Campaign Media Analysis Group, with close to \$100 million in issue ads.

And the clock is still ticking and the amount is accumulating.

That electioneering in the shadows is not what most Americans want. They want robust debate. They want candidates to engage as candidates, not the witting or unwitting beneficiaries or victims of anonymous advertisements in their race.

This is not, I believe, what the creators of the Constitution thought would happen or hoped would happen. They envisioned a country in which the best ideas and the best arguments prevailed regardless of how loudly one spoke; that it was the quality of the argument, not the volume of the speaker, that mattered.

What should be important is this quality of speech, not the quantity, and, frankly, there is a direct correlation between the amount of money you have today and the quantity of your speech in the media. That is just the reality of paid advertisement, which dominates political campaigns.

But I think this vision, because of Citizens United, has been turned on its

head. Now those with the greatest resources, the most money, have been given a disproportionate advantage.

By allowing corporations and unions to unleash the full power of their treasury funds and explicitly advocate for the election or defeat of candidates in Federal or State elections in the name of protecting and promoting free speech, I think the Supreme Court missed the mark. It missed the mark about the centrality of an individual's vote and the substance of a campaign being about ideas, not about derogatory advertising, not about anything else except the issues. That is the ideal. That is what our Founding Fathers were hoping for and, indeed, I think expecting, and I think that has been terribly distorted by this opinion.

There is an interesting situation going on here. In the attempt to create, under *Citizens United*, what the Supreme Court, I expect, was hoping to do—create an atmosphere in which speech is free—they created a situation in which speech is no longer free. Effective speech is no longer free; it actually comes with a very high cost and goes to the person who is the highest bidder. That is not free speech, not effective free speech; it is purchased speech. And if our elections are going to be decided not by free speech but by purchased speech, they will be won always by the highest bidder, by the person with the biggest wallet, the person who is willing to spend as much as necessary to prevail. And it will raise and it does raise the specter of, is this about the future of the country or is this about the narrow self-interest of someone who is willing to invest a great deal of money into a particular race? And I think most people would conclude that it is probably about the narrow self-interests of someone who invests a great deal of money in a race.

Simply put, I think *Citizens United* is deeply flawed, and more than one expert has voiced their frustration and disappointment with this decision.

Shortly after the Supreme Court handed down its decision in *Citizens United* in 2010, Norm Ornstein of the American Enterprise Institute, which is a center-right—more right than center, perhaps—organization, wrote, in a column in *Roll Call* called “Court Way Oversteps its Authority With the *Citizens United* Case,” these words:

I hoped *Citizens United* would be decided narrowly but feared that the court would take a meat ax to a century of settled law and policy. My worst fears were realized.

This decision equates corporations, which have one goal, to make money, with individual citizens, who have many goals and motives in their lives, including making a better society, protecting their children and grandchildren and future generations, and so on . . .

This was a case never raised by the plaintiffs and never formally brought before the Roberts Court. We do not have an instance where an actual for-profit corporation has complained that it has been barred from its

ability to get its message across in the political process. The cases overturned and the laws struck down were considered carefully by judges and Congresses past, including in the *McConnell* decision barely six years ago. Only one thing has changed since—the political and ideological complexion of the Supreme Court brought on in particular by the retirement of Sandra Day O'Connor.

Additionally, Richard Posner, a respected Conservative Judge on the 7th Circuit Court of Appeals, who was appointed to the bench by President Ronald Reagan, recently stated the following on his blog:

[T]he Court, rather naively as it seems to most observers, reasoned in the *Citizens United* case that the risk of corruption would be slight if the donor was not contributing to a candidate or a political party, but merely expressing his political preferences through an independent organization such as a super PAC—an organization neither controlled by nor even coordinating with a candidate or political party. . . .

It thus is difficult to see what practical difference there is between super PAC donations and direct campaign donations, from a corruption standpoint. A super PAC is a valuable weapon for a campaign, as the heavy expenditures of *Restore Our Future*, the large super PAC that supports Romney and has attacked his opponents, proves; the donors to it are known; and it is unclear why they should expect less quid pro quo from their favored candidate if he's successful than a direct donor to the candidate's campaign would be.

Judge Posner, I think, is making the case very effectively. If there are limits on direct individual donors' contributions because you do not even want to create the appearance of a quid pro quo, the idea a super PAC, whose donors are known, has less of an ability to influence a candidate and more—I think, significantly, not only a candidate but perhaps an elected official—that does not follow. I think Judge Posner's comments are very on point in that this also invites the perception and perhaps the reality of inappropriate influence on candidates and on elected officials. That was a great deal at the heart of why we passed campaign reform legislation decades ago.

Even these points of view by Norm Ornstein and by Judge Posner have not, unfortunately, convinced my Republican colleagues to join us in effect in trying to correct a deficiency which my able colleague from Connecticut pointed out was the fact that the case of *Citizens United* presumes disclosure. We have tried to debate this legislation and variations many times before. I think we have taken even much stronger action in previous versions, but today we are here in a good-faith effort to meet our colleagues more than halfway.

There are those who opposed previous versions of the DISCLOSE Act on the grounds that there were provisions unrelated to disclosure. But these concerns are addressed head on in this legislation crafted by my colleague because it focuses solely on disclosure,

and it is effective after this fall's elections. So I ask my colleagues, especially those who have said they are all for disclosure, to join us. Join us to pass this legislation because it is all about disclosure.

Let me go back to the language of the Supreme Court opinion quoted by Senator BLUMENTHAL because they presume in the decision there would be full disclosure, and that is what we are asking for tonight on this floor: Give the Court what it thought it had, a system by which the American public can know immediately who is putting all this money into the elections.

In the words of the Court in *Citizens United*:

[P]rompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions and supporters. Shareholders can determine whether their corporation's political speech advances the corporation's interest in making profits, and citizens can see whether elected officials are “in the pocket” of so-called moneyed interests.

The First Amendment protects political speech; and disclosure permits citizens and shareholders to react to the speech of corporate entities in a proper way. This transparency enables the electorate to make informed decisions and give proper weight to different speakers and messages.

That is what the court said. Yet, if we do not pass this legislation, there will not be enough disclosure; because corporate shareholders cannot make judgments about what their corporate directors and managers are investing in, in terms of political activities. Individuals cannot make judgments about the commercials they are seeing because they don't know who is behind them, really.

If we want to create the context which presumably undergirded the Supreme Court's decision, we have to pass this legislation. If you do not want to ignore, indeed, what the Court has said, do not want to ignore what our constituents have said, and do not want to allow this anonymous money to flood our elections, to not raise doubt about the process, to not undercut what people traditionally think is the American way—one person, one vote;—then let's start by passing this legislation.

I urge my colleagues to support the DISCLOSE Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. CASEY. Mr. President, I rise tonight to join what so many have spoken of tonight, which is our system of electing officials to various levels of government. In the case of the Federal Government we are always concerned about how that process plays out. We live in a country where for generations now we have urged people to come to the public square, in a sense, to vote, to participate, to use their free speech rights, their freedom of association—

the rights they have to participate in elections.

What we are confronted with now, without the passage or in the absence of the passage of this legislation, is what I would say are special rules for secret money—or maybe better said, special rules for a small group of individuals or entities to spend secret money.

We, in Pennsylvania, as one of the buildings in the Capital area, have the finance building. It is a building I worked in for a decade. When it was built in the 1930s, they had as inscriptions around the border, the perimeter at the top of the building, precepts about government, what it should be, so people who worked in that building would aspire to higher ideals.

One of the inscriptions says the following:

Open to every inspection. Secure from every suspicion.

A pretty simple precept. I think we all understand what that means. If we have a system or a candidate or an organization or a process that is open to inspection, the chances of there being suspicion about that candidate or about that process or about that organization would be diminished. So more disclosure, more scrutiny.

We all know the old direction—I am not quite sure who said this, but we have all used this—the idea of sunlight being the best disinfectant, to make sure we keep our political process open.

It is baffling to me why someone would not want to vote for this legislation when we consider the language. It is legislation which barely gets to the 20th page. It is not very long. I was looking at page 5 of the authors of the bill—Senator WHITEHOUSE from Rhode Island, who has done great work on this, and so many others who worked with him—the language on page 5 says as follows: It is under the title “Disclosure Statement.” It is very simple language:

Any covered organization that makes campaign-related disbursements aggregating more than \$10,000 in an election reporting cycle shall—

And this is the mandatory part—

not later than 24 hours after each disclosure date, file a statement with the [Federal Election] Commission made under penalty of perjury that contains information described in paragraph (2).

Then it goes on to describe what you have to disclose. It is very simple. I don't know how you could be opposed to that if you believe in debates in the public square. It is not as if we say to people: Come to the public square, but a few of you can go into a corner. We are going to cloak you in secrecy. You are going to be in the shadows. Everyone else in the public square is going to know who is on the square, is going to know what your point of view is, what is your position in the light because there are a couple of others who we are

going to be put in the shadows, but the rest of you don't worry about it.

It sounds strange, doesn't it? It doesn't sound very American.

I think when people see what happened in the last couple of years, they are very concerned that we have a system now that has too much of this secret money. There is too much money in the shadows without the sunlight providing the disinfectant.

When you consider what we are doing now and compare it to what has happened over the last generation where candidates not only file reports about who has contributed to their campaigns but even their advertising—they have disclaimers at the bottom of the advertising. Now in the more recent period the candidate, himself or herself, has to identify themselves by name and say that they paid for the ad.

This legislation doesn't get to that. It focuses on the basic question of disclosure so a citizen can say: This organization made this assertion in an advertisement, and I am going to find out who they are so I can make a judgment about the advertisement before I vote.

It is very simple. It is how our system works. People go to the public square, they have a debate, there is a lot of sunlight, a lot of disclosure, and the debates are freewheeling. They are tough, but they are in the open, and they comply with that precept I started with. They are open to every inspection, and therefore the chances of suspicion are lessened because everything is out in the open.

That is all this is. It is providing a measure or degree of sunlight into that process, into that public square. So if all these generations of reform have told us—which I think they have told us, and I know this is true in Pennsylvania—that more disclosure, more sunlight, more scrutiny is going to lead to better elections and better participation, I don't think we should run counter to that history.

I am not trying to assert that everything else about our elections is perfect. We still have a lot of other reforms we could institute. But at least we can give people some measure of confidence that when they hear an assertion in that public square they are going to know where it comes from. They are going to know the origin of that statement. They are going to know the bias or point of view, and they are going to make a judgment about that before they exercise their right to vote.

We should allow people that opportunity to maybe be a little bit suspicious, but it is hard to be secure in your knowledge about information if you do not know where it comes from, if you do not know who is the real speaker, and you do not know their point of view.

I think there are a lot of Americans who know our system is not perfect

even with passage of this legislation, but they at least say to us: Let's at least remove the possibility, which I think is evident now, that you have a small group of people who are allowed to spend this secret money and, therefore, elevate or raise suspicion, and maybe even cynicism, about our system.

Let's be open to every inspection and to every measure of scrutiny, and let's bring our points of view to the public square as we have for so many generations. Let's pass the DISCLOSE Act and make sure that at a minimum, as tough as times are for a lot of people right now, at least they are going to have the information they need about point of view before they vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, first, I wish to thank all my colleagues who have been so diligent, hardworking, and prescient on this issue. Of course, Senator WHITEHOUSE from Rhode Island, the leader of our task force, led us to this point. Senator MERKLEY has been very active and involved, as have you, Mr. President, as well as Senator SHAHEEN and Senator BENNET. There have been so many people on the task force who did a very good job, including Senator UDALL and so many of our colleagues.

The fact that we have been on the Senate floor now for close to 5 hours and there hasn't been a moment's pause says something. It talks about the broad support that this modest but powerful act has on our side of the aisle. The fact that no one, unfortunately, on the other side of the aisle has come to debate this issue says something as well. The only debate, in fact, we heard was the Republican leader in a brief speech that was almost 1984ish. His reason we shouldn't disclose is that people who give would be harassed.

If we go by that, we should probably have everything be in secret because, of course, in an open democracy, when we do things in the political arena, we are subject to criticism. That is what freedom is about. To come up with this inside-out argument that we shouldn't disclose because people might be criticized for the contributions they make or the ads they fund is the most anti-democratic, anti-U.S. Constitution argument I have heard. It just doesn't even pass the laugh test. I am surprised. My colleague is one of the most brilliant political minds we have around here. Even when I disagree with him, I respect his mind. But this argument is—to say sophistry is kind. I don't think it is going to catch on with people.

Anyway, we have had very few comments, other than that made by colleagues on the other side of the aisle tonight, and that is truly unfortunate.

We should have a debate on this issue, but I have a feeling most of my colleagues on the other side of the aisle realize by their previous statements, by the previous position of the Republican Party, and by knowing them, we are right.

Disclosing contributions is only fair and only right and American and in keeping with our democracy and our Constitution. I think the reason so few people have shown—or no people on the other side have shown—is that the reason they are not supporting us is not out of conviction but out of short-term political advantage. Obviously, the super PACs, large multimillion dollar contributions are coming mostly from the other side and may indeed benefit them in the election. In the long run, it is bad for our democracy. In the long run, it is bad for the Republican Party to shy away from not only debating this issue but supporting this bill because the issue of disclosure is so simple, so easy, and so right. The issue of disclosure is one that is now wracking the Presidential campaign. You can run, but you can't hide. The argument of disclosure will, in a sense, chase you down and beat you so you may as well join in now and do the right thing.

I would like to make a point. The two top advertisers in this election cycle are predictably the two candidates' campaign. What is the third just after the Obama campaign and the Romney campaign? It is something called Crossroads GPS. In the last week alone, Crossroads GPS announced almost \$25 million in advertising against the President and the Senators. The group, Crossroads GPS, has a name, and it doesn't mean much. They don't have to disclose a single one of their donors. In fact, reports indicate that Crossroads GPS raised \$77 million in its first 2 years of existence, and 90 percent of that came from, at most, 24 donors. That is an average of \$2.9 million per donor.

So far in this election cycle, as of May 31, super PACs have spent \$135.6 million in an election year. Twenty percent comes from 501(c)(4) organizations, "social welfare organizations" that don't have to declare their donors at all thanks to the decision in *Citizens United*. Many of the donors behind the other 80 percent of super PACs could also be anonymous. That is because people can donate to the 501(c)(4)s that require no disclosure and then the 501(c)(4)s can donate to the 527s which requires some disclosure. The level of disclosure under our present law isn't just inadequate, it is laughable. The voters deserve to know the truth, ugly or not, of who is behind the super PACs. If the wealthy special interests want to invest hundreds of millions of dollars in our government, then they should pay their fair share of taxes rather than fund candidates who will give them special tax breaks paid for by middle-class Americans.

Yet because of the flawed *Citizens United* ruling, the corporations that can't vote in our elections are trying to buy the electoral outcomes that benefit them, and it is all in secret. Our solution is simple: The DISCLOSE Act simply restores transparency and accountability. There are many of us who would limit what people can give and how they can give it.

I believe, frankly, that *Buckley v. Valeo* is not as bad a decision as *Citizens United*, but it is a bad decision. I introduced legislation, a constitutional amendment, to undo it years ago. Two years ago, I joined my colleague from New Mexico who had spearheaded this drive in the House to support his legislation.

I believe there ought to be limits because the first amendment is not absolute. No amendment is absolute. A person can't scream "fire" falsely in a crowded theater. We have libel laws. We have antipornography laws. All of those are limits on the first amendment. What could be more important than the wellspring of our democracy? Certain limits on first amendment rights that if left unfettered, destroy the equality—any semblance of equality in our democracy of course would be allowed by the Constitution. The new theorists on the Supreme Court who don't believe that, I am not sure where their motivation comes from, but they are so wrong. They are so wrong.

I hope we are going to move to change this law. I hope we are going to pass first this DISCLOSE Act and then the broader bill that has been introduced, which also has disclaimer. I hope eventually we will find a Supreme Court that allows reasonable limits on campaign contributions. That is so important for the future.

I have to tell the Chair I am an optimist, and I love this country. We had our DSCC retreat this weekend, and we heard stories about people who had risen from poverty to now run for the U.S. Senate after having careers of great accomplishment. I am not going to name specific individuals, but you heard them. They were moving. It is what America is all about, being there. It made me so proud to be an American. Most of our families are examples of this. My father was an exterminator. He didn't go to college. I am here. What a place.

Despite my love for this country and my fervent belief in its future, the thing that worries me most is the effects of the *Citizens United* case. To have 17 people contribute half of the money to Republican super PACs and to have the vast majority of that money undisclosed is frightening.

I know maybe our Supreme Court Justices do think in absolute terms. After all, this is the first amendment. But I am sure of one thing: None of them have run for office. They have no

idea of the power of these negative undisclosed ads, the corrosive effect it has on our democracy, and the influence that those who offer these ads have. It makes me worry about the future of this country if we continue along this path. Unfortunately, the Supreme Court seems to have very little doubt based on the Montana case where they even refused to hear it. We have to worry about the fundamental fairness of how our system functions.

We are not a pure democracy. We are a Republic, if we can keep it, and a Republic says there ought to be some intermediation. There is an understanding in a Republic that the Founding Fathers were very much aware of it. I guess Alexander Hamilton, my fellow New Yorker, leading this part of it, that those who have achieved success in America deserve some influence—maybe a little more influence than others—they believed that; that is how our Republic is set up.

The pendulum has swung so far that I truly, for the first time in my life, worry about the future of this democracy. If a small group of people can control the entire political process through the powerful vehicle of undisclosed ads shown on television time and time again. If when people run for office they are afraid to offend those who have great wealth or power because these ads may be run against them, it presents one of the greatest dangers to this democracy that we have had in over 200 years.

Maybe one of those nine—particularly one of those five—on the Supreme Court are watching so they have some understanding of the damage this decision is doing to our democracy. Do they understand that when they write: We are not against disclosure, and that as long as *Citizens United* continues to exist it is almost a catch-22—the way our political structure works, the heavy money that comes in on the other side—and then not a single Republican, even many of those who probably agree with us in their hearts are willing to vote even for disclosure—means we will never get it and it is an empty promise. Do they understand the so-called independence of independent expenditures has become a joke, that the very underpinnings of their decision in *Citizens United* does not square at all with reality? Do they understand what every 1 of the 100 of us here and the 435 Members of the House on the other side and Presidential candidates are living with? Do they have any understanding of that?

So here we are. What else can we do? We are here late at night desperately trying to either persuade our colleagues whose self-interests mitigate against them joining us to persuade the people—although the issue of campaign finance is often an abstract one at a time when people are so busy working hard paying the bills, raising

their families, and experiencing the vicissitudes that life and that God gives and visits on each and every one of us. In fact, maybe one of the Justices on the Supreme Court is sort of living in a fantasy world as their decisions undo the very democracy they are supposed to preserve.

We are trying. That is all we can do. The one thing I want to assure my colleagues of on both sides of the aisle, the American people, and everybody else who is involved in this issue is we are not going to stop trying until we succeed.

Dr. King, one of the great men of America, said that “the arc of history is long, but it bends in the direction of justice.” He was talking about justice for people of color. There also has to be a justice for average folks who can’t reach into their checkbooks and spend \$1 million on an ad, undisclosed, that excoriates, often unfairly, someone they disagree with. They need justice too, those average folks. They are not going to get it until this simple measure, and others that are stronger than it, start succeeding.

We are going to keep at it. We are not going to stop until we succeed. Under the leadership of many who are here tonight sitting in this Chamber, we will keep working and working and working until our government is truly one of the people, by the people, and for the people.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SCHUMER). The Senator from Alaska.

Mr. BEGICH. Mr. President, this is a very interesting night on the Senate floor as many of us keep coming down and talking about what it means, the money involved in politics, and the corrupt system that is now plaguing us with these super PACs and these 501(c)4s. I bet if we asked the average person what is a 501(c)4, they would have no idea. We would say, turn on the TV in one of those swing States and see 1 of those 1,000 ads in a week; that is a 501(c)4 running those ads.

I know it is late here. It is not too late from Alaska’s perspective; it is late here. It is around 11 o’clock in Washington, DC. In Alaska it is about 7 o’clock, the sun hasn’t set, and here we are in the Senate talking about what is important not only to my folks in Alaska but also to the rest of the folks in this country.

It is just July and we are already up to our elbows in negative and dirty and distorted attack ads. Imagine what it will be like by November. These kinds of negative ads are cheap-shot ads, many of them funded by anonymous donors who make outrageous negative claims based on half truths at best and outright lies at worst, all paid for by secret fat cats and unlimited deep pockets—money that no one knows where it comes from. Alaskans tell me when I am back there—and I try to get

back there at least twice a month or more and I hear from Alaskans all the time. They are fed up with it. I know we are fed up with it. I think the American people are fed up with it. So I am happy to join my colleagues tonight to stand up and fight back, demanding transparency—something so simple. That is all we are asking for tonight: transparency, openness, and honesty.

I don’t know what they are afraid of. If you contribute money, you should be proud and excited about who you are supporting. For some reason they hide. They don’t want people to see who they support.

I want to take a few minutes—I know many people have heard tonight, who have been watching and listening, and maybe it has been through C-SPAN or through news clips or whatever else might be going on, through our own Web sites—to describe how we got here, why we are in this dilemma. The Citizens United case expanded free speech rights to corporations as if they are free people. Whoever thought “corporate personhood” would become part of our vocabulary?

In fact, Alaskans are very concerned about this. Just last week, the city and borough of Sitka passed a resolution about the opposition to corporate personhood. I ask unanimous consent to have printed in the RECORD this resolution from a small community in Alaska that is concerned about the issue.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION 2012-15

A RESOLUTION OF THE CITY AND BOROUGH OF SITKA TO SUPPORT AMENDING THE UNITED STATES CONSTITUTION TO RESTORE THE PEOPLE’S POWER TO LIMIT CORPORATE INFLUENCE IN ELECTIONS AND POLICYMAKING

Whereas, Due to the incorrect interpretation of the Constitution and the adverse impact on the rights of people in our democracy in the U.S. Supreme Court decision in Citizens United vs. Federal Election Commission (FEC), local, state, and federal elected officials must take action to restore the authority of the American people to restrict the undue influence of corporations on our elections and public policy; and

Whereas, the Supreme Court’s 5-4 decision in Citizens United v. FEC broke away from the legal precedents that acknowledged the power of citizens through their elected representatives to limit corporate influence in elections because the interests of corporations do not always correspond with the public interest and therefore, the political influence of corporations should be limited; and

Whereas, the Supreme Court’s radical rewrite of the First Amendment’s protections will permit even greater corporate influence over our political process by allowing unlimited spending from corporate profits to favor or oppose candidates; and

Whereas, the Supreme Court’s decision will allow the free speech rights of a corporation to dilute and outweigh the free speech rights of ordinary citizens, because of the vast financial resources corporations have for spending money to influence elections compared with regular people; and

Whereas, the Supreme Court’s elevation of corporate “rights” may have constitutional repercussions that go far beyond this one case and will undermine the ability of the people to regulate corporations in numerous policy areas affecting people’s health, wealth and opportunities; and

Whereas, THE American people, through their local, state, and federal governments must reclaim their rightful place as sovereigns in our democracy and protect the electoral process from corporate domination; and

Whereas, fair elections are fundamental to the health and well-being of our democracy, and

Whereas, the City and Borough of Sitka Assembly stands in agreement that corporations are not entitled to the same first amendment rights in our elections as people and further urge our state legislators to adopt and send to the United States Congress a resolution in support of amending the Constitution to restore the ability of the American people to limit corporate spending in our elections. Now, therefore, be it

Resolved by the elected officials of the City and Borough of Sitka that: the City and Borough of Sitka, strongly condemns the Supreme Court’s ruling in Citizens United vs. FEC and supports amending the U.S. Constitution, to limit corporate influence and restore democracy in our elections for the benefit of the American people.

Mr. BEGICH. I also want to talk about the solution to a growing problem, and that is the DISCLOSE Act. As I presided, sitting where the Presiding Officer is now, and now down on the floor, I noticed no one from the minority is here in this Chamber countering or debating what we are talking about tonight. They are at home away from the TV cameras because earlier this evening they voted in a bloc against moving the DISCLOSE Act forward. That is kind of interesting because I don’t know how many times I hear from the other side: Please let us have the right to have a debate on a subject matter. Don’t filibuster it; don’t require 60 votes. Let us vote. Let us amend these kinds of issues. So all we are saying is, Let’s get to the vote. They would get a chance to amend it if they want, if they don’t like pieces of it, but they won’t let us do that. They voted in favor of unlimited negative political ads. They voted against transparency, openness, and honesty. They voted against the American people. They should be ashamed. They should be in hiding.

So what exactly is Citizens United? The Citizens United ruling by the Supreme Court—again, that many of us have spoken about already—2 years ago opened the floodgates to unlimited corporate and special interest money in elections. As a result, corporations and other wealthy interests exert vast influence in our political system through secret, anonymous, untraceable money. Individuals, ordinary Americans, are having their voices drowned out. Super PACs—we hear that phrase often—disclose their donors, but these 501(c)4s—that is what they are called, 501(c)4 groups, which is a code underneath the

IRS code—they are actually called—this is what is amazing—social welfare organizations, 501(c)4s. They don't have to disclose anything. They can run their own negative ads or they can give unlimited money to super PACs without any disclosure. Either way, they don't have to disclose their donors.

The era of secret money is here, and it is a lot of money. We have heard the numbers. This year, we estimate almost \$1 billion will be spent in negative ads no one has to know who is paying for. If they love these ads, if they think they are so great and they are so factual, all we are asking is to tell us who you are, tell us what you are doing.

When I was mayor of Anchorage, I had to deal with a group like this in one of my reelection campaigns. They ran an ad. No one knew who they were, but I had a pretty good idea. I started talking about it. I will tell my colleagues what happened. In Anchorage, people rejected those ads. I won my reelection. I won the largest margin in my city's history. But they started running these secret ads. They didn't want to disclose themselves. They didn't like a decision I made and then they never came forward, but we knew who they were.

Again, we think it will be up to \$1 billion. They have already spent a quarter of a billion dollars.

The last time we had an issue such as this in this country around electioneering in the sense of elections being bought by very special interest groups was around 1972. Some people may not remember the history, but all I have to say is a couple of words: Scandal. Watergate. That is what happened. It was election money—more money than people could ever imagine. The rules were unlimited in 1972. As a matter of fact, it got so bad that it was truly a constitutional crisis. The President had to resign. Think about it. That was the last time we did election reform in the sense of campaign financing. And campaign financing reform came in fast and furious after that, because it was corruption with the money of a very few people. It brought down our President at that time and almost brought down this country.

Things have changed quite a bit since then. I want to give a couple of stats because I think it is important to know where we have been and where we are in the sense of this debate. Forty years ago was the last time we had meaningful, aggressive election reform in the sense of campaign financing. Back then we could buy a gallon of gas for 55 cents. Imagine that. HBO was launched as the first paid-for cable network channel, or TV station. Today, cable is everywhere and the amount of money flowing into it is enormous. Digital watches were introduced. Everything is digital now. Back then it was just beginning, but it was a different era. It

was a crisis that occurred with the corruption of money that tried to buy our governments, buy every elected official they could get their hands on, and in that case the Presidency. That was 40 years ago.

Now here we are. When we think about the money that will be spent this time—\$1 billion—almost 70 percent of the money so far has been used for negative ads. Poll after poll, I don't care if it is a scientific poll or sitting at the coffee shop, or when I am traveling around Alaska—people hate negative ads. But they continue to buy them and they never want to tell anyone who is paying for them. Again, if they are so proud and they are factual, step to the plate.

The election is 4 months away from now and we are going to see an enormous amount of ads. When I think about how this affects my State of Alaska—not so long ago, Alaska had some of the strictest campaign finance laws in the country. Alaskans said we don't want outside money or a few rich locals buying elections.

Let me give an example. Five hundred dollars is the maximum amount one can contribute to a candidate in a calendar year. Individuals, non-residents, the maximum amount for a Governor's race is \$20,000, total. Corporations, business organizations, unions in Alaska, prohibited. Groups from outside, not based in Alaska, prohibited. Nongroup entities based outside of Alaska, prohibited. We have some of the toughest laws.

But now this effort is stepping on what citizens did through an initiative. They put at risk our State laws. Now corporations can make independent expenditures on behalf of State candidates in Alaska, which they could not do before. Our own campaign financing agency in Alaska just issued an opinion that will allow for unlimited spending. This will allow outside groups and money to influence Alaskans in Alaska elections—exactly what we didn't want, through our own citizens initiative.

There is one thing we don't like in Alaska and that is outsiders telling us how to do our business. They did that for decades and took everything they could out of Alaska. Every dime, every inch of land they could take in the sense of ownership of mineral resources, they took it all for their benefit—for a few. Alaskans said, No more. Not only did we change our laws that govern, we also changed our elections law. Citizens did this.

What can we do in Congress? It is so simple: disclosure and transparency.

Members of both parties have said for decades that sunlight, as we heard tonight, is the best disinfectant. We need more transparency. I am a huge advocate for transparency. I post my own schedule. I post my financial statements. I disclose my wife's income,

which is not required. I called for crop insurance transparency. I cosponsored the STOCK Act.

People just want to know what we are up to. And these corruptive systems of a few, a dozen or so, who are trying to buy this election for their own personal gain—we just want to know who they are. They can spend the money they want, but we want to know who they are.

Transparency, disclosure, used to be a bipartisan idea. Senator McCONNELL said himself many times—we heard this earlier; I want to repeat it because sometimes what happens around this place, I have noticed after only 4 years here, is memories get very vague of what people said before and suddenly they change their ideas based on the politics, not the policy—here is his direct quote from 15 years ago:

I think disclosure is the best disinfectant. I think it gives our constituents an opportunity to decide whether or not we're in the clutches of some particular interest group and whether or not that's a voting issue for them. I'm certainly in favor of enhanced disclosure.

That is from the minority leader. Nearly every Senator in this body, on both sides of this aisle, has said they want more transparency. Polls show Americans want to know exactly who spends money to influence elections—they want to know it—because they want to have more faith in their representatives. Maybe this explains why they are angry at us, why Congress has such a low rating.

The bill is very simple. I know people have said it over and over again, but sometimes I think we have to repeat it. The bill is very simple. It requires any organization that spends \$10,000 or more on influencing politics to file a simple—simple—disclosure report with the FEC, the Federal Elections Commission. It is not complicated. Every group is treated the same. I have received a few e-mails. I have to say, the e-mails on this issue: all for it, except for only one against, so far. I know once I have said this, tomorrow I will see a ream of them because five or six of these special interest groups will be churning out stamped-out letters.

But this treats everyone the same: corporations, nonprofits, labor unions, 501(c)(4)s, 527 organizations. They only have to disclose money spent on elections, and only from individuals giving more than \$10,000.

Under this bill, money given to these groups for other purposes does not need to be disclosed, despite what you read in the papers and the blogs—the misinformation that is put out there or by the undisclosed groups that tell you the misinformation, that will not tell you who they are but want to give you more misinformation.

This is a new and improved version of the DISCLOSE Act that failed on the Senate floor 2 years ago by just one

vote. Under that bill, the cutoff for disclosure was \$600. Now, in this bill before us tonight, the threshold is \$10,000. That is not too much to ask. If you give \$10,000 or more for negative political attack ads that distort the truth, the American people deserve to know who you are. And if you are so proud of those ads, you should disclose who you are.

The bill will not force groups to release their member lists. Some people have e-mailed me. I want to make it very clear, if you belong to the NRA—and I belong to the NRA. I am a lifetime member. Actually, I do not have any problem with the NRA releasing my name. If they want to put it on their Web site that I am a lifetime member, go for it, I am all for it. I am proud to be a member. Put my name up there. But this does not require us—if you are a dues-paying member to a group such as the NRA, your name will not be listed. So that misinformation from some groups out there, shame on them.

This bill is not an unconstitutional restriction on free speech. The DISCLOSE Act puts no restrictions on speech and is fully consistent with the Supreme Court decision.

The bill also incorporates the Court's "effective disclosure" rules.

Let me sum it up. This bill—and I think the Senator from Arkansas spoke to this, and I thought it was great because we always hear that these bills are so big, they are pages—this is it. If you look at it, it is double-spaced. It takes only half the page, each one. It is not complicated, pretty simple.

The bill is narrowly tailored and very simple. It does not prevent any special interest group or any corporation from donating any amount they want. All we are asking is, tell us who you are. When I say "us," not us here—the American people, who want to know.

The bill will give Americans faith that their elected representatives are not being bought and sold by hundreds of millions of dollars of secret untraceable money.

So I hope we vote on the DISCLOSE Act again, and as soon as tomorrow. And I hope my colleagues from the other side come back to this. Maybe they will have something to say. I do not know. It has been a long night. We have not heard a word from them. It would be nice to have a debate on this. But also let's do what I know Alaskans are asking me every day: Clean up the system. The best way you can do that is to tell people where the money is. Show me the money. Follow the money. And when you follow the money, as in 1972 they did, you know exactly who is trying to buy the government. In this case, we just want to know.

If you are so proud of these ads you run—and I am sure we all sat around a

little bit talking about this. As soon as we come to the floor and say these things, people will be—I am sure 2 years from now when I am up, they will be thinking: I am going to run those ads against that Begich guy. My view is, hey, if you want to run them, run them. People want to know who you are. But if you will not disclose, then you pay the consequence of what I think Alaskans will feel; that is, these people who hide behind this money, secret money, do not disclose themselves, basically what they are pitching, what they are selling is hogwash.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BEGICH). The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I am proud to join so many of my colleagues in speaking out tonight at this late hour to try to call attention to a very serious issue before the body; that is, whether political contributions of over \$10,000 should be disclosed.

As Senator BEGICH eloquently stated, I think people are concerned and very troubled by the fact that we are even having this debate; it so defies common sense. I think people at home are saying to themselves: Why is this even an issue? Why are we debating this? Why didn't one Republican step up to join a group of Democrats to say: Obviously, if you are contributing to the political process \$10,000 or more, you should make yourself known.

I think Senator BEGICH, the Senator from Alaska, listed many important points. I wish to underscore the point he made about transparency.

Our government is far from perfect. It is the oldest democracy, but it is the best we know of. What are the reasons our democracy is the best and it works most of the time pretty well? It is because it is, most of the time, transparent. The press can come here anytime and write about what we speak. Every word is written in a public record. All the records, vital records of the United States, are public. We publicize our real estate transactions in almost every jurisdiction I know of. There is so much public information available. It is one of the reasons our democracy works pretty well.

So this is a real step backward. And it is a dangerous step backward to have a democracy that prides itself on transparency and here we have half of this Chamber running out the door after they basically voted to keep contributions secret. What is it they are ashamed of? I mean, what is it they are trying to hide? If they are proud of who they are supporting, if they believe in the causes to which they are investing, why not let people know? As the Presiding Officer said, he is a member of the NRA. All of us are members of different organizations. I most certainly do not mind the organizations—I am chair of the Adoption Caucus. I love to see publicity about the members and

what we do, and I am proud of what our organization does. It is nonpartisan, of course. But I believe in and we advocate for those principles.

I am alarmed at the stubbornness and the position our friends on the other side of the aisle have taken to not want to let their constituents know who is contributing and for what reason. So I believe that transparency clearly is in jeopardy tonight over this DISCLOSE Act, and I hope we can have another vote and persuade more people to join us, to open up, let the sunshine in, let people see what is actually going on.

The other point I wish to make is that the middle class in this country is under assault. There was a very startling article in the New York Times last week that talked about in the last 2 years the income, the net worth of the average American has fallen by 40 percent because of secret deals on Wall Street, because of secret collusion of some of the largest financial institutions in the world, because of a lack of transparency in our financial system, and a number of other reasons; but that was primary—and the lack of enforcement, of having good regulations and the enforcement of good regulations. You would think people would be moving forward to open the process to make it more transparent. This is going in the opposite direction.

The middle class is under assault. Congressional rating is at an all-time low. So what do we do? We say it is OK to give tons of money to elections, and to cover it up, and to be secret about it, and to not tell anyone who is giving and for what purpose.

Our poll numbers for Congress are down. I think they were down to 3 percent or 13 percent or something. It is going to go negative. And I would not blame people. We will be a negative number in the polls. Because people are losing confidence in the system. This is an example of why they should lose confidence in the system.

I am disappointed it is just those of us on our side of the aisle who seem to be concerned about this. And the other Members, I am not sure what their points are in the debate because not one single person has come to the floor, at least in the last several hours. I know the minority leader made some weak attempts at explaining their position earlier in the night. If they felt so strongly about this being a pillar of our democracy, they most certainly should be on the floor talking about why, but they are not. They ran out of the Chamber, and they are not here.

And so with the middle class under assault, with people understanding and thinking and seeing special interests having their day in Washington, letting some sunshine in most certainly would not hurt.

The DISCLOSE Act is a necessary piece of legislation to respond to the

U.S. Supreme Court's decision in *Citizens United*.

This legislation, as we said, does not limit the amount of money outside interest groups can spend on campaign expenditures. It simply requires disclosure. We are doing a better job of disclosing our income, our stock transactions. I think our records should be public, our tax returns. I have submitted many of my own in elections. I hope Mitt Romney steps forward to submit more than 1 year of his tax returns. I think it helps to build confidence when those of us who hold public office have full and complete disclosure.

But the money that is being spent in these campaigns is exorbitant. It is billions and billions of dollars. I think this campaign cycle is setting records—and to have this all done in secret. So you are being attacked on television or positions are being taken, and no one watching the ads has any idea who is behind them because there is no requirement for disclosure.

I want to thank Senator WHITEHOUSE for his leadership. Senator MERKLEY has also been very active, other Senators. Senator SCHUMER has taken a leadership role as well. I appreciate the committee that has come together, and I am happy to be of assistance to them in this effort.

But again, this does not limit the amount of money anyone can give to a campaign. It just says, if you give over \$10,000, you should disclose it. It does not limit free speech. It does not limit the amount of money that can be spent by an outside organization. It simply says that during this election cycle, you would have to report expenditures of over \$10,000.

Of the more than \$140 million that has already been spent during this election cycle, the first Presidential election cycle since *Citizens United*—more than \$140 million has already been spent. Why would these groups be spending this much money if they were not going to ask for something? What is their motive? What are they expecting? These are wealthy individuals. These are not organizations of thousands and thousands and thousands of people. Many of these are individuals who are contributing and want to hide behind the recent ruling of the Supreme Court.

So I am proud to lend my voice to the DISCLOSE Act. I am proud to be a cosponsor and want to join my colleagues in asking our colleagues on the other side of the aisle: Do we not need more transparency in government? Do you not think the middle class is under enough assault? Do you not think this would build some confidence that our government would be more transparent, people could see what was actually happening and understand why some of those contributions are being made?

So we have some time. We have opportunities to cast another vote. I hope our colleagues will, and the public will, demand that we have additional votes until we get the required votes necessary to pass such a commonsense solution to a real problem.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Mr. President, I thank my colleague from Louisiana for her remarks. Would the Senator be able to engage in a question or two?

Ms. LANDRIEU. Yes.

Mr. MERKLEY. I think back to the period when our forefathers and foremothers came here and said: We are going to set up a new set of colonies, a new set of rules.

One of the things at the very heart of that was the notion that we the people, we the settlers, we are colonists. We are going to decide how things run rather than having kings and queens or other very strong folks handing down the laws from now on. That was a powerful concept that got integrated into the first three words of our Constitution, "We the people."

Does the Senator have any sense whether this flood of secret, this massive flood of secret money coming from powerful individuals, billionaires and companies, does damage to this concept of "we the people"?

Ms. LANDRIEU. Absolutely. The Senator is correct. As I said, the recent polling I have seen has the opinion of Congress and the way Washington government is operating at an all-time low. People do not believe they are getting the whole story, the full picture. This is going to contribute in a very negative way to that opinion, which is detrimental to the foundation, the essence of this democracy. I think our Founding Fathers would be horrified to actually think a small group of individuals can, through campaigns, buy the outcome of the election or buy the attention of the candidate or the cause, and not even have to disclose their identity or why they might be interested.

Everyone is entitled to free speech. I do not think people are entitled to secret speech or secret attacks. If you are going to get into a fight, you would like to know with whom are you fighting. Identify yourself. This system obscures the truth, which I think people have a right to know. I think it does cut at the heart of some of the strongest principles of our democracy.

Mr. MERKLEY. I was thinking back to a book that a friend gave me to read. It was called "Treason of the Senate." When I first heard him speak about it over the phone, I think he was saying he had a book about the reason of the Senate. It turned out to be not the reason, but the treason. It was a series of articles, I believe about 20, that were written during the muckraker period.

It was each month taking a different Senator, how they had basically been put in office through a particular company in a different State—different powerful interest. This set of articles apparently was one of the things that led to a constitutional amendment because it helped the public mobilize against the indirect election of Senators and pushed for the direct election.

So here was the public saying: You know, we the people have this system, and it has been violated. So we have to try to change the system so we can reclaim it.

I think that is maybe some evidence of the role of excessive power and money and its corrupting influence or its corrosive influence on the electoral process.

Ms. LANDRIEU. The Senator is perfect to point that out and is an excellent student of history. He has demonstrated his understanding. Before Senators were directly elected, they were elected by the legislators of their States, and oftentimes literally sent to Washington by special interests—for instance, the railroads.

Instead of the laws being written to help people, average citizens or homeowners or people trying to get a hand up and a helping hand, some of these Senators came, basically bought, sold, delivered, and packaged to Washington, DC, to argue on behalf of one special interest.

It is tough to keep things in balance here right now without us going back to these times. That is what is so frightening. I see Senator WHITEHOUSE on the floor. He has been studying this and has many documents he is referring to, but that is what is alarming. I do not think people realize—I mean this is really moving backwards in time.

When Washington operates in secrecy, there is no way to get the information. Why would we want to do this at a time when the middle class is under assault? They have lost 40 percent of their net worth. At a time when our popularity and trust with the people is at an all-time low, this does not make any sense to me. I do not understand any benefit that would come from it.

Mr. WHITEHOUSE. May I follow up on the points that Senator MERKLEY made. The comparison he made to the constitutional change that took the Senate from election by State legislators to direct election by the people is very much a model for what is happening here. There was a desire to get the vote away from the special interests and put it in the hands of the actual people.

Here it is a desire to get the spending, the money behind the vote, out of the hands of the special interests and back to the people. What *Citizens United* did was to go backwards, open

the flood gates of special interest money, and allow it to be secret. Try to put ordinary voters up against that kind of a force. It is not fair to ordinary voters. It is not right. In some respects it puts the right they are taking up inside out, and that is the right of freedom of speech.

I think we all have seen the four freedoms, the posters by Norman Rockwell. Perhaps the most famous of those posters is the one of the fellow in the tan windbreaker jacket, a thin guy. He is standing up tall surrounded by people, clearly at a townhall meeting. Why is he standing and what is he doing? He is speaking. He is having his say.

The way Citizens United worked out, they are basically saying we do not have a constitutional right to speak. We have a constitutional right to listen. We have a constitutional right to listen when big money speaks. It is essentially a shut-up-and-listen-to-the-big-money version of the first amendment. When money is speech, which is the principle of Citizens United, guess what. Those with the most money get the most speech.

Those who do not have a lot of money do not get a lot of speech, and those who have no money get no speech. That is not what the Founders intended. So there is a strong similarity between the move to take the vote and put it in popular hands and what we are trying to do with disclosure, which is put the money in popular hands. We cannot do that under Citizens United.

With the DISCLOSE Act, at least you know what is going on. You can look at the game that is being played. It is cards up on the table. If you are being denied the ability to speak on even terms with the CEO or a billionaire or a major corporation or some big lobbying group, at least you have the right to know what they are doing, what they are saying, what is going on. You can keep score. When you get together, you can get mad and do something about it.

Behind the veil of secrecy you cannot even keep score. You do not know what is going on.

Mr. MERKLEY. Just a moment ago our colleague from Louisiana was noting that we have important work to do to shore up the American family. Families have lost—the number is, on average, \$100,000 of equity in their house per family. That is a phenomenal amount. If we look at the equity held by our Hispanic families, our African-American families, they have been virtually wiped out by a system of deregulation, predatory mortgage, leading to a housing bubble.

We have a desperate need for jobs. I think what I hear the Senator saying is that in the face of these needs, allowing unlimited spending by the most powerful interests in the country to pursue the interest of the most power-

ful is not going to help us create those living-wage jobs Americans so desperately need. It is not going to help us fund those health care clinics that are the front door for folks who do not have the big salaries and the big benefit packages. It is not going to help put food on the table for those out of work and hungry, and in that sense this process of us working by and for the people is being corrupted by these vast pools of secret spending?

Ms. LANDRIEU. Absolutely. That is why I said the Senator is correct; why I am astonished that people on the other side of the aisle who talk about good government, government for the people—you know, that is what the tea party movement is supposed to be about. It is supposed to be about taking government back. This is not taking government back to the people; this is giving it away to people who have the most power and the most money, and you do not even know who you gave it to because you did not have disclosure.

I think this is going in the opposite direction of what the American people want us to do right now. If the middle class is not angry enough, they really should be angry about this because the consequences of secret, undisclosed, unlimited amounts of money puts the average person at risk. It disenfranchises them.

We have worked for over 230-something years to go through a process of perfecting our democracy to where every man, every woman, every person 18 and older has a right to vote and participate.

Now what do we do? Just wake up after 230 years and say: That is not working. Let's just give the government back to the rich, the few, and they do not even have to say who they are. They do not have to disclose anything about themselves.

This is absolutely going in the wrong direction at the wrong time. I hope people listen to this debate and not say, well, there they go again, but I hope they really understand the consequences of this kind of secret money in the system. It is corrupting. It is not right.

Mr. WHITEHOUSE. Mr. President, I was a prosecutor for many years. I was the U.S. attorney for our State. I was the attorney general for our State. When you are prosecuting crimes, there is one very important thing that you always look for. Motive. You look for a motive. And I think one of the things that is obvious to all Americans is that the folks who engage in unlimited election spending do so because they have a motive. Someone may give \$1,000 here or there because they are passionate about an issue. They may give \$20 because they know the councilman who is running. But these folks who are giving \$4 million at a hike, they are doing it because they have a

motive, and it is important for the public to know what that motive is.

So now you take the next step. If it is unlimited, it is to open the doors for the people who have a motive. If it is secret, what does it tell you about that motive? If it is secret, what it tells you about that motive is that it is a bad motive for the American people.

This goes back to the point Senator LANDRIEU and Senator MERKLEY were making, whether it is trying to help get your kids through college, not having to pay the increased interest rates, to be able to get a Pell grant or whether it is paying to put food on the table or trying to get a decent job—and Rhode Island still has 11 percent unemployment—you can name your issue.

If this special interest, unlimited, secret money was aligned with what the American people want, they would not be fighting about this. They would not care whether it was secret. They need it to be secret. They filibustered this bill because they know those special interest motives are against the public interest, against the interests of the American people. There is no other logic.

There is no reason people would give that much money in a race—unlimited money—if they didn't have a motive. There is no reason they would want their behavior to be secret unless that motive was bad. There is no other explanation.

Mr. MERKLEY. I ask the Senator, when the company gets involved in that manner or a billionaire gets involved in that manner and their motive is largely to advance their financial interests, do they use that to fund ads that are an accurate representation of the facts?

Mr. WHITEHOUSE. That is a fascinating development. I don't remember the numbers off the top of my head, but I will try. My recollection is that before the super PACs kicked off with all this, 9 percent of the ads were negative in the last election cycle, at a time when 78 percent, I want to say, were negative—or 70 percent. It went from 9 percent being negative the cycle before—the Presidential cycle before—to 70 percent being negative now. That is nearly eight times as much negativity—more than half, nearly three-quarters, where it was less than 1 in 10 before—an explosion of negativity.

So we know that is happening. The other thing we know is happening is it is misleading. It is not accurate. It is deceptive. The Annenberg Institute has done a study of the top four outside spenders—outside political spenders that aren't campaigns or parties—these special influence manipulating machines. The top four—they looked at their ads and, if I remember the figure correctly, 76 percent of them contained information that was deceptive.

Mr. MERKLEY. While the Senator is on that topic, I have the Annenberg chart here, I believe.

Mr. WHITEHOUSE. There it is, 85 percent. I underestimated it.

Mr. MERKLEY. It was 85 percent deceptive and 15 percent accurate. To the other point, this is taking one of the contests between Gingrich and Romney. You can see the red bar, the negative ads, benefiting Romney for attacks on Gingrich. Positive ads for Romney was zero. Over here, Gingrich didn't have very much super PAC money in this race and so it kind of was wiped out completely.

So what we see is not just a flood of money on behalf of the powerful special interests, but it is being spent to attack people—the negative side—and through lying. Can this in any possible way be healthy for a democracy?

Ms. LANDRIEU. I will respond to that, if I may. The Senator hit the nail on the head. Some people—I am one of them—believe there is literally an effort to discourage people generally from believing that government can work at all by being so negative either to an individual or to the concept of government that it discourages people from voting and participating, and the end result of that is that a small group can manipulate the system.

If people think the system is rigged, which it seems like it is getting more and more because of laws and rules such as this that we cannot seem to get straight, what happens is people get despondent and turned off, and then the special interests can run the show if people don't vote and contribute. So it is a part of a whole strategy to kind of take the government away from the people and hand it over to a group of special interests with unlimited money, secret attacks to basically fashion and write the laws that benefit the few as opposed to the masses. It is completely against the concept of our democracy.

Again, I know there are people who have a lot more money than others, and they should be free to make decisions about what they do with it. I don't have a problem with that, although I have supported campaign limits. But it is the disclosure—the lack of disclosure, I should say, that is frightening here and the secret nature of this—to go on television night after night and tell people how this person is either wrong or the system is broken and people stay home and less and less people vote and the few people who have the power, access, and privilege write the rules even more in their own favor.

This is taking our democracy, in a dangerous way, in the wrong direction.

Mr. WHITEHOUSE. If I can add an additional point that Senator MCCAIN and I made in our brief to the U.S. Supreme Court opposing the Citizens United decision and asking for its reconsideration. It is terrible what these negative ads filled with deception do to the American public, and it is discour-

aging to people about the participation we expect of Americans and government and, ultimately, it leads to corruption, as the Senator points out. At least in the example Senator LANDRIEU gave, you see the spending. There is at least a dirty, deceptive, negative attack campaign up on the air. So it is not completely invisible. You just don't know who is behind it.

What that leaves open—again, this is the prosecutor in me talking—is the threat of that same campaign—the visit from the lobbyist who comes in to the Congressman and sits him down in a quiet room and says: Have a look at this and places a 30-second commercial—negative, deceptive, slashing, vitriolic, vile, all against him, and says, you know what, under Citizens United, we have the right to spend \$5 million playing that ad against you all through the next election, and we are thinking about doing it. You know what, under Citizens United, we have the right to put up phony shell corporations so they will never see our fingerprints. The only thing the public will see is Americans for peace, puppies, and prosperity. That will be the phony name we are going to use. If you vote right, this will be the last time you hear from me. If you don't vote right, you are going to hear \$5 million worth from me through my shell companies. How are you going to vote?

If the Congressman gives way to that kind of pressure—pressure that was never possible before Citizens United and is not as possible if it is not secret—then you have no clues and you have actual corruption and the system is even worse than what we see out there.

In some respect, as awful as what we see is that it might be the iceberg that you see above the water and the 90 percent that is under the water that you don't see could be worse still.

Mr. MERKLEY. To my colleague from Rhode Island, I ask this: How is it possible for 5 members of the Supreme Court to look at this issue of unlimited, secret spending and knowing that can be used to intimidate and corrupt the electoral process and corrupt the debate by the threat of future activities, future secret activities, secret negative, lying activity, and not see the corruptive or corrosive effect on the American democracy?

Mr. WHITEHOUSE. That is an interesting question. One would have to look into the hearts of those five Justices to get the answer to it. But why they would be willing to make such a dramatic, activist move without working with four other colleagues to try to bring them along—why it is always those five making these activist steps toward the Republican agenda is a question I can't answer. What is their motive? They know that in their hearts. I don't.

One can observe that over and over again, the five Justices who are per-

forming the Republican role on that Supreme Court are delivering the goods and doing things that advance the Republican agenda. That is not me talking, those are people who have followed this Court for decades—the most prominent writers about the Supreme Court—who noted that fact.

Ms. LANDRIEU. May I expand on the Citizens United? The Senator from Rhode Island and Senator MCCAIN wrote a brief to the Supreme Court suggesting the detrimental impact of the decision the five Justices have made. Did they, in that decision—how did they treat corporations? Do they treat corporations as people? Is that what they did, on equal footing with Citizens United, or was it more of just there should not be limits on contributions? Did they say that corporations are like people and should be allowed to contribute unlimited amounts?

Mr. WHITEHOUSE. In effect, that is what they did. The famous expression that “corporations are people, my friends,” is the expression actually of Governor Romney. But it sort of attached itself to the Citizens United decision, which doesn't actually use those words. But it does treat corporations as having the same rights in the political process as human beings do. They don't have consciences because they are not human.

Ms. LANDRIEU. They don't have hearts, and they don't have minds.

Mr. WHITEHOUSE. They don't have children. They don't have aspirations. They don't have souls because they are not human. They don't have goals. They don't have all the things that make us different and make us human. But, evidently, they have the same rights. Because they don't truly exist, it is a legal fact that they are a legal fiction. What that is doing is empowering the people behind the corporation, the people who control the corporation, ultimately.

Ms. LANDRIEU. It is actually giving more power to the people who control the corporation. Not only do they control their own vote and personal opinion, which is fine, but it gives them extra power because they have access to wealth and influence in the business structure.

It also occurs to me that if the tiny State of Delaware would take this one step further, they might be able to expand their congressional delegation in Washington because I think they have quite a few corporations that are evidently alive and well and walking around in Delaware. Since they have many corporations that are there, they should press this issue a little further and they might only be stuck with two Senators, but who knows how many House Members they could get—maybe equal to California.

This issue or decision the Court made is mind-numbing, doesn't make sense, and it flies in the face of what is good

for our democracy and in the face of decisions that courts have made. That aside, which is troubling enough, then you take the next step, as the Senator from Oregon knows, and say that not only are corporations people and have access to their own vote and if you happen to run a corporation, you get a vote for that corporation as well and all the people who run it, then you can do it all in secret. It is very troubling.

Mr. MERKLEY. Even the corporation itself doesn't know what it is doing; that is, the corporation might have 10,000 shareholders and they are the cooperation. The corporation is a legal fiction, as our colleague says, that allows a board of directors to make decisions on behalf of those thousands of people who own stock. So they are not spending their own money, they are spending money that belongs to the stockholders. But those stockholders have no idea how that money is being spent under Citizens United. So it is not just corporations spending money that is secret from the rest of us, it is the officers spending it secretly from the corporation itself, and that is the stockholders.

Ms. LANDRIEU. It makes no sense. We can stay here all night, and I am not sure we can get anybody to understand it. We have to reverse this law and get transparency back into our electoral process.

Mr. MERKLEY. To the Senator's point about the distinction between a corporate forum and an individual justice, John Paul Stevens addressed this in his dissent. He said:

In the context of elections to public office, the distinction between corporate and human speakers is significant. Although they make enormous contributions to our society, corporations are not actually members of it. They cannot vote or run for office because they may be managed or controlled by nonresidents. Their interests may conflict in fundamental respects with the interests of eligible voters. The financial research, legal structure, and instrumental orientation of corporations raise legitimate concerns about their role in the electoral process.

Our lawmakers have a compelling constitutional basis, if not also a democratic duty, to take measures designed to guard against potentially deleterious effects of corporate spending in local and national races.

So here is the esteemed Justice saying not only—not only is there a compelling constitutional basis but probably a democratic duty. And what is he talking about? He is talking about “We the People,” the first three words of our Constitution—the vision that we have a democracy, that we have a representative form of government, we have a republic, and that it is centered around, as President Lincoln so aptly described, “a government of the people, by the people, and for the people.” We have a duty to protect that.

Montana had a duty to protect that 100 years ago. Earlier this evening, Senator TESTER was here on the floor, and he was speaking about the 100-year

present the Supreme Court delivered. Montana said 100 years ago that companies, through a variety of means, have taken over our State, that it is no longer a government by the people, and so we are going to take it back. We are going to exclude corporations from the electoral process. And they have done that for 100 years with the direct purpose of people, not companies, controlling their State. That is the democratic duty Justice John Paul Stevens was speaking to.

So the people of Montana were very upset about Citizens United. Some folks said: Well, Citizens United is a case. Surely Montana can't continue to keep companies or corporations out of their electoral process, so we will challenge that. And that challenge went all the way to the Supreme Court, and the Supreme Court basically issued a summary judgment—a judgment in which they said: We are not going to look at the facts from Montana. We are not going to look at the 100-year history of why the people of Montana chose to fight for “We the People.” We are not going to consider any information at all. We are just going to summarily decide that this case will not stand, and we are going to throw out the Montana law.

Well, that was some gift to the people of Montana who are fighting for “We the People.” And this is why I thought I might summarize Citizens United in the following way:

In Citizens United, five Justices of the Supreme Court have taken the first three words of the Constitution and they have X'd out “people” and have written in “powerful,” so it is now “We the Powerful.” That is what Citizens United is all about.

Now, I am deeply disturbed that our Supreme Court made a finding of fact in Citizens United that unlimited secret money—not just dark pools of unregulated cash but vast oceans of unregulated, undisclosed secret money—can be utilized in the electoral process without the people having any right to know. That is what the Supreme Court said is just fine, and that is what attacks “We the People” in favor of “We the Powerful.”

Now, not a single member of the Supreme Court has run for office, to my knowledge. Not a single member of the Supreme Court has served in elected office, to my knowledge. I am happy to stand corrected if any of my colleagues know otherwise. So perhaps they didn't have the personal experience to understand the types of things my colleague from Rhode Island was speaking about, that folks who can wield huge sums in elections not only can affect the outcome of elections, but they can use it as a lever to corrupt the very process we are in tonight—the debate and voting on bills. So one would think, at a minimum, the nine Justices, knowing they may not have the personal experi-

ence but who need to make a finding in order to proceed, would want to hear all the evidence. But instead what the five Justices did in summarily dismissing the case from Montana was to cover their ears, cover their eyes, and say that facts don't matter, corruption doesn't matter, the corrosive influence, the vast oceans of secret money—none of it matters. And that is simply wrong.

I must say, when I think about what we are doing here on this floor, fighting to have a Senate and a House that are all about what President Lincoln described as “of the people, by the people, and for the people,” and across the street we have a Supreme Court determined to tear down the fundamental heart of our Constitution, it is completely wrong, and yet they won't even listen to the facts in order to understand the issue they are addressing.

It is so important for Americans across this Nation on the right and on the left to understand that this is an attack on their power as citizens to chart the course of their community, their State, and our Nation.

I think I will conclude my remarks. I have a lot of facts and history here that I thought about presenting tonight, but I think the discussion we have been having is really at the heart of this; that is, as we wrestle with the fundamental challenges facing our Nation—a shrinking middle class because we are losing manufacturing jobs—and we need to understand why that is happening and how we can create living-wage jobs in this Nation, where health care is becoming more and more expensive and an enormous challenge for families, where for the first time in the history of our country we are becoming the first group of parents whose children are getting less education than we got—as parents, we are seeing our children get less education—those problems, as we tackle them, are not served by vast oceans of secret money weighing in on elections because that money does not come from the point of view of fighting for the health and welfare of the citizens of our Nation.

Our forefathers and foremothers talked about, in order to create a more perfect union and enable citizens to pursue happiness and provide for the general defense, and none of these fundamental things were the point or the goal of these entities with vast pools of money. That in itself shows how corrosive and corrupting that money is.

So I say to my colleagues across the aisle, each of us came here and we swore an oath to this constitution. And at the heart of this Constitution is not “We the Powerful.” At the heart of our Constitution is “We the People.” So before we vote a second time on whether to proceed to this bill, I ask my colleagues to examine their hearts and their responsibility to their citizens, their responsibility to the Constitution, their responsibility to “We the

People," and to find that we do have a responsibility to debate this bill in this Chamber, and for that reason to vote yes when we again vote on whether to proceed.

I thank the Chair.

The PRESIDING OFFICER (Ms. LANDRIEU). The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, I will be the last speaker for tonight. Let me close with a number of thank-yous.

First, let me thank the Presiding Officer, Senator LANDRIEU of Louisiana, for staying past the midnight hour to help keep the Senate open. Let me thank Senator MERKLEY, who has been—to the extent one can be enthusiastic about staying until this hour, there he is, smiling. Yes, "enthusiastic" is the right word. He was part of a group Senator SCHUMER organized himself, along with Senator MICHAEL BENNET, Senator TOM UDALL, Senator AL FRANKEN, Senator JEANNE SHAHEEN, Senator JEFF MERKLEY, and myself, who worked together to redraft this legislation, trim it down, and to organize today's vote and events and tomorrow's vote. So I thank all of them for their enormously hard work.

I thank the pages, who have had to stay very late, and the floor staff, who have had to stay very late. I appreciate the fact that we have put a burden on them and on their families, and we would not be doing that if we didn't consider this to be a very important issue.

I wish to thank the entire Democratic caucus for their support. Our colleague BILL NELSON has had a unique experience. He has actually ridden a rocket up into space. He has been up with the NASA program as an astronaut. In some respects, I feel that I and others who were leading this were really doing nothing more than riding a rocket of the enthusiasm of our caucus to get this thing done for the sake of our country.

I thank the American people, who went out of their way to have their voices heard in this debate. We know the public is strongly behind this.

Six in ten Americans say the middle class isn't going to catch a break while the big lobbyists and big donors control things in Washington. Americans get that you don't spend this kind of money without a motive, and they get that if you will only do it in secret, it is probably not a good motive. They can figure this out, so they understand. Seven out of ten believe super PACs should be outright illegal—not secret, but illegal. Seven in ten agree with the statement that new rules that let corporations, unions, and people give unlimited money to super PACs will lead to corruption. Seventy percent of Americans agree with that. Seventy-seven percent want to reform the campaign finance laws and consider that to be very important. As a number of my

colleagues have said, one in four Americans is so upset by what this has done to degrade American democracy. They think it makes them actually less likely to go out and vote because they figure, why bother, this is just a racket at this point.

These numbers really should be a call to arms for the people who believe America is, in fact, a city on a hill, the American exceptionalists—of which I consider myself to be one—the lamp held up to other nations, the alabaster city is gleaming. That is all for real, but the Citizens United decision and the failure to support us on DISCLOSE does nothing for that.

But it wasn't just the polling that brought that up to a lot of people. People came online in a very big way to participate in this debate—617,000. Mr. President, 617,000 Americans have signed up as supporters of the DISCLOSE Act now on a variety of different Web sites, including DISCLOSE Act.Com. DISCLOSE Act.Com got so much activity just before the vote that the public interest in it actually crashed the Web site. So the American public is really paying attention. I thank those folks who paid attention, and I thank those who set up the opportunities for those Americans to have their voices heard. I appreciate it very much.

I want to thank some of the leading newspapers in this country for their editorial support in the past few days. I have already spoken before about the New York Times' editorial, so I won't go back and repeat it at length, except for the phrase they used:

Corporations love the secrecy . . . because it protects them from scrutiny by nosy shareholders and consumers.

The Washington Post had a very strong editorial entitled "Expose the Fat Cats." It said the following things:

Not a single Republican in the chamber has expressed support for the Disclose Act . . . It should be interesting to hear how the Republican senators justify this monumental concealment of campaign cash.

They allude to the Watergate break-in and the bad old days of unregulated cash contributions and describe what has happened recently after Citizens United as, "We seem to have created the political equivalent of secret Swiss bank accounts."

They asked the question, Who is writing checks for \$10 million or \$1 million at a single throw? And what do they want? We don't know. This shadowy bazaar undermines our political system. They note that until recently Republicans supported full disclosure. Now that the tide of money is running in their favor, they don't. They described this DISCLOSE bill as a reasonable bill that would, among other things, require identification of donors of \$10,000 or more to certain organizations that spend money on political campaigns, and they close with this

question and this observation: There is a very good chance that when some government decision or vote comes along next year, responsible politicians will find themselves haunted by the secret money of the 2012 campaign.

Is it really worth it? The Washington Post asks: Do these donors deserve to remain hidden? Why can't they handle a little sunshine?

I want to thank USA Today for a July 6 editorial supporting this: "Freed by the Supreme Court from spending limits," they observed, "all manner of special interests are opening the spigots to buy influence."

"Especially worrisome," USA Today points out, "are secret donations, which are proliferating. A corrupting influence in any campaign, secret money is even more dangerous in less expensive races where it can buy a seat in Congress or a state legislature, without voters knowing who the buyers are or what their agenda is."

USA Today folks said:

Citizens United left the public only one way to protect itself from the rising threat disclosure. At the federal level, this would be achieved by the Disclose Act. . . . Today's version, scheduled for Senate debate this month, requires that all groups—social welfare, union and business—report all expenditures and all donations more than \$10,000.

They fear that "the inevitable result is that come November, voters in many closely contested races will make their decisions based on a late flood of ads of dubious credibility paid for by people whose names and motives are unknown. How long it will take voters to realize they're getting conned and demand disclosure is anyone's guess."

I will briefly point out that the claim that the DISCLOSE Act favors unions is a complete nonstarter as a criticism. The bill is very short. It has very big print. You can read it very quickly. There is nothing in the bill that gives unions any advantage over any other form of organization. It is just not there.

I have challenged Republican colleagues to point to a single provision or make a single counterproposal, and they have done neither. The DISCLOSE Act applies equally to all corporations, period, end of story.

The \$10,000 threshold eliminates another problem, which is this business that membership organizations are going to have to disclose their donor list. As recently as today, the Republican leader said this will force organizations to disclose their donor lists. It won't. Not at a \$10,000 threshold. You can get a lifetime membership in the National Rifle Association for \$1,000. If you are a cat and you have nine lives, you can get nine lifetime memberships in the NRA and still not break the \$10,000 threshold. It will catch 93 percent of the money that goes into the super PACs because it goes in in such big chunks.

So it is a good number to use. It protects the small membership organizations but hits virtually all the big donors. Clearly, it is not an attack on the first amendment. This charge has its roots only in the opponents' imagination, not in the U.S. Constitution. It contains no restrictions or limitations on speech of any kind. None. Pure disclosure legislation, plain and simple, as my Republican colleagues have heretofore usually supported.

The Court, in *Citizens United*, fully supported disclosure. Prompt disclosure of expenditures can provide shareholders and citizens with the information needed to hold corporations and elected officials accountable for their positions.

An important point, going back to the words that began this vote, from our Founding Father James Madison: A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy, or perhaps both. The Supreme Court recognized this, and clearly it is constitutional.

The last is the argument that this bill in some way will intimidate the big spenders. First of all, the idea of the billionaire Koch brothers or gigantic coal barons or ExxonMobil—the largest corporation in the world—being intimidated by the unkind words of some blogger is preposterous on its face.

Second, Justice Scalia has said: Requiring people to stand up in public for their political acts fosters civic courage, without which democracy is doomed.

May I point out that it is a rather small courage. On the way here this afternoon, I passed through the trolley lobby. Down in the trolley lobby was a young marine from Pennsylvania who had lost both his legs to an IED explosion in Afghanistan. We can ask our young men and women to travel the roads of Kandahar and to risk blowing off their legs and coming home like that young man, but we can't ask billionaire big spenders to even show who they are even though, clearly, the link to motive and influence and control and corruption is apparent? It is a ridiculous proposition, and I hope my colleagues will not persist in following it.

They have even compared themselves to the NAACP during the civil rights movement—Black families burned out of their homes, and they compare the Koch brothers being criticized by bloggers to that. It simply isn't so, and it simply isn't right.

I will conclude by saying that we are not done. This is too important. It is too important for what America stands for. It is too important for the middle class who are going to be losers in the debates that are influenced and corrupted by special interest money. It is too important for the world which de-

pends on the example that America provides.

So we didn't have any luck today. We are going to vote again tomorrow. I urge my colleagues to vote with us. But even if we don't win tomorrow, we will be back again and again and again.

When Joshua took the Israelites around the city of Jericho, they went around and around blowing their rams horns so that those walls would come tumbling down. It didn't happen on the first circuit, it didn't happen on the second. According to the Bible, Joshua had to go around the city of Jericho seven times before the walls came tumbling down. I don't care if we have to do this 7 times or 77 times; we are going to do this because it is right.

MORNING BUSINESS

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER (Mr. MERKLEY). Without objection, it is so ordered.

REMEMBERING VIRGINIA RUTH LONG

Mr. MCCONNELL. Mr. President, today I am privileged to honor Mrs. Virginia Ruth Long of Owsley County, KY. Mrs. Long, wife of Booneville mayor Charles Long, passed away at age 92 on March 27, 2012. A lifelong resident of Owsley County, Mrs. Long, a mother, beautician, and homemaker, was truly beloved by the Booneville community. It is with great respect that I recognize the First Lady of Booneville and her lifetime of commitment and service to Booneville and the people of her community.

Mrs. Long was born in Indian Creek, KY, on October 1, 1919. She graduated from Owsley County High School in 1938. Upon her graduation, she attended cosmetology school in Lexington. After completing her schooling, Mrs. Long returned to her home, Owsley County, where she opened the first beauty shop in Booneville.

In 1939, she married Charles Long. The two were married for 73 years and had two children: Charlotte and Charles Edwin. Mrs. Long not only raised her children and maintained the home but also worked for 62 years in her beauty parlor. She quickly became a staple of Booneville, and many women in Owsley County recall her being the first person to ever style their hair professionally.

Ruth's contributions to the Booneville community stemmed from running a business, raising a family, and playing a major role in her husband's public career. A World War II veteran and mayor of Booneville for 54 years, Charles Long is no stranger to

public service. Through the many years that Charles has served the Booneville community, Mrs. Long remained a constant partner to him and accompanied him on many trips he made as Booneville mayor.

Though Ruth was a source of strength for her husband, Mr. and Mrs. Long equally relied upon one other. During one of Mr. Long's trips as Booneville mayor, Mrs. Long fell and broke her hip. Despite the demands of his public post, Mr. Long extended his trip by 3 weeks to help her recover from her injury. The couple was again tested in 2010 when their daughter, Charlotte, passed away. Though this tragic time was very difficult, as it would be for any parent who loses a child, Mr. and Mrs. Long's faith and reliance upon each other helped them to cope with such a great loss. Ultimately, Ruth was able to still find joy in her life through her grandchildren and great-grandchildren.

Apart from being loved by her family, Mrs. Long was beloved by the Owsley County community. She was a faithful member of the First Presbyterian Church of Booneville. She was also famed for having the best angel food cake in the county. However, more importantly, it was her warm, inviting nature that caused members of the community to come to love and admire Mrs. Long. An avid storyteller, she was a friend to all. After her death, many members of the community said they became better people by knowing Mrs. Long.

I am honored to memorialize Ruth today as a lifetime servant of Owsley County. Without holding public office, she dutifully served her Booneville community through her devotion to her husband, Mayor Charles Long, and her life of friendship with its citizens. Kentuckians who live dedicated, humble lives of service like Mrs. Long are what make our Commonwealth strong. Today I ask my colleagues in the U.S. Senate to join me in remembering Mrs. Virginia Ruth Long, the First Lady of Booneville, KY.

Mr. President, an article was recently published by the Booneville Sentinel, an Owsley County-area publication, recognizing the life of Mrs. Long. I ask unanimous consent that said article be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Booneville Sentinel, May 10, 2012]

TRIBUTE FOR THE "FIRST LADY OF BOONEVILLE"

Virginia Ruth Long was born in Indian Creek in Owsley County on October 1, 1919. She later moved to Cow Creek, also in Owsley County, where she went to school at Athlenia Grade School. She graduated from Owsley County High School in 1938.

Ruth attended beauty school in Lexington, Kentucky. After graduating, she came back to Booneville, where she opened the first beauty shop and worked until she retired at

age 62. Even after Ruth retired, her previous clients would talk about what a talented hairdresser she was. A lot of women say that she was the first person who styled their hair.

She married in 1939 to Charles Long, who retired at age 62 also. There are three days difference in their ages. They have been married for 73 years. Her husband Charles has been mayor of Booneville for 54 years, and Ruth accompanied him on many trips he made as mayor with the Kentucky River Area Development District.

They went to Los Angeles, Las Vegas, Washington D.C., and many other meetings and events together. On one particular trip to Salt Lake City, she fell in the Mormon Temple and suffered a broken hip, where she and Charles stayed for almost 3 weeks. Ruth always had many stories and had a way of making them sound exciting. Ruth lived a life that most women don't understand. When WWII started December 14, 1942, Charles was called to active duty. Daughter Charlotte was only 3 years old. Ruth had a son, Charles Edwin, on February 14, 1943. She cared for their home and children until he returned home at the port in San Diego where she met him on December 14, 1945. Ruth traveled to meet Charles whenever he was close enough.

Ruth said it kept her busy cooking and keeping Charles's clothes clean. Ruth was always awfully proud of their two children. Charlotte, their daughter, taught school for over 36 years in Owsley County until she passed away on April 8, 2010. Their son, Charles Edwin Long, has a barber shop in Frankfort, Kentucky, where he lives. They have three grandchildren, one deceased, and now they have five great-grandchildren that they loved to be with. I remember when Charlotte passed that Ruth had said that a child should never go on before the parent. This was a difficult time for both Ruth and Charles, but they were there for each other as they had been many other times over the years.

Ruth has been a faithful member of the First Presbyterian Church of Booneville for over 60 years and enjoyed going to church to listen to Joe Powlas and to visit with friends following. She had the name of having the best angel food cake around. At all her dinners at home and away, they wanted her to bring her angel food cake, and also her dressing at Thanksgiving and Christmas.

Ruth was 92 years old when she passed away in the morning on March 27, 2012. She had been in the Owsley County Health Care Center for over a year. She was a strong lady and was always proud to say that she had led a very fulfilling and happy life. Many people have expressed how she had touched their lives just to offer her friendship. She will be greatly missed by her friends and family greatly.

HONORING OUR ARMED FORCES

LANCE CORPORAL HUNTER D. HOGAN

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Marine LCpl Hunter "H.D." Hogan, who was killed by sniper fire in Helmand Province, Afghanistan on June 23, 2012.

Following in the footsteps of his father, Steve, Lance Corporal Hogan joined the Marines in 2009 immediately after graduating from Brownstown Central High School in Norman, IN. He served admirably and was assigned to

1st Battalion, 8th Marine Regiment, 2nd Marine Division, II Marine Expeditionary Force at Camp Lejeune, NC.

Lance Corporal Hogan grew up in Indiana, where he and his childhood friend, Chase Plumer, built an arena at the Plumer family farm in order to host rodeos. His classmates and friends remember him being "tough as nails," owing in part to his avid love for rodeo. Lance Corporal Hogan was a Marine with the heart of a cowboy and dreamed of finishing his military service, then hitting the road as a professional rodeo competitor. He avidly competed in bull and bareback bronco riding.

By all accounts, everyone who ever met Lance Corporal Hogan liked him. His kind personality and compassion for others translated into him making the personal choice to enter the military and defend his fellow Americans. Lance Corporal Hogan served his country honorably, and his courageous choice to protect our country and to help the people of Afghanistan achieve peace and security represents all that we can be proud of about our Armed Forces.

The numerous family members residing in my home State of Nebraska, including Lance Corporal Hogan's father, Steve, and his grandfather, Jim, gave him a beautiful and touching memorial service, incorporating his love of all things relating to rodeos and cowboys. Not only was his last ride in a beautiful refurbished wagon drawn by two bay draft horses, a white horse less a rider led the procession, displaying the true heart and soul of this Marine cowboy.

I commend Lance Corporal Hogan's bravery and selflessness, while offering my deepest condolences to his wife, Brittney, of New Bern, NC; father, Steve, and grandfather, Jim, both of York; his numerous friends; and the fellow servicemembers he left behind. It is a small comfort for those who must now go on without one they loved so dearly, but they take some solace in knowing he gave his life for a noble goal.

LCpl Hunter Hogan made the most of his short life, and the greatest tragedy is that now it is impossible to know what more this promising young man might have accomplished. I join all Nebraskans in mourning the loss of Lance Corporal Hogan. His heroism and his life remain an inspiration for us all.

ADDITIONAL STATEMENTS

TRIBUTE TO BILL HYBL

• Mr. UDALL of Colorado. Mr. President, today I wish to acknowledge a great Coloradan—Mr. William J. Hybl—on the occasion of his 70th birthday. The epitome of a public servant, Bill has spent the better part of his ca-

reer tirelessly working to improve the lives of Coloradans. It is only appropriate, therefore, that I take this opportunity to honor his tremendous contributions to our home State and express my profound appreciation.

Raised in Pueblo and educated at the Colorado College and the University of Colorado School of Law in Boulder, Bill is a true product of Colorado—and he began giving back almost immediately upon graduation. After serving as a captain in the U.S. Army, Bill was elected to the Colorado House of Representatives in 1972 and continued to stay involved in the public sector, serving as Special Counsel to President Ronald Reagan in 1981.

In 2010, Bill served as the cochairman of Colorado Governor-elect John Hickenlooper's transition team, but his history of working across the political divide reaches further into the past. Appointed to the U.S. Commission on Public Diplomacy by President George H.W. Bush in 1990, Bill was reappointed by President Bill Clinton in 1993. After 4 years as the committee's vice chairman, President George W. Bush appointed Bill as chairman in 2008 following confirmation by the Senate, and he was reappointed by President Barack Obama in 2011. I think all of us would agree there are not many public servants who are appointed over this many years—by Presidents of both political parties. But that is a testament to Bill and his leadership.

Bill serves as the civilian aide to the Secretary of the Army, having served in this role for 25 years. Additionally, President George W. Bush appointed him as U.S. Representative to the 56th General Assembly of the United Nations, and was chairman of the board of International Foundation for Electoral Systems from 2003 to 2009, currently serving as vice chairman of the board and executive committee chairman.

Despite all of this success, Bill's impact is better measured by looking at the countless lives he has touched and improved. His contributions to our country's Olympic athletes provide a great example. He served twice as president of the U.S. Olympic Committee, leading team delegations at the 1992 Olympic Winter Games in Albertville, France, and the 1992 Olympic Games in Barcelona, Spain. In 1998, he again led the U.S. Team at the Olympic Winter Games in Nagano, Japan, and, in 2000, at the Olympic Games in Sydney, Australia. Bill was a member of the International Olympic Committee from 2000 to 2002. He serves as president emeritus of the USOC and is chairman of the U.S. Olympic Foundation. Especially noteworthy, Bill was inducted into the Colorado Sports Hall of Fame in 2006.

Bill Hybl's reach stretches far beyond sports, though—his philanthropic accomplishments have forever changed the State of Colorado. As chairman and

CEO of El Pomar Foundation, he has overseen one of the largest and oldest private foundations in the Intermountain West. Since his arrival in 1973, El Pomar has granted millions of dollars to worthwhile projects and continues to grant approximately \$20 million annually. Bill has expanded the general-purpose foundation, creating many programs that focus on excellence in individual and organizational leadership. Because of his service, communities across Colorado are more empowered to improve their quality of life. The fact that the Association of Fundraising Professionals recognized El Pomar in 1998 as the National Foundation of the Year is a testament to Bill's strategic vision and leadership.

Bill is also vice chairman of the board of Broadmoor Hotel, Inc.—a true Colorado landmark—and is president of the Air Force Academy Foundation and the Hundred Club of Colorado Springs. In 2009, Bill received the Outward Bound Compass Award for a lifetime of outstanding service to America's young people. And in 2005, Bill was reelected to the Colorado College Board of Trustees and in 2003 named Citizen of the West. Additionally, he serves on the boards of directors for Garden City Company, in Garden City, KS; FirstBank Holding Company of Colorado in Denver, CO; and Mountain States Employers Council in Denver.

Perhaps most importantly, Bill and his wife Kathleen have two sons and six beautiful grandchildren.

Colorado is fortunate to be home to a citizen like Bill Hybl. I would like to congratulate him for all of his accomplishments, thank him for his endless service, and honor him on his 70th birthday. I look forward to many more years of Bill's leadership in the Centennial State.●

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under the order of the Senate of January 5, 2011, the Secretary of the Senate, on July 13, 2012, during the adjournment of the Senate, received a message from the House of Representatives announcing the Speaker had signed the following enrolled bill:

H.R. 3902. An act to amend the District of Columbia Home Rule Act to revise the timing of special elections for local office in the District of Columbia.

The enrolled bill was subsequently signed during the session of the Senate by the Acting President pro tempore [Mr. COONS].

MESSAGE FROM THE HOUSE

At 2:03 p.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 4402. An act to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 4402. An act to require the Secretary of the Interior and the Secretary of Agriculture to more efficiently develop domestic sources of the minerals and mineral materials of strategic and critical importance to United States economic and national security and manufacturing competitiveness; to the Committee on Energy and Natural Resources.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 6079. An act to repeal the Patient Protection and Affordable Care Act and health care-related provisions in the Health Care and Education Reconciliation Act of 2010.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on July 12, 2012, she had presented to the President of the United States the following enrolled bill:

S. 2061. An act to provide for an exchange of land between the Department of Homeland Security and the South Carolina Ports Authority.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6858. A communication from the Chief of the Policy and Rules Division, Office of Engineering and Technology, Federal Communications Commission, transmitting, pursuant to law, the report of a rule entitled "Amendment of the Commission's Rules to Provide Spectrum for the Operation of Medical Body Area Network" (FCC 12-54, ET Docket No. 08-59) received in the Office of the President of the Senate on July 9, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6859. A communication from the Deputy Office Director, Office of National Marine Sanctuaries, National Oceanic and Atmospheric Administration, transmitting, pursuant to law, the report of a rule entitled "Flower Garden Banks National Marine Sanctuary Regulations" (RIN0648-AY35) received in the Office of the President of the Senate on July 10, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6860. A communication from the Attorney-Advisor, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; Volvo Ocean Racing Youth

Regatta, Biscayne Bay, Miami, FL" ((RIN1625-AA00) (Docket No. USCG-2012-0178)) received during adjournment of the Senate in the Office of the President of the Senate on July 3, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6861. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gulfstream Aerospace Corporation Airplanes" ((RIN2120-AA64) (Docket No. FAA-2012-0494)) received in the Office of the President of the Senate on June 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6862. A communication from the Senior Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; The Boeing Company Airplanes" ((RIN2120-AA64) (Docket No. FAA-2011-1259)) received in the Office of the President of the Senate on June 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6863. A communication from the Acting Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries; Specifications and Management Measures; Correction" (RIN0648-BB28) received in the Office of the President of the Senate on June 29, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6864. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule titled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands Management Area" (RIN0648-XC061) received in the Office of the President of the Senate on June 21, 2012; to the Committee on Commerce, Science, and Transportation.

EC-6865. A communication from the Acting Deputy General Counsel, Office of the General Counsel, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a rule entitled "Claims for Patent and Copyright Infringement" (RIN2700-AD63) received in the Office of the President of the Senate on June 28, 2012; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, with an amendment in the nature of a substitute:

S. 1266. A bill to direct the Secretary of the Interior to establish a program to build on and help coordinate funding for the restoration and protection efforts of the 4-State Delaware River Basin region, and for other purposes (Rept. No. 112-183).

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 2018. A bill to amend and reauthorize certain provisions relating to Long Island Sound restoration and stewardship (Rept. No. 112-184).

S. 3264. A bill to amend the Federal Water Pollution Control Act to reauthorize the

Lake Pontchartrain Basin Restoration Program (Rept. No. 112-185).

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs:

Report to accompany H.R. 3902, a bill to amend the District of Columbia Home Rule Act to revise the timing of special elections for local office in the District of Columbia (Rept. No. 112-186).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAUCUS (for himself, Mr. BINGAMAN, Mr. TESTER, Mr. HARKIN, Mr. UDALL of New Mexico, Ms. KLOBUCHAR, Mr. FRANKEN, Mr. JOHNSON of South Dakota, and Mr. CONRAD):

S. 3385. A bill to authorize the Secretary of the Interior to use designated funding to pay for construction of authorized rural water projects, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CASEY:

S. 3386. A bill to designate the facility of the United States Postal Service located at 320 7th Street in Ellwood City, Pennsylvania, as the "Sergeant Leslie H. Sabo, Jr. Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

By Mr. MENENDEZ (for himself, Mr. LAUTENBERG, Mr. CASEY, Mr. SCHUMER, Mrs. GILLIBRAND, Mr. BROWN of Ohio, Mr. BLUMENTHAL, Ms. STABENOW, Mr. ROCKEFELLER, Mr. SANDERS, Mr. MANCHIN, and Mr. FRANKEN):

S. 3387. A bill to amend title 36, United States Code, to require the United States Olympic Committee to adopt a policy that requires ceremonial uniforms purchased or otherwise obtained by the Committee to be produced in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG (for himself, Mr. SCHUMER, Mr. CARDIN, and Mr. WHITEHOUSE):

S. 3388. A bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes; to the Committee on Environment and Public Works.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. UDALL of Colorado (for himself, Mr. ALEXANDER, Mr. BINGAMAN, Mr. BROWN of Ohio, Ms. CANTWELL, Mr. CORKER, Mr. CRAPO, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. MCCONNELL, Mr. REID, and Mr. UDALL of New Mexico):

S. Res. 519. A resolution designating October 30, 2012, as a national day of remembrance for nuclear weapons program workers; to the Committee on the Judiciary.

By Mr. CARDIN (for himself and Mr. GRASSLEY):

S. Res. 520. A resolution commending the National Association for the Advancement of Colored People on the occasion of its 103rd anniversary; considered and agreed to.

By Mr. RUBIO:

S. Res. 521. A resolution designating September 2012 as "National Spinal Cord Injury Awareness Month"; considered and agreed to.

By Mr. BURR (for himself, Mrs. FEINSTEIN, Mr. ALEXANDER, Mr. COBURN, Mrs. MURRAY, Mr. CASEY, Ms. MURKOWSKI, and Mr. SANDERS):

S. Res. 522. A resolution designating September 2012 as "National Child Awareness Month" to promote awareness of charities benefitting children and youth-serving organizations throughout the United States and recognizing efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States; considered and agreed to.

By Mr. UDALL of Colorado (for himself, Mr. HATCH, Mr. BENNET, Ms. MURKOWSKI, Mr. REID, Mr. HELLER, Mr. MCCAIN, Mr. WYDEN, Mrs. MURRAY, Mr. THUNE, Mr. UDALL of New Mexico, Mr. LIEBERMAN, Mr. TESTER, Mr. BINGAMAN, Mrs. FEINSTEIN, Mrs. BOXER, Mr. LEVIN, Mr. JOHNSON of South Dakota, Mr. ROBERTS, Mr. CRAPO, Mr. SESSIONS, Ms. COLLINS, and Mr. JOHANNES):

S. Res. 523. A resolution recognizing the heroic efforts of firefighters and military personnel in the United States to contain numerous wildfires that have affected tens of thousands of people; considered and agreed to.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 19

At the request of Mr. HATCH, the names of the Senator from Alaska (Ms. MURKOWSKI), the Senator from Florida (Mr. RUBIO) and the Senator from Tennessee (Mr. ALEXANDER) were added as cosponsors of S. 19, a bill to restore American's individual liberty by striking the Federal mandate to purchase insurance.

S. 672

At the request of Mr. ROCKEFELLER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 687

At the request of Mr. CONRAD, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 687, a bill to amend the Internal Revenue Code of 1986 to permanently extend the 15-year recovery period for qualified leasehold improvement property, qualified restaurant property, and qualified retail improvement property.

S. 703

At the request of Mr. BARRASSO, the name of the Senator from Washington (Ms. CANTWELL) was added as a cosponsor of S. 703, a bill to amend the Long-Term Leasing Act, and for other purposes.

S. 1133

At the request of Mr. WYDEN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1133, a bill to prevent the evasion of antidumping and countervailing duty orders, and for other purposes.

S. 1440

At the request of Mr. ALEXANDER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. 1440, a bill to reduce preterm labor and delivery and the risk of pregnancy-related deaths and complications due to pregnancy, and to reduce infant mortality caused by prematurity.

S. 1621

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1621, a bill to create livable communities through coordinated public investment and streamlined requirements, and for other purposes.

S. 1929

At the request of Mr. BLUMENTHAL, the names of the Senator from Massachusetts (Mr. BROWN), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. MORAN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 1929, a bill to require the Secretary of the Treasury to mint coins in commemoration of Mark Twain.

S. 1935

At the request of Ms. COLLINS, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 2125

At the request of Mr. WYDEN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2125, a bill to amend title XVIII of the Social Security Act to modify the designation of accreditation organizations for orthotics and prosthetics, to apply accreditation and licensure requirements to suppliers of such devices and items for purposes of payment under the Medicare program, and to modify the payment rules for such devices and items under such program to account for practitioner qualifications and complexity of care.

S. 2134

At the request of Mr. BLUMENTHAL, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2134, a bill to amend

title 10, United States Code, to provide for certain requirements relating to the retirement, adoption, care, and recognition of military working dogs, and for other purposes.

S. 2165

At the request of Mrs. BOXER, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2165, a bill to enhance strategic cooperation between the United States and Israel, and for other purposes.

S. 2372

At the request of Mr. BURR, the name of the Senator from West Virginia (Mr. MANCHIN) was added as a cosponsor of S. 2372, a bill to authorize pedestrian and motorized vehicular access in Cape Hatteras National Seashore Recreational Area, and for other purposes.

S. 2374

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2374, a bill to amend the Helium Act to ensure the expedient and responsible draw-down of the Federal Helium Reserve in a manner that protects the interests of private industry, the scientific, medical, and industrial communities, commercial users, and Federal agencies, and for other purposes.

S. 2884

At the request of Ms. STABENOW, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2884, a bill to provide an incentive for businesses to bring jobs back to America.

S. 3204

At the request of Mr. JOHANNIS, the name of the Senator from Nevada (Mr. HELLER) was added as a cosponsor of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3227

At the request of Mr. NELSON of Florida, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 3227, a bill to enable concrete masonry products manufacturers and importers to establish, finance, and carry out a coordinated program of research, education, and promotion to improve, maintain, and develop markets for concrete masonry products.

S. 3263

At the request of Mrs. BOXER, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 3263, a bill to require the Secretary of Transportation to modify the final rule relating to flightcrew member duty and rest requirements for passenger operations of air carriers to apply to all-cargo operations of air carriers, and for other purposes.

S. 3290

At the request of Mr. VITTER, the name of the Senator from Kansas (Mr. MORAN) was added as a cosponsor of S.

3290, a bill to prohibit discrimination against the unborn on the basis of sex or gender, and for other purposes.

S. 3364

At the request of Ms. STABENOW, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Maryland (Mr. CARDIN) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 3364, a bill to provide an incentive for businesses to bring jobs back to America.

S. 3366

At the request of Mrs. FEINSTEIN, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 3366, a bill to designate the Haqqani network as a foreign terrorist organization.

S. 3369

At the request of Mr. WHITEHOUSE, the names of the Senator from Alaska (Mr. BEGICH), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Virginia (Mr. WARNER), the Senator from Maryland (Mr. CARDIN), the Senator from Washington (Mrs. MURRAY), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Hawaii (Mr. AKAKA), the Senator from California (Mrs. FEINSTEIN), the Senator from Illinois (Mr. DURBIN) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 3369, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

S. 3372

At the request of Mr. WEBB, the names of the Senator from Missouri (Mrs. McCASKILL), the Senator from Colorado (Mr. UDALL) and the Senator from Virginia (Mr. WARNER) were added as cosponsors of S. 3372, a bill to amend section 704 of title 18, United States Code.

S. 3376

At the request of Mr. CASEY, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 3376, a bill to amend the Federal Food, Drug, and Cosmetic Act to prevent the abuse of dextromethorphan, and for other purposes.

S. 3380

At the request of Mr. BLUMENTHAL, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 3380, a bill to provide for the issuance of a Victory for Veterans stamp, and for other purposes.

S.J. RES. 47

At the request of Mr. WARNER, the names of the Senator from Texas (Mrs. HUTCHISON), the Senator from Florida (Mr. NELSON), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Kansas (Mr. ROBERTS) were

added as cosponsors of S.J. Res. 47, a joint resolution amending title 36, United States Code, to designate July 26 as United States Intelligence Professionals Day.

S. CON. RES. 48

At the request of Mr. LEAHY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Con. Res. 48, a concurrent resolution recognizing 375 years of service of the National Guard and affirming congressional support for a permanent Operational Reserve as a component of the Armed Forces.

S. RES. 490

At the request of Mrs. BOXER, the name of the Senator from New Hampshire (Mrs. SHAHEEN) was added as a cosponsor of S. Res. 490, a resolution designating the week of September 16, 2012, as "Mitochondrial Disease Awareness Week", reaffirming the importance of an enhanced and coordinated research effort on mitochondrial diseases, and commending the National Institutes of Health for its efforts to improve the understanding of mitochondrial diseases.

AMENDMENT NO. 2491

At the request of Mr. HATCH, the names of the Senator from Missouri (Mr. BLUNT), the Senator from Arkansas (Mr. BOOZMAN), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Indiana (Mr. COATS), the Senator from Wyoming (Mr. ENZI), the Senator from South Carolina (Mr. GRAHAM), the Senator from North Dakota (Mr. HOEVEN), the Senator from Texas (Mrs. HUTCHISON), the Senator from Oklahoma (Mr. INHOFE), the Senator from Ohio (Mr. PORTMAN), the Senator from Idaho (Mr. RISCH), the Senator from Florida (Mr. RUBIO) and the Senator from Pennsylvania (Mr. TOOMEY) were added as cosponsors of amendment No. 2491 intended to be proposed to S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 519—DESIGNATING OCTOBER 30, 2012, AS A NATIONAL DAY OF REMEMBRANCE FOR NUCLEAR WEAPONS PROGRAM WORKERS

Mr. UDALL of Colorado (for himself, Mr. ALEXANDER, Mr. BINGAMAN, Mr. BROWN of Ohio, Ms. CANTWELL, Mr. CORKER, Mr. CRAPO, Mrs. GILLIBRAND, Mr. GRAHAM, Mr. MCCONNELL, Mr. REID, and Mr. UDALL of New Mexico) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 519

Whereas, since World War II, hundreds of thousands of men and women, including uranium miners, millers, and haulers, have

served the United States by building nuclear weapons for the defense of the United States;

Whereas those dedicated workers paid a high price for their service to develop a nuclear weapons program for the benefit of the United States, including by developing disabling or fatal illnesses;

Whereas the Senate recognized the contribution, service, and sacrifice those patriotic men and women made for the defense of the United States in Senate Resolution 151, 111th Congress, agreed to May 20, 2009, Senate Resolution 653, 111th Congress, agreed to September 28, 2010, and Senate Resolution 275, 112th Congress, agreed to September 26, 2011;

Whereas a national day of remembrance time capsule has been crossing the United States, collecting artifacts and the stories of nuclear weapons program workers relating to the nuclear defense era of the United States, and a remembrance quilt has been constructed to memorialize the contribution of those workers;

Whereas the stories and artifacts reflected in the time capsule and the remembrance quilt reinforce the importance of recognizing nuclear weapons program workers; and

Whereas those patriotic men and women deserve to be recognized for the contribution, service, and sacrifice they have made for the defense of the United States: Now, therefore, be it

Resolved, That the Senate—

(1) designates October 30, 2012, as a national day of remembrance for the nuclear weapons program workers, including uranium miners, millers, and haulers, of the United States; and

(2) encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2012, as a national day of remembrance for past and present workers in the nuclear weapons program of the United States.

SENATE RESOLUTION 520—COMMENDING THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ON THE OCCASION OF ITS 103RD ANNIVERSARY

Mr. CARDIN (for himself and Mr. GRASSLEY) submitted the following resolution; which was considered and agreed to:

S. RES. 520

Whereas the National Association for the Advancement of Colored People (referred to in this preamble as the “NAACP”), originally known as the National Negro Committee, was founded in New York City on February 12, 1909, the centennial of the date on which President Abraham Lincoln was born, by a multiracial group of activists who met in a national conference to discuss the civil and political rights of African-Americans;

Whereas the NAACP was founded by a distinguished group of leaders in the struggle for civil and political liberty, including Ida Wells-Barnett, W.E.B. DuBois, Henry Moscowitz, Mary White Ovington, Oswald Garrison Villard, and William English Walling;

Whereas the NAACP is the oldest and largest civil rights organization in the United States;

Whereas the NAACP National Headquarters is located in Baltimore, Maryland;

Whereas the mission of the NAACP is to ensure the political, educational, social, and economic equality of rights of all people and to eliminate racial hatred and racial discrimination;

Whereas the NAACP is committed to achieving its goals through nonviolence;

Whereas the NAACP advances its mission through reliance on the press, the petition, the ballot, and the courts;

Whereas the NAACP has been persistent in the use of legal and moral persuasion, even in the face of overt and violent racial hostility;

Whereas the NAACP has used political pressure, marches, demonstrations, and effective lobbying to serve as the voice, as well as the shield, for minorities in the United States;

Whereas after years of fighting segregation in public schools, the NAACP, under the leadership of Special Counsel Thurgood Marshall, won one of its greatest legal victories in the decision issued by the Supreme Court in *Brown v. Board of Education* (347 U.S. 483 (1954));

Whereas in 1955, NAACP member Rosa Parks was arrested and fined for refusing to give up her seat on a segregated bus in Montgomery, Alabama, an act of courage that would serve as the catalyst for the largest grassroots civil rights movement in the history of the United States;

Whereas the NAACP was prominent in lobbying for the passage of—

(1) the Civil Rights Act of 1957 (Public Law 85-315; 71 Stat. 634);

(2) the Civil Rights Act of 1960 (Public Law 86-449; 74 Stat. 86);

(3) the Civil Rights Act of 1964 (Public Law 88-352; 78 Stat. 241);

(4) the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

(5) the Fannie Lou Hamer, Rosa Parks, Coretta Scott King, César E. Chávez, Barbara C. Jordan, William C. Velásquez, and Dr. Hector P. García Voting Rights Act Reauthorization and Amendments Act of 2006 (Public Law 109-246; 120 Stat. 577); and

(6) the Fair Housing Act (42 U.S.C. 3601 et seq.);

Whereas in 2005, the NAACP launched the Disaster Relief Fund to help hurricane survivors rebuild their lives in the States of Louisiana, Mississippi, Texas, Florida, and Alabama;

Whereas in the 110th Congress, the NAACP was prominent in lobbying for the passage of H. Res. 826, the resolved clause of which expresses that—

(1) the hanging of nooses is a horrible act when used for the purpose of intimidation;

(2) under certain circumstances, the hanging of nooses can be criminal; and

(3) the hanging of nooses should be investigated thoroughly by Federal authorities, and any criminal violations should be vigorously prosecuted;

Whereas in 2008, the NAACP vigorously supported the passage of the Emmett Till Unresolved Civil Rights Crime Act of 2007 (28 U.S.C. 509 note), a law that puts additional Federal resources into solving the heinous crimes that occurred during the early days of the civil rights struggle that remain unresolved and brings those who perpetrated those crimes to justice;

Whereas the NAACP has helped usher in the new millennium by charting a bold course, beginning with the appointment of the youngest President and Chief Executive Officer in the history of the organization, Benjamin Todd Jealous, and its youngest female Board Chair, Roslyn M. Brock;

Whereas under the leadership of Benjamin Todd Jealous and Roslyn M. Brock, the NAACP has outlined a strategic plan to confront 21st century challenges in the critical areas of health, education, housing, criminal justice, and the environment;

Whereas on July 16, 2009, the NAACP celebrated its centennial anniversary in New York City, highlighting an extraordinary century of “Bold Dreams, Big Victories” with a historic address from the first African-American President of the United States, Barack Obama;

Whereas as an advocate for sentencing reform, the NAACP applauded the enactment of the Fair Sentencing Act of 2010 (Public Law 111-220; 124 Stat. 2372), a landmark piece of legislation that reduces the quantity of crack cocaine that triggers a mandatory minimum sentence for a Federal conviction of crack cocaine distribution from 100 times that of people convicted of distributing the drug in powdered form to 18 times that sentence;

Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 103rd anniversary of the historic founding of the National Association for the Advancement of Colored People; and

(2) commends the National Association for the Advancement of Colored People on the occasion of its anniversary for its work to ensure the political, educational, social, and economic equality of all people.

SENATE RESOLUTION 521—DESIGNATING SEPTEMBER 2012 AS “NATIONAL SPINAL CORD INJURY AWARENESS MONTH”

Mr. RUBIO submitted the following resolution; which was considered and agreed to:

S. RES. 521

Whereas the estimated 1,275,000 individuals in the United States who live with a spinal cord injury cost society billions of dollars in health care costs and lost wages;

Whereas an estimated 100,000 of those individuals are veterans who suffered the spinal cord injury while serving as members of the United States Armed Forces;

Whereas accidents are the leading cause of spinal cord injuries;

Whereas motor vehicle crashes are the second leading cause of spinal cord and traumatic brain injuries;

Whereas 70 percent of all spinal cord injuries that occur in children under the age of 18 are a result of motor vehicle accidents;

Whereas every 48 minutes a person will become paralyzed, underscoring the urgent need to develop new neuroprotection, pharmacological, and regeneration treatments to reduce, prevent, and reverse paralysis; and

Whereas increased education and investment in research are key factors in improving outcomes for victims of spinal cord injuries, improving the quality of life of victims, and ultimately curing paralysis: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2012 as “Spinal Cord Injury Awareness Month”;;

(2) supports the goals and ideals of Spinal Cord Injury Awareness Month;

(3) continues to support research to find better treatments, therapies, and a cure for paralysis;

(4) supports clinical trials for new therapies that offer promise and hope to those persons living with paralysis; and

(5) commends the dedication of local, regional, and national organizations, researchers, doctors, volunteers, and people across the United States that are working to improve the quality of life of people living with paralysis and their families.

SENATE RESOLUTION 522—DESIGNATING SEPTEMBER 2012 AS “NATIONAL CHILD AWARENESS MONTH” TO PROMOTE AWARENESS OF CHARITIES BENEFITTING CHILDREN AND YOUTH-SERVING ORGANIZATIONS THROUGHOUT THE UNITED STATES AND RECOGNIZING EFFORTS MADE BY THOSE CHARITIES AND ORGANIZATIONS ON BEHALF OF CHILDREN AND YOUTH AS CRITICAL CONTRIBUTIONS TO THE FUTURE OF THE UNITED STATES

Mr. BURR (for himself, Mrs. FEINSTEIN, Mr. ALEXANDER, Mr. COBURN, Mrs. MURRAY, Mr. CASEY, Ms. MURKOWSKI, and Mr. SANDERS) submitted the following resolution; which was considered and agreed to:

S. RES. 522

Whereas millions of children and youth in the United States represent the hopes and future of the United States;

Whereas numerous individuals, charities benefitting children, and youth-serving organizations that work with children and youth collaborate to provide invaluable services to enrich and better the lives of children and youth throughout the United States;

Whereas raising awareness of, and increasing support for, organizations that provide access to healthcare, social services, education, the arts, sports, and other services will result in the development of character and the future success of the children and youth of the United States;

Whereas the month of September, as the school year begins, is a time when parents, families, teachers, school administrators, and communities increase their focus on children and youth throughout the United States;

Whereas the month of September is a time for the people of the United States to highlight and be mindful of the needs of children and youth;

Whereas private corporations and businesses have joined with hundreds of national and local charitable organizations throughout the United States in support of a month-long focus on children and youth; and

Whereas designating September 2012 as “National Child Awareness Month” would recognize that a long-term commitment to children and youth is in the public interest, and will encourage widespread support for charities and organizations that seek to provide a better future for the children and youth of the United States: Now, therefore, be it

Resolved, That the Senate designates September 2012 as “National Child Awareness Month”—

(1) to promote awareness of charities benefitting children and youth-serving organizations throughout the United States; and

(2) to recognize efforts made by those charities and organizations on behalf of children and youth as critical contributions to the future of the United States.

SENATE RESOLUTION 523—RECOGNIZING THE HEROIC EFFORTS OF FIREFIGHTERS AND MILITARY PERSONNEL IN THE UNITED STATES TO CONTAIN NUMEROUS WILDFIRES THAT HAVE AFFECTED TENS OF THOUSANDS OF PEOPLE

Mr. UDALL of Colorado (for himself, Mr. HATCH, Mr. BENNET, Ms. MURKOWSKI, Mr. REID, Mr. HELLER, Mr. MCCAIN, Mr. WYDEN, Mrs. MURRAY, Mr. THUNE, Mr. UDALL of New Mexico, Mr. LIEBERMAN, Mr. TESTER, Mr. BINGAMAN, Mrs. FEINSTEIN, Mrs. BOXER, Mr. LEVIN, Mr. JOHNSON of South Dakota, Mr. ROBERTS, Mr. CRAPO, Mr. SESSIONS, Ms. COLLINS, and Mr. JOHANNES) submitted the following resolution; which was considered and agreed to:

S. RES. 523

Whereas firefighters and residents of the United States have contended with extreme and erratic fire behavior and rapid rates of fire spread;

Whereas, as of July 12, 2012, more than 31,754 wildfires have burned more than 3,281,008 acres of land, resulting in a devastating loss of life and property;

Whereas, as of July 12, 2012, firefighters have battled fires all across the Nation, including—

(1) 1,637 fires that have burned more than 516,482 acres in the Southwest United States;

(2) 13,584 fires that have burned more than 291,957 acres in the Southern United States;

(3) 3,178 fires that have burned more than 819,345 acres in the Northern and Central Rocky Mountain region of the United States;

(4) 4,963 fires that have burned more than 975,669 acres in the State of California and the Great Basin region of the United States;

(5) 787 fires that have burned more than 595,096 acres in the State of Alaska and the Northwest United States; and

(6) 7,605 fires that have burned more than 82,459 acres in the Eastern United States; and

Whereas, the brave men and women who fight wildfires on a daily basis help minimize the displacement of individuals and protect against the loss of life and property: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the heroic efforts of firefighters and military personnel to contain wildfires and protect lives, homes, natural resources, and rural economies throughout the United States;

(2) encourages the people and Government of the United States to express their appreciation to the brave men and women in the firefighting services throughout the United States;

(3) encourages the people and communities of the United States to act diligently in preventing and preparing for a wildfire; and

(4) encourages the people of the United States to keep in their thoughts the individuals who have suffered as a result of a wildfire.

NOTICE OF HEARING

COMMITTEE ON INDIAN AFFAIRS

Mr. AKAKA. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on July 19, 2012, in room SD-628 of the Dirksen Senate Office Building, at 2:15 p.m., to conduct

a hearing entitled “Impacts of Environmental Changes on Treaty Rights, Traditional Lifestyles, and Tribal Homelands.”

Those wishing additional information may contact the Indian Affairs Committee at (202) 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

SELECT COMMITTEE ON INTELLIGENCE

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on July 16, 2012, at 4:45 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that for the duration of today's session, Alex Link, Rob Famigletti, and Samantha Freeman, who are fellows on my Judiciary Committee staff, be granted floor privileges.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that privileges of the floor be granted to the following Members of Senator FRANKEN's staff: Whitney Brown and Joel Salomon, for the rest of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JULY 17, 2012

Mr. WHITEHOUSE. I ask unanimous consent that at 3 p.m. Tuesday, July 17, the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3369 be agreed to; that the motion to reconsider be agreed to; and the Senate proceed to the cloture vote on the motion to proceed to S. 3369, the DISCLOSE Act, upon reconsideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, July 17; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized and the time until 12:30 p.m. be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes; and that the Senate recess from 12:30 p.m. to 2:15 p.m. to allow for the weekly caucus

meetings; finally, that the time from 2:15 until 3 p.m. be equally divided and controlled between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. WHITEHOUSE. Mr. President, today at 3 p.m. there will be a cloture vote on the motion to proceed to S.

3369, the DISCLOSE Act, which we have discussed at such length tonight, upon reconsideration.

ADJOURNMENT UNTIL 10 A.M.
TOMORROW

Mr. WHITEHOUSE. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 12:26 a.m., adjourned until Tuesday, July 17, 2012, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate July 16, 2012:

THE JUDICIARY

KEVIN MCNULTY, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 17, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 18

9:30 a.m.

Finance

Business meeting to consider Enforcing Orders and Reducing Customs Evasion (ENFORCE) Act, citrus, cotton, and wool trust funds, African Growth and Opportunity Act (AGOA) amendments, Dominican Republic-Central America-United States Free Trade Agreement (CAFTA-DR) technical corrections, and Burma sanctions, and Russia Permanent Normal Trade Relations (PNTR) and Moldova PNTR.

SD-215

Homeland Security and Governmental Affairs

To hold hearings to examine improving the transparency of Federal spending.

SD-342

10 a.m.

Judiciary

To hold hearings to examine improving forensic science in the criminal justice system.

SD-226

Veterans' Affairs

To hold hearings to examine the nomination of Thomas Skerik Sowers II, of Missouri, to be Assistant Secretary of Veterans Affairs for Public and Intergovernmental Affairs.

SR-418

2 p.m.

Aging

To hold hearings to examine Medicare and Medicaid coordination for dual-eligibles.

SH-216

Commission on Security and Cooperation in Europe

To hold hearings to examine the escalation of violence against Coptic women and girls in Egypt.

Room to be announced

2:30 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine the census, focusing on planning ahead for 2020.

SD-342

Foreign Relations

To hold hearings to examine the nominations of Marcie B. Ries, of the District of Columbia, to be Ambassador to the Republic of Bulgaria, John M. Koenig, of Washington, to be Ambassador to the Republic of Cyprus, Michael David Kirby, of Virginia, to be Ambassador to the Republic of Serbia, Thomas Hart Armbruster, of New York, to be Ambassador to the Republic of the Marshall Islands, and Greta Christine Holtz, of Maryland, to be Ambassador to the Sultanate of Oman, all of the Department of State.

SD-419

Judiciary

Privacy, Technology and the Law Subcommittee

To hold hearings to examine what facial recognition technology means for privacy and civil liberties.

SD-226

United States Senate Caucus on International Narcotics Control

To hold hearings to examine prescription drug abuse.

SD-562

3 p.m.

Commerce, Science, and Transportation Aviation Operations, Safety, and Security Subcommittee

To hold hearings to examine the global competitiveness of the United States Aviation Industry, focusing on addressing competition issues to maintain United States leadership in the aerospace market.

SR-253

JULY 19

9:30 a.m.

Armed Services

To hold hearings to examine the nominations of General Mark A. Welsh III, USAF for reappointment to the grade of general and to be Chief of Staff, United States Air Force, Lieutenant General John F. Kelly, USMC to be general and Commander, United States Southern Command, and Lieutenant General Frank J. Grass, ARNG to be general and Chief, National Guard Bureau.

SH-216

Foreign Relations

Business meeting to consider The Convention on the Rights of Persons with Disabilities, Adopted by the United Na-

tions General Assembly on December 13, 2006, and Signed by the United States of America on June 30, 2009 (Treaty Doc 112-7).

SD-G50

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine making college affordability a priority, focusing on promising practices and strategies.

SD-430

Judiciary

Business meeting to consider S. 285, for the relief of Sopuruchi Chukwueke, S. 3276, to extend certain amendments made by the FISA Amendments Act of 2008, and the nominations of Frank Paul Geraci, Jr., to be United States District Judge for the Western District of New York, Fernando M. Olguin, to be United States District Judge for the Central District of California, Malachy Edward Mannion, and Matthew W. Brann, both to be a United States District Judge for the Middle District of Pennsylvania, and Charles R. Breyer, of California, to be a Member of the United States Sentencing Commission.

SD-226

2:15 p.m.

Indian Affairs

To hold an oversight hearing to examine the impacts of environmental changes on treaty rights, traditional lifestyles, and tribal homelands.

SD-628

2:30 p.m.

Intelligence

To hold closed hearings to examine certain intelligence matters.

SH-219

JULY 20

10:30 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Walter M. Shaub, Jr., of Virginia, to be Director of the Office of Government Ethics, and Rainey Ransom Brandt, and Kimberley Sherri Knowles, both to be an Associate Judge of the Superior Court of the District of Columbia.

SD-342

JULY 24

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the Cable Act at 20.

SR-253

JULY 25

10 a.m.

Judiciary

To hold hearings to examine ensuring judicial independence through civics education.

SH-216

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

<i>July 16, 2012</i>	EXTENSIONS OF REMARKS, Vol. 158, Pt. 8	11389
2:30 p.m.	Energy and Natural Resources	ing on brick and mortar to the inter-
Homeland Security and Governmental Affairs	Water and Power Subcommittee	net.
	To hold an oversight hearing to examine	SD-628
Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee	the role of water use efficiency and its impact on energy use.	
	SD-366	AUGUST 1
To hold hearings to examine assessing grants management practices at Federal agencies.	JULY 26	9 a.m.
SD-342	2:15 p.m.	Agriculture, Nutrition, and Forestry
	Indian Affairs	To hold hearings to examine MF Global, focusing on accountability in the futures markets.
	To hold an oversight hearing to examine the regulation of tribal gaming, focus-	SR-328A

SENATE—Tuesday, July 17, 2012

The Senate met at 10 a.m., and was called to order by the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of grace and glory, You have already blessed us this day. We pause now to acknowledge that we borrow our heartbeats from You and that because of You we live and breathe and move and have our being.

Continue to nourish and sustain this Nation during these difficult and dangerous days. Thank You for the brave men and women in our Armed Forces and the members of their families who daily sacrifice to keep freedom's flame burning.

Lord, surround our lawmakers this day with Your spirit of reconciliation that they may put aside that which brings division and embrace that which engenders unity. May Your blessing and benediction enable our Senators to work together in harmony and peace.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable CHRISTOPHER A. COONS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 17, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable CHRISTOPHER A. COONS, a Senator from the State of Delaware, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mr. COONS thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

DISCLOSE ACT OF 2012—MOTION TO PROCEED

Mr. REID. Mr. President, I now move to proceed to Calendar No. 446, S. 3369.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

Motion to proceed to S. 3369, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements of corporations, labor organizations, super PACs, and other entities, and for other purposes.

SCHEDULE

Mr. REID. For the information of all Senators, the time until 12:30 p.m. today will be divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority the second 30 minutes.

We will recess from 12:30 p.m. until 2:15 p.m. today to allow for our weekly caucus meetings.

Additionally, the time from 2:15 p.m. until 3 p.m. will be equally divided and controlled. At 3 p.m. there will be a cloture vote on the motion to proceed to the DISCLOSE Act, which was debated last night and will be debated again this morning.

THE DISCLOSE ACT

Mr. President, the corrosive effect of money on American politics isn't a product of the 21st century. More than 100 years ago, moneyed special interests had already tested the integrity of this country's political system.

In 1899, copper billionaire William Clark was elected to the U.S. Senate by the Montana State legislature. The contest was considered so blatantly swayed by bribery the Senate refused to seat him. Here is how Clark famously responded:

I never bought a man who wasn't for sale.

We in Nevada have some connection with that name because Las Vegas is in Clark County. Clark County was formed in the early part of the 20th century. The largest county in America was Lincoln County and that was divided between Lincoln and Clark Counties, and this character, William Clark, is who that county was named after.

But after Clark made this remark, and people realized he had blatantly swayed the State legislature by bribery, the U.S. Senate refused to seat him. He became a Senator anyway—not for long, but he became a Senator. As I have learned from people who know a lot about Montana history, Clark was very clever. The Governor of the State of Montana went to San Francisco, to the acting governor—the lieutenant governor—after he was de-

nied his seat, and he reappointed him to the Senate. So he got to the U.S. Senate by virtue of the shenanigans that took place. Incensed Montana voters went on to pass the Corrupt Practices Act via a referendum. They voted for it. Less than a decade later, Republican President Theodore Roosevelt reined in unlimited corporate giving to political candidates at the Federal level as well—not only in Montana but at the Federal level.

This Nation has a long history of curbing the corrupt influence of money in politics. But with the Citizens United decision, the Supreme Court of our country erased a century of effort to protect the fairness and integrity of American elections. That disastrous decision opened the door for corporations, anonymous billionaires, and foreign interests to spend hundreds of millions of dollars influencing voters.

For anyone who dismisses this change as politics as usual, they should think again. During this year's election, outside spending by GOP shell groups is expected to top \$1 billion—that is billion with a "B." The names of these new front groups contain words that are warm and fuzzy, such as "freedom" and "prosperity." But make no mistake, there is nothing free about an election purchased by a handful of billionaires for their own self-interest.

Just one of those outside groups—just one of them—backed by wealthy oil interests, has promised to spend \$400 million on negative ads filled with half truths and distortions of President Obama's record. By comparison, during the 2008 election—less than 4 years ago—Senator JOHN MCCAIN's Presidential campaign spent \$370 million total. That was a huge amount of money in that day, but it is being dwarfed by these outside groups this year. So this year one group's special interest money will dwarf the entire budget of the Republican nominee JOHN MCCAIN in the last Presidential election.

Democrats and the majority of Americans believe these unlimited corporate special interest contributions should be outlawed. But in the post-Citizens United world, the least we should do is require groups spending millions on political attack ads to disclose the donors. We owe it to the voters to let them judge for themselves the attacks and the motivation behind them. But they can only do that if they know who is doing it. The DISCLOSE Act would require political organizations of all stripes, liberal and conservatives alike, to disclose donations in excess of \$10,000 if they will be used for campaign purposes.

Safeguarding fair and transparent elections used to be an arena where Democrats and Republicans could find common ground. As far back as 1997, the Republican leader, our friend Senator McCONNELL, said, "Disclosure is the best disinfectant." In fact, 14 Republicans now serving in the Senate voted to support stronger disclosure laws in the year 2000. Yet last night, those same 14 Republicans did an about-face, and every one of my Republican colleagues voted to block the DISCLOSE Act.

It is obvious the Republican priority is to protect a handful of anonymous billionaires—billionaires willing to contribute hundreds of millions of dollars to change the outcome of elections. But today, again, they will have an opportunity to consider that backwards priority. We are doing that with the motion to reconsider which I announced last night. They will have the opportunity to stand for the average voter instead of these billionaires.

I hope they join Democrats as we work to ensure all Americans—not just the wealthy few—have an equal voice in the political process.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

TAX INCREASES

Mr. McCONNELL. Mr. President, last week, in response to another disappointing month of job growth, President Obama issued a truly bizarre ultimatum—a truly bizarre ultimatum: Let me raise taxes on a million businesses or I will raise taxes on everybody. Let me raise taxes on a million businesses or I will raise taxes on everybody.

Yesterday, Democratic leaders in Congress took this strange new economic theory—whereby politicians purport to help job creation by hurting job creators—to dizzying new heights. Yesterday, Senate Democratic leaders said they would actually prefer—prefer—to see America go off the so-called fiscal cliff this coming January—along with the trauma that would unleash on our economy—than let businesses maintain their existing tax rates. That was the position of Democratic leaders yesterday: They would rather see America go off the fiscal cliff in January than let a million businesses maintain their current tax rates.

It is an astonishing admission—an astonishing admission. Democrats in Congress are now saying they would rather see taxes go up on every American at the end of the year than let about a million businesses keep what they earn now. They would rather let taxes go up on everybody in the country rather than allow a million businesses to keep the money they earn now.

This isn't an economic agenda—it is not an economic agenda—it is an ideol-

ogical crusade. This morning, Ernst & Young is releasing a study which shows that President Obama's plan to raise taxes on these businesses will result in 710,000 fewer jobs. What a great idea: Let's raise taxes on a million of our most successful small businesses and eliminate 700,000 jobs in the middle of the most tepid recovery in anybody's memory. What a terrific idea. For those who manage to keep their jobs, real aftertax wages would fall by an estimated 1.8 percent, meaning living standards would decline as government sucks more capital out of the economy.

The President's proposal, in other words, is a recipe for economic stagnation and decline—a recipe for economic stagnation and decline. But the Murray proposal—the idea we should raise taxes on everybody—is even worse. Not only would it trigger another recession, it would put the global economy at risk. Here is the Democratic theory: that a massive income tax increase on 140 million American taxpayers wouldn't be so bad because the effects wouldn't be felt right away. It wouldn't be so bad because the effects wouldn't be felt right away.

This bizarre conclusion can only be reached by politicians and budget analysts who have never worked a day in the private sector, who don't understand what goes into cutting a paycheck for employees, and who don't have a concept of the planning—the planning—that is necessary to operate a business on thin margins in a tough economy.

This shows how out of touch these people are, to rely on the analysis of Ivy Tower liberals instead of listening to the jobs groups that have been pleading with us to fix this problem sooner rather than later and end the uncertainty that is acting like a big wet blanket over our entire economy.

Today another nonpartisan group, the Business Roundtable, urged Congress to adopt the Republican plan to extend current tax law for a year and make a bridge to tax reform. In a letter to Congress, the group's chairman, Boeing CEO Jim McNerney, warned:

Without effective action soon, this uncertainty will spawn a dangerous crisis, threatening our economy, businesses and workers.

What Republicans have been saying is that we should eliminate this uncertainty right now. We should eliminate the uncertainty that Boeing employees—nearly 85,000 of whom work in Washington State—and so many others are facing right now. We should tackle these problems now rather than waiting until the end of the year.

Let me just boil it down. Faced with the slowest economic recovery in modern times, chronic joblessness, and the lowest percentage of able-bodied Americans actually participating in the workforce in literally decades, Democrats' one-point plan to revive the economy is this: You earn, we take.

You earn, we take is apparently the only thing they have.

Surely we can do better. I know we can, and so do the American people.

Mr. President, I yield the floor.

RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

ORDER OF BUSINESS

Under the previous order, the time until 12:30 will be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first 30 minutes and the majority controlling the second 30 minutes.

The Senator from Alabama.

THE ECONOMY

Mr. SESSIONS. Mr. President, I would like to thank Senator McCONNELL for his remarks and the fundamental truth of those remarks that this administration and the majority in this Senate want to raise taxes. They think that raising taxes and spending more through the government will somehow lift the economy. We have been shown that is not so.

Our Democratic colleagues stayed here last night talking about an issue that doesn't have the support to pass, and they should have been talking about the fundamental threat to our economy: not having a budget. Why aren't we moving forward with a budget? Why aren't we moving forward with the appropriations bills that are necessary to fund the government come October 1? The majority leader, Senator REID, has announced he has no intention to pass a single one, not even to bring them up.

So we will end up, in late September, passing a continuing resolution to fund the government—there is no telling what else will be tied up in that—which will create instability and uncertainty because this Democratic-led Senate has refused to pass a budget, refused to lay out a plan for the future, and refused to move the appropriations bills.

I have been here 15 years. This is the first time I have ever seen us not move a single appropriations bill. When I first came here, we would move almost every 1 of the appropriations bills before September 30. It is hard work. We have to bring up the bill, decide how much we want for the Department of Defense, or the Department of Agriculture, or the Department of Education, and members offer amendments and debate and do their work. That is what we are supposed to be doing, but we are not.

Today I want to talk about and call attention to another serious—scandalous, really—development in the way the Democratic leadership in this Senate is systematically dismantling the statutorily required budget process. It is a tale of how we are going broke.

Let me begin with a review of the situation. Last summer, Congress and the

President faced a serious crisis as a result of the fact that surging government spending had driven our debt to the highest level allowed—the debt ceiling. We were hitting the debt ceiling. Do you remember that? A deal was struck then to raise the debt ceiling.

That is what the President wanted. He didn't want to cut spending 40 percent. We were borrowing—and we still borrow—almost 40 cents of every dollar we spend. All government programs would have had to have been cut 40 percent if we didn't raise the debt ceiling. Amazing as that sounds, this is undisputable.

Republicans prevailed in their insistence that spending should be reduced over 10 years by an amount equal to the increase in the debt ceiling last August. The legislation this deal produced, the Budget Control Act, set certain spending limits in the absence of a budget resolution that we should have passed in the Senate as required by law. So these spending limits came into effect when the chairman of the Budget Committee, Senator CONRAD, filed the allocation numbers into the CONGRESSIONAL RECORD, telling every Senate committee how much it was allowed to spend. That is the power given to the Budget Committee chairman. I am the ranking Republican on the Budget Committee, and Senator CONRAD chairs the Budget Committee.

So the Budget Control Act plainly dictates that beginning on October 1 of this year, spending limits would be derived from the Congressional Budget Office's baseline. This is crucial because the CBO baseline contains the \$2.1 trillion in spending cuts over 10 years—really, reductions in spending growth, and not so much cuts—that the deal was supposed to implement in exchange for the immediate \$2.1 trillion raising of the debt ceiling.

Herein lies the scandal. Although it was buried in the spending allocation that Senator CONRAD sent out, my staff on the Senate Budget Committee discovered that Senator CONRAD did not file an outlay limit based on the CBO baseline. Instead, the outlay total he filed was \$14 billion higher—curiously matching exactly the spending levels that President Obama had requested in the budget he submitted to Congress in February.

Although this discovery was not readily apparent, Chairman CONRAD, to his credit—he is an honorable man—does not dispute it. He simply asserts that it is within his discretion to unilaterally set a higher total.

Again, because the CBO baseline reflects the spending reductions passed by Congress and signed into law, an increase above the baseline—as the allocation that he submitted allows—is an abrogation of the bipartisan agreement we reached last August.

We told the American people: OK, we raised the debt ceiling. A lot of people

didn't want to do it. A lot of Americans were hot about it. We said: But we are going to cut spending by that amount over 10 years.

As reported by the publication, CQ:

Conrad did not counter Sessions' claim that the elevated outlay limit would allow higher spending in fiscal year 2013.

But let me emphasize, this is not just the fault of Senator CONRAD. This large violation of the Budget Control Act is without doubt the decision of Senator REID, the Democratic leader, his leadership team, and the members of the Democratic caucus who support him.

Remember, outlays are the spending figures which directly register on the debt. Mr. President, \$14 billion in higher outlays in 2013 means \$14 billion added to the debt. It is just that simple. In fact, the higher debt that will accrue next year as a result of the higher spending level means the amount of interest we pay on the debt we accrue will be greater and will also exceed CBO baseline limits.

As a result, the chairman had to also boost spending authority for the Finance Committee by \$79 million to compensate for the higher interest payments on the \$14 billion added to the debt. This shows that the debt deal legislation has been violated not only in spirit but in letter. Why? Because if we increase discretionary outlays, we increase the debt, and therefore increase the interest needed to service the debt.

It is crystal clear that the legislation provides no flexibility whatsoever to inflate spending authority for this interest payment. It is a direct violation of the Budget Control Act, but he had to do that to justify and account for the \$14 billion increase over the level that was agreed to last August.

I sent two letters to Chairman CONRAD urging him to correct and re-file the proper numbers, but it is evident that the chairman does not intend to do so. So we will be looking for an alternative course. This is a matter that ought to be considered by the full Senate, so I plan to pursue a vote on the inflated spending levels. Each Senator will therefore have to examine their own conscience and consider their duty to their constituents, to the Nation, and to the financial future of our country.

Plainly, this action violates the spirit and the terms of the 10-year Budget Control Act agreement that was made last August, just 11 months ago. At that time, Congress declared that we would exercise some spending restraint. And \$2.1 trillion in reduced spending is really a reduction in the growth of spending and not an elimination of all growth in spending. We would go from something like \$37 trillion being spent over 10 years to \$35 trillion. It is not going to break America. But to hear the wails that come about, you would think it would.

So the test will be, in this first year since the passage of the debt deal will

we adhere to its modest restrictions or will we blink?

We have Members of Congress—and I have raised this issue over the years—who seem to take it as a personal challenge to see how they can spend more money than they are allocated. It happens every year. This is how a country goes broke. The consequences of the annual manipulations and gimmicks have great impact over time. These are not small matters. Think about it.

This is a chart I put together. This year we are adding \$14 billion more to the baseline spending in our country than agreed to, and this gimmick adds \$14 billion to the baseline next year. One may think: It is only \$14 billion, JEFF. Calm down.

Alabama's general fund budget, not including education, is less than \$2 billion. To us \$14 billion is a lot of money, and we are an average-sized State. This is how we need to think about these manipulations because it is very significant as time goes by.

If we violate the baseline next year, in 2013, by \$14 billion, that goes into the spending level for the next year. Then if next year we violate it again, it is not just \$14 billion, we are adding \$14 billion on top of the \$14 billion gimmick in the spending level this year. It is \$28 billion next year. Added to the \$14 billion we ripped off the taxpayers the previous year, it is \$42 billion.

Do you see how that goes up? Each year is adding to it, and we have been doing this kind of thing consistently.

If we gimmick the budget \$14 billion a year—and I remember doing a chart similar to this about 10 years ago, and we gimmicked the budget \$18 billion that year and there are probably other gimmicks we are not including—this \$14 billion gimmick puts us on a track to add \$770 billion to the debt of the United States over 10 years.

We have to adhere to the agreements we make. If we do not stand with those agreements, then we make a mockery of law, we make a mockery of the Senate, we undermine the respect and trust the American people have in us. If we run up \$770 billion more, we pay interest on that, estimated at \$112 billion, that \$14 billion gimmicked-up spending adds \$900 billion to the debt.

Remember, we are in debt today. Every \$1 we spend more than what we agree to is borrowed. Any more spending is borrowed because we are in debt now—nearly 40 percent of the money we spend is borrowed. We spend about \$3.7 trillion and we take in about \$2.4 trillion and we borrow the rest. It is unsustainable.

Meanwhile, the President continues his call for higher taxes, saying that taxing more will reduce the deficit. But his plan for the new taxes he has proposed is to fund more spending, more gimmicks and more fraud and waste in government. I know you think that is not so—surely, that is not so.

That is not what the President is proposing. But, unlike the Democratic Senate, the President did comply with the law and submitted a budget as every President has done since the Congressional Budget Act was passed. He submitted a budget. What did his budget call for? It called for new taxes all right. It called for \$1.8 trillion in new taxes over 10 years. But it also increased spending by \$1.6 trillion. Do you see what is happening there? The President's proposal calls for \$1.6 trillion in new spending, above the Budget Control Act level we agreed to in August. He proposes to wipe out the cuts. He proposes to spend \$1.6 trillion more than we agreed to in August, and he pays for it with \$1.8 trillion in new taxes.

He didn't use his new taxes to pay down the debt. He used the new taxes to fund more government, more spending. That is not what we need to be doing at this point in history. We should have stayed here last night talking about the debt threat to America and not some controversial issue on campaign finance.

For 3 consecutive years, this Senate Democratic majority has refused to bring forth a budget plan as required by common sense and law. They refuse even to write a budget and bring it to the floor for consideration. They have no financial plan for the future of America.

Senator REID, what is your plan? He blocked Senator CONRAD, who was willing and prepared to lay out a budget plan for the Democrats. He called on him not to do so. For 3 years they have not had a budget. We did not even bring one up this year.

They treat any effort to rein in waste and abuse as evidencing a hatred for those who are suffering and truly in need. We want to help people in need. But anybody who knows these programs, such as some of the stuff that is coming out now on food stamps, knows there is waste, fraud and abuse and we can clean them up and save money and not hurt people truly in need. From the IRS checks sent to illegal aliens that the inspector general of the U.S. Treasury Department said has to end, to lavish GSA parties in Las Vegas, reckless abuse in the food stamp program, and now this surreptitious 14 billion debt increase, there is no financial accountability in Washington.

I will be working to erase this \$14 billion spending increase. It is important. I urge my colleagues to join me so our actions will be consistent with our promises to the American people made last August; otherwise we are breaching this agreement the first year. It is always a gimmick and a danger to spend today and promise to pay for it in the future—spend more today than the agreement called for, but we are going to pay for it in the future. It is the first year in our agreement and it has already been breached.

The best avenue may be to raise a point of order, and we will look at that to see how to bring this matter before the Senate. I will be looking for that opportunity. But I truly believe it is a defining moment for us if we cannot adhere 1 full year to the agreement we reached last August and that we told the American people we would abide by. I think the distrust and lack of confidence by the American people, already felt in Congress, will continue to further erode.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Kentucky.

END PAKISTAN AID

Mr. PAUL. Mr. President, the question remains should taxpayers be forced to send money overseas to countries that disrespect us or, more precisely, should we borrow money from China to send it to countries that disrespect us. Should we borrow money from China to send to Pakistan? Should we borrow money from China to send to the Muslim Brotherhood in Egypt? Should we send good money after bad?

For a decade we searched for bin Laden. We spent hundreds of billions of dollars searching for him. Where did we find him? Not in the remote mountains; we found him living comfortably in a city in Pakistan. We found him living in the middle of the city not far from a military academy. We were helped in this search by a doctor, a brave doctor in Pakistan by the name of Dr. Shakil Afridi, who helped us find bin Laden, helped us with ultimately getting bin Laden. How was he rewarded for this heroism? Where is Dr. Shakil Afridi now? He has been imprisoned by the Pakistani Government for 33 years.

For 10 years we searched for bin Laden high and low throughout Afghanistan, throughout the world, throughout the mountains. We found him living comfortably in a city only miles from a military academy, and then the doctor who helped us Pakistan has now imprisoned for 33 years.

How did the President respond to this? How did President Obama's administration respond to the imprisoning of this doctor, the doctor who helped us get bin Laden? President Obama sent them another \$1 billion last week. We already sent Pakistan \$2 billion, and they disrespect us, so what did we do? We sent them another \$1 billion. People around this town are bemoaning there is not enough money for our military. Yet we took \$1 billion out of the Defense Department, an extra \$1 billion, and sent it to Pakistan last week. Where is Dr. Afridi? In jail for 33 years.

I have obtained the signatures necessary to have a vote on this. The leadership does not want to allow a vote on this, but I will, one way or another, get a vote on ending aid to Pakistan if

they continue to imprison this doctor. He has an appeal that will be heard this Thursday. If he is not successful in his appeal, if he is still imprisoned for life, we will have a vote in the Senate on ending all aid to Pakistan—not a small portion of their aid, every penny of their aid, including the \$1 billion they got last week. We will attempt to stop all aid to Pakistan.

I ask any of the Senators to step forward if they think it is a good idea and tell the American people why they are sending their money to Pakistan. We have bridges crumbling, we have roads crumbling, we have schools crumbling, and we are sending money to Pakistan, which disrespected us. We spent billions, if not maybe trillions of dollars, on the wars in Pakistan and Afghanistan trying to get bin Laden and then the doctor who helps us is now in jail for 33 years.

Everywhere I go across our country—in my State in Kentucky we have two bridges that need to be replaced. We have one in the middle of one of our major cities that was closed down for 6 months last year for repairs. We don't have the money to repair our infrastructure. We are \$1 trillion short of money, period. We are borrowing over \$1 trillion a year. We now have a \$16 trillion debt that equals our entire economy. Yet they are still sending taxpayer money to dictators overseas who disrespect us. Eighty percent of the public thinks this should come to an end. If we ask this question: Should we be sending this money overseas when we have difficulty and needs and wants at home, 80 percent of the public would say it should end. Yet when we force this body to vote, 80 percent of your Representatives are for sending more aid overseas. They were all clamoring and clapping their hands last week when President Obama said he sent another \$1 billion overseas—they all stand and clap.

I don't think the American taxpayer is clapping. I don't think the American taxpayer is happy we are \$1 trillion in the hole and still sending this money overseas to countries that disrespect us.

What I say to Pakistan is if they want to be our ally, act like it. If they want to be our ally, respect us. If they want to be our ally, work with us on the war on terrorism. But if they want to be our ally, don't hold Dr. Afridi, don't hold political prisoners, don't hold people who are actually working with us to get bin Laden.

I will do everything in my power to get this vote. They don't want to have this vote. They like foreign aid over here. They all love sending taxpayer money overseas, but they don't want to vote on it so they have been blocking this vote and they will attempt to block my vote. I have the signatures necessary and you will see me on the floor next week.

If Dr. Afridi is still in jail next week, I will make them vote on this. It is the least taxpayers deserve. The taxpayers deserve to know why their Senators are voting to send their money overseas when we are \$1 trillion in the hole. Why are their Senators voting to send trillions of dollars to Pakistan when they imprison the guy who helped us get bin Laden. It is unconscionable. It has to stop. The debt is a threat to taxpayers, our country, a threat to the Republic, and I will do everything I can to force a vote on this and then the American people can decide. They can decide whether they want to keep sending these people back to Washington who are sending their money overseas to people who have no respect for us.

I will do everything in my power to have this vote and we will record the Senate. Your representatives will be recorded on whether they want to continue sending your money to Pakistan while Pakistan imprisons this doctor who helped us get bin Laden.

I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

WIND PRODUCTION TAX CREDIT

Mr. UDALL of Colorado. Mr. President, for several weeks now I have spoken on the Senate floor, urging my colleagues of both parties to extend the wind production tax credit or, as it is known, the PTC. The Presiding Officer has had an opportunity to listen to me on a number of occasions. I thank him for his interest and support. I am here again this morning to continue my work because I do not want to lose one more American job because of our failure, Congress's failure, to act. I also want to assure, as I know the Presiding Officer does, that we, the United States, remain competitive in the global clean energy economy.

Today, I wish to talk specifically about the PTC's impact on the State of Utah, one of America's fastest growing wind energy producers. Similar to other Western States, including my home State of Colorado, Utah's geography and climate make it an ideal location for wind production. It is estimated that if fully utilized, Utah's wind resources could provide up to 132 percent of the current electricity needs. Think about that, the entire State's electricity needs could be met by wind power alone. If we look at the map of Utah that is displayed here, we will see that the largest wind projects are located in Beaver and Millard Counties, which are in western Utah. In those two counties, the first wind corporation has constructed the Milford Wind Project. That project produces enough electricity to power over 64,000 homes, avoids 300,000 tons of CO₂ emissions and provides good-paying jobs to hundreds of hard-working Utahns.

Beyond the obvious and enormously positive effect the Milford Wind

Project has had on the Utah environment, it has also been an economic boon to the surrounding rural communities. Beaver County's tax base increased so much that it allowed for a new elementary school to be built without any tax increases to local residents. In effect, those tax receipts replaced a school that had fallen into disrepair.

This project has brought more than \$50 million in economic benefits to Utah as a whole. It has created over 300 onsite jobs during construction and engaged more than 60 local Utah businesses throughout construction and development. That is a win-win-win situation no matter how we calculate it.

Only if we extend the wind PTC will we continue to see the investment, job creation, and economic growth Utah has seen in recent years. Now is the time for us to act to preserve and create thousands of jobs and to usher in a clean energy future for the American people. Without our support, the growth of the wind energy industry will slow, and, in fact, wind energy producers likely will shed jobs and halt projects.

Mr. President, I ask unanimous consent that the article that was published in the Wall Street Journal this week be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, July 8, 2012]

WIND POWER FACES TAXING HEADWIND

(By Mark Peters and Keith Johnson)

WEST BRANCH, IOWA.—Acciona Windpower's generator-assembly plant here in the heart of the corn belt is down to its last domestic order as the U.S. wind energy industry faces a sharp slowdown.

Demand for the school bus-size pods it assembles to house the guts of a wind turbine is drying up as a key federal tax credit nears expiration. Acciona is now banking on foreign orders to keep the plant going next year, while hoping the credit will be extended.

The debate over renewing the credit is dividing Republicans, with conservative lawmakers from wind states joining Democrats to push for an extension even as the presumptive GOP presidential nominee, Mitt Romney, has made attacks on government support for clean energy, including wind, a centerpiece of his fight against President Barack Obama.

After several years of domestic growth, the U.S. wind industry faces possible layoffs and shutdowns as a key federal tax credit is set to expire. Mark Peters reports from West Branch, Iowa.

The tax policy, initiated two decades ago, currently gives operators of wind farms a credit of about two cents per kilowatt-hour of electricity they generate. Without the credits, wind power generally can't compete on price with electricity produced by coal- or natural gas-fired plants. Analysts predict that if the tax credit expires on Dec. 31, as it is scheduled to, installations of new equipment could fall by as much as 90% next year, after what is expected to be a record increase in capacity in 2012.

Democrats generally support federal backing for wind power and other clean energy,

arguing that it needs help to compete with entrenched fuel sources whose environmental and health impacts often aren't included in their costs. Mr. Obama has made several campaign trips to Iowa, where he argued for wind energy's tax credits to be extended. Most Republicans are less bullish on clean energy's prospects, and say the government shouldn't support technologies that aren't commercially viable on their own.

Still wind power has vigorous support from some of the reddest districts in the country, with Republican congressmen in wind-power heavy states like Texas, Iowa, and Colorado backing the industry tax credit.

Mr. Romney has criticized the Obama administration's support for clean-energy subsidies. "Solar and wind is fine except it's very expensive and you can't drive a car with a windmill on it," Mr. Romney said at a campaign event in March in Youngstown, Ohio. His economic plan says wind and solar power are "sharply uncompetitive" forms of energy, whose jobs amount to a "minuscule fraction" of the U.S. labor force. A campaign spokeswoman said Mr. Romney supports "the development of affordable and reliable energy from all sources, including wind." He hasn't publicly called for the renewal of the tax credit for wind.

"That's a conversation I need to have with Gov. Romney," said Rep. Steve King, an Iowa Republican and a member of the House Tea Party Caucus who says 5,000 wind-industry jobs statewide and locally-produced clean energy are proof of the benefits of federal policies that support wind power. Iowa has gained several wind-power manufacturing facilities in recent years and ranks second among U.S. states in number of wind farms, after Texas. Terry Branstad, the state's Republican governor, also backs a renewal of the credit.

The production tax credit has spurred huge growth since it was signed into law by President George H.W. Bush in 1992, but it has kept the industry's future tied to the vagaries of Congress. The credit now is caught in the congressional gridlock of an election year, and a vote on renewal isn't likely until after November. Even if renewed then, the pipeline of projects next year is already crimped.

"In some way, it's too late to save 2013 build," said Matthew Kaplan of consultancy IHS Emerging Energy Research.

The credits for wind have expired three times before, most recently in 2004, with new construction slowing sharply each time before the credit was later renewed.

Now the stakes are higher, because the wind industry has established a manufacturing base in the U.S. to build many of the 8,000 parts that go in a typical turbine. Industry data show manufacturing facilities in the U.S. have more than doubled since 2009 to around 470 in 2011. Meanwhile, wind's share of U.S. electricity output has grown to 2.9% last year, from about 1.3% in 2008, according to the Energy Information Administration.

"There is a lot more skin in the game," said Joe Baker, chief executive of the North American wind power subsidiary of Acciona SA, a Spanish company. Its Iowa plant gets 80% of its components from North America, mostly made in the U.S. Almost no components came from the U.S. when the plant opened in 2008.

Many Republicans argue that any benefits from wind power don't justify government investment. "What do we get in return for these billions of dollars of subsidies?" Sen. Lamar Alexander, a Tennessee Republican

who has long criticized the tax credit for the wind industry, said in a speech earlier this year. "We get a puny amount of unreliable electricity."

Local communities are now fearing layoffs in the industry, which employs an estimated 75,000 people nationwide. A Siemens AG turbine-blade factory is the largest employer in Fort Madison, Iowa, which has struggled with one of the state's highest unemployment rates. Mayor Brad Randolph said getting the plant "really was a corner turner," but with industry's current outlook "you could see a large number of employees getting laid off. That could be a game changer the other way."

Vestas, a Danish company that is the biggest manufacturer of wind turbines in the world, employs about 1,700 people at four factories in Colorado, a relatively energy-rich state that has also benefited from wind's growth. Uncertainty over the tax credit "requires us to have a flexible plan for the future that allows us to add, adjust or eliminate positions in 2012," a Vestas spokesman said.

That uncertainty trickles down the supply chain. Walker Components, a privately held company in Denver, expanded operations more than two years ago to supply gear for Vestas turbines. Now, like others that supply the wind industry, the company is contemplating layoffs in its wind division if the credit expires.

Acciona's Mr. Baker said a few employees recently left for other jobs, telling him they wanted to be in industries with more stable outlooks. "It became an employment issue for them. They're not sure. They don't like the seesaw effect," he said.

Mr. UDALL of Colorado. Mr. President, that article says if Congress does not promote PTC, my State could lose hundreds, if not thousands, of jobs. Naturally the numbers are higher with suggestions and estimates that we could lose 30,000 jobs.

The PTC is a perfect example of how Congress can play a positive, productive role in encouraging economic growth and supporting American manufacturing. The American people expect us to do everything we can to create jobs and economic growth. They expect us to work across the political aisle and produce results. They deserve results, and we should not disappoint them by succumbing to election-year gridlock. We have a solid base of bipartisan support for wind energy and for the passage of the wind PTC. That is why I have been urging my colleagues to work with me to pass it as soon as possible.

From Colorado and Utah to Rhode Island and beyond, the PTC has helped American families and businesses prosper in a time when other industries have faltered. The wind industry has been one of the few industries of real growth in recent years, and it has so much more potential. Americans have said again and again that they want Congress to extend the wind PTC. Let's not let them down. Our economy and our future depend on it. Let's pass the PTC as soon as possible. It equals jobs.

I will be back on the floor tomorrow to keep fighting for this commonsense

policy. Coloradans expect no less. Let's pass the production tax credit as soon as possible and protect American jobs.

Mr. President, if I might, I wish to turn to another topic that is on everybody's minds, and that is the efforts here in the U.S. Senate to reform the way in which our campaigns are financed and the way in which that information is shared with the public.

Many of my colleagues took to the Senate floor last night to discuss the importance of the DISCLOSE Act and to draw attention to the enormous volume of undisclosed money that is now flowing into this campaign season and into those campaigns. Democracy is Strengthened by Casting Light on Spending in Elections Act or, as it is known in its shorter form, the DISCLOSE Act, is an important step forward.

It was conceived as a response to the U.S. Supreme Court's 2010 Citizens United decision. Many of us have watched with deep concern as the consequences of that decision played out this election season. Unlimited and often secret contributions to organizations known as super PACs are pouring into our election system and literally drowning out the voices of ordinary Americans who don't happen to be millionaires or billionaires.

Instead of a system where candidates exchange ideas and share their vision for a more prosperous country, the Citizens United decision has released a relentless display of attack ads, and the American people have no idea where they are coming from or who is footing the bill. This sort of unlimited and secret influx of cash is raising the specter of corruption in our elections. Frankly, I am worried we are entering an era of politics that we haven't seen since the Watergate scandal of some 40 years ago.

However, there is hope. Despite what I thought was a misguided decision tied to Citizens United, the Supreme Court did uphold Congress's power to require transparency when it comes to those unlimited campaign dollars, and so the DISCLOSE Act was born.

Let me share with the viewers what the DISCLOSE Act would do. It would require that super PACs, corporations, labor unions, and other independent groups file a public disclosure with the Federal Election Commission for any campaign-related disbursement of over \$10,000 or more within 24 hours of the expenditure.

This basic requirement is designed to bring the exchange of these secret campaign dollars out of the shadows so Coloradans and all the American people know who is trying to influence our elections. That is it. It is simple and it makes sense. We are only asking that political spending and funding be disclosed and held to the same standard as political action committees and candidate expenditures. This sensible re-

quirement will not create burdensome regulations or be in conflict with any of the holdings of the Supreme Court. It is the kind of commonsense transparency that Coloradans are calling for.

It might sound clichéd, but sunlight is truly the best disinfectant. In fact, I heard the Republican leader, Senator MCCONNELL, use that same concept: Sunlight is truly the best disinfectant. We literally step on the basic principles of democracy when we allow tens of millions of dollars to be secretly spent on our elections.

I want to emphasize that this should not be a partisan issue. Despite last night's vote, you would think we could all truly agree on transparency. For example, our colleague Senator MCCAIN has lamented that without the reform of transparency, the Citizens United decision could lead to a major campaign finance scandal. And, of course, that is not healthy for our democracy.

The Supreme Court affirmed Congress's authority to require disclosure, so let's do our job to protect democracy and bring sunlight to our elections. Let's bring the DISCLOSE Act forward and pass it right away.

I also know many Americans would like to see us overturn the effects of Citizens United altogether, and there are efforts to do exactly that. For example, Senator TOM UDALL of New Mexico has introduced a constitutional amendment that would give Congress the power to regulate political spending. I support that effort. I also support an effort to change the way in which we fund the Presidential elections.

I have introduced legislation in the Presidential Funding Act that will reform the currently outdated Presidential public finance system. It is a bill that is aimed at preserving the voices of average Americans.

In 1974 the Presidential public campaign finance system was developed in an effort to restore public faith in elected officials after the Watergate scandal, and it has been used in nearly every Presidential election since. By establishing public financing, we allow candidates to compete based on their ideas instead of competing on who has the most support from special interests and deep-pocket donors.

In fact, my father, Congressman Morris Udall, who served in the House representing the second district in Arizona for some 30 years, was actually one of the first to use the public financing system, which he had helped craft 2 years prior when he ran for the Democratic nomination in 1976. My father was a big believer in running for office on behalf of his constituents instead of on behalf of big money. I believe strongly that ethos ought to apply to today's elected officials more than ever.

The public financing system funded candidates for 30 years and has enriched the political discourse for the

country by ensuring that the American people have more say than connected insiders, special interests, or wealthy donors. Unfortunately, the current system's ability to keep up with the enormous spending required in Presidential campaigns has rendered it less effective. Thanks to Citizens United, public financing is no longer a viable option to compete against unlimited special interest dollars.

My legislation would strengthen the public financing system and incentivize candidates to obtain support from actual citizens, not special interest super PACs or secret financiers. It would ensure that our proven public financing system will be available for future elections, and that corporate and special-interest money doesn't drown out genuine ideas and debates in our Presidential elections.

For those of us who are committed to fixing our campaign finance system in the wake of Citizens United, there is a lot of challenging work ahead. I know Coloradans agree with me that reform could be the single most important issue to fix the way our democracy functions. As I have suggested, and as we know, unfortunately Federal elections are increasingly about who can secretly appeal more to wealthy and special interests instead of working to improve the lives of average and hard-working Americans. This sows corruption, dysfunction, and a government that is less responsive to the needs of the people.

Today we have an opportunity to start with a sensible requirement that we should all be able to agree on. Disclosure is nothing to be afraid of. I urge my colleagues to reconsider their vote and to allow the Senate to at least debate the DISCLOSE Act. We cannot afford to let another filibuster stand in the way of fair and open campaigns. Let's pass the DISCLOSE Act and take a big step toward turning the power of our government back over to the American people.

I note that the leader of this important effort, the DISCLOSE Act, Senator WHITEHOUSE of Rhode Island, is on the floor. I thank the Senator for his leadership and his commitment to ensuring that it is the American people who determine our future, not special interests, super PACs, millionaires, billionaires, and financiers who leave no track and no trace of where their money is going and where it is coming from.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I thank the distinguished Senator from Colorado for his impassioned and eloquent support. I think we recognize that through the course of our country's history, men and women have shed their blood, have laid down their lives in order to protect this experi-

ment in liberty that is the ongoing gift of our country to the rest of the world. When we take that experiment of liberty and turn it over to the special interests, it is a grave occasion.

I yield the floor.

THE PRESIDING OFFICER. The majority leader is recognized.

HELPING EXPEDITE AND ADVANCE RESPONSIBLE TRIBAL HOME OWNERSHIP ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent the Committee on Indian Affairs be discharged from further consideration of H.R. 205, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER (Mr. MANCHIN). Without objection, it is so ordered.

The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 205) to amend the Act titled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, with no intervening action or debate, and any statements related to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 205) was ordered to a third reading, was read the third time, and passed.

The PRESIDING OFFICER. The Senator from Rhode Island.

DISCLOSE ACT OF 2012—MOTION TO PROCEED—Continued

Mr. WHITEHOUSE. Mr. President, I believe Chairman LEAHY will shortly be joining us to discuss the DISCLOSE Act.

I ask unanimous consent that an op-ed piece authored by former Senator Warren Rudman and former Senator Chuck Hagel—two former Republican Senators who distinguished themselves in this body and have gotten together to write an article about the DISCLOSE Act—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, July 16, 2012]

FOR POLITICAL CLOSURE, WE NEED DISCLOSURE

(By Warren Rudman and Chuck Hagel)

Since the beginning of the current election cycle, extremely wealthy individuals, cor-

porations and trade unions—all of them determined to influence who is in the White House next year—have spent more than \$160 million (excluding party expenditures). That's an incredible amount of money.

To put it in perspective, at this point in 2008, about \$36 million had been spent on independent expenditures (independent meaning independent of a candidate's campaign). In all of 2008, in fact, only \$156 million was spent this way. In other words, we've already surpassed 2008, and it's July.

In the near term, there's nothing we can do to reverse this dramatic increase in independent expenditures.

Yet what really alarms us about this situation is that we can't find out who is behind these blatant attempts to control the outcome of our elections. We are inundated with extraordinarily negative advertising on television every evening and have no way to know who is paying for it and what their agenda might be. In fact, it's conceivable that we have created such a glaring loophole in our election process that foreign interests could directly influence the outcome of our elections. And we might not even know it had happened until after the election, if at all.

This is because unions, corporations, "super PACs" and other organizations are able to make unlimited independent expenditures on our elections without readily and openly disclosing where the money they are spending is coming from. As a result, we are unable to get the information we need to decide who should represent us and take on our country's challenges.

Unlike the unlimited amount of campaign spending, the lack of transparency in campaign spending is something we can fix and fix right now—without opening the door to more scrutiny by the Supreme Court.

A bill being debated this week in the Senate, called the Disclose Act of 2012, is a well-researched, well-conceived solution to this insufferable situation. Unfortunately, on Monday, the Senate voted, mostly along party lines, to block the bill from going forward. But the Disclose Act is not dead. As of now, it is 9 short of the 60 votes it needs.

The bill was introduced by Senator Sheldon Whitehouse, Democrat of Rhode Island, who deserves tremendous credit for crafting such comprehensive legislation, listening to his critics and amending his bill to address their concerns in a bold display of compromise. At its core, Whitehouse's bill would require any "covered organization" which spends \$10,000 or more on a "campaign-related disbursement" to file a disclosure report with the Federal Election Commission within 24 hours of the expenditure, and to file a new report for each additional \$10,000 or more that is spent. The F.E.C. must post the report on its Web site within 24 hours of receiving it.

A "covered organization" includes any corporation, labor organization, section 501(c) organization, super PAC or section 527 organization.

This is a huge improvement over the status quo, where super PACs currently have months to disclose their donors (often withholding this information until after an election) and 501(c) organizations have no requirement to disclose their donors at all.

The report must include the name of the covered organization, the name of the candidate, the election to which the spending pertains, the amount of each disbursement of more than \$1,000, and a certification by the head of the organization that the disbursement was not coordinated. The report must

also reveal the identity of all donors who have given more than \$10,000 to the organization.

We have no doubt that the Disclose Act will be spared any credible constitutional challenges if it were to pass the Senate and the House. In its *Citizens United* decision, the Supreme Court, by an 8-1 majority, upheld the provisions of federal law that require outside spending groups to disclose their expenditures on electioneering communications, including the donors financing those expenditures. Justice Anthony Kennedy, writing for the Court, noted that these provisions “impose no ceiling on campaign-related activities” and “do not prevent anyone from speaking.”

We believe that every senator should embrace the Disclose Act of 2012. This legislation treats trade unions and corporations equally and gives neither party an advantage. It is good for Republicans and it is good for Democrats. Most important, it is good for the American people.

What’s more, every senator considering reelection faces the possibility of being blindsided by a well-funded, anonymous campaign challenging his or her record, integrity or both. The act under consideration would prevent this from happening to anyone running for Congress.

Without the transparency offered by the Disclose Act of 2012, we fear long-term consequences that will hurt our democracy profoundly. We’re already seeing too many of our former colleagues leaving public office because the partisanship has become stifling and toxic. If campaigning for office continues to be so heavily affected by anonymous out-of-district influences running negative advertising, we fear even more incumbents will decline to run and many of our most capable potential leaders will shy away from elective office.

No thinking person can deny that the current situation is unacceptable and intolerable. We urge all senators to engage in a bipartisan effort to enact this critically needed legislation. The Disclose Act of 2012 is a prudent and important first step in restoring some sanity to our democratic process.

Mr. WHITEHOUSE. I think what I would like to do is actually share some of the thoughts from it.

Here is what Senator Rudman and Senator Hagel, two former Republican Senators, say:

Since the beginning of the current election cycle, extremely wealthy individuals, corporations and trade unions—all of them determined to influence who is in the White House next year—have spent more than \$160 million.

Excluding party expenditures.

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In all of 2008, in fact, only \$156 million was spent this way. In other words, we’ve already surpassed 2008, and it’s July.

In the near term, there’s nothing we can do to reverse this dramatic increase in independent expenditures.

These two distinguished former Republican Senators wrote:

Yet what really alarms us about this situation is that we can’t find out who was behind these blatant attempts to control the outcome of our elections. We are inundated with

extraordinarily negative advertising on television every evening and have no way to know who is paying for it and what their agenda might be. In fact, it’s conceivable that we have created such a glaring loophole in our election process that foreign interests could directly influence the outcome of our elections and we might not even know it had happened until after the election, if at all.

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They then describe the bill and continue:

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No thinking person can deny that the current situation is unacceptable and intolerable. We urge all senators to engage in a bipartisan effort to enact this critically needed legislation. The DISCLOSE Act of 2012 is a prudent and important first step in restoring some sanity to our Democratic process.

Then the article closes by identifying the authors: Former Senator Warren Rudman, Republican of New Hampshire, is a chairman of Americans for Campaign Reform, and former Senator Chuck Hagel, Republican of Nebraska, introduced disclosure legislation in 2001.

While we await my colleagues who are scheduled to come to the floor, let

me add that it is not unique or unusual that Senators Rudman and Hagel, former Republican Senators, should be supportive of the DISCLOSE Act and of disclosure of who is making these massive, now secret, contributions to buy influence in our elections. First of all, it is not surprising because it is so darned obvious. It should be obvious to any thinking person, as Senators Rudman and Hagel said, that when somebody is spending the kind of money that is being spent—a single donor making, for instance, a \$4 million anonymous contribution—they are not doing that out of the goodness of their heart. They are not doing that just for the sheer fun of it. They are doing that because they have a motive. One doesn’t spend \$4 million in politics if one doesn’t have a motive. If one thinks otherwise, one really needs to wake up and have a cup of coffee.

If we add to that the insistence on the funding being secret, there is only one reasonable conclusion that a thinking person can draw about why somebody who is spending that kind of money with a motive would want their spending and their identity to be secret, and that is because the motive is a crummy motive. It is a lousy motive for the American people. If the American people were excited about the motive, they wouldn’t want to keep it secret. It is only because they want to do bad deeds in the dark.

When time permits again, I will go through some of the Republican Senators who have spoken out in favor of disclosure and transparency in the past. We all know from the debate last night that the minority leader has—and I will yield to the chairman of the Judiciary Committee as soon as he is prepared—Senator ALEXANDER has been on record, as well as Senator CHAMBLISS, Senator SESSIONS, Senator CORNYN, Senator MURKOWSKI, Senator COLLINS, Senator BROWN of Massachusetts, Senator COBURN, and, of course, most prominently and most courageously over a long period of time and with great distinction, Senator JOHN MCCAIN.

So at this moment, I will yield to my distinguished chairman and friend, the chairman of the Judiciary Committee. I appreciate him giving his voice to this debate.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I appreciate what the Senator from Rhode Island has done. He has been a champion on this not only in the public forum on this floor of the Senate, but he has been a champion in the cloakrooms, in the committee rooms; everywhere we have been speaking about it, he has been most consistent. The people of Rhode Island are very fortunate to have somebody with such a strong voice.

For the last two and a half years, the American people have seen the devastating effects of the Citizens United decision. That decision by five Supreme Court Justices overturned a century of laws—a century of laws that have been supported by Republicans and Democrats alike—designed to protect our elections from corporate spending. And what these five men did is they unleashed a massive flood of corporate money into our elections.

Now, many of us in the Congress and around the country were worried at the time of the Citizens United decision that it turned on its head the idea of government of, by, and for the people. We worried that the decision created new rights for Wall Street at the expense of people on Main Street. We worried that powerful corporate megaphones could drown out the voices and interests of individual Americans. I wish I didn't have to say this, but two and a half years later, it is clear these worries were supremely valid, and the damage is devastatingly real.

Since the Citizens United decision struck down longstanding prohibitions on corporations from direct spending in political campaigns, hundreds of millions of dollars from undisclosed and unaccountable sources have flooded the airwaves with a barrage of negative advertisements. Nobody who has watched our elections or even tried to watch television since the Citizens United decision can deny the enormous impact that decision has had on our political process. Everywhere I go in Vermont, people say: Who is behind these ads? Many of them find them offensive in Vermont.

They say: Who is behind these ads?

I say: I don't know.

They say: Well, you are a U.S. Senator. What do you mean you don't know?

I say: Because the Supreme Court has allowed people to hide who is paying for them, even though they are doing it to advance their economic interests, often to the exclusion of everybody else's; even though they are wanting to give themselves an advantage that all the rest of the people won't have.

Nobody who has strained to hear the voices of the voters lost among the flood of noise from super PACs can deny that by extending first amendment rights in the political process to corporations, the Supreme Court put at risk the rights of individual Americans to speak to each other and, crucially, to be heard. Yet, just last month, without a hearing—without even allowing Americans' voices to be heard—the same five Justices who in Citizens United ran roughshod over longstanding precedent to strike down key provisions of our bipartisan campaign finance laws doubled down on Citizens United when they summarily struck down a 100-year-old Montana State law barring corporate contributions to po-

litical campaigns—a State law that had been enacted by the people of Montana because they had seen the pervasive and sometimes evil effects of these corporate contributions. In doing so, they broke down the last public safeguards preventing corporate megaphones from drowning out the voices of hard-working Americans.

There is no doubt about it. In our State of Vermont, we have a town meeting day. People come in. They can express any view they want, but you know who is expressing it. You know whether it is John Jones or Mary Smith. You know if it is the head of a local company or somebody speaking for a workers union. You know who is speaking, and you know that you have just as much right and ability to answer as they did in speaking. Now we are saying: No, no; unless you are a wealthy corporation willing to hide who is speaking, you are not going to be heard.

The Supreme Court decisions not only go against longstanding laws and legal precedence but also common sense. Contrary to at least what one candidate has said, corporations are not people. Corporations are not the same as individual Americans. Corporations do not have the same rights, the same morals, or the same interests. Corporations cannot vote in our democracy. We could elect General Eisenhower as President, but General Electric and General Motors cannot serve as the President. But if you go to the logic of these Supreme Court decisions, it virtually says: Let's elect General Electric or General Motors as President. The fact is, these are artificial legal constructs meant to facilitate business. The Founders understood this. The Founders knew we were not going to allow corporations either to vote or to take over our electoral process. Vermonters and Americans across this great country have long understood this. Apparently five members of the Supreme Court did not understand this.

Like most Vermonters, Republicans and Democrats alike, I strongly believe something must be done to address the divisive and corrosive decision of the Supreme Court in Citizens United. That decision was wrong, the damage must be repaired, and the harmful ways it is skewing the democratic process must be fixed. That is why I held the first congressional hearing on that terrible decision in the weeks after it was issued. That is why we have scheduled a hearing next week in the Senate Judiciary Committee's constitution subcommittee, led by the distinguished Senator from Illinois, Mr. DURBIN, to look at proposals for constitutional amendments to address Citizens United.

But today, without waiting the years and years and years that a constitutional amendment might take, the

Senate can take action. By passing the DISCLOSE Act, we can restore transparency and accountability to campaign finance laws by ensuring that all Americans know who is paying for campaign ads. It is a crucial step toward restoring the ability of Vermonters and all American voters to be able to speak, be heard and to hear competing voices, and not be drowned out by powerful corporate interests. For any of us who are in an election, we expect our opponent to be able to speak out, and the public expects it. They want to hear from both of us. And they should. That is why we have debates. That is why we have candidate forums. But it all becomes irrelevant if you have a huge megaphone, paid for by anonymous donors, anonymous corporations.

When I cosponsored the first DISCLOSE Act after the Supreme Court's decision in 2010, I hoped Republicans would join with Democrats to mitigate the impact of the Citizens United decision. From the depths of the Watergate scandal forward, until only recently, the principle of disclosure was a bipartisan value. A clear-cut reform such as the DISCLOSE Act would have easily drawn bipartisan support in those days after Watergate. I hoped that Senate Republicans, like my friend from Arizona, Senator JOHN MCCAIN, who once championed the bipartisan McCain-Feingold campaign finance law, which I supported, would join with us to help ensure that corporations could not abuse their newfound constitutional rights. Regrettably, every single Republican joined to successfully filibuster the DISCLOSE Act in 2010, and despite a majority in the House and a majority in the Senate and the American people voting and being in favor of passing this disclosure law, it fell one vote short from breaking a Republican filibuster in the Senate—one vote, but not a single Republican would stand and help us restore some of the core disclosure aspects of McCain-Feingold.

Senate Republicans are continuing their filibuster of this commonsense legislation. By filibustering it, they deny the American people an open, public, and meaningful debate on the importance of transparency and accountability in our elections. Last night they again filibustered this bill even though a majority in this Senate voted in favor of it. In fact, they refused to even proceed to debate on the bill in the Senate.

Despite the clear impact of waves of unaccountable corporate campaign spending that has led Senator MCCAIN to now concede that super PACs are "disgraceful," a minority in the Senate, consisting exclusively of Republicans, continue to prevent passage of this important law. Why are they against this bill? Why, when so many Senators of both parties used to champion disclosure laws and Senators of

both parties used to support knowing who is paying for campaign ads, do they continue to prevent us from having a debate? Why, when the Supreme Court made clear even in the *Citizens United* decision that disclosure laws are constitutional, does the Senate Republican leadership insist on stalling the reform?

What happened to those Americans who said that our elections should be open? What happened to those Americans who said we ought to know who is involved in these elections? There should be only one thing secret in our elections: your secret vote, your right to vote in secret—one person, one vote. But nothing should say that there should be a powerful, hidden, secret hand overwhelming the voters of America in telling them how they should vote.

We know disclosure laws can work because they do work for individual Americans donating directly to political campaigns. Mr. President, when you or I give money directly to a political candidate, our donation is not hidden. It is publicly disclosed. And that candidate—people can look at who has supported him or her, and that goes into their thoughts as to whether they will vote for them. Yet those who oppose the DISCLOSE Act are standing up for special rights for corporations and wealthy donors—rights, Mr. President, you and I do not have.

We have seen since *Citizens United* that the line the Supreme Court imagined existed between individual campaigns and the super PACs is an all but meaningless one, as super PACs have poured more and more money into influencing election campaigns. In reality, super PACs have simply become a way to funnel secret, massive, non-disclosed donations to political campaigns. The *Citizens United* decision has allowed corporations and large donors to evade the disclosure laws that apply to you and me by giving money to groups that then fund super PACs, as a way of laundering the money and keeping secret the real funders of these campaign ads.

If the average Vermonter wants to contribute to my campaign or my opponent's campaign, that is going to be public. People are going to know, and they will make their decisions. Part of their decision will be based on who supports us. But when you have a secret—a secret—wealthy entity supporting you, nobody knows who it is. And none of these entities use their real names. They are always for good government, for clean air, for motherhood and apple pie, for the sun rising in the east and setting in the west. There is no reason those funding these super PACs should not be bound by the same disclosure rules for giving directly to campaigns. Public disclosure of donations to candidates has never chilled campaign funding, and it has never prevented

millions of Americans from participating openly. I follow a rule of releasing every single donor to my campaign, and I think we had one for 85 cents once that got disclosed.

We have seen some on the other side of this debate disgracefully compare the attempt we are making—to ensure that the same disclosure laws that apply to you and me also apply to corporations—to the shameful effort in the 1950s and 1960s to keep African Americans from exercising their right to vote. There the chilling effect often took the form of violence. We all remember the bridge at Selma and the blood that was spilled in the long effort for voting rights that led to the Voting Rights Act. At a time when we are seeing a renewed effort to deny millions of Americans their right to vote through voter purges and voter ID laws that serve as modern-day poll taxes, the comparison some have made between our effort to bring sunlight and those evil days is as shameful as it is wrong.

When the race is on for secret money and election campaigns are won or lost by who can collect the largest amount of secret donations, it puts at risk government of, by, and for the people. Now, our ballots should be secret but not massive corporate campaign contributions.

I can tell you what I am fighting for. While too many Vermonters and other Americans are still looking for work, we need to continue looking for ways to spur job growth and economic investment in this country. We have to continue our efforts to increase jobs, reduce unemployment, and support hard-working American families struggling to keep food on the table and a roof over their heads. We have to protect Americans' access to clean air and clean water. We have to fight for their economic security by protecting Social Security, Medicare, and Medicaid. We need to work together to move forward with reasonable policies to bolster economic growth and development and by ending the Bush tax cuts for the wealthiest Americans—the tax cuts we cannot afford that contributed to the financial crisis facing us today.

That is what I am fighting for and I will keep on fighting for those things. What are the secret sources of funding for the super PACs fighting for? What do they expect to gain from hundreds of millions in campaign ads? And why are they hiding?

Vermont is a small State. It would not take more than a tiny fraction of the corporate money flooding the airwaves in other States to outspend all of our local candidates combined. I know that the people of Vermont, like all Americans, take seriously their civic duty to choose wisely on election day. That is why more than 60 Vermont towns passed resolutions on Town Meeting Day calling for action to address *Citizens United*. Like all

Vermonters, I cherish the voters' role in the democratic process and am a staunch believer in the first amendment. The rights of Vermonters and all Americans to speak to each other and to be heard should not be undercut by corporate spending.

I hope that Republicans who have seen the impact of waves of unaccountable corporate campaign spending reconsider their filibuster of a debate on this important legislation. I hope Republican Senators will let us vote on the DISCLOSE Act and help us take an important step to ensure the ability of every American to be heard and to be able to meaningfully participate in free and fair elections.

Mr. President, I yield to Senator WHITEHOUSE.

Mr. WHITEHOUSE. Mr. President, I thank Chairman LEAHY.

I ask unanimous consent, in terms of scheduling floor time, that Senator MANCHIN of West Virginia be recognized now for up to 5 minutes; that Senator MCCAIN, if he is on the floor, be recognized at the conclusion of Senator MANCHIN's 5-minute period; and if Senator MCCAIN is not present on the floor, that I be recognized in his stead.

The PRESIDING OFFICER (Mr. LEAHY). Without objection, it is so ordered.

The Senator from West Virginia.

Mr. MANCHIN. Mr. President, I rise today to address the disturbing role that money is playing in our politics, especially when it comes to anonymous groups with deep pockets that are trying to tear people down. There is no question this is a corrosive situation and it is hurting our democracy.

When you have unaccountable outside groups with virtually unlimited pockets, more and more lawmakers—all of us included—have to spend more time dialing for dollars that takes us away from legislating. That is simply backwards, sir. Elected officials should be working on fixing our problems, not having to worry every minute of every day about raising money so you can be protective or fend off people who are attacking you. And the effects are very clear: This Congress has stalled when it comes to tackling our biggest problems as a nation, but we are raising more money in politics than ever before.

Those priorities in my State of West Virginia are totally out of order, and we need to do something to change the system. I am not alone with this concern. In private, I have talked to my fellow Senators on both sides, Democrats and Republicans, who basically say they are spending more time raising money for reelection and that constant fundraising events interfere with the everyday business of governing this great Nation in the time they are spending to do that.

I try to spend time in my great State of West Virginia every weekend. I can tell you the people of West Virginia are

also deeply troubled by the increasing role money is playing in our politics. Ever since the Supreme Court decision on the Citizens United campaign finance case, we have seen outside groups unleash an unprecedented flood of money to sway elections, and we have seen it time and again in West Virginia over the past several years.

I was deeply troubled by some statistics about how few Americans are involved in financing elections. This is cited by Professor Lawrence Lessig, a campaign finance expert, in *The Atlantic*.

Let me put this issue in perspective for our viewers and my colleagues. The population of this country is approximately 311 million people. We live in this great United States of America. A tiny number of those Americans—only 806,000 people out of the 311 million—give more than \$200 to a congressional campaign. To break that down even further, only 155,000 out of the 311 million contribute the maximum amount to any congressional candidate.

Then look at the people who participate in a number of elections who give more than \$10,000 in an election cycle—the maximum they can give to a candidate and to other candidates—and of those people in the United States of America out of the 311 million, only 31,000 Americans do that.

Let me break it down to even the super PACs—the money that comes from the super PACs. Just in this Presidential election so far, there are only 196 Americans out of 311 million—only 196 people—who have given hundreds of millions of dollars. They account for 80 percent of the funding so far. That is unheard of.

First of all, let me thank Senator WHITEHOUSE of Rhode Island. He has been truly a champion of common sense, bringing this together and bringing all sides together. Some of my friends would say spending money to influence an election is their first amendment right of freedom of speech. To my friends, I understand and respect their concerns. But I truly believe the DISCLOSE Act will not limit their freedom of speech. Instead, it will prevent the anonymous political campaigning that is undermining our democracy.

The people of West Virginia believe we need openness and transparency to stay informed and keep our democracy strong, and the DISCLOSE Act would do that. The people of this country have a right to know who is spending large amounts of money to influence elections. This bill would make the information available.

I ask unanimous consent for 2 more minutes.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. MANCHIN. In fact, the measure is quite simple. Anytime an organiza-

tion or individual spends \$10,000 or more on a campaign-related expense—that is the issue that is very important, campaign-related expense—they have to file a disclosure report with the Federal Elections Commission within 24 hours. Every one of us who runs for office has to disclose every penny we get. It should be that way. Some States, such as our sister State of Virginia, already have a transparency and disclosure law, and it has not stifled free speech there, nor does this provision affect organizations' regular operations. The disclosure is only required when organizations and individuals spend money on campaigns or try to influence elections.

Instead, this bill makes sure every person and organization plays fairly and by the same rules. Whether those organizations or individuals are in the middle, the left, the right, forward, backward or upside down, they have to play by the same rules.

In fact, I truly believe this provision will take an important step forward to increase transparency and accountability. That seems only right and fair to me. I am proud to cast my vote in favor of the DISCLOSE Act.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, here we are with 41 months of over 8 percent unemployment in America, and the national defense authorization bill is languishing in the shadows while we continue to have this debate and, obviously, there is no doubt in most people's minds that—with the full knowledge of the sponsors of this legislation that it will not pass—it is obviously for certain political purposes.

I oppose cloture on the motion. My reasons for opposing this motion are simple, even though the subject of campaign finance reform is not. In its current form, the DISCLOSE Act is closer to a clever attempt at political gamesmanship than actual reform.

By conveniently setting high thresholds for reporting requirements, the DISCLOSE Act forces some entities to inform the public about the origins of their financial support, while allowing others—most notably those affiliated with organized labor—to fly below the Federal Election Commission's regulatory radar.

My colleagues are aware that I have a long history of fighting for campaign finance reform and to break the influence of money in American politics. Regardless of what the U.S. Supreme Court may do or say, I continue to be proud of my record because I believe the cause to improve our democracy and further empower the citizens of our country was and continues to be worth fighting for.

But let's be clear. Reforms that we have successfully enacted over the years have not cured all the public cyn-

icism about the state of politics in our country. No legislative measure or Supreme Court decision will completely free politics from influence peddling or the appearance of it. But I do believe that fair and just reforms will move many Americans, who have grown more and more disaffected from the practices and institutions of our democracy, to begin to get a clearer understanding of whether their elected representatives value their commitment to our Constitution more than their own incumbency.

For far too long, money and politics have been deeply intertwined. Anyone who has ever run for a Federal office will assure us of the fact that candidates come to Washington not seeking wisdom or ideas but because they need help raising money. The same candidates will most likely tell us they are asked one question when they announce they are going to seek office. Unfortunately, it is not how they feel about taxes or what is their opinion of the role of government. No, the question they are asked is: How are you going to raise the money? Couple that sad reality with the dawn of the super PAC spending from corporate treasuries and record spending by big labor and one can easily see a major scandal is not far off, and there will be a scandal, mark my words. The American people know it and I know it.

Reform is necessary, but it must be fair and just and this legislation is not. I say that from many years of experience on this issue.

A recent Wall Street Journal article by Tom McGinty and Brody Mullins, titled "Political Spending by Unions Far Exceeds Direct Donations," noted that organized labor spent about four times as much on politics and lobbying as originally thought—\$4.4 billion from 2005 to 2011. According to the Wall Street Journal's analysis, unions are spending far more money on a wider range of political activities than what is reported to the Federal Election Commission. The report plainly states:

This kind of spending, which is on the rise, has enabled the largest unions to maintain and in some cases increase their clout in Washington and state capitals, even though unionized workers make up a declining share of the workforce. The result is that labor could be a stronger counterweight than commonly realized to "super PACs" that today raise millions from wealthy donors, in many cases to support Republican candidates and causes.

The hours spent by union employees working on political matters were equivalent in 2010 to a shadow army much larger than President Obama's current re-election staff, data analyzed by the Journal show.

The report goes on to note:

Another difference is that companies use their political money differently than unions do, spending a far larger share of it on lobbying, while not undertaking anything equivalent to unions' drives to persuade members to vote as the leadership dictates. Corporations and their employees also tend

to spread their donations fairly evenly between the two major parties, unlike unions, which overwhelmingly assist Democrats. In 2008, Democrats received 55 percent of the \$2 billion contributed by corporate PACs and company employees, while labor unions were responsible for \$75 million in political donations, with 92 percent of it going to Democrats.

The traditional measure of unions' political spending—reports filed by the FEC—undercounts the effort unions pour into politics because the FEC reports are mostly based on donations unions make to individual candidates from their PACs, as well as spending on campaign advertisements.

Unions spend millions of dollars yearly paying teams of political hands to contact members, educating them about election issues and trying to make sure they vote for union-endorsed candidates.

Such activities are central to unions' political power: The proportion of members who vote as the leadership prefers has ranged from 68 percent to 74 percent over the past decades at AFL-CIO-affiliated unions, according to statistics from the labor federation.

Additionally, a February 22, 2012, Washington Post article, titled "Union Spending for Obama, Democrats Could Top \$400 million in 2012 Election." AFSCME reportedly expects to spend \$100 million "on political action, including television advertising, phone banks and member canvassing, while the SEIU plans to spend at least \$85 million in 2012.

With that analysis, combined with the \$1.1 billion the unions reported to the FEC from 2005 to 2011, and the additional \$3.3 billion unions reported to the Labor Department over the same period on political activity, the need for equal treatment of political advocacy under the law becomes readily apparent. I repeat, the need for equal treatment of political advocacy under the law becomes readily apparent.

Given the strength and political muscle behind all these figures, it is easy to understand why disclosure may sound nice, but unless the treatment is completely fair, taking into account the diverse nature and purpose of different types of organizations, disclosure requirements will likely be used to give one side a political advantage over another. That is just one of the flaws of the bill before us today.

The DISCLOSE Act would have little impact on unions because of the convenient thresholds for reporting. But it would have a huge effect on associations and other advocacy groups. From my own experience, I can state without question that real reform—and, in particular, campaign finance reform—will never be attained without equal treatment of both sides. A half dose of campaign finance reform will be quickly—and rightly—labeled as political favoritism and will undermine future opportunities for true progress. Furthermore, these sorts of games and measures will only make the American people more cynical and have less faith in what we do.

The authors of this bill insist it is fair and not designed to benefit one party over the other. Sadly, the stated intent doesn't comport with the facts. The DISCLOSE Act is written to burden labor unions significantly less than the other groups. In the United States, there are roughly 14 million to 16 million union members, each of whom is required to pay dues to its local union chapter. Historically, these local union chapters send a portion of their revenues up to their affiliated larger "international" labor unions. And while each union member's dues may be modest, the amounts that ultimately flow up to the central political arms are vast. The DISCLOSE Act protects this flow of money in two distinct ways: No. 1, organizations that engage in political conduct are only required to disclose payments to it that exceed \$10,000 in a 2-year election cycle, meaning the local union chapter will not be required to disclose the payments of individual union members to the union even if those funds will be used for political purposes.

What is the final difference between one \$10,000 check and 1,000 \$10 checks? Other than the impact on trees, very little. So why should one be free from having to disclose its origin?

No. 2, the bill exempts from the disclosure requirements transfers from affiliates that do not exceed \$50,000 for a 2-year election cycle. As a result, unions would not have to disclose the transfers made to it by many of its smaller local chapters. Given the contrast between union and corporate structures, this would allow unions to fall beneath the bill's threshold limits. For local union chapters, this anonymity is probably pretty important because, among other effects, it prevents union chapter members from learning how much of their dues payments are being used on political activities.

While the exemptions outlined in the DISCLOSE Act may be facially applied to business organizations and associations, it is apparent to me the unions' unique pyramid-style, ground-up, money-funneling structure would allow unions to not be treated equally by the DISCLOSE Act. Unlike unions, most organizations do not have thousands of local affiliates where they can pull up to \$50,000 in "affiliate transfers."

I have been involved in the issue of campaign finance reform for most of my career. I am proud of my record. I am supportive of measures which call for full and complete disclosure of all spending in Federal campaigns. I reaffirmed this commitment by submitting an amicus brief to the U.S. Supreme Court regarding campaign finance reform along with the author of the DISCLOSE Act. This bill falls short. The American people see it for what it is: Political opportunism at its best, political demagoguery at its worst.

My former colleague from Wisconsin, Senator Feingold, and I set out to eliminate the corrupting influence of soft money and to reform how our campaigns are paid for. We vowed to be truly bipartisan and to do nothing which would give one party a political advantage over the other. The fact is this gives one party an advantage over the other.

I say with great respect to the Senator from Rhode Island, the way I began campaign finance reform is I found a person on the other side of the aisle who was willing to work with me, and we worked together on campaign finance reform. The Senator from Rhode Island and the sponsors of this bill have no one on this side of the aisle. By not having anyone on this side of the aisle, the Senator from Rhode Island has now embarked on a partisan enterprise.

I suggest strongly to the sponsors of the bill—if they are serious about campaign finance reform and about curing the evils going on now—they approach Members on this side of the aisle and make sure our concerns about the role of labor unions in this financing of political campaigns are addressed as well.

It is too bad—it is too bad—that Members on that side of the aisle are now orchestrating a vote which is strictly partisan in nature when they know full well the only way true campaign finance reform will ever be enacted by the Congress is in a bipartisan fashion. This is a partisan bill, and I am disappointed we are wasting the time of the Senate on a bill—and on a cause that is of utmost importance, in my view—in a partisan fashion.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, before I yield the floor to Senator SANDERS, I wanted to take 1 minute and thank Senator MCCAIN for his many years of principled advocacy in this area. People have written entire books about the work he has done. I think it was Elizabeth Drew who wrote one of the best books about the courage Senator MCCAIN has shown over the years. So I come to this debate with enormous respect for him.

I will say the bill is not bipartisan, but that is not for lack of trying. We have reached out over and over again. In the face of an absolute stonewall on this subject, we have changed the bill ourselves in order to accommodate concerns. The stand-by-your-ad provision was criticized by the Republican witness in the Rules Committee, so we removed it. The National Rifle Association was livid about the \$600 threshold because it would require them to disclose their members, so we raised it to \$10,000. Over and over, where there have been substantive objections to the bill, we have met them.

At this point, not one Republican—for all of our contacts across the

aisle—has expressed anyplace in this bill where an amendment could be made. We have never been given any language, we have never been shown the area that, in theory, is better for the unions. It is, as Senator McCAIN himself admitted, facially applied to corporations and unions and other organizations alike.

I would refer back to the op-ed in today's New York Times by Republican former Senators Rudman and Hagel agreeing this is, in fact, a fair bill. It is balanced among all parties, and all Senators should support it.

With that, I yield the floor to my colleague, Senator SANDERS, with appreciation for allowing me that moment of his time.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. SANDERS. Mr. President, I thank Senator WHITEHOUSE, Senator SCHUMER, and all those who have been working so hard on this enormously important issue which has everything to do with whether our country remains the kind of democracy most of us want it to be.

I come to the Senate floor today to express my profound disgust with the current state of our campaign finance system and to call for my fellow Senators, as a short-term effort, to pass the DISCLOSE Act. Passing the DISCLOSE Act would be an important step forward, but clearly we have much more to do on this issue.

Long term, of course, we need a constitutional amendment to overturn this disastrous Supreme Court decision—the Citizens United 5-to-4 decision of 2 years ago. Long term, in my view, we also need to move this country toward public funding of elections so that once and for all big money will not dominate our political process.

Long term, there is no question in my mind that Citizens United will go down in history as one of the worst decisions ever rendered by a U.S. Supreme Court. Five members of the Court came to the bizarre conclusion that corporations should be treated as if they were people; that they have a first amendment right to spend as much money as they want to buy candidates, to buy elections. Somehow, in the midst of all of this unbelievable amount of spending millions and millions of dollars, the Supreme Court came to the conclusion this would not even give the appearance of corruption. I think that is, frankly, an absurd conclusion.

Mr. President, let me tell you—and my take on this may be a little different than some of my colleagues—what concerns me most about the Citizens United decision. If we look at Citizens United in tandem with other trends in our economy today, what we see is this Nation is rapidly moving from an economic and political society to an oligarchic form of society.

Economically, what we see are fewer and fewer people who control our economy. We see a nation which has the most unequal distribution of wealth and income of any major country on Earth, in which the top 1 percent of our Nation owns 40 percent of the wealth and the bottom 60 percent owns 2 percent of the wealth. That gap between the very wealthy and everybody else is growing wider and wider. That is wealth in terms of income distribution.

The situation is even worse. The last study we have seen suggests that 93 percent of all new income between 2009 and 2010 went to the top 1 percent. So, economically, we are moving toward a nation in which a few people have a significant amount of the wealth of America—significant amount of the income of America in terms of concentration of ownership. We see a situation in which six financial institutions on Wall Street have assets equivalent to two-thirds of the GDP of the United States of America—over \$9 trillion controlled by six financial institutions. And the recklessness, greed, and illegal behavior of those financial institutions are what drove us into the recession we are struggling with right now.

So now, as a nation, the trends are that fewer and fewer people own the wealth of America and fewer and fewer large corporations control the economy of America. But, apparently, that is not good enough for the 1 percent, for our millionaire and billionaire friends, because now they want to take that wealth and exercise it even more than has been the case in the past in the political realm. That takes us now to Citizens United.

In the real world, we all know what is going on with Citizens United. We know billionaires are saying: Look, yeah, it is great I own an oil company. It is great that I own a coal company. It is great that I own gambling casinos. But, gee, I could have even more fun by owning the United States Government.

So we have entities out there who are worth some \$50 billion—and the Koch brothers come to mind. If you are worth \$50 billion and you have all kinds of interactions with the Federal Government and you have strong political views, why wouldn't you spend \$400 million—which is what the media says that family is going to spend, and maybe even more—if you can purchase the United States Government. That is not a bad investment.

That is what Citizens United is about. It is billionaires spending huge amounts of money without disclosure—without disclosure.

I would have gone further than this bill, but this bill is certainly an important step forward. What does it require? It says if someone is going to spend more than \$10,000 in a campaign they have to make public who they are. I don't think that is a terribly onerous

provision. The American people are not stupid. They understand if somebody is going to spend hundreds of millions of dollars on political activities they want something. That is what it is about.

Why do people make campaign contributions? Many of us get a whole lot of campaign contributions from folks who give us \$25, \$30, \$40. Most of my campaign contributions come from people who give us less than \$200. But if somebody is going to spend hundreds of millions of dollars on a campaign, I think the American people have a right to know who that is and what they want; who is taking that money and what those contributors are going to get in return.

If you are a billionaire and you want lower taxes, have the courage to say: Hey, I am a billionaire. I am putting money into a party, and what I am going to get out of it is lower taxes for the rich. If I am somebody in a corporation that is polluting the air and the land and the water, and I want to get rid of those regulations, have the guts to come forward and say: Yeah, that is what I want. I want to eviscerate the EPA. I don't care that children in Vermont or Rhode Island get sick, that is what I want.

So what this is about is fairly elementary. What this is about is simply having those people, those institutions, those corporations and unions that are putting more than \$10,000 into the political process reveal who they are.

What concerns me very much about this whole process—and I think concerns the American people—is while our middle class disappears and poverty increases, while the gap between the very wealthy and everybody is growing wider, it appears very clear right now these folks are not content, the top 1 percent is not content with simply owning the economy, with controlling the economy. They now want to control, to an even greater degree than is currently the case, the political process as well. That is what these campaign contributions of hundreds of millions of dollars are about.

When I think back on the history of this country and the enormous sacrifices men and women made defending the American ideal—the ideal that was the vision to the entire world. The entire world looked to the United States for what a strong democracy was about—one person, one vote. In my State of Vermont, we have meetings and people come out—one person, one vote—to discuss the municipal town budget, to discuss the school budget. And now we have evolved to a situation where one family can spend \$400 million buying politicians, buying elections. That is a long way away from what democracy is supposed to mean in this country. The DISCLOSE Act is a very important first step forward, and I hope we can get strong support for that important piece of legislation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I want to follow up a bit on what I said I would do earlier, because this has been in some respects half a debate. Other than my friend Senator McCain who has courageously fought on this issue for some years, we have not heard much from the other side of the aisle here, so in some respects it is only half of a debate. In another respect, of course, it is no debate at all, because we are in a filibuster situation with the Republicans blocking us actually going to the Senate debate on this bill. So while it is debate in the lay sense of the word—it is a discussion—it is not Senate debate on the floor, because we stand here being filibustered with a majority of Senators who demonstrably support going to this bill.

I said I would describe some of the things my Republican colleagues have said in the past about disclosure, so let me begin doing that.

Senator McConnell, of course, has very publicly been in favor of it. That may relate to the fact that a report by the Corporate Reform Coalition went State by State, and the Republican leader's home State of Kentucky has a ban on independent expenditures by corporations in its State constitution. Its State constitution bans the conduct that is at issue here. Kentucky has disclosure provisions that require disclosure when independent expenditures of over \$500 are made in any one election. He is here objecting to a \$10,000 limit, and Kentucky disclosure provisions "require disclosure when independent expenditures of over \$500 are made in any one election." It further requires under Kentucky statute 121.190, subpart 1, that the name of the advertising sponsor must be put on any communication. So consistent with the laws of his home State, our Republican leader has for many years stood out in favor of disclosure. Around 2000 he said, "Republicans are in favor of disclosure." And he said:

Public disclosure of campaign contributions and spending should be expedited so voters can judge for themselves what is appropriate.

Other leaders on the Republican side, such as Senator ALEXANDER, have said:

I support campaign finance reform, but to me that means individual contributions, free speech and full disclosure. In other words, any individual can give whatever they want as long as it is disclosed every day on the Internet.

That is exactly what this bill does, but only for donations \$10,000 and more. I don't believe there was a floor in Senator ALEXANDER's remarks.

I see the distinguished Senator from Iowa has arrived. In the spirit of going back and forth, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

THE DREAM ACT

Mr. GRASSLEY. Mr. President, last September, President Obama responded to amnesty proponents, denying that he had authority to unilaterally grant special status to individuals who may be eligible under the DREAM Act.

The DREAM Act has been around the Senate for discussion for about a decade, and in different forms. It has been voted down several times by this body—mostly because the leader won't allow for an amendment process to improve the bill; otherwise, it probably could have been worked upon.

A few months ago when asked by amnesty advocates to push the bill through Executive order, President Obama said this:

This notion that somehow I can just change the laws unilaterally is just not true. The fact of the matter is there are laws on the books that I have to enforce. And I think there's been a great disservice done to the cause of getting the DREAM Act passed and getting comprehensive immigration passed by perpetrating the notion that somehow, by myself, I can go and do these things. It's just not true. We live in a democracy. You have to pass bills through the legislature, and then I can sign it.

But 1 month ago, President Obama continued his "we can't wait" campaign and circumvented Congress, again, to significantly change the law all by himself. On June 15, he announced that the Department of Homeland Security would lay out a process by which immigrants who have come here illegally could apply for relief and remain in the United States without the fear of deportation. So what has changed in the last 9 months, when the President of the United States said last September that he could not unilaterally grant amnesty?

Before I dive into the details of how poorly planned and implemented the directive of June 15 will be, I have to question the legal authority of the President to institute a plan of this magnitude.

I, along with 19 other Senators, sent the President a letter and asked if he consulted with attorneys prior to the June 15 announcement about his legal authority to grant deferred action and work authorizations to a specific class of immigrants who have come here illegally. It is important that we get that question answered, because last September the President said he didn't have the legal authority to do it. We asked the President if he obtained a legal opinion from the Office of Legal Counsel or anyone else within his administration. To date, we have not received any documentation that discusses any authority whatsoever that he has to undertake this massive immigration directive.

I know the Secretary of Homeland Security has discretion to determine who is put in removal proceedings. Prosecutorial discretion has been around for a long time, but it hasn't

been abused to this extent. The President is claiming the Secretary will implement this directive using prosecutorial discretion. However, millions of immigrants coming here illegally will be instructed to report to the U.S. Citizenship and Immigration Service and proactively apply. This is not being done on a case-by-case basis as they want to make it appear.

The President's directive is an affront to our system of representative government and the legislative process, and it is an inappropriate use of executive power based upon what he said last September, that he didn't have the authority to do this. The President bypassed Congress because he couldn't lead on immigration reform, and he couldn't work in a bipartisan manner on an issue that involves undocumented young people.

The President's directive runs contrary to the principle that American workers must come before foreign nationals. His policies only increase competition for American students and workers who struggle to find employment in today's economy. And that unemployment is 8.2 percent official, 11 or 12 percent unofficial.

According to the Bureau of Labor Statistics, the unemployment rate among the age group 16 to 24 has been nearly 17 percent for the last year. According to a Gallup poll conducted in April of this year, 32 percent of the 18-to-29-year-olds in the U.S. workforce, if not unemployed, are underemployed.

The President's plan to get people back to work is to grant immigrants who come here illegally a work authorization. He must be seriously out of touch if he doesn't think there is competition already for American workers.

Now I wish to talk about how poorly this directive has been thought out. This is the implementation of a directive the President said he didn't have the authority to do in the first place. But if you are going to have an illegal directive, you ought to at least know it will work. It is my understanding the White House informed Homeland Security officials of this plan just days before it was announced on June 15. They were unprepared, and have since been scrambling to figure out how it will be carried out.

U.S. Citizenship and Immigration Service—the agency in charge of all immigration benefits, including work authorizations, visa applications, asylum petitions, and employment verifications for employers—will be the agency tasked with handling millions of new applications for deferred status and work permits. Agents in the field are confused as to how to do their jobs and fear retaliation if they don't do the right thing. So in essence, this White House is telling agents in the field to begin a practice called catch and release.

Last Friday, Homeland Security officials briefed the Judiciary Committee

on the directive. Staff of the Judiciary Committee were told that agents of the agency would be required to release immigrants who come here illegally if they fell into the criteria laid out. But what are the ramifications if an agent does not release them but instead uses his discretion to say the person was not eligible and puts them in removal proceedings?

You will be astounded by the answer we got, because the Department of Homeland Security explained that such an agent would be subject to disciplinary action—disciplinary action if you are doing what your job is required to do. The agent's actions would be considered during their annual personnel review.

So there will be no discretion for agents, and they will be forced to give deferred action to anyone who comes close to the criteria laid out, even despite their hesitation to do so, or face retaliation from bureaucratic higher-ups.

It is as though Homeland Security forgot their mission which is:

To ensure a homeland that is safe, secure, and resilient against terrorism and other hazards where American interests, aspirations, and way of life can thrive.

Once we overcome the question of legal authority and the reality that there was little thinking put into this plan before it was announced on June 15, we are left to oversee the details of the implementation plan. Homeland Security officials say they will have a process laid out by August 15. We have very little details, but Homeland Security officials did give some insight on Friday in this briefing to members of the Judiciary Committee staff. Here is what we learned.

We know people under the age of 30, who entered before their 16th birthday, have been here for at least 5 years, and are currently in school may qualify for deferred action. We know there are caveats to the criteria. Some criminal offenses will be OK, and young people can finish their education after they are granted deferred action.

We know individuals with final orders of removal will be eligible for deferred action. We know these people will not have to appear for an in-person interview to benefit from this directive of the President of June 15. We know they will be granted this special status for 2 years, and those who are denied will not be put into removal proceedings. We know this is not aimed at helping just youth since the age limit is 30. So who are we going to help over age 30, because we thought from the President's announcement, if people are over 30 years of age nobody is going to benefit. We know people under the age of 30 are not the only people going to be considered for relief.

Secretary Napolitano said so herself. She told CNN's Wolf Blitzer the following:

We have internally set it up so that the parents are not referred for immigration enforcement if the young person comes in for deferred action.

I was not born yesterday. This administration is not going to give a benefit to immigrants here illegally and then force his or her parents to leave the country, which begs the question, What will they do if the young people are eligible and receive deferred action, but the parent is a criminal, a gang member, or a sex offender?

Because this program has not been well thought out and because it is being rushed to benefit people by the end of the year, there is no doubt that fraud will be a problem. How will Federal officials who process the applications ensure that information provided by the individual is accurate? How will they verify that one truly entered the country before the age of 16 or is currently under the age of 30?

Homeland Security officials act as though they are prepared to handle the influx of counterfeit documents that will be presented. The department officials are going to rely on their small fraud detection unit—who already happen to be very busy working every day on other types of immigration benefits—to determine if people are truly eligible. What will be the consequences for individuals who intentionally defraud the government? They need a fraud and abuse prevention plan. Without one they will likely legalize every single immigrant who came here illegally, who is already on U.S. soil.

The administration will announce more details about this plan in the next few weeks. I am anxious to see if they plan to only provide deferred action to this population. Department officials refuse to elaborate on whether some of these individuals will be able to get advanced parole. That is a special status that allows an immigrant coming here illegally to adjust to permanent residence and then gain citizenship. This administration wants people to believe this is not amnesty and that these people will not have lawful status, but I am watching to see if they try to pull the wool over our eyes and provide a status that allows these people to adjust and remain here permanently.

Finally, a major flaw in the President's plan is how this is going to be paid for. A massive amnesty program is going to cost a lot of money. So what are the taxpayers going to have to cough up out of their hard-earned dollars to pay for it? Department officials said on Friday that illegal immigrants may not be charged for their special status. The individual would be charged \$380 if they choose to apply for a work authorization. They could not assure us that funding would not be redirected from other programs to this initiative.

To reprogram funds within the Department, the Secretary must notify

and gain consent of the majority and minority leaders on the Appropriations Committee. However, when pressed, Department officials could not assure us that they would not bypass the long-standing process and reprogram dollars on their own. The U.S. Citizenship and Immigration Service will be forced to concentrate on this program, leaving employers, foreign workers, and legal immigrants without the service they need to work, visit, or remain in the United States.

If the U.S. Citizenship and Immigration Service adjudication staff will be diverted from their normal duties to handle the millions of potential deferred action applications, this can only have a devastating impact on other programs within the Department. I fear this plan will bankrupt the agency that oversees immigration benefits and affect all legal immigration for years to come.

I fear the President has overstepped his authority again. The President, time and again, has shown no leadership or refused to work with Congress on issues that directly impact the American people. And when it comes to the immigration issue he promised the people in the 2008 election, that in his first year in office he would have an immigration bill before Congress, he has not even presented an immigration bill yet. He insisted he was coming here to change Washington, but he changed it for the worse. He insisted he was going to make this the most transparent administration ever, but Congress and the American people are left in the dark.

No matter where one stands on immigration, we should all be appalled at how this plan has been carried out. Whether it is legal or illegal is one thing. But when it is not thoroughly thought out, how it is going to be implemented, that is not how the chief executive of a major operation such as the U.S. Government ought to be acting.

We should all be concerned that our votes are rendered meaningless as a result of the assumption of power on June 15 that the President said last September he did not have. Until we can end this plan, I encourage my colleagues to watch over its implementation for the future of our country. The integrity of our whole immigration system is hanging in the balance.

This immigration system is very important because the United States has opened doors for more people than any other country in the world to come here legally. About 1 million people come here legally. So we are a welcoming nation. We are a nation built upon immigrants bringing new ideas to this country, making this a very not only colorful country but a dynamic society. We ought to leave it that way. But this change to our immigration system for people to come here legally

jeopardizes a lot of people who want to abide by our laws and come here and make our country even richer.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I come to the floor today to speak in strong support of the DISCLOSE Act, which will help put an end to secretive campaign spending and close the glaring campaign finance loopholes that have been opened up by the Citizens United ruling. I thank the Senator from Rhode Island for his tremendous leadership on this critical issue and all his work which has gotten us to this point today on this very important bill.

This Supreme Court ruling was truly a step backwards for our democracy. It overturned decades of campaign finance law and policy, and it allowed corporations and special interest groups to spend unlimited amounts of their money influencing our democracy. The Citizens United ruling has given special interest groups a megaphone that they can use to drown out the voices of citizens in my home State of Washington and across the country. The DISCLOSE Act would return transparency to this process. It would return accountability to this process. It would be a major step to returning citizens' voices to the important election decisions we make in our country.

This is a very personal issue for me. When I first ran for the Senate back in 1992, I was a long-shot candidate without a lot of money or wealthy corporate backers. But what I did have was amazing and passionate volunteers who were at my side. They cared deeply about making sure the voices of Washington State's families were represented. They made phone calls, they went door to door with us, they talked to families across our State who wanted more from their government.

We ended up winning that grassroots campaign because the people's voices were heard loudly and clearly. To be honest, I don't think it would have been possible if corporations and special interests had been able to drown out their voices with this unlimited barrage of negative ads against candidates who did not support their interests. That is why I support this DISCLOSE Act. I want to make sure no force is greater in our elections than the power of voters across our cities and towns, and no voice is louder than citizens who care about making their State and country a better place to live.

The DISCLOSE Act of 2012 should not be contentious. It simply does what a majority of American people view as a no-brainer. It requires outside groups to divulge their campaign-related fundraising and spending, plain and simple. It does this by shining a very bright spotlight on the entire process and by strengthening the overall disclosure re-

quirements on groups who are attempting to sway our elections.

Too often corporations and special interest groups are able to hide their spending behind a mask of front organizations because they know voters would be less likely to believe ads if they knew the motives behind their sponsors. For instance, an indication of who is funding many of these shell organizations can be seen in the delayed disclosures of the so-called super PACs. In fact, a *Forbes* article recently reported that 30 billionaires now are backing Romney's super PAC. It is unknown how much these same billionaires or their corporate interests are already providing to other organizations with even less scrutiny.

The DISCLOSE Act ends all that. Specifically, the act requires any of these front organizations who spend \$10,000 or more on a campaign to file a disclosure report with the Federal Election Commission within 24 hours and file a new report for each additional \$10,000 or more that is spent. This is a major step in pulling back the curtain on the outlandish and unfair spending practices that are corrupting our Nation's political process. It is a major step toward the kind of open and honest government the American people demand and deserve.

The DISCLOSE Act brings transparency to these shady spending practices and makes sure voters have the information they need so they know who they can trust. It is a common-sense bill. It should not be controversial, and anyone who thinks voters should have a louder voice than special interest groups should be supporting our bill.

This bill aims to protect the very core of our Federal election process. It protects the process by which our citizens fairly assess the people they believe will best come here and be their voice and represent their communities. It exposes the hidden hand of special interests, and it creates an open process for who gets to stand before them as representatives.

I am proud to support this bill and proud of the efforts by Senator WHITEHOUSE and so many others in the Senate. I urge all our colleagues to vote for this bill. Let's move it forward. Let's do what is right for America.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:29 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. FRANKEN).

DISCLOSE ACT OF 2012—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the time until 3

p.m. will be equally divided and controlled between the two leaders or their designees.

The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, I believe we have a number of speakers who are coming over from the caucus lunch to discuss the upcoming vote on the DISCLOSE Act. I wanted to take the time that is available until a speaker shows up to continue to report the previous support for disclosure from our colleagues and from other Republican officeholders and officials.

I think where I left off in my previous listing was Senator LISA MURKOWSKI, who wants Citizens United reversed and has said:

Super PACs have expanded their role in financing the 2012 campaigns, in large part due to the Citizens United decision that allowed unlimited contributions to the political advocacy organizations.

She said:

However, it is only appropriate that Alaskans and Americans know where the money comes from.

My friend Senator JEFF SESSIONS, a ranking member on the Judiciary Committee, at one point said:

I don't like it when a large source of money is out there funding ads and is unaccountable. . . . To the extent we can, I tend to favor disclosure.

Senator CORNYN said:

I think the system needs more transparency, so people can more easily reach their own conclusions.

Senator COLLINS has been quoted:

Sen. Collins . . . believes that it is important that any future campaign finance laws include strong transparency provisions so the American public knows who is contributing to a candidate's campaign, as well as who is funding communications in support of or in opposition to a political candidate or issue.

That is from the Hill.

Senator SCOTT BROWN has said:

A genuine campaign finance reform effort would include increased transparency, accountability and would provide a level playing field to everyone.

Senator TOM COBURN has said:

So I would not disagree there ought to be transparency in who contributes to the super PACs and it ought to be public knowledge. . . . We ought to have transparency. . . . If legislators were required to disclose all contributions to their campaigns, the public knowledge would naturally restrain legislators from acting out of the current quid pro quo mindset. If you have transparency, you will have accountability.

As I reported earlier today, the Republican Senate support goes to people who have left the Senate as well. I would remark again on the extraordinary editorial written in the *New York Times* by Senators Hagel and Rudman.

House Speaker Representative BOEHNER has said:

I think what we ought to do is we ought to have full disclosure, full disclosure of all the money we raised and how it is spent. And I think sunlight is the best disinfectant.

Representative ERIC CANTOR, the majority whip, I believe, has said:

Anything that moves us back towards that notion of transparency and real-time reporting of donations and contributions I think would be a helpful move towards restoring the confidence of voters.

Newt Gingrich has called for reporting every single night on the Internet when people make political donations.

Mitt Romney has said that it is "an enormous, gaping loophole . . . if you form a 527 or 501(c)(4) you don't have to disclose who the donors are."

Well, this is a chance for our colleagues to close that enormous, gaping loophole their Presidential nominee has pointed out.

One of my favorite comments is by Mike Huckabee. Mike Huckabee said:

I wish that every person who gives any money [to fund an ad] that mentions any candidate by name would have to put their name on it and be held responsible and accountable for it. And it's killing any sense of civility in politics because of the cheap shots that can be made from the trees by snipers that you never can identify.

The cheap shots that can be made from the trees by snipers that you never can identify. Let me give an example of that.

I am going to read parts of an article from this morning's New York Times.

In early 2010, a new organization called the Commission on Hope, Growth and Opportunity—

With a name like that, you know it has to be bad in this environment—

filed for nonprofit, tax-exempt status, telling the Internal Revenue Service it was not going to spend any money on campaigns.

Weeks later, tax-exempt status in hand as well as a single \$4 million donation from an anonymous benefactor, the group kicked off a multimillion-dollar campaign against 11 Democratic candidates, declining to report any of its political spending to the Federal Election Commission, maintaining to the I.R.S. that it did not do any political spending at all, and failing to register as a political committee required to disclose the names of its donors. Then, faced with multiple election commission and I.R.S. complaints, the group went out of business.

The editorial continues:

"C.H.G.O.'s story is a tutorial on how to break campaign finance law, impact elections, and disappear—the political equivalent of a hit and run." Citizens for Responsibility and Ethics . . . wrote in a new report.

A cheap shot from the trees by a sniper you can never identify, and to this day no one has ever identified the \$4 million donor.

I see the Senator from New Jersey. I am delighted to yield to him so he can make his remarks.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, yesterday we witnessed quite a sight. Not a single Republican was willing to stand up to oppose secret money and elections. Today they will have another chance to announce their support

and tell their constituents whether they would prefer that secret money buys the politicians or does it take their constituents' votes to get people in place who care about where this country is going.

Republicans will have a chance to show Americans where they stand: with millions of individual voters or the few billionaires who seek to drown out the voices of our citizens by using secret money.

Yesterday, I came to the floor to present the identities of two of the biggest supporters of secret money in politics, David and Charles Koch. They are joined by somebody we read about yesterday in the papers and heard on the news by the name of Sheldon Adelson, whose brain money was earned from Chinese gamblers in Macau to buy American politicians. That is some deal.

The Koch brothers are putting together a secret group of wealthy friends who will spend \$400 million to manipulate the upcoming election. This effort is one of the egregious examples of the flood of big, secret money into our politics, and this unaccountable money is spent with a clear goal of determining our laws and deciding our elections and the policies this country will follow in the future. The Koch brothers are set on picking their preferred politicians. Too bad that with a country of over 300 million people these two fellows want to decide who should run this country of ours.

Koch Industries controls oil and chemical companies that do business around the globe. So what do the Koch brothers and their anonymous friends want from politicians who benefit from their secret money? They want laws that benefit the companies like the ones they own even when those laws come at the expense of millions of other Americans. I think the reason is clear. They want people in office who will put their special interests above the public interest.

These brothers run Koch Industries, which is a giant international conglomerate and one of the largest privately held companies in the world.

The Kochs' secret money organization, Americans for Prosperity, has opposed EPA's new mercury pollution standards. These historic standards will prevent 130,000 asthma attacks, 4,700 heart attacks, and up to 11,000 premature deaths. Americans for Prosperity, funded by secret money, opposed the rule that will save these lives. They would rather have the money. We know what millions of people who live near powerplants want. They want the plants to clean up their acts and stop poisoning them and their neighbors.

The Kochs and industry lobbyists argue that these standards just cost too much. What is the value of a life to these guys? Let them answer the ques-

tion publicly. Turn in the secret money and let the people across our country decide who they want in the Senate, the House, and the White House.

How much poorer is our society when children are born with developmental problems? A child born with pollution in their body is set back from day one. That child's potential is stunted before they have even taken their first breath.

Polluters just ignore the costs to American families. They think their right to pollute is more important than the average person. The children in our country have the right to breathe. It is foul play if we have ever seen it. Put your money up, take fresh air away from young people, and create problems that mercury in our environment does.

Secret money in politics makes it possible for polluting companies to spend millions of dollars influencing elections, and the American public is kept in the dark. So I say to my Republican colleagues: Let your conscience rule your decision. Let's tell the truth.

I wish the vote could say: Yes, I want secret money to continue being sent. They dare us to use that language. Come on. There are good people over there. Let's shine some light on who is pulling the strings in this country. Is it the people or is it the money that makes the difference in the way this society functions?

I yield the floor.

Mr. SESSIONS. Mr. President, I would like to be notified when I have used 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I understand we will have a set vote on the DISCLOSE Act. It got 51 votes previously. We need 60 votes to move forward to pass this bill. It is not likely to happen. Our Democratic colleagues were down here last night into the midnight hour talking about the DISCLOSE Act, which is something that is political and campaign-related that we have a significant difference of opinion about, and it is not going to pass.

I would like to ask my friends and colleagues what is it we ought to be disclosing? Is it the amount of money some individual American made honestly and spent or maybe there are some other issues we ought to disclose. I would say this Senate ought to disclose to the American people what its budget plan is for the future of this country. We haven't had a budget in 3 years. Senator REID said it would be foolish to bring up a budget—foolish because we don't have time. We had time to spend all night last night debating this bill—or half the night—and we are having a second vote on the same bill again today. Why don't we spend some of that time on something important such as dealing with our \$16

billion debt. Why don't our Democratic leaders disclose to us what their plan is to deal with this surging debt, a debt that is increasing at \$1.3 trillion a year. It is unsustainable, as every estimate we have ever been told and every witness has testified to before the Budget Committee and other committees—unsustainable. Yet they refuse to even lay out a plan for how we are going to confront that.

The House has. They laid out a historic plan. Congressman RYAN and his team and the House has passed a long-term budget plan that will alter the debt course of America and put us on a responsible path—not so in the Senate, even though they talked about it in secret amongst themselves that they had a plan. Let's disclose it. Why don't we have a disclosure of it.

October 1 is coming up pretty fast, particularly since we are going to be in recess virtually the entire month of August and it looks like the entire month of October. By October 1, the Congress has a duty and a responsibility to pass legislation that funds the government because the new government fiscal year begins October 1. Senator REID just announced he is not going to produce a single appropriations bill. When I first came here, we tried to pass all 13 every year, before October 1, when the year starts. We are not even going to attempt it.

I think the American people ought to ask: What do you plan to spend your money on next year? The country is suffering substantially. Why don't you disclose, Senator REID, what the appropriations bills are going to be, how much money you are going to spend on each one of the items, and subitems and subitems and subitems, so we can examine it, bring it up on the floor, and offer amendments, as the Senate is supposed to operate. Why don't you disclose that? Isn't that important for America?

I have to say, since I have been here, this will be the least performing, most disappointing year of the Senate in our history. No budget, no attempt to bring up a budget, no appropriations. Those are the bread-and-butter requirements of any Senator.

Food stamps, the SNAP program. In 2000, we were spending about \$17 billion on the food stamp program. Last year, we spent \$79 billion. It has gone up repeatedly. It is out of control. It needs to be managed. It needs to be focusing more on helping people in need, not just subsidizing people in need—helping them move forward to independence and responsibility. Why don't my colleagues disclose a plan for that? Isn't that important to America? I think it is.

There are a lot of other things that ought to be on the table.

The PRESIDING OFFICER. The Senator's 5 minutes has expired.

Mr. SESSIONS. I thank the Chair.

There are a lot of other things on the table we need to be dealing with and talking about and being honest about. It is time to disclose what our financial plans for the future are. It is time to disclose what we are going to do about this debt, what we are going to do about wasteful spending. It is not being done. It is a disappointing year.

I thank the Chair and yield is floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, lest we get totally off track and before the Senator from Alabama leaves the Chamber, I wish to thank him and congratulate him. The system works when Democrats and Republicans come together. The Senator from Alabama and I have worked on many issues together, including the Nation's national security. Just recently, the Senate showed how it can work together on the RESTORE Act in the Gulf of Mexico when we added a provision directing the fine money to be imposed by a judge in New Orleans and redirected that fine money to come back to the people and the environment and the critters of the gulf. That passed in this Chamber 76 to 22—a huge bipartisan vote.

I have had the privilege of working with the Senator from Alabama on many other issues, including the times the two of us led the Strategic Subcommittee of the Armed Services Committee on some of the Nation's most significant things, such as our overall strategic umbrella protecting this country. There again, it was Democrats and Republicans working together.

So to hear a lot of the rhetoric, someone outside the Senate would think we are totally in gridlock. That has not been the case. However, we come to a point of gridlock again because of the Senate rules requiring 60 votes to shut off debate so we can go to this bill called the DISCLOSE Act.

What the DISCLOSE Act does is common sense. It is common sense to say, if someone is going to affect the political system by giving money to influence the votes at the end of the day in an election year, all the campaign laws say they have to disclose that money, and but for a 5-to-4 Supreme Court decision—which is contorted at best and is way over the edge at the very least—its ruling says that because of freedom of speech, outside the political system, one can make advertisements, one can speak freely; in other words, by spending money, buying ads, and one does not have to disclose that. Oh, by the way, that whereas the campaign finance law prohibits in Federal elections corporations from donating, this contorted Supreme Court decision says that can be corporate money and it doesn't have to be disclosed.

That is what we are seeing in abundance in that kind of political speech

right now in all these attack ads, and these attack ads are going rapid fire. We look at who it is sponsored by. It is not sponsored by the candidate; it is sponsored by some organization that has a high-sounding name, but we don't know where the money is coming from.

This piece of legislation in front of us yesterday got 53 votes, and we need 7 more votes to cut off the debate just to go to the bill. This vote is coming at 3 o'clock. We are not going to get it. It is going to be the same result—53 to 47. Why? Because these outside, unlimited sources of funds that are not disclosed are affecting elections and they are achieving the result and we know it. If we put enough money into TV advertising, one can sell a box of soap, whatever the brand is. That is the whole theory behind this. The undisclosed donors giving unlimited sums elect whom they want, and that is going to completely distort the political system.

We start from a basis of old Socratic ideas, going back to Socrates; that in the free marketplace of ideas, the crosscurrents of those ideas being discussed, that out of it truth will emerge and the best course of action will emerge. It is upon those ideals that this country was founded; this country, wanting a representative body such as this to come forth and freely and openly discuss the ideas and hammer out policy. Yet what we are seeing is that in bringing those elected officials here, by electing them by overwhelming advertising from unlimited sources, those elected representatives will be beholden to those particular sources and will not have an independence of judgment, will not have the Socratic ability in the free marketplace of ideas to hammer out the differences of ideas and achieve consensus in order to determine the direction of the country. So the very underpinnings of the country are at stake.

Why is this being fought—something that ought to be like a motherhood bill. One is for disclosure of those giving money to influence the political system, just like all the Federal candidates have to disclose; and, oh, by the way, are limited in the amounts of contributions to each candidate. What is such common sense is being thwarted. If this legislation were to pass and they had to disclose who is giving the money, do we know what: Most of them would stop giving it, and they would have to operate under the normal campaign finance laws which say to report every dime of a contribution and they are limited as to the amount they can give and the candidate is limited as to the amount they can receive. That is fair, but it is more than fair. It is absolutely essential to the functioning of the electoral system in order to elect a representative democracy.

That is what is at stake, and that is what we are going to vote on again. Unfortunately, we know what the outcome of the vote is going to be: 53 in

favor of disclosing and 47 against, and we are not going to know who is giving all this money.

I can't say it any better. It is old country boy wisdom that says this ought to be as easy as night and day, understanding the difference. Yet that is what we are facing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Ms. MURKOWSKI. Mr. President, I have not taken an opportunity to speak to the DISCLOSE Act, which is currently before us, or the holding of Citizens United. I haven't come to the floor to address that, but that does not mean this has not been a discussion of great importance in the State of Alaska.

Alaskans are a pretty independent lot. I think they like to know what is behind certain initiatives, certainly when it comes to the financing of campaigns. They want to know where and when and how and why and that it is appropriate. Our State legislature has enacted some campaign finance reforms that I think have been good. Alaskans have looked very critically at the Citizens United decision and its impact on the campaigns in this country.

I have made no secret of the fact that I disagree with the holdings of the Citizens United decision which makes it possible for individuals and business entities to make contributions in any amount, at any time to independent efforts to elect candidates at the Federal, State, and local levels.

I think this decision not only overturned longstanding Federal law, it also, to a certain extent, displaced State laws, including the laws in my own State of Alaska which barred corporate participation in State elections. It gave birth to a new form of political entity. We all know it; we are all talking about it now, particularly with the Presidential election—the super PAC, a vehicle for large donors. When we are talking about large donors, we are not just talking about donors who can put forth thousands of dollars. We are talking about donors who put forth multimillions of dollars, and it is done to influence the American political process in secret by contributing to organizations with very patriotic names, but they lurk behind post office boxes. There is an anonymity, there is a covering that I do not think the American public expects or respects.

I believe strongly—I believe very strongly—that the Citizens United decision is corrosive to democracy. At a very minimum the American people deserve to know who is behind the organizations, who is funding them, and what their real agendas are.

I think if we were to ask the average American out on the street: Do you think it is reasonable that there be disclosure, full disclosure of where the campaign dollars are coming from, I

think the average American would say: Yes. I know the average Alaskan is saying yes.

So when they see what this Supreme Court case has allowed—courts have determined this is constitutional—I do not think anybody assumed what it would lead to is an ability for an individual to give millions of dollars to influence an election, and yet not be subject to a level of disclosure that is fair and balanced.

I came to the floor very late last night after flying in from Alaska. I left at 7 o'clock in the morning, and my plane touched down at about 10:15 last night. As I landed, I saw the lights of the Capitol on. I knew somebody was still home. The flag that flies on the Senate side of the Capitol was still up, meaning the Senate was still in session, so I decided to come to the floor and see what was going on and to perhaps listen to a little bit of the debate.

I was tired. I was tired from flying. But I was truly tired that as a body, when we have an issue that is important, is significant—whether it is campaign finance or the tax issues we face, whether it is the sequestration issue we will shortly be facing—we are once again in a position where we are doing nothing but messaging. I am so tired of messaging, and I think the folks whom we represent are tired of us messaging.

I want us to have some reforms when it comes to campaign finance and the disclosure that the American public thinks makes sense, where they say: Good. This is not something where you are hiding behind an organization, whether it is a 501(c)(4) or a 501(c)(3) or a super PAC, or however we define it. We want to know that you are open and you are transparent.

I did not stay too late last night to listen to the debates. But I will tell you that the comments I heard from my colleagues were pretty sound. For the life of me, I cannot fathom why it is appropriate that the name, the address, the occupation of an individual who makes a contribution of between \$200 and \$5,000 to LISA MURKOWSKI's committee must be disclosed—that is what is required under the law. But somehow or other there is a constitutional right for someone who gives \$1 million, \$15 million to an independent effort that either supports or opposes an election can do so in secrecy. They can do so in a way that is not subject to disclosure. I do not think that makes sense, and I do not think it would make sense to anybody else out there on the street. What is the difference?

But I would also suggest to you the converse is true as well. I do not believe the membership lists—whether it is the Sierra Club or the National Rifle Association or the NAACP—I do not think those lists need to be public because an organization has made a relatively small donation from its treas-

ury funds to independent efforts. Those who chose to affiliate with broad-based membership organizations deserve to have their privacy interests maintained. So you have things going on both sides here.

Again, what we should be doing in this case is trying to figure out where there is a balance. Where is that fairness? Given that a \$2,500 contribution to me as a candidate—the maximum that can be given to any candidate for any election—has to be disclosed, I do not understand why the bill that is before us, the DISCLOSE Act 3.0, sets the bar for disclosure of a contribution to an independent effort at \$10,000. That does not make sense to me either.

So I guess where I am at this point in time—recognizing that in a matter of minutes we are going to have yet another vote on DISCLOSE under reconsideration—I do think that all these issues need to be addressed in a DISCLOSE 4.0. Maybe we will move to that in the next iteration, but that is not going to be happening here. Yesterday's vote was decisive. As I mentioned, I was flying all day. I was not here at 6 o'clock when that vote was taken. But that vote was pretty clear. There is no way we can reconfigure things, even with the support of LISA MURKOWSKI, so that we could actually get to this bill and start making those changes.

So we are sitting here at a point where we have precious little time before us before we break for August and then come back. We have the campaigns. We have a lot on our plate. I think we recognize that. Saying that, I have already said I think this is a critically important issue. But it is an issue we will not resolve today. It is not possible to resolve today. So we should accept that fact and move forward. We have a lot to do.

What I intend to do is to continue the work I began months ago with colleagues on the other side of the aisle to work to resolve some of these issues, to work on a bipartisan basis on a bill that I hope we can take up as a body. There are Senators who want to work on this. I have met with them and we continue to try to figure out that path forward. But that path forward has to be a bipartisan path. It has to be a bipartisan path.

I hope we can put some kind of a vehicle to hearings and consider it on the floor with an open amendment process, the way we can and should do things around here. That is what I strive to do. That is my commitment. I want to work with my colleague from Rhode Island. I want to work with my colleagues from Colorado and Oregon and New York and my colleagues on the Republican side of the aisle. I think we all recognize this is in the best interests of not only those of us in the Senate but for those we represent—that there is a level of transparency, openness, fairness, and balance when it

comes to campaign finance. That is my commitment.

With that, I know I have probably consumed more than my time. But I appreciate the opportunity to work seriously and genuinely with my colleagues on this issue.

Mr. CORNYN. Mr. President, today the Senate will vote on cloture on the motion to proceed to S. 3369, the so-called DISCLOSE Act. Because the bill is designed to protect entrenched Washington special interests from ordinary Americans who want to exercise their first amendment rights, I will oppose cloture.

Regulation of speech always raises significant constitutional questions. The first amendment is a cornerstone of our democracy, and the DISCLOSE Act would fundamentally remake the rules governing free speech in American elections. It is intended not to promote transparent, accountable, and fair campaigns, but rather to tilt the playing field in favor of the Democratic Party and its constituencies.

Indeed, one of the chief sponsors of this legislation, Senator CHARLES SCHUMER, has admitted that his goal is to deter certain Americans from participating in the electoral process. The DISCLOSE Act will make many businesses and organizations "think twice" before engaging in political speech, Senator SCHUMER said in 2010. "The deterrent effect should not be underestimated."

In essence, the Democrats have concocted a bill that would silence their critics while letting their special interest allies speak. Nearly every major provision of the DISCLOSE Act was designed to encourage speech that helps the Democratic Party and discourage speech that hurts it. For example, the legislation favors unions over businesses, which belies the notion that it was crafted to prevent conflicts of interest.

If the true purpose of this bill were to promote transparency and minimize the influence of political money on government, then unions would face the same restrictions as businesses. But the true purpose of the bill is to help Democrats win elections, and unions overwhelmingly support Democrats, so they are given preferential treatment.

It is not the government's job to apportion first amendment rights among Americans. Those rights belong to every citizen, period. I reject any further erosion of a constitutional liberty that has preserved and strengthened our democracy for 223 years.

I oppose the DISCLOSE Act and urge my colleagues to oppose this afternoon's cloture motion.

Mrs. BOXER. Mr. President, I rise in strong support of the DISCLOSE Act.

It is important for Americans to know where the money is coming from that supports the political ads appear-

ing on their television screens during election season.

This bill is a much needed response to the Supreme Court's decision in *Citizens United*—a decision that is resulting in corporate money drowning out the voices of ordinary citizens.

In *Citizens United*, the Supreme Court overruled decades of legal precedent when it decided that corporations cannot be restricted from spending unlimited amounts in Federal elections.

The decision was astounding, not just because it was a display of judicial activism but also because it defies common sense for the Supreme Court to conclude that corporations or even labor organizations are citizens, as you or I am, in the eyes of the law.

As Justice John Paul Stevens wrote in his dissent, "corporations have no consciences, no beliefs, no feelings, no thoughts, no desires . . . they are not themselves members of 'We the People' by whom and for whom our Constitution was established."

In the aftermath of the *Citizens United* decision, special interest groups known as super PACs with innocuous names like "American Crossroads" and "Restore our Future" are primed to spend hundreds of millions of dollars in the 2012 election.

According to OpenSecrets.org, Super PACs have raised \$246 million in secret money so far in the 2012 election cycle—and we still have 113 days until the election during which that total may double or even triple.

The New York Times recently reported that secret groups have accounted for two-thirds of all political advertising spending this year.

Unlike funds given directly to candidates and political parties, which get reported to the Federal Election Commission and are available for the public to review, funds given to super PACs are secret, leaving voters with no knowledge of who is behind attack ads against political candidates.

Right now the rules require that individuals who give \$200 or more to a candidate must submit detailed information about their identity, their address, and their occupation. But *Citizens United* says that if you give \$2,000, \$2 million, or \$20 million to a super PAC, you don't have to disclose a thing.

Former member of the Federal Election Commission Trevor Potter said individuals "can still give the maximum \$2,500 directly to the campaign—and then turn around and give \$25 million to the Super PAC."

At a minimum, voters in a democracy deserve to know who is financially supporting candidates for public office.

Editorial boards in California and across the country recognize that disclosure and transparency are essential for the integrity of our democratic system.

The Sacramento Bee writes that "reasonable people can disagree on

whether corporations should be able to donate to campaigns, or whether the size of donations should be capped. But there should be no debate about whether donations should be open and readily accessible to the public."

The Los Angeles Times writes that "there is no cogent argument against maximum disclosure. Nor is there any First Amendment argument for secrecy . . . If those who seek to influence elections don't have the courage of their convictions, Congress must act to identify them."

The San Jose Mercury News writes that "since the Supreme Court made it all but impossible to regulate corporate influence on campaigns, the only thing left is requiring swift and thorough disclosure."

And that is exactly what the DISCLOSE Act does.

It requires super PACs, corporations, and labor organizations that spend \$10,000 or more for campaign purposes to file a disclosure report with the Federal Election Commission within 24 hours of the expenditure. The organization must also disclose the sources of all donations it receives in excess of \$10,000. The disclosure must also include a certification that organization's spending is in no way coordinated with a candidate's campaign. These are carefully targeted reforms to ensure that the American people are informed during the electoral process.

Outside spending on our elections has gotten out of control in the post-*Citizens United* world created by the Supreme Court.

Sheldon Adelson, a casino magnate, who gave \$20 million to a super PAC to prop up the Presidential campaign of Newt Gingrich, told *Forbes Magazine*: "I'm against very wealthy people attempting to or influencing elections, but as long as it's doable, I'm going to do it."

A super PAC affiliated with House Republican majority leader ERIC CANTOR raised \$5.3 million in the third quarter this year. Adelson is responsible for providing \$5 million of the total.

The super PAC affiliated with Mitt Romney, "Restore our Future," has raised \$61 million so far. Most of this money came from just a handful of individuals.

During the 2012 Florida GOP Presidential primary, Romney super PACs ran 12,000 ads in that state alone.

A New York Times analysis of donations to Romney super PACs found sizeable amounts from companies with just a post office box as a headquarters, and no known employees.

A USA Today analysis of GOP super PACs through February 2012 found that \$1 out of every \$4 donated to these Super PACs was given by five individuals.

A US PIRG/Demos study found that 96 percent of super PAC contributions

were at least \$10,000 in size, quadruple the \$2,500 donation limit individuals are allowed to give specific candidates.

The Center for Responsive Politics found that the top 100 individual super PAC donors make up only 4 percent of the total contributors to super PACs, but they account for more than 80 percent of the total money raised.

According to Politico, the Koch Brothers and their companies plan to spend \$400 million on the 2012 election, which would be more than Senator JOHN MCCAIN raised during his entire 2008 run for President.

A super PAC called "Spirit of Democracy America" spent \$160,000 in support of a primary candidate in California's 8th Congressional District. The super PAC has no Web site and provided no details prior to the primary election to voters in the district about who was behind their expenditures. The super PAC accounted for 64 percent of all the outside money spent on the race.

A 21-year-old Texas college student used a multimillion dollar inheritance from his grandfather to spend more than \$500,000 on television ads and direct mail in a Kentucky congressional election, helping his handpicked candidate win the primary in an upset.

The American people are tired of these stories, and they are tired of big money in politics.

Overwhelmingly, and on a bipartisan basis, they support disclosure laws and contribution limits.

Because of the massive influence super PACs are having on elections, earlier this month the USA Today issued a frightening prediction about this fall's election.

They write that "the inevitable result is that come November, voters in many closely contested races will make their decisions based on a late flood of ads of dubious credibility paid for by people whose names and motives are unknown."

The American people deserve to have a government that is always of the people, by the people, and for the people.

The DISCLOSE Act will help restore the voice of the people.

I urge my colleagues to support this bill.

Mr. AKAKA. Mr. President, I rise today to speak in strong support of S. 3369, the Democracy Is Strengthened by Casting Light On Spending in Elections, DISCLOSE, Act. I am proud to join 39 of my colleagues in sponsoring this measure and urge the Senate to act now to pass this transparent, commonsense piece of legislation.

Free, fair, and open elections, as well as an informed electorate, are fundamental to ensuring that our government reflects the highest principles of democracy, which is the foundation of this country.

What is at stake today is nothing short of our electoral system. We must reinforce the right of Americans to

make fully informed decisions about the political candidates and parties that seek to represent them in government.

More than 2 years ago, the Supreme Court's 5-to-4 decision in *Citizens United* set the stage for the emergence of super political action committees, PACs, primarily underwritten by wealthy individuals to finance unregulated and often anonymous attack political campaign advertising. This decision effectively puts our elected positions up for sale to moneyed interests.

The DISCLOSE Act would address problems caused by the *Citizens United* decision by restoring accountability and transparency to our electoral system. It would simply require labor unions, traditional PACs, super PACs, and other covered organizations that spend \$10,000 or more on political campaigns to identify themselves by filing a timely report with the Federal Elections Commission.

Opponents of the DISCLOSE Act claim that this bill would impede free speech and discourage political involvement. I cannot disagree more. To the contrary, the DISCLOSE Act preserves the right to express one's opinions and ideas through contributions to political campaigns; it only forces large contributors to identify themselves when making influential contributions. Furthermore, it promotes civic involvement by empowering voters to effectively participate in the electoral process and make informed choices about their leaders.

We are all here to represent the voters in our States and districts who have entrusted us to represent them. In our system of checks and balances, elected officials remain beholden to their constituents through elections; however, to allow this system to work, voters need to have all of the essential information that could influence their decision: who we are, who our supporters are, and how much support we have received from various sources.

No democracy, including this one, can remain fair, successful, and viable if wealthy individuals are allowed to spend unchecked sums of money to anonymously influence the outcomes of its elections.

I urge my colleagues to do what is right for all Americans today and pass this important bill.

I yield the floor.

The PRESIDING OFFICER (Mr. WEBB). The Senator from New York.

Mr. SCHUMER. First, Mr. President, I ask unanimous consent that I be given 4 minutes, the Senator from Rhode Island be given 6 minutes to conclude, and we vote immediately thereafter.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SCHUMER. First, I would just like to make one preliminary com-

ment, and then I would like to address what my colleague from Alaska has said and this bill.

FISCAL POLICY

On another issue, I just heard that Vice President Cheney came to address the Republican caucus on our fiscal cliff. I would suggest that the man who said deficits do not matter is not a very good teacher for the Republican caucus when it comes to deficit reduction and the fiscal cliff. They could get better teachers than that.

As for this issue, first, I wish to thank my colleague from Alaska for her heartfelt comments. She is what we need, somebody who cares about this issue, somebody who has great reach across the aisle, and somebody who is willing to work with us.

It is true, it is obvious we will not have the votes to win the DISCLOSE Act. It is simple disclosure. We tried to make it—under the leadership of Senator WHITEHOUSE; I will address that in 1 minute—we tried to make it as narrow as possible. We tried to deal with all the objections we heard about labor unions and others. That is why there is a \$10,000 amount—far beyond the labor union dues of any union I am aware of. We tried to make it as down the middle as possible for simple disclosure.

But I understand where my colleague from Alaska is coming from. I respect it, and I look forward to working with her. She might be the bridge we need because, mark my words, if we do not do something about this, we will not have the Republic we know in 5 years. It is that simple. This great country we all love has been dramatically changed by *Citizens United*. The failure to correct its huge deficiencies, to have such a small number of people have such a huge influence on our body politic—we have never seen it before. Oh, yes, we have read about our history, and we know there were small groups that were powerful in the past, the robber barons, et cetera. But never, never, never have a handful of people had such awesome tools to influence our political system in a way they choose without any accountability—never.

The robber barons were more accountable and more diffuse. The small group that led America, supposedly, in the 1920s was more accountable and more diffuse. The military industrial complex that President Eisenhower warned about was far broader and more diffuse. To have a small number of people—most of them angry people, most of them people who do not even give any attention to someone who does not agree with them—to give them such awesome power, which is the power to run negative political ads over and over and have no accountability as to who is running them, that is a true danger to the Republic.

It befuddles me that our U.S. Supreme Court does not see it. We want our courts to be insulated from the vicissitudes of politics. But to have a

Court that is so insulated that it does not see, smell, hear, touch what is going on in this Republic does not speak well of that Court. I think it is the main reason its popularity has declined. I hope our Justices will wake and realize what they are doing.

I would say again—first, I wish to thank Senator WHITEHOUSE. He has been a great leader on this issue. I wish to thank all my colleagues. We have been debating this bill for 10 hours—more than 10 hours, I believe—and there has not been one quorum call, which means there has been speaking time from about 6 last night until 1 in the morning—

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCHUMER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Mr. President, at least—at least—10 Republican Senators are on record supporting transparency and disclosure in election spending. Some of them are very significant leaders on the Republican side.

Senator MITCH MCCONNELL said this:

I think disclosure is the best disinfectant.

Senator JOHN CORNYN, head of the Republican campaign operation, said this:

I think the system needs more transparency so people can more easily reach their own conclusions.

Other Senators, colleagues, and friends come from States that require disclosure in election spending. The States they represent know this is wrong. The arguments against this bill are few. Some of those arguments are false. Others don't hold water. Huge majorities of Americans—Republicans, Democrats, and Independents—support cleaning up this mess.

More than 700,000 Americans signed up as citizen cosponsors of this bill in the last few days. The actual number, I believe, is 721,000. But then that ran up against this: outside political spending that went from 1 percent to 44 percent, not disclosed in the last election. And these secret groups, such as Crossroads, with \$76.8 million, and the majority of the money that they spend is secret money—that has changed the debate. But those who are out of the need for that secret money, such as former Republican Senators Rudman and Hagel, are clear:

A bill is being debated this week in the Senate, called the DISCLOSE Act of 2012. This bill is a well-researched, well-conceived solution to this insufferable situation. We believe every Senator should embrace the DISCLOSE Act of 2012. This legislation treats trade unions and corporations equally and gives neither party an advantage. It is good for Republicans and it is good for Democrats.

Most important, it is good for the American people. I urge my colleagues on the Republican side to follow the ex-

ample of their former colleagues Senator Rudman and Senator Hagel; and I pledge to Senator MURKOWSKI that we take her comments very seriously. She has cast a sliver of daylight. I intend to pursue that sliver ardently to work through this problem.

I will conclude by also complimenting Senator MCCAIN. He believes there is a benefit for unions in here that I do not see, which I disagree exists. But certainly he has a record of courage and determination on campaign finance that entitles his judgment to our respect. I look forward to working with both of them.

I yield back our time.

The PRESIDING OFFICER. Under the previous order, the motion to proceed to the motion to reconsider the vote by which cloture was not invoked on the motion to proceed to S. 3369 is agreed to. The motion to reconsider is agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to calendar No. 446, S. 3369, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

Harry Reid, Sheldon Whitehouse, Jack Reed, Joseph I. Lieberman, Jon Tester, Mark L. Pryor, Benjamin L. Cardin, Christopher A. Coons, Jeanne Shaheen, Daniel K. Akaka, Herb Kohl, Charles E. Schumer, Mark Begich, Tim Johnson, Robert Menendez, Frank R. Lautenberg, Mark Udall, Sherrod Brown.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 3369, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, super PACs, and other entities, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. KYL. The following Senators are necessarily absent: the Senator from Illinois (Mr. KIRK) and the Senator from Alabama (Mr. SHELBY).

Further, if present and voting, the Senator from Alabama (Mr. SHELBY) would have voted "no."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 45, as follows:

[Rollcall Vote No. 180 Leg.]

YEAS—53

Akaka	Hagan	Nelson (NE)
Baucus	Harkin	Nelson (FL)
Begich	Inouye	Pryor
Bennet	Johnson (SD)	Reed
Bingaman	Kerry	Reid
Blumenthal	Klobuchar	Rockefeller
Boxer	Kohl	Sanders
Brown (OH)	Landrieu	Schumer
Cantwell	Lautenberg	Shaheen
Cardin	Leahy	Stabenow
Carper	Levin	Tester
Casey	Lieberman	Udall (CO)
Conrad	Manchin	Udall (NM)
Coons	McCaskill	Warner
Durbin	Menendez	Webb
Feinstein	Merkley	Whitehouse
Franken	Mikulski	Wyden
Gillibrand	Murray	

NAYS—45

Alexander	DeMint	McCain
Ayotte	Enzi	McConnell
Barrasso	Graham	Moran
Blunt	Grassley	Murkowski
Boozman	Hatch	Paul
Brown (MA)	Heller	Portman
Burr	Hoeven	Risch
Chambliss	Hutchison	Roberts
Coats	Inhofe	Rubio
Coburn	Isakson	Sessions
Cochran	Johanns	Snowe
Collins	Johnson (WI)	Thune
Corker	Kyl	Toomey
Cornyn	Lee	Vitter
Crapo	Lugar	Wicker

NOT VOTING—2

Kirk
Shelby

The PRESIDING OFFICER. On this vote, the yeas are 53, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion upon reconsideration is rejected.

Mr. CARDIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I withdraw my pending motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

BRING JOBS HOME ACT—MOTION TO PROCEED

Mr. REID. I move to proceed to Calendar No. 442, S. 3364.

The PRESIDING OFFICER. The clerk will report the motion.

The assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 442 (S. 3364), a bill to provide an incentive for businesses to bring jobs back to America.

CLOTURE MOTION

Mr. REID. Mr. President, I have a cloture motion at the desk in reference to this legislation.

The PRESIDING OFFICER. The cloture motion having been presented pursuant to rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate on the motion to proceed to Calendar No. 442, S. 3364, a bill to provide an incentive for businesses to bring jobs back to America.

Harry Reid, Debbie Stabenow, Sheldon Whitehouse, Al Franken, Richard J. Durbin, Sherrod Brown, Richard Blumenthal, Jeff Merkley, Christopher A. Coons, Robert P. Casey, Jr., Benjamin L. Cardin, Jeanne Shaheen, Kirsten E. Gillibrand, Charles E. Schumer, Jack Reed, Barbara A. Mikulski, John D. Rockefeller IV.

Mr. REID. I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, once again I am disappointed, as I think most people in this country are, on an issue as timely as this, outsourcing jobs, that we once again are being stymied on moving to that legislation. We are going to have a vote. The rules are we cannot have a vote on this until 2 days go by, so that is a vote on Thursday. If cloture is invoked on that, then we are only on the bill, and then to get off of it would take another series of days. I think to get final action on this is going to take a week.

It is so unfortunate that we have to go through this. We have gone through this so many times. There is, I repeat, not an issue more timely than this—outsourcing jobs. Whether it is the Olympic uniforms or the many other jobs that have been lost around the country, the American people are tired of it, but I think it is unfortunate the Republicans are stopping us from being able to start legislating on this bill.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today to urge my colleagues to support the motion we have before us to begin consideration of my bill, the Bring Jobs Home Act. I thank my leader for making this a priority and thank the President of the United States for also making this a priority as we move forward.

Let me start on process, to say it is true, of course, as the leader indicated, we could be simply on this bill and working to complete it and pass it. But unfortunately, as happens on everything now, when the leader attempts to move to a bill, there is an objection to that. When there is, it puts us into a situation where we have to spend several days trying to overcome a potential filibuster to be able to move to the bill. So, process-wise, that is where we are.

From a substance standpoint it is absolutely critical that we move to this bill and that we pass it. The great re-

cession and the financial collapse of 2008 were absolutely devastating to our economy. We know that during that time, 8 million Americans lost their jobs and many are still struggling to get out of their own deficit hole because of what happened. These are people who worked all their lives and played by the rules, only to have the rug pulled out from under them.

Many of these people were folks who worked in manufacturing, many in my great State of Michigan. We are so proud that we make things in Michigan. We do not have a middle class, we do not have an economy unless we make things. That is what we do in Michigan. For decades, this has been the foundation of our economy. Frankly, it created the middle class of our country and we are proud it started in Michigan with the beginning of the automobile industry.

It is no coincidence that as those jobs have disappeared over the decades, the middle class has begun to disappear as well and families are in more and more difficult situations personally as a result of that. Those jobs have been the driving force of our economy for decades, as I indicated. Those jobs are the jobs that allowed the "greatest generation" to build the greatest economy in the world, the greatest economy we have ever seen. Those jobs led to tree-lined streets with at least one car in every driveway, and the freedom to raise a family and send them to college and maybe have the cottage up north and be able to take the family on vacation and have the American dream.

Today in fact that dream is in jeopardy and every American family knows that. But it does not have to be that way. In the last decade, companies shipped 2.4 million jobs overseas. To add insult to injury, American taxpayers were asked to help foot the bill.

It is amazing. When I explain that to folks in Michigan, they say you have to be kidding—or they say other things I cannot repeat on the floor of the Senate. Just imagine if you are one of those workers in Michigan or in Virginia or in Ohio or in Wisconsin or anywhere in this country who maybe was forced to train your overseas replacement before you were laid off. Imagine what your reaction would be—more colorful than I have been able to state here. When an American worker is asked to subsidize the moving expenses, as they do today under current tax policy—the moving expenses and costs so their own job can be shipped overseas—there is something seriously wrong with our Tax Code and with our priorities.

It does not have to be that way. In fact, we can change that. We can change that this week on the floor of the Senate by passing the Bring Jobs Home Act and sending it to the House and then sending it to the President where I know he will enthusiastically and immediately sign it.

Instead of rewarding companies for shipping jobs overseas, we want to reward companies for bringing jobs home. That is the whole point of this bill. We stop the tax deduction for moving expenses related to moving jobs overseas. That is what this bill does. Right now you can deduct those expenses as part of your business expenses. We say: No more. Second, we say: However, if you want to come home, we will happily give you that deduction for the costs of moving back to the United States and we will add an additional 20 percent tax credit for those costs of bringing jobs back to the United States. That is what we are doing in the Bring Jobs Home Act.

This is common sense. Unfortunately it is not that common these days, but it is common sense and it is good economic sense as well. It is so important that we pass this bill. We talk about tax reform. We talk about having a lot of tax loopholes. This is one we can eliminate right now, together, on a bipartisan basis. Let's start here, the No. 1 loophole, we will close it; No. 1 priority, jobs in America.

I know some of my colleagues do not believe these jobs are ever coming back. I hear that all the time. We in Michigan have been seeing that same defeatist argument for 20 years. But in fact that is not true. One of the things I am proudest of in the last 3½ years is that we have refocused on advanced manufacturing, making things in America, in this country. We have a lot more to do but we have in fact refocused on jobs here at home and we are seeing, because of that, a whole range of policies—whether it is the advanced manufacturing tax cut I offered in the Recovery Act, that allows a 30-percent writeoff for clean energy manufacturing jobs, or whether it is the retooling loans we put in place to be able to help retool plants to be able to modernize in the name of advanced manufacturing. It is bringing jobs back.

We put in place some initial actions that are making a difference and we are now seeing every month that manufacturing is having an uptick. It has been one of the only areas where pretty much every month we have begun to see a slow return. We are beginning to see some of these jobs come back as a result. Our companies are doing the calculations, finding out that bringing jobs home makes good business sense. It is time our Tax Code stops standing in the way and actually has caught up with what many businesses are doing.

Ford Motor Company brought jobs back from Mexico to support advanced vehicle manufacturing at their newly retooled Wayne Assembly Plant in Wayne, MI. Chrysler is growing and expanding their operations here in the United States, investing—95 percent I believe is the last number which I heard of their investments are being done in America. We are proud to have

them investing in Detroit and in Michigan. Last week we saw a report that GM is about to go on a "hiring binge." I love this, I love anything called a hiring binge, as they bring almost all of their information technology needs back in-house, and to America.

We have a great company in Detroit—actually from New Jersey, now in Detroit—Galaxy Solutions, that has an "outsource to Detroit" effort going on to bring IT back from places such as India and Brazil and China. We have on the side of one of our largest buildings this great sign that says "outsource to Detroit." If we are going to outsource somewhere, let's outsource to our American cities. We love the fact that they are part of the effort to rebuild and refocus on Detroit.

We have companies that want to invest in America. We have stories about GE coming back. We have stories in every State of companies that are bringing jobs back to America. We have men and women who want to work. We have companies that are looking at bringing jobs back. CNBC called it "the stuff that dreams are made of."

I think going forward the great economic resurgence for us is involved in advanced manufacturing, making things in America and bringing our jobs back to America. It is more than time. It is what our workers are dreaming of. We are proud in Michigan of our workforce, these folks who know how to work, they want to work, they work hard every day. I have to say that efforts such as "outsource to Detroit" are giving them a new chance to do that, as well as the other efforts that are going on around Michigan.

There are so many opportunities right here in America. We have the great new ideas. We have the ingenuity and the innovation. We have to make sure we have the right policies to make it happen, that we are not doing anything in our Tax Code that encourages jobs to go overseas; that we do everything possible to support efforts to bring them back and then to reinvest and to expand upon research, development, innovation, retooling the plants we have, reinvesting in communities, reinvesting in our cities, and focusing on a strategy of American jobs. That is what everyone wants us to be doing.

There is a great place to start and that is with our Tax Code so that it catches up with what leading-edge business leaders already know. American businesses, American workers can compete with anybody in the world if we have a level playing field and we give them a chance to do it.

This is a moment, I believe, for us to indicate very strongly to everybody in the country that we get it and that we are not going to allow the Tax Code to continue to create a situation where if someone wants to close up shop and move overseas they can get a tax

writeoff as a result. That makes absolutely no sense. I cannot imagine any other country in the world allowing that to happen.

When I think about places such as China, where at this point they say: Come on over, we will build the plant for you. Forget about a retooling loan; we will build the plant for you. Of course, then we will steal their patents, and there are a lot of other challenges, but: Come on over and we will build the plant for you. The last numbers I saw showed that China was spending \$288 million a day—probably more now—on clean energy policies and manufacturing, and new cutting-edge efforts to try to compete and beat us in an area we should own.

Between our universities and our businesses and our great workforce we ought to completely own these technologies. I am very proud to say that Michigan is now No. 1 in new clean energy patents. We were proud to open, last Friday, the first U.S. Patent Office outside of Washington, DC, in Detroit, MI, as a result of that. There are great ideas happening all over this country right now, innovators—frankly, people who have lost their jobs and they are now back in their garage or basement or the extra bedroom, with new ideas. We want to create businesses to support their creation of businesses by incentivizing them, not having a Tax Code that incentivizes somebody to move overseas.

This legislation I think is pretty simple. It is about bringing jobs home to America. We are going to stop writing off the costs, allowing that business to be subsidized by all of us, including the people they lay off, in order to move overseas. Instead, we are going to say no, if you move overseas you are on your own. But if you want to come back we are happy to allow you a business deduction for those moving expenses and we will add another 20 percent toward the costs of your expenses on top of it. That is what we should be doing. That is smart tax policy. It is common sense. It is one step in a series of things we need to do in order to be able to bring jobs home and make things in America again. I hope we will see an overwhelmingly positive, bipartisan vote on this bill. It would send a wonderful message that we can work together.

We worked together not long ago to pass a farm bill with a strong bipartisan vote because we need to make and grow products in America. That is how we make an economy; that is how we have a middle class. We came together, and I am very appreciative of everyone coming together and working with me and Senator ROBERTS to get that done. This is another opportunity. It is another way for us to come together and say: We get it. We understand what is going on in the country.

Let's work together and get the job done. I strongly urge colleagues to

come together and pass the Bring Jobs Home Act.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mrs. SHAHEEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOEVEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM

Mr. HOEVEN. Madam President, I rise to speak about progrowth tax reform. One week ago Monday, President Obama proposed to raise taxes on over 1 million small businesses in this country. Even though he said in the past that we cannot raise taxes in a recession and that higher taxes will hurt our economy and hurt job creation, he proposed raising taxes on more than 1 million small businesses across this country.

Last week I came to the floor to talk about why that is not the right approach and to discuss the approach we should take, the right approach. I pointed out that his approach—the administration's approach—has made our economy worse since he took office.

Here are the facts, and they speak for themselves. Today we have 8.2 percent unemployment. We have had over 8 percent unemployment for 41 straight weeks. We have more than 13 million people who are out of work and another 10 million people who are underemployed. That is 23 million people who are either unemployed or underemployed. Middle-class income has declined from an average of \$55,000 down to \$50,000 since the President took office. Food stamp usage is up. There were 32 million food stamp recipients at the beginning of the Obama administration; today there are 46 million recipients. We have gone from 32 million people on food stamps to 46 million people on food stamps. Home values have dropped from an average of \$169,000 to an average of about \$148,000.

Let's talk about economic growth. GDP growth is the weakest for any recovery since World War II. In the last quarter, the rate of growth was 1.9 percent over the prior quarter. There were 82,000 jobs created in the month of June. We need 150,000 jobs gained each month just to keep up with population growth and to reduce the unemployment rolls.

Those are some of the statistics.

When I spoke on the Senate floor last week, I also read a letter from one of my constituents back home who is a small business owner. He owns an Ace Hardware store. In his letter, he stated very clearly and very eloquently that the President's approach with small business is hurting our economy. I am not going to read the full letter, but I do want to read a couple of lines from his letter.

His letter states:

The president's programs not only limit my company's potential to grow, but they destroy any incentive to work and hire more people. I just don't know if he doesn't understand what he's doing, or just doesn't care.

I am taking that right out of a small businessperson's letter. Keep that last line in mind for just a minute.

I just don't know if he—

President Obama—

doesn't understand what he's doing, or just doesn't care.

I referenced that because the President gave a speech last Friday in Roanoke, VA. In his speech, he followed up on his plan to raise taxes on small businesses. I am going to read right from the President's speech. I think it gives insight as to his view of small business and how our economy works.

He said:

There are a lot of wealthy, successful Americans who agree with me—because they want to give something back. They know they didn't—look, if you've been successful, you didn't get there on your own. You didn't get there on your own. I'm always struck by people who think, well, it must be because I was just so smart. There are a lot of smart people out there. It must be because I worked harder than everybody else. Let me tell you something—there are a whole bunch of hardworking people out there.

If you were successful, somebody along the line gave you some help. There was a great teacher somewhere in your life. Somebody helped to create this unbelievable American system that we have that allowed you to thrive. Somebody invested in roads and bridges. If you've got a business—you didn't build that. Somebody else made that happen. The Internet didn't get invented on its own. Government research created the Internet so that all the companies could make money off the Internet.

So that is right out of the President's speech in Roanoke, VA, last Friday. I think these comments provide real insight into President Obama's view of our economy and the role of small business in our economy. He says we have all had help in our lives, and that is certainly true. There is no question about that, and I don't think anyone disputes that.

He makes it clear that he believes government, not small business, is the driver of our economy. He says it is government that paves our roads and invented the Internet. In essence, it is government that made successful people successful and government that makes our economy go.

That is just not right. It is small business that makes our economy go. It is small business that made our economy the envy of the world. It is small business that serves as the backbone of our economy, that employs our people, that generates tax revenue to build our roads, creates innovation like the Internet, and that provides Americans with the highest standard of living in the world. Small business is the engine that drives our economy, and we need to get it going. We don't do

that by raising taxes and growing government. Clearly, that is not the way to go.

The President says everyone needs to pay their fair share. Well, of course everyone needs to pay their fair share, but the way to ensure that gets accomplished is with comprehensive progrowth tax reform and closing loopholes. Let's extend the current tax rates for 1 year, and let's set up a process to pass comprehensive progrowth tax reform that lowers rates, closes loopholes, that is fair, that is simpler, and that will generate revenue to reduce our deficit and our debt through economic growth rather than through higher taxes. The reality is that is the only way to go—along with reducing government spending—that will get our debt and deficit under control and get our people back to work. To be successful, this effort needs to be bipartisan, and the clock is ticking.

So let's get started. Let's give small business in this country the legal, tax, and regulatory certainty to encourage private investment and innovation. That is the American way. That is the real American success story. We can do it, and we need to make it happen now.

Thank you, Madam President, and I yield the floor. I would also suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FDA INVESTIGATION

Mr. GRASSLEY. Madam President, I come to the floor to address my colleagues about a Federal agency that has forgotten that this Federal agency is supposed to be working for the American people. This is an agency that has gotten too big for its britches. Some of the officials have forgotten who pays their salary.

The Food and Drug Administration is supposed to protect the American people, except lately the only thing the FDA bureaucrats seem to have any interest in is protecting themselves. According to whistleblowers and published reports in the Washington Post and in the New York Times, the agency in charge of safeguarding the American public and providing for the public safety has trampled on the privacy of its very own employees. The FDA mounted an aggressive campaign against employees who would dare to question its actions and created what the New York Times termed an "enemies list" of people it considered dangerous. It kind of reminds us of President Nixon and the IRS going after enemies.

The Food and Drug Administration has been spying on this enemies list. The FDA has been spying on the personal e-mails of these employees and everybody these employees contacted. That includes their protected communications even with those of us in Congress.

We would not have known the extent of the spying if internal FDA documents about it had not been released on the Internet, apparently just by accident. We would not have known how the FDA intentionally targeted and captured confidential, personal e-mails between the whistleblowers, their lawyers, and those of us in Congress.

In these internal documents, the FDA never wanted the public to see that it referred to whistleblowers as "collaborators." FDA refers to congressional staff as "ancillary actors." FDA refers to newspaper reporters as "media outlet actors." These memos make the FDA sound more like the East German Stasi than a consumer protection agency in a free country.

At the beginning of Commissioner Hamburg's term, she said whistleblowers exposed critical issues within the FDA. That seems to be a very approving comment. She vowed to create a culture that values whistleblowers. That appears to be a very approving statement. In fact, in 2009 she said: "I think whistleblowers serve an important role."

I wanted to believe Commissioner Hamburg when she testified before the Senate committee during her confirmation. I wanted to believe her when she said she would protect whistleblowers at the Food and Drug Administration. However, the facts now appear very different.

In this case, the FDA invaded the privacy of multiple whistleblowers. It hacked into the private e-mail accounts and used sophisticated keystroke logging software to monitor their every move online.

When an FDA supervisor was placed under oath in the course of an equal employment opportunity complaint, that employee—that supervisor—testified that the FDA was conducting "routine security monitoring." That is entirely false. This monitoring was anything but routine. It specifically targeted five whistleblowers. It intentionally captured their private e-mails to attorneys, to Members of Congress, and to the Office of Special Counsel. The internal documents showed that this was a unique, highly sophisticated, and highly specialized operation.

According to the Office of the Inspector General, the Food and Drug Administration had no evidence of any criminal wrongdoing by these whistleblowers. This massive campaign of spying was not just an invasion of privacy; it was specifically designed to intercept communications that are protected by law. The Office of Special

Counsel is an agency created by Congress to receive whistleblower complaints and to protect whistleblowers from retaliation. The law protects communications with the special counsel as a way to encourage whistleblowers to report waste, fraud, abuse, mismanagement, and threats to the public safety, and to do that reporting without fear of retaliation. The FDA knew that contacts between whistleblowers and the Office of Special Counsel are privileged and confidential, but the James Bond wannabes at the FDA just didn't seem to care what the law said.

In the end, the self-appointed spies turned out to be more like the bumbling Maxwell Smart. Along with their own internal memos about spying, the fruits of their labor were also accidentally posted on the Internet. It is tens of thousands of pages of e-mails and pictures of the whistleblower computer screens containing some of the very same information the FDA bureaucrats were so keen to keep secret.

When I started asking questions about this, FDA officials seemed to suffer from a sudden bout of collective amnesia. It took them more than 6 months to answer a letter from last January starting my investigation of this issue. When I pushed for a reply during those 6 months, FDA told my staff that the response would take time to make sure it was accurate and complete.

When I finally got the response on Friday, it doesn't even answer the simplest of questions, such as who authorized this targeted spy ring, and isn't it a coincidence that just Friday, before the New York Times article was going to come out, they finally answered a letter going way back to my questions of January. Worse than that, though, it is misleading in its denials about intentionally intercepting communications with Congress.

When I asked them why they couldn't just answer some simple questions, they told my staff that the response was under review by the "appropriate officials in the Administration." The nonanswers and the doublespeak would have fit right into some George Orwell novel.

Of course, when my staff dug deeper and asked if the response was being reviewed by the Office of Management and Budget, the Food and Drug Administration responded: No, it wasn't being reviewed by OMB.

FDA refused to identify who within the administration was holding up the FDA's response to my letter. Now, that is in an administration that said on January 20, 2009, they are going to be the most transparent in the history of this country. FDA refused to say how long it had been sitting on that person's desk or why it had been approved by the political officials outside the FDA. Who is this shadowy figure con-

ducting some secret review of the FDA's responses to this Senator's questions? Why was there all of a sudden interest in exerting political control over the correspondence of this supposedly independent Federal agency? And when we use the words "independent Federal agency" around here, we mean not subject to political control.

We need answers, and we need answers now. I have been demanding answers for 6 months. For the past 6 months, FDA has been telling me to just be patient. The FDA has been telling me they have a good story to tell—and those are their words, "a good story to tell."

Apparently, though, there is someone in this administration—President Obama's administration—who didn't want them to say anything for as long as they could possibly get away with not saying anything. I finally got Commissioner Hamburg on the phone in June of this year. Commissioner Hamburg personally assured me the FDA was going to fully cooperate with my investigation. Yet the FDA has provided me with nothing but misleading and incomplete responses.

The FDA has failed to measure up to Commissioner Hamburg's pledge of cooperation. The FDA buried its head in the sand in hopes I would lose interest and go away. They don't know me very well. That is not going to happen.

I don't care who is in charge of the executive branch—Republican or Democrat—I am going to continue demanding answers. When government bureaucrats obstruct and intercept my communications with protected whistleblowers, I am not going to stop. When government bureaucrats stonewall for months on end, I will not stop. When government bureaucrats try and muddy the waters and mislead, I will not stop. I intend to get to the bottom of it.

I will continue to press the FDA until we know who authorized spying. Can my colleagues imagine spying in American government, a transparent government—supposed to be transparent—spying on whistleblowers who are protected by law and who have a special office set up to protect them, and spying on communications between a lawyer and their client?

Someone within the FDA specifically authorized spying on private communications with my own office and with several other Members of Congress. Someone at FDA specifically authorized spying on private communications with Congressman VAN HOLLEN's office. Someone at FDA specifically authorized spying on private communications with the staff of the Senate Special Committee on Aging. Someone at FDA specifically authorized spying on private communications with the lawyers for whistleblowers, and those lawyers are called the Office of Special Counsel.

These whistleblowers thought the FDA was approving drugs and treatment it shouldn't. These whistleblowers thought the FDA was caving to pressure from the companies who were applying for FDA approval. They have a right to express those concerns without any fear of retaliation whatsoever, if the law is going to be followed—the law protecting whistleblowers. But after doing so, two of these whistleblowers were fired, two more were forced to leave FDA, and five of them were subjected to an intense spying campaign.

Senior FDA officials may have broken the law. They authorized the capturing of personal e-mail passwords through keystroke logging software. That potentially allowed them to log in to the whistleblower's personal e-mail accounts and access e-mails that were never even accessed from a work computer. Without a subpoena or warrant, that would be a criminal violation.

After 6 months, FDA finally denied that occurred. However, that denial was based on the word of one unnamed information technology employee involved in the monitoring. We need a more thorough investigation than that.

I have asked the FDA to make that person and several other witnesses available for interviews with my staff. We will see how cooperative FDA plans to be now. I will continue to press the FDA to open every window and every door. Eventually enough sunlight on this agency will cleanse it.

FDA gets paid to protect the public, not to keep us in the dark. Secret monitoring programs, spying on Congress, and retaliating against whistleblowers—this is a sad commentary on the state of affairs at the FDA.

I know there are hard-working and principled rank-and-file employees at the FDA who care very much about their mission to protect the American public from harm. Unfortunately, all too often those rank-and-file employees are unfairly tarnished by others, such as those involved in this spy ring.

This is a sad commentary on President Obama's promise to the American people that this would be the most transparent administration in history. The American people cannot lose faith in the FDA. Unfortunately, after this debacle, some of that faith may deteriorate. The FDA has a lot of work to do to restore the public's trust.

I yield the floor and suggest the absence of a quorum.

THE PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. HATCH. Madam President, the American people are struggling. Our

economy is barely keeping its head above water. Millions of citizens remain out of work. President Obama has spent trillions in taxpayer dollars, and there is nothing to show for it. He talks about investments—investments in infrastructure, in roads, and in bridges—while he has spent trillions. Where are the roads? Where are the bridges? Where is the new electrical grid?

This reckless spending is a sin of commission. But the administration's sins of omission are perhaps worse.

With businesses and families lacking any certainty at all about their tax rates next year, the President and his liberal allies have, nonetheless, steadfastly refused an extension of the 2001 and 2003 tax relief.

Even worse, they are so committed to raising taxes on small businesses—the same small businesses that must be cultivated to get our economy and job growth moving again—that he and his Democratic allies in the Senate have put their feet down and are denying tax relief to anyone unless they get their way on tax increases.

And make no mistake about it, increasing taxes is what they intend to do. They intend to do it so they can spend more. They live to raise taxes. It is almost as though their only source of pleasure is hiking taxes. Taking money out of the private sector and controlling it for their liberal agenda is like some power trip for the left.

And do not fall for that red herring fiscal responsibility argument advanced by my friends on the other side. If you look at comparable policy between the Hatch-McConnell amendment and the Democratic leadership's position, they differ by about \$41 billion for the policy for 2013. That \$41 billion represents 1.1 percent of the spending proposed in the President's budget for 2013. The House budget, rejected by our friends on the other side, would reduce the deficit by restraining spending by \$180 billion—more than four times the deficit reduction that would be achieved through the tax hikes insisted upon by the Democrats.

But what does that tax increase mean in terms of harm to the economy?

My friends on the other side of the aisle should consider this: Today, a study commissioned by the National Federation of Independent Business, the S Corporation Association, and the U.S. Chamber of Commerce confirmed again that the President's attempt to stick it to the rich is going to end up skewering small businesses and the families who work for them, or would like to work for them.

This report, published by Ernst & Young—one of the great accounting firms in this country—and authored by Dr. Robert Carroll and Gerald Prante, found that if the President gets his way, the economy will be 1.3 percent

smaller than it would be and there would be 710,000 fewer jobs.

Study after study confirms that the President's policies prioritize spreading the wealth around over growing the economy and creating jobs.

The Vice President spoke yesterday about the values of Republicans and the values of Democrats. Naturally, he spoke pejoratively about Republican values. I disagree with him, naturally, on his negative assessment, but I do agree that there is a clear distinction—a clear choice—between the values embraced by Republicans and Democrats.

Republicans want to grow the economy and create jobs so that American families can thrive. However, to judge by their single-minded pursuit of tax increases, President Obama and his liberal allies appear to value a politics of class envy and wealth redistribution. Having Washington bureaucrats manage the economy in the name of wealth equalization is their first priority, regardless of any evidence that this tax policy undercuts economic growth and job creation.

Unfortunately, the President's economic ethic is significantly hampering our economic recovery with disastrous consequences for America's families.

Today, Ben Bernanke, the Chairman of the Federal Reserve, testified before the Senate Banking Committee. As the Senate's Democratic leadership and the President ignore the fiscal cliff, Chairman Bernanke's words are a somber reminder of what we face if we do not address the fiscal cliff.

He testified that the recovery “could be endangered by the confluence of tax increases and spending reductions that will take effect early next year if no legislative action is taken.” He stated that the public uncertainty about the resolution of these issues is a negative drag on the economy, and he concluded that addressing this cliff “earlier rather than later would help reduce uncertainty and boost household and business confidence.”

But instead of addressing these critical economic issues, the Senate spent another day voting on the same doomed piece of partisan legislation. Rather than take on the hard work of addressing the fiscal cliff that our economy is approaching, we spent precious time yesterday debating the DISCLOSE Act. For those who are not aware, this is a bill that had one purpose: to discourage political engagement by President Obama's opponents.

It takes a pretty bad bill to unify the ACLU; that is, the American Civil Liberties Union, and the NRA against it. But the DISCLOSE Act has brought the lion and the lamb together against it.

It is bad enough that we spent all of yesterday debating a bill that has no shot of becoming law. It is even worse that we devoted nearly an entire day today to debating the same bill again.

In the meantime, the American people continue to suffer under this weak economy. And to defend their lack of action, the President and his allies have engaged in some revisionist fiscal history.

I want to begin by correcting the record on this revisionist fiscal history. I will follow that with a discussion of the other side's insatiable appetite for taxes and spending.

We have recently been debating whether we should adopt the President's policy to raise taxes on small business. We have also discussed the tax monster that is stalking the American people under the guise of ObamaCare. In both of these debates, we have heard a good deal of fictional accounting.

These accounts share much with other stories we have heard from the other side over the past decade. You hear it from our friends in the majority whenever the Senate discusses spending or tax policy. I have noticed that the arguments boil down to two points.

My friend and colleague, the former chairman and ranking member of the Senate Finance Committee, Senator GRASSLEY, came up with this thumbnail description of this creative historical account:

First, all of the so-called good fiscal history of the 1990s was derived from the partisan tax increases of 1993. That is their argument. And second, all of the supposedly bad fiscal history taking place within the past 10 years is to be blamed on the bipartisan tax relief plans originally enacted during the last administration and continued under the present administration.

You could go one step further and, as a policy premise, refine that thumbnail description to two short sentences. First sentence: Lower taxes are bad. Second sentence: Higher taxes are good.

Not surprisingly, these revisionist historians support higher taxes and higher government spending. Not surprisingly, the revisionists oppose cutting taxes and cutting government spending.

I direct folks to the Senate floor remarks I made on Valentine's Day last year. It is important to reiterate the main point of those remarks. Our friends on the other side assert that raising taxes was the key to a growing economy in the 1990s, and raising taxes could work this magic again.

A quick look at the data from the 1990s shows this assertion can be summarily dismissed.

I have a chart. According to the Clinton administration's Office of Management and Budget or OMB, the impact of the much bragged about tax hike bill of 1993 was minimal. The Clinton administration OMB concluded that the 1993 tax increase accounted for only 13 percent—as you can see, the green bar on the circular chart—the 1993 tax increase accounted for only 13 percent of

deficit reduction between 1990 and 2000. Thirteen percent puts the 1993 tax increase behind other factors, such as defense cuts, other revenue, and interest savings. The data clearly shows that tax increases did not drive the deficit reduction.

As a matter of fact, only 13 percent of the positive fiscal history of the 1990s is due to the 1993 tax increase. That is it—13 percent. It is right here on the green part of the chart.

Well, what about the last decade? The period of 2001 to 2010 saw a lot of deficits. From what you hear from our friends on the other side, those deficits are a direct result of the tax relief that benefited virtually every American taxpayer. Yet CBO data tells us a different story.

On May 12, 2011, CBO released a recap of the changes over the last decade. At the start of 2001, as everyone agrees, CBO projected a surplus of \$5.6 trillion. Over the decade, deficits of \$6.2 trillion materialized. That is a swing of \$11.8 trillion. What did CBO say were the causes?

My friends on the other side might be surprised to learn that the answer is not primarily tax relief. Higher spending accounts for 44 percent of the change. Higher spending, no question about it.

Let me repeat that. Higher spending was the biggest driver of the deficits of the last decade.

Economic and technical changes in the estimates accounted for 28 percent of the change. So all tax relief, including the tax relief passed by Democratic Congresses and tax relief signed into law by President Obama, accounts for 28 percent. The tax relief legislation, much maligned by our friends on the other side, accounts for less than half of the fiscal change attributable to tax relief. Specifically, the bipartisan tax relief bills of 2001 and 2003, including the AMT patches in those bills, accounted for 13.7 percent of the fiscal change of the last decade.

That is not ORRIN HATCH speaking, it is the nonpartisan congressional scorekeeper, CBO.

So how much of the bad fiscal history of the last decade is attributable to tax relief? Twenty-eight percent. That is it. That includes the tax cuts in partisan bills such as the stimulus. If you isolate the bipartisan bills that are the object of sharp criticism from our friends on the other side—the 2001 and 2003 tax cuts—you will find that those bills account for only 13.7 percent of the fiscal change in the last decade.

Abnormally low levels of spending contributed significantly to the surpluses of the 1990s. Abnormally high spending drove the deficits of the past decade. Abnormally high spending is driving our current deficits, and it will drive our future deficits as well.

To my friends on the other side, if we focus instead on hiking taxes way

above their historic averages, we are misleading and mistreating the problem. The reason for our previous surpluses was low spending, and the reason for our current deficits is high spending. We cannot tax our way to fiscal health.

I now turn to a second issue that demands a response. It has a corollary of the theme underlying the revisionist fiscal history I have discussed. It is the insatiable appetite for taxes and spending that we see from the President and my friends on the other side.

Last week, President Obama once again called for tax increases in order to fund his so-called progressive vision of government. I am specifically speaking of the President's latest proclamation that the tax relief of 2001 and 2003—tax relief supported by the President and 40 Senate Democrats in 2010—should not be extended for people earning \$250,000 or more a year. This was breathlessly reported in some quarters of the fourth estate as if it constituted news. In my opinion, the more proper and accurate response would be to borrow from President Ronald Reagan when he said “there you go again” to Jimmy Carter in a 1980 debate.

Perhaps ironically President Reagan was responding to President Carter's comments on a national health insurance proposal. President Reagan was more right than even he knew.

Getting back to taxes and the role of government, President Reagan was essentially making the same point this chart shows, which is liberal logic. No matter what problems face the left, the answer is always the same solution. Health care is too expensive; raise taxes. Spending is out of control; raise taxes. Gas prices are too high; raise taxes. Too many people are unemployed; raise taxes. It is a broken record.

Again, no matter what problem faces the left, the answer is always the same. More taxes are always needed in order to increase the size and scope of the government in people's lives.

The Supreme Court recently affirmed the point of this chart—the liberal solution to rising health care costs and lack of coverage were tax increases.

The propensity of President Obama and his ideological allies to raise taxes is nothing new, and it is widely acknowledged as well. Back in August of 2008, David Leonhardt wrote a piece in the New York Times that quoted then-candidate Obama. It is titled “Obamanomics,” and here is what he said:

If you talk to Warren, he'll tell you his preference is not to meddle in the economy at all—let the market work, however way it's going to work, and just tax the heck out of people at the end and just redistribute it. That way you're not impeding efficiency, and you're achieving equity on the back end.

In order that people may peruse the whole story, I ask unanimous consent

that the Internet Web address to Mr. Leonhardt's piece be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 24, 2008]

OBAMANOMICS

(By David Leonhardt)

<http://www.nytimes.com/2008/08/24/magazine/24Obamanomics-t.html>

Mr. HATCH. For those of us not invited to the local Dairy Queen for a Blizzard with the oracle of Omaha, the Warren cited in this quote is none other than Warren Buffett. He is a friend of mine—you know, the same Buffett from which the Buffett rule or Buffett tax is named.

Setting aside the ridiculous notion that Americans are as oblivious to taxes as cattle are to the purposes of the slaughterhouse they are being led into, this quote very accurately illustrates the liberal attitude toward taxes, which is that they always need to go up.

This chart illustrates government revenue as a percentage of GDP. Look at that. The purple line is total government. The red line is Federal Government. The green line is State and local government. When we combine them, we get the purple line, which is well over 25 percent for most of the time, from 1970 up to 2010.

There are some fluctuations, but over the last 40 years, revenues have been roughly stable. We can see in the past 10 years a dip around the time the so-called Bush tax relief was enacted, followed by a rebound as the tax cuts promoted growth, followed by a dip in revenues as the recession set in. We can see that it came down around 2000, went up a little more, and then came down again.

According to the CBO, as of June 5, 2012, Federal revenues averaged 17.9 percent of GDP over the past 40 years. The same CBO report—the 2012 long-term budget outlook—forecasts that under current law, Federal revenues will be 18.7 percent of GDP next year in 2013 and will be 23.7 percent of GDP in 2037.

Somebody could say that current law is not realistic and some tax provisions that are scheduled to expire will likely be extended. To account for this, CBO has an alternative fiscal scenario which assumes the extension of certain tax policies through 2022.

CBO assumes this would lead to the Federal revenues increasing to 18.5 percent of GDP in 2022, with that level being preserved going forward. We definitely know that President Obama doesn't support the assumptions that are part of CBO's alternative fiscal scenario because earlier this week he called for taxes to increase on hundreds of thousands of small businesses—almost 1 million small businesses and business owners.

The question remains, Why do my friends on the other side think taxes always need to go up? The answer to this question is more complex than I am going to discuss right now, but part of the answer is that taxes need to go up in order to increase the size and scope of government in the lives of all Americans.

Here is another chart that compares State and Federal Government revenues, which we have just examined, with total government spending. We will notice Federal Government spending is the purple line on the top most of the way through except where it intersects with the red line, which is total government revenue. All of a sudden total government revenue goes down, but total spending seems to go up between 2005 and 2010.

We can see that over the past 40 years it looks like spending has been inclined to move up, but only in the past few years does it jump to unprecedented heights. Virtually every action taken by the Obama administration and Democratic Senate leadership has amounted to an increase in the size and scope of government.

The continuing government takeover of health care is just the single most prominent example right now. On all fronts, President Obama's expansion of government is on the march, trampling whatever gets in its way.

The chart behind me is a combination of Federal and State spending. If we are just talking about the Federal Government, in the CBO document I cited earlier, it is projected that debt will eventually reach 200 percent of our economy—that means of the GDP—that health care spending will rise to record levels, and that Medicare and Social Security are on a path to disaster.

Getting back to the chart, the combined State and Federal spending and revenues—the purple line—what I find particularly striking is the large gap between the spending and revenue lines. Once again, as CBO has indicated, that gap is likely to increase to more than twice the size of our whole economy. We are already at 103 percent of GDP.

If I recall correctly, Spain is a little more than half of that—around 70 percent. Yet Spain is considered in real trouble in Europe. Once again, as CBO indicated, that gap is likely to increase to more than twice the size of our whole economy.

Finally, here is a chart of Federal and State government spending as a percentage of GDP. Look at this.

I apologize for being repetitive, but if there is one message that should be taken from my remarks today, it is one that I and others have been making a long time. That message is that the United States doesn't have a tax problem; it has a spending problem.

We keep hearing that Republicans are too beholden to an antitax ide-

ology, and that any resolution of our debt crisis will require that Republicans get with the program and acknowledge the need for increased taxes.

As I have shown, this characterization of our fiscal and political problems is not close to half right. By far, the greatest cause of our fiscal shortcomings is increased spending.

Our increasingly precarious fiscal situation did not arise from a dramatic decrease in taxes but, rather, is being caused by a dramatic increase in Federal spending. There is a continual effort underway to deny this reality but reality it remains.

I have a chart that summarizes the latest tactic being used to convince people that exploding government spending is not the disaster it appears to be, and this is called the rich guy chart. As John Stossel has pointed out, people like free stuff. The problem with free stuff from the government is that nothing is free. To quote John Stossel, "It's an Uncle Sam scam." Stossel was specifically discussing the ability of people to exploit a tax credit for electric vehicles in order to acquire golf carts, but the principle applies to any instance where the government supposedly provides something for nothing. This is where the cartoon of the rich guy behind me comes in. Goodies from the government are a lot less appealing when there is a pricetag involved, and many people would like to decide how they are going to spend their own money. The left's preferred solution to this little quandary is to have someone else foot the bill.

For President Obama, that someone else is, in his words, "the rich," which includes all these small businesses that are formed in subchapter S corporations and other passthrough entities, including partnerships, LLCs, and so forth—small businesses that are vital to our economic recovery.

Unfortunately, that approach is just as realistic as the cartoon I am using to illustrate my point. While many of us may not while away our leisure time down at the club playing whist with monocled robber barons, a lot of us probably know of small businesses in our communities that employ us or our neighbors and provide goods and services that consumers want and our economy demands.

When liberals are talking about this guy in the top hat with the monocle, they are talking about the hard-working small business owner. So when President Obama talks about increasing taxes on the rich, he is talking about increasing taxes on around 940,000 small business owners who are already in the top two tax brackets. A lot of people who would not pay the Obama tax increase work for someone who would be hit by it. What we have seen is that President Obama and his allies want to increase the size of government and, in part, they want to

fund this expansion with higher taxes on so-called rich people.

I want to conclude my remarks with a question. If we are getting more government, what are we getting less of? I am going to go back to the chart I displayed earlier of government spending as a percentage of GDP.

This one right here. We can see government spending is going up, but what is going down as a result? What does the area on the top of that chart, which is diminishing, represent? This is a subject that lends itself to prolonged discussion, but for one answer we can get back to Mr. Leonhardt's piece in the New York Times. This is the same piece from August 24, 2008, and contains a quote from then-candidate Obama critiquing his friend Warren's argument.

President Obama said:

I do think that what the argument may miss is the sense of control that we want individuals to have in determining their own career paths, making their own life choices and so forth. And I also think you want to instill that sense of self-reliance and that what you do will help determine outcomes.

Let me refer to the Obamanomics II chart. If candidate Obama was in the midst of an internal struggle over the appropriate role of government back in 2008, that struggle is over—self-reliance lost and taxing the heck out of people and redistribution won. It runs through the theme of his revisionist fiscal history, and it is the ethic underlying the insatiable appetite my friends on the other side have for taxes and spending.

This, in and of itself, is not anything new for liberals and progressives. Once again, I will quote my friend Ronald Reagan in my response to the President's plan to tax the heck out of people in the name of redistribution: "There you go again."

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

Mr. THUNE. Mr. President, one of the foremost threats to our economy is the fiscal cliff. This is an issue my Republican colleagues and I have been talking about for several months now, calling for more transparency in the sequestration that will occur at the end of the year, a replacement of the defense sequester, and actions to prevent a massive tax increase on the American people.

Senate Democrats—who have only recently acknowledged the looming fiscal cliff—are now threatening to go over the cliff unless Republicans agree to increasing taxes on America's small businesses during this difficult economic period.

Think about that. Senate Democrats are willing to put our economy at serious risk and our national security in jeopardy unless Republicans agree to a massive tax increase on America's small businesses.

The headline from a news story in the Washington Post from over the weekend says, "Democrats Threaten To Go Over Fiscal Cliff If GOP Fails To Raise Taxes." They quote, "Senior Democrats say they are prepared to weather a fiscal event that could plunge the nation back into recession," if the New Year arrives without an acceptable compromise—which they have defined to be a major tax increase on small businesses in this country.

Think about the impact of that and what that means to people across this country. We have had now, for the last 3 years, a complete failure in the Senate to produce a budget. We are now faced with this fiscal cliff which consists of the sequestration, the across-the-board cuts that would occur early next year if nothing is done to prevent them, the tax hikes, and we are going to reach the debt limit, all threatening our economy in an already anemic recovery.

It is hard to overstate the magnitude of the tax increases that are going to hit our economy starting next year if we don't act. Over the next 10 years, this tax increase would result in nearly \$4.5 trillion in new taxes on American families and entrepreneurs. What does that mean to the average family in this country? The Heritage Foundation recently published a study that estimated the tax increase per tax return in every State. For example, for my State of South Dakota the Heritage Foundation estimates that the average tax increase per tax return would be \$3,187 in the year 2013.

I would say to my colleagues on the other side of the aisle, many of whom I think generally believe in Keynesian economics, that the average family in South Dakota could do more to stimulate our economy and create new employment by keeping their \$3,187 and spending it as they see fit, not as Washington sees fit to spend it on their behalf.

Taxmageddon is a very apt description that has been applied to this fiscal cliff when you consider the impact of these tax increases not just on individual families but on our entire economy. Until recently we could just speculate about the impact of these tax increases on our fragile economy, but the magnitude of the damage was in dispute. Not anymore. Last month, the Congressional Budget Office gave us the most definitive estimate yet of the impact of the nearly \$½ trillion of tax increases that would hit in 2013 when combined with the more than \$100 billion of spending cuts that would occur under the sequester I mentioned earlier.

The Congressional Budget Office projects the combination of the massive tax increases and the sequester will result in real GDP growth in calendar year 2013 of only one-half of 1 percent. Think about that, one-half of 1 percent. We are right now growing somewhere—they think—in the range of 1.9 percent or 2 percent this year. But next year, the real GDP growth would amount to only ½ percent. And the picture is even bleaker if you consider that CBO projects that the economy will actually have a decrease in GDP of 1.3 percent in the first half of 2013.

So you have the Congressional Budget Office saying that over the entire year of 2013, the likelihood is we will grow at one-half a percentage point if we don't address the fiscal cliff. But in the first half of next year, we actually see a decrease of 1.3 percent of economic growth. According to CBO, a reduction of 1.3 percent of economic growth in the first half of next year would "probably be judged to be a recession." That is according to the Congressional Budget Office, which is the nonpartisan authoritative referee we use to evaluate the impact of the spending and debt tax issues.

This morning, the Chairman of the Federal Reserve Board of Governors, Ben Bernanke, testified before the Senate Banking Committee, and he said:

Fiscal decisions should take into account the fragility of the recovery. That recovery could be endangered by the confluence of tax increases and spending reductions that will take effect early next year if no legislative action is taken. The Congressional Budget Office has estimated that if the full range of tax increases and spending cuts were allowed to take effect—a scenario widely referred to as the fiscal cliff—a shallow recession would occur early next year. . . .

That is according to the Chairman of the Federal Reserve Board of Governors Ben Bernanke in his testimony as recently as this morning. He talked about a shallow recession occurring next year and the endangerment of the recovery that is under way if we have this confluence of events happen at the end of the year.

He went on to say:

These estimates do not incorporate the additional negative effects likely to result from public uncertainty about how these matters will be resolved.

In other words, the economic uncertainty that is associated with all these things happening at the end of the year are impacting the economy today as people are looking at how they are going to make investment decisions, and that our economy is likely to experience negative effects from that public uncertainty above and beyond the direct impacts that CBO has incorporated into its analysis.

So let's be very clear about what the fiscal cliff means. We are not talking about a slight slowdown of a few tenths of a percent. What we are facing is the

difference between positive growth on the one hand—which will mean more jobs and higher incomes—and a potential recession on the other hand. We can, and must, provide Americans some certainty as to what their taxes are going to be next year.

The House of Representatives has already agreed to hold a vote to extend all of the existing tax rates before the August recess in order to avert the fiscal cliff. They are going to act on this sometime before we go out in August to extend all of the rates before the end of the year so there is certainty for those who are making economic decisions.

Unfortunately, thus far the Senate and the Senate Democratic leadership has only agreed to hold a vote on a plan to raise taxes on nearly 1 million small businesses. This tax increase on individuals earning more than \$200,000 a year and families making more than \$250,000 a year will raise taxes on more than half of all income in America earned by S corporations, sole proprietorships, LLCs, partnerships, and other passthrough businesses that pay their taxes at the individual rates.

A point of clarification: That applies to a lot of mom-and-pop businesses in this country. We are talking about that restaurant owner, that electrician, many of whom are organized in the fashion in which their income flows through their individual tax return and they pay at the individual tax rate. The Joint Committee on Taxation has estimated that the number of businesses that would be impacted by that is 940,000. So almost 1 million small businesses would see their taxes go up as a result of the fiscal cliff and tax rates expiring at the end of the year for those individuals who are making more than \$200,000 and families making more than \$250,000 a year.

According to the National Federation of Independent Business, the small businesses most likely to be hit by the Democratic tax increase employ 25 percent of the total workforce. So we are talking not just about the small businesses that are going to be faced with higher taxes, but we are also talking about a huge portion of the American workforce in this country. Twenty-five percent of the employees in this country work for those small businesses that, according to the Joint Committee on Taxation, will see their taxes go up as a result of the President's proposal.

We essentially have in front of us three choices:

We can let all the tax rates expire, which we know is going to plunge our economy back into a recession; we can do what our Democratic colleagues want to do, which is to raise taxes on successful small businesses and entrepreneurs, slowing our economy even further and risking—according to the Congressional Budget Office and the Chairman of the Federal Reserve

Board—a recession; or, we could do what the House of Representatives will soon pass and what I would suggest, and that is we can prevent a tax increase from hitting anyone and give the lackluster economic recovery at least a chance to gain some steam.

That is what we ought to do. We ought to do what the House of Representatives is going to do, and that is to extend the rates for a year so that people in this country have some certainty as to what their tax rate is going to be at the end of the year.

I hope my colleagues here in the Senate—and the Senate Democrats in particular—will realize the severity of the fiscal cliff, and come to the table to prevent this massive tax increase and the unbalanced and troubling cuts that will occur to our national security if we don't take steps to avert this fiscal cliff.

We have to prevent the dangerous cuts to our national defense that are scheduled to go into effect under sequestration by finding savings elsewhere in the budget. In order to do that, we need a detailed plan from the administration as to how they plan to implement the sequester.

Members of Congress on both sides of the aisle have called for more transparency on the sequester from this administration, but they have so far failed to produce a plan. That is simply unacceptable. I will continue to work to see that a requirement be enacted so the administration will finally be transparent with the American people and give all Members of Congress a clear idea as to where the cuts are going to be applied.

Our economy is weak. We know that growth in the first quarter was a mere 1.9 percent. Expectations for the second quarter have been downgraded. We have witnessed now for 41 straight months unemployment above 8 percent. We have 23 million Americans who are either unemployed or underemployed and 5.4 million Americans who have been unemployed for a long period of time.

We have a weak economy. The amazing thing about this debate is that 2 years ago the President of the United States said that raising taxes would strike a blow to the economy. That was at a time when we had 3.1 percent economic growth. We now have, as I said, according to the estimates, 1.9 percent economic growth for the first quarter of this year, and expectations for the second quarter have already been downgraded. So with 41 straight months of unemployment above 8 percent, 23 million Americans underemployed or unemployed, and the weakest recovery literally since the end of World War II, now is not the time to raise taxes.

Who in their right mind would think it would make any sense at all to raise taxes when you have an economy that

is growing at such an anemic rate, particularly given the fact that 2 years ago, when we had more robust economic growth, the President said at that time that it would strike a blow to our economy if we raised taxes. Here we are with economic conditions that are much worse, circumstances that have deteriorated since then, and he is proposing a tax increase on 1 million small businesses that will have a ripple effect all across our economy and hurt job creation at a time we cannot afford that.

There was another study, an analysis that came out today done by Ernst & Young in which they analyzed the tax hikes that would occur on small business next year and came to the conclusion that it would cost 700,000 jobs in our economy, that it would cost us 1.3 percent of economic growth—which is again consistent with what the Congressional Budget Office has said—and that it would reduce wages to people in this country by 2 percent.

So you now have the Ernst & Young study out there which suggests that not only does this impact the small businesses out there that are going to see their taxes go up, but it puts at risk and in jeopardy jobs for hard-working Americans and a wage base that would actually shrink if, in fact, we drive the car over this fiscal cliff.

We cannot afford to do that. It is irresponsible to have people out there saying that they are so anxious to prove some point or to win some argument on raising taxes that they are willing to see this country run the risk of plunging into a recession and raising the number of people who are unemployed in this country. It really is.

I have to say that when I saw some of the remarks and some of these stories and some of the reporting about statements that are being made by our colleagues on the other side and Members of their staff with regard to the fiscal cliff and the willingness on the part of many of our colleagues to suggest that this country could go through and endure even more difficult economic times than what we are already experiencing, even higher unemployment than what we are already seeing, it was really pretty remarkable and truly unfortunate.

I hope folks will walk back from that position, walk back from those remarks, and enter into a discussion about how we might be able to provide the necessary economic certainty for our job creators and our small businesses, how we can get people back to work, how we can grow and expand this economy.

Frankly, extending the tax rate should only be the first part, the short-term solution. The long-term solution is to get tax reform, comprehensive tax reform. People on both sides of the aisle agree with that. If we could enter into a discussion about how we could

reform our Tax Code in such a way that it broadens the tax base, lowers the rates, does away with loopholes and deductions, coupled with entitlement reform—that we all agree has to be dealt with or we are going to continue to see the country on a fiscal trajectory that is completely unsustainable over time, is going to lead to the situation we see many European countries dealing with today—that is what we ought to be focused on.

We ought to be providing certainty to our businesses, extending rates at least for now until such time hopefully next year when we all agree we need to sit down and solve this tax mess we have in this country, this Tax Code that has become way too complicated, and come up with something that is more simple, more clear, more fair, and something that makes us more competitive in the global marketplace. Right now, we are losing to a lot of countries around the world simply because we have a tax code that makes American businesses noncompetitive in the international marketplace.

Tax reform, entitlement reform, a comprehensive energy policy, regulatory reform—it is not that hard to fix this if we have the will, the political will to do it. But we cannot start by saying to small businesses in this country that we are going to raise your taxes next year, run the risk of plunging the country into a recession and increasing the number of people in this country who are unemployed.

That is the exact wrong prescription. We ought to be providing certainty, extending the rates, and getting into a discussion and hopefully action on legislation that would reform the American Tax Code to make us more competitive in the world, do away with the costly, overreaching, excessive, and burdensome regulations that are making it more difficult and more expensive to do business in this country; an energy plan that makes sense, that relies upon American sources of energy; and a spending plan, a budget—something the Senate has not done now for 3 years, an actual budget. Lo and behold, go figure that we could actually do a budget in this country that puts us on a more sustainable fiscal path by reforming entitlement programs, that will actually save Social Security and Medicare for future generations of Americans. That is the long-term prescription for what ails America. But certainly in the short term it makes matters much, much worse when we talk about piling a tax increase on the very people we are looking to, to create jobs and get this economy back on track.

I hope this Congress will come to its senses about this and that we will vote down any proposal that would raise taxes on hard-working small businesses and entrepreneurs in this country and instead give them the certainty they

need for the months ahead, until such time as we can deal with the issue of tax reform.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DREAM ACT

Mr. DURBIN. Mr. President, 11 years ago I introduced the DREAM Act to allow a select group of immigrant students with great potential to contribute more fully to America. The DREAM Act said that in order to qualify, they had to earn their way to a legal status and they had to have come to the United States as children, be long-term U.S. residents, have good moral character, graduate from high school, and agree to serve in our military or at least complete 2 years of college.

These young people literally came to the United States as infants and children. They grew up in this country. They went to school with our kids. They are the valedictorians, the athletes, and even the ROTC leaders in schools across America. They did not make the decision to come here; they were just kids. Their parents made the decision. As Homeland Security Secretary Janet Napolitano said, immigrants who were brought here illegally as children “lacked the intent to violate the law.” It is not the American way anyway to punish children for the wrongdoing of their parents.

I am going to continue to work on this DREAM Act. It has been 11 years. I will work on it as long as I have to to get it done; it is that important. But the young people who are eligible, who would be eligible for it, cannot wait any longer. Many have already been deported to countries they never remembered and with languages they do not speak. There are still some at the risk of deportation.

That is why the Obama administration decision a few weeks ago to stop the deportation of young people who would be eligible for the DREAM Act was the right thing to do. The administration says we will allow these immigrant students to apply for a form of relief known as deferred action that puts their deportations on hold and allows them, on a temporary renewable basis to live and work legally in America. I strongly, strongly support this decision. I think it was a humane decision by the President of the United States on behalf of these young people.

When the history of the civil rights era we have lived through since the 1960s is written, this will be an important chapter. The administration's deportation policy has strong bipartisan support. It was 2 years ago that Republican Senator RICHARD LUGAR of Indiana joined me in a letter to the President asking me to do this. Last year, Senator LUGAR joined me, along with 22 other Senators, to sign a letter to the President asking the same thing, and what do the American people think about President Obama's decision on the DREAM Act students? It turns out that 64 percent of likely voters—including 66 percent of Independents—support the policy, compared to 30 percent who oppose it.

Earlier, my colleague and friend from Iowa Senator GRASSLEY gave a speech on the Senate floor about this decision by the President. At one point in time, Senator GRASSLEY was a cosponsor of the DREAM Act. We wouldn't know it from his speech today. He has changed his position on this bill just like so many other Republicans. Let me take a few minutes to respond to his specific points.

He claimed the President's policy to not deport the DREAM Act students is going to hurt the American economy. I couldn't disagree more. Granting deferred action of DREAM Act students will make us a stronger country giving these talented immigrants a chance to be part of America and its future.

Studies have found DREAM Act students can contribute literally trillions of dollars to the U.S. economy given a chance to be a part of it. We are not talking about importing new foreign workers into the United States to compete with Americans, we are talking about taking young people who are educated in our schools at our expense, trained and ready to give something to America and giving them a chance. They are going to be tomorrow's doctors, engineers, teachers, and nurses. We shouldn't squander their talents and all the years we invested in educating them by deporting them at this important point in their lives.

Senator GRASSLEY said President Obama “circumvented Congress to significantly change the law all by himself.” With all due respect, I don't think that is how it happened. The Obama administration's new deportation policy is lawful and appropriate. Throughout history, all governments—and our Federal Government—have had to decide whom to prosecute and not to prosecute. It is called prosecutorial discretion. It is based on law enforcement priorities and resources. Every administration, Democratic and Republican, has stopped deportations of low-priority cases, as they should.

Just last month, the Supreme Court reaffirmed that the Federal Government has broad authority to decide whom to deport. Justice Anthony Ken-

nedy, appointed by George H.W. Bush, wrote the opinion for the Court. This is what he said:

A principal feature of the removal system is the broad discretion exercised by immigration officials . . . Discretion in the enforcement of immigration law embraces immediate human concerns. Unauthorized workers trying to support their families, for example, likely pose less danger than alien smugglers or aliens who commit a serious crime.

The administration's policy is not just legal, it is realistic and smart. Today there are millions of undocumented immigrants in the United States. It is physically and literally impossible to deport them. So the Department of Homeland Security has to decide priorities. Shouldn't the highest priority be to deport those who are most dangerous to the United States? I think even the Senator from Iowa would have to concede that point. The Obama administration has made that its priority.

Senator GRASSLEY calls the administration's deportation policy an amnesty. That is not right. The DREAM Act students will not receive permanent legal status or citizenship under the President's policy. They have temporary renewable legal status. It is temporary renewable legal status.

During his speech, Senator GRASSLEY read a quote from an interview the President gave last year to support his claim that the President had changed his position on the DREAM Act, but he only read part of the quote. Here is what Senator GRASSLEY read:

This notion that somehow I can just change the law unilaterally is just not true . . . the fact of the matter is there are laws on the books that I have to enforce. And I think there's been a great disservice done to the cause of getting the DREAM Act passed and getting comprehensive immigration passed by perpetuating the notion that somehow, by myself, I can go and do these things. It's just not true.

That is what Senator GRASSLEY read. Here is the rest of the quote.

What we can do is prioritize enforcement—since there are limited enforcement resources—and say, we're not going to go chasing after this young man or anybody else who has been acting responsibly, and would otherwise qualify for legal status if the DREAM Act passed.

That is what the President said. I wish Senator GRASSLEY had read that in the RECORD. The President has done what he has the authority to do as our Chief Executive Officer to exercise prosecutorial discretion.

I personally discussed this with Secretary Napolitano. She has assured me that the Department of Homeland Security is going to follow the President's lead but is going to have strict enforcement of fraud. If any young person commits fraud in this process, there will be a price to be paid. Senator GRASSLEY should know that, and he shouldn't question it absent evidence to the contrary.

I might say it is sad we have reached this point that so few Republicans

would stand for these young people. There was a time when Senator HATCH was the lead sponsor in this bill, and I was begging him to cosponsor it. Then it reached a point where he only voted for it, and then it reached a point where he voted against it.

Senator GRASSLEY has voted for this bill in the past too. In 2006, when the Republicans lost control of Congress, the DREAM Act passed the Senate out of an amendment to the comprehensive immigration bill 62 to 36. There were 23 Republicans who voted for it. Unfortunately, the Republican leaders in the House refused to take up that bill in 2006. Republican support for the DREAM Act has diminished over the years. I have to say I noted the lack of volume and firepower in criticizing the President on this DREAM Act decision. I think many of our Republican colleagues realized the American people do support this two to one, and it is the right thing to do.

I am going to do what I have done on 48 other occasions and try to make this DREAM Act discussion more than an abstract conversation. I wish to make sure people understand who is involved in these decision processes.

This is a photograph of Maria Gomez. Her parents brought her from Mexico to Los Angeles when she was 8 years old. She started school in the third grade with English as a second language. By the time she was in sixth grade, 3 years later, she was an honor student.

In middle school, Maria discovered art and architecture. She began her dream of becoming an architect. In high school, Maria was active in community service and extracurricular activities, captain of the school spirit squad, president of the garden club, and a member of the California Scholarship Federation. She graduated 10th in her class with a 3.9-grade point average.

Maria was accepted by every college she applied to. Her dream was to attend UC Berkeley, the only State college in California that offers architecture to undergraduate students, but she couldn't afford it. Maria, and the other DREAM Act students, are not eligible for any Federal assistance to go to school. Instead, she decided to live at home and to attend UCLA. She was a commuter student. She rode the bus to and from UCLA, 2½ hours each way each day.

While she was a full-time student, she worked to clean houses and did babysitting to help pay for tuition. She graduated from UCLA with a major in sociology and a minor in public policy. She was the first member of her family to graduate from college. She was determined to achieve her dream of becoming an architect. She enrolled in the Master of Architecture Program at UCLA. She was the only Latino student in the program. She struggled fi-

nancially. At the time, she had to eat at the UCLA food bank. Because she couldn't afford housing near the campus, she spent many nights in a sleeping bag on the floor of the school's printing room.

Last year, Maria received her master's degree in architecture and urban design. She said:

I grew up believing in the American dream and I worked hard to earn my place in the country that nurtured and educated me. . . . Like the thousands of other undocumented students and graduates across America, I am looking for one thing, and one thing only: the opportunity to give back to my community, my state, and the country that is my home, the United States.

I ask my colleagues who are critical of the DREAM Act and President Obama's new policy: Would you prefer that we deport Maria Gomez back to Mexico at this point in her life, a country that she has not lived in since she was a small child? She grew up here. She has overcome amazing odds to become successful. This determined young woman can make America a better nation.

Thanks to President Obama's new policy, Maria is going to be able to work. I hope she will be able to get a license as an architect in her State. A future President could change this policy so Maria's future is still in doubt because we haven't enacted the DREAM Act. Maria is not the only one. There are tens of thousands similar to her.

The DREAM Act would give Maria, and others similar to her, the opportunity to be our future architects, engineers, teachers, doctors, and soldiers.

Today, I again ask my colleagues to support the DREAM Act. The President's new deportation policy is a step in the right direction, but ultimately it is our responsibility. He has done his part. We need to pass this humane and thoughtful bill and give people such as Maria Gomez a chance to make America a better place to live.

MORNING BUSINESS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RECOGNIZING THOMPSON-MARKWARD HALL

• Mr. CONRAD. Mr. President, I am pleased to honor the 125th Anniversary of Thompson-Markward Hall, which was formerly known as the Young Women's Christian Home. Many young women working as interns or beginning

staffers, including many from my office throughout the years, have found a safe place to live and meet friends as they establish their professional careers. The Thompson-Markward Hall, located across from the Hart Senate Office Building on Capitol Hill, provides a valuable service to young women working in Washington and our Congressional community. Its remarkable story is one very much worth sharing.

In 1833, Mrs. Mary G. Wilkinson recognized the need in the District of Columbia for suitable lodging for young ladies of good character and meager means. She vowed that there should someday be a home for young women coming alone to Washington seeking employment, where they could be protected and cared for until they became established in the community. She began what developed into the Young Woman's Christian Home by housing two such young women in her home.

In 1887, the Young Woman's Christian Home was chartered by Congress and incorporated "to provide a temporary home for young women coming to and being in the District of Columbia, who shall, from any cause, be in want of and willing to accept temporary home, care and assistance . . ." By 1890, the Home was receiving an annual appropriation of \$1,000 from Congress.

Over the years, the Young Woman's Christian Home underwent renovations and changed locations. In 1931, Mrs. Flora Markward Thompson, a devoted Life Member of the Board of Trustees, passed away, leaving instructions for the executors of her estate to establish a suitable memorial to her mother and her husband. The executors decided that the most suitable memorial could be entrusted to the Young Woman's Christian Home. The Home then became known as Thompson-Markward Hall now most commonly known as TMH—to perpetually remember Mrs. Thompson's generous gift.

Despite the many changes throughout the years, the original spirit and mission of the founders and early benefactors remain. Today, TMH continues to be a "home away from home" for 120 young women in Washington for work or school.

As TMH celebrates the 125th anniversary of its Congressional charter, its roots are strong and the devotion to its founder's mission remains firm and constant. I ask the United States Senate to join me in congratulating Thompson-Markward Hall on this important milestone.●

CONGRATULATING MASSACHUSETTS GENERAL HOSPITAL

• Mr. KERRY. Mr. President, today I can finally congratulate everyone at Massachusetts General Hospital, MGH, on a special and well-deserved distinction long in the making: MGH has been

named America's Best Hospital by U.S. News & World Report.

I say "finally" because I have been patiently keeping my promise not to publicly share the news now these last 6 days since Dr. Slavin called me to pass along the great news in advance. Now he has confirmation that in a Washington, DC, full of leaks, there is at least one U.S. Senator who still knows how to keep a secret.

Today's public announcement confirms what all of us in Massachusetts have always known—that if you need to find first-rate care for a loved one with a serious and complicated condition, then you go to the Massachusetts General Hospital. It comes as no surprise to us that this revered Massachusetts institution would hold the honor of best hospital in the Nation.

Today's announcement is one two centuries in the making. It started with the dream of Rev. John Bartlett, who in 1810 wanted to establish a state-of-the-art medical facility for the physically and mentally ill which would train the Nation's finest doctors. That dream was carried by Drs. James Jackson and John Collins Warren, who advocated in the Massachusetts Legislature for a charter and collected donations as small as 25 cents and as large as \$20,000 to make the dream a reality. Finally, in 1821, the institution currently known as Mass General opened its doors to patients and became the first teaching hospital of Harvard Medical School.

Since then, MGH has been providing cutting-edge care to patients from all over the world. It was the home to many firsts: the first public demonstration of surgical anesthesia, the identification of appendicitis, the establishment of the first medical social service, and the first replantation of a severed arm by a surgical team.

But more than firsts, Mass General has provided a place of hope for all those who needed help. It is the employees of MGH who have made this possible from generation to generation. I have seen on my visits to the hospital that it is the people—the nurses, doctors, orderlies, administrators, security guards, and medical students—who make MGH the Nation's best.

I know firsthand of MGH's exceptional work particularly well from two people whose insights mean the world to me: my wife Teresa, who has been a patient at MGH as she was treated for breast cancer, and through my daughter Vanessa, who has made MGH her home as a doctor. Both have shared story after story not just about first-rate care but about deeply caring doctors and nurses and skilled professionals who always put patients first. That is the heart of MGH, and it is no secret that without team members who are constantly looking for the next breakthrough in medicine and a better way to care for patients, tomorrow's innovations would not be possible.

It is even more of a testament to the power of MGH's work that they have become the Nation's best hospital in a State with near universal health coverage. We now have the best health care coverage rate in the Nation with 98.1 percent of residents having health insurance, including 99.8 percent of all children.

We must continue to raise the bar as we implement the Affordable Care Act and provide this guarantee of coverage nationwide. MGH should serve as a model to all hospitals across the country that you can provide universal coverage while still providing the highest quality care to your patients. I know MGH will remain at the top of this list for years to come because they have proven that covering more patients and providing quality outcomes are not mutually exclusive goals.

There is much celebrating to be done in Boston, but there is still much more work to be done to improve the health of all Americans. I am convinced that MGH and our other great institutions in Massachusetts will continue to meet the challenge by setting the standard for delivering the highest quality health care. I congratulate Dr. Peter Slavin, Dr. David Torchiana, and everyone who works at MGH for their efforts in making this hospital the best in the Nation and, I believe, the best in the world.●

REMEMBERING THE LIVES OF HAN BROTHER AND SISTER

● Ms. MURKOWSKI. Mr. President, it is with a heavy heart that I come before you today to share the news of a profound tragedy and loss of two Alaska Native siblings. Isaac Juneby, a military veteran and former Chief of Eagle, a Han Gwich'in Village in Alaska close to the Canadian border, and his sister Ellen Juneby Rada, who died as a result of domestic violence, were both laid to rest and their lives honored and celebrated with a potlatch in Eagle Village, July 11, 2012.

Ellen Florence Juneby Rada, 58 years old, was the mother of two grown sons. She was found beaten, seriously injured and unconscious in a homeless camp in Fairbanks and was transported to the Alaska Native Medical Center for treatment. Ellen was taken off life support on July 2 and passed away on Sunday, July 8.

Isaac Juneby was born on July 9, 1941, in Eagle Village. He had traveled to Anchorage from Eagle to hold vigil at the bedside of his comatose sister and died in an automobile accident on July 1, 2012. Following Isaac's sudden accidental death another Juneby sibling, Adeline Juneby Potts, flew to Anchorage from Minnesota to join her family and due to emotional stress suffered a heart attack and was hospitalized. Fortunately, Adeline is recovering rapidly.

There are no words to describe the grief this family has suffered due to the heartbreaking events that unfolded over such a short period of time. The loss is felt not just by the Juneby family, but by the entire Alaska Native community. Our State may be small in population, but it is large in community spirit. I think I can safely say the entire State of Alaska is touched by this tragedy.

I would like to say a few words about Isaac Juneby, whose loss will have a lasting impact not only to the village of Eagle, but across the entire Native community. Isaac was one of the few remaining speakers of Han, an endangered northern Athabascan language with only about a handful of remaining speakers left in Alaska and the Yukon, a territory of Canada. He was a man that everyone seemed to know and love. Isaac had an almost tangible joy about him that drew people in and endeared him to many. His nickname "the Senator" was well earned. Isaac was always quick with a joke and had an infectious smile that made everyone around him happy. But most of all he loved life and his people.

Isaac was incredibly proud of his family and his heritage. He exemplified a man who could easily navigate both worlds: the traditional and the modern. He had an easygoing and friendly manner that won him many lifelong friends, but he also had a disciplined and serious side. Isaac was an accomplished man who earned a bachelor's degree in rural development from the University of Alaska in 1987. He wrote poetry, published books and recorded language lessons in Han Gwich'in Athabascan to preserve the dialect for future generations. Isaac and Sandi, his best friend and wife of 35 years, were planning to move to Fairbanks so Isaac could complete a master's degree in ethnology. He wanted to learn more about the Han.

Over the years Isaac held a number of important positions for Native organizations, the State, and the Federal Government and remained a resident of Eagle Village even through the very challenging times, like during the disaster of 2008, when a major flood devastated the community. Isaac was also instrumental in completing the essential paperwork that helped Eagle Village become the first IRA village in Alaska, one with a federally recognized tribal government.

People will remember Isaac not only for his good humor but for his great strength and determination. Isaac was proud to celebrate over 25 years of sobriety and was known to say that it was God who freed him from alcohol. The Rev. Scott Fisher, pastor at St. Matthew's Episcopal Church got it right when he said "Isaac was the last of the good guys. There was a strength and a gentleness running through him. He knew what was right and what was

wrong. He was not a cardboard saint. He was real. He had a rock solid core of wisdom in him."

Isaac's humor and his positive outlook on life served as an inspiration to so many who had the honor and privilege to know him. With the passing of Isaac Juneby, Alaska has lost a beloved Native elder and chief, a father, a culture bearer, a brother, an honored Army veteran, a husband, an inspirational man, an uncle, and a good friend. On this day I ask that we honor the lives of an extraordinary family and remember them during this time of such profound loss.●

COMMISSIONING OF THE USS "MISSISSIPPI"

● Mr. WICKER. Mr. President, on Saturday, June 2, 2012, I was present at the commissioning of the USS *Mississippi* in Pascagoula, MS. The USS *Mississippi* is a Virginia class submarine, part of the "next generation" of attack subs. The submarine was constructed by General Dynamics Electric Boat in Groton, CT, as well as Newport News Shipbuilding, a division of Huntington Ingalls in Newport News, VA.

This is a mighty submarine that bears a mighty proud name. The citizens of the state of Mississippi enthusiastically embrace the fifth Navy vessel in our Republic's history that bears the name USS *Mississippi*. The naming of the submarine as USS *Mississippi* recognizes our State's long-standing tradition of shipbuilding in support of our Nation's defense. It also honors the spirit of the people of Mississippi who have made great strides in recovering from the devastation of Hurricane Katrina.

It is appropriate that this ship was completed a full year ahead of schedule. Mississippians have always been early to step forward in the service of their country. It is a fact that volunteers from our State have always been known to step forward quickly and eagerly to serve their country. So for many the words USS *Mississippi* will stand for patriotism and readiness.

For those who remember Katrina and Deep Water Horizon, the words USS *Mississippi* may mean "resilience" or "quiet resolve." Within the ranks of the U.S. Navy, USS *Mississippi* will be associated with the words "state-of-the-art," the best in the world. For them, that is what USS *Mississippi* will mean. And for the Ship's Sponsor Allison Stiller, she will think of the word "tenacity." And no doubt our adversaries, wherever they may be, will hear the words USS *Mississippi* and think "strength" and perhaps they will think the word "freedom."

Within the borders of this traditional "Bible Belt" state, we will think about our Founding Father's reliance on Almighty God. I can assure CPT John McGrath, his Commissioning Crew, and

those who will serve on this submarine that you will be prayed for each and every day. These prayers may be a quiet whispered prayer at night or early in the morning or they may be the majestic words of William Whiting, who wrote this hymn:

Eternal Father, strong to save,
Whose arm hath bound the restless wave,
Who bidd'st the mighty ocean deep
Its own appointed limits keep;
Oh, hear us when we cry to Thee,
For those in peril on the sea
Most Holy Spirit! Who didst brood
Upon the chaos dark and rude,
And bid its angry tumult cease,
And give, for wild confusion, peace;
Oh, hear us when we cry to Thee,
For those in peril on the sea!

With apologies to the author and perhaps to those who know this hymn well, I have attempted to pen an extra verse:

From Pascagoula's shores we send
The finest sailors known to men,
Proud *Mississippi's* name they bear;
Lord, bless and keep them free from care,
Protect them when they call to Thee,
Our sons and daughters now at sea.

Congratulations to Captain McGrath and his Commissioning Crew, God bless the United States, and God bless those who will serve on the USS *Mississippi*.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE FORMER LIBERIAN REGIME OF CHARLES TAYLOR THAT WAS ESTABLISHED IN EXECUTIVE ORDER 13348 ON JULY 22, 2004—PM 56

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of

its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication stating that the national emergency and related measures dealing with the former Liberian regime of Charles Taylor are to continue in effect beyond July 22, 2012.

Although Liberia has made advances to promote democracy, and the Special Court for Sierra Leone recently convicted Charles Taylor for war crimes and crimes against humanity, the actions and policies of former Liberian President Charles Taylor and other persons, in particular their unlawful depletion of Liberian resources and their removal from Liberia and secret- ing of Liberian funds and property, could still challenge Liberia's efforts to strengthen its democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies continue to pose an unusual and extraordinary threat to the foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to the former Liberian regime of Charles Taylor.

BARACK OBAMA.
THE WHITE HOUSE, July 17, 2012.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3393. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 1201. A bill to conserve fish and aquatic communities in the United States through partnerships that foster fish habitat conservation, to improve the quality of life for the people of the United States, and for other purposes (Rept. No. 112-187).

S. 1324. A bill to amend the Lacey Act Amendments of 1981 to prohibit the importation, exportation, transportation, and sale, receipt, acquisition, or purchase in interstate or foreign commerce, of any live animal of any prohibited wildlife species, and for other purposes (Rept. No. 112-188).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KOHL (for himself, Mr. COONS, and Mr. WHITEHOUSE):

S. 3389. A bill to modify chapter 90 of title 18, United States Code, to provide Federal jurisdiction for theft of trade secrets; to the Committee on the Judiciary.

By Mr. RUBIO (for himself and Mr. NELSON of Florida):

S. 3390. A bill to direct the Secretary of Agriculture to convey to Miami-Dade County certain Federal land in the State of Florida for the purpose of building a fire station; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. KLOBUCHAR (for herself, Mrs. SHAHEEN, and Mr. BOOZMAN):

S. 3391. A bill to amend section 353 of the Public Health Service Act with respect to suspension, revocation, and limitation of laboratory certification; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWN of Ohio (for himself, Mr. SANDERS, Mr. HARKIN, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. ROCKEFELLER, and Mrs. MCCASKILL):

S. 3392. A bill to amend the Securities Exchange Act of 1934, to require the disclosure of the total number of the domestic and foreign employers of issuers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. REID:

S. 3393. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families; read the first time.

By Mr. JOHNSON of South Dakota (for himself, Mr. SHELBY, Mr. BROWN of Ohio, Mr. JOHANNES, Mrs. MCCASKILL, Mr. CRAPO, Mr. TESTER, and Mrs. HAGAN):

S. 3394. A bill to address fee disclosure requirements under the Electronic Fund Transfer Act, to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MERKLEY:

S. 3395. A bill to amend the Federal Crop Insurance Act to extend certain supplemental agricultural disaster assistance programs; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 17

At the request of Mr. HATCH, the names of the Senator from Arizona (Mr. KYL), the Senator from South Dakota (Mr. THUNE) and the Senator from Arkansas (Mr. BOOZMAN) were added as cosponsors of S. 17, a bill to repeal the job-killing tax on medical devices to ensure continued access to life-saving medical devices for patients and maintain the standing of United States as the world leader in medical device innovation.

S. 202

At the request of Mr. PAUL, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 202, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes.

S. 362

At the request of Mr. WHITEHOUSE, the name of the Senator from Virginia

(Mr. WEBB) was added as a cosponsor of S. 362, a bill to amend the Public Health Service Act to provide for a Pancreatic Cancer Initiative, and for other purposes.

S. 1372

At the request of Mr. REED, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1372, a bill to amend the Elementary and Secondary Education Act of 1965 regarding environmental education, and for other purposes.

S. 1863

At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 1863, a bill to amend the Internal Revenue Code of 1986 to encourage alternative energy investments and job creation.

S. 1872

At the request of Mr. CASEY, the name of the Senator from North Carolina (Mrs. HAGAN) was added as a cosponsor of S. 1872, a bill to amend the Internal Revenue Code of 1986 to provide for the tax treatment of ABLE accounts established under State programs for the care of family members with disabilities, and for other purposes.

S. 1880

At the request of Mr. BARRASSO, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 1880, a bill to repeal the health care law's job-killing health insurance tax.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 2078

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 2078, a bill to enable Federal and State chartered banks and thrifts to meet the credit needs of the Nation's home builders, and to provide liquidity and ensure stable credit for meeting the Nation's need for new homes.

S. 2173

At the request of Mr. DEMINT, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2173, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 2205

At the request of Mr. MORAN, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2205, a bill to prohibit funding to negotiate a United Nations Arms Trade Treaty that restricts the Second

Amendment rights of United States citizens.

S. 2234

At the request of Mr. BLUMENTHAL, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2234, a bill to prevent human trafficking in government contracting.

S. 2283

At the request of Mr. TESTER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 2283, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include procedures for requests from Indian tribes for a major disaster or emergency declaration, and for other purposes.

S. 2347

At the request of Mr. CARDIN, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Alaska (Mr. BEGICH) were added as cosponsors of S. 2347, a bill to amend title XVIII of the Social Security Act to ensure the continued access of Medicare beneficiaries to diagnostic imaging services.

S. 3085

At the request of Mr. MENENDEZ, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3085, a bill to provide for the expansion of affordable refinancing of mortgages held by the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation.

S. 3203

At the request of Mr. LAUTENBERG, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 3203, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 3204

At the request of Mr. JOHANNES, the names of the Senator from North Carolina (Mrs. HAGAN), the Senator from Massachusetts (Mr. KERRY), the Senator from Delaware (Mr. COONS) and the Senator from North Dakota (Mr. HOEVEN) were added as cosponsors of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3318

At the request of Mrs. BOXER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 3318, a bill to amend title 38, United States Code, to prohibit the use of the phrases GI Bill and Post-9/11 GI Bill to give a false impression of approval or endorsement by the Department of Veterans Affairs, and for other purposes.

S. 3319

At the request of Ms. KLOBUCHAR, the name of the Senator from Michigan

(Ms. STABENOW) was added as a cosponsor of S. 3319, a bill to amend the National Trails System Act to revise the route of the North Country National Scenic Trail in northeastern Minnesota to include existing hiking trails along the north shore of Lake Superior, in the Superior National Forest, and in the Chippewa National Forest, and for other purposes.

S. 3365

At the request of Mr. KOHL, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 3365, a bill to authorize the Attorney General to award grants to State courts to develop and implement State court interpreter programs.

S. 3369

At the request of Mr. WHITEHOUSE, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 3369, a bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes.

S. 3372

At the request of Mr. WEBB, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 3372, a bill to amend section 704 of title 18, United States Code.

S.J. RES. 19

At the request of Mr. HATCH, the name of the Senator from Pennsylvania (Mr. TOOMEY) was added as a cosponsor of S.J. Res. 19, a joint resolution proposing an amendment to the Constitution of the United States authorizing Congress to prohibit the physical desecration of the flag of the United States.

S.J. RES. 43

At the request of Mr. MCCONNELL, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S.J. Res. 43, a joint resolution approving the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

S.J. RES. 47

At the request of Mr. WARNER, the names of the Senator from Hawaii (Mr. AKAKA) and the Senator from Hawaii (Mr. INOUE) were added as cosponsors of S.J. Res. 47, a joint resolution amending title 36, United States Code, to designate July 26 as United States Intelligence Professionals Day.

S. CON. RES. 48

At the request of Mr. LEAHY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. Con. Res. 48, a concurrent resolution recognizing 375 years of service of the National Guard and affirming congressional support for a permanent Operational Reserve as a component of the Armed Forces.

AMENDMENT NO. 2509

At the request of Mr. HATCH, the names of the Senator from Utah (Mr.

LEE), the Senator from Kansas (Mr. MORAN) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of amendment No. 2509 intended to be proposed to S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

AMENDMENT NO. 2510

At the request of Mr. HATCH, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 2510 intended to be proposed to S. 2237, a bill to provide a temporary income tax credit for increased payroll and extend bonus depreciation for an additional year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself, Mr. COONS, and Mr. WHITEHOUSE):

S. 3389. A bill to modify chapter 90 of title 18, United States Code, to provide Federal jurisdiction for theft of trade secrets; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Protecting American Trade Secrets and Innovation Act of 2012. This legislation will help American companies protect their valuable trade secrets by giving them the additional option of seeking redress in Federal courts when they are victims of economic espionage or trade secret theft. Stolen trade secrets cost American companies billions of dollars each year and threaten their ability to innovate and compete globally. Our bill ensures that companies have the most effective and efficient ways to combat trade secret theft and recoup their losses, helping them to maintain their global competitive edge.

Today, as much as 80 percent of companies' assets are intangible, the majority of them in the form of trade secrets. This includes everything from financial, business, scientific, technical, economic, or engineering information, to formulas, designs, prototypes, processes, procedures, and codes. Trade secrets are often the lifeblood of a business. If they are stolen and wind up in the hands of competitors, it can wipe out years of research and development and cost millions of dollars in losses. The chief executive of GM recently said that he worries about trade secret theft "every day." This comes as no surprise considering the loss to Ford Motor Company in 2006 when an employee stole 4,000 documents which he took to China and used for the benefit of his new employer Beijing Automotive Company, a competitor to Ford. The damage to Ford was estimated to be between \$50 million and \$100 million.

In 1996, Congress enacted the Economic Espionage Act, which made eco-

nomics espionage and trade secret theft a Federal crime. Nearly 15 years later, trade secret theft and economic espionage continue to pose a threat to U.S. companies, yet there is no Federal civil remedy for victims. To complement the criminal enforcement of economic espionage and State trade secret laws, the Protecting American Trade Secrets and Innovation Act would provide another avenue for companies to protect their trade secrets. The bill enables victims of trade secret theft to seek injunctive relief, putting an immediate halt to trade secret misappropriation, and compensation for their losses in Federal court. It will help fill a gap in Federal intellectual property law by providing legal protections for non-patentable, non-copyrightable innovations, on the condition that the owner of the innovation has taken reasonable measures to keep the innovation a secret.

Today, companies that fall victim to economic espionage and trade secret theft often can only bring civil actions in State court, under a patchwork of State laws, to stop the harm or seek compensation for losses. While State courts may be a suitable venue in some cases, major trade secret cases will often require tools available more readily in Federal court, such as nationwide service of process for subpoenas, discovery and witness depositions. In addition, for trade secret holders operating nationwide, a single Federal statute can be more efficient than navigating 50 different State laws. Finally, our bill permits judges to issue seizure orders to prevent defendants from destroying evidence. In sum, our bill demonstrates a Federal commitment to trade secret protection by expanding the legal options for victims of economic espionage and trade secret theft.

This legislation will not inundate Federal courts with minor trade secret cases because it includes limits so that only the most serious cases requiring Federal courts will be permitted. These limitations require the victim of trade secret theft to certify that the dispute requires either a substantial need for nationwide service of process or the misappropriation of trade secrets from the U.S. to another country. Finally, it is important to emphasize that our legislation is not intended to replace State trade secret laws, but to complement them to ensure that victims of economic espionage and trade secret misappropriation can get the most prompt, effective and efficient justice.

We cannot take lightly the threat of trade secrets theft to American businesses, American jobs, and American innovation. This legislation is another simple and straightforward step we can take to help companies defend themselves against trade secret theft. It demonstrates our commitment at the Federal level to protect all forms of a

business's intellectual property and their innovative spirit.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3389

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Protecting American Trade Secrets and Innovation Act of 2012".

SEC. 2. FEDERAL JURISDICTION FOR THEFT OF TRADE SECRETS.

(a) IN GENERAL.—Section 1836 of title 18, United States Code, is amended to read as follows:

“§ 1836. Civil proceedings

“(a) PRIVATE CIVIL ACTIONS.—

“(1) IN GENERAL.—A person may bring a civil action under this subsection if the person is aggrieved by—

“(A) a violation of section 1831(a) or 1832(a); or

“(B) a misappropriation of a trade secret that is related to or included in a product that is produced for or placed in interstate or foreign commerce.

“(2) PLEADINGS.—A complaint filed in a civil action brought under this subsection shall—

“(A) describe with specificity the reasonable measures taken to protect the secrecy of the alleged trade secrets in dispute; and

“(B) include a sworn representation by the party asserting the claim that the dispute involves either substantial need for nationwide service of process or misappropriation of trade secrets from the United States to another country.

“(3) CIVIL EX PARTE SEIZURE ORDER.—

“(A) IN GENERAL.—In a civil action brought under this subsection, the court may, upon ex parte application and if the court finds by clear and convincing evidence that issuing the order is necessary to prevent irreparable harm, issue an order providing for—

“(i) the seizure of any property (including computers) used or intended to be used, in any manner or part, to commit or facilitate the commission of the violation alleged in the civil action; and

“(ii) the preservation of evidence in the civil action.

“(B) SCOPE OF ORDERS.—An order issued under subparagraph (A) shall—

“(i) authorize the retention of the seized property for a reasonably limited period, not to exceed 72 hours under the initial order, which may be extended by the court after notice to the affected party and an opportunity to be heard;

“(ii) require that any copies of seized property made by the requesting party be made at the expense of the requesting party;

“(iii) require the requesting party to return the seized property to the party from which the property were seized at the end of the period authorized under clause (i), including any extension; and

“(iv) include an appropriate protective order with respect to discovery and use of any property that has been seized, which shall provide for appropriate procedures to ensure that confidential, private, proprietary, or privileged information contained in the seized property is not improperly disclosed or used.

“(C) SEIZURES.—A party injured by a seizure under an order under this paragraph—

“(i) may bring a civil action against the applicant for the order; and

“(ii) shall be entitled to recover appropriate relief, including—

“(I) damages for lost profits, cost of materials, and loss of good will;

“(II) if the seizure was sought in bad faith, punitive damages; and

“(III) unless the court finds extenuating circumstances, to recover a reasonable attorney's fee.

“(4) REMEDIES.—In a civil action brought under this subsection, a court may—

“(A) issue—

“(i) an order for appropriate injunctive relief against any violation described in paragraph (1), including the actual or threatened misappropriation of trade secrets;

“(ii) if determined appropriate by the court, an order requiring affirmative actions to be taken to protect a trade secret; and

“(iii) if the court determines that it would be unreasonable to prohibit use of a trade secret, an order requiring payment of a reasonable royalty for any use of the trade secret;

“(B) award—

“(i) damages for actual loss caused by the misappropriation of a trade secret; and

“(ii) damages for any unjust enrichment caused by the misappropriation of the trade secret that is not addressed in computing damages for actual loss;

“(C) if the trade secret described in paragraph (1)(B) is willfully or maliciously misappropriated, award exemplary damages in an amount not more than the amount of the damages awarded under subparagraph (B); and

“(D) if a claim of misappropriation is made in bad faith, a motion to terminate an injunction is made or opposed in bad faith, or a trade secret is willfully and maliciously misappropriated, award reasonable attorney's fees to the prevailing party.

“(b) JURISDICTION.—The district courts of the United States shall have original jurisdiction of civil actions brought under this section.

“(c) PERIOD OF LIMITATIONS.—A civil action under this section may not be commenced later than 3 years after the date on which the misappropriation is discovered or by the exercise of reasonable diligence should have been discovered. For purposes of this subsection, a continuing misappropriation constitutes a single claim of misappropriation.”

(b) DEFINITIONS.—Section 1839 of title 18, United States Code, is amended—

(1) in paragraph (3), by striking “and” at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

“(5) the term ‘misappropriation’ means—

“(A) acquisition of a trade secret of another by a person who knows or has reason to know that the trade secret was acquired by improper means; or

“(B) disclosure or use of a trade secret of another without express or implied consent by a person who—

“(i) used improper means to acquire knowledge of the trade secret;

“(ii) at the time of disclosure or use, knew or had reason to know that the knowledge of the trade secret was—

“(I) derived from or through a person who had used improper means to acquire the trade secret;

“(II) acquired under circumstances giving rise to a duty to maintain the secrecy of the

trade secret or limit the use of the trade secret; or

“(III) derived from or through a person who owed a duty to the person seeking relief to maintain the secrecy of the trade secret or limit the use of the trade secret; or

“(iii) before a material change of the position of the person, knew or had reason to know that—

“(I) the trade secret was a trade secret; and

“(II) knowledge of the trade secret had been acquired by accident or mistake; and

“(6) the term ‘improper means’—

“(A) includes theft, bribery, misrepresentation, breach or inducement of a breach of a duty to maintain secrecy, or espionage through electronic or other means; and

“(B) does not include reverse engineering or independent derivation.”

(c) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 90 of title 18, United States Code, is amended by striking the item relating to section 1836 and inserting the following:

“1836. Civil proceedings.”

(d) RULE OF CONSTRUCTION.—Nothing in the amendments made by this section shall be construed to modify the rule of construction under section 1838 of title 18, United States Code, or to preempt any other provision of law.

By Mr. REID:

S. 3393. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families; read the first time.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 3393

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the “Middle Class Tax Cut Act”.

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; etc.

TITLE I—TEMPORARY EXTENSION OF TAX RELIEF

Sec. 101. Temporary extension of 2001 tax relief.

Sec. 102. Temporary extension of 2003 tax relief.

Sec. 103. Temporary extension of 2010 tax relief.

Sec. 104. Temporary extension of election to expense certain depreciable business assets.

TITLE II—ESTATE TAX RELIEF

Sec. 201. Modifications to estate, gift, and generation-skipping transfer taxes.

TITLE III—ALTERNATIVE MINIMUM TAX RELIEF

Sec. 301. Temporary extension of increased alternative minimum tax exemption amount.

Sec. 302. Temporary extension of alternative minimum tax relief for non-refundable personal credits.

TITLE IV—BUDGETARY EFFECTS

Sec. 401. Budgetary effects.

TITLE I—TEMPORARY EXTENSION OF TAX RELIEF

SEC. 101. TEMPORARY EXTENSION OF 2001 TAX RELIEF.

(a) TEMPORARY EXTENSION.—

(1) IN GENERAL.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 is amended by striking “December 31, 2012” both places it appears and inserting “December 31, 2013”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the Economic Growth and Tax Relief Reconciliation Act of 2001.

(b) APPLICATION TO CERTAIN HIGH-INCOME TAXPAYERS.—

(1) INCOME TAX RATES.—

(A) TREATMENT OF 25- AND 28- PERCENT RATE BRACKETS.—Paragraph (2) of section 1(i) is amended to read as follows:

“(2) 25- AND 28- PERCENT RATE BRACKETS.—The tables under subsections (a), (b), (c), (d), and (e) shall be applied—

“(A) by substituting ‘25%’ for ‘28%’ each place it appears (before the application of subparagraph (B)), and

“(B) by substituting ‘28%’ for ‘31%’ each place it appears.”.

(B) 33-PERCENT RATE BRACKET.—Subsection (i) of section 1 is amended by redesignating paragraph (3) as paragraph (4) and by inserting after paragraph (2) the following new paragraph:

“(3) 33-PERCENT RATE BRACKET.—

“(A) IN GENERAL.—In the case of taxable years beginning after December 31, 2012—

“(i) the rate of tax under subsections (a), (b), (c), and (d) on a taxpayer’s taxable income in the fourth rate bracket shall be 33 percent to the extent such income does not exceed an amount equal to the excess of—

“(I) the applicable amount, over

“(II) the dollar amount at which such bracket begins, and

“(ii) the 36 percent rate of tax under such subsections shall apply only to the taxpayer’s taxable income in such bracket in excess of the amount to which clause (i) applies.

“(B) APPLICABLE AMOUNT.—For purposes of this paragraph, the term ‘applicable amount’ means the excess of—

“(i) the applicable threshold, over

“(ii) the sum of the following amounts in effect for the taxable year:

“(I) the basic standard deduction (within the meaning of section 63(c)(2)), and

“(II) the exemption amount (within the meaning of section 151(d)(1) (or, in the case of subsection (a), 2 such exemption amounts).

“(C) APPLICABLE THRESHOLD.—For purposes of this paragraph, the term ‘applicable threshold’ means—

“(i) \$250,000 in the case of subsection (a),

“(ii) \$225,000 in the case of subsection (b),

“(iii) \$200,000 in the case of subsections (c), and

“(iv) ½ the amount applicable under clause (i) (after adjustment, if any, under subparagraph (E)) in the case of subsection (d).

“(D) FOURTH RATE BRACKET.—For purposes of this paragraph, the term ‘fourth rate bracket’ means the bracket which would (determined without regard to this paragraph) be the 36-percent rate bracket.

“(E) INFLATION ADJUSTMENT.—For purposes of this paragraph, with respect to taxable

years beginning in calendar years after 2012, each of the dollar amounts under clauses (i), (ii), and (iii) of subparagraph (C) shall be adjusted in the same manner as under paragraph (1)(C), except that subsection (f)(3)(B) shall be applied by substituting ‘2008’ for ‘1992’.”.

(2) PHASEOUT OF PERSONAL EXEMPTIONS AND ITEMIZED DEDUCTIONS.—

(A) OVERALL LIMITATION ON ITEMIZED DEDUCTIONS.—Section 68 is amended—

(i) by striking “the applicable amount” the first place it appears in subsection (a) and inserting “the applicable threshold in effect under section 1(i)(3)”.

(ii) by striking “the applicable amount” in subsection (a)(1) and inserting “such applicable threshold”.

(iii) by striking subsection (b) and redesignating subsections (c), (d), and (e) as subsections (b), (c), and (d), respectively, and

(iv) by striking subsections (f) and (g).

(B) PHASEOUT OF DEDUCTIONS FOR PERSONAL EXEMPTIONS.—

(i) IN GENERAL.—Paragraph (3) of section 151(d) is amended—

(I) by striking “the threshold amount” in subparagraphs (A) and (B) and inserting “the applicable threshold in effect under section 1(i)(3)”.

(II) by striking subparagraph (C) and redesignating subparagraph (D) as subparagraph (C), and

(III) by striking subparagraphs (E) and (F).

(ii) CONFORMING AMENDMENTS.—Paragraph (4) of section 151(d) is amended—

(I) by striking subparagraph (B),

(II) by redesignating clauses (i) and (ii) of subparagraph (A) as subparagraphs (A) and (B), respectively, and by indenting such subparagraphs (as so redesignated) accordingly, and

(III) by striking all that precedes “in a calendar year after 1989,” and inserting the following:

“(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning”.

(c) EFFECTIVE DATE.—Except as otherwise provided, the amendments made by this section shall apply to taxable years beginning after December 31, 2012.

(d) APPLICATION OF EGTRRA SUNSET.—Each amendment made by subsection (b) shall be subject to title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 to the same extent and in the same manner as if such amendment was included in title I of such Act.

SEC. 102. TEMPORARY EXTENSION OF 2003 TAX RELIEF.

(a) EXTENSION.—

(1) IN GENERAL.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(2) EFFECTIVE DATE.—The amendment made by this subsection shall take effect as if included in the enactment of the Jobs and Growth Tax Relief Reconciliation Act of 2003.

(b) 20-PERCENT CAPITAL GAINS RATE FOR CERTAIN HIGH INCOME INDIVIDUALS.—

(1) IN GENERAL.—Paragraph (1) of section 1(h) is amended by striking subparagraph (C), by redesignating subparagraphs (D) and (E) as subparagraphs (E) and (F) and by inserting after subparagraph (B) the following new subparagraphs:

“(C) 15 percent of the lesser of—

“(i) so much of the adjusted net capital gain (or, if less, taxable income) as exceeds the amount on which a tax is determined under subparagraph (B), or

“(ii) the excess (if any) of—

“(I) the amount of taxable income which would (without regard to this paragraph) be taxed at a rate below 36 percent, over

“(II) the sum of the amounts on which a tax is determined under subparagraphs (A) and (B),

“(D) 20 percent of the adjusted net capital gain (or, if less, taxable income) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C).”.

(2) MINIMUM TAX.—Paragraph (3) of section 55(b) is amended by striking subparagraph (C), by redesignating subparagraph (D) as subparagraph (E), and by inserting after subparagraph (B) the following new subparagraphs:

“(C) 15 percent of the lesser of—

“(i) so much of the adjusted net capital gain (or, if less, taxable excess) as exceeds the amount on which tax is determined under subparagraph (B), or

“(ii) the excess described in section 1(h)(1)(C)(ii), plus

“(D) 20 percent of the adjusted net capital gain (or, if less, taxable excess) in excess of the sum of the amounts on which tax is determined under subparagraphs (B) and (C), plus”.

(c) CONFORMING AMENDMENTS.—

(1) The following provisions are each amended by striking “15 percent” and inserting “20 percent”:

(A) Section 531.

(B) Section 541.

(C) Section 1445(e)(1).

(D) The second sentence of section 7518(g)(6)(A).

(E) Section 5351(f)(2) of title 46, United States Code.

(2) Sections 1(h)(1)(B) and 55(b)(3)(B) are each amended by striking “5 percent (0 percent in the case of taxable years beginning after 2007)” and inserting “0 percent”.

(3) Section 1445(e)(6) is amended by striking “15 percent (20 percent in the case of taxable years beginning after December 31, 2010)” and inserting “20 percent”.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as otherwise provided, the amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 2012.

(2) WITHHOLDING.—The amendments made by paragraphs (1)(C) and (3) of subsection (c) shall apply to amounts paid on or after January 1, 2013.

(e) APPLICATION OF JGTRRA SUNSET.—Each amendment made by subsections (b) and (c) shall be subject to section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 to the same extent and in the same manner as if such amendment was included in title III of such Act.

SEC. 103. TEMPORARY EXTENSION OF 2010 TAX RELIEF.

(a) AMERICAN OPPORTUNITY TAX CREDIT.—

(1) IN GENERAL.—Section 25A(i) is amended by striking “or 2012” and inserting “2012, or 2013”.

(2) TREATMENT OF POSSESSIONS.—Section 1004(c)(1) of division B of the American Recovery and Reinvestment Tax Act of 2009 is amended by striking “and 2012” each place it appears and inserting “2012, and 2013”.

(b) CHILD TAX CREDIT.—Section 24(d)(4) is amended—

(1) by striking “AND 2012” in the heading and inserting “2012, AND 2013”, and

(2) by striking “or 2012” and inserting “2012, or 2013”.

(c) EARNED INCOME TAX CREDIT.—Section 32(b)(3) is amended—

(1) by striking “AND 2012” in the heading and inserting “2012, AND 2013”, and

(2) by striking “or 2012” and inserting “2012, or 2013”.

(d) TEMPORARY EXTENSION OF RULE DISREGARDING REFUNDS IN THE ADMINISTRATION OF FEDERAL PROGRAMS AND FEDERALLY ASSISTED PROGRAMS.—Subsection (b) of section 6409 is amended by striking “December 31, 2012” and inserting “December 31, 2013”.

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2012.

(2) RULE DISREGARDING REFUNDS IN THE ADMINISTRATION OF CERTAIN PROGRAMS.—The amendment made by subsection (d) shall apply to amounts received after December 31, 2012.

SEC. 104. TEMPORARY EXTENSION OF ELECTION TO EXPENSE CERTAIN DEPRECIABLE BUSINESS ASSETS.

(a) IN GENERAL.—

(1) DOLLAR LIMITATION.—Section 179(b)(1) is amended—

(A) by striking “and” at the end of subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (E),

(C) by inserting after subparagraph (C) the following new subparagraph:

“(D) \$250,000 in the case of taxable years beginning in 2013, and”, and

(D) in subparagraph (E), as so redesignated, by striking “2012” and inserting “2013”.

(2) REDUCTION IN LIMITATION.—Section 179(b)(2) is amended—

(A) by striking “and” at the end of subparagraph (C),

(B) by redesignating subparagraph (D) as subparagraph (E),

(C) by inserting after subparagraph (C) the following new subparagraph:

“(D) \$800,000 in the case of taxable years beginning in 2013, and”, and

(D) in subparagraph (E), as so redesignated, by striking “2012” and inserting “2013”.

(b) COMPUTER SOFTWARE.—Section 179(d)(1)(A)(ii) is amended by striking “2013” and inserting “2014”.

(c) ELECTION.—Section 179(c)(2) is amended by striking “2013” and inserting “2014”.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2012.

TITLE II—ESTATE TAX RELIEF

SEC. 201. MODIFICATIONS TO ESTATE, GIFT, AND GENERATION-SKIPPING TRANSFER TAXES.

(a) MODIFICATIONS TO ESTATE TAX.—

(1) EXCLUSION AMOUNT.—Paragraph (3) of section 2010(c) is amended to read as follows:

“(3) BASIC EXCLUSION AMOUNT.—For purposes of this section, the basic exclusion amount is \$3,500,000.”.

(2) MAXIMUM ESTATE TAX RATE.—The table in subsection (c) of section 2001 is amended by striking “Over \$500,000” and all that follows and inserting the following:

Over \$500,000 but not over \$750,000.	\$155,800, plus 37 percent of the excess of such amount over \$500,000.
Over \$750,000 but not over \$1,000,000.	\$248,300, plus 39 percent of the excess of such amount over \$750,000.
Over \$1,000,000 but not over \$1,250,000.	\$345,800, plus 41 percent of the excess of such amount over \$1,000,000.
Over \$1,250,000 but not over \$1,500,000.	\$448,300, plus 43 percent of the excess of such amount over \$1,250,000.
Over \$1,500,000	\$555,800, plus 45 percent of the excess of such amount over \$1,500,000.”.

(b) MODIFICATIONS OF ESTATE AND GIFT TAXES TO REFLECT DIFFERENCES IN CREDIT

RESULTING FROM DIFFERENT TAX RATES AND EXCLUSION AMOUNTS.—

(1) CHANGING TAX RATES.—Notwithstanding section 304 of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, section 901 of the Economic Growth and Tax Relief Reconciliation Act of 2001 shall not apply to the amendments made by section 302(d) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010.

(2) DECREASING EXCLUSIONS.—

(A) ESTATE TAX ADJUSTMENT.—Section 2001 is amended by adding at the end the following new subsection:

“(h) ADJUSTMENT TO REFLECT CHANGES IN EXCLUSION AMOUNT.—

“(1) IN GENERAL.—If, with respect to any gift to which subsection (b)(2) applies, the applicable exclusion amount in effect at the time of the decedent's death is less than such amount in effect at the time such gift is made by the decedent, the amount of tax computed under subsection (b) shall be reduced by the amount of tax which would have been payable under chapter 12 at the time of the gift if the applicable exclusion amount in effect at such time had been the applicable exclusion amount in effect at the time of the decedent's death and the modifications described in subsection (g) had been applicable at the time of such gifts.

“(2) LIMITATION.—The aggregate amount of gifts made in any calendar year to which the reduction under paragraph (1) applies shall not exceed the excess of—

“(A) the applicable exclusion amount in effect for such calendar year, over

“(B) the applicable exclusion amount in effect at the time of the decedent's death.

“(3) APPLICABLE EXCLUSION AMOUNT.—The term ‘applicable exclusion amount’ means, with respect to any period, the amount determined under section 2010(c) for such period, except that in the case of any period for which such amount includes the deceased spousal unused exclusion amount (as defined in section 2010(c)(4)), such term shall mean the basic exclusion amount (as defined under section 2010(c)(3), as in effect for such period).”.

(B) GIFT TAX ADJUSTMENT.—Section 2502 is amended by adding at the end the following new subsection:

“(d) ADJUSTMENT TO REFLECT CHANGES IN EXCLUSION AMOUNT.—

“(1) IN GENERAL.—If the taxpayer made a taxable gift in an applicable preceding calendar period, the amount of tax computed under subsection (a) shall be reduced by the amount of tax which would have been payable under chapter 12 for such applicable preceding calendar period if the applicable exclusion amount in effect for such preceding calendar period had been the applicable exclusion amount in effect for the calendar year for which the tax is being computed and the modifications described in subsection (g) had been applicable for such preceding calendar period.

“(2) LIMITATION.—The aggregate amount of gifts made in any applicable preceding calendar period to which the reduction under paragraph (1) applies shall not exceed the excess of—

“(A) the applicable exclusion amount for such preceding calendar period, over

“(B) the applicable exclusion amount for the calendar year for which the tax is being computed.

“(3) APPLICABLE PRECEDING CALENDAR YEAR PERIOD.—The term ‘applicable preceding calendar year period’ means any preceding calendar year period in which the applicable ex-

clusion amount exceeded the applicable exclusion amount for the calendar year for which the tax is being computed.

“(4) APPLICABLE EXCLUSION AMOUNT.—The term ‘applicable exclusion amount’ means, with respect to any period, the amount determined under section 2010(c) for such period, except that in the case of any period for which such amount includes the deceased spousal unused exclusion amount (as defined in section 2010(c)(4)), such term shall mean the basic exclusion amount (as defined under section 2010(c)(3), as in effect for such period).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to estates of decedents dying, and generation-skipping transfers and gifts made, after December 31, 2012.

(d) APPLICATION OF EGTRRA SUNSET.—Section 901 of the Economic Growth and Tax Relief Reconciliation Act shall apply to the amendments made by subsection (a).

TITLE III—ALTERNATIVE MINIMUM TAX RELIEF

SEC. 301. TEMPORARY EXTENSION OF INCREASED ALTERNATIVE MINIMUM TAX EXEMPTION AMOUNT.

(a) IN GENERAL.—Paragraph (1) of section 55(d) is amended—

(1) by striking “\$72,450” and all that follows through “2011” in subparagraph (A) and inserting “\$78,750 in the case of taxable years beginning in 2012”, and

(2) by striking “\$47,450” and all that follows through “2011” in subparagraph (B) and inserting “\$50,600 in the case of taxable years beginning in 2012”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

SEC. 302. TEMPORARY EXTENSION OF ALTERNATIVE MINIMUM TAX RELIEF FOR NONREFUNDABLE PERSONAL CREDITS.

(a) IN GENERAL.—Paragraph (2) of section 26(a) is amended—

(1) by striking “or 2011” and inserting “2011, or 2012”, and

(2) by striking “2011” in the heading thereof and inserting “2012”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2011.

TITLE IV—BUDGETARY EFFECTS

SEC. 401. BUDGETARY EFFECTS.

(a) PAYGO SCORECARD.—The budgetary effects of this Act shall not be entered on either PAYGO scorecard maintained pursuant to section 4(d) of the Statutory Pay-As-You-Go Act of 2010.

(b) SENATE PAYGO SCORECARD.—The budgetary effects of this Act shall not be entered on any PAYGO scorecard maintained for purposes of section 201 of S. Con Res. 21 (110th Congress).

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources. The hearing will be held on Tuesday, July 24, 2012, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to assess the opportunities for, current level

of investment in, and barriers to the expanded usage of natural gas as a fuel for transportation.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, U.S. Senate, 304 Dirksen Senate Office Building, Washington, DC 20510-6150, or by email to Meagan_Gins@energy.senate.gov.

For further information, please contact Jennifer Nekuda Malik at 202-224-5479, or Kevin Rennert at 202-224-7826, or Meagan Gins at 202-224-0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to hold a hearing entitled, "Dodd-Frank Wall Street Reform and Consumer Protection Act: 2 Years Later," during the session of the Senate on July 17, 2012, at 10 a.m. in room SR-328A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on July 17, 2012, at 10 a.m., to conduct a committee hearing entitled "The Semiannual Monetary Policy Report to Congress."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on July 17, 2012, at 10 a.m., in room 366 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 17, 2012, at 9:30 a.m., to hold a hearing entitled, "The Next Ten Years in the Fight Against Human Trafficking: Attacking the Problem with the Right Tools."

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the

Select Committee on Intelligence be authorized to meet during the session of the Senate on July 17, 2012, at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. UDALL of Colorado. Mr. President, I ask unanimous consent that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 17, 2012, at 9:30 a.m., to conduct a hearing entitled "U.S. Vulnerabilities to Money Laundering, Drugs, and Terrorist Financing: HSBC Case History."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that for the duration of today's session, Alex Link, Rob Famigletti, and Samantha Freeman, fellows on my Judiciary Committee staff, be granted floor privileges.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING EFFORTS TO PROMOTE AND ENHANCE PUBLIC SAFETY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 483, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 483) commending efforts to promote and enhance public safety on the need for yellow corrugated stainless steel tubing bonding.

There being no objection, the Senate proceeded to consider the resolution.

Mr. DURBIN. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, with no intervening action or debate, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 483) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 483

Whereas yellow corrugated stainless steel tubing (referred to in this preamble as "CSST") is flexible gas piping used to convey natural gas or propane to household appliances in homes and businesses;

Whereas since 1990, yellow CSST has been installed in more than 6,000,000 homes and businesses in the United States;

Whereas field reports and research suggest that if direct or indirect lightning strikes a structure, the risk for electrical arcing between the metal components in a structure with yellow CSST may be reduced by means of equipotential bonding and grounding;

Whereas proper bonding of CSST is defined in section 7.13.2 of the 2009 edition of the NFPA 54: National Fuel Gas Code, and is referenced in info note 2 in section 250.104 of the 2011 edition of the NFPA 70: National Electric Code;

Whereas the National Association of State Fire Marshals supports the proper bonding of yellow CSST to current National Fire Protection Association Code to reduce the possibility of gas leaks and fires from lightning strikes;

Whereas the National Association of State Fire Marshals is working to educate relevant stakeholders, including fire, building, and housing officials, consumers, homeowners, and construction professionals about the need to properly bond yellow CSST in legacy installations and in all new installations in accordance with the most recent building codes and manufacturer installation instructions;

Whereas the bonding of yellow CSST in legacy installations is an important public safety matter that merits alerting homeowners, relevant State and local fire, building, and housing officials, and construction professionals such as electricians, contractors, plumbers, inspectors, and home-improvement specialists: Now, therefore, be it

Resolved, That the Senate—

(1) commends efforts to promote and enhance public safety and consumer awareness on proper bonding of yellow corrugated stainless steel tubing (referred to in this resolution as "CSST") as defined in the National Fire Protection Association Code; and

(2) encourages further educational efforts for the public, relevant building and housing officials, consumers, homeowners, and construction professionals on the need to properly bond yellow CSST retroactively and moving forward in houses that contain the product.

MEASURE READ THE FIRST TIME—S. 3393

Mr. DURBIN. Mr. President, I understand S. 3393 introduced earlier today by Senator REID is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant legislative clerk read as follows:

A bill (S. 3393) to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families.

Mr. DURBIN. I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. The objection having been heard, the bill will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, JULY 18, 2012

Mr. DURBIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m., on Wednesday,

July 18; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the majority leader be recognized and the first hour be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DURBIN. Today, the majority leader filed cloture on the motion to proceed to S. 3364, the Bring Jobs Home Act. If no agreement is reached, the cloture vote will be on Thursday.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. DURBIN. If there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 5:57 p.m., adjourned until Wednesday, July 18, 2012, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

BIDTAH N. BECKER, OF NEW MEXICO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2018. VICE PERRY R. EATON, TERM EXPIRED.

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531:

To be major

SEAN J. HISLOP
KINK A. KEEGAN III
LUCAS P. NEFF

IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be major

CHAD S. ABBEY
BECKY A. ABELL
MARGARET J. ABUZEID
DOUGLAS R. ADAMS
MARY T. A. ADAMS
NICHELL ADEGBITEMARAVENTANO
CHINENYE J. ADIMORA
DAVID K. ADKINSON
UZONDU F. AGOCHUKWU
LATANYA AGURS
CRAIG R. AINSWORTH
NICHOLAS N. ALLAN
MICHAEL J. ALLEN
SAMUEL F. ALMQUIST
JAMIE N. ANDREWS
LORI L. ANGERSONBEDNASH
AMANDA L. ANTLE
TODD M. ANTON
JENNIFER R. ASARIAS
AARON G. AVALLONE
BRADLEY C. BANDERA
CHRISTOPHER S. BARANYK
HEATHER M. BEAUPARLANT
MICHAEL J. BELTRAN
JOHN S. BERRY IV
JOHNATHON A. BERRY

SANJAY S. BHATIA
SAMUEL N. BLACKER
LUKE R. BLOOMQUIST
TIMOTHY E. BORDEN
DONNELL K. BOWEN
MICHAEL M. BRAUN
EVAN G. BROWN
SHAUN R. BROWN
CHELSEA D. BRUNDAGE
CHRISTINA BRZEZNIAK
KRISTINA R. BURKE
ROBERT J. BUSH
NICOLAS R. CAHANDING
CHARLES J. CALAIS
TATJANA P. CALVANO
MACARIO CAMACHO, JR.
JOHN D. A. CAMPAGNA
PATRICK M. CAREY
TIMOTHY W. CAREY
DEREK M. CARLSON
JOHN P. CASAS
BRIAN V. CASHIN
LAURA M. CASHIN
MARLIN CAUSEY
ASHLEY H. CHATIGNY
MICHAEL K. CHEEZUM
WEICHIN CHEN
YINTING CHEN
FONGKUEI F. CHENG
GEOFFREY C. CHIN
STEVEN CHOI
KEVIN S. CLIVE
CHRISTOPHER J. COCHRANE
KATHERINE E. COCKER
MONICA L. COLOMBO
ANTHONY W. COOPER II
JONATHAN A. CRAUN
DAVID A. CRAWFORD
HECTOR O. CRESPOSOTO
RYAN N. CRETE
KEVIN P. CROTTY
REGINO P. CUBE
CLAIREIDA A. CUNDIFF
JASON I. DAILEY
VERONICA C. DAMASCO
TAM Q. DANG
RAJESH K. DANIELS
MICHAEL S. DEGON
LINDSAY J. DELLAVALLE
JASON M. DESADIER
PETER J. DILLON, JR.
JOHN T. DISTELHORST
TAMMY L. DONOWAY
ROY D. EDWARDS
TAIWONA L. ELLIOTT
MICHAEL K. ELM
KATISHA D. ENG
SARAH M. ESTRADA
PETER D. EVERSON
DAVID M. FERRARO
LAYNE M. FIELDER
LERA L. FINA
RYAN P. FLANAGAN
JASON A. FOERTER
TOMAS FORAL
CHRISTOPHER J. FORSTER
JUSTIN T. FOWLER
BRANDON A. FRANCIS
BENJAMIN FREEMAN
ANTHONY D. FREILER
NATHAN K. FRIEDLINE
BRANDON D. FRYE
BONNIE J. GENEMAN
PATRICK J. GOLDEN
LYNN E. GOWER
BRENDAN C. GRAHAM
LINDSEY J. GRAHAM
ERIC S. GRENIER
ALLEN D. HAIGHT
JAMES J. HAM
TRAVIS J. HAMILTON
MARK O. HARDIN
JOSHUA J. HARDMAN
DAUSEN J. HARKER
HILLARY M. HARPER
LISA M. HARRIS
ALAN K. HECKLER
RYAN J. HEITMANN
JAMES A. HENRY
JENNIFER H. HEPPS
JOSEPHINE P. HORITA
JORDANNA M. HOSTLER
JOHN H. HOTCHKISS IV
CHRISTOPHER M. HOUSE
ROBERT C. HOWARD
MICHAEL J. HUDSON
JEANNIE HUH
CHAD D. HULSOPPLE
JOHN D. HUNSAKER
RYAN C. INOCENCIO
LUIS C. ISAZA
JOHN W. JACO
ANETA JEDRZEJCZYK
SHELDON L. JENSEN
BENJAMIN L. JONES
CANDICE E. JONESCOX
ANTON Y. JORGENSEN
JOSEPH S. JUNG
YI S. KAM
DAVID KASSOP
CHARLOTTE M. KASTL
CHARLES C. KEY

ERIN A. KEYSER
KELLY G. KILCOYNE
MOON J. KIM
REN M. KINOSHITA
DEANNA M. KLESNEY
AMY M. KLUI
MATTHEW W. KLUK
KENDRAL R. KNIGHT
RYAN M. KNIGHT
JEFFREY B. KNOX
NICHOLAS D. KORTAN
DONALD J. KOSATKA
WILLIAM J. KROSKI
JOSEPH S. K. KUSHI
RYAN M. KWOK
SALVATORE V. LABRUZZO
RUSSELL W. LAKE
PRASAD LAKSHMINARASIMHIAH
BRYAN D. LALIBERTE
MATTHEW T. LAQUER
TIMOTHY N. LAUGHY
KARL A. LAUTENSCHLAGER
MELANIE N. LEADLEY
GEORGE L. LEE III
YOUNG E. LEE
SCOTT L. LEIFSON
JEFFREY D. LEININGER
GRACE M. LIDL
DUSTIN J. LITTLE
TIMOTHY W. LIVENGOD
KIMBERLY M. LOCHNER
AMY M. LOYD
CHARLES D. MAGEE
GIL G. MAGPANTAY
RENEE L. MAKOWSKI
JOHN MANDEVILLE
PEDRO A. MANIBUSAN
KELLY M. MANN
CHARLOTTE S. MARCUS
DEANDRA A. MARTIN
JUAN M. MARTINEZCROSS
SHAUN A. MARTINHO
JAMES A. MAXEY
CHAD B. MCBRIDE
KIRK D. MCBRIDE
ANGELLETTA N. MCCRANEY
BRENDAN J. MCCRISKIN
DEANNA C. MCCULLOUGH
DEVIN P. MCFADDEN
OWEN MCGRANE
BRIAN J. MCGRATH
COLLEEN M. MCNAMANAM
LUKE E. MEASE
MARDELLE B. MILLENDEZ
SETH L. MILLER
TIMOTHY J. MILLER
JAMIE R. MINGS
ELLIOTT I. MITNIK
PETER M. MOFFETT
ILA C. M. MOFFITT
DANIEL B. MORILLA
ANDREW D. MOSIER
AMY L. MURPHY
JOSEPH MY
KATHRYN E. MYHRE
ANNA L. NAIG
SIDDHARTHA P. NANDI
DOMENICK P. NARDI
JUSTIN D. NEEDHAM
THOMAS G. NESSLER III
CHARLES T. NGUYEN
PHUOC T. NGUYEN
CLAUDIA E. NICHOLAS
MATTHEW C. NICHOLS
MATTHEW C. NUCKOLS
MOROHUNRANTI O. OGUNTUYO
MICHELLE A. OJEMUYIWA
CAMERON L. OLDEROG
DEBORAH L. ONDRASIK
NICHOLAS R. ONDRASIK
SCOTT C. OSBORN
ALYSSA M. PARK
ANISH A. PATEL
TERESA D. PEARCE
NEIL G. PERERA
AIXA PEREZRODRIGUEZ
DAVID J. PETERSON
KRISTINE J. PFEIFFER
VALERIE L. PIRES
JASON L. PIZZOLA
WILLIAM H. PORR
ERIC W. PORRITT
MAX D. PUSZ
BRADDEN R. PYRON
SARAH J. RABIE
MEGHAN F. RALEIGH
MARCUS J. RAMPTON
ANTHONY J. RECUPERO
JEFFREY L. REHA
MATTHEW D. RENSBERRY
JEREMY N. RICH
JAY J. RICHARDS
GRETCHEN D. RICKARDS
BRITTANY L. RITCHIE
JOHN D. RITCHIE
REIS B. RITZ
IAN M. RIVERA
JESSICA C. RIVERA
MICAH J. ROBERTS
SAMANTHA B. RODGERS
SHARON ROMANO
THOMAS R. RONAY

CHRISTOPHER L. ROZELLE
 CHRISTINA B. RUMAYOR
 FARHAD SAFI
 NATHAN L. SALINAS
 CATHERINE M. SAMPERT
 JOHN P. SANDERS
 STEVEN A. SATTERLY
 TERESA SAULTES
 DANIELLE L. SCHER
 CHRISTIAN C. SCHRADER
 SHANNON C. SCHUERGER
 JOSEPH SCLAFANI
 MELISSA B. SCORZA
 THOMAS J. SEITER, JR.
 HARSHA SETTY
 PIERRE N. SHEPHERD
 JESSE R. SHERRATT
 JOON K. SHIM
 COLLEEN P. SHOLAR
 MERICA SHRESTHA
 BRIDGET A. SINNOTT
 GREGORY R. SKERRETT
 JENNIFER N. SLIM
 DAWN M. SLOAN
 STIRLING B. SMITH
 DANIEL J. SONG
 BETHANY E. SONOBE
 JASON A. SORELL
 ALYSSA A. SOUMOFF
 ANNE P. SPILLANE
 ERIN L. SPILLANE
 SARAH R. SPRAITZAR
 SHANKAR K. SRIDHARA
 DAVID STANLEY
 JASON R. STONE
 KAREN S. STRENGE
 JONATHAN M. STROBEL
 DAVID F. SULKOWSKI
 KATHRYN L. SULKOWSKI
 JOHN SYMONS
 BENJAMIN D. TABAK
 TIMOTHY J. TAUSCH
 BETHANY N. TEER
 SHAYNA D. THOMPSON
 ROSS N. THORMAHLEN
 LAUREL A. THURSTON
 KYLE J. TOBLER
 ERIC B. TOMICH
 KRISTEN L. TOREN
 DANIEL D. TRAN
 ALI A. TURABI
 PATRICK S. TWOMEY
 ALFREDO E. URDANETA
 JOHN VENEZIA
 JACOB L. WAGNER
 RYAN M. WALK
 BIN WANG

JOHNETTA D. WASHINGTON
 BRIAN R. WATERMAN
 TIMOTHY R. WATERS
 RICHARD C. WEBB
 MARISSA L. WEBER
 DANIEL WEINSTEIN
 CHRISTOPHER R. WELTON
 SHAWN R. WEST
 BENJAMIN J. WESTBROOK
 JEFFERY A. WHITE
 JOSEPH M. WHITE
 SABRINA V. WHITEHURST
 JUSTIN L. WILKIE
 ALICIA M. WILLIAMS
 ROGER S. WILLIAMS
 DOUGLAS G. WILSON
 ERIC D. WIRTZ
 MARIUSZ WOJNARSKI
 CHRISTINE L. WOLFE
 ELIZABETH A. WOODS
 ALAN I. C. WU
 WILLIAM C. WU
 MICHAEL A. ZACCHILLI
 HANNA D. ZEMBRZUSKA
 CONG Z. ZHAO
 JARED K. ZOTZ

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT
 TO THE GRADE INDICATED IN THE UNITED STATES ARMY
 DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 624
 AND 3064:

To be major

JEFFREY E. AYCOCK
 JEREMY P. BATEMAN
 NATHAN N. BATRICE
 JAXIMILLIAN P. BAYLOSIS
 BRENDAN E. BELL
 KAILEHIA N. BINNS
 AARON J. BROOKS
 KENNETH B. CAREY
 MATTHEW E. CARLSON
 MATTHEW T. CARPENTER
 BRIAN B. CHOI
 JEFFREY M. CLARK
 AARON J. COLBY
 BRANDON G. COLEMAN
 BRANDEN L. DAILEY
 PATRICK C. DANIEL, JR.
 JASMIN G. DEGUZMAN
 CHAD T. EARDLEY
 JENNIFER L. ELZINGA
 AARON C. ERCOLE
 JAMES M. GIESEN
 KRISTY L. HAYES
 ELIZABETH A. HEYN
 HAE J. HONG

JAIME A. HUGHES
 CASSANDRE JOSEPH
 CHRISTOPHER M. KEPROS
 MIN C. KIM
 SEWHAN KIM
 JOHN D. KING
 CHRISTOPHER P. KITTLE
 JACQUELINE S. LAPIN
 TIN M. LE
 TUNG V. LE
 JUSTIN P. LEWIS
 SHELDON X. LU
 ADAM J. LYTLE
 CABEL A. MCDONALD
 MICHAEL J. MCNAUGHT
 MATTHEW A. MEYER
 CLAUDIA P. MILLAN
 EDWARD L. MONTOYA
 RICK C. MOSER
 HEATHER R. A. OLMO
 DANIEL R. PERRINGTON
 ERIC J. SETTER
 LYNN SHERMAN
 YOUNG K. SON
 RICHARD W. STANDAGE
 BLAKE C. STUART
 MICHAEL R. VILLACARLOS
 JAYLON L. WAITE
 DIANA W. WEBER
 NATHAN G. WOODS
 ROBERT B. YANKOVICH
 LARA M. YEGHIASARIAN
 JASON C. YI
 ERIC W. YOUNG

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF
 THE UNITED STATES OFFICERS FOR APPOINTMENT TO
 THE GRADE INDICATED IN THE RESERVE OF THE ARMY
 UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BRENT A. BECKLEY
 SCOTT P. BROWN
 LOWELL E. KRUSE
 JOHNATHAN H. LEHMAN
 JAMES P. MCHUGH
 MICHAEL G. POOLER
 ROBERT M. TYSZKO
 STEPHEN J. WARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT
 IN THE GRADE INDICATED IN THE RESERVE OF THE
 ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

BRIAN J. EASTRIDGE

HOUSE OF REPRESENTATIVES—Tuesday, July 17, 2012

The House met at noon and was called to order by the Speaker pro tempore (Mr. CULBERSON).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

July 17, 2012.

I hereby appoint the Honorable JOHN ABNEY CULBERSON to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,

Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair would now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 1:50 p.m.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 16, 2012.

Hon. JOHN A. BOEHNER,
*The Speaker, U.S. Capitol,
House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 16, 2012 at 2:12 p.m.:

That the Senate passed with an amendment H.R. 2527.

With best wishes, I am
Sincerely,

KAREN L. HAAS.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair

declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 1 minute p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer: Loving God, we give You thanks for giving us another day.

Stir our spirits, O Lord, that we may praise You with full attention and be wholehearted in all the tasks You set before us this day.

We can see Your deeds unfolding in our history and in every act of justice and kindness. Bless those who have blessed us, and be close to those most in need of Your compassion and love.

Fear of You, O Lord, is the beginning of wisdom. Bless the Members of this people's House with such wisdom. As they resume the work of this assembly, guide them to grow in understanding in attaining solutions to our Nation's needs that are imbued with truth and justice.

May all that is done here this day be for Your greater honor and glory.
Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

SEQUESTRATION DEVASTATES DEFENSE

(Mr. WILSON of South Carolina asked and was given permission to ad-

dress the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, The Hill newspaper published a special report a few weeks ago, bringing more attention to the very real threat of defense sequestration.

Many people are under the false impression that defense spending represents a significantly larger portion of the Federal budget than it truly does. The current budget of the Department of Defense represents 15.1 percent of the Federal budget. This chart shows that defense spending has declined over the last 20 years.

Sequestration represents a \$1.2 trillion cut. Half of the \$1.2 trillion comes from the defense budget. I do not believe that half of these cuts should come from 15.1 percent of the budget.

Additionally, sequestration will affect all areas of our national economy. It is projected that sequestration could cost 1 million American jobs and cause the unemployment rate to rise by an entire percentage point. We should pass the bill by Armed Services Committee Chairman BUCK MCKEON, which addresses the issue without tax increases.

In conclusion, God bless our troops, and we will never forget September the 11th in the global war on terrorism.

Congratulations, Mary and Jerry Howard of Lexington, South Carolina, on your 50th anniversary.

ABORTION RIGHTS FOR THE WOMEN OF THE DISTRICT OF COLUMBIA

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, my request to testify was summarily refused on a bill to be marked up tomorrow to deny only women in my district, the District of Columbia, the right to an abortion after 20 weeks of pregnancy as guaranteed by Roe v. Wade. So I testify for 1 minute today.

TRENT FRANKS, the chairman and sponsor of H.R. 3803 must have thought that one unfairness deserves another. The bill is of a piece with Republican attacks all year—to deny contraceptives in health insurance, and to defund Planned Parenthood.

The bill is unprincipled, or it would not apply only to the District of Columbia. Its bogus science is matched by the absence of a need. Recent figures show almost three-quarters of abortions in the District occurred under 10

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

weeks of pregnancy, only one past 21 weeks.

LISA JACKSON AND PRESIDENT OBAMA WAGE WAR ON ASTHMATICS

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, this year, a common over-the-counter emergency asthma inhaler was forced off the pharmacy shelves due to an international treaty agreement. Now, patients who suffer from asthma and who find themselves awake at 2 a.m. with unexpected attacks and who don't have access to immediate inhalers, well, they've got a problem. It used to be a problem they could solve with a quick trip down to the 24-hour pharmacy. Now they have to go to the emergency room.

Although a replacement inhaler has been before the FDA's approval board, they've taken no action. When the ban on the available over-the-counter inhaler went into effect, most people expected the replacement would be available with no disruption, but this has not been the case. Because of the FDA's intransigence, our patients have nowhere to go.

I don't know why the FDA has not acted. I've asked them. They won't tell me. There is a simple solution:

The Environmental Protection Agency has within its authority the ability to waive the ban on the over-the-counter inhaler, allowing existing stock to be sold. Yet, despite multiple letters to the EPA and to President Obama and despite questions during committee hearings, they remain unresponsive.

Why has the EPA not approved the waiver? Again, you'll have to ask them. They are not telling me.

The minuscule number of chlorofluorocarbons that exists in the over-the-counter inhaler will have negligible effects on our ozone layer, especially considering the limited supply left.

The EPA should be on the side of the patients. Lisa Jackson and President Obama need to stop this senseless war on asthmatics.

IN HONOR OF STAFF SERGEANT RICARDO SEIJA, AN AMERICAN HERO

(Ms. CASTOR of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. CASTOR of Florida. Mr. Speaker, I rise today to honor an American hero who is being laid to rest back home in Tampa, Florida, today. Staff Sergeant Ricardo Seija was killed on Sunday, July 8, when his armored vehicle

struck an improvised explosive device. Staff Sergeant Seija was 31 years old.

Known as Ricky, Sergeant Seija was a graduate of Leto High School. He joined the Army in 2000 and was assigned to the 978th Military Police Company, 93rd Military Police Battalion, Fort Bliss, Texas.

His mother, Ignacia, said, "Since he was a child, he wanted to defend his country. He very much loved liberty. He wanted a free country without war, without problems."

"Ricky died like a hero, fighting for his country," she said, "not just for his country but for all of us who live in America. He loved this country very much."

He is survived by his wife, Sunny; son, Ricardo; his mother and father, Ignacia and Ricardo Seija of Tampa; and two older brothers, Jose and Eduardo.

On behalf of the Tampa Bay community, I salute Staff Sergeant Seija for his service and for his ultimate sacrifice to our great country, and I ask that all Americans recognize this remarkable patriot.

WHERE ARE THE JOBS?

(Ms. FOXX asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FOXX. As the Nation sits beneath 41 straight months of unemployment above 8 percent, it remains painfully clear that the President's policies have failed and have made our economy worse. "Painful" is, indeed, the operative word.

As we slog through the worst unemployment crisis since the Great Depression, Americans continue to ask, "Where are the jobs?"

More than 23 million of our fellow Americans are unemployed. Almost 500,000 net jobs have evaporated since the President's so-called "stimulus" was enacted, and entrepreneurship—that cornerstone of the American Dream—has reached a 17-year low. This is President Obama's record, and these facts do not lie.

House Republicans have a plan for America's job creators to help get our Nation back to work. Dozens of bipartisan bills have passed the House and are sitting on HARRY REID's doorstep. It is time he and the Democratic-controlled Senate put the American people before politics and pass these bills.

IN REMEMBRANCE OF DR. ANNA SCHWARTZ

(Mr. BRADY of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADY of Texas. Last month, the United States lost one of its most preeminent economic minds.

Anna J. Schwartz, perhaps the most pioneering economist in her generation, passed away at the age of 96. Dr. Schwartz had a considerable impact on how academics and others think about monetary policy.

She was best known for coauthoring, along with Milton Friedman, "A Monetary History of the United States." The book's thesis attributed the worst depth of the Great Depression to the Federal Reserve's restricting the supply of money when it should have expanded it. Its conclusions revolutionized our understanding of that era.

"Anna did all of the work, and I got most of the recognition," Friedman observed, who received the Nobel Prize in Economic Sciences in 1976.

I ask the House to join me in paying tribute to this most inspiring woman and in expressing both our gratitude and condolences to her family.

THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE FORMER LIBERIAN REGIME OF CHARLES TAYLOR—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-124)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication stating that the national emergency and related measures dealing with the former Liberian regime of Charles Taylor are to continue in effect beyond July 22, 2012.

Although Liberia has made advances to promote democracy, and the Special Court for Sierra Leone recently convicted Charles Taylor for war crimes and crimes against humanity, the actions and policies of former Liberian President Charles Taylor and other persons, in particular their unlawful depletion of Liberian resources and their removal from Liberia and secret- ing of Liberian funds and property, could still challenge Liberia's efforts to strengthen its democracy and the orderly development of its political, administrative, and economic institutions and resources. These actions and policies continue to pose an unusual

and extraordinary threat to the foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency with respect to the former Liberian regime of Charles Taylor.

BARACK OBAMA,
THE WHITE HOUSE, July 17, 2012.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 12 minutes p.m.), the House stood in recess.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. WOMACK) at 5 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

HAQQANI NETWORK TERRORIST DESIGNATION ACT OF 2012

Mr. GRIFFIN of Arkansas. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1959) to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the amendment is as follows:

Amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Haqqani Network Terrorist Designation Act of 2012".

SEC. 2. REPORT ON DESIGNATION OF THE HAQQANI NETWORK AS A FOREIGN TERRORIST ORGANIZATION.

(a) FINDINGS.—Congress makes the following findings:

(1) A report of the Congressional Research Service on relations between the United States and Pakistan states that "[t]he terrorist network led by Jalaluddin Haqqani and his son Sirajuddin, based in the FATA, is commonly identified as the most dangerous of Afghan insurgent groups battling U.S.-led forces in eastern Afghanistan".

(2) The report further states that, in mid-2011, the Haqqanis undertook several high-visibility attacks in Afghanistan. First, a late June assault on the Intercontinental Hotel in Kabul by 8 Haqqani gunmen and suicide bombers left 18

people dead. Then, on September 10, a truck bomb attack on a United States military base by Haqqani fighters in the Wardak province injured 77 United States troops and killed 5 Afghans. A September 13 attack on the United States Embassy compound in Kabul involved an assault that sparked a 20-hour-long gun battle and left 16 Afghans dead, 5 police officers and at least 6 children among them.

(3) The report further states that "U.S. and Afghan officials concluded the Embassy attackers were members of the Haqqani network".

(4) In September 22, 2011, testimony before the Committee on Armed Services of the Senate, Chairman of the Joint Chiefs of Staff Admiral Mullen stated that "[t]he Haqqani network, for one, acts as a veritable arm of Pakistan's Inter-Services Intelligence agency. With ISI support, Haqqani operatives plan and conducted that [September 13] truck bomb attack, as well as the assault on our embassy. We also have credible evidence they were behind the June 28th attack on the Intercontinental Hotel in Kabul and a host of other smaller but effective operations".

(5) In October 27, 2011, testimony before the Committee on Foreign Affairs of the House of Representatives, Secretary of State Hillary Clinton stated that "we are taking action to target the Haqqani leadership on both sides of the border. We're increasing international efforts to squeeze them operationally and financially. We are already working with the Pakistanis to target those who are behind a lot of the attacks against Afghans and Americans. And I made it very clear to the Pakistanis that the attack on our embassy was an outrage and the attack on our forward operating base that injured 77 of our soldiers was a similar outrage".

(6) At the same hearing, Secretary of State Clinton further stated that "I think everyone agrees that the Haqqani Network has safe havens inside Pakistan; that those safe havens give them a place to plan and direct operations that kill Afghans and Americans".

(7) On November 1, 2011, the United States Government added Haji Mali Kahn to a list of specially designated global terrorists under Executive Order 13224. The Department of State described Khan as "a Haqqani Network commander" who has "overseen hundreds of fighters, and has instructed his subordinates to conduct terrorist acts." The designation continued, "Mali Khan has provided support and logistics to the Haqqani Network, and has been involved in the planning and execution of attacks in Afghanistan against civilians, coalition forces, and Afghan police". According to Jason Blazakis, the chief of the Terrorist Designations Unit of the Department of State, Khan also has links to al-Qaeda.

(8) Five other top Haqqani Network leaders have been placed on the list of specially designated global terrorists under Executive Order 13224 since 2008, and three of them have been so placed in the last year. Sirajuddin Haqqani, the overall leader of the Haqqani Network as well as the leader of the Taliban's Mira shah Regional Military Shura, was designated by the Secretary of State as a terrorist in March 2008, and in March 2009, the Secretary of State put out a bounty of \$5,000,000 for information leading to his capture. The other four individuals so designated are Nasiruddin Haqqani, Khalil al Rahman Haqqani, Badruddin Haqqani, and Mullah Sangeen Zadrani.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Haqqani Network meets the criteria for designation as a foreign terrorist organization as set forth in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

(2) the Secretary of State should so designate the Haqqani Network as a foreign terrorist organization under such section 219.

(c) REPORT.—

(1) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, the Secretary of State shall submit to the appropriate committees of Congress—

(A) a detailed report on whether the Haqqani Network meets the criteria for designation as a foreign terrorist organization as set forth in section 219 of the Immigration and Nationality Act (8 U.S.C. 1189); and

(B) if the Secretary determines that the Haqqani Network does not meet the criteria set forth under such section 219, a detailed justification as to which criteria have not been met.

(2) FORM.—The report required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(3) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term "appropriate committees of Congress" means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on the Judiciary, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence of the House of Representatives.

(d) CONSTRUCTION.—Nothing in this Act may be construed to infringe upon the sovereignty of Pakistan to combat militant or terrorist groups operating inside the boundaries of Pakistan.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arkansas (Mr. GRIFFIN) and the gentleman from Florida (Mr. DEUTCH) each will control 20 minutes.

The Chair recognizes the gentleman from Arkansas.

GENERAL LEAVE

Mr. GRIFFIN of Arkansas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on S. 1959, as amended, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

Mr. GRIFFIN of Arkansas. Mr. Speaker, I yield myself such time as I may consume.

I thank my Senate colleague, Mr. BURR of North Carolina, and chairman of the House Intelligence Committee, Mr. ROGERS of Michigan, for their work on this issue.

This bill directs the Secretary of State to submit a report to Congress detailing whether the Haqqani Network meets the criteria for designation as a foreign terrorist organization according to current Federal law. If the Secretary determines that the Haqqani Network does not meet the criteria, the Secretary shall provide a detailed justification as to which criteria have not been met. The bill also provides a sense of Congress that the Secretary of State should designate the network as a foreign terrorist organization.

The Haqqani Network is an insurgent group fighting against U.S.-led NATO forces and the Government of Afghanistan. Maulvi Jalaluddin Haqqani and

his son lead the network, which is now based in Pakistan but operates on both sides of the Afghanistan-Pakistan border.

For about 2 years, the Pakistani Government has sought to facilitate a compromise between the Haqqani Network and the Government of Afghanistan. However, the network has close links with al Qaeda and is believed to provide al Qaeda operatives with safe haven in Haqqani-controlled areas. The Pakistani Government is believed to be the only entity with the influence to bring the Haqqani Network to the negotiating table.

The Obama administration has been considering formally designating the Haqqani Network as a foreign terrorist organization under U.S. law, but has yet to act. Seven Haqqani leaders have been under U.S. sanctions since 2008; and in 2011, Secretary Clinton designated operational commander Badruddin Haqqani under Executive Order 13224, thereby blocking movement of his assets, but not those of the umbrella Haqqani Network.

Since 2008, several attacks have been linked or attributed to the Haqqani Network. In addition to kidnappings of journalists and bombings of hotels and embassies, the Haqqani Network is blamed for the attacks on the U.S. Embassy and nearby NATO bases in Kabul in September 2011. U.S. Ambassador Ryan Crocker blamed the Haqqani Network for the 19-hour Kabul attack which killed four police officers, three coalition soldiers, and four civilians. Two dozen more soldiers and civilians were injured.

The Obama administration insists on negotiating with the Haqqani Network despite unsuccessful attempts in the past. Secretary Clinton has indicated that these negotiations may be necessary again in order to establish sustainable peace in Afghanistan. However, the Haqqani Network has been permitted to evade designation as a foreign terrorist organization. Congress' frustration with the Obama administration's overdue review of the Haqqani Network is clearly evidenced by this legislation.

According to U.S. military commanders, the Haqqani Network is highly resilient and is one of the biggest threats to the U.S.-led NATO forces and the Afghan Government in the current war in Afghanistan. This straightforward legislation simply directs the Secretary of State to analyze whether the Haqqani Network meets the standards for designation as a foreign terrorist organization under Federal law and report those findings back to Congress. It also expresses the sense of Congress that the Haqqani Network should be designated as a foreign terrorist network. The bill does not, however, require that the President designate the Haqqani Network as a foreign terrorist organization. This is a

carefully limited bill, and, as I noted earlier, similar legislation was passed by the Senate without opposition.

I urge my colleagues to support this bipartisan, bicameral legislation, and I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 16, 2012.

HON. LAMAR SMITH,
Chairman, Committee on the Judiciary,
Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning S. 1959, the "Haqqani Network Terrorist Designation Act of 2012," which is scheduled to be considered by the House this week.

As you know, pursuant to House Rule X, the Committee on Foreign Affairs maintains jurisdiction over matters concerning foreign relations, the U.S. diplomatic service, and the protection of Americans abroad. The Office of the Parliamentarian has indicated that S. 1959, which concerns the Secretary of State's designation of the Pakistan-based Haqqani Network as a Foreign Terrorist Organization under U.S. law, implicates Foreign Affairs jurisdiction.

In order to expedite Floor consideration of this bill, the Foreign Affairs Committee will forego consideration of this measure. This is being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees, or its jurisdictional prerogatives on this or similar legislation in the future.

I would appreciate your response to this letter, confirming this understanding with respect to S. 1959, and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration of the bill.

Sincerely,

ILEANA ROS-LEHTINEN
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 16, 2012.

HON. ILEANA ROS-LEHTINEN,
Chairman, Committee on Foreign Affairs,
Washington, DC.

DEAR CHAIRMAN ROS-LEHTINEN: Thank you for your letter of even date herewith regarding S. 1959, the "Haqqani Network Terrorist Designation Act of 2012," which was referred to the Committee on the Judiciary on December 19, 2011.

It is my understanding that the Committee on Foreign Affairs would receive a sequential referral on S. 1959 if it were to seek one. I am, therefore, most appreciative of your decision to forego consideration of the bill so that it may move expeditiously to the House floor. I acknowledge that although you are waiving formal consideration of the bill, the Committee on Foreign Affairs is in no way waiving its jurisdiction over the subject matter contained in the bill. In addition, if a conference is necessary on this legislation, I will support any request that your committee be represented therein.

Finally, I shall be pleased to include your letter and this reply letter memorializing our mutual understanding in the Congressional Record during floor consideration of S. 1959.

Sincerely,

LAMAR SMITH,
Chairman.

Mr. DEUTCH. Mr. Speaker, I rise in cautious support of S. 1959, the Haqqani Network Terrorist Designation Act.

Despite its name, this bill does not require the U.S. Department of State to formally designate the Haqqani Network as a terrorist organization. Rather, it imposes a one-time reporting requirement on the State Department to explain whether the Haqqani Network meets the statutory requirements for that designation. More importantly, the bill preserves the authority of the State Department to make this determination without congressional interference.

Let's be clear: the Haqqani Network is a dangerous organization and sworn enemy of the United States. From its base along the Afghanistan-Pakistan border, the network of insurgents led by Jalaluddin Haqqani and his family has, for years, fought U.S. and allied forces in eastern Afghanistan. The Haqqanis are responsible for several high-profile acts of terror—including an attack on the United States Embassy on September 13, 2011, that left 16 Afghans dead.

One tool—one tool out of many—for fighting an organization like the Haqqani Network is to designate the group a terrorist organization under section 219 of the Immigration and Nationality Act. Once a group receives that formal designation, the full weight of the Federal Government is brought to bear, including criminal penalties for the provision of material support to the organization, restrictions on travel, and seizure of assets. Designating an organization a terrorist organization is often an appropriate tool when the circumstances are unambiguous.

But the circumstances in eastern Afghanistan and northwest Pakistan are anything but unambiguous. The United States is engaged in delicate negotiations with the Government of Pakistan as it prepares to draw down troops and end the war in Afghanistan. In just the last few weeks, our diplomatic corps has achieved the monumental task of reopening our lines of communication with the Pakistani Government. It may be that, in this context, there is a diplomatic or strategic benefit to holding back on the formal designation of the Haqqani Network as a terrorist organization—perhaps just for the time being.

The State Department has already designated several individuals in the Haqqani Network as terrorists. If there's a reason that Secretary of State Clinton has not yet formally designated the entire network, then we ought to defer to her judgment.

Still, a modest reporting requirement as to some of the legal reasoning behind that decision is a fair request. Even if the Haqqani Network meets the statutory criteria for designation as a foreign terrorist organization—even if that tool is available to us—Secretary Clinton will make that decision when she determines that it is useful and appropriate to do so.

I thank the Speaker, and I yield back the balance of my time.

Mr. GRIFFIN of Arkansas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. GRIFFIN) that the House suspend the rules and pass the bill, S. 1959, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1710

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 2013

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6018) to authorize appropriations for the Department of State for fiscal year 2013, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Foreign Relations Authorization Act, Fiscal Year 2013”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

- Sec. 1. Short title.
- Sec. 2. Table of contents.
- Sec. 3. Appropriate congressional committees defined.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

- Sec. 101. Administration of foreign affairs.
- Sec. 102. Contributions to International Organizations.
- Sec. 103. Contributions for International Peacekeeping Activities.
- Sec. 104. International Commissions.
- Sec. 105. Peace Corps.
- Sec. 106. National Endowment for Democracy.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

- Subtitle A—Basic Authorities and Activities
- Sec. 201. International Litigation Fund.
- Sec. 202. Actuarial valuations.
- Sec. 203. Special agents.
- Sec. 204. Diplomatic security program contracting.
- Sec. 205. Accountability review boards.
- Sec. 206. Physical security of certain soft targets.
- Sec. 207. Rewards program update and technical corrections.
- Sec. 208. Cybersecurity efforts of the Department of State.
- Sec. 209. Center for Strategic Counterterrorism Communications of the Department of State.

Subtitle B—Consular Services and Related Matters

- Sec. 211. Extension of authority to assess passport surcharge.
- Sec. 212. Border crossing card fee for minors.

Subtitle C—Reporting Requirements

- Sec. 221. Reporting reform.

TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES

- Sec. 301. Suspension of Foreign Service members without pay.
- Sec. 302. Repeal of recertification requirement for Senior Foreign Service.
- Sec. 303. Limited appointments in the Foreign Service.
- Sec. 304. Limitation of compensatory time off for travel.
- Sec. 305. Department of State organization.
- Sec. 306. Reemployment of annuitants in high-risk posts.
- Sec. 307. Overseas comparability pay limitation.

TITLE IV—UNITED STATES INTERNATIONAL BROADCASTING

- Sec. 401. Authorization of appropriations for international broadcasting.
- Sec. 402. Personal services contracting program.
- Sec. 403. Technical amendment relating to civil immunity for Broadcasting Board of Governors members.

TITLE V—ARMS EXPORT CONTROL ACT AMENDMENTS AND RELATED PROVISIONS

Subtitle A—General Provisions

- Sec. 501. Authority to transfer excess defense articles.
- Sec. 502. Annual military assistance report.
- Sec. 503. Annual report on foreign military training.
- Sec. 504. Increase in congressional notification thresholds.
- Sec. 505. Return of defense articles.
- Sec. 506. Annual estimate and justification for sales program.
- Sec. 507. Updating and conforming penalties for violations of sections 38 and 39 of the Arms Export Control Act.
- Sec. 508. Clarification of prohibitions relating to state sponsors of terrorism and their nationals.
- Sec. 509. Exemption for transactions with countries supporting acts of international terrorism.
- Sec. 510. Report on Foreign Military Financing program.
- Sec. 511. Congressional notification of regulations and amendments to regulations under section 38 of the Arms Export Control Act.
- Sec. 512. Diplomatic efforts to strengthen national and international arms export controls.
- Sec. 513. Review and report of investigations of violations of section 3 of the Arms Export Control Act.
- Sec. 514. Reports on commercial and governmental military exports under the Arms Export Control Act; congressional actions.

Subtitle B—Miscellaneous Provisions

- Sec. 521. Treatment of militarily insignificant parts and components.
- Sec. 522. Special export licensing for United States allies.
- Sec. 523. Improving and streamlining licensing under United States Government arms export control programs.
- Sec. 524. Authority to remove satellites and related components from the United States Munitions List.

- Sec. 525. Report on licenses and other authorizations to export commercial satellites and related components and technology contained on the Commerce Control List.

- Sec. 526. Review of United States Munitions List.

- Sec. 527. Report on country exemptions for licensing of exports of munitions and related technical data.

- Sec. 528. End-use monitoring of munitions.

- Sec. 529. Definitions.

SEC. 3. APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.

Except as otherwise provided in this Act, the term “appropriate congressional committees” means the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SEC. 101. ADMINISTRATION OF FOREIGN AFFAIRS.

The following amounts are authorized to be appropriated for the Department of State under “Administration of Foreign Affairs” to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States, and for other purposes authorized by law:

(1) DIPLOMATIC AND CONSULAR PROGRAMS.—For “Diplomatic and Consular Programs”, \$8,983,778,000 for fiscal year 2013.

(A) WORLDWIDE SECURITY PROTECTION.—Of such amounts, not less than \$1,591,201,000 is authorized to be appropriated for worldwide security protection.

(B) BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR.—Of such amounts, not less than \$24,147,000 for fiscal year 2013 is authorized to be appropriated for the Bureau of Democracy, Human Rights and Labor.

(2) CAPITAL INVESTMENT FUND.—For “Capital Investment Fund”, \$59,380,000 for fiscal year 2013.

(3) EMBASSY SECURITY, CONSTRUCTION AND MAINTENANCE.—For “Embassy Security, Construction and Maintenance”, \$1,570,000,000 for fiscal year 2013.

(4) EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.—For “Educational and Cultural Exchange Programs”, \$598,800,000 for fiscal year 2013.

(5) CONFLICT STABILIZATION OPERATIONS.—

(A) IN GENERAL.—For “Conflict Stabilization Operations”, \$8,500,000 for fiscal year 2013.

(B) TRANSFER.—Subject to subparagraph (C) of this paragraph, of the amount authorized to be appropriated pursuant to paragraph (1), up to \$35,000,000 is authorized to be transferred to, and merged with, the amount specified in subparagraph (A) of this paragraph.

(C) NOTIFICATION.—If the Secretary of State exercises the transfer authority described in subparagraph (B), the Secretary shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(6) REPRESENTATION ALLOWANCES.—For “Representation Allowances”, \$7,300,000 for fiscal year 2013.

(7) PROTECTION OF FOREIGN MISSIONS AND OFFICIALS.—For “Protection of Foreign Missions and Officials”, \$27,000,000 for fiscal year 2013.

(8) EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE.—For “Emergencies in the

Diplomatic and Consular Service", \$9,300,000 for fiscal year 2013.

(9) REPATRIATION LOANS.—For "Repatriation Loans", \$1,447,000 for fiscal year 2013.

(10) PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN.—

(A) IN GENERAL.—For "Payment to the American Institute in Taiwan", \$21,108,000 for fiscal year 2013.

(B) TRANSFER.—Subject to subparagraph (C) of this paragraph, of the amount authorized to be appropriated pursuant to paragraph (1), up to \$15,300,000 is authorized to be transferred to, and merged with, the amount specified in subparagraph (A) of this paragraph.

(C) NOTIFICATION.—If the Secretary of State exercises the transfer authority described in subparagraph (B), the Secretary shall notify the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives and the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(1) OFFICE OF THE INSPECTOR GENERAL.—For "Office of the Inspector General", \$129,086,000 for fiscal year 2013, including for the Special Inspector General for Iraq Reconstruction and the Special Inspector General for Afghanistan Reconstruction, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (22 U.S.C. 3929(a)(1)) as such section relates to the inspection of the administration of activities and operations of each Foreign Service post.

SEC. 102. CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS.

There are authorized to be appropriated for "Contributions to International Organizations", \$1,551,000,000 for fiscal year 2013, for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States with respect to international organizations and to carry out other authorities in law consistent with such purposes.

SEC. 103. CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES.

There are authorized to be appropriated for "Contributions for International Peacekeeping Activities", \$1,828,182,000 for fiscal year 2013 for the Department of State to carry out the authorities, functions, duties, and responsibilities of the United States with respect to international peacekeeping activities and to carry out other authorities in law consistent with such purposes.

SEC. 104. INTERNATIONAL COMMISSIONS.

The following amounts are authorized to be appropriated under "International Commissions" for the Department of State to carry out the authorities, functions, duties, and responsibilities in the conduct of the foreign affairs of the United States and for other purposes authorized by law:

(1) INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO.—For "International Boundary and Water Commission, United States and Mexico"—

(A) for "Salaries and Expenses", \$44,722,000 for fiscal year 2013; and

(B) for "Construction", \$31,453,000 for fiscal year 2013.

(2) INTERNATIONAL BOUNDARY COMMISSION, UNITED STATES AND CANADA.—For "International Boundary Commission, United States and Canada", \$2,279,000 for fiscal year 2013.

(3) INTERNATIONAL JOINT COMMISSION.—For "International Joint Commission", \$7,012,000 for fiscal year 2013.

(4) INTERNATIONAL FISHERIES COMMISSIONS.—For "International Fisheries Commissions", \$36,300,000 for fiscal year 2013.

(5) BORDER ENVIRONMENT COOPERATION COMMISSION.—For "Border Environment Cooperation Commission", \$2,396,000 for fiscal year 2013.

SEC. 105. PEACE CORPS.

There are authorized to be appropriated for the Peace Corps \$375,000,000 for fiscal year 2013, of which not less than \$5,150,000 is authorized to be appropriated for the Office of the Inspector General of the Peace Corps.

SEC. 106. NATIONAL ENDOWMENT FOR DEMOCRACY.

There are authorized to be appropriated for the "National Endowment for Democracy" for authorized activities \$122,764,000 for fiscal year 2013.

TITLE II—DEPARTMENT OF STATE AUTHORITIES AND ACTIVITIES

Subtitle A—Basic Authorities and Activities

SEC. 201. INTERNATIONAL LITIGATION FUND.

Paragraph (3) of section 38(d) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2710(d)) is amended by striking "by the Department of State from another agency of the United States Government or pursuant to" and inserting "by the Department of State as a result of a decision of an international tribunal, from another agency of the United States Government, or pursuant to".

SEC. 202. ACTUARIAL VALUATIONS.

The Foreign Service Act of 1980 is amended—

(1) in section 818 (22 U.S.C. 4058)—

(A) in the first sentence, by striking "Secretary of the Treasury" and inserting "Secretary of State"; and

(B) by amending the second sentence to read as follows: "The Secretary of State is authorized to expend from money to the credit of the Fund such sums as may be necessary to administer the provisions of this subchapter, including actuarial advice, but only to the extent and in such amounts as are provided in advance in appropriations Acts.";

(2) in section 819 (22 U.S.C. 4059), in the first sentence, by striking "Secretary of the Treasury" the second place it appears and inserting "Secretary of State";

(3) in section 825(b) (22 U.S.C. 4065(b)), by striking "Secretary of the Treasury" and inserting "Secretary of State"; and

(4) section 859(c) (22 U.S.C. 4071h(c))—

(A) by striking "Secretary of the Treasury" and inserting "Secretary of State"; and

(B) by striking "and shall advise the Secretary of State of" and inserting "that will provide".

SEC. 203. SPECIAL AGENTS.

(a) IN GENERAL.—Paragraph (1) of section 37(a) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2709(a)) is amended to read as follows:

"(1) conduct investigations concerning—

"(A) illegal passport or visa issuance or use;

"(B) identity theft or document fraud affecting or relating to the programs, functions, and authorities of the Department of State; and

"(C) Federal offenses committed within the special maritime and territorial jurisdiction of the United States as defined in paragraph (9) of section 7 of title 18, United States Code, except as that jurisdiction relates to the premises of United States military missions and related residences";.

(b) RULE OF CONSTRUCTION.—Nothing in paragraph (1) of section 37(a) the State Department Basic Authorities Act of 1956 (as amended by subsection (a) of this section) shall be construed to limit the investigative

authority of any other Federal department or agency.

SEC. 204. DIPLOMATIC SECURITY PROGRAM CONTRACTING.

Section 136 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (22 U.S.C. 4864) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "With respect" and inserting "Except as provided in subsection (d), with respect"; and

(B) in paragraph (3), by striking "subsection (d)" and inserting "subsection (e)";

(2) by redesignating subsections (d), (e), (f), and (g) as subsections (e), (f), (g), and (h), respectively;

(3) by inserting after subsection (c) the following new subsection:

"(d) AWARD OF LOCAL GUARD AND PROTECTIVE SERVICE CONTRACTS IN HIGH RISK AREAS.—With respect to local guard contracts for Foreign Service buildings located in high risk areas which exceed \$250,000, the Secretary of State shall—

"(1) comply with paragraphs (1), (2), (4), (5), and (6) of subsection (c) in the award of such contracts;

"(2) in evaluating proposals for such contracts, award contracts to the firm representing the best value to the Government in accordance with the best value tradeoff process described in subpart 15.1 of the Federal Acquisition Regulation (48 C.F.R. 15.101-1); and

"(3) ensure that in all contracts awarded under this subsection, contractor personnel providing local guard or protective services are classified as—

"(A) employees of the offeror;

"(B) if the offeror is a joint venture, as the employees of one of the persons or parties constituting the joint venture; or

"(C) as employees of a subcontractor to the offeror, and not as independent contractors to the offeror or any other entity performing under such contracts.";

(4) in subsection (e), as redesignated by paragraph (2) of this section—

(A) in paragraph (3), by striking "and" at the end;

(B) in paragraph (4), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(5) the term 'high risk areas' means—

"(A) an area subject to a contingency operation as defined in section 101(a)(13) of title 10, United States Code; or

"(B) an area determined by the Assistant Secretary of Diplomatic Security to present an increased threat of serious damage or harm to United States diplomatic facilities or personnel.".

SEC. 205. ACCOUNTABILITY REVIEW BOARDS.

Paragraph (3) of section 301(a) of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4831(a)) is amended—

(1) by striking the heading and inserting "FACILITIES IN HIGH-RISK AREAS"; and

(2) in subparagraph (A)—

(A) by amending clause (i) to read as follows:

"(i) involves serious injury, loss of life, or significant destruction of property at, or related to, a United States Government mission in an area subject to a contingency operation (as defined in section 101(a)(13) of title 10, United States Code), or in an area previously determined by the Assistant Secretary of State for Diplomatic Security to present an increased threat of serious damage or harm to United States diplomatic facilities or personnel; and"; and

(B) in clause (ii), by striking “2009” and inserting “2015”.

SEC. 206. PHYSICAL SECURITY OF CERTAIN SOFT TARGETS.

Section 29 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2701) is amended, in the third sentence, by inserting “physical security enhancements and” after “may include”.

SEC. 207. REWARDS PROGRAM UPDATE AND TECHNICAL CORRECTIONS.

(a) **ENHANCED AUTHORITY.**—Section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended—

(1) in subsection (a)(2), by inserting “serious violations of international humanitarian law, transnational organized crime,” after “international narcotics trafficking.”;

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking “Attorney General” and inserting “heads of other relevant departments or agencies”;

(B) in paragraphs (4) and (5), by striking “paragraph (1), (2), or (3)” each place it appears and inserting “paragraph (1), (2), (3), (8), or (9)”;

(C) in paragraph (6)—

(i) by inserting “or transnational organized crime group” after “terrorist organization”; and

(ii) by striking “or” at the end;

(D) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by striking “, including the use by the organization of illicit narcotics production or international narcotics trafficking” and inserting “or transnational organized crime group, including the use by such organization or group of illicit narcotics production or international narcotics trafficking”;

(ii) in subparagraph (A), by inserting “or transnational organized crime” after “international terrorism”; and

(iii) in subparagraph (B)—

(I) by inserting “or transnational organized crime group” after “terrorist organization”; and

(II) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following new paragraphs:

“(8) the arrest or conviction in any country of any individual for participating in, primarily outside the United States, transnational organized crime;

“(9) the arrest or conviction in any country of any individual conspiring to participate in or attempting to participate in transnational organized crime; or

“(10) the arrest or conviction in any country, or the transfer to or conviction by an international criminal tribunal (including a hybrid or mixed tribunal), of any foreign national accused of war crimes, crimes against humanity, or genocide, as defined under the statute of such tribunal.”; and

(3) in subsection (k)—

(A) by redesignating paragraphs (5) and (6) as paragraphs (7) and (8), respectively; and

(B) by inserting after paragraph (4) the following new paragraphs:

“(5) **TRANSNATIONAL ORGANIZED CRIME.**—The term ‘transnational organized crime’ means—

“(A) racketeering activity (as such term is defined in section 1961 of title 18, United States Code) that involves at least one jurisdiction outside the United States; or

“(B) any other criminal offense punishable by a term of imprisonment of at least four years under Federal, State, or local law that involves at least one jurisdiction outside the United States and that is intended to obtain,

directly or indirectly, a financial or other material benefit.

“(6) **TRANSNATIONAL ORGANIZED CRIME GROUP.**—The term ‘transnational organized crime group’ means a group of persons that includes one or more citizens of a foreign country, exists for a period of time, and acts in concert with the aim of engaging in transnational organized crime.”.

(b) **ADVANCE NOTIFICATION FOR INTERNATIONAL CRIMINAL TRIBUNAL REWARDS.**—Section 36(g) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708(g)) is amended by adding at the end the following new paragraph:

“(3) **ADVANCE NOTIFICATION FOR INTERNATIONAL CRIMINAL TRIBUNAL REWARDS.**—Not less than 15 days before publicly announcing that a reward may be offered for the arrest or conviction in any country, or the transfer to or conviction by an international criminal tribunal (including a hybrid or mixed tribunal), of a foreign national accused of war crimes, crimes against humanity, or genocide (as defined under the statute of such tribunal), the Secretary shall submit to the appropriate congressional committees a report, which may be submitted in classified form if necessary, specifying the reasons why such arrest or conviction or transfer of such foreign national is in the national interests of the United States.”.

(c) **ENHANCING PUBLICITY OF REWARDS INFORMATION.**—The Department of State and the Broadcasting Board of Governors shall make themselves available to the appropriate congressional committees for periodic briefings on their cooperative efforts to publicize rewards authorized under section 36 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708).

(d) **TECHNICAL CORRECTION.**—Section 36(e)(1) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2708) is amended by striking “The Secretary shall authorize a reward of \$50,000,000 for the capture or death or information leading to the capture or death of Osama bin Laden.”.

(e) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed as authorizing the use of activity precluded under the American Servicemembers’ Protection Act of 2002 (Public Law 107-206).

(f) **FUNDING.**—To carry out this section, the Secretary of State shall use amounts appropriated or otherwise made available to the Emergencies in the Diplomatic and Consular Service account of the Department of State.

SEC. 208. CYBERSECURITY EFFORTS OF THE DEPARTMENT OF STATE.

(a) **COORDINATOR FOR CYBER ISSUES OF THE DEPARTMENT OF STATE.**—

(1) **IN GENERAL.**—The Secretary of State is authorized to establish within the office of the Secretary of State a Coordinator for Cyber Issues (in this section referred to as the “Coordinator”), who shall be appointed by the President, by and with the advice and consent of the Senate.

(2) **PRINCIPAL DUTIES.**—The Coordinator should—

(A) be the principal official within the senior management of the Department responsible for cyberspace and cybersecurity issues;

(B) be the principal advisor to the Secretary of State on international cyberspace and cybersecurity issues;

(C) report directly to the Secretary;

(D) perform such duties and exercise such powers as the Secretary shall prescribe; and

(E) coordinate United States cyberspace and cybersecurity foreign policy in each country or region that the Secretary considers significant with respect to efforts of

the United States Government to enhance cybersecurity globally.

(3) **ADDITIONAL DUTIES.**—In addition to the duties described in paragraph (2), the Coordinator should—

(A) provide strategic direction and coordination for Department of State policy and programs aimed at addressing and responding to cyberspace and cybersecurity issues overseas;

(B) work with relevant Federal departments and agencies, including the Department of Homeland Security, the Department of Defense, the Department of the Treasury, the Department of Justice, the Department of Commerce, and the intelligence community, in the development of interagency plans regarding international cyberspace and cybersecurity issues;

(C) conduct internal exercises for the Department of State to plan for responses to a cyber attack;

(D) consult, where appropriate, with the private sector on international cyberspace and cybersecurity issues; and

(E) build multilateral cooperation to develop international norms, common policies, and responses to secure the integrity of cyberspace.

(4) **RANK AND STATUS OF AMBASSADOR.**—The Coordinator should have the rank and status of Ambassador-at-Large.

(b) **REPORT.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to the Committee on Foreign Affairs of the House of Representatives and Committee on Foreign Relations of the Senate a report that includes the following:

(1) A description of the Department of State’s internal cybersecurity efforts, including the following:

(A) A description of the nature and scope of major incidents of cybercrime against the Department of State.

(B) A description of action taken to ensure that all individuals trained by the Department of State are adequately prepared to detect and respond to existing and foreseeable vulnerabilities in the Department’s information security.

(C) An assessment of whether the Department of State’s staffing levels, facilities, financial resources, and technological equipment are sufficient to provide effective cybersecurity training and protection against incidents of cybercrime.

(D) A description of action taken to develop and implement response plans to mitigate and isolate disruption caused by incidents of cybercrime.

(E) A description of action taken to enhance cooperation on cybersecurity issues with other Federal departments and agencies.

(F) A description of any deployments of interagency teams from the Department of State, the United States Agency for International Development, and other Federal departments and agencies that have been deployed to foreign countries to respond to incidents of cybercrime.

(2) A description of the actions that the Department of State is taking to work with other countries and international organizations to strengthen cooperative efforts to—

(A) combat cybercrime and enhance information security;

(B) pressure countries identified as countries of cybersecurity concern under subsection (c) to take effective action to end incidents of cybercrime; and

(C) assist cybersecurity capacity-building in less developed countries.

(c) LIST OF COUNTRIES OF CYBERSECURITY CONCERN.—

(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall determine if a country is a country of cybersecurity concern if the Secretary of State finds that with respect to such a country—

(A) during the two-year period preceding the date of the Secretary of State's determination, there is significant credible evidence that there has been a pattern of incidents of cybercrime—

(i) against the United States Government or United States persons, or that disrupt United States electronic commerce or otherwise negatively impact the trade or intellectual property interests of the United States; and

(ii) that are attributable to persons or property based in such country; and

(B) the government of such country has demonstrated a pattern of being uncooperative with efforts to combat cybercrime by—

(i) failing to conduct its own reasonable criminal investigations, prosecutions, or other proceedings with respect to the incidents of cybercrime described in subparagraph (A);

(ii) failing to cooperate with the United States, any other party to the Convention on Cybercrime, or INTERPOL, in criminal investigations, prosecutions, or other proceedings with respect to such incidents, in accordance with chapter III of the Convention on Cybercrime; or

(iii) not adopting or implementing legislative or other measures in accordance with chapter II of the Convention on Cybercrime with respect to criminal offenses related to computer systems or computer data.

(2) SUBMISSION OF LIST.—

(A) IN GENERAL.—Upon making the determinations under paragraph (1), the Secretary of State shall submit to Congress a list of—

(i) each country that is a country of cybersecurity concern;

(ii) the basis for each such determination; and

(iii) any actions the Department of State is taking to address the concerns described in such paragraph.

(B) FORM.—The Secretary of State may submit the list described in this paragraph (or any portion of such list) in classified form if the Secretary determines that such is appropriate.

(d) STRATEGY FOR UNITED STATES ENGAGEMENT ON INTERNATIONAL CYBER ISSUES.—

(1) IN GENERAL.—The Coordinator, in consultation with the heads of appropriate Federal departments and agencies with relevant technical expertise or policy mandates pertaining to cyberspace and cybersecurity issues, shall, not later than 180 days after the date of the enactment of this Act, develop and submit to congressional committees specified in subsection (b) a strategy to support the objective of promoting United States engagement on international cyber issues.

(2) CONTENTS.—The strategy developed under paragraph (1) shall—

(A) include—

(i) efforts to be undertaken;

(ii) specific and measurable goals;

(iii) benchmarks and timeframes for achieving the objectives referred to in subsection (d)(3)(B); and

(iv) progress made towards achieving the benchmarks and timeframes described in clause (iii); and

(B) to the greatest extent practicable, draw upon the expertise of technology, security,

and policy experts, private sector actors, international organizations, and other appropriate entities.

(3) COMPONENTS.—The strategy developed under paragraph (1) should include—

(A) assessments and reviews of existing strategies for international cyberspace and cybersecurity policy and engagement;

(B) short- and long-term objectives for United States cyberspace and cybersecurity engagement; and

(C) a description of programs, activities, and policies to foster United States Government collaboration and coordination with other countries and organizations to bolster an international framework of cyber norms, governance, and deterrence, including consideration of the utility of negotiating a multilateral framework to provide internationally acceptable principles to better mitigate cyberwarfare, including non-combatants.

(e) DEFINITIONS.—In this section:

(1) COMPUTER DATA.—The term “computer data” means any representation of facts, information, or concepts in a form suitable for processing in a computer system, including a program suitable to cause a computer system to perform a function.

(2) COMPUTER SYSTEMS.—The term “computer systems” means any device or group of interconnected or related devices, one or more of which, pursuant to a program, performs automatic processing of data.

(3) CONVENTION ON CYBERCRIME.—The term “Convention on Cybercrime” refers to the Council of Europe Convention on Cybercrime, done at Budapest on November 23, 2001, as ratified by the United States Senate with any relevant reservations or declarations.

(4) CYBERCRIME.—The term “cybercrime” refers to criminal offenses relating to computer systems or computer data described in the Convention on Cybercrime.

(5) ELECTRONIC COMMERCE.—The term “electronic commerce” has the meaning given such term in section 1105(3) of the Internet Tax Freedom Act (47 U.S.C. 151 note).

(6) INFORMATION SECURITY.—The term “information security” refers to—

(A) the confidentiality, integrity, or availability of an information system, or the information such system processes, stores, or transmits; and

(B) the security policies, security procedures, or acceptable use policies with respect to an information system.

(7) INTERPOL.—The term “INTERPOL” means the International Criminal Police Organization.

(8) UNITED STATES PERSON.—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States; or

(B) an entity organized under the laws of the United States, or of any jurisdiction within the United States.

SEC. 209. CENTER FOR STRATEGIC COUNTERTERRORISM COMMUNICATIONS OF THE DEPARTMENT OF STATE.

(a) STATEMENT OF POLICY.—As articulated in Executive Order 13584, issued on September 9, 2011, it is the policy of the United States to actively counter the actions and ideologies of al-Qa’ida, its affiliates and adherents, other terrorist organizations, and violent extremists overseas that threaten the interests and national security of the United States.

(b) ESTABLISHMENT OF CENTER FOR STRATEGIC COUNTERTERRORISM COMMUNICATIONS.—

There is authorized to be established within the Department of State, under the direction of the Secretary of State, the Center for Strategic Counterterrorism Communications (in this section referred to as the “CSCC”).

(c) MISSION.—The CSCC may coordinate, orient, and inform government-wide public communications activities directed at audiences abroad and targeted against violent extremists and terrorist organizations, especially al-Qa’ida and its affiliates and adherents.

(d) COORDINATOR OF THE CENTER FOR STRATEGIC COUNTERTERRORISM COMMUNICATIONS.—The head of the CSCC should be the Coordinator. The Coordinator of the CSCC should—

(1) report to the Under Secretary for Public Diplomacy and Public Affairs; and

(2) collaborate with the Bureau of Counterterrorism of the Department of State, other Department bureaus, and other United States Government agencies.

(e) DUTIES.—The CSCC may—

(1) monitor and evaluate extremist narratives and events abroad that are relevant to the development of a United States strategic Counterterrorism narrative designed to counter violent extremism and terrorism that threaten the interests and national security of the United States;

(2) develop and promulgate for use throughout the executive branch United States strategic Counterterrorism narrative developed in accordance with paragraph (1), and public communications strategies to counter the messaging of violent extremists and terrorist organizations, especially al-Qa’ida and its affiliates and adherents;

(3) identify current and emerging trends in extremist communications and communications by al-Qa’ida and its affiliates and adherents in order to coordinate and provide guidance to the United States Government regarding how best to proactively promote a United States strategic counterterrorism narrative developed in accordance with paragraph (1) and related policies, and to respond to and rebut extremist messaging and narratives when communicating to audiences outside the United States;

(4) facilitate the use of a wide range of communications technologies by sharing expertise and best practices among United States Government and non-government sources;

(5) identify and request relevant information from United States Government agencies, including intelligence reporting, data, and analysis; and

(6) identify shortfalls in United States capabilities in any areas relevant to the CSCC’s mission, and recommend necessary enhancements or changes.

(f) STEERING COMMITTEE.—

(1) IN GENERAL.—The Secretary of State may establish a Steering Committee composed of senior representatives of United States Government agencies relevant to the CSCC’s mission to provide advice to the Secretary on the operations and strategic orientation of the CSCC and to ensure adequate support for the CSCC.

(2) MEETINGS.—The Steering Committee should meet not less often than once every six months.

(3) LEADERSHIP.—The Steering Committee should be chaired by the Under Secretary of State for Public Diplomacy. The Coordinator for Counterterrorism of the Department of State should serve as Vice Chair. The Coordinator of the CSCC should serve as Executive Secretary.

(4) COMPOSITION.—

(A) IN GENERAL.—The Steering Committee may include one senior representative designated by the head of each of the following agencies:

- (i) The Department of Defense.
- (ii) The Department of Justice.
- (iii) The Department of Homeland Security.
- (iv) The Department of the Treasury.
- (v) The National Counterterrorism Center of the Office of the Director of National Intelligence.
- (vi) The Joint Chiefs of Staff.
- (vii) The Counterterrorism Center of the Central Intelligence Agency.
- (viii) The Broadcasting Board of Governors.
- (ix) The Agency for International Development.

(B) ADDITIONAL REPRESENTATION.—Representatives from United States Government agencies not specified in subparagraph (A) may be invited to participate in the Steering Committee at the discretion of the Chair.

Subtitle B—Consular Services and Related Matters

SEC. 211. EXTENSION OF AUTHORITY TO ASSESS PASSPORT SURCHARGE.

Paragraph (2) of section 1(b) of the Act of June 4, 1920 (41 Stat. 750; chapter 223; 22 U.S.C. 214(b)), is amended by striking “2010” and inserting “2015”.

SEC. 212. BORDER CROSSING CARD FEE FOR MINORS.

Section 410(a)(1)(A) of the Department of State and Related Agencies Appropriations Act, 1999 (contained in division A of Public Law 105-277) is amended by striking “a fee of \$13” and inserting “a fee equal to one-half the fee that would otherwise apply for processing a machine readable combined border crossing identification card and non-immigrant visa”.

Subtitle C—Reporting Requirements

SEC. 221. REPORTING REFORM.

The following provisions of law are repealed:

- (1) Subsections (c)(4) and (c)(5) of section 601 of Public Law 96-465.
- (2) Section 585 in the matter under section 101(c) of division A of Public Law 104-208.
- (3) Section 11(b) of Public Law 107-245.

TITLE III—ORGANIZATION AND PERSONNEL AUTHORITIES

SEC. 301. SUSPENSION OF FOREIGN SERVICE MEMBERS WITHOUT PAY.

(a) SUSPENSION.—Section 610 of the Foreign Service Act of 1980 (22 U.S.C. 4010) is amended by adding at the end the following new subsection:

“(c)(1) In order to promote the efficiency of the Service, the Secretary may suspend a member of the Foreign Service without pay when the member’s security clearance is suspended or when there is reasonable cause to believe that the member has committed a crime for which a sentence of imprisonment may be imposed.

“(2) Any member of the Foreign Service for whom a suspension is proposed in accordance with paragraph (1) shall be entitled to—

“(A) written notice stating the specific reasons for the proposed suspension;

“(B) a reasonable time to respond orally and in writing to the proposed suspension;

“(C) representation by an attorney or other representative; and

“(D) a final written decision, including the specific reasons for such decision, as soon as practicable.

“(3) Any member suspended under this section may file a grievance in accordance with the procedures applicable to grievances under chapter 11.

“(4) In the case of a grievance filed under paragraph (3)—

“(A) the review by the Foreign Service Grievance Board shall be limited to a determination of whether the provisions of paragraphs (1) and (2) have been fulfilled; and

“(B) the Foreign Service Grievance Board may not exercise the authority provided under section 1106(8).

“(5) In this subsection:

“(A) The term ‘reasonable time’ means—

“(i) with respect to a member of the Foreign Service assigned to duty in the United States, 15 days after receiving notice of the proposed suspension; and

“(ii) with respect to a member of the Foreign Service assigned to duty outside the United States, 30 days after receiving notice of the proposed suspension.

“(B) The term ‘suspend’ or ‘suspension’ means the placing of a member of the Foreign Service in a temporary status without duties and pay.”.

(b) CONFORMING AND CLERICAL AMENDMENTS.—

(1) AMENDMENT OF SECTION HEADING.—Section 610 of the Foreign Service Act of 1980, as amended by subsection (a) of this section, is further amended, in the section heading, by inserting “; SUSPENSION” before the period at the end.

(2) CLERICAL AMENDMENT.—The item relating to section 610 in the table of contents in section 2 of the Foreign Service Act of 1980 is amended to read as follows:

“Sec. 610. Separation for cause; suspension.”.

SEC. 302. REPEAL OF RECERTIFICATION REQUIREMENT FOR SENIOR FOREIGN SERVICE.

Section 305(d) of the Foreign Service Act of 1980 (22 U.S.C. 3945(d)) is repealed.

SEC. 303. LIMITED APPOINTMENTS IN THE FOREIGN SERVICE.

Section 309 of the Foreign Service Act of 1980 (22 U.S.C. 3949) is amended—

(1) in subsection (a), by striking “subsection (b)” and inserting “subsection (b) or (c)”;

(2) in subsection (b)—

(A) in paragraph (3)—

(i) by inserting “(A),” after “if”; and

(ii) by inserting before the semicolon at the end the following: “; or (B), the career candidate is serving in the uniformed services, as defined by the Uniformed Services Employment and Reemployment Rights Act of 1994 (38 U.S.C. 4301 et seq.), and the limited appointment expires in the course of such service”;

(B) in paragraph (4), by striking “and” at the end;

(C) in paragraph (5), by striking the period at the end and inserting “; and”; and

(D) by adding after paragraph (5) the following new paragraph:

“(6) In exceptional circumstances where the Secretary determines the needs of the Service require the extension of a limited appointment (A), for a period of time not to exceed 12 months (if such period of time does not permit additional review by boards under section 306), or (B), for the minimum time needed to settle a grievance, claim, or complaint not otherwise provided for in this section.”; and

(3) by adding at the end the following new subsection:

“(c) Non-career Foreign Service employees who have served five consecutive years under a limited appointment may be reappointed to a subsequent limited appointment if there is a one year break in service between each such appointment. The Secretary may in

cases of special need waive the requirement for a one year break in service.”.

SEC. 304. LIMITATION OF COMPENSATORY TIME OFF FOR TRAVEL.

Section 5550b of title 5, United States Code, is amended by adding at the end the following new subsection:

“(c) The maximum amount of compensatory time off earned under this section may not exceed 104 hours during any leave year (as defined by regulations established by the Office of Personnel Management).”.

SEC. 305. DEPARTMENT OF STATE ORGANIZATION.

The Secretary of State may, after consultation with the appropriate congressional committees, transfer to such other officials or offices of the Department of State as the Secretary may determine from time to time any authority, duty, or function assigned by statute to the Coordinator for Counterterrorism, the Coordinator for Reconstruction and Stabilization, or the Coordinator for International Energy Affairs.

SEC. 306. REEMPLOYMENT OF ANNUITANTS IN HIGH-RISK POSTS.

Paragraph (2)(A) of section 824(g) of the Foreign Service Act of 1980 (22 U.S.C. 4064(g)(2)(A)) is amended by striking “2010” and inserting “2013”.

SEC. 307. OVERSEAS COMPARABILITY PAY LIMITATION.

(a) IN GENERAL.—Subject to the limitation described in subsection (b), the authority provided by section 1113 of the Supplemental Appropriations Act, 2009 (Public Law 111-32; 123 Stat. 1904), shall remain in effect through September 30, 2013.

(b) LIMITATION.—The authority described in subsection (a) may not be used to pay an eligible member of the Foreign Service (as defined in section 1113(b) of the Supplemental Appropriations Act, 2009) a locality-based comparability payment (stated as a percentage) that exceeds two-thirds of the amount of the locality-based comparability payment (stated as a percentage) that would be payable to such member under section 5304 of title 5, United States Code, if such member’s official duty station were in the District of Columbia.

TITLE IV—UNITED STATES INTERNATIONAL BROADCASTING

SEC. 401. AUTHORIZATION OF APPROPRIATIONS FOR INTERNATIONAL BROADCASTING.

The following amounts are authorized to be appropriated to carry out United States international broadcasting activities under the United States Information and Educational Exchange Act of 1948, the Radio Broadcasting to Cuba Act, the Television Broadcasting to Cuba Act, the United States International Broadcasting Act of 1994, and the Foreign Affairs Reform and Restructuring Act of 1998, and to carry out other authorities in law consistent with such purposes:

(1) For “International Broadcasting Operations”, \$744,500,000 for fiscal year 2013.

(2) For “Broadcasting Capital Improvements”, \$7,030,000 for fiscal year 2013.

SEC. 402. PERSONAL SERVICES CONTRACTING PROGRAM.

Section 504(c) of the Foreign Relations Authorization Act, Fiscal Year 2003, (Public Law 107-228; 22 U.S.C. 6206 note), is amended by striking “2009” and inserting “2015”.

SEC. 403. TECHNICAL AMENDMENT RELATING TO CIVIL IMMUNITY FOR BROADCASTING BOARD OF GOVERNORS MEMBERS.

Section 304(g) of the United States International Broadcasting Act of 1994 (22 U.S.C.

6203(g)) is amended by striking “Incorporated and Radio Free Asia” and inserting “Incorporated, Radio Free Asia, and Middle East Broadcasting Networks”.

TITLE V—ARMS EXPORT CONTROL ACT AMENDMENTS AND RELATED PROVISIONS

Subtitle A—General Provisions

SEC. 501. AUTHORITY TO TRANSFER EXCESS DEFENSE ARTICLES.

Section 516(g)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321j(g)(1)) is amended—

(1) by inserting “authorized to be” before “transferred”; and

(2) by striking “425,000,000” and inserting “450,000,000”.

SEC. 502. ANNUAL MILITARY ASSISTANCE REPORT.

(a) INFORMATION RELATING TO MILITARY ASSISTANCE AND MILITARY EXPORTS.—Section 655(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2415(b)) is amended—

(1) in the matter preceding paragraph (1), by striking “, by category, whether such defense articles—” and inserting “the following:”;

(2) in paragraph (1)—

(A) by inserting “Whether such defense articles” before “were”; and

(B) by striking the semicolon at the end and inserting a period;

(3) in paragraph (2)—

(A) by inserting “Whether such defense articles” before “were”; and

(B) by striking “; or” at the end and inserting a period; and

(4) by striking paragraph (3) and inserting the following:

“(3) Whether such defense articles were exported without a license under section 38 of the Arms Export Control Act pursuant to an exemption established under the International Traffic in Arms Regulations, other than defense articles exported in furtherance of a letter of offer and acceptance under the Foreign Military Sales program or a technical assistance or manufacturing license agreement, including the specific exemption in the regulation under which the export was made.

“(4) A detailed listing, by United States Munitions List sub-category and type, as well as by country and by international organization, of the actual total dollar value of major defense equipment and defense articles delivered pursuant to licenses authorized under section 38 of the Arms Export Control Act for the previous fiscal year.

“(5) In the case of defense articles that are firearms controlled under category I of the United States Munitions List, a statement of the aggregate dollar value and quantity of semiautomatic assault weapons, or spare parts for such weapons, the manufacture, transfer, or possession of which is unlawful under section 922 of title 18, United States Code, that were licensed for export during the period covered by the report.”.

(b) INFORMATION NOT REQUIRED.—Section 655 of the Foreign Assistance Act of 1961 (22 U.S.C. 2415) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following:

“(c) INFORMATION NOT REQUIRED.—Each such report may exclude information relating to—

“(1) exports of defense articles (including excess defense articles), defense services, and international military education and training activities authorized by the United States on a temporary basis;

“(2) exports of such articles, services, and activities to United States Government end users located in foreign countries; and

“(3) and the value of manufacturing license agreements or technical assistance agreements licensed under section 38 of the Arms Export Control Act.”.

SEC. 503. ANNUAL REPORT ON FOREIGN MILITARY TRAINING.

Section 656(a)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2416(a)(1)) is amended by striking “January 31” and inserting “March 1”.

SEC. 504. INCREASE IN CONGRESSIONAL NOTIFICATION THRESHOLDS.

(a) FOREIGN MILITARY SALES.—

(1) IN GENERAL.—Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended—

(A) in the matter preceding subparagraph (A)—

(i) by striking “\$50,000,000” and inserting “\$100,000,000”;

(ii) by striking “\$200,000,000” and inserting “\$300,000,000”; and

(iii) by striking “\$14,000,000” and inserting “\$25,000,000”; and

(B) in the matter following subparagraph (P)—

(i) by inserting “of any defense articles or defense services under this Act for \$200,000,000 or more, any design and construction services for \$300,000,000 or more, or any major defense equipment for \$75,000,000 or more,” after “The letter of offer shall not be issued, with respect to a proposed sale”; and

(ii) by inserting “of any defense articles or services under this Act for \$100,000,000 or more, any design and construction services for \$200,000,000 or more, or any major defense equipment for \$50,000,000 or more,” after “or with respect to a proposed sale”.

(2) TECHNICAL AND CONFORMING AMENDMENTS.—Section 36(b) of the Arms Export Control Act (22 U.S.C. 2776(b)) is amended—

(A) in paragraph (5)(C), by striking “Subject to paragraph (6), if” and inserting “If”; and

(B) by striking paragraph (6).

(b) COMMERCIAL SALES.—Section 36(c) of the Arms Export Control Act (22 U.S.C. 2776(c)) is amended—

(1) in paragraph (1)—

(A) by striking “Subject to paragraph (5), in” and inserting “In”;

(B) by striking “\$14,000,000” and inserting “\$25,000,000”; and

(C) by striking “\$50,000,000” and inserting “\$100,000,000”;

(2) in paragraph (2)—

(A) in subparagraph (A), by inserting after “for an export” the following: “of any major defense equipment sold under a contract in the amount of \$75,000,000 or more or of defense articles or defense services sold under a contract in the amount of \$200,000,000 or more, (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, \$1,000,000 or more)”;

(B) in subparagraph (C), by inserting after “license” the following: “for an export of any major defense equipment sold under a contract in the amount of \$50,000,000 or more or of defense articles or defense services sold under a contract in the amount of \$100,000,000 or more, (or, in the case of a defense article that is a firearm controlled under category I of the United States Munitions List, \$1,000,000 or more)”;

(3) by striking paragraph (5); and

(4) by redesignating paragraph (6) as paragraph (5).

SEC. 505. RETURN OF DEFENSE ARTICLES.

Section 21(m)(1)(B) of the Arms Export Control Act (22 U.S.C. 2761(m)(1)(B)) is amended by adding at the end before the

semicolon the following: “, unless the Secretary of State has provided prior approval of such retransfer”.

SEC. 506. ANNUAL ESTIMATE AND JUSTIFICATION FOR SALES PROGRAM.

(a) IN GENERAL.—Section 25(a)(1) of the Arms Export Control Act (22 U.S.C. 2765(a)(1)) is amended by striking “, together with an indication of which sales and licensed commercial exports” and inserting “and”.

(b) ADDITIONAL AMENDMENT.—Section 25(a)(3) of the Arms Export Control Act (22 U.S.C. 2765(a)(3)) is amended by adding at the end before the semicolon the following: “, as well as any plan for regional security cooperation developed in consultation with Embassy Country Teams and the Department of State”.

SEC. 507. UPDATING AND CONFORMING PENALTIES FOR VIOLATIONS OF SECTIONS 38 AND 39 OF THE ARMS EXPORT CONTROL ACT.

(a) IN GENERAL.—Section 38(c) of the Arms Export Control Act (22 U.S.C. 2778(c)) is amended to read as follows:

“(c) VIOLATIONS OF THIS SECTION AND SECTION 39.—

“(1) UNLAWFUL ACTS.—It shall be unlawful for any person to violate, attempt to violate, conspire to violate, or cause a violation of any provision of this section or section 39, or any rule or regulation issued under either section, or a treaty referred to in subsection (j)(1)(c)(i), including any rule or regulation issued to implement or enforce a treaty referred to in subsection (j)(1)(c)(i) or an implementing arrangement pursuant to such a treaty, or who, in a registration or license application or required report, makes any untrue statement of a material fact or omits to state a material fact required to be stated therein or necessary to make the statements therein not misleading.

“(2) CRIMINAL PENALTIES.—A person who willfully commits an unlawful act described in paragraph (1) shall upon conviction—

“(A) be fined for each violation in an amount not to exceed \$1,000,000, or

“(B) in the case of a natural person, imprisoned for not more than 20 years or both.”.

(b) MECHANISMS TO IDENTIFY VIOLATORS.—Section 38(g) of the Arms Export Control Act (22 U.S.C. 2778(g)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting “or have otherwise been charged with,” after “indictment for”;

(ii) in clause (xi), by striking “; or” at the end and inserting a comma;

(iii) in clause (xii), by striking the semicolon at the end and inserting a comma; and

(iv) by adding at the end the following:

“(xiii) section 542 of title 18, United States Code, relating to entry of goods by means of false statements,

“(xiv) section 554 of title 18, United States Code, relating to smuggling goods from the United States,

“(xv) section 1831 of title 18, United States Code, relating to economic espionage,

“(xvi) section 545 of title 18, United States Code, relating to smuggling goods into the United States,

“(xvii) section 104A of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-3), relating to prohibited foreign trade practices by persons other than issuers or domestic concerns,

“(xviii) section 2339B of title 18, United States Code, relating to providing material support or resources to dedicated foreign terrorist organizations, or

“(xix) sections 2339C and 2339D of title 18, United States Code, relating to financing terrorism and receiving terrorism training;”; and

(B) in subparagraph (B), by inserting “, have been otherwise charged,” after “indictment”; and

(2) in paragraph (3)(A), by inserting “or otherwise charged with” after “indictment for”.

(c) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act and shall apply with respect to violations of sections 38 and 39 of the Arms Export Control Act committed on or after that date.

SEC. 508. CLARIFICATION OF PROHIBITIONS RELATING TO STATE SPONSORS OF TERRORISM AND THEIR NATIONALS.

Section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)) is amended—

(1) by inserting “or to the nationals of that country whose substantive contacts with that country give reasonable grounds for raising risk of diversion, regardless of whether such persons maintain such nationality or the nationality of another country not covered by this section” after “with respect to a country”; and

(2) by adding at the end the following: “For purposes of this subsection, the term ‘national’ means an individual who acquired citizenship by birth from a country that is subject to section 126.1 of title 22, Code of Federal Regulations (or any successor regulations).”.

SEC. 509. EXEMPTION FOR TRANSACTIONS WITH COUNTRIES SUPPORTING ACTS OF INTERNATIONAL TERRORISM.

Section 40(h) of the Arms Export Control Act (22 U.S.C. 2780(h)) is amended—

(1) in the heading—

(A) by striking “EXEMPTION” and inserting “EXEMPTIONS”; and

(B) by adding “AND CERTAIN FEDERAL LAW ENFORCEMENT ACTIVITIES” after “REPORTING REQUIREMENTS”; and

(2) by adding at the end before the period the following: “or with respect to Federal law enforcement activities undertaken to further the investigation of violations of this Act”.

SEC. 510. REPORT ON FOREIGN MILITARY FINANCING PROGRAM.

Section 23 of the Arms Export Control Act (22 U.S.C. 2763) is amended by adding at the end the following:

“(i) **REPORT.**—

“(1) **IN GENERAL.**—The President shall transmit to the appropriate congressional committees as part of the supporting materials of the annual congressional budget justification a report on the implementation of this section for the prior fiscal year.

“(2) **MATTERS TO BE INCLUDED.**—The report required under paragraph (1) shall include a description of the following:

“(A) The extent to which the use of the authority of this section is based on a well-formulated and realistic assessments of the capability requirements of foreign countries and international organizations.

“(B) The extent to which the provision of grants under the authority of this section are consistent with United States conventional arms transfer policy.

“(C) The extent to which the Department of State has developed and implemented specific plans to monitor and evaluate outcomes under the authority of this section, including at least one country or international organization assessment each fiscal year.

“(3) **APPROPRIATE CONGRESSIONAL COMMITTEES.**—In this subsection, the term ‘appropriate congressional committees’ means—

“(A) the Committee on Appropriations and the Committee on Foreign Affairs of the House of Representatives; and

“(B) the Committee on Appropriations and the Committee on Foreign Relations of the Senate.”.

SEC. 511. CONGRESSIONAL NOTIFICATION OF REGULATIONS AND AMENDMENTS TO REGULATIONS UNDER SECTION 38 OF THE ARMS EXPORT CONTROL ACT.

(a) **IN GENERAL.**—Section 38 of the Arms Export Control Act (22 U.S.C. 2778) is amended by adding at the end the following:

“(k) **CONGRESSIONAL NOTIFICATION.**—The President shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate a copy of regulations or amendments to regulations issued to carry out this section at least 30 days before publication of the regulations or amendments in the Federal Register unless, after consulting with such Committees, the President determines that there is an emergency that requires a shorter period of time for submittal of such regulations or amendments.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) takes effect on the date of the enactment of this Act and applies with respect to the issuance of regulations or amendments to regulations made on or after the date of the enactment of this Act.

SEC. 512. DIPLOMATIC EFFORTS TO STRENGTHEN NATIONAL AND INTERNATIONAL ARMS EXPORT CONTROLS.

Not later than one year after the date of the enactment of this Act, and annually thereafter for 4 years, the President shall transmit to the appropriate congressional committees a report on United States diplomatic efforts to strengthen national and international arms export controls, including a detailed description of any senior-level initiative, to ensure that those arms export controls are comparable to and supportive of United States arms export controls, particularly with respect to countries of concern to the United States.

SEC. 513. REVIEW AND REPORT OF INVESTIGATIONS OF VIOLATIONS OF SECTION 3 OF THE ARMS EXPORT CONTROL ACT.

(a) **REVIEW.**—The Inspector General of the Department of State shall conduct a review of investigations by the Department of State during each of fiscal years 2013 through 2017 of any and all possible violations of section 3 of the Arms Export Control Act (22 U.S.C. 2753) with respect to misuse of United States-origin defense items to determine whether the Department of State has fully complied with the requirements of such section, as well as its own internal procedures (and whether such procedures are adequate), for reporting to Congress any information regarding the unlawful use or transfer of United States-origin defense articles, defense services, and technology by foreign countries, as required by such section.

(b) **REPORT.**—The Inspector General of the Department of State shall submit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate for each of fiscal years 2013 through 2017 a report that contains the findings and results of the review conducted under subsection (a). The report shall be submitted in unclassified form to the maximum extent possible, but may include a classified annex.

SEC. 514. REPORTS ON COMMERCIAL AND GOVERNMENTAL MILITARY EXPORTS UNDER THE ARMS EXPORT CONTROL ACT; CONGRESSIONAL ACTIONS.

(a) **CONGRESSIONAL CONSULTATION.**—

(1) **GOVERNMENT SALES.**—Section 36(b)(1) of the Arms Export Control Act (22 U.S.C. 2776(b)(1)) is amended by adding at the end the following: “The President shall consult fully and completely with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate before submitting a certification under this subsection.”.

(2) **COMMERCIAL SALES.**—Section 36(c)(1) of the Arms Export Control Act (22 U.S.C. 2776(c)(1)) is amended by adding at the end the following: “The President shall consult fully and completely with the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate before submitting a certification under this subsection.”.

(b) **REQUIREMENT TO PROVIDE ADVANCE NOTIFICATION AND CONSULTATION ON CERTAIN SALES AND EXPORTS.**—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended by adding at the end the following new subsection:

“(i)(1)(A) Not later than 60 calendar days prior to the submission of a certification under subsection (b), (c), or (d) of this section, the President shall provide advance notification in writing to, and consult with, the chairs and ranking minority members of the appropriate congressional committees of the offer to sell or export the defense articles or defense services with respect to which such a certification is required to be submitted pursuant to any such subsection.

“(B)(i) The requirement of subparagraph (A) to provide 60 calendar days advance notification in writing to the chairs and ranking minority members of the appropriate congressional committees shall not apply if the chairs and ranking minority members of the appropriate congressional committees have agreed, at their discretion, to waive such requirement.

“(ii) The requirements of subparagraph (A) shall not apply if the President states in the certification that an emergency exists that requires the sale or export of defense articles or defense services to be in the national security interests of the United States in accordance with subsection (b), (c), or (d) of this section.

“(2)(A) A certification submitted under subsection (b), (c), or (d) of this section shall be subject to the procedures applicable to reprogramming notifications under section 634A(a) of the Foreign Assistance Act of 1961.

“(B) The requirement of subparagraph (A) shall not apply if the President transmits to the chairs and ranking minority members of the appropriate congressional committees a report in writing that contains a determination of the President that extraordinary circumstances exist which necessitates the obviation of such requirement and a detailed description of such circumstances.”.

(c) **DEFINITION.**—Section 36(e) of the Arms Export Control Act (22 U.S.C. 2776(e)) is amended—

(1) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively; and

(2) by inserting before paragraph (2) (as redesignated) the following new paragraph:

“(1) the term ‘appropriate congressional committee’ means—

“(A) the Committee on Foreign Affairs of the House of Representatives; and

“(B) the Committee on Foreign Relations of the Senate;”.

(d) **CONFORMING AMENDMENTS.**—Section 36 of the Arms Export Control Act (22 U.S.C. 2776) is amended—

(1) in subsections (a), (b)(1), (c)(1), and (f), by striking “Speaker of the House of Representatives and to the chairman of the

Committee on Foreign Relations of the Senate" and inserting "chairs of the appropriate congressional committees";

(2) in subsection (b)—

(A) in paragraph (1), by striking "such committee or the Committee on Foreign Affairs of the House of Representatives" and inserting "either chair of the appropriate congressional committees";

(B) in paragraph (4), by striking "Congress" and inserting "chairs of the appropriate congressional committees"; and

(C) in paragraph (5)—

(i) in subparagraph (A), by striking "chairman of the Committee on Foreign Affairs of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate" and inserting "chairs of the appropriate congressional committees";

(ii) in subparagraph (B), by striking "Congress" and inserting "chairs of the appropriate congressional committees"; and

(iii) in subparagraph (C), by striking "Speaker of the House of Representatives and the chairman of the Committee on Foreign Relations of the Senate" and inserting "chairs of the appropriate congressional committees"; and

(3) in subsection (c)—

(A) in paragraph (1), by striking "such committee or the Committee on Foreign Affairs of the House of Representatives" and inserting "either chair of the appropriate congressional committees";

(B) in subparagraphs (A) and (C) of paragraph (2), by striking "Congress receives" and inserting "chairs of the appropriate congressional committees receive"; and

(C) in paragraph (4), by striking "Congress" each place it appears and inserting "the chairs of the appropriate congressional committees".

Subtitle B—Miscellaneous Provisions

SEC. 521. TREATMENT OF MILITARILY INSIGNIFICANT PARTS AND COMPONENTS.

It shall be the policy of the United States, pursuant to section 38(f) of the Arms Export Control Act (22 U.S.C. 2778) to prioritize the removal of those militarily insignificant parts, components, accessories, and attachments from the United States Munitions List that, even if specifically designed for a defense article controlled on the United States Munitions List, would warrant no more than anti-terrorism controls under the Export Administration Act of 1979 (as continued in effect under the International Emergency Economic Powers Act) or any successor Act.

SEC. 522. SPECIAL EXPORT LICENSING FOR UNITED STATES ALLIES.

Section 38 of the Arms Export Control Act (22 U.S.C. 2778), as amended by this Act, is further amended by adding the following new subsection:

"(1) **SPECIAL EXPORT LICENSING FOR UNITED STATES ALLIES.**—The President may establish special licensing procedures for the export of replacement components, parts, accessories, attachments, equipment, firmware, software or technology that are not designated as major defense equipment or significant military equipment to the North Atlantic Treaty Organization, any member country of that Organization, or any other country described in section 36(c)(2)(A) of this Act."

SEC. 523. IMPROVING AND STREAMLINING LICENSING UNDER UNITED STATES GOVERNMENT ARMS EXPORT CONTROL PROGRAMS.

In implementing reforms of United States arms export control programs, the President should prioritize the development of a new

framework to improve and streamline licensing under such programs, including by seeking to revise the Special Comprehensive Export Authorizations for the North Atlantic Treaty Organization, any member country of that Organization, or any other country described in section 36(c)(2)(A) of the Arms Export Control Act (22 U.S.C. 2776(c)(2)(A)) under section 126.14 of title 15, Code of Federal Regulations (relating to the International Traffic in Arms Regulations).

SEC. 524. AUTHORITY TO REMOVE SATELLITES AND RELATED COMPONENTS FROM THE UNITED STATES MUNITIONS LIST.

(a) **AUTHORITY.**—Subject to subsection (b), the President is authorized to remove commercial satellites and related components and technology from the United States Munitions List pursuant to section 38(f) of the Arms Export Control Act (22 U.S.C. 2778(f)).

(b) **DETERMINATION.**—The President may exercise the authority provided in subsection (a) only if the President submits to the appropriate congressional committees a determination that the transfer of commercial satellites and related components and technology from the United States Munitions List does not pose an unacceptable risk to the national security of the United States. Such determination shall include a description of the risk-mitigating controls, procedures, and safeguards the President will put in place to reduce such risk to an absolute minimum.

(c) **PROHIBITION.**—No license or other authorization for export shall be granted for the transfer, retransfer, or reexport of any commercial satellite or related component or technology contained on the Commerce Control List maintained under part 774 of title 15, Code of Federal Regulations to any person or entity of the following:

- (1) The People's Republic of China.
- (2) Cuba.
- (3) Iran.
- (4) North Korea.
- (5) Sudan.
- (6) Syria.

(7) Any country with respect to which the United States would deny the application for licenses and other approvals for exports and imports of defense articles under section 126.1 of title 15, Code of Federal Regulations (relating to the International Traffic in Arms Regulations).

(d) **REPORT.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director of National Intelligence shall submit to the appropriate congressional committees on efforts of state sponsors of terrorism, other foreign countries, or entities to illicitly acquire commercial satellites and related components and technology.

(2) **FORM.**—Such report shall be submitted in unclassified form, but may contain a classified annex.

(e) **DEFINITION.**—In this section, the term "appropriate congressional committees" means—

(1) the Committees on Foreign Relations, Armed Services, and Intelligence of the Senate; and

(2) the Committees on Foreign Affairs, Armed Services, and Intelligence of the House of Representatives.

SEC. 525. REPORT ON LICENSES AND OTHER AUTHORIZATIONS TO EXPORT COMMERCIAL SATELLITES AND RELATED COMPONENTS AND TECHNOLOGY CONTAINED ON THE COMMERCE CONTROL LIST.

(a) **IN GENERAL.**—Not later than 60 days after the end of each calendar quarter, the

President shall transmit to the Committee on Foreign Affairs of the House of Representatives and the Committee on Banking, Finance, and Urban Affairs of the Senate a report containing a listing of all licenses and other authorizations to export commercial satellites and related components and technology contained on the Commerce Control List maintained under part 774 of title 15, Code of Federal Regulations.

(b) **FORM.**—Such report shall be submitted in unclassified form, but may contain a classified annex.

SEC. 526. REVIEW OF UNITED STATES MUNITIONS LIST.

Section 38(f)(1) of the Arms Export Control Act (22 U.S.C. 2778) is amended by striking the last sentence and inserting the following: "Such notice shall include, to the extent practicable, an enumeration of the item or items to be removed and describe the nature of any controls to be imposed on that item under any other provision of law."

SEC. 527. REPORT ON COUNTRY EXEMPTIONS FOR LICENSING OF EXPORTS OF MUNITIONS AND RELATED TECHNICAL DATA.

(a) **IN GENERAL.**—Not later than 120 days after the date of enactment of this Act, the Attorney General, the Secretary of Commerce, and the Secretary of Homeland Security shall submit to the appropriate congressional committees a report that includes—

(1) an assessment of the extent to which the terms and conditions of exemptions for foreign countries from the licensing requirements of the Commerce Munitions List (or analogous controls for commercial satellites and related components and technology) contain strong safeguards; and

(2) a compilation of sufficient documentation relating to the export of munitions, commercial spacecraft, and related technical data to facilitate law enforcement efforts to effectively detect, investigate, deter and enforce criminal violations of any provision of the Export Administration Regulations, including efforts on the part of state sponsors of terrorism, other countries or entities to illicitly acquire such controlled United States technology.

(b) **DEFINITIONS.**—In this section—

(1) the term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Homeland Security of the House of Representatives; and

(B) the Committee on Banking, Housing, and Urban Affairs and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the term "munitions" means—

(A) items transferred from the United States Munitions List to the Commerce Control List and designated as "600 series" items on the Commerce Control List under the Export Administration Regulations, as proposed by the Bureau of Industry and Security of the Department of Commerce on July 15, 2011 (76 F.R. 41958); or

(B) any successor regulations.

SEC. 528. END-USE MONITORING OF MUNITIONS.

(a) **ESTABLISHMENT OF MONITORING PROGRAM.**—In order to ensure accountability with respect to the export of munitions and related technical data on the Commerce Munitions List, the President shall establish a program to provide for the end-use monitoring of such munitions and related technical data.

(b) **REPORT TO CONGRESS.**—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the President shall submit to Congress a report describing the actions taken to implement this

section, including a detailed accounting of the costs and number of personnel associated with the program established under subsection (a).

(c) MUNITIONS.—In this section, the term “munitions” means—

(1) items transferred from the United States Munitions List to the Commerce Control List and designated as “600 series” items on the Commerce Control List under the Export Administration Regulations, as proposed by the Bureau of Industry and Security of the Department of Commerce on July 15, 2011 (76 F.R. 41958); or

(2) any successor regulations.

SEC. 529. DEFINITIONS.

In this subtitle:

(1) **COMMERCIAL MUNITIONS LIST.**—The term “Commerce Munitions List” means—

(A) items transferred from the United States Munitions List to the Commerce Control List and designated as “600 series” items on the Commerce Control List under the Export Administration Regulations, as proposed by the Bureau of Industry and Security of the Department of Commerce on July 15, 2011 (76 F.R. 41958); or

(B) any successor regulations.

(2) **COMMERCIAL SATELLITES AND RELATED COMPONENTS AND TECHNOLOGY.**—The term “commercial satellites and related components and technology” means—

(A) communications satellites that do not contain classified components, including remote sensing satellites with performance parameters below thresholds identified on the United States Munitions List; and

(B) systems, subsystems, parts, and components associated with such satellites and with performance parameters below thresholds specified for items that would remain on the United States Munitions List.

(3) **EXPORT ADMINISTRATION REGULATIONS.**—The term “Export Administration Regulations” means—

(A) the Export Administration Regulations as maintained and amended under the authority of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.); or

(B) any successor regulations.

(4) **STATE SPONSOR OF TERRORISM.**—The term “state sponsor of terrorism” means a country the government of which has been determined by the Secretary of State, for purposes of section 6(j) of the Export Administration Act of 1979 (as continued in effect under the International Emergency Economic Powers Act), section 620A of the Foreign Assistance Act of 1961, section 40 of the Arms Export Control Act, or any other provision of law, is a government that has repeatedly provided support for acts of international terrorism.

(5) **UNITED STATES MUNITIONS LIST.**—The term “United States Munitions List” means the list referred to in section 38(a)(1) of the Arms Export Control Act (22 U.S.C. 2778(a)(1)).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill, H.R. 6018.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the ranking member—and, indeed, all of the Members on both sides of the aisle—for all of the work that has gone into the drafting of this carefully targeted State Department authorization bill for fiscal year 2013.

Despite significant efforts by the Committee on Foreign Affairs, the Department of State has been operating without legislative authority for nearly a decade. The last authorization bill to become law, coauthored by our esteemed former Chairmen Henry Hyde and Tom Lantos, was enacted in September of 2002. The lack of authorities in the intervening years has eroded Congress’ foreign policy leverage with the Department of State. By enacting this bill, Congress will repair this lapse, strengthen our foreign policy oversight, and fulfill our obligation to the American public.

The text authorizes basic operations for the State Department, the Broadcasting Board of Governors, and the Peace Corps at fiscally responsible levels coordinated with the Appropriations Committee. This bill does not include any foreign aid authorities.

H.R. 6018 contains important management reforms to increase the efficiency, the accountability, and the safety of our personnel overseas. It reflects bipartisan concern that Congress needs to have a stronger oversight role in the State Department’s expanding activities to promote cybersecurity with other governments around the world. It establishes important jurisdiction and oversight authority for the Department’s Strategic Counterterrorism Communications Center, which is already operational.

By maintaining current funding for independent audits, inspections, and investigations of the State Department and the Peace Corps, H.R. 6018 ensures that, while we are tightening our belts, we will continue to ferret out waste, fraud, and abuse on behalf of the American taxpayer.

This bill will help American businesses by removing unreasonable obstacles and streamlining the arms export control process for exporting selected equipment and parts. At the same time, it will enhance U.S. security by increasing safeguards against the transfer of sensitive U.S. technologies to state sponsors of terrorism, to China, and to other countries subject to U.S. arms embargoes.

For all of these reasons, Mr. Speaker, H.R. 6018 deserves the bipartisan support that it has received so far and passage by the House this evening.

With that, Mr. Speaker, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 6018, the Fiscal Year 2013 Foreign Relations Authorization Act.

This bill establishes the basis for our Embassies to function and our diplomats to promote U.S. national interests around the world. It provides some of the authorities and resources our State Department needs to promote peaceful international cooperation, protect U.S. national security, and demonstrate the values and principles that define us as a nation.

All around the world, our foreign and civil service officers operate on the front lines of the fight against global terrorism, putting their lives at risk to protect the lives of innocents. By shortchanging our diplomats, we only increase the likelihood of armed confrontation. Skillful diplomacy is also essential for opening foreign markets to American goods and services, which promotes economic growth and creates jobs here at home.

On balance, I do support this bill. It’s not perfect. The authorization numbers are well below the FY13 requested levels, lower than what I think is needed to exert strong and effective global leadership, and in a perfect world, I would have preferred a more comprehensive bill that authorizes the full range of our global activities. But the distinguished chairman and her staff have worked with us diligently over the past few weeks to make the changes necessary to arrive at a text that we can wholeheartedly support, so I thank the chairman for her hard work on the bill and for the comity and respect she demonstrated throughout the process.

I urge my colleagues to support this bill and reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, we have no further requests for time, so when the gentleman yields back, I will make some closing statements and yield back as well.

Mr. BERMAN. Mr. Speaker, consider my opening to be my closing, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. In closing, I’d like to thank all of the Members who have worked with us to help put the State Department back on the books for the first time in a decade. I want to thank also the Appropriations, the Budget, and the Intelligence Committees for their helpful consultations throughout this process.

Finally, and most especially, I want to thank the ranking member, my good friend from California (Mr. BERMAN). He has dedicated so many hours, both he and his staff, in making this important bill possible, and I thank him for that.

In particular, I’d like to thank Rick Kessler, Doug Campbell, Daniel Silverberg, Shanna Winters, David

Fite, Diana Ohlbaum, Brent Woolfork, Daniel Harsha, our esteemed staff director, Dr. Yleem Poblete, and indeed, all of our hardworking Foreign Affairs staff for their expert assistance, as well as Doug Anderson and Jamie McCormick.

With that, Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

Mr. VAN HOLLEN. Mr. Speaker, I rise in support of H.R. 6018, the State Department Authorization Act and to thank Chairman ROS-LEHTINEN and Ranking Member BERMAN for working together to bring this important, bipartisan bill to the floor.

This act authorizes funds for our embassies to function and for our diplomats to promote U.S. national interests abroad.

Congress has not sent a State Authorization bill to the President's desk in years. To get this bill on the suspension calendar, it had to be scrubbed of all controversial provisions. As a consequence, the bill contains no authorization for foreign assistance programs and includes no proposals for much needed foreign aid reform. The bill does, however, include a number of provisions to provide for and protect our men and women serving to advance American interests around the world. The bill authorizes funding for the State Department, the Broadcasting Board of Governors and the multilateral organizations to which the U.S. is a party, such as the United Nations.

Our national security rests on four pillars: the strength of our democracy and economy, defense, diplomacy, and development. Whether in Yemen, where there are growing concerns about that nation becoming a safe haven for al Qaeda or in Afghanistan, where a strong diplomatic presence is helping to facilitate the transition of security responsibility from the coalition forces to the government of Afghanistan, the men and women who serve in our diplomatic corps are on the front lines, in cooperation with our armed forces, protecting U.S. national security.

Mr. Speaker, the men and women who work at the State Department provide vital services to the nation. Both Foreign Service Officers and Civil Service employees monitor and analyze developments throughout the world, and proudly represent our nation and advance our interests around the globe. It is essential that they have the resources they need to perform their jobs on behalf of our nation.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 6018, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

UNITED STATES-ISRAEL ENHANCED SECURITY COOPERATION ACT OF 2012

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2165) to enhance strategic cooperation between the United States and Israel, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Israel Enhanced Security Cooperation Act of 2012".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since 1948, United States Presidents and both houses of Congress, on a bipartisan basis and supported by the American people, have repeatedly reaffirmed the special bond between the United States and Israel, based on shared values and shared interests.

(2) The Middle East is undergoing rapid change, bringing with it hope for an expansion of democracy but also great challenges to the national security of the United States and our allies in the region, particularly to our most important ally in the region, Israel.

(3) The Government of the Islamic Republic of Iran is continuing its decades-long pattern of seeking to foment instability and promote extremism in the Middle East, particularly in this time of dramatic political transition.

(4) At the same time, the Government of the Islamic Republic of Iran continues to enrich uranium in defiance of multiple United Nations Security Council resolutions.

(5) A nuclear-weapons capable Iran would fundamentally threaten vital United States interests, encourage regional nuclear proliferation, further empower Iran, the world's leading state sponsor of terror, and pose a serious and destabilizing threat to Israel and the region.

(6) Over the past several years, with the assistance of the Governments of the Islamic Republic of Iran and Syria, Hizbollah and Hamas have increased their stockpile of rockets, with more than 60,000 now ready to be fired at Israel. The Government of the Islamic Republic of Iran continues to add to its arsenal of ballistic missiles and cruise missiles, which threaten Iran's neighbors, Israel, and United States Armed Forces in the region.

(7) As a result, Israel is facing a fundamentally altered strategic environment.

(8) Pursuant to chapter 5 of title 1 of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11; 117 Stat. 576), the authority to make available loan guarantees to Israel is currently set to expire on September 30, 2012.

SEC. 3. STATEMENT OF POLICY.

It is the policy of the United States:

(1) To reaffirm our unwavering commitment to the security of the State of Israel as a Jewish state. As President Barack Obama stated on December 16, 2011, "America's commitment and my commitment to Israel and Israel's security is unshakeable." And as President George W. Bush stated before the Israeli Knesset on May 15, 2008, on the 60th anniversary of the founding of the State of Israel, "The alliance between our governments is unbreakable, yet the source of our friendship runs deeper than any treaty."

(2) To help the Government of Israel preserve its qualitative military edge amid rapid and uncertain regional political transformation.

(3) To veto any one-sided anti-Israel resolutions at the United Nations Security Council.

(4) To support Israel's inherent right to self-defense.

(5) To pursue avenues to expand cooperation with the Government of Israel both in defense and across the spectrum of civilian sectors, including high technology, agriculture, medicine, health, pharmaceuticals, and energy.

(6) To assist the Government of Israel with its ongoing efforts to forge a peaceful, negotiated settlement of the Israeli-Palestinian conflict that results in two states living side-by-side in peace and security, and to encourage Israel's neighbors to recognize Israel's right to exist as a Jewish state.

(7) To encourage further development of advanced technology programs between the United States and Israel given current trends and instability in the region.

SEC. 4. UNITED STATES ACTIONS TO ASSIST IN THE DEFENSE OF ISRAEL AND PROTECT UNITED STATES INTERESTS.

It is the sense of Congress that the United States Government should take the following actions to assist in the defense of Israel:

(1) Seek to enhance the capabilities of the Governments of the United States and Israel to address emerging common threats, increase security cooperation, and expand joint military exercises.

(2) Provide the Government of Israel such support as may be necessary to increase development and production of joint missile defense systems, particularly such systems that defend against the urgent threat posed to Israel and United States forces in the region.

(3) Provide the Government of Israel assistance specifically for the production and procurement of the Iron Dome defense system for purposes of intercepting short-range missiles, rockets, and projectiles launched against Israel.

(4) Provide the Government of Israel defense articles and defense services through such mechanisms as appropriate, to include air refueling tankers, missile defense capabilities, and specialized munitions.

(5) Provide the Government of Israel additional excess defense articles, as appropriate, in the wake of the withdrawal of United States forces from Iraq.

(6) Examine ways to strengthen existing and ongoing efforts, including the Gaza Counter Arms Smuggling Initiative, aimed at preventing weapons smuggling into Gaza pursuant to the 2009 agreement following the Israeli withdrawal from Gaza, as well as measures to protect against weapons smuggling and terrorist threats from the Sinai Peninsula.

(7) Offer the Air Force of Israel additional training and exercise opportunities in the United States to compensate for Israel's limited air space.

(8) Work to encourage an expanded role for Israel with the North Atlantic Treaty Organization (NATO), including an enhanced presence at NATO headquarters and exercises.

(9) Expand already-close intelligence cooperation, including satellite intelligence, with Israel.

SEC. 5. ADDITIONAL STEPS TO DEFEND ISRAEL AND PROTECT AMERICAN INTERESTS.

(a) EXTENSION OF WAR RESERVES STOCKPILE AUTHORITY.—

(1) DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2005.—Section 12001(d) of the Department of Defense Appropriations Act, 2005 (Public Law 108-287; 118 Stat. 1011) is amended by striking “more than 8 years after” and inserting “more than 10 years after”.

(2) FOREIGN ASSISTANCE ACT OF 1961.—Section 514(b)(2)(A) of the Foreign Assistance Act of 1961 (22 U.S.C. 2321h(b)(2)(A)) is amended by striking “fiscal years 2011 and 2012” and inserting “fiscal years 2013 and 2014”.

(b) EXTENSION OF LOAN GUARANTEES TO ISRAEL.—Chapter 5 of title I of the Emergency Wartime Supplemental Appropriations Act, 2003 (Public Law 108-11; 117 Stat. 576) is amended under the heading “LOAN GUARANTEES TO ISRAEL” —

(1) in the matter preceding the first proviso, by striking “September 30, 2011” and inserting “September 30, 2015”; and

(2) in the second proviso, by striking “September 30, 2011” and inserting “September 30, 2015”.

SEC. 6. REPORTS REQUIRED.

(a) REPORT ON ISRAEL'S QUALITATIVE MILITARY EDGE (QME).—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives a report on the status of Israel's qualitative military edge in light of current trends and instability in the region.

(2) SUBSTITUTION FOR QUADRENNIAL REPORT.—If submitted within one year of the date that the first quadrennial report required by section 201(c)(2) of the Naval Vessel Transfer Act of 2008 (Public Law 110-429; 22 U.S.C. 2776 note) is due to be submitted, the report required by paragraph (1) may substitute for such quadrennial report.

(b) REPORTS ON OTHER MATTERS.—Not later than 180 days after the date of the enactment of this Act, the President shall submit to the appropriate congressional committees a report on each of the following matters:

(1) Taking into account the Government of Israel's urgent requirement for F-35 aircraft, actions to improve the process relating to its purchase of F-35 aircraft, particularly with respect to cost efficiency and timely delivery.

(2) Efforts to expand cooperation between the United States and Israel in homeland security, counter-terrorism, maritime security, energy, cyber-security, and other related areas.

(3) Actions to integrate Israel into the defense of the Eastern Mediterranean.

SEC. 7. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Appropriations, the Committee on Armed Services, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) QUALITATIVE MILITARY EDGE.—The term “qualitative military edge” has the meaning given the term in section 36(h)(2) of the Arms Export Control Act (22 U.S.C. 2776(h)(2)).

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. I ask unanimous consent, Mr. Speaker, that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on Senate bill 2165.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the United States-Israel Enhanced Security Cooperation Act of 2012.

I would like to thank the distinguished majority leader and the minority whip, Mr. CANTOR and Mr. HOYER, for sponsoring the House version of this legislation, as well as Senators BOXER and ISAKSON, who sponsored the Senate version that this House is considering today.

□ 1720

For over 64 years, since the United States recognized Israel just 11 minutes after its creation, the democratic, Jewish State of Israel has been one of our closest allies.

Our shared commitment to peace and to freedom have been the foundation of a special bond that has reinforced the safety and the security of both of our countries. We have forged a defense partnership that has yielded advanced technologies and policies that have benefited both of our nations and helped to keep our citizens secure. Our fates are tied together. A threat to one of our countries is a threat to both.

And so, as the Iranian regime continues to race toward nuclear weapons and sponsor violent extremists like Hamas and Hezbollah, we must work together to counter this growing threat, Mr. Speaker.

And while the United States and Israel are targeted by many of the same threats, Israel's proximity to the Iran-Syria-Hamas-Hezbollah nexus leaves us no room for error. Our goal, with this legislation, is to ensure that Israel has the ability to protect its citizens against the dangers that touch their lives every day, against the rockets, against the bombs, against the missiles that their enemies stockpile while making well-publicized threats every day against the Jewish state.

How do we achieve this goal, Mr. Speaker? By increasing the totality of our bilateral security relations. That means increasing joint missile defense systems, joint military exercises, and intelligence cooperation. We get to learn from them, and they get to learn

from us, and we all sleep a little more soundly knowing that we have done all we can to help our citizens.

It also means providing increased excess defense articles and munitions to Israel. With a host of entities stirring the pot of hostility against the Jewish state, it is critical that the United States stand foursquare with Israel.

This legislation also extends authority to provide loan guarantees to the Israeli government that provide the Jewish state with a cushion of support in times of need, and at no cost to the American taxpayer.

Mr. Speaker, our ally, Israel, needs our help, and we are situated to lend a friend this hand while strengthening our own security in the process. Let us stand together today and say that we support a strong and secure Israel, not only because Israel is our friend and ally, but also because a strong and secure Israel means a strong and secure America.

Now is a particularly important time to send that message, as we face the looming specter of this sequester that we're all talking about and working hard to prevent.

Mr. Speaker, if nothing is done to avert this crisis, we will face an almost \$450 million cut to security assistance to Israel. This would include over \$100 million in cuts to cooperative missile defense programs. These cuts would damage the security of our Nation and our ally, Israel, and they must be averted.

With that, Mr. Speaker, I am so pleased to yield such time as he may consume to the coauthor of this legislation, our leader, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentlelady from Florida for her leadership on this issue.

Mr. Speaker, I rise today in support of the U.S.-Israel Enhanced Security Cooperation Act. As the gentlelady just said, Mr. Speaker, I, together with my counterpart, STENY HOYER, Chairman ILEANA ROS-LEHTINEN, and the gentleman from California, Ranking Member HOWARD BERMAN, in May introduced this bill, and the House passed it with nearly unanimous support.

At a time when we are facing huge fiscal challenges, this bill makes it clear that no matter what, the United States always stands strong in our support for Israel, with whom we share a commitment to freedom, a respect for human life, and a commitment to security.

Among other things, this bill allows for the continuation of longstanding loan guarantees to Israel, we restate the importance of maintaining Israel's qualitative military edge, and we improve military and intelligence cooperation, particularly with respect to joint missile defense.

We also reiterate our commitment to stand with Israel in international forums like the United Nations, where

Israel often finds itself in an unfriendly environment. And, Mr. Speaker, we encourage NATO to welcome an expanded role for Israel. Our investment in Israel's security is an investment in American security.

Beyond this bipartisan expression of America's support for Israel, there is much the United States can do to protect our interests and the interests of our closest allies in the Middle East. But we cannot do so as a spectator.

The U.S. must lead. We cannot rely on Vladimir Putin and Kofi Annan to broker the peace in Syria, or stand idly by as Iran and Russia protect Bashar Assad, one of the world's most active state sponsors of terrorism. And we cannot and must not allow Iran to acquire nuclear weapons capability.

Mr. Speaker, we must meet the existential threat Iran poses to Israel, its neighbors, and the world with strength and engagement. We cannot allow situations in the region to unfold without our leadership. In fact, during my recent trips to the region, I have found there is more agreement on the need for U.S. leadership than anything else.

Today, Mr. Speaker, the House will send this bipartisan bill to the President and deliver the message that, during this pivotal and dangerous period in the Middle East, the United States stands tall for our ally, Israel.

Ms. ROS-LEHTINEN. I thank the gentleman for his remarks, and I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I rise in strong support of S. 2165, the United States-Israel Enhanced Security Cooperation Act of 2012, and I yield myself as much time as I may consume.

I want to thank, first of all, my friends, Majority Leader CANTOR and Minority Whip HOYER, for bringing this important bill back to the floor of the House so that we can accept the Senate's constructive additions and send it to the President's desk.

I'd also like to thank, as did my chairman, Senators BOXER and ISAKSON, and Senator COLLINS, for their leadership on this resolution in the Senate.

And finally, I want to thank my friend and chairman, the gentlelady from Florida, for her continued leadership on the issue of the U.S.-Israel relationship.

Members should recall that in May we passed the House version of this bill, H.R. 4133, by a near-unanimous vote. We will be taking another vote today because the Senate has added an important extension of military stockpile reserve authorities. I strongly support this addition and thank the Senate for its contribution.

Mr. Speaker, since its founding, Israel has faced innumerable challenges to its survival, but the serious threats it faces today are unprecedented. Deadly cross-border attacks from the Sinai Peninsula have taken

both Israeli Arab and Israeli Jewish lives.

Terrorism still penetrates Israel from Gaza in the form of rocket and mortar attacks. But unlike in years past, the Iron Dome Anti-Missile System, funded in part by the United States, has changed the rules of the game. In fact, Iron Dome has been successful in intercepting a remarkable 90 percent of incoming rockets aimed at once defenseless population centers.

Currently, there are only a handful of Iron Dome batteries operational in Israel. More are needed in order to protect all of Israel's 8 million citizens.

I'm pleased to say that S. 2165 retains language from the Iron Dome Support Act, bipartisan legislation I introduced which now has nearly 110 cosponsors expressing support for providing Israel assistance to produce additional Iron Dome batteries.

This bill also pledges to assist Israel with its ongoing effort to forge a peaceful, negotiated settlement of the Israeli-Palestinian conflict that results in two states living side by side in peace and in security. Despite all the obstacles to achieving this goal, we cannot give up trying, as peace is profoundly in Israel's strategic interest.

I applaud Prime Minister Netanyahu's willingness to negotiate anywhere, anytime. The Palestinians should take him up on that offer, instead of pursuing a campaign to delegitimize Israel at the U.N. and elsewhere.

Mr. Speaker, perhaps the greatest threat to both American and Israeli security today is that posed by Iran's nuclear weapons program. I hope this problem can be solved diplomatically, but as we all know, only massive pressure from the United States and our allies has any chance of persuading Iran to give up its quest for nuclear arms.

□ 1730

In fact, we are currently negotiating a sanctions bill with the Senate, the Iran Threat Reduction Act, which Chairman ROS-LEHTINEN and I introduced and which the House passed late last year. That bill will dramatically increase the economic pressure on Iran. Meanwhile, the bill before us today makes clear that the U.S. Congress will continue to help Israel meet the Iranian threat.

Gaza-based terrorism, the Israeli-Palestinian conflict, and the Iranian nuclear program are not the only threats faced by Israel. Recent events in Egypt and Syria, along with the presence of Hamas in Gaza and Hezbollah in Lebanon, require Israeli vigilance against danger from all directions.

To that end, this bill, once again, reaffirms our determination to support Israel's qualitative military edge against any possible combination of regional threats. In reinforcing that commitment to Israel's security, this bill

extends for 4 years a loan guarantee program for Israel that was initiated in 2003. The extension is based on legislation that Chairman ROS-LEHTINEN and I introduced in March.

Mr. Speaker, our relationship with our ally Israel is one of the most important and closest that we have with any nation in the world. The United States and Israel face many of the same threats, and we share the same values. Israel's defense minister, Ehud Barak, recently said that he can hardly remember a better period of U.S. "support and cooperation" and common U.S.-Israel strategic understanding than the current one.

The passage of this bill will help ensure that this cooperation continues into the future. I encourage all of my colleagues to support this legislation.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. I am so pleased to yield 4 minutes to my good friend, the gentleman from New Jersey (Mr. SMITH), who is the chairman of the Foreign Affairs Subcommittee on Africa, Global Health, and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the distinguished gentlelady, the chairwoman of our committee, for her great leadership in the defense of Israel. I thank as well my good friend and colleague, the ranking member, Mr. BERMAN. These two individuals work hard every day for the peace and security of our friend and ally Israel.

This is a "must pass" bill, Mr. Speaker, as we must reiterate our support for the nation of Israel. Our friend and ally Israel lives under the daily threat of indiscriminate rocket attacks on their homes and businesses, terrorism on public transit, and the unapologetic, undeterred, and unacceptable existential threat of a nuclear Iran. Despite Iran's signature of the Genocide Convention of 1956, Iran's anti-Semitic leader, Ahmadinejad, has repeatedly threatened to wipe Israel off the face of the Earth. Iran has ignored its commitments not to pursue nuclear weapons under the IAEA, refusing inspections and failing the ones they do allow.

The U.N. has failed to be resolute in its response to Iran or to protect Israel, leaving Israel to fend for itself at best but, more often, attacking and undermining it at every opportunity. Most recently and amazingly, the United Nations allowed Iran to be elected to the 15-member general committee of the U.N. Arms Trade Treaty Conference, which is allegedly developing a treaty regulating the international sale of conventional arms. Iran does, after all, have considerable experience in this area. Iran has been arming Israel's neighbors for decades.

Freedom House's annual report on the world, which assesses the political and civil liberties of nearly every nation on Earth, shows that Israel is surrounded by nations that profoundly

disrespect the political and civil liberties of their own citizens. These nations actively foment hate against Israel and have human rights records that are among the worst in the world. Syria has now shown its true colors. We cannot sit by and wait for Iran to have the opportunity.

Mr. Speaker, superior deterrence remains among the best guarantors of peace, and that has certainly been the case in the Middle East. S. 2165 enhances Israel's ability to defend itself. When Israel's military superiority was unclear in the eyes of its enemies soon after it was created, soon after Israel became a state, Israel was tested repeatedly with war, yet they won again and again. In response to Israel's clear military superiority, Israel's enemies have relied on cowardly acts of terrorism. They have attacked with Gaza rockets, with the intifada, with the flotilla, and Israel's task has been to overcome those deadly aggressions. Mr. Speaker, S. 2165 provides assistance for several programs that are effective in deterring attacks and in defending Israel, including for the Iron Dome, Israel's successful means of defending itself against missiles and rockets targeting Israeli homes and businesses.

With this bill, Israel will be better equipped for any scenario as it fulfills its solemn duty to protect its own people. With this bill, we also reassert our country's moral obligation and unshakable commitment to give Israel every assistance. The U.S. reaffirms, in word and in deed, our dedication to the defense of the Jewish state. S. 2165 expands U.S. military, intelligence, and civilian cooperation with Israel, including an offer to the Israeli air force for additional training opportunities in the U.S. in order to compensate for Israel's limited airspace and other enhanced cooperation on intelligence sharing.

Israel has shown itself to be a great friend of the United States, not only in setting the standard for democracy and human rights in the region but by being trustworthy with loans—always repaying loans on time and in full. This bill recognizes Israel's dependability with an extension of the longstanding loan guarantee program for Israel.

Finally, this bill reaffirms that the only viable option for peace and security in the region is an Israeli state and a Palestinian state existing side by side. Again, I ask for Members to support this important bill.

Mr. BERMAN. I am very pleased to yield 1 minute to the gentleman representing American Samoa and the ranking Democrat on the Asia and the Pacific Subcommittee of the Foreign Affairs Committee, Mr. FALEOMAVAEGA.

Mr. FALEOMAVAEGA. I thank the gentleman for yielding.

Mr. Speaker, I want to associate myself especially with the remarks made

by the gentlelady from Florida, who is our distinguished chairwoman of the Committee on Foreign Affairs, and with the remarks of my senior ranking member, the gentleman from California (Mr. BERMAN). I thank them both for their leadership in bringing this legislation forward for consideration and approval before the Members of this body.

I think there is absolutely no question in terms of the provisions provided in this bill. We want to be absolutely certain that our government is making every effort to ensure the security of the State of Israel.

I want to again commend the gentlelady from Florida and also my good friend from New Jersey (Mr. SMITH) for their comments in assuring and in giving every absolute notice to other countries of the world so as to know where the United States stands in its defense of Israel.

Ms. ROS-LEHTINEN. I am so pleased to yield 3 minutes to the gentleman from Ohio (Mr. CHABOT), who is the chairman of the Foreign Affairs Subcommittee on the Middle East and South Asia. He deals with these issues every day.

Mr. CHABOT. Thank you very much, Madam Chair.

I really do appreciate the great leadership Chairwoman ROS-LEHTINEN has shown on this issue and on so many issues around the world. I appreciate as well the great leadership of Mr. BERMAN, the ranking member. Together, in a bipartisan manner, both have really done a great job for our country, and we appreciate that.

Despite the tremendous progress that has been made toward ensuring Israel's continued security, critical challenges still remain. Now, perhaps more than at any time since the 1973 Yom Kippur War, Israel faces real and direct threats to its very homeland. Although the so-called Arab Spring has raised hopes that with time and hard work democracy may take hold in Arab lands, it has also ushered in what will, no doubt, be a period of profound and prolonged instability.

□ 1740

And while we most certainly should be working with Arab countries in this time of transition, we must not forget Israel, the Middle East's only established democracy and our friend and ally, which faces unprecedented threats to its security. Some of these are threats that Israel has not had to deal with in a very long time.

To the west, Israel faces new and untested Egyptian leadership, which has sent some troubling messages about its intentions for Egyptian-Israeli bilateral relations. To the north, fighting in Syria is continuing to intensify, and all signs suggest that the country may collapse into full-scale civil war. Other threats are sadly perennial. To Israel's

north and west, terrorists remain poised to attack and otherwise disrupt normal life for millions of Israeli citizens. To the east, the Iranian threat looms large on the horizon, and they threaten Israel and the entire region with the prospect of a nuclear weapon's capable radical regime right next door.

There is no question that the illicit Iranian nuclear program must remain at the very top of our priority list. It's certainly at the top of Israel's priority list. The nuclear program is, however, a symptom of the disease rather than the disease itself. The nuclear program is a paramount challenge to U.S. core national security interests, as well as those of our allies, and it must be addressed. As long as this regime is in power and the region continues to experience the kind of instability we're now witnessing, we must commit ourselves fully to doing everything we can to help aid Israel in securing itself.

I urge the adoption of this very important resolution.

Mr. BERMAN. Mr. Speaker, may I ask how much time is remaining on each side.

The SPEAKER pro tempore (Mr. CHAFFETZ). The gentleman from California has 13½ minutes, and the gentlewoman from Florida has 5½ minutes.

Mr. BERMAN. With that, Mr. Speaker, I am very pleased to yield 5 minutes to our distinguished whip, the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. I thank the gentleman for yielding.

Again, as I do repeatedly when I rise to speak on issues related to our closest ally in the Middle East, Israel, and the relationship between our two countries, I congratulate the chairwoman of the committee, the gentlelady from Florida, ILEANA ROS-LEHTINEN, for her leadership on this issue and focus on the importance of not only the relationship, but on the importance of making sure that Israel is strong and able to defend herself.

I also congratulate the gentleman from California (Mr. BERMAN). I don't know anybody who, for a longer period of time, has focused on the issue of keeping the relationship between Israel and the United States strong, vibrant, and open, and who has, on this floor, in committee, in our caucus, and around this country, educated people any more than he has to the necessity to keep this relationship strong and to keep Israel strong.

So I rise to thank both of them for bringing this issue to the floor.

Mr. Speaker, I was proud to cosponsor this legislation with my friend, the majority leader, Mr. CANTOR. That piece of legislation, which Ms. ROS-LEHTINEN and Mr. BERMAN brought to the floor some months ago, passed here with a vote of 411–2, showing the overwhelming bipartisan support this issue has. This is clearly an issue, unlike so many that we deal with, that enjoys

not only bipartisan support between the two parties, but support of philosophical perspectives from all over this caucus and this country. We don't always see eye to eye on matters of policy, but we always find common ground when it comes to strengthening the U.S.-Israel relationship.

This is the case for two very important reasons. The first is because the United States and Israel are linked by history and by the common glue of shared values: democracy, free enterprise, respect for human rights, and the rule of law. Secondly, because a strong Israel is in America's national security interest.

We make that point almost every time we speak because it's important for all of our constituents, our fellow Americans to understand that the investment that we make in Israel, the investment in terms of time, in terms of support, in terms of finances, and in terms of military assistance, are all in the interest of the United States of America and its citizens. Yes, it is to Israel's benefit as well, but primarily the United States acts because it sees as critical to its own interests the safety, security, and sovereignty of Israel.

Military and security ties with Israel help the Pentagon and our intelligence agencies track threats to Americans at home and abroad, and they enable us to partner on the development of technologies that help keep our people safe.

The number one regional threat of course, as all of us know, is the prospect of a nuclear Iran. That is of great concern to every nation in the world. The nonproliferation of nuclear weapons is a principal tenet of the nations of the world, adopted by the United Nations and adopted in treaties.

Iran must not be allowed to obtain nuclear weapons, as it would dramatically destabilize the region, and Iran's leaders have already threatened American targets in that part of the world. Again, it is important to note that are some 250,000 Americans within the range of Iranian missiles.

Of course, there are untold economic interests of the United States and of the international community. Enhanced security cooperation with Israel is one of the many tools we have to help prevent Iran from achieving nuclear weaponization and to protect American assets in the region.

This bill strengthens that cooperation in several ways:

It authorizes aid for the joint U.S.-Israel Iron Dome missile defense, a critical investment.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BERMAN. I yield the gentleman an additional 2 minutes.

Mr. HOYER. It also increases U.S. strategic stockpiles in Israel and provides Israel with additional weaponry as a first line of defense for the United States, as well as for Israel.

Furthermore, this bill extends loan guarantees for Israel and encourages an expanded Israeli role in NATO.

Mr. Speaker, it is so encouraging to see that even while we may divide on other matters, this House will pass the legislation before us with strong, overwhelming bipartisan support. That sends a message that hopefully cannot be missed, a clarity of purpose expressed by this Congress, the policy-making body of this Nation, that speaks for all the people of our Nation. Hopefully, those who would pose a threat and risk to us and to our allies would take note of that unanimity of purpose. Let us continue to ensure that close U.S.-Israel ties are an issue that unites us as Americans.

As I said, the House overwhelmingly passed this measure earlier this year, 411-2. Now the Senate has sent it back to us for final consideration. I congratulate my friend, Senator BOXER, and the Republican leadership of the Senate, as well.

I hope we can pass it again today. I know we will, and I hope it's with even greater support. I urge my colleagues to vote "yes" on this bill—for America, for Israel, and for international security.

□ 1750

Ms. ROS-LEHTINEN. Mr. Speaker, I only have some closing remarks and have no further requests for time, so I will wait for my colleague from California to yield back.

Mr. BERMAN. After what we just heard, I would not suggest any further speakers, and I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

The United States-Israel Enhanced Security Cooperation Act of 2012 states, and it makes it very clear, that U.S. policy is to: reaffirm the commitment to Israel's security as a Jewish state; also to provide Israel with the military capabilities to defend herself and help preserve its qualitative military edge; also to expand military and civilian cooperation; to assist in a negotiated settlement of the Israeli-Palestinian conflict that results in two states living side by side in peace and security, which is all of our goals; and also encourage Israel's neighbors to recognize Israel's right to exist as a Jewish state.

This bill expresses the sense of Congress that the United States should take specified actions to assist in the defense of Israel; it amends the 2005 Department of Defense Appropriations Act to extend authority to transfer certain Department of Defense items to Israel; it amends the Foreign Assistance Act of 1961 to extend authority to make additions to foreign-based defense stockpiles; and, lastly, it amends the Emergency Wartime Supplemental

Appropriations Act of 2003 to extend specified loan guarantee authority to Israel.

This is in the U.S. national security interest, and I hope that the House overwhelmingly passes this important bill.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. BACA. Mr. Speaker, I rise today in support of "S. 2165; U.S.-Israel Enhanced Security Cooperation Act of 2012."

Since 1948 the U.S. and Israel have shared a special bond.

Israel is our greatest ally in a region defined by conflict.

Today, there are significant events in the Middle East that present unique security challenges.

From the upheaval in neighboring states to the defiance of the IAEA by the Iranian regime, Israel is under constant threat.

The Israelis should not be forced to live under duress from a nation that denies the holocaust and Israel's right to exist.

As a nation we must never waiver in our support of Israel's inherent right to self-defense against these threats.

Congress must provide the technology and weapons systems that provide a military advantage over aggressors.

This enhanced cooperation between the U.S. and Israel will provide stability in an increasingly unstable region.

Israel must have the capability and consent to defend themselves or the region will fall deeper into chaos.

I urge my colleagues to support this responsible legislation.

Mr. HOLT. Mr. Speaker, I rise in support of this legislation.

The House passed its version of this legislation in May 2012, with my strong support. The Senate has elected to improve the loan guarantee and stock-pile authorities in its version, which I am also pleased to support.

United States and Israel have built a strong, unique and special relationship, and passage of this legislation will only strengthen those bonds. The political changes that are sweeping through North Africa and the Middle East are creating new uncertainties for the United States and Israel. The revolutions that are underway may not produce the much-hoped for democratic "Arab Spring". Indeed, the ascension of Muslim Brotherhood member Mohamad Morsi to the Egyptian presidency is a development whose consequences cannot be predicted with certainty at the moment. During such times of uncertainty, it is important that America send a clear message to the region that we will continue to stand by our ally, Israel. This bill helps us do exactly that, which is why I am pleased to support it.

Mr. MARCHANT. Mr. Speaker, I rise in strong support of H.R. 4133, now S. 2165, the U.S.-Israel Enhanced Security Cooperation Act of 2012. I am proud to be a cosponsor of this legislation and I urge all of my colleagues to join me in voting for this bill.

Israel continues to face unprecedented and unpredictable challenges from many of its neighbors. American support for Israel must remain unequivocally solid. This legislation is the latest important effort to continue and expand our deep mutual relationship. I am

pleased that the House of Representatives is considering H.R. 4133 today, as it is of the utmost importance.

In addition to reaffirming our continued commitment to Israel, this legislation will provide Israel with many new military capabilities needed to defend itself against any threats. It is important for those who may wish to do Israel harm to know that they will not be successful. Specifically, this bill will provide Israel with new missile defense capabilities, mid-air refueling tankers, and specialized munitions. Each of these are key components for ensuring Israel's continued sovereign right to exist. In addition to these items this bill thoughtfully provides Israel with certain defense equipment that is being left behind by the withdrawal of American forces from Iraq.

In addition to the conveyance of equipment, this bill greatly increases our intelligence sharing operations and offers the Israeli Air Force additional training resources in the United States. This is very important given the severely limited training grounds for the Israeli Air Force in its own country. I am especially pleased with the agreement for increased intelligence cooperation. This new level of intelligence collaboration will substantially assist our own intelligence services in keeping Americans safe. This legislation greatly benefits both countries; it is truly a remarkable partnership.

These efforts are paramount, but we must not rest. When we pass this legislation today, we must know that this is only the next step, and is not the final step in ensuring Israel's freedoms and right to exist. I remain committed to work with my colleagues for helping expand the US-Israeli partnership.

Mr. VAN HOLLEN. Mr. Speaker, as a cosponsor and strong supporter of the United States-Israel Enhanced Security Cooperation Act of 2012, I rise in support of the bill.

The House originally passed this measure by a vote of 411 to 2 in May. The Senate then passed the measure by unanimous consent on June 29. The purpose of the bill is to extend to Israel a U.S. Government loan guarantee and U.S. defense stockpile transfer authority.

Israel is an essential American ally in the Middle East. The rapid change that region is undergoing will have a significant impact on the national security of both our countries. In light of this, S. 2165 helps to reinforce our support for the security of Israel by extending until Sept. 30, 2015, the U.S. Government loan guarantees. The measure also expresses the sense of Congress that the United States should take a number of actions to strengthen the defense of Israel, including: providing support for its "Iron Dome" air defense system; providing Israel with air refueling tankers and specialized munitions; and expanding intelligence cooperation between our two countries.

By passing this bill today, we reaffirm our support for the right of Israel to defend itself and demonstrate our ongoing commitment to Israel as an ally of the United States.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, S. 2165.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

INSULAR AREAS ACT OF 2011

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (S. 2009) to improve the administration of programs in the insular areas, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 2009

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Insular Areas Act of 2011".

SEC. 2. CONTINUED MONITORING ON RUNIT ISLAND.

Section 103(f)(1) of the Compact of Free Association Amendments Act of 2003 (48 U.S.C. 1921b(f)(1)) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(A) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(B) CONTINUED MONITORING ON RUNIT ISLAND.—

"(i) CACTUS CRATER CONTAINMENT AND GROUNDWATER MONITORING.—Effective beginning January 1, 2012, the Secretary of Energy shall, as a part of the Marshall Islands program conducted under subparagraph (A), periodically (but not less frequently than every 4 years) conduct—

"(I) a visual study of the concrete exterior of the Cactus Crater containment structure on Runit Island; and

"(II) a radiochemical analysis of the groundwater surrounding and in the Cactus Crater containment structure on Runit Island.

"(ii) REPORT.—The Secretary shall submit to the Committee on Energy and Natural Resources of the Senate, and the Committee on Natural Resources of the House of Representatives, a report that contains—

"(I) a description of—

"(aa) the results of each visual survey conducted under clause (i)(I); and

"(bb) the results of the radiochemical analysis conducted under clause (i)(II); and

"(II) a determination on whether the surveys and analyses indicate any significant change in the health risks to the people of Enewetak from the contaminants within the Cactus Crater containment structure.

"(iii) FUNDING FOR GROUNDWATER MONITORING.—The Secretary of the Interior shall make available to the Department of Energy, Marshall Islands Program, from funds available for the Technical Assistance Program of the Office of Insular Affairs, the amounts necessary to conduct the radiochemical analysis of groundwater under clause (i)(II)."

SEC. 3. CLARIFYING THE TEMPORARY ASSIGNMENT OF JUDGES TO COURTS OF THE FREELY ASSOCIATED STATES.

Section 297(a) of title 28, United States Code, is amended by striking "circuit or district judge" and inserting "circuit, district, magistrate, or territorial judge of a court".

SEC. 4. DELAY OF SCHEDULED MINIMUM WAGE INCREASE IN AMERICAN SAMOA.

(a) DELAYED INCREASE PENDING GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Sec-

tion 8103(b)(2)(C) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206 note; Public Law 110-28) is amended—

(1) by striking "each year thereafter until" and inserting "on September 30 of every third year thereafter until"; and

(2) by striking "except that" and all that follows through "September 30" and inserting "except that there shall be no such increase in 2012, 2013, and 2014 pending the triennial report required under section 8104(a)".

(b) TRIENNIAL GOVERNMENT ACCOUNTABILITY OFFICE REPORT.—Section 8104(a) of the Fair Minimum Wage Act of 2007 (29 U.S.C. 206 note; Public Law 110-28) is amended by striking "April 1, 2013, and every 2 years" and inserting "April 1, 2014, and every 3 years".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill, S. 2009.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the bill, S. 2009 the Insular Areas Act, a brief bill that passed the Senate unanimously in December before being transmitted to the House and referred to multiple committees.

The bill consists of three short sections:

The first section, which shifts to the Department of Energy the responsibility for Department of the Interior-funded radiological monitoring at former U.S. nuclear test sites, has long been overseen by the Committee on Natural Resources.

The second section, which confirms the continuing eligibility of U.S. magistrates to participate in long-standing judicial exchange programs, is primarily overseen by the Committee on the Judiciary.

And the third section, involving a domestic workforce issue, is overseen by the Committee on Education and the Workforce.

All of these committees have reviewed the bill, waived additional action, and consented to today's suspension consideration of the bill. I want to thank those committees for their consideration and their input.

I reserve the balance of my time.

COMMITTEE ON EDUCATION AND THE
WORKFORCE, HOUSE OF REP-
RESENTATIVES,

Washington, DC, March 20, 2012.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I am writing to convey the consent of the Committee on Education and the Workforce to be discharged from consideration of S. 2009, Insular Areas Act of 2011, in order to expedite its consideration on the House floor.

Although a formal request has not yet been prepared by the Congressional Budget Office (CBO), CBO staff informally estimates that the bill should not have any direct spending or revenue effects and should have an annual discretionary cost under CBO's de minimis threshold (\$500,000).

While agreeing to waive consideration of S. 2009, the Committee on Education and the Workforce does not waive any jurisdiction that it has over provisions in the bill, nor does it waive the right to seek appointment as conferees in the event of a House-Senate conference on this or similar legislation, should such a conference be convened.

Thank you again for your consideration.

Sincerely,

JOHN KLINE,
Chairman.

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 28, 2012.

Hon. ILEANA ROS-LEHTINEN,
Chairwoman, Committee on Foreign Affairs,
Rayburn House Office Building, Wash-
ington, DC.

DEAR CHAIRWOMAN ROS-LEHTINEN, the Foreign Affairs Committee has primary jurisdiction over S. 2009, the "Insular Areas Act of 2011," which the Senate passed by unanimous consent on December 16, 2011. Section 3 of the bill contains matter that falls within the Rule X jurisdiction of the Judiciary Committee. Having reviewed the bill, and pursuant to your request, I agree to discharge the Judiciary Committee from further consideration of the bill so that it may proceed expeditiously to the House Floor.

The Judiciary Committee agrees to such discharge with the understanding that, by foregoing consideration of S. 2009 at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and with the further understanding that at such time that the bill may be called up on the House Floor, the bill will be identical in form to the bill as referred to the Foreign Affairs Committee. The Judiciary Committee reserves the right to insist on certain amendments to the provisions of the bill that fall within its Rule X jurisdiction if the bill is called up under a rule permitting amendments thereto. Additionally, if you intend to call up a suspension version on the House Floor that is not identical to the bill as referred to your committee, I respectfully request that you consult further with the Judiciary Committee in advance of such floor consideration.

Sincerely,

LAMAR SMITH,
Chairman.

COMMITTEE ON FOREIGN AFFAIRS,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 13, 2012.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I am writing to convey the consent of the Foreign Affairs Com-

mittee to be discharged from consideration of S. 2009, the Insular Areas Act of 2011, in order to expedite its consideration on the House floor.

In making this decision, the Foreign Affairs Committee conferred extensively with the Committee on Resources, which has traditionally dealt with the issues involved in the bill, even though that Committee did not receive a formal referral of S. 2009. Although a formal estimate has not yet been prepared by the Congressional Budget Office (CBO), CBO staff provided an informal estimate that the bill should not have any direct spending or revenue effects, and would have annual discretionary costs under CBO's de minimis threshold (\$500,000).

In agreeing to waive consideration of S. 2009, the Foreign Affairs Committee does not waive any jurisdiction that it has over provisions in that bill, or the right to seek to participate in any conference on that bill, should one occur.

Thank you for your consideration.

Cordially,

ILEANA ROS-LEHTINEN,
Chairman.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

I want to express my deepest appreciation to the gentlelady from Florida, the chairwoman of the House Committee on Foreign Affairs, and certainly my colleague, the senior ranking member, Mr. BERMAN of California.

I would also like to express my most sincere appreciation to our Speaker of the House, JOHN BOEHNER; our majority leader, ERIC CANTOR; our Democratic leader, NANCY PELOSI; our Democratic Whip, STENY HOYER; the chairman of our Foreign Affairs Committee, ILEANA ROS-LEHTINEN, and Ranking Member HOWARD BERMAN of California; Chairman JOHN KLINE and Ranking Member GEORGE MILLER of the Committee on Education and the Workforce; Chairman LAMAR SMITH and Ranking Member JOHN CONYERS of the Committee on the Judiciary; Chairman DOC HASTINGS and Ranking Member ED MARKEY of the Committee on Natural Resources; and certainly Senator JEFF BINGAMAN and Senator LISA MURKOWSKI, who respectively served as chairman and ranking member of the Senate Committee on Energy and Natural Resources for all that they have done on behalf of the insular areas. I cannot thank my colleagues enough for standing with me because I know the passage of this bill is only possible today due to their support.

I also thank the committee staff leadership for their working in close association with my office on the provision which will benefit the Associated States of Micronesia, the Republic of the Marshall Islands, and the Territory of American Samoa.

Mr. Speaker, as my chairman had alluded to earlier about this section, it's very simple.

This atoll, Runit Atoll, is located in Enewetak. For the benefit and information of my colleagues, the Enewetak Atoll is located in the Marshall Is-

lands. This is where we exploded 43 of our nuclear bombs out of the 67 nuclear bombs that we exploded during our testing program from 1943 to 1962; and in the process, this is where we exploded our mini-hydrogen bomb, which was called a Mike shot, which was only about 700 times more powerful than the nuclear bomb that we exploded in Nagasaki and Hiroshima.

Only about a couple of hundred of miles away is also the atoll called Bikini Atoll, and in 1954 we exploded the most powerful and the first hydrogen bomb that was ever exploded on this planet. It was known as the Bravo shot, and it was 1,300 times more powerful than the bombs that we dropped in Nagasaki and Hiroshima.

Just to give my colleagues a sense of understanding and appreciation, what we did in this specific atoll, Enewetak, we had to collect all the debris, all the nuclear waste materials as a result of the 43 bombs that we exploded in this atoll for purposes of preventing nuclear contamination from getting into the water and the ocean squall of that. Well, it started to leak, and there are some very serious problems of nuclear contamination seepage coming out of what we've done in burying, supposedly, the nuclear waste materials on this atoll called Runit Atoll.

This provision is just simply the Congress directs the Secretary of Energy to do a monitoring program and to see what is happening after some 40 years that we did all this tremendous damage, not only to property, but to the lives of these people in the Marshall Islands. This is what this provision provides. It very simply authorizes the Secretary of Energy to go over there and find out what's going on and monitor the underground water so that these people can survive properly.

In the process, and what's good about this bill, Mr. Speaker, is it doesn't require any offsets. We don't have to worry about any financials. It will be funded by the Technical Assistance Program that is now provided by the Office of Insular Affairs.

The second provision in this bill, Mr. Speaker, it just simply amends the Compact of Free Association to authorize our judges to go there and serve temporarily in the courts of the Associated States of Micronesia. That's all it does. It doesn't require any more expense than it is but just to simply authorize them.

□ 1800

And the third provision that I want to share with my colleagues is simply to delay the increase of the minimum wage in my little Territory of American Samoa for the next 3 years. That's all that this bill provides.

As I said, Mr. Speaker, this is one of the most unusual bills. It has the support of four committee chairmen and senior ranking members. Now, you talk

about bipartisanship: I don't know of any other bill that I've ever heard or known and the fact that we have something we can all work toward in solving some of the serious problems affecting the lives of our fellow Americans. And that's all I'm asking for.

Mr. Speaker, I yield back the balance of my time.

Mr. Speaker, I rise today in support of S. 2009, the Insular Areas Act of 2011, which was passed by the Senate on December 16, 2011.

At this time, I would like to express my sincerest appreciation to Speaker of the House JOHN BOEHNER, Majority Leader ERIC CANTOR, Democratic Leader NANCY PELOSI, Democratic Whip STENY HOYER, Chairman ILEANA ROS-LEHTINEN and Ranking Member HOWARD BERMAN of the Committee on Foreign Affairs, Chairman JOHN KLINE and Ranking Member GEORGE MILLER of the Committee on Education and the Workforce, Chairman LAMAR SMITH and Ranking Member JOHN CONYERS of the Committee on the Judiciary, Chairman DOC HASTINGS and Ranking Member ED MARKEY of the Committee on Natural Resources, and Senators JEFF BINGAMAN and LISA MURKOWSKI who respectively serve as the Chairman and Ranking Member of the Senate Committee on Energy and Natural Resources for all they have done for and on behalf of the people of American Samoa.

I cannot thank my colleagues enough for standing with me because I know that passage of this bill is only possible today due to their support. I also thank committee and leadership staff for working in close association with my office on provisions which will benefit our Associated States of Micronesia, Republic of Marshall Islands, and the U.S. Territory of American Samoa for years to come. Most of all, I thank the people of American Samoa, our tuna cannery workers, our Fono, and Governor for their support and prayers.

I want to especially commend Senator BINGAMAN and Senator MURKOWSKI for their leadership in getting S. 2009 passed by the Senate. S. 2009 includes a provision to delay minimum wage increases in American Samoa until 2015. The provision regarding minimum wage was worked out in advance with my office as well as the Senate HELP Committee, the Senate Committee on Energy and Natural Resources, the House Committee on Education and the Workforce, and the House Committee on Natural Resources.

Because S. 2009 included other provisions not related to minimum wage, the bill was referred to three different committees in the House, including Education and the Workforce, the Judiciary, and the Committee on Foreign Affairs which has primary jurisdiction for S. 2009. With three different committees sharing jurisdiction, the bill could not move to the House floor unless the committees agreed to be discharged from consideration of S. 2009.

At my request, each of the Chairmen and Ranking Members agreed to waive consideration in order to expedite the bill's consideration. Although S. 2009 was not referred to the House Committee on Natural Resources, I sought and received the support of Chairman DOC HASTINGS and Ranking Member ED MARKEY, too.

While we were hopeful that the bill could be placed on the House calendar after Congress returned from the Christmas recess, in January 2012 the U.S. Department of the Interior's Office of Insular Affairs (OIA) unwittingly halted the advancement of the bill due to concerns it raised about a provision related to the monitoring of Runit Island. After explaining how important delaying further minimum wage increases is to American Samoa's economy, we were able to resolve OIA's concerns and move forward. But given these setbacks, Speaker BOEHNER's office subsequently requested that we formalize, in writing, the commitment of the Chairmen of the committees of jurisdiction and, as of March 28, 2012, we completed this request.

On Tuesday, July 10, 2012, I personally met with Majority Leader ERIC CANTOR and presented our case, and he agreed that with the support of Speaker BOEHNER, Democratic Leader PELOSI and Democratic Whip HOYER that he would schedule the bill for consideration. Once the bill was publicly placed on the House calendar for July 17, 2012, I announced the progress we had made. Given the sensitivities surrounding minimum wage, I felt like a public announcement any sooner could have jeopardized our efforts.

The matter of minimum wage is of utmost importance to American Samoa. Since 1956, until Congress enacted P.L. 110-28 which automatically increases wage rates by \$.50 per hour effective July 2007 and every year thereafter until 2014, wage rates for American Samoa were determined by Special Industry Committees in accordance with Sections 5, 6, and 8 of the Fair Labor Standards Act (29 U.S.C. Sections 205, 206, 208). While these Industry Committees were phased out in other U.S. Territories due to their more diversified economies, American Samoa continues to be a single industry economy, and automatic increases have only served to exacerbate an already difficult situation for the local economy.

For more than 50 years, American Samoa's private sector economy had been nearly 80% dependent, either directly or indirectly, on two canneries—StarKist and Chicken of the Sea—which until recently employed more than 74 percent of our private sector workforce. However, on September 30, 2009, one day after American Samoa was struck by a powerful 8.3 Richter Scale earthquake which set off a 20-foot wave tsunami that left untold damage and loss from which the Territory has not fully recovered, Chicken of the Sea closed its operations in American Samoa and outsourced more than 2,000 jobs to Thailand where fish cleaners are paid \$0.75 and less per hour compared to wage rates of about \$4.76 per hour in American Samoa.

As noted by the Government Accountability Office (GAO), before minimum wage increases went into effect tuna canneries in American Samoa were operating at about a \$7.5 million loss per year when compared to canneries, like Bumble Bee, and now Chicken of the Sea, which outsource fish cleaning jobs to low-wage rate countries. Outsourcing has adversely impacted American Samoa's economy in untold ways. Higher fish costs, higher shipping costs, higher fuel costs, better local tax incentives offered by competitors and the global economic recession have especially

contributed to the weakening of the Territory's economy. Passage of S. 2009 will help resolve some of these problems by providing ASG with the time it needs to diversify the Territory's private-sector economy.

While I thank my colleagues for their support and urge them to vote in favor of S. 2009, it is my sincere hope that improvements on the territory's economy will be such that it will provide for fair wages for American Samoa's workers. So between now and 2015, it will be up to ASG and our corporate partners, including StarKist and Tri-Marine, to find new ways of succeeding without further compromising the wages of both our public and private sector workers or wage earners.

American Samoa's cannery workers have been the backbone of the U.S. tuna and fishing processing industries, and I salute them for stabilizing the Territory's economy. With heart-felt gratitude for the sacrifices they have made on our behalf, I am noting their service in the CONGRESSIONAL RECORD for historical purposes.

Once more, I thank my colleagues in the House and Senate for helping American Samoa in its time of need, and I urge passage of S. 2009.

THE ENEWETAK PEOPLE—CHALLENGES FACING THE ONLY POPULATION EVER RESETTLED ON A NUCLEAR TEST SITE

INTRODUCTION

Enewetak was the site of 43 of the 67 nuclear tests that the U.S. conducted in the Marshall Islands and the Enewetak people are the only people ever resettled on a nuclear test site.

ENEWETAK ATOLL AS A NUCLEAR TEST SITE

Enewetak Atoll, was the site of forty-three of the sixty-six nuclear tests conducted by the United States in the Marshall Islands between 1946 and 1958. One of the tests at Enewetak was especially significant as it was the first test of a hydrogen bomb. This test occurred on October 31, 1952 and was known as the "Mike" test. The test had a yield of 10.4 megatons (750 times greater than the Hiroshima bomb). The destructive power of the Mike test was exceeded only by the Bravo test (15 megatons) in all the nuclear tests conducted by the United States anywhere. The Mike test vaporized an island, leaving a crater a mile in diameter and 200 feet deep. The Mike test detonation and the detonation of the other 42 nuclear devices on Enewetak resulted in the vaporization of over 8% of the land and otherwise devastated the atoll. The devastation is so severe that to this day, fifty-four years after the last nuclear explosion, over half of the land and all of the lagoon remain contaminated by radiation. The damage is so pervasive that the Enewetak people cannot live on over 50% of our land. In fact, they can't live on Enewetak without the importation of food.

The U.S. Department of Energy described the devastating effects of the 43 nuclear tests on Enewetak as follows:

"The immense ball of flame, cloud of dark dust, evaporated steel tower, melted sand for a thousand feet, 10 million tons of water rising out of the lagoon, waves subsiding from a height of eighty feet to seven feet in three miles were all repeated, in various degrees, 43 times on Enewetak Atoll."

REMOVAL OF THE ENEWETAK PEOPLE FROM ENEWETAK ATOLL TO UJELANG ATOLL

A few days before Christmas in 1947, the U.S. removed the Enewetak people to the

much smaller, resource poor, and isolated atoll of Ujelang. They were told by the U.S. that their removal would be for a short time. In fact, Captain John P. W. Vest, the U.S. Military Governor for the Marshall Islands, told them that their removal from Enewetak would be temporary and last no more than three to five years. Unfortunately, they were exiled on Ujelang for a period of over thirty-three years.

HARDSHIP ON UJELANG

The exile on Ujelang was particularly difficult for the Enewetak people leading to hopelessness and despair. During the 33-year exile on Ujelang they endured the suffering of near starvation. They tried to provide food for themselves and their children, but one meal a day and constant hunger was the norm. Malnutrition caused illness and disease. Children and the elderly were particularly vulnerable. Health care was woefully inadequate. In addition, children went largely uneducated in the struggle for survival. They became so desperate that in the late 1960's they took over a visiting government field-trip ship, demanding that they be taken off of Ujelang and returned to Enewetak.

After years of hardship, neglect and isolation the Enewetak people became increasingly insistent that they be returned home. Eventually, the U.S. said it would attempt to make Enewetak Atoll habitable.

The suffering and hardship experienced by the Enewetak people while on Ujelang, was eventually acknowledged by the U.S. The U.S. Department of Interior in a letter to the President of the U.S. Senate, dated January 14, 1978, said, in relevant part:

"The people of Enewetak Atoll were removed from their home atoll in 1947 by the U.S. Government in order that their atoll could be used in the atomic testing program. The people were promised that they would be able to return home once the U.S. Government no longer had need for their islands.

During the thirty years that the Enewetak people have been displaced from their home atoll they have suffered grave privations, including periods of near starvation, in their temporary home on Ujelang Atoll. The people have cooperated willingly with the U.S. Government and have made many sacrifices to permit the United States to use their home islands for atomic testing purposes."

INITIAL CLEANUP ATTEMPT OF ENEWETAK ATOLL

In 1972, the U.S. said that it would soon no longer require the use of Enewetak. The U.S. recognized that the extensive damage and residual radiation at Enewetak would require radiological cleanup, soil rehabilitation, housing and basic infrastructure before the people could resettle Enewetak. An extensive cleanup, rehabilitation and resettlement effort was undertaken between 1977 and 1980.

Unfortunately, the cleanup left over half of the land mass of the atoll contaminated by radiation confining the people to the southern half of the atoll. This has prevented the Enjebi island members of the Enewetak community from resettling their home island in the northern part of the atoll, and has prevented the people from making full and unrestricted use of their atoll. In addition, the cleanup and rehabilitation was not effective in rehabilitating the soil and revegetating the islands. An extensive soil rehabilitation and revegetation effort is still required to permit the growing of food crops.

RUNIT DOME

The cleanup of Enewetak entailed removal and collection of highly contaminated topsoil, vegetation, and debris (concrete and

metal) that was subsequently entombed within an unlined crater produced by an 18 kilo ton surface test and capped with a concrete dome. The site is now known as the Runit Dome. Evidence indicates open hydraulic communication between radioactive waste and intruding ocean water, with migration pathways leading to local groundwater and circulating lagoon waters.

Inside the Runit Dome lies over 110,000 cubic yards of plutonium and other radioactive debris that is radioactive for thousands of years. And, many areas of Runit Island have dangerous levels of contamination. Consequently, the dome and the surrounding area need to be monitored in the same manner that they would be monitored in the US. The reason for such monitoring is simple—the Enewetak people are entitled to the same level of protection from US created radiation as the people of the US.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Mr. Speaker, I want to congratulate Mr. FALEOMAVAEGA for the warm way in which he works with every member of our committee, and that is why it is a pleasure for all of us on the Committee on Foreign Affairs to do everything that we can to help the gentleman, because we know how important these bills are to him, as we can see, as we have heard. What we may consider to be a suspension bill that will not impact our daily lives, it impacts the many thousands of people whom he is so proud to represent in a very real and meaningful way.

So I thank him for his gentle manners. I thank him for his graciousness. I thank him for the important bills that he brings to our attention. And I want to tell him what an honor it is for all of us on our committee to work with him in a bipartisan way.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. SABLAN. Mr. Speaker, S. 2009 is primarily concerned with U.S. responsibilities to the Republic of the Marshall Islands and the other Freely Associated States in Micronesia, and with a pause in the implementation of federal minimum wage in American Samoa.

I certainly support continuing U.S. oversight of the effects of nuclear testing in the Marshalls.

And I defer to my colleague from American Samoa with respect to economic policy in his district.

In one respect, though, S. 2009 does impact my district, the Northern Marianas Islands.

The bill moves a Government Accountability Office report on the effect of minimum wage increases in the Northern Marianas and American Samoa from every two years to every three years.

These GAO reports are important. They provide a credible analysis of a complex policy, namely the annual 50¢ increase in the minimum wage in the Marianas.

Yet this decision to delay the next GAO report and stretch out the period of time between reports is being made without benefit of a hearing in this House.

Neither businesses nor workers, who are impacted by the minimum wage increases in my district, have had a chance to be heard from.

Last year, in part based on the GAO's findings, I supported a one-year break in the wage increase.

Looking ahead to next year, I had hoped to have another GAO report to guide any decision about—perhaps—skipping another year.

But S. 2009 will leave us without benefit of the GAO's advice.

And I believe this House needs that guidance.

I will not object to passage of S. 2009, but I do regret that this House did not follow its regular order before bringing the measure to the floor.

Mr. GEORGE MILLER of California. Mr. Speaker, today, I rise in support of S. 2009. This legislation includes provisions adjusting the federal minimum wage schedule for American Samoa in light of GAO's findings on its unique labor market conditions. Mr. FALEOMAVAEGA of American Samoa has asked the Congress to make these adjustments for American Samoa and pass this bill.

Current law requires that the minimum wage increase in American Samoa annually until it reaches the Mainland's federal minimum wage level.

Current law also requires the GAO to regularly report to Congress on economic conditions in American Samoa over the course of these minimum wage adjustments. These GAO reports are intended to give Congress information so that, if necessary, Congress can adjust the minimum wage schedule for the territory.

Precisely because American Samoa has a unique, isolated, and relatively undiversified economy and because the path to the full federal minimum wage for this territory is a necessarily long one, Congress must be flexible over time with the minimum wage schedule in response to changing economic conditions. Congress must also maintain the clear requirement that the minimum wage in American Samoa be on a schedule to reach Mainland levels. In decades past, the use of a special industry committee to periodically review and set the minimum wage in American Samoa proved ineffective, unfairly depressing wage levels below what was economically feasible.

The minimum wage provision in S. 2009 meets these standards. The adjustment proposed by S. 2009 is the result of the GAO's latest report, which lays out certain economic difficulties confronting American Samoa. These difficulties arise from a variety of factors, including recent global economic conditions and a specific set of challenges facing American Samoa's tuna canning industry.

In response to the GAO report, this bill adjusts the schedule by delaying any minimum wage increases in American Samoa until 2015. Importantly, it maintains a clear minimum wage schedule for the territory, with new increases made triennially.

This is not the first adjustment in the schedule since the increases began in 2007. Adjustments were also enacted in 2010.

Congress must continue to monitor conditions in American Samoa. Future adjustments to either accelerate or delay the minimum wage schedule may be necessary and warranted. Workers in American Samoa deserve a fair minimum wage as soon as possible, which not only improves their standard of living but generates new economic activity for

everyone's benefit. To achieve that end and to be sensitive to other economic pressures on the island that may affect employment levels, it is our ongoing responsibility to calibrate the minimum wage schedule as conditions warrant.

I look forward to continuing to work with Mr. FALEOMAVAEGA and other colleagues in the House and Senate to ensure workers in American Samoa receive a just wage.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, S. 2009.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. ROS-LEHTINEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

COMMUNICATION FROM THE HONORABLE GARY L. ACKERMAN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable GARY L. ACKERMAN, Member of Congress:

CONGRESS OF THE UNITED STATES,
5TH DISTRICT, NEW YORK,
July 16, 2012.

Hon. JOHN A. BOEHNER,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule VIII of the Rules of the House of Representatives that I have been served with a subpoena for documents, issued by the Supreme Court of the State of New York, County of Queens.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is not consistent with the privileges and rights of the House.

Sincerely,

GARY L. ACKERMAN,
Member of Congress.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 17, 2012.

Hon. JOHN A. BOEHNER,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on July 17, 2012 at 12:53 p.m.:

That the Senate passed without amendment H.R. 205.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 6 o'clock and 4 minutes p.m.), the House stood in recess.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CHAFFETZ) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 6018, by the yeas and nays;

S. 2009, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The remaining electronic vote will be conducted as a 5-minute vote.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 2013

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 6018) to authorize appropriations for the Department of State for fiscal year 2013, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 333, nays 61, not voting 37, as follows:

[Roll No. 469]

YEAS—333

Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachus
Baldwin
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berkley
Berman
Biggert
Blibray

Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonamici
Bonner
Bono Mack
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brown (FL)
Bucshon
Buerkle
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Capps
Capuano

Cardoza
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)

Cooper
Costa
Costello
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
DeLauro
Denham
Dent
Deutch
Diaz-Balart
Dingell
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Edwards
Ellison
Ellmers
Engel
Eshoo
Farenthold
Farr
Fattah
Fitzpatrick
Forbes
Fortenberry
Frank (MA)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Granger
Graves (MO)
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harper
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Hultgren
Hunter
Issa
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)

Kinzing (IL)
Kissell
Kline
Kucinich
Lance
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebach
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lummis
Lungren, Daniel
E.
Lynch
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Myrick
Nadler
Neal
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Owens
Pallone
Pascarella
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Pompeo
Price (NC)
Quigley
Rahall
Rangel
Reed
Rehberg

Reichert
Renacci
Richardson
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schock
Schwartz
Scott, David
Sensenbrenner
Serrano
Sessions
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stark
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Nunes
Velázquez
Visclosky
Walden
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—61

Adams
Amash
Bachmann

Bishop (UT)
Black
Blackburn

Brooks
Broun (GA)
Burgess

Conaway
Cravaack
DesJarlais
Duncan (TN)
Emerson
Fincher
Fleischmann
Fleming
Flores
Foxy
Franks (AZ)
Gardner
Garrett
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte

Gowdy
Graves (GA)
Griffith (VA)
Harris
Huizenga (MI)
Hurt
Jones
Jordan
Lamborn
Marchant
McClintock
Murphy (PA)
Neugebauer
Palazzo
Posey
Price (GA)
Quayle
Ribble

Rigell
Roe (TN)
Rooney
Ross (FL)
Schmidt
Schweikert
Scott (SC)
Scott, Austin
Stearns
Stutzman
Tipton
Tonko
Walberg
Walsh (IL)
West
Westmoreland

NOT VOTING—37

Ackerman
Akin
Boren
Buchanan
Butterfield
Campbell
DeFazio
Dicks
Doggett
Filner
Flake
Gonzalez
Gosar

Green, Al
Gutierrez
Hahn
Hirono
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (IL)
Kingston
Labrador
Landry
Mack

Murphy (CT)
Napolitano
Paul
Platts
Poe (TX)
Polis
Reyes
Richmond
Schrader
Scott (VA)
Sewell
Stivers

□ 1854

Mrs. SCHMIDT, Messrs. FINCHER, BROUN of Georgia, HURT, PRICE of Georgia, Mrs. BLACKBURN, Messrs. ROE of Tennessee, GARDNER, GARRETT, GRAVES of Georgia, FLEMING, Mrs. BACHMANN, Mrs. BLACK, Messrs. GINGREY of Georgia, SCHWEIKERT, MURPHY of Pennsylvania, and MARCHANT changed their vote from “yea” to “nay.”

Mr. ROHRABACHER changed his vote from “nay” to “yea.”

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 469, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “yea.”

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 469, had I been present, I would have voted “yea.”

MOMENT OF SILENCE IN REMEMBRANCE OF MEMBERS OF ARMED FORCES AND THEIR FAMILIES

The SPEAKER pro tempore (Mr. PITTS). The Chair would ask all present to rise for the purpose of a moment of silence.

The Chair asks that the House now observe a moment of silence in remembrance of our brave men and women in uniform who have given their lives in the service of our Nation in Iraq and Afghanistan and their families, and of all who serve in our Armed Forces and their families.

INSULAR AREAS ACT OF 2011

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 2009) to improve the administration of programs in the insular areas, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 378, nays 11, not voting 42, as follows:

[Roll No. 470]

YEAS—378

Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Baldwin
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Beceera
Benishak
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Bonner
Bono Mack
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Brown (FL)
Bucshon
Buerkle
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline

Clarke (MI)
Clarke (NY)
Clay
Clyburn
Coble
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dingell
Dold
Donnelly (IN)
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi

Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Goodlatte
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kinzinger (IL)
Kissell
Kline
Kucinich
Lamborn
Lance

Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeback
Lofgren, Zoe
Long
Lowey
Lucas
Luetkemeyer
Lujan
Lungren, Daniel
E.
Lynch
Maloney
Manzullo
Marchant
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McNerney
Meehan
Meeks
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee

Olson
Oliver
Owens
Palazzo
Pallone
Pascarelli
Pastor (AZ)
Paulsen
Pearce
Pelosi
Pence
Perlmuter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Richardson
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schilling
Schock
Schwartz
Schweikert

Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (WA)
Southernland
Speier
Stark
Stearns
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
West
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Yoder
Young (AK)
Young (FL)
Young (IN)

NAYS—11

Broun (GA)
Gohmert
Huelskamp
Huizenga (MI)

Lummis
Mulvaney
Ribble
Schmidt

Stutzman
Westmoreland
Woodall

NOT VOTING—42

Ackerman
Akin
Bass (CA)
Boren
Buchanan
Butterfield
Campbell
Cardoza
Cleaver
DeFazio
Dicks
Doggett
Filner
Flake
Gonzalez

Gosar
Green, Al
Gutierrez
Hahn
Herger
Hirono
Israel
Jackson (IL)
Jackson Lee
(TX)
Johnson (IL)
Kingston
Labrador
Landry
Mack

McMorris
Rodgers
Murphy (CT)
Paul
Platts
Poe (TX)
Polis
Reyes
Richmond
Schrader
Scott (VA)
Sewell
Smith (TX)
Stivers

□ 1904

Mr. RIBBLE changed his vote from “aye” to “no.”

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 470, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

HONORING HOWARTH TAYLOR

(Mr. CRAWFORD asked and was given permission to address the House for 1 minute.)

Mr. CRAWFORD. Mr. Speaker, I rise today to honor Mr. Howarth Taylor on being inducted into the Arkansas Agriculture Hall of Fame. For over 60 years, Mr. Taylor has been a pillar of his community.

Before starting a career in agriculture, Mr. Taylor demonstrated a strong commitment to our country as a member of the Greatest Generation. Mr. Taylor was a prisoner of war following the Battle of the Bulge in Germany. For his service, Mr. Taylor earned a Purple Heart and a Prisoner of War Medal.

Mr. Taylor started out as a tenant farmer growing corn and soybeans. Soon after he moved to Hickory Ridge, Arkansas, he bought an 850-acre farm and established Taylor Seed Company. Today Mr. Taylor farms over 3,000 acres and grows, processes, stores, and sells rice, soybeans, oats, and wheat seed to farmers throughout Arkansas. By devoting his entire operation to seed production, Mr. Taylor is able to produce a very high-quality product.

Mr. Taylor and his wife, Ella, raised six children on their farm and in 1969 were named the State's Farm Family of the Year. He has been an active member of the Cross County Farm Bureau board of directors since 1952 and served as president for 3 years. The Taylors are also active in their community, local schools, and the Hickory Ridge Missionary Baptist Church.

Congratulations, Mr. Taylor.

CLEARING THE NAMES OF JOHN BROW AND BROOKS GRUBER

The SPEAKER pro tempore (Mr. FARENTHOLD). Under the Speaker's announced policy of January 5, 2011, the gentleman from Texas (Mr. FLORES) is recognized for 60 minutes as the designee of the majority leader.

HONORING LIEUTENANT COLONEL ROY TISDALE

Mr. FLORES. Mr. Speaker, on June 28, America lost another hero, Army Lieutenant Colonel Roy Lin Tisdale.

Lieutenant Colonel Tisdale grew up in Alvin, Texas, and went to Texas A&M University, where he was a member of the Corps of Cadets. After graduating from Texas A&M in 1993, he was commissioned as an Army infantry officer. He served two full tours in Iraq,

two full tours in Afghanistan, and made additional short visits to both theaters.

At the time of his tragic death, Lieutenant Colonel Tisdale was commander of the 525th Brigade Special Troops Battalion, 525th Battlefield Surveillance Brigade, stationed in Fort Bragg, North Carolina.

During his 19 years of service to our country, Lieutenant Colonel Tisdale earned many awards and recognitions. He earned the Bronze Star Medal, the Purple Heart, the Meritorious Service Medal, the Army Commendation Medal, the Army Achievement Medal, the Joint Military Unit Award, the National Defense Service Medal, the Meritorious Unit Citation, the Afghanistan Campaign Medal, the Iraq Campaign Medal, the Global War on Terrorism Service Medal, the Army Service Ribbon, the Overseas Service Ribbon, the NATO Medal, the Air Assault Badge, the Combat Infantryman Badge, the Expert Infantryman Badge, and Senior Parachutist Badge.

□ 1910

On July 5, the life of Lieutenant Colonel Tisdale was remembered at Central Baptist Church of Bryan, Texas, and he was later laid to rest at the Aggie Field of Honor in College Station, Texas.

In response to the activities of an extremist group that protests at American military funerals, over 600 college students and community members, a majority of them Texas Aggies, came together to form a "Maroon Wall" to prevent those protests from disrupting the funeral and burial. America should be proud of this community of patriotic and respectful Americans that came together to honor the service and sacrifice of Lieutenant Colonel Tisdale and ensure that he was given the respect that he deserved.

Our thoughts and prayers are with the family and friends of Army Lieutenant Colonel Roy Tisdale. He will forever be remembered as an outstanding soldier, husband, and father. We thank him and his family for their service and sacrifice for our country. His sacrifice reflects the words of Jesus in John 15:13, "Greater love hath no man than this, that a man lay down his life for his friends."

Continuing a distinguished heritage of military service for our country, Lieutenant Colonel Tisdale is the 27th Texas Aggie to die in the service of our country since 9/11. He, like tens of thousands of Aggies before him, answered "Here," when his country called.

God bless our military men and women, and God bless America.

I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from North Carolina (Mr. JONES) will control the remainder of the hour.

Mr. JONES. Mr. Speaker, it is 10 years ago that I was contacted by Connie Gruber. On April 8, 2000, 19 marines were killed in a V-22 Osprey crash in Marana, Arizona.

Mr. Speaker, I show this tonight because so many people do not understand what a V-22 is. It is the kind of plane that's basically a helicopter that can become a plane because it would go from the helicopter mode to an airplane mode. And so, therefore, the V-22, again, at the time of this crash was still an experimental plane. In fact, at the time of the crash, Secretary of Defense Dick Cheney spoke out to Congress, both House and Senate, that he wanted to eliminate the program. He did not think the V-22 was the right investment by the United States Marine Corps.

It so happens that one of the pilots, Major Brooks Gruber and his wife, Connie, and his little girl named Brooke live in the Third District of North Carolina, which I represent. The pilot was Colonel John Brow. His wife, Trish, and his sons Michael and Matthew live in California, Maryland.

Connie contacted me. I want to read, Mr. Speaker, what she said. These are taken from a full letter, but I'll read just parts of it to make my point tonight:

General James Jones is fully aware of my concerns and has apparently supported Generals Nyland and Hough in denying my request for a "no fault" amendment to my husband's accident report. He has refused to help me. That is exactly the reason I felt it necessary to contact you as well as other respected leaders.

She further stated in that letter to me:

My husband's life was sacrificed for the Osprey, the Marine Corps, and for this Nation. I hope you understand why I cannot allow his good name to be sacrificed, too. Please remember, these 19 marines can no longer speak for themselves. I certainly am not afraid to speak for them, and I believe that somebody has to. Even though it is easier put to rest and forgotten, please join me in doing the right thing by taking the time to address this important issue.

Given the controversy of this aircraft and the Marine Corps' vested interest, surely there is an unbiased, ethical way to rightfully absolve these pilots. Please help me by not only forwarding my request but by also supporting it.

Mr. Speaker, I tonight want to show the face of the pilot. Again, for those that might be watching this tonight in their homes, this is an Osprey, the V-22. At the time of this accident there were many, many questions. And I will touch on those questions in the next few minutes, Mr. Speaker. But this is the pilot. His name is Colonel John Brow. The copilot is Major Brooks Gruber. He is to the left of the poster of John Brow.

Mr. Speaker, I cannot continue tonight without letting the American people know that shortly after the accident there were three marines there

from New River, which is in my district of eastern North Carolina. These three investigators, Colonel Mike Morgan—and I will mention his name several times in the next 30 minutes—and also Colonel Ron Radich and Major Phil Stackhouse were sent to Arizona the day after the accident. Nineteen marines were killed and the two pilots that I just mentioned. These three marines were sent there by the Marine Corps to investigate the accident. And they wrote what is called the JAGMAN report.

This is what the two wives are asking. The lawsuits are over—and I'll touch on that in just a moment. Bell-Boeing settled for millions of dollars to the 19 marines and their families. And all the two wives have been asking for 10 years is a clarification of whether their husbands were at fault or not at fault. And I'm going to show you tonight, Mr. Speaker, in the next 30 minutes that the pilots were not at fault.

All they would like of the United States Marine Corps, which I have great respect for, is to issue a letter on the Commandant's stationery that says Lieutenant Colonel John Brow, pilot, was not at fault for the accident on April 8, 2000, at Marana, Arizona. Then, what Connie Gruber would like, the wife of the copilot, Major Brooks Gruber, is that her husband was not at fault for the accident that killed 19 marines. Mr. Speaker, again, the lawsuits are over. Everything has been settled. But all the two wives want is their husbands to lie in that grave and not feel that they're responsible for that accident because, Mr. Speaker, they were not responsible.

I want to thank Congressman STENY HOYER from Maryland for joining in this effort because John Brow's wife, Trish, and her sons, Matthew and Michael, live in California, Maryland. They're his constituents. I want to thank NORM DICKS from the State of Washington. I'm sorry that he's not running for reelection. He's a very fine gentleman and a Member of the House. But he's decided not to run for reelection. He has joined and said, Let us help you.

Mr. Speaker, a lawyer for the two families, Jim Furman, in Texas, who defended these two pilots and won the major award from Bell-Boeing, which has not been made public, and cannot be—they settled with the two wives of John Brow and Brooks Gruber—Jim Furman has joined us and said their names need to be cleared. They were not at fault. In addition, the attorney for the 17 marines who were killed in the back of that plane, Brian Alexander and his associate, Francis Young, in New York, have joined. People like Phil Coyle have joined. Rex Rivolo has joined. These were experts within the DOD system that knew this plane and know that these gentlemen were not at fault. And even though he

is deceased—and God rest his soul—Mike Wallace did a major “60 Minutes” piece on this accident 2 years after it happened.

□ 1920

And yet everything in that “60 Minutes” showed that these fellows were put into a situation that they were not trained for, they did not know how to react to—an issue called vortex ring state. And I'll touch on that in just a moment.

The real tragedy of all this is all the families want is an official document that will say their husbands are not at fault.

Mr. Speaker, it's gotten kind of ironic to me because we have spent 10 years—I'm not going to try to say to you tonight, Mr. Speaker, or to anyone that might be watching that we have spent every day, every week, every month for 10 years, but this has been a 10-year effort to do what is right for these two marines who gave their life for this country.

I got very frustrated in March of 2010. I could not get the response from the Marine Corps that I would hope—not for me because I'm a Member of Congress, but for the wives and the children to clear the names. I contacted Trish Brow. I said, Trish, I need some help. I don't know who to contact, but somebody has to join me in this effort, because I don't think I can get it done by myself.

Mr. Speaker, I've always given credit to God for anything that I did that was worthwhile, but I needed the help. She said, Have you ever spoken to Colonel Jim Schafer? He was a friend of John Brow and a friend of Brooks Gruber, and he was in the air. There were four V-22s flying, and he was one of them.

So I called Colonel Jim Schafer, and he said to me, Congressman, whatever I can do to help you clear the names of these two pilots, I will do it.

He joined us, and, in fact, in the year 2011, he and I made a presentation to the Commandant of the Marine Corps. And I thought Jim Schafer did a magnificent job. With tears in his eyes, he told the Commandant that these fellows had not been trained, they were not equipped, the plane had no warning system to the vortex ring state which affects the nacelles on the twin engines. So therefore, he said, What can I do?

I'm sorry. But, at that time, we were not convincing enough to the Marine Corps to give the wives the two letters.

Mr. Speaker, I'd like to share with you that what created the problem after the accident on April 8 was actually the press release by the United States Marine Corps. The Commandant at the time—a very fine gentleman, I've met with him several times. I think the world of him. We are not related, even though my name is Jones—was Commandant Jim Jones. But the

press release stated, on July 27 of 2000—April 8 was the accident. This is a quote that gave the problem:

Unfortunately, the pilots' drive to accomplish that mission appears to have been the fatal factor.

Mr. Speaker, I'm going to read that again. This is the press release from the United States Marine Corps after this tragic accident in Arizona.

Unfortunately, the pilots' drive to accomplish that mission appears to have been the fatal factor.

Mr. Speaker, again, I want to thank Colonel Mike Morgan, Retired. I want to thank Colonel Ron Radich, Retired, and Phil Stackhouse, Major, Retired, for joining me in trying to clear the names of these two pilots.

It so happens in a recent email from Colonel Morgan, one of the three investigators, I read his quote:

This is the crux of the issue; there is nothing in the JAG investigation that says that the pilots are at fault. If you change “pilots” to “flight leaders,” the statement, in my opinion, is correct, and the investigation so much as brings that out.

Why is it clear to the Blue Ribbon panel that was set up after this accident and not the Commandant of the Marine Corps' office? Because at that time the Blue Ribbon panel was not worried about fielding a new and controversial aircraft, which I just talked about Dick Cheney's being opposed to it. This was the second plane behind a lead plane. It was Nighthawk 71 and Nighthawk 72. Nighthawk 72 crashed.

In the official report that Lieutenant Colonel Morgan made reference to, the JAGMAN report, and I want to read this, Mr. Speaker, the official JAGMAN investigation was released in the following months, and the investigators, Morgan, Stackhouse, and Radich, testified by saying, and I quote, Mr. Speaker:

During this investigation, we found nothing that we would characterize as negligent, deliberate pilot error or maintenance/material failure.

Mr. Speaker, the word “deliberate” bothered me so much that I wrote to Colonel Morgan, and I said, Sir, would you please explain why you used the word “deliberate”? And I'll read his comments back to me, Mr. Speaker:

My personal feeling and opinion supported by my interviews with the lead flight crew is that the mishap aircraft—

That's 72 now, these two men were flying it.

—had no idea they had exceeded any flight parameters. They were merely trying to remain in position on a flight lead trying to salvage a bad approach.

Mr. Speaker, what he is saying is that these two men, in a new experimental airplane, were following behind on a mission that never should have been ordered by the Marine Corps to begin with. These two men are in the second plane. They are following the lead. The lead got into trouble, and they followed the lead.

That is why I want to repeat again, Mr. Speaker, Lieutenant Colonel Morgan, the word “deliberate”:

My personal feeling and opinion supported by my interviews with the lead aircraft is that mishap aircraft had no idea they had exceeded any flight parameters. They were merely trying to remain in a position of a flight lead trying to salvage a bad approach.

Mr. Speaker, he further states, and let me read this for the RECORD, please, sir:

Brow and Gruber did nothing but try to maintain position on their flight lead. Did they fail to recognize they were in a dangerous situation? Absolutely. Were they properly trained for such a situation? Absolutely not.

Mr. Speaker, that's why this 10-year journey has meant so much to me. I did not know these men. I know the families now. But these marines were in the cockpit of a V-22, an experimental airplane that Bell-Boeing did not do the research that they should have done to prepare these men for what was coming. Again, the problem is called vortex ring state. This is pretty well known in airplanes, but, Mr. Speaker, not in the Osprey in these nacelles. It was not fully understood.

In fact, Tom Macdonald, experimental pilot for Bell-Boeing, spent 700 hours, Mr. Speaker, 700 hours trying to figure out after this crash: What do you do? How do you react? How do you respond to vortex ring state?

Mr. Speaker, what is so sad is they now have warning systems on the software. They have even a voice that comes on the helmet that says sync, sync, sync, meaning you're in trouble, react, react. Brow and Gruber had none of that information. In fact, the NATOPS manual that was in their lap the moment before they crashed and burned, it had one page and a paragraph on vortex ring state. And, Mr. Speaker, it was written by an Army helicopter pilot who had never been in the V-22.

Mr. Speaker, now the NATOPS manual that the V-22 pilots have is six pages about vortex ring state and how you react to that ring state.

□ 1930

Mr. Speaker, I'm just going to take a few more minutes, and then I will close tonight. I want to thank the staff for staying late for me to have this opportunity, but I do want to restate what the investigators are saying.

I contacted them and asked them if they would be willing to write me a letter that I could use in trying to clear the names of John Brow and Brooks Gruber. I'm going to read just a few parts of this, and then I'll close in just a few minutes, Mr. Speaker.

This is from Phil Stackhouse:

I do not believe that it would be a surprise to anyone that it is my opinion the mishap was not a result of pilot error, but was the result of a perfect storm of circumstances. During the conduct of the investigation, we collected some 20 binders of evidence.

I'm going to just skip from one paragraph to another. “This includes, for example, compressed testing and evaluation”—that means they did not do the test on this issue of vortex ring state; they had no way to evaluate it because they didn't test it—“created by deadlines, funding, and maintenance; the omission of important testing and evaluation missions; the actions of the lead aircraft in the section; and lack of understanding how vortex ring state/power settling would actually effect the Osprey in real-world situations and simulated real-world training.”

Mr. Speaker, this is the whole thing. I'll close on Mr. Stackhouse, and then I will read two others very quickly.

Stackhouse, one of the investigators, said:

For any record that reflects the mishap was a result of pilot error, it should be corrected. For any publication that reflects the mishap was a result of pilot error, it should be corrected and recanted.

Again, this is one of the three investigators. I'll read the others very quickly. Mr. Speaker. This is from Mike Morgan. He supports my effort to clear the names of John Brow and Brooks Gruber. He further states that:

The judge advocate general (JAG) mishap report, and over 20 binders of evidence provided, clearly focuses on the consequences of encountering vortex ring state in a tilt-rotor aircraft and questionable flight management of Nighthawk 72 (lead aircraft) as the key contributing factors, among many. In my opinion, as a former USMC weapons and tactics instructor/flight leader/mission commander, John Brow and Brooks Gruber performed as model wingmen on this mission. They were doing exactly what is expected of a wingman on a tactical flight.

Mr. Speaker, the reason for reading that is that I want to restate that the three investigators of the V-22 crash, they know John Brow and Bruce Gruber were not at fault.

Mr. Speaker, I am a man of strong religious faith, but I cannot imagine being the pilot and copilot, with 17 young marines sitting in the back of your plane, and all of a sudden you are hit with a situation that you don't understand. You don't know how to react, you've never been trained, you have no warning system, but something's not right as that plane is beginning to shake. These gentlemen did everything that they could. John Brow and Brooks Gruber, they did everything they could do to save that flight, and yet it was out of their control because they had not been trained. They flipped; and on April 8, a very unbelievable fire took place when that plane hit.

All the wives are asking for is one official document from the Marine Corps. Mr. Speaker, I must say before I close tonight that I want to thank the Marine Corps. They have agreed to meet with the two investigators—the third one lives in California, Ron Radich. I want to thank him for his strong let-

ter, but he will not be here—he cannot—but his letter will stand to speak for him.

The Marine Corps has agreed to give us a meeting with the representative of the Marine Corps and try to come up with some language that will be acceptable to the two families. I'm going to ask the commandant of the Marine Corps—I doubt if he will do it—but do something right for the Corps that so many American people, including myself, have the greatest respect for; bring the two wives and their children to your office and say: I have an official letter for you that will clearly state that your husbands were not at fault for this accident. Mr. Speaker, I hope that's what will come from this meeting in the next couple of weeks.

It's one of those things in life that Members of Congress get involved in that you don't ask for, but you feel that there's a reason that someone has come to you and said, my husband cannot defend himself anymore, yet because of one press release that indicated these pilots were descending too quickly, they did not know what they were doing at the time, there was no indication on their software panel that they were in trouble. So my hope is, Mr. Speaker, that the Marine Corps will give Connie Gruber and Trish Brow what they're asking for.

Mr. Speaker, because I want to give God credit if we ever clear the names of these two pilots, I've asked God to please give me the energy and the strength to go with Connie Gruber and her daughter Brooke down to Jacksonville, North Carolina, to the grave of her husband and Brooke's father. I want to say to Major Gruber: Sir, no one will ever question your integrity or your honor again. It has been done. You can rest in peace because you won't be blamed.

Then, Mr. Speaker, I want to go with Trish Brow to Arlington Cemetery, and I want to stand with Matthew and Michael, the two young boys that never got a chance to know their daddy—they're young men now, they're in their early twenties, college students—and I want to say the same thing to Colonel Brow: Sir, your reputation is secured. You will not be blamed any longer for that crash on April 8. Mr. Speaker, with that, I will know that I have fulfilled my duty as a Member of Congress. I will fulfill my duty as a man who believes in the truth and integrity. It is very important in my life. And I will be able to say to Connie and to Trish, if ever anybody prints again that your husband was at fault, you have an official document to call that newspaper, call that TV station, call that reporter and say, Sir, I want a retraction. I will send you a copy of the documentation that says that my father—that my husband and my friend's husband were not at fault.

The reason I almost said “father,” as I'm closing, Mr. Speaker, I will tell you

that 4 or 5 years ago I was in Jacksonville, North Carolina. Connie Gruber invited me to a fall reunion at the church. I had a chance to meet Bruce Gruber's father, the major from Jacksonville, North Carolina. That gentleman lives in Naples, Florida, with his wife, and he came out and we spoke. He had tears in his eyes. Mr. Speaker, he fought in Korea for this country as a marine, and he said with tears in his eyes: Congressman, I want to thank you for trying to clear my son's name. I said, Mr. Gruber, I will accept your kind words on behalf of my savior, Jesus Christ, because Christ was a man of humility, and I try to walk in the light of Christ.

If we ever accomplish anything for this country, no matter what faith my colleagues might be, just remember that accomplishing truth and integrity for John Brow and Brooks Gruber will be God's will and not mine. That gives me one thought, and then I will close.

Voltaire said 1,000 years ago:

To the living we owe respect, but to the dead we owe only the truth.

Mr. Speaker, as I always close on the floor of the House, because it's time to get our troops out of Afghanistan, they've done their jobs, bid Laden is dead, al Qaeda has been dispersed around the world, it's time to bring them home. I've seen too many at Walter Reed and Bethesda without legs and arms.

□ 1940

Spending money we don't have over there, cutting programs for children and senior citizens here in America, I don't know, it doesn't make any sense.

But on behalf of the families that I talked about tonight, Colonel John Brow's family, Major Brooks Gruber's family, and all of our men and women in uniform and their families across the world, I will close and yield back.

I ask God to please bless our men and women in uniform. I ask God to please bless the families of our men and women in uniform. I ask God to hold in His loving arms the families who have given a child dying for freedom in Afghanistan and Iraq.

I ask God to please bless the House and Senate, that we will do what is right in the eyes of God for God's people today and God's people tomorrow.

And I will ask, from the bottom of my heart, God please bless President Obama that he will do what is right in Your eyes, God, for Your people today and Your people tomorrow.

And, Mr. Speaker, with that I'll say three times, God, please, God, please, God, please continue to bless America.

I yield back the balance of my time.

HEALTH CARE AND MAKING IT IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 5, 2011, the gentleman from California (Mr. GARAMENDI) is recognized for 60 minutes as the designee of the minority leader.

Mr. GARAMENDI. Mr. Speaker, before we start on our dialogue—I expect to have my colleague from New York here in a few minutes—I want to thank my colleague from North Carolina, WALTER JONES.

Mr. JONES, every day and every week you speak on this floor about the Afghanistan war and previously about the Iraq war, and you carry a message that is extremely important, one that I agree with, and one that I would hope that our colleagues here in Congress would take up this issue in a very strong and determined way to bring this Afghanistan war to an end.

I thank the President for bringing the Iraq war to an end. And now there's yet another task for all of us to do, and that is to end this continued use and abuse of the American soldiers. They endure much, and it's time for us to bring them home.

We thank them for their service. We see them as they return.

Some of my colleagues and I are working on a major effort to try to deal with more than 365,000 of those men and women that have returned that are suffering from posttraumatic stress syndrome, dealing with everything from suicides to depression and other issues as they return home, and many of them still in the military dealing with those issues.

We also have the traumatic brain issues, and so there's much to be done. And there will be much more to be done for those that are currently suffering. And the longer this war in Afghanistan continues, the more men and women will be suffering from all sorts of medical, physical, and mental issues.

So, WALTER, thank you so very much for what you're doing here on the floor day in and day out and reminding us that it's time for us to end this war.

What I want to spend some time on today is really talking about America's middle class. The middle class in America has suffered. For the last 25 years, the American middle class's circumstances have stagnated, and in the last 5 years—actually, 6 years—have seriously declined. We've seen this in the statistics. We've seen them in the economic statistics.

The only way the American middle class has been able to sustain its economic position has been for both husband and wife or children to join in providing the income for the family. It's no longer a single-person income sustaining the American middle class.

It is about our policies here on the floor of Congress and the Senate that has led to the decline of the American middle class. Specific policies have been enacted over the last two decades that have hollowed out the opportuni-

ties that the American middle class has counted on, specifically, manufacturing in America.

Once, 20 million Americans and their families were in the manufacturing sector. They enjoyed a good salary. A good hourly wage was available to them such that one individual in that family working in the manufacturing sector was able to support the family, own a home, take a vacation, buy a boat, provide for the college education. That is not the case today. Only 11 million and a few thousand beyond that are actually engaged in manufacturing in America today.

So what happened to the 9 million? They lost their jobs. Those jobs disappeared, not from the Earth, but disappeared from America. They went overseas. They were outsourced. American jobs were outsourced.

Why? Well, they'd like to say it's simply the nature of the free market system, and, indeed, that's part of it. But that's not all of it. A major part of it had to do with specific tax policies and other manufacturing industrial policies that were enacted by Congress and remained on the books for some 20 years or more.

We need to address that issue because, if, in fact, it is the policies of this Congress and previous Congresses that have led to the great outsourcing and decline of the American manufacturing sector and, along with it, the American middle class, then there's something that we can do about it.

We make laws. We establish policies. And if we find that there are policies that are contrary to the good ability of the American economy to prosper and the middle class to prosper along with it, then we ought to change those policies. That's what the Make It In America agenda is all about.

The Make It In America agenda is specifically designed to rebuild the American manufacturing sector. This is an issue that's been taken up by the Democratic Caucus, led by our Minority Whip, Mr. HOYER, and carried on by my colleagues and I. So we're going to talk a little bit about that.

I notice that my colleague from New York (Mr. TONKO) has joined us. Mr. TONKO, we were going to start out on health care, but we kind of morphed into the issue of the American manufacturing industry and the role of the middle class.

Now, the middle class, I went off on manufacturing and the need to rebuild that and the Make It In America agenda, but also, a key part of the inability of the American middle class to sustain itself is health care. And the Affordable Health Care Act, which the Supreme Court recently confirmed was constitutional, is constitutional, is a major effort on the part of the Democratic Congress and President Obama to provide not only health care, but to lift up the American middle class.

So let's hold, for a moment, the issue of Make It In America. We'll come back to it in the latter half of this hour. But let's take up the health care agenda, which I know you wanted to speak to initially.

While you're doing that, I'm going to run and get a couple of placards that show what it is we're talking about. Please, Mr. TONKO, from the great State of New York, part of the East-West team.

Mr. TONKO. There you go. Always a pleasure to join you on this House floor. And thank you for leading us in a very important discussion this evening here on the floor.

It's important for us to recognize that for our business community to compete, and compete effectively, they need to be able to contain costs; they need to be able to have predictability and stability in their day-to-day routine. And I think that the Affordable Care Act takes us toward those goals. It is a predictable outcome. It enables our small business community to have a sound and well workforce.

□ 1950

I know that that is in the ether of the mind-set of our business community in that they know a productive workforce begins with the soundness of a health care plan. We are the last industrialized nation to come to the table to begin to resolve that dilemma, and it has held back our business community. What we will have with this important Affordable Care Act is the opportunity for exchanges to be developed, either along the State line or in a national setting, that enables us to provide for the opportunities for business and to do it in a way that is vastly improved over present situations. Status quo, just about everyone agrees, will not cut it. It is unsustainable to continue with a system of health care delivery that we currently operate under.

This, I believe, will be welcome news for our business community. They will have the opportunity to address this dilemma which has found the business community, the small business community, to be paying anywhere from 18 to 20 percent more than industrial settings and getting reduced services, or a smaller bit of service package, than the industrial setting would get. This allows for better services at reduced premiums that will enable them to have that affordability factor addressed. To go to the marketplace with that operational motif is going to be, I think, a very strong enhancer for the competitive edge of the American business community.

So underpinning, supporting the small business community, is important because, as we know, it is the driver; it is producing the great majority of new jobs in the private sector in America today. If we can take that

outcome and enhance it by addressing an Affordable Care Act that impacts soundly and progressively and positively the small business community, then we are doing something to increase America's growth in jobs. We do it also by having the ability to provide for various tax credits that go toward the small business community, especially for those that have 50 and fewer employees.

We have seen what an economic engine the small business community is. Since time beginning for this Nation, the small business community has been that pulse of American enterprise. It has been that predictor of soundness, of job creation, and of economic recovery. If we treat the small business community with the respect and the dignity and the assuredness that it requires, we have done something. We will be doing something.

So, Representative GARAMENDI, I think it is important to understand and to outline that the Affordable Care Act is the beginning of providing that foundation for the small business community to have a sound workforce, which is essential in this very competitive sweepstakes for jobs and landing contracts in that international scenario where we all compete for the right to serve the general public.

Mr. GARAMENDI. Mr. TONKO, I am really pleased that you brought that up. You have reminded me of a rather lengthy article from The Sacramento Bee. I am from California. Sacramento has one of the hometown papers, and the Bee was writing a major article on the exchange.

In the Affordable Care Act, there is an insurance exchange, and California was the first State in the Nation to follow up on the Affordable Care Act's exchange portion and to put in place a law to build an exchange. Now, at least our Republican friends think that's an awful situation. Governor Schwarzenegger, who was a Republican and is a Republican, signed that legislation before he left office almost 2 years ago now.

So this article is very effusive and upbeat about the establishment of an exchange in that they expect to have it online. What they talked about, a lot of it, was of individuals who could get insurance in a large pool and have the same opportunities for reasonably priced policies as occurs in a big business.

They also spent a lot of time talking about small businesses. How correct you are that the Affordable Care Act really offers small businesses an extremely important and heretofore unavailable opportunity to get insurance for the employer as well as for the employees, and a very big subsidy is available for those small companies that choose to buy insurance. Up to 50 percent of the cost of the insurance could be subsidized and costs reduced to the

employer. Now, that's a lot of money. It's calculated at about \$4,000 per employee if you're looking at an \$8,000 or \$9,000 policy. So it's really an important opportunity. Why is that good for business?

Go ahead, Mr. TONKO.

Mr. TONKO. I was going to say, too, that many people will say, well, if the option is made available, which it is, why would they choose that? Why would they want to spend even if there is a tax credit made available?

Think about it. The sound business community leader is going to want to recruit, and when you recruit and get the best employees, you offer the best package, and you have, as a result, a soundness in your workforce.

Mr. GARAMENDI. Exactly.

Mr. TONKO. So the management style is driving that sort of benefit so that you will reach to the program so as to recruit and retain quality workers. I think that driving element will influence it more than anything, and then the tax credits will become part and parcel to that package, which, as you suggest, can be as great as 50 percent. This is a huge cost savings and a sound policy to which they're attaching. So I think it's a benefit.

Mr. GARAMENDI. Absolutely true.

In addition to that, because of the exchange situation, individuals as well as businesses find themselves in a large pool.

Now, I was the insurance commissioner in California for 8 years in the nineties and then again in 2000 with an 8-year hiatus in between. I understand that, in insurance, for it to work, you need a very large, diverse population so that the risk is spread. In the individual market today, you can't get that; but in the exchange, the concept is to allow all of these individuals and these small businesses to be part of a very, very large pool so that they can take advantage of the spreading of the risk and, therefore, the lower cost and the subsidy on top of that.

One more thing. I was at a bagel shop. It was in the early morning, and I needed a cup of coffee and a bagel, so I stopped at a bagel shop. There was the owner and one or two employees—I think there were actually three. One was in the back. I didn't see that employee. We were talking about health insurance, and there was an excitement by this employer because she could get insurance. So it's the employer as well as the two employees who were going to be able to get insurance. Previously, she couldn't. She was a single mother with a new shop, opening it up—pretty good bagels and the coffee was very good. Now she can get insurance through the exchange. It was a new shop, and income was going to be low, so she could also get the subsidy. For the first time in many, many years for this woman—a divorcee whose husband went one way and she went the other,

who lost the insurance—she can get insurance.

This is part of the Affordable Care Act, and it is specifically designed in a way to encourage businesses to provide insurance and, in that process, as you say, to find the good employees and keep them. It's very exciting.

Mr. TONKO. If I might add, I know that we want to get into the talk of job creation, but if I might add some of the dialogue that has been developed in the district I represent—and I'm sure it's not unique to the 21st District of New York.

Again, there is this proliferation of small business that has been the driving force and that has really built our economic recovery from this painful recession. What you will hear time and time again is, if I'm a small operation of 10, 15, 20 people, one person—just one person—in that workforce impacted by a catastrophic illness will throw the actuarial science into a frenzy. That means that your premiums will be adjusted in a way that makes it difficult as the employer to continue to afford that insurance or to have the copayments from the employees.

So, as you're suggesting, if you enter this large collection called an "exchange," in which many more numbers than 10, 15, or 20 work in this concept together, it shaves those peaks, and the shock—the premium rate shock—that is dulled is a good thing.

Mr. GARAMENDI. Let me take that a little further.

I wish I'd had this law when I was insurance commissioner because I used to see this all the time when I'd get complaints. We had a consumer hotline, and we would take several thousand calls a week. We'd always get these complaints about: They dropped my insurance.

□ 2000

And we get from businesses, They dropped my insurance. Why did they drop the insurance? You said it right on target. Suddenly one of the members of the workforce of a small group of people had a significant illness. When it came time for the annual renewal—insurance is an annual thing that is renewed every year—they heard back, I'm sorry. We can't renew you this year because we're changing the market. All kinds of excuses. But the reality was there was one sick person in that group. This law will end that.

There's also the opportunity for people that have become unemployed in this economy to get a job, particularly if that person happens to be 50 years or older. That person today has a pre-existing condition called "age." They're beginning to enter that part of life where you're going to have more medical issues, and employers go, Wait a minute. We don't have a position for you. We're not discriminating based on age, but your resume isn't exactly the

way it ought to be. It's very difficult for a person 50 and older to get back into the workforce because of health insurance.

With the exchange and the anti-discrimination policies in the Affordable Care Act, which we call the Patients' Bill of Rights, they will be able to get back into the workforce. We're talking about people going back to work with health insurance no longer being a barrier to employment.

Mr. TONKO. Representative GARAMENDI, you cite a very awkward dynamic that can be used as a pre-existing condition: age. How about gender? There are more and more small business startups that are women-owned businesses, women working in a small business situation as the employer. A preexisting condition is being a woman. It is gender penalizing.

There are many aspects, and the pre-existing condition is something that's getting more and more attention, especially in the weeks that accompanied the decision of the Supreme Court. There was a lot of recognition of what was in the Affordable Care Act, and preexisting conditions are now being denounced and not being allowed as a reason, a rationale for denying insurance. That's a prime aspect of the progress made here.

As I've said in my district: Is it perfect? No. We aimed for perfection, and we achieved success. We will continue to work on this order of health care in a way that will continue to build the progressive nature of the outcome.

Mr. GARAMENDI. These are all part of the puzzle of putting people back to work. As I started this discussion, talking about the laws of America, the policies that have been enacted by this Congress and by previous Congresses and the way in which they impact the middle class of America, that impact has been devastating on the middle class for the last 20 years. It is our determination as Democrats to change the policies so that the American middle class can once again thrive, so that a family can enjoy the fruits of their labor, and so that they can enjoy the potential that America brings to them.

I notice that we've been joined by our colleague from Pennsylvania. Please, join us. Thank you for coming in this evening and sharing with us your thoughts.

Mr. ALTMIRE. I thank the gentleman from California.

I was listening to the discussion, as I often do, and I wanted to bring a perspective to join that discussion, Mr. Speaker, as they were both talking about health care.

As one who did not support the health care bill originally, I do think it's important to recognize, as has been happening in this discussion, what's working with regard to the health care bill, what's already been implemented that's making a real difference in people's lives.

The reason I did not support repeal of the health care bill both times we brought it up was because I have the fourth most Medicare beneficiaries of any district in the country. I have 135,000 Medicare beneficiaries. Many of them are caught in the doughnut hole, what we have come to know as that gap in coverage in the Part D prescription drug program. We are now entering the third year of the phase-in to completely close that doughnut hole. Already, people who are in the doughnut hole have received a \$250 compensation for coverage through the doughnut hole. They're getting a steep discount on brand-name drugs. Moving forward, as I say in the years to come, they're going to completely close the doughnut hole and get coverage all the way through. That's something that would not have happened if we had repealed the health care bill.

Small businesses all across the country that struggle with the skyrocketing cost of health care that's affecting every family and every business in this country, they're getting a tax credit to help offset the cost, to provide coverage, if they choose, to their employees. That's something that's making a real difference in the district that I represent. They are being able to cover people up to age 26. Often, they are recent college graduates struggling in the down economy. With the job market of today, the parents' plan is being able to for a short period of time insure those young adults after they've graduated from school and may be in transition in their life or in the job market. That's making a real difference for people that I represent. For people with preexisting conditions—children today and, beginning in 2014, for adults—they will not be able to be denied coverage because of a chronic health condition. That's something that's long overdue in this country. Those are all things that have been implemented. They're in the law today. They're taking effect, and they're impacting people. We can't overlook that.

The legal issues have been decided. This is settled law now. What we need to do is make sure—especially with the Medicaid ruling, which was not talked about as much because the court focused on the mandate. But with the States being able to opt out on the Medicaid side, we have to find a way for health care providers to be guaranteed coverage for people who come to their door, whether they be a hospital, a physician, a long-term care facility, whatever it may be. When the health care bill was put into place, before it became law, the deal that was made in return for universal coverage covering people in this country was the providers—all those provider groups I mentioned—gave a little. They understood they had to take some cuts to help offset the cost of that, the cost to the government and to the taxpayer.

Now the court has said that States can opt out of part of that through the Medicaid program. We need to make sure that those health care providers are able to keep their end of the bargain and the government keeps their end of the bargain by finding a way to cover everybody.

I did want to add that perspective again as someone who didn't originally support the bill. There are things that are working and have been implemented, and I commend both my friends from California and New York for having the discussion tonight.

Mr. GARAMENDI. Thank you very much for joining us, and thank you for bringing that perspective.

Twice, now, our Republican colleagues have voted for a full repeal of the law, and you very correctly and, I think, almost totally pointed out the things that would disappear. The doughnut hole would open up again, the preexisting conditions, the patients' bill of rights would be gone, and the insurance companies can then re-engage in discrimination, as they have so often. All those things that are very positive would disappear. So we're fighting fiercely to keep them. As Mr. TONKO, our colleague from New York has said, We will work through the years ahead to improve and to deal with the unknown issues that are certain to arise.

We've got work ahead of us, and we can do it.

Mr. TONKO. I just wanted to speak to the issue that Representative ALTMIRE raised with the doughnut hole—such a sweet label thrown onto a hidden attack on our senior community, asking them to dig into their pockets when they hit the threshold of \$2,930 and up till they hit the threshold of \$4,700.

I can tell you painful, heart-wrenching stories that many of the seniors I represent—and again, I have a huge proportion of seniors in my home county of Montgomery County, New York. Many will reach that threshold early in any fiscal year. It's a phenomenon with the prescription drugs. Those prescription drugs are their connection to quality of life. It's not only keeping them well and healthy; it may be keeping them alive. There are far too many heart-wrenching stories of people who will cut their prescription or their pills in half so that they can balance their budget. That is not the way to respond to their medical needs. They are told by their physician what that prescription drug intake is to look like for their wellness or their getting well. We ought not cause them to be pushed to the brink where they actually adjust their intake of prescription drugs just to meet a budget.

This closing of this doughnut hole, making prescription drugs more affordable, where we finally in 2020 close it completely—I mean, people have real-

ized already billions of dollars of savings. There have been 5.3 million seniors that have received \$3.7 billion in savings.

□ 2010

Is that something you want to take away? So when this House, with the majority, the three of us obviously said no, but when the majority said repeal, why? What's the replacement? We didn't hear replace, we heard repeal, and it left many stunned in this Chamber because the progress just begun to be tasted was attempted to be pulled away, and it's regrettable.

Mr. GARAMENDI. Well, we heard many, many things during that debate last week that are just, I think, incorrect and inaccurate.

One of them was that the Medicare program was cut and benefits taken away from seniors. It didn't happen. What happened was that about \$50 billion a year of expenditures going to the insurance industry unnecessarily, an unnecessary bonus was removed, that was about \$160 billion, about \$16 billion a year; and then there was the Medicare fraud. That is a big problem and other adjustments, but no reduction in benefits to seniors and, in fact, significant increases.

Mr. ALTMIRE talked about those with the drug benefit, as you did. There was also the prescription drug savings, which, Mr. ALTMIRE, you raised. We also know that every senior now has a free annual health checkup, which is an exceedingly important way of keeping seniors, well, anybody, healthy. You get a checkup—we got blood pressure issues, diabetes issues, other kinds of medical issues—you get ahead of them, and then with the drugs you can keep ahead of them. There are many, many improvements in the Medicare program that are as a result of the bill.

Mr. ALTMIRE, I know that you have been spending a lot of time on these issues, and I thank you for your participation here tonight. If you would like to expand on maybe some experiences in your own district, go for it.

Mr. ALTMIRE. I appreciate the gentleman opening the door for that issue, and health care is just one issue facing American families in the country today. I know that this group that meets periodically when we're done with session to have these discussions, as I'm sure both of my colleagues do, Mr. Speaker, I hear from people in my district after these discussions show up on people's TVs.

I hear from people all over the country, in fact, that say you need to continue talking about the job market, continue talking about infrastructure repair, something we have talked about at length, talk about health care, talk about issues facing small businesses and working families in America, because that's something that I think gets lost in the politicization that

takes place in a Presidential election year. We're starting to head towards that time of the year when politics trumps everything, and it's unfortunate because what gets lost is these are real people. These are real Americans that are suffering in the job market.

Mr. GARAMENDI. Excuse me just for a moment. I noticed in our gallery two gentlemen, soldiers, who are here, both of them wounded in the wars. This is part of a group that comes in here every day when we're in session to watch what we're doing. They just stepped out the door, and I wanted to catch them before they left to recognize them for the services that they provide. They may come back in, in which case I will interrupt you again.

Mr. ALTMIRE. Absolutely, I would agree. I had a chance to chat with them earlier today, and there is no group that should stand ahead of our Nation's veterans when it comes time to making Federal funding decisions, so I'm glad that they are joining us today.

Mr. GARAMENDI. Well, they are coming back, and I just want to, maybe the three of us can simply recognize them for the service that they provided to this country. I suspect that, normally, I see a gentleman that's always escorting them here in the gallery. Normally, they come back with some wound or another, and that's difficult; but I want them to know, and I would ask you to join me in this conversation, to know that this House, Democrat and Republican alike, are determined to make sure that all of our men and women that are returning from the wars, and those that have served even though they were not on the field of battle, deserve both our respect and whatever services they need, veterans services, medical services, and a job.

I thank them for coming here.

Mr. TONKO.

Mr. TONKO. Thank you, Representative GARAMENDI. Let me also thank our military, our active forces out there as we speak who are defending us in some very far-off places, deserted deserts and mountains that extract great courage and commitment to this Nation and her cause.

You know, again, so many veterans returning are looking for work. There ought not be a battlefield in their homeland to find a job, and it's why the American Jobs Act makes it possible for businesses to realize benefits when they hire our veterans, when they hire the active military that are returning, and that's a commitment that ought to be understood by all of us. That's a commitment that should be part and parcel to unanimity in this House. Let's go forward with something like the American Jobs Act.

Mr. GARAMENDI. Well, this is the only thing that's actually been done. When the President last September proposed the American Jobs Act, the

second thing that he talked about was the veterans jobs bill, and it kind of languished around here for a couple of months. It was early September when the President spoke.

Then came this special day every year called Veterans Day, and all 435 of us, we would go home, and we would go to the veterans parades and, lo and behold, we came back and we found compromise, and we found bipartisanship and the veterans jobs bill actually became law shortly thereafter.

Mr. TONKO. But the full package could have been done, which allows for even more opportunity for our veterans if we're hiring police officers and firefighters and educators, teachers. We're building the fabric of the Nation and the infrastructure, the human infrastructure that's required to educate our young, protect our neighborhoods, make certain that we're there in response efforts when tragedy hits. These are the things that can also in a broader sense affect positively the employment factors for our veterans. That full package offered the greatest hope.

The fact that we would nitpick and that we would be pushed to pressure points and finally acknowledge the work getting done is not the way to achieve what we know has to happen out there. We've seen the growth, Representative GARAMENDI, of private sector jobs, 29 consecutive months of private sector job growth, well beyond 4 million jobs.

It is a wonderful number, but still a lot of work to do when we think of the Bush recession and the loss of 8.2 million jobs. Now people want to take us back to those failed policies that saw us losing as many as 800,000 jobs a month and say that's the way to move forward. That's moving backward. We need to move forward with efforts like the American Jobs Act.

Mr. GARAMENDI. Mr. TONKO, before we carry further with the American Jobs Act, I know that the two veterans who were here in the gallery were headed out the door when I recognized them, I saw them leave and I wanted to thank them for their service. I suspect that they were headed off to some other meeting, or wherever they were headed; and I don't want to keep them here, but rather just to thank them for their service and to know that 435 Members of this House care deeply about your situation, what you're dealing with, and all of the others that are in the field and have returned, in providing the extraordinary service to this Nation.

Thank you very much, gentlemen.

Mr. TONKO. Yes. We are, in fact, very proud of their efforts and very proud of the training they endure to be able to be the greatest force on the globe, and so we thank them for that.

Mr. GARAMENDI. Exactly.

Now the American Jobs Act had many, many pieces to it; and this is

one of the great what-ifs, you know, one of the woulda, coulda, shouldas. What if back in September this House had actually taken up the elements of the American Jobs Act. There was, I think, almost 250,000 teaching jobs that were in this piece of legislation. There was also almost the same number of police and firemen and public safety officers in the legislation.

It didn't happen and so I know that in my daughter and son-in-law's own school district there have been layoffs because of the economic and financial circumstances of the State of California, and the class size went from 22-23 to 33-34, an extraordinary burden on the kids.

When you're in the second or third grade, you never get a chance to go back and repeat. That's a lost year, and that will carry through perhaps all the rest of your life, that you missed that opportunity to really advance your education.

Just on the educational side, you go, whoa, what if we had another 280,000 teachers in the classroom across America today? How would that advance the well-being of our children? I think it's very clear they'd be far better off, far better off. But it didn't happen.

Mr. TONKO. Representative GARAMENDI, you're offering a very powerful statement, a powerful challenge, the what-if.

When you take that statement and failure to commit to our Nation's children and then contrast that with what's happening in competitor nations, where they're investing in education, investing in higher education, investing in research, investing in advanced manufacturing, these are the challenges that are facing us as a government, as a body, as a House of Representatives.

□ 2020

And if we do not respond accordingly, we're holding back the Nation. We're actually pushing us backward. This discussion here in this House ought to be about moving us forward—moving us forward with progressive policy and investments of human infrastructure.

Mr. GARAMENDI. So the President also talked about building the foundation for tomorrow's economic growth. This is the infrastructure of the Nation—a big word, but one that I think most Americans understand as being the roads, the bridges, the railroads, the sanitation systems, the water systems, the research, the schools. We delayed—I guess all of us, in some respect, but really the Republicans in this House controlled this—the transportation bill. We delayed the implementation of the reauthorization of the transportation bill until the middle of the construction season. Just 2 weeks ago, we actually passed a 2-year transportation authorization program—very, very important and very bene-

ficial. But what if that had happened last September? We lost half of a construction season and States and localities were unable to plan and put in place the projects that they needed to put in place because of the dilly-dallying and the delay that went on here.

We'll take some of the blame on our side, but we don't control the legislation. It's controlled by our Republicans here. Ultimately, they were unable to even put a bill out. The Senate did put a bill out; and I thank Senator BOXER from California, the lead author on that, and the minority leader, and in her committee the two of them came together with a bipartisan bill. It finally got done. We're thankful for it.

But the President wanted to go beyond that. He wanted to establish an infrastructure bank, one where we could literally invest some public money, some private money, and go about building projects that have a cash flow, like a toll road or a sanitation plant or a water system where people pay a fee and there's a cash flow so that we can really build the infrastructure of this Nation. But it didn't happen.

Mr. TONKO. Representative GARAMENDI, as you're speaking, I'm thinking of those "golden moments" in our history replete with those statements made by the Nation—this Nation—of investing, especially in tough times.

You know my district. I've described it several times. It's the confluence of the Hudson and Mohawk Rivers and the donor area to the eastern portions of the Erie Canal. In very tough times, Governor DeWitt Clinton proposed—

Mr. GARAMENDI. This was the Governor from New York, not from Arkansas.

Mr. TONKO. Right. He proposed a canal system, in tough times, saying we need to invest our way through this. There's a way to grow a port out of this town called New York. And there's a way perhaps that there will be a ripple effect, which there was, with the birthing of mill towns, a necklace of mill towns that became the epicenters of invention and innovation. And it drove a westward movement so that it headed toward California. It drove an industrial revolution, sparking all sorts of opportunity and activity, driven by a pioneer spirit that is unique to this Nation.

And our collection of stories of journeys to this Nation with people embracing nothing but this noble dream—an American Dream—that transitioned a rags-to-riches scenario, that's what it's all about. It's us in our finest moments. And why not today, as we have these inordinate needs to invest in the people, invest in jobs, understanding the dignity of work, underpinned by the effervescence of the pioneer spirit that is, I think, part and parcel of our DNA. It is within our fabric as a Nation

to have that pioneer spirit. We're denying it. We're denying that spirit.

Mr. GARAMENDI. Well, you just talked about history here. Actually, your Governor, DeWitt Clinton, really did lead a major infrastructure project. Now, California was the Gold Rush. It's very interesting to go back through the old writings; and the folks from the East, New York and around, traveled up the Erie Canal to the Great Lakes to Chicago and then from there on. And they also left—and these are my relatives—the port of New York, which was built as part of the infrastructure, to travel to the Panama and then across the Isthmus of Panama and then up the coast of California. So my own relatives took advantage of those two infrastructure projects that you talked about.

However, your Governor was building off some of the work of the Founding Fathers. There's a lot of talk around here that there's no role for government in the economy. Well, George Washington disagreed. And his Treasury Secretary, Alexander Hamilton, disagreed. And they had a debate with Jefferson, who thought that we ought to be an agrarian State; and George Washington and Hamilton thought there was a role for industrial and for manufacturing. And so George Washington in his very first days as President told Alexander Hamilton to put together an industrial policy for America. And there were about, I think, nine points or maybe 12 points in that industrial policy. One of them was: build the infrastructure. It specifically said canals and harbors.

So this goes back to the very beginning of our country. What the President wanted to do and what we Democrats want to do is to build the infrastructure, the foundation upon which the economy grows. And we can do it. We can pay for it because every dollar we invest in the infrastructure immediately turns around and develops \$1.75 of growth in the economy. So it's not money down a rat hole. It is money that builds the foundation and then expands the economy immediately. It is the very best way to put people back to work immediately, together with education.

Mr. TONKO. The reach that we ought to make to our history, to let it speak to us, the reach we ought to make to the boldness that we embraced in times that preceded us ought to speak to us, ought to feed our soul, ought to feed our mindset. The courageous steps that we were asked to take that we took together as a Nation, committed to a cause, this is the sort of leadership that I think is required. The President is asking us to respond in very challenging times to these orders of investment.

Now, I can tell you in my district, the birthplace of the Erie Canal, mill towns that have achieved and changed

the quality of life of peoples around the world, we're watching nanotechnology, semiconductor science, advanced battery manufacturing, chips manufacturing, a growth area happening within the capital region of New York, all built upon, I think, a public-private sector partnership, government inserted in a way that provides for the priming of the pump that goes where you absorb risk which, perhaps, the private sector won't take. And we're now seen as a global center of operations in certain areas. And it's growing and it's expanding. Now is not the time to walk away from that progress. Now is the time to invest in these dreams—these American dreams that people have always seen as the nobleness of the American saga.

Mr. GARAMENDI. I want to just pick this up. I do want to come back to our manufacturing policies before we wrap up here. But before we do, just to pull together the American Jobs Act that the President proposed back in September, A, folks, it did not increase the deficit.

□ 2030

The program was paid for, paid for by changes in the tax policy of the United States, policies that the President continues to talk about today that we eliminate the tax benefits that go unnecessarily to the oil company, the oil industry. Some \$5 billion to \$15 billion a year of subsidy is going to the wealthiest industry in the world. Pull those back. And the extraordinarily low taxes that have been available to the super rich, the top 1 percent, restore those to the Clinton era tax and other tax proposals that he had made so that the proposal was fully paid for—not decreasing the deficit but rather putting people back to work and creating the jobs that are necessary to move the economy and to get the American middle class back into the game so that they can prosper and so that we can rebuild those American manufacturing jobs, the 9 million jobs in manufacturing that were lost between 1990 and 2010.

Keep in mind that over the last 29 months, there has been private sector job growth every one of those 29 months. And so when people say, no, no, it's not good; say, it's not good enough, but at least it is happening. Men and women are going back to work in the private sector. The public sector continues to lose jobs and continues to shed jobs. But on the private sector job side, in part because of the policies we've been talking about here and the inherent strength of the American entrepreneurial and business spirit, people are coming back, not as strong as we want, but if the American Jobs Act were in place in its fullness, we would be moving towards a more balanced budget, reducing the deficit, and putting people back to work. We're

not there yet, but we've not given up on this. And one of the major pieces in this is what we call Make it in America, because manufacturing matters.

I know in your district you've been talking a lot about this Mohawk Valley and about this great history. I'm not going to let you continue on without saying, hey, I'm from California. And we know entrepreneurship, and we know about the next generation of jobs and the next innovation. But New York still is there, and we'll vie with you for the best in the Nation.

Mr. TONKO. Absolutely. And I see the order of progress, Representative GARAMENDI, that we've achieved in that private sector that you just outlined. And it's regrettable that the solution for which the President is calling to provide for the public sector side, which would speak to greater numbers of employment, because we've taken that 4 million-plus in the private sector and reduced the overall results by losing some public sector opportunities which speak to soundness of community, public safety, educating the young, and providing for public protection out there. These are important aspects of quality of life. They ought to be embraced.

So we've denied part of the President's agenda. We've recognized the success and strength part of his plan, but there's been this partisan divide, there's been this holding back on progress because perish the thought if the White House should look good in this comeback from a recession.

Well, you need to place—we need to place the public good, the Nation's good, ahead of partisan divide. It is absolutely essential. And to then criticize the President by restraining some of the progress that he's been trying to cultivate and saying he's not cleaning up the mess quick enough, well, there was a huge mess delivered just before he assumed office—8.2 million jobs is a tough situation from which to walk forward from. And I think that there is a solution there, and we ought to work and put America first, the needs of this Nation first so as to be able to continue to walk forward and not negate any of the progress that we're achieving.

Mr. GARAMENDI. Let me pick up one of the issues the President has been talking about recently, and we actually worked on this more than a year and a half, almost 2 years ago, and that was the tax policy. At the outset, I talked about policies, tax policies being one of them. American tax policies until December of 2010 actually allowed and gave to American corporations a tax reduction, a tax break when they offshore jobs. Send a job overseas and reduce your taxes. Hello? How could that be?

I don't know where it came from, but that was the law of the land until the

Democrats, then in control of Congress, pushed through a piece of legislation that ended \$12 billion a year of tax breaks for corporations that offshored, sent jobs overseas.

I will just note parenthetically that not one Republican voted to end that extraordinarily damaging tax proposal that rewarded companies with lower taxes when they offshored jobs. Not one Republican voted to repeal that law. However, the Democrats stood together, the President signed that, and it is now the law. There is still about another 4, 5, maybe \$6 billion of tax breaks that companies get when they offshore jobs. We've been working to eliminate those, and the President talks about it very often. He also talks about something that we should do, and that is to reward the onshoring of jobs.

When companies bring the jobs back home, they should receive a tax break. When you want to send jobs offshore, you should receive a penalty and certainly ought not receive a tax reduction. Now, that's good public policy. It hasn't happened. We don't control the House of Representatives, and all tax bills have to start in the House of Representatives. So we keep pleading with our Republican colleagues, please, please, give American corporations a tax break when they onshore jobs, and end the remaining tax breaks for offshoring jobs.

Mr. TONKO. Let me tell you, that is welcome news to my manufacturing base. I hear it all the time. They support the efforts of the President to reward those who produce jobs here in the U.S. and where we provide benefits for returning jobs, onshoring them as you suggest. That is welcome news. That is welcome news to the manufacturing base, as is the call for action by the President for investments in advance manufacturing. And I know that's compete and compete effectively, and to allow for job growth to come via the private sector base.

We need to invest in that new day of manufacturing. It is not dead. I refuse to submit to this notion that manufacturing is dead in this country. It is alive, it is well, and it needs to be refitted so as to be advanced in nature and in character. Let's get moving forward, and let's, again, reward those job creators, not paying people to offshore or send out of this Nation. Our hugest export was jobs in the decade preceding this administration.

Mr. GARAMENDI. You talk about reward and about tax policy, as was I. And let me give you another one, and I know that you and I are working on this together: tax policy. Right now we provide, we Americans provide a tax credit, a tax reduction, for those who

put up solar programs or wind turbines. The thing is, that's our tax money. The question is, where is it being spent? Is it being spent on American-made equipment, or is it being spent on foreign made equipment? All too often, those tax subsidies are used to purchase foreign equipment.

This piece of legislation which I'm working on together with Mr. TONKO, H.R. 613, basically says that if you're using our tax money, for example, the Highway Trust Fund tax money, for buses, trains, or building roads, then you must spend that money on American-made equipment. Similarly, with solar and wind, if you're going to get a tax credit, if you're going to use American taxpayers' money to build something, then it's going to be made in America. We're going to return the American manufacturing by using our tax money on American-made goods and services.

Mr. TONKO, we're nearing the end of our time. Why don't you take a run at wrapping? I get the last 30 seconds. You take the next 90 seconds.

Mr. TONKO. Let me do this quickly, Representative GARAMENDI. We're the greatest nation in the world. I believe our greatest days lie ahead of us. Let us take our golden moments in history when we were faced with heavy challenges, where we responded accordingly with the belief in the worker, belief in the American way, the pioneer spirit, and did it in an order of investment.

Let those solutions-oriented moments speak to us today. We need the soundest of solutions, we need the respect for the American worker, and our greatest days lie ahead. It's a spirit of optimism that we should embrace, a history that ought to challenge, feed us, and inspire us. With that, I thank you for yielding this evening.

Mr. GARAMENDI. Well, Mr. TONKO, thank you for joining us this evening. I thank our two gentlemen from the armed services who were here earlier. And, yes, our best days do lie ahead. It's about public policies, it's about the entrepreneurial spirit, and it's about America's desire to be the best. We're going to make it in America. We're going to make it in America because we will, once again, make things in America. We will rebuild the American middle class.

It's about policy, it's about the spirit of America. It can be done and it will be done, and we're here to see that it does get done.

Mr. TONKO, thank you for this evening.

Mr. Speaker, I yield back the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members that it

is not in order to bring to the attention of the House an occupant in the gallery.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PLATTS (at the request of Mr. CANTOR) for today on account of attending a funeral.

Mr. STIVERS (at the request of Mr. CANTOR) for today through July 27 on account of military service in the Ohio Army National Guard.

Mr. REYES (at the request of Ms. PELOSI) for today and for the balance of the week on account of medical reasons.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker pro Tempore, Mr. LEWIS of California, on Friday, July 13, 2012.

H.R. 3902. An act to amend the District of Columbia Home Rule Act to revise the timing of special elections for local office in the District of Columbia.

BILLS PRESENTED TO THE PRESIDENT

Karen L. Haas, Clerk of the House, reported that on July 2, 2012, she presented to the President of the United States, for his approval, the following bill.

H.R. 4348. To provide an extension of Federal-aid highway, highway safety, motor carrier safety, transit, and other programs funded out of the Highway Trust Fund pending enactment of a multiyear law reauthorizing such programs, and for other purposes.

Karen L. Haas, Clerk of the House, further reported that on July 16, 2012, she presented to the President of the United States, for his approval, the following bill.

H.R. 3902. To amend the District of Columbia Home Rule Act to revise the timing of special elections for local office in the District of Columbia.

ADJOURNMENT

Mr. TONKO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 39 minutes p.m.), under its previous order, the House adjourned until tomorrow, Wednesday, July 18, 2012, at 10 a.m. for morning-hour debate.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized for Official Foreign Travel during the second quarter of 2012 pursuant to Public Law 95–384 are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JANICE ROBINSON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 20 AND MAY 27, 2012

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Janice Robinson	5/20	5/21	Republic of Korea		350.00		(³)				350.00
	5/21	5/24	Peoples Republic of China		1,224.00		(³)				1,224.00
	5/24	5/26	India		579.00		(³)				579.00
	5/26	5/27	German Federation		291.00		(³)				291.00
Committee total											2,444.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

JANICE ROBINSON, June 25, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, BARRY JACKSON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 19 AND MAY 25, 2012

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Barry Jackson	5/19	5/22	Thailand		417.00		15,680.00				16,097.00
	5/22	5/25	People's Republic of China		1,422.00						1,422.00
Committee total											17,519.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BARRY JACKSON, June 25, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, BARRY JACKSON, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 14 AND JUNE 18, 2012

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Barry Jackson	6/15	6/18	Egypt		801.00		8,696.00				9,497.00
Committee total											9,497.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BARRY JACKSON, June 25, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE UNITED ARAB EMIRATES AND AFGHANISTAN, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 1 AND JUNE 5, 2012

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. David Dreier	6/2	6/3	United Arab Emirates		454.00		12,478.00				12,932.00
Hon. David E. Price	6/2	6/3	United Arab Emirates		454.00		12,478.00				12,932.00
Brad Smith	6/2	6/3	United Arab Emirates		454.00		12,478.00				12,932.00
Rachael Leman	6/2	6/3	United Arab Emirates		454.00		12,478.00				12,932.00
John Lis	6/2	6/3	United Arab Emirates		454.00		12,478.00				12,932.00
Hon. David Dreier	6/3	6/4	Afghanistan		28.00		(³)				28.00
Hon. David E. Price	6/3	6/4	Afghanistan		28.00		(³)				28.00
Brad Smith	6/3	6/4	Afghanistan		28.00		(³)				28.00
Rachael Leman	6/3	6/4	Afghanistan		28.00		(³)				28.00
John Lis	6/3	6/4	Afghanistan		28.00		(³)				28.00
Committee total											64,800.00

¹ Per diem constitutes lodging and meals.

² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

³ Military air transportation.

HON. DAVID DREIER, June 29, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO DENMARK AND FRANCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 9 AND JUNE 12, 2012

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Cliff Stearns	6/9	6/11	Denmark		828.00		(³)				828.00
Hon. James Costa	6/9	6/11	Denmark		828.00		(³)				828.00
Hon. John Duncan	6/9	6/11	Denmark		828.00		(³)				828.00
Hon. Mario Diaz-Balart	6/9	6/11	Denmark		828.00		(³)				828.00
Hon. Donald Manzullo	6/9	6/11	Denmark		828.00		(³)				828.00
Hon. Bill Huizenga	6/9	6/11	Denmark		828.00		(³)				828.00
Hon. Corrine Brown	6/9	6/11	Denmark		828.00		(³)				828.00
Hon. Tim Holden	6/9	6/11	Denmark		828.00		(³)				828.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO DENMARK AND FRANCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JUNE 9 AND JUNE 12, 2012—Continued

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Janice Robinson	6/9	6/11	Denmark		828.00		(³)				828.00
Greg McCarthy	6/9	6/11	Denmark		828.00		(³)				828.00
Ed Rice	6/9	6/11	Denmark		828.00		(³)				828.00
Amber Garlock	6/9	6/11	Denmark		828.00		(³)				828.00
Steve Sutton	6/9	6/11	Denmark		828.00		(³)				828.00
Hon. Cliff Stearns	6/11	6/12	France		324.00		(³)				324.00
Hon. James Costa	6/11	6/12	France		324.00		(³)				324.00
Hon. John Duncan	6/11	6/12	France		324.00		(³)				324.00
Hon. Mario Diaz-Balart	6/11	6/12	France		324.00		(³)				324.00
Hon. Donald Manzullo	6/11	6/12	France		324.00		(³)				324.00
Hon. Bill Huizenga	6/11	6/12	France		324.00		(³)				324.00
Hon. Corrine Brown	6/11	6/12	France		324.00		(³)				324.00
Hon. Tim Holden	6/11	6/12	France		324.00		(³)				324.00
Janice Robinson	6/11	6/12	France		324.00		(³)				324.00
Greg McCarthy	6/11	6/12	France		324.00		(³)				324.00
Ed Rice	6/11	6/12	France		342.00		(³)				342.00
Amber Garlock	6/11	6/12	France		342.00		(³)				342.00
Steve Sutton	6/11	6/12	France		342.00		(³)				342.00
Committee total											15,030.00

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. CLIFF STEARNS, June 29, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ESTONIA FOR THE NATO PARLIAMENTARY ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAY 24 AND MAY 28, 2012

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
Hon. Mike Turner	5/24	5/28	Estonia		1,016.36		(³)				1,016.36
Hon. Carolyn McCarthy	5/24	5/28	Estonia		1,016.36		(³)				1,016.36
Hon. John Shimkus	5/24	5/28	Estonia		1,016.36		(³)				1,016.36
Hon. Mike Ross	5/24	5/28	Estonia		1,016.36		(³)				1,016.36
Hon. Gus Bilirakis	5/24	5/28	Estonia		1,016.36		(³)				1,016.36
Hon. Rob Bishop	5/24	5/28	Estonia		1,016.36		(³)				1,016.36
Hon. David Scott	5/24	5/28	Estonia		1,016.36		(³)				1,016.36
Kelly Craven	5/24	5/28	Estonia		1,016.36		(³)				1,016.36
Riley Moore	5/24	5/28	Estonia		1,016.36		(³)				1,016.36
David Fite	5/24	5/28	Estonia		1,016.36		(³)				1,016.36
Greg McCarthy	5/24	5/28	Estonia		1,016.36		(³)				1,016.36
Committee total											11,179.96

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.³ Military air transportation.

HON. MICHAEL R. TURNER, June 21, 2012.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON NATURAL RESOURCES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2012

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.☐											

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DOC HASTINGS, Chairman.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, JOINT COMMITTEE ON TAXATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APR. 1 AND JUNE 30, 2012

Name of Member or employee	Date		Country	Per diem ¹		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²	Foreign currency	U.S. dollar equivalent or U.S. currency ²
HOUSE COMMITTEES											
Please Note: If there were no expenditures during the calendar quarter noted above, please check the box at right to so indicate and return.☐											

¹ Per diem constitutes lodging and meals.² If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

HON. DAVE CAMP, Vice Chairman, July 12, 2012.

EXECUTIVE COMMUNICATIONS,
ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6932. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule — Importation of *Dracaena* Plants From Costa Rica [Doc. No.: APHIS-2011-0073] (RIN: 0579-AD54) received June 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6933. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Tart Cherries Grown in the States of Michigan, et al.; Final Free and Restricted Percentages for the 2011-12 Crop Year for Tart Cherries [Doc. No.: AMS-FV-11-0085; FV11-930-3 FR] received June 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6934. A letter from the Acting Administrator, Department of Agriculture, transmitting the Department's final rule — Pistachios Grown in California, Arizona, and New Mexico; Order Amending Marketing Order No. 983 [Doc. No.: AMS-FV-10-0099; FV11-983-1 FR] received June 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6935. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule — Domestic Dates Produced or Packed in Riverside County, CA: Order Amending Marketing Order 987 [Doc. No.: AMS-FV-10-0025; FV10-987-1 FR] received June 28, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6936. A letter from the Chief, Branch of Listing, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Dusky Gopher Frog (Previously Mississippi Gopher Frog) [Docket No.: FWS-R4-ES-2010-0024] (RIN: 1018-AW89) received June 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6937. A letter from the Branch Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 162(m)(4)(C) — Dividends and Dividend Equivalents on Restricted Stock and Restricted Stock Units (Rev. Rul. 2012-19) received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6938. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — July 2012 (Rev. Rul. 2012-20) received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6939. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Modification to Consolidated Return Regulation Permitting an Election to Treat a Liquidation of a Target, Followed by a Reorganization to a New Target, as a Cross-Chain Reorganization [TD 9594] (RIN: 1545-BI31) received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6940. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Interim Guidance on Tips vs. Service Charges Revenue Ruling 2012-18 received June 27,

2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6941. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Section 3121 — Tips Included for Both Employee and Employer Taxes (Rev. Rul. 2012-18) received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6942. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — PTP-COD Income (Rev. Proc. 2012-28) received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6943. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Disregarded Entities and the Indoor Tanning Services Excise Tax [TD 9596] (RIN: 1545-BK39) received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6944. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Credit for Carbon Dioxide Sequestration 2012 Section 45Q Inflation Adjustment Factor [Notice 2012-42] received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6945. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Qualified Energy Conservation Bonds [Notice 2012-44] received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6946. A letter from the Chief, Publications and Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Election to include in gross income in year of transfer (Rev. Proc. 2012-29) received June 27, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON
PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MICA: Committee on Transportation and Infrastructure. H.R. 1171. A bill to reauthorize and amend the Marine Debris Research, Prevention, and Reduction Act; with an amendment (Rept. 112-584, Pt. 2). Referred to the Committee of the Whole House on the state of the Union.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 4377. A bill to provide for improved coordination of agency actions in the preparation and adoption of environmental documents for permitting determinations, and for other purposes; with an amendment (Rept. 112-596, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 1103. A bill to direct the Secretary of the Interior to develop, maintain, and administer an annex in Tinian, Commonwealth of the Northern Mariana Islands, as an extension of the American Memorial Park located in Saipan, and for other purposes (Rept. 112-597). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 4400. A bill to

designate the Salt Pond Visitor Center at Cape Cod National Seashore as the "Thomas P. O'Neill, Jr. Salt Pond Visitor Center", and for other purposes (Rept. 112-598). Referred to the House Calendar.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 4073. A bill to authorize the Secretary of Agriculture to accept the quitclaim, disclaimer, and relinquishment of a railroad right of way within and adjacent to Pike National Forest in El Paso County, Colorado, originally granted to the Mt. Manitou Park and Incline Railway Company pursuant to the Act of March 3, 1875; with an amendment (Rept. 112-599). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 3706. A bill to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes; with an amendment (Rept. 112-600). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 3404. A bill to establish in the Department of the Interior an Under Secretary for Energy, Lands, and Minerals and a Bureau of Ocean Energy, an Ocean Energy Safety Service, and an Office of Natural Resources Revenue, and for other purposes; with an amendment (Rept. 112-601). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 3397. A bill to modify the Forest Service Recreation Residence Program by implementing a simple, equitable, and predictable procedure for determining cabin user fees, and for other purposes (Rept. 112-602). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 3388. A bill to amend the Wild and Scenic Rivers Act to designate a segment of the Beaver, Chipuxet, Queen, Wood, and Pawcatuck Rivers in the States of Connecticut and Rhode Island for study for potential addition to the National Wild and Scenic Rivers System, and for other purposes; with an amendment (Rept. 112-603). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 3210. A bill to amend the Lacey Act Amendments of 1981 to limit the application of that Act with respect to plants and plant products that were imported before the effective date of amendments to that Act enacted in 2008, and for other purposes; with an amendment (Rept. 112-604). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 2489. A bill to authorize the acquisition and protection of nationally significant battlefields and associated sites of the Revolutionary War and the War of 1812 under the American Battlefield Protection Program; with an amendment (Rept. 112-605). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 4043. A bill to amend title 10, United States Code, to direct the Secretary of Defense to establish Southern Sea Otter Military Readiness Areas for national defense purposes, and for other purposes; with an amendment (Rept. 112-606, Pt. 1). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committee on Natural Resources discharged from further consideration.

H.R. 4377 referred to the Committee of the Whole House on the state of the Union.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 459. A bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States before the end of 2012, and for other purposes; with an amendment (Rept. 112-607, Part 1); referred to the Committee on Financial Services for a period ending not later than July 18, 2012, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(h) of rule X.

TIME LIMITATION OF REFERRED BILLS

Pursuant to clause 2 of rule XII, the following actions were taken by the Speaker:

[The following actions occurred on July 16, 2012]

H.R. 1838. Referral to the Committee on Agriculture extended for a period ending not later than September 14, 2012.

H.R. 3283. Referral to the Committee on Agriculture extended for a period ending not later than September 21, 2012.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mrs. BONO MACK (for herself and Mr. BUTTERFIELD):

H.R. 6131. A bill to extend the Undertaking Spam, Spyware, And Fraud Enforcement With Enforcers beyond Borders Act of 2006, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LIPINSKI (for himself and Mr. JONES):

H.R. 6132. A bill to amend the Federal charter of the United States Olympic Committee to require the United States Olympic Committee to ensure that goods donated or supplied to athletes are substantially made in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. WESTMORELAND (for himself and Mr. NADLER):

H.R. 6133. A bill to provide clarity on the use of National Infantry Museum and Soldier Center Commemorative Coin surcharges, the use of Abraham Lincoln Commemorative Coin surcharges, and for other purposes; to the Committee on Financial Services.

By Mr. FARR (for himself, Mr. PAUL, Mr. COHEN, Mr. ROHRBACHER, Mr. FRANK of Massachusetts, Ms. LEE of California, Mr. HINCHEY, Mr. STARK, Mr. BLUMENAUER, Mr. MORAN, Mr. GRIJALVA, Mr. POLIS, Ms. WOOLSEY, Mr. WAXMAN, Mr. AMASH, Mr. RANGEL, Mr. MCGOVERN, Mr. GEORGE MILLER of California, and Mr. NADLER):

H.R. 6134. A bill to amend title 18, United States Code, to provide an affirmative de-

fense for the medical use of marijuana in accordance with the laws of the various States, and for other purposes; to the Committee on the Judiciary.

By Mr. GEORGE MILLER of California (for himself, Mr. HINOJOSA, Ms. RICHARDSON, Mr. POLIS, Ms. FUDGE, Ms. NORTON, Mr. GRIJALVA, Mr. BISHOP of New York, Mr. DAVIS of Illinois, and Mr. KUCINICH):

H.R. 6135. A bill to increase transparency and reduce students' burdens related to transferring credits between institutions of higher education; to the Committee on Education and the Workforce.

By Mr. MURPHY of Pennsylvania (for himself, Mr. BROWN of Georgia, Mr. TIBERI, Mr. STIVERS, Mr. GENE GREEN of Texas, Mr. GOHMERT, and Mr. ROSS of Florida):

H.R. 6136. A bill to amend the Congressional Budget Act of 1974 to require the Director of the Congressional Budget Office to make all data and other information relating to the estimating of the cost of legislation available on its public website; to the Committee on the Budget.

By Mr. DANIEL E. LUNGREN of California (for himself and Mr. SERRANO):

H. Con. Res. 132. Concurrent resolution providing funding to ensure the printing and production of the authorized number of copies of the revised and updated version of the House document entitled "Hispanic Americans in Congress", and for other purposes; to the Committee on House Administration.

By Mr. MURPHY of Pennsylvania:

H. Con. Res. 133. Concurrent resolution authorizing the use of the rotunda of the United States Capitol for an event to present the Congressional Gold Medal to Arnold Palmer, in recognition of his service to the Nation in promoting excellence and good sportsmanship in golf; to the Committee on House Administration.

By Mr. LIPINSKI:

H. Res. 731. A resolution expressing the sense of the House of Representatives that clothing issued to athletes representing the United States of America should be made in America; to the Committee on the Judiciary.

By Mr. FRANKS of Arizona (for himself, Mr. SHERMAN, Mr. WOLF, Mr. PITTS, Mr. CONNOLLY of Virginia, Mr. SMITH of New Jersey, Mrs. HARTZLER, Mr. VAN HOLLEN, Mr. BURTON of Indiana, Mr. BRADY of Pennsylvania, Mr. JONES, Ms. BUERKLE, Mr. KELLY, Mr. CALVERT, Mr. BILIRAKIS, Mr. FORBES, Mr. ADERHOLT, Mr. SCALISE, Mr. HARRIS, Mr. SENSENBRENNER, Mr. POMPEO, Mr. WALBERG, Mr. MCINTYRE, Mr. CANSECO, Mr. LAMBORN, Mr. POE of Texas, Mr. PETERS, Mr. MARINO, Mr. HUELSKAMP, Mr. SHULER, Mr. GOWDY, Mr. SIRES, and Ms. ESHOO):

H. Res. 732. A resolution calling for the protection of the rights and freedoms of religious minorities in the Arab world; to the Committee on Foreign Affairs.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mrs. BONO MACK:

H.R. 6131.

Congress has the power to enact this legislation pursuant to the following:

Congress has the power to enact this legislation pursuant to clause 3 of section 8 of article I of the Constitution.

By Mr. LIPINSKI:

H.R. 6132.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, Clause 3: The Congress shall have Power * * * To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.

By Mr. WESTMORELAND:

H.R. 6133.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 5 states "The Congress shall have Power . . . To coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures."

By Mr. FARR:

H.R. 6134.

Congress has the power to enact this legislation pursuant to the following:

Article I, Sec. 8 ["to regulate commerce"], and Amendment IV ["to be secure . . . against unreasonable searches and seizures"], and Amendment VI ["the accused shall . . . have compulsory process for obtaining witnesses in his favor . . ."].

By Mr. GEORGE MILLER of California:

H.R. 6135.

Congress has the power to enact this legislation pursuant to the following:

Art. 1 sec. 8, clause 1 and 3

By Mr. MURPHY of Pennsylvania:

H.R. 6136.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 9, Clause 7 of the United States Constitution.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 139: Mr. SIRES.

H.R. 178: Mr. WOMACK, Mr. REED, and Mr. GERLACH.

H.R. 181: Mr. WOMACK.

H.R. 219: Mr. ROSS of Florida.

H.R. 333: Mr. STIVERS, Mr. REED, Mr. YODER, Ms. BONAMICI, and Mr. ISRAEL.

H.R. 458: Mr. CLARKE of Michigan.

H.R. 459: Mr. PALAZZO.

H.R. 574: Mr. SCHIFF.

H.R. 639: Ms. BONAMICI.

H.R. 687: Mr. SCHILLING, Mr. LANGEVIN, Mr. COFFMAN of Colorado, Mr. TIERNEY, Mr. STIVERS, and Mr. ISRAEL.

H.R. 694: Ms. RICHARDSON and Ms. HAHN.

H.R. 726: Mr. WALDEN.

H.R. 733: Mr. RIVERA, Mr. YODER, Mr. TONKO, and Mr. DINGELL.

H.R. 860: Mr. FORTENBERRY, Mr. KISSELL, Mr. LOEBACK, Mr. ROGERS of Alabama, and Mr. BARROW.

H.R. 894: Mr. LARSEN of Washington.

H.R. 905: Mr. NUGENT.

H.R. 930: Ms. TSONGAS.

H.R. 949: Mr. JOHNSON of Georgia.

H.R. 965: Mr. LARSEN of Washington and Mr. MARKEY.

H.R. 998: Mr. WATT.

H.R. 1005: Mr. LARSON of Connecticut and Mrs. MCMORRIS RODGERS.

H.R. 1032: Mrs. MYRICK and Mr. WESTMORELAND.

H.R. 1063: Ms. MOORE.
 H.R. 1172: Mr. DAVID SCOTT of Georgia.
 H.R. 1265: Mr. SHULER.
 H.R. 1325: Mr. KINZINGER of Illinois.
 H.R. 1327: Ms. RICHARDSON, Mr. MCINTYRE, and Mr. GARAMENDI.
 H.R. 1370: Mr. GOHMERT.
 H.R. 1386: Mrs. CAPITO.
 H.R. 1418: Mr. TURNER of New York.
 H.R. 1523: Mrs. DAVIS of California.
 H.R. 1564: Mr. PASCRELL and Mr. FARR.
 H.R. 1621: Mr. MICHAUD, Mr. WITTMAN, Mrs. SCHMIDT, Ms. RICHARDSON, Mrs. BLACKBURN, Mr. MEEKS, Mr. CARNAHAN, Mr. BISHOP of Georgia, Mr. NUNES, Ms. JACKSON LEE of Texas, Mr. KIND, and Mr. TOWNS.
 H.R. 1648: Mr. MURPHY of Connecticut.
 H.R. 1681: Mr. CROWLEY.
 H.R. 1774: Ms. CLARKE of New York.
 H.R. 1775: Mr. NUGENT, Mr. SCOTT of South Carolina, Mr. FORBES, Mr. SCHILLING, Mr. HEINRICH, Mr. WESTMORELAND, Mr. COFFMAN of Colorado, Mr. KING of Iowa, Mr. SHULER, and Mr. LANKFORD.
 H.R. 1810: Mr. KING of New York, Mr. FRANK of Massachusetts, Mr. MURPHY of Connecticut, and Mr. MICHAUD.
 H.R. 1845: Mr. JOHNSON of Georgia, Mr. GALLEGLY, Mr. MURPHY of Connecticut, and Mr. KISSELL.
 H.R. 1876: Ms. BONAMICI.
 H.R. 2020: Mr. HEINRICH.
 H.R. 2051: Mr. BUCHANAN.
 H.R. 2082: Mr. FITZPATRICK.
 H.R. 2130: Ms. HIRONO and Mr. CAPUANO.
 H.R. 2239: Mr. BOREN.
 H.R. 2267: Mr. QUIGLEY Mr. HARPER, Mr. LARSEN of Washington, Mr. CLARKE of Michigan, Mr. LUETKEMEYER, and Mr. CARTER.
 H.R. 2335: Mr. SESSIONS.
 H.R. 2468: Mr. BARROW.
 H.R. 2479: Mr. PAUL.
 H.R. 2499: Mr. CROWLEY and Ms. BONAMICI.
 H.R. 2566: Mr. MORAN.
 H.R. 2637: Mr. DOYLE and Ms. ROYBAL-ALLARD.
 H.R. 2672: Mr. CARNAHAN.
 H.R. 2962: Mr. FITZPATRICK.
 H.R. 2982: Ms. LORETTA SANCHEZ of California, Mr. DAVID SCOTT of Georgia, and Mr. LARSEN of Washington.
 H.R. 3091: Mr. WESTMORELAND.
 H.R. 3179: Mr. AMODEI.
 H.R. 3187: Mr. VAN HOLLEN, Ms. SUTTON, and Mr. LANKFORD.
 H.R. 3238: Ms. FUDGE and Mr. TOWNS.
 H.R. 3242: Mr. CLAY.
 H.R. 3323: Mr. SCOTT of South Carolina.
 H.R. 3395: Mr. LOEBSACK.
 H.R. 3423: Mr. BARLETTA.
 H.R. 3429: Mr. CASSIDY and Mr. SOUTHERLAND.
 H.R. 3496: Mr. DOGGETT.
 H.R. 3510: Mr. BARTLETT.
 H.R. 3553: Ms. CLARKE of New York.
 H.R. 3591: Mr. CRITZ.
 H.R. 3612: Mr. CARNAHAN and Mr. MCINTYRE.
 H.R. 3643: Mr. HIMES.
 H.R. 3728: Mr. SCHILLING.
 H.R. 3762: Mr. BARROW.
 H.R. 3769: Mr. TONKO.
 H.R. 3798: Ms. EDWARDS, Mr. MEEKS, and Mr. SCHIFF.
 H.R. 3803: Mr. LANCE.
 H.R. 3816: Mr. BUCSHON.
 H.R. 3993: Mr. TURNER of New York.
 H.R. 4037: Mr. FALCOMA VEGA, Mr. YOUNG of Alaska, and Mr. HONDA.
 H.R. 4054: Ms. HIRONO.
 H.R. 4057: Mr. HOLT, Mr. HANNA, and Ms. HIRONO.
 H.R. 4066: Mr. KISSELL and Ms. HOCHUL.
 H.R. 4070: Ms. HIRONO and Mr. BACHUS.

H.R. 4124: Ms. HIRONO.
 H.R. 4158: Ms. EDWARDS and Mr. MCCAUL.
 H.R. 4160: Mr. AMODEI.
 H.R. 4169: Mr. HASTINGS of Florida, Ms. MOORE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. BROWN of Florida, Mr. CLEAVER, and Mr. DOGGETT.
 H.R. 4170: Mr. CLAY.
 H.R. 4235: Mr. DEUTCH and Mr. FINCHER.
 H.R. 4238: Mr. WALZ of Minnesota.
 H.R. 4248: Mr. ANDREWS.
 H.R. 4342: Mr. CRAWFORD.
 H.R. 4345: Mr. HARPER.
 H.R. 4373: Mr. GRIJALVA.
 H.R. 4403: Mr. MANZULLO.
 H.R. 4405: Mr. SHIMKUS, Mr. ROSS of Florida, Mr. CARTER, Mr. RIVERA, Mr. CHABOT, and Mr. COBLE.
 H.R. 4818: Mr. KISSELL.
 H.R. 5195: Mr. HINCHEY and Ms. NORTON.
 H.R. 5542: Mr. WALZ of Minnesota, Mr. ISRAEL, Mr. DOYLE, Mr. KISSELL, Mr. GENE GREEN of Texas, Mr. BACA, Mr. DEFazio, and Ms. SEWELL.
 H.R. 5545: Mr. FILNER.
 H.R. 5638: Mr. SCHAKOWSKY.
 H.R. 5684: Mr. BRALEY of Iowa, Ms. PINGREE of Maine, Mr. MURPHY of Connecticut, Mr. HOLT, Ms. SPEIER, Mr. HINCHEY, Ms. HAHN, Ms. RICHARDSON, and Mr. MEEKS.
 H.R. 5707: Mr. WALZ of Minnesota.
 H.R. 5708: Mrs. ELLMERS and Mr. JONES.
 H.R. 5741: Mr. CICILLINE and Mr. SCHOCK.
 H.R. 5796: Mr. LANCE, Mr. MULVANEY, Mr. KINZINGER of Illinois, Mr. DAVID SCOTT of Georgia, Mr. SCHOCK, and Mr. COBLE.
 H.R. 5822: Mr. COBLE and Mr. ADERHOLT.
 H.R. 5840: Mr. SCHIFF, Mr. FLEISCHMANN, Mr. HIMES, Mrs. BLACKBURN, Mr. THOMPSON of Pennsylvania, Mr. COOPER, Mrs. MALONEY, Ms. MOORE, Mr. YOUNG of Alaska, Mr. KILDEE, and Mrs. CAPPS.
 H.R. 5844: Mr. DOYLE.
 H.R. 5846: Mr. TERRY and Mr. LONG.
 H.R. 5850: Mr. DEUTCH and Mr. ISRAEL.
 H.R. 5864: Ms. SUTTON.
 H.R. 5879: Mr. SCHILLING.
 H.R. 5907: Ms. RICHARDSON and Mr. CARDOZA.
 H.R. 5910: Mr. ANDREWS.
 H.R. 5911: Mr. KING of Iowa.
 H.R. 5929: Mr. SCHOCK and Mr. DOLD.
 H.R. 5942: Mr. WILSON of South Carolina.
 H.R. 5943: Mr. BRALEY of Iowa and Mr. KELLY.
 H.R. 5957: Mr. KLINE.
 H.R. 5959: Ms. LEE of California.
 H.R. 5969: Mr. LATHAM.
 H.R. 5970: Mr. LATHAM.
 H.R. 5974: Mr. CICILLINE.
 H.R. 5977: Mr. WAXMAN.
 H.R. 5978: Ms. PINGREE of Maine, Mr. HONDA, Mr. MCGOVERN, and Ms. HAHN.
 H.R. 5979: Mr. PRICE of Georgia.
 H.R. 5990: Mr. JOHNSON of Illinois.
 H.R. 5991: Mr. LUJAN and Mr. AMODEI.
 H.R. 6000: Mr. KLINE.
 H.R. 6003: Mr. STARK.
 H.R. 6009: Mr. GOSAR.
 H.R. 6043: Mrs. MYRICK.
 H.R. 6046: Mr. MILLER of North Carolina.
 H.R. 6062: Ms. HIRONO and Mr. AMODEI.
 H.R. 6063: Mr. SHULER.
 H.R. 6075: Mr. PAUL.
 H.R. 6082: Mr. LAMBORN and Mr. LANDRY.
 H.R. 6087: Mr. KEATING, Mrs. CAPPS, and Mr. CARNAHAN.
 H.R. 6088: Mr. JONES, Mr. PAUL, and Mr. FINCHER.
 H.R. 6089: Mr. YOUNG of Alaska, Mr. DUFFY, and Mr. AMODEI.
 H.R. 6092: Mr. YOUNG of Alaska.
 H.R. 6097: Ms. BUERKLE, Mr. MILLER of Florida, Mr. HARRIS, Mr. COBLE, Mr. BURTON of Indiana, and Mr. HASTINGS of Washington.

H.R. 6107: Mr. WESTMORELAND and Ms. BORDALLO.
 H.J. Res. 78: Mr. STARK.
 H.J. Res. 90: Ms. DELAURO.
 H.J. Res. 110: Mr. WALSH of Illinois.
 H. Con. Res. 87: Mr. CLEAVER.
 H. Res. 134: Mr. HUIZENGA of Michigan and Mr. DENT.
 H. Res. 285: Mr. BLUMENAUER.
 H. Res. 295: Mr. LATHAM.
 H. Res. 298: Mr. YODER and Mr. RANGEL.
 H. Res. 341: Mr. YODER.
 H. Res. 351: Mr. HURT, Mrs. BLACKBURN, and Mr. ROE of Tennessee.
 H. Res. 484: Mr. AL GREEN of Texas.
 H. Res. 652: Mr. PAULSEN and Mr. ELLISON.
 H. Res. 662: Mr. WESTMORELAND.
 H. Res. 687: Mr. VISCLOSKEY.
 H. Res. 713: Mr. CLEAVER, Ms. LORETTA SANCHEZ of California, Ms. CLARKE of New York, Ms. BALDWIN, Mr. COHEN, Ms. WATERS, Ms. LEE of California, Ms. SPEIER, Mr. FRANK of Massachusetts, Mr. FATTAH, Mrs. CHRISTENSEN, Ms. CHU, Mr. VAN HOLLEN, Mr. HONDA, and Mr. DAVIS of Illinois.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5856

OFFERED BY: MR. KINGSTON

AMENDMENT No. 2: Page 8, line 2, after the dollar amount, insert “(reduced by \$4,100,000)”.

Page 8, line 11, after the dollar amount, insert “(reduced by \$4,200,000)”.

Page 8, line 15, after the dollar amount, insert “(reduced by \$2,300,000)”.

Page 8, line 24, after the dollar amount, insert “(reduced by \$1,900,000)”.

Page 10, line 23, after the dollar amount, insert “(reduced by \$4,000,000)”.

Page 11, line 25, after the dollar amount, insert “(reduced by \$700,000)”.

Page 12, line 17, after the dollar amount, insert “(reduced by \$53,900,000)”.

Page 13, line 9, after the dollar amount, insert “(reduced by \$1,200,000)”.

Page 153, line 15, after the dollar amount, insert “(reduced by \$72,300,000)”.

H.R. 5856

OFFERED BY: MR. POE OF TEXAS

AMENDMENT No. 3: Page 125, lines 17 and 19, after each dollar amount, insert “(reduced by \$1,300,000,000)”.

Page 153, line 15, after the dollar amount, insert “(increased by \$1,300,000,000)”.

H.R. 5856

OFFERED BY: MS. MCCOLLUM

AMENDMENT No. 4: Page 2, line 22, insert after the dollar amount the following: “(reduced by \$96,950,000)”.

Page 3, line 9, insert after the dollar amount the following: “(reduced by \$25,550,000)”.

Page 3, line 20, insert after the dollar amount the following: “(reduced by \$23,710,000)”.

Page 4, line 8, insert after the dollar amount the following: “(reduced by \$23,900,000)”.

Page 8, line 2, insert after the dollar amount the following: “(reduced by \$10,100,000)”.

Page 8, line 11, insert after the dollar amount the following: “(reduced by \$1,360,000)”.

Page 8, line 15, insert after the dollar amount the following: “(reduced by \$2,230,000)”.

Page 8, line 24, insert after the dollar amount the following: “(reduced by \$3,970,000)”.

Page 153, line 15, insert after the dollar amount the following: “(increased by \$187,770,000)”.

H.R. 5856

OFFERED BY: MR. NADLER

AMENDMENT NO. 5: Page 2, line 22, insert after the dollar amount the following: “(increased by \$426,636,000)”.

Page 3, line 9, insert after the dollar amount the following: “(increased by \$217,282,000)”.

Page 3, line 20, insert after the dollar amount the following: “(increased by \$191,935,000)”.

Page 4, line 8, insert after the dollar amount the following: “(increased by \$236,374,000)”.

Page 4, line 21, insert after the dollar amount the following: “(increased by \$49,872,000)”.

Page 5, line 9, insert after the dollar amount the following: “(increased by \$16,690,000)”.

Page 5, line 23, insert after the dollar amount the following: “(increased by \$13,569,000)”.

Page 6, line 13, insert after the dollar amount the following: “(increased by \$15,370,000)”.

Page 7, line 2, insert after the dollar amount the following: “(increased by \$75,780,000)”.

Page 7, line 16, insert after the dollar amount the following: “(increased by \$26,735,000)”.

Page 8, line 2, insert after the dollar amount the following: “(reduced by \$568,000,000)”.

Page 8, line 11, insert after the dollar amount the following: “(reduced by \$295,000,000)”.

Page 8, line 15, insert after the dollar amount the following: “(reduced by \$255,000,000)”.

Page 8, line 24, insert after the dollar amount the following: “(reduced by \$314,000,000)”.

Page 10, line 23, insert after the dollar amount the following: “(reduced by \$67,000,000)”.

Page 11, line 8, insert after the dollar amount the following: “(reduced by \$21,000,000)”.

Page 11, line 17, insert after the dollar amount the following: “(reduced by \$17,000,000)”.

Page 11, line 25, insert after the dollar amount the following: “(reduced by \$20,000,000)”.

Page 12, line 17, insert after the dollar amount the following: “(reduced by \$101,000,000)”.

Page 13, line 9, insert after the dollar amount the following: “(reduced by \$36,000,000)”.

H.R. 5856

OFFERED BY: MR. LANGEVIN

AMENDMENT NO. 6: Page 9, line 6, after the dollar amount, insert “(reduced by \$15,000,000)”.

Page 35, line 15, after the dollar amount, insert “(increased by \$15,000,000)”.

Page 35, line 23, after the dollar amount, insert “(increased by \$15,000,000)”.

H.R. 5856

OFFERED BY: MS. RICHARDSON

AMENDMENT NO. 7: At the end of the bill (before the short title), insert the following: SEC. _____. None of the funds made available by this Act may be used to reduce the number of C-17 aircraft of the Armed Forces.

H.R. 5856

OFFERED BY: MR. BLUMENAUER

AMENDMENT NO. 8: Page 9, line 6, after the dollar amount, insert “(reduced by \$88,952,000)”.

Page 16, line 24, after the dollar amount, insert “(increased by \$88,952,000)”.

EXTENSIONS OF REMARKS

VICTIMS OF COMMUNISM
MEMORIAL FOUNDATION

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mr. ROHRABACHER. Mr. Speaker, I submit a speech by former House Member Joseph J. DioGuardi which highlights the disastrous effects Communism had for the Albanian population in the Balkans and the ongoing efforts of the people there to find healing. The following is a copy of those remarks.

VICTIMS OF COMMUNISM MEMORIAL

The Honorable Joseph J. DioGuardi

I want to thank the leaders of the Victims of Communism Memorial Foundation, especially Dr. Lee Edwards and Ed Priola. And, on behalf of all Albanians and freedom-loving people everywhere, I hasten to commemorate here today the historic deeds of the late Congressman Tom Lantos, who cofounded this Memorial with President George W. Bush, and who was the original architect of the full diplomatic recognition of Albania by the United States in June 1990 and the independence of Kosovo in February 2008.

I also want to thank my good friend Congressman DANA ROHRABACHER, who supported this memorial from the beginning, but could not be with us today.

My wife, Shirley Cloyes, a recognized Balkan scholar, is also here. She just wrote an article for this occasion, entitled "The Denial of Memory: It Is Time for Albania To Confront Its Communist Past." Copies will be available for those who are interested at the reception.

Let me also introduce Pellumb Lamaj and Rajmond Sejko, survivors who spent years doing hard labor in one of the most brutal prisons in Communist Albania, called Spaç. (You can read about their stories in Shirley's article.)

Annette Lantos, 22 years ago, almost to the day, your late husband, Tom Lantos, and I were the first U.S. officials in 50 years to enter the State of Albania, then still under the boot of communism. (You were with us on that historic day.) We went with a strong message, after crossing the border from Kosova, which was under the Serbian Communist regime's brutal occupation. We told Communist Dictator Ramiz Alia that the Berlin Wall had been torn down in October (1989), and that it was time to tear down the Communist iron curtain still separating Albania and the Albanian people from democracy, Europe, and the rest of the world. Annette, we started a movement. Within weeks, people were rushing into foreign embassies seeking asylum, and by September 1990, a huge boat loaded with thousands of freedom-seeking Albanians left the port of Durres for the shores of Italy, much like my father's Albanian ancestors did in the 15th cen-

tury to escape the onslaught of the Ottoman Turks.

But here we are today—to pay tribute to the victims of communism all over the world. I want to say a few words about the most brutal atheistic Communist regime that held the Albanian people hostage in their country, which was turned into a prison through state-sponsored terror, with crimes against humanity as its hallmark. The Albanian people had fought hard against the Italian fascist regime under Mussolini and the German Nazis under Hitler. Their honor code of besa (trust/faith) gave them the strength, moral and physical, to save every Jew in Albania and over 2,000 who fled there from Yugoslavia and Western Europe for protection during the Holocaust. Unfortunately, the Albanian people were betrayed during World War II by a new leader, Enver Hoxha, who replaced Nazi occupation with the most brutal Stalinist Communist regime anyone could imagine, for 45 years.

Hoxha's aim was to kill the freedom-loving spirit of the Albanian people and to destroy their communal soul in favor of building a totalitarian state under the rule of his Communist Party. His psychopathic regime instilled fear and terror in every household—fear of strangers, fear of authority, and even fear of betrayal by family, friends, and neighbors seeking favor with Communist officials. Hoxha's regime created an inhuman lack of trust in anyone and everything. Husbands could not trust their wives, parents their children, and siblings each other. By breaking the ancient Albanian honor and trust code of besa, communism created a culture where one had to be constantly on watch and on guard, not knowing where the next threat to life, limb, and family might strike.

This horrible state of terror was "formally" abandoned in Albania in 1992, with the first democratic election. Nevertheless, two decades later, the scars of communism and the twin cultures of fear and corruption still linger in Albania. Political parties openly fight for power, and the spoils of corruption keep the country out of the European Union, while former Communist neighbors, such as Slovenia, Croatia, Romania, Greece, and Serbia, are either already in the EU or on the path to admission.

On behalf of the victims of communism in Albania, Mr. Ambassador (addressing Albanian Ambassador Gilbert Galanxhi), I am taking this opportunity to appeal to your government to bring real democracy to Albania, to apologize formally to the victims of communism and their families, to set up a truth and reconciliation commission, and finally to open the Communist archives for all to see, which will allow families to begin the long process of healing and restore trust in the government and its leaders.

As Shirley Cloyes DioGuardi, Balkan Affairs Adviser to the Albanian American Civic League, wrote in her October 2011 article,

"The Protracted Fall of Communism in Albania":

"I have come to the conclusion in recent months that the biggest mistake in post-Communist Albania was that the criminals of the Hoxha era were not brought to trial and that the country never instituted a truth and reconciliation commission. . . ."

Burying the Communist Albanian past has brought neither justice nor healing to those who suffered. If anything, it has continued their suffering. This reminds me of the Jewish survivors of the Holocaust who were forced to suffer in silence for years until Israel sought to fully reveal the traumatic legacy of Nazism and to shock the conscience of the world—beginning with the capture and trial in 1961 of Adolf Eichmann, one of the chief architects of Hitler's plan to exterminate European Jewry. In Albania, I believe that we need to start the process of healing the pain of the past (a past that is very much alive today) by obtaining from the Albanian government as full accounting as possible of the Hoxha era. The names of those persecuted, imprisoned, and executed by the Hoxha regime should be released to both the Albanian public and the international community.

HONORING THE MEMORY OF
HENRY SCHIMBERG

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mrs. CAPPS. Mr. Speaker, today I rise to honor the memory of Henry A. Schimberg—a talented entrepreneur and distinguished member of the Santa Barbara community. Mr. Schimberg passed away on June 29, 2012 while traveling in Europe with his wife, Marjorie.

Henry Schimberg was born in Chicago in 1933 and went on to attend Beloit College in Wisconsin, where he received his Bachelor of Arts degree in 1954. Henry started his extremely successful career as a truck driver at Royal Crown Bottling Co. in Chicago in 1958. After decades of working in the bottling industry, Henry became the president and COO of Coca-Cola Enterprises in 1990; in 1998 he became the company's CEO. During his tenure, Coca-Cola Enterprises experienced the most financially successful period in its history.

Mr. Schimberg shared a deep passion for ethics with my late husband, Walter. Henry was deeply involved with the Walter H. Capps Center for the Study of Ethics, Religion, and Public Life at the University of California, Santa Barbara and the Center's efforts in developing a strong sense of personal and business ethics among future business and corporate leaders. The Center's annual undergraduate seminar, "Ethics, Enterprise, and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Leadership," is an innovative course designed in part by Mr. Schimberg that introduces students to the diverse frameworks of ethical decision-making and teaches them to evaluate actual corporate and business dilemmas from ethical, legal and business perspectives. Henry was a regular speaker at the course and was greatly admired by his students and the faculty at UCSB. I have no doubt that his legacy will be carried on through this wonderful course that upholds values dear to his and my family's hearts.

Henry is survived by his wife, Marjorie; son, Aaron Schimberg and his wife Vanessa; daughter, Alexis Schimberg and her husband Jason Rothenberg; and his siblings, Elsa Dimick, Deedee Gartman and her husband Jerry; and Jake Schimberg and his wife Hollie.

Henry's passing has been felt deeply by the many people who were touched by his life and accomplishments. The Santa Barbara community will miss an invaluable leader and friend. I offer my most heartfelt condolences to Henry's family and friends. Please join me in honoring this exemplary American.

INDIAN HEALTH CARE
IMPROVEMENT ACT (IHCA)

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mr. YOUNG of Alaska. Mr. Speaker, I would like to speak to a provision of the Affordable Care Act (ACA) that I believe should be exempted from the wholesale repeal of ACA, and that is section 10221—which is the Indian Health Care Improvement Act (IHCA) provisions of the bill. I urge my colleagues in the House of Representatives not to forget that with the repeal of the Affordable Care Act, there would also be a repeal of the permanent reauthorization of the IHCA, which ensures that American Indians and Alaska Natives will have access to improved health care.

The IHCA amendments enacted in 10221 of ACA were developed completely separate from ACA and had a distinct legislative history. The IHCA amendments were developed in a more than decade long process involving tribes, tribal organizations of the federal government on how best to update the quite out of date IHCA—which had its last major reauthorization in 1992.

While I was a proponent of considering the IHCA independently, ultimately the IHCA provisions were included in ACA. The ACA was a legislative vehicle that was moving so that the IHCA provisions could finally be enacted.

There are a number of key provisions within IHCA that will greatly enhance the well being of tribal communities. Such provisions include: new and expanded authorities for behavioral health prevention and treatment services; authorities for demonstration projects including projects for innovative health care facility construction and health professional shortages; and authority for the provision of dialysis services.

The health of American Indian and Alaska Native people, who already endure some of the largest negative health disparities, should

not be negatively affected because the IHCA provisions, through chance, were included in ACA.

HONORING DR. LAWRENCE
CARUTH

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mr. MARINO. Mr. Speaker, I rise today in honor of my constituent, Dr. Lawrence Caruth, and congratulate him on the occasion of his retirement.

Born in 1937 in Sterling Township, Wayne County to Stanley and Ruth Caruth, Lawrence worked on his family farm until entering Gettysburg College in 1957. In 1955, at the age of 17, Lawrence enlisted in the Pennsylvania National Guard. After participating in the Reserve Officers Training Corps throughout college, Lawrence was awarded the rank of Second Lieutenant. In 1965, he earned his Doctorate in Dental Medicine from the University of Pennsylvania and opened his dental practice in Honesdale in 1969.

Dr. Caruth served as an innovator in his field, introducing many dental technologies to the community. He also worked to provide patients with more convenient care, bringing specialists from the Scranton area to his office in Honesdale. In 1975, Dr. Caruth's practice developed into the Cherry Ridge Dental Center, where he had thirteen specialists working in his facility.

While continuing his practice at Cherry Ridge Dental Center, Dr. Caruth served as a Liaison Officer for West Point Military Academy, as well as a Dental Officer, Chief, and Commander for 317th Medical Detachment in Scranton. He was one of few dentists to ever command an Army Hospital when he was Commander of the 322nd General Hospital.

After an illustrious career with the U.S. Army, Dr. Caruth retired in 1997 with numerous medals, including the Legion of Merit Medal, the Meritorious Service Medal, the Army Commendation Medal, and the National Defense Service Medal with One Service Star.

Dr. Caruth has remained an active member of his community, serving as previous President and current Treasurer of the Honesdale Rotary Club. He is also a member of the American Dental Association, the Pennsylvania Dental Association, the Scranton District Dental Society, the American Legion, and has previously served on the Cherry Ridge Planning Commission.

Lawrence is the father of two, Edward and Amy Beth, and the grandfather of five. He still resides in Honesdale with his wife Betty.

Mr. Speaker, I rise today to honor Dr. Lawrence Caruth, and ask my colleagues to join me in praising his commitment to Pennsylvania's 10th Congressional District.

A TRIBUTE TO HONOR THE LIFE
AND MEMORY OF ROBERT
KIRKMAN ARNOLD

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Ms. ESHOO. Mr. Speaker, I rise today to honor Robert (Bob) Kirkman Arnold, who passed away on May 22, 2012 at the age of 88 in Palo Alto, California, surrounded by his loved ones. Bob is survived by his wife Carrie Knopf, his three children, Kirk, Kevin and Michael, their spouses and his three grandchildren; by Carrie's three children, Bret, Karen and Clay, their spouses and by her six grandchildren.

Raised in San Francisco by his parents, Agnes and George, Bob attended Lowell High School where he was Senior Class President before graduating in 1941. He met his late wife, Margaret "Peg" Koshland, while attending the University of California at Berkeley. At 6'4½, Bob played center on the Bears basketball team, where he was known as "Hap" Arnold. Bob and Peg were married in March, 1945.

After World War II broke out, Bob volunteered for the U.S. Army but the war ended before he arrived in Japan. Upon returning home, he resumed his education at U.C. Berkeley, earning a Ph.D. in Economics. He moved to Palo Alto, where he and Peg raised their three children, Kirk, Kevin and Michael. Bob was an economist at Stanford Research Institute until 1969, when he and Stephen Levy founded an economics consulting business called The Center for the Continuing Study of the California Economy.

Bob ran for Congress in 1968 on an anti-war platform. While he didn't win the primary, he won many hearts and minds. He was devoted to finding novel ways to educate the public on economic topics, and he was always ready to join a march, give a speech, or offer his support to help the causes in which he believed.

Peg passed away in 1999, and in 2005, Bob married the lovely and wonderful Carrie Knopf from Palo Alto. Carrie and her late husband, Kermit Knopf, had been friends with Bob and Peg for many years. Bob and Carrie were inseparable and enjoyed 13 wonderful years together with their families.

Mr. Speaker, I ask my colleagues to join me in extending our deepest condolences to Mr. Arnold's wife, Carrie Knopf, and their entire family. Bob was a wonderful man who brought much joy to the lives he touched and he will always be remembered for his integrity, intelligence, storytelling, limericks, exuberant good humor and the unmatched positive energy and passion he shared with everyone. He bettered our community and strengthened our country.

DR. QANTA AHMED'S TESTIMONY
TO HOMELAND SECURITY COM-
MITTEE ON THE 'THE AMERICAN
MUSLIM RESPONSE TO HEAR-
INGS ON RADICALIZATION IN
THEIR COMMUNITY'

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mr. WOLF. Mr. Speaker, I submit insightful and compelling testimony given by Dr. Qanta A. A. Ahmed before the House Homeland Security Committee last month. I commend Chairman PETER KING for continuing this series of hearings looking at the challenge of radicalization in the U.S. and how it impacts the American Muslim community.

I urge all of my colleagues to read Dr. Ahmed's testimony, especially given her firsthand experience with radicalized youth in Pakistan and her recent series of columns and editorials on the threat of radicalization in the West.

THE AMERICAN MUSLIM RESPONSE TO HEARINGS ON RADICALIZATION WITHIN THEIR COMMUNITY—CONGRESSIONAL TESTIMONY TO THE U.S. HOUSE OF REPRESENTATIVES COMMITTEE ON HOMELAND SECURITY, WASHINGTON DC, JUNE 20TH 2012

Qanta A. A. Ahmed MD, FACP, FCCP, FAASM, Associate Professor of Medicine, The State University of New York, USA

Good morning. Thank you Chairman King and Ranking Committee Member Congressman Thompson and distinguished members of the Committee for the opportunity to testify today on such an important issue.

MY MUSLIM IDENTITY

I am a British citizen, and a Permanent Resident in these United States where I have made my home for fourteen years. I am a practicing physician and a practicing Muslim. Religion stems from the etymological Latin root *relegere*, meaning to be gathered or bound together. An individual's narrative of his or her religious experience is often a catalogue of relationships and my Islam is no different, beginning with the gift of Islam from my parents.

There is no divide between any of my multiple roles as I have learned following the example of my parents, both of whom remain true to their faith without encroaching upon the public space yet always espousing pluralism and tolerance. They raised me to observe Islam in the same manner.

I pray, I fast during Ramadan, I find worship in my work and I have also completed the Hajj—the Muslim pilgrimage to Mecca. Each year I am fortunate to be able to exceed the Islamic duties of charity required of me annually. My parents support my views which I express here in this chamber today and all of my actions which have led me to this moment. As a family, for generations, we have explicitly repudiated all forms of violence—including those conducted in the name of Islam—long before the specter of radical Islamism ever blighted these United States.

MY VANTAGE AS AN INTERNATIONALLY
EXPERIENCED MUSLIM PHYSICIAN

In my 21 years since qualification, I have practiced on three continents; here in the Americas in the United States—in both South Carolina and New York, in Europe,

chiefly in London, and in Asia, namely when I practiced medicine for two years, from November 1999 to November 2001 in Riyadh, Saudi Arabia.

This peripatetic path has allowed me to engage intimately with Saudi Muslims as I attended them in their critical illnesses, and later work for many years to improving their public health and that for all Muslim pilgrims to Mecca; and with British Diaspora Muslims as I attended them in Britain's capital. I functioned in these roles as a treating physician, a physician-educator, a physician colleague, a mentor to training doctors. My work has led to numerous publications both in the medical academe and the mainstream media.

For over a decade, I have also been invited to teach and speak at numerous conferences in the Muslim Majority world including for the Saudi Arabian National Guard Health Affairs, for the Saudi Arabian Ministry of Health, for the US Consulate in Jeddah, for the Saudi Arabian Soccer Federation, the American University of Sharjah and other settings. I have also been asked to visit hospitals and meet physician colleagues in Pakistan. Most recently in November 2011, as a visiting professor I was invited by FIFA to the first meetings evaluating impacts of Ramadan on the elite Muslim footballer convening in both Doha, Qatar and in Riyadh, Saudi Arabia.

I have therefore lived among, met, treated, taught, worked with, published with, researched with, befriended and, on occasion, been repudiated and abandoned, by many Muslims in many dimensions.

MY EXPERIENCE OF THE BURDEN OF RADICAL
ISLAMISM ON MY AMERICAN PATIENTS

Currently, my work as an attending sleep disorders specialist involves personally attending to the World Trade Center First Responder patient population of Nassau County at Winthrop University Hospital. Our hospital provides state-of-the-art care to 2500 of these Americans without financial burden each year through the provenance of the Zadroga Bill, spearheaded by Chairman King and his colleagues.

Hence patients in my personal practice today include multiple members of US law enforcement including active duty, disabled and former NYPD, active duty FBI agents, active, disabled and retired FDNY, former members of the New York Federal Crime Bureau and others who are officially designated as World Trade Center First Responders—6000 of the nation's 40,000 first responders live on Long Island. Many of these patients have roles in counter terrorism task forces today.

I treat these men and women for sleep-related complications developed as a result of their service to our nation including obstructive sleep apnea syndrome, post-traumatic stress disorder, anxiety, depression and other conditions. Attending them gives me special insights into the indiscriminate burden of radical Islamism acts born by our community a decade after they assaulted humanity in my adoptive home, New York City, an assault I witnessed from Riyadh, Saudi Arabia.

Understanding the work and the suffering of my patients and the toll it takes on them makes clear to me the enormous sacrifice they and their families make to safeguard us at times of crisis and in between, a sacrifice much of the nation has forgotten, or remains unaware of. As a Muslim meeting these Americans reveals the devastating impact of radical Islamism to which few others—Muslims or non-Muslim—will ever be privy.

MY EXPERIENCE WITH CONTEMPORARY RADICAL
ISLAMIST IDEOLOGY

In Spring 2010, in recognition of my academic work on Hajj Medicine and health diplomacy, I was selected as the first Muslim woman to complete a Templeton Cambridge Journalism Fellowship in Science and Religion at the University of Cambridge in England. Following a meeting with an internationally recognized expert in counterterrorism, I reviewed data exposing me to the brutality of contemporary radical Islamists and decided to focus my fellowship on the psychological manipulation of Islam into the service of terror. I thus specifically evaluated the mechanisms of martyrdom and jihadist ideology as expressed by contemporary radical Islamists. This work both informed my specific knowledge and the many publications I have authored since. My experience of being a Templeton Cambridge Fellow adds special academic context useful to me in interpreting the salient findings of this series of investigative hearings.

As a result of my work at Cambridge, I have met with some of the leading minds approaching counter terrorism studies. One such meeting with one Pakistani neuropsychologist piqued my interest sufficiently to travel to the North West frontier Province of Pakistan (now renamed KPK) in March 2012 to visit Malakand, now secured by the Pakistani military. There, I spent three days at 'Sabaoon', the Pakistani school founded by civilians to deprogram child militant operatives engaged in militancy with the Pakistani Taliban. There I treated local villagers and traveled to nearby Mingora to see rehabilitated child militants readjusting to community life after successful deprogramming.

At Sabaoon, I met with doctors, teachers, psychotherapists, military leaders and the child militant rehabilitees themselves all boys aged between 10 and 20. I was also invited to attend the relatives of these boys for a one day traveling clinic to provide basic medical care during which I met, interviewed, examined and treated the mothers, sisters, grandmothers, siblings, children and spouses of convicted militant operatives, suicide operation 'martyrs' and suspects currently in detention in Saudi Arabia. I recorded many photographs of my visit which I can share in a classified forum if the Committee determines there is a need.

During the visit, though I was not granted clearance to question the students directly, under supervision of my fellow physician colleagues and with the Pakistani Rangers nearby, I was allowed to meet with one 15-year old Pakistani boy in particular. I listened to him for about an hour as he described his transition from a school boy of 13 walking to school, his seduction by an older boy with tales of a 'purer', 'more legitimate' Islam—that of the Taliban's—his voluntary decision to run away and join a network of Taliban militants, his deliberate and very labyrinthine confinements in hiding centers called 'markaz' (centers), his handlers' persistent and successful maneuvering defeating the dedicated efforts of his parents to retrieve him, his training and preparation which he chillingly termed 'Tarbiyyat' which means 'religious education' (consisting of advanced training in the use of a handgun, the deployment of a grenade and the successful detonation of a suicide jacket) and, finally, his ultimate surrender to a police officer in the designated target of attack—a nearby mosque. I have in my possession his de-identified narrative which can be reviewed in a classified forum but as is not available for disclosure in this public record.

This young boy's naïveté, his isolated and distorted world view, his lack of knowledge of Bin Laden or 9-11 and his indoctrination all revealed to me that Islamist ideologies are active, alive and moving ahead far beyond the reach of 20th Century Al-Qaeda ideology. Further, his halting and unconfident Urdu reminded me much of the nascent transition from boyhood to manhood of my own brothers when they were younger, who fortunately have been sheltered from such manipulations by opportunities our family could give them because we are so attached to our native Britain and Islam, not Islamism.

Further, the young boy also revealed his Islamist-indoctrinated hatred of certain sects of Muslims, including Shias who are a minority in Pakistan, his belief that anyone collaborating with a western-dressed individual was an enemy of Islam—including Pakistani troops who are usually dressed in western trousers—and that any who engaged with US troops was also an enemy to Islam.

Exactly these ideologies are being promoted in the United States today, often through portals—whether via internet portals, recurrent migration to Somalia, Sudan, Pakistan, Yemen or other locations, circulated videos, or pockets of extremism in numerous centers of gatherings including mosques and this series of investigative hearings have revealed that. The essential construct is the same—separation, supremacy and unquestioning acceptance of nihilistic ambitions—including the deployment of brutally violent measures—all of which collude to eradicate any other diversity.

Since 2009, I have authored dozens of Opinion columns and Editorials published in the mainstream American, British, Dutch, Israeli and Pakistani press examining the politics and theology of radical contemporary Islamist ideologies.

Unsurprisingly, I have learned the consequences of opining in the free press. I have been subject to personal attack and abuse online. In my journalistic activities I also have learned how difficult it is for American newspaper editors, American network television producers and American media bookers to approach either solicited or unsolicited opinion pieces or television interviews concerning issues pertaining to Islam. There has been a distinct chill in the public discourse including here in the United States which is driven by the rising cries of Islamophobia, the advancing grip of Islamist claims of defamation of Islam which they advance through Islamist Lawfare, the internationalization without protest of Blasphemy laws and the general fear of political 'incorrectness' which leads to an enormous loss of counter-arguments in the debate about Islamism and its distinctions from Islam.

THE REACTION TO THE HEARINGS IN THE MUSLIM COMMUNITY

My community begins with my family who not only supports these hearings but have welcomed them. We have a large family thriving in the United States from coast to coast, settled in this country since the 1960s. One of my family members, my cousin, has served in the United States Navy. Earlier than that, some of my maternal Uncles trained and studied in 1950s America as invited scholars. Many of us are American citizens. We are also very well acquainted with the abuses and discrimination that pass for 'official Islam' as expressed in Islamist Pakistan and are extremely aware of the hazards of empowering those who espouse a supremacist ideology born of Islamism but

masquerading as Islam. To my surprise not a single member of my family discouraged me from participating in these investigative hearings even though they remain aware of the risks this can pose to me in my every day life.

I also have a vibrant Muslim readership among my almost 100,000 readers of my book, who communicate with me through social network platforms, letters and emails or respond on line to articles I have authored in almost every major mainstream publication in the United States. Many of my self-identifying Muslim readers express fear that the investigative hearings will misrepresent Islam and fuel Islamophobia while also expressing excitement that this discussion is entering the public space in such an auspicious arena. Their sentiment about the investigative hearings revolve more around the scrutiny of activities of some Muslim Americans rather than the actual findings of the investigative hearings which few of them could cite.

For my support of these investigative hearings and for my writings sympathetic to the concerns of these investigative hearings I have also been subject to intimidation on Twitter often from self-identifying Muslims who clearly denounce these hearings. Their abusive hostility is largely centered on the claim that my views supportive of these investigative hearings as unrepresentative of Muslim Americans.

On a professional level many of my former academic Muslim colleagues now eschew contact with me as my political voice has become more widely heard, some because of the personal affront it causes them and others because they are beholden to theocratic Muslim states and now see their relationship with me as a risk. It is significant that only one member of my circle of academic Muslim colleagues in the Middle East wrote to me with encouragement. They see my support of America in general as 'collusion'.

A recent publication on Huffington Post is more encouraging of the Muslim American reaction. In it I wrote about my Evolution as an Anti Islamist Muslim and I found it generated an overwhelming response many of them very positive from self identified Muslims who commented my views to be ahead of the public awareness and supported my endeavors and views including my call for the exposure of the imposter of Islamism to be distinguished from Islam.

It is however important to add that as an Anti-Islamist Muslim my community IS America, as Islam demands it, not an enclave within America, but the entire nation. These investigative hearings while entitled to examine the reaction of American Muslims within their communities might be better expressed as our reaction within America because this is what Islam teaches us—that we must collaborate, cooperative, enhance and contribute to the community surrounding us, and not remain in insular, disengaged groups which engender and then empower silos of disconnection and disaffection.

Unfortunately the reaction in wider America to these investigative hearings has been initial vilification and later disdain as manifested by the extraordinary disinterest of the mainstream media in the hard findings of these hearings. This uninformed response has not been redirected by informed motivated media coverage despite the opportunity to redress the balance, revealing the wider media may itself have some discomfort denouncing Islamism.

HOW I INTERPRET THE FINDINGS OF THE HEARINGS

These investigative hearings reveal radicalization is ongoing in multiple sectors

right here in the United States, in our civilian community, in our military community and in our prison community. Muslims in America can be radicalized despite the best efforts of their parents or mentors. We also have learned radicalization in America is usually facilitated by handlers and Islamist seducers who operate on multiple planes using multiple forms of media and are facile at identifying or exploiting the vulnerable. This is exactly how Pakistani Taliban Islamists operate in Pakistan and elsewhere based on what I have seen in person and my extensive reading of, and meetings with, counter terrorism experts. We cannot ignore the domestic risks here and threat both to our national security, and by extrapolation, to international security. I cite a few examples revealed by these investigative hearings:

On December 7th 2011, Daris Long, father of a son murdered by radical Islamists testified "the political correctness exhibited by the government over offending anyone in admitting the truth about Islamist extremism masked alarm bells that were going off. Warnings were ignored, Major Nidal Hassan was able to openly praise the Little Rock shootings in front of fellow army officers and then commit his own jihad". This is consistent with the shortcomings of language and the paralysis of political correctness that I identify as one of the barriers to examining radical Islamism in the United States.

On March 12th, 2011, Melvin Bledsoe testified that his son Abdul Hakim Muhammad was 'brainwashed' by Nashville Muslims leading to his terrorist training in Yemen to return to murder one soldier and injure another at a US military recruitment center. This confirms the same forces seducing a Pakistani schoolboy in the SWAT are at work in the American heartland.

On July 27th 2011, Ahmed Hussien, President of the Canadian Somali Congress recognized our vulnerability in this ideological battle of Islamism with Islam and Islamism's exploitation of victimhood 'There has not been a parallel attempt to counter the toxic anti Western narrative that creates a culture of victimhood in the minds of members of our community.' This confirms the utility to Islamists of cultivating a manufactured sense of victimhood among vulnerable Muslims.

MY MOTIVATION TO ENTER THE PUBLIC DISCOURSE: TO COMBAT ISLAMISM

In the years since 9-11, every Muslim has been compelled to confront his or her identity. This has been a direct function of the martyrdom terrorism acts of 9-11. Since then, the lay audience and much of expert opinion has been unable to separate Islamism from Islam. Today this is our greatest challenge. Distinguishing Islam and Islamism requires nuance and care, which few in the media are prepared to provide or even qualified to identify.

Some, while well intentioned but deeply uninformed, retaliate against the sound intelligence and counter measures that must be taken, including mechanisms such as these investigative hearings, and instead unwittingly collude with the non violent manifestations of the Islamists which have long since evolved to new elements masquerading as the 'peaceful' translators and 'owners' of Islam. I am here to tell you non-violent Islamists are not the owners of Islam nor is their intent peaceful.

I was in Riyadh, Saudi Arabia when the Towers fell. Within hours, I discovered my

sentiments of loss and sorrow were not widely shared, either by Saudi physician colleagues or by fellow non Saudi Muslim expatriate workers, many of whom had been trained by Americans in New York City like myself or other cities in the United States—some of us even shared the same professors of medicine.

This discovery came as a terrible shock to my naiveties at the time and I was patronizingly ridiculed for being so 'pro-American'. I realized the version of Islam my parents had given, and our reverence for the nations who had sheltered and reared me—Britain and the United States—wasn't widely accepted. That fellow physicians, as highly trained and as privileged as I, could be elated at the loss of life and the transient bowing of America's spirit utterly displaced me to a new, harsher reality.

In the wake of 9-11, I saw Osama bin Laden feted as a hero in Pakistan, nation of my matrilineal and patrilineal heritage. On one trip I recall a Pakistani driver in Karachi explaining to me why 7 years after 9-11, Pakistani families were still naming their newborns Osama in his honor. He was still deified, recognized by many as a 'defender' of Islam, a 'warrior savior'. Nothing could be more offensive to my beliefs as a Muslim or my principles as a human being. This was extraordinarily difficult to reconcile with the knowledge that Islam condemns all murder, and particularly the execution of non-combatant civilians in any setting. In my mind Bin Laden and his sympathizers had renounced Islam by their acts and represented nothing more than violent terrorists and those who named their firstborns after Osama were lionizing nothing more than a mass murderer.

Soon after my return from Saudi Arabia, I began to record my experiences in a manuscript that would become my first book, *In the Land of Invisible Women* now in its 10th edition and published in 13 countries including Muslim majority Senegal, Indonesia, Turkey, Pakistan and Mauritius. Realizing I would be representing two versions of Islam—mine, and that espoused by the theocracy of Saudi Arabia—I needed to broaden my reading around key areas.

It was in my reading that I discovered the political ideology termed Islamism, and the many strains of contemporary radical Islamism, both violent and non-violent. I learned unlike my own experience, many Muslims struggled with a pervasive sense of inferiority, influencing their beliefs, sense of justice and identities leading to deep and rather novel resentments. The fascist supremacy of Islamist ideologues was therefore a predictably appealing, if very frightening development, which was completely alien to the Islam I knew.

Over this decade the Islamist voice has become increasingly prominent both in the United States and globally—whether in advancing the intrusion of the ritual symbolism of Islam into the public space—for instance the battle for the niqab in the public arena in France, the demands for the veil to be permitted in FIFA soccer tournaments, or the most recent debacle involving the vilification of the NYPD for their counter terrorism efforts drawing false accusations of Muslim profiling.

Throughout the world, including in the United States, the Islamists' goal is one and the same: to stoke the fires of unwitting Muslims into believing in their own manufactured sense of victimhood as a means to exploit both the uninformed Muslim and often times the liberal democracies where we

make our homes. It is this last fallacy, of collective victimhood, that most fuels my drive to expose Islamism for what it is—a weak yet vicious imposter for a great religion, an imposter which seeks to exploit and devour both Muslims and non Muslims alike in its pursuit for power and dominance. These forces are at work as we testify now in this room at this hearing—an effort by three Muslims which will predictably be derisively labeled as a collaboration in our own persecution. I am here to testify that nothing could be further from reality.

CIVIL LIBERTIES OF MUSLIMS ARE NOT AT STAKE

Many critics of these investigative hearings (both Muslim and not) charge them with a threat to Muslims' civil liberties in America. My most vociferous opponents, referring to Muslims' American civil liberties, state: 'give away your freedoms not mine' (an American Muslim); 'This is not 1910 America and what happened to the Jews—Jews have only just stopped walking on eggshells in America. Watching what's happening to Muslims makes me sick' (an American Jew); 'We need a Rosa Parks to stand up for Muslim rights' (a non Muslim American); 'Park 51 shows Muslims do not have civil rights'; 'some want Lower Manhattan to be 'An American Jerusalem' (a non Muslim American). They identify my support of these investigative hearings as my collusion in the fictional erosion of Muslim civil liberties.

While I respect the fears which birth these concerns, I can firmly strip them aside. Muslims in America do not have the painful history of African Americans or of Jewish Americans. Our privileges as Muslim Americans today have been guaranteed in part by the struggles of the Civil Rights era and by the travails of the Jewish Americans before us. We do not, in any extrapolation, face similar disadvantages as earlier American history reveals. To claim such is a gross distortion of history and demographic data in the United States proves this.

I would also add I denounce the above assertions of an equivalency between the sufferings of other minority populations in America and that of Muslim Americans with some authority. I understand all about being a Muslim woman without civil rights as predicated by my two years living under Wahabi theocracy without any civil or human rights including those Islam bequeathed me 1500 years ago. I also understand the total extinction of civil rights on minorities—both Muslim and non Muslim—as experienced in Islamist Pakistan as described to me by Christians, Ahmadi Muslims and Zoroastrians during my last visit to Pakistan and in my extensive contact with minorities.

I have lived the impact of the Islamist narrative both in Saudi Arabia, during my extensive travels in Pakistan and in my years treating Americans in New York as well as when examining the lives of my orthodox Bengali British migrants in East London or training some of the very neo-orthodox Muslim doctors of that area.

MUSLIMS ARE NOT VICTIMIZED BY THE HOMELAND SECURITY COMMITTEE'S INVESTIGATIONS

As you learn of my biography, know that I am part of an economically powerful American demographic. According to Pew Forum data Muslims are mainstream and mostly middle class. I am rather representative.

Like me, 65% of Muslims in America are first generation and 18% of us have South Asian heritage. The majority of foreign-born Muslim Americans arrived, like me, in the

1990s—50% of us have moved here for economic or educational opportunity—I did so for both reasons. 46% of us are, like me, women, and around 31% are my age—between 40 and 54. We are a multiracial multi-ethnic group with over 68 different nationalities before becoming American. Our income and education reflects the US public and 16% of us earn more than \$100,000 annually compared to 17% of the general US public who do the same—a 1% disparity.

In my native Britain, the income disparity for those Muslims who earn over 40,000 sterling annually is more than 10%. Equivalent incomes earned in France comparing between Muslim and average public show even greater disparity of 12%, in Germany 14% in Spain 19%.

Muslims in America have achieved more, faster, and more often, in America than in any other Muslim Diaspora setting. My experience is very much the mainstream Muslim American experience. I ask the committee to recognize that most Muslims are not mistreated by efforts to protect our integrity as Americans though they are certainly entitled to be offended at these efforts and America guarantees their right to be offended.

The offence claimed by many Muslim Americans whether at the first hearing in this series or for instance pertaining to the NYPD's activities more recently, is misplaced. Instead of denouncing methods of intelligence gathering, Muslims in America should be denouncing the findings of those intelligence missions: the active Islamists among us. The furore has been misdirected, much to the benefit of committed Islamists at work within this nation's borders.

WHY IS IT SO HARD TO DISCUSS THE ISLAMIST THREAT TO THE UNITED STATES OF AMERICA?

There are serious shortcomings of language in engaging in this particular discourse. In the post 9-11 era there has been a gravitation towards extreme speech and a pervasive lack of integrative complexity in public speech as shown by critically important research performed at the University of Cambridge among others. Such lack of nuance is very well exploited by the cultivating Islamist.

The arrival of a sense of 'otherization' of Muslims into the public lens has facilitated the grip of Islamist Lawfare on the public dialogue—fueling both the victimhood of Muslims and the outcries of the offended liberal. The false claims and crocodile tears of Islamophobia and the encroaching advancement of the idea of defamation of religion which is pushed by the Organization of the Islamic Cooperation (OIC) elsewhere, here in America intimidates journalists, news media and others from engaging in dialogue who may face spurious lawsuits if they dare engage in this dialogue.

These profound problems with language have extended to the US government decree banning enforcement agencies from discussing the very threats we have heard at this series of hearings, banning the word 'Islamist' for instance. This sanitization of our lexicon reveals a shocking and perhaps specious reluctance to engage with the problem or worse, a foolhardy embrace, unintentional or otherwise, with the Islamist stance.

IN CONCLUSION

Islam is nothing if not justice. Any injustice committed or pursued in the name of Islam is anathema to the believing Muslim and counter to the ideal which is Islam, yet Islamists demand unjust abominations—foundational to their beliefs—of their subscribers.

Muslims must remember their duties, not only to themselves, or their Maker, but also to their society wherever they find themselves. Unlike Islamism which mandates it, Islam reviles claims to supremacy, instead appealing for humility. The Prophet Mohammed (SAW) himself admonished his followers not to make claims of supremacy over Moses, or indeed any other messenger of God. The Qur'an repeatedly reminds the Muslim that 'to each is sent a Law and a Way' and to each they must 'judge themselves by their Law and their Way'. Islamist Muslims overlook this and many other principles of Islam.

Our role as believers is to cooperate and collaborate and enhance the world, not to oppress, discriminate, exclude or murder others. Major Muslim majority nations under the guise of democracy—foremost Pakistan—are operating as Islamist Supremacists who legally persecute Muslim and non-Muslim minorities to extinction with impunity. These are not the ways of Muslims. These are the ways of fascists.

We must redirect media interpretation and expose their bias and painful lack of contextual perspective while commending the efforts of these investigative hearings in anticipation of future hearings which will surely assess progress, intervention and outcome data of measures enacted since.

We also cannot examine the radical Islamist threat in the United States in a domestic vacuum. This is a transnational, cross-continental issue mandating an international response. While we have been pursuing conventional international warfare and in fact have assassinated the leader of Al Qaeda for instance, we have remained dangerously vulnerable because of our delayed realization of the political science aspects of Islamist ideology and the very serious threat this poses to our democracy. These are vulnerabilities which cannot be safeguarded by drones, or gunships but instead must be secured by counter ideological warfare which begins here, by widening the debate, discussion and scholarship in this arena.

There is an overwhelming need for focused examination of the interface of Islam and Islamism. These investigative hearings provide the first public foray examining this divide in real-time as expressed in contemporary America. Until these questions are asked, and later answered, until more American Muslims confront the discomfort of disarticulation from their unquestioning brotherhood with the 'Ummah' and its worst elements, the shifts between Islam, Islamism and the West, between puritanical Islamists masquerading as Muslims and true moderate non Islamist Muslims, will continue to be tectonic and devastating.

In my position of privilege and opportunity, one shared with many Muslims in America, if I do not oppose Islamism, I am failing in my Muslim duty to American society and in failing American society, I profoundly fail as a Muslim. I am reminded of a saying attributed to the Prophet Mohammed by one of his companions who recounted it to an early believer:

"Whoever sees a wrong and is able to put it right with his hand, let him do so; if he can't, then with his tongue, if he can't, then with his heart. That is the bare minimum of faith".

This, having both hand, tongue, and heart, I am committed to live by and therefore I thank you Chairman King, Ranking Committee Member Congressman Thompson and the distinguished members of the Committee on Homeland Security for enabling me to fulfill the bare minimum of my belief today.

HONORING CHARLES M. "SKIP" RUSSELL

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mr. COURTNEY. Mr. Speaker, I rise today to honor a great constituent. Charles "Skip" Russell of Enfield, Connecticut passed away earlier this week and will be interred with Military Honors at St. Patrick King Street Cemetery. Skip was a mentor and friend to many, coaching Little League for over ten years, and serving as the Past Grand Knight of the Knights of Columbus Council 50. An Enfield resident since 1951, Skip began as an employee of Bigelow-Stanford Carpet Company. He later served as Sales Manager with Nutmeg Building Supplies for 35 years until his retirement in 1992.

During World War II, Skip was also proud to serve his country in both the Merchant Marines and the United States Army. For his years of outstanding service, Skip was awarded the World War II Victory Medal. Committed to supporting veterans and their families, he remained a lifelong member of AMVETS.

Even after his retirement, Skip was a dedicated and active participant in local grassroots politics of Enfield, Connecticut. As a member of the Enfield Democratic Committee, Skip contributed enthusiastically to local efforts. He was always the first at Headquarters to volunteer for projects, and he could always be counted on to have a car trunk full of signs and hand cards, and pockets stuffed with stickers and buttons. Skip was an eloquent supporter of Social Security and Medicare at numerous public forums in the Enfield area. His passion and energy for the political process will be fondly remembered by all his fellow campaigners, as well as the many elected officials and candidates who were fortunate enough to meet him.

Skip Russell's legacy is not just that of a devoted father, husband, and servicemen, but also of an engaged and involved citizen in his local community. Skip will be dearly missed by his wife, children, grandchildren, great grandchild, and all those in Enfield whom he touched with his years of community service. I ask my colleagues to join me in mourning the loss and honoring the life of Skip Russell.

THE EFFECTS OF INCARCERATION
ON THE MENTAL AND PHYSICAL
HEALTH OF FORMER PRESIDENT
CHEN SHUI-BIAN OF TAIWAN

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mr. ANDREWS. Mr. Speaker, as a strong supporter of Taiwan and a founding member of the Congressional Taiwan Caucus, I would like to bring to your attention an issue of concern to Taiwanese Americans and the people of Taiwan.

The former President of Taiwan, Mr. Chen Shui-Bian, is currently serving a 19-year pris-

on sentence for corruption charges. He has been incarcerated for over 1,200 days thus far. Today, I am inserting into the CONGRESSIONAL RECORD a summary report drafted by a three-man medical team led by former professor Joseph Lin, Ph.D., and professors of the University of California at Davis Medical Center, Ken Yoneda, M.D., and Charles Whitcomb, M.D., who visited Mr. Chen Shui-Bian in jail in Taiwan last month in their capacity as private citizens. The report is titled, "The Effects of Incarceration on the Mental and Physical Health of Former President Chen Shui-Bian of Taiwan." A full transcript of the report is available here: http://www.fapa.org/public/CSB_Report_to_TLHRC_12Jul2012.pdf.

These medical professionals traveled to Taiwan in June 2012 to assess President Chen's physical and mental condition, and to inquire into reports of inhumane living conditions and confinement. The physicians concluded that President Chen's imprisonment conditions are contributing to President Chen's health problems. In their recommendations the report concludes: "Former President Chen Shui-Bian [should] be released from confinement on medical parole based on the above assessments, conclusion and recommendations, and on compelling humanitarian grounds."

I am entering this report into the CONGRESSIONAL RECORD and, in light of the conclusions, ask that the distinguished Tom Lantos Human Rights Commission investigate this important case at its earliest convenience.

REPORT TO THE TOM LANTOS HUMAN RIGHTS
COMMISSION, UNITED STATES HOUSE OF REPRESENTATIVES

AN ASSESSMENT AND RECOMMENDATIONS

THE EFFECTS OF INCARCERATION ON THE MENTAL AND PHYSICAL HEALTH OF FORMER PRESIDENT CHEN SHUI-BIAN OF TAIWAN

(By U.S. Citizen Medical Team—Joseph Lin, Ph.D., Ken Yoneda, M.D., Charles Whitcomb, M.D.)

July 12, 2012

SUMMARY

Former President CHEN SHUI-BIAN (CSB) has been in and out of detention since November 12, 2008 and incarcerated in Taipei Prison, Taoyuan County since Dec. 2, 2010. On Monday June 11, 2012 a team of three private United States citizens (a Ph.D. team leader, and two medical doctors) evaluated CSB in Taipei Prison with the purpose of assessing his medical health and the conditions of his confinement amidst reports of his failing health and potential human rights violations. They were allowed to interview and examine him for approximately fifty-five minutes, had access to much of his medical records, and interviewed three independent Taiwanese physicians who had seen him as visitors to the prison but who were not a part of his prison appointed medical team. The visit was followed by detailed discussions with the Taiwan Medical Panel which included the three physicians mentioned above.

CSB has been imprisoned for over four years; sometime in late 2011 or early 2012 he began experiencing increasingly more severe and debilitating symptoms, which culminated in his transport to two different hospitals for medical evaluation. He described ongoing episodes of severe paroxysms of dyspnea (difficulty breathing) with no apparent triggers, accompanied by a sensation of choking and feelings of great dread, as if

he was going to die. These episodes were at times accompanied by chest tightness, a feeling of congestion not allowing him to take either a deep breath in or out. While the episodes have become perhaps less frequent and less severe since he regularly started taking esomeprazole around mid-May, 2012 for gastro-esophageal reflux disease (GERD), esophagitis (inflammation of the esophagus), duodenitis (inflammation of the duodenum) and gastritis (inflammation of the stomach), they continued to be quite debilitating in nature. Even at rest he continued to have a sensation of congestion and the feeling that he could not get a good breath in or out. It is notable that he had never experienced similar episodes prior to his incarceration. As well, he described progressive dyspnea on exertion over the prior 6 months. Previously he could jog approximately 1.5 miles but now he could not walk at a normal pace without getting dyspneic.

Chen is confined to a small cell, approximately 58 square feet that he shares with another inmate, and is allowed to be outside his cell for only one hour a day. Until recently he had been permitted to be outside his cell for only 30 minutes a day. Around May of 20, 2012, it was increased to 60 minutes a day. In contrast, other prisoners are allowed outside of their cells for eight hours a day to work and interact with other prisoners. He stated that his cell is at times cold and damp and at other times hot, humid and damp, having inadequate ventilation and no air conditioning. He sleeps on the floor, which can be cold and damp, and experiences chills despite blankets. He feels depressed, experiencing anger and tearfulness, worries a great deal, has frequent nightmares and feelings of hopelessness that have all worsened with the ailing health of his wife and mother. He denied suicidal ideation, stating the he must fight on for the sake of his family and country. While confined to his cell, he must kneel on the ground to write and consequently suffers from chronic pain in his knees.

Despite good cooperation from the prison officials, extensive consultation with other local physicians, and a thorough review of the available medical records, the three-person team concluded that adequate assessment of CSB's medical condition and his conditions of confinement required further evaluation. They had grave concerns regarding CSB's health and believe that it will continue to deteriorate, should he remain in his present prison confines. Although his evaluations at Taoyuan General Hospital and Chang Gung Memorial Hospital together appear comprehensive and of high quality, his recent hospitalization at Chang Gung Memorial Hospital was limited to around 6 hours and his symptoms remain incompletely explained. His medical evaluation thus remains incomplete. Stress, without a doubt was believed to be a major contributor, if not the major cause of his symptoms, but his symptoms in conjunction with the spirometry (breathing tests) that he was not able to complete satisfactorily, but displayed severely reduced inspiratory and expiratory flows, suggest he may have vocal cord dysfunction (VCD) with severe intermittent vocal cord spasm. This disorder can be very difficult to diagnose and treat and often requires very specialized expertise to accomplish. This problem will likely continue in the presence of his present stressors and will worsen with additional and ongoing stressors. Certainly gastro-esophageal reflux can precipitate and worsen VCD and in his case treatment appeared to have ameliorated,

but had not satisfactorily controlled his symptoms. In addition, the bronchiectasis seen on his chest CT, suggests that he may have been chronically aspirating gastric acid into and damaging his airways. Coronary artery disease and structural cardiac disease did not appear to be the cause of his ongoing symptoms, but conditions such as stress cardiomyopathy, evolving pulmonary arterial hypertension and thromboembolic disease are considerations. His chest x-rays reportedly revealed atelectasis and his bronchoscopy revealed a lesion in his bronchus. Unfortunately, the medical team was unable to personally review his radiographs, bronchoscopy pictures, cardiac catheterization films and echocardiogram to help complete their evaluation.

The individual members (admitted non-experts on international human rights of prisoners) of the medical team all felt that the prison conditions as described to them were unacceptable for the general prison population and they raised concerns regarding the human rights of all prisoners in Taiwan. Furthermore, the team found it deeply disturbing that any prisoner who was this ill, would continually be subjected to these severe conditions. For a former President of Taiwan to be confined under such conditions was considered unimaginable.

The consensus recommendations of the team were that former President CHEN SHUI-BIAN be evaluated at a comprehensive tertiary care center and that the doctors be allowed to fully evaluate him, to review his records in their entirety, to speak to his previous treating physicians and to have access to directly view any and all of his radiographs, spirometry, bronchoscopy pictures, cardiac catheterization films and echocardiogram. In addition, it was concluded that the harsh conditions of his confinement were an ongoing source of great emotional and physical stress and must be significantly improved otherwise his symptoms and his health will continue to deteriorate. As physicians without specific expertise in psychiatry or psychology they could not determine whether CSB met the criteria for an adjustment disorder, major depression or post-traumatic stress disorder (PTSD), but voiced concern that he could develop such problems if his conditions of confinement remained unchanged. They could not offer an expert opinion as to how much his conditions needed to be improved to avoid psychological damage or whether at this point it was at all preventable.

RECOMMENDATIONS

After careful consideration, the team makes the following recommendations:

1. That former President CHEN SHUI-BIAN (CSB) be transferred to a tertiary care medical facility where he could receive subspecialty evaluation care.
2. That consideration be given to the request by CSB and his family that he be evaluated at National Taiwan University Hospital given his familiarity with and trust in the facility where he had previously been evaluated during his Presidency.
3. That he be evaluated by a team of physicians consisting of at minimum the following:
 - a. a physician with specific expertise in vocal cord dysfunction.
 - b. a pulmonologist.
 - c. a cardiologist.
 - d. a psychiatrist.
 - e. a primary care physician or hospitalist.
4. That full pulmonary function testing be conducted including lung volumes and DLCO with particular attention paid to the flow volume loops.

5. That there be a review of his echocardiogram specifically looking for Takotsubo's cardiomyopathy. That his cardiac catheterization film be reviewed.

6. That a review of his chest CT be performed.

7. That a cosyntropin stimulation test, thyroid function tests, ferritin, iron binding capacity and an evaluation of his hepatitis status be considered.

8. That further evaluation and testing would be at the discretion of the evaluating physicians.

9. That there be immediate improvement in his confinement conditions at the very least, in accordance with Standard Minimum Rules of the Treatment of Prisoners (Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July, 1957 and 2076 (LXII) of 13 May, 1977).

10. That a full investigation be conducted by independent third parties specifically human rights specialists to determine if the Taipei Prison authorities are in compliance with international standards of incarceration and if CSB's human rights are being violated.

11. That the Tom Lantos Human Rights Commission convene a hearing to determine the facts and extent of human rights violations concerning the incarceration of CSB.

12. That former President CHEN SHUI-BIAN be released from confinement on medical parole based on the above assessments, conclusion and recommendations and on compelling humanitarian grounds.

Submitted by:

JOSEPH LIN, PH.D.

KEN YONEDA, M.D.

CHARLES WHITCOMB, M.D.

IN HONOR OF CORPORAL JOSHUA
SAMS, UNITED STATES MARINE
SCOUT SNIPER

HON. MICHAEL R. TURNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mr. TURNER of Ohio. Mr. Speaker, today I am speaking in honor of United States Marine Scout Sniper CPL Joshua Sams of Wilmington, Ohio. On January 12th, 2012 while on foot patrol, CPL Sams almost lost his life in an improvised explosive device, IED, explosion in Helmand Province in Deple Marsh Garsha, Afghanistan. Losing both his legs and suffering numerous other injuries, Joshua with only his will to live has come back from the brink of death. His father Peter, who served in the Air Force in the Vietnam War and Joshua's lovely wife Lindsey are the unsung heroes of the family. They have stood by Joshua throughout his recovery. Joshua has always been a winner in the game of life. Whether a star quarterback who led his team towards a championship in high school in Ohio, or on the battlefield of honor, his character, courage, and leadership as a Marine and Scout Sniper have inspired all who have been around him. On this day, in tribute to CPL Sams, remember why we live in such a great Nation, and remember men like Joshua and their fine families who provide the bed of Freedom for all of us. Remember the fallen heroes and their

families. I ask that this poem penned in honor of Joshua and his family by Albert Caswell be placed in the CONGRESSIONAL RECORD.

GOING DEEPPPPPPP!

Going . . .
Going Deepppppp!
All In The Game of Life . . .
What will our hearts so seek?
And so strive for to achieve!
Will we fall short?
Or will we go deep?
All in our hearts of honor,
what promises will we so keep!
All in our souls,
to so strive for and so very deep!
Will we shine bright?
Will we put it all on the line?
Will we make each shot so count,
all in our time to so complete?
Wam!
Bam!
Thank you Sams!
As Hero, your life is one that is ever so very sweet!

Because, on battlefields of honor bright!
There are but all those who so bring their light!

Who aim so very high,
as onto greatness they so set their sights!
Who so make the shot,
and make it count all in that fight!
Who but give all that they've so got!
Who so lead, not follow . . . and that says it all . . . that says a lot!

Or on football fields of green . . .
There are but those who are so seen!
Who come up to the line to so convene . . .
Who do not follow, but so lead!
For in The Game of Life,
every step that we so take,
will our very futures all so make!
All in what we have so left,
until we so take our last and final breath's!
Will this world our lives so bless?
Will we go deep all in our life's quest?
Or will we come up short,
only to in our old ages our lives will we so regret!

When, we so realize . . .
That In The Game of Life, our hearts were not so pledged!

Better to die for something,
than live for nothing at all!
Better to give up your two strong legs,
and walk like a hero and stand ever so tall!
Than, walk on two legs and crawl!
Better to go deep,
and put it all on the line . . . than not at all!

Do we do it?
Do we hear that call?
Or in the end,
are we but left with nothing at all!
For In The Game of Life,
Cpl Sams, you've made a difference with it all!

And still you're coming up to that line,
and going deep with that long ball each and every time!

For, your life has been and will always be,
all about going deep and making that call!
Because, some men are put upon this earth!
To So Beseech Us, To So Teach Us . . . in all their worth!

To Lead one and all!
Yea, you United States Marine . . .
all in your most heroic shades of green!
As a sniper out into that darkness of night,
or in the brightness of day unseen!
Inspiring all of your brothers, fellow Marines!

Yea, just like on those football fields of green . . .

You've always completed the long one,
if you know what I mean!

And then when you lost your legs,
and death was but days away!
You could have given up, and given way!
But, you've got miles to go before your last days!

And you've got hearts to so touch in so many ways!

As you run to day light each day!
And you've got that lovely wife Lindsey who is the love of your life,
and so helped your heart to stay!
And children in the future to so raise someday . . .

For you are the kind of son,
that every Father so wished he so had one!
Marine, for you are a Champion in all that you have done!

And it's not even halftime yet,
and In The Game Of Life you have so many victories ahead my son,
so many Championships to so achieve!
As all in your heart of courage to keep!
As what you've always done, compete!
Because, you put GD in Going Deepppppp!

CONGRATULATING COLONEL AMANDA W. GLADNEY

HON. STEVE AUSTRIA

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mr. AUSTRIA. Mr. Speaker, I rise today to congratulate Colonel Amanda W. Gladney for her outstanding service to our Nation and the United States Air Force.

It is an honor to join the people of Ohio's Seventh Congressional District in congratulating Colonel Gladney upon her relinquishment of command as the Commander, 88th Air Base Wing, Air Force Materiel Command, Wright-Patterson Air Force Base, Ohio.

Colonel Gladney commands one of the largest air base wings in the United States Air Force, with more than 5,000 Air Force military, civilian, and contractor employees. The wing provides support and services to one of the largest, most diverse, and most organizationally complex bases in the Air Force including a major acquisition center, research and development laboratories, a major command headquarters, an airlift wing, and the world's largest military air museum. The base is home to more than 27,000 employees and is the largest single site employer in the State of Ohio.

Colonel Gladney completed the 350 million dollar Base Realignment and Closure Project, including the completion of the Air Force's largest military construction effort since World War II, and drove outreach efforts with 430,000-plus volunteer hours into the local community. I can attest to her solid reputation of dedication to and pride in the men and women of the 88th Air Base Wing.

For her strong dedication of service to our community, I join the people of Ohio's Seventh Congressional District in extending our best wishes upon her new assignment as the Director of Communications for Special Operations Command Europe in Stuttgart, Germany and wish her ongoing success in all future endeavors and in this new capacity.

HONORING THE MACKINAC ISLAND STATE PARK COMMISSION

HON. DAN BENISHEK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mr. BENISHEK. Mr. Speaker, it is my privilege to recognize the Mackinac Island State Park Commission on the occasion of the bicentennial of the beginning of the War of 1812. This war reasserted America's lasting independence and freed our country from foreign invasion.

Mackinac Island played a decisive role in the war effort. Ceded to the United States by Britain in 1796, Fort Mackinac was the site of two battles during the conflict: one in which the fort was captured in a bloodless battle by the British, and another in which American forces bravely attempted to take back the island and its fort, but were ultimately repelled. According to local legend, fallen soldiers of this battle are buried at the Fort Mackinac Post Cemetery, which by custom flies its flag at half-staff to honor the many unknown soldiers buried in its hallowed ground. This war also marked the end of conflict between the United States and Great Britain and ultimately led to peaceful relations with England and Canada, two of our nation's greatest allies.

The Mackinac Island State Park Commission has been a leader in preserving this proud history. Since the site of the first land battle of the War of 1812 and an important memorial to our armed forces are both located on this island, I would like to commend the Commission, its board and its employees for their dedication to the island, its sites, its people, and its organization of this year's bicentennial commemoration.

I wish to extend my best wishes to the people of Mackinac Island, visitors, and the governments of the United States and Canada as they commemorate this solemn and significant occasion.

IN REMEMBRANCE OF DR. ANNA SCHWARTZ

HON. KEVIN BRADY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mr. BRADY of Texas. Mr. Speaker, last month, the United States lost one of its most pre-eminent minds.

Anna J. Schwartz, perhaps the most pioneering economist in her generation, passed away at the age of 96. Dr. Schwartz had considerable impact upon how academics and others think about monetary policy and the role it can play in sustaining the economic health of nations. She was best known for co-authoring, along with Milton Friedman, "A Monetary History of the United States, 1867–1960." The book's thesis attributed the worst depth of the Great Depression to the Federal Reserve's restricting the supply of money, when it should have expanded it. Its conclusions revolutionized both our understanding of that era and how its history was being taught.

The book was instantly recognized as a classic in its field. "Anna did all of the work, and I got most of the recognition," Friedman, who received the Noble Prize in economic science in 1976, observed.

As he did most things, Friedman had that right. Had Anna either been born male or entered the world a generation later, she certainly would have won more plaudits than she did and received those that came her way much earlier in her career.

Yet in many ways, hers was the typical American story, one we would do well to keep in mind as we prepare to celebrate the 236th anniversary of our nation's independence.

The third child of Jewish immigrants from eastern Europe, Anna, at an early age, showed that pioneering spirit that so characterizes the best of America. While at Walton High School in the Bronx, she showed a particular bend for economics, hardly a field known to be hospitable to women. "I found it more exciting than literature or foreign languages." She was only 18 when she graduated from Barnard College. She would be well into middle age when she obtained her Ph.D.

Right until the end, Anna remained active in her field. She lectured officials at the Federal Reserve when she thought they made wrong calls and blissfully engaged in debates in the opinion pages of newspapers to correct misstatements of fact and of economics by columnists she thought incorrigible.

Looking back on her career, she quoted the poet Wordsworth:

"Bliss was it in that dawn to be alive/But to be young was very heaven!"

I ask that the House join in paying tribute to this most inspiring woman and in expressing both our gratitude and condolences to her family.

TRIBUTE TO CARMEN CASTRO-CONROY AND HUD-CERTIFIED HOUSING COUNSELORS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mr. VAN HOLLEN. Mr. Speaker, I rise to bring to my colleagues' attention the "First Person Singular" interview by Amanda Abrams that appeared in the Washington Post magazine on Sunday, July 15, 2012 about my constituent, Carmen Castro-Conroy, the senior HUD-certified housing counselor serving my congressional district.

I commend this article to my colleagues because it highlights the dedication and compassion of the HUD-certified counselors who are assisting those hardest hit by the housing crisis. These counselors, whose services are funded by the federal government, help homeowners who are behind or at risk of becoming behind on their mortgages to analyze their options, prepare modification applications, and advocate on their behalf. Statistics show that homeowners who utilize these counseling services have greater success in obtaining mortgage relief from their lenders than those who do not.

My staff and I have worked with Ms. Castro-Conroy since the housing crisis began. She is a leader in her field—a truly outstanding, professional and dedicated public servant. As Ms. Castro-Conroy notes in her interview, applying for assistance is often emotionally difficult—and made even more so by the poor quality of service homeowners so often receive from the banks. Counselors like Ms. Castro-Conroy help homeowners to navigate these challenges with diligence and care.

I hope that this article will help to educate my colleagues who fund these counseling services and the homeowners who use them about the invaluable services that our HUD-certified counselors are providing.

FIRST PERSON SINGULAR: CARMEN CASTRO-CONROY, 40, GAITHERSBURG, HOUSING COUNSELOR, HOUSING INITIATIVE PARTNERSHIP

(By Amanda Abrams)

We see a lot of families who have either lost their jobs or experienced income reduction through a cut in salary or another type of crisis related to illness, death, divorce, disability. We see all of it. They feel overwhelmed. Our job is to educate them so they can know all the options available and make good decisions.

Losing a home is devastating; just thinking about losing a home is very stressful. It's not necessarily just a house that we're talking about, it's a family. Some clients come to us when things have very much deteriorated, and they're under a lot of stress and their health is at risk. Not everyone will stay in the homes they're in, but it's better to be at peace than to try to keep a home that they cannot afford and end up in a hospital. It's difficult if you've lived in a home for a long time, and it's the only place that you think you're going to be okay.

Many times, even if they have family or friends, they feel embarrassed to let people know what they're going through, so they suffer in silence. I tell them that regardless of the outcome, they're not going to be going through this by themselves. It's my responsibility to encourage them and to lift them up. I tell them, "This is a house; you're bigger than this, and you're going to come out of this stronger."

I hear a lot of judgment out there of people that go into default, but I always think it could happen to anybody. I have clients who never thought they'd be diagnosed with cancer. Never thought they'd lose a husband. Never thought they were going to lose their job. It makes me very conscious about how one day you could think you have everything, and the next day your life could dramatically change.

I just got an outcome this week of a case I opened in January 2011. This was a client whose husband left her with five children to care for. She went from being a stay-at-home mom to finding a full-time job, but her income still wasn't enough to make regular mortgage payments. She just qualified for a permanent modification, so she'll be able to stay in the property.

I love what I do. I was thinking about this during the weekend, during Mass. This is one way to show that you love God, working in the face of people that are in trouble, people that are suffering. Before '08, I was working in a home-ownership education program. We were all pulled out from that to serve in foreclosure intervention counseling. We didn't know how long it was going to last, and now we're in the fourth year of crisis. And we don't see the light at the end of the tunnel.

Mr. Speaker, I am honored that Carmen Castro-Conroy is my constituent and that she is able to provide such outstanding service to so many others.

IN RECOGNITION OF MS. MARIE "RIE" BLAISDELL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mr. PALLONE. Mr. Speaker, I rise today to congratulate Ms. Marie "Rie" Blaisdell. Ms. Blaisdell will be recognized by the Monmouth County Historical Association at the 2012 Garden Party for her outstanding contributions to the association.

Rie Blaisdell has served as a member of the Monmouth County Historical Association since 1959. Ms. Blaisdell continues to volunteer countless hours and is a member of the Board of Trustees. She is a strong advocate for the study of Monmouth County history. Rie is fondly remembered for her role as a docent at Allen House. She often provides animated and historically accurate stories of Revolutionary soldiers for visitors to enjoy. Colleagues continue to applaud Ms. Blaisdell's warm personality, hard work and motivation. Rie Blaisdell continues to personify the qualities of a true historian.

Members of the Monmouth County Historical Association praise Ms. Blaisdell for her instrumental role in launching the Historical Association's first Garden Party in 1975. At its inception, the Historical Association Garden Party included an informal afternoon cocktail party hosted by local residents. Ms. Blaisdell has remained an active Garden Party committee member for 37 years and continues to lend her experience and expertise. Ms. Blaisdell's unending generosity has undoubtedly touched many lives throughout Central New Jersey.

Mr. Speaker, once again, please join me in congratulating Ms. Marie "Rie" Blaisdell for receiving the honor bestowed by the Monmouth County Historical Association. Her dedication and service continues to provide inspiration and insight for future generations of historians throughout Monmouth County and New Jersey.

HONORING THE CITY OF RALSTON, NEBRASKA ON ITS 100-YEAR ANNIVERSARY

HON. LEE TERRY

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mr. TERRY. Mr. Speaker, I rise today to honor the city of Ralston, Nebraska, for its 100-year anniversary.

Ralston is a city with a population of roughly 6,000 people, all of which are extremely hard working and are some of the friendliest people you will meet. It provides its residents with a small town atmosphere inside of Nebraska's largest city.

Ralston was founded in June 1912 with a population of about 200 people. The population continued to grow until March 23, 1913, when a devastating tornado destroyed much of the town. The residents banded together and decided to rebuild a better, more beautiful city.

The city of Ralston is recognized across the State as being a great place to raise a family. The city plays host to family friendly functions throughout the year and works to promote a safe place for families to reside. Ralston has been ranked as one of the top cities to relocate to in America and one of the most secure places to live in America by national Web sites.

Living an active lifestyle is highly valued by the people of Ralston. There are many city-wide events scheduled each month to provide citizens with opportunities to get involved in the community. Ralston has many beautiful parks, campgrounds, and a water and ride park.

The city of Ralston also makes a significant contribution to Nebraska's economy. Members of the Ralston Area Chamber of Commerce work to enhance the city's economy by creating jobs and encouraging the location of new businesses into the community.

Ralston has made meaningful contributions to the State of Nebraska and has been an excellent place for its residents to call home for the last 100 years. I would like to extend my congratulations to the city for a successful century and wish the community many more years of continued success.

NEW YORK STATE AMERICAN LEGION AUXILIARY DEPARTMENT
PRESIDENT ANN GEER

HON. CHRISTOPHER P. GIBSON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mr. GIBSON. Mr. Speaker, I rise today on behalf of the people of New York's 20th District to express our sincere appreciation for the continued hard work, dedication, and contributions made to our communities by New York State American Legion Auxiliary Department President Ann Geer.

Department President Geer has worked tirelessly for over 30 years to serve and protect our veterans' interests. As a 24-year veteran of the United States Army, I am personally humbled and appreciative of all the work that Ann has done. She has been active since 1981 in the Joyce-Bell Unit located in Otsego County, which she was able to join due to her husband Stephen's honorable service during the Vietnam era. After only a short period of time, Ann became the Unit President in 1982, a position she served for six years.

Ann's leadership and incredible dedication resulted in her being selected for every major committee and office position at the unit and county level until being elected as full Department President on July 16, 2011. She has since served with honor and distinction, leading the New York Department at a national level while continuing to serve at the local and State levels.

Beyond her service to our military men and women and veterans, Ann has been an active member of the Unadilla, NY community for the past 31 years. Ann raised her two sons while helping hundreds of other children through her career in education. As a dedicated volunteer and community leader, she was a founding member of the Recreation Commission and is active in the Sidney Community Band, in the Academic Team at Unatego High School, and has served on the Unadilla Community Foundation Board.

For these reasons, I am glad to stand today in recognition of NYS American Legion Auxiliary Department President Ann Geer's service in Otsego County, New York State, and across our country. I am honored to be given the opportunity to acknowledge her dedication to our community and especially our veterans. We all owe her a debt of gratitude and appreciation.

HONORING ANNE MITCHELL
FELDER

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Ms. BROWN of Florida. Mr. Speaker, on behalf of the constituents of the Third Congressional District of Florida and myself, I rise now to offer my heartfelt condolences and pay special tribute to the life of, Ms. Anne Mitchell Felder, a woman of many talents and passions, who honorably served our country in The United States Army, and who worked as an educator and was a faithful servant to her community and church. Anne Mitchell Felder was a hero, humanitarian, community leader and friend.

We are inspired when we recall the accomplishments of a woman whose lifetime of service and dedication served many and whose lasting influence changed the lives of those around her. Beginning her career as an educator at Lincoln High, in Bradenton, Florida for six years, Anne Mitchell Felder went on to serve in The United States Army's, Women's Army Corps (WAC), where she became a medical laboratory technician at the Reception Center in Ft. Benning, Georgia. A recipient of the WAC three-year Service Ribbon, Good Conduct Medal, the Army Commendation Ribbon, and Victory Pin, Ms. Felder was a hero. She returned to civilian life to follow her passion of educating the young minds of tomorrow by teaching at Jones High School for over 22 years, teaching mathematics, serving as Guidance Counselor and later as Dean of Students. A religious woman who remained active in her church, The New Covenant Baptist Church of Orlando, Ms. Felder was secretary to the Charter Trustee Ministry from 1992-1996 and most recently a member of District Five and the Sanctuary Sunday School Class.

A woman for whom education was important, Anne Mitchell Felder received an Associate of Arts degree from Bethune-Cookman College; a Bachelor of Arts degree from Florida Agricultural and Mechanical College; a Master of Science Degree from Florida Agricultural and Mechanical University; and stud-

ied at Columbia University in New York. And, she was a member of Kappa Delta Pi, an honorary society for students in education. She also understood and valued her obligation and duty to serve our society and those in need and did so through Delta Sigma Theta Sorority, Incorporated where she was a Golden Life Member, a 60Years-Plus Member, and a charter president of the Orlando Alumnae Chapter, who enjoyed the status of a Delta Dear.

The life of Anne Mitchell Felder was one of accomplishment and service. We are aware that a life well lived is a life well shared. As an educator and hero, she gave of her talents and gifts to benefit the community, the nation, and her family. In her passing, we pay tribute to an exceptional leader whose courage, strength, and love of her community left an indelible legacy for future generations. She will be remembered and respected because she had an awesome gift of teaching and providing love and support to those who knew her. We offer our prayers for her immediate family and host of loving relatives and friends whose lives have been forever changed by this exceptional woman. We thank our Heavenly Father for allowing us to be blessed with the time spent with Anne Mitchell Felder, our friend, mother, sister, and hero.

Anne Mitchell Felder is survived by her daughter Vicki-Elaine Felder, and brother Thomas Watson Mitchell.

OUR UNCONSCIONABLE NATIONAL
DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,875,734,673,516.05. We've added \$5,248,857,624,602.97 to our debt in just over 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

On this day in 1945, President Harry Truman, Soviet leader Joseph Stalin and British Prime Minister Winston Churchill met at the opening of the Potsdam Conference. We must balance the budget so that we may continue to meet and lead other great world powers.

RECOGNIZING THE LEADERSHIP
OF DR. DON BERWICK

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mr. STARK. Mr. Speaker, Don Berwick was Acting Administrator of the Centers for Medicare and Medicaid Services for President Obama. Unfortunately, the minority party in the U.S. Senate was able to prevent him from being confirmed into the post and so he was forced to leave at the end of 2011.

I've copied below a recent commencement address at Harvard Medical School by Dr. Berwick.

If Dr. Berwick doesn't embody the spirit we want for our medical professionals—as well as our public servants—I don't know who does.

I urge my colleagues to read this speech. Driving people like Dr. Berwick out of public service is not something of which anyone should be proud.

[From JAMA, June 27, 2012]

TO ISAIAH

(By Donald M. Berwick, MD, MPP)

THANK YOU FOR LETTING ME SHARE THIS GLORIOUS DAY with you and your loved ones. Feel good. Feel proud. You've earned it.

In preparation for today, I asked your dean of students what she thinks is on your mind. So, she asked you. The word you used—many of you—was this one: Worried. You're worried about the constant change around you, uncertain about the future of medicine and dentistry. Worried about whether you can make a decent living. You've boarded a boat, and you don't know where it's going.

I can reassure you. You've made a good choice—a spectacularly good choice. The career you've chosen is going to give you many moments of poetry. My favorite is the moment when the door closes—the click of the catch that leaves you and the patient together in the privacy—the sanctity—of the helping relationship. Doors will open too. You'll find ways to contribute to progress that you cannot possibly anticipate now, any more than I could have dreamed of standing here when I was sitting where you are 40 years ago.

But look, I won't lie; I'm worried too. I went to Washington to lead the Centers for Medicare & Medicaid Services, full of hope for our nation's long-overdue journey toward making health care a human right here, at last. In lots of ways, I wasn't disappointed. I often saw good government and the grandeur of democracy—both alive, even if not at the moment entirely well.

But, like you, I also found much that I could not control—a context torn apart by antagonisms—too many people in leadership, from whom we ought to be able to expect more, willing to bend the truth and rewrite facts for their own convenience. I heard irresponsible, cruel, baseless rhetoric about death panels silence mature, compassionate, scientific inquiry into the care we all need and want in the last stages of our lives. I heard meaningless, cynical accusations about rationing repeated over and over again by the same people who then unsheathed their knives to cut Medicaid. I watched fear grow on both sides of the political aisle—fear of authentic questions, fear of reasoned debate, and fear of tomorrow morning's headlines—fear that stifled the respectful, civil, shared inquiry upon which the health of democracy depends.

And so, HSDM and HMS Class of 2012, I'm worried too. I too wonder where this boat is going.

There is a way to get our bearings. When you're in a fog, get a compass. I have one—and you do too. We got our compass the day we decided to be healers. Our compass is a question, and it will point us true north: How will it help the patient?

This patient has a name. It is "Isaiah." He once lived. He was my patient. I dedicate this lecture to him.

You will soon learn a lovely lesson about doctoring; I guarantee it. You will learn that in a professional life that will fly by fast and hard, a hectic life in which thousands of people will honor you by bringing to you their pain and confusion, a few of them will stand

out. For reasons you will not control and may never understand, a few will hug your heart, and they will become for you touch points—signposts—like that big boulder on that favorite hike that, when you spot it, tells you exactly where you are. If you allow it—and you should allow it—these patients will enter your soul, and you will, in a way entirely right and proper, love them. These people will be your teachers.

Isaiah taught me. He was 15 when I met him. It was 1984, and I was the officer of the day—the duty doctor in my pediatric practice at the old Harvard Community Health Plan. My nurse practitioner partner pointed to an exam room. "You better get in there," she said. "That kid is in pain."

He was in pain. Isaiah was a tough-looking, inner-city kid. I would have crossed the street to avoid meeting him alone on a Roxbury corner at night. I'm not proud of that fact, but I admit it. But here on my examining table he was writhing, sweating in pain. He was yelling obscenities at the air, and, when I tried to examine him, he yelled them at me. "Don't you f—g touch me! Do something!"

I didn't figure out what was going on that afternoon. Nothing made sense. I diagnosed, illogically, a back sprain, and I sent him home on analgesics. Then, that evening, the report came: an urgent call from the lab. Isaiah didn't have a back sprain; he had acute lymphoblastic leukemia. And we didn't have his phone number.

The police helped track him down that night, to a lonely three-decker, third floor, a solitary house in a weedy lot on Sheldon Street in the heart of Roxbury. Isaiah lived there with his mother, brothers, and his mother's foster children.

What followed was the best of care . . . the glory of biomedical science came to Isaiah's service. Chemotherapy started, and he went predictably into remission. But we knew that ALL in a black teenager behaves badly. Unlike in younger kids, cure was unlikely. He would go into remission for a while, but the cancer would come back and it would kill him. Three years later, he relapsed.

I drove to his apartment one evening in 1987 and sat with Isaiah and his graceful, dignified mother around a table with a plastic red-checkered tablecloth and explained the only option we knew for possible cure—a bone marrow transplant, not when he felt sick, but now, at the first sign of relapse, when he was still feeling fine. He was feeling fine, and I was there to propose treatment that might kill him.

They didn't hesitate. Isaiah wanted to live. He got his transplant, from his brother. His course was stormy, admission after admission followed, then chronic complications of his transplant—diabetes and asthma. His Children's Hospital medical record that year took up five four-inch-thick volumes. But he got through. Isaiah was cured.

We became very close, Isaiah and I, through this time and for years after—long conversations about his life, his hopes, his worries. He always asked me about my kids. And his mother, close, as well. An angel—a tough angel raised by her sharecropper grandfather on a North Carolina farm, who read Isaiah the riot act when she had to and who fiercely protected him—and who, during the darkest times of his course, continued to tend her ten foster children, as well as her own.

I came to know Isaiah well, but it wouldn't be quite right to call us friends—our worlds were too far apart—different galaxies. But my respect and affection for Isaiah grew and

grew. His courage. His insight. His generosity.

But there is more to tell.

Isaiah smoked his first dope at age 5. He got his first gun before 10, and, by 12, he had committed his first armed robbery; he was on crack at 14. Even on chemotherapy, he was in and out of police custody. For months after his transplant he tricked me into extra prescriptions for narcotics, which he hoarded and probably sold. Two of his five brothers were in jail—one for murder; and, two years into Isaiah's treatment, a third brother was shot dead—a gun blast through the front door—in a drug dispute.

Isaiah didn't finish school, and he had no idea of what to do for legitimate work. He got and lost job after job for not showing up or being careless. His world was the street corner and his horizon was only one day away. He saw no way out. He hated it, but he saw no way out. He once told me that he thought his leukemia was a blessing, because at least while he was in the hospital, he couldn't be on the streets.

And Isaiah died. One night, 18 years after his leukemia was cured, at 37 years of age, they found him on a street corner, breathing but brain-dead from a prolonged convulsion from uncontrolled diabetes and even more uncontrolled despair.

Isaiah tried to phone me just before that fatal convulsion. He had my home number, and I still have the slip of paper on which my daughter wrote, "Isaiah called. Please call him back." I never did. He would have said, "Hi, Dr Berwick. It's Isaiah. I'm really sick. I can't take it. I don't know what to do. Please help me." Because that is what he often said.

Isaiah spent the last two years of his life in a vegetative state in a nursing home where I sometimes visited him. At his funeral, his family asked me to speak, and I could think of nothing to talk about except his courage.

Isaiah, my patient. Cured of leukemia. Killed by hopelessness.

I bring Isaiah today as my witness to two duties; you have both. It's where your compass points.

First, you will cure his leukemia. You will bring the benefits of biomedical science to him, no less than to anyone else. Isaiah's poverty, his race, his troubled life-line—not one of these facts or any other fact should stand in the way of his right to care—his human right to care. Let the Supreme Court have its day. Let the erratics and vicissitudes of politics play out their careless games. No matter. Health care is a human right; it must be made so in our nation; and it is your duty to make it so. Therefore, for your patients, you will go to the mat, and you will not lose your way. You are a physician, and you have a compass, and it points true north to what the patient needs. You will put the patient first.

But that is not enough. Isaiah's life and death testify to a further duty, one more subtle—but no less important. Maybe this second is not a duty that you meant to embrace; you may not welcome it. It is to cure, not only the killer leukemia; it is to cure the killer injustice.

Antoine de Saint-Exupéry wrote, "To become a man is to be responsible; to be ashamed of miseries that you did not cause." I say this: To profess to be a healer, that is, to take the oath you take today, is to be responsible; to be ashamed of miseries that you did not cause. That is a heavy burden, and you did not ask for it. But look at the facts.

In our nation—in our great and wealthy nation—the wages of poverty are enormous.

The proportion of our people living below the official poverty line has grown from its low point of 11% in 1973 to more than 15% today; among children, it is 22%—16.4 million; among black Americans, it is 27%. In 2010, more than 46 million Americans were living in poverty; 20 million, in extreme poverty—incomes below \$11 000 per year for a family of four. One million American children are homeless. More people are poor in the United States today than at any other time in our nation's history; 1.5 million American households, with 2.8 million children, live here on less than \$2 per person per day. And 50 million more Americans live between the poverty line and just 50% above it—the near-poor, for whom, in the words of the Urban Institute, “The loss of a job, a cut in work hours, a serious health problem, or a rise in housing costs can quickly push them into greater debt, bankruptcy’s brink, or even homelessness.” For the undocumented immigrants within our borders, it’s even worse.

For all of these people, our nation’s commitment to the social safety net—the portion of our policy and national investment that reaches help to the disadvantaged—is life’s blood. And today that net is fraying—badly. In 2010, 20 states eliminated optional Medicaid benefits or decreased coverage. State Social Services Block Grants and Food Stamps are under the gun. Enrollment in the TANF program—Temporary Assistance to Needy Families—has lagged far behind the need. Let me be clear: the will to eradicate poverty in the United States is wavering—it is in serious jeopardy.

In the great entrance hall of the building where I worked at CMS—the Hubert Humphrey Building, headquarters of the Department of Health and Human Services—are chiseled in massive letters the words of the late Senator Humphrey at the dedication of the building in his name. He said, “The moral test of government is how it treats people in the dawn of life, the children, in the twilight of life, the aged, and in the shadows of life, the sick, the needy, and the handicapped.”

This is also, I believe, the moral test of professions. Those among us in the shadows—they do not speak, not loudly. They do not often vote. They do not contribute to political campaigns or PACs. They employ no lobbyists. They write no op-eds. We pass by their coin cups outstretched, as if invisible, on the corner as we head for Starbucks; and Congress may pass them by too, because they don’t vote, and, hey, campaigns cost money. And if those in power do not choose of their own free will to speak for them, the silence descends.

Isaiah was born into the shadows of life. Leukemia could not overtake him, but the shadows could, and they did.

I am not blind to Isaiah’s responsibilities; nor was he. He was embarrassed by his failures; he fought against his addictions, his disorganization, and his temptations. He tried. I know that he tried. To say that the cards were stacked against him is too glib; others might have been able to play his hand better. I know that; and he knew that.

But to ignore Isaiah’s condition not of his choosing, the harvest of racism, the frailty of the safety net, the vulnerability of the poor, is simply wrong. His survival depended not just on proper chemotherapy, but, equally, on a compassionate society.

I am not sure when the moral test was put on hold; when it became negotiable; when our nation in its political discourse decided that it was uncool to make its ethics explicit and its moral commitments clear—to the

people in the dawn, the twilight, and the shadows. But those commitments have never in my lifetime been both so vulnerable and so important.

You are not confused; the world is. You need not forget your purpose, even if the world does. Leaders are not leaders who permit pragmatics to quench purpose. Your purpose is to heal, and what needs to be healed is more than Isaiah’s bone marrow; it is our moral marrow—that of a nation founded on our common humanity. My brother, a retired schoolteacher, tells me that he always gets goose bumps when he reads this phrase: “We, the people . . . We—you, and me, and Isaiah—inclusive.”

It is time to recover and celebrate a moral vocabulary in our nation—one that speaks without apology or hesitation of the right to health care—the human right—and, without apology or hesitation, of the absolute unacceptability of the vestiges of racism, the violence of poverty, and blindness to the needs of the least powerful among us.

Now you don your white coats, and you enter a career of privilege. Society gives you rights and license it gives to no one else, in return for which you promise to put the interests of those for whom you care ahead of your own. That promise and that obligation give you voice in public discourse simply because of the oath you have sworn. Use that voice. If you do not speak, who will?

If Isaiah needs a bone marrow transplant, then, by the oath you swear, you will get it for him. But Isaiah needs more. He needs the compassion of a nation, the generosity of a commonwealth. He needs justice. He needs a nation to recall that, no matter what the polls say, and no matter what happens to be temporarily convenient at a time of political combat and economic stress, that the moral test transcends convenience. Isaiah, in his legions, needs those in power—you—to say to others in power that a nation that fails to attend to the needs of those less fortunate among us risks its soul. That is your duty too.

This is my message from Isaiah’s life and from his death. Be worried, but do not for one moment be confused. You are healers, every one, healers ashamed of miseries you did not cause. And your voice—every one—can be loud, and forceful, and confident, and your voice will be trusted. In his honor—in Isaiah’s honor—please, use it.

Donald M. Berwick, MD, MPP

NAVY CAPTAIN HENRY DOMERACKI

HON. JOHN R. CARTER OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mr. CARTER. Mr. Speaker, I would like to take this opportunity to honor United States Navy Captain Henry Domeracki. Captain Domeracki has made countless sacrifices throughout his 36 years of dedicated service to the defense of our great nation. He is an American hero who has received numerous medals and recognitions for his dedicated service. As such, I am proud of his achievements and congratulate him on his recent retirement.

Captain Domeracki was recalled to active duty during the Gulf War in 1991, and served as a Counter-Terrorism Officer/Agent in Eu-

rope for six months. In 2004, he was mobilized again for Operation Iraqi Freedom and served as the Chief of Operations for the Coalition Provisional Authority—Baghdad Central in Baghdad, Iraq. During this time, Captain Domeracki built the financial structure for the Baghdad Provincial government and reestablished financial operations for the City of Baghdad. He aided in rebuilding the country of Iraq by managing over \$100 million in business development projects and capital outlays.

In 2009, he was mobilized to fill the U.S. Army Civil Affairs’ billet. He served as the Chief of Operations for the Multi-National Forces Iraq—Civil Military Operations Directorate and was in charge of the development and vocational training programs and projects for the entire country of Iraq. Captain Domeracki’s actions also enabled thousands of militia-aged Iraqis to be employed. He was able to facilitate this through personally coordinating three international conferences and over \$2.1 billion in private sector funds from companies in the United Arab Emirates. These funds were invested in business development projects in the various regions of Iraq and enabled the building of ten vocational training schools with over 10,000 students enrolled. Additionally, over 70 agri-businesses and co-operatives, ranging from commercial milk processing to date production, and industrial-level honey processing, were created through these efforts.

In conjunction with his military achievements, Captain Domeracki has thirty-two years of municipal government management experience and has served as the Chief Financial Officer of the Texas Municipal League Intergovernmental Risk Pool for the past twenty years.

Captain Domeracki’s awards include the Bronze Star, Defense Meritorious Service Medal (3rd Award), Meritorious Service Medal (4th Award), Joint Service Commendation Medal, Navy & Marine Corps Commendations Medals (3rd Award), Army Commendation Medal, Navy and Marine Corps Achievement Medal (3rd Award), Army Achievement Medal and the Combat Action Ribbon.

Mr. Speaker, thank you for the opportunity to recognize this great American. His selfless service and duty to this country are an inspiration to us all.

IN HONOR OF THE SIGNIFICANT CONTRIBUTIONS OF TAMARA ZAHN TO THE CITY OF INDIAN- APOLIS

HON. ANDRÉ CARSON OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mr. CARSON of Indiana. Mr. Speaker, today I rise to express my gratitude to Tamara Zahn for her considerable achievements over the past two decades as President of Indianapolis Downtown, Inc. Her vision, leadership and tireless determination have helped transform downtown Indianapolis into a first-class destination for visitors and Hoosiers alike.

Our “Hoosier Hospitality,” in combination with our well-deserved reputation as a premier

location for sports fans, has made the City of Indianapolis a model for other municipalities looking to rejuvenate their image and grow their local economy.

Under the tenure of Tamara Zahn, our city has witnessed unprecedented growth and a staggering transformation of downtown Indianapolis. Our once sleepy, urban center is now an attractive and pedestrian friendly destination, complete with highly-regarded attractions like the Indianapolis Cultural Trail, Victory Field, White River State Park, and the Eiteljorg Museum, along with first-class accommodations for visitors on any budget. Ms. Zahn's ability to communicate her vision helped make the construction of world-class facilities like Lucas Oil Stadium, Circle Center Mall, and the Indiana Convention Center a reality.

Tamara Zahn was one of the principal drivers of this remarkable transformation. Over the past 19 years, she has galvanized the respective talents and resources of private enterprise and federal, state, and local officials for the purpose of revitalizing our city.

Ms. Zahn's incredible success is testament to her skill and vision as an urban planner, leader and innovator. Her considerable achievements have not gone unrecognized. She has been named one of the "Most Influential Women in Indianapolis" and was awarded the prestigious Sagamore of the Wabash award.

Today, I ask my colleagues to join me in honoring Tamara Zahn for her exceptional service to Indianapolis.

IN RECOGNITION OF THE 100TH ANNIVERSARY OF WEST TECH HIGH SCHOOL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the 100th anniversary of West Tech High School.

West Tech opened its doors to 224 students on February 15, 1912. In 1931, with an enrollment of 4,000 students, West Tech was distinguished as the largest school in all of Ohio. West Tech graduated more than 40,000 students between 1912 and 1995, when it closed as an operational high school.

West Tech is known for offering the first driver's education classes and the first auto mechanics, aircraft radio operations and repair metallurgy classes in the nation. Its newspaper, *The Tatler*, became a nationally and internationally recognized student publication.

The high school closed its doors to students in 1995, and the facility re-opened in 2004 as a 189-unit apartment building, named the West Tech Lofts.

To celebrate the 100th anniversary, West Tech will be opening up the public school for the first time since its conversion to the lofts. A week of celebratory events will be hosted between July 17th and the 21st and will feature memorabilia and special exhibits as well as tours and alumni speakers.

Mr. Speaker and colleagues, please join me in recognizing the 100th anniversary of West Tech High School.

RECOGNIZING THE CROATIAN MUSICAL GROUP RUŽE DALMATINKE

HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mr. SMITH of Washington. Mr. Speaker, I rise to honor the Croatian musical heritage group, Ruže Dalmatinke from Seattle, Washington, for being featured in the Homegrown Concert Series at the Library of Congress' American Folklife Center.

The American Folklife Center at the Library of Congress sponsors various programs throughout the year to celebrate and present different cultural traditions to the American people. This summer, Ruže Dalmatinke performed Traditional Croatian Singing.

Lead vocalists and sisters, Binki Franulovic Spahi and Alma Franulovic Planchich, immigrated to the United States with their family after World War II. The sisters have sung together since their childhood and were inspired to form the Ruže Dalmatinke in 1981. The group has passionately shared their Croatian heritage, lifestyle, and music in Washington State since.

Mr. Speaker, it is with great honor that I recognize Ruže Dalmatinke for being featured in the concert series hosted by the Library of Congress. Ruže Dalmatinke has shown incredible devotion to Croatian musical heritage by performing and sharing all around the United States.

IN HONOR OF SEYMOUR "SY" POLLOCK

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mr. COURTNEY. Mr. Speaker, I rise today to congratulate Seymour Pollock, who was raised in Brooklyn, Connecticut in my Congressional District and turned 100 years old on July 8th. Known by his friends and family as "Sy," he is a straightforward man with a complicated backstory. Losing his mother as a young boy, he and his two brothers spent much of their childhood separated. The financial burden of caring for three sons forced his father to place his kids in foster homes, where Sy suffered abuse. Continued domestic instability prompted Sy to leave home and stow away on a cruise ship when he was 16. When he was discovered hiding on board, the teenager told the Captain that his name was Seymour, to which the captain replied "Well, now you are going to see less." Sy worked in the galley until they returned to port.

During World War II, Sy served in the United States Army, where he cleaned and repaired semi-automatic weapons for the troops on the frontlines. His unit was responsible for setting up the coastal defense for what is now Battery Park in New York. After the war, Sy's father bought a building in the Bronx and opened up a business there selling and repairing cash registers. He and his brothers eventually ran that business together.

Sy retired to Florida at 82. He is the father of two daughters and a grandfather of two ambitious young men. I ask my colleagues to join with me in recognizing the extraordinary life of this man who exemplifies the American dream.

IN MEMORY OF L.A. CIVIL RIGHTS ACTIVIST WILLIS EDWARDS

HON. LAURA RICHARDSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Ms. RICHARDSON. Mr. Speaker, today I rise to honor the memory of Willis Edwards who died on July 15, 2012, after waging a valiant battle against cancer. He was 66. For more than forty years, Willis Edwards served his community and the nation as a soldier in Vietnam, as an academic support specialist at the University of Southern California, as a civil rights activist and community organizer, as the long-time president of the Hollywood/Beverly Hills Chapter of the NAACP, and a trusted advisor to presidential candidates.

Born in Texas in 1946, Mr. Edwards was raised in Palm Springs and attended California State University at Los Angeles, where he was elected the first African American student body president in the school's history. After graduation Mr. Edwards was drafted into the U.S. Army and sent to Vietnam where he was awarded a Bronze Star. Upon his honorable discharge, Mr. Edwards served as Director of Black Student Services at USC.

Mr. Edwards' political activism in national politics began with Robert F. Kennedy's historic 1968 presidential campaign. Through his dealings with the Democratic Party, he became a supporter and friend of Los Angeles' first black mayor, Tom Bradley, who later appointed him to the city's Social Service Commission in 1973.

In 1982 Mr. Edwards was elected president of the NAACP's Beverly Hills/Hollywood branch. He played a major part in getting the group's Image Awards, a gala that honored African Americans who worked in front of and behind the camera in Hollywood, televised on NBC. He also played a leading role in Reverend Jesse Jackson's 1988 presidential campaign.

Mr. Edwards played a major role in securing national honors for Rosa Parks; friends say that was his proudest accomplishment. He helped to arrange for the civil rights hero to be seated next to First Lady Hillary Rodham Clinton during the 1999 State of the Union address. He also helped secure for her the Congressional Gold Medal, and for her casket to lie in repose in the Rotunda of the Capitol.

It is easy to forget that among all Mr. Edwards' accomplishments in the civil rights and political arenas, he was also battling a very personal struggle with HIV. The disease nearly took his life 15 years ago, but he miraculously recovered with the help of new drugs. In a 2001 speech to the NAACP he went public about his experience living with HIV. He helped to tear down barriers in order to have a frank conversation about the disease within the African American Community, where it was still regarded as a taboo subject by many.

Mr. Speaker, with the passing of Willis Edwards, this country has lost a great man and leader. My home state of California and county of Los Angeles has lost a champion and fighter for civil rights and equal opportunity. I have lost a dear friend.

I ask a moment of silence to honor the memory of Willis Edwards.

H.R. 5856—DEPARTMENT OF
DEFENSE APPROPRIATIONS ACT

HON. BETTY MCCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Ms. MCCOLLUM. Mr. Speaker, tomorrow the House will start debate on H.R. 5856, the Department of Defense Appropriations Act of 2013. In this bill, \$388 million is to be appropriated for military bands and musical performances. This is a stunning amount of taxpayer funds to be spending on military music at time of fiscal crisis and tough choices. While the Pentagon's 140 bands and over 5,000 full-time musicians carry on a time honored and noble tradition of military music, this level of spending on a military function that does not directly enhance national security is unsustainable. At a time of trillion dollar budget deficits, Congress needs to act to significantly reduce taxpayer funding of military bands.

It is my intention to offer an amendment on H.R. 5856 to reduce Pentagon spending for military bands and performances for fiscal year 2013 from \$388 million to \$200 million. The \$188 million reduction would be applied to the deficit reduction account established in H.R. 5856.

Earlier this year on H.R. 4310, the National Defense Authorization Act of 2013, the House approved an amendment I offered to limit spending on "military musical units." The amendment stated, "Amounts authorized to be appropriated pursuant to this Act for military musical units (as such term is defined in section 974 of title 10, United States Code) may not exceed \$200,000,000."

I do not want there to be any misinterpretation or mischaracterization of my intentions when I offer my amendment. My goal is to reduce military musical units, not military personnel in a role essential to our national security.

This is a time of tough choices. My House Republican colleagues have decided to protect and shield millionaires and billionaires from any increase in Federal taxes commensurate with their wealth to help reduce the deficit. Instead, they have targeted domestic programs for cuts making children, seniors, low-income families, and communities all across the country to shoulder the burden of deficit reduction. Now it is the Pentagon's turn to experience some budget cuts that do nothing to reduce

military readiness, mission strength, or our troops' ability to defend our Nation.

Unless cuts are made, the Pentagon is on track to spend more than \$4 billion over the next decade on military music. It is unconscionable to borrow billions from China to fund deficit spending on the Defense Department's massive musical budget.

I urge all of my colleagues to support the McCollum Amendment to cut military musical spending by \$188 million and apply those funds to deficit reduction.

AMENDMENT REGARDING FORMERLY USED DEFENSE SITES
H.R. 5856 DEPARTMENT OF DEFENSE APPROPRIATIONS ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 17, 2012

Mr. BLUMENAUER. Mr. Speaker, tonight I offer an amendment to H.R. 5856 that would reduce spending on "Operation and Maintenance, Defense Wide" account by \$88,952,000 and increase spending on the "Environmental Restoration, Formerly Used Defense Sites" account by an equal amount.

SENATE—Wednesday, July 18, 2012

The Senate met at 9:30 a.m., and was called to order by the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O Lord our God, we turn to You for strength and courage and faith. We thank You for Your promise to supply all our needs from Your bountiful reservoir of grace.

Today, empower our lawmakers to find new opportunities for service. Lord, infuse them with such hope and purpose that their labors will bring a harvest of goodness and justice that will reign in our land and world. May our Senators yield their attitudes and dispositions to Your control so that they might work effectively with each other.

We pray in Your gracious Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable KIRSTEN E. GILLIBRAND led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. INOUE).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, July 18, 2012.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable KIRSTEN E. GILLIBRAND, a Senator from the State of New York, to perform the duties of the Chair.

DANIEL K. INOUE,
President pro tempore.

Mrs. GILLIBRAND thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

BRING JOBS HOME ACT—MOTION TO PROCEED

Mr. REID. Madam President, I move to proceed to Calendar No. 442.

The ACTING PRESIDENT pro tempore. The clerk will report.

The assistant legislative clerk read as follows:

Motion to proceed to S. 3364, a bill to provide an incentive for businesses to bring jobs back to America.

Mr. REID. Madam President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Madam President, the schedule here this morning is that the first hour will be equally divided and controlled between the two leaders or their designees, the majority controlling the first half and the Republicans the final half.

Yesterday cloture was filed on the motion to proceed to the Bring Jobs Home Act. Unless an agreement is reached, this vote will occur tomorrow morning.

MEASURE PLACED ON THE CALENDAR—S. 3393

Mr. REID. Madam President, I am told S. 3393 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 3393) to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families.

Mr. REID. Madam President, I object to any further proceedings on this bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The bill will be placed on the calendar under the provisions of rule XIV.

TAXPAYER SUBSIDIZATION

Mr. REID. Madam President, if you want to do business in America today, your goal should be to make a profit. There is nothing wrong with that. That is good. Millions of hard-working American entrepreneurs are the backbone of our economy. And if your company boosts profits by sending jobs overseas, that is your right as a business owner. But American taxpayers shouldn't subsidize your business deci-

sion to outsource jobs, especially when there are millions of people in this country looking for work.

Over the last 10 years, about 2½ million jobs in call centers, sales centers, financial firms, and factories were shipped overseas, and American taxpayers helped foot the bill for sending those jobs overseas. Every time U.S. companies ship jobs or facilities overseas, American taxpayers help cover the moving costs. The Bring Jobs Home Act will end these disgraceful subsidies for outsourcing and would give a 20-percent tax break to cover the cost of moving those jobs back to the United States.

But Republicans are filibustering this commonsense legislation. It is no surprise Republicans are on the side of corporations—corporations making big bucks—sending American jobs to China, India, and other places. After all, their Presidential nominee, Mitt Romney, made a fortune in outsourcing jobs also. So Republicans are once again putting tax breaks for big corporations and multimillionaires ahead of the needs of ordinary Americans.

What most Americans need is a good job—a job here at home—and the assurance their taxes won't go up on January 1. Democrats, Republicans, and Independents across the country agree with our plan. It is only Republicans in Congress who disagree. Yet Republicans here in the Senate are filibustering legislation to bring jobs back to America. They have twice blocked a vote on legislation to keep taxes low for 98 percent of American families.

It was Republicans who asked for a vote on the plan to raise taxes for 25 million families and a vote on our plan to keep taxes low for 135 million American taxpayers. So we offered them what they wanted. We offered them up-or-down votes on both proposals—no procedural hoops, no delay tactics, just a simple majority vote on our plan and theirs. And they refused.

Maybe Republicans refused our offer because they don't have the votes for their plan to raise taxes on 25 million Americans or maybe they have refused it because the majority of Americans support our plan to keep taxes low for 98 percent of families, while asking only the top 2 percent to contribute a little bit more to reduce the deficit. Everyone across America—the majority of Republicans—supports our plan. Yet, still, Republicans here in the Senate are holding hostage tax cuts for nearly every American family to extort more budget-busting giveaways to millionaires and billionaires.

For a year, the budget deficit was all Republicans wanted to talk about.

They were willing to end Medicare as we know it, slash funding for nursing homes for seniors, investments in education, and raise taxes on the middle class all in the name of deficit reduction. But now that Democrats have a plan to reduce the deficit by almost \$1 trillion simply by ending wasteful tax breaks, Republicans have given up fiscal responsibility.

So I say this to my Republican friends: You can't have it both ways. You can't call yourself a deficit hawk and fight for more tax breaks for millionaires and billionaires while the deficit increases. You can't call yourself a fiscal conservative and fight to protect tax breaks for companies that outsource jobs to India and China.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SENATE PROCEDURE

Mr. MCCONNELL. Madam President, I indicated to the majority leader before the Senate convened today that I wanted to have a discussion, the two of us, on several items.

No. 1, I understand my friend the majority leader, last night on MSNBC, said it was his intention at the beginning of the next Congress, if Democrats were in the majority, to change the rules of the Senate by a simple majority. So I want to begin by asking my friend the majority leader if his comments at the beginning of this Congress, on January 27, 2011, are no longer operative. At that time, my friend the majority leader said:

I agree that the proper way to change Senate rules is through the procedures established in those rules, and I will oppose any effort in this Congress or the next to change the Senate's rules other than through the regular order.

So my first question to my friend the majority leader is: Is that statement no longer operative?

Mr. REID. Madam President, through the Chair, I would answer my friend the Republican leader, as I have said here on the floor. I believe what took place at the beginning of this Congress was something that was very important for this body. It was led by Senator UDALL of New Mexico and Senator MERKLEY of Oregon. They had been here a little while and they thought the Senate was dysfunctional. Well, they hadn't been here a long time, and I was still willing to go along at that time with the traditional view of let's not rock the boat here. But that was with the hope, and I thought the assurance of my Republican colleagues, that we would not have these continual, nonsensical motions to proceed filibustered, taking a week to get through that before finally moving to a piece of legislation.

So I said here in the Senate a few months ago that I was wrong. It is hard to acknowledge you are wrong. It is

difficult for any of us to do, especially in front of so many people. But I said I think they were right and I was wrong, and I stick by that. I think what has happened the last few years of changing the basic rules of the Senate where we require not 50 votes to pass something but 60 votes on everything is wrong. I think we waste weeks and weeks on motions to proceed.

I had a conversation with a real traditionalist last evening—CARL LEVIN, the Senator from Michigan—where we talked about this at some length. He acknowledges the motion to proceed is a real problem here but he disagrees with me. Others can talk to him personally, but that is the way I understood him. But I am convinced something must change, unless there is an agreement to change how we focus on the motion to proceed.

I will try to end this quickly, but I think the leader deserves a full explanation. The filibuster was originally devised—it is not in the Constitution—to help legislation get passed. That is the reason they changed the rules here to do that. Now it is being used to stop legislation from passing, and so we have to change things because this place is becoming inoperable.

Mr. MCCONNELL. I gather then my friend the majority leader's commitment at the beginning of the Congress, that we would follow the regular order to change the rules of the Senate, is no longer operative. So let me turn to a second area of discussion.

The principal advantage of being in the majority is you get to schedule legislation. And of course there are a number of things that can be done with a simple majority of 51. So I would ask my friend the majority leader why it is his view Republicans have somehow prevented the Senate from passing a budget, which could have been done with a mere 51 votes anytime during the last 3 years?

Mr. REID. Madam President, that is an easy question to answer. We already have a budget. We passed, in August of last year, a budget that took effect for the last fiscal year and this fiscal year. It set numbers—302(b) numbers, in effect. There was no need for a budget this year. We already had one.

So the hue and cry of my Republican friends that we need to have a budget is just a lot of talk. We already have a budget.

Mr. MCCONNELL. Madam President, I would say to my friend the majority leader, he knows the Parliamentarian disagrees with his view that we already have a budget. But let us assume for the sake of discussion we do have a budget. Then I would ask my friend the majority leader why we haven't passed a single appropriations bill?

Mr. REID. That also is an easy question to answer. The Republicans in the House—and this is a bicameral legislature—have reneged on the law that was

passed last August where it set numbers. Their appropriations bills have artificially lowered the numbers and violated the law, in effect, here in this Congress. As a result, Senator INOUE has marked up his bill—subcommittee bills.

But I would also say the House is not serious about what they do. Energy and Water used to be one of the most important subcommittees—the most popular, I should say, in addition to being important—in this body. I was fortunate to serve on that subcommittee for more than a quarter of a century under great leaders—Domenici, Bennett, Johnson, and the committee chairs switched back and forth. But the House sent over here an Energy and Water Subcommittee appropriations bill that has more than 30 riders directed toward EPA-type functions alone. I mean, they are not serious about doing legislation. They are serious about satisfying their tea party and the ridiculous messages they are trying to send.

I would also say one of the other problems we have is we have to fight to get to anything—any legislation. We have to fight to get that done. As you know, we have wasted—I said weeks earlier—months trying to get legislation on the floor. So appropriations bills, I want to get these done. I am an appropriator. But it has been unrealistic with the actions of the House.

Mr. MCCONNELL. Madam President, what we just heard is that it is not the Senate's fault, it is the House's fault that the Senate won't schedule appropriations bills that have been marked up in the Senate appropriations committees.

My concern here is that nobody is taking responsibility for the Senate itself. We are not responsible for what the House is doing. And typically these differences in what we call 302(b)s; that is, what each subcommittee is going to spend, are worked out in conference. We can't have a conference on any of the bills because we haven't passed any of the bills across the Senate floor.

So the majority leader doesn't want to do a budget. He doesn't want to schedule votes on appropriations bills. Then I would ask my friend, why don't we do the DOD authorization bill?

Mr. REID. The answer is pretty simple there too: We have spent the last many weeks working through procedural matters on bills the Republicans have held up.

We are now in a cloture situation. I spoke to Senator LEVIN last night about that. He is the chairman of that committee. I have spoken to JOHN MCCAIN several times on this matter. I know how important they feel this legislation is, and I think it is important also. But we can only do what we have to do.

One of the things I have an obligation for our country to get to is cybersecurity. I was asked to visit with General Petraeus. I did that a day or two

ago. And we don't have to have a briefing by General Petraeus to understand how important it is to do something about cybersecurity. There are people out there making threats on this country every day, and we have been fortunate in being able to stop a number of them. So we are going to have to get to cybersecurity before we get to the Defense authorization bill because on the relative merits of the two, cybersecurity is more important. They are both important, but I believe that one is more important than the other.

Mr. MCCONNELL. Madam President, it is pretty obvious that the reason the Senate is so inactive is because the majority leader doesn't want to take up any serious bills that are important to the future of the country. He mentioned cybersecurity. Why isn't it on the floor? Defense authorization: Why isn't it on the floor? Appropriations bills: Why don't we call them up? These are not partisan bills. They are widely supported. They are the basic work of government, including the budget. And I understand his view is that the Parliamentarian is wrong and that we really did pass a budget. But the budget could be done with a simple majority. The appropriations bills are not partisan in nature. If there are differences in the 302(b)s, they could be worked out in conference, which is the way we did it for years.

We have followed the regular order occasionally, and when we have Senators have been involved, they were relevant in the process. I will give five examples. The Export-Import Bank reauthorization, trade adjustment assistance patent reform, FAA reauthorization, the highway bill, and the farm bill are all examples of when Senators were made relevant by the fact that we took up bills that actually came out of committees, that were worked on by Members of both parties, that were brought up on the floor, amendments were offered, and in the end bills passed.

The core problem here is that my good friend the majority leader as a practical matter is running the whole Senate because everything is centralized in his office, which diminishes the opportunity for Senators of both parties to represent their constituents.

Look, we all were sent here by different Americans who expected us to have a voice, to have an opportunity to effect legislation.

I would say to my good friend the majority leader, we don't have a rules problem, we have an attitude problem. When is the Senate going to get back to normal?

I can recall my friends on the other side saying repeatedly that the difference between the House and Senate is you get to vote; it is not a top-down organization the way the House is, it is really kind of a level playing field in which the majority leader has a little

more advantage than any of the rest of us and the right of first recognition, but really, once a bill is called up, it is a jump ball.

What my friend the majority leader is saying is that it is inconvenient, it is hard to work with all these Senators who have different points of view and want to do different things. Well, heck, that is the way legislation is passed. It is not supposed to be easy, and Senators are supposed to have an opportunity to participate.

I would argue that in the examples I just cited where Senators did participate—both in the committee and on the floor—the Senate functioned the way it used to. And all this talk about rules change is just an effort to try to find somebody else to blame for the fact that the Senate has been ruled essentially dysfunctional by 62 efforts by my good friend the majority leader to fill up the tree—in effect, deny Senators, both Democrats and Republicans, the opportunity to offer any amendments he doesn't select. That is the reason we are having this problem. So it doesn't require a rules change, it requires an attitude change. And I sense on both sides of the aisle—this is not just a Republican complaint, I would say to my friend the majority leader. I have talked to a lot of Democrats about this too. They would like to be relevant again, and the way Senators are relevant is for their committee work to be respected and to be important and to become a part of the bill coming out of committee or, if it didn't, an opportunity to offer an amendment to effect it on the floor.

Sure, we don't have rules of germaneness. We generally are able to work that out. When we were in the majority, we got nongermane amendments from the Democratic side, and I used to tell my Members that the price of being in the majority is you have to cast votes you don't want to cast because that is the way you get a bill across the floor and get it to completion.

So I would say to my good friend the majority leader, quit blaming everybody else. It is not the House; it is not the Senate; it is not the motion to proceed. Why don't we operate the way we used to under leaders of both parties and understand that amendments we don't like are just part of the process because everybody here doesn't agree on everything? That would be my thought about how to move the Senate forward.

But at the beginning of this discussion, the majority leader made it clear that what he said at the beginning of the Congress is no longer operative. It is now his view that the Senate ought to operate like the House—it ought to operate like the House, with a simple majority. I think that is a mistake. I think that would be a mistake if I were the majority leader and he were the

minority leader, which could be the case by the end of the year. And now I will probably have to argue to many of my Members why we shouldn't do what the majority leader was just recommending about 6 months before.

Let's assume we have a new President and I am the majority leader next time and we are operating at 51. I wonder how comforting that is to my friends on the other side. How does it make you feel about the security of ObamaCare, for example? I think that is worth thinking about.

The Senate has functioned for quite a number of decades without a simple majority threshold for everything we do. It has a good effect because it brings people together. To do anything in the Senate, you have to have some bipartisan buy-in.

My colleagues, do we really want the Senate to become the House? Is that really in the best interests of our country? Do we want a simple majority of 51 to ramrod the minority on every issue? I think it is worth thinking about over the next few months as the American people decide who is going to be in the majority in the Senate and who is going to be the President of the United States.

Mr. REID. Madam President, the Republican leader has asked a few questions, so I will proceed to answer.

I can remember reading with great interest George Orwell's "1984" book where, as you know, it came out that up was down and down was up. The Republican leader is living in a fantasy world if he believes what he said, and I assume he does. That is why two scholars, Mann and Ornstein, a couple months ago wrote a book. They have been watching Washington for three or four decades, and they said they have over the years been like a lot of people who are writers—Democrats did this, Republicans did this—but their conclusion was that what has happened in recent years is the Republicans have stopped this body from working by all of their shenanigans on these motions to proceed, creating 60 votes where it never existed before.

Robert Caro, who is writing the definitive work on Lyndon Johnson, one of my predecessors, said that I had a very difficult job based on how the Senate has changed with what the Republicans are doing.

Now, we have tried mightily. We have gotten a few things done. Whenever there is a decision made that they want to help a bill get passed, we get it done—for example, the highway bill. That bill took so long to get done. We had one major piece of legislation that we waited 4 weeks before they could get it out of their system that instead of doing highways, we should be doing birth control, determining what birth control women should be entitled to. All of these extraneous issues—important legislation held up. One of the Republicans over here decides they are a

better Secretary of State than Hillary Clinton, holding up major pieces of legislation.

So I can take the criticism the Republican leader has issued. I assume it is constructive criticism, and I accept that. But I would just suggest to my friend that if a Democratic Senator—as the Presiding Officer knows—has a problem about anything going on around here, they talk to me. I don't think there is any reason for them to talk to the Republican leader. But if they do that, more power to them.

There have been volumes of pieces of legislation that have been brought to a standstill here. Why do we now have a rule that every basic piece of legislation has 60 votes?

I had a meeting with Senator FEINSTEIN, Senator TESTER, and Senator LAUTENBERG. In the course of the conversation, Senator FEINSTEIN looked back and said: You know, I had really a controversial amendment dealing with what should happen to assault weapons. That passed on a simple majority vote. No one suggested filibustering that thing to death. That is new. That is new—legislation being used as an excuse to stop things.

Now, I want the record to be very clear—and I have made it all very clear in all of my public statements—about the need to get rid of the motion to proceed. I am not for getting rid of the filibuster rule. It is “1984” to suggest that I think the House and the Senate should be the same. But I do believe that when the filibuster came into being, it was to help get legislation passed. I repeat: It is now to stop legislation from passing. That is not appropriate.

So I am convinced that the best thing to do with filibusters is to have filibusters. I have been involved in a couple of them, and I am sure I irritated people on both of them, but I did that. One of them didn't last too long, but the first one lasted 11 or 12 hours. That is what filibusters are supposed to be, not throwing monkey wrenches into decisions we are trying to make and then walking off the floor.

The rules have to be changed. I acknowledge that, and I don't apologize for it for 1 second.

As far as how I attempt to run the Senate, I do the best I can under very difficult circumstances, as indicated by the two writers Mann and Ornstein.

Mr. MCCONNELL. Madam President, most people think a filibuster is a lot of talking to stop the bill from passing. In fact, cloture is to end debate. And what we have had here on at least 62 occasions while the majority leader was running the Senate are examples of times when Senators were not allowed to talk, not allowed to offer amendments, and not allowed to participate in the process. Cloture is frequently used in order to advance a measure, but, as you can imagine,

when Senators have no opportunity to have any input, it tends to create the opposite reaction.

But what is all of this really about? It is about making an excuse for a completely unproductive Senate, much of which could have been done with simple 51 votes, passing a budget, and not even bringing up bills that we all want to act on—all the appropriations bills, the Defense authorization bill. And on the rare occasions when the majority leader has turned to a measure that Senators have been involved in developing, we have come to the floor, we have had amendments, we have had votes, and the bills have passed. That is the way the Senate used to operate.

So this isn't a rules problem, this is a making-excuse argument to try to blame somebody else for the lack of productivity of a Senate that I sense on a bipartisan basis would like to be a lot more productive, which would involve the use of Senators' talents, speaking ability, voting, and debating on the floor of the Senate.

Since when did that go out of fashion?

Yes, we have a big difference of opinion about the way this place is being run. It is not a rules problem; it is an attitude problem. It is a looking for somebody else to blame game.

I say to my friend the majority leader, I think what we need to do is get busy with the serious business confronting the American people. Where is the Defense authorization bill? Where are the appropriations bills? Don't blame it on the House. Don't blame it on Senate Republicans. We want to go to these bills. Our Members have been involved in developing this legislation. In the Armed Services Committee, in the Appropriations subcommittees, Senate Republicans are involved in developing that legislation. We would like to see it brought up on the floor, debated, and considered.

What is more important than funding the government? What is more important than the Defense authorization bill? Why isn't it on the floor? That is my question to the majority leader.

We can have the rules debate later, and apparently we will, but why aren't we doing anything now is my question for my friend the majority leader.

Mr. REID. Madam President, I think this best can be answered in my not responding directly but quoting. This is from an op-ed that appeared around the country by Thomas E. Mann and Norman J. Ornstein. “Let's just say it,” is the headline, “The Republicans are the problem.”

I am quoting:

Rep. Allen West, a Florida Republican, was recently captured on video asserting that there are “78 to 81” Democrats in Congress who are members of the Communist Party. Of course, it's not unusual for some renegade lawmaker from either side of the aisle to say something outrageous. What made West's comment—right out of the McCarthyite

playbook of the 1950s—so striking was the almost complete lack of condemnation from Republican congressional leaders or other major party figures, including the remaining presidential candidates.

It's not that the GOP leadership agrees with West; it is that such extreme remarks and views are now taken for granted.

Understand, Ornstein works for the American Enterprise Institute, a conservative think tank. They go on to say:

The GOP has become an insurgent outlier in American politics. It is ideologically extreme; scornful of compromise; unmoved by conventional understanding of facts, evidence and science; and dismissive of the legitimacy of its political opposition.

I am a legislator. I have been doing it for 30 years here and for quite a few years in Nevada prior to getting here. I have enjoyed being a legislator. These last few years, because of what we hear from Ornstein and Mann, has made it very unpleasant. For the Republican leader, with a straight face, to come and say: Why aren't we doing the Defense authorization bill? Why aren't we doing appropriations bills, everyone knows why we are not doing them. They have not let us get to virtually anything. To be dismissive of me because I say the Republican leadership in the House has been dismissive of the law we have guiding this country, I think says it all. I recognize we are a bicameral legislature. We have our own things to do. But we have to take this as a whole and look at the record—major pieces of legislation we cannot get to.

For example, we cannot get to something dealing with outsourcing of jobs. We are here filibustering a motion to proceed to that—a motion to proceed to it, not the substance of the legislation, a motion to proceed to it.

The record speaks for itself. The record speaks for itself:

We have been studying Washington politics and Congress for more than 40 years, and never have we seen them this dysfunctional. In our past writings, we have criticized both parties when we believed it was warranted. Today, however, we have no choice but to acknowledge that the core of the problem lies with the Republican Party.

The GOP—

The Grand Old Party, the Republican Party—

has become an insurgent outlier in American politics. It is ideologically extreme; scornful of compromise; unmoved by conventional understanding of facts, evidence and science; and dismissive of the legitimacy of its political opposition.

Mr. MCCONNELL. The reason I am having a hard time restraining my laughter, I actually know Norm Ornstein and Tom Mann. They are ultra ultraliberals. Norm Ornstein is the house liberal over at the American Enterprise Institute. Their problem with the Senate is the Democrats don't have 60 votes anymore. Their problem is the Republicans control the House. Their views about dysfunctionality of

the Senate carry no weight, certainly with me. I know they have an ideological agenda, always have, and usually admit it—although it is cloaked in this particular instance.

But I think the best way to wrap it up is nobody else is keeping the majority leader from calling up the appropriations bills, from calling up the Defense authorization bill, from calling up a budget. That is his responsibility. He has a unique role in this institution. He has the opportunity to set the agenda, and just because all 100 Senators do not immediately fall into line—and it may be a little bit difficult to go forward—is no excuse for not doing the important and basic work the American people sent us to do. It is time to bring up serious legislation that affects the future of the country that the American people expect us to act on and not expect 100 Senators to all agree on every piece of legislation from the outset.

Passing bills is inevitably difficult but not impossible. That has been demonstrated on at least five occasions when the majority leader allowed the committees to function, allowed the Senate floor to function, allowed Members to have amendments, and we got a result.

Mr. REID. Madam President, in one committee, the Energy and Water Committee led by Senator BINGAMAN—that committee alone has had hundreds of pieces of legislation held up. It can't get out of the committee. I am sorry it is an unusual thing to have Ornstein and Mann referred to as liberals, but whatever they are, working for the conservative American Enterprise Institute, one of them at least—it is very clear they view this body as being in deep trouble because of the Republicans being dysfunctional themselves.

I think it is very clear we have a situation—I understand there is a Presidential election going on. I clearly understand that. I know there are efforts to protect their nominee. We do what we can to protect the President of the United States. But that should not prevent us from legislating.

For my friend, who has been on the Appropriations Committee as long as I have, to talk about why aren't we doing appropriations bills—it is obvious. We have 12 or 13 appropriations bills. We have simply not been able to get to the appropriations bills—

Mr. MCCONNELL. Have you tried calling up any of them?

Mr. REID. Mr. President, I don't think it calls for my being interrupted. I have listened patiently to all his name calling and I do not intend to do that. But I do say this. I have tried to call up lots of things—lots of things, by consent or by filing motions, and virtually everything has been held up. The bills he is talking about, to stand here and boast about passing five pieces of legislation in an entire Con-

gress is not anything any of us should be happy about. We should not be happy about that at all. We should be passing scores of pieces of legislation, as we did in the last Congress.

But, no, the decision was made at the beginning of this Congress—it may not be a direct quote but substantively accurate—my friend the Republican leader said his No. 1 goal is to stop Obama from being reelected, and that is what this legislation we have tried to get forward has had, the barrel we tried to get around continually. We are going to go ahead. We will have cloture tomorrow on another one of our scores of times we have tried to break cloture this Congress and move on to something else. We have had 13 cloture votes on motions to proceed in the second session of the Congress alone—13. Others just went away because we run out of time to do those kinds of things.

As indicated by the Republican leader, we passed five things. That is about one-third of the motions I have had to file to invoke cloture on motions to proceed, not on basic legislation.

Mr. MCCONNELL. Just one final point on that. The reason it has been difficult to get on bills is we cannot have an agreement with the majority leader to let us have amendments once we do get on the bill. So the reaction on this side is, if the majority leader is not going to let us have amendments, if the only result of invoking cloture on a motion to proceed is that he fills the tree and doesn't allow us to offer any amendments, why would we want to do that? All this is much more easily avoided than you think.

The majority leader is basically trying to convince the American people it is somebody else's fault that the Senate is not doing the basic work of government. Regardless of the blame game, the results are apparent: no budget, no appropriations bills, no Defense authorization. We are not doing the basic work of government and that ought to stop. It is within the purview of the majority leader to determine what bill we try to turn to, and just because it may be occasionally difficult to get to a bill, particularly when the majority leader will not say we can have amendments, is no good excuse for not trying. We spend days sitting around when we could be processing amendments and working on bills. All we would need is an indication from the majority leader that these bills are going to be open for amendment. We tried that a few times and it worked quite well. It is amazing how the Senate can function when Members are allowed to participate, offer amendments, get votes, and move forward. I recommend we try that more often.

Mr. REID. Madam President, we are where we are. I think it is very clear from outside sources—take, for example, I repeat what Caro said, writing the definitive work of Lyndon Johnson,

about the difficult job I have had because of the way the Senate has changed because of what has taken place in the last couple years. We have had bills we have been able to work things out with, with Republicans. That is pleasant, and I am glad we have been able to do that. Most of the time we cannot do that. We have, for example, one Republican Senator, when we are in tense negotiations with Pakistan on a lot of very sensitive issues, who wants to do something that is outside the scope of rational thinking, which holds up legislation. We have had—we have tried very hard all different ways to move legislation in this body. For the first time in the history of the country, the No. 1 issue in the Senate of the United States has been a procedural matter: How do we get on a bill? A motion to proceed to something—that has taken over the Senate and it needs to go away. We should not have to do that anymore.

Mr. MCCONNELL. Madam President, the final thing I would say is just last week the chairman of the Appropriations Committee, Senator INOUE, said his committee has been working hard to have the bills ready to go. To date, the panel has cleared 9 of 12 annual bills. Senator INOUE is quoted, on July 10, just last week, "After putting us all to work like this I expect some of these bills to pass."

I recommend that my good friend the majority leader heed the advice of the chairman of the Appropriations Committee of his party, let's pass some appropriations bills.

Mr. REID. I do not have a better friend in this body than the chairman of the Appropriations Committee. I have been one of his big fans. He has been one of my big fans. He, of course, is a national hero, a Medal of Honor winner, and great chairman of the Appropriations Committee. We work hand in glove. Everything I have said about the appropriations process will be underscored, will be and has been, by Senator INOUE. He supports what we are unable to do. He realizes that. He realizes his counterpart in the House has fumbled with the numbers and it makes it extremely difficult to get things done. We understand that.

But the main problem is we cannot get legislation on the floor because the No. 1 issue we have talked about in the Senate this entire Congress is how to get on a bill, and that is why the motion to proceed must go away.

Mr. MCCONNELL. A good example of the problem is the bill we are on right now. The Stabenow bill bypassed the committee entirely. It was introduced a week ago and placed on the calendar. This is not the way legislation is normally done. It is crafted in somebody's office. Rule XIV is brought up by the majority leader. I expect it has something to do with the campaign. We spent a week on it when we could have

done the DOD authorization bill. Chairman INOUE says: Where are the appropriations bills?

That is my point.

What are we doing here? Is the Senate a messaging machine or are we doing the basic work of government? We are not doing the basic work of government, but we can change. There are a vast majority of Senators of both parties who would like to become relevant, who would like to participate in the legislative process, and who would like to do the basic work of governing.

Mr. REID. Madam President, one of the most important issues facing America today is jobs being shipped overseas. Whether it is Olympic uniforms being made in China when they could be made by Hickey Freeman in New York and made here in America, outsourcing is an important piece of America that we now have to deal with. And, of course, we have the additional problem that Governor Romney has made a fortune shipping jobs overseas.

The American people care about this issue. We can sit here and point fingers and say: Boy, that is terrible. We are now going to have to deal with outsourcing. We should deal with outsourcing. We should have done it before, but we have had a problem getting legislation on the Senate floor. So I don't apologize to anyone for having the debate on outsourcing. Senator STABENOW has done a wonderful job on that. We couldn't have a better Senator to deal with outsourcing than her. Because of what we did in the stimulus bill, the American Recovery Act directed jobs back to Michigan, Detroit, and other places. With what we did with batteries, billions of dollars were saved. Instead of importing batteries, we are making most of them in America.

Governor Romney wanted to just let General Motors and Chrysler go bankrupt. We didn't do that, and as a result, that created almost 200,000 jobs in the automobile industry alone. Outsourcing is important, and it is a debate we are going to have.

Let me remind the Republican leader it wasn't Democrats who threatened to shut down government last year and took most all the time we had. First, it was the debt ceiling, and then after we got through the debt ceiling, then they weren't going to allow us to do anything for getting funding to take us through the end of the fiscal year.

It was the Republican Party last year that threatened to default the debt we have as a country. Now they are holding up tax cuts for 98 percent of the American people in an effort to satisfy this mysterious man I have never met, but he must be a dandy. He has gotten every Republican, with rare exception, to sign a pledge that they are not going to deal with the 98 percent because they have to protect the 2 percent.

We are here dealing with outsourcing because that is what we should be doing.

RESERVATION OF LEADERSHIP TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved. Under the previous order, the following hour will be equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half.

WIND PRODUCTION TAX CREDIT

Mr. UDALL of Colorado. Madam President, I am here on the Senate floor urging my colleagues in both parties to extend the production tax credit for wind as soon as possible. I listened with great interest to the discussion the majority leader and the Republican leader just had, and as the majority leader just said, to focus—as it should be—on jobs and the economy. This is a way in which we can enhance job creation and make sure our economy continues to grow; that is, by extending the production tax credit.

This tax credit is also critical to the maintenance of our economic leadership when it comes to clean energy technologies. Every day I have come to the floor of the Senate to talk about a different State and the efforts that are underway in those States. I look forward to talking about the Presiding Officer's State at some point in the future. Today I want to talk about the Buckeye State, Ohio.

Many families and businesses in Colorado and across our country are still struggling in this economic downturn even though we have seen some signs of improvement. This is especially true in Ohio. Over the last couple of decades, Ohio has been plagued by outsourcing and layoffs, which is one of the things we want to prevent by way of Senator STABENOW's bill. Those layoffs and outsourcing have cost Ohioans thousands of jobs. It looked as though we literally devastated the manufacturing base of one of the world's best manufacturing bases in the State of Ohio. But in recent years the wind industry has helped turn that around.

We can see on the map of Ohio that these green circles show all of the activity tied to the wind industry in Ohio. That renewal, if you will, is tied to Ohio's long history as a manufacturing powerhouse. There are dozens of manufacturing facilities that have retooled to build wind turbines across Ohio, while in the process employing thousands of hard-working middle-class Americans. We can see that those manufacturing skills easily transfer to the wind industry. PTC has been key to this and has created those incentives that allowed the manufacturing history of Ohio to take center stage.

I wanted to specifically talk about what is happening in Ohio. When we think about the wind industry, it is not

just the building of the towers, the blades, and the cells, but there are maintenance needs. They have support sectors and a supply chain that results in the manufacturing of some 8,000 parts.

In Ohio, 6,000 jobs are tied to the wind energy industry, and that is 50 different companies that have created those jobs. Here is an area that is of real interest as well: \$2.5 million in property tax payments result to local governments. That is money that helps fund schools, roads, and other basic services.

It is important to focus too on the people to whom we are alluding. I want to focus on one of the 6,000 employed Ohioans who has been a beneficiary of the tangible effect of wind PTC, and that is Jeff Grabner. He is a wind product sales manager for Cardinal Fasteners in Cleveland, OH. He was originally born in Ohio, but he left Ohio. He returned to Ohio when the wind industry started looking for talented people in the State, and he has been working now for almost 6 years in the wind industry.

Cardinal's Cleveland facility employs almost 55 people. It has been in operation for 30 years. Cardinal used to supply the construction industry, but the demand fell off in recent years. Now this growth in the wind industry presented them with an entirely new market. The factory is retooled and now supplies fasteners, which is the superglue that holds a wind turbine together. In fact, thousands of fasteners were used in every wind turbine to keep them standing and operating securely.

I don't think I have to say that Jeff loves his job at Cardinal, and because of it he is able to provide for his own growing family. In fact, he and his wife are about to celebrate their 1-year wedding anniversary this week. All of that could change if we don't extend the wind production tax credit.

Orders for wind turbines are down 98 percent from last year in large part because of the uncertainty tied to the market. Without new orders, Cardinal and other manufacturers like it may be forced to shut down and let people like Jeff go.

That is why I am back on the Senate floor today urging my colleagues to pass the wind production tax credit now. The PTC equals jobs. We should pass it and extend it as soon as possible. It is a commonsense bipartisan measure. It has strong support across our country. Not only has it shown that we can turn around manufacturing in States like Ohio, but it has shown us that we can outcompete China and other countries. If we want to continue to lead and then win the global economic race—and, specifically, the clean energy race—it is now time for us to listen to the people of Ohio and Utah and South Carolina and New York.

This shouldn't be a partisan issue. This is an issue on which Americans expect us to work together. We must pass an extension of the production tax credit as soon as possible.

As I close, I want everybody to know I will be back on the Senate floor tomorrow to talk about wind production in another State, and I will keep pushing for this commonsense policy. Let's pass this as soon as possible.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. COONS. Madam President, I appreciate the opportunity to speak today. I am following the Senator from the State of Colorado. My topic is also about manufacturing jobs in the United States. I thank the Senator from Colorado for coming to the Senate floor every day and reminding us of the importance of the consequences of the choices we make, whether it is the tax policy choice of failing to extend the production tax credit and the consequences for high-quality manufacturing jobs in the wind industry or the consequences for manufacturing all across our country, including the great State of New York, the State of Colorado, or the State of Delaware.

What we are on the Senate floor talking about is the Bring Jobs Home Act, which is just one of the many important ways we can and should be fighting for high-quality manufacturing jobs in our home States and across our country.

It was a very dark day when the Chrysler plant in Newark, DE, where I am from, shut its doors. It was built in the early 1950s first as a tank plant and then converted to an auto plant. This was a manufacturing facility that had sustained whole communities over several generations with high-quality, highly-skilled, and highly paid manufacturing jobs. In December of 2008, they closed their doors for the very last time, and that plant has now been torn down to the ground. It is an empty hole in the heart of the city of Newark.

We thought it couldn't have gotten any worse than the day that those thousands of workers filed out of the plant for the very last time, but it did just a few short months later when the General Motors plant—a few miles away in Boxwood—shuttered its doors.

In just a year Delaware went from having two high-performing, high-quality auto plants to none. We lost nearly 3,000 middle-class manufacturing jobs, and this was followed by a whole constellation of other plant closings from Avon, which lost hundreds of jobs to dozens of smaller manufacturers that had supported these auto plants for decades.

I know 3,000 jobs may not sound like a lot in the wreckage of the recession of 2008 to this whole country, but for Delawareans, for our small State, and for all the families who were supported for so long, it was huge.

I have an idea that I talk about all the time at home in Delaware; that is, we need to get back to "Made in America" and "Manufactured in Delaware." That means something to us. Back in 1985 when I was just finishing school, transportation equipment manufacturing—which is the fancy way of saying making cars and all the stuff that goes in them—employed 10,000 people in Delaware. Today it is well below one-tenth of that.

Made in America and manufactured in Delaware has to mean something for our families, for our communities, and for our future. Delaware was once a great and strong manufacturing State, as America was once the greatest manufacturing Nation on Earth. Some believe those days are behind us, but I do not.

I know my colleague, Senator DEBBIE STABENOW from Michigan, the lead sponsor of the bill we are debating, the Bringing Jobs Home Act, also does not believe our future as a world-class, world-leading manufacturer is behind us. I know the people of Michigan, the people of New York, and the people of Delaware do not.

I had the great opportunity this morning to visit with two leaders of Delaware-based manufacturers whom I just wanted to lift up for a moment as we talk about the Bring Jobs Home Act. Marty Miller, the CEO of Miller Metal in Bridgeville, DE, has had a little heralded program known as the manufacturing extension partnership that helps small manufacturers streamline their production processes, reduce waste and inefficiency, do their ordering and throughput far more effectively, and compete head-to-head around the world successfully. This manufacturing extension partnership has allowed Marty's company to grow by 25 jobs in just the last year and to compete head to head with Chinese metal fabricating plants in the global market, and win.

ILC Dover has been known to Delawareans for its storied history in our space program. They made all the spacesuits for NASA. But they have also made blimps that have hovered over Iraq and Afghanistan and protected our troops with downward-looking radar and real-time information, and they make the escape hoods and the masks that actually are positioned around the periphery of this Chamber and throughout this building and at the Pentagon. They have made remarkable high quality soft goods for decades and they too have a promising future and the opportunity to grow even in this recovery because they too are focused on things made in America and manufactured in Delaware.

These two companies, these two men, the organizations they lead, are, in my view, just an introduction to what can and should be a renaissance, a recovery, of manufacturing in the United

States. We still produce more in dollar value in manufacturing than any country on Earth, but there has been a downward slope in the number of jobs and in the sense of energy and investment and focus in our policy and in our priorities in manufacturing for years.

I think we can become a great manufacturing Nation again and our middle class can be stronger than ever, but we have to make smarter choices. We have to make smarter choices in our Tax Code. We have to look at our Tax Code with an eye toward fairness and investment for the future and not just short-term profitability. We need common sense and we need, in my view, to support companies that are creating jobs here, and we need to cut our support for companies that instead want to create jobs in China, in India, in Vietnam, in Thailand, by exporting jobs from the United States.

As our economy pulls back out of what has been a devastating recession, I can think of no more galling idea than this country incentivizing American companies to ship some of our best jobs overseas. Yet, as the Presiding Officer knows, our current Tax Code allows businesses to deduct the cost of moving expenses, including permits and license fees, lease brokerage fees, equipment installation costs, and certain other expenses. A company can take this deduction if they are moving from Bridgeville, DE, to Birmingham, AL, but it also turns out they can take it if they are moving to Bridgeville from Bangalore or Beijing. Can any of us think of a worse way to spend tax dollars? This is a loophole so big we could drive a car through it, right out of the shuttered manufacturing plants of Delaware.

Fixing the injustice of our Tax Code is the first half of the Bring Jobs Home Act. We say: We are not going to pay anymore for companies that send U.S. jobs overseas. We have better ways to invest our tax dollars in rebuilding the base of manufacturing and the high-quality, high-paying jobs that come from them.

The second thing this bill does is instead of incentivizing the outsourcing of American jobs, we incentivize insourcing. We say: Bring these jobs home. The Bring Jobs Home Act says a company can keep the deduction to help pay moving costs if they are moving from one facility in the United States to another. That is fine. They can still use the moving cost deduction if they are moving from a facility abroad back to the United States. That is better. But this bill takes a further step. We say: If companies bring jobs home to the United States, we will give them an additional 20-percent tax credit on the costs associated with moving that production back to the United States.

The message of this bill is straightforward: If you are an American company and you have manufacturing jobs

or service jobs that could be done by Americans, we want you to bring those jobs home, and we are going to help you do it.

For my small State, I want to keep saying every chance I get that what we want is made in America and manufactured in Delaware. Lord knows we have the workforce. There is an army of talented Delawareans, of Americans, ready to go. Ford knows it; Caterpillar knows it; GE knows it. As we have heard from Senator STABENOW, that is why they have brought jobs home. They are opening new plants in the United States and putting Americans back to work.

There is a company in Newark, DE, called FMC BioPolymer. They make specialty chemicals. They have run a factory in Newark, DE, for 50 years—in fact, exactly 50 years this year. They make a type of cellulose we find in everyday products such as foods, pharmaceuticals, cosmetics, and cleaning products. They had outsourced some of their manufacturing to China to save costs. But as we can imagine, when a company is working with these sorts of advanced products that go into consumer products, safety is key. So for performance and engineering and intellectual property and safety reasons, they brought some of their most critical jobs home. They employ more than 100 people and contribute more than \$20 million to our local economy every year, and it is an important part of our economy. So to FMC BioPolymer, I say thank you for bringing jobs home and strengthening made in America, manufactured in Delaware.

If big companies and small companies are figuring this out, when will the Federal Government, when will this Congress figure it out as well?

The best thing we can do for our economy—for millions of talented Americans looking for work, from our returning veterans to those who have searched so hard for work for the last 2 or 3 years, is to invest in them. We can pass the Bring Jobs Home Act as a smart choice to invest in American workers and their communities, to invest in their education, in their schools and in their teachers, to invest in our infrastructure and our roads and our power grid, to make smarter choices as a country and a Congress. There is no better investment I can think of than to make this phrase real, to return to Made in America and manufactured in the States of every one of the Senators of this great body.

This is common sense. But, alas, in the Senate, common sense these days rarely seems to win the day. I hope those watching and I hope those whom we represent take this seriously and recognize that the most important question before us is what are we going to do to take the fight in the global economy, on behalf of our families, on behalf of our communities, on behalf of

our manufacturers, and change things in our Tax Code, in our trade policy, in our intellectual property policy, to make it possible to not just invent things here and make them elsewhere but to invent them here and make them here.

I hope this body will proceed to vote in favor of the Bring Jobs Home Act so that for every one of our home States we can make this phrase true—that we want things made in America and manufactured in our home States.

I thank the Chair.

ORDER OF PROCEDURE

Madam President, before I yield the floor, I ask unanimous consent that the remainder of the majority's time be reserved for use following the Republicans' 30 minutes of controlled time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Missouri.

Mr. BLUNT. Madam President, I ask unanimous consent to enter into a colloquy with some of my colleagues on the minority side for 30 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BLUNT. I will yield to Mr. WICKER who I believe has a unanimous consent request as well.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi.

Mr. WICKER. I thank my friend.

Mr. BLUNT. Madam President, we have heard our colleagues talking about jobs. Clearly, that needs to be the No. 1 priority in the country today, and it needs to be domestic jobs.

The private sector is not doing just fine. The answer to the problems we face is not more government jobs, it is more private sector jobs, and the numbers aren't good anywhere we look, any way we look. In fact, if we look at the last 3 months in the country, more people signed up for disability than new jobs were created. More people signed up for disability than new jobs were created. More people decided they were going to opt out of the workforce because of disability reasons than people who got jobs.

We are here talking about things that have minimal impact on the economy when we could be talking about things that have lots of impact on the economy: good energy policy, good tax policy, good regulatory policy. As long as this uncertainty continues or as long as there is substantial certainty that all of those things are going to begin to work against job creators, people aren't going to create jobs.

This week we voted twice on something called the DISCLOSE Act that had absolutely no chance of becoming law this year and everybody on this floor knew it. What we ought to be disclosing is what our budget would look like. The Senate hasn't had a budget in

3 years and the law already requires that. The law already requires a significant disclosure on the part of the Senate, and that is disclosing how we are going to spend the money. The Senate of the United States, for the first time in the history of the Budget Control Act, 3 years ago—the second time 2 years ago and the third time this year—has decided we are not going to obey the law. One of the leaders was asked: Why aren't you having a budget? He said: Well, we would be politically foolish to say what we are for.

What kind of responsible position is that?

The other way we could disclose things is we could have the appropriations bills on the floor. The House has a budget. The House has passed half of the appropriations bills already. We haven't had a single bill on the floor, and the majority leader announced last week that we wouldn't have an appropriations bill on the floor before the election. Why is it we don't want to say before the election what we are for? Why is it we don't want to say before the election how we are going to spend the people's money? Why is it we don't want to say before the election what the budget would be? Even before the last election, the Senate wouldn't say what the budget would be, so we don't have one.

When we don't have a plan, we plan to fail. Clearly, the economy is doing exactly that. Statistic after statistic is not what the American people would want them to be. Housing prices are down. Unemployment is up. The labor group of people who want to be in the economy is at a 30-year low. If we had the same number of people looking for jobs who were looking for jobs and had jobs in January of 2009, the unemployment rate would be over 11 percent. The only reason the unemployment is 8.2 percent is because so many people have given up on the economy. Nobody thinks we have fewer working-aged people than we had when Ronald Reagan was President, but the labor force we are counting is smaller than at any time since Ronald Reagan was President.

There must be some big problem or people would be out looking for jobs. People would be out finding jobs. People would want to be part of an economy that they see as faltering. We are talking about little things instead of big things while the big things that affect America are dramatically affecting American families and American job creators.

The President is telling small businesses that if their business was successful, it wasn't because of them; it was because of all kinds of other factors that they happened to take advantage of. No small businessperson in America believes that. Nobody who ever opened the door to a business on the first day and put their phone number in the phone book the first day and

said, "Call me; I can provide these services for you," thinks they weren't successful because of their work.

I wish to turn to my friend, the Senator from Mississippi, Mr. WICKER, to speak on these issues as well. There are so many things we could be talking about today, but clearly jobs and the economy are critical to American families.

Mr. WICKER. Absolutely. I thank my friend for leading us in this colloquy. We ought to be talking about jobs and the economy. We ought to be bringing legislation to the floor and giving our side an opportunity to offer suggestions and hearing if the majority party in this Senate has something to offer other than the 3½ years of failed policies.

Their intentions are absolutely honorable. Everyone wants to create jobs. Everyone wants the unemployment rate to go down. But I think any fair observer would have to conclude that after 3½ years, the policies of the majority party in this body, the policies of the Obama administration, have been an utter failure—forty consecutive months of unemployment over 8 percent. The latest numbers were 8.2 percent. The last time we had a comparable sustained period of joblessness was World War II. It is absolutely unbelievable that the policies of our Democratic friends have been so unsuccessful and such a failure.

To put that in context, in September of 2008, we had a severe crisis because of the subprime loans, because of the excesses of Fannie Mae and Freddie Mac, which a lot of us who have been in the Congress for some time have tried to rein in. Because of that subprime crisis, unemployment went through the roof, the economy crashed.

The other crisis we had earlier than that, of course, was September 11, 2001, when the terrorists attacked the very heartland and soul of the United States of America—the Twin Towers, the Pentagon. In 2001 we had a spike in unemployment and our economy went in the tank.

Between that time, though, I think Americans should realize we did not have exactly everything we wanted in terms of job growth, but unemployment between 2002 and the middle of 2007 actually averaged between 4.5 percent unemployment and 6 percent unemployment. We were not happy with that then, but wouldn't we love to have that level of unemployment now rather than the 8.2 percent and the over 8 percent we have sustained for 40 straight months.

As a matter of fact, Americans need to remember this does not have to be the case, the 8.2 percent. As late as October 2007, the unemployment rate in this country was 4.4 percent. We can do that again, but we will not do it again with the failed policies the President and his party have been imposing on

our country during their entire stewardship.

The Senator from Missouri mentioned it has been 8 percent or higher, and the effective rate is 11 percent if everybody who had left the job force came back trying to get a job. Actually, the unemployment rate in the African-American community is 15 percent—an astounding and shameful figure.

The Obama stimulus program failed. It cost us over \$800 billion, and we are going to have to pay that back somehow, but it failed. The unemployment rate for 40 straight months remains above 8 percent. Dodd-Frank failed. The Affordable Care Act not only has made health care less affordable and less available, but it has failed to stimulate any jobs.

Then yesterday, as a member of the Banking Committee, I heard testimony, and this country heard testimony, from the Chairman of the Federal Reserve. Basically, he said he has lowered the economic expectations. He and the rest of the Federal Reserve now say the economy is going to get worse than they expected in January of this year, and the unemployment rate will be above 7 percent in his estimation, even at the end of calendar year 2014. That would be 6 straight years, under these current policies—unless we change our approach to job creation—that would be 6 straight years of unemployment higher than it ever was during the first 7 years even of the Bush administration.

We have some ideas about how to turn that around: an American-made energy policy; ending this regime of overregulation, which is just such a wet blanket on job creation; and ending the situation we have now of the tax burden on job creators. The tax burden on American risk takers is now higher than on any of our allies in the industrialized world. We hit job creators and risk takers and the people we want to help us with this 8.2-percent unemployment rate. We hit them harder than they do in any other country in the industrialized world.

So we have some ideas. We would like an honest-to-goodness jobs bill, and we would like the majority leader to give us a vote on some amendments. Do not just call up a bill, fill up the tree, offer every amendment you could possibly offer on the Democratic side, file cloture, and call that a filibuster. We need to go back to regular order in this Senate and let's offer some ideas. Let's have a debate again on this Senate floor about some ideas we have about job creation.

So I am glad to join my colleagues. I see my friend from Georgia in the Chamber, and I know he has been very thoughtful about this issue.

Mr. ISAKSON. Madam President, I thank the distinguished Senator from Mississippi.

I rise to talk about something I know something about, which sometimes in the Senate we do not do very often. I ran a small business for 22 years. I worked in a small business for 33 years. Quite frankly, I think I understand small business as well as anyone who has done it.

I was astounded, disappointed, and perplexed with the President's statement last week that small business did not owe its success to itself, but it owed it to government, because it is the other way around. We would not exist as a Senate were it not for the taxpayers of the United States of America. They send us our cashflow, they send us the money we invest to build the roads and bridges and highways. So it is an affront to those who have risked capital, as Senator WICKER said, those who have taken chances, and those who have succeeded and those who have failed to build small businesses, to employ the American people, to make this great engine of America work.

But I want to just go down a litany for a second of what small business does to make us exist as a Congress and as a government. Every January 15, April 15, June 15, and September 15 businesses pay their quarterly estimate on their taxes. So do independent contractors. Employees pay it every month in withholdings. The cashflow of the United States is not owed to the government; it is owed to the American people by the contributions they make.

Social Security. Every beneficiary of Social Security for their entire life paid 6.2 percent of their income, and their employer matched it with another 6.2 percent, up to \$102,500 in income.

Medicare. With no cap whatsoever, 1.35 percent of your income from day one to the day you die goes to the Medicare trust fund.

Talking about medicine for a second, many small businesses—19 percent of American jobs are in health care now. They now have device taxes. If a small business is building an implant for dental work or something for some kind of a heart treatment or something like that, they have an extra tax because of the affordable health care bill. For those who pay dividends or pay out investment income to their investors, they have a new surtax to help pay for the Affordable Care Act. Then we have our ordinary income tax that we all pay on April 15. For our highways, when we fill up our tanks with gas, we pay the motor fuel tax to build our highways. And for our airports, we pay the passenger facility charge that goes to the government to reinvest in our infrastructure.

So it sounds to me as if it is us who owe small business, not small business that owes us. I think if we began acting like people who understood from

whence comes our strength, America would begin to come back.

As Senator WICKER said about Mr. Bernanke yesterday, his downward forecast is because business is not deploying capital. People are not making investments. As one who did that, there is one simple reason. We are a nation of uncertainty. Nobody knows what the boundaries are going to be or what the policy is going to be on January 1.

Let me close with one example. On January 1, the estate tax goes back from a \$5 million unified credit and exemption and 35-percent rate to a \$1 million unified credit and a 55-percent rate. Do you know what that is going to do? That is going to close thousands of small businesses eventually around America because when a small business is owned by a family—a family farm in Mississippi or Georgia—when the owner of that farm dies, and they go to pass their assets on to their heirs, after that \$1 million deduction, they owe a 55-percent tax on the rest. Most of their value is in real estate and land, which is depressed. They are forced to liquidate land at suppressed prices to pay an income tax within 9 months of death. That is wrong and that should not happen. But if—as Senator MURRAY said yesterday or the day before—we allow every tax treatment we have today to go back to the 2001 rates, small businesses in America will be hit again with a tax that will force them to close or to liquidate.

It is time we understood from whence we get our strength. It is the American taxpayers. As we consider them and their investment in small business, we will make better decisions, we will act faster, and America will be better, and America will be stronger.

I see the Senator from Utah is on the Senate floor. I would like to turn to him.

Mr. LEE. I thank the Senator very much.

Madam President, on Monday we heard from Democrats who insist that Congress must now raise taxes on the American people. In fact, they are so committed to this task that they are willing to take the country off the fiscal cliff in order to get their way. This is unfortunate. It is unnecessary, and it is a course of action we cannot pursue.

Mind you, they are not trying to pursue comprehensive tax reform. No. They are not trying to fix this Byzantine-era Tax Code which occupies tens of thousands of pages. What they are doing instead is just to raise taxes right now so they can get their way right now, so they can cover the shortfall that exists right now because of a chronic failure by Congress over time to set and stick to spending priorities.

Well, the vast majority of Republicans are committed not to raise taxes—not on anyone. There are some very good reasons for it.

First, the Federal Government has proven its inadequacy in this area. Congress has proven time and time again that the money it takes from the American people, from hard-working taxpayers, is not always spent carefully. In fact, it has been spending more than it takes in for so long people almost cannot remember a time when Congress routinely balanced its budget. This is a problem, and it is a problem that should not be fixed by taxing the same people who are already paying this bill even more. This is not the fault of the American people, and the job of fixing it lies right here in Congress—not with the American people.

Second, from the CBO to the IMF to the Federal Reserve to Ernst & Young, experts around the world are warning of the dire economic consequences that await us if we raise taxes. We cannot allow it to happen. We have had over \$4 trillion added to the national debt during this President's administration. At the same time, we have had unemployment exceeding 8 percent for the last 41 consecutive months. Nearly 13 million Americans are currently out of work, and millions more are underemployed and looking for more work. We cannot allow this to continue.

I would add here that there is a certain irony in the President's proposal to increase taxes on some Americans while leaving the necessary tax relief in place for others. While purporting to help hard-working Americans, this approach would actually have the opposite effect, hurting most—many of those Americans who can least afford the hit right now.

A new study from Ernst & Young reveals that this tax hike—the tax hike that hits some Americans but not others—would kill 710,000 jobs. These are people who cannot afford to lose their jobs. These are people who are living paycheck to paycheck. These are not CEOs. These are not the top 1 percent. These are hard-working Americans who cannot afford to lose a job. We cannot let a tax hike bring about that kind of terrible consequence.

Democrats will assure you that their tax hikes are all about reducing the deficit. That is curious because their proposal would leave 94 percent of this year's deficit intact, which makes it an inherently unserious proposal insofar as it relates to deficit reduction.

Further, the President's own 10-year budget, which includes massive tax increases, by the way, still adds \$11 trillion to the national debt.

I really do appreciate the fact that the President is finally talking about these issues—issues that have long gone unaddressed and need to be addressed—but he cannot look the American people in the eyes and tell them he is doing something about the debt when his own budget, while raising taxes, nearly doubles our already sprawling national debt over the next 10 years.

Republicans have proposals. We have proposals to reform the Tax Code, reduce the deficit, and to do so in ways that will grow the economy, not cause it to contract. I have an amendment I hope will get considered in the next week or two that would permanently keep tax rates at their current levels so American families and businesses can know what to expect. It would also eliminate the death tax, and it would stop the expansion of the alternative minimum tax, which is quickly becoming the middle-income penalty tax.

These measures and others would go a long way—a long way—toward improving our economy and getting the American people back to work again. If my friends on the other side of the aisle disagree, as is their right to do, then let's come together and work to find some common ground. These election-year antics and distractions are not what the American people sent us here to do, and the longer we wait before enacting real reform, the worse the problem is going to get.

I would now like to turn the time over to my friend, the junior Senator from Missouri, who has fought long and hard on these issues, who will wrap this up for us.

Mr. BLUNT. I thank the Senator.

Madam President, how much time do we have?

The ACTING PRESIDENT pro tempore. There is 8 minutes 43 seconds remaining.

Mr. BLUNT. How much?

The ACTING PRESIDENT pro tempore. There is 8 minutes 40 seconds remaining.

Mr. BLUNT. Well, I am pleased to have the time on the floor today to talk about these issues: the attack on small business, and the idea that the private sector is doing fine, that we just need more government jobs. I just do not find anybody in America who believes that is the reality of the world we live in today.

The reluctance of the Senate to take votes—Mr. WICKER, who has served in the House of Representatives with Mr. ISAKSON and I, said we should have amendments; we should take votes; we should say what we are for; and we should not wait until after the election to say what we are for.

The reports that are out are consistent with the President's view in 2010 when he said we should not do anything to change tax policy because the economy was struggling. By any measure of the economy, it is struggling more now than it was in 2010. Growth in the economy is about half what it was when the President said: With this kind of economy, we should not raise taxes. So he agreed to extend the current tax policies for 2 more years.

But the minute we did that, we made exactly the same mistake we had made the previous 2 years: We created a big question mark out there for the American people as to what tax policies were going to be.

We already have the tax increases with the President's health care plan.

It raises the top rate to about 43 percent. The top rate goes up automatically with the President's health care plan to about 43 percent. If we go back to the old 39 rate, then we add the President's taxes in, we put an extraordinary tax on working families who, for whatever reason, decide they are not going to participate in the insurance system. The mandate—the tax on that would fall heavily—50 percent of all of that tax comes from families of four who make less than \$72,000. Between \$24,000 and \$72,000 for families of four—we decided we are going to penalize them with a tax if you voted for the President's health care plan.

What are we thinking here? Why are we ignoring all of the warnings? Last month the Congressional Budget Office, the nonpartisan Congressional Budget Office, gave a rare warning that if we let the defense sequestration go into effect and return to the tax policies of 2000, we will be in a recession, that we will see a 4-percent decline in growth in an economy, as I said earlier, that has more people signing up for disability than new jobs being created—already the case, and we want to take another 4 percent out of that economy?

The Ernst & Young report my friend from Utah mentioned said that if we drive over this fiscal cliff one of the Senate majority leaders said this week at the Brookings Institute that the majority is prepared to drive over, that we would lose 700,000 jobs, we would shrink the economy by 1.3 percent, we would reduce investment by 2½ percent, and we would cut wages by 2 percent, and this is in a country in which middle-class incomes have already dropped by \$4,350 since the President took office. Why would we be looking for another time to cut wages? Why would we think this is a better time to slow the economy than the end of 2010?

Chairman Bernanke from the Federal Reserve was here yesterday and said that we are being held back because there is so much uncertainty. We are being held back because people are not making the investments, they are not taking the risks Senator WICKER talked about.

I would like to go back to Senator LEE and talk a little more about his ideas on taxes.

Whenever you do not reward risk, people do not take risk. If they do not take risk, they do not create opportunity for others. If we look at putting this tax on small businesses, if we are putting this tax on people who otherwise might take a chance with some of their investments, we are just not going to have the risk-reward system work the way it needs to work. If you don't want people to take risks, don't reward risk.

Government has traditionally taxed the things it wanted to discourage and

subsidized the things it wanted to encourage. We appear to be subsidizing a lot of things, such as Solyndra, that don't work and taxing a lot of things that might work by constantly talking about not only today's taxes but the likelihood that if the current majority has its way and the President has his way, the current tax policies will dramatically go up. In fact, they are guaranteed to go up from the current rate even if we stayed at the current rate because of all of the health care taxes.

We would also say we want to go back to a death tax that goes back almost to a \$1 million exemption. If you are a small business or a family farm—many family farms, if you just calculate the value of your farm equipment, you are suddenly at the edge of that number that sounds so big until you realize you would have to sell the farm to pay the taxes. If you have the business that you are trying to pass along, maybe to the very people who stood by your side, your children and grandchildren, who helped you grow that business—it is almost impossible to evaluate who created that growth. But when you pass away, as the person who started the business, suddenly this big tax obligation falls to your family. Senator LEE's proposal to eliminate the death tax would address that.

The proposal that we are for on this side to continue current tax policies as we look toward an effort to have tax policies that make more sense—we have the highest corporate rate in the world. We are seeing American companies say: Well, we think we are going to incorporate in Great Britain. We are going to move our company, our headquarters, who we are, to Great Britain because they have better tax policies.

Who would have ever thought Great Britain would have better tax policies than the United States of America, but it does today, as does every other European country. We have managed to get at the top of the list.

In return for those lower tax rates and a system that works internationally, let's eliminate a lot of the complexity of this Tax Code. We are for that. But let's not increase taxes while we are having that debate. Let's commit ourselves to that debate and not increase taxes, not move forward with all of the new health care taxes and the taxes that—apparently the majority says: Well, we are prepared to raise taxes on the middle class because then they will put so much pressure on Republicans in the Senate that we will have to eliminate some of the current tax policies that impact small businesses and other individuals.

Does the Senator want to talk a little bit more about it? I think we have now a couple more minutes to think about how these tax policies really hold back opportunity for other people. If you don't reward risk, people don't take risks. If they do not take risks,

they do not create opportunity and we do not have the jobs out there in the private sector that are clearly the key.

Mr. LEE. That is right. I think that is the point that often goes missing in this debate, which is that when people talk about wanting to raise taxes on one group of Americans and not increasing them on another, that causes problems. And we are concerned about job creation. We are not concerned about any one particular group, we are concerned about Americans as a whole—most importantly, about those who are most vulnerable, those who can least afford to lose their jobs.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. LEE. I see our time has expired.

Mr. BLUNT. I thank the Chair.

I thank my colleagues for joining me.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Madam President, I ask unanimous consent to speak as in morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FINANCIAL DISCLOSURE TO REDUCE TAX HAVEN ABUSE ACT OF 2012

Mr. DURBIN. Madam President, there is an old adage that sunlight is the best disinfectant. The reason it is an old adage is it is true. That is why I introduced the Financial Disclosure to Reduce Tax Haven Abuse Act of 2012. I introduced this months ago. It would require candidates for Federal office and certain Federal employees to disclose any financial interests they or their spouses have in an offshore tax haven. If the bill becomes law, individuals who file financial disclosure reports would be required to list the identity, category of value, and location of any financial interest in a jurisdiction considered to be a tax haven by the Secretary of the Treasury. The Secretary would be required to provide a list of those countries to filers and to consider for its inclusion on the list any jurisdiction that has been publicly identified by the Internal Revenue Service as a secrecy jurisdiction.

The American people might be surprised to know that we do not already ask whether candidates and Members of Congress are sheltering their money offshore to avoid paying taxes in America. That is because under current law those individuals—that would be candidates and Members of Congress—are not required to account for where their financial interests are held. Candidates for Federal office, including President, do not have to explicitly disclose their holdings in tax havens. The bill, which I introduced months ago with Senator FRANKEN, would change that.

Today it seems that we have a tax system with two sets of rules: one for those who are very wealthy and one for the rest of the people in America. The wealthiest Americans are able to take

advantage of certain breaks, loopholes, to pay lower tax rates than working families. We should not have a political system where a candidate can claim to champion working people while that same person is secretly betting against America through tax avoidance and tax haven abuse.

Without this bill, the American people will not know whether a candidate has taken advantage of foreign tax havens to avoid paying his or her fair share. Offshore tax havens and other similar loopholes cost taxpayers in America \$100 billion a year which otherwise would be paid by these Americans who are using these offshore tax havens.

Senator CARL LEVIN of Michigan may be joining me shortly. I hope he can. He has held an extensive set of investigative hearings in the Permanent Committee on Investigations on this particular issue. No one has explored it more than Senator LEVIN of Michigan. I am hoping he can join me and share his findings.

The money that is invested in these offshore tax havens is money that could be invested in America. It could be invested in America's schools, America's roads, America's Medical research, America's jobs, and it could be paying down America's deficit. Instead, that money is headed to Swiss bank accounts and holding companies in Bermuda and the Cayman Islands.

Senator LEVIN and Senator CONRAD, who will be joining me, have both done extraordinary work to shine light on these practices and what they mean to the American economy. Those two Senators, LEVIN and CONRAD, successfully included a provision in the Senate Transportation bill that will give the Treasury Department greater tools to crack down on offshore tax haven abuse. Unfortunately, that provision was not included in the conference report, and so we have to continue to fight to put an end to offshore tax haven abuse.

The American people are rightly concerned that wealthy and well-connected Americans are skirting our laws to avoid paying their taxes. They deserve to know that the people who hope to represent them in Washington are not cheating the system.

Nothing in my bill impinges on any individual's right to hold financial interests anywhere in the world. If there is a legitimate reason for a candidate or a Member of Congress or any other individual who files a financial disclosure to hold their money, let's say, in an account in the Cayman Islands, they should not have any problem explaining that to the voters. But any individual who has or wants to have the public trust should be honest about the practices they have engaged in that, in fact, cost American taxpayers, whom they may wish to represent, literally billions of dollars every single year.

This is an important step we must take to restore the public trust. I would hope that this issue, like the one we just finished debating in the previous several days, is one most Americans will understand. It is one that should be bipartisan.

I happen to have had the good fortune of coming into politics being schooled by two people who were my mentors and inspired me, Senator Paul Douglas of Illinois and Senator Paul Simon, both of whom enjoyed positive reputations after the end of their public career for being honest people. One of the things Senator Douglas started doing—and Senator Simon followed—was to make public disclosure of income and net worth. They did it long before it was the law and always did it to a greater degree and greater detail than was required by law.

I have followed that practice, and sometimes it has been hard. I can remember coming out of law school and going to work for then-Lieutenant Governor Paul Simon in Springfield, IL. There I was, deep in student loan debt with a beat-up old car, a wife and two babies, filing an income and net worth disclosure. My first filing, because of my student loan debt, showed me with a negative net worth. I took a little bit of ribbing as a result of that. But I continued to do it every single year I served on a public staff and every year I was a candidate or elected to office.

So there is a rich trove for anyone who is summarily bothered and wants to spend some time, if they would like to read what happens to a public official over the span of a lifetime, when they are in this business, in terms of their own personal wealth. There have been moments when the detail I have provided in these disclosures has been an invitation to the press; it makes their life easier to take a look at things that I and my family do. I can recall when, regarding my daughter Jennifer, I got a question from a reporter about what was her financial interest in Taco Bell. It turned out her financial interest was as a person working at the Springfield Taco Bell making tacos. That was it. But because we go into detail, those things are open for investigation and provide some clarity about my financial circumstance.

Paul Simon used to always say: When my career comes to an end, I want people to look at my record and say I never understood why he voted this way or that way, but he said I never want them to question my honesty in making a political decision. That has been my goal as well.

What I am suggesting is to expand the disclosure of Members of Congress and candidates for Federal office, such as President of the United States, to include foreign tax havens. I think it is an important element that people who

are running for office and serving in office stand and basically explain why they felt it was a better idea to put money, for instance, in a Swiss bank account.

I have made a point of asking people—Members of Congress and business leaders—why would anybody have a Swiss bank account? I asked Warren Buffet, who is one of the wealthiest men in America. I said: You have been a successful businessman for decades. Why would you have a Swiss bank account? He said: I don't know. I have never had one. We have good banks in America, so why would I go there?

There are two reasons: One is to conceal their wealth and how they are changing, moving the money around; and second, if they happen to believe the Swiss franc is a stronger currency, a better bet than the U.S. dollar. That is it. There are no other reasons for an American to have a Swiss bank account. Yet people do. I think they should disclose it, and then they should stand ready to explain which of those two explanations stands behind their decision.

Senator CARL LEVIN has come to the floor. At this point, I will yield to him because he has done extensive investigation on the Senate Permanent Subcommittee on Investigations about these foreign tax havens. He and Senator CONRAD have probably told us more about dollars lost and tax collected and what is happening in some of these tax havens and shelters around the world. I yield to Senator LEVIN.

The ACTING PRESIDENT pro tempore. The Senator from Michigan is recognized.

Mr. LEVIN. Madam President, I thank the Senator from Illinois for his leadership in dealing with the offshore tax haven problem.

This is not a new issue. It is not a new issue for me. In fact, my Permanent Subcommittee on Investigations has been exploring the damage the secrecy of offshore tax havens has caused for the nearly two decades we have been looking at this issue trying to change the situation that exists, and it is not a new issue for Senator DURBIN. He has been on this issue a long time. Indeed, when President Obama was a Senator, he joined in an effort to bring tax haven abuses to light.

Then-Senator Obama, in 2007, was an original cosponsor of the Stop Tax Haven Abuse Act, which I introduced with our Republican colleague Senator Coleman, and he said the following:

There is no such thing as a free lunch—someone always has to pay. And when a crooked business or a shameless individual does not pay its fair share, the burden gets shifted to others, usually to ordinary taxpayers and working Americans without access to sophisticated tax preparers or corporate loopholes.

It was a bipartisan bill aimed at preventing the loss to taxpayers that results from tax-avoidance schemes that

use secret tax haven jurisdictions, such as the Cayman Islands.

Those words I quoted remain just as true today as they were in 2007. There is indeed no free lunch. In 2006, our Permanent Subcommittee on Investigations estimated that tax havens cost the Treasury in the neighborhood of \$100 billion a year, and though we have had some successes in the battle against tax havens since then, tax dodgers and avoiders have continued to exploit every offshore loophole and tax haven they can find.

This has significant consequences to the rest of us. Offshore tax evasion and avoidance takes money out of the hands of our military, takes money out of programs that millions of Americans rely on for good schools, roads, health care, protecting the environment or securing our borders. When money is lost to these tax havens that belongs in our Treasury, it adds to our deficits and debt. Ultimately, the rest of us are forced to pay more on our tax bills to make up for those who shirk their tax-paying responsibilities.

As I said, we spent years in my subcommittee exploring this problem. In 2001, we heard testimony from the former Cayman Islands banker who said 100 percent of his clients were avoiding or evading taxes. In 2006, we reported on some brothers from Texas, who, over the course of 13 years, stashed more than \$700 million in offshore tax havens in a massive tax evasion scheme.

When a company incorporates in the Cayman Islands or another tax haven, with a mail drop as their only physical presence in that country, they most likely have one purpose: avoiding taxes. In 2006, we explored the history of the Uglend House, a small building in the Caymans that, remarkably, is listed as the headquarters for nearly 20,000 different corporations. In 2005, we showed how a Seattle securities firm called Quellos devised a scheme of faked stock trades between two offshore companies, creating phantom stock losses used to avoid taxes on billions of dollars in income. In 2001 and 2002, we explored how Enron used offshore tax havens—dozens of them—as part of its deceptive schemes.

Just yesterday, in our subcommittee hearing on a global bank called HSBC and money laundering, we saw how the secrecy of tax havens, such as the Caymans, so often used to conceal income, can also be used by criminal enterprises to conceal and launder the proceeds of their crimes. HSBC's Mexican affiliate had an office in the Caymans with thousands of U.S. dollar accounts. The bank had no client information on 41 percent of those accounts, and internal documents, our investigation discovered, showed the bank was aware the accounts were being used by drug cartels and were subject to "massive misuse . . . by organized crime."

These tax havens have been a pervasive problem for our Treasury and for our economy and for our security.

We can stop them. When it comes to tax avoidance, our Federal fiscal situation demands we stop them. In the past, addressing offshore tax evasion was not a partisan issue. In 2004, Congress stopped companies from taking advantage of what was called inverting. When a company inverts, it will shift its headquarters, on paper, to a low-tax or no-tax country. It is just on paper, though. It was decided we were not going to allow that game to be played by American companies, and we stopped that practice. Since then, every year I have worked with Senator DURBIN and colleagues of both parties to ensure that these inverted companies are prohibited from receiving government contracts. If these tax dodgers cannot see fit to pay their taxes, we shouldn't be giving them our tax dollars.

Much more needs to be done. We could pass the Stop Tax Haven Abuse Act, which I have introduced again in this Congress, to address some of the worst offshore tax abuses and end the use of these tax havens that cost American taxpayers. We could pass the CUT Loopholes Act, which Senator CONRAD and I introduced earlier this year, which includes a number of provisions aimed at stopping offshore tax evasion and closing loopholes that allow companies to dodge their taxes.

The Senate, earlier this year, passed one important provision of the CUT Loopholes Act. This provision is known as the special measures provision. This would have given the Justice Department the same tools to combat tax haven abuses they now have to combat money laundering. Unfortunately, the House of Representatives succeeded in stripping this commonsense provision from the surface transportation bill to which it was attached in the Senate. That vote by the House allows the wealthy and powerful to continue dodging the taxes they owe, increasing the tax burden on American families who abide by the law and by their tax obligations.

The bill Senator DURBIN offered is another way we can combat tax havens, and I thank him for this effort. Simply put, his legislation would bring much needed daylight to the use of offshore tax havens. It would require that officeholders and candidates for public office disclose their financial interests located in tax haven countries. Perhaps there are some who believe individuals and corporations should be allowed to continue concealing their income and their assets overseas, adding to the deficit and forcing the rest of us to carry their own share of the burden and that of tax dodgers as well. But surely we can all agree the American people deserve to know when their public officials are using offshore tax havens.

Senator DURBIN's bill would ensure that Americans know when their elected representatives and candidates for office are taking advantage of the offshore tax havens.

This is not about a political campaign; this is about years of effort to make visible those who shortchange their fellow citizens by concealing their finances abroad and to argue for reforms that make our tax system more fair for the vast majority of hard-working Americans who pay what they owe.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

(The remarks of Mrs. MURRAY are printed in today's RECORD under "Morning Business.")

The ACTING PRESIDENT pro tempore. The Senator from South Carolina.

Mr. DEMINT. Madam President, I wish to thank the chairman for her hard work, as well as the staff of the committee, and Representative JEFF MILLER and others who have worked on this bill. I am very supportive of the underlying bill, and I appreciate Senator MURRAY's willingness to consider the modification to make sure the veterans who deserve these benefits get them and they are not taken advantage of by the fraud of others who don't deserve them.

I think the modification the Senator and I have talked about will solve that problem, and hopefully we can get this bill agreed to this afternoon.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Madam President, I wish to thank the Senator, and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KOHL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KOHL. Madam President, I am here today to talk about the state of manufacturing in this country, how we can do better, and how we can create more jobs here at home.

The Bring Jobs Home Act is a good bill that will help keep jobs in this country, and help businesses bring more jobs back here at home. It would be especially good for manufacturing—and manufacturing, as we all know, is a critical part of our economy.

A healthy manufacturing sector is key to better jobs, rising productivity, and higher standards of living. Every individual and industry depends on manufactured goods, and the production of these goods creates the quality jobs that keep so many Americans families healthy and strong. That is why

we need continued investment in the Manufacturing Extension Partnership, or MEP, as it is called.

Created in 1994, MEP is not just a Federal Government-funded program. MEP is unique in that it is funded almost equally between the States, fees paid by companies that use MEP, as well as the Federal Government. Each year, a bipartisan effort led by Senator SNOWE, Senator LIEBERMAN, and myself has worked to secure funding for this important program.

MEP is the only public-private program dedicated to providing technical support and services to small and medium-sized manufacturers, helping them provide quality jobs for American working people. MEP is a nationwide network of proven resources that helps manufacturers compete nationally as well as globally. Simply put, MEP helps manufacturers grow sales, increase profits, and hire more workers.

Throughout our country, day in and day out, MEP is working with small and medium-sized manufacturers to keep jobs here, and also helping existing businesses bring their outsourced jobs back to the United States. Let me say that again, because it bears repeating. Each day, MEP is working with manufacturers to keep jobs here, and bring their outsourced jobs back to the United States.

Our small and medium-sized manufacturers face different challenges than larger companies, especially in this tough economy. The improvements that come to a business from working with an MEP center can make the difference between profitability or shutting their doors.

You would be hard pressed to find another program that has produced the results MEP has. In fiscal year 2010—the most recent data available—MEP clients across the United States reported over 60,000 new or retained workers, sales of \$8.2 billion, cost savings of \$1.3 billion, and plant and equipment investments of \$1.9 billion.

And in a sign of how strong manufacturing is in Wisconsin, the Wisconsin MEP is opening up a third office in my State, this time in Milwaukee. The Milwaukee region—which ranks No. 2 among the Nation's top 50 metropolitan areas for manufacturing employment—is seeing high growth in the food processing, equipment manufacturing, and industrial controls fields. These businesses want to create jobs and grow here in the United States, and they are turning to MEP, a public-private partnership, to help them compete in the global economy. Since 1996, Wisconsin MEP has helped over 1,300 Wisconsin manufacturers make nearly \$400 million in improvements in technology, productivity, and profits, helping to generate \$2 billion in economic impact, and creating or saving over 14,000 manufacturing jobs.

Many people seem to think the decline of American manufacturing is in-

evitable. These critics point to high wages and claim that those make us uncompetitive worldwide. I do not agree. Look at Germany and Japan, two countries with high-wage structures, and yet both have a larger manufacturing sector as a portion of their economy than we do. So higher wages are not why we trail Germany and Japan in manufacturing. We have failed to invest in manufacturing and employee training sufficiently to keep up with global competition—and that is the problem.

We do have the tools and the programs available to help grow our economy and bring jobs back to the United States. Workers in Wisconsin and across the country stand ready to get back to work. Programs such as MEP help companies do the right thing for both their country as well as their bottom line—because betting on the American worker is still the best investment in the world.

Madam President, I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEFENDING HUMA ABEDIN

Mr. MCCAIN. Madam President, rarely do I come to the floor of this body to discuss particular individuals. But I understand how painful and injurious it is when a person's character, reputation, and patriotism are attacked without concern for fact or fairness. It is for that reason that I come to the floor today to speak regarding the attacks recently on a fine and decent American, Huma Abedin.

Over the past decade, I have had the pleasure of knowing her during her long and dedicated service to Hillary Rodham Clinton, both in the Senate and now in the Department of State. I know Huma to be an intelligent, upstanding, hard-working, and loyal servant of our country and our government, who has devoted countless days of her life to advancing the ideals of the Nation she loves and looking after its most precious interests. That she has done so well maintaining her characteristic decency, warmth, and good humor is a testament to her ability to bear even the most arduous duties with poise and confidence.

Put simply, Huma Abedin represents what is best about America: the daughter of immigrants, who has risen to the highest levels of our government on the basis of her substantial personal merit and her abiding commitment to the American ideals she embodies. I am proud to know her, and I am proud—even maybe with some presumption—to call her my friend.

Recently, it has been alleged that Huma Abedin, a Muslim American, is part of a nefarious conspiracy to harm the United States by unduly influencing U.S. foreign policy at the Department of State in favor of the Muslim Brotherhood and other Islamist causes. On June 13, five Members of Congress wrote to the Deputy Inspector General of the Department of State demanding that he begin an investigation into the possibility that Huma Abedin, and other American officials, are using their influence to promote the cause of Muslim Brotherhood within the U.S. government. The information offered to support these serious allegations is based on a report, "The Muslim Brotherhood in America," which is produced by the Center for Security Policy. I wish to point out, I have worked with the Center for Security Policy. The head of it is a longtime friend of mine. Still, this report is scurrilous.

To say that the accusations made in both documents are not substantiated by the evidence they offer is to be overly polite and diplomatic about it. It is far better and more accurate to talk straight. These allegations about Huma Abedin and the report from which they are drawn are nothing less than an unwarranted and unfounded attack on an honorable citizen, a dedicated American, and a loyal public servant.

The letter alleges that three members of Huma's family are "connected to Muslim Brotherhood operatives and/or organizations." Never mind that one of these individuals—Huma's father—passed away two decades ago. The letter and the report offer not one instance of an action, a decision, or a public position that Huma has taken while at the State Department or as a member of then-Senator Clinton's staff that would lend credence to the charge that she is promoting anti-American activities within our government. Nor does either document offer any evidence of a direct impact that Huma may have had on one of the U.S. policies with which the authors of the letter and the producers of the report find fault. These sinister accusations rest solely on a few unspecified and unsubstantiated associations of members of Huma's family—none of which have been shown to harm or threaten the United States in any way. These attacks have no logic, no basis, and no merit, and they need to stop. They need to stop now.

Ultimately, what is at stake in this matter is larger even than the reputation of one person. This is about who we are as a Nation and who we aspire to be. What makes America exceptional among the countries of the world is that we are bound together as citizens, not by blood or class, not by sector or ethnicity, but by a set of enduring universal and equal rights that

are the foundations of our Constitution, our laws, our citizenry, and our identity. When anyone—not least a Member of Congress—launches specious and degrading attacks against fellow Americans on the basis of nothing more than fear of who they are and ignorance of what they stand for, it defames the spirit of our Nation, and we all grow poorer because of it.

Our reputations and our character are the only things we leave behind when we depart this Earth, and unjust acts that malign the good name of a decent and honorable person are not only wrong, they are contrary to everything we hold dear as Americans.

Some years ago, I had the pleasure, along with my friend, the Senator from South Carolina, LINDSEY GRAHAM, of traveling overseas with our colleague then-Senator Hillary Clinton. By her side, as always, was Huma, and I had the pleasure of seeing firsthand her hard work and dedicated service on behalf of the former Senator from New York, a service that continues to this day at the Department of State and bears with it a significant personal sacrifice for Huma.

I have every confidence in her loyalty to our country, and everyone else should as well. All Americans owe her a debt of gratitude for her many years of superior public service. I hope these ugly and unfortunate attacks on her can immediately be brought to an end and put behind us before any further damage is done to a woman, an American, of genuine patriotism and love of country.

Mr. President, I suggest the absence of a quorum.

THE PRESIDING OFFICER (Mr. FRANKEN). The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. COATS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. COATS. Mr. President, I come to the floor today to comment on a couple of things. One is the dialog that took place this morning between the majority leader and the minority leader regarding how the Senate should function. There were two different views on this between the two, and they had quite a back-and-forth exchange. I am not sure how many people in America were watching that conversation this morning, but I watched in my office while I was trying to catch up on some other work and then found myself pretty engaged in that discussion.

It all stemmed from the fact that the majority leader announced he was not going to bring any of the appropriations bills to the floor for debate, consideration, amendment, or voting. I am a Member of that Appropriations Committee. The initial information passed

on to us was that we would return to regular order; that is, the committees forming, through the committee process, how we spend our money, the limitations, where it should be sent.

We have held all the hearings. We bring in all the agencies. Everybody presents their budget, defends their budget. We make decisions, and we come up with legislation—13 separate pieces of legislation—that essentially covers the functions of this Congress and how we are going to pay for it.

So we go through all this work. We work through subcommittee, then we work through the full committee, and then the bills are ready, stacked up, waiting to be brought to the floor to be debated by Members—both Republicans and Democrats, both sides of the aisle—with amendments offered.

The same process happens in the House. We merge the two bills. We bring one product here. We make a final vote on that and send it to the President. He either signs it or rejects it. But that is a necessary procedure that is a written part of the way this Congress is designed to function.

Yet that procedure has essentially been discarded. To then hear that after all that effort by all of us in our respective committees, including the Appropriations Committee but also authorizing committees in terms of how we are going to spend the money and what direction it goes—after all of this effort, we are told: No, none of those bills will be brought to the floor.

Well, that is not the function of the Senate. The response is, well, we will put it all into one big bill at the end—13 bills, called an omnibus bill. Earlier, we had something put together called a minibus—they took three major bills, and put them together—and we were then asked to have either a “yes” or a “no” vote on the whole thing.

You know, there is a reason the public is so frustrated with the Congress. They cannot get clear answers from their respective Members as to whether they are for something or against something because when you combine all of those bills together, of course you are for parts of it and you are against parts of it, but Members are only allowed one vote, yes or no.

When I ran for office in 2010, I pledged to the people of Indiana that if I were elected, I would let my yes be yes and my no be no as it applied to a specific program or a specific spending item so that they could then evaluate their Senator in terms of how he was representing them. And they could then make a judgment that, I want to support this person or I am opposed to supporting this person because I do not agree with his vote on this or I support him because I do agree with a vote he took. That is the clarity and transparency the American people are asking for. Of course, they are getting exactly the opposite here.

The other problem with not bringing these bills to the floor one by one and having open debate, with the opportunity to offer amendments, to adjust them—you either pass your amendment or you do not pass your amendment, but in the end the whole thing has been vetted, vetted in front of the American to see, for us to understand, and therefore, when we do vote, we know that our yes means yes and our no means no.

So it is a mystery to me why this year and in previous years under the leadership of the majority leader we have not done what the Senate, historically is designed to do and has done and what I think is a duty and a responsibility to the people whom we represent.

Now, in normal times of economic growth, maybe you can get away with something like this. But at a time when lack of action in Congress contributes to an already staggering economy—many analysts say we are heading back into recession—when we look at the situation around the world and see the slowing down of economic activity and the problems in China and Brazil and in India, the major markets, and we see what is happening in Europe, and we read from analysts their evaluation of our current economic situation and this fiscal cliff that we are driving toward by the end of the year unless we address it, how uncertainty over all of that is negatively affecting our economy and affecting those who are in a position to either buy new machinery for their plant, increase employment, do more research, or expand a business. They are frozen in time saying: I cannot make decisions because there is uncertainty about what money will be available, what our budget will be, what our tax rate will be, what our health care obligations will be, what the Federal Government will be doing with this budget and how it affects our business.

So whether it is paving roads or funding hospitals, addressing education issues or any other function that Federal, State, local governments or individuals and businesses get involved in, this cloud of uncertainty that has settled over this country has kept us from putting those policies in place that are going to restore our country to economic growth, that are going to put people back to work and get our country back on track toward fiscal health.

This is an issue that should not be dividing us on a partisan basis. Whether you are listening to a liberal economic commentator or conservative economic analyst, there is a growing consensus that inactivity, this stalemate that exists is contributing significantly, and the failure to address the fact that we are heading toward this fiscal cliff, with all its ramifications, will have enormous negative consequences if we do not take some action.

So it is not just about the appropriations process, although I think that speaks to the dysfunction of this Senate. It is also about the larger question of some of the major issues that lie before us that the Congress is simply not addressing. We are viewed as a dysfunctional institution, either incapable or unwilling to address the critical issues facing our country—in particular, the dismal state of our economy and the fact that we have now for 41 straight months had unemployment above 8 percent.

This morning more than 12 million Americans woke up without a job and many others woke up with a job much below their abilities, much below what they had hoped to gain in a salary and a pay package that allows them to pay the mortgage, buy the groceries, save for their children's education. So the underemployed combined with the unemployed is a staggering number. That is something I believe we have a moral duty to address.

We may have a disagreement on the policies to address this crisis. I understand that. But when we are not even allowed to come down to this floor and debate those policies and have a package of legislation in front of us that we think will address some of these situations, that is simply taking a pass at a time when our country desperately needs us to be engaged.

If you looked at the Washington Post this morning, you saw the account of Federal Reserve Chairman Ben Bernanke, his testimony before the Senate yesterday, and I want to quote what he said:

The most effective way that the Congress could help support the economy right now would be to work to address the Nation's fiscal challenges in a way that takes into account both the need for long-run sustainability and the fragility of the recovery.

I think if that question was posed to a Member of this body, whether that Member is conservative or liberal, Democratic or Republican, I think most would simply say: I agree with that. I cannot find fault with what he said.

You know, we look to the Fed to solve all of our problems but the Fed has used about every major tool they have—they might have a couple of little ones left. You can only do so much with monetary policy. The problem is fiscal policy, and fiscal policy is the responsibility of the Congress and the executive branch and the President.

Look, it is clear that we are not going to get any leadership from this President, at least until after this election has taken place. He is clearly in campaign mode. He is not doing business out of the White House relative to policy. He even said months and months ago: Well, we are not really going to do any more this year.

So that has all been put on hold. Well, in normal times, that might be

what Presidents ought to be doing. These are not normal times. We are not getting the leadership we need. And everything we tried to do in 2011 was stopped simply because we did not get support from the top.

But let's set that aside right now and acknowledge that what the Federal Reserve Chairman has said will have a major negative impact on this economy if Congress does not step up and take its responsibility and do what we all know we need to do. I repeat again that statement by the Federal Reserve Chairman:

The most effective way that the Congress could help support the economy right now would be to work to address the nation's fiscal challenges in a way that takes into account both the need for long-run sustainability and the fragility of the economy.

Economists from across the political spectrum are sounding the alarm. Analysts report that the threat of the fiscal crisis in Europe is now being displaced by the threat of our country's inaction and refusal to address this fiscal cliff now. The American people and American industry and American businesses need to know what our plan is to stabilize our economy. Yes, it is important what Spain is doing and Italy is doing and Greece is doing and Germany is doing and France is doing to work on the European situation. Those of us who live in glass houses should not be throwing stones. There is a lot of criticism over what they are doing or not doing across the Atlantic. But we ought to be looking at ourselves and saying: How dare we tell them what they need to do—as some have tried to do—when we are not doing anything ourselves to address this.

The failure of Congress to act is having a negative impact, not only in my State but across the country. Household confidence is waning. Retail sales are down, according to the latest report. The manufacturing sector is taking a hit. As I said earlier, there have been 41 consecutive months of unemployment above 8 percent.

So it falls to Congress to act. Unfortunately, now we have been told that even on the regular process of how we act on a year-by-year basis to set the spending standards for the taxpayers' hard-earned money out of this Federal Government, set those standards, we are unwilling to have open debates, we are unwilling—the majority leader will not allow us to have amendments, will not even bring the bill to the floor. All of this legislation is needed to ostensibly run this Federal Government. Yet it is being run in a way that throws everything into the pot. It goes right up to the edge, and we have this drama about whether they will pass it or not pass it. In the meantime, the negative impact that it has on our economy is very troubling and not something we ought to be doing.

So here I am again voicing my frustration over our inability to step up to

the responsibility that has been given to us by the American people to come here and do our very best, make our best arguments, put forward our best plan, but come to some conclusion as to where we are going in this country in dealing with this fiscal cliff.

It is not just a fiscal cliff, it is a whole range of issues that have enormous implications for our national defense, for our economy, for our budget, for going forward for our retirees, for those beneficiaries of some of the programs of the Federal Government—major implications—and all of that is left in a cloud of uncertainty.

The interesting thing to me is that whether you are a Democrat or Republican, whether you are President of the United States or a candidate for President of the United States, good policy is what the American people are looking for. Action is what they are looking for. Debate is what they are looking for, and then putting that forward with some sense of certainty in terms of where we are going. But right now politics seems to be dominating the Presidential race. I do not think there is anything we can do about that, but what we can do here in this body is acknowledge what was acknowledged by a lot of Democrats and a lot of Republicans in 2011 but not accomplished; what we can do is what we have the responsibility to do, and that is to step into the breach and do everything we can to put those policies in place that I think there is substantial agreement on, put those policies in place that will get our economy moving again, and, most important, put some certainty into what the future looks like so that those who go shopping and those who make products and those who are part of our American economy have the certainty of knowing what the future looks like so they can make decisions.

We have a chance, Mr. President—even as recent discoveries can lead us to energy independence, given our established rule of law, given the fact that right now America is the only safe haven—even though it is getting less safe—to invest your money if you are overseas—we have the opportunity, if we step up to our responsibilities, to open a new chapter and put America back in its place as that “shining city on a hill,” that place of freedom and opportunity where you want to put your money and invest, raise your children, an opportunity to be the country the world looks at to take the lead.

We have a golden opportunity now to send that signal. I think the investment markets would respond dramatically, we would start putting people back to work, and get our economy humming again. People would then look at us and say: They are taking this debt and deficit situation seriously. They put a credible long-term plan in place to address it, and we have the confidence to go forward, knowing

that America will still be the place to live, work, raise a family, and invest. We can bring our economy back.

I am trying to end on a positive note simply by saying good policy is good politics. The people are hungry for us to stand up and basically say this is what we believe in, what we stand for. Yes, we had to modify this or that in order to get consent on going forward, but we are going forward. We know what the plan will be, and we can send a signal to the world that Congress has lived up to those responsibilities. You are not going to get it out of the White House—at least until November. This is the body where the responsibility falls. I think we all need to stand up and understand not only our constitutional duties but our moral responsibility to move forward and in the regular order address these issues that are so critical to the future of this Nation.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. UDALL of Colorado). The Senator from Kansas is recognized.

Mr. MORAN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

KC-46A TANKER BASING

Mr. MORAN. Mr. President, Kansas has a long and remarkable history of supporting our Nation's aviation industry both commercially and in support of our Nation's men and women in uniform. In Kansas, roughly 40,000 citizens support approximately 270 aviation and aerospace companies and generate nearly \$2.9 billion in exports annually from our State. Many of those workers live in Wichita, which has long been known as the air capital of the world. Not only do these workers contribute to the vitality of our State's economy, but they also strengthen our Nation's economy, and they certainly contribute to our Nation's defense.

At both McConnell Air Force Base and Forbes Field, in Topeka, members of the Active, Reserve, and the National Guard serve our country through a variety of missions. Since 1941, McConnell Air Force Base has been an instrumental part of the Wichita community, and Kansans have a proud history of standing behind the air men and women who have called McConnell home. McConnell Air Force Base employs more than 17,000 people, military and civilian, and last year it had an overall impact of more than \$520 million on our local economy.

I have come to the floor today to outline my support, strong support, for McConnell Air Force Base as the best choice for our Nation's new tanker fleet, the KC-46A. Currently, the Air Force is considering McConnell for the first home—or main operating base 1—for the new tanker, which will be put into service in 2016. McConnell Air Force Base is our Nation's best choice.

McConnell already houses a total of 63 KC-135R tankers—48 assigned and manned, plus an additional 15 for global contingency purposes, making it by far the largest tanker presence in our country. In fact, McConnell is considered the supertanker base in the Air Force, with twice the number of tankers than any other base.

Looking at the geography of the United States, it is clear McConnell serves our country well in terms of air mobility. Strategically located in the Nation's heartland—equidistant from both coasts—McConnell's location is a great asset.

To this point, the 22nd Air Refueling Wing and the 931st Air Refueling Group at McConnell are frequently called upon for refueling missions, within a 1,000-mile “service radius” of the base, which further highlights the reliability of this location in the Midwest for domestic or overseas missions. One thousand nautical miles is a vast portion of the continental United States and includes hundreds of routes, military operating areas, and airspace reserved for various air missions.

McConnell supports all branches of the military and allied partners, refueling off of either coast and around the world every day. The Air Force has long taken advantage of the expansive airspace available over and around Kansas, so it would be natural for McConnell Air Force Base to continue its important air mobility missions with the KC-46As.

McConnell also has a clear advantage in personnel because it houses both Active and Reserve air men and women in the air mobility mission. The Air Force calls this arrangement a classic association, and McConnell is one of the only few bases in the country that can boast this level of coordination between the Active and Reserve in air mobility missions.

The 22nd and 931st are prime examples of Active and Reserve components working together, sharing capabilities, collocating in various facilities, integrating crews and providing global support to operational needs.

The 22nd and 931st have a tremendous history of conducting air mobility operations not only throughout the United States, but in places in Libya, Serbia, Turkey, Iraq and Afghanistan. Furthermore, the Air Force has indicated their strong preference for this arrangement as they choose the location for the first round of KC-46A tankers.

Another advantage McConnell boasts is a surrounding community that fully supports and embraces the air men and women and their families. Since 1960, an organization of area business leaders and residents called Friends of McConnell has supported the men and women of McConnell Air Force Base through a wide range of programs and special events on and off the base each year.

One of those programs, called the Honorary Commander Program, pairs up more than 30 squadron and group commanders with local civic leaders for 2 years to build meaningful relationships between civilian and military leadership. When I talk with the air men and women stationed at McConnell, they often tell me how much they have enjoyed the quality of life Wichita offers them and their families.

When it comes to Air Force air mobility missions, there are four components that make a mission successful: airmen, command and control, infrastructure, and equipment. McConnell Air Force Base not only has the extremely capable airmen of the 22nd and 931st, but it also has the proven command and control to handle a myriad of operational needs and a sprawling infrastructure with enormous capacity. In fact, McConnell will soon have the newest runway in the Air Force at a length of 12,000 feet, which more than exceeds the requirements of the first round of tankers.

By locating the new tankers at McConnell, the Air Force would have the strategic flexibility and capacity needed to carry out a variety of missions both at home and abroad. Now is the time for the Air Force to replace the aging KC-135Rs with the “iron” of KC-46As at McConnell Air Force Base.

The Air Force has made clear that the acquisition and recapitalization of the KC-46A is their top priority. Air Force Chief of Staff GEN Norton Schwartz said it best when he stated:

The KC-46A tanker is a critical force multiplier and essential to the way this Nation fights its wars and provides humanitarian support around the globe.

I agree. I recently had the opportunity to speak with Air Force Secretary Michael Donley while at the Farnborough airshow, and I emphasized personally the need to base KC-46A tankers at McConnell Air Force Base in order to meet this need for global mobility.

It is often said in the military that the difference between success and failure is logistics. McConnell Air Force Base offers the instrumental, logistical muscle that is vital to successful, strategic air power. Kansans have a long history of supporting air power and air mobility, and I know McConnell Air Force Base is the best choice for our Nation's new tanker fleet.

I am hopeful that Kansas air men and women will have the opportunity to continue their tradition of service in defending our Nation with this first round of KC-46As.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. SESSIONS pertaining to the introduction of S. 3396 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SESSIONS. I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

Mr. BLUMENTHAL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BLUMENTHAL. Mr. President, I come to the floor to join the voices of my colleagues in favor of supporting strongly, and I hope persuasively, the Bring Jobs Home Act.

The Bring Jobs Home Act is a measure that contains some provisions that are hardly novel, not complex, and a matter of common sense.

They involve some of the basic ideas we have advanced and advocated in this Chamber for some time. They are measures that are contained in a proposal very eloquently argued for by my colleague, Senator STABENOW, and I thank her for her leadership, as well as for Leader REID's leadership, in bringing this measure to the floor now.

Very simply, the Bring Jobs Home Act will reshore and restore jobs to this country with two simple, straightforward provisions. This measure provides a 20-percent tax credit for the expenses incurred in moving facilities or plants—basically, jobs—back to America. It also does something that is critically vital to this country, which is to close the loopholes that right now reward companies for moving those jobs overseas. Again and again over the past 2 years I have advocated this straightforward, simple step: Close the loopholes that permit companies to deduct expenses when moving those jobs overseas.

The average American—certainly the average person in Connecticut—when told that these loopholes exist, simply is incredulous. They cannot believe the United States of America rewards companies for moving these jobs overseas. Let's close that loophole now. It will produce revenue for the United States. Literally tens of millions of dollars will come back to our country as a result of closing this loophole, and jobs will come back as well. The 20-percent tax credit, although it may not sound like a lot of money to major corporations, could well be the tipping point for executives considering what to do in terms of investing in this country. It is an incentive to invest in the United States instead of moving those jobs abroad. A 20-percent tax credit could be a critical decision point and a turning point in those decisions. The Boston Consulting Group surveyed 37 companies which have \$10 billion or more in revenues and found that 50 percent are at that tipping point.

This measure should not be partisan. It should not be a matter of geography or party as to whether one of our colleagues supports it. There should be a bipartisan coalition behind it. I have found in Connecticut, as I go around the State, regardless of party, people support this idea of bringing jobs home and reshoring and restoring jobs to our State and to our country, particularly manufacturing jobs.

In the city of Waterbury, I visited on Monday a steel plant where there are 3,000 manufacturing jobs—part of the 165,000 manufacturing jobs that we have in Connecticut. Manufacturing is alive and well. Taxpayers should not be subsidizing companies that move those kinds of jobs overseas. In the last 10 years, 2.4 million jobs were shipped overseas—mostly manufacturing—and taxpayers helped to foot the bill for it. In Connecticut, the National Bureau of Economic Research has found more than 250,000 jobs are at risk of being outsourced. People are angry and outraged that they are subsidizing that risk, that outsourcing and offshoring of jobs.

In the steel plant I visited, fortunately those jobs have stayed. But from around the country and in Connecticut, many of them have moved overseas because of the economic incentives we have created and that now we should stop. At a time when job creation is our No. 1 priority, American taxpayers deserve that these loopholes and hidden subsidies be closed and ended forever.

I hope I speak for many of my colleagues in saying shipping jobs overseas with the subsidies and incentives now provided very simply is unacceptable. Let's pass the Bring Jobs Home Act now to close those loopholes and to provide these incentives so that companies such as Otis Elevator, United Technology, DuPont, Ford, Master Lock, GE, Spectrum Plastics in Ansonia, CT, will be encouraged to continue doing the right thing, bringing those jobs back, walking the walk, and walking jobs back to Connecticut and to the United States. I will be voting yes to bring jobs home.

Again, I thank my colleague Senator STABENOW for her invaluable leadership on this issue. I am proud to join her today.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I first want to thank my friend and colleague from Connecticut for his commitment and compassion and passion on this issue. I appreciate very much his joining with me and others to come together to put forward what I think is a commonsense bill that focuses on closing a major loophole that is requiring basically taxpayers to help foot the bill when jobs are shipped overseas. So I want to thank the Senator from Con-

necticut for his efforts and commitment. I know he shares my belief that we need to be bringing jobs home, and that is what we intend to do.

I do want to speak today about the legislation that is in front of us. We can come together and agree we don't have to go forward and have this vote to stop a filibuster. If we could agree to bring up the bill and discuss it and pass it, it would be terrific. We know we have a majority to support this bill and be able to pass it, send it to the House, and the President will sign it in 30 seconds, I know, to be able to close this loophole. But we are, unfortunately, engaged in something right now that we are engaged in all the time now. It used to be a rare occurrence to have an objection that triggers a filibuster. Now it is on every issue. So we find ourselves waiting to be able to vote to see whether we are going to be able to get a supermajority to be able to go to this bill. That is very concerning to me, given the fact that we do have the majority in the Senate that wants to debate and pass this bill and we have the vast majority of Americans. It is not about Democrats or Republicans. We have people all over this country who want to see us move forward on this bill as well as others that will focus on jobs and focus on bringing jobs home. We want to build an economy that lasts. The way we do that I believe is by making things—making things in America.

Two weeks ago, we passed the farm bill on an overwhelmingly bipartisan vote. As chair of the Agriculture Committee, working with my ranking member Senator ROBERTS, we very much appreciated the hard work and support of Members on both sides of the aisle to pass something that is involved in growing things. We don't have a middle class in this country and we don't have an economy unless we make things and grow things. So we showed we could come together around a major piece of legislation that invests in growing things and all of the offshoots of that as it relates to the food economy.

This is an opportunity to say "we get it" when it comes to making things and bringing jobs back from overseas so we can make more things again in America. It is unbelievable to me—and I know it is unbelievable to hard-working men and women in Michigan and I know all across the country—that companies actually get a tax writeoff for packing up shop, paying for the moving expenses, doing what they need to do to close down and move jobs overseas. It is actually astounding. And when we look at the fact that we have lost 2.4 million jobs in the last 10 years because of that, it is outrageous when you think about it that we are losing 2.4 million jobs and it continues, and, at the same time, American taxpayers are helping to foot the bill. That makes absolutely no sense.

We have heard a lot about tax reform from Members on both sides of the aisle, and I support that. I think there are some larger tax issues. As a member of the Finance Committee, I am committed to addressing a range of issues that deals with incentives and how we compete globally and our companies are able to compete globally. But this is tax reform we can do right now. We don't have to wait for something big to come someday. We are going to have an opportunity in the next day to vote on tax reform immediately. I know the Presiding Officer shares the desire to bring those jobs home. The fact is, we have something very simple and straightforward we are going to be asked to vote on.

First of all, the Bring Jobs Home Act would end the taxpayer subsidies that are helping to pay for moving costs for corporations that are closing up shop and sending jobs overseas. Secondly, we are going to allow companies to have that deduction when they bring the jobs back. So if we have a company wanting to close up shop in China and bring the jobs back, we are happy to allow a business tax deduction for that. And, on top of it, we will allow an additional 20-percent tax credit for the cost of bringing those jobs back. So we are happy to do that. But we are not paying to ship the jobs overseas.

I don't know of any country in the world right now that would have a tax policy that involves helping to pay for jobs leaving their country. If anything, we are in a situation today where we have other countries either trying to block us from selling to them or they create incentives. I have mentioned so many times but it is true, I have talked to companies that had the Chinese Government approach them and say, "Come on over, we will build the plant for you." And then they steal your patent.

But the fact is other countries are aggressively trying to get what we have had as America, what has created the middle class of America, which is the ability to make things in this country. We don't seem to understand that if we are not vigilant, if we are not paying attention, if we are not focused, if we don't have the right policies and the right kinds of investments and partnerships with the private sector, they are going to have all of those middle-class jobs. So when we look at this, it is time to begin that process. In fact, it is way past time to do this.

Cheryl Randecker would certainly agree with that. She worked at Sensata for 33 years. She has a daughter who is ready to go to college. She is worried about how she is going to pay her bills and put food on the table and pay for her daughter's schooling. And now she finds she has lost her job. It is being shipped to China. Her employer gets a tax deduction that she is helping to pay for, for the moving expenses.

Her coworker Joyce is 60 years old and has worked at the same company for 29 years. She has given them her whole career, and in those years she has developed a very specific set of job skills that have made her a tremendous asset to the work they do at their facility. But those skills aren't necessarily transferrable to another company, and she is worried those companies would rather hire somebody half her age to save money. She is another person who must be absolutely outraged to find out that the taxes she has paid for nearly 30 years in her career are being used to help her company ship her job to China.

I have heard similar worries from my constituents all over Michigan, people who have worked all their lives—often for the same company—in their late fifties, early sixties, a few years shy of retirement, and who suddenly find the rug pulled out from under them. It is outrageous to think that those individuals, who have played by the rules and worked hard their whole lives, suddenly find themselves in a situation where their jobs are shipped overseas and American taxpayers are subsidizing it. We can change that. We can change that when we vote to move forward on this bill.

The good news, and the reason we need to do this to keep this momentum going, is that we have a lot of companies that are now doing the math and finding it makes good business sense to bring jobs home. So we have some good news stories, and we need to keep them going.

But our Tax Code needs to catch up with that and reward those companies instead of putting them at a competitive disadvantage when we have companies closing up here and shipping jobs the other way.

Caterpillar is making major new investments in the United States, bringing jobs back from Japan, Mexico, and China.

DuPont is building a plant in Charleston, SC, to produce Kevlar. That is great news. They are making investments in Ohio, Iowa, Pennsylvania, and Delaware.

All-Clad Metalcrafters, the folks who make high-end cookware, have brought their production of lids back from China to the United States.

Keen, a shoe manufacturer, just opened a 15,000-square-foot plant to manufacture boots in Portland, OR—production that used to be in China.

Master Lock, the world's largest padlock maker, moved jobs back to their facility in Milwaukee, WI, and they now have 50 products manufactured exclusively in the United States made with U.S. component parts.

US Airways brought hundreds of jobs back to their call centers in North Carolina, Arizona, and Nevada. Today, Lori Manuel is joining me in just a few moments at a press conference to talk

about how important those jobs are to her and her colleagues.

Yesterday I was on the floor talking about our American automobile industry. I am very proud that Ford has retooled. The largest plant they have is in North America, in Wayne, MI, and because of that effort and new advanced batteries, they are bringing jobs back from Mexico and, we are now hearing, from China and other places. I know GM and Chrysler are very focused on jobs here and bringing jobs back, and that is all good news.

These are companies that want to invest in America. They want to bring jobs home. Our Tax Code should be rewarding that, not rewarding those who want to leave. Our Tax Code still rewards their competitors who are not making investments in America, and it makes absolutely no sense. When CEOs are making calculations about where to move production, we do not want the Tax Code standing in the way.

It is very simple. We know we have to focus on jobs in America. We are in a global economy. Our companies are competing with countries and policies of countries and investments by other countries. We have to make sure that we are doing everything, that it is all hands on deck, that everybody is moving in the same direction, that the Tax Code works, that we are partnering in the right way in every part of our economy so that the message is sent out: Bring jobs home. "American made." We want to strengthen America.

This is about America first. That is what the Tax Code ought to focus on, and that is what this bill is all about. I am hopeful that our colleagues will get beyond the politics of the moment. I know we are in an election year. I get the partisan politics of the moment. But there are people around our country counting on us—Democrats, Republicans, Independents, folks who vote, folks who do not vote—counting on us to actually step up together and do things that make sense. This makes sense. We need to bring jobs home. This bill will help do that.

I yield the floor.

THE PRESIDING OFFICER (Mr. CARDIN). The Senator from Wyoming is recognized.

Mr. BARRASSO. Mr. President, I ask unanimous consent to speak as in morning business.

THE PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

A SECOND OPINION

Mr. BARRASSO. Mr. President, I come to the floor, as I do each week, as a physician who practiced medicine in Wyoming for a quarter of a century, taking care of so many families there, to give a doctor's second opinion about the health care law that has now been found constitutional by the Supreme Court. Although it may not be unconstitutional, it is still unworkable, it is unaffordable, and it is very unpopular.

Today I wish to talk about one of the specific components of the health care law; that is, the issue of Medicaid expansion.

Most of the discussion of the Supreme Court's health care decision has been focused on the individual mandate, that incredibly unpopular portion of the law that forces every American to buy a government-approved product, government-approved health insurance. The Supreme Court has ruled it a tax. It is a tax. Still, the American people know it is a mandate coming out of Washington that they buy a government-approved product for the first time ever in American history.

Today I would like to talk about another important part, which is the Supreme Court's ruling that the law's Medicaid mandate is unconstitutional. As many Americans know, Medicaid is a government program that is jointly funded between States and the Federal Government. The President's health care law contained a huge expansion of Medicaid, and more than half of the new insurance coverage provided by the health care law was supposed to be delivered through the Medicaid Program.

The President's health care law forces States to expand their Medicaid eligibility or face the loss of all of their Medicaid matching funds. Currently, the States put up some money, and the Federal Government puts up some—it varies from State to State. In my State of Wyoming, the State puts up half, the Federal Government puts up half, and 15 States are in that 50-50 range. In some States, it goes up to 70 cents from the Federal Government and 30 cents from the State. Across the board, the average is about 57 cents from Washington, 43 cents from the home State.

Many States believed that this expansion, this forced expansion, this forced mandate on them was unconstitutional, that it was expensive, and that it would essentially leave States with no choice but to participate in the program. That is why 26 different States filed a lawsuit against the Federal Government to stop this massive Medicaid overreach.

Supreme Court Chief Justice Roberts and a majority of Justices agreed with the States. Chief Justice Roberts described the Medicaid expansion as a "gun to the head" that would leave States no choice but to participate in the program. The decision of the Supreme Court made clear that States cannot be forced by Washington—cannot be forced by Washington—to participate in the health care law's Medicare expansion.

In response, after the Supreme Court announced its decision, a reporter asked senior White House officials how they would entice States to participate. According to Kaiser Health News, the White House officials responded

with laughter. Apparently it seemed almost inconceivable to these White House officials that States would want to opt out of the Medicaid expansion. In fact, Washington Democrats have argued that it is a good deal for States since the Federal Government is paying for the entire expansion through 2017, and then it will cover 90 percent of the cost of the States. But, again, that is not of all of the people on Medicaid, that is only of these newly eligible individuals. Never mind that the Congressional Budget Office predicted that the Medicaid expansion would cost the Federal Government over \$900 billion between 2014 and 2022. Apparently Washington Democrats, who have not passed a budget—Members of this Senate—in over 3 years, believe the Federal Government has extra money to spend. It is completely irresponsible.

While this might be a laughing matter for the White House, people who work in State governments take this issue much more seriously. The concerns of Governors of both parties was recently highlighted in a Washington Post article. Not only are Republican Governors concerned about the expansion, but at least seven Democratic Governors have been noncommittal about expanding the program in their own States as well. Governors are concerned because they know Medicaid has been the fastest growing part of the State budget for over the past decade. In fact, Medicaid spending has expanded twice as fast as spending on education, and this is according to the bipartisan National Governors Association.

In addition, State leaders worry that the Federal Government will not keep the promises Washington has made to the States regarding Medicaid's payment rates.

The Wall Street Journal referred to the matching rate this way:

This 100 percent matching rate is like a subprime loan with a teaser rate and a balloon payment.

When asked to comment about the Medicaid expansion, Jay Nixon, the Governor of Missouri, who is a Democrat, said:

This deals with hundreds of thousands of Missourians, it deals with their health care . . .

He went on to say:

. . . it deals with billions of dollars, and we will be involved in the process that defines the best fit for our state and respects the sovereignty of our state and the individuality of our state.

Brian Schweitzer, Democratic Governor of Montana, put it best when he said:

Unlike the Federal Government, Montana just can't print money. We have a budget surplus and we are going to keep it that way.

Unlike this current administration, Governors of both parties recognize the importance of controlling government spending.

Washington cannot expect States to simply trust that the money will come through in the future. States basically do not trust Washington, and they are right to not trust Washington. States and Governors across the country are much smarter than trusting Washington.

It did not have to be this way. If the White House and Democrats in Congress had actually focused on lowering costs—that was supposed to be the concern of the health care law, lowering the cost of care—if the White House and Democrats in Congress had actually focused on lowering the cost of care, States now would not be facing this bad choice.

We need to repeal this bad health care law. We need to replace it with legislation that will make it easier for States to work with Washington without going bankrupt. We need to move forward. We need to move forward with legislation that will allow Americans to get what they have been looking for, which is the care they need from a doctor they choose at lower costs.

I point out that the Republican Governors Association has a lot of questions about this Medicaid expansion. As a matter of fact, Virginia Governor Bob McDonnell, who is chairman of the Republican Governors Association, sent a letter to the President seeking answers to a number of questions dealing with Medicaid and dealing with the exchanges that are part of this health care law. There are 30 specific questions in the letter Governor McDonnell sent. I suggest that possibly the President has not thought of these issues as they relate to the health care law and does not have answers. But these are answers Governors of both parties continue to seek because they want to know what the impact of this Medicaid expansion is going to be on their own States and their own budgets.

The health care law may not be unconstitutional. It continues to be unworkable, it continues to be unaffordable, and it continues to be unpopular. You say: How unpopular is it? In a poll done just after the Supreme Court ruling, just last week, July 9 to July 12, a Gallup Poll talked to Republicans, they talked to Democrats, but then they focused on the Independents, and what they have shown is, of Independents in this country, how they think this health care law will affect different components of our society. They think it will actually make things worse for doctors, make things worse for people who currently have health insurance, they think it will make things worse for hospitals, they think it will make things worse for businesses, it will make things worse for taxpayers and, most importantly, they believe it will make things worse for them personally.

That is where we are today, which is why we need to repeal and replace this

health care law. My advice to Governors around the country would be to wait a minute until after the election to decide what you want to do about Medicaid expansion because we are continuing to work to repeal and replace this broken health care law.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Utah.

(The remarks of Mr. HATCH pertaining to the introduction of S. 3397 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll of the Senate.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, would the Chair please let me know when there is a couple of minutes remaining.

The PRESIDING OFFICER. The Chair will so advise.

Mr. ALEXANDER. I thank the Chair.

SENATE RESPONSIBILITY

Mr. President, earlier this year I came to the floor with a group of Republican and Democratic Senators to congratulate the majority leader, Senator REID, and the Republican leader, Senator MCCONNELL, as well as the leaders of the Appropriations Committee, Senator INOUE and Senator COCHRAN. The reason for the congratulations was this: They said they were going to do their best to bring all of the appropriations bills to the floor and pass them. That may not seem like such a monumental pledge or promise, but it, in fact, is, because only twice since the year 2000 has the Senate gone through the whole process of bringing all 12 appropriations bills to the Senate floor and enacting them in time for the beginning of the fiscal year on October 1.

Why is that so important? Well, we are in the midst of a fiscal crisis. We are borrowing 42 cents out of every dollar we spend. One way to deal with that is through the appropriations process. That is our first constitutional responsibility. Judges judge; we appropriate. That is the first thing we do. We have

control of the people's money. The appropriations bills I am talking about, the 12 of them together, constitute a pretty big number. More than a third—38 percent—of all the dollars we spend in the Federal Government go through those 12 bills. It used to be a lot more.

So when the majority leader and the Republican leader said, Yes, we are going to do our best to bring all of those appropriations bills to the floor, I thought the Senate had taken an important step in functioning the way the American people expect the Senate to function. The American people expect us to get about the serious business of this country so that, in the words of the Australian Foreign Minister, Bob Carr, we can show the people we recognize that we are really one budget agreement away from reasserting America's preeminence in the world. We have that within our power.

The economy of the country, the economy of other countries depends, to a great extent, on our ability to govern ourselves properly. So I was very encouraged when the majority leader and the Republican leader said, Yes, we are going to do our best to bring all 12 of those bills to the floor.

I regret to say I am equally disappointed that the majority leader suddenly announced last week he won't bring any appropriations bills to the floor. The reasons he gives are very puzzling to me. First he says, Well, the House is using a different number than the Senate. What is so new about that? That is why we have the House and the Senate. They are one kind of body and we are another kind. They have their opinion; we have ours. We vote on our opinions. Then we have a procedure called the conference in which we come together and we get a result. We have had so few conferences lately that maybe some people have forgotten we do that, but we have a way to do it.

Then the majority leader said, Well, they in the House violated the Budget Control Act. The Budget Control Act was simply something we agreed on—I voted for it—to try to put some limits on the growth of discretionary spending in the budget. If we stick to that over the next 10 years, the discretionary spending—not the two-thirds of the budget that is entitlement spending but this one-third we are talking about—will only grow at a little bit more than the rate of inflation. If our whole budget grew at that rate, we wouldn't have a fiscal problem.

Those aren't good reasons. We have a way to reconcile our differences. The Budget Control Act is only limits. The Senate actually has exceeded those limits, according to my colleague Senator CORKER, already three times in this year. So there is no excuse whatsoever for not bringing up appropriations bills on the floor of the Senate.

If we think the Solyndra loan was a bad idea, that is the place to take it

out. Or, if we want to spend more money for national defense, that is the place to put it in. Or if we think we are wasting money on national parks or too much government land, that is the place to take it out. Are those bills ready to come to the floor? Yes, they are. In the Senate, we have been doing our job in our committees. Let me be exactly right about this, but I believe we have nine of our appropriations bills that are ready to come to the floor, that we are ready to go to work on right now. The House of Representatives has already passed 11 of the 12 appropriations bills through committee and 6 of those have been passed by the House. So this month, we could be debating any of those appropriations bills. We could have amendment after amendment after amendment. We could reduce our spending. We could increase our spending. We could say to the American people: We are doing our job.

That brings me to my second disappointment. I was greatly encouraged this year—and a lot of the credit goes to Senators on the Democratic side as well as some on our side—who are saying, Wait a minute. We are grownups. We recognize we are political accidents. We have been given the great privilege of representing the people of our State and swearing an oath to our Constitution of the United States so we can help lead this country. So we want to go to work. We want to go to work.

What does the Senate do? Well, the Senate brings bills up through committee, it brings bills to the floor, and then, as the late Senator Byrd used to say, almost any amendment comes to the floor and we debate it and we vote on it, and then we either pass the bill or we don't pass the bill. That is what the Senate does.

We on our side have been saying to the majority leader: Mr. Majority Leader, let us offer our amendments. Don't silence the voices of the people in our States that we represent. So he has been allowing that to happen more. Of course, he has the procedural ability to stop that. The Senator from Michigan said: Let's try just having relevant amendments, so we said: OK, let's try that. So we began to make some progress.

There was a dispute over district judges. We resolved that. We have been confirming them. The Postal Service bill, the farm bill, the FDA bill, the highway bill—these are all important pieces of legislation that affect almost every American family, and what did we do? They went through committee; they had the expertise of the members who work on those committees; they came to the floor; we had a lot of amendments, we voted on them, and they were passed by the Senate. In other words, we did what we should do.

I thought we were on a lot better track until the last 2 or 3 weeks. Suddenly, what has happened? Suddenly,

all that ends. We revert to political exercises—little bills of no real importance compared to the bills we should be debating. We have a jobs bill, the DISCLOSE Act bill, and the bill we are about to go to that the Senator from Michigan is proposing. The problem with those bills is they have not been through committee. They are not going to pass the House. Everybody knows that. So we are wasting our time at a time when we could be debating all of the appropriations bills of the U.S. Government. At a time when the U.S. Government is borrowing 42 cents out of every dollar we are spending, we are not even going to do our job and consider appropriations bills on the floor and amend them. What will the whole world think? What will our constituents think about our ability to govern ourselves if we can't pass—even consider—an appropriations bill in the U.S. Senate?

On top of that, we haven't had a budget for over 1,000 days. I remember when Condoleezza Rice, the Secretary of State, came back and met with a group of Senators. She came back from Iraq early after their government was formed and she said, They can't even get a budget over there in Iraq. Senators looked around at each other, and here we have been a Republic for a long time and we can't get one, either. So I am very disappointed by the fact that after such a promising surge of activity that was bipartisan and that got results, we have suddenly reverted back to forgetting that we have a way to deal with our differences.

It is not because we don't have anything to do. Where is the cybersecurity bill? Where is the Defense authorization bill? Where are the appropriations bills? They are all ready to be considered, at a time when we are in a fiscal crisis, looking at a fiscal cliff which, if we don't solve, according to the Congressional Budget Office and the Chairman of the Federal Reserve Board yesterday, it will plunge us into a recession in the first 6 months of 2013. Those are the stakes we are playing with.

There is also a third area in which I must express my severe disappointment. We worked hard at the beginning of this Congress to accommodate a number of Senators who felt we needed changes in the rules, and we made some changes. But we preserved the Senate's integrity as a different sort of institution—as a place where the party that has 51 votes doesn't run over anybody else.

Alexis de Tocqueville said the two greatest problems he foresaw with the American democracy—this was back in the 1830s—were, No. 1, Russia; and No. 2, the tyranny of the majority. Well, the Senate, as Senator Byrd used to so eloquently say, is the single most important institution in our country, to protect minority rights and minority points of view. Sometimes we are in

the minority on this side, and we will notice there are some fewer desks. Then after an election, maybe more people vote for Democrats and they come in and they pick up the desks and they move them over to that side. Whichever side is in the minority in the Senate still has rights, and those aren't just the rights of the Senators themselves, those are their rights to speak the voices of Tennessee or Maryland or Nevada or New York or Kentucky. It is those voices that need to be heard on the floor of the Senate. And when we can't debate, when we can't offer amendments and we can't vote, those voices are silenced.

So to my great surprise, the majority leader—and as I said, I came to the floor more than once to compliment him for this—said at the beginning of this Congress that he wouldn't seek to change the rules of the Senate except according to the regular order—except according to the rules of the Senate which say we have to have 67 votes. That is what the rules say. We agreed on that. What that meant was we needed a change in behavior, not a change in the rules, to show that the Senate could function.

Last night on television, apparently the majority leader said that in the next Congress—he had changed his mind and that if he is the majority leader, he will seek to change the rules of the Senate by 51 votes. That will destroy the Senate. That will make it no different than the House. I would say to my friends on the other side, if they want to make the Senate like the House where a freight train can run through it with 51 votes, they might not like it so well when the freight train is the tea party express, which it could be. Republicans could be in control of the Senate after this session. Republicans could have a President, and then where would ObamaCare be? Where will a whole series of things be? There will be a great many Senators on the other side who will say, Wait a minute, let's slow down the train. Let's think about what we are doing. That was the original intention of the Founders of this country. The House is majoritarian and 51 votes control. A freight train can run through it day in and day out. But when it gets to the Senate we stop and think and minority rights are protected. As a result of that, usually that forces us to have a supermajority 60, 65, or 70 votes—in order to do anything big, such as the time when finally the civil rights bill was enacted in the 1960s. Senator Russell, who led the debate against the Civil Rights Act, filibustered it. He was finally defeated. He flew home to Georgia and said, It is now the law of the land; we support it. That is why President Johnson wrote the bill in the office of the Republican leader, even though the President was a Democrat. He wanted bipartisan support.

President Johnson knew he had the votes in the 1960s to pass the Civil Rights Act without Republican support, but he had the bill written in the office of Senator Everett Dirksen, the Republican leader. I remember I was a young aide at that time. The Senators were in there and the aides were in there. Pretty soon everyone was invested in it. When it passed, as I said, Senator Russell went home to Georgia and said, it is the law of the land. We have to support it.

Now we are coming up on what the Chairman of the Federal Reserve Board has called the fiscal cliff. This is a convergence of big issues ranging from the debt ceiling to how we pay doctors to the spiraling, out-of-control entitlements we have, to the need for a simplified Tax Code, to the need for lower rates. We have been working on this in various ways across party lines for several months.

There is a growing consensus that the time to act is after the election. It will require Presidential leadership, whether it is newly inaugurated President Obama or a new President Romney, and our job will be to see that the newly inaugurated President succeeds, whether he is a Republican President or a Democratic President, because if he does, then our country succeeds.

What are the stakes? The Foreign Minister of Australia, Bob Carr, put it very well when he said in a speech here—and he is a great friend of the United States and I have known him for 25 years—he said: The United States is one budget agreement away from reasserting its global preeminence—one budget deal away from reasserting our global preeminence.

But if we cannot even bring up an appropriations bill to debate it, to amend it, to vote on it, and to pass it, if we suddenly are dealing with bills that have not gone to committee that are nothing more than a political exercise, if we are sitting around in the Senate with nothing to do of significance—and there is only one person who can bring up issues here; that is, the majority leader—how is that going to convey to the American people we are capable of governing ourselves? I think it sends a clear message that we are failing to do that.

So having expressed my disappointment, I wish to express my respect for the majority leader and to say again how much I appreciated the efforts he made at the beginning of the Congress to say we would not change the rules of this institution, except according to the rules, and the effort he said he would make at the beginning of this year to bring up the appropriations bills and the efforts he has made to allow more amendments on a whole series of bills this year and say: Can we not go back to that, even though this is a Presidential election year?

The stakes are too high. As far as voting on amendments, that is why we

are here. Why would you join the Grand Ole Opry if you do not want to sing? That is why we are here. We are here to express the views of ourselves and the people we represent to make sure their voice is heard, and then we are here to get results.

I hope my record is a pretty good record of working to get results. I sometimes say to my friends—they will say: You are being bipartisan. I am not interested in being bipartisan. I am interested in results. I learned in the public schools of Maryville, TN, how to count, and I know it takes 60 votes to get results. So anything important we do is going to require Democrats and Republicans. We are going to need a coalition of Democrats and Republicans, not 51 or 53 or 54, no matter who is in charge next year. We are going to need a coalition of 60 or 65 or 70 who will come around some of the most difficult issues we have had to face in terms of tax reform, in terms of deficit reduction, in terms of reining in entitlements—a whole series of issues. We are going to have to remember our pledge to the Constitution that we take at the beginning of each 6-year term, and we are going to have to honor that pledge.

That is the Senate I hope to see. That is the Senate I am working to create. I wish to create an environment in which the Democratic leader and the Republican leader can succeed on big issues in helping us put together results on the serious problems. I wish to make the Australian Foreign Minister—a great friend of the United States—I wish to show him we can answer his question and that we realize, just like he does, that we are one budget agreement away from reasserting America's global preeminence and that we in the Senate are perfectly capable of doing it.

By not bringing up appropriations bills, by reverting to political exercises, by leaving off the table many amendments that need debate, and by even suggesting we would change the nature of the Senate so a freight train could run through it with 51 votes, none of that encourages confidence in the ability of the United States to govern that I think exists.

I know my colleagues pretty well. I work hard with people on both sides. I respect them all and their opinions and I do not question their motives. It is my personal judgment that 80, 85 percent of us on both sides of the aisle want a result on the big fiscal issues and on every other big issue that comes here, and I would like to do my best to create an environment in which that could happen.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I am here to speak in favor of the Bring Jobs Home Act. I wish to thank my col-

league Senator STABENOW of Michigan, who understands this issue because in her State of Michigan they almost lost the auto industry. They almost lost the auto industry. There were those who said: Let them go bankrupt. We know who those people are.

We supported our President. We had a majority who did so. We had tough votes, and we said: We are not going to be the only industrialized country in the world to not have an auto industry. We looked at it as not only a jobs issue—clearly, it is a jobs issue—but we looked at it as a national security issue as well.

What this bill is about, the Bring Jobs Home Act, is making sure we see the words “Made in America” again—we see the words “Made in America”—so it is not a surprise when we see those words, but we say: That is right. It is made in America because we have the best workforce, the best entrepreneurs in the world, and we need the jobs here.

What has happened over the years is that shipping jobs overseas became a trend and a lot of important voices were heard saying: That is just the way it is. It is not just the way it is. If we have policies in place that incentivize manufacturing and production here, we are not going to lose those jobs. But what happened during these years is that companies got a tax deduction for moving jobs overseas. Imagine that. We American taxpayers were subsidizing companies, giving them tax breaks for moving jobs overseas.

The Bring Jobs Home Act ends those tax breaks for companies that ship jobs overseas. What we do instead is say: We will give a 20-percent tax credit to companies that move their jobs back from overseas. So they get a 20-percent tax credit for their moving expenses. So we stop giving tax incentives to companies that move jobs overseas, and we instead give tax incentives to those who bring them back.

Let me tell you the good news. The good news is that there are some companies that are coming back home. I wish to highlight a couple companies in California.

Simple Wave, a company that makes snack bowls from recycled materials, relocated its production to Union City, CA, from China. Simple Wave chose to complete its manufacturing in America because they said it saves time and allows for greater quality control and flexibility.

A cofounder of Simple Wave, Rich Stump, said:

Our business is growing very quickly and by having the ability to react quickly and provide just-in-time manufacturing will provide the fuel to our growth. Knowing that we are contributing to the US economy re-shoring effort is a great feeling—

Listen to that. This is a businessman who says: “Knowing that we are contributing to the US economy re-shoring effort is a great feeling”—

and we are confident that this will in turn provide a better quality product to our customers.

I say to my Republican colleagues—I do not know how they are going to vote, but they have not been very supportive of this bill—if a businessman feels great because he is bringing jobs home to the United States, why don't you feel great and do your part and take away tax breaks for companies that ship jobs overseas and give them to companies that bring jobs home?

Here is another one.

LightSaver Technologies, in Carlsbad, CA, makes emergency lighting for homes. They also moved their manufacturing back from China. They found that making adjustments to the manufacturing process is easier when the plant is only 30 miles away, as opposed to 12 time zones away.

Jerry Anderson, one of the company's founders, said:

If we have an issue in manufacturing, in America we can walk down to the plant floor. We can't do that in China.

He says manufacturing in the U.S. is 2 to 5 percent cheaper once he takes into account the time and trouble of outsourcing jobs overseas.

Again, I say to my friends, if entrepreneurs such as these feel good about bringing jobs home, why are you continuing to support subsidies to companies that move jobs overseas?

We are coming out of a very tough recession—a very tough recession—and we know we need to create jobs here at home. I truly wish to say to the people who may be watching this debate—if there are a few; I think there might be just a few—we have control over this. We know if we give incentives to companies to ship jobs overseas, their bottom line is going to be changed by that. But if we give incentives to companies to bring jobs back, their bottom line will look much better.

So we have the opportunity with this important bill to move forward and turn things around. Do not believe when people say: Oh, it is just the way it is. We are just outsourcing. That is the global marketplace. That is it.

If we take that attitude, the future is going to be pretty bleak. Because we do have the greatest workers in the world. They have the best productivity of any workers—the best. So why would we say: It is just the way it is. We need to fight for those jobs. We need to fight. We have to stand up to the people who say: It is just the way it is. It is just the way business is.

When somebody tells us that kind of a simple statement, we should question it. It is the way it is for many reasons. One of them is, we are giving incentives right now to companies to ship jobs overseas.

A Wall Street Journal survey found that some of our largest corporations cut 2.9 million U.S. jobs over the last decade from America, while hiring 2.4

million people overseas. So they cut jobs here, and they created jobs there.

So when a politician says to you: I am for job creation, ask him, where. We want it here. We do not want it in other countries at the expense of American workers. We wish all countries well, but we have to take care of America.

People talked about the uniforms at the Olympics, and some said: Oh, I am not going to get into that. That is not such a big deal.

It is important. It is important we make a conscious effort for our athletes that they do have a "Made in America" label.

Many of us have had the experience of using, as a fundraising tool, the sale of T-shirts or purses or shopping bags or hats. Yes, it takes an effort to find the right place to go, but those can be made in America. I say it takes a little effort for a good result. As Senator REID said, we have people in the textile industry crying for work. So do not just brush it off as a nonissue. It is an important issue.

In California, more than 3,400 jobs were lost to outsourcing this year alone—3,400.

From 2000 to 2010, the United States lost 5.7 million manufacturing jobs.

But it is not just manufacturing. Science and high-tech jobs, legal and financial services, business operations are being moved overseas as well. We all know we make those calls trying to find out something, whether it is an airline schedule or information on a product, and you get the sense the person is not talking to you from an American city. Why on Earth would we give incentives to have those jobs created elsewhere?

That is what this bill is all about. With 12.7 million unemployed people and only 3.6 million jobs that we have open nationwide, we have to find ways to reverse this trend.

I think Senator STABENOW has hit on a very good way to start with the bringing American jobs home act. It is so easy. We want to say to companies: We are for your bringing jobs back, to the extent that we will give you an actual tax credit for doing that. It is very key.

So I hope we can come together across the lines that divide us, these artificial lines, and work together. We have done it on a few occasions. We did it on the highway bill. I am so pleased we were able to do it then. The Presiding Officer was very involved in that. It was not easy. This one is easy. The highway bill had 30 different programs in it. We are talking about a very simple premise: Right now we give tax breaks to companies who shift jobs overseas, and we want to end it. Enough. It is not complicated; it is easy.

Why my Republican friends cannot join hands with us on this one I do not

understand. But I have to say, we can do this for the American worker, whether they are from California or Ohio or Texas or Arizona or Maryland or Kentucky—wherever they may be. This is one we can do for the working people and the entrepreneurs of our Nation.

So I congratulate Senator STABENOW. I look forward to voting in favor of the Bring Jobs Home Act.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MERKLEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEFENSE SEQUESTER

Mr. MCCONNELL. Mr. President, we know with some certainty that on January 20, 2013, regardless of who the President is, he will swear, to the best of his ability, to protect and defend the Constitution of the United States; that more than 60,000 soldiers, sailors, airmen, and marines will remain deployed in Afghanistan, and that our All-Volunteer Force will stand ready to defend American interests in the Strait of Hormuz, in the Republic of Korea, as well as defend our allies across the globe.

Our forces will remain committed on that day to denying the Taliban a return to Afghanistan, to denying al-Qaida a safe haven, to training the Afghan national security forces, and to fulfilling the operational plans of our regional commanders. As important: the troops in the training pipeline and the schoolhouse, the F-35s in production, and the basic research and development programs in progress will provide the capabilities to meet future threats.

What is not certain is whether the President who is sworn in on that day will have to attempt to manage the damage done on January 2, 2013, by across-the-board cuts to the Defense Department of roughly \$50 billion. But he will if the President and the Democrats in Congress fail to act on the cuts to defense that the President has insisted on, but which his own Secretary of Defense has said would be "devastating."

Let me say that again. These are cuts the President is insisting on, but his own Secretary of Defense says would be "devastating."

That is why I and my Republican colleagues call on the President to make his plans for these cuts clear right now. The President owes it to our forces around the world and to their families to put a plan on the table for all to see now rather than waiting until after the November elections pass. To keep these details secret and to leave the defense

sequester in place as written would be irresponsible regardless of the outcome of the Presidential election.

Think about it. If Governor Romney is elected, he will be responsible for managing \$50 billion of programmatic cuts before he or a new Secretary of Defense has even had a chance to conduct a review of the Defense Department's plans, programs, and strategy. And if President Obama is reelected, the arbitrary spending cuts directed by the Budget Control Act of 2011 that he insisted on would eviscerate the President's own defense strategic guidance issued earlier this year.

No wonder Secretary Panetta has said these cuts would be like "shooting ourselves in the head." The weapons systems and capabilities required to provide a dominant presence in the Asia-Pacific Theater, attack submarines, amphibious ships, marines afloat and ashore, the next generation bomber, completing acquisition of the F-35, and the Ford class aircraft carriers will be required to deter and defeat aggression and to project power.

Investments in these capabilities must be made while we continue to combat and pursue al-Qaida, deploy and equip special operations forces, and, of course, seek to deter Iran. That is why the President should prepare for the possibility of a possible transition in power now and should do so with the same foresight and concern for our operations that previous administrations have demonstrated.

The last two transfers of political power, that from President Clinton to President Bush, and that from President Bush to President Obama, are instructive in how past administrations have managed the transition of the Defense Department's leadership both in peace and in war.

Early in 2001, before the Senate majority changed control from that of Republicans to Democrats, before the attacks of September 11, and before an envelope containing anthrax was sent to the Hart Building, Secretary Rumsfeld assumed his duties as the Secretary of Defense. He informed the Congress that he would conduct a strategic review of the Department's plan and programs and submit an amended budget later in the year.

That document was ultimately provided to the Congress in June 2001. Secretary Rumsfeld had months—literally months—to develop an initial plan. And this, by the way, was prior to the war on terror, or as we thought it then, during peacetime.

At the end of the second term of President Bush, Secretary Gates found himself responsible for the first Presidential transition during wartime in 40 years. Secretary Gates established a transition staff and a briefing process to ensure all incoming Obama administration officials were well prepared during a time of war. He encouraged

political appointees to remain in office and to help with the new administration. Ultimately, he ended up staying on as Secretary.

Just consider the plight of what a President-elect may face in January 2013. Iran has shown no willingness to end its uranium enrichment effort. A young, inexperienced, untested leader is in charge of North Korea. The Taliban patiently waits for the United States and NATO to withdraw from Afghanistan. And al-Qaida's senior leadership, though weakened, and al-Qaida and an affiliate remain determined to strike the homeland. Egypt and Libya struggle with forming new governments. The revolt in Syria threatens regional stability, and al-Qaida affiliates stay active in Mali, North Africa, and Yemen.

As the next President attempts to have his Cabinet Secretaries confirmed, he will be dealing with managing a disruption in procurement contracts and deliveries, actions that are likely to elevate the cost of weapons systems and lead to layoffs in our industrial base. Troops preparing for deployment will see training curtailed. Permanent change-of-station orders will likely be delayed. Training and maintenance readiness levels will decline. All of this will occur while a new administration is reviewing war plans in Afghanistan.

Think of what this would say to a President-elect: As you are developing your new national security strategy, attempting to seat your Cabinet, and assessing the war in Afghanistan, the sequester will slash every program under review. Welcome aboard, sir. You have your hands full.

More important is what this will say to every soldier and marine still fighting in Regional Command East: Despite the outcome of the election, you may still be fighting the Taliban, attempting to train and mentor an Afghan soldier, conducting a drawdown of forces, and handing off operational responsibilities at the same time the funding of your operational training, weapons maintenance, and operations of your base childcare center are being slashed. If you are wounded, the funding for the defense health program and the care you receive will also be cut. That is why allowing the sequester to go into effect as currently written and as demanded, demanded by the President, would break faith with the forces we have sent abroad.

To confront a new President with this level of disruption as he transitions to wartime command would be deeply irresponsible. We must deal with defense sequestration prior to the election. The sequester should be equally concerning to President Obama.

In January of this year, the Department of Defense released strategic guidance that entails a rebalancing of

our forces with an emphasis on a growing presence in the Asia-Pacific Theater. The wars in Iraq and Afghanistan and the counterinsurgency strategy used in both campaigns required an expansion of our Marine Corps and Army ground forces. President Obama has announced plans to reduce the Army by 72,000 soldiers between 2012 and 2017 and the Marine Corps by 20,000 between 2012 and 2017. Yet the force structure required to conduct counterinsurgency in Iraq and Afghanistan is far different from that required to convince friend and foe alike that our presence in Asia is significant and sustainable.

We must invest in a new generation of warfighting capability. The President's budget insufficiently funds this new strategy, and that is actually before sequestration. This year's budget request delayed construction of a large-deck amphibious ship, a new Virginia-class submarine, and announced the early retirement of other ships. These reductions are envisioned without those related to sequestration. Naval, air and forced-entry capabilities to combat anti-access weapons are the capabilities required under the new strategy, and they are underfunded in the President's budget. This comes at a time when military expenditures in Asia are outpacing those in Europe.

Let me be clear. The failure of the administration to match the President's budget request to his new strategy is not an argument for growing the defense top line, it is emblematic of the difficulty our regional commanders will have in fulfilling current operational plans before you even get to the sequester.

Although the administration has emphasized that the rebalancing of our forces in Asia is not a strategy to confront the growth of China's military, if we fail to match our commitment to Asia with the requisite force structure, China's influence, military posture, and sphere of influence will actually expand. As the Pentagon's own Annual Report to Congress makes clear, China is committed to annual military spending increases of roughly 12 percent, and it has undertaken a broad-based effort to expand the capabilities of the People's Liberation Army.

Both Secretary Panetta and General Dempsey have made it clear that the ability of our Armed Forces to execute the new strategy under sequestration would be at risk. As General Dempsey, the Chairman of the Joint Chiefs, has stated, under sequestration, "it's coming out of three places: equipment and modernization—that's one. It's coming out of maintenance, and it's coming out of training. And then we've hollowed out the force."

In his new strategic guidance, President Obama articulated a commitment to our enduring national security interests; the security of our Nation, allies, and partners; the prosperity that

flows from an open and free international system; and a sustainable international order. Needless to say, those interests will be extremely difficult to maintain with a hollow force.

Just as the next President will take the oath on Inauguration Day, we too take an oath as Senators. We have a responsibility to raise and support armies and provide and maintain a navy. If we let sequestration as currently written go forward and do not act, we will have failed. That is why I am so disappointed with the President's failure of leadership on this issue and that of Senate Democrats as well.

Both House and Senate Republicans have offered proposals to replace the savings from sequestration with more thoughtful and targeted spending cuts. Both of those proposals also either eliminated or reduced the sequester on nondefense programs as well.

Last week, Speaker BOEHNER, Majority Leader CANTOR, Senator KYL, and I sent a letter to the President asking him to work with us to find a bipartisan solution before the end of the fiscal year. With a \$3.6 trillion annual budget, clearly there is a smarter, more thoughtful way to achieve at least \$110 billion in savings.

It is simply outrageous that this President and Senate Democrats are missing in action on this issue. We are committed to finding a solution on this before we recess for the election. Are they? Or are they committed to jeopardizing our national security? When will they sit down and work with us to find a solution?

The House overwhelmingly passed the Sequestration Transparency Act today by a vote of 414 to 2. This bill is modeled after a Thune-Sessions bill. It asks the President's Office of Management and Budget to submit a report to Congress on the impact of sequestration on both defense and nondefense programs. Every single Democrat in the House Budget Committee supported it—every one. Will that bill die in the Senate because Democrats not only do not want to address sequestration, they want to hide the ball on the impact of sequestration until after the November elections? If they resist this effort to get more information on sequestration out in the open, it is clear that they wish Congress to be both blind and mute when it comes to our national defense and the fate of those who volunteer to defend it.

We need President Obama to tell this Congress his plan for avoiding the sequester, for preventing the gutting of his strategy, for responsibly transitioning to a new Commander in Chief, and for keeping faith with the warriors we have sent into combat. In all of this, our overriding objective—in fact, our duty—should be to work with the President to achieve the level of savings called for in the Budget Control Act without doing harm to our national security or to our military.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I yield to the majority whip for a unanimous consent request.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I have a unanimous consent request that when the colloquy is finished with the five Republican Senators on the floor, I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas.

Mr. CORNYN. Mr. President, listening to the distinguished Republican leader, I am reminded of that quotation from former Secretary of Defense Robert Gates, who said that our records of predicting when we will use military force since Vietnam is perfect—we have never been right once.

We live in a dangerous and unpredictable world. We also know the global economy is in dire straits, in some places worse than others. In Europe, relevant to the national security question, we can no longer necessarily depend on our NATO allies to step up and do what they have done heretofore because they have their own economic and budgetary problems. Talking to some of our counterparts in the United Kingdom, the British Army is being cut by 20 percent because of austerity measures. So at a time when the world continues to be a very dangerous place—and Secretary Gates said we cannot know where the next threat to America or our allies will come from—we are finding the capability to address that threat reduced because of the budgetary cuts and thus increasing the risk to not only the United States but to our allies as well.

I wish to make just one point clear. National security is not just one thing on a laundry list of the things the Federal Government can or should do, it is No. 1. It is the ultimate justification for the Federal Government to provide for the safety and security of the American people. When the Federal Government treats national security just like any other expense on the government ledger, I think it denigrates the priority it should be.

When I heard the Senator from Washington the other day speaking at the Brookings Institute, she made an amazing speech in which—I am summarizing—she suggested that she and her colleagues will be prepared to trigger a recession unless this side would agree to raise taxes. It is not just the expiring tax provisions on December 31, which would be the single largest tax increase in American history, it is this \$1.2 trillion sequester that cuts not only into the muscle but into the bone of our Defense Department and our ability to provide for our national security needs. It also has collateral im-

pact on private sector jobs across the country. By one estimate, it is 90,000 jobs in my State alone. So why we would see our colleagues and the Commander in Chief himself wanting to play a game of chicken with our national security and our economy is beyond me.

Mr. MCCONNELL. Will the Senator yield for a question?

Mr. CORNYN. Yes, I will.

Mr. MCCONNELL. With regard to the impact on the economy, I wonder how many Boeing employees, for example, there may be in the State of Washington. Does the Senator have a number on that?

Mr. CORNYN. Responding to the question, I don't have an exact number, but I do know that by one estimate as many as 1 million private sector jobs would be affected if this sequester goes into effect as currently written.

We made it clear under the leadership of Senator MCCAIN, ranking member of the Armed Services Committee, that we are willing to work with our colleagues to try to change the structure of this sequester. We all believe Federal spending needs to be cut. But this is something that would, as the Republican leader said and Secretary Panetta admitted, would hollow out our national security and would be disastrous. Why the President won't listen to his own Secretary of Defense is beyond me.

Mr. MCCONNELL. So I say to the Senator from Texas, it is not just the impact on the military, which is devastating enough, but on our economy as well, correct?

Mr. CORNYN. That is exactly right. The consensus appears to be—I remember that Alice Rivlin, a former budget director under President Clinton, said that if the sequester goes into effect as currently written and this tax increase occurs at the same time, we will be in a recession.

This is the part I really don't understand. I think we all have been around politics enough to know that people act in their own self-interest, but how in the world could this be in the President's or his party's self-interest—it is certainly not in the national interest—to see the economy bouncing along from the bottom, with slow growth and the threat of a recession going into a national election? That makes no sense to me whatsoever.

I know we have other colleagues from the Armed Services Committee here who have something to say about this. I will reiterate something the Republican leader said. We stand ready to deal with this issue now—sooner rather than later. To ignore this until after the election, creating not only more uncertainty but the inability of our Department of Defense and our military to provide for the protection and the security of the American people, is completely irresponsible.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, may I say to my colleague that I thank him for his important words, and I thank the Republican leader for his commitment. I also point out that the Senator from Alabama, the ranking member on the Budget Committee, has some very interesting statistics that I hope in the course of our colloquy he will talk about—how America's spending on defense has decreased over the years and how Draconian the effects on national defense will be in the case of the implementation of the sequester on our defense spending and the security of our Nation.

We need to discuss this issue in the context of what the Secretary of Defense said. He said that if this sequestration is implemented, it will place our national security in jeopardy. It will be, in his words, devastating. So I believe it is important for the American people and our colleagues to understand that the Secretary of Defense—not JOHN MCCAIN, Senator SESSIONS, or any of my Republican colleagues, but the Secretary of Defense—said it will be devastating.

We live in a dangerous world—a very dangerous world. If we cut defense the way this sequestration is headed, then there is no doubt we will have the smallest Navy and Air Force in history, with fewer ships than we have had since before World War II, and it will be a hollow force.

I would like to make one other comment as my friends join me. What is our country's greatest obligation? What is our No. 1 obligation, both the administration and Congress? It is to ensure the security of our Nation. That takes priority over every other item on our agenda. So when we start talking about sequestration, that is important in its effect, but I also think it is entirely proper—in fact, it should be our priority to talk about sequestration's effect on our defense.

I will point out that all of my colleagues here know we are facing reductions in defense. We already had \$87 billion implemented by Secretary Gates, and another \$400 billion has already been implemented. If we implement this sequestration, it will be over \$1 trillion in a very short period of time.

We need to sit down and work together, Republicans, Democrats, and the President—who so far has been completely MIA—and work this out so that we can avoid what can be Draconian cuts and jeopardize our national defense, not to mention, as I am sure my colleague from Alabama will point out, the effect on our economy—the effect on our economy of over 1 million jobs lost and a reduction in our GDP.

So this is an important discussion. This is a very important debate. And if someone disagrees with our assessment and that of the Secretary of Defense,

then I will be glad to listen to their arguments. But until then, I will take the word of the Secretary of Defense that this implementation of Defense sequestration will put our Nation in jeopardy.

Mr. SESSIONS. Would the Senator yield for a question?

From the Senator's perspective—as the Senator has been on this committee a long time, he has served in the military, and he is the ranking Republican on the committee—in the Senator's judgment, based on the obligations we have—and I know the Senator has openly and aggressively condemned waste and abuse in the Defense Department—but does the Senator think the Defense Department can maintain its responsibilities with this cut?

Mr. MCCAIN. I would respond to my friend, through the Chair, that I don't think in the dangerous world in which we live that we can afford to have the smallest Air Force in history, the smallest Navy since before World War II, and the smallest Army since before World War II. Most importantly, we have to continue to modernize and we have to continue to invest, as my friend from Alabama knows.

The fact is we have a crisis with Iran, we have a rising challenge with increasing activities of China, we have an unsettled North Africa, we have an Arab spring going on all over the Middle East, and all of these present a compelling argument for us to be prepared to meet contingencies.

If we were having this debate a year and a half ago, Ben Ali is in power in Tunisia, Qadhafi is in power in Libya, Mubarak is in power in Egypt, and there would not be a bloody civil war taking place in Syria. So where will we be, I ask my friend from Alabama, a year and a half from now? I don't know. But it seems to me we cannot afford to be cutting defense in this fashion.

Mr. SESSIONS. Mr. President, I value Senator MCCAIN's judgment because he has been engaged in these debates for many years.

Mr. President, I want to yield to Senator INHOFE because I know he wants to share his thoughts at this time.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I thank the Senator from Alabama. A lot has been said, and those of us who serve on the Armed Services Committee have been watching what is going on with a lot of distress. I think it is important for us to understand how we got into this mess to start with. By his own budget, we have a President who has given us over \$1 trillion in deficit each year for 4 years, totaling \$5.3 trillion. So that is the mess we are in that we are trying to get out of. But in all that time, the one that has not been properly funded has been the military. The

first budget he had he cut out the F-22, the C-17, and the future combat system—all these systems that were so important—and it has gone downhill since then.

As you project the President's budget out, as has been said, we are talking about reducing about \$½ trillion. Now comes sequestration. That is over and above. A lot of people don't realize it. They think we are talking just about the \$½ trillion that will be cut over a period of time. I will use one of the charts that was actually put together by the Senator from Alabama that shows where this stuff is coming from. Everything seems to be exempt except the military. Food stamps, exempt 100 percent of it; Medicaid, 37 percent; and only 10 percent of the DOD base budget. So why is it we find ourselves in a situation where that is the problem?

The only thing other thing I want to mention is this. I have every reason to believe, because I have heard from people in industry, the President of the United States is trying to get them to avoid sending out pink slips until after the November 7 election. I would remind him that we have something called the Workers Adjustment Retraining and Notification Act—WARN Act—and that requires any of these companies, prior to sequestration on January 2, within 60 days, which would be November 2, to notify people of their pink slips.

But this is what I wish to remind people. They do not have to wait. If they want to do it today, they can do it. I think it is imperative the people—the workers who will be laid off work as a result of Obama's sequestration—know in advance of the November election, and we are going to do everything we can to make sure that happens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, Senator INHOFE referred to this chart and I have now had it brought over at his request. This is something we prepared, and it dispels the myth that the reason this government is running such huge deficits is surges in military spending. That is an inaccurate event.

The base defense budget from 2008, 2009, 2010, and 2011 increased about 10 percent. Medicaid, during the same time, increased 37 percent; and food stamps, during this same 4-year period, doubled—a 100-percent increase. Under the sequester, food stamps get not a dime of cuts; Medicaid gets not a dime worth of cuts. These cuts are disproportionately targeted at the Defense Department.

The Defense Department, as the Senator says, has already taken a \$487 billion reduction under the BCA, and due to sequestration it would be another \$492 billion. That is why, I believe, it has gone from belt tightening, waste reducing, and efficiency to producing

the damage to the Defense Department.

Mr. MCCAIN. Would the Senator show this other chart?

Mr. SESSIONS. Yes. Senator MCCAIN asks we look at this chart. This again shows what would happen under the sequester. Our budget staff has worked hard to correctly do these numbers. Under the sequester, the additional \$492 billion in cuts, adjusted for inflation, the defense budget over 10 years would be reduced by a real 11 percent. That is, one-sixth of the Federal Government's spending is defense. The remaining five-sixths of the Federal Government would increase 35 percent under the sequestration and current BCA policies. So again, I think that is clear proof the Defense Department is disproportionately being asked to reduce.

Senator MCCAIN suggests another chart. He likes my charts.

How about the 50-year switch? It is so dramatic. And the American people have to know this. I wish it were not so. I wish I could be more optimistic about our financial future and the ease with which we can get ourselves on the right track, but it is not going to be easy, and this chart indicates that.

In 1963, defense made up 48 percent of the outlays of the United States—48 percent in 1963. This was not at the height of Vietnam or the Korean war or anything. The entitlements of America amounted to 26 percent of the budget. What has happened in the past 50 years? Entitlements have now reached 60 percent of the budget and the Defense Department is 19 percent of the budget.

This is a dramatic alteration of where we are. Some of this is normal and natural. But I think what Senator MCCAIN is saying is that defending America is a core function of government and we need to be sure this alteration does not put us in the position where America is not properly defended.

I thank the Senator from Arizona.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I would say to my colleagues who are here on the floor that this is a defining moment for our country. The most basic responsibility and the most important priority we have as Americans is to defend the country. If we don't get national security right, the rest is conversation. We can talk about all these other things in the budget—we can talk about all the other priorities the country has, all of which are important—but if we fail to defend the United States of America, we have failed the citizens of this country. It is the No. 1 priority we have. It is the most important responsibility and obligation we have as public servants here in the Senate—to make sure we are taking the steps necessary to keep this

country strong and secure from threats both here at home and abroad.

What happened—and how we got to where we are today—goes back to the fact that we haven't passed a budget for 3 years in the Senate. I need to remind my colleagues why we are where we are today. The reason we are here is because for 3 consecutive years now the Democratic majority in the Senate has not done the most fundamental responsibility we have, which is to pass a budget that addresses our national security interests. What did we end up with? We ended up last summer with the Budget Control Act—something cobbled together at the eleventh hour to avoid a deadline on raising the debt limit—and we put in place a process where a supercommittee would look at ways to define long-term savings so we could avoid the sequester. But the sequester was put in place as a result of the Budget Control Act, which was put in place because the Senate hasn't passed a budget now for 3 straight years. That is why we are where we are.

Having said that, we need to fix the problem. And the problem is we have defense cuts that are going to cut very deeply into our national security interests, and we even have the Secretary of Defense coming out and saying these cuts would be devastating. The President's own Secretary of Defense has made a statement to that effect. With sequestration, we would have the smallest ground force since 1940, the smallest number of ships since 1915, and the smallest tactical Air Force literally in the history of the Air Force. That is the dimension of the problem we are talking about, as has been described by the experts who are supposed to know these things. As I said, the President's own Defense Secretary has made these sorts of statements.

One of the problems we have, of course, is we don't even know what the full impact of the sequester will be because the administration hasn't put a plan forward. So we are awaiting that plan. Today the House of Representatives voted 414 to 2 to require the administration to at least submit to Congress and to the American people how they intend to implement sequestration so we can at least have a better idea about what these impacts will be, where are they going to make the cuts, by account, so we can examine that and come up with a plan, hopefully, to replace those deep unbalanced cuts in the defense budget with reductions elsewhere in the budget. But we don't know that because we can't get the administration to put forward the plan we need to move forward with our proposals here in order to do away with what we think will be a very dangerous cut to America's national security.

I hope the Senate will do something to address that. We can start by taking up the bill passed in the House, pass it

here in the Senate, and require the administration to put forward a plan about how they are going to implement the sequester.

As has already been pointed out by the Senator from Alabama and others, we are talking about basically a 50-percent cut in the defense budget—or 50 percent of the cuts coming out of the defense budget on top of \$487 billion in cuts that were already approved last year. So we are talking about another huge amount of reduction, up to about another \$½ trillion on top of what already is \$½ trillion in cuts that came last year.

Remember, the defense budget, as has been pointed out, only represents 20 percent of all Federal spending, so we are going to take half the cuts out of 20 percent of the budget. Where is the proportionality in that? And as the Senator from Alabama has highlighted, what we have done essentially is we have shielded many areas of the budget. So a lot of the things some of our colleagues on the other side of the aisle don't want to see cut are protected from this. Yet we are going to make huge, steep, Draconian, and dangerous cuts in America's national military and national security budget.

I would hope we can at least act on what the House of Representatives did earlier today by a 414-to-2 vote, pick up that legislation, and require the administration to tell us how they are going to implement these reductions. Then let's go to work on a bipartisan basis and try to come up with a plan whereby we can avoid what will be a disaster, as has been described by every national security expert out there, for our national security interests.

We live in a dangerous world. We can't avoid that. The United States of America is looked to for leadership around the world. We have to continue to ensure we can protect this country and America's interests around the world. In order to do that, we have to make sure our military is resourced in a way that enables them to protect our interests. We cannot continue to go forward with this sequester, which would dramatically and in a very dangerous way harm those national security interests.

Mr. SESSIONS. Mr. President, I ask unanimous consent that we be allowed to proceed as in a colloquy so we can address one another directly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Senator THUNE is in the leadership on the Republican side and he is in the Budget Committee and the Defense Committee and is aware of how this all happened. So we are at a point where it appears to me the Defense Department is being asked to take unacceptable, disproportionate reductions in spending that go so far as to create damage rather than improving its efficiency.

Isn't it true the Secretary of Defense and all the top officials under the Secretary of Defense are appointed by the President and serve at his pleasure?

Mr. THUNE. That is correct.

Mr. SESSIONS. The Secretary of Defense now has said this would be a disaster to the Defense Department for these cuts to take effect. Isn't it true that the President is the Commander in Chief of all our military forces?

Mr. THUNE. That is correct.

Mr. SESSIONS. Isn't it true that we are at a situation at this point in history where we are heading toward a sequester, and the Commander in Chief is utterly silent on how to fix the problem?

Mr. THUNE. The Senator from Alabama is correct. That is one of the remarkable things about this. The Commander in Chief, of course, is tasked with the responsibility of being just that, the Commander in Chief. Yet when it comes to the national security interests that we have and to at least spelling out how he would implement what we believe are going to be some disastrous cuts to the defense budget, he is not even informing us about what his ideas are with respect to that so we can react to that. More importantly, he doesn't seem to be the least bit interested in addressing this.

There is a huge silence coming out of the White House—the Senator from Alabama is absolutely correct—and it has to change if we are going to be able to fix this. It starts by at least him presenting a plan, and the Senator from Alabama and I have introduced legislation in the Senate that would require that, much like what passed in the House today, and that is where it all starts.

Mr. SESSIONS. I thank the Senator from South Dakota for his leadership, and I was proud to join with him on similar legislation to that in the House. But isn't it true that we agreed last August with the Budget Control Act to reduce spending over 10 years by \$2.1 trillion; that is, reduce \$47 trillion to \$45 trillion, and there are no tax increases involved in that? Now we are discovering that late-minute deal has disproportionately impacted the Defense Department, as the President's own Secretary of Defense acknowledged.

Should we not be able to expect that the President would enter into discussions about how to deal with this? Does it not seem to the Senator, as an experienced part of the leadership in this Senate, that the President is saying: You Republicans care about the Defense Department. You Republicans care about preserving America. But I am not going to do it unless you agree to my tax increases. I am not going to do, as Commander in Chief, what I ought to be doing and providing the leadership on this because I am going to use this as leverage against you

guys to force you to agree to a tax increase; is that the bottom line? I hate to be so frank about it, but that is the way I feel it is sort of developing; am I wrong about that?

Mr. THUNE. I don't think the Senator from Alabama is wrong at all. In fact, that is what much of the news stories that have been printed in the last few days and reporting on the subject have said. Some of our colleagues on the other side have essentially concluded this is leverage—leverage for them to get higher taxes.

It strikes me, at least, that there is a tremendous risk associated with allowing the country to go over a fiscal cliff—which includes not only these Draconian cuts to the defense budget but also tax increases that would occur on January 1, to go over the fiscal cliff, risk plunging the country into a recession, raise the unemployment rate which is already at historically high levels, all to prove a point about raising taxes. But that appears to be—at least by the reporting. There was a story in the Washington Post over the weekend that said: Democrats threaten going over the fiscal cliff basically to get higher taxes out of Republicans.

That, to me, seems like a terrible trade to make, to risk the country going into a recession, to risk these tremendous cuts in our national security priorities, just simply so they can get higher taxes.

Mr. SESSIONS. I think so. I would just say this—and I am so glad our colleague Senator AYOTTE is here.

One thing more I would say about it is the agreement last August was to raise the debt ceiling \$2.1 trillion and to reduce spending over 10 years \$2.1 trillion. It did not include a tax increase.

What we are saying is we need to simply reorganize how all those cuts fell so they are more realistic and the government is not so damaged, and we don't need to have agency after agency totally exempt from any cuts.

We are glad to have Senator AYOTTE here. She is a new member of the Armed Services Committee and the Budget Committee. She is a fabulous new addition to the Senate. Her husband is a military officer. She has contributed greatly to our discussion.

The PRESIDING OFFICER. The Senator from New Hampshire.

Ms. AYOTTE. Mr. President, I wish to thank Senator SESSIONS. I appreciate his leadership as the ranking member on the Budget Committee and also as a senior member of the Armed Services Committee.

This is so troubling, where we are right now with respect to our Department of Defense, our military—the most important constitutional function we have as a government to make sure the American people are safe.

Essentially, where we are is the Budget Control Act, as described, ini-

tially has cut \$487 billion from our military over the next 10 years. But on top of that, there are across-the-board cuts coming in January. I think the No. 1 lesson we learned from the Budget Control Act is when we kick the can down the road and we don't make the decisions right away or when we delegate it to some other committee to make the decisions, when we don't do a budget in 3 years, here is where we are. So we owe it to the American people to make the decisions that need to be made now.

It is irresponsible to put our Department of Defense and our military—our men and women who have fought so bravely for this country—at risk because somehow there are Members who think it is important to play roulette and to play chicken with our national security.

This isn't just from the Senator from New Hampshire. Just listen to our own Secretary of Defense. He describes what is coming with these across-the-board cuts in January as:

Devastating. Catastrophic. Would lead to a hollow force incapable of sustaining the missions of the Department of Defense.

He has compared sequestration or these across-the-board cuts to “shooting ourselves in the head, inflicting severe damage to our national security.”

To the point the Senator from Alabama made as well as the Senator from South Dakota, which is the President who is the Commander in Chief of this country, I would call upon him: Mr. President, lead an effort to resolve this. We can come up with alternative spending reductions. Yes, we need to cut spending, and I will be the first to stand in line to say we need to make sure we make those spending cuts. But let's not do it at the sake of our military.

If the Presiding Officer doesn't want to listen to me, the Senator from New Hampshire, please listen to your own Secretary of Defense and make sure we do not undermine our national security.

I serve as the ranking Republican on the Readiness Subcommittee. I asked the Assistant Commandant of the Marine Corps: What is the impact on the Marine Corps from these across-the-board meat axe cuts that are coming in January to our military?

Already the Marine Corps, under the initial reductions, is going to be reduced 20,000. If this goes forward, this irresponsible way of treating our military and our Department of Defense, the Marine Corps will take another 18,000 reduction. The Assistant Commandant of the Marine Corps said: The most shocking thing to me is actually something that keeps me up at night; that is, he said, the Marine Corps will be incapable of responding to one single major contingency.

Think about it. Think about it in terms of protecting our country. That

is why it is so important that we resolve this now. It is my hope Members from the other side of the aisle will come to the table now.

To put it in perspective, we could resolve and find spending reductions to deal with not only the defense but the nondefense part of these across-the-board cuts by living within our means for 1 month within this government. It is \$109 billion. We need to do this for the American people.

Our men and women in our forces of every branch of this service are so astounding in their courage. Just one example. There was a sergeant in the Marine Corps who lost his leg in Afghanistan and he took 1 year to recover. With a prosthetic leg, he reenlisted. He actually redeployed in the Marine Corps. Those are the types of men and women to whom we owe that they don't just get pink slips because we aren't showing the courage that needs to be shown right here in the Senate to come up with the spending reductions that don't put our country at risk.

Our Commander in Chief should be leading that effort. Unfortunately, all we have seen so far from the President is punting this issue. I would call upon him and Members of both sides of the aisle to come together to resolve this.

We should resolve this before the election. If we wait until after the election, then our Department of Defense is going to be under this cloud of uncertainty. Our men and women in uniform need to know we will not break faith with them, that we will stand with them, that we are not going to use them as a political football for other issues because, on a bipartisan basis, we should stand with them, with our national security.

In addition, one of the reasons we should resolve this before the elections is it is not just about the safety of our country, which should come first and foremost, but we are also talking about nearly 1 million jobs in the private sector in our defense industrial base, based on a report from AIA and George Mason University—just looking at defense, 1 million jobs.

Those jobs are the manufacturers, both large and small, that build the equipment, the protection, the weapons systems our men and women in uniform need to fight the wars we ask them to do to keep them safe and protected. If we lose that capacity, not only do we lose the jobs that are good jobs in this country, but we also lose capacity, which is very much a part of the defense of this Nation. Under Federal law, these companies will be required to issue, under the Warren Act, notices of layoff, potential layoff 60 days before it happens, which brings us to November.

That is why we need to address this issue before the election as well. We should not put all those Americans who work for those companies and those companies at risk.

Yesterday, AIA also issued a report looking at the nondefense implications of sequestration. If we put it all together, it is over 2 million jobs in this country that are at issue.

We should get to the table right now, resolve this, cut the spending in a responsible way that doesn't add a national security crisis to our fiscal crisis. We can do it, but we aren't going to do it if we continue to put off the difficult decisions, if we kick this can down the road again, if we use this as roulette or chicken or in some other debate in December.

This needs to be resolved right now for our men and women in uniform who have shown the courage, the tenacity, and the love of country. They have done so much for us and they deserve better from us than to use them as a political football in some other debate.

I urge my colleagues from both sides of the aisle to come to the table now. I urge the President to come and lead this effort so we can resolve this issue on behalf of the American people.

I yield my time to the Senator from Alabama.

MR. SESSIONS. I thank the Senator from New Hampshire. She made a great series of points. One of the most dramatic, is that we should not be waiting.

This is going to cost the Defense Department tremendous amounts of money. Private contractors may well assess against the Department of Defense costs for confusion and delays.

I just want to wrap up with these three charts.

One of the myths is the reason the United States is running the largest deficit in its history is the wars, the Afghan and Iraqi wars. We ran the numbers on that. The war outlays represent only 4 percent of defense spending. That is a lot, but it is only 4 percent. It is not the biggest part of it. In 2001–2011 it totaled \$1.1 trillion during that time; 2001 through 2011 we spent \$1.1 trillion on both wars in Iraq and Afghanistan.

During that same time—this represents the rest. The red represents the remaining expenditures of the U.S. Government, 96 percent. It is not so that defense and the war have caused the deficit we are in. Indeed, last year our deficit was about \$1.3 trillion. The entire 10 years of the war effort amount to less than 1 year's deficit last year. In fact, we have averaged over \$1.2 trillion for the last 4 years in deficits. For one year, you could eliminate the entire Defense Department, all \$540 billion of it, and you would not cut the deficit in half. You can add the war costs to it, which is a little over \$100 billion, and it is still less than half. It is not so that the reason this country is in financial trouble is that defense and the war have caused the deficit.

There are other factors going on. From 2008 through 2010, this shows the

growth in spending as a percentage of those budgets. Defense spending, through those 3 years, increased 11 percent. The non-defense discretionary spending increased 24 percent. That is a rate of more than twice as fast. So it is not surging defense spending that is driving up the cost of government as much as the increase in the non-defense spending.

One more chart that should make us all nervous. This is a Congressional Budget Office estimate of interest costs on the debt we are now accumulating. We are now at \$16 trillion in debt. Every penny of that is borrowed money. We have to pay interest on that \$16 trillion. We are adding \$1 trillion a year to it. We have added \$1.2-plus trillion for each year for the last 4 years. According to the CBO, in 2019, just 7 years from now, interest will exceed the Defense expenditures. The amount of money we spend servicing the debt that we have run up will exceed the Defense Department and surge past it.

If we have a situation that could happen as is now happening in Europe, and the interest rates surge faster, that number could be a devastating number to the economy. It is a matter of great concern to us.

That is why we have to contain spending. The Defense Department has to reduce spending. We support the \$487 billion in cuts they are working on today, but the additional \$492 billion is so large that it does damage to the Defense Department and actually will cost us money by making rapid reductions in spending in such a way that cannot be accommodated in any rational way.

I believe if we work together, get this thing on the right path, be honest with ourselves about how much we can reduce the defense budget without hurting our security, I believe we can work out something before the end of the year. But I tell you, the President is going to have to get engaged. He cannot just sit back and think he is going to use this for leverage to raise taxes as it appears to me he is doing. I know others want to speak.

I yield the floor.

THE PRESIDING OFFICER. The Senator from Illinois.

MR. DURBIN. Mr. President, for the last hour my friends on the Republican side of the aisle have had the floor, and they have presented their point of view. I would like to—and I am joined by the Senator from Vermont—I would like to spend a few moments, if I can, reflecting on what they said and perhaps making some observations that disagree with some of their conclusions.

There are some points on which we agree. The deficit is a serious national problem. Right now we are borrowing 40 cents for every dollar we spend. Whether we are spending that dollar on education, student loans, food stamps,

missiles, or the paychecks for our soldiers, we borrow 40 cents for every dollar we spend. No company, no family could survive borrowing 40 percent of everything they spend. That is a fact. So we need to be serious about reducing this deficit.

We are confronted, however, with a reality in terms of our economy. Since 2008 we have had a weak economy. We have had a recession that has killed off a lot of jobs. We are coming back but slowly. If we are not careful in the way we reduce the deficit, we can make it worse. I think everybody agrees with that premise on both sides of the aisle.

So we have a massive deficit, and we have a weak economy. We have to be careful how we reduce spending and raise revenue in a way that doesn't kill off the recovery. Ultimately, we cannot have a strong American economy unless we start putting people back to work in larger numbers. I think both sides will agree on that.

Here is an area where we start to disagree. How do we achieve this? Several years ago the majority leader, Senator REID, asked me to serve on the Simpson-Bowles Commission. I sat for over a year listening to testimony about ways to reduce the deficit. At the end of the day I came to a conclusion that turned out to be bipartisan, and 11 out of 18 of the members of the Commission voted for it—Democrats, Republicans, public members.

It basically said this: Any honest approach to reducing our deficit puts everything on the table—everything. It puts spending cuts on the table for sure, but it also puts on the table revenue. And entitlements.

I can tell you, there is a great deal of pain in addressing some of these issues. On the Republican side of the aisle when you say the word “revenue”—I wouldn't dare use the word “taxes”—but when you say the word “revenue” they race for the door.

On our side of the aisle, when you mention the entitlements—my colleague from Vermont and I and many others share a real concern about the future of programs such as Social Security, Medicare, and Medicaid, the basic insurance policy for senior citizens of America and the safety net for the poor and disabled. So you can understand this becomes extremely difficult in terms of cutting spending, raising revenue, reducing the deficit, and not killing off an economic recovery.

What happened last year? Last year we faced what is called the debt ceiling. The debt ceiling is a vague term that not many people understand. Let me try to put it in simple words, if I can.

The debt ceiling is America's mortgage. America's mortgage is growing in size, unlike many home mortgages which go down. America's mortgage is growing because our national debt is growing. Periodically, we have to borrow more money to cover what we have

spent. So Members of the Senate on both sides of the aisle who vote for the spending—whether it is for a war or for education or health care—ultimately know the day will come when we have to borrow more money to cover the 40 percent of what that expenditure is that we are not raising in revenue.

The debt ceiling came up for us to consider last year, and for the first time—the first time—the Republicans in the House and Senate said: Let's default on the national debt.

What would happen if you started missing mortgage payments at home? After a month or two somebody might give you a phone call. Then on the third month you might get a letter from a lawyer. On the fourth month you might be in foreclosure proceedings. In other words, you were not a trustworthy borrower and your credit rating is being destroyed by your failure to pay your bills.

The same thing would happen to America if we did not pass the debt ceiling, if we did not extend our mortgage, if we did not make our timely payments on our debt. But that was what the Republicans threatened. So in order to get through this crisis, the possibility that our entire economy would shut down over this default on our national debt, we came up with a plan. Here is what the plan was.

We would create a bipartisan House and Senate supercommittee. We said to that supercommittee: Come up with \$1.5 trillion in deficit reductions over the next 10 years—\$1.5 trillion in deficit reduction. We did not say to the committee how to do it, but we told them if they fail to come up with this savings of \$1.5 trillion over the next 10 years, there will be automatic spending cuts—automatic spending cuts called sequestration. We said specifically what they would be: \$500 billion from defense spending, \$500 billion from non-defense spending. That was the alternative. Reach an agreement, cut the deficit, or face this automatic penalty.

What we have heard on the floor of the Senate today are the protests of a half dozen or more Republican Senators to what we are now facing. You see, the supercommittee could not reach an agreement. There was no agreement because basically the Republican side refused to even consider raising revenue—raising taxes on anybody over the next 10 years. So the alternatives were to continue to cut spending and/or cut Medicaid and Medicare.

It broke down. So the automatic spending cuts, sequestration is now looming. January 2 they are looming as a possibility. The protests on the floor today from Republican Senators are over the possibility of a \$500 billion cut in defense spending over the next 9 years, \$55 billion a year—not an inconsequential cut by any means.

Here is what is interesting. I asked for the transcript from the Republican

Senators in describing the defense sequestration cut, and every one of them came to the floor to condemn it. The words they used in describing it are “predictable,” “devastating,” “arbitrary,” “irresponsible”—one after the other. That is how they described this.

Then I asked my staff to please get me a copy of the rollcall of Senators who voted for this option. Of the Senators—Republican Senators—who spoke on the Senate floor this afternoon protesting the defense sequestration as devastating, irresponsible, and arbitrary, the following Republican Senators voted for it: Senator MCCONNELL of Kentucky, Senator MCCAIN of Arizona, Senator THUNE of South Dakota, and Senator CORNYN of Texas. In fact, the entire Republican leadership team voted for what they are now branding as devastating, arbitrary, and irresponsible. So it is a little hard for me to understand how on this date, August 2, 2011, in the early afternoon, they could vote for this and now come to the floor and condemn it.

Here is the reality. The reality is we need to deal with our deficit in a responsible fashion. We need to keep this economy moving forward. In order to deal with the deficit in a responsible fashion, I still believe the Bowles-Simpson approach is the right approach—put everything on the table and work through it in a responsible way. I thought it was right then; I still believe it is right.

I am troubled, though, by this concept about defense spending. Let me confess my own personal family feelings. An hour ago my nephew Michael Cacace, who is in the 10th Mountain Division out of Fort Totten, NY, came to visit me upstairs. He was a sight for sore eyes. I hadn't seen him in a long time. A little over a year ago he was a doorman letting people into the gallery upstairs, and then he enlisted in the U.S. Army and spent a year in Afghanistan. I thought about him every single day. We sent him care packages and got notes back from him and occasional e-mails, and in he walks to my office today safe and sound. I couldn't have been happier to see him. In just a few weeks he is off to Korea. He has 2 more years in his commitment to the Army.

I thought about him—and think about him and so many others like him—every time the issue of America and the military came up. While Michael and so many others are risking their lives for our country, we can do nothing less than to keep them safe—as Michael was able to do. I am committed to that personally, politically.

To suggest that any of us, in either party, would jeopardize the defense and security of America for political reasons I do not accept. Everyone here is committed to the basic premise of keeping America safe and standing behind our men and women in uniform. I

also want to be realistic about the defense budget. It is a big budget.

The last time the Federal budget was in balance was about 10 years ago, and we hit the sweet spot when it came to taxes and revenue on one side and spending on the other. The sweet spot was 19.5 percent of our gross domestic product. That is the sum total and value of all the goods and services produced in America. So we raised 19.5 percent of our gross domestic product on taxes and that is how much we spent. We were in balance 11 years ago.

What has happened since? Senator DAN INOUE, chairman of the Senate Appropriations Committee, told us. Since the budget was last in balance, domestic discretionary spending for things such as education, health care, correction systems, highways, and all the nondefense items in our budget has not grown at all. It flatlined, zero growth. When it came to the entitlement programs, such as Medicaid, Medicare, veterans programs, and the like, they have gone up about 30 percent in costs since the budget was last in balance.

What about the defense budget? What has happened to the defense budget since we had a balanced budget? It has gone up 73 percent. Zero on domestic discretionary, 30 percent on entitlements, 64 percent on the military side. So what happened in the last 10 years? There were two wars we didn't pay for, a dramatic buildup in the military, and the reality is all of it was added to the debt.

When we had the Simpson-Bowles Commission, we brought in experts from the Department of Defense and asked them a lot of questions about our spending over there. There were some things there that were troubling. The F-35, which is supposed to be the fighter of the future, ends up dramatically overspent. There were cost overruns in every direction. You may have heard a lot about the Solyndra energy project. The cost overrides on the F-35 project are more than 10 times the money we lost on the Solyndra energy project. There has been a dramatic overrun on some of these major weapons systems.

We then asked the Department of Defense: How many contractors do you have working for you, not including civilian employees, in the Department of Defense or uniformed employees? Their answer to us was very candid: We don't know. We really don't. We hire contractors, and they hire people. We have no idea how many people work for us. It could be a million people, it could be 3 million people. It raises a question in my mind: Can we be safe as a country and still save some money at the Department of Defense? I think we can.

What I hear from the Republican side of the aisle is: Keep your hands off the Department of Defense. Well, I don't want to cut them and jeopardize our

security or endanger our servicemen, but I do believe money can be saved there. How did we find ourselves in this position where we are even considering these cuts? Because the Republicans have steadfastly refused to consider revenue.

Before you took the chair, Madam President, our colleague and friend Senator MERKLEY of Oregon sent me a note to ask Senator SESSIONS of Alabama a question. I want to read it. He said: Ask Senator SESSIONS the following: What is more important, taking care of our national security or giving bonus tax breaks of over \$100,000 a person for the richest 2 percent of Americans? What the President has proposed is that we cut the tax breaks off at \$250,000 of income, and it means the top 2 percent of Americans would pay more. They would pay the rate they used to pay under President Clinton, and the Republicans have said: No way. President Obama's tax proposal would save us \$800 billion. The Department of Defense cut over 9 years is \$500 billion. So the Republicans here, almost to a person, are basically arguing that rather than raise taxes on the richest 2 percent in America at all, we would run the risk of jeopardizing our national security. That is a false choice. We can have a strong national defense and we must, but we can also have a rational approach to reducing our debt.

Our military is the best in the world, the biggest in the world, and larger than most other nations—the next 10 combined—and it is dramatically larger than any potential enemy of the United States. It has kept us safe as a Nation, and we want it to continue to do so. The men and women who serve us in the military are the best, but we can save money in the Department of Defense. We can do it and reduce the deficit.

What we need from the Republican side of the aisle is the willingness we found in the Simpson-Bowles Commission of a few Republicans to step up and say: Yes, we need to put everything on the table. Let's avoid deep cuts either on the domestic side or the defense side. Let's basically come up with an approach that is fair across the board, and we can do it. Let's spare those who are the most vulnerable in America, the homeless and helpless. For goodness sake, we all care for them. We should all care for America's needy. Those programs have to be protected.

When the Senator from Alabama comes to the floor and decries the fact that more people are using food stamps, I say to my friend from Vermont, who has probably seen the same thing I have: Meet these families on food stamps.

Meet them when you go to the soup kitchens and when you go to the food pantries. Many of them are working

families. They can't make it on what they are being paid. They are struggling from paycheck to paycheck. At the end of the month, they are looking for something to put on the table. Sadly, families who have an income still qualify for food stamps because their income is too small.

The Senator from Alabama said the food stamp costs have gone up way too high. True, they are high, but they reflect the state of the economy and the troubling challenges that face working families and poor families across America. He also made a point of saying the entitlement payments are going up dramatically. Why? Because today in America 10,000 of our fellow citizens reached the age of 65. Yesterday was the same thing, tomorrow is the same thing, and for the next 18 years it will be the same thing: The boomers have arrived. And when they arrive at age 65, they look around and say: Well, we paid in all of our lives for Social Security and Medicare. Aren't we qualified? Aren't we entitled to our benefits?

Is the Senator from Alabama suggesting we walk away from those commitments? I don't think that is fair. We can make these better programs, we can make them more efficient, but we certainly don't want to give up on our commitment to Medicare, for example, as the Paul Ryan budget did. I think that is a serious mistake.

To my friends on the Republican side of the aisle, I think the message is clear: You voted for this, so don't keep coming to the Senate floor and criticizing it. They knew what they were voting for. It said if you failed to reach a bipartisan agreement on the supercommittee, this is what we would face.

Secondly, we can solve this problem still. We can avoid sequestration with a bipartisan approach that considers all of the key elements to bring deficit reduction in a sensible and thoughtful way, that doesn't kill our economic recovery.

Third, I will never question any colleague's commitment to the safety and security of this Nation, and I hope our friends on the other side won't either. Everyone is committed to that, and we are committed to our men and women in uniform. Now let's do them proud and make America's economy stronger and make America stronger. Let's invest in what we know will make us a strong Nation. In addition to our military, let's invest in our schools and education, research and innovation, clean energy projects that offer an opportunity for 21st century leadership for America, the infrastructure which serves our country from one side to the other and keeps products moving and keeps America competitive. We can make the investments in these key areas and not jeopardize our national defense. We can do that and reduce the deficit.

I yield to my colleague from Vermont, Senator SANDERS.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Vermont.

Mr. SANDERS. I thank the Senator from Illinois.

Mr. SANDERS. Madam President, I appreciate the remarks of the Senator from Illinois, and I wanted to amplify on them a little bit. But before I do, I wanted to mention something we don't talk about enough here on the floor of the Senate.

In New England, and I'm sure in Minnesota, we have a lot of sports fans. When we are interested in baseball, basketball, football, hockey, or whatever, the key question everyone always asks is: Who wins and who loses? Well, I think it is appropriate that in terms of the economy, as it currently stands, we should also ask that simple question: Who is winning and who is losing? Let me discuss that for one moment before I get into deficit reduction.

We don't talk about it almost at all on the floor of the Senate. The media doesn't talk about it terribly much either. But the reality is we have the most unequal distribution of wealth and income of any major country on Earth and more income and wealth inequality in this country than at any time since the late 1920s.

Today the wealthiest 400 people own more wealth than the bottom half of America, which is about 150 million people. We could squeeze 400 people into this room, and if they were the wealthiest people in America, they would own more wealth than the bottom half of America.

A report came across my desk yesterday which I want to share with the American people. This is quite incredible and kind of tells us where we are moving as a Nation, and that is that today the Walton family of Wal-Mart fame—the folks who own Wal-Mart—now owns more wealth than the bottom 40 percent of America. One family owns more wealth than the bottom 40 percent of America.

Today the top 1 percent owns 40 percent of the wealth of the country. I think a lot of people are very surprised by that number. The top 1 percent owns 40 percent of the wealth of America. But what people would be far more shocked at is if we asked them how much the bottom 60 percent of the American people own. I have done this. In Vermont, I have asked people. They say: 10 percent, 20 percent. The answer is less than 2 percent. The top 1 percent owns 40 percent of the wealth of America. The bottom 60 percent owns less than 2 percent. The bottom 40 percent of America owns three-tenths of 1 percent, less than one family—the Walton family—owns.

Why is that important? It is important because it tells us from both a moral and economic perspective the direction we have to move in terms of

deficit reduction. I find it a little bit amusing that some of my Republican friends come to the floor of the Senate and say: We are deficit hawks. We have got to cut, cut, cut. We are worried about our kids, we are worried about our grandchildren, and we are worried about borrowing money from China. They have a whole set of talking points. They are worried about the deficit.

I am worried about the deficit, every American should be worried about the deficit, but I have a question to ask some of my Republican friends who today are great deficit hawks and that is: Where were they a few years ago? I voted against the war in Iraq for a number of reasons, not the least of which is it wasn't paid for. The war in Afghanistan wasn't paid for. I find it kind of interesting that former President Bush, who was a great deficit hawk, and all of my Republican friends who are great deficit hawks went not just to one war, they went into two wars. And you know what. It just slipped their minds. They forgot to pay for it. We all have slips of memory. You go to the grocery store and forget to buy the container of milk your wife wanted you to buy. It just slipped their mind. They were so busy talking about the deficit, they went into two wars that cost trillions of dollars and forgot to pay for them. Today they have noticed and it has come to their attention that there is a deficit.

I voted against the war in Iraq. I am not so sure many of them did.

The second issue. If we go on a shopping spree or a gambling spree or whatever it may be and we spend a lot of money, give away a lot of money, we have less money. Our Republican friends fought for and created huge tax breaks for the wealthiest people in this country. Hundreds and hundreds of billions of tax dollars in tax breaks went to the top 1 percent, went to the top 2 percent. So our deficit hawk friends who come down here every day to tell us how concerned they are went into two wars they forgot to pay for, and, for the first time in American history, they actually gave tax breaks to the very rich while they were at war.

Furthermore, one of the major problems our country is facing now in terms of the deficit, which Senator DURBIN touched on, is that because of the recession, which was caused by the greed and recklessness and illegal behavior of Wall Street—and many of my Republican friends and some Democrats told us awhile back when I was in the House how important it was to deregulate Wall Street, to allow the large commercial banks that have merged with the investor banks to merge with the insurance companies, and just get the government off the backs of these honorable people on Wall Street who are looking out for the American people. It turned out, of course, that they

are a bunch of crooks. We deregulated them, and they did what many of us thought they would do: they began exchanging incredibly complicated financial transactions, which took this country to the verge of an international financial collapse. And our friends on Wall Street needed their welfare payment from the middle class of America—\$700-and-some billion of welfare payments for Wall Street—to bail them out. The Fed provided \$16 trillion in low-interest loans on a revolving loan basis. So in the midst of all of that, what ended up happening is that revenue is now down to 15.8 percent of GDP, which is the lowest amount of revenue per GDP we have seen in a very long time.

So we go into two wars and don't pay for them; we give tax breaks to billionaires; we deregulate Wall Street, which causes a recession; revenue declines as a percentage of GDP; and we have a serious deficit crisis, which is where we are right now. We have a \$16 trillion national debt. I think it is a \$1.2 trillion-a-year deficit—a serious situation. How do we deal with it? Everybody here recognizes that it is a problem. We don't want the younger generation to have to pick up this national debt. How do we deal with it?

Well, my Republican friends have a great idea. Let's see. We went to two wars and didn't pay for them; tax breaks for the rich; deregulated Wall Street; a recession. Oh, I know how we can deal with the deficit. Let's cut Social Security. That is a good idea. After all, we only have 50-some-odd million people on Social Security. Why don't we come up with a chained CPI? Nobody outside of Capitol Hill knows what a chained CPI is. And to any senior citizen, somebody on Social Security, who is watching this, please don't laugh, but I do want to tell you what a chained CPI is. You will think I am not telling you the truth. Check it out. I am.

There are people here in the Senate and in the House who think your COLAs have been too large; that the formula that determines COLAs—cost-of-living allowance increases for seniors—has been too generous.

Now, the seniors are saying: What is this guy talking about? How can it be too generous when for the last 2 years we didn't get any COLA? At a time when our prescription drug costs are going up and our health care costs are going up, what are they talking about?

Well, you are right, I say to those back home, they are a little bit off their rocker. The idea that they could think that after 2 years of zero COLAs, those are too large, and that we have to create a new formula to reduce COLAs—that is what people—certainly Republicans and some Democrats—are talking about right now.

So what about Social Security? How much of the deficit did Social Security

cause so that my Republican friends—all of them—want to cut it and some Democrats may want to cut it? Well, the answer is zero, and everybody in America back home understands it, because Social Security is funded by the FICA tax, by the payroll tax. Social Security does not get general fund money, it comes independently. Social Security, according to the Social Security Administration, has a \$2.7 trillion surplus—let me say it again: surplus—to pay every benefit for the next 22 years. Why do they want to cut Social Security? Go ask them. I don't know. It certainly doesn't make any sense to me. It should not be part of any deficit reduction effort. But it is not just Social Security that is under attack. They want to go after Medicare. They want to go after Medicaid. They want to go after nutrition programs for elderly people and for children. They want to go after Pell grants. You name the program that benefits working-class and middle-class families, and they want to go after it.

What about asking the wealthiest people to pay a nickel more in taxes? Oh, we can't do that, just can't do that—moral objection to having billionaires, who are doing phenomenally well and who are now paying the lowest effective tax rate they have paid in a very long time—we cannot allow them to pay a nickel more in taxes. It is far more important to cut Social Security, Medicare, Medicaid, and education.

Well, I think that set of priorities is dead wrong, and I think the American people think those priorities are dead wrong. We have to work together to make sure that doesn't happen in some kind of grand plan or whatever it is. Yes, we can deal with the deficit. We should deal with the deficit but not on the backs of the elderly.

Millions of senior citizens of this country are living on \$12,000, \$13,000, \$14,000 in Social Security—it is either all or most of their income—and people here are talking about cutting Social Security? We have 50 million people who have no health insurance. We have 45,000 people who died this year because they didn't get to a doctor on time, and people say: Let's take our kids off Medicaid. Let's take lower income people off Medicaid. What happens? Let's do away, says the Ryan budget, the Republican budget, with Medicare as we know it. Let's give people an \$8,000 check instead of Medicare. Well, a person has cancer or heart disease, and we have an \$8,000 check for them to go out and get private insurance. How many days do my colleagues think they are going to stay in a hospital with cancer on \$8,000? Not a whole long time, but that is what their plan is.

So we are now in the midst of a great philosophical and economic debate. The rich are getting richer, and our Republican friends want to give them

more tax breaks. The middle class is collapsing. Our Republican friends want to cut Social Security, Medicare, and Medicaid.

In terms of defense spending, I would just say this: Everybody here agrees we want and need a strong defense. Do we really have to spend more on defense in the United States of America than the rest of the world combined? We spend more on defense than the rest of the world combined. Do we really have to do that? We spend 4.8 percent of our GDP on defense.

Our European allies, by the way, provide health care to all of their people as a right. Our European allies provide, in many instances, college education free to their young people—not \$40,000 or \$50,000 a year. Our European allies—and I say this in all due respect to them; I respect that, and it is what we should be doing—provide excellent quality childcare to their working families. Our European allies spend 2 percent of their GDP on defense.

We spend 4.8 percent.

So we are in the midst of an interesting moment. I hope the American people become engaged in this debate because I think, by and large, the position the Republican Party is taking—tax breaks for billionaires, cuts in Social Security, Medicare, and Medicaid—is way out of touch with where the American people are today.

I hope we have a serious debate on these issues. I hope the American people join us, and I hope the road we go down in terms of deficit reduction is one that is fair to working families and the middle class, and that means asking the wealthiest people in this country and the largest corporations in this country to start paying their fair share of taxes.

With that, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN of Ohio. Madam President, I ask unanimous consent to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

RUSSIA PERMANENT NORMAL TRADE RELATIONS

Mr. BROWN of Ohio. Madam President, I rise because the pending proposal to grant permanent normal trade relations with Russia must be done right. It was voted out of the Finance Committee today. There is discussion about further changes in the legislation on the Senate floor when it reaches here.

People in my home State of Ohio know too well that we cannot afford to

continue our normal, business-as-usual trade agreements that fail to hold our trading partners responsible.

We know what happened in the early 1990s with the North American Free Trade Agreement. We know what happened in the late 1990s with the permanent normal trade relations with China. Look at the most recent events around the U.S. Olympic Committee and these American athletes, with hundreds and hundreds of them soon to parade down the streets in London, England, wearing clothes made in China. If that does not tell somebody about our trade relations with China.

We need to do it right because we know what happened not too many years ago with the Central American Free Trade Agreement, so-called CAFTA. The American people recognize that.

Too often we have allowed countries to violate their trade commitments with detrimental consequences to our own industries, especially our manufacturing.

Between 2000 and 2010, we lost one-third of our manufacturing jobs in this country. More than 5 million manufacturing jobs disappeared. Madam President, 60,000 plants closed. That is not by accident. That globalization evolved that way. It was because of trade law and tax law in our country that gave incentives in far too many cases for companies to shut down in the United States and move overseas.

We know a number of large American businesses have decided their business plan is to shut down production in Sandusky or Hamilton, OH, and to move production to Shihan or Wuhan, China and sell those products back into the United States of America.

Never, to my knowledge, in world history has a large number of companies in one country put together a business plan such as that: Shut down production in the home country, move it overseas, and sell back those products into the home country. By and large, it has not worked for our country. Part of the result is a diminished middle class with stagnant wages.

That is what we need to make sure we understand as we go, with eyes wide open, into this PNTR with Russia.

Too often we compromise our values in these trade agreements, we compromise our commitment to upholding human rights.

Granting Russia PNTR status without oversight is another such deal in the making. We have a responsibility to American steelmakers and welders, the companies and the workers, the small manufacturers and the employees, the engineers, the laborers, all of them, to get it right this time.

I want more trade, and this is not just about Russia. This is about America's trade policy, America's workers, American job creation. This is about the guy in Zanesville who made big

things with his hands for years and now has gone from \$17 an hour to \$11 an hour—and still has to provide for his family.

It is just this simple: enforcement and accountability must be at the heart of our trade commitments with every single country in the world.

Granting Russia PNTR; that is, granting Russia permanent normal trade relations, is important for U.S. businesses. It could be a major step toward boosting exports of machinery, aerospace products, and other manufactured goods. I get that. I support that. It could be helpful to Ohioans who produce nearly 328 million pounds of chicken. It could be helpful to hog farmers around Johnstown, OH, and pork producers throughout Ohio and throughout the United States.

But we need to ensure our manufacturers, our ranchers, and our producers are not economically hogtied, if you will, by our trading partners. U.S. workers have learned the hard way that promises about strict enforcement simply do not go far enough and are simply too often empty.

A decade of experience with China's failure to abide by its WTO commitments has provided ample evidence that we must strengthen our enforcement regime.

How many Senators who voted for permanent normal trade relations with China, how many Congress men and women who voted for permanent normal trade relations with China have come to the floor and complained about China breaking the rules? They have attacked China because China cheats. They have complained to China on the Senate floor. They have gone to the International Trade Commission saying China is not playing by the rules. Yet they voted for PNTR a dozen years ago.

But put that aside, make up for it by passing a Russian PNTR that has real commitments, has real language, not just for reporting language but for enforcement language.

After 10 years, after hundreds of thousands of American jobs lost, we are seeing the same arguments we saw for PNTR made in support of granting Russia WTO membership.

Our experience with China has shown we must ensure that our trading partners follow through on their commitments. Our workers, our farmers, our ranchers, our producers, our manufacturers should have confidence that if a trade deal is signed, it will actually be enforced.

We cannot afford another one-way trade agreement because one-way trade agreements tend to lead to one-way job movements—companies shutting down here, manufacturing somewhere else, and selling back into the United States.

That is why we must have oversight. We must have mechanisms in place to

ensure that Russia adheres to its commitments.

We must learn from the Chinese case. Our PNTR with China caused huge damage to our country and manufacturing job loss. From the implementation of PNTR—passed in 1999, begun in 2000—accession to the World Trade Organization, around then for China, we saw what happened with job loss.

I mentioned a minute ago, between 2000 and 2010, we lost one-third of our manufacturing jobs in this country, more than 5 million jobs. We lost 60,000 plants in this country—not entirely because of China not playing fair, not entirely because of PNTR, not even entirely because of PNTR with China and the North American Free Trade Agreement.

It is our tax law. It is our trade law. It is our unwillingness or inability to enforce these trade rules. All that has conspired for this job loss.

Since 2010, I might add—because of the auto rescue and some other things—we have gained back one-half million manufacturing jobs. Ten years of manufacturing job loss; since the auto rescue, 500,000 manufacturing job gains.

We have to have monitoring. We have to have appropriate consequences in place when these rules are violated. If we repeat our mistakes of the past—from the lessons we should have learned from China—we will have no one to blame but ourselves.

My bill, the Russian World Trade Organization Commitments Verification Act of 2012, would help ensure Russia abides by the schedules set out in its WTO terms of accession.

Russia said it is going to do A, B, C, D, and E. So did China. The point is, we need not just reporting language about evaluating—did they do A, B, C, D, and E—but we need enforcement mechanisms. So if they do A and they do not do B, then the administration or the House or the Senate or we individually can begin to bring some actions against Russia for not following these rules.

We accomplish this by requiring USTR to report to Congress annually on how Russia is adhering to the commitments it made as part of joining the World Trade Organization.

If Russia fails to comply—and here is what our language does differently from what we have done in the past; learning from what happened with China—if Russia fails to comply, the U.S. Trade Representative will be required—required, not an optional thing because we see how Trade Representatives, particularly during the Bush years, acted on these kinds of problems—the U.S. Trade Representative will be required to explain what the administration is doing about it. If the administration does nothing, my bill clarifies that Congress can request that the administration take action.

It is commonsense accountability. It has been lacking in our trade enforcement.

This is an American issue. We can solve it together. We can solve it bipartisanship. We can solve it because it is an issue in all regions of our country.

President Reagan once said about Russia we must “trust, but verify.” He was actually talking about the old days of the Soviet Union. The same applies today—“trust but verify.” Bring the reporting requirements forward. Bring accountability forward. It will matter for American jobs, for American manufacturers, for a middle-class standard of living for so many in our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

SEQUESTRATION

Mr. INHOFE. Madam President, earlier today, we had a colloquy on this floor talking about the devastating effects of sequestration, and I think we covered most everything. One of the significant parts of this is how we got here in the first place.

Not many people realize that in our form of government the President of the United States, whether he is a Democrat or a Republican, comes out with a budget each year. Of course, we have not actually passed a budget in the Senate, so that becomes the budget.

In his budget, starting 4 years ago, he has had, each year, in excess of \$1 trillion of deficit each year. Add them all up and it is \$5.3 trillion of deficit.

I only mention that in conjunction with the concern we have on sequestration. How did we get here in the first place? This is something that is very much of a concern for us because it seems as if, when we look at all the increases, the deficit increases during this administration since 2008, the only area that has not been dealt with fairly, in terms of keeping up with our obligations, is national defense.

I am not too surprised this happened, but it did. In fact, I can remember going over to—let me interrupt myself. Madam President, it is my understanding I have 30 minutes; is that correct?

The PRESIDING OFFICER. There is no time allocation.

Mr. INHOFE. Oh, fine. I like that better.

After the first budget, I can recall going over to Afghanistan, knowing this President would be disarming America in his first budget. I think he will go down in history as the most antidefense President we have ever had. But I remember going over there. I knew, with the tanks going back and forth in the background, that I would be able to respond and to get some attention of the American people.

Of course, that first budget, I remember it so well. He did away with our

only fifth generation fighter, the F-22; did away with our lift capability, the C-17; did away with our Future Combat Systems, which would have been the first ground transition in 60 years. Then what I am going to talk about in another portion of my presentation this afternoon did away with the ground-based interceptor in Poland. Now that was the first budget.

Since that time, it has been deteriorating even more. So our national defense has been doing everything it can to try to stay afloat, try to support our troops who are over in harm's way. It is becoming more and more difficult.

If we project what this President has done and would be doing over the next 10 years, it would be cutting the military by \$½ trillion. Now, that is bad enough, but what is worse is what would happen under sequestration.

Under sequestration, the way he has engineered sequestration, the cuts would take place—as was pointed out very effectively by the Senator from Alabama, Mr. SESSIONS—the amount of cuts that would come from sequestration would be coming almost entirely from the military. So not only is he projecting a cut of \$½ trillion in our military as it is today, but if Obama's sequestration goes into effect, it is going to be another \$½ trillion. So we know what this is going to do to jobs, we know what it is going to do to our ability, we know what it is going to do in terms of putting our troops in harm's way.

So I would only say, in my State of Oklahoma an article came out. It was by Marion Blakley, the president and CEO of the Aerospace Industries Association. She released a report, and it was covered very well by Chris Casteel in the Oklahoman in this morning's paper.

They talked about: Surely, Oklahoma could lose 16,000 jobs. Well, that is bad enough, but the figure actually is much higher than that when we throw in the uniformed presence we have and the jobs we would lose.

In my State of Oklahoma we have five major military installations. We have Tinker Air Force Base, which does a lot of the repairs on the heavy stuff, KC-135s, and so forth. We have Vance that does primary training, an excellent job. We have our depot and the ammunition depot that is in McAlester. We have Altus Air Force Base that trains people in flying the heavy stuff. And we have Fort Sill in Lawton, OK.

I have to say, this is a great compliment to my State of Oklahoma because we have had, since 1987, five BRAC rounds. It is called Base Realignment and Closure Commission rounds. These are rounds where they go through and make evaluation as to which of these military establishments are perhaps not making the contribution to our Nation's defense they

should, and then they go through readjustment and realigning, and so forth.

I am proud to say in my State of Oklahoma, the five military establishments I just now mentioned all have benefited from each of the rounds in terms of numbers of missions and numbers of people. I have to say there is a reason for that. It is not political influence, as a lot of people might guess. It is community support.

I have people saying, well, every community, every State has that. No, it is not true. When there is a problem and a need, we pass bond issues such as the very large bond issue in Oklahoma City to allow us to get the GM plant and, consequently, we have new missions going in. So I am saying that in a complimentary way.

On the other hand, with the sequestration that will be the Obama sequestration that will take place starting on January 2 of this coming year, we would have huge losses in Oklahoma. The estimate is probably closer to 22,000 jobs in the first year that we would be suffering in my State of Oklahoma.

It is bad enough what that will do to the economy in my State of Oklahoma, but what is even worse is what it does to our national defense. We have no way of knowing right now where that money is going to be coming from. I had a conversation—the first one in a long time yesterday—with Dick Cheney. Of course, we all recall not just his Vice-Presidential relationship, but he used to be Secretary of Defense.

He was one of those who was trying to make a lot of the cuts, and he did make a lot of the cuts. But he was talking about, if they do this and have these across-the-board cuts, it would be not just devastating—I mean, we all understand it would be devastating. That word was actually used by Secretary of Defense Panetta, who is under the Obama administration, saying the Obama sequestration would be devastating to our military.

But Dick Cheney was kind of pointing out some of the areas of interest. One of my backgrounds, and I still do it today, I have been a flight instructor for 50 years. I am sensitive to the need we have for pilots and how to train them. If we are to take across-the-board cuts, that would mean our pilots in the Air Force, in the Navy, and the Marines would not be subjected to the training I believe, in my opinion, would keep them as the crack pilots they are today.

The thing they would probably do is say: Well, we have simulators. We have simulators. That does not do it. Everybody knows that does not do it. So the cuts the Obama sequestration would make would be devastating to the whole country, devastating to my State of Oklahoma but more so, it would affect the lives of our troops.

You know, there is this kind of a myth out there, and the American peo-

ple believe it, that the United States has the best of everything; when we send our kids into battle, that they have the best equipment always. That is not true. There are a lot of areas where we do not have the best. For example, the Non-Line-of-Sight Cannon. There are five countries, including South Africa, that have better equipment than we do.

So as we look down the road and we see these cuts that are taking place, and then come back, as I just did from the Farnborough Airshow, seeing the other countries—France and all the other countries—and their propulsion systems, they are developing vehicles that are actually, in some cases, better than what we are doing over here.

The problem we are having is the deep cuts that have taken place in defense. I would have to say there is one thing that I am concerned about. This is kind of a warning shot for manufacturers, for defense contractors around the country that it is my opinion that the President—and I have heard this from several of the defense contractors, saying the administration is leaning on them not to send pink slips out on firing these people as a result of the Obama sequestration until after the November 7 election.

Well, I think they are overlooking that there is a law that was passed back in 1988 called the WARN law. It was the Worker Adjustment and Retraining Notification law. It says if we go through something like this, we have to send out pink slips—or the contractors have to send out pink slips to those who are going to lose their jobs 60 days prior to the time that is going to take place.

Well, if sequestration takes place on January 2, that would mean November 2, only 5 days before the election. So I just want to make sure everybody knows. The law says they must do it by 60 days. But they can do it tomorrow if they want to. I think the people of this country who are going to lose their jobs due to the Obama sequestration should be entitled to know they are going to get their pink slips before the election so that could certainly affect what they are going to be doing in an election.

MISSILE DEFENSE

That is not what I came down to talk about because we already talked about that before. But I would like to mention something that occurred in the last couple of days that has put us in a more dangerous position, and nobody is talking about it.

Back in December of 2002, President Bush issued a National Security Presidential Directive, Directive No. 23, announcing the plan to begin deploying a set of missile defense capabilities that would include ground-based interceptors, sea-based interceptors—land, sea, and space, kind of a triad system.

This is a system that people did not object to at that time because they re-

member back when people used to give President Reagan a hard time. When they talk about Star Wars, they talk about there will be a time when people have missiles that can be aimed at the United States, and they said the idea that we could shoot down a missile with a missile or shoot down a bullet with a bullet is inconceivable. They did not believe that would ever happen, but it is happening today and we all know it. We know the missile capability of countries that would like to kill all of us. So it is a very serious threat right now.

By the end of 2008 President Bush had succeeded in fielding a missile defense system capable of defending all 50 States and had security agreements with the Czech Republic and Poland on the construction of a third missile defense site. The radar would be in the Czech Republic.

I can remember talking to one of my favorite people, who was the President of the Czech Republic, Vaclav Klaus, about this subject. This took a lot of courage for President Bush to go in there and say: Look, we have a serious problem.

Let me kind of get into the record—I want to make sure people understand this. We have great ground-based interceptors in Alaska and California. I am confident that any missile coming in from that direction we can kill, we can knock down. The problem is if it came from the other direction, such as Iran, we do not have that capability. Sure, we might get one lucky shot from the west coast, knock it down, something coming into the east coast. With 20 kids and grandkids, that does not give me a lot of comfort.

Instead, in his wisdom and the wisdom of the administration under the Bush administration, we started building a ground-based interceptor in Poland with the radar located in the Czech Republic. Russia did not like that. They do not like the idea that we are defending ourselves in—you have to use your own judgment to decide why they have come to that conclusion. But it took courage for the Poles and the Czechs to come up and build this thing, and they agreed to do it.

I remember talking to Vaclav Klaus when it first started. He said: We want to make sure if we make this commitment and we anger Russia that you are not going to pull the rug out from under us. I gave them the assurance that was not going to happen.

Well, unfortunately that did happen. When President Obama was elected, he first cut the budget for missile defense by \$1.4 billion, and he killed the ground-based interceptor in Poland. At that time—this is very significant our intelligence had said Iran will have the capability of sending a nuclear weapon over a delivery system by 2015.

Well, the Obama administration cut that program. They said: No, they are

not going to have that capability until 2020. Well, guess what happened. Just 2 or 3 days ago, Secretary Panetta said on "60 Minutes" that he believes Iran would be able to procure the nuclear weapon in about a year, and then it will take them another year or two in order to put it on a delivery vehicle. That would be 2015. So now we know we were right way back in the Bush administration. We know the danger that the Obama administration has put us in. I think people are going to have to understand that is true.

For us to use the system that President Obama wants to use, we would have to have capability—it is a system called SM32B. That missile would give us that protection we would have otherwise gotten by the system in Poland and the Czech Republic and would not be developed to be able to use until after 2020.

So this is something that is probably one of the most serious matters we are dealing with right now. I remember very well when President Obama was meeting with Russian President Medvedev on Monday, March 26, of this year, President Obama said—this is when the mic was on and nobody knew that he could be heard. He said:

On all of these issues, but particularly missile defense, this, this can be solved but it's important for him to give me space.

He was talking about Russian incoming President Vladimir Putin. These are his words.

This is my last election. After my election, I have more flexibility.

What does that tell us? It tells us that not only is it bad enough what he has already done in taking out our ability to defend ourselves against an incoming missile from anywhere, specifically from Iran, but it is a crisis that we are dealing with that has got to be dealt with.

LAW OF THE SEA TREATY

I want to mention one last thing because it is new—it is not new; it is something they have been trying to do for a long time. I quite often criticize the United Nations. Many times they do not have our interests at heart. I am very glad we got the 34th signature on a letter we were prepared to send saying: Do not bring the Law of the Sea Treaty for a ratification vote to the Senate because we will vote against it.

Now, 34 Senators signed that letter, which means they cannot do it. They are still having the hearings and all of that because they like to talk about it, I guess. But we are not going to cede our jurisdiction over 70 percent of the Earth's surface to the United Nations, nor are we going to give the United Nations the power, for the first time, to tax the United States of America. That is what we would find in this treaty.

That is when he signed this treaty. I only mention that because these treaties that come along somehow—I don't know what it is, but there is something

about the internationalists, and a lot serve in this body. They don't think any idea is a good one unless it comes from the U.N. It makes you wonder where is sovereignty anymore.

Here is another one, the U.N. Arms Trade Treaty, which they are trying to get through. Over the past 15 years, the idea of creating a global arms trade treaty has been debated at the United Nations. During the Bush administration, the United States stood in opposition to such a treaty. Yet it should come as no surprise that soon after entering the White House, President Obama reversed this position and went to work crafting and negotiating a U.N. arms trade treaty.

We all hear about gun control and what we are going to do with your ability to keep and bear arms. We hear about the Second Amendment to the Constitution, how it means very little to a lot of people.

It should be noted first that the treaty is currently being negotiated, so we cannot speak with certainty about the details. However, in March the president of the conference that is negotiating the treaty released a "chairman's draft." Through the draft, we know that the treaty may seek to establish certain criteria that must be met before the international transfer of conventional weapons—including small arms and light weapons—is allowed to take place.

Here is what we are talking about. I remember that back during the Clinton administration they were saying: We have to do something about restricting arms in the United States. After all, they said, look at all of the things happening with the drug cartels in Mexico and in Central America; they are getting their weapons from the United States. That was the justification for having a gun treaty at that time. This isn't all that bad.

We don't know the details of this yet, but we know the draft treaty may seek to establish certain criteria to be met before we can sell to other countries. We have a lot of friendly countries out there to which we would like to sell.

Although we all agree that a committed effort must be made to prevent terrorists and criminals from acquiring weapons, the treaty could undermine our foreign policy and national security strategy and infringe Americans' second amendment rights. In Oklahoma, maybe people are a little more sensitive to second amendment rights, but I seem to be hearing from them, and they are dead right. The heart of the problem with the treaty is the notion that bad actors will continue to be bad actors. We have seen this time and time again. Law-abiding nations will constrain themselves to the terms of the treaty, and rogue nations and corrupt states will contravene the explicit text of the treaty that only months ago they were negotiating and wholeheartedly endorsing.

I can remember using this argument on gun control in the United States. Gun control assumes that people out there are going to obey the laws. But they are not the problem people; it is the people who are not going to obey the law. Why would they single out a law on gun control that would preclude them from having guns if they are criminals to start with? It doesn't make sense. Internationally, the same thing is taking place.

This treaty is rife with opportunities for such behavior. In fact, the draft requires that provisions "shall be implemented in a manner that would avoid hampering the right of self defense of any state party." One need look no further than the current conflict in Syria to see how ridiculous this requirement is. The arms that Russia is currently supplying to Syria obviously have a dual purpose—for its national defense against a foreign aggressor but also to be used in the oppression of its own people. We know that is happening. Just yesterday we watched this taking place. Russia would, of course, claim they are doing it for their own defense.

How, then, does anyone expect an arms trade treaty which would not have stringent enforcement mechanisms to have any impact whatsoever? The answer is, against bad actors and rogue nations, it will not. But against nations such as the United States, the arms trade treaty may have a considerable impact.

Take, for example, the requirement in the draft that arms should not "be used in a manner that would seriously undermine peace or security, or provoke, prolong or aggravate internal, regional, subregional or international instability." Does anyone deny that each and every time we supply weapons to some of our greatest allies, such as Israel, Taiwan, and South Korea, that we are, in fact, prolonging regional or international stability? The answer is no. But this is instability that is necessary for international order and the prevalence of democracy in regions where it might not otherwise exist. Yet the terms of the draft treaty could be read to prohibit such weapons sales.

We can all agree that it is a great understatement to say that we don't want American gun companies selling weapons internationally when they might be used to commit violations of human rights, but, as everyone knows, we already have laws on the books that prohibit this. The export of firearms is already subject to a very strict and complex regime.

The U.S. international trade in arms regulations—that is why I call this the foot in the door, a first step—which has been promulgated pursuant to the Arms Export Control Act, already strictly limits the transfer or sale of firearms. This regulatory regime has been in place since the 1950s. The United States has been doing this for a

very long time. Other nations—our allies primarily—have mirrored our export control regime because it is so comprehensive.

This goes back to my earlier point. The United States has been very responsible in the area of exporting firearms, but other nations will not be, even as signatories to this treaty. It gets back to the nations that are the bad guys—they will not pay attention to the treaty even though they signed it.

The final point is that this treaty, even if negotiations result this month in a finalized version, is just going to collect dust in the Senate. We already have 58 Members of this body who have already signed a letter in opposition, and I feel strongly that this will meet the same fate as the Law of the Sea Treaty and so many other U.N.-sponsored treaties.

So you know the administration is in constant negotiations with international groups, such as the United Nations, and we have to go around and get people, as we did on the Law of the Sea Treaty. We have 35 Senators saying they will vote not to ratify, and that means you are wasting your time. Why are we even talking about it if it can't be ratified because it takes two-thirds for ratification? The same thing is true here, except we have 58 Members.

Keep in mind that the collectivists who are opposed to the private ownership of firearms, opposed to the second amendment rights, are the ones who are trying to do it internationally.

With that, I yield the floor and suggest the absence of a quorum.

THE PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WICKER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

THE PRESIDING OFFICER. Without objection, it is so ordered.

SEQUESTRATION

Mr. WICKER. Mr. President, it has been a tough day, a tough week. We could use a little bipartisanship in this Chamber and in this Congress. I don't understand it. We heard the Democratic leadership of the supercommittee come right out the other day and say that it was preferable to her that the fiscal cliff be encountered and that we actually bring our Nation over the fiscal cliff rather than working together in a bipartisan way to avoid it before the end of the year.

Then I was mystified today to learn that the majority leader of this great body proposes next year, if his party remains in power, to forever change the nature of the Senate in terms of being a great deliberative body and to go to the majority-rule 51-vote process that they have in the House. It worked OK in the House, but we have never done that in the Senate.

I am concerned with some of the things I have been hearing, and, frankly, I hope we can come back from the precipice of some of these disturbing proposals I have heard. One way to do that would be to address, in a bipartisan way, this issue of sequestration. So I rise this afternoon to point out to my colleagues that we are now less than 6 months away from seeing sequestration go into effect. This is a grim reality that was never supposed to happen. It is a reality that doesn't have to happen. But it will happen unless we act and unless the President signs legislation. Budget sequestration means defense and nondefense spending will be cut automatically and across the board, without regard to the priorities or the importance of programs. We need to avoid this.

How did we get here? Almost a year ago, Congress voted for the Budget Control Act as a first step toward seriously addressing the national debt. We authorized, in good faith, a supercommittee to produce a blueprint that would reduce the national deficit by \$1.5 trillion or more. Our hope and our expectation was that both political parties would come to a reasoned, long-term solution to America's debt crisis. Of course, that hope faded quickly with the announcement of an impasse by the supercommittee.

With a national debt approaching an unprecedented \$16 trillion, reining in Federal spending is imperative to our national and economic security. ADM Mike Mullen, former Chairman of the Joint Chiefs of Staff, put it simply: "Our debt is our number one national security threat." Severe, across-the-board cuts to the Department of Defense are not the way to address this security threat, and they are not the way to achieve long-term fiscal responsibility. Federal debt is a national security threat, to be sure, but so is unilaterally cutting key funding to America's men and women in uniform.

Realistically confronting the debt problem means addressing soaring entitlement costs, which are growing at three times the rate of inflation, three times the rate of our economic growth. We can't sustain that. But realistically confronting the debt does not mean gambling with the resources our military needs to protect this Nation and the skilled jobs necessary to supply today's advanced force.

Unless we act, and act soon, \$492 billion will be cut from defense spending beginning January 3, 2013.

According to Defense Secretary Leon Panetta, the effect would be "devastating"—a "meat axe." Our Secretary of Defense, a member of the Obama administration, said it would "hollow out the force." Unfortunately, Secretary Panetta and the White House, so far, have failed to identify the specific impact of these cuts. Clarity is needed as to how these automatic

cuts would limit our capabilities. As of this moment, sequestration is the law of the land unless Congress passes—and the President signs—a bill to stop it. The administration needs to get specific about the results of this "meat axe."

Our military faces a diverse set of challenges and emerging threats—a nuclear North Korea, a volatile Iran that wants to be nuclear, our commitment to a Democratic Taiwan, and the competition for mineral resources in the South China Sea. All of these and more require the ability to project American power abroad.

This year we celebrate the bicentennial of the War of 1812, and the lessons of that conflict should be remembered. During that war, it was our Navy that reaffirmed America's sovereignty. The United States saw that even the border of an expansive ocean would not fully protect our Nation. The influence of sea power on national security and commerce was clear then and it remains clear today.

As ranking member of the Armed Services Subcommittee on Seapower, I can attest that the Navy Department is the Armed Forces' most capital-intensive branch, and the Navy will be particularly hit hard by indiscriminate sequestration cuts. According to civilian and uniformed Navy leaders, our capacity to deter threats, defend our priorities, and project sea power could be gravely compromised. Sequestration would hurt readiness, fleet size, strategic investment, and the strength of America's workforce.

The projected numbers are striking. The Marine Corps would endure an additional 10-percent cut in troop strength, leaving our marines without sufficient manpower to meet even one major contingency operation. The Navy fleet would drop to 230 ships, well below the Navy's 313-ship requirement. It would drop to 230 from 313, hindering the ability of our combatant commanders to execute their missions abroad. Even now, the Navy can satisfy only half of combatant commander requests for naval support.

Sequestration could affect the quality of future investments and the long-term vitality of America's shipbuilding workforce. Experience has shown that stable shipbuilding rates have a direct impact on the acquisition and operational cost of amphibious ships, aircraft carriers, and submarines. Cuts would prevent the Navy from ensuring new ships are delivered on time and on budget.

The average age of today's shipyard worker is 45, and only 24 percent of our naval shipbuilding workforce is under 35 years of age. Sequestration would drive a generation of skilled shipbuilders from the workforce and would have a prolonged negative impact on American high-tech manufacturing.

I am proud to be from a State with a highly skilled manufacturing base.

Mississippi workers produce ships, aircraft, and equipment that our troops depend upon throughout the world. Sharp cuts to defense will have a direct and detrimental impact on Mississippi's families and communities.

The stakes are high for the military and America's economy. These looming cuts are real, they are drastic, and they are just around the corner. Sequestration is real and not a hypothetical threat. It is the law unless we change it. Our national security is on the line, and it is in our interest either to prevent sequestration or prepare for it. Indeed, some defense manufacturers have already begun the process of issuing legally required layoff warning notices to shareholders and employees.

According to multiple forecasts, up to 1 million American jobs are at risk. The current unemployment rate already stands at 8.2 percent, and Federal Reserve Chairman Ben Bernanke projected unemployment rates will remain high, as he testified before the Congress yesterday and today.

There are some faint and hopeful signs this catastrophe can be avoided. Indeed, in the Congress, there has always been bipartisan cooperation to ensure our military remains the best trained, the best equipped, and most professional fighting force in the world. We argue about a lot of things, but bipartisanship has prevailed when it comes to the defense budget. The fiscal year 2013 Defense authorization bill is a hopeful example.

The bill recently passed by the Armed Services Committee, of which I am a member, contains many provisions reflecting Congress's support of the Defense Department's top strategic priorities. It also reflects the challenges we may encounter while outlining ways to reduce spending, and we must reduce military spending, no question about it. But sequestration is not the way.

Also, with regard to the Defense authorization bill, I should mention this is the 51st consecutive year that Congress has passed such a bill. Again, that is testimony to bipartisanship with regard to DOD reauthorization. That is the good news. The bad news is the failure to address our past spending has compounded the situation we now face. Further delays only make the problem worse.

We know tough decisions will have to be made to fix our country's debt problem. All Federal agencies, including DOD, will have to do more with less in today's era of fiscal austerity. But the bottom line is this: We have an overriding constitutional obligation to provide for the common defense, to ensure our country is safe, and that our men and women in uniform are well equipped to face the challenges of the 21st century. I urge my colleagues to work together in a bipartisan fashion toward a solution that achieves the fis-

cal discipline we need without compromising the ability of our military to protect and defend America.

Addressing sequestration should be our No. 1 priority—this week. We should act before the August break. After Labor Day, after the political conventions, when campaigns are in full swing and we have only 2 months to go before these devastating cuts go into effect, do we truly believe the atmosphere will be conducive to solving sequestration? I don't think so. Is it truly in our Nation's best national security interest to address this during a lameduck session? I don't think so. We should not leave town for an August break if we have not answered this sequestration issue. The hour is upon us. I yield the floor.

Mr. BENNET. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SANDERS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized.

Mr. BENNET. I thank the Chair.

(The remarks of Mr. BENNET pertaining to the introduction of S. 3400 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BENNET. I yield the floor.

Ms. MIKULSKI. Mr. President, I rise in support of the Bring Jobs Home Act.

Growing up in a blue-collar neighborhood in Baltimore during World War II, my father had a small neighborhood grocery store.

We were the neighborhood of mom-and-pop businesses and factories. We made liberty ships. We put out turbo steel to make the tanks. Glenn L. Martin made the seaplanes that helped win the battle of the Pacific. We were in the manufacturing business. But the blue-collar Baltimore of World War II, Korea, and Vietnam just isn't what it used to be.

The jobs are leaving now. Our shipyard jobs have left. Our steel mills have shrunk to miniscule levels. We don't make ships. And we don't make clothing.

Where did those jobs go?

Those jobs are on a slow boat to China. They are on a fast track to Mexico and other jobs are in dial 1-800 anywhere.

And why did they go?

In some cases, they went because of tax breaks that rewarded corporations for moving manufacturing overseas.

It is wrong to give companies incentives to send millions of jobs to other countries, especially when millions of Americans are looking for work. It is wrong to put companies that stay in

America at a competitive disadvantage.

It is time we look at our Tax Code and call for a patriotic tax code.

We walk around the floor of the Senate. We go to rallies. We love to be in parades. We wear our flags because we want to stand up for our troops, and we should stand up for our troops. But we also have to stand up for America.

The current Tax Code is putting companies that stay in America at a disadvantage because they keep their business here, hire their workers at home, pay their share of taxes, and provide health care to their employees. We should be rewarding these companies with "good guy" tax breaks for hiring and building their businesses right here in the United States.

I have been on a jobs tour of Maryland. I visited bakeries, microbreweries, and factories of small machine tool companies. I visited Main Street, small streets, and rural communities.

I talked with business owners and their employees. These are "good guy" businesses. They work hard and play by the rules. They have jobs right here in the United States. They want to expand. They want to hire. They need a government on their side and at their side. They are harmed by thoughtless government tax incentives that reward competitors who move overseas.

That is why I am a proud cosponsor of the Bring Jobs Home Act. This bill ends the loophole that gives companies a tax break for sending jobs overseas.

There is a loophole in the Federal Tax Code that lets businesses deduct the "business expense" for costs of moving the company or its workers right out of the country.

This legislation tells these companies. If you want to export jobs out of America, you can't file a deduction for doing it. And it ensures the Tax Code can't be used to boost corporate rewards at the expense of American workers.

This bill is about helping those "good guy" businesses who are creating jobs here. It says: If you bring jobs back to the United States, you can get a tax break for 20 percent of the cost of bringing the jobs home.

That is why I am proud to stand with my colleague from Michigan to call on us to think about economic patriotism, a tax code that rewards American companies that bring jobs back home, and a tax code that ends despicable tax breaks and subsidies to companies that move jobs overseas.

I call upon my colleagues to think about where America is going in the 21st century. Where are we going to be? Are we going to create more opportunity? Are we going to create more jobs that pay good wages with good benefits or are we going to resemble the economy of a third-world country?

I really want to have a tax code that brings our jobs back home, brings our

money back home, and stands up for America. So let's pass the Bring Jobs Home Act and take an important step toward economic patriotism.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business with Senators allowed to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HIGH GAS PRICES

Mr. LEAHY. Mr. President, I remain concerned about the high price of gasoline that continues to disproportionately hurt working class families, especially those in rural States like Vermont. In Vermont, the average price of gasoline remains above the national average. Despite significant efforts to improve public transportation in the State, many Vermonters must still rely on their cars as the primary mode of transportation. More can and must be done to help families who are struggling to find jobs and put food on the table.

Crude oil accounts for the largest share of the price of gasoline. I am concerned that excessive speculation in the oil market has contributed to a significant rise in the price of gasoline. Congress included important protections to address excessive speculation in the Dodd-Frank Wall Street Reform and Consumer Protection Act. As a conferee and strong advocate for that law, I have pushed the U.S. Commodity Futures Trading Commission to quickly implement the protections and rules to help curb these abuses.

At the same time, we must ensure that local and regional markets remain competitive and that oil companies do not engage in anticompetitive practices. While prices have eased somewhat nationally this summer, there have been concerns raised about price disparities in the cost of gasoline in Vermont. Vermont prices remain higher than the national average and residents of northern Vermont are paying even more than their neighbors just one or two towns to the south. I support the efforts by the State of Vermont, Senator SANDERS and Federal regulators to look into whether these differences can be explained by

market conditions, and to take action if they cannot. Such serious allegations should be properly investigated by the Oil and Gas Price Fraud Working Group at the U.S. Department of Justice and the Federal Trade Commission.

The largest oil companies raked in \$137 billion in profits last year alone, while also taking in billions in taxpayer subsidies. Repeated efforts to repeal these ridiculous subsidies by myself and a majority of the Senate have been filibustered by friends of the big oil industry. It is these large oil companies and those working at the wholesale level that are reaping tremendous profits, while many of our independent and locally owned stations are struggling to make ends meet. Regrettably, many of these same local stations are forced to shutter their doors when the large oil chains undercut their business.

The real cost of high gas prices is more than just the bill at the pump. These prices force families to choose between filling their gas tanks and putting food on the table. And they mean rising food prices due to increased shipping costs. These are costs that working families, particularly in these difficult economic times, often cannot absorb. I will continue to push for creative, long-term solutions to relieve the pain at the pump.

CONGRATULATING MASSACHUSETTS GENERAL HOSPITAL

Mr. BROWN of Massachusetts. Mr. President, I rise today to recognize Massachusetts General Hospital, located in my home State of Massachusetts. Mass General has recently been named the number one hospital in America by U.S. News & World Report for their dedication and excellence in providing care to thousands of patients every year. I also want to acknowledge Brigham and Women's Hospital for being named among the top hospitals in the country.

Mass General cares for more than 47,000 inpatients each year, and serves as the largest teaching hospital of Harvard Medical School. It is also the oldest and largest hospital in New England. Located right in Boston, Mass General's 907 bed facility has a tradition of excellence. They also have four additional health centers in Charlestown, Chelsea, Revere and the North End. Together, these locations handle over one million outpatient visits, as well as over 80,000 emergency visits, each year. It is no surprise that Mass General is the top hospital in the Nation, with its impressive research program, innovative primary care, and distinguished staff.

Massachusetts is home to a number of remarkable research programs, many of which are housed within Mass General's network, which is the largest

hospital-based research program in the United States. This network includes over 20 clinical departments and centers, investing \$550 million per year to work towards discoveries that transform treatments and patient care.

For example, the Global Network for Women's and Children's Health Research at Massachusetts General Hospital for Children is one of only 7 locations in the country funded by the NIH to study the rates of morbidity and mortality in women and children in developing countries. These discoveries have not only led to better treatments for children, but have also led to policy changes at the World Health Organization—WHO—to better address international health for women and children.

Mass General has also made important strides in primary care, especially for our State's seniors. The Mass General Geriatric Medicine Unit is rated one of the top departments in the nation for geriatric care, due to their diverse staff of specialists, including those in geriatric medicine, geriatric psychiatry, rehabilitation medicine, geriatric nursing, and social work, who focus on both the patient's physical and mental wellbeing.

Mass General is changing the way that we look at patient primary care. You may be familiar with Patient Centered Medical Homes, which focus on patient care and health in a very personalized and coordinated way. Mass General Senior Health is a recognized Level 3 Patient Centered Medical Home, which is setting the standard for the industry. I recently visited Mass General, and I am continually impressed by their coordination to bring together multiple doctors and services to ensure the highest quality of care for Massachusetts residents.

I would also like to recognize the Mass General nursing staff, as the hospital is a designated Magnet hospital. This is the highest honor in nursing excellence that is awarded by the American Nurses Credentialing Center, and recognizes Mass General's excellence and innovations in their nursing practice.

Finally, Mass General's Home Base Program has partnered with the Boston Red Sox Foundation to raise awareness about post-traumatic stress and traumatic brain injuries among our returning veterans. I am encouraged by their work to develop new treatments for these injuries, as well as their efforts to educate our community. Roughly 50,000 veterans returning from Iraq or Afghanistan are affected by these injuries, and the Home Base Program is making great strides in supporting these wounded warriors.

In closing, I congratulate Mass General Hospital for achieving the number one hospital ranking in the country. I know that the people of Massachusetts are extremely proud of this accomplishment.

TRIBUTE TO COMMANDER
WILLIAM MOELLER

Mr. BLUMENTHAL. Mr. President, today I wish to honor the tremendous lifetime of service by one of our Nation's most courageous heroes, CDR William Moeller. Commander Moeller has served for 22 years in the Coast Guard in four location assignments, dedicating his time, energy, and even risking his life for his fellow servicemen and women, the U.S. Coast Guard, and his country. On September 1, 2012, he will retire from the U.S. Coast Guard Reserve.

Upon graduation from the United States Coast Guard Academy in 1990 with a B.S. in government, Commander Moeller began his career and his sea tour as a deck watch officer aboard the USCGC *Tamaroa*. He soon rose to first lieutenant and in this capacity led the rescue of four members of the Air National Guard in October 1991. This rescue among monstrous waves, churned by the worst storm off the Eastern seaboard in 100 years, captured the Nation's imagination in the book and later the film adaptation of "The Perfect Storm."

Following his commission as group captain, he transferred to reserve status at the Port Long Island Sound in New Haven. Promoted to lieutenant commander in the Marine Safety Office located in Portland, ME, he served in the Coast Guard Reserve until recalled to active duty during 9/11. Returning to reserve status and to the Sector Long Island Sound, he was promoted to commander in 2006. After a few years at Activities New York, he returned to New Haven in 2010 for the last time as reserve logistics section chief. Commander Moeller's dedicated protection of the Nation, most of which took place at the Long Island Sound—waters significant to Connecticut and the Eastern seaboard—is appreciated by millions.

In addition to receiving extensive military recognition—including the Coast Guard Medal for Extraordinary Heroism, the Coast Guard Commendation Medal, and the Air Force Commendation Medal—Commander Moeller has been awarded the Coast Guard Medal by President George W. Bush. In April 2012, he was inducted as a member of the Coast Guard Academy's Wall of Gallantry.

Commander Moeller has further contributed to our Nation's safety and security as a business executive with Pratt & Whitney. In this capacity, he has furthered the development of the aerospace industry, committed to our national defense by both air and sea.

I invite my Senate colleagues to join me in congratulating Commander Moeller on his retirement and remarkable allegiance to the Coast Guard and his country. We wish him great success and thank him for his tremendous service.

ADDITIONAL STATEMENTS

REMEMBERING RICHARD EARDLEY

• Mr. CRAPO. Mr. President, today I wish to honor the life of Dick Eardley, who will be remembered as a man who cared deeply about his loved ones and community and worked hard to make a difference on their behalf.

As mayor for more than a decade, he was the longest serving mayor of Boise and was successful in enriching the city. During his time as mayor, he focused on revitalizing the city and worked extensively with business and community leaders to draw more commerce into downtown Boise. Those efforts led later to both a vibrant downtown core and to the development of the Boise Towne Square Mall, preservation of Boise's historic North End, creation of the Boise Arts Commission and bringing the World Center for Birds of Prey to Boise. He was also involved in many other local advancements, including the Greenbelt, the Senior Citizens Center, the parks, and Warm Springs Golf Course.

In addition to his public service, Dick had a career as a newsman. In his hometown of Baker City, OR, Dick worked in radio before moving to Idaho, where he went to work as a reporter covering sports and news for the Idaho Statesman. He then went on to work for KBOI-Channel 2 and KBOI-670. He announced high school sports and worked as a sportscaster and news executive. His reporting and work as city councilman and mayor earned many honors and recognitions.

Dick was an extraordinary individual who moved forward from a modest, Depression-era beginning in pursuit of his dreams. He had an exceptional way of connecting with people, which is likely why he had so many friends and acquaintances who admired and respected him. He had a deep love and devotion for his wife, Pat, of 57 years, who passed away 5 years ago, and he was a caring, giving and supportive father. Dick was also a natural athlete, who played semi-pro baseball and was known for his fondness and knack for golf.

I extend my condolences to Dick's loved ones, including his three sons, Randy, Rick and Ron; six grandchildren, and two great-grandchildren. Dick's example of respectful sincere, humble, benevolent service and hard work will endure.●

GARDEN CITY, SOUTH DAKOTA

• Mr. THUNE. Mr. President, today I wish to recognize Garden City, SD. The town of Garden City will commemorate the 125th anniversary of its founding this year.

Located in Clark County, Garden City was first settled in 1882. However, it was not until 1887 that the Chicago,

Milwaukee & St. Paul Railroad line was built and sparked the official establishment of the town. By the end of 1887, Garden City had a post office, a railroad depot, and a grocery and hardware business. In the years that followed, Garden City became an agricultural center for the area, especially for potatoes. The first potato crop in the Garden City area was planted in the early 1900s. By the 1940s, half a million bushels of potatoes were being harvested from the area each year.

South Dakotans living in the Garden City area have a proud tradition of hard work and remain committed to their strong heritage and traditions. Though many things have changed in the last 125 years, the quality of character of Garden City residents has remained something of which the town should be very proud.

Garden City has been a tight-knit community for the past 125 years, and I am confident that it will continue to serve as an example of South Dakota values and hospitality. I would like to offer my congratulations to the citizens of Garden City on this landmark occasion and wish them prosperity in the years to come.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Pate, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The messages received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT TRANSNATIONAL CRIMINAL ORGANIZATIONS THAT WAS ESTABLISHED IN EXECUTIVE ORDER 13581 ON JULY 24, 2011—PM 57

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within the 90-day period prior to the anniversary date of its declaration, the President

publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13581 of July 24, 2011, is to continue in effect beyond July 24, 2012.

The activities of significant transnational criminal organizations have reached such scope and gravity that they threaten the stability of international political and economic systems. Such organizations are becoming increasingly sophisticated and dangerous to the United States; they are increasingly entrenched in the operations of foreign governments and the international financial system, thereby weakening democratic institutions, degrading the rule of law, and undermining economic markets. These organizations facilitate and aggravate violent civil conflicts and increasingly facilitate the activities of other dangerous persons.

The activities of significant transnational criminal organizations continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared in Executive Order 13581 with respect to significant transnational criminal organizations.

BARACK OBAMA.
THE WHITE HOUSE, *July 18, 2012.*

MESSAGE FROM THE HOUSE

At 11:56 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 6018. An act to authorize appropriations for the Department of State for fiscal year 2013, and for other purposes.

The message also announced that the House has passed the following bills, without amendment:

S. 2009. An act to improve the administration of programs in the insular areas, and for other purposes.

S. 2165. An act to enhance strategic cooperation between the United States and Israel, and for other purposes.

The message further announced that the House has passed the following bill, with amendment, in which it requests the concurrence of the Senate:

S. 1959. An act to require a report on the designation of the Haqqani Network as a foreign terrorist organization and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 6018. An act to authorize appropriations for the Department of State for fiscal year 2013, and for other purposes; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

S. 3393. A bill to amend the Internal Revenue Code of 1986 to provide tax relief to middle-class families.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3401. A bill to amend the Internal Revenue Code of 1986 to temporarily extend tax relief provisions enacted in 2001 and 2003, to provide for temporary alternative minimum tax relief, to extend increased expensing limitations, and to provide instructions for tax reform.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-6866. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, et al.; Increasing the Primary Reserve Capacity and Revising Exemption Requirements" (Docket No. AMS-FV-11-0092; FV12-930-1 FR) received in the Office of the President of the Senate on July 11, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6867. A communication from the Administrator of the Fruit and Vegetable Programs, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Avocados Grown in South Florida; Decreased Assessment Rate" (Docket No. AMS-FV-11-0094; FV12-915-1 IR) received in the Office of the President of the Senate on July 11, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6868. A communication from the Management Analyst, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Special Areas; Roadless Area Conservation; Applicability to the National Forests in Colorado" (RIN0596-AC74) received in the Office of the President of the Senate on July 11, 2012; to the Committee on Agriculture, Nutrition, and Forestry.

EC-6869. A communication from the Principal Under Secretary of Defense (Personnel and Readiness), transmitting the report of an officer authorized to wear the insignia of the grade of rear admiral in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC-6870. A communication from the Surgeon General and Commanding General, U.S. Army Medical Command, Department of the Army, transmitting, pursuant to law, a report relative to incentives for recruitment and retention of Army healthcare professionals; to the Committee on Armed Services.

EC-6871. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report relative to the Evolved Expendable Launch Vehicle (EELV) program; to the Committee on Armed Services.

EC-6872. A communication from the Secretary, Division of Trading and Markets, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Brokers or Dealers Engaged in a Retail Forex Business" (RIN3235-AL19) received in the Office of the President of the Senate on July 12, 2012; to the Committee on Banking, Housing, and Urban Affairs.

EC-6873. A communication from the Acting Secretary of Commerce, transmitting, pursuant to law, a report relative to the export to the People's Republic of China of an item not detrimental to the U.S. space launch industry; to the Committee on Foreign Relations.

EC-6874. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-088); to the Committee on Foreign Relations.

EC-6875. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, certification of proposed issuance of an export license pursuant to section 36(c) of the Arms Export Control Act (Transmittal No. DDTC 12-074); to the Committee on Foreign Relations.

EC-6876. A communication from the Chief Human Capital Officer, Equal Employment Opportunity Commission, transmitting, pursuant to law, a report relative to a vacancy in the position of Member, Equal Employment Opportunity Commission; to the Committee on Health, Education, Labor, and Pensions.

EC-6877. A communication from the Director, Office of the Whistleblower Protection Program, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Procedures for the Handling of Retaliation Complaints Under Section 219 of the Consumer Product Safety Improvement Act of 2008" (RIN1218-AC47) received in the Office of the President of the Senate on July 12, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6878. A communication from the Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration, transmitting, pursuant to law, the report of a rule entitled "Updating OSHA Standards Based on National Consensus Standards; Head Protection" (RIN1218-AC65) received in the Office of the President of the Senate on July 11, 2012; to the Committee on Health, Education, Labor, and Pensions.

EC-6879. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled, "District of Columbia Agencies' Compliance with Small Business Enterprise Expenditure Goals through the 2nd Quarter of Fiscal Year 2012"; to the Committee on Homeland Security and Governmental Affairs.

EC-6880. A communication from the Acting Assistant Secretary, Indian Affairs, Department of the Interior, transmitting, pursuant to law, a report entitled "Report to the Congress on Shortfall for Contract Support Costs of Self-Determination Contracts Fiscal Year 2011"; to the Committee on Indian Affairs.

EC-6881. A communication from the Assistant Secretary, Bureau of Political-Military Affairs, Department of State, transmitting,

pursuant to law, an addendum to a certification, transmittal number: DDTC 12-075, of the proposed sale or export of defense articles and/or defense services to a Middle East country regarding any possible affects such a sale might have relating to Israel's Qualitative Military Edge over military threats to Israel; to the Committee on Foreign Relations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. KERRY, from the Committee on Foreign Relations, without amendment:

H.R. 4240. A bill to reauthorize the North Korean Human Rights Act of 2004, and for other purposes.

By Mr. BAUCUS, from the Committee on Finance, without amendment:

S. 3326. A bill to amend the African Growth and Opportunity Act to extend the third-country fabric program and to add South Sudan to the list of countries eligible for designation under that Act, to make technical corrections to the Harmonized Tariff Schedule of the United States relating to the textile and apparel rules of origin for the Dominican Republic-Central America-United States Free Trade Agreement, to approve the renewal of import restrictions contained in the Burmese Freedom and Democracy Act of 2003, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. SESSIONS (for himself and Mr. CARDIN):

S. 3396. A bill to amend the Public Health Service Act to provide for a national campaign to increase public awareness and knowledge of Congenital Diaphragmatic Hernia, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mr. ROBERTS, Mr. CORNYN, Mr. GRASSLEY, Mr. ENZI, Mr. COBURN, Mr. CRAPO, Mr. THUNE, Mr. BURR, Mr. KYL, and Mr. MCCONNELL):

S. 3397. A bill to prohibit waivers relating to compliance with the work requirements for the program of block grants to States for temporary assistance for needy families, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (by request):

S. 3398. A bill to provide for several critical National Park Service authorities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (by request):

S. 3399. A bill to authorize studies of certain areas for possible inclusion in the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BENNET (for himself and Mr. UDALL of Colorado):

S. 3400. A bill to designate certain Federal land in the San Juan National Forest in the State of Colorado as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself and Mr. MCCONNELL):

S. 3401. A bill to amend the Internal Revenue Code of 1986 to temporarily extend tax relief provisions enacted in 2001 and 2003, to provide for temporary alternative minimum tax relief, to extend increased expensing limitations, and to provide instructions for tax reform; read the first time.

By Mr. CASEY (for himself and Mr. BROWN of Ohio):

S. 3402. A bill to require the Secretary of Labor to maintain a publicly available list of all employers that relocate a call center overseas, to make such companies ineligible for Federal grants or guaranteed loans, and to require disclosure of the physical location of business agents engaging in customer service communications, and for other purposes; to the Committee on Commerce, Science, and Transportation.

ADDITIONAL COSPONSORS

S. 672

At the request of Mr. ROCKEFELLER, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Nevada (Mr. HELLER) were added as cosponsors of S. 672, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 722

At the request of Mr. WYDEN, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 722, a bill to strengthen and protect Medicare hospice programs.

S. 1039

At the request of Mr. CARDIN, the names of the Senator from Maine (Ms. SNOWE) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 1039, a bill to impose sanctions on persons responsible for the detention, abuse, or death of Sergei Magnitsky, for the conspiracy to defraud the Russian Federation of taxes on corporate profits through fraudulent transactions and lawsuits against Hermitage, and for other gross violations of human rights in the Russian Federation, and for other purposes.

S. 1299

At the request of Mr. MORAN, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 1299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the centennial of the establishment of Lions Clubs International.

S. 1673

At the request of Mr. AKAKA, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1673, a bill to establish the Office of Agriculture Inspection within the Department of Homeland Security, which shall be headed by the Assistant Commissioner for Agriculture Inspection, and for other purposes.

S. 1728

At the request of Mr. BROWN of Massachusetts, the names of the Senator from South Carolina (Mr. GRAHAM) and

the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 1728, a bill to amend title 18, United States Code, to establish a criminal offense relating to fraudulent claims about military service.

S. 1935

At the request of Mrs. HAGAN, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 1935, a bill to require the Secretary of the Treasury to mint coins in recognition and celebration of the 75th anniversary of the establishment of the March of Dimes Foundation.

S. 1947

At the request of Mr. BLUMENTHAL, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1947, a bill to prohibit attendance of an animal fighting venture, and for other purposes.

S. 2074

At the request of Mr. CARDIN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2074, a bill to amend the Internal Revenue Code of 1986 to expand the rehabilitation credit, and for other purposes.

S. 2264

At the request of Mr. HOEVEN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2264, a bill to provide liability protection for claims based on the design, manufacture, sale, offer for sale, introduction into commerce, or use of certain fuels and fuel additives, and for other purposes.

S. 2325

At the request of Mr. NELSON of Florida, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 2325, a bill to authorize further assistance to Israel for the Iron Dome anti-missile defense system.

S. 2374

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 2374, a bill to amend the Helium Act to ensure the expedient and responsible draw-down of the Federal Helium Reserve in a manner that protects the interests of private industry, the scientific, medical, and industrial communities, commercial users, and Federal agencies, and for other purposes.

S. 2620

At the request of Mr. SCHUMER, the name of the Senator from New Mexico (Mr. UDALL) was added as a cosponsor of S. 2620, a bill to amend title XVIII of the Social Security Act to provide for an extension of the Medicare-dependent hospital (MDH) program and the increased payments under the Medicare low-volume hospital program.

S. 3204

At the request of Mr. JOHANNIS, the names of the Senator from Idaho (Mr.

RISCH), the Senator from West Virginia (Mr. MANCHIN) and the Senator from Wyoming (Mr. BARRASSO) were added as cosponsors of S. 3204, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, and for other purposes.

S. 3252

At the request of Mr. PORTMAN, the names of the Senator from North Carolina (Mr. BURR), the Senator from Oklahoma (Mr. INHOFE), the Senator from Texas (Mrs. HUTCHISON), the Senator from Alabama (Mr. SESSIONS), the Senator from Tennessee (Mr. CORKER), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Georgia (Mr. ISAKSON) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 3252, a bill to provide for the award of a gold medal on behalf of Congress to Jack Nicklaus, in recognition of his service to the Nation in promoting excellence, good sportsmanship, and philanthropy.

S. 3340

At the request of Mrs. MURRAY, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. 3340, a bill to improve and enhance the programs and activities of the Department of Defense and the Department of Veterans Affairs regarding suicide prevention and resilience and behavioral health disorders for members of the Armed Forces and veterans, and for other purposes.

S. 3364

At the request of Ms. STABENOW, the names of the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 3364, a bill to provide an incentive for businesses to bring jobs back to America.

S. 3394

At the request of Mr. JOHNSON of South Dakota, the names of the Senator from Oregon (Mr. MERKLEY), the Senator from Tennessee (Mr. CORKER) and the Senator from West Virginia (Mr. MANCHIN) were added as cosponsors of S. 3394, a bill to address fee disclosure requirements under the Electronic Fund Transfer Act, to amend the Federal Deposit Insurance Act with respect to information provided to the Bureau of Consumer Financial Protection, and for other purposes.

S. 3395

At the request of Mr. MERKLEY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 3395, a bill to amend the Federal Crop Insurance Act to extend certain supplemental agricultural disaster assistance programs.

S.J. RES. 41

At the request of Mr. GRAHAM, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S.J. Res. 41, a joint resolution ex-

pressing the sense of Congress regarding the nuclear program of the Government of the Islamic Republic of Iran.

S. CON. RES. 46

At the request of Mr. WEBB, the names of the Senator from Utah (Mr. LEE) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. Con. Res. 46, a concurrent resolution expressing the sense of Congress that an appropriate site at the former Navy Dive School at the Washington Navy Yard should be provided for the Man in the Sea Memorial Monument to honor the members of the Armed Forces who have served as divers and whose service in defense of the United States has been carried out beneath the waters of the world.

S. RES. 428

At the request of Mr. BLUMENTHAL, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. Res. 428, a resolution condemning the Government of Syria for crimes against humanity, and for other purposes.

S. RES. 490

At the request of Mrs. BOXER, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. Res. 490, a resolution designating the week of September 16, 2012, as "Mitochondrial Disease Awareness Week", reaffirming the importance of an enhanced and coordinated research effort on mitochondrial diseases, and commending the National Institutes of Health for its efforts to improve the understanding of mitochondrial diseases.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SESSIONS (for himself and Mr. CARDIN):

S. 3396. A bill to amend the Public Health Service Act to provide for a national campaign to increase public awareness and knowledge of Congenital Diaphragmatic Hernia, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SESSIONS. Mr. President, I rise today to introduce legislation, along with my friend and able colleague, Senator BEN CARDIN of Maryland, that would create a national campaign at the Department of Health and Human Services to bring attention to congenital diaphragmatic hernia.

What is CDH? It is a birth defect that occurs when the fetal diaphragm fails to fully develop, allowing abdominal organs to migrate up into the chest.

This invasion of organs—including the bowel, stomach, spleen, and liver—may severely limit the growth of a baby's lungs.

Regrettably, some have recommended terminating the pregnancy when a woman learns that her unborn child has CDH.

This is an important issue, and makes promoting awareness of this birth defect and the positive outcomes of good treatment especially important.

CDH will normally be diagnosed by prenatal ultrasound as early as the 16th week of pregnancy. That is important. If undiagnosed before birth, the baby may be born in a facility that is not equipped to treat its compromised respiratory system because many CDH babies need to be placed on a heart-lung bypass machine, which is not available in many hospitals.

The lungs of a baby with CDH are often too small, biochemically immature, structurally immature, and the flow in the blood vessels may be constricted, resulting in pulmonary hypertension.

As a result, the babies are intubated as soon as they are born, and parents are often unable to hold their babies for weeks or even months at a time.

Most babies are repaired with surgery 1 to 5 days after birth, usually with a GORE-TEX patch. The abdominal organs that have migrated into the chest are put back where they are supposed to be and the hole in the diaphragm is closed, hopefully allowing the affected lungs to expand. However, hospitalization often ranges from 3 to 10 weeks, depending on the severity of the condition.

Survivors often have difficulty feeding, some require a second surgery to control reflux, others require a feeding tube, and a few will reherniate and require additional repair.

Congenital diaphragmatic hernia is a birth defect that occurs in 1 out of every 2,500 babies. Every 10 minutes a baby is born with CDH, adding up to more than 600,000 babies with CDH since just 2000. CDH is a severe, sometimes fatal defect that occurs as often as cystic fibrosis and spina bifida. Yet most people have never heard of CDH.

In my opinion, awareness and early diagnosis and skilled treatment are the keys to a greater survival rate in these babies. Fifty percent of the babies born with CDH do not survive.

In 2009, my grandson, Jim Beau, now 2½ years old, was diagnosed with CDH during my daughter Mary Abigail's 34th week of pregnancy. Although she had both a 20-week and a 30-week ultrasound, the nurses and doctors did not catch the disease on the baby's heartbeat monitor. Thankfully, when Mary Abigail and her Navy officer husband Paul and daughter Jane Ritchie moved to southeast Georgia, the baby's irregular heartbeat was heard at her first appointment with her new OB.

She was sent to Jacksonville, FL, for a fetal echo. The technician there told her she wasn't going to do the echo because there was something else wrong with the baby. She asked my daughter if she had ever heard of congenital diaphragmatic hernia. Of course, Mary

Abigail had not, and at that time our family did not know of this problem or the extent of our grandson's birth defect.

The Navy temporarily allowed my daughter and her family to move to Gainesville, FL on November 16, and Jim Beau was born 2 weeks later on November 30. They heard their son cry out twice after he was born, right before they intubated him, but they were not allowed to hold him.

The doctors let his little lungs get strong before they did the surgery to correct the hernia, when he was 4 days old. As it turned out, the hole in his diaphragm was large, and his intestines, spleen, and one kidney had moved up into his chest cavity. Thankfully, Jim Beau did not have to go on a heart-lung bypass machine, but he was on a ventilator for 12 days and on oxygen for 36. In total, he was in the NICU—the neonatal intensive care unit—for 43 days before he was able to go home, all under the constant watch of his angel mother. I could not have been prouder of her. She and Paul were wonderful during this time.

This country has superb health care—the world's best. Without even our knowledge, this young Navy family had their unborn child diagnosed and sent to a university hospital three hours away the University of Florida's Shands Hospital.

Fortunately for my family, and for thousands of other similar families across the United States, there are a number of physicians doing incredible work to combat CDH. By chance, the University of Florida's Shands Children's Hospital is surely one of the world's best—maybe the best. The CDH survival rate at Shands in Gainesville is unprecedented. The survival rate of CDH babies born at Shands is being reported at 80 to 90 percent, while the nationwide average is 50 percent.

Dr. David Kays, who directs the CDH program and who was the physician for my grandson's surgery, is a magnificent surgeon and physician. He uses gentle ventilation therapy as opposed to hyperventilation. Gentle ventilation therapy, he has discovered over the years, is less aggressive and therefore protects the underdeveloped lungs. Jim Beau, I have to say, is a wonderful little boy, full of energy and enthusiasm. He is active and happy—one of the most happy young children I have ever seen—and so quick to smile.

This weekend, he attended his big sister Jane Ritchie's 5 year birthday party and he was totally happy and running around, climbing over all the playground equipment, with the older children just as though he was one of them. He thought he was in high cotton to be playing with these big boys and girls.

While the challenges are many, so are the successes with this condition. Every year more is learned and there

are more successes. My family has been very lucky that Jim Beau's defect was caught before he was born and that he was able to go to the right place—a first-rate place—to seek excellent care for his CDH.

The bill Senator CARDIN and I are introducing today is important because a national campaign for CDH will help bring awareness to this birth defect and save lives, I am convinced of it. Although hundreds of thousands of babies have been diagnosed with this defect, the causes are unknown and more research is needed. The thousands of happy, growing children who have overcome this condition validates what has been accomplished to date and encourages us to do even more.

I hope my colleagues will join me and my friend and colleague Senator CARDIN in supporting this bill to bring awareness of CDH to the world. I think it will create many more happy and healthy young people in the years to come.

By Mr. HATCH (for himself, Mr. ROBERTS, Mr. CORNYN, Mr. GRASSLEY, Mr. ENZI, Mr. COBURN, Mr. CRAPO, Mr. THUNE, Mr. BURR, Mr. KYL, and Mr. MCCONNELL):

S. 3397. A bill to prohibit waivers relating to compliance with the work requirements for the program of block grants to States for temporary assistance for needy families, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, today I introduce the Preserving Work Requirements Act of 2012. Chairman CAMP of the House Committee on Ways and Means will introduce a companion measure in the House. This bill halts last week's unprecedented power grab from the Obama administration, whereby unelected bureaucrats unilaterally granted themselves the authority to waive Federal welfare work requirements.

To put this another way, unelected bureaucrats ignored the law passed by Congress, the elected representatives of the American people. They ignored the work requirements intended by Congress and by the Presidents of both parties who signed welfare reform and its subsequent reauthorizations.

Ultimately, they decided they knew better than the American people. The American people, through their representatives, enacted work requirements in welfare reform. These unelected administrators decided they did not like these work requirements, so with the stroke of a pen, they have attempted to eliminate them. Not to put too fine a point on it, but this action is fundamentally illegitimate in a Democratic Republic and is just the latest example of President Obama's administration acting without legal warrant when the law stands in their way.

The Camp-Hatch bill, introduced today, is cosponsored in the Senate by my friends and colleagues, Leader MCCONNELL and Senators GRASSLEY, KYL, CRAPO, ROBERTS, ENZI, CORNYN, COBURN, THUNE, and BURR—valuable and distinguished members of the Senate Finance Committee.

This bill includes dispositive findings clearly demonstrating that the Obama administration acted outside the scope of the law and the clear intent of Congress. I would like to stress the fact that I am introducing this legislation because I believe the Obama administration grossly undermined the constitutional authority of the legislative branch to effect changes and settle the law.

It does not mean I believe the 1996 law is perfect in every way and cannot be improved upon. That could not be further from the truth. A case could be made that due to prolonged inaction the TANF Programs, the Temporary Assistance for Needy Families Programs, have withered on the vine, and now many States see TANF as a funding stream rather than a welfare program.

An exception to this is my State of Utah. Utah runs a gold standard welfare program which focuses, like a laser, on work. By work, I mean real work, as in a paying job; work as most Americans define work, not work as defined in the "Alice in Wonderland" world of TANF, where running errands, smoking cessation, and bed rest count as work. Utah would like some relief—I think a lot of other States, in addition to Utah, would like some relief—from a number of administrative procedures in order to focus even more vigorously on moving welfare clients to jobs. This is a very reasonable proposition, especially if combined with a robust evaluation of the success of moving clients into work.

I do not want the introduction of this legislation to prevent the Obama administration from bypassing Congress to imply that when Congress does take up the reauthorization of the TANF Programs, that I will not be open to giving States flexibility in exchange for results. The fact remains that this administration and the Democratically controlled Senate could have made welfare reform a priority for several years. They did not. For the administration to be arguing now that they need to give States flexibility under TANF rules is so urgent the need to bypass Congress right this very minute does not pass the laugh test.

I am going to do everything I can to stop the administration from going forward with its waiver scheme. Then we should roll up our sleeves and take a good, honest look at how welfare reform has been working for the past 16 years.

Domestic social policy is rarely permanently settled. Things change; people change. A law that is more than

halfway through its second decade can most assuredly be updated and improved. That is why we have reauthorizations. I do not view the Preserving Work Requirements for Welfare Programs Act of 2012 as the end of the debate on how best to get families out of poverty. In fact, I see it as the beginning of what I hope will be a thoughtful and deliberative discussion of these critical issues.

Finally, some in the press have attempted to characterize this debate, which at its heart is one of Executive overreach as a standoff between me and my own home State of Utah. As they say in the country, that dog just won't hunt. I have consistently supported State flexibility in exchange for measurable outcomes. One of the few pieces of domestic social policy legislation that has actually been enacted during this session of Congress, Public Law 112-34, was authored by Chairman BAUCUS and me to provide States with waivers to improve outcomes in their child welfare systems. Utah has applied for one of these child welfare waivers. As Casey Stengel said: You can look it up.

I worked very hard back in the middle 1990s to get welfare reform passed. We required a work part of that. We said: We are going to help you folks. We are going to subsidize you, we are going to give you help financially, but at the end of a certain period of time, you better have a job. The work clauses of that bill have helped millions of people to get jobs and get the self-esteem that comes from working and supporting themselves. To have this administration unilaterally, and without any congressional authorization, modify that work requirement is just plain wrong.

Frankly, I will be for flexibility in the work requirement, but I don't consider bed rest work. We can list 10 or 15 other things that the administration has been talking about that don't qualify for work either.

This is an important issue. I hope the Congress will stand up for itself and let this administration know there is a limit to what we are going to tolerate from an Executive order standpoint.

By Mr. BINGAMAN (by request):

S. 3398. A bill to provide for several critical National Park Service authorities, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, last month the Department of the Interior transmitted two draft legislative proposals relating to the National Park Service. Both executive communications were referred to the Committee on Energy and Natural Resources.

The first legislative proposal, the National Park Service Critical Authorities Act of 2012, would address three National Park Service management

concerns. The second proposal, the National Park Service Study Act of 2012, would authorize the Park Service to undertake or update fifteen special resource studies to determine the appropriateness of adding the study areas to the National Park System.

I am pleased to introduce these bills, S. 3398 and S. 3399, by request as a courtesy to the Administration. Mr. President, I ask unanimous consent that the transmittal letters from the Secretary of the Interior, including a section-by-section analysis of each bill, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, June 5, 2012.

Hon. JOSEPH R. BIDEN, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of a bill entitled, "National Park System Critical Authorities Act of 2012." Also enclosed is a section-by-section analysis of the bill.

We recommend that the bill be introduced, referred to the appropriate committee for consideration, and enacted.

This proposal is needed to resolve three specific National Park Service issues that are of critical concern. Enactment of this legislation would promote more effective and efficient government operations. None of the three measures would result in costs to the federal government, other than very nominal costs.

These new authorities address:

District of Columbia Snow Removal: The proposal amends a 1922 law by requiring federal agencies in the District to be responsible for the removal of snow and ice in the public areas associated with their buildings. Although federal agencies have assumed responsibility for snow removal at their respective sites, the language in the 1922 law specifies that the National Park Service is responsible. Enactment of this provision would eliminate a longstanding legal liability burden for the National Park Service.

George Washington Memorial Parkway: The proposal authorizes the Federal Highway Administration (FHA) and the National Park Service to exchange lands along the George Washington Memorial Parkway. Currently, the Service has a written agreement with the FHA permitting public access to the Claude Moore Historical Farm. Land exchange authority would allow for a permanent guarantee of visitor access to the site as well as the ability to increase security at the FHA's Turner-Fairbank Highway Research Center and the Central Intelligence Agency complex adjacent to the farm.

Uniform Penalties for Violations on Park Service Lands: The inclusion of a number of military and historic sites into the National Park System during the 1930's created inconsistencies in the penalties used for violations at various parks. This disparity in penalties undermines fair and effective law enforcement and criminal prosecution. This proposal would eliminate these inconsistencies in federal penalties for crimes committed in certain park units.

The Statutory Pay-As-You-Go Act of 2010 provides that revenue and direct spending legislation cannot, in the aggregate, increase the on-budget deficit. If such legislation increases the on-budget deficit and that in-

crease is not offset by the end of the Congressional session, a sequestration must be ordered. This proposal would affect revenues, but the effects of this proposal would net to zero; therefore, it is in compliance with the Statutory PAYGO Act.

The Office of Management and Budget has advised that there is no objection to the enactment of the attached draft legislation from the standpoint of the Administration's program.

Sincerely,

KEN SALAZAR.

Enclosures.

NATIONAL PARK SYSTEM CRITICAL AUTHORITIES ACT OF 2012 SECTION-BY-SECTION ANALYSIS

Section 1: Provides a short title, "National Park System Critical Authorities Act of 2012".

Section 2: Amends "An Act providing for the removal of snow and ice from the paved sidewalks of the District of Columbia" by directing federal agencies in the District to be responsible for snow and ice removal in public areas in front of or adjacent to their managed properties.

Section 3: Authorizes an exchange of land between the National Park Service and the Federal Highway Administration. The exchange would allow for permanent access to the Claude Moore Colonial Farm, part of the George Washington Memorial Parkway, and for improved security at the Turner-Fairbank Highway Research Center and the Central Intelligence Agency's Langley Headquarters.

Section 4: Amends the Act of March 2, 1933, to make violations occurring in various park sites consistent with the penalties set out in 16 U.S.C. 3 and 18 U.S.C. 3571.

Section 5: Authorizes appropriations to carry out this Act.

THE SECRETARY OF THE INTERIOR,
Washington, DC, June 22, 2012.

Hon. JOSEPH R. BIDEN, Jr.,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft of a bill entitled, the "National Park Service Study Act of 2012." Also enclosed is a section-by-section analysis of the bill.

We recommend that the bill be introduced, referred to the appropriate committee for consideration, and enacted.

This proposed legislation would authorize the National Park Service to conduct several studies of areas and themes that merit consideration. The studies would include:

Kau Coast—Adjacent to Hawaii Volcanoes National Park, the area includes more than 20,000 acres along 27 miles of the spectacular Kau Coast on the south side of the island of Hawaii. A reconnaissance survey completed in 2006 found the area contains significant natural, geological, and archeological features including both black and green sand beaches as well as a significant number of endangered and threatened species, most notably the endangered hawksbill turtle. It also exhibits some of the best remaining examples of native coastal vegetation in Hawaii.

Rota, Commonwealth of the Northern Mariana Islands—Rota was the only major island in the Mariana Archipelago to be spared the destruction and large-scale land use changes brought about by World War II and its aftermath. The best remaining examples of this island chain's native limestone forest are found on Rota. Rota is also regarded as the cultural home of the indigenous Chamorro people and contains the most striking and

well-preserved examples of their three thousand-year old culture.

Aleut Relocation and Confinement—Nine sites in the State of Alaska are associated with the forced relocation of the Aleut people by the United States during World War II. Unlike the internment of Japanese-Americans during the war, the forced evacuation and confinement of Alaska natives is little known but equally poignant and historically significant. Four Unangan villages were left behind in the evacuations and never permanently resettled. Residents of the villages of Biorka, Kashega, and Makushin, all in the Unalaska Island area, were removed and taken to southeast Alaska. Residents of Attu were taken by Japanese soldiers to an internment camp on Hokkaido, Japan for the duration of the war.

Japanese American Relocation Camps—Japanese Americans were forced into 10 internment and relocation camps in the contiguous United States by the U.S. Government during World War II. The special resource study proposed by this legislation would look at seven camps where the extant resources remain without National Park Service protection: Heart Mountain Relocation Center in Wyoming; Gila River and Poston in Arizona; Grenada in Colorado; Jerome and Rohwer in Arkansas; and Topaz in Utah.

American Latino Heritage in the San Luis Valley and Central Sangre de Cristo Mountains—The San Luis Valley represents the northernmost expansion of the Spanish Colonial and Mexican frontiers into North America. Here at the edge of the southern Rocky Mountains, the legacy of this Latino settlement is still clearly evident. A reconnaissance survey conducted in 2011 identified a distinctive and exceptional concentration of historic resources associated with Latino settlement, including Colorado's oldest documented town, only communal pasture, first water right, and oldest church, and called for further study.

Goldfield—Goldfield is a historic mining community in southwestern Nevada. A reconnaissance survey completed in 2009 found the site contained nationally significant resources, and recommended that a special resource study be completed. The study would include extensive public involvement with local landowners, government agencies, area businesses and non-profit organizations. It would examine a wide range of public and private options for the future protection and interpretation of the Goldfield site in relation to the mining history of the United States and the State of Nevada.

Hudson River Valley—The Hudson River Valley in New York is known for its unique natural resources, its archeological remains documenting 6,000 years of human occupation, and its history as the river that revolutionized a new method of waterborne transportation—the steamboat. It also provides recreational opportunities to millions of residents. The area may provide an opportunity to explore a new prototype of landscape scale protection in an urban, suburban and rural setting through the combination of potential unit designation and a Federal, state and local cooperative effort to protect non-federally owned natural and historic resources.

Norman Studios—Norman Studios was a silent movie production house in Jacksonville, Florida during the 1920s specializing in what were then known as "race films." These films used African American writers and actors to create entertainment for an African American audience, portraying Afri-

can Americans in realistic terms rather than the caricatures and stereotypes commonly found in Hollywood films of that era. On the basis of a reconnaissance survey completed in 2010, the National Park Service concluded that a special resource study of the Norman Studios site is warranted.

Mobile-Tensaw River Delta—This delta, in southern Alabama, is the second largest delta in the United States, after the Mississippi River Delta, and is considered the best remaining delta ecosystem of its kind in the country. At 40 miles long and 6 to 16 miles wide, it contains 300 square miles of flood plains, cypress-gum swamps, tidal marshes, and bottomland forests. The Delta is ecologically rich, supporting 126 species of fish, 46 species of mammals, 99 species of reptiles and amphibians, and over 300 species of birds. It was designated as a national natural landmark in 1974 and has more than 100,000 contiguous acres of Federal and state property.

Galveston Bay—Galveston Bay is the largest, most biologically productive estuary along the Texas Gulf coast. The shallow bay's 600 square miles (384,000 acres) of open water, freshwater and tidal marshes, seagrass meadows, and oyster reefs are surrounded by bottomland forest and prairie wetland and are home to over 1,800 pairs of endangered brown pelicans. The bay produces more oysters than any other body of water in the United States, and yields about one third of Texas' commercial fishing harvest. Dredged shipping channels cross the bay to the busy port of Houston. The east and west lobes of the bay adjoin the Anahuac and Brazaria National Wildlife Refuges, which together protect over 77,000 acres of habitat.

Peleliu—A special resource study of the World War II Peleliu battlefield was completed in 2003. The study found that the Peleliu battlefield met significance and suitability criteria but the village clans who claim ownership of the lands would consider setting aside only a small portion as a battlefield site. The area was considerably smaller than that identified by the NPS as the minimum area for which a determination of feasibility could be made. There has been a substantial shift in support by the local people for the site becoming a unit of the National Park System and an updated study would allow a reexamination of the feasibility issue.

Vermejo Park Ranch—A special resource study of the Vermejo Park Ranch in New Mexico and Colorado was completed in 1979, and concluded that the ranch possessed nationally significant cultural and natural resources that merited inclusion in the National Park System. Thirty-two years have elapsed since the special resource study and several significant changes to the ranch have occurred during the interim. A recent reconnaissance survey recommended an update of the 1979 study to determine whether this area still meets the criteria for addition to the National Park System.

Buffalo Soldiers in the National Parks—In the early years of the National Parks, the Buffalo Soldiers were the forerunners of today's park rangers, patrolling the backcountry, building trails, and stopping poaching. The study would evaluate the suitability and feasibility of establishing a national historic trail commemorating the route traveled by the Buffalo Soldiers from their post in the Presidio of San Francisco to Sequoia and Yosemite National Parks. It would also identify sites that could be further evaluated for listing on the National

Register of Historic Places and for designation as National Historic Landmarks.

Reconstruction Era in the South—A National Historic Landmark theme study would identify sites that are significant to the Reconstruction era in the south. It was a controversial and difficult period in American history characterized by the adoption of new constitutional amendments and laws, the establishment of new institutions, and the occurrence of significant political events all surrounding the efforts to reincorporate the South into the Union and to provide newly freed slaves with political rights and opportunities to improve their lives. The theme study would include recommendations for the nomination of any new National Historic Landmarks, and sites which merit further study for potential inclusion in the National Park System.

Chattahoochee River National Recreation Area—A study of a boundary expansion for the Chattahoochee River National Recreation Area is proposed for an area extending approximately 45 miles from the southern boundary of the existing National Recreation Area south to the junction of Coweta, Heard, and Carroll Counties. These areas along the Chattahoochee River corridor include several state and county parks.

The Office of Management and Budget has advised that there is no objection to the enactment of the attached draft legislation from the standpoint of the Administration's program.

Sincerely,

KEN SALAZAR.

By Mr. BENNET (for himself and Mr. UDALL of Colorado):

S. 3400. A bill to designate certain Federal land in the San Juan National Forest in the State of Colorado as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BENNET. Mr. President, I have come to the floor to talk about Colorado. This summer, most people have been thinking about the wildfires we have had up there. These fires were widespread throughout the State, and it is still just the beginning of fire season. We have already seen a lot of damage, including the destruction of hundreds of homes, and, most sadly, the loss of life.

I wish to say in this Chamber, to all my colleagues, how much I appreciate their kindness. The knowledge that all of you have been thinking about people at home has been very comforting to the people I represent. Thanks to the heroic work of the firefighters, and with a lot of help also from Mother Nature, the fires are under control. So I wish to remind people, as I have been doing now for months, that Colorado is the best place to visit during the summer. It is the best place to bring your family.

In fact, last week—or during the recess—Susan and I loaded up the minivan and drove across the State with our kids. It takes all the fun out of playing the license plate game when you are driving in Colorado because in about 2 hours the kids saw half the license plates representing half the

States in the United States—just 2 hours from Denver, CO. So I would say, as I have said time and time again, over the coming months, if you have plans to come to our State, please do.

Today, I wish to focus on one area that illustrates how special our State of Colorado is.

The Hermosa Creek watershed is a beautiful parcel of land just up the road from Durango in the southwest corner of our State.

Over 4 years ago, an incredibly diverse group of local citizens, mountain bikers, fishermen, outfitters, local elected officials, and others got together to talk about the future of this striking land. Everybody involved likes to visit the area for recreation or to do business there. Their discussion was about how to put together a plan from the local level up to manage the area so everyone could enjoy it and benefit, and so that we could protect it for the next generations of Coloradans and the next generations of Americans.

A little over a year ago, the group invited my family and me to take a hike through the watershed and join the discussion. During a tour over the last Memorial Day weekend, we unloaded at the Hermosa Creek trailhead, we tied up our boots, and my youngest daughter Anne made a hiking stick out of a nearby fallen branch. We started up the trail with 40 or so others from the local community.

As we climbed higher and higher, we were all overcome by the beauty. People stopped talking. I stopped talking largely because I was out of breath. But the people I was with were as awestruck as I was by the beauty of this place. It was a particularly settling walk after being cooped up with my children.

There are forested valleys, crystal-clear streams, and unspoiled views. After about an hour, the group pulled off the Forest Service trail into a meadow. And as Anne, Helena, and Caroline Bennet made themselves and their father and mother dandelion necklaces, we started a discussion about what this area means to the people who live there and the people who visit. The sportsmen come to fish for native Colorado cutthroat trout and for back-country elk hunting. The mountain bikers come to enjoy single-track riding on trails known throughout the United States of America, and actually in other countries as well. The local water districts love Hermosa because it provides drinking water for the great city of Durango. Workers in the timber and mining industries stress that some of the watershed could contribute to extractive development in the future. Some might not know that mining has long been an economic driver in that region of our State.

This is a photograph of the group that hiked that day. The upshot of the discussion we had in that meadow was

an agreement to work together on a bill, a balanced bill that managed the watershed so it would contribute to the local economy long into the future. After nearly 14 months of discussions and negotiations since that hike, I introduced that bill earlier today.

The Hermosa Creek Watershed Protection Act governs the entire 108,000-acre watershed. It includes provisions to allow for multiple uses, such as timber harvesting for forest health; access and trails for off-road vehicle enthusiasts, and for mountain bikers.

It keeps getting better. The bill also adds nearly 40,000 acres to the National Wilderness Preservation System, lands that provide unique and important opportunities for solitude and reflection, lands that will remain undeveloped forever, so they will always have clear streams of fish and lush forests for a local outfitter to take clients into the wilderness on horseback.

I am proud to report the bill has the unanimous bipartisan backing of the two county commissions involved, the San Juan County Commission and the La Plata County Commission. I ask unanimous consent to have printed in the RECORD a copy of letters of support from both counties.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SAN JUAN COUNTY,
Silverton, CO, June 27, 2012.

Sen. MICHAEL F. BENNET,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR BENNET: San Juan County is supportive of the collaborative community process conducted by the Hermosa Creek Workgroup. This was an open, inclusive process that has brought together local citizens and organizations that are concerned with protecting the special values of the Hermosa Creek Watershed in San Juan and La Plata Counties in southwest Colorado.

For more than two years the Hermosa Creek Workgroup worked within the framework developed by the River Protection Workgroup whose goal is "Involving the public in protecting the natural values of selected streams while allowing water development to continue."

As a result of this process, the Hermosa Creek Workgroup determined that "The Hermosa Creek Area is exceptional because it is a large intact (unfragmented) natural watershed containing diverse ecosystems, including fish, plants and wildlife, over a road elevation range, and supports a variety of multiple uses, including recreation and grazing, in the vicinity of a large town."

San Juan County supports the proposed Federal Legislation for the Hermosa Creek Watershed Protection Act of 2012 and respectfully requests that your office initiate a legislative process to achieve the goals set forth by the Hermosa Work Group.

Sincerely,

ERNEST F. KUHLMAN,
Chairman,
San Juan County Commissioners.

LA PLATA COUNTY,

Durango, CO, November 3, 2011.

Hon. MICHAEL BENNET,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BENNET: You recently released draft legislation to protect the Hermosa Creek area just north of Durango, and we wish to express our strong support for that component of the legislation. We have previously supported the work and recommendations of the Hermosa Creek Workgroup, and believe that this draft accurately reflects those recommendations.

The Board of Commissioners has followed the public process conducted by the Hermosa Creek Workgroup since its beginning over two years ago, and we believe that the process has been open, transparent, and effective. Virtually every group with an interest in the Hermosa watershed participated in the discussions, which were constructive and well-facilitated.

The Hermosa Creek watershed is an invaluable resource for La Plata County for a number of reasons. The recreational opportunities the area offers, from hunting and fishing to hiking, mountain biking, and skiing, are world class, and contribute significantly to the County's recreation and tourism economic base. Local outfitting businesses, hotels, restaurants, gas stations, and gear shops all benefit from a protected Hermosa Creek region.

With its Outstanding Waters designation by the State of Colorado, Hermosa Creek provides a major clean water contribution to the Animas River, which is the water source for many of La Plata County's residents. As a source of clean air and spectacular scenery, Hermosa Creek also plays a key role in maintaining the natural amenities that make La Plata County attractive to new residents and businesses.

The proposal to protect the Hermosa Creek watershed through a special management designation, containing wilderness and unroaded designations for portions of the area, is truly a community-based approach to local land management. We commend you for respecting the hard work of the Hermosa Creek Workgroup by including the group's recommendations in your draft legislation. We support the legislation, and stand ready to help in whatever way to see it enacted into law.

Sincerely,

KELLIE C. HOTTER,
Chair.

ROBERT A. LIEB, JR.,
Vice-Chair.

WALLACE "WALLY" WHITE,
Commissioner.

Mr. BENNET. It has the support of the Hermosa Creek Workgroup, ranging from hard-rock miners to wilderness advocates. I am pleased to carry this bill on behalf of the people of Colorado. I am especially proud because this was a community-driven process at its very finest, through and through, from beginning to end. Colorado wrote this bill. This bill wasn't written in Washington, DC. The bill has grown from the grassroots up, Republicans, Democrats, and Independents working together to cement a long-term plan for the community's future.

I also want to thank my senior Senator, Senator UDALL of Colorado, for joining me as a cosponsor of the bill, and to thank Senators BINGAMAN and

MURKOWSKI for their past help moving Colorado land bills through their committee. I am confident that as we work on this bill together we will find similar consensus.

To bring this back to the beginning, I don't have to convince most people that Colorado is a special place. Many have visited our State over their lifetimes to ski our mountains, run our rivers, or climb a "14er." The Hermosa Creek watershed represents some of the best Colorado has to offer. It deserves to be protected for our outdoor recreation economy, and for future generations.

I want to thank all of the people who have spent countless hours working together to make sure they could overcome their differences and reach a consensus on this bill. As I have told all of them, it makes my work so much easier when people work in such a constructive way together, and for that, they have my deep appreciation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2554. Mr. BROWN of Ohio (for himself, Mr. HARKIN, Mr. SANDERS, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. ROCKEFELLER, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 3364, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table.

SA 2555. Mrs. MCCASKILL (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 3364, *supra*; which was ordered to lie on the table.

SA 2556. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3364, *supra*; which was ordered to lie on the table.

SA 2557. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3364, *supra*; which was ordered to lie on the table.

SA 2558. Mrs. HUTCHISON (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 3364, *supra*; which was ordered to lie on the table.

SA 2559. Mr. REID (for Mrs. MURRAY) proposed an amendment to the bill H.R. 1627, to amend title 38, United States Code, to furnish hospital care and medical services to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, to improve the provision of housing assistance to veterans and their families, and for other purposes.

SA 2560. Mr. REID (for Mrs. MURRAY) proposed an amendment to the bill H.R. 1627, *supra*.

TEXT OF AMENDMENTS

SA 2554. Mr. BROWN of Ohio (for himself, Mr. HARKIN, Mr. SANDERS, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. ROCKEFELLER, and Mrs. MCCASKILL) submitted an amendment intended to be proposed by him to the bill S. 3364, to provide an incentive for businesses to bring jobs back to America; which

was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ____ REQUIRED DISCLOSURE OF NUMBER OF DOMESTIC AND FOREIGN EMPLOYEES.

Section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m) is amended by adding at the end the following new subsection:

"(r) DISCLOSURE OF NUMBER OF DOMESTIC AND FOREIGN EMPLOYEES.—

"(1) IN GENERAL.—Beginning with the first full fiscal year that begins after the date of enactment of this subsection, each issuer required to file reports with the Commission pursuant to subsection (a) shall disclose annually to the Commission and to shareholders—

"(A) the total number of employees, as defined in subsection (d) of section 3121 of title 26 United States Code, or any regulations interpreting such subsection, who are domiciled in the United States and employed by the issuer or any consolidated subsidiary of the issuer;

"(B) the total number of employees, as defined in subsection (d) of section 3121 of title 26 United States Code, or any regulations interpreting such subsection, who are domiciled in any country other than the United States and employed by the issuer or any consolidated subsidiary of the issuer, listed by number in each country; and

"(C) the percentage increase or decrease in the numbers required to be disclosed under subparagraphs (A) and (B) from the previous reporting year.

"(2) EXEMPTIONS.—An issuer shall not be subject to the requirements of paragraph (1) if the issuer is an emerging growth company, as defined in section 3(a).

"(3) REGULATIONS.—The Commission may promulgate such regulations as it considers necessary to implement the requirement under paragraph (1)."

SA 2555. Mrs. MCCASKILL (for herself and Mr. PORTMAN) submitted an amendment intended to be proposed by her to the bill S. 3364, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—TEMPORARY DUTY SUSPENSION PROCESS ACT

SEC. 201. SHORT TITLE.

This title may be cited as the "Temporary Duty Suspension Process Act of 2012".

SEC. 202. DEFINITIONS.

In this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives.

(2) COMMISSION.—The term "Commission" means the United States International Trade Commission.

(3) DUTY SUSPENSION OR REDUCTION.—The term "duty suspension or reduction" means an amendment to subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States—

(A) extending an existing temporary suspension or reduction of duty on an article under that subchapter; or

(B) providing for a new temporary suspension or reduction of duty on an article under that subchapter.

SEC. 203. RECOMMENDATIONS BY UNITED STATES INTERNATIONAL TRADE COMMISSION FOR DUTY SUSPENSIONS AND REDUCTIONS.

(a) ESTABLISHMENT OF REVIEW PROCESS.—Not later than 30 days after the date of the enactment of this Act, the Commission shall complete all actions necessary to establish a process pursuant to which the Commission will—

(1) review each article with respect to which a duty suspension or reduction may be made—

(A) at the initiative of the Commission; or
(B) pursuant to a petition submitted or referred to the Commission under subsection (b); and

(2) submit a draft bill to the appropriate congressional committees under subsection (d).

(b) PETITIONS.—

(1) IN GENERAL.—As part of the process established under subsection (a), the Commission shall establish procedures under which a petition requesting the Commission to review a duty suspension or reduction pursuant to that process may be—

(A) submitted to the Commission by a member of the public; or

(B) referred to the Commission by a Member of Congress.

(2) REQUIREMENTS.—A petition submitted or referred to the Commission under paragraph (1) shall be submitted or referred at such time and in such manner and shall include such information as the Commission may require.

(3) NO PREFERENTIAL TREATMENT FOR MEMBERS OF CONGRESS.—A petition referred to the Commission by a Member of Congress under subparagraph (B) of paragraph (1) shall receive treatment no more favorable than the treatment received by a petition submitted to the Commission by a member of the public under subparagraph (A) of that paragraph.

(c) PUBLIC COMMENTS.—As part of the process established under subsection (a), the Commission shall establish procedures for—

(1) notifying the public when the Commission initiates the process of reviewing articles with respect to which duty suspensions or reductions may be made and distributing information about the process, including by—

(A) posting information about the process on the website of the Commission; and

(B) providing that information to trade associations and other appropriate organizations;

(2) not later than 45 days before submitting a draft bill to the appropriate congressional committees under subsection (d), notifying the public of the duty suspensions and reductions the Commission is considering including in the draft bill; and

(3) providing the public with an opportunity to submit comments with respect to any of those duty suspensions or reductions.

(d) SUBMISSION OF DRAFT BILL.—

(1) IN GENERAL.—The Commission shall submit to the appropriate congressional committees a draft bill that contains each duty suspension or reduction that the Commission determines, pursuant to the process established under subsection (a) and after conducting the consultations required by subsection (e), meets the requirements described in subsection (f), not later than—

(A) the date that is 120 days after the date of the enactment of this Act;

(B) January 1, 2015; and

(C) January 1, 2018.

(2) **EFFECTIVE PERIOD OF DUTY SUSPENSIONS AND REDUCTIONS.**—Duty suspensions and reductions included in a draft bill submitted under paragraph (1) shall be effective for a period of not less than 3 years.

(3) **SPECIAL RULE FOR FIRST SUBMISSION.**—In the draft bill required to be submitted under paragraph (1) not later than the date that is 120 days after the date of the enactment of this Act, the Commission shall be required to include only duty suspensions and reductions with respect to which the Commission has sufficient time to make a determination under that paragraph before the draft bill is required to be submitted.

(e) **CONSULTATIONS.**—In determining whether a duty suspension or reduction meets the requirements described in subsection (f), the Commission shall, not later than 30 days before submitting a draft bill to the appropriate congressional committees under subsection (d), conduct consultations with the Commissioner responsible for U.S. Customs and Border Protection, the Secretary of Commerce, the United States Trade Representative, and the heads of other relevant Federal agencies.

(f) **REQUIREMENTS FOR DUTY SUSPENSIONS AND REDUCTIONS.**—

(1) **IN GENERAL.**—A duty suspension or reduction meets the requirements described in this subsection if—

(A) the duty suspension or reduction can be administered by U.S. Customs and Border Protection;

(B) the estimated loss in revenue to the United States from the duty suspension or reduction does not exceed the dollar amount specified in paragraph (2) in a calendar year during which the duty suspension or reduction would be in effect; and

(C) on the date on which the Commission submits a draft bill to the appropriate congressional committees under subsection (d) that includes the duty suspension or reduction, the article to which the duty suspension or reduction would apply is not produced in the United States and is not expected to be produced in the United States during the subsequent 12-month period.

(2) **DOLLAR AMOUNT SPECIFIED.**—

(A) **IN GENERAL.**—The dollar amount specified in this paragraph is—

(i) for calendar year 2013, \$500,000; and

(ii) for any calendar year after calendar year 2013, an amount equal to \$500,000 increased or decreased by an amount equal to—

(I) \$500,000, multiplied by

(II) the percentage (if any) of the increase or decrease (as the case may be) in the Consumer Price Index for the preceding calendar year compared to the Consumer Price Index for calendar year 2012.

(B) **ROUNDING.**—Any increase or decrease under subparagraph (A) of the dollar amount specified in this paragraph shall be rounded to the nearest dollar.

(C) **CONSUMER PRICE INDEX FOR ANY CALENDAR YEAR.**—For purposes of this paragraph, the Consumer Price Index for any calendar year is the average of the Consumer Price Index as of the close of the 12-month period ending on September 30 of that calendar year.

(D) **CONSUMER PRICE INDEX DEFINED.**—For purposes of this paragraph, the term “Consumer Price Index” means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

(3) **CONSIDERATION OF RELEVANT INFORMATION.**—In determining whether a duty suspension or reduction meets the requirements

described in paragraph (1), the Commission may consider any information the Commission considers relevant to the determination.

(4) **JUDICIAL REVIEW PRECLUDED.**—A determination of the Commission with respect to whether or not a duty suspension or reduction meets the requirements described in paragraph (1) shall not be subject to judicial review.

(g) **REPORTS REQUIRED.**—

(1) **IN GENERAL.**—Each time the Commission submits a draft bill under subsection (d), the Commission shall submit to the appropriate congressional committees a report on the duty suspensions and reductions contained in the draft bill that includes—

(A) the views of the head of each agency consulted under subsection (e); and

(B) any objections received by the Commission during consultations conducted under subsection (e) or through public comments submitted under subsection (c), including—

(i) objections with respect to duty suspensions or reductions the Commission included in the draft bill; and

(ii) objections that led to the Commission to determine not to include a duty suspension or reduction in the draft bill.

(2) **INITIAL REPORT ON PROCESS.**—Not later than 300 days after the date of the enactment of this Act, the Commission shall submit to the appropriate congressional committees a report that includes—

(A) an assessment of the effectiveness of the process established under subsection (a) and the requirements of this section;

(B) to the extent practicable, a description of the effects of duty suspensions and reductions recommended pursuant to that process on the United States economy that includes—

(i) a broad assessment of the economic effects of such duty suspensions and reductions on producers, purchasers, and consumers in the United States; and

(ii) case studies describing such effects by industry or by type of articles, as available data permits;

(C) a comparison of the actual loss in revenue to the United States resulting from duty suspensions and reductions recommended pursuant to that process to the loss in such revenue estimated during that process;

(D) to the extent practicable, information on how broadly or narrowly duty suspensions and reductions recommended pursuant to that process were used by importers; and

(E) any recommendations of the Commission for improving that process and the requirements of this section.

(h) **FORM OF DRAFT BILL AND REPORTS.**—Each draft bill submitted under subsection (d) and each report required by subsection (g) shall be—

(1) submitted to the appropriate congressional committees in electronic form; and

(2) made available to the public on the website of the Commission.

SEC. 204. REPORTS ON BENEFITS OF DUTY SUSPENSIONS OR REDUCTIONS TO SECTORS OF THE UNITED STATES ECONOMY.

Not later than January 1, 2014, and annually thereafter, the Commission shall submit to the appropriate congressional committees a report that—

(1) makes recommendations with respect to sectors of the United States economy that could benefit from duty suspensions or reductions without causing harm to other domestic interests; and

(2) assesses the feasibility and advisability of suspending or reducing duties on a sec-

toral basis rather than on individual articles.

SA 2556. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3364, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. —. PERMANENT EXTENSION OF DEDUCTION FOR STATE AND LOCAL GENERAL SALES TAXES.

(a) **IN GENERAL.**—Subparagraph (I) of section 164(b)(5) of the Internal Revenue Code of 1986 is amended by striking “, and before January 1, 2012”.

(b) **EFFECTIVE DATE.**—The amendment made by this section shall apply to taxable years beginning after December 31, 2011.

SA 2557. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 3364, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. —. REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 301, 302, and 303(a) of such Act (relating to marriage penalty relief).

SA 2558. Mrs. HUTCHISON (for herself and Mr. COBURN) submitted an amendment intended to be proposed by her to the bill S. 3364, to provide an incentive for businesses to bring jobs back to America; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. —. REPEAL OF CERTAIN LIMITATIONS ON HEALTH CARE BENEFITS.

(a) **REPEAL OF DISTRIBUTIONS FOR MEDICINE QUALIFIED ONLY IF FOR PRESCRIBED DRUG OR INSULIN.**—

(1) **HSAS.**—Section 223(d)(2)(A) of the Internal Revenue Code of 1986 is amended by striking the last sentence thereof.

(2) **ARCHER MSAS.**—Section 220(d)(2)(A) of such Code is amended by striking the last sentence thereof.

(3) **HEALTH FLEXIBLE SPENDING ARRANGEMENTS AND HEALTH REIMBURSEMENT ARRANGEMENTS.**—Section 106 of such Code is amended by striking subsection (f).

(4) **EFFECTIVE DATE.**—

(A) **DISTRIBUTIONS FROM SAVINGS ACCOUNTS.**—The amendments made by paragraphs (1) and (2) shall apply to amounts paid with respect to taxable years beginning after December 31, 2011.

(B) **REIMBURSEMENTS.**—The amendment made by paragraph (3) shall apply to expenses incurred with respect to taxable years beginning after December 31, 2011.

(b) **REPEAL OF LIMITATION ON HEALTH FLEXIBLE SPENDING ARRANGEMENTS UNDER CAFETERIA PLANS.**—

(1) **IN GENERAL.**—Section 125 of the Internal Revenue Code of 1986 is amended by striking subsection (i) and by redesignating subsections (j) through (l) as subsections (i) through (k), respectively.

(2) **EFFECTIVE DATE.**—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2012.

SA 2559. Mr. REID (for Mrs. MURRAY) proposed an amendment to the bill

H.R. 1627, to amend title 38, United States Code, to furnish hospital care and medical services to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, to improve the provision of housing assistance to veterans and their families, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) **SHORT TITLE.**—This Act may be cited as the “Honoring America’s Veterans and Caring for Camp Lejeune Families Act of 2012”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References to title 38, United States Code.

Sec. 3. Scoring of budgetary effects.

TITLE I—HEALTH CARE MATTERS

- Sec. 101. Short title.
Sec. 102. Hospital care and medical services for veterans stationed at Camp Lejeune, North Carolina.
Sec. 103. Authority to waive collection of copayments for telehealth and telemedicine visits of veterans.
Sec. 104. Temporary expansion of payments and allowances for beneficiary travel in connection with veterans receiving care from Vet Centers.
Sec. 105. Contracts and agreements for nursing home care.
Sec. 106. Comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents.
Sec. 107. Rehabilitative services for veterans with traumatic brain injury.
Sec. 108. Teleconsultation and telemedicine.
Sec. 109. Use of service dogs on property of the Department of Veterans Affairs.
Sec. 110. Recognition of rural health resource centers in Office of Rural Health.
Sec. 111. Improvements for recovery and collection of amounts for Department of Veterans Affairs Medical Care Collections Fund.
Sec. 112. Extension of authority for copayments.
Sec. 113. Extension of authority for recovery of cost of certain care and services.

TITLE II—HOUSING MATTERS

- Sec. 201. Short title.
Sec. 202. Temporary expansion of eligibility for specially adapted housing assistance for certain veterans with disabilities causing difficulty with ambulating.
Sec. 203. Expansion of eligibility for specially adapted housing assistance for veterans with vision impairment.
Sec. 204. Revised limitations on assistance furnished for acquisition and adaptation of housing for disabled veterans.
Sec. 205. Improvements to assistance for disabled veterans residing in housing owned by a family member.
Sec. 206. Department of Veterans Affairs housing loan guarantees for surviving spouses of certain totally disabled veterans.

Sec. 207. Occupancy of property by dependent child of veteran for purposes of meeting occupancy requirement for Department of Veterans Affairs housing loans.

Sec. 208. Making permanent project for guaranteeing of adjustable rate mortgages.

Sec. 209. Making permanent project for insuring hybrid adjustable rate mortgages.

Sec. 210. Waiver of loan fee for individuals with disability ratings issued during pre-discharge programs.

Sec. 211. Modification of authorities for enhanced-use leases of real property.

TITLE III—HOMELESS MATTERS

Sec. 301. Enhancement of comprehensive service programs.

Sec. 302. Modification of authority for provision of treatment and rehabilitation to certain veterans to include provision of treatment and rehabilitation to homeless veterans who are not seriously mentally ill.

Sec. 303. Modification of grant program for homeless veterans with special needs.

Sec. 304. Collaboration in provision of case management services to homeless veterans in supported housing program.

Sec. 305. Extensions of previously fully funded authorities affecting homeless veterans.

TITLE IV—EDUCATION MATTERS

Sec. 401. Aggregate amount of educational assistance available to individuals who receive both survivors’ and dependents’ educational assistance and other veterans and related educational assistance.

Sec. 402. Annual reports on Post-9/11 Educational Assistance Program and Survivors’ and Dependents’ Educational Assistance Program.

TITLE V—BENEFITS MATTERS

Sec. 501. Automatic waiver of agency of original jurisdiction review of new evidence.

Sec. 502. Authority for certain persons to sign claims filed with Secretary of Veterans Affairs on behalf of claimants.

Sec. 503. Improvement of process for filing jointly for social security and dependency and indemnity compensation.

Sec. 504. Authorization of use of electronic communication to provide notice to claimants for benefits under laws administered by the Secretary of Veterans Affairs.

Sec. 505. Duty to assist claimants in obtaining private records.

Sec. 506. Authority for retroactive effective date for awards of disability compensation in connection with applications that are fully-developed at submittal.

Sec. 507. Modification of month of death benefit for surviving spouses of veterans who die while entitled to compensation or pension.

Sec. 508. Increase in rate of pension for disabled veterans married to one another and both of whom require regular aid and attendance.

Sec. 509. Exclusion of certain reimbursements of expenses from determination of annual income with respect to pensions for veterans and surviving spouses and children of veterans.

TITLE VI—MEMORIAL, BURIAL, AND CEMETERY MATTERS

Sec. 601. Prohibition on disruptions of funerals of members or former members of the Armed Forces.

Sec. 602. Codification of prohibition against reservation of gravesites at Arlington National Cemetery.

Sec. 603. Expansion of eligibility for presidential memorial certificates to persons who died in the active military, naval, or air service.

Sec. 604. Requirements for the placement of monuments in Arlington National Cemetery.

TITLE VII—OTHER MATTERS

Sec. 701. Assistance to veterans affected by natural disasters.

Sec. 702. Extension of certain expiring provisions of law.

Sec. 703. Requirement for plan for regular assessment of employees of Veterans Benefits Administration who handle processing of claims for compensation and pension.

Sec. 704. Modification of provision relating to reimbursement rate for ambulance services.

Sec. 705. Change in collection and verification of veteran income.

Sec. 706. Department of Veterans Affairs enforcement penalties for misrepresentation of a business concern as a small business concern owned and controlled by veterans or as a small business concern owned and controlled by service-disabled veterans.

Sec. 707. Quarterly reports to Congress on conferences sponsored by the Department.

Sec. 708. Publication of data on employment of certain veterans by Federal contractors.

Sec. 709. VetStar Award Program.

Sec. 710. Extended period of protections for members of uniformed services relating to mortgages, mortgage foreclosure, and eviction.

SEC. 2. REFERENCES TO TITLE 38, UNITED STATES CODE.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

SEC. 3. SCORING OF BUDGETARY EFFECTS.

The budgetary effects of this Act, for the purpose of complying with the Statutory Pay-As-You-Go-Act of 2010, shall be determined by reference to the latest statement titled “Budgetary Effects of PAYGO Legislation” for this Act, submitted for printing in the Congressional Record by the Chairman of the Senate Budget Committee, provided that such statement has been submitted prior to the vote on passage.

TITLE I—HEALTH CARE MATTERS

SEC. 101. SHORT TITLE.

This title may be cited as the “Janey Ensminger Act”.

SEC. 102. HOSPITAL CARE AND MEDICAL SERVICES FOR VETERANS STATIONED AT CAMP LEJEUNE, NORTH CAROLINA.

(a) HOSPITAL CARE AND MEDICAL SERVICES FOR VETERANS.—

(1) IN GENERAL.—Paragraph (1) of section 1710(e) is amended by adding at the end the following new subparagraph:

“(F) Subject to paragraph (2), a veteran who served on active duty in the Armed Forces at Camp Lejeune, North Carolina, for not fewer than 30 days during the period beginning on January 1, 1957, and ending on December 31, 1987, is eligible for hospital care and medical services under subsection (a)(2)(F) for any of the following illnesses or conditions, notwithstanding that there is insufficient medical evidence to conclude that such illnesses or conditions are attributable to such service:

- “(i) Esophageal cancer.
- “(ii) Lung cancer.
- “(iii) Breast cancer.
- “(iv) Bladder cancer.
- “(v) Kidney cancer.
- “(vi) Leukemia.
- “(vii) Multiple myeloma.
- “(viii) Myelodysplastic syndromes.
- “(ix) Renal toxicity.
- “(x) Hepatic steatosis.
- “(xi) Female infertility.
- “(xii) Miscarriage.
- “(xiii) Scleroderma.
- “(xiv) Neurobehavioral effects.
- “(xv) Non-Hodgkin’s lymphoma.”.

(2) LIMITATION.—Paragraph (2)(B) of such section is amended by striking “or (E)” and inserting “(E), or (F)”.

(b) FAMILY MEMBERS.—

(1) IN GENERAL.—Subchapter VIII of chapter 17 is amended by adding at the end the following new section:

“§ 1787. Health care of family members of veterans stationed at Camp Lejeune, North Carolina

“(a) IN GENERAL.—Subject to subsection (b), a family member of a veteran described in subparagraph (F) of section 1710(e)(1) of this title who resided at Camp Lejeune, North Carolina, for not fewer than 30 days during the period described in such subparagraph or who was in utero during such period while the mother of such family member resided at such location shall be eligible for hospital care and medical services furnished by the Secretary for any of the illnesses or conditions described in such subparagraph, notwithstanding that there is insufficient medical evidence to conclude that such illnesses or conditions are attributable to such residence.

“(b) LIMITATIONS.—(1) The Secretary may only furnish hospital care and medical services under subsection (a) to the extent and in the amount provided in advance in appropriations Acts for such purpose.

“(2) Hospital care and medical services may not be furnished under subsection (a) for an illness or condition of a family member that is found, in accordance with guidelines issued by the Under Secretary for Health, to have resulted from a cause other than the residence of the family member described in that subsection.

“(3) The Secretary may provide reimbursement for hospital care or medical services provided to a family member under this section only after the family member or the provider of such care or services has exhausted without success all claims and remedies reasonably available to the family member or provider against a third party (as defined in section 1725(f) of this title) for payment of such care or services, including

with respect to health-plan contracts (as defined in such section).”.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1786 the following new item:

“1787. Health care of family members of veterans stationed at Camp Lejeune, North Carolina.”.

(c) ANNUAL REPORTS.—

(1) IN GENERAL.—Not later than December 31 of each of 2013, 2014, and 2015, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the care and services provided under sections 1710(e)(1)(F) and 1787 of title 38, United States Code (as added by subsections (a) and (b)(1), respectively).

(2) ELEMENTS.—Each report under paragraph (1) shall set forth the following:

(A) The number of veterans and family members provided hospital care and medical services under the provisions of law specified in paragraph (1) during the period beginning on October 1, 2012, and ending on the date of such report.

(B) The illnesses, conditions, and disabilities for which care and services have been provided such veterans and family members under such provisions of law during that period.

(C) The number of veterans and family members who applied for care and services under such provisions of law during that period but were denied, including information on the reasons for such denials.

(D) The number of veterans and family members who applied for care and services under such provisions of law and are awaiting a decision from the Secretary on eligibility for such care and services as of the date of such report.

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The provisions of this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(2) APPLICABILITY.—Subparagraph (F) of section 1710(e)(1) of such title, as added by subsection (a), and section 1787 of title 38, United States Code, as added by subsection (b)(1), shall apply with respect to hospital care and medical services provided on or after the date of the enactment of this Act.

SEC. 103. AUTHORITY TO WAIVE COLLECTION OF COPAYMENTS FOR TELEHEALTH AND TELEMEDICINE VISITS OF VETERANS.

(a) IN GENERAL.—Subchapter III of chapter 17 is amended by inserting after section 1722A the following new section:

“§ 1722B. Copayments: waiver of collection of copayments for telehealth and telemedicine visits of veterans

“The Secretary may waive the imposition or collection of copayments for telehealth and telemedicine visits of veterans under the laws administered by the Secretary.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1722A the following new item:

“1722B. Copayments: waiver of collection of copayments for telehealth and telemedicine visits of veterans.”.

SEC. 104. TEMPORARY EXPANSION OF PAYMENTS AND ALLOWANCES FOR BENEFICIARY TRAVEL IN CONNECTION WITH VETERANS RECEIVING CARE FROM VET CENTERS.

(a) IN GENERAL.—Beginning one year after the date of the enactment of this Act, the

Secretary of Veterans Affairs shall commence a three-year initiative to assess the feasibility and advisability of paying under section 111(a) of title 38, United States Code, the actual necessary expenses of travel or allowances for travel from a residence located in an area that is designated by the Secretary as highly rural to the nearest Vet Center and from such Vet Center to such residence.

(b) REPORT.—

(1) IN GENERAL.—Not later than 180 days after the date of the completion of the initiative, the Secretary shall submit to Congress a report on the findings of the Secretary with respect to the initiative required by subsection (a).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) A description of the individuals who benefitted from payment under the initiative.

(B) A description of any impediments to the Secretary in paying expenses or allowances under the initiative.

(C) A description of any impediments encountered by individuals in receiving such payments.

(D) An assessment of the feasibility and advisability of paying such expenses or allowances.

(E) An assessment of any fraudulent receipt of payment under the initiative and the recommendations of the Secretary for legislative or administrative action to reduce such fraud.

(F) Such recommendations for legislative or administrative action as the Secretary considers appropriate with respect to the payment of expenses or allowances as described in subsection (a).

(c) VET CENTER DEFINED.—In this section, the term “Vet Center” means a center for readjustment counseling and related mental health services for veterans under section 1712A of title 38, United States Code.

SEC. 105. CONTRACTS AND AGREEMENTS FOR NURSING HOME CARE.

(a) CONTRACTS.—Section 1745(a) is amended—

(1) in paragraph (1), by striking “The Secretary shall pay each State home for nursing home care at the rate determined under paragraph (2)” and inserting “The Secretary shall enter into a contract (or agreement under section 1720(c)(1) of this title) with each State home for payment by the Secretary for nursing home care provided in the home”; and

(2) by striking paragraph (2) and inserting the following new paragraph (2):

“(2) Payment under each contract (or agreement) between the Secretary and a State home under paragraph (1) shall be based on a methodology, developed by the Secretary in consultation with the State home, to adequately reimburse the State home for the care provided by the State home under the contract (or agreement).”.

(b) AGREEMENTS.—Section 1720(c)(1)(A) is amended—

(1) in clause (i), by striking “; and” and inserting a semicolon;

(2) in clause (ii), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following new clause:

“(iii) a provider of services eligible to enter into a contract pursuant to section 1745(a) of this title that is not otherwise described in clause (i) or (ii).”.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to care provided on

or after the date that is 180 days after the date of the enactment of this Act.

(2) **MAINTENANCE OF PRIOR METHODOLOGY OF REIMBURSEMENT FOR CERTAIN STATE HOMES.**—In the case of a State home that provided nursing home care on the day before the date of the enactment of this Act for which the State home was eligible for pay under section 1745(a)(1) of title 38, United States Code, at the request of any State home, the Secretary shall offer to enter into a contract (or agreement described in such section) with such State home under such section, as amended by subsection (a), for payment for nursing home care provided by such State home under such section that reflects the overall methodology of reimbursement for such care that was in effect for such State home on the day before the date of the enactment of this Act.

SEC. 106. COMPREHENSIVE POLICY ON REPORTING AND TRACKING SEXUAL ASSAULT INCIDENTS AND OTHER SAFETY INCIDENTS.

(a) **POLICY.**—Subchapter I of chapter 17 is amended by adding at the end the following: **“§ 1709. Comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents**

“(a) POLICY REQUIRED.—(1) Not later than September 30, 2012, the Secretary shall develop and implement a centralized and comprehensive policy on the reporting and tracking of sexual assault incidents and other safety incidents that occur at each medical facility of the Department, including—

“(A) suspected, alleged, attempted, or confirmed cases of sexual assault, regardless of whether such assaults lead to prosecution or conviction;

“(B) criminal and purposefully unsafe acts; “(C) alcohol or substance abuse related acts (including by employees of the Department); and

“(D) any kind of event involving alleged or suspected abuse of a patient.

“(2) In developing and implementing a policy under paragraph (1), the Secretary shall consider the effects of such policy on—

“(A) the use by veterans of mental health care and substance abuse treatments; and

“(B) the ability of the Department to refer veterans to such care or treatment.

“(b) **SCOPE.**—The policy required by subsection (a) shall cover each of the following:

“(1) For purposes of reporting and tracking sexual assault incidents and other safety incidents, definitions of the terms—

“(A) ‘safety incident’;

“(B) ‘sexual assault’; and

“(C) ‘sexual assault incident’.

“(2)(A) The development and use of specific risk-assessment tools to examine any risks related to sexual assault that a veteran may pose while being treated at a medical facility of the Department, including clear and consistent guidance on the collection of information related to—

“(i) the legal history of the veteran; and

“(ii) the medical record of the veteran.

“(B) In developing and using tools under subparagraph (A), the Secretary shall consider the effects of using such tools on the use by veterans of health care furnished by the Department.

“(3) The mandatory training of employees of the Department on security issues, including awareness, preparedness, precautions, and police assistance.

“(4) The mandatory implementation, use, and regular testing of appropriate physical security precautions and equipment, including surveillance camera systems, computer-

based panic alarm systems, stationary panic alarms, and electronic portable personal panic alarms.

“(5) Clear, consistent, and comprehensive criteria and guidance with respect to an employee of the Department communicating and reporting sexual assault incidents and other safety incidents to—

“(A) supervisory personnel of the employee at—

“(i) a medical facility of the Department;

“(ii) an office of a Veterans Integrated Service Network; and

“(iii) the central office of the Veterans Health Administration; and

“(B) a law enforcement official of the Department.

“(6) Clear and consistent criteria and guidelines with respect to an employee of the Department referring and reporting to the Office of Inspector General of the Department sexual assault incidents and other safety incidents that meet the regulatory criminal threshold prescribed under sections 901 and 902 of this title.

“(7) An accountable oversight system within the Veterans Health Administration that includes—

“(A) systematic information sharing of reported sexual assault incidents and other safety incidents among officials of the Administration who have programmatic responsibility; and

“(B) a centralized reporting, tracking, and monitoring system for such incidents.

“(8) Consistent procedures and systems for law enforcement officials of the Department with respect to investigating, tracking, and closing reported sexual assault incidents and other safety incidents.

“(9) Clear and consistent guidance for the clinical management of the treatment of sexual assaults that are reported more than 72 hours after the assault.

“(c) **UPDATES TO POLICY.**—The Secretary shall review and revise the policy required by subsection (a) on a periodic basis as the Secretary considers appropriate and in accordance with best practices.

“(d) **ANNUAL REPORT.**—(1) Not later than 60 days after the date on which the Secretary develops the policy required by subsection (a) and not later than October 1 of each year thereafter, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the implementation of the policy.

“(2) The report required by paragraph (1) shall include—

“(A) the number and type of sexual assault incidents and other safety incidents reported by each medical facility of the Department;

“(B) a detailed description of the implementation of the policy required by subsection (a), including any revisions made to such policy from the previous year; and

“(C) the effectiveness of such policy on improving the safety and security of the medical facilities of the Department, including the performance measures used to evaluate such effectiveness.”.

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1708 the following new item:

“1709. Comprehensive policy on reporting and tracking sexual assault incidents and other safety incidents.”.

(c) **INTERIM REPORT.**—Not later than 30 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Af-

fairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on the development of the policy required by section 1709 of title 38, United States Code, as added by subsection (a).

SEC. 107. REHABILITATIVE SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY.

(a) **REHABILITATION PLANS AND SERVICES.**—Section 1710C is amended—

(1) in subsection (a)(1), by inserting before the semicolon the following: “with the goal of maximizing the individual’s independence”;

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting “(and sustaining improvement in)” after “improving”;

(ii) by inserting “behavioral,” after “cognitive,”;

(B) in paragraph (2), by inserting “rehabilitative services and” before “rehabilitative components”;

(C) in paragraph (3)—

(i) by striking “treatments” the first place it appears and inserting “services”;

(ii) by striking “treatments and” the second place it appears; and

(3) by adding at the end the following new subsection:

“(h) **REHABILITATIVE SERVICES DEFINED.**—For purposes of this section, and sections 1710D and 1710E of this title, the term ‘rehabilitative services’ includes—

“(1) rehabilitative services, as defined in section 1701 of this title;

“(2) treatment and services (which may be of ongoing duration) to sustain, and prevent loss of, functional gains that have been achieved; and

“(3) any other rehabilitative services or supports that may contribute to maximizing an individual’s independence.”.

(b) **REHABILITATION SERVICES IN COMPREHENSIVE PROGRAM FOR LONG-TERM REHABILITATION.**—Section 1710D(a) is amended—

(1) by inserting “and rehabilitative services (as defined in section 1710C of this title)” after “long-term care”; and

(2) by striking “treatment”.

(c) **REHABILITATION SERVICES IN AUTHORITY FOR COOPERATIVE AGREEMENTS FOR USE OF NON-DEPARTMENT FACILITIES FOR REHABILITATION.**—Section 1710E(a) is amended by inserting “, including rehabilitative services (as defined in section 1710C of this title),” after “medical services”.

(d) **TECHNICAL AMENDMENT.**—Section 1710C(c)(2)(S) of title 38, United States Code, is amended by striking “ophthalmologist” and inserting “ophthalmologist”.

SEC. 108. TELECONSULTATION AND TELEMEDICINE.

(a) **TELECONSULTATION.**—

(1) **IN GENERAL.**—Subchapter I of chapter 17, as amended by section 106(a), is further amended by adding at the end the following new section:

“§ 1709A. Teleconsultation

“(a) TELECONSULTATION.—(1) The Secretary shall carry out an initiative of teleconsultation for the provision of remote mental health and traumatic brain injury assessments in facilities of the Department that are not otherwise able to provide such assessments without contracting with third-party providers or reimbursing providers through a fee basis system.

“(2) The Secretary shall, in consultation with appropriate professional societies, promulgate technical and clinical care standards for the use of teleconsultation services within facilities of the Department.

“(3) In carrying out an initiative under paragraph (1), the Secretary shall ensure that facilities of the Department are able to provide a mental health or traumatic brain injury assessment to a veteran through contracting with a third-party provider or reimbursing a provider through a fee basis system when—

“(A) such facilities are not able to provide such assessment to the veteran without—

“(i) such contracting or reimbursement; or

“(ii) teleconsultation; and

“(B) providing such assessment with such contracting or reimbursement is more clinically appropriate for the veteran than providing such assessment with teleconsultation.

“(b) **TELECONSULTATION DEFINED.**—In this section, the term ‘teleconsultation’ means the use by a health care specialist of telecommunications to assist another health care provider in rendering a diagnosis or treatment.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 17 is amended by inserting after the item relating to section 1709, as added by section 106(b), the following new item:

“1709A. Teleconsultation.”

(b) **TRAINING IN TELEMEDICINE.**—

(1) **IN GENERAL.**—The Secretary of Veterans Affairs shall, to the extent feasible, offer medical residents opportunities in training in telemedicine for medical residency programs. The Secretary shall consult with the Accreditation Council for Graduate Medical Education and with universities with which facilities of the Department have a major affiliation to determine the feasibility and advisability of making telehealth a mandatory component of medical residency programs.

(2) **TELEMEDICINE DEFINED.**—In this subsection, the term “telemedicine” means the use by a health care provider of telecommunications to assist in the diagnosis or treatment of a patient’s medical condition.

SEC. 109. USE OF SERVICE DOGS ON PROPERTY OF THE DEPARTMENT OF VETERANS AFFAIRS.

Section 901 is amended by adding at the end the following new subsection:

“(f)(1) The Secretary may not prohibit the use of a covered service dog in any facility or on any property of the Department or in any facility or on any property that receives funding from the Secretary.

“(2) For purposes of this subsection, a covered service dog is a service dog that has been trained by an entity that is accredited by an appropriate accrediting body that evaluates and accredits organizations which train guide or service dogs.”

SEC. 110. RECOGNITION OF RURAL HEALTH RESOURCE CENTERS IN OFFICE OF RURAL HEALTH.

Section 7308 is amended by adding at the end the following new subsection:

“(d) **RURAL HEALTH RESOURCE CENTERS.**—(1) There are, in the Office, veterans rural health resource centers that serve as satellite offices for the Office.

“(2) The veterans rural health resource centers have purposes as follows:

“(A) To improve the understanding of the Office of the challenges faced by veterans living in rural areas.

“(B) To identify disparities in the availability of health care to veterans living in rural areas.

“(C) To formulate practices or programs to enhance the delivery of health care to veterans living in rural areas.

“(D) To develop special practices and products for the benefit of veterans living in

rural areas and for implementation of such practices and products in the Department systemwide.”

SEC. 111. IMPROVEMENTS FOR RECOVERY AND COLLECTION OF AMOUNTS FOR DEPARTMENT OF VETERANS AFFAIRS MEDICAL CARE COLLECTIONS FUND.

(a) **DEVELOPMENT AND IMPLEMENTATION OF PLAN FOR RECOVERY AND COLLECTION.**—

(1) **IN GENERAL.**—Not later than 270 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall develop and implement a plan to ensure the recovery and collection of amounts under the provisions of law described in section 1729A(b) of title 38, United States Code, for deposit in the Department of Veterans Affairs Medical Care Collections Fund.

(2) **ELEMENTS.**—The plan required by paragraph (1) shall include the following:

(A) An effective process to identify billable fee claims.

(B) Effective and practicable policies and procedures that ensure recovery and collection of amounts described in section 1729A(b) of such title.

(C) The training of employees of the Department, on or before September 30, 2013, who are responsible for the recovery or collection of such amounts to enable such employees to comply with the process required by subparagraph (A) and the policies and procedures required by subparagraph (B).

(D) Fee revenue goals for the Department.

(E) An effective monitoring system to ensure achievement of goals described in subparagraph (D) and compliance with the policies and procedures described in subparagraph (B).

(b) **MONITORING OF THIRD-PARTY COLLECTIONS.**—The Secretary shall monitor the recovery and collection of amounts from third parties (as defined in section 1729(i) of such title) for deposit in such fund.

SEC. 112. EXTENSION OF AUTHORITY FOR COPAYMENTS.

Section 1710(f)(2)(B) is amended by striking “September 30, 2012” and inserting “September 30, 2013”.

SEC. 113. EXTENSION OF AUTHORITY FOR RECOVERY OF COST OF CERTAIN CARE AND SERVICES.

Section 1729(a)(2)(E) is amended by striking “October 1, 2012” and inserting “October 1, 2013”.

TITLE II—HOUSING MATTERS

SEC. 201. SHORT TITLE.

This title may be cited as the “Andrew Connelly Veterans Housing Act”.

SEC. 202. TEMPORARY EXPANSION OF ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING ASSISTANCE FOR CERTAIN VETERANS WITH DISABILITIES CAUSING DIFFICULTY WITH AMBULATING.

(a) **IN GENERAL.**—Paragraph (2) of section 2101(a) is amended to read as follows:

“(2)(A) A veteran is described in this paragraph if the veteran—

“(i) is entitled to compensation under chapter 11 of this title for a permanent and total service-connected disability that meets any of the criteria described in subparagraph (B); or

“(ii) served in the Armed Forces on or after September 11, 2001, and is entitled to compensation under chapter 11 of this title for a permanent service-connected disability that meets the criterion described in subparagraph (C).

“(B) The criteria described in this subparagraph are as follows:

“(i) The disability is due to the loss, or loss of use, of both lower extremities such as to

preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

“(ii) The disability is due to—

“(I) blindness in both eyes, having only light perception, plus (ii) loss or loss of use of one lower extremity.

“(iii) The disability is due to the loss or loss of use of one lower extremity together with—

“(I) residuals of organic disease or injury; or

“(II) the loss or loss of use of one upper extremity,

which so affect the functions of balance or propulsion as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair.

“(iv) The disability is due to the loss, or loss of use, of both upper extremities such as to preclude use of the arms at or above the elbows.

“(v) The disability is due to a severe burn injury (as determined pursuant to regulations prescribed by the Secretary).

“(C) The criterion described in this subparagraph is that the disability—

“(i) was incurred on or after September 11, 2001; and

“(ii) is due to the loss or loss of use of one or more lower extremities which so affects the functions of balance or propulsion as to preclude ambulating without the aid of braces, crutches, canes, or a wheelchair.”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2012.

(c) **SUNSET.**—Subsection (a) of section 2101 is amended—

(1) in paragraph (1), by striking “to paragraph (3)” and inserting “to paragraphs (3) and (4)”; and

(2) by adding at the end the following new paragraph:

“(4) The Secretary’s authority to furnish assistance under paragraph (1) to a disabled veteran described in paragraph (2)(A)(ii) shall apply only with respect to applications for such assistance approved by the Secretary on or before September 30, 2013.”

SEC. 203. EXPANSION OF ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING ASSISTANCE FOR VETERANS WITH VISION IMPAIRMENT.

(a) **IN GENERAL.**—Paragraph (2) of section 2101(b) is amended to read as follows:

“(2) A veteran is described in this paragraph if the veteran is entitled to compensation under chapter 11 of this title for a service-connected disability that meets any of the following criteria:

“(A) The disability is due to blindness in both eyes, having central visual acuity of 20/200 or less in the better eye with the use of a standard correcting lens. For the purposes of this subparagraph, an eye with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less.

“(B) A permanent and total disability that includes the anatomical loss or loss of use of both hands.

“(C) A permanent and total disability that is due to a severe burn injury (as so determined).”

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall take effect on October 1, 2012.

SEC. 204. REVISED LIMITATIONS ON ASSISTANCE FURNISHED FOR ACQUISITION AND ADAPTATION OF HOUSING FOR DISABLED VETERANS.

(a) **IN GENERAL.**—Subsection (d) of section 2102 is amended to read as follows:

“(d)(1) The aggregate amount of assistance available to an individual under section 2101(a) of this title shall be limited to \$63,780.

“(2) The aggregate amount of assistance available to an individual under section 2101(b) of this title shall be limited to \$12,756.

“(3) No veteran may receive more than three grants of assistance under this chapter.”.

(b) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect on the date that is one year after the date of the enactment of this Act and shall apply with respect to assistance provided under sections 2101(a), 2101(b), and 2102A of title 38, United States Code, after such date.

(c) **MAINTENANCE OF HIGHER RATES.**—The amendment made by subsection (a) shall not be construed to decrease the aggregate amount of assistance available to an individual under the sections described in subsection (b), as most recently increased by the Secretary pursuant to section 2102(e) of such title.

SEC. 205. IMPROVEMENTS TO ASSISTANCE FOR DISABLED VETERANS RESIDING IN HOUSING OWNED BY A FAMILY MEMBER.

(a) **INCREASED ASSISTANCE.**—Subsection (b) of section 2102A is amended—

(1) in paragraph (1), by striking “\$14,000” and inserting “\$28,000”; and

(2) in paragraph (2), by striking “\$2,000” and inserting “\$5,000”.

(b) **INDEXING OF LEVELS OF ASSISTANCE.**—Such subsection is further amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(2) in the matter before subparagraph (A), as redesignated by paragraph (1), by inserting “(1)” before “The”; and

(3) by adding at the end the following new paragraph (2):

“(2) Effective on October 1 of each year (beginning in 2012), the Secretary shall use the same percentage calculated pursuant to section 2102(e) of this title to increase the amounts described in paragraph (1) of this subsection.”.

(c) **EXTENSION OF AUTHORITY FOR ASSISTANCE.**—Subsection (e) of such section is amended by striking “December 31, 2012” and inserting “December 31, 2022”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to assistance furnished in accordance with section 2102A of title 38, United States Code, on or after that date.

SEC. 206. DEPARTMENT OF VETERANS AFFAIRS HOUSING LOAN GUARANTEES FOR SURVIVING SPOUSES OF CERTAIN TOTALLY DISABLED VETERANS.

(a) **IN GENERAL.**—Section 3701(b) is amended by adding at the end the following new paragraph:

“(6) The term ‘veteran’ also includes, for purposes of home loans, the surviving spouse of a veteran who died and who was in receipt of or entitled to receive (or but for the receipt of retired or retirement pay was entitled to receive) compensation at the time of death for a service-connected disability rated totally disabling if—

“(A) the disability was continuously rated totally disabling for a period of 10 or more years immediately preceding death;

“(B) the disability was continuously rated totally disabling for a period of not less than five years from the date of such veteran’s discharge or other release from active duty; or

“(C) the veteran was a former prisoner of war who died after September 30, 1999, and the disability was continuously rated totally

disabling for a period of not less than one year immediately preceding death.”.

(b) **EFFECTIVE DATE.**—The amendment made by subsection (a) shall apply with respect to a loan guaranteed after the date of the enactment of this Act.

(c) **CLARIFICATION WITH RESPECT TO CERTAIN FEES.**—Fees shall be collected under section 3729 of title 38, United States Code, from a person described in paragraph (6) of section 3701(b) of such title, as added by subsection (a) of this section, in the same manner as such fees are collected from a person described in paragraph (2) of section 3701(b) of such title.

SEC. 207. OCCUPANCY OF PROPERTY BY DEPENDENT CHILD OF VETERAN FOR PURPOSES OF MEETING OCCUPANCY REQUIREMENT FOR DEPARTMENT OF VETERANS AFFAIRS HOUSING LOANS.

Paragraph (2) of section 3704(c) is amended to read as follows:

“(2) In any case in which a veteran is in active-duty status as a member of the Armed Forces and is unable to occupy a property because of such status, the occupancy requirements of this chapter shall be considered to be satisfied if—

“(A) the spouse of the veteran occupies or intends to occupy the property as a home and the spouse makes the certification required by paragraph (1) of this subsection; or

“(B) a dependent child of the veteran occupies or will occupy the property as a home and the veteran’s attorney-in-fact or legal guardian of the dependent child makes the certification required by paragraph (1) of this subsection.”.

SEC. 208. MAKING PERMANENT PROJECT FOR GUARANTEEING OF ADJUSTABLE RATE MORTGAGES.

Section 3707(a) is amended by striking “demonstration project under this section during fiscal years 1993 through 2012” and inserting “project under this section”.

SEC. 209. MAKING PERMANENT PROJECT FOR INSURING HYBRID ADJUSTABLE RATE MORTGAGES.

Section 3707A(a) is amended by striking “demonstration project under this section during fiscal years 2004 through 2012” and inserting “project under this section”.

SEC. 210. WAIVER OF LOAN FEE FOR INDIVIDUALS WITH DISABILITY RATINGS ISSUED DURING PRE-DISCHARGE PROGRAMS.

Paragraph (2) of section 3729(c) is amended to read as follows:

“(2)(A) A veteran described in subparagraph (B) shall be treated as receiving compensation for purposes of this subsection as of the date of the rating described in such subparagraph without regard to whether an effective date of the award of compensation is established as of that date.

“(B) A veteran described in this subparagraph is a veteran who is rated eligible to receive compensation—

“(i) as the result of a pre-discharge disability examination and rating; or

“(ii) based on a pre-discharge review of existing medical evidence (including service medical and treatment records) that results in the issuance of a memorandum rating.”.

SEC. 211. MODIFICATION OF AUTHORITIES FOR ENHANCED-USE LEASES OF REAL PROPERTY.

(a) **SUPPORTIVE HOUSING DEFINED.**—Section 8161 is amended by adding at the end the following new paragraph:

“(3) The term ‘supportive housing’ means housing that engages tenants in on-site and community-based support services for veterans or their families that are at risk of

homelessness or are homeless. Such term may include the following:

“(A) Transitional housing.

“(B) Single-room occupancy.

“(C) Permanent housing.

“(D) Congregate living housing.

“(E) Independent living housing.

“(F) Assisted living housing.

“(G) Other modalities of housing.”.

(b) **MODIFICATION OF LIMITATIONS ON ENHANCED USE LEASES.**—

(1) **IN GENERAL.**—Paragraph (2) of section 8162(a) is amended to read as follows:

“(2) The Secretary may enter into an enhanced-use lease only for the provision of supportive housing and the lease is not inconsistent with and will not adversely affect the mission of the Department.”.

(2) **EFFECTIVE DATE.**—

(A) **IN GENERAL.**—Paragraph (2) of section 8162(a) of title 38, United States Code, as amended by paragraph (1), shall take effect on January 1, 2012, and shall apply with respect to enhanced-use leases entered into on or after such date.

(B) **PREVIOUS LEASES.**—Any enhanced-use lease that the Secretary has entered into prior to the date described in subparagraph (A) shall be subject to the provisions of subchapter V of chapter 81 of such title, as in effect on the day before the date of the enactment of this Act.

(c) **CONSIDERATION FOR AND TERMS OF ENHANCED-USE LEASES.**—

(1) **IN GENERAL.**—Section 8162(b) is amended—

(A) in paragraph (1), by striking “(A) If the Secretary” and all that follows through “under subparagraph (A).” and inserting the following: “If the Secretary has determined that a property should be leased to another party through an enhanced-use lease, the Secretary shall, at the Secretary’s discretion, select the party with whom the lease will be entered into using such selection procedures as the Secretary considers appropriate.”;

(B) by amending paragraph (3) to read as follows:

“(3)(A) For any enhanced-use lease entered into by the Secretary, the lease consideration provided to the Secretary shall consist solely of cash at fair value as determined by the Secretary.

“(B) The Secretary shall receive no other type of consideration for an enhanced-use lease besides cash.

“(C) The Secretary may enter into an enhanced-use lease without receiving consideration.”;

(C) in paragraph (4), by striking “Secretary to” and all that follows through “use minor” and inserting “Secretary to use minor”; and

(D) by adding at the end the following new paragraphs:

“(5) The terms of an enhanced-use lease may not provide for any acquisition, contract, demonstration, exchange, grant, incentive, procurement, sale, other transaction authority, service agreement, use agreement, lease, or lease-back by the Secretary or Federal Government.

“(6) The Secretary may not enter into an enhanced-use lease without certification in advance in writing by the Director of the Office of Management and Budget that such lease complies with the requirements of this subchapter.”.

(2) **EFFECTIVE DATE.**—Paragraph (3) of section 8162(b), as amended by paragraph (1)(B) of this subsection, shall take effect on January 1, 2012, and shall apply with respect to enhanced-use leases entered into on or after such date.

(d) PROHIBITED ENHANCED-USE LEASES.—Section 8162(c) is amended—

(1) by striking paragraph (2); and
(2) in paragraph (1), by striking “(1) Subject to paragraph (2), the” and inserting “The”.

(e) DISPOSITION OF LEASED PROPERTY.—Subsection (b) of section 8164 is amended to read as follows:

“(b) A disposition under this section may be made in return for cash at fair value as the Secretary determines is in the best interest of the United States and upon such other terms and conditions as the Secretary considers appropriate.”

(f) USE OF AMOUNTS RECEIVED FOR DISPOSITION OF LEASED PROPERTY.—Section 8165(a)(2) is amended by striking “in the Department of Veterans Affairs Capital Asset Fund established under section 8118 of this title” and inserting “into the Department of Veterans Affairs Construction, Major Projects account or Construction, Minor Projects account, as the Secretary considers appropriate”.

(g) CONSTRUCTION STANDARDS.—Section 8166 is amended to read as follows:

“§ 8166. Construction standards

“The construction, alteration, repair, remodeling, or improvement of a property that is the subject of an enhanced-use lease shall be carried out so as to comply with all applicable provisions of Federal, State, and local law relating to land use, building standards, permits, and inspections.”

(h) EXEMPTION FROM STATE AND LOCAL TAXES.—Section 8167 is amended to read as follows:

“§ 8167. Exemption from State and local taxes

“(a) IMPROVEMENTS AND OPERATIONS NOT EXEMPTED.—The improvements and operations on land leased by a person with an enhanced-use lease from the Secretary shall be subject to all applicable provisions of Federal, State, or local law relating to taxation, fees, and assessments.

“(b) UNDERLYING FEE TITLE INTEREST EXEMPTED.—The underlying fee title interest of the United States in any land subject to an enhanced-use lease shall not be subject, directly or indirectly, to any provision of State or local law relating to taxation, fees, or assessments.”

(i) ANNUAL REPORTS.—

(1) IN GENERAL.—Subchapter V of chapter 81 is amended by inserting after section 8167 the following new section:

“§ 8168. Annual reports

“(a) REPORT ON ADMINISTRATION OF LEASES.—Not later than 120 days after the date of the enactment of the Honoring America’s Veterans and Caring for Camp Lejeune Families Act of 2012 and not less frequently than once each year thereafter, the Secretary shall submit to Congress a report identifying the actions taken by the Secretary to implement and administer enhanced-use leases.

“(b) REPORT ON LEASE CONSIDERATION.—Each year, as part of the annual budget submission of the President to Congress under section 1105(a) of title 31, the Secretary shall submit to Congress a detailed report of the consideration received by the Secretary for each enhanced-use lease under this subchapter, along with an overview of how the Secretary is utilizing such consideration to support veterans.”

(2) ELEMENTS OF INITIAL REPORT.—The first report submitted by the Secretary under section 8168(a) of title 38, United States Code, as added by paragraph (1), shall include a summary of those measures the Secretary is tak-

ing to address the following recommendations from the February 9, 2012, audit report of the Department of Veterans Affairs Office of Inspector General on enhanced-use leases under subchapter V of chapter 81 of title 38, United States Code:

(A) Improve standards to ensure complete lease agreements are negotiated in line with strategic goals of the Department of Veterans Affairs.

(B) Institute improved policies and procedures to govern activities such as monitoring enhanced-use lease projects and calculating, classifying, and reporting on enhanced-use lease benefits and expenses.

(C) Recalculate and update enhanced-use lease expenses and benefits reported in the most recent Enhanced-Use Lease Consideration Report of the Department.

(D) Establish improved oversight mechanisms to ensure major enhanced-use lease project decisions are documented and maintained in accordance with policy.

(E) Establish improved criteria to measure timeliness and performance in enhanced-use lease project development and execution.

(F) Establish improved criteria and guidelines for assessing projects to determine whether they are or remain viable candidates for enhanced-use leases.

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 81 is amended by inserting after the item relating to section 8167 the following new item:

“8168. Annual reports.”

(j) EXPIRATION OF AUTHORITY.—Section 8169 is amended by striking “December 31, 2011” and inserting “December 31, 2023”.

(k) EFFECTIVE DATE.—Except as otherwise provided in this section, the amendments made by this section shall take effect on the date of the enactment of this Act.

TITLE III—HOMELESS MATTERS

SEC. 301. ENHANCEMENT OF COMPREHENSIVE SERVICE PROGRAMS.

(a) ENHANCEMENT OF GRANTS.—Section 2011 is amended—

(1) in subsection (b)(1)(A), by striking “expansion, remodeling, or alteration of existing buildings, or acquisition of facilities,” and inserting “new construction of facilities, expansion, remodeling, or alteration of existing facilities, or acquisition of facilities,”; and

(2) in subsection (c)—

(A) in the first sentence, by striking “A grant” and inserting “(1) A grant”;

(B) in the second sentence of paragraph (1), as designated by subparagraph (A), by striking “The amount” and inserting the following:

“(2) The amount”; and

(C) by adding at the end the following new paragraph:

“(3)(A) The Secretary may not deny an application from an entity that seeks a grant under this section to carry out a project described in subsection (b)(1)(A) solely on the basis that the entity proposes to use funding from other private or public sources, if the entity demonstrates that a private nonprofit organization will provide oversight and site control for the project.

“(B) In this paragraph, the term ‘private nonprofit organization’ means the following: “(i) An incorporated private institution, organization, or foundation—

“(I) that has received, or has temporary clearance to receive, tax-exempt status under paragraph (2), (3), or (19) of section 501(c) of the Internal Revenue Code of 1986;

“(II) for which no part of the net earnings of the institution, organization, or founda-

tion inures to the benefit of any member, founder, or contributor of the institution, organization, or foundation; and

“(III) that the Secretary determines is financially responsible.

“(ii) A for-profit limited partnership or limited liability company, the sole general partner or manager of which is an organization that is described by subclauses (I) through (III) of clause (i).

“(iii) A corporation wholly owned and controlled by an organization that is described by subclauses (I) through (III) of clause (i).”

(b) GRANT AND PER DIEM PAYMENTS.—

(1) STUDY AND DEVELOPMENT OF FISCAL CONTROLS AND PAYMENT METHOD.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall—

(A) complete a study of all matters relating to the method used by the Secretary to make per diem payments under section 2012(a) of title 38, United States Code, including changes anticipated by the Secretary in the cost of furnishing services to homeless veterans and accounting for costs of providing such services in various geographic areas;

(B) develop more effective and efficient procedures for fiscal control and fund accounting by recipients of grants under sections 2011, 2012, and 2061 of such title; and

(C) develop a more effective and efficient method for adequately reimbursing recipients of grants under section 2011 of such title for services furnished to homeless veterans.

(2) CONSIDERATION.—In developing the method required by paragraph (1)(C), the Secretary may consider payments and grants received by recipients of grants described in such paragraph from other departments and agencies of Federal and local governments and from private entities.

(3) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary shall submit to Congress a report on—

(A) the findings of the Secretary with respect to the study required by subparagraph (A) of paragraph (1);

(B) the methods developed under subparagraphs (B) and (C) of such paragraph; and

(C) any recommendations of the Secretary for revising the method described in subparagraph (A) of such paragraph and any legislative action the Secretary considers necessary to implement such method.

SEC. 302. MODIFICATION OF AUTHORITY FOR PROVISION OF TREATMENT AND REHABILITATION TO CERTAIN VETERANS TO INCLUDE PROVISION OF TREATMENT AND REHABILITATION TO HOMELESS VETERANS WHO ARE NOT SERIOUSLY MENTALLY ILL.

Section 2031(a) is amended in the matter before paragraph (1) by striking “, including” and inserting “and to”.

SEC. 303. MODIFICATION OF GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.

(a) INCLUSION OF ENTITIES ELIGIBLE FOR COMPREHENSIVE SERVICE PROGRAM GRANTS AND PER DIEM PAYMENTS FOR SERVICES TO HOMELESS VETERANS.—Subsection (a) of section 2061 is amended—

(1) by striking “to grant and per diem providers” and inserting “to entities eligible for grants and per diem payments under sections 2011 and 2012 of this title”; and

(2) by striking “by those facilities and providers” and inserting “by those facilities and entities”.

(b) INCLUSION OF MALE HOMELESS VETERANS WITH MINOR DEPENDENTS.—Subsection (b) of such section is amended—

(1) in paragraph (1), by striking “, including women who have care of minor dependents”;

(2) in paragraph (3), by striking “or”;

(3) in paragraph (4), by striking the period at the end and inserting “; or”; and

(4) by adding at the end the following new paragraph:

“(5) individuals who have care of minor dependents.”.

(c) **AUTHORIZATION OF PROVISION OF SERVICES TO DEPENDENTS.**—Such section is further amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection (c):

“(c) **PROVISION OF SERVICES TO DEPENDENTS.**—A recipient of a grant under subsection (a) may use amounts under the grant to provide services directly to a dependent of a homeless veteran with special needs who is under the care of such homeless veteran while such homeless veteran receives services from the grant recipient under this section.”.

SEC. 304. COLLABORATION IN PROVISION OF CASE MANAGEMENT SERVICES TO HOMELESS VETERANS IN SUPPORTED HOUSING PROGRAM.

(a) **IN GENERAL.**—The Secretary of Veterans Affairs shall consider entering into contracts or agreements, under sections 513 and 8153 of title 38, United States Code, with eligible entities to collaborate with the Secretary in the provision of case management services to covered veterans as part of the supported housing program carried out under section 8(o)(19) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)(19)) to ensure that the homeless veterans facing the most significant difficulties in obtaining suitable housing receive the assistance they require to obtain such housing.

(b) **COVERED VETERANS.**—For purposes of this section, a covered veteran is any veteran who, at the time of receipt of a housing voucher under such section 8(o)(19)—

(1) requires the assistance of a case manager in obtaining suitable housing with such voucher; and

(2) is having difficulty obtaining the amount of such assistance the veteran requires, including because—

(A) the veteran resides in an area that has a shortage of low-income housing and because of such shortage the veteran requires more assistance from a case manager than the Secretary otherwise provides;

(B) the location in which the veteran resides is located at such distance from facilities of the Department of Veterans Affairs as makes the provision of case management services by the Secretary to such veteran impractical; or

(C) the veteran resides in an area where veterans who receive case management services from the Secretary under such section have a significantly lower average rate of successfully obtaining suitable housing than the average rate of successfully obtaining suitable housing for all veterans receiving such services.

(c) **ELIGIBLE ENTITIES.**—For purposes of this section, an eligible entity is any State or local government agency, tribal organization (as such term is defined in section 4 of the Indian Self Determination and Education Assistance Act (25 U.S.C. 450b)), or nonprofit organization that—

(1) under a contract or agreement described in subsection (a), agrees—

(A) to ensure access to case management services by covered veterans on an as-needed basis;

(B) to maintain referral networks for covered veterans for purposes of assisting covered veterans in demonstrating eligibility for assistance and additional services under entitlement and assistance programs available for covered veterans, and to otherwise aid covered veterans in obtaining such assistance and services;

(C) to ensure the confidentiality of records maintained by the entity on covered veterans receiving services through the supported housing program described in subsection (a);

(D) to establish such procedures for fiscal control and fund accounting as the Secretary of Veterans Affairs considers appropriate to ensure proper disbursement and accounting of funds under a contract or agreement entered into by the entity as described in subsection (a);

(E) to submit to the Secretary each year, in such form and such manner as the Secretary may require, a report on the collaboration undertaken by the entity under a contract or agreement described in such subsection during the most recent fiscal year, including a description of, for the year covered by the report—

(i) the services and assistance provided to covered veterans as part of such collaboration;

(ii) the process by which covered veterans were referred to the entity for such services and assistance;

(iii) the specific goals jointly set by the entity and the Secretary for the provision of such services and assistance and whether the entity achieved such goals; and

(iv) the average length of time taken by a covered veteran who received such services and assistance to successfully obtain suitable housing and the average retention rate of such a veteran in such housing; and

(F) to meet such other requirements as the Secretary considers appropriate for purposes of providing assistance to covered veterans in obtaining suitable housing; and

(2) has demonstrated experience in—

(A) identifying and serving homeless veterans, especially those who have the greatest difficulty obtaining suitable housing;

(B) working collaboratively with the Department of Veterans Affairs or the Department of Housing and Urban Development;

(C) conducting outreach to, and maintaining relationships with, landlords to encourage and facilitate participation by landlords in supported housing programs similar to the supported housing program described in subsection (a);

(D) mediating disputes between landlords and veterans receiving assistance under such supported housing program; and

(E) carrying out such other activities as the Secretary of Veterans Affairs considers appropriate.

(d) **CONSULTATION.**—In considering entering into contracts or agreements as described in subsection (a), the Secretary of Veterans Affairs shall consult with—

(1) the Secretary of Housing and Urban Development; and

(2) third parties that provide services as part of the Department of Housing and Urban Development continuum of care.

(e) **TECHNICAL ASSISTANCE FOR COLLABORATING ENTITIES.**—

(1) **IN GENERAL.**—The Secretary may provide training and technical assistance to entities with whom the Secretary collaborates in the provision of case management services to veterans as part of the supported housing program described in subsection (a).

(2) **GRANTS.**—The Secretary may provide training and technical assistance under para-

graph (1) through the award of grants or contracts to appropriate public and nonprofit private entities.

(3) **FUNDING.**—From amounts appropriated or otherwise made available to the Secretary in the Medical Services account in a year, \$500,000 shall be available to the Secretary in that year to carry out this subsection.

(f) **ANNUAL REPORT.**—

(1) **IN GENERAL.**—Not later than 545 days after the date of the enactment of this Act and not less frequently than once each year thereafter, the Secretary of Veterans Affairs shall submit to Congress a report on the collaboration between the Secretary and eligible entities in the provision of case management services as described in subsection (a) during the most recently completed fiscal year.

(2) **ELEMENTS.**—Each report required by paragraph (1) shall include, for the period covered by the report, the following:

(A) A discussion of each case in which a contract or agreement described in subsection (a) was considered by the Secretary, including a description of whether or not and why the Secretary chose or did not choose to enter into such contract or agreement.

(B) The number and types of eligible entities with whom the Secretary has entered into a contract or agreement as described in subsection (a).

(C) A description of the geographic regions in which such entities provide case management services as described in such subsection.

(D) A description of the number and types of covered veterans who received case management services from such entities under such contracts or agreements.

(E) An assessment of the performance of each eligible entity with whom the Secretary entered into a contract or agreement as described in subsection (a).

(F) An assessment of the benefits to covered veterans of such contracts and agreements.

(G) A discussion of the benefits of increasing the ratio of case managers to recipients of vouchers under the supported housing program described in such subsection to veterans who reside in rural areas.

(H) Such recommendations for legislative or administrative action as the Secretary considers appropriate for the improvement of collaboration in the provision of case management services under such supported housing program.

SEC. 305. EXTENSIONS OF PREVIOUSLY FULLY FUNDED AUTHORITIES AFFECTING HOMELESS VETERANS.

(a) **COMPREHENSIVE SERVICE PROGRAMS.**—Section 2013 is amended by striking paragraph (5) and inserting the following new paragraphs:

“(5) \$250,000,000 for fiscal year 2013.

“(6) \$150,000,000 for fiscal year 2014 and each subsequent fiscal year.”.

(b) **HOMELESS VETERANS REINTEGRATION PROGRAMS.**—Section 2021(e)(1)(F) is amended by striking “2012” and inserting “2013”.

(c) **FINANCIAL ASSISTANCE FOR SUPPORTIVE SERVICES FOR VERY LOW-INCOME VETERAN FAMILIES IN PERMANENT HOUSING.**—Section 2044(e)(1) is amended by adding at the end the following new subparagraph:

“(E) \$300,000,000 for fiscal year 2013.”.

(d) **GRANT PROGRAM FOR HOMELESS VETERANS WITH SPECIAL NEEDS.**—Section 2061(c)(1) is amended by striking “through 2012” and inserting “through 2013”.

TITLE IV—EDUCATION MATTERS**SEC. 401. AGGREGATE AMOUNT OF EDUCATIONAL ASSISTANCE AVAILABLE TO INDIVIDUALS WHO RECEIVE BOTH SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE AND OTHER VETERANS AND RELATED EDUCATIONAL ASSISTANCE.**

(a) AGGREGATE AMOUNT AVAILABLE.—Section 3695 is amended—

(1) in subsection (a)(4), by striking “35,”; and

(2) by adding at the end the following new subsection:

“(c) The aggregate period for which any person may receive assistance under chapter 35 of this title, on the one hand, and any of the provisions of law referred to in subsection (a), on the other hand, may not exceed 81 months (or the part-time equivalent thereof).”

(b) APPLICABILITY.—The amendment made by subsection (a) shall take effect on October 1, 2013, and shall not operate to revive any entitlement to assistance under chapter 35 of title 38, United States Code, or the provisions of law referred to in section 3695(a) of such title, as in effect on the day before such date, that was terminated by reason of the operation of section 3695(a) of such title, as so in effect, before such date.

(c) REVIVAL OF ENTITLEMENT REDUCED BY PRIOR UTILIZATION OF CHAPTER 35 ASSISTANCE.—

(1) IN GENERAL.—Subject to paragraph (2), in the case of an individual whose period of entitlement to assistance under a provision of law referred to in section 3695(a) of title 38, United States Code (other than chapter 35 of such title), as in effect on September 30, 2013, was reduced under such section 3695(a), as so in effect, by reason of the utilization of entitlement to assistance under chapter 35 of such title before October 1, 2013, the period of entitlement to assistance of such individual under such provision shall be determined without regard to any entitlement so utilized by the individual under chapter 35 of such title.

(2) LIMITATION.—The maximum period of entitlement to assistance of an individual under paragraph (1) may not exceed 81 months.

SEC. 402. ANNUAL REPORTS ON POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM AND SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM.

(a) REPORTS REQUIRED.—

(1) IN GENERAL.—Subchapter III of chapter 33 is amended by adding at the end the following new section:

“§ 3325. Reporting requirement

“(a) IN GENERAL.—For each academic year—

“(1) the Secretary of Defense shall submit to Congress a report on the operation of the program provided for in this chapter; and

“(2) the Secretary shall submit to Congress a report on the operation of the program provided for in this chapter and the program provided for under chapter 35 of this title.

“(b) CONTENTS OF SECRETARY OF DEFENSE REPORTS.—The Secretary of Defense shall include in each report submitted under this section—

“(1) information—

“(A) indicating the extent to which the benefit levels provided under this chapter are adequate to achieve the purposes of inducing individuals to enter and remain in the Armed Forces and of providing an adequate level of financial assistance to help meet the cost of pursuing a program of education;

“(B) indicating whether it is necessary for the purposes of maintaining adequate levels of well-qualified active-duty personnel in the Armed Forces to continue to offer the opportunity for educational assistance under this chapter to individuals who have not yet entered active-duty service; and

“(C) describing the efforts under section 3323(b) of this title to inform members of the Armed Forces of the active duty service requirements for entitlement to educational assistance under this chapter and the results from such efforts; and

“(2) such recommendations for administrative and legislative changes regarding the provision of educational assistance to members of the Armed Forces and veterans, and their dependents, as the Secretary of Defense considers appropriate.

“(c) CONTENTS OF SECRETARY OF VETERANS AFFAIRS REPORTS.—The Secretary shall include in each report submitted under this section—

“(1) information concerning the level of utilization of educational assistance and of expenditures under this chapter and under chapter 35 of this title;

“(2) appropriate student outcome measures, such as the number of credit hours, certificates, degrees, and other qualifications earned by beneficiaries under this chapter and chapter 35 of this title during the academic year covered by the report; and

“(3) such recommendations for administrative and legislative changes regarding the provision of educational assistance to members of the Armed Forces and veterans, and their dependents, as the Secretary considers appropriate.

“(d) TERMINATION.—No report shall be required under this section after January 1, 2021.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3324 the following new item:

“3325. Reporting requirement.”

(3) DEADLINE FOR SUBMITTAL OF FIRST REPORT.—The first reports required under section 3325 of title 38, United States Code, as added by paragraph (1), shall be submitted by not later than November 1, 2013.

(b) REPEAL OF REPORT ON ALL VOLUNTEER-FORCE EDUCATIONAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Chapter 30 is amended by striking section 3036.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by striking the item relating to section 3036.

TITLE V—BENEFITS MATTERS**SEC. 501. AUTOMATIC WAIVER OF AGENCY OF ORIGINAL JURISDICTION REVIEW OF NEW EVIDENCE.**

(a) IN GENERAL.—Section 7105 is amended by adding at the end the following new subsection:

“(e)(1) If, either at the time or after the agency of original jurisdiction receives a substantive appeal, the claimant or the claimant's representative, if any, submits evidence to either the agency of original jurisdiction or the Board of Veterans' Appeals for consideration in connection with the issue or issues with which disagreement has been expressed, such evidence shall be subject to initial review by the Board unless the claimant or the claimant's representative, as the case may be, requests in writing that the agency of original jurisdiction initially review such evidence.

“(2) A request for review of evidence under paragraph (1) shall accompany the submittal of the evidence.”

(b) EFFECTIVE DATE.—Subsection (e) of such section, as added by subsection (a), shall take effect on the date that is 180 days after the date of the enactment of this Act, and shall apply with respect to claims for which a substantive appeal is filed on or after the date that is 180 days after the date of the enactment of this Act.

SEC. 502. AUTHORITY FOR CERTAIN PERSONS TO SIGN CLAIMS FILED WITH SECRETARY OF VETERANS AFFAIRS ON BEHALF OF CLAIMANTS.

(a) IN GENERAL.—Section 5101 is amended—

(1) in subsection (a)—

(A) by striking “A specific” and inserting “(1) A specific”; and

(B) by adding at the end the following new paragraph:

“(2) If an individual has not attained the age of 18 years, is mentally incompetent, or is physically unable to sign a form, a form filed under paragraph (1) for the individual may be signed by a court-appointed representative, a person who is responsible for the care of the individual, including a spouse or other relative, or an attorney in fact or agent authorized to act on behalf of the individual under a durable power of attorney. If the individual is in the care of an institution, the manager or principal officer of the institution may sign the form.”

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by inserting “, signs a form on behalf of an individual to apply for,” after “who applies for”; and

(ii) by inserting “, or TIN in the case that the person is not an individual,” after “of such person”; and

(iii) by striking “dependent” and inserting “claimant, dependent,”; and

(B) in paragraph (2), by inserting “or TIN” after “social security number” each place it appears; and

(3) by adding at the end the following new subsection:

“(d) In this section:

“(1) The term ‘mentally incompetent’ with respect to an individual means that the individual lacks the mental capacity—

“(A) to provide substantially accurate information needed to complete a form; or

“(B) to certify that the statements made on a form are true and complete.

“(2) The term ‘TIN’ has the meaning given the term in section 7701(a)(41) of the Internal Revenue Code of 1986.”

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to claims filed on or after the date of the enactment of this Act.

SEC. 503. IMPROVEMENT OF PROCESS FOR FILING JOINTLY FOR SOCIAL SECURITY AND DEPENDENCY AND INDEMNITY COMPENSATION.

Section 5105 is amended—

(1) in subsection (a)—

(A) by striking “shall” the first place it appears and inserting “may”; and

(B) by striking “Each such form” and inserting “Such forms”; and

(2) in subsection (b), by striking “on such a form” and inserting “on any document indicating an intent to apply for survivor benefits”.

SEC. 504. AUTHORIZATION OF USE OF ELECTRONIC COMMUNICATION TO PROVIDE NOTICE TO CLAIMANTS FOR BENEFITS UNDER LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS.

(a) IN GENERAL.—Section 5103 is amended—

(1) in subsection (a)(1)—

(A) by striking “Upon receipt of a complete or substantially complete application, the” and inserting “The”;

(B) by striking “notify” and inserting “provide to”; and

(C) by inserting “by the most effective means available, including electronic communication or notification in writing, notice” before “of any information”; and

(2) in subsection (b), by adding at the end the following new paragraphs:

“(4) Nothing in this section shall require the Secretary to provide notice for a subsequent claim that is filed while a previous claim is pending if the notice previously provided for such pending claim—

“(A) provides sufficient notice of the information and evidence necessary to substantiate such subsequent claim; and

“(B) was sent within one year of the date on which the subsequent claim was filed.

“(5)(A) This section shall not apply to any claim or issue where the Secretary may award the maximum benefit in accordance with this title based on the evidence of record.

“(B) For purposes of this paragraph, the term ‘maximum benefit’ means the highest evaluation assignable in accordance with the evidence of record, as long as such evidence is adequate for rating purposes and sufficient to grant the earliest possible effective date in accordance with section 5110 of this title.”

(b) CONSTRUCTION.—Nothing in the amendments made by subsection (a) shall be construed as eliminating any requirement with respect to the contents of a notice under section 5103 of title 38, United States Code, that is required under regulations prescribed pursuant to subsection (a)(2) of such section as of the date of the enactment of this Act.

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply with respect to notification obligations of the Secretary of Veterans Affairs on or after such date.

(2) CONSTRUCTION REGARDING APPLICABILITY.—Nothing in this section or the amendments made by this section shall be construed to require the Secretary to carry out notification procedures in accordance with requirements of section 5103 of title 38, United States Code, as in effect on the day before the effective date established in paragraph (1) on or after such effective date.

SEC. 505. DUTY TO ASSIST CLAIMANTS IN OBTAINING PRIVATE RECORDS.

(a) IN GENERAL.—Subsection (b) of section 5103A is amended to read as follows:

“(b) ASSISTANCE IN OBTAINING PRIVATE RECORDS.—(1) As part of the assistance provided under subsection (a), the Secretary shall make reasonable efforts to obtain relevant private records that the claimant adequately identifies to the Secretary.

“(2)(A) Whenever the Secretary, after making such reasonable efforts, is unable to obtain all of the relevant records sought, the Secretary shall notify the claimant that the Secretary is unable to obtain records with respect to the claim. Such a notification shall—

“(i) identify the records the Secretary is unable to obtain;

“(ii) briefly explain the efforts that the Secretary made to obtain such records; and

“(iii) explain that the Secretary will decide the claim based on the evidence of record but that this section does not prohibit the submission of records at a later date if such submission is otherwise allowed.

“(B) The Secretary shall make not less than two requests to a custodian of a private record in order for an effort to obtain relevant private records to be treated as reasonable under this section, unless it is made evident by the first request that a second request would be futile in obtaining such records.

“(3)(A) This section shall not apply if the evidence of record allows for the Secretary to award the maximum benefit in accordance with this title based on the evidence of record.

“(B) For purposes of this paragraph, the term ‘maximum benefit’ means the highest evaluation assignable in accordance with the evidence of record, as long as such evidence is adequate for rating purposes and sufficient to grant the earliest possible effective date in accordance with section 5110 of this title.

“(4) Under regulations prescribed by the Secretary, the Secretary—

“(A) shall encourage claimants to submit relevant private medical records of the claimant to the Secretary if such submission does not burden the claimant; and

“(B) in obtaining relevant private records under paragraph (1), may require the claimant to authorize the Secretary to obtain such records if such authorization is required to comply with Federal, State, or local law.”

(b) PUBLIC RECORDS.—Subsection (c) of such section is amended to read as follows:

“(c) OBTAINING RECORDS FOR COMPENSATION CLAIMS.—(1) In the case of a claim for disability compensation, the assistance provided by the Secretary under this section shall include obtaining the following records if relevant to the claim:

“(A) The claimant’s service medical records and, if the claimant has furnished the Secretary information sufficient to locate such records, other relevant records pertaining to the claimant’s active military, naval, or air service that are held or maintained by a governmental entity.

“(B) Records of relevant medical treatment or examination of the claimant at Department health-care facilities or at the expense of the Department, if the claimant furnishes information sufficient to locate those records.

“(C) Any other relevant records held by any Federal department or agency that the claimant adequately identifies and authorizes the Secretary to obtain.

“(2) Whenever the Secretary attempts to obtain records from a Federal department or agency under this subsection, the efforts to obtain those records shall continue until the records are obtained unless it is reasonably certain that such records do not exist or that further efforts to obtain those records would be futile.”

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall take effect on the date that is 180 days after the date of the enactment of this Act and shall apply with respect to assistance obligations of the Secretary of Veterans Affairs on or after such date.

(2) CONSTRUCTION.—Nothing in this section or the amendments made by this section shall be construed to require the Secretary to carry out assistance in accordance with requirements of section 5103A of title 38, United States Code, as in effect on the day before the effective date established in paragraph (1) on or after such effective date.

SEC. 506. AUTHORITY FOR RETROACTIVE EFFECTIVE DATE FOR AWARDS OF DISABILITY COMPENSATION IN CONNECTION WITH APPLICATIONS THAT ARE FULLY-DEVELOPED AT SUBMITTAL.

Section 5110(b) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

“(2)(A) The effective date of an award of disability compensation to a veteran who submits an application therefor that sets forth an original claim that is fully-developed (as determined by the Secretary) as of the date of submittal shall be fixed in accordance with the facts found, but shall not be earlier than the date that is one year before the date of receipt of the application.

“(B) For purposes of this paragraph, an original claim is an initial claim filed by a veteran for disability compensation.

“(C) This paragraph shall take effect on the date that is one year after the date of the enactment of the Honoring America’s Veterans and Caring for Camp Lejeune Families Act of 2012 and shall not apply with respect to claims filed after the date that is three years after the date of the enactment of such Act.”

SEC. 507. MODIFICATION OF MONTH OF DEATH BENEFIT FOR SURVIVING SPOUSES OF VETERANS WHO DIE WHILE ENTITLED TO COMPENSATION OR PENSION.

(a) SURVIVING SPOUSE BENEFIT FOR MONTH OF VETERAN’S DEATH.—Subsections (a) and (b) of section 5310 are amended to read as follows:

“(a) IN GENERAL.—(1) A surviving spouse of a veteran is entitled to a benefit for the month of the veteran’s death if—

“(A) at the time of the veteran’s death, the veteran was receiving compensation or pension under chapter 11 or 15 of this title; or

“(B) the veteran is determined for purposes of section 5121 or 5121A of this title as having been entitled to receive compensation or pension under chapter 11 or 15 of this title for the month of the veteran’s death.

“(2) The amount of the benefit under paragraph (1) is the amount that the veteran would have received under chapter 11 or 15 of this title, as the case may be, for the month of the veteran’s death had the veteran not died.

“(b) CLAIMS PENDING ADJUDICATION.—If a claim for entitlement to compensation or additional compensation under chapter 11 of this title or pension or additional pension under chapter 15 of this title is pending at the time of a veteran’s death and the check or other payment issued to the veteran’s surviving spouse under subsection (a) is less than the amount of the benefit the veteran would have been entitled to for the month of death pursuant to the adjudication of the pending claim, an amount equal to the difference between the amount to which the veteran would have been entitled to receive under chapter 11 or 15 of this title for the month of the veteran’s death had the veteran not died and the amount of the check or other payment issued to the surviving spouse shall be treated in the same manner as an accrued benefit under section 5121 of this title.”

(b) MONTH OF DEATH BENEFIT EXEMPT FROM DELAYED COMMENCEMENT OF PAYMENT.—Section 5111(c)(1) is amended by striking “apply to” and all that follows through “death occurred” and inserting the following: “not apply to payments made pursuant to section 5310 of this title”.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to deaths that occur on or after that date.

SEC. 508. INCREASE IN RATE OF PENSION FOR DISABLED VETERANS MARRIED TO ONE ANOTHER AND BOTH OF WHOM REQUIRE REGULAR AID AND ATTENDANCE.

(a) IN GENERAL.—Section 1521(f)(2) is amended by striking “\$30,480” and inserting “\$32,433”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 509. EXCLUSION OF CERTAIN REIMBURSEMENTS OF EXPENSES FROM DETERMINATION OF ANNUAL INCOME WITH RESPECT TO PENSIONS FOR VETERANS AND SURVIVING SPOUSES AND CHILDREN OF VETERANS.

(a) IN GENERAL.—Paragraph (5) of section 1503(a) of title 38, United States Code, is amended to read as follows:

“(5) payments regarding reimbursements of any kind (including insurance settlement payments) for expenses related to the repayment, replacement, or repair of equipment, vehicles, items, money, or property resulting from—

“(A) any accident (as defined by the Secretary), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the equipment or vehicle involved at the time immediately preceding the accident;

“(B) any theft or loss (as defined by the Secretary), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the item or the amount of the money (including legal tender of the United States or of a foreign country) involved at the time immediately preceding the theft or loss; or

“(C) any casualty loss (as defined by the Secretary), but the amount excluded under this subclause shall not exceed the greater of the fair market value or reasonable replacement value of the property involved at the time immediately preceding the casualty loss;”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date that is 180 days after the date of the enactment of this Act.

TITLE VI—MEMORIAL, BURIAL, AND CEMETERY MATTERS

SEC. 601. PROHIBITION ON DISRUPTIONS OF FUNERALS OF MEMBERS OR FORMER MEMBERS OF THE ARMED FORCES.

(a) PURPOSE AND AUTHORITY.—

(1) PURPOSE.—The purpose of this section is to provide necessary and proper support for the recruitment and retention of the Armed Forces and militia employed in the service of the United States by protecting the dignity of the service of the members of such Forces and militia, and by protecting the privacy of their immediate family members and other attendees during funeral services for such members.

(2) CONSTITUTIONAL AUTHORITY.—Congress finds that this section is a necessary and proper exercise of its powers under the Constitution, article I, section 8, paragraphs 1, 12, 13, 14, 16, and 18, to provide for the common defense, raise and support armies, provide and maintain a navy, make rules for the government and regulation of the land and naval forces, and provide for organizing and governing such part of the militia as may be employed in the service of the United States.

(b) AMENDMENT TO TITLE 18.—Section 1388 of title 18, United States Code, is amended to read as follows:

“§ 1388. Prohibition on disruptions of funerals of members or former members of the Armed Forces

“(a) PROHIBITION.—For any funeral of a member or former member of the Armed Forces that is not located at a cemetery under the control of the National Cemetery Administration or part of Arlington National Cemetery, it shall be unlawful for any person to engage in an activity during the period beginning 120 minutes before and ending 120 minutes after such funeral, any part of which activity—

“(1)(A) takes place within the boundaries of the location of such funeral or takes place within 300 feet of the point of the intersection between—

“(i) the boundary of the location of such funeral; and

“(ii) a road, pathway, or other route of ingress to or egress from the location of such funeral; and

“(B) includes any individual willfully making or assisting in the making of any noise or diversion—

“(i) that is not part of such funeral and that disturbs or tends to disturb the peace or good order of such funeral; and

“(ii) with the intent of disturbing the peace or good order of such funeral;

“(2)(A) is within 500 feet of the boundary of the location of such funeral; and

“(B) includes any individual—

“(i) willfully and without proper authorization impeding or tending to impede the access to or egress from such location; and

“(ii) with the intent to impede the access to or egress from such location; or

“(3) is on or near the boundary of the residence, home, or domicile of any surviving member of the deceased person's immediate family and includes any individual willfully making or assisting in the making of any noise or diversion—

“(A) that disturbs or tends to disturb the peace of the persons located at such location; and

“(B) with the intent of disturbing such peace.

“(b) PENALTY.—Any person who violates subsection (a) shall be fined under this title or imprisoned for not more than 1 year, or both.

“(c) CIVIL REMEDIES.—

“(1) DISTRICT COURTS.—The district courts of the United States shall have jurisdiction—

“(A) to prevent and restrain violations of this section; and

“(B) for the adjudication of any claims for relief under this section.

“(2) ATTORNEY GENERAL.—The Attorney General may institute proceedings under this section.

“(3) CLAIMS.—Any person, including a surviving member of the deceased person's immediate family, who suffers injury as a result of conduct that violates this section may—

“(A) sue therefor in any appropriate United States district court or in any court of competent jurisdiction; and

“(B) recover damages as provided in subsection (d) and the cost of the suit, including reasonable attorneys' fees.

“(4) ESTOPPEL.—A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by a person or by the United States.

“(d) ACTUAL AND STATUTORY DAMAGES.—

“(1) IN GENERAL.—In addition to any penalty imposed under subsection (b), a violator

of this section is liable in an action under subsection (c) for actual or statutory damages as provided in this subsection.

“(2) ACTIONS BY PRIVATE PERSONS.—A person bringing an action under subsection (c)(3) may elect, at any time before final judgment is rendered, to recover the actual damages suffered by him or her as a result of the violation or, instead of actual damages, an award of statutory damages for each violation involved in the action.

“(3) ACTIONS BY ATTORNEY GENERAL.—In any action under subsection (c)(2), the Attorney General is entitled to recover an award of statutory damages for each violation involved in the action notwithstanding any recovery under subsection (c)(3).

“(4) STATUTORY DAMAGES.—A court may award, as the court considers just, statutory damages in a sum of not less than \$25,000 or more than \$50,000 per violation.

“(e) REBUTTABLE PRESUMPTION.—It shall be a rebuttable presumption that the violation was committed willfully for purposes of determining relief under this section if the violator, or a person acting in concert with the violator, did not have reasonable grounds to believe, either from the attention or publicity sought by the violator or other circumstance, that the conduct of such violator or person would not disturb or tend to disturb the peace or good order of such funeral, impede or tend to impede the access to or egress from such funeral, or disturb or tend to disturb the peace of any surviving member of the deceased person's immediate family who may be found on or near the residence, home, or domicile of the deceased person's immediate family on the date of the service or ceremony.

“(f) DEFINITIONS.—In this section—

“(1) the term ‘Armed Forces’ has the meaning given the term in section 101 of title 10 and includes members and former members of the National Guard who were employed in the service of the United States; and

“(2) the term ‘immediate family’ means, with respect to a person, the immediate family members of such person, as such term is defined in section 115 of this title.”.

(c) AMENDMENT TO TITLE 38.—

(1) IN GENERAL.—Section 2413 is amended to read as follows:

“§ 2413. Prohibition on certain demonstrations and disruptions at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery

“(a) PROHIBITION.—It shall be unlawful for any person—

“(1) to carry out a demonstration on the property of a cemetery under the control of the National Cemetery Administration or on the property of Arlington National Cemetery unless the demonstration has been approved by the cemetery superintendent or the director of the property on which the cemetery is located; or

“(2) with respect to such a cemetery, to engage in a demonstration during the period beginning 120 minutes before and ending 120 minutes after a funeral, memorial service, or ceremony is held, any part of which demonstration—

“(A)(i) takes place within the boundaries of such cemetery or takes place within 300 feet of the point of the intersection between—

“(I) the boundary of such cemetery; and

“(II) a road, pathway, or other route of ingress to or egress from such cemetery; and

“(ii) includes any individual willfully making or assisting in the making of any noise or diversion—

“(I) that is not part of such funeral, memorial service, or ceremony and that disturbs or tends to disturb the peace or good order of such funeral, memorial service, or ceremony; and

“(II) with the intent of disturbing the peace or good order of such funeral, memorial service, or ceremony; or

“(B)(i) is within 500 feet of the boundary of such cemetery; and

“(ii) includes any individual—

“(I) willfully and without proper authorization impeding or tending to impede the access to or egress from such cemetery; and

“(II) with the intent to impede the access to or egress from such cemetery.

“(b) **PENALTY.**—Any person who violates subsection (a) shall be fined under title 18 or imprisoned for not more than one year, or both.

“(c) **CIVIL REMEDIES.**—(1) The district courts of the United States shall have jurisdiction—

“(A) to prevent and restrain violations of this section; and

“(B) for the adjudication of any claims for relief under this section.

“(2) The Attorney General of the United States may institute proceedings under this section.

“(3) Any person, including a surviving member of the deceased person's immediate family, who suffers injury as a result of conduct that violates this section may—

“(A) sue therefor in any appropriate United States district court or in any court of competent jurisdiction; and

“(B) recover damages as provided in subsection (d) and the cost of the suit, including reasonable attorneys' fees.

“(4) A final judgment or decree rendered in favor of the United States in any criminal proceeding brought by the United States under this section shall estop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by a person or by the United States.

“(d) **ACTUAL AND STATUTORY DAMAGES.**—(1) In addition to any penalty imposed under subsection (b), a violator of this section is liable in an action under subsection (c) for actual or statutory damages as provided in this subsection.

“(2) A person bringing an action under subsection (c)(3) may elect, at any time before final judgment is rendered, to recover the actual damages suffered by him or her as a result of the violation or, instead of actual damages, an award of statutory damages for each violation involved in the action.

“(3) In any action brought under subsection (c)(2), the Attorney General is entitled to recover an award of statutory damages for each violation involved in the action notwithstanding any recovery under subsection (c)(3).

“(4) A court may award, as the court considers just, statutory damages in a sum of not less than \$25,000 or more than \$50,000 per violation.

“(e) **REBUTTABLE PRESUMPTION.**—It shall be a rebuttable presumption that the violation of subsection (a) was committed willfully for purposes of determining relief under this section if the violator, or a person acting in concert with the violator, did not have reasonable grounds to believe, either from the attention or publicity sought by the violator or other circumstance, that the conduct of such violator or person would not—

“(1) disturb or tend to disturb the peace or good order of such funeral, memorial service, or ceremony; or

“(2) impede or tend to impede the access to or egress from such funeral, memorial service, or ceremony.

“(f) **DEFINITIONS.**—In this section—

“(1) the term ‘demonstration’ includes—

“(A) any picketing or similar conduct;

“(B) any oration, speech, use of sound amplification equipment or device, or similar conduct that is not part of a funeral, memorial service, or ceremony;

“(C) the display of any placard, banner, flag, or similar device, unless such a display is part of a funeral, memorial service, or ceremony; and

“(D) the distribution of any handbill, pamphlet, leaflet, or other written or printed matter other than a program distributed as part of a funeral, memorial service, or ceremony; and

“(2) the term ‘immediate family’ means, with respect to a person, the immediate family members of such person, as such term is defined in section 115 of title 18.”

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of chapter 24 is amended by striking the item relating to section 2413 and inserting the following new item:

“2413. Prohibition on certain demonstrations and disruptions at cemeteries under control of the National Cemetery Administration and at Arlington National Cemetery.”

SEC. 602. CODIFICATION OF PROHIBITION AGAINST RESERVATION OF GRAVESITES AT ARLINGTON NATIONAL CEMETERY.

(a) **IN GENERAL.**—Chapter 24 is amended by inserting after section 2410 the following new section:

“§ 2410A. Arlington National Cemetery: other administrative matters

“(a) **ONE GRAVESITE.**—(1) Not more than one gravesite may be provided at Arlington National Cemetery to a veteran or member of the Armed Forces who is eligible for interment or inurnment at such cemetery.

“(2) The Secretary of the Army may waive the prohibition in paragraph (1) as the Secretary of the Army considers appropriate.

“(b) **PROHIBITION AGAINST RESERVATION OF GRAVESITES.**—(1) A gravesite at Arlington National Cemetery may not be reserved for an individual before the death of such individual.

“(2)(A) The President may waive the prohibition in paragraph (1) as the President considers appropriate.

“(B) Upon waiving the prohibition in paragraph (1), the President shall submit notice of such waiver to—

“(i) the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate; and

“(ii) the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives.”

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2410 the following new item:

“2410A. Arlington National Cemetery: other administrative matters.”

(c) **APPLICABILITY.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), section 2410A of title 38, United States Code, as added by subsection (a), shall apply with respect to all interments at Arlington National Cemetery after the date of the enactment of this Act.

(2) **EXCEPTION.**—Subsection (b) of such section, as so added, shall not apply with re-

spect to the interment of an individual for whom a request for a reserved gravesite was approved by the Secretary of the Army before January 1, 1962.

(d) **REPORT.**—

(1) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Army shall submit to Congress a report on reservations made for interment at Arlington National Cemetery.

(2) **ELEMENTS.**—The report required by paragraph (1) shall include the following:

(A) The number of requests for reservation of a gravesite at Arlington National Cemetery that were submitted to the Secretary of the Army before January 1, 1962.

(B) The number of gravesites at such cemetery that, on the day before the date of the enactment of this Act, were reserved in response to such requests.

(C) The number of such gravesites that, on the day before the date of the enactment of this Act, were unoccupied.

(D) A list of all reservations for gravesites at such cemetery that were extended by individuals responsible for management of such cemetery in response to requests for such reservations made on or after January 1, 1962.

(E) A description of the measures that the Secretary is taking to improve the accountability and transparency of the management of gravesite reservations at Arlington National Cemetery.

(F) Such recommendations as the Secretary may have for legislative action as the Secretary considers necessary to improve such accountability and transparency.

SEC. 603. EXPANSION OF ELIGIBILITY FOR PRESIDENTIAL MEMORIAL CERTIFICATES TO PERSONS WHO DIED IN THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE.

Section 112(a) is amended—

(1) by inserting “and persons who died in the active military, naval, or air service,” after “under honorable conditions,”; and

(2) by striking “veteran's” and inserting “deceased individual's”.

SEC. 604. REQUIREMENTS FOR THE PLACEMENT OF MONUMENTS IN ARLINGTON NATIONAL CEMETERY.

Section 2409(b) is amended—

(1) by striking “Under” and inserting “(1) Under”;

(2) by inserting after “Secretary of the Army” the following: “and subject to paragraph (2)”;

(3) by adding at the end the following new paragraphs:

“(2)(A) Except for a monument containing or marking interred remains, no monument (or similar structure, as determined by the Secretary of the Army in regulations) may be placed in Arlington National Cemetery except pursuant to the provisions of this subsection.

“(B) A monument may be placed in Arlington National Cemetery if the monument commemorates—

“(i) the service in the Armed Forces of the individual, or group of individuals, whose memory is to be honored by the monument; or

“(ii) a particular military event.

“(C) No monument may be placed in Arlington National Cemetery until the end of the 25-year period beginning—

“(i) in the case of the commemoration of service under subparagraph (B)(i), on the last day of the period of service so commemorated; and

“(ii) in the case of the commemoration of a particular military event under subparagraph (B)(ii), on the last day of the period of the event.

“(D) A monument may be placed only in those sections of Arlington National Cemetery designated by the Secretary of the Army for such placement and only on land the Secretary determines is not suitable for burial.

“(E) A monument may only be placed in Arlington National Cemetery if an appropriate nongovernmental entity has agreed to act as a sponsoring organization to coordinate the placement of the monument and—

“(i) the construction and placement of the monument are paid for only using funds from private sources;

“(ii) the Secretary of the Army consults with the Commission of Fine Arts and the Advisory Committee on Arlington National Cemetery before approving the design of the monument; and

“(iii) the sponsoring organization provides for an independent study on the availability and suitability of alternative locations for the proposed monument outside of Arlington National Cemetery.

“(3)(A) The Secretary of the Army may waive the requirement under paragraph (2)(C) in a case in which the monument would commemorate a group of individuals who the Secretary determines—

“(i) has made valuable contributions to the Armed Forces that have been ongoing and perpetual for longer than 25 years and are expected to continue on indefinitely; and

“(ii) has provided service that is of such a character that the failure to place a monument to the group in Arlington National Cemetery would present a manifest injustice.

“(B) If the Secretary waives such requirement under subparagraph (A), the Secretary shall—

“(i) make available on an Internet website notification of the waiver and the rationale for the waiver; and

“(ii) submit to the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate and the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives written notice of the waiver and the rationale for the waiver.

“(4) The Secretary of the Army shall provide notice to the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate and the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives of any monument proposed to be placed in Arlington National Cemetery. During the 60-day period beginning on the date on which such notice is received, Congress may pass a joint resolution of disapproval of the placement of the monument. The proposed monument may not be placed in Arlington National Cemetery until the later of—

“(A) if Congress does not pass a joint resolution of disapproval of the placement of the monument, the date that is 60 days after the date on which notice is received under this paragraph; or

“(B) if Congress passes a joint resolution of disapproval of the placement of the monument, and the President signs a veto of such resolution, the earlier of—

“(i) the date on which either House of Congress votes and fails to override the veto of the President; or

“(ii) the date that is 30 session days after the date on which Congress received the veto and objections of the President.”

TITLE VII—OTHER MATTERS

SEC. 701. ASSISTANCE TO VETERANS AFFECTED BY NATURAL DISASTERS.

(a) ADDITIONAL GRANTS FOR DISABLED VETERANS FOR SPECIALLY ADAPTED HOUSING.—

(1) IN GENERAL.—Chapter 21 is amended by adding at the end the following new section:

“§ 2109. Specially adapted housing destroyed or damaged by natural disasters

“(a) IN GENERAL.—Notwithstanding the provisions of section 2102 and 2102A of this title, the Secretary may provide assistance to a veteran whose home was previously adapted with assistance of a grant under this chapter in the event the adapted home which was being used and occupied by the veteran was destroyed or substantially damaged in a natural or other disaster, as determined by the Secretary.

“(b) USE OF FUNDS.—Subject to subsection (c), assistance provided under subsection (a) shall—

“(1) be available to acquire a suitable housing unit with special fixtures or moveable facilities made necessary by the veteran's disability, and necessary land therefor;

“(2) be available to a veteran to the same extent as if the veteran had not previously received assistance under this chapter; and

“(3) not be deducted from the maximum uses or from the maximum amount of assistance available under this chapter.

“(c) LIMITATIONS.—The amount of the assistance provided under subsection (a) may not exceed the lesser of—

“(1) the reasonable cost, as determined by the Secretary, of repairing or replacing the damaged or destroyed home in excess of the available insurance coverage on such home; or

“(2) the maximum amount of assistance to which the veteran would have been entitled under sections 2101(a), 2101(b), and 2102A of this title had the veteran not obtained previous assistance under this chapter.”

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2108 the following new item:

“2109. Specially adapted housing destroyed or damaged by natural disasters.”

(b) EXTENSION OF SUBSISTENCE ALLOWANCE FOR VETERANS COMPLETING VOCATIONAL REHABILITATION PROGRAM.—Section 3108(a)(2) is amended—

(1) by inserting “(A)” before “In”; and

(2) by adding at the end the following new subparagraph:

“(B) In any case in which the Secretary determines that a veteran described in subparagraph (A) has been displaced as the result of a natural or other disaster while being paid a subsistence allowance under that subparagraph, as determined by the Secretary, the Secretary may extend the payment of a subsistence allowance under such subparagraph for up to an additional two months while the veteran is satisfactorily following a program of employment services described in such subparagraph.”

(c) WAIVER OF LIMITATION ON PROGRAM OF INDEPENDENT LIVING SERVICES AND ASSISTANCE.—Section 3120(e) is amended—

(1) by inserting “(1)” before “Programs”; and

(2) by adding at the end the following new paragraph:

“(2) The limitation in paragraph (1) shall not apply in any case in which the Secretary determines that a veteran described in subsection (b) has been displaced as the result of, or has otherwise been adversely affected in the areas covered by, a natural or other disaster, as determined by the Secretary.”

(d) COVENANTS AND LIENS CREATED BY PUBLIC ENTITIES IN RESPONSE TO DISASTER-RELIEF ASSISTANCE.—Paragraph (3) of section 3703(d) is amended to read as follows:

“(3)(A) Any real estate housing loan (other than for repairs, alterations, or improvements) shall be secured by a first lien on the realty. In determining whether a loan is so secured, the Secretary may either disregard or allow for subordination to a superior lien created by a duly recorded covenant running with the realty in favor of either of the following:

“(i) A public entity that has provided or will provide assistance in response to a major disaster as determined by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.).

“(ii) A private entity to secure an obligation to such entity for the homeowner's share of the costs of the management, operation, or maintenance of property, services, or programs within and for the benefit of the development or community in which the veteran's realty is located, if the Secretary determines that the interests of the veteran borrower and of the Government will not be prejudiced by the operation of such covenant.

“(B) With respect to any superior lien described in subparagraph (A) created after June 6, 1969, the Secretary's determination under clause (ii) of such subparagraph shall have been made prior to the recordation of the covenant.”

(e) AUTOMOBILES AND OTHER CONVEYANCES FOR CERTAIN DISABLED VETERANS AND MEMBERS OF THE ARMED FORCES.—Section 3903(a) is amended—

(1) by striking “No” and inserting “(1) Except as provided in paragraph (2), no”; and

(2) by adding at the end the following new paragraph:

“(2) The Secretary may provide or assist in providing an eligible person with a second automobile or other conveyance under this chapter if—

“(A) the Secretary receives satisfactory evidence that the automobile or other conveyance previously purchased with assistance under this chapter was destroyed—

“(i) as a result of a natural or other disaster, as determined by the Secretary; and

“(ii) through no fault of the eligible person; and

“(B) the eligible person does not otherwise receive from a property insurer compensation for the loss.”

(f) ANNUAL REPORT.—

(1) IN GENERAL.—Each year, the Secretary of Veterans Affairs shall submit to Congress a report on the assistance provided or action taken by the Secretary in the last fiscal year pursuant to the authorities added by the amendments made by this section.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following for the fiscal year covered by the report:

(A) A description of each natural disaster for which assistance was provided or action was taken as described in paragraph (1).

(B) The number of cases or individuals, as the case may be, in which or to whom the Secretary provided assistance or took action as described in paragraph (1).

(C) For each such case or individual, a description of the type or amount of assistance or action taken, as the case may be.

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 702. EXTENSION OF CERTAIN EXPIRING PROVISIONS OF LAW.

(a) POOL OF MORTGAGE LOANS.—Section 3720(h)(2) is amended by striking “December 31, 2011” and inserting “December 31, 2016”.

(b) LOAN FEES.—Section 3729(b)(2) is amended—

(1) in subparagraph (A)—

(A) in clause (iii), by striking “October 1, 2016” and inserting “October 1, 2017”; and

(B) in clause (iv), by striking “October 1, 2016” and inserting “October 1, 2017”;

(2) in subparagraph (B)—

(A) in clause (i), by striking “October 1, 2016” and inserting “October 1, 2017”; and

(B) in clause (ii), by striking “October 1, 2016” and inserting “October 1, 2017”;

(3) in subparagraph (C)—

(A) in clause (i), by striking “October 1, 2016” and inserting “October 1, 2017”; and

(B) in clause (ii), by striking “October 1, 2016” and inserting “October 1, 2017”;

(4) in subparagraph (D)—

(A) in clause (i), by striking “October 1, 2016” and inserting “October 1, 2017”; and

(B) in clause (ii), by striking “October 1, 2016” and inserting “October 1, 2017”.

(c) TEMPORARY ADJUSTMENT OF MAXIMUM HOME LOAN GUARANTY AMOUNT.—Section 501 of the Veterans’ Benefits Improvement Act of 2008 (Public Law 110-389; 122 Stat. 4175; 38 U.S.C. 3703 note) is amended by striking “December 31, 2011” and inserting “December 31, 2014”.

SEC. 703. REQUIREMENT FOR PLAN FOR REGULAR ASSESSMENT OF EMPLOYEES OF VETERANS BENEFITS ADMINISTRATION WHO HANDLE PROCESSING OF CLAIMS FOR COMPENSATION AND PENSION.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a plan that describes how the Secretary will—

(1) regularly assess the skills and competencies of appropriate employees and managers of the Veterans Benefits Administration who are responsible for processing claims for compensation and pension benefits administered by the Secretary;

(2) provide training to those employees whose skills and competencies are assessed as unsatisfactory by the regular assessment described in paragraph (1), to remediate deficiencies in such skills and competencies;

(3) reassess the skills and competencies of employees who receive training as described in paragraph (2); and

(4) take appropriate personnel action if, following training and reassessment as described in paragraphs (2) and (3), respectively, skills and competencies remain unsatisfactory.

SEC. 704. MODIFICATION OF PROVISION RELATING TO REIMBURSEMENT RATE FOR AMBULANCE SERVICES.

Section 111(b)(3)(C) is amended by striking “under subparagraph (B)” and inserting “to or from a Department facility”.

SEC. 705. CHANGE IN COLLECTION AND VERIFICATION OF VETERAN INCOME.

Section 1722(f)(1) is amended by striking “the previous year” and inserting “the most recent year for which information is available”.

SEC. 706. DEPARTMENT OF VETERANS AFFAIRS ENFORCEMENT PENALTIES FOR MISREPRESENTATION OF A BUSINESS CONCERN AS A SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY VETERANS OR AS A SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS.

Subsection (g) of section 8127 is amended—

(1) by striking “Any business” and inserting “(1) Any business”;

(2) in paragraph (1), as so designated—

(A) by inserting “willfully and intentionally” before “misrepresented”; and

(B) by striking “a reasonable period of time, as determined by the Secretary” and inserting “a period of not less than five years”; and

(3) by adding at the end the following new paragraphs:

“(2) In the case of a debarment under paragraph (1), the Secretary shall commence debarment action against the business concern by not later than 30 days after determining that the concern willfully and intentionally misrepresented the status of the concern as described in paragraph (1) and shall complete debarment actions against such concern by not later than 90 days after such determination.

“(3) The debarment of a business concern under paragraph (1) includes the debarment of all principals in the business concern for a period of not less than five years.”.

SEC. 707. QUARTERLY REPORTS TO CONGRESS ON CONFERENCES SPONSORED BY THE DEPARTMENT.

(a) IN GENERAL.—Subchapter I of chapter 5 is amended by adding at the end the following new section:

“§ 517. Quarterly reports to Congress on conferences sponsored by the Department

“(a) QUARTERLY REPORTS REQUIRED.—Not later than 30 days after the end of each fiscal quarter, the Secretary shall submit to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives a report on covered conferences.

“(b) MATTERS INCLUDED.—Each report under subsection (a) shall include the following:

“(1) An accounting of the final costs to the Department of each covered conference occurring during the fiscal quarter preceding the date on which the report is submitted, including the costs related to—

“(A) transportation and parking;

“(B) per diem payments;

“(C) lodging;

“(D) rental of halls, auditoriums, or other spaces;

“(E) rental of equipment;

“(F) refreshments;

“(G) entertainment;

“(H) contractors; and

“(I) brochures or other printed media.

“(2) The total estimated costs to the Department for covered conferences occurring during the fiscal quarter in which the report is submitted.

“(c) COVERED CONFERENCE DEFINED.—In this section, the term ‘covered conference’ means a conference, meeting, or other similar forum that is sponsored or co-sponsored by the Department and is—

“(1) attended by 50 or more individuals, including one or more employees of the Department; or

“(2) estimated to cost the Department at least \$20,000.”.

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding after the item relating to section 516 the following:

“517. Quarterly reports to Congress on conferences sponsored by the Department.”.

(c) EFFECTIVE DATE.—Section 517 of title 38, United States Code, as added by subsection (a), shall take effect on October 1, 2012, and shall apply with respect to the first quarter of fiscal year 2013 and each quarter thereafter.

SEC. 708. PUBLICATION OF DATA ON EMPLOYMENT OF CERTAIN VETERANS BY FEDERAL CONTRACTORS.

Section 4212(d) is amended by adding at the end the following new paragraph:

“(3) The Secretary of Labor shall establish and maintain an Internet website on which the Secretary of Labor shall publicly disclose the information reported to the Secretary of Labor by contractors under paragraph (1).”.

SEC. 709. VETSTAR AWARD PROGRAM.

(a) IN GENERAL.—Section 532 is amended—

(1) by striking “The Secretary may” and inserting “(a) ADVERTISING IN NATIONAL MEDIA.—The Secretary may”; and

(2) by adding at the end the following new subsection:

“(b) VETSTAR AWARD PROGRAM.—(1) The Secretary shall establish an award program, to be known as the ‘VetStar Award Program’, to recognize annually businesses for their contributions to veterans’ employment.

“(2) The Secretary shall establish a process for the administration of the award program, including criteria for—

“(A) categories and sectors of businesses eligible for recognition each year; and

“(B) objective measures to be used in selecting businesses to receive the award.”.

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended by adding at the end the following: “; **VetStar Award Program**”.

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 5 is amended by striking the item relating to section 532 and inserting the following new item:

“532. Authority to advertise in national media; VetStar Award Program.”.

SEC. 710. EXTENDED PERIOD OF PROTECTIONS FOR MEMBERS OF UNIFORMED SERVICES RELATING TO MORTGAGES, MORTGAGE FORECLOSURE, AND EVICTION.

(a) STAY OF PROCEEDINGS AND PERIOD OF ADJUSTMENT OF OBLIGATIONS RELATING TO REAL OR PERSONAL PROPERTY.—Section 303(b) of the Servicemembers Civil Relief Act (50 U.S.C. App. 533(b)) is amended by striking “within 9 months” and inserting “within one year”.

(b) PERIOD OF RELIEF FROM SALE, FORECLOSURE, OR SEIZURE.—Section 303(c) of such Act (50 U.S.C. App. 533(c)) is amended by striking “within 9 months” and inserting “within one year”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

(d) EXTENSION OF SUNSET.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall expire on December 31, 2014.

(2) CONFORMING AMENDMENT.—Subsection (c) of section 2203 of the Housing and Economic Recovery Act of 2008 (Public Law 110-289; 50 U.S.C. App. 533 note) is amended to read as follows:

“(c) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.”.

(3) REVIVAL.—Effective January 1, 2015, the provisions of subsections (b) and (c) of section 303 of the Servicemembers Civil Relief Act (50 U.S.C. App. 533), as in effect on July 29, 2008, are hereby revived.

(e) REPORT.—

(1) IN GENERAL.—Not later than 540 days after the date of the enactment of this Act, the Comptroller General of the United States

shall submit to Congress a report on the protections provided under section 303 of such Act (50 U.S.C. App 533) during the five-year period ending on the date of the enactment of this Act.

(2) ELEMENTS.—The report required by paragraph (1) shall include, for the period described in such paragraph, the following:

(A) An assessment of the effects of such section on the long-term financial well-being of servicemembers and their families.

(B) The number of servicemembers who faced foreclosure during a 90-day period, 270-day period, or 365-day period beginning on the date on which the servicemembers completed a period of military service.

(C) The number of servicemembers who applied for a stay or adjustment under subsection (b) of such section.

(D) A description and assessment of the effect of applying for a stay or adjustment under such subsection on the financial well-being of the servicemembers who applied for such a stay or adjustment.

(E) An assessment of the Secretary of Defense's partnerships with public and private sector entities and recommendations on how the Secretary should modify such partnerships to improve financial education and counseling for servicemembers in order to assist them in achieving long-term financial stability.

(3) PERIOD OF MILITARY SERVICE AND SERVICEMEMBER DEFINED.—In this subsection, the terms "period of military service" and "servicemember" have the meanings given such terms in section 101 of such Act (50 U.S.C. App. 511).

SA 2560 Mr. REID (for Mrs. MURRAY) proposed an amendment to the bill H.R. 1627, to amend title 38, United States Code, to furnish hospital care and medical services to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, to improve the provision of housing assistance to veterans and their families, and for other purposes; as follows:

Amend the title so as to read: "A bill to amend title 38, United States Code, to furnish hospital care and medical services to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, to improve the provision of housing assistance to veterans and their families, and for other purposes."

NOTICE OF HEARING

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HARKIN. Mr. President, I wish to announce that the Committee on Health, Education, Labor, and Pensions will meet in open session on Thursday, July 19, 2012, at 10 a.m. in room 430 of the Dirksen Senate Office Building to conduct a hearing entitled "Making College Affordability a Priority: Promising Practices and Strategies."

For further information regarding this meeting, please contact Spiros Protopsaltis of the committee staff on (202) 224-5501.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on July 18, 2012, at 9:30 a.m., in room 215 of the Dirksen Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on July 18, 2012 at 2:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet during the session of the Senate on July 18, 2012, at 9:30 a.m. to conduct a hearing entitled "Show Me the Money: Improving the Transparency of Federal Spending."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate, on July 18, 2012, at 10 a.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "Improving Forensic Science in the Criminal Justice System."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session on July 18, 2012. The Committee will meet in room 418 of the Senate Russell Office Building, beginning at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. DURBIN. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet during the session of the Senate on July 18, 2012, at 2 p.m., in room 216 of the Hart Senate Office Building to conduct a hearing entitled "Examining Medicare and Medicaid Coordination for Dual-Eligibles."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AVIATION OPERATIONS, SAFETY, AND SECURITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Subcommittee on Aviation Operations, Safety, and Security of the Committee on Commerce, Science, and Transpor-

tation be authorized to meet during the session of the Senate on July 18, 2012, at 3 p.m. in room 253 of the Russell Senate Office Building.

The Committee will hold a hearing entitled, "The Global Competitiveness of the U.S. Aviation Industry: Addressing Competition Issues to Main U.S. Leadership in the Aerospace Market."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs' Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security be authorized to meet during the session of the Senate on July 18, 2012, at 2:30 p.m. to conduct a hearing entitled, "Census: Planning Ahead for 2020."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PRIVACY, TECHNOLOGY, AND THE LAW

Mr. DURBIN. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Privacy, Technology, and the Law, be authorized to meet during the session of the Senate, on July 18, 2012, at 2:30 p.m., in room SD-226 of the Dirksen Senate Office Building, to conduct a hearing entitled "What Facial Recognition Technology Means for Privacy and Civil Liberties."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. WICKER. Mr. President, I ask unanimous consent that LCDR Brian Amador, a Navy fellow in my Senate office, be granted floor privileges for the remainder of the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent that the following staff of the Finance Committee be allowed on the Senate floor for the remainder of the 112th Congress: Avital Barnea, Amanda Bartmann, Harun Dogo, Farrah Freis, Neil Pinney, and Christopher Tausanovitch.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I ask unanimous consent that my Defense fellow, CDR Jeff Bennett, be granted the privilege of the floor for debate on sequestration and consideration of the Defense authorization bill and the Defense appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANDERS. Mr. President, before I begin, on behalf of Senator MERKLEY,

I ask unanimous consent that privileges of the floor be granted to the following member of my staff for the balance of the day, Maya Arrieta Walden.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING AMERICA'S VETERANS AND CARING FOR CAMP LEJEUNE FAMILIES ACT OF 2012

Mr. REID. Mr. President, I ask unanimous consent that the Veterans Affairs Committee be discharged from further consideration of H.R. 1627.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bill by title. The assistant bill clerk read as follows:

A bill (H.R. 1627) to amend title 38, United States Code, to provide for certain requirements for the placement of monuments in Arlington National Cemetery, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mrs. MURRAY. Mr. President, as chairman of the Committee on Veterans' Affairs, I am pleased to speak in support of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012.

I thank my colleagues from the Veterans' Committee for their continuous support of our Nation's veterans—especially my ranking member Senator BURR of North Carolina, for his steadfast advocacy of the government's responsibility to provide health care for the veterans and family members stationed at Camp Lejeune.

In addition, I thank Representatives JEFF MILLER and BOB FILNER, the chairman and ranking Member of the House Committee on Veterans' Affairs, for their hard work in developing this bipartisan, bicameral, and fully paid-for legislation.

With the passage of the Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012, military families affected by contaminated water at Camp Lejeune, NC, would have the health care they need.

These families have waited for decades to get the assistance they need, and they should not be forced to wait any longer.

The legislation would also allow the VA to continue a number of programs that are so critical to helping veterans who have no place to call home.

Currently, the VA can only provide emergency shelter to veterans who are diagnosed with a serious mental illness. But we all know not all homeless veterans are mentally ill. Yet the VA is currently prevented from offering these critical services to all our veterans.

The Honoring America's Veterans and Caring for Camp Lejeune Families Act of 2012 would also make much needed improvements to the VA's hous-

ing programs by expanding the eligibility for the VA's specially adapted housing assistance grants.

These are some of the most disabled veterans in our Nation, and they deserve to be able to move about in their homes freely and safely.

This bill will also help more veterans use telehealth and telemedicine and allow veterans to receive travel assistance for visits to our vet centers. These provisions will especially help our veterans in rural and highly rural areas to access care from the VA.

It will also improve the way the VA reimburses State veterans homes for the care of elderly, seriously disabled veterans.

I know every Member of the Senate has at least one State veterans home in their State. Without this change, some of these homes may have to lay off staffers or be unable to accept more veterans, so it is a very important provision of the bill.

This legislation will also require important policy changes to protect veterans from sexual assault and other threats in the VA's inpatient mental health units and homeless programs.

Finally, we all know veterans continue to find themselves waiting entirely too long for a decision on their claims. This legislation will address the claims backlog by providing the VA with the ability to process appeals much more quickly and by supporting the VA's transformation to a paperless system. It will also make other needed improvements to the claims system, such as ensuring surviving spouses receive proper and timely benefit payments.

Above all, this bill fulfill's the responsibility this Nation has to provide care and service to our veterans and their families. In the case of those families who spent time at Camp Lejeune, this bill gives sick veterans and their families the benefit of the doubt their illness or condition was caused by the water at Camp Lejeune so they can finally get the health care they need.

This is something Congress has done before. When an illness or condition comes about after a veteran's service and any relationship between the veteran's current illness and their service is not readily apparent, the burden of proving the illness is a result of one's service can be insurmountable. In such circumstances, we have presumed a veteran's exposure caused their current condition and got them the help they needed. We have lived up to the responsibility we owed them, which is in the core of this bill.

Many veterans and their families are waiting for the passage of this bill. Our House colleagues are ready and willing to move this forward quickly as well. We did have one concern from the Senator from South Carolina, Mr. DEMINT. We had a very productive conversation, and we now have that language re-

solved and have had a gentleman's agreement to move the bill forward today.

I wish to thank the Senator from South Carolina for his work and effort to get this bill passed. I know our veterans and families across the Nation are waiting.

I thank all our colleagues who have worked so hard on this very critical piece of legislation.

I ask unanimous consent to have printed in the RECORD the Joint Explanatory Statement in relation to this bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT EXPLANATORY STATEMENT FOR CERTAIN PROVISIONS CONTAINED IN THE AMENDMENT TO H.R. 1627, AS AMENDED

The Amendment to H.R. 1627, as passed by the House on May 23, 2011, reflects a Compromise Agreement reached by the House and Senate Committees on Veterans' Affairs (hereinafter, "the Committees") on provisions within the following bills reported during the 112th Congress: H.R. 1627; S. 277; S. 914; S. 951; H.R. 802; H.R. 1484; H.R. 2074; H.R. 2302; H.R. 2349; H.R. 2433; H.R. 4299; and several free-standing provisions.

S. 277, as amended, was reported favorably out of the Senate Committee on August 1, 2011; S. 914, as amended, was reported favorably out of the Senate Committee on October 11, 2011; and S. 951, as amended, was reported favorably out of the Senate Committee on July 18, 2011 (hereinafter, "Senate Bills"). H.R. 802, as amended, passed the House on June 1, 2011; H.R. 1484, as amended, passed the House on May 31, 2011; H.R. 2074, as amended, passed the House on October 11, 2011; H.R. 2302, as amended, passed the House on October 11, 2011; H.R. 2349, as amended, passed the House on October 11, 2011; and H.R. 2433, as amended, passed the House on October 12, 2011 (hereinafter, "House Bills").

The Committees have prepared the following explanation of certain provisions contained in the amendment to H.R. 1627, as amended, to reflect a Compromise Agreement between the Committees. Differences between the provisions contained in the Compromise Agreement and the related provisions of the House Bills and the Senate Bills are noted in this document, except for clerical corrections, conforming changes made necessary by the Compromise Agreement, and minor drafting, technical, and clarifying changes.

TITLE I—HEALTH CARE MATTERS

HOSPITAL CARE AND MEDICAL SERVICES FOR VETERANS STATIONED AT CAMP LEJEUNE, NORTH CAROLINA

Current Law

In a few specific instances, Congress has acted to provide benefits and health care to veterans who may have been exposed to environmental hazards during their military service. On a few occasions, Congress has extended health care and benefits to the children of servicemembers and veterans based on a concern that they were born more susceptible to certain diseases or conditions because of a parent's exposure to an in-service environmental hazard.

Senate Bill

S. 277, as amended, would provide health care benefits through the Department of Veterans Affairs (hereinafter, "VA" or "the

Department”), starting in fiscal year (hereinafter, “FY”) 2013, to certain veterans for any illness that is attributable to the contaminated drinking water on Camp Lejeune. The bill would provide health care benefits to spouses and dependents of veterans for conditions associated with exposure to the contaminated drinking water on Camp Lejeune. The bill would also direct the Secretary of the Department of Defense (hereinafter, “DOD”) to transfer funds to VA to cover the costs of the health care provided to these veterans and their families. In order to pay for the increase in funding for providing health care to veterans and their families, the bill would decrease DOD spending by consolidating its commissaries and exchanges.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 102 of the Compromise Agreement would provide health care benefits through VA to certain veterans and family members who lived aboard Camp Lejeune during the period the drinking water was contaminated and have certain illnesses or conditions. VA would reimburse family members for health care services provided under this section as a final payer to other third party health care plans. Similar to the treatment, under current law, of other exposures, such as Agent Orange and toxins from the Gulf War, the Compromise Agreement includes language that health care may not be provided to veterans or family members if that illness or condition is found by VA to have resulted from a reason other than residence of the family aboard Camp Lejeune. The Compromise Agreement directs VA to report annually on the number of veterans and family members who were provided hospital care and medical services under the Compromise Agreement; the illnesses, conditions, and disabilities for which care and services were provided under the Compromise Agreement; the number of veterans and family members who applied for care and services under the Compromise Agreement but were subsequently denied (including information on the reasons for denial); and the number of veterans and family members who applied for care and services and are awaiting a decision from VA.

The Committees understand that it may take VA some time to implement this section; however, the Committees anticipate the process should be executed as expeditiously as possible to enable eligible veterans and their family members to receive needed care and medical services.

AUTHORITY TO WAIVE COLLECTION OF COPAYMENTS FOR TELEHEALTH AND TELEMEDICINE VISITS OF VETERANS

Current Law

Pursuant to section 1710(g) of title 38, United States Code (hereinafter, “U.S.C.”), VA is required to collect copayments from veterans, who are not otherwise exempted from such copayments under section 1710(a) of title 38, U.S.C., for medical services provided by VA.

Senate Bill

Section 101 of S. 914, as reported, would amend subchapter III of chapter 17 of title 38, U.S.C., by adding a new section 1722B. The new section would authorize VA to waive collections of copayments from veterans for the utilization of telehealth or telemedicine.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 103 of the Compromise Agreement reflects the Senate Bill. The Committees expect that, despite the loss of copayments, the resulting reduction in hospitalizations and in the length of stay per hospitalization will allow VA to deliver health care to veterans in a substantially more efficient and cost-effective manner. In addition to this cost avoidance, veterans’ quality of life should increase through more effective management of chronic medical conditions and reduced time spent in medical facilities.

TEMPORARY EXPANSION OF PAYMENTS AND ALLOWANCES FOR BENEFICIARY TRAVEL IN CONNECTION WITH VETERANS RECEIVING CARE FROM VET CENTERS

Current Law

Section 111 of title 38, U.S.C., authorizes VA to reimburse beneficiaries for travel to VA facilities in connection with care, subject to certain restrictions, at a rate of 41.5 cents per mile.

Senate Bill

Section 103 of S. 914, as reported, would clarify that VA is authorized to pay travel benefits to veterans receiving care at Vet Centers pursuant to existing authority under section 111(a) of title 38, U.S.C. It would also require VA to submit a report to Congress, no later than one year after the enactment of the Senate Bill, on the feasibility and advisability of paying travel benefits to veterans receiving care at Vet Centers. Finally, this section of the Senate Bill would authorize such sums as may be necessary be appropriated for the Department to pay such expenses and allowances for the one-year period following the enactment of the Senate Bill.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 104 of the Compromise Agreement reflects the Senate Bill with a modification to limit the authority to a temporary three-year expansion, and a modification that would limit eligibility for reimbursement under the temporary expansion to only veterans who live in highly rural areas. The Committees note that Vet Centers offer valuable services to veterans but those services are inaccessible to some veterans living in highly rural areas. For instance, an eligible individual living in Glasgow, Montana has to travel five hours each way to receive care at the nearest Vet Center, which is located in Billings, Montana. Another example is an eligible individual living in Liberal, Kansas has to travel four hours each way to receive care at the nearest Vet Center, which is located in Wichita, Kansas.

CONTRACTS AND AGREEMENTS FOR NURSING HOME CARE

Current Law

Section 1745(a)(1) of title 38, U.S.C., requires VA to pay the cost of nursing home care in a State home to veterans in need of such care due to a service-connected disability or with a service-connected disability rated at 70 percent or greater. Section 1745(a)(2) establishes such cost as the lesser of either a prevailing rate determined by VA or the actual cost of care in a State home. Section 1745(a)(3) establishes that such payment shall constitute payment in full.

Senate Bill

Section 109 of S. 914, as reported, would require VA to enter into contracts or agreements with State homes, based on a method-

ology developed in consultation with State homes, to pay for nursing home care provided to certain veterans with service-connected disabilities, and would apply to care provided on or after January 1, 2012.

House Bill

Section 3 of H.R. 2074, as amended, contains a similar provision.

Compromise Agreement

Section 105 of the Compromise Agreement generally reflects this provision except the Compromise Agreement adjusts the effective date from January 1, 2012, to the date 180 days after the date of enactment. The Compromise Agreement also includes a provision that would require VA, at the request of a State home, to offer to enter into a contract or agreement that replicates the reimbursement methodology that was in effect on the day before enactment.

The Committees note that State homes are significantly under compensated by the current reimbursement framework. VA has been aware of and actively assisting with the development of these provisions. The Committees expect VA to make the negotiation and execution of these contracts a top priority—and further expect that no State home will be without a contract on the date that this provision goes into effect. This includes the immediate development of the contract language required under subsection (c)(2) of this section of the Compromise Agreement.

The Committees further expect that VA and the State homes will negotiate equitably and agree upon several elements of all contracts or agreements under this section. First, that reimbursement will be not only adequate but will also reflect the reasonable cost of care provided. Second, that the services for which VA will make reimbursement will be mutually acceptable. Finally, that the contracts will provide appropriately for updating, revising, or renegotiating the contracts as payment rates or other circumstances change.

COMPREHENSIVE POLICY ON REPORTING AND TRACKING SEXUAL ASSAULT INCIDENTS AND OTHER SAFETY INCIDENTS

Current Law

There is no similar provision in current law.

Senate Bill

The Senate Bills contain no similar provision.

House Bill

Section 2 of H.R. 2074, as amended, would amend chapter 17 of title 38, U.S.C., to require VA to develop, by March 1, 2012, a comprehensive policy on sexual assault and other safety incidents to include the: (1) development of clear and comprehensive criteria with respect to the reporting of sexual assault incidents and other safety incidents for both clinical personnel and law enforcement personnel; (2) establishment of an accountable oversight system within VA to report and track sexual assault incidents for all alleged or suspected forms of abuse and unsafe acts; (3) systematic information sharing of reported sexual assault incidents, and a centralized reporting, tracking, and monitoring system to ensure each case is fully investigated and victims receive appropriate treatment; (4) use of specific “risk assessment tools” to examine any danger related to sexual assault that a veteran may pose while being treated, including clear guidance on the collection of information relating to the legal history of the veteran; (5) mandatory training of employees on safety awareness and security; and (6) establishment of

physical security precautions including appropriate surveillance and panic alarm systems that are operable and regularly tested. This section of the House Bill would also require VA to report to the Committees on the development of the policy not later than 30 days after enactment, and to report on the implementation of such policy not later than 60 days after it is put in place and not later than October 1 of each subsequent year.

Compromise Agreement

Section 106 of the Compromise Agreement generally reflects the House Bill but it modifies the date the comprehensive policy is required to be in place from March 1, 2012, to September 30, 2012. The Compromise Agreement also requires VA, in developing the comprehensive policy and risk assessment tools, to consider the effects on veterans' use of mental health and substance abuse treatments, and the ability of VA to refer veterans to such services.

REHABILITATIVE SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY

Current Law

Sections 1710C and 1710D of title 38, U.S.C., direct VA to provide comprehensive care in accordance with individualized rehabilitation plans to veterans with traumatic brain injury (hereinafter, "TBI"). Although these sections of law do not provide a definition of the word "rehabilitation," the phrase "rehabilitative services" is defined in section 1701(8) of title 38, U.S.C., for VA health-care purposes as professional, counseling, and guidance services and treatment programs that are necessary to restore, to the maximum extent possible, the physical, mental, and psychological functioning of an ill or disabled person.

Senate Bill

Section 105 of S. 914, as reported, would amend section 1710C of title 38, U.S.C., to include (1) the goal of maximizing the individual's independence, and (2) improving such veteran's behavioral functioning. Section 105 would also require the inclusion of rehabilitative services in (1) a VA comprehensive program of long-term care for veterans with TBI, and (2) cooperative agreements for the use of non-VA facilities for veterans' rehabilitation from TBI within a program of individualized rehabilitation and reintegration plans for veterans with TBI.

House Bill

Section 4 of H.R. 2074, as amended, contains a similar provision.

Compromise Agreement

Section 107 of the Compromise Agreement contains this provision.

TELECONSULTATION AND TELEMEDICINE

Current Law

There is no similar provision in current law.

Senate Bill

Section 102(a) of S. 914, as reported, would amend subchapter I of chapter 17 of title 38, U.S.C., by adding a new section 1709, which would require VA to create a system for consultation and assessment of mental health, TBI, and other conditions through teleconsultation when a VA medical facility is unable to do so independently.

Section 102(b) of the Senate Bill would require VA to offer opportunities for training in telemedicine to medical residents in facilities that have and utilize telemedicine, consistent with medical residency program standards established by the Accreditation Council for Graduate Medical Education.

Section 102(c) of the Senate Bill would require VA to modify the Veterans Equitable Resource Allocation (hereinafter, "VERA") system to include teleconsultation, teleretinal imaging, telemedicine, and telehealth coordination services. VA would also be required to assess, within one year of modifying the VERA system, the effect on the utilization of telehealth technologies and determine whether additional incentives are necessary to promote their utilization. VA would also be required to include telemedicine visits when calculating facility workload.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 108 of the Compromise Agreement reflects subsections (a) and (b) of the Senate Bill with a modification to specify that the implementation of the teleconsultation program does not preclude the referral of veterans to third-party providers under VA's existing fee-basis or contracting authority.

USE OF SERVICE DOGS ON PROPERTY OF THE DEPARTMENT OF VETERANS AFFAIRS

Current Law

Section 901 of title 38 authorizes VA to prescribe rules to govern conduct on Department property, which is defined as land and buildings under the Department's jurisdiction and not under the control of the Administrator of General Services. Section 1714(c) of title 38, U.S.C., authorizes VA to provide service dogs to veterans who, in order of precedence, are hearing impaired, have spinal cord injuries, or are mentally ill.

Senate Bill

Section 104 of S. 914, as reported, would amend section 1714 of title 38, U.S.C., by adding a new subsection (e), which would require VA to admit full access to all service animals accompanying individuals at every VA facility according to the same regulations that govern the admission of the public to such facilities. The provision would apply not only to service dogs as provided for in section 1714(c) of title 38, U.S.C., but would also include trained service animals that accompany individuals with disabilities not specified by that subsection. Further, VA would be authorized to prohibit service animals from roaming or running free and to require the animals to wear harnesses or leashes and be under the control of an individual at all times while at a Department owned or funded facility.

House Bill

Section 5 of H.R. 2074, as amended, would amend section 901 of title 38, U.S.C., by adding a new subsection (f), which would prohibit VA from refusing to allow the use of service dogs in any facility or on any property owned or funded by the Department.

Compromise Agreement

Section 109 of the Compromise Agreement reflects the House Bill with a modification to specify that the provision applies only to service dogs that have been trained by entities that have been accredited for such work by an appropriate accrediting entity.

RECOGNITION OF RURAL HEALTH RESOURCE CENTERS IN OFFICE OF RURAL HEALTH

Current Law

Section 7308 of title 38, U.S.C., establishes the Office of Rural Health within the Office of the Under Secretary for Health and sets the functions of such Office as: conducting, coordinating, promoting, and disseminating

research into issues affecting rural veterans; working with all Department personnel and offices to develop, refine, and promulgate policies, best practices, lessons learned, and successful programs to improve care and services for rural veterans; designating a rural health coordinator within each Veterans Integrated Service Network; and performing other duties as appropriate.

Senate Bill

Section 106(a) of S. 914, as reported, would create a new section 7330B in title 38, U.S.C., which would require VA, acting through the Director of the Office of Rural Health, to establish and operate centers of excellence for rural health research, education, and clinical activities.

Those centers would be required to perform one or more of the following functions: collaborate with the Veterans Health Administration's Office of Research and Development on rural health research; develop specific models for the Department to furnish care to rural veterans; develop innovative clinical activities and systems of care for rural veterans; and provide education and training on rural health issues for health care professionals.

Section 106(b) of the Senate Bill would further amend title 38, U.S.C., by adding a new subsection (d) to section 7308, which would codify the existence and describe the purposes of rural health resource centers. Rural health resource centers would be required to work to improve the Office of Rural Health's understanding of challenges faced by rural veterans, identify disparities in the availability of health care to rural veterans, create programs to enhance the delivery of health care to rural veterans, and develop best practices and products for VA to use in providing services to rural veterans.

Finally, section 106(c) of the Senate Bill would designate the VA Medical Center (hereinafter, "VAMC") in Fargo, North Dakota, as a center of excellence for rural health research, education, and clinical activities.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 110 of the Compromise Agreement reflects section 106(b) of the Senate Bill.

IMPROVEMENTS FOR RECOVERY AND COLLECTION OF AMOUNTS FOR DEPARTMENT OF VETERANS AFFAIRS MEDICAL CARE COLLECTIONS FUND

Current Law

Section 1729A of title 38, U.S.C., creates within the Treasury the VA Medical Care Collections Fund (hereinafter, "MCCF") in which amounts recovered or collected under several VA collections authorities are to be deposited.

Senate Bill

Section 111 of S. 914, as reported, would require VA to develop and implement, within 180 days of enactment of the Senate Bill, a plan to ensure accurate and full collections by the VA health care system, pursuant to existing authorities for billing and collections. The amounts collected would be required to be deposited in the MCCF. This provision would further require the following elements to be included in the plan: an effective process to identify billable fee claims, effective and practicable policies and procedures to ensure billing and collection using current authorities, training of employees responsible for billing or collection of funds to enable them to comply with the provisions of this section, fee revenue goals for

the Department, and an effective monitoring system to ensure the Department meets fee revenue goals and complies with such policies and procedures.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 111 of the Compromise Agreement reflects the Senate Bill.

EXTENSION OF AUTHORITY FOR COPAYMENTS

Current Law

In relevant part, section 1710(f)(2) of title 38, U.S.C., states that a veteran who is furnished hospital care or nursing home care under this section and who is required to agree to pay a designated amount to the United States in order to be furnished such care, shall be liable to the United States for an amount equal to the lesser of the cost of furnishing such care, the amount determined under paragraph (3) of the section, or \$10 for every day the veteran receives hospital care and \$5 for every day the veteran receives nursing home care, before September 30, 2012.

Senate Bill

The Senate Bills contain no similar provision.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

The Compromise Agreement amends section 1710(f)(2)(B) of title 38, U.S.C., by extending the date of liability from before September 30, 2012, to before September 30, 2013.

EXTENSION OF AUTHORITY FOR RECOVERY OF COST OF CERTAIN CARE AND SERVICES

Current Law

In relevant part, section 1729(a)(2)(E) of title 38, U.S.C., provides that, in any case in which a veteran is furnished care or services under chapter 17 of such title for a non-service-connected disability, the United States has the right to recover or collect reasonable charges for such care or services (as determined by VA) from a third party to the extent that the veteran (or the provider of the care or services) would be eligible to receive payment for such care or services furnished before October 1, 2012, from such third party if the care or services had not been furnished by a department or agency of the United States.

Senate Bill

The Senate Bills contain no similar provision.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 113 of the Compromise Agreement amends section 1729(a)(2)(E) of title 38, U.S.C., by extending the date of liability from before October 1, 2012, to before October 1, 2013.

TITLE II—HOUSING MATTERS

TEMPORARY EXPANSION OF ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING ASSISTANCE FOR CERTAIN VETERANS WITH DISABILITIES CAUSING DIFFICULTY WITH AMBULATING

Current Law

Section 2101(a) of title 38, U.S.C., provides VA with the authority to assist disabled veterans in acquiring suitable housing with special fixtures or movable facilities made necessary by the veteran's disability.

Under section 2101(a)(2), a permanently and totally disabled veteran who has A) loss, or

loss of use, of both lower extremities to the degree that locomotion without the aid of braces, crutches, canes or a wheelchair is precluded; or B) a disability due to blindness in both eyes, having light perception plus the loss, or loss of use, of one lower extremity; or C) a disability due to loss, or loss of use, of one lower extremity with residuals of organic disease or the loss, or loss of use, of one upper extremity that affects balance or propulsion to preclude locomotion without the aid of braces, crutches, canes or a wheelchair; or D) a disability due to the loss, or loss of use, of both upper extremities such as to preclude use of the arms at or above the elbows; or E) a disability due to a severe burn injury, is entitled to grant assistance for housing adaptations.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 201 of the Compromise Agreement would temporarily add certain severe injuries and dismemberment disabilities that affect ambulation to the eligibility criteria for the specially adapted housing program under section 2101(a) of title 38, U.S.C., for those veterans 1) who served on or after September 11, 2001, and 2) became permanently disabled on or after that same date. This expansion of authority would expire on September 30, 2013, and require that VA receive grant applications prior to that date in order to receive consideration.

Because of advances in medical technology, many individuals are surviving traumatic events which past generations of military personnel were not able to survive. However, as a result of these traumatic events, these individuals are left with specific types of physical losses and injuries which often affect their ability to ambulate without assistance. For example, some individuals are returning from the current conflicts with varying degrees of impairment that impact mobility due to the loss or loss of use of one limb, such as a single above the knee amputation.

The Committee intends that this provision assist those individuals with balance problems resulting from traumatic injuries that affect their ability to ambulate. The Committees believe that there are numerous home adaptations available which would maximize physical abilities and enhance the quality of life for individuals with these types of injuries. While these individuals would clearly benefit from home adaptations, VA cannot assist these individuals with home modifications because of existing statutory limitations. Changes to these provisions are necessary in order for VA to be responsive to the growing numbers of these different types of injuries.

Some of these adaptations include: adding a new bathroom or adapting existing bathroom fixtures with features such as grab bars, bath transfer benches, or high-rise toilets; providing non-slip flooring for balance-related issues; and installing special kitchen and laundry appliances (with locations and controls in optimal reach zone) to address safety issues.

EXPANSION OF ELIGIBILITY FOR SPECIALLY ADAPTED HOUSING ASSISTANCE FOR VETERANS WITH VISION IMPAIRMENT

Current Law

Under current law, section 2101(b) of title 38, U.S.C., a veteran with a permanent and

total service-connected disability due to blindness in both eyes has to have visual acuity of 5/200 or less in order to qualify for certain adaptive housing assistance grants.

According to the National Eye Institute, visual acuity is defined as the eye's ability to distinguish object details and shape with good contrast, using the smallest identifiable object that can be seen at a specified distance. It is measured by use of an eye chart and recorded as test distance/target size. Visual acuity of 5/200 means that an individual must be 5 feet away from an eye chart to see a letter that an individual with normal vision could see from 200 feet.

While VA had used the 5/200 or less standard of visual acuity for blindness over the last several decades, a consensus definition of what constitutes "legal blindness" has emerged.

This consensus definition is the statutory definition used for the Social Security disability insurance program and the Supplemental Security Income program and is less stringent than VA's standard, encompassing individuals with lesser degrees of vision impairment. The American Medical Association has espoused this definition since 1934 and defines blindness as a "central visual acuity of 20/200 or less in the better eye with corrective glasses, or central visual acuity of more than 20/200 if there is a visual field defect in which the peripheral field is contracted to such an extent that the widest diameter of the visual field subtends an angular distance no greater than 20 degrees in the better eye."

Recognizing this consensus definition, Public Law (hereinafter, "P.L.") 110-157, the Dr. James Allen Veteran Vision Equity Act of 2007, amended the criteria for receiving special monthly compensation to allow veterans who are very severely disabled as the result of blindness, and other severe disabilities, to be eligible to receive a higher rate of disability compensation if their visual acuity in both eyes is 20/200 or less.

Senate Bill

Section 306 of S. 914, as reported, would amend section 2101(b) of title 38, U.S.C., by requiring central visual acuity of 20/200 or less in the better eye with the use of a standard correcting lens. It also provides that an eye with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered as having a central visual acuity of 20/200 or less.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 202 of the Compromise Agreement reflects the Senate Bill.

REVISED LIMITATIONS ON ASSISTANCE FURNISHED FOR ACQUISITION AND ADAPTATION OF HOUSING FOR DISABLED VETERANS

Current Law

Since 1948, VA has provided adaptive housing assistance grants to eligible individuals who have certain service-connected disabilities to construct an adapted home or modify an existing home to accommodate their disabilities. Today, VA provides adaptive housing assistance primarily through two programs—Specially Adapted Housing (hereinafter, "SAH") and Special Home Adaptation (hereinafter, "SHA"). Both programs are codified under chapter 21 of title 38, U.S.C.

The SAH grant program provides financial assistance to veterans and servicemembers who are entitled to compensation for permanent and total service-connected disability

due to the loss or loss of use of multiple limbs, blindness and limb loss, or a severe burn injury. Eligible individuals may receive up to three SAH grants totaling no more than 50 percent of the cost of a specially adapted house, up to the aggregate maximum amount for FY 2011 of \$63,780. This amount is adjusted annually based on a cost-of-construction index. Grants may be used to construct a house or remodel an existing house, or they may be applied against the unpaid principal mortgage balance of a specially adapted house. The SHA grant program, which is similar to SAH but is for individuals with other disabilities, may be used for slightly different purposes and cannot exceed \$12,756 during FY 2011. This amount is also adjusted annually based on a cost-of-construction index.

P.L. 109-233, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006, authorized VA to expand its previously existing adaptive housing assistance grants to include eligible individuals temporarily living in a home owned by a family member. The Temporary Residence Adaptation (hereinafter, "TRA") benefit, codified at section 2102A of title 38, U.S.C., allows veterans to apply for a grant to adapt the home of a family member with whom they are temporarily residing. The benefit was extended to active duty servicemembers with the passage of P.L. 110-289, the Housing and Economic Recovery Act of 2008. The TRA grant program enables veterans and servicemembers eligible under the SAH and SHA programs to use up to \$14,000 and \$2,000, respectively, to modify a family member's home.

Under current law, section 2102(d) of title 38, U.S.C., each TRA grant counts as one of the three grants allowed under either SAH or SHA. TRA grants also count toward the maximum allowable FY 2011 amount of \$63,780 under SAH and \$12,756 under SHA.

The Government Accountability Office's (hereinafter, "GAO") congressionally mandated reports on the TRA grant program noted the limited participation in the TRA program. GAO found that one of the reasons for the low usage was that veterans often choose to wait to take advantage of benefits to adapt their own home because the TRA grant amount counts against the overall amount available to an individual under the SAH or SHA grant programs. One potential solution GAO identified would be no longer counting TRA grants against the maximum funds available under SAH and SHA.

Senate Bill

Section 307 of S. 914, as reported, would amend section 2102(d) of title 38 to exclude the TRA grant from the aggregate limitations on assistance furnished to an eligible veteran or servicemember pursuant to section 2102 of title 38, U.S.C. TRA grants would no longer be counted against the maximum funds available under SAH and SHA grants.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 203 of the Compromise Agreement reflects the Senate Bill. The Committees believe this change would increase participation in the TRA grant program.

IMPROVEMENTS TO ASSISTANCE FOR DISABLED VETERANS RESIDING IN HOUSING OWNED BY A FAMILY MEMBER

Current Law

P.L. 109-233, the Veterans' Housing Opportunity and Benefits Improvement Act of 2006, authorized VA to expand its previously exist-

ing adaptive housing assistance grants, known as TRA grants, to include eligible individuals temporarily living in a home owned by a family member. The benefit was extended to active duty servicemembers with the passage of P.L. 110-289, the Housing and Economic Recovery Act of 2008.

Under current law, section 2102A of title 38, U.S.C., the TRA grant program allows veterans and servicemembers eligible under the SAH and SHA programs to use up to \$14,000 and \$2,000, respectively, to modify a family member's home. The TRA grant program is scheduled to expire on December 31, 2012.

Section 101 of P.L. 109-233 also required the GAO to submit a report to Congress on VA's implementation of the TRA grant program. The interim report, "Veterans Affairs: Implementation of Temporary Residence Adaptation Grants" (GAO-09-637R), and the final report, "Opportunities Exist to Improve Potential Recipients' Awareness of the Temporary Residence Adaptation Grant" (GAO-10-786) (hereinafter, "GAO Reports"), both noted limited participation in the TRA program. The interim report examined a number of reasons for the low usage, and noted that veterans often choose to wait to take advantage of benefits to adapt their own home because the TRA grant counts against the overall amount available to an individual under the SAH or SHA grant program. One of the potential solutions GAO identified was to increase the maximum benefit available under SAH and SHA.

Senate Bill

Section 305 of S. 914, as reported, would amend section 2102A of title 38, U.S.C., by increasing the amount of assistance available for individuals with permanent and total service-connected disabilities that meet the criteria of section 2101(a)(2) of title 38, U.S.C., from \$14,000 to \$28,000. It would increase the amount of assistance available for individuals with permanent and total service-connected disabilities that meet the criteria of section 2101(b)(2) of title 38, U.S.C., from \$2,000 to \$5,000.

It would add a new paragraph to section 2102A that would provide for automatic annual adjustments to the maximum grant amounts, based on a cost-of-construction index already in effect for other SAH and SHA grants authorized under chapter 21 of title 38, U.S.C. Finally, the Senate bill would amend section 2102A of title 38, U.S.C., by extending VA's authority to provide assistance under the TRA grant program until December 31, 2021.

House Bill

Section 2 of H.R. 4299 would amend section 2102A of title 38, U.S.C., by striking "December 31, 2012" and inserting "December 31, 2014."

Compromise Agreement

Section 204 of the Compromise Agreement generally follows the Senate Bill except the authority to provide TRA grants is extended to 2022.

DEPARTMENT OF VETERANS AFFAIRS HOUSING LOAN GUARANTEES FOR SURVIVING SPOUSES OF CERTAIN TOTALLY DISABLED VETERANS

Current Law

VA currently provides that surviving spouses of veterans whose deaths were not service-connected, but who had service-connected disabilities that were permanent and total for at least 10 years immediately preceding their deaths, are eligible to receive a monthly dependency and indemnity compensation (hereinafter, "DIC") payment from VA. However, surviving spouses of such vet-

erans are not eligible for the VA home loan guaranty benefit administered by VA.

Senate Bill

The Senate Bills contain no similar provision.

House Bill

Section 502 of H.R. 2433, as amended, would amend section 3701(b) of title 38, U.S.C., to extend eligibility for the VA Home Loan guaranty benefit to surviving spouses of veterans whose deaths were not service-connected, but who had service-connected disabilities that were permanent and total for at least 10 years immediately preceding their deaths.

Compromise Agreement

Section 205 of the Compromise Agreement reflects the House Bill.

OCCUPANCY OF PROPERTY BY DEPENDENT CHILD OF VETERAN FOR PURPOSES OF MEETING OCCUPANCY REQUIREMENT FOR DEPARTMENT OF VETERANS AFFAIRS HOUSING LOANS

Current Law

Current law, section 3704(c)(2) of title 38, U.S.C., states that, "[i]n any case in which a veteran is in active-duty status as a member of the Armed Forces and is unable to occupy a property because of such status, the occupancy requirements [for purposes of obtaining a VA-backed home loan] shall be considered to be satisfied if the spouse of the veteran occupies the property . . . and the spouse makes the certification required by paragraph (1) of this subsection." Under current law, a single veteran with a dependent child is disqualified from obtaining a VA-backed home loan if he or she is on active-duty status, because he or she does not have a spouse to satisfy occupancy requirements.

Senate Bill

Section 303 of S. 914, as reported, would add to section 3704(c)(2) a provision allowing a veteran's dependent child who occupies, or will occupy, the property as a home to satisfy the occupancy requirements. To qualify them for a VA-backed home loan, the veteran's attorney-in-fact or a legal guardian of the veteran's dependent child must make the certification required by section 3704(c)(1) of title 38.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 206 of the Compromise Agreement reflects the Senate Bill. The Committees believe this provision would allow single-parent veterans performing active-duty service to obtain a VA-guaranteed home loan in situations where a veteran's dependent child will be occupying the home with an approved guardian. The Committees also intend that this provision apply to situations where veterans, married to each other, are both deployed.

MAKING PERMANENT PROJECT FOR GUARANTEED ADJUSTABLE RATE MORTGAGES

Current Law

Section 3707(a) of title 38, U.S.C., authorizes the guaranty of adjustable rate mortgages for veterans. The authority for VA to guaranty such mortgages is set to expire at the end of FY 2012.

House Bill

Section 501 of H.R. 2433, as amended, would amend section 3707(a) to reauthorize the adjustable rate mortgages until the end of FY 2014.

Senate Bill

The Senate Bills contain no similar provision.

Compromise Agreement

Section 207 of the Compromise Agreement would make this authority permanent.

MAKING PERMANENT PROJECT FOR INSURING
HYBRID ADJUSTABLE RATE MORTGAGES

Current law

Section 3707A(a) of title 38, U.S.C., authorizes the guaranty of hybrid adjustable rate mortgages for veterans. The authority for VA to guaranty such mortgages is set to expire at the end of FY 2012.

House Bill

Section 501 of H.R. 2433, as amended, would amend section 3707A(a) to reauthorize hybrid adjustable rate mortgages until the end of FY 2014.

Senate Bill

The Senate Bills contain no similar provision.

Compromise Agreement

Section 208 of the Compromise Agreement would make this authority permanent.

WAIVER OF LOAN FEE FOR INDIVIDUALS WITH
DISABILITY RATINGS ISSUED DURING PRE-DIS-
CHARGE PROGRAMS

Current Law

Under current law, section 3729(c) of title 38, U.S.C., a housing loan fee may not be collected if a veteran is rated eligible to receive compensation as a result of a pre-discharge VA disability examination and rating. The time period between pre-discharge ratings and release from active-duty service can be quite long. During that time, many disabled servicemembers utilize their VA home loan benefit. Under current law, servicemembers who are rated eligible to receive compensation solely as the result of a pre-discharge review of existing medical evidence and not as the result of a VA examination are required to pay the housing loan fees until they have been discharged or released from active duty.

Senate Bill

Section 304 of S. 914, as reported, would amend section 3729(c) of title 38, U.S.C., by adding a provision that waives the collection of housing loan fees from a servicemember rated eligible to receive compensation based on a pre-discharge review of existing medical evidence that results in the issuance of a memorandum rating.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 209 of the Compromise Agreement reflects the Senate Bill. The Committees believe this provision would ensure that all servicemembers eligible to receive compensation as the result of a pre-discharge program are eligible for the housing loan fee waiver, regardless of whether the eligibility was the result of an examination or a review of existing evidence.

MODIFICATION OF AUTHORITIES FOR ENHANCED-
USE LEASES OF REAL PROPERTY

Current Law

Subchapter V of chapter 81 of title 38, U.S.C., provides VA with authority to enter into enhanced-use leases (hereinafter, "EULs"). EULs allow VA to lease underutilized real property to third-parties, so long as it will be used for a purpose that complements the mission of VA. VA was permitted to accept monetary or in-kind consideration for EULs and to spend any money collected on medical care via the MCCF. This authority expired on December 31, 2011.

Senate Bill

The Senate Bills contain no similar provision.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 210 of the Compromise Agreement would reauthorize VA's EUL authority until December 31, 2023. The Compromise Agreement also would make several changes to VA's authority, including permitting EULs only for the purpose of creating programs to assist veterans who are homeless or at risk of homelessness, requiring VA to receive approval for future EULs from the Office of Management and Budget, prohibiting VA from receiving any type of in-kind consideration for leased property, and forbidding federal entities from leasing property from a lessee when that property is already subject to an EUL.

The Compromise Agreement also would require a report to Congress 120 days after enactment and annually thereafter, and include the key changes made to the administration of the program to address deficiencies identified by VA's Office of Inspector General in a February 29, 2012, report titled "Audit of the Enhanced-Use Lease Program." The Committees note, with significant concern, the findings of the Office of Inspector General and expect VA to ensure substantial improvements are made to the management of the EUL program.

TITLE III—HOMELESS MATTERS

ENHANCEMENT OF COMPREHENSIVE SERVICE
PROGRAMS

Current Law

Section 2011 of title 38, U.S.C., sets forth the authority, criteria, and requirements for VA's grant program. The law requires VA to establish criteria and requirements for grants awarded under this section. Eligible entities for these grants are restricted to public or nonprofit private entities with the capacity to administer these grants effectively who demonstrate that adequate financial support will be available to carry out the project for which the grant is sought consistent with the plans, specifications, and schedule submitted by the applicant. An eligible entity must also agree to meet, as well as have the capacity to meet, the applicable criteria and requirements established by VA. Subsection (b) specifies the kinds of projects for which the grants are available, including the expansion, remodeling, and alteration of existing buildings. Subsection (c) of this section stipulates that funds may not be used to support operation costs and may not exceed 65 percent of the estimated cost of the project concerned. In addition, the grants may not be used to support operational costs and the amount of the grant may not exceed 65 percent of the estimated cost of the project concerned.

Section 2012 of title 38, U.S.C., sets forth the authority for VA's per diem program. The law requires VA to provide to recipients of grants under section 2011 of title 38, U.S.C., per diem payments for services furnished to any homeless veteran whom VA has referred to the grant recipient or authorized the provision of services. The per diem rate is defined as the estimated daily cost of care, not in excess of the per diem rate for VA's State Home Per Diem Program.

Senate Bill

Section 201 of S. 914, as reported, would authorize grant funds to be used for new construction and stipulates that the Depart-

ment cannot deny a grant on the basis that the entity proposes to use funding from other public or private sources, including entities that are Low-Income Housing Tax Credit recipients controlled by eligible nonprofits. This provision also would require VA, a year after enactment, to complete a study on grant and per diem payment methods within the comprehensive service grant and per diem programs, and issue a report to Congress on the findings therein.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 301 of the Compromise Agreement reflects the Senate Bill.

MODIFICATION OF AUTHORITY FOR PROVISION OF
TREATMENT AND REHABILITATION TO CERTAIN
VETERANS TO INCLUDE PROVISION OF TREAT-
MENT AND REHABILITATION TO HOMELESS
VETERANS WHO ARE NOT SERIOUSLY MEN-
TALLY ILL

Current Law

Section 2031 of title 38, U.S.C., authorizes VA to provide outreach services, care, treatment, rehabilitative services, and certain therapeutic transitional housing assistance to veterans suffering from serious mental illness, including such veterans who are also homeless.

Senate Bill

Section 203 of S. 914, as reported, would modify the authority for the provision of treatment, rehabilitation, and other services to certain veterans to include the provision of such services to homeless veterans who are not seriously mentally ill.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 302 of the Compromise Agreement reflects the Senate Bill.

MODIFICATION OF GRANT PROGRAM FOR
HOMELESS VETERANS WITH SPECIAL NEEDS

Current Law

Section 2061 of title 38, U.S.C., authorizes VA to operate a grant program for homeless veterans with special needs. Section 2061(b) defines homeless veterans with special needs as: 1) women, including women who have care of minor dependents; 2) frail elderly; 3) terminally ill; or 4) chronically mentally ill.

Senate Bill

Section 202 of S. 914, as reported, would include male homeless veterans with minor dependents as an additional population with special needs for the purpose of receiving per diem payments to provide services. It would also authorize recipients of special needs grants to provide services directly to a dependent of a homeless veteran with special needs who is under the care of such veteran while receiving services from the grant recipient. Section 202 also authorizes the provision of grants to entities that are eligible for, but not currently in receipt of, funding under VA's Comprehensive Service Programs.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 303 of the Compromise Agreement reflects the Senate Bill.

COLLABORATION IN PROVISION OF CASE MANAGEMENT SERVICES TO HOMELESS VETERANS IN SUPPORTED HOUSING PROGRAM

Current Law

The Housing and Urban Development-Veterans Affairs Supportive Housing Program (hereinafter, "HUD-VASH") is a cooperative partnership between HUD and VA that provides long-term case management, supportive services, and permanent housing support for eligible homeless veterans. Section 2003(b) of title 38, U.S.C., requires VA to ensure that there are adequate case managers available for veterans who receive section 8 vouchers under the HUD-VASH program.

Senate Bill

Section 209 of S. 914, as reported, would require VA to consider entering into contracts or agreements with State or local governments, tribal organizations, or nonprofit organizations to collaborate in the provision of case management services to veterans in the supported housing program.

Section 209 of S. 914, as reported, also would require a report to Congress 545 days after enactment and not less frequently than once each year thereafter. This report would include, but would not be limited to, a description of any consideration to contract for case management; a description of the entities with whom VA entered into contracts; a description of the veterans served via contract; an assessment of contract performance; and recommendations for legislative or administrative action for the improvement of collaboration in the provision of case management services under the HUD-VASH program.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 304 of the Compromise Agreement generally reflects the Senate Bill with the addition of technical changes in subsection (b) that ensure veterans who meet eligibility criteria when entering the program and who are receiving case management from a contract provider can continue to receive case management from that same entity after they are placed into housing.

EXTENSIONS OF PREVIOUSLY FULLY-FUNDED AUTHORITIES AFFECTING HOMELESS VETERANS

Current Law

Under section 2013 of title 38, U.S.C., funds are authorized to be appropriated for comprehensive service programs for homeless veterans. \$250 million is authorized to be appropriated for the program in FY 2012, but only \$150 million is authorized to be appropriated for FY 2013.

Under section 2021 of title 38, U.S.C., \$50 million is authorized to be appropriated for the Homeless Veterans Reintegration Program (hereinafter, "HVRP") for FY 2012. There are no funds authorized to be appropriated for this program in FY 2013.

Under section 2044 of title 38, U.S.C., \$100 million is authorized to be appropriated in FY 2012 for financial assistance for supportive services for very low-income veteran families in permanent housing. There are no funds authorized to be appropriated for this program in FY 2013.

Under section 2061 of title 38, U.S.C., \$5 million is authorized to be appropriated annually for the grant program for homeless veterans with special needs between FY 2007 and FY 2012. There are no funds authorized to be appropriated for this program in FY 2013.

Senate Bill

Section 201 of S. 914, as reported, would increase the authorization of appropriations to

\$250 million for the comprehensive service programs for homeless veterans in FY 2012.

Section 206 of S. 914, as reported, would extend through FY 2012 the existing \$50 million authorization of appropriations for HVRP.

Section 207 of S. 914, as reported, would authorize the appropriation of \$100 million for financial assistance for supportive services for very low-income veteran families in permanent housing in FY 2012.

Section 208 of S. 914, as reported, would authorize the appropriation of \$5 million for the grant program for homeless veterans with special needs in FY 2012.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 305 of the Compromise Agreement would increase the authorization of appropriations to \$250 million for comprehensive service programs for homeless veterans in FY 2013 and \$150 million for every fiscal year after and including FY 2014.

Section 305 of the Compromise Agreement would extend through FY 2013 the existing \$50 million authorization of appropriations for HVRP.

Section 305 of the Compromise Agreement would authorize the appropriation of \$300 million for financial assistance for supportive services for very low-income veteran families in permanent housing in FY 2013.

Section 305 of the Compromise Agreement would authorize the appropriation of \$5 million for the grant program for homeless veterans with special needs in FY 2013.

TITLE IV—EDUCATION MATTERS

AGGREGATE AMOUNT OF EDUCATIONAL ASSISTANCE AVAILABLE TO INDIVIDUALS WHO RECEIVE BOTH SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE AND OTHER VETERANS AND RELATED EDUCATIONAL ASSISTANCE

Current Law

Under chapter 35 of title 38, U.S.C., certain survivors and dependents of individuals who die or are disabled while on active duty are eligible for educational assistance benefits. Section 3511(a)(1) provides that each eligible person is entitled to the equivalent of 45 months of full-time benefits.

P.L. 110-252, the Post-9/11 Veterans Educational Assistance Act of 2008, codified at chapter 33 of title 38, established a new program of educational assistance for individuals who served on active duty after September 11, 2001. This Act established a program of educational assistance in which individuals may earn up to a maximum of 36 months of full-time benefits.

Further, under section 3695 of title 38, U.S.C., an individual who is eligible for assistance under two or more specific educational programs may not receive in excess of the equivalent of 48 months of full-time benefits. This means that an eligible survivor or dependent who is entitled to receive education benefits under the chapter 35 program, who uses all 45 months of those benefits to obtain a college education, and who subsequently decides to enter the military, would only be able to earn the equivalent of three months of benefits under P.L. 110-252.

Senate Bill

Section 702 of S. 914, as reported, would amend section 3695 of title 38, U.S.C., to provide that an individual entitled to benefits under chapter 35 will not be subject to the 48-month limitation. However, the maximum aggregate period of benefits an individual may receive under chapter 35 and certain

other educational assistance programs listed at section 3695 of title 38, U.S.C., would be capped at 81 months.

Section 702 would also revive a period of entitlement to education benefits in situations where such benefits were reduced by the 48-month limitation. The maximum period of assistance for individuals with revived benefits would also be capped at 81 months.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 401 of the Compromise Agreement reflects the Senate Bill.

ANNUAL REPORTS ON POST-9/11 EDUCATIONAL ASSISTANCE PROGRAM AND SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE PROGRAM

Current Law

Under section 3036 of title 38, U.S.C., DOD and VA, both bi-annually report to Congress on the effectiveness of the Montgomery GI Bill (hereinafter, "MGIB") Program in meeting the statutory objectives of the program.

Senate Bill

The Senate Bills contain no similar provision.

House Bill

Section 504 of H.R. 2433, as amended, would require DOD and VA to annually submit to Congress reports on the effectiveness of the Post-9/11 GI Bill. The section would require DOD's report to measure what effect the level of GI Bill benefits has on DOD's ability to recruit and maintain qualified active-duty personnel. This section would also require VA to report on the level of utilization of benefits under all education programs administered by VA, the number of credit hours, certificates, degrees, and other qualifications earned by students under the GI Bill, and VA's recommendations on ways to improve the benefit for servicemembers, veterans, and their dependents. This section also repeals section 3036 of title 38, U.S.C., which requires the current biennial report on the MGIB program.

Compromise Agreement

Section 402 of the Compromise Agreement generally reflects the House Bill with some minor modifications. With the advent of the Post-9/11 GI Bill, and the resulting reduction in the participation in the MGIB, the Committees believe it is time to refocus this report on the Post-9/11 GI Bill.

The Compromise Agreement provides VA increased flexibility in determining what additional type of data on student outcomes can be included in the report and specifies that the first reports are due by November 1, 2013.

The Committees believe that, with the significant investment, estimated to be as much as \$60 to \$80 billion over the first 10 years, Congress needs to be able to determine whether provisions of the Post-9/11 GI Bill are meeting their intended outcomes.

TITLE V—BENEFITS MATTERS

AUTOMATIC WAIVER OF AGENCY OF ORIGINAL JURISDICTION REVIEW OF NEW EVIDENCE

Current Law

Current law precludes the Board of Veterans' Appeals (hereinafter, "Board") initial consideration of evidence submitted in connection with a claim, unless the claimant waives the right to initial consideration by the Agency of Original Jurisdiction (hereinafter, "AOJ"). Evidence first must be considered by the AOJ in order to preserve a claimant's statutory right under section 7104 of title 38, U.S.C., to one review on appeal.

Senate Bill

Section 404 of S. 914, as reported, would amend section 7105 of title 38, U.S.C., by creating a new subsection, (e), to incorporate an automatic waiver of the right to initial consideration of certain evidence by the AOJ. The evidence subject to the waiver is evidence in connection with the issue or issues with which disagreement has been expressed, and which is submitted by the claimant, or his or her representative, to the AOJ or the Board concurrently with or after the filing of a substantive appeal. Such evidence would be subject to initial consideration by the Board, unless the appellant or his or her representative requests, in writing, that the AOJ initially consider the evidence. The request would be required to be submitted with the evidence. These changes would take effect 180 days after enactment and apply with respect to claims for which a substantive appeal is filed on or after that date.

House Bill

Section 2 of H.R. 1484 would direct the Board to consider evidence submitted by a claimant after a substantive appeal has been filed unless the claimant elects to have the evidence considered first by the AOJ.

Compromise Agreement

Section 501 of the Compromise Agreement reflects the language of the Senate Bill.

AUTHORITY FOR CERTAIN PERSONS TO SIGN CLAIMS FILED WITH SECRETARY OF VETERANS AFFAIRS ON BEHALF OF CLAIMANTS

Current Law

Under current law, section 5101 of title 38, U.S.C., VA lacks specific authority to authorize a court-appointed representative or caregiver to sign an application form allowing the adjudication of the claim to proceed.

Senate Bill

Section 704 of S. 914, as reported, would authorize certain individuals to sign claims filed with VA on behalf of claimants who are under age 18, are mentally incompetent, or are physically unable to sign a form.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 502 of the Compromise Agreement generally follows the Senate Bill but with the addition of a new section, 502(a)(2)(A)(iii), in order to clarify that if a person signs a form on behalf of a claimant, the claimant's social security number must be submitted in addition to the social security number or tax identification number of the individual signing the form on behalf of the claimant.

IMPROVEMENT OF PROCESS FOR FILING JOINTLY FOR SOCIAL SECURITY AND DEPENDENCY AND INDEMNITY COMPENSATION

Current Law

Under current law, section 5105 of title 38, U.S.C., VA and the Social Security Administration (hereinafter, "SSA") are required to develop and use joint applications for survivors who apply for both dependency and indemnity compensation DIC and Social Security survivor benefits. Section 5105 further provides that, if such a joint application form is filed with either VA or SSA, it will be deemed an application for both DIC and Social Security benefits.

Senate Bill

Section 705 of S. 914, as reported, would amend section 5105 of title 38, U.S.C., to permit—but not require—the development of a joint form for SSA and VA survivor benefits.

This provision also would amend section 5105 so that any form indicating an intent to apply for survivor benefits would be deemed an application for both DIC and Social Security benefits. This is intended to codify VA's practice under which any indication of intent to apply for Social Security survivor benefits also is treated as an application for VA DIC benefits.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 503 of the Compromise Agreement reflects the Senate Bill.

AUTHORIZATION OF USE OF ELECTRONIC COMMUNICATION TO PROVIDE NOTICE TO CLAIMANTS FOR BENEFITS UNDER LAWS ADMINISTERED BY THE SECRETARY OF VETERANS AFFAIRS

Current Law

Section 5103 of title 38, U.S.C., requires VA to issue a notice to claimants of further evidence needed to substantiate a claim, referred to as a VCAA notice because of its requirement under the Veterans Claims Assistance Act of 2000. Section 5103 further requires VA to issue a separate written notice to claimants upon receipt of any subsequent claim, regardless of whether the information contained is different from any prior notices issued. The VCAA notice also outlines VA's duty to assist the claimant in obtaining evidence, including what steps VA will take, and explains the role the claimant can play to ensure all relevant evidence is submitted for consideration. The VCAA notice explains how a disability rating and effective date will be determined, and each VCAA notice contains a VCAA Notice Response Form, which identifies the date of claim and provides a brief explanation regarding the submission of any additional information or evidence.

Senate Bill

The Senate Bills contain no similar provision.

House Bill

Section 4 of H.R. 2349, as amended, would remove the requirement that the VCAA notice be sent only after receipt of a claim, thereby allowing VA to put notice on claims application forms as is currently done with the Department's 526-EZ form for Fully Developed Claims (hereinafter, "FDCs"). VA must ensure that veterans are adequately informed about their right to submit an informal claim for the purpose of establishing an earlier effective date in rewriting new application forms. Such information is currently included on the 526-EZ form for those filing under the FDC program, and it should similarly be included for those submitting standard non-FDC forms to ensure that veterans do not lose any benefit.

Section 4 of H.R. 2349, as amended, authorizes VA to use the most effective means available for communication, including electronic or written communication, and removes the requirement that VA send a notice for a subsequent claim if the issue is already covered under a previous claim and notice. However, under this section, VA must still send a notice if over one year has passed since any notice was last sent to the claimant. According to VA, the subsequent reduction in claims processing times by this section can range from 30 to 40 days, which provides a positive step toward reducing the claims backlog.

The requirement that VA issue a separate written VCAA notice upon receipt of any subsequent claim presents two issues that

contribute to the claims backlog. The first is that, in many cases, VA is forced to take a redundant step of producing the exact same notice it has already provided to the veteran, which increases the processing time without affecting the outcome of the claim. The second issue is that the notices provided by VA must be in writing and mailed through the postal system. Because it is not authorized to do so, VA cannot utilize the speed and efficiency provided by electronic mail, even if that were the claimant's preferred method of communication regarding the claim. This restriction of VA's means of communication prevents it from utilizing a widely-used and accepted form of efficient and timely correspondence. Section 4 of H.R. 2349, as amended, directly addresses those inefficiencies.

Section 4 of H.R. 2349, as amended, also authorizes VA to waive the requirements for issuing a VCAA notice when "the Secretary may award the maximum benefit in accordance with this title based on the evidence of record." This provision will eliminate delays that occur when a VCAA notice would be sent in connection with claims for which VA will award a benefit, and when such notice has little likelihood of leading to a higher level of benefit. This section contains no requirement limiting correspondence to electronic mail.

Compromise Agreement

Section 504 of the Compromise Agreement generally follows the House's position with a minor change in the language of paragraph (5)(B) of H.R. 2349. The House-passed language in paragraph (5)(B) reads "For purposes of this paragraph, the term 'maximum benefit' means the highest evaluation assignable in accordance with the evidence of record, as long as such evaluation is supported by such evidence of record at the time the decision is rendered." Per the Compromise Agreement, this language is changed to "For purposes of this paragraph, the term 'maximum benefit' means the highest evaluation assignable in accordance with the evidence of record, as long as such evidence is adequate for rating purposes and sufficient to grant the earliest possible effective date in accordance with section 5110 of this title." This revised definition of "maximum benefit" clarifies that VA must have evidence that is sufficient to meet all aspects of the rating schedule for each condition.

DUTY TO ASSIST CLAIMANTS IN OBTAINING PRIVATE RECORDS

Current Law

Section 5103A of title 38, U.S.C., outlines VA's duty to assist claimants in obtaining evidence needed to substantiate a claim. Under current law, VA must make "reasonable efforts" to obtain private medical records on behalf of a claimant who adequately identifies and authorizes VA to obtain them. What constitutes a "reasonable effort" by VA to obtain private medical records on behalf of a claimant is undefined.

Senate Bill

The Senate Bills contain no similar provision.

House Bill

Section 5 of H.R. 2349, as amended, authorizes VA to waive its duty to assist requirement when "the Secretary may award the maximum benefit in accordance with this title based on the evidence of record." The effect of this provision would prevent both the claimant and VA from having to collect further evidence that would have no impact on the claim. Under the revised definition of

“maximum” benefit, it is clear that before VA can make such an award, it must have evidence that is sufficient to meet all aspects of the rating schedule for each condition.

Section 5 of H.R. 2349, as amended, also adds a provision to encourage claimants to take a proactive role in the claims process. By encouraging “claimants to submit relevant private medical records of the claimant to the Secretary if such submission does not burden the claimant,” the collection of evidence necessary to render a decision can be greatly facilitated.

Section 5 of H.R. 2349, as amended, is intended to reduce the number of situations wherein VA spends unnecessary time and resources to pursue private medical records that may already have been submitted in the claimant’s file, may not exist, may not be obtainable, are not relevant to the claim, or even if obtained, are highly unlikely to change the rating that would otherwise be assigned based on the evidence of record. VA would continue to have an obligation to obtain or assist veterans in obtaining relevant medical records, both public and private; however, this provision clarifies that the purpose of the duty to assist should be limited to situations where it will actually assist veterans in substantiating their claims. In addition, a claimant’s knowledge of where certain medical records may be located is invaluable to claim development. In many cases a claimant can identify, obtain, and submit that evidence more quickly than if the Department received a claim and subsequently had to locate and request those same records.

Compromise Agreement

Section 505 of the Compromise Agreement generally follows the House’s position with a minor change in the language of paragraph (2)(B) of H.R. 2349. The House-passed language in paragraph (2)(B) reads “For purposes of this paragraph, the term ‘maximum benefit’ means the highest evaluation assignable in accordance with the evidence of record, as long as such evaluation is supported by such evidence of record at the time the decision is rendered.” Per the Compromise Agreement, this language is changed to “For purposes of this paragraph, the term ‘maximum benefit’ means the highest evaluation assignable in accordance with the evidence of record, as long as such evidence is adequate for rating purposes and sufficient to grant the earliest possible effective date in accordance with section 5110 of this title.” This revised definition of “maximum benefit” clarifies that VA must have evidence that is sufficient to meet all aspects of the rating schedule for each condition.

AUTHORITY FOR RETROACTIVE EFFECTIVE DATE FOR AWARDS OF DISABILITY COMPENSATION IN CONNECTION WITH APPLICATIONS THAT ARE FULLY-DEVELOPED AT SUBMITTAL

Current Law

Under section 221 of Public Law 110-389, the Veterans’ Benefits Improvement Act of 2008, VA was required to conduct a pilot project to test “the feasibility and advisability of providing expeditious treatment of fully developed compensation or pension claims.” After carrying out that pilot at 10 VA regional offices, VA expanded the FDC process to all VA regional offices. Under section 5110(a) of title 38, U.S.C., the effective date of an award of disability compensation generally is the date on which VA received the application for those benefits. Although there are exceptions to that general rule, none of the exceptions would allow a retroactive effective date for veterans who file FDCs.

Senate Bill

Section 402 of S. 914, as reported, would amend section 5110 of title 38, U.S.C., to provide that the effective date of an award of disability compensation to a veteran who submitted an FDC would be based on the facts found, but would not be earlier than 1 year before the date on which VA received the veteran’s application. That change would take effect on the date of enactment and would not be applied to claims filed after September 30, 2012.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 506 of the Compromise Agreement generally follows the Senate bill. However, a retroactive effective date will only be available for original claims that are fully-developed upon submittal. The changes will be effective 1 year after the date of enactment, and the changes will not apply with respect to claims filed after the date that is three years after the date of enactment.

MODIFICATION OF MONTH OF DEATH BENEFIT FOR SURVIVING SPOUSES OF VETERANS WHO DIE WHILE ENTITLED TO COMPENSATION OR PENSION

Current Law

Under current law, veterans’ benefits for a specific month are paid in the month following the month to which they are attributable. No benefits are owed to a veteran for the month in which a veteran dies. However, if the veteran had a surviving spouse, the month of death provision in current law, section 5310 of title 38, U.S.C., provides that the amount of benefits that the veteran would have received had the veteran not died, is payable to the surviving spouse.

Section 5310 also provides that, if the benefit payable to a surviving spouse as death compensation, DIC, or death pension is less than the amount that the veteran would have received for that month but for the veteran’s death, the greater benefit would be paid for the month of death.

Senate Bill

Section 403 of S. 914, as reported, would amend current law in order to clarify that a surviving spouse of a veteran who is receiving compensation or pension from VA, is due the amount of benefits the veteran would have received for the entire month of the veteran’s death, regardless of whether the surviving spouse is otherwise entitled to survivor benefits. Also, if at the time of death, the veteran had a claim pending for compensation or pension that was subsequently granted, the surviving spouse would be eligible for any benefits or additional benefits due as accrued benefits for the month of death.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 507 of the Compromise Agreement reflects the Senate Bill.

INCREASE IN RATE OF PENSION FOR DISABLED VETERANS MARRIED TO ONE ANOTHER AND BOTH OF WHOM REQUIRE REGULAR AID AND ATTENDANCE

Current Law

Veterans of a period of war who meet income, net worth, and other eligibility criteria are eligible to receive a pension based upon need. The pension amount is based upon the number of veteran dependents. Ad-

ditional benefits are paid if the veteran has a disability which results in housebound status or a need for aid and attendance. In general, when a veteran is married to another veteran, the pension benefits paid are the same as for a veteran who is married to a non-veteran. However, in cases where one or both members of a veteran couple is housebound and/or in need of aid and attendance, the additional amounts paid are computed separately for each veteran and then added to the basic grant.

In 1998, section 8206 of P.L. 105-178, the Transportation Equity Act for the 21st Century, increased the benefit for a veteran who requires aid and attendance by \$600 per year. Because of the way the bill was drafted, the benefit was increased for only one of the veterans in the rare case that a veteran is married to a veteran and both require aid and attendance. The legislative history does not indicate any intent to treat these spouses differently. Therefore, under current law, a veteran who is married to a veteran where both veterans qualify for aid and attendance benefits, the benefit amount for one of the spouses is lower than for the other spouse.

Senate Bill

Section 401 of S. 914, as reported, would increase the benefit paid to married couples where both members of the couple are veterans and both qualify for aid and attendance, so that each member of the married couple receives the full aid and attendance amount.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 508 of the Compromise Agreement generally follows the Senate Bill, but with a slight increase in the amount of the benefit paid to married couples where both members of the couple are veterans, and both qualify for aid and attendance. This increased amount of \$32,433 reflects the current rate needed to equalize the benefit provided to each veteran spouse as a result of the 2012 cost-of-living adjustment applied to the previous shortfall remedy of \$825. This increase was necessary to ensure that the Compromise Agreement adequately reflected the amount necessary to correct the benefit level for each spouse to the amount intended by P.L. 105-178.

EXCLUSION OF CERTAIN REIMBURSEMENTS OF EXPENSES FROM DETERMINATION OF ANNUAL INCOME WITH RESPECT TO PENSIONS FOR VETERANS AND SURVIVING SPOUSES AND CHILDREN OF VETERANS

Current Law

Veterans of a period of war who meet income, net worth, and other eligibility criteria are eligible to receive a pension based upon need. Under current law, section 1503 of title 38, U.S.C., reimbursements for any kind of casualty loss are exempt from income determinations for purposes of determining pension eligibility.

Senate Bill

The Senate Bill contains no similar provision.

House Bill

Section 3 of H.R. 2349, as amended, would prevent the offset of pension benefits for veterans, surviving spouses, and children of veterans due to the receipt of payments by insurance, court award, settlement or other means to reimburse expenses incurred after an accident, theft, ordinary loss or casualty loss. Section 3 would also exempt pain and

suffering income from pension calculations, but only amounts determined by VA on a case-by-case basis. The House Bill would also extend the authority of VA to verify income information with the Internal Revenue Service (hereinafter, "IRS") to November 18, 2013.

Compromise Agreement

Section 509 of the Compromise Agreement generally follows the House Bill except it does not exclude payments for medical expenses resulting from any accident, theft, loss, or casualty loss or payments for pain and suffering related to an accident, theft, loss, or casualty loss. The Committees believe payments received for pain and suffering should not be excluded from countable income because such payments are not a reimbursement for expenses and such an exclusion would be inconsistent with a needs based program.

The Compromise Agreement does not extend the authority of VA to verify income information with the IRS. This authority was extended until September 30, 2016, by P.L. 112-56.

TITLE VI—MEMORIAL, BURIAL & CEMETERY MATTERS

PROHIBITION ON DISRUPTIONS OF FUNERALS OF MEMBERS OR FORMER MEMBERS OF THE ARMED FORCES

Current Law

Section 2413 of title 38, U.S.C., restricts the time, place, and manner of demonstrations at funerals for servicemembers or former servicemembers at National Cemetery Administration (hereinafter, "NCA") facilities and Arlington National Cemetery (hereinafter, "ANC").

Section 1388 of title 18, U.S.C., restricts the time, place, and manner of demonstrations at funerals for servicemembers or former servicemembers that take place in cemeteries other than NCA facilities or ANC.

Senate Bill

Section 501 of S. 914, as reported, increases the space and time restrictions, and liability for those protesting at funerals of servicemembers and former servicemembers in both section 2413 of title 38 and section 1388 of title 18, U.S.C. For a full explanation of section 501 of S. 914 please see Senate Report 112-088, the Veterans Programs Improvement Act of 2011.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 601 of the Compromise Agreement reflects the Senate Bill.

CODIFICATION OF PROHIBITION AGAINST RESERVATION OF GRAVESITES AT ARLINGTON NATIONAL CEMETERY

Current Law

Army Regulation 290-5, Paragraph 2-5, states that ANC selection of specific gravesites or sections is not authorized. Despite a stated policy against preferential treatment and the reservation of gravesites, the Washington Post reported that in recent years ANC had repeatedly provided preferential treatment to VIPs by setting aside select and prestigious gravesites for their future use. An article dated March 20, 2011, titled "Arlington Cemetery struggles with old reservations," is excerpted in relevant part: "Although [ANC] stopped formally taking reservations in 1962, the practice of reserving choice grave sites continued, if unofficially, under Raymond J. Costanzo, who was superintendent from 1972 to 1990. [John C. Metzler, Jr.], his successor, who ran the cemetery

until he was forced to retire last year, also apparently allowed people to pick areas of the cemetery where they wanted to be buried, Army officials said.

The Army, which investigated the matter two decades ago and is looking into it again, has a list from 1990 with 'senior officials' who have plots that 'were de facto reserved in violation of Army policy,' according to a memo obtained by The Post under the Freedom of Information Act. Some of these officials were driven around the cemetery by Costanzo, who told investigators that he had allowed them to pick their spots.

"I take the position that if there is anything I can do positively for a person, I will try to do that as long as it is not a serious violation of any rule, regulation, or law," he told investigators at the time."

Media reports regarding preferential treatment of and reservations for certain people, coupled with a 2010 investigation of ANC by the Army Inspector General, reflect a series of problems with the previous management of ANC. As ANC works to build accountability and transparency in its management and operations, the issue of gravesite reservations remains a paramount concern.

Senate Bill

Section 502 of S. 914, as reported, would codify the Army regulations that ban reserving gravesites and would provide accountability and transparency. The section would amend chapter 24 of title 38, U.S.C., by requiring that not more than one gravesite at ANC be provided to eligible veterans or members of the Armed Forces, unless a waiver is made by the Secretary of the Army as considered appropriate. This requirement would apply with respect to all interments at ANC after the date of the enactment of this section.

Section 502 would also prohibit the reservation of gravesites at ANC for individuals not yet deceased. This prohibition would not apply with respect to the interment of an individual for whom a request for a reserved gravesite was approved by the Secretary of the Army before January 1, 1962, when ANC formally stopped accepting reservations.

A reporting requirement would also be imposed by the section. Not later than 180 days after the enactment of this section, the Army would be required to submit to Congress a report on reservations made for interment at ANC. The report would describe the number of requests for reservations at ANC that were submitted to the Secretary of the Army before January 1, 1962. The report would also describe the number of gravesites at ANC that, on the day before the date of the enactment of this section, were reserved in response to such requests. The number of such gravesites that, on the day before the enactment of this section, were unoccupied would also be included in the report. Additionally, the report would list all reservations for gravesites at ANC that were extended by individuals responsible for the management of ANC in response to requests for such reservations made on or after January 1, 1962.

House Bill

Section 3 of H.R. 1627 contains a similar provision on burial reservations.

Compromise Agreement

Section 602 of the Compromise Agreement reflects the Senate and House Bills. The Committees believe that the inclusion of this provision is necessary to ensure that qualified servicemembers and veterans are honored at ANC without regard to rank or status. In light of the extraordinary sac-

rifices made by America's men and women in uniform, it is paramount that their burials at ANC occur with integrity, in a manner befitting such sacrifice, and in accordance with Army policy and regulation.

The Compromise Agreement also permits the President to waive the prohibition on burial reservations at Arlington National Cemetery as the President considers appropriate, and requires the President to notify the Committees and the Senate and House Armed Services Committees of any such waiver decision. The Committees expect that decisions to waive the prohibition will be done only under extraordinary circumstances, i.e., for a Medal of Honor recipient, former President, etc.

EXPANSION OF ELIGIBILITY FOR PRESIDENTIAL MEMORIAL CERTIFICATES TO PERSONS WHO DIED IN THE ACTIVE MILITARY, NAVAL, OR AIR SERVICE

Current Law

Under current law, section 112 of title 38, U.S.C., eligibility for presidential memorial certificates is limited to survivors of veterans who were discharged from service under honorable conditions. For purposes of this section, under the section 101, title 38, U.S.C., definition of "veteran," an individual who died in active service, including an individual killed in action, technically is not a veteran because the individual was not "discharged or released" from service. Therefore, under current law, the survivors of such an individual are not eligible for a presidential memorial certificate honoring the memory of the deceased.

Senate Bill

Section 503 of S. 914, as reported, would amend section 112 of title 38 by allowing VA to provide presidential memorial certificates to the next of kin, relatives, or friends of a servicemember who died in active military, naval, or air service.

House Bill

The House Bills contain no similar provision.

Compromise Agreement

Section 603 of the Compromise Agreement reflects the Senate Bill.

REQUIREMENTS FOR THE PLACEMENT OF MONUMENTS IN ARLINGTON NATIONAL CEMETERY

Current Law

Section 2409 of title 38, U.S.C., allows the Secretary of the Army to set aside areas in ANC to honor military personnel and veterans who are missing in action or whose remains were not available for various other reasons. Section (b) provides for the erection of appropriate memorials or markers to honor such individuals.

Senate Bill

The Senate Bills contain no similar provision.

House Bill

Section 2 of H.R. 1627, as amended, would establish clear and objective criteria for the Secretary of the Army in considering and approving monument requests. It would do this by putting in place a requirement that monuments commemorate the military service of an individual, a group of individuals, or a military event that is at least 25 years old. The purpose of the 25-year requirement would be to ensure that a permanent monument truly stands the test of time and is not commemorating events based on the passions of a moment. H.R. 1627, as amended, would also require that monuments be placed in sections of ANC designated by the

Secretary of the Army for that explicit purpose and only on land that is not suitable for burial. The bill would further require that monument construction and placement must be funded by a non-governmental entity using funds from private sources. The Secretary of the Army would be required to consult with the U.S. Commission on Fine Arts before approving the monument design, and the sponsoring entity must issue a study on the suitability and availability of other sites (outside of ANC) where the monument could be placed.

Recognizing the need for flexibility in monument determinations, H.R. 1627, as amended, would permit the Secretary of the Army to waive the 25-year rule (noted above) in the event a monument proposes to commemorate a group of individuals who have made valuable contributions to the Armed Forces for longer than 25 years and those contributions continue, and are expected to continue indefinitely, and such groups have provided service of such a character that it would present a manifest injustice if approval of the monument was not permitted.

Finally, H.R. 1627, as amended, would retain ultimate Congressional oversight of monument placement at ANC by requiring the Secretary of the Army to notify Congress of any decision to approve a monument, along with the stated rationale, before a monument may be placed. Congress would have 60 days to review the decision and, if it chooses, pass a disapproval resolution in order to halt the monument from going forward. If Congress takes no action, the monument would be deemed approved after the 60-day period lapses.

H.R. 1627, as amended, therefore, retains elements of the Department of the Army's existing regulatory framework with respect to monument placement at ANC and builds upon that framework by establishing an objective, transparent, rigorous, and flexible criteria for future monument placement.

Compromise Agreement

Section 604 of the Compromise Agreement generally follows the House Bill except that it requires that the Advisory Committee on Arlington National Cemetery also be consulted prior to a monument being placed in the Cemetery.

TITLE VII—OTHER MATTERS

ASSISTANCE TO VETERANS AFFECTED BY NATURAL DISASTERS

Current Law

Laws such as P.L. 93-288, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, provide federal assistance to individuals and families affected by natural disasters. However, current law is not specifically tailored to the needs of veterans, particularly veterans with service-connected disabilities affected by such disasters. This means that under current law, targeted assistance is unavailable to those veterans who are particularly vulnerable and most in need of assistance in the event of a natural disaster.

For example, VA adaptive housing assistance grants are available to eligible individuals who have certain service-connected disabilities, to construct an adapted home or to modify an existing home to accommodate their disabilities. However, limitations such as caps on the total amount of assistance available under SAH or SHA grants, may prevent a veteran from receiving additional assistance from VA to repair an adapted home damaged by a natural disaster.

Similarly, under current law, section 3903 of title 38, U.S.C., a veteran may receive a

grant for the purchase of an automobile. If that vehicle has been destroyed by a natural or other disaster, current statutory limitations would prevent VA from providing another grant to repair or replace the damaged vehicle.

Senate Bill

Section 701 of S. 914, as reported, would provide certain types of assistance to eligible veterans affected by a natural or other disaster.

Section 701 of S. 914, as reported, would amend chapter 21 of title 38, U.S.C., by adding a new section which would provide assistance to a veteran whose home is destroyed or substantially damaged in a natural or other disaster, and that was previously adapted with assistance through the SAH or SHA grant program. Such assistance would not be subject to the limitations on assistance under section 2102. However, under this section a grant award would not exceed the lesser of the reasonable cost of repairing or replacing the damaged or destroyed home in excess of the available insurance coverage on such home, or the maximum grant amount to which the veteran would have been entitled under the SAH or SHA grant programs had the veteran not obtained the prior grant.

Section 701 would amend section 3108 of title 38, U.S.C., by authorizing VA to extend the payment of a subsistence allowance to qualifying veterans participating in a rehabilitation program under chapter 31 of title 38. The extension would be authorized if the veteran has been displaced as a result of a natural or other disaster while being paid a subsistence allowance. If such circumstances are met, VA would be permitted to extend the payment of a subsistence allowance for up to an additional two months while the veteran is satisfactorily following a program of employment services.

Section 701 also would amend section 3120 of title 38, U.S.C., by waiving the limitation on the number of veterans eligible to receive programs of independent living services and assistance, in any case in which VA determines that an eligible veteran has been displaced as the result of, or has otherwise been adversely affected in the areas covered by, a storm or other disaster.

Section 701 would amend section 3703 of title 38, U.S.C., to allow VA to guarantee a loan, regardless of whether such loan is subordinate to a superior lien created by a public entity that has provided, or will provide, assistance in response to a major disaster.

Additionally, section 701 would amend section 3903, of title 38, U.S.C., by authorizing VA to provide, or to assist in providing, an eligible person receiving assistance through the Automobile Assistance Program with a second automobile. This assistance would be permitted only if VA receives satisfactory evidence that the automobile, previously purchased with assistance through this program, was destroyed as a result of a natural or other disaster, the eligible person bore no fault, and the person would not receive compensation for the loss from a property insurer.

Finally, section 701 would require VA to submit an annual report to Congress detailing the assistance provided or action taken by VA during the last fiscal year pursuant to the authority of this section. Required report provisions would include: a description for each natural disaster for which assistance was provided, the number of cases or individuals in which, or to whom, VA provided assistance, and for each such case or individual, a description of the assistance provided.

House Bill

The House Bills contain no similar provisions.

Compromise Agreement

Section 701 of the Compromise Agreement follows the Senate Bill.

EXTENSION OF CERTAIN EXPIRING PROVISIONS OF LAW

Current Law

Under section 3720(h) of title 38, U.S.C., VA has the authority to issue, or approve the issuance of, certificates or other securities evidencing an interest in a pool of mortgage loans VA finances on properties it has acquired and guarantee the timely payment of principal and interest on such certificates or other securities. This authority expired on December 31, 2011.

Section 3729(b)(2) of title 38, U.S.C., sets forth a loan fee table that lists funding fees to be paid by beneficiaries, expressed as a percentage of the loan amount, for different types of loans guaranteed by VA. Funding fee rates have varied over the years, but with one exception, have remained constant since 2004. All funding fee rates are set to be reduced on October 1, 2016.

Finally, P.L. 110-389, the Veterans' Benefits Improvement Act of 2008, authorized VA to temporarily guarantee mortgages with higher loan values in recognition of the high cost of housing in several areas of the country. This authorization expired on December 31, 2011.

Senate Bill

Section 15 of S. 951, as reported, would amend the fee schedule set forth in section 3729(b)(2) of title 38, U.S.C., by extending VA's authority to collect certain fees and by adjusting the amount of the fees. Specifically, the section would amend section 3729(b)(2)(B)(ii) by striking "January 1, 2004, and before October 1, 2011" and inserting "October 1, 2011, and before October 1, 2014," and by striking "3.30" both places it appears and inserting "3.00."

The section also would amend section 3729(b)(2)(B)(i) by striking "January 1, 2004" and inserting "October 1, 2011" and by striking "3.00" both places it appears and inserting "3.30." The section would also strike clause (iii) and re-designate clause (iv) as clause (iii). Clause (iii), as re-designated, would be amended by striking "October 1, 2013" and inserting "October 1, 2014."

House Bill

Section 501 of H.R. 2433, as amended, would amend section 3720(h)(2) to extend VA's pooling authority for mortgages until December 31, 2016. The section also would amend the fee schedule set forth in section 3729(b)(2) of title 38, U.S.C., by extending VA's authority to collect certain fees and by adjusting the amount of the fees. Specifically, the section would amend section 3729(b)(2)(A)(iii) and 3729(b)(2)(A)(iv) by striking "November 18, 2011", and inserting "October 1, 2017".

The section also would amend section 3729(b)(2)(B)(i) by striking "November 18, 2011" and inserting "October 1, 2017". The section also would strike clause (ii) and (iii) and re-designate clause (iv) as clause (ii). The section also would amend section 3729(b)(2)(C)(i) and 3729(b)(2)(C)(ii) by striking "November 18, 2011" and inserting "October 1, 2017". The section also would amend section 3729(b)(2)(D)(i) and 3729(b)(2)(D)(ii) by striking "November 18, 2011" and inserting "October 1, 2017".

Finally, this section also would amend section 501 of the Veterans Benefits Improvement Act of 2008 to extend the authority to

temporarily guarantee mortgages with higher loan values in certain areas of the country until December 31, 2014.

Compromise Agreement

Section 702 of the Compromise Agreement generally follows the House Bill.

REQUIREMENT FOR PLAN FOR REGULAR ASSESSMENT OF EMPLOYEES OF VETERANS BENEFITS ADMINISTRATION WHO HANDLE PROCESSING OF CLAIMS FOR COMPENSATION AND PENSION

Current Law

Under current law, section 7732A of title 38, U.S.C., VA shall provide for an examination of appropriate employees and managers of the Veterans Benefits Administration (hereinafter, "VBA") who are responsible for processing claims for compensation and pension benefits under the laws administered by VA. In developing the required examination, VA must consult with appropriate individuals or entities, including examination development experts, interested stakeholders, and employee representatives; and consider the data gathered and produced under section 7731(c)(3) of title 38, U.S.C., which establishes a quality assurance program within VBA.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

Section 2 of H.R. 2349, as amended, allows for VA to take a more deliberate approach to the skills assessments required by section 7723A of title 38, U.S.C., by requiring biennial assessments of appropriate employees and managers at five regional offices (hereinafter, "ROs") from 2012 through 2016. The assessments would be required of appropriate employees and managers responsible for processing claims for compensation and pension benefits. If employees or managers receive a less-than-satisfactory score on the assessment exam, VA would be required to provide appropriate remediation training so that the assessment exam could be taken again. If, after remediation, an employee or manager again gets a less-than-satisfactory score, VA would then be required to take appropriate personnel action. Section 2 would authorize \$5 million over five years to carry out the biennial assessments, the results of which VA would be required to report to Congress.

Compromise Agreement

Section 703 of the Compromise Agreement requires VA to submit a plan to the Committees detailing how VA will regularly assess the skills and competencies of appropriate VBA employees and managers, provide training to remediate deficiencies in skills and competencies, reassess skills and competencies following remediation, and take appropriate personnel action following remediation training and reassessment if skills and competencies remain unsatisfactory.

The Committees believe certification testing could be used to more broadly influence the type of training or remediation necessary at the individual employee level in order to improve the accuracy of claims decisions. This Compromise Agreement reflects the Committees' sensitivities to the concerns expressed by VA regarding the cost and management difficulties associated with annual testing and follow-up remediation of every employee. As a result, it allows VA to provide the Committees with a plan to accomplish the intent of the Committees, which is to use certification testing as a way to influence the type of training and remediation necessary for individual employees, in

order to improve the accuracy of claims decisions.

MODIFICATION OF PROVISION RELATING TO REIMBURSEMENT RATE FOR AMBULANCE SERVICES

Current Law

Section 111(b)(3)(A) of title 38, U.S.C., states that VA shall not reimburse for special modes of travel unless such mode was medically required and authorized in advance by VA or was a medical emergency. Subparagraph (B) states that VA may provide payment to the provider of special transportation and subsequently recover the amount from the beneficiary if they are determined to be ineligible. Subparagraph (C) states that for ambulance services the transportation provider may be paid either the actual charge or the amount determined in the Social Security Act fee schedule, whichever is less.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 704 of the Compromise Agreement amends section 111(b)(3)(c) of title 38, U.S.C., by striking "under subparagraph (B)" and inserting "to or from a Department facility."

CHANGE IN COLLECTION AND VERIFICATION OF VETERAN INCOME

Current Law

Section 1722 of title 38, U.S.C., defines "attributable income" as a veteran's income from the previous year and sets out guidelines for determining such income.

Senate Bill

The Senate Bills contain no comparable provision.

House Bill

The House Bills contain no comparable provision.

Compromise Agreement

Section 705 of the Compromise Agreement amends section 1722(f)(1) of title 38, U.S.C., by striking "the previous year" and inserting "the most recent year for which information is available."

DEPARTMENT OF VETERANS AFFAIRS ENFORCEMENT PENALTIES FOR MISREPRESENTATION OF A BUSINESS CONCERN AS A SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY VETERANS OR AS A SMALL BUSINESS CONCERN OWNED AND CONTROLLED BY SERVICE-DISABLED VETERANS

Current Law

Under 38 U.S.C. 8127(g), the Department is directed to debar for a reasonable period of time any business concern determined by VA to have misrepresented its status as a small business concern owned and controlled by veterans, or as a small business concern owned and controlled by service-disabled veterans.

Senate Bill

Section 703 of S. 914, as reported, would amend section 8127(g) of title 38, U.S.C., by requiring that the Department debar any firm determined by VA to have deliberately misrepresented its status for a period of not less than five years, and that such debarment also would include all principals of the firm for a period of not less than five years. The section also would require the Department to commence any debarment action within 30 days of its determination that the firm misrepresented its status.

House Bill

H.R. 1657 would amend section 8127(g) of title 38, U.S.C., to require that VA debar a company and its principals from contracting with VA for a period of not less than five years, if it is determined that the company has misrepresented its status. H.R. 1657 also requires VA to begin a debarment action by not later than 30 days after determining that the firm misrepresented its status, and to complete the debarment process within 90 days after the finding of misrepresentation.

Compromise Agreement

Section 706 of the Compromise Agreement follows generally both the Senate and House Bills. The Compromise Agreement adopts and clarifies the standard of deliberateness as set forth in section 703 of S. 914, by defining a deliberate misrepresentation as one that is willful and intentional.

QUARTERLY REPORTS TO CONGRESS ON CONFERENCES SPONSORED BY THE DEPARTMENT

Current Law

There is no provision in current law in regards to reporting to Congress on conferences of VA.

Senate Bill

The Senate Bill contains no similar provisions.

House Bill

Section 1 of H.R. 2302, as amended, amends subchapter I of chapter 5 of title 38, U.S.C., to require VA to provide Congress with information regarding the cost of covered conferences.

Subsection (a) would require that VA submit a quarterly report to the Committees detailing the expenses related to conferences hosted or co-hosted by VA. It also requires that VA submit this quarterly report within 30 days of the end of the quarter.

Subsection (b) would require that the reports include actual expenses for conferences occurring during the previous quarter related to: transportation and parking; per diem payments; lodging; rentals of halls, auditoriums, or other spaces; rental of equipment; refreshments; entertainment; contractors; and brochures or printed material. It also requires that the report include an estimate of the expected conference expenses for the next quarter.

Subsection (c) defines covered conferences that will be included in the report as those that are attended by 50 or more individuals, including one or more employees of VA, or have an estimated cost of at least \$20,000.

Compromise Agreement

Section 707 of the Compromise Agreement follows the House Bill. With a growing deficit, and scarce discretionary funding resources, the Committees are concerned about the significant growth in costs that are not directly related to the mission of providing services and benefits to veterans. While the Committees are concerned with the significant cost of such conferences, this section would not limit VA's travel budget or eliminate any conferences. The Committees understand that it is often advantageous for VA employees to meet face-to-face for training and leadership development, but believe that there must be more transparency and oversight of these meetings.

PUBLICATION OF DATA ON EMPLOYMENT OF CERTAIN VETERANS BY FEDERAL CONTRACTORS

Current Law

Section 4212 of title 38, U.S.C., requires companies with federal contracts worth

\$100,000 or more to have an affirmative action plan to hire veterans and to report certain veteran-related employment data annually to the U.S. Department of Labor (hereinafter, "DoL"). This data is compiled by DoL but there is no requirement to make the data available to the public.

Senate Bill

The Senate Bills contain no similar provisions.

House Bill

Section 3 of H.R. 2302, as amended, amends section 4212(d) of title 38, U.S.C., to require the Department of Labor (hereinafter, "DoL") to publish on an Internet Web site, reports submitted by government contractors on the results of their affirmative action plans to hire veterans.

Compromise Agreement

Section 708 of the Compromise Agreement follows the House Bill.

VETSTAR AWARD PROGRAM

Current Law

There is no requirement in current law that VA recognize businesses for their contributions to veterans employment.

Senate Bill

The Senate Bill contains no similar provisions.

House Bill

H.R. 802 amends section 532 of title 38, U.S.C., to direct VA to establish a VetStar award program to annually recognize businesses that have made significant contributions to veterans employment.

Compromise Agreement

Section 709 of the Compromise Agreement follows the House Bill.

EXTENDED PERIOD OF PROTECTIONS FOR MEMBERS OF UNIFORMED SERVICES RELATING TO MORTGAGES, MORTGAGE FORECLOSURE, AND EVICTION

Current Law

Section 2203 of Public Law 110-289, the Housing and Economic Recovery Act of 2008, amended the Servicemembers Civil Relief Act (hereinafter, "SCRA"), by extending from 90 days to 9 months after military service, the period of protection for servicemembers against mortgage foreclosure, and the time period during which a

court may stay proceedings or adjust obligations. These protections were scheduled to expire on December 31, 2010. Public Law 111-346, the Helping Heroes Keep Their Homes Act of 2010, extended the enhanced protections through December 31, 2012.

Senate Bill

Section 302 of S. 914, as reported, would extend from 9 months to 12 months after military service, the period of protection against mortgage foreclosure, and the period in which a court may stay a proceeding or adjust an obligation. It also would require the Comptroller General to report on certain foreclosure protections.

House Bill

Section 1 of H.R. 1263, as amended, would amend section 303 of the SCRA extend mortgage related protections to surviving spouses of servicemembers who die on active duty, or whose death is service-connected. This protection would preclude a lending institution from foreclosing on property owned by the surviving spouse until at least 12 months following the servicemember's death. This provision would be effective with the enactment of this bill and would sunset five years from the date of enactment.

Section 2 of H.R. 1263, as amended, would require all lending institutions covered by the SCRA to designate an employee who is responsible for the institution's compliance with SCRA and who is responsible for providing information to customers covered by the SCRA. Section 2 would require any institution with annual assets of \$10 billion in the previous fiscal year to maintain a toll-free telephone number for their customers. It also would require these institutions to publish this toll-free number on their website.

Section 3 of H.R. 1263, as amended, would amend section 303(b) of the SCRA to extend the protection allowing a court to stay proceedings and adjust obligations related to real or personal property for SCRA covered property from 9 months after the servicemember's period of military service, to 12 months. Section 3 would amend section 303(c) of the SCRA to extend the protection preventing foreclosure or seizure for SCRA covered property from 9 months after the servicemember's period of military service to 12 months. These protections would sunset five years after enactment of the House bill.

Compromise Agreement

Section 710 of the Compromise Agreement generally follows the Senate's position except the agreement includes an effective date 180 days after enactment, and a provision extending the enhanced protections of this Compromise Agreement through December 31, 2014.

It is the Committees' view that inclusion of a sunset provision will continue the enhanced mortgage protections provided by this bill, but also will allow GAO sufficient time to collect information on the impact of these provisions on the financial well-being of servicemembers before allowing the enhanced protections to expire.

Mr. REID. Mr. President, I ask unanimous consent that the Murray substitute amendment, which is at the desk, be agreed to; the bill, as amended, be read three times; and the statutory pay-go statement be read.

The amendment (No. 2559), in the nature of a substitute, was agreed to.

(The amendment is printed in today's RECORD under "Text of amendments.")

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The clerk will read the pay-go statement.

The assistant bill clerk read as follows:

Mr. CONRAD. This is the Statement of Budgetary Effects of PAYGO Legislation for H.R. 1627, as amended.

Total Budgetary Effects of H.R. 1627 for the 5-year Statutory PAYGO Scorecard—net reduction in the deficit of \$401 million.

Total Budgetary Effects of H.R. 1627 for the 10-year Statutory PAYGO Scorecard—net reduction in the deficit of \$215 million.

Also submitted for the RECORD as part of this statement is a table prepared by the Congressional Budget Office, which provides additional information on the budgetary effects of this Act.

The table follows:

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 1627, THE HONORING AMERICA'S VETERANS AND CARING FOR CAMP LEJEUNE FAMILIES ACT OF 2012, AS AMENDED (VERSION BAG12759)

	By fiscal year, in millions of dollars—											
	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2012–2017
NET INCREASE OR DECREASE (–) IN THE DEFICIT												2012–2022
Statutory Pay-As-You-Go Impact	0	–36	–28	–37	–49	–257	34	35	34	38	38	–401

Source: Congressional Budget Office.

Notes: Components do not sum to totals because of rounding.

The legislation would provide health care benefits to certain veterans and their dependents who were stationed at Camp Lejeune, NC, as well as making several changes to housing, compensation, and education benefits provided by the Department of Veterans Affairs.

Mr. REID. Mr. President, I ask unanimous consent the bill, as amended, be passed; the Murray title amendment, which is at the desk, be agreed to; and the motions to reconsider be laid upon the table, with no intervening action or debate, and any related statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1627), as amended, was passed.

The amendment (No. 2560) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: "A bill to amend title 38, United States Code, to furnish hospital care and medical services to veterans who were stationed at Camp Lejeune, North Carolina, while the water was contaminated at Camp Lejeune, to improve the provision of housing assistance to veterans and their families, and for other purposes."

MEASURE READ THE FIRST TIME—S. 3401

Mr. REID. Mr. President, I understand S. 3401 is due for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The assistant bill clerk read as follows:

A bill (S. 3401) to amend the Internal Revenue Code of 1986 to temporarily extend tax relief provisions enacted in 2001 and 2003, to

provide for temporary alternative minimum tax relief, to extend increased expensing limitations, and to provide instructions for tax reform.

Mr. REID. Mr. President, I now ask for a second reading but object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will receive a second reading on the next legislative day.

ORDERS FOR THURSDAY, JULY 19, 2012

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Thursday, July 19; that following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their

use later in the day; that the majority leader be recognized and the first hour be equally divided and controlled between the two leaders or their designees, with the Republicans controlling the first half and the majority controlling the final half; further, that the cloture vote on the motion to proceed to S. 3364, the Bring Jobs Home Act, be at 2:15 p.m. tomorrow.

The PRESIDING OFFICER (Mr. BEGICH). Without objection, it is so ordered.

PROGRAM

Mr. REID. Mr. President, the first vote tomorrow will be at 2:15 p.m. on the motion to invoke cloture on the motion to proceed to the Bring Jobs Home Act.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it adjourn under the previous order.

There being no objection, the Senate, at 7:14 p.m., adjourned until Thursday, July 19, 2012, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF STATE

JAMES B. CUNNINGHAM, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF AFGHANISTAN.

RICHARD G. OLSON, OF NEW MEXICO, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF PAKISTAN.

HOUSE OF REPRESENTATIVES—Wednesday, July 18, 2012

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. SCHMIDT).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 18, 2012.

I hereby appoint the Honorable JEAN SCHMIDT to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 17, 2012, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes each, but in no event shall debate continue beyond 11:50 a.m.

PUBLIC BROADCASTING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. There is a sad, unnecessary battle shaping up again over the future of public broadcasting. It's not an exaggeration to say that this battle is about the very future, the very existence of public broadcasting. You might have thought that we were past this when, 15 months ago, the Republican House leadership targeted NPR and tried to defund the Corporation for Public Broadcasting.

Luckily, last year, the 170 million people who don't just listen or watch public broadcasting but depend upon it, unleashed an unprecedented show of support. As a result, the Republican leadership walked back. They cut, but did not kill, the Federal support for public broadcasting despite the rhetoric. And there was actually a constructive sign in last year's appropriations bill that requested a study to examine alternatives to funding public broadcasting with Federal funding so that people would have hard facts to operate on this year.

Ironically, that study—requested by our Republican colleagues—now being circulated, clearly shows that there is no viable alternative to Federal funding for public broadcasting. Many of the proposals that have been suggested would actually end up with less overall revenues in the long term.

The House appropriations bill being marked up this morning would slash funding now, defund NPR Federal support, and end public broadcasting as we know it, within 2 years. At the same time, we have a Republican Presidential nominee who singled out public broadcasting as one of the five programs that he would eliminate.

This is because Governor Romney and the Republicans listen to a tiny fraction of the American public that is even a minority in their own party. A recent poll showed that two-thirds of the Republicans surveyed would either keep Federal funding as it is, or increase it. What resonates with Republican primary voters is not what America wants, needs, or believes.

The unprecedented threat comes at exactly the time America needs public broadcasting most. NPR News, the object of greatest Republican scorn, is the most trusted brand in the American news media. Listeners learn something, unlike Fox News viewers, who, surveys show, actually know less about the facts than people who listen to no news at all.

NPR News has again the highest rating for the ninth year in a row. PBS shows like "Sesame Street" have helped three generations of parents raise their children with effective, commercial-free educational programming.

Locally owned news is becoming only a memory for most of America as larger corporations buy up radio and television stations and local newspapers. There's no money to be made by commercial stations that cater to the special needs of rural and small-town America. But public broadcasting is there because their mission is to serve, not make money. Often, these locally owned and managed public broadcasting stations are the only source that is direct news, education, and entertainment locally managed for local needs.

We must stop the attack on this critical service for rural and small-town America. It's time for the 170 million Americans who depend on public broadcasting every month to speak out again and for Congress to finally listen.

The radical proposal to slash public broadcasting, defund NPR, and termi-

nate public broadcasting as we know it, is the most powerful symbol of how out of step the Republican leadership is from the country they are supposed to represent.

There's no reason to make public broadcasting a partisan issue. The American public has broad support for it, Republicans, Independents and Democrats alike, especially when PBS and its member stations were named number one in public trust and an "excellent" use of taxpayer dollars for the ninth consecutive year.

Since I've been in Congress, we've beaten back this destructive effort, but our challenge now has never been more urgent. It's time for people who believe in public broadcasting to stand up to what can only be termed extremism and settle this question once and for all about the future of public broadcasting. For unless we fight it now, there may be nothing left to protect.

RUSSIA'S MEMBERSHIP IN THE WORLD TRADE ORGANIZATION

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. DREIER) for 5 minutes.

Mr. DREIER. Madam Speaker, the cover of this week's Economist magazine covers it very well. Rebuilding America's economy is its point. We all want to do everything we can to create good, American jobs. Well, unfortunately, we're on the verge of losing a potential market of 140 million consumers. And the reason I say that is that just last week and today, debate is taking place in the Duma, the Russian parliament. The Duma is the lower house, and the Federation Council is the upper house. The Duma has passed it, and the Federation Council today is debating. They may have already voted on it. They are going to be joining the World Trade Organization.

This Economist publication talks about the fact that the way we rebuild our market is through expanded exports. Well, we know that forcing Russia to live with a rules-based trading system is something that could inure to the benefit of U.S. workers. And that's what accession to the WTO is.

Guess what? Russia is going to be a member of the World Trade Organization within 30 days. The question is whether or not the United States of America will be able to have access to that market. We all know that Putin engages in crony capitalism. They have a massive bureaucracy and a corrupt court system. Forcing them to live

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

with a rules-based trading system is the right thing for us to do.

Now, I'm happy to say that there has been an effort led by my colleagues, Mr. LONG and Mr. REED, within the freshman class that has brought 73 Republican Members to send a letter to the President of the United States urging support of permanent normal trade relations with Russia and urging this institution to support that. I'm happy it's a bipartisan effort. My friend, Mr. MEEKS, has joined in this effort, as well.

I would like to, at this point, yield to my good friend from Missouri (Mr. LONG) and thank him for the effort that he has made to tackle this important issue. I'm happy to yield to my friend.

Mr. LONG. I thank the gentleman for yielding.

Madam Speaker, we agree that we need to get our Nation's economy growing again in order to create jobs for American families. Increasing our Nation's exports is one area that would help grow the economy and create jobs without costing one thin dime. I support free trade because more exports equal more jobs.

I recently led an effort, as Mr. DREIER mentioned there, to rally my freshman class to support permanent normal trade relations with Russia. After nearly two decades of negotiations, Russia is poised to join the World Trade Organization this summer, and without repealing a Cold War-era trade restriction, American businesses will be at a severe disadvantage to international competitors. While the U.S. already trades with Russia, the repeal of the Jackson-Vanik provision would level the playing field for U.S. exports after Russia joins the WTO.

□ 1010

The media and some in this country like to portray my freshman class as a group that's not willing to work for the benefit of the American people or work in a bipartisan spirit. We can put those portrayals to rest. The President has shown an interest in increasing American exports, and the purpose of my letter was to show the President that 73 Members of the Republican freshman class are willing to work on this issue to help support American jobs.

I will continue to support efforts that will boost trade opportunities for American manufacturers and businesses. This is about doing what is right for our country and supporting efforts to create jobs for American families.

Mr. DREIER. Madam Speaker, let me thank my friend for his very thoughtful contribution and, in fact, disabusing people of this notion that somehow this group of 87 new Republicans who have come to Congress are not willing to tackle important issues. They led the effort to bring about pas-

sage of the Panama, Colombia, and Korea Free Trade Agreements. And once again, they're providing tremendous leadership on our goal of creating good American jobs by prying open that market and ensuring that the United States worker will have access to it.

If you think about not only creating jobs here, but dealing with the problems of crony capitalism, dealing with the problems of a massive bureaucracy, and dealing with a corrupt court system—which is what exists under Vladimir Putin today—this is the right thing for us to do. We should not lose access to the market.

I also want to note that my very good friend, Mr. HERGER, who has been a great leader on the issue of trade, is here. Mr. BERG is here as well, who's been very involved in this.

I would be happy to yield, if I might, to my friend from New York (Mr. REED), who has played such an important role on the trade issue.

Mr. REED. I thank the gentleman, and I rise today in strong support to join my friend from California. As he knows, we've been supportive of free trade from the moment we got here, and I was so pleased to see Colombia, Panama, and South Korea be passed.

WHAT WOULD RONALD REAGAN DO?

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. CONNOLLY) for 5 minutes.

Mr. CONNOLLY of Virginia. Madam Speaker, this month, as American families and businesses anxiously await Congress' action on the expiration of any number of tax cuts, I thought it would be a good idea to ask ourselves again that question: What would Ronald Reagan do? Let's query the Gipper. After all, for the past 3 years all we've heard from Republicans is the claim that President Obama taxes too much.

When the Tea Party started its lobbying efforts in 2009, their name "tea" actually was an acronym standing for "taxed enough already." So just like the Republican Party, the Tea Party expressed an apoplectic furor about what they thought was happening to taxes.

But while blind conjecture and pithy slogans are useful in getting attention, they ultimately fail unless they're backed by facts. Thankfully, the non-partisan Congress Budget Office recently came out with its comparison of the average Federal tax rates paid by American families over the past 31 years. I'm sure Republicans and the Tea Party were all as surprised as many of us to learn that since 1979 Americans paid the lowest average Federal rate in 2009 under President Obama. That's right. Thanks in large part to the Recovery Act's \$243 billion in middle class tax cuts—which my

friends on the other side of the aisle opposed to a person—the average Federal tax rate fell to a 31-year low.

The average Federal rate since 1979 is 21 percent—meaning that, on average over the past 31 years, Americans paid 21 percent of their yearly income to the Federal Government each April. The previous low for the past 31 years was 18 percent. But in 2009, President Obama's first year in office, the average Federal tax rate actually fell to 17.4 percent, the lowest since 1979 when Jimmy Carter was in the White House. That means a lower percentage of taxes paid than under Bill Clinton, lower taxes than under both of the two George Bushes, and, yes, a lower average Federal tax rate than under the Gipper, Ronald Reagan.

Throughout President Reagan's 8 years in office, the average Federal tax rate was 20.9 percent, never dropping below 20.2. In contrast, in his first year, the average rate under President Obama was 17.4. In other words, after taking into account all the tax breaks and tax loopholes—especially the Recovery Act's Making Work Pay tax cut—Americans, in 2009, paid 2.8 percent less of their income to the Federal Government than they paid during Ronald Reagan's best year. Ronald Reagan, George Bush, Bill Clinton, the other George Bush, and President Obama. By far, President Obama has the lowest tax rates.

Perhaps if the average Federal tax rate under President Obama was as high as those during President Clinton's second term, then maybe Republicans would have a better argument. Of course, President Clinton's second term also saw significant job growth and expanding economy, and the only Federal budget surpluses since 1969—four in a row. But to complain about Federal deficits and then immediately call for cutting taxes on the highest income brackets—even lower than the current 31-year low under President Obama—shows significant hypocrisy or a lack of basic addition and subtraction skills.

So as today's Republicans try to spin a tax fairy tale, where the lowest Federal tax rate in 31 years under President Obama is somehow too high, while ignoring the higher rates through the eighties and nineties, perhaps it's time once again to ask: What would Ronald Reagan have done?

Republicans, even those who profess to idolize President Reagan, of course, won't ask because they don't want to hear the answer. Following the significant initial tax cuts in 1981, President Reagan subsequently signed into law a host of taxes to try to bring the budget back into balance. Five times he raised taxes in his 8 years.

Madam Speaker, as Congress debates the extension of the current tax burden, comprehensive tax reform, and overall budget deficits, I again feel

compelled to ask my colleagues: What would Ronald Reagan do?

GOVERNMENT IS THE PROBLEM, NOT THE SOLUTION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. POE) for 5 minutes.

Mr. POE of Texas. Madam Speaker, recently I heard from Jacqueline, a small business owner in southeast Texas, and here's what she said:

Business owners who want to succeed put their heart and soul into their business. They are the ones who get there at the crack of dawn and leave after everyone else is long settled in for the night. I've been a small business owner, and I know a great many others like me, and nobody did anything for us, we did it for ourselves, and the only thing that the government did for us was tax us.

Apparently, this President disagrees with Jacqueline's statement. According to the administration: "If you've got a business, you didn't build that. Somebody else made that happen." So the President is inferring, I suspect, that government should get the credit for the success of entrepreneurs. He is wrong, Madam Speaker.

People are the reason for American success—not government. Americans have the vision, creativity, and audacity to pursue a dream—not the government. Americans risk their life savings, not knowing what profit they will get back in return for their labor. Government doesn't risk anything. Americans spend long days, sleepless nights, and working on weekends away from their family in order to keep their company afloat and pay their employees. Americans battle through discouragement and criticism in the hope for better days ahead. It is Americans who give up their home in order to pay for a store. And it's Americans who pay all those taxes and expensive government regulations that they're forced to pay.

Government isn't there when a decision is made to get a business started, to take a leap of faith, make a hire, sell first goods, or tally bills. People pursue their own American Dream without government holding their hand.

Those believers in Big Government say that Americans can only be successful if government controls their lives. Madam Speaker, government isn't the answer; government's the problem. America is not great because of government programs. It's great because of Americans, individuals with the spirit and desire to make their lives and this country better. Government doesn't assume the risk in business, individuals do.

Starting a business is not easy. Business is driven by American ingenuity, creativity and, yes, hard work. Those who have been successful didn't wait around for someone else to help them with a government handout. The re-

ality is that government actually makes it harder to do business now, not easier.

When I ask Texas businesses what Washington can do for them, their answer is always the same: get out of the way. Businesses cannot afford to hire others and give them jobs because of the costly, unnecessary regulations imposed by government.

□ 1020

According to the World Bank's 2012 "Doing Business in a More Transparent World" report, the U.S. now ranks 13th in the world in places to start a business. We trail countries like Belarus, Macedonia, and Rwanda. Now, isn't that lovely?

America should not be a place where people wait for a government handout check. Instead, they should get a paycheck for working.

Individual achievement used to be celebrated in this country, but the administration seems to punish success. And what does the government do when individuals are successful? The government punishes them with taxes.

According to the collectivists, business wealth was created by government, and so it belongs to everybody. Sounds a lot like statism to me, Madam Speaker, the idea that citizens should be beholden to the government for everything and government is worshipped as the savior of us all. That is not the American philosophy, I know.

So the policy is, under the statist, tax people to death. Madam Speaker, you've heard that statement. If something moves, regulate it. If it keeps moving, tax it. And then if it stops moving, subsidize it. Government is doing all of the above to businesses in this country. And government is also overtaxing those small businesses, keeping 23 million Americans from finding jobs.

Madam Speaker, small businesses create most of the jobs in this country. You see, when a small business is successful it can expand by hiring people. Government doesn't create jobs; people and businesses do.

So what next? Are the good days of American exceptionalism behind us? No. Americans are as exceptional as ever before, and it's the government that is our problem.

Where I come from, we teach our kids that, in this country, no matter who you are or where you came from, hard work and personal responsibility will pay off. In the America I know, people earn their paycheck and don't sit around waiting for a free government check.

Small business owner Jacqueline is correct. Individuals, American ingenuity, and free enterprise create success, not Washington. That is the American Dream, Madam Speaker. And when you see the President, tell him he's wrong.

And that's just the way it is.

WE NEED PNTR NOW

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. MEEKS) for 5 minutes.

Mr. MEEKS. Russia, with some of the world's most sophisticated consumers and a rapidly growing market, will join the World Trade Organization by summer's end. After 18 years of negotiating with the United States and the World Trade Organization, after improving their trade laws and reducing tariffs, yes, very shortly Russia will be a member of the World Trade Organization.

For the United States, this could mean improved market access for our exports of goods and services. It could mean protections if Russia violates international rules. It could mean a trade boost, an additional 50,000 jobs or more right here in the United States of America, and all of this, if the United States and this Congress lifts the Cold War relic, the Jackson-Vanik amendment, and authorizes permanent normal trade relations. We've waived Jackson-Vanik for over 20 years. We now need PNTR, and we need to do it now.

Our competitors will have access to that market. We will then fall behind them.

We can compete with anybody in the world. This is the greatest country in the world. Let's not lock ourselves out of the market in Russia. Let's not put ourselves behind our competitors. Here's an opportunity for us to come together.

You heard earlier this morning my friend and colleague, DAVID DREIER, bringing folks together, talking about how we can do this together with the President of the United States, who has an export initiative, to create more jobs.

Here we can demonstrate to the American people that we're concerned about creating jobs, and that we're going to make sure that we take advantage of that opportunity by bringing PNTR for Russia immediately, getting involved, and trading with them to create jobs right here in the good old United States of America.

TAX CLIFF

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from Tennessee (Mrs. BLACK) for 5 minutes.

Mrs. BLACK. Madam Speaker, it has been 41 months of unemployment above 8 percent, and the President is calling for higher taxes on small businesses. That is the devastating reality currently facing 13 million unemployed Americans.

America's in the midst of a jobs crisis unlike anything this country has seen since the Great Depression. And the President's most recent answer to

this crisis? A tax hike on small businesses to feed Democrats' insatiable appetite for more wasteful, ever-expanding government spending.

This past week, the President followed up his recent call for higher taxes by scolding entrepreneurs. And I quote: "If you've got a business, you didn't build it. Somebody else built that."

His disdain for American enterprise truly underscores that he not only doesn't know what it takes to start and run a business, but he is clueless about how jobs are created.

If the President gets his way, instead of small businesses creating more paychecks for more workers, they will be paying more taxes to the Federal Government. I wonder if the President has considered the fact that small businesses create two out of every three new jobs in America? And that means, for the majority of the nearly 13 million unemployed Americans, their best hope of being able to provide for their family hinges on small businesses' ability to hire more people.

The administration's onslaught of new regulations and ObamaCare's costly taxes and mandates have already placed a huge burden on our Nation's small businesses. The President now wants to add insult to injury and siphon away 201 billion more dollars from the American job creators.

Now, a new study released yesterday from Ernst & Young confirms what many Americans already know: the President's latest tax hike plan would destroy 700,000 jobs and further weaken our struggling economy.

The House is scheduled to vote in a couple of weeks on legislation to extend all of the current Federal income tax rates while, at the same time, laying the groundwork for making our Tax Code simpler and fairer by lowering rates and closing loopholes. Pro-growth tax reform is needed to help create the climate for job creation and to ensure more jobs stay right here in the United States.

The most recent unemployment report shows that the number of people leaving the job market to go into Social Security disability outnumbers the number of people who are going back to work. Let me repeat that. The most recent unemployment report shows that the number of people leaving the job market to go on Social Security disability outnumbers the number of people who are going back to work.

So, regardless of one's political ideology, it's truly unconscionable for the President or any Member of Congress to be calling for tax hikes on Americans when millions are out of work and the economy is still treading water.

But, to make matters worse, this week many Democrat leaders in the Senate have said that they are willing to allow these taxes to increase for all

Americans if they aren't able to get their way and raise taxes on 1.2 million small businesses. Now, every day the President and the Senate Democrats continue with this political posturing and class warfare nonsense while the economy suffers and small businesses suffer, and ultimately, the American people suffer.

The question is, will the President and the Senate Democrats who run Washington work with the House Republicans to stop this huge, job-killing tax increase from hitting small businesses and every American who pays an income tax? Or will they continue to insist on higher taxes to pay for wasteful government spending and bailouts for political allies?

□ 1030

INTERNATIONAL AIDS CONFERENCE

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. RANGEL) for 5 minutes.

Mr. RANGEL. This Sunday, the International AIDS Conference is going to be held in our Nation's Capital. It was some 30 years ago that this serious disease became known in our great country and spread from other parts of the world. Since that time, we've lost over a half a million people, yet we have not found a cure for this deadly disease.

I have introduced legislation, H.R. 1462, with Senator GILLIBRAND, to see whether or not we can have more national attention focused on the fact that we can do a lot more than we are doing.

The major thrust, of course, of what we have to do is to educate people that, although it used to have great stigma, there are so many different ways to come in contact with the disease. Education is one way that we can help people. Prevention, of course, is another, but I would like to emphasize the need for testing. So many people are walking around with the virus and have no idea that they have it. Even though there have been efforts made by community organizations for free testing, this is one of the exciting things about the President's Affordable Care Act.

There is no question that after we get finished with the political circus that we are forced to go through because of the coming election that more and more Americans will understand the benefits they are receiving even now from this universal coverage, which so many people need, and the dramatic decrease in cost when people are able to get preventative care. Preventative care is one of the major parts of the President's Affordable Care Act. What it means is that people can now go to doctors for regular checkups and can find out things in time to prevent them from becoming more serious.

My mom had three kids. When I was a kid, someone told her that she was going to the doctor with us, and we were not sick. Well, that was something that we didn't think was a luxury we could afford. Now, in seeing how important it is to contain serious illnesses and to reduce the costs of health care, it is so important that preventative care be a part of our national health system, and the quicker we get on with the implementation of this great bill, the more lives and the more dollars we will be able to save.

So, remember, if you have any interest at all, take a look at what is going to be happening in September. The Congressional Black Caucus, during our legislative weekend that month, will have professionals come in to talk with us, to teach us, to tell us what we can do to extend this education process throughout our great country.

GRANT PERMANENT NORMAL TRADE RELATIONS WITH RUSSIA

The SPEAKER pro tempore. The Chair recognizes the gentleman from New York (Mr. REED) for 5 minutes.

Mr. REED. I rise this morning to express my support for the Russian accession to the WTO and for our need here in this Chamber and in Washington, D.C., to grant Russia PNTR status so that we can establish a strong, forward-looking trade relationship with Russia.

Madam Speaker, it's simple. American trade opportunity, as represented by the Russian market, equals American job opportunity here on our soil, and I am proud to support this need to get PNTR trade status for Russia.

I am also joined this morning by a good friend from North Dakota to whom I would like to yield, Mr. BERG.

Mr. BERG. Today, I rise to urge Congress to grant permanent normal trade relations, also known as PNTR, with Russia. Russia will soon join the World Trade Organization. This will increase trade with Russia, and it will create significant export opportunities. However, before we can take advantage of these trade benefits, we must grant permanent normal trade relations with Russia.

This is a great opportunity for our State of North Dakota to increase trade with the ninth largest economy in the world. In 2011, last year, North Dakota had over \$46 million worth of exports to Russia. This impacted 160 jobs in our State directly. That number will grow significantly if we grant PNTR to Russia. On the other hand, failing to grant them PNTR will significantly impact North Dakota businesses as well as all American businesses. It will put us at a competitive disadvantage.

This is why it is important for Congress to grant permanent normal trade relations with Russia and to do it as quickly as possible.

Mr. REED. I thank the gentleman for his comments.

I also thank the folks who came to the Chamber this morning, Madam Speaker, in a bipartisan fashion to recognize the need to grant PNTR status to Russia in order for us—American manufacturers, American job creators—to take advantage of that trade opportunity that is represented by the Russian accession to the WTO.

If we go forward and grant PNTR status to Russia, United States exports could double or, perhaps, even triple as a result of the trade opportunity that Russia represents to our American job creators; and in the great State of New York, that means tremendous numbers of jobs will be created.

As we all know, the number one issue facing us in this Chamber, in this city, is: How are we going to grow jobs across America? As I said in the beginning and as I will say again, American trade opportunity, such as represented by Russia, equals American job opportunity.

STOP SPENDING ON WEAPONS AND WARFARE; START INVESTING IN THE AMERICAN PEOPLE

The SPEAKER pro tempore. The Chair recognizes the gentlewoman from California (Ms. WOOLSEY) for 5 minutes.

Ms. WOOLSEY. Madam Speaker, this week, the House is debating the Defense appropriations bill, which provides an excellent opportunity to point out something quite ironic about my colleagues in the majority because, Madam Speaker, for all of their talk about getting spending under control, that same rhetoric is surprisingly absent when we are talking about the Pentagon budget, which we are talking about this week.

You see, they're eager to slash and burn when it comes to programs that invest and support middle class working families, but somehow, when it is time for sacrifice to be shared, the military industrial complex is nowhere to be found. While we have to fight for every penny of domestic spending, the Pentagon simply fills in its amount on a blank check, it appears. So I think we ought to have a dollar-for-dollar match in spending cuts.

I will be offering a series of amendments to the DOD appropriations bill that call for defense cuts in the exact amounts by which other important programs are being reduced.

For example, the proposed Labor-HHS-Education spending bill eliminates the title X program. Title X, the family planning program that historically has been passed with bipartisan support, has provided contraceptive and preventive health services to low-income women for more than 40 years. The Republicans want the title X \$294 million investment gone. So let's cut

the defense budget by an identical \$294 million;

The Ag appropriations bill provides \$119 million less than the President requested for WIC—the Women, Infants, and Children's program—which provides badly needed nutrition assistance for poor pregnant women, new mothers, and children up to the age of 5. So, if we are going to shortchange a pillar of our safety net by \$119 million, then I believe the Department of Defense can do without that same \$119 million.

□ 1040

Here's the big ticket item: the Republican budget. The budget that passed this body in March zeroed out all funding for the Social Services Block Grant, including \$1.7 billion in cuts for next year. If my Republican friends believe that we can't afford \$1.7 billion next year to provide daycare, housing, home health care, home meal delivery, and other social services, then I say we can also eliminate a corresponding \$1.7 billion in defense spending.

The fact is, Madam Speaker, defense cuts are not only fiscally responsible and morally defensible; they're widely popular. USA Today reported yesterday on a new survey that shows that two-thirds of those living in Republican congressional districts believe that the defense budget is too large.

It is no secret that military spending is widely out of control. Let's remember that none of this takes into account the war in Afghanistan, which isn't funded through the appropriations process. On top of the bloated defense budget, American taxpayers are shelling out another \$10 billion a month—not a year—for a decade-long war that is failing to advance our national security objective.

It's time to reverse this course. It's time to bring our troops home from Afghanistan. It's time for the Pentagon to assume its share of the shared sacrifice. It's time to do the right and the sensible thing: stop spending on weapons and warfare and start investing in the American people.

EXTENDING TAX RELIEF

The SPEAKER pro tempore. The Chair recognizes the gentleman from California (Mr. HERGER) for 5 minutes.

Mr. HERGER. Madam Speaker, coming from a small business background, I originally ran for public office not because of what government was doing for me, but rather what it was doing to me.

Many small business owners in my northern California district feel the same way, but apparently the President isn't getting that message. The other day he said:

If you've got a business, you didn't build that. Somebody else made that happen.

Madam Speaker, perhaps that is why he's so determined to raise taxes on small businesses on January 1. Now Senate Democrats are saying that if they can't get their small business tax hike, they'll let taxes go up for everyone. That's just wrong. Let's stop the tax hike for all Americans.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 43 minutes a.m.), the House stood in recess.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at noon.

PRAYER

Reverend Dr. Stan Ballard, Nettleton Baptist Church, Jonesboro, Arkansas, offered the following prayer:

Father in Heaven, thank You for this unique privilege You have given me today to pray and to ask Your blessings on the Congress of the United States. I pray for Your wisdom and guidance to be given to each Member of Congress. I pray for Your protection for them and their families.

Please reveal to each of them that they have a great responsibility to vote and conduct themselves according to Your divine will and purpose. Show them that they are accountable not only to the voters, but to You, Almighty God.

Thank You for the United States and the freedom and opportunities we enjoy as Americans. Thank You for allowing us to be blessed by Your omnipotent hand for over 236 years. Your purpose is for us to share Your blessings of love and grace to all people. We pray for a strong economy and for national unity. We are blessed because You are our God.

In Jesus' name, amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California (Ms. WOOLSEY) come forward and lead the House in the Pledge of Allegiance.

Ms. WOOLSEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING REVEREND DR. STAN BALLARD

The SPEAKER. Without objection, the gentleman from Arkansas (Mr. CRAWFORD) is recognized for 1 minute.

There was no objection.

Mr. CRAWFORD. Mr. Speaker, it is an honor for me to introduce our guest pastor this morning, Dr. Stan Ballard.

For the past 30 years, Brother Stan has pastored numerous congregations, and today he serves as a pastor of my family's church, Nettleton Baptist in Jonesboro, Arkansas.

Brother Stan is a native Mississippian and earned his undergraduate degree from Mississippi State University. After graduating from Mississippi State, he earned a bachelor's degree from New Orleans Baptist Theological Seminary in New Orleans and a doctorate degree from Luther Rice Theological Seminary in Atlanta. During his career in ministry, Brother Stan has pastored churches in Louisiana, Mississippi, Ohio, and Arkansas.

The pride and joy of Brother Stan's life are his wife, Beth, and their children and grandchildren. During their 42 years of marriage, Stan and Beth have been blessed with three sons and, more recently, four grandchildren.

On a personal level, I can say that Brother Stan has been a constant source of support and guidance for the entire Nettleton Baptist congregation. Any time a member of our congregation is in need, we can rely on Brother Stan.

It's an honor to introduce Pastor Stan Ballard and welcome him to the U.S. House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. Foxx). The Chair will entertain 15 requests for 1-minute speeches on each side of the aisle.

SEQUESTRATION

(Mr. HECK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECK. Madam Speaker, I come to the floor today to call on the administration to inform the American people how they intend to implement the sequester cuts mandated by the Budget Control Act. With the failure of the supercommittee, we now face defense cuts that everyone agrees are far too steep. Secretary of Defense Leon Panetta has said that cutting military

spending by an additional \$500 billion "would do real damage to our security, our troops and their families, and our military's ability to protect the Nation."

Cuts of this nature would result in us having the smallest ground force since World War II, the smallest Navy since World War I, and the smallest tactical Air Force since the Air Force was created in 1948.

Independent economists have testified before the House Armed Services Committee that these cuts will cause massive job losses, including as many as 4,000 in my State of Nevada, which already suffers from the highest unemployment rate in the Nation.

The House has passed a plan to replace these devastating cuts, maintain national security, and prevent job losses. Today, I urge the administration to outline its plan for addressing this situation.

INTERNATIONAL AIDS CONFERENCE

(Mr. CICILLINE asked and was given permission to address the House for 1 minute.)

Mr. CICILLINE. Madam Speaker, I rise today to recognize the International AIDS Conference that will bring 25,000 men and women to Washington, D.C., next week.

As a country, we've made incredible strides in the three decades since the first cases of HIV/AIDS were identified in the United States.

In the 1980s, after Ryan White, a teenager living in Indiana, acquired the disease through a blood transfusion, his family had to fight their local school board that feared he might infect his classmates simply by showing up for school.

Today, men, women, and children with HIV are living longer, more fulfilling lives due to advances in treatment and a better understanding of the disease. And just this week, the FDA approved the first pill designed to help prevent healthy people from acquiring the virus.

But even today, HIV/AIDS is still an epidemic that primarily afflicts our poorest and most vulnerable citizens across the world and even here in the United States. We must continue to work with advocates like those attending next week's conference so that one day we can finally eradicate HIV/AIDS.

In Rhode Island, EpiVax, under the leadership of Dr. Annie DeGroot, is working to develop a globally accessible vaccine, and I wish them great success in their important work.

THE DAMAGING EFFECTS OF DEFENSE CUTS

(Mr. PALAZZO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALAZZO. Madam Speaker, I come before you today not just as a Congressman from Mississippi's Fourth Congressional District, but also as a Marine veteran of the Persian Gulf War and the only Member of this body that is currently serving as a noncommissioned officer in the National Guard, simply to say that one of the biggest threats to our national security that we face as a nation is the crippling defense cuts that would put our men and women in uniform at physical risk and more than 1 million Americans out of work.

It will harm folks like the 857th that I had the privilege to send off this weekend as they are about to deploy to Afghanistan, or the more than 170,000 warfighters from all across the United States who have come through the gates of Camp Shelby Joint Forces Training Center as part of the global war on terrorism.

Today, once more, I join my colleagues in asking the President and the Senate Democrats to come to the table, consider the solutions we've already brought forth, or propose your own. The American people deserve answers on how these defense cuts will affect them, and American soldiers deserve leadership from their Commander in Chief.

AMERICAN COMPASSION FOR HIV/AIDS

(Ms. WOOLSEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WOOLSEY. Next week, more than 20,000 delegates from around the world will convene in Washington for the International AIDS Conference.

I find it ironic and a little bit sad that, as so many mobilize to fight this deadly epidemic, the majority in this body want to cut \$150 million from USAID's global health initiative, which funds AIDS prevention efforts.

When will we learn? Fighting diseases in the developing world is more than a matter of humanitarian decency. It's also critical to our national security.

This week, as we debate how much money to appropriate to the Defense Department, I hope we will remember that defending America and our values isn't just about how many weapons we build, but how many lives we save around the world. This is the core truth behind my SMART Security proposal, that fighting terrorism and keeping our country safe depends less on American military force and more on American compassion.

□ 1210

TAX HIKES

(Mr. SAM JOHNSON of Texas asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Just when I thought the administration's economic policies couldn't get worse, the President is now calling for a tax increase that will hit 53 percent of small business income.

At a time when small businesses aren't able to hire because of the constant threat of higher taxes, that just doesn't make sense.

The President's tax plan does nothing to reduce the ever-increasing national debt. Instead of threatening job creators with more job-destroying taxes, we need to cut spending, get our fiscal house in order, and ensure that American families and businesses will not have to fork over more of their hard-earned money to Uncle Sam.

The President should recognize that job creators put their own blood, sweat, and tears into building their own businesses and that the government shouldn't be destroying small business owners with any tax hike.

JOBS AND TAXES

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Madam Speaker, the American people need Congress to take bold action to create jobs. While our economy is slowly improving, unemployment remains at 11.9 percent in my hometown of San Bernardino County.

In the last 500 days since the Republicans took control of the House, they have refused to move forward a real plan to put more Americans back to work. Instead of working to create jobs, Republicans have passed a budget that gives away \$3 trillion in tax breaks to big corporations and the ultra rich. It ends Medicare as we know it by turning the program into a private voucher system.

Just last week, the Republicans again voted to repeal the Affordable Care Act, which benefits millions of Americans.

It's time to stop the political games and get to work on finding real solutions to the problems we face. We must end the Bush tax cuts for the rich, protect Medicare, and work to create new jobs for all Americans—and assure that we don't outsource those jobs as well.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

JOB CREATORS IN AMERICA

(Mr. DUNCAN of South Carolina asked and was given permission to ad-

dress the House for 1 minute and to revise and extend his remarks.)

Mr. DUNCAN of South Carolina. Madam Speaker, you know, last week the President said to American job creators that if you've got a business, you didn't build that; somebody else made that happen.

Well, let me tell you, Mr. President, that prior to coming to Congress I ran my own business for 16 years. Where was the President or this phantom person that he claims that created my business? Where were they when I was driving 60,000 miles a year chasing business or putting in 16-hour days or signing the loan paperwork at the bank so that I could make payroll or keep the wheels turning on my vehicles? The only other person that was there when I started my business was my wife, Melody, who supported me in so many ways.

This asinine comment by the President of the United States clearly shows that neither he nor anyone in the administration know anything about creating jobs or running a business here in America.

May God bless the real job creators in America, and may God continue to bless this great Nation.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to address their remarks to the Chair.

INTERNATIONAL AIDS CONFERENCE

(Mr. HONDA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HONDA. Madam Speaker, next week marks the launch of the 19th International AIDS Conference. It brings together advocates and leaders from all over the world.

The conference's presence in the United States for the first time in 20 years is a testament to the hard work that members of the HIV/AIDS community, including many in my district and my colleagues in Congress, like my dear friend, BARBARA LEE, have done.

In the 20 intervening years, we have for the first time in a generation seen infection rates go down within the United States and stabilize abroad. Despite these steps, however, it is clear that we are still losing the war in key minority communities. Rising infection rates in the African American, Latino, Asian, and gay and lesbian communities are a stark reminder that our work is not done.

It is fitting that our Nation's Capital is hosting this critical event as it is in the epicenter of this rising problem. Washington, D.C., has a higher HIV/AIDS infection rate than most places in Africa, primarily in these minority communities.

From legislative action to grassroots efforts, now is the time for more com-

mitment to HIV/AIDS, not less; more advocacy, not less; more investment, not less; more research, not less.

HONORING ARMY SPECIALIST SERGIO EDUARDO PEREZ AND ARMY SPECIALIST NICHOLAS ANDREW TAYLOR OF THE INDIANA NATIONAL GUARD

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, I rise with a heavy heart to remember two Hoosier National Guardsmen who fell in Kandahar province, Afghanistan, on 16 July, this week. Army Specialist Sergio Eduardo Perez of Crown Point, Indiana, and Specialist Nicholas Andrew Taylor of Berne, Indiana, both lost their lives in the same attack while courageously supporting combat operations.

Specialist Perez and Specialist Taylor both served with the 713th Engineer Company of the Indiana National Guard based out of Valparaiso, Indiana.

Specialist Perez was born in Crown Point, Indiana. He enlisted after graduating from nearby Lake Central High School in 2010. By all accounts, he was a young man who could get along with everyone. He was the pride of his family and would do anything for anybody.

Army Specialist Nick Taylor was from a town in my district, Berne, Indiana. Despite receiving several offers to play college football after graduating from South Adams High School in 2010, Taylor signed up to serve his country in the Indiana National Guard. He was a hard worker, a man of integrity. He excelled in everything he tried and was active in the First Missionary Church.

Our hearts in Indiana are heavy as we remember those who lost their lives wearing the uniform of the United States on our behalf and those they left behind.

On behalf of all Hoosiers, I extend our deepest sympathies to their families, including Specialist Nick Taylor's father, Police Chef Timothy Taylor; his mother, Stephanie Taylor; his brother, Drew; and sisters, Holly and Sophia; and Specialist Sergio Eduardo Perez's father, Sergio E. Perez, Sr., and mother, Veronica Orozko.

The Bible tells us the Lord is close to the broken-hearted, and that shall be our prayer.

CONTINENTAL FLIGHT 3407

(Mr. HIGGINS asked and was given permission to address the House for 1 minute.)

Mr. HIGGINS. Mr. Speaker, in the wake of the tragic crash of Continental Flight 3407 in my western New York community, Congress successfully passed comprehensive airline safety reforms. While final rules have begun to

be released for these reforms, there are still many regulations yet to be finalized and implemented.

Yesterday, Congresswoman JEAN SCHMIDT and I, along with 44 of our colleagues, sent a letter asking the Federal Aviation Administration to take immediate action on finalizing long overdue rules on crew training. This rule would mandate additional training and evaluation of requirements, ensuring that those working aboard an aircraft are best equipped to handle potential emergency situations.

Mr. Speaker, the National Transportation Safety Board found that between 1988 and 2009 inadequate training was found to be a leading factor in 178 accidents. The crash of Flight 3407 was preventable. Each day that these rules go unfinished carries a potential risk to the flying public.

CONGRATULATING CALIFORNIA STATE UNIVERSITY, FULLERTON, PRESIDENT MILDRED GARCIA

(Ms. LORETTA SANCHEZ of California asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LORETTA SANCHEZ of California. Madam Speaker, I rise today to congratulate recently appointed President Mildred Garcia of the California State University system's Fullerton campus.

President Garcia currently serves on the Commission on Educational Excellence for Hispanics, and she was appointed to that by President Obama.

Previously serving as the 11th female president for California State University, Dominguez Hills, President Garcia became the first Latina president within the California State University system in 2007.

She began her career as an educator. She's still an educator, still teaching at Cal State, Fullerton, while having the presidency, also. She is a scholar. President Garcia focuses much of her research on fairness for higher education policy and practice, and she has authored many books on this subject.

I wish her great success in her new position and, again, congratulations, Millie.

□ 1220

CONTINUING COSTS OF OPERATION ENDURING FREEDOM IN AFGHANISTAN

(Mr. SCHRADER asked and was given permission to address the House for 1 minute.)

Mr. SCHRADER. I rise today to support our planning for a safe and responsible withdrawal from Afghanistan in the very, very near term. No one has forgotten why we went into Afghanistan: to rout out and bring justice to

those who attacked us on September 11, 2001. With extraordinary bravery, our troops have accomplished the mission they were set out to do over 10 years ago. Osama bin Laden has been brought to justice and al Qaeda has been largely crushed. Our troops have done their job. Many of them—over 2,000 of them, in fact—have given their lives not only to defend our freedoms but those of Afghans as well.

After 10 years of war and reconstruction, it's time for Afghans to stand up for Afghanistan, and it's time for us to do our job and bring our troops home. We can continue to defend ourselves from terrorists without tens of thousands of troops fighting a ground war in Afghanistan. The \$88 billion we're talking about putting into Afghanistan in this Defense appropriations bill this week could build our own infrastructure and create jobs and economic opportunity right here at home. It is ludicrous to be spending such large sums rebuilding other countries when our own economic problems are so large and persistent. Our greatest leaders say our greatest threat is not a military one, but an economic one.

SEQUESTRATION TRANSPARENCY ACT

(Mr. WELCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELCH. Madam Speaker, this afternoon the House is going to take up the Sequestration Transparency Act. It's harmless enough, but it doesn't do anything. What is it? A year ago, Mr. BOEHNER and Mr. MCCONNELL took this country to the brink of debt default. They demanded that we cut spending by \$1.2 trillion to offset the increase in the debt limit. Now, their plan was to have the supercommittee get the job done any way they wanted to balance the cuts and revenues. But if that failed, they had a backup. The backup was automatic cuts that would be half Pentagon and half discretionary.

Now the day arrives. January 1, 2013, those cuts go into effect, but they don't want the cuts to go into effect. So this legislation tells the Congressional Budget Office to look at the law we passed and tell us what did we do, why did we do it, what will happen if what we order to be done is allowed to be done. This is a "Comedy Central" joke. We have to have a balanced approach to a serious problem, but that means making decisions today about a balanced approach that includes revenues, includes the Pentagon, and includes domestic discretionary.

INTERNATIONAL AIDS CONFERENCE

(Ms. PELOSI asked and was given permission to address the House for 1 minute.)

Ms. PELOSI. I want to join my colleague, Congresswoman BARBARA LEE, in acknowledging that this weekend we will begin the International AIDS Conference, which will come to America with a fitting theme: "Turning the Tide Together."

It has a long history. In 1990, expert scientists and political officials from across the globe gathered in San Francisco, in my district, for the International AIDS Conference to turn our promise of leadership into progress. Since that time, however, the conference has never returned to an American venue for two decades. The organizers point to our longtime shameful travel ban on those with HIV/AIDS.

Next week, when the conference assembles right here in our Nation's Capital, the world will see how far we've come. Together, we will commit to turning the tide, as the theme indicates, toward the next stage in our fight: fewer infections and a cure and an end to HIV/AIDS.

Consider what this Congress has done: funding the Ryan White CARE Act, creating housing opportunities for people with HIV, and expanding access to Medicaid for people with HIV, but not full-blown AIDS. That's an early intervention. Also, increased investments in research, care, treatment, and intervention by more than half a billion dollars.

And in response to the global challenge and the leadership of Congresswoman BARBARA LEE, we have supported global solutions by increasing funds for bilateral AIDS efforts during the Clinton administration; making the first American contribution to the Global Fund to Fight AIDS, Tuberculosis, and Malaria in 2000; and working with Presidents Bush and Obama to establish PEPFAR. I know that it is a great source of pride to President George W. Bush for the leadership he provided, the support he gave, and the pride I think he takes in PEPFAR—and we salute him for that.

President Obama has continued that work, more than doubling the support for global health initiatives and doubling our investment in the Global Fund. These commitments and more have helped families in the United States and the villages of Africa and communities worldwide.

These actions have saved lives, but there's much more to do. With the International AIDS Conference coming to Washington, DC, we have an opportunity to recommit ourselves to the cause of a world without HIV/AIDS. That is the challenge. That is the goal. We can turn the tide together.

After 25 years in Congress, little surprises me anymore; but one thing that does is that after all this time we still do not have a cure. But we're hopeful. And when the AIDS conference opens its doors next week, we must stand united in our pledge to discover a cure

and raise an AIDS-free generation. Science is making progress. We have a moral obligation to support that. It has been done in a bipartisan way under President Bush's leadership, under President Clinton, and under President Obama. Hopefully, we can continue to do that.

We can and we must work together to make HIV/AIDS a very, very sad memory and certainly not part of our future. I thank you, Congresswoman LEE, for your tremendous leadership locally and globally and in every way, and certainly in this Congress of the United States.

DISCLOSE ACT

(Mr. DEUTCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEUTCH. Madam Speaker, it's clear that my Republican colleagues cherish the many tax loopholes that funnel billions to oil companies, outsourcers, and operators bent on repealing Wall Street reform. That's why they've killed the DISCLOSE Act, which would close loopholes used by special interests to secretly spend unlimited sums of corporate cash in our elections.

As terrible as Citizens United was, it did not include a right to buy elections anonymously. No, it is the Republican Congress that protects the identities of those writing these multimillion-dollar checks. They want a battle of bank accounts, Madam Speaker, because they know that they can't win a battle of ideas. They can't run on deregulating Wall Street when America's financial security is still at risk. They can't run on cutting taxes for billionaires when they block every effort to create middle class jobs. And they can't run on cut, cap, and balance when the only thing that they cut is our seniors' health care.

If my Republican colleagues believe they are worthy of competing in the great battle of ideas that is our democracy, they should put their mouths where their money is and pass the DISCLOSE Act.

STOP RAISING TAXES ON SMALL BUSINESSES

(Mr. SCALISE asked and was given permission to address the House for 1 minute.)

Mr. SCALISE. This past Friday the 13th, President Obama was out on the campaign trail, as he seems to be all the time, and he actually had the nerve to say:

If you've got a business, you didn't build it. Somebody else made it happen.

That statement shows not only the contempt, but the arrogance, that this President has towards our small busi-

ness owners and the people that are working hard out there in a tough economy and, in many cases, working hard in spite of the many rules and regulations coming out of this Obama administration that's making it even harder for them to create jobs and is one of the biggest reasons that we've seen so many jobs outsourced by this President, who could be called the Outsourcer in Chief for all of the millions of jobs that have left this country to go to other countries in the last 3½ years.

There was a report that just came out yesterday by the National Federation of Independent Businesses that showed the President's newest tax proposal to raise taxes on small business owners will cost 700,000 jobs. That's Friday the 13th for every small business owner out there trying to get the economy back on and trying to keep their businesses afloat. That's over 10,000 jobs lost just in Louisiana. This needs to stop. We need to stop raising taxes on business owners.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded to refrain from engaging in personalities toward the President.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Brian Pate, one of his secretaries.

□ 1230

THE BUYING OF AMERICA

(Ms. HANABUSA asked and was given permission to address the House for 1 minute.)

Ms. HANABUSA. Madam Speaker, when the Supreme Court decided Citizens United, it opened the floodgates to special interests. This country is faced, for the first time, with a small number influencing our elections, something that we've never experienced before. Let us all remember that it is our elections and our right to vote which makes us the great nation that we are. It is what people have gone to war for and died for.

But now we're seeing the buying of America. We have been told that about 600 super PACs have raised over \$240 million, and they've already spent over \$113 million on our elections. We do know that the Republican donors are famous brothers, and they, with their friends, have spent about \$400 million in the upcoming election. And we also know that there's a Republican donor casino owner who has already spent \$71 million to affect our elections.

We can't prohibit the spending, but we can require transparency so that the public knows who is spending this money. This is the DISCLOSE Act.

But, Madam Speaker, Republicans have stopped the vote on the DISCLOSE Act. The Democrats have signed the discharge petition to bring it up to vote. We must bring it up to vote, Madam Speaker. We must show the people that America is not for sale.

THE FARM BILL

(Mr. COSTA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COSTA. Madam Speaker, despite our economic challenges, agriculture is one of the bright spots in our economy. Last week, the House Agriculture Committee, in an overwhelming bipartisan fashion, sent a simple message: We need a farm bill now.

We have challenges in American agriculture to be sure, such as dairy price fluctuations, the current drought affecting crops nationwide, and creating a level playing field for farmers to compete in foreign markets. This bill isn't perfect, but there's a great deal of consensus in it. Our farmers need certainty, and only a farm bill can give them that.

There are 11 days left for the House to vote on a farm bill before the August recess. The American people are tired of Congress bickering just to keep the lights on. This legislation has bipartisan support in the committee and in the United States Senate.

Madam Speaker, if the leadership of this House is serious about providing certainty and promoting economic growth, they will bring this legislation to the floor for a vote now.

The farm bill has traditionally been a bipartisan effort. Let's keep it that way.

THE DISCLOSE ACT

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Madam Speaker, twice this week, Senate Republicans blocked a vote on the DISCLOSE Act, which would shine a much-needed light on the dark corners of secret, anonymous political spending. The bill stands on a simple idea: Voters have a right to know who is trying to influence their votes.

This year alone, more than 600 super PACs have spent \$133 million on outside ads—most of which have been negative and, many, dishonest. It's much easier to lie about a candidate when you're anonymous—and when you can't be held accountable.

The American people see the damage being done. More than three-quarters of voters believe financial campaign reform is a key national issue, and the vast majority of Americans oppose the Citizens United decision, which opened the floodgates for outside spending and

dishonesty in elections. But even in the Citizens United decision, the Supreme Court anticipated that Congress would require disclosure as a critical means of providing transparency in campaigns.

Madam Speaker, the voters have a right to judge the credibility of campaign ads, and they can't do that without disclosure of those who are paying for them.

AMERICA FOR SALE

(Ms. SPEIER asked and was given permission to address the House for 1 minute.)

Ms. SPEIER. Madam Speaker, I regret to say that America is for sale and the White House will go to the highest bidder. Seventeen people have given \$1 million to the biggest conservative PACs in this country, and those contributions represent more than one-half what those PACs have received.

Who are these 17 people? Well, the median age is 66, the median wealth is \$1 billion, and they're interested in a couple of things. They want to eliminate inheritance tax, they want to extend the Bush tax cuts for the wealthy, and they want to slash the highest tax brackets.

Let's talk about one of them.

Mr. Adelson has contributed \$25 million, \$10 million to Mr. Romney's Restore Our Future. What is \$10 million in his budget like? Well, his \$10 million is a contribution in \$24 billion of net worth. How does that compare? Well, that would be like a \$40 contribution to someone whose net worth was about \$100,000. So Mr. Adelson can give a lot more money with much less effort.

THE DISCLOSE ACT

(Ms. KAPTUR asked and was given permission to address the House for 1 minute.)

Ms. KAPTUR. When six Wall Street megabanks control two-thirds of the wealth of our Nation, it's too much economic power in too few hands. And when undisclosed billionaires spend billions on political campaigns and they crush the voices of ordinary citizens, it's too much political power in too few hands.

America must put an end to the influence of secret money on our elections. The DISCLOSE Act of 2012 would shine the light on the secret money in political campaigns. But the Republican leadership won't bring it up, even though Americans, three-quarters of our voters, think that campaign finance reform is a key issue for the election, and 69 percent of the public believes that super PACs should be illegal. Yet House Republican leaders refuse to bring up the DISCLOSE Act.

It's long past due that we put power back in the hands of ordinary citizens. In fact, let's rechannel the billions

being wasted on campaign overkill to help our seniors afford food and to balance the national budget.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO SIGNIFICANT TRANSNATIONAL CRIMINAL ORGANIZATIONS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112-125)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within the 90-day period prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13581 of July 24, 2011, is to continue in effect beyond July 24, 2012.

The activities of significant transnational criminal organizations have reached such scope and gravity that they threaten the stability of international political and economic systems. Such organizations are becoming increasingly sophisticated and dangerous to the United States; they are increasingly entrenched in the operations of foreign governments and the international financial system, thereby weakening democratic institutions, degrading the rule of law, and undermining economic markets. These organizations facilitate and aggravate violent civil conflicts and increasingly facilitate the activities of other dangerous persons.

The activities of significant transnational criminal organizations continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. Therefore, I have determined that it is necessary to continue the national emergency declared in Executive Order 13581 with respect to significant transnational criminal organizations.

BARACK OBAMA.

THE WHITE HOUSE, July 18, 2012.

SEQUESTRATION TRANSPARENCY ACT OF 2012

Mr. RYAN of Wisconsin. Madam Speaker, I move to suspend the rules

and pass the bill (H.R. 5872) to require the President to provide a report detailing the sequester required by the Budget Control Act of 2011 on January 2, 2013, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 5872

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sequestration Transparency Act of 2012".

SEC. 2. SEQUESTER PREVIEW.

(a) *IN GENERAL.*—Not later than 30 days after the date of enactment of this Act, the President shall submit to Congress a detailed report on the sequestration required to be ordered by paragraphs (7)(A) and (8) of section 251A of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901a) for fiscal year 2013 on January 2, 2013.

(b) *CONTENTS OF REPORT.*—The report required by subsection (a) shall include—

(1) *for discretionary appropriations—*

(A) *an estimate for each category of the sequestration percentages and amounts necessary to achieve the required reduction; and*

(B)(i) *for accounts that are funded pursuant to an enacted regular appropriation bill for fiscal year 2013, an identification of each account to be sequestered and estimates of the level of sequestrable budgetary resources and resulting reductions at the program, project, and activity level based upon the enacted level of appropriations; and*

(ii) *for accounts that have not been funded pursuant to an enacted regular appropriation bill for fiscal year 2013, an identification of each account to be sequestered and estimates pursuant to a continuing resolution at a rate of operations as provided in the applicable appropriation Act for fiscal year 2012 of the level of sequestrable budgetary resources and resulting reductions at the program, project, and activity level;*

(2) *for direct spending—*

(A) *an estimate for the defense and non-defense functions based on current law of the sequestration percentages and amount necessary to achieve the required reduction; and*

(B) *an identification of the reductions required for each nonexempt direct spending account at the program, project, and activity level;*

(3) *an identification of all exempt discretionary accounts and of all exempt direct spending accounts; and*

(4) *any other data and explanations that enhance public understanding of the sequester and actions to be taken under it.*

(c) *AGENCY ASSISTANCE.*—(1) *Upon the request of the Director of the Office of Management and Budget (in assisting the President in the preparation of the report under subsection (a)), the head of each agency, after consultation with the chairs and ranking members of the Committees on Appropriations of the House of Representatives and the Senate, shall promptly provide to the Director information at the program, project, and activity level necessary for the Director to prepare the report under subsection (a).*

(2) *As used in this subsection, the term "agency" means any executive agency as defined in section 105 of title 5, United States Code.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. RYAN) and the gentleman from Maryland (Mr. VAN HOLLEN) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

□ 1240

GENERAL LEAVE

Mr. RYAN of Wisconsin. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5872, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. RYAN of Wisconsin. Madam Speaker, I yield myself 2 minutes.

Madam Speaker, here's basically why we are here today with the Sequester Transparency Act. As a background, under the current law, because the supercommittee was unable to agree on a deficit-reduction package, the Office of Management and Budget will implement a \$110 billion across-the-board cut—which we have referred to as a sequester or a sequestration—on January 2, 2013. This comes half on defense, half on domestic discretionary—in other words, a \$55 billion cut, which is a 10 percent cut to defense immediately, and then an 8 percent cut to domestic discretionary—but we do not know the actual reductions that will result from this sequester.

As we debate this bill today, we will probably not be able to avoid the contentious issues on the sequester, but let's not lose sight of the fact that the bill before us simply directs the Office of Management and Budget to tell us how they will implement the sequester. So we're just asking for more transparency and more details. Within 30 days, they should give us the plan on how they will do this.

This bill is essentially about transparency. It's not re-litigating the budget fight; it's about making sure that we have as much information as we can to make the right decisions. It's about carrying out a constitutional duty to ensure that laws are faithfully executed and that we fully understand the Budget Control Act sequester, how it's going to be implemented.

It has strong bipartisan support. The House Budget Committee voted 30-0 to report this bill here to the floor, and the Senate has passed similar legislation on a bipartisan basis.

With that, Madam Speaker, I reserve the balance of my time.

Mr. VAN HOLLEN. Madam Speaker, I yield myself 3 minutes.

Madam Speaker, I support this legislation. As the chairman of the Budget Committee said, it passed unanimously out of the Budget Committee.

I believe that more information is better than less. I also believe, and from the comments I've heard from colleagues on both sides of the aisle, we also agree that we have enough information to know right now today that an across-the-board, meat-ax approach to reducing the deficit—a sequester—is a reckless way to deal with our budget.

We've heard a lot about the impact of the cuts on defense. Secretary Panetta has talked about those. We've heard a lot less about the impact of the cuts on other important investments, such as those in biomedical research. A coalition recently reported that the cuts to the National Institutes of Health alone would cut 33,000 jobs. That means fewer people investigating cures and treatments to diseases that plague every American family. That's just one small example on the nondefense side.

But, Madam Speaker, I believe, given what we know, we should be focused today and every day on avoiding the sequester. In the Budget Committee proceedings, the Democrats offered an alternative approach. I've got it right here in my hand. It called for a balanced approach to replacing the sequester, the kind of balanced approach that every bipartisan commission that has looked at our deficit challenge has recommended. It included a combination of cuts, such as direct payments in excessive farm subsidies. It also included cuts to things like big oil companies, eliminating taxpayer subsidies. That plan would totally replace the sequester for 1 year; and it wouldn't have to have the deficit, the impact that we've heard about.

So great to get more information, may have a unanimous vote here today in the House; but let's take a balanced approach to reducing our deficits, and let's take a balanced approach to replacing the sequester.

I reserve the balance of my time.

Mr. RYAN of Wisconsin. Madam Speaker, at this time I'd like to yield 5 minutes to the author of this bill, the chairman of the House Republican Conference, the gentleman from Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank the gentleman for yielding.

Madam Speaker, we know our Nation faces very serious threats overseas, but we also have a very serious domestic threat as well, and that is our national debt, a debt that has increased more in the last 3 years on a nominal basis than in the previous 200. Thus, the Budget Control Act. The Budget Control Act, because, as the chairman of the House Budget Committee pointed out, the supercommittee—on which I served, as did the ranking member—did not prove so super, we are staring into the face of a sequester.

So I would like to not only compliment the chairman of the House Budget Committee for his leadership in bringing an alternative to this very, I believe, destructive sequester that still maintains the deficit reduction levels of the Budget Control Act, but I also want to compliment the Democrat ranking member for also offering an alternative plan. It is one I disagree with, one that, by my reckoning, includes 73 percent tax increases. But he should be applauded, and House Demo-

crats should be applauded at least for recognizing the draconian defense cuts that could do real damage to our national security. As Secretary Panetta has said, the sequester “will do real damage to our security, our troops and their families, and our military's ability to protect our Nation.”

But although I compliment the ranking member, I find it more challenging to compliment the Democrat Senate Majority Leader. Senator REID has said: I'm not going to back off sequestration. That's what he has said. Thus, we are looking at a 10 percent real cut in our national defense.

Madam Speaker, I also picked up Monday's edition of *The Washington Post*—not exactly known as a bastion of conservative thought—and I read the headline: “Democrats Threaten to Go Over Fiscal Cliff if GOP Fails to Raise Taxes.”

So on the one hand, again, this is a very simple piece of legislation that I have coauthored with the chairman of the House Budget Committee. It simply says: Mr. President, since under sequestration you get to call a lot of the shots—according to the Congressional Budget Office “the administration's OMB has sole authority to determine whether a sequestration is required, and if so the proportional allocations of any necessary cuts”—all this is saying: Mr. President, show us your hand, show us your plan. Let the American people know what the true impact is going to be on our national defense, on our economy, on a number of vital services, because you have the discretion. That's all this bill does. But I fear, to some extent, it may mask another agenda on what the debate is really about.

Madam Speaker, I need not tell you we continue to face the weakest, slowest recovery in the post-war era, and there are some who seem to have an ideological passion for raising taxes on the American people. An earlier speaker got up in an earlier debate and said that the largest small business group in America, the National Federation of Independent Business, has just released a new study saying that the President's tax plan will cost 710,000 jobs—jobs of working families—and those same working families will see their wages fall by 1.8 percent.

So why would we want to raise taxes on anybody in this economy? Well, someone pointed out, well, we need to reduce the deficit—and we do. But, Madam Speaker, if you do the math and give the President the top increasing tax rates in the top two tax brackets, not only does it destroy jobs; it's about 2 to 3 percent of his 10-year spending budget. So it harms jobs, and it doesn't solve the problem. I fear it is diversion from the failed policies that we have seen from this administration that has created the worst unemployment crisis since the Great Depression.

But I would hope that we would at least have a growing consensus that we shouldn't decimate national defense, and there should at least be transparency. I urge all of my colleagues to support the Sequestration Transparency Act.

□ 1250

Mr. VAN HOLLEN. Madam Speaker, I thank the gentleman from Texas for his comments about the supercommittee. I think we all wished it had succeeded. It did not, but it was a privilege to serve with my colleague from Texas.

Let me just make a quick correction on the math. I think everybody knows, under the Budget Control Act, which was enacted last September, we cut \$1 trillion from the budget, 100 percent cuts.

The alternative that the Democrats have proposed to the sequester takes a balanced approach of additional cuts, but also revenue. In fact, the 1-year proposal that we put forward puts additional cuts in direct payments, excessive subsidies under the farm bill.

Yes, we also eliminate taxpayer subsidies to the big oil companies. Former President Bush testified that, when oil's over \$50 a barrel, you don't need taxpayers shelling out dollars to encourage big oil companies to invest. So we think we should eliminate those subsidies to help remove the sequester, including the sequester on defense.

Let's make no mistake. The reason we're here is that our Republican colleagues deliberately chose, as part of the sequester, to put defense spending on the chopping block along with other spending. That was the choice above an offer to deal with revenue as part of a sequester. And when the choice boiled down to cutting tax subsidies for oil companies and other special tax breaks or cutting defense, Republicans chose to put in the sequester cutting defense.

Now, I know we have a hearing today in the Armed Services Committee. I see the distinguished chairman on the floor today. I have to commend him because he has said before that if he were faced with that choice he would take that mixed, more balanced approach. And that ultimately is what we're going to have to do. That's the approach that's been taken by every bipartisan commission that's looked at this challenge.

With that, I yield 2 minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ), a member of the Budget Committee.

Ms. SCHWARTZ. I appreciate the opportunity to speak for just a couple of minutes on the legislation before us.

I do support a transparent process that would better ensure that there's public information on the impact of sequestration which, of course, is the automatic spending cuts that are scheduled for next year.

Sequestration, which would trigger those automatic cuts, was put in place to force Congress to work to find a bipartisan, balanced approach to deficit reduction. Today's legislation does not move us any closer to achieving that goal.

Time and again, the Republicans in Congress have rejected a balanced approach that would include spending cuts and revenue and economic growth. They reject a balanced approach that would protect our Nation's short-term economic recovery and create the right environment for long-term growth.

They reject a balanced approach, as you heard before, that has been recommended by every bipartisan commission, that would move our country forward by making tough yet responsible choices on the deficit and would reflect America's priorities and build America's economic strength.

The American people deserve to know the impact of across-the-board cuts resulting from the failure of the Republican majority to find that common ground and avoid sequester. But they also deserve real solutions, something the Republican majority has yet to deliver.

Their so-called solution, their budget, the House Republican budget, takes a partisan, one-sided approach to deficit reduction. It relies solely on spending cuts and directs the \$100 billion cuts next year from sequestration to come only from one part of the budget: non-defense discretionary. All of the \$100 billion cuts next year would come from our domestic priorities: health care, education, scientific research, transportation, law enforcement, to name a few.

Their budget fails to require other even larger parts of the Federal budget to reduce costs and be more effective. Their budget fails to protect our fragile economic recovery. It fails on economic growth. They should work together with Democrats to make a real deficit reduction-economic growth package for the United States of America.

Mr. RYAN of Wisconsin. Madam Speaker, I yield myself 30 seconds simply to say that when we hear the words "balanced approach," what that means to taxpayers in this country is, You give us your checkbook and we'll balance it the way we think it ought to be balanced here in government. Government first, taxpayers second. That's what the so-called "balanced approach" means. It means keep feeding higher spending with higher taxes.

The problem is, Madam Speaker, the arithmetic just doesn't add up. You literally cannot tax your way out of this mess. Spending is the cause. We need to address our spending. The sooner we do it, the sooner we can get back on to a path to prosperity.

With that, Madam Speaker, I yield 5 minutes to the gentleman from Cali-

fornia (Mr. McKEON), the distinguished chairman of the House Armed Services Committee, and ask unanimous consent that he be allowed to yield that 5 minutes as he chooses.

The SPEAKER pro tempore. Without objection, the gentleman from California will control the time and is recognized for 5 minutes.

There was no objection.

Mr. McKEON. Madam Speaker, I thank the gentleman for yielding, and I thank him and Chairman RYAN for bringing this bill to the floor. It is greatly needed.

Barring a new agreement between Congress and the White House on deficit reduction, over \$1 trillion in automatic cuts, known as sequestration, will take effect. Although the House has passed a measure that would achieve this necessary deficit reduction to avoid sequestration for a year and give us time to work on it outside of election-year pressure, the Senate has yet to consider any legislation.

Now, I hear a lot of good ideas from the other side and they talk about increased revenue. All I'm saying is put it down on paper.

We have a process by which we work. It's outlined in the Constitution of the United States. One body passes legislation, the other body passes legislation, a conference committee is formed, and the differences are resolved. It goes back to the bodies for final passing and then goes to the President for his signature.

We have taken action in the House. We're waiting for the other body to take some action.

The President weighed in on this. He submitted a budget. His budget sought \$1.2 trillion in alternate deficit reduction. He followed the process. That budget was defeated in a bipartisan, bicameral manner. Now, we need another bill that we can work on.

This impasse and lack of a clear way forward has created a chaotic and uncertain budget environment for industry and defense planners. Compounding the issue is a lack of guidance from the administration on how to implement sequestration.

We just held a hearing in the Armed Services Committee where we had industry leaders come in to tell us the problems they're having on getting guidance.

You know, I come from a small business background, nothing like building planes or ships or boats or the other things that our warfighters need to carry out their mission.

And I might remind people that we are at war. We do have warfighters going outside the wire, as we speak, every day, putting their lives on the line, and they're watching this. They're watching what we're doing. They're wondering if they're going to have the things that they need to carry out this mission and to return home safely.

My business, as I said, was a small family business. We were in the western wear business. We sold boots and hats in a retail way. And we would go, my brothers and I, family business, would go to the market in January. We would buy for our needs for the next 6 months. We would buy shirts, hats, jeans, boots. And then our suppliers would go to their suppliers and buy the things they need to make those things, and then they would ship them to us in an orderly manner, and then we would be able to have the product on the shelves when our customers came in in February, March, April, May.

These industry leaders are asking for a little guidance. All they know is the law, as we have it now, kicks in January 2, says that there will be no thought, no planning, just we take out the budget and cut every line item by a margin, 8, 12, 20 percent, whatever it is, realizing we're already a quarter of the way into the year.

One of the leaders gave us this quote in this conference. This is Sean O'Keefe, president and CEO of EADS North America and chairman of the National Defense Industrial Association. And I quote:

Most immediately, the administration must communicate today its sequestration implementation to the public, our Armed Forces, and to industry.

The current uncertainty has effectively put sequestration and its consequences in motion. In the absence of any guidance, industry is already holding back investments, questioning the fairness of ongoing competitions, doubting the viability of existing contracts, and starting to trim capacity.

In the absence of definitive guidance from the DOD, the OMB, and the Defense Contract Management Agency, we feel compelled to act in the spirit of this law and, in all likelihood, will issue WARN notices to those employees engaged in ongoing Federal contract activities.

□ 1300

We are going to put thousands of people in jeopardy of their jobs between now and when sequestration should kick in. This is already in motion.

Madam Speaker, I ask that we come together on this issue, that we solve this issue. I ask the President to put forth some leadership. As Commander in Chief, he has the obligation to help us solve this problem. I ask our colleagues to please support this legislation and to bring transparency.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. VAN HOLLEN. Madam Speaker, I listened carefully to what the chairman of the Armed Services Committee said, and I didn't find much that I disagreed with. We agree that we should replace the sequester, and we agree that it's a mistake to create the kind of uncertainty that's out there. Obviously, it has an impact, not just in the defense sector, but also in all of the other areas in which our Federal Government has activities.

I would just say—and I want to make sure the chairman is on the floor now and has a chance to respond—that he demonstrated some leadership on this issue last fall because he was asked this question. He was asked if he had to put together a plan that included some revenue. He said, Yes, I understand that we've got to make cuts, but I'd rather include some revenue than deep cuts to defense. In fact, what he said was:

We're going to have to stop repeating ideological talking points and address our budget problems comprehensively through smarter spending and increased revenue.

When asked to choose between deeper cuts in defense and cutting some tax breaks, he said we should cut some tax breaks.

That was last fall. That's exactly the kind of balanced approach that the Democrats put forward in the Budget Committee. The chairman of the committee asked for a specific plan. We had a vote on it in the Budget Committee. We wish that our colleagues would have supported it. It would have prevented the sequester from taking place for another year, and it would have eliminated all of the uncertainty the chairman of the Armed Services Committee just talked about.

The reason that we haven't been able to move forward is that our Republican colleagues continue to insist on supporting these tax breaks for special interests and tax breaks for folks at the very top and that they refuse to eliminate those tax breaks for the purpose of reducing the deficit or for the purpose of eliminating the sequester on defense and non-defense. That's why we are in the situation we are in right now. The keys to the lock are in the hands of our Republican colleagues.

We had the same proposal ready to bring to a vote before the whole House of Representatives as part of the reconciliation process. The Rules Committee didn't even allow our proposal to be made in order so that Members of this body could vote on it up or down. So, yes, let's get on with the main issue. Let's focus on replacing the sequester. Let's do it in a balanced way.

I have to say, since the gentleman from Texas earlier referenced the comments of Senator REID's, the majority leader, I've looked at the Senator's comments. The Senator's point was the same one I'm making here, which is that, if we are going to remove the sequester, we need to take a balanced approach. We need to include cuts. Again, it's important to remember we did \$1 trillion in cuts—100 percent cuts—as part of the Budget Control Act, but we also need to include some revenue by eliminating some of these special interest tax breaks and by asking folks at the very top of the income ladder to pay a little bit more for our national defense and for reducing our deficit. That is the underlying issue here.

I now yield 2 minutes to a member of the Budget Committee, the gentlelady from Oregon (Ms. BONAMICI).

Ms. BONAMICI. Thank you, Congressman VAN HOLLEN, for yielding.

I rise in support of the Sequestration Transparency Act.

We have all heard concerns back home about partisan gridlock in our Nation's Capitol. Our constituents continue to ask us: Is there any way to overcome this gridlock to solve the problems facing our country? They ask if it is getting better, if Congress can actually do something. Can we get things done?

With the end of the year approaching and with our country's inching ever closer to the so-called "fiscal cliff," the questions from our constituents take on a new urgency. They want to know what is going to happen if the budget sequestration is allowed to go into effect, and they want to know if Congress can function well enough to avoid the doomsday scenarios that many economists are predicting if sequestration does occur. Up until now, we have not been able to offer them much in the way of positive news, and we've had to tell our constituents that we're not quite sure what sequestration will mean for our communities.

Now, this bill doesn't solve the problems our constituents will face if sequestration actually goes into effect—the lost jobs or the damage to our still struggling economy—but it does give us valuable information about what might happen. It will allow us, the body that brought us here in the first place with the passage of the Budget Control Act, to at least better understand the consequences of our actions. Importantly, it signals a bipartisan action on the part of Congress to ask: How bad will this be?

If there is a silver lining to be found, it is that we have come together on what could have been a contentious piece of legislation, and I thank the Budget Committee chairman and ranking member for their leadership.

Now, the fact that we have to pass a bill to get information on legislation that we have already passed does not speak highly of the process. The sequester was supposed to motivate us to work together and pass a budget that lowers costs while maintaining critical services. It's unfortunate that we have to pass yet another bill to move us closer to accomplishing what should have been done months ago.

But for the sake of better representing our constituents, let's focus on the positive: Let's support a bill that gives us the information we as legislators need in order to make an educated decision.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. VAN HOLLEN. I yield the gentlelady an additional 30 seconds.

Ms. BONAMICI. I hope today's bipartisan action is an indicator of a renewed commitment to tackling the sequester, and I hope it sends a message to our constituents that we can work together to get something done. That's why I supported this bill in the Budget Committee, and that's why I am asking my colleagues to join me in voting "yes" on the Sequestration Transparency Act.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield 2 minutes to a distinguished member of the House Budget and Armed Services Committees, the gentleman from Indiana (Mr. YOUNG).

Mr. YOUNG of Indiana. Mr. Speaker, there is broad bipartisan agreement in this House that the looming defense sequestration cuts are bad policy for the U.S. military and our national defense.

Our Defense Secretary has testified to me and to other members of the Armed Services Committee that such cuts would hollow out the military, and our constituents are rightly concerned about our ability to provide necessary equipment to troops in the field, troops who are often our sons, daughters, brothers, or sisters.

The original goal of this legislation that gave us the sequester was to find deficit reduction in the Federal budget in a careful, deliberative manner. Despite their best efforts, the small group that was charged with finding these cuts failed in the end. That's why we have passed legislation in the full House to replace the defense cuts with deficit reduction elsewhere, but the Senate has, once again, failed to act. As for the administration, it has failed to specify how these cuts will be distributed and what kind of impact they will inevitably have on our Nation's security.

Military spending decisions should not be made in a vacuum. We shouldn't merely try to manage down to some predetermined, arbitrary spending level. Ultimately, strategy should guide these sorts of decisions. Missions we are asking our men and women in uniform to perform to keep our country safe should be our measuring stick, and we should ensure that full funding exists to carry out each of these missions.

The bottom line is this: It is the responsibility of this administration to inform Congress and the American public of its plans to implement the sequester and to provide clarification on its scope and severity.

With that, I strongly urge my colleagues to support this blessedly bipartisan legislation, the Sequestration Transparency Act of 2012.

Mr. VAN HOLLEN. I reserve the balance of my time.

Mr. RYAN of Wisconsin. I yield 2 minutes to a gentleman who serves on the Budget Committee and who also, I believe, serves on the Appropriations Committee, the gentleman from Oklahoma (Mr. COLE).

Mr. COLE. I thank the gentleman for including me on his committee.

H.R. 5872 is a bipartisan bill. As has been mentioned several times, it did pass out of the Budget Committee unanimously, and that's a very good thing. I think, honestly, we have a very strong bipartisan agreement that sequester is a very bad policy, something that really shouldn't be allowed to happen.

□ 1310

Obviously, I also sit on the Defense Appropriation Subcommittee. So I focused on that area. If we don't arrive at agreement before the end of the year, we'll have \$110 billion worth of cuts across the entire budget, but about a 10 percent cut on top of a half a billion dollars we've already taken out of defense that will begin that will have tremendous consequences in my State, potentially 16,000 jobs, \$620 million or \$630 million to the State economy. We all hope this doesn't occur, but we all know that the administration does have a responsibility to plan for it and to inform us of those plans. So far it has failed to do that.

Mr. Speaker, it's worth noting for the record that we have dealt with sequestration in this House. We passed a measure to avoid it. It's the Senate that has failed to act. We may not have acted in a manner in which our friends on the other side would like, but the responsibility now is with the United States Senate to at least pass something and put us in a position to go to conference.

It would be irresponsible to allow sequester to occur, and it would be responsible for the Senate to actually act. I hope today, by giving the Senate additional information, by encouraging the administration to plan for something we hope doesn't happen, that we will actually bring ourselves a little bit closer to a solution, and we'll come to a bipartisan compromise by the end of this year.

Mr. Speaker, I urge the passage of this legislation.

Mr. RYAN of Wisconsin. Mr. Speaker, I believe they have the right to close, so let me inquire of the gentleman from Maryland whether or not they have another speaker.

Mr. VAN HOLLEN. There was one other gentleman who said he was on his way. He's not here yet. If he is not here by the time you finish, we will close.

Mr. RYAN of Wisconsin. With that understanding, I yield 2 minutes to the gentleman from Oklahoma (Mr. LANKFORD), a member of the Budget Committee.

Mr. LANKFORD. At home, people have just a simple request of Congress: do our job. Just do it. They're tired of worrying about what dumb thing the Federal Government will do to them and their business and their family

that will cause them even more pain. They just want us to identify the problem, fix it, and quit messing with the private business world.

When a private business sees a threat on the horizon, they prepare for it. If it's good, they ramp up hiring, they add more inventory, they increase training, they increase sales staff. They get ready for something good. They take the entrepreneurial risk. If they see a threat on the horizon that looks bad, they pull back staff, they slow down internal purchases, they freeze inventory and hiring.

I have two quick observations. One is this: right now the national threat on the economic horizon is the Federal Government's lack of imperative to resolve this manufactured crisis. We need to fix it now. The second is this: we've got to look up and see there is a financial crisis coming and prepare for it. If we wait until the last minute to act, it creates incredible uncertainty in our economy and businesses and families can't prepare for it. When we wait until the last minute to do something, we have already created economic uncertainty there.

Here's what this bill does: it requires that we actually plan for an economic crisis that we know is coming January 2, 2013. It pushes us to do what's essential right now. Federal spending has dramatically increased. As we approach \$16 trillion in national debt in our fourth straight year of trillion-dollar deficit spending, we should not guess or try to make up a financial plan at the last minute. Some have proposed that we debt our way into prosperity or that we take even more money from one family and give it to another to make life fair.

This bill simply asks the President to let us know the plan, let us know the consequences of sequestration. We know it's bad policy, but the administration has not given us the details of how they will implement the sequestration. Months ago, the House Budget Committee and then the full House worked with six committees to create a specific plan of how we were going to deal with this. We just want to know what OMB's plan is and how things are going to be done.

Get us the information now.

Mr. VAN HOLLEN. Mr. Speaker, may I inquire as to how much time we have left.

The SPEAKER pro tempore (Mr. MARCHANT). The gentleman from Maryland has 8 minutes remaining.

Mr. VAN HOLLEN. Mr. Speaker, I yield myself such time as I may consume.

Let me start on the points of agreement.

We agree with this piece of legislation. As we said, it passed the Budget Committee unanimously. What it does is ask for some more detailed information on the impact of the across-the-

board sequester scheduled to take place in January. The Senate also agrees with that. Let's make no mistake, there was an amendment on the Senate side, a bipartisan amendment by Senator PATTY MURRAY of Washington State and Senator MCCAIN, asking for additional information.

There was also agreement that we don't need more information to understand that the across-the-board sequester cuts would have a very negative impact on the economy and on defense and on important nondefense investments that are important to the American people.

The issue really is what are we going to do about it. We have proposed an alternative in this House. We proposed an alternative in the Budget Committee, and it didn't pass. We asked for this whole House to have a chance to vote on an alternative that had a balanced approach that included cuts, but also additional revenues from closing tax breaks and loopholes, and we were denied that opportunity for a vote over here.

Let's be very clear about what Senator REID has said and what the President has said on a number of these issues, both the tax issue, as well as the sequestration issue that we're debating today. The President of the United States has been very clear that he would like today for the Congress to pass legislation to extend tax relief to 98 percent of the American people, all the middle class tax cuts. He wants us to get it done today. In fact, what some people don't realize is that those tax cuts would also benefit folks at the very top. In fact, it provides tax relief to 100 percent of Americans compared to current law. Let's get that done. If we agree on it, let's act now.

The same is true with the sequester. The keys to this lock are in the hands of our Republican colleagues. We've agreed that part of the solution is cuts. We did a trillion dollars in cuts last year, 100 percent cuts. We've also said we can do additional cuts, but we should also deal with the revenue side of the equation if we're serious about the deficit.

The chairman talked about our use of the word "balance." It's the same use that the Simpson-Bowles and Rivlin-Domenici bipartisan commissions have made. What they have said is any serious approach to reducing the debt, in this case replacing the sequester, requires cuts, yes, but also revenues.

The reality is, in this House of Representatives, 98 percent of our Republican colleagues have signed a pledge to this fellow by the name of Grover Norquist. What that pledge says is you can't eliminate one penny of tax breaks, you can't eliminate one dollar of taxpayer subsidies for the oil companies, or ask folks who are making more than a million dollars a year to pay one more dollar for the purpose of def-

icit reduction. They won't do it. Nor does that pledge allow them to take a dollar tax subsidy away for the purpose of defense spending.

We hear a lot of talk about the importance of defense spending. We agree. Secretary Panetta has talked about it. We think we should pay for it. Rather than just talk about defense spending, why don't we also pay for it? We have put two wars on our national credit card: Iraq and Afghanistan. Many of us proposed that we help pay for those as we go so we wouldn't be leaving the bill to future generations, to the children of the troops that are fighting those wars. We should pay for them. But, no, those two wars went on the credit card.

Now we're talking about defense. The Armed Services Committee has a hearing today on the impact of defense. As we've said, we agree that we don't want to see that. But when faced with the simple choice of cutting more tax breaks for oil companies or asking folks at the very top to pay a little bit more for defense and to reduce the deficit, no, they won't touch that.

Let's understand the underlying issue here, both on the tax issues at the end of the year, which we can solve today if our Republican colleagues will stop holding 98 percent of the American taxpayers hostage until they get a continuation of the tax breaks for the folks at the very top, and we can deal with the sequester today if our colleagues are willing to take the balanced approach recommended by every bipartisan commission. That's what's at issue.

Mr. Speaker, let me close with this. We've heard a lot of talk about how asking the folks at the very top to pay a little more would hurt the economy. The reality is we've tried the trickle-down theory. It's in place right now. We tried it for 8 years under the previous administration. The last time we had a balanced budget was at the end of the Clinton administration in 2001. Then-President Bush came in with back-to-back tax cuts that disproportionately benefited the very wealthy. What happened at the end of the 8 years? We lost private sector jobs. So much for the theory that tax breaks for the folks at the very top trickle down and lift everybody up.

□ 1320

They lifted the yachts, but the boats ran aground, and that's the reality. That's what we are hearing from our Republican colleagues.

When it comes right down to it, we've been willing to make some tough cuts, and we're willing to make more. But because of this pledge or other reasons, our Republican colleagues refused to deal with the deficit in a balanced way. They refused to ask folks at the very top to chip in a little bit more to reduce our deficits and to help pay for defense. Let's take action today to pre-

vent the cuts, not just to defense, but to non-defense.

It's interesting. I hear our Republican colleagues talk about the jobs created by defense, that's true. You know, building aircraft carriers creates jobs. Somehow building aircraft carriers creates jobs that building roads and bridges doesn't. The President has a jobs bill that's been sitting in this House of Representatives since September, a major boost in infrastructure.

We have 14 percent unemployment in the construction industry. We have roads, bridges, and transit systems in need of repair. The American Society of Civil Engineers has given our Nation a D, grade D.

It's a win/win. Let's spend more there, boost jobs and the economy, do a job that needs to be done. But no, you know, cutting defense spending and work on tanks, that will hurt jobs, but it's okay not to fund the President's infrastructure proposal to put people back to work building bridges and roads.

Let's have a rational conversation here, Mr. Speaker, about what works and what doesn't work, and how we can take this balanced approach to reducing our deficit and eliminating replacing the sequester so we can avoid the cuts to both defense and non-defense.

I look forward to getting the information called for by this piece of legislation. OMB is actually already crunching the numbers. There are lots of details, I hear, but our time here would be best spent putting in place a plan to replace the sequester rather than simply asking for more information.

More information is good. Solving the problem is better.

I yield back the balance of my time.

Mr. RYAN of Wisconsin. Mr. Speaker, may I inquire as to how much time I have remaining?

The SPEAKER pro tempore. The gentleman from Wisconsin has 2 minutes remaining.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, if all this borrowing, taxing, and spending was the secret to economic success and prosperity, we would be on the verge of entering a golden age, along with Greece.

The so-called balanced alternative plan by the other side is balanced in that it does have deficit reduction of \$30 billion, according to the Congressional Budget Office, but only because after the \$55 billion spending increase scored by CBO, it has an \$85 billion tax increase. If we keep going down this road, Mr. Speaker we're going to get the same results.

What did we start with in this Congress? We passed a budget that cuts spending, that reformed government, that reformed the taxes and gets back to economic growth to puts us on a path to prosperity to pay off the debt.

The Senate hasn't passed a budget for 3 years. Then we engaged in negotiations on the debt limit to try to get a down payment on deficit reduction and the Budget Control Act resulted.

Therefore, the supercommittee failed, and the sequester is about to kick in. So again we took action in the House, and we passed the reconciliation package that replaces the sequester, which resulted in a net \$242.8 billion in additional deficit reduction. We put specifics on the table, passed them through the House again. The crickets are chirping in the other body in the Senate. No leadership from the President, no leadership from the Senate, no leadership.

What this is is simple. Since there is an absence of leadership on these critical fiscal issues from the President of the United States, from the Senate of the United States, at the very least show us how this is going to work. If you're not willing to replace the sequester, tell us how it's going to be implemented.

That is simply a matter of transparency. We're not judging the debates or the merits or the each other's ideas and how to replace it; we're simply saying to OMB tell us how it's going to go down, because this seems to be your only plan.

With that, Mr. Speaker, I encourage all Members to follow the bipartisan example that has been set in the Budget Committee and let's have a nice bipartisan vote on behalf of transparency from the legislative branch.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin (Mr. RYAN) that the House suspend the rules and pass the bill, H.R. 5872, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. RYAN of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 414, nays 2, not voting 15, as follows:

[Roll No. 471]

YEAS—414

Ackerman	Bass (NH)	Boustany
Adams	Becerra	Brady (PA)
Aderholt	Benishak	Brady (TX)
Alexander	Berg	Braley (IA)
Altmire	Berkley	Brooks
Amash	Berman	Brown (GA)
Amodel	Biggert	Brown (FL)
Andrews	Bilbray	Buchanan
Austria	Bilirakis	Bucshon
Baca	Bishop (GA)	Buerkle
Bachmann	Bishop (NY)	Burgess
Bachus	Bishop (UT)	Burton (IN)
Baldwin	Black	Butterfield
Barber	Blackburn	Calvert
Barletta	Blumenauer	Camp
Barrow	Bonamici	Campbell
Bartlett	Bonner	Canseco
Barton (TX)	Bono Mack	Cantor
Bass (CA)	Boswell	Capito

Capps	Griffin (AR)	McDermott
Capuano	Griffith (VA)	McGovern
Cardoza	Grijalva	McHenry
Carnahan	Grimm	McIntyre
Carney	Guinta	McKeon
Carson (IN)	Guthrie	McKinley
Carter	Gutierrez	McMorris
Cassidy	Hall	Rodgers
Castor (FL)	Hanabusa	McNerney
Chabot	Hanna	Meehan
Chaffetz	Harper	Meeks
Chandler	Harris	Mica
Chu	Hartzler	Michaud
Ciilline	Hastings (FL)	Miller (FL)
Clarke (MI)	Hastings (WA)	Miller (MI)
Clarke (NY)	Hayworth	Miller (NC)
Clay	Heck	Miller, Gary
Cleaver	Heinrich	Miller, George
Clyburn	Hensarling	Moore
Coble	Herger	Moran
Coffman (CO)	Herrera Beutler	Mulvaney
Cohen	Higgins	Murphy (CT)
Cole	Himes	Murphy (PA)
Conaway	Hinojosa	Myrick
Connolly (VA)	Hochul	Nadler
Conyers	Holden	Napolitano
Cooper	Holt	Neal
Costa	Honda	Neugebauer
Costello	Hoyer	Noem
Courtney	Huelskamp	Nugent
Cravaack	Huizenga (MI)	Nunes
Crawford	Hultgren	Nunnelee
Crenshaw	Hunter	Olson
Critz	Hurt	Olver
Crowley	Israel	Owens
Cuellar	Issa	Palazzo
Culberson	Jenkins	Pallone
Cummings	Johnson (GA)	Pascarella
Davis (CA)	Johnson (IL)	Pastor (AZ)
Davis (IL)	Johnson (OH)	Paul
Davis (KY)	Johnson, E. B.	Paulsen
DeFazio	Johnson, Sam	Pearce
DeGette	Jones	Pelosi
DeLauro	Jordan	Pence
Denham	Kaptur	Perlmutter
Dent	Keating	Peters
DesJarlais	Kelly	Peterson
Deutch	Kildee	Petri
Diaz-Balart	Kind	Pingree (ME)
Dicks	King (IA)	Pitts
Dingell	King (NY)	Platts
Doggett	Kingston	Poe (TX)
Dold	Kinzinger (IL)	Pompeo
Donnelly (IN)	Kissell	Posey
Doyle	Kline	Price (GA)
Dreier	Kucinich	Price (NC)
Duffy	Labrador	Quayle
Duncan (SC)	Lamborn	Quigley
Duncan (TN)	Lance	Rahall
Edwards	Landry	Rangel
Ellison	Langevin	Reed
Ellmers	Lankford	Rehberg
Emerson	Larsen (WA)	Reichert
Eshoo	Larson (CT)	Renacci
Farenthold	Latham	Ribble
Farr	LaTourette	Richardson
Fattah	Latta	Richmond
Fincher	Lee (CA)	Rigell
Fitzpatrick	Levin	Rivera
Flake	Lewis (CA)	Roby
Fleischmann	Lipinski	Roe (TN)
Fleming	LoBiondo	Rogers (AL)
Flores	Loebach	Rogers (KY)
Forbes	Lofgren, Zoe	Rogers (MI)
Fortenberry	Long	Rohrabacher
Fox	Lowey	Rokita
Frank (MA)	Lucas	Rooney
Frank (AZ)	Luetkemeyer	Ros-Lehtinen
Frelinghuysen	Lujan	Roskam
Fudge	Lummis	Ross (AR)
Galleghy	Lungren, Daniel E.	Ross (FL)
Garamendi	Lynch	Rothman (NJ)
Gardner	Mack	Roybal-Allard
Garrett	Maloney	Royce
Gerlach	Manzullo	Runyan
Gibbs	Marchant	Rush
Gibson	Marino	Ryan (OH)
Gingrey (GA)	Markay	Ryan (WI)
Gingery (GA)	Matheson	Sánchez, Linda T.
Goodlatte	Matsui	Sanchez, Loretta
Govdy	McCarthy (CA)	Sarbanes
Granger	McCarthy (NY)	Scalise
Graves (GA)	McCauley	Schakowsky
Graves (MO)	McClintock	Schiff
Green, Al	McCollum	Schilling
Green, Gene		

Schmidt	Stark	Walz (MN)
Schock	Stearns	Wasserman
Schrader	Stutzman	Schultz
Schwartz	Sullivan	Waters
Schweikert	Sutton	Watt
Scott (SC)	Terry	Waxman
Scott (VA)	Thompson (CA)	Webster
Scott, Austin	Thompson (MS)	Welch
Scott, David	Thompson (PA)	West
Sensenbrenner	Thornberry	Westmoreland
Serrano	Tiberi	Whitfield
Sessions	Tierney	Wilson (FL)
Sherman	Tipton	Wilson (SC)
Shimkus	Tonko	Wittman
Shuler	Towns	Wolf
Shuster	Tsongas	Womack
Simpson	Turner (NY)	Woodall
Sires	Turner (OH)	Young (AK)
Slaughter	Upton	Young (FL)
Smith (NE)	Van Hollen	Young (IN)
Smith (NJ)	Velázquez	
Smith (TX)	Visclosky	
Smith (WA)	Walberg	
Southerland	Walden	
Speier	Walsh (IL)	

NAYS—2

Engel Hinchey

NOT VOTING—15

Akin	Hirono	Reyes
Boren	Jackson (IL)	Ruppersberger
Filner	Jackson Lee	Sewell
Gonzalez	(TX)	Stivers
Gosar	Lewis (GA)	
Hahn	Polis	

□ 1354

Ms. McCOLLUM changed her vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Mr. Speaker, on rollcall 471, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "yea."

Mr. AKIN. Mr. Speaker, on rollcall No. 471, I was delayed and unable to vote. Had I been present I would have voted "yea."

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2013

GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 5856, and that I may include tabular material on the same.

The SPEAKER pro tempore (Mr. REED). Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Pursuant to House Resolution 717 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 5856.

The Chair appoints the gentleman from Texas (Mr. MARCHANT) to preside over the Committee of the Whole.

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IN THE COMMITTEE OF THE WHOLE
Accordingly, the House resolved itself into the Committee of the Whole

House on the state of the Union for the consideration of the bill (H.R. 5856) making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes, with Mr. MARCHANT in the chair.

The Clerk read the title of the bill.

The CHAIR. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Florida (Mr. YOUNG) and the gentleman from Washington (Mr. DICKS) each will control 30 minutes.

The Chair recognizes the gentleman from Florida.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself such time as I may consume.

This is the Defense appropriations bill for 2013. It has been done with the cooperation of the Republicans and the Democrats on the subcommittee, the Democrats led by NORM DICKS. I would say that NORM and I have worked together for so many years in making sure that these Defense appropriations bills were strictly nonpolitical—no politics in Defense appropriations. And there should not be.

Our investment in our national defense should be based on what is the real threat to the United States and what does it take to protect against that threat and what does it take to protect the men and women who provide for that national defense.

I want to compliment Mr. DICKS for having worked together with each other so well, regardless of who was in the majority, for 35 years, Mr. DICKS. And I just want to recognize that this will be the last Defense appropriations bill that Mr. DICKS will preside over on the floor because he is seeking retirement at the end of the term.

This committee will miss Mr. DICKS, the House will miss Mr. DICKS, the Congress will miss Mr. DICKS, and I will say the country will miss his service to the United States of America for so many years. So Mr. DICKS, I extend to

you my very, very best and my appreciation and thanks for your friendship and your spirit of cooperation over the many years.

The subcommittee held many hearings and many briefings on so many subjects that it took most of the year leading up to this date in order to do that. I will compliment the members of the subcommittee because they were very attentive. The subcommittee hearings and meetings were all very, very well attended. The members were very loyal and faithful to their assignments and to their responsibilities.

During these hearings, we heard one word that bothered me a lot, that was the word “risk.” As we got into the issue of the budget requests, we were told that this might bring about a certain risk, or a prudent risk, or an acceptable risk. We pursued the issue of what is an acceptable risk when it comes to national defense or what is a prudent risk. Let me explain briefly some of the things that we heard.

One, we were told that the United States is going to show much more presence in the Pacific area. I certainly agree with that. That is a very, very important part of the world, and we have got to be present.

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The other point was that, as we did our hearings, we were told that in the Mideast, in the Persian Gulf area, we need a buildup of naval forces in order to do the job that has to be done, especially as we watch what Iran is doing, what Iran is threatening to do, and the choke point of the Strait of Hormuz where much of the world's oil transports.

Well, these risks, we think, have been met. But on the Navy buildup, the budget request actually would reduce the naval capability, the number of assets that we have. So we differed with the budget request on that, and we added funding. And by the way, with the support of the Secretary of the

Navy, we added funding for an additional DDG-51 destroyer.

In addition, the Secretary of the Navy was really determined to build a second *Virginia*-class submarine for 2014. And it was not in the budget, but he convinced us that it was important to do; and so besides the DDG-51, we provided the advance procurement to schedule that second *Virginia*-class submarine for 2014.

In addition, there are three cruisers that were about to be decommissioned; and for a lesser fee than decommissioning, we determined to keep those cruisers in business and keep them capable and keep them available for that naval buildup that our hearings told us the Navy felt that they really needed.

One other issue that I would like to raise is the Air Force—and we're not at war with the Air Force, by the way, but we have some differences. The Air Force determined to take away aviation assets from the Air National Guard in our States. And we heard from all of our Governors. We heard from all of our TAGS, the adjutant generals, that this would really be crippling to the mission of the Air National Guard and the National Guard if those assets were lost.

So we recommended to the Air Force, we provided \$850 million to do what we call a “pause,” to let's get together and let's work with the States, let's work with the Governors, let's work with the adjutant generals to see what is the right thing to do here, and not deny the States the assets that they need, the aviation assets that they need.

There's so much more to this bill. The bill has been available online. The copies of the bill have been available. The lists of all of the issues have been isolated in press releases, so the actual contents of the bill have been available for weeks and so at this point I'm not going to go further into the bill.

I reserve the balance of my time

Department of Defense Appropriations Act - FY 2013 (H.R. 5856)
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request

TITLE I					
MILITARY PERSONNEL					
Military Personnel, Army.....	43,298,409	40,777,844	40,730,014	-2,568,395	-47,830
Military Personnel, Navy.....	26,803,334	27,090,893	27,075,933	+272,599	-14,960
Military Personnel, Marine Corps.....	13,635,136	12,481,050	12,560,999	-1,074,137	+79,949
Military Personnel, Air Force.....	28,096,708	28,048,539	28,124,109	+27,401	+75,570
Reserve Personnel, Army.....	4,289,407	4,513,753	4,456,823	+167,416	-56,930
Reserve Personnel, Navy.....	1,935,544	1,898,668	1,871,688	-63,856	-26,980
Reserve Personnel, Marine Corps.....	644,722	664,641	651,861	+7,139	-12,780
Reserve Personnel, Air Force.....	1,712,705	1,741,365	1,743,875	+31,170	+2,510
National Guard Personnel, Army.....	7,585,645	8,103,207	8,089,477	+503,832	-13,730
National Guard Personnel, Air Force.....	3,088,929	3,110,065	3,158,015	+69,086	+47,950

Total, title I, Military Personnel.....	131,090,539	128,430,025	128,462,794	-2,627,745	+32,769
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TITLE II					
OPERATION AND MAINTENANCE					
Operation and Maintenance, Army.....	31,072,902	36,608,592	36,422,738	+5,349,836	-185,854
Operation and Maintenance, Navy.....	38,120,821	41,606,943	41,463,773	+3,342,952	-143,170
Operation and Maintenance, Marine Corps.....	5,542,937	5,983,163	6,075,667	+532,730	+92,504
Operation and Maintenance, Air Force.....	34,985,486	35,435,360	35,408,795	+423,309	-26,565
Operation and Maintenance, Defense-Wide	30,152,008	31,993,013	31,780,813	+1,628,805	-212,200
Operation and Maintenance, Army Reserve.....	3,071,733	3,162,008	3,199,423	+127,690	+37,415
Operation and Maintenance, Navy Reserve.....	1,305,134	1,246,982	1,256,347	-48,787	+9,365
Operation and Maintenance, Marine Corps Reserve.....	271,443	272,285	277,377	+5,934	+5,092
Operation and Maintenance, Air Force Reserve.....	3,274,359	3,166,482	3,362,041	+87,682	+195,559
Operation and Maintenance, Army National Guard.....	6,924,932	7,108,612	7,187,731	+262,799	+79,119
Operation and Maintenance, Air National Guard.....	6,098,780	6,015,455	6,608,826	+510,046	+593,371
United States Court of Appeals for the Armed Forces...	13,861	13,516	13,516	-345	---
Environmental Restoration, Army.....	346,031	335,921	335,921	-10,110	---
Environmental Restoration, Navy.....	308,668	310,594	310,594	+1,926	---
Environmental Restoration, Air Force.....	525,453	529,263	529,263	+3,810	---
Environmental Restoration, Defense-Wide.....	10,716	11,133	11,133	+417	---
Environmental Restoration, Formerly Used Defense Sites	326,495	237,543	237,543	-88,952	---
Overseas Humanitarian, Disaster, and Civic Aid.....	107,662	108,759	108,759	+1,097	---
Cooperative Threat Reduction Account.....	508,219	519,111	519,111	+10,892	---
Department of Defense Acquisition Workforce					
Development Fund.....	105,501	274,198	50,198	-55,303	-224,000

Total, title II, Operation and maintenance.....	163,073,141	174,938,933	175,159,569	+12,086,428	+220,636
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Department of Defense Appropriations Act - FY 2013 (H.R. 5856)
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request

TITLE III					
PROCUREMENT					
Aircraft Procurement, Army.....	5,360,334	5,853,729	6,115,226	+754,892	+261,497
Missile Procurement, Army.....	1,461,223	1,302,689	1,602,689	+141,466	+300,000
Procurement of Weapons and Tracked Combat Vehicles, Army.....	2,070,405	1,501,706	1,884,706	-185,699	+383,000
Procurement of Ammunition, Army.....	1,884,424	1,739,706	1,576,768	-307,656	-162,938
Other Procurement, Army.....	7,924,214	6,326,245	6,488,045	-1,436,169	+161,800
Aircraft Procurement, Navy.....	17,675,734	17,129,296	17,518,324	-157,410	+389,028
Weapons Procurement, Navy.....	3,224,432	3,117,578	3,072,112	-152,320	-45,466
Procurement of Ammunition, Navy and Marine Corps.....	626,848	759,539	677,243	+50,395	-82,296
Shipbuilding and Conversion, Navy.....	14,919,114	13,579,845	15,236,126	+317,012	+1,656,281
Other Procurement, Navy.....	6,013,385	6,169,378	6,364,191	+350,806	+194,813
Procurement, Marine Corps.....	1,422,570	1,622,955	1,482,081	+59,511	-140,874
Aircraft Procurement, Air Force.....	12,950,000	11,002,999	11,304,899	-1,645,101	+301,900
Coast Guard (by transfer).....	(63,500)	---	---	(-63,500)	---
Missile Procurement, Air Force.....	6,080,877	5,491,846	5,449,146	-631,731	-42,700
Advanced Extremely High Frequency Communications					
Satellites, Advanced appropriation FY 2014.....	---	833,500	---	---	-833,500
Advanced appropriation FY 2015.....	---	763,900	---	---	-763,900
Advanced appropriation FY 2016.....	---	708,400	---	---	-708,400
Advanced appropriation FY 2017.....	---	1,107,200	---	---	-1,107,200
Advanced appropriation FY 2018.....	---	1,013,700	---	---	-1,013,700

Total, Advanced appropriations	---	4,426,700	---	---	-4,426,700
Procurement of Ammunition, Air Force.....	499,185	599,194	599,194	+100,009	---
Other Procurement, Air Force.....	17,403,564	16,720,848	16,632,575	-770,989	-88,273
Procurement, Defense-Wide	4,893,428	4,187,935	4,429,335	-464,093	+241,400
National Guard and Reserve Equipment.....	---	---	2,000,000	+2,000,000	+2,000,000
Defense Production Act Purchases	169,964	89,189	63,531	-106,433	-25,658

Total, title III, Procurement.....	104,579,701	101,621,377	102,496,191	-2,083,510	+874,814
FY 2013.....	(104,579,701)	(97,194,677)	(102,496,191)	(-2,083,510)	(+5,301,514)
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TITLE IV					
RESEARCH, DEVELOPMENT, TEST AND EVALUATION					
Research, Development, Test and Evaluation, Army.....	8,745,492	8,929,415	8,593,055	-152,437	-336,360
Research, Development, Test and Evaluation, Navy.....	17,753,940	16,882,877	16,987,768	-766,172	+104,891
Research, Development, Test and Evaluation, Air Force.....	26,535,996	25,428,046	25,117,692	-1,418,304	-310,354
Research, Development, Test and Evaluation, Defense-Wide	19,193,955	17,982,161	19,100,362	-93,593	+1,118,201
Operational Test and Evaluation, Defense.....	191,292	185,268	185,268	-6,024	---

Total, title IV, Research, Development, Test and Evaluation.....	72,420,675	69,407,767	69,984,145	-2,436,530	+576,378
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Department of Defense Appropriations Act - FY 2013 (H.R. 5856)
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request

TITLE V					
REVOLVING AND MANAGEMENT FUNDS					
Defense Working Capital Funds.....	1,575,010	1,516,184	1,516,184	-58,826	---
National Defense Sealift Fund.....	1,100,519	608,136	564,636	-535,883	-43,500
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Total, title V, Revolving and Management Funds..	2,675,529	2,124,320	2,080,820	-594,709	-43,500
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TITLE VI					
OTHER DEPARTMENT OF DEFENSE PROGRAMS					
Defense Health Program:					
Operation and maintenance.....	30,582,235	31,349,279	31,122,095	+539,860	-227,184
Procurement.....	632,518	506,462	521,762	-110,756	+15,300
Research, development, test and evaluation.....	1,267,306	672,977	1,218,377	-48,929	+545,400
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Total, Defense Health Program 1/.....	32,482,059	32,528,718	32,862,234	+380,175	+333,516
Chemical Agents and Munitions Destruction, Defense:					
Operation and maintenance.....	1,147,691	635,843	635,843	-511,848	---
Procurement.....	---	18,592	18,592	+18,592	---
Research, development, test and evaluation.....	406,731	647,351	647,351	+240,620	---
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Total, Chemical Agents 2/.....	1,554,422	1,301,786	1,301,786	-252,636	---
Drug Interdiction and Counter-Drug Activities, Defense	1,209,620	999,363	1,133,363	-76,257	+134,000
Joint Improvised Explosive Device Defeat Fund 2/.....	---	227,414	217,414	+217,414	-10,000
Joint Urgent Operational Needs Fund.....	---	99,477	---	---	-99,477
Office of the Inspector General 1/.....	346,919	273,821	350,321	+3,402	+76,500
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Total, title VI, Other Department of Defense Programs.....	35,593,020	35,430,579	35,865,118	+272,098	+434,539
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TITLE VII					
RELATED AGENCIES					
Central Intelligence Agency Retirement and Disability System Fund.....	513,700	514,000	514,000	+300	---
Intelligence Community Management Account (ICMA).....	547,891	540,252	511,476	-36,415	-28,776
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Total, title VII, Related agencies.....	1,061,591	1,054,252	1,025,476	-36,115	-28,776
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Department of Defense Appropriations Act - FY 2013 (H.R. 5856)
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
TITLE VIII					
GENERAL PROVISIONS					
Additional transfer authority (Sec.8005).....	(3,750,000)	(5,000,000)	(3,000,000)	(-750,000)	(-2,000,000)
Indian Financing Act incentives (Sec.8019).....	15,000	---	15,000	---	+15,000
FFRDC (Sec.8023).....	-150,245	---	---	+150,245	---
Overseas Military Facility Invest Recovery (Sec.8028).....	1,000	---	---	-1,000	---
Rescissions (Sec.8040).....	-2,575,217	---	-1,019,316	+1,555,901	-1,019,316
O&M, Defense-wide transfer authority (Sec.8051).....	(30,000)	(30,000)	(30,000)	---	---
O&M, Army transfer authority (Sec.8066).....	(124,493)	(133,381)	(133,381)	(+8,888)	---
Fisher House Foundation (Sec.8068).....	4,000	---	4,000	---	+4,000
National grants (Sec.8076).....	44,000	---	44,000	---	+44,000
Shipbuilding & conversion funds, Navy (Sec.8081).....	8,000	8,000	8,000	---	---
Global Security Contingency Fund (O&M, Defense-wide transfer).....	(200,000)	(200,000)	---	(-200,000)	(-200,000)
Working Capital Fund excess cash balances.....	-515,000	---	---	+515,000	---
Excess Army Working Capital Fund carryover (Sec.8087).....	---	---	-2,460,900	-2,460,900	-2,460,900
Fisher House transfer authority (Sec.8093).....	(11,000)	(11,000)	(11,000)	---	---
ICMA transfer authority.....	(20,000)	(20,000)	---	(-20,000)	(-20,000)
Defense Health O&M transfer authority (Sec.8098).....	(135,631)	(139,204)	(139,204)	(+3,573)	---
Alternative Energy Resources for Deployed Forces	10,000	---	---	-10,000	---
Operation and Maintenance, Defense-Wide (Sec.8107).....	250,000	---	270,000	+20,000	+270,000
(transfer authority).....	---	(51,000)	---	---	(-51,000)
MIP Transfer Fund	310,758	---	---	-310,758	---
Eliminate civilian pay raise (Sec.8119).....	---	---	-258,524	-258,524	-258,524
Total, Title VIII, General Provisions.....	-2,597,704	8,000	-3,397,740	-800,036	-3,405,740

TITLE IX

OVERSEAS CONTINGENCY OPERATIONS (OCO) 3/

Military Personnel

Military Personnel, Army (OCO).....	7,195,335	9,165,082	9,165,082	+1,969,747	---
Military Personnel, Navy (OCO).....	1,259,234	874,625	870,425	-388,809	-4,200
Military Personnel, Marine Corps (OCO).....	714,360	1,621,356	1,623,356	+908,996	+2,000
Military Personnel, Air Force (OCO).....	1,492,381	1,286,783	1,286,783	-205,598	---
Reserve Personnel, Army (OCO).....	207,162	156,893	156,893	-50,269	---
Reserve Personnel, Navy (OCO).....	44,530	39,335	39,335	-5,195	---
Reserve Personnel, Marine Corps (OCO).....	25,421	24,722	24,722	-699	---
Reserve Personnel, Air Force (OCO).....	26,815	25,348	25,348	-1,467	---
National Guard Personnel, Army (OCO).....	664,579	583,804	583,804	-80,775	---
National Guard Personnel, Air Force (OCO).....	9,435	10,473	10,473	+1,038	---
Total, Military Personnel.....	11,639,252	13,788,421	13,786,221	+2,146,969	-2,200

Department of Defense Appropriations Act - FY 2013 (H.R. 5856)
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
Operation and Maintenance					
Operation & Maintenance, Army (OCO).....	44,794,156	28,591,441	26,682,437	-18,111,719	-1,909,004
Operation & Maintenance, Navy (OCO).....	7,674,026	5,880,395	5,880,395	-1,793,631	---
Coast Guard (by transfer) (OCO).....	---	(254,461)	(254,461)	(+254,461)	---
Operation & Maintenance, Marine Corps (OCO).....	3,935,210	4,066,340	4,566,340	+631,130	+500,000
Operation & Maintenance, Air Force (OCO).....	10,879,347	9,241,613	9,136,236	-1,743,111	-105,377
Operation & Maintenance, Defense-Wide (OCO).....	9,252,211	7,824,579	7,790,579	-1,461,632	-34,000
Coalition support funds (OCO).....	(1,690,000)	(1,750,000)	(1,750,000)	(+60,000)	---
Operation & Maintenance, Army Reserve (OCO).....	217,500	154,537	152,387	-65,113	-2,150
Operation & Maintenance, Navy Reserve (OCO).....	74,148	55,924	55,924	-18,224	---
Operation & Maintenance, Marine Corps Reserve (OCO).....	36,084	25,477	25,477	-10,607	---
Operation & Maintenance, Air Force Reserve (OCO).....	142,050	120,618	120,618	-21,432	---
Operation & Maintenance, Army National Guard (OCO).....	377,544	382,448	382,448	+4,904	---
Operation & Maintenance, Air National Guard (OCO).....	34,050	19,975	34,500	+450	+14,525
Overseas Contingency Operations Transfer Fund (OCO)...	---	---	3,250,000	+3,250,000	+3,250,000
Subtotal, Operation and Maintenance.....	77,416,326	56,363,347	58,077,341	-19,338,985	+1,713,994
Afghanistan Infrastructure Fund (OCO).....	400,000	400,000	375,000	-25,000	-25,000
Afghanistan Security Forces Fund (OCO).....	11,200,000	5,749,167	5,026,500	-6,173,500	-722,667
Pakistan Counterinsurgency Capability Fund (OCO).....	---	---	---	---	---
Total, Operation and Maintenance.....	89,016,326	62,512,514	63,478,841	-25,537,485	+966,327
Procurement					
Aircraft Procurement, Army (OCO).....	1,137,381	486,200	541,600	-595,781	+55,400
Missile Procurement, Army (OCO).....	126,556	49,653	49,653	-76,903	---
Procurement of Weapons and Tracked Combat Vehicles, Army (OCO).....	37,117	15,422	15,422	-21,695	---
Procurement of Ammunition, Army (OCO).....	208,381	357,493	338,493	+130,112	-19,000
Other Procurement, Army (OCO).....	1,334,345	2,015,907	2,005,907	+671,562	-10,000
Aircraft Procurement, Navy (OCO).....	480,935	164,582	146,277	-334,658	-18,305
Weapons Procurement, Navy (OCO).....	41,070	23,500	22,500	-18,570	-1,000
Procurement of Ammunition, Navy and Marine Corps..... (OCO).....	317,100	285,747	284,450	-32,650	-1,297
Other Procurement, Navy (OCO).....	236,125	98,882	98,882	-137,243	---
Procurement, Marine Corps (OCO).....	1,233,996	943,683	943,683	-290,313	---
Aircraft Procurement, Air Force (OCO).....	1,235,777	305,600	305,600	-930,177	---
Missile Procurement, Air Force (OCO).....	41,220	34,350	34,350	-6,870	---
Procurement of Ammunition, Air Force (OCO).....	109,010	116,203	116,203	+7,193	---
Other Procurement, Air Force (OCO).....	3,088,510	2,818,270	2,785,170	-303,340	-33,100
Procurement, Defense-Wide (OCO).....	405,768	196,349	217,849	-187,919	+21,500
National Guard and Reserve Equipment (OCO).....	1,000,000	---	---	-1,000,000	---
Mine Resistant Ambush Protected Vehicle Fund (OCO).....	2,600,170	---	---	-2,600,170	---
Total, Procurement.....	13,633,461	7,911,841	7,906,039	-5,727,422	-5,802

Department of Defense Appropriations Act - FY 2013 (H.R. 5856)
(Amounts in thousands)

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Research, Development, Test and Evaluation					
Research, Development, Test & Evaluation, Army (OCO).....	18,513	19,860	14,860	-3,653	-5,000
Research, Development, Test & Evaluation, Navy (OCO).....	53,884	60,119	60,119	+6,235	---
Research, Development, Test & Evaluation, Air Force (OCO).....	259,600	53,150	53,150	-206,450	---
Research, Development, Test and Evaluation, Defense-Wide (OCO).....	194,361	112,387	107,387	-86,974	-5,000
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Total, Research, Development, Test and Evaluation.....	526,358	245,516	235,516	-290,842	-10,000
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Revolving and Management Funds					
Defense Working Capital Funds (OCO).....	435,013	503,364	293,600	-141,413	-209,764
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Other Department of Defense Programs					
Defense Health Program:					
Operation and maintenance (OCO).....	1,228,288	993,898	993,898	-234,390	---
Drug Interdiction and Counter-Drug Activities, Defense (OCO).....	456,458	469,025	469,025	+12,567	---
Joint IED Defeat Fund (OCO).....	2,441,984	1,675,400	1,614,900	-827,084	-60,500
Joint Urgent Operational Needs Fund (OCO).....	---	100,000	---	---	-100,000
Office of the Inspector General (OCO).....	11,055	10,766	10,766	-289	---
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Total, Other Department of Defense Programs.....	4,137,785	3,249,089	3,088,589	-1,049,196	-160,500
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TITLE IX General Provisions					
Additional transfer authority (OCO) (Sec.9002).....	(4,000,000)	(4,000,000)	(3,000,000)	(-1,000,000)	(-1,000,000)
Troop reduction (OCO).....	-4,042,500	---	---	+4,042,500	---
Rescissions (OCO) (Sec.9014).....	-380,060	---	-579,900	-199,840	-579,900
<hr/>					
Total, General Provisions.....	-4,422,560	---	-579,900	+3,842,660	-579,900
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Total, Title IX	114,965,635	88,210,745	88,208,906	-26,756,729	-1,839
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Total for the bill (net).....	622,862,127	601,225,998	599,885,279	-22,976,848	-1,340,719
Less appropriations for subsequent years.....	---	-4,426,700	---	---	+4,426,700
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Net grand total.....	622,862,127	596,799,298	599,885,279	-22,976,848	+3,085,981
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Department of Defense Appropriations Act - FY 2013 (H.R. 5856)
(Amounts in thousands)

	FY 2012 Enacted	FY 2013 Request	Bill	Bill vs. Enacted	Bill vs. Request
CONGRESSIONAL BUDGET RECAP					
Scorekeeping adjustments:					
Lease of defense real property (permanent).....	22,000	22,000	22,000	---	---
Disposal of defense real property (permanent).....	9,000	9,000	9,000	---	---
DHP, O&M to DOD-VA Joint Incentive Fund:					
Defense function.....	---	-15,000	-15,000	-15,000	---
Non-defense function.....	---	15,000	15,000	+15,000	---
DHP, O&M to Joint DOD-VA Medical Facility					
Demonstration Fund:					
Defense function.....	---	-139,204	-139,204	-139,204	---
Non-defense function.....	---	139,204	139,204	+139,204	---
O&M, Defense-wide transfer to Department of State:					
Defense function.....	-200,000	-100,000	---	+200,000	+100,000
Non-defense function.....	200,000	100,000	---	-200,000	-100,000
Tricare accrual (permanent, indefinite auth.) 4/..	10,733,000	8,026,000	8,026,000	-2,707,000	---
(OCO) 3/.....	117,000	271,000	271,000	+154,000	---
Total, scorekeeping adjustments.....	10,881,000	8,328,000	8,328,000	-2,553,000	---
Adjusted total (includ. scorekeeping adjustments)	633,743,127	605,127,298	608,213,279	-25,529,848	+3,085,981
Appropriations.....	(636,318,344)	(605,127,298)	(609,232,595)	(-27,085,749)	(+4,105,297)
Rescissions.....	(-2,575,217)	---	(-1,019,316)	(+1,555,901)	(-1,019,316)
Total mandatory and discretionary.....	633,743,127	605,127,298	608,213,279	-25,529,848	+3,085,981
Mandatory.....	(513,700)	(514,000)	(514,000)	(+300)	---
Discretionary.....	(633,229,427)	(604,613,298)	(607,699,279)	(-25,530,148)	(+3,085,981)
RECAPITULATION					
Title I - Military Personnel.....	131,090,539	128,430,025	128,462,794	-2,627,745	+32,769
Title II - Operation and Maintenance.....	163,073,141	174,938,933	175,159,569	+12,086,428	+220,636
Title III - Procurement.....	104,579,701	101,621,377	102,496,191	-2,083,510	+874,814
Title IV - Research, Development, Test and Evaluation.....	72,420,675	69,407,767	69,984,145	-2,436,530	+576,378
Title V - Revolving and Management Funds.....	2,675,529	2,124,320	2,080,820	-594,709	-43,500
Title VI - Other Department of Defense Programs.....	35,593,020	35,430,579	35,865,118	+272,098	+434,539
Title VII - Related Agencies.....	1,061,591	1,054,252	1,025,476	-36,115	-28,776
Title VIII - General Provisions (net).....	-2,597,704	8,000	-3,397,740	-800,036	-3,405,740
Title IX - Overseas Contingency Operations (OCO).....	114,965,635	88,210,745	88,208,906	-26,756,729	-1,839
Total, Department of Defense.....	622,862,127	601,225,998	599,885,279	-22,976,848	-1,340,719
Scorekeeping adjustments.....	10,881,000	8,328,000	8,328,000	-2,553,000	---
Less appropriations for subsequent years.....	---	-4,426,700	---	---	+4,426,700
Total mandatory and discretionary.....	633,743,127	605,127,298	608,213,279	-25,529,848	+3,085,981

FOOTNOTES:

- 1/ Included in Budget under Operation and Maintenance
2/ Included in Budget under Procurement
3/ Global War on Terrorism (GWOT)
4/ Contributions to Department of Defense Retiree Health Care Fund (Sec. 725, P.L. 108-375)(CBO est)

Mr. DICKS. I yield myself as much time as I may consume.

Mr. Chairman, I rise in support of the fiscal year 2013 Department of Defense bill.

I first want to thank Chairman YOUNG for his very generous comments about my service on the Defense Subcommittee. And he is absolutely right, we have always, no matter who was chairman or which party was in control, we've always, on a bipartisan basis, worked to take care of the needs of our troops to make sure that we were properly funded in equipment and to do it on the basis of what was right and what was necessary. I appreciate his leadership of this subcommittee, and I wish him well as we finish up this year.

This bill continues the Defense Subcommittee's long tradition, as I mentioned, of bipartisanship and finding common ground as members work together, under Mr. YOUNG's leadership, to provide for the Department of Defense. I'm pleased to report that the subcommittee has again crafted a bill that places national security and the needs of U.S. servicemembers above partisan politics.

I strongly support the priorities set in this bill. The bill supports our troops. It includes funding for the third consecutive year to replace inadequate schools owned by local educational authorities and the Department of Education that are located on military installations.

It includes \$40 million above the request for Impact Aid.

It includes \$125 million above the request for traumatic brain injury and psychological health, as well as an additional \$20 million above the request for suicide prevention and outreach.

And the bill has a total of \$1.2 billion in Defense Health Program research and development, \$545 million above the request.

The bill continues the committee's longstanding support for peer-reviewed breast cancer research, peer-reviewed prostate cancer research, vision research, spinal cord research, and many other medical research initiatives.

The bill supports the Guard and Reserve. It includes funding to pause force structure reductions and aircraft retirements proposed by the Air Force that would affect Air Guard and Reserve units across the country.

And the bill contains \$2 billion for the National Guard and Reserve Equipment Account.

The bill supports today's equipment needs and develops tomorrow's technology. It supports Secretary Panetta's strategic focus on the Asia-Pacific region by including robust funding for shipbuilding and the Patriot missile defense system.

The bill supports DOD's intelligence, surveillance and reconnaissance needs by providing the resources for Global Hawk UAVs.

The bill addresses the Navy's strike fighter shortfall by funding F-18 Hornets and providing advance procurement for F-18G electronic attack aircraft.

The bill provides for ground equipment such as the Abrams tank, Bradley Fighting Vehicle, and HMMWV modernization. This funding provides for Army equipment needs, including the Guard and Reserve, and helps maintain a stable industrial base.

The bill includes \$250 million for the Rapid Innovation Fund that will continue the committee's efforts, started in 2011, to promote innovative research and defense technologies among small businesses; and the bill includes funding above the request for joint U.S.-Israeli missile defense activities, including \$680 million for Iron Dome.

The bill funds operations in Afghanistan consistent with the President's plan to wind down our presence as agreed to in the Lisbon Accord of 2010 and this year's NATO summit in Chicago.

The bill also includes important restrictions on DOD activities. The bill prohibits permanent U.S. bases in Iraq or Afghanistan and prohibits U.S. control over Iraqi oil resources. The bill prohibits the torture of detainees. The bill prohibits training foreign military forces if these forces are known to commit gross violations of human rights. And the bill limits reimbursements to Pakistan until the Secretary of Defense, in consultation with the Secretary of State, certifies that Pakistan is working cooperatively with the U.S. against terrorist activity.

While I support the funding level and priorities included in this bill, I must also express my objection, not to Mr. YOUNG, but to the majority decision to renege on the bipartisan agreement reached less than a year ago in the Budget Control Act. I believe the reduced discretionary allocation in the Ryan budget threatens to stall economic growth and job creation; and in the near term, it introduces uncertainty in our appropriations process that imperils our ability to produce these bills in a timely manner.

Accordingly, it is my belief that we could save a considerable amount of time in the appropriations process if we simply returned to the agreement reached last year in August, the \$1.047 trillion allocation level for this year, a level which even the Republican other body leadership concedes is where we will eventually end up.

Despite this reservation, I want to congratulate Chairman YOUNG for producing a bill that meets the most pressing needs of the Department of Defense, and for doing so in the best tradition of the Appropriations Committee.

And I must say that I feel we have one of the best staffs on the whole Hill. And I know Paul and Tom have worked

together when Paul was the clerk and Tom was representing Mr. YOUNG as the ranking member. And the cooperation of all the staff members has been extraordinary, and they've worked very hard to prepare this bill for the floor, and I want to congratulate them on their good efforts.

□ 1410

Also, I want to thank Mr. ROGERS for his efforts to restore regular order. I think it's outstanding that we have had this bill in a subcommittee markup, a full committee markup, now brought to the floor under an open rule. This is the way this committee should operate, and I appreciate his efforts to provide that leadership.

With that, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 5 minutes to the distinguished chairman of the Appropriations Committee, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS of Kentucky. I rise in support of this essential bill.

It provides more than \$519 billion in critical resources for a strong national defense, supporting our warfighters and protecting the American people. This is an increase of \$1.1 billion over last year and more than \$3 billion more than what the President asked of us. It is also more than \$8 billion over what the Senate Democrats would like to provide.

This Nation, with all the opportunities it provides and the rights it grants, would not be the bastion of freedom without the greatest defense system in the world. Freedom is not free. As we continue to face threats to our safety and way of life, we must deal with the costs of war, keep our military at the ready, and stay constantly vigilant.

This bill supports and takes care of our troops at the highest level possible, providing a 1.7 percent pay raise. We have also increased the critical health and benefits program that our troops deserve, providing \$35.1 billion for health and family programs, including funding for traumatic brain injury research and suicide prevention outreach programs.

This legislation keeps America at the forefront of defense technologies by continuing research and development efforts. We boost key training and readiness programs to prepare our troops for combat and peacetime missions with an increase of \$12.1 billion for operations and maintenance. We also enhance our military arsenal with \$102.5 billion for equipment and upgrades, and we continue fighting the global war on terror by including \$88.5 billion for overseas contingency operations.

But, in this environment of fiscal austerity, the committee recognized that even the Pentagon should not

have carte blanche when it comes to discretionary spending. We increased oversight and took a balanced approach to budgeting. Commonsense decisions were made to save tax dollars wherever possible, including rescinding unused, prior-year funds and terminating unnecessary programs like the Medium Extended Air Defense System; but we can guarantee that none of these cuts will affect the safety or success of our troops and missions.

The bill also prohibits funding for the transfers of Guantanamo detainees to the U.S. or its territories, prohibits funding to modify any facility in the U.S. to house detainees, and places strict conditions on the release of detainees—all provisions that were authorized under the National Defense Authorization Act.

I want to take a moment, Mr. Chairman, to recognize the Appropriations Committee's ranking member, Mr. DICKS, who also serves as ranking member of the Defense Subcommittee. He has been a formidable servant of the American people and a dedicated usher of appropriations dollars for some 36 years, and we appreciate his service. As he moves to another phase of his life, we wish him well and Godspeed. He has been a great member of this committee and subcommittee and of this Congress.

Also, I want to say a word of thanks to JERRY LEWIS of California, who has been a member and chairman of the Defense Subcommittee and the full committee, for his many years of service to the appropriations process and to this Congress.

We will be sorry to lose the expertise, the leadership, talent, and friendship of these two gentlemen when they retire at the end of this year, but we wish them well in their next pursuits in life. The Appropriations Committee has been made stronger, more responsive, responsible, and respectful thanks to these two outstanding and upstanding legislators and appropriators.

I also want to say a word of congratulations and thanks to our chairman, BILL YOUNG, and to this great staff that NORM DICKS has referred to as the greatest on the Hill, and I can't dispute that. They worked long and hard on a very, very tough bill, under austere circumstances, in order to put together a bill that is necessary for our Nation's defense. These many hours and capable hands that have had a touch on this bill, I think, have crafted a successful bipartisan bill that all of us can be proud to support.

So congratulations, Chairman YOUNG, for another great job. You bring such expertise and experience to this chore, which is so much appreciated by this body.

Mr. Chairman, this is a must-pass piece of legislation that is vital to the security of our homeland and to the safety and health of our troops and vet-

erans. I urge my colleagues to support this great Nation and to approve this necessary bill.

Mr. DICKS. I yield 3 minutes to a very senior member of the Appropriations Committee and a member of the Defense Subcommittee, the gentlewoman from Ohio, Congresswoman KAPTUR.

Ms. KAPTUR. Mr. Chairman, I want to thank the gentleman from Washington for yielding me this time.

I want to acknowledge the work of our full committee under the chairmanship of Mr. ROGERS, and obviously the wonderful work of our chairman, BILL YOUNG, and of our subcommittee ranking member, Mr. DICKS. Their collegial work has made this bill possible, and it will benefit our entire Nation, our men and women in uniform, our Armed Forces, and all of those who are touched by this legislation.

I would like to add my voice to those who wish to recognize the magnificent work that Congressman DICKS has done during his years of service to our country back from the time when he first worked for Senator Warren Magnuson. We would like to wish him, his wife, Suzie, and their beautiful family many healthy and productive years ahead. We thank him for his distinguished and honorable and intrepid service—always dutiful, always enlightened. When he walks from these Halls officially, he takes great knowledge and should take great satisfaction with him for a job well done, indeed.

I want to extend to Congressman JERRY LEWIS, as well, deep appreciation from the people of our States and country for your incredible service.

I would venture to say, when both of you gentlemen leave these Chambers, nearly a century of knowledge will walk with you. You have left America with her strongest defense globally, and you have been a part of crafting every single line of these bills. America thanks you and the free world thanks you.

This bill has been written in a bipartisan way by our subcommittee, and I thank the members for working collaboratively together. It is a model for our committee and Congress on how to do the work necessary to meet the needs of the American people.

The bill includes \$125 million above the President's request for funding health research for traumatic brain injuries and posttraumatic stress, which are the signature wounds of the wars in Iraq and Afghanistan. Our bill includes an additional \$246 million for cancer research, including breast cancer, prostate cancer, ovarian cancer, and lung cancer.

The bill also includes necessary funding for the Iron Dome. During the last decade of war, our National Guard and Reserve units have proven themselves as the strategic reserve force for our Nation. The Air Force, in submitting

its FY13 budget, did not appear to appropriately appreciate the importance of the Guard and Reserve because they targeted those units for mission reductions and cancellations. Our subcommittee has fixed this oversight by providing the necessary funding to allow the Guard and Reserve to continue their missions, which they do extremely well and at considerably less cost than the Air Force does.

Our bill fixes a continuing issue from the executive branch and maintains our Nation's industrial base by making sure we do not end the domestic production capability for tanks for the first time since World War II. The bill averts a plan to shut down the production line for 2 years. Shutting the lines would have cost the American taxpayers more money than producing tanks over the same time and would dismantle the critical, fragile supplier network.

The legislation also continues the military's commitment to lead our Nation towards energy independence. The Pentagon, as the largest petroleum user in the world, must lead our Nation toward energy independence. No challenge could be more vital to our national security and economic security interests. High fuel costs are an enormous burden on America's families. It is also a severe and wasteful burden on our service branches, and it diverts funds from important readiness and modernization needs.

Thank you, Mr. DICKS, for this time. Godspeed to you and to your family in the years ahead.

Thank you, Congressman LEWIS. To you and to your wife, Arlene, may you enjoy many wonderful years ahead.

Thank you, Chairman YOUNG, for being a chairman who brings this Congress together at the subcommittee level, and Chairman ROGERS, at the full committee level. Thank you for working with all of our Members to meet the needs of our Nation and our Nation's defense.

□ 1420

Mr. YOUNG of Florida. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN), who is an extremely important member of this subcommittee and also represents this subcommittee with the Intelligence Committee.

Mr. FRELINGHUYSEN. I thank the gentleman from Florida for yielding, and for his leadership, and that of Mr. DICKS, as well.

In preparation for this debate, the subcommittee held a lengthy series of hearings examining such varied issues as our operations in Afghanistan, the so-called pivot to the Asia-Pacific region, Army modernization, Navy shipbuilding, Marine end strength, and the Air Force restructuring proposals.

Most of these issues relate, as the chairman has said, to mitigating risk

in the Defense budget in what is called the “new strategic guidance” from the Department of Defense. It’s what I would characterize as protecting our gains in the Middle East and elsewhere, as well as preparing for future and current threats, such as China’s growing military capacity, instability in the Korean peninsula, civil war in Syria, Iran’s pledge to close the Strait of Hormuz, and others.

As you’ll hear during this debate, the committee weighed in with its own options. As the chairman said, we pause the Air Force restructuring decisions. In light of the tyranny of distance that characterizes the Asia-Pacific region, we bolster the Navy’s shipbuilding accounts and add back in a *Virginia*-class submarine and a *Burke*-class destroyer.

Our goal here, and throughout the bill, was to provide the resources to support our warfighters now and in the future whenever the next crisis arises. We clearly recognized the Nation’s debt and deficit, and found areas in programs where reductions were possible without adversely impacting our Armed Forces and modernization readiness efforts.

Exercising our mandate to adhere to sound budgeting, we reclaimed funding for programs terminated or restructured since the budget was released. We’ve achieved savings for favorable contract price adjustments, such as multiyear procurements of complicated weapons systems. We cut unjustified cost increases or funding requested ahead of need. We also took recisions from surplus from prior year funds. Frankly, it is important that we find savings without harming readiness or increasing the risks incurred by our warfighters.

Mr. Chairman, the legislation before us includes funding for critical national security needs and provides the necessary resources to continue the Nation’s vital military efforts abroad. In addition, the bill provides essential funding for health and quality-of-life programs for our men and women in uniform—all volunteers—and their families.

I want to thank Chairman YOUNG, Ranking Member DICKS, Chairman ROGERS, and all the Members of the subcommittee for their work, and the excellent staff we have, and our past leadership and our continued leadership from Congressman JERRY LEWIS of California. We were all able to work together in a bipartisan manner to ensure that our men and women in uniform—all volunteers—and their families have the support they need. The years ahead will be challenging, but our defense bill will meet those needs.

Mr. DICKS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY). He and I were in the same class together and enjoyed many spirited debates on national security issues. I

consider him to be a good friend and someone who cares a great deal about these issues.

Mr. MARKEY. I thank the gentleman.

Mr. DICKS and I started 36 years ago at the height of the cold war, with each country building more and more nuclear weapons, more and more defense systems in an ever escalating war of nerves that kept both countries and the whole world on edge.

In this Republican fantasy land, gold-plated nuclear weapons systems budget, there are going to be programs that have long outlived their usefulness that are lavished with canyons filled with cash. In this fantasy land, the cold war never ended. The Soviet menace lives on, making it necessary to maintain vast stockpiles of nuclear weapons and build new bombers to penetrate the Iron Curtain. In this fantasy land, there are mountains of money for intercontinental ballistic missiles towering over the landscape and providing shade and comfort to the legions of defense contractors making nuclear weapons we no longer need and we can no longer afford. In this fantasy land, the Republicans want to retroactively re-fight the cold war that we won. This makes no sense.

Mr. Chairman, it is time to get real. Sequestration is coming. The Republicans, in their budget, are ignoring the doomsday clock that has nearly reached midnight for millions of hard-working Americans. We must prepare for this reality. The bill the Republicans have brought to the floor today provides the Pentagon with a billion more dollars than this year’s spending level, and \$3 billion more than the Obama administration requested. Despite sequestration, despite budget pressures, despite the fragility of the economy, the Republicans still want to increase defense spending. Why? To pay for more radioactive relics of the past that no longer are needed in order to protect our country.

But I have good news for my friends on the other side of the aisle: the cold war ended more than 20 years ago. The Soviet Union crumbled. It’s okay to stop funding nuclear weapons to perpetuate a cold war rivalry that has disappeared into the mists of history. We don’t have to buy into this insanity. That is why I plan to offer several sane amendments to reduce Pentagon spending on unnecessary, outdated nuclear weapons programs.

Here is the bottom line: beginning January 1 of next year, 5 months from now, \$55 billion has to be cut out of the defense budget and \$55 billion has to be cut out of civilian social programs. That is \$55 billion and \$55 billion apiece. The Republicans are increasing defense spending heading into that. Moreover, they’re saying, Don’t cut defense at all, cut the social programs.

What does that mean? That means cutting the NIH, cutting CDC, cutting

the National Cancer Institute. They’re already going to be cut under sequestration. What the Republicans are proposing is to really create a true doomsday machine, and that doomsday machine is the lack of a cure for Alzheimer’s, for Parkinson’s, for all of the other diseases which actually do pose a terrorist threat to families across the country when they get the call that once more that disease has come through their family because we—that is, the Republicans—have decided that they’re going to continue to cut the research for the cure for disease and instead build more nuclear weapons to be aimed at targets that no longer exist.

This is an important debate to have. It’s a sequestration anticipation debate where we begin to be forced to get real. We have to have a debate about what the priorities in the 21st century are going to be, and not some Dr. Strange-love smiling from his grave, being so happy that we’re still debating additional nuclear weapons.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 1 minute.

I want to say to the House that we understand the importance of sequestration, and we’ve got to stop sequestration. It’s just not good, especially for our national defense. This Congress, this committee has not ignored the issue.

□ 1430

Last year, last year alone, this committee recommended a bill that reduced fiscal year ’12, fiscal year ’13, a total of \$39 billion, but we did it carefully. We did it by not just going across the board, cutting muscle out of our national defense. We took money that wasn’t going to be spent anyway. We understand the importance of meeting deadlines on funding reductions.

We don’t want sequestration. It is not good for the military, it is not good for the country, and it is not good for the economy.

I yield 3 minutes to the gentleman from Florida (Mr. CRENSHAW), who is one of our subcommittee chairmen on Appropriations.

Mr. CRENSHAW. I thank the gentleman for yielding, and I rise in strong support of this legislation.

Let me first say thank you to the chairman, Chairman YOUNG, and Congressman DICKS, the ranking member. Thank you not only for your leadership in bringing this bill to the floor, but thank you for your spirit of cooperation, your spirit of bipartisanship, which has pervaded our subcommittee. As we bring this before the full House, I think there is great agreement among those that serve on the subcommittee.

When you stop and think about the fact that national security is probably the number one responsibility of the Federal Government, the only way to keep America safe is to keep America strong, and I think this bill does that.

Now, you'll hear people say, you just heard people say, why do we need to spend so much money on defense, the cold war is over, we're pulling out of Afghanistan, we're no longer going to be in Iraq; why don't we just kind of pay a peace dividend?

Well, as Chairman YOUNG just pointed out, we are in the midst of a program where we are reducing spending on national defense. We looked at every agency. The Federal Government said you've got to do more with less, you've got to tighten your belt, and the Defense Department is no different.

We're in the middle of actually reducing spending \$487 billion over the next 10 years. Then, of course, we face this draconian cut of sequestration. I think that we have got to keep in mind that it is the number one responsibility. We ask our troops, ask our military to do things. We certainly have the best trained and the best equipped military in the history of this world.

But you look at our Navy, for instance. We have half as many ships as we had 30 years ago, half as many, and yet we're asking them to do so many things. Sure, the ships are more technologically advanced. Sure, we've got better trained people. But stop and think about it. When you ask the Navy to go out and interdict drug runners in the Caribbean, and you say chase the pirates off the coast of Somalia and send a carrier into the Mediterranean, guard the Strait of Hormuz when Iran rattles its saber, conduct humanitarian missions down in Haiti, and, by the way, keep an eye on the Pacific Rim, because that's where China is flexing its muscle, remember, numbers matter. The world is no smaller.

We still haven't solved the problem of how do you have one ship in two places at the same time. So it's important that we continue to provide the resources that we need to have a strong national defense.

I think this bill does that. I think we should all support this.

Mr. DICKS. We have no further speakers, and I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. COLE), a very important member of this subcommittee.

Mr. COLE. I thank the gentleman for yielding, as I am the most junior member of this subcommittee.

But I would be remiss not to echo the praise of my colleagues, both for the chairman and the ranking member. They have worked together extraordinarily well in a way that makes us all proud. Frankly, Mr. DICKS, I am going to miss you greatly from this committee. You have been a mentor and a friend. Thank goodness Mr. YOUNG will be here, and I will have somebody's knee to learn at.

This is a good bill. It does, as has been mentioned earlier, add roughly a

billion dollars from roughly \$519 billion in the base defense bill. What hasn't been mentioned, though, is that our overseas contingency fund, 8, \$8.5 billion, is actually down \$27 billion, so we are actually spending less overall on defense this year.

We reduced the number of personnel by over 21,000. We ought to recognize, for those of our friends who think we're spending too much, we are actually at the beginning of a long drawdown. If you look over the next 5 years, sadly, we're going to reduce defense spending by \$500 billion. That means less capability. That means 70,000 fewer soldiers, 20,000 fewer marines. That means 25 fewer combat vessels—288 instead of 313. Seven fewer aircraft fighter wings. Real reduction in capability.

A lot of our friends think we spend too much on defense. The reality is we spend less and less as a percentage of our Federal budget and our overall wealth every year. In the 1970s we were spending 40 percent plus of the Federal budget. This year, it's less than 20. We were spending 9 percent of GDP at the height of the Cold War, this year barely 4.

For those of us that think that this investment hasn't made a difference, I would just recommend in closing, please read Robert Kagen's splendid book, "The World America Made," and think how much freedom and security we have enjoyed for a relatively small price and think about the risk we have run as we go forward if we reduce too far too fast.

I want to thank again the chairman, the ranking member, for making sure that didn't happen. I look forward to working with him to make sure sequestration does not occur. As he rightly points out, it would be devastating.

We should pass this bill, and we then should get about the longer term challenge of making sure sequestration does not occur.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. FORTENBERRY).

Mr. FORTENBERRY. I thank the gentleman from Florida for the time and for your leadership on this critically important bill.

Mr. Chairman, in the push and pull and give and take of the congressional appropriations process we have had many important debates on the proper role of the Federal Government in society. But despite our differences and competing priorities, it is clear that Americans believe in a Federal Government that provides a strong common defense as a priority.

American military leadership is important for our own security but also for global stability and global human rights. It is also important for my home State of Nebraska. Over the past 10 years, Mr. Chairman, 15,000 Nebraskans in uniform have served overseas.

Today, 17,000 men and women stationed in Nebraska work tirelessly to strengthen our national security. American troops are steadfast, selfless, and undeterred in their service and deserve our unwavering support.

This bill, I believe, reflects responsibly the challenges of our times. Further amendments may actually strengthen the bill creatively in balance with our fiscal responsibility obligations, but moving forward with our primary obligation to govern in defense of our Nation should be our guiding principle here.

Let me add, Mr. Chairman, that I learned in this debate that this is Mr. DICKS' retiring session, and I also want to add my thanks for your many years of good service.

Mr. YOUNG of Florida. Mr. Chairman, I would like to inquire of the gentleman if he has further speakers on the general debate.

Mr. DICKS. I have no further speakers. Is the chairman going to close?

Mr. YOUNG of Florida. Yes.

Mr. DICKS. I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of my time.

I want to take a minute to thank the staff who have worked tirelessly on this bill, Mr. DICKS mentioned them earlier on. We have the responsibility to appropriate for the authorization of the Intelligence Committee and for the authorization legislation of the Armed Services Committee. You can imagine that that is quite a responsibility. The staffing is extremely important because our staff is limited in size to the combined numbers of staff on those two committees that we do appropriate for.

But I want to call special attention to, for example, the minority staff who worked directly with Mr. DICKS, Paul Juola and Becky Leggieri. Paul Juola actually worked in that capacity for the majority staff when we were the majority. In fact, when I was chairman of the Appropriations Committee, I hired Paul. So you can see, this is a very nonpolitical subcommittee.

I would also like to recognize Brooke Boyer on the majority staff; Walter Hearne; Tom McLemore, who is the chief clerk of the majority staff; Jennifer Miller; Tim Prince; Adrienne Ramsay; Ann Reese; Megan Rosenbusch; Paul Terry; BG Wright; and Sherry Young. They are quite a team.

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They are able to analyze the budget requests, the budget justifications, and keep the membership advised. So I want to thank them very much for the good work that they do.

Mr. Chairman, I yield back the balance of my time.

Mr. DINGELL. Mr. Chair, I rise in support of H.R. 5856, the Department of Defense Appropriations Act for Fiscal Year 2013. We are still

a nation at war. Our troops continue to remain in harm's way fighting for our country in Afghanistan. Our consideration of this legislation must begin with an acknowledgement of this critical fact.

In that light, I am pleased that this legislation gives our troops the support they need while they are serving our Nation abroad. The bill provides \$519.2 billion for the Department of Defense's base budget, and \$88.5 billion in funding for the war. It also gives a 1.7 percent pay raise to our troops and provides \$2.3 billion for family support and advocacy programs. I am also very pleased to see the Committee include \$181 million in funding to keep the M-1 Abrams tank production line in operation, which will help ensure our military industrial base is strong and vibrant. The legislation also provides \$1.6 billion for activities to counter Improvised Explosive Devices (IEDs), which continue to be a leading killer of our troops abroad. All of these programs are an accurate reflection of our priorities as a nation.

That being said, I am dismayed that House Republicans chose to write all of this year's appropriations bills under a lower limit than was established under the Budget Control Act (BCA). The BCA represents a bipartisan compromise on Federal spending and it should be respected. The Senate Committee on Appropriations is moving forward with the limit established under the BCA with the blessing of the Republican leadership. Such a disconnect between the two bodies on an issue of critical significance only adds to the uncertainty surrounding our economy and is not in our national interest.

I urge all of my colleagues to join me in supporting this vital legislation so our troops can know they have the support of the Congress.

Mr. NUGENT. Mr. Chair, it is DoD policy that when a servicemember becomes a casualty, his remains are returned to the family as quickly as possible with the utmost respect and dignity.

This policy was revised and mandated by Congress in 2008 when new requirements were established for transportation and honor guards for the remains of combat casualties.

As a nation, we owe our fallen heroes and their families a debt that can never truly be repaid. The dignified transfer of a casualty is the least that we can do to honor the sacrifice paid by the men and women who volunteer to lay their life down in the defense of others.

I am happy that this bill in front of us today fully funds the transportation and escort of these heroes, and want to thank the Chairman and the Ranking Member for continuing to make this a priority.

I remember meeting with a family from my district last year whose son, Corporal Johnathan W. Taylor, gave his life defending our freedom on February 22, 2011 in Afghanistan.

Now beside his fellow brothers in uniform, his parents, Mark and Deborah, have said that they were proud to have seen their son off on what they like to call his final tour of duty.

This final tour of duty was important for his family, as well as his friends and fellow Marines.

It was important because they all had the opportunity to see Corporal Taylor return

home for the last time, with the honor and military escort he has so rightfully earned.

Continuing to fully fund this important mission will allow other families, who have made the most difficult sacrifice imaginable, the opportunity to watch their children return home and laid to rest as a national hero.

Army SPC Clarence Williams III will be laid to rest next Monday, on July 23, in the Florida National Cemetery. He was killed in action in Afghanistan last week.

Mr. PASCRELL. Mr. Chair, as Co-Chair of the Congressional Brain Injury Task Force, I have spent the last eleven years I have fought for patients with brain injuries, both on and off the battlefield. We all know that traumatic brain injury (TBI) is the signature wound of the conflicts in Iraq and Afghanistan, and while we made great progress on ensuring our soldiers have the best care, there is still more work to be done.

An Institute of Medicine study was released last week about the effects of Post Traumatic Stress Disorder (PTSD) on our troops who have served in Iraq and Afghanistan. I am particularly concerned with the report's analysis of the Department of Defense's efforts to identify and treat PTSD. The 2010 Defense Authorization required this study as well as mandated the Secretary of Defense and the Secretary of Veterans Affairs to report a response to this report the relevant Committees by no later than January 1, 2013.

As this report shows, there is still more work to be done when it comes to caring for our soldiers suffering from Post Traumatic Stress Disorder. The report notes that the prevalence of PTSD in 2.6 million service members who have served in Iraq or Afghanistan is at a staggering rate of 13% to 20%. This statistic points to the importance of finding better ways to identify and treat this ailment. The report's many recommendations include the need for the Department of Defense to collect data on the delivery and effectiveness of all prevention, screening, diagnosis, treatment and rehabilitative services currently in use to determine best practices, as well as ensuring that PTSD screening occurs once a year. The report also points out barriers to care faced by returning soldiers to accessing care.

It is clear that the Department of Defense must do more to ensure that soldiers who suffer from Post Traumatic Stress Disorder are identified, the effectiveness of treatments are tracked, and that returning soldiers suffering from PTSD are encouraged to come out of the shadows. Making sure that funding for Defense Health programs and research into Post Traumatic Stress Disorder addresses the concerns raised in the IOM report is extremely important. This year's Defense Appropriations bill provides \$125 million for traumatic brain injury and psychological health research, and \$30 million for suicide prevention and outreach programs. We must continue to make the investments in these critical areas to ensure the health and safety of all our returning soldiers.

I hope that going forward, these recommendations will be factored into the research and funding undertaken by the Department of Defense-Defense Health Programs. With continued work and adequate funding for research and treatment for PTSD and TBI, I know our service members will be able to at-

tain improved health outcomes, live more productive and satisfying lives, and ultimately, save our nation millions of dollars in future care costs.

Mr. WILSON of South Carolina. Mr. Chair, I rise in support of Mr. YOUNG's statement. As a fellow National Guard veteran, as is BILL YOUNG, and as a father of four sons currently in the military, I find the suggestion that the Department of Defense spends too much money recovering the remains of our military men and women who are killed in action to be absolutely offensive and insensitive to military families. As Chair of the Military Personnel Subcommittee I appreciate the extraordinary efforts of recovery worldwide.

Our service members who are engaged in combat operations make a solemn vow to one another: "I will never leave a fallen comrade behind." The military, consisting of all the branches of service have a similar responsibility to the families of our service members. When a service member is killed in action, the military service branch that they belong to has a responsibility to return the remains home to the family. They have a responsibility to return the remains to their final resting place with dignity and honor.

The military men and women who are killed in action overseas are heroes who make the ultimate sacrifice to preserve the freedom that we all enjoy. The military rightly does everything necessary to return our service members' remains to their families. I believe that the military does a superb job under very trying circumstances, and I know that our military families are very grateful. I know firsthand of this issue. I sadly was present for the return of a brother-in-law killed overseas as a Marine pilot. Our family appreciates the proven love of the American people, which has been promoted by Congressman BILL YOUNG and his wife, Beverly.

Ms. HIRONO. Mr. Chair, I support passage of H.R. 5856, the Department of Defense Appropriations Act for Fiscal Year 2013, which supports our servicemembers and makes important investments in our national security and in the health, well-being, and readiness of our Armed Forces.

Our country owes a debt of gratitude to our military and their families for their service and selfless sacrifices. We in Hawaii are proud of the men and women in our military that have served and are currently serving in Afghanistan. Above all, we must also never forget those who have made the ultimate sacrifice for our country. Supporting our servicemembers and their families, whether it's during deployment or as they transition back into civilian life, is a solemn commitment we must keep.

Many of our men and women in uniform are suffering from serious wounds from their service, both visible and invisible. That's why I'm pleased to see increases in traumatic brain injury and psychological health funding as well as suicide prevention and outreach. The bill also boosts resources for peer-reviewed research on Gulf War Illness, Lou Gehrig's disease, breast cancer, prostate cancer, vision and spinal cord conditions, and many other medical research initiatives.

This legislation will further protect access to health coverage for Hawaii's military retirees, who have dedicated their careers in service to

our country. Through the adoption of an amendment offered by Representative STEARNS, no funds could be used to implement a fee to enroll in TRICARE for Life.

Hawaii has a strong military presence and is home to thousands of military families. As a strong advocate for Impact Aid, I welcome the increased amount of this funding, which helps ensure the federal government does its part to support our nation's local school districts and military families and educate military-connected children.

By providing support for the operation, maintenance and procurement for our military's installations in Hawaii, including Joint Base Pearl Harbor-Hickam, Schofield Barracks, and Kaneohe Marine Corps Base, H.R. 5856 protects jobs and advances President Obama's strategic refocusing on the Asia-Pacific region. The measure also affirms the critical role of our citizen soldiers and airmen in the defense of our nation in providing for critical Army equipment needs and rejecting force structure reductions and aircraft retirements proposals that would have negatively affected Air Guard and Reserve units across the country.

With turmoil continuing in the Middle East, now more than ever we must stand strong with our friend and ally Israel. This measure includes additional funding for joint U.S.-Israeli defense cooperation, and continued support for Iron Dome system, which has protected and saved lives from the daily threat of rockets aimed at towns and cities in a country surrounded by hostility and instability.

While H.R. 5856 supports our soldiers, sailors, airmen and marines in Hawaii and around the world, this defense appropriations bill contains provisions that raise serious concerns. For example, this bill slows down the withdrawal of troops from Afghanistan; it is over the President's budget request and over the Budget Control Act passed last year. H.R. 5856 excludes funds requested by the President for the production of domestic biofuel for our military, an important initiative our military leadership supports. Furthermore, the bill places a significant amount of our nation's resources in certain weapons systems the Defense Department neither requested nor needed.

It is my hope that Senate will address these serious issues and that we can pass a final bill that is fiscally responsible, reaffirms the American people's commitment to our servicemembers and protects our national security.

Mr. HOLT. Mr. Chair, I cannot support this bill in its current form.

It's telling that every domestic program in this year's budget is taking a hit—in some cases, a huge hit. The House majority seems perfectly fine with cutting grant funding for our firefighters, our cops, and other first responders. The House majority thinks it's good public policy to cut programs designed to help the most vulnerable in our society, but any suggestion that we need fewer defense contractors provokes howls of protest. Any suggestion that national security-related corporate welfare should be ended—and I'm referring to the over-budget F-35 program as a prime example—evinces the most hysterical rhetoric about “weakening America's defenses.”

Let's deal with the facts. We spend more on defense than most of the rest of the world combined. We won the Cold War over 20 years ago, yet this budget continues to fund unnecessary and radically over-cost Cold War legacy weapons programs that we don't need, can't afford and won't help us deal with the kind of terrorist threat we face now and into the future. The House majority is throwing the poor under the bus even as it throws a kiss to the military-industrial complex.

The bill also continues funding a war that should have been over long ago. As I've said since 2009, our continued presence in Afghanistan is prolonging the conflict, not helping end it. The President's ill-considered assassination-by-drone policy in Pakistan, which now features Vietnam war-style “signature strikes” against groups of individuals without verification of their status as terrorists, has led to the deaths of an increasing number of innocent civilians. Indeed, the escalation of the drone strikes and the loosening of the intelligence standards under which they operate comes even after Osama bin Laden was killed last year.

The original rationale for invading Afghanistan—getting bin Laden and his associates—no longer exists, yet this bill continues to fund a war whose purpose has clearly been achieved. There is perhaps no greater example of a policy on autopilot than our war in Afghanistan, which is one of the many reasons I do not support this bill.

Mr. CICILLINE. Mr. Chair, the House of Representatives passed H.R. 5856, the Department of Defense Appropriations Act. While I strongly oppose some provisions of H.R. 5856, I voted in favor of this legislation in order to support our troops, military families, and veterans, and to advance other important priorities for our national defense.

I applaud the leadership of Chairmen ROGERS and YOUNG and Ranking Member DICKS in crafting a bill that provides an increase to service members' pay, strengthens health care services, and advances critical research for cancer, Traumatic Brain Injury, and other conditions. H.R. 5856 supports a continued investment in small businesses through the Rapid Innovation Program, provides for the production of two *Virginia*-class attack submarines, advances the Iron Dome program, and seeks to hold Pakistan accountable by ensuring they are cooperating with the United States in counterterrorism efforts, including dismantling and disrupting the manufacture of improvised explosive devices—an issue that I specifically addressed through two successful amendments to the National Defense Authorization Act offered earlier this year.

However, I must also note my strong disappointment that this legislation breaches the Budget Control Act of 2011—the bipartisan, bicameral agreement enacted into law last year, which was designed to help rein in spending and stabilize our nation's finances. Despite the fact that over \$1 billion in spending was reduced through the successful adoption of an amendment offered by Representative MULVANEY and Representative FRANK, effectively freezing defense spending in the bill at current levels, H.R. 5856 still exceeds the budgetary cap set by last year's Budget Control Act by several billion dollars. An additional

amendment was offered by Representatives LEE, VAN HOLLEN, and SMITH that would have brought the bill's spending in line with the levels set by last year's Budget Control Act. Unfortunately, while I voted in favor of this amendment, it was not adopted by the full House. Moreover, I offered an amendment to H.R. 5856 to strike funding for the Afghanistan Infrastructure Fund (AIF). As originally presented in the full House of Representatives, H.R. 5856 proposed \$375 million in spending over the next fiscal year for large-scale water, power, transportation and other projects in Afghanistan through the AIF while our national infrastructure is crumbling here in America and in my home state of Rhode Island. While my amendment did not pass, I did vote in favor of a successful amendment offered by Representative COHEN to reduce AIF funding by \$175 million.

With President Obama's announcement of the U.S.-Afghanistan Strategic Partnership Agreement in May 2012, our nation took another step toward the end of combat operations in Afghanistan and the transition of military and security operations to the Afghans by 2014—a timeline that had not yet been identified in 2011 during consideration of the FY 2012 Department of Defense Appropriations Act. I, and many of my colleagues in Congress, would prefer an accelerated drawdown of U.S. combat troops—one that allows for the safe, orderly, and expedited withdrawal of our combat forces. During consideration of H.R. 5856, I voted in favor of amendments offered by Representative LEE and Representative GARAMENDI that would have helped bring our troops home from Afghanistan sooner. Unfortunately, these amendments did not pass. As the White House has affirmed in reference to the Partnership Agreement, the decisions regarding future troop levels and funding will need to be made in consultation with Congress.

I look forward to working with my colleagues in the House and Senate in a bipartisan fashion to reach an agreement in the coming weeks that advances the important priorities I have identified while also fulfilling our commitment under the Budget Control Act, ending the War in Afghanistan as quickly and safely as possible, and recognizing the urgent need to reinvest in our own economy and our own infrastructure right here at home.

Mr. VAN HOLLEN. Mr. Chair, I rise in reluctant opposition to H.R. 5856, the FY2013 Department of Defense Appropriations Act.

Last summer, Congress and the President enacted the bipartisan Budget Control Act, BCA, a difficult compromise by both Democrats and Republicans. As a result, caps on both discretionary and defense spending were significantly tightened for Fiscal Year 2013 appropriations. Because this bill fails the test of balance and funds billions of dollars of unnecessary programs within the Defense Department, while disregarding the caps set forth by the BCA, I cannot support it in its current form. I hope to support this bill when it returns from the Senate.

I would refer my colleagues to the Budget Control Act and to Section 302, enforcement of budget goals. It's right there in plain English what the defense appropriation number will be. That was the Budget Control Act that was

supported and voted on by the Chairman of the Budget Committee, the Chairman of the Armed Services Committee, the Chairman of the Appropriations Committee and the Chairman and Ranking Member of the Defense Appropriations Subcommittee.

In fact, the Chairman of the Appropriations Committee, Mr. ROGERS, said last year when we passed it, and I quote: "Tough choices will have to be made, particularly when it comes to defense and national security priorities, but shared sacrifice will bring shared results." He went on to say, "The Appropriations Committee has already started making tough decisions on spending and will continue under the spending limits and guidelines provided in this bill," meaning the Budget Control Act. That was August 1st of last year.

The Chairman of the full Committee was right last year but the bill that's before us violates that bipartisan agreement. As a result of that violation, the Defense Appropriation Bill exceeds significantly what was requested by the Defense Department. The reality is the other bills that are coming through the Appropriations Committee are taking much deeper cuts—cuts to education, cuts to affordable health care, cuts to public safety—because of the funding increases in this defense bill. In other words, our investment in jobs, and the economy, and our kids future is being slashed as a direct result of the fact this defense bill exceeds the spending level set in the Budget Control Act agreement.

Mr. Chairman, I would refer our colleagues to the statements made by Admiral Mullen, who served as the Chairman of the Joint Chiefs of Staff. Admiral Mullen pointed out that our military strength depends on our economic strength and our economic strength depends on our long-term fiscal health. Admiral Mullen said, "Our national debt is our biggest national security threat." He went on to say, "with the increasing defense budget, which is almost double, it hasn't forced us to make the hard trades. It hasn't forced us to prioritize. It hasn't forced us to do the analysis." We can no longer go along with business as usual if we are going to get our fiscal house in order.

That is why this House agreed to the Budget Control Act last summer, and it's unfortunate that this bill comes to the floor in violation of the agreement, in violation of an understanding that in order to get our fiscal house in order, we had to make tough decisions on defense and non-defense alike. And by violating the agreement in this regard, what the Committee is saying is they are not willing to make really tough decisions. In fact, they're making irresponsible decisions with respect to the nondefense domestic spending.

I agree with Admiral Mullen who said we all need to share in this responsibility. I agree with what my Republican Colleagues said last year when we passed the Budget Control Act. Let's stick to an agreement and let the American people know that when this body comes to an understanding after a hard fought compromise, we stick with it for the public good.

The Defense Appropriations bill provides \$606 billion in defense spending in FY13. It includes \$518.1 billion in funding for non-war related expenses. It also provides an additional \$13.7 billion for Military Personnel Programs and \$63.5 billion for Operation and Maintenance Programs.

I am also pleased that the bill provides a requested pay raise for military personnel and supports critical funding for the DoD Peer-Reviewed Prostate Cancer Research Program and the DoD Breast Cancer Research Program.

However, the bill provides billions of dollars in funding that the Department of Defense says it neither requested nor needs. For example, it continues to fund unnecessary aircraft programs that the Defense Department did not allot for in its budget this year, and spends \$138 million to resurrect C-27J contracts that the Air Force decided not to renew. Many other wasteful items that are unnecessary to our national defense are included at the expense of national funding priorities that directly impact our country's future economic growth, including investments in education, seniors, and research and infrastructure.

During this difficult fiscal period we have to be much smarter and more efficient about how we shape our defense budget. Throughout this debate, I have made clear that we must take a balanced approach to cutting the budget including eliminating unnecessary spending. There is no doubt that Congress has a responsibility to pass a Defense Appropriations bill which reflects a commitment to the millions of dedicated men and women and their families who sacrifice to keep our country safe. However, as testimony before the Budget Committee and House Armed Services Committee has made clear, we can reduce defense spending even as we continue to provide for our men and women in uniform, for our veterans and for their families, without compromising national security.

Unfortunately, the FY13 Defense Appropriations bill upends the balance painstakingly designed by the BCA and appropriates funds unnecessarily to some programs at the expense of other high-priority programs. The unrequested funding provided in this legislation will result in direct cuts to such national priorities as education, health care, research and development, and vital job training. I am also concerned that this bill deprives deserving employees of the Department of Defense of a modest cost-of-living adjustment by not providing for a civilian pay raise of .5 percent, as proposed by the Administration.

Mr. Chair, there is no higher priority than providing for the security of our country. However, during these difficult economic times, we have to be smarter and more efficient in how we shape our defense budget. In the end, the strength of our military depends on the strength of our economy. If we don't reduce our long-term deficit and get our fiscal house in order, we will weaken our capacity to fund a strong military. At the end of the day, this bill falls short of accomplishing that objective.

Ms. RICHARDSON. Mr. Chair, I rise today in support of H.R. 5856, Department of Defense Appropriations Act for Fiscal Year 2013. H.R. 5856 provides \$519.2 billion for the base budget of the Defense Department in fiscal year 2013 which is \$3.1 billion above the President's request and \$1.1 billion above the fiscal year 2012 level.

In addition, the Department of Defense (DOD) appropriations bill provides \$88.5 billion in fiscal year 2013 contingency funding for ongoing military operations in Afghanistan, at the

President's request and \$26.6 billion below the fiscal year 2012 level. The contingency funding being \$26.6 billion below the fiscal year 2012 level reflects the continued drawdown of U.S. activities in Iraq and Afghanistan.

I support this bill for three reasons:

(1) Provides all service members a pay raise of 1.7 percent, the level included in the President's request;

(2) Provides \$33.9 billion, \$334 million above the President's request, for Defense health care programs for our troops, their families, and retirees; and

(3) Provides \$1.6 billion for measures to counter improvised explosive devices in Afghanistan.

I would like to thank Chairman YOUNG and Ranking Member DICKS for ensuring that there were no reductions in the number of C-17s that are in use by our Armed Services in the Fiscal Year 2013 Defense Appropriations bill. The C-17 is the Air Force's premier strategic transport aircraft and remains the military's most reliable and capable airlift aircraft. The C-17 has proven capable of delivering more cargo, troops, and non-war humanitarian missions than any other aircraft. The C-17 delivered needed relief supplies and search and rescue teams immediately in the aftermath of the destruction in Japan. The C-17 also delivered over 10,005 tons of disaster relief supplies and carried 13,812 passengers in response to the earthquake that struck Haiti in 2010.

Mr. Chair, in my remaining time let me briefly highlight additional key provisions. This legislation provides increased funding of \$246 million for cancer research, \$245 million for medical facility and equipment upgrades, \$125 million for Traumatic Brain Injury and psychological health research, and \$20 million for suicide prevention outreach programs. Also, provides \$2.3 billion for family support and advocacy programs.

This bill provides \$181 million in additional funds not requested by the President to keep open production lines for the M-1 Abrams tank and the Bradley Fighting Vehicle. As our nation goes through an Armed Forces reduction, protecting critical industries such as U.S. combat vehicle is imperative. Maintaining a modest and continuous Abrams production line is necessary to persevering superior battlefield capabilities. Chairman of the Joint Chiefs of Staff General Martin Dempsey said, "capability is more important than size." I agree. In April, I signed onto a letter to Secretary of Defense Leon Panetta expressing that sentiment.

H.R. 5856 maintains our military superiority by continuing the research and development of current and future military equipment. This bill provides \$5.9 billion for procurement of the F-35 Joint Strike Fighter. Provides \$2.6 billion for procurement of modified F-18 Super Hornets, which is \$562 million and 11 aircraft more than the President's request. Also, provides \$1.8 billion to develop the KC-46A, the Air Force's next-generation aerial refueling aircraft.

This bill also provides \$250 million above the President's request for the Rapid Innovation Fund. This will continue the efforts started by the Armed Services Committee in fiscal year 2011 to promote innovative research in

defense technologies among small businesses. H.R. 5856 includes \$519 million for the Cooperative Threat Reduction program, known as Nunn-Lugar, to assist in the denuclearization and demilitarization of the states of the former Soviet Union.

Finally, let me note my opposition to a number of provisions in this bill. This bill provides no funding for the Medium Extended Air Defense Systems (MEADS) program, which is a joint U.S.-German-Italian effort planned to replace Hawk and Patriot systems worldwide by 2018. Provides \$118 million less than the President request for necessary F-22 warplane modifications. Reduces the Defense Acquisition Workforce Development Fund (DAWDF) by \$224 million from the fiscal year 2013 budget.

Mr. Chair, this bill is based upon a \$1.028 trillion discretionary spending cap for fiscal year 2013, which is \$19 billion below the \$1.047 trillion discretionary spending cap agreed to in the bipartisan Budget Control Act. With my colleagues across the aisle squeezing our discretionary spending, they are hampering our ability to support many key national security priorities.

For these reasons, I urge my colleagues to support and join me in voting for the bill on final passage.

Mr. STARK. Mr. Chair, I rise today in opposition to H.R. 5856, the Department of Defense Appropriations Act for fiscal year 2013. Until we can rein in defense spending and treat it like all other federal programs facing damaging funding cuts, I cannot support yet another bloated defense budget. Republicans talk about how entitlements like Medicare are driving the debt. But it is clear that defense spending has become just as much of an entitlement, complete with a team of lobbyists and members of this body that are more interested in protecting defense contractors than protecting our country.

This bill marks the 12th fiscal year the United States has been fighting and funding the War in Afghanistan. During this time, we have pursued a variety of strategies and plans—none of which have delivered peace and stability to Afghanistan or the region. The War has, however, contributed to fiscal instability in our own country. Since 2001, we have spent \$634 billion on the Afghanistan War alone. This appropriations bill is going to cost another \$608.2 billion that we do not have. Yet the cycle continues.

This year's bill exceeds the Republicans' own funding caps set by the Budget Control Act by almost \$8 billion. This bill ignores administration proposals to delay or terminate several military programs while providing funding for weapons programs the DoD said it doesn't want or need. Apparently, funding wars and weapons instead of better health care, education, and repairing our crumbling infrastructure are more important to the Republican Majority. It is unconscionable for us to be cutting these vital programs at the same time we're increasing the defense budget. That is why I joined with Representative BARBARA LEE (D-CA) to offer an amendment to cut that \$8 billion from the defense appropriations bill.

I urge my colleagues to support this commonsense amendment and join me in voting

against this out of control defense spending bill.

The CHAIR. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment who has caused it to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will read.

The Clerk read as follows:

H.R. 5856

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2013, for military functions administered by the Department of Defense and for other purposes, namely:

TITLE I

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Army on active duty, (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$40,730,014,000.

AMENDMENT NO. 4 OFFERED BY MS. MCCOLLUM

Ms. MCCOLLUM. I have an amendment at the desk printed in the CONGRESSIONAL RECORD.

The CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 2, line 22, insert after the dollar amount the following: "(reduced by \$96,950,000)".

Page 3, line 9, insert after the dollar amount the following: "(reduced by \$25,550,000)".

Page 3, line 20, insert after the dollar amount the following: "(reduced by \$23,710,000)".

Page 4, line 8, insert after the dollar amount the following: "(reduced by \$23,900,000)".

Page 8, line 2, insert after the dollar amount the following: "(reduced by \$10,100,000)".

Page 8, line 11, insert after the dollar amount the following: "(reduced by \$1,360,000)".

Page 8, line 15, insert after the dollar amount the following: "(reduced by \$2,230,000)".

Page 8, line 24, insert after the dollar amount the following: "(reduced by \$3,970,000)".

Page 153, line 15, insert after the dollar amount the following: "(increased by \$187,770,000)".

The CHAIR. The gentlewoman from Minnesota is recognized for 5 minutes.

Ms. MCCOLLUM. Before I do my prepared remarks, I would very much also like to thank both Chairman ROGERS and Chairman YOUNG for the courtesies and all the help that they and their staffs have given me since being on the Appropriations Committee in the positions they are in.

Mr. DICKS, I would especially like to thank you for being a mentor and a guide star through this, not only on the Defense Appropriations bill, but on the Interior bill and, just in general, working on health care. Thank you so very much.

Over the past 4 years, the Department of Defense has spent a stunning \$1.55 billion on military bands, musical performances, and concert tours around the world. That's right, \$1.55 billion in taxpayer funds for 4 years for military bands. This amendment reduces the Pentagon spending for military bands and musical performances from the \$388 million in this bill to \$200 million for fiscal year 2013. The \$188 million reduction is a transfer to the deficit reduction account. In the National Defense Authorization Act, H.R. 4310, the House included language to limit the authorization for military musical units not to exceed \$200 million. This amendment conforms with the defense authorization while cutting spending by \$188 million.

Our Nation is in a fiscal crisis. The Pentagon is on pace to spend \$4 billion over the next decade on military bands. Is the United States really going to borrow money from China and other foreign countries so the Defense Department can spend billions of dollars for its 140 bands and more than 5,000 full-time professional musicians? How does this enhance our national security?

Congress has a duty to provide the necessary resources for our Armed Forces and to ensure our national defense. We also have an obligation to ensure that every dollar in this bill is strengthening our national security. Spending \$388 million of taxpayers' money on military music does not make our Nation more secure. It is a luxury the Pentagon and the taxpayers can just no longer afford.

Before he retired last year, former Defense Secretary Robert Gates said:

We must come to the realization that not every defense program is necessary, not every defense dollar is sacred and well spent, and that more of everything is simply not sustainable.

Mr. Chairman, the defense dollars I want to cut from military musical units is not necessary; it is not sacred and not well spent with so many other pressing needs. In this fiscal environment it is simply not sustainable.

I don't think anyone here today will tell the American people that there is no waste or excess in the Pentagon's

budget. This Congress should not be protecting waste and excess in the Pentagon. It should cut it.

There's a lot of talk, mostly from my Republican colleagues, about protecting defense from the sequester and protecting millionaires and billionaires from expiring tax cuts. Protecting every single defense dollar means shifting the burden and the pain for billions of additional budget cuts onto local communities, middle class families, seniors, the poor, and vulnerable children.

Is this Congress going to really kick more kids off the school lunch program or make deeper cuts to our first responders in order to justify paying for more military music? Well, that will not be my choice. That does not reflect my values, and it is not the legacy I want to leave behind as a policymaker.

This amendment cuts a program that has grown out of control. It reduces the deficit, and it does nothing to impact military readiness, mission strength, or our troops' ability to defend our Nation. I urge my colleagues to support the McCollum amendment and cut unnecessary funding for military bands.

I yield back the balance of my time.
Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

The CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. I'm reluctant to do that because I have the privilege of working with Ms. MCCOLLUM on other subcommittee and on the full committee, and she's always very sincere and very generous in the way she treats the issues that she's working with, but I just don't think that we want to eliminate military bands.

First, I must tell you that those who play in the band are trained as basic combat troops and they are called upon in a time of emergency. They are called upon to provide security for military headquarters, wherever it may be located. So I don't think that we want to do away with that capability.

Now, 91 percent of the money that goes to these military bands is to pay the members and their allowances—their uniform, their food—and I just don't think that we want to do that. Our military bands play for the President, play for military functions; but many communities in our country are constantly inviting military bands to come play patriotic programs in our hometowns, and this is good for our community. This lets us be part of our military. This doesn't put our military in a barracks someplace and keep them isolated from the general population, and I think the military should be part of our general population.

I just believe that this is not a good idea.

Ninety-one percent of this money will come out of the military personnel

account, which pays for very important things like salaries, military expenses of feeding and caring for our military personnel. Why should we have our military isolated in the community? They should be part of our communities. It's an all-volunteer force, and this country needs a good shot of patriotism because we've had too much negativity coming at us from all different directions.

This is a positive country. This is a patriotic country. We ought to allow our military to show off their talents not only on the battlefield where they risk their lives, lose their lives, or are terribly injured.

So I rise in opposition to this amendment, and I yield back the balance of my time.

The CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Ms. MCCOLLUM).

The question was taken; and the Chair announced that the noes appeared to have it.

Ms. MCCOLLUM. Mr. Chairman, I demand a recorded vote.

The CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Minnesota will be postponed.

□ 1450

Mr. CALVERT. Mr. Chair, I move to strike the last word.

The CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. CALVERT. Mr. Chairman, I rise in strong support of the 2013 Defense appropriations bill.

First, I want to thank my chairman and friend, Chairman YOUNG, and my friend, Ranking Member DICKS, for their hard work, and their staffs, both the majority and the minority, for an extremely thoughtful and balanced bill.

In crafting this bill, the Defense Appropriations Subcommittee held countless hearings and ensured that strong congressional oversight was alive and well. It's been an honor to serve on the Defense Appropriations Subcommittee, and I can attest to the hard work that's gone into this bill.

Our Nation's first priority is the protection of our citizens and our national interests around the world. This bill fulfills that duty. The FY13 Defense appropriations bill also fulfills a promise to our U.S. servicemembers that they will continue to receive the best training, equipment, and health care. Likewise, the bill fulfills needed requirements to ensure that our commanders have the tools they need to accomplish U.S. missions around the world and support America's defense industrial base.

I understand that many Members may have objections to the overall funding level of the defense bill, and

there's no doubt that every aspect of government, including defense, must come under close fiscal scrutiny. However, the short-term benefits of decimating defense will only leave us in a more economically precarious position in the future. This bill properly balances the need to make responsible cuts while ensuring that America maintains its military superiority.

On a personal basis, I want to thank some friends that are leaving the committee, JERRY LEWIS and NORM DICKS, for their many years of service. Not only are they colleagues, but they're good friends, and we're going to miss their service here in this institution. So I thank you for all your hard work.

Lastly, I urge my colleagues to vote in favor of this bill, and I yield back the balance of my time.

Mr. MCGOVERN. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MCGOVERN. Mr. Chairman, this year marks the 12th consecutive appropriations season that the United States has been funding and fighting the war in Afghanistan. Sometimes it's easy to forget that we are still deep in war in Afghanistan. The threat of nuclear weapons in Iran, drone strikes in Pakistan, and the nightmare of mass murder in Syria garner the attention of the news media, but we currently have more than 90,000 troops on the ground in Afghanistan and about 110,000 contractors.

Some of these troops are slated to come home over this summer, but many more, approximately 88,000, will remain. And the exact number of troops that will remain in Afghanistan as the U.S. and allies transition to local security forces through 2013 and 2014 is still unclear. Neither the Pentagon nor the administration has publicly laid out post-2014 plans, but they are clearly leaving open the possibility of a significant military presence. This is the reality we face as we open debate on this bill.

Mr. Chairman, I am not convinced that there is any light at the end of the tunnel. I am not convinced that this war is coming to an end, and I do not believe we should continue sacrificing the dedication and blood of our servicemen and -women for a deeply flawed and corrupt government that is simply not "fixable." Oh, we can change the names, the programs, and the projects, but it's simply more of the same problems over and over and over again.

It is regrettable that this war is not more of a priority in public debate, and it is unconscionable that debating this war is not a top priority for this Congress. The majority wouldn't even let us have a full debate and vote on an amendment during the Defense authorizations bill to make sure that the

commitments made by the administration to draw down our troops over the next 2 years are kept.

Congress is deeply complicit in maintaining and continuing this war. We've allocated \$634 billion for military operations in Afghanistan since 2001, including the \$85.6 billion in this bill. We're not just spending those billions, Mr. Chairman, we're borrowing them. Every single penny for the war in Afghanistan has been borrowed, put on the national credit card, exploded our deficit and our debt—every single penny.

Each week of the war in 2012 costs about \$2 billion. If the Pentagon's "enduring presence" means thousands of troops remaining in Afghanistan after 2014 for who knows how long, then we are looking at a trillion dollar war.

Meanwhile, we're cutting funds for our schools, preparing to slash billions of dollars from the safety net that's supposed to keep our people out of poverty. We're watching our roads and our bridges crumble, water systems and infrastructure decay, and we're told there's no money to invest in health care and scientific research.

And for what, Mr. Chairman, for what? Show me where our military might has put a permanent end to instability, violence, or corruption. Even though the media isn't focused on it, the violence in Afghanistan goes on.

The U.S. death toll for Operation Enduring Freedom is over 2,000—1,919 of those deaths happened in Afghanistan. Members of the Afghan military and security forces continue to turn their guns on our troops and murder them. According to the Pentagon, 154 Active Duty soldiers committed suicide in the first 159 days of this year—that's almost one per day. And as for our veterans, the VA estimates that a veteran dies by suicide every 80 minutes.

How long will we ask our troops and their families to pay this price? Because they're the only ones paying for this war, Mr. Chairman, the only ones.

I don't believe we should abandon the people of Afghanistan, but I do believe we must end this war sooner rather than later. And I'm not convinced we're anywhere close to an end.

And it's the fault of Congress. We approve the money, and we remain silent year after year after year. We need to stop. We aren't supporting our troops; we're committing them to suffer lifelong trauma from too many deployments for too long a time over too many years for a war without end, for a war that always needs just a little more time and just a few billion dollars more.

Enough is enough. I urge my colleagues to support amendments over the next 3 days to reduce the funding for this war, bring it to an end, and honor the sacrifice of our troops by bringing them and our tax dollars back home.

I yield back the balance of my time. Mr. JONES. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. JONES. Mr. Chairman, I join my friend from Massachusetts and anyone else, Republican or Democrat, who says it's time to bring our troops home from Afghanistan.

I want to thank Chairman YOUNG and Ranking Member DICKS for an excellent bill. I agree with probably 80 percent of it, but I cannot continue to support legislation that sends billions and billions and billions of dollars to Afghanistan.

Mr. Chairman, I have a book here in my hand called "Funding the Enemy: How U.S. Taxpayers Bankroll the Taliban." And one of the critiques I would like to read on the back of this book is from the State Department Foreign Service Officer named Peter Van Buren:

Sober, sad, and important, "Funding the Enemy" peels back the layers of American engagement in Afghanistan to reveal its rotten core: that the United States dollars meant for that country's future instead fund the insurgency and support the Taliban. Paying for both sides of the war ensures America's ultimate defeat.

Mr. Chairman, the reason I'm here today is because I have Camp Lejeune Marine Base in my district. I have signed over 10,474 letters to families who have lost loved ones since we were lied to in order to go into Iraq.

And while we were continuing to support Karzai, I saw where Vice President Cheney was on the Hill yesterday. I have seen my colleagues today talking about sequestration. I didn't see Mr. Karzai here. No. Why should he be here? He's got his money in this bill. He doesn't have to worry about sequestration. All he's got to do is take care of his corrupt government in Afghanistan.

It is time, Mr. Chairman, it is time that the Congress listen to 72 percent of the American people who say: Bring our troops home now, not later. And I join my friend from Massachusetts, my concern about cutting programs for children who need milk in the morning and senior citizens who need sandwiches in the afternoon. We're going to cut their money, but we're going to still continue to support the Taliban who are killing American kids in Afghanistan because we have no accountability where this \$88 billion is going.

It is time for this Congress to come together and say, Yes, we will support our military, but we will not support a corrupt government who is not going to survive anyway. The enemy, the Taliban, will take over Afghanistan when it's all said and done.

Please, America, bring pressure on the Congress to bring our troops home from Afghanistan. God help our men and women in uniform.

I yield back the balance of my time. Ms. WOOLSEY. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Chairman, we'll be spending the next several days debating the Department of Defense budget, a whopping \$519.2 billion. By anyone's accounting, that's a lot of money.

What we won't be debating is the future of our presence in Afghanistan. You'd think a Congress obsessed with the deficit and cutbacks would take a look at the costliest item on our books: the war in Afghanistan.

Nope. No debate on that. Instead, a few of us are coming here to the well to take a handful of 5-minute slots. This is for a war that has cost our Nation in blood and treasure, in ways we may never be able to add up.

□ 1500

What are those costs? As of today, we've spent \$548 billion on the war. That's \$10 billion a month. Actually, it's more than this year's DOD budget.

This year, we face the 2,000th death in Operation Enduring Freedom. More than 15,000 of our brave men and women in uniform have returned home wounded. Every day we lose one more servicemember to suicide. And the Afghan people, how many of them have died and been wounded?

So the other side of the aisle wants to talk about cost. Well, let's do that. What has this misguided war cost us in international standing? Is the U.S. more popular in the Middle East and Central Asia? No. Are we any safer? Probably not. As a new generation of Afghan children grow up in an occupied country, aren't they learning to hate the West? Yes.

What's the cost here at home? How many cops could we have put on the beat? How many homes could have been saved from foreclosure? How many farmers could get drought relief? How many small business jobs could have been created? How many more patients could we have cared for at our veterans hospitals? We'll never know. Because instead of having an honest and open debate about our spending priorities, we have to grab 5 minutes here and 5 minutes there. That's not what the American people want. They want transparency. They want more debate. Further than that, they want this war to be over. They want our troops to come home.

So, yes, by all means, let's talk about cost; but let's not squeeze it in among \$500 billion worth of weapons, planes, and the rest of the military industrial complex.

I urge the House leadership to have a real debate on the war in Afghanistan, and let's shine some light on how much it costs.

I yield back the balance of my time.

Mr. PAUL. Mr. Chairman, I move to strike the last word.

The CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. PAUL. Mr. Chairman, I rise to talk a little bit about the appropriations that are going on, in particular, the appropriations for the very, very long war in Afghanistan. Nobody knows when it's going to end.

There's always a pretense. There's always a thought that tomorrow's going to be a better day. I was in the military in the sixties, and there was always this promise that we're just around the turn, and we're going to have peace and prosperity and have perfect results. Well, so far we have not had any perfect results in Afghanistan—there is a lot of unknown—and here we are appropriating even more money to continue this war.

When you talk about war power and the resolution on how we go to war, it becomes very complex today. It was originally intended to be very simple: you went to war when there was a declaration; and the people, through their Congressman, voted up or down on whether you should have a war. Today, we slip and slide and we fall into these traps. We go to war under the U.N. banner and NATO. We never know why we go to war and what the goals are and when the war is over. And they persist.

But there is one analysis made which bothers me a bit and, that is, even if there isn't a declaration of war, if some of the Members come along, as we have been for quite a few years, and say, you know, the Congress never really declared war, the argument they make is, well, as long as you fund a war, you give it credibility, and therefore you indirectly support the war.

Of course, the argument is not so much on how we go to war, but if we get into war, the whole thing is you can't vote against any money. Well, then you don't care about the troops. Oh, you're un-American. Don't do that. That carries the weight of the argument, and people shy away and say, no, I don't like the war, we shouldn't have done it, but I can't go against the troops.

Well, I've had a little experience in the last several years traveling the country and talking about issues like this and looking for support for a position which is quite a bit different than what we have followed here recently. Let me tell you, guess what, the troops give me strong support. They gave me a lot of support. It was huge. For anybody to argue that you don't want to send troops carelessly into no-win, endless wars, to think you're against the troops, it's nonsense.

When I was in the military—I was still in in '65, and that's when the escalation came in Vietnam—the last thing I was wanting to say is, oh, I want somebody in there that wants to expand the war. Why don't we go into

Cambodia and Laos. No, I didn't want that. Troops don't want to go to war. I was in a Guard unit as well as Active Duty. People join the Guard and Reserves because they want to defend the country. They don't want to take six trips to the Middle East and endlessly see what's happening.

I get stories all the time about their buddies being killed, the loss of limbs. Then they say, well, we're fighting for freedom. Think about it seriously. How in the world does going over there and fighting in either Iraq or Afghanistan have anything to do with our freedom? Oh, we're fighting to defend our Constitution. Well, we never had a constitutional declaration of war. So that's all a facade. That's all to make people feel guilty that if you don't keep the war going—in Vietnam, it was we have to win, we have to win. So we lose 60,000 troops and we didn't win. So what does that mean?

After McNamara wrote his memoirs and was a bit apologetic about it, he was asked: Does this mean you're apologizing for the kind of war you're in in Vietnam? He said: No. What good is an apology if you don't change policy? That is the thing. If this is not doing well and not doing right, just to say either you're sorry, you're continuing it, we have to have victory and pretend there is a victory around the corner, I think we're fooling ourselves.

We shouldn't deceive ourselves. We should wake up. If we lived within the Constitution and lived within our means, believe me, we would not be in Afghanistan.

I yield back the balance of my time.

Ms. SCHAKOWSKY. Madam Chairman, I move to strike the last word.

The Acting CHAIR (Mrs. MILLER of Michigan). The gentlewoman from Illinois is recognized for 5 minutes.

Ms. SCHAKOWSKY. Madam Chairman, I rise today to join my colleagues in calling for an end to the war in Afghanistan and the removal of U.S. troops and security contractors.

We face real and ongoing challenges from terrorist groups around the world; but after 10 years of fighting, it is clear that an ongoing military presence in Afghanistan is simply not the answer. The over-\$630 billion we've spent on this war over the past 10 years has not brought us security, and we cannot bring stability to Afghanistan through an ongoing troop presence.

I support the President's efforts to begin the withdrawal of U.S. troops, and I applaud him for starting that important process. Yet we need, in my opinion, to act faster to end the war. We need an accelerated timetable for troop withdrawal and a plan to ensure that all U.S. forces are redeployed.

Madam Chairman, over 2,000 Americans have given their lives in Afghanistan in service of their country. That includes almost 1,500 since January 2009 and an estimated 400 since the

death of Osama bin Laden. Another 12,000 have been wounded. Perhaps most staggering, more soldiers have committed suicide than have died in combat in Afghanistan. Our troops bear devastating physical and psychological wounds of war.

The war in Afghanistan has placed a devastating strain on our military, our troops, and their families. We've asked more and more from them, with many soldiers serving multiple dangerous deployments, taking them away from their homes and their families for long periods of time.

□ 1510

The suicide rate, again, is a stark reminder that we're not meeting our obligations to these men and women.

Madam Chairman, keeping our troops in Afghanistan comes at great cost to us. Not only does it cost some \$8 billion a month, but it continues to cost American lives. It is time for us to end this war. Instead of more boots on the ground, we need to redirect funding toward diplomatic and economic engagement with the Afghan people.

We need to invest in Afghan women, ensuring that they have basic human rights protections, as well as educational and economic opportunities, because Afghanistan will never be stable and prosperous if half of its population is oppressed.

The bottom line is this: hundreds of billions of dollars, and over 2,000 American lives, have not brought us security. Keeping our troops in Afghanistan will not end the threat of terrorism, nor will it bring stability to the Afghan people. We need a new strategy, shifting from military force to true engagement.

Madam Chairman, we are fighting a war that has no military solution. In fact, far from making us safer, our ongoing troop presence actually fuels the insurgency and breeds anti-American sentiment. Instead of pouring another \$88 billion into continuing this war for another year, I strongly believe we need to end funding for military engagement in Afghanistan and finally bring our troops home.

I yield back the balance of my time.

AMENDMENT OFFERED BY MR. MULVANEY

Mr. MULVANEY. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 22, after the dollar amount, insert “(increased by \$4,359,624,000)”.

Page 3, line 20, after the dollar amount, insert “(increased by \$1,197,682,000)”.

Page 121, line 12, after the dollar amount, insert “(reduced by \$4,359,624,000)”.

Page 122, line 3, after the dollar amount, insert “(reduced by \$1,197,682,000)”.

Mr. YOUNG of Florida. Madam Chairman, the amendment is subject to a point of order, but I am going to reserve the point of order to allow the

gentleman to have his 5 minutes to explain what it is he wants to do.

The Acting CHAIR. The gentleman reserves a point of order.

The gentleman from South Carolina is recognized for 5 minutes.

Mr. MULVANEY. Madam Chair, I thank the chairman and also the ranking member for the opportunity to present this amendment.

Madam Chair, the amendment is something different for me. It is not an amendment to reduce spending, and it's also not an amendment to increase spending. In fact, this amendment is outlay neutral.

Similarly, consistent with what the chairman and the ranking member discussed when introducing the bill, this amendment is not a partisan amendment. I do not seek to lay blame on either party or on the President or on the Congress for the circumstance in which we find ourselves.

This amendment regards simply a policy, a policy that traditionally has had bipartisan support in this House, and that policy is that we keep separate spending on the base defense budget, and spending on the Overseas Contingency Operations, or the war budget.

It has come to our attention, and both the CBO and the GAO have confirmed, that there is \$5.6 billion in the Overseas Contingency Operation budget, in the war budget, that should be in the base budget. We have taken things such as the base salaries for men and women in uniform who are not deployed and are charging that spending this year to the war budget.

Madam Chair, since 9/11 we have had a policy in this House of keeping those two items separate so that we know the real cost of the war against terror. We have taken the base defense spending and accounted for it in one fashion, and accounted for the war budget in an entirely separate system. This year, for the first time, Madam Chair, we are blending those numbers. We take \$5.6 billion of what should be in the base budget and move it to the OCO budget.

Madam Chair, the committee itself recognizes that it is not good policy. If you look at the bill, you will see that the committee itself says let's make sure not to do this next year and the year after that and the year after that. And indeed, we have not done it since 9/11. But we do it this year, this year only in this particular bill, and I think it's important that we continue to abide by the policy that accounts correctly for the cost of the war overseas.

So, Madam Chair, what I say to you is, this amendment is not about spending more money. It's not about spending less money. It is about accounting accurately for the spending that we do so that we can tell folks back home exactly what we spend on the base defense of this Nation and what we spend in the wars overseas. And for that rea-

son, Madam Chair, I would ask for a "yea" vote on this particular amendment.

I yield back the balance of my time.

POINT OF ORDER

Mr. YOUNG of Florida. Madam Chairman, I make a point of order against the amendment because it is in violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2013 on May 22, 2012, House Report 112-489.

The adoption of this amendment would cause the subcommittee general purpose suballocation for budget authority made under section 302(b) to be exceeded, and is not permitted under section 302(f) of the act, and I ask for a ruling from the Chair.

The Acting CHAIR. Does any Member wish to be heard on the point of order?

Mr. MULVANEY. I ask to be heard on the point of order.

The Acting CHAIR. The gentleman from South Carolina is recognized.

Mr. MULVANEY. Madam Chair, it is true that a new point of order was created under the Budget Control Act preventing any legislation from being considered in the House that would cause discretionary spending to exceed the caps established in the Budget Control Act. Under that part of the act, Madam Chair, the entire bill is technically out of order because the entire bill exceeds the BCA caps by \$7.5 billion.

Ironically then, if this point of order is sustained, then we will effectively keep within the shadows a nonpartisan policy, something that everyone has supported in the past, a good governance issue, while allowing the entire bill, which also violates the same point of order, to proceed.

My amendment is outlay neutral. It does not increase spending, it does not decrease spending. It simply moves spending from the war budget to the base budget, and vice versa. If the amendment were agreed to, the budget authority in the bill will be exactly the same as it is if the amendment fails, \$608,213,000,000.

Accordingly, the amendment does not violate section 302(f)(1) of the Congressional Budget Act, and overruling the point of order gives us the chance to abide by the precedent established long ago and embraced by both parties.

I respectfully ask that the Chair overrule the point of order.

The Acting CHAIR. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

Under House Concurrent Resolution 112, as made applicable by House Resolutions 614 and 643, the Subcommittee on Defense has both a General Purposes allocation and an Overseas Contingency Operations allocation. The accounts in the bill on pages 2 and 3 are under the General Purposes Alloca-

tion. The accounts on pages 121 and 122 are under the Overseas Contingency Operations allocation. The amendment transfers funds from the latter to the former.

The Chair is authoritatively guided under section 312 of the Budget Act and clause 4 of Rule XXIX by an estimate of the chair of the Committee on the Budget that an amendment providing any net increase in new discretionary budget authority in either allocation would cause a breach of that allocation.

The amendment offered by the gentleman from South Carolina would increase the level of new discretionary budget authority in the bill under the General Purposes allocation. As such, the amendment violates section 302(f) of the Budget Act.

The point of order is sustained, and the amendment is not in order.

Mr. WELCH. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Vermont is recognized for 5 minutes.

Mr. WELCH. Madam Chair, the war in Afghanistan had a legitimate purpose when it began. That was the grounds from which Osama Bin Laden engineered the attack on the World Trade Center. Congress supported going into Afghanistan to take out Osama Bin Laden and to deny a safe haven to terrorists. At a certain point, the policy transformed from an effort to protect us against a base of operations into a nation-building mission.

□ 1520

That was a grave mistake. Adopting nation-building will be seen through the lens of history as being about as effective as trench warfare in World War I.

Our military will do whatever is asked of them. Our job is to make requests of them that are reasonable for them to do. It is not the job of the men and women who serve in the U.S. military to build nation-states in Afghanistan. That policy failed militarily. That policy is unsustainable economically. That policy does not make us more secure. Why?

One, it is not the job of the military to build nation-states. It is the job of the military—and it is one they do very well—to protect America from attack.

Two, if you are attempting a nation-building strategy, you need an ally that is going to be a partner with you. The Karzai government is corrupt. It is infected with corruption. It has exceeded our wildest and most pessimistic expectations of what corruption can be. We do not have a reliable partner.

So the question becomes: At what point do we step back when we have the responsibility to set a policy that protects this Nation, to set a policy that respects our taxpayer, to set a

policy that acknowledges the willingness of men and women to serve but that accepts our burden of giving them a policy that is worthy of their unrelenting ability and willingness to sacrifice?

As we know, the American people believe it is time to come home from Afghanistan. They understand it. The President of the United States has said that we will bring our troops home by the end of 2014. So the policies have been changed. The war in Afghanistan, in fact, is over. The question for Congress is: Will we end it?

We are giving it ever more money for a policy we know doesn't work. We know the Karzai government is incapable and unwilling to be an honest partner. We know that nation-building is a strategy that cannot succeed. We know that the threat of terrorism, as persistent as it is, is not a nation-state-centered threat. It is dispersed, and our military response to that has likewise become dispersed.

So why are we pursuing this policy when we have renounced it, acknowledged that it has failed?

The American people don't support it. It's inertia. It is the unwillingness of Congress to take a definitive action where our policy should match our deeds. We are bringing our troops home. We should have as a policy that we bring those troops home as quickly—as quickly—as we responsibly can.

Madam Chair, I yield back the balance of my time.

Mr. BLUMENAUER. I move to strike the last word.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. BLUMENAUER. Madam Chair, I deeply appreciate the difficult job that Chairman YOUNG and Ranking Member DICKS have. This is important legislation, difficult balancing. It is a time of strain in terms of the budget, and it is a time of strain for the military. But I do think that my colleagues who come to the floor and who are questioning whether we need to continue the same policy, the same funding, the same direction with Afghanistan are right on point. This Congress should be spending more time actually engaging in a debate on our policy, our practices, our future in Afghanistan.

We initially went to war to deal with the protection of the United States. It was in Afghanistan that Osama bin Laden hatched the plot that led to the 9/11 attacks. He was protected by his Taliban enablers, and it was entirely appropriate for the Bush administration and this Congress to go after him to end that threat and obtain justice.

Sadly, before the job was done in Afghanistan, before Osama bin Laden was actually captured, we veered into a tragically misguided, flawed, and expensive mission in Iraq. As were many of the colleagues who are joining us

today on the floor, I was strongly against it. It was a mistake in terms of strategy; it was a horrible price paid by our troops; and it was dramatically unsettling. It has limped along to an unsatisfactory resolution, but it wasn't until 9 years later that we finally finished the job with the death of Osama bin Laden.

I commend the President for being in charge of that operation. But it's done. It's over. We killed Osama bin Laden. It is time for us to stop the longest war in American history, whether it is formally declared or not, and I strongly identify with many of the comments from my friend RON PAUL on the floor here a moment ago.

It is time for the United States to stop spending more in a month in Afghanistan than it would cost to hire every man and woman in Afghanistan of working age. That's what we're spending. You could rent the country for a year for what we are spending for a month, and the resolution is going to be exactly the same. Whether it's 2013, 2014, 2015, whether it's another 100, another 1,000 American lives, whether it's \$10 billion or \$100 billion, it is time for us to give the military a break, to listen to the American public, to reposition and deal with the challenges at hand.

Madam Chair, I am haunted by the notion that we have lost more men and women to suicide than we have to hostile action. There are terrible consequences for this operation that need go on no longer.

I suggest it's time to end—to save lives, to save money, to save the strain on our military—and for this Congress to get to work on things that will make a difference for international peace and security, for restarting the American economy and for making our communities safer, healthier, and more economically secure. If we do our job in Afghanistan, in scaling it down and in getting the troops out as quickly as we responsibly can, we will take an important step in that direction.

I yield back the balance of my time.

Mr. ROHRBACHER. I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. ROHRBACHER. Madam Chairman, first of all, let me note that our goal after the vicious terrorist attack on the United States on 9/11 was to eliminate Osama bin Laden and to clear Afghanistan, which had been the staging area of the 9/11 attacks, of Osama bin Laden's allies, who happened to have been the Taliban.

My fellow colleagues, Osama bin Laden is dead. The Taliban were cleared from Afghanistan years ago. So it is time for us to declare victory and to bring our troops home. It is not time for us to declare that there is going to be an extension of the deployment of

our troops and to leave them there to expend their lives for a cause that has already been decided. They have done their duty. We have accomplished the mission. Let's have a victory parade, not an extension of deployment.

Why are we in this predicament? Why are we even discussing \$88 billion and perhaps hundreds, if not thousands, of more American lives being sacrificed halfway around the world, in some canyon somewhere, where some young American loses his life or loses his legs? Why are we even discussing the expenditure of the billions of dollars that we really need so much here at home if, for nothing else, than to help bring down this level of deficit spending?

□ 1530

Why are we in this position now? Why are we not recognizing this? First of all, let's just note that we are now in a situation where year after year it is taking place after we've actually accomplished our goals in Afghanistan, and our troops are still there losing their lives. It's almost like a "Twilight Zone" episode. It is worse than some of the situations that we saw in Vietnam that degenerated year after year after year of America's deployment of forces there. We don't need to spend this money. We don't need to lose their lives. We just need to say we've done our job and come home. Who are we watching out for?

The State Department ended up basically stealing victory out of the jaws of defeat. We won this years ago. Years ago the Taliban were cleared out of Afghanistan. Now we find the situation getting worse. I've been in Afghanistan. I fought with the mujahadeen against the Soviets there personally. Over the years, I was deeply involved with Afghan policy, and people know that. The longer we stay there, the more enemies we're going to make for the United States.

It's going to be harder for us to get out next year than it is for us right now, and we will have made more enemies out of those people when they see foreign troops. Who cares if there is someone in a canyon far away screaming that he hates America? So what. Our guys are going out there right now and investigating situations like that and putting their lives on the line because someone was heard to say good things about the Taliban in some desolate canyon somewhere. What a waste of American lives. What a waste of our resources. On top of it, our State Department has created a system of government—we created a system of government—for the Afghan people, and we're shoving it down their throats now, the most highly centralized and corrupt system of any government in this world. Mr. Karzai is creating a kleptocracy in Afghanistan. No matter how much we're trying to help, that

money is disappearing. We're not able to accomplish it, even though the money is going out.

We should recognize that we cannot make history for the Afghan people. They will have to make it for themselves. We have cleared Afghanistan of the Taliban. We have eliminated Osama bin Laden. The Afghan people will now have to shape their own destinies. It is not up to us to expend more of the lives of our young people in order to get the goal that we want, especially when we know now that our government is allied with such a corrupt regime that it will never succeed.

It is time for us to cut the spending, get the troops home as soon as we can, and not waste the lives of more of our people.

I yield back the balance of my time.

Ms. LEE of California. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. LEE of California. Madam Chair, first of all, let me just say thank you to my colleagues, Representative JONES and Representative MCGOVERN, and to all of the Members today in calling for a real debate on the war in Afghanistan, which really should have occurred when it was authorized in 2001, which, of course, I could not support then knowing it was a blank check. It was an overly broad resolution for war without end. I have to thank my colleagues today for their leadership in calling for a safe and swift end to this war in Afghanistan. We all know the simple truth: there is no military solution in Afghanistan. Earlier this summer, we passed the sad milestone of 2,000 American lives lost in Afghanistan. Tens of thousands suffer more from wounds both visible and invisible.

As we remember and honor our dead and our wounded and pray for their families and their loved ones, we also have the duty and responsibility and opportunity to act today to ensure that further losses are avoided and that we accelerate the transition to Afghans ruling Afghanistan.

Later on today, I'm going to introduce an amendment to this Defense appropriations bill to limit funding in Afghanistan to the responsible and safe withdrawal of troops. We have the power of the purse strings in this House. For those who believe enough is enough, we should vote for this amendment.

I encourage all of my colleagues to support the Lee amendment, which will save at least \$21 billion and, most importantly, the lives of countless Americans and Afghans. Quite frankly, as has been said earlier, it is time to use these tax dollars to create jobs here at home. It is time to rebuild America and also to provide for the economic security of our brave troops. They have done a tremendous job. They have done everything we have asked them to do. They

have carried a tremendous load over the past decade of wars in Iraq and Afghanistan. Asking them to stay in Afghanistan 2 more years when there is no indication that circumstances on the ground will change is really unconscionable.

Before we send our men and women in uniform into Afghanistan or ask them to stay for another 2 years, we have an obligation to answer simple questions like: What national security interest does the United States currently have in Afghanistan? To what extent does the United States presence in Afghanistan destabilize the country by antagonizing local Afghans? How critical is the overall effort in Afghanistan compared to other priorities in our own country?

Earlier this year, along with my colleagues Congressman WALTER JONES and Congresswoman WOOLSEY and Congressman MCGOVERN, we held a hearing on Afghanistan with Lieutenant Colonel Daniel Davis. This was an ad hoc hearing, mind you, because we should have had the authority to hold that hearing in the House Armed Services Committee or the House Committee on Foreign Affairs, but quite frankly the leadership would not let us have a formal hearing. So we had our own.

We had an ad hoc hearing with Colonel Daniel Davis, a brave, outspoken whistleblower, who risked his career to tell the truth about what he saw on the ground in Afghanistan. It was a hearing that every Member of Congress should have heard before voting to spend tens of billions of dollars and risking the lives and limbs of tens of thousands of Americans in uniform.

Those of you who attended the hearing or read the witnesses' testimony understand that the current strategy of propping up a corrupt regime in Afghanistan will almost certainly fail. Instead of having a full debate on the current strategy in Afghanistan, instead of having a real debate about what we hope to gain with more years in Afghanistan, we are limited to these brief opportunities on the floor to remind Congress that the American people overwhelmingly want to bring the war in Afghanistan to an end. People are war-weary, and they want this over.

This Congress has the opportunity once again to stand with seven out of 10 Americans who want to bring the war in Afghanistan to an end by voting "yes" on several of the amendments that we're going to be considering. My amendment I will introduce later in this debate will limit the funding to the responsible and safe and orderly withdrawal of United States troops and contractors from Afghanistan.

Madam Chair, let me thank once again our colleagues, Congressman MCGOVERN and Congressman JONES, for gathering us here this afternoon. We have very limited opportunities to re-

flect the majority of the American people's sentiment in terms of their weariness of this war. It's time to end it.

I yield back the balance of my time.

Ms. DELAURO. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Connecticut is recognized for 5 minutes.

Ms. DELAURO. Madam Chairman, we have now had combat troops in Afghanistan for over 10 years. It has become the longest war in the history of our Republic. Over 2,000 brave American men and women have perished in this conflict.

Because of their sacrifice and the hard work, dedication, and sacrifices of thousands more brave young men and women, al Qaeda has been decimated and Osama bin Laden, the perpetrator of the September 11 attacks against Americans, has been brought to justice.

□ 1540

Now, almost 11 years after we first arrived, it is time to bring our military involvement in Afghanistan to an end. Afghanistan is its own sovereign country, and its citizens need to take responsibility for their destiny. As for us, we need to bring our troops home and to start reinvesting in America again.

At the recent NATO summit in Chicago, President Obama and NATO leaders announced an end to combat operations in Afghanistan in 2013 and a transition of lead responsibility for security to the Afghan Government by the end of 2014. These are important steps, but the President also recently signed an agreement in Kabul that could keep American troops in the region until 2024. We need to bring our troops home now, not 16 years from now.

This war is costing American taxpayers \$130 billion a year. Especially at a time when we are trying to cut the deficit, reduce unnecessary spending, and reinvest in our own economic growth, this is far too much. The entire GDP of Afghanistan is \$30 billion, less than a quarter of what we are spending year in and year out.

The nation and Government of Afghanistan face many tough challenges ahead, including working to foster economic development in the foundations of civil society, such as literacy, education, agricultural development, and the empowerment of women. But these are not challenges that are primarily military in nature. As such, it is time to let local Afghans do local jobs and build their economy rather than rely on government contractors.

I have visited in Afghanistan twice over the course of this conflict and saw firsthand how our renewed attention to the region since 2009 and the counterinsurgency strategy developed by General Petraeus has brought marked improvements in securing areas, in training security and police, in establishing

the rule of law, and in developing local economies.

Perhaps, most importantly, on a trip last March, I felt a sense of optimism in Afghanistan that was not there before, as well as an understanding among our military that the Afghans must soon take over and govern their own nation.

The time is now. For over a decade, our troops have accomplished the mission that they were given. They have performed heroically. They, including thousands of brave servicemembers from Connecticut, have been operating in one of the most inhospitable environments one can imagine, making sacrifices for their country by serving, as well as losing this time with their families.

It is time to bring our troops home and for the people of Afghanistan to forge their own destiny.

I yield back the balance of my time.

Mr. GRIJALVA. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Madam Chair, after 11 years, over 2,000 Americans killed, 16,000 Americans wounded, nearly \$400 billion spent, and more than 12,000 Afghan civilians dead since 2007, we have to question the U.S. presence in Afghanistan.

Should we continue America's long-term war? At what cost and for how long?

The American people have questioned and continue to question time and time again—should we be there, and the answer has always been a resounding no. It's not new news that the American public, Democrat, Republican and everyone else has soured on the war. The national security rationale has lost its resonance, and the economic and human cost in Afghanistan are crippling our ability to recover from our own deep recession.

According to The New York Times/CBS report, more than two-thirds of those polled, 69 percent, thought the United States should not be at war in Afghanistan. The U.S. war in Afghanistan is costing the U.S. taxpayers nearly \$2 billion per week, over \$100 billion per year. Meanwhile, in the wake of the worst economic crisis since the Great Depression, too many of our neighbors and friends are out of work, struggle to pay their bills, and look to us for job creation and support.

Americans who feel the sting of doing more with less are connecting the dots between our Federal priorities and spending and the pain they're feeling at home. Americans struggling to put their kids through college without Pell Grants or running out of employment benefits with no new job on the horizon cannot ignore the cost of the war.

Arizona families in my district have paid nearly \$777 million for the Afghan

war since 2001. For that same amount of money, the State of Arizona could have had 336,000 children receiving low-income health care for 1 year; 15,000 elementary school teachers employed in our schools for 1 year; 93,000 Head Start slots for children for 1 year; over 100,000 military veterans receiving VA medical care for 1 year; over 10,000 police officers and law enforcement officers securing our communities and neighborhoods for 1 year; 113,000 scholarships for university students for 1 year; 139,000 students receiving Pell Grants of \$5,550. These are just some of the bad trade-offs we are making with our national resources, our treasure and our blood on a war instead of fixing the problems here at home.

I would like to take a brief second to thank, to honor, and to commemorate those warriors from my district, District 7, for your ultimate sacrifice to our country: Sergeant First Class Todd Harris, Sergeant Martin Lugo, Sergeant Justin Gallegos, Master Sergeant Joseph Gonzales, Sergeant Charles Browning, First Lieutenant Alejo Thompson, Sergeant First Class Jonathan McCain, Staff Sergeant Donald Stacy, Private First Class Adam Hardt.

Our servicemen and -women have performed with incredible courage and commitment in Afghanistan. They have done everything that has been asked of them; but the truth is, they have been put in an impossible position, a war with no foreseeable end and a war that is costing not just them and their families, but our country, the ability to prosper and to move forward.

It's time to say enough is enough. It's time to take the responsibility to end this war in Afghanistan, be responsible, but end it. The cost to America, the cost to our future is too enormous to continue on the path that we're on, a path that has no end.

I yield back the balance of my time.

Mr. HIGGINS. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. HIGGINS. Madam Chair, the appropriations process and the budget is not only a spending plan about future priorities, it's also a statement about our values.

The United States in 2001 went into Afghanistan and took out the Taliban government. We have also taken out Osama bin Laden.

The United States is proposing to spend \$88.5 billion again this year in Afghanistan. We're going into our 11th year of U.S. involvement in Afghanistan. Eleven years ago, Afghanistan was among the poorest and most corrupt countries on the face of the Earth. Today, it is still among the most corrupt and poorest countries on the face of the Earth.

We've lost 2,000 American soldiers, 16,000 wounded. Last week the U.S.

Government decided to spend \$105 billion rebuilding the infrastructure of this country, less than \$53 billion in each of the next 2 years for a Nation of over 300 million.

You've just spent \$78 billion rebuilding the roads and bridges of Afghanistan, a nation of 30 million people. It's time that we do nation-building right here at home.

Of the 34 provinces in Afghanistan, the spiritual and financial home of the Taliban are Kandahar and Helmand provinces, because that is disproportionately where the poppy fields are that finance the Taliban. The literacy rate for women in Kandahar province is 1 percent. The literacy rate for men is about 15 percent.

How do you build up an Afghan police force and Afghan national army with people who are illiterate? We have to build schools and we have to build roads to get them to those schools and electricity to power those schools.

That, Madam Chairman, is nation-building in Afghanistan.

□ 1550

We need to do nation-building right here at home. This \$88.5 billion should be directed immediately to rebuild the roads and bridges of this Nation, in America.

According to Transportation for America, we have 69,000 structurally deficient bridges. In New York State alone, we have over 2,000 structurally deficient bridges. In my home community of western New York, we have 99 structurally deficient bridges, and no plan to address that. Every second of every day, seven cars drive on a bridge that is structurally deficient.

We need to get our priorities in order. We need to reaffirm our values. We need to have a vision for rebuilding America. And the best way to do that is start with this appropriation and reprogramming it right back here at home for nation-building here in America.

I yield back the balance of my time.

Mr. BURTON of Indiana. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BURTON of Indiana. I support the military 100 percent and I think we ought to give them all the equipment and spend the funds that are necessary to make sure they're prepared to fight a war anywhere. And I think we need to defeat the Taliban and al Qaeda and make sure that the threats to America are eliminated, at least as much as is humanly possible.

The reason I took 5 minutes to speak today is not because I don't support the military or the appropriation for the military, but because I was shaving the other day before I came into work and I heard the newsmen talking about a young family and a young man that was in the military. I came out while I

was shaving and I looked at the television. It was a beautiful family—young man and a woman and their child. And they announced that he had just been hit with an IED and lost both arms and both legs, and I was thinking what a tragedy for this young man and for his family and the horrible things they're going to have to endure throughout the rest of their lives.

And then I started thinking about all the technology we have. We have satellites that can pinpoint a pack of cigarettes on the ground, and we have drones that can fly over enemy territory and pick out a target and hit somebody with a Hellfire missile and blow them to smithereens. And somebody from a thousand miles away sitting at a computer with a television screen can direct that drone and that Hellfire missile. And I started wondering to myself: Why in the world don't we use more of those instead of sending young American men and women into harm's way day in and day out like we do? We have the technology to knock out anybody anyplace in the world that we want to.

So I would just like to ask this question of my colleagues: We have to have special forces. We have to go into certain spots and knock out bad guys. We've got to do that. But when we don't have to, when we know that the enemy is in a certain area, instead of sending our young men and women in there, why don't we send a drone over to a site that we've discovered from a satellite and blow the hell out of those people? Don't send our young men and women into that kind of a situation where they're going to lose their arms and their legs when we've spent all the money on this technology to stop the enemy. And that's my biggest concern. Why in the world don't we use that technology instead of young men and women going into harm's way when it's not necessary?

I understand war is important. I know we have to defeat the Taliban and those who would take away our freedoms. It's extremely important. And we should support the military every way we can, give them all the tools that are necessary. But let's use the tools that we have to stop the enemy as much as possible without putting young men and women in that situation. I don't want to turn on the television next week or next month and see more young men and women who have suffered this way. I've been out to Bethesda and Walter Reed and I've seen the damage that war does. And so if we're going to go to war—and we have to go to war, only when we have to. But if we do, let's use the technology we have and defeat the enemy and minimize the loss of life that our young men and women are experiencing.

I yield back the balance of my time.

Mr. NADLER. I move to strike the last word.

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. NADLER. Madam Chair, I regret what I am about to say could have been and was said a year ago. Not much has changed, but more lives have been destroyed and more billions of dollars have been wasted, all to no intelligent purpose.

The whole premise of the Afghanistan war is wrong. The rationale for the war is to fight al Qaeda, but most of the day-to-day fighting is against an entrenched Taliban insurgency that will outlast any foreign fighters. Fighting in Afghanistan does not enhance the security of the United States in any way.

In 2001, we were attacked on 9/11 by al Qaeda. Al Qaeda had bases in Afghanistan, and at that time it made sense to go in and destroy those bases—and we did. But that took about 3 weeks. We should have withdrawn after those 3 weeks.

The CIA told us a couple of years ago that there are fewer than 100 al Qaeda personnel in all of Afghanistan. So why do we still have 70,000 troops there, troops who will continue to risk their lives every day in a war that has already claimed far too many lives? And why should we continue pouring billions of dollars into an intractable mess when we should be devoting those funds to our own economy, our own jobs, our own schools, our own bridges and roads and highways, our own housing, social programs, and education?

Afghanistan is in the middle of what is, so far, a 35-year civil war. We do not have either the need or the ability to determine the winner in that war, which is what we're trying to do. If we continue on this course, in 2 years there will be hundreds more dead American soldiers, several hundred billion more dollars wasted, and two or three more provinces labeled "pacified." But as soon as we leave, now or in 2014 or 2016 or 2024 or whenever, those provinces will become "unpacified," the Taliban and the warlords will step up the fighting again, and the Afghan civil war will continue its normal, natural course.

Our troops are fighting valiantly, but we are there on the wrong mission. We should recognize that rebuilding Afghanistan in our own image, that setting up a stable government that will last is both beyond our ability and beyond our mandate to prevent terrorists from attacking the United States.

We fulfilled the mission in protecting America from terrorists based in Afghanistan over 10 years ago. We should have withdrawn our troops 10 years ago. We should withdraw them now. We shouldn't wait until 2014. We shouldn't have several thousands advisers or troops helping the Afghans for another 10 years. They have their own civil war they have been fighting for 35 years.

I wish we could have waved a magic wand and ended it, but we can't. We should not participate in an Afghan civil war. We do not need to pick the winner in that civil war. We do not have the ability to pick that winner in that civil war. All we are doing is wasting lives, wasting limbs, wasting people, and wasting dollars. We ought to end our involvement in Afghanistan as rapidly as we can physically remove our troops.

I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

MILITARY PERSONNEL, NAVY

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Navy on active duty (except members of the Reserve provided for elsewhere), midshipmen, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$27,075,933,000.

MILITARY PERSONNEL, MARINE CORPS

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Marine Corps on active duty (except members of the Reserve provided for elsewhere); and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$12,560,999,000.

MILITARY PERSONNEL, AIR FORCE

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the Air Force on active duty (except members of reserve components provided for elsewhere), cadets, and aviation cadets; for members of the Reserve Officers' Training Corps; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and to the Department of Defense Military Retirement Fund, \$28,124,109,000.

RESERVE PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army Reserve on active duty under sections 10211, 10302, and 3038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$4,456,823,000.

RESERVE PERSONNEL, NAVY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for

personnel of the Navy Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,871,688,000.

RESERVE PERSONNEL, MARINE CORPS

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Marine Corps Reserve on active duty under section 10211 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty, and for members of the Marine Corps platoon leaders class, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$651,861,000.

RESERVE PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air Force Reserve on active duty under sections 10211, 10305, and 8038 of title 10, United States Code, or while serving on active duty under section 12301(d) of title 10, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing reserve training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$1,743,875,000.

NATIONAL GUARD PERSONNEL, ARMY

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Army National Guard while on duty under section 10211, 10302, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$8,089,477,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For pay, allowances, clothing, subsistence, gratuities, travel, and related expenses for personnel of the Air National Guard on duty under section 10211, 10305, or 12402 of title 10 or section 708 of title 32, United States Code, or while serving on duty under section 12301(d) of title 10 or section 502(f) of title 32, United States Code, in connection with performing duty specified in section 12310(a) of title 10, United States Code, or while undergoing training, or while performing drills or equivalent duty or other duty, and expenses authorized by section 16131 of title 10, United States Code; and for payments to the Department of Defense Military Retirement Fund, \$3,158,015,000.

TITLE II

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Army, as authorized by law; and not to exceed \$12,478,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Army, and payments may be made on his certificate of necessity for confidential military purposes, \$36,422,738,000.

AMENDMENT NO. 2 OFFERED BY MR. KINGSTON

Mr. KINGSTON. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 8, line 2, after the dollar amount, insert "(reduced by \$4,100,000)".

Page 8, line 11, after the dollar amount, insert "(reduced by \$4,200,000)".

Page 8, line 15, after the dollar amount, insert "(reduced by \$2,300,000)".

Page 8, line 24, after the dollar amount, insert "(reduced by \$1,900,000)".

Page 10, line 23, after the dollar amount, insert "(reduced by \$4,000,000)".

Page 11, line 25, after the dollar amount, insert "(reduced by \$700,000)".

Page 12, line 17, after the dollar amount, insert "(reduced by \$53,900,000)".

Page 13, line 9, after the dollar amount, insert "(reduced by \$1,200,000)".

Page 153, line 15, after the dollar amount, insert "(increased by \$72,300,000)".

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. Madam Chair, I offer this amendment with Ms. MCCOLLUM from Minnesota today. In fact, it was her amendment from last year that got me involved in this. Basically, what this does is stops the Defense Department from using major sports sponsorships, such as NASCAR motor sports and bass fishing, for a recruitment tool, which is no longer necessary.

□ 1600

There are a number of reasons for this:

Number one, it's not effective. On May 18, 2012, Major Brian Creech said in the USA Today that the National Guard's spending \$26.5 million dollars to sponsor NASCAR got 24,800 inquiries. Of those, they got 20 potential recruits. Of those, what did they get for the \$26 million? Not one single recruit. I want to say again, \$26 million, 24,000 inquiries, zero—zero—recruits. It's not effective.

Now, the National Guard support group has been going around with this document saying, Oh, yes, but look at all the images that we get. Well, again, out of this, according to their own document, they got 40 recruits. So for the money, if you do the math, that's \$72,000 per recruit.

And why is that? Well, perhaps because the demographic of NASCAR is that 69 percent of the people are over

35. So when they go and they're pushing their brand or advertising at NASCAR, nearly 70 percent of the people aren't eligible. That's not their target group.

The RAND Corporation, in its 2007 study of recruitment, said that if you want to increase recruitment, then you have to increase the number of recruiters, period. That was the number one thing. That's why on July 10, the Army dropped out of it, and they said:

Although it is a beneficial endeavor for us, it's also rather expensive, and we decided we could repurpose that investment into other programs.

So when Ms. MCCOLLUM actually originally offered this, it was an \$80 million reduction into the savings account, but since the Army dropped it, now we're offering \$72 million.

Secondly, very, very important for us to remember is that the military is reducing its size now, not because of sequestration, before sequestration. They're dropping the number of troops in the Army and the Marines by 103,000, alone. The Defense Department's recruiter has said that the recruitment is high right now because of the economy.

Now, number 3, this program has no accountability. In February, our office, as a member of the Defense Appropriations Subcommittee, we asked the Pentagon: What are your hard numbers? If you're spending \$72 million sponsoring major sports programs, what are you getting out of it? And they couldn't come up with it. Now, that disturbs me as a fiscal conservative, because I want to believe that if the Pentagon is spending that much money on something, they're able to defend it.

The Miller Beer Company actually put it this way. They said it this way. They said, on exposure:

I don't care how much exposure we get, what that is supposed to be worth, or what our awareness is versus the competition. I need to be able to tell our CEO and our shareholders how many additional cases of beer that I sold.

In short, the Army can't tell us how many recruiters they really do get from this.

And, number four, we've got sequestration facing us, on top of a \$487 billion defense cut over the next 10 years, plus a troop reduction of over 100,000 already. We may have additional cuts. And Secretary Panetta has said that we need to work together to find better ways to spend the money and stretch our dollars.

I'm as pro military as they get. I'm proud to say I believe the First District of Georgia has as much military as any district in the country. I have four major military installations and two guard facilities. We have every branch of the military, and we have a bombing range in there. The only thing that has a bigger population than my military are my NASCAR fans. And yet they're saying to me, We're pro NASCAR, but

we realize the situation in America today is that for every dollar we spend, 40 cents is borrowed. We can spend this money a lot better than we are today.

Again, look what we're spending per recruit. According to the National Guard document which they provided our office—at least they did provide us with a document which we did not get from the Pentagon—it is still costing us over \$700,000 per recruit, from their own documentation.

We can do better than this, and that's why Ms. MCCOLLUM and I have worked together and reached across the aisle to say we can spend this money elsewhere more effectively.

I yield back the balance of my time. Mr. MCHENRY. Madam Chair, I rise in opposition.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. MCHENRY. Madam Chair, I certainly appreciate my colleagues, Ms. MCCOLLUM and Mr. KINGSTON, and what they're trying to achieve, and I certainly support paring down the budget where it is appropriate and where it actually saves money.

My colleague references some numbers that come from the Army. The Army is getting out of this type of sponsorship. The numbers that I want to give you are from the National Guard that intends to stay in this form of advertising for recruiting purposes and also for building goodwill among the American people.

This sponsorship program that the National Guard has, in one form, one very specific form of sponsorship that they have, as well as a number of others, but this one form of sponsorship for NASCAR, the National Guard saw a nearly 300 percent return on their investment. Now, that comes from \$68 million in media exposure. It comes from 5.5 million pieces of merchandise and apparel that has "National Guard" on it, which has a value of roughly \$70 million. This is a huge return for the buck. This is why Fortune 500 companies actually advertise through NASCAR—not because it feels good, but because it delivers results.

And the fact is that no matter the size of the military, you're going to still need recruits. And the fact remains, if we look at the example of 2005 where the Army didn't meet their recruiting goals, what we had to do is increase the budget for retention. So the fact of cutting one area of recruiting means that in a couple of years we'll have to actually pay more for retention in order to keep the same folks in the National Guard that we currently need.

Furthermore, back to this one particular form of advertising, I think it's highly inappropriate for this Congress to get into the business of specifying how best the National Guard, or whatever branch, should spend their dollars on recruiting.

The Appropriations Committee has done a yeoman's task of making sure that we scrub the Department of Defense budget from top to bottom. I think this is a very strong and good appropriations bill. It does have bipartisan support. But let's face it, when we start micromanaging advertising programs to try to recruit National Guard members, we've sort of slipped into the absurd.

The National Guard, from the experience that they've had in NASCAR advertising in particular, they generated 54,000 leads. I wish my colleague had referenced that other than these other numbers that you referenced before, which I think are a good reason why the Army is not continuing with that program. They didn't design it appropriately, apparently. But the National Guard has got a huge bang for the buck and has actually gotten recruits because of this form of advertising.

I would encourage my colleagues, if they voted "no" on the McCollum amendments last year—there were two different amendments that deal with this very same issue. If they voted "no" on those two amendments, they need to vote "no" again.

Madam Chairman, I would say this again. If you voted "no" on those two amendments that are structurally the same, vote "no" again. I would encourage my colleagues to do that, and I yield back the balance of my time.

Ms. MCCOLLUM. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from Minnesota is recognized for 5 minutes.

Ms. MCCOLLUM. Well, we just heard from the last speaker that part of what all this money is being spent on is branding and goodwill and that the Congress, and we today, should not be making any changes and micromanaging what the National Guard is doing.

□ 1610

I would call to our colleagues' attention legislation, Public Law 106-398, in the 106th Congress. The Legislative Information System, which is available to all of us, directs us as to what really took place in the 106th Congress.

We directed the Secretary of the Army, during a period beginning on October 1, 2000, and ending December 1, 2005, to carry out a pilot program to test various recruiting approaches. One of them was to be an outreach that the Army was going to do with motor sports. It doesn't work, and that's why the Army has dropped it.

The National Guard, through what Mr. KINGSTON had, didn't come to us directly. We were provided some sponsorship information through NASCAR of all the contacts and all the hits. Everybody who walked through the gate was counted as being part of branding. Folks, this was not supposed to be

about branding; it was supposed to be about recruiting. That's why the Army spokesman on CNN said, when they announced that they were ending their 10-year, multidollar, taxpayer-funded relationship with NASCAR, "It was not a great investment."

The Navy pulled out. The Marine Corps pulled out of NASCAR years ago. But yet the Pentagon has paid one racing team—Mr. Earnhardt's team—\$136 million in taxpayer funds for the National Guard logo on his car in the name of recruitment. This year, they're paying Mr. Earnhardt again \$26.5 million, to which the National Guard has reported—this is what the Guard told me—20 qualified candidates expressing interest, zero actual recruits.

For the past 2 years, the National Guard has spent more than \$20 million in taxpayer funds on professional bass fishing tournaments. Folks, we're in a fiscal crisis here. Bass fishing is not a national security priority. This Congress is cutting services to communities and needy families because we're in a fiscal crisis, yet the Pentagon is spending in excess of \$80 million on NASCAR racing sponsorships, professional bass fishing, ultimate cage fighting, and other sports sponsorships. The program is a waste of taxpayer money; it doesn't work.

Over the past few days, the professional sports lobby has come out in full force to protect their taxpayer-funded subsidy. For the purposes of the 2013 Defense appropriation bill, those pro teams are military contractors who have failed to deliver on their contract in the past for the taxpayers for recruits.

I want to thank Representative KINGSTON for his leadership on this and joining me to cut a Pentagon program that's just not effective.

This committee, in which we're having this bill discussed right now, has been bipartisan in the way the bill has been put together and bipartisan in the way this amendment has been offered. If the private sector wants to pool their money to sponsor military race car teams to demonstrate their patriotism, I say fantastic and go for it. But it is my job to be a steward of taxpayer funds.

I want to be clear about something else this amendment does not do. This amendment in no way, shape, or form prohibits or limits military recruiters from recruiting at NASCAR races or any other sports event. I just want the military recruiters to attend those races and community events where there are potential recruits.

We need, as Mr. KINGSTON pointed out, more recruiters doing their job in the right way. They have ideas, folks, on how they can do this better. We need to listen to the recruiters.

So, I think it will be just irresponsible and outrageous that Congress

would go ahead and continue to borrow money from China to pay one race car driver's team \$26 million for delivering zero recruits. Our Nation is facing a fiscal crisis. Communities and families and seniors and vulnerable children are bearing the brunt of deep and painful budget cuts. Congress needs to get its priorities in order and stop protecting military spending that doesn't work.

I urge my colleagues to support Mr. KINGSTON's amendment. It's an honor to be a partner to it. We need to cut the wasteful spending in programs and reduce this deficit.

Madam Chair, I yield back the balance of my time.

Hon. BETTY MCCOLLUM.

CRS RESPONSE: DOD SPENDING ON NASCAR SPONSORSHIP

In response to your request for U.S. Department of Defense spending on NASCAR sponsorships, we are providing the following information.

Budget:

Each of the Military Services use a variety of marketing and advertising strategies to meet their annual recruiting targets. For example, the U.S. Army has sponsored NHRA and NASCAR vehicles and events, as well as the Golden Knights Parachute Team and other activities. The different advertising strategies and approaches are designed for maximum impact upon the target population and derived from annual youth surveys.

U.S. Military recruiting advertising for each of the branches is budgeted under "Operations and Maintenance." At this level, we only have visibility of the Service's overall budget for advertising, not the specific sub programs.

Authority:

Each of the U.S. Military branches receive authority to conduct "marketing/advertising" under the auspices of recruiting requirements. Please see the attached document 10 USCS §3013 for the Department of the Army.

An article published on the U.S. Army web site states "The U.S. Army Motorsports Program began in September 2000 when Congress directed the secretary of the Army to conduct a five-year motorsports outreach test. In 2003, building upon the success of the NHRA program, NASCAR was added." For the full article, please: <http://www.army.mil/article/30553/armv-to-continue-nhra-nascar-sponsorships/>

Legislation Public Law No: 106-398 [106th]

The Legislative Information System (LIS) summary states the following: "Subtitle F: Matters Relating to Recruiting—Directs the Secretary of the Army, during the period beginning on October 1, 2000, and ending on December 31, 2005, to carry out pilot programs to test various recruiting approaches. Requires one program to be a program: (1) of public outreach that associates the Army with motor sports competition; (2) under which Army recruiters are assigned at post-secondary vocational institutions and community colleges to recruit such students and graduates; and (3) that expands the scope of the Army's current recruiting initiatives. Authorizes such Secretary to expand or extend a pilot program after notification of the defense committees. Requires a report on the above programs."

For more information see House Report 106-945, Subtitle F—Matters Relating to Re-

cruiting. This report is available at: <http://www.gpo.gov/fdsys/pkg/CRPT-106hrpt945/pdf/CRPT-106hrpt945.pdf>

We hope that you find this information helpful.

NESE F. DEBRUYNE,
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Mrs. MYRICK. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentlewoman from North Carolina is recognized for 5 minutes.

Mrs. MYRICK. Like my colleague, Mr. MCHENRY, I also am rising because I do oppose this amendment, saying that the Department of Defense has to limit what they do and decide how they can recruit. And mainly, it's micro-managing.

The biggest issue here is this approach is not going to save a dime in the long run because when recruitment goals aren't met—and that is a challenge—the military pays out nearly \$1 billion a year in extra recruitment bonuses to maintain needed recruitment numbers. We're talking, of course, about the National Guard, who did have a 4-1 return on investment in motor sports.

But we've got to be aware that we've got to recruit men and women where they are. We need the best men and women that we can in our military service. Of course, we owe all of those who are currently serving a great debt of gratitude, but I don't believe that we need to tell them how to best do their recruiting.

I'm also a conservative, and I believe strongly in rooting out government waste, but that's not what this amendment does because in the long run we end up spending more money on recruitment.

As my colleague said before, the House has twice voted down this amendment—it's the same vote—and I urge them to do so again.

I yield back the balance of my time.

Mr. PALAZZO. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from Mississippi is recognized for 5 minutes.

Mr. PALAZZO. Madam Chair, I rise in opposition to this amendment.

Just this past weekend, I had the great honor and privilege to send over 150 young men and women off to Fort Bliss to prepare for their final training to go overseas. This is the 857th Engineering Company. Their mission is horizontal construction, which is pretty much they're going to be clearing roads. As we know, that's one of the most dangerous missions in Afghanistan.

Now, I was too busy shaking hands and talking to families and others to

notice what I would probably have seen in the parking lot, and that would have been a lot of bumper stickers. On those bumper stickers, there wouldn't be faces or political advertisements—of course, I wish there would be some—but it was more numbers: number 3, number 11, number 24, number 14. Most likely, there would have been a few number 88s out there, which is the car Dale Earnhardt drives for NASCAR. So with that, right now there is absolutely no reason this Congress should be telling the Department of Defense how and where to spend money on recruitment.

Sport sponsorships have continually been a major source of recruitment and provided a great deal of return on investment. The only other option is to spend more on recruitment and retention bonuses. As my colleague just mentioned, when they fall below a certain number, they spend billions of dollars, and we're not talking about billions of dollars. So this actually saves taxpayers' money so we can continue to find the young men and women to serve in our Nation's military.

As it currently stands, the National Guard cannot advertise on television, which significantly limits their opportunities to reach the audience that they want to reach. This is an effective program that remains a key tool for our National Guard and other branches of our military services.

This bill is already taking serious cuts from advertising and marketing budgets for the Marine Corps, Navy, Air Force, and National Guard accounts. They have all been cut significantly already before this amendment. There is no reason why we should continue to tie their hands by cutting more funds from the budget.

These sponsorships provide the ability to market and create branding opportunities and familiarity with the service branches in areas where market research shows that the target audience spends its time. For example, data shows that NASCAR fans are very large, up to 70 million—I think that's a low number—very patriotic, very pro-military fan base, and are extremely loyal to sponsors of teams and drivers. This is exactly who we want joining our U.S. military.

Madam Chair, we are currently dealing with very serious cut to our military because of sequestration. This is not the time or the place to be cutting the tools that our military is using to recruit the very best, patriotic young people who want to serve our Nation in the military.

The military is maximizing their resources to fulfill their mission at home and abroad. If this wasn't successful, they wouldn't be doing it. I ask that my colleagues oppose the amendment, and I yield back the balance of my time.

Mr. BISHOP of Georgia. I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. BISHOP of Georgia. Madam Chair, I'd like to voice my opposition to the amendment sponsored by Mr. KINGSTON and Ms. MCCOLLUM, aimed at banning pro-sports sponsorship by the Department of Defense.

Truly, we are in an era where the people's government should take proactive efforts to trim excesses from the budget wherever possible. This measure, Madam Chair, does not attack an excess of government. If accepted, the U.S. Government would be cutting out a proven successful investment in our Nation's military personnel.

The Army, the National Guard, and the National Guard Association strongly oppose this amendment. Last year, over 280 Members, in a bipartisan vote, opposed this amendment.

□ 1620

Appropriations Committee Chairman ROGERS and Defense Subcommittee Chairman YOUNG have both been opposed to this measure in committee votes and floor votes. Chairman YOUNG has repeatedly said in 2012 that he opposes it.

Our military deserves access to the most qualified potential recruits available. A vote in favor of this amendment would handicap our military's recruiting efforts.

Starting in 1999, marketing the military through sports opened the door for the DOD's efforts to brand and to showcase their services to a specific target audience. The National Guard cannot advertise on broadcast television, so professional sports sponsorships become an efficient, effective means of reaching target markets for recruiting and retention of citizen soldiers and airmen.

Our soldiers, sailors, airmen and marines are athletes. It only makes sense to advertise and market to professional sports venues. Athletes share common values with the military such as honor, integrity, individual responsibility, teamwork, and self-sacrifice.

Additionally, athletes are a key demographic in the men and women we want to serve. With the DOD's strict requirements for a recruit to qualify, only one in every four young people is even eligible to join. The DOD's success rate in recruiting stems from their direct access to potential recruits and influencers of men and women, like-minded about their interest in joining the military, often found at sporting events.

Pro sports sponsorships increase the DOD's visibility, generate recruitment opportunities at events, and provide a national platform to promote each branch's image.

In addition to recruitment and a recognizable national profile, military sponsorships in motorsports spotlight a

good return on investment, dollar for dollar. In 2011 alone, the Army National Guard spent \$44 million on motorsports sponsorships. But based on market value, the total media exposure the Guard received totaled over \$150 million, a 336 percent return on investment.

If less is spent on advertising, history proves that DOD will have to increase dollars for bonuses to retain current military personnel and increase dollars for recruiting bonuses.

DOD motorsports partnerships have resulted in key transfers of technology. For example, the first Humvee sent to Iraq had canvas doors. Additional armor added created challenges to the Humvee's suspension systems. The marines turned to NASCAR engineers to help solve the problem.

An additional project developed by the marines is the mine roller. Pushed in front of trucks, the roller can detonate explosive devices, while protecting the marines in the vehicle. One of the first rollers in Iraq took a blast and saved the three marines inside. The mine roller uses new suspension technology developed by the Joe Gibbs NASCAR racing team. Base commanders say that cooperation between base workers and businesses across the country is saving troops' lives.

Beyond the direct investment, DOD pro sponsorships positively influence communities surrounding our Nation's personnel. For example, the National Guard works together with their partners in Panther racing and IndyCar to address unemployment affecting servicemembers and their families by sponsoring hiring fairs, outreach efforts, and employer education.

This amendment would likely limit the military from participating in the Olympics, flyovers over games, sponsoring marathons such as the Marine Corps Marathon, as well as the Blue Angels, the Thunderbirds, and the Golden Knights.

Cutting all funding towards DOD pro sports sponsorships hinders military recruitment of qualified candidates, impairs employment resources for our Nation's military families, and severely damages a positive financial investment for our military.

To directly quote the DOD:

To ensure the Nation fields a military fully capable of performing any assigned mission, we must recruit highly qualified men and women from across America. This amendment will directly impact the recruiting quality and overall mission requirements, increasing costs, and forcing reductions in the standards for accessions.

A vote for this amendment is a vote against the effectiveness of our military. Please join me in opposing this amendment.

I yield back the balance of my time.

Mr. KISSELL. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes.

Mr. KISSELL. I rise in opposition to this amendment, and I'm not going to repeat what my colleague from Georgia just said. He covered the facts well.

I think it's important here that we recognize that relationships matter; and the relationship that we have seen with the military and especially NASCAR seems to be getting the brunt of the attention here, a long-time relationship, an important relationship.

NASCAR grew up in North Carolina. Its home is in my district in central North Carolina. While NASCAR has spread out throughout the Nation, which we're excited about, still the roots are here at home and in kind of rural America.

I don't think it's any coincidence that when we look at our military forces, about 41 percent of our military is from what we describe as rural America, which is only 17 percent of our population. And that relationship between the military and rural America is very important. The relationship between NASCAR and rural America—and all America—is very important. We don't need to interfere with that relationship.

I don't think it's any surprise that the most popular driver in NASCAR drives the National Guard car, No. 88, Dale Earnhardt, Jr. This brings kind of the relationship and the viewing that cannot be done in many other ways, and so we don't need to strike that relationship. We need to build upon that.

And when you start looking at the ramifications, as my colleague talked about earlier, other ways that this money can be used to help build this relationship, we look at NASCAR, the Special Forces working with NASCAR to develop equipment for our military.

I'm cochair of Invisible Wounds, the idea of how we can absorb the energy to help our soldiers that are in combat situations. NASCAR works on this.

The tickets that are given to our military families, to the military themselves, this is all part of that relationship. It works. We need for it to work.

I oppose this amendment and ask my colleagues to also oppose it.

I yield back the balance of my time.

Mr. POSEY. I move to strike the last word.

The Acting CHAIR. The gentleman from Florida is recognized for 5 minutes.

Mr. POSEY. We were at home watching NASCAR on television a couple of years ago, and my wife said, What are the armed services doing sponsoring NASCAR cars? Don't they have a better use to spend their money than to spend those big bucks on NASCAR?

And I said, Well, Katie, I can understand why you would think that. But, you know, we have a volunteer military, and they have to advertise for recruits somewhere. Where would you think the money would be better spent?

Do you think they should advertise at the philharmonic? Or maybe you think they should advertise at the ballet. We could surely get some burly, mean paratroopers if we advertised at the ballet. I think that NASCAR is a very appropriate place to advertise for recruits, just like boxing rings might be, cage fights might be.

So I made some inquiries about it to our armed services, and they said, you're exactly right on point. As our good friend, Mr. MCHENRY, from North Carolina shared with you a little while ago, the statistics are overwhelmingly in favor of expenditures where you get the greatest return. And the NASCAR sponsorship seems to have the greatest return, which results in the greatest savings for our taxpayers back home.

Now, I wish we were spending this time right now, rather than trying to micromanage how our military most efficiently advertises for recruits, discussing the \$14 billion our government overpaid to people who were not entitled to unemployment compensation, but got it anyway.

I wish right now we were discussing the \$4 billion in refunds in the form of tax credits our government has given to bogus dependents of people who are here illegally.

I wish we were talking about the millions of dollars we've wasted in the GAO.

I wish we were talking about the millions of dollars we've wasted in crony capitalism investment in Solyndra and the like, and so-called green energy enterprises.

□ 1630

But no, we're not. We are sitting here today. Some people are trying to micromanage how our military gets recruits for its all-volunteer Army, and they are telling the people who are best at managing our military how to do their jobs. It's an old adage. It's an old cliché. It seems like everybody knows how to make a baby stop crying except the person holding it. I think, in this case, that applies, and I think we should yield to the best judgment of our armed services in how they feel they need to recruit.

I have seen Democratic Presidential candidates advertise on NASCAR. I saw a Democratic gubernatorial candidate advertise on race cars. As far as Okeechobee Speedway, I was at Okeechobee Speedway once, and I ran into somebody from the other side of the aisle whom I never expected to see at a race-track.

I said, What are you doing here?

She said, Well, when person "blank," who was running for Governor, decided we needed to focus on middle America, she decided she wanted to sponsor a race car at Okeechobee Speedway.

Before that, I didn't even know there was an Okeechobee Speedway.

She said, Do you know what? It was the best investment of campaign money we've ever spent.

These are from the other side of the aisle. I'm sure I could talk a lot about my friends on this side of the aisle and about how they've made good and wise investments, too.

Again, in this case, I'd like for you to rely upon and reflect upon the comments made by Mr. MCHENRY, who talked about the very pure and simple results and accountability that has been achieved by letting the military—the people we trust the most with protecting our country and our freedoms—do the job that they are entitled to do.

Madam Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Madam Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Much of the debate that I would have on this amendment would be very similar to the one I'd had earlier when the issue was of the military bans, so I won't repeat those again.

I would mention the fact that this amendment was defeated by this same House several times last year on the Defense appropriations bill. We have an interesting situation here, though, today. This amendment is very similar to language later on in the bill that is subject to a point of order. It has been skillfully rewritten so that this one is not subject to a point of order, but it is basically the same issue.

Now, understand the United States of America does not have the largest military in the world. We do have, by far, the best—but not the largest—and our military is all volunteer. Members of the military serve because they want to. Yet, as the all-volunteer force rotates and changes, members are leaving—they retire; their time is up; they get out; they have to constantly be replaced. There has to be a constant flow of recruits coming in as the older members leave. The military has been running recruiting programs for years and years and years and very, very successfully. They know a little bit about what it takes to encourage recruiting.

The amendment, itself, does more than just strike out the sports—NASCAR—and all of these issues. It actually cuts \$30 million more than is spent on these issues. I don't know why they won't take that extra \$30 million. Anyway, we should not pass this amendment. It is, like I said, very similar to one that is already in the bill that is subject to a point of order.

I say let the military run the recruiting as they have done successfully for all of these years in order to maintain an all-volunteer force—a powerful message to the young Americans or the older Americans who want to serve. Men and women want to serve their country in the military, and these recruiting programs get their attention and direct them where they need to be

directed. So I think this just isn't a good idea to pass this amendment.

I yield back the balance of my time.

Mr. PENCE. Madam Chair, I rise in opposition to the amendment offered by my colleagues, Rep. MCCOLLUM and Rep. KINGSTON. And let me say that while I wholeheartedly agree to the notion that this body must take the lead in putting our nation back on the path towards fiscal responsibility, the move to prohibit our military services from advancing recruitment and retention goals through various athletic sponsorships is unwise.

At a time when the men and women of our Armed Forces are undertaking operations around the world, we must not move to end the successful platforms used by the Department of Defense to recruit able men and women into their ranks.

Contrary to popular belief, these sponsorships also go far beyond driver appearances, commercials and decals on race cars. In fact, the National Guard's sponsorship of the Panther Racing IndyCar team has not only been successful in raising the Guard's profile and getting it in front of potential recruits, but also technology transfers between these entities will allow for our service members to be better protected when downrange.

J.R. Hildebrand, who drives the National Guard IndyCar, wears ear sensors that measure the G-forces he experiences during a crash on the racetrack. Those sensors, known as an Integrated Blast Effects Sensor System, are now worn by troops in harm's way. The information gathered can be very useful to neurosurgeons who treat soldiers suffering from Traumatic Brain Injury, often the result of roadside bomb attacks.

Understanding the nature and effects of Traumatic Brain Injury advances the ways in which we protect and treat our fighting men and women, and those same sensors worn by J.R. Hildebrand have a direct benefit to our troops in Afghanistan. Furthermore, helmet technologies developed in IndyCar and the National Football League have been adapted for military use. And these represent just a few of the results from the military's sponsorships, or partnerships with professional sports.

As our service members return to civilian life, they are often faced with a continuing unemployment crisis. In partnership with the National Guard, Panther Racing continues to work with the Employer Support of the National Guard (ESGR) program, an agency within the Department of Defense designed to connect citizen soldiers with employers. Panther Racing continues to work with the Chamber of Commerce to support the Hiring our Heroes program. At race events across the country, the National Guard partnership with Panther Racing brings military members and their spouses together with CEO's of local businesses and ultimately helping get our nation's veterans back to work.

Madam Chair, utilizing military partnerships with professional sports can be a vital tool in improving the lives and care of our service men and women. The results of these programs speak for themselves. Amendments similar to the one currently before this body have been rejected by wide margins and I urge my colleagues, on both sides of the aisle, to stand with those who wear the uniform and oppose the Kingston/McCollum amendment.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Georgia (Mr. KINGSTON).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Ms. MCCOLLUM. Madam Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Georgia will be postponed.

Mr. GARAMENDI. I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GARAMENDI. Madam Chair, after more than a decade of war, it is time to accelerate our drawdown of troops in Afghanistan and bring this war to a close.

We've sent our brave servicemen and -women to Afghanistan to eliminate the international terrorists who would do us harm. They have successfully executed this mission with phenomenal dedication and capacity: they have driven al Qaeda from Afghanistan, destroyed their training facilities, killed or captured most of their top leaders. Under President Obama's decisive leadership and thanks to the courage and competency of our special forces, the 9/11 mastermind—Osama bin Laden—has met his just end.

The President has outlined a plan for winding down this war, and I support drawing down our military presence in Afghanistan even more quickly than the President has suggested. We should welcome our troops back as heroes and ensure they receive the support and care that is due when they return.

Our military servicemembers and their families have borne and continue to bear far more than their share of the burden of this war. I am a member of the House Armed Services Committee, and I represent the 10th District of California, which is home to Travis Air Force Base—the largest Air Mobility Command unit in the Air Force. Nearby in Marysville, California, is Beale Air Force Base, which is the leader in intelligence, surveillance, and reconnaissance. Together, 16,000 servicemembers across the active duty National Guard and Reserves, as well as over 75,000 veterans, live in my district and in the surrounding area. These are the people who are disproportionately bearing the cost of this war.

As their Representative, I owe it to them to make sure that we do not ask of them any more than is absolutely necessary in order to ensure America's national security. But the majority here in this House is determined to prevent even a serious debate about ending the war in Afghanistan. They have inserted language into the National Defense Authorization Act that would actually slow down the withdrawal of

U.S. forces and keep nearly 70,000 troops in Afghanistan until at least 2015.

When the ranking member of the House Armed Services Committee tried to offer an amendment to replace this provision, the majority said it was out of order. When a bipartisan group of Members of Congress joined together on an amendment replacing this provision, the majority blocked that amendment. This is the longest war in America's history, claiming thousands of lives and costing hundreds of billions of dollars, and the majority simply doesn't want to talk about it.

We must talk about this war. We must take time to think deeply about the sacrifices of those who are serving and who have served. To date, 1,875 of our military servicemembers have been killed in Afghanistan, leaving thousands more to endure the unimaginable grief of the loss of a loved one. 15,322 of our troops have been wounded seriously, suffering life-altering injuries. Not included in that number are those with psychological wounds—invisible but no less devastating. We have spent a half a trillion taxpayer dollars on the war in Afghanistan, and this legislation would allocate \$88 billion more to be spent in this year alone.

There are some who would continue this war indefinitely. They oppose the fixed timeline for ending combat operations and for bringing our troops home. They oppose any concrete plans for transitioning full responsibility for Afghanistan's security as quickly as possible. Even worse, they would have American troops continuing to fight against a domestic insurgency in Afghanistan, and they think it's America's job to defeat those armed factions that threaten the Karzai Government, which is, perhaps, the most corrupt government in this world. In fact, they have inserted language into this bill that says the U.S. objective in Afghanistan is to defend the Karzai Government against the Taliban. They also have an interest in American troops defeating the Haqqani Network and any other faction that is taking on the Karzai Government, involving us in a multisided civil war.

□ 1640

It was never the American mission in Afghanistan, nor should it be. As President Obama clearly said last week, "Our goal is to destroy Al Qaeda." We began a military operation in Afghanistan with a very clear reason. It's time for us to end this war and bring our troops home.

I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, NAVY

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as author-

ized by law; and not to exceed \$14,804,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Navy, and payments may be made on his certificate of necessity for confidential military purposes, \$41,463,773,000.

Mr. FARR. Madam Chair, I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. FARR. Madam Chair, I want to have a colloquy between myself, the chairman, and the gentleman from Washington on an issue regarding costs associated with the security clearance process.

Mr. DICKS. Will the gentleman yield?

Mr. FARR. I yield to the gentleman from Washington.

Mr. DICKS. I would be happy to discuss the costs of the security clearance process.

Mr. FARR. As the gentleman knows, security clearances are necessary to protect our national security and are required for thousands of jobs. This process is also expensive.

DOD pays billions of dollars to the Office of Personnel Management, OPM, to manage the DOD security clearance program. OPM has made some improvements in their investigation process so the program is no longer on GAO's high-risk list, but the problem remains that OPM relies on manual labor to process DOD security clearances.

The research scientists at Personnel Security Research Center, PERSEREC, under the Office of the Secretary of Defense for Personnel and Readiness, have developed a suite of automated tools. Those tools could save millions of dollars without sacrificing quality if these tools were incorporated into the security reinvestigation process. I greatly appreciate that the chairman and ranking member of the Defense Subcommittee have included report language encouraging DOD to investigate more in automated tools for the security clearance process.

Would my colleagues agree that DOD needs to leverage the resources of PERSEREC to integrate their research, called ACES, into the DOD security reinvestigation process?

Mr. DICKS. Will the gentleman yield?

Mr. FARR. I yield to the gentleman from Washington.

Mr. DICKS. To my good friend from California, I appreciate the attention that you bring to this issue. It seems that this is a commonsense thing that the Department can do to save millions of dollars with no negative impact to the security clearance process. Requiring DOD security reinvestigators to use the Automated Continuing Evaluation System, ACES, tool will preserve national security despite the tight budget constraints that the DOD is facing.

Mr. FARR. Mr. Chairman, I thank the distinguished gentleman for his response.

I had hoped to attach to the bill language directing DOD to conduct a review, but in the interest of the House rules and jurisdictional matters, I chose not to.

Mr. YOUNG of Florida. Will the gentleman from California yield?

Mr. FARR. I yield to the distinguished chairman, the gentleman from Florida.

Mr. YOUNG of Florida. I am aware of the gentleman's deep interest and appreciate his flexibility in finding ways to address this issue. Like my good friend from Washington (Mr. DICKS), I agree that we should work with our good friend, Mr. FARR, to ensure that DOD is leveraging the security clearance research of the PERSEREC to improve the DOD security reinvestigation process.

Mr. FARR. I thank both of you for your friendship, leadership, and cooperation.

I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, MARINE CORPS

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Marine Corps, as authorized by law, \$6,075,667,000.

OPERATION AND MAINTENANCE, AIR FORCE

For expenses, not otherwise provided for, necessary for the operation and maintenance of the Air Force, as authorized by law; and not to exceed \$7,699,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of the Air Force, and payments may be made on his certificate of necessity for confidential military purposes, \$35,408,795,000.

AMENDMENT OFFERED BY MR. GALLEGLY

Mr. GALLEGLY. Madam Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 8, line 24, after the dollar amount, insert "(reduced by \$24,000,000)".

Page 13, line 9, after the dollar amount, insert "(increased by \$8,000,000)".

Page 27, line 7, after the dollar amount, insert "(increased by \$16,000,000)".

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. GALLEGLY. Madam Chairwoman, my amendment will provide funding to the Air National Guard so it can obtain much-needed firefighting equipment so they can more effectively combat the devastating wildfires that destroy millions of acres of land and homes every year in the western United States.

The likelihood of calling upon MAFFS-equipped Air National Guard and Air Force Reserve C-130s has increased significantly. MAFFS are modular air firefighting systems that drop retardant to create firebreaks.

In 2003, the U.S. Forest Service had 44 fixed-wing aerial firefighting aircraft. By 2004, the number had dwindled to 19. And as of June 3 of this year, that number stands at only eight. An additional aircraft, on interim contract with the Forest Service, and air tankers borrowed from Canada and Alaska are being utilized to try to fill the shortfall.

While the Forest Service firefighting fleet has gotten significantly smaller, the number of wildfires have been increasing. In fact, in 2011, 74,000 fires burned 8.7 million acres. The most recent 10-year average indicates that the fires burned an average of 7.4 million acres a year.

As the fleet diminishes, stress on remaining aircraft increases. Further, the distance between fires and available aircraft have been increasing. The result is more fires burning out of control. Additionally, an increase of flight time and cycles contributes to an earlier demise of the remaining aircraft.

Only eight C-130s equipped with MAFFS units are equipped to supplement the Forest Service fleet. Even when all eight are called upon, the number of heavy air tanker aircraft is less than half that existed in 2003. We clearly need more aircraft, and the Forest Service is not likely to produce aircraft capable of meeting the need for the next 2 or 3 years, or probably longer.

My amendment will provide an interim solution to this problem by providing \$8 million to the Air National Guard so they can make two existing Guard wings capable of operating and flying two legacy MAFFS, one unit each. That will give us four additional tanker aircraft to fight wildfires that have been ravaging the western United States.

My amendment will also appropriate \$16 million for the Air Force to procure two new aerial dispersal units for use by the Air National Guard. Activating the legacy MAFFS units will help get more planes fighting fires this next year while these new aerial dispersal units are being produced and hopefully available for use within 2 years.

Our Nation desperately needs our aircraft to fight wildfires, and the Air Guard is ready to go to work. The U.S. needs more aircraft available to fight the wildfires that have ravaged Colorado, New Mexico, Arizona, Nevada, and Utah this season alone. I urge the support of my colleagues.

With that, Madam Chairwoman, I yield back the balance of my time.

Mr. DICKS. Madam Chair, I rise in support of the gentleman's amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. This amendment seeks to add more funding to purchase equipment vital to the disaster mission of the Air National Guard.

Recently, forest fires have been devastating Colorado, and the Air National Guard has been fighting alongside the Forest Service. The Modular Airborne Fire Fighting System, or MAFFS, provides emergency capability to supplement existing commercial tanker support on wildland fires. This system aids the Forest Service. When all other air tankers are activated but further assistance is needed, the Forest Service can request help from the Air Force's MAFFS unit, who can be ready in a few hours notice with this modular system.

When the Air National Guard adds the Modular Airborne Fire Fighting System to their C-130 aircraft, they are adding another capability to their aircraft. Creating a dual-mission aircraft without major modifications to an existing piece of equipment is efficient and cost effective.

Quite frankly, we need to get new C-130Js for the Guard. I hope that we can do that. That's been a problem we've had with OMB over the scoring on this, whether you can lease them or buy them. This is an interim step, which is a good one, and I think we should accept the gentleman's amendment.

With that, I yield back the balance of my time.

□ 1650

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. GALLEGLY).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, DEFENSE-WIDE (INCLUDING TRANSFER OF FUNDS)

For expenses, not otherwise provided for, necessary for the operation and maintenance of activities and agencies of the Department of Defense (other than the military departments), as authorized by law, \$31,780,813,000: *Provided*, That not more than \$30,000,000 may be used for the Combatant Commander Initiative Fund authorized under section 166a of title 10, United States Code: *Provided further*, That not to exceed \$36,000,000 can be used for emergencies and extraordinary expenses, to be expended on the approval or authority of the Secretary of Defense, and payments may be made on his certificate of necessity for confidential military purposes: *Provided further*, That of the funds provided under this heading, not less than \$35,897,000 shall be made available for the Procurement Technical Assistance Cooperative Agreement Program, of which not less than \$3,600,000 shall be available for centers defined in 10 U.S.C. 2411(1)(D): *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used to plan or implement the consolidation of a budget or appropriations liaison office of the Office of the Secretary of Defense, the office of the Secretary of a military department, or the service headquarters of one of the Armed Forces into a legislative affairs or legislative liaison office: *Provided further*, That \$8,563,000, to remain available until expended, is available only for expenses relating to certain classified activities, and may

be transferred as necessary by the Secretary of Defense to operation and maintenance appropriations or research, development, test and evaluation appropriations, to be merged with and to be available for the same time period as the appropriations to which transferred: *Provided further*, That any ceiling on the investment item unit cost of items that may be purchased with operation and maintenance funds shall not apply to the funds described in the preceding proviso: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

AMENDMENT NO. 8 OFFERED BY MR.
BLUMENAUER

Mr. BLUMENAUER. Madam Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, line 6, after the dollar amount, insert “(reduced by \$88,952,000)”.

Page 16, line 24, after the dollar amount, insert “(increased by \$88,952,000)”.

The Acting CHAIR. The gentleman from Oregon is recognized for 5 minutes.

Mr. BLUMENAUER. Madam Chair, we take great pride in the American military, trained fighting force. We work hard to make sure they are properly equipped, but decades of military training has left dangerous explosives and harmful chemicals on millions of acres of United States land.

This contaminated real estate now serves as housing, schools, parks and playgrounds in every congressional district in the country. In fact, you may have read in the morning paper down at what is called The Yards near Nationals stadium, the development that is being done there, they discovered a thousand-pound bomb less than 1 kilometer from where we're debating today.

To help the Department of Defense become a better partner for our communities and our constituents, I strongly urge that my colleagues support an amendment that would preserve the Department of Defense efforts to employ skilled labor and high-tech companies to clean up these dangerous liabilities and create economic development opportunities on these dangerous properties.

Congress established the Defense Environmental Restoration Program—Formerly Used Defense Site Program, DERP-FUDS, in 1986 to remove hazardous material from former Department of Defense properties and allow for safe reuse. Over two decades later, 2,600 properties nationwide require cleanup at an estimated cost of over \$18 billion; and I will tell you, my colleagues, after having worked in this area for over a dozen years, that probably understates it.

The current funding for the program is less than \$300 million, one-half of 1 percent of base defense spending. At this rate, the Department estimates, at

this low-ball figure of \$18 billion, we will not finish cleaning up the sites we know about for the next 250 years. My amendment would simply restore funding to the current level to ensure that we continue work removing these dangerous burdens from our communities within our lifetime, to say nothing of our great, great grandchildren's.

At a time when total military spending amounts to more in 1 day than what we spend in an entire year, I strongly urge my colleagues to reprioritize our investments. These sites are decades—in some cases they are hundreds of years old.

Now, the Defense Department has an obligation to clean up after itself, and they have made great progress. They have made critical technological breakthroughs in removing unexploded ordnance, making it less expensive, and some of the investments that we have made have actually saved lives overseas, because the same technology that will help us figure out whether it's a hubcap or a 105 millimeter shell can make a difference in IEDs overseas in Afghanistan or Iran.

I strongly urge my colleagues to support this amendment. It has operational impacts today for our military. It has economic development impact, which will help us return millions of acres to productive use; and it's the right thing to do.

I don't want a situation where we shortchange what the Department of Defense does. Remember, in prior debates—Mr. DICKS, Mr. YOUNG may remember—I brought to the floor Larry the Lizard coloring books that we were distributing to school children to warn them of the hazards because we hadn't invested enough to clean up, or the children that were killed in a former defense operation in San Diego because they found a bomb when they were playing.

I strongly urge that you approve this amendment and simply return the funding to the level that we have today. It will make a difference for the military now and for generations to come.

I appreciate your consideration and yield back the balance of my time.

Mr. YOUNG of Florida. Madam Chair, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. I am not opposed to the gentleman's amendment, what he wants to do. But a lot of these sites, there is no disposition. We don't know what's going to happen to them.

Will they stay as owned by the Federal Government, will they go to communities? We don't know the answer to that. We don't know the disposition. But they do need cleaning up, and there is no doubt about that.

Here's my problem with this amendment. He takes the funds from the defense-wide readiness fund, the oper-

ations and maintenance fund, which provides for our readiness, which provides for training. It provides for our Special Forces; it provides for the support, safety and quality-of-life programs for our troops and their families, including programs to assist spouses of servicemembers with employment and job training, which is a key initiative of the First Lady.

As much as I agree that this needs to be done, we do not want to take it out of the defense operations and maintenance, which is our defense-wide operations and maintenance funding.

I oppose the amendment. While I would like to help him in some other way to accomplish this, not from this fund that is so important. Readiness is readiness; and our troops have to be trained, they have to be equipped, they have to be ready, and I oppose the amendment.

Mr. BLUMENAUER. Will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. BLUMENAUER. I appreciate your understanding of the importance and your concern about prioritization. If we don't prolong it in debate and recorded vote and all of this sort of thing, would it be possible to work with you and the ranking member as we move forward to see if there is an opportunity for us to plus-up this fund a little further in other areas?

Mr. YOUNG of Florida. I thank the gentleman for the question, and I say absolutely yes. I would very much like to do this, because I believe we need to do what it is you want to do.

But I just can't support taking it from an account that provides for readiness of our troops.

Mr. DICKS. Will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. DICKS. I would also support the gentleman in efforts to find another less objectionable source for the funding.

Mr. YOUNG of Florida. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Oregon (Mr. BLUMENAUER).

The amendment was rejected.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 6, after the dollar amount, insert “(reduced by \$10,000,000)”.

Page 35, line 15, after the dollar amount, insert “(increased by \$10,000,000)”.

Page 35, line 23, after the dollar amount, insert “(increased by \$10,000,000)”.

The Acting CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. KUCINICH. Madam Chair, today I, along with my colleague BOB FILNER,

am offering an amendment to restore an overall loss of \$10 million in research funding dedicated to finding a cure for gulf war illness, an illness that directly affects over one-fourth of veterans from the first gulf war.

This amendment has the support of the Veterans of Foreign Wars. It has the support of the Vietnam Veterans of America, and the support of the National Vietnam and Gulf War Veterans Coalition.

□ 1700

According to the Congressional Budget Office, it will reduce total outlays by \$7 million.

Veterans of the first Gulf War suffer from persistent symptoms, including chronic headache, widespread pain, cognitive difficulties, debilitating fatigue, gastrointestinal problems, respiratory symptoms, and other abnormalities that are not explained by traditional medicines or psychiatric diagnosis. Research shows that as these brave veterans age, they're at double the risk for ALS, or Lou Gehrig's disease, as their non-deployed peers. There may also be connections to multiple sclerosis and Parkinson's disease. Sadly, there are no known treatments for the lifelong pain these veterans endure.

Gulf War Illness research was slated to receive a total of \$25 million in fiscal year '12: \$15 million at the VA and \$10 million at the DOD's Gulf War Illness Research Program. We've learned that the VA cut \$10 million from its FY '13 program, which more or less supports allegations that VA officials, whose views on Gulf War illness have been discredited by the Institute of Medicine and the scientific community, are obstructing the research. The veterans of the first Gulf War who remain without a cure should not have to pay the price for this controversy. That's why this amendment would restore \$10 million into a research program that has proven itself: The Defense Department's Gulf War Illness Research Program.

Last year, researchers funded by this program completed the first successful pilot study of a medication to treat one of the major symptoms of Gulf War Illness. The critical increase in funding from this amendment was built on progress that's already been made, including a followup clinical trial, as well as other promising studies which have been waiting for funding. The offset for this amendment comes from the \$32 billion Operations and Maintenance Defense-Wide Account in title II.

Congress has a responsibility to ensure that these Gulf War veterans who put it all on the line and who are paying with a lifetime of pain and a potentially shortened life—it's our responsibility to make sure they're not left behind. I urge my colleagues to support this amendment to fully fund research into Gulf War Veterans Illness.

I yield back the balance of my time. Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIR (Mr. BASS of New Hampshire). The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. I'm happy that I'm finally given an opportunity to be supportive of an amendment offered by my friend, Mr. KUCINICH, because so often I have to oppose his amendments.

This bill already includes \$10 million for the program. He's concerned that the Veterans Affairs and Military Construction Subcommittee did not include an additional \$5 million. And I understand that. And that's okay. But medical research on Gulf War Illness, or whatever it is, is important. What we learned from this program could help us in other programs on diseases coming from Iraq and Afghanistan. We're seeing, if you get a chance to visit at Walter Reed Bethesda Hospital, some very strange bacteria and viruses and mold and funguses that are coming from places that we never expected to see. But we're seeing them now.

So this research program could help another research program to deal with these deadly diseases that are affecting our troops in large numbers. And so while we've already done \$10 million in this bill, I'm going to agree with Mr. KUCINICH and agree to his amendment to add the additional money.

Mr. DICKS. Will the chairman yield?

Mr. YOUNG of Florida. I will yield to the gentleman.

Mr. DICKS. I agree with the chairman. This Gulf War Illness has been something that bothered me a great deal. This was a very difficult diagnosis, what was causing this. But I think an additional investment here is worthy, and I think we should accept the amendment. I'm glad the chairman accepts it.

Mr. YOUNG of Florida. I thank the gentleman for those comments, and I thank Mr. KUCINICH for offering the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Ohio (Mr. KUCINICH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KUCINICH

Mr. KUCINICH. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 6, after the dollar amount, insert "(reduced by \$7,800,000)".

Page 35, line 15, after the dollar amount, insert "(increased by \$6,000,000)".

Page 35, line 16, after the dollar amount, insert "(increased by \$6,000,000)".

The CHAIR. The gentleman from Ohio is recognized for 5 minutes.

Mr. KUCINICH. I want to thank the chairman. I also want to let the chairman of the full committee and the

ranking member know that I appreciate their support for the Gulf War veterans in the previous amendment. I also submit that this particular amendment addresses another area that is receiving attention in the media but needs some money behind it to make sure that it receives attention from the Department.

This amendment to the Defense appropriations bill will increase funding for suicide prevention among our soldiers by \$6 million. Now I happen to know there are members on this committee who are very concerned about the increased level of suicide among those who serve. And it's a bipartisan concern. We know the heartbreak that's out there when someone who serves this country finds that the conditions that they're in either during service or just afterwards are so horrendous that they take their own life.

Far too many troops coming home from war have sustained numerous mental insults, including post-traumatic stress order and traumatic brain injury. The mental anguish for them is so unbearable that they're stripped of hope and they just feel that they have to take their own lives. And sometimes they take not only their lives but the lives of loved ones as well.

There was a New York Times article in June of 2012, which said:

The suicide rate among the Nation's active duty military personnel has spiked this year, eclipsing the number of troops dying in battle and on pace to set a record annual high since the start of the wars in Iraq and Afghanistan more than a decade ago.

There's almost one troop suicide per day. Women face additional difficulties and have a higher rate of attempted suicide. Being a victim of sexual assault, for example, is a known risk factor for suicide. The disincentives to simply reporting such an assault are many and strong, which means getting help is even harder.

The epidemic of veteran or active duty military suicides is not only a reason to increase funding for prevention of suicides, it's a reason to end the wars. It's one of the hundreds of reasons that are independently sufficient to end the wars. But until we end these wars, the very least we can do is to summon a good faith effort to do everything we can to prevent soldier suicides.

The amendment's offsets come from the Pentagon Channel.

Mr. DICKS. Will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman.

Mr. DICKS. With all due respect, we have accepted the gentleman's previous amendment. On this one we have already added \$20 million to the budget for this purpose, and we will, if necessary, go higher in conference because of the gentleman's concern, the chairman's concern, and my concern. But to

totally eliminate funding for the Pentagon Channel, I think, is a mistake. There's very valuable information that is received by the military, by the Congress, by everybody who watches this thing.

It's the source of the amendment. So I would ask the gentleman if he would withdraw the amendment and then work with us and we will do the best we can to get to a higher level in conference.

Mr. KUCINICH. The short answer is yes.

Mr. DICKS. This has become the issue of this war, when more people are dying of suicide than are in combat. We don't want to lose any lives. It means that there is a serious problem. And we want to work with you to address that.

Mr. KUCINICH. Can I ask the chairman of the full committee if he would enter into a colloquy for this?

First of all, I want to acknowledge my friend from Washington for his commitment. This isn't the first time you and I have talked about this long commitment to address this suicide prevention.

I would ask the chairman of the full committee, would you be willing to support such an endeavor to plus-up the funds for suicide prevention in the conference?

□ 1710

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. KUCINICH. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. This issue is extremely important to all of us. At every one—well, almost every one—of our hearings, we insisted on getting good answers from the military as to what they could do, what would they do, what did they plan to do to prevent the suicides. We have supported so many programs and added the additional money that Mr. DICKS has talked about.

The Acting CHAIR. The time of the gentleman from Ohio has expired.

Mr. DICKS. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I yield to the chairman.

Mr. YOUNG of Florida. We have also funded money for the Yellow Ribbon Foundation, which is actually to help servicemen and -women return to society to avoid their desire to commit suicide.

Just putting money here is not going to solve the problem. It's going to take a lot of work on the part the military, on the part of the social workers who deal with these soldiers, sailors, airmen, and marines coming out of the services. Just money is not going to solve this problem. It is a bigger issue than money. But we have provided a lot of money, and we continue to keep

pressure on the military organizations to do everything they can.

Mr. DICKS. Reclaiming my time just for the moment, the point is we have also added money for traumatic brain injury, for posttraumatic stress disorder. Our subcommittee has been at the forefront of providing additional resources beyond the administration's request for a number of years, since this has become a major issue. But I would just ask the gentleman to try to work with us on this one because of the source issue, and we'll work together and do the best we can.

Mr. KUCINICH. Will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Ohio.

Mr. KUCINICH. I have confidence in the good faith of the chairman and the ranking member. I know that you're both concerned about this, you've said so now, but I also know that you've demonstrated this at other times. So what I would ask is that we could work together to look at the amount that is in there programatically right now, find a way to plus it up so that we can make sure that the people on Active Duty and those that just left Active Duty know about programs, have access to programs, and have access to the kind of treatment that would be necessary to cut down the number of suicides.

In view of this colloquy, I will withdraw the amendment. Again, I thank both gentlemen.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

AMENDMENT OFFERED BY MR. HANNA

Mr. HANNA. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 6, after the dollar amount, insert "(reduced by \$30,000,000)".

Page 32, line 6, after the dollar amount, insert "(increased by \$30,000,000)".

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes in support of his amendment.

Mr. HANNA. Mr. Chair, I would first like to thank the chairman and the ranking member for their good work on this bill. I'm inclined to support the underlying bill but believe it can be, and should be, strengthened through this amendment.

The Department of Defense faces more than 10 million cyberattacks every day. The damage and frequency of these attacks have been rapidly increasing over recent years. Attacks against our networks cost our businesses more than \$1 trillion per year in lost intellectual property and other damages, resulting in theft of innovation and real damage to our economy and American jobs.

For example, a cyberattack in March of 2011 against the military contractor

resulted in the loss of 24,000 Department of Defense files. Secretary of Defense Leon Panetta has stated that 60,000 new software programs are identified every day which threaten our security, our economy, our citizens, and our military.

High-tech threats require high-tech defenses to combat the attacks that face our armed services on the front lines and our businesses here at home. Proper funding for our cybersecurity defenses and advanced research projects is critical to our national security in today's high-threat environment.

The Air Force has always taken the lead in cyberspace defenses, yet over \$1 billion is proposed to be cut from their research, development, test and evaluation programs under this bill. These cuts are not justified based on the frequency and magnitude of the threats.

These cuts would further expose our networks and adversely affect our service departments and agencies such as Strategic Command, the Defense Intelligence Agency, and the National Security Agency.

Secretary Panetta has stated:

The next Pearl Harbor we confront could very well be a cyberattack that cripples our systems.

We simply need to protect our networks by providing the funding levels necessary to do just that.

My amendment would restore \$30 million to the Air Force's Research, Development, Test and Evaluation programs and reduce Operations and Maintenance by the same amount to support research and development of cyberdefense, advanced communication and information technology programs.

Recognizing the need for fiscal restraint, if adopted, my amendment would still fund the Research, Development, Test and Evaluation account by \$1.6 billion, or 6 percent, below this year's level; and overall, Operations and Maintenance would still receive \$12.1 billion above the enacted levels.

Now is simply not the time to cut back on high-tech research and development without justification. I urge my colleagues to support this amendment to restore funding for these programs which are vital to our 21st century defenses.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. I reluctantly have to oppose this amendment for much of the same arguments I used earlier by taking the money out of O&M defense-wide accounts, which is where we provide for our readiness. And we just cannot continue to take money out of this fund and use it as a slush fund. Readiness, we have got to maintain. We can't take a chance on not being ready in the event a situation develops.

Now, on the issue of cyber, there's no doubt that this is a growing threat. It's even a larger threat than most people realize today. And members of this committee understand that threat because we have spent a lot of time dealing with cyber. But there are other places in this bill where the gentleman could offer his amendment that would, I think, apply better.

If we're dealing with a nonmilitary cyber program, it should be done through the Homeland Security bill, and they do have money in that bill. If it has to do with the FBI's law enforcement work on cyber, it should be in the Commerce-State-Justice bill where there is money there for that.

I'm afraid this gets a little close to being an earmark that is not an earmark. For example, there are those in the media suggesting that Members are increasing program amounts just so that that program would favor something in their own district. This gets very close because of a particular laboratory in Mr. HANNA's district. I'm not opposed to his supporting his laboratory, but I think it does get to the point that maybe this is a program increase that could be directed to a specific district or a specific project.

We've already funded a lot in cyber, and we will continue to fund cyber. Every year it grows, we grow with it. But we can't do this at the expense of our defense-wide Operation and Maintenance accounts that provide for our readiness.

□ 1720

I'm not going to produce a bill or support a bill that cuts into the readiness of our Nation, the ability to defend our Nation. We're not going to do it. The cyber accounts have their own place in the legislation, and they are being taken care of properly.

So I'm opposed to this amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. HANNA).

The amendment was rejected.

AMENDMENT NO. 6 OFFERED BY MR. LANGEVIN

Mr. LANGEVIN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 9, line 6, after the dollar amount, insert "(reduced by \$15,000,000)".

Page 35, line 15, after the dollar amount, insert "(increased by \$15,000,000)".

Page 35, line 23, after the dollar amount, insert "(increased by \$15,000,000)".

The Acting CHAIR. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. LANGEVIN. Mr. Chairman, my amendment proposes to add \$15 million to the RDT&E in the Defense Health Program for the purpose of augmenting

the Spinal Cord Injury Research Program within the Congressionally Directed Medical Research Program.

Spinal cord injuries are a serious combat-related condition affecting many of our servicemen and -women. In response, Congress established the Spinal Cord Injury Research Program in 2009 to support research into regenerating and repairing damaged spinal cords and improving rehabilitative therapies.

More than 30 years ago, when I was first injured with a spinal cord injury, I was told that I'd never walk again and that you just can't repair the spinal cord. Well, now, some 30 years later, we know that that is not accurate. In fact, it is no longer a question of if we can repair spinal cords, but when. This offers great hope to our men and women in uniform who have been the victims of a spinal cord injury in combat. In fact, recent research promises to make the repair of spinal cord injuries a reachable goal in the very near future.

In one study released earlier this year, in fact, rats with severe spinal injuries were able, following a groundbreaking new treatment, to walk, run, and even climb stairs. Scientists in charge of the trial said a similar approach could be used on human patients with spinal injuries, with a clinical trial possible within 1 or 2 years.

This and other research provides real hope to our military servicemembers and veterans who have suffered severe nervous system damage while defending our freedom, as well as the 1.275 million Americans estimated to be paralyzed as a result of a spinal cord injury. But without sufficient funding, these therapies will not be able to undergo further development or clinical trials.

The research is real and shows incredible promise. There is a genuine and exciting possibility that we can soon repair these debilitating injuries that affect so many. I believe that we must make sure that momentum is not lost and that the benefit of decades of research into spinal cord injuries is realized.

With that, Mr. Chairman, I just want to thank my good friends, Chairman YOUNG and Ranking Member DICKS, and the committee staff for working very closely with me on crafting this amendment.

I yield back the balance of my time.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, I rise in strong support of this amendment. I commend my friend from Rhode Island for his efforts in this regard, and I just hope that this research will be successful. I know with his leadership, it will be.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. The gentleman, the sponsor of the amendment, has discussed this with us at length for quite some time. This is an immediate problem and a growing problem and one that we have to face up to.

We do not oppose this amendment. We agree with the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. LANGEVIN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SESSIONS

Mr. SESSIONS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 6, after the dollar amount, insert "(reduced by \$10,000,000)".

Page 35, line 15, after the dollar amount, insert "(increased by \$10,000,000)".

Page 35, line 23, after the dollar amount, insert "(increased by \$10,000,000)".

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. SESSIONS. Mr. Chairman, first, I'd like to recognize both of the gentlemen that are here on behalf of the committee today, the gentleman, Mr. DICKS, and the gentleman, Mr. YOUNG, for their outstanding service not only to our country, but to this Congress, on behalf of making sure that we have freedom and that the men and women who protect this country are properly taken care of. I express my gratitude to both of them.

Also, I want to thank HAL ROGERS, and certainly the gentleman from New Jersey who is sitting in for the committee today. I want to thank him also.

Mr. Chairman, today, I stand up in support of the dedication and hard work this Congress has done for work on something on known as TBI, traumatic brain injury, and posttraumatic stress disorder, PTSD. This Congress, as you may know, Mr. Chairman, has continued increasing funding for TBI and PTSD overall, and by this bill by \$125 million.

On May 18, 2012, during the National Defense Authorization Act debate, the House unanimously adopted my amendment to create a pilot program administered by the Department of Defense that would strengthen treatment for our troops coming home with TBI and PTSD. Today, Congress has the opportunity to appropriate funds for this program.

My amendment, offered with my dear friend from California, the gentleman, MIKE THOMPSON, specifically moves \$10 million from more than \$31 billion in the Operation and Maintenance Defense-Wide budget to increase the Defense Health Program by \$10 million.

This money will directly assist these soldiers who have TBI-related injuries by allowing them to be reimbursed for attending private sector facilities that perform cutting-edge treatments.

One in four recent combat veterans treated by the Veterans Health Administration from 2004 to 2009 had a diagnosis of PTSD, and about 7 percent have been diagnosed with TBI. According to the U.S. Army, the number of soldiers leaving Active Duty service has increased by 64 percent from 2005 to 2009 due to brain health, whether it was TBI, PTSD, or a mental illness. These soldiers leave at a rapid rate.

A 2009 RAND study estimates that costs related to depression, PTSD, and TBI in our soldiers ranges from \$4 billion to \$6.2 billion over a 2-year period of time.

Today, health care providers all over the country are working to provide treatment to brain injury patients with new and innovative treatments, with remarkable results. One such treatment utilizes hyperbaric oxygen to reduce or eliminate chronic symptoms of TBI, such as headaches, memory loss, and mood swings.

While the Department of Defense has made many, many strides in research under the direction of Colonel Scott Miller, many innovative treatments, unfortunately, are not available within the military facilities. So, this amendment that I offer today would allow these men and women who seek treatment to be able to do so at our leading-edge facilities that are private around the United States of America. My amendment will provide for treatment and recovery that is desperately needed.

I urge my amendment to be approved, and I yield back the balance of my time.

Mr. THOMPSON of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of California. Mr. Chairman, I'd like to thank the chair and the ranking member for the good work they're doing on this bill.

I rise in strong support of this amendment.

The Department of Defense estimates that more than 230,000 servicemembers have sustained a traumatic brain injury between 2000 and 2011. During that time, as the gentleman from Texas, my good friend, Mr. SESSIONS, pointed out, Congress has dedicated an unprecedented level of funding for TBI treatment and research, which has allowed DOD to make great strides in identifying and treating brain injuries. But despite the increased funding, servicemembers and veterans suffering from posttraumatic stress and TBI are still limited as to where and when they can be treated. Sometimes the very best treatment for their injuries can be

found outside of the traditional DOD/VA networks. There are some outstanding programs providing first-class, effective treatment to our returning soldiers, yet those programs are not eligible for payment.

□ 1730

I had a chance to visit one of these facilities, the Pathway Home program, run out of the California Veterans Home. It's just an outstanding program providing great service to some very deserving heroes, and they should be reimbursed.

Our troops and veterans have earned—they've earned the very best treatment and care that we can provide. But sometimes, as I said, the best treatments aren't available at military and veteran medical facilities.

The Sessions-Thompson amendment will make sure that our heroes who return from combat with TBI or PTS have access to the highest quality care our Nation has to offer. We have a responsibility to help those who have sacrificed so much in defense of our great Nation.

I urge my colleagues to support this amendment.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, we're pleased to accept the gentlemen from Texas and California's amendment. We know what happens to those who suffer from traumatic brain injury and post-traumatic stress syndrome.

Mr. DICKS. Will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the ranking member.

Mr. DICKS. I just want to concur. I think this is a deserving amendment. We cannot do enough on these issues because this is going to have a lifetime effect on these people; and the more we do, as they come home, and even before they go to find out who is susceptible, this is critically important and will save us a lot of money.

We will accept the amendment on our side.

Mr. FRELINGHUYSEN. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The amendment was agreed to.

Mr. ANDREWS. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. ANDREWS. Mr. Chairman, I rise to engage the ranking member of the Defense Subcommittee for the purpose of a colloquy.

Mr. Ranking Member, I recently wrote a letter to the Secretary of De-

fense to ask for his assistance in documenting the annual cost to the military of treating servicemembers and veterans who are living with hydrocephalus.

Hydrocephalus is a medical condition characterized by the abnormal accumulation of fluid within the brain. Experts suspect that two-thirds of the 41,000 servicemembers diagnosed with moderate to severe traumatic brain injuries over the past decade also suffer from hydrocephalus.

The primary treatment for hydrocephalus, a shunt implanted in the brain, was developed decades ago and has the highest failure rate of any implanted medical device. Veterans living with this condition will face a lifetime of medical uncertainties and incur costly brain surgeries, unless a better treatment is found.

Would the ranking member, the gentleman, be willing to work with us to help gain a better understanding of the incidence and cost of hydrocephalus among our injured servicemembers and veterans so we can focus the appropriate amount of DOD research dollars on finding a better treatment?

I yield to the ranking member.

Mr. DICKS. The committee recognizes the serious trouble of traumatic brain injury, as you just noted, and related conditions; and I'm happy to work with the gentleman from New Jersey to improve understanding of this important issue as we confer with the other body and work with our majority Members here who are deeply concerned, as we are, about this amendment.

Mr. ANDREWS. I yield back the balance of my time.

AMENDMENT OFFERED BY MR. WALZ OF MINNESOTA

Mr. WALZ of Minnesota. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 6, after the dollar amount insert the following: "(reduced by \$5,000,000)".

Page 35, line 15, after the dollar amount insert the following: "(increased by \$5,000,000)".

Page 35, line 23, after the dollar amount insert the following: "(increased by \$5,000,000)".

Mr. WALZ of Minnesota (during the reading). Mr. Chairman, I ask to dispense with the reading of the amendment.

The Acting CHAIR. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. WALZ of Minnesota. I would like to thank the chairman and the ranking member for the great work they're doing on this. I'd also like to thank them for their commitment, not just to the defense of this Nation, but to the care of those warriors who so dearly pay for that defense.

What this amendment does is it increases the appropriation in the Sensory Injury Defense Research programmatic request from \$5 million to \$10 million for core vision and eye research. This important research will be paid for by redirecting funds from Operations and Management Budget.

You've heard it on the last several speakers talking about traumatic brain injury, the issues that come from that. One of the core indicators and one of the first indicators of traumatic brain injury or mild traumatic brain injury is eye injury.

The brave warriors that sustain these, whether they're puncture injuries or whether they're from concussive blast injuries, start to manifest themselves in loss of vision and eye injuries. Of all of the TBIs that happen in the war zone, 70 percent suffer some type of vision loss. The research to deal with this has long-term benefits.

It is, as I said, one of the first indicators of brain injury. We could start to get early treatment on that, and all the research seems to show that cognitive ability is affected positively the sooner we get on top of that.

There is \$600 million and I know tough decisions are made in this bill towards research and battlefield injuries; 15 percent of all those injuries are eye injuries. The \$10 million number that we're requesting gives us basic adequate numbers, a floor number, if you will, to start getting that research done.

So I am very appreciative of the tough decisions that get made in this. I would encourage my colleagues to support this amendment to beef up the eye injury research, and I would argue it's morally the right thing to do. We've been trying to work on this with a combination of VA and DOD to get that going.

I yield back the remainder of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. We're pleased to accept the gentleman from Minnesota's amendment, and we salute him for his advocacy.

I could tell you from a personal visit from a soldier who lost his sight, Tim Fallon from Long Valley, New Jersey, who came into my office to advocate, that these are dollars well spent. We need to spend more on these types of investments because too many soldiers are coming home with, I think, things that could be potentially benefited from this type of investment in terms of having the potential.

Mr. DICKS. Will the gentleman yield?

Mr. FRELINGHUYSEN. I am happy to yield to the gentleman.

Mr. DICKS. I concur with the chairman and want to say to the gentleman

from Minnesota, we appreciate his service to the country. You know a lot more about this than some of us who were not in the service, and we appreciate your leadership on this issue.

Mr. FRELINGHUYSEN. I yield back the balance of the time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Minnesota (Mr. WALZ).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HIGGINS

Mr. HIGGINS. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 6, after the dollar amount insert the following: "(reduced by \$10,000,000)".

Page 32, line 18, after the dollar amount insert the following: "(increased by \$10,000,000)".

The Acting CHAIR. The gentleman from New York is recognized for 5 minutes.

Mr. HIGGINS. Mr. Chairman, the Department of Defense oversees important research into the varied threats that face our Nation. This research is essential to safeguarding our communities and empowering research institutions and universities to come up with the creative solutions to detect, confront, and neutralize weapons of mass destruction.

My amendment is very straightforward. It would increase funding by \$10 million for the defense-wide research, development, test and evaluation account. It is offset by reducing funding for the operation and maintenance defense-wide account.

The intent of this amendment is to support the ongoing work that is being performed through basic research programs at the Defense Threat Reduction Agency, which is the Department of Defense's official Combat Support Agency for countering weapons of mass destruction.

The grants provided by this funding support 160 research projects across the Nation. Twenty-one universities participate in competitive research projects that help to define, detect, and mitigate the proliferation and use of weapons of mass destruction. This important work is providing us with a better understanding of the threats we face and creating new innovative solutions to the security risks posed by a chemical, biological, or nuclear attack on the United States homeland.

I ask my colleagues to support this amendment and the important life-saving research being performed at important institutions across the country.

I yield back the balance of my time.

□ 1740

Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I strongly object to the arbitrary reductions to the Operations and Maintenance, Defense-Wide appropriations account.

The Operations and Maintenance appropriations account funding, as Mr. YOUNG stated a few minutes ago, is critical to the readiness, safety, and quality of life for our brave men and women who volunteer to serve each and every day. Cutting this account would hurt our readiness, and that is something we cannot do at this point in time.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New York (Mr. HIGGINS).

The amendment was rejected.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, ARMY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Army Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$3,199,423,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Navy Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$1,256,347,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Marine Corps Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$277,377,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For expenses, not otherwise provided for, necessary for the operation and maintenance, including training, organization, and administration, of the Air Force Reserve; repair of facilities and equipment; hire of passenger motor vehicles; travel and transportation; care of the dead; recruiting; procurement of services, supplies, and equipment; and communications, \$3,362,041,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For expenses of training, organizing, and administering the Army National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; hire of passenger motor vehicles; personnel services in the National Guard Bureau; travel expenses (other than mileage), as authorized by law for Army personnel on active duty, for Army National Guard division, regimental, and

battalion commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau; supplying and equipping the Army National Guard as authorized by law; and expenses of repair, modification, maintenance, and issue of supplies and equipment (including aircraft), \$7,187,731,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For expenses of training, organizing, and administering the Air National Guard, including medical and hospital treatment and related expenses in non-Federal hospitals; maintenance, operation, and repairs to structures and facilities; transportation of things, hire of passenger motor vehicles; supplying and equipping the Air National Guard, as authorized by law; expenses for repair, modification, maintenance, and issue of supplies and equipment, including those furnished from stocks under the control of agencies of the Department of Defense; travel expenses (other than mileage) on the same basis as authorized by law for Air National Guard personnel on active Federal duty, for Air National Guard commanders while inspecting units in compliance with National Guard Bureau regulations when specifically authorized by the Chief, National Guard Bureau, \$6,608,826,000.

UNITED STATES COURT OF APPEALS FOR THE ARMED FORCES

For salaries and expenses necessary for the United States Court of Appeals for the Armed Forces, \$13,516,000, of which not to exceed \$5,000 may be used for official representation purposes.

ENVIRONMENTAL RESTORATION, ARMY
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$335,921,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Army, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, NAVY
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Navy, \$310,594,000, to remain available until transferred: *Provided*, That the Secretary of the Navy shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Navy, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Navy, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That

upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, AIR FORCE
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Air Force, \$529,263,000, to remain available until transferred: *Provided*, That the Secretary of the Air Force shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of the Air Force, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Air Force, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, DEFENSE-WIDE
(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense, \$11,133,000, to remain available until transferred: *Provided*, That the Secretary of Defense shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris of the Department of Defense, or for similar purposes, transfer the funds made available by this appropriation to other appropriations made available to the Department of Defense, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

ENVIRONMENTAL RESTORATION, FORMERLY USED DEFENSE SITES
(INCLUDING TRANSFER OF FUNDS)

For the Department of the Army, \$237,543,000, to remain available until transferred: *Provided*, That the Secretary of the Army shall, upon determining that such funds are required for environmental restoration, reduction and recycling of hazardous waste, removal of unsafe buildings and debris at sites formerly used by the Department of Defense, transfer the funds made available by this appropriation to other appropriations made available to the Department of the Army, to be merged with and to be available for the same purposes and for the same time period as the appropriations to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the

transfer authority provided under this heading is in addition to any other transfer authority provided elsewhere in this Act.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

For expenses relating to the Overseas Humanitarian, Disaster, and Civic Aid programs of the Department of Defense (consisting of the programs provided under sections 401, 402, 404, 407, 2557, and 2561 of title 10, United States Code), \$108,759,000, to remain available until September 30, 2014.

COOPERATIVE THREAT REDUCTION ACCOUNT

For assistance to the republics of the former Soviet Union and, with appropriate authorization by the Department of Defense and Department of State, to countries outside of the former Soviet Union, including assistance provided by contract or by grants, for facilitating the elimination and the safe and secure transportation and storage of nuclear, chemical and other weapons; for establishing programs to prevent the proliferation of weapons, weapons components, and weapon-related technology and expertise; for programs relating to the training and support of defense and military personnel for demilitarization and protection of weapons, weapons components and weapons technology and expertise, and for defense and military contacts, \$519,111,000, to remain available until September 30, 2015.

DEPARTMENT OF DEFENSE ACQUISITION
WORKFORCE DEVELOPMENT FUND

For the Department of Defense Acquisition Workforce Development Fund, \$50,198,000.

TITLE III
PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$6,115,226,000, to remain available for obligation until September 30, 2015.

MISSILE PROCUREMENT, ARMY

For construction, procurement, production, modification, and modernization of missiles, equipment, including ordnance, ground handling equipment, spare parts, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,602,689,000, to remain available for obligation until September 30, 2015.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For construction, procurement, production, and modification of weapons and tracked combat vehicles, equipment, including ordnance, spare parts, and accessories

therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,884,706,000, to remain available for obligation until September 30, 2015.

PROCUREMENT OF AMMUNITION, ARMY

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$1,576,768,000, to remain available for obligation until September 30, 2015.

OTHER PROCUREMENT, ARMY

For construction, procurement, production, and modification of vehicles, including tactical, support, and non-tracked combat vehicles; the purchase of passenger motor vehicles for replacement only; communications and electronic equipment; other support equipment; spare parts, ordnance, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$6,488,045,000, to remain available for obligation until September 30, 2015.

AMENDMENT OFFERED BY MS. BONAMICI

Ms. BONAMICI. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 22, line 1, after the dollar amount, insert “(reduced by \$1) (increased by \$1)”.

The Acting CHAIR. The gentlewoman from Oregon is recognized for 5 minutes.

Ms. BONAMICI. Mr. Chairman, I rise today in support of the commonsense amendment I am offering for Ms. BUERKLE and me to help State National Guard units across the country better perform their missions. This amendment requires the National Guard to complete a capability assessment of the medical equipment its domestic Humvee ambulances should be required to carry in Federal and State missions.

Right now, these ambulances have no requirement to carry cardiac monitoring and resuscitation equipment,

limiting their capability to adequately treat a wide range of injuries in emergency situations. MRAP ambulances, used by the Army and National Guard in overseas contingency operations, do, however, carry cardiac monitoring and resuscitation equipment. This capability assessment would determine whether or not Guard Humvee ambulances used domestically should carry cardiac monitoring and resuscitation equipment comparable to MRAP ambulances currently fielded in overseas contingency operations.

The National Guard's missions include responding to terrorist attacks, homeland security emergencies, natural disasters, and providing defense support to civil authorities. How can the Guard carry out its required missions if it does not have the proper equipment necessary to deal with severe injuries?

As these Humvee ambulances are currently equipped, medical personnel are extremely limited in the available treatment they can provide to an injured person. Essentially, an ambulance in this configuration can only provide very basic care and the simple transportation of a patient from one place to another. For example, I understand that medical personnel would be unable to treat a patient experiencing cardiac arrest. This is a serious problem.

State National Guard units across the country want this equipment and have indicated that it could make the difference between life and death in emergency situations. The Adjutants General in eight different States, including Washington, Montana, North Dakota, Hawaii, New York, Arizona, and my home State of Oregon, have submitted resolutions for the emergency procurement of cardiac monitoring equipment to be used by their individual State Guard units, but because the National Guard Bureau does not view this equipment as “required,” it has backed out of a plan to purchase it despite the support of multiple States.

This amendment will require the National Guard Bureau to reexamine whether or not cardiac monitoring and resuscitation equipment is required and necessary for the Guard to fulfill its homeland security, terrorist attack, national disaster response, and defense support to civil authorities responsibilities. Should the capability assessment find that the equipment is necessary, under this amendment, the Army may use funds from this section to retrofit and install the equipment in domestic Humvee ambulances currently in use by the National Guard.

This is a commonsense issue. The Guardsmen and -women who operate ambulances should be provided the best capability available to save lives across this country in the event of an emergency.

I urge my colleagues' support of this bipartisan amendment, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. I want to thank the gentlewoman for bringing this issue to our attention. I have no objection to it. I accept it. I think its assessment would be valuable to be made.

Mr. DICKS. Will the gentleman yield?

Mr. FRELINGHUYSEN. I yield to the gentleman from Washington.

Mr. DICKS. I want to commend the gentlewoman for her amendment. I think it's well-thought-out, and I hope it has the desired effect. I congratulate her on offering it.

Mr. FRELINGHUYSEN. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from Oregon (Ms. BONAMICI).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

AIRCRAFT PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of aircraft, equipment, including ordnance, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$17,518,324,000, to remain available for obligation until September 30, 2015.

WEAPONS PROCUREMENT, NAVY

For construction, procurement, production, modification, and modernization of missiles, torpedoes, other weapons, and related support equipment including spare parts, and accessories therefor; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway, \$3,072,112,000, to remain available for obligation until September 30, 2015.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private

plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$677,243,000, to remain available for obligation until September 30, 2015.

SHIPBUILDING AND CONVERSION, NAVY

For expenses necessary for the construction, acquisition, or conversion of vessels as authorized by law, including armor and armament thereof, plant equipment, appliances, and machine tools and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; procurement of critical, long lead time components and designs for vessels to be constructed or converted in the future; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title.

Carrier Replacement Program, \$578,295,000;
Virginia Class Submarine, \$3,217,601,000;
Virginia Class Submarine (AP),
\$1,597,878,000;
CVN Refuelings, \$1,613,392,000;
CVN Refuelings (AP), \$70,010,000;
DDG-1000 Program, \$669,222,000;
DDG-51 Destroyer, \$4,036,628,000;
DDG-51 Destroyer (AP), \$466,283,000;
Littoral Combat Ship, \$1,784,959,000;
Joint High Speed Vessel, \$189,196,000;
Moored Training Ship, \$307,300,000;
LCAC Service Life Extension Program,
\$47,930,000; and

For outfitting, post delivery, conversions, and first destination transportation,
\$284,859,000.

AMENDMENT OFFERED BY MR. QUIGLEY

Mr. QUIGLEY. I have an amendment at the desk, Mr. Chairman.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 24, line 14, after the dollar amount, insert “(reduced by \$988,000,000)”.

Page 25, line 1, after the dollar amount, insert “(reduced by \$988,000,000)”.

Page 153, line 15, after the dollar amount, insert “(increased by \$988,000,000)”.

The Acting CHAIR. The gentleman from Illinois is recognized for 5 minutes.

□ 1750

Mr. QUIGLEY. Mr. Chairman, I join my colleague from Illinois to offer a bipartisan commonsense amendment to the Department of Defense appropriations bill.

Our amendment cuts \$988 million from the bill, which the committee added but the Navy did not request, for a 10th DDG-51 destroyer. It also puts the savings toward deficit reduction.

Let's back up for a minute and explain how we got here. As part of the Department of Defense's new strategy, they are realigning force structure by reducing ground forces and making new investments in more agile sea and air forces. Toward this end, the Navy has entered into a multiyear procurement—or MYP—arrangement to purchase nine DDG-51 destroyers over the next 5 years. In order to fulfill one year of this MYP arrangement, the Navy requested just over \$3 billion in the FY13

budget, yet the committee took it upon itself to give the Navy an extra billion dollars it didn't request and likely doesn't need for a 10th destroyer.

To be fair, there was talk of purchasing a 10th destroyer, but on March 29, 2012, Sean Stackley, the Navy's acquisition executive, testified before a House Armed Services Subcommittee that he thought through competition he could get 10 ships for the price of 9. He notes in his testimony that the Navy has “competition on this program—two builders building the 51s, and the competition has been healthy.” He goes on to explain how he hopes to get a 10th ship out of the multiyear arrangement, saying “our top line allowed for nine ships to be budgeted, but when we go out with this procurement, we're going to go out with a procurement that enables the procurement of 10 ships if we're going to achieve the savings that we're targeting across this multiyear arrangement.”

Mr. Stackley ends by explaining that the Navy can use leverage and competition to get 10 ships for the price of nine, and he thinks they have a pretty good shot. But rather than letting the Navy do its job, and letting the competition acquisition process work by putting the billion dollars on the table up front, the committee cut the legs out from underneath the competitive process. The addition of the extra billion dollars for another ship by the committee ends competition and negotiation, and puts a billion dollars on the table that we don't have to spend.

Why not let the acquisition process take its course, and see what happens? I don't think we need the 10th ship, and I'm not completely convinced we need the other nine either. But even for those who do support a 10th destroyer, cutting this funding now does not preclude them from adding it later if it's needed.

Unfortunately, this is one of the many examples of Congress supplanting its own parochial interests for that of the military and what's best for the country as a whole. This defense bill and all those before it are riddled with funding for weapons, bases, and projects we don't need to keep America safe. Rather, these bills include projects that support special Member interests back home. We can no longer afford to allow the desire to stimulate local economies to drive our defense and foreign policy. As we emerge from a deep recession and face a deficit topping \$1 trillion for the fourth straight year, we must right-size our budget.

Mr. Chairman, in terms of the ability to let Mr. DOLD speak, I yield 1 minute to the gentleman from Illinois.

The Acting CHAIR. The gentleman from Illinois may not yield blocks of time. He may yield to the gentleman from Illinois.

Mr. DOLD. Will the gentleman yield?

Mr. QUIGLEY. I yield to the gentleman from Illinois.

Mr. DOLD. I thank the gentleman for yielding.

Mr. Chairman, we're focused on finding savings in every area of government spending. Without a doubt, the Defense Department has made significant and painful contributions to our efforts to reduce the debt, and I want to make sure that we recognize that.

The Defense budget actually accounts for roughly 17 percent of all Federal spending, yet it has contributed over 50 percent of the deficit reduction. I do want to recognize that we're already cutting a significant amount of money, Mr. Chairman, out of the Department of Defense. We need to be looking at commonsense ways for us to be able to save money.

This amendment is about promoting efficiency in the Department of Defense and achieving valued savings wherever possible. The amount of funds provided in this bill for these ships is \$1 billion above the Navy's own budget request. In the spirit of seeking to achieve cost savings throughout this government, I believe it's appropriate for us to act consistent with the Navy's view of allowing the competitive bidding process to play out, which, as the Navy acquisition executive has testified, may very well allow the Navy to acquire its 10th ship at lesser amounts included in the Navy's budget request. If these bids come back and a 10th ship cannot be realized this year, I'm certainly supportive of providing additional resources next year for the 10th ship. But I do believe we should allow the Navy to operate and try to maintain at lower costs while achieving our Nation's security.

Mr. QUIGLEY. Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, all throughout this last year, we have heard from the administration and we have heard from the Navy that it is important to be able to have a large presence in the Pacific area. This is something that we're going to do that is new. We're going to have an increased presence in the Pacific. That is the administration's statement.

During our many hearings, all of those hearings that we did on the Central Command area in the Mideast, the Persian Gulf, the Strait of Hormuz, the threats from Iran, we were told by the military leadership who fight those wars there that they needed a larger naval presence in order to counter any threat from Iran and similar threats, and to keep open the Persian Gulf, and especially the Strait of Hormuz.

Today, we don't really have as much naval capability as they suggest that we need. So the committee added this DDG-51 for this year. The Navy actually asked for advanced procurement

for the DDG-51 so they can build it next year. We were able to find the funds to actually build it this year so that we can begin to prepare for the presence that the Navy and the President have all said that we have to maintain. That's the DDG-51.

In addition, in order to try to accomplish the coverage that the Navy said they need, we have taken three cruisers that would have been taken out of service, and we reconfigured those cruisers. We provided funding to reconfigure the cruisers to add to this effort, to add to the effort to have more naval presence in the Mideast, and to cover the Pacific. As everyone in the military and in the White House has said, we've got to have that presence.

We have to oppose this amendment. We need this DDG-51 in order to meet our obligations.

It is interesting that we understand that some of these programs are costing more than was anticipated. The CBO just issued a report saying that in order to do the President's budget request, it will cost \$123 billion more than they estimated that it would cost. We do have a problem with numbers, and with dollars.

Covering the Pacific region, covering the Mideast region, the Persian Gulf, the Strait of Hormuz, that is important to our national security interests, and that's important to our allies, and to our troops overseas in that region.

Mr. Chairman, I oppose this amendment. It is not a good amendment. It is not good for our national defense.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. QUIGLEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Illinois will be postponed.

The Clerk will read.

The Clerk read as follows:

Completion of Prior Year Shipbuilding Programs, \$372,573,000.

In all: \$15,236,126,000, to remain available for obligation until September 30, 2017: *Provided*, That additional obligations may be incurred after September 30, 2017, for engineering services, tests, evaluations, and other such budgeted work that must be performed in the final stage of ship construction: *Provided further*, That none of the funds provided under this heading for the construction or conversion of any naval vessel to be constructed in shipyards in the United States shall be expended in foreign facilities for the construction of major components of such vessel: *Provided further*, That none of the funds provided under this heading shall be used for the construction of any naval vessel in foreign shipyards.

OTHER PROCUREMENT, NAVY

For procurement, production, and modernization of support equipment and mate-

rials not otherwise provided for, Navy ordnance (except ordnance for new aircraft, new ships, and ships authorized for conversion); the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, including the land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment lay-away, \$6,364,191,000, to remain available for obligation until September 30, 2015.

□ 1800

AMENDMENT OFFERED BY MR. COHEN

Mr. COHEN. I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 26, line 2, after the dollar amount, insert "(reduced by \$506,660,000)".

Page 35, line 15, after the dollar amount, insert "(increased by \$235,000,000)".

Page 35, line 23, after the dollar amount, insert "(increased by \$235,000,000)".

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. COHEN. Mr. Chairman, this is an amendment we should be able to come together on. The administration requested \$101 million for the operation and upgrading cruiser ships used by the United States Navy. That's what the Pentagon and the administration requested, \$101 million.

However, what's been recommended is \$607 million. That \$607 million is an increase of over \$500 million from what the Pentagon asked for, five times what the Pentagon asked for. At a time when so many of my colleagues are calling for a decrease in the spending on the Federal Government side, it seems that they should heed the requests of their constituents, the budget, and the advice of Congress and will refrain from throwing \$500 million at this program that the Department of Defense is trying to phase out.

Now, my amendment would allocate \$235 million of that 506 excess to defense health programs. The rest would be toward deficit reduction.

Americans would be better served if that \$235 million didn't go to a program of buying cruiser ships that the Department of Defense doesn't want, and rather have this money go to health care research, which the Department of Defense does in the area of cancer research, breast cancer research, prostate cancer research, and other cancer research.

The Department of Defense has a strong cancer research program and can always use more money to save lives. I have been a strong supporter all my life of putting money into research in the National Institutes of Health and joining with Senator Specter in getting an additional \$10 billion in the American Recovery and Reinvestment

Act for the National Institutes of Health.

One day, through research dollars, we will have a cure for cancer, a headline we want to see, a headline that cancer scientists find the cure for cancer. It may come because of an appropriation like this and not Congress passes five times the amount of money the Department of Defense wants for cruiser ships.

My goal in offering this amendment is to see that the cancer research programs are benefited, that they are doubled; and this investment in health care research is an investment in our Nation's future and an investment in every human being here as a potential victim of cancer. There are other diseases which the National Institutes of Health look at. Whether it's Alzheimer's, diabetes, heart disease and others, cures need to be found and government should be investing monies in those places.

This is one place where the Department of Defense emphasizes cancer research. Even with the doubling of investment of cancer research, this amendment does reduce the overall cost of the appropriations bill. At a time when we have seen cuts to other research programs like the National Institutes of Health, it's important to identify every single dollar that can be used to further research efforts.

A vote for this amendment is a vote in favor of furthering our country's cancer research and protecting all citizens out there who are potential victims of this awful disease and reduce the overall cost of this legislation as well.

I urge you to vote "yes" on this amendment, and I yield back the balance of my time.

Mr. KINGSTON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. Mr. Chairman, I want to point out that cancer research is already funded in this bill at a \$246 million level.

I also want to say that Mr. YOUNG, Mr. Murtha, Mr. DICKS, and Mr. LEWIS have had a long tradition of leadership on cancer research in the Defense Appropriations Committee. We have always been very supportive of it and will continue so. The bill is already at \$246 million.

Secondly, why did we put the money into the cruiser program? We did so because at a time when we are pivoting much of our Navy fleet into the Pacific area, we believe we needed to have as many of these ships capable of missile defense, or the Aegis system, as possible because the world is so unstable.

Many of these ships will probably go to the Pacific. There are six of them that we are re-outfitting for this system, and then some of them may go to the Middle East.

Now, I just got back from spending a night on a carrier that was part of the Fifth Fleet in the Persian Gulf, and our trip also included Afghanistan, Pakistan, Yemen and Djibouti. I wish that some of the Members of Congress could get some of the briefings that we got in terms of the missile threat in the Middle East alone, because it is an unstable part of the globe right now, and we have to have our best technology out there and our best sailors and our best airmen ready at all times in case there is a missile attack, and that's what the Defense Committee on a bipartisan basis recognized with this \$506 million.

I urge my colleagues to vote "no" on the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. COHEN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. COHEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

The Clerk will read.

The Clerk read as follows:

PROCUREMENT, MARINE CORPS

For expenses necessary for the procurement, manufacture, and modification of missiles, armament, military equipment, spare parts, and accessories therefor; plant equipment, appliances, and machine tools, and installation thereof in public and private plants; reserve plant and Government and contractor-owned equipment layaway; vehicles for the Marine Corps, including the purchase of passenger motor vehicles for replacement only; and expansion of public and private plants, including land necessary therefor, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title, \$1,482,081,000, to remain available for obligation until September 30, 2015.

AIRCRAFT PROCUREMENT, AIR FORCE

For construction, procurement, and modification of aircraft and equipment, including armor and armament, specialized ground handling equipment, and training devices, spare parts, and accessories therefor; specialized equipment; expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$11,304,899,000, to remain available for obligation until September 30, 2015.

MISSILE PROCUREMENT, AIR FORCE

For construction, procurement, and modification of missiles, spacecraft, rockets, and related equipment, including spare parts and accessories therefor, ground handling equipment, and training devices; expansion of pub-

lic and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes including rents and transportation of things, \$5,449,146,000, to remain available for obligation until September 30, 2015.

PROCUREMENT OF AMMUNITION, AIR FORCE

For construction, procurement, production, and modification of ammunition, and accessories therefor; specialized equipment and training devices; expansion of public and private plants, including ammunition facilities, authorized by section 2854 of title 10, United States Code, and the land necessary therefor, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; and procurement and installation of equipment, appliances, and machine tools in public and private plants; reserve plant and Government and contractor-owned equipment layaway; and other expenses necessary for the foregoing purposes, \$599,194,000, to remain available for obligation until September 30, 2015.

OTHER PROCUREMENT, AIR FORCE

For procurement and modification of equipment (including ground guidance and electronic control equipment, and ground electronic and communication equipment), and supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; lease of passenger motor vehicles; and expansion of public and private plants, Government-owned equipment and installation thereof in such plants, erection of structures, and acquisition of land, for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon, prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$16,632,575,000, to remain available for obligation until September 30, 2015.

PROCUREMENT, DEFENSE-WIDE

For expenses of activities and agencies of the Department of Defense (other than the military departments) necessary for procurement, production, and modification of equipment, supplies, materials, and spare parts therefor, not otherwise provided for; the purchase of passenger motor vehicles for replacement only; expansion of public and private plants, equipment, and installation thereof in such plants, erection of structures, and acquisition of land for the foregoing purposes, and such lands and interests therein, may be acquired, and construction prosecuted thereon prior to approval of title; reserve plant and Government and contractor-owned equipment layaway, \$4,429,335,000, to remain available for obligation until September 30, 2015.

NATIONAL GUARD AND RESERVE EQUIPMENT

For procurement of aircraft, missiles, tracked combat vehicles, ammunition, other weapons and other procurement for the reserve components of the Armed Forces, \$2,000,000,000, to remain available for obligation until September 30, 2015: *Provided*, That the Chiefs of National Guard and Reserve components shall, not later than 30 days after the enactment of this Act, individually submit to the congressional defense commit-

tees the modernization priority assessment for their respective National Guard or Reserve component: *Provided further*, That during fiscal year 2013, the Chief of the National Guard Bureau and each Reserve Component Chief, may each use not more than 3 percent of the funds made available to the National Guard or such reserve component, as the case may be, under this heading to carry out research, development, test, and evaluation activities related to adding technological capability to platforms or to modernize existing systems.

DEFENSE PRODUCTION ACT PURCHASES

For activities by the Department of Defense pursuant to sections 108, 301, 302, and 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2078, 2091, 2092, and 2093), \$63,531,000, to remain available until expended.

TITLE IV

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$8,593,055,000 to remain available for obligation until September 30, 2014.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$16,987,768,000, to remain available for obligation until September 30, 2014: *Provided*, That funds appropriated in this paragraph which are available for the V-22 may be used to meet unique operational requirements of the Special Operations Forces: *Provided further*, That funds appropriated in this paragraph shall be available for the Cobra Judy program.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For expenses necessary for basic and applied scientific research, development, test and evaluation, including maintenance, rehabilitation, lease, and operation of facilities and equipment, \$25,117,692,000, to remain available for obligation until September 30, 2014.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For expenses of activities and agencies of the Department of Defense (other than the military departments), necessary for basic and applied scientific research, development, test and evaluation; advanced research projects as may be designated and determined by the Secretary of Defense, pursuant to law; maintenance, rehabilitation, lease, and operation of facilities and equipment, \$19,100,362,000, to remain available for obligation until September 30, 2014: *Provided*, That of the funds made available in this paragraph, \$250,000,000 for the Defense Rapid Innovation Program shall only be available for expenses, not otherwise provided for, to include program management and oversight, to conduct research, development, test and evaluation to include proof of concept demonstration; engineering, testing, and validation; and transition to full-scale production: *Provided further*, That the Secretary of Defense may transfer funds provided herein for

the Defense Rapid Innovation Program to appropriations for research, development, test and evaluation to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 30 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

AMENDMENT OFFERED BY MR. POMPEO

Mr. POMPEO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 32, line 18, after the dollar amount, insert “(reduced by \$250,000,000)”.

Page 32, line 20, after the dollar amount, insert “(reduced by \$250,000,000)”.

Page 153, line 15, after the dollar amount, insert “(increased by \$250,000,000)”.

The Acting CHAIR. The gentleman from Kansas is recognized for 5 minutes.

Mr. POMPEO. Mr. Chairman, I rise to strike the Rapid Innovation Fund and save the taxpayers over \$250 million. As a veteran, I know how important it is that we use every single dollar that goes to our Department of Defense in an intelligent way.

This fund, this Rapid Innovation Fund, has never been requested by the Pentagon. This is money that the Pentagon doesn't say that it wants. It was created in the FY 2011 Defense bill in response, frankly, to the loss of earmarks here in the House of Representatives. So far the Appropriations Committee has put over \$700 million in 2 years into this fund, and yet to date the Department of Defense has spent only \$32.5 million of the \$700 million already appropriate and provided.

But instead of waiting to see if the fund is working and if it could be successful and of any value to the warfighter, this year the committee is pushing for another \$250 million of taxpayer money to go into the so-called Rapid Innovation Fund.

□ 1810

I urge my colleagues to reject this effort. First of all, the Pentagon, as I said, never asked for this money. Four DOD agencies declined an invitation to even participate in the fund. There is clearly no one in the military clamoring for what is essentially a slush fund. With sequestration looming, now is the time to make tough choices, not to add \$250 million of wasteful spending. We must focus our very scarce resources on validated military requirements.

Second, this Rapid Innovation Fund is neither rapid, nor innovative. The fund allows the Department of Federal Acquisition Regulations Procedures to move forward—just as they do for any other procurement process. The first contracts took over a year to be signed. I don't find anything rapid

about that. In addition, this fund simply doles out money to projects that are similar to those previously supported by the now-discredited earmark system. There's nothing innovative about that either.

Let me be clear: this fund was created by Congress because Congress ended earmarks, and some have wanted a way to have earmark-type projects continue to receive government money.

This fund is, third, wasteful and unnecessary. The DOD base budget is well over \$500 billion—built through a time-honored and trusted process to ensure the needs of our warfighters. This fund, however, is completely outside of this process and therefore advances projects that have not been validated and are not proven in this same manner.

Finally, the fund itself is unproven. Only \$30 million and change has been spent on this fund and there is no data demonstrating that this fund holds any value to our military or to our taxpayers. But even if it does, there's still \$670 million sitting in the fund today. Why not just wait? At the current spending rate, there's over 10 years' worth of funds still available. Why put \$250 million more of taxpayer money at risk?

As a Congress, we have to be willing to make tough choices—certainly in our DOD budget. But this one isn't even tough. We can't just throw good money in the hole and hope it helps our Nation's defense.

I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. DICKS. I move to strike the requisite number of words.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. I rise in strong opposition to this amendment. The Rapid Innovation Fund was authorized and appropriated by Congress in 2011 to allow innovative small businesses to compete for funding within the Department of Defense. It is a competitive, merit-based program designed to accelerate the fielding of innovative technologies into military systems.

Last fall, each service and the OSBP issued broad agency announcements to solicit proposals for the first round of funding worth \$500 million. Of the 3,554 white papers received, 514 received high priority or strong evaluations, valued at about \$700 million.

This bill provides an additional \$250 million for this successful program for small businesses that are interested in working with the Department of Defense. Also, this money can be used for joint urgent operational needs. This is when the commanders in the field say that they need something in an urgent way, and this money is available for that kind of requirement.

So, again, the gentleman raises a lot of insinuations that this was done be-

cause of doing away with the earmarks. It was done because we feel that small businesses in this country have a lot to offer the Defense Department. Not all of the innovations come from Lockheed and Boeing and General Dynamics. A lot of the innovation comes from smaller businesses who are, in essence, going to be cut out. We already have an existing program, the SBIR program, which we wanted to enhance so that small businesses would have a place to go so they could compete, where we would be doing this on a merits basis, that we would be doing it on the services saying these are areas where we need additional work.

So I'm somewhat surprised that the gentleman would oppose something like this, knowing, I'm certain, he's an advocate for small businesses in our country. I think this is a good program and one that should be supported on a bipartisan basis.

I yield back the balance of my time.

Mr. KINGSTON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. I want to say this. While we all acknowledge there was a numerical explosion and a substantive explosion or a questionable, in substance, on earmarks and that's why earmarks are banned, one of the advantages of earmarks is that it did let the small mom-and-pop innovative small businesses have a crack at the bat at the Pentagon budget. And most of us who are familiar with the Pentagon budget would say it's broken or at least it needs lots of improvement. What the earmarking did do is let small companies have a bite at the apple. So in the interest of banning earmarks, we set up this program to allow small businesses.

I want to give you a graphic example. I had a man come to me one time and said, I used to work with a large defense contractor. He named the contractor and I don't want to name them. But he said, This is a circuit panel. In fact, it's a memory panel. It's about the size of this notebook in my hand. And he said, This is for a nuclear submarine, and it costs about \$10 million. I know because I invented it when I was with the large defense contractor. And all nuclear submarines now buy this kind of memory board. But your cell phone—pulling out the BlackBerry—now has more memory in it than that big, awkward panel. But the only way I'm going to get a crack at the business with the U.S. Navy would be through the earmarking process.

Now, I can replace this \$10 million circuit memory board for probably hundreds of thousands of dollars, but I can't do that now. You've thrown away that tool for both of us.

So we set up this board to try to let those small businesses have a crack at

the bat. And I agree with you there's money in the account that maybe it should be spent down. We need to be looking at it before plussing-up. I think you have raised some good points, but I believe the reason why the program is out there is very important in order to keep the large defense contractors honest, if you will, and provide a path for the small innovators.

Mr. DICKS. Will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman.

Mr. DICKS. I really appreciate what the gentleman just said. Another thing here, the gentleman is saying they should just rush out and spend this money. I don't mind a thorough, professional way of going about this, and to take some time to make sure they've got this right is what we want them to do.

Mr. POMPEO. Will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman.

Mr. POMPEO. I just say to the chairman, I'm not urging anyone to rush out and spend this money. I'm urging this money to stay in the pockets of the taxpayers because the Department of Defense has not asked for it. All of the things that have been spoken to, these good ideas, I was a small business owner. I made airplane parts for 10 years. I don't want anybody to rush out and spend the money. I want to leave it in the taxpayers' pockets, where the Department of Defense believes it should be.

Mr. KINGSTON. Reclaiming my time, as an airplane parts manufacturer, I can promise you that you know how difficult it was to sell your products to the United States Air Force. And this program would allow a small innovator to do that and therefore reduce the cost to the taxpayers of parts for airplanes.

With that, I yield back the balance of my time.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. The Chair will remind Members to refrain from trafficking the well while another Member is under recognition.

The question is on the amendment offered by the gentleman from Kansas (Mr. POMPEO).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. POMPEO. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Kansas will be postponed.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 32, line 18, after the dollar amount, insert "(reduced by \$75,000,000)".

Page 153, line 15, after the dollar amount, insert "(increased by \$75,000,000)".

□ 1820

The Acting CHAIR. The gentleman from Massachusetts is recognized for 5 minutes in support of his amendment.

Mr. MARKEY. Mr. Chairman, in this bill, not only do the Republicans claim there is nothing, absolutely nothing, to cut in the defense budget, they are actually increasing spending beyond what the Pentagon is asking for. The Republicans have put an additional \$75 million for missile defense in this bill—75 million additional dollars that the generals have not asked for.

So my amendment today is simple: It would reduce funding for the Ground-Based Midcourse Defense program by \$75 million to bring the 2013 funding level back to the administration's request.

Ground-Based Midcourse Defense is Star Wars, and it's a system that hopes to one day shoot down an incoming nuclear warhead by launching our own missiles from Alaska and California.

But here we have a situation where basically the Republicans are saying that they want to give the Pentagon \$75 million more than what the military says it needs right now. And if we can't decide just to take what the Pentagon is asking and rubber stamp it and give it to them, and even that is not enough in a period of fiscal austerity, then how in the world are we going to be successful next year when \$55 billion has to be cut?

So, let's start here. St. Augustine's prayer, I think, is applicable here, where he said, O Lord, make me chaste, but not just yet. The Republicans are saying, O Lord, let us reduce the deficit, but not just yet. When it comes to defense spending, we want to give the Pentagon even more than they are asking for. Let's get all of our sinning done before next January. Let's really clear the deck on all the gold-plated planning that—I don't know if it's defense firms because it's not the Pentagon. The Pentagon is saying that the money that's in the bill as the President proposed it is sufficient in order to provide for the development of this missile defense technology.

The bill already funds this program to the tune of \$900 million, and the Pentagon is saying "enough." So I know you're talking about canceling sequestration when it comes to defense spending, but this isn't a good sign. This isn't a good sign that we're ever going to be able to reconcile the tension that exists between the need not to cut NIH funding, the need not to cut National Cancer Institute funding, the need not to cut programs that deal with Grandma on Medicaid and nursing homes and all the way down the line.

This just goes beyond anything that's even remotely reasonable.

I urge an "aye" vote on the Markey amendment, and I hope that it is adopted by the full House.

I yield back the balance of his time.

Mr. KINGSTON. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman from Georgia is recognized for 5 minutes.

Mr. KINGSTON. I want to say, most importantly, this was authorized in the National Defense Authorization this year which was passed on an overwhelming basis, on a bipartisan vote, and their authorization actually was a lot more than our \$75 billion. And the reason why this money is in there and it affects Fort Greely, Alaska, and Vandenberg Air Force Base in California is that there are some changes that are going on in the missile silos, so rather than close down the shop and hope that the bad guys give us a pass until we're ready to defend ourselves, we're having to move these missiles and keep them current, keep them active, and keep them capable while this construction is going on, and then we finish the construction and put them back, and that's why the authorizing committee, on a bipartisan basis, authorized it, and that's why our subcommittee has also supported it, although at a lower number.

With that, I recommend a "no" vote and yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. MARKEY. Mr. Chair, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

Mr. PALAZZO. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Mississippi is recognized for 5 minutes.

Mr. PALAZZO. Mr. Chairman, I rise to oppose the earlier amendment of the gentleman from Illinois (Mr. QUIGLEY). The gentleman from Illinois had an amendment to cut \$988 million from the Navy's DDG-51 program. The members of the House Armed Services Committee have carefully considered this shipbuilding program. We have met for months in the Seapower Subcommittee and discussed it thoroughly with Navy leadership.

The DDG-51 is the Navy's preeminent surface combatant. It can conduct multiple missions, including ballistic missile defense, and it has proven itself in almost every theater in which it has operated.

This ship has been authorized with a multiyear procurement strategy for DDG-51s, which is an important, cost-saving measure that the Navy has used in multiple situations to save money for the taxpayer.

This is one of the most successful shipbuilding programs ever in the United States Navy because it is one of the best built and best values for the taxpayer and requires a fair and open competition for contracting.

Right now, our Navy has the lowest shipbuilding totals in generations, and many predictions are that the number is only going to shrink further. As we pivot to the Pacific, we cannot afford to be cutting additional ships from our budget.

It is extremely important not only to our economic security, but also our national security. I urge my colleagues to oppose this amendment, and I yield back the balance of my time.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OPERATIONAL TEST AND EVALUATION,
DEFENSE

For expenses, not otherwise provided for, necessary for the independent activities of the Director, Operational Test and Evaluation, in the direction and supervision of operational test and evaluation, including initial operational test and evaluation which is conducted prior to, and in support of, production decisions; joint operational testing and evaluation; and administrative expenses in connection therewith, \$185,268,000, to remain available for obligation until September 30, 2014.

TITLE V

REVOLVING AND MANAGEMENT FUNDS
DEFENSE WORKING CAPITAL FUNDS

For the Defense Working Capital Funds, \$1,516,184,000.

NATIONAL DEFENSE SEALIFT FUND

For National Defense Sealift Fund programs, projects, and activities, and for expenses of the National Defense Reserve Fleet, as established by section 11 of the Merchant Ship Sales Act of 1946 (50 U.S.C. App. 1744), and for the necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States, \$564,636,000, to remain available until expended: *Provided*, That none of the funds provided in this paragraph shall be used to award a new contract that provides for the acquisition of any of the following major components unless such components are manufactured in the United States: auxiliary equipment, including pumps, for all shipboard services; propulsion system components (engines, reduction gears, and propellers); shipboard cranes; and spreaders for shipboard cranes: *Provided further*, That the exercise of an option in a contract awarded through the obligation of previously appropriated funds shall not be considered to be the award of a new contract: *Provided further*, That the Secretary of the military department responsible for such procurement may waive the restrictions in the first proviso on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Depart-

ment of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes.

TITLE VI

OTHER DEPARTMENT OF DEFENSE
PROGRAMS

DEFENSE HEALTH PROGRAM

For expenses, not otherwise provided for, for medical and health care programs of the Department of Defense as authorized by law, \$32,862,234,000; of which \$31,122,095,000 shall be for operation and maintenance, of which not to exceed one percent shall remain available until September 30, 2014, and of which up to \$16,105,245,000 may be available for contracts entered into under the TRICARE program; of which \$521,762,000, to remain available for obligation until September 30, 2015, shall be for procurement; and of which \$1,218,377,000, to remain available for obligation until September 30, 2014, shall be for research, development, test and evaluation: *Provided*, That, notwithstanding any other provision of law, of the amount made available under this heading for research, development, test and evaluation, not less than \$8,000,000 shall be available for HIV prevention educational activities undertaken in connection with United States military training, exercises, and humanitarian assistance activities conducted primarily in African nations: *Provided further*, That of the funds provided to develop an integrated Department of Defense—Department of Veterans Affairs (DOD-VA) integrated health record, not more than twenty-five percent shall be available for obligation until the DOD-VA Interagency Program Office submits to the Committees on Appropriations of both Houses of Congress a completed fiscal year 2013 execution and spending plan and a long-term roadmap for the life of the project that includes, but is not limited to, the following: a) annual and total spending for each Department; b) a quarterly schedule of milestones for each Department over the life of the project; c) detailed cost-sharing business rules; and d) data standardization schedules between the Departments.

CHEMICAL AGENTS AND MUNITIONS
DESTRUCTION, DEFENSE

For expenses, not otherwise provided for, necessary for the destruction of the United States stockpile of lethal chemical agents and munitions in accordance with the provisions of section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521), and for the destruction of other chemical warfare materials that are not in the chemical weapon stockpile, \$1,301,786,000, of which \$635,843,000 shall be for operation and maintenance, of which no less than \$53,948,000 shall be for the Chemical Stockpile Emergency Preparedness Program, consisting of \$22,214,000 for activities on military installations and \$31,734,000, to remain available until September 30, 2014, to assist State and local governments; \$18,592,000 shall be for procurement, to remain available until September 30, 2015, of which \$1,823,000 shall be for the Chemical Stockpile Emergency Preparedness Program to assist State and local governments; and \$647,351,000, to remain available until September 30, 2014, shall be for research, development, test and evaluation, of which \$627,705,000 shall only be for the Assembled Chemical Weapons Alternatives (ACWA) program.

DRUG INTERDICTION AND COUNTER-DRUG
ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For drug interdiction and counter-drug activities of the Department of Defense, for

transfer to appropriations available to the Department of Defense for military personnel of the reserve components serving under the provisions of title 10 and title 32, United States Code; for operation and maintenance; for procurement; and for research, development, test and evaluation, \$1,133,363,000: *Provided*, That the funds appropriated under this heading shall be available for obligation for the same time period and for the same purpose as the appropriation to which transferred: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority contained elsewhere in this Act.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT
FUND

(INCLUDING TRANSFER OF FUNDS)

For the “Joint Improvised Explosive Device Defeat Fund,” \$217,414,000, to remain available until September 30, 2015, for Staff and Infrastructure: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That, within 60 days of the enactment of this Act, a plan for the intended management and use of the amounts provided under this heading shall be submitted to the congressional defense committees: *Provided further*, That the Secretary of Defense shall submit a report not later than 60 days after the end of each fiscal quarter to the congressional defense committees providing assessments of the evolving threats, individual service requirements to counter the threats, the current strategy for predeployment training of members of the Armed Forces on improvised explosive devices, and details on the execution of the Fund: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That amounts transferred shall be merged with and available for the same purposes and time period as the appropriations to which transferred: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer.

OFFICE OF THE INSPECTOR GENERAL

For expenses and activities of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, \$350,321,000, of which \$347,621,000 shall be for operation and maintenance, of which not to exceed \$700,000 is available for emergencies and extraordinary expenses to be expended on the approval or authority of the Inspector General, and payments may be made on the Inspector General's certificate of necessity for confidential military purposes; and of which \$2,700,000, to remain available until September 30, 2015, shall be for procurement.

TITLE VII
RELATED AGENCIES

CENTRAL INTELLIGENCE AGENCY RETIREMENT
AND DISABILITY SYSTEM FUND

For payment to the Central Intelligence Agency Retirement and Disability System Fund, to maintain the proper funding level for continuing the operation of the Central Intelligence Agency Retirement and Disability System, \$514,000,000.

INTELLIGENCE COMMUNITY MANAGEMENT
ACCOUNT

For necessary expenses of the Intelligence Community Management Account, \$511,476,000.

TITLE VIII
GENERAL PROVISIONS

SEC. 8001. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 8002. During the current fiscal year, provisions of law prohibiting the payment of compensation to, or employment of, any person not a citizen of the United States shall not apply to personnel of the Department of Defense: *Provided*, That salary increases granted to direct and indirect hire foreign national employees of the Department of Defense funded by this Act shall not be at a rate in excess of the percentage increase authorized by law for civilian employees of the Department of Defense whose pay is computed under the provisions of section 5332 of title 5, United States Code, or at a rate in excess of the percentage increase provided by the appropriate host nation to its own employees, whichever is higher: *Provided further*, That this section shall not apply to Department of Defense foreign service national employees serving at United States diplomatic missions whose pay is set by the Department of State under the Foreign Service Act of 1980: *Provided further*, That the limitations of this provision shall not apply to foreign national employees of the Department of Defense in the Republic of Turkey.

SEC. 8003. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year, unless expressly so provided herein.

SEC. 8004. No more than 20 percent of the appropriations in this Act which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year: *Provided*, That this section shall not apply to obligations for support of active duty training of reserve components or summer camp training of the Reserve Officers' Training Corps.

(TRANSFER OF FUNDS)

SEC. 8005. Upon determination by the Secretary of Defense that such action is necessary in the national interest, he may, with the approval of the Office of Management and Budget, transfer not to exceed \$3,000,000,000 of working capital funds of the Department of Defense or funds made available in this Act to the Department of Defense for military functions (except military construction) between such appropriations or funds or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*,

That the Secretary of Defense shall notify the Congress promptly of all transfers made pursuant to this authority or any other authority in this Act: *Provided further*, That no part of the funds in this Act shall be available to prepare or present a request to the Committees on Appropriations for reprogramming of funds, unless for higher priority items, based on unforeseen military requirements, than those for which originally appropriated and in no case where the item for which reprogramming is requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2013: *Provided further*, That transfers among military personnel appropriations shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under this section.

SEC. 8006. (a) With regard to the list of specific programs, projects, and activities (and the dollar amounts and adjustments to budget activities corresponding to such programs, projects, and activities) contained in the tables titled "Explanation of Project Level Adjustments" in the explanatory statement regarding this Act, the obligation and expenditure of amounts appropriated or otherwise made available in this Act for those programs, projects, and activities for which the amounts appropriated exceed the amounts requested are hereby required by law to be carried out in the manner provided by such tables to the same extent as if the tables were included in the text of this Act.

(b) Amounts specified in the referenced tables described in subsection (a) shall not be treated as subdivisions of appropriations for purposes of section 8005 of this Act: *Provided*, That section 8005 shall apply when transfers of the amounts described in subsection (a) occur between appropriation accounts.

SEC. 8007. (a) Not later than 60 days after enactment of this Act, the Department of Defense shall submit a report to the congressional defense committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2013: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President's budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation both by budget activity and program, project, and activity as detailed in the Budget Appendix; and

(3) an identification of items of special congressional interest.

(b) Notwithstanding section 8005 of this Act, none of the funds provided in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional defense committees, unless the Secretary of Defense certifies in writing to the congressional defense committees that such reprogramming or transfer is necessary as an emergency requirement.

(TRANSFER OF FUNDS)

SEC. 8008. During the current fiscal year, cash balances in working capital funds of the Department of Defense established pursuant to section 2208 of title 10, United States Code, may be maintained in only such amounts as are necessary at any time for cash disbursements to be made from such funds: *Provided*, That transfers may be made between such funds: *Provided further*, That

transfers may be made between working capital funds and the "Foreign Currency Fluctuations, Defense" appropriation and the "Operation and Maintenance" appropriation accounts in such amounts as may be determined by the Secretary of Defense, with the approval of the Office of Management and Budget, except that such transfers may not be made unless the Secretary of Defense has notified the Congress of the proposed transfer. Except in amounts equal to the amounts appropriated to working capital funds in this Act, no obligations may be made against a working capital fund to procure or increase the value of war reserve material inventory, unless the Secretary of Defense has notified the Congress prior to any such obligation.

SEC. 8009. Funds appropriated by this Act may not be used to initiate a special access program without prior notification 30 calendar days in advance to the congressional defense committees.

SEC. 8010. None of the funds provided in this Act shall be available to initiate: (1) a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year of the contract or that includes an unfunded contingent liability in excess of \$20,000,000; or (2) a contract for advance procurement leading to a multiyear contract that employs economic order quantity procurement in excess of \$20,000,000 in any one year, unless the congressional defense committees have been notified at least 30 days in advance of the proposed contract award: *Provided*, That no part of any appropriation contained in this Act shall be available to initiate a multiyear contract for which the economic order quantity advance procurement is not funded at least to the limits of the Government's liability: *Provided further*, That no part of any appropriation contained in this Act shall be available to initiate multiyear procurement contracts for any systems or component thereof if the value of the multiyear contract would exceed \$500,000,000 unless specifically provided in this Act: *Provided further*, That no multiyear procurement contract can be terminated without 10-day prior notification to the congressional defense committees: *Provided further*, That none of the funds appropriated by this Act shall be available for a contract that incrementally funds an end item purchased under multi-year procurement authority: *Provided further*, That the preceding limitation shall not apply to advance procurement funding and economic order quantity funding associated with a multi-year procurement: *Provided further*, That the execution of multiyear authority shall require the use of a present value analysis to determine lowest cost compared to an annual procurement: *Provided further*, That none of the funds provided in this Act may be used for a multiyear contract executed after the date of the enactment of this Act unless in the case of any such contract—

(1) the Secretary of Defense has submitted to Congress a budget request for full funding of units to be procured through the contract and, in the case of a contract for procurement of aircraft, that includes, for any aircraft unit to be procured through the contract for which procurement funds are requested in that budget request for production beyond advance procurement activities in the fiscal year covered by the budget, full funding of procurement of such unit in that fiscal year;

(2) cancellation provisions in the contract do not include consideration of recurring manufacturing costs of the contractor associated with the production of unfunded units to be delivered under the contract;

(3) the contract provides that payments to the contractor under the contract shall not be made in advance of incurred costs on funded units; and

(4) the contract does not provide for a price adjustment based on a failure to award a follow-on contract.

Funds appropriated in title III of this Act may be used for a multiyear procurement contract as follows:

F/A-18E, F/A-18F, and EA-18G aircraft; DDG-51 Arleigh Burke class destroyer and associated systems; SSN-774 Virginia class submarine and government-furnished equipment; CH-47 Chinook helicopter; and V-22 Osprey aircraft variants.

SEC. 8011. Within the funds appropriated for the operation and maintenance of the Armed Forces, funds are hereby appropriated pursuant to section 401 of title 10, United States Code, for humanitarian and civic assistance costs under chapter 20 of title 10, United States Code. Such funds may also be obligated for humanitarian and civic assistance costs incidental to authorized operations and pursuant to authority granted in section 401 of chapter 20 of title 10, United States Code, and these obligations shall be reported as required by section 401(d) of title 10, United States Code: *Provided*, That funds available for operation and maintenance shall be available for providing humanitarian and similar assistance by using Civic Action Teams in the Trust Territories of the Pacific Islands and freely associated states of Micronesia, pursuant to the Compact of Free Association as authorized by Public Law 99-239: *Provided further*, That upon a determination by the Secretary of the Army that such action is beneficial for graduate medical education programs conducted at Army medical facilities located in Hawaii, the Secretary of the Army may authorize the provision of medical services at such facilities and transportation to such facilities, on a nonreimbursable basis, for civilian patients from American Samoa, the Commonwealth of the Northern Mariana Islands, the Marshall Islands, the Federated States of Micronesia, Palau, and Guam.

SEC. 8012. (a) During fiscal year 2013, the civilian personnel of the Department of Defense may not be managed on the basis of any end-strength, and the management of such personnel during that fiscal year shall not be subject to any constraint or limitation (known as an end-strength) on the number of such personnel who may be employed on the last day of such fiscal year.

(b) The fiscal year 2014 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2014 Department of Defense budget request shall be prepared and submitted to the Congress as if subsections (a) and (b) of this provision were effective with regard to fiscal year 2014.

(c) Nothing in this section shall be construed to apply to military (civilian) technicians.

SEC. 8013. None of the funds made available by this Act shall be used in any way, directly or indirectly, to influence congressional action on any legislation or appropriation matters pending before the Congress.

SEC. 8014. None of the funds appropriated by this Act shall be available for the basic pay and allowances of any member of the Army participating as a full-time student and receiving benefits paid by the Secretary of Veterans Affairs from the Department of Defense Education Benefits Fund when time spent as a full-time student is credited toward completion of a service commitment:

Provided, That this section shall not apply to those members who have reenlisted with this option prior to October 1, 1987: *Provided further*, That this section applies only to active components of the Army.

(TRANSFER OF FUNDS)

SEC. 8015. Funds appropriated in title III of this Act for the Department of Defense Pilot Mentor-Protege Program may be transferred to any other appropriation contained in this Act solely for the purpose of implementing a Mentor-Protege Program developmental assistance agreement pursuant to section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101-510; 10 U.S.C. 2302 note), as amended, under the authority of this provision or any other transfer authority contained in this Act.

SEC. 8016. None of the funds in this Act may be available for the purchase by the Department of Defense (and its departments and agencies) of welded shipboard anchor and mooring chain 4 inches in diameter and under unless the anchor and mooring chain are manufactured in the United States from components which are substantially manufactured in the United States: *Provided*, That for the purpose of this section, the term "manufactured" shall include cutting, heat treating, quality control, testing of chain and welding (including the forging and shot blasting process): *Provided further*, That for the purpose of this section substantially all of the components of anchor and mooring chain shall be considered to be produced or manufactured in the United States if the aggregate cost of the components produced or manufactured in the United States exceeds the aggregate cost of the components produced or manufactured outside the United States: *Provided further*, That when adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis, the Secretary of the service responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations that such an acquisition must be made in order to acquire capability for national security purposes.

SEC. 8017. None of the funds available to the Department of Defense, herein and hereafter, may be used to demilitarize or dispose of M-1 Carbines, M-1 Garand rifles, M-14 rifles, .22 caliber rifles, .30 caliber rifles, or M-1911 pistols, or to demilitarize or destroy small arms ammunition or ammunition components that are not otherwise prohibited from commercial sale under Federal law, unless the small arms ammunition or ammunition components are certified by the Secretary of the Army or designee as unserviceable or unsafe for further use.

SEC. 8018. No more than \$500,000 of the funds appropriated or made available in this Act shall be used during a single fiscal year for any single relocation of an organization, unit, activity or function of the Department of Defense into or within the National Capital Region: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the congressional defense committees that such a relocation is required in the best interest of the Government.

SEC. 8019. In addition to the funds provided elsewhere in this Act, \$15,000,000 is appropriated only for incentive payments authorized by section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544): *Provided*, That a prime contractor or a subcontractor at any tier that makes a subcontract award to any subcontractor or supplier as defined in section 1544 of title 25, United States Code, or a

small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code, shall be considered a contractor for the purposes of being allowed additional compensation under section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544) whenever the prime contract or subcontract amount is over \$500,000 and involves the expenditure of funds appropriated by an Act making Appropriations for the Department of Defense with respect to any fiscal year: *Provided further*, That notwithstanding section 1906 of title 41, United States Code, this section shall be applicable to any Department of Defense acquisition of supplies or services, including any contract and any subcontract at any tier for acquisition of commercial items produced or manufactured, in whole or in part, by any subcontractor or supplier defined in section 1544 of title 25, United States Code, or a small business owned and controlled by an individual or individuals defined under section 4221(9) of title 25, United States Code.

SEC. 8020. Funds appropriated by this Act for the Defense Media Activity shall not be used for any national or international political or psychological activities.

SEC. 8021. During the current fiscal year, the Department of Defense is authorized to incur obligations of not to exceed \$350,000,000 for purposes specified in section 2350j(c) of title 10, United States Code, in anticipation of receipt of contributions, only from the Government of Kuwait, under that section: *Provided*, That upon receipt, such contributions from the Government of Kuwait shall be credited to the appropriations or fund which incurred such obligations.

SEC. 8022. (a) Of the funds made available in this Act, not less than \$38,619,000 shall be available for the Civil Air Patrol Corporation, of which—

(1) \$28,404,000 shall be available from "Operation and Maintenance, Air Force" to support Civil Air Patrol Corporation operation and maintenance, readiness, counterdrug activities, and drug demand reduction activities involving youth programs;

(2) \$9,298,000 shall be available from "Aircraft Procurement, Air Force"; and

(3) \$917,000 shall be available from "Other Procurement, Air Force" for vehicle procurement.

(b) The Secretary of the Air Force should waive reimbursement for any funds used by the Civil Air Patrol for counter-drug activities in support of Federal, State, and local government agencies.

SEC. 8023. (a) None of the funds appropriated in this Act are available to establish a new Department of Defense (department) federally funded research and development center (FFRDC), either as a new entity, or as a separate entity administrated by an organization managing another FFRDC, or as a nonprofit membership corporation consisting of a consortium of other FFRDCs and other nonprofit entities.

(b) No member of a Board of Directors, Trustees, Overseers, Advisory Group, Special Issues Panel, Visiting Committee, or any similar entity of a defense FFRDC, and no paid consultant to any defense FFRDC, except when acting in a technical advisory capacity, may be compensated for his or her services as a member of such entity, or as a paid consultant by more than one FFRDC in a fiscal year: *Provided*, That a member of any such entity referred to previously in this subsection shall be allowed travel expenses and per diem as authorized under the Federal Joint Travel Regulations, when engaged in the performance of membership duties.

(c) Notwithstanding any other provision of law, none of the funds available to the department from any source during fiscal year 2013 may be used by a defense FFRDC, through a fee or other payment mechanism, for construction of new buildings, for payment of cost sharing for projects funded by Government grants, for absorption of contract overruns, or for certain charitable contributions, not to include employee participation in community service and/or development.

(d) Notwithstanding any other provision of law, of the funds available to the department during fiscal year 2013, not more than 5,750 staff years of technical effort (staff years) may be funded for defense FFRDCs: *Provided*, That of the specific amount referred to previously in this subsection, not more than 1,125 staff years may be funded for the defense studies and analysis FFRDCs: *Provided further*, That this subsection shall not apply to staff years funded in the National Intelligence Program (NIP) and the Military Intelligence Program (MIP).

(e) The Secretary of Defense shall, with the submission of the department's fiscal year 2014 budget request, submit a report presenting the specific amounts of staff years of technical effort to be allocated for each defense FFRDC during that fiscal year and the associated budget estimates.

SEC. 8024. None of the funds appropriated or made available in this Act shall be used to procure carbon, alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense which were not melted and rolled in the United States or Canada: *Provided*, That these procurement restrictions shall apply to any and all Federal Supply Class 9515, American Society of Testing and Materials (ASTM) or American Iron and Steel Institute (AISI) specifications of carbon, alloy or armor steel plate: *Provided further*, That the Secretary of the military department responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That these restrictions shall not apply to contracts which are in being as of the date of the enactment of this Act.

SEC. 8025. For the purposes of this Act, the term "congressional defense committees" means the Armed Services Committee of the House of Representatives, the Armed Services Committee of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives.

SEC. 8026. During the current fiscal year, the Department of Defense may acquire the modification, depot maintenance and repair of aircraft, vehicles and vessels as well as the production of components and other Defense-related articles, through competition between Department of Defense depot maintenance activities and private firms: *Provided*, That the Senior Acquisition Executive of the military department or Defense Agency concerned, with power of delegation, shall certify that successful bids include comparable estimates of all direct and indirect costs for both public and private bids: *Provided further*, That Office of Management and Budget Cir-

cular A-76 shall not apply to competitions conducted under this section.

SEC. 8027. (a)(1) If the Secretary of Defense, after consultation with the United States Trade Representative, determines that a foreign country which is party to an agreement described in paragraph (2) has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement, the Secretary of Defense shall rescind the Secretary's blanket waiver of the Buy American Act with respect to such types of products produced in that foreign country.

(2) An agreement referred to in paragraph (1) is any reciprocal defense procurement memorandum of understanding, between the United States and a foreign country pursuant to which the Secretary of Defense has prospectively waived the Buy American Act for certain products in that country.

(b) The Secretary of Defense shall submit to the Congress a report on the amount of Department of Defense purchases from foreign entities in fiscal year 2013. Such report shall separately indicate the dollar value of items for which the Buy American Act was waived pursuant to any agreement described in subsection (a)(2), the Trade Agreement Act of 1979 (19 U.S.C. 2501 et seq.), or any international agreement to which the United States is a party.

(c) For purposes of this section, the term "Buy American Act" means chapter 83 of title 41, United States Code.

SEC. 8028. During the current fiscal year, amounts contained in the Department of Defense Overseas Military Facility Investment Recovery Account established by section 2921(c)(1) of the National Defense Authorization Act of 1991 (Public Law 101-510; 10 U.S.C. 2687 note) shall be available until expended for the payments specified by section 2921(c)(2) of that Act.

SEC. 8029. (a) Notwithstanding any other provision of law, the Secretary of the Air Force may convey at no cost to the Air Force, without consideration, to Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington relocatable military housing units located at Grand Forks Air Force Base, Malmstrom Air Force Base, Mountain Home Air Force Base, Ellsworth Air Force Base, and Minot Air Force Base that are excess to the needs of the Air Force.

(b) The Secretary of the Air Force shall convey, at no cost to the Air Force, military housing units under subsection (a) in accordance with the request for such units that are submitted to the Secretary by the Operation Walking Shield Program on behalf of Indian tribes located in the States of Nevada, Idaho, North Dakota, South Dakota, Montana, Oregon, Minnesota, and Washington. Any such conveyance shall be subject to the condition that the housing units shall be removed within a reasonable period of time, as determined by the Secretary.

(c) The Operation Walking Shield Program shall resolve any conflicts among requests of Indian tribes for housing units under subsection (a) before submitting requests to the Secretary of the Air Force under subsection (b).

(d) In this section, the term "Indian tribe" means any recognized Indian tribe included on the current list published by the Secretary of the Interior under section 104 of the Federally Recognized Indian Tribe Act of 1994 (Public Law 103-454; 108 Stat. 4792; 25 U.S.C. 479a-1).

SEC. 8030. During the current fiscal year, appropriations which are available to the Department of Defense for operation and maintenance may be used to purchase items having an investment item unit cost of not more than \$250,000.

SEC. 8031. (a) During the current fiscal year, none of the appropriations or funds available to the Department of Defense Working Capital Funds shall be used for the purchase of an investment item for the purpose of acquiring a new inventory item for sale or anticipated sale during the current fiscal year or a subsequent fiscal year to customers of the Department of Defense Working Capital Funds if such an item would not have been chargeable to the Department of Defense Business Operations Fund during fiscal year 1994 and if the purchase of such an investment item would be chargeable during the current fiscal year to appropriations made to the Department of Defense for procurement.

(b) The fiscal year 2014 budget request for the Department of Defense as well as all justification material and other documentation supporting the fiscal year 2014 Department of Defense budget shall be prepared and submitted to the Congress on the basis that any equipment which was classified as an end item and funded in a procurement appropriation contained in this Act shall be budgeted for in a proposed fiscal year 2014 procurement appropriation and not in the supply management business area or any other area or category of the Department of Defense Working Capital Funds.

SEC. 8032. None of the funds appropriated by this Act for programs of the Central Intelligence Agency shall remain available for obligation beyond the current fiscal year, except for funds appropriated for the Reserve for Contingencies, which shall remain available until September 30, 2014: *Provided*, That funds appropriated, transferred, or otherwise credited to the Central Intelligence Agency Central Services Working Capital Fund during this or any prior or subsequent fiscal year shall remain available until expended: *Provided further*, That any funds appropriated or transferred to the Central Intelligence Agency for advanced research and development acquisition, for agent operations, and for covert action programs authorized by the President under section 503 of the National Security Act of 1947, as amended, shall remain available until September 30, 2014.

SEC. 8033. Notwithstanding any other provision of law, funds made available in this Act for the Defense Intelligence Agency may be used for the design, development, and deployment of General Defense Intelligence Program intelligence communications and intelligence information systems for the Services, the Unified and Specified Commands, and the component commands.

SEC. 8034. Of the funds appropriated to the Department of Defense under the heading "Operation and Maintenance, Defense-Wide", not less than \$12,000,000 shall be made available only for the mitigation of environmental impacts, including training and technical assistance to tribes, related administrative support, the gathering of information, documenting of environmental damage, and developing a system for prioritization of mitigation and cost to complete estimates for mitigation, on Indian lands resulting from Department of Defense activities.

SEC. 8035. (a) None of the funds appropriated in this Act may be expended by an entity of the Department of Defense unless the entity, in expending the funds, complies with the Buy American Act. For purposes of

this subsection, the term “Buy American Act” means chapter 83 of title 41, United States Code.

(b) If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a “Made in America” inscription to any product sold in or shipped to the United States that is not made in America, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

(c) In the case of any equipment or products purchased with appropriations provided under this Act, it is the sense of the Congress that any entity of the Department of Defense, in expending the appropriation, purchase only American-made equipment and products, provided that American-made equipment and products are cost-competitive, quality competitive, and available in a timely fashion.

SEC. 8036. None of the funds appropriated by this Act shall be available for a contract for studies, analysis, or consulting services entered into without competition on the basis of an unsolicited proposal unless the head of the activity responsible for the procurement determines—

(1) as a result of thorough technical evaluation, only one source is found fully qualified to perform the proposed work;

(2) the purpose of the contract is to explore an unsolicited proposal which offers significant scientific or technological promise, represents the product of original thinking, and was submitted in confidence by one source; or

(3) the purpose of the contract is to take advantage of unique and significant industrial accomplishment by a specific concern, or to insure that a new product or idea of a specific concern is given financial support: *Provided*, That this limitation shall not apply to contracts in an amount of less than \$25,000, contracts related to improvements of equipment that is in development or production, or contracts as to which a civilian official of the Department of Defense, who has been confirmed by the Senate, determines that the award of such contract is in the interest of the national defense.

Mr. KINGSTON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 66, line 17, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 8037. (a) Except as provided in subsections (b) and (c), none of the funds made available by this Act may be used—

(1) to establish a field operating agency; or

(2) to pay the basic pay of a member of the Armed Forces or civilian employee of the department who is transferred or reassigned from a headquarters activity if the member or employee's place of duty remains at the location of that headquarters.

(b) The Secretary of Defense or Secretary of a military department may waive the limitations in subsection (a), on a case-by-case basis, if the Secretary determines, and certifies to the Committees on Appropriations of the House of Representatives and Senate

that the granting of the waiver will reduce the personnel requirements or the financial requirements of the department.

(c) This section does not apply to—

(1) field operating agencies funded within the National Intelligence Program;

(2) an Army field operating agency established to eliminate, mitigate, or counter the effects of improvised explosive devices, and, as determined by the Secretary of the Army, other similar threats; or

(3) an Army field operating agency established to improve the effectiveness and efficiencies of biometric activities and to integrate common biometric technologies throughout the Department of Defense.

SEC. 8038. The Secretary of Defense, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, may use funds made available in this Act under the heading “Operation and Maintenance, Defense-Wide” to make grants and supplement other Federal funds in accordance with the guidance provided in the explanatory statement regarding this Act.

SEC. 8039. (a) None of the funds appropriated by this Act shall be available to convert to contractor performance an activity or function of the Department of Defense that, on or after the date of the enactment of this Act, is performed by Department of Defense civilian employees unless—

(1) the conversion is based on the result of a public-private competition that includes a most efficient and cost effective organization plan developed by such activity or function;

(2) the Competitive Sourcing Official determines that, over all performance periods stated in the solicitation of offers for performance of the activity or function, the cost of performance of the activity or function by a contractor would be less costly to the Department of Defense by an amount that equals or exceeds the lesser of—

(A) 10 percent of the most efficient organization's personnel-related costs for performance of that activity or function by Federal employees; or

(B) \$10,000,000; and

(3) the contractor does not receive an advantage for a proposal that would reduce costs for the Department of Defense by—

(A) not making an employer-sponsored health insurance plan available to the workers who are to be employed in the performance of that activity or function under the contract; or

(B) offering to such workers an employer-sponsored health benefits plan that requires the employer to contribute less towards the premium or subscription share than the amount that is paid by the Department of Defense for health benefits for civilian employees under chapter 89 of title 5, United States Code.

(b)(1) The Department of Defense, without regard to subsection (a) of this section or subsection (a), (b), or (c) of section 2461 of title 10, United States Code, and notwithstanding any administrative regulation, requirement, or policy to the contrary shall have full authority to enter into a contract for the performance of any commercial or industrial type function of the Department of Defense that—

(A) is included on the procurement list established pursuant to section 2 of the Javits-Wagner-O'Day Act (section 8503 of title 41, United States Code);

(B) is planned to be converted to performance by a qualified nonprofit agency for the blind or by a qualified nonprofit agency for

other severely handicapped individuals in accordance with that Act; or

(C) is planned to be converted to performance by a qualified firm under at least 51 percent ownership by an Indian tribe, as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)), or a Native Hawaiian Organization, as defined in section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15)).

(2) This section shall not apply to depot contracts or contracts for depot maintenance as provided in sections 2469 and 2474 of title 10, United States Code.

(c) The conversion of any activity or function of the Department of Defense under the authority provided by this section shall be credited toward any competitive or outsourcing goal, target, or measurement that may be established by statute, regulation, or policy and is deemed to be awarded under the authority of, and in compliance with, subsection (h) of section 2304 of title 10, United States Code, for the competition or outsourcing of commercial activities.

AMENDMENT OFFERED BY MR. AMASH

Mr. AMASH. Mr. Chair, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Strike section 8039.

The Acting CHAIR. The gentleman from Michigan is recognized for 5 minutes in support of his amendment.

Mr. AMASH. Mr. Chairman, the House has voted repeatedly to strike problematic and anticompetitive A-76 language from the bill we have considered. The same change and reversal of bad policy should be adopted in this legislation by striking section 8039.

My amendment does just that. As drafted, section 8039 prohibits the Department of Defense from contracting out any function unless it will save a minimum of \$10 million or 10 percent of the Department's performance costs—even if the contractor is less costly overall and can perform the work more efficiently.

Independent studies have found that public-private competitions lower costs by between 10 and 40 percent, regardless of whether the competition is won by a private contractor or the government. Rather than stand in the way of public-private competitions, Congress should cut the red tape and make the use of this cost-saving process easier, not harder.

The requirements in section 8039 are largely codified in existing statute. Retaining section 8039 will obstruct, and potentially nullify, any current efforts to reform the system in ways that improve public-private competitions and bring much-needed transparency, consistency, and reliability to the process.

Instead of complicating the use of competitions that improve service and lower costs, we should be encouraging agencies to find the most efficient way to deliver services. This amendment will send that message by reducing restrictions on the Department of Defense and making it easier to achieve

reforms that will increase the availability of cost-saving competitions throughout the Department.

I urge my colleagues to support this commonsense, taxpayer-first amendment to H.R. 5856.

Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. The amendment tends to remove language from the appropriations bill, which we're going to agree with, by the way. It has been carried in appropriations bills for a number of years. However, when the laws were codified, it became part of the permanent law. It doesn't even need to be in the appropriations bills any longer.

So we have no objection to the gentleman's amendment, and I yield back the balance of my time.

□ 1830

The Acting CHAIR. The question is on the amendment offered by the gentleman from Michigan (Mr. AMASH).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BACA

Mr. BACA. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 9, line 6, after the dollar amount insert the following: "(reduced by \$10,000,000)".

Page 32, line 18, after the dollar amount insert the following: "(increased by \$10,000,000)".

The Acting CHAIR. Is there objection to considering the amendment at this point in the reading?

Mr. YOUNG of Florida. Mr. Chairman, reserving the right to object—and I won't object—I will say this is a little unusual for us to agree to do this. But in this one case, we will agree to it and let the gentleman present his amendment.

I believe in as much openness as we possibly can provide for all of our Members, but we just can't make a habit of going back once the bill has been read, once the regular order has been followed. But in this case, we will yield.

I withdraw my reservation, Mr. Chairman.

The Acting CHAIR. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. BACA. I'd like to thank the chairman and Member DICKS for allowing me this effort on this legislation. I also want to thank my colleague, GARY MILLER, for supporting this amendment.

This is a Baca-Miller amendment. It is bipartisan. It directs \$10 million to be moved from the Operations and Management portion of the Depart-

ment of Defense budget to the Research and Development portion of the budget. Moving these funds will allow the DOD to develop cost-effective solutions to environmental problems.

These funds will allow the Strategic Environmental Research and Development Program and the Environmental Security Technology Certification Program to support, and I state, grants. This is a grant, it's not an earmark, that provides clear water.

My communities in California, including GARY MILLER's district, in the Inland Empire must deal with perchlorate contaminated water. Perchlorate is a rocket fuel additive that can be harmful to women, children, and the elderly, that affects both GARY MILLER's and my district. This contamination has resulted in millions of dollars in cost to the region for cleanup litigation.

Congress should actively support the DOD effort to develop solutions to problems like perchlorate contamination. I ask my colleagues to support the Baca-Miller amendment, a bipartisan amendment.

Again, I thank the chair and the ranking member, and I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, while I did not object to taking up this amendment, I am going to object to the amendment. This one actually was an earmark in the FY10, funded as an earmark at \$1.6 million. It also takes the money from that source that I have objected to before, the Defense-Wide Operation and Maintenance accounts. I just really cannot support anything that is going to affect our readiness to defend our country.

So I strongly object to this amendment, although I did agree to allowing us to go back to consider the amendment, and I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. BACA).

The amendment was rejected.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 8040. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts:

"Procurement of Ammunition, Army, 2011/2013", \$14,862,000;

"Aircraft Procurement, Navy, 2011/2013", \$30,100,000;

"Weapons Procurement, Navy, 2011/2013", \$22,000,000;

"Other Procurement, Navy, 2011/2013", \$12,432,000;

"Aircraft Procurement, Air Force, 2011/2013", \$65,000,000;

"Other Procurement, Air Force, 2011/2013", \$9,500,000;

"Other Procurement, Army, 2012/2014", \$80,000,000;

"Aircraft Procurement, Navy, 2012/2014", \$14,400,000;

"Weapons Procurement, Navy, 2012/2014", \$31,572,000;

"Aircraft Procurement, Air Force, 2012/2014", \$277,050,000;

"Missile Procurement, Air Force, 2012/2014", \$44,000,000;

"Other Procurement, Air Force, 2012/2014", \$55,800,000;

"Research, Development, Test and Evaluation, Army, 2012/2013", \$63,000,000;

"Research, Development, Test and Evaluation, Navy, 2012/2013", \$120,000,000; and

"Research, Development, Test and Evaluation, Air Force, 2012/2013", \$179,600,000.

SEC. 8041. None of the funds available in this Act may be used to reduce the authorized positions for military technicians (dual status) of the Army National Guard, Air National Guard, Army Reserve and Air Force Reserve for the purpose of applying any administratively imposed civilian personnel ceiling, freeze, or reduction on military technicians (dual status), unless such reductions are a direct result of a reduction in military force structure.

SEC. 8042. None of the funds appropriated or otherwise made available in this Act may be obligated or expended for assistance to the Democratic People's Republic of Korea unless specifically appropriated for that purpose.

SEC. 8043. Funds appropriated in this Act for operation and maintenance of the Military Departments, Combatant Commands and Defense Agencies shall be available for reimbursement of pay, allowances and other expenses which would otherwise be incurred against appropriations for the National Guard and Reserve when members of the National Guard and Reserve provide intelligence or counterintelligence support to Combatant Commands, Defense Agencies and Joint Intelligence Activities, including the activities and programs included within the National Intelligence Program and the Military Intelligence Program: *Provided*, That nothing in this section authorizes deviation from established Reserve and National Guard personnel and training procedures.

SEC. 8044. During the current fiscal year, none of the funds appropriated in this Act may be used to reduce the civilian medical and medical support personnel assigned to military treatment facilities below the September 30, 2003, level: *Provided*, That the Service Surgeons General may waive this section by certifying to the congressional defense committees that the beneficiary population is declining in some catchment areas and civilian strength reductions may be consistent with responsible resource stewardship and capitation-based budgeting.

SEC. 8045. (a) None of the funds available to the Department of Defense for any fiscal year for drug interdiction or counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

(b) None of the funds available to the Central Intelligence Agency for any fiscal year for drug interdiction and counter-drug activities may be transferred to any other department or agency of the United States except as specifically provided in an appropriations law.

SEC. 8046. None of the funds appropriated by this Act may be used for the procurement of ball and roller bearings other than those produced by a domestic source and of domestic origin: *Provided*, That the Secretary of

the military department responsible for such procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate, that adequate domestic supplies are not available to meet Department of Defense requirements on a timely basis and that such an acquisition must be made in order to acquire capability for national security purposes: *Provided further*, That this restriction shall not apply to the purchase of "commercial items", as defined by section 4(12) of the Office of Federal Procurement Policy Act, except that the restriction shall apply to ball or roller bearings purchased as end items.

SEC. 8047. None of the funds in this Act may be used to purchase any supercomputer which is not manufactured in the United States, unless the Secretary of Defense certifies to the congressional defense committees that such an acquisition must be made in order to acquire capability for national security purposes that is not available from United States manufacturers.

SEC. 8048. None of the funds made available in this or any other Act may be used to pay the salary of any officer or employee of the Department of Defense who approves or implements the transfer of administrative responsibilities or budgetary resources of any program, project, or activity financed by this Act to the jurisdiction of another Federal agency not financed by this Act without the express authorization of Congress: *Provided*, That this limitation shall not apply to transfers of funds expressly provided for in Defense Appropriations Acts, or provisions of Acts providing supplemental appropriations for the Department of Defense.

SEC. 8049. (a) Notwithstanding any other provision of law, none of the funds available to the Department of Defense for the current fiscal year may be obligated or expended to transfer to another nation or an international organization any defense articles or services (other than intelligence services) for use in the activities described in subsection (b) unless the congressional defense committees, the Committee on Foreign Affairs of the House of Representatives, and the Committee on Foreign Relations of the Senate are notified 15 days in advance of such transfer.

(b) This section applies to—

(1) any international peacekeeping or peace-enforcement operation under the authority of chapter VI or chapter VII of the United Nations Charter under the authority of a United Nations Security Council resolution; and

(2) any other international peacekeeping, peace-enforcement, or humanitarian assistance operation.

(c) A notice under subsection (a) shall include the following:

(1) A description of the equipment, supplies, or services to be transferred.

(2) A statement of the value of the equipment, supplies, or services to be transferred.

(3) In the case of a proposed transfer of equipment or supplies—

(A) a statement of whether the inventory requirements of all elements of the Armed Forces (including the reserve components) for the type of equipment or supplies to be transferred have been met; and

(B) a statement of whether the items proposed to be transferred will have to be replaced and, if so, how the President proposes to provide funds for such replacement.

SEC. 8050. None of the funds available to the Department of Defense under this Act

shall be obligated or expended to pay a contractor under a contract with the Department of Defense for costs of any amount paid by the contractor to an employee when—

(1) such costs are for a bonus or otherwise in excess of the normal salary paid by the contractor to the employee; and

(2) such bonus is part of restructuring costs associated with a business combination.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8051. During the current fiscal year, no more than \$30,000,000 of appropriations made in this Act under the heading "Operation and Maintenance, Defense-Wide" may be transferred to appropriations available for the pay of military personnel, to be merged with, and to be available for the same time period as the appropriations to which transferred, to be used in support of such personnel in connection with support and services for eligible organizations and activities outside the Department of Defense pursuant to section 2012 of title 10, United States Code.

SEC. 8052. During the current fiscal year, in the case of an appropriation account of the Department of Defense for which the period of availability for obligation has expired or which has closed under the provisions of section 1552 of title 31, United States Code, and which has a negative unliquidated or unexpended balance, an obligation or an adjustment of an obligation may be charged to any current appropriation account for the same purpose as the expired or closed account if—

(1) the obligation would have been properly chargeable (except as to amount) to the expired or closed account before the end of the period of availability or closing of that account;

(2) the obligation is not otherwise properly chargeable to any current appropriation account of the Department of Defense; and

(3) in the case of an expired account, the obligation is not chargeable to a current appropriation of the Department of Defense under the provisions of section 1405(b)(8) of the National Defense Authorization Act for Fiscal Year 1991, Public Law 101-510, as amended (31 U.S.C. 1551 note): *Provided*, That in the case of an expired account, if subsequent review or investigation discloses that there was not in fact a negative unliquidated or unexpended balance in the account, any charge to a current account under the authority of this section shall be reversed and recorded against the expired account: *Provided further*, That the total amount charged to a current appropriation under this section may not exceed an amount equal to 1 percent of the total appropriation for that account.

SEC. 8053. (a) Notwithstanding any other provision of law, the Chief of the National Guard Bureau may permit the use of equipment of the National Guard Distance Learning Project by any person or entity on a space-available, reimbursable basis. The Chief of the National Guard Bureau shall establish the amount of reimbursement for such use on a case-by-case basis.

(b) Amounts collected under subsection (a) shall be credited to funds available for the National Guard Distance Learning Project and be available to defray the costs associated with the use of equipment of the project under that subsection. Such funds shall be available for such purposes without fiscal year limitation.

SEC. 8054. Using funds made available by this Act or any other Act, the Secretary of the Air Force, pursuant to a determination under section 2690 of title 10, United States Code, may implement cost-effective agreements for required heating facility mod-

ernization in the Kaiserslautern Military Community in the Federal Republic of Germany: *Provided*, That in the City of Kaiserslautern and at the Rhine Ordnance Barracks area, such agreements will include the use of United States anthracite as the base load energy for municipal district heat to the United States Defense installations: *Provided further*, That at Landstuhl Army Regional Medical Center and Ramstein Air Base, furnished heat may be obtained from private, regional or municipal services, if provisions are included for the consideration of United States coal as an energy source.

SEC. 8055. None of the funds appropriated in title IV of this Act may be used to procure end-items for delivery to military forces for operational training, operational use or inventory requirements: *Provided*, That this restriction does not apply to end-items used in development, prototyping, and test activities preceding and leading to acceptance for operational use: *Provided further*, That this restriction does not apply to programs funded within the National Intelligence Program: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8056. (a) The Secretary of Defense may, on a case-by-case basis, waive with respect to a foreign country each limitation on the procurement of defense items from foreign sources provided in law if the Secretary determines that the application of the limitation with respect to that country would invalidate cooperative programs entered into between the Department of Defense and the foreign country, or would invalidate reciprocal trade agreements for the procurement of defense items entered into under section 2531 of title 10, United States Code, and the country does not discriminate against the same or similar defense items produced in the United States for that country.

(b) Subsection (a) applies with respect to—

(1) contracts and subcontracts entered into on or after the date of the enactment of this Act; and

(2) options for the procurement of items that are exercised after such date under contracts that are entered into before such date if the option prices are adjusted for any reason other than the application of a waiver granted under subsection (a).

(c) Subsection (a) does not apply to a limitation regarding construction of public vessels, ball and roller bearings, food, and clothing or textile materials as defined by section 11 (chapters 50-65) of the Harmonized Tariff Schedule and products classified under headings 4010, 4202, 4203, 6401 through 6406, 6505, 7019, 7218 through 7229, 7304.41 through 7304.49, 7306.40, 7502 through 7508, 8105, 8108, 8109, 8211, 8215, and 9404.

SEC. 8057. (a) None of the funds made available by this Act may be used to support any training program involving a unit of the security forces or police of a foreign country if the Secretary of Defense has received credible information from the Department of State that the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

(b) The Secretary of Defense, in consultation with the Secretary of State, shall ensure that prior to a decision to conduct any training program referred to in subsection (a), full consideration is given to all credible information available to the Department of State relating to human rights violations by foreign security forces.

(c) The Secretary of Defense, after consultation with the Secretary of State, may waive the prohibition in subsection (a) if he determines that such waiver is required by extraordinary circumstances.

(d) Not more than 15 days after the exercise of any waiver under subsection (c), the Secretary of Defense shall submit a report to the congressional defense committees describing the extraordinary circumstances, the purpose and duration of the training program, the United States forces and the foreign security forces involved in the training program, and the information relating to human rights violations that necessitates the waiver.

SEC. 8058. None of the funds appropriated or otherwise made available by this or other Department of Defense Appropriations Acts may be obligated or expended for the purpose of performing repairs or maintenance to military family housing units of the Department of Defense, including areas in such military family housing units that may be used for the purpose of conducting official Department of Defense business.

SEC. 8059. Notwithstanding any other provision of law, funds appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide” for any new start advanced concept technology demonstration project or joint capability demonstration project may only be obligated 45 days after a report, including a description of the project, the planned acquisition and transition strategy and its estimated annual and total cost, has been provided in writing to the congressional defense committees: *Provided*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying to the congressional defense committees that it is in the national interest to do so.

SEC. 8060. The Secretary of Defense shall provide a classified quarterly report beginning 30 days after enactment of this Act, to the House and Senate Appropriations Committees, Subcommittees on Defense on certain matters as directed in the classified annex accompanying this Act.

SEC. 8061. During the current fiscal year, none of the funds available to the Department of Defense may be used to provide support to another department or agency of the United States if such department or agency is more than 90 days in arrears in making payment to the Department of Defense for goods or services previously provided to such department or agency on a reimbursable basis: *Provided*, That this restriction shall not apply if the department is authorized by law to provide support to such department or agency on a nonreimbursable basis, and is providing the requested support pursuant to such authority: *Provided further*, That the Secretary of Defense may waive this restriction on a case-by-case basis by certifying in writing to the Committees on Appropriations of the House of Representatives and the Senate that it is in the national security interest to do so.

SEC. 8062. Notwithstanding section 12310(b) of title 10, United States Code, a Reserve who is a member of the National Guard serving on full-time National Guard duty under section 502(f) of title 32, United States Code, may perform duties in support of the ground-based elements of the National Ballistic Missile Defense System.

SEC. 8063. None of the funds provided in this Act may be used to transfer to any non-governmental entity ammunition held by the Department of Defense that has a center-fire cartridge and a United States military

nomenclature designation of “armor penetrator”, “armor piercing (AP)”, “armor piercing incendiary (API)”, or “armor-piercing incendiary tracer (API-T)”, except to an entity performing demilitarization services for the Department of Defense under a contract that requires the entity to demonstrate to the satisfaction of the Department of Defense that armor piercing projectiles are either: (1) rendered incapable of reuse by the demilitarization process; or (2) used to manufacture ammunition pursuant to a contract with the Department of Defense or the manufacture of ammunition for export pursuant to a License for Permanent Export of Unclassified Military Articles issued by the Department of State.

SEC. 8064. Notwithstanding any other provision of law, the Chief of the National Guard Bureau, or his designee, may waive payment of all or part of the consideration that otherwise would be required under section 2667 of title 10, United States Code, in the case of a lease of personal property for a period not in excess of 1 year to any organization specified in section 508(d) of title 32, United States Code, or any other youth, social, or fraternal nonprofit organization as may be approved by the Chief of the National Guard Bureau, or his designee, on a case-by-case basis.

SEC. 8065. None of the funds appropriated by this Act shall be used for the support of any nonappropriated funds activity of the Department of Defense that procures malt beverages and wine with nonappropriated funds for resale (including such alcoholic beverages sold by the drink) on a military installation located in the United States unless such malt beverages and wine are procured within that State, or in the case of the District of Columbia, within the District of Columbia, in which the military installation is located: *Provided*, That in a case in which the military installation is located in more than one State, purchases may be made in any State in which the installation is located: *Provided further*, That such local procurement requirements for malt beverages and wine shall apply to all alcoholic beverages only for military installations in States which are not contiguous with another State: *Provided further*, That alcoholic beverages other than wine and malt beverages, in contiguous States and the District of Columbia shall be procured from the most competitive source, price and other factors considered.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8066. Of the amounts appropriated in this Act under the heading “Operation and Maintenance, Army”, \$133,381,000 shall remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Defense is authorized to transfer such funds to other activities of the Federal Government: *Provided further*, That the Secretary of Defense is authorized to enter into and carry out contracts for the acquisition of real property, construction, personal services, and operations related to projects carrying out the purposes of this section: *Provided further*, That contracts entered into under the authority of this section may provide for such indemnification as the Secretary determines to be necessary: *Provided further*, That projects authorized by this section shall comply with applicable Federal, State, and local law to the maximum extent consistent with the national security, as determined by the Secretary of Defense.

SEC. 8067. Section 8106 of the Department of Defense Appropriations Act, 1997 (titles I

through VIII of the matter under subsection 101(b) of Public Law 104-208; 110 Stat. 3009-111; 10 U.S.C. 113 note) shall continue in effect to apply to disbursements that are made by the Department of Defense in fiscal year 2013.

SEC. 8068. In addition to amounts provided elsewhere in this Act, \$4,000,000 is hereby appropriated to the Department of Defense, to remain available for obligation until expended: *Provided*, That notwithstanding any other provision of law, that upon the determination of the Secretary of Defense that it shall serve the national interest, these funds shall be available only for a grant to the Fisher House Foundation, Inc., only for the construction and furnishing of additional Fisher Houses to meet the needs of military family members when confronted with the illness or hospitalization of an eligible military beneficiary.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8069. Of the amounts appropriated in this Act under the heading “Research, Development, Test and Evaluation, Defense-Wide”, \$948,736,000 shall be for the Israeli Cooperative Programs: *Provided*, That of this amount, \$149,679,000 shall be for the Short Range Ballistic Missile Defense (SRBMD) program, including cruise missile defense research and development under the SRBMD program, of which \$15,000,000 shall be for production activities of SRBMD missiles in the United States and in Israel to meet Israel's defense requirements consistent with each nation's laws, regulations, and procedures, \$74,692,000 shall be available for an upper-tier component to the Israeli Missile Defense Architecture, and \$44,365,000 shall be for the Arrow System Improvement Program including development of a long range, ground and airborne, detection suite, and \$680,000,000 shall be for the Iron Dome program: *Provided further*, That funds made available under this provision for production of missiles and missile components may be transferred to appropriations available for the procurement of weapons and equipment, to be merged with and to be available for the same time period and the same purposes as the appropriation to which transferred: *Provided further*, That the transfer authority provided under this provision is in addition to any other transfer authority contained in this Act.

SEC. 8070. None of the funds available to the Department of Defense may be obligated to modify command and control relationships to give Fleet Forces Command operational and administrative control of U.S. Navy forces assigned to the Pacific fleet: *Provided*, That the command and control relationships which existed on October 1, 1994, shall remain in force unless changes are specifically authorized in a subsequent Act.

SEC. 8071. Of the amounts appropriated in this Act under the heading “Shipbuilding and Conversion, Navy”, \$372,573,000 shall be available until September 30, 2013, to fund prior year shipbuilding cost increases: *Provided*, That upon enactment of this Act, the Secretary of the Navy shall transfer funds to the following appropriations in the amounts specified: *Provided further*, That the amounts transferred shall be merged with and be available for the same purposes as the appropriations to which transferred to:

(1) Under the heading “Shipbuilding and Conversion, Navy, 2007/2013”: LHA Replacement Program \$156,685,000;

(2) Under the heading “Shipbuilding and Conversion, Navy, 2008/2013”: LPD-17 Amphibious Transport Dock Program \$80,888,000; and

(3) Under the heading “Shipbuilding and Conversion, Navy, 2009/2013”: CVN Refueling Overhauls \$135,000,000.

SEC. 8072. Funds appropriated by this Act, or made available by the transfer of funds in this Act, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504 of the National Security Act of 1947 (50 U.S.C. 414) during fiscal year 2013 until the enactment of the Intelligence Authorization Act for Fiscal Year 2013.

SEC. 8073. None of the funds provided in this Act shall be available for obligation or expenditure through a reprogramming of funds that creates or initiates a new program, project, or activity unless such program, project, or activity must be undertaken immediately in the interest of national security and only after written prior notification to the congressional defense committee.

SEC. 8074. The budget of the President for fiscal year 2014 submitted to the Congress pursuant to section 1105 of title 31, United States Code, shall include separate budget justification documents for costs of United States Armed Forces’ participation in contingency operations for the Military Personnel accounts, the Operation and Maintenance accounts, and the Procurement accounts: *Provided*, That these documents shall include a description of the funding requested for each contingency operation, for each military service, to include all Active and Reserve components, and for each appropriations account: *Provided further*, That these documents shall include estimated costs for each element of expense or object class, a reconciliation of increases and decreases for each contingency operation, and programmatic data including, but not limited to, troop strength for each Active and Reserve component, and estimates of the major weapons systems deployed in support of each contingency: *Provided further*, That these documents shall include budget exhibits OP-5 and OP-32 (as defined in the Department of Defense Financial Management Regulation) for all contingency operations for the budget year and the two preceding fiscal years.

SEC. 8075. None of the funds in this Act may be used for research, development, test, evaluation, procurement or deployment of nuclear armed interceptors of a missile defense system.

SEC. 8076. In addition to the amounts appropriated or otherwise made available elsewhere in this Act, \$44,000,000 is hereby appropriated to the Department of Defense: *Provided*, That upon the determination of the Secretary of Defense that it shall serve the national interest, he shall make grants in the amounts specified as follows: \$20,000,000 to the United Service Organizations and \$24,000,000 to the Red Cross.

SEC. 8077. None of the funds appropriated or made available in this Act shall be used to reduce or disestablish the operation of the 53rd Weather Reconnaissance Squadron of the Air Force Reserve, if such action would reduce the WC-130 Weather Reconnaissance mission below the levels funded in this Act: *Provided*, That the Air Force shall allow the 53rd Weather Reconnaissance Squadron to perform other missions in support of national defense requirements during the non-hurricane season.

SEC. 8078. None of the funds provided in this Act shall be available for integration of foreign intelligence information unless the information has been lawfully collected and processed during the conduct of authorized

foreign intelligence activities: *Provided*, That information pertaining to United States persons shall only be handled in accordance with protections provided in the Fourth Amendment of the United States Constitution as implemented through Executive Order No. 12333.

SEC. 8079. (a) At the time members of reserve components of the Armed Forces are called or ordered to active duty under section 12302(a) of title 10, United States Code, each member shall be notified in writing of the expected period during which the member will be mobilized.

(b) The Secretary of Defense may waive the requirements of subsection (a) in any case in which the Secretary determines that it is necessary to do so to respond to a national security emergency or to meet dire operational requirements of the Armed Forces.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8080. The Secretary of Defense may transfer funds from any available Department of the Navy appropriation to any available Navy ship construction appropriation for the purpose of liquidating necessary changes resulting from inflation, market fluctuations, or rate adjustments for any ship construction program appropriated in law: *Provided*, That the Secretary may transfer not to exceed \$100,000,000 under the authority provided by this section: *Provided further*, That the Secretary may not transfer any funds until 30 days after the proposed transfer has been reported to the Committees on Appropriations of the House of Representatives and the Senate, unless a response from the Committees is received sooner: *Provided further*, That any funds transferred pursuant to this section shall retain the same period of availability as when originally appropriated: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority contained elsewhere in this Act.

SEC. 8081. For purposes of section 7108 of title 41, United States Code, any subdivision of appropriations made under the heading “Shipbuilding and Conversion, Navy” that is not closed at the time reimbursement is made shall be available to reimburse the Judgment Fund and shall be considered for the same purposes as any subdivision under the heading “Shipbuilding and Conversion, Navy” appropriations in the current fiscal year or any prior fiscal year.

SEC. 8082. (a) None of the funds appropriated by this Act may be used to transfer research and development, acquisition, or other program authority relating to current tactical unmanned aerial vehicles (TUAVs) from the Army.

(b) The Army shall retain responsibility for and operational control of the MQ-1C Sky Warrior Unmanned Aerial Vehicle (UAV) in order to support the Secretary of Defense in matters relating to the employment of unmanned aerial vehicles.

SEC. 8083. Up to \$15,000,000 of the funds appropriated under the heading “Operation and Maintenance, Navy” may be made available for the Asia Pacific Regional Initiative Program for the purpose of enabling the Pacific Command to execute Theater Security Cooperation activities such as humanitarian assistance, and payment of incremental and personnel costs of training and exercising with foreign security forces: *Provided*, That funds made available for this purpose may be used, notwithstanding any other funding authorities for humanitarian assistance, security assistance or combined exercise expenses: *Provided further*, That funds may not

be obligated to provide assistance to any foreign country that is otherwise prohibited from receiving such type of assistance under any other provision of law.

SEC. 8084. None of the funds appropriated by this Act for programs of the Office of the Director of National Intelligence shall remain available for obligation beyond the current fiscal year, except for funds appropriated for research and technology, which shall remain available until September 30, 2014.

SEC. 8085. For purposes of section 1553(b) of title 31, United States Code, any subdivision of appropriations made in this Act under the heading “Shipbuilding and Conversion, Navy” shall be considered to be for the same purpose as any subdivision under the heading “Shipbuilding and Conversion, Navy” appropriations in any prior fiscal year, and the 1 percent limitation shall apply to the total amount of the appropriation.

SEC. 8086. The Director of National Intelligence shall include the budget exhibits identified in paragraphs (1) and (2) as described in the Department of Defense Financial Management Regulation with the congressional budget justification books:

(1) For procurement programs requesting more than \$10,000,000 in any fiscal year, the P-1, Procurement Program; P-5, Cost Analysis; P-5a, Procurement History and Planning; P-21, Production Schedule; and P-40, Budget Item Justification.

(2) For research, development, test and evaluation projects requesting more than \$5,000,000 in any fiscal year, the R-1, Research, Development, Test and Evaluation Program; R-2, Research, Development, Test and Evaluation Budget Item Justification; R-3, Research, Development, Test and Evaluation Project Cost Analysis; and R-4, Research, Development, Test and Evaluation Program Schedule Profile.

SEC. 8087. Notwithstanding any other provision of this Act, due to an excessive level of funded carryover at Army depots, the total amount appropriated to “Operation and Maintenance, Army”, in title II of this Act is hereby reduced by \$1,207,400,000, and the total amount appropriated to “Other Procurement, Army”, in title III of this Act is hereby reduced by \$1,253,500,000.

SEC. 8088. (a) Not later than 60 days after the date of enactment of this Act, the Director of National Intelligence shall submit a report to the congressional intelligence committees to establish the baseline for application of reprogramming and transfer authorities for fiscal year 2013: *Provided*, That the report shall include—

(1) a table for each appropriation with a separate column to display the President’s budget request, adjustments made by Congress, adjustments due to enacted rescissions, if appropriate, and the fiscal year enacted level;

(2) a delineation in the table for each appropriation by Expenditure Center and project; and

(3) an identification of items of special congressional interest.

(b) None of the funds provided for the National Intelligence Program in this Act shall be available for reprogramming or transfer until the report identified in subsection (a) is submitted to the congressional intelligence committees, unless the Director of National Intelligence certifies in writing to the congressional intelligence committees that such reprogramming or transfer is necessary as an emergency requirement.

SEC. 8089. (a) None of the funds provided for the National Intelligence Program in this or

any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403-1(d)) that—

- (1) creates a new start effort;
- (2) terminates a program with appropriated funding of \$10,000,000 or more;
- (3) transfers funding into or out of the National Intelligence Program; or
- (4) transfers funding between appropriations,

unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

(b) None of the funds provided for the National Intelligence Program in this or any prior appropriations Act shall be available for obligation or expenditure through a reprogramming or transfer of funds in accordance with section 102A(d) of the National Security Act of 1947 (50 U.S.C. 403-1(d)) that results in a cumulative increase or decrease of the levels specified in the classified annex accompanying the Act unless the congressional intelligence committees are notified 30 days in advance of such reprogramming of funds; this notification period may be reduced for urgent national security requirements.

SEC. 8090. The Director of National Intelligence shall submit to Congress each year, at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31, United States Code, a future-years intelligence program (including associated annexes) reflecting the estimated expenditures and proposed appropriations included in that budget. Any such future-years intelligence program shall cover the fiscal year with respect to which the budget is submitted and at least the four succeeding fiscal years.

SEC. 8091. For the purposes of this Act, the term "congressional intelligence committees" means the Permanent Select Committee on Intelligence of the House of Representatives, the Select Committee on Intelligence of the Senate, the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, and the Subcommittee on Defense of the Committee on Appropriations of the Senate.

SEC. 8092. The Department of Defense shall continue to report incremental contingency operations costs for Operation New Dawn and Operation Enduring Freedom, or any other named operations in the U.S. Central Command area of operation on a monthly basis in the Cost of War Execution Report as prescribed in the Department of Defense Financial Management Regulation Department of Defense Instruction 7000.14, Volume 12, Chapter 23 "Contingency Operations", Annex 1, dated September 2005.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8093. During the current fiscal year, not to exceed \$11,000,000 from each of the appropriations made in title II of this Act for "Operation and Maintenance, Army", "Operation and Maintenance, Navy", and "Operation and Maintenance, Air Force" may be transferred by the military department concerned to its central fund established for Fisher Houses and Suites pursuant to section 2493(d) of title 10, United States Code.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8094. Funds appropriated by this Act for operation and maintenance may be available for the purpose of making remittances

to the Defense Acquisition Workforce Development Fund in accordance with the requirements of section 1705 of title 10, United States Code.

SEC. 8095. (a) Any agency receiving funds made available in this Act, shall, subject to subsections (b) and (c), post on the public website of that agency any report required to be submitted by the Congress in this or any other Act, upon the determination by the head of the agency that it shall serve the national interest.

(b) Subsection (a) shall not apply to a report if—

- (1) the public posting of the report compromises national security; or
- (2) the report contains proprietary information.

(c) The head of the agency posting such report shall do so only after such report has been made available to the requesting Committee or Committees of Congress for no less than 45 days.

SEC. 8096. (a) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract for an amount in excess of \$1,000,000, unless the contractor agrees not to—

- (1) enter into any agreement with any of its employees or independent contractors that requires, as a condition of employment, that the employee or independent contractor agree to resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention; or
- (2) take any action to enforce any provision of an existing agreement with an employee or independent contractor that mandates that the employee or independent contractor resolve through arbitration any claim under title VII of the Civil Rights Act of 1964 or any tort related to or arising out of sexual assault or harassment, including assault and battery, intentional infliction of emotional distress, false imprisonment, or negligent hiring, supervision, or retention.

(b) None of the funds appropriated or otherwise made available by this Act may be expended for any Federal contract unless the contractor certifies that it requires each covered subcontractor to agree not to enter into, and not to take any action to enforce any provision of, any agreement as described in paragraphs (1) and (2) of subsection (a), with respect to any employee or independent contractor performing work related to such subcontract. For purposes of this subsection, a "covered subcontractor" is an entity that has a subcontract in excess of \$1,000,000 on a contract subject to subsection (a).

(c) The prohibitions in this section do not apply with respect to a contractor's or subcontractor's agreements with employees or independent contractors that may not be enforced in a court of the United States.

(d) The Secretary of Defense may waive the application of subsection (a) or (b) to a particular contractor or subcontractor for the purposes of a particular contract or subcontract if the Secretary or the Deputy Secretary personally determines that the waiver is necessary to avoid harm to national security interests of the United States, and that the term of the contract or subcontract is not longer than necessary to avoid such harm. The determination shall set forth with specificity the grounds for the waiver and for the contract or subcontract term selected, and shall state any alternatives considered

in lieu of a waiver and the reasons each such alternative would not avoid harm to national security interests of the United States. The Secretary of Defense shall transmit to Congress, and simultaneously make public, any determination under this subsection not less than 15 business days before the contract or subcontract addressed in the determination may be awarded.

SEC. 8097. None of the funds made available under this Act may be distributed to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8098. From within the funds appropriated for operation and maintenance for the Defense Health Program in this Act, up to \$139,204,000, shall be available for transfer to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund in accordance with the provisions of section 1704 of the National Defense Authorization Act for Fiscal Year 2010, Public Law 111-84: *Provided*, That for purposes of section 1704(b), the facility operations funded are operations of the integrated Captain James A. Lovell Federal Health Care Center, consisting of the North Chicago Veterans Affairs Medical Center, the Navy Ambulatory Care Center, and supporting facilities designated as a combined Federal medical facility as described by section 706 of Public Law 110-417: *Provided further*, That additional funds may be transferred from funds appropriated for operation and maintenance for the Defense Health Program to the Joint Department of Defense-Department of Veterans Affairs Medical Facility Demonstration Fund upon written notification by the Secretary of Defense to the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 8099. The Office of the Director of National Intelligence shall not employ more Senior Executive employees than are specified in the classified annex.

SEC. 8100. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay a retired general or flag officer to serve as a senior mentor advising the Department of Defense unless such retired officer files a Standard Form 278 (or successor form concerning public financial disclosure under part 2634 of title 5, Code of Federal Regulations) to the Office of Government Ethics.

SEC. 8101. Appropriations available to the Department of Defense may be used for the purchase of heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of \$250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 8102. Of the amounts appropriated for "Operation and Maintenance, Defense-Wide", the following amounts shall be available to the Secretary of Defense, for the following authorized purposes, notwithstanding any other provision of law, acting through the Office of Economic Adjustment of the Department of Defense, to make grants, conclude cooperative agreements, and supplement other Federal funds, to remain available until expended, to assist the civilian population of Guam in response to the military buildup of Guam: (1) \$33,000,000 for addressing the need for construction of a mental health and substance abuse facility and construction of a regional public health laboratory; and (2) \$106,400,000 for addressing the need for civilian water and wastewater improvements: *Provided*, That the Secretary of Defense shall, not fewer than 15 days prior to

obligating funds for either of the foregoing purposes, notify the congressional defense committees in writing of the details of any such obligation.

SEC. 8103. None of the funds made available by this Act may be used by the Secretary of Defense to take beneficial occupancy of more than 2,000 parking spaces (other than handicapped-reserved spaces) to be provided by the BRAC 133 project: *Provided*, That this limitation may be waived in part if: (1) the Secretary of Defense certifies to Congress that levels of service at existing intersections in the vicinity of the project have not experienced failing levels of service as defined by the Transportation Research Board Highway Capacity Manual over a consecutive 90-day period; (2) the Department of Defense and the Virginia Department of Transportation agree on the number of additional parking spaces that may be made available to employees of the facility subject to continued 90-day traffic monitoring; and (3) the Secretary of Defense notifies the congressional defense committees in writing at least 14 days prior to exercising this waiver of the number of additional parking spaces to be made available: *Provided further*, That the Secretary of Defense shall implement the Department of Defense Inspector General recommendations outlined in report number DODIG-2012-024, and certify to Congress not later than 180 days after enactment of this Act that the recommendations have been implemented.

SEC. 8104. Not later than 120 days after the date of the enactment of this Act, the Secretary of Defense shall resume monthly reporting of the numbers of civilian personnel end strength by appropriation account for each and every appropriation account used to finance Federal civilian personnel salaries to the congressional defense committees within 15 days after the end of each fiscal quarter.

SEC. 8105. None of the funds appropriated in this or any other Act may be used to plan, prepare for, or otherwise take any action to undertake or implement the separation of the National Intelligence Program budget from the Department of Defense budget.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8106. Upon a determination by the Director of National Intelligence that such action is necessary and in the national interest, the Director may, with the approval of the Office of Management and Budget, transfer not to exceed \$2,000,000,000 of the funds made available in this Act for the National Intelligence Program: *Provided*, That such authority to transfer may not be used unless for higher priority items, based on unforeseen intelligence requirements, than those for which originally appropriated and in no case where the item for which funds are requested has been denied by the Congress: *Provided further*, That a request for multiple reprogrammings of funds using authority provided in this section shall be made prior to June 30, 2013.

(INCLUDING TRANSFER OF FUNDS)

SEC. 8107. In addition to amounts provided elsewhere in the Act, there is appropriated \$270,000,000 for an additional amount for "Operation and Maintenance, Defense-Wide", to be available until expended: *Provided*, That such funds shall only be available to the Secretary of Defense, acting through the Office of Economic Adjustment of the Department of Defense, or for transfer to the Secretary of Education, notwithstanding any other provision of law, to make grants, conclude cooperative agreements, or supplement other Fed-

eral funds to construct, renovate, repair, or expand elementary and secondary public schools on military installations in order to address capacity or facility condition deficiencies at such schools: *Provided further*, That in making such funds available, the Office of Economic Adjustment or the Secretary of Education shall give priority consideration to those military installations with schools having the most serious capacity or facility condition deficiencies as determined by the Secretary of Defense: *Provided further*, That funds may not be made available for a school unless its enrollment of Department of Defense-connected children is greater than 50 percent.

SEC. 8108. None of the funds appropriated or otherwise made available in this or any other Act may be used to transfer, release, or assist in the transfer or release to or within the United States, its territories, or possessions Khalid Sheikh Mohammed or any other detainee who—

(1) is not a United States citizen or a member of the Armed Forces of the United States; and

(2) is or was held on or after June 24, 2009, at the United States Naval Station, Guantanamo Bay, Cuba, by the Department of Defense.

SEC. 8109. (a)(1) Except as provided in paragraph (2) and subsection (d), none of the funds appropriated or otherwise made available in this or any other Act may be used to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity unless the Secretary of Defense submits to Congress the certification described in subsection (b) not later than 30 days before the transfer of the individual.

(2) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a military commission case prior to the date of the enactment of this Act.

(b) A certification described in this subsection is a written certification made by the Secretary of Defense, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, that—

(1) the government of the foreign country or the recognized leadership of the foreign entity to which the individual detained at Guantanamo is to be transferred—

(A) is not a designated state sponsor of terrorism or a designated foreign terrorist organization;

(B) maintains control over each detention facility in which the individual is to be detained if the individual is to be housed in a detention facility;

(C) is not, as of the date of the certification, facing a threat that is likely to substantially affect its ability to exercise control over the individual;

(D) has taken or agreed to take effective actions to ensure that the individual cannot take action to threaten the United States, its citizens, or its allies in the future;

(E) has taken or agreed to take such actions as the Secretary of Defense determines are necessary to ensure that the individual cannot engage or reengage in any terrorist activity; and

(F) has agreed to share with the United States any information that—

(i) is related to the individual or any associates of the individual; and

(ii) could affect the security of the United States, its citizens, or its allies; and

(2) includes an assessment, in classified or unclassified form, of the capacity, willingness, and past practices (if applicable) of the foreign country or entity in relation to the Secretary's certifications.

(c)(1) Except as provided in paragraph (2) and subsection (d), none of the funds appropriated or otherwise made available in this or any other Act may be used to transfer any individual detained at Guantanamo to the custody or control of the individual's country of origin, any other foreign country, or any other foreign entity if there is a confirmed case of any individual who was detained at United States Naval Station, Guantanamo Bay, Cuba, at any time after September 11, 2001, who was transferred to such foreign country or entity and subsequently engaged in any terrorist activity.

(2) Paragraph (1) shall not apply to any action taken by the Secretary to transfer any individual detained at Guantanamo to effectuate—

(A) an order affecting the disposition of the individual that is issued by a court or competent tribunal of the United States having lawful jurisdiction (which the Secretary shall notify Congress of promptly after issuance); or

(B) a pre-trial agreement entered in a military commission case prior to the date of the enactment of this Act.

(d)(1) The Secretary of Defense may waive the applicability to a detainee transfer of a certification requirement specified in subparagraph (D) or (E) of subsection (b)(1) or the prohibition in subsection (c), if the Secretary certifies the rest of the criteria required by subsection (b) for transfers prohibited by (c) and, with the concurrence of the Secretary of State and in consultation with the Director of National Intelligence, determines that—

(A) alternative actions will be taken to address the underlying purpose of the requirement or requirements to be waived;

(B) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), it is not possible to certify that the risks addressed in the paragraph to be waived have been completely eliminated, but the actions to be taken under subparagraph (A) will substantially mitigate such risks with regard to the individual to be transferred;

(C) in the case of a waiver of subsection (c), the Secretary has considered any confirmed case in which an individual who was transferred to the country subsequently engaged in terrorist activity, and the actions to be taken under subparagraph (A) will substantially mitigate the risk of recidivism with regard to the individual to be transferred; and

(D) the transfer is in the national security interests of the United States.

(2) Whenever the Secretary makes a determination under paragraph (1), the Secretary shall submit to the appropriate committees of Congress, not later than 30 days before the transfer of the individual concerned, the following:

(A) A copy of the determination and the waiver concerned.

(B) A statement of the basis for the determination, including—

(i) an explanation why the transfer is in the national security interests of the United States; and

(ii) in the case of a waiver of subparagraph (D) or (E) of subsection (b)(1), an explanation why it is not possible to certify that the risks addressed in the subparagraph to be waived have been completely eliminated.

(C) A summary of the alternative actions to be taken to address the underlying purpose of, and to mitigate the risks addressed in, the subparagraph or subsection to be waived.

(D) The assessment required by subsection b)(2).

(e) In this section:

(1) The term “appropriate committees of Congress” means—

(A) the Committee on Armed Services, the Committee on Appropriations, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Appropriations, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) The term “individual detained at Guantanamo” means any individual located at United States Naval Station, Guantanamo Bay, Cuba, as of October 1, 2009, who—

(A) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(B) is—

(i) in the custody or under the control of the Department of Defense; or

(ii) otherwise under detention at United States Naval Station, Guantanamo Bay,

(3) The term “foreign terrorist organization” means any organization so designated by the Secretary of State under section 219 of the Immigration and Nationality Act (8 U.S.C. 1189).

SEC. 8110. (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to construct, acquire, or modify any facility in the United States, its territories, or possessions to house any individual described in subsection (c) for the purposes of detention or imprisonment in the custody or under the effective control of the Department of Defense.

(b) The prohibition in subsection (a) shall not apply to any modification of facilities at United States Naval Station, Guantanamo Bay, Cuba.

(c) An individual described in this subsection is any individual who, as of June 24, 2009, is located at United States Naval Station, Guantanamo Bay, Cuba, and who—

(1) is not a citizen of the United States or a member of the Armed Forces of the United States; and

(2) is—

(A) in the custody or under the effective control of the Department of Defense; or

(B) otherwise under detention at United States Naval Station, Guantanamo Bay, Cuba.

SEC. 8111. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 8112. None of the funds made available by this Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless the agency has considered suspension or debarment of the corporation and made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 8113. None of the funds made available by this Act may be used in contravention of section 1590 or 1591 of title 18, United States Code, or in contravention of the requirements of section 106(g) or (h) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7104(g) or (h)).

SEC. 8114. None of the funds made available by this Act for International Military education and training, foreign military financing, excess defense article, assistance under section 1206 of the National Defense Authorization Act for Fiscal year 2006 (Public Law 109-163; 119 Stat. 3456) issuance for direct commercial sales of military equipment, or peacekeeping operations for the countries of Chad, Yemen, Somalia, Sudan, the Democratic Republic of the Congo, and Burma may be used to support any military training or operation that include child soldiers, as defined by the Child Soldiers Prevention Act of 2008, and except if such assistance is otherwise permitted under section 404 of the Child Soldiers Prevention Act of 2008 (Public Law 110-457; 22 U.S.C. 2370c-1).

SEC. 8115. None of the funds made available by this Act may be used in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.).

SEC. 8116. None of the funds made available by this Act may be used to retire, divest, realign, or transfer Air Force aircraft, to disestablish or convert units associated with such aircraft, or to disestablish or convert any other unit of the Air National Guard or Air Force Reserve.

SEC. 8117. The Secretary of the Air Force shall obligate and expend funds previously appropriated for the procurement of RQ-4B Global Hawk and C-27J Spartan aircraft for the purposes for which such funds were originally appropriated.

SEC. 8118. None of the funds made available by this Act shall be used to retire C-23 Sherpa aircraft.

SEC. 8119. The total amount available in the Act for pay for civilian personnel of the Department of Defense for fiscal year 2013 shall be the amount otherwise appropriated or made available by this Act for such pay reduced by \$258,524,000.

Mr. YOUNG of Florida (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 120, line 12, be considered as read, printed in the RECORD, and open to amendment at any point.

The Acting CHAIR. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

SEC. 8120. None of the funds appropriated, or otherwise made available in this Act may be used to transfer a veterans memorial ob-

ject to a foreign country or an entity controlled by a foreign government, or otherwise transfer or convey such an object to any person or entity for purposes of the ultimate transfer or conveyance of the object to a foreign country or entity controlled by a foreign government, unless such transfer is specifically authorized by law.

SEC. 8121. (a) Except as provided in subsection (b), none of the funds made available in this Act may be used to sponsor professional or semi-professional motorsports, fishing, mixed martial arts, wrestling, or other sporting events or competitors.

(b) The prohibition in subsection (a) shall not apply in the case of sponsorship of amateur or high school sporting events or competitors.

POINT OF ORDER

Mr. PALAZZO. Mr. Chair, I raise a point of order against section 8121 of the bill.

The Acting CHAIR. The gentleman will state his point of order.

Mr. PALAZZO. Section 8121 constitutes legislation because it requires that the Secretary determine what qualifies as “semiprofessional,” “a sporting event,” and “mixed martial arts.”

These are not terms that current law requires that the Secretary know, thus, imposing these determinations upon the Secretary violates clause 2 of rule XXI.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order?

Seeing none, the Chair is prepared to rule.

The gentleman from Mississippi makes a point of order that section 8121 proposes to change existing law in violation of clause 2(b) of rule XXI. Section 8121 is in the form of a limitation on funds in the bill.

As recorded in Deschler's Precedents, volume 8, chapter 26, section 52, even though a limitation might refrain from explicitly assigning new duties to officers of the government, if it implicitly requires them to make investigations, judgments, or determinations not otherwise required of them by law, then it assumes the character of legislation and is subject to a point of order under clause 2(b) of rule XXI.

The fact that a limitation may impose certain incidental burdens on executive officials does not destroy the character of the limitation as long as it is descriptive of functions and findings already required to be undertaken by existing law. The proponent of a limitation assumes the burden of establishing that any duties or determinations imposed by the provision are merely ministerial or are already required by law. As noted in Deschler's Precedents, volume 8, chapter 26, section 61.12, the question is not whether an official routinely makes such determinations but, rather, whether such determinations are required by law.

The Chair finds that the limitation in section 8121 does more than merely

impose a negative restriction on the funds of the bill. Instead, it would require the Secretary to make various determinations, such as what qualifies as "semi-professional," as "mixed martial arts," or as "sporting events." The proponent of this language has not proven that these are matters with which the Secretary is charged under existing law.

The Chair finds the proceedings of August 20, 1980, pertinent. On that day, a limitation on funds in an appropriation bill to dispose of "agricultural" land was held to impose new duties in violation of clause 2 of rule XXI because the determination whether lands were "agricultural" was not required by law.

On these premises, the Chair concludes that the section proposes to change existing law. Accordingly, the point of order is sustained, and the section is stricken from the bill.

Mr. DICKS. Mr. Chairman, I ask unanimous consent to be permitted to request a recorded vote on the amendment offered by the gentleman from Michigan (Mr. AMASH).

The Acting CHAIR. Is there objection to the request of the gentleman from Washington?

Seeing none, pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan will be postponed.

The Clerk will read.

The Clerk read as follows:

TITLE IX

OVERSEAS DEPLOYMENTS AND OTHER ACTIVITIES

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", \$9,165,082,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT OFFERED BY MR. JONES

Mr. JONES. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 121, line 12, after the dollar amount, insert "(increased by \$98,697,000)".

Page 121, line 19, after the dollar amount, insert "(increased by \$9,373,000)".

Page 122, line 3, after the dollar amount, insert "(increased by \$17,482,000)".

Page 122, line 10, after the dollar amount, insert "(increased by \$13,857,000)".

Page 122, line 17, after the dollar amount, insert "(increased by \$1,690,000)".

Page 122, line 24, after the dollar amount, insert "(increased by \$424,000)".

Page 123, line 6, after the dollar amount, insert "(increased by \$266,000)".

Page 123, line 13, after the dollar amount, insert "(increased by \$273,000)".

Page 123, line 20, after the dollar amount, insert "(increased by \$6,287,000)".

Page 124, line 3, after the dollar amount, insert "(increased by \$113,000)".

Page 132, line 23, after the dollar amount, insert "(reduced by \$412,287,000)".

The Acting CHAIR. The gentleman from North Carolina is recognized for 5 minutes in support of his amendment.

Mr. JONES. Mr. Chairman, under title IX of this bill there is \$412 million labeled "incentive pay" for Afghan soldiers. Also under title IX, there is \$13 million labeled "incentive pay" for American soldiers. This is a problem for our military.

My amendment, which is supported by the Veterans of Foreign Wars, is very simple. At all does it move some incentive pay from Afghan soldiers to American soldiers.

Last month the Department of Defense published their review of military compensation, a report required by law every 4 years. The report concluded that our system of combat pay is broken. I quote: "There is little correlation between exposure to danger and compensation pay."

A recent article on the report by the Marine Corps Times outlined how a Navy captain assigned to Bahrain received more than \$1,000 a month while a Marine lance corporal patrolling the streets of Helmand province received much less in combat pay. That's not right.

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If you look in this bill and compare the \$412 million for the Afghans against the \$13 million for our troops, the inequity is clear. My amendment simply moves the incentive pay for the Afghan soldiers to the American soldiers. This money should go to the junior enlisted servicemembers facing the most risk in Afghanistan.

My amendment does not touch Afghan base pay. That \$450 million is still in the bill. It does not touch their pay for food and subsistence. That \$71 million is still there. It doesn't touch their recruiting money either. The \$4 million is still there. It doesn't even touch the money we spent to host "welcome home" concerts for the Afghan army when they returned from deployment. That money comes out of the Information Operations fund.

If anyone says that this amendment will hurt America's effort to fund the Afghan army, which we hope will take over its responsibility in just a few years, I invite you to look at the numbers in this fund. The Afghan security forces are well funded.

Mr. Chairman, I hope that this amendment will be accepted, and I yield back the balance of my time.

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,

July 18, 2012.

Hon. WALTER B. JONES,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN JONES: On behalf of the 2 million members of the Veterans of Foreign Wars of the United States (VFW) and our Auxiliaries, I am pleased to offer our support for your amendment to the National Defense Authorization Act to eliminate \$412

million dollars in incentive pay for the Afghan Security Forces and redirect them in full to American service members for incentive pay.

This reprogramming of funds would not affect Afghan base pay or the payments these individuals receive for food and other subsistence needs. Additionally, the ability of the Afghan Security Forces to recruit and train would not be hindered. Your amendment is limited to incentive pay funds—a fund that DoD has not fully obligated funds from in at least two fiscal years.

This is a prudent measure that wisely balances our fiscal challenges, objectives on the ground, and the absolute responsibly we all share to honor the sacrifices of those who choose to wear the uniform. Thank you for taking the lead on this effort, and for your continued support of our armed forces and veterans.

Sincerely,

RAYMOND C. KELLEY,

Director,

VFW National Legislative Service.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. I do not object to what the gentleman is trying to do. Although, I have to be very honest in that his amendment does not accomplish what he thinks it will accomplish. We are okay to transfer the money, so we are not going to object to the amendment.

The fact is that this is controlled by law, not by appropriations. This is controlled by the National Defense Authorization Act, not by the appropriations bill. So, while I understand what the gentleman wants to do and while I agree with what he wants to do, this won't do it, but I am not going to object to it.

I yield back the balance of my time.

Mr. MCGOVERN. Mr. Chair, I rise in strong support of the Jones amendment.

I appreciate the efforts of the Chairman and Ranking Member of the Defense Appropriations Subcommittee to provide the Administration with funds for the Afghan military and police who are being trained to take over security from our troops, but \$412 million for additional incentive pay is simply crazy.

For the past two fiscal years, funds for this same account remain unobligated. Not expended, Mr. Chair—unobligated.

We need to move that unobligated funding stream along, and then determine how much more is needed in incentives for these Afghan forces. But right now we need to stop putting the money out there before anyone knows what they're doing with it. This is nearly half a billion dollars. And it's going to waste.

The bottom line here is this amendment would not touch the base pay for Afghan military and police. It would not touch funds to provide food and other basic needs for these Afghan troops. It would not touch the funds for recruitment and training.

Instead, under the Jones amendment, funds targeted for Afghan incentive pay would be transferred within the OCO account to augment the combat pay of our junior enlisted servicemen and women who carry out daily patrols.

I strongly urge my colleagues to support the Jones amendment.

It's good policy. It's a good use of funds. And it's only fair.

The Acting CHAIR. The question is on the amendment offered by the gentleman from North Carolina (Mr. JONES).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", \$870,425,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", \$1,623,356,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", \$1,286,783,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", \$156,893,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", \$39,335,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, MARINE CORPS

For an additional amount for "Reserve Personnel, Marine Corps", \$24,722,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", \$25,348,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", \$583,804,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", \$10,473,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", \$26,682,437,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", \$5,880,395,000, of which up to \$254,461,000 may be transferred to the Coast Guard "Operating Expenses" account: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", \$4,566,340,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", \$9,136,236,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", \$7,790,579,000: *Provided*, That of the funds provided under this heading, not to exceed \$1,750,000,000, to remain available until September 30, 2014, shall be for payments to reimburse key cooperating nations for logistical, military, and other support, including access, provided to United States military operations in support of Operation Enduring Freedom, notwithstanding any other provision of law: *Provided further*, That such reimbursement payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the requirement under this heading to provide notification shall not apply with respect to a reimbursement for access based on an international agreement: *Provided further*, That these funds may be used for the purpose of providing specialized training and pro-

curing supplies and specialized equipment and providing such supplies and loaning such equipment on a non-reimbursable basis to coalition forces supporting United States military operations in Afghanistan, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT NO. 3 OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. I have an amendment at the desk.

The Acting CHAIR. The Clerk will designate the amendment.

The text of the amendment is as follows:

Page 125, lines 17 and 19, after each dollar amount, insert "(reduced by \$1,300,000,000)".

Page 153, line 15, after the dollar amount, insert "(increased by \$1,300,000,000)".

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. POE of Texas. As stated in the report language of the bill, my amendment cuts \$1.3 billion that is going specifically to Pakistan.

Pakistan seems to be the Benedict Arnold nation in the list of countries that we call allies. They have proven to be deceptive and deceitful and a danger to the United States. Here is some of the evidence:

For the last 7 months, Pakistan closed down the southern supply route. The route transported about 40 percent of all NATO supplies into the country and to Afghanistan;

Pakistan still refuses to go after the terrorist sanctuaries in the tribal areas of Pakistan. Terrorist groups like the LET, the Pakistani Taliban, and al Qaeda frequently cross over into Afghanistan, kill our troops and then run back into Pakistan and hide where our troops cannot follow them;

On May 23, 2012, Pakistan sentenced the doctor who helped us get Osama bin Laden to 33 years in prison. I thought getting the world's No. 1 terrorist—the terrorist who killed thousands of Americans—was a good thing, but apparently, Pakistan prosecuted him;

In February 2012, a NATO report confirmed our suspicions: the ISI is aiding the Taliban and other extremist groups in Afghanistan and Pakistan by providing resources, sanctuary, and training;

In June 2011, Pakistan tipped off terrorists making IEDs—not once, but twice—after we told them where the bomb-making factories were and asked Pakistan to go after them;

In 2011, Pakistan tried to cheat the United States by filling out bogus reimbursement claims for allegedly going after militants when they weren't doing that at all.

There is more.

On September 22, 2011, Admiral Mike Mullen, Chairman of the Joint Chiefs of Staff, testified before the Senate Armed Services Committee: "With ISI support, Haqqani operatives planned and conducted that truck bomb attack as well as the assault on our Embassy." The truck bombing he mentions here wounded more than 70 U.S. and NATO allies and troops. Admiral Mullen went on to say: "The Haqqani Network acts as a veritable arm of Pakistan's Inter-Services Intelligence Agency."

What more do we need to hear? Pakistan doesn't deserve American money. By the end of fiscal year 2011, Pakistan had had a total of \$21.5 billion of American money since FY 2002. Mr. Chairman, I ask: Has America received its money's worth? The answer is no.

I want to address a couple of arguments I've heard from the other side:

First, some say that the money in this bill for Pakistan is only to reimburse them for going after terrorists. They say we shouldn't take away that carrot. But, since 2002, Congress has already appropriated over \$8 billion to the Coalition Support Fund specifically for Pakistan. Where I come from, if you try something and it doesn't work, you don't continue to do it. We've been doing the same thing for over 10 years. It's time for a new strategy with Pakistan. More money is not going to solve the problem.

Second, they say Pakistan just reopened the southern supply route. Pakistan closed the southern supply route from November 2011 to this month. Pakistan was a bad ally before it closed the supply route. The fact that they messed us around and closed it for 7 months only adds to the long list of evidence that shows they are no friend of ours. It also shows that we don't need them to win the war in Afghanistan. We were able to pursue our mission in Afghanistan without them. What really endangers our troops is not access to the southern supply route, but the failure to get access to Pakistan's tribal areas where Pakistan gives terrorists a safe haven.

Pakistan is playing America. The only thing Pakistan's military rulers understand is dollars, and as long as we keep the money flowing, they have no incentive to change their evil ways.

Our message should be this: Pakistan has a raging insurgency in their country with al Qaeda, the Pakistan Taliban, and the Haqqani Network. Pakistan can either receive assistance and go after these terrorists with us or don't take any of our money, and we will find our own way to take these terrorists out.

I urge all of my colleagues to join me in telling Pakistan they will no longer get American money. We don't need to pay Pakistan to betray us. They will do it for free.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. (Mr. WOODALL) The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I agree with everything that Mr. POE said. You cannot have an ally who is an ally today but not an ally tomorrow, and that has been our experience with Pakistan. The Defense Department will tell you that it is very complicated because they do enjoy a nuclear capability that could be dangerous if it got into the wrong hands.

I would ask Mr. POE a question and would yield to him for an answer:

Your amendment is not limited to Pakistan. Your amendment would cut across the board and reduce money for the Kurdish Republic, Jordan, which is one of our most important partners and coalitions in the region; funding for the northern distribution networks; and numerous other coalition partners who are helping in the fight against terrorism.

□ 1900

I wonder if we could talk you into amending your amendment or rewriting your amendment to make it specifically to Pakistan. And let me say this to you before you answer, and then I will yield to you.

In this bill, the money for Pakistan cannot be spent. We have fenced this money—all of it—until the Secretary of Defense, with the concurrence of the Secretary of State, certifies to Congress that the government of Pakistan is doing this: cooperating with the United States in counterterrorism efforts, including taking steps to end support for terrorist groups and preventing them from basing and operating in Pakistan and carrying out cross-border attacks; Pakistan is not supporting terrorist activities against the United States or coalition forces in Afghanistan; Pakistan is not dismantling IED networks and is interdicting precursor chemicals used in making IEDs; preventing the proliferation of nuclear-related materials.

There are four or five more, and I won't take the time. I want to do what you want to do, but I don't want to have an adverse effect on our coalition partners that we rely on so much.

I yield to the gentleman from Texas. Mr. POE of Texas. I thank the gentleman for yielding.

My understanding is, in the report language, to specify a certain country would not be ruled in order; therefore, I used the \$1.3 billion with the floor statement that applies only to Pakistan and none of our coalition countries that you have mentioned.

I am open to an amendment that would be ruled in order, and I would be glad to work with the chairman on that amendment.

Mr. YOUNG of Florida. We would probably have to take a few minutes to

do that, which I would be very happy to do because what you want to do is what I want to do.

Mr. Chairman, let me inquire as to where we are in this bill so we can have an opportunity to amend this amendment and still not get beyond the point of reading.

The Acting CHAIR. The reading has progressed to page 127, line 2.

Mr. YOUNG of Florida. Would the gentleman be willing to do just that, withdraw your amendment now, and let us take a few minutes and guarantee that these coalition partners are not included?

Mr. POE of Texas. Yes, I would certainly be willing to do that.

I will withdraw my amendment.

Mr. YOUNG of Florida. I thank the gentleman very much. This is an important issue.

The Acting CHAIR. Without objection, the amendment is withdrawn.

There was no objection.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", \$152,387,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control act of 1985.

AMENDMENT OFFERED BY MR. ALTMIRE

Mr. ALTMIRE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 127, line 5, after the dollar amount insert the following: "(increased by \$5,500,000)".

Page 128, line 11, after the dollar amount insert the following: "(increased by \$10,000,000)".

Page 129, line 4, after the dollar amount insert the following: "(reduced by \$18,500,000)".

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. ALTMIRE. Mr. Chairman, I rise to offer an amendment that will restore \$15.5 million that was cut from the Yellow Ribbon program under this bill.

While I understand the tough budget constraints we face, I think we can all agree that programs that provide essential services to the brave men and women who risk their lives to serve our country should not be on the chopping block. Simply put, no one should stand ahead of our Nation's veterans and our men and women in uniform when it comes time to making Federal funding decisions.

Congress established the Yellow Ribbon program in 2008 to provide tailored support to meet the unique needs of the National Guard and Reserve combat veterans and their families before,

during, and after their deployments. The services it provides includes suicide prevention, career counseling, access to health care, veteran, and education benefits. Last year alone, the Yellow Ribbon program held over 2,100 events across the country, reaching over 300,000 servicemen and -women and their families.

As the number of returning National Guard and Reserve combat veterans increases, the need for these services increases along with it. My amendment will help to ensure the Yellow Ribbon program is there to meet the increasing need. My amendment simply restores funding for the Yellow Ribbon program to its level from the previous year, fiscal year 2012, paid for by transferring funds from the overseas contingency operations transfer account. The \$15.5 million returned to the Yellow Ribbon program represents only one half of 1 percent of this account. While I recognize its importance, I think a small part of the funding can and should be used to help our National Guard and Reserve veterans and their families navigate through the challenges associated with their deployment.

I urge my colleagues to support my amendment, and I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. The Yellow Ribbon program is a very great program, and the gentleman has made the case very powerfully. I am in support of what he is trying to do. I support the amendment.

Mr. DICKS. Will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Washington.

Mr. DICKS. I want to commend the gentleman for his amendment, and we gladly support it.

Mr. YOUNG of Florida. With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ALT-MIRE).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", \$55,924,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve",

\$25,477,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", \$120,618,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", \$382,448,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", \$34,500,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OVERSEAS CONTINGENCY OPERATIONS TRANSFER FUND

(INCLUDING TRANSFER OF FUNDS)

In addition to amounts provided elsewhere in this Act, there is appropriated \$3,250,000,000 for the "Overseas Contingency Operations Transfer Fund" for expenses directly relating to overseas contingency operations by United States military forces, to be available until expended: *Provided*, That of the funds made available in this section, the Secretary of Defense may transfer these funds only to military personnel accounts, operation and maintenance accounts, procurement accounts, and working capital fund accounts: *Provided further*, That the funds made available in this paragraph may only be used for programs, projects, or activities categorized as Overseas Contingency Operations in the fiscal year 2013 budget request for the Department of Defense and the justification material and other documentation supporting such request: *Provided further*, That the funds transferred shall be merged with and shall be available for the same purposes and for the same time period, as the appropriation to which transferred: *Provided further*, that the Secretary shall notify the congressional defense committees 15 days prior to such transfer: *Provided further*, That the transfer authority provided under this heading is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation and shall be available for the same purposes and for the same time period as originally appropriated: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AFGHANISTAN INFRASTRUCTURE FUND (INCLUDING TRANSFER OF FUNDS)

For the "Afghanistan Infrastructure Fund", \$375,000,000, to remain available until September 30, 2014: *Provided*, That such funds shall be available to the Secretary of Defense for infrastructure projects in Afghanistan, notwithstanding any other provision of law, which shall be undertaken by the Secretary of State, unless the Secretary of State and the Secretary of Defense jointly decide that a specific project will be undertaken by the Department of Defense: *Provided further*, That the infrastructure referred to in the preceding proviso is in support of the counterinsurgency strategy, which may require funding for facility and infrastructure projects, including, but not limited to, water, power, and transportation projects and related maintenance and sustainment costs: *Provided further*, That the authority to undertake such infrastructure projects is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That any projects funded under this heading shall be jointly formulated and concurred in by the Secretary of State and Secretary of Defense: *Provided further*, That funds may be transferred to the Department of State for purposes of undertaking projects, which funds shall be considered to be economic assistance under the Foreign Assistance Act of 1961 for purposes of making available the administrative authorities contained in that Act: *Provided further*, That the transfer authority in the preceding proviso is in addition to any other authority available to the Department of Defense to transfer funds: *Provided further*, That any unexpended funds transferred to the Secretary of State under this authority shall be returned to the Afghanistan Infrastructure Fund if the Secretary of State, in coordination with the Secretary of Defense, determines that the project cannot be implemented for any reason, or that the project no longer supports the counterinsurgency strategy in Afghanistan: *Provided further*, That any funds returned to the Secretary of Defense under the previous proviso shall be available for use under this appropriation and shall be treated in the same manner as funds not transferred to the Secretary of State: *Provided further*, That contributions of funds for the purposes provided herein to the Secretary of State in accordance with section 635(d) of the Foreign Assistance Act from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers to or from, or obligations from the Fund, notify the appropriate committees of Congress in writing of the details of any such transfer: *Provided further*, That the "appropriate committees of Congress" are the Committees on Armed Services, Foreign Relations and Appropriations of the Senate and the Committees on Armed Services, Foreign Affairs and Appropriations of the House of Representatives: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT OFFERED BY MR. CICILLINE

Mr. CICILLINE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 130, line 14, after the dollar amount, insert “(reduced by \$375,000,000)”.

Page 153, line 15, after the dollar amount, insert “(increased by \$375,000,000)”.

The Acting CHAIR. The gentleman from Rhode Island is recognized for 5 minutes.

Mr. CICILLINE. Mr. Chairman, I rise today in opposition to the continued appropriation of hundreds of millions of dollars to the Afghanistan infrastructure fund while our national infrastructure is crumbling here in America.

President Obama has laid out a broad vision for completing our work in Afghanistan, turning security responsibilities over to the Afghan people, and bringing our troops home. Now is the time to focus our resources here in the United States, on our own roads, bridges, schools, and infrastructure.

We have already spent billions of dollars toward rebuilding the infrastructure of Afghanistan. As we begin drawing down combat operations in Afghanistan, it's the responsibility of the Afghan people to build, operate, and maintain their own civilian and military institutions, and their own infrastructure.

My amendment, which I offer along with the gentleman from California (Mr. HONDA), the gentlelady from California (Ms. LORETTA SANCHEZ), and the gentleman from Vermont (Mr. WELCH), would strike the funding of the Afghanistan infrastructure fund and apply the savings to the spending reduction account.

Established by Congress in the fiscal year 2011 National Defense Authorization, in its first year, the Afghanistan infrastructure fund received an appropriation of \$400 million. These funds have been dedicated to projects that are jointly approved by the Department of State and the Department of Defense, and the projects include power generation and transmission, roads, and construction of other large infrastructure projects.

□ 1910

According to the April 2012 report by the Special Inspector General for Afghanistan Reconstruction, from fiscal year 2002 to the end of March, fiscal year 2012, the United States appropriated approximately \$89.4 billion for relief and reconstruction in Afghanistan. Approximately \$800 million has been provided thus far for the Afghanistan Infrastructure Fund.

As the nonpartisan Congressional Research Service indicates from 2012 to 2010, the U.S. Agency for International Development allocated more than \$2 billion towards road construction and more than \$1.2 billion towards electric power in Afghanistan. While we've spent billions of dollars on infrastructure in Afghanistan, we have also seen reports from the Government Account-

ability Office and others that have highlighted the challenges in accounting for how reconstruction funds are spent and the overall impact that these are having on the society there.

Yet according to a 2011 report by the American Society of Civil Engineers, the cost of our crumbling infrastructure right here in America is real. By the year 2020, our Nation's crumbling surface transportation infrastructure is slated to cost the United States economy more than 876,000 jobs and suppress the country's growth of gross domestic product by \$897 billion.

These costs are only going to increase more and more if we don't take the action to make the much-needed and long-deferred investments in our own transportation systems and our own infrastructure. When we look at the bigger picture, including water and wastewater, energy, schools, ports and more, the American Society of Civil Engineers estimated that over the next 5 years we would need an investment of \$2.2 trillion just to bring our Nation's infrastructure to a condition they describe as “good.”

Every year that we wait to take meaningful steps to do this, the cost to taxpayers and to our economy keeps growing and growing and growing. Over the past 18 months, constituents have expressed to me tremendous frustration that we're devoting so many of our resources and so much of our energy to rebuilding the infrastructure in Afghanistan.

They ask why we are dedicating so much to nation-building halfway around the world when there are so many families right here in our own country who are struggling to find work and make ends meet.

We need to do nation-building right here at home in America. This amendment is a strong step in support of re-investing in our own economy and our own infrastructure right here at home.

I urge my colleagues to support this amendment, and I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, this gets to be a very serious issue if we want to get our troops out of Afghanistan. At numerous hearings, General Allen, who commands in Afghanistan, General Mattis, commander of Central Command, this was their recommendation. This is what they said they needed in order to get us and get our troops out of Afghanistan, which I think we all want to see happen as quickly as possible. Certainly I can tell you that I do.

We did not fund it totally because some of the plans were not sufficiently considered; but, generally, this is what our commanders in the field, those re-

sponsible for fighting the fight, those responsible for leading our troops, this is what they tell us they need to get our troops out of Afghanistan. I do object and oppose this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Rhode Island (Mr. CICILLINE).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. CICILLINE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Rhode Island will be postponed.

AMENDMENT OFFERED BY MR. COHEN

Mr. COHEN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 130, line 14, after the dollar amount, insert “(reduced by \$175,000,000)”.

Page 153, line 15, after the dollar amount, insert “(increased by \$175,000,000)”.

The Acting CHAIR. The gentleman from Tennessee is recognized for 5 minutes.

Mr. COHEN. I'm not going to repeat some of the arguments that were made by my colleague from Rhode Island, but I understand them.

There is, indeed, a large need for infrastructure in our country. We're falling far behind, and we've invested a lot of money in Afghanistan that has been wasted; a tremendous amount of money has been wasted. The most recent report I saw said that we cannot even begin to approximate how much money has been stolen and wasted in Afghanistan.

We're not providing infrastructure for the people. We're providing a ruling class, a limited—we talk about the 2 percent here—we're talking about the one-tenth of 1 percent in Afghanistan, if that, and giving them the opportunity to put money in their pocket that should be going to the people.

I ask the gentleman on the other side of the aisle who opposed the last amendment to consider this one, which almost passed last year, same basic amendment. This takes 175 million out, leaves 200 million in the fund, but it says they have got to prioritize, pick their projects and pick what they do.

It doesn't decimate the fund; it just prioritizes and takes 175 million out of the Afghan infrastructure fund. We rebuilt Iraq. They're partners with Iran now. Didn't do us a lot of good.

Most of us have been to Afghanistan or, at least, better yet, many of us have. We could do all the infrastructure in the world. It will go to waste. They can't even maintain it.

They don't have vehicles to use the roads. It's crazy to build them roads to

go from point A to point B when they don't have cars. They have got oxen and carts.

So I would say that we reduce it by 175 million, we leave 200 million. Certainly I want our troops out. I went and visited with 124 soldiers, Guardsmen in Memphis, who were going down to Camp Shelby before they go to Afghanistan. I went down to visit with them yesterday when they went off, all police people.

I suspect that one of those people may not come back. I hated the idea that those people were leaving Memphis to go to Afghanistan. It will be the last troops going over.

I want them out. If Mr. YOUNG understands, I guess, there is some magic to this money, there would be \$200 million left. If it's roads to get them out and airports to get them out, fine. But I can't believe they need all 375; and I have to submit that I think that a lot of that money is for roads, infrastructure, hospitals, grids, whatever that has nothing to do with our troops getting out. It has something to do with some people who continue a policy that has failed to really build up goodwill toward America or to see that the monies go where they belong.

I ask that we think of America first, we get our troops out, we leave \$200 million in the fund. I ask you to approve this amendment and reduce the Afghanistan Infrastructure Fund by \$175 million. I urge my colleagues to support the amendment.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I rise to oppose the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. I would say to the sponsor of the amendment that this is a more reasonable approach—yes, it is—but this actually cuts the fund in half. Now, that is a major cut on something that our military commanders in the field say that they really need to have.

Now, the committee took a \$25 million cut, but that was in agreement with the commanders. They felt that they could absorb that cut and still do the program, but I don't think I can support cutting this program in half.

Mr. COHEN. Will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. COHEN. I didn't know, in your statement to the gentleman from Rhode Island, why are these funds needed to get our troops out? Do we not have airplanes, roads, boats and whatever to get our folks out?

Mr. YOUNG of Florida. We are having a little trouble hearing at the table here.

Mr. COHEN. I said, in response to the gentleman from Rhode Island, you have said these funds, all \$375 million, were needed to get our troops out of

Afghanistan. Are we building, like, runways to get all our troops out, roads to get them out?

Mr. YOUNG of Florida. Reclaiming my time, I want the troops out of Afghanistan as soon as our military commanders advise us and the President that we can do so and we can do it safely.

I have seen on my weekly visits to the Walter Reed/Bethesda Hospital, I have seen the terrible, terrible tragic cost of this war, and that doesn't even talk about those who have lost their lives.

I don't want to walk through that hospital and see any more quadruple or triple amputees. I don't want to see that, and our military commanders must make that decision. We are not in a position to make that decision of how, when, where do we accomplish this departure from Afghanistan with victory.

□ 1920

And so I still have to express my objection to this amendment because it cuts the fund that our military commanders tell us that they need—cuts it in half. And so I just have to oppose the amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Tennessee (Mr. COHEN).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. COHEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

Mr. ROHRABACHER. I move to strike the last word.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Chairman, I rise in support of the amendment that was offered by Congressman POE, which I understand may well be reintroduced once the wording is worked on a little bit by the end of this discussion. Let me just then move forward with my support for Judge POE's amendment and the basic concept that he's presented, which is to eliminate funding for Pakistan.

Basically, we need to end the charade once and for all that we are buying Pakistani cooperation against terrorist forces in South Asia. Pakistan isn't with us in the war against terrorism. They are at war with us by supporting and funding the very terrorists that we are up against. Pakistan, at best, is a war profiteer, collecting a ransom by taxing our military supply lines that pass through their country. They are laughing all the way to the bank. They are also laughing as their military in-

telligence, the ISI, takes huge sums of money that they are getting from us and then passing it on to terrorists and radical Islamist elements who are killing their neighbors and killing American military personnel.

After our SEALs went to get Osama bin Laden, the Pakistan military took the wreckage of our downed stealth helicopter and gave it for study to the Communist Chinese. Then they arrested and imprisoned the Pakistani doctor who risked his life to help us find bin Laden. Dr. Afridi still languishes in a Pakistani dungeon even as we speak here today. Some of us understand that this Pakistani doctor—and I hope we should all understand this—is an American hero. He risked his life to bring justice to the murderers of 3,000 Americans who died on 9/11. It is a shame that we even consider giving Pakistan billions of dollars of aid while they keep Dr. Afridi in a dungeon. Who else will ever cooperate with us in the future? Who's going to work with our military overseas, knowing that that's the way we treat people who commit heroic acts? We shouldn't give the Pakistanis one penny until Dr. Afridi is free.

Just recently, I was contacted by a distraught individual in Pakistan asking for help in locating a missing Baloch leader. Sadly, this Baloch leader is probably already dead—another victim of the Pakistani government's "kill and dump" policy by which they repress their own people.

We have to understand we have lost over 2,000 American military personnel in Afghanistan. But who has been supporting the side that has been killing our people? The Pakistanis have inspired and supported these very insurgents. They were the creators of the Taliban. And after 9/11, they played us for fools ever since.

Yesterday, this House passed a bill that Pakistani's Haqqani Network should be listed as a terrorist organization. That terrorist organization has been helped and supplied by some members of the Pakistani military. We should have quit bankrolling this rotten regime a long time ago. We should end the charade.

There are people in South Asia that are our friends. Due to the Cold War, we allied ourselves with Pakistan a long time ago, and we were told they were the bulwark against radical Islam. That was a lie. But during the Cold War, we needed them in the fight against the Soviet Union. The Cold War is over. We should ally ourselves with people who share our values and cherish, as we cherish them, a friendship between free people. As I say, we should go towards India, now that the Cold War is over, to help establish a new type of relationship in South Asia that will preserve the peace and preserve the equilibrium in that part of the world.

It is ridiculous for us to continue to support that country, that government that is the basis of support for the most radical elements of radical Islam and the terrorist units that are killing our people and killing their people throughout the world. If we're having trouble getting out of Pakistan, it's because the Pakistanis are on the wrong side. And we all know it. We shouldn't give one more penny thinking we're going to buy their friendship. They disdain us for it. They think we're weaklings for it.

Let's stand up for Dr. Afridi. Let's stand up and make sure that we are courageous in what we're doing in our policy and not trying to curry favor with gangsters that run a country like Pakistan.

I yield back the balance of my time. The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

AFGHANISTAN SECURITY FORCES FUND

For the "Afghanistan Security Forces Fund", \$5,026,500,000, to remain available until September 30, 2014: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Commander, Combined Security Transition Command-Afghanistan, or the Secretary's designee, to provide assistance, with the concurrence of the Secretary of State, to the security forces of Afghanistan, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, and construction, and funding: *Provided further*, That the authority to provide assistance under this heading is in addition to any other authority to provide assistance to foreign nations: *Provided further*, That contributions of funds for the purposes provided herein from any person, foreign government, or international organization may be credited to this Fund, to remain available until expended, and used for such purposes: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees in writing upon the receipt and upon the obligation of any contribution, delineating the sources and amounts of the funds received and the specific use of such contributions: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to obligating from this appropriation account, notify the congressional defense committees in writing of the details of any such obligation: *Provided further*, That the Secretary of Defense shall notify the congressional defense committees of any proposed new projects or transfer of funds between budget sub-activity groups in excess of \$20,000,000: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT OFFERED BY MR. BOSWELL

Mr. BOSWELL. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 132, line 23, after the dollar amount, insert "(reduced by \$22,000,000)".

Page 141, line 12, after the dollar amount, insert "(increased by \$10,000,000)".

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. BOSWELL. I rise to offer an amendment with my good friend from Washington (Mr. McDERMOTT) to provide greater funding for suicide prevention outreach for our troops on Active Duty. This amendment would add \$10 million for suicide prevention outreach in the Defense Health Program of the Operations and Maintenance Account in title IX of the bill. It would pay for this by transferring \$22 million from the Afghanistan Security Forces Fund. This amendment is fully paid for, fiscally responsible, and incredibly timely.

This is the most recent issue of Time magazine, reporting that military and veteran suicide is a tragic epidemic that has only gotten worse. We are currently losing one U.S. soldier every day to suicide. I know my colleague, Dr. McDERMOTT, comes to this issue as an expert in the field. I come as a Vietnam veteran and someone very passionate about providing our heroes with the care and the support they deserve.

In 2007, I wrote the Joshua Omvig Veterans Suicide Prevention Act to honor the memory of a young veteran from Iowa who, tragically, took his life in front of his mother. To make sure veterans have 24/7 access to a crisis hotline and other mental health resources, we passed that bill. Since then, the Veterans Crisis hotline has answered more than 600,000 calls and reportedly made more than 21,000 life-saving rescues. Tragically, we still lose a veteran to suicide every 80 minutes. So we have much more to do.

I want to thank the chairman and the ranking member for their work on this issue. You worked tirelessly to combat suicide rates amongst our servicemembers and our veterans. I hope you will join me in supporting this amendment. We are losing too many of our heroes. It's up to us to act.

With that, I yield to the gentleman from Washington, Dr. McDERMOTT.

Mr. McDERMOTT. Thank you, Mr. BOSWELL.

Mr. BOSWELL and I saw the Vietnam war in different ways—he, by flying a helicopter and me, by being a psychiatrist dealing with people who came home. And I feel strongly that suicide prevention and the intervention must become, in military speak, a core mission of the military.

This week's Time magazine, as you see from that front page, describes military suicides as an epidemic. I would like to take \$10 million out of a \$5 billion fund in this amendment to go beyond the funding for existing suicide prevention services and toward modifying the culture that keeps some from seeking help. We must also note that any progress in suicide prevention will be fleeting if we don't focus on reducing the stigma associated with seeking psychological health services among our Active Duty people.

□ 1930

I believe the Pentagon can do more to eradicate barriers to mental health care. This means ensuring that mental health and substance abuse issues are treated as medical issues and are taken out of the realm of personnel matters. This means ensuring that seeking and receiving psychological health care does nothing to jeopardize a soldier's security clearance or prospects in his future career.

I would also urge the Pentagon to ensure that a portion of this money goes toward hiring, development and retention of top-tier psychological health talent for our military at this time. It is the tale of cost of this war that nobody calculates when we go to war. What do we do when the people come home? We forget them. We think they should pull themselves together and go back to their regular life. And many of them can't do it without some help. We need to provide it. They become desperate, figure there's no hope and take their own life. That shouldn't happen to a 24-year-old kid, man or woman, who has been in Afghanistan or Iraq giving to our country what we ask from them. Their willingness to risk the whole business of going to war has to be dealt with when they come home.

I thank the gentleman for yielding.

Mr. BOSWELL. I yield back the balance of my time and ask for everyone's support.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of this amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. I had opposed similar amendments in the past because of the source of the funding, the defense-wide O&M accounts which we just really cannot afford to cut into our readiness accounts. This does not take funding from that account. And so I appreciate the gentleman's changing the source of his amendment, and I'm agreeing to the amendment.

Mr. BOSWELL. Will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman from Iowa.

Mr. BOSWELL. I just want to thank you again for your attention and your dedication to this cause, Mr. Chairman. I've noticed that for years you and the ranking member have worked together, and you're doing the right thing. Thank you very much.

Mr. YOUNG of Florida. I thank the gentleman for his comments.

Mr. DICKS. Will the chairman yield?

Mr. YOUNG of Florida. I yield to my friend from Washington.

Mr. DICKS. I want to commend the gentleman for his efforts here and my colleague from Washington State who I know has an abiding concern about this, as I do.

This is a tragedy when more people are dying from suicide than are in combat. I know the Army has tried. General Corelli made an enormous effort to

try to find the answers, and it's a serious, difficult problem. And a lot of it relies on trying to deal with these people before they go over so that you can find the ones that are going to be susceptible or have problems going in. It's just a very difficult problem.

I commend the gentleman for his leadership on this.

Mr. YOUNG of Florida. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. BOSWELL).

The amendment was agreed to.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", \$541,600,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", \$49,653,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", \$15,422,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", \$338,493,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", \$2,005,907,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", \$146,277,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", \$22,500,000, to remain

available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", \$284,450,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", \$98,882,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", \$943,683,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", \$305,600,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", \$34,350,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", \$116,203,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", \$2,785,170,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", \$217,849,000, to remain available until September 30, 2015: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/

Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", \$14,860,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", \$60,119,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", \$53,150,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", \$107,387,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

REVOLVING AND MANAGEMENT FUNDS

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", \$293,600,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", \$993,898,000, which shall be for operation and maintenance, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", \$469,025,000, to remain available until September 30, 2014: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section

251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for the "Joint Improvised Explosive Device Defeat Fund", \$1,614,900,000, to remain available until September 30, 2015: *Provided*, That such funds shall be available to the Secretary of Defense, notwithstanding any other provision of law, for the purpose of allowing the Director of the Joint Improvised Explosive Device Defeat Organization to investigate, develop and provide equipment, supplies, services, training, facilities, personnel and funds to assist United States forces in the defeat of improvised explosive devices: *Provided further*, That the Secretary of Defense may transfer funds provided herein to appropriations for military personnel; operation and maintenance; procurement; research, development, test and evaluation; and defense working capital funds to accomplish the purpose provided herein: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That the Secretary of Defense shall, not fewer than 15 days prior to making transfers from this appropriation, notify the congressional defense committees in writing of the details of any such transfer: *Provided further*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

AMENDMENT OFFERED BY MS. SPEIER

Ms. SPEIER. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

Page 142, line 6, after the dollar amount, insert "(reduced by \$120,500,000)".

Page 153, line 15, after the dollar amount, insert "(increased by \$120,500,000)".

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. SPEIER. Mr. Chairman, I'm here to offer an amendment to strike \$120.5 million in undistributed funds from the Joint Improvised Explosive Device Defeat Fund, matching the Senate authorizers and keeping intact over \$1.7 billion for this program.

The Joint Improvised Explosive Device Defeat Fund—more commonly known as JIEDDO—is responsible for leading, advocating and coordinating the Defense Department's efforts to defeat IEDs. After more than \$20 billion, Congress has received numerous reports that JIEDDO has had decidedly mixed outcomes, and after three attempts still has not developed a mechanism for tracking the Pentagon's counter-IED efforts. So we've spent \$20 billion.

In the Senate, the Armed Services Committee cut \$200 million from JIEDDO. In their report, they said JIEDDO suffered from:

Duplication of effort with the military services, excessive contractor support costs, and organizational inefficiencies.

As The Washington Post recently reported, these excessive contractor sup-

port costs included noncompetitive contracts given to former government employees profiting from Washington's perpetual revolving door and hundreds of millions of dollars of contracts being subcontracted out to other former military personnel.

Isn't this what our constituents dislike the most about what's going on here, that there are cronyism activities, that there are revolving doors and that military personnel, after they're retired, become mentors?

□ 1940

This bill also recognizes there's a problem here. The bill itself has actually reduced their budget by \$60 million.

The IED threat remains significant, but continuing to robustly invest in counter-IED technology makes less sense, both tactically and strategically.

From a tactical level, Pentagon statistics show that IEDs were 25 percent less effective this year than the year before. Strategically, we are shifting away from ground wars and counterinsurgency missions and must begin reallocating some of these funds to more pressing national security needs.

In February, the GAO told Congress that JIEDDO's poor planning and management resulted in many funds going to duplicative projects, creating waste and likely slowing down the ability of the Department of Defense to meet its mission objectives. For example, in 2008, U.S. Central Command began development for a directed energy solution to defeating IEDs. Without coordination, JIEDDO undertook six different efforts to tackle the problem, which cost taxpayers at least \$104 million.

When the commander of U.S. Central Command still didn't have a solution by August 2011, he had to write JIEDDO to urge them to coordinate their efforts in hopes of getting something he could field to fulfill what was then a 3-year-old unmet requirement for the warfighter. JIEDDO coordinated the effort of the six projects but deferred making a decision on shifting resources or canceling the project yet again. The organization also admitted that they likely would not have been able to execute their mission to manage the Pentagon's IED efforts in this case without the commander's written protest.

Some soldiers in the field have also expressed disappointment at JIEDDO's results. A marine that served in Afghanistan in 2009 compared the IED-detecting devices issued by JIEDDO to a beachcomber's faulty metal detector and said his IED jammers were frequently broken. Others report that dogs remain more reliable detectors downrange.

It's time to stop signing a blank check for an organization that cannot

track its projects or expenditures, that often gives contracts to its cronies, and that the GAO has said is duplicative.

As we draw down in Afghanistan and look to cut funds from much more productive and efficient parts of the Federal budget, I urge you to support these cuts of an inefficient organization that lacks the management controls to prevent taxpayer dollars from being wasted.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, the Joint IED Defeat fund recognizes the fact that we're still a nation at war. The young men and women who come back from war—and God forbid, some come back having paid the ultimate sacrifice, but many come back with unbelievable wounds, double amputees, loss of different limbs. This joint IED task force has done a lot to minimize that possibility.

The committee did recognize, and as the gentlewoman mentions, we did reduce spending in this fund by \$70 million. But we're a nation at war. They still have a critical mission. It's important that the work that they continue to do to defeat sometimes the simplest IEDs and sometimes the most complex IEDs continue. It's an investment that we need to make to make sure that, as we finish our job in Afghanistan, that we do our level best to protect our troops, those that are volunteering there, and to bring them back home in one piece.

So we oppose the gentlewoman's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. SPEIER). The amendment was rejected.

The Acting CHAIR. The Clerk will read.

The Clerk read as follows:

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for the "Office of the Inspector General", \$10,766,000: *Provided*, That such amount is designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. 9001. Notwithstanding any other provision of law, funds made available in this title are in addition to amounts appropriated or otherwise made available for the Department of Defense for fiscal year 2013.

(INCLUDING TRANSFER OF FUNDS)

SEC. 9002. Upon the determination of the Secretary of Defense that such action is necessary in the national interest, the Secretary may, with the approval of the Office of Management and Budget, transfer up to \$3,000,000,000 between the appropriations or funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of

each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in the Department of Defense Appropriations Act, 2013.

SEC. 9003. Supervision and administration costs associated with a construction project funded with appropriations available for operation and maintenance, “Afghanistan Infrastructure Fund”, or the “Afghanistan Security Forces Fund” provided in this Act and executed in direct support of overseas contingency operations in Afghanistan, may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 9004. From funds made available in this title, the Secretary of Defense may purchase for use by military and civilian employees of the Department of Defense in the U.S. Central Command area of responsibility: (a) passenger motor vehicles up to a limit of \$75,000 per vehicle; and (b) heavy and light armored vehicles for the physical security of personnel or for force protection purposes up to a limit of \$250,000 per vehicle, notwithstanding price or other limitations applicable to the purchase of passenger carrying vehicles.

SEC. 9005. Not to exceed \$250,000,000 of the amount appropriated in this title under the heading “Operation and Maintenance, Army” may be used, notwithstanding any other provision of law, to fund the Commander’s Emergency Response Program (CERP), for the purpose of enabling military commanders in Afghanistan to respond to urgent, small-scale, humanitarian relief and reconstruction requirements within their areas of responsibility: *Provided*, That each project (including any ancillary or related elements in connection with such project) executed under this authority shall not exceed \$20,000,000: *Provided further*, That not later than 45 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein: *Provided further*, That, not later than 30 days after the end of each month, the Army shall submit to the congressional defense committees monthly commitment, obligation, and expenditure data for the Commander’s Emergency Response Program in Afghanistan: *Provided further*, That not less than 15 days before making funds available pursuant to the authority provided in this section or under any other provision of law for the purposes described herein for a project with a total anticipated cost for completion of \$5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing each of the following:—

(1) The location, nature and purpose of the proposed project, including how the project is intended to advance the military campaign plan for the country in which it is to be carried out.

(2) The budget, implementation timeline with milestones, and completion date for the proposed project, including any other CERP funding that has been or is anticipated to be contributed to the completion of the project.

(3) A plan for the sustainment of the proposed project, including the agreement with

either the host nation, a non-Department of Defense agency of the United States Government or a third-party contributor to finance the sustainment of the activities and maintenance of any equipment or facilities to be provided through the proposed project.

SEC. 9006. Funds available to the Department of Defense for operation and maintenance may be used, notwithstanding any other provision of law, to provide supplies, services, transportation, including airlift and sealift, and other logistical support to coalition forces supporting military and stability operations in Afghanistan: *Provided*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees regarding support provided under this section.

SEC. 9007. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

(3) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

SEC. 9008. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code.

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105-277; 112 Stat. 2681-822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations.

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109-148).

SEC. 9009. None of the funds provided for the “Afghanistan Security Forces Fund” (ASFF) may be obligated prior to the approval of a financial and activity plan by the Afghanistan Resources Oversight Council (AROC) of the Department of Defense: *Provided*, That the AROC must approve the requirement and acquisition plan for any service requirements in excess of \$50,000,000 annually and any non-standard equipment requirements in excess of \$100,000,000 using ASFF: *Provided further*, That the AROC must approve all projects and the execution plan under the “Afghanistan Infrastructure Fund” (AIF) and any project in excess of \$5,000,000 from the Commanders Emergency Response Program (CERP): *Provided further*, That the Department of Defense must certify to the congressional defense committees that the AROC has convened and approved a process for ensuring compliance with the requirements in the preceding provisos and accompanying report language for the ASFF, AIF, and CERP.

SEC. 9010. Funds made available in this title to the Department of Defense for operation and maintenance may be used to purchase items having an investment unit cost

of not more than \$250,000: *Provided*, That, upon determination by the Secretary of Defense that such action is necessary to meet the operational requirements of a Commander of a Combatant Command engaged in contingency operations overseas, such funds may be used to purchase items having an investment item unit cost of not more than \$500,000.

SEC. 9011. Notwithstanding any other provision of law, up to \$88,000,000 of funds made available in this title under the heading “Operation and Maintenance, Army” may be obligated and expended for purposes of the Task Force for Business and Stability Operations, subject to the direction and control of the Secretary of Defense, with concurrence of the Secretary of State, to carry out strategic business and economic assistance activities in Afghanistan in support of Operation Enduring Freedom: *Provided*, That not less than 15 days before making funds available pursuant to the authority provided in this section for any project with a total anticipated cost of \$5,000,000 or more, the Secretary shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for each proposed project.

SEC. 9012. From funds made available to the Department of Defense in this title under the heading “Operation and Maintenance, Air Force” up to \$508,000,000 may be used by the Secretary of Defense, notwithstanding any other provision of law, to support United States Government transition activities in Iraq by funding the operations and activities of the Office of Security Cooperation in Iraq and security assistance teams, including life support, transportation and personal security, and facilities renovation and construction: *Provided*, That not less than 15 days before making funds available pursuant to the authority provided in this section, the Secretary shall submit to the congressional defense committees a written notice containing a detailed justification and timeline for each proposed site.

(AVAILABILITY OF FUNDS)

SEC. 9013. Each amount designated in this Act by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985 shall be available (or rescinded, if applicable) only if the President subsequently so designates all such amounts and transmits such designations to the Congress.

(RESCISSIONS)

SEC. 9014. Of the funds appropriated in Department of Defense Appropriations Acts, the following funds are hereby rescinded from the following accounts and programs in the specified amounts: *Provided*, That such amounts are designated by the Congress for Overseas Contingency Operations/Global War on Terrorism pursuant to section 251(b)(2)(A)(ii) of the Balanced Budget and Emergency Deficit Control Act of 1985:

“Retroactive Stop Loss Special Pay Program, 2009/20XX”, \$79,900,000; and

“Afghanistan Security Forces Fund, 2012/20XX”, \$500,000,000.

SEC. 9015. None of the funds appropriated or otherwise made available by this Act under the heading “Operation and Maintenance, Defense-wide” for payments under Section 1233 of Public Law 110-181 for reimbursement to the Government of Pakistan may be made available unless the Secretary of Defense, in coordination with the Secretary of State certifies to the Committees on Appropriations that the Government of Pakistan is—

(1) cooperating with the United States in counterterrorism efforts against the Haqqani Network, the Quetta Shura Taliban, Lashkar e-Tayyiba, Jaish-e-Mohammed, Al Qaeda, and other domestic and foreign terrorist organizations, including taking steps to end support for such groups and prevent them from basing and operating in Pakistan and carrying out cross border attacks into neighboring countries;

(2) not supporting terrorist activities against United States or coalition forces in Afghanistan, and Pakistan's military and intelligence agencies are not intervening extra-judicially into political and judicial processes in Pakistan;

(3) dismantling improvised explosive device (IED) networks and interdicting precursor chemicals used in the manufacture of IEDs;

(4) preventing the proliferation of nuclear-related material and expertise;

(5) issuing visas in a timely manner for United States visitors engaged in counterterrorism efforts and assistance programs in Pakistan; and

(6) providing humanitarian organizations access to detainees, internally displaced persons, and other Pakistani civilians affected by the conflict.

TITLE X

ADDITIONAL GENERAL PROVISIONS

SPENDING REDUCTION ACCOUNT

SEC. 10001. The amount by which the applicable allocation of new budget authority made by the Committee on Appropriations of the House of Representatives under section 302(b) of the Congressional Budget Act of 1974 exceeds the amount of proposed new budget authority is \$0.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, from the Clerk's reading, we've reached the limitations portion of the bill, and we would encourage Members having amendments for us to consider in that arena, or portion, this would be the appropriate time for them to come forward.

I yield back the balance of my time.

□ 1950

Mr. SHUSTER. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. SHUSTER. Mr. Chairman, I rise today to share the concern of seven Members of this House that represent Army depots and arsenals, including Letterkenny Army Depot in my congressional district in Pennsylvania.

The following letter fully addresses our concerns:

CONGRESS OF THE UNITED STATES,

Washington, DC, July 12, 2012.

Hon. C.W. BILL YOUNG,
Chairman, Subcommittee on Defense,
Washington, DC.

Hon. NORM DICKS,
Ranking Member, Washington, DC.

DEAR CHAIRMAN YOUNG AND RANKING MEMBER DICKS: As Members with Army Depots and Arsenals in our districts, we wish to express our concern over significant funding

reductions in this year's House Defense Appropriations Bill that will negatively impact the Army's organic industrial base. The Fiscal Year 2013 Defense Appropriations Bill, Sec. 8087 cites "excessive levels of funding carryover at Army Depots" and reduces "Operation and Maintenance, Army" (OMA) by \$1.207 billion and "Other Procurement, Army" (OPA) by \$1.253 billion. This reduction of approximately \$2.5 billion will have harmful consequences far beyond what was originally forecasted and will derail the Army's ability to maintain equipment readiness. Ultimately, we believe this legislation as it currently stands will cripple the ability of depots and arsenals to support our soldiers during a time of war. We understand the competing priorities facing the committee, but we believe it is vital that we work together with you to address this critical issue.

This reduction of funds will not only hurt the ability of Army depots and arsenals to generate and maintain its workload for the next Fiscal Year, but will also have lasting impacts on the defense industrial base that will be felt well beyond 2013. The cuts to OMA and OPA will cause an estimated 3,000 layoffs of specialized technicians that cannot be easily replaced or retrained if workload returns to its normal rate. Core depot logistics requirements will be increasingly difficult and costly to meet and the Department of the Army will be forced to turn to contracted alternatives in order to reduce the backlog. This cut will make the organic base less attractive for program managers and will likely reverse the recent trend of depots and arsenals being the preferred source of manufacture and repair.

It is our understanding that the Army did not provide a detailed explanation for excessive levels of carryover money until after the Appropriations Committee passed this year's Defense Bill. Once the Army provided this analysis, it became clear to all parties involved that the House Appropriations Committee's proposed funding levels would not provide adequate funding to sustain depots and arsenals throughout Fiscal Year 2013. As we approach the debate over the Defense Appropriations Bill on the House floor, it is still unclear to us what possible measures will be taken, if any, to reduce the impact of these cuts.

We look forward to further discussing this issue with you and working with you on any potential adjustments that can be made before this legislation is considered by the House of Representatives. We believe that a strong organic industrial base is critical to maintaining our national security posture and the current Defense Appropriations Bill will result in unrecoverable consequences for our Army depots and arsenals.

Sincerely,

BILL SHUSTER.
DAVID LOEBSACK.
BLAKE FARENTHOLD.
MIKE ROGERS (AL).
RALPH HALL.
ROBERT SCHILLING.

This bill includes reductions in funding for depots and arsenals due to a perceived surplus of funded workload available for previous fiscal years. After further analysis and additional feedback provided by the Army, we believe these cuts, as currently structured, could have a lasting negative impact on the organic industrial base.

It is my understanding that the House Appropriations Committee

agrees that these current general provisions should be modified and is already developing an alternative plan.

As a member of the House Armed Services Committee, I look forward to working with the chairman to address these concerns and to ensure we provide adequate funding for depots and arsenals. I know we are both in favor of a strong and capable organic industrial base and value the critical role our depots and arsenals play in maintaining the readiness of our military.

Mr. Chairman, at this time I yield to the gentleman from Iowa (Mr. LOEBSACK).

Mr. LOEBSACK. I thank the gentleman from Pennsylvania.

Our depots, arsenals, and their workforce are critical to our national security and ability to rapidly equip our soldiers. For example, in 2003, the Rock Island Arsenal produced 500 Humvee add-on armor kits to protect our troops within 3 months of receiving the order.

We must strengthen our arsenals and depots so that they are able to continue to produce the equipment that is vitally needed by our men and women in uniform. I am strongly concerned that the effects of the bill's reductions will be felt beyond 2013 and across the organic industrial base, and I appreciate the chairman's willingness to work with us. I look forward to closely collaborating with him in support of our arsenals and depots, and I appreciate this time.

Mr. SHUSTER. I thank the gentleman from Iowa.

And the gentleman from Texas, who's not here on the floor, I'd like to talk a little bit about his situation down at the Corpus Christi Army Depot, which is an industry leader of repair and overhaul for our aviation helicopters, employing over 6,000 civilians, of which 56 percent are veterans. Without CCAD, the Army would be unable to sustain maximum combat power for the warfighter.

Further, the depot in Corpus Christi's stewardship of taxpayer dollars is evident in the cost effective repair and overhaul of rotary wing aircraft systems. For example, in fiscal year 2011, a record production year, more than \$47 million in cost savings was documented at the CCAD.

With today's rotary wing aircraft and unmanned aircraft systems flying in record numbers, the work at Corpus Christi Army Depot has become invaluable to the aircraft to remain airworthy. I am concerned that any lapse in production of the UH-60 Black Hawk Recap, CCAD's larger single program, would have a negative impact on supporting components programs and major OEM contracts and employers.

I know that the gentleman from Texas looks forward to working with the chairman—as do I and other Members of the House that represent depots and arsenals—and the House Appropriations Committee as this bill moves forward to conference.

Mr. FRELINGHUYSEN. Will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from New Jersey.

Mr. FRELINGHUYSEN. I thank the gentlemen for their comments, and we share in their support of a strong organic industrial base and a strong, ready military.

We are pleased to work closely with members of the army depot and arsenal delegation throughout the conference proceedings to ensure their concerns are fully addressed and the necessary adjustments to depot and arsenal funding are made.

I thank the gentleman for yielding.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MS. WOOLSEY

Ms. WOOLSEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. The total amount of appropriations made available by this Act is hereby reduced by \$181,000,000.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Chairman, our Nation's transportation infrastructure is in terrible, terrible disrepair. More than ever, we need to be pumping resources into transportation projects and into initiatives for that end.

We need to upgrade and modernize our roads and highways, but we also need to build up mass transit systems, buses, rail lines, et cetera. Doing so improves lives in our communities, allowing people to move around more freely and easily, and it also creates jobs. And by reducing our dependency on automobile travel, this transportation is clean, energy-efficient, and environmentally sensitive, as well.

Luckily, we have a Federal agency, the Federal Transit Administration, or FTA, that exists to make exactly these investments. I'm proud to say that my home district has benefited from FTA grants to the tune of \$11 million over the last year. A new commuter train, the Sonoma-Marín Area Rail Transit, or SMART train, that connects the major cities in my district is just one of the local projects that is putting FTA money to good use.

So, at a moment when our transportation needs are so great across the country, wouldn't it make sense to increase the FTA budget? Except that the House, expressing the priorities of its Republican majority, recently passed a fiscal year 2013 appropriations bill that cut \$181 million from current FTA spending levels. And at the same time, they're now presenting us with a Department of Defense spending bill that calls for \$1.1 billion more in military spending over current levels.

Why are we all being asked to tighten our belts while the military industrial complex gets to loosen theirs by a few notches year after year after year?

If the Federal budget crisis is so dire, Mr. Chairman, so dire that we can pinch pennies on badly needed transit infrastructure, surely we can do the same with a bloated Pentagon budget that has been growing out of control for more than a decade now. And that's the simple concept behind my amendment.

In the interest of fairness and shared sacrifice, I'm proposing a \$181 million cut to the Defense appropriations bill identical to the reduction in FTA spending passed by the House a few weeks ago. I trust that all my Republican colleagues, each one more fiscally responsible than the next, will jump at this chance to further cut Federal spending.

I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the gentlewoman's amendment. I'm the first to admit that defense should not be immune to reasonable, analytically-based reductions, which are what we've already done over the past few years.

Just 2 years ago, when Congress considered the fiscal year 2011 defense budget, the Department was planning on a fiscal year 2013 budget of roughly \$562 billion. Their actual request for 2013, however, was only \$516 billion, \$46 billion less.

□ 2000

In fact, in the past two fiscal years, our committee has produced a defense budget which totaled \$39 billion below the request.

My point is that we have cut defense, but we have done so reasonably and without impacting readiness or threatening the Department's ability to protect our Nation and our allies. This fiscal year 2013 budget is the first we've seen in which there are identifiable and significant risks associated with the budget decisions we've made.

We've talked about that a lot today, about our pivot towards the Asia Pacific, the growing capability of China, things on the North Korean peninsula, for example, in cutting ships and in reducing the required Navy ship fleet size, in retiring large numbers of aircraft, some of which have been delivered, and in significantly underfunding facility maintenance and modernization. We have tried to mitigate these as best we could within our given allocation. Speaking of our allocation, it is essentially in line with both the Ryan budget as well as with the Defense authorization bill, both of which passed the House.

Finally, in just the CBO's most recent analysis of the Department's future-years' defense program, they determined that the Department's plans will cost \$123 billion more than they projected over the next 5 years. National security, of course, should never be subjected to partisan politics. Instead, we should show our support for our brave men and women, who have sacrificed so much and who continue to do so on our behalf.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. WOOLSEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. WOOLSEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT OFFERED BY MR. MARKEY

Mr. MARKEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to operate or maintain more than 300 land-based intercontinental ballistic missiles.

Mr. FRELINGHUYSEN. Mr. Chairman, we would like a copy of the amendment, please.

I reserve a point of order until we have had a chance to look it over.

The Acting CHAIR. The gentleman from New Jersey reserves a point of order.

The gentleman from Massachusetts is recognized for 5 minutes.

Mr. MARKEY. Our current nuclear arsenal has significant overkill that is built into it. Our country continues to spend more and more taxpayer money on nuclear weapons even though the President and the Senate have already agreed to reduce the number of deployed nuclear weapons, and even though there is a growing bipartisan consensus that the United States has an excessive number of nuclear weapons and that the United States spends far more than it needs to for a nuclear deterrent and defense.

That is why I rise today to offer my amendment: to reduce the number of deployed intercontinental ballistic nuclear missiles from 450 to 300.

I believe that this is the soundest approach to both our national security and our economic security needs. Each of our land-based nuclear missiles costs us—and this is an incredible number—\$2.4 million every year to operate and to maintain. My amendment would save the taxpayers about \$360 million next year and every year after that.

It's not just arms control groups that support this departure from Cold War thinking. It also includes General James Cartwright, who until last year was the commander of the United States' nuclear forces. General Cartwright published a report in May that concluded that zero intercontinental ballistic missiles are necessary for our nuclear deterrent or defense. The former commander of U.S. nuclear forces doesn't think we need ICBMs at all.

So reducing the number from 450 to 300 still leaves more than enough missiles for an effective nuclear deterrent. That's still more than enough missiles to annihilate any of our enemies over and over. It not only will turn our enemies into rubble, but it will make that rubble bounce and bounce and bounce again. That's how many nuclear weapons we would still have in reserve.

That is a real savings, and that savings can be used for the NIH budget. The entire budget to find the cure for Alzheimer's—5 million Americans have it—is \$450 million a year. If we would just cut out these ICBMs—and that leaves plenty left over—it would give us enough money to almost double the budget to find a cure for something that really is going to kill Americans, that really does terrify them in their homes.

So I pray that the House will accept this amendment and send us in the correct direction in which we should be heading in terms of really protecting the American public.

Mr. DICKS. Will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Washington.

Mr. DICKS. I want to compliment the gentleman on listening to what we discussed in the last go-around and then taking a hard look at land-based ICBMs, which I believe have always been the most vulnerable part of the triad. The most invulnerable part, of course, is our ballistic missile submarine—and bombers are second—but the land-based ICBMs are vulnerable. There is no question about that, and I do believe we can reduce the amount of money we are spending on strategic forces. I think the focus should be, as General Cartwright has suggested, on reducing the ICBMs.

So this is a way to start this debate, and I am going to support the gentleman's amendment today.

Mr. MARKEY. I just want to note here that the gentleman from Washington State did pioneering work in the 1980s in identifying the vulnerability of the land-based ICBM fleet. That discussion continues even today out here on the House floor.

Mr. DICKS. I recall—and you might remember—that we had a great discussion about synergism, about the synergy of the three legs of the triad giv-

ing some protection to the land-based missiles.

I agree with the gentleman's overall premise that we don't need as many nuclear weapons. I can remember John Lehman—famous for his 600-ship Navy—always saying to me, if you want to cut something, cut the submarines, and go ahead with the aircraft carriers and more airplanes because they're conventional weapons and, therefore, more usable.

Mr. MARKEY. I thank the gentleman, and I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, I withdraw my point of order.

The Acting CHAIR. The gentleman's point of order is withdrawn.

Mr. FRELINGHUYSEN. I move to strike the last word.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Chairman, normally the committee is given the courtesy of seeing amendments that come to the floor. This is the third time today, I believe, the gentleman from Massachusetts has shown a lack of courtesy in letting the committee have copies of his amendments.

Let me say, as a Nation, we still believe in a nuclear deterrent. The last time I checked, there was bipartisan support for that. Both Mr. VISCLOSKEY and I serve on the Energy and Water Subcommittee, and part of our jurisdiction is to make sure that the President of the United States, our Commander in Chief, verifies that we have nuclear capabilities. The last time I checked, the administration was conducting what we call a Nuclear Posture Review relative to what our position should be in negotiations with other nuclear powers in terms of the type of weapons that are so critical to the nuclear triad.

So, with all due respect to the gentleman from Massachusetts, who referred to a lot of what we said as the fantasy land of our bill, it would be good, actually, for the Members of Congress to have some facts from the Nuclear Posture Review before we consider something here which might put our Nation at risk.

I strongly oppose this amendment, and I urge my colleagues to do so as well.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Massachusetts (Mr. MARKEY).

The question was taken; and the Acting Chair announced that the yeas appeared to have it.

Mr. MARKEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Massachusetts will be postponed.

□ 2010

AMENDMENT OFFERED BY MS. WOOLSEY

Ms. WOOLSEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title) insert the following:

SEC. _____. The total amount of appropriations made available by this Act is hereby reduced by \$293,900,000.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Chairman, whenever we debate the Defense appropriations bill, I feel like I'm living in an alternate universe, because the other 51 weeks of the year all I hear from my Republican colleagues is that the sky is falling and we have to rein in a deficit that is wildly out of control. When it comes to the military budget, that rhetoric is nowhere to be heard and my friends in the majority become the biggest spenders of all. If cutting spending is a matter of such great urgency, then I believe the Pentagon, which has been generously funded over the years, can pitch in its share.

Why do the programs that Americans depend on for basic needs have to take the budget hit? For example, under the Labor-HHS appropriations bill, the title X program is not just trimmed but completely zeroed out. For more than 40 years, title X has been a life-saving source of family planning services and preventive health care for millions and millions of low-income women. PAP tests, breast exams, early detection of cervical cancer—uninsured women depend on title X in order to receive these vital services at clinics nationwide. The proposed elimination of funding would be devastating to these women and to their families.

It's critical to point out, Mr. Chairman, by law, not a single penny of title X money is used to perform an abortion. If, however, you want to reduce unintended pregnancies, as the other side says it does, then there is no more effective program than title X.

Title X was signed into law by President Nixon and has historically enjoyed broad bipartisan support, at least until the Republican Congress decided to launch a war on women. Now they want to eliminate funding for the program completely. We spent just under \$294 million on title X last fiscal year. To put things in perspective, Mr. Chairman, that's less than what we spend on any given day to continue a failed military occupation of Afghanistan.

Mr. Chairman, if we're going to ask poor women to give up all the benefits they receive from title X, then I think we can ask the Pentagon to give up the exact same amount: \$293 million. It's just so big, it makes my head spin. If we did that, we would be saving the

misguided elimination of title X. That's what my amendment does, because I believe women need to access lifesaving health care at least as much as the military needs another \$293 million. In fact, if my Republican colleagues truly believe that the Federal deficit represents a moral crisis demanding sacrifice from everyone, then I'm confident they're going to support my amendment.

With that, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I don't know how many times that I have said this on this floor and in the committee and to anyone that would listen: You cannot make your decisions on national defense based on politics. You can't make your decision based on national defense just on a number. And this number, by the way, on this similar amendment, has changed. Where is the commitment?

The policies and the investment in our national defense must be based on the real threat to our own security, to the security of the United States, to the security of our troops, and to the security of our allies and our interests, whatever they might be. Stop and think. The threat has not diminished. The threat has not gone away.

Did anybody happen to watch Iran's exercises last week where they fired short-range missiles, medium-range missiles, and long-range missiles? Iran is moving to make itself a strong military capability nation. That is a threat. Their commentaries about the United States and to the United States, that's a threat. We have got to be careful.

China is expanding its military, expanding its technology, and expanding its work in cyber. The threat is growing, and so this is not the time to reduce our capability, to reduce our readiness, to reduce our training, to reduce in preparing our troops for whatever is required to defend the Nation that we love so much.

This amendment just can't go, and I strongly ask Members to oppose this amendment and the message that it would send around the world that we don't care about the threat. We do care about the threat, and we are aware of the threat, and we know what it could mean to us.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Ms. WOOLSEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. WOOLSEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California will be postponed.

AMENDMENT OFFERED BY MR. LOBIONDO

Mr. LOBIONDO. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following new section:

SEC. _____. None of the funds made available by this Act may be used to operate an unmanned aircraft system except in accordance with the Fourth Amendment of the Constitution.

The Acting CHAIR. The gentleman from New Jersey is recognized for 5 minutes.

Mr. LOBIONDO. Mr. Chairman, the Fourth Amendment is unequivocal that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches, shall not be violated." I'm a firm believer in this. I'm also a firm believer in article I, section 8 of the Constitution that Congress shall have the right to provide for the common defense of the United States. Therefore, I offer my amendment to ensure that no funding will be used to operate unmanned aerial systems, except those operations that are in accordance with the Fourth Amendment.

We need to make sure our citizens explicitly understand that while funding for these platforms is critical for our Nation's intelligence activities, these normal operations will not conflict with our constitutional protections against unreasonable searches.

This language would ensure that there is no misperception about the Department's use of these technologies, and I urge its adoption.

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. LOBIONDO. I yield to the gentleman.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of the amendment.

Mr. DICKS. Will the gentleman yield?

Mr. LOBIONDO. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I have no objection to the amendment.

Mr. LOBIONDO. With that, Mr. Chairman, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from New Jersey (Mr. LOBIONDO).

The amendment was agreed to.

□ 2020

AMENDMENT OFFERED BY MR. FLAKE

Mr. FLAKE. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. None of the funds made available by this Act may be used to enter into a contract for UH-60 Leak Proof Drip Pans using procedures other than competitive procedures (as defined in section 2302(2) of title 10, United States Code).

Mr. FLAKE (during the reading). Mr. Chairman, I ask unanimous consent that the reading be dispensed with.

The Acting CHAIR. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Acting CHAIR. The gentleman from Arizona is recognized for 5 minutes.

Mr. FLAKE. This bill would prohibit the use of funds in the bill to enter into a contract with a company for leak-proof drip pans unless the contract is awarded using competitive procedures as defined by statute.

A recent article by The New York Times highlights the story of a sole-source contract being awarded to a for-profit company to produce leak pans used in Black Hawk helicopters operated by the U.S. Army. These pans, according to The New York Times, cost \$17,000 apiece, and in the last 3 years the Army has purchased \$6.5 million of them.

An Army spokesman is quoted in the article, saying, "Congress mandated a leakproof transmission drip pan," and that the contract was awarded without competitive bids.

I think that we can all agree that any contract administered by the Army or any other Federal agency should be awarded based on competitive procedures, which are already codified in statute.

While there are no line items for these pans included in the bill before us or the accompanying report, the Times reports that the Army has indicated that it "might get more pans if financing is approved."

The Department of Defense is already in the process of slashing its budget. They are learning to do more with less as Americans all over the country have had to do in the past several years. If a competitor exists who will produce these pans for less than \$17,000 apiece, we ought to make sure that they compete for the project.

The amendment before us now would not prohibit the procurement of these pans even if it is determined that there is one company that can supply the Army with them—now, if there is only one company—but it would ensure that any purchase of these pans is done in a manner consistent with competitive procedures, putting to rest any notion that Congress has mandated sole-source contracts for private companies. This is a good governance, common-sense amendment.

I urge my colleagues to adopt it, and I look forward, if there is any objection—I think it's a good government

amendment, but I would love to be able—I can't reserve my time, but I would like to have a dialogue if somebody has an issue with this amendment.

Mr. DICKS. Will the gentleman yield?

Mr. FLAKE. I yield to the gentleman.

Mr. DICKS. So what you are saying is you have got to have a competitive procedure.

Mr. FLAKE. That's correct.

Mr. DICKS. This is, I think, what we tried to do a few years ago on defense-related—with private companies is to have a competitive procedure, which I agree with. I think the gentleman is right on this. I appreciate his amendment.

Mr. FLAKE. I thank the gentleman.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. It has been a long-standing practice put in place by appropriations legislation years ago that the contracts for these pans must be awarded under a competitive process. In fact, the FY 2010 DOD appropriations bill required that the contract be competitive, and every year the Army holds an open competition where it asks all qualified companies to place a bid.

Therefore, Mr. Chairman, I don't think the amendment is necessary, but I do agree with what it does, and I accept the amendment.

Mr. FLAKE. Will the gentleman yield?

Mr. YOUNG of Florida. I yield to the gentleman.

Mr. FLAKE. I thank the gentleman, and I know that we have made efforts in the past to make sure that these are all competitively bid.

The reason I am bringing this amendment is that the Army stated in this case that this contract was not competitively bid. We just want to make sure, and that's why I appreciate the gentleman accepting the amendment.

Mr. YOUNG of Florida. We do understand that the law does exist that requires it, so we're with you.

Mr. FLAKE. Thank you.

Mr. YOUNG of Florida. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. LEE OF CALIFORNIA

Ms. LEE of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) PROHIBITION ON USE OF FUNDS.—None of the funds made available by this Act may be used for any account of the Department of Defense (other than accounts excluded by subsection (b)) in excess of the amount made available for such account for fiscal year 2008, unless the financial statements of the Department for fiscal year 2013 are validated as ready for audit within 180 days after the date of the enactment of this Act.

(b) ACCOUNTS EXCLUDED.—The following accounts are excluded from the prohibition in subsection (a):

(1) Military personnel, reserve personnel, and National Guard personnel accounts of the Department of Defense.

(2) The Defense Health Program account.

(c) VALIDATION DEFINED.—In this section, the term "validation", with respect to the auditability of financial statements, means a determination, following an examination, that the financial statements comply with generally accepted accounting principles and applicable laws and regulations and reflect reliable internal controls.

(d) WAIVER.—The President may waive subsection (a) with respect to a component or program of the Department if the President certifies that applying the subsection to that component or program would harm national security or members of the Armed Forces who are in combat.

Ms. LEE of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentlewoman from California?

There was no objection.

Mr. YOUNG of Florida. Mr. Chairman, I reserve a point of order on the gentlelady's amendment.

The Acting CHAIR. A point of order is reserved.

The gentlewoman is recognized for 5 minutes.

Ms. LEE of California. Mr. Chairman, I join with my esteemed colleague, Congresswoman JAN SCHAKOWSKY of Illinois, in offering an amendment which hits really at the heart of the issue of fiscal responsibility.

My amendment is short and to the point. If enacted, it would freeze Department of Defense programs at fiscal year 2008 levels unless the financial statements of the Department of Defense for fiscal year 2013 are validated as ready for audit within 6 months of enactment of this act.

This amendment would exempt military personnel, Reserve and National Guard personnel accounts, as well as the Defense Health Program accounts from this potential funding freeze. It also contains a waiver for any potential harm to national security or combat forces.

Now, some of my colleagues may make the argument that the Department of Defense is making progress on this issue in response to congressional engagement. They might reference language in recent Defense authorization bills requiring DOD to develop and implement plans to achieve audit readiness by September 30, 2017.

But let me just say, Mr. Chairman, this is wholly unacceptable that we are still just developing plans for the Department of Defense to have much its fiscal house in order 5 years from now. This problem is not newly discovered and further delay is really an abandonment of our congressional duty, given the enormous and increasing proportion of Federal dollars going towards the defense budget. In the 1990s, Congress was promised that these financial deficiencies would be solved by 1997. This timeline then was delayed to 2007 in the early 2000s. Given the Pentagon's past failures to meet deadlines, why should we believe the 2017 timeline will be honored?

Nearly 60 cents of every Federal discretionary dollar now goes towards defense spending, and by the Pentagon's own admission, they cannot properly account for how the money is spent.

Can you imagine? We have nonprofit organizations that get shut down behind a few thousand dollars in unaccountable funds.

There is no doubt that these circumstances have contributed to instances of waste, fraud, and abuse at the Pentagon, including more than \$300 billion in major weapons cost overruns identified by the Government Accountability Office.

It's time to finally do away with the culture of unlimited spending and no accountability at the Pentagon. Being strong on defense does not mean handing a free pass to irresponsible spending. I believe it's critical that the Department of Defense be not only prepared and validated as ready for an audit, but actually pass an audit.

Today I urge my colleagues to support this amendment and take a first step toward compelling the Department of Defense to act with urgency on this matter. The financial reforms necessary to abide by basic accounting standards, laws, and regulations at the Department of Defense cannot wait.

I deeply regret that my colleagues would invoke a point of order on an issue of such vital importance to Congress' charge to conduct responsible oversight on Federal expenditures. I wish that the Pentagon would be held to the same standards as nonprofit organizations and those in business and other entities responsible for responsibly spending Federal dollars.

I yield back the balance of my time.

POINT OF ORDER

Mr. YOUNG of Florida. Mr. Chairman, I make a point of order against the amendment because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2 of rule XXI.

The rule states in pertinent part:

"An amendment to a general appropriation bill shall not be in order if changing existing law."

The amendment grants new authority.

I ask for a ruling from the Chair.

The Acting CHAIR. Does any other Member wish to be heard on the point of order? If not, the Chair will rule.

The Chair finds that this amendment imposes a new duty on the Secretary to validate certain data as ready for audit. The amendment therefore constitutes legislation in violation of clause 2 of rule XXI. The point of order is sustained and the amendment is not in order.

□ 2030

AMENDMENT OFFERED BY MR. WITTMAN

Mr. WITTMAN. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), add the following new section:

SEC. _____. None of the funds made available by this Act may be used to propose, plan for, or execute an additional Base Realignment and Closure (BRAC) round.

The Acting CHAIR. The gentleman from Virginia is recognized for 5 minutes.

Mr. WITTMAN. This amendment directs that none of the funds made available in this act may be used to propose, plan for, or execute an additional Base Realignment and Closure, or BRAC, round. During the House Armed Services Committee markup of H.R. 4310 on May 9, a similar amendment passed with overwhelming bipartisan support by a vote of 44-18, with 14 of 27 Democrats voting in favor of a similar amendment.

On February 27, 2012, I joined 41 fellow Members of Congress in signing a bipartisan letter to President Obama expressing our concerns over his administration's announcement of the intent to request two new rounds of BRACs. Six House Armed Services Subcommittee chairmen signed this letter also.

The 2005 BRAC is estimated to cost \$36 billion, and the taxpayers will not realize that net savings until 2018, at the earliest. Congress has robustly funded the military construction accounts over the past 3 years to accommodate the growing Army and Marine Corps. Proposed new rounds of military base closures by the President will require additional expenses in a time of military spending reductions. More BRAC rounds will cost more than it saves in the near-term and negate the value of deficit reduction. More BRAC rounds will cost billions of dollars and thousands of jobs.

According to the GAO in a study that was concluded in March 2012, DOD's fiscal year 2012 budget submission to Congress on BRAC 2005 shows that costs to implement the BRAC recommendations grew from \$21 billion originally estimated by the BRAC Commission in 2005 dollars to about \$35.1 billion in current dollars, an increase of about

\$14.1 billion, or 67 percent. In constant 2005 dollars, costs increased to \$32.2 billion, an increase of 53 percent.

In 2005, the Commission estimated net annual recurring savings of \$4.2 billion and a 20-year net present value savings by 2025 of \$36 billion. GAO's analysis shows annual recurring savings are now about \$3.8 billion, a decrease of 9.5 percent, while the 20-year net present value savings are now about \$9.9 billion, a decrease of 73 percent. As such, DOD will not recoup its up-front costs until at least 2018.

Implementation of the 2005 BRAC round was officially completed on September 15, 2011. This took 6 years to fully execute. Strategically, as we draw down from over 10 years of combat operations in the Middle East and shift our focus to balancing the Middle East threat with the emerging security issues and presence of forces in the Asia-Pacific, additional rounds of BRAC at this time cannot be justified. After 10 years of war and a substantial 2005 BRAC round, we now have a well-trained, battle-hardened, combat-tested, efficient, streamlined all-volunteer force that is now more joint than ever. This is simply not the time for an additional BRAC round.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of the amendment.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. I want to associate myself with the remarks of Mr. WITTMAN. He is right on. And I just want to emphasize how strongly I agree with what he has to say, and I strongly support this amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Virginia (Mr. WITTMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. WOOLSEY

Ms. WOOLSEY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. The total amount of appropriations made available by this Act is hereby reduced by \$1,700,000,000.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Chairman, a few months ago, the Republican majority passed their budget blueprint which, unbelievably, called for the complete elimination, over 10 years' time, of funding for the Social Services Block Grant. This program is designed to help people in desperate straits, people who have fallen on hard times, people who need a hand up from their government in their hour of need. But the majority said, Sorry, we can't afford that.

The country, they say, just can't afford day care for children and adults, special services for people with disabilities, substance abuse assistance, low-income housing, home-delivered meals, employment services, and other support that people need when they have fallen on hard times and what people need when they're working very hard to become self-sufficient. That kind of compassion is too expensive, apparently.

But this week, when we're deciding how much to spend on our war machines and our Department of Defense bureaucracy, the sky is the limit. Money is no object. Well, those aren't the values I was taught. That's not the kind of country I want to live in.

The Pentagon has received more than its fair share of taxpayer dollars over the years. And, frankly, they haven't always been the most careful stewards of the people's money. They haven't always had the best accountability and oversight. They haven't always delivered the best bang for the buck, Mr. Chairman.

Recent polling indicates that Americans overwhelmingly want defense cuts, but instead we've got a defense spending bill that is larger than last year's and larger than what the President requested. I say it's time that the Pentagon contribute its fair share. My amendment calls for a \$1.7 billion cut to Defense appropriations—an amount equal to the cut we have asked of the Social Services Block Grant program for next year.

If you believe that human dignity and basic compassion are more important than throwing money at wasteful weapons, then I hope that you will support my amendment.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, I want to compliment the gentlewoman. She is certainly determined. This is the third or fourth amendment on the same subject, just by changing the numbers. I'm not going to make the same arguments about the threat and about the need to defend our country. Again, you have heard that many, many times. But it is serious. It is serious.

The numbers keep changing. I don't know why they keep changing, but the fact that they keep changing indicates to me that there's not really a real determination here on the number. But there is a determination on my side and from my viewpoint and, that is, the threat cannot be ignored, the threat is growing, and this is not a good amendment and I ask that our Members oppose it.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. WOOLSEY).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. WOOLSEY. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

□ 2040

AMENDMENT OFFERED BY MR. POE OF TEXAS

Mr. POE of Texas. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. The amounts otherwise provided in title IX of this Act are revised by reducing the amount made available for "Operation and Maintenance, Defense-Wide" and the amount under that heading for payments to reimburse key cooperating nations for logistical, military and other support by \$650,000,000, respectively.

The Acting CHAIR. The gentleman from Texas is recognized for 5 minutes.

Mr. POE of Texas. I thank the Chair.

I thank the chairman, and his staff especially, for working with me on this amendment, which I would like to associate my previous remarks in a previous amendment on Pakistan to this amendment. Basically the intent is to cut half of the money that goes to Pakistan under title IX in this legislation.

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. POE of Texas. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for yielding.

I want to thank the gentleman for working with us. As we discussed earlier during our debate, we would work together to find a solution that would be acceptable. You have done that, I congratulate you, and I support your amendment.

Mr. POE of Texas. I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from Texas (Mr. POE).

The amendment was agreed to.

Mr. LOEBSACK. Mr. Chairman, I move to strike the last word for the purpose of engaging in a colloquy with Chairman YOUNG.

The Acting CHAIR. The gentleman from Iowa is recognized for 5 minutes.

Mr. LOEBSACK. Mr. Chairman, as you well know, 40-millimeter cartridges provide sustained coverage for our ground troops and have played a significant role in providing protection for our troops in Afghanistan. They are produced in a joint effort between the Iowa Army Ammunition Plant, which I represent, and facilities in Florida, Wisconsin, and several other States.

In Iowa, 75 employees work on a state-of-the-art production line to load,

assemble, and pack the 40-millimeter ammunition. This state-of-the-art equipment allows this work to be done safely, at a high-quality rate, and in a cost-effective way for the taxpayers and the Army.

The Army's budget request included 40-millimeter funding levels that are considered the minimum level necessary to sustain our capability and the highly skilled workforce needed to produce them. A reduction in funding could result in a break in work that would result in lost capabilities, lost jobs, and delays and quality concerns when the line is restarted.

Mr. Chairman, I know we share a commitment to maintaining the workforce, capabilities, and lines that produce the 40-millimeter ammunition, and I very much appreciate your and Ranking Member DICKS' work with me over the last several weeks. I look forward to continuing to work with you to address this matter going forward so that we can ensure the final 2013 defense bill supports the 40-millimeter ammunition workforce and supply chain.

I thank you for the cooperation.

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. LOEBSACK. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank the gentleman for his work on this important issue.

The gentleman is correct. Our Nation's ability to produce the 40-millimeter ammunition is a critical readiness issue. I am very proud of the work that is done in Florida and other States to support production of this ammunition. This is a matter of importance to the readiness of the Army, and the readiness of all of our Armed Forces is a matter of top priority to me and it is a matter of great importance to both of our districts.

I'm committed to ensuring that the funding necessary for production of 40-millimeter ammunition in 2013 is available and that the supply chain and workforce associated with the 40-millimeter ammunition remains strong.

I look forward to working with the gentleman from Iowa to ensure that the final bill reflects that priority.

I thank the gentleman for yielding.

Mr. LOEBSACK. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. BILBRAY

Mr. BILBRAY. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), add the following new section:

SEC. _____. None of the funds made available by this Act may be used to remove any portion of the Mount Soledad Veterans Memorial in San Diego, California.

The Acting CHAIR. The gentleman from California is recognized for 5 minutes.

Mr. BILBRAY. Mr. Chairman, this is a very simple amendment. It just says you will not use Federal funds to tear down the war memorial on Mount Soledad. It is very simple. It is basically a war memorial that was originally built in honor of the veterans of Korea.

Mr. Chairman, when I was a young teenager, a young child, I still remember as my father and I drove up the coast from San Diego, he would point up at this memorial and say that is the only war memorial to Korea. At the time, I believed him. As far as I know, at that time, it was. Since then, the war memorial has been surrounded by over 3,000 plaques; many show the Star of David, many show crescents, and many show crosses. But there are those that have taken offense to the fact that this war memorial happened to be a cross, the universal sign of memorial.

All I have to say is that if we don't support this amendment not to tear down this one memorial, then I ask this body to be serious about the fact that in the United States, we have over 4 million crosses as memorials in this country. We have over 455,000 emblems that may be interpreted any way you want. We have 40,000 Stars of David as memorials on veteran property. In fact, in Normandy, England, Mexico City, and Panama, we have 130,000 crosses or other symbols that might be projected as being religious.

Sadly, what we've got going on in San Diego is those who claim, in the name of religious tolerance, to want to destroy war memorials if anyone takes offense to this. All this says is we're not going to tear down the 4 million crosses on our veterans' memorials across this country and we're not going to tear down or use any funds from this budget to tear down the war memorial that stands on top of Mount Soledad at La Jolla, San Diego, California. It's very simple and very clear.

I hope that my colleagues can say, in the spirit of tolerance, no one means to go out and be so intolerant as to tear down war memorials just because somebody may claim that it may have a religious connotation. God knows we don't want to start tearing down those 4 million crosses that exist today or those thousands of Stars of David that proudly sit today on veterans' and Federal property.

Mr. YOUNG of Florida. Will the gentleman yield?

Mr. BILBRAY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. We are happy to support your amendment.

Mr. BILBRAY. I appreciate it, Mr. Chairman, and I appreciate the minority's consideration.

With that, I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentleman from California (Mr. BILBRAY).

The amendment was agreed to.

AMENDMENT OFFERED BY MS. LEE OF CALIFORNIA

Ms. LEE of California. Mr. Chairman, I have an amendment at the desk.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), insert the following:

SEC. _____. (a) Except as provided in subsection (b), appropriations made in title IX of this Act are hereby reduced in the amount of \$20,843,869,000.

(b) The reduction in subsection (a) shall not apply to the following accounts in title IX:

- (1) "Defense Health Program".
- (2) "Drug Interdiction and Counter-Drug Activities, Defense".
- (3) "Joint Improvised Explosive Device Defeat Fund".
- (4) "Office of the Inspector General".

Ms. LEE of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The Acting CHAIR. Is there objection to the request of the gentlewoman from California?

There was no objection.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. LEE of California. Mr. Chairman, my amendment, once again, is very straightforward. It reduces the overseas contingency operations account, which is currently funded at \$85 billion, by \$21 billion.

□ 2050

That leaves \$64 billion in reserves, more than enough funds for the safe and swift withdrawal of troops from Afghanistan.

This amendment allows Congress the opportunity to stand squarely with the war-weary American people who want to bring our troops home. It is clear that the American people have been far ahead of Congress in supporting an end to the war in Afghanistan. The call has been growing across this land to bring this war to an end, and it is past time for the Congress to answer that call here today.

I want to thank all of the cosponsors of this bipartisan amendment and all of my colleagues who have worked on this issue throughout the year and supported my legislation, H.R. 780, to responsibly end the war in Afghanistan.

Our brave troops have done everything that was asked of them and more. Asking our troops to remain in Afghanistan for another 2 years when there is no indication that circumstances on the ground will change is unconscionable.

As we send our men and women in uniform back into danger on multiple tours, they are bearing an overwhelming and unfair burden of sacrifice while so many of us go on with our daily lives. An alarming number of

troops are coming back home with post-traumatic stress disorder, suicide cases are rampant, and sadly, each day we continue to hear more and more about our veterans and the terrible toll this has taken on their lives.

Mr. Chairman, the costs of this war are unacceptable, particularly when we ask what the added benefit is of keeping our troops in Afghanistan through 2014. The war in Afghanistan has already taken the lives of over 2,000 soldiers, injured tens of thousands more, and drained our treasury of over \$500 billion. And those costs will only go up as we spend trillions of dollars on long-term care for our veterans, which of course we must and we should do.

Instead of spending over \$85 billion in Afghanistan this next year, we should restrict funding to the safe and responsible withdrawal of all of our troops and use the tens of billions of dollars in savings right here at home, investing in jobs and education and health care and mental health care.

The situation on the ground in Afghanistan, whether we leave in 2013, 2014, or 2020, whether 100 more United States troops die or 1,000, let me just say, not an extra dollar should be spent extending the decade-long war in Afghanistan. We have the power of the purse strings in this House. For those who believe that enough is enough, they should vote for this amendment.

As the daughter of a military veteran, I know firsthand the sacrifices and the commitment involved with defending our Nation. But the truth is that our troops have been put in an impossible situation; there is no military solution. It's past time to end the war and bring our troops home. And quite frankly, it is time to use these tax dollars from ending the war to create jobs here at home and economic security for the American people. It's time to rebuild America, and also to provide for health care and, of course, as I said earlier, the economic security of our troops.

Today, once again, we have the opportunity to stand with 7 out of 10 Americans who oppose the war in Afghanistan. The American people have made it clear that the war is no longer worth fighting. And I'll say it again, not an extra day, not an extra dollar should be spent extending the decade-long war in Afghanistan.

I knew 10 years ago that this would be a war without end. I could not support it then. More Members of Congress are beginning to see that this was a blank check to wage war forever unless we end it now. So after 11 years, yes, we should bring our troops home. We can do that responsibly by voting "yes" on the Lee amendment today.

I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. YOUNG of Florida. Mr. Chairman, in working with the administration, the Department of Defense, and our commanders in the field in Afghanistan, we have come to a proper amount to be funded for this purpose. It's already included in this bill. I think to change the formula now from one that has been agreed upon by the administration, the Defense Department, and the commanders in the field who have the responsibility for operating this entire Afghan operation, I just oppose this amendment. I think it's the wrong thing to do.

It's very balanced. It's agreed to by the parties that have the responsibility. I just hope the Members will vote "no."

I yield back the balance of my time.

Ms. WOOLSEY. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman from California is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Chairman, I'm proud to cosponsor the amendment offered by my friend from California.

If approved, this amendment would accomplish two goals: One, to end this war, and two, to save the taxpayers \$21 billion, something I think both sides of the aisle could agree on.

Let's be clear about what this amendment really does. It fully funds a safe and responsible redeployment of our troops from Afghanistan. It's not cut and run; it's funding redeployment.

The Afghan people do not want us there. The American people don't want us there. Yet, we are spending \$10 billion a month for a decade-long war that's failing to advance our national security objectives.

Why would we want to continue down this road, especially at such a great cost in blood and treasure? More than 2,000 servicemembers have been killed, and \$548 billion in taxpayer money has been spent.

This amendment provides sufficient funding to ensure that every man and woman in uniform leaves Afghanistan safely. At that point, we can look away from defense spending to a national security policy based on the other two Ds: diplomacy and development. We can turn away from military force and toward SMART Security, an agenda that keeps America safe by alleviating human need and investing in human capital in Afghanistan and around the developing world.

Since 2004, Mr. Chairman, I have come to the House floor 437 times during Special Orders to call for an end to the wars in Afghanistan and Iraq. Since I am retiring at the end of this term, this will be my last debate and last vote on defense spending. I hope it can be my legacy and yours to finally reorder our national security priorities and put an end to the war in Afghanistan. We owe it to the next generation, and we owe it to Americans in Afghanistan, together.

Let's bring our troops home in a safe and responsible way. Let's vote "yes" on Congresswoman LEE's amendment.

I yield back the balance of my time.

The Acting CHAIR. The question is on the amendment offered by the gentlewoman from California (Ms. LEE).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Ms. LEE of California. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. I have an amendment at the desk, Mr. Chairman.

The Acting CHAIR. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill (before the short title), add the following new section:

SEC. _____. None of the funds made available in this Act may be used to administer the wage-rate requirements of subchapter IV of chapter 31 of title 40, United States Code, with respect to any project or program funded by this Act.

Mr. KING of Iowa (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

The Acting CHAIR. Is there objection to the request of the gentleman from Iowa?

Mr. DICKS. I object.

The Acting CHAIR. Objection is heard.

The Clerk will continue reading.

The Clerk continued to read.

The Acting CHAIR. The gentleman is recognized for 5 minutes.

Mr. KING of Iowa. Mr. Chairman, this is the Davis-Bacon limitation amendment that I believe most Members of this Congress have seen that applies to this appropriations bill.

We have an existing code called the Davis-Bacon Act. What it does is it requires that any construction projects that have Federal dollars in them—\$2,000 or more—be constructed under what the bill says are prevailing wages. While prevailing wages in 1931 might have been a legitimate evaluation, today, it's a federally mandated union scale determined by a formerly smoke-filled room of people from the administrative side and the construction side of the industry.

I've spent my life in the construction business. I've been involved in the construction business since 1970, and I've worked on all sides of this that I can imagine. I've been a recipient of Davis-Bacon wages; I've paid Davis-Bacon wages; and I've done a fair amount of reporting of those wages into the bureaucrats.

This law is the last remaining Jim Crow law in the U.S. Code. It was written to protect union workers in New

York City from the southern African Americans who were brought up to do a Federal building in that city back during the Depression.

□ 2100

And in 1931 there was a Senator James Davis of Pennsylvania and Representative Robert Bacon of New York, Long Island, who, I might add, decided that they wanted to protect the unions in that locale, and so they brought this legislation to Congress and passed it. It has long been union scale, not prevailing wage. And, yes, merit shop employers have an opportunity to introduce those wages that they actually pay, the earned wages they actually pay; but, in the end, it's a formerly smoke-filled room, people deciding it doesn't cost us anything, if it raises our bottom line, we all put our add of our margin on top of that. So we'd kind of like to be able to outcompete the rest of the industry for the opportunity to hire the workers that will receive the highest pay.

This is irresponsible on the part of a Congress that now we're finding ourselves nearly \$16 trillion in national debt. We have a budget crunch like we've never seen. We've seen a President that's driven this national debt up about \$1.33 trillion just in the last budget that the President offered. And we're looking at taxpayers that have had enough.

We need a balanced budget amendment to the United States Constitution. We don't need irresponsible spending. We don't need wage protectionism.

By the way, Senator Davis and Representative Bacon were both Republicans. They were two of the more misguided Republicans in the history of this country, and I regret that I, as an Iowan, have to stand here and inform this body that it was Iowa President Herbert Hoover that signed the bill on March 3, 1931.

I'm pledged to undo this, to repeal Davis-Bacon in the end, because we believe in competition. We're a free and fair competition country that believes in free markets.

I have listened to the gentleman from Massachusetts in the past who has said that anytime that you have two consenting adults that are conducting any activity that doesn't hurt anyone else, they should be able to do so without Federal interference. If that's the case, tell me why I can't climb in the seat of my son's excavator and say, "Just pay me 10 bucks an hour, Dave. That's enough. I need the therapy to get away from this insanity of this overspending government that we have here in this Congress."

So I urge the adoption of this wage limitation so that we can build five bases, not four; five barracks, not four; five military hospitals, not four. We can do five of everything instead of

four if we just let competition set the wages.

The quality will be there. The gentleman's about to tell you that it's not. I will tell you, if I spend my life in this, we meet specifications. The high quality of the work is there.

The other side of that's just an argument for union wage protectionism. We need to protect the taxpayers.

And the unions are fine. If they want to organize, I encourage them doing so. But they need to do so without Federal protection. Compete in the competitive world on low bid like the rest of us, where you have to meet the specifications and the quality of work.

Mr. Chairman, I urge the adoption of this amendment, and I yield back the balance of my time.

Mr. DICKS. I rise in strong opposition to the gentleman's amendment.

The Acting CHAIR. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. The House has spoken on this issue repeatedly. There's been a very substantial majority in favor of retaining Davis-Bacon and opposing the gentleman's amendment.

Some Members continue to try to repeal Davis-Bacon, despite the House record of supporting the protection on labor standards. I have been a longtime supporter of Davis-Bacon prevailing wage requirements. It helps ensure that local projects provide local jobs with affordable middle class wages.

The law protects the government from contractors trying to win Federal contracts by bidding too low to attract competent workers. And we have seen time and time again where you have prevailing wages. The State of Washington has its own prevailing wage standard in our State; and we find that on these projects, you get better work and the work is done at a higher quality.

So, again, I oppose this amendment. And as I said, we have had several votes on this this year, and every time it's been defeated. I hope that we can again defeat the King amendment.

I yield back the balance of my time.

Mr. VISCLOSKEY. I move to strike the last word.

The Acting CHAIR. The gentleman from Indiana is recognized for 5 minutes.

Mr. VISCLOSKEY. I appreciate the recognition and would want to join with the ranking member, Mr. DICKS, in my strong opposition to the gentleman's amendment.

We had a similar debate during the consideration of the Energy and Water bill. And one observation I would make is we do have a disparity in this country, and it continues to grow, despite how hard the average American works.

The problem today for that average American is that for 1 hour's worth of work—it could be pushing paper, it could be waiting tables at a diner, it

could be working at a steel mill, it could be laying brick, it could be a contractor, it could be a manager, it could be a CEO—is less for 1 hour's worth of human labor in the United States today than it was in 1977 when I came to Washington, D.C. on a congressional staff. That is not the country my parents left me.

I think it is wrong to offer an amendment to further suppress the wages hardworking Americans are trying to earn to make sure that they can buy a house, they can send their children to what are increasingly expensive public institutions because of the lack of State support for them, and who now hold retirement programs that are probably about 40 percent less in value than they were in 2007.

This is a bad amendment, and I strongly oppose it.

I yield back the balance of my time. Ms. LEE of California. Mr. Chairman, I move to strike the last word.

The Acting CHAIR. The gentlewoman is recognized for 5 minutes.

Ms. LEE of California. Let me just say that I rise in strong opposition to this amendment.

Some Members here continue to try to repeal Davis-Bacon, despite the House being on record supporting the protection of labor standards.

All of us, or at least the majority of us, have been in support of prevailing wage requirements. It helps to ensure that local projects that provide local jobs have these jobs that have affordable, middle class wages with benefits. The law protects government from contractors trying to win Federal contracts by bidding too low to attract competent workers.

This amendment should be opposed. If we really want people to move toward achieving middle class standards, if we want to keep the middle class with good jobs, good-paying jobs with benefits, then there is no way we should repeal Davis-Bacon.

People are losing the American Dream quite quickly here in our own country, unfortunately. And here we go again trying to erode one of the basic protections of working men and women.

So I hope we oppose this amendment, maintain standards of prevailing wage for our workers, and ensure that they too have the opportunity to achieve the American Dream.

I yield back the balance of my time. The Acting CHAIR. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The question was taken; and the Acting Chair announced that the noes appeared to have it.

Mr. KING of Iowa. Mr. Chairman, I demand a recorded vote.

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Iowa will be postponed.

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 4 by Ms. MCCOLLUM of Minnesota.

Amendment No. 2 by Mr. KINGSTON of Georgia.

An amendment by Mr. QUIGLEY of Illinois.

The first amendment by Mr. COHEN of Tennessee.

An amendment by Mr. POMPEO of Kansas.

The first amendment by Mr. MARKEY of Massachusetts.

An amendment by Mr. AMASH of Michigan.

The second amendment by Mr. COHEN of Tennessee.

An amendment by Mr. CICILLINE of Rhode Island.

The first amendment by Ms. WOOLSEY of California.

The second amendment by Mr. MARKEY of Massachusetts.

The second amendment by Ms. WOOLSEY of California.

The third amendment by Ms. WOOLSEY of California.

The second amendment by Ms. LEE of California.

An amendment by Mr. KING of Iowa.

The Chair will reduce to 2 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 4 OFFERED BY MS. MCCOLLUM

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Minnesota (Ms. MCCOLLUM) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 166, noes 250, not voting 15, as follows:

[Roll No. 472]

AYES—166

Ackerman
Altmire
Amash
Baldwin
Barrow
Bass (CA)
Bass (NH)
Benishak
Biggart
Bilbray
Bilirakis
Black
Bonner
Brady (PA)
Brady (TX)
Brady (IA)
Buchanan
Campbell

Cantor
Carnahan
Carney
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clay
Coffman (CO)
Connolly (VA)
Cooper
Courtney
DeFazio
DeLauro
Dent

Deutch
Dingell
Dold
Donnelly (IN)
Duffy
Duncan (SC)
Duncan (TN)
Ellison
Farenthold
Farr
Fitzpatrick
Flake
Frank (MA)
Franks (AZ)
Gardner
Garrett
Gibbs
Gibson

Gohmert
Goodlatte
Gosar
Graves (GA)
Griffith (VA)
Gutierrez
Hanna
Hartzler
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Honda
Huelskamp
Huizenga (MI)
Hurt
Israel
Jenkins
Johnson (GA)
Johnson (IL)
Jordan
Keating
Kind
Kingston
Kinzinger (IL)
Kissell
Kucinich
Labrador
Lance
Langevin
Larsen (WA)
Latham
Levin
LoBiondo
Loeb sack
Lowey
Luetkemeyer

Lujan
Lummis
Lynch
Mack
Maloney
Markey
Matheson
McClintock
McCollum
McDermott
McKinley
McNerney
Meehan
Meeks
Mica
Michaud
Miller, Gary
Miller, George
Moran
Mulvaney
Murphy (CT)
Nadler
Napolitano
Neal
Neugebauer
Noem
Olver
Paul
Paulsen
Pelosi
Perlmutter
Peters
Petri
Pingree (ME)
Pompeo
Price (NC)
Quayle
Reed

Renacci
Ribble
Rohy
Rohrabacher
Royce
Ruppersberger
Ryan (WI)
Sanchez, Linda T.
Sanchez, Loretta
Sarbanes
Schilling
Schmidt
Schradler
Schwartz
Schweikert
Sensenbrenner
Serrano
Sherman
Southernland
Speier
Stearns
Sutton
Tierney
Tipton
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Walden
Walsh (IL)
Waxman
Webster
Wilson (FL)
Woodall
Young (IN)

NOES—250

Adams
Aderholt
Alexander
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Barber
Barletta
Bartlett
Barton (TX)
Berg
Berkley
Berman
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonamici
Bono Mack
Boswell
Boustany
Brooks
Broun (GA)
Brown (FL)
Bucshon
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Capito
Capps
Capuano
Carson (IN)
Carter
Clarke (MI)
Clarke (NY)
Cleaver
Clyburn
Coble
Cohen
Cole
Conaway
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz

Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
Denham
DesJarlais
Diaz-Balart
Dicks
Doggett
Doyle
Dreier
Edwards
Ellmers
Emerson
Engel
Eshoo
Fattah
Fincher
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gingrey (GA)
Gonzalez
Gowdy
Granger
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guinta
Guthrie
Hall
Hanabusa
Harper
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Hensarling
Herger

Hinojosa
Hochul
Holden
Holt
Hoyer
Hultgren
Hunter
Issa
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kelly
Kildee
King (IA)
King (NY)
Kline
Lamborn
Landry
Lankford
Larson (CT)
LaTourette
Latta
Lee (CA)
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren, Zoe
Long
Lucas
Lungren, Daniel E.
Manzullo
Marchant
Marino
Matsui
McCarthy (CA)
McCarthy (NY)
McCaull
McGovern
McHenry
McIntyre
McKeon
McMorris
Rodgers
Miller (FL)
Miller (MI)
Miller (NC)
Moore
Murphy (PA)
Myrick
Nugent
Nunes
Nunnelee

Olson	Roskam	Terry
Owens	Ross (AR)	Thompson (CA)
Palazzo	Ross (FL)	Thompson (MS)
Pallone	Rothman (NJ)	Thompson (PA)
Pascrell	Roybal-Allard	Thornberry
Pastor (AZ)	Runyan	Tiberi
Pearce	Rush	Turner (NY)
Pence	Ryan (OH)	Turner (OH)
Peterson	Scalise	Upton
Pitts	Schakowsky	Visclosky
Platts	Schiff	Walberg
Poe (TX)	Schock	Walz (MN)
Posey	Scott (SC)	Wasserman
Price (GA)	Scott (VA)	Schultz
Quigley	Scott, Austin	Waters
Rahall	Scott, David	Watt
Rangel	Sessions	West
Rehberg	Shimkus	Westmoreland
Reichert	Shuler	Whitfield
Richardson	Shuster	Wilson (SC)
Richmond	Simpson	Wittman
Rigell	Sires	Wolf
Rivera	Slaughter	Womack
Roe (TN)	Smith (NE)	Woolsey
Rogers (AL)	Smith (NJ)	Yarmuth
Rogers (KY)	Smith (TX)	Yoder
Rogers (MI)	Smith (WA)	Young (AK)
Rokita	Stark	Young (FL)
Rooney	Stutzman	
Ros-Lehtinen	Sullivan	

NOT VOTING—15

Akin	Hahn	Reyes
Becerra	Hirono	Sewell
Boren	Jackson (IL)	Stivers
Cardoza	Jackson Lee	Welch
Conyers	(TX)	
Filner	Polis	

□ 2135

Mr. DAVIS of Kentucky, Ms. FUDGE, Mrs. MCCARTHY of New York, Messrs. RANGEL and BACHUS, Ms. WASSERMAN SCHULTZ, Ms. ROYBAL-ALLARD, and Messrs. DOGGETT and SCHIFF changed their vote from “aye” to “no.”

Messrs. LUETKEMEYER, WEBSTER, WALDEN, PRICE of North Carolina, SCHWEIKERT, COFFMAN of Colorado, Ms. JENKINS, Ms. PELOSI, Messrs. NEUGEBAUER, RYAN of Wisconsin, YOUNG of Indiana, KEATING, Ms. CASTOR of Florida, and Messrs. RUPPERSBERGER, GARRETT, HURT, GOODLATTE and ISRAEL changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 472, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT NO. 2 OFFERED BY MR. KINGSTON

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. KINGSTON) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 202, noes 216, not voting 13, as follows:

[Roll No. 473]

AYES—202

Ackerman	Flake	Nadler
Alexander	Frank (MA)	Neal
Amash	Fudge	Neugebauer
Andrews	Garrett	Noem
Baldwin	Gibson	Olver
Barrow	Goodlatte	Owens
Bass (CA)	Gosar	Pascrell
Becerra	Graves (GA)	Paul
Benishek	Griffin (AR)	Pelosi
Berman	Griffith (VA)	Peters
Bilbray	Gutierrez	Petri
Bishop (NY)	Hastings (FL)	Pingree (ME)
Bishop (UT)	Heinrich	Pitts
Blumenauer	Herrera Beutler	Price (NC)
Bonamici	Higgins	Quayle
Bonner	Himes	Quigley
Bono Mack	Hinchey	Rehberg
Boustany	Hochul	Reichert
Brady (TX)	Holt	Ribble
Brady (IA)	Honda	Richmond
Brooks	Hoyer	Roby
Broun (GA)	Huelskamp	Rohrabacher
Buchanan	Huizenga (MI)	Rokita
Burgess	Hultgren	Rothman (NJ)
Camp	Hurt	Roybal-Allard
Capps	Israel	Royce
Capuano	Jones	Ryan (WI)
Carnahan	Jordan	Sánchez, Linda
Carney	Kaptur	T.
Cassidy	Keating	Sanchez, Loretta
Castor (FL)	Kildee	Sarbanes
Chabot	Kind	Schakowsky
Chu	King (IA)	Schiff
Cicilline	Kingston	Schilling
Clarke (MI)	Kucinich	Schmidt
Clarke (NY)	Labrador	Schrader
Clay	Lance	Schwartz
Cleaver	Langevin	Schweikert
Clyburn	Larsen (WA)	Scott (VA)
Coffman (CO)	Larson (CT)	Sensenbrenner
Cohen	Lee (CA)	Sherman
Connolly (VA)	Levin	Slaughter
Conyers	Lewis (GA)	Smith (NJ)
Costello	LoBiondo	Southerland
Courtney	Lofgren, Zoe	Speier
Crowley	Lowey	Stark
Culberson	Lujan	Stearns
Cummings	Lummis	Sutton
Davis (CA)	Lungren, Daniel	Terry
Davis (IL)	E.	Thompson (MS)
DeFazio	Lynch	Tiberi
DeGette	Maloney	Tierney
DeLauro	Marchant	Tipton
Dent	Markey	Tonko
Deutch	Matheson	Towns
Dicks	McCarthy (NY)	Tsongas
Dingell	McClintock	Upton
Doggett	McCollum	Van Hollen
Doyle	McDermott	Velázquez
Dreier	McGovern	Walden
Duffy	McKinley	Walsh (IL)
Duncan (TN)	McNerney	Waters
Edwards	Meeks	Waxman
Ellison	Mica	Webster
Emerson	Michaud	Wilson (FL)
Eshoo	Miller, Gary	Wilson (SC)
Farr	Moran	Wolf
Fattah	Mulvaney	Woolsey

NOES—216

Adams	Blackburn	Cole
Aderholt	Boswell	Conaway
Altmire	Brady (PA)	Cooper
Amodei	Brown (FL)	Costa
Austria	Bucshon	Cravaack
Baca	Buerkle	Crawford
Bachus	Burton (IN)	Crenshaw
Barber	Butterfield	Critz
Barletta	Calvert	Cuellar
Bartlett	Campbell	Davis (KY)
Barton (TX)	Canseco	Denham
Bass (NH)	Cantor	DesJarlais
Berg	Capito	Diaz-Balart
Berkley	Carson (IN)	Dold
Biggert	Carter	Donnelly (IN)
Bilirakis	Chaffetz	Duncan (SC)
Bishop (GA)	Chandler	Ellmers
Black	Coble	Engel

Farenthold	Landry	Rivera
Fincher	Lankford	Roe (TN)
Fitzpatrick	Latham	Rogers (AL)
Fleischmann	LaTourette	Rogers (KY)
Fleming	Latta	Rogers (MI)
Flores	Lewis (CA)	Rooney
Forbes	Lipinski	Ros-Lehtinen
Fortenberry	Loeb sack	Roskam
Fox	Long	Ross (AR)
Franks (AZ)	Lucas	Ross (FL)
Frelinghuysen	Luetkemeyer	Runyan
Gallegly	Mack	Ruppersberger
Garamendi	Manzullo	Rush
Gardner	Marino	Ryan (OH)
Gerlach	Matsui	Scalise
Gibbs	McCarthy (CA)	Schock
Gingrey (GA)	McCaul	Scott (SC)
Gohmert	McHenry	Scott, Austin
Gonzalez	McIntyre	Scott, David
Gowdy	McKeon	Serrano
Granger	McMorris	Sessions
Graves (MO)	Rodgers	Shimkus
Green, Al	Meehan	Shuler
Green, Gene	Miller (FL)	Shuster
Grijalva	Miller (MI)	Simpson
Grimm	Miller (NC)	Sires
Guinta	Miller, George	Smith (NE)
Guthrie	Moore	Smith (TX)
Hall	Murphy (CT)	Smith (WA)
Hanabusa	Murphy (PA)	Stutzman
Hanna	Myrick	Sullivan
Harper	Napolitano	Thompson (CA)
Harris	Nugent	Thompson (PA)
Hartzler	Nunes	Thornberry
Hastings (WA)	Nunnelee	Turner (NY)
Hayworth	Olson	Turner (OH)
Heck	Palazzo	Visclosky
Hensarling	Pallone	Walberg
Herger	Pastor (AZ)	Walz (MN)
Hinojosa	Paulsen	Wasserman
Holden	Pearce	Schultz
Hunter	Pence	Watt
Issa	Perlmutter	Welch
Jenkins	Peterson	West
Johnson (GA)	Platts	Westmoreland
Johnson (IL)	Poe (TX)	Whitfield
Johnson (OH)	Pompeo	Wittman
Johnson, E. B.	Posey	Womack
Johnson, Sam	Price (GA)	Woodall
Kelly	Rahall	Yarmuth
King (NY)	Rangel	Yoder
Kinzinger (IL)	Reed	Young (AK)
Kissell	Renacci	Young (FL)
Kline	Richardson	Young (IN)
Lamborn	Rigell	

NOT VOTING—13

Akin	Hahn	Polis
Bachmann	Hirono	Reyes
Boren	Jackson (IL)	Sewell
Cardoza	Jackson Lee	Stivers
Filner	(TX)	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2140

Mr. WOMACK changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 473, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MR. QUIGLEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois (Mr. QUIGLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This is a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 60, noes 359, not voting 12, as follows:

[Roll No. 474]

AYES—60

Amash	Herrera Beutler	Petri
Becerra	Higgins	Price (NC)
Benishkek	Hinojosa	Quigley
Blumenauer	Huelskamp	Ribble
Bonamici	Huizenga (MI)	Richmond
Campbell	Johnson (IL)	Rohrabacher
Carson (IN)	Jones	Sánchez, Linda
Conyers	Kucinich	T.
Cooper	Labrador	Schakowsky
Davis (IL)	Lee (CA)	Schrader
DeFazio	Lowe	Sensenbrenner
DeGette	Lummis	Serrano
Dold	Markey	Speier
Duffy	McClintock	Stark
Duncan (TN)	McCollum	Tipton
Flake	Miller (NC)	Upton
Frank (MA)	Miller, George	Van Hollen
Garamendi	Napolitano	Velázquez
Green, Gene	Paul	Peters
Griffith (VA)	Petersen	
Grijalva		

NOES—359

Ackerman	Chabot	Foxx
Adams	Chaffetz	Franks (AZ)
Alexander	Chandler	Frelinghuysen
Altmire	Chu	Fudge
Amodi	Cicilline	Galleghy
Andrews	Clarke (MI)	Gardner
Austria	Clarke (NY)	Garrett
Baca	Clay	Gerlach
Bachmann	Cleaver	Gibbs
Bachus	Clyburn	Gibson
Baldwin	Coble	Gingrey (GA)
Barber	Coffman (CO)	Gohmert
Barletta	Cohen	Gonzalez
Barrow	Cole	Goodlatte
Bartlett	Conaway	Gosar
Barton (TX)	Connolly (VA)	Gowdy
Bass (CA)	Costa	Granger
Bass (NH)	Costello	Graves (GA)
Berg	Courtney	Graves (MO)
Berkley	Cravaack	Green, Al
Berman	Crawford	Griffin (AR)
Biggert	Crenshaw	Grimm
Bilbray	Critz	Guinta
Billirakis	Crowley	Guthrie
Bishop (GA)	Cuellar	Gutierrez
Bishop (NY)	Culberson	Hall
Bishop (UT)	Cummings	Hanabusa
Black	Davis (CA)	Hanna
Blackburn	Davis (KY)	Harper
Bonner	DeLauro	Harris
Bono Mack	Denham	Hartzler
Boswell	Dent	Hastings (FL)
Boustany	DesJarlais	Hastings (WA)
Brady (PA)	Deutch	Hayworth
Brady (TX)	Diaz-Balart	Heck
Braley (IA)	Dicks	Heinrich
Brooks	Dingell	Hensarling
Broun (GA)	Doggett	Herger
Brown (FL)	Donnelly (IN)	Himes
Buchanan	Doyle	Hinche
Bucshon	Dreier	Hochul
Buerkle	Duncan (SC)	Holden
Burgess	Edwards	Holt
Burton (IN)	Ellison	Honda
Butterfield	Ellmers	Hoyer
Calvert	Emerson	Hultgren
Camp	Engel	Hunter
Canseco	Eshoo	Hurt
Cantor	Farenthold	Israel
Capito	Farr	Issa
Capps	Fattah	Jenkins
Capuano	Fincher	Johnson (GA)
Carnahan	Fitzpatrick	Johnson (OH)
Carney	Fleischmann	Johnson, E. B.
Carter	Fleming	Johnson, Sam
Cassidy	Flores	Jordan
Castor (FL)	Forbes	Kaptur
	Fortenberry	Keating

Kelly	Murphy (PA)	Schock
Kildee	Myrick	Schwartz
Kind	Nadler	Schweikert
King (IA)	Neal	Scott (SC)
King (NY)	Neugebauer	Scott (VA)
Kingston	Noem	Scott, Austin
Kinzinger (IL)	Nugent	Scott, David
Kissell	Nunes	Sessions
Kline	Nunnelee	Sherman
Lamborn	Olson	Shimkus
Lance	Olver	Shuler
Landry	Owens	Shuster
Langevin	Palazzo	Simpson
Lankford	Pallone	Sires
Larsen (WA)	Pascrell	Slaughter
Larson (CT)	Pastor (AZ)	Smith (NE)
Latham	Paulsen	Smith (NJ)
LaTourette	Pearce	Smith (TX)
Latta	Pelosi	Smith (WA)
Levin	Pence	Southerland
Lewis (CA)	Perlmutter	Stearns
Lewis (GA)	Pingree (ME)	Stutzman
Lipinski	Pitts	Sullivan
LoBiondo	Platts	Sutton
Loeb sack	Poe (TX)	Terry
Lofgren, Zoe	Pompeo	Thompson (CA)
Long	Posey	Thompson (MS)
Lucas	Price (GA)	Thompson (PA)
Luetkemeyer	Quayle	Thornberry
Lujan	Rahall	Tiberi
Lungren, Daniel	Rangel	Tierney
E.	Reed	Tonko
Lynch	Rehberg	Towns
Mack	Reichert	Tsongas
Maloney	Renacci	Turner (NY)
Manzullo	Richardson	Turner (OH)
Marchant	Rigell	Visclosky
Marino	Rivera	Walberg
Matheson	Roby	Walsh (IL)
Matsui	Roe (TN)	Walz (MN)
McCarthy (CA)	Rogers (AL)	Wasserman
McCarthy (NY)	Rogers (KY)	Schultz
McCaul	Rogers (MI)	Waters
McDermott	Rokita	Watt
McGovern	Rooney	Waxman
McHenry	Ros-Lehtinen	Webster
McIntyre	Roskam	Welch
McKeon	Ross (AR)	West
McKinley	Ross (FL)	Westmoreland
McMorris	Rothman (NJ)	Whitfield
Rodgers	Roybal-Allard	Wilson (FL)
McNerney	Royce	Wilson (SC)
Meehan	Runyan	Wittman
Meeks	Ruppersberger	Wolf
Mica	Rush	Womack
Michaud	Ryan (OH)	Woodall
Miller (FL)	Ryan (WI)	Woolsey
Miller (MI)	Sanchez, Loretta	Yarmuth
Miller, Gary	Sarbanes	Yoder
Moore	Scalise	Young (AK)
Moran	Schiff	Young (FL)
Mulvaney	Schilling	Young (IN)
Murphy (CT)	Schmidt	

NOT VOTING—12

Akin
Boren
Cardoza
Filner
Hahn
Hirono
Jackson (IL)
Jackson Lee
(TX)
Polis
Reyes
Sewell
Stivers

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 2145

Mr. ELLISON changed his vote from “aye” to “no.”

Ms. HERRERA BEUTLER changed her vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 474, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MR. COHEN

The Acting CHAIR. The unfinished business is the demand for a recorded

vote on the first amendment offered by the gentleman from Tennessee (Mr. COHEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 145, noes 273, not voting 13, as follows:

[Roll No. 475]

AYES—145

Altmire	Gonzalez	Miller, George
Baldwin	Green, Al	Moore
Bass (CA)	Green, Gene	Murphy (CT)
Becerra	Grijalva	Nadler
Berkley	Gutierrez	Napolitano
Berman	Hanna	Neal
Bishop (NY)	Heinrich	Oliver
Blumenauer	Herrera Beutler	Pallone
Bonamici	Higgins	Pascrell
Boswell	Himes	Paul
Brady (PA)	Hinche	Paulsen
Braley (IA)	Hinojosa	Pelosi
Buchanan	Hochul	Perlmutter
Butterfield	Holt	Peters
Capps	Honda	Pingree (ME)
Capuano	Israel	Price (NC)
Carnahan	Johnson (GA)	Quigley
Carney	Johnson (IL)	Rahall
Carson (IN)	Johnson, E. B.	Reed
Castor (FL)	Jones	Rehberg
Chu	Keating	Richmond
Clarke (MI)	Kildee	Roybal-Allard
Clarke (NY)	Kind	Rush
Clay	Kucinich	Sánchez, Linda
Cleaver	Lance	T.
Cohen	Larsen (WA)	Sarbanes
Conyers	Larson (CT)	Schakowsky
Cooper	Latham	Schwartz
Crowley	Lee (CA)	Serrano
Cummings	Levin	Sherman
Davis (IL)	Lewis (GA)	Sires
DeFazio	Loeb sack	Speier
DeGette	Lofgren, Zoe	Stark
DeLauro	Lowe	Thompson (CA)
Dent	Lujan	Tierney
Deutch	Lummis	Tonko
Dingell	Lynch	Towns
Doggett	Maloney	Tsongas
Doyle	Markey	Velázquez
Duncan (TN)	Matsui	Wasserman
Edwards	McCarthy (NY)	Schultz
Ellison	McCollum	Waters
Engel	McDermott	Watt
Eshoo	McGovern	Waxman
Farr	McKinley	Welch
Fattah	McNerney	Wilson (FL)
Frank (MA)	Meeks	Woolsey
Fudge	Michaud	Yarmuth
Garamendi	Miller (NC)	Yoder

NOES—273

Ackerman	Berg	Burton (IN)
Adams	Biggert	Calvert
Aderholt	Bilbray	Camp
Alexander	Bilirakis	Campbell
Amash	Bishop (GA)	Canseco
Amodi	Bishop (UT)	Cantor
Andrews	Black	Capito
Austria	Blackburn	Carter
Baca	Bonner	Cassidy
Bachmann	Bono Mack	Chabot
Bachus	Boustany	Chaffetz
Barber	Brady (TX)	Chandler
Barletta	Brooks	Cicilline
Barrow	Broun (GA)	Clyburn
Bartlett	Brown (FL)	Coble
Barton (TX)	Bucshon	Coffman (CO)
Bass (NH)	Buerkle	Cole
Benishkek	Burgess	Conaway

Connolly (VA) Johnson (OH)
Costa Johnson, Sam
Costello Jordan
Courtney Kaptur
Cravaack Kelly
Crawford King (IA)
Crenshaw King (NY)
Critz Kingston
Cuellar Kinzinger (IL)
Culberson Kissell
Davis (CA) Kline
Davis (KY) Labrador
Denham Lamborn
DesJarlais Landry
Diaz-Balart Langevin
Dicks Lankford
Dold LaTourette
Donnelly (IN) Latta
Dreier Lewis (CA)
Duffy Lipinski
Duncan (SC) LoBiondo
Ellmers Long
Emerson Lucas
Farenthold Luetkemeyer
Fincher Lungren, Daniel
Fitzpatrick E.
Flake Mack
Fleischmann Manzullo
Fleming Marchant
Flores Marino
Forbes Matheson
Fortenberry McCarthy (CA)
Foxy McCaul
Franks (AZ) McClintock
Frelinghuysen McHenry
Gallegly McIntyre
Gardner McKeon
Garrett McMorris
Gerlach Rodgers
Gibbs Meehan
Gibson Mica
Gingrey (GA) Miller (FL)
Gohmert Miller (MI)
Goodlatte Miller, Gary
Gosar Moran
Gowdy Mulvaney
Granger Murphy (PA)
Graves (GA) Myrick
Graves (MO) Neugebauer
Griffin (AR) Noem
Griffith (VA) Nugent
Grimm Nunes
Guinta Nunnelee
Guthrie Olson
Hall Owens
Hanabusa Palazzo
Harper Pastor (AZ)
Harris Pearce
Hartzler Pence
Hastings (FL) Peterson
Hastings (WA) Petri
Hayworth Pitts
Heck Platts
Hensarling Poe (TX)
Herger Pompeo
Holden Posey
Hoyer Price (GA)
Huelskamp Quayle
Huizenga (MI) Rangel
Hultgren Reichert
Hunter Renacci
Hurt Ribble
Issa Richardson
Jenkins Rigell

NOT VOTING—13

Akin Hirono
Boren Jackson (IL)
Cardoza Jackson Lee
Filner (TX)
Hahn Polis

□ 2149

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 475, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MR. POMPEO
The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Kansas (Mr. POMPEO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 137, noes 282, not voting 12, as follows:

[Roll No. 476]

AYES—137

Adams Gardner
Amash Garrett
Amodei Neugebauer
Gibbs Nugent
Bachmann Gingrey (GA)
Bachus Gohmert
Barton (TX) Goodlatte
Bass (NH) Gosar
Benishek Gowdy
Biggert Graves (GA)
Black Graves (MO)
Bonner Griffith (VA)
Boustany Gutierrez
Brady (TX) Hensarling
Brooks Himes
Broun (GA) Hinojosa
Buchanan Huelskamp
Bucshon Huizenga (MI)
Buerkle Hultgren
Burgess Hurt
Burton (IN) Jenkins
Camp Johnson (IL)
Jones Campbell
Canseco Jordan
Cantor Kind
Cassidy King (IA)
Chabot Kucinich
Labrador Chaffetz
Coble Lamborn
Cohen Lance
Conaway Landry
Cravaack Lankford
DeFazio Latta
Denham Luetkemeyer
Doggett Lummis
Duffy Mack
Duncan (SC) Manzullo
Duncan (TN) Marchant
Edwards McClintock
Ellison McHenry
Ellmers McKinley
Farenthold McMorris
Fincher Rodgers
Flake Michaud
Fleischmann Miller (MI)
Fortenberry Miller, Gary
Foxy Mulvaney

NOES—282

Ackerman Bilbray
Aderholt Billakis
Alexander Bishop (GA)
Altmire Bishop (NY)
Andrews Bishop (UT)
Austria Blackburn
Baca Blumenauer
Baldwin Bonamici
Barber Bono Mack
Barletta Boswell
Barrow Brady (PA)
Bartlett Braley (IA)
Bass (CA) Brown (FL)
Becerra Butterfield
Berg Coffman (CO)
Berkley Cole
Berman Capito
Capps

Conyers
Cooper
Costa
Costello
Courtney
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeGette
DeLauro
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Dold
Donnelly (IN)
Doyle
Dreier
Emerson
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Fleming
Flores
Forbes
Frank (MA)
Franks (AZ)
Frelinghuysen
Fudge
Gallegly
Garamendi
Gerlach
Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Griffin (AR)
Grijalva
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Herger
Herrera Beutler
Higgins
Hinchey
Hochul
Holden
Holt
Honda
Hoyer
Hunter
Israel
Issa
Johnson (GA)
Johnson (OH)

Johnson, E. B.
Johnson, Sam
Kaptur
Keating
Kelly
Kildee
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loeb sack
Lofgren, Zoe
Long
Lowey
Lucas
Lujan
Lungren, Daniel
E.
Lynch
Maloney
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McCollum
McDermott
McGovern
McIntyre
McKeon
McNerney
Meehan
Meeks
Mica
Miller (FL)
Miller (NC)
Miller, George
Moore
Moran
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Noem
Nunes
Nunnelee
Olson
Olver
Owens
Palazzo
Pallone
Pascarell
Pastor (AZ)
Pearce
Pelosi
Perlmutter
Pingree (ME)
Platts
Price (NC)
Rahall
Rangel
Rehberg
Reichert

Richardson
Richmond
Rigell
Rivera
Roe (TN)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schock
Schrader
Schwartz
Scott (VA)
Scott, David
Serrano
Sessions
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Stark
Sullivan
Sutton
Thompson (CA)
Thompson (MS)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Tonko
Towns
Tsongas
Turner (NY)
Turner (OH)
Van Hollen
Velázquez
Visclosky
Wasserman
Schultz
Waters
Watt
Waxman
Welch
West
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—12

Akin Hirono
Boren Jackson (IL)
Cardoza Jackson Lee
Filner (TX)
Hahn Polis

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 2154

Mr. POE of Texas changed his vote from “no” to “aye.”
So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 476, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. MARKEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the first amendment offered by the gentleman from Massachusetts (Mr. MARKEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 150, noes 268, not voting 13, as follows:

[Roll No. 477]

AYES—150

Ackerman	Gibson	Oliver
Amash	Gonzalez	Owens
Andrews	Grijalva	Pallone
Bachmann	Gutierrez	Pascarella
Baldwin	Hastings (FL)	Paul
Bass (CA)	Heinrich	Pelosi
Becerra	Herrera Beutler	Peters
Berman	Higgins	Pingree (ME)
Bishop (NY)	Himes	Price (NC)
Blumenauer	Hinchee	Quigley
Bonamici	Hinojosa	Rahall
Boswell	Hochul	Rangel
Brady (PA)	Holden	Rothman (NJ)
Braley (IA)	Holt	Roybal-Allard
Capps	Honda	Rush
Capuano	Hoyer	Sánchez, Linda T.
Carnahan	Huizenga (MI)	Sanchez, Loretta
Carney	Israel	Sarbanes
Castor (FL)	Johnson (GA)	Schakowsky
Chu	Jones	Schiff
Cicilline	Keating	Schrader
Clarke (MI)	Kildee	Schwartz
Clarke (NY)	Kind	Scott (VA)
Clay	Kucinich	Serrano
Cleaver	Labrador	Sherman
Cohen	Langevin	Sires
Connolly (VA)	Larson (CT)	Slaughter
Conyers	Lee (CA)	Smith (WA)
Cooper	Levin	Speier
Courtney	Lewis (GA)	Stark
Critz	Loebach	Sutton
Crowley	Lofgren, Zoe	Thompson (CA)
Cummings	Lowey	Tierney
Davis (CA)	Lujan	Tonko
Davis (IL)	Lynch	Towns
DeFazio	Maloney	Upton
DeGette	Markey	Van Hollen
DeLauro	Matheson	Velázquez
Deutch	Matsui	Walden
Dingell	McCollum	Walz (MN)
Doggett	McDermott	Wasserman
Doyle	McGovern	Watt
Duncan (TN)	Michaud	Waxman
Edwards	Miller (NC)	Welch
Ellison	Miller, George	Wilson (FL)
Eshoo	Moore	Woolsey
Farr	Mulvaney	Yarmuth
Fattah	Murphy (CT)	
Frank (MA)	Nadler	
Fudge	Napolitano	
Garamendi	Neal	

NOES—268

Adams	Altmire	Baca
Aderholt	Amodei	Bachus
Alexander	Austria	Barber

Barletta	Gowdy	Olson
Barrow	Granger	Palazzo
Bartlett	Graves (GA)	Pastor (AZ)
Barton (TX)	Graves (MO)	Paulsen
Bass (NH)	Green, Al	Pearce
Benishak	Green, Gene	Pence
Berg	Griffin (AR)	Perlmutter
Berkley	Griffith (VA)	Peterson
Biggert	Grimm	Petri
Bilbray	Guinta	Pitts
Bilirakis	Guthrie	Platts
Bishop (GA)	Hall	Poe (TX)
Bishop (UT)	Hanabusa	Pompeo
Black	Hanna	Posey
Blackburn	Harper	Price (GA)
Bonner	Harris	Quayle
Bono Mack	Hartzler	Reed
Boustany	Hastings (WA)	Rehberg
Brady (TX)	Hayworth	Reichert
Brooks	Heck	Renacci
Broun (GA)	Hensarling	Ribble
Brown (FL)	Herger	Richardson
Buchanan	Huelskamp	Richmond
Bucshon	Hultgren	Rigell
Buerkle	Hunter	Rivera
Burgess	Hurt	Roby
Burton (IN)	Issa	Roe (TN)
Butterfield	Jenkins	Rogers (AL)
Calvert	Johnson (IL)	Rogers (KY)
Camp	Johnson (OH)	Rogers (MI)
Campbell	Johnson, E. B.	Rohrabacher
Canseco	Johnson, Sam	Rokita
Cantor	Jordan	Rooney
Capito	Kaptur	Ros-Lehtinen
Carson (IN)	Kelly	Roskam
Carter	King (IA)	Ross (AR)
Cassidy	King (NY)	Ross (FL)
Chabot	Kingston	Royce
Chaffetz	Kinzinger (IL)	Runyan
Chandler	Kissell	Ruppersberger
Clyburn	Kline	Ryan (OH)
Coble	Lamborn	Ryan (WI)
Coffman (CO)	Lance	Scalise
Cole	Landry	Schilling
Conaway	Lankford	Schmidt
Costa	Larsen (WA)	Schock
Costello	Latham	Schweikert
Cravaack	LaTourette	Scott (SC)
Crawford	Latta	Scott, Austin
Crenshaw	Lewis (CA)	Scott, David
Cuellar	Lipinski	Sensenbrenner
Culberson	LoBiondo	Sessions
Davis (KY)	Long	Shimkus
Denham	Lucas	Shuler
Dent	Luetkemeyer	Shuster
DesJarlais	Lummis	Simpson
Diaz-Balart	Lungren, Daniel E.	Smith (NE)
Dicks	Mack	Smith (NJ)
Dold	Manzullo	Smith (TX)
Donnelly (IN)	Marchant	Southerland
Dreier	Marino	Stearns
Duffy	McCarthy (CA)	Stutzman
Duncan (SC)	McCarthy (NY)	Sullivan
Ellmers	McCaul	Terry
Emerson	McClintock	Thompson (MS)
Engel	McHenry	Thompson (PA)
Farenthold	McIntyre	Thornberry
Fincher	McKinley	Tiberi
Fitzpatrick	McMorris	Tipton
Flake	Rodgers	Turner (NY)
Fleischmann	McNerney	Turner (OH)
Fleming	Meehan	Visclosky
Flores	Meeks	Walberg
Forbes	Mica	Walsh (IL)
Fortenberry	Miller (FL)	Webster
Fox	Miller (MI)	West
Franks (AZ)	Miller, Gary	Westmoreland
Frelinghuysen	Moran	Whitfield
Gallely	Murphy (PA)	Wilson (SC)
Gardner	Myrick	Wittman
Garrett	Neugebauer	Wolf
Gerlach	Noem	Womack
Gibbs	Nugent	Woodall
Gingrey (GA)	Nunes	Yoder
Gohmert	Nunnelee	Young (AK)
Goodlatte		Young (FL)
Gosar		Young (IN)

NOT VOTING—13

Hirono	Reyes
Jackson (IL)	Sewell
Jackson Lee	Stivers
(TX)	Tsongas
Polis	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 2158

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 477, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. AMASH

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. AMASH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 186, noes 233, not voting 12, as follows:

[Roll No. 478]

AYES—186

Adams	Dreier	Kingston
Aderholt	Duffy	Kinzinger (IL)
Alexander	Duncan (SC)	Kline
Amash	Duncan (TN)	Labrador
Amodei	Ellmers	Lamborn
Austria	Farenthold	Landry
Bachmann	Fincher	Lankford
Bachus	Flake	Latta
Barletta	Fleischmann	Long
Bartlett	Fleming	Lucas
Bass (NH)	Fox	Luetkemeyer
Benishak	Franks (AZ)	Lummis
Berg	Frelinghuysen	Lungren, Daniel E.
Biggert	Gallely	Mack
Bilirakis	Gardner	Manzullo
Black	Garrett	Marchant
Blackburn	Gerlach	Marino
Bonner	Gibbs	McCarthy (CA)
Bono Mack	Gingrey (GA)	McCaul
Boustany	Gohmert	McClintock
Brady (TX)	Goodlatte	McHenry
Brooks	Gosar	McKeon
Broun (GA)	Gowdy	McMorris
Buchanan	Graves (GA)	Rodgers
Bucshon	Graves (MO)	Mica
Buerkle	Griffin (AR)	Miller (FL)
Burgess	Griffith (VA)	Miller, Gary
Burton (IN)	Guinta	Mulvaney
Calvert	Guthrie	Murphy (PA)
Camp	Hall	Neugebauer
Campbell	Hanna	Noem
Canseco	Harper	Nugent
Cantor	Harris	Olson
Cassidy	Hastings (WA)	Palazzo
Chabot	Hayworth	Paul
Chaffetz	Hensarling	Paulsen
Coble	Herger	Pearce
Cole	Herrera Beutler	Pence
Conaway	Huelskamp	Peterson
Cravaack	Huizenga (MI)	Petri
Crawford	Hultgren	Poe (TX)
Crenshaw	Hurt	Pompeo
Davis (KY)	Issa	Posey
Denham	Jenkins	Price (GA)
Dent	Jones	Quayle
DesJarlais	Jordan	Reed
Diaz-Balart	Kelly	Rehberg
Dold	King (IA)	

Reichert
Renacci
Ribble
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rohrabacher
Rokita
Ros-Lehtinen
Roskam
Ross (FL)
Royce

Ryan (WI)
Scalise
Schmidt
Schock
Schweikert
Scott (SC)
Sensenbrenner
Sessions
Simpson
Smith (NE)
Smith (TX)
Southerland
Stearns
Stutzman
Thompson (PA)

NOES—233

Ackerman
Altmire
Andrews
Baca
Baldwin
Barber
Barrow
Barton (TX)
Bass (CA)
Becerra
Berkley
Berman
Bilbray
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Butterfield
Capito
Capps
Capuano
Carnahan
Carney
Carson (IN)
Carter
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clever
Clyburn
Coffman (CO)
Cohen
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Dingell
Doggett
Donnelly (IN)
Doyle
Edwards
Ellison
Emerson
Engel
Eshoo
Farr
Fattah
Fitzpatrick
Flores
Forbes
Fortenberry
Frank (MA)
Fudge
Garamendi

Gibson
Gonzalez
Granger
Green, Al
Green, Gene
Grijalva
Grimm
Gutierrez
Hanabusa
Hartzler
Hastings (FL)
Heck
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Hunter
Israel
Johnson (GA)
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Kaptur
Keating
Kildee
Kind
King (NY)
Kissell
Kucinich
Lance
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee (CA)
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
LoBiondo
Loeb
Lofgren, Zoe
Lowey
Lujan
Lynch
Maloney
Markey
Matheson
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McIntyre
McKinley
Meehan
Meeks
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Myrick
Nadler
Napolitano
Neal

Tipton
Turner (OH)
Walberg
Walden
Walsh (IL)
Webster
Westmoreland
Wilson (SC)
Wittman
Womack
Woodall
Yoder
Young (FL)
Young (IN)

Nunes
Nunnelee
Oliver
Owens
Pallone
Pascrell
Pastor (AZ)
Pelosi
Perlmutter
Peters
Pingree (ME)
Pitts
Platts
Price (NC)
Quigley
Rahall
Rangel
Richardson
Richmond
Rogers (MI)
Rooney
Ross (AR)
Rothman (NJ)
Roybal-Allard
Runyan
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schilling
Schrader
Schwartz
Scott (VA)
Scott, Austin
Scott, David
Serrano
Sherman
Shimkus
Shuler
Shuster
Sires
Slaughter
Smith (NJ)
Smith (WA)
Speier
Stark
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Tonko
Townsend
Tsongas
Turner (NY)
Upton
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
West

Whitfield
Wilson (FL)

Akin
Boren
Cardoza
Filner
Hahn

Wolf
Woolsey

Hirono
Jackson (IL)
Jackson Lee
(TX)
Polis

NOT VOTING—12

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There are 30 seconds remaining.

□ 2201

Mr. LEWIS of Georgia changed his vote from “aye” to “no.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 478, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

AMENDMENT OFFERED BY MR. COHEN

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the second amendment offered by the gentleman from Tennessee (Mr. COHEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 228, noes 191, not voting 12, as follows:

[Roll No. 479]

AYES—228

Ackerman
Adams
Amash
Andrews
Baca
Baldwin
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishok
Berman
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brooks
Broun (GA)
Buchanan
Burgess
Camp
Campbell
Capps
Capuano
Carnahan
Carney
Carson (IN)
Castor (FL)
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)

Fortenberry
Foxy
Frank (MA)
Fudge
Garamendi
Gibson
Gohmert
Goodlatte
Graves (GA)
Green, Al
Green, Gene
Griffith (VA)
Grijalva
Gutierrez
Hanabusa
Hanna
Hastings (FL)
Heinrich
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hurt
Israel
Johnson (GA)
Johnson (IL)
Jones

Kaptur
Keating
Kind
Kissell
Kucinich
Labrador
Lance
Langevin
Larsen (WA)
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loeb
Lofgren, Zoe
Lowey
Lujan
Lummis
Lynch
Maloney
Manzullo
Markey
Matsui
McCarthy (NY)
McClintock
McCollum
McDermott
McGovern
McIntyre
McKinley
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, George
Moore
Moran
Mulvaney

Murphy (CT)
Nadler
Napolitano
Neal
Neugebauer
Oliver
Owens
Pallone
Pascrell
Pastor (AZ)
Paul
Pelosi
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Poe (TX)
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Reed
Ribble
Richardson
Richmond
Rigell
Rohrabacher
Rokita
Ross (AR)
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Rush
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky

NOES—191

Aderholt
Alexander
Altmire
Amdel
Austria
Bachmann
Bachus
Barber
Barletta
Barrow
Berg
Berkley
Biggart
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brown (FL)
Bucshon
Buerkle
Burton (IN)
Butterfield
Calvert
Canseco
Cantor
Capito
Carter
Cassidy
Chabot
Chaffetz
Coffman (CO)
Cole
Conaway
Cravack
Crawford
Crenshaw
Cuellar
Culberson
Davis (KY)
Denham
Dent
Diaz-Balart
Dingell
Dreier
Duncan (SC)
Ellmers

Farenthold
Fincher
Flake
Fleischmann
Fleming
Flores
Forbes
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gonzalez
Gosar
Gowdy
Granger
Graves (MO)
Griffin (AR)
Grimm
Guinta
Guthrie
Hall
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herger
Hunter
Issa
Jenkins
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Kelly
Kildee
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kline
Lamborn
Landry
Lankford
Latham
LaTourette

Schrader
Scott (SC)
Scott (VA)
Scott, David
Sensenbrenner
Serrano
Sherman
Shuler
Sires
Slaughter
Speier
Stark
Stearns
Stutzman
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Upton
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Webster
Welch
Whitfield
Wilson (FL)
Woolsey
Yarmuth
Yoder

Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lungren, Daniel
E.
Mack
Marchant
Marino
Matheson
McCarthy (CA)
McCaul
McHenry
McKeon
McMorris
Rodgers
Miller (FL)
Miller, Gary
Murphy (PA)
Myrick
Noem
Nugent
Nunes
Nunnelee
Olson
Palazzo
Paulsen
Pearce
Pence
Pitts
Platts
Pompeo
Quayle
Rangel
Rehberg
Reichert
Renacci
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Runyan
Ruppersberger
Ryan (OH)

Ryan (WI)	Smith (NE)	Van Hollen	McGovern	Pingree (ME)	Sherman	Ruppersberger	Shuster	Turner (OH)
Scalise	Smith (NJ)	West	McIntyre	Posey	Sires	Ryan (OH)	Simpson	Van Hollen
Schiff	Smith (TX)	Westmoreland	McKinley	Price (GA)	Slaughter	Ryan (WI)	Smith (NE)	Walz (MN)
Schilling	Smith (WA)	Wilson (SC)	Michaud	Quigley	Speier	Sarbanes	Smith (NJ)	Wasserman
Schmidt	Southerland	Wittman	Miller (MI)	Rahall	Stark	Scalise	Smith (TX)	Schultz
Schock	Sullivan	Wolf	Miller, George	Rangel	Stearns	Schakowsky	Smith (WA)	Waters
Schwartz	Terry	Womack	Moore	Ribble	Thompson (CA)	Schiff	Southerland	Watt
Schweikert	Thompson (PA)	Woodall	Moran	Richardson	Tierney	Schilling	Stutzman	Waxman
Scott, Austin	Thornberry	Young (AK)	Mulvaney	Richmond	Towns	Schmidt	Sullivan	West
Sessions	Tiberi	Young (FL)	Murphy (CT)	Rigell	Upton	Schock	Sutton	Westmoreland
Shimkus	Tipton	Young (IN)	Nadler	Rohrabacher	Velázquez	Schwartz	Terry	Whitfield
Shuster	Turner (NY)		Napolitano	Ross (FL)	Visclosky	Schweikert	Thompson (MS)	Wilson (SC)
Simpson	Turner (OH)		Neal	Roybal-Allard	Walberg	Scott (SC)	Thompson (PA)	Wittman
			Neugebauer	Royce	Walden	Scott (VA)	Thornberry	Wolf
			Olver	Rush	Walsh (IL)	Scott, Austin	Tiberi	Womack
			Pallone	Sánchez, Linda	Webster	Scott, David	Tipton	Woodall
			Pascarell	T.	Welch	Sessions	Tonko	Young (AK)
			Paul	Sanchez, Loretta	Wilson (FL)	Shimkus	Tsongas	Young (FL)
			Peters	Schrader	Woolsey	Shuler	Turner (NY)	Young (IN)
			Peterson	Sensenbrenner	Yarmuth			
			Petri	Serrano	Yoder			

NOT VOTING—12

Akin	Hirono	Reyes
Boren	Jackson (IL)	Sewell
Cardoza	Jackson Lee	Stivers
Filner	(TX)	
Hahn	Polis	

□ 2206

Mr. POE of Texas changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 479, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MR. CICILLINE

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Rhode Island (Mr. CICILLINE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 149, noes 270, not voting 12, as follows:

[Roll No. 480]

AYES—149

Ackerman	Costello	Higgins
Adams	Courtney	Himes
Amash	Crowley	Hinojosa
Baldwin	Cummings	Hochul
Bartlett	DeFazio	Holt
Bass (CA)	DeLauro	Honda
Bass (NH)	DesJarlais	Hurt
Becerra	Doggett	Johnson (IL)
Benishek	Duffy	Johnson, E. B.
Berman	Duncan (TN)	Jones
Bishop (NY)	Edwards	Keating
Blumenauer	Ellison	Kind
Bonamici	Eshoo	Kucinich
Boswell	Fattah	Labrador
Braley (IA)	Fox	Landry
Brooks	Frank (MA)	Langevin
Brown (GA)	Fudge	Larsen (WA)
Campbell	Garamendi	Larson (CT)
Capps	Gibson	Lee (CA)
Capuano	Gohmert	Lewis (GA)
Carnahan	Goodlatte	Loeb
Carson (IN)	Graves (GA)	Loeb
Chu	Green, Al	Lummis
Ciilline	Green, Gene	Maloney
Clarke (MI)	Griffith (VA)	Manzullo
Clarke (NY)	Grijalva	Markey
Clay	Gutierrez	Matsui
Coble	Hanabusa	McClintock
Conyers	Hanna	McCollum

NOES—270

Aderholt	Donnelly (IN)	Latham
Alexander	Doyle	LaTourette
Altmire	Dreier	Latta
Amodei	Duncan (SC)	Levin
Andrews	Ellmers	Lewis (CA)
Austria	Emerson	Lipinski
Baca	Engel	LoBiondo
Bachmann	Farenthold	Long
Bachus	Farr	Lowey
Barber	Fincher	Lucas
Barletta	Fitzpatrick	Luetkemeyer
Barrow	Flake	Lujan
Barton (TX)	Fleischmann	Lungren, Daniel
Berg	Fleming	E.
Berkley	Flores	Lynch
Biggert	Forbes	Mack
Bilbray	Fortenberry	Marchant
Bilirakis	Franks (AZ)	Marino
Bishop (GA)	Frelinghuysen	Matheson
Bishop (UT)	Galleghy	McCarthy (CA)
Black	Gardner	McCarthy (NY)
Blackburn	Garrett	McCauley
Bonner	Gerlach	McDermott
Bono Mack	Gibbs	McHenry
Boustany	Gingrey (GA)	McKeon
Brady (PA)	Gonzalez	McMorris
Brady (TX)	Gosar	Rodgers
Brown (FL)	Gowdy	McNerney
Buchanan	Granger	Meehan
Bucshon	Graves (MO)	Meeks
Buerkle	Griffin (AR)	Mica
Burgess	Grimm	Miller (FL)
Burton (IN)	Guinta	Miller (NC)
Butterfield	Guthrie	Miller, Gary
Calvert	Hall	Murphy (PA)
Camp	Harper	Myrick
Canseco	Harris	Noem
Cantor	Hartzler	Nugent
Capito	Hastings (FL)	Nunes
Carney	Hastings (WA)	Nunnelee
Carter	Hayworth	Olson
Cassidy	Heck	Owens
Castor (FL)	Heinrich	Palazzo
Chabot	Hensarling	Pastor (AZ)
Chaffetz	Herger	Paulsen
Chandler	Herrera Beutler	Pearce
Cleaver	Hinchey	Pelosi
Clyburn	Holden	Pence
Coffman (CO)	Hoyer	Perlmutter
Cohen	Huelskamp	Pitts
Cole	Huizenga (MI)	Platts
Conaway	Hultgren	Poe (TX)
Connolly (VA)	Hunter	Pompeo
Cooper	Israel	Price (NC)
Costa	Issa	Quayle
Cravaack	Jenkins	Reed
Crawford	Johnson (GA)	Rehberg
Crenshaw	Johnson (OH)	Reichert
Critz	Johnson, Sam	Renacci
Cuellar	Jordan	Rivera
Culberson	Kaptur	Roby
Davis (CA)	Kelly	Roe (TN)
Davis (IL)	Kildee	Rogers (AL)
Davis (KY)	King (IA)	Rogers (KY)
DeGette	King (NY)	Rogers (MI)
Denham	Kingston	Rokita
Dent	Kinzing (IL)	Rooney
Deutch	Kissell	Ros-Lehtinen
Diaz-Balart	Kline	Roskam
Dicks	Lamborn	Ross (AR)
Dingell	Lance	Rothman (NJ)
Dold	Lankford	Runyan

NOT VOTING—12

Akin	Hirono	Reyes
Boren	Jackson (IL)	Sewell
Cardoza	Jackson Lee	Stivers
Filner	(TX)	
Hahn	Polis	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There are 30 seconds remaining.

□ 2209

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 480, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MS. WOOLSEY

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the first amendment offered by the gentlewoman from California (Ms. WOOLSEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 114, noes 302, not voting 15, as follows:

[Roll No. 481]

AYES—114

Amash	Crowley	Himes
Baldwin	DeFazio	Hinojosa
Bartlett	DeGette	Holt
Bass (CA)	Deuth	Honda
Becerra	Doyle	Johnson (GA)
Benishek	Duffy	Johnson (IL)
Blumenauer	Duncan (TN)	Jones
Bonamici	Edwards	Keating
Buchanan	Ellison	Kucinich
Campbell	Eshoo	Labrador
Capuano	Farr	Lance
Carnahan	Frank (MA)	Larsen (WA)
Castor (FL)	Fudge	Lee (CA)
Chu	Garamendi	Lewis (GA)
Clarke (MI)	Gibson	Lofgren, Zoe
Clarke (NY)	Goodlatte	Maloney
Clay	Graves (GA)	Markey
Cleaver	Green, Gene	Matsui
Coble	Griffith (VA)	McClintock
Conyers	Grijalva	McCollum
Cooper	Gutierrez	McDermott

McGovern
Michaud
Miller (MI)
Miller, George
Moore
Mulvaney
Murphy (CT)
Nadler
Napolitano
Neal
Olver
Pallone
Pascrell
Pastor (AZ)
Paul
Peters
Peterson
Petri

NOES—302

Ackerman
Adams
Aderholt
Alexander
Altmire
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Barber
Barletta
Barrow
Bartlett
Bass (NH)
Berg
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boswell
Boustany
Brady (PA)
Brady (TX)
Brooks
Broun (GA)
Brown (FL)
Buchson
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Canseco
Cantor
Capito
Capps
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Cicilline
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
Davis (KY)
DeLauro

Denham
Dent
DesJarlais
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Donnelly (IN)
Dreier
Duncan (SC)
Ellmers
Emerson
Engel
Farenthold
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gingrey (GA)
Gohmert
Gonzalez
Gosar
Gowdy
Granger
Graves (MO)
Green, Al
Griffin (AR)
Grimm
Guinta
Guthrie
Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Hinchey
Hochul
Holden
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan

Speier
Stark
Stearns
Stutzman
Thompson (CA)
Tierney
Towns
Tsongas
Velázquez
Waters
Watt
Welch
Wilson (FL)
Woolsey
Yarmuth
Yoder

Kaptur
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Lamborn
Landry
Langevin
Lankford
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (CA)
Lipinski
LoBiondo
Loeb sack
Long
Lowe
Lucas
Luetkemeyer
Lujan
Lummis
Lungrén, Daniel
E.
Lynch
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul
McHenry
McIntyre
McKeon
McKinley
McMorris
Rodgers
McNerney
Meehan
Meeks
Mica
Miller (FL)
Miller (NC)
Miller, Gary
Moran
Murphy (PA)
Myrick
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Owens
Palazzo
Paulsen
Pearce
Pelosi
Pence
Perlmuter
Pitts
Platts
Poe (TX)
Pompeo
Posey
Price (GA)

Price (NC)
Quayle
Reed
Rehberg
Reichert
Renacci
Richardson
Richmond
Rigell
Rivera
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross (AR)
Ross (FL)
Rothman (NJ)
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sanchez, Loretta

Akin
Boren
Braley (IA)
Cardoza
Filner
Hahn

Scalise
Schiff
Schilling
Schmidt
Schock
Schweikert
Scott (SC)
Scott (VA)
Scott, Austin
Scott, David
Sessions
Sherman
Shimkus
Shuler
Shuster
Simpson
Sutton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southernland
Sullivan
Sutton
Terry
Thompson (MS)
Thompson (PA)

NOT VOTING—15

Hirono
Jackson (IL)
Jackson Lee
(TX)
Polis
Reyes

Thornberry
Tiberi
Tipton
Tonko
Turner (OH)
Upton
Van Hollen
Walberg
Walden
Walsh (IL)
Walz (MN)
Wasserman
Waxman
Webster
West
Westmoreland
Whitfield
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Young (AK)
Young (FL)
Young (IN)

Sewell
Stivers
Turner (NY)
Visclosky

Ellison
Eshoo
Farr
Frank (MA)
Fudge
Garamendi
Grijalva
Gutierrez
Hastings (FL)
Heinrich
Higgins
Himes
Hinchey
Hinojosa
Holt
Honda
Hoyer
Israel
Johnson (GA)
Jones
Kaptur
Keating
Kildee
Kind
Kucinich
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis (GA)
Loeb sack
Lofgren, Zoe
Lowey
Luján

Ackerman
Adams
Aderholt
Alexander
Altmire
Amash
Amodei
Andrews
Austria
Baca
Bachmann
Bachus
Barber
Barletta
Barrow
Bartlett
Barton (TX)
Bass (NH)
Benishek
Berg
Berkley
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (UT)
Black
Blackburn
Bonner
Bono Mack
Boustany
Brady (TX)
Brooks
Broun (GA)
Buchanan
Buchson
Buerkle
Burgess
Burton (IN)
Butterfield
Calvert
Camp
Campbell
Canseco
Cantor
Capito
Carney
Carson (IN)
Carter
Cassidy
Chabot
Chaffetz
Chandler
Clyburn
Coble
Coffman (CO)
Cole
Conaway
Connolly (VA)

Lynch
Maloney
Markey
Matsui
McCollum
McDermott
McGovern
McNerney
Meeks
Michaud
Miller (NC)
Miller, George
Moore
Moran
Murphy (CT)
Nadler
Napolitano
Neal
Oliver
Pallone
Pascrell
Paul
Pelosi
Peters
Pingree (ME)
Price (NC)
Quigley
Rahall
Rangel
Richmond
Rohrabacher
Roybal-Allard
Rush
Ryan (OH)

NOES—283

Cooper
Costa
Costello
Cravaack
Crawford
Crenshaw
Critz
Cuellar
Culberson
Davis (KY)
Denham
Dent
DesJarlais
Diaz-Balart
Dingell
Dold
Donnelly (IN)
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Ellmers
Emerson
Engel
Farenthold
Fattah
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foxy
Franks (AZ)
Frelinghuysen
Gallegly
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grimm
Guinta
Guthrie

Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (VA)
Serrano
Sires
Slaughter
Smith (WA)
Speier
Stark
Sutton
Thompson (CA)
Thompson (MS)
Tierney
Tonko
Towns
Tsongas
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watt
Waxman
Welch
Wilson (FL)
Woolsey
Yarmuth

Hall
Hanabusa
Hanna
Harper
Harris
Hartzler
Hastings (WA)
Hayworth
Heck
Hensarling
Herrera Beutler
Hochul
Holden
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jenkins
Johnson (IL)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jordan
Kelly
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Labrador
Lamborn
Lance
Landry
Lankford
Larsen (WA)
Latham
LaTourette
Latta
Lewis (CA)
Lipinski
LoBiondo
Long
Lucas
Luetkemeyer
Lummis
Lungrén, Daniel
E.
Mack
Manzullo
Marchant
Marino
Matheson
McCarthy (CA)
McCarthy (NY)
McCaul

ANNOUNCEMENT BY THE ACTING CHAIR
The Acting CHAIR (during the vote).
There are 30 seconds remaining.

□ 2213

So the amendment was rejected.
The result of the vote was announced
as above recorded.

Stated for:
Mr. FILNER. Mr. Chair, on rollcall 481, I was
away from the Capitol due to prior commit-
ments to my constituents. Had I been present,
I would have voted “aye.”

AMENDMENT OFFERED BY MR. MARKEY
The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the second amendment offered
by the gentleman from Massachusetts
(Mr. MARKEY) on which further pro-
ceedings were postponed and on which
the noes prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE
The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.
The Acting CHAIR. This is a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 136, noes 283,
not voting 12, as follows:

[Roll No. 482]

AYES—136

Baldwin
Bass (CA)
Becerra
Berman
Bishop (NY)
Blumenauer
Bonamici
Boswell
Brady (PA)
Braley (IA)
Brown (FL)
Capps

Capuano
Carnahan
Caster (FL)
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Clever
Cohen
Conyers
Courtney

Crowley
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutch
Dicks
Doggett
Doyle
Edwards

McClintock	Quayle	Sherman	Castor (FL)	Johnson (GA)	Pingree (ME)	Lummis	Pompeo	Shuster
McHenry	Reed	Shimkus	Chu	Johnson (IL)	Quigley	Lungren, Daniel	Posey	Simpson
McIntyre	Rehberg	Shuler	Clarke (MI)	Jones	Rahall	E.	Price (GA)	Sires
McKeon	Reichert	Shuster	Clarke (NY)	Keating	Rangel	Lynch	Price (NC)	Smith (NE)
McKinley	Renacci	Simpson	Clay	Kucinich	Mack	Mack	Quayle	Smith (NJ)
McMorris	Ribble	Smith (NE)	Cohen	Labrador	Rohrabacher	Maloney	Reed	Smith (TX)
Rodgers	Richardson	Smith (NJ)	Conyers	Lee (CA)	Roybal-Allard	Manzullo	Rehberg	Smith (WA)
Meehan	Rigell	Smith (TX)	Cooper	Lewis (GA)	Royce	Marchant	Reichert	Southerland
Mica	Rivera	Southerland	Cummings	Lofgren, Zoe	Rush	Marino	Renacci	Stutzman
Miller (FL)	Roby	Stearns	Davis (IL)	Markey	Sánchez, Linda	Matheson	Richardson	Sullivan
Miller (MI)	Roe (TN)	Stutzman	DeFazio	Matsui	T.	McCarthy (CA)	Richmond	Sutton
Miller, Gary	Rogers (AL)	Sullivan	DeGette	McClintock	Sarbanes	McCarthy (NY)	Rigell	Terry
Mulvaney	Rogers (KY)	Terry	Deutch	McCollum	Schakowsky	McHenry	Rivera	Thompson (MS)
Murphy (PA)	Rogers (MI)	Thompson (PA)	Doyle	McDermott	Schrader	McIntyre	Roby	Thompson (PA)
Myrick	Rokita	Thornberry	Duncan (TN)	McGovern	Sensenbrenner	McKeon	Roe (TN)	Thornberry
Neugebauer	Rooney	Tiberi	Edwards	Michaud	Serrano	McKinley	Rogers (AL)	Tiberi
Noem	Ros-Lehtinen	Tipton	Ellison	Miller (MI)	Slaughter	McMorris	Rogers (KY)	Tipton
Nugent	Roskam	Turner (NY)	Eshoo	Miller, George	Speier	Rodgers	Rogers (MI)	Tonko
Nunes	Ross (AR)	Turner (OH)	Farr	Moore	Stark	McNerney	Rooney	Turner (NY)
Nunnelee	Ross (FL)	Upton	Frank (MA)	Mulvaney	Stearns	Meehan	Ros-Lehtinen	Turner (OH)
Olson	Rothman (NJ)	Walberg	Fudge	Murphy (CT)	Thompson (CA)	Meeks	Roskam	Upton
Owens	Royce	Walsh (IL)	Garamendi	Nadler	Tierney	Mica	Ross (AR)	Van Hollen
Palazzo	Runyan	Walsh (IL)	Goodlatte	Napolitano	Towns	Miller (FL)	Ross (FL)	Visclosky
Pastor (AZ)	Ruppersberger	Webster	Griffith (VA)	Neal	Tsongas	Miller, Gary	Rothman (NJ)	Walberg
Paulsen	Ryan (WI)	West	Grijalva	Oliver	Velázquez	Moran	Runyan	Walden
Pearce	Scalise	Westmoreland	Gutierrez	Pallone	Waters	Murphy (PA)	Ruppersberger	Walsh (IL)
Pence	Schilling	Whitfield	Hastings (FL)	Pascarell	Watt	Myrick	Ryan (OH)	Walz (MN)
Perlmutter	Schmidt	Wilson (SC)	Himes	Paul	Welch	Neugebauer	Ryan (WI)	Wasserman
Peterson	Schock	Wittman	Hinchey	Pelosi	Wilson (FL)	Noem	Sanchez, Loretta	Schultz
Petri	Schrader	Wolf	Hinojosa	Peters	Peterson	Nugent	Scalise	Waxman
Pitts	Schweikert	Womack	Holt	Peterson	Petri	Nunes	Schiff	Webster
Platts	Scott (SC)	Woodall	Honda			Nunnelee	Schilling	West
Poe (TX)	Scott, Austin	Yoder				Olson	Schmidt	Westmoreland
Pompeo	Scott, David	Young (AK)				Owens	Schock	Whitfield
Posey	Sensenbrenner	Young (FL)				Palazzo	Schwartz	Wilson (SC)
Price (GA)	Sessions	Young (IN)				Pastor (AZ)	Schweikert	Wittman

NOT VOTING—12

Akin	Hirono	Reyes
Boren	Jackson (IL)	Sewell
Cardoza	Jackson Lee	Stivers
Filner	(TX)	
Hahn	Polis	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There are 30 seconds remaining.

□ 2216

So the amendment was rejected.

The result of the vote was announced
as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 482, I was
away from the Capitol due to prior commit-
ments to my constituents. Had I been present,
I would have voted “aye.”

AMENDMENT OFFERED BY MS. WOOLSEY

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the second amendment offered
by the gentlewoman from California
(Ms. WOOLSEY) on which further pro-
ceedings were postponed and on which
the noes prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-
minute vote.

The vote was taken by electronic de-
vice, and there were—ayes 106, noes 311,
not voting 14, as follows:

[Roll No. 483]

AYES—106

Amash	Benishek	Campbell
Baldwin	Blumenauer	Capuano
Bass (CA)	Bonamici	Carnahan
Becerra	Braley (IA)	Carson (IN)

Ackerman	Conaway	Guinta
Adams	Connolly (VA)	Guthrie
Aderholt	Costa	Hall
Alexander	Costello	Hanabusa
Altmire	Courtney	Hanna
Amodei	Cravaack	Harper
Andrews	Crawford	Harris
Austria	Crenshaw	Hartzler
Baca	Critz	Hastings (WA)
Bachmann	Crowley	Hayworth
Bachus	Cuellar	Heck
Barber	Culberson	Heinrich
Barletta	Davis (CA)	Hensarling
Barrow	Davis (KY)	Herger
Bartlett	DeLauro	Herrera Beutler
Barton (TX)	Denham	Higgins
Bass (NH)	Dent	Hochul
Berg	DesJarlais	Holden
Berkley	Diaz-Balart	Hoyer
Berman	Dicks	Huelskamp
Biggert	Dingell	Huizenga (MI)
Bilbray	Doggett	Hultgren
Bilirakis	Dold	Hunter
Bishop (GA)	Donnelly (IN)	Hurt
Bishop (NY)	Dreier	Israel
Bishop (UT)	Duffy	Issa
Black	Duncan (SC)	Jenkins
Blackburn	Ellmers	Johnson (OH)
Bonner	Emerson	Johnson, E. B.
Bono Mack	Engel	Johnson, Sam
Boswell	Farenthold	Jordan
Boustany	Fattah	Kaptur
Brady (PA)	Fincher	Kelly
Brady (TX)	Fitzpatrick	Kildee
Brooks	Flake	Kind
Broun (GA)	Fleischmann	King (IA)
Brown (FL)	Fleming	King (NY)
Buchanan	Flores	Kingston
Bucshon	Forbes	Kinzinger (IL)
Buerkle	Fortenberry	Kissell
Burgess	Fox	Kline
Burton (IN)	Franks (AZ)	Lamborn
Butterfield	Frelinghuysen	Lance
Calvert	Gallely	Landry
Camp	Gardner	Langevin
Canseco	Garrett	Lankford
Cantor	Gerlach	Larsen (WA)
Capito	Gibbs	Larson (CT)
Capps	Gibson	Latham
Carney	Gingrey (GA)	LaTourette
Carter	Gohmert	Latta
Cassidy	Gonzalez	Levin
Chabot	Gosar	Lewis (CA)
Chaffetz	Gowdy	Lipinski
Chandler	Granger	LoBiondo
Cicilline	Graves (GA)	Loeb
Cleaver	Graves (MO)	Long
Clyburn	Green, Al	Lowey
Coble	Green, Gene	Lucas
Coffman (CO)	Griffin (AR)	Luetkemeyer
Cole	Grimm	Lujan

NOES—311

NOT VOTING—14

Akin	Hirono	Polis
Boren	Jackson (IL)	Reyes
Cardoza	Jackson Lee	Rokita
Filner	(TX)	Sewell
Hahn	McCauley	Stivers

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote).
There is 1 minute remaining.

□ 2219

So the amendment was rejected.

The result of the vote was announced
as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 483, I was
away from the Capitol due to prior commit-
ments to my constituents. Had I been present,
I would have voted “aye.”

PERSONAL EXPLANATION

Ms. SCHWARTZ. Mr. Chair, during rollcall
vote No. 483 on H.R. 5856, I mistakenly re-
corded my vote as “no” when I should have
voted “aye.”

AMENDMENT OFFERED BY MS. WOOLSEY

The Acting CHAIR. The unfinished
business is the demand for a recorded
vote on the third amendment offered
by the gentlewoman from California
(Ms. WOOLSEY) on which further pro-
ceedings were postponed and on which
the noes prevailed by voice vote.

The Clerk will redesignate the
amendment.

The Clerk redesignated the amend-
ment.

RECORDED VOTE

The Acting CHAIR. A recorded vote
has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 91, noes 328, not voting 12, as follows:

[Roll No. 484]

AYES—91

Amash	Frank (MA)	Oliver
Baldwin	Fudge	Pallone
Bass (CA)	Grijalva	Pascrell
Becerra	Gutierrez	Paul
Benishek	Hinojosa	Peters
Blumenauer	Holt	Quigley
Bonamici	Honda	Rahall
Braley (IA)	Johnson (GA)	Rangel
Campbell	Johnson (IL)	Rohrabacher
Capuano	Jones	Roybal-Allard
Carnahan	Keating	Royce
Carson (IN)	Kucinich	Rush
Castor (FL)	Labrador	Sánchez, Linda T.
Chu	Larsen (WA)	Sarbanes
Clarke (MI)	Lee (CA)	Sensenbrenner
Clarke (NY)	Lewis (GA)	Serrano
Clay	Lofgren, Zoe	Maloney
Cohen	Maloney	Slaughter
Conyers	Markley	Speier
Cooper	Matsui	Stark
Cummings	McClintock	Thompson (CA)
Davis (IL)	McCollum	Tierney
DeFazio	McGovern	Towns
DeGette	Michaud	Tsongas
Deutch	Miller (MI)	Velázquez
Doyle	Miller, George	Waters
Duncan (TN)	Moore	Welch
Edwards	Mulvaney	Wilson (FL)
Ellison	Nadler	Woolsey
Eshoo	Napolitano	Yarmuth
Farr	Neal	

NOES—328

Ackerman	Chaffetz	Gardner
Adams	Chandler	Garrett
Aderholt	Cicilline	Gerlach
Alexander	Cleaver	Gibbs
Altmire	Clyburn	Gibson
Amodei	Coble	Gingrey (GA)
Andrews	Coffman (CO)	Gohmert
Austria	Cole	Gonzalez
Baca	Conaway	Goodlatte
Bachmann	Connolly (VA)	Gosar
Bachus	Costa	Gowdy
Barber	Costello	Granger
Barletta	Courtney	Graves (GA)
Barrow	Cravaack	Graves (MO)
Bartlett	Crawford	Green, Al
Barton (TX)	Crenshaw	Green, Gene
Bass (NH)	Critz	Griffin (AR)
Berg	Crowley	Griffith (VA)
Berkley	Cuellar	Grimm
Berman	Culberson	Guinta
Biggert	Davis (CA)	Guthrie
Bilbray	Davis (KY)	Hall
Bilirakis	DeLauro	Hanabusa
Bishop (GA)	Denham	Hanna
Bishop (NY)	Dent	Harper
Bishop (UT)	DesJarlais	Harris
Black	Diaz-Balart	Hartzler
Blackburn	Dicks	Hastings (FL)
Bonner	Dingell	Hastings (WA)
Bono Mack	Doggett	Hayworth
Boswell	Dold	Heck
Boustany	Donnelly (IN)	Heinrich
Brady (PA)	Dreier	Hensarling
Brady (TX)	Duffy	Herger
Brooks	Duncan (SC)	Herrera Beutler
Broun (GA)	Ellmers	Higgins
Brown (FL)	Emerson	Himes
Buchanan	Engel	Hinchee
Buchon	Farenthold	Hochul
Buerkle	Fattah	Holden
Burgess	Fincher	Hoyer
Burton (IN)	Fitzpatrick	Huelskamp
Butterfield	Flake	Huizenga (MI)
Calvert	Fleischmann	Hultgren
Camp	Fleming	Hunter
Canseco	Flores	Hurt
Cantor	Forbes	Israel
Capito	Fortenberry	Issa
Capps	Fox	Jenkins
Carney	Franks (AZ)	Johnson (OH)
Carter	Frelinghuysen	Johnson, E. B.
Cassidy	Gallegly	Johnson, Sam
Chabot	Garamendi	Jordan

Kaptur	Myrick	Schrader
Kelly	Neugebauer	Schwartz
Kildee	Noem	Schweikert
Kind	Nugent	Scott (SC)
King (IA)	Nunes	Scott (VA)
King (NY)	Nunnelee	Scott, Austin
Kingston	Olson	Scott, David
Kinzinger (IL)	Owens	Sessions
Kissell	Palazzo	Sherman
Kline	Pastor (AZ)	Shimkus
Lamborn	Paulsen	Shuler
Lance	Pearce	Shuster
Landry	Pelosi	Simpson
Langevin	Pence	Sires
Lankford	Perlmutter	Smith (NE)
Larson (CT)	Peterson	Smith (NJ)
Latham	Petri	Smith (TX)
LaTourette	Pingree (ME)	Smith (WA)
Latta	Pitts	Southerland
Levin	Platts	Stearns
Lewis (CA)	Poe (TX)	Stutzman
Lipinski	Pompeo	Sullivan
LoBiondo	Posey	Sutton
Loeb	Price (GA)	Terry
Long	Price (NC)	Thompson (MS)
Lowey	Quayle	Thompson (PA)
Lucas	Reed	Thornberry
Luetkemeyer	Rehberg	Tiberi
Lujan	Reichert	Tipton
Lummis	Renacci	Tonko
Lungren, Daniel E.	Ribble	Turner (NY)
Lynch	Richardson	Turner (OH)
Mack	Richmond	Upton
Manzullo	Rigell	Van Hollen
Marchant	Rivera	Visclosky
Marino	Roby	Walberg
Matheson	Roe (TN)	Walden
McCarthy (CA)	Rogers (AL)	Walsh (IL)
McCarthy (NY)	Rogers (KY)	Walz (MN)
McCaul	Rogers (MI)	Wasserman
McDermott	Rokita	Schultz
McHenry	Rooney	Watt
McIntyre	Ros-Lehtinen	Waxman
McKeon	Roskam	Webster
McKinley	Ross (AR)	West
McMorris	Ross (FL)	Westmoreland
Rodgers	Rothman (NJ)	Whitfield
McNerney	Runyan	Wilson (SC)
Meehan	Ruppersberger	Wittman
Meeks	Ryan (OH)	Wolf
Mica	Ryan (WI)	Womack
Miller (FL)	Sánchez, Loretta	Woodall
Miller (NC)	Scalise	Yoder
Miller, Gary	Schakowsky	Young (AK)
Moran	Schiff	Young (FL)
Murphy (CT)	Schilling	Young (IN)
Murphy (PA)	Schmidt	
	Schock	

NOT VOTING—12

Akin	Hirono	Reyes
Boren	Jackson (IL)	Sewell
Cardoza	Jackson Lee	Stivers
Finer	(TX)	
Hahn	Polis	

ANNOUNCEMENT BY THE ACTING CHAIR

The Acting CHAIR (during the vote). There is 1 minute remaining.

□ 2222

So the amendment was rejected. The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 484, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MS. LEE OF CALIFORNIA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the second amendment offered by the gentlewoman from California (Ms. LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 107, noes 312, not voting 12, as follows:

[Roll No. 485]

AYES—107

Amash	Fudge	Oliver
Baldwin	Grijalva	Pallone
Bass (CA)	Gutierrez	Paul
Becerra	Hanabusa	Pingree (ME)
Benishek	Higgins	Price (NC)
Blumenauer	Himes	Quigley
Bonamici	Hinchee	Rangel
Boswell	Hinojosa	Richardson
Braley (IA)	Holt	Richmond
Campbell	Honda	Rohrabacher
Capps	Johnson (IL)	Roybal-Allard
Capuano	Johnson, E. B.	Rush
Carson (IN)	Jones	Sánchez, Linda T.
Chu	Keating	Sánchez, Loretta
Cicilline	Kucinich	Schakowsky
Clarke (MI)	Larsen (WA)	Schrader
Clarke (NY)	Larson (CT)	Scott (VA)
Clay	Lee (CA)	Serrano
Cleaver	Lewis (GA)	Slaughter
Clyburn	Loeb	Speier
Cohen	Lofgren, Zoe	Stark
Conyers	Maloney	Thompson (CA)
Crowley	Markley	Thompson (MS)
Cummings	Matsui	Tierney
Davis (IL)	McCollum	Tonko
DeFazio	McDermott	Towns
DeGette	McGovern	Tsongas
DeLauro	Meeks	Velázquez
Doyle	Michaud	Visclosky
Duncan (TN)	Miller, George	Waters
Edwards	Moore	Watt
Ellison	Moran	Welch
Eshoo	Murphy (CT)	Wilson (FL)
Farr	Nadler	Woolsey
Fattah	Napolitano	Yarmuth
Frank (MA)	Neal	

NOES—312

Ackerman	Burton (IN)	Dold
Adams	Butterfield	Donnelly (IN)
Aderholt	Calvert	Dreier
Alexander	Camp	Duffy
Altmire	Canseco	Duncan (SC)
Amodei	Cantor	Ellmers
Andrews	Capito	Emerson
Austria	Carnahan	Engel
Baca	Carney	Farenthold
Bachmann	Carter	Fincher
Bachus	Cassidy	Fitzpatrick
Barber	Castor (FL)	Flake
Barletta	Chabot	Fleischmann
Barrow	Chaffetz	Fleming
Bartlett	Chandler	Flores
Barton (TX)	Coble	Forbes
Bass (NH)	Coffman (CO)	Fortenberry
Berg	Cole	Fox
Berkley	Conaway	Franks (AZ)
Berman	Connolly (VA)	Frelinghuysen
Biggert	Cooper	Gallegly
Bilbray	Costa	Garamendi
Bilirakis	Costello	Gardner
Bishop (GA)	Courtney	Garrett
Bishop (NY)	Cravaack	Gerlach
Bishop (UT)	Crawford	Gibbs
Black	Crenshaw	Gibson
Blackburn	Critz	Gingrey (GA)
Bonner	Cuellar	Gohmert
Bono Mack	Culberson	Gonzalez
Boustany	Davis (CA)	Goodlatte
Brady (PA)	Davis (KY)	Gosar
Brady (TX)	Denham	Gowdy
Brooks	Dent	Granger
Broun (GA)	DesJarlais	Graves (GA)
Brown (FL)	Deutch	Graves (MO)
Buchanan	Diaz-Balart	Green, Al
Buchon	Dicks	Green, Gene
Buerkle	Dingell	Griffin (AR)
Burgess	Doggett	Griffith (VA)

Grimm Marchant
Guinta Marino
Guthrie Matheson
Hall McCarthy (CA)
Hanna McCarthy (NY)
Harper McCaul
Harris McClintock
Hartzler McHenry
Hastings (FL) McIntyre
Hastings (WA) McKeon
Hayworth McKinley
Heck McMorris
Heinrich Rodgers
Hensarling McNerney
Herger Meehan
Herrera Beutler Mica
Hochul Miller (FL)
Holden Miller (MI)
Hoyer Miller (NC)
Huelskamp Miller, Gary
Huizenga (MI) Mulvaney
Hultgren Murphy (PA)
Hunter Myrick
Hurt Neugebauer
Israel Noem
Issa Nugent
Jenkins Nunes
Johnson (GA) Nunnelee
Johnson (OH) Olson
Johnson, Sam Owens
Jordan Palazzio
Kaptur Pascarell
Kelly Pastor (AZ)
Kildee Paulsen
Kind Pearce
King (IA) Pelosi
King (NY) Pence
Kingston Perlmutter
Kinzinger (IL) Peters
Kissell Peterson
Kline Petri
Labrador Pitts
Lamborn Platts
Lance Poe (TX)
Landry Pompeo
Langevin Posey
Lankford Price (GA)
Latham Quayle
LaTourette Rahall
Latta Reed
Levin Rehberg
Lewis (CA) Reichert
Lipinski Renacci
LoBiondo Ribble
Long Rigell
Lowey Rivera
Lucas Roby
Luetkemeyer Roe (TN)
Lujan Rogers (AL)
Lummis Rogers (KY)
Lungren, Daniel Rogers (MI)
E. Rokita
Lynch Rooney
Mack Ros-Lehtinen
Manzullo Roskam

NOT VOTING—12

Akin Hirono Reyes
Boren Jackson (IL) Sewell
Cardoza Jackson Lee
Filner (TX) Stivers
Hahn Polis

□ 2225

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FILNER. Mr. Chair, on rollcall 485, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “aye.”

AMENDMENT OFFERED BY MR. KING OF IOWA

The Acting CHAIR. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Iowa (Mr. KING) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIR. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIR. This will be a 2-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 235, not voting 14, as follows:

[Roll No. 486]

AYES—182

Adams Garrett
Amash Gibbs
Amodei Gingrey (GA)
Austria Gohmert
Bachmann Goodlatte
Bachus Gosar
Bartlett Gowdy
Barton (TX) Granger
Brady (TX) Graves (GA)
Brooks Graves (MO)
Broun (GA) Griffin (AR)
Buchanan Griffith (VA)
Bucshon Bilirakis
Buerkle Stutzman
Burgess Bishop (UT)
Calvert Black
Camp Blackburn
Campbell Harris
Canseco Bonner
Cantor Bono Mack
Carter Boustany
Cassidy Brady (TX)
Chabot Brooks
Chaffetz Broun (GA)
Coble Buchanan
Coffman (CO) Bucshon
Cole Buerkle
Conaway Calvert
Crawford Camp
Crenshaw Johnson (OH)
Culberson Johnson, Sam
Davis (KY) Jones
Denham Johnson (IA)
Dent Kingston
DesJarlais Kline
Dreier Labrador
E. Lamborn
Mack Landry
Manzullo Lankford
Marchant Latham
Marino Latta
McCarthy (CA) Lewis (CA)
McCaul Long
McClintock Lucas
McHenry Luetkemeyer
McKeon Lummis
McMorris Lungren, Daniel
Rodgers E.
Mica Mack
Miller (FL) Manzullo
Miller, Gary Marchant
Mulvaney Marchant

NOES—235

Ackerman Berkley
Alexander Berman
Altmire Biggert
Andrews Bishop (GA)
Baca Bishop (NY)
Baldwin Blumenauer
Barber Bonamici
Barletta Boswell
Barrow Brady (PA)
Bass (CA) Braley (IA)
Becerra Brown (FL)

Ciilline Israel
Clarke (MI) Johnson (GA)
Clarke (NY) Johnson (IL)
Clay Johnson, E. B.
Cleaver Kaptur
Clyburn Keating
Cohen Kelly
Connolly (VA) Kildee
Conyers Kind
Cooper King (NY)
Costa Kinzinger (IL)
Costello Kissell
Courtney Kucinich
Cravaack Lance
Critz Langevin
Crowley Larsen (WA)
Cuellar Larson (CT)
Cummings LaTourette
Davis (CA) Lee (CA)
Davis (IL) Levin
DeFazio Lewis (GA)
DeGette Lipinski
DeLauro LoBiondo
Deutch Loebach
Diaz-Balart Lofgren, Zoe
Dicks Lowey
Dingell Lujan
Doggett Lynch
Dold Maloney
Donnelly (IN) Markey
Doyle Matheson
Duffy Matsui
Edwards McCarthy (NY)
Ellison McCollum
Emerson McDermott
Engel McGovern
Eshoo McIntyre
Farr McKinley
Fattah McNerney
Fitzpatrick Meehan
Frank (MA) Meeks
Frelinghuysen Michaud
Fudge Miller (MI)
Garamendi Miller (NC)
Gerlach Miller, George
Gibson Moore
Gonzalez Moran
Green, Al Murphy (CT)
Green, Gene Murphy (PA)
Grijalva Nadler
Grimm Napolitano
Gutierrez Neal
Hanabusa Olver
Hanna Owens
Hastings (FL) Pallone
Heck Pascarell
Heinrich Pastor (AZ)
Herrera Beutler Pelosi
Higgins Perlmutter
Himes Peters
Hinchey Peterson
Hinojosa Petri
Hochul Pingree (ME)
Holden Price (NC)
Holt Quigley
Honda Rahall
Hoyer Rangel
Hultgren Rehberg

NOT VOTING—14

Aderholt Hirono Reyes
Akin Hunter Sewell
Boren Jackson (IL) Stivers
Cardoza Jackson Lee
Filner (TX)
Hahn Polis

□ 2229

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Mr. Chair, on rollcall 486, I was away from the Capitol due to prior commitments to my constituents. Had I been present, I would have voted “no.”

Mr. YOUNG of Florida. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

WESTMORELAND) having assumed the chair, Mr. WOODALL, Acting Chair of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5856) making appropriations for the Department of Defense for the fiscal year ending September 30, 2013, and for other purposes, had come to no resolution thereon.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. CON. RES. 131

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent to be removed as a cosponsor of H. Con. Res. 131.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. JACKSON LEE of Texas (at the request of Ms. PELOSI) for July 17 and today on account of funerals in the district.

ENROLLED BILLS SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 205. An act to amend the Act titled "An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases", approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior, and for other purposes.

H.R. 3001. An act to award a Congressional Gold Medal to Raoul Wallenberg, in recognition of his achievements and heroic actions during the Holocaust.

SENATE ENROLLED BILLS SIGNED

The Speaker announced his signature to enrolled bills of the Senate of the following titles:

S. 2009. An act to improve the administration of programs in the insular areas, and for other purposes.

S. 2165. An act to enhance strategic cooperation between the United States and Israel, and for other purposes.

ADJOURNMENT

Ms. ROS-LEHTINEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until tomorrow, Thursday, July 19, 2012, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6947. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 1,2-Ethanediamine, N1-(2-aminoethyl)-, polymer with 2, 4-diisocyanato-1-methylbenzene; Tolerance Exemption [EPA-HQ-OPP-2012-0014; FRL-9349-1] received June 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6948. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — 2,6-Diisopropyl-naphthalene (2,6-DIPN) and its metabolites and degradates; Pesticide Tolerances [EPA-HQ-OPP-2009-0802; FRL-9350-4] received June 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6949. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Natamycin; Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0727; FRL-9349-2] received June 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6950. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Prohydrojasmon; Amendment of Temporary Exemption from the Requirement of a Tolerance [EPA-HQ-OPP-2010-0048; FRL-9347-9] received June 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

6951. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Shipping Instructions (DFARS Case 2011-D052) (RIN: 0750-AH53) received June 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6952. A letter from the Principal Deputy, Department of Defense, transmitting authorization of Colonels Daniel L. Karlbler and Robert P. White, United States Army, to wear the insignia of the grade of brigadier general; to the Committee on Armed Services.

6953. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: New Qualifying Country-Czech Republic (DFARS Case 2012-D043) (RIN: 0750-AH75) received June 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6954. A letter from the Assistant Secretary, Department of Defense, transmitting a proposed change to the Fiscal Year 2012 National Guard and Reserve Equipment Appropriation (NGREA) procurement; to the Committee on Armed Services.

6955. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Updates to Wide Area Workflow (DFARS Case 2011-D027) (RIN: 0750-AH40) received June 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6956. A letter from the Director, Defense Procurement and Acquisition Policy, De-

partment of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement: Applicability of Hexavalent Chromium Policy to Commercial Items (DFARS Case 2011-D047) (RIN: 0750-AH39) received June 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6957. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Acquisition Regulations System; Defense Federal Acquisition Regulation Supplement; Only One Offer (DFARS Case 2011-D013) (RIN: 0750-AH11) received June 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

6958. A letter from the Chief Counsel, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket ID: FEMA-2012-0003] [Internal Agency Docket No.: FEMA-8233] received June 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6959. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Eligible Obligations, Charitable contributions, Nonmember Deposits, Fixed Assets, Investments, Fidelity Bonds, Incidental Powers, Member Business Loans, and Regulatory Flexibility Program (RIN: 3133-AD98) received June 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6960. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Loan Workouts and Nonaccrual Policy, and Regulatory Reporting of Troubled Debt Restructured Loans (RIN: 3133-AE01) received June 25, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6961. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maine; Reasonably Available Control Technology (RACT) for the 1997 8-Hour Ozone Standard [EPA-R01-OAR-2009-0696; A-1-FRL-9673-4] received June 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6962. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Maryland; Baltimore Nonattainment Area Determinations of Attainment of the 1997 Annual Fine Particulate Standard [EPA-R03-OAR-2011-0819; FRL-9674-5] received June 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6963. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Regional Haze [EPA-R01-OAR-2009-0631; A-1-FRL-9674-3] received June 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6964. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Vermont; Regional Haze [EPA-R01-OAR-2009-0689; A-1-FRL-9674-4] received June 29, 2012,

pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6965. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Oregon: Infrastructure Requirements for the 1997 8-Hour Ozone National Ambient Air Quality Standard [EPA-R10-OAR-2011-0716; FRL-9673-7] received June 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6966. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Portion of York County, South Carolina within Charlotte-Gastonia-Rock Hill, North Carolina-South Carolina 1997 8-Hour Ozone Nonattainment Area; Ozone 2002 Base Year Emissions Inventory [EPA-R04-OAR-2008-0177(b); FRL-9673-9] received June 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6967. A letter from the Director, Regulatory Management Division, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: The 2012 Critical Use Exemption from the Phaseout of Methyl Bromide [EPA-HQ-OAR-2009-0277; FRL-9668-3] (RIN: 2060-AQ83) received June 29, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6968. A letter from the Chair, Medicaid and CHIP Payment and Access Commission, transmitting the June 2012 Report to Congress on Medicaid and CHIP; to the Committee on Energy and Commerce.

6969. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Withdrawal of Regulatory Guide 7.3, "Procedures for Picking Up and Receiving Packages of Radioactive Material" received June 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6970. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 12-08, pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6971. A letter from the Assistant Secretary Legislative Affairs, Department of State, transmitting Transmittal No. DDTC 12-020, pursuant to the reporting requirements of Section 36(d) of the Arms Export Control Act; to the Committee on Foreign Affairs.

6972. A letter from the General Counsel, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

6973. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Atmospheric and Oceanic Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries [Docket No.: 110210132-1275-02] (RIN: 0648-XC035) received June 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6974. A letter from the Acting Deputy Assistant Administrator for Regulatory Programs, NMFS, National Atmospheric and Oceanic Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pa-

cific Halibut and Sablefish Individual Fishing Quota Program [Docket No.: 0906041011-2432-02] (RIN: 0648-AX91) received June 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

6975. A letter from the Board, Railroad Retirement Board, transmitting the Board's 2012 annual report on the financial status of the railroad unemployment insurance system, pursuant to 45 U.S.C. 369; jointly to the Committees on Transportation and Infrastructure and Ways and Means.

6976. A letter from the Board, Railroad Retirement Board, transmitting a copy of the 25th Actuarial Valuation of the Assets and Liabilities Under the Railroad Retirement Acts as of December 31, 2010, pursuant to 45 U.S.C. 231f-1; jointly to the Committees on Ways and Means and Transportation and Infrastructure.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the following action was taken by the Speaker:

The Committee on Financial Services discharged from further consideration, H.R. 459 referred to the Committee of the Whole House on the state of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FLEMING:

H.R. 6137. A bill to repeal provisions of the Patient Protection and Affordable Care Act relating to health savings accounts, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE of California (for herself,

Mr. MORAN, Ms. CLARKE of New York, Ms. SCHAKOWSKY, Ms. NORTON, Mr. SCHIFF, Ms. WOOLSEY, Mr. TOWNS, Mr. NADLER, Mr. CONYERS, Mr. RANGEL, Mr. HINCHAY, Mr. SERRANO, Mr. JOHNSON of Georgia, Mr. HONDA, Ms. MCCOLLUM, Mr. ENGEL, Mr. HIMES, Mr. McDERMOTT, Ms. CHU, Mr. LEWIS of Georgia, Ms. BASS of California, Mrs. CHRISTENSEN, Ms. LINDA T. SANCHEZ of California, Ms. WATERS, Mr. RUSH, and Mr. GRIJALVA):

H.R. 6138. A bill to bring an end to the spread of HIV/AIDS in the United States and around the world; to the Committee on Energy and Commerce, and in addition to the Committees on Foreign Affairs, Education and the Workforce, the Judiciary, Armed Services, Financial Services, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LUETKEMEYER (for himself and Mr. BACA):

H.R. 6139. A bill to create a Federal charter for National Consumer Credit Corporations, and for other purposes; to the Committee on Financial Services.

By Mr. CAMP (for himself, Mr. KLINE, and Mr. JORDAN):

H.R. 6140. A bill to prohibit waivers relating to compliance with the work require-

ments for the program of block grants to States for temporary assistance for needy families, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHRADER:

H.R. 6141. A bill to provide for the addition of certain real property to the reservation of the Siletz Tribe in the State of Oregon; to the Committee on Natural Resources.

By Mr. BURGESS (for himself, Mr. SESSIONS, Mr. THORNBERRY, Mr. CARTER, and Mr. FLORES):

H.R. 6142. A bill to amend title XVIII of the Social Security Act to extend Medicare physician payment rates for 1 year; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA:

H.R. 6143. A bill to provide for supplemental appropriations for obesity programs of the Centers for Disease Control and Prevention, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARROW:

H.R. 6144. A bill to reduce amounts available to the General Services Administration for the acquisition of new vehicles for the Federal fleet; to the Committee on Oversight and Government Reform.

By Mr. FRANK of Massachusetts (for himself and Mr. KEATING):

H.R. 6145. A bill to authorize the Secretary of the Interior to provide preservation and interpretation assistance for resources associated with the New Bedford Whaling National Historical Park in the Commonwealth of Massachusetts, and for other purposes; to the Committee on Natural Resources.

By Mr. HINOJOSA (for himself and Mr. JOHNSON of Illinois):

H.R. 6146. A bill to permit pass-through payment for reasonable costs of certified registered nurse anesthetist services in critical access hospitals notwithstanding the reclassification of such hospitals as urban hospitals, including hospitals located in "Lugar counties", and for on-call and standby costs for such services; to the Committee on Ways and Means.

By Mr. ISSA:

H.R. 6147. A bill to designate the exclusive economic zone of the United States as the "Ronald Wilson Reagan Exclusive Economic Zone of the United States"; to the Committee on Natural Resources.

By Mr. KELLY (for himself and Ms. BUEKLE):

H.R. 6148. A bill to make permanent the EGTRRA improvements to Coverdell education savings accounts; to the Committee on Ways and Means.

By Mr. MICHAUD (for himself and Ms. DELAURO):

H.R. 6149. A bill to require the United States Trade Representative to take action to obtain the full compliance of the Russian Federation with its commitments under the protocol on the accession of the Russian Federation to the Agreement Establishing the

World Trade Organization, and for other purposes; to the Committee on Ways and Means.

By Mr. ELLISON (for himself, Mr. GRIJALVA, Ms. BASS of California, Ms. BONAMICI, Ms. BROWN of Florida, Mr. CAPUANO, Mrs. CHRISTENSEN, Ms. CHU, Mr. CLARKE of Michigan, Ms. CLARKE of New York, Mr. CLAY, Mr. COHEN, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Mr. FILNER, Mr. GUTIERREZ, Ms. HAHN, Mr. HINCHEY, Mr. HOLT, Mr. HONDA, Ms. JACKSON LEE of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mr. KUCINICH, Ms. LEE of California, Mr. MARKEY, Mr. McDERMOTT, Mr. MCGOVERN, Mr. NADLER, Mr. OLVER, Ms. PINGREE of Maine, Mr. RANGEL, Ms. RICHARDSON, Ms. SCHAKOWSKY, Mr. SERRANO, Mr. STARK, Ms. WATERS, and Ms. WOOLSEY):

H. Res. 733. A resolution expressing the sense of the House of Representatives that any deal replacing the Budget Control Act of 2011 should contain serious revenue increases and no Medicare, Medicaid, and Social Security benefit cuts; to the Committee on the Budget, and in addition to the Committees on Ways and Means, Energy and Commerce, Armed Services, Transportation and Infrastructure, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LOWEY:

H. Res. 734. A resolution recognizing the importance of frontline health workers toward accelerating progress on global health and saving the lives of women and children, and for other purposes; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

247. The SPEAKER presented a memorial of the General Assembly of the State of Rhode Island, relative to the Assembly's Joint Resolution 12-193 urging the Congress to pass the PACE Assessment Protection Act; to the Committee on Financial Services.

248. Also, a memorial of the House of Representatives of the State of Illinois, relative to House Resolution No. 51 urging the Congress to pass the Talent Act; to the Committee on Education and the Workforce.

249. Also, a memorial of the Senate of the State of Maine, relative to Senate Joint Resolution urging the Congress and the President to modernize the federal Toxic Substances Control Act of 1976; to the Committee on Energy and Commerce.

250. Also, a memorial of the Senate of the State of Nevada, relative to Senate Joint Resolution No. 4 urging the Congress to ensure that the public lands in Nevada that are managed and controlled by the Federal Government remain open to multiple uses; to the Committee on Natural Resources.

251. Also, a memorial of the Senate of the State of Nevada, relative to Senate Joint Resolution No. 3 urging the Congress to enact legislation requiring the Secretary of the Interior to convey ownership of federal land from the Federal Government to Nevada; to the Committee on Natural Resources.

252. Also, a memorial of the House of Representatives of the State of Colorado, rel-

ative to House Resolution 12-1003 calling for a convention for the purpose to propose an amendment to the Constitution; to the Committee on the Judiciary.

253. Also, a memorial of the General Assembly of the State of Rhode Island, relative to the Assembly's Joint Resolution 12-285 urging the Congress to pass and send an amendment to the constitution to effectively overturn the holding of Citizens United and its progeny; to the Committee on the Judiciary.

254. Also, a memorial of the Senate of the State of Nevada, relative to Senate Joint Resolution No. 8 urging the Congress to enact legislation to pursue methods and procedures that expedite or may expedite the permitting processes for mineral exploration and development of mines; to the Committee on Natural Resources.

255. Also, a memorial of the Senate of the State of Illinois, relative to Senate Resolution No. 620 urging the Congress to pass the Secure Travel and Counterterrorism Partnership Program Act of 2011; jointly to the Committees on the Judiciary and Intelligence (Permanent Select).

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. FLEMING:

H.R. 6137.

Congress has the power to enact this legislation pursuant to the following:

Pursuant to Article I, Section 8, Clause I, Congress has the ability to lay and collect taxes and to provide for the general welfare of the United States, and Amendment XVI.

By Ms. LEE of California:

H.R. 6138.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I of the United States Constitution and its subsequent amendments, and further clarified and interpreted by the Supreme Court of the United States.

By Mr. LUETKEMEYER:

H.R. 6139.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the explicit power of Congress to regulate commerce in and among the states, as enumerate in Article 1, Section 8, Clause 3, the Commerce Clause, of the United States Constitution.

By Mr. CAMP:

H.R. 6140.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1 of the United States Constitution, to "provide for the common Defence and general Welfare of the United States."

By Mr. SCHRADER:

H.R. 6141.

Congress has the power to enact this legislation pursuant to the following:

The power granted to Congress under Article I, Section 8, Clause 3 of the United States Constitution.

By Mr. BURGESS:

H.R. 6142.

Congress has the power to enact this legislation pursuant to the following:

The attached bill is constitutional under Article 1, Section 8, Clause 1: "The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States."

By Mr. BACA:

H.R. 6143.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. BARROW:

H.R. 6144.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 9 of the Constitution of the United States.

By Mr. FRANK of Massachusetts:

H.R. 6145.

Congress has the power to enact this legislation pursuant to the following:

Section 8 of article I of the Constitution.

By Mr. HINOJOSA:

H.R. 6146.

Congress has the power to enact this legislation pursuant to the following:

The Congress enacts this bill pursuant to Clause 1 of Section 8 of Article I of the United States Constitution and Amendment XVI of the United States Constitution.

By Mr. ISSA:

H.R. 6147.

Congress has the power to enact this legislation pursuant to the following:

Article IV Section III: "The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States . . ."

By Mr. KELLY:

H.R. 6148.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8.

Clause 1: The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

Clause 18: To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

By Mr. MICHAUD:

H.R. 6149.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the United States Constitution, specifically Clause 3.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 288: Mr. HONDA.

H.R. 371: Mrs. CAPITO.

H.R. 459: Mr. OWENS.

H.R. 719: Mr. STIVERS.

H.R. 835: Ms. BONAMICI.

H.R. 905: Mr. CASSIDY.

H.R. 1030: Mr. LUJÁN and Mr. THORNBERRY.

H.R. 1085: Ms. SPEIER.

H.R. 1116: Mr. REYES and Mr. BARBER.

H.R. 1167: Mr. AUSTIN SCOTT of Georgia and Mr. LONG.

H.R. 1286: Mrs. BLACK.

H.R. 1288: Ms. WASSERMAN SCHULTZ.
 H.R. 1322: Mr. OLVER and Mr. NADLER.
 H.R. 1325: Ms. HOCHUL.
 H.R. 1340: Mr. CASSIDY.
 H.R. 1417: Mr. CLARKE of Michigan.
 H.R. 1464: Mr. MANZULLO.
 H.R. 1489: Ms. SPEIER and Mr. BRADY of Pennsylvania.
 H.R. 1537: Mr. REYES.
 H.R. 1564: Ms. WOOLSEY.
 H.R. 1653: Mr. MULVANEY and Mr. BILIRAKIS.
 H.R. 1704: Mr. PETERSON.
 H.R. 1775: Mr. STEARNS.
 H.R. 1789: Mr. CHANDLER.
 H.R. 1903: Ms. WATERS and Ms. BASS of California.
 H.R. 1956: Mr. FORTENBERRY.
 H.R. 1993: Mr. PAUL and Mr. SCHOCK.
 H.R. 2010: Mr. HANNA.
 H.R. 2092: Mr. GIBBS and Mr. GARDNER.
 H.R. 2102: Mrs. BIGGERT.
 H.R. 2139: Mr. RIVERA, Mr. CLARKE of Michigan, Mr. CONYERS, and Mr. CASSIDY.
 H.R. 2140: Mr. ROONEY.
 H.R. 2198: Mr. GRIFFIN of Arkansas and Mr. STIVERS.
 H.R. 2200: Mr. CHABOT.
 H.R. 2346: Ms. SPEIER.
 H.R. 2382: Mr. POMPEO and Mr. SARBANES.
 H.R. 2429: Mr. ROKITA.
 H.R. 2514: Mr. LONG.
 H.R. 2595: Mr. YODER.
 H.R. 2730: Mr. STIVERS.
 H.R. 2954: Ms. SPEIER.
 H.R. 2969: Mr. HEINRICH and Mr. SCHOCK.
 H.R. 2982: Mr. RANGEL.
 H.R. 2985: Mr. POLIS.
 H.R. 3030: Mr. BLUMENAUER.
 H.R. 3053: Mr. JOHNSON of Georgia.
 H.R. 3067: Mrs. BLACKBURN and Mr. CAPUANO.
 H.R. 3091: Mr. LUETKEMEYER and Mr. KLINE.
 H.R. 3150: Mr. MORAN and Mr. RANGEL.
 H.R. 3151: Ms. SPEIER.
 H.R. 3192: Ms. MATSUI.
 H.R. 3238: Mr. HONDA.
 H.R. 3337: Mr. MILLER of North Carolina and Mr. FLEISCHMANN.
 H.R. 3423: Mr. MARCHANT and Mr. WALDEN.
 H.R. 3486: Mr. KELLY.
 H.R. 3496: Mr. QUIGLEY.
 H.R. 3506: Mr. KIND.
 H.R. 3510: Mrs. DAVIS of California.
 H.R. 3528: Mr. PETERS.
 H.R. 3594: Mr. FRANKS of Arizona, Mr. HARPER, Mr. LANDRY, Mr. SCHILLING, Mrs. ELLMERS, Mr. SCHOCK, Mr. KINZINGER of Illinois, Mr. LONG, Mr. ROE of Tennessee, Mr. GOHMERT, Mr. MCCLINTOCK, Mr. WILSON of South Carolina, Mr. TIPTON, Mr. CHABOT, Mr. SCALISE, Mr. FLORES, Mr. ALEXANDER, Mr. SCHWEIKERT, Mr. BARTLETT, Mrs. BLACK, Mr. MULVANEY, Mr. GRIFFITH of Virginia, Mr. CRAWFORD, Mrs. EMERSON, Mr. GIBBS, and Mr. PLATTS.
 H.R. 3596: Mr. HIMES and Ms. SPEIER.
 H.R. 3619: Mr. GRIJALVA.
 H.R. 3643: Mr. LIPINSKI, Mr. HULTGREN, Mr. WILSON of South Carolina, Mr. CHABOT, Mr. POSEY, Mr. FLEMING, and Mr. MULVANEY.
 H.R. 3663: Mr. WESTMORELAND.
 H.R. 3679: Mr. RANGEL.
 H.R. 3728: Mr. FORTENBERRY and Mr. ROE of Tennessee.
 H.R. 3767: Mr. POMPEO.
 H.R. 3798: Mrs. BIGGERT.
 H.R. 3881: Mr. NADLER.
 H.R. 3889: Mr. PAUL.
 H.R. 4010: Mr. HEINRICH.
 H.R. 4070: Mr. KING of New York.
 H.R. 4083: Ms. HANABUSA.
 H.R. 4103: Mr. CICILLINE, Mr. RANGEL, and Mr. BARTLETT.

H.R. 4120: Mr. BOREN, Mr. CAPUANO, and Mr. DOYLE.
 H.R. 4154: Mr. KISSELL.
 H.R. 4160: Mr. DESJARLAIS and Mr. STUTZMAN.
 H.R. 4165: Mr. BROUN of Georgia.
 H.R. 4259: Mrs. MALONEY.
 H.R. 4297: Mr. BARLETTA.
 H.R. 4313: Mr. BUTTERFIELD.
 H.R. 4336: Mr. SHIMKUS.
 H.R. 4341: Mr. TURNER of Ohio.
 H.R. 4345: Mr. SHUSTER and Mr. HOLDEN.
 H.R. 4365: Mr. AUSTIN SCOTT of Georgia.
 H.R. 4373: Mr. STARK.
 H.R. 4405: Mr. DANIEL E. LUNGREN of California, Mr. CONYERS, Mr. CAPUANO, Mrs. BLACKBURN, and Mr. CLAY.
 H.R. 4454: Mr. SCHOCK.
 H.R. 4965: Mr. COFFMAN of Colorado.
 H.R. 5320: Mr. OWENS.
 H.R. 5542: Mr. MCGOVERN, Ms. SPEIER, Mr. CARSON of Indiana, and Mr. TIERNEY.
 H.R. 5647: Mr. SCHIFF and Mr. HASTINGS of Florida.
 H.R. 5684: Mr. GRIJALVA.
 H.R. 5707: Mr. ENGEL.
 H.R. 5708: Mr. CRAWFORD.
 H.R. 5781: Mr. CARSON of Indiana.
 H.R. 5796: Mr. HEINRICH and Mr. LEWIS of Georgia.
 H.R. 5822: Mrs. HARTZLER.
 H.R. 5823: Ms. ZOE LOFGREN of California.
 H.R. 5848: Ms. SPEIER.
 H.R. 5903: Mr. KEATING and Mr. MCGOVERN.
 H.R. 5936: Mr. WELCH.
 H.R. 5975: Mr. GEORGE MILLER of California and Mrs. DAVIS of California.
 H.R. 6012: Ms. BALDWIN and Mr. DINGELL.
 H.R. 6025: Mr. AUSTIN SCOTT of Georgia, Mr. LONG, and Mr. KLINE.
 H.R. 6047: Mr. LANKFORD.
 H.R. 6085: Mr. NUNES, Ms. JENKINS, Mr. WOMACK, Mr. ALTMIRE, and Mr. BARROW.
 H.R. 6088: Mr. MULVANEY, Mr. DUNCAN of South Carolina, Mr. FLEMING, Mr. POSEY, Mr. WALSH of Illinois, Mr. HUELSKAMP, Mr. HULTGREN, Mr. BROUN of Georgia, Mr. ROE of Tennessee, Mr. DESJARLAIS, Mrs. BLACKBURN, and Mr. CANSECO.
 H.R. 6095: Mr. ROONEY and Mr. HASTINGS of Florida.
 H.R. 6112: Mr. NUGENT.
 H.R. 6113: Mr. HOLDEN and Mr. COSTELLO.
 H.R. 6116: Mr. SABLAN.
 H.R. 6117: Mr. PIERLUISI, Mr. MCGOVERN, Ms. HIRONO, and Mr. MICHAUD.
 H.R. 6118: Mr. AUSTRIA.
 H.R. 6124: Mr. HINCHEY, Mr. DEFazio, Mr. HOLT, Mr. ELLISON, Mr. OLVER, Mr. BISHOP of New York, and Mr. ENGEL.
 H.J. Res. 81: Mr. AUSTIN SCOTT of Georgia.
 H.J. Res. 110: Mr. MILLER of Florida and Mr. MARCHANT.
 H.J. Res. 112: Mr. PRICE of Georgia, Mr. FINCHER, Mr. FLEMING, Mrs. MCMORRIS RODGERS, Mr. RIGELL, Mr. CASSIDY, Mr. GOWDY, Mr. GRIFFIN of Arkansas, Mr. CRAWFORD, Mr. DUNCAN of South Carolina, and Mr. AKIN.
 H. Con. Res. 40: Ms. SPEIER.
 H. Con. Res. 116: Mr. WALZ of Minnesota, Mr. REICHERT, Mr. CAPUANO, Mr. BUCHANAN, and Mr. PETERS.
 H. Con. Res. 129: Mr. COBLE, Ms. CHU, and Mr. LATTA.
 H. Res. 25: Mr. CLAY.
 H. Res. 134: Ms. LEE of California.
 H. Res. 353: Mr. ENGEL, Mr. HASTINGS of Florida, Mr. CARNAHAN, Mr. RUSH, Ms. CLARKE of New York, Ms. HAHN, Mrs. MALONEY, and Mr. RUPPERSBERGER.
 H. Res. 618: Mr. HONDA.
 H. Res. 672: Ms. MCCOLLUM.
 H. Res. 728: Ms. EDWARDS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Con. Res. 131: Ms. ROS-LEHTINEN.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

49. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 243 requesting that Algonquin prepare and submit to the Federal Energy Regulatory Commission an additional means of access to the pipeline and its facilities; to the Committee on Energy and Commerce.

50. Also, a petition of the Biloxi City Council, Mississippi, relative to Resolution No. 198-12 expressing its commitment to promoting contracting opportunities to local service providers, small and disadvantaged businesses and training and employment opportunities to local workers; jointly to the Committees on Natural Resources, Education and the Workforce, and Transportation and Infrastructure.

DISCHARGE PETITIONS

[Omitted from July 13, 2012]

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 4, July 12, 2012, by Mr. CHRIS VAN HOLLEN H.R. 4010 was signed by the following Members: Chris Van Hollen, Robert A. Brady, Paul Tonko, Barbara Lee, Linda T. Sánchez, Laura Richardson, Marcy Kaptur, Betty Sutton, Hansen Clarke, Stephen F. Lynch, Michael E. Capuano, Dale E. Kildee, Alcee L. Hastings, Zoe Lofgren, James P. Moran, Joe Courtney, Xavier Becerra, Carolyn B. Maloney, Nick J. Rahall II, Steve Cohen, Janice Hahn, Carolyn McCarthy, Anna G. Eshoo, David N. Cicilline, Gwen Moore, G. K. Butterfield, Keith Ellison, Jerry McNerney, Doris O. Matsui, Gary C. Peters, Steve Israel, Judy Chu, Charles A. Gonzalez, Albio Sires, André Carson, Timothy J. Walz, Susan A. Davis, Kathy Castor, Yvette D. Clarke, Allyson Y. Schwartz, Russ Carnahan, Niki Tsongas, Colleen W. Hanabusa, Jackie Speier, Rubén Hinojosa, James A. Himes, Bruce L. Braley, Ed Pastor, Jerrold Nadler, Eliot L. Engel, David Scott, James R. Langevin, Lois Capps, Tammy Baldwin, Lucille Roybal-Allard, Rosa L. DeLauro, Maurice D. Hinchey, Raúl M. Grijalva, Christopher S. Murphy, Danny K. Davis, Henry C. "Hank" Johnson, Jr., Mazie Hirono, John B. Larson, Nancy Pelosi, Henry A. Waxman, Nydia M. Velázquez, Betty McCollum, John Lewis, Suzanne Bonamici, Janice D. Schakowsky, Sander M. Levin, Howard L. Berman, Karen Bass, Jared Polis, Michael H. Michaud, Theodore E. Deutch, Sam Farr, Joseph Crowley, Steven R. Rothman, Frank Pallone, Jr., Debbie Wasserman Schultz, John Garamendi, Rush D. Holt, Mike Thompson, Edolphus Towns, Grace F. Napolitano, Michael F. Doyle, Fortney Pete Stark, Donna F. Edwards, William R. Keating, Timothy H. Bishop, John A. Yarmuth, Bill Pascrell, Jr., Al Green, Marcia L. Fudge, Robert E. Andrews, Peter Welch, Brian Higgins, Michael M. Honda, Chaka Fattah, Ed Perlmutter, Lynn C. Woolsey, Melvin L. Watt, Edward J. Markey, John F.

Tierney, Eddie Bernice Johnson, John Conyers, Jr., Mike Quigley, John P. Sarbanes, Robert C. "Bobby" Scott, George Miller, Barney Frank, Terri A. Sewell, Ron Barber, Frederica S. Wilson, James P. McGovern, Elijah E. Cummings, Diana DeGette, James E. Clyburn, Loretta Sanchez, John W. Olver, Gene Green, Bob Filner, C. A. Dutch Ruppersberger, Ben Chandler, Lloyd Doggett, Jim Costa, Adam B. Schiff, Ben Ray Lujan, José E. Serrano, Silvestre Reyes, Rick Larsen, Brad Sherman, Jim McDermott, Henry Cuellar, Brad Miller, Maxine Waters, Chellie Pingree, Steny H. Hoyer, Gerald E. Connolly, Bennie G. Thompson, David Loebsack, Louise McIntosh Slaughter, John C. Carney, Jr., David E. Price, Corrine Brown, Adam Smith, Wm. Lacy Clay, and Tim Ryan.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5856

OFFERED BY: MR. MULVANEY

AMENDMENT No. 9: At the end of the bill (before the short title), insert the following:
SEC. ____ The amounts otherwise provided in title IX of this Act are revised by reducing the amount made available for "Military Personnel, Army", by increasing such amount, by reducing the amount made available for "Military Personnel, Marine Corps", and by increasing such amount, by \$4,359,624,000, \$4,359,624,000, \$1,197,682,000, and \$1,197,682,000, respectively.

H.R. 5856

OFFERED BY: MS. WOOLSEY

AMENDMENT No. 10: At the end of the bill (before the short title), insert the following:
SEC. ____ The total amount of appropriations made available by this Act is hereby reduced by \$293,900,000.

H.R. 5856

OFFERED BY: MS. WOOLSEY

AMENDMENT No. 11: At the end of the bill (before the short title), insert the following:
SEC. ____ The total amount of appropriations made available by this Act is hereby reduced by \$119,000,000.

H.R. 5856

OFFERED BY: MS. WOOLSEY

AMENDMENT No. 12: At the end of the bill (before the short title), insert the following:
SEC. ____ The total amount of appropriations made available by this Act is hereby reduced by \$1,700,000,000.

H.R. 5856

OFFERED BY: MS. WOOLSEY

AMENDMENT No. 13: At the end of the bill (before the short title), insert the following:
SEC. ____ The total amount of appropriations made available by this Act is hereby reduced by \$181,000,000.

H.R. 5856

OFFERED BY: MR. QUIGLEY

AMENDMENT No. 14: Page 24, line 14, after the dollar amount, insert "(reduced by \$988,000,000)".

Page 25, line 1, after the dollar amount, insert "(reduced by \$988,000,000)".

Page 153, line 15, after the dollar amount, insert "(increased by \$988,000,000)".

H.R. 5856

OFFERED BY: MR. GALLEGLY

AMENDMENT No. 15: Page 8, line 24, after the dollar amount, insert "(reduced by \$24,000,000)".

Page 13, line 9, after the dollar amount, insert "(increased by \$8,000,000)".

Page 27, line 7, after the dollar amount, insert "(increased by \$16,000,000)".

H.R. 5856

OFFERED BY: MR. JONES

AMENDMENT No. 16: Page 121, line 12, after the dollar amount, insert "(increased by \$98,697,000)".

Page 121, line 19, after the dollar amount, insert "(increased by \$9,373,000)".

Page 122, line 3, after the dollar amount, insert "(increased by \$17,482,000)".

Page 122, line 10, after the dollar amount, insert "(increased by \$13,857,000)".

Page 122, line 17, after the dollar amount, insert "(increased by \$1,690,000)".

Page 122, line 24, after the dollar amount, insert "(increased by \$424,000)".

Page 123, line 6, after the dollar amount, insert "(increased by \$266,000)".

Page 123, line 13, after the dollar amount, insert "(increased by \$273,000)".

Page 123, line 20, after the dollar amount, insert "(increased by \$6,287,000)".

Page 124, line 3, after the dollar amount, insert "(increased by \$113,000)".

Page 132, line 23, after the dollar amount, insert "(reduced by \$412,287,000)".

H.R. 5856

OFFERED BY: MR. JONES

AMENDMENT No. 17: At the end of the bill (before the short title), add the following:

SEC. ____ (a) None of the funds appropriated or otherwise made available in this or any other Act may be used to negotiate, enter into, or implement any agreement with the Government of the Islamic Republic of Afghanistan that includes security assurances for mutual defense, unless the agreement—

(1) is in the form of a treaty requiring the advice and consent of the Senate (or is intended to take that form in the case of an agreement under negotiation); or

(2) is specifically authorized by a law enacted after the date of enactment of this Act.

(c) For purposes of this section, an agreement shall be considered to include security assurances for mutual defense if it includes provisions addressing any of the following:

(1) A binding commitment to deploy United States Armed Forces in defense of the Islamic Republic of Afghanistan, or of any government or faction in Afghanistan, against any foreign or domestic threat.

(2) The number of United States Armed Forces personnel to be deployed to, or stationed in, Afghanistan.

(3) The mission of United States Armed Forces deployed to Afghanistan.

(4) The duration of the presence of United States Armed Forces in Afghanistan.

H.R. 5856

OFFERED BY: MR. COFFMAN OF COLORADO

AMENDMENT No. 18: At the end of the bill (before the short title) insert the following:

SEC. ____ None of the funds appropriated in this Act shall be available to continue the deployment, beyond fiscal year 2013, of the 170th Infantry Brigade in Baumholder and the 172nd Infantry Brigade in Grafenwöhr, except pursuant to Article 5 of the North Atlantic Treaty, signed at Washington, District of Columbia, on April 4, 1949, and entered into force on August 24, 1949 (63 Stat. 2241; TIAS 1964).

H.R. 5856

OFFERED BY: MR. ALTMIRE

AMENDMENT No. 19: Page 127, line 5, after the dollar amount insert the following: "(increased by \$5,500,000)".

Page 128, line 11, after the dollar amount insert the following: "(increased by \$10,000,000)".

Page 129, line 4, after the dollar amount insert the following: "(reduced by \$18,500,000)".

H.R. 5856

OFFERED BY: MR. CICILLINE

AMENDMENT No. 20: Page 130, line 14, after the dollar amount, insert "(reduced by \$375,000,000)".

Page 153, line 15, after the dollar amount, insert "(increased by \$375,000,000)".

H.R. 5856

OFFERED BY: MR. MCKINLEY

AMENDMENT No. 21: Page 9, line 6, after the dollar amount, insert "(reduced by \$5,000,000)".

Page 32, line 18, after the dollar amount, insert "(increased by \$5,000,000)".

H.R. 5856

OFFERED BY: MR. MULVANEY

AMENDMENT No. 22: Page 2, line 22, after the dollar amount, insert "(increased by \$4,359,624,000)".

Page 3, line 20, after the dollar amount, insert "(increased by \$1,197,682,000)".

Page 121, line 12, after the dollar amount, insert "(reduced by \$4,359,624,000)".

Page 122, line 3, after the dollar amount, insert "(reduced by \$1,197,682,000)".

H.R. 5856

OFFERED BY: MR. WALZ OF MINNESOTA

AMENDMENT No. 23: Page 9, line 6, after the dollar amount insert the following: "(reduced by \$5,000,000)".

Page 35, line 15, after the dollar amount insert the following: "(increased by \$5,000,000)".

Page 35, line 23, after the dollar amount insert the following: "(increased by \$5,000,000)".

H.R. 5856

OFFERED BY: MS. CASTOR OF FLORIDA

AMENDMENT No. 24: At the end of the bill (before the short title), insert the following:

SEC. ____ None of the funds made available by this Act may be used by the Secretary of Defense to prohibit the distribution of information regarding the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) or the Children's Health Insurance Program under title XXI of such Act (42 U.S.C. 1397aa et seq.) to members of the Armed Forces, former members of the Armed Forces, or covered beneficiaries (as defined in section 1072(5) of title 10, United States Code).

H.R. 5856

OFFERED BY: MR. HANNA

AMENDMENT No. 25: Page 9, line 6, after the dollar amount, insert "(reduced by \$30,000,000)".

Page 32, line 6, after the dollar amount, insert "(increased by \$30,000,000)".

H.R. 5856

OFFERED BY: MR. LOBIONDO

AMENDMENT No. 26: At the end of the bill (before the short title), insert the following new section:

SEC. ____ None of the funds made available by this Act may be used to operate an unmanned aircraft system except in accordance with the Fourth Amendment of the Constitution.

H.R. 5856

OFFERED BY: MR. SESSIONS

AMENDMENT No. 27: Page 9, line 6, after the dollar amount, insert "(reduced by \$10,000,000)".

Page 35, line 15, after the dollar amount,
insert “(increased by \$10,000,000)”.

Page 35, line 23, after the dollar amount,
insert “(increased by \$10,000,000)”.

H.R. 5856

OFFERED BY: MR. WITTMAN

AMENDMENT NO. 28: At the end of the bill
(before the short title), add the following
new section:

SEC. _____. None of the funds made available
by this Act may be used to propose, plan for,
or execute an additional Base Realignment
and Closure (BRAC) round.

H.R. 5856

OFFERED BY: MS. WOOLSEY

AMENDMENT NO. 29: At the end of the bill
(before the short title), insert the following:

SEC. _____. The total amount of appropri-
ations made available by this Act is hereby
reduced by \$20,000,000.

EXTENSIONS OF REMARKS

IN RECOGNITION OF CAPTAIN
DANIEL BURBANK

HON. WILLIAM R. KEATING

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. KEATING. Mr. Speaker, I rise today to recognize Captain Daniel Burbank of Yarmouth Port, Massachusetts, on his successful completion of Expedition 29/30 to the International Space Station (ISS).

Captain Burbank has a long and distinguished career in service to our nation. He received his commission from the U.S. Coast Guard Academy in 1985 and served with the Coast Guard until 1996, when he was recognized for his elite abilities and selected by NASA for its space program. Following several years of training, he flew on a twelve-day mission on the Space Shuttle *Atlantis* in September 2000, during which he and his fellow astronauts successfully prepared the ISS for the arrival of its first permanent crew. Captain Burbank again flew to the International Space Station on *Atlantis* in September of 2006, this time assisting in the installment of new solar arrays to provide the ISS with one quarter of the station's electrical power, and performing unprecedented robotics activity using the Shuttle and ISS robotic arms. His third and most recent venture to the International Space Station launched on November 13, 2011. After 165 days in space, of which 163 days were spent in research, Captain Burbank safely and successfully returned home this past May.

As a result of his outstanding service, Captain Burbank has been the recipient of several awards and special honors. In particular, he has received a NASA Exceptional Service Medal, two NASA Space Flight Medals, two Defense Superior Service medals, and two Coast Guard Commendation Medals. He was also awarded the Orville Wright Achievement Award by the Order of Daedalians as the top naval flight training graduate during the period of January 1 to June 30, 1988, as well as that year's Texas Society of the Daughters of the American Revolution Achievement Award as the top Coast Guard Graduate on flight training. Such a long list of awards and accolades certainly are indicative of the level of service that Captain Burbank has given to our nation.

Mr. Speaker, I am proud to honor Captain Daniel Burbank on the completion of Expedition 29/30 to the International Space Station, as well as for his long and outstanding career of service. I ask that my colleagues join me in congratulating him on his successful flight, in applauding his noteworthy career, and in welcoming him home.

HONORING GAIL PENNYBACKER

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. MORAN. Mr. Speaker, I rise today to honor Gail Pennybacker, an award-winning, longtime television journalist who has covered local news in the District, Maryland—and especially Virginia—for more than a quarter century. During her time as the Northern Virginia Bureau Chief for ABC7 News, Channel 7, Gail has garnered the respect of law enforcement, lawmakers, and everyday citizens alike.

Gail joined the ABC7 News team in 1986. She has covered many of the capital region's top stories, including the September 11th terror attacks, the Beltway sniper shootings and the Columbine High School massacre. Gail has reported from the Persian Gulf during Iraq War, conducted exclusive interviews with high-profile, nationally known cases, such as Zacarias Moussaoui, and followed hundreds of high profile local crimes and trials including the abduction/murders of sisters Kristin and Katie Lisk, and Sofia Silva in the 1990s.

Along with winning prestigious Emmy and Associated Press awards for her reporting, Gail has also been awarded several Edward R. Murrow Awards, as well as the national Quill and Badge Award from the International Union of Police Associations for "consistent, effective reporting."

Gail has also been active in several civic associations and community organizations, including the Alzheimer's Association and the American Diabetes Association, where she was awarded a Distinguished Public Service Award. Gail's active involvement shows that she was interested in the entirety of her community—she did not simply just show up to report. Her recognition by the Northern Virginia Victims/Witness Coalition for the "objective, fair and compassionate portrayal of crime victims" is truly a testament to her respect for all persons, no matter their situation.

Mr. Speaker, I am honored to ask my colleagues to join me in congratulating Gail Pennybacker upon her retirement from ABC7 News, Channel 7. Her ability to bring light to news reporting for countless individuals epitomizes the dedication and excellence that makes news reporting a reliable source of information for so many. Gail's familiar face will be missed by many, but we wish her only the best as she begins the next phase of her life.

COMMEMORATING ELLSWORTH'S
150TH ANNIVERSARY

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. KIND. Mr. Speaker, today I rise in honor of the sesquicentennial celebration of Ellsworth, Wisconsin. With its origins as a village going back to 1862, Ellsworth serves as the country seat for Pierce County, named after our 14th President, Franklin Pierce. Since a proclamation made in 1984 by Wisconsin Governor Anthony S. Earl, Ellsworth has been known as the Cheese Curd Capitol of Wisconsin.

Originally established with the name Perry, the village immediately began to grow. It wasn't until a number of years later that it was renamed Ellsworth after Colonel Elmer E. Ellsworth, who fought in the Civil War. Still to this day, Colonel Ellsworth's likeness symbolizes the strength of a thriving community.

With a population of 3,284 residents, Ellsworth is proud of its many close-knit community connections. The village boasts two amazing parks, Summit Hill Park and East End Park, where residents can come together to enjoy Wisconsin's great summers and cheer on the Ellsworth Hubbers Baseball Team to victory.

The village also hosts a number of extremely popular events in the area. These include the Ellsworth Polka Fest, the Beldenville Old Car Show, the Pierce County Fair, and of course the annual Cheese Curd Festival.

The beautiful wooded lands surrounding the city make it an excellent destination for outdoorsmen and women of all sorts. With streams filled with trout and miles of premier snowmobile and hiking trails, you can't go wrong in Ellsworth.

On July 4, 2012, Village President DeWolfe, local elected leaders, and Ellsworth residents came together to celebrate Ellsworth's sesquicentennial with music, an art show, food, and fireworks. Today, I recognize Ellsworth's sesquicentennial and join in their celebration.

HONORING GOVERNOR WILLIAM
WARREN SCRANTON

HON. TOM MARINO

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. MARINO. Mr. Speaker, I rise today on behalf of the Republican Delegation of Pennsylvania to honor former Pennsylvania Governor William Warren Scranton on the occasion of his 95th birthday.

After earning his law degree from Yale Law School in 1946 and serving in the U.S. Army

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Air Corps during World War II, Governor Scranton began his illustrious professional career with O'Malley, Harris, Warren & Hill in Scranton. While working in the private sector, Governor Scranton remained active and involved with the Republican Party. In 1959, he was appointed to serve as special assistant to Secretary of State John Foster Dulles, in President Dwight Eisenhower's administration.

In 1960, Governor Scranton was elected to the 87th Congress, representing the 10th District of Pennsylvania. As a freshman member, he fought tirelessly for his constituents, representing their needs above all else and building bi-partisan appeal across the state with both Democrat and Republican voters. In 1962, he ran successfully for Governor of the Commonwealth, defeating then Philadelphia Mayor Richardson Dilworth. During his four years in office, Governor Scranton commanded one of the most productive state governments, advocating for a strong education system, continued industrial development, and fiscally responsible policy.

After being drafted by many Republicans to seek the Presidential nomination in 1964, Governor Scranton vowed to never again run for public office. He returned to the private sector in 1967, serving on numerous boards and continuing his public service through leadership with many civic organizations including; director of the Boys Club of Scranton, vice president of the University of Scranton's President's Council, director of the Scranton Chamber of Commerce, and vice president of the board of directors for Geisinger Memorial Hospital.

After turning down continued overtures to run again for public office, Governor Scranton accepted an appointment from President Gerald Ford in 1976 to serve as United States Ambassador to the United Nations. Governor Scranton's ability to promote diplomacy and cooperation earned him favor with many nations and promoted a positive world view of the United States.

Governor Scranton embodies so many of the traits, ideals, and values that we, as a delegation, strive to achieve today in the 112th Congress. I am honored to serve as his representative, and I speak on behalf of the Republican Delegation of the Commonwealth to thank him for his service to Pennsylvania and to the United States.

Mr. Speaker, I rise today to honor Governor William Warren Scranton, an exemplary citizen, veteran, philanthropist, and public servant, and ask my colleagues to join me in praising his commitment to his family, community, Commonwealth, and country.

WELCOMING THE XIX INTERNATIONAL AIDS CONFERENCE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. BERMAN. Mr. Speaker, I rise to join my distinguished colleagues in welcoming the delegates and participants for the nineteenth annual International AIDS Conference, which will convene here in Washington from July 22nd to

27th. This is the first time that the conference has been held in the United States since 1985—a return made possible by our bipartisan efforts to remove travel and immigration restrictions against persons infected with HIV.

This international conference is important not just because of the issues it will highlight and the people it will bring together, but because of the scientific and informational exchange it will make possible. AIDS 2012, as it has been billed, is recognized as the premier gathering for individuals working in the HIV/AIDS field, as well as policymakers, advocates, care providers, people living with HIV/AIDS, and others committed to ending the HIV/AIDS epidemic. It offers a unique opportunity to change the course of the epidemic by capitalizing on scientific advances in treatment and prevention, building consensus to improve service delivery and maximize outcomes, facilitating global civil society engagement, and accelerating momentum toward a cure.

Even today, the magnitude of the challenge posed by HIV/AIDS is difficult to fathom. Despite the fact that the disease is easily preventable and treatable, almost 2 million people die each year from AIDS-related causes. At last count an estimated 34 million people were living with HIV/AIDS, including 3.4 million children. Sub-Saharan Africa continues to bear the brunt of the disease, accounting for 68 percent of those living with HIV/AIDS — 59 percent of whom are women. Here in the United States, as many as 1 in 5 individuals living with HIV/AIDS is unaware of being infected, and significant disparities persist across different communities and populations with regard to incidence of infection, access to treatment, and health outcomes. Our nation's capital has an HIV prevalence rate of nearly 3 percent, which is comparable to the rate in many parts of the developing world.

The enormity of the challenge calls for a sustained, coordinated and robust response. In 2003, President George W. Bush launched the President's Emergency Plan for AIDS Relief, known as PEPFAR, which received bipartisan support in Congress. It represents the largest commitment by any nation to combat a single disease and has saved the lives of millions of people around the world by establishing and expanding the infrastructure necessary to deliver prevention, care, and treatment services in low-resource settings. In 2008, I worked with my colleagues on both sides of the aisle to enact the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis and Malaria Reauthorization Act. That bill, which passed the House by an overwhelming margin of 308 to 116, authorized up to \$48 billion over 5 years to combat those three diseases. The authorization will expire next year, and it's time for us to renew the same spirit of bipartisan cooperation that led to this record of success.

With the help of PEPFAR and the Global Fund to Fight AIDS, Tuberculosis and Malaria, the world has seen truly remarkable advances in AIDS research, prevention and treatment over the past decade. What was once seen as a death sentence is now, for those with access to treatment, a manageable illness, and large numbers of people in even the poorest countries are receiving treatment that once

seemed out of reach. By the end of 2011, the Global Fund alone had supported anti-retroviral treatment for 3.3 million HIV-positive people, anti-tuberculosis treatment for 8.6 million, and 230 million insecticide-treated nets for the prevention of malaria, in all saving about 7.7 million lives. Recently the Fund has begun making comprehensive reforms to its structure and program to ensure that funds are spent in the most efficient, effective and accountable way.

President Obama has articulated a global vision of an AIDS-free generation, which means virtual elimination of new pediatric HIV infections by 2015, as well as a domestic goal of cutting new infections in the United States by 25% by 2015. As the eyes of the world are turned on our nation for the conference, we have an opportunity to step up to the plate and endorse these goals, not just in principle but also by making a commitment to provide the resources that are necessary to achieve it. We can't do it all by ourselves—each country needs to do its part, with the help of the private sector and civil society organizations—but neither can it happen without us.

DAVID CARPENTER

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. GRAVES of Missouri. Mr. Speaker, it is with great pride and pleasure that I rise today to recognize the outstanding service of David Carpenter on the occasion of his retirement after 14 years of service as President and CEO of North Kansas City hospital.

David arrived at North Kansas City hospital in 1999. Before coming to the great state of Missouri, David served as administrator for Scottsdale Healthcare in Scottsdale, Arizona. He was also President and CEO of Hadley Regional Medical Center in Hays, Kansas.

David's accomplishments exceed those of many in his industry. He was named Northlander of the Year by the Northland Regional Chamber of Commerce, and was a recipient of the Missouri Hospital Association Visionary Leadership Award.

David has been a great leader to both the staff and patients at North Kansas City Hospital. He built a positive work environment for his employees and worked toward making the hospital more patient-focused, effectively creating a better experience for all. He leaves the hospital with a strong foundation as a top ranked facility in Missouri. David is a shining example of what it means to be a leader—not only for the hospital, but for our entire community.

Mr. Speaker, I ask my colleagues to join with me in commending David Carpenter for his dedicated service to North Kansas City Hospital. I know that his family, friends and colleagues join me in wishing David and his wife all the best in Arizona. I'm confident that he will continue to carry on the values that have made him such an outstanding leader in the northland.

A TRIBUTE TO THE LIFE OF
BRUCE JUN FAN LEE

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. HONDA. Mr. Speaker, I rise today with my colleagues Representatives CHU, HANSEN CLARKE, FALCONE, GRIJALVA, LUNGREN, RICHARDSON, SABLAN, and LORETTA SANCHEZ to pay tribute to the life of Bruce Jun Fan Lee.

The 39th anniversary of Bruce's death is this week, on July 20th. Bruce had, and continues to have, an immeasurable impact on American and global popular culture through the important role he played in creating a bridge between cultures; championing values of self-respect, self-discipline, and tolerance in our Nation; and pioneering and cultivating the genres of martial arts, martial arts films, fitness, and philosophy in the United States and the world.

Bruce was born on November 27, 1940, in San Francisco, CA. His family relocated to Hong Kong shortly thereafter, and he experienced firsthand the occupation of Hong Kong by the Japanese during World War II, during the years of 1941–45, and the subsequent hostility and war that shook the continent. It was during his time in Hong Kong that Bruce sought out martial arts as a means to gain self-confidence and discipline, as well as to overcome repeated instances of taunting racism, and gang activity during his youth.

In 1959, with only \$100 to his name, Bruce boarded a steamship in the American Presidents Line and began his voyage back to San Francisco. Soon thereafter, with much dedication, Bruce threw himself into learning colloquial English in honor and love of America and its culture. He subsequently attended the University of Washington, where he studied philosophy, psychology, drama, and other subjects.

While at college, Bruce began his legendary martial arts teaching career, initially as a means to pay for his education. Bruce's willingness to teach martial arts to non-Chinese individuals as a way to bridge the cultures angered many in the field, and he was forced to defend his freedom as well as others' rights to learn the arts.

Bruce had a true desire and the fortitude needed to expand the reach of martial arts by breaking away from the exclusionary mentality that limited its reach. His ingenuity and creativity led him to Hollywood, where he became an authentic face for Chinese Americans and an inspiration to youth across the world. Simultaneously, he began to create his own martial expression, ultimately naming it Jeet Kune Do.

To millions of people around the world, Bruce Lee remains more than a celebrity or a martial arts legend—he was a true catalyst for social change and civil rights. His memory, which is brought to life everyday by the work of his daughter Shannon Lee, who leads the Bruce Lee Foundation, remains a beacon of hope and opportunity for future generations in America.

It is my distinct honor to have introduced H. Res. 654 in this Congress, in order to honor

the life of Bruce Lee and the continuing contributions of the Bruce Lee Foundation to our nation.

Mr. Speaker, we ask our colleagues to join us in paying tribute to the life of Bruce Jun Fan Lee, a cultural and American icon, as well as master teacher, whose legacy resonates throughout the world for posterity.

REMEMBERING WEN WANG LEE

HON. TOM MCCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. MCCLINTOCK. Mr. Speaker, I rise today in memory of Mrs. Wen Wang Lee.

Born in Taiwan in 1916 as the third daughter of a poor family in a society that favored male children, Mrs. Lee's prospects were dim. Given their meager resources, Mrs. Lee's family sought to find her an adoptive home and, when this proved to be impossible, neglected her and fed her only scraps of food. For a typical child in her situation, this could have been the end of a very short life, but Mrs. Lee showed early on that she was anything but typical. After three days of starving, her resilience and tenacity to cling to life could no longer be ignored and she was accepted back into the family.

Mrs. Lee went to work by age six, forgoing any opportunity for schooling in order to help provide for her family. From this early age her rapidly developing character was clearly evident: she was a model of extraordinary perseverance, determination, and a strong will that would eventually lead her family to a better life.

After her marriage, Mrs. Lee became the predominant provider for her family, including her eight children. Each day she would rise by three in the morning and walk two hours to an orchard, where she would pick fruit and carry it back on her shoulders to sell. On a typical day, having left home long before first light, she would return from work after dusk, and continue housework until nearly midnight. Mrs. Lee endured this hard life for almost two decades and received three awards from her village for being a model mother while providing for her family and raising her children.

From 1940 to 1960 Wen Wang Lee, with no formal education of her own, raised eight children. In resource-scarce post-war Taiwan, even satisfying basic necessities was a formidable challenge, let alone being able to set aside money for children's tuition. However, while most of the children in her village were forced to begin apprenticeships immediately after finishing elementary school, Mrs. Lee insisted that her children continue their education. Even though it meant personal sacrifices and financial hardship, she never gave up her strong belief that education would enable her children to pursue a better future. Her efforts were not in vain, as her children have gone on to excel in academics in Taiwan and consequently be accepted to pursue graduate studies in the United States. Here, her children have exemplified the amazing story of American immigrants: through hard work and dedication—undoubtedly traits inherited from

their mother—they have made numerous positive contributions in both academia and the high-tech industry.

When Wen Wang Lee arrived in the U.S. in her late fifties to live with her children, her quality of life improved drastically. Even though she carried the burden of a hard life, she cast aside her worries and poured all her love into her children's families. She dedicated herself to ensure a better future for her grandchildren, who inherited her strength and perseverance and have attended some of our nation's most renowned universities and hold professional careers in science, medicine and engineering.

Mr. Speaker, Mrs. Lee spent her entire life leading her family to prosperity and left behind a precious spiritual legacy: carry yourself upward, advocate education, and overcome challenges with determination, fortitude, and sincere dedication. This maxim may sound familiar to Americans: when President Theodore Roosevelt was asked to define the essence of our nation he said that "Americanism means the virtues of courage, honor, justice, truth, sincerity and hardihood—the virtues that made America." I have no doubt that it was individuals like Wen Wang Lee that President Roosevelt was describing, and I am honored to rise in recognition of her life and accomplishments today.

COMMENDATION OF THE SOCIAL
INNOVATION FUND

HON. HANSEN CLARKE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. CLARKE of Michigan. Mr. Speaker, the Social Innovation Fund, operated out of the Corporation for National and Community Service, provides competitive grants to highly-successful non-profit organizations. In my district, the United Way for Southeastern Michigan was selected as a Social Innovation Fund grantee and is using its funding to develop promising, evidence-based solutions focused on replicating early childhood learning communities. The Social Innovation Fund uses a unique federal funding model that requires all grantees and sub-grantees to match federal resources 1:1, thereby increasing the return on taxpayer dollars and strengthening local support. In addition, it relies on outstanding existing grant-making intermediaries to select high-impact community organizations rather than building new government infrastructures. It also emphasizes rigorous evaluations of program results.

The Social Innovation Fund is proof that by focusing our limited resources on those organizations and programs that are proven to be successful can reap tremendous results for our country. In my own state, the Social Innovation Fund has provided the United Way for Southeastern Michigan with \$4 million over two years, or over \$12 million with the required match, to build on the expertise of its partnering organizations and facilitate the development of a portfolio of replicable early childhood learning communities in 10 underserved communities in metro Detroit and surrounding areas. They have a track record of

using evidence to select grantees, validate programs, and support the replication and expansion of programs. The United Way for Southeastern Michigan is replicating and expanding its program from five sites, impacting 280 children, to twenty-nine sites, impacting 12,000 children. In addition, they are using the funding for a four-year longitudinal evaluation of its current early childhood grantees to measure the extent to which the program intervention improves school readiness.

I want to highlight this emphasis on evaluation and the use of evidence in picking the grantees for the Social Innovation Fund. Last month, the Office of Management and Budget released a memorandum that encourages the use of both evaluation and evidence in the government's decisions around the FY 14 budget process, which I am introducing into the CONGRESSIONAL RECORD. This similar commitment to evidence-based models and evaluation not only benefits the United Way for Southeastern Michigan by making them eligible for unique funding streams, but also puts them on the leading edge of change in the Federal Government's commitment to 'fund what works.'

EXECUTIVE OFFICE OF THE
PRESIDENT,

OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, May 18, 2012.

MEMORANDUM TO THE HEADS OF EXECUTIVE
DEPARTMENTS AND AGENCIES

From: Jeffrey D. Zients, Acting Director.
Subject: Use of Evidence and Evaluation in
the 2014 Budget.

Since taking office, the President has emphasized the need to use evidence and rigorous evaluation in budget, management, and policy decisions to make government work effectively. This need has only grown in the current fiscal environment. Where evidence is strong, we should act on it. Where evidence is suggestive, we should consider it. Where evidence is weak, we should build the knowledge to support better decisions in the future.

Agencies should demonstrate the use of evidence throughout their Fiscal Year (FY) 2014 budget submissions. Budget submissions also should include a separate section on agencies' most innovative uses of evidence and evaluation, addressing some or all of the issues below. Many potential strategies have little immediate cost, and the Budget is more likely to fund requests that demonstrate a commitment to developing and using evidence. The Budget also will allocate limited resources for initiatives to expand the use of evidence, including but not limited to approaches outlined below. Agencies may include these initiatives in their submission at the guidance level or with proposed addbacks.

1. Proposing new evaluations. As in 2011 and 2012, OMB invites agencies to propose new evaluations. Areas of potential focus may include the following:

Low-cost evaluations using administrative data or new technology: As explained in the Coalition for Evidence-Based Policy's recent brief, agencies can often use administrative data (such as data on wages, employment, emergency room visits or school attendance) to conduct rigorous evaluations, including evaluations that rely on random assignment, at low cost. Similarly, the private sector has used new software and online tools to dramatically reduce the time and cost of experimentation. Agencies should consider whether they can use such data or technology to

support rigorous evaluations of their existing programs or new initiatives.

Evaluations linked to waivers and performance partnerships: One of the best ways to learn about a program is to test variations and subject them to evaluation, using some element of random assignment or a scientifically controlled design. OMB invites agencies to explain how they will use existing waiver authorities to evaluate different approaches to improving outcomes. Agencies should also consider seeking authority from Congress, through the FY 2014 budget process, to allow new waivers linked to evaluation or to establish cross-agency "performance partnerships" that enable blending of multiple funding streams to test better ways to align services and improve outcomes. Several agencies are seeking such authority in 2013 for initiatives supporting distressed communities and disconnected youth.

Expansion of evaluation efforts within existing programs: In addition to specifying evaluations to be performed with dedicated funding, agencies can also add a general policy and requirements favoring evaluation into existing grants, contracts, or waivers. These measures may require new legislation. For example, Congress recently approved the Department of Labor's request for a small cross-agency set-aside for evaluation activities.

Systemic measurement of costs and cost per outcome: Agencies are encouraged to include measurement of costs and costs per outcome as part of the routine reporting of funded programs to allow for useful comparison of cost-effectiveness across programs.

Agencies should release evaluations promptly through either their agency websites or alternative means. OMB particularly welcomes agency proposals to improve public access to, and understanding of, evidence about what works and what does not.

2. Using comparative cost-effectiveness data to allocate resources. Through the Pew Charitable Trust's Results First initiative, a dozen States are currently adopting a model developed by the Washington State Institute for Public Policy (WSIPP) that ranks programs based on the evidence of their return on investment. Once evidence-based programs have been identified, such an analysis can improve agency resource allocation and inform public understanding. For example, the Environmental Protection Agency and the U.S. Department of Agriculture are working together to incorporate evidence about the cost-effectiveness of different pollution control strategies in the Chesapeake Bay restoration effort.

OMB invites agencies to identify areas where research provides strong evidence regarding the comparative cost-effectiveness of agency investments. The research may pertain to the allocation of funding across agency programs (e.g., research showing that some funding streams have higher returns on investments) or within programs (e.g., research showing that some types of grantees or programmatic approaches have higher returns). Agencies should describe the body of research and then apply its results to support a proposed resource reallocation. OMB is more likely to support an existing resource allocation or a request for new resources supported in this way, and may feature the agency's reasoning in the 2014 Budget.

3. Infusing evidence into grant-making. Grant-making agencies should demonstrate that, between FY 2013 and FY 2014, they are increasing the use of evidence in formula and competitive programs. Agencies should con-

sider the following approaches, among others:

Encouraging use of evidence in formula grants: OMB invites agencies to propose ways to increase the use of evidence-based practices within formula grant programs. For example, formula funds can be conditioned on the adoption of evidence-based practices, and high-quality technical assistance can be used to share and support implementation of evidence-based practices. Competitive programs can assign points to applicants based on their integration of such practices into formula streams.

Evidence-based grants: Several agencies—ranging from the Department of Education to the U.S. Agency for International Development—have implemented evidence-based grant programs that apply a tiered framework to assess the evidence supporting a proposed project and to determine appropriate funding levels. Under this approach, programs supported by stronger evidence, as established in a rigorous agency process, are eligible for more funding. All programs are expected to evaluate their results. Examples of tiered-evidence programs include the Department of Education's Investing in Innovation program and the Department of Health and Human Services' Teen Pregnancy Prevention and Home Visiting programs.

Even without creating tiers, agencies can provide points or significant competitive preference to programs that the agency determines are backed by strong evidence, and can build the evidence base by embedding evaluation into programs. Because running evidence-based programs requires more resources, agencies may wish to combine multiple smaller programs into larger, evidence-based efforts.

Pay for Success: Taking the principle of acting on evidence one step further, the Departments of Justice and Labor will be inviting grant applicants to use a "pay for success" approach, under which philanthropic or private entities (the "investors") pay providers upfront and are only repaid by the government if certain outcomes are met. Payment amounts are based, in part, on the amount that the Federal, State, or local government saves. A pay-for-success approach is appropriate where: (i) improved prevention or other up-front services can produce better outcomes that lead to cost savings at the Federal, State, or local level; and (ii) foundations or others are willing to invest.

To date, the Administration has focused its Pay for Success planning on programs financed with discretionary appropriations. OMB invites agencies to apply a pay-for-success model for programs funded by either discretionary or mandatory appropriations. Agencies should also consider using the new authority under the America COMPETES legislation to support incentive prizes of up to \$50 million. Like Pay for Success, well-designed prizes and challenges can yield a very high return on the taxpayer dollar.

4. Using evidence to inform enforcement. Rigorous evaluation of strategies for enforcing criminal, environmental, and workplace safety laws often reveals that some approaches are significantly better than others at securing legal compliance. OMB encourages agencies to indicate how their allocation or reallocation of resources among enforcement strategies is informed by such evidence.

5. Strengthening agency evaluation capacity. Agencies should have a high-level official who is responsible for program evaluation and can:

Develop and manage the agency's research agenda;

Conduct or oversee rigorous and objective studies;

Provide independent input to agency policymakers on resource allocation and to program leaders on program management;

Attract and retain talented staff and researchers, including through flexible hiring authorities such as the Intergovernmental Personnel Act; and

Refine program performance measures, in collaboration with program managers and the Performance Improvement Officer.

These goals can be accomplished by different kinds of leaders, ranging from a chief evaluation officer who reports to the Secretary or Deputy Secretary to the head of an independent institute in the agency. An existing official could play the role, or a forceful new position could replace several less empowered ones. OMB invites agencies to propose in their budget submissions ways to strengthen the agency's evaluation capacity, within tight resource constraints.

SUPPORT FOR EVIDENCE-BASED INITIATIVES

OMB invites your agency to participate in a number of forums to improve use of evidence:

OMB and the Council of Economic Advisers will organize a series of topical discussions with senior policy officials and research experts in the agencies. The meeting agendas will focus on administrative and policy levers for driving an increasing share of Federal investments into evidence-based practices. We will plan summer meetings in order to help inform agencies' evaluation plans and budget submissions, and will also have follow-up meetings in the fall.

OMB will reinvigorate the interagency evaluation working group established in 2010 with a series of meetings focused on issues commonly affecting evaluators, such as procurement rules, the Paperwork Reduction Act, and the integration of evidence in agencies' decision-making process.

The Performance Improvement Council will convene research, performance management, and program officials to develop ways to improve performance measures, validate their correlation with outcome data from program impact evaluations, and use data analytics to support more cost-effective decision-making.

The Office of Science and Technology Policy has created a "community of practice" for agency personnel involved in designing and managing incentive prizes and has organized a Science of Science Policy working group that is developing tools aimed at establishing a more scientific, empirical evidence basis for science and technology policymaking.

To discuss which ideas in this memo make most sense at your agency, please contact your agency's OMB contact. For more general support on evidence-based policy and evaluation, you also may contact Dan Rosenbaum (Dan.T.Rosenbaum@omb.eop.gov).

HONORING WAIRTERRICA
GALMORE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to honor a remarkable young woman, Ms. Wairterrica Galmore, the Valedictorian of

Coahoma Agricultural High School Class of 2012. Wairterrica is the proud daughter of Latoya Reddick and Eric Galmore. She has six siblings and they reside in Friars Point, Mississippi.

Wairterrica has always viewed learning as a priority. She was an honor student throughout school, remaining on either the Superintendent or Principal lists. Her performance in the classroom landed Ms. Galmore placement in "Accelerated" and "Gifted" classes.

As a student in high school Wairterrica maintained her placement in high accelerated courses, while also participating in extracurricular activities. She was a member of the Olive Branch All Girls High School Senior Choir and the Olive Branch High School Co-Ed Choir. Wairterrica also received many awards while at Olive Branch High School such as the Positive Award, Highest Average in Math, and the Highest Average in Art. Her test scores on the Mississippi Curriculum and Subject Test ranked in the "Advanced and Proficient" categories. Wairterrica was also one of two students chosen to represent Coahoma Agricultural High School in a women's conference at Tougaloo College in the summer of 2011. Relocation caused Wairterrica to complete tenth through twelfth grade at Coahoma Agricultural High School, where despite the challenge she reigned victorious, gaining the honor of class Valedictorian.

Mr. Speaker, I ask our colleagues to join me in recognizing Ms. Wairterrica Galmore, the Valedictorian for Coahoma Agricultural High School's Class of 2012.

PERSONAL EXPLANATION

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise regarding my excused absence from rollcall votes 452-454 on Monday, July 9, 2012. I was unavoidably delayed on my return to Washington from Houston, TX due to weather.

I would have voted "aye" for rollcall vote 452, on motion to suspend the rules and pass the bill H.R. 4155, "Veterans Skills to Jobs Act", which would require the head of each federal department or agency to ensure that an applicant for any federal license who has received relevant training while serving as a member of the Armed Forces is deemed to satisfy any training or certification requirements for the license, unless the training received is found to be substantially different from the training or certification requirements for such license.

I would have voted "aye" for rollcall vote 453 on motion to suspend the rules and pass the bill H.R. 4367, "To Amend the Electronic Fund Transfer Act to limit the free disclosure requirement for an automatic teller machine to the screen of that machine", which cancels the requirement that such a fee disclosure appear in a prominent and conspicuous location on or at the ATM.

I would have voted "aye" for rollcall vote 454 on motion to suspend the rules and pass

the bill H.R. 5892, "Hydropower Regulatory Efficiency Act of 2012", which Amends the Public Utility Regulatory Policies Act of 1978 (PURPA) to increase from 5,000 to 10,000 kilowatts the size of small hydroelectric power projects which the Federal Energy.

IN HONOR OF THE ANNIVERSARY
OF THE SIX ASSURANCES AND
THE LIFTING OF MARTIAL LAW
IN TAIWAN

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. MARCHANT. Mr. Speaker, I rise today to commemorate two important anniversaries this month in relation to our close friend and ally: the country of Taiwan.

Mr. Speaker: Since the end of World War II, the United States and Taiwan have fostered a close relationship that has been of enormous strategic and economic benefit to both countries. When the United States shifted diplomatic relations from Taiwan to the People's Republic of China in January 1979, Congress moved quickly to pass the Taiwan Relations Act, TRA, to ensure that the United States would continue its robust engagement with Taiwan in the areas of commerce, culture, and security cooperation. On April 10, 1979, this important and lasting piece of legislation became the "Law of the Land" and has since served as the statutory basis for U.S.-Taiwan relations going forward.

After 33 years, the TRA still stands as a model of Congressional leadership in the history of our foreign relations, and, together with the 1982 "Six Assurances," it remains the cornerstone of a very mutually beneficial relationship between the United States and Taiwan.

These "Six Assurances" were designed by President Reagan to further clarify U.S. policy toward Taiwan (in particular to the sale of arms to Taiwan) to reiterate our commitment to Taiwan's security under the TRA and to reaffirm our position on Taiwan's sovereignty. It also stipulated that we would not pressure Taiwan to enter into negotiations with the PRC.

July 14th marks the 30th anniversary of President Reagan issuing said Six Assurances in 1982. It also marks the 25th anniversary of the lifting of martial law in Taiwan in 1987.

Martial law was promulgated in Taiwan on May 19, 1949 by the Chinese Nationalist government, and was ended 38 years later. July 14, 1987 set the stage for a momentous process of democratization in Taiwan that continues to this day. We very are glad to see that Taiwan has transformed into a full fledged Democracy since then.

Over the past three decades, Taiwan has remained a trusted ally of the United States that shares with us the ideals of freedom and democracy. However, the people of Taiwan continue to live day after day under the ominous shadow cast by over 1400 short and medium-range ballistic missiles that the People's Republic of China, PRC, has aimed at them. The PRC persists in claiming Taiwan as a "renegade province," refusing to renounce the use of force to prevent Taiwan's formal de jure independence.

Mr. Speaker, I invite my colleagues to join me in commemorating the 30th anniversary of the Six Assurances and the 25th anniversary of the lifting of martial law in Taiwan, to further underline our unwavering commitment to the people of Taiwan and to affirm our support for the strong and deepening relationship between the U.S. and Taiwan.

HONORING MARY ALICE O'CONNOR

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today with my colleagues, Congressman JERRY MCNERNEY and Congressman JOHN GARAMENDI, to recognize Mary Alice O'Connor as she retires after 7 years as Executive Director of the Mt. Diablo Peace and Justice Center.

Mary Alice, born in Chicago, Illinois, was ordained a minister by the Unity of the Spirit Ministry School in 1991 and earned her bachelor's in business administration from Golden Gate University in 2002. After many years working for industry leaders in the communications sector, Mary Alice joined the Peace and Justice Center as executive director in 2005. Over the past 7 years, her work has embodied the Peace and Justice Center's mission "to work for a culture of peace through education, advocacy and community building," while at the same time increasing business operations and doubling the Center's operational budget in just 3 years.

Under Mary Alice's leadership, the Peace and Justice Center planned, expanded, and promoted a number of invaluable community programs that have raised awareness for both local and global issues of social justice. The "Speakers' Forum" hosts distinguished individuals to address global peace, issues of environmental justice, gun violence, and the politics of crime and punishment that affect quality of life in local communities. The "Art and Writing Challenge" encourages awareness and discussion among Contra Costa County students of the environment, economic inequality and the promotion of non-violence. The first "Creating Peaceful Schools Conference" brought together over a hundred local educators to develop strategies for promoting non-violence in the classroom and encouraging children to focus on ways to promote a more peaceful and just environment. Furthermore, through peaceful public protests against wars in Iraq and Afghanistan and many educational forums developed by Mary Alice and her board of directors, the Center has become a well-known hub for thoughtful discussion of current events in the East Bay Area.

Mr. Speaker, we invite this chamber to join us in honoring Mary Alice O'Connor for her tireless and dedicated service to the people of Contra Costa County. We join her family, colleagues, and friends in congratulating her on a successful and fulfilling career at the Mt. Diablo Peace and Justice Center, and wish her the very best on her future endeavors.

RECOGNIZING THE CHRISTENING
OF THE USS "SOMERSET"

HON. MARK S. CRITZ

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. CRITZ. Mr. Speaker, I rise to recognize the christening of the USS *Somerset*. On July 28, 2012, the USS *Somerset* will become the latest San Antonio class landing platform/dock, LPD, to join our Navy's fleet. This ship will commemorate the valor and courage of the 40 passengers and crew of United Flight 93 who gave their lives to protect our way of life on September 11, 2001.

In waters across the globe, the USS *Somerset* will continue the fight for freedom that the United Flight 93 passengers and crew began. Wherever the ship travels, her impregnable exterior will symbolize our impregnable resolve to honor their memory and to continue their legacy of sacrifice for the greater good.

About 22 tons of steel taken from a crane near the Flight 93 crash site in Shanksville, PA, has been incorporated into the ship's bow stem. Like the steel from that crane, the American people have taken a new form since 9/11. We are stronger and more resilient than we were prior to that fateful day. Like the steel from that crane, we have emerged from the tragic events of September 11th ready and eager to take on new challenges, embark on new journeys and explore new horizons.

The USS *Somerset* is the last of three ships that have been built in honor of the September 11th victims. The USS *New York*, christened in March 2008, was built as a tribute to the individuals who lost their lives at the World Trade Center and the USS *Arlington*, christened in March 2011, was built as a tribute to the servicemembers and civilians who perished at the Pentagon.

Mr. Speaker, I celebrate the christening of the USS *Somerset* with great pride. It is my most sincere hope that the delivery of this ship will provide the family members and friends of the passengers and crew of United Flight 93 with some measure of solace. For the USS *Somerset* will carry the story and sacrifice of their loved ones to the Sailors and Marines tasked with defending our freedoms, promoting peace and providing assistance across our oceans.

HONORING KINEU DONALD

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor Ms. Kineu Donald, Salutatorian of Raymond High School; Class of 2012. Kineu was born to the proud mother of Sheillia Donald, on December 16, 1993, in Edwards, Mississippi.

She attended Bolton-Edwards schools through middle school. While in middle school Kineu was consistent in her efforts to remain on the Honor Roll and Principal's List. She finished Bolton-Edwards Elementary Middle

School, and was acknowledged as the Valuedictorian of her eighth grade class.

Throughout high school, Kineu has been recognized for her many achievements in both academics and extra-curricular activities. She was a member of the band, choir, Beta Club, Student Council, and Student Body. In addition to her extra-curricular activities, Kineu also participated in many community service projects sponsored by her school and church.

As a high school graduate, Kineu plans to attend Alcorn State University and major in agricultural economics or nutrition and dietetics, to aid her in her pursuit to become a food science technologist or a dietician.

Mr. Speaker, I ask our colleagues to join me in honoring Ms. Kineu Donald the Salutatorian for Raymond High School Class of 2012.

PERSONAL EXPLANATION

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. AL GREEN of Texas. Mr. Speaker, yesterday I was unavoidably detained and missed the following votes:

1. H.R. 6018—To authorize appropriations for the Department of State for fiscal year 2013, and for other purposes, as amended. Had I been present, I would have voted "yes" on this bill.

2. S. 2009—Insular Areas Act of 2011. Had I been present, I would have voted "yes" on this bill.

RETURN OF THE INTERNATIONAL
AIDS CONFERENCE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Ms. LEE of California. Mr. Speaker, for the first time in more than two decades, the United States will host the 19th International AIDS Conference—drawing over 20,000 people from around the world to our Nation's capital.

Having participated in every Conference since I was first elected to Congress in 1998, I knew we could not bring the conference back to the United States until the discriminatory immigration ban on people living with HIV was lifted.

In 2007, I first introduced a bill to repeal the ban. Few believed it could be done, but through bipartisan support we achieved this goal.

This week, the return of the Conference is an important opportunity to shine a global spotlight on the fight against AIDS in African American communities and a national spotlight on the ongoing global epidemic.

Today, I will introduce new legislation to do just that.

Ending the HIV/AIDS Epidemic Act articulates a policy and financing framework to achieve an AIDS-Free Generation in the United States and globally.

I urge all my colleagues to support it so that we can begin to bring an end to AIDS here at home and around the world.

TELECOMMUNICATIONS SECTOR INVESTS IN THE NATIONAL ECONOMY

HON. RANDY HULTGREN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. HULTGREN. Mr. Speaker, as the national economy continues to struggle, I would like to highlight an encouraging development with regard to the telecommunications sector. As the attached synopsis of a recent report by the Progressive Policy Institute indicates, investment in the economy is a critical factor in promoting growth, creating jobs, and stimulating productivity. I applaud the telecom industry for its contribution to this effort.

REPORT: TELECOM SECTOR LEADS THE WAY IN DOMESTIC ECONOMIC INVESTMENTS

While the domestic economy continues to struggle, a new report shows that the telecommunications space remains one of the biggest investors in attempting to boost the nation's fortunes.

The Progressive Policy Institute report, "Investment Heroes: Who's Betting on America's Future," found that among non-financial institutions, AT&T and Verizon Communications were the two top investors of capital expenditures in the country last year. AT&T took the top spot with a reported \$20.1 billion in investments in 2011, with Verizon investing \$16.2 billion.

"The exponential growth in consumer demand for cable and wireless data services makes it both a necessity and an incentive for these companies to invest in building out their service capabilities," the report noted. "Investment is what led to development of the latest high-speed 4G networks, estimated to be 50% more efficient in streaming wireless data than its 3G predecessor. What's more, the commitment of these telecom companies to investment in wireless infrastructure, cable communications, and processing equipment is a good example of how investment can have important spillover benefits. By using the infrastructure developed and maintained by telecom companies, companies that develop software applications for smart devices along with companies that provide Internet services—like Facebook and Twitter—are able to innovate and get those innovations to consumers quickly. Because of the broadband networks in place these non-telecom companies are able to expand their businesses and service offerings."

Other telecom-related companies on the list included Comcast at No. 8 with \$5.3 billion in investments; Southern Company, which owns wireless operator SouthernLINC, at No. 10 with \$4.5 billion; Sprint Nextel at No. 16 with \$3.1 billion in investments; Time Warner Cable at No. 19 with \$2.9 billion in investments; Google at No. 24 with \$2.2 billion in investments; and Apple at No. 25 on the list with \$2 billion in investments.

"The role of investment in the economy is essential," Diana Carew, an economist at the Progressive Policy Institute and co-author of the report, told Breakout "It creates jobs. It boosts wages. It boosts productivity. It stimulates growth. It affects millions of Americans in a very positive way."

INVESTMENT HEROES: TOP 25 NONFINANCIAL COMPANIES BY U.S. CAPITAL EXPENDITURE*

Rank and Company	U.S. Capital Expenditures (\$Bns)
1 AT&T**	20.1
2 Verizon Communications**	16.2
3 Exxon Mobil	11.7
4 Wal-Mart	8.2
5 Intel	7.4
6 Occidental Petroleum	6.2
7 ConocoPhillips	5.6
8 Comcast**	5.3
9 Chevron	4.8
10 Southern Company**	4.5
11 Hess	4.4
12 Exelon**	4.0
13 Ford Motor	3.9
14 General Electric	3.7
15 Enterprise Product Partners**	3.6
16 Sprint Nextel**	3.1
17 Walt Disney	3.0
18 FedEx	2.9
19 Time Warner Cable**	2.9
20 General Motors	2.8
21 Target	2.5
22 IBM	2.5
23 Chrysler Group	2.5
24 Google	2.2
25 Apple	2.0
Total	136.2

* Universe includes nonfinancial Fortune 150 companies from 2011; financial reporting from FY11.

** Reported to have U.S. operations only; may include a small amount of non-U.S. investment.

CELEBRATING THE OPENING OF THE GENE UPSHAW MEMORIAL TAHOE FOREST CANCER CENTER

HON. TOM MCCLINTOCK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. MCCLINTOCK. Mr. Speaker, I rise today to celebrate the completion and opening of the Gene Upshaw Memorial Tahoe Forest Cancer Center in Truckee, California.

Led by Medical Director Laurence Heifetz, MD, FACP, and Medical Oncologist Hematologist Ahlin Koppel, MD, the Tahoe Cancer Center first opened its doors in 2006 with a mission of providing quality care for cancer patients in the Tahoe region.

The Center's services are vast and include: medical evaluation, examination, diagnosis and treatment; chemotherapy infusion and blood product administration; pharmacy, laboratory and diagnostic imaging services; a psychosocial services program with wellness, support groups, nutritional counseling and rehabilitation therapies; professional and caring staff; and Financial Counseling for patients. And for the first time in the Truckee-Tahoe area, the expanded Center will also house radiation oncology services as well.

In coordination with the University of California Davis Cancer Care Network, the Tahoe Forest Cancer will provide world class treatment and care for cancer patients in northeastern California and Nevada. The Center will connect patients not just to the best in modern treatments and equipment, but to some of the most renowned medical professionals in our state. I am certain that both these patients and their families will reap the dividends of this facility for decades to come, often in the hour of their greatest need.

Mr. Speaker, the foundation of our nation's strength has always been found in our local communities. Neighbors who willingly band to-

gether and pool their resources are remarkably skilled at employing those resources to their most useful and productive ends. They do so because they have a vested stake in the future of their towns and cities, and they understand the burdens borne to finance that future because they are the ones who bear them. I can think of no finer example of this remarkable and unique characteristic of our shared heritage than the opening of the Gene Upshaw Memorial Tahoe Forest Cancer Center and I am proud to rise today in celebration of this auspicious occasion.

HONORING LISA WARD

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a worthy member of our society Mrs. Lisa Ward. Lisa Ward and her husband, Darrel Ward, are the proud parents of two.

Mrs. Ward is a dedicated and devoted mom, who works tirelessly in the Canton Public School District and in the community to make a difference in the lives of children. As an employee for the Canton Parks and Recreation Department in the city of Canton, she has helped to create various service-oriented activities for our youth.

Some of those youth activities include indoor and outdoor sports, movies in the park, carnivals, health feasts and decreasing childhood obesity. Understanding the importance of community and parental involvement Mrs. Ward works diligently to garner support and sponsorships from vendors, merchants, and parents in the community to offer these and other activities to help provide recreational opportunities for children and to help them develop socially. In her desire to serve as a concerned and involved parent in the lives of children, she often goes above and beyond the call of duty. In honor of her dedication and contribution to her local community and children, Mrs. Ward has received the Parent of the Year award from the McNeal Elementary School and the District Parent of the Year award from the Canton Public School District.

Mr. Speaker, I ask our colleagues to join me in recognizing Mrs. Lisa Ward, for her commitment and contribution to helping improve the lives of children in the Canton Public School District, located in the Second Congressional District of Mississippi.

HONORING DR. JOSEPH THOMAS FELSEN, MD UPON THE OCCA- SION OF HIS "RETIREMENT"

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. REED. Mr. Speaker, I rise today to recognize Dr. Joseph Thomas Felsen on his "retirement" as he transitions to a new adventure. Commonly referred to as Dr. Joe, he

dedicated over 35 years to serving my district. Between raising funds for Jones Memorial Hospital, joining various health committees in the district, and working to bring more physicians to the rural areas of his county, Dr. Joe's unselfish concern for others improved the well-being of his patients and community.

Dr. Joe has been an outstanding member of this district for his entire life. He was born at Jones Memorial Hospital and later worked there as an attending physician in Internal Medicine from 1979 until his retirement. Practicing for over 30 years in the same building as his father, Dr. Irwin Felsen, the two combined for 73 years of patient centered care in the 29th district.

I am extremely grateful for Dr. Felsen's invaluable contributions to our community and wish him the best of luck when he and his wife, Florence Anne, leave for the Peace Corps this September.

TRIBUTE TO JOSEPH SMUKLER,
ESQ.

HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor my friend, the late Joseph Smukler, Esq.

Joseph was a giant of a man. He was a humanitarian, a philanthropist, a scholar and an attorney of great renown. He was universally recognized as one of the most public spirited citizens of the Delaware Valley.

Joe was a tireless advocate of the voiceless. The urge to advocate led to his leadership on behalf of Jews persecuted in the former Soviet Union and to reach out to the poor and disadvantaged at home through charitable work. His professional advocacy led his statewide peers to recognize him as Pennsylvania's "Super Lawyer" in 2004.

Joseph had a keen intellect, which he honed as a cum laude graduate of Kenyon College, with an A.B. and Highest Honors in Economics, Harvard Law School where he earned an LL.B., Oxford University England where he attained a Graduate Diploma in law, and at Gratz College where he was awarded his Doctor of Hebrew Laws (Hon.)

He was a natural leader who served as a First Lieutenant in the United States Air Force. That talent and leadership ability advanced him through the legal ranks to the positions of senior partner and chairman of the Personal Injury Group at the prestigious firm of Fox, Rothschild LLP.

Joseph's leadership and commitment to community propelled him to the ranks of our region's great philanthropists. He was a past president of the Family Service of the Main Line, Jewish Campus Activities Board (Hillel), Association for Jewish Children, and the Jewish Community Relations Council, where he was also honorary President. He served as Commissioner of the Philadelphia Fellowship Commission, Chairman of Har Zion Radnor Temple, Vice-President and Board of Trustees member of Har Zion Temple, Vice-Chairman of the National Conference on Soviet Jewry

and founding Co-Chair of the Philadelphia Soviet Jewry Council.

Joe served on the Boards of United Way of Greater Philadelphia and the American Jewish Joint Distribution Committee. He was a past Chairman of the Board of the Jewish Federation of Greater Philadelphia and Vice President of the National Museum of American Jewish History and Vice-Chair of the Anti-Defamation League. He was a recipient of the Jewish Federation of Greater Philadelphia's highest honor, the 2003 Avodat Ha Kodesh Community Award and is a member of Central High School of Philadelphia's Hall of Fame. He and his beloved wife Constance received the Soviet Jewry Council Human Rights Award, the Mellon Bank Good Neighbor Award and the State of Israel Bonds Humanitarian Award. Together they chaired the "Israel 50" celebration and the first Philadelphia Jewish Book Fair.

But, more than anything, Joe was a loving family man. He cherished and inspired his children and grand children and lived for Constance. He will be deeply missed by all of us and I'm proud to have known him.

PERSONAL EXPLANATION

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise regarding my excused absence from rollcall votes 462–468 on Thursday, July 12, 2012. I was unavoidably delayed on my return to Washington due to pressing matters in my District.

I would have voted "aye" for rollcall vote 462, on agreeing to the Tonko (NY) Amendment, which would narrow the scope of the underlying bill to address strategic and critical minerals only; the underlying bill covers mining for virtually all minerals, including sand, gravel, and clay.

I would have voted "aye" for rollcall vote 463, on agreeing to the Hastings (FL) amendment, which would give the lead agency, in the event of new or unforeseen information, the authority to extend by two six-month periods the arbitrary 30 month time limit the bill imposes on permit approval.

I would have voted "aye" for rollcall vote 464, on agreeing to the Markey amendment (A003), which would require a royalty payment of 12.5 percent of the value of hardrock minerals such as gold, silver and uranium mined on federal lands. The revenue generated by royalty payments would be dedicated to cleaning up the more than 160,000 abandoned hardrock mines. Currently, companies pay no royalty to mine hardrock minerals on federal lands.

I would have voted "no" for rollcall vote 465, on agreeing to the Young (AK) amendment, which would require the Forest Service to allow mining roads in areas currently designated as roadless.

I would have voted "aye" for rollcall vote 466, on agreeing to the Grijalva amendment which would protect hunting, fishing, grazing and recreation on public lands by requiring re-

view of any mineral exploration or mining permit that might diminish opportunities for these activities.

I would have voted "aye" for rollcall vote 467 on motion that the House instruct conferees.

I would have voted "aye" for rollcall vote 468, on final passage of H.R. 4402—National Strategic and Critical Minerals Production Act of 2012 which would require federal agencies to expedite environmental review of proposed mining projects, and limits the judicial review process for challenges to approved mining permits on federal lands or associated environmental reviews. In addition the measure would give mining companies control over the timing of permitting decisions for virtually all mining operations on public land, not just those involving strategic or critical minerals.

HONORING GIDARELL BRYANT

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to honor a remarkable man, Gidarell Bryant, Jr., Valedictorian of Rosa Fort High School in Tunica, Mississippi Class of 2012. Gidarell was born on November 25, 1993 in Clarksdale, Mississippi to Ms. Tammie Turner and Gidarell Bryant, Sr.

Gidarell has always had a competitive nature. Graduating as Valedictorian of his class was a goal that he set for himself in middle school and at the close of his senior year of high school was privileged to be bestowed the honor. To remain focused on his goals, Gidarell often recalled his mother's words, "If you put in no effort you will get nothing in return. Whatever you want to achieve in life comes with hard work and hard work will pay off."

In accordance with her advice, Gidarell took advanced coursework in high school such as: Chemistry, Physics, Calculus, and Trigonometry, achieving many academic and honorary awards throughout his secondary education and as an honor student throughout elementary, middle, and high school. Gidarell was inducted into both the National Junior Honor Society in middle school and National Honor Society in high school, where he served as Vice President. He was also chosen as a student ambassador for Lead America and People to People programs, and has served as a scholar in the Rotary Youth Leadership. Gidarell also received nominations for the United States Achievement Academy.

Gidarell credits his mother for diligently working to keep him focused on his goals; his grandmother, Leola Turner, was always supportive of him; his two uncles, Chester and Corneilus Lambert, who are retired military personnel, who have not only served this country but also served as male role models.

Gidarell will attend Mississippi State University and major in Business Administration. After receiving his undergraduate degree, he hopes to attend Harvard University to pursue a professional degree. Gidarell hopes to one

day serve as Governor of Mississippi, in addition to owning a National Basketball Association franchise that he would relocate to Mississippi.

Mr. Speaker, I ask our colleagues to join me in recognizing Mr. Gidarell Bryant, Jr. as Val-
edictorian of Rosa Fort High School Class of 2012, in Tunica, Mississippi.

A TRIBUTE TO THE LIFE OF
FRANK M. TOSTE, SR.

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. COSTA. Mr. Speaker, I rise today to pay tribute to the life of Mr. Frank M. Toste Sr., a respected dairyman and community leader, who passed away on Thursday, July 12, 2012. His dedication to family and farming made him a true source of pride for California's San Joaquin Valley and our nation.

A proud product of California's agriculturally rich San Joaquin Valley, Frank was born in Riverdale, California on January 26, 1921 to Mary Carreiro and Joseph Toste, who were Portuguese immigrants from the Azore Islands. He attended Valley schools and developed a love and appreciation for the San Joaquin Valley. Mary and Joseph instilled a sense of responsibility and dependability in Frank early in his life. As a young boy Frank worked on his family's small dairy in Kerman, California, where he learned the value of hard work. Years later, those same values would encourage Frank to serve his nation in the United States Army during World War II. He served in Northern Africa, Italy, France, and Germany. During his service he achieved the rank of Staff Sergeant.

Upon returning home, Frank met and married the love of his life, Iva Jean Heitz. Together, they started their own business, the Hillview Dairy Farm near Easton, California. His passion and enthusiasm for farming, combined with his skills and work ethic, made him a very successful farmer and dairyman. Frank loved what he did and passed on the gift of farming to younger generations in his family.

Frank's contributions to his community went beyond his exceptional farming abilities. He was active in many organizations including the Knights of Columbus, the Cabrillo Civic Club, the Veterans of Foreign Wars, Farm Bureau, and the Dairy Herd Improvement Association. His participation and admirable service to his community made him a valuable leader and respected voice on important Valley issues. He will be sorely missed.

Frank is survived by his loving wife of 63 years, Iva; his sons, Frank Toste Jr., Ron Toste, and Scott Toste; his grandsons, Frank Toste III, Jason Toste, Jacob Toste; his granddaughters, Marlene Borges, Annaka Anderson, and Roni Aust; five great-grandsons; two great-granddaughters; his brother Willie Toste; and many nieces and nephews.

Mr. Speaker, I ask my colleagues to join me in paying tribute to the life of Mr. Frank M. Toste Sr. His character truly exemplified the best of what America has to offer. His many contributions to agriculture and unwavering

commitment to his loved ones will ensure that his legacy lives on for years to come.

THE DESIGNATION OF MEADOW
BROOK HALL AT OAKLAND UNI-
VERSITY AS A NATIONAL HIS-
TORIC LANDMARK

HON. GARY C. PETERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. PETERS. Mr. Speaker, it is with great pride that I rise today to join with Oakland University in celebrating the designation of Meadow Brook Hall as a National Historic Landmark.

Meadowbrook Hall, built on what was the Dodge family's Meadow Brook Farms in 1929 in then Avon Township, now Rochester Hills, Michigan, is a symbol of the American automotive industry's transformative effect on Michigan. When the 88,000-square foot, 110-room residence was envisioned by Matilda Dodge Wilson, the widow of Dodge Brothers Motor Car Company cofounder John F. Dodge, it was a country residence for her and her family. Today, Meadow Brook Hall is the site of Oakland University, a fully fledged institution of higher learning which supports a student body of 19,000 undergraduate and graduate students.

In Meadow Brook Hall's construction, Mrs. Wilson held true to many of the principles that guided the greats of America's automotive industry. Believing in the spirit of American innovation and contrary to the prevailing practices of the time, Mrs. Wilson had the Tutor-revival styled estate constructed almost entirely from American materials crafted by American designers. And in keeping with the spirit of community involvement that has been ever prevalent in the American automotive industry, Mrs. Wilson often used the grounds of Meadow Brook Hall to host charitable events and civic engagements.

In 1955, it became a focus of the community in Oakland County that as Michigan's second most populous county, area residents should join together to cultivate a local institution of higher learning. Answering the call of their community, Mrs. Wilson and her second husband, Mr. Alfred Wilson, bequeathed the entire 1500-acre Meadowbrook estate to the State of Michigan. And after supporting the endeavor with an additional two million dollars, Michigan State University (MSU) opened its MSU-Oakland Campus in 1959. MSU-Oakland would become known as Oakland University in 1963.

Steeped in the history of Michigan's industrial ingenuity, Meadow Brook Hall has come to embody the American automotive industry's spirit of transformation. Just as the auto industry once raised millions of Americans into the middle class, Meadow Brook Hall and Oakland University continue that proud tradition; providing our youth the tools they need to become the successful leaders of tomorrow. And throughout its years, the spirit of philanthropy and service upon which Meadow Brook was gifted to the State, continues to be a fundamental tenant to Oakland University as it sup-

ports many community endeavors and engages local stakeholders in shaping the future of the Southeast Michigan region.

Mr. Speaker, it is an honor to have supported Oakland University in its endeavor to have Meadow Brook Hall designated a National Historic Landmark. As a symbol not only of Michigan's history, but also its future, the designation of Meadow Brook Hall as a National Historic Landmark is truly becoming of its significant impact on the communities of Southeast Michigan.

FORMER PENNSYLVANIA GOV-
ERNOR WILLIAM WARREN
SCRANTON

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. BARLETTA. Mr. Speaker, I rise today to honor former Pennsylvania Governor William Warren Scranton on the occasion of his 95th birthday.

Governor Scranton comes from a long line of statesmen and his family founded the Northeastern Pennsylvania city of Scranton. After graduating from Yale University in 1939, he enlisted in the United States Army Air Corps just before World War II. Although he did not see combat, he served honorably and remained active in the U.S. Air Force Reserves for two decades.

Governor Scranton's public service began in the 1950s, when President Dwight D. Eisenhower appointed him as a special assistant to the U.S. Secretary of State in 1959. After a little over a year, Governor Scranton was elected to the U.S. House of Representatives for Pennsylvania's 10th District. As a freshman member, he fought tirelessly for his constituents and fostered bipartisan support for the common good. In 1962, he successfully ran for Governor of Pennsylvania, defeating then Philadelphia Mayor Richardson Dilworth. During his four years in office, Governor Scranton advocated for a strong education system, continued industrial development in the United States and abroad, and fiscally responsible policy.

In 1966, Governor Scranton vowed to never run for public office again, but his service to the community did not end. From 1967 to 1968, Governor Scranton attended the Pennsylvania Constitutional Convention and helped write a new constitution for the state. Additionally, he continued his public service through leadership positions with several civic organizations including; director of the Boys Club of Scranton, vice president of the University of Scranton's President's Council, director of the Scranton Chamber of Commerce, and vice president of the board of directors for Geisinger Memorial Hospital.

After turning down several proposals to run again for public office, Governor Scranton accepted an appointment from President Gerald Ford in 1976 to serve as the United States Ambassador to the United Nations. His ability to promote diplomacy and genuine interest in human rights earned him favor with many nations and promoted a positive world view of the United States.

Mr. Speaker, today, Governor Scranton embodies the traits, ideals, and values which many of us strive to achieve today, and I am honored to congratulate him on his many years of dedicated civic service to the community of Northeastern Pennsylvania, the Commonwealth, and the country.

HONORING ARIEL KOMINIQUE
TAYLOR

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable young woman, Ms. Ariel Kominique Taylor. Ariel was born in Indianola, Mississippi, to LaShunda King and Kamia Taylor. She is a dedicated member of Weeping Mary Baptist Church and proud member of the Humphreys County High School Class of 2012.

Ariel's commitment to academic excellence earned her the title of Salutatorian for Humphreys County High School Class of 2012. At Humphreys County High School, Ariel was a charter member of Students Making a Change, SMAC, a participant in The Mayor's City Youth Council, and was a member of the Youth with a Vision Community Choir. She also served as a sports journalist for the school's newspaper, a member of the Varsity Cheerleader Squad, and the school's tennis team.

After graduating, Ariel plans to attend Jackson State University and major in mathematics with an emphasis in accounting.

Mr. Speaker, I ask our colleagues to join me in recognizing Ms. Ariel Kominique Taylor for her continued effort in achieving excellence in education and leadership.

HONORING CAPTAIN FREDERICK E.
GAGHAN

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. REYES. Mr. Speaker, I rise today to recognize Captain Fredrick E. Gaghan of the Joint Improvised Explosive Device Defeat Organization, JIEDDO, who will retire in November after 25 years of service.

Captain Gaghan has had a long and distinguished career in the United States Navy. Upon graduation from Hartwick College in 1987, he enlisted in the Navy as part of the Special Operations Officer Program and was subsequently commissioned in 1988. As a young naval officer, Captain Gaghan served onboard USS *Opportune*, ARS 41, as a qualified Surface Warfare Officer. Following his initial sea assignment, he became an Explosive Ordnance Disposal, EOD, officer and was first assigned to EOD Mobile Unit NINE. Throughout his career, Captain Gaghan has displayed exceptional professionalism and technical proficiency. As such, he was identified by his seniors as a leader who could be entrusted with

command. He served as the Commanding Officer of EOD Mobile Unit FOUR as well as Commander, Task Group 56.1 in Bahrain. At the Joint CREW Program Office, PMS-408, he served as the Director, Test and Evaluation and Principle Assistant Program Manager before arriving at JIEDDO.

Today, one of the greatest threats faced by our service men and women is the improvised explosive device, TED. Our troops face an adaptive enemy with little regard for the sanctity of human life. As a Member of the House Armed Services Committee, I work closely with JIEDDO to help provide the necessary capabilities to protect our service men and women from the TED threat. JIEDDO has made significant strides to combat those dangers by not only reducing the effectiveness of IED attacks themselves, but also by targeting and eliminating the enemy networks that seek to use these devices to harm our troops.

Captain Gaghan has contributed greatly to protecting the lives of our troops in Iraq and Afghanistan. At JIEDDO, he was initially responsible for leading all Counter-TED research and development efforts in support of our Combatant Commanders urgent needs. In this role, he developed and delivered numerous capabilities that have enabled our forces to more effectively detect IEDs, jam radio-controlled initiators and identify Home Made Explosive precursors. Lieutenant General Michael Barbero, Director of JIEDDO, quickly recognized Captain Gaghan's strong leadership abilities and selected him to fill two key positions in the past year: JIEDDO's Chief of Staff and Acting Deputy Director of Rapid Acquisition and Technology. Throughout his tenure at JIEDDO, Captain Gaghan's tireless efforts and great dedication helped JIEDDO achieve its mission of rapidly providing Counter-IED capabilities in support of the warfighter to defeat the IED as a weapon of strategic influence.

I am proud to share in the celebration of Captain Gaghan's military career, and I join his colleagues in honoring his extraordinary leadership at JIEDDO and his distinguished military service.

IN HONOR OF THE LATE ARNOLD
M. GOLDEN, SR.

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mrs. CHRISTENSEN. Mr. Speaker, today I rise to pay tribute to the life of one of my constituents, the late Arnold M. Golden, Sr., who passed away at his home on St. Croix last Saturday. Arnold M. Golden was a Crucian gentleman and statesman, one who spent all of his life in service to his family and his community.

Known to family and friends as "Morty", he distinguished himself as a Virgin Islands Senator, a St. Croix administrator, Commissioner of both the Departments of Public Works and Commerce under the Governor Juan Luis Administration, and the manager of the Sunny Isle Shopping Center. He served on many community groups and organizations to in-

clude the Knights of Columbus, League of Women Voters, Boy Scouts of America, Landmarks Society and AARP.

Morty Golden was a community servant, dedicating himself to the betterment of our islands, especially St. Croix. He was among the generation of Virgin Islanders who guided the growth and development of the modern Virgin Islands, working to develop the tax system, the planning, land use and conservation laws, and the Virgin Islands National Guard. His most recent service of note was as a Delegate to the Fifth Constitutional Convention, where he advocated for transparent, workable government.

I knew him as an elder statesman, always ready with words of wisdom on how to make our islands a better place to live and our government function in a way that served the needs of all its people. He was a champion of municipal government and of transparent government with more accountability to its citizens. He was a champion of good governance and for the further development of our territory through the adoption of its own Constitution.

Arnold M. Golden was born on December 13, 1931 in the town of Frederiksted to Louis R. and Violet (Pedersen) Golden. He was the eldest of 10 children and attended the St. Mary's and St. Patrick's Parochial Schools. He graduated from Christiansted High School in 1949 and attended the Polytechnic Institute and UPRAT Mayaguez in 1949 and later the University of the Virgin Islands, where he pursued interests in engineering and management.

Morty worked briefly at VICORP before being drafted into the U.S. Army, where he served 2 years of active duty, with one tour of duty in Korea. He was later Commissioned in the Armed Forces Reserves, and served with the Army Reserve Unit on St. Croix for a number of years. Later he was employed by A.C. Sanford as a land surveyor, where he worked on the construction of the Alexander Hamilton Airport. He was later employed as an appraiser by the Tax Assessor's Office, assisting in the modernization of the office and tax system.

In 1968, he was elected to the Virgin Islands Legislature and was instrumental in the passage of legislation to create the Planning Office, the Executive Budget Act, and land conservation legislation. He worked on legislation authorizing Governor Melvin Evans to secure the authority to activate a National Guard Unit in the Virgin Islands, as well as the Jr. ROTC units.

Morty Golden was honored to serve in numerous positions under the administration of Governor Juan F. Luis to include: Administrator, Commissioner of Public Works, Commissioner of Commerce and Assistant to the Governor. He also served on many government boards and commissions. He also managed the Sunny Isles Shopping Center in between his government service. Upon his retirement in 1987, he returned to land surveying.

He served the community in various community organizations to include the Catholic Social Center, the Knights of Columbus, the Boy Scouts, the League of Women Voters, Landmark Society, and AARP. He has been honored for his outstanding community service by the Jr. Chamber of Puerto Rico, the U.S.

Army, the U.S. Navy, U.S. Postal System and Rotary Club of St. Croix West.

Mr. Speaker, Arnold M. Golden's most important role was as the patriarch of his beloved family. He was preceded in death by his son, Louis M. Golden, and leaves behind his beloved wife of 56 years, Carmen Maria (Encarnacion) Golden, his children: Helen Marie Danielson, Violet Anne Golden, Peder Mark Golden, Carmen Louise Walker, and Arnold M. Golden, III, his grandchildren: Leroy E. Danielson, Jr., Janelle Marie Plummer, Louis M. Danielson, Lionel Danielson, David M. Thomas, Jasmine L. Walker, Benjamin Walker, IV, Christina Walker, Nico Golden, Carla Golden and Juma Golden and four great-grandchildren: Leroy E. Danielson, III, Alimah M. Danielson, Daylon Lee Tank Yuk and Louriz M. Danielson.

Mr. Speaker, the life and legacy of Arnold M. Golden is one of which the entire U.S. Virgin Islands community is very proud. He is an example of public service at its best. My family and staff extend our condolences to his family and friends. May he rest in peace.

A TRIBUTE TO HILLSIDES

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. SCHIFF. Mr. Speaker, I rise today to honor HillSides, a nonprofit organization for abused and emotionally disturbed children, in Pasadena, California upon its 100th Anniversary.

In 1913, Evelyn Wile, a kindhearted young deaconess of the Episcopal Church, opened HillSides Home for Children in Highland Park for 13 abandoned children that sought to reject the established approach of cold, uncaring institutions and provide a personal and empathetic community for homeless children.

Ms. Wile's vision of a campus of cottages where children could flourish in a country-like environment surrounded by sunshine, fresh air, and open space became a reality in 1918, when she moved the home from Highland Park to 17 acres in the San Rafael Hills of Pasadena, where it has remained to this day. The increase in space allowed Evelyn to build more residential cottages and an administration building, which was completed in 1927. Over the next 40 years, HillSides Home for Children was a safe haven where children were the top priority. In the 1960s, HillSides shifted focus from being an orphanage to becoming a center for abused and emotionally disturbed children. By the late 1970s, it had grown to include 14 on-campus buildings and 2 satellite homes. HillSides Education Center was established in 1982 to offer specialized instruction for students with behavioral challenges or learning disabilities, and the Family Center was created that same year to provide crisis intervention and parent education for at-risk families. HillSides Home for Children's name changed to HillSides in 1999. In 2005, HillSides Youth Moving On was established, a transitional living program for young adults leaving foster care.

In the last century, HillSides has grown tremendously from Ms. Wile's original home that

served 13 children. To date, HillSides has rescued over 110,000 families and is recognized as a leader in children's rights advocacy issues. Encompassing a comprehensive network of residential and community facilities that provide an unmatched depth and breadth of resources to at-risk children and families, HillSides has pioneered techniques that have become standard practices and ranks among the region's most respected and trusted organizations in the field.

I am honored to recognize HillSides for its 100 years of loving care and support to countless children and families and I ask all Members to join me in congratulating HillSides for its remarkable achievements.

HONORING MELVIN YOUNG, JR.

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a determined young man, Mr. Melvin Young, Jr.

Melvin Savelle Young, Jr. was born June 28, 1994 in Vicksburg, Mississippi to the proud parents of Melvin Young, Sr. and Rhonda Morris Young. He is also the proud grandson of Bernice Profit of Hollandale, Mississippi and the late Emma Lee Dorsey of Rolling Fork, Mississippi.

While in high school, Melvin was the runner up for Mr. South Delta High School, a member of the varsity football, baseball, and the track team. He also participated in the JROTC program. He is a faithful member of Salem Missionary Baptist Church where he is a devoted choir member. In conjunction with his hopes to positively impact his community, Melvin became a member of the Mayor Youth Council and has worked as a volunteer at the Sharkey County Tax Assessor and Collector Office. Melvin also volunteered in the emergency response efforts of the county to save public records during a flooding crisis; as a volunteer he worked to move official records to a secure location.

In the fall Melvin plans to attend Mississippi Gulf Coast Community College in Perkinston, Mississippi where he will pursue a degree in Pre-Engineering.

Mr. Speaker, I ask our colleagues to join me in recognizing Mr. Melvin Savelle Young, Jr. for his hard work and dedication in his efforts to achieve his goals.

PERSONAL EXPLANATION

HON. W. TODD AKIN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. AKIN. Mr. Speaker, on rollcall Nos. 469 and 470 I was delayed and unable to vote. Had I been present I would have voted "no" on rollcall No. 469, and "aye" on rollcall No. 470.

OUR UNCONSCIONABLE NATIONAL DEBT

HON. MIKE COFFMAN

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. COFFMAN of Colorado. Mr. Speaker, on January 20, 2009, the day President Obama took office, the national debt was \$10,626,877,048,913.08.

Today, it is \$15,884,155,929,632.05. We've added \$5,257,278,880,718.97 to our debt in just over 3 years. This is debt our nation, our economy, and our children could have avoided with a balanced budget amendment.

HONORING SERGEANT MAJOR TAMMY COON

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mrs. NAPOLITANO. Mr. Speaker, I along with Representative ISSA rise today to pay tribute to Sergeant Major Tammy Coon, United States Army. Sergeant Major Coon has served a distinguished career in the United States Army, spanning over twenty eight years. She has distinguished herself with exceptional meritorious service in a succession of positions of great importance and responsibility to the Army and the nation. She has culminated her military career in the Army's Office of the Chief of Legislative Liaison as a Congressional Legislative Liaison to the United States House of Representatives for the past 2 years. Additionally, she is the first Sergeant Major in the United States Army to serve as a Congressional Legislative Liaison to the House of Representatives. Over the course of the 28 years which she has spent in uniform serving her country, she has been cited by her command as exhibiting outstanding initiative, leadership and professionalism in all of her actions. In doing so, she has made significant contributions to the welfare of soldiers and their families, to say nothing of the service she has provided to the people of this nation.

Sergeant Major Coon's previous positions of significant leadership included: First Sergeant, Headquarters and Headquarters Company, 1st Space Brigade, Colorado Springs, Colorado; Chief, Enlisted Promotions, Human Resources Command, Alexandria, Virginia; Senior Enlisted Advisor, Directorate of Personnel, Multi-National Forces-Iraq (MNF-I), Baghdad, Iraq; Senior Enlisted Advisor, Special Management Division, Human Resources Command, Alexandria, Virginia; and Senior Enlisted Advisor for Soldier Programs/Community Recreation, Department of the Army, Alexandria, VA.

Sergeant Major Tammy Coon served as a Congressional Legislative Liaison to the United States House of Representatives, Washington, DC. During this assignment she served as the primary point of contact for 70 Members of Congress within the Pacific Region, which included California, Nevada, Hawaii, Guam, American Samoa and the Commonwealth of the Northern Mariana Islands.

Additionally, she served as the Army House Liaison Division's primary point of contact for Wounded Warrior Care issues and for the Mental Health and Invisible Wounds Caucuses, routinely interacting with Members of Congress and senior staffers.

As First Sergeant, Headquarters and Headquarters Company, 1st Space Brigade, Colorado Springs, Colorado, she was responsible for discipline, health & welfare, safety, and training of 120 active duty, reserve, and National Guard soldiers as well as 130 Department of the Army Civilians. Even though the unit was deployed in five separate locations, Sergeant Major Coon ensured that the soldiers, civilians, and families were well cared for.

Sergeant Major Tammy Coon served as the Chief, Enlisted Promotions, Human Resources Command, Alexandria, Virginia. She managed the Department of the Army's enlisted promotion system, affecting Army enlisted soldiers worldwide. Her guidance and leadership were instrumental in the execution of over 50,000 promotions annually, while markedly increasing the efficiency of the promotion process. Additionally, Sergeant Major Coon reviewed and provided input for regulatory guidance revisions. She routinely proposed new initiatives and prepared correspondence on behalf of the President, Congress and Department of Army Senior Leadership.

As the Senior Enlisted Advisor, Directorate of Personnel, Multi-National Forces-Iraq (MNF-I), Baghdad, Iraq, she was the principal advisor for all enlisted personnel readiness and Human Resource management issues for 150,000 U.S. military and 13,000 members from 25 Coalition Countries deployed in support of Operation Iraqi Freedom. During this time she developed, synchronized, and implemented personnel policies and training that impacted enlisted members throughout the Iraqi theater.

As the Senior Enlisted Advisor, Special Management Division, Human Resources Command, Alexandria, Virginia, Sergeant Major Coon was responsible for the manpower management and strength management of enlisted personnel assigned to Special Mission Units (SMU) and Special Access Programs (SAP) which support national security objectives. SGM Coon compiled, analyzed, and produced personnel statistical information for all enlisted career management fields quarterly reviews ensuring that these units were properly manned in order to execute missions directed by the National Command Authority.

While serving as the Senior Enlisted Advisor for Soldier Programs/Community Recreation, Department of the Army, Alexandria, Virginia, she coordinated and implemented Soldier Programs for 84 United States Army Garrisons and had oversight of a \$40 million budget. She co-authored and analyzed strategies and surveys for various Army initiatives and served as lead trainer for all Soldier programs across the Army, training over 30,000 Soldiers and civilians.

Sergeant Major Coon is the perfect representative of the United States Army. We have gotten to know Sergeant Major Coon as the "soldier with a smile". She brings an enjoyment and enthusiasm to serving her country and representing the Army that is unparal-

leled in the halls of Congress. We are grateful for the advocacy Sergeant Major Coon has done on behalf of the physical and mental well being of soldiers and their families. Sergeant Major Coon has provided us with advice and counsel on issues affecting wounded warriors and their families that has led to legislative action improving wounded warrior care and mental health care. We particularly appreciate the work Sergeant Major Coon has done with our staff in providing them with the materials, briefings and support they need to work on issues affecting the Army.

Sergeant Major Coon's dedication to duty and superior leadership has left an indelible mark on the United States Army, the soldiers with whom she has served, and the Congress of the United States. Her actions, in over 28 years of military service, are in keeping with the finest traditions of the United States Army. We have been honored to work with Sergeant Major Coon, and thank her for extraordinary service to our nation.

HONORING CHERRY MATHIS

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a young woman whose commitment to her academics has earned her this recognition.

Ms. Cherry Mathis. Ms. Mathis is a straight-A honors graduate of Charleston High School in Charleston, Mississippi.

She has been consistent in maintaining the highest average in nearly all of her courses throughout high school. Her grade point average is an astounding 4.1, which gives her the highest average among her peers in the twelfth grade. As a result of her studious feat, Ms. Mathis was designated as the Valedictorian of the Charleston High School Class of 2012.

Receiving this honor implies that Ms. Mathis is incredibly hard working, and dedicated to her education. She has earned numerous awards and distinctions such as being inducted into the National Honor Society and the National Society of High School Scholars. However, her proudest accomplishment was being named as a National Merit Scholar. In addition to her academic responsibilities, Ms. Mathis has also held leadership positions in several school organizations including the Yearbook Club, the Fellowship of Christian Athletes, Science Club, and Student Council.

Ms. Mathis plans to attend the University of Mississippi where she will major in Integrated Marketing Communications. She believes that obtaining this degree will be a primary tool in achieving her future goals.

Mr. Speaker, I ask our colleagues to join me in recognizing Ms. Cherry Mathis for her outstanding academic achievements.

PERSONAL EXPLANATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent in the House chamber for votes yesterday. I would like the record to show that, had I been present, I would have voted "yea" on rollcall votes 469 and 470.

HONORING THE DEDICATED SERVICE OF SOL FLORES

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Ms. SCHAKOWSKY. Mr. Speaker, last week the White House honored leaders who have made a significant difference in the way their communities combat homelessness among children and youth. I am pleased that one of the 13 "Champions of Change" is Sol Flores, Executive Director of La Casa Norte in Chicago.

Nearly one million American men, women and children are currently homeless. That is simply unacceptable, but progress is being made. Because of Sol's leadership of La Casa Norte, the city of Chicago—and the Humboldt Park neighborhood in particular—has seen a significant reduction in homelessness.

Since founding La Casa Norte 10 years ago, Sol has made it her mission to serve youth and families facing homelessness. La Casa Norte's continuum of services to assist children, young adults, and families has proven incredibly successful. Eighty-four percent of youth leaving La Casa Norte's transitional housing program find permanent housing, and 87 percent of families who receive homeless prevention assistance maintain housing stability. The organization is a recognized leader in effective homeless prevention in the Chicago area and across the country.

I thank Sol Flores for her tireless efforts to promote stable homes and stable communities, and I wish her continued success. Her leadership of La Casa Norte and dedication to eradicating homelessness are worthy of her distinction as a "Champion of Change."

RECOGNIZING THE SERVICE OF BRINTON W. OVERHOLT, SR. IN THE UNITED STATES ARMY

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. BURTON of Indiana. Mr. Speaker, I rise tonight to honor an outstanding Hoosier for his patriotism and service during World War II. Brinton W. Overholt, Sr., 90-years young this year, served with honor in the United States Army from 1944–1946. Trained stateside at Camp Blanding, Fort Meade, and finally Camp Shanks; Brinton was eventually shipped overseas to support the Allied march liberation of

France. Landing in Le Havre, France, Brinton was assigned as a casualty replacement for the 106th Division, 423rd Battalion, Squad 4 of the 3rd Platoon. The 106th Division served with distinction in France; helping to trap some 20,000 German soldiers around St. Lazare; a vital submarine base near Paris. Of the Division's original compliment of 1500 soldiers; only 88 would survive the war.

Shooting the 81 mm mortar, Mr. Overholt served in the Heavy Weapons Unit. Later, he would become the squad leader, directing the shots of the mortar men. While Overholt was still in France, Nazi Germany surrendered; and the 106th Division became part of the United States Army of Occupation in Germany.

The American soldiers moved into German houses and Brinton Overholt was assigned the of taking inventory of the household so that if the U.S. soldiers broke anything or if something went missing, our government would replace it. Brinton was in the midst of an inventory when an officer informed him that he was going to be shipped out to the Pacific for the invasion of Japan. Fortunately, for Brinton and the Japanese, Brinton was granted a 30-day furlough in the U.S., before his rotation to Japan and the war would be over before his furlough ended.

Brinton spent the rest of his military career at Camp Campbell in Kentucky. (now called Fort Campbell) where he served as a medic's and Chaplain's Assistant to special troops. Brinton would in fact serve under three different Chaplains over the time he was there—including Chaplain John Brown.

If you ask him about his service during the war, Brinton will tell you quite honestly and matter-of-factly, that he doesn't consider himself a hero, just a kid who served his country because it was the right thing to do. I ask my colleagues to join with me today to honor and thank Brinton W. Overholt Sr.; because it is the right thing to do.

RECOGNIZING THE LIFE AND
ACHIEVEMENTS OF JAZZ GREAT
BEN KYNARD

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. CLEAVER. Mr. Speaker, I proudly rise today to pay tribute to Ben Kynard, the great jazz saxophonist, whose musical performances, jazz compositions, and great legacy continues to enrich the lives of so many jazz enthusiasts.

Kansas City jazz has become a worldwide staple. It was born in a town where, as the great Monarch manager, Buck O'Neal, said, "Everything was wide open." No one knows how many nightclubs and cabarets were in operation during the 1930s. The clubs were packed and the great musicians were working—and playing. In those "hot" clubs, Mary Lou Williams, the jazz pianist, said that Kansas City was, "A heavenly city . . . musicians everywhere." Indeed, they were. Among them was the soft spoken saxophonist Ben Kynard, who as a teenager, migrated to Kansas City from Arkansas.

Ben Douglas Kynard was born in Eureka Springs, Arkansas, on February 28, 1920, to Bennett and Amelia Kynard. When he was just seven years old, his mother passed away. Three years later, his father remarried, moving the family to Kansas City. He learned first to play the horn, and later the saxophone, from his older brother B.C. Kynard began to play professionally in 1938 at the age of eighteen, performing in night clubs in Kansas and in country clubs with his companion, Celester White and later Oliver Todd's band, known as the Hottentots.

Kynard later joined the U.S. Army, where he played in a military band, one that frequently played at officers' clubs and funerals. After returning to Kansas City, he joined Lionel Hampton's band and traveled the country with the group from 1946 until 1953. He wrote "Red Top," which is still a jazz favorite, while on tour in Newark, New Jersey. He named it after his wife Joyce, whom he married in 1953 and had red hair at the time. After seven years with the band, Kynard left and returned to Kansas City, where he worked for the United States Postal Service for thirty-two years, still playing jazz in the evenings. He also maintained his career as a jazz composer, writing music for himself and other local musicians.

One of the highlights of my life was the evening my father-in-law, who lived directly across the street from Mr. Kynard, introduced me to the jazz great himself. Later, he played in my in-laws' living room the song that gave him fame, "Red Top." Sadly, on July 5, 2012, Mr. Kynard passed away at the age of 92. He was survived by his wife Joyce, of fifty-nine years, their two children, Brett and Carmen, and their two grandchildren. I am proud to have known Mr. Kynard and have heard him—on a number of occasions—blow that sax.

Mr. Speaker, please join me in commending Mr. Kynard for his contribution to the world of jazz and honoring his musical accomplishments as a jazz great. Mr. Kynard was an accomplished musician who left behind a rich legacy that will continue to inspire generations to come. His loss will be felt by many, not just in the Kansas City community, but also by those throughout the jazz world who miss this exceptional jazz talent. We wish his family the very best during this time of bereavement. We would also remind them that no one is dead who is remembered. To be sure, Mr. Kynard will, indeed, be remembered.

HONORING LUCILLE HOLMES

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to honor a remarkable educator, Lucille Holmes.

Ms. Holmes is the second of four children born to the late Mr. Arthur D. Randle and Mrs. Josephine Randle of Starkville, Mississippi. Her maternal grandparents are the late Walter and her paternal grandparents are Earlene Franklin and the late Charlie and Lydia Randle. She was born in a small community known as Rock Hill and was a member of Rock Hill

United Methodist Church. After marrying her husband Clarence Holmes, she joined Bethel A.M.E. Church in Mound Bayou, Mississippi.

Upon completing high school Lucille graduated from Mississippi State University in 1978 where she received a Bachelor's Degree in Special Education. Upon graduation she obtained a position at Boswell Retardation Center, now known as Boswell Regional Center in Sanatorium, Mississippi, as a special adult education teacher.

Her goal early in her youth was to become an educator due to her second grade teacher Ms. Viola Johnson. Ms. Johnson's teaching techniques and methods impacted her decision to become an educator.

Mrs. Holmes educational philosophy is that all children can learn and they have the right to be taught the way they learn. As an educator she believes it is her responsibility to learn how each child learns and teach him or her accordingly. Furthermore, she is always willing to do the unthinkable to ensure that each and every life she touches is changed in a positive way.

In 1981 she began employment with the Cleveland School District at East Side High School, as a special education teacher. In 1983 she went to Delta State University and completed her Master Degree in Guidance and Counseling. After completion of her degree she went to work in the Shaw School District as an elementary school counselor at McEvans. She left Shaw to work in the Shelby school system as an elementary, middle school and high school counselor. In 1997 Lucille returned to the Cleveland School District as a counselor at East Side High School. She has since received her certification in school administration.

Mrs. Holmes is the mother of two children, Cristal Arlette and Clarence Anthony Holmes Jr. whom she has instilled the importance of getting an education, just as she has for the students in her classroom.

Mr. Speaker, I ask that our colleagues join me in recognizing Mrs. Lucille Holmes for her commitment to education.

RETIREMENT OF DOMINIC ROMEO
FROM NEW JERSEY FRATERNAL
ORDER OF POLICE

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. LoBIONDO. Mr. Speaker, I extend my deepest appreciation to Dominic Romeo for the more than 50 years of service to the state of New Jersey as a law enforcement officer and advocate for the Fraternal Order of Police. The true embodiment of a public servant, Dom began his career in 1959 as a seasonal police officer in his hometown of Wildwood and rose through the ranks, including two stints as President of the Cape May County FOP Lodge 7. His leadership and commitment to the oath "to serve and protect" are a model for current and aspiring officers. His advice and insight have helped me on Congressional issues related to law enforcement. On behalf of South Jersey residents and all those kept

safe by his selfless actions, I wish Dom Romeo a very relaxing, rewarding retirement and thank him both for his steadfast friendship and service to South Jersey.

RECOGNIZING THE LIFE AND PUBLIC SERVICE OF EVERETT "BUD" RANK, JR.

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. NUNES. Mr. Speaker, I rise to today to recognize the life and work of Everett "Bud" Rank, Jr., who passed away on June 3, 2012. He will not only go down in history as a former member of both the Nixon and Reagan Administrations' Agriculture Departments, but as an avid golfer, ardent family man, and longtime Valley rancher.

Bud was a lifelong Fresno resident. He was born on December 1, 1921 and attended Clovis High School before fighting in World War II for four years as a gunner's mate in the South Pacific. After the war, Bud returned to his roots in Fresno to help organize the Clovis chapter of the Future Farmers of America; where he later served as president.

Bud's passion for agriculture was reflected by the time and effort he contributed to the many organizations he was a part of. He was a member of the California Farm Bureau Young Farmers and Ranchers, the Clovis Grange, the International Cotton Advisory Committee, the Sierra Soil and Water Conservation District, and many others. Bud worked within the Agriculture Department, first as Western Regional Director of Agriculture Stabilization and Conservation Service, then as both head of the ASCS and Executive Vice President of the Commodity Credit Corp.

While his commitment to the San Joaquin Valley agricultural community was unmatched, Bud's commitment to education was equally impressive. He wanted each student to have every opportunity to thrive in school and reach the highest level of education possible. He did this by serving three terms as the President of the Clovis Unified School District Board of Trustees in the 1960s and early 1970s. His contribution and impact on the community are now honored and remembered through the Bud Rank Elementary School in Clovis.

Bud was a legendary community leader. He cared greatly about the future of the San Joaquin Valley residents and youth. He leaves behind a legacy that will be hard to equal. The people of Fresno will miss Bud for years to come, but will never forget all that he gave and did for the people of Fresno County.

L.J. FERDINAND HAZLETON GROUP OF THE MEN OF MALVERN

HON. LOU BARLETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. BARLETTA. Mr. Speaker, I rise today to honor the L.J. Ferdinand Hazleton Group of

the Men of Malvern who will be attending its 72nd annual retreat at the Malvern Retreat House on July 20, 2012.

The L.J. Ferdinand Hazleton Group began in 1941, when nine men from Hazleton, Pennsylvania, traveled from Hazleton to Malvern, Pennsylvania, to seek spiritual guidance and inspiration. Founded in 1912, the Malvern Retreat House is the largest and second oldest Catholic retreat house in the United States. This year, the Malvern Retreat House celebrates its 100th year anniversary. For the last one hundred years, the Malvern Retreat House has been a place of reflection and sanctuary for over one million men and women from all fifty states and abroad.

As a Catholic, it is an honor to recognize the L.J. Ferdinand Hazleton Group of the Men of Malvern, an organization that has given so much back to the community. On a personal note, I have had the esteemed privilege of attending the annual Malvern Retreat a number of times in the past.

Mr. Speaker, I commend the L.J. Ferdinand Hazleton Group of the Men of Malvern for all they do for Northeastern Pennsylvania and I congratulate the Malvern Retreat House on celebrating its one hundred years of dedicated service to our country and its citizens.

PERSONAL EXPLANATION

HON. SHEILA JACKSON LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise regarding my absence from rollcall votes 469–470 on Tuesday, July 17, 2012. I was attending a funeral.

I would have voted aye for rollcall vote 469, on motion to suspend the rules and pass the bill H.R. 6018 "Foreign Relations Authorization Act", which would authorize appropriations for the Department of State for fiscal year 2013, and for other purposes.

I would have voted aye for rollcall vote 470, on motion to suspend the rules and pass the bill S. 2009, "Insular Areas Act of 2011" which would require a study of possible health risks to people living on an atoll in the Marshall Islands, and also delay an increase in the minimum wage in American Samoa, and require those increases to take place every three years instead of annually.

RECOGNIZING LOCAL 2012 OLYMPIANS

HON. TOM REED

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. REED. Mr. Speaker, I rise today to congratulate seven remarkable athletes who are competing in the Summer Olympic Games in London later this month. Of the 530 Americans participating in the Olympics, these 7 will proudly represent my district. I wish them the best of luck in each of their respective sports.

Through dedication and determination, Ryan Lochte from Canandaigua, Abby Wombach,

Iris Zimmermann, and Jason Turner from Rochester, Meghan Musnicki from Naples, Molly Huddle from Elmira, and Henrik Rummel from Pittsford achieved their goal of competing for the U.S. Olympic team. Lochte, Zimmermann, and Turner head to London as veteran Olympians in swimming, fencing, and shooting, respectively, while the other four will compete for the first time in various events including soccer, rowing, and track and field.

Qualifying for the Olympic Games is one of the highest athletic honors the world has to offer. The countless hours these seven athletes sacrificed practicing and perfecting their skill set exemplifies the true American spirit. I will proudly watch these seven Olympians compete for a Gold Medal in London and I hope they attain the success they deserve.

HONORING SHUNDRARIA RONEISHA TRIBBLE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise to honor a remarkable young woman: Shundraria Roneisha Tribble. Shundraria is the only daughter of Michelle Tribble of Falcon, Mississippi.

She graduated as an outstanding scholar of Madison Shannon Plamer High School. Throughout her high school career she has remained on the Principal and Superintendent Lists. She was a member of the Beta Club, the Student Council, and the United States Achievement Academy. Shundraria was also elected as Miss Madison Shannon Palmer High School 2011–2012.

As a freshman, Shundraria set a goal to graduate in the top ten of her senior class, and through hard work and determination she was named class Salutatorian on May 12, 2012. Shundraria aspires to enter the medical field as a Registered Nurse to later venture on to become a physician.

Mr. Speaker, I ask our colleagues to join me in recognizing Ms. Shundraria Roneisha Tribble, Salutatorian for Madison Shannon Palmer High School Class of 2012.

HONORING THE SIXTH CONGRESSIONAL DISTRICT OF GEORGIA'S OLYMPIC ATHLETES

HON. TOM PRICE

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. PRICE of Georgia. Mr. Speaker, today I rise to honor two constituents from the 6th Congressional District of Georgia, Kathleen Hersey and Eric Hurd, who will compete in the 2012 Summer Olympics in London. Kathleen Hersey will be participating in 100m/200m butterfly, while Eric Hurd will be in the Slalom Double Canoe event.

By taking second place in the 200m butterfly, Kathleen qualified for her second Olympic games. Last year Kathleen won a national

title and a gold medal at the Duel in the Pool, both in the 200m butterfly. She finished eighth in the same event in Beijing four years ago. Kathleen has shown amazing dedication, discipline, and devotion to swimming, training roughly 9,000 yards per day, six days a week.

Eric earned a spot on this year's Olympic team by winning the Gold earlier this year at the 2012 Pan American Championship in Brazil. Eric also finished first at the 2012 U.S. Olympic Teams Trials in Charlotte, North Carolina. Eric's paddling career began at Atlanta's "Waterworks"—a single Class II rapid with gates set up for training purposes. Since then, he has been preparing rigorously ahead of this year's games by training at the U.S. National Whitewater Center in Charlotte, North Carolina.

Mr. Speaker, I know I speak for all Members of the House in wishing these two outstanding individuals the best of luck. Their exceptional commitment to athleticism is an inspiration to us all. I know Kathleen and Eric, along with a multitude of other exceptional athletes across this great land of ours, will be a wonderful illustration to the world of American strength and perseverance.

IN MEMORY OF A HOOSIER HERO,
SPECIALIST NICHOLAS ANDREW
TAYLOR

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. PENCE. Mr. Speaker, as flags fly at half-staff in northeast Indiana today, I rise with a heavy heart to remember and honor a constituent, Indiana National Guard Specialist Nicholas Andrew Taylor, an American hero who lost his life while courageously supporting combat operations in Kandahar Province, Afghanistan, on July 16, 2012. He served with the 713th Engineer Company of the Indiana National Guard based out of Valparaiso, Indiana.

Army Specialist Nick Taylor was from the small town of Berne, Indiana. Despite receiving several offers to play college football after graduating from South Adams High School in 2010, Specialist Taylor signed up to serve his country in the Indiana National Guard. He was a hard worker and a man of integrity. He excelled in everything he did, whether it was being a three-sport athlete or his involvement in First Missionary Church.

Specialist Taylor wanted to follow in his father's footsteps. His father, Timothy Taylor, is Berne's chief of police and those who knew Nick said he wanted to continue his public service after his deployment by applying to the Fort Wayne Police Department. He also planned to use the money he earned from his military service to enroll in college and study criminal justice.

Specialist Taylor was an outstanding citizen-soldier who, along with the other brave members of the 713th, was assigned a dangerous mission and performed courageously on behalf of a grateful state and nation. Our hearts in Indiana are heavy as we remember one who lost his life wearing the uniform of the United States, and those he left behind.

On behalf of the people of the Sixth Congressional District and my wife and children, I extend our deepest sympathies to the family of Specialist Nick Taylor, including his father, Timothy Taylor, his mother Stephanina, brother Drew, and sisters Holly and Sophia. The Bible tells us, "The Lord is close to the broken-hearted," and that shall be our prayer. May God bless the memory of this brave young man. The name of Specialist Nicholas Andrew Taylor will be forever enshrined in the hearts of a grateful state and nation.

IN RECOGNITION OF SHIRLEY E.
COVERDALE

HON. TIMOTHY H. BISHOP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 18, 2012

Mr. BISHOP of New York. Mr. Speaker, I rise to recognize Shirley E. Coverdale, First Lady of the First Baptist Church of Riverhead, New York, who is being honored on July 21st for thirty years of service to her church and community.

In her tireless work on behalf of others, Mrs. Coverdale has come to embody the mission of the church where her husband, Charles Coverdale, serves as pastor. As a faith community, First Baptist seeks to offer hope and service to both its members and the community at large. Mrs. Coverdale's hand and heart have been instrumental in almost every aspect of the church's work.

Specifically, Mrs. Coverdale has served as Sunday school superintendent; director of an after-school mentoring program in collaboration with the Riverhead School District; developer of a computerized membership and financial management database for the church; project manager for C.A.R.E, which established a volunteer corps of senior citizens; grant writer; fundraiser; and catalyst for legislation that improves the quality of life for ordinary people.

Furthermore, Mrs. Coverdale is committed to social justice, care for the elderly and infirm, education, and leadership development. She is a powerful voice for people in need, and an advocate for the less fortunate among us. In her current work as Executive Director of the Family Community Life Center in Riverhead, New York, she is spearheading the development of a Community Benefit District that includes housing for working families, a recreation complex, an early childhood development center and an adult day health program.

In typical fashion, Mrs. Coverdale also finds time to do the important hands-on work of the church and is presently the caregiver and guardian for the oldest widow in the church. I am proud to know Shirley Coverdale and to represent her as a constituent in New York's First Congressional District. I know that her husband, two children, eight grandchildren and great-grandchild are also proud of her.

Mr. Speaker, Shirley E. Coverdale has indeed earned the title of First Lady of her church in a multitude of ways, perhaps most importantly through being a living example of the ideals she espouses.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 19, 2012 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 20

10:30 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the nominations of Walter M. Shaub, Jr., of Virginia, to be Director of the Office of Government Ethics, and Rainey Ransom Brandt, and Kimberley Sherri Knowles, both to be an Associate Judge of the Superior Court of the District of Columbia.

SD-342

JULY 24

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine housing partnerships in Indian country.

SD-538

Energy and Natural Resources

To hold hearings to examine assessing the opportunities for, current level of investment in, and barriers to the expanded usage of natural gas as a fuel for transportation.

SD-366

Environment and Public Works

Superfund, Toxics and Environmental Health Subcommittee

To hold a joint oversight hearing to examine Environmental Protection Agency authorities and actions to control exposures to toxic chemicals.

SD-406

Judiciary

Immigration, Refugees and Border Security Subcommittee

To hold hearings to examine strengthening the student visa system.

SD-226

2:30 p.m.

Commerce, Science, and Transportation

To hold hearings to examine the Cable Act at 20.

SR-253

Judiciary

Constitution, Civil Rights and Human Rights Subcommittee

To hold hearings to examine responding to Citizens United and Super PACs.

SH-216

Banking, Housing, and Urban Affairs Financial Institutions and Consumer Protection Subcommittee To hold hearings to examine private student loans, focusing on providing flexibility and opportunity to borrowers. SD-538	Appropriations Departments of Labor, Health and Human Services, and Education, and Related Agencies Subcommittee To hold hearings to examine the impact of sequestration on education. SD-124	3 p.m. Foreign Relations To hold hearings to examine S. 2215, to create jobs in the United States by increasing United States exports to Africa by at least 200 percent in real dollar value within 10 years, focusing on economic statecraft. SD-419
Intelligence To hold a closed markup session to consider certain intelligence matters. SH-219	Foreign Relations Near Eastern and South and Central Asian Affairs Subcommittee To hold hearings to examine Iran's support for terrorism in the Middle East. SD-419	
JULY 25		
10 a.m. Commerce, Science, and Transportation To hold hearings to examine the International Space Station, focusing on research, collaboration, and discovery. SR-253	2 p.m. Aging To hold hearings to examine enhancing women's retirement security. SD-562	
Appropriations Energy and Water Development Subcommittee To hold hearings to examine the proper size of the nuclear weapons stockpile to maintain a credible U.S. deterrent. SD-192	2:30 p.m. Commerce, Science, and Transportation To hold hearings to examine short-supply prescription drugs. SR-253	
Finance To hold hearings to examine education tax incentives and tax reform. SD-215	Homeland Security and Governmental Affairs Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee To hold hearings to examine assessing grants management practices at Federal agencies. SD-342	2:15 p.m. Indian Affairs To hold an oversight hearing to examine the regulation of tribal gaming, focusing on brick and mortar to the internet. SD-628
Judiciary To hold hearings to examine ensuring judicial independence through civics education. SH-216	Energy and Natural Resources Water and Power Subcommittee To hold an oversight hearing to examine the role of water use efficiency and its impact on energy use. SD-366	2:30 p.m. Intelligence To hold closed hearings to examine certain intelligence matters. SH-219
JULY 26		
		9:30 a.m. Homeland Security and Governmental Affairs Investigations Subcommittee To hold hearings to examine assessing overlap between disability and unemployment benefits. SD-342
AUGUST 1		
		9 a.m. Agriculture, Nutrition, and Forestry To hold hearings to examine MF Global, focusing on accountability in the futures markets. SR-328A